

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF JANUARY 7, 1991

The regular Planning Commission Meeting was convened at 7:00 p.m. in the Council Chamber by Chairperson Julin, with Commissioners Sias, Harle, Hayes, Yarish, Mihaly and Kroot present. Staff present for 1990/91 Zoning Ordinance and General Plan Revisions: John Kottage, Director of Public Works; Hadden Roth, Town Attorney, and Lisa Wight, Interim Planning Director. Staff present for regular Planning Items: Lisa Wight, Interim Planning Director and Neil Whitbeck, Planning Intern.

A. 1990/91 ZONING ORDINANCE AND GENERAL PLAN REVISIONS

The San Anselmo Municipal Code, Planning Commission Consensus Draft, Amended January 7, 1991.

Ms. Wight noted that items (1) through (14) under Sec. 10-3.709(4) should be relocated to Table 4B.

Ms. Wight stated that (8) uncovered parking decks should be changed to an Administrative Variance on page 52.

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Commissioner Sias did not agree that Item (4) eaves should be handled as an exception because it would allow a structure to go 1 foot closer to the property line without any means for a review. He thought it was relaxing the Town's standard and he was against that. He wanted to maintain the current standards, not make it easier to move structures closer to the property line.

Commissioner Harle did not feel the Ordinance was being relaxed, only that some of the actions would be dealt with by the Planning Director. He added that he did not think there have ever been any protests by neighbors about a bay window.

Commissioner Kroot stated that the real difference is that it will be handled by the Planning Director, not the Planning Commission. It will be bumped up to the Planning Commission if there is any public dissention.

Commissioner Mihaly stated that section 10-3.709(4) should clearly state what the findings are for approval by the Planning Director.

Mr. Kottage stated that staff will only handle the non-controversial applications. The Planning Commission will be notified of each of these applications so as to be kept informed.

Bob Holmes, Corte Madera, stated that his Town has utilized this procedure and it has worked successfully.

Commissioner Yarish stated that Mill Valley has a Zoning Administrator that handles this type of application,

Commissioner Mihaly thought it would be a good idea to monitor the actions for a few months to see what the trend will be.

Commissioner Hayes wanted to be very cautious in making any changes to the ordinance that would take away the ability of the public to air their opinions.

Ms. Wight stated that the Planning Director will have to make the three findings before the application could be approved.

There was consensus on Item (1) on page 51

Item (2) page 51

Commissioner Hayes thought 8 feet was too high. Commissioner Kroot stated that even though the height would not exceed 8 feet, the structure could be boxy and that we should require a peaked roof not to exceed 8' in height. Commissioner Harle reminded the Commission that although this is handled at the Planning Director level, it is still a variance and the findings will have to be met.

There was consensus on this.

Item (3) through (7) pages 51 and 52

There was consensus on these items.

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Item (8) page 52

Ms. Wight noted that the third parking space could be in tandem.

Commissioner Kroot stated he would agree with either two or three parking spaces.

Mr. Kottage stated that parking will be discussed at the next meeting and he suggested including the discussion on Items (8) and (9) at that time.

Item (10) page 52

There was consensus on this with Commissioner Sias stating he had reservations.

Item (11) page 52

Consensus was to delete this item.

Item (13) page 53

Commissioner Hayes stated that the house would increase in size and get closer to the property line therefore he felt it should be kept at the Planning Commission level.

Commissioner Mihaly suggested eliminating the variance procedure and making this fall under the design review category. Commissioner Yarish concurred with Commissioner Mihaly. Commissioner Hayes agreed in concept but would felt it needed additional discussion at a future date.

Commissioner Kroot was happy with what is being proposed, noting that it usually is always approved at the Planning Commission.

No consensus. To be discussed further.

item (14) Page 53

Commissioner Hayes wanted clarification on "Items similar in nature...". Commissioner Harle suggested wording "Items similar in nature to any of the above..."

Consensus on Commissioner Harle's wording.

Sec 10-3.710

Mr. Kottage stated that a Statement of Purpose should be included. Consensus.

M/S Harle, Kroot, to continue the discussion on the 1991 Zoning Ordinance Revisions and General Plan Amendments to the special meeting of January 14, 1991, at 7:00 p.m.

All ayes.

B. PUBLIC HEARINGS CONTINUED TO FEBRUARY 4, 1991

C. **AR-9006/V-9039 - Jef Pedersen, 16 Ivy Lane, A/P 7-064-55, 1) architectural review of a new single family dwelling; 2) a 20' frontyard variance, a 16' rearyard variance, and a 5' sideyard variance to construct a single family dwelling within 0' of the front property line, within 4' of the rear property line, and within 3' of the side property line; 3) a third story variance to construct a single family dwelling; and 4) a 20' frontyard variance to construct retaining walls and a 14' frontyard variance to construct open stairs within 0' of the front property line (the walls and stairs encroach into the public right of way and will necessitate an encroachment permit from the Planning director) on property located within the R-1C zoning district.**

D. **AR-9005 - Th. F. Posthuma, 379 Oak Avenue, A/P 7-241-61, architectural review of a 4,879 square foot living addition to the existing single family residential dwelling and a 576 square foot garage on property located within the R-1C zoning district.**

E. **V-9101/DR-9103 - Ongaro Brothers, 14 Ross Avenue, A/P 7-282-11, parking variance for the construction of a new commercial building; and design review of new commercial building, on property located within the C-2 zoning district.**

F. **U-9102/DR-9104 - Ongaro Brothers, 243 San Anselmo Avenue, A/P 7-284-13, use permit to allow living quarters; design review of new commercial and residential building; and environmental review on property located within the C-2 zoning district.**

G. CONSENT AGENDA

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H. Approval of Minutes

December 3, 1990 and December 17, 1990

I. V-9036 - Jay and Linda Weill, 2 Raymond Avenue, A/P 7-172-16, a height variance for a fence to be 8' above grade (after the fact) located on the south side of the property, on property located within the R-1 zoning district.

M/S Yarish, Kroot, to remove V-9036 from the consent agenda and place it at the end of the public hearings.

All ayes.

M/S Yarish, Kroot, to approve Minutes of December 3, 1990.

Ayes: Mihaly, Sias, Yarish, Hayes, Julin. Abstain: Kroot

M/S Yarish, Kroot, to approve Minutes of December 17, 1990.

Ayes: Sias, Mihaly, Kroot, Yarish, Julin  
Abstain: Harle, Hayes

J. PUBLIC HEARINGS

K. V-9023/U-9013/DR-9005 - Jean Brunswick and Lamont Cochran, 22 Magnolia Avenue, A/P 7-212-34, 1) a 5' east sideyard variance to construct a column and beam structure over a driveway within 9' of the east side property line; 2) use permit for one residential living unit; and 3) design review of enclosure of existing outdoor dining area, on property located within the C-2 zoning district.

The applicants were present.

Ms. Wight presented the staff report.

Commissioner Hayes noted that the calculations on the plans submitted indicate that the lot coverage exceeds 60%.

Ms. Wight suggested a continuance of this item to verify the information. Also, if the lot coverage exceeds the maximum allowed, the applicants are required to ask for a variance and that has never been part of this application.

the Commission requested a landscape plan be submitted for the next meeting so they will have a sense of how the building will be screened.

Commissioner Hayes would like to see the building size reduced because he believed this site will be overdeveloped with the current design.

M/S Sias, Mihaly, to continue V-9023/U-9013/DR-9005 - Jean Brunswick and Lamont Cochran, 22 Magnolia Avenue, A/P 7-212-34, to the meeting of February 4, 1991 to allow the applicants time to prepare a landscape plan, including elevations that show landscape screening, as well as reduce the size of the building and present exterior colors that are darker tones than what has currently been presented.

All Ayes.

L. U-9006/V-9043 - Michael Vishniakoff, Misha's Restaurant, 21 Tamalpais Avenue, A/P 7-212-19, 1) parking variance to increase the intensity of use of the property by enclosing an existing outdoor dining area without the minimum required parking space; and 2) design review of enclosure of existing outdoor dining area, on property located within the C-2 zoning district.

M/S Hayes, Sias, to continue U-9006/V9043 - Michael Vishniakoff, Misha's Restaurant, 21 Tamalpais Avenue, A/P 7-212-19, to the meeting of February 4, 1991 because the applicant was not present.

All ayes.

As an aside, Commissioner Mihaly said that he would like to see past minutes on this and any subsequent applications that come before the Commission that have had past variance.

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M. U-9015/DR-9007 - Robert Erteman and Kathleen Dughi, 729 Sir Francis Drake Boulevard, A/P 6-083-06, use permit, design review, and environmental review to allow a veterinary clinic on property located within the C-L zoning district.

The applicants were present.

Ms. Wight presented the staff report, noting concern about the proposal to park in front of the building and having to back out onto Sir Francis Drake Boulevard. It should also be noted that this proposed use is a lower traffic generator than that of a restaurant and a restaurant was previously approved by the Commission.

Robert Erteman stated that they will have a full time staff of two and one part time employee. There will be a maximum of two cars on the site full time. He is requesting the parking in front of the building as a convenience to his customers. He also stated that other veterinary clinics in Town have similar parking and he would like to be competitive.

Commissioner Hayes asked if the proposed Sir Francis Drake widening project will have an effect on this applicant.

Jay Murphy, Grubb and Ellis, presented a drawing of the proposed change. He stated that the lower portion of the building, approximately 500 square feet, will be used for storage, so only 1,200 will be used for the business.

Mr. Erteman stated that he has been in contact with a traffic engineer and was told a technical study should not be necessary.

Kathleen Dughi stated that they will be making improvements to the building and will improve the area.

Katherine Servino, property owner, was happy with the applicants and would like to see this application approved. She stated that when Lorenzo's Restaurant occupied the premises, parking was in front of the building.

There was a general discussion as to whether or not parking would be workable.

Commissioner Sias stated that he would like to see a traffic circulation report because this is a volatile area. He wanted to make sure that what is approved at the Commission level would be in keeping with the future plans for Sir Francis Drake. Therefore he would like to know if traffic will be influenced at certain times of the day.

Commissioner Mihaly understood the need for front parking but was concerned that they would be using part of the frontage of Number 727 Sir-Francis Drake to access parking. Although he would like to see it work for the applicants he was not altogether sure this building would be appropriate for the use.

Commissioner Yarish encouraged the use of the building and was hopeful that the parking issue could be resolved. He would like some feedback from the Town's Traffic Safety Committee as to the pros and cons of parking in front of the building.

Commissioner Kroot echoed the comments of the other Commissioners. He added that he would like to see a plan of the proposed parking indicating the easement and property lines. He wondered if the applicant would consider opening the clinic at 9:00 a.m. after the commute traffic.

Mr. Erteman said the 9:00 a.m. opening would not be feasible for his business.

Commissioner Hayes supported a continuance until further information was gathered as suggested by his colleagues. He noted however, that this use is less intense than the previous uses and both Numbers 727 and 729 have shared each others easement space for a number of years.

Commissioner Mihaly felt the owner of Number 727 should be contacted about the proposal.

Chair Julin did not feel the turning of cars in front of the property was realistic. She supported the use but not the front parking.

M/S Kroot, Mihaly, to continue U-9015/DR-9007 - Robert Erteman and Kathleen Dughi, 729 Sir Francis Drake Boulevard, A/P 6-083-06, use permit, design review, and environmental review to allow a veterinary clinic on property located within the C-L zoning district to the meeting of February 4, 1991, to allow the staff and applicant to provide additional information as suggested by the Commission.

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All ayes.

**N. U-9101/DR-9102/SR-9101 - Steven C. Keeler, 60 Greenfield Avenue, A/P 6-254-13, use permit for a take-out restaurant, design review of exterior building color change and awning, and sign review of new signs, on property located within the C-3 zoning district.**

The applicant was present.

Neil Whitbeck presented the staff report.

Mr. Keeler stated that he previously owned Dillers Restaurant in San Rafael and this use would be similar to that. He will stay open until approximately 3:00 p.m. He explained his concept for the sign and the colors. He stated the building previously was used for Taco Bell and he is putting an awning up so as to take away from the Spanish look.

Commissioner Mihaly did not favor the intensity of the red but the letters would be small and the other colors match the building.

Commissioner's Harle, Yarish, Kroot and Hayes had no objections to the use or design review for this project.

Chair Julin thought the colors were too bright and preferred that the red be toned down. She preferred a brick red. Also, in the future she would like to see a color rendering for design review.

Commissioner Sias agreed with Julin that the red should be toned down to a brick red. Commissioner Mihaly stated that two other businesses have recently come to the Commission for design review and their colors have been more muted. He said he would like to see navy on white.

Mr. Keeler said that he chose the red because the building has red but would be happy to use brick red to match the terra cotta floor.

M/S Yarish, Sias, to approve U-9015/DR-9012/SR-9101 - Steven C. Keeler, 60 Greenfield Avenue, A/P 6-254-13, use permit for a take-out restaurant, design review of exterior building color change and awning, and sign review of new signs, on property located within the C-3 zoning district on the basis: Use Permit: 1) The granting of the use permit, under the circumstances of the particular case, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental to or injurious to property and improvements in the neighborhood or the general welfare of the Town; and 2) the granting of the use permit is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Design Review: 1) Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 2) provides for protection against noise, odor, and other factors which may make the environment less desirable; 3) will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area; 4) will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and 5) will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. Sign Review: 1) The sign is of a size, shape, material, style, letter type and color appropriate for the use and aesthetically compatible with the premise and with the existing improvements and the natural elements in the surrounding area, including public lands and rights-of-way; and 3) will minimize or eliminate adverse physical or visual effects which might otherwise result due to the relation and juxtaposition of such sign to: a) the scale, mass, height, area, and materials of adjacent buildings and structures including other signs; b) areas and right-of-ways for the containment, movement, or general circulation of persons, animals and vehicles; and c) other developments or improvements which may suffer a diminution or elimination of sun and light exposure, views, vistas, and privacy. Conditions of approval are that the red color on the letter of the sign to be a more brick red with Number 605 Blue Supreme trim. This approval is based on the drawings dated for the meeting of January 7, 1991, including the store front elevation drawings.

Motion unanimously passed. Audience advised of the ten day appeal period.

**V-9036 - Jay and Linda Welll, 2 Raymond Avenue, A/P 7-172-16, a height variance for a fence to be 8' above grade (after the fact) located on the south side of the property, on property located within the R-1 zoning district.**

The applicant was not present.

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Neil Whitbeck presented the staff report.

Jerry Daly, 10 Raymond, stated the fence is 6 feet with an extension of 2'6". He felt that it blocks his light and air and therefore is objecting to the extension.

M/S Mihaly, Hayes, to continue V-9036 - Jay and Linda Weill, 2 Raymond Avenue, A/P 7-172-16, a height variance for a fence to be 8' above grade (after the fact) located on the south side of the property, on property located within the R-1 zoning district until the meeting of February 4, 1991 because the applicant was not present.

All ayes. Motion unanimously passed.

O. GENERAL DISCUSSION

Chair Julin requested that the Commission review the General Plan Amendments and definitions and make comments to staff during the week.

P. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

76 Alder will be heard at the Town Council meeting of January 22, 1991 as well as Living Foods.

Q. ADJOURNMENT

The regular meeting was adjourned at 11:15 p.m. to the next special meeting on January 14, 1991, at 7:00 p.m. to discuss Zoning Ordinance Revisions and General Plan Amendments.

BARBARA CHAMBERS  
ADMINISTRATIVE SERVICES ASSISTANT II