

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JANUARY 10, 2011**

Commissioners Present: Chair Michael Brown, Vice-Chair Pascal Sisich, Commissioners Brasler, Krebs, Overberger, Schinner, and Zwick
Commissioners Absent: None

CALL TO ORDER

Chairman Michael Brown called the meeting to order at 7:00 p.m. and welcomed Matt Brasler to the Commission.

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke.

PLANNING AND BUILDING DIRECTOR'S REPORT

Interim Planning Director Diane Henderson wished all present a happy new year.

PUBLIC HEARING ITEMS

CONSENT AGENDA

Minutes of Planning Commission Meeting November 15, 2010.

M/s, Zwick/Schinner, to approve the minutes of November 15, 2010.

AYES: Brown, Krebs, Overberger, Schinner, Sisich, Zwick

ABSENT: Brasler

NOES: None

REGULAR AGENDA

EX-1001-Eric and Kelley Warner, 220 Crescent Road, APN 007-221-05: An exception for an 168 square foot addition which would exceed the maximum adjusted total floor area by 322 square feet as allowed in Table 4F- Maximum Sizes of Dwellings on Single Family Residential Properties Located Below 150 Mean Sea Level Elevation (Flatland FAR). The project site is located in the R-1 Zoning District. **Note: This item was originally noticed for the December 20, 2010 Planning Commission Meeting; however that meeting was cancelled due to lack of a quorum.**

Brown recused himself from discussion of the project because he resides within 500' of the subject property.

Senior Planner Phil Boyle presented the staff report, noting that the proposed two story addition will result in a total FAR (floor area ratio) exceeding the maximum allowed by approximately 322 square feet. The project does not require Design Review because it does not include a second or third story greater than 400 square feet in size and it does

not add or remove more than 50 percent of the structure. Boyle explained that there is a provision of the FAR regulations allowing property owners to exceed FAR by 325 square feet if 12 specific findings can be made.

Boyle has had several conversations with Tina and Jeff Kroot, 222 Crescent Road and has visited the site. The Kroots are concerned that the proposed second story windows will impact their property. After his review and visit, Boyle was able to make the findings for the project, including Finding 10 addressing privacy of neighboring properties. He noted that the proposed addition is a hallway and not a main living area of the home.

A recently received letter of support from Margot and Kyle Biehle, 217 Crescent Road was provided to the Commissioners.

Commissioner Zwick asked if this project is the first flatland FAR exception to come before the Commission since the requirements were adopted in November 2009.

Boyle affirmed.

Commissioner Schinner asked for clarification of the height of the bridge with regard to the garage/guestroom roof ridge.

Boyle observed that the height of the addition matches the peak of the garage/guestroom and is lower than the main house.

Architect Richard Perlstein confirmed that the addition height is within a few inches of the garage/guestroom ridge.

Commissioner Krebs asked if the entire basement had flooring.

Boyle indicated a crawlspace with a dirt floor is not included in the basement calculation.

Perlstein explained that although the proposed addition is relatively small, it will substantially improve the Warners' home life. The challenge is to provide a warm, dry connection between two living areas and the solution had to satisfy several conditions, including meeting headroom requirements of the building code, not exceeding the garage ridge, and remaining consistent with the existing architecture.

He added that a few years ago the project would have qualified for a ministerial building permit and observed that although the basement is included in the FAR calculation, its height is substandard and would not meet building code requirements. With regard to issues of privacy addressed in Finding 10, Perlstein pointed to an existing substantial hedge between the properties at 220 Crescent Road and 222 Crescent Road and displayed photographs of the neighboring property from an existing bedroom and from the guest room above the garage. He concluded that given the existing property and window configurations, the addition is a *de minimus* additional change to the privacy consideration.

Commissioner Brasler asked Perlstein if he was the designer of the garage and if there was any contemplation of the connection when the garage was built.

Perlstein responded that he did not design the garage and that he has the impression the Warners' realtor may have indicated that there was some consideration of a future connection.

Schinner asked for the height of the second story bridge from floor to ceiling.

Perlstein responded that it was necessary to go to the proposed height of nine to nine and one-half feet to achieve the required height and to design a pleasing roof shape.

Schinner feels that the height of the second story creates quite a bit of mass and that some articulation would be desirable; he also noted that the structure as proposed blocks the view of Mt. Tamalpais from across the street.

Perlstein responded that a spatial connection challenge offered few solutions; other than putting a flat roof on the addition, there were no alternatives.

Brasler asked if the ground floor ceiling of the house and of the garage line up in height.

Perlstein noted that the two are offset; one steps up about three feet from grade to get into the house and a few inches to get into the garage.

Brasler asked if the second story of the hallway is on the level of the second story of the garage.

Perlstein affirmed.

Sisich asked if the window configuration shown on the plans is the most recent rendition and if the proposed windows are clear or translucent.

Perlstein advised that that they are requesting approval on the current plans with clear glass, the feeling being that it is just a hallway and not a room. He feels translucent windows have a particular place in situations with privacy issues, such as bathrooms, but not in hallways.

Kelley Warner of 220 Crescent Road introduced her family and stated that she and her husband have worked to remain true to the home's Dutch colonial design and aesthetic. Currently, two sons share a bedroom; now that there is a significant difference in their habits and schedules, they would like to have their own rooms. The most obvious solution is to access the existing bedroom and bath over the garage. Warner believes this requested exception to FAR regulations does not conflict with the intent of the FAR; the project consists of simply connecting two buildings.

Eric Warner of 220 Crescent Road noted in response to Schinner's concern about the loss of a view of Mt. Tamalpais that an existing tree and grapevines impede the view of the mountain for most of the calendar year. He advised that he and his wife have always considered the neighbors before undertaking projects and consulted with each of the neighbors individually on the current project.

Sisich opened the meeting to the public.

Tina Kroot, 222 Crescent Road, feels that connecting two large structures as proposed will create a single structure too large for the scale of the neighborhood. As designed, the addition's two-story wall is flush with the back wall of the garage, creating one large mass that will loom over the Kroot's home and garden.

Kroot explained that the two homes were surprisingly close to one another in the rear and she is concerned about the additional potential noise that will be created by sound bouncing off the back wall of the addition. Further, she realized when the partial story tapes were erected that the project was not what she'd originally envisioned when looking at the plans with Kelley Warner.

Should the project be approved, in the spirit of compromise, Kroot is proposing the following conditions: (1) that the back wall of the addition be moved two to four feet forward to break up a continuous 2-story plane and reduce visual mass; (2) that the three big windows on the upper floor of the addition be reduced in size; (3) that a proposed reading nook be moved to the other side of the space, facing the front; (4) that trees are planted where trees were previously removed, location and species to be agreed upon by both parties; (5) that the project be built in a timely manner and that work areas be set up in front of the house; (6) that the portable restroom be placed out of sight from the Kroot home and that regular work hours be observed with no work on Saturdays; and (7) that Kroot be informed beforehand of any particularly noisy work so she can plan accordingly.

Jeff Kroot, 222 Crescent Road, shared photos of the view of his home from the Warner residence, showing trees that once afforded privacy and were subsequently removed. Kroot also shared a photo of the story poles on the Warner residence taken from his roof deck and a record of building permits obtained for 220 Crescent Road in the past.

Kroot noted that the Warners have submitted a petition of support for the project; however, none of the signers are impacted by the project. Further, he believes the project falls short with regard to the required findings for the FAR exception:

Finding No. 3 with regard to aesthetics cannot be met because the charm of the house and garage will be diminished by the linkage of the two structures;

Finding No. 4 with regard to protection against noise cannot be met because the project will exacerbate an existing noise issue;

Finding No. 10 with regard to privacy cannot be met because the proposed windows provide a straight-on view of Kroot's back deck;

Finding No. 11 with regard to the scale and intensity of the design cannot be met because the project is out of scale with the neighborhood;

Finding No. 12 with regard to mass-reducing techniques cannot be met because the back of the house was not subject to the same techniques used on the front.

Kroot requested that certain conditions be imposed on the project should it be approved:

(1) move the addition a few feet toward Crescent Road; (2) reduce the size of the windows and raise the sills; (3) reestablish lost screening with fast-growing trees.

He further requested that the project be continued.

Sisich asked if there were any more public comments; as there were none, he closed the public hearing and returned the discussion to the applicant.

Warner responded that many construction permits were necessary because of the condition of the home when it was purchased; there was a great deal of deferred maintenance and illegal construction. He noted that one of the projects improved drainage, positively affecting the Kroots; further many of the trees were removed because they were in poor condition and dying. The trees were replaced with fast-growing *pittisporum*. Warner added that he takes responsibility for maintaining the ivy and that he has removed quite a bit of hardscape. He believes that all measures taken have made the house safer and insured its conformance with the code.

Perlstein addressed the suggestion of moving the addition, explaining that the existing stairway dictates the placement of the back wall; he added that the same situation occurs on the second floor.

Annie Warner, 220 Crescent Road, stated that the design creates a private bedroom for her and provides a guest room for her family when she leaves for college; it also provides better access to the main house.

Sisich returned the discussion to the Commission.

Schinner appreciates the need for additional space and noted that the connector seems to be an efficient and functional use of the property. He supports the first floor connector but has some concerns about the second floor with regard to height and massing.

After visiting the property and looking at the project site from the Kroot's deck, Schinner is not too concerned about the windows; rather, his concerns are with the front which presents a monolithic structure because the garage and the addition share the same ridgeline. Further, the structures are close to the street.

Schinner is in favor of a continuance, as he would like to see a change in the height of the addition. He does not feel he can make either Finding No. 3 with regard to aesthetics, specifically the blockage of the view of Mt. Tamalpais, and Finding No. 12 with regard to massing.

Krebs visited both properties and feels the front is well-articulated. Further, although the rear windows could be reduced in size or raised to afford more privacy, Krebs noted that many homes have windows facing the windows of adjoining homes. As drawn, he does not find the addition to inflict an unreasonable invasion of privacy and he is in support of the project, believing that there are sufficient grounds to make the exception.

Overberger reminded her colleagues that they are tasked with deciding whether or not the proposed addition meets the twelve findings for an exception to FAR and she believes she can make those findings.

With regard to the resulting size of the property, she observed that Robson House directly across the street is half again as large as 220 Crescent Road and has been modified no less than 18 times in its history.

With regard to privacy, Overberger noted that the Kroot residence is uphill and looks into the backyard and windows of the adjacent home as well. She believes the project is well-suited to the FAR exception, which was written with the goal in mind of making a home a more livable space.

In conclusion, Overberger would like to see a condition of approval requiring the planting of trees within the first year to soften the mass of the addition.

Brasler, like Overberger and other Commissioners, visited the property; further, he applauds both parties for getting together and trying to mediate the situation. He noted that next to the existing barbeque, there is a spot where the line of sight is between the two properties and suggested planting a substantial, full-leaved tree there to improve privacy.

Zwick is glad the neighbors are starting to talk with one another and supports Brasler's suggestion of planting a substantial tree next to the barbeque. He also sees raising the windows as an improvement to privacy. He would like to see the applicants and neighbors get together again before a decision is made but, if pressed, he could currently make all twelve findings.

Sisich knows and appreciates the Kroots; still, he supports the project. He agrees with Overberger that this project is a perfect use of the FAR exception and the applicant's rationale is solid. After standing on the Kroots' deck, Sisich feels that the project does not create an unreasonable additional privacy loss. He further acknowledges that the topological and geographical lay out of the lots presents a challenge but that it is not one the Planning Commission can address. Sisich would like to see the windows reduced in size and made translucent. He does not have any problem with the massing and feels the addition is appropriately placed, but would support a planting plan along the property line as well as a construction management plan.

Overberger is in agreement with making the windows smaller or raising the sills; further, she believes clear glass is the best choice aesthetically. Finally, she supports the creation of a construction management plan and a planting plan.

Henderson noted that the applicant could be asked to work with the neighbors on the development of a landscape plan and that the Ross Valley Fire Department would need to review such a plan.

Krebs agrees with Overberger that reducing the size of the windows is a better solution than making them translucent. Further, it would be helpful to have some trees planted for additional screening. Krebs appreciates the efforts of the Warners to meet with neighbors; he also appreciates the Kroots for their willingness to work with the Warners in developing

a compromise. Finally, with regard to the placement of a portable restroom and the staging of construction materials, Krebs feels that although a construction management plan may be helpful, care should be taken to make sure that one neighbor is not being protected at the expense of another.

Overberger proposed a motion.

Henderson advised that it would be helpful to indicate a specific percentage in reduction of window size or a specific height requirement for the sills.

Overberger modified her proposed motion to specify that the windows should be reduced by 30 per cent.

Hurd asked for more clarity and specificity with regard to the requirements for a landscape plan.

Overberger modified her proposed motion to include that the purpose of the landscape plan is to create additional visual and sound screening between the two properties.

M/s, Overberger/Zwick, to move the staff report with some conditions, specifically, that the size of the windows in the back of the addition be reduced in size by 30 per cent or the sill height raised and that a planting plan be developed so as to create additional visual and sound screening between the two properties. The plan should be presented to the Town's staff and forwarded for review by the Fire Department and the neighbors should be considered in the development of the planting plan. Further, an attempt should be made to articulate a construction management plan if there is in fact anything unusual that needs to be mentioned.

Overberger noted that although a request was made to limit the hours of work on Saturdays, she does not feel this can be mandated at the same time that the applicant is asked to complete the project in a timely fashion.

AYES: Brasler, Krebs, Overberger, Schinner, Sisich, Zwick
NOES: None
ABSENT: Brown

Sisich reminded all present of the 10 day appeal period.

Jeff Kroot thanked the Commission for their consideration.

Sisich announced a five minute break.

Election of Planning Commission Chairperson and Vice Chairperson for 2011

Brown returned to the dais and reconvened the meeting.

Sisich requested that the Commission nominate and elect the chair and vice chair as the next item.

Brown opened the public hearing. As there was no comment, the public hearing was closed.

M/s, Zwick/Overberger, to nominated Sisich for Chair of the Planning Commission for 2011.

AYES: Brasler, Brown, Krebs, Overberger, Schinner, Zwick

NOES: None

M/s, Zwick/Brown, to nominate Zwick for Vice-Chair of the Planning Commission for 2011.

AYES: Brasler, Brown, Krebs, Overberger, Schinner, Sisich

NOES: None

UP-1101 and DR-1102 – Kirk and Mindy Uhrlaub, 26 Austin Avenue, APN 007-262-11:

Use Permit to demolish an approximately 2,024 square foot single family residence and Design Review for plans to construct a new 3,319 square foot, two story single family residence. The project site is located in the R-1 Zoning District.

Commissioner Sisich recused himself from discussion of the project because he resides within 500' of the subject property.

Boyle presented the staff report, noting that review has determined the existing home is not historically significant. The applicant has provided a Green Building Checklist proposing 108 green points, even though none is required as this project was submitted prior to January 1, when the Green Building Ordinance took effect.

Letters of support have been received from surrounding property owners and residents, including a letter from the neighbor most impacted by the project.

The new home will be moved approximately six feet toward Austin Avenue providing more light and placing windows so that they are offset from those of the neighbor. Boyle advised that the story poles have not been moved to reflect the recently proposed relocation of the home six feet forward.

Boyle was able to make all of the required findings for the use permit to demolish the existing structure, as well as the findings for design review, and recommends approval of the project.

Zwick asked if the shadow study reflects the relocation of the proposed structure six feet toward the street.

Boyle responded that the site, landscape, and window adjacency plans all reflect the movement of the structure toward Austin Avenue.

Brasler asked for confirmation that no variance is required for the project.

Boyle affirmed.

Brown noted that the chimney is within the eight foot sideyard setback on one side and that a full height bay window on the other side is in the setback as well. He asked what the development standards offer in the way of exceptions to the setbacks.

Boyle responded that chimneys are allowed to be as close as three feet to the side property line if they do not extend more than three feet from the building wall. Further, bay windows can be as close as three feet from the interior side property line as long as they are within three feet of the building wall, no more than eight feet in length, and at least 10' from the neighbors.

Brown asked if in the case of a use permit to demolish a house, there any restriction that accompanies the permit with regard to replacing the housing unit.

Hurd has been unable to locate a legal authority for enacting an ordinance requiring the rebuilding of a housing unit in the case of a demolition; consequently, at this time he is not aware of the legal authority to require that.

Brown opened the public hearing.

Architect Brock Wagstaff confirmed that the shadow study is correct and does reflect the placement of the new home six feet closer to Austin Avenue. He noted that the property is a long, narrow lot of 50 feet in width and the new home is designed with a cottage flavor and articulation on all sides. The upper floor has been stepped back to give the neighbors relief and to create interest on all four elevations.

As there were no questions, Brown closed the public hearing and returned the discussion to the Commission.

Brasler applauded Wagstaff for the design of a large house on a challenging lot and he supports the project.

Overberger supports the project.

Krebs supports the project and appreciates the applicants' communication with their neighbors. He feels the home will be a fine addition to the neighborhood.

Schinner supports project and notes that neighbors are in agreement.

Zwick noted that the drawings are exemplary, the design is excellent, and that the FAR regulation has been effective in this case. He is pleased with the way the project has worked out.

Brown supports the project and commends Wagstaff for including a window adjacency plan, as this made the project easy to review.

M/s, Zwick/Overberger, to move the staff report.

AYES: Brasler, Brown, Overberger, Krebs, Schinner, Zwick
NOES: None

ABSENT: Sisich

Brown reminded all of the 10 day appeal period.

ITEMS FROM PLANNING COMMISSION

Brown observed that the newly opened Coffee Roastery on San Anselmo Avenue does not have accessible table, counter, or outside seating. Further, Town Hall does not appear to be in compliance with accessibility requirements with regard to ramps, signage, door landings, etc. He believes the Town may need to bring in outside counsel to address the situation.

Overberger noted that some progress has been made at Town Hall to improve accessibility over the years, including the replacement of the doors on the Police Station. She suggested that targeting one project a year might be a good strategy.

Overberger asked Boyle for the status on the Red Hill Shopping Center project.

Boyle replied that preliminary plans were submitted to the Public Works Department and the applicants have responded to the comments, but they have not yet submitted their complete plans for a building permit. Boyle will follow up with the Public Works Department.

Overberger asked if the signs at the Coffee Roastery meet the Town's requirements.

Boyle affirmed.

Brown asked Boyle how the Green Building public workshop went.

Boyle responded that it was well-attended (±15 people) and participants were appreciative of the opportunity to learn hands-on what is needed in terms of submission requirements to meet the new ordinance.

Krebs noted that it would be helpful if staff could submit a summary of the ways in which an applicant plans to comply with the green building ordinance on future projects at the time the planning application is reviewed.

Boyle responded that applicants are not required to submit their green building points plan at the planning stage and may opt to submit with the building permit applications. He noted that when the information is provided to him, he includes it, as he has in the 26 Austin Avenue staff report. In the future, he will advise applicants that it would be appreciated if the information is provided sooner rather than later.

Brasler noted that flatland FAR coming up in the context of the 220 Crescent Road project was interesting. He believes there was almost unanimous agreement that the Town needed FAR; however, the policy with regard to including attics and basements in the calculation was controversial. What is the process, going forward, if there is a desire to consider making changes to the FAR?

Hurd responded that typically a request is made of staff to place a topic on the agenda.

Brasler believes the issue of flatland FAR will resurface. In the context of 220 Crescent Road, the project would not have been heard by the Planning Commission if the basement had not been counted in the calculation.

Brown noted that the procedure for amending flatland FAR would be to agendize the item, it would be heard by the Planning Commission, an amendment to the ordinance would be proposed, the proposed amendment would come back to the Commission, be read, then go to Council, be read at Council twice, then be approved as an amendment to the ordinance.

Hurd added that a proposal would be made to the Council that an amendment be made to the ordinance; then, the Planning Commission would take the proposed amendment up to Council for their consideration.

**REPORT FROM CHAIRPERSON MIKE BROWN AND SENIOR PLANNER PHIL BOYLE
ON THE SONOMA STATE UNIVERSITY ANNUAL PLANNING COMMISSIONERS
CONFERENCE**

Brown highly recommends the workshop. Most of the presentation was on CEQA and the ways in which the CEQA guidelines have been revised to incorporate greenhouse gas reduction as a result of AB 32. Projects will be looked at in terms of their climate impact. Each jurisdiction is encouraged to develop a climate action plan and to consider the ways in which the general plan and/or housing element works in concert with the climate action plan.

Boyle advised that he and Town Manager Debbie Stutsman had just met with Christine O'Rourke to develop the climate action plan for the Town. Ms. O'Rourke has developed climate action plans for many Marin municipalities and is hopeful that San Anselmo's plan will be completed within the next few months.

With regard to the Sonoma State conference, Boyle reported that among the many interesting speakers and topics, Alex Hinds, former Planning Director of Marin County, spoke about his new organization—the Sonoma State Institute for Sustainable Communities—which is an excellent planning resource. Boyle added that the workshop was well-attended and worthwhile.

ADJOURN TO THE MEETING DATE OF FEBRUARY 7, 2011

Brown adjourned the meeting at 9:15 p.m.

Respectfully submitted,
Nancy Harris