

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on November 16, 1987, by Chairman Hayes in the Town Hall Council Chamber. Staff present: John Roberto, Planning Consultant, Lisa Wight, Planning Technician.

A. ROLL CALL

Commissioners Present: Zaharoff, Yarish, Julin, Harle, Hayes
Manning
Commissioners Absent: Sias

B. APPROVAL OF MINUTES

M/S Zaharoff, Julin, to approve minutes of November 2, 1987, with the following corrections: change "M/S Julin, Sias" to "M/S Julin, Manning" as shown in the minutes of October 19, 1987; page 3, paragraph 5, change "2 or 3 car garage" to "2 or 3 car parking area"; page 5, paragraph 3 change "September 89, 1987" to "September 9, 1987"; page 8, paragraph 5, change "on-sale beer and wine will" to "property as proposed"

AYES: Zaharoff, Yarish, Julin, Harle, Hayes
ABSTAIN: Manning

C. PUBLIC HEARINGS

1. V-2209 - Carradine, Incorporated Architects, The Alameda, South of 443 The Alameda, San Anselmo jurisdiction A/P Nos. 5-043-16, 5-043-31, and County of Marin jurisdiction A/P Nos. 177-220-54 and 177-220-55, variance for a driveway easement across subject properties and discussion of environmental clearance.

Michael Carradine, applicant, present.

John Roberto presented the Staff Report dated November 12, 1987 stating that three of the parcels are located in San Anselmo and the 4th parcel is in the County. Each of the four variance applications requests approval to access each of the four lots in question from a roadway easement which was created in 1964, and applies to the four parcels currently under application, as well as a larger 22 acre parcel of land which is not part of this application. The San Anselmo Zoning Ordinance provides that "each lot shall have its access directly from the public street and shall not obtain access by easement or fee title across an adjacent lot except by variance granted pursuant to the provisions of the code." Three of the lots in question are in the Town of San Anselmo and the fourth lot is in the County of Marin and was created by deed. The three lots in San Anselmo have street frontage and direct access to The Alameda. The fourth lot, in the County, appears to have no roadway access except over the easement which traverses the three lots in San Anselmo. The only issue before the Commission now is the variance application for access by easement and the EIR.

Mr. Carradine first applied for Preliminary Plan approval in March, 1986. Upon reviewing the application materials staff found that the proposed roadway was not shown on the approved subdivision map for the property. Mr. Carradine stated that the roadway easement was created prior to the amendment which added this requirement to the San Anselmo Zoning Ordinance. Mr. Carradine also said that a variance was not necessary because he had the legal right to use the roadway easement. In return staff forwarded the matter to the town Attorney for an opinion on the issue. The Town Attorney concluded the following:

1. The 40 foot wide roadway easement on the subject property appears to have been validly created.
2. That since Mr. Carradine was seeking development permits at this time he must comply with existing law and apply for a variance to develop any of the sites which are planned to obtain access by easement or fee title over an adjacent lot.

3. That the 40 foot roadway easement is the only access to the parcel in the County and agruably, a failure to grant a variance permitting access within the 40 foot easement across the adjacent lots for the benefit of the one lot in the County could constitute a taking of that property.

4. The Town Attorney has advised the Planning Commission that should an application be made for such a variance, it should be granted to the extent necessary to provide access to the lot in the County.

Mr. Roberto stated that even though a variance request for access over an adjacent parcel to serve the parcel in the County must be granted, the Planning Commission can condition the variance as the Commission deems appropriate.

Environmental Clearance: Mr. Roberto stated that based on the information submitted by the applicant, staff is unable to recommend a negative declaration on the proposed variance application for the following reasons:

1. The geotechnical report submitted with the application recommends a number of mitigations which need to be included in any development proposal for the property. The Preliminary Plan for the site does not appear to incorporate those recommendations.

2. The proposed roadway and future planned site improvements could result in significant adverse drainage, erosion and off site flood impacts. The applicant has not submitted any studies which describe the potential drainage and flooding impacts of the project and how they can be mitigated.

3. The potential adverse traffic circulation and parking impacts on the immediate neighborhood which could result from the proposed development plan have not been addressed by the applicant.

4. It is still not clear to staff whether the large 22 acre Cary property which is not part of this application, but is identified as having access rights over the 40 foot roadway easement in question will be able to use the roadway without first having to seek a variance from the Town. If the Cary's do have a legal right to use the roadway without Town authorization the granting of the variance would result in a significant growth inducing impact by removing a current major obstacle to development of the Cary property, and according to the State's environmental law an EIR addressing the impacts of development of the Cary property would have to be prepared at this time.

Staff is of the opinion that with the development of additional information and a commitment by the applicant to design the project to mitigate any adverse environmental impacts, a negative declaration can be given on the variance and Preliminary Plan applications. If the Planning Commission can legally grant an access to the small parcel in the County without having to improve the current access which the Cary property has legal rights to use, the potential growth inducing impacts of the application can be mitigated. If the information needed is not developed at this time, or the applicant refuses to implement necessary mitigation in the design for Palomino Meadows a focused EIR would have to be prepared on the application.

Annexation Issue: The roadway easement is only necessary to serve the small parcel of land located in the County of Marin. If that parcel were not there the easement would not be needed because the other three properties already have frontage and access to the Alameda. The additional runoff and traffic generated by the parcel, and the roadway necessary to serve the parcel, will have a direct physical impact on the Town's roads and storm water collection system. Even though the parcel in question will impact these Town maintained systems the parcel is not part of the Town's tax base and contributes no money to the upkeep and maintenance of

these systems. Staff believes that properties which utilize directly a communities physical infrastructure should be annexed into the Town. Staff believes that any action to approve a variance or Preliminary Plan for the parcel outside the Town should contain a condition requiring annexation, and should require the owner to enter into a binding annexation agreement with the Town. The applicant is not opposed to annexation but does not wish to apply at this time because such a procedure would delay action on the application.

Recommendation: Mr. Roberto stated that based on the information developed to date staff can make the findings to recommend granting the variance, subject to all the conditions listed below for A/P 177-220-54 and 5-043-31 but cannot make the finds for A/P 5-043-16 and A/P 5-043-22. Both of these parcels have frontage on The Alameda and there appears to be adequate space to provide for a home on the lower portions of these lots. However, should information be developed which shows that development of the upper slopes complies more with the intent of the R1-H zone staff would be willing to amend its recommendation. The conditions recommended for approval of the variance for lots 177-220-54 and 5-043-31 are as follows:

1. The preliminary plan must be amended to provide for an additional easement which will connect directly with Parcel 177-220-54 without passing over Parcel 177-220-55. This modification will provide direct access to the small land locked parcel without improving the access to the larger 22 acre parcel. such a modification would eliminate the potential growth inducing impacts of the present proposal.

2. Since the paved driveway will only serve two parcels it can be reduced in width from 18 feet to 15 feet. This step would reduce the cost of improving the road for the applicant, and also reduce the amount of new impervious surface and its associated storm water runoff.

3. No other parcels within the Town of San Anselmo or outside the Town are authorized by this variance to take access over the driveway shown on the approved Preliminary Plan for Palomino Meadows. The variance is granted only to the homes to be build on lots 177-220-54 and 5-043-31.

4. The owner of parcel 177-220-54 by accepting the conditions of this variance will enter into a development agreement with the Town of San Anselmo to annex the parcel in question to the Town prior to applying to the County of Marin for a building permit for the subject parcel.

Chairman Hayes felt it would be hard to make any decision on the variance without knowing what is before the Commission because of the complexity of the issues. Normally a parcel zoned R1-H would start with a Preliminary Plan.

Mr. Roberto said the issue of the roadway with the legality of the right to use the roadway is the paramount issue. If the Preliminary Plan was done first the access road would be dominant. The greater issue is the large parcel outside the Town limits.

Commissioner Zaharoff wanted to know if a driveway could be built on lot 3 would it be possible to have an easement off that to the County parcel. Mr. Roberto said that is is a steep grade but it may be possible to provide a 2nd easement.

Commissioner Yarish wanted to know if the 3rd condition recommended for approval of the variance was discussed with the Town Attorney.

Commissioner Harle wanted clarification as to why the final map was never recorded after going to the Town Council. Mr. Roberto said the Planning Commission approved the Tentative Map in November 1963 and the Final Map was submitted in November 1964 and approved in December 1964. However when the Final Map was submitted to the Town Council in January 1965 it was not approved because the applicant did not bond improvements. In November 1965 when it was brought back to the Council it was denied.

Chairman Hayes referenced a letter from Attorney Joseph Forrest to Town Attorney, Hadden Roth in March 1987 and wondered how the roadway and utility easement could have been deeded if the Town Council denied the request. He wanted to have clarification from the Town Attorney as to the legality of the deed.

Mr. Carradine said he was dismayed to get the Staff Report on the day of the meeting and stated there were issues that had never been brought up before however he felt he had addressed most of the issues. He went on to say that most of the issues that have been brought up are nonissues and can be resolved rather easily. He pointed out that he has no control over the 22 acre parcel and that the 4 lots he is presenting are separately owned and should be considered separate. He felt the 3 lots are too steep to use The Alameda as access and in addition all the vegetation would be destroyed. With regard to the building site, they are sheltered and essentially flat and easy to build on. The lot in the County is totally surrounded by trees and none of the single story homes would be seen from downtown. With regard to the gemological reports there will be minimal disturbance to topography in that the homes will be on piers and the grading is essentially in place. The site is stable and all cuts were made over 20 years ago. With regard to water runoff on the site he said the run off between the existing water shed and the new will give an increase of 3/10 of 1% The concern of the Town was that we collect the water in a catch basin and pipe it into the creek, preventing additional run off.

With regard to the variance application, Mr. Carradine contends that the parcels were created legally with the consent and requirements of the Town in effect at the time but because he now wants to improve the property the current ordinance stated that he has to obtain a variance.

Mr. Roberto said it was his understanding that the applicant needs to comply with the ordinances now in affect and that requires a variance for the easement but the larger issue at hand is the issue of the landlocked parcel in the County

PUBLIC COMMENTS

Mr. O'Loane, 400 the Alameda, felt these sites should not be built on because of all the horse manure, stated that "The Alameda River" floods and washes off the hillside annually and if they don not need additional run off. He felt that traffic was already too intense especially during the commute hour.

Jonathan Braun, 479 Scenic, was greatly concerned about the 22 acre parcel and would like to hear more discussion on it.

John Loutas, 353 The Alameda, said that his property has sustained \$180,000 worth of damage from flooding and that the neighbors call The Alameda the "Baja Highway". He said that The Alameda was under a Federal Flood Plain and could not understand why anyone would want to build there. He wanted to know who was going to pay for the road and felt that all the residents on The Alameda should be noticed prior to the next meeting regardless of the standard noticing. He said if this application gets approved he will sue the Town.

Don Ricketts, 349 The Alameda, stated the road was already in bad shape and he wanted to see a Preliminary Plan and more information before any decision can be made. He asked about the requirements of the EIR.

Frank Boerger, Civil Engineer, 324 The Alameda, stated that according to CIQA the Environment document needs to be accepted before the variances can be approached. Also, he would not be in favor of annexing the County parcel.

Jim McDonald, Architect, 509 The Alameda, does believe in individual's property rights however he knows that illegal grading without permits had been done. He has been out to the area and it is evident there has been a massive slide and feels a soils engineer should be consulted. Mr. McDonald stated that he was approached in 1978 to consider doing work on that property and wanted to ask who prepared the topo report. Mr. Carradine responded by saying they were copied off of some older maps but they have been verified by a Civil Engineer by the name of Tom Carr. Mr. McDonald continued by saying that in 1978 Grippi and Associates prepared a topo report and he told the owners that they had purchased a "turkey" because he did not feel they could get a road into the property to serve the lots and maintain a 25% grading of the road. Mr. McDonald said he sympathized with the applicant but thinks the cost of the road and improvements would be voluminous. How much would the applicant be willing to spend on a full EIR? He wanted to encourage the applicant to withdraw or be faced with all the requests of the Planning Commission. He feels that this will be the beginning of a new subdivision and also thinks it is illegal.

Dan Goltz, Architect, 107 Holstein, does not believe the variance application is the proper starting point because of density and other issues. He does not believe that these lots were ever recorded legally and thinks that since the Tentative Map was never approved by the Council that legally the Town is within it's rights to call for a Tentative Map without making a decision on the driveway easements. The lot was created by deed, not by subdivision, therefore it is not legal and then Mr. Goltz referenced a letter dated December 3, 1986 from Hadden Roth, Town Attorney, to Attorney Joseph Forest, with regard to the legality of the easement and the deeded property. Mr. Goltz said the owners have no vested interest in improvements in the driveway as it was done illegally. In closing, he said that if this is approved then the Town will be designing a road that goes right to the ridge and that is poor planning.

Alberta Michaels, 444 The Alameda, said that any flooding on The Alameda would have an effect on the downtown area.

Vivianne Bramy, 411 The Alameda, said that she has two ground floors because of all the flooding.

COMMISSION COMMENTS

Commissioner Zaharoff was not prepared to render an opinion on the variance without looking at the Preliminary Plan and would like verification of whether the County of Marin lot is buildable or not. She does concur with recommendations in the Staff Report but was not sure this could help them at this stage. She felt there were many legal aspects associated with this application and they should be addressed to the Town Attorney and mainly the question of the County of Marin lot and the subdivision Map Act and when the lot was deeded and the implications that had. Or Was the situation perhaps self created.

Mr. Roberto stated that his intent in discussing the variance first was to have the applicant see what the recommendations were on the variance application. He did not want to combine the variance and the Preliminary Plan at the same time because it will require more staff time and therefore wanted to make the applicant aware of all the issues before proceeding.

Commissioner Yarish wanted to know the legality of the County and Town lots and easements and felt some mitigating factors addressing hydrology and geology should be required.

Commissioner Harle had the same concerns as Commissioner Zaharoff and would also need more information about drainage.

Commissioner Julin echoed the other Commissioners.

Commissioner Manning echoed the other Commissioners and went on to say that we owe it to ourselves and the Town to get more information of traffic, hydrology and drainage besides the legal issues.

Chairman Hayes concurred with his colleagues and wondered if this application wasn't a possible conflict of the General Plan in that the applicant is proposing 4 homes in less than 4 acres and abutting the ridge. He also wanted to verify the accuracy of the topography map.

M/S Zaharoff, Harle, to continue V-2209 - Carradine, Incorporated Architects, The Alameda, South of 443 The Alameda, San Anselmo jurisdiction A/P Nos. 5-043-16, 5-043-22 and 5-043-31, and County of Marin jurisdiction A/P Nos. 177-220-54 and 177-220-55, variance for a driveway easement across subject properties and discussion of environmental clearance for a special meeting on December 14, 1987.

Motion passed unanimously.

2. V-2206 - Ed Johnson, 26 Rutherford Avenue, A/P 5-126-04, a two foot frontyard variance to construct a second story open deck within 12 feet of the front property line; a 20 foot frontyard variance to construct a retaining walls up to six feet in height and provide an uncovered three vehicle parking area within zero feet of the front property line (encroachment permit will also be required with administrative approval); a two foot frontyard variance for a fence/railing up to 42 inches in height on top of the six foot high retaining wall within 12 feet of the front property line; and a two foot east sideyard variance to construct a retaining wall up to six feet in height and provide an uncovered three vehicle parking area within six feet of the east side property line (plans are to convert a one car garage to a workshop/storage area).

Ed Johnson, applicant, present.

Planning Technician Wight presented Staff Report stating that the applicant has submitted new drawings that show how the retaining walls will be screened and the area landscaped.

Mr. Johnson indicated that he took the revised drawings to his neighbors and they had no objection to his proposals. He also brought in a lava rock to show the Commissioners.

Malcom McVicar, said the retaining wall will be built in 2 levels and hidden by rosemary and morning glory. He felt that Mr. Johnson was solving a parking problem by trying to get his vehicles off the street.

James Gentry, 46 Rutherford, cited the San Anselmo Municipal Code 10-3.604(g) in regards to minimum parking spaces for a R-1 lot. He said that parking already exists on the property and that the variance is really self generated. Andrew Ferrier, 49 Rutherford, echoed Mr. Gentry. John Loeber, 45 Rutherford said the applicant will convert his garage to a workshop. Lorraine Ferrier, 49 Rutherford, objects to parked cars in the frontyard of the applicant.

Commissioner Yarish was concerned about the width of cut and egress with neighbors. He felt it difficult to approve the application on the basis that it is self imposed but added the landscaping was a nice design.

Commissioner Harle could not make the necessary findings.

Commissioner Julin was inclined to support 3 spaces. Her feelings are that streets are intended for transport of cars but not for storage. Therefor she is in favor of removing cars off the street whenever possible.

Commissioner Manning felt that the use was self created and therefor doesn't support the application.

Commissioner Zaharoff said that having a van in the driveway with a car in the garage is a dangerous access therefore she supports the application. The applicant is providing a safer way to access the house and in addition is getting cars off the street.

Chairman Hayes said the design had improved immeasurably from the original design but he felt that the use was self created.

M/S Yarish, Harle to deny V-2206 - Ed Johnson, 26 Rutherford Avenue, A/P 5-126-04, a two foot frontyard variance to construct a second story open deck within 12 feet of the front property line; a 20 foot frontyard variance to construct retaining walls up to six feet in height and provide a three vehicle parking area within zero feet of the front property line; a two foot frontyard variance for a fence/railing up to 42 inched in height on top of the six foot high retaining wall within 14 feet of the front property line; and a two foot east sideyard variance to construct a retaining wall up to six feet in height and provide three vehicle parking within six feet of the east side property line on the basis that: 1. There are no special circumstances applicable to the property, including size, shape, topography, location or surrounding, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, specifically that this is somewhat a self created need. 2. The granting of the variance will constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, specifically that the tandem parking situation in this house is not unusual in this neighborhood or San Anselmo. 3. The granting of the variance is not necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically other options exist for the property owners problems and although difficult to code now that the parking, even though difficult, is according to code; and 4. The granting of such variance, under the circumstances of the particular case, will materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically that the massive amount of parking area will significantly alter the character of Rutherford Avenue. This is based on the drawings dated September 23, 1987.

AYES: Manning, Yarish, Harle, Hayes

NOES: Zaharoff, Julin

Application denied. Applicant advised of 10 day appeal period.

3. V-2211 - Vernan Franchini, 62 Lincoln Avenue, a/P 6-241-14, a one foot rearyard variance and a two foot east sideyard variance to construct an inground swimming pool and jazuzzi within seven feet of the rear property line and six feet of the east side property line.

Mrs. Franchini, applicant, present.

Planning Technician Wight presented the Staff Report.

Mrs. Franchini said she would like to put in the pool both for enjoyment and therapy.

Regina Watson, 60 Lincoln, and Shirley Fisher, 77 Lincoln, both were in support of the applicant.

Commissioner Harle thought it was a nice pool but it could be built within the setbacks therefore he could not approve the application.

Commissioner Julin thought that the 3 feet walkway around the pool was not a very useful walkway but if the neighbors had no objection to the application then she would support. Commissioner Manning agreed with Commissioner Julin.

Commissioner Zaharoff thought the pool could be moved to meet the setbacks.

Mrs. Franchini said she wanted the pool as far away from the house as possible and wanted to have adequate deck and yard space.

Chairman Hayes reluctantly supported the application as proposed because it is only being moved 1 to 2 feet within the setbacks.

M/S Zaharoff, Yarish, to approve V-211 - Vernan Franchini, 62 Lincoln Avenue, A/P 6-241-14, a one foot rearyard variance and a two foot east sideyard variance to construct an inground swimming pool and jazuzzi within seven feet of the rear property line and six feet of the east side property line on the basis that: 1. due to special circumstances applicable to the property, including size of the backyard and location of the structure in the backyard, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, specifically that there are other properties in the neighborhood that enjoy inground pools; 2. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, specifically again other properties in the neighborhood enjoy inground pools; 3. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically such a pool is necessary for therapeutic reasons of the applicant; and 4. The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically the encroachment is not only minor in nature but is located in such a way it will not impact either by noise or in an esthetic way the surrounding neighbors; based on the drawings received by the Town dated October 9, 1987.

AYES: Yarish, Manning, Zaharoff, Julin, Hayes
NOES: Harle

Motion carried. Applicant advised of 10 day appeal period.

4. V-2212 - Robert Dean Williams, 44 Tamalpais Avenue, A/P 7-211-27, a 6'8" frontyard variance to construct a stairway and storage tool shed within 13'4" of the front property line; an 18 foot rearyard variance for two required parking spaces to be within two feet of the rear property line; a seven foot east sideyard variance to raise the dwelling and to accommodate an additional living unit below within one foot of the east side property line (property is zoned R-2 for duplex use); and a four foot east sideyard variance for an open deck to be within two feet of the east side property line.

Robert Williams, applicant, present.

Planning Technician Wight presented the staff report.

Mr. Williams wanted to clarify that he was not proposing a 2nd

unit but wants to raise the structure. In 1982 he said he had a foot of water in his house so he wants to raise it 2 feet above grade.

William Bruster, 40 Tamalpais, had no objection.

Commissioner Manning asked about the purpose of the open deck. Mr. Williams stated the deck was for safety and that side of the house has all the services (electrical, plumbing and water) and would rather have the servicemen enter that way.

M/S Harle, Julin, to approve V-2212 - Robert Dean Williams, 44 Tamalpais Avenue, A/P 7-211-27, a 6'8" frontyard variance to construct a stairway and storage tool shed within 13'4" of the front property line; an 18' rearyard variance for two required parking spaces to be within two feet of the rear property line; a seven foot east sideyard variance to raise the dwelling to accommodate an additional living unit below within one foot of the east side property line; and a four foot east sideyard variance for an open deck to be within two feet of the east side property line on the basis that: Due to special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, specifically the fact this is modifications of an old building and placement of the building on the lot necessitates the various instructions are properly located for the projected uses and; the granting of the variance will allow for substantial property right and will not constitute the granting of special privileges and; 4. The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. This is in references to the drawings dated October 7, 1987 received by the Town.

Motion passed unanimously. Applicant advised of 10 day appeal period.

5. Z-245 - Lenny Lerner, European Attention to Detail, 1535 Sir Francis Drake Boulevard, A/P 5-153-01, rezoning from PPD R/C (Preliminary Planned Development with a presumptive use of Residential 6 to 12 units per acre and Commercial neighborhood compatible single business with associated traffic impact approximately at the level associated with the residential designation) to SPD (Specific Planned Development) for an auto detailing business, and the initial environmental review.

U-629 - Lenny Lerner, European Attention to Detail, 1535 Sir Francis Drake Boulevard, A/P 5-153-01, use permit for an auto detailing business.

Lenny Lerner, applicant, present.

Lisa Wight presented the staff report. She stated that Mr. E. Camoli, 1515 Sir Francis Drake was against the application.

Lenny Lerner did not feel that traffic was going to be an issue although he has never attempted to analyze the volume. He went on to say that he requires a vehicle for a minimum of 10 hours and perhaps a maximum of three cars per day will occupy the premises.

Commissioner Manning said it sounded like a good use and would be good to have the building utilized again.

Commissioner Zaharoff was pleased to hear that the car trips would be minimal and asked about the noise level of the machinery used to detail the vehicles. Mr. Lerner indicated that a buffer would

be the loudest equipment they will use. Commissioner Yarish indicated his questions had been answered regarding noise.

Commissioner Julin was questioning ingress and egress and wondered if perhaps there should be an exit off of Oak Knoll and entrance from Sir Francis Drake or visa versa. Mr. Cook Segale, owner of parcel, indicated that Oak Knoll is one way between 7-9 a.m. so that would not be feasible. Mr. Lerner said that his customers usually drop their vehicles off prior to the peak traffic hour.

Chairman Hayes had no objection to the application but wondered if the applicant was going to be open on Sundays. To which the applicant said he was going to work around the schedule of his customers.

M/S Zaharoff, Yarish, move to accept the Negative Declaration on the basis that the project will not have a significant adverse impact on the environment.

Motion passed unanimously.

M/S Zaharoff, Yarish, to recommend to the Town Council approval of Z-245 on the basis that the use is consistent with the zoning proposed for the area and that the rezoning is consistent with the General Plan.

Motion passed unanimously.

M/S Zaharoff, Yarish, to approve U-629 on the basis that the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or the general welfare of the Town, specifically that all noise issues will be kept at a minimum and traffic generation for this particular business is at a level equal to or lower than that allowed or recommended for that particular lot; and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

Motion passed unanimously. Applicant advised of 10 day appeal period.

D. CONTINUED PUBLIC HEARINGS

1. PP-9 - Robert M. Yeakey, 80 South Oak Avenue, A/P 7-241-50, preliminary plan review of a single family dwelling in an R-1 H zone - CONTINUED TO 12-7-87.

AR-7 - Robert M. Yeakey, 80 South Oak Avenue, A/P 7-241-50, architectural review of a single family dwelling in an R-1 H zone CONTINUED TO 12-7-87.

2. V-2207 - Wie-Shing and Lorraine Lee, 208 Brookside Drive, A/P 5-132-28, a 10 foot frontyard variance and a 4.5 foot north sideyard variance to enlarge a garage to accommodate two vehicles within 10 feet of the front property line and 3.5 feet of the north side property line.

3. U-628 - Geraldine Mershon, 79 Center Boulevard, use permit for living quarters in a C-2 (Central Business District) zone - CONTINUED TO 12-7-87.

E. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:30 a.m. to the next regular meeting on December 7, 1987.

Barbara Chambers
Administrative Secretary/Technician