

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF FEBRUARY 7, 2005**

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. CONTINUED PUBLIC HEARING ITEMS

5. **ER-0501/PS-0501/PPD-0501 – Carlos and Norine Castro, 444 Redwood Road, APN 7-191-10,** Environmental Review (Mitigated Negative Declaration), Parcel Split and Precise Development Plan for a new single family two-story, 3,562± square foot single family dwelling and 509± square foot attached garage located within the R-1H zoning district. (staff person: Wight)

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **Minutes – January 3 and 18, 2005**
2. **DR-0503 – Jennifer and Christopher Davis, 49 Indian Rock Court, 49 Indian Rock Court, APN 177-250, 07,** hillside Design Review to add a ±450 square foot first story and ±424 square foot second story addition, totaling approximately 874 square feet and approximately 374 square feet of decking, located within the R-1 zoning district (above 150' msl). Staff person: Chambers

M/s House/Sisich and unanimously passed (4-0) to approve the Consent Agenda. Chair Zwick advised all parties of interest of the 10-day appeal period to the Town Council

REGULAR AGENDA

3. **V-0439 - Jeannie Langinger, 12 Arroyo Avenue, APN 5-111-67,** setback Variance to add a 400 square foot, single story addition within 5' of the west side property line located within the R-1 zoning district. (staff person: Chambers)

Planner Chambers briefly introduced the staff report. Planner Chambers responded to a query by Chair Zwick regarding variance rules.

M/s House/Freeman and unanimously passed (4-0) to approve the project with the findings and conditions as set forth in the staff report. Chair Zwick advised all parties of interest of the 10-day appeal period to the Town Council

4. **DR-0502 – Albert and Elizabeth Malka, 52 Durham Road, APN 5-202-21,** hillside Design Review and setback Design Review of a ±260 square foot first story and ±593 square foot second story addition totaling approximately 853 square feet to be within 5' of the north and 5' of the south side property lines, located within the R-1 zoning district (above 150' msl). (staff person: Chambers)

Planner Chambers introduced the staff report. In response to Commissioner Sisich, Ms. Chambers said that story poles are not a requirement, but can be requested by Staff or Commissioners. In this case story poles did not reflect the front or rear dormers. Ms. Wight noted that story poles are a requirement for new houses.

In further response to Commissioner Sisich, Ms. Chambers said that noise is a consideration under the rules of design review.

Elizabeth Malka, applicant, said that story poles had been put up but had been blown down during a storm. Ms. Malka explained that they wanted to enclose the staircase to provide more privacy and she explained the project in more detail.

Kathryn Bradley, 24 Durham Road, does not believe that the porch and staircase need to be enclosed and that the property lines need to be assessed accurately. Height is also a concern. Ms. Bradley does not want a precedent to be set that would enable the property next to hers to be developed in a similar manner.

Bob Govi, 48 Durham Road, acknowledged his neighbors' right to build a larger, better house. However, he noted that setbacks are being infringed when there is room at the back of the house, which could be used. Mr. Govi said that the property lines are already too close and that a survey is needed to verify property lines.

In response to Chair Zwick, Mr. Govi said that privacy is of concern but the issues he mentioned are his main objections.

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David and Jessica Rising, 62 Durham Road, and Don Martin, 63 Durham Road, expressed their support of the project.

In response to Ms. Malka, Chair Zwick noted that the parcel maps are not accurate. However, a survey is not required and, with additional explanation from Commissioner House, Chair Zwick said that it could become a legal matter between themselves and their neighbors in the future and that he would suggest that a survey is undertaken.

Commissioner Sisich is concerned that an effort has not been made to use the back of the property, where there is room. He is not concerned with the height but remains perturbed that dormers are proposed. Commissioner Sisich believes that, although no floor is proposed, a floor could be installed to create a third story.

In response to Commissioner Freeman, Ms. Chambers said that the owners had not wanted to undertake a survey when she last spoke with them.

Commissioner House will support the project because the setback and design review findings could be met.

Chair Zwick noted that the aesthetics of the house are not being reviewed. The plans do not indicate the possibility of a third story and Chair Zwick trusts people to be law-abiding and so he will support the project.

M/s House/Freeman and passed (3-1 No: Sisich) to approve the project based on the findings and conditions as set forth in the staff report.

Chair Zwick advised all parties of interest of the 10-day appeal period to the Town Council

6. DR-0504 – David and Jennifer Boesel, 81 Holstein Road, APN 5-053-49, design review of a new two-story, 4,255± square foot single family dwelling and 792± square foot attached garage, located within the R-1 zoning district (above 150' msl). (staff person: Wight)

Senior Planner Wight introduced the staff report.

In response to Chair Zwick, Ms. Wight produced color photographs and explained the views from where the story poles could be seen. In further response to Chair Zwick, Ms. Wight said that information on the water tank is not yet available.

Laura Kehrlein, architect for the project, spoke about the project and the constraints that influenced the positioning of the house.

David Boesel, owner, provided further explanation as to the design and placement of his house.

Commissioner House used the plans to suggest a different part of the property on which the house could be built. However, Ms. Kehrlein said that less grading, and therefore less off-haul, would be necessary if the house were built in the present location.

Ben Capron, 294 The Alameda, is concerned that the structure is inconsistent with the neighborhood; that it is larger and taller than other houses in the area. Mr. Capron is further concerned that the house will be too close to his house and that it will look directly into 6 windows of his home, which affects his privacy. Furthermore, the retaining walls are visible and will affect the light on his house. Mr. Capron believes that water will be diverted onto his property and he is concerned that a tree that is marked for removal is on his property.

In response to Commissioner Sisich, Mr. Capron said that design is an issue, rather than square footage. A less imposing design would be an improvement.

Philip Emminger, 35 Holstein Road, agrees with Mr. Capron with regard to the position of the house. He is concerned that the retaining wall is a safety hazard and suggested that some grading might enable the wall to be lower. Furthermore, Mr. Emminger does not believe that the drainage plans are satisfactory.

Dan Goltz, 107 Holstein Road, said that there is already too much water on Holstein Road, which will be exacerbated with a new house. Mr. Goltz noted that the road has been repaved.

Sita Khufu, 290 the Alameda, said that she is concerned that there will be a landslide and that she is opposed to the removal of an oak tree. Furthermore, Ms. Khufu will lose sunlight to her kitchen. She believes that the house is too large and the retaining wall too high. Ms. Hhufu produced a letter of opposition from a neighbor who is out-of-town.

Jim Young, 34 Holstein Road, and Alex Thomas, 300 The Alameda, are also concerned with water drainage on Holstein Road.

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Peter Knuth, 78 Holstein Road, believes that the house is too large and that drainage is an issue. He said that the water should drain into the creek.

Robin Gayle, 91 Holstein Road, is concerned about the safety of the retaining wall, the issue of construction traffic and the high visibility of the water tank.

Alex Aragon, 100 Holstein Road concurs with the previous speakers with regard to size of the house, drainage and traffic issues.

David Boesel, applicant, said that the retaining wall is not 9' along its total length but that he is prepared to do some grading work. Mr. Boesel discussed the story poles and the drainage plans, and noted that the Fire Department suggested that a water tank be built.

In response to Commissioner Sisich, Mr. Boesel discussed the drainage plan in more detail.

In response to Chair Zwick, Ms. Wight referred to the Planning Code and explained the rules concerning maximum house size and FAR. Ms. Wight concurred with Chair Zwick that houses need to be in character with the neighborhood and she explained why privacy is not a finding for hillside developments.

Ms. Kehrlein explained why it was not possible to build in the area of the easement, in response to Chair Zwick.

In response to Commissioner Freeman, Ms. Wight clarified the drainage plans and noted that the Town Engineer would not approve plans that would exacerbate drainage problems.

Ms. Wight explained the Commission's role for this item and reminded the commissioners that the applicant needed direction.

Commissioner Sisich said that it is a legal lot and that he will vote in favor of a house being built on the lot. He understands how the house can be construed as having 3 stories, although Town Codes dictate that it is a 2-story house. He does not think that the impact will be great and he believes that screening is important. Commissioner Sisich said he would defer to the Town Engineer on drainage issues and he does not believe that the retaining wall is an attractive nuisance. He would favor a continuance to discuss the placement of the water tank and he would prefer the house to be reduced in size and for screening to be provided.

Commissioner Freeman is concerned with the drainage issues because there is a strong difference of opinion. He is further concerned that the house will be constructed too close to the house at 294 The Alameda, although he understands that it might prove too difficult to construct the house elsewhere on the property. Commissioner Freeman has reservations about the size and compatibility of the house to the area.

Commissioner House said she would probably vote to continue the project and noted that a videotape of the road, road bond and construction management plan will be required as part of the building permit process. Commissioner House said that water is an issue everywhere in town and she requested a copy of the soils report, which Ms. Wight will provide. Ms. House would like to see the size of the water tank and its location. Commissioner House also commented on the colors and suggested that large color boards be provided on the site during construction. Ms. House remains concerned that screening is not adequate and she is not yet persuaded that the present site is the most suitable for the house. She believes that the house is not too large because the lot is large. Commissioner House will consider the plate heights at the next meeting.

Commissioner Zwick concurs with much that has been expressed by Commissioner House, particularly with regard to there being inadequate screening. However, vegetation sometimes dies and moving the house might be a better alternative, although he notes that access makes the design of the house more difficult. Commissioner Zwick suggested that the house is moved and more terracing be put in place so that less soil will need to be moved. He would like a surveyor to confirm that the story poles are accurate and a presentation of distant views would be welcome, in addition to further information on drainage that could be addressed in layman's terms.

Ms. Wight responded to Commissioner Zwick's question on the retaining wall.

Ms. Wight said that the Town Engineer or project architect could respond to Commissioner Zwick's inquiry as to the reason why water is not being drained directly to the creek.

Commissioner Zwick asked that drawings be provided for the water tank and screening. He noted that the landscape is fairly barren with a visible, large house and he suggested that the owner might consider a smaller house in order to gain support. However, Commissioner Zwick noted that the size of the house is not necessarily of importance if it is attractive, in keeping with the neighborhood and fades into the landscape.

M/s Sisich/House and unanimously passed (4-0) to continue the item to the meeting of 7 March, 2004.

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7. **TOWN OF SAN ANSELMO – Environmental Review (Negative Declaration) and Zoning Ordinance Amendments**, which would include amendments to Title 10 of the San Anselmo Municipal Code, including: Article 1: Adoption of Ordinance (New Inclusionary Ordinance (Affordable Housing)); Article 3: Land Use: Table 3A (Land Use Table); Article 4: Development Standards: Tables 4A (Development Standards Table), 4B (Minor Intrusions into Required Residential Development Standards), 4D (Table of R-1 H Hillside Density District Parcels, and 4E (Maximum Sizes of Dwellings on Residential Properties Located above 150 Mean Sea Level Elevation); Article 5: Parking, including garages on vacant parcels; and Article 17: Definitions, including language clarification. (staff person: Wight)

Senior Planner Wight introduced the staff report.

Jonathan Braun, 479 Scenic Avenue, is concerned that the setback rules for minor intrusions, with particular regard to swimming pools, hot tubs and mechanical equipment, are being relaxed. He would prefer that maximum setbacks be required. Mr. Braun said that a sizable structure could be installed with zero setbacks. He further believes that grade at any point should determine height on steep slopes.

Gay Kagy, 580 Redwood Road, is concerned with the generation of noise by structures allowed within zero setbacks, such as play structures and gazebos. Ms. Kagy also noted that some decks require zero setbacks. She said that her desire for these changes arose from issues relating to her neighbor.

David Bell, 10 Fernwood Drive, commented on the proposal for garages on undeveloped lots.

Kathryn Bradley, 24 Durham Road, inquired as to how affordable housing is being monitored.

Ms. Wight responded to Commissioner Freeman's inquiry on the increase in numbers for family day care being a State regulation.

Chair Zwick noted that the owner of 10 Fernwood Drive might resolve his parking issue if the new language is adopted

In response to Chair Zwick, Ms. Wight explained that the object of the new rules for play structures is to bring them into line with the Building Code.

Commissioner Zwick further suggested that a notice be issued for deck construction and Ms. Wight explained the changes in the rules for decks.

Ms. Wight responded to the issues raised by the members of the public.

Chair Zwick suggested that the Council be notified of the issues raised by the public.

M/s House/Freeman and unanimously passed (4-0) to recommend approval of the Negative Declaration and Staff's Report to the Town Council at their meeting of 22 March, 2004 with the issues raised by the members of the public to be brought to the Town Council's attention.

E. ITEMS FROM PLANNING COMMISSION

In response to Commissioner Sisich, Ms. O'Hehir said that the building permit application for 125 Redwood Road is being processed.

F. ITEMS FROM STAFF

Ms. Wight said that Commissioner Pipkin resigned from the Planning Commission.

The studies for the project at 2, 4 and 6 Loma Robles will be peer reviewed.

A photomontage of the project at 1535 Sir Francis Drake Blvd will be presented to the Town Council.

G. ADJOURNMENT TO THE SPECIAL MEETING ON MONDAY, FEBRUARY 28, 2005

The meeting was adjourned at 10.15pm.



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