

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR JULY 11, 1994**

The special meeting of the San Anselmo Planning Commission meeting was convened at 8:00 p.m. in the Council Chamber by Vice-Chairman Israel. Staff present was Planning Director Ann Chaney and Planning Consultant Delvin Washington.

**A. CALL TO ORDER**

Commissioners present: Julin, Sargent, Israel, Ollinger,  
Commissioners absent: Hayes, Harle, Mihaly

**B. CONSENT**

1. Minutes - July 5, 1994,
2. V-9421/DR-9415 - Gigi and Gene Phillips, 13 Carlson Avenue, A/P 5-062-05, a design review and variance to: 1) construct a 496 square foot second story addition; 2) allow the second floor addition to encroach 1' into the required 8' side yard setback; and 3) provide only 2 off-street parking spaces (3 required) on property located within the R-1 Zoning District (Above 150' Mean Sea Level).

Commissioner Julin asked why Conditions #5 and #6 were necessary. Mr. Washington stated the deed restriction and sprinkler system are standard conditions. Ms. Chaney that the condition regarding the sprinkler system is to put the applicant on alert in the event it is required.

Commissioner Julin asked to place these items at the end of the agenda under General Discussion. Commissioner Ollinger concurred with Commissioner Julin's comments regarding the deed restriction.

M/S Ollinger/Julin, to remove B2 from the Consent Agenda and placed under Public Hearings.

Motion unanimously passed.

M/S Ollinger/Julin to approve Minutes with the following amendments: Page 7, add the following to the last paragraph: Commissioner Julin asked for the location of the nearest high pressure main. Mr. Gill responded that there isn't any. She inquired whether this meant on Oak Avenue or in the Town. Mr. Gill replied that there isn't any on Oak or in Town.

Commissioner Israel said he did not recall that Mr. Gill said "in Town" and wanted staff to check the minutes for verification.

Motion unanimously passed.

**C. OPEN TIME FOR PUBLIC DISCUSSION**

**D. PUBLIC HEARINGS**

(Taken from Consent Agenda).

2. **V-9421/DR-9415 - Gigi and Gene Phillips, 13 Carlson Avenue, A/P 5-062-05, a design review and variance to: 1) construct a 496 square foot second story addition; 2) allow the second floor addition to encroach 1' into the required 8' side yard setback; and 3) provide only 2 off-street parking spaces (3 required) on property located within the R-1 Zoning District (Above 150' Mean Sea Level).**

M/S Ollinger/Julin to approve V-9421/DR-9415 - Gigi and Gene Phillips, 13 Carlson Avenue, A/P 5-062-05, a design review and variance to: 1) construct a 496 square foot second story addition; 2) allow the second floor addition to encroach 1' into the required 8' side yard setback; and 3) provide only 2 off-street parking spaces (3 required) on property located within the R-1 Zoning District (Above 150' Mean Sea Level). Approval is based the staff report with the conditions as follows: 1. That the request for Design Review and Variance be granted to construct an addition to an existing single family residence, in accordance with the plans and material board date stamped received by The Town of San Anselmo on May 20, 1994. 2. The applicant shall strive to car pool site construction workers in order to reduce the number of vehicles driving on Carlson Avenue and to park construction vehicles on or immediately adjacent to the site. 3. Construction activities shall be limited to Monday - Friday between the hours of 7:30 a.m. to 5:00 p.m. 4. The applicant shall secure all necessary encroachment permits from the Director of Public works prior to issuance of a building permit.

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

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR JULY 11, 1994

1. V-9417/USE AMEND. - Carolyn Handelin, 176 Tunstead Avenue, A/P 7-213-45, 1) a 16' rear yard and 3' side yard variance to reconstruct and add to an accessory building to be used for day care in conjunction with ABC Academy within 4' of the rear property line and 5' of the side property line; 2) a use permit amendment to allow day care for children in grades K-3 sponsored by ABC Academy; and 3) a parking variance to maintain existing on-site parking when expanding the use, on property located within the (R-3) Zoning District.

The applicants were present.

Ms. Chaney presented the staff report.

Commissioner Sargent noted that the use is a decrease from the original use permit of 35 to 20 children.

Commissioner Israel asked if the gates will have to be removed. Ms. Chaney said they will have to be removed because the area will have to be cleared for parking.

Carolyn Handelin stated the use was to allow 35 children and she does not plan to go over that number. The State of California licenses based on square footage. They are going to remove the storage items on the side yard. She was unaware there was a parking problem and has now alerted the parents that they are not to park in the neighbors driveway. She is proposing signs to help the traffic situation.

Commissioner Ollinger asked about the schedule for the children outside. Ms. Handelin stated that she created the program for the children and there is no set time required by the State.

Commissioner Ollinger asked about the fire egress. Ms. Handelin stated she spoke with the Fire Department and there is now a clear path for fire egress.

Commissioner Sargent asked if she could get more children based on the additional square footage in the rear building. Ms. Handelin said the license for the back unit is different.

Commissioner Israel asked about their discussion with the Building Inspector regarding the ADA requirements. Mr. Handelin stated that they will have to meet all the ADA requirements. Commissioner Israel thought that the ramp would have to be moved to the front of the building because of code requirements and would therefore create some problems regarding the parking. There may be some ADA requirements for the rear building also. Commissioner Israel asked about the materials stored in the side yard. Mrs. Handelin stated it will be removed from the site.

Mrs. Handelin explained that the State allows children based on both calculations of the building as well as the play area, so in fact they could increase the number of children at the school but she has no intention of increasing the number of children.

Commissioner Israel said that the Commission would really not like to see an intensification of use.

Ms. Chaney said the town cannot violate State licensing but the Commission can further reduce the use.

Joyce Brown, Elan Fitness, wants to encourage the Planning Commission to keep this service in the community.

Klaus Warner, 35,42,49 Cedar, stated the owner is satisfied with the closing time of 5:30 as stated by the applicant.

Joyce Wernsman 55 Tamalpais, stated that she is the manager of the apartment building and she conveyed that the owner of the building did not get the first notice about the hearing. The owner is very much against the expansion because of the noise. The tenants have just tolerated the noise in the past but now they can speak up because of the use permit. Two of the tenants are going to move because of the noise if the use increases. The intensity of the noise is really what is at issue within a residential neighborhood. The older children are really noisier than the younger children. They would like to see the sandbox moved because it has also created more noise. The plastic toys that the children ride is also very noisy. When they use a loud speaker at graduation, that noise is also intolerable. The addition will give a very dark and closed in feeling. She said the back of the sliding glass door to the property line measures approximately 20'.

Chuck Handelin said they have run up against a lot of opposition which they didn't expect. They sent a flyer out to the neighbors to try to work with the neighbors and they do not want to push their project down anyones throat. However, most families have two family incomes and there is a need to

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR JULY 11, 1994**

increase the day care for children but it was very important to be a good neighbor. They want to work with the neighbors and will certainly move the sand box. They also want to address the handicapped issues. Parents need this facility for their children.

Commissioner Ollinger asked where the children were coming from for the after school program. Mrs. Handelin said they are coming from Ross, and the two schools in San Anselmo because those facilities are full.

Melissa Horn, tenant at 55 Tamalpais, said the noise is really an issue and it is very hard for her to study.

Kevin Insko, 197 Tunstead, said her apartment is second from the end and noise is an issue. This is a qualitative change in the program. She is willing to do her part in the community to live next to a pre-school but would not like to see the use intensified. If they put in a new site, the noise will be closer to the living quarters.

Klaus Bins, 190 Tunstead, said he has been good neighbors with the ABC School and the tenants have gotten used to the noise but to add older children would contribute more noise than the younger children. There has been a sign that says "tenant parking only" for years but the parents have still disregarded it. He also said that it would be impractical to park in the side yard. Regarding the outside play time for the children, they are outside for a length of time. He questioned the number of bathroom facilities for the children. He has not experienced a negative impact on his tenant rental but most of the people work or are retired who have been there a long time. The existing situation of the school is fine but it is a fact that older boys are noisier.

Pat Turio, Director of the morning program, said the first interest came from the parents because of the lengthy waiting list. She did not realize the plastic toys were a noise issue and are willing to correct that.

Commissioner Ollinger felt the issue is the change in use and it will change the character of the school because of the ages of the children. Older children are noisier. The building does act as a buffer to the apartment. The trees did shield. Reducing the height of the building will help some. He is sensitive to the need for the program but the issue is the location of the use in this area. The gate on one side of the building should swing out, not in. He asked if the lot coverage has been exceeded. Ms. Chaney said she could not be sure although Ms. Wight is very thorough and has not mentioned it in the staff report. He is not sure if a conditional use, with a review in six months, would be the answer, although it might not be fair to the applicants because of the cost. Maybe there should be a reduction of children in the afternoon.

Commissioner Julin supports the application and has had her questions from the last meeting answered tonight. The application would not change the number of students or number of hours of operations. The differences would be the location of the children in the afternoon. The difference is minor and compatible and falls within the overall use permit as was originally approved. The variance for the rear structure can be met because she viewed the improvement of the structure and reduction in the current height of the building as an improvement. The building will be longer and act as a buffer and could be conditioned with sound proofing and replacing some of the landscaping which will help buffer the noise. The parking does not seem to be an issue anymore with staff mitigations. She is not sure what the ADA requirements will do to the site. In summary, there is nothing more important than children in our community.

Commissioner Sargent supports the application with trepidation because the use permit goes with the property. It is unfortunate that the problems have to come up at a public hearing. There are noise level issues that can be addressed to lower the noise. They have a right to have 35 children on this site. Given that there is an empty building on the site, it will expand the opportunity of the building, and will create more of a barrier. He would like to see additional plywood on the rear wall to help muffle the noise.

Commissioner Israel agrees with both sides spoken on this issue and therefore is sympathetic for the need of this service as well as the noise. The length of the building will be a barrier to the apartment house in the rear but will not be a benefit to those buildings on the side. He does not think that lowering the roof is a benefit; the flat roof is not as nice to look at but a peaked roof would look better; more residential. He does not think there is much difference between the noise levels of preschool children and 8 year olds. Landscaping has a major philological benefit and he would want to suggest the re-creation of the landscape buffer on the back and perhaps the side as well. The issue of the microphone can be worked out by the teachers and the residents. The parcels in that neighborhood are not even and that is part of the problem with the noise and privacy. He is uncomfortable with the previous variance because of the vehicles leaving their motors running next to a buildings sole ventilation. There is a 50% increase of the children's time out doors and he is wrestling with that. Therefore he is somewhat nervous about approving this project.

Mrs. Handelin said she could take a 1/2 hour off the outdoor play time in the afternoon. Commisisoner Ollinger suggested having the kids go inside at 4:30 p.m., not 5:00. p.m.

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR JULY 11, 1994**

Commissioner Israel suggested a continuance to this project to allow the applicants to meet with staff to discuss the details that go into a recommendation of approval. This will also allow the applicant time to look into the code requirements and ADA requirements.

Commissioner Julin asked if a resolution could be prepared and the item placed on the consent agenda at the next meeting. Commissioner Israel felt that it would be unwise to put it on the consent based on the comments from the audience.

Commissioner Sargent said performance is really an issue. Ms. Chaney suggested that this could come back for review after a certain period of time.

M/S Ollinger/Julin, to continue V-9417/USE AMEND. - Carolyn Handelin, 176 Tunstead Avenue, A/P 7-213-45, 1) a 16' rear yard and 3' side yard variance to reconstruct and add to an accessory building to be used for day care in conjunction with ABC Academy within 4' of the rear property line and 5' of the side property line; 2) a use permit amendment to allow day care for children in grades K-3 sponsored by ABC Academy; and 3) a parking variance to maintain existing on-site parking when expanding the use, on property located within the (R-3) Zoning District. This is continued to the meeting of 8/1 and a resolution to be prepared, which include the items discussed. Motion unanimously passed.

2. **V-9418-DR-9413 - Ned MacDonald, 330 Sir Francis Drake Boulevard., A/P 6-251-04, a design review and parking variance to demolish the theater portion of the Tamalpais Theater and to remodel the office and lobby portion of the structure and create a new surface parking lot with 22 on-site stalls (25 required), on property located within the C-2 Zoning District.**

The applicant and his architect, Paul Hartman, were present.

Mr. Washington presented the staff report. He also passed out a letter to the Commission from the owner of Collective Antiques whose major concern is with the demolition of the structure.

Ned MacDonald gave a brief background on the building. He also explained that the building is 71 years old and requires major seismic upgrades as well as the need for waterproofing. He will upgrade the appearance of the building by painting, he will retain the marquee and put on awnings. He is fixing the building so future generations could enjoy it. There is no reason to preclude that in the future the building could not be retained as a cinema.

Mr. Washington discussed the issue about the oil tank that is to be removed. He said the applicant has been in communication with the Town Council in that the tank was placed on Town property.

Commissioner Ollinger asked about the three parking places. Are they on Town property? Mr. MacDonald stated the parking would be on San Anselmo Tire property but he has an easement.

Mr. Hartman provided a map that should help further clarify the property lines, pavement lines on Smith Lane and the location of the tank.

Richard Raznikov, Attorney, San Rafael, was present to represent his client, Greenfield Antiques, and there are some substantial interests that have not been addressed. They are concerned that the demolition will have an enormous impact on the business. His client will have to close her business for an unspecified amount of time. He has attempted to address those concerns to the applicant but has no response. Also, there is a real concern about whether or not the negative declaration has been properly addressed. There will be substantial debris from the demolition of the building which could jeopardize the antique business. The portions of the wall of the applicant's building will touch his client's building. Also, Collective Antiques' attorney, who is out of the state will agree with him. He is asking that the Town Attorney be contacted to address the legal aspects of this project. They are not trying to derail the project they are just concerned about the demolition..

Tony Barbera, Collective Antiques, presented photographs. His attorney has written the letter that was distributed by Mr. Washington tonight. He is in support of the project but is very concerned about what could happen during the demolition process. Will bonds be taken out for protection of his building? His other concern is about the oil tank because he has had a problem with a building he owns in San Rafael that has a tank on it. He has questions about where his staff will park, and will they be able to water down the site during demolition. Will there be insurance to protect the antiques. He does want it to be successful but wants his concerns answered.

Prescilla Shelkin, Greenfield Antiques, said her entire building is touching the applicants building and she understands the foundation is the same as 330 Sir Francis Drake. She wants some assurance that insurance will be provided in the event there is damage

Dean Randel, 13 Smith Lane, said his house is 20 feet from the theater. He is in support of the application and the design is very nice. He has asked the Town to vacate the prescriptive easement

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR JULY 11, 1994**

and the Town did not want to do that. He is concerned about the Town right-of-way portion that is currently used for the storage of tires from San Anselmo Tire and Brake. The negative declaration states that if the applicant does not agree to a land trade, there is a question about the use of the area. He would like to have that expanded on to not allow the SA Tire and Brake to use the land for tires and trash.

Dean Larson, 17 Lincoln Avenue, is worried about traffic although he is supportive of the project. He is concerned about the access to the parking lot. There is a lot of cross traffic since Greenfield has been made one way. He is concerned about the access from Smith Lane into the parking lot. The flow of traffic on Lincoln and Smith Lane would be increased.

Mr. Hartman said all concerns are legitimate however many of the questions are premature. Trucks, water, noise, and demolition have not been addressed yet. The proposed new square footage is 23,000 of retail and 1,200+ office space and traffic should not be an issue now.

Mr. MacDonald stated that he did write a letter to Mr. Raznikov and was apologetic that he did not respond to Ms. Shelkin. He is open to having the demolition performed in a safe way and is sympathetic that it is a major concern. He would like to meet with Mr. Barbera regarding the demolition. The proposed use will be minor and will not have much of an impact on traffic but would be willing to meet with the neighbor.

Mr. Barbera wondered why the demolition has not been addressed at this point. Mr. MacDonald responded that he has not awarded the contract for a demolition. There is an industry out there that can satisfy the issues but is willing to work with the neighbors on the safety issues.

Commissioner Israel said that this is a preliminary hearing and in many cases applicants do not do details because of the costs in the event this project is based. However, the Town will ensure that appropriate bonds, etc. are in place prior to the demolition.

Commissioner Julin supports the project and design review although she suspects others would like more details of the design. She supports the parking variance. The project is an enormous benefit to the community. The demolition is done on a daily basis in San Francisco in close areas and can be addressed and mitigated and bonded and should be flushed out prior to approval of the project. The building was in use as a theater, and then there was a proposal for a four plex, at some point we have to be realistic and she believes this is reasonable for this site.

Commissioner Sargent really wanted to keep the theater but that isn't an issue. The rights of protecting property will not be an issue down the road. He is uncomfortable with the area of San Anselmo Tire and Brake. He would like a sense of what is being proposed.

Mr. Hartman saw the area fenced but this is a design challenge.

Commissioner Ollinger suggested another condition of the route to remove the debris, (Miracle Mile as opposed to Sir Francis Drake Blvd). Regarding the parking plan, there should be an indication on how the parking will be marked and signage of the parking lot. Back where Smith Lane takes the right turn, there is a utility pole and manhole that should be removed. An additional condition should be that copies of insurance and bond coverage should be given to the Town. The hours of construction should start at 7:30 not 7:00 a.m. He isn't sure if he wanted to see additional landscaping or parking plans if the application is to be passed tonight. He would hope that the yellow tile is removed. He was glad the marquee is being kept. The rear of the building is a little bit pedestrian but he has no other suggestions. Once the building is torn down the other buildings will be exposed. He would like to see the applicant be responsible for at least painting the wall of those properties affected and would like to see that worked out with the applicant and the owner.

Mr. MacDonald said the back wall of San Anselmo Tire and Brake will be removed for seismic reasons.

Commissioner Ollinger was in favor of the tank removal.

Commissioner Israel is disappointed in the Town and the neighborhood that the theater could not be maintained. But in reviewing this application, the Town is leaving the door open to revive the theater, a community area, or children's center, in the future. He wondered how many parking spaces the applicant would require.

Mr. Harman said he is using the entire top floor and is using about 8 parking spaces. He wondered if they could reduce the parking to house the building and use landscaping to soften Smith Lane.

Commissioner Israel would like to see some trees in the parking lot to soften it as well as to soften the building rear wall. He is in support of this project but with the information before him he needs more specific information. He would like definitive information on the store front, the material and color. Not sure what the band across the top is for.

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR JULY 11, 1994**

Mr. Washington suggested that the applicant meet with the neighbors to address their concerns and allow the applicant time to think about the Commission suggestions as well as provide additional details on design.

Mr. MacDonald said that he is not objectionable to having the community use the parking lot at night but he has to check on the liability issues first.

Commissioner Israel is against the parking lot being used as a storage for vehicles that are not in operation like those at San Anselmo Tire and Brake.

Commissioner Ollinger thought they should get as much parking as possible but understands the landscape opportunity.

Commissioner Israel clarified that he does not necessarily mean that parking should be reduced but would like to see landscaping such as wheel stop planters. He also did not see the meeting with the neighbors regarding the demolition as a planning issue but should be worked out during the building permit process. Commissioner Ollinger said that a condition to issuance of demolition permit be that documentation on insurance, bonds should be required and that it meets with approval with the public Works Director.

Mr. Barbera said they need adequate time to contact his tenants about the demolition.

Commissioner Ollinger asked the Commission how they felt about the colors. Commissioner Julin thought they were fine. Commissioner Israel said they were consistent with what he wants, but would like the rear of the building to be used in a sympathetic way; any windows that happen be sympathetic with the type of building of that vintage. Commissioner Ollinger concurs with Israel.

M/S Julin/Ollinger, to continue V-9418-DR-9413 - Ned MacDonald, 330 Sir Francis Drake Boulevard., A/P 6-251-04, a design review and parking variance to demolish the theater portion of the Tamalpais Theater and to remodel the office and lobby portion of the structure and create a new surface parking lot with 22 on-site stalls (25 required), on property located within the C-2 Zoning District. This is continued to the meeting of August 1, 1994.

Motion unanimously passed.

**E. GENERAL DISCUSSION**

**Deed Restriction**

Commissioner Julin was concerned that staff seems to be sliding into a policy about deed restrictions and would like to discuss this at length in the future. The consensus is that they do not want to make it the norm.

Commissioner Israel suggested a wording change on the Fire Department sprinklers as follows: A sprinkler system may be required by the Ross Valley Fire Service.

**F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

There was no discussion.

**G. ADJOURNMENT TO the meeting of July 18, 1994**

The special meeting of July 11, 1994 was adjourned at 12:00 a.m. to the next meeting of July 18, 1994.

BARBARA CHAMBERS