

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 January 15, 1968.

1. ROLL CALL

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

Commissioners Absent: None

2. APPROVAL OF MINUTES

Commissioner West said he would like the minutes of December 18th, item 4, C (1) to reflect Mr. Gehres' statement that parcel #3 was retained by the previous owner at the time Mr. Gehres bought the property (1958); that later Mr. Gehres bought parcel #3 from the previous owner and at a later date conveyed it by trade or sale to Mr. Clyde. Also, that Mr. Sheeks, Mr. Gehres' attorney, stated that Mr. Gehres had added kitchen facilities to the accessory building sometime after the original completion.

Commissioner West moved that the minutes of December 18th be approved with the addition of the above. Commissioner Gue seconded the motion, and it was unanimously approved.

3. ELECTION OF CHAIRMAN AND VICE CHAIRMAN

Commissioner Creighton nominated Commissioner West for Chairman. Commissioner Anderson nominated Commissioner Perry for Chairman.

Commissioner West was elected Chairman by a majority vote.

Commissioner Gue nominated Commissioner Heinecke for Vice Chairman. Commissioner Perry nominated Commissioner Creighton for Vice Chairman.

Commissioner Creighton was elected Vice Chairman by a majority vote.

Commissioner West assumed the position of Chairman

Several of the Commissioners spoke about the excellence of Commissioner Perry's Chairmanship and the manner in which meetings were conducted.

Commissioner Anderson moved that the Planning Commission enter into the record a vote of appreciation for Mr. Perry's really fine services for the past two years. Motion seconded by Commissioner Gue and unanimously approved.

4. PUBLIC HEARING

A. REZONING

- (1) Z-97 Rezone from Central Business District (C-2) to Neighborhood Apartment District (R-3), Lots 25 & 26 Linda Vista Tract, Subdivision of Lots, 1, 2 & 12, commonly known as 164 & 168 Tunstead Avenue. Property at 164 Tunstead Avenue owned by Mrs. Anna Ghezzi. Property at 168 Tunstead Avenue owned by Mr. Wallace Myers, Lena Lee, et al. Rezoning initiated by the San Anselmo Planning Commission

Staff report was given. The property owners had given their written approval of the rezoning. There was no one in the audience to comment on the rezoning.

Commissioner Gue moved in regard to Z-97 rezoning of Lots 25 & 26 Linda Vista Tract, Subdivision of Lots, 1, 2 & 12, commonly known as 164 & 168 Tunstead Avenue, the Planning Commission recommend to the City Council that the rezoning be approved to bring the property into conformity with the existing use and existing adjacent use and master plan for the area. Motion seconded by Commissioner Moore, unanimously approved.

5. OLD BUSINESS

A. SUBDIVISIONS

- (1) S-144 Thomas Gehres. 3 lot subdivision of
A/P 7-121-52 - Laurel Avenue

The file was reviewed by the Assistant Engineer, John O'Rourke. Mr. John Bernt was present representing the applicant. There was no one in the audience who wished to comment on the application.

Commissioner Perry said the Planning Commission was faced with two alternatives. He said he felt it was not proper, everytime somebody does something by an illegal act, for the Planning Commission to have to legalize it after the fact. He felt this application a very important consideration since the house was built legally, but the kitchen facilities were added illegally.

Commissioner Moore said he felt that approval of this subdivision would mean additional income for the owner and as such there really would be no hardship shown as is required for a variance, and approval of this subdivision would involve a variance of street frontage and lot slope requirements.

Commissioner Creighton said that although he was basically in favor of the subdivision, he found it difficult to reconcile the background of the application. He feels the applicant started off on the wrong foot.

Mr. Bernt outlined the history of the property and the construction of the guest house and said he did not feel the division of the parcel was adverse to good planning. He said an uninhabited house is a detraction to the property and surrounding properties.

Commissioner Heinecke said the whole chain of events must have been foreseeable at the time the Gehres constructed the present guest house. He felt the criticism lies with the persons responsible for approving construction of the guest house in the beginning.

Commissioner Moore moved that S-144, Thomas Gehres, application for a 3 lot subdivision of A/P 7-121-52 on Laurel Avenue be denied on several counts:

1. That it is substantially below the minimum requirements for a subdivision; parcel 1 is 19% below standard and parcel #2 is 38% below standard.
2. That the original Building Permit Application stated construction was for a cottage or accessory building for the parents of the applicant and since that function is no longer being served it does not represent a valid hardship at the present.
3. The present cottage of approximately 500 square feet cannot be expanded in its location.
4. It is doubtful that a suitable sized house can be put on parcel #2 because of the winding access to parcel #1.

Motion seconded by Commissioner Gue and approved by the following vote:

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

Commissioner Anderson voted Aye for the following reasons: There are no special circumstances or conditions stemming from the property itself which are peculiar to this lot and which are called for by the subdivision ordinance in order to warrant a variance such as requested. Denial of this subdivision will not remove any property rights which the owner presently has. He will still have the right to use the cottage as a guest house which is the same right he now has. It is the duty of the Planning Commission to weigh a subdivision as to whether or not it is in conformity with the ordinance and as to whether or not it is a good or poor subdivision.

Commissioner Creighton voted Aye, not because he was not in favor of the subdivision; he felt if the subdivision had come before the Commission prior to the time the house was erected it would have received the majority vote of the Commission. He said he was against the way that this whole thing has come about. He said he could not vote in favor of the subdivision knowing of the background.

Commissioner Gue said: "I do not necessarily believe we are a punitive body, but I do think we should not approve illegal actions".

Commissioner Perry voted No for the reason that he would have approved this proposed subdivision pursuant to the plan which was entitled "Tentative Map" and originally dated September 26, 1967 and later revised on January 4, 1968 provided the missing sidewalk in front of parcel #2 was replaced; that the map be duly recorded; that proper conveyance be made by the property owner of parcel #3 to the adjacent land owner, Frank S. and Clare S. Argall, and that parcel #3 be incorporated as a part of the adjacent property; that the frontage requirements for parcel #1 be waived; that the slope policy requirements be waived; that an easement for ingress and egress be conveyed and recorded across parcel #2 for the benefit of parcel #1; that appropriate permits be obtained to legalize the kitchen facility, and further that a recitation be made that this subdivision is not to be of a precedent-establishing nature, but rather one that was approved in view of the peculiar characteristics of this particular piece of property.

Commissioner Heinecke joined in Commissioner Perry's comments.

The applicant was informed of his right to appeal the decision of the Planning Commission to the City Council within 30 days.

6. NEW BUSINESS

A. MATTERS FOR CONSIDERATION OF THE PLANNING COMMISSION

- (1) Setting of Public Hearing - Proposed Amendments to Height, Bulk and Space Requirements in R-1, R-3 and R-3 zones

The Chairman said he would like to have a staff report before setting a public hearing on the amendments to the zoning ordinance. At the same time the Commission would like a report on the time requirements for publication of notices of public hearings.

B. CORRESPONDENCE

Letter from John F. Barrows, Assistant County Administrator re ABAG Preliminary Plan

The Planning Commission did not feel qualified to comment on the

plan at the present time, but did express a desire that the City of San Anselmo be represented at the meeting.

SIGN ORDINANCE

There was some discussion relative the use of the description "building front" and "building face." Commissioner Perry will draft a definition which will be submitted to the Commission.

Chairman West outlined a brief format for the conducting of Planning Commission meetings and Commissioner Heinicke asked to have the voting roll call staggered in order of calling.

At 10:00 p.m. Commissioner Gue moved the meeting be adjourned, unanimously approved.


JOHN F. WEST
PLANNING COMMISSION CHAIRMAN