

MINUTES

SAN ANSELMO CITY PLANNING COMMISSION

A meeting of the Planning Commission of the City of San Anselmo, State of California, was held at 8:00 P. M., Monday evening, September 11, 1950, in the Council Chambers, City Hall, San Anselmo, California.

COMMISSIONERS PRESENT: Merritt Webster, Chairman, presiding  
J. O. Meyerink  
Thomas Fring  
Mary Robinson Gilkey  
Charles Alfsnes, arriving 8:30 P. M.

COMMISSIONERS ABSENT: E. D. Pitman

The meeting was called to order by the Chairman at 8:10 P. M.,

PETITION FOR AMENDMENT TO ZONING ORDINANCE NO. 254 - Alice M. Jackson

The Chairman announced that this was the first legal hearing on the petition of Alice M. Jackson to reclassify the northerly portion of Lots 16 and 18, Lincoln Park from a First Residential District to a Second Residential District.

Arnold Jones, agent for the petitioner, gave two reasons for the request as: the lot was too close to the business district for anyone to build a home on it and the price of the lot would not warrant anyone putting a single family dwelling on it. He read a letter from a Mrs. Frank J. Hayman, dated September 11, 1950, certifying that she would build nothing larger than a duplex if the site is rezoned and that she would abide by the setback requirements of the zoning ordinance. Mrs. Hayman will buy the site if it is rezoned, Mr. Jones stated.

W. R. Meagor, 47 Lincoln Ave., asked, "If the site is not desireable for a home, why spend \$20,000 for a duplex?"

It was explained by Mr. Jones that the deed restrictions covering Lincoln Park specify that "flats" cannot be constructed but permit a dwelling without specifying the kind. Therefore, he concluded that a duplex is a permitted dwelling under the deed restrictions but putting a second story on the building for additional units would be prohibited by the deed restrictions. Therefore, even though Second Residential Zoning permitted four apartment units he felt that only a duplex could be constructed.

L. M. Hobbs, 32 Lincoln Ave., asked if the zoning to second residential would remain if Mrs. Hayman did not purchase the property after the zoning was accomplished.

Commissioner Gilkey explained that the zoning ran with the land.

Thomas Rickey, 61 Lincoln Ave., objected to the proposed rezoning as did Augusta G. Haas, 72 Lincoln Park.

Commissioner Alfsnes arrived at 8:30 P. M.

A petition signed by 39 residents and property owners of Lincoln Park was read and ordered filed. The following reasons were given on said petition for objecting to the rezoning:

1. Lincoln Park has long been developed and occupied for First Class Residential purposes only;
2. Multiple family dwellings would create a traffic hazard and congestion on a very narrow street;
3. Lowering of the District classification of the property would depreciate the value of surrounding first class residential property;
4. Granting of the request would constitute spot zoning in a residential area. "

Commissioner Gilkey explained the difference between deed restrictions and zoning; the deed restrictions being enforceable by the property owners in the courts through private suits and the zoning being enforceable by the City. If the Second Residential District was formed then a building permit would have to be granted for four apartments, if the request was made, even though this might be contrary to the deed restrictions. Then the private property owners would have to go to court to enforce the deed restrictions.

George Washburn, 19 Bank Street, stated, "I live directly across the street from this property in question. I have been looking at the dirty lot for fourteen years. It is a fire hazard. I am vitally interested because I am directly concerned. Art Smith, Mr. Troth and Mr. La Barr and I are all in favor of this rezoning because it is going to improve the outlook. Others don't come by. We are looking at it 24 hours a day."

Mr. Washburn also stated that he was an attorney at law and would go to the superior court to see that an apartment was not constructed but would favor permitting a duplex to be constructed.

C. H. Elliott, 62 Lincoln Avenue, brought out that Mr. Jones had mentioned the double protection of zoning and deed restrictions and then objected to taking away one of the means of protection, i. e. zoning.

Walter Condon, 46 Lincoln Park, expressed his opposition to the proposed rezoning

Emory Troth, 24 Lincoln Park, thought a nice duplex would be an improvement in the Park.

Mr. Meagor expressed his opinion that such a rezoning would establish a precedent for future similar requests for the entire street to the bowling alley.

Mrs. Flanagan 65 Lincoln Park, objected to the granting of the petition, stating they did not feel that as property owners they should be called upon to protect and defend themselves in courts and by the hiring of attorneys. She thought there were other properties available for

duplex construction without "spot zoning" in the Park.

Myrtle Lang Scott, 31 Lincoln Avenue, stated she lived directly across the street from the lot in question and objected to the rezoning. She said she spoke for Mr. Lang also.

The Chairman reviewed the procedure necessary before the Planning Commission and announced that the second legal hearing would be held on September 18th as per legal notice.

APPLICATION FOR ADJUSTMENT - Sara Tolmacheff

Commissioner Meyerink presented a Mr. Tolmacheff and explained his application for adjustment in the provisions of Ordinance No. 254 to permit the construction of a residence to within eight (8') feet of San Anselmo Avenue on certain real property described as Lot 52A, Bush Tract.

It was explained by Commissioner Meyerink and the Commission found in a review of the plans that this lot is a long narrow triangle, being bounded on the two long sides by Humbolt and San Anselmo Avenues, respectively. Under the terms of the Zoning Ordinance any construction should be a minimum of fifteen feet from the street. Due to the minimum size of the lot and its shape there is little area upon which to build a house and conform to the ordinance. As can be seen by the attached plan, the lot is retained from San Anselmo Avenue by a ten foot wall. Therefore, in constructing the house to within eight feet of San Anselmo Avenue, it was found that no light and air of this or adjoining properties would be reduced.

Therefore, due to these abnormal land conditions, i.e.; topography, size and shape of lot and great amount of street frontage; it was moved by Commissioner Meyerink, seconded by Commissioner Pring and unanimously carried, that the Commission recommend to the City Council the granting of an adjustment to Sara Tolmacheff as above set forth.

APPLICATION FOR ADJUSTMENT - W. P. Landon, 74 Austin Avenue.

Mr. Landon appeared before the Commission requesting permission to construct a garage to within three (3') feet of Austin Avenue at the above address. He stated that the garage could not be constructed the required setback due to the fact that at the proposed garage location there is a very steep grade rising from the property line which would cause unwarranted excavation for a garage.

Mr. Landon further brought out that the present garage was located on or very near the property line of Oak Street on a curve on a steep down grade of the street. He felt it was an even change to build a new garage where there was no hazard.

Commissioner Gilkey asked Mr. Landon if it would be possible to construct the garage in a conform location. Mr. Landon stated that it would be possible but that he did not desire to do so as this would destroy part of his landscaping.

Since no complete plans were submitted, the matter was held to the next meeting permitting time for the Commissioners to review the matter on the site.

There being no further business the meeting was adjourned at 10:25 P.M. on motion of Commissioner Pring.

*Mary Robinson Gilkey*  
Mary Robinson Gilkey, Secretary pro-tem