

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF OCTOBER 20, 2003**

**A. CALL TO ORDER**

**Commissioners Present:** Chair Harris, Vice Chair Sisich, Commissioners Fernandez, House, Jochum, Zwick

**Commissioners Absent:** Commissioner Wittenkeller

**B. OPEN TIME FOR PUBLIC EXPRESSION**

None

**C. CONTINUED PUBLIC HEARINGS**

**D. PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

**1. MINUTES – September 15 and October 6, 2003**

M/s Harris/Fernandez and passed (5:1 Abstention House), to approve the minutes of September 15 and October 6, 2003.

**2. DR-0327 – Colin MacKensie and Kim Beaudry, 75 Olive Avenue, APN 007-084-07**, hillside design review of a ±629 square foot second story and 156 square foot deck, located within the R-1 zoning district. (Staff person: Chambers)

**3. V-0340 – Linda Behia and Jeffrey Davis, 212 San Francisco Boulevard, APN 006-011-05**, variance to construct a 10' tall, 140 square foot shed within 1' of the side property line (Code: 8') and 5' of the rear property line (Code: 20'), located within the R-1 Zoning District. After-the-Fact. (Staff person: Chambers)

**4. V-0341 – William Turner, 25 Alto Avenue, APN – 006-119-23**, variance to construct an uncovered entry deck that connects the car deck to the house, and a concrete retaining wall/planter with a 28.5 square foot trellis on top within 0' of the front property line and partially within the right-of-way. (Revocable encroachment permit required for structure). (Staff person: Chambers)

**5. V-0343 – Jonathan and Susan Pey, 29 Nokomis, APN 006-074-39**, variance to add a 56 square foot second story addition within 4'-0" of the south side property line (Code: 8'), located within the R-1 Zoning District. (Staff person: Chambers)

**6. V-0345/DR-0333 – Karen Meadows, 132 Humboldt Avenue, APN 007-024-21**, 1) setback variance and design review to construct a three-car parking deck and uncovered stairs encroaching over the rear property line (fronting on Scenic Avenue) (revocable encroachment permit required); and 2) setback variance and design review of a home office to be within 0' of the rear property line, located within the R-1 zoning district. (Staff person: Bell)

**7. DR-0334 - Tom Levine, 117 Crescent Road, APN 007-232-35**, amendment to 04/2003 design review approval to add a second story entry and shift the upper addition towards the west side and front property lines, located with the R-1 zoning district. (Staff person: Wight)

**8. DR-0337 – Meredith Mill, 85 Red Hill Avenue, APN 006-214-03**, design review of a new roof upon an existing commercial building of approximately 2,300 square feet, located within the C-3 zoning district. (Staff person: Bell)

**9. DR-0335 – Tom and Kari Levine, 115 Sunnyside Avenue, APN 007-263-03**, amendment to the 3/17/03 design review approval to add a 997 square foot second story addition to a new single family dwelling, located within the R-1 zoning district. (Staff person: Chambers)

**10. DR-0338/U-0317 – Ron and Nancy Akmon, 1509 and 1513 San Anselmo Avenue, APN 007-011-24**, Nos. 1509 and 1513: Design review to change the exterior color. No.1513: Minor modifications to the building, and use permit to change previous use of a commercial space (PX Market) to one living unit, located within the C-1 zoning district. (Staff person: Chambers)

**11. Z-0301 – TOWN OF SAN ANSELMO**, Zoning Ordinance Amendments to the Merger of Parcels Ordinance, Title 10, Chapter 3, Article 27. (Staff person: Wight)

**12. Z-0302 – TOWN OF SAN ANSELMO**, Zoning Ordinance Amendments to the Temporary Signs Ordinance, Title 10, Chapter 9, Article 3. (Staff person: Wight)

At the request of the Commission and members of the public, Items 2, 3, 5, 7, 9, 10, 11 and 12 were removed from Consent Agenda for further discussion.

M/s Zwick/Jochum and unanimously passed (6-0) to approve Items 4, 6 and 8. Chair Harris advised all parties of interest of the 10-day appeal period to the Town Council.

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**REGULAR AGENDA**

(Taken from Consent)

2. **DR-0327 – Colin MacKensie and Kim Beaudry, 75 Olive Avenue, APN 007-084-07**, hillside design review of a ±629 square foot second story and 156 square foot deck, located within the R-1 zoning district. (Staff person: Chambers)

The Commission waived reading of the staff report. Commissioner House is concerned that the trim and siding colors were too light and did not meet the usual standards required for properties in the hillside.

The applicants, Colin MacKensie and Kim Beaudry, explained that the colors match those of the existing house and that they believed the oak trees provide sufficient screening. In reply to Chair Harris, the applicants said they would not willingly change the color pallet because of the expense.

M/s Fernandez/Jochum and passed (5-1 Noe House) to approve the project as proposed based on the findings and conditions as set forth in the staff report. Chair Harris advised all parties of interest of the 10-day appeal period to the Town Council.

3. **V-0340 – Linda Behia and Jeffrey Davis, 212 San Francisco Boulevard, APN 006-011-05**, variance to construct a 10' tall, 140 square foot shed within 1' of the side property line (Code: 8') and 5' of the rear property line (Code: 20'), located within the R-1 Zoning District. After-the-Fact. (Staff person: Chambers)

Chair Harris recused himself for this item.

The Commission waived reading of the staff report. In response to Commissioner Zwick, Planner Chambers explained that the owners are seeking approval for the project that was undertaken without permission by the previous owners. She confirmed that the requirement for a retroactive building permit is part of the conditions of approval.

M/s Zwick/Fernandez and unanimously passed (6-0) to approve the project based on the findings and conditions as set forth in the staff report. Chair Harris advised all parties of interest of the 10-day appeal period to the Town Council.

Chair Harris returned to the dais.

5. **V-0343 – Jonathan and Susan Pey, 29 Nokomis, APN 006-074-39**, variance to add a 56 square foot second story addition within 4'-0" of the south side property line (Code: 8'), located within the R-1 Zoning District. (Staff person: Chambers)

The Commission waived the reading of the staff report. In response to Albert Aldo, 63 Sais Avenue, Planner Chambers confirmed that included in the conditions of approval is that the owners will pay for the purchase and installation of bamboo along the shared fence line between 29 Nokomis Ave. and 63 Sais Ave.

M/s Jochum/Zwick and unanimously passed (6-0) to approve the project based on the findings and conditions as set forth in the staff report. Chair Harris advised all parties of interest of the 10-day appeal period to the Town Council.

7. **DR-0334 - Tom Levine, 117 Crescent Road, APN 007-232-35**, amendment to 04/2003 design review approval to add a second story entry and shift the upper addition towards the west side and front property lines, located with the R-1 zoning district. (Staff person: Wight)

The Commission waived the reading of the staff report. In response to Chair Harris, Senior Planner Wight directed Chair Harris to a letter of support from the Manwarings that was included in the staff report, which addressed the lowering of a window.

M/s Zwick/Jochum and unanimously passed (6-0) to approve the project based on the findings and conditions as set forth in the staff report. Chair Harris advised all parties of interest of the 10-day appeal period to the Town Council.

9. **DR-0335 – Tom and Kari Levine, 115 Sunnyside Avenue, APN 007-263-03**, amendment to the 3/17/03 design review approval to add a 997 square foot second story addition to a new single family dwelling, located within the R-1 zoning district. (Staff person: Chambers)

Planner Chambers presented the staff report. She noted that the submission of a construction management plan should be added to the conditions of approval.

In response to Commissioner Zwick, Ms. Chambers said the Municipal Code deems the palm trees to be heritage trees due to their size, not their species. She noted that the removal of trees 1 and 2, as well as

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the relocation of tree 3, was approved in the previous application and that the owner now intends to move them to a different location on the property.

Ralph Epstein, 86 Melville Ave, would like to know the precise relocation of the trees because it might impact neighboring properties. Mr. Epstein asked if there were contingency plans if the trees died.

Lenny Nash, 15 Foss Ave, explained that he shares a property line with the applicant. He believed that the previous plan for the trees was much better and fails to understand how the new house design is an improvement. He would like to see a shadow study and is concerned that his privacy will be invaded with the positioning of the second story windows.

Thelma Massara, 109 Sunnyside Ave, would like to know how the applicant intends to address water drainage.

Mark Stewart, 18 Foss Ave, is concerned that a project, which was agreed upon by the neighbors, has returned for a substantial redesign. He suggested that a certified arborist supervise the relocation of the trees and that it be made a condition that they are replaced if they die.

Susan Hoy, 90 Melville Ave, believed that the house should be designed around the heritage palm tree and that it should not be taken down. The original plans, which affected just one of the palm trees, were an improvement.

Marilyn McCoppen, 127 Sunnyside Ave, is concerned that part of her view will be obstructed by the new design. She objects to the proposal for a larger house and would prefer that the owner continue with the original plans. In response to Chair Harris, Ms. McCoppen said that she has not discussed the latest plans with Mr. Levine and that she would be glad to speak with him.

Cindy Goeft, 51 Austin Avenue, observed that palms are not indigenous to California and that trees have a lifespan. She said that such a tree, which the town had forbidden to be removed, fell on a car in Barber Avenue and knocked out power lines last winter.

Barbara Stewart, 18 Foss Avenue, acknowledged that the applicant worked closely with the neighbors on his original application and noted that the Town informed the residents of the applicant's latest plans. Ms. Stewart said that the house would already have been the largest in the area. She also noted that there are no other large trees on Sunnyside Avenue and that these 2 trees provide character to the neighborhood.

In response to Chair Harris, the applicant, Tom Levine, said that he had worked closely with his neighbors with the original application and that he had notified his 5 immediate neighbors of his present plans. He did not know of his neighbors' grievances prior to the hearing. He said that the approved design favored his neighbors, rather than his family and noted that it will be almost the same size as other houses on the street. Mr. Levine notes that palm trees are transferable and he is willing to replace them should they die.

Mr. Levine said that he would be looking at his neighbors' properties with the original design and noted that the mass is more central on the lot. In response to Ms. Massara, the applicant said that the two windows that overlook her property are not on the upper floor. Mr. Levine outlined his drainage plans and will ensure that water will not run off his property into 109 Sunnyside Ave.

In summary, Mr. Levine said he has made an effort to ensure the house remains at its original size and that he has designed it to be as low as possible. He failed to see how the new design is significantly different from other houses in San Anselmo.

In response to Commissioner Zwick, Ms. Chambers said that the front of the property is not considered a story under Planning Code. Commissioner Zwick would like an arborist to supervise the removal and replanting of the trees and noted that the new location is not on the plans. He would also like an arborist's report on the elm tree, which he believes should be made part of the staff report. Commissioner Zwick would also like the applicant to present window plans showing the position of windows in this house in relation to the neighbors. He suggested that the applicant meet with his neighbors to alleviate some of their fears with regard to the mass of the house, which appears to be larger than on the previous plans. Commissioner Zwick will not support the project as presented.

Commissioner Sisich supported a continuance of the project in light of public comments on the redesign of the project. He did not support the repositioning of the palm trees, which he believed should be removed completely or left alone.

Commissioner House noted that the applicant made an effort to meet his neighbors' needs in the past and he should do so again. She would like more information on the repositioning of the palm trees.

Commissioner Jochum supported the project, overall, and believed that it did not significantly differ from the previous submission. However, he believed that the applicant needs to discuss the tree issues with his neighbors.

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Chair Harris would like the applicant to continue the project when he might present drawings of the windows that are in contention. Chair Harris also believes that the applicant should discuss the tree issues with his neighbors. Overall, he supports the project and suggests that the conditions of approval include the professional relocation of the palm trees with the specific locations and/or replacement trees that would meet with the neighbors' approval.

M/s Fernandez/Sisich and unanimously passed (6-0) to continue the project to the meeting of 3 November, 2003.

10. DR-0338/U-0317 – Ron and Nancy Akmon, 1509 and 1513 San Anselmo Avenue, APN 007-011-24, Nos. 1509 and 1513: Design review to change the exterior color. No.1513: Minor modifications to the building, and use permit to change previous use of a commercial space (PX Market) to one living unit, located within the C-1 zoning district. (Staff person: Chambers)

Commissioner Zwick recused himself from the dais.

The Commission waived reading of the staff report. Commissioner House would like to have seen swatches of the colors on the site. The Commissioner believed that the colors might cause a loss of architectural interest to the building.

Greg Foster, 15 Florence, is concerned that the project will not provide sufficient parking. He understood that 3 off site parking places have been proposed, which he believed are inadequate, and he would like to know where these will be placed. Mr. Foster noted that Florence Avenue is virtually a one-way street with a bad parking situation on the corner.

Sarah Foster, 15 Florence Avenue, said that she is concerned that the character of the area will be changed with the loss of PX Market. The Market is part of the community and the neighbors with whom she has spoken do not favor the change to residential units. She also voiced parking concerns.

In response to Chair Harris, Planner Chambers explained that a parking variance had not been required because a residential use is deemed less intensive than commercial use. Thus, whereas 5 parking spaces were required for the commercial business, 3 spaces are sufficient for 3 one-bedroom residential units. In response to Commissioner Jochum, Planning Director Bell said that the Code dictates that additional parking is not required for a less intense use, despite the change in use.

Vice Chair Sisich suggested that the rear yard of the property could accommodate a parking space. Ms. Chambers confirmed this would be acceptable to the Planning Department. Larry Warner, representative of the applicant, said that this might cause congestion as a car backed out of the space on to the street.

Nancy Akmon, Applicant, explained that the cost of installing a sprinkler system in the part of the property that is used for commercial purposes is prohibitive. Ms. Akmon said she hoped the Commission would accept Planning's recommendation of 3 parking spaces because she would rather maintain the yard for the use of the unit's occupiers. Ms. Akmon noted that she is keeping the architectural elements and that she intends to trim the presently boarded windows. Overall, the remodel will be a great improvement.

In response to Commissioner Jochum, Mr. Warner said that the remodel triggered the need to install a fire sprinkler system in the commercial part of the building. Mr. Warner said that the occupant was unable to offer financial assistance towards the system.

In further response to Commissioner Jochum, Planning Director Bell said that the Traffic Safety Committee would need to consider the removal of the green zone outside PX Market.

Marty Zwick, 44 Medway Road, believed that the market is an asset to the community. He observed that if the owner is prepared to spare the expense of converting the property to 3 residential units, then they should be able to invest that money for the commercial sprinkler system.

In response to Mr. Zwick, Mr. Warner said that the conversion is a simple matter involving minor plumbing work and reasonable costs. He observed that the whole building would need to be brought up to commercial standards and the fire sprinkler system would only be part of the necessary renovations. Furthermore, he understood that PX market is vacating regardless of the owner's plans and a new tenant would be needed.

Chair Harris remained unclear as to the transference of a parking variance, to which Ms. Chambers further explained how the Planning Department determined that the new use of the property is considered less intense. Chair Harris was sympathetic to the applicant but an objection to the parking situation has been received and he believed that there is potentially enough space for another parking space in the back yard. He supported a continuance.

Commissioner Jochum was sympathetic to the applicants with regard to the Fire Department's requirements. He believed that the parking situation would be more intense, albeit deemed less intense by Planning Codes. PX Market is a neighborhood market, to which people walk or bike. He observed that by destroying local commercial areas, people would need to drive to go further afield. The Commissioner questioned the applicants' reluctance to install the sprinkler system and is certain that the

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conversion of the property to 3 units will cost a lot more than the \$20,000 cost quoted by the applicant. He is not in favor of requiring the back yard to be used for parking, which might not be used for its intended purpose. Overall, he did not favor the project.

Vice Chair Sisich said that the applicants have been treated unfairly and that assumptions should not be made as to the viability of the Market. He believed that the parking problem will not be solved by saving the market and he supports the project and believed that the provision of a parking space at the back of the property is a fair compromise.

M/s Harris/Fernandez and passed (4-1 Noe Sisich) to continue the project to 3 November, 2003.

Commissioner Zwick returned to the dais.

15. V-0344/DR-0332 – Enrico and Monda Sbolci, 100 Forbes Avenue, APN 006-261-06, use permit to allow exceptions to standards for a residential 2<sup>nd</sup> unit; and variance to allow a retaining wall in excess of 4' within 0' of the front property line (Code: 20'), located within the R-1C zoning district. (Staff person: Bell)

Planning Director Bell presented the staff report and noted that this is the first use permit to be filed since the new State Law was introduced.

In response to Vice Chair Sisich, Mr. Bell said that one parking space must be provided for a second unit.

Chair Harris inquired if an administrative action would have been sufficient if the structure were 500 sq ft or less. Mr. Bell replied that it would have been the case should this have been the only criteria but there were other exceptions.

Enrico Sbolci, applicant, told the hearing that the second unit has been designed for use by his family. He would prefer the unit to be built lower into the hillside so that it is more accessible, which he believed would be too close to his downhill neighbor. He did not believe that the building will infringe on his neighbors' privacy or affect the value of their properties.

Dave Griffiths, 70 Forbes Ave, said that privacy is of paramount concern because the unit will overlook his deck and his bedroom. He noted that he and his neighbors live in open space and that present screening consists of a beetle-infested pine tree and an oak tree that is in poor health. Mr. Griffiths believed that the new unit will dominate the landscape. He is further concerned that fire hydrants are not close to the property and that subsidence will be a problem. Overall, Mr. Griffiths did not believe that the structure is in keeping with the Town's Second Unit Ordinance and he requested the Commission to deny the application.

Nancy Goldstein, 94 Forbes Ave, has lived in her home since 1988 and was led to believe by her realtor that it would not be possible to build on the lot next door. She therefore questions the legality of the project and she is further concerned that a fire truck would have difficulty reaching the site. Given the size of the lot, Ms. Goldstein does not believe that the applicant needs to build the unit on this location. In response to Chair Harris, Ms. Goldstein said that the unit would look into her back yard and believed that landscaping would not ameliorate her invasion of privacy.

Michael Goldstein, 94 Forbes Avenue, said his primary concern was one of privacy. The area at the end of his property has always been truly private and now he will look up at a unit. The story polls are already intrusive and he did not believe that landscaping would help. Mr. Goldstein would prefer the applicant to build the unit elsewhere on this property and noted that there were no other buildings in the neighborhood that resembled this unit.

John Weir, 200 Forbes Ave, failed to see how an extra driveway will increase the threat to traffic safety. He thought the unit would be larger and noted that it will not be seen easily from the road. Mr. Weir believed that a covenant prevents the owner from building on the north side of his property, which would also be difficult to access.

Joeline Wier, 200 Forbes, noted that there are other units on the street and she supported the project.

Mr. Sbolci said he would willingly work with his neighbors to screen the unit. However, he noted that pine trees obscure the view between his property and the Goldstein's house and believed that screening is adequate. Mr. Sbolci said he would comply with the Fire Department's directions.

In response to Commissioner Zwick, Mr. Sbolci said that had he lowered the house, it would be closer to the neighbor's living below. He did not believe that the unit is oversized for the lot or imposing and he would like to see planting to soften the look of the carport. Mr. Zwick favored the project, overall.

In response to Chair Harris, the neighbors who objected to the project did not believe the situation would be improved if the unit was built lower down the hillside. Planning Director Bell confirmed that there are no fire issues and that a sprinkler system will probably be required by the Fire Department.

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Vice Chair Sisich said he favored second units but was unable to support this exact location on the site for a second unit. However, he suggested that the neighbors might be appeased if the unit were built closer to the main house. He believed that the unit will greatly impact the owners of 70 Forbes Avenue. He suggested that the unit be lowered and screening provided.

Commissioner House also supports second units. The immediate neighbors to this site have been lucky to have this open space next door. Most residents in San Anselmo do not have unobstructed views because all the lots are built out and they have houses close by. She is not opposed to the intended site and noted that the unit will be relatively small. Landscaping should be used to screen the understory.

Commissioner Jochum supported the project and asked that care be taken with regard to distant views.

Commissioner Fernandez also favored the project and noted that privacy issues arise at almost every meeting. He suggested that applicants liaise with their neighbors more closely. Commissioner Fernandez noted that the street is dangerous because people do not pay attention to driving.

Chair Harris observed that the project must meet use permit requirements, only, in order to be approved. This is a large parcel of land and the location of the unit has road access. A landscape plan would be appropriate, otherwise Chair Harris will support the project.

M/s House/Fernandez and passed (5-1 Noe: Sisich) to move the staff report with the added condition that the applicant returns with a landscape plan before issuance of a building permit. Chair Harris advised all parties of interest of the 10-day appeal period to the Town Council.

13. **V-0342/DR-0328 – Thomas Crowell and Patricia Pirrone, 68 Bennit Avenue, APN 005-091-07,** hillside design review of a 38 square foot main floor addition, a 410 square foot upper floor addition, a 166 square foot upper ceiling addition (no floor); setback design review for the main floor addition to be constructed within 5' of the east side property line (Code setback: 8'); and a setback variance for the upper floor addition to be within 5.5' of the west side property line (Code setback: 12'), located within the R-1 zoning district. (Staff person: Wight)

The Architect, Fred Divine, brought to the meeting aerial views of the property and views from various neighboring properties. He confirmed he had amended the design of the project and met with all the neighbors, whose support he gained with the exception of Mr. Harnew, 66 Bennit Avenue. Mr. Divine proposed to erect an 8' high fence with screening on Mr. Harnew's side to provide some privacy. He noted that the redesign requires a variance. Mr. Divine produced a shadow study that indicated that the project will have little impact on sunlight reaching the neighbor's yard at 70 & 80 Bennit Ave.

In response to Commissioner Zwick, Mr. Divine confirmed that the square footage of the upper floor has not changed and that a third floor cannot be installed.

Dean Jones, 70 Bennit Ave, believed that a property line dispute exists and he would like the applicant to have a lot survey undertaken. Chair Harris told Mr. Jones that such a matter needs to be addressed to his neighbor, not the Planning Commission. Mr. Jones did not believe that the variance should be granted until the actual property lines have been established.

In response, Mr. Divine said that the plans have been drawn up in accordance with the County Assessor's mapbook and that the owners will not build beyond the existing wall.

Senior Planner Wight said that a variance must be sought for the 8' fence, porch cover and lattice screen on the porch, which she will put on consent.

Commissioner Zwick commended the architect for working so thoroughly with the neighbors and noted that he has worked within the Town's requirements with regard to the lot lines. However, he is disturbed that the floor area on the ground floor has been modified to benefit from floor calculations, whilst extra footage has been added to the upper floor. The Commissioner noted that the house is not especially large but will sit uncomfortably on the lot.

Vice Chair Sisich observed that the Architect has done all in his power to satisfy the neighbors. He supports the project and suggested that a gas fireplace were installed, as opposed to a wood-burning fireplace.

Commissioners Jochum and Fernandez supported the project and Chair Harris had nothing to add.

M/s Jochum/Fernandez and passed (4-2: Noe: Zwick, Abstention: House) to approve the project as proposed based on the findings and conditions as set forth in the staff report. The height variance for the screen and fence and for the entry roof overhang will be noticed for future public hearing. Chair Harris advised all parties of interest of the 10-day appeal period to the Town Council.

14. **DR-0331 – Jeff Ivarson, 2 Bank Street, APN 006-252-06,** Design Review amendment to an approved exterior façade of a commercial building located within the C-2 zoning district. (Staff person: Bell)

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Commissioner Zwick left the hearing due to the lateness of the hour.

Jeff Ivarson, applicant, told the hearing that his neighbors favor the project and that he believed that it will improve the area. Mr. Ivarson presented photographs of storefronts in town that are similar to the style he wanted to use. He noted that his project did not require a large expanse of corrugated metal and he believed that the style will make his building look more prominent.

Commissioner Jochum understood Staff's recommendation to deny the project and he would not support such a project for a significant facade. However, in this instance, he believed that the style will make a good infill and would support the project.

Vice Chair Sisich believed that the design is suitable for the location and would support the project.

Commissioner House did not favor the project. Although she likes unusual designs, the Commissioner believed that this style is not suitable. Commissioner Fernandez agreed that the style would not be appropriate and did not support the project.

Chair Harris believed that the style is inappropriate. He might approve a different exterior treatment but not this design. He said that the building design and shape are already unique to that block and he would not support the project.

The Applicant believed that his project has been unfairly judged to which Chair Harris replied that the Commission is asked to judge on the aesthetic value of the project.

Ms/House/Fernandez and passed (3:2 Noes Jochum/Sisich) to support the staff report and deny the project. Chair Harris advised all parties of interest of the 10-day appeal period to the Town Council.

16. V-0347/UP-0318 – Tom and Kittie Raskowsky, 311 Laurel Avenue, APN 007-172-05, 1) variance to establish a residential 2<sup>nd</sup> dwelling unit (conversion and remodel of an existing accessory building) within 4' of the rear property line (Code: 20') and 2' of the north side property line (Code: 8') ; and 2) use permit to allow exceptions to standards for a residential 2<sup>nd</sup> dwelling unit. (Staff person: Bell)

Commissioner Jochum recused himself from the dais and did not return to the hearing. Planning Director Bell presented the staff report.

In response to Chair Harris, Mr. Bell said he believed that the top level might be a bedroom; however, he deferred to the architect/applicant. He explained that the plate height is being raised so that it can be used as living space.

The applicant, Thomas Raskowsky, explained that he intended to fix the structure for multi uses, perhaps as storage space or as a bedroom.

Vice Chair Sisich asked if the building could be approved as a second unit, to which Mr. Bell replied that the project could be denied if the Commission opposed the footprint.

Maureen Jochum, architect, explained that the structure is being raised to put in flooring and that it is arguable whether the upper space can be construed as living space. If the plate were raised, a flat roof could be installed but the owner would prefer a shingled roof.

Neil Whitbeck, 7 & 9 Myrtle lane, is opposed to the development, which will impact his property. He explained that he has not had enough time to study the plans but believed that the proposed height increase will diminish his light and privacy. He noted that the kitchen is 4' from his property and believed his privacy will be further infringed by a French door to be put in close to his patio.

In response, Ms. Jochum noted that Mr. Whitbeck's property is closer to the property line than the unit and that the unit is already built and the owner would like to be make it habitable.

Mr. Rasowsky said that just one window was being added upstairs that might affect Mr. Neil and that two giant oak trees provide some screening. He said that he wanted a low impact project, which was why he wanted to raise the foundation and install windows on the upper floor.

M/s House/Fernandez (2:2 Noes Harris/Sisich) to approve the project. Chair Harris advised all parties of interest of the 10-day appeal period to the Town Council.

Commissioner House left the hearing due to the lateness of the hour.

11. Z-0301 – TOWN OF SAN ANSELMO, Zoning Ordinance Amendments to the Merger of Parcels Ordinance, Title 10, Chapter 3, Article 27. (Staff person: Wight)
12. Z-0302 – TOWN OF SAN ANSELMO, Zoning Ordinance Amendments to the Temporary Signs Ordinance, Title 10, Chapter 9, Article 3. (Staff person: Wight)

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Staff announced that items 11 and 12 would be moved to the meeting of 3 November due to a lack a quorum.

**E. GENERAL DISCUSSION**  
Wireless Communication Facilities Ordinance (drafts distributed 9/5/03)

**F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

None

**G ADJOURNMENT TO THE MEETING ON MONDAY NOVEMBER 3, 2003**

The meeting was adjourned at 11.55pm.



**JOANNE O'HEHIR  
SR. ADMIN. SERVICES ASST.**