

The regular meeting of the San Anselmo Planning Commission was called to order on March 16, 1987, at 8:00 p.m. by Chairman McPeak. Present: John Kottage, Director of Planning, Lisa Wight, Planning Technician, and John Roberto, Planning Consultant.

A. ROLL CALL

Commissioners present: Kroot, Sias, Zaharoff, McPeak

Commissioners absent: Harle, Hayes, Manning

B. Approval of Minutes

Page 2, last paragraph "...finished with wood shingles..." change to "...finished with wood siding to match existing walls..."

M/S, Kroot, Sias, to approve the Planning Commission minutes of March 2, 1987 as amended.

Motion carried; Zaharoff abstained.

C. Public Hearings

1. Z-242-Mr. & Mrs. Paul Elliott, 57 Summit Road, A/P 7-031-41, proposed rezoning from PPD R-1 (preliminary planned development with a presumptive use of single family residential) to SPD R-1 (specific planned development for one single family dwelling) and the initial environmental review.

U-616-Mr. & Mrs. Paul Elliott, 57 Summit Road, A/P 7-031-41, use permit for a specific planned development single family dwelling.

Mr. Kottage presented a staff report and noted the additional information had been submitted by the applicant as requested by the Planning Commission at the last meeting:

1. Story poles erected on the property. Some citizens have said the story poles as erected may be at odds with the new topographic information in the detailed house plans. Staff has determined the poles may be five feet too low. Given the 5 foot discrepancy, the impact of the house will still be somewhat less than the house above and will have a generally lower profile;
2. Height reduced to 26 feet;
3. Finish of the exterior is changed from stucco to textured wood;
4. A detailed landscaping plan shows magnolia trees versus live oak trees (which were approved on the subdivision map). The magnolia trees are not native to this area and they may stand out visually. Magnolia trees have been chosen, among other reasons, for the faster speed of growth which will aid in the screening process making the house less visible from a distance quicker;
5. Two color schemes are proposed: the applicant prefers to use the color combination approved for the home at 45 Summit which is Driftwood Grey siding and Navaho White trim. The second color alternative is darker and may be less visible;
6. Information on the net grading effects have been submitted. The applicant's architect calculated that a total of 220 cubic yards of material will have to be hauled from the site over a three day period, which translates into 26 truck trips during the prime three day excavation period;
7. A revised preliminary project specific soils report indicates no unusual problems with developing this site. Additional soils information may be required for design details should the project reach the building permit stage;
8. An updated topographic map of the building site created by the licensed civil engineer. This topographic map shows some differences in topography versus the original topographic information; however there is nothing about the topography that would preclude development as proposed;
9. Views of the building site taken from a great distance using a telephoto lens. The photographs together with the story poles indicate that while portions of the house will protrude from the existing tree cover, the visual impact will be less than that of the existing house immediately above it due to a number of factors, including location further down the hill, lower profile of the house, and more coverage of the house by the existing tree cover. The visual impact of the house can be further reduced by the installation of proper landscaping. The upper most portion of the home will be colored the least visible color, i.e., Moire Black;
10. A drainage study indicating that while the proposed

improvements will increase runoff in the watershed that it is located in, the increase is minor in nature and is not a basis for denial of the permit or a request for mitigation. Staff agrees with this opinion; 11. Lighting the property includes recessed low profile indirect fixtures. Staff supports this approach and requests that this type of lighting be made a condition of approval of the use permit; 12. The site plan has been amended to show that the remainder of the lot not involved in building coverage remain as open space. Staff recommends the Commission require the balance of the site be left in its natural state and that no removal of trees will be permitted without submitting the trees to be removed to the Town's heritage tree ordinance requirement.

Mr. Kottage noted one of the primary concerns the Town has historically had with hillside development is visual impact. Due to the location of this house in relation to surrounding topography and existing vegetation it does not seem that the house will be particularly visible to neighbors in its immediate vicinity. The major exception to this is the neighbor immediately above at 80 Summit Road. This neighbor will look directly onto the proposed structure and will clearly have their view changed by the structure. However, because the proposed structure is significantly below the existing neighbor, the neighbor's view of distant lands will not be impaired by the proposed structure. The proposed structure will be visible from great distances specifically to some homes on the Ross Valley floor to homes on the opposite side of the Ross Valley and even from greater distances down on the Marin Peninsula. Whether or not these distant visual impacts are significant are a matter of judgment. Should the Commission choose to approve the proposal staff requests the action contain certain conditions outline previously in the report and that the Commission instructs staff to prepare a resolution defining these conditions for adoption at the next meeting.

Jonathon Braun, 479 Scenic Avenue, stated he is concerned about the visual impact of the proposed dwelling and feels the overall height can be reduced as the ceiling height as proposed is quite high. He recommended the Commission consider a natural wood material siding to blend into the background.

Bob Reynolds, 80 Summit Road, asked if the house is going to be on drilled concrete pier foundation and said he supports the bonding of the road for possible damage caused by the construction.

Commissioner Zaharoff questioned staffs' opinion of the appropriateness of the Driftwood Grey color at this location and she was referred to the photographs submitted by the applicant which show this color on the house at 45 Summit Road. She requested the story poles be placed in the accurate location.

Commissioner Kroot said there will some visual impact from any type of construction on this lot and feels a 24 foot high house is not too high and the pool in front will help to break the structure up; although the natural siding is preferred, the colors presented at this meeting have been toned down from the previous submittal; he questioned the type of foundation proposed; he supports the bonding of the road; and noted that the majority of house seen from a great distance will be the roof and the color of the roof will be black, which has a tendency to recede from sight.

Mr. Elliot said the foundation will be drilled concrete pier.

Commissioner Sias said he would like to see the story poles located accurately; and he supports the second alternative colors as he feels the darker colors will blend in better.

Chairman McPeak said a number of story poles were laying on the ground and the ones in place do not look accurate; he favors the Driftwood Grey color as it is more subdued coloring and is more appropriate for that hillside.

M/S Zaharoff, Sias, to refer the matter back to the applicant to be heard April 6, 1987 for the purpose of erecting story poles that are consistent with the topography and true height of the

structure; and that staff compose conditions of approval as follows:

1. Specify the colors;
2. Approval of the landscape plan or instructions to modify. There are questions of whether magnolias or live oaks should be planted in the area;
3. Bonding of the road during the construction operation;
4. Lighting - indirect low profile;
5. Site plan showing no development outside of the building area;
6. Trees outside the building site be subject to the Heritage Tree Ordinance with exceptions of trunks less than 6" in diameter.

Motion passed unanimously.

Mr. Elliot said that he is concerned that persons constructing on Scenic Avenue may use trucks that could damage the road and he does not want to assume liability for someone else's damage. He said he is willing to be liable for the new road off of Summit Road.

2. V-2148-Richard E. Nagley, 40 Butterfield Road, A/P 5-144-26, a 7 foot north side yard variance to raise a garage roof six inches in height within one foot of the north side property line (there is an additional original eight inches north side overhang and additional new 18 inch west side overhang); a five foot north side yard variance to raise a storage area attached to the garage 3.5 foot in height to within three feet of the north side property line (there is an additional overhang); and 18 foot rear yard variance to raise a storage area roof 3.5 foot in height to within two feet of the rear property line (there is an additional 12 inch overhang).

Mr. Kottage noted this item was heard by the Commission on December 15, 1986. At that meeting the Commission referred the application back to the applicant for resubmittal of plans showing the height of the utility room back to where it was before. The applicant has decided to not revise the plans and requests the same variance that was originally requested.

Mr. Nagley stated that approval of his application will not be a granting of special privileges; is necessary for the enjoyment of substantial property rights to repair his property and protect it; will not affect the health and safety of persons nor be injurious to property or improvements in the area. Referring to the staff report prepared for the December 15, 1986 meeting, Mr. Nagley says that there is no additional water runoff to the neighboring property; the structure is not enhancing a fire hazard; and he has not received comments from the rear neighbor. That property owner's daughter is opposing the application.

Mary McHale, 44 Butterfield Road, stated her comments from the December 15, meeting are already on record; Attorney Tom Schaal's letter of December 15 state her feelings; her understanding is that Mr. Nagley continued the construction of raising the roof despite the fact a stop work order had been placed on the property; since the construction of the new roof there have been puddles of water at her fence line; and the new height of the garage and utility room roofs are a visual detriment to her.

The daughter of Mrs. Arrigo, owner of 181 Morningside Drive, said that she does represent her mother who is in a convalescent hospital and she opposes the application as outlined in Mr. Schaal's letter of December 15.

Commissioner Kroot said he does not have a problem with the roof over the garage and storage shed, but does recommend gutters be placed on the structures. He is concerned about the utility shed in back particularly because it is so close to the neighbors and they are affected by it.

Commissioner Sias said that he also recommends gutters be placed on the structure; he is not sure how the utility areas can be separated from the rest of the building; and the new roof is an improvement to the property. Commissioner Zaharoff agreed with those comments.

Chairman McPeak said he supports the garage and storage area but does not support the utility area to the rear. He recommends the

building be guttered and downspouts with some positive conveyance out to the street.

M/S Kroot, Zaharoff, to approve a portion of V-2148 for Richard E. Nagley, 40 Butterfield Road, A/P 5-144-26, to approve a 7 foot north side yard variance to raise a garage roof six inches in height within 1 foot of the north side property line with an 8 inch roof overhang; with the condition that a gutter be put on the structure for drainage in a positive way for that to drain as directed by staff within 30 days. This does not deprive the owner of privileges enjoyed by other properties in the area; the approval is necessary for the preservation and enjoyment of substantial property rights; it does not constitute a grant of special privileges; it will not materially affect adversely the health or safety of persons residing or working in the neighborhood of this property; and will not be materially detrimental to property improvements in the neighborhood.

Motion passed unanimously.

M/S Kroot, McPeak, to deny a portion of V-2148 for Richard E. Nagley, 40 Butterfield Road, A/P 5-144-26, for a five foot north sideyard variance to raise a storage area attached to the garage 3.5 foot high within three feet of the north side property line with an overhang; and an 18 foot rearyard variance to raise a storage area roof 3.5 foot high to within two feet of the rear property line, on the basis that it is a detriment to the nearest neighbors.

Motion failed:

Ayes: Kroot, McPeak

Noes: Sias, Zaharoff

Since this motion failed, it is necessary to refer it to the next regular meeting where there will be an additional member to carry a vote.

M/S Zaharoff, Sias, to continue this portion of the application to the meeting on April 6, 1987.

3. Town Initiated Proposed Amendments to the R-1 H District (Hillside Density District) - to establish a new application processing procedure and standards for developments.

Mr. Roberto presented the staff report dated December 30, 1986. He stated the amendments to the R-1H Zone are intended to better implement the purpose of the Hillside Density Ordinance by establishing a master planning process which requires the consideration of more detailed information at the plan review stage and increases the opportunity for more meaningful citizen involvement. The amended ordinance has been restructured as a master plan process and no longer follows the subdivision map process. The uses allowed in the amended ordinance are more restrictive than the current ordinance, and the amended ordinance details the allowed uses where the current ordinance does not. He noted the amended ordinance does not contain any specific building setback or height limits and said the Commission may wish to recommend specific height on setback standards and if so should be done prior to forwarding a recommendation to the Town Council. Mr. Roberto recommended the Commission review and make changes to the proposed ordinance, take public comment on the proposed amendments, and then forward its recommendation to the Town Council in the form of a resolution.

Jonathon Braun, 479 Scenic Avenue, said the draft is excellent as it encourages more input and discussion. He feels height limits should be addressed and there should be a maximum height in the ridge zone.

The Commissioners discussed redefining the ridge zone and whether there should be height maximums. They generally felt this item should be continued to the next meeting to give them time to study the proposal.

M/S Kroot, Zaharoff, to continue this item to the April 6 1987 meeting, and requested staff to address the height limits. Motion passed unanimously.

5. V-2167-William and Merrickay Wisely, 1 Indian Rock Road, A/p177-250-17, a 13 foot front yard variance to construct a garage and single family dwelling within seven feet of the front property line; a third story variance; and a driveway retaining wall to be within seven feet of the front property line.

Mr. Kottage presented the staff report date March 5, 1987. He noted the plans are to construct a single family dwelling seven feet from the front property line on the north side of the lot with a driveway off the southwest side of the lot up to the dwelling. Setback variances are requested for the dwelling and a driveway retaining wall to be within seven feet of the front property line and a third story variance for 430 square feet of the upper floor. Due to the slope of the property, the driveway necessitates construction of a retaining wall up to eight feet in height within seven feet of the front property line. To conform the dwelling and the garage to the required 20 foot setback would necessitate extensive excavation and high retaining walls. To conform the driveway grade higher than the 25 percent maximum permitted by Town Code. The proposed driveway grade is approximately 21 percent. The dwelling is designed so that the upper floor level is actually near grade in the rear and plans are to construct decks and a hot tub in the open rear yard off this floor. Staff noted the properties directly across the street are set lower than this lot and are one and two story dwellings, so any construction is going to be seen. The design of the structure may mitigate concerns of these neighbors as the only portion of the third story visible from the exterior will be the two dormers on either end of the structure facing Indian Rock Road and the roof of the dwelling slopes away from the street. The west wall is set back three times on this side, which breaks up the massiveness. The owner proposes to plant uniform Myoporum laetum trees at the sidewalk level on Indian Rock Road in front of the dwelling and driveway retaining wall. There are also plans to plant medium high plants on the northeast corner of the hot tub for screening of the tub and bedroom windows of 1 Indian Rock Road from 2 Indian Rock Road.

Mr. Rushton of Rushton-Charlock Architects, described the application in detail referring to a model on display. Jack Hadley, 4 Indian Rock Road, complimented the Architect and the owner of the proposed dwelling. He stated he is concerned about the effect of a house on the lot as seen from his property and said it is imperative that the trees be placed in front of the retaining wall. He suggested there be some maintenance provision for these plantings as the area is rocky.

Jonathan Whitehead, 2 Indian Rock Court, said he is concerned about the overall height of the structure and the effect on his views and questioned the effect of medium high shrubs for screening the hot tub and deck. Mr. Rushton suggested that staff approval of the medium high plants around the hot tub be required.

The Commissioners agreed that this is a difficult site to develop and feel the landscaping as proposed is necessary.

M/S Zaharoff, Kroot, to approve V-2167 for William and Merrickay Wisely, 1 Indian Rock Road, A-P 177-250-17, a 13 foot front yard variance to construct a garage and single family dwelling within seven feet of the front property line; a third story variance; and a 13 foot front yard variance for a driveway retaining wall to be up to eight feet in height within seven feet of the front property line on the condition that due to the special circumstances, namely the topography, slope, shape, and size of the lot, creating these variances is consistent with other privileges enjoyed by other properties in the area; it is necessary for the preservation and enjoyment of substantial property rights of the petitioners; the granting of the variances will not materially effect adversely the health and safety of persons residing or working in the neighborhood; along with the granting of these variances

conditions of approval will be staff approved planting on the north side of the property near the hot tub area and planting at the street. This approval is based on the drawings dated February 2, 1987.

Motion carried:

Ayes: Kroot, Zaharoff, McPeak.

Noes: Sias.

Audience advised of the ten day appeal period.

5. A-143-John Paletta, 829 San Anselmo Avenue, A-P 7-162-11, design review of a five unit apartment building and the initial environmental review.

Mr. Kottage presented the staff report dated March 9. Plans are to: 1. construct a two story two bedroom unit with living area over two car parking next to the existing dwelling facing San Anselmo Avenue on the west side of the property; 2. construct two structures with three one bedroom units to the rear of the property with second story open decks over a four car carport on the first floor; 3. remove the stables and temporary garden area behind the existing dwelling; 4. pave the driveway and the proposed two turnaround areas in the rear of the property; and 5. provide additional landscaping and an automatic watering system for maintenance. Mr. Kottage reviewed the Mitigated Negative Declaration prepared by staff. Items answered maybe were: 3b, 3c, 3i, 8, 11, 13a, and 13b. A color chart was submitted to the Commissioners.

Mr. Chartock of Rushton and Chartock, described the proposal to the Commission.

The Commissioners felt there were no significant environmental impacts with this project and this is an excellent location for additional housing. Discussion followed on the possibility of providing additional guest parking on the lot. The applicant stated that the two turnarounds will probably be used for additional parking.

M/S Kroot, Sias, to accept the Negative Declaration prepared by staff and at the end of the Environmental Checklist add a statement of "no significant environmental effects based on the small scope of the project".

Motion passed unanimously.

M/S Kroot, Sias, to approve A-143 for John Paletta, 829 San Anselmo Avenue, A-P 7-162-11, design review of a five unit apartment building on the basis that the proposed structures are functionally and aesthetically compatible with the existing dwelling and neighboring dwelling as the design closely matches the architectural style on the street. The placement of the structures on the property makes it possible to retain many of the existing trees and plants; the new construction will be energy efficient and thus reduce noise to the interior of the unit; the project will not tend to cause the surrounding area to depreciate as this property will be improved and could be considered attractive; unnecessary traffic hazards will not be created as the plan is to have all vehicles ingress and egress the property front ways; the health and safety of persons using the improvement or property located in the area will not be adversely effected as the construction will be built to Town Codes and inspected. All proposed construction meets the height and setback requirements. The westerly neighboring dwelling at 833 is approximately 5 feet from the common property line and has several windows facing this property line. Construction of the front structure will eliminate the open area currently visible to the neighbor. The mitigation is the fact the owner plans to retain the trees along the property line, which will act as a partial visual barrier to the new development. Also, according to the applicant, the owner of No. 833 supports the project as proposed. The rear neighbors should not be affected by the development as the dwellings are setback a considerable distance from the proposed construction. There are large redwood trees to the rear of the property and a six foot high redwood fence is proposed to be constructed. The easterly

side neighbor at No. 825 should also not be affected as the new construction is to the rear of the property and is not near the dwelling. A six foot high redwood fence will also be constructed on this side. This approval is based on the drawings dated February 13, 1987.

Motion passed unanimously.

Audience advised of the ten day appeal period.

Chairman McPeak announced Items 8, 9, and 10 will be continued to a special meeting on March 30, 1987.

6. V-2168/C-212-Igor and Vadim Canby, 135-141 Tunstead Avenue, A-P 7-251-14, a parking variance for existing parking to remain with additional office area constructed by enclosing a second story deck; and design review of the second story addition.

Mr. Kottage presented the staff report dated March 13, 1987. The applicant is requesting a parking variance for the reason that the existing deck is in disrepair and the owner wishes to improve the property and provide additional office area. The existing building area currently requires 12 on-site parking spaces; with the proposed deck enclosure, a minimum total of 13 on-site parking spaces are required. Mr. Kottage said there is a possibility of granting a parking variance with a condition of an in lieu fee for parking; however, staff feels a policy must first be developed by the Town Council to implement this. Such a policy should state that these fees will go towards a parking study for the creation of additional parking in the downtown area.

William Ollinger, Architect for the project, discussed the proposal. Commissioners Kroot, Sias, and Zaharoff felt that this is a small project and in-lieu fees for parking are not appropriate. Chairman McPeak said he could not support the project and recommended to staff that an in-lieu fee policy be developed.

Luisa Albaugh, 140 Pine Street, questioned how the rear wall will be constructed and the stucco applied since it is directly on the property line. Mr. Ollinger stated the walls will be constructed and prepared laying down and then they will be put up. Mr. Ollinger added the trees and fence will remain.

M McPeak, to continue this item to April 6, for staff to prepare an interim program for getting in-lieu parking fee system going so we can go ahead with this project and others in the interim with in-lieu fees.

There was no second to the motion.

M/S, Zaharoff, Kroot, to approve V-2168 for Igor and Vadim Canby, 135-141 Tunstead Avenue, A-P 7-251-14, a parking variance for existing parking to remain with additional office area constructed by enclosing a second story deck. The special circumstances are that the particular property will not cause an increase in intensity of use; the granting of this variance will not be a granting of special privileges; the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and the granting of the variance under the circumstances of the particular case will not materially affect adversely the health and safety of persons residing and working in the neighborhood. This approval is based on the plans received by the Town February 17, 1987.

Motion carried:

Ayes: Sias, Zaharoff, Kroot

Noes: McPeak

Motion seconded Zaharoff, Sias, to approve C-212 for Igor and Vadim Canby, 135-141 Tunstead Avenue, A-P 7-251-14, design review of a second story addition, on the basis the proposed addition is in keeping with the character of the building and can be considered an attractive improvement to the area. The deck is in disrepair, the garage is cluttered, and the building needs a general sprucing up. The colors will give a very clean appearance

to the building. Landscaping is not possible as the structures cover the entire lot. The colors will match the existing building which is white. This approval is based on the drawings received by the Town on February 17, 1987.

Motion passed unanimously.

Audience advised of the ten day appeal period.

7. V-2169-Dave Clark, 26 Humboldt Avenue, A-P 7-021-25, a seven foot frontyard variance and a 5 foot sideyard variance to construct a living addition within 13 feet of the front property line and three feet of the side property line.

Mr. Kottage presented the staff report dated March 10, 1987. Plans are to construct a two story elevator and first floor bedroom and bath addition accessible to a physically disabled family member on the south side of the property which necessitates frontyard and south sideyard setback variances. It was noted that the required setbacks could be observed by constructing on the north side of the lot; however, it would necessitate the removal of extensive terraced landscaping. The rear of the dwelling is constructed ten feet away from a 4.5 foot high retaining wall so construction in this area is not possible. The south side neighboring dwelling at No. 32 was constructed on the common property line and this proposed addition will be within three feet of that dwelling. Dan Goltz, Architect for the project, described the property, noting the only possible area for development is on the south side of the property.

M/S Kroot, Zaharoff, to approve V-2169 for Dave Clark, 26 Humboldt Avenue, A/P 7-021-25, a seven foot front yard variance and a five foot sideyard variance to construct a living addition within 13 feet of the front property line and three feet of the side property line for the reasons that construction on the south side will not be a granting of special privileges not enjoyed by others in the neighborhood as there are dwellings which do not meet the required setbacks due to the steep hillside lots; and that there are special requirements for the size of this addition for the physically disabled person using the addition.

Motion passed unanimously.

Audience advised of the ten day appeal period.

E. Adjournment

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:40 A.M. to the next special meeting on March 23, 1987.

Lisa Wight

Lisa Wight
Planning Technician