

SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 16, 2007

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. CONTINUED PUBLIC HEARING ITEMS

4. **V-0702/DR-0701 – Abraham Kalichman, 157 Meadowcroft Drive, APN 005-142-02**, Setback Variance to construct a first story addition within 5' of the west side property line (Code: 8'); Setback variance to raise the existing roof a maximum of 4' within 2'-6" of the west side property line (Code: 2' maximum); Lot Coverage Variance to increase the lot up to 35.7" (Code: 35% maximum); and Flatland Design Review to add a 454± square foot second story addition and 108 square foot deck, located within the R-1 zoning district. (staff person: Chambers). **CONTINUED TO 2/5/07.**

D. PUBLIC HEARING ITEMS
CONSENT AGENDA

1. **Minutes – December 18, 2006**

M/s Schinner/Sisich, and unanimously passed (6-0), to continue the minutes to the next meeting on February 5, 2007.

2. **V-0704 – Kevin and Amy Ramsey, 15 Meadowcroft Drive, APN 005-184-03**, Setback Variance to demolish the existing non conforming garage and reconstruct a new 392± square foot, one story garage that is a maximum height of 12'-9" at the roof ridge within 5' of the west and 11" of the south (fronting Meadow Court) side property lines. (Code: 8' and 20' respectively), located within the R-1 zoning district. (staff person: Chambers)

M/s Scinner/Sisich, and unanimously passed (6-0), to approve item 2 on Consent. Chair Krebs reminded the audience of the 10-day appeal period to the Town Council.

REGULAR AGENDA

1. **U-0623/DR-0626 - Pat and Gary Phillips, 70 Scenic Avenue, APN 007-054-15**, Use Permit to demolish a single family dwelling; and Flatland Design Review of a 1,124± square foot second story in conjunction with the construction of a new 2,389± square foot single family dwelling located within the R-1 zoning district. (consultant planner: Vazquez)

Consultant Planner Vazquez introduced the staff report, when she discussed the information requested by the Commissioners at the last meeting, which was primarily to meet with the owners of 84 Scenic Avenue and redesign the project. Ms. Vazquez discussed the modifications that have been made to the roof ridgeline, and noted that the second floor has been reduced on the side next to 84 Scenic Avenue. A bay window has also been removed.

Ms. Vazquez discussed the shadow study in relation to 84 Scenic Avenue, noting that a morning shadow will be cast on this property for most months of the year, excluding summer. For this reason, staff believes that the amount of shadowing is an unreasonable impairment to access of light, and she discussed design changes that could be made to reduce shadowing. She explained why staff believes that direct privacy impacts do not exist between the two properties.

Ms. Vazquez addressed parking in the front setback, and noted that the length of the property line between the two properties is uncertain. She discussed the effect the property line would have on parking if it is different to that which is shown on the plans, and she suggested that the Commissioners might wish to request a survey.

Staff is able to make findings for the Use Permit to demolish the present structure, and the recommendation is to continue the project for redesign to allow more access of light to the house at 84 Scenic Avenue.

In response to Commissioner Sisich, Ms. Vazquez said she was satisfied with the shadow study. Staff and Commissioner Sisich discussed setback issues, and Ms. Vazquez confirmed that staff can make findings for the parking variance.

Commissioner Purl and Ms. Vazquez discussed the lot widths in general terms, with Ms. Vazquez noting the difficulty of creating conforming parking on this narrow lot. They also discussed the shadow study.

In response to Vice Chair Schinner, Ms. Vazquez confirmed that the architect was involved with the revisions to the project.

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Commissioner Harris and Ms. Vazquez discussed the shadow study, when Ms. Vazquez said that she concentrated on shadow being cast on windows, rather than elsewhere on the property. She noted that shadowing will be over by noon.

Commissioner Krebs and Ms. Vazquez discussed the property line issue, and she noted that the length of the lot line cannot be clarified by City records.

Nick Palter, project architect, believes that the neighbors were allowed to enjoy certain property rights, whilst requesting that the applicants are denied theirs. He said that second floor additions are common in San Anselmo, which should justify approval of their own project. Furthermore, this is not a huge home by today's standards. They have reduced the size of the project, and thus reduced the shadowing to a point where they do not believe it is detrimental to the neighbors. Furthermore, a fence provides significant shadowing, already. Mr. Palter said that the design options suggested by staff are restrictive, which he discussed in further detail.

Mr. Palter discussed ceiling heights, in response to Commissioner Sisich.

Vice Chair Schinner and Ms. Vazquez discussed the setbacks of the neighboring property, and shadowing. She said that the fence did not impact the neighbors' windows, because it would otherwise have been in the staff report.

Commissioner Krebs, Ms. Vazquez and Mr. Palter discussed setbacks in relation to the shadow study.

Pat Phillips, applicant, read aloud a letter from another architect, who is familiar with San Anselmo's Codes, and who does not believe that the impairment of light to the neighboring property is severe. Ms. Phillips said that they have located the house away from the rear setback to appease the neighbors in the back, and she discussed the reasons they disagree with staff's recommendations in the report.

Marlee Sangervasi, 84 Scenic, said that second story additions might be occurring on larger lots, and she said it is irrelevant that the house is considered standard size. Her bedroom and their kitchen will be affected by shadowing from the new development.

Ann Sangervasi, 84 Scenic, said the shadowing will prevent the sun from warming part of their house. They are early risers, and enjoy the sun shining into the living room, kitchen and dining area, and she noted that the east side of their home is the original building. Furthermore, their addition does not interfere with solar access to their neighbor's property at 86 Scenic Avenue. It is not acceptable to them that part of their home will be in shadow during the morning for most of the year. Furthermore, the sunshine is needed during the rainy season to prevent mold, and the new design is not an improvement over the original design. Ms. Sangervasi requested a survey to be undertaken, and she presented materials to the Commissioners showing the shadows cast on her property by story poles.

In response to Vice Chair Schinner, Ms. Sangervasi said they would prefer a single story addition, or a split level addition, perhaps.

Gary Sangervasi, 84 Scenic, used models to show how the shadow will affect their house, and the size of their own home in comparison to the proposed house at 70 Scenic Avenue. He said that access to morning light is very important to them, and that his neighbors will enjoy views and sunlight at the cost of both to their own property.

Ed Brown, 99 Scenic Avenue, said their neighborhood is charming because many of the houses are old, and he is concerned that a precedent is being set for building large homes. The second story at 84 Scenic Avenue is unobtrusive and the story poles of the new home seem to be overpowering.

Jackie Kientz, 86 Scenic Avenue, said that the new project will greatly affect her. There has never been the need to put up curtains in her home, which will now be necessary because the new house will have a view of her bedrooms. Ms. Kientz will look at the roof of the new development, and she said she is angry that the project has advanced this far.

A resident on Elm Avenue said that their views of Mt. Tamalpais will be blocked, and the roof of the new development will block sunlight to her second floor.

B J Snyder, Plumas Avenue, said that their view will be of the new house, and that their house is on the lee side of the hill, so they need all the sunlight possible to prevent mold and mildew. Furthermore, she hopes that a gas fireplace will be installed, rather than a wood-burning fireplace.

Kathryn Gant Bradley, Durham Road, said that the Commission must support staff's report, for reasons she explained.

Colleen Doherty, representing the Sangervasi family, said that the shadow study confirms that significant shadowing will be caused by the new development, with the most significant part of the day being affected. Ms. Doherty said that the design is too large for the lot and findings of significant impact can be made. She suggested design changes that would improve the access of light to her clients' property. A continuation of the project is needed, in addition to a survey.

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Ann Sangervasi, Scenic Avenue, said that they considered their neighbors' opinions when they undertook their project, and that she supports a continuance. She suggested that the applicants consult with neighbors before redesigning the project.

Leita Brown, 99 Scenic, said that the applicants have not taken their neighbors into consideration with their design. It is a friendly neighborhood where everyone is considerate of one another, and large houses are unsuitable.

Kathy Franklin, 79 Scenic Avenue, said they are a tight-knit community, who consider their neighbors when building homes. Furthermore, a survey should be mandatory, given the uncertainty of the lot lines, and she commented on the story poles.

Mr. Palter said that the fireplace will be gas burning, and Ms. Vazquez said she is satisfied with the story poles.

Commissioner Sisich said that the house is not too large for the lot, although he will vote for a continuance. He is concerned that the neighbors will not be content however the house is designed, and it is unreasonable that it should be a single story home. However, the impact of the second story should be mitigated. He suggested that space might be subtracted from the second story and added to the first floor to alleviate the neighbors' concerns.

Commissioner Overberger said that the applicants, as newcomers to the neighborhood, will need to compromise more, whilst their neighbors will not have all that they wish in the design. Something needs to break in this cycle, and she is not sure how that can be done. However, they have to work together because of the contentiousness of the project, and a lot survey should be required. Furthermore, she will probably support the house, and noted that a design could be drawn up which brings the house out of its setbacks and built to a height of 30', which would be worse.

Vice Chair Schinner said that it is not reasonable to require the applicant to build a single story home, and he would support the structure because he does not believe the light affecting the neighbors is unreasonable. The absence of sunlight will occur primarily in the winter and for approximately 2 hours. He noted that a variance was required for the neighbors' development, as well. However, a continuance is appropriate to try to achieve a balance, and he supports Commissioner Sisich's suggestions for mitigation. He would support a second story with a reduction in mass, perhaps moving the structure towards the rear of the property.

The Commissioners' agreed that the parking variance is acceptable.

Commissioner Harris supports a lot line survey, and he said that a variance granted to the neighbors 13 years ago is a non-issue; that the applicant needs to deal with what is already in existence. He believes that the house is too large for the lot, and that if flatland design rules change, soon, then this house would exceed the new maximum by a little. He believes mistakes have been made in approving homes where the second story is stacked upon the first, and he would support a continuance of the project to allow for a significant redesign of the second story. He noted that shadow already exists on the property at 84 Scenic Avenue, but since the new house is too large as a result of the size of the second story, then he believes that the impact of light to the neighboring property is unreasonable. Commissioner Harris thus supports a continuance.

Chair Krebs also supports a continuance to enable the neighbors and applicants to meet. However, he believes that there will be some impairment but how much is unreasonable is something the Commissioners will have to decide. It would be helpful if the second story were reduced in size, and that note is taken of the staff's recommendations. However, he noted that a reduction of the second floor might not significantly impact the shadow as it stands with this design. Furthermore, a survey is necessary and he agrees with previous comments that some of the space allotted to the second floor should be transferred to the first.

In response to Commissioner Purl, Ms. Vazquez said that it is personal opinion that dictates the house being too large for the lot, rather than the Code.

Commissioner Sisich made a motion to continue the project to the meeting of 5 February, but the motion died after consultation with the applicant. Ms. Wight discussed the way forward.

M/s Sisich/Schinner, and unanimously passed (6-0) to continue the project to the meeting of 5 February, 2007, to allow redesign of the project after consultation with the neighbors.

2. **DR-0634 – David and Lydia Bell, APN 007-131-14** (vacant lot next to 10 Fernwood Drive), Hillside Design Review to construct a 522± square foot, 2-car garage on a vacant lot, located within the R-1C zoning district. (staff person: Wight)

The reading of the staff report was waived. David Bell, applicant, said he is concerned that the Deed Restriction would preclude a home from being built on this lot at a future date.

In response, Planning & Building Director Wight said that this is a legal lot on which the owner has the right to build a home. However, the location of the garage shall not determine the location of a future dwelling on this site. Staff is recommending that the exterior colors be determined at the building stage

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H. ADJOURNMENT TO REGULAR MEETING OF MONDAY, March 5, 2007

The meeting was adjourned at 9.40pm.


Joanne O'Hehir
Sr. Admin. Services Assistant