

March 6, 1967

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Perry in the Council Chamber at 8:00 p.m. on March 6, 1967.

1. ROLL CALL

Commissioners present: Anderson, Creighton, Gue, Heinecke, Moore
West, Perry
Commissioners absent: None

2. APPROVAL OF MINUTES

Commissioner West stated in regard to SS-135, L. W. Rabjohn, the minutes should reflect his statement that the use appears to be an illegal one.

Commissioner Heinecke moved the minutes of February 20, 1967, incorporating Commissioner West's statement be approved, seconded by Commissioner Gue, unanimously approved.

3. OLD BUSINESS

A. Subdivision

- (1) SS-135 L. W. Rabjohn. Application for a two-lot subdivision of A/P 6-172-06, located at 90 Spring Grove Avenue

A report was received regarding the soil condition from Arthur J. Lang; Mr. Leitzell stated he had heard from the State Board of Registration to the effect that the City had no right to ask for a soils report by a licensed civil engineer specializing in this type of work since any licensed engineer is authorized to report on soils conditions.

A new drawing had been received to indicate a 1 & 1/2 to 1 cut; before an excavation permit is issued soils tests could still be required.

Commissioner West stated that he felt the response made on behalf of the applicant was an inadequate response to the motion made at the last meeting, regardless of that, the applicant should not be penalized, and therefore, Commissioner West moved that SS-135, L. W. Rabjohn, application for two-lot subdivision of A/P 6-172-06, located at 90 Spring Grove Avenue, be approved conditional upon the installation of off-street parking in accordance with the plan of Arthur J. Lang and Associates, Inc., dated February 27, 1967, except for the modifications approved by the City Engineer, with the following conditions:

1. That a soils investigation be made to establish the stability of the soil to the satisfaction of the City Engineer.
2. That any grading or excavating be done in accordance with the excavation ordinance of this City.
3. That retaining walls shall be installed if and where deemed necessary by the City Engineer.
4. That the drainage swale be connected at both ends to the street level as may be required by the City Engineer.
5. That drainage of the parking area be provided to connect to the street level.
6. That ground cover and replacement of trees and shrubs be installed as required by the City Engineer.
7. That a cash bond or corporate surety bond in the amount of \$2,500.00 or more, if deemed necessary by the City Engineer be delivered to and accepted by the City.

- 8. A parcel map or record of survey map be approved by the City Engineer, prior to the sale.

Motion seconded by Commissioner Gue.

Commissioner Heinecke said he would like to affirm that Mr. Lang understood that a soils investigation would be made before any cutting is done. Mr. Lang said he did.

Motion passed by the following vote:

AYES: Commissioners Anderson, Creighton, Gue, Moore, West, Perry
 ABSTAIN: Commissioner Heinecke

4. NEW BUSINESS

A. Adjustment

- (1) Adj. 367. Application of W. A. Landtbom for a variance from Section 10-3.2202 (c) & (d), future width lines, Ordinance 485, A/P 6-169-03, located at 111 Red Hill Avenue

Plans showing existing and proposed structures were posted. Mr. Leitzell said future width lines of fifteen feet on each side of the street prohibit new construction unless a variance is applied for and received. The existing building can be used. He also stated Red Hill Avenue, East and West have adequate capacity for the present and immediate future; San Rafael has no plans for widening of Red Hill Avenue.

Proposed occupancy of this parcel would be a walk-up restaurant selling "hot-dogs" in the name of Der Weinerschnitzel. The Plan submitted shows 12 parking spaces; however, the zoning ordinance requirements would be 4 spaces. The City Engineer said he felt 75 feet from the Sequoia intersection should be reserved for straightening of the intersection and visibility for left turn lanes. This would still leave 6 parking spaces. Mr. Dunn, of Der Weinerschnitzel, said 6 parking spaces would definitely not be sufficient for this operation. It was felt it would be more desirable to move the whole building 12 feet back toward the rear of the lot.

Commissioner Perry said he wondered what liabilities the Planning Commission would be incurring for the City if this were approved.

Mr. Landtbom said he was an attorney for Safeway Stores, and had handled situations such as this many times. He said it would be proper to consider current use only.

Commissioner Creighton said he felt there would be a traffic problem created at an important and fast moving arterial.

Commissioner Anderson felt the City Attorney should be consulted in regard to what the Planning Commission could do.

Commissioner Creighton moved that Adjustment 367, application of W. A. Landtbom for a variance from Section 10-3.2202 (c) & (d), future width lines, Ordinance 485, located at 111 Red Hill Avenue, be denied. Motion seconded by Commissioner West. Commissioner Creighton's reasons for the motion were as follows:

- 1. The traffic congestion that would be generated by the operation of this type of business.
- 2. We feel that the width lines have been set up several years ago for a very definite reason, and a lot of thought was given to this, and the Planning Commission should not set a precedent in this case.

Motion unanimously approved.

Commissioner Gue voted Aye because he felt it would cause unnecessary traffic congestion in this area.

Commissioner Heinecke voted Aye for the reasons previously expressed, plus the problem of visibility at the intersection; because of the problems of maneuverability within the proposed site; because of the problems of adequately policing the refuse from a business of this type located on a lot of this size, and basically for the reason that the drawbacks of the proposed use do not justify granting a variance from the ordinance when other uses without these drawbacks would be possible on the property.

Commissioner Moore voted Aye on the basis that the traffic problem would be materially detrimental to the public welfare.

Commissioner West voted Aye for the reasons stated by Commissioner Creighton.

Commissioner Perry voted Aye solely for the reason that it is inconsistent with the purpose of the section from which an adjustment is sought, and that is for the future widening of the street.

The applicant was told of his right to appeal the decision of the Planning Commission to the City Council within ten days.

B. Use Permit Application

- (1) U-122 Herbert Prischmann. Application for repair shop for automobiles on A/P 6-102-20, located at 634 San Anselmo Avenue

Mrs. Prischmann was present and said her husband wished to conduct an automobile repair business at the above location. Mrs. Hildred Allen, owner of the property said the gas tanks have been filled in to prevent a cave-in and she said Mr. Prischmann has promised to paint and clean up the property if he is allowed to operate an automobile repair shop at this location.

Commissioner Heinecke expressed surprize that this was a Use allowed in a C-2 district. Commissioner Anderson stated it was never the intention of the amendments to expand the zones.

Commissioner Heinecke stated he felt this use was totally out of character with the use of the neighborhood. He would object to noisy testing of machines and noxious fumes.

Commissioner West moved that U-122, Herbert Prischmann, application for a repair shop for automobiles at 634 San Anselmo Avenue, be approved with the condition that there be no outside storage of automobiles or equipment overnight, and further that the use Permit be revokable. Motion seconded by Commissioner Creighton. The chairman said the use permit being revokable indicates that if any complaints are received or the conditions of the Use Permit violated, the applicant could be called in to answer any questions and for possible revocation.

Motion passed by the following vote:

AYES: Commissioners Anderson, Creighton, Gue, Moore, West, Perry
NOES: Commissioner Heinecke

Commissioner Heinecke voted No for the reasons listed above.

Commissioner Heinecke moved that the Secretary of the Planning Commission be requested to write a letter either to the Acting Administrator or the City Attorney requesting that in

any instances where suggested ordinances that have been approved by the Planning Commission for consideration by the City Council, and that are going to come before the City Council, that copies of that ordinance be sent to all of the members of the Planning Commission at the same time they are sent to the members of the City Council.

Commissioner Anderson seconded the motion, and it was unanimously approved.

Councilman Smith said to his knowledge the amendments to the zoning ordinance had not been modified from the submission by the Planning Commission.

The City Engineer asked the Commission's opinion of whether or not an operation like Der Weinerschnitzel would require a Use Permit. Commissioner Heinecke stated this use was clearly in the category requiring a Use Permit. Commissioner Heinecke stated he feels some change is needed in the manedment, and he will undertake to do something about it.

C. Matters for consideration of the Planning Commission

(1) Proposed Amendments to the Zoning Ordinance

Each of the Commissioners had received copies of the proposed amendments to the zoning ordinance and had an opportunity to study the proposed amendments. A public hearing is set for April 3, 1967. The Engineer's office will reproduce the proposed amendments for the City Council and for members of the audience.

(2) Proposed Revisions to Sign Ordinance

Commissioner Anderson said the proposed revisions were not ready for discussion at this time.

5. CORRESPONDENCE

(1) Third Draft - Proposal for a Development Coordination Committee

At 10:45 p.m. Commissioner Gue moved the meeting be adjourned, seconded by Commissioner Moore, unanimously approved.

Warren R. Perry

Warren R. Perry
Planning Commission Chairman