

The regular meeting of the San Anselmo Planning Commission was called to order on January 18, 1982, at 8:00 p.m. by Chairman Hayes in the Town Hall Council Chamber. T. J. Robbins and Hadden Roth present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - November 30, 1981

Item 2, Paragraph 11, change, ". . . discussion around narrowly focused densities" to read, ". . . discussion around densities."

Item 2, Paragraph 25, add, "He concluded that these numbers are only window dressing and lack a good faith diligent effort required by the 1977 Guidelines."

Item 2, Paragraph 29, omit, "Commission agreed."

M/S Ollinger, Peterson, to approve the minutes of November 30, 1981, as amended.

Motion passed unanimously.

3. OLD BUSINESS

A. V-981 - Marin Community Playhouse, 27 Kensington Road, A/P 7-292-02, consideration of the scope of the legal, non-conforming use and application for variances to enlarge a building containing a nonconforming use and possibly increase the frequency of the use; a four foot sideyard variance to construct a ten foot by 16 foot addition; and parking variances.

Cory Susser, Bill Taggart and Ron Krempetz of the Playhouse present.

Mr. Taggart stated that the Playhouse had notified the neighborhood of three meetings to discuss their application and only six people have attended, five of whom support the application. He submitted a petition which was circulated within the last 3½ weeks and signed by 163 San Anselmo residents supporting the application, 51 of whom live in the neighborhood.

Les Ferroggiarro, 9 Waverly Road, stated he also spoke to neighbors on Bolinas Avenue in Ross and found only one person in support of a full-time theatre in the neighborhood. He submitted a petition opposing the application signed by sixteen neighbors. Mr. Ferroggiarro suggested the Playhouse only operate on Friday and Saturday evenings. Referring to the information supplied to the neighbors by the Playhouse, he questioned the phrases, "At the present time" and "sufficient reasons." He also suggested the possible increase in crime that may result from these large gatherings.

In response, Ms. Susser said a map is sent with every reservation indicating there is no parking on Waverly Road, but rather on Kensington Road and the north side of Bolinas Avenue. She said "At present" means these are their policies and there are no planned changes, i.e., the seating will not increase and there is never anyone at the facility after 11:00 p.m. Ms. Susser stated a theatre cannot operate on a Friday and Saturday night basis alone. She added that one elderly neighbor recently told her that due to the staff's care of the theatre there has been less intrusion by juveniles in the area.

A teacher from Cedars Foundation stated the theatre is important to the people at Cedars as it is nearby and exposes them to cultural activities.

Suzanne Brown, 201 Bolinas Avenue, Helene Robertson and Joe Wansedler, 38 Austin Avenue, and Fred Broemmer, 99 Sunnyside Avenue, said they are concerned about the noise and traffic level and feel the theatre should come under the Seminary's Master Plan.

Fran Scholobohm said she spoke to 20 residents on Austin, Sunnyside and Waverly and found only two who were absolutely against the application. The others are concerned, but feel the staff has been making an effort to keep the neighborhood in mind.

Doug Bolus, 92 Glenwood Avenue, Ross, said the theatre enriches the neighborhood and provides an alternative to television.

Dan Coldwell, 40 Redwood Road, said he feels fortunate to live in a community that has the best theatre in Marin County and this application is a reasonable request.

Gary Howell, 17 Indian Rock Court, said he supports cultural activities in this community and knows Ms. Susser works well with people and can handle the neighborhood concerns.

John Colteaux, 55 Kensington Road, said the Commission has to discuss the scope of the legal, nonconforming use, and then can address the question of whether this applicant may vary that newly found nonconforming use from what the Commission found it to be.

Hal Borowidt, 123 Bolinas Avenue, and Ron Lombardi, 141 Bolinas Avenue, said they are opposed to expansion of the theatre.

Charles Brousse of the Pacific Sun said he sees theatre productions all over the Bay Area and the Playhouse has been a God-send to this community from the standpoint of performers and the people of San Anselmo who enjoy such a culture center. He pointed out that if the use is so curtailed by restrictions that people cannot work, then it is the same as closing the theatre, as you have to produce three to four nights in order to afford to produce.

Marilyn Epstesky, owner of Marin Theatre and Dance, said without the Playhouse she has no financial means of providing her students with a place to perform, to which Bea Blum, an owner of another dance company, agreed.

Joanne Cerviddy, 21 Waverly Road, said her only concern is parking, but she favors the theatre and can live with the inconveniences.

Chris Lucas, 131 Bolinas Avenue, Ross, said there is a great deal of traffic and noise and suggested performances only take place two nights per week.

Mr. Taggart suggested that rather than try to make the finding whether the current/proposed use is more intense than that which existed in 1955, that the applicant concedes the use is greater and proceed on that basis, to which the other Commissioners agreed.

M/S Peterson, Ollinger, that the Planning Commission finds that the proposed scope of the legal, nonconforming use exceeds the scope of the use in 1955, when it was treated as a community clubhouse; with the understanding that a variance will be required in order to permit the scope of the proposed use.

Motion passed unanimously.

Ms. Susser said there will have been 150 actual performances between June, 1981, and May, 1982; they propose 176 for the 1981/82 fiscal year.

M/S Peterson, Harle, to grant that portion of V-981 for the Marin Community Playhouse, 27 Kensington Road, A/P 7-292-02, to establish the scope of the nonconforming use and to enlarge a building containing that use; to permit 156 performances within a 12-month period; the performances defined as early evening where more than 35 people occupy the premises. The restrictions are as follows:

1. Two-thirds of the performances must be on Friday and Saturday evenings or evenings preceeding a holiday;
2. the facility cannot be occupied before 8:00 a.m.; nor can it be occupied after 12:00 midnight on weekend nights and 11:00 p.m. on weekday nights, excepting janitorial and maintenance personnel;
3. there is to be no amplified music at the facility;
4. there shall be a review of variances by the Planning Commission in six months or concurrent with the Seminary Master Plan, whichever comes first;
5. the Seminary Master Plan shall include treatment of this use of the property;
6. performers, staff, and production crew using the facility are not to park on Waverly Road;
7. the seating is not to increase beyond the present capacity of 245 seats;
8. there are to be no more than 15 performances in any four calendar week period; an exception to this will apply to contractual agreements already made.

This approval is based on the findings that:

1. It will not be detrimental to the neighborhood;
2. that it is necessary due to the unusual circumstances that if we do not permit the scope of this use it will not be viable for any theatrical use which has been the historical use.

Motion passed unanimously.

Mr. Krempez pointed out that the proposed enlargement to the building does not mean there will be additional seating.

M/S Ollinger, McPeak, to approve that portion of V-981 for the Marin Community Playhouse, 27 Kensington Road, A/P 7-292-02, for a four foot sideyard variance to construct a 10 x 16 foot addition; based on the revised plan by Julian Knox dated December 16, 1981, on the basis that it will not be detrimental to the neighborhood; it will allow for the preservation of property rights; and is necessitated by the location of the building on the land.

Motion passed unanimously.

M/S Peterson, Ollinger, to approve that portion of V-981 for the Marin Community Playhouse, 27 Kensington Road, A/P 7-292-02, for 49 parking spaces (with the understanding there are 50 available off-site parking spaces on Kensington Road); on the basis that this facility has no other parking available; that it is required for the substantial enjoyment of property rights; it will not be detrimental to the neighborhood; it is required due to the unusual circumstances that the property has no available parking and the Commission prefers to keep Buich Field open for recreational use rather than for parking; with the condition that the parking consideration will come back at the time of the Seminary Master Plan submittal.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

Mr. Colteaux questioned why the Playhouse cannot use the on-street parking on Kensington Court and Seminary Drive in that case, summarizing that the Commission should not have considered this item until the Seminary Master Plan was submitted.

## 4. NEW BUSINESS

- A. V-992 - Roy Carnevale, 4 Herrera Court, A/P 5-062-90, 2'6" east sideyard variance and a seven foot rearyard variance to construct a carport within 5'6" of the east side property line and 13 feet of the rear property line - After-the-Fact.

Roy Carnevale, applicant, present.

Spencer Sias, 37 Carlson Court, said he has met with his neighbor, Mr. Carnevale, and express his concerns about the visual appearance, landscaping and drainage. Mr. Robbins said the building permit will be reviewed with Mr. Sias.

M/S Ollinger, Signorelli, to approve V-992 for Roy Carnevale, 4 Herrera Court, A/P 5-062-90, 2'6" east sideyard variance and a seven foot rearyard variance to construct a carport within 5'6" of the east side property line and 13 feet of the rear property line, on the grounds that it is necessary for the preservation of substantial property rights; it will not be detrimental to the neighborhood; and is necessitated as there is no other place to locate this carport on the property. In construction of this carport all due consideration is to be given to proper landscaping and shielding of the carport.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. SS-246 - Richard Kurtz and Victor Chiarella, 29 and 35 Woodside Court, A/P Nos. 5-261-18 and 5-261-23, lot line relocation.

Richard Kurtz, applicant, present.

No concerns were raised.

M/S Harle, McPeak, to approve SS-246 for Richard Kurtz and Victor Chiarella, 29 and 35 Woodside Court, A/P Nos. 5-261-18 and 5-261-23, lot line relocation, as shown on the map received by the Town on December 15, 1981.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. U-568 - Sal's Chopped Garlic, 46 Greenfield Avenue, A/P 6-251-10, manufacturing of chopped garlic for wholesale distribution.

Applicant present.

Concern was expressed regarding the possible odor that will emanate from the business. The applicant stated the odor will be minimized with deodorizers and should dissipate within three hours.

M/S McPeak, Ollinger, to approve U-568 for Sal's Chopped Garlic, 46 Greenfield Avenue, A/P 6-251-10, manufacturing of chopped garlic for wholesale distribution, on the grounds that it will not be detrimental to the neighborhood; and it is necessary for the substantial enjoyment of property rights.

Motion passed unanimously.

- D. Z-213 - Kress Sandra Bowen, 80 West Hillside Avenue, A/P 6-172-10, proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to R-1 (Single Family Residential) for one dwelling, and the initial environmental review.

James Josephs, contractor, present.

Mr. Robbins said this property would not qualify for further subdivision under the General Plan.

M/S Peterson, Ollinger, to accept the Negative Declaration as prepared by staff, and recommend to the Town Council approval of the proposed rezoning of 80 West Hillside Avenue, A/P 6-172-10, for Kress Sandra Bowen, from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to R-1 (Single Family Residential) for one dwelling, on the basis that it is consistent with the General Plan.

Motion passed unanimously.

It was announced that this application will be heard by the Town Council on January 26, 1982.

- E. V-993 - Howard and Terri Stubblefield, 24 Longview Avenue, A/P 6-153-11, a two foot frontyard variance and a five foot frontyard variance to construct a deck within 12 feet of the front property line and an addition within 15 feet of the front property line.

Howard Stubblefield, applicant, and Monte Deignan, designer, present.

Mr. Deignan presented color renderings of the proposal, stating the construction will be compatible with other structures in the neighborhood and will be screened by existing trees.

M/S McPeak, Ollinger, to approve V-993 for Howard and Terri Stubblefield, 24 Longview Avenue, A/P 6-153-11, a two foot frontyard variance and a five foot frontyard variance to construct a deck within 12 feet of the front property line and an addition within 15 feet of the front property line, on the grounds that it is necessary for the substantial enjoyment of property rights; it will not be detrimental to the neighborhood; and there is a hardship due to the location of the structure on the land which has a difficult terrain.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. V-994 - James Flanagan, 310 Greenfield Avenue, A/P 6-212-02, a third story variance to construct a single family dwelling.

James Flanagan, applicant, present.

Joanne Deetken, 19 Del Norte Avenue, questioned the required width of the easement. Mr. Robbins noted that the establishment of this easement, which is ten feet wide, predates the law requiring the width be 20 feet.

Brenda Rose, 5 Greenfield Court, was assured by Mr. Robbins that there will be protection provided with a three to four foot high wall at the turn.

Mr. Carter, 316 Greenfield Avenue, expressed concern about the drainage situation.

There was some discussion of whether the garage should be detached so that the stuse will be lower and not appear to loom above; however, it was realized that there would be more soil disturbance if the garage were not under the house.

M/S Peterson, Harle, to approve V-994 for James Flanagan, 310 Greenfield Avenue, A/P 6-212-02, a third story variance to construct a single family dwelling, on the grounds that it is required for the substantial enjoyment of property rights; it will not be detrimental to the neighborhood; it will not be detrimental to the neighborhood; and that the unusual circumstances are the steepness of the lot; the location of the driveway easement; and the required positioning of the structure on the lot justify a third story.

Motion carried: AYES: Harle, McPeak, Peterson, Signorelli  
NOES: Hayes, Ollinger

Applicant was advised of the ten day appeal period.

5. DISCUSSION

Commissioner Signorelli stated that he has been advised by staff to seek a formal request from the Commission for the questions he had outlined in a memo submitted at the previous meeting.

The Commissioners generally agreed they would like to see a copy of that memo prior to making such a request. Staff advised that copies would be distributed and the item discussed at the January 25 meeting.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:47 a.m. to the special meeting on January 25, 1982.

*Lisa Burclin*

LISA BURGLIN  
PLANNING ASSISTANT