

The regular meeting of the San Anselmo Planning Commission was called to order by Vice-Chairman Hayes on Monday, March 16, 1981, at 8:00 p.m. in the Town Hall Council Chamber. T. J. Robbins present. 233

1. ROLL CALL

Commissioners Present: Hayes, McPeak, Peterson, Signorelli  
Commissioners Absent: Harle, Ollinger, Ragan

2. APPROVAL OF MINUTES - March 2, 1981

M/S McPeak, Signorelli, to approve the minutes of March 2, 1981, as written.

Motion passed unanimously.

3. OLD BUSINESS

A. NU-24 - Sven and Gerda Lund, 135 Calumet Avenue, A/P 6-072-23, use permit for a second unit in an R-1 zone - WITHDRAWN.

B. V-930 - Patricia Gallagher, 51 Foothill Road, A/P 7-053-19, review of motion made on February 2, 1981, for clarification of third story building line.

Patricia Gallagher, applicant, Robert Davis, consultant, and Richard Danon, 53 Foothill Road, present.

Mr. Robbins said although it was not reflected in the motion, at the last meeting it was discussed that the Commission would go ahead and grant the third story variance on the northerly side, but it was agreed that Mr. Robbins would meet at the site with the applicant and neighbor to discuss the extent of pulling back the dormer on that side. He said it was agreed to pull back the dormer on the southerly side an additional 4'3" (for a 10'3" setback). Subsequently, he said, Ms. Gallagher contacted the Planning Director and said she was unclear about what was agreed upon.

M/S Peterson, McPeak, to reconsider the motion made on February 2, 1981, for V-930 for Patricia Gallagher, and reopen discussion.

Motion passed unanimously.

Ms. Gallagher felt most of the Commissioners had not visited the property so she had Mr. Davis present slides of the construction. Ms. Gallagher stated there was no agreement nor dialogue in the field with Mr. Robbins and that both she and Mr. Danon feel there has been no compromise. She also said the dormer will not block Mr. Danon's light or air and if he had not raised his window he would not even see the dormer.

Mr. Danon said that instead of the full six feet mentioned at the previous Commission meeting, he understood that 4'3" had been agreed upon by all parties. Mr. Robbins said he has no question that it was agreed to pull it back 4'3". Mr. Robbins added that building permit drawings have been received that indicate that modification.

Commissioner Peterson said he thinks Mr. Danon has compromised with the applicant and feels he had the right to move his window up and is not equivalent to a third story addition as is proposed by the applicant.

Commissioner Signorelli said the height of the window is irrelevant and that without the dormer the neighbor will still see the existing roof.

Commissioner McPeak said the extension of the dormer will greatly reduce the neighbor's light and feels he has done admirably in compromising.

Commissioner Hayes said his understanding of the motion was that the entire addition on the southerly side would be moved back.

M/S McPeak, Peterson, to approve that portion of V-930 for Patricia Gallagher, 51 Foothill Road, A/P 7-053-19, for a two foot north sideyard variance to construct an attic dormer within six feet of the north side property line; a third story variance subject to moving the southerly wall, as shown on the plans submitted January 14, 1981, and marked up at this meeting, back an additional 4'3"; and a parking variance; on the basis that it is necessary for the enjoyment of substantial property rights; with the wall moved back it will not significantly reduce the light to the adjacent neighbor and, therefore, will not be detrimental to the neighborhood; and is necessitated by the steepness of the lot and location of the house on that lot.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. U-545 - Livio Freitas, 210 Greenfield Avenue, A/P 6-173-04, review of previously granted use permit for the outdoor display of building supplies (fencing, garden supplies, wheelbarrels, rakes and lumber) for sale - granted 04/07/80.

V-937 - Livio Freitas, 210 Greenfield Avenue, A/P 6-173-04, parking variance (adding to a non-conforming use - parking - by constructing an addition).

C-179 - Livio Freitas, 210 Greenfield Avenue, A/P 6-173-04, design review of an addition to a commercial building.

Mr. Robbins noted that per the use permit conditions, the applicant has finally submitted drawings to bring the building up to Code. He added that the Department has received complaints, most recently from a council member, regarding the amount of activity for this operation, including blocking the sidewalk and the use of parking spaces for lumber deliveries. He submitted a photograph to the Commission taken on February 27, 1981, which shows a supply of lumber blocking a portion of the sidewalk between 11:45 a.m. and 3:15 p.m.

Mr. Freitas submitted photographs of Braverman's delivery truck and Dane Rite's delivery truck blocking the sidewalk. He noted that Braverman's blocked the entire sidewalk for over two hours. He said the Sofabed Conspiracy business receives two to three deliveries per week which results with furniture all over the sidewalk. Mr. Freitas said he has one lumber delivery per week and said he would be sure to have it off the sidewalk and on his premises within two hours after delivery. Mr. Freitas added that he feels singled out and cannot understand it as he keeps his area neat and is complying with the Fire Marshal's requirements.

Commissioner McPeak said he wants the required construction to take precedence over the applicant's proposed enclosure of the open alley.

The Commissioners agreed that it would not be fair to the applicant to require lumber to be moved from the sidewalk within two hours after delivery, but rather he should be given a "reasonable time."

Mr. Robbins noted that the enclosing of the open alley will not increase the need for additional parking as the alley is currently being used to store lumber and parking is impractical in that area.

M/S Peterson, Signorelli to continue U-545 for Livio Freitas, 210 Greenfield Avenue, A/P 6-173-04; and that per our discussion the following conditions be placed for this continued use of the property for the sale and display of building supplies:

1. materials delivered to the premises be removed from the exterior of the building and placed on the premises within a reasonable time;
2. that Mr. Freitas submit building permit drawings to the Town by April 1, 1981;
3. that the applicant start the approved rebuilding within two months after notification that the permit is ready;
4. and that if the permit is not obtained within five days after notification that the permit is ready, then the rear shed is to be demolished within 30 days after such notification.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

M/S Signorelli, Peterson, that based on the nature of the existing structure and the lack of available parking, we grant the parking variance for V-937, Livio Freitas, 210 Greenfield Avenue, A/P 6-173-04, in that it will not be detrimental to the neighborhood; and is necessary for the enjoyment of substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

Mr. Freitas said the color of the stucco will be a light beige, with the sign to have black letters on a redwood siding background.

M/S McPeak, Peterson, to approve the drawings submitted with the application dated March 16, 1981, for C-179 for Livio Freitas, 210 Greenfield Avenue, A/P 6-173-04, design review of an addition to a commercial building.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

#### 4. NEW BUSINESS

- A. V-932 - Richard Allen, 18 Island Drive, A/P 6-201-03, a third story variance and a four foot frontyard variance for a covered porch with a two foot overhang within 16 feet of the front property line.
- B. V-933 - Richard Allen, 22 Island Drive, A/P 6-201-03, 20 foot frontyard variances to construct a garage and parking deck within zero feet of the front property line.

Richard Allen, applicant, present.

Mr. Allen said he did not use the variances previously granted due to construction costs.

M/S McPeak, Peterson, to approve V-932 for Richard Allen, 18 Island Drive, A/P 6-201-03, a third story variance and a four foot frontyard variance for a covered porch with a two foot overhang within 16 feet of the front property line, on the grounds that it will not be detrimental to the neighborhood as it is consistent with other construction in the area; it will enable the enjoyment of substantial property rights; and will not endanger the health nor safety of those in the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

M/S Peterson, Signorelli, to approve V-933 for Richard Allen, 22 Island Drive, A/P 6-201-03, 20 foot frontyard variances to construct a garage and parking deck within zero feet of the front property line, on the basis that the variances are required by the way the house will be situated on the lot and the steepness of the lot; it is necessary for the preservation and enjoyment of substantial property rights; and it will not materially nor adversely affect the health and safety of persons residing and living in the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. V-934 - Alice D. Yarish, 1 Cypress Road, A/P 6-124-06, 6.47 to seven foot south sideyard variances and 5.60 to seven foot north sideyard variances to construct a living room and dining room extension and a bay window within 5.53 to five feet of the south side property line and 6.4 to five feet of the north side property line.

Alice Yarish, applicant, and Edward Hageman, Designer, present.

M/S McPeak, Peterson, to approve V-934 for Alice D. Yarish, 1 Cypress Road, A/P 6-124-06, 6.47 to seven foot south sideyard variances and 5.60 to seven foot north sideyard variances to construct a living room and dining room extension and a bay window within 5.53 to five feet of the south side property line and 6.4 to five feet of the north side property line, on the basis that the configuration of the lot presents a hardship; it will not be detrimental to the neighborhood; it allows substantial property rights; and does not endanger the health and safety of those in the neighborhood.

Motion passed unanimously.

- D. EU-23 - Mr. and Mrs. Scott Drötman, 290 Redwood Road, A/P 7-095-35, use permit to allow a second unit to remain on change of ownership.

Applicants were not present; item continued to April 6, 1981.

- E. V-935 - Joe A. Koopman, 9 Stone Court, A/P 5-171-19, a 3.95 foot sideyard variance and a 9.75 foot rearyard variance to construct a bedroom and bathroom within 4.05 feet of the side property line and 10.25 feet of the rear property line.

Joe Koopman, applicant, present.

Commissioner Signorelli said he was concerned about the effect of the addition on the next door neighbor; however, the neighbor said she is more concerned about the location of her air conditioner as it is noisy and adjacent to the proposed bedroom.

M/S McPeak, Peterson, to approve V-935 for Joe A. Koopman, 9 Stone Court, A/P 5-171-19, a 3.95 foot sideyard variance and a 9.75 foot rearyard variance to construct a bedroom and bathroom within 4.05 feet of the side property line and 10.25 feet of the rear property line, on the basis that it is an extension of an existing building line; it will not be detrimental to the neighborhood because of the slope of the land there; it will allow substantial property rights; it will not endanger the health or safety of those in the neighborhood; and that the location of the house on the lot dictates that the extension be in the setbacks.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. U-557 - Christopher McCombs, 11 San Rafael Avenue, A/P 7-211-11, use permit to allow a medical office in a P zone.

V-936 - Christopher McCombs, 11 San Rafael Avenue, A/P 7-211-11, parking variances: to allow four parking spaces, eight feet by 18 feet in size, within zero feet of the front property line and six inches of the west side property line; six spaces nine feet by 20 feet in size, four of which to be within six feet of the south side property line; and two parking spaces, legal in size, to be within 14 feet of the rear property line and six inches of the east side property line (Note: setback requirements for this lot are 20 feet in the front and rear yards, five feet on the west side and zero feet on the east side; legal parking size requirement is ten feet by 20 feet).

Christopher McCombs, applicant, present.

Mr. Robbins noted that the applicant is proposing to raise the rear building and, therefore, needs a 16'6" west sideyard variance.

Commissioners Peterson and McPeak suggested the plan is too dense for this lot. Commissioner Peterson added that the purpose of P zoning is to provide a buffer between commercial and residential zones and this intense use does not act as a buffer.

Susanna Van Leuven, 54 San Rafael Avenue, said she does not want San Rafael Avenue to become commercialized and is against a having parking in front of the building.

Carlos Garza said this project will upgrade the property.

Richard Jenkins, 26 San Rafael Avenue, said he would prefer apartments on this lot.

M/S McPeak, Peterson, to continue U-557 and V-936 for Christopher McCombs to the April 20, 1981, for reworking of the design.

Motion passed unanimously.

5. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:43 p.m. to the special meeting on March 23, 1981.

*Lisa Burclin*

LISA BURGLIN  
PLANNING ASSISTANT