

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JULY 19, 2004**

A. CALL TO ORDER

Commissioners present: Chair Sisich, Harris, House, Jochum

Commissioners absent: Vice Chair Fernandez, Zwick

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. MINUTES – June 21, 2004

2. U-0416 – Sandra Gerner, 145-A Tunstead Avenue, APN-7-251-13, use permit to operate a wholesale business for sale of corporate gifts in a ±1,700 square foot space, located within the C-2 zoning district. (Staff person: Chambers)

3. V-0427 – Don Hensley and Jamie Lee, 36 Sequoia Drive, APN 6-166-10, variance to add a ±64 square foot first story addition within 3' of the west side property line (Code: 12'), located within the R-1 zoning district. (staff person: Chambers)

4. DR-0425/U-0417/SR-0402 – Adam Posard, 112 Pine Street, APN-7-251-24, design review, sign review and use permit for a 4,500 square foot professional/office use of an existing building, located within the C-2 zoning district. (staff person: Bell)

The Commission asked to remove 145-A Tunstead Avenue from Consent.

M/s House/Jochum and unanimously passed (4-0) to approve Items 1, 3, and 4 of the Consent Agenda.

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

REGULAR AGENDA

2. U-0416 – Sandra Gerner, 145-A Tunstead Avenue, APN-7-251-13, use permit to operate a wholesale business for sale of corporate gifts in a ±1,700 square foot space, located within the C-2 zoning district. (Staff person: Chambers)

The reading of the Staff Report was waived.

Commissioner Harris was concerned that deliveries might have an impact on traffic.

Sandra Gerner, applicant, explained that samples of merchandise would be sent to the premises, only, and that mass distribution and warehousing will be dealt with off-site

M/s House/Jochum and unanimously passed (4-0) 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.

5. DR-0424 – Denis and Hilary Dillon, 59 Brookside Drive, APN 5-181-02, flatland design review of a 523 square foot second story master suite addition located within the R-1 zoning district. (staff person: Chambers)

Planner Chambers introduced the staff report. Ms. Chambers explained that the project, which would usually have been dealt with administratively, has been brought before the Commission because of a complaint by a neighbor.

Denis and Hilary Dillon, applicants, explained that they have made an effort with the design to maintain the character of the neighborhood and respect their neighbors' wishes. The applicants noted that they have not maximized the allowable square footage and that they have especially designed small, high windows to respect their neighbors' privacy.

Charles Glynn, 55 Brookside Drive, is opposed to the project. He believes the addition is too large and too close to the east property line. He said that it will affect the privacy of his backyard and bedrooms and that the windows should be moved higher up. Furthermore, Mr. Glynn believed that the story polls should have been erected earlier.

Jan Brown, 55 Brookside Drive, said that the project will affect light in the main bedroom, where she spends much of her time. She asked that the windows be moved. Furthermore, she believes that the addition is too large and asked that it be modified to be less intrusive.

Ralph Ardito, 31 Brookside & 47 Broadmoor Ave; Diane Pecker, 62 Brookside Drive; Jolene Kramer, 54 Brookside Drive; and Alison Stone, 50 Broadmoor Avenue; supported the project for the following reasons: good design; building within allowable setbacks; the design is modest compared to other projects in the area.

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Chair Sisich noted that the only reason this project is being heard is because it exceeds 400 sq ft.

Hilary Dillon said that the shadow study shows that the light into the neighbor's bedroom at 55 Brookside Drive will not be affected. Ms. Dillon believes that she has tried to be as accommodating as possible.

In response to Chair Sisich, Ms. Dillon said that the den has been expanded from a landing to provide usable space.

In further response to Chair Sisich, Mr. Chartock, Architect, discussed the windows that face 55 Brookside Drive. Mr. Chartock then explained the reason it would be difficult to push the addition back towards the rear and he confirmed that the addition will not affect the neighbor's light.

Commissioner House supports staff's report. The addition is well designed and well placed and affords space between the Dillon's house and the neighboring house at 55 Brookside Drive.

Commissioner Harris believes that sufficient space exists between the two properties for there not to be an issue of light, air and privacy. Commissioner Harris noted that 55 Brookside Drive is on the east-side and he did not see shadows cast by the story polls when he visited at 5pm. He believes that moving the addition away from 55 Brookside Drive will make no difference to the impact of their sunlight. Commissioner Harris suggested that the owners might consider using translucent glass in the windows on their neighbors' side.

Commissioner Jochum does not believe that privacy is an issue. He said that said that the design is in keeping with the neighborhood and the setbacks are more than adequate.

Chair Sisich said that light might be an issue in this instance. He suggested that in the interests of neighborly relations, the size of the den could be reduced. Chair Sisich likes the design of the project and he would support the application if the den were removed or reduced in size.

M/s House/Jochum and passed (3-1 No: Sisich) 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.

6. **DR-0423 - Jon Pearlstone, 49 South Oak Avenue, APN 7-241-73**, amendment to 2002 design review approval for: 1) changes to the tree landscaping plan in the north side yard; 2) the addition of landings and stairs on the north elevation; 3) the addition of an accessory building in the south side yard; and 4) the addition of fences; and a height variance for fences up to 9' above grade (6' high fences on 3' high retaining walls) (Code: 6'), on property located in the R-1 H zoning district (staff person: Wight).

Senior Planner Wight presented the staff report.

In response to Commissioner Harris, Ms. Wight confirmed that the house is built in the correct location in accordance with the plans. Ms. Wight further confirmed that the structure surrounding the exterior electrical equipment is subject to revue but not the electrical equipment within.

In response to Chair Sisich, Ms. Wight confirmed that the Commission is requested to agree to a landscape plan that has already been planted. Ms. Wight further confirmed that the landing and stairs have already been built to allow access to the mud room/storage area.

Jon Pearlstone, applicant, explained that the Building Code made it necessary to enclose the electrical equipment.

Mr. Pearlstone said that many concessions were made in the design and construction of the home to appease neighbors. Had he not felt so pressured, he would have brought the changes to the landscape plan to the Planning Department's attention. Mr. Pearlstone noted that the landscape architect and soils engineer have determined that the area in which the redwoods should have been planted is unsuitable.

Mr. Pearlstone said that his neighbor is particularly concerned with the lack of screening between the decks of the two properties. However, Mr. Pearlstone believes that there will be sufficient screening in 3 years when vegetation has grown. He is open to suggestions as to where trees can be planted on his property, since he believes there is no more room on the hillside to plant trees.

In response to Commissioner Harris, Mr. Pearlstone said he did not want to plant redwood trees on the north hillside, as directed by staff, and suggested a privet be planted against his house or that redwood trees be planted in the canyon on lower ground.

In further response to Commissioner Harris, Mr. Pearlstone said that there is minimal visibility of the north side of the house from distant views. Ms Wight clarified the parts of the house that are visible.

Vince Howes, soils engineer, said that redwood trees are inappropriate on steep hillsides and might cause soil instability when mature. Oak trees are suitable but do not grow tall enough to provide screening.

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Iva Hoagland , landscape architect, said that there is no room on the slope to plant trees. Ms. Hoagland said that fast-growing trees are invasive and do not live long.

Greg Gibson, 47 South Oak Ave, said that screening is the primary issue and he would have preferred that the owner had adhered to the landscape plan. However, Mr. Gibson would now like the same amount of screening to be added that was originally agreed upon and for the replacement of bay trees that have died.

Mr. Gibson would like the deck and stairs to be stained the same color as the house.

Discussion ensued between Commissioner Harris, Ms. Wight and Ms. Hoagland on the time that would elapse before the trees were of sufficient size to provide screening.

Mr. Pearlstone said he had made an effort to provide a solution for the screening problem, which will take 3 – 5 years to be effective.

Commissioner Jochum said that a workable proposal has not been presented this evening and that Mr. Howes' advice that fast growing trees should not be planted any closer to the house should be heeded. Commissioner Jochum suggested that the Commission could impose a solution or ask the applicant and neighbor to come to an agreement.

Commissioner House said that a solution does not exist that makes everyone happy. The safety of the slope should be a priority and the Commission has heard from professionals that redwoods cannot be planted safely in the screening area.

Commissioner Harris does not favor applicants who do not seek approval first. Usually, Commissioner Harris would suggest the applicant and neighbor discuss the problems further but it is unlikely a solution would be found under these circumstances. However, he would support a continuance if the owner and Mr. Gibson thought there would be some merit in further discussion.

Chair Sisich would vote for a continuance, which would give him the chance to view the site, again, and for the owner and neighbor to try and agree upon a solution. Chair Sisich suggested that replacing the screening with larger trees remains an option and Commissioner House observed that this is a costly solution to a problem that will be solved in a matter of a few years.

The Commissioners agree upon the staining of the landing, stairs, and accessory building to match the house.

In response to Chair Harris, Mr. Gibson said he would be willing to try and resolve the matter with Mr. Pearlstone and suggested another landscape architect and soils engineer be employed.

Mr. Pearlstone said that he has already taken expert advice and that he would like to take possession of his home, which is being held up by the landscaping issues.

Ms. Wight suggested that the landscape plan be peer reviewed, which is usually undertaken at the homeowner's expense. Ms. Wight suggested that another landscape architect might suggest a more suitable species of tree for the area that has been determined as dangerous for the planting of redwood trees. Ms. Wight also suggested the option for the homeowner to pay a fee to the Town's tree fund in lieu of planting trees on his property.

Commissioner Jochum sees no purpose in the peer-review of the soils report. The solution to the problem lies in a creative landscape plan and he suggests that the applicant presents a landscape plan to the Commission. Chair Sisich is in agreement.

In response to Commissioner House, Ms. Wight explained the occupancy hold on the house.

Mr. Howes addressed Commissioner Harris' inquiries on the safety of the current landscaping in place. He said it would not make a difference if the redwood trees were planted further down the slope.

Discussion ensued between the applicants and Mr. Gibson with regard to a landscape architect.

M/s House/Jochum and unanimously passed (4-0) to continue the landscaping item to the meeting of August 2, 2004 if the issues cannot be solved at the administrative level.

M/s House/Jochum and unanimously passed (4-0) to approve the design review for the accessory structure, deck landing and stairs (stained to match dwelling), and fence variance.

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

7. E-0402/S-0402 - Drew Klausner, 26 Tamalpais Avenue, APN 7-211-23, Negative Declaration and Subdivision for the conversion of 5 apartment units to 5 condominium units on property located in the R-3 zoning district (staff person: Wight).

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The Commission waived the reading of the staff report.

Drew Klausner, applicant, discussed the project and the effect it would have on the tenants. Mr. Klausner noted that one of the units will be designated for low cost housing.

One of the current tenants spoke in favor of the project.

M/s Jochum/House and unanimously passed (4-0) to recommend approval of the project to the Town Council at their meeting on 10 August, 2004.

D. ITEMS FROM PLANNING COMMISSION

In response to Commissioner House, Ms. Wight said there were no developments in the recruiting of Planning Commissioners.

E. ITEMS FROM STAFF

2, 4, 6, & 8 Loma Robles, 61 Woodland Ave will be heard at the next Council Meeting.

F. ADJOURNMENT TO THE MEETING ON MONDAY AUGUST 2, 2004

The meeting was adjourned at 9.40pm.



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