

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF DECEMBER 4, 1989

The regular Planning Commission meeting was convened at 8:00 p.m. on December 4, 1989, in the Council Chamber by Chairman Sias. Staff present: Lisa Wight, Planner, Dain Anderson, Assistant Director of Planning and Jayni Barker, Planning Consultant.

A. ROLL CALL

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

B. CONTINUED PUBLIC HEARING

V-2317 - Cyrus Ansari, 94 Berkeley Avenue, A/P 5-165-35, variance applications for 1) a 6 foot south sideyard variance to construct an open deck within 0 feet of the south side property line; and 2) a 5 foot rearyard variance to construct a lower platform on a previously approved car deck within 15 feet of the rear property line. Town Council referral of appeal of Planning Director's approval of a) a motorized gate to control access to the car deck located in the frontyard; b) a pedestrian gate located in the frontyard; and c) an access gate located in the sideyard.

C. PUBLIC HEARINGS

1. V-2319 - Katherine Donery, 32 Savannah Road, A/P Nos. 7-083-25 and 7-083-31, an 18 foot frontyard variance and a 3 foot rearyard variance to replace an existing roof in kind within 2 feet of the front property and 17 feet of the rear property line; and an 18 foot frontyard variance to raise a portion of the roof 12 inches in height within 2 feet of the front property line.

The applicant was present.

Dain Anderson presented the staff report.

The Planning Commission was able to make all the necessary findings for this application.

M/S Hayes, Julin, to approve Resolution No. 8905 as contained in the staff report dated for the meeting of December 4, 1989 for V-2319 - Katherine Donery, 32 Savannah Road, A/P Nos. 7-083-25 and 7-083-31. This approval is based on the drawings dated 11/17/89.

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

2. U-634 - Stapleton School of Dance, 1327 Sir Francis Drake Boulevard, A/P 5-231-17, use permit amendment to allow the dance school to expand their use into Rooms 601 and 603 and an office in Devonshire Hall on the Sir Francis Drake High School campus (current operation is limited to Rooms 602 and 604).

Cena Bessolo, Tamalpais High School District, was present to represent the applicant.

Lisa Wight presented the staff report.

Ms. Bessolo thought that this dance school would be a win-win situation for the community. The programs are dedicated to helping youth and gives the youngsters self esteem and the school district benefits by getting a small income. The staff report talks about potential parking for seven additional parking spaces, those spaces are now a reality because the foundations for the portable buildings have been removed.

Commissioner Kroot supports staff's recommendations, noting that this is an excellent use, good location, and good for the community.

Commissioner Hayes supported this use, but requested that staff maintain a master schedule of what uses are on the site and the number of spaces allocated for each use.

Commissioners' Julin, Kanis and Harle, had nothing further to add.

Chairman Sias agreed that this was a win-win situation for the community and a well laid out plan.

M/S Yarish, Julin, to approve 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, use permit amendment to allow the dance school to expand their use into Rooms 601 and 603, and an office in Devonshire Hall on the Sir Francis Drake High School campus. This approval is based on the fact that: 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; and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. This approval is with the understanding that: 1) this use

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is limited to that described in this report with emphasis being placed on maintaining a noise level that is not offensive to the neighborhood; 2) that the parking spaces in front of Devonshire Hall be dedicated to the uses of the occupants of Devonshire Hall during their hours of operation; 3) this use is not to significantly impact the traffic circulation on Sir Francis Drake Boulevard; and 4) the use permit is to be subject to a six month Planning Commission review.

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

3. U-637 - Annah McCluskey, The Sun Dancers, 1327 Sir Francis Drake Boulevard, A/P 5-231-17, environmental review and use permit to allow a dance school to operate in Room 607 of Devonshire Hall on the Sir Francis Drake High School campus. ITEM WITHDRAWN.

4. U-638 - Rick Santangelo, Image Garden Productions, 1327 Sir Francis Drake Boulevard, A/P 5-231-17, environmental review and use permit to allow a film and video production business for educational and counseling uses in Room 605 of Devonshire Hall on the Sir Francis Drake High School campus.

Cena Bessolo, Tamalpais School District, representing the applicant.

Lisa Wight presented the staff report.

Commissioner Kanis noted that the parking spaces on Saunders Avenue by the shop area should not be considered as potential parking because the spaces will be allocated for another use by the school.

Mrs. Bessolo said that this is a small operation. The applicant is planning to use this space for administrative offices and for an editing and mixing studio. The films are used as a counseling tool for students. The hours of operation are daytime, with an occasional evening use to get work done.

Commissioner Yarish thought this was a good use for the space and not in conflict with the use of the high school but questioned if the noise of the dance studio next door would impact the filming. Mrs. Bessolo said that has been addressed and if necessary they will install a false wall or insulation for noise protection.

Commissioner Kanis had no objection to the use, stating that it was directly related to education.

Commissioner Hayes had no objection to the use but wanted to ensure there was sufficient parking available. Mrs. Bessolo thought there were 14 spaces available.

Commissioners' Kroot, Julin and Harle had nothing to add.

M/S Kroot, Yarish, to approve U-638 - Rick Santangelo, Image Garden Productions, 1327 Sir Francis Drake Boulevard, A/P 5-231-17, environmental review and use permit to allow a film and video production business for educational and counseling uses in Room 605 of Devonshire Hall on the Sir Francis Drake High School campus. This approval is based on the fact that 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; and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. This approval is with the understanding that: 1) this use is limited to that described in this report with emphasis being placed on maintaining a noise level that is not offensive to the neighborhood. Further noted, that the number of persons during filming be limited to no more than 10; 2) that the parking spaces in front of Devonshire Hall be dedicated to the uses of the occupants of Devonshire Hall during their hours of operation; 3) this use is to not significantly impact the traffic circulation on Sir Francis Drake boulevard; 4) the use permit should be reviewed by the Planning Commission is six months.

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

5. C-220 - John Paletta, 705 San Anselmo Avenue, A/P 7-211-17, design review of design review amendment for an exterior building color change.

Commissioner Kroot to abstain.

Art Chartock, was present to represent the applicant.

Lisa Wight presented the staff report.

Commissioner Julin wanted to know if the applicant had paid the double fees associated with an earlier project for work being performed without the appropriate approvals. Staff affirmed that the appropriate fees had been paid.

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Mr. Chartock stated that Mr. Paletta was unaware that a specific color had been chosen prior to him purchasing the property. The color chosen by Mr. Paletta blends in with the other building in the neighborhood and is compatible with the landscaping.

Commissioner Julin did not approve of these colors, noting that she approved of the original proposal by the previous owner.

The other Commissioners had no objection to the colors proposed by the applicant.

M/S Kanis, Yarish, to approve C-220 - John Paletta, 705 San Anselmo Avenue, A/P 7-211-17, design review amendment of an exterior building color change on the basis that: 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area, specifically that the color change conforms with the adjacent buildings. This approval will not adversely affect the health and safety of persons using the improvement or endanger property located in the surrounding area or will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area. The approved exterior colors are: Roof - no change, brown composition shingles; wood siding - Chadburry (army green); wood trim - White and Witch Hunt (lighter tone of Chadburry). This approval is based on the plans dated 9/26/89.

Ayes: Hayes, Yarish, Kanis, Harle, Sias

Noes: Julin

Abstain: Kroot

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

6. V-2316 - James Ostrander, 408 Scenic Avenue, A/P 7-031-05, a 2 foot frontyard variance to construct an open deck within 12 feet of the front property line.

Hoyt Dingwall, contractor for the owner, was present.

Dain Anderson presented the staff report noting that staff was unable to make the special findings that a ten foot deck was necessary for the property owner without setting precedent.

Mr. Dingwall did not think the deck was obstructing the neighbors view and did not think it would be detrimental to the health or safety of the neighborhood. He is not certain, but assumed the owner is requesting the variance to expand the deck to utilize the maximum amount of space.

Commissioner Kanis was inclined to approve the application because the special circumstances could be that it is a hillside lot and does not impact the neighbor's view.

Commissioner Julin was unable to make the finding that the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner but would be willing to listen to her fellow Commissioners.

Commissioner Hayes felt the deck was inoffensive enough and although it would be a special circumstance, the argument could be made because of the steepness of the lot and the closeness of the house to the setbacks.

Commissioner Kroot felt the findings could be made that at the time of construction, the house was built up to the property line, therefore the special circumstances would be the location of the house on the lot.

Commissioner Yarish did not think that the two foot variance was offensive and he could make the special findings because of the steepness of the lot, the house being at the edge of the property, and the proposed deck is not in close proximity to other structures, nor likely to be an obstruction in the future.

Commissioner Harle said that two feet can really make a difference on a deck, but if the deck was eight feet, the applicant would still have a deck and a variance would not be required. Unfortunately, the applicant is not present to express his desire as to why the variance is necessary and therefore he could not speculate what the special circumstances were in the absence of the owner.

Commissioner Kanis added that an eight foot wide deck does not allow for as much entertaining as a ten foot deck but agreed with the comments of Commissioner Harle that the applicant was not present to explain why the additional two feet is necessary.

Chairman Sias agreed that the special circumstances for approval of the variance might be that a ten foot deck would be more comfortable for outdoor entertaining and the deck would not be imposing to the neighbors, and is exclusive to this property because of the shape of the lot. However, as duly noted by Commissioner Harle, the applicant is not present to explain why the additional two feet is necessary. Therefore he could not approve.

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There was a discussion as to whether or not this motion should be in a form of a resolution. Mr. Anderson felt the approval should be embodied in a resolution, noting that each time a variance is approved, it must be documented for clarity in the event of litigation. The Consensus of the Commission was to move forward tonight with a motion and have staff prepare a resolution that embodies the comments of the motion. In addition, Commissioner Hayes wanted to discuss the matter of preparing resolutions for each application at the end of the meeting.

M/S Yarish, Kroot, to approve V-2316 - James Ostrander, 408 Scenic Avenue, A/P 7-031-05, a 2 foot frontyard variance to construct an open deck within 12 feet of the front property line on the basis that: 1. Due to special circumstances applicable to the property, specifically the large lot and steepness of the lot with the house being close to the front of the property line and therefore the available space for the deck is limited and the deck size requested is an adequate space for seating, 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 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 situated, specifically that the neighborhood is not all dense with other homes and there are no buildings across the street, therefore the deck will be of minimal impact on the neighborhood. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that other homes in the neighborhood have decks; and 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, specifically that this deck is well above the adjacent street and there has been no adverse comments from the neighborhood.

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

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

7. PP-15 - Steven Harnsberger, 49 Cedar Street, AP 7-222-44, applications for: 1) rezoning of the lower portion of the property from R-2 (Two Family Residential) to PPD R-3 (Preliminary Planned Development with a presumptive use of Multiple Family Residential), and 2) rezoning of the upper portion of the property from R-2 (Two Family Residential) to R-1 (Single Family Residential); 3) a two-lot parcel split; and 4) the initial environmental review.

Mr. Harnsberger and his architect, Dan Goltz, were present.

Jayni Barker, Planning Consultant, presented the staff report stating that the maximum number of units could be six, with one on the existing lot and 5 proposed for lot two. Staff however, is recommending a maximum of three for lot two.

Mr. Harnsberger said he purchased the property in 1985 and shortly after the purchase there was a large landslide. He has spent thousands of dollars making the site stable. He is trying to present a reasonable proposal to the Town and is hopping for approval for the rezoning of the parcel.

Kent Seymour, 247 Crescent Road, would like to think he is a good neighbor but he wonders if the applicant is talking about profits rather than enjoyment of the property rights. He believes the applicant is asking for substantial variances which will change the neighborhood. He hopes that during the process of development there will be geology and soils studies because of the slides that have occurred on the site.

David Gladysz, 47 Cedar, felt that any rezoning of the property would lower the value of his property and would substantially change the character of the neighborhood. Any development will limit his view and will take away from the already limited on-street parking.

Sandy White, 196 Tunstead, had no objection to the proposed lot split providing the zoning stayed at R-2 for the new parcel. That would enable the Harnsbergers to get a return on their investment. She was opposed to a change to R-3 which could mean that the future owners of the property could put up a building with as many as eight units.

Cecelia Dubois, 77 Tamalpais, said the rezoning will create additional noise and traffic and was opposed to any rezoning.

Lou Champion, San Anselmo, submitted his concerns in writing to the Planning Commission, and suggests the Commission put a cap on the number of units. His concerns are the added traffic on the connecting streets, the added noise level in the neighborhood and the added parking requirements.

Dave Ellison, 81 Magnolia, objects to the potential of eight units because of the noise and additional parking requirements. He feels the neighborhood should be preserved. He does not object to a lesser number of units but feels that the maximum number needs to be specified.

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Dan Goltz, said that lot 2 is perfect for a PPD - Multi unit zone as specified in the General Plan because of the unusual shape of the lot. The proposal by Mr. Harnsberger is consistent with the neighborhood and not considered spot zoning. The total density for the property is approximately 5 houses, and there is already once-existing. The parcel will accommodate approximately 5 cars on the lot within the setbacks and therefore the maximum number of homes will probably be only 2 to 3.

Sandy White wondered if lot 2 could be zoned PPD R-2.

Commissioner Julin agreed that lot 1 should be R-1 and felt the PPD R-2, with a maximum of two dwelling units, was appropriate for lot 2.

Commissioner Hayes said that by looking at the total lot and square footage, the maximum number available would be from three to six units, minus the existing dwelling. Two to three units would be acceptable for density in the General Plan for lot 2 although he was more inclined to think that two units would be more suitable.

Commissioner Kroot thought a transition zone would be SPD, with a maximum of two or three units on lot 2.

Commissioner Yarish agreed that two to three units are the maximum on the lot and should like it to be zoned SPD.

Commissioner Harle supported PPD R-2 because that is in keeping with the appropriate amount of development in the area.

Commissioner Kanis thought PPD R-2 was the appropriate zoning for parcel 2.

Chairman Sias agreed PPD R-2 is the appropriate zoning as it puts a cap on the lot and represents the compromises to provide houses but does not over burden the area with traffic.

Mr. Harnsberger said that although he did not apply for PPD R-2 he would be willing to compromise. He would be willing to accept PPD R-3.

Commissioner Harle could be persuaded to have a three unit maximum on lot two, noting that the final determination can be made later.

Chairman Sias did not believe more than two units could be on lot 2, noting that it is a steep slope, close to downtown and parking is already a problem in the problem.

M/S Hayes, Kanis, to recommend acceptance of the Environmental Review Checklist, date submitted November 6, 1989, for Steven K. Harnsberger, 49 Cedar Street, with the following amendments: 1b, 3b, 14a be changed from "yes" to "maybe".

All ayes. Motion unanimously passed.

M/S Julin, Harle, to approve the Tentative Map as shown on the map updated 10/16/89 and contingent upon the Town Council's approval of the Rezoning application.

All ayes. Motion unanimously passed.

M/S Harle, Kroot, to recommend to the Town Council rezoning of this property as follows: Lot 1 to SPD R-1; Lot 2 to PPD Multi Unit-Maximum 3.

Ayes: Hayes, Kroot, Harle Yarish

Noes: Kanis, Julin, Sias

Motion carried.

Commissioner Hayes said that while he voted approval; he was skeptical of a successful design that will get his vote for three units on lot 2.

8. V-2318 - David and Christine Anderson, 24 Forest Avenue, A/P 7-013-44, a 19 foot frontyard variance to construct a carport within 1 foot of the front property line, with a 1' roof overhang; and 20 foot frontyard variance for an open parking deck adjacent to the carport to be within 0 feet of the front property line; a 12 foot frontyard variance to construct open stairs within 2 feet of the front property line; and a 13 foot frontyard variance to construct a workshop, office and bathroom below the proposed carport within 7 feet of the front property line.

The applicants were present.

Dain Anderson presented the staff report.

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David Anderson stated that there are covered carports at 102, 110 and 124 Forest Avenue, Fairfax, and therefore they are not setting precedent. He said the proposal will enhance the neighborhood and necessary to protect their cars from the needles of the overhead trees. He was also hoping to use a portion of the area for woodworking. Mrs. Anderson said that their car has been damaged in the past by limbs falling from the trees.

Commissioner's Hayes and Harle supported the application.

Commissioner Kroot supported the variance for the reasons suggested by the applicants.

Commissioner Yarish, supported the variances for the safety and protection of the applicant's vehicle.

Commissioner Kanis spoke with the neighbors and they supported the covered car deck.

Commissioner Julin felt the variance was necessary for the preservation of the car.

Chairman Sias had nothing to add.

M/S Hayes, Yarish, adoption of Resolution No. 8906, attached to the Staff Report for Variance 2318, with the following modifications: Section 2, Sec 10.3.2101 (a) second paragraph, delete "...except as it applies to the covering of the car deck. In the case of the covering of the car deck, the San Anselmo Municipal Code does not require the covering of on-site parking spaces for single family detached residential units within the R-1 Zoning District, and the physical attributes of the property do not impose conditions or other factors which could be construed to require the covering of the car deck. Therefore, the Planning Commission finds that granting the variance for the covering of the car deck would constitute a grant of special privilege." Sec 10.3.2101 (b) first paragraph, delete "...except as it applies to the covering of the car deck. With respect to the covering of the car deck the applicant does not currently have a covered car deck, nor is the covering of car decks or any required on-site parking space within the R-1 Zoning District, required by the San Anselmo Municipal Code. The applicant has not demonstrated compelling reasons to justify or warrant the covering of the car deck. Therefore, the Planning Commission finds that the granting of the variance as it applies to the covering of the car deck is not necessary for the preservation and enjoyment of substantial property rights of the petitioner." Page 3, Sec 10.3.2101 (c) paragraph 3, delete "...except as it applies to the covering of the car deck. Minimum front yard setback standards have been established through adoption of the San Anselmo Municipal Code as the minimum necessary to promote and protect the public health, safety, peace, morals, comfort, convenience, and welfare of the community. The granting of a variance, absent unique physical attributes of the property and compelling reasons to provide for a covering of a car deck within the established front yard setback standards may materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and may be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. Therefore, the Planning commission finds that the variance, as it applies to the covering of the car deck, may materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and may be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood." Section 3, delete "...uncovered..." and insert "...covered..." Page 3, Section 3, last paragraph, delete "...except for the covering of the car deck..." This approval is based on the drawings submitted November 8, 1989.

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

C. WORKSHOP ITEMS

1. Steve Zamlich, 121 Humboldt Avenue, A/P 7-033-03, review of landscaping condition.

Staff explained that the applicant was directed to plant some bay trees as a condition of variance approval. The applicant was not able to buy bay trees and worked with Sunnyside Nursery to obtain grafts from their large bay tree at their growing grounds. These grafts have been planted in the locations marked on the drawing. pSince then Mr. Zamlich has given the Town a bond to cover planting any larger trees the Commission may require if the Commission feels the landscaping is not adequate.

The consensus of the Commission was to postpone this to a future public hearing in order to give the Commission adequate time to visit the site.

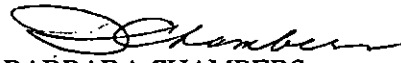
2. Ben O'Hare, Redwood Road, A/P Nos. 7-097-02, 7-097-04, 7-141-04, review of scope of mitigated Negative Declaration for preliminary planned development.

Staff asked for clarificaton of the Planning Commission's direction with respect to the Environmental Checklist.

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- D. APPROVAL OF MINUTES; November 20, 1989 - CONTINUED
- E. ADJOURNMENT

The regular Planning Commission was adjourned at 12:50 to the next regular meeting on December 18, 1989.



BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY-TECHNICIAN