

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF FEBRUARY 3, 2014**

COMMISSIONERS PRESENT: Chair Brasler, Co-Chair House, Commissioners Cronk, Krebs, Pipkin, Sisich, Swaim

COMMISSIONERS ABSENT: None

CALL TO ORDER

Chair Brasler called the meeting to order at 7:00 p.m.

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke.

PLANNING DIRECTOR'S REPORT

Interim Planning Director Diane Henderson welcomed Commissioners Cronk and Pipkin to the Planning Commission.

Henderson asked that any Commissioners interested in upcoming Planning Commission training workshops let Senior Planner Phil Boyle know.

She further noted that there would be no meeting on February 17 in honor of Presidents' Day.

PUBLIC HEARING ITEMS

CONSENT AGENDA

Minutes of Planning Commission Meeting of November 18, 2013

M/s, Krebs/House, to approve the minutes of the meeting of November 18, 2013

AYES: Brasler, House, Krebs, Pipkin, Sisich, Swaim

NOES: None

ABSTAIN: Cronk

ABSENT: None

REGULAR AGENDA

VAR-1401, 1402, 1403 Michiko Conklin, 134 Madrone Avenue, APN 007-114-22:

The applicant is requesting three variances. The first variance is for a proposed bedroom addition to be 14 feet from the front property line (Code: 20 feet). The second variance is for a proposed carport and covered walkway to be 10 feet 6 inches from the front property line (Code: 20 feet). The third variance is for one of the two required parking spaces to be 5 feet from the front property line (Code: 20 feet). The project site is located in the R-1 Zoning District (Staff person: Boyle).

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Boyle presented the staff report, noting that an email message just received from a neighbor indicates support for the project and has been distributed to the Commissioners.

Brasler asked if there were any questions for staff.

Commissioner Cronk asked how the size of the proposed carport compares with the existing carport.

Boyle responded that the proposed covered walkway is 295 square feet. He asked the applicant to confirm the dimensions of the existing covered walkway.

Commissioner Krebs asked for clarification as to the rationale for considering the substandard size of a lot in terms of special circumstances; he also asked if only one special circumstance is required to justify support of a finding.

Boyle responded that one or more special circumstances is required for staff to make the first finding. He added that there is no specific measurement of the lot size (e.g., a lot that is 50% smaller than standard lots) required to making a positive finding.

Henderson observed that typically a lot is compared to other lots in the same zoning district. This particular lot is significantly smaller than the minimum lot size required for creation of a new lot there today; that would in itself constitute grounds for special circumstances.

As there were no further questions for staff, Brasler invited the applicant to speak.

Michiko Conklin, 134 Madrone Avenue, explained that the three variances she is requesting are necessary for the addition of a master bedroom and bath because of the fact that she is preserving a very large heritage oak tree in front of her home. Conklin added that she had been granted permission to remove the tree; however, due to neighbors' protests, the permit was rescinded and she had to seek an alternate plan for her addition. Conklin observed that neighbors are pleased with the current plans and have signed a letter in support of the project. Additionally, Conklin has received five more letters supporting the project.

Conklin showed that the placement of the existing parking space within the front setback is dictated by the position of the tree; the second parking space is a requirement of the Town's code. She also noted that the proposed bedroom is essentially an enclosure of the existing carport.

The only way to add living space to the home without a variance is to create a second story; Conklin's neighbor has opposed this for reasons of privacy. Conklin believes the

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new plan will enhance the aesthetics of the home and therefore improve the value of neighboring properties.

She concluded by noting that the existing carport is 272 square feet in response to Cronk's question.

Brasler asked if any of the Commissioners had questions for the applicant.

Commissioner House asked for the dimensions of the portion of the existing carport that currently impinges on the setback. It was determined that the area is approximately between 40 and 75 square feet. This area is to be enclosed and become part of the proposed master bedroom.

Conklin confirmed for Commissioner Swaim that removal of the tree was recommended because it was damaging the home's foundation in the area of the kitchen. She also clarified that the proposed addition is not in the vicinity of the kitchen and that the foundation will be shored up as part of the proposed project.

Cronk asked if consideration had been given to alternative configurations of the second parking space so that it would not be taking up the front yard.

Conklin explained that there are no alternative places for the parking space; the side yard setbacks are already out of compliance.

Architect Jeff Kroot added that placing two spaces side by side had been considered; however the Town's building inspector explained that a 4' walkway to the front door was a code requirement. Even if the side by side spaces had been allowed, the parking would most likely be pushed into the side yard setback. Kroot reminded all that the additional parking space is not to accommodate Conklin; it is a code requirement.

Cronk asked if decomposed granite would be used for permeability and if any landscaping plans had been developed.

Kroot replied that the landscaping had not yet been addressed and that consideration is being given to creating a grid with areas of gravel and tiles for permeability and aesthetics.

Krebs asked what Conklin's original plan was in conjunction with the proposed tree removal.

Conklin advised that one of the two parking spaces was to be created in the area of the oak tree.

As there were no further questions, Brasler invited members of the public to speak about the project.

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Diana Davis, Madrone Avenue, likes Conklin's plan and appreciates her accommodation of neighbors' desire to keep the tree. Davis supports Conklin's project.

As there was no further comment, Brasler closed the public hearing and invited Commissioner Pipkin to speak about the project.

Commissioner Pipkin likes the project and appreciates the neighbors having spoken on Conklin's behalf. She does not see the project as encroaching or as causing anyone harm or inconvenience. Pipkin supports the project.

Cronk has mixed feelings about the project. She feels that the special circumstance of the property's small proportions should not automatically equate to becoming a crowded or overbuilt lot; Conklin is concerned about precedence. She is not sure the house is a good candidate for a third bedroom as there is little living space for all the people who would be populating three bedrooms.

Cronk observed that with the exception of 205 Madrone, Conklin's home will be the only property in the vicinity that does not have much of a front yard. Although 205 Madrone is fronted with hardscape, a fence screens that view.

Cronk nevertheless observed that although the neighbors' perspective is influenced by the preservation of the tree, they are supportive of the project and have voiced no concerns. She would like to hear from her remaining colleagues before making a decision.

House does not believe that a small lot necessarily justifies a variance; however, this particular lot is oddly shaped. She noted that if the lot, which is a parallelogram in shape, were straightened out, the house would fit into its designated space.

House observed that there is not much encroachment into the front yard setback and that the tree is a huge factor in justifying a variance.

House is leaning toward supporting the project but wants to hear from her remaining colleagues before making a decision.

Swaim generally agrees with the idea that a small lot dictates a small house; however, he does not believe the currently proposed project will result in a large house.

Swaim would be more concerned with the addition of a second story, despite the fact that that solution would not require a variance. He believes the proposed project renders the house less intrusive to neighbors and makes it more functional.

Swaim is pleased to see that the tree is remaining. He supports the project.

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Krebs generally agrees with the comments that have been made. He noted that the tree really only impacts the carport and the additional parking space required in the front; the master bedroom is not affected by the tree. In his opinion, the size of the lot is not a sufficient reason for granting a variance. The size combined with the shape of the lot could be reason enough for granting a variance.

Krebs appreciates the fact that the project is fairly modest in increasing the size of the home and recognizes that Conklin is seeking more living space. He observed that 1200 square feet is not a large home. Nevertheless, he would not be as favorably inclined to approve the project if a second story was sought in the future.

Krebs generally favors supporting the staff report and appreciates the effort to save the tree, which he hopes is not adversely impacted by the construction.

Commissioner Sisich supports the project and commends the applicant for her perseverance, noting that trees, like people, get old and die. The sad fact is that the tree will probably be dead in five years. He observed that pictures of Ross Valley from a century ago show that there were no trees. The trees we see today were all planted.

Sisich believes everyone should be able to build a bigger house even on small lots. Twelve hundred square feet is not unreasonable at all and Sisich believes all the findings are there for granting a variance. He thanked Conklin for improving the Town's housing stock and supports the staff report.

Brasler complimented the staff, applicant, and architect on their fine work.

He has expressed his support for the tree and believes removing the large oak would change the character of the neighborhood. Further, he agrees with Cronk about the relevance of the small lot and does not want to establish precedence. In his tenure on the Planning Commission, one variance has been granted, but never two or three.

Brasler advised that when discussions were being held with regard to the tree, the issue for staff was the Town's responsibility when branches fall on structures and lawsuits against the Town ensue.

He is open to the project.

M/s, Sisich/House, to move the staff report

AYES: Brasler, Cronk, House, Krebs, Pipkin, Sisich, Swaim
NOES: None
ABSTAIN: None
ABSENT: None

Brasler advised Conklin that there is a 10-day appeal period.

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ITEMS FROM THE PLANNING COMMISSION

Election of Planning Commission Chair and Vice-Chair

Henderson advised that because there has been an unusually small number of Commission meetings in the past year it would be acceptable to retain the same Chair and Vice-Chair.

M/s, House/Sisich, to move that Brasler is reelected Chair for the coming year.

AYES: Cronk, House, Krebs, Pipkin, Sisich, Swaim
NOES: None
ABSTAIN: Brasler
ABSENT: None

M/s, Brasler/Sisich, to nominate House as Vice-Chair for the coming year.

AYES: Brasler, Cronk, Krebs, Pipkin, Sisich, Swaim
NOES: None
ABSTAIN: House
ABSENT: None

Questions from the Planning Commission

Sisich asked Boyle if staff has been conducting site visits at 790 Sir Francis Drake Boulevard to make sure conditions of approval for that project are being met.

Boyle advised that both he and Building Inspector Eric Robbe have been visiting the site.

Public Works Director Sean Condry asked Sisich if there were areas of concern to him.

Sisich noted that some brackets have been installed on the top, possibly for trellis materials; also some flatwork and stairs have been completed. He does not recall what landscaping was approved for erosion control on the hill and questioned whether or not the color of the building complies with the conditions of approval.

Condry advised that the stairs were approved and the railings are being reconsidered because the original railings were too open. The builder will need to address landscaping and erosion control. Condry advised that hydro seeding with an erosion control blanket will probably be needed. Conventional landscaping or a more natural Marin Seed may be used. Currently, the Town is working with the builder to resolve issues with PG&E.

Henderson advised that Boyle would look into the approved color palette for the project.

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House asked staff to look into the plans for the brackets being installed on the top of the structure.

ADJOURN TO THE MEETING OF MARCH 3, 2014

Brasler adjourned the meeting at 7:50 p.m.

Respectfully submitted,
Nancy Harris