

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF AUGUST 21, 2006**

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

No-one wished to speak.

C. CONTINUED PUBLIC HEARING ITEMS

1. **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 relocate, raise and reconstruct the existing 1,243 square foot single story dwelling $\pm 5'$ to the north, within 6' of the street side property line (fronting Richmond Road) and within 8' of the rear property line (Code: 12' and 20' respectively); and to add a ± 792 square foot second story addition within 8' of the rear property line (Code: 20); and 3) Flatland Design Review of the second story, located within the R-1 zoning district. (staff person: Chambers) **CONTINUED TO THE MEETING OF SEPTEMBER 5, 2006**

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **Minutes – August 7, 2006**

Continued to the meeting of September 5, 2006.

2. **U-0617 – Nicole Giannini and Rebecca Reedy, 703 San Anselmo Avenue, APN 7-211-18,** Use Permit to operate a hair salon occupying a space greater than 1,200 square feet, located within the C-2 zoning district. (staff person: Chambers)

M/s Harris/Zwick and unanimously passed (6-0) to approve Item 2 of the consent agenda. Chair House reminded the hearing of the 10-day appeal period to the Town Council.

REGULAR AGENDA

3. **V-0645 - Jane Hall and Randy Field, 31 Nokomis Avenue, APN 006-074-40,** Lot Coverage Variance for a rear covered deck in conjunction with the house raising due to the December 2005 flood to increase the lot coverage to 37% (Code: 35%) on property located in the R-1 zoning district. (staff person: Wight)

The Planning & Building Director gave a brief staff report, when she explained that the coverage had been incorrectly calculated. Ms. Wight explained the reasons for which the lot coverage variance is necessary, and she said that staff is able to support the project.

In response to Commissioner Zwick, Ms. Wight said that letters of opposition had not been received.

Commissioner Harris explained his concerns regarding the accuracy of the lot coverage measurements, and general discussion followed when the lot coverage was calculated more accurately. Ms. Wight explained why staff is able to support the project.

Ms. Wight satisfied a query from Commissioner Schinner regarding the stairs and the variance request.

M/s Sisich/Zwick and unanimously passed (6-0) to approve the project with the findings and conditions as set forth in the staff report. Chair House reminded the hearing of the 10-day appeal period to the Town Council.

4. **U-0619 - Gloria Giraldo of AHP (Applied Home Performance), 42 Redhill Avenue, APN 006-201-56,** use permit for a change of occupancy from a motorcycle shop to a residential contractor office on property located in the C-2 zoning district. (staff person: Wight)

The reading of the staff report was waived. In response to Commissioner Sisich, the Planning and Building Director discussed the sign moratorium and explained that the copy of a permitted sign can be changed, only. A meeting will be scheduled to hear the Sign Ordinance. Ms. Wight and Commissioner Sisich discussed the difficulties with the moratorium.

M/s Harris/Zwick and unanimously passed (6-0) to approve the project with the findings and conditions as set forth in the staff report. Chair House reminded the hearing of the 10-day appeal period to the Town Council.

5. **U-0618/DR-0622 - Jennifer Nolan, 23 Madera Avenue, APN 006-116-25,** Use permit to demolish a single family dwelling; Hillside Design Review of a new 2,132 square foot single family dwelling, 462 square foot garage, and 242 square feet of deck and stairs on property located within the R-1 zoning district above 150 MSL elevation (consulting planner: Vazquez).

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Consulting Planner Vazquez introduced the staff report, when she discussed the landscaping, and noted that heritage trees will be retained. However, Ms. Vazquez explained that the mass of the structure on the Madera frontage will be substantial and the dwelling too high. Otherwise, staff is able to support the other elements of the design, materials and colors. Furthermore, the side windows do not impact the neighbors. In conclusion, staff recommends redesign of the structure fronting Madera and a reduction in roof height.

Jennifer Nolan, applicant, discussed her design in more detail. She discussed the massing on Madera Avenue, and referred to materials she had given to staff and the Commissioners. She said that there is little traffic on certain days on Madera, and that no one will see that side of the dwelling. She provided evidence that other properties in the area are of a similar design and height and explained how the site limits the design of the foot print. However, Ms. Nolan did suggest some design changes on the Madera Avenue side, and proposed a reduction in the roof pitch in one area. She noted the difficulty of pushing the house further into the hillside.

Commissioner Zwick and Ms. Nolan discussed the undifferentiated second floor design. The Commissioner believes it should be stepped back, to which Ms. Nolan explained the difficulties of changing the design, which would include the necessity of more excavation. In response to Commissioner Harris, Ms. Nolan discussed the setback from Madera Avenue and she noted that variances are not being requested. She believes that sufficient space exists between the house and street and that screening will be provided. Furthermore, Ms. Nolan said that a net increase in mass would result if the house were pushed back further from the street.

Commissioner Sisich said that the design meets all the requirements apart from the second floor massing. Ms. Vazquez noted that the design of the second floor on the Madera Avenue side is an aesthetic call by the Planning Commission. She said that other houses in the area which are of a similar design were built before hillside design guidelines were introduced. Commissioner Sisich discussed the design further with staff.

In response to Commissioner Schinner, Ms. Vazquez suggested ways in which the elevations could be reduced.

Ms. Nolan suggested window design changes in response to staff's comments, although she did not propose to change the roof pitches.

Commissioner Zwick suggested a design change to the eaves to provide relief to the massing, and further discussion on the design followed. Planning and Building Director Wight noted that the floor area cannot be expanded with a bay window, and Ms. Vazquez provided the definition of a bay window.

Hilary Hawken, 15 Madera Avenue, said that the house will tower above his property; that it will be built as close to the setback on his side as possible. He believes that the second floor should be stepped back and he does not approve of stucco.

Ms. Nolan commented on the massing issue.

Commissioner Zwick likes the dwelling, in general, and noted that the design takes advantage of the flat lot. However, overhanging eaves would help with the massing and he approves of the idea of projecting windows. The stucco color is too light but he does not object to it being used.

Commissioner Sisich said that he did not perceive the dwelling to have a significant impact on the neighbor; it is a good sized lot and the house is not too large by new construction standards. He would favor the measures suggested by the applicant and Commissioner Zwick to improve the massing and then he would support the project.

In response to Commissioner Harris, staff discussed the gravel driveway. Ms. Wight explained that two driveways are allowed if each is on a different street. Ms. Nolan said she had no plans for the existing gravel driveway.

Commissioner Schinner said that the design is elegant, but he has taken note of the neighbor's concern and he agrees that the roofline could be improved and the roof height lowered, in addition to the proposed changes to the eaves and bay windows. He will then support the project.

Chair House said that she had expected to support staff's recommendations, but after listening to the presentation and discussion about the window bump out, she can vote in favor of the project. However, the stucco color is too light and should be made darker to blend into the hillside, which she suggested could be approved at staff level. The windows will not impact the neighbor's privacy, so she will not support their concerns, and she supports the taller roof pitch.

M/s Schinner/Zwick and passed (5-1 no: Harris) to approve the project with the conditions set forth in the staff report, with the added conditions of the proposed modifications by the applicant to the bay window and eaves, and lower roof height, and with the overall lowering by 10" of the dwelling, with a darker stucco color to be approved by staff.

Commissioner Harris explained that the front yard setback should be increased and that grade changes could be made to achieve this. Furthermore, he welcomes the proposed changes but the house reaches

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the height limit; the main wing of the front gable is still at a maximum and the south elevation is a straight expanse which is imposing for the neighbor.

Chair House announced the 10-day appeal period to the Town Council.

6. **V-0644 – Scott Klempan, 159 Alder Avenue, APN 007-041-46**, Setback Variance to construct an 11'-8" tall, 160 square foot accessory structure within 1'-8" of the side property line (Code: 8'), located within the R-1 zoning district. (staff: Chambers) After-the-Fact

Chair House announced that the accessory structure, only, would be discussed this evening, and Planner Chambers introduced the staff report. Ms. Chambers discussed lot constraints, which included a creek that traverses the rear and sides of the property, the steep downslope and a large heritage bay tree in front of the house. Ms. House discussed the size of accessory structure the applicant could build at the property line without approval by the Planning Commission. She noted that staff could not find special circumstances to support the height or size of the shed; the structure could be reduced in size or moved to a different area on the lot. Thus, staff does not support the project.

Ms. Chambers and Commissioner Harris discussed the action that could be taken if the project is not supported. Ms. Chambers said that the Planning Commission would then give staff a timeframe in which the applicant must comply with the decision by either removing the structure or dismantling it.

In response to Commissioner Schinner, Ms. Chambers said that permits would have been required for the structure and any electrical work.

In further response to Commissioner Harris, Ms. Chambers said that there would need to be something unique about the topography that would allow the structure to remain in its current position.

Scott Klempan, applicant, said he built the shed without permits with the intention of using it as a workshop. He said that his neighbors approved his project some years ago, and that he would need to cut down foliage in order to move the structure.

Kathy Berger, 155 Alder Avenue, said that they told the applicant the shed was too high and too large. They understood that a tool shed would be built on an unstated part of the property, but they never gave approval for a massive structure to be built on the property line. The noise and dust is irritating and the structure is too large.

Rich Berger, 155 Alder Avenue, provided materials to staff and the Commissioners. He noted that the structure is illegal because it is close to the property line and its eaves are inches away from the property line. They support staff's recommendation to deny the project and have the structure removed. Mr. Berger said the structure is not a garden shed and that they can see it from their kitchen and back porch. He suggested the applicant move the structure to another location on the property.

Mr. Kemplan said that he lowered the shed by one foot from the original plan, and he explained how it was constructed.

Commissioner Zwick said that the drawings do not seem to reflect the actual accessory building. Mr. Kemplan expressed surprise that they are different.

Planner Chambers noted that the eaves would need to be reduced if the project were approved because they are too close to the fence line. She clarified a planning point on accessory structures, noting that they must not exceed a certain height and size if they are built up to the rear and side property lines.

Commissioner Sisich said that he is not inclined to support the application, although the structure is beautiful. He would have listened to the neighbors the first time round if the project had been presented.

Commissioner Harris noted that the site plan the applicant has provided is deceptive. There is little flat surface in the in the rear yard and topography might form a basis for a variance. The use of the shed is not under discussion unless it is unlawful. However, the structure is very large.

Commissioner Schinner said that this is a small house and that it appears some discussion took place with the neighbors regarding the height, which does not seem to have been incorporated into the design. He cannot support this application and he is inclined to deny the variance, noting that the applicant could move the structure or reduce it in size.

Commissioner House said that the structure is beautiful but that the Commission has turned down another structure for similar reasons and thus she will not support this project. The structure could be reduced in size so that a variance is not necessary.

M/s Sisich/Schinner and unanimously passed (6-0) to approve the staff report and deny the application for a setback variance. Chair House reminded the audience of the 10-day appeal period to the Town Council.

General discussion followed with regard to the handling of the project, since it had been denied.

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M/s Harris/Zwick and unanimously approved (6-0) to allow 90 days for the applicant to comply with the findings of the staff report. Chair House reminded the audience of the 10-day appeal period to the Town Council.

7. **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 341' msl elevation (Code: 18' above ridgeline of 300 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)

Commissioner Schinner recused himself from the podium because he lives within 500 sq ft of the applicant, and Planning and Building Director Wight introduced the staff report. She explained the reasons staff is unable to support the project, which pertains to the rules of the General Plan Land Use Policies. She said that the maximum allowable height is 18' above the ridgeline, and the applicants' house already exceeds this limit. Ms. Wight explained the reasons staff believes that special circumstances do not exist, and thus recommends that the project is denied. A letter of support was presented to the Commission.

Paul Hughes, applicant, said that a reasonable design has been produced that is aesthetically balanced, and will provide a safe home for his family. It is of a traditional design and does not exceed FAR regulations, and he noted that the roof and porches protect the structure from the elements. Furthermore, their immediate neighbors support the project, and he noted that the space they are requesting to exceed the code is space they will live in.

Mr. Hughes clarified various aspects of the project in response to Chair House. He discussed the porch design with Commissioner Sisich and the materials they intend using.

Commissioner Zwick and Mr. Hughes discussed the area in which the additional space is being added.

Mark Haddix, 39 Tomahawk Drive, said he is the neighbor who will be most impacted by the project and he supports the design. He disagrees with the rules governing ridgelines.

Planning Director Wight provided background information on the reasons the rules were introduced. She said that the Quarry Mountain Subdivision triggered the rules limiting ridgeline heights.

In response to Commissioner Harris, Ms. Wight confirmed that the house technically consists of 4 stories, although it is not all occupied space.

Commissioner Zwick said that there are good reasons for the Quarry Mountain Rules and that, furthermore, the house could be rebuilt elsewhere on the property. He is concerned that the rules do not seem to allow the additional space, which he discussed in more detail, and he quoted from the Code. That fact that the look of the house will be improved by the new design has no bearing on the rules.

Commissioner Sisich said that the house would be improved with the new design, but that they are proposing to enlarge a house that already has a 'looming' effect, albeit that there appears to be no neighboring properties that are impacted. However, findings do not appear to exist to enable him to support the project.

Commissioner Harris has no objections to the existing house, and said that the principles by which they govern, and the law, states that a non-conforming situation should not be exacerbated. He believes that a steep slope does not constitute a finding because the proposal, for the most part, has little to do with the steepness of the lot, and there appears to be no reason to grant the variance, albeit the project will not have a great impact on the surrounding area.

Chair House said that the design would be more attractive, and that the house can be seen from the street. Furthermore, a 23' variance is a great deal to request. She can make a finding of safety for the stairwell, but is unable to make findings for the overall variance because a non-conforming situation would be exacerbated.

Commissioner Zwick suggested that if the dwelling were being reduced in size, a finding could perhaps be made that the visual impact would be reduced.

M/s Zwick/Harris and unanimously passed (5-0) to continue the item to the meeting of September 5, 2006.

The Planning and Building Director discussed grandfathering, and noted that additions are considered new construction. Commissioner Harris suggested ideas that might constitute findings.

E. ITEMS FROM PLANNING COMMISSION

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F ITEMS FROM STAFF:

In response to comments previously made about the length of construction, the Planning and Building Director said it would require an ordinance to establish time limits.

Ms. Wight confirmed that the Planning Commission meetings for September would be held on September 5, 2006 and September 18, 2006.

Ms. Wight noted the following appeals to the Town Council: 305 Oak Avenue, 79 Scenic Avenue, 190 Scenic Avenue.

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

The meeting was adjourned at 10pm.

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