

The regular meeting of the San Anselmo Planning Commission was called to order by Acting Chairman Warren R. Perry at 8:00 pm. in the City Hall on August 4, 1969. Representing the City Staff: John O'Rourke

1. ROLL CALL

Commissioners Present: Bernt, Creighton, Moore, Perry, Stuart
Commissioners Absent: Heinecke, West

2. APPROVAL OF MINUTES

Commissioner Creighton moved the minutes of July 21, 1969 be approved as written, seconded by Commissioner Moore and un-animously approved.

3. OLD BUSINESS

A. PUBLIC HEARING - REZONING APPLICATION

- (1) Z-106 Application of Mrs. Sydney Alexander and Edwin Wicander, Jr. to rezone Lot 7, Magnolia Tract (A/P 7-212-43) commonly known as 58 Magnolia Avenue from R-1 (Single Family Residence District) to R-3 (Neighborhood Apartment District)

4. NEW BUSINESS

A. PUBLIC HEARINGS - REZONING APPLICATIONS

- (1) Z-108 Application of Edwin Wicander, Jr., (purchaser) and Mrs. Christine Neidlinger (present owner) to rezone a portion of Lot 8, Magnolia Tract, A/P 7-212-45, commonly known as 72 Magnolia Avenue from R-1 (Single Family Residence District) to R-3 (Neighborhood Apartment District)

The applications for Z-106 and Z-108 were heard together since, if approved, they will be developed as one parcel.

Mr. O'Rourke stated that it was the intention of the purchaser to combine Lot 7, Magnolia Tract with a portion of Lot 8 already zoned R-3, plus the remaining portion of lot 8 for which rezoning is being requested, in order to develop it as one parcel. These lots are within the area designated to be zoned R-3 on the Master Plan, however, they are suitable for multiple dwelling use only if developed as one parcel.

Mr. Wicander stated that the development would be multiple units for Senior Citizens and he felt this area was particularly desirable because the residents would be able to walk to the downtown area. He pointed out that this development would not present any policing problem, nor add students to the school system. The units would be rental units - not a condominium-type residence.

Mr. O'Rourke advised Mr. Wicander that the setback requirements for multiple use are a 20 feet setback from front and rear lines, an 8 foot sideyard setback, with a 12' setback required on the Cedar Street line.

He further noted that Magnolia Street is 18' wide, with a 25' right-of-way. Commissioner Perry noted that if the lots were developed separately there would be an 8' sideyard setback required on each parcel.

Mrs. Lundquist, from the audience, stated she was against the rezoning if this would allow low-rent housing to be built, which would lower property values throughout the neighborhood.

Commissioner Perry advised her that the zoning only defines setbacks, parking, density, etc. - the quality of the structure would have to be determined by the Design Review Committee.

Mr. Carter, from the audience, asked if this rezoning would have any possible effect on the zoning of his property across Magnolia Avenue. Commissioner Perry advised him that there is a need for multiple density zoning, which should be concentrated around the downtown area. R-4 zoning was deemed too heavy for San Anselmo and was eliminated from zoning ordinances. The Planning Commission had recommended to the City Council that commercial development be on San Anselmo Avenue with the area immediately behind zoned R-3, tapering off to R-2 and Cedar Street defining the start of the R-1 zone. He felt that Mr. Carter's property would probably fall within an area that could conceivably be zoned R-3.

Commissioner Creighton stated that he is definitely in favor of combining the three lots, since they are narrow and deep and would combine areawise to make an ideal parcel for R-3 zoning. However, he does feel that the narrowness of the street does not lend itself to high density - he feels that provisions should be made to allow for future street widening. Commissioner Moore and Commissioner Stuart both concurred with Commissioner Creighton's comments.

Commissioner Bernt said he felt these lots would lend themselves to Planned Development and would like to see Mr. Wicander consider this, but is in favor of requiring sufficient frontyard setback to allow for future street widening.

Commissioner Perry recommended that an extra 7 1/2 foot frontyard setback be required to allow for future street widening, but stressed that they were not calling for dedication to the city of this property at this time. Mr. Wicander stated that he was agreeable to providing a total frontyard setback of 27 1/2 feet, if he could landscape and possibly include in his off-street parking area the additional 7 1/2 feet, until it is needed for street widening.

Commissioner Creighton moved that Z-106, Application of Mrs. Sydney Alexander and Edwin Wicander, Jr. to rezone Lot 7, Magnolia Tract (A/P 7-212-43) commonly known as 58 Magnolia Avenue from R-1 (Single Family Residence District) to R-3 (Neighborhood Apartment District) be approved provided:

1. that Lot 7 be combined with Lot 8 of Magnolia Tract;
2. an additional 7 1/2 foot frontyard setback over the required 20 foot frontyard setback be maintained for the building structure erected.

Motion seconded by Commissioner Bernt and unanimously approved.

Commissioner Creighton moved that Z-108, Application of Edwin Wicander, Jr., (purchaser) and Mrs. Christine Neidlinger (present owner) to rezone a portion of Lot 8, Magnolia Tract (A/P 7-212-45), commonly known as 72 Magnolia Avenue from R-1 (Single Family Residence District) to R-3 (Neighborhood Apartment District), be approved provided:

1. that Lot 8 be combined with Lot 7 of Magnolia Tract;
2. a 27.5 foot frontyard setback will be maintained on the building erected on this property.

Motion seconded by Commissioner Bernt and unanimously approved.

(2) Z-107 Application of Monty W. Connery to rezone a portion of Lot 31, Ross Valley Park Sub. #1, A/P 7-211-42, commonly known as 46 and 48 Tamalpais

Avenue from R-2 (Two Family Residence District) to R-3 (Neighborhood Apartment District).

Mr. O'Rourke stated that although this property is within a multiple use area, this particular parcel is only 58' in width and the ordinance requires a minimum width of 75', which would necessitate a variance if the parcel is rezoned. The Planning Director has recommended that this parcel be combined with adjacent property before rezoning to allow multiple use.

Commissioner Perry requested Mr. O'Rourke to verbally abstract the minutes from the January 3, 1966 and February 7, 1966 Planning Commission Meetings relating to two previous applications to rezone this parcel. The first application was to rezone from R-2 to R-4, and the second was to rezone from R-2 to R-3. Both these rezonings were denied.

Mr. Connery stated that since the previous applications, two other parcels on this street have been rezoned to R-3, as this area is within the Master Plan area designated for R-3. He stated it is not economically feasible to retain the structure on this parcel as a duplex unit; and building costs are too high to justify remodeling.

Mr. Joslin, from the audience, stated he would be in favor of having it rezoned, since the existing building is highly undesirable, and the only method of improving the property would be a higher density use.

Mr. Kulps, from the audience, stated he feels the applicant has deliberately neglected the property and is encouraging the type of people who have no respect for the property, to live in it in an attempt to push rezoning because of the run down condition.

Mr. George Nelson, from the audience, asked what the height limit on an R-3 zone is, and stated he will lose the view from his next-door home if a 35' high structure is allowed to be added to the lot. He feels Mr. Connery has deliberately neglected the property.

Commissioner Creighton pointed out to Mr. Connery that he would only be allowed to add three more units to the existing two, because of the density per sq. footage limitations. Commissioner Moore stated that he feels that the minimum lot width of 75' for R-3 zoning should be enforced in this case, and Commissioner Stuart concurred with his thinking. Commissioner Bernt said he felt the rezoning was not consistent with the neighborhood, and that the present rundown condition of the property does not indicate good intentions for the future. Commissioner Perry stated that he feels that the property has been allowed to run down in an attempt to "black-jack" the community. He feels the property should be combined with adjacent property to provide adequate width.

Commissioner Creighton moved that Z-107, Application of Monty W. Connery to rezone a portion of Lot 31, Ross Valley Park Sub. #1, A/P 7-211-42, commonly known as 46 and 48 Tamalpais Avenue from R-2 (Two Family Residence District) to R-3 (Neighborhood Apartment District) be denied. The motion was seconded by Commissioner Bernt and unanimously approved.

The applicant was informed of the denial of the application and his right to appeal the decision to the City Council within ten days.

B. USE PERMIT APPLICATION

- (1) U-163 Laverne P. Swaney. Application for home occupation, dressmaking, alteration and design at 45 Barber

Avenue, A/P 6-241-30

Mr. O'Rourke stated that the Planning Department had received many letters and telephone calls opposed to this application being approved; however, many of the protestors seemed to be confused about the issue.

Mrs. Swaney stated that she intended to have 3 or 4 clients per week visit her home for dressmaking purposes; that she intended to have no signs, would do no advertising, and would request clients to park in her driveway, rather than the street.

Mr. Raymond Harris, from the audience, commented that his only concern was would there be a discernable impact on the neighborhood if the permit is granted.

Sybil Conklin, from the audience, stated that she was concerned with increased traffic and parking problems in the neighborhood, and fears a lowering of property values.

Mrs. Mahl, from the audience, said she objects because of increased traffic which will be generated on an already busy street.

Mrs. King, from the audience, said she objects because of the parking problems.

Commissioner Bernt inquired about the propriety of parking a house trailer in a residential yard. Commissioner Perry asked that the discussion be limited to the use permit application, and requested the City Staff to report at the next Planning Commission meeting on the status of the trailer.

Commissioner Bernt stated that he feels the use is not out of context with the neighborhood. Commissioner Moore stated that he has no objections as long as a limitation is imposed on signs and traffic generation. Commissioners Creighton and Perry concurred.

Commissioner Moore moved that U-163, Application of Laverne P. Swaney for home occupation, dressmaking, alteration and design at 45 Barber Avenue be approved subject to the following conditions:

1. No signs or commercial advertising in newspapers or other media be allowed;
2. No employees be allowed;
3. No equipment over and above a standard sewing machine and other minor equipment be used;
4. This use permit is predicated upon a minimum traffic generation;
5. This matter be reviewed in six months to determine whether matters are satisfactory within the neighborhood.

Motion seconded by Commissioner Stuart and unanimously approved.

Mrs. Swaney was advised that the use permit will not be effective for 10 days, since there is a ten day period in which the Commission's decision may be appealed to the City Council.

C. VARIANCE APPLICATIONS

- (1) ADJ. 405 San Francisco Theological Seminary. Application to enlarge an existing non-conforming use. An additional classroom at the corner of Austin Avenue and Kensington Road. A/P 7-291-01

Mr. O'Rourke advised that the department felt that no off-street parking need be required since there is already sufficient off-street parking, and on-street parking in the area, and it would be necessary to destroy large trees and other landscaping in order to provide off street parking.

Mr. Donald Duerr, of the Seminary staff, explained the proposed building is a laboratory situation for the improvement of counselling skills and communication by the students. He stated they anticipated no parking problems since the entire Seminary program is being revised and the student enrollment at the San Anselmo campus will be about one-half of the previous year's enrollment.

John Colteaus, from the audience, asked if the building will be used for programs that involve community participation, that is, will there be more than the usual number of cars drawn to the building.

Commissioner Perry asked if there is anything about the program to be carried on in this building which will jeopardize the quiet, residential tone of the neighborhood.

Mr. Hooper, the architect, informed the Commission that it will be a one story building, and they intend to preserve as much of the greenery as possible. They intend to make it semi-residential - non-institutional in character. The largest room would be a classroom to seat 40 students, the rest of the building would consist of small informal rooms.

Mr. Robert Widaa, from the audience, stated he is concerned about possible traffic congestion - but does not want to see the trees destroyed.

Mr. O'Rourke stated that the parking ordinance states that 1 space is needed for every 100 sq. ft. of building, or 1 space for every 10 seats, if it is considered an assembly hall.

Commissioner Perry suggested that the variance be allowed, since greenery is preferable to asphalt, with the provision that the Seminary will provide off-street parking if a parking problem arises; and that the Design Review Committee reviews the building plans before a building permit is issued.

Commissioner Bernt moved that ADJ. 405 San Anselmo Theological Seminary application to enlarge an existing non-conforming use for an additional classroom building at the corner of Austin Avenue and Kensington Road, be approved with a variance as to any additional off-street parking, subject to review in six months after the date of the issuing of an occupancy permit, the express purpose of the review will be to determine if the lack of off-street parking has caused any parking congestion; and also subject to plans being submitted to the Design Review Committee before the issuance of a building permit. Upon review, this Commission reserves the right to require such off-street parking as is required by ordinance, as may be necessary to alleviate the demonstrated parking congestion. Motion seconded by Commissioner Moore and unanimously approved.

- (2) ADJ. 406 Kelso Norman. Application for a 10 foot variance in frontyard setback to construct a dwelling at 130 Sequoia Drive. A/P 6-115-15

8/4/69

Mr. O'Rourke read a report from the Planning Director stating he felt a variance should be granted for the residence portion of the application, but was unnecessary on the garage portion, since the garage could be shortened by eight feet and moved back two feet, to make a 10 foot variance in front-yard setback unnecessary.

Mr. Norman stated that he feels since much of the neighborhood is built right to the street, and it is a low density area, that it would be in line to allow this dwelling to be built with a 10' variance in frontyard setback.

Mr. Weeks, the developer, stated that the additional area was needed in the garage for utility and service area, since the house itself is quite small.

Commissioner Perry asked is there any possibility the street might be widened, which might require using part of the setback area. He stated he can see hardship circumstances, and feels the impact on the city is negligible.

Commissioner Creighton moved that ADJ. 406, Kelso Norman, application for a 10 foot variance in frontyard setback to construct a dwelling at 130 Sequoia Drive be granted for the reason:

1. peculiar terrain characteristics in the form of a substantial elevation increase at the rear of the parcel;
2. the peculiar shape of the lot;
3. there appears to be a substantial area between the proposed structure and existing street improvements making the proposed structure setback adequate despite the variance.

Motion seconded by Commissioner Bernt and unanimously approved.

5. CORRESPONDENCE

Held over until next regular meeting.

6. MATTERS FOR CONSIDERATION OF THE PLANNING COMMISSION

- (1) Discussion of Architectural Features of Appurtenances, Section 10-3.1906 (f) (2) of the San Anselmo Municipal Code.

Held over until the next regular meeting.

The meeting was adjourned at 11:25p.m.

WARREN R. PERRY, ACTING CHAIRMAN