

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 July 7, 1969. Representing the City Staff: John O'Rourke

1. ROLL CALL

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

2. APPROVAL OF MINUTES

Commissioner Creighton moved the minutes of June 16, 1969 be approved as written, seconded by Commissioner Perry and unanimously approved.

3. OLD BUSINESS

A. USE PERMIT APPLICATION

- (1) U-160 Application of Michael Considine (Occupant) and F. M. Gelardi (Owner) to serve alcoholic beverages in a place of entertainment and proposed restaurant use at 60 Red Hill Avenue. A/P 6-201-04

Mr. O'Rourke said that Mr. Considine had reduced the size of the space he proposes to lease for his restaurant from 5100 square feet to 2900 square feet of floor space, hence his parking requirements would be fewer. He said Mr. Considine presented a parking plan which utilized the entire lot adjacent to the building plus the unimproved lot next door. His plan indicated 17 parking spaces for regular sized cars, 4 spaces for sports cars, making a total of 21 spaces.

Mr. O'Rourke said this did not allow parking for the rest of the building that Mr. Considine is not leasing. The spaces provided are 9 x 19 feet in size. This plan would fall 13 spaces short of the ordinance requirement.

Mr. Considine said he had talked with John Astley of the Richfield Service Station and had made arrangements for additional parking at the station if needed. He said he had previously talked with the owners of United Markets, and they had refused him parking space.

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

Commissioner Perry pointed out that previously the Commission had made allowance for 9 on-street parking spaces; however, since there would be an additional use in the building, he felt the on-street allowance should be reduced to provide for the balance of the building.

Commissioner Moore suggested the same ratio be applied to the new square footage which had been applied to the larger space. He said approximately 70% of the required space was approved in the original application, and he therefore felt 70% of the required space would be sufficient for this application which would result in a required 20 spaces.

Commissioner West said he felt if the application were approved, there should be written evidence of the guaranteed parking spaces.

Mr. Considine said the Fire Department had told him a maximum of 150 people could occupy the building at one time, and

7/7/69

therefore he felt this should have some bearing on the number of required parking spaces.

Commissioner Moore moved U-160, application of Michael Considine (occupant) and F. M. Gelardi (owner) to serve alcoholic beverages in a place of entertainment and proposed restaurant use at 60 Red Hill Avenue be approved on the basis that Mr. Considine and Mr. Gelardi show written evidence of availability of the 16 parking spaces on-site and the lot adjacent thereto, plus 5 spaces at the Richfield Station; the later 5 spaces to be available on Friday and Saturday evenings only.

Motion approved by the following vote:

AYES: Commissioners Creighton, Heinecke, Moore, Perry  
NOES: Commissioner West

#### 4. NEW BUSINESS

##### A. PUBLIC HEARING

- (1) Proposed Revisions to Section 10-3.902 (Uses permitted in a C-1 District) Municipal Code.

Commissioner West said when the Mountain Shop applied for a determination of the proposed use in a C-1 District the Commission had felt that perhaps a revision of the statement of intent for uses in a C-1 district should be revised. He had written a memorandum regarding this to the City Council who, in turn, referred it back to the Planning Commission for a Public Hearing. He said many of the small stores in C-1 Districts cannot be rented for their intended use because of the restrictions imposed by the statement of intent, and were, therefore, having their windows painted out and being used for residential use.

Mr. Phillip Cullen, speaking for his mother who owns the property at 1501 San Anselmo Avenue, said he felt the ordinance posed very limited use for these C-1 zones, and he felt there should be a change in the ordinance to give the property owners an opportunity to lease their buildings with a less cumbersome approach. He said times have changed, traffic patterns have changed, and the need for neighborhood stores has decreased since there are large shopping centers, with adequate parking fairly close to all residential districts.

Mrs. Teresa Righetti said she owned property zoned C-1 in the same block as Mrs. Cullen, and she had experienced some difficulty in renting one of her stores. She said she recently had someone who wanted to make small handcrafted garden ornaments, and she had to tell him she could not rent to him under the current ordinance.

Mr. Cullen said he felt any commercial use should be permitted that had a low volume traffic use. He said he had to turn down applications from a Building Maintenance Firm, a maintenance supply firm and an upholstery shop.

Commissioner Perry said he felt the phrasing of the statement of intent is outmoded.

Commissioner Moore said he felt there was a place for a C-1 zone; he felt such a use should be limited in size, have a low traffic draw, and a low noise level and be generally unobtrusive to the neighborhood.

Commissioner Perry suggested the statement of intent be changed to read: "It is intended that the uses permitted within this district be reasonably compatible with the surrounding residential use and that in allowing any particular use, special

attention be given to traffic, sound production and impact on the neighborhood."

Commissioner West said he was generally in accord with what Commissioners Moore and Perry had said.

There were no further comments from the audience, and the Chairmen continued the matter until the next meeting, in the meantime he asked Commissioner Perry to draft suitable wording for a new statement of intent.

#### B. USE PERMIT APPLICATION

- (1) U-162 SUBUD CALIFORNIA. Application for Church Use in an R-1 District at 1405 San Anselmo Avenue.  
A/P 7-023-04

Staff reports were read, and Mr. O'Rourke said that a Mrs. Ellsworth presently lives in the church building and another tenant in the pastor's home behind the church building.

Mr. Roland Jacopetti of 44 Oak Knoll Avenue said he represented SUBUD CALIFORNIA. He said they intended to return the building to its original use as a church. He said the group would occupy the building two nights a week from 8 to 10 p.m., and perhaps a smaller group of 10 persons on one additional night. He said SUBUD was composed of couples with families, it is a non-profit organization registered with the State of California. He said the services are different from other religions in that they are not open to the public. He said the Group has been in Marin for one year and in California for approximately 12 years.

Mr. Jacopetti read a letter from Dr. Evans of the Presbyterian Church on Red Rock Drive in Tiburon where the group has met for the past year. The letter indicated the two religious orders had been compatible and further that the church had no problems of any type with the group. He felt SUBUD would be an asset to any neighborhood.

When asked approximately how many members there were, Mr. Jacopetti said approximately 55, and he would anticipate no more than 20 cars at each service. He said 50% to 60% of the congregation live in the San Anselmo-Fairfax-Kentfield area, and many within walking distance. He said each meeting was spent with approximately 40 minutes of worship and an hour and 20 minutes in a social meeting. He said it would be analagous to a Quaker Meeting.

Daniel Solomon, 17-A Humboldt Street said he lived next door, and he felt the group would create quite a bit of noise.

Commissioner Perry said he felt it was a little beyond the pervue of the Planning Commission to define religion; he felt if a group assembled for prayer, it would seem religious.

Commissioners West and Moore agreed.

Commissioner Creighton said he did not feel it qualified as a place of worship in the accepted sense. He felt it was more of a lodge-type gathering.

Commissioner Perry moved that the Commission finds: That the particular use is a church use within the meaning of our ordinance.

Motion seconded by Commissioner Moore and unanimously approved.

Commissioner Perry said he was concerned about noise, unusual traffic and people in an R-1 district, and he was also concerned with parking.

7/7/69

Commissioner Heinecke said a church building was there -- it best lends itself to use as a church. He would hope SUBUD would improve the building if they took it over.

Commissioner West said he was concerned with parking, noise and hours. He said presently there was no parking provided for the house on Humboldt Avenue which is proposed to be rented. He said the Planning Commission has waived parking requirements for the Presbyterian Church and the Russian Orthodox Church, however, there was ample on-street parking in these areas.

Mr. Jacopetti said there was considerable on-street parking in front of the church and the Yolansdale School adjacent to the Church; he said there was a lot just one block away on the corner of Center Boulevard and San Anselmo Avenue which he understood could be rented, and as a back-up, Mr. Max Friedman had promised they could use as much of the Fair-Anselm parking lot as they desired.

Commissioner West said he was favorably impressed by the things Mr. Jacopetti had told the Commission. He said they appear to have a worthwhile and acceptable organization. He said after examining the property and looking at all aspects of the thing and feeling that SUBUD is a group that would be welcome in San Anselmo, he still can't feel that this property is suitable for meetings or gatherings of any kind. He feels it should go back to the use for which it is zoned, which is R-1 or Single Family Residential Use. He said as far as the present use of the church as residential use, he feels it is illegal, non-conforming and should be stopped.

Commissioner Moore moved that U-162 SUBUD CALIFORNIA, application for church use in an R-1 district at 1405 San Anselmo Avenue be denied on the basis that parking is totally inadequate for the particular location and that it would create congestion in this particular neighborhood and that it would not be appropriate to the neighborhood itself.

Commissioner West seconded the motion with regret.

The motion was unanimously approved.

Commissioner Creighton said as long as the Commission found it to be a church use, he did not understand why the application was being denied.

Commissioner Perry said he was concerned with the traffic in particular, but was concerned since the application was denied, with what the neighborhood would be faced with since a church building did exist.

Mr. Blackburn, agent for the owner of the property asked what could be done with the property. He said it has been used for a church since 1908.

Commissioner Perry said he voted Aye only for the reason that he felt there is inadequate parking and therefore the congestion and noise factor would cause an undue disturbance within the neighborhood, other than these reasons he feels that the proposed use would be acceptable to the property.

Commissioner Creighton said he voted Aye for the same reasons given by Commissioner Perry, inadequate parking, traffic congestion and noise.

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

## C. VARIANCE APPLICATIONS

- (1) ADJ. 401 William E. Brennan. Application for a 4 foot 6 inch variance in sideyard setback to construct a greenhouse at 21 Idalia Court. A/P 7-232-65

Staff report was read and a letter from the neighboring property owner, Orval G. Mead, favoring the application was read also.

Mr. Brennan said his property was so hilly that this was the most logical area for a greenhouse. He said he did have 25 feet on the other side of his house, however, this is strictly a driveway. He said there was a 4 foot fence between his property and that of his neighbor, and since it was downhill, the neighbor would not be able to see his construction.

Commissioner Perry said he was concerned because the proposed construction was so close to the Hunter property on the downhill side.

Commissioner Moore asked why the construction was started before the variance was granted, and Mr. Brennan said if the application was denied, the area would be used for a patio.

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

Commissioner Moore said he thought the greenhouse was interesting and an unusual feature, he said there apparently was no objection from the neighbor, and it would be impractical to locate the greenhouse on any other portion of the lot.

Commissioner West said he could not see why the structure could not be built within the setback requirements or with a lesser variance.

Commissioner Perry said he was not convinced that there is not a good alternative for a location for a greenhouse.

Mr. Brennan said he did not want to build on filled land or to cut a tree to construct a greenhouse.

Commissioner West said he did not think there was requisite showing of hardship or results inconsistent with the ordinance. He said while there were certain terrain problems, he felt the applicant was asking for too much.

Commissioner Moore moved with regard to ADJ. 401, William E. Brennan, a 3 foot variance in sideyard setback to construct a greenhouse at 21 Idalia Court be approved on the basis that:

- (1) it is not a conventional addition to a house, and thus would not be an area in which much time would be spent by the occupants.
- (2) because it is made of glass it would not appear to be physically overwhelming to the house next door.
- (3) because of the steepness of the terrain on this particular lot, that it does not appear likely that there are reasonable alternatives to erect such a building on this property.

Motion seconded by Commissioner West and unanimously approved.

- (2) ADJ. 402 George B. Geraconi. Application for following variances to construct 4 apartment units at 17-C Ancho Vista Avenue. A/P 6-161-02

7/7/69

Variations requested for dwelling units:

- 5 foot variance in frontyard setback
- 10 foot variance in rearyard setback
- 1 foot variance in sideyard setback

Variations requested for parking spaces and garage building:

- Space #1 - 10 foot frontyard variance
- Space #2 - 16 foot frontyard variance
- Space #3 - 19 foot frontyard variance

Garage, Spaces 3 & 4 - 17 foot frontyard variance and 16 foot rearyard variance

3.5 foot variance in clear space between garage and main building.

The staff report was read, and a map indicated the 13 requested variations was posted.

Mr. Ray Hall was present to represent Mr. Geramoni who is presently in Europe.

Commissioner Perry said he thought the applicant was trying to do too much on a very difficult site. The proposed parking was virtually on the street, and there was no on-street parking for guests.

Commissioners Moore and Creighton agreed.

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

Mr. Hall said the number of variations needed for this construction overwhelmed him, and he asked if he could withdraw the application and resubmit a modified application at a subsequent meeting.

Commissioner West said although the lot was zoned R-3, he also felt an attempt was being made to construct more units than the site would accommodate. There were terrain problems, plus problems of access to the parking. Commissioner West asked Mr. Hall to look at the street and consider possible street widening so there could be some curb parking provided for guests. He said the elevations shown generally present a nice effect.

Mr. Hall asked if the Commission would consider a submission of some sketches before going to the trouble and expense of preparing the final presentation, and it was agreed that this would be acceptable.

Commissioner Perry moved that the application be continued until the next regular meeting. Motion seconded by Commissioner Creighton and unanimously approved.

5. CORRESPONDENCE:

None

6. MATTERS FOR CONSIDERATION OF COMMISSION

- A. Determination of whether an upholstery shop can be maintained in a C-1 District. Proposed location of workshop for Janko Upholstery, 1601 San Anselmo Avenue (Retail store already located at 570 San Anselmo Avenue)

Mr. San Janko, 570 San Anselmo Avenue, said he rented the store at 570 San Anselmo Avenue four months ago with a