

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF MARCH 3, 1997**

The regular meeting of the Planning Commission was convened by Chair Duys at 7:30 p. M. in the Council Chamber.

A. CALL TO ORDER

Commissioners' Present: Harle, Wittenkeller, Israel, Duys, Cronk (late)
Commissioners' Absent: Mihaly
Staff Present: Planning Director Chaney, Senior Planner Wight, Assistant Planner Griffin

B. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

C. CONSENT AGENDA

1. **MINUTES:** February 18, 1997

2. V-9706/ Carl and Susan Groff, 17 Traxler Road, A/P 5-083-06, a variance added to the previous application that was approved 2/18/97, allowing a deck and extended roof overhang within 16' of the rear property line (20' required), on property located within the R-1 Zoning District.

M/s Harle/Duys, and passed, to approve Consent Agenda Item C1.

Ayes: Harle, Duys, Israel,
Abstain: Wittenkeller
Absent: Cronk, Mihaly

M/s Harle/Duys, and passed, to approve Consent Agenda Item C2.

Ayes: Harle, Duys, Wittenkeller
Abstain: Israel
Absent: Cronk, Mihaly

The audience was advised of the ten day appeal period.

D. CONTINUED ITEMS

1. Environmental Review/GPA-9601/Z-9601/U-9608 Russ Johnson, 12 Loma Robles and 750 Sir Francis Drake Boulevard, A/P 6-091-41, 770 and 760 Sir Francis Drake Boulevard, A/P 6-091-38, 754 Sir Francis Drake Boulevard, A/P 6-091-39, and 700 Sir Francis Drake Boulevard, A/P 6-091-40: environmental review; General Plan amendment to amend the land use designation from Limited Commercial to General Commercial; Zoning Ordinance amendment to amend the zoning from C-L (Limited Commercial) to C-3 (General Commercial) or to revise the list of allowed uses (Table 3A) in the C-L zone to permit a mini-mart food store. This request is being initiated by the Chevron Service Station owner in order to permit a mini-mart at that service station. **CONTINUED TO 3/17/97**

2. V-9710/DR-9706 - Len K. Garriott, 422 Scenic Avenue, A/P 7-031-08, design review of a 1,458 square foot dwelling; setback variances for: 1) uncovered stairs and a landing to be within 6' of the front property line; 2) a parking area retaining wall up to 10' in height to be within 0' of the front property line and 0' of the south side property line; 3) the south rear corner of the dwelling to be within 6.5' of the south side property line; 4) a north rear retaining wall to be within 4.5' of the north side property line; 5) one parking space to be within 0' of the front property line and 1.5' of the south side property line; 6) one parking space to encroach over the right of way and be within 3' of the south side property line; and 7) one parking space to encroach over the front property line, on property located in the R-1 Zoning District (above 150' sea level). (Code minimum setbacks for structures (including parking) are 20' from the front property line and 8' from the side property lines. Code minimum setbacks for uncovered stairs and landings are 14' from the front property line and 6' from the side property lines. Code minimum on-site parking. Three). This plan would amend the plan approved by the Planning Commission in 1994). **CONTINUED TO 3/17/97**

3. V-9608/U-9605 - Stapleton School, 118 Greenfield Avenue, A/P 6-171-03, six month review of parking variance and use permit, on property located within the C-3 Zoning District. **CONTINUED TO 4/7/97**

4. V-9708/DR-9705 - Mike and Louise Berlin, 37 West Gate Way, A/P 6-121-34, 1) a variance and design review for a new 624 square foot second story addition located 7' from the westerly side property line (8' required); 2) an entryway 17'6" from the front property line (20' required); 3) remodel an existing 1st story room 3'4" from the easterly property line (8' required) and a new uncovered deck 3'4" from the easterly property line (6' required); and 4) a variance to reduce the required size of two on-site parking spaces to 9'x17' (three: 9'x19' spaces are required); parking spaces will encroach into the sidewalk, on property located within the R-1 Zoning District (above 150' sea level). **CONTINUED TO 3/17/97**

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF MARCH 3, 1997

Commissioner Cronk arrived and stepped up to the dais.

E. PUBLIC HEARINGS

1. DR-9703 - William and Janet Johnson, 64 Fernwood, A/P 7-131-09, design review of a new single family dwelling on property located within the R-1 Zoning District (above the 150' sea level).

Ms. Wight presented the Staff Report, noting that staff has suggested several recommendations that the Commission might consider.

Bill Johnson, Applicant, stated that he would like to build a house for his family on this lot. He wanted to maintain as much level space as possible on the hillside lot for the outdoor use of his children. He was trying to save the Madrone and was having the house step down the hill so as not to create so much bulk on Fernwood. He tried to take into consideration the neighbors in placing the house on the lot. Because of the potential glare, he was not opposed to changing the antique white trim to forest green. He provided a demonstration of how cars ingress and egress his driveway, noting that it would not be much different if the garage was placed on one side or the other of the house. Also, it would be more difficult to place the garage on the west side because of the slope. He did not feel that the ceiling height was excessive or that the roof line was too steep. He stated that he is adding a fire hydrant. He had no knowledge of the Fernwood Homeowners' Association, although he has no objection to being part of it with the rest of the owners on Fernwood. The closer the house is moved to the west, the more impact on the Franklins, the lower neighbors.

In response to Chair Duys, Mr. Johnson stated that most of the ceilings are vaulted. Also, he has not had an arborist report on the health of the trees.

Heather Pederson, 78 Fernwood, stated that she is the adjacent neighbor and is concerned about her heritage oak tree that will hang over the applicant's house. She would like the house size reduced if the house cannot be moved away from her. She noted that there is a good amount of space between her house and the applicant's and she does not want construction vehicles parked on the undeveloped land that belongs to her. Cutting back some of the heritage oaks would impact her privacy. She stated that she would like the applicant to provide money for the repair of Fernwood Drive if there are damages. She wanted the environment respected and as untouched as possible and wanted construction vehicles kept to a minimum.

Commissioner Israel asked about the Fernwood Drive fund. Ms. Pederson responded that the cost would be for repaving and construction costs. This is an individual cost that would be charged to the applicant and has not been assessed to other property owners on Fernwood.

Ramona Alves, 75 Fernwood Drive, stated that the placement of the garage is an issue because it will be located directly across from her bedroom. She would prefer the garage be moved to the west even if it impacts the Madrone tree. She is opposed to the added height, stating that high ceilings are not functional although they look nice. She would also like the house moved over 10'.

Gillian Woodard, 71 Fernwood Drive, was concerned about the placement of the garage, which is directly across from her bedrooms. She would like to see it placed on the other side. Also, she thought the room heights were too tall. Also, her gateway is directly across from the proposed garage. She stated that the forest green trim would be more acceptable than the antique white.

Carol and Ed Franklin, 476 Laurel, stated that they are the down slope neighbors and are anticipating the house to be quite massive. He questioned the need for the large house and was concerned that there would not be adequate screening. He stated that the Madrones and oaks are good screening and if for some reason these trees have to be cut, they would want them replaced with trees of comparable height. They are concerned about privacy, noise, light and glare. They would like to see the property staked as well as the story poles that are currently there and wanted a construction management plan to keep debris from going down hill.

Louise McCowen, 75 Fernwood, thought that the meeting with Mr. Johnson would be productive but so far there really has been no negotiations and no good faith. She was concerned about additional cars on the hill and about the fire trucks getting up the hill. She also wanted an arborist report on the trees and hoped there will be a balance between the neighbors and the applicant.

Mr. Johnson stated he will do whatever he can to minimize the impact of the house on the hill. The roof line can be dropped down but there is a point where water will not run off properly. If the house is moved, it will impact the Franklins but he would be willing to work with the neighbors. Keeping the construction vehicles off the neighbors property will be no problem. There is an easement that will be required for the fire hydrant or it could be brought up Fernwood.

Commissioner Wittenkeller suggested that Mr. Johnson work with the neighbors rather than have the Commission debate it at this point.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF MARCH 3, 1997

Commissioner Israel stated that the neighbor alluded to the fact that he could have an easement if there were concessions and he wondered if that could cause a change in the building design if they couldn't work out a solution.

Resident of Fernwood Drive, felt that the house could be flipped and not impact any of the neighbors.

Commissioner Israel made the following comments:

- He asked if it was economically feasible for the fire hydrant to be installed in the current proposed location or will the plan significantly change if the neighbors will not allow the easement.
- He wanted the applicant to be sensitive to the heritage oak and would require an arborist's report.
- He thought the pruning would help the tree.
- Construction parking should be addressed but he wanted staff to use the language that is required for the aggressive hillside developments.
- He wanted a conceptual landscape plan that should include the current and proposed trees that will help shield the mass from the downhill neighbors. However, he noted that 106' distance is a very large separation between properties.
- He did not think the neighborhood fund belonged with the Planning Commission but recommend the Town standard for a construction street bond be required prior to issuance of a building permit.
- He thought the roof slope was very appropriate with the style of the house and did not think a more shallow slope would change any views.
- He was not supportive of moving the house back.
- The current house design is very sensitive to the street although he said he might like a hip roof for the garage.
- He did not think that moving the house 10' would benefit anyone.
- He supported a forest green trim because it will satisfy the neighbors.
- Tree clearing is an important issue and he wanted to see all the trees that are scheduled to be removed be included on the landscape plan.
- Want the Fire Department concerns included in the plan. (and information about Fire Department clearance)
- He looked at the notion of flipping the house, however, the decks screen the windows for the down hill neighbors and will help in privacy and light. That is not to suggest some alterations, but not flipping.
- The acacias soften the facade.
- Wants debris fencing around the construction site.
- Agrees with the applicant that the driveway in the current location is the best for street safety. Backing up a steeper slope will be hazardous because of visibility from the driveway onto the street.

Commissioner Cronk concurred with Commissioner Israel, adding that she did not support the additional driveway width because less concrete is better.

Commissioner Harle supported most of what Commissioner Israel said but is not so concerned about the safety because the street is so narrow and cars do not travel very fast on the road. He was impressed with the concerns of the neighbors across the street having their bedroom across from the garage and would like to see the garage and driveway moved to the west a bit.

Commissioner Wittenkeller concurred with his colleagues with the exception of wanting to see the roof line flattened; although perhaps putting a hip roof on the garage might be the answer. He would also like to see a landscape plan.

Chair Duys echoed the concerns of his colleagues, noting that the landscape plan is very important and should include existing and proposed trees, as well as those trees to be removed. She would like to see the applicant work with the neighbors. Her concerns are the steepness of the garage if it is pulled to the other side, and safety is an issue, although she understand the concerns of the neighbors across the street.

M/s Israel/Wittenkeller, and unanimously passed, to continue the meeting to April 7, 1997.

2. V-9709 - Mark and Mona Steinberg, 81 Woodside Drive, A/P 5-273-05, a variance to construct an uncovered deck to be 8' from the rear property line (14' required) and a hot tub to be within 10' of the rear property line (20' required), on property located within the R-1 Zoning District (above the 150' sea level). (Code minimum setbacks for hot tubs are 20' from rear property line and 8' from side property lines. Code minimum setbacks for decks are 14' from rear property line and 6' from side property lines).

Ms. Wight presented the Staff Report, noting that staff is recommending denial.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF MARCH 3, 1997

Commissioner Harle stated that it looked like all the applicant was infringing on is the access to Woodside Court, in fact this lot would almost be considered a flag lot.

Mark Steinberg, applicant, stated that they tried to be as accurate as possible and the intrusion is very minor. He felt the special circumstances are the shape of his lot and the steep slope with inconsistent slopes. The encroachment area is very isolated. The main problem is that the structure is 85% completed and would be costly to move. It was built according to plans but the slope was steep and inconsistent.

Peter Breen, 85 Woodside Drive, was concerned not about the variance, but wanted a landscape plan to be included. Moving the deck into the setbacks would still be a detriment because of the massiveness of it.

In response to Chair Duys, Mr. Breen stated he would be in favor of reducing the stairs if that reduces the mass.

Commissioner Wittenkeller thought that adding lattice work on the underside of the deck would help mitigate and soften the deck. He wanted a drip irrigation system installed and would like to see some assurance that if the planting does not work, additional planting will be done.

Laura Kehrlein, Architect for the applicant, stated that they did not want the wall to have to be engineered, therefore the retaining wall was kept at 30" high and the deck has been reduced as much as possible because of the retaining wall.

Tom Graves, Contractor, wondered if the variance would still be required if the hot tub is moved out of the setbacks.

Commissioner Cronk is swayed by the fact that it would not be any better for the neighbor if it is outside of the setbacks. The structure is massive and it should be landscaped.. She would like to see appropriate size plants used, to the satisfaction of the neighbor, and replaced if they do not survive.

Commissioner Harle said the problem started more as a communication problem with everyone working in good faith.. The functional reasons for the setback requirements are not really violated by the structure. The purpose of the Ordinance is to prevent infringement of the rights of the neighbors; since that neighbor does not suffer that hardship, and the hardship is for the neighbor from above; he would require landscaping, which will screen. The defacto status of the property line being the border of a very wide driveway course.

Wittenkeller, concur, because of uniqueness of adjacent property and this site and would like to see money spent on the landscaping rather than removing the structure.

Commissioner Israel stated that he would have a hard time approving this without heaving landscaping. There should be a few layers of landscaping, in the event some of the planting does not work. His inclination is to allow this to continue, with landscaping and or enclosing the underside which can be done at staff level.

Chair Duys wanted to leave the deck in the current location, moving it would be more detrimental to the neighbor. The landscaping issue is the biggest issue. She would like the detailed landscape plan, including a drip irrigation to be prepared and reviewed by staff.

Commissioner Israel added that he was not just concerned about landscape between the Breens, it should also screen all around the deck.

M/s Wittenkeller/Cronk, and passed, to approve the application as proposed with a detailed landscape plan and drip irrigation, that is to be prepared by the applicant and submitted for staff review and approval. The landscaping plan shall address the screening with lattice on under side of the deck structure. The approval is based on finding of uniqueness and shape of the lot and being adjacent to a panhandle driveway, and Finding 2 of staff report and conditions of approval.

Ayes: Cronk, Wittenkeller, Harle, Israel, Duys
Absent: Mihaly

3. DR-9707 - Chris Lopin, **236 Butterfield Road**, A/P 5-052-17, Design Review for a 734 square foot, two story addition, plus a 440 square foot, two car garage. Addition is to be added to the front of an existing 1,818 square foot, two story house and will add a garage, entryway, foyer, staircase and a home office. Property is located within the R-1 Zoning District.

Mr. Griffin presented the staff report, noting that staff is recommending conditional approval.

Gustovo Kubichek, Designer representing the applicants, stated the reasons for the addition are to separate their business from the family living. They want to move the business to the proposed upstairs master bedroom. Also, the entry will not require any of their employees to go through the

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF MARCH 3, 1997

house. The windows are used as an architectural feature and can be frosted, because they are for the second story hallway. This design also took into consideration the concerns of the neighbors.

Chris Lopin stated that they have spoken to all their neighbors and worked with them to take into consideration their concerns. This design is the result of all the neighborhood discussions.

Mrs. Lopin stated that the frosted, high windows are to take into consideration the privacy issues of the neighbors. Mr. Lopin added that they will work with a landscape architect for the trees.

Commissioner Wittenkeller felt that the evergreen trees will accentuate the winter sun; deciduous trees will be better in the winter. He had no objection to hire a landscape architect rather than an arborist, as stated in the staff report.

Commissioner Harle stated he was in support of the project based on the findings in the Staff Report.

Commissioner Israel appreciated Staff's impact on the project comments. His preference would have been to have the top of the building set back on the west elevation as well. A step in the eaves would have helped, but will be able to have the eaves stepped back and approve.

Commissioners' Cronk and Duys had nothing further to add.

M/s Harle/Wittenkeller, and passed, to approve the application based on the findings in the staff report.

Ayes: Harle, Wittenkeller, Cronk, Duys
Absent: Mihaly

The audience was advised of the ten day appeal period.

4. **TOWN OF SAN ANSELMO** - Ordinance Amendment to Title 10 of the San Anselmo Municipal Code (Zoning Regulations) to adopt planning entitlements and Standards, Criteria and Development Guidelines for antennas and wireless telecommunication facilities. This Draft Ordinance proposes that antenna sites in areas designated Commercial (C-1, C-2, C-3 and C-L) and Professional (P) be subject to administrative approval to be determined by the Planning Director. Sites proposed in all other zones will require a Use Permit (Conditional) to be granted by the Planning Commission at a noticed public hearing.

Mr. Griffin presented the staff report, noting a few amendments to the Commission.

Commissioner Wittenkeller asked about the urgency of this Ordinance. Mr. Griffin stated there will be an application before the Commission shortly and staff wants this to be in place for that application.

M/s Wittenkeller/Harle, and passed, to recommend adoption of the resolution to the Town Council.

Ayes: Harle, Wittenkeller, Cronk, Duys
Absent: Mihaly

F. ADJOURNMENT TO March 17, 1997.

The regular meeting of the Planning Commission was adjourned at 10:30 p.m. to the next meeting of March 17, 1997.

BARBARA CHAMBERS