

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF FEBRUARY 7, 2000**

CALL TO ORDER

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

Staff present: Planning Director Feagans, Senior Planner Wight

OPEN TIME FOR PUBLIC EXPRESSION

George Bianchini, Broadway Video, asked when the Ordinance would be adopted that requires all commercial businesses over 1,200 in size to obtain a use permit. Ms. Feagans responded that it will be heard at the February 22, 2000 Town Council meeting.

CONTINUED ITEMS

V-0001/DR-0001 – Elissa and Scott VanDeursen, 51 Foothill Road, A/P 7 053-19, Design Review to remodel an existing 2,060 square foot house and add 562 square feet, and a Variance to exceed the allowed floor area ratio (FAR) by 12% (1,957 square feet maximum allowed, 2,262 square feet requested), on property located within the R-1 Zoning District (Staff person: Feagans) – continued to 02/28/00.

CONSENT AGENDA

1. **Minutes – January 18, 2000**
2. **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)**

M/s House/Wittenkeller, and unanimously passed (4-0), to approve the consent agenda based on the findings and conditions as set forth in the staff report.

Conditions of approval: 1. That the request for Design Review and Variance be granted to build first and second story additions in accordance with the plans date stamped January 12, 2000, 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. The project shall be designed to the 1997 Uniform Building Code standard. 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.

PUBLIC HEARING

1. **BLOCKBUSTER, 820 Sir Francis Drake Boulevard, A/P 6-061-13, Traffic Study – Review and comment on the Blockbuster Traffic Study prepared for the 4,400 square foot store. The Planning Commission will be reviewing the adequacy of the document; on property located within the C-3 Zoning District. (Staff person: Feagans)**

Ms. Feagans presented the staff report.

In response to Commissioner Zwick, Ms. Feagans stated that seven parking spaces are required for the Thai restaurant.

Commissioner Zwick said asked staff how they feel about the Red Hill Shopping Center not letting Blockbuster use Shaw Drive. Ms. Feagans responded that Shaw drive is a public right-of-way and there would still be a way out onto Sir Francis Drake. Also, the shopping center recently did go before the Commission because of the expansion to Safeway and any changes to their access would be required to back to the Commission.

Commissioner Zwick wanted clarification on how Blockbuster could use a private driveway for their traffic study for ingress and egress.

Commissioner House concurred, she would like the traffic study to exclude the Red Hill Shopping Center entrance.

Larry DeSpain, Blockbuster, stated that he has been working on the project for 14 months. San Anselmo has always been an appropriate market for Blockbuster. However, only in the last few years has Blockbuster gone to a smaller store size. When the owner of the building contacted him they felt it would work. It was a permitted legal use, had adequate parking, and the change of use from a liquor store to video store, along with upgrades to the store, made it desirable. The traffic study has been very expensive and very comprehensive. The peer review was done and they addressed those concerns. He has read the letters of opposition. Most concerns focus on the chain store opposition. In his opinion there is a market here and they are willing to invest their time

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and effort. The market place should determine if the store is successful. To use the anti chain store bias is not right. They would be a good corporate citizen, just like they are in some 130 other stores in the bay area.

Ron Foster, Wilbur Smith Associates, said they did look at the traffic using the driveway. He explained Table 4, for existing, plus project peak hour intersection levels of service. During the peak time it goes to level F if they go out onto Sir Francis Drake and not through the shopping center. This is currently done with people using the Thrift Store.

Mr. Foster responded to question by the Commission as follows:

- He concurred that it could take between 18-24 months to get up to speed. Tiburon asked them to go back and review the traffic after they opened and the trip generation was lower after a year.
- He visited the site on two Saturdays and the peak hours were 7:00 p.m. to 8:00 p.m.
- Generally speaking, a video store use is a high trip generator and is higher than a sit down restaurant, which was in the same league with grocery stores. Andronicos provides 50 parking spaces and some times it is not enough although it is adequate for 98% of the time. The video store is 15.9 trips per square feet. There are other retail uses that are higher. They did review and respond to all the comments of the peer review and made changes on the traffic study to reflect the changes. Overall, they are focusing on the peak hours of traffic; during the other times, the traffic would not be a problem.

Marshall Jainchill, Marshall Real Estate, is the property manager for the Cove Shopping Center in Tiburon. When Blockbuster wanted to come into Tiburon there were similar issues. A traffic study was done; the statistics are less than the study reflected. There was a lot of negativity in Tiburon but now the response has been overwhelming. There are still traffic issues but it has not been an imposition for anyone.

Ted Donaldson, Martha Lane, felt Blockbuster would be an asset to the Town. He is now working with them in San Francisco and Mayor Willie Brown's office speaks very highly of them. He would be happy having them in San Anselmo rather than a liquor store.

George Bianchini, Broadway Video, said the 18 to 24 month figure is very conservative to get operational to full volume. He did not feel there should be a comparison between the San Anselmo store and the Tiburon store. If you actually count the D LOS and asterisks, the numbers do not work. He would like a proper traffic study using the driveways that are in use for the building only. There are many errors and omissions in the traffic study. They vary from 39-41. There is no plan that indicates the entrances. How will the parking spaces be designated and configured? Traffic is very heavy when school gets out and he asked if there are any statistics done during that time. There is no study on people going in during the morning when they go to work. He felt that the traffic study was a boilerplate traffic study.

Bernie Del Santo, 22 Butterfield Road, spent 33 years in the San Anselmo Police Department and is knowledgeable about the traffic problems on Sir Francis Drake. Sir Francis Drake is the second largest volume in Marin County, second to highway 101. Traffic cannot cross the westbound lane to go eastbound and cannot make a turn going eastbound. The only way to get out of the parking lot is to go through the Red Hill Shopping Center. Currently people double park in front of Silver Screen to return video and he is concerned that it will also happen with Blockbuster. Silver Screen has a tremendous amount of volume and another video store in this site would not work.

Mary Beth Reece, 53 Bella Vista Avenue, said that her street is very small and very narrow and the street is being used by the patrons of Jack in the Box because they cannot get onto Sir Francis Drake. Bella Vista is not a town maintained street and is therefore maintained by the property owners who live on the street. It cannot handle anymore traffic.

Carla Overburger, 37 Nakomis, said that her street is a link between Sais and in the last few years people have used this street as an alternative. She wants the traffic study to take this into consideration. Any high volume would give her street the same kind of volume as Bella Vista. Want to look at the alternates of where the traffic would go.

Ruth Kiskaden, 55 Avenue Del Norte, wants to encourage the Commission to check all the facts. They have made some assumptions that are not correct. She did live on Bella Vista and it was paved by residents because it is not town maintained.

Terry Kiest, San Anselmo, stated that he has read the report and it states that this project will not impact traffic and no modifications is necessary at any of the study intersections. That is now true. The people that will return the videos will create a tremendous volume. They will back the traffic onto Sir Francis Drake. Want the traffic addressed based on the actual statistics. Look at the traffic at Silver Screen. It will not work.

Mike McCormick, resident of San Anselmo and realtor, stated that he was the one who contacted Blockbuster. There are reciprocal cross easements on all the parcels. With regard to the parking, there is plenty because the Thai restaurant is not open in the morning and they can also use the parking for the Thrift Store. With regard to ingress and egress, people would use the Red Hill Shopping Center in conjunction with the video store and most people are familiar with how to

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access the site. There has been a constant use of this site since the 1930's. It is very interesting that there is selective opposition only from people who are in the same business.

Michael Winslow, Fairfax, stated that Hill Shopping Center will take the overflow parking of the video store and then there will not be adequate parking.

Carla Madden, Drake Video of Fairfax, said that her store is 1,500 square feet and during peak hours people move in and out of her store quickly. Blockbuster will be doing 3-4 times the volume and she does not know how the site could accommodate that volume on Sir Francis Drake.

Rick La Frankie, Silver Screen, stated that the site is not suitable for the use. It is ridiculous to compare the Tiburon site with this site. He visited the Novato site; it had 130 cars during 3:00 p.m. to 4:00 p.m. He does not agree with the traffic study. The study states the parking is adequate, up to 27 cars during the evening hours just for the restaurant. He felt the zoning regulations for the use are out of date. He wanted to see a parking demand study, especially with the use of the restaurant. Regarding the use of the Red Hill Shopping Center, he presented a petition from all the storeowners of Red Hill Shopping Center who pay and maintain the driveway and are opposed to the video store. He felt that this is an inappropriate use.

Owner, Lana Thai Restaurant, stated that the use of a video store has intense traffic.

Maryann Spinosa, Manager Red Hill Shopping Center, said that the shopping center is totally opposed for the use of the video store; it was built and being maintained for the tenants of the shopping center. Do not want to investigate a barrier. Will have increase in traffic with the Safeway store and do not want anymore traffic.

Daylene Whitlock, Whitlock Wineburger, looked at the traffic study prepared by Wilbur Foster and she stated that they used conservative a conservative approach, although they are higher than the national average. With regard to significant impact, there is an impact but it is a less than significant impact because the public street will continue to operate successfully. From an operational and level of service standpoint it will not have a significant impact. From an operational standpoint, the turning would be difficult and would traffic go through the Red Hill Hopping Center. She doubted there would be as many left turns; most people would be more inclined to stop on their way home but would not get into the traffic during the peak hour. Traffic could go to Bella Vista but that is not an acceptable alternative; or cars could go through the Shopping Center, which is not acceptable. The Town is talking with the Red Hill Shopping Center in the signaling because of the recent Safeway expansion. The Town could perhaps look into making the U-turn acceptable or perhaps look into making the right turn to Sir Francis Drake and then a U-turn from Bella Vista. With regard to taking traffic counts on one day, that is standard traffic engineering. They did have some concerns about parking and a parking analysis may need to be flushed out further. The use of the restaurant on Friday could be further researched.

Commissioner Zwick asked if the Town has out of date parking requirements? Ms. Whitlock explained that video stores have now been in existence for 15 years but 1 space for every 15 is considered very low. Further data collection from the San Rafael and Novato sites could be helpful and analysis of other sites should be done with stand-alone sites. Tiburon is not a stand-alone site.

Commissioner Zwick asked for clarification on why Bella vista was not used in the study? Ms. Whitlock responded that it was not included in the analysis for making a U-turn or left turn to Bella Vista because it was assumed people would turn left. She was not sure what the level of service would be with those statistics.

In response to Commissioner Zwick, Ms. Whitlock stated that it is difficult to count the number of people who double park. If there were adequate parking then double parking would not be a problem. She noted that Silver Screen is sharing their parking with other tenants of Red Hill Shopping Center.

Chair Cronk asked if there was any concern with traffic turning into the site in the morning. Ms. Whitlock responded that going east would be difficult regardless of the time of day. It is legal to make a left turn at Shaw and it is a little easier in the morning. They still have to get out and they will either make a left turn out, which would be difficult, need to go through the shopping center, or have a U-turn at Bella Vista.

Chair Cronk was concerned about cars that would spill out onto Sir Francis Drake from the parking lot. Ms. Whitlock said that it could happen but it would have to do with availability of parking in the lot. Unless the 40 parking spaces are used, it probably would not fill up and back up to the street. They did modify the parking so the ingress and egress are not in conflict with one another.

Commissioner Wittenkeller asked if the quality of the study could be improved by using traffic counts when school gets out, as well as other times of day. Ms. Whitlock explained that the trip generations they used were higher than the national average although the more data available would provide better information. Trip generation rates for local stores may be higher than the national average, she is not sure.

Larry DeSpain, Blockbuster, stated that the Novato store is 6,500 square feet and Mill Valley was going to be a 6,000 square foot store. Those stores are entirely different in size. He used Tiburon

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because it is the same size. With regard to the statement that it takes 18 to 24 months to get into full operation, Blockbuster is well known and it takes only 12 weeks to ramp up.

Commissioner Wittenkeller asked if Blockbuster ever considered taking over the thrift shop if the market warranted it. Mr. DeSpain responded that a few years ago they would have looked at it; now they have changed their prototype size and are going into smaller markets with smaller stores. As the DVD product becomes popular they can stock more in a smaller space. Therefore, they have no interest in expanding the store. He could agree to make it a condition. With regard to 20 percent of videos returned in the morning, it is true only if it is convenient. The store policy is that it must be returned by midnight. If ingress and egress is not right, then this would not be the right site, but he feels confident that it could work.

Commissioner Zwick said he was skeptical about the traffic study and was not prepared to accept it as is. He would suggest they look at the model of a store on a busy thoroughfare. He would also like some clarification about legal and illegal left-hand turns on Sir Francis Drake Boulevard. He would like to see Bella Vista and Nokomis included in the traffic study and what the impact would be on those streets. He was not confident that people would not double park. Also the Town's ratio for parking for the video stores should be reviewed. With regard to the parking layout, there are a number of spaces close to Sir Francis Drake and there is likely to be back up to Drake if the lot is full. With regard to checking the traffic at the Novato or Tiburon locations, he suggested using a stopwatch. The cash register can also provide information in how many people are using the stores. The restaurant discrepancy should be researched with regard to the number of cars.

Commissioner House concurred with Commissioner Zwick, and added that her primary concern is the turning left into the parking space. It does not work going eastbound. She wanted cars to get out of the parking lot without using the shopping center or Bella Vista. She would be opposed to anything that would require people being "aggressive drivers".

Commissioner Wittenkeller concurred with his colleagues. He has lived here since 1967 and there has been a dramatic change in the traffic since that time. He would subscribe to the very cautious look at the traffic study. He wanted to look at the potential impact on the minor residential streets and what legal rights do they have to use the adjacent driveway of the shopping center.

Chair Cronk concurred with what has been said. The parking demand study is very important. She agreed at looking at other sites and comparing them to San Anselmo. She shares the concerns about the use of Bella Vista and Nokomis and wants to explore the use of a U turn at Bella Vista and if it is feasible. There should be additional research on other options to egress onto Sir Francis Drake rather than using the shopping Center.

M/s Zwick/Wittenkeller and unanimously passed (4-0), to continue the meeting to a future date to be determined.

2. **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 has lowered the mass by removing the third story dormers at the last meeting. He was not opposed to the green windows as suggested by staff and the landscape plan was augmented to have a more visual barrier with his property and that of 11 Vine. He did a shade and study evaluation of the site and presented photographs of the site, explaining each of the photographs in relationship to the shade study.

Commissioner Zwick wanted to know why the photographs were taken at different times and different places on the site. Mr. Johnson responded that he wanted to follow the sun.

Mr. Johnson went on to explain that the house is not out of scale or character with the neighborhood. 400 square feet is under the garage and it is good utilization of space. In this case the house is not crowding the neighborhood. He cannot reduce the house without further building into the hillside. He is leaving all the trees on the site and has tried to be sensitive to the neighbors.

Donna Ford, 11 Vine Avenue, stated that she is the downhill neighbor from the proposed house. She said that she did not understand the light and sun study. She was also concerned that the pole had been moved. With regard to the dark green roofing material, she felt that in looking around the neighborhood, any houses that have green roofs would stand out and she would prefer brown because it would blend in. It would be nicer to have the green or brown windows on the

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outside. She asked if there is anything in the deed that states an owner cannot cut down any trees? She also wants to have a construction retaining wall to hold back debris.

Tony Kits, 11 Vine Avenue, appreciates the applicant moving the roofline. He is opposed to moving the house farther down the hill but can support this plan. He would also like some input in the type of landscaping that would be planted and would like to have a natural flow of vegetation through the spaces. He noted that it is still a really big house but there has been some modification. He has not made an observation about the roof color but he does want the window frames a subdued color so it does not stand out in the hillside. Regarding the shadow study, he is not sure how the house and shade will affect the landscape he has just planted. He appreciates the reduction in house size and the fact that he has retained the foliage on the site.

Mr. Johnson said he is happy to work with Mr. Kits on the landscaping.

Commissioner Wittenkeller stated that the response of the architect in lowering the roofline is a positive one and he was happy the downhill neighbor agrees. The size of the house doesn't offend him; 2,800 square feet is probably fairly average in San Anselmo. This applicant has met the Town requirements. He would like to see that the existing vegetation remains.

Ms. Wight commented that the Commission could require a deed restriction that no vegetation can be removed unless it is for health and safety reasons.

Commissioner Wittenkeller said that common sense has to prevail because the Town can't legislate everything. If the Fire Marshall feels a tree presents a hazard, the Town must defer to the Fire Marshall. Therefore, he does not think the Commission can deny that from a future owner. Regarding the roof color, if a very dark green is used it could work, but perhaps should be reviewed at staff level. Trees should be protected during construction so he would require a tree protection plan. He also concurs that a construction debris fence should be erected to protect the downhill neighbor. The landscape plan is a good effort on a difficult site.

Commissioner Zwick stated that every square foot taken off the house is taking away from the amount of money made because it is a spec house. He was not in favor of the project. It is interesting because he would consider this precedent setting. He noted that many of the houses along Oak that would not be approved today. This house is at 30% FAR. He does not see project as a benefit to the town to approve this. The story poles tell the story. The house would loom over the house below. Digging the house into the site is an acceptable option and breaking up the mass is another alternative. Those things have not been done.

Commissioner House said that the design is nice and attractive but she is concerned about the size. It is not in keeping with the Town to continue to approve the large houses over and over. On the other hand, it does meet all the codes. She is concerned about the size although she does appreciate all the things the applicant has done to mitigate the project.

Chair Cronk said she feels the same struggle as Commissioner House but her decision is to approve the application because it does meet the code and has nice design elements. A two-story house would have more roofline and more windows.

The Commission was polled and because of the split vote, no action can be taken.

Mr. Johnson stated that he is not sure where the house can be reduced. The house must fit within the envelope.

Commissioner Zwick disagreed, he did not think this is the right size house for the site. He is willing to give on the garage height. The bulk of the house looms over the house below. He understands it would require a lot of redesign but he could not approve it in its current design.

Ms. Wight stated that because of the State Streamlining Act, staff would need a letter of continuance from the applicant. Mr. Johnson stated that he would be agreeable to the continuation to the next meeting.

M/s Wittenkeller/Zwick and unanimously passed (4-0), to continue the application to the meeting of 2/28/00 at which time there should be an appointment by the Council for another Commissioner, who could break the tie vote.

3. 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.

Commissioner House stated that she concurred with the staff report but is concerned that the temporary roof might change in color.

Mr. Gonnet explained that the yellowing occurs with PVC but this product will not yellow because it is not plastic. With regard to the concern about the material scratching, he explained that it would

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only be up for four months during the raining season and would be taken down and stored with foam. They plan on hosing it down daily to remove the leaves. When the roof is removed, the metal vertical posts would stay but they would remove the frame.

Commissioner's House and Wittenkeller stated that they could support the project.

Commissioner Zwick commented that he was in favor of the project but was not sure of the product and not sure it will present itself over time like they are when installed. He did not think there were enough drawings to understand the wood frame.

Chair Cronk said that she had concerns about the cleaning but if they clean it every day, that would satisfy her concern. She noted that this product could be replaced 5 times rather than use the product suggested by Commissioner Zwick. It is in the best interest of the applicant to keep the material lean and in good repair.

M/s Wittenkeller/House, and passed (3-1 Zwick to vote no) to approve the application based on the findings and conditions as set forth in the staff report.

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

4. V-9941/DR-9950 - Paul Eveloff, 48 Alta Vista, A/P 6-231-19, Design Review of replacement of the 1,427 square foot dwelling and 200 square foot garage with a 3,344 square foot dwelling and 540 square foot garage; a Parking Variance for the third required parking space to be off-site (located in the right of way); and Setback Variances for 1) a garage within 0' of the front property line and 3.25' of the east side property line; and 2) a garden wall ranging in height between 8.5' and 17.25' above grade within 4.5' of the front property line and within 4' of the west side property line, on property located within the R-1 Zoning District (above 150' msl) (Staff person: Wight)

Ms. Wight presented the staff report, noting that staff can support the application. The conditions of approval should also include all the recommendations of the arborist.

Commissioner House asked about the material of clay tile for the area in the rear. Although it has drains in it she would want to have a compelling reason to keep it because the area should have a permeable surface. Ms. Wight responded that it is not a Town requirement that all outdoor surfaces must have permeable surfaces. That is only a recommendation from MCSTOP.

Paul Eveloff, applicant, stated that he has provided a landscape plan and they got very clear direction from the arborist on how to take care of the trees. They do intend to hand trench wherever they have piers. It is a good idea to open up the wall and they like the proposed change. There are so many trees in front of the wall that it will be screened. Regarding the grids on the tile surface, the only additional surface is a small area to the side and all the rain will still fall to the ground below. The arborist does not want them to change the grade and wants to leave the ground in as much of the original state as possible. There will be very frequent venting so air will flow through and up and the arborist said that would work just fine.

Commissioner House said that there is only dirt now on the lower terrace and asked if it would be elevated. Mr. Eveloff explained that there will be a wood frame to hold it up but they will not dig into the ground.

Commissioner Wittenkeller asked if the intent of the hard surface was for maintenance or is it a design concept? He is concerned about the health of the tree. The roots are now receiving water from the natural rainfall. The closest you can come to rainfall would be to use trex, which has zero maintenance and would be better for the health of the tree.

Mr. Eveloff stated that he certainly would consider the project because he does not want to lose the tree. In terms of the drainage, he was considering splash blocks and would look to the engineer for guidance. In the end they want to protect the trees. The arborist has felt it is a good solution but the engineer has not seen that yet.

Commissioner Zwick said he was troubled about the trees and that is why he asked for the arborist report. He has also consulted with arborists and they do not agree with the applicant's arborist report. He has learned that these trees stood a good chance of dying. While the existing house is tangent to the tree, the house will now surround the tree which will mean that heavy equipment will be on the site and close to the tree. The uphill roots are already dead and the additional construction will kill much of the rest. He still considers this a new house because of the size of the development and there is no need to go into the setbacks. He feels the wall is very nice.

Commissioner House said that she likes the new front wall but her preference is to have no wall. She is concerned about the back deck and what it will look like. She is also concerned about the foundation. She considers this a brand new house and is concerned about going into the side yard setbacks. She is not wildly in favor of this and wants to hear from Commissioner Wittenkeller regarding the landscape protection.

Commissioner Wittenkeller stated that the front is fine and it would be a mistake in going to a hard surface. It is also a mistake to have a perimeter footing and the applicant should consider a pier.

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He is concerned about the lower deck and wants it an open structure on the decking. They should also consider the alternative of trek decking.

Chair Cronk stated that Bartlett is a skilled arborist and she will go with their recommendation. The front wall as revised is a huge improvement. She is not a fan of fences but is in support of the project.

M/s Wittenkeller/House, and passed (3-1 Zwick to vote no), to approve the application based on the findings and conditions as set forth in the staff report. Additional conditions are that they use an open decking material without grade beams; and the conditions as stated in the arborist report prepared by Bartlett Tree Service. The proposed colors are to be reviewed and approved by staff once the house is built.

5. **V-0002/DR-0002 – Timothy and Tina Pult, 209 Brookside Drive, A/P 5-131-15, Design Review to add a 828 square foot second story and rebuild the first level that was destroyed by fire. A parking variance is also required to allow continued use of the detached garage that is within 0' of the rear property line and 2' side property line; on property located within the R-1 Zoning District. (Staff person: Feagans)**

Ms. Feagans presented the staff report.

Chair Cronk asked staff for calculations on the FAR, including the small unit above the garage.

Timothy Pult, applicant, stated that the letter of concern was written by the neighbor because of the concerns of the previous owner who tried to illegally rent the office space. They do not want to rent the space now but would not want to rule that out in the future.

Tina Pult, applicant, said that they do have signatures from the neighbor of 215 Brookside Drive. They have agreed to remove a window in the rear that looks at her property.

Jayne McDonagh, 205 Brookside Drive, stated that she is concerned about the area in the rear being used as a rental because they have a rental on the other side of their shared driveway. She wanted to be advised if they decided to do go forward with a second unit application. She has no concern about the second story addition.

Commissioner Zwick stated he had no problems with the project.

Commissioner House felt that the design was nice and she was in favor of work force housing and if the applicant came in at some point in the future she would consider the use of the second unit.

Commissioner Wittenkeller was in support of the application.

Chair Cronk asked for clarification on why the utility structure is not taken into consideration if the house is going to be completely demolished and rebuilt. Ms. Feagans explained that the only time the utility structure would be considered is if and when they decide to modify that structure.

M/s House/Zwick, and unanimously passed (4-0), to approve the application based on the findings and conditions as set forth in the staff report.

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

6. **V-0003/DR-0003 – Andrew Sirkin, 49 Medway Road, A/P 5-154-08, a Story Variance for a 307 square foot third story extension (Code: two stories maximum); Design Review for a 351 square foot second story addition and a 307 square foot third story addition, for a total of 658 square feet (Code: design review required over 400 square feet); and Setback Design Review for a 24 square foot first story addition to be within 6' of the north side property line; a 27 square foot first story addition to be within 5' of the north side property line; and a 24 square foot second story addition to be within 6' of the north property line (Code: design review required for setback between 5' and 8'); on property located within the R-1 Zoning District. (Staff person: Wight)**

Commissioner Zwick recused himself because he lives within the neighborhood.

M/s Wight presented the staff report. She advised the audience and the Commission that staff did not notice for the rear setback variance so no action can be taken tonight.

Andy Sirkin, applicant, stated that they want to withdraw their request for the rear setback variance. He presented additional letters of support from other neighbors. They saw the house last May and knew they wanted to expand their house because they both work at home. The bottom level is accessed from outside and the second story has several low ceilings. The living space is currently 1,600 square feet also the house seems larger. They wanted to have bedrooms on the same levels. Much of the top floor is below the required headroom but it is not obvious by looking at the floor plan. The obvious way to expand is to go forward and keep the house looking the same. They want to move it out 12 feet. They researched the code and they understand they could expand at 25% slope. They felt confidence that they had 25% slope other wise they would not have purchased the house. When the addition was added the slope was cut off. They have

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worked very carefully with staff and have met with their neighbors through out the design process. He presented a chart of the immediate neighbors that support the project. With regard to the concerns of the neighbor at 51 Medway, they went back to them after staff was concerned about light. The letter states that they have carefully reviewed the plans and do not believe the changes have an appreciable impact. The house at 49 Medway has always had an impact and they do not feel that the 12' expansion into the front setback will impact their light and air. One of the reason they want to withdraw the rear setback variance is because they want to move forward right away and would like a decision tonight.

John Peterson, architect, said they hired a surveyor to provide the natural grade of the site and provided the survey for the Commission to review. It appears that the previous owners have added a terrace, which creates the slope to be less than 25%. According to the surveyor, it was 28% and 27%. Therefore, it should only be discussed as a design review and not a variance. He provided a shadow study that indicates the impact on 51 Medway, noting that the study was done on summer and winter. The shadow does not touch 51 Medway in the summer. In the winter there is a shadow created by the addition; it is on the property but not on the building. However, at 5:00 p.m. in shadows the entire building. In spring, there is a very minor shadow across the front building at the worst case. Regarding the privacy issues, currently there is a patio or porch that is open and the applicants can look into the neighbors building. They are adding windows on the third floor but would be willing to talk about glazing. The adjacent building sits at the same level as their third story.

Ms. Wight stated that she did not look at the impact to the detached building because it is not the main living unit.

In response to Commissioner House, Mr. Peterson said that the height of the third story windows are about 4 ½ feet. He presented a map that indicates other three story houses within the neighborhood.

Laurie Share, 44 Medway Road, wanted to speak to the massing of the house. Privacy is not an issue. Her issue is the extension of the third story as related to their third story. Her third story looks directly into their third story. The third story would present a master bedroom of 436 square feet. She is not against an expansion of some sort but would like to see them diminish the setback. The only thing that protects the massiveness now is the trees. One of three trees may or may not be saved by the addition. She endorses the first and second story but would want the third story set back. She would like to see darker roof materials, used and wants the trees to be protected. She would like to see an arborist report required on ways to protect the trees in the front of the property that block the views of the first and second story during construction.

Mr. Sirkin presented a photograph that was taken from the Share/Zwick property. He said that even with the 12' addition, they are still 207 feet away. And the addition will not be seen. He does not feel they will be affected by this addition in any way. Regarding the bedroom size, the 44 Medway bedroom is 435 square feet and theirs would be similar in size. The front of the house should be on a plane the way it is now. The house was built in 1911 and is dominated by its roofline.

Ms. Share responded that the view portrayed in the photographs by Mr. Sirkin is not what they view from their house. Bringing the house 12' closer to them would increase the massiveness. She is concerned about the removal of the Cedar and if and when it goes, they will have a head on view.

Mr. Peterson stated that no vegetation is proposed to be removed and both the photographs are accurate. They have considered the alternatives. The clients wanted three bedrooms together and wanted to maintain the character of the house. The basic makeup of this house is a large eave and porch area and they are maintaining the same front portion. If you step the house back the character of the house will change. The goal is to make the house appear that it has been there for a very long time.

Mr. Sirkin stated that they would not be able to get the support from the neighbors they did if they were to change the character of the house.

Commissioner House asked about the status of the garage because it looks like it is getting ready to fall down. Mr. Sirkin responded that the neighbors are concerned about the garage because it was added on the neighboring property. They do not care about the garage or even if they have a garage, and they will put a parking pad next to it. Will repair the garage on an as needed basis.

Mr. Peterson added that although they do not plan on changing the garages basic character, it would need to be repaired due to dry rot.

Commissioner Wittenkeller stated that it was a nice project and he can understand why they want to make the square footage more usable. It is essentially a third story and it is appropriate to explore all the options. He would not agree to extend it forward without having the same façade. It doesn't make sense to him that the third story can't be stepped back. Looking at the floor plan there is other space that can be used.

Commissioner House said she liked the design as presented. It will be a large home but the lot coverage is small for the lot. She would want to see something done to protect the trees during

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construction. With regard to the garage, she liked the idea of a two-car garage but is willing to leave it alone at this time. She supported staff recommendations.

Chair Cronk stated that she was in support of the staff report as it stands.

M/s House/Cronk, and passed (2-1 Wittenkeller to vote no), to approve the application (with the exception of the rear setback variance) based on the findings and conditions as set forth in the staff report.

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

ADJOURNMENT

The meeting was adjourned at 11:35 p.m. to February 28, 2000.

BARBARA CHAMBERS