

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF NOVEMBER 17, 2003**

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. CONTINUED PUBLIC HEARINGS

1. Gary Marsh, 57 Medway Road, APN 005-154-06, 1) third story variance (Code: 2 stories maximum); 2) setback variance to add a second and third story addition within 2'-6" of the south side property line (Code: 8'); 3) setback variance to add a second story open deck within 3' of the south side property line (Code: 6'); 4) flatland design review of the second and third story addition totaling ±897 square feet; and 5) setback variance to add an exterior stairway and enclosed entry within 5' of the north side property line (Code: entry: 8'/stairs: 6'), located within the R-1 zoning district. (Staff person: Chambers) **CONTINUED TO 12/1/03**
2. Z-0302 – TOWN OF SAN ANSELMO, Zoning Ordinance Amendments to the Temporary Signs Ordinance, Title 10, Chapter 9, Article 3. (Staff person: Wight) **CONTINUED TO 12/1/03**

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. MINUTES – November 3, 2003
2. V-0342/DR-0328 – Thomas Crowell and Patricia Pirrone, 68 Bennit Avenue, APN 005-091-07, height variances to construct a 10' high fence along a portion of the east side property line (Code: 6') and a porch entry screen 10' above the adjacent grade within 2.75' of the west side property line (Code: 6'); and a setback variance for a porch overhang to be within 1.75' of the west side property line (Code: 10'), located within the R-1 zoning district. (Staff person: Wight)
3. UP-0319/DR-0343/SR-0306 - Greg Snowden, 14 Greenfield Avenue, APN 6-251-04, use permit to operate a design center for showcasing and sales of building materials and furnishings; design review of an exterior door alteration; and sign review of 2 signs, located in the C-3 zoning district. (Staff person: Wight)
4. UP-0320/V-0356/DR-0344/SR-0307 - Linda Spediacci, 305 San Anselmo Avenue, APN 7-282-20, use permit for the outdoor retail sale of flowers; design review of an 8' wide, 5' deep, 8'2" high structure to contain materials for the business; and sign review, located within the C-2 zoning district. (Staff person: Wight)

M/s House/Jochum and passed (5-0) to approve the consent agenda. Vice Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council.

REGULAR AGENDA

5. V-0347/UP-0318 – Tom and Kattie Raskowsky, 311 Laurel Avenue, APN 007-172-05, Use Permit to allow exceptions to standards for a residential second unit and variance to establish a residential second unit (conversion of an existing accessory structure) within 4' of the rear property line (Code: 20') and 2' of the northerly side property line (Code: 8'), located within the R-1 zoning district. (Staff person: Bell).

Commissioner Jochum recused himself from the dais and did not return to the hearing. Planning Director Bell presented the staff report.

In response to Commissioner Zwick, Mr. Bell clarified certain aspects of the project.

Maureen Jochum, Architect for the project, explained how the length of the dormer has been reduced, which should considerably lessen the impact to the neighboring property. Ms. Jochum stated difficulties in moving the unit from its present location, including the existence of heritage trees and a drainage easement on the lot. She presented letters of support to the Commissioners.

Thomas Raskowsky, Applicant, explained that he would like to make the structure habitable but acknowledged that his neighbor at 7 & 9 Myrtle Avenue is against the project.

Andy Ryan, 300 Laurel, Joan Carson, 329 Laurel Avenue, and Jim Josephs, 322 Laurel Avenue, support the project.

Joe Giacomini, Attorney for Mrs. Whitbeck and her son Neal, owners of 7 & 9 Myrtle Avenue, objected to the granting of a use permit. He provided photographs to the Commission to show the extent to which his clients would be affected by the project. Mr. Giacomini said that his clients registered their second unit many years ago and maintained that the applicant's property does not conform to the standards of a

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second unit. He suggested that the building should at least be moved forward to comply with the rear yard setback.

In response to Commissioner Wittenkeller, Mr. Giacomini explained that privacy, view and light issues, and a kitchen, which was a potential hazard, were all of concern to the Whitbecks. Mrs. Whitbeck used the plans to show which parts of the property would be affected by the project.

In response, Thomas Raskowsky said he had tried to mitigate the Whitbeck's concerns, including the offer to eliminate the kitchen, which did not seem to appease them. Mr. Raskowsky observed that a tall privet bush provides privacy between the two properties. He said that an indirect view, only, of 7 & 9 Myrtle would be gained from the kitchen window. He noted the support from other neighbors.

Neal Whitbeck said that his main objection is to placing a kitchen in the structure, which he thought would be a safety risk.

Commissioner Wittenkeller said that he is a proponent of second units but noted that there are other areas on the property that could be utilized, rather than crowding the rear and side property lines. Code exceptions were being made and the neighbors had strong objections. Commissioner Wittenkeller did not support the project.

Commissioner Zwick noted that the architect stipulated that the upper floor is not being increased in height and he can support the project, providing that the structure is not raised 1' 10". Furthermore, although the location of the structure is not ideal but the Commissioner will lend support because it already exists.

Commissioner House supported the project and noted that raising the structure off the ground will provide some protection against flooding. Furthermore, the structure is existing and she believed that the impact on the house next door should not be significant.

Vice Chair Sisich said that the impact should not be significant and would support the project.

M/s House/Sisich and failed (2:2 Noes: Wittenkeller/Zwick) to approve the project based on the findings and conditions as set forth in the staff report,

M/s House/Sisich and passed (3:1 Noe: Wittenkeller) to continue the project to December 1, 2003.

6. **V-0353 - Thomas Ager, 573 Scenic Avenue, APN 7-061-04**, setback variances to construct a main level addition and entry within approximately 2' of the front property line (Code: 20'), located within the R-1 zoning district. (Staff person: Wight)

Senior Planner Wight presented the staff report.

In response to Commissioner Wittenkeller, Ms. Wight said that the provision of parking is just one of the requirements for second units.

In response to Commissioner Zwick, Ms. Wight confirmed that it appears that the lower level was installed without building permits and that, on occasion, it has been occupied illegally as a second unit. Ms. Wight confirmed that the staff report recommended approval of the project with the provision that permits are obtained after-the-fact.

Bill Von Lackum, Architect, noted that this was a simple project and confirmed that a kitchen does not exist downstairs. Mr. Von Lackum said that his client is a builder and would want to rectify the work that has been undertaken without permits.

Ms. Wight said that details of the work came to light in a 1999 resale report and that the Building Department will examine the plans to ensure the space was designed properly for habitation. Mr. Bell noted that this was simply an opportunity to ensure permits were obtained for the work.

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

7. **SRV-0354 - Walgreen's, 820 Sir Francis Drake Boulevard, APN 6-061-13**, sign variance for 3rd and 4th signs to be placed in the existing tower, one facing east and one facing south, both of which to be illuminated by existing lights in the tower (signs placed in tower for viewing purposes only on 11/10-11/17), located within the C-3 zoning district. (Staff person: Wight)

Senior Planner Wight presented the staff report and noted that there is no white in the two temporary signs as stated in the report. She said that if the Commission considered the signs to be symbols, then a variance was not necessary. Ms. Wight said that Walgreens wished to retain the blue color because it is synonymous with medicine.

A letter has been received from the occupants of 825 & 831 Sir Francis Drake Blvd who are concerned that the existing Walgreen signs are too brightly lit at night. They were not present at the meeting.

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Mr. A. K. Strotz, representing Walgreens, said that the sign lights are turned off at 10pm, although this was not made part of the conditions of approval. Mr. Strotz felt that the 2 'symbols' were small enough not to be objectionable and that they should blend into the colors of the exterior building during the daytime.

In response to Commissioner House, Mr. Strotz said that the Commission would be approving the temporary signs ("symbols") already in place

In response to Vice Chair Sisich, Mr. Strotz said the lighting behind the red plastic covers is a form of encapsulated lighting, which is not neon and is energy efficient. Commissioner Zwick believed that the brightness could be adjusted.

Vice Chair Sisich suggested that Wallgreens should consider reducing the intensity of their sign lighting.

Commissioner Zwick said that the approved project is a success and he is pleased that the mortar and pestle sign is not neon. Commissioner Zwick supported the staff report as did Vice Chair Sisich and Commissioner House.

M/s House/Zwick and unanimously passed (4-0) to approve the project based on the findings and conditions as set forth in the staff report, with one change that the color blue be allowed as presented, and with the suggestion to the applicant that the intensity of the illumination of the existing red signs be turned down. Vice Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council.

8. V-0352 – Rob and Amy Forrest, 52 Woodland Avenue, APN 007-252-28, 1) variance to reconfigure uncovered front stairway to within 5' of the front property line (Code: 14'); 2) parking variance to relocate 2: 9'x19' non-conforming parking spaces from the rear of the lot to: 1 space within 1.5' of the north side property line and 1 space within 18' of the front property line; 3) setback variance for a ±4 square foot addition to within 18' of the front property line (Code: 20'), and 4) lot coverage variance to decrease the lot coverage from 47.6% to 42.5%, located within the R-2 zoning district. (Staff person: Chambers).

The Commission waived the reading of the staff report. In response to Vice Chair Sisich, Planner Chambers clarified aspects of the project.

Richard Berling, Architect for the project, explained that the owners wished to create a back yard by removing the non-conforming carport at the back of the property. Since two parking spaces are required, they propose to create those spaces at the front of the property, with one in the driveway and one in the new garage that aligns with the non-conforming house.

Tim Heiman, 59 Woodland Avenue, was satisfied with the project after he had studied the plans.

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

9. V-0355 - Jean Olive and Jim Lammers, 170 Pine Street, APN 7-251-34, setback variance to extend the existing dwelling 2.5' in height (again proposed in light of additional information related to the flood zone elevation), to be within 4.25' of the west side property line and within 12.33' of the front property line (Code: 8'/20') located within the R-1 zoning district. (Staff person: Wight)

The reading of the staff report was waived by the Commission.

Jim Lammers, Applicant, explained why he desired the Commission to allow him the extra ceiling height. He noted that his neighbors enjoyed similar benefits and recalled that some of the Commissioners had indicated at a previous hearing that they might support his project should evidence be provided. Mr. Lammers presented precipitation statistics that showed the likelihood of an increase in rainfall in California.

In response to Commissioner Zwick, Mr. Lammers clarified his plans to raise the floor. He noted that the height limit would not be exceeded but a variance was required to meet the setbacks.

In response to Commissioner Wittenkeller, Mr. Lammers explained how the FEMA flood system worked. He said he was not confident that his home would not be flooded during his lifetime and he thought that raising the floor level by 2.5' was not an unreasonable request.

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

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E. GENERAL DISCUSSION

Commissioner Wittenkeller suggested that the Fire Chief be invited to speak at a hearing to provide guidance in selecting species and locations of screen plantings in light of the recent fires in California.

In response to Vice Chair Sisich, Ms. Wight said that the Housing Element is nearing completion and will be scheduled for a Planning Commission hearing in due course.

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

68 Bennit Ave, 115 Sunnyside Ave, 100 Forbes Ave and 39 Belle Ave.

G ADJOURNMENT TO THE MEETING ON MONDAY DECEMBER 1, 2003

The meeting was adjourned at 9pm.



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