

May 1, 1967

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Warren Perry at 8:00 p.m. on May 1, 1967, in the Council Chamber.

1. ROLL CALL

Commissioners present: Anderson, Creighton, Gue, Heinecke, Moore, West, Perry

Commissioners absent: None

2. APPROVAL OF MINUTES

Commissioner West said the minutes of April 17, 1967, item C (1) paragraph 4 should read: Commissioner West voted No because he would not have approved a variance for this design had the application come in before construction.

Commissioner Gue moved to approve the minutes of April 17, 1967 as amended, seconded by Commissioner West, unanimously approved.

3. OLD BUSINESS

A. PUBLIC HEARING (Continued from April 17, 1967)

Proposed Amendments to Zoning Ordinance. This matter was repositioned at the bottom of the Agenda

4. NEW BUSINESS

A. USE PERMIT APPLICATIONS

- (1) U-126 Application of Michael F. Brady and Ronald O. Ulrich to conduct an auto repair service and accessories for sale at 640 Sir Francis Drake Blvd. (C-3 District).

Mr. Brady was not present. Commissioner West said he had a question for the applicant, and that was whether or not he intended to sell gas. Mr. O'Rourke said the applicant had been questioned about this at the time he submitted the application and had stated he definitely would not be selling gas at this time. The application did not request permission to sell gasoline.

Commissioner West moved that U-126, application of Michael F. Brady and Ronald O. Ulrich to conduct an auto repair service and accessory retail at 640 Sir Francis Drake Boulevard be approved subject to the condition that no automobiles or any material be stored or parked outdoors overnight and with the express provision that this Use Permit is not for a gasoline service station, and finally, that the Use Permit is revokable. Motion seconded by Commissioner Gue, unanimously approved.

- (2) U-101 Western Associates. Review of Use Permit.

Mr. Jack Wolfe operator of the Carwash was present. Chairman Perry said that although there is another problem concerning the property, that of an illegal subdivision, it does not have anything to do with the operation of the carwash Use Permit Review.

Commissioner West said that when the Use Permit was granted, landscaping according to the plan submitted to the Commission was a condition of the granting. He said the plan definitely called for two rather large trees at the rear of the lot. So far, these trees are non-existent. Mr. Wolfe said he had discussed the matter with the City Engineer who felt it impractical to plant trees at the rear of the lot as long as there is a slide problem in the immediate area.

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Commissioner West moved that in connection with U-101, Western Associates, the Use Permit be continued in effect subject to the applicant taking action to install the trees shown in the plan of October 16, 1964, and that the City Engineer be directed to review the matter of the trees with the applicant. Commissioner Anderson seconded the motion, and it was unanimously approved.

#### B. ADJUSTMENT APPLICATION

- (1) ADJ. 369. Application of Eugene DePrado for a fifteen FOOT VARIANCE IN FRONTYARD SETBACK TO CONSTRUCT AN APPROACH RAMP ON A/P 7-095-39, LOCATED AT 248 REDWOOD RD.

Mr. O'Rourke said this was an application for an approach ramp to a cardeck which would be within the proper setbacks. Mr. DePrado said the lady next door had built out into the street and in front of his property so that he had only about 15 feet of frontage left to build on. Mr. Landon, purchaser of the Johnson property at 250 Redwood Road, said he felt the access into his garage could be used by both lots. Mr. DePrado said there was a five foot easement along the side of the property which he thought was a public utility easement. Mr. Landon said he thought it was a walkway easement only.

Commissioner Perry said he did not feel all of the possibilities had not yet been explored, and he thought perhaps something could be worked out. Commissioner West felt there was not enough information presented to enable the Commission to properly assess the problem. Commissioner Perry said he could not identify the property, nor did he know what the applicant wanted to build and where.

The Chair put the matter over until the next meeting of the Planning Commission to enable the applicant to present additional information and to explore other possible solutions to the problem.

#### C. SUBDIVISION APPLICATIONS

- (1) SS-138 Application of Arthur Nicolaisen and Marius Larsen for a lot line revision of a ptn. of Lot #2, Rosenthal Tract, being Sub. 3 of the Sunnyside Tract, known as 23 Vine Avenue

Reports of the Engineering Office were read. Mr. Nicolaisen was present on behalf of the applicant. He said they wished to make a legal building site from lot #1 which was lacking in average width because of a peculiar shape and depth of the lot. Lot #3 was built on without setbacks, hence they wished to revise the lot line to allow the required five foot sideyard setback. Commissioner Perry asked why the line between parcel 1 & parcel 2 was not aligned to make the lot more rectangular.

Commissioner West said he felt the condition of the street should be considered; it is entirely inadequate. Commissioner Perry said there are several considerations in favor of the subdivision.

1. An opportunity to realign the lot line between parcels 1 & 2 and to get the proper setback on parcel 1.

Commissioner West felt the Commission should ask for street widening and improvement. He pointed out that at present there exist two legal building sites within the area proposed for subdivision, and that the proposed subdivision will create 3 legal building sites.

Mr. Nicolaisen said he had given no thought to improvements. He said as a builder he considered all three sites to be buildable sites. He said if any amount of money would be required, then the application would not be feasible. Mervyn Attel of Gallagher Sturiale Realty, said this was a dead end street, and there was no possibility of other lots being developed at the end of the street. Commissioner Anderson said he agreed with Commissioner West that the street should be improved to a width which would provide for one parking lane and two moving lanes with curb and gutter the length of the three lots.

Commissioner Anderson moved that SS-138, application of Arthur

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Nicolaisen and Marius Larsen for a lot line revision of a ptn. of Lot #2, Rosenthal Tract, be referred back to the applicant and referred to the City Engineer with regard to recommended specific provisions for street improvements with particular regard to the total paved future width of Vine Avenue that should be required; as a secondary recommendation that the applicant consult with the City Engineer on the attempt to locate the westerly line of parcel #2 further to the west and make it more rectangular. Motion seconded by Commissioner Gue, unanimously approved with Commissioner West abstaining.

- (2) SS-139 Application of Citizens Federal Savings & Loan Association and Ross Valley Savings & Loan Association for a resubdivision of lots 207 & 208 as shown on map entitled "Amended Map No. 2 of the Bush Tract", located at 11 Glen Road, 52 & 64 Forest Avenue

Mr. Larry Wright was present to represent Ross Valley Savings & Loan Association and Mr. Reece representing Citizens Federal Savings and Loan Association. Mr. Wright outlined the history of the lots and explained how each owner acquired same. He said lots 207 & 208 were originally divided prior to 1912, and in 1912 lot 207 was divided in half, creating the third parcel. At one time, January 29, 1964, all three lots came into one ownership. Commissioner Perry said he felt the combining provision of the Ordinance applied to unimproved land only. He also said he felt the Commission needed the opinion of the City Attorney as to whether, if these structures were lawfully built in the first place, they should all be combined now. Both applicants were agreeable to a continuation of the matter until a conference can be arranged between the City Attorney, the Attorney for Ross Valley Savings & Loan Association, the Attorney for Citizens Federal Savings & Loan Association, the Attorney for Citizens Federal Savings & Loan Association and the Chairman of the Planning Commission.

Commissioner West said he had three questions he would like to have answered: 1. What are the provisions of Ordinance 190, combining provisions, if any, and predecessor ordinances? 2. Was the subdivision of lot 207 legal in the first instance. 3. When were the structures erected?

Commissioner Anderson said he would like clarification from Mr. Buresh which combining provision applies in this case, that of Ordinance 190 or the present ordinance, and if the combining provision of the present ordinance, and if the combining provision of the present ordinance applies only to unimproved lots.

##### 5. MATTERS FOR THE CONSIDERATION OF THE PLANNING COMMISSION

###### Proposed Amendments to the Zoning Ordinance

Commissioner Moore said he felt the parking requirements for apartments should be 2 spaces for 2 bedroom apartments. Mr. Leitzell said a study was made in 1962 when the present ordinance was drafted, and it proved that 1 & 1/2 parking spaces for 2 bedroom apartments were sufficient.

Commissioner Moore moved that Article 7, covering R-3, Neighborhood Apartments, section (h) parking spaces, be modified to read: "That 2 parking spaces shall be required for two bedroom apartments", rather than 1 & 1/2 as is indicated in the existing wording; seconded by Commissioner Anderson, and failed to carry by the following vote:

AYES: Commissioners Anderson and Moore

NOES: Commissioners Creighton, Gue, Heinecke, West, Perry

Commissioner West moved that Section 10-3.704 (h) (3) should be changed to read: "All parking spaces shall be screened by suitable wall or structure and planting, and shall be located on the same

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lot as the building for which they are required"; seconded by Commissioner Moore, unanimously approved.

Commissioner Perry stated he favored Mr. Leitzell's approach to the combining provision, and that he felt dates of applicable ordinances should be inserted when referring to a specific ordinance.

Commissioner West moved to adopt Mr. Leitzell's proposed revision of Section 10-3.1908 as follows:

(b) such real property was legally subdivided after adoption of Ordinance 190 (effective date June 7, 1926) but prior to the adoption of an applicable subdivision ordinance, in accordance with the size, width and frontage requirements of the zoning ordinance in effect at the time of this division; or

(c) such real property was subdivided pursuant to Ordinance 248 (effective date September 9, 1937) or as amended by Ordinance 341 (effective date November 8, 1951) or Ordinance 425 (effective date September 13, 1957) of the City of San Anselmo. Motion seconded by Commissioner Heinecke and unanimously approved.

Commissioner West asked if it were the intention of the Commission for the combining provision to apply to developed lots. Mr. Leitzell said it should apply to undeveloped properties, or a case where one parcel is developed and one parcel unimproved.

The completed proposed revisions to Ordinance #485 are to be typed and mailed to each Commissioner for final review before forwarding with a recommendation to the City Council.

#### PROPOSED REVISIONS TO SIGN ORDINANCE

Commissioner Anderson asked the Commissioners to make corrections in their copies as follows: Page 1, line 7 & 8, "Director of Community Development" should be deleted. Page 2, delete line 6. Page 2, line 9 shall be continued to read: "...banners of a temporary nature shall be permitted by special permit." Page 2, lines 10 & 11 to be deleted. Line 14 should read as follows: "The total sign area permitted shall include all signs visible from the exterior, including permanent window signs, but exclusive of temporary interior window display signs." Page 2, item I.B Projecting: should read "minimum clearance 10 feet". Freestanding: "minimum clearance 10 feet".

Mr. Richard Gable was present as a member of the Chamber of Commerce as well as a business man. He objected to the 3 year period given for non-conforming signs to conform to the new ordinance. He said in his case he had two signs which the revisions would render non-conforming, and he had invested a great deal of money in them, had obtained the proper permit at the time of installation, and he felt he would not have recovered his investment in three years. Commissioner Heinecke asked Mr. Gable whether he would consider an amortization period on non-conforming signs in a length equal to the remaining tax life of the sign a fair amortization period. He answered "yes".

Commissioner Anderson requested that the proposed ordinance be referred to the Chamber of Commerce with the request that they make specific recommendations in regard to size, height, number of signs permitted and years to conform. The Chairman asked Mr. James Reed to present the ordinance to the Chamber of Commerce and ask that they consider it and forward their draft of suggestions to the Planning Office by June 12th or 13th in order that it might be reproduced and forwarded to the members of the Commission to review before the meeting of June 19th at which time it will be placed on the Agenda for further consideration.

Commissioner Perry said the Commission had been asked to appoint a member of the Planning Commission to the Design Review Board for

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a term of six months--the idea being to rotate the Planning Commission member each six months. The Chairman appointed Commissioner West. Mayor Smith was in the audience, and stated that there was some question of the legality of appointing a member for a six months period, and therefore the appointment should be contingent upon an opinion by the City Attorney.

At 11:45 p.m., there being no further business before the Commission, the Chairman adjourned the meeting.

*Warren R. Perry*  
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Warren R. Perry  
Planning Commission Chairman