

**SAN ANSELMO PLANNING COMMISSION,  
MINUTES OF 1 AUGUST, 2005**

**A. CALL TO ORDER**

**Commissioners Present:** Chair Zwick, Vice-Chair House, Sisich, Freeman  
**Commissioners Absent:** Harris, Krebs

**B. OPEN TIME FOR PUBLIC EXPRESSION**

**C. CONTINUED PUBLIC HEARING ITEMS**

1. V-0528 – Geoffrey Koblick, 747-751 Sir Francis Drake Blvd., APN 006-083-03, Parking variance to reduce the number of on-site parking spaces as a result of installation of a fence by adjacent property owner (Code: 8 spaces), located within the C-L zoning district. (staff person: Wight)

**D. PUBLIC HEARING ITEMS  
CONSENT AGENDA**

1. **Minutes – July 18, 2005**
2. V-0524/DR-0525 – Russell Boehm, 18 Beverly Way, APN 005-224-13, setback variance to permit one of the two required parking spaces to be partially within the right-of-way (off pavement) and setback review for a single story addition of approximately 224 square feet to be within 5' of the north side property line, located within the R-1 zoning district. (staff person: Chambers).
3. U-0511 – Kyle Thayer, 38 Savannah, APN 007-084-05, Use Permit for a second living unit within an accessory structure to be constructed with different exterior materials than the primary living unit due to restrictions by the Fire Department Urban Wildland Interface Code, located within the R-1 (above 150' msl). (staff person: Chambers)
4. U-0512 – Adam Cantor for Cantor Chiropractic Center, 754 Sir Francis Drake Blvd., APN 006-091-39, conditional use permit to allow a professional use and for the space to exceed 1,200 square feet, located within the C-L zoning district. (staff person: Chambers)

Commissioner Freeman recused himself from voting on 18 Beverly Way.

M/s House/Freeman to continue Item No. 2 to the meeting of 15 August, 2005 due to a lack of a quorum. Motion carried unanimously.

M/s House/Freeman and passed unanimously (4-0) to approve Items 1, 3 and 4 of the Consent Agenda. Chair Zwick reminded the hearing of a 10-day appeal period to the Town Council.

**REGULAR AGENDA**

5. ER-0501/PS-0501/PPD-0501/V-0504 – Carlos and Norine Castro, 444 Redwood Road, APN 007-191-10, Environmental Review (Mitigated Negative Declaration), Parcel Split and Precise Development Plan for a new two-story, 3,562± square foot single family dwelling and 509± square foot attached garage; a parking variance for access to be across 444 Redwood Road; and setback variances for retaining walls up to 7' above grade to be within approximately 18' of the front property line, all in conjunction with widening the road (Code setback: 20') on property located within the R-1H zoning district. (staff person: Wight)

Planning Director Wight introduced the staff report. A vegetative management plan has been provided since the last meeting, which Ms. Wight discussed in detail.

In response to Chair Zwick, Ms. Wight confirmed that if this item passes, the parcel becomes a legal lot on which a house can be built in the envelope. However, if it is considered necessary to move the envelope, then the position of the house will move with it. This application does not include the design of the house but the Commission could request that the design be included if it so wishes.

Commissioner Zwick and Ms. Wight discussed tree removal.

In response to Commissioner Sisich, Ms. Wight said that when the Bald Hill Plan was being considered, the Planning Department was aware that some lots could be subdivided in the future.

Steve Arago, Project Manager, explained the vegetative management plan in detail, using the plan on the board. Mr. Arago has been guided by the Fire Marshall and the Urban Wildlife Interface Code, which has necessitated an increase in tree removal.

Mr. Arago elaborated on the excavation phase and noted that a road bond must be posted and a videotape taken of the road prior to construction to ensure that damage will be repaired if necessary. Furthermore, the owners will agree not to subdivide the lots further, although they would prefer some other mechanism to ensure this besides a conservation easement.

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In response to Chair Zwick, Mr. Arago said he did not know how many truck trips would be necessary for the concrete. Mr. Arago noted that if the envelope is approved then an architect might find a solution to reducing the amount of off-haul.

In response to Commissioner Freeman, Mr. Arago said that more retaining walls would be necessary and greater tree loss would be incurred to provide access if the house were built further up the hill on flatter land.

Commissioner House and Mr. Arago discussed moving the property to a flatter part of the property. Mr. Arago said it would not be desirable to build the driveway so close to the owners' house.

Bill Geisler, 405 Redwood Road, said that it is a bad site and that creating the lot higher on the hill is much better. Furthermore, the house would loom over their house and drainage, too, is a problem. A nearby culvert should be increased substantially in size if a house is built on the lot.

Peter Pfau, 419 Redwood Road, said that the design of the house should be discussed at this stage. The house is large, which effect will be difficult to mitigate because it is so close to the road, and the site is steep. Furthermore, the house is out of character with the neighborhood. Mr. Pfau spoke about his concern for the retaining walls.

Kathy Sanders, 310 Redwood Road, said that other undeveloped lots exist on Redwood Road where the right to build a house cannot be denied but that, in this instance, the Planning Commission can deny an application to create a second lot. Furthermore, if the lot split is granted tonight, then it would not be possible to insure that an easement or deed restriction could be put in place by the property owner. Ms. Sanders is also concerned with the route that construction traffic will use and the condition of the road for which homeowners contributed towards its resurfacing a few years ago.

Gay Kagy, 280 Redwood Road, referred to a letter she had given to the Commissioners and said that it is important that discussion on design review takes place at the same time as the lot split.

Mr. Arago explained the mitigating action that has been put in place with regard to the retaining walls.

In response to Commissioner Freeman, Mr. Arago explained why it would be difficult, in terms of grading, to place the house further up the hill. Furthermore, different neighbors might complain and the grading is minimal in the house's current location.

Chair Zwick and Mr. Arago discussed other locations on the property on which to build a house, taking into account grading, contours and the slope analysis, which resulted in Mr. Arago agreeing to study the possibilities further. Chair Zwick suggested a possible location that Mr. Arago thought would be unsuitable because it would necessitate a driveway running close to the owners' present house. Furthermore, extensive grading would be necessary. Chair Zwick noted that the grading for the proposed drive might be less than the proposal.

In response to Commissioner Freeman, Ms. Wight said that the Town Engineer had reviewed the drainage report and the peer review, and that he would be reviewing the final drainage plans when they are presented. In the meantime Ms. Wight will pass on comments made on drainage.

Commissioner Sisich said that the owners are allowed to subdivide the property and build a house. Furthermore, a future owner would not want to live in a house that was too close to another. The site should be hidden as much as possible, and the colors should be dark to minimize impact when the trees are thinned. Commissioner Sisich believes that it is better to place a home on a site that requires the least amount of work. Furthermore, he does not believe that the building will exacerbate drainage problems and that the foundation and walls will bolster the hillside. Commissioner Sisich said that he favors a conservation easement, which should be made a condition.

Commissioner House agrees that the owner has a right to build a house on this property and that an open space easement would need to be put in place in order for her to support the project. Commissioner House said that she is relying on the engineers to take care of drainage issues and that if an expert determines it is necessary to enlarge the culvert, she would support this action. Commissioner House is comfortable with agreeing to an envelope prior to design review, the idea being to design the house once the envelope has been agreed upon. Commissioner House understands why the owner does not want to build a driveway at the back of his house but she still feels that a site on a flatter part of the lot is preferable.

In response to Commissioner Freeman, Mr. Arago discussed the Fire Marshall's requirements with regard to the retaining walls and turnouts. Mr. Arago explained that the Fire Marshall considered the road sufficiently wide to negate any need to have it widened or create many turnouts.

Commissioner Freeman concurs with the statements of previous Commissioners. He would suggest that the house be moved further up the hill so that the impact from the road would not be so great as some people are led to believe. Furthermore, if drainage could be improved by the widening of the culvert, then he would support that action. Commissioner Freeman would support the building envelope if an open space easement were in place.

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Chair Zwick said that the project has not improved since the early stages of design. Furthermore, if it were based in the County, then development would be prohibited due to the 50% slope. Chair Zwick said that a visual analysis has not been presented which shows how the house will look, and he does not know which trees will be removed. Also, no further analysis has been made on alternative sites. Chair Zwick said that the house is too large and the slope too steep for him to approve the project.

Commissioner House suggested that the Staff Report be divided because she cannot support the parcel split and Precise Development Plan. The more she thinks about the project, the more she is concluding that the house needs to be moved.

Commissioner Zwick and Ms. Wight discussed the effect on the project if the Staff Report were divided. Ms. Wight said that an open space easement could be required at the tentative map stage.

In response to Commissioner Freeman, Ms. Wight said that the environmental review is based on the envelope.

M/s House/Sisich to approve the parking variance for access and setback variances for retaining wall. Motion passed unanimously.

A short break commenced.

Ms. Wight advised that the applicant could agree to another continuance for the Negative Declaration. Ms. Wight said the applicant needs direction.

Chair Zwick clarified the information he required from the applicant. He suggested that the applicant make a strong argument as to the reason that this location is the best on the property because he has not seen enough evidence to support this view. Furthermore, Chair Zwick would like to see what the building looks like off-site, taking into account the anticipated tree removal. The applicant should explore other sites and orientation of the building and perhaps separate the house and garage. Chair Zwick would also like to know how much cut and fill will be necessary, in addition to the number of truck loads (removing dirt and delivering concrete) and the location of the open space easement.

M/s House/Freeman to move the application to the meeting of 15 August, 2005. AYES: House/Freeman/Zwick. NOE: Sisich. Motion carried.

5. V-0517/DR-0518 – Dean Jones – 70 Bennitt Avenue, APN 005-091-20, setback variance for two of the required on-site parking spaces to be located within 8'-1" of the front property line and within 5' of the south side property line, in conjunction with the development of a single family dwelling; setback variance for a new single family dwelling to be constructed within 5' of the rear property line and 5' of the north and south side property lines; and Hillside Design Review for a new dwelling of approximately 587 square feet, located within the R-1 zoning district (above 150' msl). (staff person: Wight)

Planning Director Wight introduced the staff report, explaining the changes that have been made since the item was heard at a previous hearing. Ms. Wight noted that she is still unable to support the project.

In response to Commissioner Sisich, Ms. Wight confirmed that there is no agreement to a deed restriction to prohibit building on to the garage to make a second unit.

Dean Jones, applicant, read letters of support and noted, once again, that he could choose to build a 2-story home. Furthermore, Mr. Jones said that the setbacks have been increased and the size of the house has been reduced.

Chair Zwick said that despite the project receiving neighborhood support, findings still need to be made by the Commission.

Fred Divine, Architect, explained the project in further detail. Mr. Divine believes that findings can be made for the backyard variance, one reason being that a backyard serves as a purpose to maintain space between properties. Therefore, the building would infringe on much of that space if it had to meet setback requirements. Mr. Divine also believes that the wall constitutes a special circumstance, which he explained in further detail, and he said that his client is willing to sign a deed restriction to prohibit expanding this house into the center of the yard.

Commissioner Sisich and Mr. Divine discussed the topographical issues of the site. Mr. Divine confirmed that a future owner could build a living unit in the front of the property, which he discussed in more detail with Commissioner Sisich.

In response to Chair Zwick, Mr. Divine used the plans to explain which portion of the site would be deed restricted to prevent further building.

Kathryn Gant Bradley, 24 Durham Road, is concerned that deed restrictions might not be enforceable. She is further concerned by what constitutes a special circumstance and precedence being set.

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In response to Ms. Bradley, Commissioner Sisich explained how deed restrictions work. Commissioner Sisich noted that the 5' rear and side setbacks have been met, which he had said he preferred at the last meeting. He believes that Mr. Divine has made a case for the finding.

Vice-Chair House said she is unable to make a finding for the 5' rear yard setback. However, if a deed restriction were enacted ensuring that this would be the only structure built on the property, then she might be able to support the project.

Commissioner Freeman believes that a solution has been found, and he noted the neighbors support. However, Commissioner Freeman is unable to make a finding.

Chair Zwick said he did not have anything further to add.

Commissioner Sisich proposed the following motion:

M/s Sisich/Freeman to approve the project. The findings are that the granting of the rear yard setback would be not be a special privilege because the project meets the intent of the code which is to maintain space between properties and that the space that is being utilized is not impacting the neighbors, nor is it detrimental to the neighborhood due to the project's small size, nature and location.

AYES: Freeman/Sisich

NOES: House/Zwick

Motion failed.

M/s Sisich/House to continue this item to the next Planning Commission meeting on 15 August, 05. Motion passed unanimously.

7. **V-0526- Drew Klausner, 26 Tamalpais Avenue, APN 007-211-23**, variance amendment to retain R-11 insulation in the walls (previous Planning Commission variance granted to have R-13), which is a variance from the Condominium Conversion Ordinance regulation that all the dwelling units comply with the current statutes, laws, Codes, rules, and regulations for energy conservation, which apply to new residential construction. (staff person: Wight)

Planning Director Wight introduced the staff report. Staff felt that special circumstances do not exist to grant the additional variance because there was already a significant variance granted for the building to be out of current energy compliance, and it is possible to install the insulation.

In response to Chair Zwick, Mr. Klausner, applicant, explained the difficulties in upgrading the insulation.

In response to Commissioner Freeman, Mr. Klausner said that his contractor has determined that the sheetrock would need to be removed in order to add insulation. Mr. Klausner noted that the floors and attic are being insulated to increase energy efficiency and that the savings would be very small if he had to add more insulation to the walls.

In response to Chair Zwick, Mr. Klausner said that he could find extra energy savings to negate any need for a variance but that it would involve changing the windows, for example.

Commissioner House noted that substantial variances have already been granted for this project. She suggested that other mechanisms might exist to offset the walls, such as replacing some windows or installing solar panels.

Mr. Klausner said he would speak to his contractor to determine if more insulation could be added.

Commissioner Sisich said that the applicant is going above and beyond that which others are willing to do and he does not think it is necessary to enforce the Condominium Code in this instance. Commissioner Sisich said that the Commission would probably have approved this variance had it been presented at the previous hearing, in conjunction with the other variances.

Commissioner House proposed the following motion:

M/s House/Freeman to allow the applicant, by means of an administrative approval, to increase the insulation of the property by 2.4% by whichever means are practical. AYES: Freeman/House/Zwick. NOE: Sisich. Motion passed unanimously. Chair Zwick reminded the hearing of a 10-day appeal period.

8. **V-0527 - Jeff Leonard and Paula Russo, 170 Oak Avenue, APN 007-273-01**, setback variance to construct a carport cover to extend over an existing car deck within 0' of the northwest side property line and within 5' of the front property line (Code setbacks: 8' and 20', respectively) on property located in the R-1 zoning district (staff person: Wight).

M/s House/Sisich to approve the staff report. Motion carried unanimously. Chair Zwick reminded the hearing of the 10-day appeal period to the Town Council.

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**E. ITEMS FROM PLANNING COMMISSION**

In response to Chair Zwick, Ms. Wight said she would take into consideration the desire to require the use of white paper to replace blue prints.

There will be one meeting in September on the 19<sup>th</sup>. Dates for October's meetings will be confirmed at a later date.

**F. ITEMS FROM STAFF**

- 16 Foothill Avenue has been appealed but it might be withdrawn.
- The Sign Ordinance will be heard on 15 August, 2005.
- 2,4,6 & 8 Loma Robles and 790 Sir Francis Drake Blvd: The Council indicated support for the commercial aspect of the project at 790 Sir Francis Drake Blvd, but the number of residential units should be reduced to 2 houses. It will be heard on 13 September, 2005.
- 1535 Sir Francis Drake Blvd: Regional Water conducted a meeting with concerned citizens and invited staff. Preliminary information has been produced following toxic testing that occurred last week. The applicant said he removed 2 truckloads of dirt to another location.

**G. ADJOURNMENT TO THE NEXT MEETING OF AUGUST 15, 2005.**

The meeting was adjourned at 9.45pm.

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