

A regular meeting of the San Anselmo Planning Commission was called to order on May 5, 1986 at 8:00 p.m. by Chairman Kroot in the Council Chamber. Lisa Wight, Planning Technician, was present.

ROLL CALL

Commissioners Present: Hayes, McPeak, Zaharoff, Chairman Kroot

Commissioners Absent: Harle, Heubach

APPROVAL OF MINUTES

Approval of the minutes of April 7, 1986 was tabled until the end of the meeting.

PUBLIC HEARINGS

SS-263 - Paul Tietjen, 1348 San Anselmo Avenue, A/P 7-051-07, a two lot parcel split with exceptions and environmental review.

The applicant was present.

The subject lot is 19,559 square feet and under 15% slope. The proposal is to divide it into two parcels, with Parcel A being 9,945 square feet with a street frontage of 52.3 feet and Parcel B being 9,614 square feet in size with a street frontage of 49.8 feet.

Exceptions were requested to the average width requirement for both parcels. Parcel A needs an exception for a 4 foot side setback for the existing home. Parcel B, which is currently undeveloped, needs exceptions for the following: a 5 foot rear setback for a proposed garage, a 3 foot rear setback and 5 foot west side setback for an existing shed, a 7 foot west side setback for a proposed dwelling and a 6 foot east side setback for a proposed garage.

Mr. Tietjen said he may be able to design the proposed home to conform to the west side setback but proposed the minimum distance possible.

Nicholas Csery, 1340 San Anselmo Avenue, the neighbor on the east side, proposed a different subdivision arrangement making Parcel B an L-shaped lot so that the dwelling will be constructed to the rear of Parcel A with access off of San Anselmo Avenue via a 14' wide driveway. This would move the new dwelling away from Mr. Csery's home and closer to Center Boulevard.

The Commissioners expressed concern about making judgments on the location of the new house on Parcel B without sufficient drawings or measurements on the plans submitted.

Commissioner McPeak stated that the only variances he could approve would be for the existing shed, the average width of the lots, and possibly the garage in the rear setback since there is no neighbor to the rear. He recommended a revised plan be submitted eliminating all except these exceptions.

Commissioner Zaharoff stated she had trouble with the request for a lot split, particularly in making the finding of necessity.

Mr. Tietjen responded that this plan is in keeping with the neighborhood, it takes alot of time and money for upkeep on the lot and in order to make it feasible to put money into the lot, the parcel must be split.

Chairman Kroot commented that the lot split was consistent with other parcels in the neighborhood and that Mr. Csery's proposal for an L-shaped lot would result in a noisier home on Parcel B due to its proximity to Center Boulevard. He stated his concern about the proposed setbacks for the new home.

M/S, McPeak-Hayes, to refer the application back to the applicant to change the plan to minimize the exceptions to the requirements as far as possible, and continue the application to the meeting of May 19, 1986. Motion passed unanimously.

V-2116 - Prudence and Jared Dreyfus, 65 Alder Avenue, A/P 7-042-07, a west sideyard variance to construct an addition within the required west side setback.

Prudence Dreyfus was present.

This item was continued from the April 7th meeting. The survey submitted showed the side fence to be 6" on the Dreyfus' property and therefore a 1.75 foot variance to build within 6.25 feet of the side property line was required.

Mrs. Bruna Giusti said she would be able to live with whatever the Commission decided on this application.

Commissioner McPeak stated he could not support the application, noting he had requested the applicant lower the roof line which had not been done. Scott Borsky, project designer, responded that it appeared this change in the roof line would not generate any more sunlight in the winter for the Giustis' property at 69 Alder.

Commissioner Hayes also stated his objection to the application as it would be an intrusion to the neighbors.

Mr. Borsky then submitted a revised plan which replaced the gable with a hip roof.

M/S, McPeak-Zaharoff, to approve a 1 foot 9 inch west sideyard variance to construct an addition within 6 feet 3 inches of the west side property line, based on the drawings received May 5, 1986, based on the findings that the granting of the variance is necessary for the preservation of substantial property rights and it does not create a materially adverse detriment to the neighborhood. Motion passed by the following vote:

AYES: McPeak, Zaharoff, Kroot

NOES: Hayes

A-140 - Stephen and Lucie Tillson, 33 Merced Avenue, A/P 5-194-10, landscape review of a new single family dwelling.

The applicant was not present.

The landscape plan calls for sod in the front to be maintained by a time-activated sprinkler system, and a seeded backyard. The existing plum, apple, oak, fig and walnut trees will remain. Brick paths and a redwood fence are also proposed.

M/S, McPeak-Hayes, to approve A-140, Stephen and Lucie Tillson, 33 Merced Avenue, A/P 5-194-10, landscape review of a new single family dwelling, based on the sketch received by the Planning Commission May 5, 1986, on the grounds that there will be no detriment to the community and it is consistent with the character of the neighborhood. Motion passed unanimously.

U-607 - Domino's Pizza, 60 Red Hill Avenue, A/P 6-201-04, use permit for a carry-out and delivery service in a C-3 zone.

V-2117 - Domino's Pizza, 60 Red Hill Avenue, A/P 6-201-04, parking variance for a carry-out and delivery business in a C-3 zone.

William Gambrell represented Domino's Pizza.

Planning Technician Wight reported that the hours of operation would be 4 p.m. to midnight Monday through Thursday and 4 p.m. to 1 a.m. on the weekend. Any revision in these hours will require review by the Commission. No alcohol will be sold, four employees will be on-site during peak hours, and no more than two delivery cars would be on the premises at any one time.

Concerning the parking, staff reported that 13 on-site parking spaces were required. There are eight on-site spaces available to Domino's Pizza and the deli also located at this address. The property owner has a lease to use the nine-space parking areas on the neighboring property at 42 Red Hill Avenue. Staff reported that these spaces were not needed for the business at 42 Red Hill.

Mr. Gambrell reported that the property owners have agreed to extend the lease on the adjacent parking spaces an additional five years beyond its current expiration date of July 31, 1987.

Commissioner McPeak suggested that if there is a problem with drivers parking on the street, the Commission could require there be designated spaces on-site for delivery vehicles only.

M/S, Hayes-McPeak, to approve U-607, Domino's Pizza, 60 Red Hill Avenue, A/P 6-201-04, use permit for carry out and delivery service in a C-3 zone, on the grounds that the granting of the use permit is necessary for the preservation and enjoyment of substantial property rights and it will not be detrimental or injurious to property or improvements in the neighborhood, subject to the following conditions:

1. Domino's will be strictly carry-out and delivery with no tables and chairs for sit-down service.
2. No alcohol sales.
3. Employees: four on-site at peak hours. During busy periods there will be one car delivering and one picking up orders. There will be no more than two delivery cars on the premises at any on time.
4. Hours of operation: 4:00 p.m. to midnight Monday through Thursday; and 4:00 p.m. to 1:00 a.m. Friday through Sunday.
5. Delivery trucks stop at the business three times per week. Domino's requires deliveries to be made after closing time.
6. 13 on-site parking spaces are required for the building and eight are available for both the deli and this proposed use. The owner of this property has a lease through July 31, 1992, to use the nine-space parking area on the neighboring property at 42 Red Hill Avenue. Continuation of the lease of these nine spaces at 42 Red Hill is to be assured.
7. The use permit is to be reviewed in June, 1987, and any subsequent lease renewal date.
8. The Town is to be notified in case of cancellation of the lease. Motion passed unanimously.

M/S, Hayes-Zaharoff, to approve V-2117, Domino's Pizza, 60 Red Hill Avenue, A/P 6-201-04, parking variance for a carry-out and delivery service business in a C-3 zone, on the grounds that the granting of the variance is necessary for the enjoyment of substantial property rights and it will not be a detriment to persons or improvements in the neighborhood. Motion passed unanimously.

NU-10 - Steven Hershey, 78 Woodland Avenue, A/P 7-222-46, use permit for a second living unit to continue upon change of ownership.

The applicant was not present.

Planning Technician Wight reported that the second unit was originally approved in 1979 and since that time has already changed ownership once. No complaints have been received, there is adequate on-site parking and the owners plan to occupy both units.

M/S, McPeak-Zaharoff, to approve NU-10, Steven Hershey, 78 Woodland Avenue, A/P 7-222-46, use permit for a second living unit to continue upon change of ownership, on the grounds that granting of the use permit is necessary for the preservation and enjoyment of substantial property rights, it will not be detrimental to persons living and working in the neighborhood and will not create any materially adverse impact on the neighborhood. Motion passed unanimously.

EU-15, Gary and Cheryl Delagnes, 86 Hawthorn Avenue, A/P 5-129-19, use permit for an existing second living unit to continue upon change of ownership.

The applicants were not present.

Staff reported that there was a condition on this use permit that two parking spaces be rented in the parking lot at Butterfield Road and Sir Francis Drake because there is only one usable on-site parking space. Planning Technician Wight reported that this parking permit cost \$5 per space per month, and that no complaints have been received about this second unit.

M/S, Hayes-McPeak, to approve EU-15, Gary and Cheryl Delagnes, 86 Hawthorn Avenue, A/P 5-129-19, use permit for an existing second living unit to continue upon change of ownership, on the grounds that the granting of the use permit is necessary for the enjoyment of substantial property rights, it is in conformance with the zoning ordinance and is not a detriment to the neighborhood, with the condition that two parking spaces continue to be rented in the Town-owned lot at the corner of Sir Francis Drake Boulevard and Butterfield Road. Motion passed unanimously.

V-2119 - Victoria Williams, 516 Scenic Avenue, A/P 7-064-45, a four foot front yard variance to construct an open deck within ten feet of the front property line.

The applicant was present.

Planning Technician Wight reported that the proposed deck is behind heavy foliage and therefore is not a visual detriment to the neighborhood, and to reduce its size would limit its effectiveness.

Ms. Williams stated that the deck was to provide an outside sun area and there is no other location for the deck on the property.

M/S, McPeak-Zaharoff, to approve V-2119, Victoria Williams, 516 Scenic Avenue, A/P 7-064-45, a four foot frontyard variance to construct an open deck within ten feet of the front property line, as shown on the drawings received April 16, 1986, on the grounds that the granting of the variance is necessary for the preservation of substantial property rights and it will not adversely materially affect the persons and properties in the neighborhood. Motion passed unanimously.

APPROVAL OF MINUTES, APRIL 7, 1986

The third sentence in the sixth paragraph on page 6 was amended to read: "Mr. McPeak said that several years ago staff and the Commission reviewed several neighborhoods in the town ..."

M/S, McPeak-Hayes, to approve the minutes of April 7th as amended. Motion passed by the following vote:

AYES: Hayes, McPeak, Kroot

ABSTAIN: Zaharoff

NON AGENDA NEW BUSINESS

The Commission asked that the roll call order be changed on each vote.

Staff reported that the Town Attorney is in the process of reviewing the variance findings.

ADJOURNMENT

On a motion duly made and seconded, the meeting was adjourned at 9:45 p.m.

Beth Calamar