

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF APRIL 3, 2000**

**CALL TO ORDER**

Commissioner's Present: Vice-Chair House, Commissioners Wittenkeller, Jochum and Zwick  
Commissioner's Absent: Chair Cronk

Staff Present: Planning Director Feagans, Senior Planner Wight

**OPEN TIME FOR PUBLIC EXPRESSION**

A citizen said he has been visiting various jurisdictions to urge them to take a stand to ban the sale of gasoline with MTB in it. He believes there is a plume under this town that goes into the creek.

Commissioner Wittenkeller said he tends to agree with the concept. If the Council wanted to ban MTBE he would be willing to hear it at the Commission.

**CONTINUED ITEMS**

1. **DR-9922/V-9921 - Linda Butler, 101 Ridge Road, A/P 5-172-73**, 1) Design review of an 803 square foot upper floor addition, a 1,060 square foot middle floor addition, and a 788 square foot lower storage area; 2) parking variances for a) the two required parking spaces to be within 0' of the front property line and 5' of the East side property line (Code setbacks: 20' front; 8' sides); and b) the third parking space to be substandard in size (Code size: 9' by 19'); 3) front yard setback variances for a) replacement of the existing front dwelling wall within 17' of the front property line (Code setback: 20'); b) a new upper, uncovered deck within 5' of the front property line (Code setback: 14'); c) a new upper floor addition within 14.5' of the front property line (Code setback: 20'); and d) a bulkhead for the new parallel parking space within 4' of the front property line (Code setback: 20'); and 3) a height variance for the chimney to be 37' above grade (Code height: 35') on property located within the R-1 Zoning District (above 150' msl). (Staff person: Wight) CONTINUED TO 4/17/00

2. **V-0007/DR-0008 - Stephen Lachey, 90 Camino de Herrera, A/P 5-071-55**, Design Review of a 3 story, 2,400 square foot single family dwelling; a height variance for the height to be 36.75 feet above average grade (Code maximum: 35'); and a setback variance for the dwelling to be within 0' of the front property line, on property located within the R-1 Zoning District (above 150' msl). (Staff person: Wight) CONTINUED TO 4/17/00

**CONSENT AGENDA**

1. Minutes - March 6, 2000 and March 20, 2000

2. **V-0010/DR-0012 - Debra and Christopher Keiser, 191 Spring Grove Avenue, A/P 6-212-25**, Variance to allow third parking space to encroach into the public right-of-way (existing driveway) and Design Review of a 900 square foot second story addition, on property located within the R-1 Zoning District. (Staff person: Feagans)

Vice-Chair House wanted to remove Item 2 from Consent.

M/s Zwick/Jochum, and passed (3-1-1 Wittenkeller to abstain), to approve the minutes.

**PUBLIC HEARING**

(Taken from Consent Item 2) **V-0010/DR-0012 - Debra and Christopher Keiser, 191 Spring Grove Avenue, A/P 6-212-25**, Variance to allow third parking space to encroach into the public right-of-way (existing driveway) and Design Review of a 900 square foot second story addition, on property located within the R-1 Zoning District. (Staff person: Feagans)

Vice-Chair House said that she is concerned that the house could be seen from across the valley and since the house was currently white, she felt the house would be fairly visible. She would also liked to have seen story poles on the edge of the house so the downhill neighbors would have been able to make a better judgement on the proposal.

Ms. Feagans presented the staff report. She noted that the applicant was not present.

Commissioner Zwick questioned why they are allowed to have three parking spaces in tandem. Ms. Feagan responded that the current parking situation is in tandem. They are obligated to provide a third parking space but do not have to have the original two parking spaces conform to the code.

William Kohler, 189 Spring Grove, said there are two parking spaces in front of the garage now. He does not know why they are asking for the third parking space. It would be in the right-of-way and people could end up in the ditch. It is a very small street and there could be a safety hazard. He also did not know what the addition would look like.

Ms. Feagans stated that they are requesting the third parking space to be well within the driveway area but will stick out a little bit into the right-of-way.

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In response to a question by the Commission, Ms. Wight explained that a new house would require 2: 9x19' parking spaces and the third parking space could be in tandem.

Commissioner Zwick stated that even in the existing conditions the neighbors are stating that there is a concern about parking. The proposed parking should be carefully reviewed and the concerns conveyed to the applicant

Vice-Chair House stated that she would like her comments also passed to the applicant about the need for additional story poles and the color of the house.

M/s Wittenkeller/Jochum, and unanimously passed (4-0), to continue the application to the meeting of 4/17/00.

1. **V-0011/DR-0010 - Sonia Greenlee, 25 Mountain View Avenue, A/P 5-225-18, Variance to allow partial conversion of garage to office space (After-The-Fact) and to create one substandard garage parking space, 17'-10" in length (Code: 19' required), on property located within the R-1 Zoning District. (Staff person: Feagans)**

Ms. Feagans presented the staff report.

Sonia Greenlee, applicant, stated she was aware that there was a code violation when they purchased the property but they agreed to take care of it as the new owners. She understands that the parking was made substandard but she felt that they meet the intent of the code. They are not eliminating the parking space and will still be able to park their Jeep Cherokee in the garage. She noted that there is no electrical within the wall that was constructed and she is prepared to take care of any building code issues as necessary.

Commissioner Jochum stated that in other jurisdictions the parking requirement is 18 feet in length, which is plenty adequate. There is additional parking in the driveway for two tandem parking spaces. There is more parking on this property than in many other locations in town. Therefore he could support the project.

Commissioner Zwick commends the applicant for coming forward and stated that he also could support the application.

Vice-Chair House and Commissioner Wittenkeller said they also could support the application with the substandard parking space because a car can still fit into the garage.

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

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

2. **V-0008/DR-0009 - Bill and Gail Permar, 113 Madrone Avenue, A/P 7-161-02, 1) A rear yard setback variance to build within 16' of the rear property line (Code: 20'); 2) a height variance to allow the house and chimney to exceed the height limit (Code: 30'); house - 31'6", chimney - 33'3" variance to allow 3 stories (Code maximum: 2); and 4) Design Review to add a 1,064 square foot second story and a 500 square foot third story/attic space, on property located within the R-3 Zoning District. (Staff person: Feagans)**

Commissioner Jochum recused himself because he knows the applicants.

Ms. Feagans presented the staff report.

Commissioner Wittenkeller asked what the zoning was of other properties surrounding this property. Ms. Feagans noted that this property is zoned R-3 but the property next door and those properties going down Madrone are zoned R-1. There has been no discussion to rezone this property.

Vince Lantanza, landscape architect, spoke on behalf of the applicants. He said that the project is within the height limitations and is backing up to some apartments that have three stories. The house is also surrounded by dense trees. They consider this more a lifting of the existing house with the addition of 9 feet in height under the house. The attic is just the result of the roof and there is not a lot of space in the attic that is over 6 feet in height, so it would not be a legal floor per the UBC. The skylight is there to release heat and bring in natural light. The owners want to use the space for an art studio but would not use it as living space. Many residences in the neighborhood have expanded up as well as out on their lots.

Kathy Day, 119 Madrone Avenue, has lived in her home for 12 years and stated that this is a lovely community with many small houses on Madrone. Last year the neighbor next door at 115 Madrone Avenue built a very large house and it has changed the flavor of the neighborhood. She is watching this project very carefully to make sure this does not add to the change. From what she has seen so far, this project would fit in with the neighborhood, even though the house is quite large. Her only problem is the third floor. She does not consider this an attic because I has permanent stairs going up to it. She agrees with staff, if it is made into a storage space she could approve the project.

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David Barsocchini, 115 Madrone, stated he is the next door neighbor and he is in support of the project. His only concern was about the size of the dimensions on the deck, which are not shown on the plans. He is not opposed to the attic space because it will not have any windows and will not be seen by anyone.

Brian, Marchant, 112 Madrone, is alarmed about the changes that are taking place in the neighborhood. The plans for the house are very nice but if they were allowed an art studio, it would become habitable space and would then be three stories. The only three stories that he has seen are a few homes in the Seminary area and the houses are very old. Each has dormers, which constitutes the third story. He is very hesitant set precedent for the town.

Mr. Lantanza stated that the owners are sensitive to the neighborhood concerns and would allow removal of the permanent stairs and would put in pull down stairs.

Commissioner Zwick wanted clarification on staff's concerns if the top level is just considered an attic. Ms. Feagans responded that she suggested the pull down latter because she did not want the space to become living space.

Commissioner Zwick commented that he knows that San Anselmo does not count the space as FAR in the flatlands but in other jurisdictions this area would be counted as FAR. This residence would even exceed the county FAR. A house this large is not appropriate for this street. The General Plan states that we should look at the small town character of San Anselmo. He would have a difficult time supporting this project. Also, if this house was built in the 30's the foundation may not be able to support the load of the floor or the added space. He said he would like an analysis done on this prior to any approval.

Commissioner Wittenkeller stated he was concerned about the third level and the potential for this kind of improvement. He has seen a lot of San Anselmo homes raised up and it is a very cost-effective way to add space. However, he does not feel this design with the potential for a third story is appropriate because the two-story character of town is important to be protected. He would like the R-3 Zoning looked into for this property because he would not like to see a larger multi family structure on this site. If the Commission were to approve a substantial addition, he would like to see the parcel rezoned to R-1 before he could approve it. This is a very small-scale neighborhood and if they bulk up the buildings too much they would lose the character of the neighborhood. A third story could set precedent and he was opposed to it.

Vice-Chair House said she would be hesitant to approve the project, with the permanent stairs or with pull down stairs because there is no way to monitor if the stairs would remain pull down. Therefore, she would only like to have two stories. She was also concerned about overall size of the building. She was on the Commission at the time the 115 Madrone house was approved and she did vote in favor of it but she now realizes that it is too large for the street. This street has a very small town character. If this were a new house she would not vote for it and she has concerns that it might be a tear-down. The house is attractive but too large. She would like a shadow study to be able to judge what the impact would be on the neighboring house.

M/s Zwick/Wittenkeller, and unanimously passed (4-0), to continue the application to the meeting of May 1, 2000, to allow the applicant time to redesign.

Ms. Permar requested a vote from the Commission even if it was a vote for denial. She would then appeal to the Council and if they denied the project she would return with a new application that met all the setbacks.

Ms. Feagans stated that if the applicant wants a denial, the process would start over again and it would take longer.

Commissioner Zwick said he would like to see any discretionary design come back to the Commission, rather than have it reviewed at the staff level.

Commissioner Wittenkeller agreed with Commissioner Zwick.

M/s Zwick/Wittenkeller, and passed (3-0), to continue the application to the meeting of May 1, 2000.

3. **V-0012/DR-0013 - Christine L. Johnson, 34 Florence Avenue, A/P 7-014-27, setback variance to raise a dwelling to accommodate a second floor within 4' of the West side property line (Code minimum: 8'); and design review of a second story (the existing first story is being raised to become the second story), on property located within the R-1 Zoning District. (Staff person: Wight)**

Commissioner Jochum returned to the meeting.

Ms. Wight presented the staff report, noting that staff is recommending conditional approval of the project. Staff has received a letter from Len Poli, 30 Florence Avenue, who was worried about a home occupation and that the house would impact their light. Staff does not feel it would impact the neighbor and did not feel a shadow study is warranted. There also appears to be a business out of the home. Staff has discussed this with the applicants and they have stated that they do not have a business out of their home. They have a business in Tiburon and a storage area in El Sobrante. Staff suggests an additional finding that includes the requirements for home occupations.

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Christine Johnson, applicant, said the person who wrote the letter has not lived in the house for 12 years. They do not do any business out of their home. Their business has been out of Tiburon since 1960 and they have a warehouse elsewhere. The noise of the truck bothers the tenants because their house is about 6" from the property line and next to her driveway. Having a garage will help the noise problem and she can even put storage in the garage. The neighbors on the right side are in support of the project. There are many two-story houses in the neighborhood. Before they bought the house they got the Zoning Ordinance from the Town. They could put the house more into the center of the lot and put the garage in the front without a variance but by doing that they would have to cut down some trees. The sun sets in the west and the addition will not affect the neighbors.

Commissioner Zwick said he is not opposed to this application. He wanted to know what materials would be used and noted that the driveway should have a permeable surface. He can't get a sense of what the front elevation would look like or what kind of windows would be used, or what the gutters look like? He also asked what the concrete would look like.

Commissioner Wittenkeller said the actual height of the building is greater than what is allowed. Ms. Wight stated that she missed that and a variance would have to be requested. Commissioner Wittenkeller said his concern is the existing frame building is nicely detailed and sits well in the neighborhood. If you simply jack the house up and put a 10' stucco band around the new first story, it will not fit the neighborhood. He recommends that the details be looked at closely. Also, there is no trim even showed on the windows.

Commissioner Jochum said it is a very nicely detailed building now. He also has trouble reading the drawings. If the first story has 8'4" ceiling height, there would be no trouble reducing the overall height. He wanted to see better architectural details. He has no trouble with the side yard setback, noting that it fits in between the two properties nicely.

Vice-Chair House was also concerned about the stucco siding and does not like aluminum windows. She would like to see the windows repeated on the lower half without aluminum.

M/s Wittenkeller/Zwick, and unanimously (4-0), to continue the application to the meeting of May 1, 2000.

Mr. Johnson stated that they currently have 3' of stucco banding and asked what the Commission felt would be acceptable. Commissioner Wittenkeller explained that he looked at that as part of the foundation but 8 feet to 9 feet would be too much.

Commissioner Zwick added that having the lower floor a different color than the second floor could be fine. He would state that he could support replicating the detail above on the level below.

**GENERAL DISCUSSION**

Commissioner Zwick stated that he just had a conversation with Jay Wallace, Attorney representing the cell site at 32 Red Hill Avenue. He told Mr. Wallace that the antenna was placed in the wrong location and would need to be relocated in the location that was approved by the Planning Commission. Mr. Wallace stated that they know it is not in the approved location but they installed it temporary there until the flag pole could be moved.

An expanded notice for the Millennium playground was sent for the April 17th Planning Commission meeting.

Commissioner Jochum commented that the level of submittals is very substandard and asked staff what the Town requirements were. Staff noted that in many cases it is difficult to get the applicant to provide exactly what staff wants and so they try to work with the applicants.

Workshop will be held May 15 along with some public hearing items.

**REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

148 Oak Avenue has been appealed by the applicant and will be heard at the April 11<sup>th</sup> Council meeting.

**ADJOURNMENT TO MONDAY, APRIL 17, 2000**

The meeting was adjourned at 9:20 p.m.

**BARBARA CHAMABERS**