

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF July 15, 2002**

**CALL TO ORDER**

**Commissioners' Present:** Vice-Chair Harris, Commissioners House, Sisich, Wittenkeller and Zwick

**Commissioners' Absent:** Chair Jochum, Commission Fernandez

**OPEN TIME FOR PUBLIC EXPRESSION**

Don Hodge, 20 Skyline Road, expressed a concern about the lack of minutes for the July 2<sup>nd</sup> Housing Element meeting and did not feel there was a lot of effort to involve the residents of the Town in the effort.

Sr. Planner Wight responded that meeting notes were taken by staff and staff is diligently moving along with the information. There will also be public hearings on this matter.

**CONTINUED PUBLIC HEARINGS**

1. **ER-0201/UP-0206/DR-0216 - Hunter House Foundation, Michael Barber, 19 Ross Avenue, A/P 7-284-48** (property extends between Ross and Mariposa Avenues (between Nos. 15 and 23 Ross Avenue and between Nos. 8 and 18 Mariposa Avenue); environmental review, rezoning to Specific Planned Development for a total residential density of 12 living units (2: market rate, 2: at or below 50% median, 4 at or below 60% median, and 4 at or below 80% median), and design review of two 3,854 square foot, two-story new dwelling structures (6 units each) with access from both Mariposa and Ross Avenues. The existing structures are proposed to be removed from the property, located within the C-2 Zoning District. (Staff person: Wight) **CONTINUED TO 8/19/02**

**PUBLIC HEARING ITEMS**

**WITHDRAWN**

1. **DR-0220 - A.J. & Evangeline Kunkle, 64 Nokomis Avenue, APN 006-073-10**, a request to demolish the existing structure and rebuild a new 2,698 2-story single story dwelling of which design review is required for the 1,434 square foot second story, located within the R-1 Zoning District. (Staff person: Bell)

**CONSENT AGENDA**

2. **MINUTES - July 1, 2002**

M/s Wittenkeller/House and unanimously passed (5-0) to approve the Consent Agenda.

**REGULAR AGENDA**

3. **PDP-0202/DR-0219 - Jon Pearlstone, 49 South Oak Avenue, A/P Nos. 7-241-73, 7-241-74 and 7-241-76 (across from 60 South Oak Avenue)**, precise development plan and design review of a 4,346 square foot single family dwelling, a 511 square foot garage, and 616 square feet of decks, located within the R-1 H Zoning District (staff person: Wight).

Ms. Wight presented the staff report, noting the following correction to the staff report: a building height reduction of 4'; garage reduction of 5'. Letters were received today from the Deignans of 60 South Oak, who support the plan with conditions outlined in their letter. The Gibsons of 47 South Oak have expressed support with conditions specified in their letter. She provided a proposed landscape plan for the north side of the project house. The Fire Marshall has approved the number and location of trees on the plan except would not permit trees to be planted closer than 7' to the house. Another letter was received from Jay Luther, attorney for Marinda Leonard, owner of 395 Oak Avenue, stating using the 30' above grade calculation would have a lesser impact than 35' average grade. Staff does not support this because it could result in more massing. She noted that the Planning Director makes the decision on how height is calculated and the project was originally discussed with the previous Planning Director and the project architect.

Jon Pearlstone, applicant, explained how they addressed the changes from the comments of the previous meeting. He provided examples of how the changes provide a less visual impact. They discussed turning the house with their engineer but this design would require large retaining walls and maintenance issues. They have had several meetings with the neighbors as the changes took place. Geotechnical Engineer Vince Howes had provided an executive summary as requested by the Commission. He noted that the hillside is extremely active and location is very important. The Town Engineer has approved the soils report prior to this project coming to the Commission. The

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windows have also been receded, which will provide shading and shadow. They have tried to negotiate with the neighbors in a positive way. He is surprised to see the letter from Mr. Luther, who represents Ms. Leonard. He provided a perspective of where the house sits in relation to the neighbors. He does not think his house would be visible to the house at 395 Oak, noting that it is a distance of over 600 feet. He said they do propose to install true divided windows. The top floor has 7'8" walls and then it vaults. They have reduced the garage height with a 5:12 roof and has been reduced from 16' to 13'.

Jack Deignan, 60 South Oak, asked for clarification on how height was calculated. Ms. Wight said that if they used the 30' height limit, they would have the potential of being more massive in the front than what they are now.

Greg Gibson, 47 South Oak Avenue, discussed the letter he submitted. He has agreed on the height reduction of the house and garage. He would request the Planning Commission support his request for 16 trees, not 15. He also wanted the planting instructions to be followed as outlined by Landscape Architect Pete Pedersen. He would also like a landscape architect on site to supervise the planting.

Jay Luther, attorney representing Marinda Leonard, 395 Oak Avenue, said they want the Bald Hill Plan lived up to, which is to have the least visual impact and lowest height to the building. Staff originally felt that 30' would be the best and now has changed her way of thinking. He said that it appears the building could be reduced 10', not five feet. There does not appear to be a clear yardstick on the lowest building height. Regarding geology, there will be a dispute between geologists. He is just concerned about whether the rest of the hill will hold up during earthquakes, and heavy rains. It only discusses the safety of holding up the Pearlstone building.

Marilyn Guerin, 30 Echo Court, asked if the backside of the house would be landscaped. Mr. Pearlstone said there will be some low-level screening and the house will be stained but it will be visible.

Ms. Guerin also wanted to know if future owners could change the exterior color. Ms. Wight responded that the applicant would be required to record a deed restriction on the colors.

Mr. Pearlstone said the interpretation from Mr. Luther regarding staff's comment about how height was used relates to the house at 47 South Oak. In terms of visual mass, they have provided the least visual impact. He noted that the Bald Hill Plan was using the 35' when there is a 25% slope. Regarding soils, Vince Howes states global stability has been taken care of.

Mr. Luther stated that Ms. Leonard's property extends to just adjacent to the applicant's property. If the house can be lowered, it should be lowered. He is not sure there is enough information as to whether or not the house can be lowered.

Commissioner Zwick said it would be hard to argue with Mr. Luther about keeping buildings as low as possible but it is up to the Commission to render an opinion on height and evaluate the building and ceiling heights, etc. to see the building has been kept as low as possible. There are many things in the Bald Hill Plan that are open to interpretation. Regarding the house design, he was satisfied at the last meeting although he would have liked to see them reduce the plate height. He applauds them for working with the neighbors. He is satisfied and believes it satisfies the Bald Hill Plan. The house size is small for the size of the lot. His only question is the trees and the protection of the trees.

Commissioner Wittenkeller said he thinks the house lends itself to the site and is finely detailed. Relative to the building height, the allowable height is higher than what is being proposed. The garage cannot be lowered too much more; the roof could be lowered but it would jeopardize the architecture. The tallest element is required to be that tall. The trees become an issue because any time there is disturbance to the drip line, you can affect the oak's long term health. Large structural roots could be avoided with hand digging. The owner should submit a plan addressing the root zone as well as the canopy of the trees, to be reviewed by the town arborist. 7' is very close for redwood trees but if the Fire Marshal accepts it, he is fine with it. This is an instance where the plan has been approved due to discussion with neighbors. He can support this.

Commissioner House is in support of what has been said. There have been compromises made by both the owner and the neighbors. She would like to include wording from the Deignan's and Gibson's letters. Also, Item 14, should be amended to state: "...all surfaces other than glass, should meet the intent". She is in favor of the project.

Commissioner Sisich said he likes the design; it is a really big house and somewhat bothered that it is bigger than before, although lower. He concurs with what has been said by his colleagues with the exception of the garage. He wondered if the garage height could be lowered or re-configured. The plate heights have been lowered. He believes the house would be broader on the front using the 30' height. He can support the project.

Vice Chair Harris said he generally supports the project and commends the applicant. It sounds that with the current plate heights, the house could be lowered on the middle and lower story. If

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that were possible, it would be in keeping with the Bald Hill Plan and would not be as visible across the valley. Also, if the pitch of the garage roof could be lowered, he would like to see that.

Commissioner Wittenkeller asked if the Commission could restrict the density by not permitting a lot split under current zoning. He would not like to see the lot subdivided. Ms. Wight stated that it could be included as a condition. That this should be one parcel and not for future subdivision.

Commissioner House said that any parcel split would have to come before the Commission.

The consensus of the Commission was that a licensed landscape architect or certified arborist would determine if the trees are unhealthy in five years.

Ms. Wight said she did not address the crack in the Deignan driveway. Commissioner Zwick said that should be worked out between the applicant and the Deignans.

Ms. Wight suggested the following amendments to Resolution 0202:

Page 1: Plans: No. 1. Add: "...site plan, elevations, and Egger landscape plans..." and the Pedersen landscape..." "...on July 15, 2002." Page 2: Trees: No. 7: add: "Everything possible shall be done to save the 12" Oak and 12" Bay trees located on the east side of the proposed home next to the proposed deck, the tall Bay tree on the northwest corner of the house adjacent to the garage, and the 12" Oak tree located on the west side of the proposed dwelling." No. 8: "Prior to building permit issuance, the applicant shall submit and receive approval by the Town arborist of a tree protection plan, including necessary construction methods, e.g., hand trenching, for construction within the driplines of all oak trees." No. 11: "...on the Pedersen ...and Pedersen installation details: 16" 24" box...A licensed landscape architect shall supervise the placement and planting of the trees. Any unhealthy redwood and alder trees... Those plants described on the Egger landscape plan shall also be planted and automatically irrigated as shown on the Egger landscape plan." Page 3: Hours of Construction: No. 13: "Work will be limited to weekdays and non-holidays between the hours of 8 a.m. and 4:30 p.m. Large vehicles and heavy equipment are restricted to the hours between 10 a.m. and 3 p.m. No work will be allowed on any holiday observed by the Town. To deviate from these work hours, a written request must be submitted to the Public Works Director for consideration. If approved, affected residents must be notified at least 24 hours in advance." Page 4: Exterior Colors and Materials: No. 16: "...the applicant shall use tones...and maximize receding of the house into the hillside." "All surfaces other than glass shall meet this criteria." Windows: "Wood with true divided lights..." Page 4: General: No. 18: "...above conditions nos. 9, 10, 11, 14, 15 and 16..."

M/s House/Zwick and passed, (4-1 Noes: Harris) to move resolution and staff amendments. .

Vice Chair Harris advised all parties of interest of the ten-day appeal period to the Town Council.

4. **DR-0223 - Paul Nichols, 343 San Anselmo Avenue, A/P 7-252-16**, design review amendment of exterior changes.

Ms. Wight presented the staff report.

Commissioner Zwick questioned if the building floor would be required to be raised due to FEMA requirements. Mr. Nichols said he did not think it was required based on his architect's conversation with the Building Official.

Paul Kreider, prospective tenant, said he thought that flood doors would be required.

M/s Zwick/House and unanimously passed (5-0) to approve the application based on the findings and conditions as set forth in the staff report.

Vice-Chair Harris advised all parties of interest of the ten-day appeal period to the Town Council.

5. **U-0210 - Paul Kreider, 343 San Anselmo Avenue, A/P 7-252-16**, use permit to operate both an on-sale wine tasting room and an off-sale of alcoholic beverages on property located within the C-2 zoning district. (Staff person: Wight)

Ms. Wight presented the staff report.

Paul Kreider, applicant, said he has been doing a similar operation out of his home and is very sensitive to his neighbors. The owner of the San Anselmo Inn is very excited about the use. Regarding the use of the Pine St. parking lot for the Art and Wine Festival, it will not impact him because it is in June and they do not crush at that time and will not need to access their driveway. He provided an overview of the design of the building. He has a license as a wine maker and is permitted to have tasting under his license. He will also sell supplies and gifts that are wine related.

Commissioner Zwick is interested in hearing how concerns are addressed by staff regarding the noise of the crusher and the odor. He also asked about the number of trucks and times of delivery.

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Mr. Kreider said he has run the crusher in his driveway. It sounds like a washing machine two doors away. The odor is nice and he will use it as a marketing tool. He said the trucks would come during mid day, after they are picked the grapes.

Vice Chair Harris had some concern about the time of the crushing prior to 9:00 a.m.

Mr. Kreider explained that it is necessary to do it early.

Joyce Warnsman, manager of Wine Glasses, Pine Street, has been there for years and has experienced the previous tenant, Mr. Trees in the site for years and the best time for deliveries would be before or after the lunch hour. She noted that Mr. Trees was very considerate with their trucks.

Commissioner Sisich said he hopes there is as much retail use as production otherwise it is not the best use for the site. He is concerned about the neighbors in the rear with regard to noise and odor.

Commissioner House said if there were not trucks and retail deliveries, she would be able to support. Therefore, she would agree with a 6-month review of the use.

Commissioner Wittenkeller said he would not want to be woken up by a beeper from a truck backing up but he can support the application.

Commissioner Zwick said he thinks the traffic issues can be resolved but what would happen if the neighbors were concerned about the odor?

Mr. Kreider said fermentation would take place indoors and staff asked what the worst case scenario and he would not want to be at work to accept grapes early in the morning. He is willing to take the chance.

Commissioner Zwick said there should be some restrictions early in the morning; the odor is his risk and he would approve it with a 6-month review.

Vice Chair Harris said the 6-month review would be good for purposes of noise and delivery schedule. He is in support of the staff report with a few additional conditions: morning delivery after 8:00 a.m. and subject to 6-month review; crushing will not occur before 9:00 a.m.

Ms. Wight said they would have to conform to the SAMC Noise Ordinance.

Mr. Kreider said he would like to be open later than 8:00 p.m.

M/s Harris/Zwick and unanimously passed (5-0) to move staff report with following amendments: deliveries shall not be earlier than 8:00 a.m. Monday through Friday; 9:00 on Sat; no crushing shall begin before 9:00 a.m.; may stay open until 9:00 p.m. Mon-Sat.

Vice Chair Harris advised all parties of interest of the 10-day appeal period to the Town Council.

6. **DR-0224/V-0231/U-0211 - Roni and Nancy Akmon, 1509 San Anselmo Avenue, A/P 7-014-24**, design review of exterior color change; change of occupancy use permit for 512 square feet of floor area in the front to be an office; and 554 square feet of rear floor area and 234 square feet of loft floor area to be a 2-bedroom apartment; a parking variance for 3 substandard parking spaces to remain (Code: 8: 9' x 19' spaces); and review of a new sign. (Staff person: Wight)

Ms. Wight presented the staff report.

Nancy Akmon, applicant, looks forward to improving the look of the building while still preserving the look of the integrity of the building. They are proposing soft muted colors that are in keeping with the neighborhood.

Commissioner Zwick would like to permit retail as well as office use.

M/s House/Zwick, and unanimously passed (5-0), to approve the staff report with the amendment that a commercial use shall be permitted under the C-1 Zoning District.

Vice Chair Harris advised all parties of interest of the ten-day appeal period to the Town Council.

7. **Interpretation of SAMC 10-3.607(c) /V-0229 - Mario and Suellen Lamorte, 47 Tamalpais Avenue, A/P 007-212-12**, Planning Commission interpretation of SAMC 10-3.607 (c) regarding addition of a structure connected to a registered second unit; and a variance to construct a partially enclosed structure within 18' of the rear property line (Code: 20'), located within the R-1 Zoning District. (Staff person: Chambers)

Ms. Chambers presented the staff report.

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Sueellen Lamorte, applicant, said that it is the most logical place and they desire to have it covered.

The Commissioners generally felt that the proposed structure would be a "structural alteration" to a non-conforming unit and, therefore, not permitted by the Municipal Code.

It was suggested that the structure be independent of the second unit and, therefore, would conform to the setbacks and not be considered an alteration to the second unit.

M/s Wittenkeller, Zwick, and unanimously passed (5-0), to continue this item to the August 19, 2002 meeting.

8. **DR-0140/SR-0103 – Fred Mosher, "They Call Me Mr. Ribs", 100 Redhill Avenue, A/P 6-167-04**, six month review of design and use as conditioned by the Planning Commission's October 1, 2001 approval.(Staff person: Wight)

Ms. Wight presented the staff report.

Fred Mosher, applicant, said he has made changes as noted and as required by the Environmental Health Department to have a smokestack. The Fire Marshall prohibited the canopy from being rolled down on the east side due to the smokestack.

Vice Chair Harris asked if the canopy could be rolled down when not in operation. Mr. Mosher said it requires a two-person operation.

Commissioner Zwick asked if a flat black metal panel with heat resistant paint could be placed there. Mr. Mosher suggested adding another dark cloth panel.

Commissioner House suggested adding additional planters and a drip system.

Commissioner Sisich shares the opinion of Vice Chair Harris, however more potted plants would also work.

Consensus by the Commission is to place two more potted plants, the same size that is currently there, and placed on the San Rafael side.

M/s House/Wittenkeller and unanimously passed (5-0) to approve the six-month review.

**GENERAL DISCUSSION**

None

**REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

None

**ADJOURNMENT TO THE REGULAR MEETING ON MONDAY, AUGUST 5, 2002.**

The meeting was adjourned at 10:50 p.m.

**BARBARA CHAMBERS**