

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF FEBRUARY 28, 2005**

**A. CALL TO ORDER**

**Commissioners Present:** Chair Zwick, Vice-Chair House, Freeman, Sisich  
**Commissioners Absent:** Harris

**B. OPEN TIME FOR PUBLIC EXPRESSION**

None

**C. CONTINUED PUBLIC HEARING ITEMS**

1. **ER-0501/PS-0501/PPD-0501 – Carlos and Norine Castro, 444 Redwood Road, APN 7-191-10,** Environmental Review (Mitigated Negative Declaration), Parcel Split and Precise Development Plan for a new single family two-story, 3,562± square foot single family dwelling and 509± square foot attached garage located within the R-1H zoning district. (staff person: Wight) **CONTINUED TO 3/7/05**
2. **DR-0504 – David and Jennifer Boesel, 81 Holstein Road, APN 5-053-49,** design review of a new two-story, 4,255± square foot single family dwelling and 792± square foot attached garage, located within the R-1 zoning district (above 150' msl). (staff person: Wight) **CONTINUED TO 3/7/05**

**D. PUBLIC HEARING ITEMS  
CONSENT AGENDA**

1. **Minutes – February 7, 2005**
2. **V-0502 – Dan and Mary Steinberg, 66 Durham Road, APN 5-202-24,** Variance to relocate 1:9'x19' non-conforming parking space within 8 inches of the east side yard setback (Code: 8') located within the R-1 zoning district (above 150' msl). (staff person: Chambers)

M/s House/Freeman and unanimously passed (4-0) to approve the Consent Agenda. Chair Zwick advised all parties of interest of the ten day appeal period to the Town Council.

**REGULAR AGENDA**

3. **U-0501/V-0503/DR-0505 – Maria Zaharoff, 93 Woodland Avenue, APN 7-281-18,** 1) Use Permit to demolish a single family residence; 2) Setback Variance to construct a new 1,616 square foot two story single family dwelling within 3'-1" of the rear property line (Code: 20'); 3) Parking Variance for two side-by-side parking spaces to be within 0' of the front and one space to be within 1'-4" of the east side property line (Code: 8' side yard and 20' front yard); and 4) Flatland Design Review for the 845 square foot second story addition, located within the R-2 zoning district. (staff person: Chambers)

Planner Chambers introduced the staff report.

In response to Commissioner Sisich, Ms. Chambers clarified her recommendations on the project.

Maria Zaharoff, applicant, discussed the project in more detail and the reason for the request for the setback variance for the rear property line. Ms. Zaharoff noted that the house is a modest size and well-designed.

Lisa McCutcheon, 89 Woodland Avenue, said that the house is too high and will block sunlight into her home. Commissioner Sisich asked Ms. McCutcheon to identify her house from photographs.

In response to Commissioner Freeman, Ms. Zaharoff used the plans to clarify the direction of sunlight.

In response to Vice-Chair House, Ms. Chambers explained why a parking variance is necessary.

Vice-Chair House noted that there are two story houses in the area and that the side yard setbacks are being met. Vice-Chair House does not believe that the project will greatly affect the neighbor's light and she noted that other projects have been approved that have similar setbacks. Vice-Chair House supports the parking variance because the location of parking appears to be the most suitable on the property. She also supports the use permit because the current structure on the property is very small. Vice-Chair House favors the rear setback variance because the lot is small and the new house replaces a structure that is already there.

Commissioner Sisich said that the house is modest and that he would not stop the project. However, he remains concerned that the neighbor's light could be impacted and he would suggest that the pitched roof be changed or the house be rotated to present a smaller amount of mass to the neighbor's upstairs window.

Ms. Chambers satisfied a query from Commissioner Freeman with regard to a recommendation she had made.

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Chair Zwick said that the house is not too large and the lot is small. Chair Zwick believes that the parking area is the most suitable place on the property, given the property's constraints. He also said that the house is not too high and that the pitched roof works in its favor. Chair Zwick suggested that an arborist report be required.

Ms. Chambers explained the findings that needed to be made.

M/s Sisich/Freeman and unanimously approved (4-0) to approve the project based on the following findings and the conditions as set forth in the staff report and amended to include: an arborist report be prepared to protect and preserve the walnut tree during construction.

Use Permit

*The Town will encourage the preservation, maintenance, restoration, rehabilitation, moving or continued use of all structures of historic, cultural, or aesthetic value.*

There is no evidence that this structure is of historical value.

Variance

*(a) Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;*

Special circumstances are the substandard size for the building to be in the rear setback and requiring the parking to be in the front setback is the most logical place on the small lot and it exists elsewhere in the neighborhood.

*(b) The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.*

The shape of the building and the fact that it obeys the three setbacks defers to the neighbors and preserves light, air and privacy and by maintaining parking in the proposed location is the most logical place and by maintaining the parking similar to other lots on the street it maintains light, air and privacy for the neighbors.

Design Review

1. *Will not unreasonably impair access to light and air of structures on neighboring properties;*

The existing building is only setback 3'-2" from the rear property line and encroaches into three setbacks and this proposal obeys the side and front setbacks and only encroaches into the rear setbacks so that it will improve the situation with regard to light, air and privacy for the neighbors.

2. *Will not unreasonably affect the privacy of neighboring properties;*

From inspection, it does not appear that it will unreasonably affect the privacy of neighboring properties.

3. *Will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.*

It will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood because it is just a small house and it obeys three out of the four setbacks

Chair Zwick advised all parties of interest of the ten day appeal period to the Town Council.

Chair Zwick recused himself from the dais.

4. ER-0502/LLR-0501/GPA-0501/Z-0501 - Reverend Zuikei Taniguchi, 100 Hillside Avenue, APN 7-121-25, 7-121-39, 7-121-40, 7-121-59, 7-131-06, 7-121-58 (Fox etal) and 7-131-63 (Thomas etal), 1) environmental review (Negative Declaration); 2) lot line relocations between all the above parcels, which would reduce the number of legal, undeveloped lots from 3 to 2 with access to these undeveloped lots from Fernwood Drive and Laurel Avenue; and 3) General Plan amendments to change the designations to Single Family Conservation, and rezoning to R-1 C (Single family Residential-Conservation Area) for APN 7-121-25, 7-121-40, 7-121-59, and 7-131-06, located in the R-1, R-1 C and R-1 H zoning districts (APN 7-121-39 currently designated Single Family Residential-Conservation Area/R-1 C) (staff person: Wight).

Senior Planner Wight used the plans to introduce the staff report. Ms. Wight reminded the Commissioners which aspects of the project would be discussed this evening.

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Tad Matsumato, representing the owner, said that they concurred with the findings of the staff report. Mr. Matsumato noted a minor correction that is needed to the lot line relocation map.

In response to Commissioner Sisich, Mr. Matsumato confirmed where access would be gained to the lots.

Latham Woodward, 33 Hillside Avenue, is in favor of the project but he is concerned with access. Mr. Woodward said that Hillside Avenue is a one-way street and thus provides unsuitable access to the project. He was advised that the undeveloped lots will access from Fernwood Drive and Laurel Avenue.

Susan Severin, 458 Laurel Avenue, is concerned that construction traffic might affect access to her property.

John Poppy, 462 Laurel Avenue, is concerned that the plans for Lot 2 will affect his property.

Commissioner Sisich supports the project, which he believes has been planned logically.

In response to Commissioner Sisich's concern with regard to access, Ms. Wight said that driveway plans for the new lot identified as 456 Laurel Avenue will be discussed at a later date.

Discussion took place about items that will be heard at the design review stage.

M/s Freeman/Sisich and unanimously passed (3-0) to approve the project with the findings and conditions as set forth in the staff report with the added condition that a civil engineer must confirm that the new lot line is 20 feet away from the dwelling at 60 Fernwood Drive.

Vice-Chair House advised all parties of interest of the ten day appeal period to the Town Council.

Chair Zwick resumed his seat at the dais.

**E. ITEMS FROM PLANNING COMMISSION**

Vice-Chair House and Ms. Wight discussed the recruitment of new Commissioners.

In response to Commissioner Sisich, Ms. Wight said that he should direct suggestions for traffic improvement to the Traffic Safety Committee.

**F. ITEMS FROM STAFF**

Ms. Wight said that a sign ordinance subcommittee would be reconvening on 1 March, 2005. In response to Commissioner Sisich's question about garage sale signs, Ms. Wight said that the public hearing will be held at a future date.

Ms. Wight informed the Commissioners which projects are scheduled to be heard by the Town Council at upcoming meetings.

**G. ADJOURNMENT TO THE MEETING ON MONDAY, MARCH 7, 2005**

The meeting was adjourned at 8.05pm.

  
JOANNE O'HEHIR  
SENIOR ADMIN. SERVICES ASST.