

The San Anselmo Planning Commission meeting of October 17, 1977 was called to order by Chairman Duane Ragan at 8:00 p.m. in the Town Hall Council Chambers. Representing Town Staff: C. R. Leitzell, P.E., Director of Public Works/Planning.

1. ROLL CALL

Commissioners Present: Goltz, Harle, Olive, Ragan
Commissioners Absent: Buckle, Greenberg, Ollinger

2. OLD BUSINESS

- A. SS-206 - Janice Tonini, 1361 San Anselmo Avenue, application for 2-lot parcel split. HELD OVER UNTIL 11/14/77.

3. NEW BUSINESS

- A. VAR-748 - Xanadu Building, 556-558 San Anselmo Avenue, A/P 6-102-15, application to permit mezzanine.

Mr. Peterson, architect for Ms. Negin, explained why they were requesting the additional mezzanine space which is needed for storage and offices. In addition, the mezzanine floor and its support would serve a structural purpose in bracing the exterior brick walls of the building. Additional upper floor area is proposed to serve a prospective attorney tenant and would serve as a law library. However, Mr. Peterson explained that the major concern was the mezzanine space.

Chairman Ragan read the staff report and commented that he felt that the request was an overexpansion of the building, particularly in light of the recent variance granted by the Town Council.

Ken Negin stated he was there representing his wife in this matter along with Mr. Peterson.

Commissioner Goltz expressed opposition to the expansion of the floor areas because of parking requirements and felt the Council found justification for the earlier variance by requiring that the applicants continue to work toward a connection between the deck area at the rear of the property and existing public bridges. He felt there were other ways to solve the earthquake problem than the construction of the mezzanine.

Commissioners Olive and Harle stated they had difficulty finding "hardship" as defined in the zoning ordinance, but Commissioner Harle also felt that mezzanine use would not increase the parking requirements if used only for office and storage space.

Mr. Negin stated that he felt the mezzanine was needed for both safety and structural purposes as well as for providing office space for privacy. The mezzanine he felt was most important to the owner, more so than the upstairs addition proposed.

Bob Leitzell, representing Staff, said it was difficult to police restrictive conditions on a variance such as restricting the use of the mezzanine area to office or storage use. A subsequent buyer or occupant might not need as much storage area or office area, particularly if their main office were say in San Rafael and this would then free up the mezzanine for sales or other purposes generating the need for additional parking. Mr. Leitzell also felt that the hardship was created by the owner in that the owner had divided the building into two distinct shop areas, one for the proposed restaurant and one for Xanadu and stated that the original space would have been more than adequate for Xanadu's use alone.

Mr. Negin responded to Mr. Leitzell's comments that it would not be financially feasible for Xanadu to have utilized the whole building and yet make all of the needed structural and building improvements.

Commissioner Goltz stated he could go for a compromise, with the support of the other commissioners, which might permit the mezzanine construction but deny the upstairs office space. He felt that the commission could find that the condition of the building requires bracing and a good way to do this is by the construction of the mezzanine.

Commissioner Ragan agreed the mezzanine would do this but found no structural purpose in the additional space on the second floor. The applicant agreed that the additional office space on the second floor was not as important as the mezzanine.

M/S Goltz, Harle that VAR-748 for Xanadu Building at 556-558 San Anselmo Avenue, A/P 6-102-15, for a variance from the requirements to park twelve cars because of the addition of a 390 S.F. mezzanine, be approved because there is an unusual structural condition of the building caused by the old brick walls relating to seismic problems that would be solved by adding a mezzanine floor for horizontal stability; because it will not be detrimental to those living and residing in the neighborhood because of the small additional parking that is actually required by this addition; and, that this variance is necessary for substantial property rights of the applicant. Passed unanimously.

M/S Goltz, Harle that the application for variance for the second floor in the rear for a law office library be denied because the conditions of a variance do not apply here. Passed unanimously.

Applicant was advised of the 10-day appeal period.

4. MATTERS FOR CONSIDERATION

Commission expressed concern that the Council and Commission had not been able to come up with a suitable date for a joint meeting and expressed the feeling that the need for a meeting was rather urgent and requested that Staff notify the Council that they would be willing to meet on any night but Tuesday since the Chairman of the Commission should be in attendance at this meeting and his employment requires that he work on Tuesday nights.

The following items were suggested as additions to the proposed agenda generated by Staff.

- 1. A discussion of the recently issued guidelines for Planning Commission and Design Review.
- 2. The need for review of minor residential additions in terms of delays to the applicants and costs of review (construction in conservation zone).
- 3. The relationship of the Design Review Board to the Planning Commission.
- A. Consideration of extent of maintenance allowed on a non-conforming use (second units).

Both Commissioners Ragan and Olive agreed that the Staff memorandum by the Planning Director was a good solution to the equity problem.

Commissioner Goltz felt that Section 10-3.2302 should be modified in the future since the permitted maintenance is too low however he did not feel the laws should be changed either as the Administrator or as the Planning Director suggested. He felt that in the hearings and discussions at the time the City was considering the second unit ordinance that the owners of non-conforming uses were told that all they had to do was register and the City wouldn't bother them in the future. He

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felt it would be bad faith on the part of the City to terminate non-conformities in ten years and that perhaps Section 10-3.2302 should be revised at sometime in the future to allow maintenance up to say 1/3 of market value, as an example.

M/S Goltz, Harle that we recommend to the Town Council that no change be made in ordinance 706 and that no change be made to ordinance Section 10-3.2302 at this time. Further recommend that they might consider in the near future raising the limits on cost of authorized maintenance. Passed unanimously,

5. ADJOURN - Meeting adjourned at 10:15 p.m.

Charles R. Leitzell, P.E.
Director of Public Works/Planning

CRL/cc