

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on February 19, 1968, in the Council Chamber by Chairman John West.

1. ROLL CALL

Commissioners present: Anderson, Gue, Heinecke, Moore,  
Perry and West  
Commissioners absent: Creighton

2. APPROVAL OF MINUTES

Commissioner Perry moved, seconded by Commissioner Gue that the minutes of February 5, 1968 be approved as written, unanimously approved.

3. OLD BUSINESS

A. USE PERMIT APPLICATION

- (1) U-138 United Market. Application for outdoor display, storage and sale of merchandise (garden supplies) at 100 Red Hill Avenue. Mr. Fred Saccone, Vice President of United Market, applicant

After the staff report had been read, Mr. Saccone asked if he could continue the use without a Use Permit. He stated that the use is less than it had been in the past. He said that the City Engineer had objected to the storage of peat moss and fertilizer in the front of the building, and so it was moved to an enclosure in the rear. Mr. Saccone said they have pallets of bedding plants and some shrubs and trees in cans and planters which they are in the habit of displaying in front of the enclosure and that, except for the Christmas Season when they sell Christmas Trees, will be the extent of the outdoor use. Mr. Saccone said he was interested in cooperating with the community and the City.

Commissioner Heinecke said it would be desirable if the staff would note the present use along with a photo for the file.

Commissioner Perry moved: In regard to U-138, application of United Market for outdoor display, storage of sale of merchandise (garden supplies) at 100 Red Hill Avenue, our finding is that this is a legal non-conforming use in existence at the time of the passage of the ordinance, and in view of this fact, the Commission has concluded that the action in the case of United Market should be similar to that which was taken in the case of the Sunnyside Nursery; the application fee should be refunded to the applicant. The staff shall be directed to insert into the file and appropriate diagram and photograph of the Use so that the existing use can be referred to in the future. Motion seconded by Commissioner Gue and unanimously approved.

B. SUBDIVISIONS

- (1) S-76 Martin Smolak. Application for two-lot subdivision and lot line revision A/P 7-271-19 & 20. Request for reconsideration of condition #1

A letter from the Sanitary District expressing no further interest in obtaining an easement through this property was read.

Commissioner Perry felt that if the Sanitary District felt it was mandatory to obtain an easement through this property, it would be up to them to let the Commission know.

Commissioner Anderson felt the letter from the Sanitary District gave the Commission little choice.

Commissioner Gue moved that in regard to S-76, Martin Smolak, application for two-lot subdivision and lot line revision A/P 7-271-19 & 20, requirement #1 that a public utility easement be granted to the Sanitary District of a width and in a location to be mutually agreed upon by the owner of the property and the manager of the Sanitary District, be deleted from the requirements for this subdivision in view of the communication from the Sanitary District dated February 9, 1968 withdrawing their requirement for said easement.

Motion seconded by Commissioner Perry and passed by the following vote:

AYES: Commissioners Gue, Heinecke, Moore, Perry, Anderson  
NOES: Commissioner West

Commissioner West voted No because he felt that while the Sanitary District has not communicated with us in a way that is informative, nevertheless some provision for sewage easement should be made.

#### 4. NEW BUSINESS

##### A. PUBLIC HEARING - REZONING APPLICATION

- (1) Z-98 Dragimir Mender. Application to rezone Lot 37, Ross Valley Park Sub. 1, Assessor's Parcel 7-211-23, commonly known as 28 Tamalpais Avenue, from Central Business District (C-2) to Neighborhood Apartment District (R-3)

Mr. Mender said the sale of the property was contingent upon the buyer being able to construct 6 units; and that the property is isolated as commercial property. It is surrounded by apartments.

Mr. Edward Hageman said he had designed the building at 20 Tamalpais, and his client for this property wanted to construct a garden type luxury apartment with 5 units. He said it was destined to be a very attractive building, and he felt apartment construction would be an asset to the downtown commercial area and an asset to the City.

Commissioner Moore said the Master Plan has established this particular area as commercial, and there is no real sound basis for deviation from that unless the Commission chooses to consider the complete rezoning of this particular area. His feeling is that the Commission should adhere to the plan or change it.

Commissioner Heinecke said this area is peculiar in that the land doesn't lend itself to commercial use and would seem the logical place for multiple use.

Commissioner Perry said the Planning Commission had revamped the master plan for the area several years ago showing that area that backs up San Anselmo Avenue to be best suited for commercial use, and the City Council adopted the plan. It was shortly after that when an application for rezoning at 20 Tamalpais Avenue was denied by the Planning Commission on the basis of the revised master plan, and was subsequently approved by the City Council. He said he felt the zoning of the entire block should be reviewed.

Commissioner Gue moved that Z-98, application of Dragimir Mender to rezone Lot 37, Ross Valley Park Sub. 1, Assessor's Parcel 7-211-23, commonly known as 28 Tamalpais Avenue from Central Business District (C-2) to Neighborhood Apartment District (R-3) be recommended to the City Council for approval as requested to conform more to the present development in the area. This recommendation takes into consideration that lot 39 and 20 Tamalpais Avenue had previously been rezoned by the City Council from C-2 to R-3.

Motion seconded by Commissioner Perry and approved by the following vote:

AYES: Commissioners Heinecke, Perry, Gue and West  
 NOES: Commissioners Moore and Anderson

Commissioner Moore voted No for the reason that this particular parcel does not conform to the master plan and if any deviation should be granted, there should be reason over and above the financial advantage that it can provide the applicant.

Commissioner Anderson voted No because he feels that the Commission should support zoning according to the plan rather than zoning based upon previous spot zoning. The downtown Center Plan was approved in principal by both Planning Commission and the City Council, and if the master plan needs to be changed, then it may be this is what should be done.

The Chairman requested the staff to furnish the Commission each with a map of the downtown area showing the master plan and a map showing the existing zoning and use, specifically on the northerly end of San Anselmo Avenue in the area of Tamalpais Avenue and San Rafael Avenue.

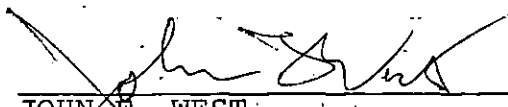
5. CORRESPONDENCE

6. MATTERS FOR CONSIDERATION OF PLANNING COMMISSION

- (1) Request of Mrs. Joan Pierucci to determine whether a Use Permit will be required in a C-3 District for light manufacturing of novelties in cement and sculpturing.  
 Location 1604 Sir Francis Drake Boulevard

Mr. August Pierucci was present and said they wish to operate a small business of creating small novelties such as ash trays and small statues of cement in a C-3 district, and if a Use Permit would be required. The Planning Commission found that a manufacturing use is not similar to uses permitted without a Use Permit, nor is it similar to the uses that are permitted with a Use Permit; therefore, the Planning Commission was unable to find that this Use would be permitted, but the matter was referred to the City Attorney for his recommendation."

At 9:25 p.m. Commissioner Gue moved, seconded by Commissioner Moore, that the meeting be adjourned. Unanimously approved.

  
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 JOHN F. WEST  
 PLANNING COMMISSION CHAIRMAN