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The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Duane Ragan at 8:00 p.m. on August 22, 1977 in the Town Hall Council Chambers. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner; Lynn McGovern, Planning Technician.

1. ROLL CALL

Commissioners Present: Buckle, Greenberg, Harle, Olive, Ragan  
Commissioners Absent: Goltz, Ollinger

2. OLD BUSINESS

- A. U-465 - Claudine Sumoy, 3 Ray Ct., A/P 5-102-32, review use permit which granted permission for detached sleeping quarters for domestic help.

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

M/S Buckle, Greenberg to approve, without further review, U-465, application to allow detached sleeping quarters for a live-in babysitter for Claudine Sumoy, 3 Ray Ct., A/P 5-102-32, on the basis that this will not be detrimental to the neighborhood as no additional parking or traffic features are involved and the approval is necessary to provide property rights for a reasonable use. Passed unanimously.

- B. U-492 - Tam View Knolls Homeowner's Association, A/P 6-091-07, 6-091-59, 6-121-07 and 6-121-09, use permit to allow implementation of the Specific Planned Development which is to include a total of 13 condominiums

Applicant Max Holsinger was present.

Commissioner Buckle questioned whether the Town required any mitigating measures in preparation to the rainy season. Mr. Holsinger stated that if they started construction next week, grading, drainage and water would be in within 6 weeks.

M/S Greenberg, Olive to approve U-492 for Tam View Knolls, a joint venture, and Tam View Knolls Condominium Homeowner's Association, an entity to be formed, based on the following drawings:

Sheet 1 - Tentative Map, dated 7/19/77, by Keith Franc  
Sheet 2 - Units 4-5-6, dated 8/4/77, drawn by D. Anawalt  
Sheet 3 - Units 7-8-9, dated 8/4/77, drawn by D. Anawalt  
Sheet 4 - Units 10-11, dated 8/4/77, drawn by Keith Franc  
Sheet 5 - Units 12-13, dated 8/4/77, drawn by Keith Franc  
Drawing - 77-131, Grading & Site Plan, Rev. 7/21/77, Beattie  
Drawing - Sections, Rev. 7/22/77, Beattie  
Drawing - Utility Layout, Rev. 7/14/77, Beattie

on the basis that, due to the previous hearings, this use has been determined not to be detrimental to the neighborhood and is necessary to provide property rights as a reasonable use at this location. Passed unanimously.

- C. VAR-732 - David Gidley, 48 Durham Rd., A/P 5-202-46, application for variance from sideyard setback requirements, and variance from parking requirements.

Applicant was present.

Commissioner Greenberg explained to the previously absent commissioners that Commissioners Goltz and Ollinger had felt it was difficult to find a hardship to grant this variance as it was self-imposed. Commissioner Greenberg felt the hardship was the current location of the house on the lot and the layout of the building itself which created an unnecessary hardship in order to expand.

M/S Buckle, Greenberg to approve VAR-732 for David Gidley, 48 Durham Rd., A/P 5-202-46, for a 3'6" sideyard setback (4'6" variance for master bedroom extension along the northerly property line to continue along the existing building line and variance for a 2' sideyard setback (6' sideyard variance) and 2' frontyard setback (18' frontyard variance) for an additional required second parking space on the basis that there is a hardship due to the restriction of the existing floor plan and potential for expansion and expansion within setback lines will interfere with existing bathroom outside

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window with regards to light and air, that permits a reasonable use of property rights and that it does not appear to be a detriment to the neighborhood. Passed unanimously.

- D. U-490/VAR-739 - Sylvan King, 781 Sir Francis Drake Blvd., A/P 6-083-01, application for a use permit to allow repair, reconditioning and parking of automobiles.

Applicant was present. He stated he would do whatever the Fire Dept. wanted and would make everything uncongested and look more presentable.

The second applicant, Hap Phillips, who originally planned to run a similar business adjacent to Mr. King, had pulled out because the project would be too expensive and he didn't want to commit himself.

Mr. Bob Beedle, Assistant Fire Chief, stated the place of business consistently had hazards which were very often not corrected. He stated the Fire Dept. did not want to close the place down, but the people had to work with them. He felt this business was going to continue to be a problem. Mr. Beedle stated that he felt a businessman looking to get a use permit would not have the amount of debris around his business as Mr. King did. He questioned what it would look like in 3-4 months.

Resident of 58 Madrone stated she objected to this type of business in a residential area.

Commissioner Olive stated she felt the cover letter from the Fire Dept. was very persuasive. She felt that a careless attitude toward a neighborhood was a use which shouldn't be approved. She felt the comments about appearance were pertinent.

Commissioner Greenberg stated he agreed with Commissioner Olive. This business had been in operation over a year and he has made no attempt to improve it. Past history should not be disregarded.

Commissioner Buckle stated that as of last meeting he emotionally could have approved one use permit for a garage. Logically, the Mohawk station would be the one to be approved. Commissioner Buckle stated he was most concerned with the parcel of land as a whole and how it would be used. The two problems at the last meeting were parking and visual. The parking problem would still not be resolved until the second portion of the lot was developed.

Commissioner Greenberg asked Mr. King why the Fire Dept. would say he wasn't cooperating. Mr. King stated that the man who was working the gas was more in control of the operation than he was.

M/S Greenberg, Olive to deny U-490 for Sylvan King, 781 Sir Francis Drake Blvd., A/P 6-083-01, application for use permit to allow repair, reconditioning and parking of automobiles in a C-3 zone, on the grounds that over the past year the applicant has demonstrated his inability to maintain facility that is not detrimental to the neighborhood including violations of the Fire Code which were not timely abated upon request by the Fire Dept., excessive automobiles on the property and parked on neighboring streets as demonstrated by letters dated 9/13/76 to Sylvan King from S. E. Fisher, Inspector, San Anselmo Fire Dept., undated letter from Mr. Fisher to Planning Commission received by the Commission 8/22/77 and letter dated June 13, 1977 to A. H. Tucker Co. from Rick Mullenkopf, Inspector San Anselmo Fire Dept. Passed unanimously.

Applicant was advised of the 10-day appeal period.

- E. U-398 - Stop 'N Go Market, 807 San Anselmo Avenue, A/P 7-162-17,  
Review use permit.

Commissioner Olive expressed concern about not stipulating future review dates. She stated that while not all of the litter came from inside the store, there seemed to be a lack of systematic policing of litter on a daily basis.

M/S Buckle, Greenberg to approve condition of U-398 for Stop 'N Go Market without further review unless recognized complaints are received. Passed unanimously.

NEW BUSINESS

- A. EU-18 - Mary Duggan, 49 Oak Knoll, A/P 7-014-08, application for use permit to allow second unit to remain.

Ms. Duggan was present.

A letter was submitted to the Planning Commission from Mrs. V. H. Oberg, Steve and Joan Goodwin, Paula and William Raudio stating their concern for the lack of space between the second unit and their homes at 37 Oak Knoll, 46 Florence Ave. and 50 Florence Avenue, respectively.

Ms. Duggan stated the room closest to the property line was the storage area. No noise would be generated from the storage area.

Commissioner Buckle stated that while he had supported all of the second unit applications in the past, he felt this was an exceptionally small lot with everything jammed in and he just couldn't support it.

M/S Harle, Greenberg to approve a 1'6" variance to allow an 8'6" by 20' parking space, a 3' sideyard variance to allow a 5' sideyard setback, an 18'4" variance for rearyard, 6'4" for sideyard and a variance to allow tandem parking at 49 Oak Knoll Ave., A/P 7-014-08, for Mary Duggan on the basis that due to the layout of the building on the lot, 3 legal spaces could not be provided, that it will not be detrimental to the neighborhood, and it will afford property rights for a legal use.

Further move to approve EU-18, application for an existing second unit to remain at 49 Oak Knoll Ave., A/P 7-014-08 for Mary Duggan, on the basis that this will not be detrimental to the neighborhood and that property rights will be provided in allowing a legal use with the following requirements:

1. A smoke detector be installed in each unit;
2. That a rental agreement be entered into between the applicant and the Town, and if this has not been accomplished within sixty (60) days from this meeting a revocation hearing shall be set.

Motion carried: Ayes: Greenberg, Harle, Ragan  
Nays: Buckle, Olive

Applicant was advised of the 10-day appeal period.

- B. U-491 - Gary T. Long, 821 Sir Francis Drake Blvd., A/P 6-081-07, application for printing shop and residence.

Applicant was present. Mr. Long stated the machinery for the business would not make any noise which could be heard from outside of the building.

M/S Buckle, Greenberg to approve U-491 for Gary T. Long, 821 Sir Francis Drake Blvd., A/P 6-081-07, application for a use permit to operate a commercial printing shop on the lower level of the applicant's residence on the basis that this will not be detrimental to the community and affords appropriate property rights and that the garage, with access on Sir Francis Drake Blvd., may be abandoned as a garage and used as part of the business. Passed unanimously.

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- C. U-492/VAR-736 - Charles E. Gast, Jr., 556 San Anselmo Ave., A/P 6-102-15, use permit application to allow on-sale business of serving beer and wine, outdoor eating, and a variance from the parking requirements.

Applicant was present with his architect. Mr. Gast stated he was previously in business in San Anselmo for a period of 5 years. He stated he was in sympathy with the Town's concerns regarding the parking in Town, but felt it was important to note that his business would be adjacent to the Creek Park and would stimulate the use of parking in Creek Park. Mr. Gast stated he felt the restoration of the building and restaurant project would add measurably to the Town. He also stated that years ago an outdoor restaurant was in the same location.

Commissioner Olive stated she had no problems with granting a variance for parking. She felt this was an inequitable requirement. She felt this would be a nice addition, provided the project did not threaten the privacy of the surrounding area.

Mr. Gast stated he understood the Town's fears. He felt, however, that the deck would pull two sections of San Anselmo (Sir Francis Drake Blvd. merchants and San Anselmo Avenue merchants) together. He stated that this feeling of separation was always a complaint expressed by the merchants.

The Architect explained that the greenhouse would be out of glass rather than wood in order to reflect the surrounding greenery.

Commission expressed concern with the cantilevered portion of the deck. It was felt that this portion of the deck was awfully close to the top of the bank.

Commissioner Greenberg stated while he felt this outdoor eating spot would be very nice, the area was one of the most peaceful places in Town. He felt the Town would be giving up something. Commissioner Greenberg also expressed concern about the lack of parking.

Architect stated that according to the survey, 50% of the people interviewed regarding parking came to San Anselmo not just to eat but to do other things.

M/S Buckle, Olive to approve U-492 and VAR-736 for Charles E. Gast, Jr., 556 San Anselmo Avenue, A/P 6-102-15, application for a use permit to allow outdoor eating and the serving of beer and wine, and a variance so that no parking spaces need to be provided for this use based on the plan dated 8/8/77 by Glenn Peterson Associates, with the following changes: 1. To delete future greenhouse, and 2. To move back/remove cantilevered portion of the deck on the creek. Approval is based on that fact that there is no physical off-street parking available, that this is not an apparent detriment to the neighborhood and is necessary to allow appropriate property rights.

Motion carried: Ayes: Buckle, Harle, Olive, Ragan  
 Nays: Greenberg

Applicant was advised of the 10-day appeal period.

- D. VAR-737 - David Jeppesen, 250 Scenic Ave., A/P 7-024-23, application for variance to permit reconstruction of deck within sideyard setbacks.

Applicant and his contractor were present.

After a brief discussion,

M/S Olive, Harle we approve VAR-737 for applicant David Jeppesen, located at 250 Scenic Avenue, A/P 7-024-23, Zoned R-1, application for an 8.5' rearyard variance to allow a 5.5' rearyard setback and a 0' sideyard setback in order to allow the reconstruction of an existing deck on the basis that the location of the building

on the property is a hardship and that this reconstruction will not be detrimental to the neighborhood as no addition is involved, the deck is already existing, and that it is necessary for him to exercise essential property rights. Passed unanimously.

E. SS-206 - Janice Tonini, 1361 San Anselmo Avenue, A/P 7-052-05 and 7-052-06, parcel split. APPLICANT NOT PRESENT, HELD OVER.

4. MATTERS FOR CONSIDERATION

A. Ordinance 728 amending regulations in the C-1, C-2 and C-3 zones to provide for additional uses and changes in height, bulk and parking requirements. - HELDOVER

5. APPROVAL OF 8/8/77 MINUTES

Amendments: End of paragraph 1, Item 2-A, insert: (Commissioner Buckle's intention was to 1) Update the Commission on Open Space/ make a study of open space purchases; 2) Develop ranking system; and 3) Ultimately recommend suggestions to the Town Council.

M/S Greenberg, Buckle to approve minutes of 8/8/77 as amended. Commissioners Buckle and Greenberg voting aye; Commissioners Harle, Olive and Ragan abstaining.

6. ADJOURN - Meeting adjourned 10:40 p.m.

  
Catherine Carpenter, Secretary

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