

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 March 3, 1969. Representing the City Staff: John O'Rourke

1. ROLL CALL

Commissioners Present: Creighton, Heinecke, Moore, Tusler, West  
Commissioners Absent: Gue, Perry

2. APPROVAL OF MINUTES OF FEBRUARY 17, 1969

Commissioner Tusler moved the minutes of February 17, 1969 he approved as written. Motion seconded by Commissioner Heinecke and unanimously approved.

3. OLD BUSINESS

None

4. NEW BUSINESS

A. USE PERMIT APPLICATIONS

- (1) U-154, Bartlett C. Tucker. Application for living quarters, secondary to C-1 Use at 1 Saunders Avenue.

The staff report was read and letters opposing the use were read from Mrs. Fred Schrader, 1 Yolanda Drive, Helen M. Arfsten, 21 Yolanda Drive; and Winifred Bryant, 15 Yolanda Drive.

Mr. & Mrs. Randall, operators of the business were present with Mr. Bartlett Tucker the leasee of the building. Mr. Tucker said they were partners, more or less, in that they each bought and sold items of furniture, appliance and miscellanea at this location.

Mr. Tucker said he had hauled 15 loads of garbage away from this location and had painted and generally cleaned up the location.

Mrs. Randall said she anticipated no outdoor use; however, when appliances are brought in they are stored outside until they are cleaned.

Mrs. Dorothy Smith, 33 Yolanda Drive, asked when the ordinance was amended to allow living quarters in a C-1 District. She questioned whether this was an appropriate use for this district. She said the ordinance appeared to indicate to her that a C-1 district would be for neighborhood-oriented services. She did not think a used furniture and appliance store was a neighborhood-oriented service.

Mrs. Randall said the Veteran's pick-up store across the street was the same general type use and it had operated there for many years.

Mr. Tusler asked if previous owners or leasees had used the rear of the store for living quarters--Mr. Tucker said they had. Mr. Bryant, 15 Yolanda Drive, in the audience, said no one had lived there during the past 25 years in which the Bryants had lived in Yolanda Court.

Commissioner Heinecke said he wanted to go into the Retail Use before acting on the application for the secondary use of the living quarters.

Chairman West said the questions raised at this meeting are:

- (1) Is this Use similar to the uses enumerated in Section 10-3.902 (1) through (4).
- (2) Is there, or will there be, outdoor storage of merchandise.
- (3) The suitability of living quarters as a secondary use.

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- (2) Is there, or will there be, outdoor storage of merchandise.
- (3) The suitability of living quarters as a secondary use.

Commissioner West said he did not interpret the ordinance to mean the secondary use would necessarily be required to be in conjunction with the permitted use.

Mr. Randall was asked to describe the nature of his proposed use. He said he sold second-hand furniture and appliances. He added that any amount of people are so glad that they have opened this store.

Commissioner Heinecke asked about the difference in the operation of the store at 1 Saunders Avenue and that of the Veteran's Pick-up Service at 1201 San Anselmo Avenue. Mr. Tucker said the store on Saunders Avenue concentrated mostly on used furniture and used appliances, while he, at his store at 1201 San Anselmo Avenue, sells "junk", clothing, earrings, pictures, anything and everything.

Commissioner Heinecke said the Ordinance specified when there was reasonable doubt as to whether or not a particular use is permitted with or without a use permit, then the doubt shall be resolved by requiring a use permit. In this instance, he said the Commission did entertain reasonable doubt.

Commissioner Moore said he felt permitted C-1 uses were neighborhood in character. They would draw from the surrounding neighborhood for the most part. He said he felt the clientele from the used furniture business would be too broad a clientele to be considered a neighborhood service.

Mrs. Jean Roberts, 16 Saunders Avenue, asked about off-street parking. She said this type of business will encroach into residential parking.

Commissioner Tusler said this was an extremely difficult determination; he did not feel the Muni Code is clear; however, it did appear to him that C-1 uses, as enumerated in the Muni Code, were all neighborhood-oriented, and this use was more traffic-oriented in nature.

Chairman West said it was a complicated situation. He felt the use would require a Use Permit which would depend largely on how the business is conducted. He mentioned screening for outdoor use. He asked to have the staff investigate the use across the street (The Veteran's Pick-up) to see if there was ever a use permit for this use, and to see if it remained valid when the business changed ownership, if there was one. He said he felt this application should be expanded to include the retail use and the application should then be re-scheduled for the next regular meeting.

Commissioner Creighton moved that the Commission finds that the business of retailing second-hand furniture and appliances is a business which requires a Use Permit in a C-1 District. Motion seconded by Commissioner Tusler and unanimously approved.

The Chairman asked the applicant's cooperation in agreeing to postpone action on this application until the next regular meeting, and in the meantime for the applicant to modify the application to include the retail sale of second hand furniture and appliances.

Mr. & Mrs. Randall agreed.

- (2) U-155 Lucien N. Remy. Application for a shop to craft fine furniture and cabinets and to repair and refinish antiques at 1606 Sir Francis Drake Boulevard.

Mr. Remy stated he felt this application fell into the neighborhood situation. It is custom work; he works alone; his business is primarily making furniture. Last year he thought his business was approximately one-third repair work and two-thirds new work.

Commissioner Moore said he felt this use fit into a pocket--it is located in an area devoted to small stores, and this business would be mostly retail and repair.

Mr. Remy said he used regular cabinet shop machinery, a table saw, a radial saw, and a jointer. He said he had no surface planer which is the machine that is noise-making. His trash is put into steel drums which he then disposes of himself.

Commissioner Creighton said the area would preclude any large business. He said he thought the building was an ideal location for this use.

Commissioner Tusler said that although the boundary line was not spelled out in the ordinance, he felt this was different from the previous application in that it is not a high volume, traffic-generated business, and it seems compatible with the character of the neighborhood.

Commissioner Tusler moved that U-155, application for a shop to craft fine furniture and cabinets and to repair and refinish antiques at 1606 Sir Francis Drake Boulevard be approved for the reason that the use is not essentially inconsistent with the intent of the ordinance nor with the specific environment of the neighborhood. Motion seconded by Commissioner Creighton and unanimously approved.

Commissioner West said he felt that the type and number of machines involved here are acceptable, and he agreed with the reasons given by Commissioner Tusler.

The applicant was informed of the ten-day waiting period before the permit becomes valid.

#### B. VARIANCES

- (1) ADJ. 393 Larry Nilsen, application for a 3-foot variance in sideyard setback to construct a garage at 32 Meadowcroft Drive.

Mr. Henry Muller was present for the applicant. He said the reason for the application is this is a narrow lot; the house sets in the back of the lot, and this variance would allow a wider entrance and a planting area along the side of the garage. He said the sideyard of this property is adjacent to the backyards of the property along Broadmoor Avenue.

Commissioner Creighton said he felt there were no compelling factors for approval of this variance.

Commissioner Tusler said the adjacent house is quite close to this property and has a roof overhang. He said he felt 8 feet would allow light and air for planting. He did not feel there was a demonstration of hardship.

Commissioner Moore felt the key point was not this garage, but the precedent that would be established if this variance were granted.

Commissioner West asked the Commissioner if this were an application for a house on a 40-foot lot, would they still require 8-foot sideyard setbacks on each side of the house and end up with a house 24 feet wide? He said he felt the narrowness of the lot and the location of the existing walkway would justify a one-foot variance in sideyard set-back to allow for planting.

Commissioner Moore moved that ADJ. 393, Larry Nilsen, application for a 3-foot variance in sideyard setback to construct a garage at 32 Meadowcroft Drive be denied on the basis that it does not show any evidence of hardship. Motion seconded by Commissioner Heinecke and approved by four Aye votes with Commissioner West casting a dissenting vote. He said he would have been prepared to approve a one-foot variance in this particular case for his reasons stated earlier.

5. CORRESPONDENCE

An announcement was made of a Conference on Housing to be held at the Beverly Hilton Hotel on March 4th and 5th.

6. MATTERS FOR CONSIDERATION OF PLANNING COMMISSION


A. Traffic and Transportation Problems

Commissioners West and Tusler had developed a list of questions for the experts on Traffic Problems. These questions were read aloud and additions made.

B. Property Acquisition

The Administrator-Controller had referred the matter of the Jones Property acquisition to the Planning Commission, however, copies had not been circulated to the Commission. This item will be on the next agenda, in the meantime, the Chairman asked the Engineer to stake the property, and to find out how much money is involved on the part of the City. The Assistant Engineer will meet with anyone who wishes to view the property at 9:00 a.m. on Saturday, March 15, 1969 to show the boundaries of this property.

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

  
JOHN F. WEST  
PLANNING COMMISSION CHAIRMAN