

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF JUNE 15, 1998**

**CALL TO ORDER**

**Commissioners Present:** Chair Zwick, Commissioners Wittenkeller, Israel, Cronk and House  
**Commissioners absent:** Commissioners Harle and Dowd

**OPEN TIME FOR PUBLIC EXPRESSION**

No one spoke during this time.

**WITHDRAWN**

1. **V-9824/DR-9819 – James Bill, 15 Ross Avenue, A/P 7-284-12,** 1) Variance request to reduce the size and number of required parking spaces because of a proposed new use (office). The required number and size of spaces is 9 @ 9' x 19'. Proposed are 5 @ 16'-7" and 1 full handicap space; and 2) Design Review for minor modifications including new fenestration, sign, and landscaping, on property located within the C-3 Zoning District. (Staff person: Griffin)

**PUBLIC HEARING**

1. **LLA-9801/ER-9806/PDP-9801/DR-9812/V-9825 - David Boesel, near 259 Redwood Road, A/P 7-097-02 and 05 and 7-141-04,** 1) Environmental Review, Precise Development Plan, Lot Line Adjustment, Design Review to construct two houses and extend a private driveway on 2.6 acres of land; Variance to construct retaining walls approximately 4' in height within 0' of a property line; and Variance to allow access drive to cross one lot to serve another, on property located within the R-1-H Zoning District (above 150' mean sea level). Note: Project will involve removal of a number of heritage trees.

**LLA-9801/ER-9806/Z-9801/V-9826 – William Hildebrand, 269 Redwood Road, A/P 7-097-04** 1) Lot Line Adjustment request to expand existing lot, 2) Rezone expanded portion of new parcel from R-1-H to R-1; and 3) Variance to allow construction of retaining wall, approximately 7' in height, within 0' of a property line, on property located within the R-1 and R-1H Zoning District (above 150' mean sea level) (Staff person: Chaney)

Ms. Chaney presented the staff report. In response to Commissioner Israel, Ms. Chaney stated that she spoke with the Fire Marshall regarding the turnaround and he is comfortable with it.

Commissioner Israel questioned the potential for development for the Hildebrand house with the additional land.

Commissioner Wittenkeller stated that the house is in a high fire risk area and wondered about the need for the latticework on the underside of the house. Ms. Chaney stated that she has not discussed it with the Fire Marshall. In addition, once the landscape plans are received, the Fire Department will review them.

David Boesel, applicant, stated that the Hildebrands did not know there was a road easement when they purchased their home. Shifting the easement will place it farther away from the Hildebrands. In addition, the Bells insist that the easement be at least 20' away from them.

Wallace Anderson, neighbor, is concerned that the houses are sitting on the ridgeline and would like to have the visual impact minimized.

Jonathan Braun, 479 Scenic, made the following comments:

- He would hope that this matter be continued because the application is incomplete.
- The staff report stated that it is the applicant's desire not to discuss design review so it should not be a part of this application.
- Trees have already been removed from the site and wondered if permission has been granted.
- to remove trees.
- He would like to see a slight realignment to the east of the driveway, which would save the 30" bay.
- It appears that there are other trees within the building envelope of lot A that would be compromised.

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- The oak tree that would be around the deck is deciduous and would not screen the building for part of the year.
- He questioned the deed restriction for the Hildebrands and would rather see a conservation easement, which would be more binding. A draft should be provided for the public to review.
- A final engineered drainage plan should be submitted.
- The retaining wall along the road is important for the public to see prior to approval of the project.
- Wanted to see a scotch broom eradication and monitoring plan.
- If the choice is not to discuss design review during this application, perhaps the O'Hare design review approval should remain in place because they are more restrictive.

Kathy Sanders, 310 Redwood Road, made the following comments:

- She is curious why the neighbors were not noticed about the retaining wall, which will be 150' long and at least 6' tall. She would like to see the wall moved back so some of the Madrone trees could be saved.
- The trees in the project are significant oaks and she would like to see a way to work around the trees that provide screening. The oak tree on the top of the ridge should be saved.
- The size and massing of the house needs work.
- Parcel A is 20' above the ridgeline.
- Parcel B will be built close to many trees and the Fire Department will require them to be pruned.
- The trail should be determined and defined now.
- The O'Hare standards should be kept for design review.

David Latin, 249 Redwood Road, wanted to make sure the Hildebrands are unable to build another house if they get the additional land.

Michael Kline, 300 Redwood Road, is concerned about the aesthetics of the retaining wall, drainage runoff and water flow patterns.

Bill Hildebrand, 269 Redwood Road, stated that foliage would remain between him and the Bell property. Getting some of the Boesel property could give them some opportunities but he is concerned about the deed restriction and what the benefits would be to him. He does not have any intention of adding another house or adding to his house to the maximum of 5,000 square feet. Imposing restrictions on the envelope would prevent him from bringing value to his property.

In response to Commissioner Israel, Mr. Hildebrand stated that if there is no ability to add value if restrictions are placed on his lot.

Commissioner Wittenkeller said that perhaps Mr. Hildebrand would be able to put together a conceptual plan for what he wants for the property.

Commissioner Israel would like to see how much of the building envelope Mr. Hildebrand would like to use. Mr. Hildebrand said he would do that.

Gay Kagy, provided a background on the previous several proposals for the sites and also commented as follows:

- The current approval is for two houses and now there is a proposal to exchange the acreage. She does not want to see increased density.
- She was concerned about the type of retaining walls and drainage for the site and would like to see the drainage reviewed by the public after it has been reviewed by the Public Works Director.

Jena Chase, 232 Redwood Road, is concerned about drainage and the impact this house will have on her home.

Jeff Sanders, 310 Redwood Road, is concerned about the retaining walls.

Ms. Chaney stated that the Bald Hill Plan is predicated on the safety of widening the road. If new development is to occur, the road must be widened.

Commissioner Israel said there must be a mechanism to combine the retaining walls and widening the bend in the roadway.

Mr. Boesel presented some sketches on retaining walls but stated he is open for any wall the Commission would like. He felt there should be consistency on the type of retaining walls along Redwood Road.

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Bill Geisler, 242 Redwood Road, is concerned about fire safety and understands that it is important to widen the road although he wondered if there could be some creative thinking, such as turnouts, rather than massive retaining walls.

Commissioner House is concerned about the Hildebrands proposal for the building envelope. She is also concerned about the eradication of scotch broom and would like to see what the Fire Marshall wants with the house so close to the vegetation and wants more information on where the trail will be.

Commissioner Cronk stated that the land swap is integral to the project. She felt that there is added value for the Hildebrands by just obtaining the land for open space in its natural state and having other houses farther away. She would like to see a set standard for retaining walls constructed along Redwood Road. She agrees with staff but understands the public wanting to see the drainage plan.

Commissioner Israel made the following comments:

- He generally supported the proposal and the idea to split the design review process from this process.
- He wanted to know the Hildebrand house size, noting that doubling the size of their lot had a huge amount of added value.
- He would support additional development as long as the character of the area is kept in a similar condition.
- It was critical that the downslope trees be excluded from the building envelopes and would support pulling the envelope in.
- The trees would be enhanced if the envelope was pulled down slightly (by the turnaround).
- Wants to add to Conditions on page 3 of the staff report: " evaluate the overall drainage flow and add French drains to minimize and slow the flow of drainage". He is afraid the greater drainage would be directed to the Frank Lloyd House if it isn't minimized.
- If there is a trail he would like to see limited language that talks about gates etc.
- The ivy-covered retaining walls are beautiful but he is worried about long term durability of a redwood wall.
- Wants staff to respond to the Conservation easement vs. the deed restriction.
- Wants to have response on the curve and widening of the road.
- Supports scotch broom removal.
- Want 24" box trees, not 5 gal trees.
- Wants automatic drip system and irrigation system for the new trees and vegetation for retaining walls.
- Wants a small separation between the building envelopes for Lot A and B.

Commissioner Wittenkeller made the following comments:

- The landscaping plan should be provided for the next hearing.
- The plan indicates the proposal is for 6 acacia trees, not oak trees,
- The concept of 15-gallon oak trees is good because 24" box trees would be too big to be planted.
- He is concerned about off site drainage. Down hill of the extended driveway, offsite drainage is inadequate and wants that addressed.
- The straight eye beam timber wall is truly ugly and takes forever to cover. The staggered beams look like it has possibilities, otherwise he would suggest the stepped block wall, with plantings.
- He would like to know if the Hildebrands expect to construct anything outside the building envelope.
- He is concerned about the fire safety and wants this project reviewed closely by the Fire Marshall.

Chair Zwick said that although the houses are not part of the proposal, he wanted to state for the record that he was opposed to the size and height. He agreed with staff's letter to Mr. Boesel dated May 15<sup>th</sup>, and would like all the issues addressed prior to the next meeting.

M/s Israel/Wittenkeller, and unanimously passed (5-0), to continue the application to 7/20/98.

2. **V-9821 - Daniel Hillman, 853 San Anselmo Avenue, A/P 7-162-06**, Variance request to re-build and enlarge an existing garage within 2' of the easterly side property line (8' minimum required) and within 3' of the rear property line (20' minimum required). Applicant plans to expand the width of the building from 14' to 18', on property located within the R-3 Zoning District. (Staff person: Wight)

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M/s Israel/Cronk, and unanimously passed (5-0), to continue the application to the meeting of 7/6/98 because the applicant was not present.

**3. V-9818/DR-9815 - Ron and Terri Collindres, 14 Ramona Way, A/P 5-151-08,** A parking variance to convert a one-car tandem garage and a one car tandem carport to living area; a parking variance for two car tandem parking to be within 4' of the west side property line (8' setback and two clear parking spaces required); design review to enclose the east side of the dwelling within 7' of the east side property line (8' required); and a front yard variance to construct a covered porch within 14' of the front property line on property located within the R-1 Zoning District. (Staff person: Wight)

Ms. Wight presented the staff report. She noted that a neighbor has concerns that this might be a second unit at some time in the future and requests a deed restriction.

Ron Colindres, applicant, presented photographs that indicate the impact the parking would have on the neighborhood. There is also a large majority of the neighborhood that parks in the front setbacks. They have considered the parking but really need the additional living space. They are proposing to move the cars to the side of the house; they currently are both parking in the front setbacks.

Commissioner House is sympathetic to expanding the living area for such a small house but is troubled with the setback issues. The proposal is logical and attractive but she is not sure how to make the findings. She would like to see more done to the façade to give it more articulation.

Commissioner Wittenkeller said that he would hope some compromises could be made to allow the house expansion.

Commissioner Israel said that this proposal has very little impact on anyone. However, the proposed solution is good but in the future he could see the gates opened to use the yard space. He would rather see an intrusion to the side yard or the front yard to extend the garage forward to allow one car in it and one car outside, in tandem. Then there would be a greater likelihood of having the parking spaces used. He could conceive of a variance to exceed the lot coverage because it affects so few people. He could support the addition to the front because it would then be stepped and would soften the building.

Commissioner Cronk was concerned about losing covered parking and yet she understands that it is used as storage. She does not think the gate would be used. Although a 2,000 square foot house is quite large on such a small lot.

Chair Zwick stated that the plan is not an improved solution but felt Commissioner Israel was much better although he still has problems with a 2,000 square foot house on such a small lot. The design is not articulated.

Mr. Colindres stated that he thought that a better solution would be to remove the cars to the rear.

Commissioner Israel stated that he could potentially approve a 5' side yard setback although he does agree that a 2,000 square foot house is large for the site.

M/s Israel/Wittenkeller, and unanimously passed (5-0), to continue the meeting of 7/6/98.

**4. DR-9814 Mark and Tia Watts, 500 Redwood Road, A/P 7-143-01, Design Review** of a 977 square foot first story addition, 822 square foot second story addition, 723 square foot roof decks, and a 160 square foot accessory building (this accessory building has already been constructed) on property located within the R-1 Zoning District (above 150 mean sea level). (Staff person: Wight)

Ms. Wight presented the staff report.

Commissioner Israel stated that the building that was a garage but is no longer a garage, and the plans should be changed on the plans.

Mark Watts, applicant, said the issue about the lot line came from the Norman Charles addition. Mr. Cone was concerned about the survey and then looked into the Town records from an earlier subdivision downhill. From that information, they were given confidence in the fence line of his property. The neighbor is now confident. They are not sad to see the fireplace go.

Commissioner Wittenkeller and Israel could support the staff report. All support the staff report.

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M/s Wittenkeller/House, and unanimously passed (5-0), to approve the application based on the findings and conditions as set forth in the staff report, with the addition of the word "garage" being removed from the plan.

Chair Zwick advised the audience of the ten-day appeal period.

5. **V-9823 – Don and Pam Vita, 62 Madrone Avenue, A/P 6-052-20**, setback variance to construct a two-car garage within 8" of the west side property line (8' minimum required) and within 1' of the rear property line (20' minimum required) on property located within the R-1 Zoning District. Note: Reconstruction of the garage with a possible expansion has already begun. (Staff person: Griffin)

Mr. Griffin presented the staff report.

Commissioner Israel wondered how a permit was granted if the configuration was already outside of the existing footprint. Mr. Griffin stated that the plans represented the footprint of the original building.

Don Vita, applicant, provided a copy of the building permit. Commissioner Israel noted after looking at the plan, that the drawing indicate the proposed plan but shows that the garage as existing, which is not true.

Mr. Vita, applicant, made the following comments:

- He explained that there was a shed and attached garage that was in bad shape. The permit was approved in 1996, and the extension granted in 1998, to repair the garage. They started repair of the garage and realized the extent of the damage and that the garage needed to be demolished. A revised plan, which included a foundation plan, was submitted and approved by the Building Department.
- He provided additional background information on the progress of reconstructing the garage and overview of the footprint of the original garage and the original approval by the Town and what is now being submitted. He said that he varied slightly from the original approval because of the drainage problems that was caused by his neighbor.
- He presented photographs of the site and presented a letter to the Commission from Margaret Parkerson, former librarian, who documented the history of the house.
- The walls proposed are a continuation of the wall onto Nokomis. The removal of the magnolia tree and change in the buildings would damage the now charming entrance to Nokomis.
- He presented a photograph of his neighbor's property, taken from his roof, which indicates Mr. DeMartini's buildings and vegetable garden.
- The alternatives suggested by Mr. DeMartini and Staff are not good solutions because he would lose trees, a pond and his gateway. He presented a matrix that resented the pros and cons of each proposal.
- With regard to Mr. Levy's concerns, he felt that the real issue is access to the garage only. He also made a comparison of 23 properties in the neighborhood, and many have two cars as well as covered parking. Most of the neighbors endorse the variance, with the exception of a few.
- He cannot afford to move the garage back 18" and felt that alternative one is the most logical course.

Commissioner Cronk stated that she is troubled about the gateway and why it is being removed. Mr. Vita stated that he will reconstruct a pillar so it will look like the original entrance to the property.

Robert Epstein, attorney representing the applicant, stated that the only outdoor space is the area in between the garage structure, which will make the yard unusable if the variance is not granted. He cited the case of Frank Miller et al, Plaintiffs and Respondents, v. Board of Supervisors of Santa Barbara County., which it said sets precedent. He would like to see this variance approved and it is sensible to approve the application.

Robert Levy, neighbor, stated that he has submitted a letter to the Commission dated June 10, 1998, noting that there is no legal basis or special circumstances for this variance for parking and lot coverage. He explained that his neighbor, Mr. DeMartini was not responsible for the applicant demolishing and rebuilding his garage. Requiring a three-foot setback is reasonable for maintenance.

Pam Martin, 43 Nakomis, stated she walked the perimeter of the property and it is physically possible to maintain around the structure. It is very difficult to synchronize the old structures and the new structures. Also, parking is also a problem, and this solution is simple.

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John Payne, 29 Nokomis, wanted to support the project and covered parking.

Mary Jo, friend, is in support of the project and noted that street parking is difficult.

Curt Schiet, 32 Nokomis, was in support of the project, and stated that Mr. DeMartini is not impacted at all by the structure. There is a safety issue on the street and more off street parking is needed.

Pam Vita, applicant, stated that they need a garage.

Peter Quoy, neighbor, would have liked Mr. DeMartini and Mr. Vita to come to a compromise. He is present to support Mr. DeMartini in his absence.

Jack Spears, 25 Nokomis, stated that the old structure was a dump and unsafe. He does not like cars parked on the street and the applicant's proposal would bring the cars off the street and would provide more yard space.

Rob Evans, neighbor, supported the proposal. The garage is well positioned and is much better than what was there before.

Mr. Vita stated that there is also a petition from other neighbors that are in support of the project. He said that he was aware when he continued construction after talking with staff that he was under risk. This garage is smaller than what was there before.

Commissioner Wittenkeller stated that what was done was to replace a structure in kind. The footprint may not precisely match and may vary slightly, but the new structure is smaller. The ridgeline is the same and the positioning of the building is almost identical. He is concerned about Mr. DeMartini putting up a fight when he has no setbacks for all his structures. He would be able to approve a variance if necessary because of the magnolia tree. The neighboring property also has a zero setback, which is abutting the applicant's property.

Commissioner Israel stated if the garage burned down, it probably could have been rebuilt. Because it was in such poor shape, it almost fell down. When he sees the opportunity to get cars off the street, he is compelled to do that. The neighbor seems to be more concerned about the property being maintained on the applicant's property. It looks like there is enough room to circulate the garage; if not, they should discuss the possibility of the access easement or the sale of some of the property. This is the appropriate location for the structure and a replacement in kind. The mass, density, or impact is not be increased.

Commissioner Cronk supports the comments of Commissioners' Israel and Wittenkeller that it is a replacement in kind and she is a proponent for covered parking.

Commissioner House concurred with her colleagues.

Chair Zwick stated that the application appears to be a repair and replacement and is very upset about the fact that the owner did more work than the permit allowed.

M/s Wittenkeller/ House, and passed (4-1 Zwick to vote no), to approve the application based on the unique circumstances which including the location of the magnolia tree and the zero setback line on the adjacent properties and the unique decorative walls that exist. Conditions of approval: 1. That the request for a Variance be granted to construct the addition in accordance with the plans date stamped May 28 and June 5, 1998, 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 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.

**CONTINUED ITEMS**

**ER-9701 - Curtis Eisenberger, A/P Nos. 5-031-35, 5-081-07, and 5-081-19. Review of Negative Declaration regarding Environmental Impact. Environmental review of a proposal to subdivide a 21.66-acre parcel of land into four home sites on 5.95 acres and dedication of 15.71 acres for public open space. The project site is located at the end of the Traxler and**

**Valley Roads and covers the steeply sloping hillsides on either side of the drainage course, on property located within the R-1-H Zoning District. (Staff person: Wight)  
CONTINUED TO JULY 20, 1998**

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**2. PDP-9505/Parcel Split-9503/V-9549/DR-9525 - Carlos Castro, 444 Redwood Road, A/P 7-191-10, 1) Land Division, Precise Development Plan, Density Determination, and Design Review to split an existing property currently developed with a single family residence in order to construct a new house; 2) a Variance to construct a retaining wall a total of 60' long along the uphill side of Redwood Road (within 0' of the property line) in order to widen Redwood Road to 15' of paving for fire safety reasons; and 4) remove one heritage tree (30" bay) on property located within the R-1-H Zoning District (above 150' mean sea level) (Staff person: Chaney)  
**CONTINUED TO 7/6/98****

**ADJOURNMENT**

The meeting was adjourned at 11:45 p.m. to the next meeting on July 6, 1998