

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John F. West at 8:00 p.m. in the City Hall on August 18, 1969. Representing the City Staff: John O'Rourke

1. ROLL CALL

Commissioners Present: Bernt, Creighton, Heinecke, Moore
West
Commissioners Absent: Perry, Stuart

2. APPROVAL OF MINUTES

Commissioner Moore moved the minutes of August 4, 1969 be approved as written, seconded by Commissioner Bernt and un-animously approved.

3. OLD BUSINESS

None

4. NEW BUSINESS

A. USE PERMIT APPLICATIONS

- (1) U-164 Application of Lani L. Waller and Gisela Ratliff (owner) for Use Permit for living quarters secondary to commercial use - painting and sculpturing studio at 1525 San Anselmo Avenue. A/P 7-014-21

Mr. O'Rourke stated that the City Staff felt that there was not a commercial use being made of the property, hence the living quarters would be a primary use, rather than a secondary use. Also, no off-street parking was provided on the property. He recommended denial of the application.

Mr. Waller stated that he had previously had an antique furniture refinishing business and a book store at this location in an attempt to satisfy the zoning requirements, but his primary interest was in using the property as a sculpturing studio with living quarters as a secondary use. He stated that he worked full time as a carpenter to earn a living since his art work was not a financially profitable venture at this time.

Mr. West informed Mr. Waller that an art studio was a permitted use in a C-1 District, and that really all the Commission was considering was his application for secondary living quarters.

Mr. O'Rourke was requested to read the section of the ordinance pertaining to secondary use for living quarters in a C-1 District.

Mr. Waller stated that the portion of the building devoted to studio space is about 40' x 25', and that the portion devoted to living space is about 15' x 25'; so the living area is less than 1/3 of the total area. He also stated the previous 2 or 3 tenants, going back a period of five or more years had used this portion of the building for living quarters. Commissioner Bernt asked what his hours of being open for business would be, and Mr. Waller replied that the commercial aspect would be minimal, this was primarily a working studio.

Commissioner Bernt stated that a Mrs. Sullivan of 2 Florence Avenue, which is next to Mr. Waller's building, had asked him to inform the Commission that she was in favor of Mr. Waller being granted a permit to allow him to live on the premises. Mr. and Mrs. Scott Parsons of Marshall, California, stated

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that they plan to open a hand-made clothing shop at 1527 San Anselmo Avenue, and would like to see Mr. Waller granted permission to have secondary living quarters in his building.

Commissioner Moore stated that he feels the basic use in C-1 Districts should be maintained as a regular commercial establishment, with living quarters decidedly a secondary use. Commissioner West stated that he feels that the applicant plans to use the premises as living quarters first, with the art studio a secondary use, since he earns his livelihood in another manner.

Commissioner Heinecke moved that U-164, application of Lani L. Waller and Gisela Ratliff (owner) for a use permit for living quarters secondary to commercial use - painting and sculpturing studio, at 1525 San Anselmo Avenue be denied on the grounds that the studio located on the premises is not a studio within the meaning of the definition of a C-1 district, and on the grounds that the living quarters are not secondary to commercial use. The motion was seconded by Commissioner Creighton and unanimously approved.

The applicant was informed of the denial of the application and his right to appeal the decision to the City Council within ten days from this date.

Commissioner West informed the applicant that he may continue to use the premises as an art studio, with the residential use abated.

- (2) U-165 Application of Thomas J. Belton and Ernest Ongaro (owner) for Use Permit to serve beer and wine in conjunction with restaurant business at 726 San Anselmo Avenue. A/P 6-102-21

Mr. O'Rourke stated that the staff felt there were no objections to Mr. Belton's use of these premises as a pizza parlor serving wine and beer since the premises have been used in the past for a restaurant business with no problems observed.

Mr. Belton stated he felt there would be adequate parking during the hours he will be open for business both on-street and off-street (in the area between and behind the two Ongaro buildings). He plans to be open from about 4:30 p.m. to midnight.

Commissioner West stated that he could see no reason to question the parking aspect since the Commission would not even be considering this matter if it were a restaurant business without a beer and wine license.

Commissioner Heinecke moved that U-165, application of Thomas J. Belton and Ernest Ongaro (owner) for a use permit to serve beer and wine in conjunction with restaurant business at 726 San Anselmo Avenue be approved inasmuch as the Commission finds that the use is not incompatible with the area.

The motion was seconded by Commissioner Moore and unanimously approved. Commissioner West informed the applicant that a use permit is revokable and is subject to review by the Commission at any time if conditions warrant.

- (3) U-166 Application of David M. Lewis (Ross Valley Company) for Use Permit to construct a Planned Development at 84 Madrone Avenue. A/P 6-052-21 (Approved by Design Review Committee on 4/9/69)

Mr. O'Rourke stated that the Planning Commission has previously reviewed the proposed Planned Development, when the applicant applied for a rezoning of the parcel. He also noted that the Design Review Committee has

approved the building plans.

Commissioner West stated that this application for Use Permit is merely a formality.

Commissioner Moore moved that U-166, application of David M. Lewis (Ross Valley Company) for a use permit to construct a Planned Development at 84 Madrone Avenue be approved consistent with the already approved building design and off-street parking requirements for the proposed 22 unit apartment complex, and further consistent with all of the other requirements previously imposed in the approval for this Planned Development by the Commission on December 16, 1968. The motion was seconded by Commissioner Bernt and approved by the following vote:

AYES: Commissioners Heinecke, Moore, Bernt and West
Abstain: Commissioner Creighton

Commissioner Heinecke stated he voted Aye because the Commission had previously approved this application, but at which time he voted No for the reason he felt the development is too dense. Commissioner Bernt said he voted Aye because the commission had previously approved the application, but he too felt the development was too dense. Commissioner Creighton abstained because he had previously voted no on this Planned Development.

B. VARIANCE APPLICATION

- (1) ADJ. 407 Application of Robert E. McCurdy for a 3' 4" variance in frontyard setback and a 5' variance in sideyard setback to construct an open two-car carport at 8 Brookside Court. A/P 5-172-05

Mr. O'Rourke stated that the staff felt there was no objection to allowing this variance since a practical building difficulty is demonstrated, and terrain conditions will prevent an addition of this carport from being objectionable to the neighbors and neighborhood.

Commissioner Bernt inquired when the existing garage had been enclosed, and Mr. McCurdy replied that it was done before he purchased the property, perhaps as much as two owners in the past. Commissioner West stated he felt that this was the only way Mr. McCurdy could add covered parking, but he felt the design submitted was not very attractive - it lacked style. Commissioner Creighton stated that he felt there was no true hardship demonstrated for the stone wall could be moved, but that this did present a practical difficulty. Since this street is a cul de sac and there would be no vision impairment for the street traffic, he could see no reason to require the tearing down of an attractive stone wall in order to meet the ordinance setback requirements. He suggested that the carport be moved back one foot further from the street.

Commissioner Creighton moved that ADJ. 407, application of Robert E. McCurdy be approved granting a 2' 4" variance in frontyard setback and a 5' variance in sideyard setback to construct an open two-car carport for the reasons that a practical hardship has been demonstrated, and that this street is a cul de sac and it does not present any traffic problem nor impair the vision of the motor traffic in the area. The building plan shall be subject to approval of the Design Review Committee. The motion was seconded by Commissioner Moore and unanimously approved.

5. CORRESPONDENCE

Held over until next regular meeting..

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6. MATTERS FOR CONSIDERATION OF PLANNING COMMISSION

- (1) Discussion of Architectural Features or Appurtenances, Section 10-3.1906 (f) (2) of the San Anselmo Municipal Code

Commissioner West stated that the fireplaces were removed from the list of architectural features allowed to project into the setback area at some time in the past. Subsequent to their removal from the list, the ordinance was amended to provide an an 8' sideyard setback, rather than a 5' sideyard setback. The Building Inspector has now recommended that fireplaces once again be considered an architectural feature allowed to project into the sideyard setback. He said he agrees with the Building Inspector's recommendation, and suggested that the staff prepare a proposed amendment to the ordinance to allow this.

Commissioner Creighton moved that the staff prepare an amendment to Section 10-3.1906 (f) (2) granting the additional 2' extension into sideyard setback be applied to fireplaces. This proposed amendment to be presented to the Commission at its regular meeting, September 15, 1969 for consideration. The motion was seconded by Commissioner Moore and was carried by four Aye votes and one No.

- (2) Discussion of Non-Conforming Multiple Family Use of Property in R-1 Districts.

Mr. O'Rourke announced that two public hearings have been set on this matter, one on September 15, 1969 and one on October 6, 1969.

Commissioner Bernt reported that at present the City must prove that a multiple use in an R-1 District was started after the adoption of the ordinance in 1926, or that the unit was vacant for a period of over six months.

It is almost impossible to offer conclusive proof of either of these two conditions. These multiple use units are often in a poor condition of repair. Commissioner West stated he feels that a home owner should be entitled to the protection of the ordinance, i.e., an R-1 district should be strictly for single family residences. Both Commissioner Bernt and Commissioner West stated they feel the only solution is to set a time limit for these multiple use units to be abated.

Commissioner Bernt and Commissioner West will confer on the non-conforming multiple family use of property in R-1 districts; and will draft a memo and report back with recommendations at the next regular Planning Commission meeting.

- (3) Review of legality of house trailer parked on residential lot at 45 Barber Avenue. A/P 6-241-30

Mr. O'Rourke stated that the Police Chief reported no complaints received in the past year on this house trailer, and that it presents no hazard to traffic. Mr. O'Rourke also stated that the ordinance provides that a house trailer may be parked on R-1 district property if it is not connected to any utilities.

Commissioner Bernt said he felt Commissioner Perry was questioning the overall situation of house trailers parked on private property, not just this specific incident. He said he would like to see the Planning Commission propose an ordinance to the City Council that would place some restrictions on the parking of house trailers on private property. Commissioner West stated that he would like to reschedule this matter for further discussion at the next regular meeting.

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- (4) Request for finding if cottage at 22 Park Drive is still a legal non-conforming use. A/P 6-044-03 (Building is at rear of lot at 20 Park Drive)

Mr. O'Rourke read a report on this matter prepared by the Building Inspector and Mr. John A. Jeffrey (one of the present owners) presented his knowledge of the use of the cottage as a rental unit in the past.

Commissioner West stated that since the staff could offer no conclusive proof that the multiple use had started since 1926, or has lapsed for more than six months, there appears to be no action this Planning Commission can take in the matter under the ordinance as presently constituted. He suggested the matter revert to the Building Inspector for appropriate disposition.

- (5) Review of U-143 - Use Permit to extend service of food and beverage to patio area - Pepperwood Restaurant, Red Hill Shopping Center.

Mr. O'Rourke reported that the patio area has been used on a limited basis for food service, and no complaints or adverse reports had been received. Commissioner West recommended that the use permit continue as originally issued.

The meeting was adjourned at 10:20 p.m.

JOHN F. WEST, CHAIRMAN