

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF SEPTEMBER 5, 2006**

**A. CALL TO ORDER**

**Commissioners Present:** Chair House, Harris, Krebs, Overberger, Sisich, Zwick  
**Commissioners Absent:** Schinner

**B. OPEN TIME FOR PUBLIC EXPRESSION**

No-one wished to speak.

**C. CONTINUED PUBLIC HEARING ITEMS**

1. **U-0622/DR-0623 - Carolyn and Del Smith, 50 Madrone Avenue, APN 006-082-31**, Use Permit to demolish a 1,139 square foot single family residence and Flatland Design Review to add a 1,884 second story in conjunction with a new 3,749 square foot single family dwelling, located within the R-1 zoning district. (staff person: Chambers) **CONTINUED TO 9/18/06**
2. **U-0616/V-0641/DR-0620 - Karreen Fairchild, 16 Richmond Road, APN 007-302-32**, 1) Use Permit to demolish more than 50% of the existing dwelling; 2) Setback Variances to reconstruct the existing 1,243 square foot single story dwelling approximately 2' higher and add ±74 square feet to the north side, within 2'-10" of the street side property line (fronting Richmond Road) and within 3'-5" of the rear property line (Code: 12' and 20' respectively); and to add a ±776 square foot second story addition within 9' of the street side property line and 8' of the rear property line (Code: 12' and 20' respectively); and 3) Flatland Design Review of the second story, located within the R-1 zoning district. (staff person: Chambers) **CONTINUED TO 9/18/06**

**D. PUBLIC HEARING ITEMS  
CONSENT AGENDA**

1. **Minutes – August 7 and 21, 2006**
2. **UP-0514 – Mikyo Riggs – Marin Mixed Martial Arts, 222 Greenfield Avenue, APN 006-173-16**, six months review of a Use Permit to permit a martial arts studio in a space greater than 1,200 square feet, located within the C-3 zoning district. (staff person: Chambers)

M/s Harris/Overberger and unanimously passed (6-0) to approve the consent agenda. Chair Harris reminded the hearing of the 10-day appeal period to the Town Council.

**REGULAR AGENDA**

3. **DR-0621/V-0642 - Paul and Martina Hughes, 57 Indian Rock Road, APN 177-250-25**, Hillside Design Review of a 420± square foot first story addition, 102± square foot second story addition, and 652± square foot porches; Height Variance for the additions to match the height of the existing dwelling, which would exceed the height limitation by 23', up to 41' (Code: 18' above ridgeline of 318 msl elevation); and setback variance for the proposed porch to be within 6' of the driveway easement (Code: 8' from easement) on property located in the R-1 zoning district above 150 msl elevation. (staff person: Wight)

The Building and Planning Director introduced the staff report, when she provided background information on what was discussed at the last hearing. The main concern had been the special circumstance findings, which the Commission had not been able to make. Ms. Wight noted that the floor area ratio (FAR) of the first and second floor additions has been reduced in size by 1%. However, staff remains unable to support the project, for reasons she explained, including that the height still exceeds the maximum allowable of 18'. Ms. Wight noted that letters of support had been provided by various neighbors.

The applicant, Paul Hughes, discussed the changes that have been made to the project in more detail. He said that the amount of extra space they are requesting that requires the height variance is not a large amount. Mr. Hughes said that the Code had been developed to provide guidelines for new construction, and that they need the height variance to improve a current dwelling. He said that the lot provided little useable space for expansion.

John Clark, architect, used the drawings to discuss the changes further, and he noted that the size of the addition has been reduced. He believes that the slope limits the buildable area of the lot, which should constitute a special finding. Furthermore, he believes that it is through no fault of the owner that the height restrictions now prevent him from modifying his home in ways that other homeowners can enjoy. Mr. Clark said that the footprint is not very large, and he explained how his design has reduced the appearance of mass. Furthermore, the porches will reduce glare and sunlight and the colors will be earth tones to blend into the landscape.

In response to Commissioner Zwick, Mr. Clark said that the owner has requested the additional staircase and that it is not required by the Building Code because they are not modifying the third floor. However, had the third floor not already been in existence, then the Code would require a staircase to be built.

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Mike Denning, Fire Marshall, said that the first priority of the Fire Code is exiting, which should be provided wherever possible. In response to Commissioner Zwick, Mr. Denning confirmed that the project met the Urban Wildlife Interface Code regulations.

Commissioner Overberger discussed the findings with the architect and owner. Mr. Hughes said that the site specific special circumstances comprise of the topography, road easements and setback issues. He said that the non-conformity of the house is an existing condition, and the environment would be more impacted were they to tear down the house and build a new one. Furthermore, their intention is not to maximize the allowable floor space.

In response to Commissioner Harris, who identified an area on the property which would be buildable, Mr. Clark acknowledged that the Code would be met but that the addition would look like an appendage to the main house and unattractive.

Commissioner Harris said he is sympathetic because this is a modest proposal and it appears that it will not impact any neighbors. However, standards are often introduced after a dwelling has been built and the law cannot be ignored. He is trying to identify site constraints that could be used as findings, which have to be based on the physical aspect of the property.

In response to Commissioner Zwick, Ms. Wight explained the special circumstance findings based on internal efficiency do not apply to height limitations. Commissioner Harris proposed a finding based on the boundary, which Ms. Wight confirmed does not meet the requirements of design review findings. She noted that the zoning ordinance is being studied by a subcommittee.

Commissioner Zwick noted that the lot is sufficiently large in comparison to others, and that he might be able to make findings if the house were being reduced in size or improved for safety reasons. However, the project does not meet the criteria and many houses exist that have limited capacity for growth. Thus, this is not a unique situation, although he understands the applicants' position. The house will be made larger, not smaller, and the code seems not to fit these circumstances.

Vice-Chair Krebs said that he is generally in agreement with the previous Commissioner's comments. The applicants want to make the dwelling more attractive but he cannot make the findings to support the variance.

Commissioner Overberger said that whether the house is large or small, a finding cannot be based on this. However, she suggested that the neighbors' easement affects the options for expansion, which could constitute a special circumstance finding.

Chair House said that she can support the project based on the safety aspect of providing a stairwell, and the neighbors' driveway easement as a rationale to allow the variance.

Commissioner Zwick noted that the ridgeline rules exist to minimize visual impacts, and that this project does not have visual impacts. Furthermore, the dwelling will be more usable and better for the improvements.

M/s Zwick/Overberger and unanimously passed (6-0) to accept the application due to the special circumstance findings of the driveway easement as a site constraint, and that staff will apply conditions for the project, which will be placed on the consent calendar for the meeting of 18 September, 2006. There is no 10-day appeal period.

Following discussion by Commissioners Harris and Zwick, staff will address glazing in the conditions.

4. **DR-0624/ V-0648 - Norman and Jennifer Sears, 51 Longview Avenue, APN 006-152-74,** Hillside Design Review of a 651± square foot lower floor living addition and 200± square foot garage extension; a 823± square foot upper floor living addition; and 340± square feet of decks and stairs (measured ≥3' above grade); and a Setback Variance for a garage to be expanded to accommodate two vehicles within 16' of the front property line and 6'2.5" of the east side property line on property located in the R-1 zoning district above 150 msl elevation. (staff person: Wight)

Planning and Building Director Wight provided a brief staff report. Ms. Wight explained the reasons that staff supports the project, and the conditions of approval recommended by staff.

The hearing was opened to the public but no-one wished to speak.

M/s Krebs/Overberger and unanimously approved (6-0) to move the staff report with conditions. Chair House announced the 10-day appeal period to the Town Council.

5. **DR-0625/V-0649 - Scott Heath and Kristina Dodsworth Heath, 55 Sais Avenue, APN 006-074-43,** Flatland Design Review to raise the existing dwelling 5'4-1/2"+ to clear the December 31, 2005 flood elevation and construct a first story deck and stairs at the rear within 5'6" of the south side property line in conjunction with the dwelling raising; Setback Variances to: 1) raise the existing dwelling within 15' of the front property line (Code: 20'); and 2) replace an accessory building damaged by the flood and raise it 1'6" to partially clear the 2005 flood within 34" of the

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south side property line and within 8' of the rear property line (Code: 8' and 20', respectively); and a Lot Coverage Variance for the existing lot coverage to be reduced from 48.6% to 46.5% (Code: 35%), on property located in the R-1 zoning district. (staff person: Wight)

Commissioner Overberger recused herself because she lives within 500 feet of the subject property, and the reading of the staff report was waived.

The hearing was opened to the public but no-one wished to speak.

In response to Commissioner Zwick, Planning and Building Director Wight said that the owners would not have sufficient lot coverage to rebuild the accessory structure, although the lot coverage, overall, is being reduced.

In response to Vice-Chair Krebs, Ms. Wight said that story poles were not requested because many dwellings in the area are being raised and the neighbors had no objections to the project.

Ms. Wight discussed a condition staff would propose in relation to the arborist report.

M/s Zwick/Krebs and unanimously passed (6-0) to approve the staff report with Recommendation 1. of the staff report being made a condition of approval. Chair House reminded the hearing of the 10-day appeal period to the Town Council.

**E. ITEMS FROM PLANNING COMMISSION**

In response to Commissioner Krebs, Ms. Wight said that the next meeting of the Ordinance Sub-Committee is on September 13, 2006, and she discussed what is being addressed. Ms. Wight said that public hearings will take place in the future.

**F ITEMS FROM STAFF:**

Planning and Building Director Wight noted that the following items will be heard by the Council:

- 305 Oak Avenue, September 12, 2006
- 79 Scenic Avenue, September 26, 2006
- 190 Scenic Avenue, October 24, 2006.

**G. ADJOURNMENT TO THE MEETING OF SEPTEMBER 5, 2006.**

The meeting was adjourned at 8.20pm.

**Joanne O'Hehir  
Sr. Admin Services Asst.**