

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING MONDAY, NOVEMBER 3, 2014**

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

COMMISSIONERS ABSENT: Krebs

CALL TO ORDER

Commissioner 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 announced that Town Council meetings are now being videotaped and that Planning Commission meetings will be recorded beginning in January. She also thanked the Commissioners who attended the Town Council meeting at which the housing element was discussed.

CONSENT AGENDA

Minutes of the Planning Commission Meeting of September 15, 2014

M/s, Sisich/Cronk, to approve the minutes of September 15, 2014.

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

NOES: None

ABSTAIN: None

ABSENT: Krebs

PUBLIC HEARINGS

Appeal of an Administrative Action -- Flatland Design Review Approval, 1311 San Anselmo Avenue, APN 007-052-21: Appeal of an administrative decision by the Planning Director approving Administrative Design Review for a proposed 553.2 square foot second story addition at 1311 San Anselmo Avenue. The project site is located in the R-1 Zoning District. Appellants: Anne Mairesse and Larry Hallum, Property Owners: Elizabeth and Frederick Peterson. (Staff person: Henderson)

Henderson presented the staff report.

Commissioner Sisich asked if the proposed addition will be stucco and painted similarly to the existing home.

Project Designer Andrew Feldon described the proposed project. The goal is to maintain the character and style of the existing home. The addition is planned to be finished exactly as the existing home, using stucco and matching the existing paint.

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Commissioner House asked what the floor area ratio (FAR) was for the project.

It was determined that the proposed project meets FAR requirements as 2026 square feet are allowed and 2010.7 are proposed.

Sisich asked if the shadow study had been distributed.

Henderson responded that it had.

Commissioner Cronk asked if the unusually small setback on the appellant's property creates any special circumstance as to what should be allowed on the property.

Henderson replied that no special circumstances are created.

Cronk asked what happens if the adjacent property wants to put on a second story some day and new privacy issues arise.

Henderson replied that if the appellant wished to add a second story, it would need to comply with the current 8' setback requirements and therefore the two second stories would not be as close to one another as are the two first stories.

Commissioner Swaim asked for clarification that the applicant's home meets the required setbacks.

Henderson confirmed that the project conforms.

Brasler invited the appellant to speak to the Commissioners.

Ann Mairesse, 1301 San Anselmo Avenue, submitted some documents to the Commission. She stated that the Peterson project would deprive her of light, air, and privacy and noted that on the other side of the house, there is much more clearance. Mairesse further noted that only one letter of support submitted by the Petersons came from a neighbor in close proximity to the Petersons' home. She referred to letters submitted in support of her appeal and noted that she is disconcerted by the fact that she believes the project was originally scheduled for a hearing and eventually approved without benefit of that hearing.

Larry Hallum, 1301 San Anselmo Avenue, believes the project creates an unreasonable amount of bulk and mass and that the shadow study is misleading. The close proximity and height of the project will further diminish privacy. Hallum added that the minor modifications made to the original plans hardly address his concerns. He urged the Commission to not approve the project as designed.

Brasler invited the applicant to speak.

Applicant Elizabeth Peterson proposes to turn existing attic space into a master bedroom, bath, and sitting room so that their son and daughter no longer have to share a bedroom.

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Applicant Ted Peterson advised that he and his wife have kept their neighbors advised of their plans and that many are fully supportive of their project. He summarized the modifications (presented in Attachment 2) that have been made to the plans to address concerns of the immediate neighbors.

In response to a statement by Mairesse, Henderson clarified that the project was never proposed to be heard by the Planning Commission; it is an Administrative Design Review, with action by the Planning Director.

Brasler opened discussion to the public.

Phyllis Lucas Haddow, Saunders Avenue, supports the appellants.

Sisich asked why the project cannot be built on the other side.

Feldon explained that placing the addition on the other side would challenge the height limit of 30' and would probably require a variance. Also, the addition would cast considerable shade on the property to the north of the residence.

Brasler asked for clarification as to the quality of the existing shadow study.

Feldon confirmed that the shadow study was a typical study, based on his experience.

Sisich asked about the pitch of the roof on the proposed addition.

Feldon explained that the proposed roof line breaks down the bulk of the addition and reinforces the existing roof line; an attempt was made to keep the height of the addition low.

Swaim asked about the window height revisions.

In response to concerns from the neighbor to the north, Feldon reduced the size of windows and raised the sill height. On the south-facing side, one of three windows proposed in the bedroom has been deleted. In the bath area, obscured glass will be used. In the sitting room, in addition to inseting the wall, the sill heights will be reduced.

In response to a question from House, Feldon confirmed that the only two windows from which the appellant's house could be seen are the two in the bedroom.

Brasler asked about the appellant's characterization of "unfettered views" into her home.

Peterson replied that he is anxious to begin the softscaping to increase privacy between the two properties.

Brasler asked if the appellant had been approached.

Peterson advised that both Mairesse and Hallum were approached and that neither wanted to have a direct conversation.

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Mairesse stated that she did respond to the first email and expressed her concern, asking for more information. She was never contacted again. The next event was the positioning of the story poles.

Swaim asked if the appellants feel that positive changes have been made to the plans.

Hallum responded that issues of light, air, and privacy cannot be mitigated by the changes.

Sisich asked what other steps could be taken to make less of an impact on Mairesse's property.

Mairesse observed that there are a lot of windows planned for the second story. She added that the setback is only on the sitting room and could have been extended along the façade.

Brasler asked if the windows on the shared side are egress windows.

Feldon confirmed that the two windows in the bedroom are egress windows; they are casement windows that open out.

Commissioner Pipkin asked if the two homes currently look into one another.

Mairesse keeps curtains and shades drawn on her bathroom and bedroom windows for privacy. From those rooms, she would be looking into the Petersons' kitchen and living room without the window coverings.

Sisich asked for the definition of unreasonable impairment of light and privacy.

Henderson responded that it is a judgment call.

Pipkin is comfortable with the project, noting that there are already privacy constraints between the two properties.

Cronk believes the shade created by the addition on the appellant's side is more than double that of the existing shade and believes there is an impairment of light. She believes all second stories should be set back from the first story.

House believes it is not fair to restrict a property owner because the adjoining property does not meet current setback requirements. Only two windows will look down or at the neighboring property and the applicants are meeting all of the requirements.

Swaim agrees with House; the applicants are not asking for a variance and they are meeting height requirements.

Sisich supports the project, observing that the orientation of the home is to Scenic Avenue. In his opinion, the shadow study indicates minimal impact.

Brasler believes much has been done to mitigate the effects of the project on the appellant's property.

M/s, Sisich/Swaim, to deny the appeal.

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

Brasler advised all of the 10 day appeal period.

FARA-1401, DR-1404, MRSU-1402, Ken Mayer, 19 Knoll Road, APN 006-114-04: Floor Area Ratio Exception and Design Review for the addition of a 450 square foot Residential Second Unit above the garage at the front of the house currently under construction. The addition would exceed the maximum adjusted total floor area allowed by 450 square feet and increase coverage to 40% where 35% is permitted. The applicant is requesting an exception as described in Municipal Code Section 10-3.411, Table 4E - Maximum Sizes of Dwellings on Residential Properties Above 150 Mean Sea Level Elevation (Hillside FAR). The project site is located in the R-1 Zoning District. (Staff person: Jonckheer)

Interim Senior Planner Elizabeth Jonckheer presented the staff report. She stated that the applicant has indicated that the proposed increase is approximately 480 square feet, or 42% coverage.

Sisich likes the second unit and asked for clarification as to why it could not be accommodated.

Henderson confirmed that the Town is promoting second units; however, neither the Floor Area Ratio (FAR) ordinance nor the second unit ordinance contains any provision for relaxing FAR requirements in order to accommodate second units. In the proposed Housing Element, it is possible consideration may be given to relaxing FAR requirements in order to accommodate second units.

Brasler invited anyone who wished to speak on behalf of the project sponsor. As there was no one to speak on behalf of the project sponsor, he opened discussion to the public.

Harold Hirsch, Knoll Road, opposes the second unit.

Denise Young, Sequoia Avenue, opposes the second unit.

Brasler returned discussion to the Commission.

Sisich respectfully disagrees with the neighbors and believes second units are important.

Swaim is a proponent of second units but also understands the implications of exceeding allowable FAR. He would support the denial.

House believes the Town should encourage second units but would vote in favor of denial because the proposed project exceeds FAR.

Cronk supports the staff report.

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Pipkin believes that second units are important but regrets the absence of the applicant as she would like to know more about accessing the proposed unit and about parking.

Brasler believes that tools that should be made available to allow the Commission to support second units that exceed floor area ratios.

M/s, House/Cronk to move the staff report.

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

Brasler reminded all of the ten day appeal period.

ITEMS FROM THE PLANNING COMMISSION

Swaim asked what can be done to soften FAR requirements in order to encourage second units.

Henderson noted that the Town has encouraged second units and that further relaxation of current requirements could be considered and would be implemented through an amendment to the Zoning Code.

ADJOURN TO THE MEETING OF NOVEMBER 17, 2014

Brasler adjourned the meeting at 9 p.m.

Respectfully submitted,
Nancy Harris