

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF MARCH 15, 2004**

**A. CALL TO ORDER**

**Commissioners present:** Chair Sisich, Vice Chair Fernandez, Harris, House, Jochum, Zwick  
**Commissioners absent:** Wittenkeller

**B. OPEN TIME FOR PUBLIC EXPRESSION**

Gary Miller, 36 Santa Barbara Avenue, said that the project at 2 Santa Barbara Avenue demonstrated a need to change design review policy. The house was not addressed by design review and is larger than any other building nearby. Mr. Miller suggested that FAR rules be applied to flatland and that drawings be presented in layman's terms to enable ordinary people to understand what is being proposed.

In response, Commissioner Harris said that the Commission is not empowered to change the rules. He suggested that Mr. Miller approach the Town Council.

**C. CONTINUED PUBLIC HEARINGS**

1. **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 4/19/04**
2. **ER-0401/DR-0402 - TOWN OF SAN ANSELMO, 1000 Sir Francis Drake Boulevard, APN 6-032-19 and 6-032-21**, Negative Declaration and Design Review of Memorial Park Entry Plaza and skatepark near Baseball Field One, including design changes to park entrance, walking and seating areas, including ADA accessibility, restroom, landscaping, fencing, bleacher platforms, walls, signage, sculpture, and future canopy over bleachers; on and near the basketball courts, including construction of a 7,885 square foot skatepark including:skateboard area, landscaping, fencing, and viewing platform. (staff person: Wight) **CONTINUED TO 4/5/04**

**D. PUBLIC HEARING ITEMS**  
**CONSENT AGENDA**

1. **MINUTES – March 1, 2004**

M/s House/Zwick and unanimously passed (6-0) to approve the minutes.

Chair Sisich recused himself from the dais.

2. **V-0410 – John Ellis and Erin Brewer, 62 Park Drive, APN 006-043-06**, 1) variance to relocate a covered entry within 4'-4" of the front property line (Code: 20'); third story variance, and 3) design review to excavate the lower level within 6' of the west side property line, within the R-1 zoning district. (staff person: Chambers)
3. **V-0411 - Jeff Ramsey and Paul Thompson, 16 and 18 Spruce Avenue, APN 007-024-04 & 05**, variance due to a lot line adjustment to construct a single family home within 4'-8" and stairway within 2' of the west side property line of 16 Spruce Avenue (Code: 8'), and variance to allow a floor area ratio of up to 37% (Code: 35%) at 16 Spruce Avenue, located within the R-1 zoning district (above 150' msl). (staff person: Bell)

At the request of the Commission, Items 2 and 3 were removed from Consent Agenda for further discussion.

**REGULAR AGENDA**

2. **V-0410 – John Ellis and Erin Brewer, 62 Park Drive, APN 006-043-06**, 1) variance to relocate a covered entry within 4'-4" of the front property line (Code: 20'); third story variance, and 3) design review to excavate the lower level within 6' of the west side property line, within the R-1 zoning district. (staff person: Chambers)

Commissioner Harris said that he is unable to make findings for the third story to support the project. He conceded that the project is a good design and should not impact neighboring properties, but that the house would be too large for the lot.

Furthermore, Commissioner Harris noted that the general goal is to phase out non-conforming structures over time. According to the staff report, the structure is non-conforming and the variance will exacerbate this problem.

Commissioner Harris is concerned if excavation will affect the creek.

Commissioner Zwick agreed with much of what has been said. However, with regard to non-conforming uses, Commissioner Zwick recalled that the Council had changed the rules to allow non-conforming structures to remain as such.

Director Bell said that the Council directed allowing reconstruction of existing residences. In response to Commissioner Harris, Mr. Bell said that this should have no effect on increasing the size of non-conforming structures, but that the code must be met.

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The applicant, John Ellis, noted that they are not increasing the size of the house or its footprint. They are merely converting the basement of their home and have no plans to dump the excavated soil. It will be disposed of in the proper manner and some of the soil will be used in the back yard, where there is a slight grade.

In response to Commissioner Harris, Ms. Brewer, applicant, said that the dirt will be used near the house and garage to level the back yard and not close to the creek.

In response to Commissioner Zwick, Ms. Chambers said she could make findings for the third story based on topography.

Discussion commenced on the rules for third story buildings.

M/s Jochum/House and passed (4-1 Noe: Harris) to approve the project based on the findings and conditions as set forth in the staff report.

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

Chair Sisich returned to the dais.

3. **V-0411 - Jeff Ramsey and Paul Thompson, 16 and 18 Spruce Avenue, APN 007-024-04 & 05**, variance due to a lot line adjustment to construct a single family home within 4'-8" and stairway within 2' of the west side property line of 16 Spruce Avenue (Code: 8'), and variance to allow a floor area ratio of up to 37% (Code: 35%) at 16 Spruce Avenue, located within the R-1 zoning district (above 150' msl). (staff person: Bell)

In response to Commissioner Zwick, Planning Director Bell explained that the FAR would change since the size of the lot would decrease with the lot line adjustment. Mr. Bell noted that the Council had suggested the lot line adjustment to enable the neighbor at 18 Spruce Avenue to adequately maintain his property.

M/s Jochum/Harris and unanimously passed (6-0) 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 the 10-day appeal period to the Town Council.

4. **V-0403 - Gregg and Sarah Foster, 15 Florence Avenue, APN 007-011-22**, variance to construct an addition within 5' of the east and west side property lines (Code: 8'), located within the R-1 zoning district. (staff person: Bell)

Commissioner House recused herself because she knows the applicant.

Planning Director Bell introduced the report.

Max Crome, Architect, explained how he had designed the addition to take advantage of the narrow lot and noted that it encroaches on the east side, only.

M/s Harris/Fernandez and unanimously passed (5-0) 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 the 10-day appeal period to the Town Council

5. **U-0401/V-0405/DR-0403 - Rick and Liz Fraser, 47 Cordone Drive, APN 5-223-07**, use permit to demolish more than 50 percent of the dwelling; setback variances to retain (or replace if necessary) first story dwelling walls within 14.7', 6' and 13.5' of the front, north side, and rear property lines, respectively; setback variances for the new first story of the dwelling to be within 16', 6', and 16' of the front, south side, and rear property lines, respectively; setback variances for the new garage to be within 12' and 7' of the front and south side property lines, respectively; setback variances for the new second story of the dwelling to be within 12', 7', and 16' of the front, south side, and rear property lines, respectively; setback variance for a second story deck to be within 5' of the south side property line; a parking variance for two parking spaces to be located as follows: one uncovered space within 0' and 2' of the front and south side property lines, respectively, and one space in a new garage within 12' and 7' of the front and side property lines (Code: front: 20'/side:8'); and flatland design review of a 672 square foot second story addition located within the R-1 zoning district. (staff person: Bell)

Commissioner House returned to the dais and Planning Director Bell presented the staff report. Mr. Bell noted that if findings cannot be made, then the project must be denied.

In response to Commissioner Harris, Mr. Bell said that new story polls are in place.

Rick Fraser, applicant, outlined the changes they have made to accommodate their neighbors' concerns. Mr. Fraser noted the odd lot size that has made the design of his addition a challenge.

In response to Commissioner Harris, Mr. Fraser said that he had spoken with those neighbors most affected and noted that the Poindexters still held objections. Mr. Fraser said that there did not seem to be a design he could live with that would appease the Poindexters.

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In response to Chair Sisich, Mr. Fraser said that an effort was made to redesign the addition so that it did not project into the rear setback. However, to obtain the space, the house would need to be pushed towards a neighboring property and the result of losing even more kitchen space did not seem feasible.

In further response to Chair Sisich, Mr. Fraser said he did not know if it would be possible to lower the roof further.

Mr. Fraser said that, with the Commissioners' permission, a stained glass window would be installed where a translucent window has been deemed necessary.

Jim Poindexter, 55 Cordone Drive, said that the new design was presented to him as a fait accompli. He believed that the structure is still too tall and too large and will loom over his back yard. Mr. Poindexter presented photographs in evidence. Mr. Poindexter believed that with further dialogue, a plan could be devised that would accommodate his concerns about privacy, light and view. Mr. Poindexter presented a letter of objection from Coralie Russo, 37 Cordone Avenue.

Steve Wyatt, 56 Cordone Drive presented a letter and said that he believed that very little has changed. Mr. Wyatt suggested an arbitrator be appointed. He believed it is important to maintain the integrity of the street.

In response, Chair Sisich suggested that Mr. Wyatt approach the Council with regard to an arbitrator.

William Bihn, 46 Cordone Drive supports the project.

Susan Jergesen, 59 Cordone Drive, supports Mr. Wyatt's suggestion that an arbitrator be appointed. Commissioner Harris reminded the Hearing that the Commission has no authority to take such action but any other of the parties involved could appoint an arbitrator at the applicants' consent.

In response, Mr. Fraser said he has been unable to appease all the concerns of his neighbors. He noted that some of the speakers this evening have larger homes and he believes the size of his home will be in keeping with the neighborhood.

Commissioner Zwick said that the house is well designed but that it violates all its setbacks. Perhaps it is too large for the site. He believed that more effort needs to be made by the applicant to discuss the matter further with the neighbors.

Commissioner House said that the property will remain a small house but that the views of some of the neighbors will be impacted. However, it appears that the applicant responded to some of the objections raised at the last meeting. The design is good and the shape of the lot would make it very difficult to avoid encroaching upon setbacks. Commissioner House believes that findings can be made.

Commissioner Harris agreed with Commissioner Zwick that discussion between applicant and neighbors is important. He likes the design and noted that some effort has been made to accommodate the neighbors' concerns. However, Commissioner Harris will not support the project because the house is too large for the lot.

Commissioner Jochum is in favor of the project. The house is modest and in scale with the neighborhood. He believed that findings can be easily made to support the project based on the shape and size of the lot. Commissioner Jochum said that the project had more input from neighbors at the last meeting and noted that there is no requirement to gain the neighbors' consent for the design of a house.

Vice Chair Fernandez said that the applicant has made an effort to appease some of the neighbors' concerns and he supports the project.

Chair Sisich is in agreement with Commissioner Jochum and believed that findings can be made based on the size and shape of the lot. He noted that the neighbors at 55 Cordone Avenue have a large lot and that the impact of the project on their property is not great. Chair Sisich will support the staff report.

M/s House/Jochum and passed (5-1 Noe: Harris) to approve the project with findings of special circumstances being the size and shape of the lot and the existing building being skewed, in addition to the findings and conditions in the staff report.

6. DR-0404 – Hazel Wood and Jay Wigger, 245 San Francisco Blvd., APN 005-204-03, flatland design review of a ±742 second story master bedroom suite addition within the R-1 zoning district. (staff person: Chambers)

Commissioner Harris recused himself because he lives in the neighborhood.

Planner Chambers presented the staff report and stated that staff is able to support the project as proposed.

Jay Wigger, applicant, said that he wanted more space and the design of the current home seemed haphazard. The new design offers them a master suite. The narrow lot has presented a challenge and he believed that the architect has produced a good design after consulting with their neighbors.

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Hazel Wood, applicant, presented a signed petition from six of her neighbors who support the project. She said that when they had their plans drawn up last year they presented them to the neighbors and two neighbors had concerns. Revisions were made to those plans to mitigate the concerns. She noted that her next door neighbors at 241 Sir Francis Drake Blvd still have concerns about this current design before the Commission.

Christian Oaks, architect for the project, said they have made an effort to find a solution to the neighbors' concerns with his design. His clients would like a larger living room and due to the narrow lot, it was difficult to fit in the staircase. The massing has been reduced and further concessions made to mitigate neighbors' concerns.

Dawn Brown, 241 Sir Francis Drake Blvd., said that she would like the addition to be moved forward to maintain some privacy in her back yard. She is concerned that the second story addition will tower over the backyards of neighboring properties. Ms. Brown understands that building upwards is an efficient use of space but objects to an addition towering over her back patio. She acknowledges that the applicants have modified their plans and she believes that a solution is close to being found. Ms. Brown suggested the addition be moved forward 5' to mitigate her concerns.

Gary Millar, 46 Santa Barbara Ave, noted that modifications to the plans have been made and that his concerns have been met by and large. The project does not require variances and the design is generally in keeping with the neighborhood. However, he stated that he never provided written documentation, nor did he advise staff that he supported the project as indicated in the staff report.

In response, Ms. Wood said they had done all that is possible to accommodate the neighbors' concerns. She noted that if the addition were moved further forward, in compliance with Ms. Brown's wishes, then the privacy of the occupants at 249 San Francisco Blvd would be affected.

Mr. Oaks noted that a 5' adjustment would have a significant impact on the architectural integrity of the design.

Commissioner Jochum stated that it is common planning practice to attempt to stagger houses to provide more access to light and views. Typically in San Anselmo there are more complaints about windows facing other windows. The windows in question for this property are at the head of stairs and a sitting room window that is at a 45 degree angle to the neighboring property at 241. He does not see any rationale in moving the second story forward 5' because by doing so it would provide a better view into the backyard of the neighbor who is wanting privacy in their yard. The applicants are asking for no variances and privacy impacts are so minimal that he can support the project as proposed.

Vice Chair Fernandez does not believe that privacy is an issue and he supports the project.

Commissioner Zwick supports the project because there are no intrusions into setbacks, or issues with height, and the applicants have made a great effort to address their neighbors' concerns.

Commissioner House had nothing further to add.

Chair Sisich would support a continuance due to the privacy concerns of the neighbor at 241.

M/s Jochum/ House and passed (4-1 Noe: Sisich) 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 the 10-day appeal period to the Town Council.

**7. DR-0405 - Laura Merrill, 285 Redwood Road, APN 007-097-06, amendment to previously approved landscape plan, within the R-1H zoning district. (staff person: Wight)**

Senior Planner Wight presented the staff report. Letters were presented from neighbors with regard to drainage problems. Ms. Wight noted that these issues concern the Director of Public Works and not the Planning Commission.

In response to Commissioner Harris, Marty O'Heidhin, owner, used the plans to identify where he had planted the 1- gallon oak trees and where other trees were removed. Mr. O'Heidhin said that he had not realized it would take longer than 2 years for the 1-gallon oak trees to grow to 15 gallons, which was stipulated by the landscape plan.

In further response to Commissioner Harris, Ms. Wight said that it was a condition of approval that an arborist supervise the construction work. At the beginning of the project, Ms. Wight said she noted that two heritage trees were damaged and she subsequently spoke to the arborist.

Mr. O'Heidhin explained that the arborist went out of business whilst the project was underway. Furthermore, the machinery and weather made it very difficult to adhere to the landscape plans.

Mr. O'Heidhin said he is willing to undertake whatever recommendation is made.

In response to Commissioner Zwick, Ms. Wight said that this item was being heard because the landscaping differed from the approved plans.

Kathy Sanders, 310 Redwood Road, said that the landscape requirements set by the Commission have been ignored. Ms. Sanders believed that penalties should be applied under such circumstances.

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Gay Kagy, 280 Redwood Rd, presented photographs as evidence that there was no tree protection in place. She said that screening is needed at the front of the house and that she would support the replacement of madrone trees.

Commissioner Zwick said he would support the staff report if staff believed their recommendations were the way forward to mitigate the problems.

Commissioner House is in agreement with Commissioner Zwick.

Commissioner Harris noted that the applicants did not follow the requirements of the landscape plan and he will not support staff's report. He cannot comprehend the reason for planting 1 gallon trees, which contravened the landscaping requirements.

Ms. Wight said the size and number of replacement trees required by the original landscape plan would, in reality, have been too much for the lot size.

Commissioner Jochum said there is sufficient foliage on the property, although he acknowledged the front of the house is visible. Brush will grow in time to provide screening and, in the meantime, he supports staff's proposals for rectifying the problems.

Commissioner Fernandez supports staff's report.

M/s Jochum/Wittenkeller and passed (5-1 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 the 10-day appeal period to the Town Council

**8. GPA/ER 0401 – TOWN OF SAN ANSELMO - General Plan Amendment to consider an update to the Housing Element and accompanying environmental review. (staff person: Bell)**

Planning Director Bell presented the staff report:

In response to Commissioner Zwick, Mr. Bell said that the changes were not significant.

In response to Chair Sisich, Mr. Bell said that the process should have been completed by 2001.

M/s Harris/Fernandez and unanimously passed (6-0) to approve the staff report.

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

**E. GENERAL DISCUSSION**

In response to Commissioner Jochum, Mr. Bell said that the Town Administrator has not advised him of the date of the first meeting of the Joint Committee.

In further response to Commissioner Jochum, Mr. Bell said that he does not speculate to an applicant on the Commission's decision when he recommends that a project be denied.

**F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

The appeal of the project at 100 Forbes Avenue was denied.

**G. ADJOURNMENT TO THE MEETING ON MONDAY APRIL 5, 2004**

The meeting was adjourned at 9.35pm.

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