

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF OCTOBER 2, 1989

The regular meeting of the Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Sias. Staff present: Lisa Wight.

A. ROLL CALL

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

B. PUBLIC HEARINGS

1. Proposed Amendment to Zoning Ordinance to require all applications for development and building to conform to the requirements of the General Plan prior to acceptance, processing and issuance. This ordinance also provides a mechanism for allowing exceptions from this requirement, providing certain findings can be made - CONTINUED TO OCTOBER 16, 1989.

2. U-633 - Lenny Lerner, 1535 Sir Francis Drake Boulevard, A/P 5-153-01, review of current proposal for two canopies on the west side of the building. CONTINUED TO OCTOBER 16, 1989.

3. V-2300 - John Paletta, 903 San Anselmo Avenue, A/P 7-114-11, a 1'3" height variance for a sideyard fence to be up to 7'3" above grade - AFTER THE FACT.

Commissioner Kroot stepped down from this application.

Art Chartock, architect, present.

Lisa Wight presented the staff report, noting that staff also checked the deck as requested by the Commission at a previous meeting, and said it does not require a variance.

Commissioner Yarish wanted to make sure that double fees were charged because of the work being done without permits.

Commissioner Julin said that part of the fence facing the neighbor is the back part and wondered if that was acceptable.

Ms. Wight noted that the back part of the fence is facing the neighbor's driveway.

Mr. Chartock said the owner would like to keep the fence for privacy for the second story apartment and for the adjacent small yard and the next door neighbor has given a letter of support.

Commissioner Hayes thought it seemed counter productive to have the fence cut down to six feet.

Commissioner Yarish was not really opposed to the fence but was not sympathetic to the owner for doing the work without permits.

Commissioner Harle had no objection to the fence.

Commissioner Kanis had no objection and the neighbor has provided a letter of support.

Commissioner Julin wanted to see all the good boards facing out to San Anselmo Avenue. -

Chairman Sias said that the two neighbors had no objection to the height of the fence and it does seem unfair to ask that the fence be cut back to six feet but he did object to the fence being constructed without authorization.

M/S Harle, Julin, to approve V-2300 - John Paletta, 903 San Anselmo Avenue, A/P 7-114-11, a 1'3" height variance for a fence to be up to 7'3" above grade 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 the small yard which serves both apartments as traffic control for getting to building, to the garage and the water heater; and the usefulness of having a fence that height would be to provide privacy between the two properties; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; specifically to provide privacy between the two properties; 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 8/10/89, revised 9/5/89 and further revised 9/19/89.

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

4. Z-247 - Jack and Karen Doherty and Henry N. Battjes, 46 Mariposa Avenue, A/P 7-284-29, rezoning from Specific Planned Development for 12 low income elderly persons to Specific Planned Development for a residential care facility for 24 elderly persons, and the initial environmental review.

Commissioner Kroot stepped down.

The applicants were present.

Lisa Wight presented the staff report.

Henry Battjes said they also own the Golden Years residential care facility in San Anselmo and they have been getting approximately three requests per week from interested individuals to move in. He feels the rates are moderate, the food is good, they are going to be doing approximately \$250,000 in remodeling and they will be on-site owners. Elderly people love to work in the garden and therefore he would like to see the rose garden remain rather than use part of the space for parking. He did not feel parking would be a problem because none of the residents will have vehicles, and it currently isn't a problem at Golden Years. Generally, the residents are taken off site so visitors do not park for an extended length of time. If however, parking does become an issue in the future, they would be willing to do whatever was necessary to accommodate the parking.

Mr. Doherty said the average increase for Golden Years residential care facility has been approximately \$25 per month per year which is considered low in Marin. He said they do not object to having two units that are held at a moderate price level. With regard to parking, two of his staff use public transportation and two drive. If necessary he would make parking arrangements off site.

Commissioner Yarish said this will be a great benefit to the community and supports this application with the understanding that there will be two units held at a moderate price level. He also felt that the tenants would be much better served having a rose garden instead of additional on site parking. As a precaution, there should be a six month review to see if parking is satisfactory. He would like to see the landscaping maintained because of the importance to the tenants.

Commissioner Harle concurred with Commissioner Yarish, and added that this is a highly desirable facility. He does not feel parking would be an issue here because it isn't at Golden Years.

Commissioner Kanis concurred with his colleagues, noting that the garden is extremely important for elderly people and if parking does become a problem in the future the owners will look off site to accommodate the vehicles.

Commissioner Julin thought this a very good use of the property and agreed that the landscaping would be important to the residents. She concurred with a six month review from the time of occupancy for parking and also noted that the sidewalk should be repaired because it is a safety hazard.

Mr. Doherty said the sidewalk will be repaired prior to occupancy.

Commissioner Hayes concurred with the comments of his colleagues and noted that usually the residents are picked up and dropped off and the visitors do not stay. Even if ample parking was provided visitors would park on Mariposa and go in the front door. With regard to low and moderate income he advised staff of an individual who has a current list of facilities and rents in the County and thought information could be obtained prior to the next meeting as to what rents would be considered moderate.

Chairman Sias agreed with the comments of his colleagues.

M/S Hayes, Harle, to approve the Negative Declaration for Jack and Karen Doherty and Henry N. Battjes, 46 Mariposa Avenue, A/P 7-284-29, rezoning from Specific Planned Development for 12 low income elderly persons to Specific Planned Development for a residential care facility for 24 elderly persons as prepared by staff dated 9/25/89 and modified as follows: That the explanation to item 13B be changed as follows: Because of the uncertainty as to the parking demands provisions will be required for a six month review. Also, comments on the first page of the Notice of Negative Declaration be modified accordingly.

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

M/S Hayes, Harle, to refer to the Town Council Z-247 - Jack and Karen Doherty and Henry N. Battjes, 46 Mariposa Avenue, A/P 7-284-29, rezoning from Specific Planned Development for 12 low income elderly persons to Specific Planned Development for a residential care facility for 24 elderly

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persons on the grounds that 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 and this is consistent with the Town General Plan. This is based on the drawings dated June 1989.

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

Motion carried. This is to be heard at the October 10 Town Council meeting.

6. Th. F. Posthuma, 379 Oak Avenue, A/P 7-241-61 - appeal of Planning Director's interpretation of the San Anselmo Municipal Code Zoning Ordinance pertaining to the erection of accessory structures. Taken out of order.

The applicant was present.

Ms. Wight presented the staff report noting that staff received a letter of support from the owner of 555 Oak Avenue, supporting the applicant.

Ted Posthuma said he wanted to preserve the art deco house that is currently on the property and use it as an extension of the new proposed house. He has no intention of using it as a second unit or for commercial use and is willing to sign a deed restriction. In 1987 he applied for a driveway permit and the driveway has been completed. He is hoping that this driveway will be the access to his new dwelling. The access to the present dwelling from the road is unsafe.

Commissioner Kanis asked if Mr. Posthuma would be agreeable to giving up the garage and driveway of the existing building. Mr. Posthuma said he would rather retain the garage because it is part of the character of the house but would remove it if it was absolutely necessary.

Mark Kertz, attorney representing Ms. Leonard at 395 Oak Avenue, said that a accessory unit is classified as subordinate and incidental however the applicant first requested this unit to be a second unit, then to be used for commercial use and now as a familyroom. This is not "incidental". If approved, there will be two main dwellings on the property, not an accessory structure and a main dwelling.

Phyllis Wright, 367 Oak Avenue, said her driveway is opposite from the applicants separated by an easement and she is opposed to this building being used as an accessory structure because she feels there would really be two houses on one lot.

David Bassett, a representative of the owner at 395 Oak Avenue, did not see how two single family dwellings could be allowed on the lot, with one being characterized as a accessory structure.

Richard Posthuma, brother of the applicant, indicated that the present dwelling is very small, and in the past it was used as caretakers quarters to the main dwelling. There are other parcels in the area that have more than one dwelling on them.

Vance Barnett, 303 Oak Avenue, referred to several units that have been constructed illegally and how narrow Oak Avenue was. He found it hard to believe that the laundry room would be situated 80 feet from the proposed main dwelling. It was his feeling that the proposed new dwelling was too large and out of proportion to other homes in the area and therefore would be a detriment to the neighborhood.

Ted Posthuma said he was recently made aware that a petition was being circulated opposing his request. He reiterated that he will not use the present dwelling as a second unit and would be willing to sign a deed restriction.

Commissioner Hayes referred to page two, section 10-3.502 of the staff report which talks about one family dwelling per lot and Section 10-3.414 of the Municipal Code which defines "dwelling" as follows: "Dwelling shall mean a building designed for or occupied by one or more persons or families as a residence". He said the structure on the site is currently being used as a single family dwelling and therefore he did not think the Code allows for another single family dwelling to be constructed on this site and have this structure be turned into an accessory structure. In the past the Planning Commission has granted approval for construction of an accessory structures where the main dwelling already exists however this applicant is asking to convert his main dwelling into an accessory structure and build a new single family dwelling on the same site. In addition, it is against the General Plan to have two homes on a site that is zoned for very low density therefore Commissioner Hayes did not feel the Commission can hear this application.

There was a discussion with regard to the comments of Commissioner Hayes and the consensus was that the issue would be referred to the Town Attorney for interpretation.

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M/S Hayes, Yarish, to continue Th. F. Posthuma, 379 Oak Avenue, A/P 7-241-61 - appeal of Planning Director's interpretation of the San Anselmo Municipal Code Zoning Ordinance pertaining to the erection of accessory structures to the meeting of 10/16/89 to refer the matter to the Town Attorney for interpretation of accessory building with reference to sections 10-3.414 and 10-3.502 of the San Anselmo Municipal Code.

All ayes. Motion unanimously passed.

5. V-2307 - Paul Tietjen, 1348 San Anselmo Avenue, A/P 7-051-07, a 4 foot east sideyard variance for an existing bay window to remain within 4 feet of the east side property line.

The applicant was present.

Ms. Wight presented the staff report.

Mr. Tietjen said the additional space is very important to him because of the architectural value.

M/S Kroot, Yarish, to approve V-2307 - Paul Tietjen, 1348 San Anselmo Avenue, A/P 7-051039, a 4' east sideyard variance for an existing bay window to remain within 4 feet of the east side property line 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 the location of neighboring dwelling which is set back and the existing trees that serve as screening; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically the applicant feels it adds necessary articulation to his building; 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 specifically that there are trees located at 1344 San Anselmo Avenue to serve as a screen to 1348 San Anselmo Avenue and letters of support from adjacent property owners. This is based on drawings for tonight's meeting.

All Ayes. Motion unanimously passed.

C. APPROVAL OF MINUTES: September 11, 1989 and September 18, 1989

M/S Harle, Julin, to approve minutes of September 11, 1989 with the following amendments: page 1, last paragraph, change "...the awning was not to be placed..." to "...vehicles were not to be parked..."

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

M/S Julin, Kanis, to approve the minutes of September 18, 1989 as written.

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

D. ADJOURNMENT

The regular meeting was adjourned at 11:15 p.m. to the next regular meeting of October 16, 1989.



BARBARA CHAMBERS  
ADMINISTRATIVE SECRETARY-TECHNICIAN