

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MAY 19, 2004**

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

Betty Pagett reminded the Commissioners of an invitation to a breakfast meeting by the League of Women Voters

C. CONTINUED PUBLIC HEARINGS

1. **V-0416/U-0405 - Patricia Johnstone, 125 Redwood Road, APN 007-083-03**, variance amendments to 1) allow an existing accessory structure of 26.5'x26' (previously approved as 24'x26') within 5' of the south side yard (code:8'); and 2) allow an existing lower level floor of an accessory building within 8' of the east property line (Savannah Avenue) (Code:20') and 5' of the south side yard, previously approved within 14' of the east property line and 5' of the south side yard; variance to allow the creation of a second residential unit within 8' of the east property line (Savannah Avenue)(code:20') and 5' of the southerly side yard, within an existing accessory building; variance to allow an existing access stairway/deck within 2' of the southerly side yard; Use Permit to allow exceptions to the standards for residential 2nd units; and variance to allow 3 parking spaces for the property where 4 spaces are required (at or above 150msl) on property located in the R-1 zoning district (above 150 msl) (staff: Bell). **CONTINUED TO JUNE 7, 2004**

C. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **MINUTES – May 3, 2004**
2. **V-0417/U-0406/DR-0411 – Ross Valley Ecumenical Housing Association (K. Crecelius), 61 Woodland Road, APN 007-282-01**, Use permit to demolish more than 50 percent of an existing house and establish a group home; setback variances to allow construction of a dwelling within 10 feet of the front yard setback (code:20') and within 10' of the west side yard (code:12'); parking variance to allow required parking within +/-1' of the rear yard property line (code:20'); variance to allow approximately 39.1% lot coverage (Code: 35%); and flatland design review to consider construction of a 1,985+/- square foot upper level in conjunction with a new dwelling of approximately 3,782 square feet total, located on property within the R-1 zoning district (staff: Bell)
3. **V-0419 – Amy and Greg Jones, 59 Austin Avenue, APN 007-266-11**, variance for a single story bedroom addition to be within 5' of the east side property line (Code: 8); and variance for a second story balcony to be within 2'-6" of the east side property line (Code: 6'), on property located within the R-1 zoning district. (staff: Chambers)
4. **V-0423/DR-0413 John and Carol Cowperthwaite, 10 Golf Lane, APN 006-119-18** design review of a +/- 111 square foot lower level addition, and variance to construct the addition within 6' of the rear property line (code: 20'), located within the R-1 zoning district (above 150' msl). (staff: Bell)
5. **V-0422/UP-0407 – Mario Orihuela, 26 Sais Avenue, APN 006-072-16** use permit to demolish 50% or more of the exterior dwelling; setback variance to construct a retaining wall in excess of 4' within +/- 1' of the northeast side yard property line and a first floor addition of approximately 951 square feet within +/- 5' of the northeast side yard property line(code: 8'), located within the R-1 zoning district. (staff: Bell)
6. **DR - 0414 - Thomas Mika, 80 South Oak Avenue, APN 007-241-75**, design review amendment to excavate a portion of the crawl space to create a 394 square foot exercise room within the existing building footprint, and construct a 185 square foot uncovered deck adjacent to this room on the north side of the dwelling accessed by a new exterior door, located within the R-1H zoning district. (staff: Wight)

At the request of a member of the public, Item 2 was removed from Consent for further discussion.

M/s House/Jochum and passed (4-0) to approve items 1, 3, 4 and 6 of the Consent agenda.

M/s Hosue/Jochum and passed (3-1 Noe: Harris) to approve Item 5. Commissioner Harris believes that approval will exacerbate a legal non-conforming structure.

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

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2. V-0417/U-0406/DR-0411 – Ross Valley Ecumenical Housing Association (K. Crecelius), 61 Woodland Road, APN 007-282-01, Use permit to demolish more than 50 percent of an existing house and establish a group home; setback variances to allow construction of a dwelling within 10 feet of the front yard setback (code:20') and within 10' of the west side yard (code:12'); parking variance to allow required parking within +/-1' of the rear yard property line (code:20'); variance to allow approximately 39.1% lot coverage (Code: 35%); and flatland design review to consider construction of a 1,985+/- square foot upper level in conjunction with a new dwelling of approximately 3,782 square feet total, located on property within the R-1 zoning district (staff: Bell)

Planning Director Bell presented the staff report and said that the item was re-noticed to include a lot coverage variance.

Jerry Knecht, President of Ross Valley Ecumenical Housing, said that he had nothing to add to his comments from the last meeting.

Ada Fitzsimmons, 20 Woodland Ave, expressed concern about the process. She said that numerous objections were raised at the last meeting, which she feels were not adequately addressed. Ms. Fitzsimmons believes that those who object to the project have not been treated fairly. Mr. Bell presented the application to show that it bears the signature of the owner.

Commissioner Harris reminded Ms. Fitzsimmons that she can appeal the project to the Town Council

Karl Baeck, 36 Ross Avenue, said that he had considered buying the property but decided against it when informed by the Planning Department that the size of the house he wanted to build would not be appropriate for the lot. Mr. Baeck believes that the price of the property was bid upwards in anticipation of being able to build a large development. He suggested that there were other suitable properties in the area with more parking space.

Tim Heiman, 59 Woodland Avenue, said that the project might have the support of the Planning Commission but that it did not have the support of 75 neighbors. He did not feel that the petition was taken seriously and he believes that the project is too large. Had it been a house, the project would never be approved.

In response, Jerry Knecht noted that there will be 6 off-street parking places, of which 3 will be allotted to the residents, 2 to 2 part-time staff and another for an occasional visitor.

Commissioner Harris said he understood the neighbors concerns but he favors an affordable housing project. However, he noted that his request for changes to the west elevation have not been addressed and for this reason Commissioner Harris said he would vote against the project.

Commissioner House said the project is a good use for the lot because the zoning is mixed. Commissioner House believes the project will be an asset to the neighborhood, although she is sorry that ill will has been created.

Commissioner Jochum said that he supports the project, which he feels is appropriate for the site.

Chair Sisich also supports the project. He does not think that parking will be a problem and noted that the Association will turn down car-owners once 3 car-owning residents have been offered housing. Chair Sisich believes that this is a benign affordable-housing project, which will not greatly impact the neighborhood. Chair Sisich noted that the Town has a mandate to encourage affordable housing and this project helps to fulfill the Town's obligation.

M/s Jochum /House and passed (3-1 Noe: Harris) to approve the project based on the findings and conditions as set forth in the staff report.

Chair Sisich advised all parties of interest of a 10-day appeal period.

7. DR-0412/V-0418 - Antje Froehler, 48 Bennit Avenue, APN 005-092-19, parking variance for one of two options: for the existing three required on-site parking spaces (in conjunction with a bedroom addition) to be substandard in width; or to widen the existing carport to within 5' of the front property line (Code: 20'); setback design review of a second story addition to be within 6'2" (Code: 8") of the north side property line; and hillside design review of a 408 square foot second story addition, first and second story decks and stairs totaling 396 square feet, on property located within the R-1 zoning district (above 150 msl) (staff: Wight).

Senior Planner Wight introduced the Staff report. Ms. Wight noted that Staff supports the project based on information supplied by the arborist.

Antje Froehler, Applicant, said she is willing to follow staff's recommendation. Ms. Froehler provided photographs showing how two cars can be parked side by side in the carport.

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M/s Harris/Jocum and unanimously passed (4-0) to approve the project based on the findings and conditions as set forth in the staff report.

Chair Sisich advised all parties of interest of a 10-day appeal period.

8. **V-0421 - Scott and Sharon Hamilton, 18 Grove Lane, APN 7-161-04**, use permit to demolish 50% or more of the existing dwelling; setback variances to construct a new dwelling within 3'± of the rear property line and within 1.17'± of the south side property line (Code: 20' rear, 8' side); and to construct a patio cover within 1.17'+ of the south side property line (Code: 8'), located within the R-1 zoning district. (staff: Wight)

Senior Planner Wight introduced the staff report. Ms. Wight noted that staff does not support the project because the lot is of sufficient size to allow the house to be rebuilt in a different location and meet setback requirements. Ms. Wight noted that the project has the neighbors' support.

In response to Commissioner Jochum, Gayle Permar, Architect, used the plans to identify which neighbors supported the project.

In response to Commissioner Harris, Ms. Permar said that the variances are requested in order to aesthetically improve the building, repair the roof and bring the walls up to fire code. The variances are also necessary in order for a use permit to be granted to the owner.

Ms. Permar explained at some length their plans for the house. She noted that neighbors are relieved the existing building is being renovated and reduced in size, rather than a much large house being built in the center of the property.

Ms. Permar satisfied Commissioner Harris' query with regard to the location of the fence and the property line.

In response to Commissioner House, Ms. Permar explained that the owner plans to renovate a former pool house to accommodate guests.

In response to Commissioner Jochum, Ms. Permar confirmed that feedback had not been received from the immediate neighbors.

Commissioner Harris expressed interest in the ownership of Lot 30 and Ms. Wight satisfied his question with regard to the use permit regulations and demolition.

Commissioner Harris said he is torn between there being ample lot space on which to build a house without setback variances, and the owner reducing the size of the present structure, thereby improving a non-conforming building. He has no issue with the findings for the use permit but the variance findings are more difficult to determine. Commissioner Harris suggested that the applicant might consider demolishing less than 50% of the house.

Commissioner House agrees that findings can be made for the use permit but that the setback variances remain a concern. She believes that variances cannot be justified since much of the building could be moved out of the setbacks without the need for variances. There is plenty of room on the lot.

Commissioner Jochum said he now had a better understanding of the project. The Town Council has discussed changing the guidelines to allow the reconstruction of existing structures, although Commissioner Jochum noted that an ordinance is not yet in place. However, he said that findings could be made for the setback variances based on the location of the structure on the property and the fact that it would be burdensome and detrimental to the neighbors if the structure were moved. Therefore, he supports the project with requested variances.

Chair Sisich is in agreement with Commissioner Jochum. Chair Sisich will approve the variances because a much larger house could be built in a different location.

Commissioner Jochum noted that the house is being reduced in size, which he believes has some significance as a finding.

Commissioner Jochum proposed the following motion: To grant the setback variances and use permit with special circumstances being the location of the building on the property; that strict application of the ordinance would deprive the property owner of being able to maintain the structure.

Ms. Wight disagreed with the interpretation of special circumstances. She believed that the location of the existing house on the property does not merit a special circumstance, a point on which Commissioner Jochum did not concur.

Commissioner Harris expressed concern that a future owner might wish to enlarge the home. He did not wish a precedent to be set in allowing the site to be modified in this instance. Commissioner House suggested that a Deed Restriction might be appropriate.

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M/s Harris/Jochum and passed (3-1 Noe: House) to grant the setback variances and use permit for the following reasons:

1. Special circumstances being that an historic structure, which was built in its present location before the adoption of the Planning Codes (including setback restrictions), is in need of renovation and is being reduced in size. Furthermore, no evidence has been presented that the granting of the variances will adversely affect the health and safety of persons residing or working in the neighborhood and because the structure is a single-family home.
2. Approval is based on the plans date stamped received on March 5 and March 18, 2004; All conditions of approval shall be printed at the top of Sheet 1 of the Building permit drawings; Should construction not begin within one year from the date of this approval, the approval shall be considered null and void. A one-time-only, one-year extension can be requested in writing to the Planning Director prior to the expiration date.
3. No other entitlement is granted to enlarge the building in its current location; that the application before the Commission does not serve as a precedent or entitlement to future expansion of the property.

Chair Sisich advised all parties of interest of a 10-day appeal period.

9. V-0420 - Mark and Jennifer Slippy, 66 Lincoln Park, APN 006-241-15, variance to demolish an enclosed porch and add a ±296 square foot addition within 17'-8" of the rear property line (Code: 20'), variance to add a ±169 square foot uncovered deck within 11'-2" of the rear property line (Code: 14'), variance to demolish and reconstruct a ±245 square foot accessory structure and change the roof pitch which would raise it 2' in height for a maximum height of 11'-1" within 1'-6" of the east side property line (Code: 8') and within 6'.5' of the rear property line (Code: 20'); and lot coverage variance to increase the lot size from 36.3% to 41.3% (Code: 35%), located within the R-1 zoning district. (staff: Chambers)

Assistant Planner Chambers presented the staff report.

In response to Commissioner Harris, Ms. Chambers confirmed that the deck constitutes the gain in lot coverage. Ms. Chambers further confirmed that staff can support the height increase for maintenance purposes.

Mark Slippy, applicant, explained that a pitched roof has been designed to improve drainage and his request to move the building 1.5 ft off the property line is for maintenance purposes. These are two separate issues.

In response to Commissioner Jochum, Mr. Slippy confirmed that the footprint of the new building will be the same as the present building and that the structure is being moved from the west to the east. He said that he has a small, substandard lot and they want to add extra space to their home. Their design has the least impact on the neighborhood and aside from the deck, they are adding only 1.25% to the lot coverage. The deck will flatten out a sloping back yard and allow access from the kitchen to that yard.

In response to Commissioner House, Mr. Slippy said that an open pathway will run between the house and the garage.

In response to Chair Sisich, Sarah Steen, architect for the project, offered a more detailed explanation of her design.

Mr. Slippy said that his neighbors support the project. In response to Commissioner Jochum, Mr. Slippy described the outlook of a window facing the rear yard that will be replaced by French doors.

Ms. Chambers confirmed, in reply to Chair Sisich, that steps would be necessary if the deck followed the grade.

Ms. Steen responded to Commissioner Jochum's question on the rise in grade.

Commissioner Harris feels that it is difficult to justify lot coverage variances. However, in this instance, the deck will have less impact than an enclosed structure. Commissioner Harris' finding is based on topography.

Commissioners House and Jochum support the project. Commissioner Jochum said that findings could be made on lot coverage; that it is a hardship to have a reasonable house on a property of that type; and that topography makes it difficult to allow a reasonable outdoor space. It would seem unreasonable to expect the occupants to step directly down from the kitchen.

Commissioner Jochum further commented that the most significant factor is lot size, which is small, as are many of the properties in the neighborhood. Therefore, he believes the design is compact and in keeping with the area.

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In response to Commissioner House, Ms. Chambers said the lot size, which is one of the smallest in the neighborhood, is an adequate finding and offered further explanation regarding topography and the size and shape of the lot.

Commissioner Harris does not agree that lot size is a finding, but agrees that topography is a finding. Discussion ensued between staff and Commissioners regarding the findings that could be made to support the project.

M/s Jochum/House and passed (3-1 Noe: Harris) to approve the project based on the following findings and conditions:

1. Small size of the lot
2. Lot coverage was determined not to be detrimental to the neighborhood
3. Topography causes difficulty in accessing outdoor area
3. A deed restriction will be applied to ensure the accessory structure will not be used as a residential second unit as defined in the Code.

Chair Sisich advised all parties of interest of a 10-day appeal period.

D. ITEMS FROM PLANNING COMMISSION

In response to Chair Sisich, Ms. Wight said she would check the records to see if a lighting plan was required for Tamalpais Bank.

In further response to the Chair, Ms. Wight said that the Council would decide if Commissioner Wittenkeller's position should be filled. Commissioner Harris noted that none of the present Commissioners lives on a hillside.

E. ITEMS FROM STAFF

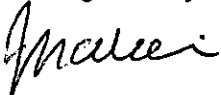
Ms. Wight noted that variances should be related to the lot and not the position of a residence on the lot. The location of a building cannot be a finding.

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

1320 San Anselmo Avenue.

F. ADJOURNMENT TO THE MEETING ON MONDAY JUNE 7, 2004

The meeting was adjourned at 9pm.



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