

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF APRIL 2, 2007**

**A. CALL TO ORDER**

**Commissioners Present:** Vice Chair Schinner, Harris, Purl, Sisich  
**Commissioners Absent:** Chair Krebs, Overberger, Zwick,

**B. OPEN TIME FOR PUBLIC EXPRESSION**

None.

**C. CONTINUED PUBLIC HEARING ITEM**

1. **V-0709/DR-0709 – Albert and Elizabeth Malka, 52 Durham Road, APN 005-202-21**, Setback Variance to add a 44 square foot entry addition within ±11 feet of the front property line but 20' off pavement (Code: 20'), and to relocate 2: 9'x19' parking spaces on the driveway within 0' of the north side property line and partially in the right-of-way (off pavement), and Amendment to the previously approved Hillside Design Review, located within the R-1 zoning district. (staff person: Chambers) **CONTINUED TO APRIL 16, 2007**
  
2. **Z-0701/ER-0701 - TOWN OF SAN ANSELMO**, Environmental Review (Negative Declaration) and Revisions to the Zoning Ordinance of the Town of San Anselmo (including development standards for structures: setbacks, height, lot coverage, and floor area; fences and vegetative screening; parking and driveways; demolition of structures; definitions and uses; required findings; design review; nonconforming structures), and additional recommendations from the Zoning Ordinance Sub-Committee for future consideration. **CONTINUED TO APRIL 16, 2007**

**D. PUBLIC HEARING ITEMS  
CONSENT AGENDA**

1. **Minutes – March 19, 2007**
  
2. **TOWN OF SAN ANSELMO** - Proposed abatement of a portion of Creek Road Right-of-Way, east of Glen Road adjacent to 6 Glen Road, APN 007-012-30 and 10 Glen Road, APN 007-012-31. (staff person: Davison)

M/s Harris/ Sisich and unanimously approved (4-0) to approve the Consent Agenda.

**REGULAR AGENDA**

3. **V-0702/DR-0701 – Abraham Kalichman, 157 Meadowcroft Drive, APN 005-142-02**, Setback Variance to construct a first story addition within 5' of the west side property line (Code: 8'), and Flatland Design Review to add a 454± square foot second story addition and 108 square foot deck, located within the R-1 zoning district. (staff person: Chambers).

In response to Vice Chair Schinner, Assistant Planner Chambers explained why this item was not placed on Consent, and then she presented a brief staff report. She discussed the changes that have been made since the last meeting, and noted that the plans reflect all the modifications that were requested. She noted that the need for a variance to raise the existing roof has been removed, and the lot coverage variance has been eliminated because the demolition of part of the garage has reduced the lot coverage to 31.7%. Ms. Chambers discussed the conditions of approval, which include the items agreed between the architect and the neighbors, in addition to a construction management plan. Thus, staff is able to support the setback variance, and can make the findings of approval for design review.

In response to Commissioner Sisich who was concerned about two neighbors on Morningside who have not attended the meetings, Ms. Chambers said that they received a legal notice before the last meeting and tonight's agenda was posted at the site.

In response to Vice Chair Schinner, Planning and Building Director Wight said that the Town usually requires a construction management plan for hillside projects, and that the construction management plan included in the conditions of approval is sufficient for this project. She said that there is nothing unusual about the conditions included in this plan.

Jim McDonald, project architect, said that they accept the staff report.

Mary Wilkinson, Morningside Drive, asked for confirmation that the roof height has been lowered, which Ms. Chambers was able to provide.

James Pierce, Meadowcroft, said he is pleased that the illegally-built portion of the garage will be demolished, which will let more light into their property. He favors a construction management plan and would like assurance that the project will be completed in a reasonable amount of time. Commissioner Schinner explained the appeal process at Mr. Pierce's request, which Ms. Chambers said cost \$400.

M/s Harris/Sisich, and unanimously passed (4-0), to approve the project with the conditions set forth in the staff report. Vice Chair Schinner reminded the public of the 10-day appeal period to Town Council.

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4. **DR-0708 – Scott and Toni Pinsky, 68 Longwood Drive, APN 006-262-23**, Hillside Design Review to add a ±839 square foot addition and decks totaling approximately 703 square feet, located within the R-1 zoning district (above 150' msl). (staff person: Chambers).

Assistant Planner Chambers introduced the staff briefly explaining the discussions that had taken place at the last hearing. She noted that the Commissioners had indicated that they would not be able to support an FAR (floor area ratio) variance; that the architect said he would remove the first floor office to abate the variance, and the Commissioners requested plans for the new design. Also, some Commissioners said they wished to visit the next door neighbor to ascertain the effect of the new project from her deck.

Ms. Chambers said that the first and second floor additions have been reduced, which has brought the dwelling below the FAR maximum, and so a variance is no longer required. However, hillside design review is still necessary. She said that staff was unable to support design review at the last meeting because of the location of the addition; that it did not have a low visual profile at the back and did not blend into the hillside. Ms. Chambers said that staff is still unable to support the project because this has not been addressed, and she noted that the Land Use Policies and Objectives of the General Plan have been included in the staff report.

Jerry Kler, Architect, said that the lower floor office has been reduced significantly. They have designed a series of stepped gardens where the space has been removed and they intend planting mature trees to provide screening for the neighbor at 72 Longwood. Furthermore, they have shaved off the back deck to provide more privacy for the neighbor.

In response to Commissioner Purl, Mr. Kler said the neighbor at 72 Longwood will see less deck and they will cooperate with her as to the placement of the trees to provide the best screening.

In response to Commissioner Sisich, Mr. Kler explained why it would be difficult to change the design of the project. He believes the current design is the most reasonable because it is at the corner of the house and offers the possibility of being screened. Furthermore, they wish to construct a bedroom at the same lower level which will afford views of Mt. Tamalpais. They considered a second story over the existing house but believed this would have a detrimental affect on other neighbors in the area. He feels the current design seemed to be the least obtrusive.

Margaret Gorin, Longwood Drive, suggested an alternative design to reduce the size of the addition. The present design is very tall, and she does not believe that trees will be able to hide the addition from her deck. She said that the houses and decks in the neighborhood are of a similar size and that all the residents enjoy views of Mt. Tamalpais. This design does not have a low profile and the addition is huge.

Mr. Kler and Commissioner Schinner discussed screening further, and the public comment period was closed.

Commissioner Sisich said that there are rules to minimize impacts of hillside developments, and the applicants do not seem to have pursued other designs, and the impacts need to be reduced. The structure protrudes outward by 36', and some of this space could be transferred to the lower level. He does not think this project is in the spirit of good design which should be encouraged in hillsides, and he will not support the application.

Commissioner Purl said he visited the deck at 72 Longwood, and he does not believe the visual impact will be so great if mature trees are planted. He said he was drawn to the views across the valley, and that he struggled to look upwards at the addition. Furthermore, the hillside is well screened and a number of other houses are visible through the trees. Commissioner Purl does not believe this project will create any more visual impact than any other house in the same area. He does not believe that the addition looms over the hill, and he would vote in favor of the project if the roof design was altered by removing the ski slope roof.

Commissioner Harris said that he understands staff's opinion that the design does not blend in with the hillside, but he feels that an exception can be made in this case because the addition will not be visible, generally, to most homes in the valley. Furthermore, the understory is not developed at the present time, and he suggested that the master bedroom could replace the office, although he acknowledged that this would eliminate the view of Mt. Tamalpais from the bedroom. Commissioner Harris favors the provision of trees to provide screening, which should be approved at staff level. However, he noted that a view ordinance does not exist, and that light, air and privacy standards are not required for hillside additions. From the neighbor's deck, there is currently a 180° view which will be affected slightly by the addition, but the primary view will not be obliterated. Commissioner Harris is undecided upon the problem of the design not blending in with the hillside.

Commissioner Schinner agrees with the staff report and Commissioner Sisich that the addition does not maintain a low visual profile or blend into the hillside. It extends outward a long way it is very tall, and will have a looming effect. He believes the addition is fairly massive, and he is concerned that a significant amount of glass will be used that might make the dwelling highly visible. Commissioner Schinner would prefer that the addition is pulled in, although not necessarily to the extent favored by the neighbor. He said that the removal of some of the office space is a good gesture, but more room could have been removed from the addition and the master bedroom. He suggested that the structure be pulled back at

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least 10', which would reduce the mass that extends down the hill. A 'stepping' design would also be more favorable.

General discussion followed amongst the Commissioners about the design. Recognizing the possibility of a continuance based on the fact that two appeared in favor and two opposed, staff noted that it would be necessary for the applicant to request a 90 day extension under the Permit Streamlining Act.

Mr. Kler agreed to the 90 day extension and asked that this project be continued to allow it to be heard by a full Commission because he understood from the last meeting that the project would pass if the FAR were reduced. The plans now reflect FAR conformance.

General discussion followed, and Commissioner Harris noted that approval of this project is not guaranteed by continuing the matter.

M/s Schinner/Harris and passed (3:1 no: Purl) to continue the project to the meeting of April 16, 2007.

- 5. V-0707/DR-0707 – Scott and Heidi McCarthy, 114 Alder Avenue, APN 007-041-20, Setback Variance to construct a 551 square foot garage within 1'-11" of the west side property line and to legalize an existing 111 square foot accessory structure within 1'-5" of the west side property line (Code: 8'), and Setback and Flatland Design Review to add first and second story additions totaling ±1,923 square feet within ±6'-2" of the east side property line, located within the R-1 zoning district. (staff person: Chambers)**

Planner Chambers introduced the staff report, noting that staff has received three letters of opposition, including one from the neighbor at 110 Alder Avenue who had originally supported the project until the story poles were erected.

Scott McCarthy, applicant, said that they wish to enlarge their home and that they have a relatively large lot. They acknowledge that they have designed a much larger home but they wish to minimize the impacts to their neighbors, and he noted that the addition is the same height as the present dwelling. Furthermore, they have designed high window sills and sloped roofs, in addition to other changes, to minimize impacts.

Dan Phipps, architect, noted that the massing from the street has been minimized and that they have not extended so much on the east side to minimize the impact to the neighbor. Furthermore, they have designed hip roofs and provided screening, and Mr. Phipps said that they have tried to maintain the character of the neighborhood at the front. He presented letters of support from neighbors. They asked for forgiveness for the height of the accessory structure which was already in existence when the applicants bought the house, and he presented materials showing other garages in the neighborhood that encroach setbacks. They are concerned that usable space will be taken up if they need to move the pool equipment from the garage. Mr. Phipps noted that the project will not cause major impacts to the neighbors' light.

Mr. Phipps and Commissioner Sisich discussed the roof height and design, and Mr. Phipps and Commissioner Purl discussed the pre-existing conditions of the house.

Planning and Building Director Wight noted that the contents for the property files are public record, and details of the pre-existing hardship are noted in the files. Ms. Wight and Commissioner Purl spoke further on the matter.

John Sullivan, Alder Avenue, said he is not opposed to the project, and that the present design is similar to the original design that was proposed at 110 Alder. However, the massing of a wall was changed, along with the roof design, and the results pleased the homeowners and their neighbors. He suggested the Commissioners visit the property at 110 Alder Avenue.

Janine Thompson, 110 Alder, said that she is friendly with the applicants and supports their right to build an addition, particularly as they, too, built an addition. However, they did not understand the plans sufficiently when they gave their approval, but the story poles implied a much larger addition than they thought. They believe their sunlight will be impacted, particularly during non-summer months, when the entire west side of their property will be affected. Furthermore, their view of the sky will be obliterated from the dining and living rooms and also from the upstairs bathroom and hallway. They ask that the addition be scaled back and she noted that they, too, wanted a grander project, which needed to be scaled back.

Marcia Duys, project architect, presented a shadow study to the Commissioners on a laptop.

Commissioner Purl believes that trees cast more shadow than the building, and suggested the trees be removed.

Mr. Phipps said that they have scaled back the project from the original plans.

A concerned citizen said that a survey should be undertaken and the staff report supported. She said that the project should be scaled back and would like to know if the use of green materials could be considered.

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In response to public comments, Mr. McCarthy said that the lack of light is caused by there being little space between the property lines, and he said that the shadow study has been available for a month. Furthermore, they are considering installing a solar system. He said they were aware of the original application for a two-car garage. In response to Commissioner Harris, Mr. McCarthy said they would like a two-car garage in order to store their two cars inside rather than outside.

The public comment period was closed.

Commissioner Sisich said he did not have a problem with the size of the house because the lot is large and there are other large houses in the neighborhood. However, more effort should be made to accommodate the impacts to the neighbors and he does not support the variance for the garage. Furthermore, he is unable to support the variance for the accessory structure because such structures have been denied in the past, but he likes the design of the front of the dwelling and the porch. Commissioner Sisich commented on the elevation of the east side, which he said should be broken up. There is a lot of living space available and changes can be made to the eastern elevation.

Commissioner Harris agrees with many of the comments made by the previous Commissioner. However, he noted that even under the potentially more restrictive zoning changes that are being considered, this house would not exceed 40% FAR (floor area ratio). It does have a sheer wall on the east side that is not articulated, although he appreciates the sill heights being lifted. However, he wishes to see design changes to the north east corner to provide relief to the neighbor. Commissioner Harris and Ms. Chambers discussed the accessory structure, and Commissioner Harris noted that there are no special circumstances in which to grant the variance. The structure could be lowered or moved. Furthermore, he does not believe that a special circumstance finding exists to justify intruding into the side yard setback; the lot is 12,000 square foot and the fact that other homes have garages that are closer to the setback line is not a reason to grant a variance. He suggested that a wide, one-car garage could be constructed and that he is unable to support the variance.

Commissioner Purl and Ms. Chambers discussed the creek and public utility easement. Commissioner Purl agrees that the design of the shed roof needs to be changed, but he believes that a variance can be granted for the garage because many other dwellings in the area possess garages that are very close to the property line.

Vice-Chair Schinner is also in agreement with many of the comments made by previous Commissioners, and he will not support a variance for the garage. He said that the problem of a garage being placed too close to the property line should not be perpetuated, and that this garage could be reduced in size to render a variance unnecessary. However, he would support the variance for the accessory structure due to hardship findings, those being the existing condition of a lot that slopes down towards the creek, in addition to it not impacting the neighbors adversely. Vice-Chair Schinner agrees that a compromise should be reached between the applicants and the neighbor over the design of the east side of the dwelling, which should still result in a significantly sized home.

M/s Harris/Purl, to continue the project to the meeting of April 16, 2007, to enable the project to be redesigned in response to the comments heard this evening. Ayes: All

6. **DR-0710, Laura O'Heidhin, 285 Redwood Road, APN 007-097-06**, amendment to previously approved landscape plan, on property within the R-1H zoning district. (staff person: Wight).

Planning and Building Director Wight introduced the staff report. She noted that a stop work order had been issued, and a planning application made to amend the approved landscape plan. Ms. Wight provided background information on the project, and noted that Baldhill is a sensitive area. Furthermore, the terms of the permit have not been adhered to in the past, which she discussed in more detail. Thus, strict conditions are recommended.

Ms. Wight discussed a stucco wall, which staff would recommend be of a dark color, rather than the light color that is proposed, and screening. She discussed the fence, and noted that the neighbor at 289 Redwood Road had submitted a letter of support. Furthermore, staff can make findings to support the project with conditions, which she discussed in more detail.

In response to Commissioner Harris, Ms. Wight said that the only penalty would be a double fee applicable on the grading permit.

Commissioner Sisich and Ms. Wight discussed the difficulties of enforcing conditions of approval, and Ms. Wight said that staff is working on an ordinance to solve future situations of this nature.

In response to Commissioner Harris, Ms. Wight said that the applicants could be required to put back all the soil and trees but, in this instance, staff was able to make findings to support the application.

Commissioner Purl and Ms. Wight discussed the role of the Commission, which is to make a determination on design review, and Commissioner Harris noted that they have no authority to impose penalties.

Ms. Wight and Commissioner Schinner discussed tree removal.

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Laura O'Heidhin, applicant, explained that they needed a safe yard for their children to play in with fencing to protect them, whereas a dangerous slope existed previously.

Henry Cole Jr., landscape architect, was appointed after the grading had taken place and the trees removed. He said that his clients wish to rectify the situation, and he described the new landscape plan in more detail.

Commissioner Harris and Mr. Cole discussed the size of oak trees to be planted, and Mr. Cole confirmed that an irrigation system will be installed.

Stephanie Fine, Redwood Road, said that it is very hard to maintain the beauty of the area and that this was once an undeveloped hillside. She is very concerned that the applicants have violated the terms and conditions of their permit. Furthermore, scotch broom has not been removed, and some of the trees on the property have died. Ms. Fine discussed unsuccessful erosion control, and her concern that trees have been removed. She also addressed light pollution from the property, which has resulted in the removal of trees. Ms. Fine suggested a road bond is retained, and that the original landscape plan be adhere to with the replacement of trees that have been removed.

Gay Kagy, Redwood Road, addressed the problem of grading, and Cole said that further grading should not be necessary. She discussed the problems of scotch broom and thistle, which she said should be eradicated before the building permit is signed off. Furthermore, there is flammable material, including dead tree limbs, that needs to be removed because they are a fire hazard, and she suggested that the removal of thistle be added to the conditions. Ms. Kagy addressed the wall, which she said is a fortress statement, rather than providing a functional use, and she discussed the wire fence, both of which she believes conflicts with the General Plan. She quoted from the General Plan, noting that the wall should be screened with native vines or vegetation, and she discussed a finding with which she disagrees.

Commissioner Schinner and Ms. Wight discussed the fence and wall, and Ms. Wight noted that the wall is sufficiently set back from the front property line.

In response to Commissioner Sisich, Ms. Wight suggested that the Fire Department investigate reports of flammable materials on property.

A concerned citizen discussed her concerns about the project.

Kathy Sanders, Redwood, Road, said that this current plan deviates from the original, more appropriate landscape plan, which has resulted in a fortress-like wall. Furthermore, she said that the deer openings render the fence meaningless. She discussed the original plans further, and made suggestions for the current situation, which included an in-lieu fee for the trees that have been removed. Ms. Sanders asked that the Commissioners deny this extravagant plan.

Ms. O'Heidhin said that she was initially not aware that deer openings were necessary and that the wall is not visible to her neighbors. Furthermore, they fixed the damage done to the road and removed scotch broom at the start of their project. She noted that they received final approval for the house, and she is not aware of light pollution. Ms. O'Heidhin said they would screen the front of the walls.

Commissioner Schinner and Mr. Cole discussed the fencing.

Commissioner Harris and Ms. Wight discussed the implications if this application was denied and the applicant did not return the land to its Town-approved landscape, and Ms. Wight said it would need to be referred to the Town Attorney. Ms. Wight said that the original plan did not have lawn, but that the void of trees does not have a significant impact on neighboring properties in terms of visibility of the dwelling. However, she is concerned by the reports of trees dying further down the property, and said that trees could be planted in place of those that have died or an in-lieu fee paid.

General discussion followed between Ms. Wight and the Commissioners on tree removal and the present landscape plan. Ms. Wight suggested that the project be continued to allow the landscape architect to investigate which parts of the original agreement have been completed and what remains. She further recommends that an arborist investigate the condition of the trees on the property and all conditions could then be presented in a report to the Commissioners.

General discussion followed, and Vice Chair Schinner suggested incorporating the prior conditions into this project, and Commissioner Purl and Miss Wight discussed the necessity of the applicants complying with the original 2001 Resolution.

Following further discussion on the way forward, it was generally agreed that the project should be continued.

M/s Harris/Sisich to continue the project to the meeting of April 16, 2007, to enable the landscape architect to determine which conditions of the original 2001 Resolution have not been met; to ameliorate the recent 2005 violations, and to ensure all other conditions have been met to obtain an overall picture of the property.

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Further discussion followed, and Commissioner Sisich said he would like an independent arborist to make the determination to be hired at the applicant's expense. Further discussion amongst the Commissioners followed. Vice Chair Schinner suggested that this landscape plan be approved on the condition that the previous conditions are followed once an arborist has made a report. Commissioner Harris believes that an investigation needs to be made, first, before approving the current project, and Ms. Wight noted that a condition of this approval is that the previous Resolution remains in affect, and it needs to be determined, for example, which trees have been removed illegally.

M/s Harris/Sisich and unanimously passed (4-0) to continue the project to the meeting of April 16, 2007, in order for a town-selected arborist to be hired at the applicant's expense to inspect the property to ascertain compliance with previous approvals; at which time a comprehensive view of the landscaping on the property will be obtained in order to allow the Commission to make a determination of the proposal before them.

**E. ITEMS FROM PLANNING COMMISSION**

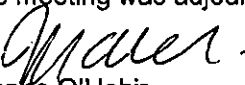
None.

**F. ITEMS FROM STAFF**

None.

**G. ADJOURNMENT TO REGULAR MEETING OF MONDAY, APRIL 16, 2007**

The meeting was adjourned at 10.50pm.

  
Joanne O'Hehir  
Sr. Admin. Services Assistant