

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on December 20, 1982 by Chairman Hayes in the Town Hall Council Chamber. Lisa Wight of staff present.

1. ROLL CALL:

Commissioners Present: Bergeson, Harle, McPeak, Sharp, Signorelli, Hayes

Commissioners Absent: None

Positions Unfilled: One

2. APPROVAL OF MINUTES

M/S Harle, McPeak, to approve minutes of December 6, 1982 as written.  
Passed unanimously.

3. PUBLIC HEARINGS

A. U-583 Papa Vito's - 42 Greenfield

Mike DeLuca and Steve Sibley of Papa Vito's present.

Staff reported the Director had reservations about allowing 8 video games; he wondered whether video games or pizza would be the prime use.

Mike DeLuca said this was a family operation; there were lots of birthday parties held there, and 4 machines simply were not enough for the children who attended the parties.

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

Concerns expressed by Commissioners were: Place is too small; traffic generation and parking.

Commissioner McPeak said the Commission did not have a clear line on how to treat video games. He was concerned about setting a precedent and thought the Commission should seek some guidance.

M/S Harle, Signorelli, to approve U-583, application of Papa Vito's 42 Greenfield Avenue, A/P 6-251-10 for a use permit for four additional video machines in a restaurant (total of 8 machines) on the basis that this use is not detrimental to other activities in the neighborhood and interests of persons living in the neighborhood and would allow enjoyment of substantial property rights; further restriction on the Use Permit is use of the games for school-age children should be restricted during the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, except holidays and vacation; further exception is the use of the games not be allowed for minors under 18 years of age, after 11:00 p.m. Motion passed by the following vote:

AYES: Commissioner Bergeson, Harle, Sharp, Signorelli, Hayes.

NOES: Commissioner McPeak.

P/C 12-20-82

Commissioner Hayes asked that some time be reserved on a future agenda for a discussion regarding the general guidelines for requests for use permit requests for video games.

B. U-567 Papa Vito's - 42 Greenfield Avenue

Applicant asked to have his weekend hours extended to midnight.

M/S McPeak, Harle, that we make a finding of a favorable review of the Use Permit based on the hearings from the public; that the hours be extended to 12:00 p.m. Friday and Saturday. Passed unanimously.

P/C 12-20-82

C. SR-332 - Seventh Day Adventist Church - 1509 Sir Francis Drake Boulevard

There was no one in the audience to discuss the application.

There was no representative from the Church; however, the application was quite clear and staff reported no problems. Request was for a reader board to be used at different times of the year for a total of six weeks.

Commissioner Signorelli pointed out that the structure would be there 365 days a year.

Sign will be 6 square feet in size.

M/S Harle, Signorelli to approve SR-332, application of Seventh Day Adventist church, 1509 Sir Francis Drake Boulevard, A/P 5-153-03, variance for six square foot reader board to advertise health education programs for a total of six weeks per year, as shown on the drawing appended to the application, on the basis that it is not detrimental to other activities in the neighborhood and residents in the neighborhood and applicant will enjoy substantial property rights. Passed unanimously. P.C 12-20-82

SR-333 Spotless Cleaners, 2 Red Hill Avenue A/P 6-201-02

Staff pointed out the review should consist of consideration of materials, design colors, size, etc. and how it relates to the community character. Content of the sign must not take place as part of the consideration since this could be considered an infringement of freedom of speech. Staff has no objection. It is not considered a distraction to motorists.

Dominic A. Diluigi, 142 Roundtree Way, San Rafael, was present representing Adam Morgan, owner of Spotless Cleaners, since Mr. Morgan did not feel adequate to present his own application. He said this was not a mural, but a work of art-- it is an act of expression--nothing to do with murals. It is strictly an appreciation of humanitarianism. He said Adam was not aware of the ramifications beurocracy.

Bill Saks, 19 Fern Lane said art is very subjective. He does not particularly like the sign, and he feels it is a distraction to traffic. He said Mr. Morgan should have applied through proper channels if he wanted to put up this painting, mural or whatever. He said if murals or paintings are allowed on all of the buildings, San Anselmo will soon look like El Camino Real.

Dan Thomas, 191 Redwood Road stated he majored in fine arts and also had worked for the Town of San Anselmo in 1971 to enforce the sign ordinance and upgrade design review. He gave a resume of all of the signs that had been abated after the inception of the sign ordinance, and stated that on this very building there was a large spinning sphere which had taken quite a while to abate. He stated signs intended to draw attention to a certain business are, in fact, advertising whether they are spiritual or patriotic or whatever. Approval of this sign would encourage other merchants in the area to do likewise and a proliferation of murals could occur.

Nancy Bennett, 405 San Francisco Boulevard said she is a concerned citizen and she enjoys looking at the mural.

Commissioner Signorelli said he enjoyed Mr. Morgan personally, and his manner of expression.

Commissioner Bergeson said it is inappropriate because of the size and he does not feel it has merit as a work of art; however, it has not been offensive to him.

Commissioner Harle said he felt motivation has a lot to do with the appropriateness of the sign itself. It is quite evidence that the major purpose is to draw attention to his place which is a visual source of noise. The placement of commercial signs close to the mural and the number of commercial signs would seem to place this more in the category of a sign. It is unfair to other merchants who have complied with the ordinance and kept their signs unobtrusive while this merchant has put up signs that draw attention to his business and away from others and therefore placement is inappropriate. He said Mr. Morgan hasn't offered to display his stained glass or his work of art away from his business location, so there is a good reason why he wants it at his place of business.

Commissioner Sharp said he thought he might have a conflict of interest, so he would abstain from voting.

Commissioner McPeak said there was an excellent editorial in the Ross Valley Reporter about this mural which hit the nail on the head. He said he felt kind of ludicrous trying to rule on this after the fact, and he did not appreciate being put into that position by Mr. Morgan a second time. He would not try to presume to judge the artistic merits and the placement is to the applicant's advantage and of no benefit to the Town.

Commissioner Hayes said he is concerned that we have been placed in a position by Mr. Morgan after he has publicised the item that is unfair to the Commission and all the other people who have complied with the sign ordinance. He asked Mr. Diluigi if he knew why Mr. Morgan had not applied for a permit, and Mr. Diluigi said it was because Mr. Morgan was sure the application would be denied. Mr. Hayes asked if Mr. Morgan felt he could pick and choose which laws to obey.

M/S McPeak, Bergeson, approval of SR-333, application of Spotless Cleaners, 2 Red Hill Avenue A/P 6-201-02, sign review of a 600 square foot mural, in that is size shapr and material are appropriate for the use and are aesthetically compatible with the premises and with existing improvements and the natural elements in the surrounding area; will not impair or interfere with the orderly and pleasing development, use, or enjoyment of other property in the surrounding area, including public lands and rights-of-way. Passed by the following vote:

AYES: Bergeson, McPeak, Signorelli, Hayes

NOES: Harle

ABSTAIN: Sharp

P.C. 12-20-82

E. EU-20 Gwen Chandler - 42 Humboldt Avenue

Staff reported on a staff recommendation for revocation of use permit for a second unit based upon satisfactory evidence that the owner does not reside on the property as required by the Second Unit Ordinance.

Mrs. Chandler said she had not replied to staff inquiries as to the status of her residence for two reasons: (1) Staff questioned her veracity (2) The property at 42 Humboldt has been nothing but a problem to her since 1977 when she first purchased the property. She said she was told there was a legal second unit there. She explained her driver's license had a Walnut Creek address because she was forced to find work outside the San Anselmo area and she shares a home with a friend there, and comes to San Anselmo when she can. She said there are two floors comprized of 5,000 square feet, and it is much too large for any one family to occupy. She also said when she first obtained her use permit she was not old she could live in the second unit, but that she had to live in the main part of the house. She said she was tired of bureaurocracy. She said she could rent the house to as many people as she wanted to provided there was only one kitchen.

Mr. Norman Allumbaugh of Danville spoke in favor of Mrs. Chandler.

Commissioner McPeak said the Commission had no choice if they recognized that the owner doesn't live on the property. If the owner does not live on the property it does not meet the intent of the ordinance, and the Commission has no choice but to revoke the Use Permit.

The Commissioner all agreed that if the owner did not maintain her residence on the property they had no choice but to revoke the use permit.

M/S McPeak, Harle that the Use Permit for a second unit at 42 Humboldt Avenue, in the name of Gwen Chandler, A/P 7-021-15 be revoked because the owner is not living on the property. Passed with 5 Aye votes and Commissioner Signorelli abstained.

Applicant was informed she had 10 days to appeal the decision to the Town Council.  
P/C 12-20-83

M/S McPeak, Bergeson that Mrs. Chandler have 90 days to decide whatever action she wants to take. At that time, the second unit permit will be revoked. Passed unanimously.

M/S McPeak, Sharp reconsideration of the motion. Passed unanimously.

M/S that we allow 90 days for the transition to single tenant or owner occupancy.  
Passed unanimously. P/C 12-20-82

Applicant was informed of the 10 day appeal period.

F. EU-21 Clarence Whitbeck 7 & 9 Myrtle Lane

M/S Bergeson, Sharp to continue EU-21 until January 3, 1983.

#### 4. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN for 1983

M/S McPeak, Harle, Stan Hayes be appointed Chairman for 1983. Nominations closed.  
Passed unanimously.

Upon nomination of Commissioner Bergeson for Vice-Chairman, Commissioner Bergeson stated he did not have enough experience for this position and declined the nomination.

M/S Bergeson, Harle, Commissioner McPeak be named Vice Chairman. Passed unanimously.

#### MATTERS FOR DISCUSSION

It was the consensus of the Commission when items from the Planning Commission are appealed to the Council, a member of the Commission should attend the Council meeting to clearly outline the Commission's action for the Council. The Chairman will appoint, on a rotating basis, a delegate to attend Council meetings where it is felt the Commission should be represented.

Commissioner McPeak requested a future discussion time for guidelines on video games and second units.

At 11:20 p.m. the meeting adjourned to the next regular meeting of January 3, 1983.

Theima Foster