

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John F. West at 8:00 p.m. in the City Hall on September 15, 1969. Representing the City Staff: Charles R. Leitzell

1. ROLL CALL

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

2. APPROVAL OF MINUTES

Commissioner Heinecke moved the minutes of August 18, 1969 be approved as written, seconded by Commissioner Moore and unani-  
mously approved.

3. OLD BUSINESS

- (1) ADJ. 407 Application of Robert E. McCurdy for a 3' 4" variance in front yard setback and a 5' variance in side yard setback to construct an open two-car carport at 8 Brookside Court. A/P 5-172-05

City Engineer Leitzell reported that Chairman James McDonald of the Design Review Committee had inadvertently discovered a discrepancy on the plot plan submitted by the McCurdys, the discrepancy being that the property line was shown as the curb line, when in actuality the property line is 8 feet behind the curb face. Thus, a 10' 4" variance, rather than a 2' 4" variance should have been granted.

Commissioner Perry stated that the Design Review Committee has approved the proposed carport design, and felt that the correction necessary in the variance granted was academic, but should be handled by the Planning Commission to keep the records straight. Commissioner Bernt stated he felt that since the Design Review Committee has approved the plan, the Planning Commission should not delay the McCurdys further.

Commissioner Perry moved that in the matter of ADJ. 407, application of Robert F. McCurdy for a 3' 4" variance in front yard setback and a 5' variance in sideyard setback to construct an open two-car carport at 8 Brookside Court (A/P 5-172-05), that the language of the prior action by the Planning Commission be modified to reflect the 10' 4" variance in frontyard setback granted, rather than a 2' 4" variance in frontyard setback. The motion was seconded by Commissioner Moore and approved by the following vote:

AYES: Bernt, Heinecke, Moore, Perry, Stuart  
NOES: West

Commissioner Heinecke stated that his "aye" vote on this matter does not indicate a change in his original "no" vote on the initial application. Commissioner West stated he voted "no" because he thinks the matter should be discussed further.

4. NEW BUSINESS

A. PUBLIC HEARING - REZONING APPLICATION

- (1) Z-109 Application of Anna Ghezzi (owner) and John Komo (applicant) to rezone from R-2 (Two Family Residence District) to R-3 (Neighborhood Apartment District) A/P 7-213-25 and 7-213-41, commonly known as 158 Tunstead Avenue.

Mr. Leitzell reported that the staff recommended denial of this application on the ground that Mrs. Ghezzi, the owner, would be

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left with a small isolated lot, unsuitable for rezoning, in an area of R-3 zoning. Mr. Komo, the applicant, presented plans for the development of this parcel, which development would be in conjunction with adjacent property already owned and developed by him.

Commissioner Moore stated he feels rezoning should be done in clusters, and this application would seem to be spot rezoning.

Commissioner West stated he feels the property owner, Mrs. Ghezzi, should be notified that the Commission agrees with the staff recommendation, and ask her for her comments.

Commissioner Perry moved that this matter be continued until the next regular Planning Commission meeting, October 6, 1969, pending staff communication with the property owner. The motion was seconded by Commissioner Moore and approved by the following vote:

AYES: Moore, Perry, Stuart, Bernt, West  
NOES: Heinecke

Commissioner Heinecke stated he voted "No" because he feels the Commission is attempting to make this into a combining of parcels for rezoning, when this is not what the application asked for.

#### B. PUBLIC HEARING

(1) NON-CONFORMING MULTIPLE FAMILY USES in Single Family Residential R-1 Districts. (Title 10, Section 3, Article 23, of the San Anselmo Municipal Code).

Commissioner West announced that two public hearings would be held on this matter. This meeting would hear a background report on the matter, and comments from the audience. The following hearing would be for further audience comments, and commission discussion on the matter.

Mr. Leitzell reported that the City Council had directed a Mayor's Committee be formed, and two public hearings held, to present recommendations to them for handling both legal and illegal non-conforming multiple uses, and for solving off-street parking problems in the City. Mr. Leitzell reported the City's Streets and Traffic Committee has held one meeting regarding this, and on Monday, September 22 at 8:00 p.m. will hold another meeting in the Ross Valley Savings Building for further discussion and recommendations on the parking situation.

Mr. Braun, from the audience, stated he feels the narrow streets and steep hills are the real problems, and in many cases a real hardship is created if off-street parking must be developed for old, existing dwellings. He stated that in his neighborhood there is a lack of off-street parking, but the residents work together on the situation and no real problem exists.

Mr. Turner, 27 Foothill, stated he feels there is a real problem of multiple use in R-1 Districts, often with an absentee owner situation, and this needs correction.

Mr. Paul Brand of the San Anselmo Home Owners Association stated he agrees with both of the previous comments, and urged against a "shotgun" solution of the problems. He feels this would only worsen the situation, rather than improve it. HE NOTED this is also the feeling of the San Anselmo Homes Association.

Mr. Val Schaaf, a member of the Streets and Traffic Committee, suggested that a survey be made to determine the illegal non-conforming multiple uses, and the whole problem approached slowly especially with reference to the legal non-conforming multiple uses. He stated that the Streets and Traffic Committee feels

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that multiple non-conforming uses should be required to put in off-street parking, but there is a concern on the Committee's part over hasty action regarding off-street parking in general.

Mr. Dave Leach and Mr. Dan Goltz agreed.

#### C. USE PERMIT APPLICATIONS

- (1) U-168 Application of Alfred Nannizzi (owner) and Fotomat Corporation (lessee) for Use Permit to operate a drive-up Fotomat at 5 Red Hill Avenue. A/P 6-214-02

Mr. Leitzell reported that the Police Chief has no objection to this use in Connection with any traffic hazard, and that the staff recommendation was for approval of the use permit.

Mr. Nannizzi stated that there would be room for 4 cars to pull into the Fotomat at a time, so there would be no problem of cars stacking in a traffic lane while waiting to enter. He also noted that with the installation of the Fotomat, there would be no longer access to this parcel from Red Hill Avenue eastbound, and presently vehicles entering here to park does present some hazard to traffic. He also noted that it would be necessary to remove four trees in order to construct this building. Commissioner Stuart stated that he is concerned over possible traffic congestion in the area. Mr. Leitzell noted that there is an extra parking lane available at this point, so cars would not be entering and exiting into a moving traffic lane. Commissioner Heinecke stated that he feels this particular type of building is detrimental to the area - this should be an attractive entrance to our city. He does not feel that there should be any commercial development here, rather it should be a greenbelt area.

Commissioners Perry and West concurred with Commissioner Heinecke's thoughts. Commissioner West pointed out to Mr. Nanizzi and the Fotomat representative that if a use permit is granted, the building design would be subject to approval by the Design Review Committee.

Commissioner Heinecke moved that U-168, application of Alfred Nanizzi (owner) and Fotomat Corporation (lessee) for Use Permit to operate a drive-up Fotomat at 5 Red Hill Avenue (A/P 6-214-02) be denied on the basis that it is injurious to property and improvements in the neighborhood and to the City in general. Motion was seconded by Commissioner Bernt and unanimously approved.

Commissioner West informed the applicant of the denial of the application and of his right to appeal the decision to the City Council with ten days from this date.

#### D. VARIANCE APPLICATIONS

- (1) ADJ. 408 Application of Melvin J. Chambers for 3' variance in sideyard setback to construct an addition to the dwelling at 19 Hooper Lane. A/P 7-012-09

Mr. Leitzell reported that since this was a narrow lot, and the creek in the rearyard makes expansion impossible in that direction, he felt there was a hardship demonstrated and recommended granting the requested variance. He also noted that in checking the plans submitted, he had found a variance is needed to permit the parking of two vehicles in the proposed carport area.

Commissioner Perry stated that he would like to see the new addition inset 3 feet, since the neighboring house is very close to the property line, and if the requested variance is granted the two structures will be very close together.

Mr. Leitzell noted that the creek in the rear makes the rear yard unusable for outdoor living, hence the only outdoor living area available is the small area on the west side of the house.

If the variance is not granted and the new addition has to be moved over 3', this would cut 3' off of the small outdoor area.

Commissioner Perry moved that Adj. 408, Application of Melvin J. Chambers for 3' variance in sideyard setback to construct an addition to the dwelling at 19 Hooper Lane, (A/P 7-012-09) be granted according to the plan submitted on the ground that a hardship is shown through the encroachment of the creek into the rear of the property impairing the useable land area and the narrowness of the lot makes outdoor living space hard to develop. A variance shall also be granted to permit construction of the proposed carport area according to the plan submitted, said variance to permit a 6" encroachment into the frontyard setback by one vehicle and a 5' 6" encroachment into the frontyard setback by a second vehicle, for the reason that additional off-street parking is created by the granting of such a variance, and it is recognized that Hooper Lane has a critical on-street parking situation. These variances are granted subject to the submission of plans for approval to the Design Review Committee. The motion was seconded by Commissioner Heinecke and approved with the following vote:

AYES: Perry, Stuart, Bernt, Heinecke, Moore  
NOES: West

Commissioner West stated that he voted "No" because he felt there was a danger of the Commission entering into inconsistencies in the almost automatic granting of variances on substandard lots.

- (2) ADJ. 409 Application of Thomas D. Wilson for 5" variance in frontyard setback, 5' variance in rear yard setback and 3' variance in sideyard setback to construct an addition to the dwelling at 8 Crescent Lane. A/P 7-221-20

Mr. Leitzell reported that the applicant had been in his office about a year ago to check out the setback requirements. The plans had been drawn to conform to information given the applicant at that time, but in the meantime the zoning ordinance had been changed and when Mr. Wilson recently came into the Building Inspector's office to take out a building permit, he was informed the setback requirements had been changed and variances would be required. Mr. Leitzell recommended the granting of the variance.

Commissioner West stated that he is a neighbor of Mr. Wilson, but has had no personal involvement with the Wilsons, so felt he could take part in the discussion and voting.

Mr. Leitzell noted that the dedicated width of Crescent Lane is 10', but the street as constructed is actually 12' in front of the Wilson's property. The property owned by the Wilsons presently has no covered parking.

Commissioner Heinecke said he did not like to see the face of the building moved closer to the street than it already is, and though he feels the other variances requested are justified, he did not feel the variance in frontyard setback should be granted. Commissioners West and Perry concurred with Commissioner Heinecke's statements and felt that there was an alternative possibility to provide off-street parking which would not require the frontyard variance requested.

Commissioner Moore moved that ADJ. 409, application of Thomas D. Wilson for variances to construct an addition to the dwelling at 8 Crescent Lane (A/P 7-221-20) be granted as follows:

- 5' variance in rear yard setback
- 3' variance in side yard setback

for the reasons that the plans were made prior to the change in zoning ordinance regarding setbacks, and that the addition would be an improvement to the neighborhood. The motion was seconded by Commissioner Bernt and unanimously approved.

- (3) ADJ. 410 Application of B. M. Schmidt for 3' variance in side yard setback and 5' variance in frontyard setback to construct a garage at 61. Madrone Avenue. A/P 6-083-26

Mr. Leitzell reported that this is an application to construct a garage with a 15' setback, consistent with the setback of the dwelling, and to replace a garage presently built to the front property line.

The applicant stated that moving the garage back from the front property line would correct a potentially dangerous situation and that a variance was requested in frontyard setback because if the garage was set back a full 20' it would cut off light to the dining room.

Commissioner West stated he felt a variance was justified and suggested granting the variance, and an alternate variance to allow the garage to be set back from the front property line as far as feasible to allow ample room for vehicles parked on the parking apron.

Commissioner Heinecke moved that ADJ. 410, application of B. M. Schmidt for a 5' variance in frontyard setback and a 3' variance in sideyard setback to construct a garage at 61 Madrone Avenue (A/P 6-083-26) be granted on the condition that the applicant also has the alternate of constructing essentially the same plan but with a 3' variance in front yard setback and a 5' variance in sideyard setback; per plans drawn by W. P. Beck, revised 9/8/69. Commissioner Perry seconded the motion which was unanimously approved.

#### 6. MATTERS FOR CONSIDERATION OF PLANNING COMMISSION

- (3) Recommendation by the Reconnaissance Report Steering Committee on the selection of a Planner to prepare the application for 701 Federal Planning Funds

Mr. Leitzell stated that the Planning Commission has been asked to make a recommendation to the City Council of a Planner to assist in the preparation of an application for Federal 701 Planning Assistance Funds. The Reconnaissance report Steering Committee had reviewed the qualifications and interviewed a number of planners, and selected a slate of three planners for further consideration: Sedway-Cooke, Duncan & Jones, and Williams & Mocine. The final choice was the firm of Williams & Mocine. The 1970 Planning Commission budget includes \$1,000 for the services of a planner in preparing this application.

Mr. Williams and Mr. Mocine gave a brief resume of their background and stated some of their aims in city planning: They said they felt there should be strong citizen participation throughout the program; the plan should be a continuing thing with revisions from time to time, but with its own continuity; it must reflect the communities needs and thoughts; general plans sometimes tend to be too general - a plan should be more developmental with more phasing and more sophistication.

Commissioner Perry moved that the Planning Commission recommend to the City Council the retention of Williams & Mocine to prepare a Reconnaissance Report, work outline, and application for Federal 701 Planning Assistance Funds, at a fee of \$1,000. The motion was seconded by Commissioner Moore and unanimously approved.

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- (1) Review of proposed amendment to Section 10-3.1906 (f) (2) of the San Anselmo Municipal Code - Architectural Features and Appurtenances

Mr. Leitzell read the proposed amendment to Section 10-3.1906 (f) (2). Commissioner Heinecke moved the recommendation to the City Council of the proposed amendment to Section 10.3-1906 (f) (2) as follows:

"Architectural features, such as cornices, eaves, canopies, and chimneys, may extend not more than two feet (2') into any yard, as required by the provisions of this chapter. An uncovered porch, outside stairway, or landing place may extend not more than six (6) feet into front or rear yards and two (2') feet into side yards."

Commissioner Moore seconded the motion which was approved by a unanimous voice vote.

- (2) Review of house trailers parked on private property.

Commissioner West suggested this item be held over until a future meeting, in view of the lateness.

Commissioner Heinecke requested the staff to check into the present status of the Ross Town Ordinance relating to non-conforming multiple uses; and also to investigate the dying foliage at the Jack-in-the-Box Restaurant at 830 Sir Francis Drake Boulevard.

The meeting was adjourned at 11:50 p.m.

JOHN F. WEST, CHAIRMAN