

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Duane Ragan at 8:05 p.m., March 7, 1977, in the Town Hall Council Chambers. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

Commissioners Present: Buckle, Goltz, Hulpke, Ollinger, Ragan
Commissioners Absent: Greenfield

2. PUBLIC HEARINGS

A. OLD BUSINESS

- 1. U-471 - Grand Pacific Vineyard Co., Inc., A/P 7-252-18, application for use permit to operate commercial winery, on and off sale business of serving beer and wine, outdoor eating, and live music at 333 San Anselmo Avenue.

Applicant Richard Dye was present but refrained from any presentation/comments about his proposal until after Commission discussion.

Commissioner Hulpke stated Staff's analysis was in keeping with her own views.

Commissioner Buckle questioned the use of the parking lot. Mr. Dye stated that parking lot to the rear of the building had never been used for public parking. He stated he wanted to put in a deck, which would create a garden-type area for wine tasting and for food service. The section of the building used by the book store was not authorized to use the parking area.

Mr. Robbins stated that since the use of the parking area would be an enlargement of an existing use, approximately 13 parking spaces would have to be provided, by law.

Commissioner Goltz questioned how the grape crushing would be run. Mr. Dye stated that during the months of September and October he would receive approximately 5-10 tons of grapes (5 truck loads). The crushing would take place a maximum of 4 times a year. The grapes would produce approximately 1500 gallons of wine, 300 pounds of stems and 500 pounds of pulp. Debris would be picked up specially. If the Garbage Co. was unable to pick up the same day, the debris would be taken in doors and picked up the next day.

Commissioner Ollinger questioned what kind of spillage there was and the method of clean-up. Mr. Dye stated the juice is white. The crusher would be rinsed with a minimum amount of water. That water would contain about a quart of sugar. This sugar water could either be rinsed down to the storm drain or recycled somehow.

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Public hearing was opened for comments from the audience.

Mr. Louis Leoncini, 24 Woodland Avenue stated he felt Mr. Dye's idea was fine, but it was not in the right place. He lived two doors down from the area and he felt the live music would be annoying.

Commissioner Goltz stated he didn't see anything wrong with the application at all. If there were any problems, the use permit could be revoked. He stated the Town was full of vitality, and the making of wine was a beautiful living thing.

Commissioner Goltz felt there were no sanitary problems, and he couldn't see the sugar water ruining the creek. As a comparison, Commissioner Goltz mentioned the gas stations that let oil go into the creek.

As for the parking, Commissioner Goltz felt it was unfair to require someone leasing less than 1/4th of the building to provide 13 parking spaces.

In summary, Commissioner Goltz stated the previous location of Mr. Dye's winery had been in his neighborhood and it had not bothered him.

Commissioner Hulpke stated she would still prefer to see the crushing part of the winemaking done inside. As far as the parking problems, even though the available parking spaces only served Mr. Dye's property, by eliminating them it wouldn't even serve him. Commissioner Hulpke favored the Staff Report.

Commissioner Buckle stated although he agreed with Commissioner Goltz, he didn't feel this activity was proposed for the appropriate place. He felt the R-1 areas in the back should be preserved. He felt this operation would generate alot of traffic and people and he felt it would be too much for the area. Commissioner Buckle stated he would not vote for the entire application, but would go along with the Staff Report.

Commissioner Ollinger stated his concern was for the outdoor activities. He felt it might be offensive to the hotel and residential area, otherwise he was in favor of the idea.

Mr. Dye responded to a question regarding the hours proposed for live music. The live music would be "string" music, once or twice a month or maybe each Sunday.

Joyce Wilson, 22 Hillside stated she had wanted to experience the grape crushing at Mr. Dye's previous location, but it had all gone by so fast she missed it.

Gary Whitten, 134 Floribel stated the whole crushing process was a very picturesque event. He thought it was very nice.

Bill Rayfield, 74 Madrone hoped the actions of the Planning Commission would be to take a risk rather than to hold back to find out what it would be like to have the operation in Town. The Commission had the power to cut back the application if the use interfered with the neighbors.

M/S. Goltz, Ollinger to approve U-471, for the Grand Pacific Vineyard Co., 333 San Anselmo Ave., A/P 7-252-18, to receive and crush bulk grape wine, blend and bottle said juice for wine and for the on-sale business of serving beer and wine (indoor and outdoor), on the basis that this activity will not be detrimental to the neighborhood as it will not create an objectionable condition and is necessary for a reasonable use for this location.

Further move to approve VAR-717, requirement for 13 parking spaces at this location on the basis that the use is less than 1/5th of the total building area and it would be a great hardship to require this particular tenant to provide all of this parking. Approval is based on compliance with the following conditions:

1. That the crushing operation be given a try for the upcoming Fall harvest season between September and October and that at the end of that period the Commission review the use permit (at the first meeting in November unless legitimate complaints are received at an earlier time), to justify or hear complaints on the crushing operation;
2. That live, unamplified music be allowed during the hours of operation, but not to exceed 9:00 at night.

Motion carried: Ayes: Goltz, Ollinger, Ragan
Nays: Buckle, Hulpke

Applicant was advised of the 10-day appeal period.

2. VAR-711 - Jim Reed, 2 Indian Rock Ct., A/P 177-250-16, application for a variance for access by easement.

Commission requested applicant return with very accurate contours spotting grades, heights of any retaining walls, and an accurate presentation of the profiles and the driveway.

M/S Goltz, Hulpke that we refer this application, VAR-711, Jim Reed, applicant, Dick York, owner, 2 Indian Rock Ct., A/P 177-250-16, back to the applicant for resubmission. Passed unanimously, Commissioner Buckle abstaining.

3. SS-200 - Juergen Kokot, 25 Rancho Drive, A/P 5-062-93, application for a 4-lot parcel split. HELD OVER UNTIL 3/21/77.
4. U-458 - Ken Ingber/Nancy Mayer, 218 Sir Francis Drake Blvd., Review use permit, revisions requested by applicant regarding live music.

Chairman Ragan read a letter received from Roy Farrington Jones opposing revisions of the use permit.

Mr. Ingber stated that at the first meeting none of the neighbors had been present at the hearing. He stated the music had been toned down, and that the musicians and equipment entered and exited from the Sir Francis Drake Blvd. side. Mr. Ingber stated he had checked continuously with the Police Dept. regarding any complaints and had tried to do his best to comply with the living situation of Lincoln Park.

The public hearing was opened for comments from the audience.

Eric Swensen, 31 Lincoln Ave., spokesman for the Lincoln Park Homeowner's Association presented a petition to the Commission stating opposition to the current use permit.

The following people also spoke regarding the excessively loud music, trash, traffic, general disturbance problems: Ed Cunningham, 21 Lincoln Ave.; Shirley Fisher, 77 Lincoln Ave.; Steven Thomas, 24 Lincoln Ave.; Ned Ongaro, 40 Lincoln Ave.; Regina Walden, 60 Lincoln Ave.; Barbara Swensen, 31 Lincoln Ave.; and Wm. Waters, 56 Lincoln Ave.

Commissioner Goltz questioned Staff whether or not the request by the Planning Commission to test the noise level had ever been carried out. Staff stated no. Commissioner Goltz felt the noise matter was simple. The remodelling underway presented the perfect time for getting the proper insulation in. The noise meter would tell the architect just how much to insulate..

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Commissioner Buckle felt the application before the Commission this evening was premature. Before approving any additional hours of operation for the bar/music, Commissioner Buckle stated he wanted to see the establishment improve itself first.

M/S Goltz, Hulpke that the Planning Commission revise U-458 for Ken Ingber and Nancy Mayer, 218 Sir Francis Drake Blvd., A/P 6-252-03, in the following manner:

1. That we extend the live music to Sunday between hours of 2 p.m. and 7 p.m. and that the hours of operation be between 10 a.m. and 2 a.m. 7 days a week.
2. That the applicant be required to police his property for any debris that may have been deposited there by his customers.
3. That the Planning Commission reaffirm original use permit and direct Staff to make sure that the noise level generated off by the operation be in conformance with the Town's Noise Ordinance and that this determination be made within the next two week period. If the noise level is higher than that allowed by the ordinance, the use permit shall be reheard by the Planning Commission.
4. That, in view of the fact that applicant is remodelling his bar, he follow the sound and noise information gleaned from the sound monitoring and apply it to his remodelled bar.
5. If the applicant wishes to extend this use permit further, that he be permitted to do so without any further fee.
6. If there are any complaints of noise, regardless of the fact that the operation does meter out to the noise ordinance, the Planning Commission shall rehear this use permit.

Motion carried: Ayes: Buckle, Goltz, Hulpke, Ollinger, Ragan
Nays: None

Applicant was advised of the 10-day appeal period.

B. NEW BUSINESS

1. VAR-714 - Thomas McNalley, 89 Woodside Drive, A/P 5-273-03, application for a 20' frontyard variance to allow parking 0' from the front property line.

Applicant was present. He stated his engineer had proposed the present layout since it was the most efficient way to use the lot. Mr. Robbins stated the foundation work would be out of the ancient slide area.

Commissioner Goltz stated he would vote against this application since the building was not away from the ancient slide area.

M/S Buckle, Hulpke to approve VAR-714 for a 17.6" frontyard variance at 89 Woodside Drive, A/P 5-273-03, to allow parking 2.6" from the front property line on the basis that a hardship exists in the steep upslope of the site, and that this project will not be substantially detrimental to the neighborhood and is necessary to allow use of a legal building site. The westerly retaining wall should be flaired in a manner to provide site distance as approved by the Town Engineer.

Motion carried: Ayes: Buckle, Ollinger, Ragan
 Nays: Goltz, Hulpke

Applicant was advised of the 10-day appeal period.

2. VAR-715 - Otto Vanoni, Ph.D., 40 Bolinas Ave., A/P 7-302-26, application for variance to permit reconstruction of storage building with setbacks.

M/S Hulpke, Ragan to approve VAR-715, Otto Vanoni, Ph.D., 40 Bolinas Avenue, A/P 7-302-26, application for a 10' rearyard variance for construction of a storage house as per the revised drawings of 3/7/77, inasmuch as this is of no detriment to the neighborhood and is necessary for the owner's property rights, and the site presents a hardship caused by the location of the swimming pool.

Motion carried: Ayes: Buckle, Goltz, Hulpke, Ragan
 Nays: Ollinger

Applicant was advised of the 10-day appeal period.

3. VAR-716 - Lawrence Stack, 10 Alice Way, A/P 5-165-58, application for variance from setback requirements to permit a garage.

Applicant was present. Three garage alternatives were presented. A letter from the property owners of 2 and 6 Alice Way was read stating no objection to the proposed garage.

M/S Buckle, Ollinger to approve VAR-715, Lawrence Stack, 10 Alice Way, A/P 5-165-58, application for a 2' frontyard variance and a 1' side yard variance to allow construction of a garage enclosure for an existing deck since there does not appear to be substantial detriment to the neighborhood in the use of this structure, and it will allow property rights. The variance is approved based on the unusual configuration of the lot and access.

Motion carried: Ayes: Buckle, Goltz, Hulpke, Ragan
 Nays: Ollinger

Applicant was advised of the 10-day appeal period.

3. APPROVAL OF MINUTES - February 28, 1977

M/S Buckle, Hulpke to approve the minutes of February 28th as amended. Passed unanimously. Amendment on Pg. 2, 1st para. under Item 4, last word correct spelling to "approved".

4. ADJOURN - Meeting adjourned at 12:40 a.m.

Catherine Carpenter
 Catherine Carpenter, Secretary

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