

**SAN ANSELMO PLANNING COMMISSION
MINTUES OF JUNE 5, 2006**

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

No-one wished to speak.

C. CONTINUED PUBLIC HEARING ITEMS

None at this time.

D. PUBLIC HEARING ITEMS
CONSENT AGENDA

1. **Minutes – May 15, 2006**
2. **V-0628 – Peter and Linley Kaye, 33 Durham Road, APN 005-205-06,** Parking Variance to relocate an existing parking space within 1' of the east and 2' of the north side property lines (Code: 8' and 20'); Setback Variances to reconstruct and expand a covered porch within 17' of the front property line (Code: 20') and uncovered stairs within 7'-6" of the front property line (Code: 14')), located within the R-1 zoning district. (staff person: Chambers).
4. **V-0631 - Thomas Tunny, 58 Madrone Avenue, APN 006-082-25,** Setback Variances to relocate the dwelling 2' south to remove an existing encroachment onto APN 006-082-24 and raise the dwelling 3'6"± in height to clear the December 31, 2005 flood elevation within 3' of the south side property line (Nokomis frontage) (Code:12') and within 10"± of the north side property line (Code: 8') on property located within the R-1 zoning district. (staff person: Wight).
5. **V-0632 -Tami Miller and Edmundo Vasquez, 51 Sais Avenue, APN 006-074-42,** Setback Variance to raise the dwelling and attached garage 4'6"± in height to clear the December 31, 2005 flood elevation within 3'5" of the north side property line on property located within the R-1 zoning district. (staff person: Wight).

M/s Zwick/Schinner and unanimously passed (5-0) to approve the consent agenda.

Chair House reminded the audience of the 10-day appeal period to the Town Council.

REGULAR AGENDA

The applicant was late for the meeting and the Commissioners changed the order of proceedings.

6. **DR- 0611 - Mark Berger and Laurie Rosen, 244 Los Angeles Blvd., APN 006-013-37,** Flatland Design Review of a 809 square foot second story addition, located within the R-1 zoning district. (staff person: Chambers)

The Planning Director introduced the staff report. She explained that staff has suggested modifications to the sill heights that should ensure no privacy issues exist for the neighbor at 240 Los Angeles Blvd. Ms. Wight presented a letter from the residents of 84 Monterey Avenue, who are concerned that their privacy and views will be affected, but staff does not believe their privacy will be impacted and a view ordinances does not exist. Staff is recommending conditional approval.

In response to Commissioner Krebs, Ms. Wight said that the inspector will ensure the washer and dryer are removed from the garage at the framing inspection, should this be made a condition of approval.

Donna Warrington, architect, said that they are willing to address the issues of the windows that face the next door property at 240 Los Angeles Blvd. However, she said that the window sills need to be a certain height in order to meet egress requirements. Furthermore, they will remove the washer/dryer, and she noted that there is space in the garage for a tankless water heater.

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

In response to Commissioner House, Ms. Warrington said that the plate height is 8'.

Commissioner Zwick supports the project, and Commissioner Schinner is concerned with the bulk and mass of the project. In response to Commissioner Schinner, Ms. Warrington said that the story polls on the street side are incorrectly placed.

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Discussion ensued between Planning Commissioners regarding the story polls, and Chair House suggested a continuance for them to be corrected.

The applicant, Mark Berger, confirmed that they would be willing to change the windows on the wall adjacent to the property at 240 Los Angeles Blvd.

The meeting was opened for public comment.

John Krauss, 84 Monterey Avenue, is concerned that the addition will be bulky and impact their privacy. He would like the addition to be set back from the rear, and he is further concerned that their view will be impacted.

Vice-Chair Krebs agrees with the Chair that the story poll heights should be corrected. He will then study the site in relation to 84 Monterey Avenue and the sill heights.

M/s Schinner/Krebs and unanimously passed (5-0) to continue the hearing to the meeting of June 19, 2006, by which time the story polls should have been correctly placed and the sill heights corrected on the plans.

7. **DR-0610 - Andreas F. Kristen, 800-804 San Anselmo Avenue, APN 006-103-04,** commercial design review to raise the existing building 3.5+ feet above grade in order to clear the December 31, 2005 flood elevation, located within the C-2 zoning district (staff person: Wight)

The Planning Director introduced the staff report. She noted that staff can make design review findings, which she explained in further detail.

Commissioner Zwick believes that the section of the underside of the building is not drawn correctly, which he explained. He said that the piers act as debris catchers and suggested that a solid wall might be more appropriate. Furthermore, Commissioner Zwick would like to know the purpose of the diagonal columns drawn on the plans.

Commissioner Zwick noted that a creek setback ordinance exists and he would like further information as to whether this is a conforming or non-conforming structure. He would also like more information on the hydrology and the flow of water that could be anticipated in the future. He suggested liaising with the Flood Committee.

Andy Kristen, applicant, said that it is necessary for the building to be raised in order to undertake repairs. He described the process in further detail and noted that the only issue he is aware of is the handicap ramp. Mr. Kristen said he had spoken to an expert and he does not understand how water flow will be affected because the structure will remain the same as it was previously. He noted that they are raising the building to a higher level than that suggested by the Town Engineer.

Commissioner Zwick discussed the existing conditions that are not conducive to water flow, and the problems he envisages in the future.

Andy Kristen explained why he believes the problems Commissioner Zwick discussed are caused by water flow and not his building.

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

In response to Chair House, Commissioner Zwick said he would support a continuance so that the applicant can liaise with the County to ascertain their plans for the area, and obtain expert advice from a hydrologist and engineer to ensure future problems are alleviated.

Commissioner Krebs is in agreement with Commissioner Zwick, and Commissioner Schinner will defer to Commissioner Zwick because it is beyond his expertise.

Mr. Kristen noted that he could simply make repairs. The steps he is requested to take are only necessary because he would like to raise the building.

M/s Zwick/Krebs and unanimously passed (5-0) to continue this item to the meeting of June 19, 2006, to enable the applicant to inquire of the County the plans they might have for the creek in this area and to obtain expert advice from a hydrologist and engineer.

Chair House reminded the audience of the 10-day appeal period to the Town Council.

8. **V-0630 – Ed Merrick, 325 Greenfield Avenue, APN 006-211-09,** Setback Variance to place a 384 square foot accessory structure that is 11'-9" in height, within 6' of the rear property line (Code: 20'), located within the R-1 zoning district. (staff person: Chambers)

The Planning Director introduced the staff report. She explained that staff is unable to support the variance because the accessory structure could be moved to another party of the property. Ms. Wight discussed sound walls, and the findings the applicant believes exist.

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Peck Drennan, architect, said that he had letters of support from nine neighbors, and he explained that too much usable space would be used if the structure were moved to the middle of the yard. He said that the structure provides sound blockage.

Ed Merrick, applicant, said he has a growing family, and to move the structure would cut off too much of his property, making it more difficult to watch over toddlers. It would also interfere with their plans to improve the backyard, and they are willing to plant vegetation to minimize any visual impact at the rear of the property.

In response to Chair House, Mr. Merrick said that the company he employed to undertake the work did not comply with permit regulations and he began the building process out of frustration.

Vice-Chair Krebs noted that if the structure were smaller, a variance would not be necessary and a sound wall could be built.

Mr. Merrick said that he needed the space for storage and that he does not see there being any difference between a sound wall and a shed that acts as a sound barrier.

Commissioner Schinner said that a sound wall would be a better alternative. He is concerned that approving an after-the-fact project might encourage residents to proceed with projects and apply for variances on completion. Commissioner Schinner said that he will not support the project, and that a solution exists.

Vice-Chair Krebs said that a basis for a variances does not appear to exist. The Town should consider a change in setback requirements for residences on busy roadways but as the Code exists, he is unable to approve the variance.

Chair House is in agreement with the comments of the other commissioners. However, she understands that a larger space is needed for a work room and she suggests that the Town consider changes to the Code to reduce the required 20' rear property line setback. However, as the Code stands, she cannot support the application.

M/s Krebs/Schinner and unanimously approved (5-0) to deny the application and support the staff report.

Chair House reminded the audience of the 10-day appeal period to the Town Council.

E. ITEMS FROM PLANNING COMMISSION

Discussion was undertaken regarding the meeting between the Town Council and Planning Commission, which is scheduled for Thursday, 7 June at 7.30pm in the Library.

F. ITEMS FROM STAFF

None.

G. ADJOURNMENT TO THE MEETING OF JUNE 19, 2006.

The meeting was adjourned at 8.20pm.

Joanne O'Hehir
Senior Admin. Services Asst.