

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JUNE 2, 2003**

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

C. CONTINUED PUBLIC HEARINGS

1. **V-0324 – Barbara Carbone, 29 Hillside Avenue, APN 7-115-27**, setback variance to construct a 400 square foot garage within 1' of the northwesterly side property line (Code: 8') and 0' of the front property line (Code: 20'), construct a covered porch within 17' of the front property line (Code: 20'), and to construct a retaining wall/fence up to 12.5' above grade along the rear and side property lines (Code: 6') within the R-1 zoning district (staff person: Bell) **CONTINUED TO JUNE 16, 2003**

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. **MINUTES – May 19, 2003**
2. **V-0330 – David J. Franzoia, 1 Brookside Drive, APN 005-223-05**, amendment to previously approved variance to reconstruct exterior stairs 3'-0' from the side property line (Code: 6'), located within the R-1 Zoning District. (staff person: Chambers)

M/s House/Wittenkeller (5-0) to approve Items 1 and 2 of the Consent Agenda, with minor amendments to the minutes.

3. **V-0331/DR-0323 – Julie and Mark Anderson, 29 Angela Avenue, APN 5-022-17**, 1) flatland design review to add a second story playroom, bath and storage area that would increase the existing roof height by 7'-9" for a maximum height of 23' at top of ridge; 2) flatland setback design review to raise the roof more than 2' in height within the existing 5' north and 5'-4" south side yard setbacks; and 3) a setback variance to raise the existing garage roof by $\pm 6'-6"$ up to a height of 15'-6" over the garage within 16' of the front property line (Code: 20'), located within the R-1 Zoning District. (staff person: Chambers)

Commissioner Jochum recused himself.

M/s House/ Wittenkeller (4-1 abstention: Jochum) to approve item 3 of the Consent Agenda. Vice Chair Sisich advised all parties of interest of the 10 day appeal period to the Town Council for the items on Consent.

REGULAR AGENDA

4. **V-0322/DR-0320 - Jeff Ivanson, 2 Bank Street, APN 6-252-08**, design review of a proposed two-story, 784 square foot building between the existing 2 Bank Street and existing 6 Bank Street buildings; and a parking variance to eliminate the existing two on-site parking spaces, thereby having no on-site parking, on property located in the C-2 zoning district (staff person: Wight).

Senior Planner Wight presented the Staff Report. In response to Vice-Chair Sisich, Ms. Wight believes that the area in question is currently being used for parking, but the space seems to be a tight fit. She further confirmed that street parking seems to be available and that any changes to the nearby handicap parking space would be made by the Traffic Safety Committee. Commissioner Jochum has not seen that space used and asked Ms. Wight if the Committee notes how widely a handicap parking space is used. Ms. Wight is unable to answer and is able to make inquiries. Since there is little on-site parking, Ms. Wight suggests that the handicap parking space was needed at one time and notes that these spaces are sparse on Sir Francis Drake Blvd.

Jeff Ivanson, Applicant, said that the design is in keeping with the character of the neighborhood. The roof structure of the roof has been designed such that the neighbor might install windows in the second story, without the view being obliterated.

Commissioner Wittenkeller notes that the plans show the distance between the existing windows at the roofline to be 1 inch and not 1 ft. In response to the Commissioner, the Applicant said that his engineer should design the structure to prevent water intruding, which the Commission believes may occur in this type of construction.

In response to Vice-Chair Sisich, Mr. Ivanson said that 4 people work in the building, with plans to expand if the business prospers. Otherwise, the building will be leased.

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In response to Commissioner Jochum, Mr. Iverson said he would be agreeable to ensuring the AB color scheme extends to the window moldings so that consistency is maintained. The Commissioner is in favor of the project.

Commissioner Wittenkeller is also in favor but suggests the applicant inquires if the spiral staircase meets the egress rules.

M/s Wittenkeller/Jochum and unanimously passed (6-0) to move the staff report. Vice-Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council.

5. **V-0328 – Leif and Sherri Ortegren, 221 Ross Avenue, APN 007-262-19**, lot coverage variance from 37.37% to 38.34% (Code maximum: 35%), to demolish the existing front entry stairs and landing and reconstruct it for a net increase of 39 square feet, located within the R-1 Zoning District. (staff person: Chambers)

Senior Planner Wight presented the staff report on behalf of Assistant Planner Chambers. In response to Commissioner Wittenkeller, Ms. Wight confirmed that staff recommends denial.

In response to Vice-Chair Sisich, Ms. Wight confirmed that the addition presently under construction is less than 400 sq ft.

In response to Commissioner House, Tom Bell, Planning Director, explained that the applicant now wishes to construct a larger porch, which extends the lot coverage of the house and does not meet current codes and lot coverage allowance. Thus, staff is recommending denial.

The owner, Leif Ortegren, explained that a professional architect has been hired in order to ensure the design of the house is in keeping with the area. He and his wife wish to construct a wide staircase in order to accommodate elderly relatives. His wife, Sherri Ortegren, observes that their two neighbors are in support of their project.

Dan Peterson, Architect, notes that the variance requested requires just 1% increase in lot coverage and does not intrude upon the side and rear yard setbacks. Furthermore, it is not unusual for a house of this design to have a sweeping staircase and it meets ADA requirements. Mr. Peterson notes that the applicants are constrained by the size of the lot, which is smaller than those in the neighborhood.

In response to Commissioner Jochum, Mr. Peterson said that there was concern that the building project would have been delayed had the owners sought a variance for the staircase before the plans were submitted for a permit. However, he notes that the owners could have chosen to build a second story and doubled the size of the house.

Commissioner House said that the new design seems more attractive than the current building, although she is concerned that the owners are exceeding lot coverage.

Commissioner Wittenkeller notes that the parcel is the second smallest on the block and he is able to find special circumstances based on the size and shape of the lot. Moreover, the new design looks better and apparently works better for the applicant and thus he supports the variance. However, he believes the applicant has been devious insofar as a complete project has not been presented to the Commission. The project has been piecemealed and the applicant now wishes for forgiveness. Fortunately, the end result is favorable and the Commissioner recommends approval as presented, with Staff's recommended conditions.

Commissioner Jochum is in agreement with Commissioner Wittenkeller with regard to the special circumstances. However, it appears that the applicant has deliberately planned the process of submitting their proposal and notes that lot coverage will be exceeded. The Commissioner supports the Staff report.

Commissioner Zwick does not concur with the architect regarding ADA requirements and believes that there are alternatives. The Commissioner finds it difficult to approve the stairs and the balcony and would support the stairs but not the additional square footage.

Commissioner House believes that the house will be more attractive but is concerned that lot coverage is being exceeded.

Vice-Chair Sisich is able to support the variance. Other houses in the area are constructed close to the front property line and the applicant could have chosen to construct a second story. This would have had more impact on the neighborhood and the Commissioner is appreciative that the applicants have chosen a more modest addition.

M/s House/Wittenkeller and passed (3-2 Abstention: Jochum/Zwick) to grant the lot coverage variance. Vice-Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council.

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6. **V-0332/DR-0324 – Tim and Pilar Maas, 110 Calumet Avenue, APN 006-071-04**, side yard variance to construct a garage within 1'-10" of the south side property line (Code: 8') and flatland design review of a second story addition of approximately 1,900 square feet, located within the R-1 Zoning District. (staff person: Bell)

Planning Director Bell presented the report.

Greg Johnson, Architect notes that the proposed second story addition concerns just one portion of the house. The main constraint is that the building is set close to the side yard setback but it does fall back from the road and is not highly visible. Mr. Johnson presents colored drawings to show the height of the buildings and explains that he has broken up the mass by creating a stepping effect. He further notes that there are a number of houses in the area which are of a similar scale.

Commissioner Zwick approves of the design. The building is set back from the road and is stepped and should not affect neighboring properties.

Commissioners House and Wittenkeller are in agreement with Commissioner Zwick. Commissioner Wittenkeller believes it is a handsome addition, although large and perhaps not necessary. He might have made a different decision had neighboring properties been affected.

Commissioner Jochum believes that the perceived scale, in terms of massing and how it is handled, is a more important consideration than actual size. The large two-story mass is of concern but the size is consistent with the neighborhood and he will support the project, despite the design being blocky and oversized.

Vice-Chair Sisich agrees that the design is blocky but he is not concerned with the size of the house and believes the lot is suitable for such an addition. The Vice-Chair supports the project.

In response to Commissioner Wittenkeller, Mr. Bell would like the conditions to be met should the application be approved.

M/s House/Wittenkeller and unanimously passed (5-0) to approve the project, making the following additional findings: That the shadow study does not indicate an unreasonable change to light and that it will not impair access to air; and that the scale, intensity and design are similar to others in the neighborhood and that it is set back significantly from the street. Vice-Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council.

E. GENERAL DISCUSSION

Planning Director Bell discussed the status of the Second Unit Ordinance.

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Mr. Bell said that a Protective Appeal for 790 Sir Francis Drake Blvd should be heard on June 10, 2003 and an appeal for 240 Redwood Road on June 24, 2003.

G. ADJOURNMENT TO THE MEETING ON MONDAY JUNE 16, 2003

The meeting closed at 8.10pm


Joanne O'Hehir
Sr. Admin. Services Asst.