

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MAY 19, 2003**

A. CALL TO ORDER

Commissioners Present: Chair Harris, Vice-Chair Sisich, Commissioners Fernandez, House, Jochum
Commissioners Absent: Wittenkeller, Zwick

B. OPEN TIME FOR PUBLIC EXPRESSION

No one spoke.

**C. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. MINUTES – May 5, 2003

M/s House/Jochum and passed (4-1 abstention: Harris who was not present at the last meeting) to approve the minutes with minor corrections.

REGULAR AGENDA

M/s Harris/Jochum and unanimously passed (5-0) to change the order of proceedings.

2. ER-0301/PPD-0301/SPD-0301/DR-0304/U-0302 – Coby Friedman, M.B. Ventures, LLC., 790 Sir Francis Drake Boulevard, APNs 006-091-02, 34, 35 and 62, Environmental Review, zone change from R-1, R-3 & C-L to PPD/SPD, Use Permit and Design Review to consider 13 residential dwelling units on .87 acres. (staff person: Bell)

Planning Director Bell presented the staff report.

Fred Divine, Architect for the project, explained that the architectural aspect of the project has been put back in order to deal with traffic and soil on which he believes the applicant's team has done a professional job. Therefore, Mr. Divine requests that Council deals with those issues and for the architectural presentation to continue, which he believes needs further discussion.

In response to Chair Harris, Mr. Bell said that that CEQA guidelines require a decision to be made on the Negative Declaration within 180 days of the application being completed. He had suggested that the applicant's attorney contact the Town's Attorney if the applicant believes the guidelines offer a different option. Mr. Bell further explained, in response to Chair Harris, that the whole project needs go before the Council. The 180 day limit needs to be observed but the potential exists for the Council to return the project to the Planning Commission for further discussion.

Neil Sorrensen, Attorney for the Applicant, asked that the Commission not deny the Negative Declaration and the project because he believes there is no legal or factual basis on which they should do so. He believes that there is no substantial evidence that the project would have a significant environmental impact, and proceeds to support his views with legal facts. Mr. Sorrensen requests the Commission to approve the Negative Declaration, rezoning and use permit and defer design review to a future date.

In response to Chair Harris, Mr. Bell explained that, in his view, it is not possible to split the project. This is because the Special Plan Development requires detailed plans as part of the rezoning issue and the plans might change. Furthermore, it is not possible to rezone land use when issues remain on visual and other aspects of the project, which are inconsistent with the General Plan polices. Conditions could be drawn up to mitigate these problems but this would be difficult without final plans.

In further response to the Chair, Mr. Bell confirmed that it might be possible to approve a footprint of the buildings, leaving design review at a later stage. However, all approvals would be made conditional upon ultimate design review; and adequate conditions need to be applied as mitigation measures.

Jonathan Braun, 479 Scenic Ave, strongly recommends the Committee to support the Resolution. In response to the Applicant's Attorney, Mr. Braun believes that the project does not address pedestrian and traffic safety and traffic circulation. Furthermore, the soils engineers have not addressed pre-existing slide conditions. Overall, Mr. Braun believes the site is not suitable for the current plans and a more appropriate project should be considered in line with the site's zoning and soils make-up.

In response, Mr. Sorrensen observes that the Town's Peer Reviewer, J. Nelson, addresses the soils concerns adequately in their report.

Commissioner House is in favor of the Resolution. It appears that there is instability in various parts of the site and she is concerned that prior earth movement has apparently destroyed a building on this site. However, Ms. House favors a project of lower density and believes that traffic would be affected whatever is built on the site. The Commissioner would be interested in discussing architectural design should it be returned to the Commission.

Vice Chair Sisich notes that the egress problem and traffic safety issues have not been addressed, although he believes that the traffic issues raised are not significant. He supports the density of the project but would like the buildings to be designed closer to the street to mitigate fears of soil movement.

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The Vice Chair would be prepared to discuss architecture further, if possible, but otherwise supports the staff report.

Commissioner Jochum does not support the Resolution. He supports a zoning change concept and believes that a project can be built reasonably safely on this site. Furthermore, the Commissioner is comfortable with the geotechnical analysis and traffic report. However, he repeated his wish for the egress to be redesigned, although not in the fashion described in Item 1d of the Resolution. The Commissioner agrees in part to Item 3 that refers to the design of the project although he acknowledges that the Applicant has not been given much direction in the process. He disagrees that the project may have a potentially adverse affect on safety, with reference to geology and traffic.

Commissioner Fernandez is unconvinced that the safety issues surrounding the soils and land movement have been resolved. Furthermore, traffic remains a problem in addition to the neighboring properties on the hillside with respect to water drainage. The Commissioner supports the Resolution, drawing particular attention to Item 4 of the Resolution.

Chair Harris commends the applicant for his cooperation but notes that the Commission has provided architectural feedback. The Chair agrees that geological, traffic and safety issues remain but acknowledges that they have been peer reviewed by experts to whom he defers. However, the Chair does not support the project with respect to the density and design of the project. The project needs redesigning to reduce the density and provide more variety and articulation. Thus, as the Resolution is currently phrased, the Chair is unable to support the Resolution.

M/s House/Fernandez and passed (3-2 Noes: Jochum/Harris) to support the Resolution.

2. **V-0324 – Barbara Carbone, 29 Hillside Avenue, APN 7-115-27**, setback variance to construct a 400 square foot garage within 1' of the northwesterly side property line (Code: 8') and 0' of the front property line (Code: 20'), construct a covered porch within 17' of the front property line (Code: 20'), and to construct a retaining wall/fence up to 12.5' above grade along the rear and side property lines (Code: 6') within the R-1 zoning district (staff person: Bell)

Planning Director Bell presented the staff report, noting that story polls have been erected.

Jill Tardy, architect for the project, explained that the request for a retaining wall has been withdrawn. The design of the garage has changed slightly, and the height increased.

In response to Vice Chair Sisich, Ms. Tardy explained that the understory of the garage has been opened up in compliance to the wishes of a neighbor but that it appears that this design does not suit another neighbor. Ms. Tardy believes that the garage provides adequate roof clearance and that the plate height cannot be lowered. Furthermore, the pitch of the roof matches the gables and cannot be lowered for fear it would look out of place.

In response to Chair Harris, Ms. Tardy said that the front yard, where the driveway is currently situated, will be converted to a patio area for which this is the most suitable part of the lot. None of the existing driveway in front of the house will be used for parking.

Wallace McOuat, 100 Laurel Ave, presented photographs to the Commission. Mr. Bell confirmed that the proposed area below the garage should not be enclosed. Mr. McOuat believes that the story polls are higher than the figures in the report and that the structure is enormous, greatly affecting his property. Furthermore, Mr. McOuat said that foliage screening will grow and the area will be dark, which will affect his property but not the applicant's property. He repeated that the applicant has off street parking and is in no need of a garage, noting that the property at 72 Laurel Avenue has a large house and one-car garage. Should the Commission approve the two-car garage, then Mr. McOuat would like certain conditions to be added that he presented to the Commission.

With regard to one of those conditions, Mr. Bell notes that design review would be necessary if the area below the garage were enclosed.

Latham Woodward, 33 Hillside Ave, observes that there are 4 parking spaces on the driveway, which will be reduced if the Commission supports the project. Since Hillside Ave has limited street parking, Mr. Woodward would prefer that the parking spaces on the applicant's property remain.

In response, Ms. Tardy said that a 400 sq ft garage is not so enormous. She notes that it will impede views from certain properties but that there is no protection from a view ordinance. With regard to Mr. McOuat's first condition, Ms. Tardy's client is willing to work with him with regard to the planting but feels it is unfair for the applicant to be made to hidee the garage with foliage. The applicant agrees with ground cover and tree trimming but believes that the condition to repair the redwood fence is irrelevant because it does not affect the project. Furthermore, Ms. Tardy said that the applicant has 2 cars and the lot will appear tidier when they are housed in a garage.

In response to Chair Harris, Ms. Tardy said that the space between the new garage and the neighbor's house would be 3', noting that there would be no walkway between the applicant's house and garage if the garage were moved closer to the applicant's house. Ms. Tardy believes that the design is better if the garage and house are not joined.

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Chair Harris suggests a single car garage and parking pad. However, the applicant's husband observes that a completely new design would be necessary.

Vice Chair Sisich does not support the variance because he believes that alternative designs exist. He is surprised that the applicant is building a patio on the current driveway, which would appear a more suitable location for a garage, given that the space is dark and not lit by sun. Mr. Sisich cannot make the findings to support the variance.

Commissioner Jochum notes that there is no view ordinance but believes the impact of the garage on the neighboring property at 100 Laurel Ave is severe. He believes that the proposal does not adequately address the extent of the variance being sought and he is able to support the neighbor's conditions 1 – 3. Mr. Jochum proposes that the applicant and neighbor discuss the issues further. An attached garage with a lattice structure on the underside, for example, might be a suitable alternative to the garage proposed. The Commissioner believes that more design options are available for a 1-car garage.

Commissioner Fernandez supports Commissioner Jochum. He does not support the project and would like to consider another proposal.

Commissioner House supports the neighbor's conditions 1 – 3 and suggests that staff works with the neighbor and applicant over landscaping. The Commissioner would favor a single car garage with a parking deck and might support a larger building if it were attached to the house. She would prefer the lower portion of the garage to be enclosed with a trellis or some other such structure. Ms. House does not support the project.

In response to Chair Harris, Mr. Bell said that light, air and privacy would only apply to the project if the portion below the garage were enclosed, creating a 2-story building, where the extra space exceeded 400 sq ft.

Chair Harris is not willing to support the project as presented. With reference to Commissioner Jochum's comments, Mr. Harris suggests that the applicant and neighbor at 100 Laurel Ave discuss the project further. He suggests that fencing might provide a solution to screening a parking pad with a one-car garage. The Chair would support the idea of trellising to screen the lower portion of a garage and is generally in agreement with items 1 and 2 of the neighbor's conditions. However, he observes that the trees requested in the first condition might grow too high and he would hesitate to add this as a condition. Other varieties of trees might be more suitable. Item 4 is not appropriate and is a civil dispute.

M/s House/Fernandez and unanimously passed (5-0) to move the project to the meeting of to June 16, 2003.

4. **DR-0321 – A. K. Strotz for Walgreens, 820 Sir Francis Drake Boulevard, APN 006-061-13**, design review of exterior lighting and a fenced enclosure for receiving, on property located within the C-3 Zoning District. (Staff person: Wight)

Senior Planner Wight presented the report, noting that she is comfortable with the project. No one from the public cared to speak.

M/s House/Fernandez and passed unanimously (5-0) to approve the project. Chair Harris advised all parties of interest of the 10 day appeal period to the Town Council.

5. **V-0329/DR-0322 – Mr. and Mrs. Marc Fishleder, 11 Forest Avenue, APN 007-021-07**, design review of a 465 square foot first story addition and a 235 square foot second story addition; setback variances for 1) a retaining wall up to 8.5' in height above grade to be within 2' of the east side property line (Code: 6'), and 2) an uncovered deck and stairs over the existing garage to be within 5' of the front property line (Code: 14'); and a parking variance to continue to only have 2 on-site parking spaces (Code: 3:on-site parking spaces), located on property in the R-1 zoning district above 150 msl (staff person: Wight).

Senior Planner Wight presented the staff report, noting that the project did not impact neighboring properties.

In response to Vice Chair Sisich, Ms. Wight said she has examined the views from the top of the hill and believes there will be no impact. The architect for the project, Geoff Butler, said that the applicant has spoken to the neighbor most likely to be impacted by the project and the neighbor appears to have no concerns.

M/s House/Jochum and unanimously passed (5-0) to move the staff report. Chair Harris advised all parties of interest of the 10 day appeal period to the Town Council.

D. GENERAL DISCUSSION

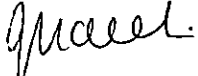
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E. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

240 Redwood Road. The Second Unit Ordinance did not pass the introduction.

F ADJOURNMENT TO THE MEETING ON MONDAY JUNE 2, 2003

The meeting closed at 9pm.



**JOANNE O'HEHIR
SR. ADMIN. SERVICES ASST.**