

The regular meeting of the San Anselmo Planning Commission was called to order on March 7, 1983, at 8:00 p.m. in the Town Hall Council Chamber by Chairman Hayes. Lisa Wight, Planning Technician, present.

1. ROLL CALL

Commissioners present: Bergeson, Harle, Hayes, Sharp, Sousa
Commissioners absent: McPeak, Signorelli

2. APPROVAL OF MINUTES

M/S Sharp, Harle, to approve the minutes of February 7, 1983, as written.

Motion carried; Chairman Hayes abstained.

M/S Sharp, Harle, to approve the minutes of February 14, 1983, as written.

Motion passed unanimously.

3. PUBLIC HEARINGS

- A. U-576 - Doug Bullis, The Winery, 554 San Anselmo Avenue, A/P 6-102-15, amendment to use permit granted June, 1982, to permit live classical, jazz, folk, bluegrass and ethnic music (currently only live classical music permitted).

Doug and Carla Bullis, applicants, present.

Mr. Bullis said he thought the non-amplified classical music would sell; however, he has found his customers prefer different types of music and light amplification is necessary for his performers to be heard above the street and conversational noise. He is also encouraging professional dancing, adding that he had a flamingo dancer last week.

Ms. Wight advised that dancing would be a separate item for discussion and prior to that the owner's signature is required on the application. Future dancing is not permitted without the proper use permit amendment. Mr. Bullis said he understands that requirement and at this time is only applying for changes to the music and will not continue the dancing.

Tim Ezekiel and Doug Rosenberg of Caffe Nuvo, 556 San Anselmo Avenue, stated that when The Winery was opening, Mr. Bullis assured them his music would not conflict with theirs as he planned to have light classical music as an accompaniment to the wine tasting and art gallery. The change in music has resulted in a noise problem as the music can be heard between the common wall.

Commissioners Harle, Sousa and Hayes felt the original use permit was granted for reasons of tolerability. Caffe Nuvo has amplified music and the same thing next door is not tolerable. Commissioner Sousa suggested sound baffling the common wall. Chairman Hayes pointed out that at The Winery the performers must stand near the front door, where the music can filter out; whereas, Caffe Nuvo's performers are towards the back of the building.

Commissioners Bergeson and Sharp felt that because Caffe Nuvo was there first should not be the determining factor in who can and cannot have amplified music.

M/S Sharp, Harle, to approve the amendment to use permit U-576 to permit live classical, jazz, folk, bluegrass and ethnic music with the conditions that (1) the music not be amplified; (2) the volume level shall not be increased from the level of music that was typical under the current use permit approval (which was light classical music); (3) this approval shall be subject to a 90 day review; (4) music shall not be audible on the street; and this approval is on the grounds that it will not be detrimental to persons in the area or injurious to property and improvements; and it is necessary for the preservation of substantial rights of the petitioner.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. EU-21 - Clarence Whitbeck, 7 and 9 Myrtle Lane, A/P 7-172-07, review of second unit use permit - staff report that unit has been registered by the Town.

Ms. Wight advised the Commission that Mr. Whitbeck was able to secure proof that the second unit has been used continuously since 1963, so the Town Attorney determined it should be registered. Therefore, the discussion of possible revocation of the use permit because the owner does not live on the property is irrelevant.

- C. Z-221 - Newton Colburn, 7, 9 and 11 Fern Lane, A/P 5-193-07, use permit for the specific planned development for three living units (SPD zoning approved December, 1982).

Newton Colburn, applicant, present.

M/S Bergeson, Harle, to approve the use permit for the specific planned development for three living units based on the plan dated November 17, 1982, on the grounds there will be no adverse affects on the community; and is necessary for the enjoyment of substantial property rights.

Motion carried: AYES: Bergeson, Harle, Hayes, Sousa
ABSTAIN: Sharp

Commissioner Sharp abstained due to a possible conflict of interest.

Applicant was advised of the ten day appeal period.

- D. Z-214 - Paul Frank, 24 Ross and 25 Woodland Avenues, A/P 7-282-06, request for extension of one year to February, 1984, to obtain a building permit to construct eight apartment units (use permit granted February, 1982, for the specific planned development)

Paul Frank, applicant, present.

M/S Harle, Sousa, to grant an extension of one year to February, 1984, to obtain a building permit to construct eight apartment units, on the grounds that it will allow the enjoyment of substantial property rights; and it will not be detrimental to persons or activities in the neighborhood.

Motion passed unanimously.

- E. V-1047 - K. J. Skaar, 84 Oakland Avenue, A/P 5-211-16, variances to allow a new dwelling to be 40 feet in height and three stories.

Peter Strindberg, representative, present.

Mr. Strindberg stated the slope is steep and although the proposed dwelling is 40 feet in height, from the roadway it will appear much lower, and it is aesthetically compatible with the neighboring dwellings.

M/S Bergeson, Harle, to approve V-1045 for K. J. Skaar, 84 Oakland Avenue, A/P 5-211-16, variances to allow a new dwelling to be 40 feet in height and three stories, on the grounds that it will not materially affect adversely the health and safety of persons residing in the neighborhood; it is necessary for the enjoyment of substantial property rights; and the slope of the land dictates that these variances be granted.

Motion passed unanimously.

Applicant's representative was advised of the ten day appeal period.

- F. U-585 - John E. Nelson, 79 Center Boulevard, A/P 6-102-37, use permit for live entertainment and the on-sale of beer and wine

V-1048 - John E. Nelson, 79 Center Boulevard, A/P 6-102-37, parking variance (increasing the intensity of use to add refreshments, live entertainment and the on-sale of beer and wine).

C-191 - John E. Nelson, 79 Center Boulevard, A/P 6-102-37, design review of exterior alterations.

John Nelson, applicant, present.

Mr. Nelson said the business will offer books, magazines, numerous newspapers, film, espresso, and "high quality" breads, pastries and candy. They plan to be open between 6:00 a.m. and midnight seven days per week. Live entertainment will include non-amplified music, lectures and readings during the evening. The beer and wine will be sold in the late afternoon and evening hours. The atmosphere is to be quiet and "classy." There will be early morning and afternoon newspaper deliveries and they will use their own truck for most other deliveries.

M/S Sharp, Bergeson, to approve the use permit for live entertainment and the on-sale of beer and wine for John E. Nelson, 79 Center Boulevard, A/P 6-102-37, with the conditions that the entertainment be limited to accoustical (no amplification), and the hours of operation be limited to between 6:00 a.m. and midnight, seven days per week; on the grounds that this use will not materially affect adversely the health and safety of persons residing and working in the area; it will not be detrimental; and is necessary for the rights of the petitioner.

Motion passed unanimously.

M/S Harle, Bergeson, to approve the parking variance, V-1046, for John E. Nelson, 79 Center Boulevard, A/P 6-102-37, on the grounds that it will allow the enjoyment of rights by the petitioner, it will not be detrimental to other activities in the area, and is necessary because of the lack of space to provide the required parking.

Motion passed unanimously.

The applicant advised the color of the building will remain unchanged and the trim and doors will be natural wood - either light oak or ash.

M/S Bergeson, Harle, to approve C-191 for John E. Nelson, 79 Center Boulevard, A/P 6-102-37, for exterior alterations based on the plan received February 16, 1983, and marked up at this meeting to show a window above the doors, on the basis that it is aesthetically compatible to adjacent buildings, and it will not be detrimental to the community.

Motion passed unanimously.

Applicant was advised of the ten day appeal period for the use permit, variance and design review.

4. DISCUSSION - HILLSIDE DENSITY ORDINANCE WORKSHOP MEETING

It was decided that the Commission will hold a workshop meeting on March 21, 1983, rather than March 18, as originally discussed.

5. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:30 p.m. to the next regular meeting on March 21, 1983.

Lisa Wight

LISA WIGHT
PLANNING TECHNICIAN