

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF DECEMBER 6, 1999**

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

CALL TO ORDER

Commissioners present: Chair Zwick, Vice Chair Cronk, Commissioners House, Wittenkeller and Dowd

Staff present: Planning Director Feagans and Senior Planner Wight

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

CONSENT AGENDA

1. Minutes – November 15, 1999
2. V-9940 – Gary Dowd, 156 Morningside Drive, A/P 5-142-32, a 3'6" side yard variance for a portable spa and a deck approximately 150 square feet (Code requires 8'); and a 3'6" height variance for a gazebo over the spa (Code maximum is 8'), located on property within the R-1 Zoning District. (Staff person: Feagans)
3. DR-9942 – Scott Sanders, 80 South Oak Avenue, A/P 7-241-70, Adoption of Resolution 9913, to approve Design Review amendment for a single family dwelling, located within the R-1H Zoning District (Staff person: Wight)

At the request of Chair Zwick all items are to be removed from Consent Agenda and opened for discussion.

Item 1: Minutes: Commissioner House questioned the motion made on the Use Permit Amendment, noting that it was her intention to state that all new uses under 1,200 should be reviewed as an Administrative Use Permit, and those uses over 1,200 square feet would be heard by the Commission. Discussion ensued among the Commission. There did not seem to be a consensus. Staff suggested that the item be renoticed so it can be discussed again at a future public hearing.

M/s House/Wittenkeller, and unanimously passed (5-0), to direct staff to renotify the item for a future meeting.

Item 2: 156 Morningside Drive: Commissioner Dowd recused himself because he is the applicant for 156 Morningside Drive. M/s House/Wittenkeller, and unanimously passed (4-0), to approve the application based on the findings and conditions as set forth in the staff report.

Item 3: 80 South Oak Avenue: The neighbor, Theresa Tamley, 951 So. Oak Avenue, asked if the exterior color was going to have Planning Commission or administrative review. Ms. Wight responded that the color will be reviewed at the Planning Commission and has been included as a condition of approval in the resolution. M/s House/Wittenkeller and passed (5-1 Zwick to vote no), based on Resolution 9913.

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

PUBLIC HEARING

4. DR-9941 – Dan Hillman, 853 San Anselmo Avenue, A/P 7-162-06, Design Review of the second stories of three apartment units (the main house is to be raised with parking below, and a proposed new second building will have two stories with two living units) on property located within the R-3 Zoning District. (Staff person: Wight)

Ms. Wight presented the staff report.

Glen Jarvis, architect representing the applicant, said that he has done work in the past in San Anselmo. Prior to starting on the project they wanted to know what was acceptable so they walked the neighborhood and spoke with staff. They wanted to present a project that did not need a variance. They are trying to make the units like small homes rather than apartments. The ground floor opens up to yards, the rear is the sunny aspect of the building and the parking is underneath. Living spaces have 9' ceilings and they are working on a rental for a family that can't afford a house. The yards are private and they tried to be sensitive to the neighboring houses. He presented photographs of other apartment developments in the neighborhood. Their proposal is better than the other apartments. They have reduced the entrance into the parking area so there is additional screening. The parking is essentially in garages, which does not appear to be

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the case in the other apartment buildings. With regard to the findings, the orientation of the lot has the south side on the backside, which gives good light into the buildings. The house at 855 San Anselmo Avenue still gets sunlight in the afternoon and would not be affected by the development. The aerial photographs are a great example of what is happening in the neighborhood. The houses are really in a forest because of the massiveness of the trees. With regard to privacy, they are concerned that the units will be private. The traffic on the driveway will be the minimum required to get the cars in and out. Regarding the bay windows on the second floor, they are 8' long along a 48' long frontage. The window makes the bedroom more livable and has a minimum impact on privacy on the adjacent buildings. It also keeps the building from having the apartment look. The yards are on the ground level and their privacy is by the fences around them and the landscaping that is being proposed. Many of the buildings in the neighborhood have second story decks; this only has one deck on the ground floor. He does not think this would affect the health and safety of the neighborhood. The drainage will be improved by this project. The two story buildings integrate with the other two story buildings; the scale and intensity is compatible with code.

Mark Salzsberg, 855 San Anselmo Avenue, commented that the applicant has not made many changes since the previous hearing. He is concerned that the bay window will face directly into his garage. There are many other windows that will face his yard and he is concerned about privacy. He is also concerned about the noise from the cars. The aerial view shows two large walnut trees in his yard, He also has an oak and a redwood tree. He does get direct sun in the wintertime because the walnut trees are deciduous. The shadow study was taken in September, but should be taken in the winter. Currently, the sun reaches only to his breakfast room and there is only one story on that side. The north sides of all the houses, including the apartment house next door, has algae on the driveway because of the shade. He is probably one of the last single family dwelling on the block but he also has rights. The project will prevent him from getting sunlight into his backyard in the wintertime. Also, there are no other front yards that have been raised up 4'. He wanted to see the mass reduced, which has not been done. He is not opposed to placing one unit in the back yard, which would be less massive than what is currently proposed, with a one story in front. He is also still concerned about drainage.

Allen Castro, 33 Grove Lane, said that he thought they were supposed to have a smaller project and that the addition would be more broken up in scale. He does not feel this is what San Anselmo wants. The architect talked about the south side light coming into the rear of the buildings. That is all well and good but it is at the expense of his sunlight and privacy.

Carol Meyer, 172 The Alameda, questioned how the applicant was allowed four units. Ms. Wight stated that there is only one unit in the main house and two additional units proposed for the front of the lot. Three units are permitted on this lot for this zone,

Mr. Jarvis responded that the windows on the ground level are behind a fence and with landscaping, the neighbor will not see the windows. The upper windows are bedroom windows and there are already some landscaping blocking some of the windows. Shadow studies are very difficult to understand. What is being discussed is when the sun crosses the house at 855 San Anselmo – there is nothing that can shade his property. There are shadows in the early morning but there will be nothing to affect his property after mid morning. The deciduous trees have nothing to do with the shadow study. With regard to the noise of cars, cars are not as noisy today because they are more efficient. The main problem the neighbor of 855 San Anselmo Avenue wants is to maintain an R-1 house in an R-3 neighborhood. Regarding the mass of the building, they are allowed 50% lot coverage; 40% is structure, the rest are decks and trellises over 30", for a total of 49 percent. He noted that the dates of the shadow study were agreed with his staff and the Town staff. He also noted that the shadows stretches out further to the north in the winter.

Commissioner Wittenkeller stated that he did not understand why the shadow study was not done in the winter, because using September is misleading.

Chair Zwick said that as he got into the details of the project his concerns are as follows: this development is not an ideal circumstance to be allowed the maximum; the windows are too close to the property line; his rough calculations are 62% FAR; perhaps three houses are too much and the applicant should consider two. Adding up all the figures, this is too much development on this site. He does not feel this project is in keeping with San Anselmo or the neighborhood. Because he does not know what the floor plans of the neighbor's house is next door; he cannot tell if the windows line up with one another; if they should be translucent, or any analysis on this. There are definitely privacy issues. The sun study was taken as a plan view overhead. The time of year is also interesting and should probably be taken later in the year. There should be additional study on this.

Commissioner Dowd stated that he has some difficulty with the design. It is an R-3 zone and does meet the setback requirements, is in compliance with the code and this is a nicely designed building. San Anselmo needs additional housing, although it will probably not be low-income housing. He wanted to see the units made smaller and would like the windows reconfigured, perhaps raised to they would not impact the neighbors. He does not think the project currently addresses all the concerns of the neighbors but he might be able to vote in favor of the project.

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Commissioner House stated the design is very nice but as the project was discussed last at the meeting, the design does not fit the town of San Anselmo, although it might fit the street. If it were a one story building in the rear, it would address the light and privacy issues. She might be able to approve it if it fit workforce housing. She would like to see additional drainage studies. The project is just too big and there should be additional study with regard to light and privacy.

Commissioner Cronk stated that she has less concern about the screening of the lights of the headlights but agrees with the concerns by her fellow commissioners. She felt that there are better ways to address the light, privacy and mass.

Commissioner Wittenkeller agreed with his colleagues. He said that the major size of the units is still a concern, noting that it would not be moderate-income housing. He has not heard anything about a drainage solution. Many of the previous concerns have still not been addressed.

M/s House/Dowd, and unanimously passed (5-0), to continue the project to 1/17/00.

5. **V-9938/DR-9947 – William Johnson, 148 Oak Avenue, A/P 7-273-30 and 31, Design Review of a new single family dwelling; Height Variance for the garage, chimney, covered stair, and covered parking deck to be up to 39' above average grade (Code maximum: 35'); and Setback Variance requests: 1) for a driveway approach ramp and partially covered stairs to extend over the front property line (necessitating an encroachment permit from the Town Engineer) (Code: 20'); 2) for the garage and a trellis-covered parking deck to be within 0' of the front property line (Code: 20'); 3) for a covered entry deck to be within 8.5' of the front property line (Code: 20'); and 4) for main level living area to be within 5' of the front property line (Code: 20'), located within the R-1 Zoning District (Above 150' msl) (Staff person: Wight)**

Ms. Wight presented the staff report.

Bill Johnson, applicant, stated he bought the parcel from the owner of 150 Oak Avenue and then they subdivided the lots into two other lots. He is proposing a 2,800 square foot craftsman style house that would be stepped down the hill. The property is 20' off of Oak Avenue. They are trying to get good access from the house to the back yard also. If necessary, the family room chimney can be reduced. The driveway is already at 14% grade from the road so with the garage height, it will be tough to do anything but a flat roof or a mansard roof. The stairway height is an architectural feature at the street frontage. Regarding tree preservation, he has attempted to place the house in a location as not to have to remove trees. The house is set between several oaks. They can redesign the deck so the tree can be saved. He spoke with several neighbors about this project. The owners of 11 and 15 Vine are in support of the project. The owners of 9 Vine are new. He wanted solid deck railings so people below cannot see up into the deck. There is anywhere from 27' to 41' setback from his house and the house at 150 Oak Avenue. He would like to keep the window trim white, not green, as proposed by staff.

Tony Kits, 11 Vine Avenue, is concerned about the mass, height of the structure, his loss of privacy from the windows looking directly into his backyard. He is also concerned about light. The main story pole sits right behind his back door. It looks like the building is three stories. He is concerned about the drainage and would like to see a shadow study.

Jeff Johnson, 15 Vine, said the sewer line would progress through the easement of his property. As agreed, it needs to be addressed on a permanent basis. The other property is located on 150 Oak Avenue. He is more protected by tree coverage but is not sure how that will protect him through the years.

Donna Forbes, 11 Vine Avenue, said she is surprised about how large the house is. The applicant stated that the largest tree must be removed and she did not want that to happen because it helps screen a major portion of the building. She is also concerned about the drainage issues and the impact on the residents on Vine Avenue. She would like a temporary debris fence that would retain all the construction material during construction.

Maryanne Cowperthwaite, 141 Oak Avenue, said the property at one time went all the way down to Vine Avenue. She was concerned about why the neighbors were not noticed about the certificate of compliance. Ms. Wight stated that it is only recognizing a legal lot and no legal notice was necessary.

Jim Cowperthwaite, 141 Oak Avenue, said that there is an 18' road and a car is roughly 7' wide and there is a parking situation that is abominable. The proposal is for another carport on Oak Ave. If anybody parks in this area, they park on his side of the street. He would like to see a requirement for off street parking for this project.

Peter Berg, 155 Oak Avenue, said it would be advisable to scale the house back somewhat.

Bill Johnson responded that he understands that privacy is a big issue for the downhill neighbors and he will plant trees. There were geotechnical and drainage studies done for this project. He noted that there would be five off street parking spaces.

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Commissioner Cronk said she liked the articulation and style of the house and many of the neighbor's issues have been addressed. However, it feels like a four story house to the down hill neighbor and she would like to see some attempts made to address that.

Commissioner Wittenkeller said the square footage of homes in the area seems to be smaller, but he understands that people want more space. He questions whether or not San Anselmo needs "trophy homes", rather than functional homes. If they are going to get a sanitary easement, they should look at a storm water easement. There looks to be an in ground storm drain on Vine. The excess water will not percolate into the ground. A debris fence would be a good idea and something fairly heavy duty is recommended. The project needs a complete landscape plan that indicates the proposed and current landscaping, relative to views and privacy.

Commissioner House added that they should look at widening the driveway so people can turnaround, which could also be used by the neighborhood.

Commissioner Dowd said the structure is large but so is the lot. He is in support of the white trim and could support the project.

Chair Zwick said he likes the color palate but would go with the darker trim window, with white inside. The high plate height adds to the mass for the people below. He would like to see the garage separate from the house. If the two were separate, the house could be molded to the bottom of the lot. Tying the two together is helping the height limit. He would support a variance for the garage if it were separate. He recognized that the lot is large but the size of the house is a bit too large and right against the FAR limit.

Commissioner Wittenkeller said that 150 Oak Avenue has a separate garage and he thinks it is a successful scale.

M/s Wittenkeller/Cronk and unanimously passed (5-0), to continue the application to the meeting of 1/17/00.

6. V-9939/DR-9948 – Wilfred and Janet Willis, 26 Park Drive, A/P 6-044-04, Design Review to add an 644.6 square foot second story addition and a 5' side yard setback (Code: 8') for first and second story additions. The project includes adding 182.6 square feet to the first floor and creating a 857 square foot basement, located within the R-1 Zoning District. (Staff person: Feagans)

Ms. Feagans presented the staff report.

Peck Drennan, architect representing the applicant, stated that he presented a sun study for June 22. The row of trees are evergreen and the shadow is falling on the neighbor's house but the trees are also shading the neighbors house. They wanted to get more market value on the house, noting that they currently only have three small bedrooms and one bath. They indicated on the plans that the bottom level would be used as a mudroom and multipurpose room/office. The roofline in the back stays the same, with the exception of where the second story is. The neighbor to the rear has a two-story house and she was comfortable with the design. It has been suggested to push the stairway into the house, - it could be done and they could pull the car back another 6' but there is a tree there which would make it difficult to get the car out.

Susan Neal, 20 Park Drive, said she would be the one most affected by the shade. When she stands in her driveway or sits in her bedroom she would be most affected by the roof peak. She would like to see it designed so it does not affect her south side windows. There is a tree that now shades but it is a deciduous oak and light can come through. The house is very large on the lot and wants consideration on the light issues.

Tenant, 20 Park Drive, stated that he lives in the cottage and he is also concerned about the light issues.

Commissioner Cronk said there are many commendable aspects of this design but this house is very large. There is a large house in her neighborhood that was recently approved that is very imposing. She cannot support this project with a 60% FAR, even though there is no FAR yet in the flatlands.

Commissioner Wittenkeller said the architect has done a nice job but the lot is not very large and a 605 FAR is quite large. He was not certain how it can be cut back but suggested they explore pulling some of the top story back, or have a greater setback from the sideyard, and reduce some of the square footage. He liked the detailing of the building.

Commissioner House said there is something about the top of the house and how it relates to the roofline that concerns her. If the height of the house could be reduced it might look more proportionate. It is a small lot and she sympathizes with the homeowners about wanting to add on.

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Commissioner Dowd stated that the house is so close to the house next door, although the second story is pulled back. He noted that much of the square footage is in the basement. He would possibly like to see the addition pulled in a bit.

Commissioner Cronk said that with the recognition by Commissioner Dowd that there is so much square footage in the basement, she is helped somewhat in her feelings of FAR.

Chair Zwick stated that he does not mind the second story. There is no FAR in the flatland but it is a good way to think about bulk. The one thing stressing about the design is why the roofline couldn't go with the spine of the building. The neighbors are objecting because it is broad and it casts more shadow. The master bedroom is 22 x 15 and could be reduced somewhat. His major concern is bulk and it would be hard for him to approve a variance. The existing carport that comes up to the property line should be removed. There is a lot of hardscape shown in the backyard and as much could be done to remove it so it will not add to the water runoff.

Commissioner Cronk said she would be more comfortable stepping back the side property lines.

M/s Zwick/House, and unanimously passed (5-0), to continue the application to the meeting of 12/20/99 to allow the applicant time to consider the Commission's comments and make necessary modifications.

7. UP-9912 – Geoffrey Koblick, 32 Red Hill Avenue, A/P 6-201-56, Conditional Use Permit to construct two panel antennas 4'(length) x 1'(width) x 5"(deep) on the existing flag pole. An equipment box approximately 5'(length) x 2'(width) x 4'5"(height) will also be located along the east side of the existing building, located within the C-3 Zoning District. (Staff person: Feagans)

Ms. Feagans presented the staff report.

Chair Zwick asked who they would co-exist with because the way he read the Ordinance was that this would not be a stand-alone site. Ms. Feagans stated that she would let the applicant address that question.

Jay Wallace, attorney representing Cellular One, said that the project complies fully with the ordinance guidelines. This project has taken a lot of effort to comply with the town ordinance. Driving east, the flagpoles are not noticeable. What is really seen driving to the west is the concrete retaining wall. He is not aware of any other carrier seeking to place antennas on the pole although it is not impossible to accommodate more than one carrier.

Commissioner Cronk asked if there would be a flag flying from the pole.

Mr. Koblick, building owner, stated that they would be happy to have a flag fly on the pole if the Commission wants it.

Commissioner Wittenkeller said he tends to favor staying with the times but his concern about this was that the flagpole itself was a political issue at one time. Previous owners of the building wanted the right to fly the flag and now this owner is exercising the right as an owner and not using it for the intended use. He cannot vote in favor of this.

Mr. Koblick said he looked at this more as a good spot for coverage for the cell site, versus building a new structure to hold the antenna.

Commissioner Dowd stated that it is a fine spot for the antenna and a condition could be placed on the approval that they fly the flag.

Commissioner House said she had no problem with the proposal and that it looks unobtrusive and there should be no inclusive right. If a flag flew there, it might draw more attention to the pole.

Commissioner Cronk said she is aware of the practical and economical benefit. She said there is no question in her mind in how this would look and could never have approved the flagpole. She cannot approve the application.

Commissioner Dowd stated that he cautioned the Commission on limiting the number uses on the pole.

Mr. Koblick stated that he was also approached by Sprint.

Chair Zwick stated that his feeling is to ask the Council what their intent was in the ordinance with respect to multiple uses.

M/s Dowd/House, and passed (5-2 Wittenkeller and Cronk to vote no), to approve the application based on the findings and conditions as set forth in the staff report.

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

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8. **V-9937/DR-9946/UP-9913 - Bryan Hendon, 1214 San Anselmo Avenue, A/P 7-051-21,** Conditional Use Permit, Parking Variance (Code: requires 4 spaces; 0 provided), and Design Review for conversion of 500 square feet of office space to an express bar, café with no preparation of food on site, located within the C-1 Zoning District. (Staff person: Feagans)

Ms. Feagans presented the staff report. She noted that the hours of operation are not listed in the staff report. The owners have requested to open at 6:00 a.m. and staff has no problem with that.

Morgan Hall, architect representing the applicant, stated that he is not in agreement with the issue of paint color. Painting the whole building a beige color will make it stand out and then the café would have to be painted a bolder color.

Chair Zwick stated that it would be a good idea to carry the color motif to Center Boulevard and wondered if the two air conditioners could be removed.

Commissioner Wittenkeller said it would be nice to have another window on Center Boulevard. He also asked if they could have the brown carried over to the rest of the building.

Mr. Hall said he is not opposed to placing some windows on Center Boulevard.

Bryan Hendon, applicant, said he is concerned about the noise issue on Center Boulevard, although he likes the idea of a window. He does not want to lose any space, because the area is so small now.

Chair Zwick said he does not mind the yellow but would like a fresh coat of brown paint.

Commissioner House said she likes the idea of a dark color but she does not like the color of brown. Mr. Hall said that brown does work well.

Chair Zwick suggested that the applicant place color swatches on the building.

Commissioner Wittenkeller said he would be able to approve it tonight.

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 elimination of Condition No. 2); and with the additional conditions: 1) the Center Blvd façade shall be treated with the signage panel and a window; the window shall only required as a condition if the building owner determines a window is feasible; 2) the applicant shall submit a proposed color sample that includes a warmer brown than is currently on the building; the colors are to be reviewed and approved by staff; and 3) the exterior air conditioners and wall hangers shall be removed.

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

9. **DR-9949 – Henry Gonnet for Debbie Does Desserts, 556 San Anselmo Avenue, A/P 6-102-15,** Commercial Design Review of a solid, clear patio cover to be constructed over the existing outdoor deck adjacent to San Anselmo Creek. The patio cover is 20' x 22' in size, located within the C-2 Zoning District. (Staff person: Feagans)

Ms. Feagans presented the staff report. She noted that the same material is located on the building at 19 Broadway in Fairfax.

Henry Gonnet stated that they have to cover the deck to protect their customers in bad weather. If the deck were covered with canvas it would take away from the view of the creek. They want a clear cover to allow the light to come in. The material they are proposing looks like fiberglass but it does not color, crack or break. The look will be elegant. During the summer they will use umbrellas and remove the color. He wants to create a greenhouse effect. The structure would be removed during the summer. Will be kept up for just about three months during the rainy season. They would also have propane heaters.

Chair Zwick said the polycarbon does scratch, although not very easily. He would like to see what the trusses look like that support the structure. When a roof is over 200 square feet there must be gutters and this has not been addressed. He wonders what would happen if space heaters were used in a semi enclosed space.

Mr. Gonnet stated that they have hired a structural engineer. Regarding the space heaters, there will be an opening in the roof to allow heat to escape. He will address the gutter issue to the engineer. The distance between the top of the heater and the roof would be 24".

Commissioner Wittenkeller said because it backs onto Creek Park, it must be done sensitively. He would like to see a greenhouse window, using glass, nicely detailed, somewhat like a conservatory style room. He sees this proposal as a temporary structure.

Mr. Gonnet stated that they have already upgraded the deck and he agrees that he wants a beautiful place.

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Chair Zwick suggest the use of Kalwall although it might be permanent.

Commissioner House stated what ever is placed there must be easy to clean.

Chair Zwick stated that the drawings must be of a presentation quality.

M/s House/Zwick, and unanimously passed (5-0) to continue to 1/17/00.

WORKSHOP - CONTINUED

Town of San Anselmo – Review of existing design review procedures and discussion of opportunities and recommendations for revisions to the current process.

ADJOURNMENT

The meeting was adjourned at 11:15 p.m. to the meeting of 12/20/99.


BARBARA CHAMBERS