

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John West at 8:00 p.m. in the City Hall on June 2, 1969. Representing the City Staff: John T. O'Rourke

1. ROLL CALL

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

2. APPROVAL OF MINUTES

Commissioner Moore moved the minutes of May 19, 1969 be approved as written, seconded by Commissioner Gue and unanimously approved.

3. OLD BUSINESS

None

4. NEW BUSINESS

A. USE PERMIT APPLICATIONS

- (1) U-159, Application of Mrs. Marius Righetti (Owner) and Chester Markham (Occupant) for living quarters secondary to commercial use in a C-1 district, located at 1509 San Anselmo Avenue. A/P 7-011-04

Mrs. Righetti, owner of the property and Mr. Chester Markham, barbershop proprietor were present. Mrs. Righetti said she would like to have someone live on the property to prevent vandalism and to maintain the sidewalks, etc. She has three stores on the same lot, and the barbershop is the only one that has living quarters.

Chairman West asked the Planning Assistant if the Use Permit would be issued to the property owner or the tenant. He said a Use Permit is issued to a person rather than a property, and if the permit were granted, it would be granted to Mr. Markham. Any subsequent tenant Mrs. Righetti might have would have to apply for his own Use Permit.

Commissioner Gue asked if it were the intent of the ordinance to allow apartments in a C-1 district only if it would be necessary to have an attendant on the premises at all times, such as a veterinary.

Commissioner Perry said he understood that the term secondary use indicated an apartment was a permitted usage, not necessary to the function of the business, but keeping primary utilization of the property for the use permitted in that district.

Commissioner West said he agreed with Commissioner Perry; he said rental units per se are not envisioned, but more an owner or operator maintaining living quarters in the same building. He asked if this was an existing condition, if Mr. Markham presently lived at the rear of the barbershop, and also if there was off-street parking.

Mrs. Righetti said yes, Mr. and Mrs. Markham presently lived at the rear of the barbershop, and also that there are three off-street parking spaces at the rear of the building.

Commissioner Moore moved that U-159, application of Chester Markham to obtain a Use Permit for living quarters secondary to the barbershop at 1509 San Anselmo Avenue be approved because the residential use is, indeed, secondary to the commercial use of the establishment. The Use Permit is to be confined to Mr. Markham and his immediate family only. Motion seconded by Commissioner Gue and unanimously approved.

- (2) U-160, application of F. M. Gelardi (Owner) and Michael Considine (Occupant) to serve alcoholic beverages in conjunction with proposed restaurant use at 56 & 60 Red Hill Avenue. A/P 6-201-04

Mr. Considine explained that he previously had a similar business in Sausalito, known as the "Lion's Share". The proposed use is a restaurant with live entertainment where wine and beer will be served. There will be no "hard" liquor served. He said he proposes to be open for business between the hours of 5:30 p.m. and 2:00 a.m. He thinks the use will be the restaurant between 5:30 p.m. and 9:00 or 9:30 p.m. and the entertainment will draw the main business from 9:30 p.m. until 2:00 a.m. He said he felt a fair estimate of customers for the restaurant use would be a maximum of 50 people, and for the entertainment, he hoped to have as many as 150 to 200 people at any one time.

He said there would be no dancing, all patrons would be seated at small tables. He said his peak business hours would be after all of the nearby businesses had closed, or after 9:30 p.m., and he felt there would be parking available. He said the United Market was one-half block away, and he had hopes of making some arrangements with the owners to use a portion of their parking lot. He said that a paved parking lot 40 x 85 goes with the building, and if he used valet parking, he could put considerably more than the 7 cars in the area.

Commissioner Moore asked what type of entertainment was proposed, and Mr. Considine said folk groups, and perhaps a magician.

Commissioner West said that San Anselmo had trouble in the past with a noise factor at another place of entertainment on Sir Francis Drake Boulevard, and he wanted to be sure that there would not be a repetition.

Mr. Considine said he did not think he would have such a problem here for the reason that this location is in a less densely populated area; he has a larger building, and the type of entertainment he proposes is not as loud as that at the other location.

Mr. Considine also said they had never had a problem when they were located in Sausalito, either with disturbances or parking, and asked the staff to check with the Chief of Police of Sausalito or the City Manager. His reason for moving is because the building in Sausalito burned.

Chairman West said he thought a determination should be made first, regarding the use, the noise factor, how the patrons are going to act in the neighborhood, etc. He asked the applicant if he were correct in describing the use as a restaurant with live entertainment, serving wine and beer, and generally a place of entertainment. The applicant agreed.

Commissioner Gue said he thought since the major patronage would be from the entertainment, it would be considered a place of amusement and entertainment.

Commissioner Gue moved that the Planning Commission find that the proposed use in application U-160 does constitute a place of entertainment as defined under Section 10-3.1102 (a) of the San Anselmo Municipal Code. Commissioner Moore seconded the motion, and it was unanimously approved.

Chairman West then asked if the Commission found this use objectionable. None did.

Commissioner Moore said he thought the turnover would be high and parking would be a major concern.

When asked what his thoughts on parking were, Mr. Considine replied that he had not made definite arrangements yet since he thought it would be premature until he knew if the use would be allowed; however, he intended to contact the owners of United Market, and he would consider valet parking.

Commissioner Perry said because of the non-coincidence of peak hours there might be less of a problem; however, the City had a duty to make certain that ample off-street parking is available.

It was determined that for a patronage of 150 to 200 people, approximately 50 parking spaces would be needed. There are between 10 and 15 on-street parking spaces available, 7 off-street parking spaces are available. The rest would have to be provided.

Commissioner Perry moved that U-160; application of Michael Considine to serve alcoholic beverages in conjunction with proposed restaurant use and a place of entertainment at 56 & 60 Red Hill Avenue, A/P 6-201-04, be approved on the following conditions:

- 1. That 35 off-street, off-site parking spaces be obtained, available for the hours of 9:00 p.m. through 2:00 p.m., and evidence thereof be provided to the satisfaction of the City Engineer;
- 2. That 7 parking spaces be provided on-site;
- 3. That the Use Permit be reviewed in six months from this date to ascertain whether or not any nature of interference with the public interests has occurred, and in the event there are no complaints, the matter need not be heard formally. Motion seconded by Commissioner Moore and unanimously approved.

Chairman West asked if it were the intent of the motion that valet parking would be acceptable if it were to the satisfaction of the City Engineer. Commissioner Perry agreed that this was the intent.

Chairman West pointed out that if a problem in obtaining the parking does develop, Mr. Considine can come back to the planning commission at the next meeting. He said he wished to make it clear to the applicant that the proposed business is interesting and desirable, but it was the duty of the Planning Commission to see that parking is no problem.

The applicant was informed that there was a 10 day appeal period before the Use Permit became valid.

5. CORRESPONDENCE

The City Council had asked for the Planning Commission's views on the subject of Bicycle Paths as proposed by the Marin County Department of Parks and Recreation.

Commissioner Moore said he approved the concept, but it was difficult to tell exactly where the proposed paths are located.

Commissioner Perry moved that the Commission recommend that the City Council give full cooperation to the County for the establishment of a basic county bicycle path system and also work to establish additional local systems within the City of San Anselmo. The Commission regards the bicycle as a significant part of our transportation system. Motion seconded by Commissioner Moore and unanimously approved.

(2) Chairman West said he had sent a memorandum to the City Council after the Commission's last determination of a use in a C-1 zone, and the Council, in turn, had asked the Planning Commission to schedule a public hearing for Section 10-3.902 of the San Anselmo Municipal Code (Uses permitted in C-1 districts). The Public Hearing is scheduled for the July 7, 1969 meeting.

(3) The Chairman said a problem has arisen in regard to applications before the Planning Commission in that postcards had been mailed on a variance application that was originally scheduled for tonight's meeting. The applicant subsequently asked to have the application continued until the June 16th meeting, hence it was removed from the agenda, and

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there were two people in the audience who had come for that particular item. He said he felt that once the postcards were mailed, items should not be removed from the Agenda. The Chairman made a ruling that during his term of office, once an item was placed on the Agenda, and postcards were mailed, it would be necessary to obtain his approval before removing an item from the Agenda.

The meeting adjourned at 10:00 p.m.

JOHN F. WEST, Chairman