

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Dan Goltz at 8:00 p.m. in the City Hall on June 2, 1975. Representing City Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

Commissioners Present: Ainsworth, Bolles, Fairchild, Goltz, Ragan,  
Strassman  
Commissioners Absent: None

2. APPROVAL OF MINUTES OF MAY 19, 1975

Approval was held over until the June 9th meeting.

3. MATTERS FOR CONSIDERATION

A. PUBLIC HEARINGS

1. U-160 - The Lion's Share, 60 Red Hill Ave., Consideration of revoking The Lion's Share Use Permit

T. J. Robbins stated that the reason this Use Permit was before the Commission was because of a petition submitted from businesses in the area indicating the use to be a nuisance. A letter was received from Mrs. Abernathy, which was the only letter from a resident complaining against this use since October of 1972.

Assistant Fire Chief, Bob Beedle reported that the Lion's Share's building interior barely meets minimum standards.

Commissioner Ragan questioned whether the Assistant Fire Chief believed the building was a fire hazard that would endanger young people. Assistant Fire Chief responded it could be a life hazard. He stated that that was a general statement, as it could be the same when you had 135 people in the same type of operation as the Lion's Share.

Assistant Fire Chief, Bob Beedle stated the Fire Dept. inspects the building once or twice a month, sometimes without knowledge of the inhabitants. At one time they had found the Lion's Share had exceeded the allowable number of persons.

Chairman Goltz questioned whether or not it was true, if the building was found to not meet the standards, whether the Fire Dept. could close the building. The Assistant Fire Chief stated this was true, under State Law the Fire Dept. could close the place down.

The hearing was opened to the public.

Mr. Emilio Casenueva, 56 Red Hill Ave. spoke on behalf of the petitioners. He suggested reading the petition outloud to the audience, which was done by Mr. T. J. Robbins. Mr. Casenueva had nothing further to add at this time.

Mr. Michael Considine stated that as far as the petition, 4 or 5 people were on Campolindo's payroll. Mr. Considine stated he was not aware of anything happening, as stated in the petition, until he received the notice of the hearing.

As far as petty thefts, Mr. Considine stated he had experienced that in his business. Regarding parking, Mr. Considine stated he had 7 spaces not 4 next to the building. He also had a letter from Mr. Ed Kuykendall allowing patrons of the Lion's Share to use the lot known as Miracle Tune for parking. To Mr. Considine's knowledge no one had lost a customer for lack of a place to park.

Mr. Considine stated that he had an on-going program of policing, and that two people picked up litter on and around The Lion's Share. One pick up was scheduled for after closing and one for early the next day.

Mr. Considine passed around some photos for the Commission showing litter which had been picked up. He stated that more litter was caused during the day then after the show.

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Mrs. Davida Easom, property owner of 6-56 Red Hill Ave., stated her main objection was the people going to The Lion's Share using her private property for parking. She stated she could not, of course, prove this but they were there. She had put up with it for a lot of years and was tired of it.

Ms. Helen Abernathy, 22 Forbes Avenue stated she had a duplex on Forbes Ave. She cited many incidences of disturbances which she attributed to the Lion's Share. Mrs. Abernathy's mother also confirmed incidences of disturbances, littering, etc. They felt the litter was left after closing time at the Lion's Share.

Mr. Louis Kruser, 169 Tunstead Ave., an employee at United Market stated although as an employee he did not have any authority, he had swept up broken glass and had put up with a lot of garbage which he attributed to The Lion's Share.

Mr. Pedro Arroyo, partner with Emilio Casenueva at 56 Red Hill Ave. stated the windows were always getting broken at Campolindo's. He stated he had not reported it to the police, but it was in the insurance report.

Mr. Arroyo pointed out it was not his purpose to talk against the people going to The Lion's Share, but he felt The Lion's Share should take the responsibility to take care of the place.

Clyde , 138 Accacia St., Fairfax, stated he was contracted to clean up the place. He had nothing to say before February of this year, but wanted to point out a few things. He was in charge of picking up every day up to the Juice Bar. He personally had never heard any complaints about Forbes Ave. He had been told about the general litter problem which he checked out. He believed that 80-90% of the litter that accumulated in Campolindo's was from Campolindo's.

Mrs. Audrey Dodson, Dog Vanity, 46 Red Hill Ave., stated she had been at her location for 6 years. Anytime she had a complaint regarding the Lion's Share they would come down and clean up any mess immediately. When she would complain to Campolindo nothing would ever get done.

Mr. Richard Lassus, 417 San Anselmo Ave., stated littering happened everywhere and it was everyone's problem.

Mr. Considine responded to the problem at United Market. He stated while they do have an on-going pick up campaign, on slow nights they did not go that far. On busy nights they cleaned the whole area.

Mr. Michael Hunt of the Lion's Share stated the photo's which were passed around to the Commission related only to the week previous to the public hearing. He stated they cleaned up every day. United Market was the only other business that has a clean up program. Mr. Hunt suggested that all businesses go together and have a clean up as a solution to the problem of littering.

The public hearing was closed and then brought up to the Commission for discussion.

Commissioner Ragan felt there had not been too much said about the possible fire hazard. He stated that if a fire were to break out because the building interior barely met fire standards and if lives were lost he would not want that on his conscience. Unless improvements could be made immediately regarding the fire situation, he felt the use permit should be revoked.

Commissioner Strassman agreed with Commissioner Ragan regarding fire. He felt it was difficult to find out who puts the litter down, but it is an unusual coincidence that all the garbage is occurring since The Lion's Share.

Commissioner Fairchild questioned Mr. Considine about what was being done to make sure other establishment's parking privileges were not infringed upon. She felt this was a problem.

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Commissioner Ainsworth felt the litter was inconclusive. He believed the neighborhood when they said before the Lion's Share there was no litter and after there was. He also believed Mr. Considine and his Staff when they said they picked up litter that belongs to other people.

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Commissioner Ainsworth was specifically concerned with the use of a night club in a neighborhood commercial area. He felt that when you have a large number of people meeting to drink and have fun there was going to be some noise. He felt that was an unsound type of land use to have in this particular area.

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Mr. Considine stated that he came to the meeting tonight prepared to defend a litter problem. He asked the Commission for a continuance so that he could have legal counsel.

Commissioner Bolles was also concerned with fire safety, but would have to depend on the Fire Department. Commissioner Bolles felt he could not come to a definite view tonight regarding the use permit.

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Mr. Leitzell stated that if the Commission felt the business of Lion's Share had increased, and the 21 spaces required were insufficient and it thereby created a public nuisance the Commission could reopen the use permit and require more parking. The complaints raised by the petition was being considered tonight.

Chairman Goltz read the three conditions to be met by the Lion's Share and asked Mr. Considine if he met them. Chairman Goltz felt the use permit was too lenient. He felt that as far as the overall concept of the use permit, in all respects to Mrs. Abernathy, before he could say there is a detriment he would like to have a little more feeling from the neighborhood today. There was not as much of an uproar as years ago.

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M/S Ainsworth, Goltz that this use permit hearing of reconsideration be continued until the next regularly scheduled meeting which will be July 7, 1975.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild, Goltz, Ragan, Strassman  
Nays: None

2. Proposed Heritage Tree Ordinance - Continued from 5/5/75 meeting.

Chairman Goltz opened the hearing for any additional comments.

Mr. George Buckle, 44 Indian Rock Ct. felt that in the "Purpose" section of the Proposed Ordinance, the removal of trees reducing property values was not always true. He had viewed cases where removal was valuable to the property; and he felt this statement should be removed.

Mr. Buckle also felt that the statement on Page 3, Item 2 "which could not be reasonably built elsewhere" should be deleted. He felt this was giving more preference to trees rather than the house.

As a whole, Mr. Buckle felt the ordinance was too restrictive and too wordy. Larkspur's Heritage Tree Ordinance was better because of its simplicity. It had more reasonable standards.

Larry Nielsen, 32 Meadowcroft felt the ordinance was just another excuse for telling people what they can and cannot do with their property. In his opinion it was not needed.

Commissioner Strassman felt the point George Buckle brought up about property value was due to an oversight as it had been removed in another section.

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Commissioner Ainsworth stated the longer he considered this ordinance, the less he liked it. He felt it was unenforceable and overbroad. He favored a Heritage Tree Ordinance only; something along the lines of Larkspur's Heritage Tree Ordinance.

M/S Ainsworth, Ragan that the Heritage Tree Ordinance be sent back to the City Attorney for redrafting to conform to a concept of applying only to developed property and regulates only Heritage Trees, defined a tree having a circumference of 60" or more.

The following to be added to the section entitled "Definition": These standards shall prevail unless changed by a special species list which has been approved by Resolution by the Town Council, and is retained in the Public Works Office.

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Motion carried: Ayes: Ainsworth, Fairchild, Goltz, Ragan, Strassman  
 Nays: None  
 Abstain: Bolles

B. USE PERMITS

1. U-406 - James W. Marsters, A/P 7-033-08 (Next to 32 Foothill Rd.) Application to construct a single family dwelling.

Applicant was present and had read Staff Report.

Staff pointed out that this lot would need a geologic report as well as a soils report. Also, as this lot had been subdivided in 1927, it was not subject to the common ownership provision of combining.

Applicant pointed out he was applying for this use permit to allow him the freedom to work out the problem of a water meter for this lot with the Water District.

M/S Ainsworth, Bolles to approve U-406, application to construct a single family dwelling on A/P 7-033-08 on the basis that while there is substantial probability of conflict, in that the slope of the lot is so great as to be in conflict with Health & Safety and Seismic, such conflict may be remedied by applicant submitting an engineering/geologic and civil engineering report satisfactory to the City Engineer.

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Motion carried: Ayes: Ainsworth, Fairchild, Goltz, Ragan, Strassman  
 Nays: Bolles

Commission questioned whether there would be any problems with Circulation. Commissioner Fairchild stated she was familiar with the area and she felt it did not present a problem simply because the traffic pattern did not resemble other hillside lots.

2. U-407 - Richard A. Lassus, 417 San Anselmo Ave., Outdoor eating addition to restaurant.

Applicant was present and had received Staff Report.

Staff had nothing further to add.

Commissioner Ragan questioned whether there would be any problems with the gate at the rear which lead into Jacks Drugs. Would this gate be used by the patrons, which could also lead to the patrons using Jack's Drugs parking lot? Application stated the gate would not be used as an entrance.

M/S Ragan, Bolles, U-407 for Richard A. Lassus, 417 San Anselmo Ave., A/P 7-251-20, Zoned C-2, application for a GPC use permit for further development in a commercial zone, and also a use permit for an outdoor restaurant as outlined on map dated May 16, 1975, be approved on the grounds that there is no conflict with the General Plan and that this use will not be prejudicial to the best use of persons

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living or working in the area.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild,  
Ragan, Strassman  
Nays: None  
Abstain: Goltz

It should be noted that Chairman Goltz was the architect for the applicant and therefore did not participate in reviewing subject application.

C. VARIANCES

1. VAR-614 - Youth Advocates, Inc., 9 Grove Lane, A/P 7-162-35. Application to construct fire escape stairway from second story 3'6" from the side property line.

John Newman, 2320 Pine Street, San Francisco was present representing the applicant. He stated that when the Youth Advocates were told a fire escape was needed they had gone ahead, without a building permit, and built it.

Commissioner Ragan felt the fire escape was in the only logical place.

M/S Ragan, Fairchild, VAR-614, Youth Advocates, Inc., 9 Grove Lane, A/P 7-162-35, Zoned R-1 be approved on the basis that a hardship exists in that no other allowable location is available to serve the house in accordance with the Fire Code; that it's necessary for appreciation of property rights to allow the use of the dwelling for its current purpose; and that it's necessary for the health and safety of the occupants and is not detrimental to the neighborhood as it does not obstruct light or air from adjoining property.

Motion carried: Ayes: Ainsworth, Bolles, Goltz, Fairchild  
Ragan, Strassman  
Nays: None

2. VAR-615 - Jan Fambrini, Applicant, 225 San Francisco Blvd., A/P 5-204-07, Application for a 16'11" rearyard setback to allow rebuilding a portion of a non-conforming use of a structure

Applicant was present and had reviewed Staff Report.

Mr. Robbins stated the requirement for the use permit was because the building had been used as a single family residence without a bathtub which made it a non-conforming use.

Applicant stated that at no time was the whole structure removed. Up until 3 months ago there had been a bathtub and plumbing. Applicant also stated that they had turned in six letters from neighbors in favor of the project. (Commission had copies of two letters.)

Mrs. French and Mrs. Pierce of 30 Santa Barbara Ave., were present to question the application. They were in favor of it if they did a good job and it would enhance the neighborhood.

Commissioner Ragan felt since the Commission addressed itself to low income housing we should consider granting this variance.

M/S Ainsworth, Ragan to approve VAR-615 for a 16'11" rearyard setback in accordance with drawing by Steven Krauss dated May 14, 1975, to reconstruct a 16'6" x 6'4" portion of a dwelling commonly known as 225 San Francisco Blvd., A/P 5-204-07 & 08 on the basis that a hardship

exists in that no other allowable location is available to service the house as a bathroom in accordance with the Housing Code; that the variance is necessary for appreciation of substantial property rights to allow the use of the dwelling for a single family dwelling; and that it is necessary for the health and safety of occupants and does not obstruct light or air to adjoining property or otherwise constitute a detriment to the neighborhood.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild,  
Goltz, Ragan, Strassman  
Nays: None

3. VAR-616 - Betty Rock, 93 Woodland Ave., A/P 7-281-18, Application for a 2'3" frontyard variance and an 8' west sideyard variance to allow an existing garden house to remain.

Applicant was present and had reviewed Staff Report.

M/S Ragan, Bolles that VAR-616, Betty L. Rock, 93 Woodland Ave., A/P 7-281-18, application for a 2'3" frontyard variance and an 8' west sideyard variance to allow an existing garden house to remain be approved, on the basis that a hardship exists because of the small size of the lot of 2,500 S.F., which allows no other place for storage and care of plantings; this basis is reasonable for providing appreciation of property rights; and further, that this garden house is not a detriment to the neighborhood because of its neat appearance and does not obstruct light or air from adjoining property.

This variance is granted on the condition that the final finish of the garden house be reviewed by the Design Review Committee.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild,  
Goltz, Ragan, Strassman  
Nays: None

Chairman Goltz commented that a condition for granting a variance at 20 Raymond Avenue some time ago was to plant a 15 gallon tree in the area between the existing house and proposed addition on Raymond Ave. and Kemp Ave. Staff was requested to look into this matter, as the tree has not been planted.

4. CORRESPONDENCE - None
5. ADJOURN - The meeting adjourned at 11:50 p.m. to the Continued Public Hearing of the Proposed General Plan on June 9, 1975.

DAN GOLTZ, CHAIRMAN  
SAN ANSELMO PLANNING COMMISSION

By *Catherine Carpenter*  
Catherine Carpenter  
Planning Secretary

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