

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John F. West at 8:00 p.m. on March 17, 1969 in the City Hall. Representing the City Staff: John O'Rourke.

1. ROLL CALL

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

Commissioners Absent: None

2. APPROVAL OF MINUTES OF MARCH 3, 1969

Commissioner Creighton moved the minutes of March 3, 1969 be approved as written, seconded by Commissioner Gue and unanimously approved.

3. OLD BUSINESS

A. USE PERMIT APPLICATIONS

- (1) U-154 Bartlett C. Tucker. Application for Retail Sales of Used Furniture and Appliances and living quarters as a secondary use at 1 Saunders Avenue. A/P 7-043-15

Building and Planning Reports were read; the Chairman ruled that an anonymous letter received regarding this area was not to be considered.

Mrs. Louise Randall, manager for Mr. Tucker, of the business located at 1 Saunders Avenue, reported that approximately 7 and one-half years ago Mrs. Gresser had applied to the City Council for an additional curb cut for off-street parking at this location, and there is adequate off-street parking for the business.

Mrs. Randall also said that when the Shrock family operated a grocery business at this address the entire family resided in the rear of the store.

Mrs. Randall read a petition signed by many San Anselmo residents stating they felt this business would be beneficial to the neighborhood. She also read an unsolicited letter from Joyce Elberg favoring the use.

Mrs. Dorothy Smith, 33 Yolanda Drive questioned whether or not this was a proper use for a C-1 district.

Commissioner Tusler questioned the equipment at the rear of the property at 1 Saunders Avenue, and asked if this were to remain. He was told it would be removed. Mrs. Randall said there would be no outdoor display.

Commissioner Heinecke asked if it were an economic necessity to live in the store.

Mrs. Randall and Mr. Tucker both said that it was, and that also, this afforded a greater protection from robbery.

Commissioner Perry asked what connection there was between the two businesses, and Mr. Tucker said he was the owner of both businesses. Commissioner Moore said he felt the Veteran's Pickup Store was a separate and distinct business from the new business at 1 Saunders Avenue and should be treated thusly. He said he did not feel it was the intent of the ordinance to allow a furniture business in a neighborhood commercial zone since a furniture business was specifically allowed in a C-2 zone. He said he felt a used furniture and appliance store would draw on a substantially broader area than was intended for C-1 use.

Commissioner Tusler read the criteria for issuance of a Use Permit and said that since we have several letters from people in the neighborhood who object to the use, it could reasonably be considered that the use would be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood. He said he agreed with Commissioner Moore that he did not feel a furniture store was a neighborhood use, and said he preferred to preserve the site for a true neighborhood use.

Commissioner Creighton said he had measured the off-street parking area and came up with 1900 square feet. He said the commercial use was there long before the residential, judging from the buildings. He felt a permitted use could go into this location which would be far less desirable in a residential area than a used furniture store.

Chairman West suggested that the two considerations, the used furniture use and the living quarters, be separated. He said that since Mr. Tucker is the owner of both businesses, perhaps the two uses could be considered together, and stipulations could be attached to the Use. He said he would like to see that the 7-Up signs were painted out, the rear of the building painted, and that there be no outdoor storage or service, and that before an expansion could be considered, he would like to see the sideyard of the Veteran's Pickup Store cleaned up. He felt with the use of the two locations, the outdoor storage at the Veteran's Pickup Store could be eliminated.

Mrs. Smith asked if there was a reason to assume that Mr. Tucker would do better on Saunders Avenue than he has done on San Anselmo Avenue. She said she felt that aesthetically a used furniture and appliance store would tend to downgrade the area.

Mr. Steve Cerrutti, 32 Redwood Road said he felt the Model Market looked much better since it had been painted, and he felt that if the two were tied together and the Veteran's Pickup Store prohibited from having outdoor storage, it would be a big improvement to the neighborhood.

Mr. Dennis Shine, 47 Yolanda Drive said he did not feel a used furniture store would benefit the neighborhood.

Mr. Dave Baciagalupi, 56 Alder Avenue said he felt one furniture store in the neighborhood should be sufficient.

Chairman West asked if Mr. Tucker would consider the combining of the two uses and the elimination of outdoor storage or display, and Mr. Tucker agreed he would do so.

Commissioner Perry moved with respect to U-154, application of Bartlett C. Tucker for retail sales of used furniture and appliances, the Planning Commission finds that the proposed use of second-hand furniture business on the Saunders Avenue property is not a use which is detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. That it is proposed in making this motion, the applicant submit to the jurisdiction of the City as to the uses, both on the Saunders Avenue property and the San Anselmo Avenue property. That the use on the Saunders Avenue property should be conditional upon the painting out of the present 7 Ups signs and also painting the rear of the structure. Both uses are conditional upon the keeping of the outdoor area clean and in a neat and orderly condition, there being allowed no outdoor storage or display of merchandise, nor shall there be outdoor overhaul and/or repair work.

That the applicant has 45 days to comply with all the conditions of the Use Permit; that the Use be reviewed six months from this date. That the uses upon both properties shall be revocable and conditional upon the overall compliance with the conditions herein set forth.

Motion seconded by Commissioners Creighton and approved by the following vote:

AYES: Commissioners Perry, Tusler, Creighton, Gue, West

NOES: Commissioners Heinecke and Moore

Commissioner Tusler said he voted Aye, because although the proposed business is not, in his opinion, a logical neighborhood use, the combining of the uses will provide the greatest overall benefit for the neighborhood.

Commissioner Gue said he agreed with Commissioner Tusler, and said this was the lesser of two evils.

Commissioner Heinecke said he voted No for the reason that he believes that the use will be detrimental to property values in the neighborhood, and, as desirable as it would be to attempt restrictions of Veteran's Pickup business, he believed it necessary to use other means to accomplish this.

The applicant was informed that there would be a 10 day appeal period before the Use Permit became valid, and that any interested citizen could appeal the decision to the City Council.

Mrs. Sarah Nome, 77 Alder Avenue, said she did not believe it was necessary to have 2 junk stores in the area. She said the windows of 1 Saunders Avenue display 10 or 15 year old dresses and upside down pictures. She felt if the building were left vacant, perhaps a beauty shop or real estate office would go in there, and this, she felt, would be a true neighborhood use.

Commissioner Tusler asked if the license of the Veteran's Pickup Store could be revoked if any of the conditions of the Use Permit were violated.

Mr. Tucker agreed to the conditions imposed by the Planning Commission and said 45 days was amply time to remove the outdoor storage at Veteran's Pickup at 1201 San Anselmo Avenue.

Mr. Bryant, property owner adjacent to the 1 Saunders Avenue location said he still felt the neighborhood would be downgraded and felt there should be some tax rebate to adjacent property owners.

Regarding the application for living quarters, secondary to the Commercial Use at 1 Saunders Avenue, Commissioner Gue said he did not feel any furniture store would require anyone living there, and he said he felt the proposed living area would be needed to store furniture.

Commissioner Tusler said if the proposed living area conformed to the appropriate codes, he could see no objection because of aesthetics since it is adjacent to R-1 zoning. He did feel the living quarters should be tied to the use.

Commissioner Tusler moved that the Use Permit be granted for the living quarters at 1 Saunders Avenue; the use to be restricted to the occupancy of Mr. and Mrs. Randall so long as they remain the operators of the enterprize at this address, and that the existing premises will not be expanded outside of the present building. Motion seconded by Commissioner Perry and approved by the following vote:

AYES: Commissioners Perry, Tusler, Creighton and West

NOES: Commissioners Moore, Gue and Heinecke

Commissioner Heinecke said he felt it to be detrimental to the

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neighborhood to legalize a residence in a unit which was not designed as a living unit, and it was a dangerous precedent for the Planning Commission to set.

Commissioner Moore said he felt that commercial property is not suited for residential living.

Commissioner Gue said he did not feel that living quarters are necessary for the economics of this business and he felt that this would add another detrimental factor to the area.

The applicant was informed that the Use Permit was granted and would become valid in 10 days provided that there was no appeal by any interested party.

4. NEW BUSINESS

A. USE PERMIT APPLICATION

(1) U-156 James E. Kendall, application for independent living quarters in the main building at 20 Idalia Road.
A/P 7-232-45

The applicant said he 80 year old mother-in-law had come to live with the family, and additional living quarters were needed for her, hence the application to finish off a room in the garage area with a bath. He said he felt that he had adequate parking with the use of tandem parking. He said there was room for grading and constructing another parking space on one side of his house.

Commissioner Tusler asked if there were to be kitchen facilities in the downstairs living quarters, and Mr. Kendall replied he had a rough-in for a small bar sink and 220 wiring. He said his mother-in-law liked to do a little cooking in her own quarters, and this was the reason for the kitchen facilities. He had no intention of constructing a rental unit. When his mother-in-law is no longer living there, his children will use the room.

Commissioner Creighton said this room would leave awfully tight quarters; he was concerned about egress in case of fire.

Commissioner West said he felt it was a question of the appropriateness of a second living unit. He said it was a small lot, around 6,000 square feet, and, in effect, a second independent living quarters would create duplex use.

Commissioner Creighton felt precise plans should be submitted indicating exactly what is proposed.

Commissioner Perry moved that this Commission finds that because this living area does not have interior access, it is, in fact, a separate living area; that a Use Permit for this separate living area be issued upon the condition that no separate cooking and/or kitchen facilities, or any rough-in plumbing or electrical connections therefore, be installed, and that an assurance be given by the applicant that an additional parking space will be constructed within one year, or, in the event such additional space is not constructed, that the use will be abated until an additional parking space is provided, and that the use be subject to inspection at the will of the City to ascertain from time to time that, in fact, there has not been a kitchen put in, and that it is not being used as a rental unit, but rather as a means of facilitating housing for this particular family. Motion seconded by Commissioner Gue and failed to pass by the following vote:

AYES: Commissioners Perry, Tusler and Gue

NOES: Commissioners Creighton, Heinecke, Moore and West

The applicant was informed of the denial of the application and of his right to appeal the decision of the Planning Commission to the City Council within ten days.

5. MATTERS FOR CONSIDERATION OF PLANNING COMMISSION

A. ACQUISITION OF JONES PROPERTY

The property corners had been staked, and Mr. O'Rourke conducted a field trip to view the property on Saturday, March 15th.

Chairman West enumerated his observations for discussion.

Commissioner Tusler said the land is eminently suited to remain open and as open space has some value.

Commissioner Creighton wanted to know the county zoning for this area, and if there would be annexing problems.

Commissioner Gue said he hadn't seen the plans for the Sorich Ranch yet, and to buy more property to add to something about which we know very little yet, would be a poor recommendation.

Commissioner Tusler moved the following findings be forwarded to the City Council seconded by Commissioner Gue and unanimously approved:

1. All but a small knoll area is very steep and would be suitable only for open space--not for intensive development.
2. The area lies in a fault zone, the land is unstable and subject to sliding.
3. Access through Carmel Way appears to be in doubt and should be established.
4. Development would be limited to hiking trails.
5. The entire canyon above and below the property should not be permitted to jeopardize other park programs.
6. Consideration of acquiring this property should not be permitted to jeopardize other park programs.
7. Acquisition at nominal cost might be justified for open space, but the Commission considers this a very low priority project.

Mr. Dave Bacigalupi, 56 Alder Avenue and Mr. Cerrutti, 32 Redwood Road, both spoke against recommending acquisition of this property.

At 11:15 p.m. Commissioner Perry moved the meeting be adjourned, seconded by Commissioner Gue and unanimously approved.



JOHN F. WEST
PLANNING COMMISSION CHAIRMAN