

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 18, 2000**

Commissioners Present: Chair Zwick, Commissioners Wittenkeller, House, Cronk

Staff Present: Planning Director Feagans, Senior Planner Wight

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

CONTINUED ITEMS

1. 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) **CONTINUED TO 2/7/00**
2. 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 2/7/00**

CONSENT AGENDA

1. Minutes – December 6, and December 21, 1999
2. V-9943 – Linda Connor, 87 Rutherford Avenue, A/P 5-123-02, a Parking Variance for an existing garage to be used as an artist's studio with two car parking to remain in the tandem driveway, on property located within the R-1 Zoning District. (Staff person: Wight)
3. U-9914 – San Francisco Theological Seminary, Baird Hall, 30 Waverly Road, A/P Nos. 7-291-01 and 7-292-03, Use Permit to revert Baird Hall from faculty offices and classrooms to sleeping rooms, in conformance with the Seminary Master Plan, on property located within the SPD (Specific Planned Development District) Zoning District. (Staff person: Wight)

M/s House/Wittenkeller and unanimously passed (4-0), to approve Items 1 and 2. Chair Zwick advised all parties of interest of the ten-day appeal period.

M/s House/Wittenkeller and passed (3-0 Zwick to recuse himself), to approve Item 3. Vice Chair Cronk advised all parties of interest of the ten day appeal period.

PUBLIC HEARING

1. 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 he was available to answer questions.

Commissioner House said she would be most comfortable if the house in front was left as is and only have one house in the rear. She does however appreciate that this project is one of the last single family homes on the street but at this point she would deny because it is not in keeping with the character of the neighborhood.

Commissioner Cronk said she could support the project with the changes and felt the project does fit in with the character in the neighborhood.

Commissioner Wittenkeller said the applicant has made what he can, and given the zoning, this use is allowable. The architect has responded well to the concerns of the Commission and the neighborhood. In terms of character with the neighborhood, one of the things about San Anselmo is the variety of the character and it is not homogeneous. This project fits into this category.

Chair Zwick commented that the project does not seem to be in keeping with the neighborhood. The density for this site is too much and has three very large units. Therefore, he cannot support the project.

Mr. Jarvis responded that the comments by the Commission about the illusive character of the neighborhood is amazing to him. This is rental housing for the Town and they are not asking for any variances. If you are looking for smaller units, you should have more units allowed per site in the Zoning Ordinance to encourage rental housing.

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

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 18, 2000**

Hadden Roth, Town Attorney, advised the Commission that a tie vote meant no action. Since this is the full Commission at this time and there will be no changes in the number of members for at least the next two meetings, he recommended the Commission revote to see if any of the Commission would change their vote.

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

Chair Zwick advised all parties of interest of the ten (10) day appeal period.

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. She noted that staff received a letter from the owner of 11 Vine Avenue with concerns about the project. There are other is a petition that was signed by several neighbors but the author of the petition is unable to attend the meeting tonight and is asking for a continuance.

Bill Johnson, applicant, said one direction from the Commission was to step the house down the hill. He showed the proposal to the neighbors and they were not in support of lowering the house on the hill. The letters of protest from the neighbors is based on lowering the house on the site. He is also replacing a sewer line and the Johnson's have allowed him an easement. He stated that he is not removing any trees. The landscape plan adds more oak trees, and the intent is to screen his house from 11 Vine. Regarding the square footage, 155 Oak is 2,882 square feet; 181 Oak is 2,900 square feet; and the Hedin's new house is 3,600 sq. feet; his house is consistent in the neighborhood with 2,800 square feet and on a double lot.

Larry Walter, architect representing the applicant, said they take the comments of the neighbors very seriously. The downhill neighbors were concerned about the mass looking up. Some of the design elements make the house look even taller. You cannot see the roofline from below, although you would be able to see the eve line. What can be seen and what gives the impression of another story is the vertical line of the family room and the hip roof. There is a solid hedge of bamboo that screens the first floor. They dropped the ridgeline of the roof by lowering the pitch by 3', which makes the roofline virtually level to the road. They have also nested the house into the hillside. Regarding the lowering of the garage – it could only be done if they created a long driveway and turnaround. There is a natural break over to the driveway ramp and it is at the maximum now. He has lowered the plates in the garage to 7'6" and can do that by reconfiguring the truss in the garage. However, in this craftsman style, it needs the pitch that they have designed. He is unable to move the garage farther from the road without increasing the overall height of the house. To save the oak tree, they have altered the deck to wrap around the oak tree. It will also do a lot to soften the lower side of the house.

Mr. Johnson added that this house is 40' from one property line and 42' from another property line and the neighbors do not want the house moved down the hill. In addition, the efficiency of the floor plan is nice. He is open to green windows on the outside of the house as proposed by staff.

Donna Ford, 11 Vine Avenue, said that her son-in-law cannot make the meeting and wanted to ask for a continuance. They also want a shadow study because they do not have very much sun during the winter and she is concerned that this structure would take away more sunlight. She is more in support of the house being closer to Oak Avenue and does not support the idea of lowering the house closer to Vine. If the house were lowered on the lot, a very huge tree would also have to be removed. She asked that the applicant be required to install a construction fence to catch debris during construction. And still felt the size of the house should be reduced.

Bill Mitchell, 9 Vine, wanted to know who is responsible for any damage to soil instability, both during and after construction.

Mr. Johnson responded that he is responsible for any damage to the downhill neighbors during construction; after construction there will be adequate drainage to take water off site.

Mr. Walter said that the house would not increase any shadow of the downhill house because there is already shade from the trees.

Commissioner Wittenkeller commented that the shade from the trees is completely different than the shade from the building.

Chair Zwick said that if the same building were placed farther down the hill it is normal that the house would appear to be larger and more massive and the neighbors would have every right to

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 18, 2000**

object. He suggested that the design be reduced in size (e.g. make the structure narrower or break up the mass) and then change by moving it down the site so it would not be so massive. This proposal is about the same as was at the previous meeting. The detailing of the house and the craftsman style is handled nicely but the house still tends to be too large for the site.

Commissioner Wittenkeller said he is not particularly happy with the 2,800 square foot house on the lot and it could be made smaller. He does not necessarily think the house and garage should be pulled apart. He did not think lowering the garage would improve the overall character of the building because it would end up with a flat roof or a carport and a garage would be more of an asset to the neighborhood. If the roof were blocking a view it would be another consideration. The fact that some of the square footage is tucked under the garage helps minimize the mass. The architect has done a reasonably good job to lessen the mass by changing the roof shape. Planting, possibly large specimen trees would lessen the impact from the neighbors. He was not convinced everything has been done to be able to approve the project and he was not sure that reducing the house itself is the only answer. He also wanted additional landscaping and a shadow study prepared by the applicant.

Commissioner Cronk said her main objection was that it looked like a four-story structure; she is swayed by the architect's comments that they need the garage roof for character. She would like to see more changes made in the direction that was stated by Commissioner Wittenkeller.

Commissioner House concurred with the comments of Commissioner Wittenkeller. It is a large house on a steeply sloped lot. Looking up from Vine, the story poles gives the impression of a very tall house. Because there are going to be people that are impacted, there is reason to continue the item. She would also like to see the window trim green but there was no need to reduce the garage height.

M/s Wittenkeller/House, and unanimously passed (4-0) to continue the application to the meeting of 2/7/00 to allow the applicant to address the comments of the Commission.

3. 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.

Janet Willis, applicant, said they bought the house in 1984 and have fixed it up as they went along but the house has a terrible floor plan. They hired an architect who came up with a design that was splendid. At the last meeting the Commission discussed the comparison of 220 Brookside with their proposal but she does not feel the projects are the same. They are attempting to make modest improvements to their home and do not feel they are asking for that much.

Peck Drennan, architect representing the applicant, stated that he was able to drop the transom windows from 6' to 8'. The problem with the size of the house is the large basement. They must finish the foundation and place a French drain on the back of the wall. That is necessary for sanitary reasons. They do not want to finish off the basement space, which is about 800 square feet. Without the basement, the house is approximately 2,000 square feet. With regard to the variance, staff did not feel there were special circumstances for the variances. This lot is a problem lot; it is a pie shaped lot, with the triangle space in the front; they also have the creek running through the property. It was his intention to use the 5' setback so he only had to have design review. They are also tearing down the old garage, which is 3' from the property line. With the exception of the stairs, the addition is within the footprint and adding a second story. There are several houses with two stories in the neighborhood.

Susan Neal, 20 Park Drive, said she did not see the results of the shadow study. The shade from trees is different from the shadow of a house, which is permanent. The staff report indicates the loss of sun is negligible but she does not know what negligible is. It will also affect her tenant in the second unit and it would have an impact on her income and rentability. She is opposed to a variance and does not agree with the comment by the applicant that the house is substandard now. If it is a problem lot, they will have to work harder to achieve their goals.

Mr. Drennan said that they took the photographs for the shadow study on 12/22 – which is the shortest time of the year. The photographs indicate a bucket that is on top of the story poles and how the shadow shades the neighbor's house at 20 Park Drive. The result is minimal.

Chair Zwick said that a lot of the basement, while it counts against the house FAR and square footage does not count as good living space. On the ground floor, very close to the property line, the existing garage is being removed. He still has reservations about the second floor. It is a relatively large house on a small lot and he would have liked to see more modifications from the previous design.

Commissioner Wittenkeller said he was happy to see the shadow of the bucket only on the lower floor, which indicates there would not be a significant impact on the neighbor at 20 Park Drive. The variance is very minor. It does meet the historic 5' limit and the shape of the lot is unique because

SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 18, 2000

of the pie shaped lot. Therefore the setback on the front reduces the amount of usable space. Also, the garage that is being removed is 3' from the property line and the neighbor's property is also only 3' from the property line. The request is for the minor variance and is adjacent to the neighbor's driveway and not compressed against another structure.

Commissioner House asked if the applicant has addressed adding hardscape in the back yard. She felt that this was a big house for the lot, but because it is an odd shaped lot, it is difficult to add on to. If the bedroom were reduced to meet the setbacks, it would be only 9' wide, which could be considered small

Mr. Drennan said that the original owner of the property said there are some steel cables in the back of the lot to keep the retaining wall up. There is no French drain in the back yard and if they remove the hardscape it could cause additional problems.

Commissioner Cronk said she was not wild about the second floor, but because of the odd shaped lot she might support it.

M/s House/ Wittenkeller and passed (3-1 No: Zwick), to continue the application to the meeting of 2/7/00 to allow staff time to prepare findings and conditions of approval. The item will be placed on Consent at the 2/7/00 meeting.

4. PDP-9801 – Amendment/DR-9928 – Lowell Dwyer, 289 Redwood Road, A/P 7-097-02, Amendment to the approved PDP to increase the allowable building size from 3,700 square feet maximum to 4,119.5 maximum, and Design Review to build a 4,119.5 square foot house, on property located within the R-1-H Zoning district (above 150' msl) (Staff person: Feagans)

Ms. Feagans presented the staff report. She noted that staff has received a letter tonight from Robert Epstein, attorney representing Mr. Barsky of 269 Redwood Road. She also noted that Town Attorney Hadden Roth is present to answer questions.

Lowell Dwyer, applicant, said the issues really relate to the driveway and landscaping. It is the same house that was approved in the Preliminary Development Plan and approved in August of last year. In response to Commissioner House, approximately 4/10 of an acre was given to his lot in exchange for a garage on what is now known as the Barsky property.

Robert Epstein, attorney representing Mr. Barsky at 269 Redwood Road, stated that in 1999 his client did not receive a public notice for the amended application. His client was able to see the impacts when the construction vehicles started going up to the site. Prior to construction, his client saw trees, although he understood there would be some roadways. The question is what is the reasonable way to develop the lot and the findings for the Precise Development Plan. There is a suggestion that there is some vested right to construction after the 1999 approval. That is not correct because there is no vested right if an approval was improperly granted. Mr. Barsky did not approve the project in August because he was not aware of the hearing. His client does not want the driveway to be redesigned, his suggestion is to grade to the left of the knoll, rather than to the right of the knoll, which is right by his client's bathroom window. They also want landscape improvements that traverse the Barsky property. No settlement was reached between the applicant and his client. A stop work order was placed on the job. The applicant then asked for it to be on the 11/14/99 hearing. It was then withdrawn by the applicant because the applicant stated he would go with the original PDP approval. Now the applicant wants to go forward again with his August proposal. This request has now brought the question of the road up for discussion. Also, there is design approval before the Commission. The references to paved surfaces must be discussed and something must be done to mitigate the findings. The landscape improvements include a solid wooden fence and plantings. A number of the plantings would benefit the applicant much more so than Mr. Barsky because it is on his side of the driveway.

Commissioner Wittenkeller said that it appears that going to the left side of the knoll would mean relocating the building site. Mr. Epstein said it is for the house that is to be proposed in the future and would only cut off a small portion of the house. Also, the trees that would have to be removed are insignificant and are not in good health. It would also be less of an impact in the far distance.

Commissioner House asked if the PDP had already been approved when Mr. Barsky bought the property. Mr. Epstein responded that Mr. Barsky knew about the PDP and the knowledge that there would be a driveway. What is before the Commission is a completely new proposal because it is an amendment to the approval. The PDP granted in 1998 should not have been granted because of the road. His client was not aware of the proposal before the Commission in August of 1999.

Jonathan Barsky, 269 Redwood Road, stated that he bought his house in April of 1999. The only available place for a yard on his property is in the back and the roadway would impact his outdoor space. The driveway also has an impact on the master bedroom and bath and is an invasive impact. He is hoping they can come to a fair settlement.

Commissioner Wittenkeller commented that the landscape plan was just handed to the Commission tonight and they have not had adequate time to review it, however, it depicts very heavy planting and a solid fence. He was not sure if the planting was affective or if the driveway need to be removed if the planting is done.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 18, 2000**

Mr. Barsky responded that it is important to move the driveway, then less landscaping would be necessary, except in the area near their backyard.

Bill Geisler, 405 Redwood Road, said many people were not happy with the project but it now seems pretty clear that the location of the driveway was discussed quite a bit. The damage was going to be too much to the second lot because of the removal of so many trees and that is why the location of the driveway is in the current location. He felt the Barskys had ample knowledge of roadway and the driveway should remain in the current location.

Bill Johnson, 348 Oak Avenue, said that in relation to Mr. Barsky, he has sympathy for his situation but he had to know from disclosure when he purchased his house that there were two houses going to be built. The Dwyers have done everything in their knowledge to work with the Barskys so they could move forward with their project.

Terry Mason, attorney representing the applicant, said Mr. Barsky bought his property after the PDP was approved. Condition 20 and 21 of the Resolution of approval states "Unless an amendment to the Precise Development Plan is approved by the Planning Commission a house shall be built.....but subject to design review". The resolution contemplated a possible amendment when the Commission adopted the resolution. He does not agree that the amendment to the PDP opens up all issues of the application. The grading permit was issued by the Town to allow the road to go forward. Approximately \$60,000-\$70,000 has been spent. The stop work order was issued illegally by the Town. The Dwyers had vested rights at that point. They then talked to staff, and then withdrew their application and went back to the original PDP. The road is pretty much in. To change the road would cost several thousand dollars. He questioned the need for the landscape proposal by Mr. Barsky because there is a landscape plan that has already been approved. In summary, the PDP is very precise and has an approved landscape plan. He disputes the fact that there can be any discussion on the infrastructure.

Rick Clark, 270 Redwood Road, presented photographs to the Commission. He is angry at how the project has proceeded. He has suffered severe property damage. There were concrete trucks that went over his driveway and cracked some of the edges of his driveway. They also damaged the roadway on the Berger property and have changed the watercourse, which now goes to his property and has clogged his drainage. The contractors have also damaged a planter box. He is concerned about the holes left unattended because it is a safety hazard. He is also concerned about the safety of residents with construction vehicles going up Redwood Road. He does not want them now to use his dispersal system and wants his property fixed. Then he may reconsider the access rights. Redwood Road will never support all the construction that is going on and either wants it to be one way or add another road.

Gay Kagy, Redwood Road, said it was her understanding that the driveway was relocated because the Bells on Fernwood Drive wanted it farther away from their property. The trade off was that they would get another lot as a swap, which also had building rights on a portion of it. Regarding Mr. Clark's concerns about his drainage, when the Commission heard the Boesel plan, it was approved and then appealed. She was concerned about offsite drainage. The Council allowed the dispersal of the Clarks; and would be carried over the top of the land and carried by her house and then buried. Shortly before the last meeting, Mr. Dwyer said the public hearing had been cancelled because he worked out an agreement with Mr. Barsky. She told him she was concerned about the placement of the drainage pipe. If he was going to put in the drainage pipe, it might be good idea to put it in soon. Two months have elapsed and the work has still not been done.

Stephanie Fine, 249 Redwood Road, the residents on Redwood Road are very weary about the continued development on Redwood. It takes so much vigilance on the neighbor's part. At some point, the Commission and staff must take responsibility. If a property owner is not aware of what is going on, the greatest amount of protection should be done for people's property. A lot of protection was taken for the Bells. Even though the Hildebrands did not say they wanted protection, the Commission should have taken action and looked forward to be watchful to the property. The Barsky property was open to exposure and there should have never been a need for this. She is concerned about the request for the retaining wall. At the time it was agreed when the project was approved, the Bald Hill Plan stated that the road must be widened; Boesel did not have to widen the upper area because it did not require it but would be improved in the lower area. If it is not approved, she is concerned what the Dwyers would do to the lower portion of the road. Safety does not seem to be a priority. Often they were drilling in the dark and she felt that was a safety issue and construction hours should be adjusted to be in the day light only.

Gloria Berger, 259 Redwood Road, said the road was just put in and the construction vehicles and material are all over. She does not want them parked in front of their house. Redwood Road is not a town maintained road, and yet there is so much construction on such a small road. She wants to know what can be done to make it a town maintained road. If not, can the Town post a speed limit on the road?

Penelope Dwyer addressed the audience, stating that she is part of the community and they have tried to meet with Mr. Barsky's issues. They will be as proactive as possible on the problems associated with construction vehicles and apologized for any inconvenience. She noted that she felt that each property owner at the time of this development (the Boesel, Bells, and Hildebrands), were given what they wanted

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 18, 2000**

In response to Commissioner Wittenkeller, Mr. Dwyer said that it is true that the contact he had with Mr. Barsky was that Mr. Barsky wanted the port-o-potty moved and he also wanted the driveway moved to the top of the knoll. If that was not possible, Mr. Barsky wanted potential screening of the elevation where it looks directly into his bathroom and bedroom. He told Mr. Barsky that the property was adequately compensated with the lot line relocations. Mr. Barsky then hired an attorney. With the assistance of staff they had a meeting. Staff indicated that it was unlikely to relocate the driveway and suggested that we focus on the landscaping. He agreed that he would put in oleanders and drip irrigation. His understanding was that the upper wall would be screened and have drip irrigation and that Mr. Barsky would propose a design and then come back in three days. He thought that was agreed upon. Then Mr. Barsky hired another attorney and wanted the driveway moved and an elaborate landscape plan.

Mrs. Dwyer said that since Mr. Barsky has not accepted their offer it has cost them several thousand dollars and now they are not sure if that can still be their offer.

Mr. Epstein commented that the discussion he had with Mr. Dwyer was some lack of desire to settle this.

Catrina Chase, 232 Redwood Road, said that the roadway in front of her property is supposed to be repaired. She is in support of the project and felt that it is important for everyone to work together.

Mr. Dwyer said that there was a like amount of paving to take place lower on Redwood Road. Instead of paving in the area of the retaining wall, they would just asphalt. He is delighted to carry on the spirit of the paving.

Mr. Geisler, Redwood Road, commented that the trucks have done significant damage to the berms and culverts and Mr. Dwyer has been very amenable to fixing the problems.

In response to a question by Chair Zwick, Hadden Roth, Town Attorney, said the issue is whether the Commission should consider the driveway. He wants a sense of what the Commission wants to do on the driveway without worrying about the legal issues.

Chair Zwick said that he is only interested in reviewing the roadway.

Commissioner Wittenkeller said the driveway was not a secret. When the new buyer (Mr. Barsky) purchased the land it must have been disclosed there would be a driveway in that location. His thinking is that the driveway stays where it is and that they should consider some kind of landscape that is not overkill.

Commissioner House said she was not sure she feels there is a need for additional landscaping but feels confident that the roadway stays.

Commissioner Cronk concurs with her colleagues that there should be no discussion about the road.

Mr. Dwyer said that he is sympathetic to a degree to Mr. Barsky and would be delighted to screen the upper portion but would not guarantee them or have install a drip system. He would leave the review and approval of the type of landscaping up to the Planning Director.

Commissioner Wittenkeller suggested an amount of \$4,000 for landscape improvements, which would not include maintenance or watering, and plans to be reviewed and approved by the Planning Director.

This matter was tabled to allow the attorneys time to negotiate on a price for the landscaping.

Mr. Roth advised the Commission that the applicant has stated that he will not spend more than \$4,000 so there is an impasse.

Mr. Roth explained to the Commission that there is no case law in whether the amendment opens up all the issues. A conservative view would be to open it all up. The other view would be to limit the question to the amendment before the Commission. One way is to be guided by what the Commission has done in the past. If there is no history then the Commission can make a policy decision at this time and act on it. Generally speaking, the courts will honor local interpretation of the local law.

M/s Zwick/House, and unanimously passed (4-0), that the policy decision by the Commission would be to look at the entire project.

Chair Zwick suggested possible wording for the motion that the only amendment to the PDP should be a \$4,000 contribution by the Dwyers, which would be for landscape screening, with the landscaping to be maintained by the Barskys.

M/s Wittenkeller/Cronk and unanimously passed, (4-0-), to approve the amendment to the PDP, and with an additional condition that the Dwyers contribute a maximum of \$4,000 for additional

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 18, 2000**

landscape screening, with the landscaping to be maintained by the neighbor, the plan to be reviewed and approved by staff.

5. 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.

Paul Eveloff, applicant, said that they did not build the approved house in 1992 for a variety of reasons. This design is different than the previously approved house but the house is in essentially the same footprint on the lot. The neighbors are all in support of the project. His house was built illegally in the setbacks years ago. They have agreed with their neighbors to adjust the 7' wall to an agreeable place. They were also sensitive to their neighbor's issues and that is why they did not push the house out. They have a number of heritage oaks and other mature trees. They tried to hide the house within the trees and it is almost invisible from Prospect. They will retain a portion of the house.

Robert Cosby, architect representing the applicant, said the existing foundations were built in 1950 and engineered in 1992 and was found to be satisfactory.

In response to Commissioner House, Mr. Cosby said the courtyards on the street side would be paved with some plantings around the perimeter. Those areas are not visible from the street. Commissioner House commented that she wanted the surface to be permeable. She also questioned the need for a fence when there are no other fences on the street. Mr. Eveloff responded that it is not a heavily trafficked site but the fence is primarily for privacy and headlights that do shine on the house because the house is close to the street.

Chair Zwick said this looks like a brand new house and he would not grant a variance for a brand new house. The floor plan is wonderful and the outdoor courtyards are wonderful. He understands the need for a fence, perhaps with planting material or a portion to be opaque. There is a difference in grade – the house is lower than the street and he understands the need for privacy. The really top flat walls bother him and overall the house is too large. He wants more articulation, such as used in the area of the garage.

Commissioner Wittenkeller said that with some minor modifications he would go along with the staff report. Putting up a blank wall is not very friendly. He would actually be happy to see a landscape plan, at least for the front area, that can be reviewed by staff. He can't disagree with Chair Zwick's comments but the project is so shielded from the neighborhood that there would be no impact and therefore he is not so concerned about the design. The front needs landscape softening.

Commissioner House said she would feel better if there is more articulation in the house. The front of the house feels unwelcome. She also wants some change to the front fence. This is a neighborhood that has big houses, and this lot would have the largest FAR. She likes the fact that there is a two-car garage with another place for a car in tandem. The current location of the house seems to be well screened by trees and if the house is moved she was not sure if it would diminish the screening. At this point she is not too concerned about the size of the building but she was not wild about the design.

Commissioner Cronk said she would like a solution for the fence but did not want to see it so closed off. With regard to the articulation and the size, in this particular neighborhood and this lot and tree covering, she is not troubled by the project. It would be a nice addition.

Chair Zwick said there should be an arborist's report that clarifies that the oaks and other trees would be preserved despite the construction on the lot.

Commissioner House wanted to see an elevation of the front (street façade) without the wall, and concurred about the request for an arborist's report.

Commissioner Wittenkeller said it is common to place a garage in the setbacks and the small portion of the family room is not objecting. It is basically a tear down but there are a few walls that can be saved and it is unfair to not let them save a portion of the existing house if they want.

M/s House/Cronk, and unanimously passed (4-0) to continue to 2/7/00, to have the applicant come back with a street elevation without the wall, and arborist report from an arborist who is knowledgeable in preserve the root structure of the oaks; and a landscaping plan.

6. V-9942/DR-9951 – Jim Saarman, DDS, 1600 Sir Francis Drake Boulevard, A/P 5-124-29, Use Permit for a one-bedroom living unit; Design Review of first and second story additions; a Parking Variance for 11 standard and 3 tandem parking spaces (Code: 13 standard spaces); a Setback Variance for four tandem parking spaces to be within 0' of the

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 18, 2000**

front property line, and for two standard parking spaces to be within 3' of the rear property line (Code: 20' front and 12' rear setbacks), on property located within the C-1 Zoning District. (Staff person: Wight)

Ms. Wight presented the staff report.

Dan Thomas, architect representing the applicant, said that the building was built in 1982 and has a long overhang. The space interior wise is 7'6" and very dark. They are attempting to expand to meet OSHA standards and to modernize the building. The building flows well up the hill. The upper areas will be shingled and the low area will be stucco. They will also have handicapped access. Parking was very tight but it does work. The parking on the front part is for daily parking, and there is an area on Sir Francis Drake Boulevard that can be used for parking. They will put in a patio and they are proposing landscaping.

Jim Saarman, applicant, said the practice has been active in the community for 30 years. He feels the plans would be an addition to the whole neighborhood.

Commissioner Cronk said there are 14 spaces now and yet they are adding additional office space and additional living space and was not sure how practical this would be. Dr. Seaman responded that he would like some one that would go off to work during the day and it would be nice to have someone on the premises at night for security reasons. He is not really expanding his business, just expanding his approach to dentistry. Parking is not really a problem unless the orthodontist sees children during the day. He wants the open area in the treatment room to improve the atmosphere area and create more light.

Commissioner Cronk suggested the applicant think about not using the parking space during the day.

Commissioner House said she liked the one bedroom apartment because it is good workforce housing. She wanted the surface to be permeable and she might want to continue to look at the parking.

Commissioner Wittenkeller could go with staff recommendations, including parking.

Commissioner Cronk is leaning towards staff recommendations although she is not sure about the parking.

Chair Zwick said he would support the project without workforce housing and without replicating office space because the parking would be a problem with the tandem parking and the additional parking requirements for a tenant.

Dr. Saaman responded that the tandem spaces would be designated for staff, the other spaces would be provided for the patient. The tenant could park on the street.

M/s Wittenkeller/House, and unanimously passed (4-0), to approve the application based on the findings and conditions as set forth in the staff report; and with the additional condition that any new hardscape shall be permeable and shall be reviewed and approved by staff. Landscape and irrigation plan, which would include automatic drip irrigation, shall also be reviewed and approved by staff.

7. V-9944 – Helen Ritchie and Greg Olsson, 283 Crescent Road, A/P 7-222-29, Remodel existing house to add 1,210 square feet. Request includes 18 foot rear yard setback variance (20 feet required by Code) and a variance to construct a retaining wall up to 8 feet maximum height (2 feet maximum height allowed by Code), on property located within the R-1 Zoning District. (Staff person: Feagans)

Ms. Feagans presented the staff report.

There being no discussion for or against the project, the Commission was able to support the project as proposed.

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.

GENERAL DISCUSSION

1. Election of Chair and Vice Chair for 2000

M/s Wittenkeller/Zwick to nominate Susan Cronk for Chair and July House for Vice Chair of the Planning Commission for the year 2000. Motion carried unanimously.

2. Discuss alternate date for Planning Commission meeting in lieu of February 21st (President's Day)

The consensus of the Commission was to meet on 2/28/00 in lieu of 1/22/00 and, if there is no backlog after that meeting, the 3/6/00 meeting might be cancelled.

SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 18, 2000

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

ADJOURNMENT TO MONDAY, February 7, 2000

The San Anselmo Planning Commission meeting was adjourned at 12:10 a.m. to the next meeting on February 7, 2000.


BARBARA CHAMBERS