

The San Anselmo Planning Commission meeting of November 14, 1977, was called to order by Chairman Duane Ragan at 8:00 p.m. in the Town Hall Council Chambers. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner, and Lynn McGovern, Planning Technician.

1. ROLL CALL

Commissioners Present: Buckle, Goltz, Harle, Olive, Ragan
 Commissioners Absent: Ollinger, Kapranos (appointed, but not sitting; procedure being processed)

2. APPROVAL OF MINUTES

Planning Commission minutes of October 17, 1977, not received; deferred until December 12, 1977.

3. OLD BUSINESS

- A. U-490 - Sylvan King, 781 Sir Francis Drake Boulevard, A/P 6-080-01, zoned C-3, application to allow for the repair, reconditioning and parking of automobiles in a C-3 zone.

Sylvan King, applicant, present.

Peter Bassing of Sheeks and Oswald, attorney for Sylvan King, mentioned that Fire Chief Beedle had looked at the place and was favorably impressed. He also said that Hap Phillips considers his application to be a subsidiary to Mr. King's, but a laundromat and art studio would not bother Mr. King.

Sylvan King said the station sign has been removed, the pumps and the Mohawk sign will be removed.

Commissioner Buckle said he liked the single access from Madrone.

The audience had no comments.

M/S Olive, Buckle, that a use permit, U-490, be granted Sylvan King at 781 Sir Francis Drake Boulevard, A/P 6-080-01, zoned C-3, to allow for the repair, reconditioning and parking of automobiles in a C-3 zone since this use is not detrimental to the health, safety and public welfare of persons residing or working in the neighborhood; and since granting of the use permit is necessary for the preservation and enjoyment of substantial property rights of the applicant with the following conditions:

1. That the hours of operation be limited to 8:00 a.m. to 8:00 p.m.
2. That Fire and Building Codes be met.
3. That the use permit be subject to review in three months.
4. That no outdoor major repairs be done on the site.
5. That there be no outdoor storage of materials.
6. That there be no for sale signs on the vehicles.
7. That the pumps and the Mohawk sign be removed.
8. That all cars that are being worked on or waiting to be worked on be parked on the premises and that the parking spaces be marked on the surface.
9. That the plans be submitted to Design Review within 30 days of Planning Commission approval.
10. That a building permit be issued within 30 days of Design Review approval.

Passed unanimously.

Applicant was advised of the 10 day appeal period.

DDC425

- B. EU-17 - M. Massey and E. Saunt, 34 Elm Avenue, A/P 7-053-02, application for a use permit to allow existing second unit to remain. HELD OVER UNTIL 12/12/77.
- C. V-746 - Donald Thompson and Polly Meridith, 90 Woodside Drive, A/P 5-271-15, frontyard variance for car deck.

Donald Thompson, applicant, present - no comments.

All the Commissioners complimented Mr. Thompson on the good job done on his revised drawings to comply with the Planning Commission's suggestions.

A neighbor stated he liked the revised plans better.

M/S Goltz, Harle, that V-746 be approved for Donald Thompson and Polly Meridith, 90 Woodside Drive, A/P 5-271-15, for a 0' frontyard setback to allow construction of an access ramp to the garage that is located behind the setback lines on the basis that there is a condition of the site that would require this variance in that the site is very steep; that the granting of the application is necessary for the preservation and enjoyment of substantial property rights; that it will not be detrimental to the public welfare; and that it will not be injurious to the property or neighborhood because the garage is covered and behind the setback lines and fits in architecturally with the neighborhood with the following condition: a soils and geologic report be submitted before approval by the Town Civil Engineer.

Passed unanimously.

Applicant was advised of the 10 day appeal period.

4. NEW BUSINESS

- A. U-493 - Hap Phillips and Craig Botti, 11 Madrone Avenue, A/P 6-083-01, application for a use permit for a coin operated laundromat.

Hap Phillips, applicant, present.

Mr. Phillips gave a brief history of the situation. He stated the hours of operation of the laundromat would depend on the amount of business and availability of water. If necessary, he would like to be open 24 hours, but will probably close between 9:00 p.m. and midnight. He had a vending machine before and plans to have one again to serve drinks only. He said the function of the art studio is because he is a photographer and plans to set up a darkroom; it will not be commercial and he has no plans to live there. Mr. Phillips said the sliding glass doors in the back will be fixed and although remaining, will not be used as doors.

Commissioner Goltz mentioned that he liked Sylvan King's parking arrangement better than the way Hap Phillips plans the parking; Goltz could not get his small car in any closer than the third parking space coming in from Sir Francis Drake. He felt this could perhaps cause traffic congestion.

Commissioner Olive did not agree with Commissioner Goltz because people carrying laundry want to walk as short a distance as possible.

Commissioner Buckle said there is a greater possibility of fire hazards if the cars are parked close to the building.

The audience did not comment.

M/S Goltz, Buckle, U-493 be granted Hap Phillips and Craig Botti, 11 Madrone Avenue, A/P 6-083-01, in a C-3 zone for a laundromat on the basis that it will not be detrimental to those living in the neighborhood and it is necessary for the preservation and enjoyment of substantial property rights. Furthermore, that this approval be based on plans dated October 20, 1977, drawings B1 and B2 as received by the Town of San Anselmo with one exception in those drawings that the parking lot plan be changed and the five spaces be moved to the west property line.

Passed unanimously.

Applicant was advised of the 10 day appeal period.

- B. U-494 - Kenneth Ned Ingber, 218 Sir Francis Drake Boulevard, A/P 6-252-03, application for a use permit to allow service on an existing outdoor patio.

Kenneth Ned Ingber, applicant, present.

Commissioner Goltz said the staff report led him to believe the patio was out there and used for things no use permit had been given for. He said it was not an existing outdoor eating and drinking area and it looks new so it does not exist legally. He thought the last motion made a prohibition on outdoor eating and drinking and remembers a discussion about using the back for eating and drinking.

Kenneth Ingber said the concrete slab was always there.

Commissioner Ragan pointed out that it does not really make any difference whether it always existed or not - it exists now and this is what is important.

Commissioner Goltz was concerned about whether parking requirements have to be met when one expands the use of a building.

Roy Farrington Jones, 224 Sir Francis Drake Boulevard, showed the parking problems in pictures he had taken. He stated there have always been parking problems here and it has recently become worse. He pointed out that his rights should be equal. He feels the expansion will bring more people and there will be a greater need for parking.

Kenneth Ingber said he has nine parking spaces, he has moved the debris and tried to beautify the block. He says he has never had any employees or customers complain that there were not enough parking spaces. He said he plans to asphalt the back and mark spaces for parking.

M/S Buckle, Olive, U-494 be granted Kenneth Ned Ingber, 218 Sir Francis Drake Boulevard, A/P 6-252-03, to allow eating and drinking in a new patio to the rear of the existing building, approximate size is 10' x 16', on the basis that the use will not be detrimental to the people residing or working in the neighborhood or their property because the hours of use will be minimal and the granting of this use permit is necessary for the preservation and enjoyment of substantial property rights by allowing the applicant to utilize the entire space he has for his business with the following conditions:

1. The noise level generated from the patio must be in conformance with the Town Noise Ordinance.
2. The outdoor patio shall be closed {no later than 10:00 p.m.
3. There will be no live music on the premises and no outside

music.

4. If there are any complaints, the Planning Commission shall review this use permit.
5. There shall be no public pedestrian access from the rear.
6. A parking plan, including paving, shall be submitted to Design Review for approval within 30 days.

Passed unanimously.

Applicant was advised of the the 10 day appeal period.

- C. U-495 - Rose's Oyster Depot, Incorporated, 21 Tamalpais Avenue, A/P 7-212-19, application for a use permit to serve beer and wine.

Peter Pomilia, applicant, present.

Mr. Pomilia stated that this would be like a butcher shop with a display case, oyster bar and salads and he will be selling inside only. He said there will be six tables and nine counter stools; there will be French windows on Kientz Lane and Tamalpais Avenue; and a trellis extending to the end of the deck. He says he is not adding out on the deck. His hours will be from 10:30 a.m. to 7:30 p.m., six days per week, with no live music.

Commissioner Buckle said he saw remodeling inside and was wondering why there were no plans.

Lynn McGovern said there are plans for Design Review, but they are not required for a use permit.

The audience had no comments.

M/S Buckle, Olive, that a use permit, U-495, be granted Peter Pomilia, 21 Tamalpais Avenue, A/P 7-212-19, to allow serving beer and wine at Rose's Oyster Depot, Incorporated, on the basis that the granting of this use permit will not be detrimental to persons residing or working in the neighborhood for this proposed use or a detriment to property or improvements in the neighborhood because the Oyster Depot will only remain open until 7:30 p.m.; and all actions will be confined to the existing building; and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

Passed unanimously.

Applicant was advised of the 10 day appeal period.

- D. V-749 - Charles A. Howe, 366 Butterfield Road, A/P 5-041-31, application for a variance for a roof overhang.

Charles Howe, applicant, present.

Mr. Howe, 115 Hidden Valley Lane, said his father lives in the house. He said this house has been restructured three to four times and to make it look nice in a simple and economical way, he used the mansard facia. He said he is going out 4" past the old eave and 29" above the flat roof, and it is also being brought up to Fire Codes. He said the neighbors have said they like it. His reason for building without a permit is because he did not change the roof; he just added a facia.

Commissioner Olive said she thinks this is more attractive to the community.

Commissioners Ragan and Harle asked what the hardship was because a hardship must pertain to the land or building in order for a variance to be granted.

Mr. Howe said that without the facia the building would not look, very good.

Lynn McGovern pointed out that the old roof already went into the setback and the new roof will not add that much.

Frank Swift, 370 Butterfield Road, next door neighbor, objected to the height of the roof because it blocks out the sun in two of his rooms. His personal recommendation is that if it was lower, it would be okay.

Commissioner Goltz said the reason this was done was to beautify the building and the mansard is a good idea. He feels there is a minimum intrusion into the setback that is there now with the exception of Mr. Swift's house and, for this reason, Mr. Howe and Mr. Swift should work out a compromise.

Mr. Howe and Mr. Swift agreed to discuss the situation.

M/S Buckle, Olive, that the application for V-749 for Charles A. Howe, 366 Butterfield Road, A/P 5-041-31, be referred back to the applicant.

Passed unanimously.

The applicant was advised of the 10 day appeal period.

- E. V-750 - Steve Donaldson, 15 Brookmont Circle, A/P 5-111-26, application for a variance to permit construction of a second floor addition.

Steve Donaldson, applicant, present.

Mr. Donaldson said his intention is to add space to his house before worrying about off street parking. He said he parks at Brookside and always has.

Commissioner Harle pointed out that this parking at Brookside would not be granted legally.

Commissioner Buckle said that tandem or side by side parking can be done on this property.

Commissioner Goltz said the side variance made sense because of the foundations, but the rear elevations are too high and close to the property line. He feels there is no justification to allow the rear setback variance.

Commissioner Olive said she had difficulty with the parking because of congestion problems. She felt he could at least improve the area on top with a deck.

M/S Buckle, Olive, that V-750 be approved for Steve Donaldson, 15 Brookmont Circle, A/P 5-111-26, for a 8½' rearyard variance and a 2½' sideyard variance to allow construction of a second floor addition on the basis that this variance is not detrimental to the neighborhood with the hardship that the lot is a small lot with a steep downslope condition and that the existing house is small and allows reasonable property rights to the applicant to this addition; and to deny that portion of this application for a parking variance since it appears that two physical parking spaces can be provided off of Brookmont Circle.

Motion Carried: Ayes: Buckle, Harle, Olive, Ragan
Noes: Goltz

Applicant was advised of the 10 day appeal period.

- F. V-751 - Howard Stubblefield, 24 Longview Avenue, A/P 6-153-11, application for a 13' variance from rearyard setback and a 3' variance from sideyard setback to construct a garden room to within 7' of rear property line and 5' of side property line.

Howard Stubblefield, applicant, present.

Mr. Stubblefield stated the garden room does not necessitate extra parking because no one will be living in it. He said his house is very small and this would serve as a family room. He said there are no parking problems and has parked this way for years. The neighbors look forward to his garden room.

Commissioner Ragan expressed concern over the tandem parking because of personal feelings of safety.

Mr. Stubblefield said if his cars broke loose, they would fall into a retaining wall.

T. J. Robbins pointed out that the Town Attorney says when you add living space, you must provide two parking spaces or get a variance.

Commissioner Goltz said that the parking variance requirement is wrong and will bring it up at the joint meeting of the Town Council and Planning Commission on December 1, 1977.

Commissioner Olive asked why the 2' sideyard setback couldn't be moved in because she couldn't see a hardship involved.

Commissioner Goltz could not see a hardship either.

M/S Goltz, Olive, that a portion of V-751 be approved for Howard Stubblefield, 24 Longview Avenue, A/P 6-153-11, zoned R-1, for a 13' rearyard variance to allow construction of a garden room on the basis that the lot is narrow from front to rear being only 61'; and because it is a very steep slope; and granting of this variance will not be detrimental to those living and residing in the neighborhood; and it is necessary for the preservation and enjoyment of substantial property rights; and to deny a 2' sideyard variance on the basis that there are no unusual conditions of the land or building.

Passed unanimously.

M/S Buckle, Olive, that that portion of V-751 dealing with tandem parking for Howard Stubblefield, 24 Longview Avenue, A/P 6-153-11, on the basis a hardship exists with the existing parking situation due to the steep and narrow lot and that it is essential for the enjoyment of substantial property rights.

Motion Carried: Ayes: Buckle, Harle, Olive, Ragan
Abstain: Goltz

Applicant was advised of the 10 day appeal period.

- G. V-752 - William and Zelda Dill, 520 Red Hill Avenue, A/P 6-091-09, application for a variance from the parking requirements to allow repairs to a non-conforming commercial building.

Helen Shapiro, 404 San Anselmo Avenue, attorney for William and Zelda Dill, stated that at the time of the fire there were two legal non-conforming structures - a residence and a commercial building. She said there are four parking spaces in front. With regard to substantial property rights, she said there is approximately \$47,000 left of the building and to rebuild it would mean this loss. The only way they could fit 14 parking spaces in would be to build a four story

building. She said this use does not generate any traffic.

Max Holsinger, Essex House, said people are moving out of Essex House because of abuses of the present situation. He noted a memo from the Fire Inspector to the Planning Staff dated October 14, 1977, that mentioned the excessive accumulation of debris, combustible materials, etc., in the area. He feels there is a history of use permit abuse.

T. J. Robbins said the Planning Staff and Fire Department are both satisfied with the area in that the debris has been cleaned up.

M/S Goltz, Buckle, that V-752 be approved for William and Zelda Dill, 520 Red Hill Avenue, A/P 6-091-09, for a variance of ten required parking spaces on the basis that it would be very complicated to revise the existing structure to accommodate the required parking. In addition, it is a narrow and steep site; and the granting of this variance will not be detrimental to those living in the neighborhood; and it is necessary for the applicant to enjoy substantial property rights. To be based on the drawing received by the Town of San Anselmo on November 10, 1977, with the following stipulations:

1. That a 10' easement across A/P 6-121-05 between Palm Lane and the two parking spaces for the residents on A/P 6-091-09 be recorded.
2. That this easement be used for the residential purpose of access to the required residential parking spaces only.

Passed unanimously.

Applicant was advised of the 10 day appeal period.

- H. SS-210 - Undeveloped portion of Roger Avenue between Cypress Road and Sunny Drive. Initiated by the Town of San Anselmo

M/S Buckle, Olive, to recommend to the Town Council the adoption of the resolution regarding the abandonment of the portion of Roger Avenue with the amendment to a metes and bounds description.

Passed unanimously.

5. ADJOURN

The meeting was adjourned at 12:19 a.m.

Lisa Burglin

Lisa Burglin, Secretary

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