

July 3, 1967

302HJ

The regular meeting of the San Anselmo Planning Commission was called to order by Vice Chairman John West at 8:00 p.m. on July 3, 1967 in the Council Chamber.

1. ROLL CALL

Commissioners present: Anderson, Crieghton, Gue, Heinecke, Moore, West

Commissioner absent: Perry

2. APPROVAL OF MINUTES

Commissioner Crieghton moved the minutes of June 19, 1967, be approved as written, seconded by Commissioner Gue, unanimously approved.

3. OLD BUSINESS

NONE

4. NEW BUSINESS

A. PUBLIC HEARINGS - REZONINGS

- (1) Z-94. Application of San Francisco Theological Seminary to rezone from R-1 to R-3, Lots 3 & 5, Block 7, Sunnyside Tract (Assessor's Parcels 7-283-03 & 05 & 08) located at 111 & 117 Ross Avenue and 118 Mariposa Avenue

Mr. Leitzell read the report of the Planning Office. Two letters were received protesting the application--one from Emma Daniel, 101 Ross Avenue, and one from H. R. Sites, 115 Ross Avenue. One letter from Lang Russell, non-resident owner of property at 88 Ross Avenue was received recommend approval of the application. Mr. Donald Duerr spoke on behalf of the Seminary; he said these parcels are one block closer to the campus than those in the previous application. A survey was made of available properties which could be used for multiple use, and of the seminary property, these parcels are the only ones that could be used. He said further, there are only 3 other R-1 parcels on Ross Avenue below the Presbyterian Church and Jones Street, and he feels Cedar and Jones Streets are not the logical boundaries for R-3 zoning. It was Mr. Duerr's opinion that the First Presbyterian Church, the Seminary Campus and the Wade Thomas School would make a natural buffer for the R-1 Zone.

Mr. Douglas Roy, 4955 Alta Mesa Drive, Redding, stated he was a close relation of the property owners at 101 Ross Avenue, and he wished to protect the application on the basis of the probable height of the proposed building, the loss of privacy, the probable noise and probable unkempt appearance.

There was no other persons in the audience who wished to speak for or against the application at this time.

Commissioner Anderson said he felt this was an overall problem and he wished the Commission could consider it as an overall problem; however, he said he was in favor of this application because it does conform with the Master Plan. He did feel that in regard to R-3 boundaries in this area, a firm line should be established.

Commissioner Creighton said that although he had voted in favor of the previous rezoning application of the Seminary, he is deeply sympathetic with Mr. Sites at 115 Ross Avenue because it is a hardship on the property owner to rezone adjacent property on each side.

Commissioner West said he is not in favor of skip zoning.

Commissioner Heinecke said it is a little unrealistic to expect property owners to apply for rezoning in sequence, secondly the Commission must consider the fact that this is an institution campus, thirdly, if the area is looked at overall, it is one in transition, and to deny this application because there would be an island of R-1 would not be entirely logical.

Commissioner Creighton asked if it would be possible for the Commission to rezone the property at 115 Ross Avenue on the Commission's initiative. The City Engineer replied it was.

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Commissioner Moore moved that Z-94, application of San Francisco Theological Seminary to rezone from R-1 to R-3, Lots 3 & 5, Block 7, Sunnyside Tract, (Assessor's Parcels 7-283-03 & 05 & 08) located at 111 & 117 Ross Avenue and 118 Mariposa Avenue, be approved on the basis that it conforms to the Master Plan of the City of San Anselmo. Motion seconded by Commissioner Heinecke, and approved by the following vote:

AYES: Commissioners Anderson, Creighton, Heinecke, Moore

NOES: Commissioners Gue and West

The applicant was informed that the Planning Commission had approved the application for rezoning, and the matter would be forwarded to the City Council with a recommendation of approval.

Commissioner Anderson said he voted Aye with the clear understanding that this does not set a precedent for R-3 zoning across Ross Avenue.

Councilman Ragan was in the audience, and he said he felt it might be a good idea for the Planning Commission and the City Council to get together with the Seminary and go over the Seminary Master Plan, and consider what the Seminary needs are and their potential needs for student housing.

- (2) Z-95 Initiated by the Planning Commission, proposed rezoning from C-3 to R-3, Assessor's Parcel 6-121-16, located at 9 Buena Vista Avenue, Property owned by Mrs. Inga Esposito; and from R-1 to C-3, Assessor's Parcel 6-121-13, located on Essex Street. Property owned by Bruce Wolper Construction Company and Philip S. Atterbury, S. W. Properties.

Mr. Leitzell said that at one time Red Hill Avenue was zoned commercial for a specified number of feet back from the right of way without regard to property lines. This resulted in some lots having more than one zoning and inconsistencies in use. The planning Commission has a continuing program for consideration of use and zoning. In examining property along Red Hill Avenue, it was found that Mrs. Esposito, owner of a parcel located at 9 Buena Vista Avenue has a non-conforming residential use on this street, and it is unlikely that a commercial use on this street would be very successful. He also said if Mrs. Esposito's home should be destroyed she would be unable to reconstruct with the present zoning. Mrs. Esposito was present and said she understood the desirability of the rezoning. There was no one in the audience to comment on the rezoning.

Mr. Leitzell explained that Assessor's Parcel 6-121-13, located on Essex Street had been rezoned previously by adjustment application, hence would not be acted upon with this initiation.

Commissioner Creighton moved that Z-95, rezoning initiated by the San Anselmo Planning Commission, rezoning from C-3 to R-3, Assessor's Parcel 6-121-16, located at 9 Buena Vista Avenue be forwarded to the City Council with a recommendation of approval and further that no action is necessary on the property owned by Bruce Wolper Construction and Philip S. Atterbury, described as A/P 6-121-13, located on Essex Street, as this rezoning has been previously completed. Motion seconded by Commissioner Heinecke and unanimously approved.

B. ADJUSTMENT APPLICATIONS

- (1) Adj. 370 D. Toulouse. Application for a 1 & ½ foot setback variance for one corner of deck and carport in rear property line at 16 Hawthorne Avenue.

The Engineer report was read. Mr. Leitzell said the structure was already started, but at present a stop-work order is on the construction as no permit was applied for. Mr. Toulouse had informed the building inspector that he had purchased the house and the former owner had begun the addition and he was finishing it. Mr. Leitzell said the addition appeared to be a carport, however, the application indicated it was to be used as a deck. Mr. Leitzell said there should be some clarification as to what is considered a deck, perhaps a limit of ground clearance.

Mr. Robert Busse said Mr. Toulouse had asked him to represent him at the meeting since Mr. Toulouse would be out of town. Mr. Busse said Mr. Toulouse operates a small building business, and what he has done is a compliment to San Anselmo.

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The property owner at 10 Hawthorne stated he had nothing against the construction.

Commissioners Gue and Creighton both stated they felt it was a carport rather than a deck. Commissioner Moore said he felt the application should be denied and the owner instructed to remove the portion of the structure which violates the setbacks.

Commissioner Creighton moved that Adj. 370, application of Dewayne Toulouse for a 1 & 1/2 foot setback variance for one corner of deck and carport in rear property line at 16 Hawthorne Avenue be postponed until the next regular meeting of the Planning Commission, and further that the staff notify Mr. Toulouse to be in attendance at that meeting. Motion seconded by Commissioner Heinecke, and approved by a 5 to 1 vote, with Commissioner Moore voting No because he felt the Commission should act on the matter at this time.

Commissioner Anderson asked that the matter of clarification of definition of a deck be placed on the first small planning commission agenda. It was suggested that Commissioner Anderson write a memo with suggested clarification.

- (2) ADJ. 371. Foster-Simon. Application for a 15 foot variance in frontyard setback to construct an approach ramp on A/P 7-033-06, located at 133 Humboldt Avenue

The Engineer's report indicated this is a steep downslope and the area has already been cleared to some extent. An encroachment agreement with the City Council would be necessary since the pavement would not meet the ramp. Mr. Leitzell reported a variance of this type is pretty much necessary, the structure is a full fifteen feet back from the property line. He said further that many cities do not consider an approach ramp which is actually at or below street grade to need a variance.

Commissioner Gue moved that ADJ. 371, application for a 15 foot variance in frontyard setback to construct an approach ramp on A/P 7-033-06, located at 133 Humboldt Avenue be approved. Motion seconded by Commissioner Moore, and approved by a 5 to 1 vote with Commissioner West casting the dissenting vote. Commissioner West said there appeared to be 2 Oak Trees and 1 Bay Tree which were removed in violation of the tree ordinance.

- (3) ADJ. 372. Peter Guasco. Application for 2 foot variance in sideyard setback to construct a deck at 28 Merced Avenue

Mr. Leitzell read the Engineer's report, and he said there is presently a non-conforming garage where the deck will be. The deck would provide access from the rear of the dwelling, and would be an improvement.

Commissioner Moore moved ADJ. 372, Peter Guasco, application for 2 foot variance in sideyard setback to construct a deck at 28 Merced Avenue be approved. Motion seconded by Commissioner Gue, and unanimously approved.

5. MATTERS FOR CONSIDERATION OF THE PLANNING COMMISSION

None

6. CORRESPONDENCE

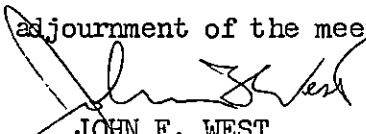
Letter from Local Agency Formation Commission telling of an intention of annexation approximately 28 acres to the Town of Ross.

A communication from the California Roadside Council regarding S.B. 636.

Commissioner West said this bill has a sleeper in it. It appears enactment of the bill would remove all local powers to govern signs and he felt the Planning Commission should make a recommendation to the City Council with some urgency in this regard.

Commissioner Heinecke moved that the communication dated June 28, 1967, from the California Roadside Council be forwarded to the City Council with a recommendation that they take urgent action to express opposition to the provisions of S.B. 636 which would deprive the City of its power to regulate signs and billboards within the City. Motion seconded by Commissioner Gue, and unanimously approved.

At 10:30 p.m. Commissioner Creighton moved the adjournment of the meeting, seconded by Commissioner Gue, unanimously approved.


JOHN F. WEST
VICE CHAIRMAN