

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF AUGUST 18, 2003**

A. CALL TO ORDER

Commissioners Present: Vice-Chair Sisich, Fernandez, Jochum, Wittenkeller, Zwick
Commissioners Absent: Chair Harris, House

B. OPEN TIME FOR PUBLIC EXPRESSION

There was none

C. CONTINUED PUBLIC HEARINGS

DR-0328 – Thomas Crowell and Patricia Pirrone, 68 Bennit Avenue, APN 005-091-07, hillside design review of a 38 square foot main floor addition, a 410 square foot upper floor addition, and a 32 square foot upper floor covered deck; hillside setback design review for the main floor addition to be constructed within 5' of the east side property line (Code setback: 8'); and a setback variance for the upper floor addition to be within 5.5' of the west side property line (Code setback: 12'), located within the R-1 zoning district. (Staff person: Wight): **CONTINUED TO SEPTEMBER 15, 2003.**

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. MINUTES – August 4, 2003

M/s Fernandez/Wittenkeller and passed (4-2 abstentions: Zwick/Jochum) to approve the minutes. Vice Chair Sisich advised all parties of interest of the 10 day appeal period to the Town Council.

REGULAR AGENDA

- 2. SR – 0302 – Ken Fisher for US Bank, 305 San Anselmo Avenue, APN 007-282-20**, sign review and sign variance for a wall sign near the top of the building and a projecting sign near the doors, both of which would be on the San Anselmo Avenue building frontage, on property located in the C-3 zoning district. (Staff person: Wight)

Ms. Wight presented the report, explaining that the current sign was permitted administratively. This sign is smaller than the proposed permanent sign, which needs a variance.

In response to Commissioner Zwick, Ms. Wight said that lighted signs are allowed but blinking lights are not.

The applicant, Ken Fisher, explains that the Bank believes the temporary sign is too small. He notes that the drawings are accurate and drawn to scale. Mr. Fisher does not understand the Commission's objection to the color red, noting that it will not be as bright as the white letters.

In response to Commissioner Jochum, Mr. Fisher says that the applicant believes the sign at the top of the building is not noticeable. His professional opinion is that the requested sign is too large. Mr. Fisher notes that the timer on the present light appears to have been set incorrectly.

Commissioner Zwick does not support the variance but since a sign is already allowed administratively, he suggests the Commission moves Staff's report.

Commissioner Jochum does not believe a sign, which is larger than the one presently in place, is necessary. He believes that a larger sign will exacerbate the unattractiveness of the building. Commissioner Fernandez is in agreement.

Commissioner Wittenkeller agrees with Mr. Fisher that the proposed sign is out of proportion for the space available. The Commissioner would prefer a non-lit sign.

Vice Chair Sisich is in agreement with the other Commissioners.

M/s Zwick/Wittenkeller and unanimously passed (5-0) to move Staff's report to deny the project.

Vice Chair Sisich advised all parties of interest of the 10 day appeal period to the Town Council.

- 3. DR-0327 – Colin MacKensie and Kim Beaudry, 75 Olive Avenue, APN 007-084-07**, hillside design review of a ±629 square foot second story and 156 square foot deck, located within the R-1 zoning district. (Staff person: Chambers)

Ms. Chambers presented the Staff Report.

The applicant, Ms. Beaudry, said they are requesting a modest addition. In response to Commissioner Wittenkeller, the applicants said that the Fire Department has not discussed there being limited access to the property. Clearly, parking will be improved with their addition because part of the proposal is to get parking into the garage.

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Lauralee Nevermann, 71 Olive Avenue, explained that she had a clear understanding of the size of the addition when the story poles were raised. Her home is north facing and natural light will be blocked. Ms. Nevermann is concerned that the addition will have a serious negative effect on the value of her property. She is further concerned that the applicant intends to install a lift in the garage in order to work on cars. Since there is a large garage window, Ms. Nevermann is concerned that she will be looking directly into the garage from her deck and various rooms in her house and that the glare from the interior lights would be a disruption. She would like the applicants to be able to build the addition but with some compromise towards her concerns. Ms. Nevermann presented a letter and photographs to the Commissioners.

In response to Vice Chair Sisich, Ms. Nevermann said she would like the addition to be lower. She confirmed she was in favor of the project until the story poles were raised. In response to Commissioner Jochum, Ms. Nevermann would prefer the window to be removed and some screening to be provided. Ms. Nevermann said that the trees she has planted will not hide the addition and that the structure will loom over her property because it is on the up-slope.

Mr. MacKenzie explains that the room is very dark with little light reaching into it. He does not look directly into his neighbor's home and notes that in order to see inside, he would have to do so at an inappropriate angle. Mr. MacKenzie said that he works on cars as a hobby and he plans to install a portable lift. This is the reason for requesting a 3' height increase in the garage.

Commissioner Wittenkeller suggests the story be stepped back and redesigned so that a balance can be found. It appears to be a straightforward concept and with some imagination, the concerns of their neighbors might be mitigated. He believes a better solution should be explored.

Commissioner Jochum does not believe the remodel will affect the neighbor's property value, although he agrees to a certain extent that it will be onerous for the neighbor. He suggests that sheer drapes be hung in the window to obscure the view. He has observed the view from 71 Olive Avenue and believes the owners would need to go out of their way to see the top floor of the house when it is built. Furthermore, the change in light should not be dramatic because oak canopies provide a lot of shade. Overall, he supports the project.

Commissioner Fernandez also supports staff's recommendation.

Commissioner Zwick believes the design could be altered to improve the view from the neighboring property. He believes the project would otherwise be fine as presented, but the neighbors are asking the Commission to view the addition as they see it. He suggests the applicants change the garage doors, perhaps by adding tempered glass to let in light, and that both owners could plant trees to provide screening.

Vice Chair Sisich is in agreement with Commissioner Zwick and would support a continuance of the discussion. He said he would not want a view of a car lift and suggests that the window be translucent glass. He further suggests the north elevation be altered, perhaps with screening.

Commissioner Wittenkeller believes the homeowners should work together with the neighbors to come up with a solution that is mutually satisfactory.

M/s Fernandez/ Wittenkeller and unanimously passed (5-0) to continue the project to September 15, 2003.

4. **V-0338/U-0329 – Jean Olive and Jim Lammers, 170 Pine Street, APN 007-251-34**, setback variance to extend the existing dwelling 2.5' in height in order to provide useable living area on the lower floor within 4.25' of the west side property line and within 12.33' of the front property line, with the possibility that more than 50 percent of the structure will be replaced (Code setbacks: 8'/20'); setback variance to construct a new covered entry porch within 12.33' of the front property line (Code setback: 20'); a parking variance to convert one of the two required parking spaces to living area and place the second parking space within 2' of the east side property line (Code setback: 8') located within the R-1 zoning district. (Staff person: Wight)

Ms. Wight presented the staff report.

Commissioner Zwick notes that the dwelling could be raised 2' in height and remain within Town Codes. Commissioner Jochum notes that the proposed ceiling height is shown as 8'6" on the plans and as 9' in the report.

In response to Vice Chair Sisich, Ms. Wight confirmed that the owners are anticipating the need to replace more than 50% of the structure and are thus requesting a use permit should this be necessary. She noted that the finding is weak.

The applicants, Ms. Olive and Mr. Lammers, presented photographs and letters of support from neighbors. They explained that they are requesting a 2'5" height increase to minimize possible flooding and brown water problems by raising the foundation. They noted that the basement is irregular in height.

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In reply to Vice Chair Sisich, the applicants explained that the lower floor is dark and that the extra 6" in height would make a difference to the amount of light in the room. They had hoped for a ceiling height of 9' but realized that this is unrealistic. However, they note that the houses on both sides are taller.

The architect for the project, Fran Halperin, said that the extra height is wanted for living space. She acknowledged that an 8' ceiling is sufficient but noted that the requested height variance is not extraordinary for houses in the street.

However, in response to Commissioner Wittenkeller, it appears that the setbacks of a neighboring property has allowed for extra space. The Commissioner might be persuaded to support the project if the reason for the height increase is to elevate the floor above the flood zone. He suggests the architect checks the positioning of marks left by previous floods.

Commissioner Zwick notes that whole sections of the Town suffered in the flood of 1982 and has little doubt that a flood line will be found. He believes stronger reasons are needed to grant the variance other than aesthetics, offering crawl space as an example. Commissioner Wittenkeller agrees, acknowledging that findings need to be made in order that a special privilege is not bestowed. Commissioner Jochum can support the variance if neighbors used their available height to alleviate possible flooding effects. Vice Chair Sisich concurs.

Commissioner Fernandez notes that Pine Street entered the 500-year flood zone in 1982 and he knows of no other occasion when the area has flooded. He supports Staff's report.

Ms. Wight notes that if the height is reduced by 6", then approval by the Commission is unnecessary.

M/s Jochum/Fernandez and unanimously passed (5-0) to move the Staff Report to deny the variance to raise the dwelling more than 2', and approve the entry porch and parking variances and use permit.

Vice Chair Sisich advised all parties of interest of the 10 day appeal period to the Town Council.

5. **TOWN OF SAN ANSELMO – Sign Ordinance Amendment** – Amendments to the Sign Ordinance Section 10-9.303 to reinstate language (inadvertently omitted during the 1999 ordinance revisions) pertaining to regulations for temporary signs related to construction, sale, holiday, political, Christmas tree lots, fairs, carnivals, and other special events. (Staff person: Wight)

Ms. Wight presented the staff report.

M/s Wittenkeller/Fernandez and unanimously passed (5-0) to move the staff report. Vice Chair Sisich said this Ordinance will be introduced at the Town Council Meeting on 26 August, 2003.

E. GENERAL DISCUSSION

The meeting of September 1, 2003 has been cancelled due to the holiday.

Commissioner Zwick suggests the Planning Department investigate the Town's right to penalize developers who build properties that are larger than the plans allow.

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Mayor Kilkus and Council Member Thornton have appealed 15 Morningside Drive.

G. ADJOURNMENT TO THE MEETING ON MONDAY SEPTEMBER 15, 2003

The meeting was closed at 8.35pm.



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