

The regular meeting of the Planning Commission was called to order by Chairman West at 8:00 p.m. in the Council Chamber on February 5, 1968.

1. ROLL CALL

Commissioners present: Anderson, Creighton, Gue, Heinecke, Perry, West

Commissioners absent: Moore

2. APPROVAL OF MINUTES

Commissioner Heinecke moved, seconded by Commissioner Creighton, that the minutes of January 15, 1968 be adopted as written: Unanimously approved.

3. OLD BUSINESS

None

4. NEW BUSINESS

A. USE PERMIT APPLICATIONS

- (1) U-136 Sunnyside Nursery. Application for outdoor display, storage and sale of merchandise at 130 Sir Francis Drake Boulevard. A/P 6-241-40 & 41

Mr. Leitzell said he had asked the City Attorney for a ruling on Section 10-3.2301 of Ordinance 485, and the ruling was as follows:

If a building is located on the same property as the open use of the land and is associated with the use, then section 10-3.2301 does not provide for the termination of said use. Only in the case where the land is "unimproved by any building" is this section effective in terminating the non-conforming use.

The Chairman said it seemed clear to him that unless the present use is abandoned for a period of 6 months, it can continue indefinitely without a Use Permit. Hence, the Chair ruled:

In the case of U-136, application of Sunnyside Nursery for outdoor display, storage and sale of merchandise, the facts show that the use existed at the time of the passage of the ordinance, and the use is on improved land; further, we have the opinion of the City Attorney that in these circumstances, the use may be continued without the necessity of a Use Permit; therefore, no action was needed by the Commission and the application can be dropped and the fee refunded to the applicant.

- (2) U-137 Irene M. Martin, application for home occupation, sewing and alterations at 52 Tamalpais Avenue. A/P 7-211-30

Commissioner Perry said this appeared to be a typical home occupation and unless there were objections by neighbors he could see no reason why it should not be approved.

There was no one in the audience to comment on the application

Mrs. Martin stated she did not wish to have a sign and that she would have only one customer at a time. She said the occupants of the other half of the duplex were her customers also, and had no objection to the use.

Commissioner Perry moved that U-137, application of Irene Martin for a sewing and alteration home occupation at 52 Tamalpais Avenue be approved. Motion seconded by Commissioner Gue and unanimously approved.

- (3) U-138 United Market. Application for outdoor display, storage and sale of garden supplies and plants at 100 Red Hill Avenue. A/P 6-167-04 & 06

Mr. Leitzell said this application differed somewhat from the application of Sunnyside Nursery in that the nursery was added after the market was constructed. He said a lean to had been added to the building to house some of the garden supplies and the equipment. He felt a Use Permit would be required unless it were proven that the nursery use existed prior to the ordinance effective date.

Mr. Fred Saccone, manager of United Market, said the use was established in 1960 or 1961; he was not sure of the date. He also stated that the nursery is a part of the United Market, it being owned and controlled by United Market. Mr. Saccone asked that the application be continued until such a time as he could establish proof of the date of construction of the nursery portion of the building. The Chair so ordered.

B. ADJUSTMENT APPLICATIONS

- (1) ADJ. 377 Howard and Alice Collamer. Application for a 15 foot variance in frontyard setback to construct a dwelling at 475 Laurel Avenue. A/P 7-131-47

Mr. Ronald Schenck of Riede & Elliott was present with Mr. Collamer. He pointed out that Laurel Avenue, at this point, is an unimproved, non-accepted street. Mr. Schenck stated the hardship caused by adhering to the setbacks in the construction of his home would be an additional 25% in construction costs, and his Engineering Firm, Samuel Schneider & Associates of San Francisco, had indicated the slide risk would be greater if the house were placed an additional 15 feet back. He also said there is a distance of 26 feet from the improved portion of Laurel Avenue to the front property line. This is a steep downslope, and it is unlikely that the whole portion would ever be utilized for roadway purposes. Because of this, Mr. Schenck said the intent of the ordinance will always be served.

Mr. Leitzell said that although the street might be widened at some time in the future, it is doubtful that more than 10 feet of the right of way would be utilized.

There was no one present in the audience to comment on the application.

Commissioners Gue and West each said that they felt the additional costs of construction could not be considered a hardship.

Commissioner Creighton also said he felt the additional costs of construction could not be considered a hardship, however, he felt the application had some merit because of the terrain of the lot. He felt no purpose would be served in placing the house 15 additional feet downhill and into the trees. Mr. Creighton also stated he wished to object to the poor drawings that were furnished with the application. He said they were hard to read and the lot was not properly staked. Commissioner West said he felt some variance would be justified; however, he would not approve a house with a zero setback. He said that a house with a zero setback would possibly have eaves or other architectural features extending into the public right of way. He did not feel a need for a full 15 foot variance in frontyard setback had been demonstrated.

Commissioner Perry moved that ADJ. 377, application of Howard and Alice Collamer, that a 9 foot variance in frontyard setback be approved, there being hardship presented by the particularly steep terrain, and it being shown to the Commission that there is little

likelihood of interference with future improvements of the public way, and it being consistent with the objectives of the ordinance. Motion seconded by Commissioner Creighton and unanimously approved.

Commissioner Anderson said he voted Aye with the clear understanding that the sideyard setback remains 6 feet.

5. CORRESPONDENCE

Brochure on an extension class being given by the University of California.

Verification of time required for a public hearing, prepared by the Planning Director.

6. MATTERS FOR CONSIDERATION OF PLANNING COMMISSION

- (1) Setting of Public Hearing - Proposed Amendments to Zoning Ordinance

The Chair stated that there were several items he wished to study in connection with the amendments to the zoning ordinance, and the matter was therefore continued to the next regular meeting.

- (2) Request of Kenneth M. Hale, Doctor's Ambulance Service, to determine if a Use Permit will be required for an ambulance service in a C-3 District

Mr. Leitzell said Mr. Hale wished to establish an ambulance service in a C-3 District. This type of business is not specifically covered in the zoning ordinance, and although the staff had felt a Use Permit would be required, Mr. Hale had wished to have the Commission's opinion.

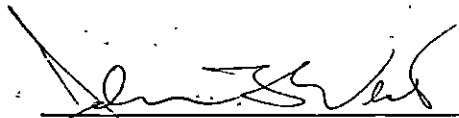
Commissioner Heinecke said he felt a Use Permit would be required in accordance with Section 10-3.1102 (d) of Ordinance 485, as amended. The Chair, relying on the above section of the zoning ordinance, ruled that a Use Permit would be required for an Ambulance Service.

- (3) Applications to Planning Commission

Commissioner Anderson said he did not think inadequate plans for applications to the Planning Commission should be accepted. In particular, he felt Mr. Collamer's plans were inadequate. The Chair asked the reason that inadequate plans were sometimes presented to the Planning Commission. Mr. Leitzell said there were no clear cut requirements that either the staff or the applicant could use as a guide in preparing an adjustment application. The Chairman asked the Planning Director to review the application form and perhaps make some recommendations as to requirements.

Commissioners Perry and Heinecke each felt the required number of plans should be increased so that each Commissioner could have a copy to study.

At 9:45 p.m. Commissioner Anderson moved, seconded by Commissioner Gue and unanimously approved that the meeting be adjourned.


 JOHN F. WEST
 PLANNING COMMISSION CHAIRMAN