

CFC Read - 6/18/48
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Meeting San Anselmo Planning Commission, City Hall, May 24, 1948

Meeting called to order at 8:25 by Chairman Merrit Webster.

Commissioners Present: Webster, Meyerink, Alfnes, Works, Carey & Sharp
Commissioners Absent:

Chairman Webster announced that this public hearing was called for consideration of the hearing on petition of August Foglia and Jennie Foglia for the rezoning of Lot 3, Block 2, Hawthorne Hills Sub. 1 from First Residential to Commercial district; that the meeting would be informal with full opportunity given to both those favoring and opposing to state their views.

Attorney Dave Fyfe, representing the Foglias stated his client desired to erect a commercial mercantile building on this property to provide for expansion of his Pastoria Market business and gave as reasons why the petition should be granted that:

1. All of Sir Francis Drake Blvd. from San Anselmo to Fairfax is eligible for rezoning from residential to commercial use or second residential.
2. That the Signal Oil Station now established in the Hawthorn Hills first residential district should be considered as a reason for granting this petition, as it was simply a further extension of a commercial district on this side of the street.
3. That there already existed a commercial district in this area, as the South side of Sir Francis Drake Blvd. lying in the Fairfax area opposite was zoned for commercial buildings.
4. That at the time his client bought this lot he did so with the belief that it was subject to rezoning for commercial use.

Attorney Harold Haley representing residents of the Hawthorn Hills district opposing the granting of the petition stated:

1. That the Commission should give careful consideration to the fact that Sir Francis Drake Blvd. is a main highway in and out of San Anselmo, already overcrowded with traffic, and likely to become a bottle neck as traffic is increased with the opening up of outlying districts, so that provision should be made at this time for future widening.
2. That any future zoning of Sir Francis Drake in the San Anselmo area should provide for a set back of at least 15 feet from the front property line, as called for in both first and second residential districts, which would not be possible under commercial zoning, which permits building not only to the front street property line but also to the side and rear property lines, making costs of future widening prohibitive.
3. That if it was decided to widen only one side of Sir Francis Drake Blvd. then the North side from the San Anselmo business district to the Hawthorn Hills district inclusive would lend itself best to this purpose for the reason that: it would cost less because:
 1. There was more vacant lots along this side.
 2. That all buildings now located along the North side of Sir Francis Drake Blvd. were already set back sufficient to provide for widening with the exception possibly of the Signal Oil Station adjoining the Fairfax City limits.

3. That by holding at least the North Side of Sir Francis Drake Blvd. to first or second residential district status the Commission would be planning for the best future interest of the city and its taxpayers.
4. That the Signal Oil Station now located in the Hawthorn Hills first residential district was there as a non-conforming use, having been established there years ago when the district was part of Fairfax. When this district voted out of Fairfax and was accepted in San Anselmo as a first residential district the Signal Oil Station automatically became a non-conforming use in such district, but this did not call for the extension of such commercial use in the district.
5. That the petition of applicant Foglia should further be denied for the reason that it called for spot zoning for commercial use in a first residential district, which was contrary to good planning and also the established policy of the San Anselmo Planning Commission.
6. That the Commission should not grant the petition unless there appeared to be a need and necessity for such commercial expansion in the district and that such need and necessity did not exist as there was still eight hundred feet across the street on the Fairfax south side of Sir Francis Drake Blvd. available for building commercial structures, and in addition to this there was the adjoining Friedman property for development as a commercial area. All of which could be built as commercial without interfering with the widening of Sir Francis Drake Blvd. on the North side.

Messrs. Carlos Mundt, Owen M. Skaggs, Bert Nickerson and C.R. DeWitt addressed the commission opposing the granting of the petition stating that:

1. Suffield Avenue was a main entrance to the Hawthorn Hills district and that there already existed a hazard to traffic there through the parking of cars of shoppers on Sir Francis Drake and Suffield Avenues and the granting of the petition would materially increase the congestion and traffic hazard.
2. That they had bought and established their homes here under the impression that it would be maintained as a first residential district and that the granting of the petition would depreciate the value of other residential property in the area.
3. Mr. and Mrs. Skaggs owning property adjoining the petitioners lot stated they were opposed to zoning this lot for commercial use and also to its present use as a parking lot for more than six cars at one time, contrary to the ordinance.
4. Major Bert Nickerson, President of the Hawthorn Hills Improvement Club stated that the club had written a letter to the City Council attention to parking violation on this lot and that the Club was on record as opposing the granting of the petition for rezoning this lot to commercial use.

Messrs. Harvey L. Zion, James Bain, Charles Bundschl and A. Sagali addressed the Commission as favoring the granting of the petition. Mr. Bain stating that he owned the adjoining property on Sir Francis Drake Blvd. just to the East of the Foglia lot and that he considered all of the lots in that block should be rezoned for commercial use.

The Secretary of the Planning Commission stated the petitioner Mr. August Foglia had attached to his petition under exhibit C a list of some 22 names favoring the granting of his petition, but that it had been stipulated that all of these names did not reside within the 250 area of the lot to be rezoned. Further that the Hawthorn Hills Improvement Club had filed letters from R.A. Fletcher, Ethel L. Sorenson, Albert C. Locati, and Walter Gustafson asking that their names be withdrawn from the Foglia petition and furtherstating that they were opposed to the granting of said petition. The Hawthorn Hills Improvement Club also had filed a petition showing some seventy-five names of residents of the district opposing the granting of the petition for the following reasons:

1. This is "Spot" zoning, which is contrary to the past and present policy of the San Anselmo Planning Commission.
2. Use of property for business purposes depreciates value of surrounding residential property.
3. Business uses bring noise and commotion and destroy the peace and quiet of neighboring residential property.
4. There is already heavy traffic and street parking in this area and the establishment of additional business in this area would add to the bottle neck and traffic hazard.
5. Such rezoning would be unfair to neighboring property owners who have acquired residential property in reliance upon present classification.

Chairman Webster stated that if none of those present favoring or opposing the petition wished to address the commission further he would if agreeable to the attorneys of both sides allow five minutes to each for rebuttal.

Attorney Harold Haley emphasized that there was already ample available space in the area outside the first residential district for business expansion and and there was no need and necessity for the zoning of additional commercial space it was imperative that the commission deny the petition, also that the future prospect of economically widening Sir Francis Drake Blvd. depended on keeping control of sufficient set back from the front property line to allow for such widening, especially on the north side of the street and for this reason the petition should be denied.

Attorney David Fyfe stated his client had established a market business that was a credit to the community and a convenience to the district and had purchased this lot with a view to expanding this business and if the petition was denied because of "spot" zoning it would likely mean that all of the property owners in that block and the intervening lot between the Foglia property and the Signal Oil Station would join in a petition to rezone the entire area as a Commercial zone.

Chairman Webster called for a vote of the Commission to affirm or deny the petition, which vote registered:

Aye: Webster and Carey

Noes: Sharp, Meyerink, Alfnes and Works.

On account of May 31 being a holiday it was stipulated by all parties concerned that the second hearing would be postponed to June 2, 1948, at 8 p.m. City Hall.

Meeting adjourned at 11:10 p.m.