

The regular meeting of the San Anselmo Planning Commission was called to order by Vice-Chairman Fred Peterson in the Town Hall Council Chamber on June 21, 1982 at 8:00 p.m. George C. Davison, Staff present.

1. ROLL CALL

Commissioners Present: Bergeson, McPeak, Signorelli, Peterson
Absent: Gaidano, Harle, Hayes

2. APPROVAL OF MINUTES: Commissioner Peterson asked the following be inserted at the end of the last full paragraph of the first page of the May 10 minutes:

"Mr. Roth stated there was confusion regarding the number of units which could be built under the proposed density ordinance, and after clarification of the numbers, he found no conflict with the General Plan."

M/S McPeak, Signorelli, the minutes of May 10, 1982 be approved as amended. Passed unanimously.

M/S Signorelli, Bergeson, the minutes of June 7, 1982 be approved as written. Passed with 2 "Aye" votes; Commissioner Peterson abstained.

3. OLD BUSINESS

A. Proposed Density Ordinance - Held over until July 19, 1982

B. Z-210 JAMSHEED JAMSHEED - Held over until July 19, 1982

4. NEW BUSINESS

A. U-576 and V-1012 The Winery 554 San Anselmo Avenue A/P 6-102-15

Staff reported there is no on-site parking for this building, and the Town has no special recommendation on the application.

Doug Bullis, applicant, stated he intends to direct parking toward the parking lots behind Kaufman's, Creek Park and Sir Francis Drake Boulevard. He will so direct in any advertising he does. Mr. Bullis stated the music will, at the beginning, be recorded music of a classical genre; eventually he would like to have non-amplified "live" music between the hours of 6:00 - 8:00 p.m. Friday and Saturday, and between 12 noon and 2:00 p.m. on Sunday. This music would be authentic "older" music in nature.

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

M/S McPeak, Bergeson to approve U-576, application of Doug Bullis, dba The Winery, 554 San Anselmo Avenue, A/P 6-102-15, for a wine bar, classical music, art exhibits, and including light food service such as light, non-entree food items, on the basis of the finding that the use will not be detrimental to the health, safety, peace morals, comfort and general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Passed unanimously. P.C. 6/21/82

M/S Bergeson, McPeak to approve V-1012, application of Doug Bullis, dba The Winery, 554 San Anselmo Avenue, A/P 6-102-15 for a parking variance of 5 spaces on the premise that the special circumstance or condition of this application is the restricted parking in the downtown area, and there are no parking places available at this particular location; the granting of this variance is necessary for the preservation and enjoyment of substantial property rights, and granting of this variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved, and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood. Passed unanimously. P.C. 6/21/82

B. U-575 CAFFE'NUVO 556 San Anselmo Avenue A/P 6-102-15

Staff reported the operation seems to be well run, but cautioned this business started as a small cafe which then added a deck; subsequently covered the deck to provide all-weather use, and is now applying for "live" music. He felt further expansion past the live music would not be possible or desirable.

Tim Ezekiel, one of the owners of Caffe' Nuvo, said they had been "doing live music" for quite a while--they were unaware of the need for a use permit. He stated they had no complaints about their operation. The piano and a small entertainment area are in the back room. He said occasionally the rear doors are open; however, the patio cover baffles any noise. The amplifiers they use are very small.

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

M/S McPeak, Signorelli, to approve U-575, application of Thomas Bertotti, et al, dba Caffe' Nuvo to permit live music in conjunction with the existing cafe, based on the finding that the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Passed unanimously. P.C. 6/21/82

C. V-1018 Larry and Maxine Nilsen 32 Meadowcroft Drive A/P 5-185-15

One person from the audience asked if a building so close to the creek would have any adverse affect if there was another flood. Staff said they felt it would not. There was no one else in the audience to comment on the application.

M/S Signorelli, McPeak to approve V-1018, application of Larry and Maxine Nilson, 32 Meadowcroft Drive, A/P 5-185-15, for a 17'10" rear yard variance to construct an addition to an existing bedroom to within 2'2" of the rear property line, special circumstances or conditions being the present location of the house on the lot; the granting of this variance is necessary for the preservation and enjoyment of substantial property rights, and granting of this variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved, and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood. Passed unanimously. P.C. 6/21/82

D. V-1019 Michael Herson 18 Morningside Drive A/P 5-184-07

William Ollinger, Architect, was present with Mr. Herson.

Mrs. C.C. Hernandez, 11 Meadowcroft said she strongly objects to the garage being constructed within 1 foot of the side property line because it would block the light and air into her patio and barbecue area, and a garage in that location would infringe on the Hernandez' ability to see and breathe.

Mr. Hernandez stated because of the existing fence on the other side, Mr. Herson would not be able to get into his garage if it were moved to the other side of the lot.

It was stated the fence at the rear of the property at 11 Meadowcroft possibly encroached into the public right-of-way.

Mr. Ollinger said they have tried to keep the proposed garage low so as not to intrude on the neighbors. The other side of the lot, he said, is where Mr. Herson has his garden, moving the garage to the other side would take away the only garden area available on the lot.

Commissioner Signorelli asked if the garage could be moved over to at least 2 feet from the side property line to allow painting and some access to the exterior wall of the garage.

It was the consensus of the Commissioners that they would like to look at the area again and to ask the absent Commissioners to look at the area and perhaps discuss the situation with both Mr. and Mrs. Hernandez and Mr. and Mrs. Herson. Since the Hersons will be on vacation from July 11 through the 18th, the Commissioners are asked to try to view the property during the weekend of July 3/4. The item will be on the July 19 agenda.

Commissioner Bergeson asked in terms of moving the garage, if it could be staked so the Commission could see how far into the yard the garage would be.

M/S McPeak, Bergeson, to approve the portion of V-1019 pertaining to a 5'6" variance in frontyard setback to construct an entryway to within 14'6" of the front property line, this application having the special circumstances of a hardship because of the placement of the house on the existing lot; the granting of this variance is necessary for the preservation and enjoyment of substantial property rights, and the granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved, and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.
Passed unanimously. P.C. 6/21/82

E. U-577 and V-1021 Gary Grethen, dba
Depot Cafe 198 Sir Francis Drake Blvd. A/P 6-252-01

Staff reported this building is one of three owned by Dr. Hartmut Fischer in the same block, all contiguous properties. He said the present applicant should not be penalized for action of others in the past. The deck, he said, is in a nice setting, and the applicants feel they need it to make the project viable.

Mrs. Charlma O'Brien, 32 Lincoln Avenue and J. Shearer of 42 Lincoln Avenue said they were opposed to the application for the following reasons: Patrons' cars blocking their driveways and the alley at the rear; the noise, the debris, bottles, cans, etc. that this type of use brings.

Jennifer Rasmussen, speaking for the Depot Cafe, said there would be no noise problem: the proposed deck would be enclosed by a 5-foot high lattice and plantings, there is adequate on-site parking allotted to the Cafe, the deck would be used only in daylight hours, they do not propose to put electricity there. Music at first would be recorded and perhaps later they would have unamplified "live music".

Helen Curtjs, 46 Lincoln Avenue said she had lived with traffic problems for 11 years; she has had to call police and neighbors to come and move cars that block her driveway, and she is sick and tired of it. Dr. Fischer, she said, lives in one of the apartments, and he has 2 cars, and she doesn't know how many the other tenants have.

Mrs. Alberta Fordyce spoke against the deck and the music.

Jerry Shearer 42 Lincoln Avenue, said there was a tremendous traffic problem; he had to put up a rear fence to keep people out of his backyard.

Paul Bettini, owner of 18 Bank Street said the Theater is parked solid on Bank Street; they park on his property and leave debris, cans and bottles everywhere. You can, he said, have all the signs you wish, and people will still park where they want. He said the alley is in a disasterous condition.

Eric Swensen, 31 Lincoln Avenue said this was nothing against the present applicant, but the traffic problems get worse and worse. He feels the Commission and Council did not deal with the traffic when they granted the Theater the right to divide into 3 separate theaters, and felt they must face the issue of what protection they were going to give the neighborhood residents.

Ned Ongaro, 40 Lincoln Avenue objected to the deck, saying once it was there, they would never get rid of it, and it would generate noise.

Jennifer Rasmussen pointed out that they were probably the only business on that block to have their own parking. She also pointed out that the Commission had granted 2 other variances from parking requirements at this same meeting earlier in the evening. She agreed it takes one-half hour now to clean up the cans and bottles; she asked where the money would come from to run the Town if businesses were not to be allowed to open.

M/S McPeak, Bergeson to approve U-577, application of Gary Grethen, dba The Depot Cafe, 198 Sir Francis Drake Boulevard, A/P 6-252-01, for a use permit to serve beer and wine and to have unamplified music upon the condition that the lease between the owner and the applicant include a dedication of 4 parking spaces within the parking area of 190 Sir Francis Drake Boulevard, A/P 6-241-06 for the use of the patrons of the Depot Cafe: That the applicant take responsibility for policing and enforcing this dedication; To deny the application for an outdoor deck. Approval is based on the finding that the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Passed unanimously. P.C. 6/21/82

M/S McPeak, Bergeson to disapprove V-1021 because of the conditions contained in U-577. Passed unanimously. P.C. 6/21/82

F. SR-331 Servino Ristorante 729 Sir Francis Drake Blvd. A/P 6-083-06

Staff reported that although Mr. Servino has 2 more signs than allowed by code, his total square footage is way below that allowed by code, and the signs are unobtrusive.

Angelo Servino said that coming from Fairfax, the first two signs could not be seen and people kept asking him where the restaurant was located.

M/S Bergeson, Signprelli to approve SR-331 to allow 4 signs in lieu of the 2 allowed by code due to the special circumstances of the placement of the restaurant in terms of visibility of eastbound traffic, and the fact that although there are 4 signs, they use less square footage than the restaurant would be allowed by code, and they are unobtrusive; the granting of this variance is necessary for the preservation and enjoyment of substantial property rights, and granting of this variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved, and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood. Passed unanimously. P.C. 6/21/82

G. U-578 Rainbow Academy, V-1020 29 San Anselmo Avenue A/P 7-302-15

Carolyn Thomas, one of the owners stated they are licensed by the State for 24 children at that specific location. She said she will be living in the small dwelling at the rear of the property.

M/S McPeak, Bergeson, to approve U-578, application of Billie Volkis and Carolyn Thomas dba Rainbow Academy, for a use permit to operate a pre-school day care facility, not to exceed 24 children on the basis the finding that the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Passed unanimously. P.C. 6/21/82

M/S McPeak, Signorelli, to approve V-1020, application of Billie Volkis and Carolyn Thomas, dba Rainbow Academy at 29 San Anselmo Avenue, A/P 7-302-15 for a variance of 6 parking spaces based on the special circumstances of the existing building and the use will not demand more off-street parking; the granting of this variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved, and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood. Passed unanimously. P.C. 6/21/82

5. ADJOURN. At 11:30 p.m. the meeting adjourned to the next regular meeting of July 19, 1982.

Thelma Foster