

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF OCTOBER 6, 1997**

A. CALL TO ORDER

Commissioners Present: Harle, Zwick, Israel, Dowd
Commissioners Absent: Cronk, Wittenkeller

Staff Present: Planning Director Ann Chaney, Senior Planner Lisa Wight and Associate Planner Chip Griffin

B. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

C. CONSENT AGENDA

1. MINUTES: September 15, 1997

2. V-9736 - Mary Allen, 17 Lansdale Avenue, A/P 7-012-22, Variance to enclose a 184 square foot covered porch within 14' of the front property line, on property located within the R-1 Zoning District.

Planning Director Chaney reported that there is some confusion on the Bachich/Nave item from the September 15, 1997 meeting, regarding the Commission's intent on the stub length of the driveways. Staff thought the Planning Commission wanted a shorter stub, but the applicant believes that the Commission meant to keep the stub as drawn. This is an information item only as it wasn't noticed and the minutes of September 15, 1997, meeting aren't included in tonight's packet.

Commissioner Israel said he recalls that the stub was to be as short as possible at these initial stages.

There was no limitation on development; the primary concern at that meeting was to ensure the applicants had access to those lots.

Scott Hochstrasser, Planning Consultant, said the administrative record is clear that the stubouts on the drawing were the ones that were approved. The applicants want the stubout that was originally approved and staff has no logical reason for changing it.

Commissioner Israel said his testimony specifically addressed shortening the stubouts.

Commissioner Israel and Zwick said they support staff's recommendation.

Commissioner Dowd said he is not prepared to vote on this issue.

Commissioner Harle said he doesn't care one way or another.

Paul Nave, Applicant, said the stub doesn't even go all the way to the approved lot.

Ms Chaney confirmed that three commissioners want the stub as short as possible, one cannot decide at this time, and one could go either way.

Commissioner Zwick said he thought the stubouts would be even shorter than the one shown on staff's drawing.

Commissioner Israel said he would like staff to go through the tapes and get more specific comments on this item. He believes the Commission wanted the shortest stub possible on the resolution, but there wasn't a plan on the wall that reflected that.

M/s, Israel/Dowd, to continue the minutes of September 15, 1997, to the meeting of October 20, 1997. Ayes: All. Absent: Wittenkeller, Cronk.

M/s, Israel/Dowd, to approve consent agenda item 2, V-9736 - Mary Allen, 17 Lansdale Avenue, A/P 7-012-22, Variance to enclose a 184 square foot covered porch within 14' of the front property line, on property located within the R-1 Zoning District. Ayes: All. Absent: Wittenkeller, Cronk.

Conditions of Approval:

1) That the request for a variance be granted to construct an addition to an existing master bedroom in accordance with the plans date stamped July 29, 1997, received by the Town of San Anselmo Planning Department. 2) Building plans shall show elimination of the unit known as 15 Lansdale by eliminating the kitchen and creating internal access throughout the structure. 3) The unit known as 19 Lansdale shall be registered as a second unit as the result of Planning Department approval of the above improvements. Said approval shall take place at the time of the Final Inspection by the Building Inspector. 4) Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections. 5) This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest. 6) If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

D. CONTINUED ITEMS

1. U-9713 – San Francisco Theological Seminary, for Ann Walker Catering, **40 Kensington Road**, A/P7-292-03, Use Permit to allow a food catering service to operate from the kitchen at Alexander Hall. This service will serve the Seminary's food service needs, groups using Seminary property, and clients off-site, on property located within the SPD (Special Planned Development) Zoning District. (Staff person: Chaney) **CONTINUED TO 10/20/97**

2. V-9732 - Hank Hallowell and Jane Cunningham, **15 Medway**, A/P 5-154-15, Variance to build a 180 square foot addition within 10' of the rear yard setback (20' required), on property located within the R-1 Zoning District. (Staff person: Griffin) **CONTINUED TO 10/20/97**

3. V-9737 – David and Suzanne Friend, **151 Morningside Drive**, A/P 5-144-12, 1) Variance to construct a front porch within 15'6" from the front property line (20' required); 2) Variance to allow 36% lot coverage (35% allowed); 3) Parking Variance to reduce the required length of a parking stall from 19' to 17' on property located within the R-1 Zoning District. (Staff person: Chaney) **CONTINUED TO 10/20/97**

E. PUBLIC HEARINGS

1. V-9735/DR-9728 – Cameron Sears, **116 Crescent Road**, A/P 7-221-57, an east side yard variance for the first story of a new single family dwelling to be within 5'4" of the east side property line (8' required); and design review of the 1,155 square foot second story on the dwelling, on property located within the R-1 Zoning District (below 150 mean sea level elevation). Note: the existing dwelling is proposed to be demolished. (Staff person: Wight)

Ms. Wight presented her staff report. This item was first heard on September 15, 1997, and the applicant has returned with revised plans per the Commission's requests. Staff recommends approval of this application.

Steve Murch, Architect for Owner, said they took the Commission's direction regarding the second story, by moving it over two feet. Because this house was damaged by last year's storm, it has to be torn down rather than repaired. The carport has been replaced by an enclosed garage. Some space was sacrificed on the lower level by moving the stairs. There are houses in the neighborhood at over 2400 square feet.

The public hearing was closed.

Commissioner Dowd said he feels the Commission's concerns have been nicely addressed. He doesn't have an issue with size. He is inclined to approve.

Commissioner Harle supports the staff recommendation.

Commissioner Israel said the house has not been significantly reduced in size, even though there was a clear message from the neighborhood that the house was large for the lot. He understood that the Commission would rather not approve variances in situations like this with new construction.

Commissioner Zwick said the garage is a nice addition, but he has trouble granting a variance for new construction.

Commissioner Harle said he initially agreed but when he went back to look at the lot, it is very narrow and other houses in the neighborhood are as large.

Steve Murch, Architect, said letters signed by neighbors were submitted, and virtually all were in support.

M/s, Harle/Down, to approve V-9735/DR-9728 – Cameron Sears, 116 Crescent Road, A/P 7-221-57, an east side yard variance for the first story of a new single family dwelling to be within 5'4" of the east side property line (8' required); and design review of the 1,155 square foot second story on the dwelling, on property located within the R-1 Zoning District (below 150 mean seal level elevation). Note: the existing dwelling is proposed to be demolished. Ayes by roll call: Dowd, Harle, Israel. Noes by roll call: Zwick Commissioner Israel said he changed his mind due to Commissioner Harle's note that the lot is very narrow.

Conditions of Approval: 1) Building permits shall be obtained and the work begun within one year from the approval date, or this approval will be considered null and void. A one-time only, one-year extension may be requested in writing to the Planning Director prior to the initial one-year expiration date. 2) This approval is subject to a 10-day appeal period to the Town Council. 3) This approval is based on the plans revised and date stamped received by the Town on September 22, 197.

2. V-9734 - Dian Allen, 115 San Francisco Boulevard, A/P 6-021-16, Variance to allow a bathroom addition to an accessory structure within 4'6" of the southwesterly side property line, and a parking variance caused by a garage conversion. Parking space to be within 6' of the front property line (20' required) and within 1' of the northerly side property line (8' required), located within the R-1 Zoning District. (AFTER-THE-FACT) (Staff person: Griffin)

Mr. Griffin presented his staff report. This is a request for a variance for an addition and a parking variance for work that has already been completed to convert a garage to living space. There are three issues involved; there are no special characteristics to this lot, there is potential development of a second unit, and there are viable alternatives to the proposed plan. There are some alternatives that the applicant could pursue. Staff cannot make the findings for this request, but if the Commission approves all or part of it he would recommend a requirement for code compliance and a second unit deed restriction

Commissioner Dowd asked what has been done in the garage to make it a conversion. Mr. Griffin said some walls and a loft have been added.

Commissioner Israel asked how many bedrooms the original house has. Mr. Griffin said three.

Dian Allen, Applicant, submitted letters from her neighbors in support of her project. This is the first time she has heard that anyone complained about the addition. She has talked with her neighbors and nobody objected. The original garage was such a tight squeeze that she could never use it. When they closed the garage off they added parking space in front. She thought the addition was a minor intrusion and didn't need a permit. The building is five feet from the fence. They don't intend to use this as a second unit, but would rather not have a deed restriction.

Commissioner Harle said this application presents a lot of problems. Obviously the applicant has limited resources and is already in deep with this addition. He would like to approve it but he doesn't see how. The deed restriction would be an absolute necessity for both the structures. He would be willing to consider the rear bathroom as de minimus as it is very small and not intrusive. The parking variance is more difficult to approve.

Commissioner Israel said the rear structure is easier to deal with as it has very little impact on neighbors, as long as it is code compliant. Across from this property there is a completely paved front yard; he wondered if this property was granted a variance for all that front yard parking. This is a three bedroom home with two being proposed, with just two non-conforming parking spaces. He could support the rear yard variance but not the parking variance. His preference would be to know the circumstances across the street before deciding.

Commissioner Dowd agreed with Commissioner Israel. He doesn't like garage conversions. He can support the building in the back. He also is interested in the circumstances across the street.

Commissioner Zwick said the Commission would have preferred not to have this addition, but

since it's already built they are cutting them some slack.

Dian Allen, Applicant, said this garage conversion is their sanity room, as it's the only place for people to go for quiet. The loft was already in place when they purchased the house.

Commissioner Israel asked about the complaint that brought this issue to the fore. Mr. Griffin said the Building Inspector just said the next door neighbor complained.

Mr. Griffin said 112 and 118 San Francisco, both have second units and neither one has a parking variance.

Dian Allen, Applicant, asked if the issues could be voted on separately. Up and down the street people park all different ways; she actually has the best parking.

M/s, Dowd/Harle, to approve staff's first recommendation only, to approve an (after-the-fact) Variance to allow a 60 square foot addition to an existing accessory structure located 4'6" from the westerly side property line (8' required) approving the accessory structure only. Ayes by roll call: Zwick, Harle, Dowd, Israel. Absent: Wittenkeller, Cronk.

Conditions of Approval:

1. That the request for a variance be granted to build an addition to an existing accessory structure in accordance with the plans date stamped July 25, 1997, received by the Town of San Anselmo Planning Department.
2. The recordation of a deed restriction prohibiting the use of the accessory structure as separate dwelling unit shall be recorded and returned to the Planning Department prior to Final Inspection.
3. Building Permits shall be applied for, and all inspections, including Final Inspection, shall occur prior to use as habitable space.
4. The garage shall be re-converted to use as a parking space prior to Final Inspection of rear yard accessory structure, which was granted a sideyard variance.
5. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
6. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

Commissioner Israel said the reason for the deed restriction is that the room is inappropriate as a second unit.

Ms. Chaney said that because of upcoming rains the applicant would be allowed to get the bathroom under cover.

3. DR-9730 – Ron and Jeanine Mifsud, 118 The Alameda, A/P 5-102-59, Design Review to build additions along an existing building plane within 5' of the westerly side property line (8' required). Additions include: 1) a 346 square foot, two story addition to the rear of the house (family room and loft) and; 2) a 114 square foot garage addition to the front of the house, on property located within the R-1 Zoning District. (Staff person: Griffin)

Mr. Griffin presented his staff report. The project includes improvements to three areas of the house, a master bedroom addition (no approvals required), a family room and a garage extension. The design review is to extend the existing plane of the house that is within 5' of the sideyard setback. Letters of support have been received from neighbors. The two story addition may affect the neighbor at 126 The Alameda's morning sunlight, however. Staff was able to make the required findings, with a change to condition 1b where "shall" will be changed to "may." The neighbor to the left is rental property and the owners haven't been contacted.

Ron Mifsud, Applicant, said they've tried to contact the adjacent neighbors but they are out of state. The residents of the home have no opinion.

Commissioners Israel, Harle, Zwick and Dowd said they support this application.

M/s, Harle/Dowd, to approve DR-9730 – Ron and Jeanine Mifsud, 118 The Alameda, A/P 5-102-

59, Design Review to build additions along an existing building plane within 5' of the westerly side property line (8' required). Additions include: 1) a 346 square foot, two story addition to the rear of the house (family room and loft) and; 2) a 114 square foot garage addition to the front of the house, on property located within the R-1 Zoning District. Ayes: All. Absent: Cronk, Wittenkeller.

Conditions of Approval:

1) That the request for Design Review be granted to construct the second story loft addition in accordance with the plans date stamped September 3, 1997, received by the Town of San Anselmo Planning Department with the following revisions: a) Mechanical equipment in the garage shall be relocated to allow two unobstructed, 9'x19'x7' parking stalls, or b) Garage may be extended towards the front only enough (approximately 18") to accommodate two unobstructed 9'x19' parking stalls. 2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections. 3. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest. 4. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

4. V-9738/DR-9729 – Richard and Maureen Hochschild, 9 Roger Avenue, A/P 6-125-07, a setback variance for the existing garage to be raised up to a maximum of 2' in height within 3.5' of the rear property line (20' required) (facing West Gate Way). It may be determined during construction that the garage will have to be removed and rebuilt with a 2' height increase, which is part of this variance request; a parking variance to allow the required two car parking to be located within the existing garage, which is in the setback area; and design review of a two story single family dwelling, on property located within the R-1 Zoning District above the 150' mean sea level elevation. (Staff person: Wight)

Ms Wight presented her staff report. This is a presently undeveloped lot legally approved to be built upon. An existing garage will either be replaced or raised up. The design of the home is compatible with the neighborhood. A resolution is included in the packet because this is a new home and the resolution will delineate conditions of approval.

Commissioner Dowd asked what the findings would be for the garage if it is rebuilt. This is a steep area, and the home is compatible with the neighborhood.

Tom Hood, Architect, said their intent with this site is to minimize the impact of the project on the neighborhood. There is no problem providing the required parking.

Commissioner Israel asked about the trim color. Mr. Hood said they would like it off white.

Ernie Jones, representing himself and a neighbor on Westgate, said parking has always been a problem on their street. They are concerned that cars will have a problem getting out of the existing garage due to parking. His neighbor was also concerned about the separate building possibly being a second unit in the future.

Tom Hood, Architect, said one of the reasons for raising the garage was greater visibility for backing out. Guest parking will be provided down on Roger; however, the owners should be allowed to use the existing garage. The garage isn't intended for guest parking area, just owner parking.

Commissioner Israel asked if the applicant would like to keep the garage where it is if it is rebuilt.

Richard Hochschild, Applicant, said he would prefer to leave the garage where it is.

Commissioner Harle asked if the neighbor on Westgate is allowed to park in the area in question. Ms Wight said it is a non-Town maintained street so the only requirement is to leave 12 feet in clearance. There is no specific approval for parking in the right-of-way in this location.

Commissioners Harle and Dowd said they are in support of the staff recommendation.

Commissioner Israel said sometimes in areas like this a turnout is required to help alleviate parking problems, to be used by any residents/guests. This might be a reasonable gesture to make to the neighborhood.

Commissioner Zwick said he likes the idea of the turnout. He has a difficult time approving new construction with a variance and he believes the garage will have to be torn down.

Ms Wight said the gentleman on Westgate was concerned about the garage being used in the future for a second unit and this eventuality is covered in the resolution. Trim and windows will be changed to a cream color.

Mr. Hood, Architect, said they would prefer not to have to go the extra mile to provide yet another parking space.

M/s, Israel/Dowd, to approve Resolution # 9705 regarding V-9738/DR-9729 Richard and Maureen Hochschild, 9 Roger Avenue, A/P 6-125-07, a setback variance for the existing garage to be raised up to a maximum of 2' in height within 3.5' of the rear property line (20' required) (facing West Gate Way). It may be determined during construction that the garage will have to be removed and rebuilt with a 2' height increase, which is part of this variance request; a parking variance to allow the required two car parking to be located within the existing garage, which is in the setback area; and design review of a two story single family dwelling, on property located within the R-1 Zoning District above the 150' mean sea level elevation. Ayes: All. Absent: Wittenkeller, Cronk.

5. U-9710 - Ted Janko for Ted's Bar, 218 Sir Francis Drake Boulevard, A/P 6-252-02 and 03, Use Permit Amendment to remove an existing condition that currently restricts the rear patio for use as "storage only." The proposal is to use the patio for restaurant seating and special events, for property located within the C-2 Zoning District. (Staff person: Chaney)

Ms Chaney presented her staff report. This is a request to eliminate a condition imposed on Ted's Bar restricting the patio area for storage only. Mr. Janko would like the patio reopened for patio use. At a previous meeting, this item was heard and approved, but it was later learned, when appealed to the Town Council, that the neighborhood had not been noticed. The Town Council remanded the item back to the Planning Commission.

Commissioner Dowd asked about a 1995 application for an addition. The condition against additional seating was put in at that time.

Ms Chaney mentioned that January 1, 1998, the entire bar will be a "no smoking" area by state law. Whether the patio would be "no smoking" is unclear at this point.

Commissioner Israel asked if this type of patio seating is a factor, a desirable or undesirable use, in light of the downtown revitalization efforts.

Ms Chaney said the liveliness of an area may be enhanced by sidewalk seating in regards to downtown revitalization. It hasn't been discussed in the rear.

Ted Janko, applicant, said that when the bar was expanded and a pool room added, it was his intent to move the bathrooms outside and free space up inside. It turned out it cost too much to do what he was going to do so he dropped it. People occasionally ask to use the patio, and he has to explain that he's not allowed to use it. He has had this business for twenty years with no complaints. If anyone has a problem with his business, they should give him a call. He would like to have the patio, but he would really like to hear what the neighbor's complaints are.

Randy Heubach, 61 Lincoln Avenue, said their concerns are three fold: parking and traffic in general, noise and privacy. He understands that a parking variance was received some years back for Ted. This neighborhood is a popular one for downtown parking and they have problems parking at their own homes.

Roger Bettini, 18 Bank Street, said he has complained to the bartender at Ted's about noise from the patio and he has been brushed off. Ted's is required to keep the rear doors closed as a condition of their liquor license. In 1994 the Planning Commission recommended this outdoor area be used for storage. The proposed hours for outdoor use are exactly when residents will be home and bothered by noise. He doesn't feel the bar is well supervised. He read a letter from Mrs. Sierra, 32 Lincoln Avenue. He presented a petition signed by 30 people against this expansion.

Commissioner Israel asked if there is a way to exit the patio to get to the rear area. Mr. Bettini said sometimes people climb the fence.

Charles Seay, 6 Bank Street, said he is in favor of Ted using the patio again. There is reasonable noise coming from the restaurant but he has never found it offensive.

Kevin Sheehan, 50 Lincoln, said he concurs with Heubach and Bettini. There is a traffic problem and disorderliness problem. His children's bedroom backs on the alley and they are occasionally awakened by the noise in the two years he has lived there.

Edy Heller, 68 Lincoln, said the restaurant is all right now, although it is sometimes quite loud. She is upset that a mistake happened that the neighbors were not noticed. She is concerned that the additional advertising will increase patronage, noise and parking problems.

Lisa Joblan, 46 Lincoln, agreed with Mr. Bettini. She often cleans up broken bottles and waste in the alley. Lately the problem has become worse.

Shirley Fisher, 77 Lincoln, asked who it was at 6:45 a.m. this morning throwing bottles. A neighbor in a wheelchair said the traffic is dangerous for her. Another neighbor is concerned with the motorcycles.

Christine Heubach, 61 Lincoln, said the waiving of parking restrictions over the years is cumulative. She asked the Commissioners to be sensitive about businesses that are located very close to residential areas.

Eric Swensen, 31 Lincoln, said this neighborhood has been fighting battles for years. This is a really nice neighborhood surrounded by businesses. Opening the back to patio dining would be a huge mistake.

Ron Foster, 21 Lincoln, said he concurs with the previous speakers.

Dean Larson, 17 Lincoln Avenue, said the neighborhood has excessive traffic and noise. They are overburdened and cannot take any more.

Pam Glenn, 10 Lincoln Court, agreed with the previous speakers.

Wade Stevenson, 71 Lincoln Avenue, said parking is already very difficult in their neighborhood. Ted's size is already adequate.

The public hearing was closed.

Ted Janko, applicant, said none of the problems discussed tonight will be solved by not opening the patio. He isn't responsible for the garbage company dropping bottles or people walking to and from Matteucci's. He doesn't care whether the patio is opened, but these problems have nothing to do with this.

Commissioner Dowd said the request tonight isn't for a bar; it is for patio seating. He agrees that the problems outlined tonight will not be solved by not opening the patio. He wouldn't be any more drawn to Ted's if it has an outdoor patio. If approved, he would like to see a trial period with a set review time.

Commissioner Harle said he would go along with the staff report as presented.

Commissioner Israel said he appreciates the public's input on this issue. This is a special neighborhood due to its proximity to downtown, but there are other similarly situated neighborhoods contiguous to San Anselmo Avenue. He would like to find ways to mitigate these concerns while still revitalizing San Anselmo. Insalata's has a deck and it is unrestricted, as does the Coffee Roaster's and the Bistro. He would like to have this use bearable for neighbors. Parking variances are routinely granted in downtown areas. The parking behind Ted's should be for employees only. He would like staff to look into the liquor license and advise on whether the rear doors can be opened. Leaving via the rear gate is a problem. Perhaps it could be locked with an alarm to preclude people from exiting Ted's from the rear. Regarding smoking this may not be an appropriate smoking area; he would support having it no smoking. Regarding trash, he recalled that this issue has been discussed before. An enclosure might muffle the sound of that operation.

The most critical component of the patio is that the fence around it be solid.

Commissioner Zwick said he agrees with Commissioner Israel, plus he would have to ensure the neighborhood is not burdened with additional garbage pickup noise in the morning. A one-year review period was originally approved.

Commissioner Dowd was concerned that a rear door alarm would cause even more disruption to the neighborhood.

M/s, Israel/Harle, to approve Resolution 9704 approving U-9710 – Ted Janko for Ted's Bar, 218 Sir Francis Drake Boulevard, A/P 6-252-02 and 03, Use Permit Amendment to remove an existing condition that currently restricts the rear patio for use as "storage only." The proposal is to use the patio for restaurant seating and special events, for property located within the C-2 Zoning District, Ayes by roll call: Harle, Israel, Zwick. Noes by roll call: Dowd. Absent: Cronk, Wittenkeller.

Conditions of Approval:

- 1) Amend the following condition imposed on Use Permit U-9501 on February 27, 1997: The patio area identified on building plans may be used for brunches on weekends, evening dinners on weekdays and Saturdays, provided that no new customers are seated after dark or 8:00 p.m., whichever comes first, and a maximum of five (5) special events per calendar year.
- 2) Prior to establishing the patio area for dining purposes, a six-foot high solid fence shall be constructed around the patio to minimize potential noise impacts on neighbors.
- 3) No amplified sound or music shall be permitted in the patio area.
- 4) No additional outdoor lighting shall be added.
- 5) This Use Permit shall be reviewed in six months by the Planning Commission to evaluate compliance.
- 6) If necessary, the applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
- 7) All previous conditions of approval established for this activity in previous planning actions shall apply to this property.
- 8) This permit and each condition contained herein shall be binding upon the applicant and any transferor, or successor in interest.
- 9) Parking along the alley (directly behind Ted's) shall be for employees only. Should it be allowed by the Town, said parking shall be marked as being "For staff only, all others will be towed." The purpose of this condition is to discourage patrons from using the rear area adjacent to residences.
- 11) The rear exit door shall not be used for customer exiting, except in the case of an emergency, and shall be signed as such. The rear door shall remain closed during business hours.
- 12) The patio shall be a non-smoking area.
- 13) Exiting through the rear patio gate shall not be allowed except for emergency purposes.
- 14) Trash should be cleaned up on a regular basis by employees.

Commissioner Israel said the "staff parking only-all others will be towed" sign should be subject to approval of the appropriate authority, if required.

Commissioner Zwick said he would like this to come back in six months. He has concerns about having an alarmed door in a bar. He'd like to see another solution.

Commissioner Israel suggested the alarm be a silent alarm connected to the Police Department. He would like to see the owner take responsibility for this problem.

6. V-9713 - Seidelman Associates for Geoff Koblick **6-42 Red Hill Avenue** and Jeffrey Johnston, **22 Island Drive**, A/P 6-201-02 and 6-201-54, proposal to construct a 15' high, 142' long retaining wall across a portion of 22 Island Drive (no variances needed for this section). Rear yard Variances are required to construct: 1) an 88' long west "side" retaining wall, varying in height from 15' (as it connects with the upper wall) to 0' (as it connects with the lower wall) located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); 2) a 46' long east "side" retaining wall, varying in height from 15' to 0', located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); and 3) a 136' long, 5' high "tie-back" retaining wall located within 1' of the rear property line of 22 Island Drive on property located within the C-3 and R-1-C zoning districts. (Staff person: Chaney)

Ms Chaney presented her staff report. The two parties have agreed on a retaining wall solution. The Commission at an earlier meeting was concerned with the aesthetics of the tall walls. The wall would be of concrete slabs of earth tones. A landscaper has been employed to prepare a landscape plan. She has been advised by the Town Attorney that the 10 day appeal period could be waived in the interest of time.

Mr. Seidelman, Engineer, said this repair is a massive one; but an earthen solution would require

the removal of three times as much soil. This is a tricky place to work and the slope is 1 to 1. The landscaper will use native, harsh site plants to block out the walls. They've allocated \$20,000 to provide the landscaping.

Commissioner Israel asked about the restrictions for plant materials. Mr. Seidleman said there are no restrictions at the top or the bottom. In between there are several areas of rock that are not plantable.

David Yount, Attorney for Mr. Koblick, said that a maintenance agreement is required to ensure the landscaping is properly maintained. This has not been executed but it shouldn't be a problem. He is not clear what the hold harmless clause would encompass. He gave a history of the project. The uphill and downhill insurance carriers have agreed to foot the bill.

Mr. Seidleman, Engineer, said landscaping plans could be submitted within the month. Once the upper wall is in place, a considerable amount of the hazard will be gone.

Commissioner Zwick said he is concerned that \$20,000 isn't enough money for a good landscaping plan.

Commissioner Israel said the money may be adequate, but a bond could be required in case the landscaping plan is inadequate.

Mr. Seidleman, Engineer, said there is an understanding that the landscape budget may have to increase.

Commissioner Israel noted there should be a winterization plan, a bond required for street cleaning, they should videotape the street to verify the condition of the road at the beginning of the project, in addition to a bond, or some other mutually agreed upon guarantee for landscaping for \$30,000. The bond would not be released until the planting is installed.

M/s, Israel/Harle, to approve V-9713 - Seidelman Associates for Geoff Koblick 6-42 Red Hill Avenue and Jeffrey Johnston, 22 Island Drive, A/P 6-201-02 and 6-201-54, proposal to construct a 15' high, 142' long retaining wall across a portion of 22 Island Drive (no variances needed for this section). Rear yard Variances are required to construct: 1) an 88' long west "side" retaining wall, varying in height from 15' (as it connects with the upper wall) to 0' (as it connects with the lower wall) located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); 2) a 46' long east "side" retaining wall, varying in height from 15' to 0', located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); and 3) a 136' long, 5' high "tie-back" retaining wall located within 1' of the rear property line of 22 Island Drive on property located within the C-3 and R-1-C zoning districts., as amended by the Planning Commission, that the applicants videotape the condition of the road before construction is started, furnish two bonds (one for the street and one for landscaping) and a winterization plan. Ayes: All. Absent: Wittenkeller, Cronk.

F. DISCUSSION ITEM

Paul Nave and Andy Bachich – Near 555 Oak Avenue, clarification of conditions. (Staff person: Chaney) - Discussed at the beginning of the meeting.

G. WORKSHOP – CONTINUED TO 10/20/97

1. Conceptual design review workshop to evaluate possible design scenarios for a Jiffy Lube facility at 631 Sir Francis Drake Boulevard (former HUB Unocal Station), A/P 6-101-05. No application for a use entitlement has been filed. Purpose of review is to provide comments to potential land purchaser. Property is in the C-3 (General Commercial) Zoning District.

H. GENERAL DISCUSSION

I. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL - Commissioner Israel would like a map prepared of the downtown area and the existing outdoor area of Ted's if there is an appeal.

J. ADJOURNMENT TO OCTOBER 6, 1997.

M/s, Zwick/Dowd, to adjourn the meeting at 11:35 p.m. to the next regular meeting of October 20, 1997. Ayes: All.