

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF MARCH 17, 1997**

The regular meeting of the Planning Commission was convened by Chair Duys at 7:30 p.m. in the Council Chambers.

A. CALL TO ORDER

Commissioners Present: Harle, Cronk, Israel, Duys
Commissioners Absent: Wittenkeller, Mihaly
Staff Present: Planning Director Chaney, Senior Planner Wight,
Assistant Planner Griffin

B. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

C. CONSENT AGENDA

1. MINUTES: March 3, 1997

M/s, Israel/Cronk, to approve the minutes, as amended by Commissioner Israel in writing. Ayes: Harle, Cronk, Israel, Duys. Absent: Wittenkeller, Mihaly.

D. CONTINUED ITEMS

1. Environmental Review/GPA-9601/Z-9601/U-9608 Russ Johnson, 12 Loma Robles and 750 Sir Francis Drake Boulevard, A/P 6-091-41, 770 and 760 Sir Francis Drake Boulevard, A/P 6-091-38, 754 Sir Francis Drake Boulevard, A/P 6-091-39, and 700 Sir Francis Drake Boulevard, A/P 6-091-40: environmental review; General Plan amendment to amend the land use designation from Limited Commercial to General Commercial; Zoning Ordinance amendment to amend the zoning from C-L (Limited Commercial) to C-3 (General Commercial) or to revise the list of allowed uses (Table 3A) in the C-L zone to permit a mini-mart food store. This request is being initiated by the Chevron Service Station owner in order to permit a mini-mart at that service station. CONTINUED TO 4/7/97

2. V-9608/U-9605 - Stapleton School, 118 Greenfield Avenue, A/P 6-171-03, six month review of parking variance and use permit, on property located within the C-3 Zoning District. CONTINUED TO 4/7/97

3. V-9708/DR-9705 - Mike and Louise Berlin, 37 West Gate Way, A/P 6-121-34, 1) a variance and design review for a new 624 square foot second story addition located 7' from the westerly side property line (8' required); 2) an entryway 17'6" from the front property line (20' required); 3) remodel an existing 1st story room 3'4" from the easterly property line (8' required) and a new uncovered deck 3'4" from the easterly property line (6' required); and 4) a variance to reduce the required size of two on-site parking spaces to 9'x17' (three: 9'x19' spaces are required); parking spaces will encroach into the sidewalk, on property located within the R-1 Zoning District (above 150' sea level). CONTINUED TO 4/7/97

4. DR-9703 - William and Janet Johnson, 64 Fernwood, A/P 7-131-09, design review of a new single family dwelling on property located within the R-1 Zoning District (above the 150' sea level).CONTINUED TO 4/7/97

E. PUBLIC HEARINGS

1. V-9710/DR-9706 - Len K. Garriott, 422 Scenic Avenue, A/P 7-031-08, design review of a 1,458 square foot dwelling; setback variances for: 1) uncovered stairs and a landing to be within 0' of the front property line and within 1.5' of the north side property line; 2) a parking area retaining wall up to 10' in height to be within 12' of the front property line and 0' of the south side property line; 3) an on-street retaining wall up to 4' in height above

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grade to create an on-street parking area measuring 8' wide by 37' to 51' long; 4) the south rear corner of the dwelling to be within 6.5' of the south side property line; 5) a north rear retaining wall to be within 4.5' of the north side property line; 5) one parking space to be within 7' of the front property line and 0' of the south side property line; 6) one parking space to encroach over the right of way and be within 2' of the south side property line; and 7) one parking space to encroach over the right of way (necessitates an encroachment permit from the Town Engineer), on property located in the R-1 Zoning District (above 150' sea level). (Code minimum setbacks for structures (including parking) are 20' from the front property line and 8' from the side property lines. Code minimum setbacks for uncovered stairs and landings are 14' from the front property line and 6' from the side property lines. Code minimum on-site parking: Three). This plan would amend the plan approved by the Planning Commission in 1994).

Ms Wight presented her staff report. The applicants have made a number of changes to the plans since the February 18 meeting, based on the Planning Commission's denial due to parking concerns. She presented the color and landscaping plans. The parking plan that is now proposed is the same as was approved in 1994 on this property.

Commissioner Cronk asked how the driveway holds three cars. Ms. Wight showed this on the plans.

Len Garriott, Applicant, said he feels they have addressed a lot of the neighbors' concerns and these plans are the result.

Commissioner Israel said he supports the staff report. He is comfortable with the colors of the structure as proposed. Regarding the roof pitch, he feels he can support it as is.

Commissioner Cronk said she supports the staff report and is comfortable with the colors and the roof pitch.

Chair Duys said she supports the staff report.

M/s, Harle/Cronk, to approve V-9710 and DR-9706 on the grounds that the required finding for approval can be made, subject to the following conditions:

- 1) Prior to building permit issuance, a deed restriction shall be recorded with the County listing the conditions of approval.
- 2) Building materials and colors shall be: Siding: Natural Red Cedar Shingles; Trim: Dark Green; Windows: Putty (beige); Roof Composition Class "A" Elk "History"; Gutters: 4" Ogee, Dark Green; Retaining Walls: brown-tinted concrete with board-form texture.
- 3) The only trees to be removed are: 1) A 12" oak located in the front north side; 2) A 48" bay cluster located in the front center of the property (location of the parking area); and 3) a 36" bay tree located above the graded area (location of the proposed dwelling).
- 4) No exterior lighting has been proposed and none is herein approved. Any future exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and hooded.
- 5) The Town Engineer shall approve a construction schedule, with consideration given to the Planning Commission's recommendation that there be limited times of road closure, and prohibition of road closures between 4:00 p.m. and 10 a.m.
- 6) The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project. In addition, the uphill neighbors shall be notified of the construction schedule by the applicant.

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7) The applicant shall be responsible for ensuring that all construction vehicles, equipment, and materials are stored on-site and off the street so that pedestrians and vehicles can pass safely at all times.

8) The approval is based on the plans received by the Town on March 6, 1997.

9) If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

Ayes: Harle, Cronk, Israel, Duys. Absent: Wittenkeller, Mihaly.

2. SR-9701 Wells Fargo Bank at Andronico's Market, 100 Center Blvd., A/P 6-101-04, variance for a sign for Wells Fargo Bank on the exterior of Andronico's Market, on property located within the C-3 zoning district.

Ms Wight presented her staff report. The applicant is proposing a 20" square logo of the Wells Fargo Stagecoach with no lettering. A sign variance was already granted to Andronico's. At a previous meeting, the Commission was not in favor of signage with wording, but staff feels it can support the present proposal as no lettering is contained and the location of the sign is where only customers can see it.

It was the consensus of the Commission to support the request.

M/s, Harle/Israel, to approve SR-9701, to grant a sign variance for a 17.75 square foot sign with no lettering to Wells Fargo Bank at Andronico's Market. Ayes: Harle, Cronk, Israel, Duys. Absent: Wittenkeller, Mihaly.

3. DR-9708/U-9703 - Aslam Hussain, 807 San Anselmo Avenue, A/P 7-162-17, Use Permit to extend hours of operation to 24 hours a day, 7 days a week. Current allowable hours are 6:00 a.m. to 11:00 p.m. daily. Design Review to consider proposed landscape and lighting, on property located within the C-2 zoning district.

Assistant Planner Griffin said the applicant is not present. He spoke with the property owner and she feels this is the storeowner's responsibility to handle this matter.

Commissioner Harle said the neighbors are here to oppose the proposal and he feels it is not appropriate to hear it when the applicant isn't here.

Planning Director Chaney said the issues are fairly straightforward. She feels the Commission can proceed if they want to.

Mr. Griffin presented his staff report. This application is a product of code enforcement. The store owner wants to be open 24 hours a day, and at the same time, they are asking for design review for property improvements. The design review is for landscaping and parking lot improvements only. The Police Department has submitted comments to the use proposal, saying that the store has consistently been opened later than allowed. It is also considered to be an attractive nuisance. Several neighbors have submitted a petition against the extended hours. A nearby convenience store has been allowed 5 a.m. to 11 p.m. and UNOCAL has been allowed 6 a.m. to 12 p.m. and both originally requested 24 hour operation. Staff recommends that the store signs in windows be reduced and hours be 6 a.m. to 12 p.m.

Commissioner Duys asked if there would be a six month review period on this item.

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Mr. Griffin said the intent was that if any of the conditions weren't carried out the permit would be revoked.

Commissioner Israel asked what the store's response is to the code enforcement letters.

Mr. Griffin said the reports are that they still stay open later than allowed. He has spoken with the owner about the hours.

The discussion was opened to the public.

Joan Trombley, Grove Lane, said there was an article in the Chronicle tonight regarding this same problem with convenience stores. She walks her dog near there frequently and has seen unpleasant things happen, such as public urination. She doesn't want to be exposed to such unpleasantness. If it were open 24 hours, it would be absurd. She is against their proposal.

Dr. Edward Oakland, 811 San Anselmo Avenue, said he is concerned about vandalism in the area. During the day he sees a number of people who clearly have alcohol problems hanging around in the parking lot. The people who work there are unresponsive. He is also concerned about the appearance of the lot. The landscaping plan looks fine, but he is concerned about the maintenance of the landscaping. He suggests motion sensitive lighting on the rear wall of the store to discourage bad behavior.

Eileen Calloway, 13A San Rafael Avenue, said she has tried to be a good neighbor over the years. She is constantly picking up garbage in the area. It looks like a distasteful liquor store. The Police have been called numerous times regarding the store and behavior in the lot; especially in the summer, it is very loud. She objects to having the store open past 11 p.m. There are three public telephones there and people are constantly hanging around. The big sign should be improved.

The public hearing was closed.

Mr. Griffin said he would like to add to the conditions that automatic landscape irrigation be included in the plans.

Commissioner Harle asked if there is already an 11:00 p.m. closing time that we can't enforce.

Ms. Chaney said it is difficult to enforce the rules except for a public nuisance. She read the Municipal Code section on public nuisances. The Town Council is the authority for a public nuisance hearing.

Commissioner Israel confirmed that the Quik and Easy is allowed hours of operation of 6 a.m. to 11 p.m. by right. He wondered if the business license might be able to be revoked.

Commissioner Harle asked why convenience stores seem to attract loiterers. Ms. Chaney said the large grocery establishments have staff going in and out all the time and work to deter loitering.

Commissioner Israel suggested that the Town Attorney may have some insight into this.

Mr. Griffin said the code enforcement letters that were sent gave the owner several options: operate within the specified hours, apply for a use permit, or nuisance abatement will be started. This is all part of the process

Commissioner Harle said he is in favor of denying the use permit.

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Commissioner Israel said he feels this business needs to be controlled to get them into compliance with the Town's standards. This business is having a detrimental impact on the neighborhood. Having three public phones out front contributes to the problem. The trash problems should be dealt with effectively. The landscaping must be done very carefully to avoid providing cover for devious activities. He doesn't support any expansion of the hours of operation until it is under control. He would like to ensure that the bright sign that is there is in compliance with the sign ordinance. The noise generated by the fan is a nuisance to the neighborhood and the Town should be able to require repair.

Commissioner Cronk said she is sympathetic to the neighbors. She could not support any extension of hours for this operation.

Chair Duys said if they opened at 5 a.m. and closed at 11 p.m., they would be extending the hours through a use permit, but not going any later in the evening.

Ms. Chaney said she will discuss this with the Town Attorney, including whether we can compel the applicant to come to a meeting.

M/s, Israel/Harle, to continue the discussion to April 21 to allow the Planning Director time to discuss this with the Town Attorney. Ayes: Harle, Cronk, Israel, Duys. Absent: Wittenkeller, Mihaly.

Commissioner Israel said it would be helpful if the Police could patrol the Quik & Easy and cite them for operating after hours.

Ms. Chaney will advise the Council of tonight's discussion.

4. **Town of San Anselmo - Proposed Ordinance Amendment to allow additions within 5' of the side yard property line (rather than 8' currently required), in residential zoning districts. This would apply only to additions to existing structures which do not meet current setback requirements. Such addition would require design review approval rather than a variance.**

Commissioner Cronk said she would prefer the 5 feet setback be limited to just first story additions.

Commissioner Harle said he believes the new rules should not create an additional hardship on properties that are built within the five foot setback rules.

Commissioner Cronk asked if the rules were meant to apply to accessory buildings.

M/s, Israel/Harle, to continue this item to the meeting of April 7, 1997. Ayes: Harle, Cronk, Israel, Duys. Absent: Milhaly, Wittenkeller.

5. **Town of San Anselmo - Proposed Ordinance Amendment to limit fence heights within the front yard and street side yard setback to 3'6" where 6 feet is currently allowed.**

Commissioner said he would like to ensure that the language on this Ordinance is very clear on what we are requiring. Another possible option is that fences that are set back from the street could be six feet high.

Chair Duys said she suggested that photographs of six foot front fences be available at the next discussion.

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Ms. Chaney said Commissioner Mihaly said he would like open, agricultural fences.

M/s, Israel/Harle, to continue this item to the meeting of April 7, 1997. Ayes: Harle, Cronk, Israel, Duys. Absent: Mihaly, Wittenkeller.

F. GENERAL DISCUSSION

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Ms. Chaney said the Barker issue will be on the March 25, 1997, Town Council agenda.

The UNOCAL issue will be coming up for its six month review soon. The lighting will be discussed on the April 8 Town Council agenda. She will be reporting on the feasibility of turning down the brightness of the orange tubes.

H. ADJOURNMENT TO APRIL 7, 1997.

M/s, Harle/Israel, to adjourn at 9:00 p.m. to the next regular meeting of April 7, 1997. Ayes: Harle, Cronk, Israel, Duys. Absent: Wittenkeller, Mihaly.

Debbie Stutsman