

PLANNING COMMISSION MINUTES
MAY 1, 1989

The regular meeting of the San Anselmo Planning Commission was called to order on May 1, 1989, at 8:00 p.m. in the Council Chamber by Commissioner Yarish. Staff present: Lisa Wight, Planner.

A. ROLL CALL

Commissioners present: Julin, Harle, Kanis, Kroot,
Hayes, Yarish
Commissioners absent: Sias

B. PUBLIC HEARING WITHDRAWN

SR-347 - Filippo and Nicola LoCoco, 638 San Anselmo Avenue, A/P 6-102-37, a sign variance to permit a third sign to be interior illuminated and project from the building - WITHDRAWN.

C. PUBLIC HEARINGS CONTINUED

1. V-2274 - Calvin and Linda Ahlgren, 31 Kemp Avenue, A/P 7-171-06, a 17 foot frontyard variance and a 5 foot west sideyard variance to construct a two-car carport within 3 feet of the front property line and the west side property line, with a 1 foot roof overhang - CONTINUED TO JUNE 5, 1989.

2. PP-12 - Oak Springs Partnership, End of Oak Springs Drive, A/P 5-011-60, review of initial environmental study and determination of whether a Negative Declaration or an Environmental Impact Report will be required for the proposed four-lot split for development of four single family dwellings - CONTINUED TO JUNE 5, 1989.

D. PUBLIC HEARINGS

1. V-2282/C-22 - James R. and Donna M. Hastings, 18 San Rafael Avenue, A/P 7-162-15, a 5 foot west sideyard variance and a 17'4" rearyard variance to provide on-site parking for a professional use within 0 feet of the west side property line and a 2'8" of the rear property line; a parking variance for the required number and size of parking spaces; and design review of the parking plan.

The applicants were present.

Lisa Wight presented the staff report.

Mr. Hastings presented background information on himself, noting that he is an attorney and has practiced in San Anselmo since 1980 and would like to continue to live and work in San Anselmo. He is in the process of purchasing 18 San Rafael because it is zoned Professional and would like to use it for his law practice. He is in the office four days a week, an Assistant 3 days a week and another Attorney 1-1 1/2 days a week. His office is paper intensive, not client intensive. During the month of April the clients averaged 2 per day for all three attorneys. He is proposing off street parking in the rear because he does not want to change the character of the front. He was not under the impression that he needed to have a landscape plan for this meeting but wants to have the landscape blend in with the apple tree and garage in the rear of the property. With regards to the driveway, he thought he provided enough turn around room but if not, he could always back out. He is sensitive to the needs of his neighbors and wants to create an environment that will create harmony with the neighbors.

Commissioner Yarish asked if the applicant had considered removing the garage and keeping the tree. He estimated it would provide 4 parking spaces.

PLANNING COMMISSION MINUTES
MAY 1, 1989

Cheryl Mondoux, 16 San Rafael, said the downtown area is encroaching in an R-1 district which creates on street parking problems for the residents of San Rafael Avenue. She presented a petition with 43 signatures of neighbors that concur with her feelings. She is interested in seeing a landscape plan of the yard. Privacy, safety, noise and air pollution are other issues that concern her. She has a small child and would like to be able to use her yard.

Leonard Thoelecke, 30 San Rafael Avenue, pointed out that on street parking is currently a problem and this will increase the problem.

Carman Lewis, former owner of 18 San Rafael, agreed that parking is a problem on the street but it is because of the permit parking for the merchants on San Anselmo Avenue and the applicant should not be penalized for that. Also, because of the configuration of the garage, they have always had to back out of it.

Barbara Trenan, 22 San Rafael Avenue, is dismayed at having the backyard turned into a parking lot.

Roger Dormer, 61 San Rafael Avenue, said the neighborhood has changed and anymore commercial buildings will over tax the neighborhood.

Denise Bradley, 825 San Anselmo Avenue, is against there being offices in an R-1 neighborhood, thinking it will lower their property values. It will also create additional traffic problems.

Dan Calder, Tamalpais Avenue, wants to see the neighborhood continue to be residential.

Mr. Hastings said he would like to focus on solving the parking issues. He is aware that the neighbors are unhappy of the four hour parking zone in the area but it is not his burden to work this out alone. He said he will not live on the site but he will be there during the day and does care about how it looks. He said that on a positive note he will be there during the day to take care of the neighborhood. He added that there is an accountant's office at 11 San Rafael Avenue and there does not seem to be any complaints about that.

Ms. Wight said that all R-1 homes could have a special home occupation without a permit from the Town, including an attorney's office in the home. The stipulations are that the use has to be an incidental use to the residential use and can not be visible to the neighborhood. Also, in 1978 the Planning Commission zoned this property Professional to provide a buffer between the residential and commercial area.

Cheryl Mondoux, said that the accountant's office that Mr. Hastings spoke about is across from Stop N' Go, surrounded by apartments and has a larger lot than the applicant.

Len Thoelecke said that Stop N' Go was only supposed to have certain hours of operation, which would limit the commercial use for the area. Now it is open 24 hours which has also increased the traffic problem in the area.

Marc Salvisberg, 855 San Anselmo Avenue, said the neighbors privacy should not be overlooked. Safety is also another issue that should be addressed.

Commissioner Hayes said the applicant is asking to use a zone that was established ten years ago and therefore the applicant is not taking advantage of the neighborhood. He can also understand the frustration of the neighborhood. It

PLANNING COMMISSION MINUTES
MAY 1, 1989

is a difficult decision because the Town has always approved off street parking, but in this case the cars that will be taken off street will create a problem for the neighbors. Also, San Anselmo businesses have to rely on "on street parking" which is a detriment to the people living on San Rafael Avenue. He was hoping there could be a compromise. This parcel is unique because it has frontage on both San Rafael Avenue and San Anselmo Avenue. He noted that the 40 people who are opposed to the application all surround the parcel and it would be difficult to make all the findings.

Commissioner Kroot said this is a difficult application because the neighbors don't want the parking in the backyard and don't want it on the street. He thought 3-4 spaces could be on site but would like to see a new design presented.

Commissioner Harle said most of the discussion has been about a commercial use coming into a residential area and it should be made clear that it is zoned commercial. The only issues are parking and design review. He thought perhaps the applicant could have a landscape architect provide drawings to preserve a courtyard effect and provide privacy even if the apple tree is sacrificed. He was against any vehicles in the front of the property but would consider approving the application if there were three parking spaces in the rear. He would like to see this application continued.

Commissioner Kanis agreed with the comments of Commissioner Harle and added that with a redesign and perhaps removal of the garage there was the possibility of five parking spaces in the rear.

Commissioner Julin said this is a very difficult application but her instinct is over intensification of development of this site. What she thought was overlooked when this property was zoned Professional in 1978 was that this 1,400 square foot building would always require a variance for parking. She said if this use did not require any variances then she would be able to approve it but because it does she is very sensitive to the concerns of the neighbors in maintaining the character of the neighborhood.

Commissioner Yarish said this use is an excellent use for the neighborhood. He thought the two issues are parking as it relates to safety and the visual look of the site. He thought the community would best be served without on site parking to preserve the character of the neighborhood. He did not feel that approval of on street parking would be precedent setting because many of the commercial buildings on San Anselmo Avenue have no on site parking. However if this was approved, he felt the landscaping should be maintained and that the use can not expand from what is currently proposed.

Commissioner Harle said the Commission has always favored off street parking however in this case the neighbors are against it because it looks like a parking lot. There is a garage existing now and perhaps if the applicant was asked to put in a parking pad next to the garage he should be allowed to get some of the cars off street without causing the site to look like a parking lot. Also, this use will probably not cause more activity than that of a family although there will be more cars.

Commissioner Kanis wanted to see a redesign of the parking on site, to meet the on site parking requirements which would not be displeasing to the neighbors with respect to shielding and proper and landscaping. He did not feel he could ignore the need for off street parking.

PLANNING COMMISSION MINUTES
MAY 1, 1989

Commissioner Kroot thought there were ways to accommodate 4 cars in the rearyard if the spaces were parallel to the property and 3 cars if perpendicular to San Anselmo Avenue. These designs would be less obtrusive.

Commissioner Hayes said Commissioner Kroot's design would preserve the apple tree but the net gain with all the changes would be two parking spaces and still putting vehicles onto the street. He would be willing to look at a landscape plan but feels the Commission has an obligation to support the zone but still preserve the character of the neighborhood.

Commissioner Yarish said the landscape plan should include drip irrigation.

Len Thoelecke did not think this business is adequate for the site because there will still be an over flow on to the street.

Commissioner Kanis would like to see the application returned to the applicant for a redesign to minimize parking in the rearyard with three to four cars.

Cheryl Mondoux said that if this application is to be approved she would prefer to have no off street parking at all.

Commissioner Kroot said he would support a motion to keep the one parking space that is currently there which would be less detrimental to the neighborhood.

Commissioner Kanis said that the petition signed by the neighbors talks about inadequate parking so he feels it needs to be addressed further.

Commissioner Hayes said the options are limited, either the parking is to go on street or put it on site. But if parking is on site it will still not allow for the adequate number. Perhaps we are trying to do too much with this lot and it cannot be accomplished.

Commissioner Harle said there may be inconsistency between the zoning and the parking requirements for the size of the lot.

Commissioner Yarish said that tends to be the case in many of the downtown businesses.

Ms. Wight said the Professional use is only required to have 5,000 square feet but only a 25' wide lot. It is difficult to achieve the parking requirements in this situation.

Commissioner Julin wondered if there could be some under use, off street parking in the neighborhood, perhaps leasing of the space from Stop N' Go or the parking lot that serves 6 Bridge Street. This seems to be an area for research.

Commissioner Hayes said perhaps this applicant can be referred back to the applicant for some creative solutions like leasing off site parking, or a different configuration of parking in the rear of his property, and a landscaping plan.

Mr. Hastings said Stop N' Go is used heavily and there are no spaces available. With regards to the parking of 6 Bridge Street, there is no parking available. He thought three cars could fit in the rear and would be willing to hire a landscape architect to help him design the site but he would like a clear direction from the Commission as to what is needed to approve this.

PLANNING COMMISSION MINUTES
MAY 1, 1989

Commissioner Hayes said that perhaps a condition could be placed on the variance so that the Commission could review it within six months to see if there is a problem. Perhaps the applicant could add one additional space on site or provide different configurations placing cars along the San Anselmo Avenue side. He said he would be against bringing cars into the interior of the back yard. He would be willing to push more out into the street instead of fewer and would like to see the landscape design minimize the parking lot look and be sensitive to the privacy of the neighbors.

Commissioner Harle agreed that the plan should consider the protection of the privacy of the adjacent neighbors.

Commissioner Kroot agreed with the comments of Commissioner Hayes and noted that it appears that if the garage was moved, two parking spaces could be accommodated which would not remove any on street parking.

Commissioner Julin said the site can only hold two cars without destroying the character of the neighborhood. She would like to see the how the applicant can accommodate the additional four cars elsewhere off site.

Commissioner Yarish echoed the comments of Commissioner Hayes. He added that perhaps there should be a parking mitigation fund started that can create some public financed downtown parking to help mitigate the parking problem.

Commissioner Julin thought that was an excellent idea.

Ms. Wight said that an ordinance is needed to accomplish that.

M/S Harle, Julin to refer V-2282/C-223 James R. and Donna M. Hastings, 18 San Rafael Avenue, A/P 7-162-15, a 5 foot west sideyard variance and a 17'4" rearyard variance to provide on-site parking for a professional use within 0 feet of the west side property line and a 2'8" of the rear property line; a parking variance for the required number and size of parking spaces; and design review of the parking plan to allow the applicant to prepare a revision of the parking plan to take comments and objections of the Planning Commission discussion of this date.

All ayes.

Ms. Wight said she will renotice because it looks as if the variance request is changing and will find out what date is best for the applicant.

2. V-2281 - Carvel Johnson, 296 Redwood Road, A/P 7-095-36, a 20 foot frontyard variance to enclose a parking deck (to be used as a carport) within 0 feet of the front property line.

The applicant was present.

Lisa Wight presented the staff report.

The Commission was in support of this application.

M/S Kroot, Julin, to approve V=2281 - Carvel Johnson, 296 Redwood Road, a 20 foot frontyard variance to enclose a parking deck within 0 feet of the front property line on the basis: 1. due to special circumstances applicable to the property, specifically the steep slope and that a car deck already exists; 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

PLANNING COMMISSION MINUTES
MAY 1, 1989

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 located in that other residences in the area have enclosed garages; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and 3. 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 in that other residences have covered car decks with storage.

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

E. APPROVAL OF MINUTES: April 17, 1989

M/S Kroot, Hayes, to approve minutes of April 17, 1989 with the following amendments: Page 4, paragraph 5, should read as follows: "...currently the eastbound narrowing of Sir Francis Drake to one lane between Madrone and Bridge is dangerous and the statistics bare it out and that we should vote for this for reasons of safety".; page 5, paragraph 4, change "interior" to "internally"; page 5, paragraph 14, should say "...any objections to creating two parking spaces without removing the tree".

Ayes: Julin, Harle, Yarish, Kanis, Hayes, Kroot

F. OTHER BUSINESS

1. Commissioner Hayes commented that the median strip on the left hand turn lane from Center Blvd. to Sir Francis Drake was very attractive and would hope it was going to remain with the plants and shrubs when the Sir Francis Drake improvement project takes place. He did not think two extra lanes would be worth the sacrifice. Commissioner's Yarish and Kroot agreed.

M/S Hayes, Harle, to communicate to the Town Council that it is the consensus of the Planning Commission that the existing mature landscaping on Center Blvd at Sir Francis Drake Blvd., bordering the left hand turn lane at the median strip be preserved if at all possible.

All ayes.

2. Commissioner Julin asked if staff could agendize the item about a parking fund being set up for the merchants.

The regular meeting of the Planning Commission was adjourned at 11:15 p.m. to the next regular meeting of May 15, 1989.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY/TECHNICIAN