

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman George Buckle at 8:00 p.m. on August 21, 1978, in Room 6 of the Isabel Cook Community Center. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - AUGUST 7, 1978

M/S Kapranos, Harle, to approve the minutes of August 7, 1978, as written.

Motion passed with three ayes; Commissioners Goltz and Olive abstaining.

3. OLD BUSINESS

A. U-515 - Theodore Janko, 218 Sir Francis Drake Boulevard, A/P 6-252-03, application for a use permit to allow the on-sale business of alcoholic beverages and outdoor eating on change in ownership, with the additional activity of inside, live-non-amplified music on Sunday afternoons.

Theodore Janko, applicant, present.

Commissioner Buckle said there had been problems with the establishment before the previous owner, Ken Ingber, but there have been no complaints since. Mr. Robbins said the neighbors had been notified of the meeting.

Mr. Janko said there would be live jazz music on Saturday and Sunday afternoons between 2:30 and 5:30 p.m. This music would be non-amplified. He said they have had live music for the past three weeks and there have been no complaints.

Mr. Janko said customers do not enter through the rear of the establishment. He also said the patio is open until 8:00 or 9:00 p.m. nightly.

Mr. Robbins said that Ken Ingber had been directed to pave the employees' parking lot in the rear of the property; however, it was never done. Therefore, Mr. Janko, the new owner, will be responsible. Mr. Robbins asked the Commission to let staff and the applicant work out the arrangement.

M/S Goltz, Harle, to approve U-515 for Theodore Janko, 128 Sir Francis Drake Boulevard, A/P 6-252-03, application for a use permit to allow the on-sale business of alcoholic beverages and outdoor eating on change in ownership, with the additional activity of inside, live non-amplified music on Sun. & Sat. afternoons, on the basis that it will not be detrimental to the people residing or working in the neighborhood or property because the hours are minimal; that it is necessary for the preservation and enjoyment of substantial property rights by allowing the applicant to utilize his entire space, with the following conditions:

1. The noise level generated from the patio must be in conformance with the Town Noise Ordinance.
2. There will be no live music on the patio.
3. The live music inside the establishment shall be on Saturday and Sunday afternoons between 2:30 and 5:30 p.m.
4. There shall be no public pedestrian access from the rear.
5. If there are any complaints, the Planning Commission shall review this use permit.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

B. V-792 - Meyer M. Cahn, 21 Rowland Avenue, A/P 7-112-27, application for a seven foot sideyard variance to construct a kitchen one foot from the side property line.

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Meyer M. Cahn, applicant, present.

Mr. Robbins said there are two units on the property; however, the structure in question is not the second unit. Therefore, since the kitchen in this structure is so small, it can be considered a hardship and staff would recommend approval of the application. Mr. Robbins said that Commissioner Ragan's concerns with the safety of the structure would be dealt with by the Building and Fire Departments when making their inspections for the building permit.

Mr. Cahn said the house is very small - large appliances cannot fit into the kitchen and there is no broom closet. He has rebuilt the foundation, which destroyed the front porch in the process. The kitchen extension would be in place of the front porch.

Commissioner Goltz said building coverage on this lot is about 37 percent; the kitchen extension would not be adding on proportionately because it would be in the same place as the old porch.

M/S Olive, Goltz, to approve V-792 for Meyer M. Cahn, 21 Rowland Avenue, A/P 7-112-27, application for a seven foot sideyard variance to construct a kitchen one foot from the side property line, on the basis that there is a hardship because of the nature of the building there is no place to put the kitchen; that it is necessary for the applicant to enjoy substantial property rights; and that it will not be detrimental or adversely affect the health and safety of persons residing or working in the neighborhood, to be based on drawings received by the Town of San Anselmo on July 3, 1978.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

#### 4. NEW BUSINESS

- A. V-798 - Gary and Kathryn Paul, <sup>Changed to #97</sup> 101 Berkeley Avenue, A/P 5-165-26, application for an eight foot frontyard variance to construct a front porch and steps within twelve feet of the front property line.

Gary and Kathryn Paul, applicants, present.

Mr. Paul said the front porch and steps were rotted and a tree was pushing against them so the porch and steps have been removed. He said there is a discrepancy as to where the frontyard is and, therefore, is not really sure if a variance is required.

Commissioner Goltz drew the lot for the audience showing the two possible frontyards; the frontyard could be on the turning point of the cul-de-sac versus the frontyard on the straight edge.

Mr. Robbins asked the Commission to act on the application and staff will research the question of what side is the frontyard.

M/S Harle, Kapranos, to approve V-798 for Gary and Kathryn Paul, 101 Berkeley Avenue, A/P 5-165-26, application for an eight foot frontyard variance to construct a front porch and steps within six feet of the easement line, on the basis that a hardship exists with access to the house; and such construction will not be detrimental to the neighborhood; and is necessary for the enjoyment of substantial property rights (Note: staff confirmed that the cul-de-sac plus the easement frontage is the front property line; therefore, the eight foot variance approved is correct).

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

#### 5. DISCUSSION ITEM

It was agreed that a public hearing will be set for September 18, 1978, to discuss the possible rezoning of San Rafael Avenue.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 9:48 p.m. to the next regular meeting of September 18, 1978.

*Lisa Burglin*  
LISA BURGLIN  
PLANNING SECRETARY

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