

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF APRIL 21, 2003**

A. CALL TO ORDER

Commissioners present: Chair Harris, Commissioners Jochum, Commissioners House, Fernandez, Vice Chair Sisich, Wittenkeller

Commissioners absent: Zwick

B. OPEN TIME FOR PUBLIC EXPRESSION

No one spoke.

C. CONTINUED PUBLIC HEARING

1. **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) **CONTINUED TO MAY 5, 2003.**
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 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) **CONTINUED TO MAY 5, 2003.**

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. **MINUTES – April 7, 2003**

M/s House/Fernandez and unanimously passed (6-0) with minor amendments. Item 6, 57 Scenic Avenue, the word 'opaque' to be changed to 'translucent'.

REGULAR AGENDA

1. **U-0218/DR-0237 - Seneca Properties, LLC, 240 Redwood Road, APN 7-095-01**, Use permit to demolish a 700 square foot single family dwelling and hillside design review of a proposed 3,102 square foot three-story single family dwelling and a 488 square foot garage within the R-1 zoning district (staff person: Wight).

Commissioners Fernandez and Wittenkeller recused themselves from the podium.

Senior Planner Wight presented the staff report.

Anthony Richards, Architect, explained how he had reduced the FAR, the roof pitches, floor levels and dropped the garage. The plate heights remain the same, apart from the lowering of the vaulted ceiling, and the garage has been redesigned to reduce the back elevation. Furthermore, the rear of the house has been broken up to provide a more interesting design and screening has been added. The colors have been darkened and blend in with the surroundings. Overall, the house has been lowered as much as possible and the excavation will produce no off-haul.

In response to Commissioner House, Mr. Richards confirmed that the door sashes and windows will be beige and the window trim green.

In response to Chair Harris, Brian Wittenkeller, Landscape Architect for the project, said that evergreen screening of native plant materials, including live oaks, will be planted along the side and rear property lines. This should provide adequate screening from distant views. Mr. Wittenkeller agrees that the entire roofline will not be screened but that the major part of the elevations should be covered. 15-gallon containers with oak trees that grow 2' in one season will be planted and the earth generated from excavation will be put into terracing to relocate the palm tree. In response to Commissioner House, Mr. Wittenkeller confirmed that the land will be irrigated.

In response to Vice Chair Sisich, Mr. Richards confirmed that Mr. Elias, Public Works Director, had accepted the drainage plan.

David Lakes, of 249 Redwood Road, appreciates the improvements that have been made to the house. However, he suggests that the house might be lowered another foot by lowering the roof further.

Stephanie Fein, of 249 Redwood Road, is concerned that the 15 gallon trees will not grow to a sufficient height to screen the property. She would like new trees planted in place of certain redwood and cedar trees that appear to be dead and is further concerned about the litter from fruit trees that overhang the property. Ms. Fines agrees with Mr. Lake that the house should be lower.

Janis Przybylski, of 246 Redwood Road, would like the pine trees removed, which she believes are overcrowded. She appreciates the house being lowered but would like more time to study the story polls.

Deanne Fitzmaurice, of 222 Floribel Avenue, is concerned that the existing building at 240 Redwood Road encroaches 7' into her property line. She is further concerned with being overlooked and by

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sunlight being blocked by oak trees. In response to Chair Harris, Ms. Fitzmaurice said that she has not undertaken a survey and Mr. Harris explained that this is a civil matter that does not usually concern the Commission, who do not determine boundary lines. In response to Commissioner House, Ms. Fitzmaurice said she would prefer trees that provide privacy but not loss of sunlight.

The applicant and owner of 240 Redwood Road, Lawrence Jatsek, has a survey dated September 2001, undertaken by a registered surveyor, refuting the boundary issue. Besides which, Mr. Richards confirmed that the new house will be built within set backs.

Alice Gade, 194 Floribel Avenue, said that the structure will overshadow her home and prevent sunlight reaching her property. Furthermore, Ms. Gade installed extra drainage when an addition was constructed but she is concerned that it will not be sufficient to cope with run-off from the new property. She also objects to homeowners building large homes in an area of small houses.

Gay Kagy, 280 Redwood Ave, suggested that some of the plantings be moved closer to the house to provide screening and overcome the problem of blocking sunlight from other properties. Ms. Kagy is further concerned that drainage is not adequate and suggests a closed pipe to drain water, rather than a dissipater.

Cathy Sanders, 310 Redwood Road, supports Ms. Kagy's idea of moving the trees and suggests that a licensed surveyor study the project to support the height issue. Ms. Sanders is concerned that construction will damage the road and that too many cypress trees will be removed. In response, Mr. Wittenkeller recommends that an independent arborist should decide how many trees need to be removed.

Andrew Schumacher, 180 Floribel Ave, objects to the size of the house, which he believes is too large for the area. He is further concerned with his property's loss of light and privacy and that of other properties, along with water flow.

Tony Richards said that the old house extends over the property line but this structure is being removed and the new house will be built within the setbacks. The new house will be shorter than existing trees and will be dropped down so that it should not block out sunlight.

In response to Chair Harris, Mr. Jatsek is open to moving the landscaping away from the property lines and will re-position the palm tree. He will also consider planting trees that will not grow too tall.

Vice Chair Sisich supports the project. He agrees that the house is large for the area, but notes that it is not within the Commission's powers to alter this fact. However, Mr. Sisich acknowledges that the applicant is co-operating with neighbors over the landscaping and with the positioning of the house. He understands that the house will impact those living on Floribel Avenue but observes that the owners of those properties have the same rights as the applicant in respect to developing their land. Furthermore, Mr. Sisich supports the drainage plans, which he notes have been reviewed by the Town Engineer.

Commissioner House shares Vice Chair Sisich's belief with regard to the size of the house. The Commissioner suggests that Staff approve the final landscape plan and that a deer-proof fence be included in the conditions. She notes that a Construction Plan will protect Redwood Road. The Commissioner would like darker colors for the windows.

Commissioner Jochum agrees that the landscaping should be brought closer to the house and smaller species planted. He agrees that the landscape plan should be worked out between staff, neighbors and the owner. He notes that drainage issues are best reviewed by experts. The Commissioner would support the idea of a licensed surveyor to verify the height and positioning of the house. Furthermore, he dislikes beige windows and would support a darker color, although he does not wish to insist on a particular color.

Chair Harris would prefer a smaller house to be built and suggests that opponents address the Town Council to amend the zoning code. However, he does not think the design is out of character with other homes on Redwood Road and acknowledges that the applicant has worked with the architect to lower the height of the house. He is also in favor of the applicant working with staff to produce a landscape plan but one that allows the applicant to have use of his back yard. The Chair prefers darker windows but will support the beige color if the applicant resolves the landscaping issues.

M/s House/Jochum and unanimously passed (4-0) to move the staff report with a proposed resolution for approval for the next meeting.

2. **V-0323 – Tom and Megan O'Callaghan, 68 Hawthorn Avenue, APN 5-124-01**, parking variance for spaces to be located on a new parking deck within 0' of the front property line and 4.18' of the east side property line (in conjunction with converting an existing garage), and a setback variance for an existing deck to remain within 4.75' of the east side property line (in conjunction with raising the dwelling to accommodate additional living area below and within the existing building envelope) within the R-1 zoning district (staff person: Wight).

Senior Planner Wight presented the staff report.

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In response to Chair Harris, Ms. Wight explained that the third story cannot be used as livable space. Bill O'Callaghan, Architect, explained that the purpose of creating the space is to improve the look of the exterior of the house when the addition is built.

Tom O'Callaghan, applicant, explained that the attic will be accessed by a stepladder from the hallway and will be used for storage purposes, only. He further explained that the garage was used by the former owner as a workshop and is unusable as a garage. The driveway is too narrow for him to open the doors to his truck. Mr. O'Callaghan confirms that his neighbors support the project but acknowledges that he has not approached the tenants of a nearby apartment block.

The Commissioners support the project.

M/s Jochum/Fernandez and unanimously passed (5-0) to move the staff report. A variance for the third story will be heard on the Consent Agenda at the next meeting on May 5, 2003.

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

3. **V-0325/DR-0318 – Todd and Susan See, 195 Spring Grove Avenue, APN 6-212-23**, setback variance to enclose an existing porch within 5' of the rear property line (Code: 20'), and hillside design review to construct a second story addition of approximately 453 square feet and first floor additions of approximately 135 square feet (staff person: Bell).

Planning Director Bell presented the staff report. The architect for the project, Bill O'Callaghan, explained that the house is not visible from the road and that he has designed hip roofs to minimize the mass.

In response to Commissioner Fernandez, Mr. O'Callaghan confirmed that the applicants have not received complaints from homeowners on Ross Valley Drive. The inhabitants in the property below, who might be affected, have not raised objections.

Michael Marsh, 179 Spring Grove Ave, is concerned that the constructed period might be long. He notes that there are a number of projects in the area and would like assurance that the building will be completed within 6 months. Chair Harris said that a Construction Management Plan could be drawn up, to which Mr. Bell concurred.

Chair Harris suggested that the Public Works Director address the parking issue.

Chris Keiser, 191 Spring Grove Ave, supports the project, and requests that the Commission does not require the owners to use dark green paint.

The Commission supports the project, with Chair Harris noting that the project will be built within Town codes and that no objections from the neighbors have been received.

M/s Sisich/House 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.

4. **V-0326/DR-0319 – Peter Modlin and Terri Wilsie, 107 Brookside Drive, APN 5-131-26**, setback variance to reconstruct portions of the dwelling's front wall (with a greater front setback) within 18' of the front property line (Code: 20'), parking variance for the driveway parking space to remain substandard in length (Code: 19'), and flatland design review of a 728 square foot second story living addition (staff person: Wight).

Senior Planner Wight presented the staff report. In response to Vice Chair Sisich, Ms. Wight explained that the Deed Restriction would serve as notice to future owners that parking must be made available.

Wendy Posard, designer for the project, said that the applicant had worked with the neighbors to produce the design. The mass has been shifted back and the windows along one wall of the garage raised to protect a neighbor's privacy. The second story will stay within setbacks and the ridge height is lower than would otherwise be allowed to keep the mass down. Ms. Posard observes that other houses on the street enjoy white trim.

Peter Modlin, applicant, explained how he needs a larger home for his family and that he has worked with his neighbors to mitigate their concerns.

Stephenie Gluska, 111 Brookside Dr., acknowledges that the applicant has been accommodating. However, she remains concerned with the size of the house and the parking issue. A bedroom window might look directly into her dining room and the garage windows and door might also affect her privacy.

Hilary Dillon, 59 Brookside Drive, and Alison Stone, 50 Broadmoor Ave, are concerned that houses are becoming too large for their lot size. In response to Chair Harris, Ms. Wight confirmed that the applicant has not exceeded the allowable lot coverage.

John Shaw, 105 Brookside Drive, and Walt Benson, 101 Brookside Drive, support the project.

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Vice Chair Sisich does not agree that the house is too large for the lot size. Furthermore, the applicant has accommodated neighbors and he supports the project.

Commissioners House, Jochum and Fernandez also support the project. Commissioner House reminds the audience that if they feel the current ordinances do not adequately regulate house sizes, then they need to address the Town Council. The Commissioner commends the applicant for liaising with his neighbors and notes that a side garage door is useful.

Chair Harris reminds the audience that lot coverage rules allow the project to proceed. He suggests that landscaping be considered to ameliorate the neighbor's concern with regard to privacy.

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

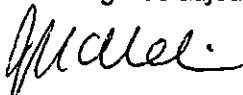
E. GENERAL DISCUSSION

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

There are none.

G. ADJOURNMENT TO THE MEETING ON MONDAY MAY 5, 2003

The Meeting was adjourned at 10pm.



Joanne O'Hehir
Sr. Admin. Services Asst.