

A regular meeting of the San Anselmo Planning Commission was called to order on October 20, 1986 at 8:02 p.m. by Chairman Kroot in the Council Chamber. Planning Technician Wight was present. Planning Consultant Roberto was present for the Quarry Mountain agenda item.

ROLL CALL

Commissioners Present: Harle, Hayes, Heubach, Manning, McPeak, Zaharoff, Kroot

APPROVAL OF MINUTES, SEPTEMBER 29 AND OCTOBER 6, 1986

The minutes of September 29th were amended as follows:

Commissioner Heubach's name was removed from the "Commissioners Present" list.

M/S, Zaharoff-Manning, to approve the minutes of September 29, 1986 as amended. Motion passed by the following vote:

AYES: Manning, McPeak, Zaharoff, Chairman Kroot

ABSTAIN: Harle, Heubach

ABSENT: Hayes

The minutes of October 6 were amended as follows:

On page 6, the second paragraph, beginning with "Commissioner Heubach," was amended to read, "Commissioner Heubach agreed the 5 foot setback was better and he did not think there was that much difference between the two proposals in terms of their affect on the Souzas." The third paragraph, beginning with "Chairman Kroot," was amended to read, "Chairman Kroot said that he did not have a problem with either the 5 foot or the 8 foot setback."

On page 7, the seconder of the motion on V-2143 was corrected to be "Hayes."

M/S, Heubach-Zaharoff, to approve the minutes of October 6, 1986 as amended. Motion passed by the following vote:

AYES: Hayes, Heubach, McPeak, Zaharoff, Kroot

ABSTAIN: Harle, Manning

QUARRY MOUNTAIN SUBDIVISION - Request for Clarification on Finding B.4 (Traffic Impact of Resolution 86-1 (Landscape Plan))

In reviewing an appeal of the Planning Commission's approval of the Landscape Plan, the Town Council was unclear as to the Commission's intent behind Finding #4 of Resolution 86-1. This finding states that "the environmental clearance on the approved Tentative Map for the Quarry Mountain Subdivision...found that the 12 home sites in the Subdivision would not have a direct significant adverse traffic impact or result in any unnecessary traffic hazards."

Planning Consultant Roberto reported that since state law requires findings to be made to support a Commission action and Council Resolution 2060 did not provide any criteria upon which findings could be made to act on the Landscape Plan, he referred to the findings required for design review. One of these findings, incorporated into Resolution 86-1, was that the design item "will not create unnecessary hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel."

Mr. Roberto explained he had responded to this required design

review finding by stating that the Commission and Council's approval of the Tentative Map found that the project would not result in any significant adverse traffic impacts or result in any unnecessary traffic hazards.

The Commission considered the request for clarification by the Council. The consensus was that there were no large traffic issues related to the Landscape Plan itself, that the Commission and Council addressed traffic issues in the Preliminary Plan and the Tentative Map and those issues were resolved to the appropriate degree. The only issues discussed in review of the Landscape Plan were the roadway widths, the location and width of the median strip and the Police and Fire Department's requirements on these issues. The roadway and island/median width issues were resolved during review of the Landscape Plan.

Larry Stack, 10 Alice Way, raised issues concerning traffic that were addressed in Council Resolution 2060. He was informed that the Commission was considering only a specific request from the Town Council.

#### PUBLIC HEARINGS

V-214- - G. Catherine Orman, 27 San Rafael Avenue, A/P 7-211-06, a five foot sideyard variance to construct a two-car garage within three feet of the side property line and a 15 foot rearward variance to construct a garage within five feet of the rear property line.

Catherine and Stan Orman were present.

The application had been continued from the meeting of October 6 for consideration of a five foot setback instead of an 8 foot setback.

Mr. Orman stated that it would be difficult to back out of the property with an 8 foot setback.

Ms. Souza, 40 Tamalpais, objected to the 5 foot setback, saying it was the only side of her property where there is any space.

Commissioner Zaharoff said that in viewing other garages in the neighborhood and the story poles erected by the applicant in terms of their proximity to Ms. Souza's property, her opinion was that a 5 foot setback is a more beneficial position for the garage.

Commissioner McPeak said he would have to go along with the neighbor's concern for the setback and therefore would support the 8 foot setback.

Commissioner Heubach said he understood Ms. Souza's concern about creation of a tunnel due to the new garage, but that he did not think it would be mitigated if the garage were moved three feet.

Commissioner Harle agreed with Mr. Heubach, adding that in considering what difference 3 feet would make, it has a much greater impact on the Orman's turning ability and back yard than on the Souza's privacy, considering also the large number of solid fences that crisscross the space between garages and neighboring properties.

Commissioner Hayes agreed that 3 feet would have a greater impact on the turning movement on the Ormans' property than on improving the Souzas' property.

Commissioner Manning said he though the proposal with a 5 foot setback was better than the one with an 8 foot setback.

M/S, Harle-Hayes, to approve V-2140, G. Catherine Orman, 27 San Rafael Avenue, A/P 7-211-06, a five foot sideyard variance to construct a two-car garage within three feet of the side property line and a 15 foot rearyard variance to construct a garage within five feet of the rear property line, on the grounds that it is necessary for the enjoyment of substantial property rights, the placement of the garage is necessitated by the configuration of the yard and the placement of the large fig tree and the recommended amount of turning space, the project presents a minimal impact to any activities of persons residing in the neighborhood, in accordance with the drawings submitted August 13, 1986. Motion passed by the following vote:

AYES: Harle, Hayes, Heubach, Manning, Zaharoff, Kroot

NOES: McPeak

U-615 - Jon B. Paley and Raymond E. Jacquez, The Village Food Company, 645 San Anselmo Avenue, A/P 7-212-23, use permit for the off-sale of beer and wine.

Mr. Jacquez was present.

Planning Technician Wight reported that the primary use will be the sale of meats, seafood, cheeses, deli-products, beer, wine, coffees and other gourmet items. It will not be a full-line grocery store and there will be no on-site eating.

Mr. Jacquez estimated about 5 to 8 percent of his business will be take-out.

M/S, Heubach-Zaharoff, to approve U-615, Jon B. Paley and Raymond E. Jacquez, The Village Food Company, 645 San Anselmo Avenue, A/P 7-212-23, use permit for the off-sale of beer and wine, on the grounds that it grants substantial property rights, it will not adversely affect the interests of persons living and working in the neighborhood, and will not result in any health or safety hazards. Motion passed unanimously.

SS-263 - Paul Tietjen, 1348 San Anselmo Avenue, A/P 7-051-07, two-lot parcel split with exceptions and the initial environmental review.

The applicant was present.

The application was continued from May 19, 1986. The applicant has since submitted a new Tentative Map. The parcels are the same configuration and size and therefore still require exceptions to average width regulations. The proposed two-car garage in the rear setback has been eliminated from Parcel B by proposing a two-car parking pad which does not require exceptions. The only setback exception required is for the existing dwelling on Parcel A.

Planning Technician Wight reported that the proposed lots will be a larger size than those directly across the street; however, they will be narrower than many in the area. A 13 foot east side setback is proposed between the new dwelling on Parcel B and the west side property line of the property owned by Nicholas Csery at 1340 San Anselmo Avenue. The proposed location of the new house is 26 feet from Mr. Csery's deck and 40 feet from the corner of his house.

Mr. Tietjen said the square footage of the lots is beyond what is necessary, and other homes in the area are on lots of similar width but smaller in size. He said no trees will be removed.

Mr. Csery said he still preferred what he had proposed at previous meetings for a division creating an "L" shaped lot.

Commissioner Manning said he did not see any exceptional circumstances which justified the exceptions for the inadequate setbacks. Commissioner Hayes agreed with Commissioner Manning.

Commissioner Harle said the proposal was acceptable if there was a means of ensuring that the building envelope shown on Parcel B would be adhered to when the property is developed.

Commissioner Heubach said he would have difficulty making the findings for exceptional circumstances, even if the application was revised to show conforming setbacks.

Commissioner McPeak said he thought the lot width requirements should be subordinate to the setback requirements and that he wanted to see the required 8 foot setback. He further added that he could more easily make the findings for inadequate lot width than inadequate setback in this case.

Commissioner Zaharoff said she could not making the necessary findings to approve the application.

Chairman Kroot said he supported the application, noting that the lots are of larger size than required. He said the hardship is the long and narrow configuration of the property and suggested that design review of the new home might be required since it would have an impact on Mr. Csery's house. The original house is off to one side so he could easily see why there could be two homes on the property. Furthermore, the approximately 1500 square foot new house would be moderately priced in an area of moderately priced homes.

Commissioner Hayes noted that most of the lots' size is in the depth of the lot while most of the tension between lots is in their width.

M/S, McPeak-Harle, to refer the application back to the applicant. Motion passed by the following vote:

AYES: Harle, Hayes, Heubach, McPeak, Kroot

NOES: Manning, Zaharoff

V-2145 - Sweat Equity, Inc., Bubba's Diner, 566 - 570 San Anselmo Avenue, A/P 6-102-26, parking variance to add 340 square feet (from the previous "Swan" business) to "Bubba's Diner."

Marshall Jainchill was present.

Planning Technician Wight reported that in August, 1985, the applicant was granted a parking variance, a use permit for outdoor eating and design review approval to construct an open deck to have six tables and 18 chairs behind "Miscellaneous" at 560 San Anselmo Avenue. The applicant now wants to withdraw these approvals and instead expand into the former "Swan" business at 570 San Anselmo Ave.

There is no on-site parking. With the proposed addition, 4 on-site parking spaces are required.

Staff noted that there is an existing problem of garbage stored on the street in front of the restaurant and asked the Commission to also address that issue.

Mr. Jainchill said the net increase in capacity from the expansion is 12 seats; he is removing 7 seats and adding 20 seats. He noted that this expansion in seating was smaller than the one previously approved by the Commission. Mr. Jainchill said that regarding intensity of use, the greatest use of the

business is before 9 a.m. and on Sundays, which does not impact other businesses. The customers patronizing the business at other times of the day will encourage foot traffic to adjacent businesses, thereby attracting needed customers.

Concerning garbage, Mr. Jainchill said he proposes to keep it in the back until 11 p.m. on the weekend, when the last employee leaves.

Commissioner Zaharoff noted that parking is a sensitive issue in the downtown and that restaurants are considered a high intensity use. Any approval would have to be conditioned on withdrawal of the previous proposal and resolution of the garbage problem.

Commissioner Heubach noted that the proposal was an increase in intensity of use, but that Bubba's attracts customers from local businesses. He added that parking is going to be a problem until more parking spaces are provided and the Town could drive all new businesses away, but this was not an appropriate solution.

Commissioner Hayes suggested the Commission discuss parking policies on a future agenda.

Commissioner Manning said that given the amount of competition from the shopping centers, downtown San Anselmo needed an influx of pedestrians.

Chairman Kroot supported the application. He said that Bubba's is one of the most attractive businesses in Town, he hoped the existing facade continues over the expanded area and cautioned staff to be careful in its design review.

M/S, Heubach-McPeak, to approve V-2145, Sweat Equity, Inc., Bubba's Diner, 566 - 570 San Anselmo Avenue, A/P 6-102-26, parking variance to add 340 square feet to Bubba's Diner, on the grounds that it is necessary for the enjoyment of substantial property rights, it will not materially adversely affect the health or safety or persons living or working in the neighborhood, and it will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, subject to the following conditions:

1. The previous application for a parking variance is considered withdrawn.
2. The proposal is limited to that shown on the plan received by the Town September 30, 1986.
3. A provision be made to store the garbage in a fashion where it is not shown to the public.

Motion passed unanimously.

V-2146 - Krzysztof Malarecki and Trudy Malarecka, 300 Sequoia Drive, A/P 6-118-17, a 12 foot west sideyard, 13 foot rearward and 17 foot frontyard variance to construct an addition and open deck within zero feet of the west side property line, seven feet of the rear property line and three feet of the front property line.

The applicants were present.

Planning Technician Wight reported that there is currently a dispute between the owners of 290 and 300 Sequoia over a deck built by the applicants which the owner of 290 Sequoia claims encroaches onto her property. Ms. Wight said the deck is less than 24 inches above the ground and therefore neither a building permit or a variance is required. The dispute is a civil matter between the property owners which should not affect the decision before the Commission this evening.