

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF SEPTEMBER 4, 2001**

CALL TO ORDER

Commissioners present: Chair House, Commissioners Harris, Morita, Wittenkeller and Zwick
Commissioners absent: Jochum

Staff present: Interim Planning Director Wight, Planning Technician Chambers

OPEN TIME FOR PUBLIC EXPRESSION

None

CONTINUED ITEMS

1. **SR-0101 – Bob Chapman and Jon Marchant, 780 Sir Francis Drake Boulevard, APN 6-091-41, sign review of a freestanding sign and planter to be erected on subject property at the intersection of Loma Robles Drive and Sir Francis Drake Boulevard, and a sign on the building, located within the C-L Zoning District. (Staff person: Wight) **CONTINUED TO 9/17/01****
2. **Dr-0134 – Ram and Billie Bergman, 17 White Way, APN 007-141-09, design review of a two-story addition which includes a 552 square foot garage and 120 square foot living space on the second story and 672 square foot addition on the first level. The proposal also includes a 345 square foot deck addition, on property located within the R-1 (Above 150' msl) (Staff person: Faw) **CONTINUED TO 9/17/01****
3. **U-0109 – Metro PCS, 330 Sir Francis Drake Boulevard, APN 6-251-04, use permit to install three antennas on the building, located within the C-3 Zoning District. (Staff person: Wight). **CONTINUED TO 9/17/01****

PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **Minutes – July 16, 2001 and August 20, 2001**

M/s Harris/Zwick to approve 7/16/01 minutes with minor corrections.

M/s Harris/Morita and passed (5-2 Abstain: Zwick/Wittenkeller) to approve minutes of August 20, 2001 with corrections.

REGULAR AGENDA

2. **V-0121/U-0108 Beth Casey for Bubba's Restaurant, 566 San Anselmo Avenue, APN 6-102-26, review of use permit for outdoor dining, on property located within the C-2 Zoning District.**

Ms. Wight presented the staff report, noting that the applicant has provided photographs that indicate there is adequate space for pedestrian traffic to pass by with patrons dining outside.

Commissioner Harris stated that because this is a use of public property, he would like to see a time limit set for the use permit so that the use would simply expire and, at that time, the applicant could re-apply. Ms. Wight responded that an expiration date has never been placed on approval of use permits before. However, the use can be revoked if the Town wants the sidewalk back.

Ms. Casey stated that she does take out liability insurance for the annual Bubbaque. She will check with her insurance company to see if the insurance covers liability in front of her business as well.

Commissioner Harris stated that this is not a typical use permit because the use is on Town property. At a minimum he would schedule another review, perhaps in a year. He would want to see a non-assignment clause added to the use permit approval. He would like to have input from the Town Attorney as well. He noted that the usual power to revoke the use permit may not give the level of control he wants.

Commissioner Wittenkeller could support the current application but did not support expiration on the current use for this applicant.

Chair House stated that she likes the idea of a not assignable use permit but was not in favor of an expiration on the current use permit for this applicant.

Commissioner Morita stated that if talking to the Town Attorney will help in making a decision about the liability issues, then she would defer to Commissioner Harris.

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Chair Zwick supports the sunset clause but as a compromise would go with the not assignable clause.

M/s Zwick/ Harris, and passed (3-2 Noes: Wittenkeller, House) to continue the application to the meeting of 10/1/01 so staff could discuss liability insurance with the Town Attorney to ensure that the Town is not liable and the use is not assignable.

The consensus of the Commission was that although they voted the way they did, they had no problem with the use.

- 3. V-0133/DR-0135 – Richard See, 125 Tamalpais Avenue, APN 007-172-08, a setback variance to construct a 120 square foot studio within 10' of the front property line (Code: 20') on property located within the R-1 Zoning District. (Staff person: Wight)**

Planner Chambers presented the staff report, explaining that the information obtained by the applicant from the Building Department was that a building permit would not be required due to the structure's size, and from that he assumed there would also be no planning review.

In response to Commissioner Wittenkeller, staff advised that Architect Thomas was not involved in the project until the applicant approached him after receiving the news about the variance necessity.

Planner Wight said the Building Department's handout is being revised to advise applicants to contact the Planning Department regarding small structures. In response to Commissioner Harris' suggestion that there be additional screening provided, Planner Wight said her impression from visiting the site was there was significant landscaping in place, to which others agreed.

M/S Morita/Wittenkeller and passed (4-1 Abstain: Harris), to approve the application based on the findings listed in the staff report, adding that this structure adds to the character of the neighborhood.

Chair House advised all parties of interest of the 10-day appeal period.

- 4. U-0111 – Fred Mosher, 100 Red Hill Avenue, AP 006-167-04, use permit to operate a BBQ concession at the exterior front of United Market, on property located within the C-3 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report.

Fred Mosher, applicant, talked about his product. He noted that there are several booths outside businesses, albeit most of them are coffee vendors.

In response to Commissioner Wittenkeller, Ms. Wight stated that she thought the concession would be on private property and not town right-of-way.

Commissioner Wittenkeller noted that if it is on public land, the non-town liability should be reviewed with the Town Attorney.

Commissioner Harris asked about the use of the tables as shown on the drawing. Mr. Mosher responded that they are worktables and he will have no seating.

In response to Commissioner Harris, Mr. Mosher stated that he would not jeopardize any of the existing trees. The use will not be on the sidewalk at all.

Commissioner Morita wanted to know how aromatic it would be. Mr. Mosher said he did not think it would travel back to the residents behind United Market.

Darlene Danelli, 72 Hilldale Drive, supports the business but is concerned about pollution from the smoke from the business, if any, and rodent control. She also wondered what the plan was to dispose of the garbage.

Mr. Mosher responded that it is more of a convection oven with three logs that burn for a 3 to 8 hour period. The smoke will only come out when the door is opened. He is under scrutiny with the Health Department and will consult with them about garbage requirements.

Commissioner Zwick said he already uses the operation in front of the Apple Market in Novato and the area is very clean. He is in favor of the use with a six-month review.

Commissioner Morita asked what the plans are for packaging and said she was concerned about the potential for littering. She wanted to know if the applicant would consider the use of biodegradable material. Mr. Mosher responded that he would either use Styrofoam or plastic but has not yet made a final decision yet.

Commissioner Wittenkeller said he would be happy with recyclable material such as foil. He noted that the prevailing wind is usually from the west and only rarely is there an easterly breeze, which

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means the smoke will not affect residents. He would suggest a condition that would require any waste material be disposed of in rodent proof containers.

Commissioner Harris said that because smoke is potentially an issue, he would favor a 3 or 4 month review, otherwise he supports the application.

Chair House said it would be nice if the tent and signage would be more compatible with the colors of United Market, which is in the background.

M/s Wittenkeller/Zwick and unanimously passed (5-0), to approve the application based on the findings and conditions as set forth in the staff report, and subject to Fire Department review and approval and amended to include the following conditions: 1) waste material must be disposed of in rodent proof containers; the use will be reviewed within six months of operation but sooner if there are complaints with odor or rodents.

Chair House advised all parties of interest of the ten day appeal period.

- 5. V-0134 – Bruce Polderman and Kim Brann, 16 Richmond Road, APN 7-302-32, in conjunction with removal of a garage: 1) a setback variance to construct a new 368 square foot detached garage to accommodate one parking space and storage area within 3' of the east side property line (Code: 8'), and 4'-9" of the west side property line (Code: 12'); and 2) setback variance to replace the existing second parking space within 0' of the front property line (Code: 20'), 0' of the west side property line (Code: 12'), and 1.5' of the east side property line (Code: 8') (Staff person: Chambers)**

Planner Chambers presented the staff report and pointed out the options available on the drawings.

Pat Cousins, representative of Fred Divine's office, presented the project and expressed his appreciation for staff's work. Mr. Cousins said that although the garage and storage can conform to the required setbacks, there are special circumstances for a better solution. The applicants hope to gain some private yard space by moving the garage away from the house, so placing the garage in the existing location would not solve their needs. By placing the garage and parking space 20' from the property line will crowd the house, as would placing the garage with access from Richmond Road. He noted that the storage area would ensure that the garage is used for parking. Mr. Cousins added that the adjacent side neighbor has opinions about where the garage goes.

Bruce Polderman, applicant, said he feels the proposed solution is best for their needs and aligning the proposed garage to the neighbors' makes sense, rather than aligning it with the neighbors' patio.

In response to Commissioner Harris, Mr. Cousins said the 8'4" plate height is necessary, as is the roof pitch to make it match the house. Commissioner Harris suggested a front fence could meet their goals, to which Mr. Polderman said they plan to install a picket fence. They did not consider a carport due to storage needs.

Commissioner Zwick acknowledged staff's support of a side yard variance and said he cannot support the front variance, as it is possible to construct the structure within the required front setback.

Commissioner Morita said the proposed structure appears large and suggested the storage area be eliminated and the interior of the garage be limited to 9' x 19'. She also felt that a carport would be more appropriate on this lot as it would be open. Commissioner Morita supports a permeable surface for the driveway. She questioned whether the other Commissioners would support a 12' setback from the inside of the sidewalk versus the property line, and place the second space parallel to Richmond Road.

Commissioner Wittenkeller said he agrees the lot is difficult and some type of variance is justified, but feels the proposed design is overbearing and out of character with the neighborhood. He said he could support a similar structure, provided it were pulled back half way down the long dimension of the adjacent neighbors' garage if the structure were modified such that the plate height were reduced 18". He also feels that the roof mass could possibly be reduced by redesigning the storage area.

Commissioner Harris agreed with Commissioner Wittenkeller, adding that the story poles are very high and the storage area off the side of the garage adds to the mass. If the need is for storage, rather than for parking, he felt that Commissioner Morita's idea might be good.

Chair House said she supports picket fences, provided they are not tall. She would like to explore Commissioner Wittenkeller's idea to lower the plate height. She agrees that the roof pitch should match the pitch of the house. Acknowledging the need for storage, she suggested it be placed at the rear end of the garage and she could support the side setback variance and possibly a partial front setback variance. She added that the shingling be made interesting or an attractive garage door installed.

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In response to Mr. Cousins, Planner Chambers said that once you remove existing parking, all parking must meet all the required setbacks. Ms. Chambers also noted that the adjacent neighbor has a rear outdoor area as well as the side patio.

M/S Zwick/Wittenkeller, and unanimously passed (5-0) to continue to the meeting of October 1, 2001 for the application for the applicant to consider a redesign.

GENERAL DISCUSSION

- The plans for the addition at 44 Bennett include two trellises dimensioned 8" x 24" and staff wanted to know if the Commission would consider them as architectural features rather than structures. The Commission agreed by consensus.

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

None

The meeting was adjourned at 9:05 p.m.

BARBARA CHAMBERS