

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF SEPTEMBER 20, 2004**

**A. CALL TO ORDER**

**Commissioners Present:** Chair Sisich, Vice Chair Fernandez, Commissioners Harris, House, Pipkin, Freeman, Zwick

Commissioner Zwick recused himself from the meeting.

**B. OPEN TIME FOR PUBLIC EXPRESSION**

None.

**C. CONTINUED PUBLIC HEARING ITEMS**

**D. PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

Commissioner Pipkin recused herself from the dais.

**1. Minutes – August 16, 2004**

M/s House/Fernandez and unanimously passed (5-0) to approve the Minutes.

- 2. V-0431 – Anna and Andrew Clare, 55 Austin Avenue, APN 7-266-12, Variance to construct a retaining wall in excess of 4' in height within  $\pm$  4 feet of the front (Vineyard Ave.) yard property line (Code: 20') and westerly side yard property line (Code: 8'), located within the R-1 zoning district. (staff person: Bell)**

At the request of a Commissioner, this item was removed from Consent for further discussion.

- 3. V-0428/UP-0418 – Marty Zwick and Laurie Share, 44 Medway Road, APN 5-153-24, Use Permit to allow exceptions to standards for a residential 2<sup>nd</sup> dwelling unit and variance for the existing cottage (accessory structure) to remain in the existing location within 1' of the side property line (Code: 8'), located within the R-1 zoning district. (staff person: Chambers)**

M/s House/Fernandez and passed (4:1 abstention: Harris) to approve the project based on the findings and conditions as set forth in the staff report.

Chair Sisich advised all parties of interest of a 10-day appeal period for Items 1 and 3 on the Consent Agenda.

- 4. V-0432 – Susan and Jon Guthart, 148 Oak Avenue, APN 7-273-31, Variance to add a 723 square foot deck to extend over the front property line (necessitating a revocable encroachment permit from the Town Engineer) (Code: 14'); and design review of two decks totaling 1,425 square feet, a spa and landscaping, located within the R-1H zoning district. (staff person: Chambers)**

At the request of a member of the audience, this item was removed from Consent for further discussion.

Commissioner Pipkin returned to the dais.

**REGULAR AGENDA**

- 2. V-0431 – Anna and Andrew Clare, 55 Austin Avenue, APN 7-266-12, Variance to construct a retaining wall in excess of 4' in height within  $\pm$  4 feet of the front (Vineyard Ave.) yard property line (Code: 20') and westerly side yard property line (Code: 8'), located within the R-1 zoning district. (staff person: Bell)**

In response to Commissioner House, Planning Director Bell said that the Planning Code does not control lighting on properties in flatland areas.

M/s House/Pipkin and unanimously passed (6-0) to approve the project based on the findings and conditions as set forth in the staff report.

Chair Sisich advised all parties of interest of a 10-day appeal period.

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4. V-0432 – Susan and Jon Guthart, 148 Oak Avenue, APN 7-273-31, Variance to add a 723 square foot deck to extend over the front property line (necessitating a revocable encroachment permit from the Town Engineer) (Code: 14'); and design review of two decks totaling 1,425 square feet, a spa and landscaping, located within the R-1H zoning district. (staff person: Chambers)

Planner Chambers presented the staff report.

In response to Commissioner Harris, Ms. Chambers used the plans to show that the portion of the upper deck requiring the variance would not be visible from neighboring properties.

Scott Tseckares, architect for the project, said that evergreens will be planted to provide screening for the property at 11 Vine Avenue and that the plant size has been increased in accordance with Staff's wishes.

In response to Commissioner Harris, Mr. Tseckares explained in some detail his plans for the screening of the underside of the house. They intend to improve an irrigation system that is already in place.

Kim Ford, 11 Vine Ave, is concerned that 5-gallon plants will not provide sufficient screening on the underside of the new house and suggested that a lattice might be more suitable. Ms. Ford is further concerned that construction materials will not be stored adequately and that trees could be damaged during construction. She would like the trees to be protected, noting that they provide important screening for herself and neighboring properties.

Mr. Tseckares said that the driveway will be used to store building materials, which will be carried down to the deck area by hand with the exception of the piers. Mr. Tseckares believes it is vital that the trees are protected and he presented a color drawing showing that the deck is set back from the house will not impact tree roots. His client would be happy to provide fencing to protect the trees on the property. He concurs with the addition of lattice until the evergreens grow sufficiently on the underside.

Chair Sisich noted that a tree protection plan forms part of the conditions of approval.

In response to Commissioner House, Mr. Tseckares explained the existence of a retaining wall.

Commissioner House supports the project and suggested that the Construction Management Plan specify the area of storage for construction equipment and the addition of trellising to provide screening for the deck.

Commissioner Harris concurs and suggested an additional condition that tree replacement be required if trees are damaged during construction.

Commissioner Pipkin is in favor of the project and agrees with the comments of the previous commissioners.

Vice-Chair Fernandez is in support of the project and Chair Sisich had no further comment.

M/s House/Harris and unanimously passed (6-0) to approve the project based on the findings and conditions as set forth in the staff report, with the addition of the following conditions:

1. The construction management plan must stipulate the area where building materials can be stored.
2. A lattice will be built to provide screening to the understory of the lower deck.
3. Provision to be made for tree replacement if any tree is damaged during construction.

Chair Sisich advised all parties of interest of a 10-day appeal period.

5. V-0430 – Glen Galpich, 38 West Gate Way, APN 6-124-10, Variance to allow required parking within 0' of the rear and south side yards and 2 substandard parking spaces of 8.5'x16.5' and 8.5' x 19' (Code: 9'x19') in an R-1 zoning district above 150 mls. (staff person: Bell)

Planning Director Bell introduced the staff report.

In response to Commissioner Harris, Mr. Bell explained that the parking configuration appeared to be the optimal design.

Scott Couture, Architect, explained that other options had been considered, including a second story addition. He said that the house is one of the smallest on the street and he believes that justification exists for a variance because the size and shape of the lot are unique. Furthermore, many of the homes in the area have the kind of on-site parking that is being requested and the impact of the project on neighboring properties would be minimal.

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In response to Commissioner House, Mr. Couture used the plans to explain the design of a gate and the parking area behind.

In response to Commissioner Harris, Mr. Couture further discussed the project and street parking.

Mr. Bell explained the rules of the Planning Code for parking in hillside areas.

Glen Galpaich, applicant, said that he would like a larger home. His neighbors have signed a petition in support of the project and Mr. Galpaich noted that he did not include those homeowners who live further down the hill.

Commissioner Harris will support the variance based on topography and shape of lot. He noted that the parking is minimally substandard and that 3 cars could be accommodated.

Commissioner House would like to support the project but she remains concerned that the parking space outside the gate will be used instead of the parking area inside the gate.

Commissioner Harris noted that, should the project be approved, then that approval could be revoked should it be determined that the space outside the gate was not being used in the manner intended.

Commissioners Pipkin and Freeman are in favor of the project, as is Vice-Chair Sisich. Chair Sisich believes findings can be made based on size, topography and shape of lot. Furthermore, there appears to be adequate on-street parking.

M/s House/Fernandez and unanimously passed (6-0) to approve the variance based on the unusual lot configuration and topography.

Chair Sisich advised all parties of interest of a 10-day appeal period.

6. **DR-0427/V-0432 - Howard and Stephanie Levene, 600 Oak Avenue, APN 007-154-06**, Design Review of approximately 1,168 square foot first story additions and approximately 467 square foot second story addition; Setback Variances: 1. first story addition to the southwest wing of the dwelling to be within approximately 9.5' of the west front property line; 2. reconstruction of first story garage walls and roof (to be converted to living area) within approximately 8' of the east rear property line; 3. first story dining room extension within approximately 11.75' of the east rear property line; 4. landscape retaining walls up to approximately 7' in height to be within approximately 11' of the east rear property line and within approximately 13.5' of the north front property line; 5. one parking space to be located within approximately 11.5' of the east rear property line (in conjunction with a two-car garage conversion); and 6. second story addition to be within approximately 18' of the east rear property line; and a Height Variance for a fence to be up to approximately 7.5' in height within approximately 4.75' of the west front property line, on property located in the R-1 zoning district (above 150 msl elevation) (staff person: Wight)

Senior Planner Wight presented the staff report. Ms. Wight also presented color samples to the Commissioners.

Shelby LaMotte, Landscape Architect, noted that whilst it appears a great many items are being requested, the amount of additional space her clients wish to add is not great. She noted that other houses in the area are larger. Ms. LaMotte discussed the project in greater detail, noting the dark colors to minimize impact. She used the plans to identify those trees needing to be removed or pruned and said that priority will be given to protecting a valley oak tree.

Ms. LaMotte satisfied Commissioner Freeman's query about the window frame colors.

In response to Commissioner Harris, Ms. LaMotte discussed the design of the dining room. Ms. LaMotte said that the house will be visible from distant views across the valley.

Ms. LaMotte responded to Joe Uzelac, 565 Oak Avenue, who required further explanation of a design aspect and who also inquired as to the necessity of removing a cedar tree.

Ms. Wight further explained the conditions of the project and the removal and treatment of various trees. She produced an arborist's report on the white cedar tree, and suggested that staff be required to check the tree that needs pruning before it is undertaken.

Commissioners Fernandez, Freeman, and Pipkin support the project.

Commissioner House favors the staff report with the added condition pertaining to the cedar tree.

Commissioner Harris commended the applicants and neighbors for working in accord on the project, with the exception being the cedar tree.

Chair Sisich favors the project. He believes the house will not be too large or have an unreasonable impact. Furthermore, it appears that care will be taken to protect the trees.

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M/s House/Freeman and unanimously passed (6-0) to approve the staff report, to include in Condition No. 2 the removal of the white cedar tree by the pool.

Chair Sisich advised all parties of interest of a 10-day appeal period.

**E. ITEMS FROM PLANNING COMMISSION**

In response to Commissioner House, Planning Director Bell confirmed his retirement.

Commissioner Fernandez announced his resignation from the Planning commission in December 2004.

**F. ITEMS FROM STAFF**

The Appeal of 59 Brookside Drive was denied.

**G. ADJOURNMENT TO THE MEETING ON MONDAY OCTOBER 4, 2004**

The meeting was adjourned at 8.30pm.



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