

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR FEBRUARY 27, 1995**

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

A. CALL TO ORDER

Commissioner's present: Julin, Sargent, Ollinger, Hayes, Israel
Commissioner's absent: Harle, Mihaly,

B. CONSENT

1. Minutes - February 6, 1995
2. V-9504/DR-9502/U-9501, Ted Janko, Ted's Restaurant, 218 Sir Francis Drake Boulevard, A/P 6-252-03, 1) use permit and design review to construct a 372 square foot addition on the rear of the building; and 2) a parking variance for one additional required space (NOTE: A 6 car parking variance has been previously approved on this site) on property located within the C-2 Zoning District.

Staff asked to remove Item B2 from Consent and place it under Public Hearings because a member of the public wishes to discuss it.

M/S Julin/Hayes to approve consent Item B1. and remove B2 to Public Hearings.

Motion unanimously passed.

C. OPEN TIME FOR PUBLIC DISCUSSION

There was none.

D. PUBLIC HEARINGS

1. V-9504/DR-9502/U-9501, Ted Janko, Ted's Restaurant, 218 Sir Francis Drake Boulevard, A/P 6-252-03, 1) use permit and design review to construct a 372 square foot addition on the rear of the building; and 2) a parking variance for one additional required space (NOTE: A 6 car parking variance has been previously approved on this site) on property located within the C-2 Zoning District.

The applicant was present.

Mr. Washington stated that a letter of concern was submitted to staff and therefore it was taken off consent. He stated it would not be a bad idea to require additional lighting which may help with the loitering and theft problem.

Roger Bettini, 18 Bank Street, said his primary concern is noise escaping from the restaurant as well as loitering and potential theft. He would like to see any cosmetic improvements.

Mr. Janko was sympathetic with Mr. Bettini's concerns. It should be noted that there is currently a lot of construction taking place in the neighborhood and the traffic, noise and loitering has increased. He intends to only have one nice shed in the rear once construction is complete. The rear exit will be used as an emergency exit only and a sign can be installed to indicate that. Also, the patio will be enclosed. The parking will be used for employees only. He assured his neighbor that it will be an improvement. A chain link fence will be constructed also.

M/S Sargent, Julin to approve *V-9504/DR-9502/U-9501, Ted Janko, Ted's Restaurant, 218 Sir Francis Drake Boulevard, A/P 6-252-03*, 1) use permit and design review to construct a 372 square foot addition on the rear of the building; and 2) a parking variance for one additional required space (NOTE: A 6 car parking variance has been previously approved on this site) on property located within the C-2 Zoning District. 1. Due to the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulations 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. Since this establishment will not increase interior seating and convert area that was originally used for dining and recreation to expand the bathrooms and for storage, the overall parking demand should not increase. The existing parking spaces in the Town appear adequate to handle vehicles from this establishment. Except for midday there appears to be adequate parking throughout the downtown. During the peak hours, or early afternoon, there is some parking available which is primarily in the Creek Park parking lot. The peak hours for this business are during the evenings when there is ample parking in the adjacent public lots. 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 or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood. The approval of this variance request will not result in any detrimental impacts on this site. This applications allows the owner to improve on the existing bathrooms creating a more desirable commercial establishment.

Design Review:

Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; The addition, as designed, will compliment the surrounding

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retail buildings and will not be out of scale with neighboring structures. The addition of new lavatories will be an improvement over the existing setup. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable; The expansion of this establishment will not result in creating a less desirable environment of properties adjacent to this parcel or throughout the downtown. Some noise may occur during construction but these inconveniences will be temporary, and Town policies controlling construction hours should mitigate them. This renovation allows the owner of the property to do some improvements on the rear elevation which should further mitigate site problems. 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or other development in such area. The creation of additional floor area and improving bathrooms will likely result in an appreciation of this property and not result in any depreciation of neighboring properties because of the upgrade. This is a sensible, well designed, and professional upgrade that should have a positive impact on the use of this building. 4. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and The expansion of this activity in the downtown will not result in a substantial increase in downtown traffic. This will not result in an increase in downtown parking demand and should not have any detrimental impacts on neighboring priorities. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The addition, as designed, will not cause any health and safety problems on neighboring commercial buildings or shoppers in the downtown.

Use Permit

1. The establishment, maintenance, or operation of the 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 the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town. This expansion of this commercial establishment will have no detrimental impacts on the community. This expansion allows the proprietor to improve the lavatories at this establishment further eliminating noise problems resulting from his outdoor trade. **Conditions of approval:** 1. The applicant shall construct the addition in conformity with the plans date stamped received January 24, 1995 by the Town of San Anselmo. 2. The portion of the deck to remain shall be used as storage only and identified on the building plans as such. At no time shall additional seating or recreational activity be re-introduced to this space without first being returned to the Planning Commission for approval. 3. All previous conditions of approval established for this activity in previous planning applications shall still apply to this property. 4. The existing utility buildings shall be covered with a single structure, subject to review by the Planning Director, and 5. The rear exit doors shall be marked with an emergency only sign.

2. **V-9505 - Ed and Kate Rounds, 1115 Sir Francis Drake Boulevard, A/P 6-041-05, a variance request to maintain an existing 11'2" tall 192 square foot accessory structure that is located 1'3" off the rear property line (20 feet is required), for property located within the R-1 Zoning District.**

The applicants were present.

Mr. Washington presented the staff report.

Mrs. Rounds stated that she was not aware of the problem until shortly before the property was to close escrow. There was a rental unit and they are now in the process of dismantling it. They have no intention of using the shed as a second unit.

Commissioner Ollinger said that after a site visit he did not think he could deny this because he felt he would be punishing the buyer, when in fact, the seller was at fault. He supports leaving the structure there. Also, there are other sheds on surrounding properties that are in similar locations and therefore is not setting precedent.

Commissioner Julin concurred with Commissioner Ollinger. She supports it on the basis that it was in existence prior to the new owners purchasing the property.

Commissioner Hayes stated noted that in fact it could create an additional buffer because there are other sheds in the same location on adjacent properties.

Commissioner Sargent concurs with the other Commissioners.

Chairman Israel also supports the proposal and does not find fault with the special circumstances although he does believe that it could be built elsewhere on the lot. He wanted to know if it could be granted a legal, non-conforming status. Ms. Chaney stated that it either has to be granted or denied.

Commissioner Julin stated that this is not a precedent setting situation. A structure at 227 San Francisco Blvd. was approved because it existed. Commissioner Ollinger reminded the Commission that 176 Tunstead was also approved because the shed existed.

M/S Julin, Ollinger to approve V-9505 - Ed and Kate Rounds, 1115 Sir Francis Drake Boulevard, A/P 6-041-05, a variance request to maintain an existing 11'2" tall 192 square foot accessory structure that is located 1'3" off the rear property line (20 feet is required), for property located within the R-1 Zoning District. *1. Due to the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulations 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.* The variance would

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not be a grant of special privileges for the property; the adjacent properties have similar structures in their rear yards and the building existed prior to the purchase 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 or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood.* If this accessory structure were allowed to remain in its existing state it could cause undue safety hazards on neighboring properties. This is primarily due to the openings within 3 feet of the property line therefore the following conditions shall be imposed. Conditions of approval are: 1. The applicant shall make the accessory structure conform with all current building codes required by the Public Works Department for the Town of San Anselmo. This shall include but not be limited to, sealing all openings on either of the building walls that are within 3 feet of the side setback, and installing a 1 hour fire wall. 2. That if this development which has received discretionary approval has not begun within one year from the date of the final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action.

Ayes: Sargent, Hayes, Ollinger, Julin

Abstain: Israel

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

3. V-9503-Kevin and Laura Shea, 14 Rowland Court, A/P 7-112-22, 1) a 12' front yard variance, an 8' north side yard variance, a 5' south side yard variance, and an 11'9" rear yard variance to reconstruct and extend a dwelling; 2) a variance for the lot coverage to be 40%; and 3) a parking variance for no on-site parking, on property located within the R-1 Zoning District.

M/S Hayes/Julin to continue to March 6, 1995 because the staff member presenting this project is unable to attend the meeting. Motion unanimously passed.

4. DR-9503/V-9506 - Steve Murch, 9 Golf Lane, A/P 6-119-12, design review of a lower floor living addition and uncovered deck; 16' and 13' rear yard variances for retaining walls to be within 4' and 7' of the rear property line; and a parking variance to permit additional living area with no on-site parking, on property located within the R-1 Zoning District.

The applicants were present.

Ms. Chaney presented the staff report.

Commissioner Julin asked when the lot was created. Ms. Chaney did not have that information.

Mr. Murch said the house was built in 1965 as a cabin. Originally he wanted to strengthen the foundation. In doing so he wanted to get more living space. The lower floor being added is a modest addition. He looked at other locations for the stairs and this was the most unobtrusive. The retaining walls are being created to help the spoils and will also give them a staging area for wood and supplies for the construction. The second retaining wall will create the only flat space. He was instrumental in having Sequoia Drive repaved. He showed the Commission a drawing on how the parking is designated informally by all the neighbors. Alto Avenue is a dead end by his property and there are two parking spaces there. There is additional parking on Wimbledon Road that is accessed by a deer path. In terms of making findings it could be considered that the topography is very tough and three sides are locked in. There is a chance of building parking off of Alto but not without at least a 15 foot retaining wall. He also studied the feasibility to build parking by the bulkhead which was built illegally but that is not feasible. He is agreeable to signing a deed restriction so as not to allow a second unit. He feels it is important to look at each parcel independently.

Commissioner Hayes asked if there was a possibility to allow one of the designated parking be set aside for the applicant. Mr. Murch thought that this would not be very amenable by the neighbors.

Commissioner Hayes asked if parking could be set aside on Alto. Mr. Murch said he did not think that was feasible.

Commissioner Sargent asked if the Town could demap the road and have the residents purchase the road.

Commissioner Ollinger said that on an interim basis the Town could put in the lines for parking although it does not solve the over all problem. He would also consider looking at Alto Avenue, which could provide one car parking. There are solutions, however the expense might be costly. He also wondered if there were other homes in the area that may want to expand in the future and require additional parking.

Commissioner Julin thought that we are trying to fix a situation that doesn't have a problem. The neighborhood currently has solutions for the parking problem. She was interested in Commissioner Sargent's idea about parking. The parking situation exists without the additional bedroom and the neighborhood has made it work.

Commissioner Hayes wondered what would happen if someone purchases another car and no parking available. He said if the variance is approved he is allowing the likelihood of exacerbating the situation. In summary, he couldn't approve the application.

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Commissioner Sargent agrees with Commissioner Julin that the current situation works but felt there should be a contingent plan. He felt that Alto Avenue and Park Lane is an alternative for parking. He felt that Alto Avenue should be considered for future parking. He primarily supports the application with the exception of parking.

Commissioner Ollinger said that there are ways to build parking on this lot even though it might be expensive. Parking could be built in the vicinity of the deck for 10 Golf Lane. It should be restated that there is no parking on this lot at all even though people work together to get off site parking. He felt that at least one parking site should be created on the lot. Most of the houses in the area are built out but it is conceivable that sometime in the future people could want their parking spaces back as well. It might make a difference if the informal parking is made more formal. He feels that he would not like to approve this when there could be a significant problem in the future.

Chairman Israel said one bedroom in this house would not exacerbating the situation in the neighborhood but he could foresee a problem if any of these homes become rental units. Tenants could add additional cars. He supports the Town's effort that if expansion is requested, the owner is required to come up with parking. He said that the Town supports Revocable Encroachment permits from time to time. He might be able to support parking on Alto. He agrees that parking could be provided, although it might be expensive. He agrees that the Code was put in place with the right intentions.

Mr. Murch asked if he could work out an arrangement with Public Works to provide an encroachment permit. He asked if that would be sufficient. Chairman Israel said that would go a long way to satisfy him. Ms. Chaney said she would encourage the applicant to formalize the existing parking.

Commissioner Julin said the creation of one parking to satisfy the Code is almost artificial, specifically under these conditions because of the addition of one bedroom. She could make the finding on the topography and the paper streets, and to damage the land and intrude on the land in a very environmental sensitive area is not beneficial.

Commissioner Hayes suggested a continuance. He suggested the applicant provide a parking plan for all the houses and give thoughts to where parking could be provided. He suggested the applicant give thoughts to what the overall parking is in the neighborhood. He is concerned about future parking and expansion.

Commissioner Sargent concurred with Commissioner Hayes and added that he would like to see letters of support from the neighbors.

Commissioner Ollinger suggested that the owner attempt to formalize parking.

M/Hayes/Sargent, to continue DR-9503/V-9506 - Steve Murch, 9 Golf Lane, A/P 6-119-12, design review of a lower floor living addition and uncovered deck; 16' and 13' rear yard variances for retaining walls to be within 4' and 7' of the rear property line; and a parking variance to permit additional living area with no on-site parking, on property located within the R-1 Zoning District. It is continued to March 6, 1995. Motion unanimously passed.

Mrs. Murch said this is their first home and all they want is a safe house and a little larger space that will be within their budget.

5. Town of San Anselmo, the Planning Commission will consider revisions to the Zoning Ordinance regarding Design Review process for residential development in the flatland area (i.e. land below 150' mean sea level). Recommend continuance to April 17, 1995.
6. Town of San Anselmo, Proposed Revision to the Ordinance for Maximum Development Size to revise the floor area ration (FAR) for residential properties above 150' mean sea level elevation thereby allowing deviation to the "Maximum Size of Dwellings" in Table 4E. (Note: 5,000 square feet maximum dwellings is the current threshold). Recommend continuance to April 17, 1995.

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

F. **ADJOURNMENT TO March 6, 1995**

The special meeting of the Planning Commission was adjourned at 10:15 p.m.

BARBARA CHAMBERS