

April 17, 1967

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Perry at 8:00 p.m. in the Council Chamber on April 17, 1967.

1. ROLL CALL

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

2. APPROVAL OF MINUTES

Commissioner Heinecke moved the minutes of April 3, 1967, be approved as written, seconded by Commissioner Moore, unanimously approved.

3. OLD BUSINESS

A. PUBLIC HEARING (Continued from April 3, 1967)

Proposed Amendments to the Zoning Ordinance (Ord. 485) regarding Height, Bulk and Space Requirements in R-1, R-2 and R-3 zones

A new draft, prepared by Commissioner Heinecke, of the combining provision was given to each Commissioner. Mr. Leitzell stated the new wording clarified the ordinance; he questioned the date of December 11, 1962 used in paragraph (c) and said he felt the cut-off date should be that of the subdivision ordinance providing for subdivisions of less than 5 lots which is September 13, 1957. Commissioner Perry said he felt if a person had a subdivision that had once been approved by the City, they certainly should have the benefit of it. Commissioner Anderson suggested the wording: "Any lot that is a legal lot at the time of the adoption of this ordinance shall continue to be a legal lot."

At this point in the discussion because there was no one in the audience concerned with the proposed amendments, and there were people there for other matters on the Agenda, Commissioner Moore moved the discussion be repositioned at the bottom of the Agenda, seconded by Commissioner Gue, unanimously approved.

B. REVIEW OF USE PERMIT

U-123 Joseph Hanson. Review of stipulations of Use Permit for Outdoor Display of Merchandise at 721 Sir Francis Drake Blvd.

The Planning Director had asked for clarification of the stipulations of the Use Permit, and at that last meeting, it was moved that a letter be directed to Mr. Hanson asking him to be present at this meeting.

The Chairman told Mr. Hanson that the Commission was concerned with an inappropriate display of items on the porch and specifically the porch railing. Commissioners West and Heinecke did not feel that 50% of the porch would include the railing.

Mr. Hanson said he understood and that now he has some planters above the railing, and therefore there would be no problem in the future. No formal action was taken on the Use Permit.

4. NEW BUSINESS

A. PUBLIC HEARING - REZONING APPLICATION

- (1) Z-91. Application of Allan Larkins, Jr. to rezone from R-1 (Single-Family Residence District) to R-3 (Neighborhood Apartment District) A/P 7-212-44, being a portion of lot #8, Magnolia Tract, known as 60 Magnolia Avenue.

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A previous application for rezoning of this parcel was denied by the Planning Commission on January 18, 1965 for the reason that the proposed new street would cut through this parcel. The proposed new street has now been relocated closer to San Anselmo Avenue, and this area proposed for medium density development in accordance with the Town Center Plan. Mr. Larkins presented a plan of the proposed development of the lot, which includes a 7 unit apartment house. Joseph Chrest, 101 Cedar Street said he would object to an apartment house at that particular location because he doesn't feel there is an adequate water supply, and the street is too narrow to handle the increased volume of traffic and lastly there is insufficient off-site parking for visitors to the apartments. Mr. Leitzell said the master plan indicates multiple zoning from the commercial decreasing on to duplex at Cedar Street for a buffer to the R-1.

Commissioner West stated that when Mr. Larkins appeared before the Planning Commission 2 years ago on this rezoning, he had no objection to an additional 7.5 foot setback to allow for possible future widening of Magnolia Avenue, and he felt this would be a reasonable request for the Planning Commission to make.

Commissioner West moved that this Commission recommend to the City Council that Z-91, application of Allan Larkins to rezone from R-1 to R-3, A/P 7-212-44, known as 60 Magnolia Avenue, be approved on the condition that an additional 7.5 foot setback be required, making a total setback of 22.5 feet in anticipation of the necessity of widening Magnolia Avenue to accommodate the increasing density and increasing traffic. Commissioner Gue seconded the motion. Motion passed by the following vote:

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

Commissioner Anderson voted Aye primarily for the reason that it is in a zone designated for R-3 by the master plan; but with extreme reservations. He said he felt like he was signing a blank check.

Commissioner Creighton voted Aye with the thought in mind that the additional 7.5 foot setback would make it acceptable.

B. USE PERMIT APPLICATION

- (1) U-124 Paul Foti and James Townsend, Jr. Application to operate a mechanic and auto repair shop at 640 Sir Francis Drake Blvd.

The Engineer's Report was read. Mr. Foti said he wished to operate a machine shop similar to Grupe's which was the former tenant. Commissioner Creighton said he felt this was an excellent location for this type of operation and he moved that U-124, Paul Foti and James Townsend, Jr. application to operate a mechanic and auto repair shop at 640 Sir Francis Drake Boulevard be approved. Commissioner Moore seconded the motion. Commissioner West moved to add to the motion that no automobiles be parked outdoors overnight, or any material stored outdoors at any time; that the Use Permit is revokable. Commissioner Creighton accepted the addition to the motion as did Commissioner Moore who seconded. Motion unanimously approved. The applicant was informed of the 10 day period before the permit becomes valid.

C. VARIANCE APPLICATION

- (1) ADJ. 368 Daryl C. McClelland. Application (post facto) for a 15 foot variance in front yard setback to construct a car parking deck at 147 Humboldt Avenue

The City Engineer's and Building Inspector's reports were read by the Jr. Civil Engineer. Mr. McClelland said he had constructed the car parking deck because his garage was unsafe, and the new deck gave ample room to turn around and improved the conditions of the corner. He also said he thought he had a building permit because he had

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taken out a permit previously for some work, and he thought one permit covered all future building on the property. He was unaware of the necessity of a variance.

Commissioner Anderson moved that ADJ. 368 Daryl McClelland, application (post facto) for a 15 foot variance in front yard setback to construct a car parking deck at 147 Humboldt Avenue be approved subject to complete demolition and removal from the site of the existing garage and subject to the City Council's granting of an encroachment permit, and subject to paying the applicable building permit fee. Seconded by Commissioner Creighton and approved by the following vote:

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

Commissioner Gue stated he felt this again is where the Commission is being forced into a position of having to approve an application where there has been bootleg construction. Commissioner West voted No because he would not have approved a variance for this design had the application come in before construction."

Chairman Perry said when this is sent to the City Council, the question should be raised as to whether or not Mr. McClelland should be required to relinquish any right he may have had for the old building to encroach on the City right of way.

D. SUBDIVISION

- (1) SS-137 Peter Haywood. Application for lot line revision of lots 12, 13 & 14, Indian Rock Sub. #1

Mr. Haywood said he had discussed this matter with Marin County Savings & Loan Association, owners of lots 12 & 14, and they had agreed to the revision as long as it would not leave two unbuildable sites. There is a letter from Marin County Savings & Loan Association in the file to this effect. Commissioner Perry said he felt the revision would improve the building site and not be detrimental to lots 12 & 14. Commissioner West stated he felt all maps should be in order when presented to the Planning Commission. In this case the name and address of the owner and subdivider were omitted.

Commissioner Heinecke moved that SS-137, joint application of Peter Haywood and Marin County Savings & Loan Association, for lot line revision in accordance with the plot plan presented to this Commission be adopted subject to the condition that a parcel map or other description satisfactory to the City Engineer be recorded with the County Recorder showing new lot lines and that the owner provide an alternative 3 foot public utility easement on the North property line on lot 13 and dedicate this easement by means of the parcel map. Motion seconded by Commissioner Gue, unanimously approved. Commissioner West said he would like to request that the City Engineer give special attention to any grading permits so as to avoid any damage to the oak tree located near the boundary line between lots 13 & 14, and also take into consideration the application of the tree ordinance to this situation.

E. USE PERMIT APPLICATION

- (1) U-125 Safeway Stores, Inc. Application for occasional outdoor display and sale of nursery stock and related items in front of 856 Sir Francis Drake Boulevard, located in the Red Hill Shopping Center

Mr. Cleon Tolman, Manager of the Red Hill Shopping Center Safeway Store was present. He said that as a promotional Safeway was featuring an outdoor nursery and related items sale. He was unaware of the necessity for a Use Permit since he had obtained permission from the Shopping Center for the sale.

Commissioner Creighton felt each of the tenants in the Shopping Center should make arrangements with the Shopping Center for any outdoor display and the Planning Commission should deal with the developers only.

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Commissioner Perry stated he was dead against this type of outdoor display in the Shopping Center. Mr. Tolman had specifically asked for the permit for the coming weekend, and it was pointed out that since there was a ten day waiting period after issuance of a permit, it would not cover the specific request.

Commissioner West moved that U-125, Safeway Stores, Inc. application for occasional outdoor display and sale of nursery stock and related items at 856 Sir Francis Drake Boulevard (in Red Hill Shopping Center) be denied and a recommendation be made to the City Officials that Safeway be required to remove the display no later than Monday, April 24, 1967, and further that the denial should not prejudice any future presentation that Safeway may wish to make. Motion seconded by Commissioner Moore. Commissioner Heinecke proposed to amend the motion to read: "provided, however, that all fertilizer and peat moss and bag goods be removed forthwith and no outdoor sales thereof be made hereafter". Commissioners West and Moore accepted the amendment. Motion approved by the following vote:

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

Commissioner Gue voted No, not because he would approve of the permit, but because this denial was in effect the granting of a one-week permit.

Commissioner Creighton moved that the Secretary be instructed to write a letter to the manager of the Red Hill Shopping Center setting forth the existence of our Zoning Ordinance and the need for a Use Permit for outdoor display and sale of merchandise enclosing a copy of the ordinance and requesting that the manager inform any tenant of the existence of the ordinance if a tenant requests permission to have an outdoor display. Commissioner West seconded the motion and it was unanimously approved.

CONTINUATION OF PUBLIC HEARING REGARDING AMENDMENTS TO ZONING ORDINANCE

Commissioner West said he would like to hear the City Engineer's opinion, and for that reason, he moved the hearing be continued to the next meeting, seconded by Commissioner Heinecke, unanimously approved. Chairman Perry requested that all Commissioners take time to read the proposals carefully so that the Commission can wrap it up at the next meeting.

5. MATTERS FOR CONSIDERATION OF THE PLANNING COMMISSION

A. Proposed Revisions to Sign Ordinance

This matter will be placed on the Agenda of May 1st, in the meantime the Planning Office will duplicate suggestions for revisions and distribute to all Commissioners.

B. ILLEGAL SUBDIVISIONS

Commissioner Heinecke had prepared a memo regarding illegal subdivisions with suggestions to protect future purchasers of lots that were illegally subdivided. Commissioner West said he felt this was an attempt to come to grips with a very real problem. He asked if it could be properly tackled at the City level and thought perhaps it should be at County level.

Commissioner Heinecke moved that the Secretary of the Planning Commission be requested to write a letter to the City Attorney requesting that he evaluate the memorandum submitted to the Commission and forward any comment which he may have concerning the practicability of giving advance notice to purchasers of real property. Motion seconded by Commissioner Gue and unanimously approved.

At 11:20 p.m., there being no further business before the Commission Commissioner West moved to adjourn, seconded by Commissioner Heinecke and unanimously approved.


Warren R. Perry
Planning Commission Chairman