

March 7, 1966

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Warren R. Perry at 8:00 p.m. in the Council Chamber, City Hall, on March 7, 1966.

1. ROLL CALL:

Commissioners Present; Perry, Lloyd, West, Creighton, Murphy
Ragan

Commissioners Absent: Nordmann

2. APPROVAL OF MINUTES OF FEBRUARY 7, 1966

Commissioner Ragan moved the minutes of the meeting of February 7, 1966, be approved as presented. Commissioner Creighton seconded and the motion carried unanimously.

3. OLD BUSINESS

None

4. NEW BUSINESS

A. PUBLIC HEARINGS - REZONINGS

- (1) Z-86 - Tor & Hilda Nielsen - Application to rezone
20 Tamalpais Avenue, A/P 7-211-21 from C-2 (Commercial
Business District) to R-3 (Neighborhood Apartment District)

Engineer Leitzell gave his report on this rezoning application to the Commission recommending that, from a planning standpoint, it should be denied in view of the fact it lies in the area recommended for commercial use under the proposed Town Center Plan.

Philip Lygren, Engineer, represented the applicant. He presented a map of the area in question showing the zoning for a radius of 300 feet. He pointed out that approximately 1/2 of the C-2 zoning in the area is presently non-conforming use, largely apartments and residences. He also pointed out that there are presently 11 stores in the area which are vacant and that he felt the Sunny Hills Development would aggravate this problem. In his opinion, rezoning would permit renewal of the area and supply a market for the commercial property already there. He also presented a petition signed by 21 residents in the area approving the rezoning.

There were no interested persons in the audience to make comment.

Commissioner Lloyd asked where the new street would be in relation to the property in question, and Engineer Leitzell replied it is 100 to 150 feet to the west of subject property.

Engineer Leitzell reiterated his opinion that under the proposed Town Center Plan, this is the logical area to remain commercial and further encroachment by apartments would leave little room for commercial development.

Chairman Perry commented that since the Town Center Plan has not yet been accepted by the City Council, perhaps this rezoning should be reconsidered after the Council's action.

Commissioner West agreed that the rezoning is inconsistent with the Commission's recommendations to the Council, but stated that the former plan extended the commercial area even further to the west and would make approval of the application even more inconsistent.

Commissioner Murphy felt it reasonable to give the applicant opportunity to request delay on this action because we are not in a position to anticipate what the City Council will do in regards to the Town Center Plan.

Commissioners Creighton and Ragan felt the Commission should

stick by its considered opinion on this area & Commissioner Ragan moved that:

Z-86 - Application of Tor & Hilda R. Nielsen to rezone 20 Tamalpais Avenue. from C-2 to R-3 be denied for the reason that the Planning Commission has taken a stand in regards to the area involved and feels it should be a Commercial C-2 area and that to rezone to R-3 would defeat our purposes and would be spot zoning.

Commissioner Lloyd seconded the motion and the following vote was taken:

"AYES" Commissioner Lloyd, Ragan, West & Creighton
 "NOES" Commissioners Murphy and Chairman Perry. Commissioner Perry stated his reason for voting "no" is that while he agrees with with the motion, he feels it is not appropriate until we know that our plan is going to be adopted for the Town Center.

C. CORRESPONDENCE

- (1) Engineer Leitzell read a court decision published in the Urban American News regarding a zoning ordinance with the primary purpose of preventing additional influx of population in an area.

D. MATTERS FOR CONSIDERATION OF THE PLANNING COMMISSION

- (1) Alice E. Sohner - Request for abandonment of 10' right of way, Lots 10, 11 & 12, Sunnyside Tract

Engineer Leitzell gave his report on this request and presented sketches of the property in question. He recommended the right of way be abandoned and the matter be referred to the City Council for Public Hearing in accordance with Section 8300 to 8374 of the Streets and Highways Code. He also pointed out that abandonment must be for the Public Interest and not because of possible benefits to private parties.

It was felt by the Commissioners that this right of way served no useful purpose to the City; however, if it was abandoned, the expense should be borne by the applicant. The question of whether the land might be sold to applicant was also considered and after some discussion, Commissioner Lloyd made the following motion:

That the Planning Commission recommend to the City Council that public hearings be conducted to consider abandonment of the 10 foot right of way easement between 28 & 36 Mariposa, serving Lots 10, 11 & 12 of the Sunnyside Tract, the reason being that such easement serves no recognizable City function, it poses a design problem for any further development and it is inconsistent with other City blocks in the down-town area. It is our feeling that the action should be conducted with no expense to the City and that a sale of the easement be attempted.

Commissioner West seconded and the motion carried unanimously.

- (2) Designation of lane off Entrata as Entrata Court

Engineer Leitzell requested that this matter be held over to the next meeting.

- (3) Request by City Council for Planning Commission to Study and report on fence height limitation in front yards.

Engineer Leitzell reviewed his former report on this subject which was presented at the meeting of 12-5-65. The matter was brought before the Commission by Dr. Arnold Knepper and Thosmas Stoddard, and after consideration, the Commission stated they felt the ordinance to be a good deterrent against the tunnel effect of streets lined with high fences. The matter was then taken before the City Council who referred it back to the Commission for reconsideration. After discussion,

the Commissioners restated their former opinion and Commissioner West moved:

That the Secretary advise the Council that it is the consensus of the Commission that the existing ordinance relating to fence heights remain unchanged and that they felt that higher fences would tend to create an undesirable character of the town and that the height of fences becomes especially important in view of the many narrow streets in the town. Commissioner Ragan seconded the motion and it carried unanimously.

- (4) Request from Frank Cherne for waiver of paving requirements on Lot 3-C, Subdivision SS-102-A

Engineer Leitzell presented a letter from Mr. Cherne making this request and also a letter from Mr. Jonson who purchased Lot 3-C, Subdivision SS-102-A. The minutes of the meeting of 9-28-64 at which these requirements were imposed were also read.

After some discussion Commissioner West made the following motion:

Regarding SS-102-A, formerly S-48, I move that the requirement of this Commission in its action of September 28, 1964, be changed to require that before a building permit on either Lot 3-B or 3-C is issued, the applicant shall post bond in an amount to be determined by the City Engineer. Commissioner Ragan seconded the motion and the following vote was taken:

AYES: Commissioner Lloyd, Ragan, West & Perry

ABSTAIN: Commissioner Murphy and
Commissioner Creighton due to his being unfamiliar with the former action as he was not a member of the Commission at the time.

The motion carried and the amendment will be made.

- (5) As a matter of interest, Commissioner Ragan presented an article from the Independent Journal regarding run-away cars and the fact that Larkspur is asking the Council to draw up an ordinance requiring provision be made to prevent cars from running down steep driveways. He felt that San Anselmo might consider similar action.

5. ADJOURN

There being no further business to bring before the Commission, Commissioner West moved at 10:00 p.m. that the meeting be adjourned. Commissioner Creighton seconded and the motion carried unanimously.

WARREN R. PERRY
CHAIRMAN
PLANNING COMMISSION