

**1TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES - AUGUST 31, 1992**

The special meeting of the San Anselmo Planning Commission was called to order at 8:20 p.m. in the Town Hall Council Chamber on Monday, August 31, 1992. Staff present: Consultant Planner Delvin Washington, Planner Lisa Wight, and Planning Director Ann Chaney.

A. ROLL CALL

Commissioners Present: Harle, Julin, Kroot, Sias
Commissioners Absent: Hayes, Mihaly

B. CONSENT AGENDA

1. August 3, 1992 Planning Commission Minutes
2. August 17, 1992 Planning Commission Minutes
3. DR-9214 - Robert Hersh, 71 Oak Springs Drive, A/P 5-252-34, design review to construct a third story addition on property located within the R-1 zoning district (above 150 mean sea level elevation).

It was noted that Patrick Dore', a neighboring property owner to 71 Oak Springs Drive, had submitted a letter commenting on the application, to which Ms. Chaney advised the issue is between the two property owners.

M/S Julin, Harle, to approve the consent agenda as written.

Motion passed unanimously.

The audience was advised of the ten day appeal period.

C. PUBLIC HEARINGS

1. V-9230 - Mike and Claudia Payne, 20 Carlson Avenue, A/P 5-062-66, a 3' sideyard variance to construct a second story addition within 5' of the side property line on property located within the R-1 zoning district.

Applicants Mike and Claudia Payne were present.

Mr. Washington presented the staff report, pointing out the compromised recommendation to grant a portion of the variance request.

The applicants' representative said they are in agreement with staff.

M/S Harle, Julin, to approve V-9230 for Mike and Claudia Payne, 20 Carlson Avenue, A/P 5-062-66, a 3' sideyard variance to construct a second story stairway addition within 5' of the side property line on property located within the R-1 zoning district, based on the newly submitted floor plan received August 31, 1992, and the marked up site plan and elevations received June 16, 1992, on the grounds that 1) the encroachment will be a stairwell, which will be placed in the only logical location for traffic patterns on the first floor; 2) the placement of the existing building on the small lot; and that 3) the granting of the variance will not materially affect adversely the health and safety of persons residing or working in the neighborhood.

Motion passed unanimously.

The audience was advised of the ten day appeal period.

2. U-9203 - Jean Brunswick and LaMonte Cochran, 22 Magnolia Avenue, A/P 7-212-34, a use permit to allow for a residential duplex on property located within the P zoning district.

The applicants's representative, Frank Unsiano, dealer of Pacific Modular Homes, was present.

Director Chaney presented the staff report.

Commissioner Harle questioned whether the duplex can be detached or not. He pointed out that the two buildings are separated by 10' and the windows on each of the two buildings' walls facing each other look directly into the opposite unit.

Director Chaney noted the current Zoning Ordinance defines a duplex as 2 or 3 independent and attached units.

**2TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES - AUGUST 31, 1992**

In response to Commissioner Julin's question, Director Chaney noted that the Ordinance does not specifically state the maximum residential density permitted in professional and commercial zones. Staff has applied the highest density, which is 20 units per acre, which translates to 2 units on this property.

Commissioner Sias questioned whether staff had considered future use of the parking lot and whether the easement, if granted, will restrict the future use of the parking lot property.

David Bell, 25 Tamalpais Avenue, said he likes the building shapes better than the previous design, but they would be nicer if there was more detail, which could easily be added.

Jim Paymar, 89 Woodland Avenue, questioned the durability of the construction materials and its anticipated appearance in 10 years. Mr. Usiano explained that the materials are water resistant and compressed with resins, making them a stronger material than standard wood construction. He said only the walls are built in the factory. Little gingerbread type design elements can also be added as with any house.

Commissioner Harle commented that he prefers this design over the former, but he will not feel comfortable approving the application until he knows whether two separate buildings are permissible, and suggested an opinion from Hadden Roth.

Commissioner Sias said these buildings are not considered a duplex by definition, and suggested they be connected perhaps by a roof trellis. His second concern, as mentioned before, is the easement onto Town property. He also suggested connecting the buildings and having the outdoor areas in front of the units.

Commissioner Julin said she can support only one unit on the property because the lot is very small (even substandard for the P zone). She pointed out that if this property were zoned R-2, a minimum lot size of 7,500 square feet would be required to construct two units, which is almost double the size of subject property.

Chairman Kroot said the current plan is a big improvement over the former. He thinks there are some benefits to the units not being attached: an additional wall for windows and the units will be considerably less massive if detached. He suggested the applicant submit a sample of the trim size, a color board, and fence elevation detail. He agrees with staff's recommendation. It may be better to have less parking coming onto Magnolia Avenue versus a lost parking space. In closing, he said we need lower income housing versus the typical 3,000 to 5,000 square foot units. He supports this application.

Commissioner Sias said he agrees with Chairman Kroot regarding the affordable housing issue in downtown.

M/S Harle, Sias, that U-9203 be referred back to Jean Brunswick and LaMonte Cochran, 22 Magnolia Avenue, A/P 7-212-34, a use permit to allow for a residential duplex on property located within the P zoning district, pending the Town Attorney's determination on the definition of this as a duplex or not for the purpose of a redesign if the definition is negative for this project; for provisional resolution of the question of the easement through the parking lot; and whether or not there is a redesign, he would like to see more detail on the parking lot elevation, showing details and trim and fence detail; and conclude with some resolution of the privacy issue between the two units should they remain separate.

Motion carried:

AYES: Harle, Kroot, Sias
NOES: Julin

The item was continued to October 19, 1992, at Mr. Usiano's request.

3. **V-9220 - Dr. and Mrs. Kasman, 18 Crescent Lane, A/P 7-221-22**, a 3' rearyard variance to locate a lap pool within 5' of the rear property line on property located within the R-1 zoning district.

Applicant Dr. Kasman present.

Planner Wight presented the staff report, noting that staff continues to recommend denial of the application despite the Arborist Report recommending removal of the heritage pecan tree.

Dr. Kasman said that Bartlett Tree Experts felt the pool construction would not necessarily impact the neighbor's heritage tree at No. 256 Crescent Road; however, a close up review of the tree had not yet been made by Bartlett.

**3TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES - AUGUST 31, 1992**

M/S Harle, Julin, to approve V-9220 for Dr. and Mrs. Kasman, 18 Crescent Lane, A/P 7-221-22, a 3' rear yard variance to locate a lap pool within 5' of the rear property line on property located within the R-1 zoning district, based on the plans dated April 20, 1992, on the grounds that 1) the special circumstances are the size of the lot and the placement of the buildings on the lot, which leave the only logical location for the pool is as proposed; 2) there are other pools in the neighborhood; 3) there will be no adverse impacts, subject to the list of conditions in the staff report, which are: a) the Planning Department shall notify the Building Department of the drainage concerns expressed by neighbors of the applicant, and required improvements shall be the responsibility of the applicant; and b) the applicant shall have a licensed Arborist review the proposed pool location in relation to the existing heritage tree on the neighboring property at 256 Crescent Road, taking into account the possibility of having to reroute storm and/or sewer lines. Should the Arborist determine that the pool location will adversely impact the heritage tree, the variance will become null and void and construction of the pool shall not be permitted. This condition is dependent on whether the property owners of 256 Crescent Road are in agreement to permit an Arborist on their property if it is found by the Arborist to make the determination of whether the pool will have an adverse impact on the tree; 4) the Public Works Director's conditions on removal of the applicant's heritage pecan tree dated August 19, 1992.

Motion carried: AYES: Harle, Julin
 NOES: Sias
 ABSTAIN: Kroot

The audience was advised of the ten day appeal period.

4. **V-9221/U-141 - St. Nicholas Church, 102 Ross Avenue, A/P Nos. 7-281-19 and 7-281-22**, 1) use permit amendment to expand a church facility; and 2) a 3' east side yard variance to expand an existing building within 5' of the east side property line with an 18" roof overhang, on property located within the R-1 zoning district.

Applicant V. Rev. Dr. Michael Prokurat, Rector, and Andy Zaharoff, representative, were present

Planner Wight presented the staff report, noting that staff continues to recommend denial of the variance request.

Mr. Zaharoff asked that the application be approved for the reason that there is a service that includes walking around the church 3 times, and adding enough space to make the hall functional anywhere else on the lot would interfere with that religious service. All other alternatives were considered and this is the only reasonable solution. Mr. Zaharoff advised that he has spoken to the neighbor, Jim Paymar of 89 Woodland Avenue, and he agreed to the project if the staff recommended provisions are in place. Mr. Zaharoff also submitted a petition of support signed by tenants of 101 and 108 Ross Avenue.

Jim Paymar, 89 Woodland Avenue, said he is not crazy about the idea, but is willing to go along with the project. His two concerns are 1) assurance that the staff recommended mitigation measures will be done; and 2) the location, noise generation, and frequency of operation of the proposed air conditioning unit.

Rector Prokurat told the Planning Commission that the non-profit church is celebrating 35 years in service, noting that the church makes regular donations to other non-profit agencies. Rector Prokurat stated that the most affected property is next door at 80 Ross Avenue, and the occupants of that home have verbally advised they have no problem with the proposed addition. According to Rector Prokurat, there are 65 parish members and the existing church hall can only accommodate 45 people. He feels that the distance between the church and the church hall is not sufficient to provide a building addition in that location. In view of the many variances previously granted on Ross Avenue, he encouraged the Commissioners to approve his project.

Alex Slenkin, 334 North Almenar, San Rafael, said the existing hall is too small for senior citizens to comfortably move around.

Nicholas Viaseleff (sp?), address unknown, said the air conditioning unit will only be in the church. Mr. Zaharoff said he did not recall suggesting there would be an air conditioning unit in the hall. Ms. Wight said the subject of an air conditioning unit came up either by the applicant or one of the Commissioners at a previous meeting. Ms. Wight added that the solution of an air conditioning unit and fixed windows still does not address whether the findings of approval can be made, adding that enforcement of conditions relative to noise is difficult.

**4TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES - AUGUST 31, 1992**

Commissioner Julin said she supports staff's recommendation for denial of the variance based on the inability to make both the special circumstance and impact findings, and also supports staff's recommended use permit conditions. Commissioner Julin said that the church is an institutional use in a single family residential neighborhood, and it would be detrimental to the neighborhood to expand on the use already there. Questions about the air conditioning unit: frequency of operation; distances from neighboring properties; location and line of sight; couldn't condition it enough to ensure it would not create noise impact on neighbors.

Commissioner Harle said he is inclined to support the use permit and variance applications in light of Mr. Paymar's reluctant acceptance, and believes that the liturgical use of the property prohibits an expansion forward.

Jo Hock, 204 Los Ranchitos Road, San Rafael, said the windows are seldom open in the hall. If an air conditioning unit were placed in the building, it would be on only one hour a week during the day and not during the evening hours.

Commissioner Sias said he appreciates the patience of the neighbors working together in coming up with a reasonable solution; he noted the need for an expansion to the hall; it will be an improvement to the neighborhood in that the sound will be better insulated; approval of the use permit and variance should include a condition that installation of an air conditioner will require review by staff and the neighbor to ensure that the neighbor will not be disturbed.

Commissioner Kroot said he supports the variance, but would like the windows to be fixed and insulated; that if an air conditioner is installed, it be placed where it will not be a noise detriment to the neighbors; that a fence be constructed to match the existing fence; and that staff's recommended condition be changed from "non-operable" to "fixed" insulated windows.

M/S Sias, Harle, to approve V-9221/U-141 for St. Nicholas Church, 102 Ross Avenue, A/P Nos. 7-281-19 and 7-281-22, 1) use permit amendment to expand a church facility; and 2) a 3' east sideyard variance to expand an existing building within 5' of the east side property line with an 18" roof overhang, on property located within the R-1 zoning district, for the reason that the church has a service that includes walking around the church 3 times, and adding enough space to make the hall functional anywhere else on the lot would interfere with that religious service. All other alternatives were considered and this is the only reasonable solution; the granting of the variance will not adversely affect the health nor safety of persons in the neighborhood because of the conditions placed in the staff report: 1) the windows on the east wall of the entire church hall building be changed to fixed insulated windows; 2) to minimize noise and disturbance to the neighbors; and 3) construction of an 8' high fence with lattice along the rear 60' of the east side property line to match the existing 8' high fence along the rear property line of No. 89 (an administrative variance must first be obtained); the approval is based on the plans received July 29, 1992.

Motion carried:

AYES: Harle, Kroot, Sias
NOES: Julin

The audience was advised of the ten day appeal period.

5. **V-9226 - Nancy Stewart and David Wilhelm, 53 Hillside Avenue, A/P 7-115-24**, a 3' frontyard variance to construct a sunscreen/arbor within 17' of the front property line on property located within the R-1 zoning district.

Applicants Nancy Stewart and David Wilhelm were present.

Planner Wight presented the staff report, noting that staff erred in advertising for a 3' frontyard variance with a 17' setback; that it should have read a 17' frontyard variance with a 3' setback. She suggested the Commission hear the application and formally make their determination on September 14, 1992, after this item has been renoticed as required.

Ms. Stewart explained their reasons for the proposed structure, which included an attempt to gain some privacy to the front patio, shelter from the intense heat of the summer sun, and to improve the aesthetics of the front elevation of the dwelling.

Although Commissioner Harle said he understood staff's inability to make the special circumstance finding, he said he supports the application and believes it will be a benefit to both the applicants and neighbors.

Commissioner Sias sympathized with the applicant's desire for privacy and lack of

**5TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES - AUGUST 31, 1992**

alternative locations for the structure, and felt it will be an attractive improvement to the property.

Commissioner Julin said that the special circumstance is the slope of the land and the limited amount of level space for outdoor living enjoyment. In addition to the need for privacy, the structure will provide a separation from the street.

Chairman Kroot said the structure is innocuous and very attractive, and will provide privacy and screening.

M/S Julin, Harle, tentative approval of V-9226 for Nancy Stewart and David Wilhelm, 53 Hillside Avenue, A/P 7-115-24, a 17' frontyard variance to construct a sunscreen/arbor within 3' of the front property line on property located within the R-1 zoning district, based on the special circumstances of the slope of the lot and the small size of the parcel, which limits the usable amount of outdoor space; the granting of the variance will not have an impact on the neighborhood and poses no detriment to the other properties or improvements in the neighborhood; based on the drawings received May 19, 1992. This item shall be continued to the meeting of September 14, 1992 as a consent item, for renotification of the neighborhood.

Motion passed unanimously.

The audience was advised of the ten day appeal period.

6. **V-9229 - Allen Kipperman and Ayris Hatton, 112 Crescent Road, A/P 7-221-28**, a 6.5' west sideyard variance and an 18.5' frontyard variance to construct a carport within 1.5' of the west side property line, and within 1.5' of the front property line with a 1.5' roof overhang, on the property located within the R-1 zoning district.

Applicant Ayris Hatton was present.

Planner Wight presented the staff report.

Ms. Hatton told the Commission that the redwood trees are very destructive to vehicles. Her husband has just purchased a new vehicle and wants it protected from the damage previously caused to two of their vehicles. The proposed location of the carport is to protect the existing landscaping and the design is to be in keeping with the rustic character of the dwelling.

M/S Sias, Harle, to approve V-9229 for Allen Kipperman and Ayris Hatton, 112 Crescent Road, A/P 7-221-28, a 6.5' west sideyard variance and an 18.5' frontyard variance to construct a carport within 1.5' of the west side property line, and within 1.5' of the front property line with a 1.5' roof overhang, on the property located within the R-1 zoning district, based on the special circumstances of the location of the existing driveway and surrounding vegetation; neighboring properties enjoy one and two car garages and carports, some of which are in the front setbacks; the carport will be an aesthetic improvement to the property, providing a defined parking entry as separate from the walkway gate; based on the drawings received June 15, 1992; and to add, permits will be required from the Public Works Department for the pruning of the heritage trees.

Motion passed unanimously.

The audience was advised of the ten day appeal period.

D. GENERAL DISCUSSION

Director Chaney noted the following:

1. Applications are now being scheduled for the second week of October;
2. Helfrich's precise development plan coming up for four lots and a parcel split on September 14. At this time, it appears his direction will be to sell the lots and the individual owners will later appear before the Commission for design review;
3. Staff is working on the new fees;
4. Congratulations to the Commission for their parking discussion on the Ford/Oldfather, 158 Pine Street, application; and
5. Chief Ron Zeise of the Ross Valley Fire Department is going to be coming up with a fire preventive plan for landscaping new houses - possibly a 30' distance between

**6TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES - AUGUST 31, 1992**

structures and trees. The Commissioners discussed the visual impacts of the distance separation, and mentioned other fire preventive measures including sprinklering under the roof eaves.

E. OPEN TIME FOR PUBLIC DISCUSSION

There was no one in the audience to speak at this time.

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

There was no discussion.

G. ADJOURNMENT

The special meeting of the San Anselmo Planning Commission was adjourned at 11:10 p.m. to the next special meeting on September 14, 1992, at 8:00 p.m.

LISA WIGHT
PLANNER