

PLANNING COMMISSION MINUTES  
JUNE 5, 1989

The regular meeting of the San Anselmo Planning Commission was called to order on June 5, 1989, at 8:00 p.m. in the Council Chamber by Chairman Sias. Staff present: Lisa Wight, Planner.

A. ROLL CALL

Commissioners present: Yarish, Hayes, Julin, Kanis, Kroot, Sias

Commissioners absent: Harle

B. BUSINESS ITEM

Steven Harnsberger, 49 Cedar Street, A/P 7-222-44, Appeal of Planning staff's Decision to Require the Retention of a Consultant for the processing of the development application.

This item was brought up for discussion again because the applicant was not able to attend the previous meeting on the subject.

Mr. Harnsberger did not like the idea of having an open ended contract with no protection and did not believe it was reasonable to expect it of him or of future applicants that have to hire consultants. It is his understanding that staff views his application as complex however he is only trying to achieve that the lot is suitable for development.

Commissioner Hayes questioned staff as to why this application would necessitate a consultant when Mr. Harnsberger is only trying to do a Preliminary Plan. He was sympathetic to staff's time constraints however Commissioner Hayes said this applicant was just taking a single lot and splitting it in two.

Ms. Wight noted that this application will take at least twice as long as a regular application and there are also extenuating circumstances associated with this lot.

Mr. Harnsberger said that the Director of Public Works has clearly defined what is required and therefore he believes he will be submitting a complete application.

Commissioner Kroot asked if the Consultant could give an estimate of the cost involved to process this applicant.

Ms. Wight said it is hard to judge the costs associated with each application but staff could ask the consultant if it were possible.

Commissioner Yarish said that it would be difficult to define the time because of so many variables, such as the input of the community and time involved for the Planning Commission process, and if the application has to go through the appeal process. The best way to ensure the low cost is to be well prepared and inform neighbors of the project. It was his opinion that if an exception was granted for this application it would open the door for other people.

Commissioner Kanis concurred that it would be setting a precedent to ask staff to prepare this type of application rather than have it be prepared by a consultant.

Commissioner Julin echoed her comments from the previous meeting stating that it is not uncommon to hire a consultant to process this type of application. She added that a Consulting firm should be able to give an estimate for time and materials.

Chairman Sias concurred with the comments of Commissioner's Julin, Kanis and Yarish.

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M/S Julin, Kanis, to reinstate the motion that was made at the previous meeting "to direct the Town to require the retention of a consultant for the processing of the development application for A/P 7-222-44 - Steven Harnsberger, 49 Cedar Street because it is in accordance with existing Town policy and is not precedent setting, to require outside consultants for complex applications that involve subdivision of lots and rezoning of parcels.

Discussion:

Commissioner Hayes wanted to put a cap on the fees and to direct staff to get a firm proposal on the cost from the consultant. Commissioner Julin did not think it was the role of the Commission.

Commissioner Kroot said the applicant can also get estimates from other consulting firms.

Commissioner Yarish said the applicant could interview a list of approved consulting firms approved by the Town and get an estimate of the cost.

Ayes: Kroot, Kanis, Yarish, Julin, Sias  
Noes: Hayes

C. PUBLIC HEARINGS CONTINUED

1. PP-12 - Oak Springs Partnership, End of Oak springs Drive, A/P 5-011-60, review of initial environmental study and determination of whether a Negative Declaration or an Environmental Impact Report will be required for the proposed four-lot split for development of four single family dwellings - CONTINUED TO JUNE 19, 1989.

2. U-629/U633 - Lenny Lerner, 1535 Sir Francis Drake Boulevard, A/P 5-153-01, six month review of use permit to allow: 1) automotive repairs; and 2) cellular telephone sales, service and installation; and review of current proposal for two canopies on the west side of the building - CONTINUED TO JUNE 19, 1989.

D. PUBLIC HEARINGS

1. V-2283 - Virginia S. Kinsella, 3 Hazel Avenue, A/P 7-114-02, a 5 foot west sideyard variance and a 14 foot frontyard variance to construct a carport within 3 feet of the west side property line and within 6 feet of the front property line, with a 1 foot roof overhang.

The applicant was present.

Ms. Wight presented the staff report.

Ms. Kinsella said that this will be built with the same design of the present house and her neighbors were in support of her request.

All the Commissioners were in support of the variance.

M/S Yarish, Kroot, to approve V-2283 - Virginia S. Kinsella, 3 Hazel Avenue, a/P 7-114-02, a 5 foot west sideyard variance and a 14 foot frontyard variance to construct a carport within 3 feet of the west side property line and within 6 feet of the front property line, with a 1 foot roof overhang on the basis: 1. 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 such property of privileges enjoyed by other property in the vicinity and under an identical zoning

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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, specifically the carport is not inconsistent with other cars parked in the set backs and that there will not be a noticeable improvement if the carport is moved out of the side and front set backs; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and 3. The granting of such 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. This is based on the drawings dated February 21, 1989.

All eyes. Motion unanimously passed. Audience advised of the ten day appeal period.

2. V-2286 - Tami Quan, 1615 San Anselmo Avenue, A/P 5-153-17, a 6 foot south sideyard variance, a 1 foot frontyard variance and a 3 foot north sideyard variance to reconstruct a single family dwelling within 2 feet of the south side property line, within 19 feet of the front property line, and within 5 feet of the north side property line, with an 18 inch roof overhang.

The applicant and the previous owner, David Bostrum, were present.

Lisa Wight presented the staff report.

Mr. Bostrum said the property was in poor shape when he purchased it and in his attempt to bring the property back to code the wall collapsed. He did not feel that 50% of the original property was demolished, contrary to the Building Department and did not understand why the variances are necessary.

Ms. Quan said that she is only asking to reconstruct the wall that fell down and not asking for anything unusual. When she purchased the property she did not think it would have to be torn down. She noted that this is a discrepancy with their figures and that of the Building Department regarding 50% of the building being demolished.

Ms. Wight said that the Town Engineer and Building Inspector felt that clearly more than 50% of the structure had been demolished.

Neighbor, 1659 San Anselmo Avenue, said the owner has done nothing for the property or the neighborhood and thought there should be a fine levied against the property owner. He thought the property should be torn down.

Lin Payton, 1649 San Anselmo Avenue said the fence required by the Town was constructed today and does not look to be 6 feet in height. She did not think there was a "good faith effort" on the part of the owner and the house is an eye sore for the neighborhood.

Charles Kealey, 9 Mono Lane, said the house is terrible.

Virginia Kealey, 9 Mono Lane, thought the neighborhood should not have to live with this eyesore any longer.

Patricia Hickox, 1660 San Anselmo Avenue, said a petition was mailed to the Planning Department with the signatures of forty neighbors that are opposed to the variances and want the building demolished.

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Jan O'Connor, 1643 San Anselmo Avenue, wanted to see the variances denied and added that she felt that more than 50% of the building has already been removed.

Evan Krause, 8 Medway, primarily opposes the southerly variance because it would significantly close off his light. He thought the applicants were proposing overbuilding of the lot.

John McGraw, 6 Medway, said the prior floor plan indicates there were three bedrooms but there were really only two and to request four bedrooms with four car parking is overbuilding of the lot. He said there should be a survey to determine the property lines specifically for the south wall. He said a 25 foot wall, one to two feet from the property line would be too close to the property line. In addition, the owners have made no attempt to contact neighbors as to what they were proposing for the property and have made no effort to be good neighbors.

Mr. Bostrom said they are proposing three bedroom and two baths, not four bedrooms. Lisa Wight noted that the electrical plan shows the correct number of bedrooms.

John McGraw wanted to state for the record that Mr. Bostrom is not the applicant but the "Co-applicant".

Commissioner Yarish felt that the plans submitted by the applicant seemed to be incomplete, inaccurate and a poor design both inside and out. He did not think the commitment by the applicant is very strong to correct the problem. Given the deterioration of the structure Commissioner Yarish thought it would be prudent to remove the entire structure because the wood will never again be flat and smooth.

Commissioner Kanis can not approve the variances because he feels it would be a detriment to the neighbors and it is also difficult to approve the plan as shown.

Commissioner Julin said the analysis in the staff report is excellent and the findings can not be made to approve this variance.

Commissioner Hayes said there would have to be some major redesign of the building before he could support.

Commissioner Kroot said the lot and the neighborhood were nice and deserved a good house. He could support the north sideyard variance because it would not affect the neighbors but he is unable to approve the south side variances because it would be visible and looming. He wanted to see a professional redesign.

Chairman Sias was not able to support the south sideyard variance.

Lisa Wight noted that staff would prefer that a decision be made tonight rather than a continuance but the applicant can appeal the decision to the Town Council.

Commissioner Julin suggested a motion in the form of a Resolution. Chairman Sias said that would delay the decision for another two weeks. Ms. Wight said if the applicant appeals, then the Town Council can prepare a Resolution.

M/S Kanis, Hayes to deny V-2286 - Tami Quan, 1615 San Anselmo Avenue, A/P 5-153-17, a 6 foot south sideyard variance, a 1 foot frontyard variance, and a 3 foot north sideyard variance to reconstruct a single family dwelling within 2 feet of the south side property line, within 19

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feet of the front property line, and within 5 feet of the north side property line, with an 18 inch roof overhang on the basis that since the granting of such variance will adversely affect the health or safety of persons residing or working in the neighborhood of the property of the applicant and will be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood and further that the Planning Commission is unable to find special circumstances associated with the variances requested for the south wall to be constructed within two feet of the property line.

All eyes. Motion unanimously passed. Audience advised of the ten day appeal period.

3. V-2274 - Calvin and Linda Ahlgren, 31 Kemp Avenue, A/P 7-171-06, a 17 foot frontyard variance and a 5 foot west sideyard variance to construct a two car carport within 3 feet of the front property line and the west side property line, with a 1 foot roof overhang.

The applicants were present.

Ms. Wight presented the staff report.

Mr. Ahlgren said that they would be willing to push the width out by two feet.

Commissioner Yarish commented that the southwest corner encroaches into the parking spaces otherwise he has no objection to the variance. Ms. Wight said that the applicant wants to keep that area for his garbage cans.

Commissioner Hayes said if the wall could be lowered then the garbage cans could still be accommodated.

The applicant said he would be willing to remove the garbage cans.

Commissioner Kanis agreed that the garbage cans should be removed and otherwise approved of this application.

Commissioner Julin was in support of the application.

Commissioner Kroot abstained.

Chairman Sias supported the removal of the interior wall.

M/S Yarish, Julin to approve V-2274 - Calvin and Linda Ahlgren, 31 Kemp Avenue, A/P 7-171-06, a 17 foot frontyard variance and a 5 foot west sideyard variance to construct a two car carport within 3 feet of the front property line and the west side property line, with a 1 foot roof overhang on the basis: 1. 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 such 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, specifically that it is routine to have an existing or new garage in the sideyard setbacks where it does not affect adversely the neighbors.; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and 3. The granting of such 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

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or injurious to property or improvements in such neighborhood specifically that the only neighbor that has commented about this variance is in support. The condition of approval is that the wall on the Southwest corner creating garbage can enclosure be eliminated or sufficiently reduced to allow adequate parking space for two cars.

Ayes: Julin, Yarish, Hayes, Kanis, Sias  
Abstain: Kroot

Motion carried. Audience advised of the ten day appeal period.

4. U-634 - Stapleton School of Dance, at Devonshire Hall at Sir Francis Drake High School, 1327 Sir Francis Drake Boulevard, A/P 5-231-17, 7-041-44, use permit for a private school in an R-1 district and initial environmental review.

Cena Bessolo, Property Manager Tamalpais Union High School District and Virginia Stapleton, Director of the Stapleton School of Dance were present.

Lisa Wight presented the staff report.

Commissioner Kroot asked if parking off of Saunders Avenue has been considered. Ms. Wight said that it was considered in determining how many parking spaces were available with access from Saunders.

Commissioner Kanis asked if other people has stated an interest in utilizing the premises.

Cena Bessolo said that an artist and nursery school have expressed an interest in also sharing the space. With regards to parking, there are 36 spaces in front and 13 spaces behind the building and a potential for 7 more. She noted that the children do not drive and therefore the parents will only be dropping the children off and not parking on site. She thought this school would be a benefit to the community.

Virginia Stapleton said that she did not want the parents to stay during classes and therefore parking would be minimal.

The Commissioners were in agreement that this was a fine use for the site.

M/S Hayes, Julin to approve the negative declaration for U-634 - Stapleton School of Dance, at Devonshire Hall at Sir Francis Drake High School, 1327 Sir Francis Drake Boulevard, A/P 5-231-17, and 7-041-44 as prepared by staff and dated 5/30/89.

All ayes. Motion unanimously passed.

M/S Hayes, Kroot, to approve U-63, Stapleton School of Dance, at Devonshire Hall at Sir Francis Drake High School, 1327 Sir Francis Drake Boulevard, A/P 5-231-17, and 7-041-44, use permit for a private school in an R-1 district on the basis that: 1. the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town, subject to the condition that the operation of the school not consume 36 total parking spaces during operation and that the operation of the school is limited to that described in this report with emphasis being placed on maintaining a noise level that is not offensive to the neighborhood.

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## Discussion:

Chairman Sais felt there should be a specific number of parking spaces associated with the school.

Commissioner Yarish said that 36 parking spaces will accommodate the entire building, and thought that four spaces would be adequate for the school.

Ms. Stapleton said she isn't sure how many spaces they currently use because they share parking with other businesses.

Ms. Wight said the motion should clearly define how many parking spaces are allocated to the dance school.

Commissioner Hayes was prepared to have his motion stand and have there be a review in six months.

Commissioner Kroot thought the parking spaces for this site would be between 6 and 10.

Chairman Sias thought the parking spaces allocated for this site would be between 5 and 10.

M/S Hayes, Kroot, to further condition this application that operation of the school be confined to a scale of no more than 8 parking spaces.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

5. V-2287 - James F. Grove IV and Janet Lyn Cleland, 1 Mono Lane, A/P 5-191-3, a 5'6" rearyard variance and a 1' east sideyard variance to construct a garage and first and second floor additions within 14'6" of the rear property line and within 7' of the east side property line, with a 1' roof overhang.

The applicants were present.

Lisa Wight presented the staff report.

Commissioner Julin asked if the property to the rear of the applicant has a second unit because the applicants are proposing windows that would face the unit. She also inquired about the metal shed on the property. Lisa Wight affirmed that 1415 Sir Francis Drake was zoned R-2 and there was a unit to the rear of the main dwelling. She added that the applicants were in the process of applying for an administrative variance for the shed.

Commissioner Yarish asked about the Town's policy for home occupations. Ms. Wight discussed the findings of home occupations.

Jim Grove explained that the reason for the width of the garage was for additional storage and a work bench on the side. He said they share the easement with his neighbor. To respond to the concerns in the staff report, he said that they felt a need for a larger bathroom and therefore a variance is necessary and that his neighbors have no objections. With regard to the sideyard variance, the 11 feet is critical to his profession to be able to set up lights. Also, the variance is necessary to retain the girth of the redwood tree. The window for the bathroom is about 5 1/2 feet high and is mainly for light, not view.

Commissioner Kroot thought the bathroom was rather high at 13' by 12' and asked why the height is necessary. Mr. Grove said it was for aesthetic value.

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Capitola Kimball, 1640 San Anselmo Avenue, was in favor of what her neighbors are proposing and they have carefully planned this addition to not have a negative impact on the neighbors or the environment.

Commissioner Hayes noted that the existing house is small and the applicants are trying to expand without touching the redwood tree. If they had to push the bathroom back to comply with the setbacks would not accomplish much. If the redwood trees was not in the present location there would be no problems in meeting the setback requirements.

Commissioner Kroot had no problem with the rear or side setbacks but still though the height of the bathroom could be reduced.

Commissioner Yarish said the rear and sideyard was fine but thought the height could be reduced between two to three feet. He thought the height is imposing in a somewhat wooded setting.

Mr. Grove noted that there were many two story homes in the area.

Commissioner Kanis had no objection to the proposed structure.

Commissioner Julin had trouble with the rearyard variance because it was imposing and not that much space with the fence dividing the property. She felt it could diminish the quality of life with the structure looming over the property. She would like to see trees separating the properties.

Mr. Grove said he would be willing to plant trees to screen.

Chairman Sias thought the design very attractive but would like to minimize this large structure in the neighborhood but would be willing to approve if trees were planted to screen and the height lowered 2' to 3'.

Janet Cleland agreed that there could be screening but the neighbor has a vegetable garden and the screening might create too much shade for him.

M/S Kroot, Hayes, to approve V-2287 - James F. Grove IV and Janet Lyn Cleland, 1 Mono Lane, A/P 5-191-34, a 5'6" rearyard variance and a 1' east sideyard variance to construct a garage and first and second floor additions within 14'6" of the rear property line and within 7' of the east side property line, with a 1' roof overhang on the basis: 1. Due to special circumstances applicable to the property, specifically the location of the heritage tree to be preserved and that the second story design would be aesthetically hurt without the variance and if the applicant built back a few feet and could go up to 35' not the 22 foot requested here; the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; specifically the particular existing house is very small and this addition will bring the house up to similar size as other houses in the neighborhood; and the granting of a 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 located; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and 3. The granting of such 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



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and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically as shown by support of the two closest neighbors and no opposition. This is based on the plans dated 2/28/89 and revised 3/22/89.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

6. V-2288 - Dan and Kathleen Hilken, 46 Forest Avenue, A/P 7-013-10, a 20 foot rearward variance and a 6 foot west sideyard variance to construct a two car parking area with retaining walls within 0 feet of the rear property line and within 2 feet of the west side property line; a 20 foot rearward variance and a 15.5 foot frontyard variance to construct first and second floor additions within 0 feet of the rear property line, with a 1 foot roof overhang (the construction of the parking area, first and second floor additions, and entry porch are proposed to encroach onto the Glen Road right of way and will necessitate the applicants enter into an encroachment agreement with the Town); a variance for the lot coverage to be 47 percent; and a third story variance for an interior stairway.

The applicants and their architect, Marshall Balfe were present.

Mr. Balfe said his clients are attempting to make this necessary changes prior to moving in to their home. They are proposing to enlarge the dwelling from 1,100 square feet to 2,100 square feet. Many of the homes in this area started out as cottages and have expanded. He has stepped the facade back from Glen Road to soften the effect and four of the five neighbors affected have endorsed the proposed plans. It is his understand that the Town would like the road widened to 12' on Glen and an additional 3' on Forest. His clients have agreed to this proposal.

Kathleen Hilken said that the house will look like one story coming down Forest even though it will be two because of the way the architect has designed it.

Jim Gibbs, 53 Forest, said the existing house is an eyesore and he was happy to see the proposed plan. He noted that although the house will be overlooking his deck there are several bay trees to screen.

Bill Nichols, 53 Creek Road, said his only reservation about the project is the width of Creek Road and Glen Road but if the applicants were proposing to widen the road to 12 feet that answered his concern. Also, he was hoping the Town would look closely at the drainage associated with this development because there is no drainage on the hill.

Commissioner Kroot thought the design was clean, simple and a tremendous improvement. He asked how much of the road was to be widened. Lisa Wight said the area fronting the property of the applicants.

Commissioner Yarish thought the design was nice but that they were crowding too much on a small lot. However, since all the neighbors were in support, he had no objection.

Commissioner Kanis was concerned about over building on such a small lot.

Commissioner Julin said the house looks bulky compared to the small site but if the neighbors were in agreement, then she could support.

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Commissioner Hayes said the area of impact is Glen Road and there is support from the neighbors. He also felt this was an improvement over what is currently there.

Chairman Sias asked what would happen if the building has to be demolished. Lisa Wight explained that the variances are only associated with the additions and if the applicants have to demolish the structure then would have to come before the Commission again for the first story because of the setbacks.

There was discussion as to whether or not the applicants want to go with what they have proposed tonight or ask for a continuance and include the first story, in the event the building has to be demolished. The applicants wanted to continue the item and be heard at a future meeting rather than have to reapply in the event more than 50% of the building is demolished.

M/S Hayes, Kroot, to refer back to the applicants for further consideration. This will be reheard on June 19, 1989.

E. APPROVAL OF MINUTES: May 1, 1989 and May 15, 1989

M/S Julin, Yarish, to approve minutes of May 1, 1989 as written.

All ayes. Motion unanimously passed.

M/S Julin, Yarish, to approve minutes of May 15, 1989 with the following amendments: page 6, paragraph one, add:..."lack of a second."; page 9, second to last paragraph, add "...Kanis asked as to.."

Ayes: Julin, Kanis, Yarish, Sias  
Abstain: Kroot Hayes

The regular meeting of the Planning Commission was adjourned at 12:50 a.m. to the next meeting of June 5, 1989.

BARBARA CHAMBERS  
ADMINISTRATIVE SECRETARY-TECHNICIAN