

Mr. Robbins reported the noise level at MacArthur's had been checked out. Measuring at the back of the building in the lane, it was 5dba above. Sunday afternoon a piano could be heard, but not measureable.

5. ADJOURN - Meeting adjourned 10:20 p.m.

Catherine Carpenter
Catherine Carpenter, Secretary

The Special Planning Commission Meeting of March 28, 1977, 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.

A. ROLL CALL

Commissioners Present: Buckle, Goltz, Hulpke, Ollinger, Olive, Ragan
Commissioners Absent: None

B. PUBLIC HEARINGS - RESIDENTIAL SECOND UNITS

Commissioner Buckle said the Commission has no guidelines on how to evaluate second units; should Commissioners consider size, height of ceiling, plumbing, other. Staff pointed out that a Town building inspector would have already made a housing inspection of the unit before Planning Commission submission. A copy of this report will be submitted to the Planning Commission with each application hereafter.

Commissioner Goltz stated he was interested in noise and traffic generation caused by second units.

Commissioner Goltz said he felt the drawings should be drawn to scale and clearly legible to the Commissioners. He said he did not think the staff should accept an application unless the criteria was met. All Commissioners agreed. Commissioner Ragan said he felt the unit should be available for inspection by any Planning Commissioners who wished to inspect the interior of the unit. He asked the staff to advise applicants that someone should be present between set hours, Saturday, Sunday and Monday prior to the planning meeting to show Planning Commissioners around. If no one is available, application shall be held over until the unit can be seen.

Mr. Robbins pointed out that density would have no bearing on the applications being heard at this time, since all units were existing.

Mrs. Audrey Fatooh, Ross Valley Ecumenical Housing Association, said her group is interested in seeing as many units as possible approved. She said if necessary for someone to have assistance in drawing plans, or completing applications, her group would help. She said they were, however, a volunteer group and did not have enough volunteer hours to help all applicants. She, therefore, hoped the Commission would not be extremely stringent in enforcing the drawing and application requirements.

1. EU-3 - Robert L. Thurmond, 238 Oak Springs Drive, A/P 5-291-01, application to permit existing second unit to remain.

Applicant was present. Applicant stated neighbors had no objections. No one was present in the audience to comment on the application.

M/S Olive, Goltz to approve EU-3, application for use permit for Robert Thurmond to allow a second unit to remain at 238 Oak Springs Drive, on the basis that all required findings to

qualify for approval exist for this application per Code Section 10-6.303. It is further stipulated that applicant enter into a rent guarantee contract with the Town and that this be consummated within sixty (60) days of this meeting and if this has not been accomplished, a revocation hearing shall be set. Passed unanimously.

2. EU-4 - Betty Conners, 14 Bolinas Avenue, A/P 7-302-19 application to permit existing second unit to remain.

Mrs. Conners was present. There was no one in the audience to comment on this application. When asked if Mrs. Conners was aware of the rental contract, she indicated she was.

Commissioner Goltz said this is the kind of unit the Commission is looking for, close to transportation, close to the college, serving students and no question that it will be low rent. He said this was exactly what the law intended.

M/S Goltz, Ollinger move to approve EU-4, application for a use permit to allow an existing second unit to remain for Betty Conners, 14 Bolinas Avenue, A/P 7-302-19, 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 stipulation being met: 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. Passed unanimously.

3. EU-5 - Irene Conriche, 47 Humboldt Avenue, A/P 7-033-01 application to permit existing second unit to remain; held over.

This item was continued to the meeting of April 4, 1977.

4. EU-6 - Leo and Iva Galli, 151 Alder Avenue, A/P 7-041-11 application to permit existing second unit to remain; held over.

This item held over pending further investigation.

5. EU-7 - Agnes Overdick, 12 Raymond Avenue, A/P 7-172-12, application to permit existing second unit to remain.

Mrs. Overdick said none of her neighbors had objected to her second unit. There was no one in the audience to comment on the application. She said there is room enough for 4 cars in the driveway.

It was determined that there was not more than 40% lot coverage, and that a variance for tandem parking was not required

M/S Goltz, Hulpke, to approve a variance for a 3' south side yard and 6 foot 6 inch side variance for a second unit and parking variance on the basis that (1) the lot is relatively small and unusually narrow, and (2) that granting of this variance is necessary for enjoyment of property rights; will not be detrimental to those living and residing in the neighborhood; that all other required conditions are met in accordance with Section 10-6.303; and 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. Passed unanimously.

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6. EU-8 - Samuel English, Jr., 152 San Francisco Boulevard, A/P 6-022-07 application to permit existing second unit to remain.

Mr. English said he agreed with the idea of renting second units to low and moderate income families and to college students and will be glad to enter into a rental agreement with the Town.

Commissioner Ragan said he had never seen a smaller second unit -- there is no room to turn around -- felt it ridiculous and highway robbery.

Mr. English replied that may well be; however, he had a list of fifteen people waiting to rent the unit.

Mrs. Marcucci, 160 San Francisco Boulevard, said she objected to the second unit because she felt it a fire hazard and downgrades the neighborhood.

Mr. Wayne Wood, 155 San Francisco Boulevard, said he never thought anyone would live in this unit. He was shocked to see such a building rented. He said he did not believe it is large enough or safe enough for anyone to live in.

Mr. Barry Spitz, 155 Los Angeles Boulevard, says he has the dwelling adjacent to the rear of the house. He said, for the record, he felt the house an eyesore; it invades his privacy as it is the only place from which anyone can see into his property. He said he has seen smoke coming from the area of the second unit. Mr. Spitz said he did not wish to protest since the Englishes have been good neighbors.

Mrs. Helen Emich, 139 Humboldt Avenue, asked if a fire department or health department inspection had been made.

Staff replied that the unit had been inspected by the Town Inspector.

Commissioner Goltz said he had no problem with the unit, but he was concerned about the location of the unit, since it was on the property line. He felt it was a double lot with 2 units.

Commissioner Olive asked if the pool had been checked for access.

Commissioner Hulpke saw no hardship and to her it appeared to be a detriment to the neighborhood.

Commissioner Ollinger said it was difficult to accept the rearyard variance.

Mrs. Fatooh said it seemed like the reason the Town is legalizing second units is to accommodate people of varying lifestyles. She said she hoped second units would not be turned down because they were occupied by people with a different or unorthodox life style.

Brad Kenney, 43 Dutch Valley Lane, in the hollow, said he did not like the idea of the Commission turning down this application if it complied with the law.

M/S Ollinger, Goltz, to approve a 20 foot rearyard variance for the second unit at 152 San Francisco Boulevard, A/P 6-022-07, for the reasons that it is an existing building; that there would be a hardship in any relocation of the present unit and that the conditions of the yard are such

that there is limited possibility to move the unit; that the unit does not result in undue detriment to the neighborhood and a variance is necessary to afford substantial property rights; that the limited problem that was cited by the rear neighbor is somewhat mitigated by the fact that there is a 5 foot right-of-way to the rear of the property.

Variance denied by the following tie vote:

AYES: Commissioners Buckle, Goltz, Ollinger

NOES: Commissioners Hulpke, Olive, Ragan

Commissioner Buckle asked what would happen if the variance is not granted? Does the building remain?

M/S Goltz, Buckle, to approve EU-8, application for a use permit to allow an existing second unit to remain for Samuel and Susan English, Jr., at 152 San Francisco Boulevard, A/P 6-022-07, with the following stipulations:

- (1) That the condition requiring a variance be corrected;
- (2) That a rent guarantee contract between the applicant and the Town be entered into within sixty (60) days, and if not consummated, a revocation hearing be set.

Denied by the following tie vote:

AYES: Commissioners Buckle, Goltz, Ollinger.

NOES: Commissioners Hulpke, Olive, Ragan.

The applicant was informed of his right to appeal the decisions on each item of the Planning Commission to the Town Council within ten days of the hearing.

7. EU-10 - Fatima Jablonski, 147 Humboldt Avenue, A/P 7-033-16 application for existing second unit to remain.

Mr. Jablonski said a 15 foot variance had been granted for the cardeck in 1967. The applicant is aware that the owner will have to meet the living requirement within one year.

Mr. Fritz Raugh, 235 Scenic Avenue, said he had never had any problem with this use.

Dr. Robert Gelber, 220 Scenic Avenue, said these people had made every effort to be congenial and they should be allowed to live as they have been. The applicant said this is a large house containing 7 bedrooms and 5 bathrooms. There are actually 3 families living in the house, one family in the second unit and a family plus a housekeeper's family in the upstairs unit.

Commissioner Ragan said this was a very lovely place; immaculately clean. Mr. Robbins questioned the use of the public right-of-way as required parking.

Commissioner Goltz said several years ago, the Streets and Traffic Committee had recommended that a white line be painted where the 12 foot right-of-way ended, and if the cars parked behind that line, it had tacit approval of the City.

M/S Olive, Ollinger, that a 5 foot frontyard variance for a parking deck at 147 Humboldt Avenue, A/P 7-033-16, owned by Carolyn Johnson, be approved on the basis that it is not detrimental to the neighborhood; that it is needed for applicant to exercise substantial property rights and the

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configuration of the property is such that this is the only logical place for the parking. Passed unanimously.

M/S Olive, Hulpke to approve EU-10, application of Fatima Jablonski, for an existing second unit to remain at 147 Humboldt Avenue, A/P 7-033-16, Carolyn Johnson, owner, on the basis that all of the required conditions for approval are present in accordance with Section 10-6.303 of the Municipal Code; approval is based on the following stipulations being met: that a rent guarantee contract be entered into between the applicant and the Town; that it be consummated within sixty (60) days and failing that, a revocation hearing be set. Passed unanimously.

8. EU-11 - Eugene and Yvonne Frey, 28 El Cerrito, A/P 5-242-11 Mr. and Mrs. Frey were present. Mr. Frey said he had contracted with a neighbor to rent a garage for Mr. Frey's car and the tenant was going to use Mr. Frey's garage.

M/S Buckle, Olive to approve EU-11, application of Eugene and Yvonne Frey for existing second unit at 28 El Cerrito Avenue, A/P 5-242-11; to remain on the basis that the required conditions for approval are present in accordance with Section 10-6.303 of the Municipal Code; approval is further based on the following stipulation:

- (1) That a rental agreement be entered into between the applicant and the Town, and (2) that this contract be executed within 60 days, and failure to do so will result in a revocation hearing; (3) that the applicant provide one additional off-street parking place as approved by the City Engineer. Passed unanimously.

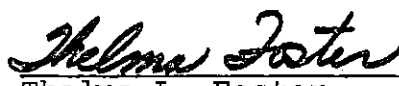
M/S Buckle, Goltz to approve a variance in conjunction with EU-11 for Eugene and Yvonne Frey at 28 Cerrito Avenue on A/P 5-242-11 for an 8 foot northside variance and a five foot, six inch south sideyard variance for a second unit and a 20 foot frontyard and 7 foot sideyard variance for the existing dwelling and a variance for one parking space from the requirement of two. Variance is granted on the basis of the lot size being small and the difficult configuration of the lot; this variance will allow substantial property rights and will not be detrimental to the neighborhood.

C. MATTERS FOR CONSIDERATION OF THE COMMISSION

Dan Goltz volunteered and was appointed to the newly re-activated CCPC.

D. ADJOURN

Meeting adjourned at 11:15 P.M.


Thelma L. Foster,
Secretary