

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Duane Ragan at 8:00 p.m. in the Council Chambers on September 20, 1976. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner

1. ROLL CALL

Commissioners Present: Bolles, Goltz, Greenfield, Ragan
Commissioners Absent: Eisgrau, Fairchild

New Commissioner George Buckle was unable to participate in the meeting due to the requirement of filing a Statement of Economic Interest with the County which he had received September 18, 1976. Mr. Buckle was, however, part of the audience.

2. APPROVAL OF MINUTES - 8/16//76, 8/23/76 and 9/13/76

M/S Greenfield, Bolles the minutes of August 16th be approved. Passed unanimously, Commissioner Goltz abstaining.

M/S Bolles, Greenfield the minutes of August 23rd be approved as amended. Passed unanimously, Commissioner Goltz abstaining.

Amendment: Pg. 1, para. above Item 2 (Matters For Consideration) to read: Commissioner Bolles said he too received a call and went to visit the San Anselmo-Fairfax Day Care Center. He said there was no pressure on him for the granting of a Use Permit.

M/S Goltz, Bolles the minutes of September 13th be approved as amended. Passed unanimously, Commissioner Greenfield abstaining.

Amendment: Pg. 6, 1st para. after Item VII-A to read: "In response to previous statement regarding this subject Commissioner Goltz wishedetc."

The Planning Commission requested that Staff transmit a memo to the Council requesting that the workshop session scheduled for Tuesday, October 5th to discuss neighborhood densities for second units be postponed until Thursday, October 7th to insure the possibility of a full commission present.

3. OLD BUSINESS

A. VAR-689 - Sali M. Carlson, 181 Floribel Ave., A/P 7-091-08, application for 19'6" rearyard variance (6" rearyard setback to construct an addition to residence; variance of one parking space. CONTINUED TO OCTOBER 4th MEETING.

B. VAR-693 - Carl & Patricia Heckel, 30 Karl Ave., A/P 6-052-07, application for variance to permit a 10' high rearyard fence (facing Center Blvd.)

Applicant Carl Heckel was present. He stated that the fence was actually seen as a 6' high fence from Center Blvd due to Center Blvd. being 4' above his property. Mr. Heckel stated he did not feel this fence would intrude upon the rights of others and it was necessary for his family to block out the noise caused by the traffic on Center Blvd.

There was no one in the audience to comment on this application.

Chairman Ragan stated there was a fence down the street from the Heckel's which was the same height. He felt all of these property owners had a hardship and that some allowance should be made to permit higher fences in this particular location without the property owner having to apply for a variance

Commissioner Bolles felt Staff should establish a "consent agenda" for the Commission to go over. Items on the consent agenda would not require the prohibitive fees required for other applications.

M/S Bolles, Goltz to approve VAR-693 for Carl & Patricia Heckel, 30 Karl Avenue, A/P 6-052-07, a variance to permit a 10' high rearyard fence facing Center Blvd. on the basis that this is an unusual situation as the property is located adjacent to Center Blvd. and Center Blvd. is raised approximately 4' above the property. This fence does not border on other residential property, does not obstruct neighboring views and is not a detriment to the neighborhood. Passed unanimously.

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- C. VAR-692 - Andros Construction Co., 761 Sir Francis Drake Blvd., A/P 6-083-02, application requesting the elimination of one parking space or for a rearyard setback of less than that required by Code to provide the necessary parking spaces for the office building development.

Applicant was present. Mr. Conrad Johnson, engineer for the construction firm was present to explain the requested variance.

Mr. Johnson explained that a parking space variance and a 5' easement to the rear of the property would provide adequate maneuvering space.

Mr. Pantazes stated the owner of the property had originally thought the water meter for the lot prohibited any more than three offices. The building was constructed to serve additional development at the time the Water District would allow a larger meter.

Mr. Pantazes stated he had gone to a designer requesting a design similar to the "Pool Scene" for this lot.

The building design was changed because the designer had said the Pool Scene design was not appropriate for the lot.

Mr. Pantazes stated the property owner learned from the Water District that the water meter could accommodate more offices than originally stated. The third story was raised in height to accommodate possible future development.

The inspector was called out over a question of board size for decking and put a stop work order on the changes being made. It was then the mistake with the fire zone was noticed.

Commissioner Goltz felt the fire zone mishap and the UBC requirements were not a Planning Commission matter. The question of parking was to be considered. Commissioner Goltz stated that if the building was not there he would say the applicant could provide the parking as required by the Code. He did not see any problems with granting a variance from the parking space size as long as the applicant alleviate inadequate maneuvering space by obtaining an easement to the rear of the property.

Commissioner Bolles stated he was concerned about the maneuvering space. He stated he was not bothered by the variance but by the reason it was before the Commission. He felt this application had been stumbling along since the beginning, and this kind of thing just shouldn't happen.

M/S Goltz, Bolles to approve VAR-692 for Andros Construction Co., 761 Sir Francis Drake Blvd., A/P 6-083-02, variance to allow one of the nine required spaces to be 9' x 18' and a variance to allow a 12' rearyard setback. This variance is granted based on the fact that the rear third of the lot narrows very sharply because of the creek. The granting of this variance is necessary for the applicant to enjoy property rights and it will not be detrimental to those living or residing in the neighborhood. This variance is contingent upon the applicant negotiating and recording a 5' drainage and access easement on the rear property line and is based on the drawing as marked dated 9/20/76.

Motion carried: Ayes: Bolles, Goltz, Greenfield
Nays: Ragan

4. NEW BUSINESS

- A. U-460 - Silvio D. Plaz, 337 San Anselmo Ave., A/P 7-252-17, application to serve beer and wine in connection with the continued business of "La Chaumiere".

Applicant was present. Staff reported checking with the Police Dept. regarding the previous operation. There were no problems.

M/S Bolles, Greenfield that U-460, Silvio D. Plaz, 337 San Anselmo Avenue, A/P 7-252-17, be approved to serve beer and wine in connection with the continued business of "La Chaumiere on the basis that this will not be detrimental to the health, safety or welfare of persons residing or working in the neighborhood. This use is a continuance from a previous owner at the same location and there are no complaints on record noted in the San Anselmo Police Dept.

Motion carried: Ayes: Bolles, Goltz, Greenfield, Ragan
Nays: None

Applicant was advised of the 10-day appeal period.

B. U-458 - Ken Ingber/Nancy Mayer, 218 Sir Francis Drake Blvd., A/P 6-252-03 application to serve alcoholic beverages.

Applicants were present.

Chairman Ragan stated the Commission had received a letter from Mr. Roy F. Jones regarding the past use of MacArthur's. Chairman Ragan read the letter which indicated his property had been damaged by customers of MacArthur's over the years and he was against the Commission granting a "blanket" Use Permit to the perspective buyers.

Don MacArthur responded that over the past 11 years he had been owner/operator of the bar, Mr. Jones had never said anything to him about any problems.

Commissioner Goltz asked Mr. MacArthur whether or not it was true that several years ago his bar had problems with bikers. Mr. MacArthur indicated that was true, but bikers in groups were no longer allowed in the bar.

Mr. Ingber stated he planned to run the bar the same as Mr. MacArthur. The hours would be from 1:00 p.m. to 2:00 a.m. 7 days a week. Live music would be on Thursday, Friday and Saturday.

Commissioner Greenfield stated that in view of the eight complaints since February of this year, it is evident that the live music is bothersome. He questioned whether there was anything they could do to alleviate this problem.

Ms. Mayer stated the live music is really important to the business and is why the business is so successful.

Applicants mentioned the possibility of using the patio portion of the building for their customers. The Commission was against that based on the possibility of the customers disturbing neighbors bordering the rear of the property.

M/S Goltz, Bolles that U-458, Ken Ingber and Nancy Mayer, 218 Sir Francis Drake Blvd., A/P 6-252-03, application to serve alcoholic beverages be granted with the following stipulations:

1. That the noise level given by the operation be in conformity with the Town's Noise Ordinance;
2. Hours of operation be between 1:00 p.m. - 2:00 a.m., 7 days a week, and live music be permitted on Thursday, Friday and Saturday nights only;
3. The application be reviewed within 3 months to insure that conformity with the stipulations have been made.

Further, if there are any complaints of noise, regardless of the fact that the operation does meter out properly according to the Noise Ordinance, the Planning Commission shall rehear this use permit.

Motion carried: Ayes: Bolles, Goltz, Greenfield, Ragan
Nays: None

Applicant was advised of the 10-day appeal period.

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C. U-459 - Grand Pacific Vineyard, 1 Saunders Ave., A/P 7-043-15, application for use permit to allow a commercial winery.

Applicant, Richard Dye, was present. Staff stated they'd checked with the Police Dept., and there were no complaints regarding the present operation.

Mr. Jerry Whitcomb, 21 Yolanda Dr., stated the winemaking operation was an odorous one. Mr. Dye had stated there would be no crushing of grapes on the premises. After a complaint from a neighbor, that he was crushing grapes, the Town wrote him he was not in compliance with the use permit granted, and requested he come before the Commission to revise his use permit.

Mr. Whitcomb stated he had not been informed about the amendment of the use permit. This was a violation of 65854 and 65854.5 of the Government Code.

Mr. Whitcomb stated the C-1 zoning is for light commercial, meaning something compatible with residences. It was his feeling that Mr. Dye's business was a manufacturing type business and did not belong in either C-1 or C-2 Districts.

Mr. Whitcomb reminded the Commission that Mr. Dye had been in violation once with his use permit. He felt the present location was bad enough, but the proposed site offered more room and the possibility of expansion. He felt the whole area would be changed. The residents would be subject to odor and noise from the operation and it was his opinion the operation would devalue the homes.

Mr. Dye stated there was no odor from the crushing of grapes. He stated he needed more space to accommodate what he had not to enter

J. Brunswick, 67 Yolanda expressed concern about the traffic situation.

A member of the audience questioned whether a wine making operation could legally be situated so close to the high school. (Sale or manufacturing of alcoholic beverages must be a minimum of 300' away from any school.)

Mr. Dye stated the new building had parking available. Twice a year he planned a wine tasting tour for a class he taught. This tour included his winery and the students came by bus. He usually had one visitor a week; made most of the deliveries himself (except for 3-4 during the year); for two and one half months he occasionally would crush grapes; debris is put into plastic containers and picked up the following mornings.

Dale Setler, 93 Medway felt Center Market had more traffic than Mr. Dye would have in a year and felt the permit should be granted.

Commission questioned whether this use was compatible to the neighborhood. Staff felt the winery was a manufacturing type business and should not be allowed in C-1 zones.

Commissioner Greenfield felt "Neighborhood Commercial" should be the type of business which was helpful to the neighborhood. He felt this type business was really stretching the intent of the code.

M/S Bolles, Goltz that U-459 for Grand Pacific Vineyard, 1 Saunders Avenue, A/P 7-043-15, be approved for the blending of bulk wine as the operation will not be detrimental to the neighborhood and will afford the owner property rights.

Further move that the permit exclude the crushing and pressing of grapes as the process would be detrimental in view of the proximity of the operation to the residential neighborhood directly to the rear.

Motion failed due to tie vote: Ayes: Bolles, Goltz
Nays: Greenfield, Ragan

Applicant was advised of the 10-day appeal period.

- D. U-461 - San Francisco School of the Arts, Scott Hall, 29 Seminary Rd., A/P 7-292-03, application to permit a Junior and Senior high school level in the fine and performing arts.

Mr. Arthur Blum was present representing the school.

Mr. Blum stated this was a non-profit operation. They wanted to rent the space to accommodate students between the 6th and 12th grade. Scott Hall had been built in 1893 and has been in operation since then. It is located on 13 isolated acres.

The hours of operation will be from 8:00 a.m. to 4:30 p.m. with the possibility of occasional later hours.

Most of the students will arrive by Golden Gate Transit. Some will be transported by their parents.

Mr. Blum stated he could not see why any activity proposed would adversely affect the neighborhood.

M/S Greenfield, Goltz that U-461, application to permit a junior and senior high school level in the fine and performing arts at Scott Hall, 29 Seminary Rd., A/P 7-292-03, application made by the San Francisco School of the Arts be approved based on the fact that the granting of this use permit will not be detrimental to the health and safety of the neighborhood and will not be injurious to property, or people residing in the neighborhood.

Motion carried: Ayes: Bolles, Greenfield, Goltz, Ragan
Nays: None

Applicant was advised of the 10-day appeal period.

5. MATTERS FOR CONSIDERATION

- A. Proposed Condominium Conversion Ordinance

A Special Meeting to discuss the proposed Condominium Conversion Ordinance was tentatively set for either October 11th or October 13th. Commission to determine date at the October 4th meeting.

- 6. ADJOURN - Meeting adjourned at 10:30 p.m.

Catherine Carpenter
Catherine Carpenter, Secretary

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