

**TOWN OF SAN ANSELMO PLANNING COMMISSION  
MINUTES OF DECEMBER 1, 1997**

The San Anselmo Planning Commission was convened by Chair Wittenkeller at 7:30 p.m. in the Council Chamber.

**A. CALL TO ORDER**

**Commissioners present:** Harle, Dowd, Israel, Zwick, Wittenkeller, Cronk  
**Staff Present:** Planning Director Chaney, Senior Planner Wight, Associate Planner Griffin

**B. OPEN TIME FOR PUBLIC EXPRESSION**

No one spoke during this time.

**C. CONSENT AGENDA**

1. **MINUTES:** October 20, 1997, November 3, 1997
2. **DR-9733 – Frances Parks, 156 Los Angeles Boulevard, A/P 6-013-02,** Design Review and to build a 278 square foot first story addition within 5'6" of the northerly side property line, on property located within the R-1 Zoning District. (Staff person: Griffin)
3. **Environmental Review, LLR-9702 – Nancy Ross, 238 Oak Springs Drive, A/P 5-291-01, 06 and 5-011-60,** Lot Line Relocation and Lot Merger: To legally recognize a 1971 split of A/P 5-291-06 from old A/P 5-011-59, but consider it a lot line relocation with the requirement to merge A/P 5-291-06 with A/P 5-291-01, such that no additional building parcels are created, and that A/P 5-011-60 remains unchanged in size. A/P 5-011-60 is zoned R-1-H; APN's 5-291-01 and 06 are zoned R-1. Zoning designations will remain the same. (Staff person: Wight)

Conditions of approval -156 Los Angeles:

1. That the request for a variance be granted to construct an addition in accordance with the plans date stamped October 2, 1997, 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. 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.

Conditions of approval - 238 Oak Springs:

1. That the request for a lot line adjustment be approved in accordance with the Lot Line Adjustment Plan dated August, 1988, as prepared by Jerrico Associates, and amended by staff on December 1, 1997, to eliminate the property lines between A/P Nos. 5-291-01 and 5-291-06 so that combined they are considered Parcel 2, and that Parcel 1 is identified as A/P 5-011-60;
2. The applicant shall officially merge with the County of Marin Assessor's Office, A/P Nos 5-291-01 and 5-291-06 as one parcel;
3. Applicant shall provide to the Town a copy of the recorded grant deed showing the A/P Nos. 5-291-01 and 5-291-06 as one parcel.
4. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
5. The approval shall not be effective until and unless all conditions are met upon recordation of the applicable conditions.

M/s Harle/Israel , and unanimously passed, (4-0), to approve the Consent Agenda.

**D. CONTINUED ITEMS**

1. **U-9304/V-9744 – Wyn Hoag, 22 Magnolia Avenue, A/P 7-212-34,** amendments to the 1993 approved use permit and parking variance: 1) to change the use from one 1,694 square foot residence and one 586 square foot professional office to the use of 2,280 square feet of professional offices; and 2) to retain the existing 4 tandem parking spaces in the front yard, but change the parking variance request: the previous use had required 7 on-site parking spaces, and the current use requires 8 on-site parking spaces on property located within the Professional (P) Zone. (Staff person: Wight) **CONTINUED TO 12/15/97**
2. **V9742 - Jocelyn Olivier, 34 Elm Avenue, A/P 7-053-02,** a Variance request to build an accessory structure (studio) within 1'6" of the rear property line (20' required) and within 3'8" of the southerly side property line (8' required), on property located within the R-1 Zoning District. (Staff person: Griffin) **CONTINUED TO 1/20/98.**

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3. DR-9713 – Mr. and Mrs. Edward Heavey, 405 Sequoia Drive, A/P 6-117-08, Design Review of a new single family dwelling; setback variances: a) rear yard and north side yard variances to construct a parking deck for a third parking space within 6' of the rear property line and within 0' of the north side property line; b) rear yard, north side yard, and south side yard variances to construct a dwelling within 15' of the rear property line, within 6' of the north side property line, and within 11' of the south side property line (20' rear required; 12' street side required) on property located within the R-1 Zoning District (above 150' mean sea level) (Staff person: Wight) CONTINUED TO 12/15/97.

E. PUBLIC HEARINGS

1. Environmental Review/LLR-9701 – Ted Strodder, APN's 7-241-49, 7-241-51, and 7-241-501) Negative Declaration ND-9710; and 2) Lot-Line Adjustment LLA-9702 augmenting the lot sizes as follows:

	LOT 1 (Strodder) A/P 7-241-49	LOT 2 (Strodder) A/P 7-241-51	LOT 3 (Bott- Nelson) A/P 7-241-50
Lot Size	222,604 s.f.	46,119 s.f.	50,765 s.f.
EXISTING	5.1 ac.	1.06 ac.	1.16 ac.
Lot Size	114,781 s.f.	161,099 s.f.	43,607
PROPOSED	2.6 ac.	3.7 ac.	1.001 ac.

On property located in the R-1-H Zoning District. (Staff person: Griffin)

Mr. Griffin presented the staff report.

In response to Commissioner Israel, Mr. Griffin stated that one property would take the entire sewer easement.

Chair Wittenkeller asked if the Sanitary District was in support of the proposed sewer location. In response, Mr. Griffin stated that the Sanitary District would like to see certain changes, but would be satisfied as long as the conditions of approval are in place. Also, the Sanitary District insists that it become a public sewer.

The hearing was open to public testimony.

Scott Hochstrasser, Planner representing the applicant, commented about reducing one of the lots by 30% and another by 10%. He noted that the Bott/Nelson lot is already 50% smaller than the average lot in the area. He suggested amending Condition 6 to include "The Town of San Anselmo" and Condition 8 "The Town of San Anselmo Public Works Director".

In response to Commissioner Zwick, Mr. Hochstrasser stated that the plan is to build two houses.

Commissioner Israel wondered if other sewer routes were suggested and rejected. Mr. Hochstrasser explained that part of reason for the location of the sewer is because of the access off Oak Avenue. Mr. Bott added that there has to be a steel structural bridge to go across the swales and therefore this proposal is the best.

In response to Chair Wittenkeller, Mr. Hochstrasser stated that the land division is mainly for access to even out the lot size and to have the sewer only on one property.

The hearing was closed to public testimony.

Commissioner Israel stated that he had a hard time identifying the trees on the map because the map was so small. He noted that providing access to the land locked parcel is important. If the sewer was going down one of the swales, fewer trees might have to be removed and it might have serious implementations in the future when the houses are built.

In response to Commissioner Zwick, Ms. Chaney explained that the General Plan allows one house per lot and there is really only one logical place on the lot to build and the size of the house cannot be increased because of the lot line adjustment.

Commissioner Zwick stated that he was in support of the proposal.

Commissioner Harle stated that he was in support of the proposal with the additional comments of the Commission.

Commissioners' Dowd and Cronk had nothing further to add.

Chair Wittenkeller commented that placing the sewer line on the ridge provides a longer life but requires more scrutiny for excavation.

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M/s Zwick/Israel, and unanimously passed (5-0), to approve the project based on the findings and conditions set forth in the staff report, and with the added condition that the detail area be blown up to double the size and include amendment to exhibit A. Second: Israel.

Conditions of Approval: 1. That the request for a lot line adjustment be approved in accordance with the Lot Line Adjustment Plan date stamped September 10, 1996, received by the Town of San Anselmo Planning Department with the following exceptions: a) A revision clearly identifying the Tree Protection Area/No Development Zone" as shown of Exhibit A. 2. Applicant shall have conditions number 3 and 4, and "Exhibit A" recorded with the Marin County Recorder; 3. The space identified in "Exhibit A" shall be deemed a Tree Protection/No Development Zone in order to protect required screening of an approved project at 80 South Oak Avenue. The zone is portion of the acquisition from AP 7-241-50 (a.k.a. 7-241-70) to AP 7-241-51; 4. A Public Sewer Extension shall be designed, processed and built prior to development of lots 49 and 51 (Strodder) to the satisfaction of the Ross Valley Sanitation District and the Public Works Director; 5. Pursuant to the Bald Hill Plan, the applicant may be required to submit plans for utility installation (e.g. sewer, water, drainage, fire) which incorporates the services of a licensed arborist to prune and treat trees having roots that are disturbed during construction, excavation or trenching operations. In particular any cross-country utility extensions trenching in unimproved areas shall minimize impacts of existing trees. Tree root protection measures may include meandering the line, check dams, rip-rap, hand trenching, soil evaluation, and diversion dams. Any trimming of trees disturbed shall be supervised by a licensed arborist. 6. Applicant shall provide a copy of the recorded grant deed of the applicable land acquisition(s) within ten (10) days of recordation. 7. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.

Chair Wittenkeller advised all parties of interest of the ten-day appeal period.

2. **PDP-9402/DR-9407 Amendment – Karen Behnke, 65 Summit Road, A/P 7-031-28, amendments to the 1994 approved Precise Development Plan and Design Review for a new single family dwelling, on property located within the R-1H Zoning District (above 150' elevation) (Staff person: Wight )**

Ms. Wight presented the staff report, noting that the photomontage was taken from Center Boulevard as well as Redwood Road. Also, the applicant has provided information from the County Assessors Office that indicates the house at 57 Summit is 5,316 square feet, not 3,822 square feet.

Karen Behnke, applicant presented the house sizes of the neighboring homes from information obtained from the County records, noting that her proposal is less than other homes currently in the neighborhood. She explained that they eliminated the tall reflective roofs, and the windows went from 12' to 6'. The total square is 4,490, including the garage. The house increases in size because of the lower story. The south wall is 32' high. They have offered to plant additional trees by the lower south wall.. The new plans have minimal decks, much less than before. The engineer and architect, as well as the Town's engineer, feel this is the best location because of soil stability. The photomontage was prepared without landscaping to depict the worst case scenario.

Mark Becker, architect representing the applicant, pointed out the revisions as follows:

- Created more depth and shadow and has further down played the size of the lower wall by using forest green, enlarged the band detail and projected it out 12" for shadow detail, added a trellis, and carried the colonnade over.
- Reduced the depth of the kitchen.
- Removed 2' from the master bedroom to create a staggering effect.
- Inset the windows for more dimensions.
- The site is steep and they must go linear and are bound to have massing.
- The previously approved building had a large mass and they have tried to create a lot of stepping for each element.
- The house will have minimal impact based on the photomontage.
- Would be willing to paint the entire building dark green if necessary, but do not feel it is necessary.
- The house is placed in the current location to save a grove of trees.

Linda Hannor, 48 Camino de Herrera, stated that she has a picture window that would directly face the site, but it appears that the house would be hidden in the trees.

Cathy Sanders, 310 Redwood Road, stated the house is located a few feet away from the ridge zone and the Town is trying to preserve the ridge. The current plan does not comply with Policies of the General Plan. This proposal has 46' on the southeast corner and many oaks will be removed. She would like the house pivoted and the au pair unit discussed.

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Jonathan Braun, 479 Scenic, endorse the staff report. There has not been substantive work to make the findings for approval. The visual mass is a big issue and the foot print and position on the lot is different than what was previously approved. This house poses a much larger presence. There is no reference to a hammerhead, grading details, or information regarding the protection of the trees. There are two accesses to the parcel but no indication on the plans. The General Plan talks about softening materials, and asphalt does not comply. Tree number 25 would provide substantial screening. The landscaping review from the Forester is subjective and there has been no peer review. Drainage is also an issue. The proposal is to provide a v-ditch down to Scenic Road. This will more than double the impervious service into an area that already floods. The new proposal is really not an amendment, it is a new proposal.

Alice Bachholder, 49 Summit Road, is concerned about the amount of construction vehicles.

Leonard Charles, 7 Roble Court, stated that the house at 57 Summit is already taking away from the hillside. He would like this house to fit the contours of the site and blend into the hillside. There should be a peer review of the arborist report. It is not the building size, just the visual aspect of the building on the hillside that is an issue.

Patrick Ritter, 183 Oak Avenue, was on the Bald Hill Plan Committee, and this house does not fit the Bald Hill Policies, or the General Plan. He would like the southeast corner to be more sensitive. The house is very nice but not in this location. He said that this is a very sensitive area.

Linda Hoch, 250 Sequoia, wants the Commission to preserve the General Plan and preserve the beauty of San Anselmo.

Jeff Hutchens, 46 Yolanda Drive, looks at this hill and does not feel this house will be offensive and that it will blend in. There are many, many trees on this site and only a few will come down.

Mr. Becker explained that drainage and impervious surface issues have already been decided during approval of the last proposal. They will remove the sink and shower from the lower level and will abide by any drainage plan imposed by the Town Engineer. Moving the house would be in the drip line and might hurt trees. They will work with the owners of 80 Summit on the drainage.

Ms. Behnke explained that the hammerhead is part of the approved plan and that is why it was not shown on this plan but is part of the Town records.

The hearing was closed to public testimony.

Commissioner Zwick stated that he was not here for the previous approval. This design is nice but it emerges from the hillside, rather than into the hillside. The FAR allows for a house of this size and a house can wrap around the hill with the contours. A house that steps back and wraps around the contours could work on this site. A series of pavilions would tend to break up the mass as was previously proposed.

Commissioner Harle said the house design and its blending into the surroundings are the big issues. The intent of the General Plan is to make houses invisible, but he does not agree with that. This house is a very formal design with a lot of straight lines that just ask to be seen. He likes the design but he does not see how it can become invisible, unless there is planting right in front of it. The house will be very visible from the southeast.

Commissioner Dowd stated that he was in support of the design at the last meeting and is not sure there is more that can be done to hide the house. He does not think the house will look like 57 Summit. They have made many changes as asked by the Commission from the last meeting.

Commissioner Cronk would like to see more relief in stepping back but it is not fair to ask this of the applicant at this stage because she has not been present at all the hearings. The top of the house bothers her more than the bottom. The photomontage indicates the house will stick out visibly. However, the colors that have been chosen will help mitigate the bulk. She would like to see the house blend in with other houses on this hill.

Commissioner Israel stated that he spent a lot of time on the site and in various areas around town to get an accurate sense of what the house will look like. His concern is how the house sets on the contours and the corner of the house that sticks out. The formality of the house contributes to the mass although the house is of a very high quality. He looked at the trees closely and is very uncomfortable about the arborist report, particularly tree #5. Many of the trees have a lot of fresh growth on them. The mass of the roof is also troubling and is confused in the conflict of the roof height. He would like to see a section. He noted that his calculation show 41' from grade, not 46'. He would like to see the entry corner of the house bend at the back wall and then it would parallel the contours like the previous house did.

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Chair Wittenkeller is concerned about saving oak trees, especially #5, and would like to see what it would take to save it. It is possible that a portion of the south corner could be slid closer to the road. He appreciates the shadow lines and the stepping back, noting that the dark color will minimize the corner that is projecting over the roadway. He is more concerned about saving the tree than the projecting over the roadway.

Ms. Chaney stated that the Town arborist could do a peer review on the trees. Ms. Wight stated that a condition could be placed on the project similar to 64 Fernwood that states the neighbors could have their engineer review the drainage plans and discuss the drainage with the Public Works Director.

Ms. Behnke stated that if the house is moved they may save some trees, but it may affect the removal of other trees. They picked the site with the least amount of trees that can be removed.

Mr. Becker added that he has no problem pivoting the house, but he wonders what impact that might be on other neighbors and is not sure that pivoting the house would still save tree #5.

The Commission summarized their comments as follows:

Commissioner Zwick said that the house is a rectangle and a very formal design, which makes the house emerge from the hillside. The gestures towards braking it up the mass are only small gestures. He wants gestures toward building the house with the contours and would like it closer to the roadway.

Commissioner Harle likes the design but feels it is not compatible with the intent of the General Plan. He thinks it might be a mistake to have a villa on the hillside when the General Plan wants homes hidden into the hillside.

Commissioner Cronk said the house is very visible and stands out on the hillside and wants it to follow more of the contour of the hill and have the roof and top stepped back.

Commissioner Israel stated that the architect has made all the changes that he has suggested however, he would like to see a notch in the middle, something that changes the horizontal mass and needs some reduction in mass.

Chair Wittenkeller would like to save the major tree group and include some other native trees.

M/s Israel/Zwick, and unanimously passed, to continue the application to the meeting of 12/15/97.

3. **V-9732 - Hank Hallowell and Jane Cunningham, 15 Medway Road, A/P 5-154-15, 1)** a variance to build a 230 square foot addition, which includes an activity room and hallway; the hallway is within 14'9" of the rear property line (20' required); and 2) enclose an existing carport for a garage within 2'6" of the westerly side property line (8' required), on property located within the R-1 Zoning District. (Staff person: Griffin)

Commissioner Cronk excused herself from the meeting.

Ms. Chaney presented the staff report.

Jim McDonald, architect representing the applicant, stated that this is the third revision. There is a very small area that is being requested for the variance to allow the family to have an additional room for the family.

Hank Hallowell, applicant, stated this was a very small summer home and they want to have a little more room.

Commissioner Harle stated the activity room extension is for the small hallway to give access to the room. Since it is a tiny stub of a hall, he will use the diminutive argument. It is not an unreasonable accommodation.

Commissioner Dowd concurred with Commissioner Harle and asked if they considered the idea of removing the storage area. Mr. McDonald responded that they really need the storage area.

Commissioner Israel said he did not see the findings any different for the hallway than enclosing the garage. He would be very upset if the garage becomes an additional room to use and not for the placement for the car. He wanted the approval conditioned that this garage be used as a garage and that it have a garage door.

Commissioner Zwick is in support of the project.

M/s Harle/ Zwick, and unanimously passed (3-0), to approve the application based on the findings in the staff report regarding the garage. With regard to the hallway, the amount of encroachment

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is minimal and is therefore diminimous, and since that is the only uncovered connection it would be denying the property owner the privilege that others in the neighborhood have, and the hallway does not offer any significant detriment. Also, the siding of the garage will match the other addition and will not exceed the current height.

Chair Wittenkeller advised all parties of interest of the ten-day appeal period.

**F. GENERAL DISCUSSION**

Move 1/19/98 Planning Commission meeting to 1/20/98  
Move 1/16/98 Planning Commission meeting to 2/17/98

**G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

**H. ADJOURNMENT TO DECEMBER 17, 1997**

The regular meeting of the San Anselmo Planning commission was adjourned at 10:45 p.m.