

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JULY 17, 2006**

A. CALL TO ORDER

Commissioners Present: House, Krebs, Sisich, Zwick
Commissioners Absent: Harris, Overberger, Schinner

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. CONTINUED PUBLIC HEARING ITEMS

1. **DR-0604/V-0604 - Brian Clark, 190 Scenic Avenue, APN 007-063-15** (across from No. 203 Scenic Avenue), Hillside Design review of a new 3,590+ square foot, two story single family dwelling, a 784+ square foot pool house, a 642+ square foot carport, and uncovered deck terraces; and a Parking Access Variance to access the property via an easement over 007-063-11 (undeveloped lot known as 186 Scenic Avenue (recently obtained Town approval to construct a new dwelling), on property located within the R-1 C zoning district. (staff person: Wight)
CONTINUED TO 8/7/06

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. **Minutes – June 19, 2006**
2. **DR-0615/V-0636 - T. J. Cotugno, 51 Belle Avenue, APN 007-302-01**, Setback Design Review to raise the dwelling 3'+ in height to clear the December 31, 2005 flood elevation in conjunction with raising the roof line for an overall height increase up to 10'+ within 5' of the west and east side property lines, a 244 square foot living addition and an uncovered deck within 5' of the west side property line, and a covered porch within 5' of the east side property line; and a Setback Variance to raise the garage roof up to 4' within 18' of the front property line (Code: 20') on property located within the R-1 zoning district. (staff person: Wight).
3. **U-0615/DR-0617 - John Vantress, 63 Nokomis Avenue, APN 006-074-27**, Use Permit and Flatland Design Review of a 1,081 second story in conjunction with a new 2,377 square foot dwelling and existing 287 square foot detached garage on property located within the R-1 zoning district. (staff person: Wight).
4. **V-0614 – Chris Simenstad, 5 Hillcrest, APN 007-121-49**, Setback Variance to demolish the existing 75 square foot upper story solarium within ±3'-10" of the east side property line and to construct a new ± 62 square foot upper story solarium and a ± 80 square foot lower story addition within 5' of the east side property line (Code: 8'); and to demolish the ±209 square foot upper level deck and stairs that currently extends over the property line and to construct a new ±128 square foot upper level deck within 6" of the east side property line and ±41 square foot stairs and landing within 2'-2" of the east side property line (Code: 6'), located within the R-1 zoning district. (staff person: Chambers)

Items 2 and 3 were removed from consent for further discussion.

M/s Krebs/Sisich and unanimously passed (4-0) to approve items 1 and 4 of the Consent Agenda.

Chair House reminded the hearing of the 10-day appeal period to the Town Council.

REGULAR AGENDA

1. **DR-0615/V-0636 - T. J. Cotugno, 51 Belle Avenue, APN 007-302-01**, Setback Design Review to raise the dwelling 3'+ in height to clear the December 31, 2005 flood elevation in conjunction with raising the roof line for an overall height increase up to 10'+ within 5' of the west and east side property lines, a 244 square foot living addition and an uncovered deck within 5' of the west side property line, and a covered porch within 5' of the east side property line; and a Setback Variance to raise the garage roof up to 4' within 18' of the front property line (Code: 20') on property located within the R-1 zoning district. (staff person: Wight).

The reading of the staff report was waived. Planning Director Wight said that staff is recommending approval because the redesign of the roof fulfils the exemption.

Commissioner Sisich voiced concern that a story pole has not been correctly set.

Debbie Petersen, project architect, said she believes the ridge story pole referred to by Commissioner Sisich is accurate. She discussed the story pole plan with Planner Chambers, and the adjacent neighbor has no objections.

Ms. Petersen discussed the story poles at further length in response to Commissioner Krebs.

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Larry Butti, 49 Belle Avenue, said that he has not seen the story poles but he is concerned that they might not be correctly placed.

Ms. Wight said that the poles have been placed correctly.

M/s Sisich/Krebs and unanimously passed (4-0) to continue the project to the meeting of August 7, 2006, by which time an additional story pole will be installed and tape will be placed around the poles.

2. **U-0615/DR-0617 - John Vantress, 63 Nokomis Avenue, APN 006-074-27**, Use Permit and Flatland Design Review of a 1,081 second story in conjunction with a new 2,377 square foot dwelling and existing 287 square foot detached garage on property located within the R-1 zoning district. (staff person: Wight).

Commissioner Sisich said that new houses should not be placed on consent. He expressed concern over covered parking, and Planning Director Wight confirmed that the proposed parking is not tandem parking. Commissioner Sisich is further concerned about privacy issues concerning a window at the back of the property. Ms. Wight said that the neighbor has worked with the applicant and now supports the project.

Fernando Oliviera, 29 Sais Avenue, is concerned that the second story will be too high at the front, which he said will affect the view from his bedroom window.

Ms. Wight said that the reason for the increase in height is partly because the house needs to be raised out of the flood zone. The windows have low sill heights, and the light and air of neighboring properties will not be impacted.

Chair House noted that that the house meets setback requirements, and Ms. Wight confirmed that staff does not believe privacy is an issue and that a view of a house does not constitute a finding. She explained why she believes the findings for the project are not unreasonable.

M/s Sisich/Krebs and unanimously passed (4-0) to approve the project with the findings and conditions as set forth in the staff report.

5. **U-0613/DR-0618/V-0638 - Catherine Franklin, 79 Scenic Avenue, APN 007-081-07**, Use Permit to demolish a ±1,735 square foot single family dwelling; Flatland Design Review of a ±833 square foot second floor of a new 2,950 square foot single family dwelling; and Setback Variances for: 1) two 9'x19' parking spaces to be located within 13 feet of the front and 4 feet of the west side property lines (Code 20' and 8' respectively); and 2) carport to be located within 11 feet of the front and less than 1 foot of the west side property lines (Code: 20' and 8' respectively); located within the R-1 zoning district. (consulting planner: Vazquez).

Consultant Planner Vazquez introduced the staff report, and she explained the reasons staff is not able to support the variance for the parking spaces and the carport. She explained why staff believes there are no site-restraints to prevent conforming parking, and she noted that there are options for the driveway access. She said that this is a relatively large lot and the design of the house prohibits parking from being placed within the envelope.

Ms. Vazquez said that windows do not face the adjacent lot and that adequate air, light and privacy exists for adjacent neighbors. Findings can be made to approve the second floor design review and demolition of the existing residence, and staff recommends denial of the variance for the car port and continuance of the project for redesign.

Catherine Franklin, owner, presented photographs to her property, and she explained that they wish to build a larger house whilst retaining the spirit of the current design.

Ada Fernandez, 77 Scenic Avenue, said that they have made an effort to design a house within the current footprint, and she commented on the driveway.

Scott Couture, architect, provided background information on the house and design. He said that the view of the neighbor at 99 Scenic Avenue is not blocked, and that they have made an effort to ensure the house does not impact any of the neighbors. Mr. Couture used the plans to discuss parking.

In response to Chair House, Mr. Couture used the plans to discuss the easement.

In response to Commissioner Sisich, Mr. Couture explained why other parking locations would not be suitable. He believes that the removal of a hedge and an oak tree in order to meet parking requirements would reduce screening. He presented data to the Commissioners showing other dwellings in the area that have non-conforming parking.

Carol Brown, 99 Scenic Avenue, said she is concerned that parking is taking precedence over a tree, and that she would prefer that the car port be placed close to their property line rather than remove a tree.

Edwin Brown, 99 Scenic Avenue, supports the project. He said that it is a fine design and sensitive towards the neighbors.

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Joel Bantley, 79 Scenic Avenue, commented on the way the house is sited. He said that the layout of the house is a suitable arrangement to enable a parking structure to be built, whereas a garage would not suit the design. He said that drivers use their driveway as a turnaround.

Commissioner Sisich and Ms. Vazquez discussed the driveway. He likes the design, and would like to support the project if findings can be made. He suggested that the easement might constitute a site-constraint in order to make a finding.

Commissioner Zwick also likes the project, particularly the design, but he is bound to follow the Town's rules and he will support staff's report. He believes that a design exists that would allow parking to conform to code. The house could be designed differently or made smaller but a diagonal orientation is still possible.

Commissioner Krebs supports the design of the house, and he said that other options have been explored. He suggested an alternative parking design, and noted that it is the Commissioners' responsibility to ensure setbacks are maintained wherever possible. Commissioner Krebs supports the staff report.

Chair House said she appreciates the owners' desire to maintain the orientation of the house and parking design. She believes that the easement for the telephone system constitutes a finding to allow the variance, and that the tree might not meet the required size of a heritage tree, but she would encourage trees to be allowed to grow and the owners have expressed their desire to keep the hedge. Furthermore, Chair House believes that the retaining wall at the back of the property constitutes a site constraint in terms of how far back the dwelling can reach. Thus, she believes findings exist to grant the variances.

M/s House/Sisich and failed (2:2 noes: Krebs/Zwick) to approve the project based on the findings contained in the staff report, with special circumstances consisting of the telephone easement, retaining wall and the oak tree in the front of the property, all of which prevent the project from meeting setback requirements.

In response to Mr. Couture, Commissioner Zwick said that he believes there is a way of designing the house without needing to remove the hedge or the tree. Mr. Couture said that the easement is a site-constraint.

Commissioner Krebs is in agreement with Commissioner Zwick.

M/s House/Krebs and unanimously passed (4-0) to continue the project to the meeting of August 7, 2006.

E. ITEMS FROM PLANNING COMMISSION

General discussion followed regarding members of a new sign ordinance subcommittee.

F. ITEMS FROM STAFF

The Planning Director reported that the appeal of 325 Greenfield Avenue was heard but no action taken, pending the subcommittee's recommendations.

The appeal of 15 Fernwood Avenue will be heard at the Town Council meeting of 25 July, 2006, and the appeal of 305 Oak Avenue will be heard at the Town Council meeting of September 12, 2006, and any ordinance changes.

G. ADJOURNMENT TO THE MEETING OF AUGUST 7, 2006.

The meeting was adjourned at 8.15pm.

Joanne O'Hehir
Sr. Administrative Assistant.