

80. The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Duane Ragan at 8:05 p.m., Monday, June 6, 1977 in the Town Hall Council Chambers. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

Commissioners Present: Buckle, Goltz, Greenberg, Hulpke, Olive, Ollinger, Ragan

Commissioners Absent: None

2. OLD BUSINESS

- A. VAR-725 - Elizabeth Roddy, 129 Calumet, A/P 6-072-26, application for a 4'3" rearyard variance for a building addition to allow kitchen/dining room addition 15'7" from the rear property line with a 1' roof overhang and a 3'5" variance to construct a deck 10'7" from the rear property line.

Applicant's brother was present. There was no one in the audience to comment on this application. Commissioner Goltz felt the requested variance was a legitimate request.

After a brief discussion, M/S Buckle, Greenberg to approve VAR-725, application for a 4'3" rearyard variance for a building addition to allow a kitchen/dining room addition 15'7" from the rear property line with a 1' roof overhang, and a 3'5" variance to construct a deck 10'7" from the rear property line, on the basis that there is a building hardship in the very restrictive dining/kitchen area, that this addition will not be detrimental to the neighborhood as it will be no closer than the existing building line, and is necessary to provide property rights in allowing full use of the residence. Passed unanimously.

Applicant was advised of the 10-day appeal period.

- B. Z-158 - Holsinger/Bauer/Perkins "Tam View Knolls", Referral of condominium project from the Town Council to consider the rezoning of A/P's 6-091-07 and 59, 6-121-07 and 09 to SPD in order to accommodate thirteen (13) single family dwellings.

Applicants Max Holsinger and Herman Bauer were present.

Chairman Ragan gave the background on this application.

Mr. Leitzell stated the Council had referred this application back to the Planning Commission to consider 13 units total. The Council wanted to see the recreation area put in on the upper area and to make sure that there was adequate guest parking.

Mr. Holsinger stated that with the small number of buildings he had been under the impression that the Planning Commission wanted to see quality buildings. He stated this was the best that could be done. The land is basically the centerpiece of San Anselmo, and he stated they were going to have handsome buildings. Mr. Holsinger also stated the pool and recreation house were out of the plans. The Association, when formed, would have to decide whether they wanted them. Both Mr. Holsinger and Mr. Bauer planned to live on the site.

Commissioner Hulpke stated she would like to see the Commission develop a reasonable number of parking spaces required for the development. She had no quarrel with the density, but did want to see the development stay away from the slide area to the west.

Commissioner Ollinger stated he had no quarrel with the density, but was concerned about the fact that there were 10 units rather than 7. He was also concerned about the parking.

Commissioner Greenberg stated he was in favor of the single family units. The only problem was the parking.

Chairman Ragan felt there should be five duplexes. The two units to the west should be eliminated and sufficient guest parking should be provided.

Commissioner Goltz made the following comments: 1) The road was an immense improvement. 2) The density of the project was never a

problem -- 20 units would have been fine. 3) Drainage should be studied further. 4) There is a large retaining wall with a cut in back -- that was one of the problems with Red Hill. 5) There should be curbs and gutters. 6) Streets looked too narrow. 7) There should be a lighting plan. 8) The 4' bulkhead should be checked.

Commissioner Goltz felt that physically the plan was not ready. The units were too spread out, resulting in a loose use of the land. As now proposed it looked like a tract house development. The landscaping instead of being in masses was in strips. The units should be more clustered.

M/S Ragan, Ollinger that we recommend to the Town Council the rezoning of A/P's 6-091-59, 6-091-07, 6-121-07 and 6-121-09 for Holsinger/Bauer/Perkins, "Tam View Knolls" from R-1 to SPD for a total of 13 units which includes the three units now under construction by Mr. Bauer, and one other building which is used by Mr. Perkins. The Commission further recommends to the Town Council that the remaining ten units be in the form of five duplexes, and that they be situated in the same area where units 4, 5, 6, 7, 8 and 9 are shown on the drawing 77-131, dated May 24, 1977. Further we recommend to the Town Council that the units 10, 11, 12 and 13 (appearing on same map) be eliminated and that this area be designated for future recreational purposes by the owners, and that guest parking should accommodate a minimum of 15 cars and that the majority of the parking should be of a floating nature.

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

Commissioner Buckle felt the requirement of duplexes was being too restrictive and he disagreed with the motion for that reason.

Commissioner Greenberg agreed with Commissioner Buckle. He felt clustering would be getting away from the residential quality.

3. NEW BUSINESS

- A. EU-21 - Gwen Chandler, 42 Humboldt, A/P 7-021-15, application to allow second living unit in single family residence.

Peter Shubert of Baker & Co. was present to represent Ms. Chandler.

He stated that Ms. Chandler was willing to meet the conditions of the use permit. She had made an offer on the property conditional upon obtaining the use permit.

Commissioner Greenberg questioned Section 10-6.501 of the Municipal Code where it stated that any use permit issued was personal to the applicant and was not transferable or assignable to any other person or legal entity, whether or not such person or legal entity owns a contractual or property interest in the particular property.

Staff was directed to ask the Town Attorney to inform the Planning Commission, in writing, the legality of granting use permits in similar cases -- when the applicant is not the owner of the property (an executory contract of sale), and when the applicant is not present.

There was no one in the audience to comment on this application.

M/S Goltz, Greenberg to approve (subject to the approval of the Town Attorney), VAR-728 for Gwen Chandler at 42 Humboldt Ave., A/P 7-021-15, application for an 8'3" frontyard variance, a 3' sideyard variance both for dwelling and carport, and a 19'3" side yard variance for existing carport and a 0' variance for proposed car deck as shown on the Staff's office copy drawing, dated June 6, 1977, for the reason that the dwelling and carport are

existing structures; because of the unusual shape of the lot and its relative steepness; and that it is necessary for applicant's property rights and will not be detrimental to those living and residing in the neighborhood. Passed unanimously.

M/S Ollinger, Goltz to approve non-transferrable EU-20 for Gwen Chandler (subject to approval of the Town Attorney) at 42 Humboldt Ave., A/P 7-021-15, application to approve an existing second unit to remain on the basis that this will not be detrimental to the neighborhood, that property rights will be provided in allowing a legal use with the following conditions:

1. That the main dwelling shall be occupied by owner within 12 months of use permit date.
2. Install smoke detector in both units and connect together.
3. That a rent guarantee contract be entered into between the applicant and the Town and that the agreement be consummated within sixty (60) days of this meeting; if it is not, then a revocation hearing will be held.
4. That one additional off-street parking space be provided in accordance with VAR-728, as indicated on Staff's drawing.

Passed unanimously.

- B. U-484/VAR-727 - Elizabeth & Sydney Philcox, 727 Sir Francis Drake Blvd., A/P 6-083-07, application to permit outdoor eating and a variance from the parking requirements.

Applicants were present. They felt the Staff Memo was unfair, unjust and unreasonable, especially since the Commission had allowed Lorenzo's to open up the front of his lot for outdoor eating which eliminated two parking spaces.

Applicants stated they had at least 5 parking spaces, whereas most restaurants didn't have any parking.

Commission question applicants whether they had discussed a parking arrangement with Lorenzo's.

Mr. Philcox stated they were hoping to use general parking during the day, and they had an informal agreement with the Mobil Oil station for four spaces.

Commissioner Goltz questioned what the hours of operation were. Applicant stated 7 a.m. to 6 p.m., 7 days a week.

Commissioner Goltz also questioned the applicants whether their operation was now changing from a little tea room to a full fledged restaurant. Applicant stated no dinners were being served.

Applicant stated 70% of their customers were by foot.

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

Commissioner Goltz stated he was bothered by the parking requirements for the deck. He didn't feel the deck should be included as part of the floor area when determining parking requirements.

Commissioner Buckle agreed with Commission Goltz, however, he did feel some amount of parking should be required.

M/S Goltz, Buckle that U-484 and VAR-727 for Elizabeth and Sydney Philcox, 727 Sir Francis Drake Blvd., A/P 6-083-07 be referred to the Town Attorney for interpretation of what gross floor area means in our zoning ordinance, Section 10-3.1803, whether that includes exterior decks as well as interior use. Passed unanimously.

Applicant requested a copy of the letter being sent to the Town Attorney.

- C. VAR-726 - C. Whitbeck, 9 Myrtle Ln., A/P 7-172-07, variance for 3' on the required sideyard setback to permit the reconstruction of an existing structure.

Steve Wisenbaker, architect and Clarence Whitbeck, owner were present.

Mr. Wisenbaker stated that when Mr. Whitbeck took over the property it was a blighted area. Once he got into the rebuilding, he found the foundation was not any good. He could have rebuilt the foundation first and then the building, but he did it all at once (making it larger at the same time).

Mr. Wisenbaker stated Mr. Whitbeck was here to admit he didn't do it the right way.

Chairman Ragan told Mr. Whitbeck that as a contractor he should have known better.

John Steinhelber, 125 Tamalpais Avenue agreed the area was run down. However, his property had windows which faced Mr. Whitbeck's property. With the wall extension, they now looked at a blank wall which he objected to.

Commissioner Goltz stated he understood what the applicant had said and why he did it, however, it was a complete contradiction of the zoning ordinance. The granting of the variance would obviously be detrimental to the neighbor and he felt it would be bad if the Commission granted the variance. Commissioner Goltz felt a compromise was in order and suggested cutting back the wall to leave an open deck.

Commissioner Hulpke stated the applicant had taken a calculated risk. There was no way she could approve the variance.

Commissioner Buckle stated that since the setbacks were originally 5' he could support the variance. He was concerned about the applicant building without a permit.

Mr. Whitbeck and his architect left at this point.

M/S Goltz, Hulpke that the Planning Commission deny the variance application VAR-726 for Clarence Whitbeck, 7 and 9 Myrtle Ln., A/P 7-172-07, for a 3' sideyard variance to build an addition to an existing structure, on the basis that it does not meet the variance requirements in the Town of San Anselmo and there is no condition of the land or building and it blocks light of those living next door. Passed unanimously.

M/S Ragan, Greenberg to deny EU-21 for Clarence Whitbeck, 7 & 9 Myrtle Ln., A/P 7-172-07, for the reason that variance #726 had previously been denied.

Motion withdrawn.

M/S Ragan, Goltz to refer back EU-21 until such time as definitive action is taken regarding VAR-726. Passed unanimously.

Commissioner Hulpke left at this point. 11:20 p.m.

- D. SS-205-Cory Marcus, 95, 97 and 97A Florence Avenue, A/P 7-011-08, application to subdivide the property into three (3) parcels to accommodate the three (3) single family dwellings.

Mark Parode, applicant and Cory Marcus, owner were present.

After a brief discussion and at the Commission's direction to rearrange the access road per Commissioner Goltz' sketch;

M/S Goltz, Greenberg to refer application SS-205, Mark Parode/ Cory Marcus, 95, 97 and 97A Florence Ave., A/P 7-011-08, back to the applicant for resubmission at our next regular meeting. Passed unanimously.

4. MATTERS FOR CONSIDERATION

A. Commission recommendation to Council on Joint Powers Agreement for planning Marin Town and Country Club Recreational and Housing Development (Buckle)

Commissioner Buckle stated it seemed Fairfax already had a picture of what they wanted. They wanted a community park, not a regional park. Elderly housing was to be included - evidently for getting funds. Fairfax had made their minds up to buy it one way or another. It was his feeling that Fairfax should take a good look at it before buying it. Also mentioned was the fact that San Anselmo would be effected by the traffic, depending on its ultimate use.

M/S Ollinger, Buckle we recommend to the Town Council to enter into the Joint Powers Agreement for planning Marin Town and Country Club Recreational and Housing Development. Passed unanimously.

5. MINUTES - 3/21, 3/28, 4/4, 4/18, 5/2 and 5/16. HELD OVER.

6. ADJOURN - Meeting adjourned at 12:30 a.m. to the Special Meeting of June 14th at the Robson House.


Catherine Carpenter, Secretary