

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF FEBRUARY 2, 2004**

**A. CALL TO ORDER**

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

**B. OPEN TIME FOR PUBLIC EXPRESSION**

None.

**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 3/1/04**
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 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; and Skatepark on and near the basketball courts, including construction of a 7,885 square foot skatepark including:skateboard area, landscaping, fencing, and viewing platform. **CONTINUED TO 3/1/04**

**D. PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

1. **MINUTES – January 5, 2004**
2. **V-0401 – Terrie Freni-Johnson, 24 Rosemont, APN 007-071-10**, variance to enclose a covered entry deck within 4'-6" of the west side property line (Code: 8') and within 16' of the front property line (Code: 20'), and a variance to replace and extend an uncovered entry deck/carport within 5' of the front property line (Code: 20') and 4'-1" of the west side property line (Code: 8'), located within the R-1 zoning district (above 150' mls). (staff person: Chambers)
3. **V-0402 – Edwin Kahler, 8 Elm Court, APN 007-081-13**, variance to replace a 40' long retaining wall and fence up to a maximum of 10' in height starting at the south west side property line; and a new retaining wall and fence connecting the replacement wall for an additional 32.5' up to a maximum of 10' in height commencing at the south east side property line, located within the R-1 zoning district. After-the-Fact (staff person: Chambers)
4. **V-0404 – Ann Bool for Larry Sorenson, 258 Redwood Road, APN 007-95-05**, variance to construct stairs and landing within 0' of the south side property line (Code: 8'), located within the R-1 zoning district (above 150' mls) (Staff person: Bell)

Item 3 was removed from Consent Agenda for further discussion.

M/s Harris/Fernandez and passed (5-0) to approve items 1, 2 and 4. Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council.

**REGULAR AGENDA**

3. **V-0402 – Edwin Kahler, 8 Elm Court, APN 007-081-13**, variance to replace a 40' long retaining wall and fence up to a maximum of 10' in height starting at the south west side property line; and a new retaining wall and fence connecting the replacement wall for an additional 32.5' up to a maximum of 10' in height commencing at the south east side property line, located within the R-1 zoning district. After-the-Fact (staff person: Chambers)

Commissioner Fernandez recused himself from this project.

In response to Commissioner Zwick, Ms. Chambers explained that the Building Official has approved the construction drawings for the after-the-fact permit but that is she is unsure how it can be determined that the work was constructed according to the approved plans. This matter concerns the Building Department.

M/s Jochum/Sisich 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 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

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF FEBRUARY 2, 3004**

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)

Planning Director Bell presented the staff report.

In response to Commissioner Harris, Mr. Bell said that the Commission could vote on the demolition part of the project only. However, it is unadvisable because it would result in a partially demolished house. Mr. Bell noted that the matter concerns flatland design review.

The applicant, Rick Fraser, said that he had a small house with a very small kitchen and bathroom. They enjoy living in the neighborhood and would like to enlarge their home. He noted that the property lines are limiting factors, which are at an angle to the street that makes it difficult to design extra space without intruding upon setbacks. Mr. Fraser proposed this as a special circumstance.

Mr. Fraser said that he is shocked by the reaction of his neighbors. He has tried to lower the height in consideration of his neighbors and to take advantage of the slope. Mr. Fraser does not believe he is asking for a special privilege and presented photographs showing how other single story houses appear to have more than one level. He believes they are asking for a modest addition, which does not intrude too much upon neighbors' privacy.

Jim Poindexter, 55 Cordone Drive, said that the house will be higher and larger than other properties in the area and will tower over his property on two sides. Mr. Poindexter presented photographs showing the detrimental affect of the new development on his property and noted that sunlight will be blocked in his backyard, along with views from their property.

In response to Commissioner Jochum, Mr. Poindexter said that he has not had enough time to discuss the problems with the applicant. However, he would suggest that the applicant lower the height of the addition and remain within the footprint of the home, so as not to further invade the setbacks. Mr. Poindexter's main concern is the height of the property.

In response to Vice-Chair Fernandez, Mr. Poindexter said he had met the applicant on Saturday, 24 February, when he received the notice.

Don Souza, 45 Cordone Drive, presented a letter objecting to the application. His main concern is the height of the addition, which will affect his view and privacy. He suggested that the front and back of the second story be reduced and more of the lot used.

In response to Chair Sisich, Mr. Souza said that his house is 1180 sq ft. and that he would not have an issue with the deck if the addition were smaller.

In response to Commissioner Harris, Mr. Souza identified which of his windows face the project.

Coralie Russo, 37 Cordone Ave, said that the addition does not affect her privacy or views but that she is ideologically against tearing down a home and building a larger House. Ms. Russo presented her own letter of opposition and another from a neighbor.

Matt Brown, 7 Brookside Dr, supports the project. He likes the addition and believes that there are other houses in the area that are larger. Mr. Brown attested to the applicants' need for a larger kitchen.

Susan Jergesen, 59 Cordone Drive, likes the neighborhood and would like to see a compromise worked out. The story polls indicate that the addition will appear looming to the immediate neighbors and Ms. Jergesen believed that the design is not in keeping with the neighborhood. In response to Commissioner Harris, she suggested that the roof be lowered and the addition built outwards, perhaps.

Steve Wyatt, 56 Cordone Drive, said that the notice period was too short and that more time is needed to see if a compromise can be reached before approval. Mr Wyatt suggested that the applicant might purchase land from the neighboring property in order to extend his property.

Angelo Domitri, 44 Cordone Drive, also expressed opposition to the project.

Mr. Fraser responded to his neighbors' comments, noting the amount of opposition. He believed that the yard at 55 Cordone Drive is shaded and that this addition should make little difference. Mr. Fraser suggested that a long row of bamboo be removed to provide his neighbor with more light but acknowledged that his neighbor liked the bamboo.

Mr. Fraser expressed surprise that his project had reached the Commission so quickly and apologized for the short notice period. He is relying on professionals to guide him and produce a design that is the least imposing. However, Mr. Fraser loves his garden and he would not find it desirable to extend across his land in order to maintain a single-story home. He is willing to work with his neighbors over the height

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF FEBRUARY 2, 2004**

issue and is open to suggestions for a different or better design. He gave the plate heights in response to Commissioner Jochum.

Commissioner Zwick noted that the applicant and neighbors need more time for discussion, from which he believes a solution can be found. It appears that the parties are willing to negotiate with some guidance from the Commission. Commissioner Zwick said that the positioning of the house on the lot means that it is difficult for it to meet any setback requirements. He suggested the use of cathedral ceilings and a reduction in roof height. To lower the height, the applicant might be allowed to move further into the setbacks since the plot is unusual. The Commissioner could support the setback that encroaches on the street side.

Commissioner Harris noted that it is rare that the applicant and neighbors are prepared to negotiate. The height of the addition is the main issue, although privacy and light issues have also been raised. Commissioner Harris said that the home will be attractive but that it will more than double in size. He suggested that the applicant might build towards the back of the lot and reduce the height, which would be more in line with the neighbors' wishes.

Commissioner Jochum likes the design but noted that the house is too large for the lot and for the street, however modest it might be for San Anselmo. He believes that a compromise can be reached between the applicants and their neighbors. Commissioner Jochum believes that this might lie with the plate heights and upper ceiling because height seems to be the main concern. He noted that the plot is a difficult shape on which to expand but that it is a common lot size. Commissioner Jochum noted that some of the houses on the street have had additions and that as the neighborhood continues to evolve, the smaller houses will not remain forever. Change is inevitable and he hopes that everyone is able to agree on a compromise for this project.

Vice Chair Fernandez agrees that the neighbors and applicants should discuss the design further to see if a solution can be reached.

Chair Sisich noted that the applicant has a fair idea of what is needed to progress with the project, beginning with a reduction in size. He believes that the lot is challenging but he is in agreement with the Commissioners who believe that a compromise can be reached. Chair Sisich noted that the neighbors might lose their view of Mount Tamalpais, which might not be remedied.

M/s Harris/Zwick and unanimously passed (5-0) to continue the project to the meeting of March 1, 2004.

6. V-0403 – Gregg and Sarah Foster, 15 Florence Avenue, APN 007-011-22, a 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)

Planning Director Bell presented the staff report. Mr. Bell said that findings need to be made to allow both the east and west side yard setbacks to be encroached and he believes that it is possible for just one side to be encroached upon.

The applicant, Gregg Foster, said that his house and the lot are long and narrow. Since both his house and his neighbors' houses are close to the property lines, he has attempted to extend his house at the back, rather than by creating a second story.

Commissioner Harris believes that the applicant should be able to use more of the back yard to reduce his request to a single variance. He is able to support a variance for the south side but not for the north side. Mr. Foster said that he has been unable to work around the two variances but Mr. Harris believes that a solution exists. Mr. Foster observed that his plan does not affect his neighbors.

Commissioner Zwick had no further comments to make and supports the staff report.

Commissioner Jochum said that the applicant should be able to work with the depth of the lot. Plans are available for narrow lots with advice on how additions can be managed. Commissioner Jochum believes there is a solution and will not support the project as it stands.

Chair Sisich and Vice Chair Fernandez support the Staff Report.

The applicant and Commission discussed possible solutions. The Commission requested and received the applicant's consent to continue the item.

M/s Harris/Fernandez and unanimously passed to continue the project to the meeting of March 15, 2004.

**E. GENERAL DISCUSSION**

1. Cancellation of February 16, 2004 meeting due to holiday.
2. Appointment of a Commissioner(s) to the Zoning Standard Review subcommittee.

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF FEBRUARY 2, 2004**

Planning Director Bell reported that the Council has authorized a Commission to review zoning standards, with particular regard to replacement in kind by right. One or two Planning Commissioners are invited to join the Committee, which would probably meet in the afternoon.

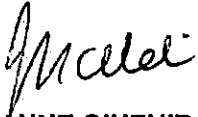
M/s Sisich/Harris and unanimously passed (5-0) to elect Commissioners Zwick and Jochum to the Committee.

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

The Planning Commission's decisions on 311 Laurel Avenue and 68 Bennit Avenue were upheld.

**G. ADJOURNMENT TO THE MEETING ON MONDAY MARCH 1, 2004**

The meeting was adjourned at 8.45pm.



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