

PLANNING COMMISSION MINUTES
MARCH 22, 1989

The regular meeting of the San Anselmo Planning Commission was not called to order on March 20, 1989 due to a lack of a quorum and therefore was reconvened on Wednesday, March 22, 1988, at 8:00 p.m. in the Council Chamber by Chairman Sias. Staff present: Lisa Wight, Planner.

A. ROLL CALL

Commissioners present: Harle, Julin, Yarish, Kroot
Sias

Commissioners absent: Hayes

B. PUBLIC HEARINGS

1. V-2276 - Benjamin and Annette Binkley, 8 Arroyo Avenue, A/P 5-111-66, 4'4" west sideyard variance to construct a first story living addition below a second story porch within 3'8" of the west side property line.

The applicants were present.

Lisa Wight presented the staff report.

Commissioner's Julin and Harle were in support of the application.

Commissioner Yarish supported the application but commented that the drawings were somewhat confusing to interpret what exists and what is proposed.

Chairman Sias supported the application.

M/S Harle, Julin, to approve V-2276 - Benjamin and Annette Binkley, 8 Arroyo Avenue, A/P 5-111-66, 4'4" west sideyard variance to construct a first story living addition below an existing second story porch within 3'8" of the west side property line on the basis that due to special circumstances applicable to the property, the property alignment is in the existing footprint of the building and it represents a minor infill. The strict application of the controlling zoning ordinance would deprive the 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 located; and the applicants feel the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner so that they can have a second bathroom in the dwelling; 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 submitted with the application and dated for tonight's meeting.

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

2. U-632 - /SR-347 - Filippo and Nicola LoCoco, 638 San Anselmo Avenue, A/P 6-102-37, use permit for the off-sale and on-sale of beer and wine; and a sign variance to permit 3 signs.

The applicant was present.

Lisa Wight presented the staff report.

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Commissioner Yarish asked if the applicant was willing to consider alternatives, perhaps a projecting sign below the awning.

Chairman Sias asked if the applicant would be willing to remove the gold lettering on the glass, which would eliminate the sign variance.

Mr. LoCoco said the gold lettering was costly but would remove the lettering on the awning if necessary but really does need a lit sign at night so the customers will be able to find the restaurant.

Commissioner Yarish asked if the sign could be solid, instead of illuminated, and have lights shine on it.

Commissioner Harle supported the application as is, stating the gold lettering on the window is hardly a sign and similar to an address. But on the other hand, it might be hard to make the findings because the applicant is willing to remove one of the signs.

Commissioner Yarish said three signs are fine but thought an illuminated sign on San Anselmo Avenue would set a precedent in the downtown area. He would be more likely to consider approval of the sign as long as it was a solid sign and there were externally lit spot lights.

Commissioner Harle was not sure exterior lights would be any more obtrusive, in fact the interior lit signs are less obtrusive and less glaring.

Lisa Wight said the Ordinance reads that a projecting sign is to be of wood.

Mr. LoCoco said he wanted to have a sign that was maintenance free and which would direct his customers to the restaurant. He was prepared to do whatever was necessary to satisfy the Commission but was only familiar with the illuminated sign.

Commissioner Kroot was in support of the Use permit for beer and wine and also supports three signs. The sign is small and nicely done however an illuminated sign would be the first one on San Anselmo Avenue.

Commissioner Julin supported the Use Permit but did not realize the sign was to be illuminated until tonight. She thought there could be some alternatives which would achieve the same result and perhaps the variance portion could be continued to allow the applicant additional time.

Chairman Sias supported the Use permit but had reservations about an internally lit sign. If the Code states the sign should be wood he was inclined to see some alternatives.

M/S Yarish, Julin to U-632 - LoCoco's Restaurant, 638 San Anselmo Avenue, A/P 6-102-37, use permit for the off-sale and on-sale of beer and wine on the basis that the operation of the off-sale and on-sale beer and wine use 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 for the reason that the restaurant is located in a commercial district, where other restaurants enjoy the privilege of off-sale and on-sale beer and wine. The business is not in close proximity to schools or residences; and that the granting of the application is necessary for the preservation and enjoyment of substantial

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property rights of the petitioner so that he can serve beer and wine to his customers to enjoy with their meal.

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

M/S Yarish Harle to approve SR-347 - LoCoco's Restaurant, 638 San Anselmo Avenue, A/P 6-102-37, sign variance for a third sign on the basis the two existing signs do not property advertise the business at night and have resulted in unreasonable practical difficulties for the applicant and his customers. This difficulty is not unique to the particular applicant as most businesses on San Anselmo Avenue necessitate a projecting sign. This business has a particular use for a sign at night and the elimination of one sign will not improve the quality of the neighborhood. The granting of a third sign will not adversely affect the public health, safety, or welfare, or be detrimental to or endanger or depreciate the property located in the surrounding area. The proposed third sign is of a size, shape, material, style, letter type, and color appropriate for the use and is aesthetically compatible with the premises and with existing improvements and the natural elements in the surrounding area. The proposed third sign will not impair or interfere with the orderly and pleasing development, use or enjoyment of their property in the surrounding area, including public lands and rights of way. The proposed third sign will not result in adverse physical or visual effects. This is conditioned upon the fact that the sign be externally lit and be of wooden construction as specified in the San Anselmo Municipal Code.

Commissioner Harle did not want a precedent to be set with the three signs.

Commissioner Sias asked if the words "non internally lit" sign be included in the motion to allow for flexibility.

Mr. LoCoco said his customers are asking for the sign.

Commissioner Julin thought it would be best to continue this application. Commissioner Kroot agreed. Chairman Sias agreed on a continuance, not wanting to approve a sign, sight unseen and noting that the applicant was considering removing a sign, which would in turn, remove the variance.

M/S Yarish, Harle, to withdraw the previous motion regarding the Sign Review Variance.

M/S Kroot, Harle to continue SR - 347 - LoCoco's Restaurant, to the meeting of April 3, 1989 for the reasons stated by Chairman Sias.

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

3. V-2273 - Robert R. and Karen M. Pellolio, 167 Butterfield Road, A/P 5-062-13, a 3 foot south sideyard variance to construct a third story living addition within 5 feet of the south side property line, with an 18 inch roof overhang; and a 1 foot south sideyard variance to construct an open deck within 5 feet of the south side property line; and a third story variance.

Robert Pellolio was present.

Lisa Wight presented the staff report.

Mr. Pellolio said that his addition will go up into the hillside covered by trees and will not be seen by the neighbors. The 3rd story is the only way to get additional space for his growing family.

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Commissioner Yarish had no problem with the variance, adding this will be an improvement to the neighborhood. He asked why the addition will have a gable roof when the rest of the roof is hip.

Glen Rupiper, Builder, said the gable roof was to allow additional space for the master bedroom.

Commissioner Kroot said this was a small house and the applicants have chosen the best solution.

Commissioner's Julin and Kroot were in support of the application.

Chairman Sias felt this a good expansion for a difficult lot in that it is stepped back from the street. An added plus is that all the neighbors support this application.

M/S Kroot, Yarish to approve V-2273 - Robert and Karen Pellolio, 670 Butterfield Road; A/P 5-062-13, a 3 foot south sideyard variance to construct a second and third story living addition within 5 feet of the south side property line, with an 18 inch roof overhang; and a 1 foot south sideyard variance to construct an open deck within 5 feet of the south side property line; and a third story variance; on the basis that the special circumstances applicable to the property, specifically this addition is the least obtrusive way to add on to an existing house that is very small; the exterior wall follows the line of house when there were other set backs; the third story is just a small area over the laundry area; 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 located; and the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; specifically the existing dwelling is only 980 square feet and with this addition will only be a moderate house of approximately 2,000 square feet. 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 the addition will only be visible on either side and they support the project. This is based on the drawings dated February 2, 1989 and shows windows on the addition.

Chairman Sias, to add, "and that it is stepped back from the street". That was agreeable to Kroot and Yarish.

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

4. V-2275 - Mr. and Mrs. Philip Hicks, 111 Camino de Herrera, A/P 5-031-02, a 20 foot frontyard variance and a 1 foot east sideyard variance to construct a two-car garage within 0' of the front property line and within 7' of the east side property line; a 13'4" frontyard variance to construct a living addition within 6'8" of the front property line; and a 20' frontyard variance to construct trellises over the entry stairs and in front of the proposed living addition within 0' of the front property line.

The applicants were present.

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Lisa Wight presented the staff report noting that the easterly neighbor supports the garage variance as is but would not like to have it moved down hill.

Mr. Hicks said the current garage is substandard and unsafe. The variance will provide direct access to the house.

All the Commissioner's were in favor of this application. Commissioner Harle added that there seems to be an extraordinary amount of right of way, making it a difficult lot to build on.

M/S Harle, Kroot, approve V-2275 - Mr. and Mrs. Phillip Hicks, 111 Camino de Herrera, A/P 5-5-031-02, a 20 foot frontyard variance and a 1 foot east sideyard variance to construct a two car garage within 0 feet of the front property line and within 7 feet of the east side property line; a 13'4" frontyard variance to construct a living addition within 6'8" of the front property line; and a 20 foot frontyard variance to construct trellises over the entry stairs and in front of the proposed living addition with 0 feet of the front property line; on the basis that Due to special circumstances applicable to the property that there is a very wide right of way at the location and a steep down hill slope and because of placement of house as it is require placement of building where it is or it would be in the roadway. This is based on drawings supplied with the staff report for the meeting as presented on March 22, 1989.

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

5. AR-8 - Doug Elliott, Quarry Mountain Partners, 53 Tomohawk Drive, A/P 177-250-66, architectural review of an inground swimming pool and fence.

The applicant was not present.

Chairman Sias suggested this be the last item on the agenda to allow the applicant time to appear.

6. V-2277 - Dave Mariani, 214 Laurel Avenue, A/P 7-115-15, a 20' frontyard variance and a 6' north sideyard variance to construct a 4'high retaining wall for additional parking within 0' of the front property line and 2' of the north side property line; and a 20' frontyard variance to construct a trellis over the existing stairs within 0' of the front property line.

The applicant was present.

Lisa Wight presented the staff report, noting the neighbors have signed letters of support.

Commissioner Julin supports the application but does not really think it is aesthetically pleasing to have parking in front of the property.

Commissioner Harle said this is a heavily traveled street and off street parking is beneficial.

Commissioner Kroot said this will remove one on street parking space but this is a plus because the street is almost too narrow to park cars and drive, also off street space will be created and this is a six bedroom house.

Chairman Sias agreed with his colleagues.

M/S Yarish, Kroot, to approve V-2277 - Dave Mariani, 214 Laurel Avenue, A/P 7-115-15, a 20 foot frontyard variance and a 6 foot north sideyard variance to construct a 4 foot

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high maximum retaining wall for additional parking within 0 feet of the front property line and 2 feet of the north side property line; and a 20 foot frontyard variance to construct a trellis over the existing stairs within 0 feet of the front property line on the basis that due to special circumstances applicable to the property, specifically that Laurel Avenue is a heavily traffic area and very winding and narrow and additional off street parking is very valuable despite the fact of 1 less on street parking; 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 located; and the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner so that additional on-site parking can be provided for residents and guests and as mandated that this house is a 6 bedroom house. The granting of the 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. The proposed parking pad will provide additional on-site parking in an area that has significant need for additional parking specifically this is supported by letters of support from the neighbors for this project. This is based on the sketch of drawings dated March 22, 1989.

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

5. AR-8 - Doug Elliott, Quarry Mountain Partners, 53 Tomohawk Drive, A/P 177-250-66, architectural review of an inground swimming pool and fence. Taken out of order.

The applicant was not present so the consensus of the Commission was to continue this item because of the sensitive project.

M/S Harle Yarish, to continue AR-8 - Doug Elliott, Quarry Mountain Partners, 53 Tomohawk Drive, A/P 177-250-66, architectural review of an inground swimming pool and fence. This is continued to the meeting of April 3, 1989.

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

C. CONTINUED PUBLIC HEARINGS

1. Z-246 - Terry and Eugene Schenk, and Kintetsu Enterprises of America, off Cherne Lane, A/P Nos. 5-300-15, 5-300-24 and 5-300-28, proposed rezoning and environmental review to amend the Table of Hillside and Ridge Density Parcels to create a new building site by combining a portion of the Kintetsu property (A/P 5-300-15) with the Schenk property (a/P 5-300-24 and 28) in an R-1 H District. The Table of Hillside and Ridge Density Parcels is proposed to be changed as follows:

Existing Maximum No. Dwelling Units
A/P 5-300-15: 8 units
A/P 5-300-24 and 5-300-28: 1 unit

Proposed Maximum No. Dwelling Units
Portion of a/P 5-300-15: 7 units
A/P 5-300-24, 5-300-28, and
portion of A/P 5-300-15: 2 units

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CONTINUED TO APRIL 17, 1989

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

D. BUSINESS ITEM

Appointment of a Committee to Review the Draft Zoning Ordinance Amendment to bring zoning in conformance with the General Plan.

Chairman Sias and Commissioner Yarish volunteered to be Planning Commission representatives.

E. APPROVEL OF MINUTES _ February 27, 1989, March 6, 1989

February 27, 1989 minutes continued until April 3, 1989.

M/S Kroot, Julin, to approve minutes of March 6, 1989 with the following amendments: Page 2, paragraph 1, change .."no flatter that" to .."no flatter than"; change "Lose fill" to "Loose fill"; page 5 last paragraph, change "...in a year" to "..within a year".

All ayes. Motion unanimously passed.

F. ADDITIONAL BUSINESS

Commissioner Kroot said there is a considerable potential for people to expand their homes rather than sell because of today's market and wondered how the Commission could handle the "over building" on each lot. Commissioner Yarish said one alternative is to look at lot coverage ratio as they do in Sausalito. Commissioner Julin said that many of the homes will fall into the 150 foot elevation. It was decided that the Sub Committee will discuss this issue with the Planning Consultant when they meet for the zoning Ordinance.

F. ADJOURNMENT

The meeting was adjourned at 10:15 p.m. to the next regular scheduled meeting on April 3, 1989.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY/TECHNICIAN