

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JANUARY 5, 1998**

The meeting was called to order by Chairman Wittenkeller at 7:30 p.m. in the Council Chamber.

A. CALL TO ORDER

Commissioners Present: Commissioners Zwick, Harle, Dowd, and Wittenkeller
Commissioners Absent: Commissioners Israel and Cronk
Staff present: Planning Director Chaney and Associate Planner Griffin

B. OPEN TIME FOR PUBLIC EXPRESSION

No one spoke.

C. CONSENT AGENDA

1. MINUTES: November 17, 1997, December 1, 1997 and December 15, 1997
2. DR-9736 Robert Gerstenkorn, 241 Oak Springs Drive, A/P 5-293-16, Design Review to add 126 square feet to the existing first story kitchen. Project also includes replacement and repair of existing decks. All work meets required setbacks, on property located within the R-1 Zoning District. (Above the 150 mean sea level) (Staff person: Griffin)

M/S Zwick, Harle, and unanimously passed, to approved 1 and 2. Approved unanimously.

241 Oak Springs: Conditions of approval

1. That the request for Design Review be granted to build an addition in accordance with the plans date stamped November 14, 1997, received by the Town of San Anselmo Planning Department.
2. Color and materials shall be as follows: a) Vertical plywood siding (T-111); b) Olympic "Beechwood" paint; c) White aluminum windows; and d) Tar and gravel roof.
3. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
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 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. 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 1/20/98**
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**
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 1/20/98**
4. ER-9701 - Curtis Eisenberger, A/P Nos. 5-031-35, 5-081-07, and 5-081-19. Notice 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 1/20/98**
5. U-629 Lenny Lerner, Attention to Detail, 1535 Sir Francis Drake Boulevard, A/P 5-153-01, Amendment to the Use Permit granted in 1989 to increase the maximum permitted on-site vehicles from the current 12 maximum during the day and 4 maximum

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over night to a maximum of 23 at all times, on property located within the SPD (Special Planned Development) Zoning District. (Staff person: Wight) **CONTINUED TO 1/20/98**

E. PUBLIC HEARINGS

1. **V-9748 - Peter Thompson, 26 Vineyard Avenue, A/P 7-265-13, A Variance** request to build a 100' long (approximately) retaining wall with a maximum height to 9'6", within 0' of the front property line (20' required). The wall to be built is along, or very close to, the front property line along Vineyard Avenue, on property located within the R-1 Zoning District. (Staff person: Griffin)

Staff Planner Griffin presented the staff report. He indicated that new plans and materials show the retaining wall is a maximum wall height of 9'. The Public Works Director has determined that the wall is acceptable in that it does not block traffic and is in conformance with the Fire Department. The Town's structural engineer believes the step design as previously recommended by staff is not necessarily the best approach.

Keith Angerman, Town contract plan checker, explained his concern with the stepped wall because it requires a lot of excavation because there must be a 7' distance between the wall. The geotechnical report gives parameters for a higher wall with greater distance between the upper and lower. Thus the geotechnical engineer will need to come up with revised design standards and redesign the wall to meet the Town requirements.

A geotechnical report was filed by the applicant's engineer. His report states that the wall can support the flat load behind it. Ultimately it was determined by the engineers that the wall can be built so that it is structurally sound.

Peter Thompson, applicant, explained that this project began by his removal of some eucalyptus trees when the wall started sloughing. Thus he decided to build a small retaining wall. When the rains came, the applicant decided to proceed with pouring the footing without benefit of permits. His thoughts on the stepped wall are that he would prefer not doing the stepped wall because of additional loads on the footing. He also said he would be glad to put a rock veneer on it for aesthetics purposes.

Janet Frisbee, 36 Vineyard, asked about the right of way and the proposed wall. She was concerned that the wall encroaches into the right-of-way.

Zwick stated that he was interested seeing the project done. He was amiable to a small stepped wall, a landscape plan, and rock veneer.

Dowd had nothing to add.

Harle stated that he felt it was now becoming a safety issue and hoped the Commission could place conditions on it to improve the project, and develop a wall that satisfies the engineers.

Wittenkeller demonstrated to the Commission what a 9' high wall would look like. He supported a stepped wall because of the mass.

M/s Zwick/Harle, and unanimously passed, to approve V-9748 - Peter Thompson, 26 Vineyard Avenue, A/P 7-265-13, A Variance request to build a 100' long (approximately) retaining wall with a maximum height to 9'6", within 0' of the front property line (20' required). The wall to be built is along, or very close to, the front property line along Vineyard Avenue, on property located within the R-1 Zoning District and adopt the staff report and approve with a step design as shown on plans drawn by Mr. Griffin. That a landscape plan be submitted and approved by staff.

An amendment was offered by Zwick, seconded by Harle, stating that the wall shall not encroach into the right-of-way. All eyes.

Conditions of approval:

1. That the request for a variance be granted to construct a retaining wall in accordance with the plans date stamped December 10, 1997, received by the Town of San Anselmo Planning Department with the following revisions:
 - a) Re-align the wall to be wholly within the subject property or on the property line.
2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections. This includes submittal of engineers calculations to the satisfaction of the Town Engineer.
3. New road portion should be a minimum of 3" a.c. pavement over 6" aggregate roadbase material, or to the satisfaction of the Town Engineer.
4. Existing roadway shall be graded, patched with aggregate roadbase and paved with a minimum 3' overlay, a.c. pavement along entire frontage.
5. The overhang on the carport roof shall be removed.

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6. The leading edge of the existing carport (CMU wall) on the street shall be covered with a reflective material, such as the paint used on streets, for oncoming traffic (auto and bicycle). This material shall be long lasting and shall cover the entire height of the block wall. Over time, the material shall be replaced when no longer effective.

7. Cascading vines shall be planted at the top of the new retaining wall on 36' centers. Vines should be Mauve Clusters (Scaevola) or similar. An automatic irrigation device shall be installed to irrigate the vines.

8. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.

9. 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.

2. **DR-9735 Louise Berlyn, 9 Sheila Court, A/P 5-021-13, Design Review** to build the following: 1) a 108 square foot addition to the existing garage to accommodate 2 spaces; and 2) a 336 square foot two-story addition (addition to family room and master bedroom) to the southerly corner of the house. Addition extends existing 5' setback, on property located within the R-1 Zoning District. (Staff person: Griffin)

Staff Planner Griffin presented the staff report. From an historic standpoint, it appears an illegal second unit was located in the house and the existing garage was shortened to 13' in depth to accommodate that illegal unit. There is no second unit there now, however, the changes to the walls are still there. The most affected neighbor is located at 48 Angela. Staff believes that the proposed project will be seen by the owner at 48 Angela but that the addition at the front and rear will not adversely impact the neighbor from a light, air and privacy standpoint because of its location, height and size. To address the one widow on the south elevation from having a detrimental affect on the neighbor, staff recommends that the 4' fence be increased in height to a 6' fence. Such fence should be replaced and constructed by the applicant.

Mike Berlyn, 9 Sheila Court, said he agreed with staff's recommendation and conditions.

Rudy Fernandez, 48 Angela, stated that view was implied as their major issue. In fact their major issue is the loss of light, air and privacy. He stated that they had a survey prepared which is not yet finished. Thus he requests a continuance of this item until that survey is completed. He was also concerned about the loss of light from the higher wall in that this is on the north side of their house. He also indicated that the 6' fence would be on top of a 3'7" high retaining wall. He was very concerned about the closeness of his home with the additions both from a interior and exterior (patio) standpoint. He also felt that wind damage could occur because of the wind velocity.

Zwick stated that Mr. Fernandez's concerns were very clear but he was unclear as to what Mr. Fernandez was asking; no project? modifications?

Mr. Fernandez said a meeting was held last Saturday with some neighbors and two council members.

Zwick again asked what Mr. Fernandez was requesting. Mr. Fernandez said he wanted a continuance in order to prepare a survey to establish the property lines.

Wittenkeller asked staff whether a survey had been submitted. Griffin stated that surveys are only requested with new homes. Absent a survey, the applicant used the best available information including parcel map information.

Steve Stevens, 28 Angela Avenue, stated he was in the Fernandez home and saw that an addition, as proposed, would block their enjoyment of light because of the direction of the sun. The house is very small and felt the neighbor's addition would make a significant impact on the Fernandez house.

Norma Juliano, 49 Angela Avenue, verified the terrific wind problem that requires the fence to be replaced from time to time. She also felt that the addition would make a worse wind tunnel for the Fernandez family because it will make a longer wall and intensify the wind situation.

Bettie Matson, 45 Angela, stated she was concerned about this relatively.

Mike and Louise Berlyn, 9 Sheila Court, responded to the comments. They have two small boys and a very small house. They believe their requests are modest. They realize their garage is not long enough but there is room for a one car garage. Because of the orientation of the houses, they do not believe their additions will have an adverse affect on the sunlight. With regard to the fence they believe that it is the type of fence that is subject

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to wind. They indicated that they did contact Mr. Fernandez who originally supported the project. They do not believe that the window on the Fernandez side is a "view" window. The problem with moving the wall in the garage would be that it would reduce the size of the boys' playroom.

Mr. Fernandez said that his neighbors asked his opinion about adding a utility room at the back which he had no problem with but did have a problem with the front addition and the later larger addition.

Norma Juliano stated that she resents being considered part of the old guard and is unwilling to change.

Dowd visited the house and has a grave concern with the second story addition of the 9 Shelia Court house. He has no problem with the first story addition to the rear and to the garage of the house. He would support a continuance for purposes of obtaining a survey. He encouraged the rest of the Commission to see the house from the Fernandez property because this house is "in a hole".

Harle agreed with Dowd and felt that a 6' fence would block the Fernandez house in and would jeopardize the house. While it seems like a small addition, it amounts to about a 50% increase in the length of the building wall, and he finds it hard to make the findings since both houses are not on the same level. If they were not the same level, he did not think it would not be that much of a problem.

Zwick is concerned that there is not meaningful dialogue between the neighbors and applicants. He was inclined to let the two weeks pass, get the survey and hope there is some meaningful discussion between the various parties.

Harle stated that this is a case where story poles would be very helpful.

Wittenkeller said he agreed with his fellow commissioners. He encouraged the neighbors to get together in the meantime. The applicants were encouraged to install story poles.

M/s Zwick/Harle, and unamously passed, to continued until February 2, 1998.

3. V-9746/DR-9734 - Ken Chase, 240 Redwood Road, A/P 7-095-01, Design Review to build a new 2,491 square foot, three story home. A Variance to build a 21'6" wide driveway parking deck within 0' of the front property line (20' required) and within 3' of the westerly side property line (8' required). Existing house to be demolished and removed. Proposal includes landscaping and street improvements, on property located within the R-1 Zoning District (above the 150' mean sea level). (Staff person: Griffin)

Staff planner Griffin presented the staff report for this new house. He pointed out that the average slope of the area underneath the house is 25.3%, which is just above the 25% needed to allow 3 stories. The project does not require variances except for the parking deck. The Public Works Director evaluated the sharp curve situation and the fact that the applicant proposes a parking deck that is directly accessible from a narrow portion of Redwood Road. The applicants propose to widen Redwood Road to 15', which is consistent with the Bald Hill Plan. Some retaining walls may be needed to accomplish this. A \$2,900 fee for long term road mitigation is being required. To be fair, if the applicant made the improvement at this location, a lesser amount might be charged. Story poles have been erected recently to assist the Commissioners in making a visual analysis. Several trees will be removed. Several of the Cypress trees will remain along the road. The Commission may wish to consider a darker trim than the light bone color currently proposed. Additional landscaping is proposed by staff. Staff recommends that a "15 MPH Curve Ahead" sign be installed at the cost of the applicant.

Dowd asked about changes to landscaping, color, but they are not called out specifically. Staff acknowledged that these need to be added as conditions of approval.

Wittenkeller noted that a lot of existing improvements are shown on the survey. He wondered if a new fence would be proposed.

Ken Chase and Allen Ohasi, owner and architect of the project (respectively) spoke in support of the project. Ohasi explained that he had recommended the abandonment of the old driveway and the old cottage and using the old driveway as the flat area for the yard of the new house. He noted that the adjoining house encroaches over the property line of 240 Redwood Road but that was a key issue to them. He indicated that the design of the house keeps the house below the allowable envelope and has incorporated a lot of split levels in order to keep the house low. In terms of color, he felt the olive green base color would blend with the surrounding houses and foliage and would be willing to adjust the trim color.

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David Lakes, 249 Redwood, located across the street of this proposed new house. He has two main issues with the project. One is access. There are a number of near misses currently at this curve. This project would place more cars backing out onto this blind curve. The driveway is in bad shape but he would like the applicant to look into revamping the old driveway because he believes it would be a safer solution. The second issue relates to the view from their house and they would like to see this house kept to as low profile as possible. He would prefer seeing a house with cedar shingles than a house that is painted green.

Joy Gate, 222 Floribel, proposes that a fence be placed on the property line to deter the deer from coming into her garden. Currently the old cottage sits on that property line. She also supported staff's recommendation for additional landscaping.

Stephanie Fine, 249 Redwood Road, said her greatest concern is the view from their living room. She asked how access would relate to the remaining properties that receive access from the existing drive. She also asked that consideration be given to rehabilitating the old driveway. She raised concerns about construction traffic and the lack of parking. She recommended that the existing cottage not be occupied during construction because it requires two parking spaces that are needed by construction workers. She felt that 15 MPH was too high for this tight curve. She also did not feel

Katrina Chase, property owner, said that the driveway being discussed is not used by the other two properties. The driveway belongs to 238 Redwood and is used by that resident and herself at 232 Redwood Road. They allowed the occupant of the cottage at 240 Redwood to use the driveway. There are eight parking spaces on the property. So other than construction traffic she felt there should not be a problem.

She said there is no need to take the existing fence down during construction so her neighbor need not be concerned about the deer.

Ken Chase, applicant, responded to the neighbor's concern about possible loss of view because the neighbor's house is above the tree line.

Harle stated that he supported the staff report.

Zwick asked how this project might trigger the repair of the driveway to 238 Redwood. 238 Redwood relies on the existing driveway. He acknowledged that it is hard to park in this area but that this is a separate parcel. Zwick was concerned that part of the driveway to 238 Redwood is partially on 240 Redwood.

Wittenkeller stated it may be necessary for the Commission to require an easement across the properties to ensure that legal access is provided. He suggested that staff look into a solution to ensure that none of the three parcels are landlocked. He suggested that this item be continued to clear this up and be placed on the Consent Agenda.

Zwick stated that the design of the building is well-designed and the Craftsman style. He had some concern with the light trim color and with the curves on the house.

Dowd said he'd like to make certain that the agricultural fence is replaced; that the road sign be reduced to perhaps 5 MPH; that a construction plan be required.

Wittenkeller is pleased with the existing design of the house and prefers a darker color particularly on the front facade. We should require a deer fence on the northeast property line and that the old fence is relocated to the property line.

M/s Zwick/Harle, and unanimously passed to approve the staff report with the following additions: a deer fence be required; darker color be used on trim and moulins; cedar siding be considered; modifications to the driveway such as an easement be considered to ensure there are no landlocked properties; incorporate additional trees as recommended in the staff report; and consult Public Works Department staff on 15 MPH speed limit being lower. All Ayes.

The Commissioners asked when this item would be returned for items such as the easement on the driveway. Chaney suggested that because of the number of changes to conditions, that this entire item be clarified, in terms of the conditions, and returned to the Commission on the Consent Agenda.

M/s Zwick/Harle, to withdraw their motion of approval.

M/s Zwick/Harle, and unanimously passed, for a continuance, with the intent to approve, to the meeting of 1/20/98 for possible consent agenda.

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4. **SR-9705 – 3 Tunstead Avenue, Wells Fargo Bank, A/P 7-253-01, Design Review** to replace the two existing signs with: 1) an internally illuminated projecting sign near the San Anselmo Avenue entrance; and 2) an internally illuminated cabinet sign on the Sir Francis Drake Boulevard side of the bank building, on property located within the C-2 Zoning District. (Staff person: Chaney)

Chaney presented the staff report.

Todd Johnston, with Johnston Electric Sign Co., said this is a corporate change and that they would be amenable to a non-illuminated sign.

Wittenkeller stated that this is a building of real significance and this is a "mall" sign. He felt it was degrading of the architecture and somewhat the Town.

Zwick inquired about the historic significance of the building. He was much more comfortable with what is there than what is proposed.

Dowd could not support it as proposed.

Harle agreed with his fellow commissioners. The signs as designed are proposed for recognition. But in the center of town, it is the building that provides the recognition.

Wittenkeller wanted to compliment Wells Fargo on the improvements to the building.

Zwick said Wells Fargo Bank might disagree in that they would probably like to have name recognition along Sir Francis Drake Blvd.

M/s Zwick/Harle and unanimously passed, to continued for redesign to 1/20/98. All Ayes.

F. GENERAL DISCUSSION

None.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

None.

H. ADJOURNMENT TO JANUARY 20, 1998.

The meeting was adjourned at 10:45 p.m. at subsurface temperatures.

ANN CHANEY