

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF FEBRUARY 7, 1994**

The regular meeting of the San Anselmo Planning Commission was convened at 8:20 p.m. in the Council Chamber by Chairman Mihaly. Staff present was Planning Director Ann Chaney and Associate Planner Lisa Wight.

A. CALL TO ORDER

Commissioners present: Harle, Julin, Israel, Mihaly
Commissioners absent: Sias, Hayes

B. CONSENT

1. Minutes - January 24, 1994 - Continued
2. **V-9404 - Lisa Poehlman and Wade Stevenson, 71 Lincoln, A/P 6-254-27, a request to construct an addition on the upper level of a house that will be 5'3" from the side property line (8' is required), on property located within the R-1 Zoning District.**

M/S Julin/Israel, to approve Consent Agenda with the following conditions: 1. That applicant shall obtain all necessary development permits and conform with all adopted standards of the Building and Public Works Department. 2. The addition shall be constructed in accordance to the plans date stamped received December 21, 1993 by the Town of San Anselmo. 3. That if this development which has received discretionary approval has not begun within one year from the date of the final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action.

Motion unanimously passed. Audience advised of the ten day appeal period.

The next door neighbor asked what the impact would be on her property if it is ever sold by having the 6' sideyard variance. The Chairman felt that there would be no impact.

C. PUBLIC HEARINGS - CONTINUED TO THE MEETING OF February 28, 1994

1. **V-9328/DR-9320 - Edmund Coyne, 25 Canyon Road, A/P 7-064-14, a design review and variance to construct a new single family residence 11'0" from the front property line (20' required), and 4' from the west side property line (8' required), and to remove three (3) redwood trees having trunk sizes of 24", 24" and 26" in diameter, on property located within the R-1 Zoning District (Above 150' mean sea level).**
2. **V-9405 - James King, 25 Waverly Road, A/P 7-264-02, a request to construct a 3' addition that will be located 3' from the side property line (8' required), on property located within the R-1 Zoning District.**

D. OPEN TIME FOR PUBLIC DISCUSSION

There was none.

E. PUBLIC HEARINGS

1. **V-9401/DR-9401/ER - Scott Hochstrasser for Viking Leon, 5 Vista Lane - A/P 7-021-24, 1) Setback variances: Garage to be within 18' of the front property line and within 16' of the rear property line; House to be within 10' of the front property line and the rear property line; Bay window to be within 8' of the rear property line; Deck to be within 9' of the rear property line; 2) Parking variance: The third tandem parking space will be substandard in length at 18'; 2) Design review of a new dwelling; and 4) Environmental Review on property located within the R-1 Zoning District.**

Mr. Leon, Scott Hochstrasser, and Tony Richards were present.

Ms. Wight presented the staff report. She stated that staff just received a letter from Carol Nakayama of 124 Humboldt.

Chairman Mihaly asked staff the status regarding the applied dedication. He wondered if the Town has made any policy decision as to whether or not to pursue the issue? Ms. Chaney stated that the Town is not interested in pursuing this issue. In fact, staff did not even know it existed.

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Chairman Mihaly asked about the replacement of trees as requested by the neighbors at 8 Vista: in certain circumstances the Commission has required 24" box trees. He wondered if this has been considered. Ms. Wight thought that 15" box would be sufficient but the Commission could consider 24".

Chairman Mihaly asked about the conditions Number 9 regarding construction vehicles. He wondered how this condition could be imposed. Could the wording be more specific? Ms. Wight suggested that the Public Works Director could work with the applicant.

Chairman Mihaly asked how the residents would access their homes during construction. Ms. Wight responded that this question has come up during the 80 South Oak project and there were specific conditions placed on the project. Ms. Chaney indicated that it would be advisable to provide a schedule to the residents as to when the heavy vehicles will be there. It would be difficult to monitor the size of the trucks.

Commissioner Israel has found that there have been situations where the Planning Commission has imposed conditions but during construction those conditions are not followed. How can this be remedied.?

Chairman Mihaly asked about the maintenance and repair of the road. Staff indicated that a bond can be secured to insure that the road is left in the same condition as before construction. A video could also be required of the applicant.

Mr. Hochstrasser responded to the question of a swap of one of the Town's lots for this property. He felt those lots would be more difficult to develop than the lot on Vista Lane. Regarding the access: He checked the General Plan and there is no trail marked on this property. There is a 10' public lane however. The town is requiring that the drainage pipe be developed. Regarding the landscaping: He objects to having to plant the 15 gallon trees; there are 37 mature trees existing on the property that will be left after development. He presented a map that indicated the trees to be added, those to remain, and those to be removed. They do not relish making large holes on this steep slope to plant large trees but will plant the smaller trees. Regarding construction on the roadway: They will be working with the Public Works Director and will limit the hours of operation. There are only four houses at the end of the street and they would be willing to work with the neighbors. Regarding the driveway: They heard what the public said at the last meeting. What they tried to do was reduce the amount of variances. If the driveway is narrowed as recommended by staff, the tree will probably not be saved anyway because of the wall, and probably will disturb the roots of the trees. They have designed four parking spaces and parking is very important in this Town. In fact, they feel it is more important than the 16" or 18" tree. They would like to see if the color of the garage could be changed to forest green.

Chairman Mihaly said he would like to see the more shingles and less T-111 on the exterior of the house. Mr. Hochstrasser said that he would be willing to discuss it with his client.

Ms. Basker 106 Humboldt: would not like to see any trees to be removed in exchange for parking.

Steve Conway, 10 Humboldt, the T-111 siding is a cheaper way to go and he would like to see more shingles. Regarding construction vehicles: He wants that discussed. Also, where are the materials going to be stored? What about the location of water meters? He was told by MMWD that the property owner will have to assume the cost of moving them. Water pressure is already a problem. Supply lines will probably be interfered with during construction. All water lines run down Vista Lane. Who is responsible for taking care of this? Will there be a construction bond to insure that the project will be completed?

Ms. Wight stated that she spoke with MMWD. They stated that the responsibility of moving the meters would be up to the property owners. They would also like to see the lines replaced although they can not enforce it. It may however, be a requirement at the Public Works Director.

Pat Mc Gregor, 100 Humboldt, asked if the bonds would cover any lawsuits; who will monitor the conditions; and will the Ross Valley Fire Department be contacted? He did not feel comfortable with the decisions made by the Planning Commission because there is so much building going on that is impacting them. The pathway has been there at least since 1987.

Chairman Mihaly stated that the Commission has received a letter from Caroline Nacayame.

Lois Linderman, 8 Vista Lane, felt that any building on this site will be a loss to the neighborhood. The only open feeling is the trees. She was hoping for a lot swap which would be a win-win situation. She said that there was an undated letter in the planning file for a lot swap for the Indian Rock lot. She was told by staff that the owner has changed his mind. Also, she felt it was very important for them to have a pedestrian down hill exit that can be used during a hazard. The trail is very important and she has used it since 1972. She wonders if pre 1972 residents could be contacted although that might be very difficult. But she felt it could be an

implied dedication. It might be easier to have implied dedication. It is also important that the pedestrian easement be maintained. There is also a pedestrian easement on Forest Avenue. Regarding the corner tree at Vista Lane and Humboldt, she presented a petition with 25 signatures of people against the removal of the tree. She is appreciative that the deck is being moved back but would like to see the hollowed oak saved. It would screen a portion of the house from their lot. With regard to the garage, she questioned the height, and wondered if it could be a parking deck instead of a garage.

Bambi Esterg, 12 Vista Lane, explained that the site is a location of a slide and is a very difficult to build on. She felt that if this property is developed it will devalue the other property

Bruce Linderman, 8 Vista Lane, would like to see the lot trade explored more. He was very offended when the applicant marked the trees to be removed with a big orange "X". The previous banding on the trees was removed by the wind and rain, not by the neighbors. He would like to see the Commission withhold action until Commissioners' Hayes and Sias could be present to respond as well as the trail issue pursued by the Town. He was appreciative for all of the time Ms. Wight spent helping them with the files.

Ron Basker, 106 Humboldt, spent a great deal of time researching the files in the Planning Department. He had some concerns about Mr. Hochstrasser's comments. He disputes this because there is only scotch broom in that location. Also, he did not think the plans indicate a laundry room in the garage; in fact, it is in the first floor of the home. This house isn't as bad as some of the others in the neighborhood because it is smaller and stepped down the hill. His concerns are the location of the driveway; it is a narrow and blind hairpin turn and cars will back directly onto Humboldt. Also, regarding the oak in the driveway, it is a live oak and frames the entry to the neighborhood. He has seen trees in worse shape than the 36" hollow oak that have survived. In fact that kind of tree could be considered a sacred tree. Removing the tree could curse the project. He said that more than 7 trees will be removed, and they are the larger oaks and bays. There is a double large bay touching the hollow oak and he is not sure that it will be saved. He said that many times the plans do not accurately indicate location of the trees. The norm in the hillsides is a car deck, not a garage, which would be less conspicuous. Regarding the house, the roof line reflects the elevation of the garage and the stairwell, which is a 1/2 story above the living space; therefore the roof line could be reduced by 4 1/2 feet. He did not feel that this lot split should have been permitted because this lot is very difficult to develop. The staff reports states the street is up to Town standards however, this is not a Town maintained street. There are many animals that use this property as access to the creek. He wonders if this will be considered. With regard to pruning and planting, all the trees that have been selected are ones that require full sun and this lot is very shady and woody. He asked that a decision not be made without the presence of Commissioner Hayes. He is concerned about traffic during construction. Regarding the colors, he takes issue with the white door as it will be too bright, although he was not sure the forest green was very good.

Elaine Schlinger, 98 Humboldt, stated that the 19" oak at Humboldt and Vista Lane does frame the street. The only thing left in that area will be the telephone poles. Regarding the hollowed oak, she would like to save it because of the view that it affords from Humboldt and Vista and also provides a shading of Vista Lane and will mask a portion of the house. Regarding the garage, she wondered if the height of the roof could be reduced which would diminish the bulk of the house.

Roger Van Craeynest, 112 Humboldt, was opposed to cutting down the two trees. This is a neighborhood of walkers and they are actively utilizing their neighborhood. The wooded setting is very important to him and his neighbors. Cutting down the trees would create a more urban feeling. He strongly recommends a carport rather than a garage, so as to reduce the mass. The two latest projects present a monolithic view of the street. He would like to see the height of the garage lowered. He said that he would have hoped that the developer would have spoken to the neighborhood.

Caroline Nakayama 124 Humboldt, said the house has a stark quality, in fact most of the houses were summer houses. She is opposed to the colors, she would prefer brown paint, or natural wood. She wondered if this was a spec house. Also, was a bond going to be required for protection of the trees. She felt that this development will devalue the neighborhood.

Bill Lark, Humboldt, thought the applicants have made an effort to blend into the neighborhood. He would like to see the garage turned into a carport, the garage be darker, and did not feel the house needed to be as high as it is. He is very concerned about traffic during construction. He is also concerned about the road during construction and would like to see that a bond be required. He was shocked to see the tree removed. He would encourage the lot swap; when trees are removed, the noise level will change.

Lief Linderman, 8 Vista Lane, stated that 6 trees are still not shown on the plans.

Tony Richards stated that when the topo was done a few trees were left off. He stated that he

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does not typically meet with neighbors however he did make an exception in this case. Because of their concern about the loss of trees, he totally redesigned the house to satisfy the neighbors. He is against removing trees but sometimes a few trees have to be removed to build a house. In this situation as many trees as possible were saved as well as trees being added 2 to 1. Standard practice is to show trees 8" in diameter or more. Mr. Leon has owned this lot for 30 years and has a right to build on his lot. The variances are for the public's benefit. Regarding the shingling of the whole house, the idea of T-111 is to resemble board and batten, however they may consider the upper portion. Regarding the water heater; infill lots are more important than paving new streets. The pathway is very dangerous. If the neighbors are interested, they should get together and build a stairway. Regarding open space, half the lot is being kept vacant. There is a slump, not a landslide on the property. The garage cannot be removed and there are bedrooms under the garage. Standard practice is to have a garage. A hip roof is less of an impact than a gable. If it is lowered you will bump your head. The driveway can be tinted with lamp gray. Construction trucks can be parked at Lansdale Station and walk to the site. The colors were intended to blend with the site. The garage and front door could be changed to forest green. This house will appear as a one-story house. Regarding the 36" oak, the owner thinks it is ugly and it is too close to the house; the foundation will kill it anyway. The driveway should not be more than a 5% slope and that dictates the height of the garage. All the lots the Town owns are junk lots and Mr. Leon is not interested in them.

Commissioner Julin asked what rooms were under the garage. She wondered if the driveway and garage could be constructed and used as a base to take construction vehicles off the street. Mr. Richards stated that the dump truck is very heavy and it would be difficult, actually the garage is the last to be built as well as the driveway. Regarding the tree by the driveway, he felt it will have to come out because of the bulkhead.

Commissioner Israel stated that it looks like the bay trees close to the oak tree will have to be removed because they are right against the house as well as the oak being a structural support for the bays. Mr. Richards stated that he endeavors to save as many trees as possible.

Commissioner Julin asked about reducing the height of the garage. Mr. Richards stated that the house was stepped to minimize the impact. Commissioner Israel stated that it would require more grading, more removal of soil, and would be more detrimental. Mr. Richards said he likes this house better. It is smaller, more compact, with a one-story living room. Regarding the safety issue of the driveway, Mr. Richards did not understand what the neighbors are concerned with.

Mr. Hochstrasser did not think anyone would back their car out onto Humboldt because it is down hill.

Commissioner Julin felt the only mitigation was to make the house as small as possible and she is not sure how to achieve that. The lot is very difficult to develop. She said that the rationale given by the designer was very persuasive for what is being designed. She does question the type of species to be planted. She asked about Condition Number B1 - reducing the driveway by 10 feet although it might be a futile exercise. She wondered if it will still cause significant damage to the drip line of the trees. If there is any way the house could be made smaller, she would like to see it achieved.

Commissioner Harle supports staff recommendation. The concerns he has heard make the decision difficult however, the tree in question to be removed is in the Town property. Perhaps there can be a requirement that the applicant build a stairway to be used as an access to the Town parking lot. He did not see another solution for the configuration of the driveway. He would not like to offset the off-street parking. The Town encourages off-street parking. He opposed the idea of an open carport. He did not think this garage was particularly imposing.

Commissioner Israel stated that the Commission seems to be granting more flexibility on this lot than the lot at 25 Canyon and in his estimation, this lot is more buildable. The Town has made a point of protecting oak trees and these look to be very close to heritage trees. He supports the idea of infill development. The biggest problem with the project is the location of the garage. Because of the tree, backing out of the driveway, the potential for congestion, and also it is a critical view point on Humboldt. If the house was flipped the project would be better. The driveway and the proximity of the fire hydrant is a problem. He would like to see a construction platform for equipment and supplies. The hollow oak represents a real hazard to the applicant. He would like to see an arborist's report on this. Ms. Wight affirmed that the arborist's report indicates the tree is a hazard. Commissioner Israel said he could approve a greater sideyard variance if there was a trade-off. He would support saving good quality oaks instead of the bays. He felt plant selection should be verified by staff to make sure they are good for the locations chosen. He recommends two small garage doors, made of natural wood with stain, rather than one large garage. He agrees with Commissioner Harle that the owner should build a stairway. It would give something back to the neighborhood. The house as it currently stands does not present itself as a bulky site. He does not support the notion of a carport even if there were no rooms below. He felt the house was very well broken up. Lastly, he would like to see the upper band be made of natural materials.

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Commissioner Oliver also supports the notion of the upper band being made of natural material.

Commissioner Israel stated that this is a very moderately sized house, but the lot is very bizarre. There is no way to build the house without a variance. He agrees with the architect about the hip roof.

Mr. Hochstrasser stated that they are not in the position of redesigning the house. He wanted the Commission to take action tonight. Reversing the plan will put the house in the slump.

Commissioner Israel said it may not require flipping it but the driveway is now a concern.

Chairman Mihaly said that he would support a house on the lot and this one is a very good one, it needs more work, but we are close. He felt that this is a legal lot, and this house will be built on. This is the perfect example of when variances should be granted. The Town will not pursue the easement. He feels comfortable that the house will be built correctly and that the Town Engineer will make sure of that. He is not prepared to make a decision to approve at this point. He would be willing to continue for redesign but would like the following: 1) an acknowledgment that the walkway is for public use so future owners will be aware of it; 2) a construction schedule and hours of operation; 3) construct a construction platform; 4) replacement of trees for those that are taken down; 5) 15 gal trees seem to be adequate; 6) colors should be natural on the top and was opposed the white trim; 7) obtain input from the Public Works Director regarding safety of the placement of the garage and driveway;

Mr. Richards stated he is afraid that there could be many more revisions. He would lobby that the garage will remain where it is. Mrs. Linderman would be unhappy if it is moved to the other side.

Commissioner Israel stated that Mrs. Linderman would be happier to save the oak tree and would live with the detriment.

Mr. Hochstrasser asked if the tree could be saved and the driveway narrowed, and have three parking instead of four would the Commission approve the project.

Chairman Mihaly asked Commissioner Israel if the oak tree is saved and the garage is workable, would he still feel the garage needs to be flipped. Commissioner Israel could not make a decision for the applicant.

Commissioner Julin would like to see a greater left side yard variance. and would like to see the garage flipped.

Mr. Hochstrasser stated that they would continue to March 7, 1994.

M/S Israel/Julin to continue 1. V-9401/DR-9401/ER - Scott Hochstrasser for Viking Leon, 5 Vista Lane - A/P 7-021-24, 1) Setback variances: Garage to be within 18' of the front property line and within 16' of the rear property line; House to be within 10' of the front property line and the rear property line; Bay window to be within 8' of the rear property line; Deck to be within 9' of the rear property line; 2) Parking variance: The third tandem parking space will be substandard in length at 18'; 2) Design review of a new dwelling; and 4) Environmental Review on property located within the R-1 Zoning District. This is continued to the meeting of March 7, 1994, for the purpose of redesign pursuant to the discussion tonight.

2. **U-9402 - Union Oil, 631 Sir Francis Drake Boulevard**, A/P 6-101-05, use permit to operate a gasoline service station facility on property located within the C-3 Zoning District.

To be taken out of order.

The applicants were present.

M/S Harle/Julin, to approve the application.

3. **Town of San Anselmo** - Proposed Ordinance Amendment to limit fence heights within the front yard and street side yard setback to 3'6" where 6 feet is currently allowed.

This item was continued to the meeting of February 28, 1994.

F. GENERAL DISCUSSION

1. Consider expanding residential Design Review to the flatland areas.

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- G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**
- H. ADJOURNMENT TO THE MEETING OF February 28, 1994**

The meeting was adjourned at 12:00 a.m. to the next meeting on February 28, 1994

BARBARA CHAMBERS