

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 November 17, 1969.

Representing the City Staff: John T. O'Rourke

1. ROLL CALL

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

2. APPROVAL OF MINUTES

Commissioner Creighton moved the minutes of the meeting of November 3, 1969 be approved as written, seconded by Commissioner Perry and unanimously approved.

3. OLD BUSINESS

A. REZONING APPLICATION (PUBLIC HEARING) - SUBDIVISION APPLICATION

- (1) Z-110 Application of Grant Perkins and John P. McInnis to rezone from R-1 (Single Family Residence District) and C-3 (Commercial District) to PLANNED DEVELOPMENT (A/P 6-121-07, 6-121-08, 6-121-04, and a portion of 6-121-09 and 6-091-07 in the vicinity of Essex Street.
- (2) SS-153 Application of Grant Perkins for revision of lot line of A/P 6-121-09, 6-121-07 and 6-091-07 on Essex Street.

Mr. Perkins said he felt his parcels were suitable for rezoning to P.D. because of their proximity to downtown San Anselmo and the businesses on Red Hill Avenue, because there are many apartment houses in the immediate area, and because the front portion of the parcel is not suitable for R-1 developments.

Commissioner West explained there would be two steps involved in the ultimate approval of the development. First, the parcels involved must be rezoned to P. D. for multiple development; and secondly, a use permit for specific development plans must be granted.

Mr. Dill of 520 Red Hill Avenue said he feels Essex Street is too narrow to provide adequate access for a multiple housing development.

Mr. Perkins said that the present paved width of Essex Street is 18 feet, and that Essex Street has a 30 foot roadway easement. He said he feels the main problem is the lack of adequate radius for making turns into and out of Essex Street. He proposed widening the paved roadway to 20 feet and improving the radius for turns in and out; installing a 4 foot wide sidewalk on the Nolan Building side of the street; and widening the paved road to 28 feet, north of the Nolan Building. He noted that the roadway on all of Essex Street could be widened to 26 feet if necessary.

Commissioner Creighton said he agrees with the concept of P. D. in this area, but feels that some points must be solved before approval for rezoning is granted: (1) the betterment of Essex Street to at least 20 feet in width, (2) soils tests on both the building site and the area above and below the development, (3) proper setbacks must be provided.

Commissioner Moore said he objects to the concept of P.D. in this area on two grounds: (1) he feels multiple

development should be concentrated in the downtown area, and (2) small inadequate streets which lead into a heavily travelled thoroughfare should not be further burdened with the additional traffic generated by multiple development.

Commissioner Perry said he agrees with the concept of P. D. in this area but: (1) reserves judgment on the possibility of solving the Essex Street problem, and would want to rely on the advice of the City Engineer with respect to this, (2) feels the soils stability is a matter of continuing concern - the City must take every step to see that whatever happens to the property the cuts are reasonably done to prevent another catastrophe, and (3) is concerned about the overall density situation. The elevation difference would ease the situation of intrusion on the single family residences in the area, but he still has reservations about the higher density to be imposed.

Commissioner Heinecke said he is doubtful about the concept of P. D. in this area, and has not been terribly impressed with the reasons given for advancing the P. D. He is concerned about the possibility of other less desirable developments which might go in here if this P. D. is not granted.

Commissioner Bernt feels that the considerations which were advanced at the first discussion should be reconsidered: (1) the inadequacy of Essex Street and (2) if this rezoning is allowed, the rest of the property along Red Hill Avenue to the east will then almost automatically be eligible for rezoning to multiple use.

Commissioner West said he feels Mr. Perkins has demonstrated that the access problem on Essex Street is solvable. He feels that the only property in the area that would be affected by the rezoning to multiple use would be the Sharrow's. He does not feel that rezoning to multiple use would set any precedent for rezoning other property on Red Hill Avenue. However, he does not feel that the time is here to have this area go to multiple use. If the rezoning is granted, he feels this project could be an attractive development.

Mr. Perkins, in reply to a question raised by Commissioner Heinecke, said there would be approximately 88,000 square feet in the area containing the residential units, and approximately 31,000 square feet in the open space area on the steepest part of the hill.

Commissioner Heinecke said he feels it is probably not economically feasible to develop the upper portion as single family residential - but he does not feel that only R-1 density is appropriate for the area.

Commissioner Perry moved that this Commission make a finding that the property which is the subject of this application is amenable for P. D. zoning, but recognizes that: (1) special problems are presented in the access afforded by Essex Street, (2) that by this finding there is no specific determination as to any specific density, and (3) that ultimately there will be detailed and exhaustive studies required as to geological and soils conditions on the property.

Commissioner Creighton seconded the motion which failed to pass by the following vote:

- AYES: Creighton, Perry
- NOES: Heinecke, Moore, Bernt, West

Commissioner West said that this vote amounts to a denial of the rezoning application, but a motion for denial of the application should be made for technical reasons.

Commissioner Heinecke moved that Z-110, application of Grant Perkins and John P. McInnis to rezone from R-1 (Single Family Residence District) and C-3 (Commercial District) to PLANNED DEVELOPMENT, A/P 6-121-07, 6-121-08, 6-121-04, and a portion of 6-121-09 and 6-091-07, in the vicinity of Essex Street be denied, it being the finding of this Commission that the property as a whole is not suitable for rezoning to P. D. for multiple residential purposes. Commissioner Moore seconded the motion which was approved by the following vote:

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

Commissioner Perry said he voted "No" because he thinks that this particular application for P. D. affords a mechanism for the overall treatment of a difficult piece of property which might otherwise be developed piecemeal or in a haphazard manner, if it can be otherwise developed at all. He feels that it is within the power of the City to require adequate geological and soils testing to afford protection for the City. He also feels that this is nothing novel about injecting multiple density into this area. It is immediately adjacent to other apartment houses and is also close enough to Red Hill Avenue to be usable by people who might be on foot or otherwise likely to live in apartment-type housing. He feels that the denial of a P. D. application at this particular point has not adequately explored the density which might ultimately be acceptable to both the Commission and the applicant.

Commissioner West announced that upon the applicant's request, SS-153, application of Grant Perkins for revision of lot line of A/P 6-121-09, 6-121-07 and 6-091-07 on Essex Street, is postponed.

4. NEW BUSINESS

A. VARIANCE APPLICATION

- (1) ADJ. 414 Application of Cary and Mary Gaidano for a 3 foot variance in sideyard setback to construct an addition at 51 Belle Avenue, A/P 7-302-01

Mr. O'Rourke read the staff report which indicated that the variance requested was to allow an addition to an existing house at this location. The house was built when the minimum lot width was 50' and sideyard setbacks were 5'. The Gaidano's would like to align the addition with the main structure, for if the addition is offset to conform with present setbacks, light and air to the kitchen and bathroom will be cut off.

Commissioner Perry inquired if the Gaidano's had considered turning the dimensions of the addition around, that is making the room long, rather than wide, so that a variance is not necessary. He explained to the Gaidano's that hardship must be shown to justify the granting of a variance, to conform with ordinance provisions.

Vance Barnett, from the floor, stated that he is a general contractor in San Anselmo and has just learned of the new setback and minimum lot size requirements. He said he feels an 8' sideyard setback imposed on an existing dwelling may cause many economic hardships. Commissioner Perry said that economic factors do not constitute hardship - such things as exceptional or extraordinary circumstances or conditions applying to the application, that the granting is necessary for the preservation and enjoyment of substantial property rights, or that the granting will not adversely affect the health and safety of the neighborhood, be materially detrimental to public welfare, or injurious to property or improvements of the neighborhood - are considered in granting a variance.

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Mr. Gaidano said he felt that to offset the addition or elongate the addition to conform to the setback requirements would affect the aesthetic value of his home. The elongated plan would also make furniture arrangement extremely difficult and would tend to cut down the open floor area.

Commissioner Heinecke said at the time of the passage of the new ordinance, the Planning Commission recognized that there were going to be difficulties with existing dwellings, and these would be treated with a degree of leniency.

Commissioner Heinecke moved that ADJ. 414, application of Cary and Mary Gaidano for a 3 foot variance in sideyard setback to construct an addition at 51 Bellö Avenue, A/P 7-302-01 be approved on the condition that the variance applies only to the proposed addition as shown on the plans drawn by Cary Gaidano dated November 6, 1969, and submitted to this Commission, the basis for the granting of the variance is that the denial thereof would achieve a result inconsistent with the intent of the ordinance, in that the structure which would result from construction in strict compliance with the ordinance would be irregular at best, and aesthetically and structurally undesirable. This granting is subject to the approval of the Design Review Committee of building plans.

Commissioner Creighton seconded the motion which was approved with the following vote:

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

Commissioner West said he voted "No" because he feels the Commission is granting a variance on a ground not provided in the ordinance for the granting of variances.

The meeting was adjourned at 10:00 p.m.

JOHN F. WEST, CHAIRMAN