

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF FEBRUARY 10, 1992

The special meeting of the Planning Commission was convened at 8:00 p.m. by Chairman Kroot with Commissioner's Yarish, Sias and Julin present. Staff present were Planning Director Ann Chaney and Planner Lisa Wight.

B. CONSENT AGENDA

1. **V-9127/U-9202 - David Cellars, 706 San Anselmo Avenue, A/P 6-102-37** for a: 1) Parking Variance to increase the seating capacity of an approved restaurant from 28 to 30; and 2) Use Permit to allow the sale of beer and wine on the premises. This property is located in the C-2 Downtown Commercial zoning district.

2. **Landscape Water Conservation Ordinance:** Review of ordinance to adopt Landscape Water Conservation Ordinance prepared by the Marin Municipal Water District (MMWD).

3. **DR-9203 - Larry Ziedman, 33 Forest Avenue, A/P 7-021-05** - Design Review to construct a new single family residence located in the R-1 Zoning District (above the 150' mean sea level).

Commissioner Sias asked that items 2 and 3 be removed from the Consent Agenda and be placed after the other public hearing items.

M/S Julin/Yarish, to approve V-9127/U-9202, David Cellars, 706 San Anselmo Avenue according to the Staff Report with the following conditions: 1) That the parking variance be approved subject to the floor plan dated December 12, 1991.

Motion unanimously passed.

C. PUBLIC HEARINGS CONTINUED TO THE MEETING OF FEBRUARY 24, 1992.

1. Minutes of 1/27/92 Planning Commission

2. **V-9148/DR-9121 - Paul Eveloff, 48 Alta Vista, A/P 6-231-19,** 1) a 20' front yard variance and a 4' side yard variance to construct a carport within 0' of the front property line and 4' 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).

D. PUBLIC HEARINGS

1. **U-9201 - Charles Doolittle, 17 Madrone Avenue, A/P 6-083-01** - Use Permit to operate an automotive repair and smog testing facility to be located within an existing building within the C-L (Limited Commercial) zoning district. A draft Mitigated Negative Declaration has been prepared and is available for review at Town Hall.

The applicant was present.

Planner Wight presented the staff report.

Mr. Doolittle stated that he has been trained and certified in smog control testing. He is willing to fence along the side of the apartment building and will clean up the property. He was anxious for the approval and would even be willing to have a probation period. He did not have any problem with the proposed staff conditions about limiting the parked cars outside to 5, with three inside and would be willing to make the changes as required with the Fire Department if necessary. He presented a petition of support from many of San Anselmo residents. He proposes to do the smog check in the middle of the driveway and each test will last an average of 10 to 15 minutes.

Tony Litfin, 30 Madrone, was against the use because of the increase in traffic that would be generated by having an auto repair business. She noted that commuters currently park their vehicles along Madrone and leave them there all day. In addition, many cars use Madrone to cut over from Sir Francis Drake to Center Blvd. She was also concerned about the additional noise and the air pollution this business would cause.

Robert Dunnan, San Anselmo Resident, stated that Mr. Doolittle was his brother-in-law and would like to see the use approved. He did not think there would be any additional noise generated and most of the work would be done inside the building. He said that the property is zoned limited commercial and the use would be permitted with a use permit.

Robert Maerz, 31 Madrone, opposed the project stating that there is already too much traffic congestion, it is hard to back out of his driveway now because of the excessive traffic and the excessive speed of the vehicles. The use would cause a detriment to the neighborhood

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because of the noise and already over congested traffic problem. He felt an environmental review should be required.

Tia Maerz, 31 Madrone, concurred with her husband and added that she was also concerned about the pollution and did not want the character of the neighborhood to change. La Mancha Plaza has already changed their neighborhood because of the traffic. She said that the people who signed the petition of support do not live in the neighborhood and therefore would not be impacted. In addition, across from 17 Madrone the curb is painted red because of the blind curve.

Ann Stevenson, 16 Madrone, Stephanie Macralis, 36 Madrone, Matt Chappen 42 Madrone opposed the project for the reasons stated by Tia and Robert Myers.

Mr. Doolittle stated that he has been using the site to store his vehicles but will now move them to other locations. He said that any noise from revving the engine for the smog test will be confined within the garage walls. The vehicles will be half in the garage and half out. He does need the air compressor to blow out the EGR's.

Commissioner Sias sympathized with the neighbors but was inclined to support the application with a probation period. He would like to see the hours of operation on Saturday from 9:00 a.m. to 5:00 p.m. and agreed with the condition that the number of cars can not exceed five. He felt there should be a restriction on the number of employees that can park on the site so that parking can be used for customers. He felt staff should notify the Police Department about the excessive speed of the vehicles on Madrone.

Commissioner Julin concurred with staff's recommendation for denial. It would not be possible to make the findings because of the detriment to the neighborhood. She noted that some of the names of the residents are on both the petition for and against the project. She said that if the rest of the Commission could find grounds to approve she said that the addition of a fence between 17 and 19 Madrone should be included and condition "C" on page 5 of the staff report should be measured by decibel level.

Commissioner Yarish felt this was a difficult decision but that he was unable to make the required findings because of the compelling evidence of the neighborhood. He felt the use was good but that the applicant should find a more suitable location.

Commissioner Kroot was hopeful that Mr. Doolittle could find another location within San Anselmo that was more suitable.

M/S Yarish/Julin, to deny U-9201 - Charles Doolittle, 17 Madrone Avenue, A/P 6-083-01 - Use Permit to operate an automotive repair and smog testing facility to be located within an existing building within the C-L 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.*

A petition of support has been received, and is signed by several property owners and/or residents in Town, including Nos. 19, 25, 37, 41, and 55 Madrone Avenue, which are in close vicinity of this property. The neighboring properties are zoned and used as follows:

<u>Address</u>	<u>Zoning District</u>	<u>Existing Use</u>
781 S.F.Drake Blvd.	C-L	Auto repair shop
805 S.F.Drake Blvd.	C-L	3 commercial businesses
16 Madrone Avenue	R-1	1 dwelling
19 Madrone Avenue	R-3	4-unit structure
25 Madrone Avenue	R-1	1 dwelling
30 Madrone Avenue	R-1	1 dwelling
Remainder of Madrone Avenue	R-1	1 dwelling

Both A/P.Nos. 6-083-01 (781 S.F.D.B, 11 and 17 Madrone) and 6-082-15 (805 S.F.D.B) front on Sir Francis Drake Boulevard, and there are no buffer zones (i.e., Professional District) between these C-L zoned properties and the residentially zoned (and used) properties on Madrone Avenue. Please refer to Diagram 'A' attached.

The building at No. 17 lends itself to an automobile repair use due to the sliding garage doors. However, the location of this building is directly adjacent to residentially zoned and developed properties on both the south side and across, on the west side. There are certain permitted and conditionally permitted uses which would lend themselves better to a residential neighborhood than an automobile repair business. Examples include certain manufacturing uses and storage.

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It appears that the current plumbing storage is very low key and unobtrusive to the residential neighborhood.

Staff believes that the use could have a detrimental impact on the residential neighborhood. Running engines, and the powered air compressor will contribute to noise and possibly odor in the residential neighborhood. Additionally, if the 10 available parking spaces are devoted to the auto repair use, then on-site parking will not be available for the plumbing company currently using a portion of No. 17 for storage, nor to the tenants and customers of No. 11. Overflow parking will then be on the street in front of the Madrone Avenue residences and/or in the LaMancha Shopping Center parking lot. 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.* Staff believes the use is consistent with having a low number of trips ends per day due to the small size of the building and parking lot. The business could not accommodate more than 50 trip ends per day. However, some traffic will be generated when customers drop off and pick up their vehicles during the AM and PM commuting periods.

Ayes: Yarish/Julin/Kroot
Noes: Sias

Motion carried. The application was denied. Audience advised of the ten day appeal period.

2. **GPA-9201/Z-9201/A-9201/Pre-Zone-9202 - James Helfrich, The Alameda, A/P 177-133-13, 177-220-54, 5-043-16, and 5-043-22** for a: 1) General Plan Amendment; 2) Zoning Ordinance Amendment; 3) Annexation; and 4) Pre-Zone to allow 4 units on 3.68 acres (rather than one unit per acre) based on an existing parcel within the County. Said County land to be rezoned from R-1 and RMP 0.1 to R-1H within the Town of San Anselmo. A Mitigated Negative Declaration has been adopted for this project and is available for review at Town Hall.

The applicant was present.

Jayne Barker, Planning Consultant, presented the staff report.

Mr. Buncheau, 421 The Alameda wondered if LAFCO was familiar with the proposal and if so, did staff anticipate any problems with annexation.

Ms. Barker has not received any negative input from LAFCO.

There was no discussion by the Commission.

M/S Julin/Yarish to recommend approval to the Town Council on GPA-9201/Z-9201/A-9201/Pre-Zone-9202 - James Helfrich, The Alameda, A/P 177-133-13, 177-220-54, 5-043-16, and 5-043-22 for a: 1) General Plan Amendment; 2) Zoning Ordinance Amendment; 3) Annexation; and 4) Pre-Zone to allow 4 units on 3.68 acres (rather than one unit per acre) based on an existing parcel within the County. Said County land to be rezoned from R-1 and RMP 0.1 to R-1H within the Town of San Anselmo.

Motion unanimously passed.

3. **DR-9203 - Larry Ziedman, 33 Forest Avenue, A/P 7-021-05** - Design Review to construct a new single family residence located in the R-1 Zoning District (above the 150' mean sea level).

The applicant was present.

Commissioner Sias wanted this application removed from the consent agenda because he wanted to see more articulation on the exterior of the building. He was disappointed in the design and felt it was boxy.

Commissioner Kroot felt that the easement should be granted now even though the two parcels are owned by the same person.

Mr. Ziedman stated that the house will only be viewed from the front when approaching the site. He has decided that the north, east and west elevations will be cedar shingles with weathered wood Class A firewood Number T-1-11. He agreed that he will grant an easement and will widen the driveway on upper Forest. He wanted to clarify a statement in the staff report that said he will widen the driveway enough to provide extra parking for the property at 25 Forest which currently has no off street parking. While he is not adverse to this, he will do this some time in the future and does not want this as part of his agreement for this application. He also noted that he intends to have an 18" overhang on the roof which does not show on the plans.

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M/S Yarish/Julin, to approve DR-9203 - Larry Ziedman, 33 Forest Avenue, A/P 7-021-05 - Design Review to construct a new single family residence located in the R-1 Zoning District (above the 150' mean sea level). Approval is based on the following: 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 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 Forest Avenue nor will it inhibit the smooth flow of traffic into the neighboring property. 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-1 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 will actually have the least potential impact on the topography of this property. **Conditions of approval are: 1. The construction of the new single family residence shall be built in accordance with the plans date stamped received by the Town of San Anselmo on February 7, 1992. 2. #2 cedar shingle siding is to be used at all exterior walls and the roof is to have an 18" overhang which is not shown on the drawings.**

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

4. Landscape Water Conservation Ordinance: Review of ordinance to adopt Landscape Water Conservation Ordinance prepared by the Marin Municipal Water District (MMWD).

Planning Director Chaney presented the staff report.

Commissioner Sias felt that this could have a major impact on many people and based on the fact that no one from the public attended the meeting tonight he felt that there should be additional noticing to allow people time to comment. His first thoughts were that perhaps the Ordinance could be modified to fit the needs of San Anselmo but he also wondered if this Ordinance could be enforced, and if so, by whom. He was against the policing of the Ordinance by MMWD.

Commissioner Yarish said there are pros and cons regarding the low flush toilets. He did concur with the irrigation measure however because it made good sense.

Commissioner Kroot asked if the Fire Department had made any comments. Ms. Chaney said the Fire Department has not been contacted but she will get input from them. She said that there will also be another meeting within the next month with the Planning Directors affected by this Ordinance. After that meeting she will have more information to bring back to the Commission. In the meantime she will get input from the Fire Department.

By consensus, the Commission wanted to continue this recommendation to April 20, 1992.

H. ADJOURNMENT

The special meeting of the Planning Commission was adjourned at 10:20 p.m. to the next special meeting on February 24, 1992.

BARBARA CHAMBERS