

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR MARCH 16, 1992**

The regular meeting of the Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Kroot with Commissioners Harle, Mihaly, Yarish present. Commissioner Sias arrived at 8:06 and Hayes at 8:15. Staff present was Planning Director Ann Chaney and Planner Lisa Wight.

B. CONSENT

1. Minutes
 - A. February 24, 1992
 - B. March 2, 1992
2. **DR-9204 - Polly and Randy Cherner, 30 South Oak, A/P 7-192-06**, design review of a new single family dwelling on property located within the R-1C Zoning District.

Director Chaney asked that Item 2 be removed from the Consent Agenda because of a change in one of the conditions.

M/S Yarish/Harle to approve the removal of Item Number 2 and the approval of Item Number 1.

All ayes. Motion unanimously passed.

C. PUBLIC HEARINGS CONTINUED TO THE MEETING OF APRIL 6, 1992

1. **Water Well Ordinance - Town of San Anselmo** - Consideration of the adoption of a well standards ordinance relative to their construction, reconstruction, maintenance, removal and monitoring.
2. **AR-9006/V-9039 - Luis Huerto-Rojo, 16 Ivy Lane, A/P 7-064-55**, 1) a 20' front yard variance and a 16'6" rear yard variance; and 2) Design Review Amendment to construct a new single family residence, on property located within the R-1 Zoning District (above 150 mean sea level).

D. PUBLIC HEARINGS

1. **DR-9204 - Polly and Randy Cherner, 30 South Oak, A/P 7-192-06**, design review of a new single family dwelling on property located within the R-1C Zoning District.

The applicant and her Architect, Hank Taylor, were present.

Ms. Chaney presented the staff report. She noted that Condition number 6 should be changed to read as follows: "The applicant shall either connect to the existing sanitary sewer system, to be determined by the Public Works Director, or receive approval for the new septic tank and leach field from the Marin County Department of Environmental Health, prior to the issuance of a building permit." The applicant has been advised of this and is in agreement. In addition the story poles that were erected by the applicant indicate that the new house will be hidden by the trees.

Ted Posthuma, 379 Oak Avenue, was concerned about the maintenance of Oak Avenue. He wondered if the Town could form an assessment district for the property owners who use the road to improve the delapidated road. He was most concerned about the portion of the curve just outside his property in the area of the eucalyptus trees. Construction vehicles will hug the embankment at the curve which will undermine the roadway which is already in poor shape. He also wondered if the square footage in excess of 500 square feet for the out building was calculated in the overall square footage of the house. He also wondered if staff verified the calculations of square footage for the entire property.

Director Chaney responded by saying that although she did not personally verify the square footage, she felt comfortable that the applicant was within the allotted square footage and that Delvin Washington, the Consultant on this project, was comfortable with the calculations. She also noted that typically a road bond is only required to repair any damage that is done during construction and is handled at the Public Works Department level during the building plan check.

Mr. Taylor understood that the out building could not be used as a second unit and the owners were willing to sign a deed restriction. He suggested using smaller construction vehicles so as to not jeopardize the current condition of the roadway. He responded to Mr. Posthuma's question about square footage by stating his his measurements are taken from the outside walls and he also includes stairways. He added that he is very careful in his calculations and felt confident that his figures were accurate.

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Commissioner Yarish stated that it is unusual for an assessment district to take place on town maintained roadway, but suggested that the wording be changed in condition Number 8 to be modified from stating "... at the driveway of 395 Oak Avenue"... to state "...at the private easement at the bottom of 379 Oak Avenue....". He further suggested that 7 yard concrete trucks be the maximum size used and trucks carrying gravel and dirt not exceed 10 yards a truck. He supported the project with the staff conditions as well as those modified tonight, including his additional conditions.

Commissioner Hayes agreed with the additional comments by staff and those of Commissioner Yarish but also wanted the applicant to realize that they would be responsible for other parts of the roadway that were damaged due to construction vehicles. He was also concerned about the wording in condition number 8. He thought it would be wonderful if the applicants maintained the roadway in as good or better condition as they existed at the time prior to construction but felt it might be too much to ask of the applicants to make it better. He felt the size of the lot and the screening of the house provided him the assurance necessary to approve the size of the house.

Commissioner Harle supported the application as well as the amendments by staff and Commissioner Yarish. He did not feel the applicants should be required to submit a bond for work past 395 Oak, but felt it would be fine to include the statement that the road should be maintained to that of 367 Oak Avenue.

Commissioner Mihaly approved the of the project as well as the amendments to the conditions by staff and Commissioner Yarish.

Commissioner Sias did not think a deed restriction was something typically done and wondered if the Town was setting precedent. Director Chaney noted that this in fact, was standard procedure when there is a possibility of a building being used for a second unit. It also alerts future buyers that this building could not be used as a second unit without appropriate approvals from the Town.

Chairman Kroot agreed that Condition number 8 should not indicate the road should be in better shape and therefore suggested it be deleted. He had nothing further to add to his colleagues comments.

M/S Yarish/Mihaly, to approve DR-9204 - Polly and Randy Cherner, 30 South Oak, A/P 7-192-06, design review of a new single family dwelling on property located within the R-1C Zoning District. Findings for approval are as follows:

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. This proposed dwelling will utilize exterior materials that are consistent with those used on existing homes in the neighborhood. The house exterior will have a natural wood finish with colors that will not contrast with neighboring structures. **2. Provides for protection against noise, odors, and other factors which may make the environment less desirable.** This proposal will not have any major long-term detrimental impacts on the environment. Conducting the proposed use (single-family residence) will be consistent with current activities occurring in this neighborhood. **3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy.** The construction of a new dwelling will not cause the depreciation of property values in the surrounding area. The activity of a single family residence is consistent and compatible with activities currently occurring in this 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.** The additional vehicular trips generated by this new dwelling unit will not have a significant impact on this neighborhood. The location of the house will not obscure visibility on South Oak Avenue nor will it inhibit the smooth flow of traffic to and from the neighboring properties. **5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.** The proposed dwelling will conform with all established codes controlling building and grading associated with the construction of a new single family residence. These standards have been adopted to insure that all new development will not create any adverse or hazardous conditions during construction and after completion. **6. Conformance to the approved precise development plans.** This property is zoned R-1C and a precise development plan is not required. **7. Adequacy of screening.** The parcel is virtually hidden from the street and the proposed location of the house will not be visible. The mature trees that are throughout the property will be maintained. **8. Selection of architectural features that enable the structure to blend with its environment.** The proposed use of natural wood products will blend with neighboring homes constructed in the area. The proposed location also appears to have the least potential impact on the topography of this property in that a pad already exists from the original house.

Conditions of approval for Design Review be granted based on the following conditions.

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1. That the request for Design Review be granted to construct a new single family residence, in accordance with the plans date stamped received by the Town of San Anselmo on January 17, 1992.
2. The applicant shall conform with all other procedures for plan review required by the Town of San Anselmo.
3. The owner shall install a sprinkler system as per the satisfaction of the Ross Valley Fire Department Chief.
4. The applicant record a single family deed restriction on the property to help ensure that the existing detached studio will not be used as a separate living unit without the benefit of proper permits.
5. That no trees be removed from the site, other than those shown on plans date stamped received by the Town of San Anselmo on January 17, 1992.
6. The applicant shall either connect to the existing sanitary sewer system, to be determined by the Public Works director, or receive approval for the new septic tank and leach field from the Marin County Department of Environmental Health, prior to the issuance of a building permit.
7. Prior to issuance of the building permit, the owner shall deliver to the Town Public Works Department a clear, location identifiable, video tape of all the pavement on South Oak Avenue and that portion of Oak Avenue which is to be repaved. This videotape will be placed in the Town records and will be used to determine the validity of damage claims.
8. The owner at all times when development activities are occurring at this site, shall maintain South Oak and Oak Avenue, (to begin at the private drive at the lower end of 379 Oak Avenue) up to and through the intersection of South Oak Avenue, including all drainage ways associated with these roadways, in as good or better condition as they existed at the time immediately prior to commencement of construction activity. It should be understood that there is liability assigned to this project for any damage to the lower part of Oak Avenue. Minor damaged areas are to be excluded. Further, any actions or continuation of actions by the owner, which cause the degradation of the above facilities are to be considered sufficient grounds for stopping the entire project immediately. This project shall remain stopped until repairs to the facilities are made and the method of operation which is causing the degradation is corrected. Questions arising regarding interpretations of this condition shall be resolved by the decision of the Director of Public Works. The director's decision(s) shall be final subject to appeal to the Town Council.
9. Prior to issuance of any building permits and in order to insure the integrity of roadways beginning at the end of the Town maintained portion of Oak Avenue and continuing up Oak Avenue for the length of South Oak Avenue up to the furthest most line of 30 South Oak, and to insure a rapid response to a call for repair of damage to the road ultimately and its re-paying, the applicant shall deposit with the Town \$5,000.00 in cash, or surety bond, which may be used by the Town to repair or repave the roadway upon failure of the applicant to repair roadway related damage or re-pave the road within ten days of receiving notice to do so. Further, the owner agrees to repair all damages to the road caused by construction operations associated with these improvements which are in excess of that covered by the \$5,000.00 in cash deposits described herein. All cash deposits will be placed in interest bearing accounts and the remaining balance including any accumulated interest will be returned to the owner upon completion of all work associated with this development. Failure to comply with any of the terms of this condition shall be grounds for issuing a "Stop Work Order" or withholding the issuance of Certificate of Occupancy for the residence.
10. All work involving heavy vehicles shall be completed during the dry season (i.e. May 1st to October 15th of any calendar year). Work involving the passage of heavy vehicles including supply vehicles shall cease during the wet season unless a plan for construction in the rainy season is developed by the owner's civil engineer and approved by the Town's Department of Public Works and shall include, concrete trucks, grading equipment, dump trucks and similar vehicles.
11. No tracked equipment shall be permitted on roadways serving the site without specific permission from the Director of Public Works.
12. No concrete truck in excess of a 7 yard concrete truck will be allowed; and no dirt or gravel truck in excess of 10 yard will be allowed.

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

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1. **V-9148/DR-9121 - Paul Eveloff, 48 Alta Vista, A/P 6-231-19,** 1) an 18' front yard variance and a 3' side yard variance to construct a carport within 2' of the front property line and 5' of the side property line; and 2) design review to add to an existing house, on property located within the R-1 Zoning District (above the 150' mean sea level).

The applicant was present.

Ms. Chaney presented the staff report. She noted that she erred in the noticing for the variance. She said it should have read a 20' front yard variance and a 4'5" side yard variance. This discrepancy was in the measurement taken for the carport. Her staff report was based on the correct variance. She felt the Commission could make a decision tonight on the actual variances but felt the application should be renoticed and placed on consent for the next meeting.

Mr. Everloff stated that the Carport and driveway was purposely placed at an angle so as to allow for easy ingress and egress. He stated they have spent an enormous amount of money on trying to conform to the Town standards and wanted to explain that they truly did not realize at the beginning of this process that there was a size limit imposed on his property. Their original intent was to live in the current portion of the house while the addition was being built and then move to the addition while construction was taking place to the current house. That was the reason his architect proposed blending the wood and stucco together. Since the scope of the project has been reduced the wood trim is not now a consideration. He did have his property surveyed and it showed that the 150 foot mean sea level was right at the roof line. With regard to the frontyard variance, he thought the Commission was able to support the findings for approval of the carport. With regard to the side yard variance, his neighbors are in support of proposal. He is also removing a deck to allow for the addition. With regard to the exterior color, he has spent several hours looking for the correct color chip that would duplicate the leaf but has yet been able to do that. He has also driven around the area to find an example of the color and stated there is a house behind the Marin Art and Garden Center, on Laurel Lane, that is fairly close. He presented a color chip that was darker in color to that he originally proposed but really wanted the Commission to understand his reasoning behind his original proposal. He felt the leaf was really a warm color and would work with staff about getting the true color. He said the trellis over the car deck area looked very nice but had to remove a portion of it because it would be calculated within the overall square footage because it would be counted as a carport.

Ted Posthuma, 379 Oak Avenue, asked if any portion of the crawl space exceeded 7.5 feet and wondered why the chimney stack had to be so high. He wondered why the existing elevation walls by the breakfast nook had to be so high. Mr. Evaloff said that no portion of the crawl space exceeds 7.5 feet and that none of the neighbors objected to the height of either the chimney or the east elevation and neither were in violation of any zoning ordinance.

Commissioner Hayes stated that there have been sizeable changes in the plan and was persuaded that this size is compatible with the neighborhood and the Ordinance. He noted that 1/3 of the houses within the table in the staff report were within 10% of the proposed house. He was also able to support the findings in the staff report for the variances. He respected the reason for the applicant to not include the wood siding in the revised plans but added he felt wood did seem to soften. He preferred the warmer, darker color chip that the applicant proposed as an alternative because it was less bright and more earthy, but he could support the "fallen leaf" color the applicant wanted to duplicate.

Commissioner Harle supported the staff report with the exception that he did not feel the wood siding was necessary. He supports the leaf color as proposed by the applicant.

Commissioner Mihaly supported the "fallen leaf" color and was reluctant to impose any preference with regard to the wood siding. This design is more modern and has shadows and textures. He wished the applicant could be allowed the trellis without considering it in the square footage but felt the Ordinance should prevail even though this seemed absurd.

Commissioner Sias supported the "fallen leaf" color, in fact, he stated that at one time, a house in the neighborhood had this very same color and it was very nice. He supported the design, noting that the house was very modern and different.

Commissioner Yarish stated this design was a very good example of modern architecture, that it creates shadows and designs. It looks like it will also be energy efficient because of the alcoves. He thought the floor plan was very well done and the overall project was quite nice. He thought the original color chip was a little too bright and it may seem different when painted on the house.

Chairman Kroot felt that the house would not be very visible because of the shape of the lot and the screening and therefore the size does not trouble him. He felt the design was very handsome and did not require a wood siding as suggested by staff. He approved of the "fallen leaf" color and thought he could work with staff on the final color chip used. He was able to

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make the findings for a variance and also questioned why the trellis would be considered a carport, but felt that discussion should take place at the Zoning Sub Committee meetings.

M/S Mihaly/Sias, to approve V-9148/DR-9121 - Paul Eveloff, 48 Alta Vista, A/P 6-231-19, 1) an 18' front yard variance and a 3' side yard variance to construct a carport within 2' of the front property line and 5' of the side property line; and 2) design review to add to an existing house, on property located within the R-1 Zoning District (above the 150' mean sea level). Approval is based on the following findings:

Variance

1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulations deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. Front Yard Setback: A 20 foot front yard variance and 4.5 foot side yard variance is being requested to locate a new two-car carport within 0 feet of the front property line and 3.5 feet of the side property line. The lot slopes fairly steeply from Alta Vista. An existing single-car carport is located on the west side of the lot. Because of the topography of the lot, staff believes findings can be made to justify placing the carport at the front property line similar to the existing carport. Side Yard Setback: With regard to the side yard variance, the applicant has redesigned the project so that: only a portion of the new carport (rather than the entire carport) encroaches into the setback; the carport lines up with the house; and the carport is angled toward the street.

Based on a reevaluation of the side yard variance, staff believes the necessary findings can be made based on the steep topography which relates to safety considerations. During the previous public hearing, the issue of grade differentiation between the roadbed and the new carport was discussed. Because the road is going uphill, and the lot slopes steeply downhill, the closer the drive is to the side yard, the less retaining wall mass is needed and a smoother and safer transition from Alta Vista is achieved. In addition, because Alta Vista curves near 48 Alta Vista and there are no turnouts, it seems prudent to move traffic on and off the subject site as quickly as possible. **2. The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of person residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.** Placement of the carport near the property line will allow about 6 feet of driveway apron due to the fact the property line cuts into part of this property away from the street. However, because of the carport angle, a car will be able to pull into the space without impeding uphill traffic. Therefore, the granting of the setback variances will not adversely affect the health and safety of persons living or working in the area nor be injurious to the neighborhood.

It should be noted that two driveways are proposed. According to the Town Project Engineer, he is supportive of the provision of a new carport because three off-street spaces are being provided. Therefore he waives the Code provision that allows only one driveway per lot.

Design Review

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.

Size Compatibility

The size of houses in this neighborhood are as follows (see attached locational map):

<u>Address</u>	<u>Lot Size</u> (acres)	<u>House Size</u> (square feet)
48 Alta Vista (subject site)	.31 (proposed)	1,392.5 3,345
40 Alta Vista	1.0+	3,866
43 Alta Vista	.49	3,160
52 Alta Vista	.25	1,970
78 Alta Vista	.67	4,042
100 Alta Vista	1.97	1,579
120 Sturdivant	.54	2,831
160 Sturdivant	.47	3,199
123 Sturdivant	.39	2,561
30 Prospect	.21	2,006
124 Prospect	.22	1,811
126 Prospect	.38	1,632

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150 Prospect	.60	3,022
158 Prospect	1.80	4,762
160 Prospect	.32	2,230
161 Prospect	.31	3,267
166 Prospect	.18	1,169
171 Prospect	.17	2,537
175 Prospect	.27	2,809
179 Prospect	.25	1,806
181 Prospect	.31	1,915
185 Prospect	.28	1,997

The above information comes from the County Assessor's records and may not be totally accurate. However, it provides an overall idea of the size of homes in the area. The proposed 3,345 square foot home is similar in size to about one-third of the homes in the surrounding area.

Design Compatibility

As noted above under project description, the existing house is traditional in appearance with wood siding (white) and a dark gray roof. The proposed remodel would involve a contemporary stucco house painted "warm tan" (yellow-gold color). In viewing other homes in the area, most use a dark brown natural wood siding, however there are a number of homes painted lighter colors such as gray and white.

The finding above asks whether the house is compatible with the natural elements in the surrounding area. Contemporary architecture often lends itself well to the natural surroundings. Thus staff does not have a concern, per se, with the architecture. In light of the finding however, staff is concerned that the use of the yellow-gold color may be too bold for this neighborhood and suggests that a more neutral tone be used in keeping with the surrounding area. Windows will be a tan color ("almond"). **2. Provides for protection against noise, odors, and other factors which may make the environment less desirable.** An addition to this house will not have any major long-term detrimental impacts on the environment. Conducting the proposed activity (single family residential) will be consistent with the current activities occurring in this neighborhood. **3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy.** An addition to this house will not cause any long term impacts that discourage occupancy. Nor will it cause the depreciation of property values in the surrounding area. This activity is consistent and compatible with the activities presently occurring in this 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.** The addition to this house will not create unnecessary traffic hazards, distractions to motorists or hinder emergency access in that the use will continue to be a single family home and three parking spaces are provided. **5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.** The proposed addition will conform with all established codes controlling building and grading associated with the construction of a new single family residence. These standards have been adopted to insure that all new development in San Anselmo will not create any adverse or hazardous conditions during construction and after completion. **6. Conformance to the approved precise development plans.** A precise development plan is not required in the R-1 zone. **7. Adequacy of Screening:** The applicant has made an excellent effort to retain the trees on this site and does not anticipate removing any, although some may require trimming because of the house construction. There are several oaks along the back of the house which help screen it from the Town. The applicant is also proposing to screen the massive appearing carport support structure by planting creeping vine. **8. Selection of architectural features that enable the structure to blend with its environment.** Refer to No. 1 above. **Conditions of approval are as follows:** 1. That the structure be built per plans date stamped received by the Town on March 4, 1992. 2. That the maximum dwelling size not exceed the square footage set forth in the San Anselmo Municipal Code. 3. That the house color shall closely match the color of a golden mustard colored leaf presented to the Commission by the applicant at the meeting of March 16, 1992. The actual house color will be subject to the review and approval of the Planning Director. 4. That no heritage trees be removed from the site per plans date stamped received by the Town on March 4, 1992. That vines be planted along the west elevation wall below the parking deck per Sheet A-6 of plans dated March 4, 1992.

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

2. **V-9204 - Michael Velloza, 175 San Francisco Blvd., A/P 6-021-04, a 4' north side yard variance to construct a first story living addition within 4' of the north side property line, with a 1' roof overhang, on property located within the R-1 Zoning District.**

The applicant was present.

Ms. Wight presented the staff report.

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Mr. Velloza stated that he has revised his plans since the previous meeting by shifting the second story. The bath and master bedroom were reduced. If he had to remove the french doors the kitchen would be very dark. He also wanted a window facing the rear yard to be able to view the children while at play. They also feel the necessity to retain the rear yard space because of the large outdoor furniture they have. They are also reluctant to add the addition further to the rear because of a drain line that is used for his house and others. They were going to place their exercise equipment in their bedroom but because of the reduction of the bedroom they will install the equipment in the family room. He stated the addition is about the same size as the trellis that is being removed. His neighbors concur with the proposal.

Property owner's daughter, 187 San Francisco Blvd., did not feel the addition would take away from their privacy or that light will be an issue.

Commissioner Harle supported the proposal because of the reasons stated by the applicant. He felt the applicants have modified their plans sufficiently to allow approval.

Commissioner Mihaly felt the applicants have done a good job modifying the second story although he was inclined to support staff on denying the application for the two foot variance because the desire to have extra space in a family room to accommodate exercise equipment was not a reason for approval.

Commissioner Sias stated he was not at the previous hearing on this project but was inclined to support this project because the 12" drain pipe could be difficult to build next to and the existing nature of the kitchen is such that it would be difficult to move the plumbing. He felt that the request for the variance was reasonable in that a deck will be removed and the addition will be no closer than it currently is.

Commissioner Yarish did not hear any objections from the neighbors about a negative impact and was also happy to see that the applicant has reduced his project from the original proposal. He could support the project because of the drainage pipe in the rear as well as the lack of rear yard space.

Commissioner Hayes felt he could support the project because the second story addition is stepped back.

Chairman Kroot could support the application because of the reduction of the original addition, the loss of light in the kitchen would be great if the applicant were to conform and the addition will not protrude further than the existing trellis which will be removed.

M/S Sias/Harle, to approve V-9204 - Michael Velloza, 175 San Francisco Blvd., A/P 6-021-04, a 4' north side yard variance to construct a first story living addition within 4' of the north side property line, with a 1' roof overhang, on property located within the R-1 Zoning District. Approval is based on the following: 1. *Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.* It is not possible to achieve the plan in any other location because of the location of the drain ditch which makes it difficult to expand to the rear yard. Also, if the addition was moved more to the rear, the back yard will be eliminated because the yard is cut at a diagonal and stepped up. Also, the working nature of the kitchen would destroy the work ability of the upstairs floor plan. 2. *The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.* The addition will replace a deck that is two feet further away and will not be detrimental to the neighborhood because there is support from the neighbors. **Conditions of approval are that the addition be built according to plans dated 3/5/92.**

Commissioner Mihaly was persuaded by the comments of his colleagues and therefore could support the proposal.

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

3. **U-9003 - Gary Wilson, Speed Dee Wash, 805 Sir Francis Drake Boulevard,**
A/P 6-082-14, Amendment to the Conditional Use Permit to allow video games.

The applicant was present.

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Ms. Wight presented the staff report. She noted that the Town Council minutes do not reflect the intent of the Council in requiring that there be no entertainment in the facility. Staff can only assume that their intent was to assure that people do not loiter on the property.

Mr. Wilson stated that it is a proven marketing approach that customers want more services while they are waiting for their laundry. He has installed adult type machines which are not of interest to the teenagers. He presented photographs of the inside of the shop. He currently has two videos and one pinball machine and is requesting that he continue to have three.

Commissioner Mihaly supported staff's recommendation for two videos.

Commissioner Sias supported the request by the applicant to retain the current video and pinball machines at the current location within the store with the condition that the use can be revoked if the equipment becomes a nuisance.

Commissioner's Yarish, Hayes and Kroot concurred with Commissioner Sias with Hayes adding that a sign shall be posted that states "For laundry customer use only".

M/S Harle/Sias, to approve U-9003 - Gary Wilson, Speed Dee Wash, 805 Sir Francis Drake Boulevard, A/P 6-082-14, Amendment to the Conditional Use Permit to allow video games. Approval is based on the following: *1. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the Town.* Staff has visited the laundry facility three times during the past week and on only one of those occasions were there people using the games, and not the laundry facilities. The facility is very clean and to date does not appear to be causing a nuisance, which has been confirmed by the Police Department. The space occupied by the 3 games is small, which forces the games to be pushed up to the front window. This window location draws attention to the games from both pedestrians and motorists who would otherwise not be using the laundry facility. As viewed from the roadway, the game machines are actually more visible than the cleaning machines. Staff can make the finding of no detriment to the neighborhood if the use permit is conditions as follows: 1) The number and type of games in the facility shall be limited to two (2) games in the following locations: a. one game to remain near the front of the building, but setback a minimum of four feet (4') from the front windows; and b. one game to be located parallel and next to the rear wall of the facility or in the area of the platform with the chairs. 2. The use of the game machines shall be restricted to laundry customers only. Signs shall be posted on or near the machines stating: "For Customer Use Only"; and 3) Should the games become a public nuisance, in the opinion of the Planning Director, it will be necessary for the applicant to appear before the Planning Commission at a public hearing to show cause why the game use should not be revoked. 2. The granting of the use permit will not allow a use which generates traffic at a rate greater than fifty (50) vehicle trip ends per day for each 1,000 gross square leasable building area and which does not add any additional traffic volume on Sir Francis Drake Boulevard during the AM and PM peak commuting periods. It does not appear that 3 games in this facility will add any additional traffic volume on Sir Francis Drake Boulevard at any time. **The conditions of approval are: 1) The use of the game machines shall be restricted to laundry customers only and signs stating "For Laundry Customer Use Only" shall be posted on or near the machines; and 2) Should the games become a public nuisance, in the opinion of the Planning Director, it will be necessary for the applicant to appear before the Planning Commission at a public hearing to show cause why the game use should not be revoked.**

Ayes: Yarish, Harle, Sias, Hayes, Kroot

Noes: Mihaly

Motion carried. Audience advised of the ten day appeal period.

E. ADJOURN

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:55 p.m. to the next regular meeting on April 6, 1992.

BARBARA CHAMBERS