

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF DECEMBER 1, 2008**

A. CALL TO ORDER

Commissioners present: Brown, Harris, Krebs, Overberger, Schinner, Sisich, Zwick
Commissioners absent:

B. OPEN TIME FOR PUBLIC EXPRESSION

C. CONTINUED ITEMS

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. Minutes – November 17, 2008
M/s, Harris/Krebs and passed unanimously to accept the minutes as amended.

REGULAR AGENDA

1. **DR-0821/V-0814 – Conrad and Pascale Gregory, 4 Willow Way, APN 005-072-13,** Flatland Design Review to add a 1,040± square foot 2nd story addition up to maximum height of 23.7±, and a Height Variance to construct a 10' tall fence on property located within the R-1 zoning district.

Assistant Planner Barbara Chambers presented the staff report noting that the laundry area was pulled away from the neighbor's steps on Butterfield Road and that the shadow study showed minor impacts to both neighbors.

Chair Schinner stated that neighbors who had previously approved the project, signed a letter agreeing to the changes and that the project was an example of how the process could work.

M/s, Overberger/Zwick, and passed to accept the staff report. Ayes: All

2. **V-0813 – Mr. And Mrs. Charles Monte, 35 Suffield Avenue, APN 005-129-10,** Setback Variance to construct a 240 ± square foot single story addition, 47± square foot covered porch, and 19± square feet of new decks within 10'-9" of the front property line (Code: 20'); and Lot Coverage Variance to permit lot coverage to increase from 34.5%[^] up to 38.8% (Code: 35% maximum) on property located within the R-1 zoning district. (Staff person: Chambers)

Assistant Planner Barbara Chambers presented the staff report.

Architect Jim McDonald presented a list of signatures from neighbors who approved of the project as well as the alternative plan he drew for a second story addition. McDonald informed the Commission that his client would not be interested in building the second story addition, that the plans were only presented to show the impact from a second story addition. McDonald also noted that another neighbor wrote a letter stating approval of the project. McDonald explained to the Commission that the project is smaller at the ground level and less expensive, and that the owner recently had a knee replacement and is unable to access stairs. McDonald stated that the rear neighbor has advised him that he would immediately oppose a second story addition. McDonald also stated that on the proposed addition, there would be very little plant material lost in the front yard.

Commissioner Harris asked if a second story addition would be considered and McDonald stated that the applicant has stated that he would not build a second story addition. Harris asked if the client would be willing to have a deed restriction placed on the house if the variance was granted. McDonald answered no. Harris also asked how much space from the garage could be converted into living space upon removal of the laundry facilities and McDonald said approximately 100 feet. McDonald also stated that his client allowed him to develop a second story floor plan only to show the issues.

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Commissioner Overberger asked if there were any alternatives considered and McDonald answered yes. Overberger also asked if there was a 1st floor plan that did not require a lot coverage variance and McDonald said that any number of solutions would require a variance. Overberger stated that the plan noted that one parking space would be eliminated from inside the garage.

McDonald stated that the lot coverage variance does not impact any other neighbors, but that a second story addition would.

Zwick stated that an argument for a lot coverage variance was made by these applicants 10 years ago and it was denied, and that it is impossible to say yes to this request.

Applicant Charlie Monte addressed the Commission and stated that he has lived in the Town his entire life and is only trying to expand the family room. Monte stated that he has two artificial knees and can't run up the stairs. Monte further noted that no parking spaces would be lost and that he understands that the Commission has a very difficult job. Monte also stated that he had no interest in building a second story addition and that his wife has a bad back. Finally, Monte stated that all of the neighbors are on their side, and that they are not asking for special treatment. Mrs. Monte addressed the Commission and stated that they received a variance for the bedroom, and that the new addition would not extend farther than the bedroom.

John Reardon, stated that the project seems reasonable and that he received a variance on his house.

Harris said that he likes the project and that it makes sense for the occupants and owners of the house. Harris also said that he understands why the client is requesting the variance and that he understands the neighbors support, but that the problem is that the Town code allows for 35% lot coverage and in order to get a variance legally required findings must be met. Harris further stated that the Commission has tried to find a way to say yes to the project. Harris said that the only reason for requesting a variance is to make a house bigger than allowed on the lot and that he would support the staff report and continue the project for redesign. Harris stated that he asked if the owner would consider supporting a deed restriction and was told no, and that he doesn't see being able to support the findings for the lot coverage variance. Harris stated that the current home was only in compliance with one of four setbacks.

Chair Schinner asked if the client would be willing to provide a deed restriction on the second story and rescind the request for variance, and Planning and Building Director Lisa Wight pointed out that a second story request would also request a lot coverage variance because it would exacerbate the non-conformity.

In response to Zwick's inquiry of whether the Commission grants parking variances, Wight answered that rarely are parking variances granted. Wight stated that the two parking spaces that count are the garage spaces and the 3rd space is tandem.

Zwick asked if parking could be made under the bay window.

Harris noted that he was aware that the second story addition floor plan was not before the Commission, but asked if it could be considered. Wight stated that the Commission needed to review the project on the agenda and make the findings.

In response to Schinner's inquiry of whether there were other homes in the neighborhood that had been granted variances in the last decade; Chambers stated that it was possible, as the lot coverage used to be 40%.

Commissioner Brown asked if a finding could be made that the house does not enjoy conditions that neighbors have. Overberger noted the point in reducing the lot coverage to 35% was to disallow the building of larger homes. Zwick made suggestions for alternative designs with McDonald.

Commissioner Sisich stated he supported the staff report, further stating that he can't support the variance. Sisich said that he thinks the submitted plan is better than the alternative, but the rules don't support the plan. Sisich stated that he wanted to support the project.

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Commissioner Krebs said that he trusts that the applicants understand that the Commission recognizes their frustration and has struggled with ways to justify the variance. Krebs suggested thinking about alternatives and returning with a creative way for the Commission to grant the variance. Krebs further said that he sympathizes with the reasons for requesting the variance, but can't make the decision based on state law. Krebs stated that while the Commission can't support the variance, it is willing to listen to other ideas and suggested that the architect talk with clients to come up with a solution.

Brown stated that he thinks the scope of the project is extremely reasonable and well within bounds and encouraged the owners to go back and look at the project with 35% lot coverage. Brown also said that he thinks there are grounds for granting the front yard setback.

Overberger stated that there are ways within the footprint to get more space and that there are already three variances on three sides of the house. Overberger encouraged the architect and client to go back and see what could be done with the building envelope.

Schinner stated that he agreed with the Commission and referred to minutes of a Commission meeting 11 years ago, where the same request was denied and approved with redesign.

M/s, Overberger/Brown and passed to continue the project for redesign to a future Planning Commission meeting.

3. **DR-0824/V-0815 – Sean Dunn, 19 Cherne Lane, APN 005-261-08**, Hillside Design Review of first, second, and third story additions totaling 820± square feet and deck additions totaling 318± square feet; Setback Variance for an entry canopy to be within 13'6" of the existing on-site parking (1: 9' x 17' and 1: 9' x 19' space) to remain substandard in size and number (Code: 3: 9' x 19' spaces) on property located within the R-1 zoning district above 150 msl elevation. (Staff person: Wight)

Planning and Building Director Lisa Wight presented the staff report including a review of the colors and materials and also stated that the entry canopy necessitates a variance due to the fact that the dwelling is built close to the front property line due to the steep topography on the lot. While presenting the staff report, Wight stated that Condition #5 would be included in the deed restriction because there is permanent interior access area in the house.

In response to Commissioner Overberger's inquiry regarding parking, Wight answered that there are not the required three parking spaces due to the topography of the lot and that a variance is being requested.

Commissioner Harris asked what color the Redwood would be and architect Scott Couture responded that the redwood would be its natural color. Couture stated that the younger wood is yellow, and the older wood is redder in tone, varying from a deeper hue of red to a lighter yellow hue.

Wight stated that the Commission could have her review the color when the project is framed as part of the conditions of approval.

Commissioner Brown inquired about taking care of the roots on the Heritage Oak tree in front of the house and the retaining wall and barbeque. Couture replied that every tree is encircled with a dashed line on the site plan, which demarks a certain dimension from the center of the tree. Brown stated that work could be done in the area, but that major roots could not be cut.

Wight stated that an arborist would view the site at the appropriate time, and that the work should be subject to the Arborist's report.

Brown also asked about the visual impact of the lower lawn retaining wall and the landscape plan to soften the view from valley. Couture said that the wall wouldn't be visible from lower areas and that the existing hillside covers most of the view of the retaining wall, and that there is no surface treatment currently proposed for the wall. Couture noted that the client would not be opposed if seemed like a concern from the Commission.

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Harris asked if the retaining wall would be tinted and Couture said that it would remain standard gray and that he believes that the house would have less impact with the different siding. Couture noted that the current siding is deemed unacceptable by the Fire Department. Couture also stated that Redwood is the only material approved by the state fire department.

M/s, Overberger/Zwick and passed to accept the staff report with the two changes in the conditions.

E. APPOINTMENT

Appointment of two Planning Commissioners to a Housing Element Subcommittee.

Building and Planning Direct Lisa Wight stated that Commissioner House and Mayor Freeman were previously appointed to the subcommittee.

Wight explained that the Town must update its housing element every five years which includes reviewing goals to see if they've been met and looking at constraints. Wight stated that the subcommittee would assist in identifying issues and potential sites.

Commissioners Harris and Sisich volunteered for the subcommittee. Wight also noted that a Town resident would be appointed as a housing advocate.

F. WORKSHOP

Discussion of residential green building guidelines

The Commission reviewed the memo drafted by Chair Schinner and decided that it would be given to Debra Stutsman, Town Manager to forward to the Commission.

Commissioner Zwick said that he felt that the most difficult part would be establishing the point system.

Commissioner Overberger stated that point systems give a lot of points for Title 24, which is like low hanging fruit. Overberger stated that the Town would have the opportunity to learn from the 5-7 years of experience that other municipalities have.

Zwick suggested making the plan simple, and reviewing it again later.

Commissioner Krebs suggested slowly ratcheting up the point system.

Commissioner Brown said that he agreed that there should be baseline points for things required by law and supplemental points beyond that. Brown said that he has struggled with looking at all projects for the point systems and asked if small additions would be passed through with small points and also asked if perhaps half of the projects won't have to comply if there is no point system for small projects.

G. ITEMS FROM THE PLANNING COMMISSION

Commissioner Harris said that the house at 47 Indian Rock seems very lit up and wondered if the Commission had approved the lights.

Commissioner Overberger suggested that although the FAR ordinance is not being enforced due to the referendum, it would be good information to know the FAR on future projects that are reviewed by the Commission. Wight noted a statement will go into each staff report.

Overberger asked if the property on Knoll has begun construction and Wight stated that the permits have been issued.

Overberger stated that a house on Sequoia was being torn down. Wight responded that the tear down was approved.

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Commissioner Krebs said that the purchase of so many homes in the Sequoia neighborhood by one person has an impact and should be looked at in the housing element update.

Commissioner Harris noted that he thought the referendum would be a good learning experience for members who do not participate in the process and suggested that the Town Council host a series of workshops on FAR prior to the election.

Overberger said she'd compile a list of names and addresses of those interested in FAR issues.

H. ITEMS FROM STAFF

Wight stated that the zoning ordinance amendments were continued to January 13, 2009.

Wight also said that FAR would be on the November ballot.

Wight informed the Commission that ABAG has retrofit template plans for those who want to voluntarily seismically upgrade their homes and will be available on the Town website.

I. ADJOURNMENT TO THE MEETING OF MONDAY, DECEMBER 15, 2008

The meeting was adjourned at 8:55pm.

Respectfully submitted,

La Shaun Williams
Minutes Secretary