

PLANNING COMMISSION MINUTES
SEPTEMBER 19, 1988

The regular meeting of the Planning commission was called to order on September 19, 1988, at 8:00 p.m. in the Council Chamber by Chairman Hayes. Staff present: Lisa Newman, Planning Consultant and Lisa Wight, Planner.

A. ROLL CALL

Commissioners present: Harle, Julin, Yarish, Hayes

Commissioners absent: Manning, Kroot, Sias

B. CONTINUED PUBLIC HEARINGS

1. V-2239 - Gary and Fani Hansen, 27 & 37 Indian Rock Road, A/P Nos. 177-250-21 and 177-250-22, variance to construct an access driveway to 27 Indian Rock Road across 37 Indian Rock Road.

The applicants were present.

Lisa Newman presented the staff report.

Mr. Hansen presented a model of the proposed driveway and dwelling at 27 Indian Rock Road. He noted that the grade has been changed since the staff report from 25% slope to 20%.

David Israel, 47 Indian Rock Road, had several concerns as follows: 1. There was confusion as to when the continued meeting was to take place. It was their understanding that the meeting was to be the first Monday in September and therefore two other concerned neighbors were unable to attend tonight. 2. The soils report included in the staff report is dated October 1976 and is for the adjacent parcel, and does not identify the specific parcel. 3. There is no soils report to show the impact of the 6' cut proposed. 4. the Ross Valley fire Department stated there should be a 12-18' slope, not 20'. 5. Bartlett Tree Service does not clearly state one way or the other that planting should not take place in the drip line as indicated in the staff report. 6. What was the loadway of heavy vehicles. 7. He suggested an alternate to the driveway that would reduce the slope of the roadway. 8. The headlights from the driveway will shine into three rooms of his home.

Commissioner Yarish thought perhaps the concerns could be limited by planting dense vegetation between the house and the driveway. He thought the approach submitted by the applicants was the best one.

Commissioner Harle thought the driveway proposed was the best approach. There will be some noise coming down from the driveway along with some disturbance from the headlights. This however is a single family dwelling and at most on an average basis there will be no more than 2 cars a night. He thought it would be a good idea to plant a hedge outside the drip line that would provide screening. There is a need for a new soils report but that will be handled at the building permit stage.

In response to the noticing for this meeting, Commissioner Julin stated the minutes of August 15 do say the meeting was continued to September 19, 1988. She was in support of a hedge to shield the lights from the neighbors at 47 Indian Rock Road.

Chairman Hayes asked for clarification on whether or not there can be additional planting within the drip line. Agrees there should be screening for the driveway.

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Lisa Newman said that although it is not in the arborist's report, it was her understanding that it was verbal dialogue between Mr. Hansen and the arborist. Mr. Hansen affirmed.

Mrs. Hansen thought the retaining wall they are proposing would provide the necessary screening.

Commissioner Harle thought perhaps an arbor with clematis planted outside of the drip system would be the best solution.

Commissioner Yarish was inclined to leave some flexibility for the applicants and the neighbors to decide what type of screening is the best solution.

Commissioner Harle thought the type of screening should be decided on after the driveway was in. Perhaps a landscape architect could assist the applicants. He felt that the driveway as proposed on this application is the best solution and would be willing to approve even if there was no screening.

Lisa Newman suggested wording as follows: that landscaping should be located to screen car lights or fencing to screen prior to the final inspection of the building permit and that the applicants should consult with the neighbors as to the best solution.

David Israel asked for a sincere effort on the part of the applicants to help screen the driveway. He stated that the proposed removal of the oak tree will take away his privacy and in addition make the Title 24 Report on his property non conforming.

Chairman Hayes asked for clarification on the Fire Department's requirements. Lisa Newman explained.

Lisa Newman suggested that a condition of approval be imposed that the Fire Department is satisfied with the 20% grade. With regard to the soils report, the Town Engineer will be approving the file details of the application.

Commissioner Yarish asked if the driveway could be lowered to protect the tree. Mr. Hansen said that they would then get back to the original 20 foot retaining wall and the removal of two, 24" trees.

M/S Yarish, Harle, to approve V-2239 - Gary and Fani Hansen, 27 and 37 Indian Rock Road, A/P Nos. 177-250-21 and 177-250-22, variance to construct an access driveway to 27 Indian Rock Road across 37 Indian Rock Road on the grounds that: due to special circumstances applicable to the property, specifically the steepness of the site at 27 Indian Rock road strict application of the controlling zoning code may deprive unreasonable property access because of the steep slope, access from the road to a reasonable building site would be very difficult and unsightly. The granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the granting of variance are common for access to homes in this area. Variances are generally frontyard as opposed to this rearward access neighboring property. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically should a home be constructed at 27 Indian Rock Road the applicant must provide off street parking. 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

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such neighborhood, specifically that substantial efforts will be taken to screen the adjacent properties; This should also include staff recommendations items 1 through 5 be met as stated in the staff report dated September 19, 1988; that all the recommendations of the Ross Valley Fire Department be adopted; that the recommendations of Bartlett Tree Service be followed in detail; that prior to occupancy a method of screening the impact of lights be implemented to the satisfaction of the owners of 47 Indian Rock Road. This may be in the form of planting or fencing within a reasonable time frame to screen. Should there be no solution or agreement on the effectiveness of a particular system, the screening matter should be brought back to the Planning Commission for final approval. This is based on drawings received September 15, 1988.

Commissioner Harle said that the Hansens now own both properties and wondered what would happen if the property was sold at 37 Indian Rock prior to occupancy at 27 Indian Rock. He feels that a statement must be made to insure that screening could take place, and be maintained on that property regardless of ownership. Perhaps that could be accomplished by deed restriction.

Lisa Newman suggested the fence would solve the problem because it would be permanent, although it could be done by deed restriction.

Chairman Hayes suggested wording that "an effective mechanism be identified and implemented to assure that adequate screening take place and be maintained". These specifies the concept in the motion and will leave the details up to staff.

M/S Yarish, Harle, amend the motion to include: A provision shall be identified to assure the maintenance of landscaping/screening. Also, that items 1-5 be changed to include 1-7 as listed in the staff report.

All ayes. Motion passed unanimously. Audience advised of the ten day appeal period.

2. U-629 - Lenny Lerner, 1535 Sir Francis Drake Blvd., A/P No. 5-153-01, amendment to the specific Planned Development use permit (19887) to allow: 1) automotive repairs; 2) cellular telephone sales, service and installation; and 3) 2 additional signs.

The applicant was present.

Lisa Wight presented the staff report noting that although the drawings show 18 parking spaces she was only able to see 17 when doing a site check.

Lenny Lerner presented the plants that he is proposed for the Sir Francis Drake side. With regards to the number of vehicles on the property, it has been his experience that clients do not always pick up their vehicles the same day. There is usually a day delay. He feels it is difficult to limit the number of vehicles on the site as a time. Mr. Lerner said he has spent several thousand dollars upgrading the property.

Commissioner Harle said that when the property was rezoned it allowed for a low intensity commercial use in a residential area. It appears that this use has increased from when it originally was approved and is therefore an over intensity of use for this site. The issue of the dogs needs to be addressed and asked if it was necessary for them to be on the premises.

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Commissioner Julin said she noticed some standing water of the property and said that part of the original application stated grading was to be preformed. She wondered if it had been done. Mr. Lerner affirmed but was unaware that a permit was necessary.

Commissioner Julin stated that a lot of care went into the rezoning of this property and it is her feeling that there will be an over intensification of use. Specifically, parking is much more extensive than originally approved, as well as the applicant providing for 16 additional parking areas for the future. The applicant was originally approved to have 2 signs and now is requesting 4 and she also feels the landscaping is deteriorating.

Commissioner Yarish agreed that there seems to be an over intensification of use. Originally the application was approved for auto detailing in a single family residential area. He felt that there needs to be limits set with regards to day time parking, overnight parking, noise and debris.

Chairman Hayes agreed with his colleagues. He asked the applicant what minor auto repair entailed. Mr. Lerner said it was brake work, tune up and oil change. With regards to noise, Mr. Lerner said the equipment has been there since his shop opened and it does not generate any more noise than the traffic on Sir Francis Drake Blvd.

Chairman Hayes said he did not object to the washing and detailing and cellular phone sales on the property, and does not have a problem with the sign. He understands the reasons why the work takes place outside. He questioned parking space number 6, stating it is conditioned on the access being chained off Oak Knoll Avenue. He also questioned the 16 future parking spaces.

Mr. Lerner said he would like to eventually use the entire property and although it should 16 extra spaces he thought that area might be used for washing cars.

Chairman Hayes said the Town would tolerate a low commercial use in this area however if the use is producing more traffic than 4 units as stated in the General Plan it would be considered over intensity of use.

Mr. Lerner said it would be impossible for him to fill all the parking spaces at one given time because there is only limited staff to handle the work load. He would be happy to remove the two parking spaces that Chairman Hayes referred to by the chained fence.

Commissioner Harle stated that this use was previously approved because of the low commercial use however if the applicant is expecting to grow, then this site is not suitable.

Mr. Lerner said that he had no plans to exceed the limits of the building.

Commissioner Harle felt he could approve this application with conditions about removing the dogs from the property and a limit of 12 cars on the property and a review in six months.

Commissioner Yarish thought there should also be a limit placed on the vehicles stored on the site at night.

Commissioner Julin would like to see fewer than twelve cars at night.

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Chairman Hayes asked if it would be reasonable to put a limit of 4 cars outside at night.

Mr. Lerner said it would be acceptable to him to have two cars in the bays and a maximum of four outside at night. If this was not acceptable he would come before the Commission to ask for an increase. With regards to the dogs, Mr. Lerner said that they are guard dogs and are there to protect the property at night from vandals. He stated that he has tried to work with Mr. Camoli and has been called to the site in the middle of the night to quiet the dogs.

Chairman Hayes said it was understandable to have guard dogs to protect commercial area but this area is considered a low commercial area. He mentioned the letter from the owner's Doctor next to 1535 Sir Francis Drake stating there is a health problem and the dogs excessive barking are affecting the rest of Mr. Camoli.

Commissioner Harle felt it would be impossible to make the findings of health and safety unless the dogs are removed from the site.

Commissioner Julin was reluctant to extend the intensity of use from what was originally approved because of the zoning of the parcel and the neighborhood.

M/S Harle, Yarish, to approve U-629 - Lenny Lerner, European Attention to Detail, 1535 Sir Francis Drake Boulevard, A/P 5-153-01, use permit amendment to allow (1) automotive mechanical repairs; (2) cellular telephone sales, service and installation; and (3) two additional signs subject to the following restrictions: 1. The rear part of the lot shown as developed as future parking will not be developed; 2. Provisions will be made to remove the nuisance of the dog's barking by taking them off site; 3. Overnight parking be limited to 12 vehicles. This is on the grounds that the establishment, maintenance, or operation of the use or building applied for will or 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 of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town; and the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. This is referenced to the drawings dated September 16, 1988.

M/ Yarish to amend the motion to say 12 cars on site during the day and four cars over night and to add that there be another review in six months.

Commissioner Julin asked if there was to be a time frame as to when the dogs are to be removed from the site.

M/ Harle, to amend the motion to say the dogs are to be removed within 30 days.

Ayes: Yarish, Harle, Hayes
Noes: Julin

Motion carried. Audience advised of the ten day appeal period.

3. V-2241 - Mr. & Mrs. Pichignau, 117 Crescent Road, A/P No. 7-232-35, a 8 foot west sideyard variance to reconstruct an existing retaining wall and a third story variance.

The applicants were present.

Lisa Wight presented the staff report.

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Mrs. Pichignau said they have listened to the concerns of their neighbors and have modified their plan by removing a west stairway and upstairs deck and porch on the east side. She said that the neighbors at 125 Crescent, who are objecting to the addition, have owned the house for about three years but have lived off and on for only a total of three months. Mrs. Pichignau said if they were to build back into the hillside their costs would increase by about 50%. Also, a soils engineer was consulted and it was determined that going into the hill may be detrimental to the uphill neighbors.

Mr. Pichignau did not think privacy is an issue but would be willing to move the windows higher in the master bedroom.

Commissioner Julin had reservation about the third story as it looks massive compared to the other homes in the neighborhood.

Mrs. Pichignau noted that looking from the west the house will seem like only two stories because of the grading.

Commissioner Harle felt this to be a reasonable addition and would be willing to approve, and agreed that because the grade is going up, it will only seem like two stories.

Commissioner Yarish said the addition is stepped back from the street and the third story may not be noticed. He did understand the concerns for the neighbors however he did not see it as a major obstacle to their view.

Chairman Hayes asked what the height was in the rear. Mr. Pichignau thought it was approximately 32 feet in height. Mrs. Pichignau said the height could be reduced to accommodate the staircase in the rear.

Chairman Hayes asked about the shading to the west property.

Mr. Pichignau felt that the impact would be the same if there were only two stories.

Commissioner Yarish noted that the middle story has ten foot ceilings and the tower on the west side is about 18 feet above the landing. He thought if it was leveled the middle floor ceilings could be 8 or 9 feet. Mrs. Pichignau said that they currently have 9 foot ceilings and would like to keep them that height.

Chairman Hayes said it looked like the rear of the proposed structure was quite high and wondered if it could be reduced.

There was some discussion about reducing the bulk in the rear of the property and the stair well tower. Mrs. Pichignau said she questioned the architect about sloping the rear down and he felt it couldn't be done because the stairs wouldn't reach into the room. She added that they would be willing to reduce the height to what will accommodate the stair well. Commissioner Yarish said his interpretation of the plans are that the landing is about seven feet lower than the master bedroom floor so there seems to be a discrepancy. He also noted that the tower in the rear is approximately 18 feet above the landing. Perhaps that could be eliminated and leveled with the rest of the roof. The applicants had no objection to that.

Commissioner Harle suggested continuing the item and have the architect return at the next meeting to clarify the matter. Mrs. Pichignau said the architect is handicapped and it would be difficult for him to attend unless absolutely necessary.

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Chairman Hayes felt that the entire rear of the house seems quite high, not just the tower, and thought it would be helpful for the Commission to have more time to view the interior diagrams and perhaps the architect could submit some additional information to staff addressing our concerns.

M/S Yarish, Julin, to continue V-2241 - Mr. & Mrs. Pichignau, 117 Crescent Road, A/P No. 77-232-35, an 8 foot west sideyard variance to reconstruct an existing retaining wall and a third story variance; to the meeting of October 3, 1988 for the following to be submitted: revisions lowering the addition or subsequent reasoning as to why it should remain the way it has been submitted.

All eyes.

C. PUBLIC HEARINGS

1. Nancy L. Thurmond, Oak Springs Drive, A/P 5-291-60, review of tentative map, after the fact. CONTINUED TO SEPTEMBER 26, 1988.

2. V-2246 - Rolf Hellman, 14 Sunnyside Avenue, A/P No. 7-262-16, 1) a 4'6" east sideyard variance and an 8 foot frontyard variance to raise an existing dwelling 16" in height to provide legal height in the existing lower floor for living area (currently unfinished basement) within 3'6" of the east side property line and 12 feet of the property line, with a 30" roof overhang; 2) a 4'6" east sideyard variance and a 4 foot frontyard variance to construct a new entry within 3'6" of the east side property line and within 16 feet of the front property line; 3) a one foot east sideyard variance and a 3 foot frontyard variance for open stairs to be within 5 feet of the east side property line and within 11 feet of the front property line; 4) a 4'6" east sideyard variance and a 10 foot rearyard variance to construct a first story garage addition and second story living addition within 3'6" of the east side property line and 10 feet of the rear property line, with a 30" roof overhang; 5) a 3 foot south sideyard variance to construct a second story open deck and stairs within 3 feet of the south side property line; 6) a 1 foot south sideyard variance to construct a garage addition within 7 feet of the south side property line; 7) a 1 foot frontyard variance to construct a first story garage addition and second story living addition within 19 feet of the front property line, with a 30" roof overhang; and 8) a 6 foot frontyard variance to construct a fireplace chimney within 14 feet of the front property line.

Doug Anawalt, architect and the applicant were present.

Lisa Wight presented the staff report.

Mr. Anawalt gave a presentation of what was being proposed.

Lee Pollard, 41 Sunnyside, did not approve of the excessive amount of variances. He thought there would be over building on the lot and the house will push out to the street and not conform to the rest of the neighborhood.

Commissioner Yarish thought the project was well designed and that it will be an improvement to the neighborhood.

Commissioner Harle stated there is a need for so many variances because of the peculiar curve of the lot and the small size.

Commissioner Julin asked if the 2nd floor could be pulled in where the bath, deck and stairs are. Mr. Anawalt thought it could be pulled back only about one foot.

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Chairman Hayes was in agreement with Commissioner Harle about the odd shape of the lot. He questioned why the deck had a staircase. Mr. Anawalt said they wanted to have two exits and it will also allow access to the garage and area below.

M/S Yarish, Julin, to approve V-2246 - Rolf Hellman, 14 Sunnyside Avenue, A/P 7-262-16, 1) a 4'6" east sideyard variance and an 8 foot frontyard variance to raise an existing dwelling 16" in height to provide legal height in the existing lower floor for living area (currently unfinished basement) within 3'6" of the east side property line and 12 feet of the front property line, with a 30" roof overhang; 2) a 4'6" east sideyard variance and a 4 foot frontyard variance to construct a new entry within 3'6" of the east side property line and within 16 feet of the front property line; 3) a one foot east sideyard variance and a 3 foot frontyard variance for open stairs to be within 5 feet of the east side property line and within 11 feet of the front property line; 4) a 4'6" east sideyard variance and a 10 foot rearyard variance to construct a first story garage addition and second story living addition within 3'6" of the east side property line and 10 feet of the rear property line, with a 30" roof overhang; 5) a 3 foot south sideyard variance to construct a second story open deck and stairs within 3 feet of the south side property line; 6) a 1 foot south sideyard variance to construct a garage addition within 7 feet of the south side property line; 7) a 1 foot frontyard variance to construct a first story garage addition and second story living addition within 19 feet of the front property line, with a 30" roof overhang; and 8) a 6 foot frontyard variance to construct a fireplace chimney and closet within 14 feet of the front property line on the grounds that: Due to special circumstances applicable to the property, specifically that the lot is unusually small, that the frontyard yard setback wraps around a 90 degree arc, reducing the buildable area on the lot to something less than practical. 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; and the granting of a 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 that the 1,400 square foot house proposed is a appropriate size in this neighborhood, in fact relatively small for the neighborhood. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically there seems to be no other way to achieve the desired space on the lot. 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 the neighborhood. This is based on drawings presented at the meeting of September 19, 1988.

All ayes. Motion passed unanimously. Audience advised of the ten day appear period.

3. V-2247 - C-220 - Leonard Chan, 727 Sir Francis Drake Blvd., A/P No. 6-083-07, use permit for the on-sale of beer and wine; a parking variance for size and number (7 legal on-site parking spaces required; applicant proposes 4 legal size and 1 compact); and design review of a reconstructed and extended second story open deck, a first story solarium addition, a height extension of the roof, a new entrance, and other minor exterior changes.

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Mr. Chin, architect and the applicant were present.

Lisa Wight presented the staff report.

Mr. Chin said that he has recently been shown evidence of a parking easement from the adjacent property owner which will eliminate the cars having to back out onto Sir Francis Drake. With regard to the solarium, it is designed to improve the elevation on the street front by modernizing the structure and increasing the light.

Commissioner Harle had no objection to the design. He did not think there was sufficient parking on site but many of the restaurants in town have the same situation. Also, the site has been used as a restaurant in the past so he will approve.

Commissioner Julin thought the stairs were too large and out of scale with the building. They also look like they flow out to the sidewalk. There is only one planter shown on the drawings, not two as stated in the staff report. There seems to be a severe cut back of the building. Mr. Chin said the reason for that is to blend in with the solarium front and accommodate a lower silhouette.

Lisa Wight said that the stairs will have to be 8 feet back from the curb.

Commissioner Yarish thought the English tutor style that is presently there is inappropriate for a sushi bar and the design recommended is quite nice and very much in keeping with oriental architecture. With regards to the solarium, he asked if it was an open glass deck with a glass cover. Mr. Chin affirmed. Commissioner Yarish said he did not see parking as a problem.

Lisa Wight said if the applicants wish to use the area they will have to come before the Commission again for an amendment. Mr. Chin said they do not wish to use the deck at this time, rather it is more comfortable in the air conditioned restaurant. He noted that the deck also functions as a handicapped entrance.

Chairman Hayes asked how this use compares to that of the previous restaurant. Mr. Chin said it is about the same as the Red Sun had. In addition he said they are considering valet parking.

Chairman Hayes said he had no problem with the design review as long as the stairs conform to the codes. This is same type of use as was approved in the past but it should be made clear that the deck is not to be used.

M/S Harle, Julin, to approve U-V-2247 - Leonard Chan, 727 Sir Francis Drake Boulevard, formerly 'Red Sun Japanese Restaurant', A/P 6-083-07, use permit for the on-sale of beer and wine; a parking variance for size and number (7 legal on-site parking spaces required; applicant proposes 4 legal size and 1 compact); on the grounds in the case of the parking variance due to special circumstances that the only parking available in the neighborhood is the small space provided in the back; the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity, as an example, the property next door, and under identical zoning classification; and the granting of a 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. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and the granting of such variance, under the

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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. This is a continuation of an existing use and does not seem inconsistent to what is customary on the property. With regards to the approval of the use permit; The establishment and maintenance of the use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town; and it is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

All ayes. Motion passed unanimously.

M/S Harle, Yarish, to approve V-220 Design Review of a reconstructed and extended second story open deck, a first story solarium addition, a height extension of the roof, a new entrance, and other minor exterior changes on the grounds; It is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; provides for protection against noise, odors, and other factors which may make the environment less desirable; will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area; will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. This is in reference to drawings dated September 12, 1988.

Ayes: Harle, Yarish, Hayes
Noes: Julin

Motion carried. Audience advised of the ten day appeal period.

4. V-2248 - Mike Hefferman, 43 Nokomis Avenue, A/P No. 6-074-36, 3 foot south sideyard variance to construct a second story addition within 5 feet of the property line.

The applicant was present.

Lisa Wight presented the staff report.

There was no objection to this application.

M/S Harle, Julin, to approve V-2248 - Mike Hefferman, 43 Nokomis Avenue, A/P 6-074-36, a three foot south sideyard variance to construct a second story living addition within five feet of the south side property line, with a roof overhand; a one foot south sideyard variance to construct a second story open balcony within five feet of the south side property line; and a 17 foot rearyard variance and a 5 foot north sideyard variance to reconstruct an accessory structure within 3 feet of the north side property line, with a roof overhang on the grounds that: because of the present placement of the building and the location of enlargement to the building are logically as shown. 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; and the granting of a variance will not constitute a grant of special privileges inconsistent with

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the limitations upon other properties in the vicinity and zone in which such property is situated. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically the larger living space; and 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. This is based on the drawings of June 1, 1988.

All eyes. Motion unanimously passed. Audience advised of the ten day appeal period.

5. C-219 - James McDonald & Associates, 130 Sir Francis Drake, A/P Nos. 6-241-01, 02, 03, 37, 40 and 41, design review for building additions.

The applicant was present:

Lisa Wight presented the staff report.

There was no objection to this application.

M/S Harle, Yarish, to approve C-219 - Sunnyside Nursery, 130 Sir Francis Drake Boulevard, A/P Nos. 6-241-01 - 03, 6-241-37, 6-241-40 and 41, design review of (1) a first story addition to replace an existing greenhouse and enclose a portion of the outdoor sales area; and (2) a second story office addition on the grounds that: It is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; provides for protection against noise, odors, and other factors which may make the environment less desirable; will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area; will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. This is based on the drawings dated July 5, 1988.

All eyes. Motion unanimously passed. audience advised of the ten day appeal period.

D. APPROVAL OF MINUTES - JULY 25, AUGUST 8, AND AUGUST 15, 1988

M/S Yarish, Julin to approve the minutes of July 25, 1988, August 8, 1988 and August 15, 1988 as written.

All eyes. Motion unanimously passed.

E. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:30 a.m. to the next meeting of September 26, 1988.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY/TECHNICIAN