

TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF JANUARY 8, 1990

The Planning Commission meeting was convened at 8:00 p.m. in the Council Chamber by Chairman Yarish. Staff present: Lisa Wight, Planner; Dain Anderson, Assistant Director of Planning; Lisa Newman, Planning Consultant.

A. ROLL CALL

Commissioners present: Kanis, Hayes, Julin, Yarish

Commissioners absent: Sias, Harle, Kroot

B. WITHDRAWN APPLICATION

U-639/V-2323 - Theodore Janko, Ted's - 218 Sir Francis Drake Boulevard, A/P 6-252-03, a use permit and parking variance to permit the establishment to expand to the adjacent building to provide a game area (games to include video, dartboard, backgammon, shuffleboard, and similar games).

C. PUBLIC HEARINGS CONTINUED TO FUTURE MEETINGS

1. PP-14/V-2315 - James Helfrich, between 444 and 500 The Alameda, San Anselmo jurisdiction A/P Nos. 5-043-16, 5-043-22, 5-043-31, and County of Marin jurisdiction A/P Nos. 177-133-13 and 177-220-54, preliminary plan review, variance to construct a driveway over subject properties, and the initial expanded environmental study for the development of 4 single family dwellings - CONTINUED TO JANUARY 22, 1990.

2. V-2321 - Blain and Karen Beckmann, 7 Millbrae Avenue, A/P 6-112-12, a 19 foot rearyard variance to construct a two car garage within 1 foot of the rear property line - CONTINUED TO FEBRUARY 5, 1990.

3. V-9002 - Gary Palmer, 173 The Alameda, A/P 5-101-25 - variance applications for 1) a 2' frontyard variance and a 5' south sideyard variance to construct a carport within 18' of the front property line and within 3' of the south side property line; and 2) a 4' south sideyard variance to construct a living additional within 4' of the south side property line with an 18" roof overhang - CONTINUED TO JANUARY 22, 1990.

D. PUBLIC HEARINGS

1. V-2278 - Steve Zamlich, 121 Humboldt Avenue, A/P 7-033-03, review of landscaping condition.

The applicant was not present.

Ms. Wight presented the staff report.

Commissioner Hayes said the original intent was to provide screening in the front of the dwelling and although the applicant has tried to accomplish this, the bays do not provide the adequate screening.

Commissioner Julin felt that the applicant has done all possible to satisfy his commitment to plant bay trees as directed by the Planning Commission and therefore she felt the bays in poor shape should be removed and replaced with larger trees and those in good shape should remain. However, she would go along with Commissioner Hayes if he felt strongly about planting two new trees.

Commissioner Kanis commended the applicant in trying to satisfy the neighbors but he felt it would be better to replace the bay trees with larger trees that will appropriately screen.

Chairman Yarish felt the applicant should plant rapidly growing trees that would provide adequate screening. He would like to have staff negotiate with the applicant the appropriate type of trees to plant.

M/S Hayes, Julin, to amend A/P 7-33-03, review of landscaping condition of said variance to require that the two required bay trees on the south west corner of the lot be replaced with alternative trees that provide for as rapid screening of the property as is possible with the judgement of the appropriate trees delegated to staff to use their discretion.

All ayes. Motion unanimously passed.

2. V-9001 - Mark Jansheski, 71 Camino de Herrera, A/P 5-031-30, variance applications for 1) a 10'6" rearyard variance to construct a garage within 9'6" of the property line; 2) a 12'6" rearyard variance to construct a roof overhang on the garage within 5'6" of the rear property line; and 3) a 1.5' frontyard variance to construct an open deck within 4.5' of the front property line.

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The applicants were present.

Mr. Anderson presented the staff report and noted that he received a letter of support today from the neighbor at 111 Camino de Herrera.

The Commisisoners were able to make the appropriate findings for approval.

M/S Kanis, Julin, to approve V-9001 - Mark Jansheski, 71 Camino de Herrera, A/P 5-031-30, variance applications for 1) a 10'6" rearyard variance to construct a garage within 9'6" of the property line; 2) a 12'6" rearyard variance to construct a roof overhang on the garage within 5'6" of the rear property line; and 3) a 1.5' frontyard variance to construct an open deck within 4.5' of the front property line on the basis: 1. Due to the special circumstances applicable to the property, specifically the irregular shape of the lot, 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 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; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property right 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 have be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. This is based on the drawings dated 10/15/89.

All ayes. Motion unanimously passed. The audience was advised of the ten day appeal period.

3. V-9003 - Charles and Deborah Wexler, 40 Woodside Drive, A/P 5-262-11, a 9'6" rearyard variance to construct a living addition below an existing deck within 10'6" of the rear property line.

The applicants were present.

Mr. Anderson presented the staff report, adding that the parcel is zoned R-1C not R-1 as stated in the staff report.

The Commission was able to make the necessary findings for approval.

M/S Hayes, Kanis, to approve V-9003 - Charles and Deborah Wexler, 40 Woodside Drive, A/P 5-262-11, a 9'6" rearyard variance to construct a living addition below an existing deck with 10'6" of the rear property line on the basis: 1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, specifically the proximity of the living structure to the rear property line and the shape of the lot; 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; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; 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 submitted December 13, 1989.

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

E. PLANNING APPLICATION

V-2317 - Cyrus Ansari, 94 Berkeley Avenue, A/P 5-165-35, resolution for variance applications for 1) a 6' south sideyard variance to construct an open deck within 0 feet of the south side property line; and 2) a height variance for a fence (located on the south side property line and the southerly portion of the rear property line adjacent to No. 98) to be up to 8 feet in height; and 3) 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 1) a motorized gate to control access to the car deck located in the frontyard; 2) a pedestrian gate located in the frontyard; and 3) an access gate located in the sideyard.

Mr. Ansari and his attorney, Neil Bloomfield, were present.

Ms. Wight presented the staff report, noting that the Planning Commission at their last meeting directed staff to prepare a resolution that encompassed the thoughts of the Commission. She said that letters were received tonight by various neighbors and she responded to them as follows:

Russell and Marlene Kawahata, 84 Berkeley Avenue

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1) Survey performed by Grippe and Associates not being completed - Staff contacted Grippe and Associates and was informed that there is a stamped survey; 2) Comments of the Planning Commission were that the south side open deck addition was not to be approved - Staff understood that the consensus of the Commission was to approve this. 3) Fence height exceeding six feet on all of the borders - Staff addressed this at a subsequent meeting that the intent of the code is to keep a fence even and that the average height is not to exceed six feet even though it may exceed it at some time; 4) Lower platform needing a permit - Staff does not require a permit for a deck constructed two feet or lower however a permit is required in this case because a portion of the deck does exceed two feet; 5) Motorized gates on parking deck allowing for only two vehicles when closed, and comments relating to the motor - The applicant would still be able to handle four cars if the gates were left open and the applicant is not required to have four car parking at all times. The gate opens to the left, (the right hand side of the gate opens manually) the motor is also on the left hand side. Staff contacted the gate operation company and although there are no specifications on the amount of noise, they stated it would be minimal, with the gate taking approximately five seconds to open; 6) Comments of the Planning Commission were not to exceed four feet and this was not included in the resolution - Staff must note that this is only related to safety and the Commission does not have to make the same findings as for a variance.

Jean Whelan, 90 Berkeley Avenue

1) Accuracy and validity of survey - Staff has already responded to this question; 2) Lower access gate - Staff has already responded to this question.

Marie Hoch, 51 Sunview Avenue

1) Lower access gate being no wider than 4 feet - Staff has already responded to this question.

Mr. Blumfield stated that his client has a stamped "approved" set of plans showing the lower deck as approved by the Building Department. It is unfortunate that staff may have issued the original permit without Planning Commission approval for the variance however, the approved stamped plans is a vested right, and to now deny the attempt to regularize it, especially when other carports that do not have already stamped approved plans are allowed such a lower deck, is unfair. Therefore he felt the appropriate findings can and should be made. With regard to the lower access gate, he felt it is a matter of right. There are no safety issues presented by staff, or by the application. The only option for the Commission would be to approve or deny the proposal. The owner has a complete right to leave it unfenced, and to cross it with vehicles to work on his lower yard. His client will have to cross it to do some of the retaining walls requested by staff. If his client cannot have an unconditional gate, normally an automatic right, he will simply take the fence down when he needs to cross. Further, if the Commission places conditions on the access gate, his client will withdraw that section of his application.

Ms. Wight explained that the job copy of the approved set of drawings showing the lower deck was not removed however the office copy crossed them out.

Chairman Yarish reopened the public hearing but requested that comments be brief.

Russell Kawahata, 84 Berkeley, said most homes do not have a 9 foot access gate and it is not uncommon for people have to remove fences to access their property with heavy equipment. The lower deck was red tagged by the Building Inspector and yet Mr. Ansari continued to build.

Marlene Kawahata, 84 Berkeley, said Mr. Ansari was aware that he was not supposed to continue building the lower deck and was given two stop work orders by the Building Inspector. She did not feel the nine foot access gate should be allowed because it creates a safety problem because of the curved road. She did not understand why there was a need for a locked gate. Also, it was her understanding that the Commission did not want to allow the gate on the parking deck if it would decrease parking.

Commissioner Hayes stated Exhibit C shows the gate posts exceeding six feet and would like to make sure that is changed to reflect a height not to exceed six feet. Motorized gate - had no objections to a motorized gate except that when closed, the gate will reduce the amount of parking from four cars to two. Access gate - would not like to see it used as a parking area now or in the future because that would cause overdevelopment of the site. There was a discussion about the access being no larger than four feet but if the intent is not for parking he was inclined to go ahead with staff's wording in the resolution. Lower platform - opposed to this because of the looming structure.

Commissioner Julin, agreed with items 2, 3, 4, 5, and 6 of the resolution attached staff report, amending paragraph 2 as follows: "...including the posts." This denial...". She is unable to make the findings in paragraph 1 relating to the south sideyard deck.

Commissioner Kanis made the following comments: Lower platform - would be able to make the necessary findings if the area will be used for storage. He felt that other homes in the area have

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enjoyed the similar type of situation. South side yard variance for a deck, motorized gate, and pedestrian gate - could approve.

Chairman Yarish echoed the comments of Commissioner Hayes.

Commissioner Hayes noted that a portion of Item 1 of the resolution should be deleted as follows: ".the nto the minimum required setbacks so 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."

Ms. Wight noted that although the resolution includes information relating to Town Council Resolution 3091, staff does not now feel it is necessary to include. Specifically, staff is referring to the second to the last paragraph in the resolution.

The consensus of the Commission was to delete wording as suggested by staff.

There was further discussion about the south sideyard deck. Commissioner Hayes stated that it was pretty inoffensive and there is already a deck there. He said there is a 3 to 4 foot space from the existing deck to the fence and if the applicant is not granted that extension, he will have to install a railing. Also, the proposed addition will not be very visible from other properties because it is on the side of the house.

Commissioner Julin thought she could be persuaded to approve the south sideyard variance based on the comments of Commissioner Hayes.

M/S Julin, Hayes, to adopt Resolution 9001 as amended this evening.

Ayes: Hayes, Julin, Yarish

Noes: Kanis

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

Commissioner Kanis wanted it noted for the record that the reason he voted "No" pertains to Item 3 of the resolution with respect to a variance to construct a lower car deck. His belief that denial of the variance as specified in the resolution is contrary to his analysis that granting of variances will not affect the public welfare or injurious to property or improvements in such neighborhood. There are other properties in the area with decks constructed below the car deck that affect the neighbors but have been approved. Beyond this reason for voting no, he was in concurrences with all the other portions of the resolution including the amendments.

F. PUBLIC HEARINGS (continued from Item D above)

1. AR-9001 - Philip and Barbara Tamarkin, 170 Oak Springs Drive, A/P 5-011-66, architectural review of a proposed single family dwelling on property zoned R-1 H (Hillside Density District).

The applicants were present.

Lisa Newman, Planning Consultant, presented the staff report.

Commissioner Kanis felt that the proposed dwelling is situated quite a way back on the lot and in fact, on the highest point on the ridge. He would like to see the dwelling moved closer to the street just as other homes on Oak Springs are situated. He was told by the Open Space Committee that at the time this parcel was to be developed, the owners would be sensitive to the placement of the dwelling on the lot and would build as low a profile house as possible.

Mr. Tamarkin said the exterior color has been changed to a buff to brown color. The reason the proposed dwelling is back from the street is to allow privacy for the neighbors at 174 Oak Springs. He added that the highest point of Kite Hill is 739 feet and the proposed dwelling is 705 feet.

Commissioner Kanis did not object to the darker colors proposed or the landscaping plan but felt strongly about the house being moved closer to the street.

Commissioner Julin was in support of the application and felt this was the best plan for the site. If the dwelling was brought closer to the street it would be imposing and too close to the dwelling at 174 Oak Springs. She would propose wood siding and the stucco to be a darker color than what is proposed. She had no objection to the landscaping plan.

Commissioner Hayes acknowledged that this lot is legal but was upset about the fact that the open space is being surrounded by homes. He objected to the house being built on the ridge because it will break up the ridge zone. He would like to see an attempt to bring the house down closer to the street even though it might look bulky. He would like information relating to this. In addition, he felt the proposed dwelling was too large and bulky. He is not prepared to support the design at this time.

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Chairman Yarish noted that there was a public easement that runs between 168 and 170 Oak Springs. He felt if the house was moved closer to the street this might discourage the use of the easement to access open space. The roof design falls within the definition of low profile. He would like to see increased screening on the west side, perhaps tall, fast growing trees that would help to screen the house from the ridge top. With respect to design review, he would like to see a darker color used for the stucco.

Mr. Tamarkin said he hired Mr. Kroot as his Architect because he would use great sensativity. They have spent ten months trying to design a house that would be appropriate for the lot. They rejected a flat roof because it looked ugly. There has been no negative support from the neighborhood. With regard to open space, he has talked with the Open Space Committee to get signs up to show access to open space but nothing has been done to date. He has no objection to the open space behind his property but is unhappy about the vandalism that takes place on the site. He no longer walks his dog on the open space because there is so much broken glass. With regard to the landscape, the soil is poor, grass on rock, combined with heavy winds and deer make it difficult to create a wooded hillside. He felt the size of the proposed dwelling was moderate in size by today's standards.

In summary, Commissioner Kanis would like to see a different site for the house closer to the street, and is unable to make a decision on landscaping until the house is reconfigured. Commissioner Hayes would like to see alternatives and reasons why the proposed site is the best and he would like to see the size of the house reduced. Chairman Yarish wanted to see a color chart of the new exterior colors and revised landscaping plans that show more screening. Commissioner Julin wanted to see darker colors used on the exterior.

M/S Hayes, Julin, to continue AR-9001 - Phillip and Barbara Tamarkin, 170 Oak Springs Drive, A/P 5-011-66, architectural review of a proposed single family dwelling on property zoned R-1 H to the meeting of February 5, 1990.

Motion unanimously passed.

2. Z-9001/U-9001 - San Francisco Theological Seminary, between Richmond Road and Kensington Road, A/P Nos. 7-291-01 and 7-292-03, rezoning from R-1 (Single Family Residential) to SPD (Specific Planned Development); use permit to relocate existing activities on the Seminary's property; and the initial environmental review.

Randy Taylor, President of the San Francisco Theological Seminary; Tim Wilson and Brian Grunwald, Architects from HGHB Architecture, Planning, and Urban Design; and Ken Corr, Sr. Building Maintenance Supervisor for the Seminary were present.

Lisa Newman presented the staff report.

Mr. Taylor stated that the Seminary primarily is seeking this rezoning and use permit in order to renovate unsound buildings and make other buildings more functional. Beyond the immediate need to reorganize and renovate buildings, the Seminary Administration has a 20 year Master Plan to identify proposed improvements. The Master Plan does not call for an increase in the future intensity of the campus useage.

Commissioner Yarish asked what the proposed change in use for the property at 138 Bolinas. Mr. Taylor explained that currently the building is a facility family house and the intent is to convert it to a retreat center.

Dennis Runyan, 45 Belle Avenue, was concerned about the potential increase in the number of vehicles near Richmond Road and Belle Avenue associated with changing the housing from singles to married couples.

Ken Corr Sr., said there will not be an increase in the number of students, just a rearrangement of the current design.

Mr. Taylor further explained that the Master Plan takes into account the shift toward a greater percentage of married students by proposing to increase the number of student housing units with two and three bedrooms to accomodate the married couples.

Jeff Kaufman, Bolinas Avenue, was concerned that the change in use for the property at 138 Bolinas would increase both vehicular and foot traffic as well as noise in the area. He also inquired whether or not this was a temporary change due to seismic retrofitting or permanent.

Mr. Taylor said he was sympathetic to all comments by the neighbors and will do all that is possible to divert the students away from Bolinas Avenue. Students will be instructed that activities will be contained on the campus. The proposal before the Commission is for a 20 year Master Plan of the Seminary and therefore the change will be for at least that amount of time.

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Anne McCormack, 77 Kensington Road, wondered if buildings will be vacant at the end of 20 years.

Helene Robertson, 38 Austin, wanted to know if the houses on the outskirts of the Seminary will be rezoned or left as single family dwellings.

Dennis Runyan wondered how the outside of the buildings might change due to the interior uses being changed.

Mark Warner, 21 Waverly, thought the Seminary was a wonderful neighbor but suggested that Baird Hall be repainted something other than white.

Lee Pollard, 41 Sunnyside, congratulated the Seminary on their efforts for the proposed Master Plan. His concern was that the single family residences on the perimeter of the Seminary remain single family residences in the future. He had no problem with the proposed parking.

Commissioner Kanis thought that rezoning made sense and was quite appropriate. This change might afford the opportunity to draw together a more uniform appearance to some of the single family residences, specifically the exterior colors. He would like to see more specific comments on the design changes as staff has recommended.

Commissioner Hayes wanted to make sure that the redistributing of people was not going to cause an undue hardship on parking in one concentrated area.

Brian Grunwald noted that they have done a thorough research and analysis of parking which is provided in the Master Plan Report.

Commissioner Hayes would like some additional discussion of parking for each use and times of use. He also would like to see a projection on what the parking situation would look like after Phase 1.

Commissioner Julin complimented the Seminary on their sound planning process.

Chairman Yarish was interested in further discussion relating to the change in use, particularly 138 Bolinas.

M/S Hayes, Julin, to continue Z-9001/U-9001 - San Francisco Theological Seminary, between Richmond Road and Kensington Road, A/P Nos. 7-291-01 and 7-292-03, rezoning from R-1 (Single Family Residential) to SPD (Specific Planned Development); use permit to relocate existing activities on the Seminary's property; and the initial environmental review to the meeting of January 22, 1990 for the applicant to prepare additional information as stated the Planning Commission at tonight's meeting.

Motion unanimously passed.

G. APPROVAL OF MINUTES: December 4 and 18, 1989.

M/S Julin, Kanis, to approve minutes of December 4, 1989 with the following amendments: Page 5, paragraph three, add "...PPD R-2, with a maximum of two dwelling units.."; page 5, delete paragraph 13.

Ayes: Hayes, Yarish, Kanis, Julin

M/S Julin, Kanis, to approve the minutes of December 18, 1989 with the following amendments: Page 2, paragraph 12, delete, "...however he agrees that on-street parking is clearly inadequate and congested." Add "Although he agrees that on-street parking is congested there is adequate on-street parking".

Ayes: Hayes, Kanis, Julin, Yarish

H. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Living Foods will be heard at the meeting of January 9, 1989.

I. ADJOURNMENT

The meeting was adjourned at 12:45 a.m. to the special meeting on January 22, 1990.

Barbara Chambers
Administrative Secretary-Technician