

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MEETING

The regular meeting of the Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chair Julin with Commissioners Harle, Mihaly, Sias, Yarish and Kroot present. with Hayes absent. Staff present: Marjorie Macris, Interim Planning Director, Lisa Wight, Planner and Jani Barker, Planning Consultant.

**B. CONSENT AGENDA:**

1. Minutes - May 20, 1991

M/S Kroot/Yarish, to approve consent agenda.

Ayes: Harle, Yarish, Kroot, Yarish, Julin  
Abstain: Sias, Mihaly,

**C. CONTINUED PUBLIC HEARINGS**

1. V/AR-9109 - Jasper and Sheryl Smith, 66 Oakland Avenue, A/P 5-211-47 14'6" rearward variance and a 3' sideyard variance to construct a deck within 0' of the rear property line and within 3' of the side property line on property located within the R-1 Zoning District. (Architectural review for a structure more than 500 square feet on the downhill side of the property above 150' mean sea level) - CONTINUED TO THE MEETING OF JUNE 17, 1991

2. V/AR-9111 - Frank Ordaz, 95 West Hillside, A/P 6-171-14, 1) a 10' front yard variance to construct a bedroom and bath addition within 10' of the property line; 2) Architectural review; for property located within the R-1 Zoning District (Above 150' mean sea level). CONTINUED TO THE MEETING OF JUNE 17, 1991

3. DR-9101 - W. B. Savage, 607 - 615 San Anselmo Avenue, A/P 7-212-28, design review of 1) an awning; and 2) exterior building color change. CONTINUED TO THE MEETING OF JUNE 17, 1991

4. DR-9107/SR-9103, Sezer Ozkan, Redwood Gas Station, 98 Sir Francis Drake Blvd., A/P 6-191-36, 1) design review of exterior building changes to an existing service station; and 2) sign review on property located within the C-2 zoning district. CONTINUED TO THE MEETING OF JUNE 17, 1991

**D. PUBLIC HEARINGS**

1. U-9102/V-9106/SR-9102 - Paul Krieder, The Ross Valley Winery, 34 Greenfield Avenue, A/P 6-251-09, 1) use permit to operate a wholesale/retail winery and food sales; and 2) parking variance; and 3) sign review, on property located within the C-2 zoning district.

The applicant was present.

Ms. Barker presented the staff report.

Police Chief Del Santo stated that the alley must never be blocked. He felt that this use would create traffic congestion. He also felt that parking would be a problem. The Theater is not in operation at this time and there are a few other businesses that are not in operation. If all the businesses were operational, traffic would be prohibitive.

Mr. Kreider explained his proposal. He stated that he has been operating his business out of his garage for the last six years. He is proposing to purchase the building on Greenfield and expand his business. The sale of wine will be case oriented, with more wholesale than retail sales expected. His intention is to have customers taste the wine prior to purchase and to serve finger food to accompany the wine. He proposed to sell wine related items such as cork screws and wine glasses. He proposed to move the compressors to the roof to allow for additional space to the rear of the building. He said he will be using a modified pick-up truck to deliver the grapes. He felt the number of trips would vary, perhaps every other day during the crush period. The grower will haul away all the skins. The work area is kept very clean and although it is impossible not to have any fruit flies, he has very few. The equipment he uses makes noise to that of small motor appliances. There are no by-products of the grapes that would be considered toxic and the amount of sulfur dioxide is less than 1-lb per crush. With regards to parking, he did not feel this use would be more intense than the previous uses, and there is ample street parking available. He did not feel that this use was more intense than the previous uses which were restaurants. He did not feel he could comply with all of staff's recommendations. He felt it was not good business sense to require a review in two years. Either the Commission accepts his proposal or rejects it. His specific comments of staff's proposed conditions are as follows: 1. He will move his current ABC licence from his house to the business. He stated he is a wine grower which allows him wine tasting on premises. He will talk to ABC about the Town requirements. 2. He will only sell olive oil and vinegars. His intent is not to serve food to go. 3. He would like to see hours of operation be from 9:00 a.m. to 8:00 p.m. 4. This is prohibited by his license. 5. The retail space will be approximately 810 square feet, not 740 square feet. 6. This condition is totally unacceptable to him. He will talk to the

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owner of Presto Fast Food but cannot accept the Use Permit with the condition of a two year review. 7. Agreed 9. Stated that this was his instigation. 10. 2 year review was unacceptable. Either the Use was allowed or denied.

Jaime Gray, 37 Cordone Drive, stated that she lives across the street from the applicant and she attested that there are no unusual odors or loud equipment noise that would be disruptive to the neighborhood. She was very supportive of the winery.

Ned McDonald, owner of the Tamalpais Theater, stated that the winery would add color and be good for the neighborhood but it should be noted that he has future plans to upgrade the Theater and therefore all the Theater parking would be allocated to his business.

Gene Zampatti, 26 Butterfield Road, stated that he was the owner of Marin Poultry at this location until 1982. They had about 50-75 car trips per day and his employees rented 5 spaces from the Tamalpais Theater. They never experienced parking/traffic problems. There were several deliveries per day and there were never complaints from the neighbors. The large delivers were taken at the back and accessed through he alley.

Jay Murphy, Real Estate Agent for the building, stated that many of the businesses in San Anselmo do not have adequate traffic. He felt that this use would bring vitality to the Town.

Commissioner Sias approved of application. He felt the major problem as stated in the staff report was parking but he did not feel this use was more intense than the previous uses, in fact he felt the use was less intense than that of a restaurant. He felt that parking would be reduced.

Ms. Macris stated that because there are three uses, the parking was subject to interpretation. If the Commission felt the use was less intense, then parking could be reduced and therefore the variance was not need.

Commissioner Sias stated that because of the use of the building there did not seem to be adequate street parking. He felt that the employees should at least have designated parking. He would grant the parking variance with that condition. The past business had 5 parking spaces available for the employees. Perhaps the applicant should approach the owner of Presto to see if parking could be set aside for him. His comments on staff's conditions were: 1. Ok as written. 2. Add in "for consumption on site". 3. Hours of operation should be 9:00 a.m. to 8:00 p.m. 4. Ok sd written. 5. Change square footage to 810 square feet. 6. Stated that there should be signs indicating where parking is allocated for the business. 7. Ok as written. 8. Hours should be consistent with the Ordinance. 9. Ok as written. 10. Suggested a review over a period of time, with mitigation measures if necessary to continue the use. He also suggested that the compressor was to be moved to the roof to allow for adequate room to load and unload. Also the equipment should be made as silent as possible.

Commissioner Mihaly supported the application. He felt it was the right business for the location. He felt it would be a very unintense use. He did not feel a variance was necessary. He wanted assurance that the crusher would be inside. If any review was necessary in the future, it should be limited to the hours of operation.

Commissioner Harle concurred with Commissioner Mihaly, specifically that the use is a reduction from the previous uses.

Commissioner Yarish supported the project as well as the fact that a parking variance should not be required because the use was less intense that the previous uses. His comments on staff's conditions were: 6. It should be removed. 10. Hours of operation should be the only review along with noise production. He also agreed that the crusher should be indoors.

Commissioner Kroot agreed that the parking variance was not required. He felt the business would be an asset to San Anselmo. He said it would be fine to install the compressors on the roof if it worked out. He felt that condition 10 should be removed because that was part of the Municipal Code.

Chair Julin concurred with her colleagues.

M/S Yarish, Mihaly, to approve the Negative Declaration for Ross Valley Winery, 34 Greenfield Avenue, A/P 6-251-09.

Motion unanimously passed.

M/S Kroot/Harle, to approve U-9102 - Paul Krieder, The Ross Valley Winery, 34 Greenfield Avenue, A/P 6-251-09, 1) use permit to operate a wholesale/retail winery and food sales. Approval is based on the establishment, maintenance, or operation of the use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the Town. The applicant proposes to operate a bonded winery with a maximum production capacity of 6,700 cases annually, which will include wholesale and retail wine sales, and wine tasting accompanied by complimentary food items. Except during the

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primary wine-making months, the normal day-to-day operation of the winery would be similar to other commercial businesses, with most of the activity from customers participating in retail wine sales and tastings. Occasional truck deliveries and pick-ups during normal business hours are also anticipated. An electric or butane powered lift truck will be used inside the building and on the loading dock to lift barrels and other materials that are on pallets. The production months of August, September and October, known as "the crush", will be a time of greater activity, with most of the production work being conducted inside the building. However, during the crush, there will be substantially more activity at the receiving area at the rear of the building along Smith Lane, where grapes transported by truck from the Napa and Sonoma Valley will be received. The applicant has indicated that the grapes need to be processed immediately, and will not be stored outdoors for any length of time. While it is anticipated that activity levels will be noticeably higher at the rear receiving area during the production months, the noise levels at the adjacent residential units that border Smith Lane are not expected to increase significantly. Limitation on the hours of production can be imposed to insure that the proposed winery operation will not generate excessive noise levels during noise-sensitive hours. During the projection months, it is expected that the smell of grapes would be noticeable in the area during the crushing process. However, it is unlikely that this smell would be strong enough to be considered an objectionable odor, since it is the smell of fresh grapes, not a spoiled or vinegary smell. The waste products generated from the crush which are typically used for composting, are proposed to be picked up by vineyard staff or horticulture/gardening organizations. Conditions of approval are: 1. Prior to the issuance of a certificate of use and occupancy, the applicant shall submit evidence to the Town Planning Director that the appropriate licenses/approvals have been obtained by the alcoholic Beverage Control Board (ABC). 2. Pre-prepared food can be offered in conjunction with wine tasting only. No food shall be sold separately for consumption on site. 3. Retail/wine tasting hours of operation shall begin no earlier than 9:00 a.m. and shall not extend beyond 8:00 p.m. 4. Sales of wine by the bottle or carafe for consumption at the winery are prohibited. 5. The retail space (including tasting area) shall be limited to the approximate 810 square feet, as shown on the floor plan submitted with this application. 6. The applicant shall be responsible for the proper disposal of all organic waste material generated from the winery operation. While the crush is underway, the applicant shall make arrangements for wine production waste (grape skins, stems, seeds, etc.) to be hauled away. Under no conditions shall any organic waste materials be stored outdoors for more than 48 hours. 7. Outdoor noise-producing wine production activities, including loading and unloading operations, shall be limited in accordance with noise requirements of the San Anselmo Municipal Code. 8. The roll-up metal door at the loading area shall remain closed when high noise producing wine production activities are occurring inside the building. 9. The grape crusher shall be placed inside the building. 10. The loading space shall be designed to be large enough to assure that Smith Lane will not be blocked. 11. Approval is based on plans submitted to the San Anselmo Planning Department and marked "Conditionally approved by the San Anselmo Planning Commission, 6/3/91. 12. The use permit shall be reviewed by the Planning Commission at a noticed public hearing within 30 days of the one-year anniversary date of the opening of the winery, for the purpose of evaluating the hours of operation and noise impacts on neighbors. At that time the Planning Commission may modify the relevant terms and conditions of approval for operation of the winery. In addition, it was found that a parking variance is not required because the new use will be less intensive than the prior use in its generation of parking demand.

Ayes: Harle, Kroot, Yarish, Mihaly, Julin

Noes: Sias

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

M/S Yarish/Kroot, to approve SR-9102 for Ross Valley Winery; 34 Greenfield. Approval is based on the following finding: That the significant elements of the proposed signs and their designs: a) are of a size, shape, material, style, letter type, and color appropriate for the use and are aesthetically compatible with the premises and with existing improvements and the natural elements in the surrounding area; b) will not impair or interfere with the orderly and pleasing development, use, or enjoyment of other property in the surrounding area, including public lands and rights-of-way; and c) will minimize or eliminate adverse physical or visual effects which might otherwise result due to the relation and juxtaposition of such sign to: (1) the scale, mass, height, area, and materials of adjacent buildings and structures, including other signs; (2) areas and rights-of-way for the commitment, movement, or general circulation of person, animals, and vehicles; and (3) other developments or improvements which may suffer a diminution or elimination of sun and light exposures, views, vistas, and privacy. The applicant is proposing to modify the two existing signs on the building. The sign along the front of the building (north elevation) is proposed to be replaced with maroon, raised block letters. The 10-foot diameter circular sign on the west side of the building is to be painted over and replaced with a 5' by 6' rectangular sign with painted maroon letters. The sign modifications are the only exterior modifications proposed. The plans are dated 6/3/91.

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

2. V-9112, Tom Rygh, 203 San Anselmo Avenue, A/P 7-284-39, variance for the removal of a parking space on property located in the C-3 zoning district.

The applicant was present.

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Ms. Wight presented the staff report.

Mr. Rygh stated that he did not feel the business required a handicapped parking but would comply with the State requirements.

The Commission supported the handicapped parking.

M/S Harle, Kroot to approve **V-9112**, Tom Rygh, 203 San Anselmo Avenue, A/P 7-284-39, variance for the removal of a parking space on property located in the C-3 zoning district on the basis: 1. The strict application of the provisions of the Code would result in unnecessary hardship for the applicant, which hardships are unique to the particular applicant and his use and are not present generally. There is only one parking space on the property, which when occupied is difficult to maneuver around; a wheelchair ramp is an asset to the community; the intensity of use of the property should be decreased from that previously; and there are many on-street parking spaces in the area available at all times during the day. Also the State Disabled Regulations require that disabled access be provided to the building. 2. That the granting of such application would not adversely affect the public health, safety, or welfare, or be detrimental to or endanger or depreciate the property located in the surrounding area. In fact, the addition of a wheelchair ramp will be beneficial to the community. This approval is based on plans dated 2/28/91

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

3. **V-9113, Christopher Johns, 96 Broadmoor Avenue, A/P 5-171-08**, a 10' front yard variance for a parking space within 10 feet of the front property line, in connection with a partial garage conversion to living area on property located within the R-1 zoning district.

The applicant was present.

Ms. Wight presented the staff report.

Mr. Johns felt he should be considered under the "grandfather clause" because the bathroom has existed for years and a workbench was permanently affixed to the garage side of the bathroom wall, which reduced the garage length to 13'. After he purchased the property, he removed the workbench and extended the bathroom wall, which did not reduce the garage length any further.

Ms. Wight noted that removal of the workbench and replacement with an extended bathroom wall was the permanent conversion. Prior to the extended bathroom wall, the workbench could have been removed at any time to accommodate a vehicle if needed.

Resident at 98 Broadmoor stated that the walls and work bench were there when Mr. Johns purchased the property. Also, no one in the neighborhood parks in their garage.

Commissioner Harle felt it would be unfair to deny this applicant but he was unable to make the required findings for approval based on the reasons stated by the applicant.

Commissioner's Yarish, Kroot, Sias Mihaly and Julin were not able to make the required findings for approval.

M/S Mihaly, Yarish, to deny **V-9113**, Christopher Johns, 96 Broadmoor Avenue, A/P 5-171-08, a 10' front yard variance for a parking space within 10 feet of the front property line, in connection with a partial garage conversion to living area on property located within the R-1 zoning district. Denial is as follows: Staff is unable to make the special circumstance finding for the garage conversion to a full bathroom for the reason that there are other locations for a second bathroom without making the garage unusable. The washer, dryer, and water heater can be located in the garage against the side wall of the garage, thereby not reducing the legal width nor length of the garage. A second story addition could meet the minimum setback requirements and a variance would not be necessary. The granting of the variance 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 garage in this neighborhood appear to typically be 12' in width by 19' in length, which can accommodate one vehicle. Due to the small size of the homes in this area, washers, dryers, and water heaters are probably placed in the garages, which further reduce the length or width. The applicant advised staff that most neighboring homes use their garages for storage. While conducting the site inspection, staff noted that many of the homes in this area have two vehicles parked on the driveways and it could be that the garages are not used for parking. However, there is a difference between 1) using a garage for storage; and 2) converting a garage to permanently make it unusable. Staff is concerned that the permanent conversion of these garages could ultimately result in persons using their landscaped areas to accommodate additional parking as the children grow and additional vehicles are domiciled. This could have an adverse visual impact on the neighborhood.

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

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4. **V-9114, Bill and Renee Glenn, 9 Olive Avenue, A/P 7-085-03, a 5' rear yard variance and a 3' side yard variance for an addition to a single-family residence in the R-1 zoning district.**

The applicants were present.

Ms. Wight presented the staff report.

Mr. Glen stated that there are ten homes on Olive Avenue of which 4 are single levels and 6 are two stories. Their house was originally a carriage house and approximately 100 years old. Although the house looks large, the rooms are really chopped up and small. The third level is A-framed, with the walls on the sides being only 4' in height. Although his house has three stories, it is only approximately 4' higher than that of his neighbor. He is proposing a 4th bedroom to accommodate three children. He wanted to expand the house on the undeveloped portion of the lot and did not want to jeopardize the landscaped portion. His neighbors do not object to the proposal. He agreed to remove the window facing his neighbors.

Commissioner Sias agreed with staff's recommendation for denial because the addition could be built in other locations that would not require a variance.

Commissioner Mihaly concurred with Commissioner Sias and added that although the lot is large the neighborhood is very congested. He felt the applicants could redesign so as not to create variances.

Commissioner Harle stated that he was unable to make the findings although he felt adding to the rear would be the most logical spot for the addition.

Commissioner Yarish had nothing further to add.

Commissioner Kroot supported the proposal because he felt it would be hard to have the addition in any other direction. If it was moved forward it would go into the driveway. This location was the least detrimental with the least encroachment. He considered this just a squaring off of the back of the house. In addition there has been no opposition from the neighbors. The existing house is only approximately 2,600 square feet and there are other houses in the neighborhood that are considerably larger.

Chair Julin was unable to support the application for the reasons stated by her fellow Commissioners.

Mr. Glenn asked if the Commission would support the application if he was to bring in the side yard to comply with the eight foot setback but still continue to request the rear yard variance.

Commissioner's Mihaly and Julin did not feel they could support any variances. Commissioner Yarish was mixed, and Commissioner Harle would not comment until he saw a revised plan. Commissioner Kroot felt it would be important for the applicant's to provide an elevation if the proposal was to be continued.

Mr. Glenn stated he would like time to consider the comments of the Commission.

M/S Kroot/Harle, to continue **V-9114, Bill and Renee Glenn, 9 Olive Avenue, A/P 7-085-03, a 5' rear yard variance and a 3' side yard variance for an addition to a single-family residence in the R-1 zoning district.** The continuance is to the meeting of July 1, 1991, to allow the applicant's time to reconsider the comments of the Commission.

All ayes.

5. **V-9115, Stephanie Miller and Nelson Hee, 36 Redwood Road, A/P 7-081-40, a 11' rear yard variance, a 4-1/2' side yard variance, and a 4% lot coverage variance for an addition to a single-family residence in the R-1 zoning district.**

Commissioner Kroot asked to abstain from this application.

The applicant was present.

Ms. Macris presented the staff report.

The Commission was in support of the proposal because the net affect will reduce the impact with the removal of the shed.

M/S Sias/Harle, to approve V-9115, Stephanie Miller and Nelson Hee, 36 Redwood Road, A/P 7-081-40, a 11' rear yard variance, a 4-1/2' side yard variance, and a 4% lot coverage variance for an addition to a single-family residence in the R-1 zoning district. The approval of the variance is based on the following findings: Special circumstances, and why the granting of the variance will not be a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone: The small additions to the bedroom and kitchen are infills of existing space which are necessary to create more attractive and functional living areas. The over-all

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increase in lot coverage of 237 square feet is compensated for by the removal of an existing storage shed. Why the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood: The proposed additions would extend an existing non-conforming setback of the house, and fill space between the house and an existing studio, which would have minimal impacts on neighbors. A condition of approval is that the shed is to be removed and there be no request for a shed in the future.

Ayes: Harle, Mihaly, Sias, Yarish, Julin

Abstain: Kroot

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

6. **V-9116, Frank and Linda Grange, 23 Cherne Lane, A/P 5-300-22 & 23, a 6-1/4' side yard variance to construct a two-car garage within 1-3/4' of the side property line, for a single-family residence in the R-1 zoning district.**

The applicants were present.

Ms. Wight presented the staff report.

The Commission was able to make the required findings for this application.

M/S Kroot/Sias, to approve V-9116, Frank and Linda Grange, 23 Cherne Lane, A/P 5-300-22 & 23, a 6-1/4' side yard variance to construct a two-car garage within 1-3/4' of the side property line, for a single-family residence in the R-1 zoning district on the basis: 1. 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. Due to the configuration of the dwelling on the lot, the proposed location for the garage is the only possibility. While an uncovered parking deck would work adequately to provide on-site parking, the granting of a variance to construct a garage would not be granting a special privilege as the other properties on this street have two car garages and carports. A garage, versus a parking deck, in this location will actually add some interest to the front elevation of the property. 2. 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. A garage in this location is consistent with the development of garages and carports on neighboring properties. Although the garage roof will extend approximately 6' higher than the existing dwelling roof, views from neighboring properties are to the south and will be unaffected by the addition. Neighboring Cherne Lane properties do not have significant windows facing the applicant's proposed garage location, and properties on Woodside Drive are at a significantly higher elevation. There is only one dwelling beyond the applicant's property on Cherne Lane and no potential for additional residential development. Due to the curve in the road easement between Nos. 23 and 33 Cherne Lane, there should be no sight distance problems with vehicles traveling along Cherne Lane while vehicles are entering and exiting the proposed garage. This approval is based on drawings dated 2/19/1991.

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

**E. ADJOURNMENT**

The regular meeting was adjourned at 12:30 a.m. to the next regular meeting on June 17, 1991 at 7:00 p.m..

Barbara Chambers  
ASA II