

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman David Ainsworth in the Council Chambers at 8:00 p.m. on April 5, 1976. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

Commissioners Present: Ainsworth, Bolles (late), Fairchild, Goltz, Ragan
Commissioners Absent: Eisgrau, Greenfield

2. APPROVAL OF MINUTES - MARCH 15, 1976

The Chairman moved for adoption of the March 15, 1976 minutes. Commissioner Ragan seconded. Passed unanimously.

3. OLD BUSINESS

A. USE PERMITS/VARIANCES/REZONINGS/SUBDIVISIONS

1. U-444 - Mark Civarello, dba "Lorenzo's Italian Cuisine", 729 Sir Francis Drake Blvd., A/P 6-083-06, application to permit the on-sale business of serving beer and wine.

Applicant was present.

Staff stated that while in receipt of a recorded agreement between Mark Civarello and the owner of 727 Sir Francis Drake Blvd (David Bartruff), providing for the use of the two adjoining driveways to be used by either tenant to allow for maneuvering space and also for a passageway on the west wall of 727 Sir Francis Drake Blvd. to allow through traffic, this recorded agreement did not state that this agreement could only be waived by the Town Council.

Commissioner Goltz questioned applicant whether the two parking spaces in the front portion of the building were going to be removed. Applicant stated if the Commission agreed to the parking plan before them (no parking in front), he would be able to landscape the front.

M/S Ragan, Goltz that U-444, application for the on-sale business of serving beer and wine for Mark Civarello and Vincent Lorenzo (Lorenzo's Italian Cuisine), 729 Sir Francis Drake Blvd., A/P 6-083-06, be approved on the basis that provisions being made by the applicant will accommodate parking requirements and, therefore, will not be detrimental to the neighborhood, and the granting of the use permit will provide property rights in allowing a reasonable use at this location.

Further move that the following conditions be met:

1. That the rear deteriorated structure now housing a two-car garage and an unoccupied apartment shall be removed;
2. Confirm the original Use Permit No. 424 condition of the requirement for valet parking;
3. Hours of operation will be from 5:00p.m. to 11:00 p.m. serving dinners;
4. No live music.

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

B. PUBLIC HEARING

1. Proposed Ordinance Amending Section 10-3.1908(d) relating to building site areas in the San Anselmo Municipal Code. (Staff recommends continuance to April 19th).

No one was in the audience to comment on this proposal.

M/S Ragan, Fairchild that the Public Hearing be continued until the 19th of April. Passed unanimously.

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4. NEW BUSINESS

A. USE PERMITS/VARIANCES/REZONINGS/SUBDIVISIONS

1. U-445 - Fairfax-San Anselmo Children's Center, 35 Elm Ave., A/P 7-052-49, application for use permit to operate a day care children's center.

Ms. Ethel Seiderman, Director, was present. She had received the Staff Report.

Mr. Robbins stated it was his understanding that the petition submitted by the neighbors was not objecting to the center as it now existed. The objection was to any enlargement.

Ms. Sally Willmington stated she was concerned about the traffic, and especially concerned about the continuing need for playground area.

Mary Olive, 7 Agatha Ct. felt the use of the playground was important. She felt the safety of the children should be given careful thought. The fact that the school would be closing, parents were concerned as to its disposition. They did not want additional traffic at the time the children were walking to school.

One spokesman from the audience stated there were two major problems. One problem was the traffic on San Anselmo Ave. Commuters using that street rather than Sir Francis Drake Blvd. or Center Blvd. He felt San Anselmo Avenue should be blocked out to through traffic. The second problem was the playground. All the residential properties in this area were physically limited and the children have only the Yolansdale School playground for recreational use.

Commission discussion: Commissioner Ragan stated that the only issue before the Commission tonight was to permit the day care center to continue its operation. In order for the center to be expanded, the applicant would have to come back before the Commission. Commissioner Ragan stated he would not be in favor of an expansion of this use.

Commissioner Goltz stated he had questioned the School District at a public hearing as to the disposition of the Yolansdale School. There were two options, either the expansion of the Fairfax-San Anselmo Children's Center or district offices.

Commissioner Goltz stated that in looking at this application, what was being asked for was an auto-oriented facility in a very hilly, narrow-street area. In his judgement, this type of use would not be a good idea. Over the past three years that this operation was at the Yolansdale School, Commissioner Goltz stated he had observed cars parked on San Anselmo Avenue and Elm Avenue so that you could hardly get a car through.

Commissioner Goltz agreed with the need for the day care center. He felt it was important that it exist. It was a good use but not for this area.

For the record Commissioner Goltz wished to state that he thought the Yolansdale School should either be used for what it was in the past or it should be used as what it is zoned, R-1. The R-1 area should remain and not become a commercial-type use.

Commissioner Fairchild stated she recognized the problem of a traffic generated use. She watched the site during the most critical times, 7:30 a.m. and 6:30 p.m. She felt that although the situation was tight, she felt it would always be. She felt there must be something that could be worked out between the neighbors and the school.

Chairman Ainsworth stated he agreed with Commissioner Goltz in that this use was an inappropriate land use. However,

he would be governed by the fact that none of the people who signed the petition were opposed to the limited use of the day care center.

M/S Fairchild, Ragan to approve U-445, application for a children's day care center at 35 Elm Avenue, A/P 7-052-49 for the Fairfax-San Anselmo Children's Center on the basis that while there is some traffic congestion problem in this area, the problem can be alleviated through proper control of on-street parking as generated by the school, and that allowing this use is necessary for appreciation of property rights in allowing a reasonable activity at this location.

This use permit is approved with the following conditions:

- 1. That there will be a maximum of 30 children in attendance at the center;
- 2. That the use permit shall be reviewed after July 30, 1976;
- 3. That the public have access to all playground facilities with the exception of that now being used by the day care center, and further that the day care center not be permitted to expand that use without permission of the Planning Commission.

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

- 2. U-447 - James & Angela Gonsman, 1509 Sir Francis Drake Blvd., Revision of original use permit conditions.

Applicant was present and had received Staff Report.

There was no one present in the audience to comment on this application.

After brief dicussion, M/S Bolles, Ragan to approve U-447 application to revise U-195 for James and Angela Gonsman to continue a nursery school at 1509 Sir Francis Drake Blvd., A/P 5-153-03, with the following revised conditions:

- 1. That there be a maximum of 36 students at any one time;
- 2. That there will be a maximum of 4 employees
- 3. That a sign will be allowed indicating the nature of the use of the premises, subject to Design Review;
- 4. The use permit be issued subsequent to the approval of the Fire Chief and the Building Inspector as to the safety of the premises.

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

- 3. VAR-659 - Tom and Kay Peacock, 43 Durham Rd., A/P 5-202-28, application for variance to permit the enlargement of dining room to 4'10" of the side property line.

Applicant was present and had received Staff Report.

No one was in the audience to comment on this application.

Commissioners Goltz and Bolles felt the application was well designed and well presented.

Commission all agreed the criteria listed in the Code to permit approval of a variance had been met.

M/S Goltz, Ragan to approve VAR-659, application for a 3'2" variance to allow construction of a dining room extension 4'10" from the side property line at 43 Durham Rd., A/P 5-202-28, as shown on drawing by Jeff Kroot for subject job and dated 3/16/76, on the basis that a building hardship exists in the small size of the existing dining room for a three bedroom home, that this project willnot be detrimental to people or

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property in the neighborhood as it will not obstruct light and air to adjacent property, and that approval of this variance is necessary to afford property rights as a reasonable development. Passed unanimously.

4. VAR-660 - Stewart-DeWitt, 160 Oak Springs Dr., A/P 5-281-14, application to construct a single family residence with a 0' frontyard setback.

Applicant/Owner Gary Proctor was present and had received Staff Report.

Mr. Robbins stated that the same variance had been granted two years ago only for a different floor plan.

Commissioner Ragan stated he objected to the bottom portion (substructure) of the house.

Commissioner Goltz agreed. He did not like the open substructure and the bridge-like tressle. He felt the drawings should be revised and presented to Design Review for approval.

Mr. Dave Pardee of 156 Oak Springs Avenue stated he would see the lattice work from his deck. He realized it was necessary to support the structure, but felt there must be a cleaner looking way of achieving support.

Commissioner Goltz questioned whether this structure could be moved closer to the street (necessitating a variance from the parking space size. The setback of 20' in the frontyard is for the purpose of providing light and air to adjoining properties and in this case, it does just the opposite.

Mr. Proctor stated his only reason for the garage being in the location indicated on the drawing was because he wanted to stay within the setback. He had no objection to changing the setback of the garage.

Mr. Pardee commented that he had no objection to the substructure being either open or closed. If left open, it should be open more than shown on the current plans. (Suggested something like a cement pillar.)

M/S Goltz, Ragan to approve VAR-660, application for a 20' variance to allow construction of a car ramp 0' from the front property and an additional 5' variance to construct a garage 15' from the front property line at 160 Oak Springs Drive, A/P 5-281-14, as shown on Planning Commission revised copy for Job. No. 1026, received in the Public Works office March 15, 1976, on the basis that a site hardship exists due to the steep downslope, and is necessary for the property rights in allowing reasonable construction for development of this lot.

Further move that the Commission objects to the design, as shown on 2-A of the above noted drawing set and therefore refers to Design Review the redesign of the substructure of the garage and parking ramp. This redesign is to be done by the applicant and submitted to the Design Review Committee.

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

5. VAR-661 - Frederick Roscoe, 35 Entrata, A/P 6-241-30, application for a variance to permit existing fence and hedge at the rear of the property to remain at its present height.

Applicant was present and had received Staff Report.

Applicant stated they had reached what he believed a feasible compromise with his neighbor at 62 Lincoln Avenue concerning the height of the fence. Applicant requested a 30-day continuance.

Chairman Ainsworth announced that the Commission had received a letter from Mrs. Christine Miller of 66 Lincoln Avenue regarding the height of the hedge. Mrs. Miller insisted on her right of sunlight which was hampered by the height of the hedge.

Commissioner Ainsworth stated he wished to inform applicant he felt Mrs. Miller was entitled to the sunlight received when the hedge was trimmed to its legal height. In the absence of some unusual circumstances he would be inclined to agree with Mrs. Miller's request.

Commissioner Fairchild stated she was the great niece of Mrs. Miller. She had observed the hedge for a long time and had noticed a difference since the Roscoe's residence. The fence and the hedge did affect vegetation of the Lincoln Avenue residences.

Mrs. Roscoe asked Commissioner Fairchild if she would disqualify herself from any action on this application due to her relation to Mrs. Miller. Commissioner Fairchild stated she had talked to the Town Attorney who told her since she had no financial interest in the property she would be free to participate in the Commission action on this application. Commissioner Fairchild reassured Mrs. Roscoe that she was not emotionally involved and would act fairly.

M/S Ragan, Goltz that VAR-661 for Frederick Roscoe, 35 Entrata, A/P 6-241-30, application for a variance from a maximum height of 6' for fence and hedge to allow an existing fence and hedge varying in height from 6'5" to 10' high, to remain in place, be referred back to the applicant until the May 17, 1976. Passed unanimously.

6. VAR-662 - Town of San Anselmo, application for fence over 6' from grade at the rear of 279, 309 and 309 Greenfield Avenue.

After brief discussion, M/S Ragan, Goltz to approve VAR-622 application for a fence up to 10' in height in the rear yard of 279 and 309 Greenfield Avenue as shown on Sketch 35-A-106 dated March 31, 1976 on the basis that a site hardship exists in that a legal 6' fence would obstruct rear view mirror viewing from bus parked at this bus stop without the height variance; that this installation will not be detrimental to people or property in the neighborhood as the only effects will be beneficial to the property owners involved, and the project is necessary for affording property rights in providing privacy and a noise barrier. Passed unanimously.

7. SS-196 - Herman Bauer, application to subdivide Assessor's Parcel No. 6-091-59 (land located behind Kentucky Fried Chicken on Red Hill Avenue) into three lots.

Applicant, Herman Bauer, and his architect Rene Cardinaux were present. Applicant had received Staff Report.

Mr. Cardinaux felt that the property could easily accommodate three units. He felt this was a reasonable development.

Commissioner Ragan felt three units was overdevelopment. He was also concerned with the possible instability of the site. If proved stable, he could agree to two units.

Commissioner Bolles was not in favor of granting a variance from the slope policy. Commissioner Fairchild was also not in favor of deviating from the slope policy.

Commissioner Goltz felt this type situation would best be handled with a PPD zoning. He did not see any problems with three units, but not the way they were laid out.

M/S Goltz, Ragan to deny SS-196, application for a 3-lot parcel split of A/P 6-091-59, on the basis that exceptions to the subdivision ordinance required for approval are not justified in that exceptional circumstances do not exist, the proposal is overdevelopment of the parcel. Passed unanimously.

B. MATTERS FOR CONSIDERATION

1. VAR-653 - M. Zibertovicz, 32 Elm Avenue, Commission's concurrence revising the two-car garage approval to one-car garage.

M/S Ragan, Fairchild to revise approval of VAR-653, as shown in minutes of Commission meeting of 2/17/76, and approve a change from a two-car garage to a one-car garage, and a 10' sideyard setback to an 8' sideyard setback, as shown on drawing received in Public Works office 3/19/76 entitled "Reinforced Concrete Garage" by H.M. Locke, on the basis that this is a reduction in scope of work approved and will not affect the previous justification for approval. The original 19' variance to allow construction within 1' of the front property line remains the same. Passed unanimously.

2. Amendments to Design Review Ordinance.

Commission requested a joint meeting be set up with the Design Review Committee to discuss these amendments. Alternate dates of April 26 and May 10 were suggested as possible meeting dates

3. Proposed Ordinance Establishing & Regulating Second Units

Held over until April 19th.

5. ADJOURN

Meeting adjourned at 11:45 p.m.


Catherine Carpenter, Secretary