

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

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

DDC425

Blvd. being part of the Scenic Highway and felt there were alternatives to the present location.

Commissioner Greenberg felt the Commission should encourage this type of thing. He felt that if the present location was where it was felt would be most beneficial, then it should be approved.

Commissioner Buckle felt it was an opposing structure. He also could not see the hardship and stated he would be unable to vote for it.

Chairman Ragan agreed with Commissioner Buckle it was difficult to find a hardship.

M/S Olive, Ollinger that we approve that portion of VAR-720 to rezone A/P 7-015-15 from PPD/R-1/F in compliance with Section 10-3.1902(e) of the Municipal Code for owner Donald Welty at 500 Center Blvd. This is to correct an oversight in zoning of Parcel 16. Passed unanimously.

M/S Greenberg/Hulpke to approve that portion of VAR-720 dealing with a 17' frontyard variance to allow construction of solar structure 3' from the front property line and a 1' east sideyard variance to allow construction 7' on the side property line on the grounds that a hardship exists in that to locate the structure elsewhere would be less efficient; is necessary for enjoyment of property rights and will not be offensive to the neighborhood.

Motion failed: Ayes: Greenberg  
Nays: Buckle, Hulpke, Olive, Ollinger, Ragan

Applicant was advised of the 10-day appeal period.

- C. U-475 - Richard Puntillo, 116 Jordan Ave., A/P 6-155-11, application for use permit to allow lower level of the dwelling to be used for domestic help (live-in babysitter). HELDOVER.
- D. 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. (This item considered after #A of New Business)

Applicant was present. He stated he now only needed three parking spaces for the residential use. Each space was now the required 24'. Mr. Burton felt the lot coverage proposed was "skimpy", even if by R-3 standards.

Commissioner Hulpke stated she had hoped the applicant would get the feeling the site was too crowded and would have removed the old building.

For Correction  
Page 56

Mr. Loan, 22 Mariposa didn't feel there had been a change in the plans submitted previously and the only thing the applicant was doing was jamming up the property. If the proposal was approved, Mr. Loan assured the Commissioners he would be before them next year to build the same thing.

Commissioner Ollinger stated he was concerned with the density. While recognizing the ordinance was passed, this application was almost the reverse. Commissioner Ollinger was concerned there were no guidelines to determine how much residential should be allowed.

For Correction  
Page 56  
Mr. Robbins agreed. It was his opinion that residential use was to be allowed with commercial, but not dominant.

Commissioner Greenberg felt the Commission had to use its own discretion. If the Commission thought it fit then a judgement had to be made. In his opinion the lot would be overbuilt.

Commissioner Buckle responded to Mr. Loan's comments. He felt that since Mr. Loan had purchased a lot in a C zone, he should have expected some kind of growth. Commissioner Buckle did agree, however, he would not like to see commercial use spread down the street. It was his feeling that the ordinance change was more to allow nonconforming uses to conform.

Commissioner Buckle was also concerned about the fact that the applicant was complying with the law. He felt the Town was inviting him to come in and apply and then slamming the door on him.

Chairman Ragan felt there was just too much building on the property.

Commissioner Buckle stated the the applicant could actually build over the entire lot with a 0' setback. On that basis he didn't feel the proposal was an overdevelopment of the lot.

Audrey Fatooh, 21 Holstein Rd. stated the Housing Element study that was done indicated a desire to downzone many of the commercial lots in the more residential neighborhoods.

Beverly Loan, 22 Mariposa stated they had bought their house because it was C-2 and they agreed the Town had to move down. She was opposed to the old building remaining.

Staff was asked to place on the agenda discussion of rezoning parcels in the downtown area. Maps showing the parcels should be provided to the Commissioners.

M/S Buckle, Greenberg to approve U-478, application to allow living quarters in a commercial area at 18 Mariposa Ave., A/P 7-284-21, for Neil Burton, proposed plan received April 22, 1977, on the basis that this use will not be detrimental to the neighborhood in that on-site parking requirements are being provided and any additional traffic generated will be insignificant, and is necessary to provide property rights in allowing a legal and reasonable use.

Motion failed: Ayes: Buckle,  
Nays: Greenberg, Hulpke, Olive, Ollinger, Ragan

For Correction Applicant was advised of the 10-day appeal period.

Page ~~B.~~ **SEE PG 49 for INSERT**  
B. 7-158 -

Holsinger/Bauer/Perkins "Tam View Knolls", property behind Kentucky Fried Chicken franchise and just west of Essex Ave. Commission to consider Environmental Impact Report in conjunction with applicant's request to rezone A/P's 6-091-07 and 59 and 6-121-07 and 09 from PPD R-1, SPD R-1, and R-1 to SPD R-2 for approval of 7 duplex condominiums and 3 single family units (17 units total) and EIR review.

Applicants were present.

Mr. Malcolm Sproul, Environmental Analyst from the Marin County Environmental Services Dept. was present and reviewed the significant effects the proposed project would have on the Town as follows:

1. The project was not in conformance with the General Plan. In the Conservation Zone, 4 units would be permitted. When the EIR was prepared, 20 units had been proposed. As of this date 17 units were being proposed.
2. Geology: No significant constraints were found with respect to the geology.
3. Visual: No significant visual impact. Proposal would be on presently "disturbed area" (visually disturbed).
4. Noise: No real increase in noise.
5. Water: The single family residences presently being constructed use all the water now available for the entire project.
6. Traffic: Consultant indicated traffic level on Essex would not be a problem.

DDC425

In summary, Mr. Sproul stated the two main impacts were: 1) the projects conflict with the General Plan unless it was removed from the Conservation Zone; 2) water to the site.

Mr. Robbins explained to the Commission the basis on which the Conservation Zone had been developed. (State Div. of Mines & Geology - broadbrush approach of areas over 30%+ slope or sites appearing to be unstable. Individual review of the site would be required.)

Commissioner Olive expressed concern over the traffic pattern from Essex to eastbound Red Hill and felt some improvement should be made at the intersection.

Commissioner Buckle complimented Mr. Sproul on his complete yet brief report.

Commissioner Ollinger asked Mr. Sproul what the capacity of the street was. Mr. Sproul stated he would not like to answer that question without first consulting the traffic engineer. However, the traffic engineer had indicated "capacity would not be taxed by the project".

Commissioner Buckle felt the traffic capacity of Essex Ave. was quite low (including the current development). He also felt other buildings would be almost impossible.

For Correction  
Page 56

Mr. James Kilty, 60 Essex stated it bothered him greatly that the statement was made traffic would not have an impact on the neighborhood. It also seemed "stupid" to say there would be no increase in noise.

Mr. Kilty stated that to the best of his knowledge, Bala & Strandgaard were the traffic engineers, and then statistics had been gathered by amateurs.

For Correction  
Page 56

Mr. Kilty stated that the traffic eastbound Red Hill was endless and he felt an 80% increase (on Essex) just didn't make sense.

Mr. Sproul stated that with the proposals density change, the traffic increase on Essex would be 70%.

Commissioner Olive questioned the statement that the site would not slide, when the tests had been taken on a dry year.

Mr. Sproul stated further geological studies were recommended and briefly discussed the geology of the site which indicated site stability. Mr. Sproul did state that the soils engineer had recommended the material in the two ravines be removed.

M/S Buckle/Olive to recommend to the Town Council to certify that final EIR for Z-158 for Holsinger/Bauer/Perkins development called Tan View Knolls, A/P's 6-091-07 & 59, 6-121-07 and 09 has been completed in compliance with the California Environmental Quality Act and the State Guidelines as adequate. Passed unanimously.

Chairman Ragan asked Mr. Holsinger to address himself to the question of density.

Mr. Holsinger stated he felt the project conformed to R-2 zoning. It was in line with the general area.

Commissioner Greenberg asked Mr. Holsinger what his project would contribute to San Anselmo.

Mr. Holsinger stated the project offered a superior road access to the development; reduced the hazard of fire; installation of a long delayed water main; and attractive housing moderately priced in comparison to single family housing.

Mr. Dill, 520 Red Hill Ave. was opposed to the density.

Mr. Kilty felt the project was too dense for the neighborhood and that the impact would be adverse.

Commissioner Buckle stated originally he was in favor of the project with the majority of the Commission against it. He carefully reconsidered the project to see if his thinking was erroneous. Commissioner Buckle stated he still felt the project was a very moderate design and in keeping with the other developments. He felt it had been such a long time since the residents of the Town had seen a development like this. it was very controversial.

For Corrections  
Page 56

Commissioner Buckle felt that after reconsidering, the development was still consistent zoning. He didn't feel the project would stimulate any further development, and he would be in favor of the project. The Town had already forced Mr. Bauer to put in access off Red Hill and the option of moving the front three units back into the hill was lost. With approval of this project, the opportunity for access from Essex would still be possible.

Commissioner Greenberg stated that since the pool had not been approved in Mr. Bauer's plan, there would be less landscaping with this project.

In terms of further development in the area, Commissioner Greenberg stated there were two undeveloped parcels plus one at the top of Essex.

Commissioner Greenberg asked what price and what kind of people the project would bring. Applicant stated \$69,500. - \$79,500.

Commissioner Greenberg stated he still didn't see what the Town was getting and it was still too dense for the area. Commissioner Greenberg also felt the houses would be seen. The area was very prominent.

Commissioner Ollinger asked whether or not the open space would be dedicated to the Town or private. Mr. Holsinger stated they would be quite willing to dedicate the open space to the Town.

Commissioner Hulpke stated her main concerns were traffic and density.

Commissioner Ragan was also concerned about the traffic and felt the number of units should be reduced. He felt the applicant could still come back with a plan of less density.

Miles Pipal, 52 El Cerrito, stated that while the EIR was a professional opinion, he felt it was inadequate. Mr. Pipal stated he had hoped \$300,000.00 houses would be built there.

Mr. Pipal also stated the water to these units would mean less water for everyone else.

M/S Buckle, Ollinger to recommend to the Town Council approval of Z-158, Holsinger, Bauer, Perkins for rezoning for Tam View Knolls, A/P's 6-091-07 & 59, 6-121-07 and 09 from PPD R-1, SPD R-1, and R-1 to SPD R-2 for approval of 7 duplex buildings and three single family dwellings, 17 units total.

Motion failed: Ayes: Buckle, Ollinger  
Nays: Greenberg, Hulpke, Olive Ragan

Applicant was advised of the 10-day appeal period.

4. PUBLIC HEARINGS - NEW BUSINESS

- A. U-481 - Marin Senior Day Services, 72 Kensington Rd., A/P 7-283-01 and 7-283-02, application for day care program for older adults.

Ruth Fleshman, Nursing Dynamics was present. She stated this would be a day care service for the frail elderly.

DDC425

M/S Ollinger/Greenberg to approve U-481, Marin Senior Day Services, 72 Kensington Rd., A/P 7-283-01 and 7-283-02, application for senior adult day care service, on the basis that the granting of this permit will not adversely affect the health and safety of persons in the neighborhood or be materially detrimental, that the small number of cars involved will not cause a significant problem; and, the granting of this permit is reasonable as it allows a legal use with a use permit. Passed unanimously.

Applicant was advised of the 10 day appeal period.

- C. Under New Business Continued to 5/23/77. M/S Greenberg, Ragan. Passed unanimously.
- D. Under New Business - Proposed Ordinance Amending Existing Subdivision Ordinance to provide for park land or in-lieu fees or both for subdivision.

Commissioner Buckle felt it was a reasonable procedure, but felt subdivisions of 4 lots or less should be excluded as there are so few it wouldn't generate much money. As an alternative he felt \$10.00 could be tacked on to the building permit (for additions/alterations, etc.) for parks. This way everyone would be contributing to the parks rather than just a few people.

M/S Ollinger, Hulpke to recommend to the Town Council that the attached ordinance, as drafted, with Alternate #2 for Section "i", be adopted by the Town Council with a recommendation that in-lieu fees be set at \$250.00 per lot and not exempting parcel splits from the provisions of the ordinance.

Motion failed due to tie vote:

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

M/S Ragan, Greenberg we reconsider motion made on January 10, 1977 on VAR-695, Antone Sousa, 4 Glen Rd., A/P 7-012-29. Passed unanimously.

M/S Ragan, Greenberg to correct the motion on VAR-695, Antone Sousa 4 Glen Rd., A/P 7-012-29, to correct that portion which deals with 13' rearyard setback for house structure, that portion which read 7' rearyard setback for rearyard structure. Passed unanimously.

- 5. ADJOURN - Meeting adjourned 12:35 a.m.

  
Catherine Carpenter, Secretary