

PLANNING COMMISSION MINUTES OF MAY 21, 1990

The regular meeting of the Planning Commission was convened at 8:00 p.m. on May 21, 1990 in the Council Chamber. Staff present: Lisa Wight, Planner; Dain Anderson, Assistant Director of Planning; Jayni Barker, Consultant.

A. ROLL CALL

Commissioners Present: Sias, Harle, Kroot, Julin, Yarish  
Commissioners absent: Hayes

B. PUBLIC HEARING CONTINUED TO JUNE 4, 1990

1. DR-9003/SR-9002 - Bay View Federal Bank, 305 Sna Anselmo Avenue, A/P 7-280-20, design review of: 1) change of exterior paint color; 2) landscaping; and 3) sign variance to permit 5 signs on the building on property located within the C-3 zoning district.
2. PP9001/PPD-9002/AR-9002 - David and Lydia Bell, Fernwood Drive, A/P Nos. 7-131-14, 7-131-58 and 7-131-59, preliminary plan, precise plan, and architectural review of a single family dwelling on property located within the R-1C and R-1H zoning districts.

C. PUBLIC HEARING

1. U-9005 - Manithong and Chanthavong Sounthavong, 198 Sir Francis Drake Boulevard, A/P 6-252-01, use permit for the on-sale of beer and wine upon change of ownership of a restaurant on property located within the C-2 zoning district.

The applicant was present.

Lisa Wight presented the staff report.

The Commission was able to make all the appropriate findings

M/S Sias, Julin, to approve U-9005 - Manithong and Chanthavong Sounthavong, 198 Sir Francis Drake Boulevard, A/P 6-252-01, use permit for the on-sale of beer and wine upon change of ownership of a restaurant on property located within the C-2 zoning district on the basis: 1. The granting of the use permit, under the circumstances of the particular case, 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 to injurious to property and improvements in the neighborhood or the general welfare of the Town for the reasons that the restaurant is located in a commercial district, where other restaurants enjoy the privilege of on-sale beer and wine, and the former restaurant enjoyed this use and the Police Department reports there have been no traffic, parking nor alcohol related complaints associated with the restaurant use at this property; and 2. The granting of the use permit is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

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

2. PP-14/V-2315 - James Helfrich, between 444 and 500 The Alameda, San Anselmo jurisdiction A/P Nos. 5-043-16, 5-043-22, 5-043-31, and County of Marin jurisdiction A/P Nos. 177-133-13 and 177-220-54, preliminary plan review, variance to construct a driveway over subject properties, and the initial expanded environmental study for the development of 4 single family dwellings located on property within the R-1 H zoning district.

The applicant was present.

Ms. Barker presented the staff report.

Commissioner Julin asked for clarification on the number of allowable building sites. She thought rezoning should be required prior to annexation. She noted that page 7 of the Initial Study indicates that lot 3 was approximately 10,000 square feet, and that should be changed to 15,000 square feet within County jurisdiction. She also thought that any reference to annexation through LAFCO should be eliminated as part of a mitigation measure because it is simply a legal requirement.

Mr. Helfrich gave a description of the proposed lots stating that "E" and "Lower D" are both out of the ridge zone. "Upper D" straddles the land and takes advantage of the vegetation but is in the ridge zone. He was amenable to any of the three however "E" was least desirable because it would be approximately 80' from the next neighbor and would require a 5' high retaining wall. "Lower D" has good access, is on bedrock although it is relatively visible from across the valley. He stated that all utilities would be underground.

Barbara Boerger, 324 The Alameda, did not want any building in the ridge zone, noting that if site D was chosen, it would be very visible from Caleta Avenue.

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Jan Back, 439 The Alameda, thought "E" would be detrimental and be looming to the owner of 444 The Alameda. Although in the ridge zone, she would prefer "Upper D" because it would be the least visible.

Roberta Stoddard, 444 The Alameda, would be terrified to have a house looming over her, particularly because the site is so unstable. Therefore she was against site "E".

Mary Mitsui, 423 Deer Hollow, was against any building in the ridge zone because it was against the General Plan.

Kiki Schwartz, 130 Deer Hollow, was concerned about flooding and wondered what measures would be taken by the developer to eliminate the problem.

Geniene Kerser, 221 Fawn Drive, did not want any more development on the hillside.

Allen Friedman, 500 The Alameda, was against any building on The Alameda and thought "D" was preferable.

Dan Goltz, 107 Holstein Road, said that this application is really no different than the application two years ago by Mr. Carradine. At that time it was denied. He said that a petition has been signed by approximately 90 neighbors that do not want any more building on the ridge. He urged the Commission not to go against the General Plan by approving a site in the ridge. He felt that there has been a compromise by the Town but not by the applicant. The plan as proposed by the applicant will affect all the residents on Butterfield. He felt the least detrimental site would be site "F" on The Alameda.

Mr. Anderson said that he had a conversation with Commissioner Hayes last week, and although he could not attend this meeting he conveyed that he was disappointed that site "F" could not be worked out. He felt that site "E" was the least visible of the current proposed sites and therefore his preference.

Commissioner Julin said she did not really like any of the proposed but because she is asked to select the most favored of the three she commented that "Upper D" was in the ridge zone and therefore unacceptable; "Lower D" was too visible; and "E" was too close to two homes. She was not prepared to vote tonight because she was just given the Resolution and has not had adequate time to research it. In addition she would also like to see the changes made to the Initial Study that refer to annexation as part of the mitigation measures. She felt it was necessary to thoroughly spell out the process because the Town has no authority under the County parcels at this time. She would also like to see information from the Fire Department stating there is no need for a water tank because the sites will have adequate water.

Commissioner Harle preferred "Upper D" which is in the ridge zone because it was the least visible but understands the compelling nature to preserve the ridge zone, therefore he feels "Lower D" would be his next choice. He was against "E" because of the close proximity of the neighbors.

Commissioner Sias also felt that "F" on The Alameda was the most preferable but he was not at that meeting and that is not one of the sites in discussion tonight. He felt "Lower D" was too visible, "Upper D" was in the ridge zone and visible from across the valley. Although "E" appears to loom over the property at 444 The Alameda, it is the least visible. He felt it could be screened with vegetation. With regard to annexation, it was his opinion that the General Plan will be satisfied in that the applicant can not precede past the Preliminary Plan until the two properties in the County are annexed. He also would like to continue this application because he was just given the Resolution today and has not had adequate time to review it.

Commissioner Kroot said that each site has its advantages and disadvantages. He would like to respect the General Plan so that "Upper D" would be his least favorite. "Lower D" was his favorite choice because it will be silhouetted with screening and landscaping. Site "E" could be screened but would really be an impact on the house on 444 The Alameda and would also affect the property owner on Varborg Terrace. He was in favor of taking final action tonight.

Chairman Yarish was not in favor of "Upper D" because it was in the ridge zone; "Lower D" would most impact the neighbors across the valley rather than the immediate neighbors. Site "E" was not his choice either but has a lesser impact on fewer people. He was in favor of annexation prior to precise Development Plan. He was prepared to take final action.

Commissioner Julin said the consensus of the Commission was that "Lower D" is the most favorable site but urged the Commission to continue this until the meeting of June 4th, so as to allow them adequate time to review the Resolution. She suggested that staff prepare a Resolution identifying site "Lower D".

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M/S Julin, Harle, to continue PP-14/V-2315 - James Helfrich, between 444 and 500 The Alameda, San Anselmo jurisdiction A/P Nos. 5-043-16, 5-043-22, 5-043-31, and County of Marin jurisdiction A/P Nos. 177-133-13 and 177-220-54, preliminary plan review, variance to construct a driveway over subject properties, and the initial expanded environmental study for the development of 4 single family dwellings located on property within the R-1 H zoning district to the meeting of June 4, 1990 to allow staff to make changes to the Initial Study and to fine tune the Resolution for "Lower D", and to have the applicant prepare a drawing that indicates approved sites "A", "B", "C" and "Lower D", at which time the Commission will take action.

Ayes: Kroot, Harle, Julin  
Noes: Sias, Yarish

Motion carried.

3. **V-9005 - Wallace McQuat, 100 Laurel Avenue, A/P 7-115-04**, 1) a 7'3" south sideyard variance to construct a garage within 9' of the south side property line; 2) a third story variance; and 3) a 4' south sideyard variance to construct first, second, and third story living additions within 4' of the south side property line, with a 1'6" roof overhang on property located within the R-1 zoning district.

The applicant was present.

Mr. Anderson presented the staff report and noted that at the last meeting there was a question of second/third units at the site. The building Inspector visited the site and determined there were not additional cooking facilities.

Mr. McQuat said he would be willing to give up the deck and move the garage in by two feet as requested in the staff report. He said that no homes in his neighborhood have an 8' side yard setback and although he understands the Planning staff states he is asking for a third story variance, he has a different opinion on what constitutes a third story.

The consensus of the Commission was to approve the application with Commission Kroot stating that the sideyard set back should be at least two feet off the property line.

Commissioner Julin stated that she did not receive an amended plan for the gabled roof and two-car garage two feet from the side property line as suggested in the staff report. Mr. Anderson said that he did not receive an amended plan from the applicant. Commissioner Sias stated that a condition of approval could be that staff require amended plans by the applicant. Chairman Yarish suggested wording that states the garage and its gable roof, which shows perpendicular to the street shall be of a similar design and material as the main house.

M/S Kroot, Harle, to approve V-9005 - Wallace McQuat, 100 Laurel Avenue, A/P 7-115-04, 1) a 6' south sideyard variance to construct a garage within 2' of the south side property line; 2) a third story variance; and 3) a 4' south sideyard variance to construct first, second, and third story living additions within 4' of the south side property line, with a 1'6" roof overhang on property located within the R-1 zoning district on the basis: 1. Due to special circumstances applicable to the property, specifically the up slope topography at the location of the house and its present situation of the site and a garage location in another area would take away frontyard and open space; the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an 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 other houses have garages situated within the side yard setbacks; 2) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; 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, specifically other houses in the neighborhood have enclosed garages. This is based on drawings submitted for the meeting and modified by letter dated 4/10/90 by the applicant that states: a) increase the side setback for the garage to 2' and b) eliminate the roof deck and replace it with a conventional, gabled roof; the apex of the roof would be perpendicular to Laurel in order to maximize the privacy effect for 104 Laurel and to minimize the visual impact from the street. Lastly, the gable roof will match the rest of the house in slope, material and detailing and the garage materials will match the material of the residence.

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

3.  
4. **V-9006 - John and Bridget Barnes, 154 Pine Street, A/P 7-251-30**, a 4' west sideyard variance to construct a second story living addition within 4' of the west side property line, with a

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3' roof overhang; and a 2' frontyard variance to construct a second story dormer addition within 18' of the front property line on property located within the R-1 zoning district.

The applicants were present.

Mr. Anderson presented the staff report.

The applicant said they would be using skylights in the upstairs bedroom to minimize the effect on the neighboring properties.

Alicia Hazel, Tunstead, was concerned about a second story in the neighborhood and the flavor of the neighborhood being changed.

Commissioner's Sias and Harle were able to make the appropriate findings. Commissioner Kroot added that the applicant was trying to minimize the impact on the neighbors with this addition and that other houses in the neighborhood have two story homes.

Commissioner Julin was not convinced that a variance was necessary. She felt a 4' setback for the second story would be very imposing and would like to see something more sensitive to the neighbors on each side.

Chairman Yarish felt the impact on the neighbors would be minimal and he sees it as a way to maintain the lot as a single family dwelling in a neighborhood of mixed zones.

M/S Harle, Sias, to approve V-9006 - John and Bridget Barnes, 154 Pine Street, A/P 7-251-30, a 4' west sideyard variance to construct a second story living addition within 4' of the west side property line, with a 3' roof overhang; located within the R-1 zoning district on the basis that: a) Due to special circumstances applicable to the property, specifically the size of the lot and the present placement of the house, this particular presented plan accomplishes the right of the applicant to have more living space and also preserve a decent amount of usable yard space on a small lot; the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity; specifically, there are two story houses in the neighborhood and the houses in this neighborhood encroach in the 8 foot side yard; and under an identical zoning classification, and 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; b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and c) 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 made with reference to drawings dated May 17, 1990

Ayes: Kroot, Sias, Harle, Yarish

No: Julin

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

5. U-9006/V-9007 - Filippo and Nicolo Lococo, Lococo's Restaurant, 638 and 642 San Anselmo Avenue, A/P 6-102-37, amendments to the use permit for the on-sale of beer and wine and parking variance to expand the restaurant at 638 San Anselmo Avenue to the adjacent building at 642 San Anselmo Avenue.

Filippo Lococo was present.

Ms. Wight presented the staff report.

Mr. Lococo said they would like to continue to open at 3:00 p.m. because they are doing the prep work for the dinner crowd. In his opinion, the clientele between 3:00 p.m. to 5:00 is just take out business. Therefore, he would like to continue to open at 3:00 p.m. He added that he had no problem putting a sign up that suggests additional parking at Creek Park.

Bill Hendrickson, property owner, supported the expansion and suggested that the applicant be allowed to continue the current hours from 3:00 p.m. to 10:00 p.m. and readdress the question if it becomes a problem.

Commissioner Kroot supported the application with the current hours of 3:00 p.m. He did not think parking would be a problem.

Commissioner Julin supported the expansion with the current hours but would request a six month review in the event the hours need to be changed.

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Commissioner's Harle, Sias and Chairman approved the expansion with current hours and a six month review.

M/S Sias, Julin, to approve U-9006/V-9007 - Filippo and Nicolo Lococo, Lococo's Restaurant, 638 and 642 San Anselmo Avenue, A/P 6-102-37, amendments to the use permit for the on-sale of beer and wine and parking variance to expand the restaurant at 638 San Anselmo Avenue to the adjacent building at 642 San Anselmo Avenue on the basis:

For the use permit: 1. The granting of the use permit, under the circumstances of the particular case, 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 2. The granting of the use permit is necessary for the preservation and enjoyment of substantial property rights of the petitioner

For the parking variance: 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 an 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 the owner said the business currently opens at 3:00 p.m. and there has not been a volume that would create a parking problem with the expansion of additional seating; 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 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 application and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. The approval is conditioned that the Commission review this application in six month's time or as soon as neighboring businesses report a parking problem, which ever comes first. Also the applicant is to post a sign to encourage customers to park to the rear of the building at Creek Park. The restaurant already has a beer and wine license and the expansion of space will not materially change the nature of the business. This is in reference to plans submitted 5/26/90.

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

D. APPROVAL OF MINUTES - May 7, 1990 minutes continued to the meeting of June 4, 1990.

E. DISCUSSION

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

The use permit for a dry cleaning business at the La Mancha Development, 807 Sir Francis Drake Boulevard has been appealed by the other dry cleaners in the area.

G. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 11:30 p.m. to the regular meeting of June 4, 1990.

BARBARA CHAMBERS  
ADMINISTRATIVE SECRETARY