

**TOWN OF SAN ANSELMO PLANNING COMMISSION
MINUTES, MARCH 3, 2008**

A. CALL TO ORDER

Commissioners present: Harris, Schinner, Sisich, Overberger, Krebs, Zwick
Commissioners absent: None

B. OPEN TIME FOR PUBLIC EXPRESSION

C. CONTINUED ITEMS

1. **DR-0739 – Hal Walker, 754 Sir Francis Drake Boulevard, APN 006-091-39,** Commercial Design Review of a change to the exterior materials and colors (wood siding to be replaced with stucco; brown stain to be replaced with brown and orange tone colors) and a change to the sign program, located within the C-L zoning district (staff person: Wight) **CONTINUED TO 3/17/08**

2. **DR-0741 – Sean Condry, 15 Fernwood Drive, APN 007-131-36,** Design Review Amendment to the previously approved 2,348± square foot dwelling, 745± square foot decking, and 500 square foot garage to add a 1,135± square foot additional floor area in a new lower floor, bringing the total floor area to 3,427± square feet, add a 745± square foot lower deck bringing the total deck area to 1,735± square feet, reduce the garage to 440 square feet, and other design modifications, located within the R-1 zoning district (above 150' msl). (staff person: Wight) **CONTINUED TO 3/17/08**

E. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. Minutes – February 4, 2008

M/s Krebs/Harris and passed (5-0, Overberger did not vote) to approve the minutes of the February 4, 2008 Planning Commission as submitted.

2. **Town of San Anselmo** – Recommend to the Town Council that they declare as surplus a small portion of Town owned property at the end of Creek Road, east of Glen Road; on the condition that it be conveyed to the owners of No. 4 Glen Road, for payment to be determined, to enlarge their property and shall not become a separate building parcel. (staff person: Wight)

Marsha Bargman, Glen Road, stated that she was the direct neighbor that would be affected by the transfer of the Town owned property to the residents of 4 Glen Road. Bradman presented a petition to the Commission that had been signed by some neighbors noting that due to time constraints, the petition had not been circulated to all neighbors. Bradman stated that the fence has a huge streetlight which is very disruptive. Bradman also expressed concern about the current parking issues as well as the public area along the creek being blocked by the Sousa family.

M/s Sisich/Overberger and passed (6-0) to move the item to the regular agenda.

Planning and Building Director Lisa Wight stated that the concerns raised by the neighbor regarding the fence, lighting and parking are Public Works, Building and Planning matters and are not under the Commission's purview for this land abandonment. Wight added that parking is an ongoing problem with the neighbors, but if an access ramp is being blocked, the Police department should be contacted.

Commissioner Krebs asked Wight about the monetary value of the land and how it would be determined. Wight responded that would be the Council's determination.

Chair Schinner asked if the setbacks would be closer to the creek and allow additional building towards the creek; Wight responded no, the house has to be 20 feet back from the front property line which is on Creek Road.

Commissioner Sisich asked about the light on the fence and if an electrical permit was required or whether the Town has guidelines, Wight stated that the Town does not impose conditions on lighting except for when it is a hillside addition and then standard language about downward, hooded lighting is applied as a condition.

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Applicant Antone Sousa addressed the Commission and that after speaking with Wight and hearing the concerns about the light, the light hasn't been turned on for 2 months; he removed the decking and huge fence, which he replaced with a shorter fence. Applicant also stated that the ramp is not part of the property that he is trying to acquire, but that he does park his car there occasionally. Applicant also informed the Commission that he had a section of the area beside the property paved so that he could park there. Applicant stated that he would like to get along with his neighbors, and that he does need the property for off street parking.

Sisich asked the applicant if he was planning to use the new parcel for parking, and be willing to change the light and the applicant stated yes.

Schinner asked the applicant if he knew the ramp was public property prior to having it paved and the applicant stated he did. Schinner also asked the applicant if he had applied for a received a permit for the paving and the applicant responded he did not. Schinner also asked the applicant if he was aware that parking on the ramp blocked public access and the applicant responded yes but that he wouldn't park there if he could park on his own property. Schinner stated that he really didn't have a problem with the application until he heard the concerns. Schinner further stated that applicant seems to be willing to work with the issues around the light fixture, and that the issues with blocking the ramp are more for the police to enforce.

Wight again noted that lighting and parking are not for the Commission's consideration.

Zwick stated that he didn't have a problem with the application prior to driving over to view it. Zwick stated that he could not support the project as the paving was done without permits and that he is concerned about sustainability issues and would need more information before voting in favor.

Wight stated that the applicant has certain requirements for on-site parking and that he is working on providing such, and that whatever Parcel B will be used for is not in the purview of the Commission.

Commissioner Harris stated that if the area was paved without permission, the Building or Public Works department would sort that out. Harris also stated that the Commission was not making a decision that they would be able to attach a condition to, and that he trusts Public Works would go through each issue and work it out. Harris further expressed that he was glad to hear the applicant say he was willing to resolve the lighting issue, and that there was no restriction on who could park on a public street. Finally Harris stated that he was sympathetic to the neighbor, but the expressed issues are beyond what the Commission is being asked to do.

Krebs suggested recommending to the Town Council to declare the property a surplus, but also include as conditions the issues mentioned or give instruction to Public Works or the Police to enforce the rules.

Overberger stated that she wouldn't be comfortable recommending the project right now.

Schinner stated that he would like to see an appraisal or some monetary value attached to the property. Schinner also wondered if as a matter of policy, if the Town would want to expand and repair the land as opposed to providing private ownership near the creek. Schinner further stated that transferring the land would exacerbate the parking situation and also said that he would like to see many months of compliance and granted public access before supporting the project.

M/s Krebs/Harris and failed (3-3: Ayes: Harris, Krebs, Sisich; Noes: Overberger, Schinner, Zwick) to recommend to the Town Council to declare a small portion of Town owned property at the end of Creek Road as surplus with all conditions as indicated by the Commission.

REGULAR AGENDA

3. **U-0801/V-0801/DR-0802 – Matthew and Holly Casey, 67 Tamalpais Avenue, APN 007-212-08**, Use Permit to demolish the existing dwelling; Flatland Design Review to construct a 1,134± square foot second story in conjunction with a new 2,793± square foot dwelling; Setback Variances to construct a 323± square foot carport within 4 feet of the east side property line and the swelling within 5 feet of the east and the west side property lines (Code: 8'), located within the R-1 zoning district. (staff person: Consultant Henderson)

Commissioner Krebs recused himself.

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Consultant Diane Henderson presented the staff report noting that at the February 4 Planning Commission, the applicant was seeking variances for side yard setbacks. Henderson noted that the applicant has worked to address the concerns of the Commission and respects the wishes of the neighbors to maintain light, privacy and air for all.

Commissioner Harris asked where the existing structure is relative to the side setback and Henderson noted the east side will increase from 3 feet 6 inches to 6 feet and the west side will increase from 5 feet to 6 feet.

Harris asked if there were any alternate designs and Henderson answered no.

Jennifer Asselstine, Architect, addressed the Commission and explained to Harris that if she had turned the bedroom block so that it fit long ways, the bedroom windows would have been facing the neighbor's front yard. Asselstine noted that if the house was turned to the side, the neighbors would lose the privacy they are trying so hard to protect. Asselstine also stated that she walked along the street, most single family buildings have parking that is accommodated by having a side lane that takes all the cars to the back as the widths of the houses allow for that lane, however the 40 foot wide lot that her clients are working with does not allow for that, which is the reason for the carport. Asselstine also stated that the clients met with the neighbor to ensure that everything he wanted was added to the plan.

Edwin Cariotti, Tamalpais Avenue, stated that the last time he was before the Commission he had a few minor recommendations, but it now seems like the proposal is large for the lot. Carlotti stated that he has a problem accepting the requests for setback variances and that the carport area seems a bit crowded.

Commissioner Sisich responded to Carlotti that it seemed like the applicant had addressed some of his concerns and asked if he'd met with the architect. Carlotti stated that he had met with the architect and that she was very considerate. Sisich clarified that Carlotti still had an issue with the setback and the overall size of the house.

Harris noted that the design was beautiful and stated that he appreciates the process the applicants have taken, but that it is unfair for the neighbors to have the house closer to them because the applicants want a bigger house. Harris noted that he was concerned with setting a precedent, assuming that the architect was given requirement for the house and there has not been a design presented that doesn't require a variance. Harris further stated that variances are supposed to be granted under exceptional circumstances and that he feels the size of the house is driving the request for variance. Harris stated that he could not support the current project.

Zwick stated that being that the lot is smaller than all the other lots in the neighborhood could make it entitled to a variance because of the configuration of the lot. Zwick stated that Asselstine did a pretty thorough job of looking at the specific and unique needs of the neighbors and being a smaller lot is a reason to entertain the variances.

Sisich stated that he appreciated both positions from Harris and Zwick, and that clearly the applicants went to a lot of trouble and effort since the last Commission meeting. Sisich stated that he doesn't think the house is too big, but agrees with Harris that applicant is limited due to the size of the lot. Sisich also stated that being that the lot is substandard; he could make a finding and support the project.

Commissioner Overberger stated that she appreciated the effort the applicants made on the sideyard variance request and stated that she could support the project as is.

Chair Schinner stated that given the efforts to accommodate the neighbors' concerns and address the concerns of the Commission that he could support the staff report. Schinner also stated that he was concerned about setting a precedent as Harris had mentioned.

M/s Overberger/Zwick and passed (4-1, No: Harris, Recused: Krebs) to move the staff report.

4. **PDP-0801/DR-0801 – Sutton Cunningham for Jim Morrison, 501 Oak Avenue, APN 007-192-07**, Precise Development Plan and Design Review of a new swimming pool (to replace existing) and pool retaining wall up to 11'4"± and a retaining wall (to replace existing) up to 7'8"± above grade located in the R-1 H zoning district. (staff person: Wight)

Building and Planning Director Lisa Wight presented the staff report.

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Sutton Cunningham addressed the Commission and stated that he was speaking for his client who lives in Beijing. Cunningham stated the land is starting to move and that the retaining wall is sinking and starting pull the carport down with it. Cunningham stated that the client would like to remove the pool and bring everything up to code.

Commissioner Harris asked Cunningham if he was in a position to speak about a darker color and he said yes.

Commissioner Zwick stated that he had problems item 2 of the required findings for approval.

Commissioner Overberger stated that she had no problem at all with the application.

M/s Harris/Overberger and passed (6-0) to move the staff report.

F. ITEMS FROM PLANNING COMMISSION

Chair Schinner stated that he would not be present at the March 17, 2008 Commission meeting.

In response to the Commission's inquiry regarding the FAR status with the Council, Wight stated that there might be some consensus on a 400 square foot garage exemption.

Wight stated 129 Madrone was appealed to the Town Council and that the Council granted the appeal with the caveat that the Planning Commission hold a design review hearing on the second story without the deck.

G. ADJOURNMENT

The meeting was adjourned at 8:45 pm to the next meeting of Monday, March 17, 2008.

Respectfully submitted,

La Shaun Williams