

The Regular Meeting of 4/18/77 was called to order by Chairman Duane Ragan at 8:00 p.m. in the Town Hall Council Chambers. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

Commissioners Present: Buckle, Goltz, Greenberg, Hulpke, Ollinger (late),
Olive, Ragan

Commissioners Absent: None

2. PUBLIC HEARINGS

A. OLD BUSINESS

1. SS-200 - Juergan Kokot, 25 Rancho Drive, A/P 5-062-93, application for a 4-lot parcel split. HELD OVER.
2. VAR-711 - Jim Reed, 2 Indian Rock Ct., A/P 177-250-16, application for a variance for access by easement. CONSIDERED AFTER VAR-698.
3. VAR-720 - Donald Welty, 500 Center Blvd., A/P 7-015-15, application for frontyard setback variance to permit "Solar Collector Rack", and the combining of two parcels under the same ownership into one in the R-1 zone. HELD OVER.
4. U-475 - Richard Puntillo, 116 Jordan Ave., A/P 6-144-11, application for use permit to allow lower level of the dwelling to be used for domestic help (live-in babysitter). HELD OVER.
5. VAR-698 - Peter Fraser, 60 Hillside Ave., A/P 7-121-47, application for variance to allow access over an easement.

Applicant was present. He stated the Commission had requested he return for approval of an easement if it was to be included in his plans. A letter from Knudsen regarding soil conditions was read, and an engineered retaining wall had been submitted by the applicant. An easement description, by Joos, between Peter Fraser and The Family Tree dated 9/6/75 was also read by the applicant.

Commissioner Buckle questioned whether the retaining wall should be mentioned in the easement document. Mr. Robbins stated he would check this out with the Town Attorney.

Applicant stated some trees on the easement would be removed. However, new plantings were being proposed (to be planted after the drought).

Staff stated the Parks & Recreation Dept. didn't like bay trees on the hillsides as they were both top heavy and also a fire hazard.

Commissioner Goltz questioned the variances granted as the drawings presented this evening were different from the setbacks stated in the 11/15/76 motion.

Commissioner Goltz felt a variance for an easement should only be given for very special conditions. He felt there already was sufficient parking and that by denying this application the owner would not be denied reasonable use of his land. He agreed it was easier for construction purposes to obtain this easement. However, he felt the easement would be ugly and it wasn't necessary.

Commissioner Greenberg stated at first he thought the easement was for construction purposes only. He felt the applicant shouldn't be allowed to tear up the hillside. Commissioner Greenberg felt it would be nice to have a lot of parking, but felt it would be better to leave it as it is.

Commissioner Hulpke was concerned about the roof overhang. She felt that if the Commission had made an error in stating the variance for the roof overhang, then it should be corrected.

Commissioner Hulpke stated she didn't have the problems Commissioner Goltz had with the application. She felt the applicant had done the best he could and had done a good job. She felt it would be beneficial to have additional parking.

Commissioner Buckle questioned applicant as to whether or not the driveway could be moved downhill in an attempt to save the existing trees. As the drawing now indicated, the trees were extremely close to the retaining wall.

Applicant stated he felt it would be safer to remove the trees as the road could undermine them creating a dangerous situation.

Chairman Ragan opened the meeting up to the public.

Bob Pettijohn, 61 Hillside, stated the parking in the neighborhood was little to be desired. He stated he would be in favor of Mr. Fraser getting another parking area. Mr. Pettijohn also stated the Commissioners who had come to visit Mr. Fraser's property had parked in his driveway since they had been unable to find a parking spot on the street.

Chairman Ragan stated he disagreed with Commissioner Goltz. He felt the parking situation was horrendous, additional parking necessary, and he didn't feel the easement would scar the hillside.

Commissioner Goltz questioned how the requested variance met the conditions of the ordinance (zoning). He felt the Commissioners who voted for the variance were doing a disservice to the Town by ignoring its detriments.

Chairman Ragan felt the steepness of the land constituted a hardship. Commissioner Goltz felt steepness was one of the conditions that made this easement detrimental to the neighborhood. He also felt the driveway was quite dangerous in terms of backing down.

Commissioner Ollinger arrived.

M/S Hulpke, Buckle to approve that portion of VAR-698 for Peter Fraser, A/P 7-121-47, to allow the use of a 10' wide easement as shown on the Excavation of New Driveway dated 4/1/77, because of the hardship due to the steepness of the slope and inaccessibility for building purposes; that it will not be detrimental to the neighborhood as it is not detrimental to the neighborhood in my opinion; and, that it is necessary for him to exercise reasonable property rights.

Motion carried: Ayes: Buckle, Hulpke, Olive, Ragan
Nays: Goltz, Greenberg, Ollinger

Commissioner Buckle stated he was in favor of reconsidering the previous variance in order to change the 2'1" front eave overhang to 3'.

M/S Buckle, Hulpke to reconsider the previous motion of VAR-698 for Peter Fraser, 50 Hillside, A/P 7-121-47, dated 11/15/76.

Before the vote was taken, Commissioner Goltz stated to the Chairman that he would first like to see the documents used in determining the original motion before any decision was made.

Vote: Ayes: Buckle, Hulpke, Olive
Nays: Goltz, Greenberg, Ollinger, Ragan

Motion failed.

VAR-711 - Jim Reed, 2 Indian Rock Ct., A/P 177-250-16, application for variance for access by easement.

Applicant was present. There was no one in the audience regarding this application.

Commissioner Buckle stated he would abstain from voting, but would participate in the discussion. Commissioner Buckle presently resides on Indian Rock Ct.

After a brief discussion,

M/S Ollinger, Olive to approve VAR-711, at 2 Indian Rock Ct., A/P 177-250-16, Jim Reed, applicant, Dick York, owner, application for a variance to allow access over an easement of 10 Indian Rock Ct. for 2 Indian Rock Ct., on the basis that the steep upslope fronting the lot would justify a front-yard variance on site hardship, but the alternate proposal to utilize an easement would be less of a detriment to the neighborhood. This variance would allow property rights providing necessary off-street parking and use of the owner to exercise property rights, and the variance is not detrimental to the neighborhood. Variance is approved with the condition that a turnaround be provided at the top of the driveway so that egress from the lot is not from backing down the hill. Also, driveway width should meet the Building Code requirements of minimum 10' width. This variance is based on Top Map dated June 7, 1976, and drawing "Revised Driveway/Parking Scheme Lot 58"; dated 4/11/77.

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Motion carried: Ayes: Goltz, Greenberg, Hulpke, Ollinger, Olive, Ragan
 Nays: None
 Abstain: Buckle

Applicant was advised of the 10-day appeal period.

B. LEGAL PUBLIC HEARINGS

1. Proposed Ordinance Amending Existing Subdivision Ordinance to provide for park land or in-lieu fees or both for subdivision.
 HELD OVER UNTIL 5/2/77.

C. NEW BUSINESS

1. EU-19 - Lyn Steiner, 9 Fern Lane, A/P 5-193-07, application for existing second unit to remain.

Rhona Hoffman, Valley REalty was present to represent prospective purchasers of the property Lyn Steiner.

Ms. Hoffman stated that the transaction was now in process and because of the ordinance regarding second units, an application had been made to legalize the unit. Mrs. Steiner had seen the Staff Report and was agreeable to the conditions.

M/S Goltz, Greenberg to approve variance for EU-19 for an 8' frontyard setback variance along Merced, to allow a building to be 12' from the front yard property line for Lyn Steiner, 9 Fern Lane, A/P 5-193-07, on the basis that the building exists, and that the hardship is the existing condition of the buildings; it will not be detrimental to those living and residing in the neighborhood, and is necessary for the owner to exercise property rights. Passed unanimously.

M/S Goltz, Greenberg to approve EU-19, application for a use permit to allow an existing second unit to remain for Lyn Steiner, 9 Fern Lane, A/P 5-193-07, on the basis that all of the required conditions for approval are present in accordance with Section 10-6.303. Approval is based on the following stipulations being met:

1. That a rent guarantee contract be entered into between the applicant and the Town, and if this has not been accomplished within sixty (60) days from this meeting, a revocation hearing shall be set.
 2. That the third parking space on the west side of the property be accessible for parking.
 3. Owner takes residence of the site within the stipulated time required by ordinance.
- Passed unanimously.

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2. U-474/VAR-723 - Gabriel & Carol Fregoso, 21 Tamalpais Ave., application for use permit to allow the on-sale business of serving beer and wine; outdoor eating; variances from the current parking requirements.

Applicant Carol Fregoso was present. She stated they wanted to take away the present parking and put a deck in front of the building for outdoor eating. She felt the parking spaces in the Municipal Parking Lot would compensate for the loss of spaces in front of the building.

Steve Heath, 69 Tamalpais Ave., stated he was personally against the application. He questioned what the Commission felt was more important, commercial development or the maintenance of a single family neighborhood. He stated that once the use of commercial got started down a street it never reverted back to residential. Mr. Heath felt the neighborhood was a healthy one and he felt this development would be changing the character.

Belinda Tencer, owner of the building at 21 Tamalpais Ave. stated she only wanted to improve the area.

R. Townsend, 309 Greenfield Ave. speaking for Mrs. Adams of 30 Tamalpais Ave. stated Mrs. Adams was primarily against the application due to the fact that beer and wine would be served and also because the children of the neighborhood would be affected by adults eating on the street.

Gwen Chandler, 17 Ridge Rd., Fairfax, owner of 21 Tamalpais Ave. reiterated the desire of improving the area.

Mr. Buckle felt the problem of parking could probably be mitigated by further study; the serving of beer and wine could be regulated. He felt the application would be an asset to the Town.

Commissioner Greenberg stated the area was a bottleneck, especially on weekends. Neighbors complain about their driveways being blocked. Commissioner Greenberg stated the parking was already horrendous and he felt it was unlikely people would use the parking lot on Magnolia.

Commissioner Ollinger stated he was concerned about the parking and felt alternatives should be investigated. Inadequate parking would inconvenience their operation as well as other people's business.

M/S Goltz, Ollinger to refer U-474/VAR-723 for Gabriel & Carol Fregoso for a variance for 6 cars and use permit to allow outdoor serving of food, beer and wine back to the applicant for further study. Passed unanimously.

3. U-478 - Neil Burton, 18 Mariposa Ave., A/P 7-284-21, application for use permit to allow residential use in conjunction with commercial use.

Mr. Burton was present. He stated he felt the improvements would be beneficial to the neighborhood. The garage and shed would be torn down and replaced with an apartment building.

Commissioner Goltz noted the parking lengths required were 22'. This application would require a parking variance.

Mr. John Loan, 22 Mariposa Ave., stated some kind of firewall between his property and the cars should be provided.

Commissioner Goltz stated the change in the ordinance to allow residential use in the commercial areas was a chance for more compatible/imaginative uses in the commercial/residential areas. He felt the applicant here was filling up the lot with as much as he could. He did not think that was the intent of the ordinance and would vote against it.

Commissioner Olive agreed it seemed everything was packed in on the site. She was concerned about the lot next door developing the same way.

Commissioner Buckle stated he was still undecided. He felt that if perhaps the existing building was removed it might be more in keeping.

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M/S Buckle, Greenberg to refer U-478, application to allow living quarters on 18 Mariposa Ave., A/P 7-284-21, for Neil Burton, back to the applicant for rework. Passed unanimously.

- 4. U-480 - Edward Koblantz, 162 The Alameda, A/P 5-102-34, home occupation of clock repair.

Applicant was present. No one was in the audience to comment on this application.

M/S Olive, Greenberg to approve U-480, application for home occupation of clock repair at 162 The Alameda, A/P 5-102-34 for Edward Koblantz, on the basis that, as little additional traffic or parking is generated there will be no detrimental effects to the neighborhood and property rights will be provided in allowing a reasonable and legal use. Passed unanimously.

- 5. U-479/VAR-722 - James G. McDonald, 1201 San Anselmo Ave., A/P 7-081-34, application for use permit to allow construction of a new building to accommodate a commercial area on the ground floor and three one-bedroom apartments on the second floor and variances.

Applicant/Architect, Jim McDonald was present.

Chairman Ragan opened the meeting up to the audience.

A letter was read from the residents of the neighborhood opposing the proposed application on the basis of adding to the already heavily congested area.

Rick Storms, 25 Scenic Ave. stated he thought the building was beautiful, but was concerned about the parking.

Nancy Munson, 24 Scenic Ave. was concerned about the commercial ventures being unsuccessful (as in the past) creating vacancies, vandalism, etc. Other people had expressed concern about the parking.

Richard May, 1240 San Anselmo Ave. felt there was a lot of traffic but the good qualities of the building would outweigh traffic problems.

George Serk, 1214 San Anselmo Ave. felt the building would serve the neighborhood.

Commissioner Goltz felt the proposal was more a 3-unit apartment building. He felt the lot should be rezoned as there presently is enough property zoned C-1 in the area.

Commissioner Goltz felt that to grant a variance for so many parking spaces was wrong. He felt the proposal created an overbuilt lot and preferred to see two units or maybe one. He felt it should be very residential in character.

Mr. McDonald explained to Commissioner Goltz the need to be concerned about economics. Commissioner Goltz stated he understood, but that was not his job.

Commissioner Goltz felt the applicant was taking advantage of the new ordinance. He agreed the design was good and obviously better than what was there before, but he questioned whether it was good in terms of planning. He felt there should be as little impact as possible.

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Commissioner Greenberg stated it was probably the commercial use that would make this project work. He felt it was going to be very difficult to get something as nice without having the commercial unit in it. Commissioner Greenberg felt, however, that if there was going to be the constant turn over of business (as in the past) perhaps it would be uneconomical.

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Commissioner Buckle felt the ratio of parking for the 752 S.F. of commercial use was extreme and he did not have a problem with granting a variance for parking. It was his feeling that the problem was with traffic rather than parking. In terms of the residential area, Commissioner Buckle felt two units might be more appropriate.

Remaining Commissioners all agreed the building was very nice except that could not allow the variances in parking.

Commissioner Goltz stated the intersection of Redwood/San Anselmo Ave./Center was a very congested intersection, and there was always a problem because of lack of vision.

Commissioner Hulpke agreed with Commissioner Goltz that the area was difficult and felt that now was the time to improve it.

Commission asked applicant whether he wished to take back his application for further study.

Mr. McDonald stated he would just like some direction from the Commission other than saying it didn't matter what it was or looked like.

Commissioner Goltz stated no one on the Commission had said that. The idea was to keep the building low and keep it residential.

Commissioner Greenberg questioned whether or not more income would be generated if there were four residential units on the property. Mr. McDonald believed a living unit on the ground floor would be undesirable.

Mr. McDonald stated he had an economic responsibility to his client not to create something that would lose him money each month. He stated that from a planning and architectural standpoint he was trying to do the best possible job for his client and himself.

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Commissioner Goltz told Mr. McDonald no one was saying he wasn't doing a good job. He just explained what he thought the land should have from a planning point of view

For the record, Commissioner Goltz stated he had not said Mr. McDonald had not done a good job.

Applicant withdrew application at the suggestion of the Commission.

6. VAR-721 - Steve Renick, 1 Roger Avenue, A/P 6-125-01; 11' frontyard variance to permit construction of a second story addition.

Applicant was present and had received Staff Report.

Commissioner Ollinger questioned applicant whether there would be any difficulty in extending the room back into the property.

Applicant stated it would be a hardship to have to cut the trees, they wanted to keep the house centralized, and they would have liked to have gone back up the hill but they couldn't afford it.

M/S Olive, Greenberg to approve VAR-721, application for a second story addition at 1 Roger Ave., A/P 6-125-01, on the basis that this lot was developed with Roger Avenue being the front line as Coogan Ave. is undeveloped, and a 20' setback now exists from Roger Ave; that because of the topography and surrounding development this addition will not be a detriment to the neighborhood; and provides property rights in allowing a reasonable development.

Motion carried: Ayes: Buckle, Greenberg, Hulpke, Olive
Nays: Goltz, Ollinger, Ragan

Applicant was advised of the 10-day appeal period.

3. APPROVAL OF MINUTES - March 21, 28 and April 4, 1977. HELD OVER

3. ADJOURN - Meeting adjourned at 1:15 p.m.

Catherine Carpenter
Catherine Carpenter, Secretary

DDC425

The Regular Meeting of 5/2/77 was called to order by Chairman Duane Ragan at 8:05 p.m. in the Town Hall Council Chambers. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner

1. ROLL CALL

Commissioners Present: Buckle, Greenberg, Hulpke, Ollinger, Olive, Ragan
Commissioners Absent: Goltz (excused)

2. PUBLIC HEARINGS - OLD BUSINESS.

- A. SS-200 - Juergen Kokot, 25 Rancho Drive, A/P 5-062-93, application for a 4-lot parcel split. HELD OVER.
- B. VAR-720 - Donald Welty, 500 Center Blvd., A/P 7-015-15, application for frontyard setback variance to permit "Solar Collector Rack" and the combining of two parcels under the same ownership into one in the R-1 zone and variances.

Mr. David Richards of Solar Energy Sales was present representing the owner of 500 Center Blvd., Mr. Donald Welty.

Mr. Richards stated he was assigned to Mr. Welty by the company to sell the equipment only. The builders for the firm, who put up the structure, were unaware of the Town's requirements regarding variances and permits.

Mr. Richards stated this solar equipment would supply heat to the house as well as the pool and the structure would also provide protection for those using the pool. As far as utilization of the structure, the solar equipment/shed could be moved to a different area of the lot and still collect the necessary sun. The only change in the appearance of the structure as it presently stands would be the addition of a redwood trim.

No one was in the audience to comment on this application.

Commissioner Hulpke felt it was encouraging to see people doing this kind of thing. She was concerned with the fact that Center Blvd. was named as part of the Scenic Highways in the San Anselmo General Plan, and therefore, felt the structure was inappropriate. She felt there was a better way to collect solar energy and at the same time provide privacy.

Commissioner Olive stated she found the structure less opposing than seeing people in the pool.

Commissioner Ollinger was also concerned with respect to Center