

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR AUGUST 5, 1996**

The regular meeting of the San Anselmo Planning Commission was convened at 7:30 p.m. by Chair Israel. Staff present was Ann Chaney, Planning Director.

A. CALL TO ORDER

Commissioners Present: Israel, Wittenkeller, Harle, Cronk
Commissioners Absent: Duys, Sargent, Mihaly

B. OPEN TIME FOR PUBLIC DISCUSSION

Barbara Schmidt, 59 Austin, said she is appalled at the number of variances granted in Town.

Glen Smith, 59 Austin, said construction on Vineyard is tearing up his back yard and the roadway.

Planning Director Chaney that the Public Works Department should be contacted regarding this claim.

C. CONSENT AGENDA

1. **V9625/DR-9614 - Mike and Marti Masoud, 3 CYPRESS ROAD, A/P 6-124-05, 1) Design Review to construct a 147 square foot first story addition and a 784 square foot second story addition and a 185 square foot deck (total addition 1116 square feet); and 2) Variance to allow a portion of the third required parking space to be located into the public right-of-way, on property located within the R-1 Zoning District**

M/s, Harle/Wittenkeller, to approve the Design Review for a 147 square foot second story addition and a 784 square foot third story addition and 184 square foot deck and a variance to allow a portion of the third required parking space to encroach into the right of way.
Ayes: All.

Conditions of Approval:

1. That the request for Design Review be granted to construct second story addition in accordance with the plans date stamped May 20, 1996, received by the Town of San Anselmo Planning Department.
2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
3. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
4. Applicant shall increase the width of the garage door to accommodate two cars unless the applicant can physically prove the existing door allows reasonable ingress and egress of two vehicles.
5. Contractors and subcontractors shall be allowed one vehicle per company on site per day excluding materials delivery and special service providers dependent on truck mounted equipment. Laborers, workers, foreman, etceteras shall carpool from an accommodating site of find another allowable, offstreet parking source.
6. If construction is not commenced within one year from the date of final action, the permit becomes 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 a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

D. PUBLIC HEARINGS-CONTINUED

V-9622 - Per Bessing, 7 MILLBRAE AVENUE, A/P 6-112-12, a parking variance in conjunction with increasing the living area of the main dwelling by improving the lower floor (Code requires 3 on-site parking spaces). Existing parking shall remain: 1) a one-car garage; and 2) a substandard size parking space on the driveway which encroaches onto the right-of-way of Millbrae Avenue (Code requires a 9' by 19' on site parking space). The third required space is proposed to be provided by constructing retaining walls up to 4' in height fronting on Sunny Drive, which necessitates a setback variance for the retaining walls to be within 0' of the side and rear property lines (Code requires a minimum of 8' from the side property lines and 20' from the rear property lines). This is on property located within the R-1 Zoning District above the 150' mean sea level elevation. CONTINUED TO 8/19/96.

E. PUBLIC HEARINGS

1. **PDP-9603/DR-9610/V-9618-David Bott and Karen Nelson, 80 SOUTH OAK AVENUE, A/P 7-241-50, 1) Precise Development Plan and Design Review request to**

construct a new single family home; and 2) rear yard variance to construct 3 water tanks and foundation within 2' of the rear property line on property located within the R-1-H Zoning District.

Planning Director Chaney presented her staff report. At a previous meeting the Commission expressed concern for two oak trees that were to be removed. The applicant has shifted the house ten feet in order to protect the oaks. Other changes include reducing the interior garage height, reducing the overall house height by two feet, shifting the patio so it no longer needs a variance, and decreasing the patio wall by two feet. Regarding extending the eaves to two feet, the applicant feels it would be a fire danger. The Fire Chief has reviewed this and made several recommendations. House size has not changed, however. Staff feels there is an overall improvement to the plans with these revisions; however, this is still a highly visible house. An arborist has looked at the five oaks on the property. All five are healthy, only two have some encroachment by the proposed building. To provide more protection, staff recommends the patio wall be revised to get it away from the root zone. The color was also an issue at previous meetings. Mustard was proposed for the main body. Staff proposes to decide on the color when the walls are up and full color panels can be used. The applicants prefer the driveway to remain at an 11 foot width, rather than shortening it as the Commission asked. Staff feels this is appropriate as trees will screen this area.

Commissioner Wittenkeller asked about cars backing down the driveway. Ms. Chaney said there will be turnaround space as long as there is no other car parked on the driveway.

Ms Chaney said the house is still planned to be of stucco, but is not as visible now as with the previous proposal. Staff has now received a landscape plan. All bays are to be replaced with oaks. The landscaping is planned to be drought resistant, fire resistant and deer resistant, and should be installed prior to occupancy, excepting a small area noted as phase 2. She consulted the Town arborist regarding putting oaks on the steep bank near the drive for screening purposes. He felt this was a possibility. This site is not served by water or sewer. Three tanks will be installed behind the house for water. Regarding the sewer, it is best to run new sewer lines along the road. The applicants, however, have an easement down from South Oak to Oak Avenue, across country.

Commissioner Wittenkeller asked about sewer arrangements for those living on South Oak. What service would be anticipated for future parcels in this area. He is concerned about how this situation will work when others build homes in the area.

Ms Chaney said some neighbors are on septic but the applicants are not proposing that. According to the Sanitary District, soils must be able to support a sewer line, but they might consider a variance if the soil is good.

Chair Israel asked if the policy of the cross country sewer was in place when the neighbors sewers were put in place. Chaney answered negatively.

Ms Chaney said there is still a question regarding reimbursement by property owners for Oak Avenue studies for a proportional share of costs. The amount of grading on site would require about 50 truck trips for soil removal. On the conditions, #35 Exhibit B should read Exhibit C. There are two #33's and these will be renumbered. On #41 June 26 should read June 19. In #37 specific wording regarding color has been added.

Commissioner Cronk asked about the tree near the patio and asked if it is critical for screening. Ms Chaney said it is.

Commissioner Wittenkeller asked about the color and height of the water tanks. Ms Chaney said they are 15 feet high. Staff recommended the color be the color of the retaining wall, or a dark green would be acceptable as well.

David Wilson, Project Architect, said they have addressed the tree issue by shifting the house, even though it wasn't preferable for them due to additional costs. Their arborist looked at the revised design and felt that the house would adversely affect the one tree, unless several elaborate actions are taken. They would like to keep the patio design as it is presently drawn. Regarding color and the proposed process, they feel it may be fraught with problems as the decision would have to be made in a timely manner to avoid additional costs.

Chair Israel asked whether the patio wall is solid. Mr. Wilson the railing of the deck would be open, as would the driveway retaining wall railing. The patio wall would be closed. The patio surface will be flagstone or some other impermeable surface.

Commissioner Wittenkeller asked if the patio surface would be laid over a concrete pad; he is concerned for the health of the tree. Mr. Wilson said the flagstone could be over sand or a concrete pad.

Chair Israel asked Mr. Wilson about the eaves.

Mr. Wilson said quite a bit of the house already has two foot eaves. They would prefer to leave the design as it is.

Chair Israel asked about the 11 foot drive. Mr. Wilson said the turnaround has been reduced in size and they are concerned about not running into walls on the driveway and space for pedestrians to walk.

Chair Israel asked about a support system for the potato vines on the driveway wall. Mr. Wilson said he anticipates a diagonal grid of wires.

Chair Israel asked why the garage floor was raised rather than lowering the house. Mr. Wilson said if the house is lowered everything has to go down, including the water tanks.

Chair Israel asked what the sewer length difference is between the two options with the sewers.

David Bott, Applicant, said it has been difficult to get together with the Sanitary District. The sewer through the neighbors property is much easier.

Jonathan Braun, 479 Scenic, said he is concerned with retaining landscaping on Bald Hill. This site was denuded of trees previously and thus has quite an effect on the hill. He feels this house has the potential to create quite a few problems on the hill. He would like to suggest some changes to mitigate this. This house is massive on an exposed site and could be integrated better into the site. Mustard yellow will be too outstanding on the site. Regarding the landscape plan, he consulted a landscape architect who agreed that four oaks could be supported in front of the driveway. A tree in the Phase 2 landscaping area should be required. Foliage should be planted at four foot intervals to aid screening. Galvanized metal should be painted dark to reduce glare. He feels a further condition should be added that the layout of the foundation relative to the trees should be reviewed by a licensed land surveyor to guard against errors that could result in the loss of the tree.

Teresa Tamley, South Oak Avenue, said the story poles reflect the placement before the house was shifted ten feet. Neighbors can't tell where the house will actually be. Regarding widening S.Oak Avenue to 15 feet, this has not been discussed tonight. This is not the most stable hill and widening could be a detriment to the area. She supports the planting of additional trees. She feels it is important to retain that large oak that has been discussed tonight.

Greg Gibson, 47 South Oak Avenue, said he would prefer as a resident that the sewer go cross country rather than down their fragile road. He was allowed to go cross country because of unstable land. He asked about the process of incorporating suggestions into the planning process, like Jonathan Braun's analysis.

Chair Israel said these comments are aired in public, the minutes are public record, as are the conditions of approval of the project.

Jack Deggman, 60 South Oak Avenue, said this is important to the residents up there. They want their area protected.

Ted Strauter, South Oak Avenue, said he supports this project and the applicants. They have shown concern for the environment and he would enjoy being their neighbor if he decides to develop his property.

Chair Israel said the Planning Commission is concerned with neighbors' concerns, as well as following through with the conclusions of the Bald Hill Working Group.

Matthew Henning, Project Landscape Architect, said he was asked to address the visibility of the retaining walls. They are concerned with stability of this steep slope. Their experience is that a lower growing vegetation would be preferable for slope stability. Regarding oak trees, trying to level out this very steep area is difficult to handle. He believes that regarding the visibility of the structure these oaks would take a long time to do any good.

Commissioner Wittenkeller said the oaks could be smaller even, but would screen the home in many years and be more viable in this location.

Matthew Henning, Project Landscape Architect, said an oak tree in the phase 2 area will create a cave effect at the front door.

David Wilson, Architect, said they had their survey redone so they are confident with its accuracy. They could have the surveyor check exact distances for the tree in question.

Commissioner Wittenkeller asked if the portions of the house that are poured concrete would be left natural. Architect they'll be left natural, with no color. They feel that this portion will not be visible from distant views.

Commissioner Cronk said she wonders if the arborist is suggesting that there is a good chance this tree will be lost. David Bott, Applicant, said the arborist feels certain that the tree will survive.

Ms. Chaney said she shared this concern so she called the arborist. He said the tree would have a better chance of surviving if the structure is moved back away from the root zone.

Karen Nelson, Applicant, said they hoped to have an exit from the kitchen to the patio. If they follow Ms Chaney's suggestion that would be eliminated. They would like to have the patio right off the kitchen.

Commissioner Wittenkeller said this property has significant potential for impact on the community. We have a responsibility to let these people build a home. There are significant conditions attached to these plans. Regarding trucks hauling dirt and damage to the road, a construction management plan should ensure these trucks are legally loaded. Screening is more important than blocking resident's views. Five gallon oak trees in the driveway area should be required. A tree in the entrance area would be quite nice. Regarding the poured concrete walls, he would like to see color added to make them less reflective, perhaps in a range of gray. He feels the road widening should have Commission involvement. He feels it is imperative to save the oak tree, perhaps by narrowing the patio to four feet on that side. Regarding color, he feels the color selection is fine without the top mustard color. The reflective colors should be dropped. This issue should be addressed beforehand.

Commissioner Harle said he agrees with Commissioner Wittenkeller, especially regarding the driveway planting. At the entrance he's not sure he would require a tree. Regarding the sewer, he thinks following the road would be a bad idea.

Commissioner Cronk concurred with the other Commissioners because the site is so visible in the Ross Valley. She liked the suggestions by Jonathan Braun, including the four trees between the driveway and the road (not the tree at the front door), shortening intervals for vines, metal should be painted. The color should be darker, she couldn't approve the mustard color. Regarding road widening or sewer, she cannot comment. She'd like to see the patio pulled back for the health of the tree.

Chair Israel said he'd hoped the height of the house would be reduced and screened by trees. As this is not the case, he is not comfortable with the massive size of the home. The architecture tends to emphasize the size of the house, rather than reduce its impact. Neither through landscaping or architecture has the scale of the home been reduced. He would support pulling the patio back or changing the structure of the patio so as to not adversely affect the tree. The cantilevered section of the house is quite close to the tree as well. Total height has only been reduced two feet. Regarding the eaves, he feels the details should be specified on the plans. Deeper eaves reduce the impact of the house. He feels the phase 2 planting area is critically important and should include a tree. He agrees with Harle on the sewer. There should be a neighbor notification process on the construction management plan. He feels light fixtures should be subject to staff approval. He would also like a staff review of internal lighting. Tank height and color should be stipulated on the drawings. Regarding building color process, he would like to see a darker shade. He understands the neighbors want the story poles to be in the exact proposed position. He supports the trees in front of the driveway of a size that don't require too much excavation, maybe something other than oak. Flashing of a dark color should be a condition of approval. He'd like a surveyor to check the location of the house with regards to the tree. He agrees that color be added to the poured concrete walls to reduce reflectivity.

Ms. Chaney said a number of conditions have arisen tonight that will need to be added to the resolution. This wording will take time to craft before a final vote is taken. We have gotten direction tonight on what needs to be added.

M/s, Harle/Wittenkeller, to continue this item to the meeting of August 19, 1996, depending on applicant's agreement to extend their CEQA date (the applicants indicate they are agreeable to this). Ayes: All.

Chair Israel said the applicants would like to know before they leave if issues are technicalities or more substantive, broader issues.

Commissioner Harle said he would not support asking for redesign.

Commissioner Cronk said she is not asking for a redesign, although lighting is important

Commissioner Wittenkeller said he is not asking for a redesign. He feels the visibility will be determined by the color.

2. V-9615/DR-9608 - Howard and Maria Silver, 17 IDALIA COURT, A/P 7-232-04, 1) Design Review to construct a 653 square foot-second story addition to an existing 1,332 square foot single family dwelling; 2) Variance request to locate required parking (2 spaces) within 0' of the front yard setback (20' required) and into the public right-of-way due to a request to convert an existing 1-car garage to office space; and 3) a height variance for the chimney height to be 32' above average grade (code maximum 30') on property located within the R-1 Zoning District.

Ms. Chaney presented her staff report. This is a request for a flat land design review, parking variance and height variance. The applicants have reduced the size of the addition from 924 square feet to 653 square feet. They also plan to remove the front 4' of the garage to provide a legal length of parking on the driveway. Currently there are three usable parking spaces, one in the garage and two in the driveway. The applicant proposes to eliminate the garage, thus eliminating one parking space. The overall size of the house will nearly double with this addition and staff cannot support reducing the required number of parking spaces. Regarding the chimney, its size and bulk has been reduced, but still requires a variance. The design review is supported by staff after reviewing the effect on neighbors light and air. If the Commission decides to approve the project, it will have to come back with conditions.

Kirk Hillman, Project Architect, said this garage is not used as a garage. It is a laundry room and storage. He has tried to look for alternatives and can't find them. Regarding the chimney, he has reduced the bulk considerably. They would be willing to stucco the side of the house facing the neighbors if the neighbors would prefer it.

Ms Chaney said all that is required are two parking spaces, as this is in the flatlands. The concern is that the home is reducing parking from three spaces to two spaces.

Commissioner Harle asked if other placement of a third parking space had been considered other than three next to each other. Hillman said the topography and trees prevent any other solution.

Edy Brennan, Idalia Court, said she has contacted a realtor who looked at what impact this project will have on her home's value. The realtor said this addition will have a significant impact on the light and air in her home. She is concerned about an oak between the two homes whose branches will have to be trimmed for the second story.

Nancy Oswald, 25 Idalia Court, said if the second story ceiling is 11 feet high it could be reduced to keep the bulk to a minimum.

Ms Chaney said the Town ordinance code says that if a conversion of a garage is involved, it will be permitted provided the same number of parking spaces are required. Staff could support keeping the parking situation as it is.

Howard Silver, Applicant, asked if it would be approved if he could provide three spaces. Ms. Chaney said the three spaces would have to be within the setbacks. Also, it is aesthetically more pleasing to have a car hidden. She feels more people in the future will want enclosed spaces for their cars.

Howard Silver, Applicant, said he would like to work with the Commission to get the project moving.

Kirk Hillman, Project Architect, said eleven feet high on the second floor is to the peak. They won't be touching the oak tree in terms of this construction.

Commissioner Cronk said she will support the second story addition and the height variance, but concurs regarding eliminating the garage.

Commissioner Harle said he agrees with Commissioner Cronk.

Commissioner Wittenkeller asked if the neighbor prefers stucco or wood shingles --they indicated it doesn't matter to them. He agrees with the staff recommendation on the second story.

Chair Israel said he supports staff's position on this matter, and he supports the shingles all around the house.

M/s, Harle/Cronk, to approve 1) the flatland design review of a 653 square foot second story addition, 2) height variance for the chimney height to be 32' above average grade, and 3) a parking variance to allow two parking spaces to extend into the public right of way for 17 Idalia Court, A/P 7-232-04,1 with the following conditions:

Conditions of Approval:

1. That the request for Design Review be granted to construct second story addition in accordance with the plans date stamped July 26, 1996, except that the garage shall not be converted and shall continue to be used as a garage.
2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
3. If construction is not commenced within one year from the date of final action, the permit becomes 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 a request in writing to the Planning director showing good cause prior to the expiration of the discretionary action.

These approvals, and denial to convert the garage, are based on the following findings:

VARIANCE

1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

Parking Variance to Convert the Garage

The findings of special circumstance cannot be made for a parking variance. The lot is above average in depth and average in width for the neighborhood, the lot is rectangular in shape, and the location and surroundings of the lot are not unusual. Although the topography is steep, it does not preclude the use of the existing garage for parking. The applicants are creating their own parking hardship by converting the garage. Without the garage conversion, the living addition can still be significantly increased on both the first and second floors.

Setback variances were already granted in 1987 for an east side yard encroachment.

Parking Variance to Allow Parking within the Public Right of Way

In order to retain the garage for parking and continue to have two legal size parking spaces within the driveway, said spaces will extend beyond the property line into the right of way. Because the right of way/property line extend well within the usable yard area and away from the paved part of the street, there is no problem of these spaces extending into the actual street. Because of this unusual situation pertaining to the lot, a Parking Variance to these spaces to extend into the right of way is supportable. This will permit the existing parking arrangement to remain and three spaces to be provided for the entire site rather than two.

Chimney Height

The findings of special circumstance can be made for the chimney to exceed the 30' height maximum by 2' due to the de minimus nature of the increase and because the scale and bulk of the chimney have been significantly reduced from prior designs.

2. The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property or the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

Parking Variance to Convert the Garage

The living area is increasing in size and the one garage space is being eliminated. When on-site parking is substandard, it can ultimately result in persons using street parking. This opens the possibility of added pressure in the future to eliminate the overnight parking law, which has the potential to have an adverse visual and safety impact on neighborhoods. Thus this finding cannot be made to support a garage conversion.

Parking Variance to Allow Parking within the Public Right of Way

Granting of this Variance to allow two driveway spaces to extend into the public right of way will not be detrimental to the public because a total of three usable parking spaces will continue to be provided rather than two spaces which would have occurred had the garage been converted. By providing more parking for this substantial house addition will benefit the neighborhood and not be detrimental.

Chimney Height

It is not likely that the chimney itself will have an adverse impact on the neighborhood and this seems like a de minimus request.

DESIGN REVIEW

1. Will not unreasonably impair access to light and air of structures on neighboring properties.

The neighboring dwelling to the east, known as 21 Idalia Court, appears to be at the same height as the existing dwelling at No. 17. The addition is designed to step back from this neighboring dwelling, and the sun study prepared by the applicants' architect indicates that the addition will not unreasonably impair access to light and air from the neighbor's glass room. Staff notes that No. 21 previously obtained a setback variance for their glass room to be within 4.5' of this common side property line.

The addition should not have an adverse impact on other surrounding neighbors. The second story addition will be 20' away from the westerly side property line, where the applicants' existing first story faces the neighbors' deck.

No. 745 Redwood Road is to the rear of the property, where the elevation is approximately 50' higher than that at the applicants' property, and there are large trees between the two properties. The second story addition will be 54' away from the rear property line.

2. Will not unreasonably affect the privacy of neighboring properties.

The addition should not unreasonably affect the privacy of neighboring properties.

3. Will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

The addition should not affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

Ayes: Cronk Harle, Wittenkeller. Noes: Israel. Audience advised of ten day appeal period.

3. V-9624 - John and Susan Berman, 38 SUNNYSIDE AVENUE, A/P 7-262-17, a side yard setback variance to add a 150 square foot second story addition within 5'6" of the north property line (8' required), on property located within the R-1 Zoning District.

Ms Chaney presented her staff report. The variance is required because the present house is 5.5 feet from the property line, with a new addition planned to the rear. There is a fair distance between this home and the next door neighbor. Staff feels the bathroom could be constructed within the required 8 foot setback.

Commissioner Wittenkeller asked if this project would fall within the guidelines that are presently being developed for houses built when a 5 foot setback was required. Ms Chaney answered affirmatively. However, the ordinance change will not become effective for at least three months.

Susan Berman, Applicant, said there is an existing roof deck that would be enclosed by this plan. Their neighbors prefer that this area be enclosed in a congruent way.

Commissioner Harle said he supports the application because this is such a small area involved that it doesn't make sense to enforce the letter of the law, as it would butcher the side elevation of the house.

Commissioner Wittenkeller said he supports the plan.

Commissioner Cronk said she visited the home and feels the variance is justified.

Chair Israel said he supports the application, especially since the Commission has shown support for homes built at a five foot setback.

M/s, Harle/Wittenkeller, to approve the sideyard variance to construct a second story master bathroom addition above an existing one story yprojection within 5'6" of the north property line (8' required).

Conditions of Approval

1. That the addition be constructed per plans date stamp received by the Town on april 30, 1996.
2. That if this development which has received conditional discretionary approval and has not begun within one year from the date of 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 discrsretonary action.

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

6. V-9626/DR-9615 - Mike and Monica Dergosits, 173 RIDGE ROAD, A/P 5-172-89, 1) Design Review to construct a 527 square foot first story addition and a 926 square foot second story addition (total addition 1453 square feet); and 2) Variance for a portion of the second story addition to encroach within 17' of the rear property line (20' required), on property located within the R-1 Zoning District.

Ms Chaney presented the staff report. The request is to add a first and second story addition which will double the size of the home. The house is a low-profile ranch home which is proposed to be changed radically into a mission style home with a tile roof. Design review is necessary and as well as a variance for the rear yard setback. The applicants have put up story poles. The house will only increase seven feet in height as it will have a flat roof where it is peaked now. Staff can support the setback variance as it is a very small variance. At question is the design review. A bone color with dark trim is proposed; staff requested the applicant look at a darker color. This site is on ridge but doesn't show up as one of the Town's significant ridges.

Commissioner Harle noted that there are a lot of spanish style homes in the Brookside neighborhood.

Michael Dergosits, applicant, said they've received approval from all their neighbors. They brought a sample color with them.

Commissioner Wittenkeller asked if the variance notice received any negative reaction from neighbors. It did not.

Commissioner Wittenkeller said he would go with the staff recommendation, with the color to be approved by staff.

Commissioner Cronk concurs, encouraging a darker color.

Commissioner Harle said spanish style homes are typically light in color.

Chair Israel said he feels dark colors are called for in the hills so the homes won't show up. However, the light color is appropriate for this style of home. He is, however, concerned with larger homes that are retaining single garages perhaps this should be looked at at a future meeting.

M/s, Harle/Wittenkeller, to approve design review for a 527 square foot first story addition and a 926 square foot second story addition and a variance to build a second story addition with 17' from the rear property line (20' required).. Color selection to be determined by staff.

Conditions of Approval

1. That the request for Design Review be granted to construct second story addition in accordance with the plans date stamped June 24, 1996, received by the Town of San Anselmo Planning Department. 2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections. 3. Contractors and subcontractors shall be allowed one vehicle per company on site per day excluding materials delivery and special service providers dependent on truck mounted equipment. Laborers,

workers, foreman, etceteras shall carpool from an accommodating site or find another allowable, offstreet parking source. 4. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest. 5. If construction is not commenced within one year from the date of final action, the permit becomes 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 a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

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

F. GENERAL DISCUSSION

Ms. Chaney said regarding the disbursement agreement on South Oak Avenue that she has discussed this with Town Attorney Roth. This may need to come back to the Planning Commission before it goes to Council.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Chair Israel said the Red Hill Shopping Center appeal will come to the Town Council on Tuesday, August 13. Commissioners should make their opinions known or come to the meeting.

H. ADJOURNMENT TO Monday, August 19, 1996.

M/s, Wittenkeller/Harle, to adjourn at 11:40 p.m.

Debbie Stutsman