

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF NOVEMBER 19, 2001**

CALL TO ORDER

Commissioners present: Chair House, Vice Chair Jochum, Commissioners Harris, Morita, Wittenkeller & Zwick (Zwick arrived after the Consent Agenda; Wittenkeller left after Public Hearing Regular Agenda Item 1))

Staff present: Interim Planning Director Wight, Planning Technician Chambers, Consultant Faw and Town Attorney Roth.

OPEN TIME FOR PUBLIC EXPRESSION

None.

CONTINUED ITEMS

1. **SR-0101 – Bob Chapman and John Marchant, 780 Sir Francis Drake Boulevard, APN 6-091-41**, sign review of a freestanding sign and planter to be erected on subject property at the intersection of Loma Robles Drive and Sir Francis Drake Boulevard; and a sign on the building, located within the C-1 Zoning District. (Staff person: Wight) **CONTINUED TO 12/3/01**
2. **DR 0143– Eric and Kelley Warner, 120 Woodland Avenue, A/P 7-221-12**, flatland design review to reconstruct more than 50% of the existing 1,596 square foot dwelling and expand with a 349 square foot first story addition and a 319 square foot second story addition within 6'4" of the west side property line; and a setback variance for the existing garage to remain within 3.5' of the east side property line and within 4.5' of the rear property line (Code: 20' setback when 50% of the existing dwelling is replaced) located within the R-1 Zoning District (Staff person: Faw) **CONTINUED TO 12/3/01**
3. **U-0113 -Sprint PCS, 820 Sir Francis Drake Boulevard, APN 006-061-13**, use permit to install three antennas on the building, located on property located within the C-3 Zoning District. (Staff person: Wight) **CONTINUED TO 12/3/01**

PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **MINUTES – November 5, 2001 - Continued**
2. **DR-0141 Bonnie Conkling, 39 Tomahawk Drive, APN 177-250-62**, design review of a 256 square foot uncovered deck and 3'8" high retaining wall in the rear and east side yards, on property located within the R-1-H Zoning District. (Staff person: Wight)

M/s Wittenkeller/Jochum and unanimously passed 5-0) to approve the application based on the findings and conditions as set forth in the staff report.

Chair House advised all parties of interest of the ten-day appeal period.

REGULAR AGENDA

1. **U-0109 Ted Janko for Ted's Restaurant, 218 Sir Francis Drake Boulevard, APN 6-252-03**, review of use permit for indoor live, amplified music located within the C-3 Zoning District. (Staff person: Wight)

Ms. Wight presented the staff report.

Ted Janko, applicant, stated they have always had music, even under a previous ownership. There will be no noise coming from the building and he will keep the doors closed.

Commissioner Jochum stated that seeing no bona fide complaints he could support the proposal.

Commissioner Morita could also support the proposal.

Commissioners' Zwick, Wittenkeller and Harris said they could support the proposal but would want it to come back to the Commission if there are complaints.

M/s Harris/Jochum and unanimously passed, (6-0) to approve U-0109 based on the findings and conditions as set forth in the staff report.

Chair House advised all parties of interest of the ten-day appeal period.

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2. **V-0140/DR-0136 – Steven Atwater, 24 Knoll Road, APN 6-115-05, design review of a new, 2,777 square foot two-story single family dwelling (FAR: 28.9%; revised to no longer need an FAR variance); and a setback variance for a pedestrian bridge to be within 0' of the front property line (Code: 14' setback; and approach ramp revised to no longer need a setback variance); on property located within the R-1 zoning district above 150 MSL. (Staff person: Faw)**

Commissioner Wittenkeller stepped down.

Mr. Faw stated that the Town Engineer has required the driveway to be slightly moved so that it meets Knoll Road to ease the slope access out of the driveway. The Town Engineer also wants Condition 11 revised to state that the applicant's engineer shall design the drainage, which will be reviewed by the Town Engineer.

Steve Atwater, applicant, stated that his attorney is present to discuss the legality of the lot, if necessary. They have made many changes based on the concerns of the neighbors and the Commission. He provided an overview of the changes. They have agreed to the storm water drainage plan and the heritage tree is no longer an issue because the tree will be retained. Retaining walls have been removed from the plan; they still have four-car on-site parking spaces. He has met with the neighbors again but he cannot make all the changes requested. There are nearly 85 properties in the area with FARs in excess of what is allowed; 3 of which are adjacent properties. On an upslope lot, houses do seem larger, however, the rear of the house will not be seen from the street. When viewed from the street it will appear to be comparable in size with other houses along the street. The issue of FAR has no relevance to the neighborhood because they only want a small house no matter what size his lot is.

Jim McDonald, architect representing the applicant, provided an overview of the original proposal and explained the changes that have been made. He noted that they concur with the recommendations of the Town Engineer with regard to the driveway changes. This will lower the entire structure another two feet based on the modifications by the Town Engineer.

Commissioner Jochum asked about the proposed exterior materials. Mr. McDonald responded that the window and doorframes would be white vinyl; the strip around the window would be green.

Commissioner Morita stated that section A-8 of the plans indicate approximately 8'-10' of unused space under the activity space and felt the house could be reduced in height more than the two feet just discussed. Mr. McDonald responded that two feet is a reasonable offer, noting that the more the house is reduced, the more interior retaining walls, which would include a cost increase.

Patricia King, 32 Knoll Road, stated that she is the most impacted by this design, particularly her backyard as well as her view from the dining room. The proposed master bedroom would also break up the backyard, and would not be in pattern with other houses along the street. She is still worried about the preservation of her oak tree during construction. These problems could be eliminated by reducing the size of the house. It is her understanding that the Town Attorney states they cannot prohibit development of the lot but she would like the house to be regulated on hillside lots, more so than those on flat lots.

Herman Mehling, 14 Knoll Road, stated that he cannot accept the current design because the design and size does not fit in the neighborhood and it is against the intent of General Plan because it does not respect the feelings of the neighborhood. He would like to see a cottage design. He added that Mr. Atwater met the neighbors two days prior to the public hearings and provided plans that lacked elevations that impacted the neighbors and there was no indication that he would modify his design.

Mike Joyce, 38 Knoll Road, stated that the house, while a reduction from the original plan, is still too large for the neighborhood.

Michelle Chouinard, 208 Sequoia, said there is a 12" diameter drain that runs out of the Hersch's driveway and proposing a 12" diameter pipe is inadequate and should be closely reviewed by the Town Engineer. She is also concerned with the slope of the site and about potential slides as well as the tree protection and the size of the house.

Eric, 50 Cypress, was concerned about parking.

Lujza Mehling, 14 Knoll Road, wants a moratorium on hillside development until a permanent slope ordinance is in place. Other jurisdictions, such as Ross, Fairfax and Larkspur have them. This design is almost the same footprint as the previous design. The three-story house still does not fit in with the bungalows and small houses. She would like to see a 30-60% reduction, similar in size to other houses in the neighborhood. She also questions the accuracy of the minutes of the Oct 1st meeting.

Juno Bell, 47 Cypress Avenue, stated that the house is too big and out of its element; it would be good in Kent Woodlands, not San Anselmo. He was concerned about where construction vehicles would park during construction and placement of construction materials. He is also concerned

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about drainage and protection of the non-town maintained roads, which they are responsible for maintaining.

Steven Pennington, 12 Knoll Road, said he favors the architectural style but the size is way out of proportion and should be consistent with the neighborhood.

Richard Kurkendolf, 79 Jordan Avenue, stated that he is right behind and above the proposed project and he can support the plan even though he is the most affected by it. The house will also add value to the neighborhood.

Michael Sheridan, 205 Sequoia, questioned why this is now a buildable lot but was classified as non-buildable for many years.

Michael Mority, 120 Sequoia, said he lives in a bungalow style house and would like the size of the house reduced.

Brenda Usher, 71 Jordan Avenue, shares a property line with the proposed new home and she is in favor of the house; this is an improvement to the neighborhood that is in a transitional phase. She is satisfied that the property owner will take care of the neighbors' concerns with regard to construction noise, traffic etc. during construction.

Resident, 50 Cypress, was concerned about drainage and parking.

Harold Hersch, 32 Knoll Road, asked for clarification on the driveway change and what impacts it would have on his property.

Mr. Atwater said he has made a serious attempt to address the community issues, which seems to be a size issue, not a design issue. Some other neighbors support the project but they did not come to the meeting. The master bedroom has been moved farther away from the King's dining room; they will see a house but he will plant trees so they will have privacy but will have a better view of Mt. Tam.

Mr. McDonald stated that they have worked very hard to meet the setbacks. They have a very comprehensive soils report, which was peer reviewed with the same results, that a house can be built on the lot. They have designed the house within the hillside ordinance.

Town Attorney Roth stated that the lot was legally created, although by today's standards, it would be too small because of the slope. However, this does not preclude the lot from being developed. Alternatively, the Town could purchase the lot, which it is not interested in, at fair market value, or the neighbors could purchase the lot, at fair market value, if the owner was interested in selling it.

With regard to the protection of the road during construction, Chair House explained that a video of the road, a road bond, and a construction management plan is required prior to the issuance of the building permit.

Mr. Faw explained the new driveway plan, noting that because of the driveway revision, the house has been lowered by two feet.

Commissioner Zwick stated that the Town couldn't take away the property rights of the owner.

Commissioner Jochum stated that he was very impressed with the substantial redesign, noting that the majority of the significant comments made by both the Commission and the public at the last meeting have been addressed. It was stated by some neighbors about a variance – there is no variance being applied for with the exception of a pedestrian bridge. He does not understand the comments that this is a cottage community. The houses around this site are definitely not cottages; if the two houses on either side of the house were being built today he would have serious problems with them because they do not meet the general guidelines for design review. This design is a very good effort and should be one of the nicest houses in the neighborhood. There were complaints at the last meeting that the house was too close to the neighboring house; he agreed with that and now there are complaints from that the house has moved into the back yard. The house will be on the site in one form or another and he feels the size is reasonable for the site. He noted that a 2,100 square foot house is not unrealistic in Marin County or in San Anselmo. The applicant has gone, in some cases, beyond what he expected; the relationship of this house with the uphill and downhill houses is very good, probably the best on the street. The house is a good response to the Zoning Ordinance and he favors the project.

Commissioner Harris stated that he agrees with Commissioner Jochum's essential position. This is a legal and buildable lot and the Town has to accept this premise based on the Town Attorney's recommendation. More can be done to satisfy the neighbors concerns but a considerable amount has already been done. He would support the Staff Report but would add another condition to provide landscaping on the side of 32 Knoll Road to screen the master bedroom. Although not a requirement, he would also support a reduction to lower the bedroom to 32 Knoll Road.

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Commissioner Morita said there have been improvements, reduction in size is in the right direction, and has no problem with the variance for the pedestrian bridge. If the patio remains as in the plans, the recommendations by Mr. Trees should be followed to retain the oak trees in the back yard. Because of the large change in the uphill neighbor on Knoll Road, she would like them to have input into the landscape plan. She would also like the arborist to review the proposal again to see if additional recommendations would be required on the tree on the lower right hand side on Knoll Road due to the change in drainage. Looking up at the house from Knoll Road the house would appear very large and she would like it dropped further than the two feet discussed tonight, even another two feet, which would lesson the impact to the neighbor. She would like to see a compromise on the size. By today's standards, the house could not be built at all. She is uncertain what the largest house size is in the neighborhood but there is room for compromise, based on the applicant's lot size, as well as a house that can meet the intent of the neighborhood. The house is somewhat too big for the neighborhood but the design is nice; if pressed for a figure, perhaps 15 percent too large.

Commissioner Zwick stated that the hillside ordinance states that based on the slope of the lot the design should have a low visual profile; it is hard to do that on such a steep lot. He looks at the FAR not as an entitlement, but a maximum. This house still approaches a maximum. The most intrusive part is the lower right hand side and although changes have been made, that area still bothers him. The wall discussed in the arborist's report talks about moving the retaining walls in the rear and this should be a condition. The windows should all be dark colors so the colors can blend into the hillside.

Chair House said the hillside projects present many challenges. Frequently the Commission reviews applications and only small changes are made; this applicant has made significant changes. To accomplish this, the house had to move farther into the backyard than it did previously; and she can see why it would not be pleasing to the uphill neighbors. On the other hand, the applicant has stated he will mitigate this by adding trees beside his house to screen the side of his house. She stated the upper story would not be seen looking at it from Knoll Road, however it will be seen from Cypress. Even though many changes have been made, it is still an attractive house. She is not in favor of reducing the house more than the 2' proposed by the applicant tonight because it would require more excavation and more dirt removal. As part of any approval, as with all approvals, the applicant would need to abide by the arborist's report and geotechnical report and they would work together with the Town Engineer. Also, it is important to pay particular attention to the drainage with regard to the oaks in front.

Commissioners' Jochum and Harris added that they would favor a window cover that is darker than white.

Mr. McDonald stated that he would come back to staff with a complete landscape plan.

Consensus by the Commission that if the uphill neighbor approves the landscape plans, the landscape plan can be approved by staff; if not, it will have to be reviewed by the Commission.

M/s Jochum/Harris and passed (3-2 Noes: Morita/Zwick) to approve V-0140/DR-0136 based on the findings and conditions as set forth in the staff report; and amended as follows: The applicant and uphill neighbor shall work together to provide a landscape plan; the window color shall be darker than the current window/sash/door; colors to be reviewed and approved at staff level;

Chair House advised all parties of interest of the ten day appeal period.

3. **U-0109 – MetroPCS, 330 Sir Francis Drake Boulevard, APN 6-251-04, use permit to install three antennas on the building, and a height variance for the antennas to be 41'-7" above grade at the height of the existing roof of the building (Code: 30'), located within the C-3 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report.

Denise Danton, 930 Montgomery Street, San Francisco, representing PCS, explained the proposal and stated that they look for sites where they do not add height to locations. The proposed site provides coverage to Center Boulevard, Sir Francis Drake Boulevard and San Anselmo Avenue. If they go lower, they would not provides the best coverage for the area. Their antennas comply with the Standards and Criteria for San Anselmo, noting that this is a shared location site in the C-2 Zone and is setback from the street frontage. Documentation has been provided with statistics that states they are consistent with the FCC guidelines. MetroPCS did a second survey in response to concerns by the community and this project had experienced many continuances; at the October 15th meeting, conditions of approval were drafted by the Commission; those conditions of approval are appropriate and they ask the Commission to approve the project.

Cindy Gueff, 51 Austin Avenue, stated that voting against the facilities because of the health and safety issues is not permitted, however, she wants everyone to be cautious for health and safety reasons. In April the SF Theological Seminary withdrew their proposal to place antennas on their facility because of community pressure. She has received signed petitions from about 180 people in the community who want no more antennas until additional studies have been done. She cited

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a study done in New Zealand, stating that the antennas should be a considerable distance away from residences, schools and hospitals because of the frequency/microwave radiation. Another study found that exposure to electromagnetic radiation in the range of cellular transmissions increased the cancer promoting properties of a known cancer-causing chemical. There is enough information to show there are risks and wants the Commission to be cautious until more information has been obtained and research done.

Helly Robertson, 38 Austin Avenue, stated that she represents many people in the community and echoes Ms. Gueff's comments. There are forty-three antennas within one and one half miles of San Anselmo. If this antenna site, or future antennas are approved, they should be subject to the conditions of approval in the staff report.

Sandra Hamilton, 41 Entrata, seconds what Ms. Gueff stated. When is enough, enough? There are no dead spots in San Anselmo but there are in Ross, why not go elsewhere?

Commissioner Harris stated that there has been some discussion about monitoring on a two years basis and he did not know how that number was selected but he would think an annual monitoring would make more sense. And he would modify Condition of approval 9 that would include any technological upgrades, which should be at the expense of MetroPCS. He thought there was an agreement at the last meeting to limit the output levels to the manufacture specifications and does not see that in the current staff report; he asked that it be added as a condition. Condition 7 has to do with indemnification and if this has the blessing of the Town Attorney, he will not comment on it further. If not; he was not clear on the first sentence and would chose the indemnity clause that the applicant has proposed, which is paragraph 2 as part of their conditions of approval As far as the proposed restriction on assignment, he wanted clarification on what sorts of assignments would have to get prior approval of the planning Commission.

Town Attorney Roth stated the wording for Condition 7 could be subject to the approval of the Town Attorney.

Jim Heard, attorney representing MetroPCS, stated that if MetroPCS decided to sell this individual site it would require approve. The opposite would be the purchase of MetroPCS, which would not require approval. That is their concern because mergers and acquisitions are common in the industry and there is a strong resistance on the part of every carrier his firm represents and they are very sensitive to their assignment rights in a corporate merger acquisition.

Attorney Roth stated that if a use permit is transferred to successors, they would need approval of the Agency. We could stop the use if there is something wrong with the legitimacy of the business. He said there should be some language stating that in the conditions of approval.

Mr. Heard responded that it is his understanding that the use permit runs with the land and if the successor(s) meets all the conditions if they are solvent. If the company were sold, the entity that buys the company would want to buy the cell sites. They have to resist when local governments ask for an outright prohibition on assignment. He is also not aware of a single jurisdiction that has imposed a requirement such as this. He noted that if MetroPCS were sold, the buyer would want to know that they are able to use the existing assets, which are the cell sites. If they have to go through hundreds of public hearings to retain the sites, it would be a restrain on alienation, whether it is legally or not is another matter.

Attorney Roth said he understood what Mr. Heard is saying and would concur with Mr. Heard's language.

Commissioner Harris asked if the applicant would be willing to agree to the proposed wording change to Condition No. 5 to state: "...for future antennas or antenna sites..." to which Mr. Heard said they would be willing to accept that.

Commissioner Jochum asked if there is some expectation that the radiation levels will increase over time.

Dr. Bushberg, radiologist, responded that during normal operation the levels rarely reach the maximum now and levels will never exceed the maximum levels.

Commissioner Jochum said that he has no problem with the proposed indemnification issue and testing and no problem of supporting a prohibition for the next two years. If MetroPCS wants to come before the Town in the future, they can, and if the Commission wants, they have the ability to deny the application. The antennas are not intrusive and are not a blight and he can therefore accept the proposal.

Commissioner Zwick said MetroPCS has not made the visual mitigations requested by the Town Council and the applicable ordinances and he is not in favor of the project.

Commissioner Morita agrees with Commissioner Zwick. However, if the application were approved, she would want the post construction analysis to include the site at 71 Lincoln because that house is in line of site of the same elevation. She would also want the Town to hire someone to do the

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peer review, if the peer review was required. She would want the antenna that can be walked in front of to be removed because it would be remiss to keep it. She read 300 signatures on the petitions against this and that a large segment of the community is against this project. She recognizes that the Commission cannot make their decisions based on health issues for legal reasons but that does not mean that she cannot say something about it. Marin County has the highest cancer rate in the nation and there is evidence that the EMF rates can speed up the cancer cells.

Chair House stated that the applicant did respond to the concerns and she is now in support of the application subject to the indemnification approved with wording by the Town Attorney. She can support a two-year clause as stated in Condition 5 if the applicant is willing to do that.

With regard to annual monitoring, Mr. Heard stated that the Sprint and Cingular approval for this site were required to submit bi-annual monitoring on the building and that is how they came up with the schedule. Regarding mandatory equipment upgrades to compliance to EMS standards, they agree to that. If the Town were talking about mandatory upgrades for future aesthetic stands they cannot envision at this time, they would not agree to that. The site has been designed and reviewed very carefully to minimize the aesthetic impact. There is enough information before the Commission to see that it has been accomplished. To make the applicant come in every year to change out equipment, would be objectionable.

Commissioner Harris stated that what he had in mind was that MetroPCS would implement annual monitoring and implement the best available technology to ensure the utmost environmental and health safety in the market place. He was not thinking about aesthetics but if that necessitated an aesthetic adjustment as well, that would be appropriate.

Mr. Heard responded that that is a concept you get from air and water quality permits and even in that context it is not an annual upgrade; it applies only when the permit has a significant modification. It is not an appropriate concept in the wireless industry; he has never seen it on any other permit. The Town has a Standards and Wireless policy; it is not a part of the Ordinance; there is a provision in that document that had annual compliance reviews and possible non-renewal of the permit. His understanding from Ms. Wight, who discussed this with Town Attorney Roth, and it is Mr. Roth's opinion that renewal was not a legal provision because of the nature of use permits which are vested rights.

In response to Commissioner Harris, Mr. Heard stated that they would upgrade by-annually standards only if it is due to FCC standards but not for other purposes.

In response to Chair House, Mr. Heard stated that he objects to the wording in Condition No. 9, second sentence, for the reasons he previously stated. He would have no problem with the following wording: "The facility shall be upgraded to the extent necessary to meet the FCC requirement"

Commissioner Harris stated that if upgrades are available in the marketplace and MetroPCS is aware of the improved technology, he would like to see MetroPCS be a good citizen and use the best environmentally safe equipment.

Mr. Heard responded that they are fully willing to comply with FCC standards, which include a wide margin of safety.

Dr. Bushberg the FCC does not specify what types of antennas or technology can be used, it merely states that whatever technology is used must meet the emission requirements for health and safety. If the FCC did anything, they would amend their FCC guidelines, up or down, and they would be required to comply with that.

Commissioner Harris prefaced the motion, stating he has serious concerns of the proliferation of the antennas without further study but unfortunately the Federal Government in 1996 significantly hampered his ability to do what he thinks is best for the San Anselmo community in adopting Section 332©(7), which specifically states they are forbidden to prohibit these sorts of facilities on the basis of the environmental effects of EMF. Therefore, he hopes he has done the best job to make it as safe as possible given the constraints.

M/s Harris/Jochum, and passed (3-2 Noes: Morita/Zwick) to approve the staff report conditions for U-0109 and amended as follows: 1) the indemnity clause to the satisfaction of the Town Attorney; 2) add a condition of approval to limit the output level to the manufacture's specification; 3) request monitoring on an eighteen month basis; the reason it is greater than the current Sprint and Cingular is because of the cumulative effect. In conjunction with this, otherwise along the lines of Condition No. 6, if technological advances known to Metro PCS that they can implement to make it a safer site, then they should do so voluntarily. The determination of whether or not such advances have occurred should be made as part of the 18-month review. If at that time the acceptable professional determines that there have been advances and upgrades, they should be made.

Chair House advised all parties of interest of the ten-day appeal period.

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4. **U-0114/V-0145/DR-0145 - Pronplimol Suwonsupar, 647 San Anselmo Avenue, A/P 7-212-22, use permit, parking variance, and design review for a restaurant and to serve beer and wine with 2 on-site parking spaces (Code: 8 on-site parking spaces) and to relocate a door on the rear wall on property located within the C-2 Zoning District (Staff person: Chambers)**

Planner Chambers presented the staff report.

In response to Commissioner Harris, staff noted that the sign is not part of this review.

Marc Weber, 486 Redwood Avenue, Corte Madera, property owner, noted that staff had advised him that a restaurant had not previously been denied on the Avenue. He questioned the comment in the staff report that a restaurant is a "more intense use" than the previous uses because there are always parking spaces. Fleet Feet will close early, so they will utilize their two spaces, and the former modeling use generated many clients.

Jeff Finzen, architect for the restaurant, introduced the family and noted that the applicants have 12 years experience owning restaurants.

Peggy Thongnuopneua, owner of Orchid Thai Restaurant on the Avenue, said parking is very difficult. Her business has decreased because of the parking and the economy and to have another Thai Restaurant across the street will be tough. The modeling business had children dropping in versus a sit-down restaurant. Customers ordering take-out have difficulty picking up their food. Elderly customers have trouble even finding parking at their banks.

Filippe LoCoco, owner of LoCoco's on the Avenue, said 40 percent of his business is take-out and he receives daily complaints about the parking. They also receive telephone calls from customers saying they couldn't pick up their orders because there was no parking.

Henry Gonnet, owner of Debbie Does Desserts on the Avenue, said since the downtown was revitalized, the merchants have lost one loading zone space by Java Rama. He is hopeful the Council can find another loading zone on the Avenue. The parking spaces are too small for today's car sizes.

Rachel, 705 San Anselmo Avenue, said her driveway is blocked every day. She loves Thai food and has eaten at both their restaurants, but doesn't want more parking problems.

Beth Casey, owner of Bubba's Diner on the Avenue, questioned whether there is a parking policy in Town.

Heidi Krahling, owner of Insalata's on Sir Francis Drake Boulevard, said they share 27 parking spaces with Sunnyside Nursery and it was necessary to get valet parking at a cost of \$1,000 per month. Another restaurant would delude the few parking spaces available with a high traffic/high car business. There are days that her restaurant is half full and people complain there is no parking.

Paul Plugon, of San Rafael, said he is a close friend of the applicant's. He had no trouble getting a parking space tonight and there were seven additional spaces out there. He doesn't believe parking is the main concern; the main concern is that the restaurant owners don't want competition. The owners of this restaurant serve quality food. The retail shops close before this restaurant will thrive.

Paul Finzen said they are busy after 6:30 p.m. and lunchtime is served by foot traffic.

The applicant said that deliveries are once a week and before 11:00 a.m. He said they would reduce the sign to meet the Code standard.

Mr. Weber said he is concerned that the people in opposition are working under the guise of parking, when it sounds like competition. Speaking for his mother, she is frustrated with the leasing of this building and because she does not need the income, she is willing to let it go vacant again for years, which would be a blight for the Town. That will not bode well for the community.

Commissioner Zwick said he has been to each of the restaurants, but said he agrees that the Town can tolerate another restaurant and hopefully foot traffic to existing restaurants will increase, to which Commissioner Morita agreed.

Commissioner Morita said she would volunteer to work on a parking solution.

Commissioner Jochum said parking is a big problem in Marin, but he has never experienced a problem with parking at the restaurants, which he visits often for dinner. He is not receptive to restricting an applicant based on the type of restaurant or store or business because this is a country of free enterprise. Perhaps short-term "take-out" parking can be found.

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Commissioner Harris said he would like the four spaces advertised for My Thai parking in the evenings.

Chair House said permits have always been granted for restaurants. he has never experienced restaurant owners banding together to say there is a parking problem and an impact from the economy so she is taking their comments very seriously. It makes sense to keep our current customers economically healthy; but then, we've never denied a restaurant before. In terms of parking, She would like the signs above the parking not be reserved for the restaurant and make them available to the public.

M/S Harris/Jochum, and unanimously passed (5-0), to approve the findings and conditions as set forth in the staff report; and amended to state that the four parking spaces be available to the public, subject to approval of the Town Attorney.

Chair House advised all parties of interest of the ten-day appeal period.

5. **DR-0144- Debbie Jensen-Gonnet for Debbie Does Desserts, 556 San Anselmo Avenue, A/P 6-103-15, design review amendment to the previously approved awning located within the C-2 Zoning District. (Staff person: Wight)**

The Commission waived reading of the staff report. In response to a question about outdoor heaters, Henry Gonnet, applicant, stated that there are outdoor heaters in the patio but they will not burn the awnings; the worst case is that they might melt. This design is much simpler and less expensive than the previous design. The material will be green and white. The green will match the green ironwork on the building.

Commissioner Zwick stated that heaters are a building code issue, not a planning issue.

M/s Zwick/Jochum and unanimously passed (5-0) to approve the application based on the findings and conditions as set forth in the staff report.

Chair House advised all parties of interest of the ten day appeal period.

WORKSHOP

- DR-0020 - Town of San Anselmo, Corporation Yard, 500 San Francisco Boulevard, A/P 177-204-01, review of changes to project since 2000 approval.**

Building Official Keith Angerman stated that the proposals before the Commission would reduce the amount of approximately \$200,000.

The Commission unanimously concurred with the changes proposed, which would reduce the cost of construction of the Corporation Yard.

GENERAL DISCUSSION

Staff is preparing three ordinances revisions that will be brought to the Commission in the near future as a workshop.

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

132 Humbolt has been appealed.

ADJOURNMENT TO REGULAR MEETING ON MONDAY, DECEMBER 3, 2001.

The meeting was adjourned at 11:00 p.m.


**BARBARA CHAMBERS
PLANNING TECHNICIAN**