

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MARCH 6, 2006**

A. CALL TO ORDER

Commissioners Present: Chair House, Vice-Chair Krebs, Harris, Overberger, Schinner
Commissioners Absent: Zwick

B. OPEN TIME FOR PUBLIC EXPRESSION

None

C. CONTINUED PUBLIC HEARING ITEMS

1. **V-0535/DR-0530 – Greg and Kristi Bush, 142 Sequoia Drive, APN 006-114-05**, 1) Setback Variances to add a ±375 square foot first story addition within 16' of the front property line and 8'-6" of the street side (Knoll Road) property line, and a ±354 square foot second story addition within 19'-6" of the front and 8'-6" of the street side (Knoll Road) property line (Code setbacks: front: 20'; street side: 12'); 2) Hillside Design Review of first and second story additions totaling ± 729 square feet; 3) design review to exceed the permitted 35% FAR by 10%, and 4) Parking Variance for one of the three required on-site parking spaces to be substandard in length and partially in the right-of-way (Code: 3: 9'x19' spaces wholly on the property); located within the R-1 zoning district. (Staff person: Chambers) **CONTINUED TO A DATE UNCERTAIN**
2. **V-0604/DR-0604 - Brian Clark, 190 Scenic Avenue, APN 007-063-15**, Hillside Design review of a new 4,338± square foot, two story single family dwelling, a 642± square foot pool house, a 642± square foot carport, and uncovered deck terraces; a Parking Access Variance to access the property via an easement over APN 007-063-11 (undeveloped lot known as 186 Scenic Avenue); and Setback Variances for 1) the new dwelling to be located within 15'2" of the front property line (Scenic Code setback: 20' front yard setback with a 2' roof eave projection); and 2) retaining walls up to 42" above existing grade to be located within 0' of the east side property line, on property located in the R-1 C zoning district. (staff person: Wight) **CONTINUED TO 3/20/06**
3. **U-0604/V-0601/DR-0601 – Ralph Epstein for House Mavens LLC, 8 Richmond Road, APN 007-302-29**, 1) Use Permit to demolish a single family residence; 2) Design Review for a ±1,441 square foot second story in conjunction with a new 2,669 square foot dwelling and a ±499 square foot garage; and 3) Parking Variance to permit tandem parking (Code: clear parking, not in tandem), located in the R-1 zoning district. (staff person: Wight) **CONTINUED TO 3/20/06**

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. Minutes – February 21, 2006

M/s Krebs/Overberger and passed (3-2 abstentions: Harris/Schinner) to approve the minutes of February 21, 2006.

2. **V-0610 – Mary and Patrick Duffy, 10 Bennit Avenue, APN 005-128-04**, Setback Variance to reconstruct a garage in the same location and extend it in length at the rear by 1'-6" to within 5' of the east side property line (Code: 20'), located in the R-1 zoning district (staff person: Chambers)

Planning Director Wight satisfied a property line question from Commissioner Harris.

M/s Harris/Krebs and unanimously passed (5-0) to approve Item 2 of Consent.

Commissioner Sisich joined the meeting at 7.10pm.

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

3. **V-0614 - Daniel Deffner, 33 Nokomis Avenue, APN 006-074-33**, Setback Variances: 1) to raise the existing dwelling 2.5' within 16' of the front property line (Code setback: front: 20'); and 2) to reconstruct and expand a garage within 6" of the side property line and 10' of the rear property line (expansion: 2' towards front property line) (Code setbacks: rear: 20'; side: 8') on property located in the R-1 zoning district. (staff person: Wight)

Planning Director Wight removed this item for further discussion.

REGULAR AGENDA

4. **V-0614 - Daniel Deffner, 33 Nokomis Avenue, APN 006-074-33**, Setback Variances: 1) to raise the existing dwelling 2.5' within 16' of the front property line (Code setback: front: 20'); and 2) to reconstruct and expand a garage within 6" of the side property line and 10' of the rear property line (expansion: 2' towards front property line) (Code setbacks: rear: 20'; side: 8') on property located in the R-1 zoning district. (staff person: Wight)

Commissioner Overberger excused herself from taking part in the vote because she lives within 300 sq ft of the property.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MARCH 6, 2006**

Planning Director Wight explained that the height variance, only, could be voted upon this evening. Changes are necessary to the garage due to a tree, and the project must be re-noticed.

M/s Harris/Krebs and unanimously passed (5-0) to approve the project at 33 Nokomis Avenue. Chair House reminded the hearing of the 10-day appeal period to the Town Council.

4. **U-0605/DR-0603/V-0603 - Mark Guelfi, 53 Indian Rock Road, APN 177-250-24**, 1. Use Permit for the demolition of an existing single family residence; 2. Design Review of a new 4,987 square foot, two-story single family dwelling, a 517 square foot garage, 3,380 square feet of decks, 1,810 square feet of covered patio, a new swimming pool, and a 420 square foot second living unit; 3. Variance to a) exceed the maximum floor area by 424 square feet (Code maximum is 5,000 square feet); and b) exceed the maximum permitted height by 2'-9" (Code maximum is 18' above the ridgeline); and 4. A permit to remove a heritage, 28" diameter Atlas Cedar, on property located in the R-1 C zoning district. (staff person: Consultant Vazquez)

Consultant Vazquez introduced the staff report. Ms. Vazquez discussed the changes that have been made since the previous hearing, and the reason staff remains unable to support the project. She explained the findings that need to be made in order for the project to be approved, which staff believe do not exist. Ms. Vazquez spoke about the direction from which the photomontage was taken, and also the ridgeline view with regard to the General Plan policies.

In response to Commissioner Harris, Ms. Vazquez explained why staff could not support the special circumstance finding that was suggested in a letter by a neighbor, David Israel. She said that the Town has already set a maximum of 5,000 sq. ft. for a home, which should supercede any calculation of an FAR. She said that a special circumstance must be confined to a physical aspect of the site, which she explained in further detail, as a result of which a finding of hardship must be made from which the owner needs relief.

In response to Commissioner Overberger, Ms. Vazquez said that it is feasible to build a house of up to \$5,000 sq. ft., given the physical characteristics of the property.

In response to Commissioner Sisich, Ms. Vazquez said that any kind of cedar tree is considered a fire hazard by the Fire Department and must be removed.

In further response to Commissioner Sisich, Mrs. Vazquez said that the neighboring house, which is highly visible, was built as low to grade as possible but that the trees planted were boxed size, which left the house exposed.

Mark Guelfi, applicant, noted that the impact of the project has been reduced, and that a smaller home might make little difference to the impact because there is adequate foliage on the property to provide screening. Mr. Guelfi said that he has a reasonable proposal that his neighbors support.

Cas Smith, Architect, explained why he believed that the variances are minor. He said that he has designed a house that is suitable for the site, and he spoke about the special circumstances that exist to warrant the project's approval. Mr. Smith said that they have focused on lessening the impact of the design and he explained the hardship factor. He presented the building materials, and noted that the design is of high quality, which should not be visible. Furthermore, trees will be planted to minimize impact, further.

Pete Pedersen, landscape architect, explained the landscaping plan in more detail. He noted that large, 60" box specimens will be used to provide screening.

In response to Commissioner Harris, Mr. Pedersen explained where the box trees will be planted on the hill.

Commissioner Sisich and Mr. Smith discussed design aspects of the project.

In response to Chair House, Mr. Smith said that he believed the siding material is fire resistant.

Tommy Kennedy, 2 Tomahawk Lane, supports the project, in addition to Paul Hughes, 57 Indian Rock Road.

David Israel, 47 Indian Rock Road, said that he and wife support the project. He said that the visual impact is more important than the size of the house, and that the owners have reduced the impact substantially. He explained why he believed a special circumstance exists to allow the size variance, due to the lot being large, and he noted that the second unit is of value to the Town.

Chair House said that even if the second unit were eliminated so that the size requirements were met, the project might still not be approved. She explained that the Planning Code was developed over many years with the intention of preserving the aesthetics of the Town. The Planning Commission has required hillside homes to consist of dark colored materials to blend into the hillside as much as possible. Chair House said that the plate heights could be reduced and other amendments to the design made to reduce the height and size of the project. She is further concerned that the oak trees could expire of sudden oak death. However, Chair House said that this is an architecturally interesting design and great work, but the house is too large and too high up on the ridgeline. She noted that the Planning Commission usually

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MARCH 6, 2006**

considers projects relating to FAR on small lots, rather than large lots, and she supports the removal of the cedar tree.

Commissioner Sisich noted that the applicants have made significant changes to the project since the last hearing. He does not believe that the house will be too visible and would support the project if findings can be made. He would prefer that the cedar tree remain in place to provide screening because it is of sufficient distance from the house. Commissioner Sisich said that the purpose of the Second Unit Ordinance is to provide low income housing for residents, and that it is unlikely that this second unit will be available to rent under such circumstances.

Commissioner Harris commended the applicants on the effort made to respond to the Commissioners' comments at the previous hearing. However, the applicants have asked Commissioners to be sympathetic to the lot, but he will not compromise the integrity of the variance process. A finding is necessary in order to approve the project, and it appears that one does not exist. They are requesting a larger home than the rules allow, which is hard to justify. Furthermore, a second unit is not a special circumstance applicable to the property and he is unable to support the variance. Commissioner Harris is concerned about the potential glare at night from the wall of windows, which he believes is inappropriate. He noted that other houses might exist that are more visible but that those homes were judged under different criteria.

Commissioner Krebs said that he agrees in the main with the previous commissioners with regard to the variance. He said that the house is well designed, but that he is not convinced that special circumstances exist due to lot size. Furthermore, 5,000 sq. ft. has been deemed the maximum amount allowed and he sees no reason that this should not apply to the project. Commissioner Krebs agrees with Commissioner Sisich that the second unit is unlikely to be used as the Ordinance intended.

Commissioner Schinner is also concerned about the implication that the 5,000 sq. ft. limit is arbitrary, rather than the rule set by Ordinance. It appears that a hardship does not exist in order to make a finding. He said that the house is a beautiful design and with some changes, a 5,000 sq. ft. home could be achieved with the integrity of the design remaining in fact. The square footage and height should be adjusted to conform to the regulations and he is concerned that a precedent would be set if the project were approved.

Commissioner Overberger is unable to support the project because findings cannot be made. The objective is not to reach 5,000 sq. ft., which is the maximum allowable size of dwelling in San Anselmo. The Town's intention is to hold back the wall of growth and maintain the character of San Anselmo, which means limiting the size of houses. The height impact seems an important factor, and it does not seem impossible to build a lovely home that is less than 5,000 sq ft.

M/s Harris/Krebs and unanimously passed (6-0) to approve the staff report and deny the application. Chair House advised the audience of a 10-day appeal period to the Town Council.

5. **V-0613 - Kurt Rogers, 222 Floribel Avenue, APN 007-082-03**, Setback Variance to construct a new 562± square foot garage within 7' of the front property line (Code setback: 20'); and a parking conversion variance for the existing parking spaces to be slightly relocated within the Code front setback. (staff person: Wight)

Planning Director Wight introduced the staff report. Ms. Wight noted that special circumstances exist that enable staff to support the project.

No-one from the public wished to speak.

M/s Harris/Sisich and unanimously passed (6-0) to approve the project. Chair House reminded the audience of a 10-day appeal period to the Town Council.

5. **U-0606/V-0611 - Megan and Theodore Bell, 72 Elm Avenue, APN 007-053-11**, Use Permit to demolish more than 50% of an existing dwelling; and Setback Variance to raise portions of the existing roof up to 3' within ±5'-6" of the north side property line (Code maximum 2' within 8'). After-The-Fact (staff person: Chambers)

Planning Director Wight briefly introduced the staff report, and she explained the reason a use permit is required.

Ms. Wight and Commissioner Sisich discussed the status of the project. Ms. Wight said that a miscommunication problem had occurred that resulted in the work being undertaken without permits.

No-one from the public wished to speak.

M/s Overberger/Sisich and unanimously passed (6-0) to approve the project. Chair House reminded the audience of a 10-day appeal period to the Town Council.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MARCH 6, 2006**

7. **U-0608 - Steve Thompson, 220 Greenfield Avenue, APN 006-173-16**, Use Permit for change of occupancy and to operate a sport and spine physical therapy clinic in a 3,290± square foot portion of the building on property located in the C-3 zoning district. (staff person: Chambers)

The reading of the staff report was waived. However, Planning Director Wight brought to the Commissioners' attention a letter from the architect that requested removal of items 2 and 4 of the Conditions of Approval. Ms. Wight explained that staff is concerned that a growing practice might impact traffic to the point that the use permit might need to be reevaluated after 6 months.

Steve Thompson, applicant, said that his business in Novato has taken 20 years to grow to this level. He does not expect it to reach this level at the offices on Greenfield Avenue for a long time, and he is concerned that capping the number of employees will be a hardship, which he explained further.

Commissioner House explained the reasoning behind the conditions.

Scott Couture, architect, discussed the reasons they believe it is very unlikely their business would impact traffic to a great extent. He said that many businesses in the area have scheduled classes, whereas his client's business generates a steady flow of traffic.

Ms. Wight noted that the business is making an application to convert 2 parking spaces on Greenfield Avenue to loading zones, which reduces the number of parking spaces in the area.

Mr. Thompson explained the nature of traffic his business is likely to generate and he noted that they see patients on the hour or half-hour.

Commissioner Overberger said that the previous business, a grocery store, generated more traffic. Furthermore, the busiest hours of Elan are before 10am and after 5pm, and Mr. Thompson's business is more likely to be busy between these hours. She does not wish to regulate the business.

In response to Commissioner Harris, Mr. Couture produced a schedule of hours of nearby businesses. He noted that the majority of Mr. Thompson's patients will arrive before classes at Milan and Elan Fitness. Mr. Couture believes that sufficient parking exists, which he discussed in further detail.

Staff and Commissioners discussed the conditions of approval.

Various commissioners and Mr. Couture discussed parking in the area at further length.

Commissioner Harris and Mr. Couture discussed traffic in further detail. Mr. Couture believes that it is not necessary for his client to manage traffic flow, which should be relatively light.

Commissioner Sisich agrees with Mr. Couture that there is adequate parking in the area.

Commissioner Schinner said that this type of business is self-constraining with regard to generating traffic. Sessions are short and do not involve large groups, and he is not inclined to impose traffic restrictions.

Commissioner Krebs also believes that the business is self-limiting. Mr. Thompson said that group sessions might take place but that there will be no more than 4 people taking part, and there will be just 4 treatment rooms.

Commissioner Harris said it appears that adequate parking exists and he could support the project with the elimination of Conditions 2 and 4. Commissioners Sisich and Schinner are in agreement.

M/s Sisich/Overberger and unanimously passed (6-0) to approve the project with the exclusion of numbers 2 and 4 of the Conditions of Approval. Chair House reminded the audience of a 10-day appeal period to the Town Council.

E. ITEMS FROM PLANNING COMMISSION

In response to Commissioner Sisich, Ms. Wight said that the Conditional Use Permit conditions did not cause Marin Choppers to close.

F. ITEMS FROM STAFF

The Redhill Community Park project will be heard by the Town Council at their meeting on March 13, 2006.

G. ADJOURNMENT TO THE MEETING OF MARCH 20, 2006.

The meeting was adjourned at 9pm.

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