

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF DECEMBER 10, 1990

The special Planning Commission Meeting was convened at 8:25 p.m. by Chairman Yarish in the Council Chambers following a Workshop meeting that started at 7:00 p.m. Commissioners present were Hayes, Sias, Mihaly, Kroot and Julin, with Commissioner Harle absent. Staff present were Town Attorney Hadden Roth, Director of Public Works John Kottage, and Interim Planning Director Lisa Wight.

C. PUBLIC HEARING: PLANNING APPLICATION

DR-9005 - Elan Fitness Center, 230 Greenfield Avenue, A/P 6-173-22, design review of exterior building color change and review of a new sign.

Joyce Brown, owner of Elan, was present.

Director Wight presented the staff report.

Ms. Brown stated that she did not have a preference between the two colors that have been presented to the Commission. She said that Bravermans was also in the process of applying for a design review to change the color of the building and the color she has proposed would be compatible with Bravermans color.

Abe Froman, owner of Bravermans, was in support of either of the colors that have been proposed.

Commissioner Julin favored the mauve with beige trim because it is not as dark as the teal. The building next to Elan is painted dark brown and if the teal is selected, it would add a heaviness to the end of the block.

Chairman Yarish asked if the proposed sign was larger than the current sign. Ms. Brown stated that it would increase slightly, but was still within the allowed size.

Commissioner's Mihaly, Sias and Hayes did not object to either color and wanted the applicant to decide on the final color.

Commissioner Kroot slightly favored the teal but would leave the decision up to the applicant.

M/S Mihaly/Sias to approve DR-9005 - Elan Fitness Center, 230 Greenfield Avenue, A/P 6-173-22, design review of exterior building color change to either of the alternative of body or trim colors Teal blue base (#156 Riviera) with light brown trim (Rodeo 5231W) or mauve with light brown trim (Rodeo 5231W) with the final decision to be made by the applicant. This approval is based on the findings that: 1. The colors are functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 2. The colors will not tend to cause to surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or overly development in such area; 3. The colors will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. Also to approve the sign review as referenced in plans dated 12/7/90 on the basis: 1. The sign is of the size, shape, material, style, letter type and color appropriate for the use and aesthetically compatible with the premise and with existing improvements and the natural elements in the surrounding area; 2. The sign 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; or visual effects which might otherwise result due to the relation and juxtaposition of such sign to: a) the scale, mass, height, area, and materials of adjacent buildings and structures including other signs; b) areas and rights-of-ways for the containment, movement, or general circulation of persons, animals and vehicles; and c) other developments or improvements which may suffer a diminution or elimination of sun and light exposure, views, vistas, and privacy.

Motion unanimously passed. Audience advised of the ten day appeal period.

D. 1990 GENERAL PLAN AMENDMENT AND 1990 ZONING ORDINANCE REVISIONS

The Planning Commission started their discussion on page 10 of the Planning Commission Consensus Draft of the San Anselmo Municipal Code, amended by staff December 10, 1990.

**Sec. 10-3.505 Off-Site Parking Spaces**

Ms. Wight suggested a footnote that states that a third parking space can be acquired through tandem parking.

Commissioner Kroot suggested wording of "usable off-street tandem parking" but was not in favor of the third space requirement.

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**Sec. 10-3.5-9 Tandem Parking Spaces**

This section should be deleted because the Town does allow and will continue to allow tandem parking.

**Sec. 10-3.512 Loading Space Requirements**

Dan Thomas, Fernwood, stated that the primary problem that he has encountered having his office next to living Foods, is not the lack of parking spaces but inadequate loading space.

Chairman Yarish wondered why they have not had any applications before them in the past that required a variance for loading spaces. Mr. Kottage stated that the Code currently is not that clear. Ms. Wight stated that wording should be included that states a variance is necessary if there is an intensity of use on the site.

**ARTICLE 6**

**Sec. 10-3.604 Additional Uses Permitted**

Ms. Wight stated that the two additional uses added to this section were that: Off-sale beer and wine and outdoor dining upon change of ownership if the use of the property is significantly the same as the previously approved use. Currently, these types of applications have to come before the Planning Commission.

Commissioner Hayes wondered what type of means would the Town have to monitor the commercial use if there was no public hearing. Mr. Kottage stated that it could be handled through the alcohol Beverage Commission or through nuisance abatement or if the new owner is in violation of the use, the use could be revoked.

Mr. Roth stated that because of recent appellate decisions the current law is that the use runs with the land.

After a discussion, the consensus of the Commission was to remove (d) off-sale beer and wine and (e) outdoor dining upon change of ownership if the use of the property is significantly the same as the previously approved use in the opinion of the Planning Director.

**Section 10-3.605 Building Sites**

Chairman Yarish stated that he felt 20' was excessive as a requirement for a lot that does not having full street frontage to have an access way of not less than 20 feet.

After a discussion, the consensus of the Commission was that they did not have a problem with the wording.

**Section 10-3.606 Building Site Areas**

Commissioner Julin stated there is a need to have a clear definition of building site. Mr. Roth stated that there can be more than one structure on a lot however there can be only one main dwelling and one housekeeping unit. Mr. Kottage said that staff will work on the definition of building site. Commissioner Mihaly said the wording should dove tail that of the second unit wording.

**ARTICLE 7**

**Sec. 10-3.702 Hierarchy of Discretionary Actions**

Mr. Kottage stated that (d) should include the words R-1H. Commissioner Mihaly asked that the words "optional process" and "non discretionary" be removed.

(d) should be revised to state "R-1H Preliminary Development Plan (advisory only);

There was a discussion about the Preliminary Development Plan process. Mr. Kottage stated this would only be conceptual for the applicant before the applicant spends a substantial amount of money. This would be no decision made on the Planning Commission's part. He said that this is currently being done in San Rafael. Attorney Roth stated that he would have to look into the legal aspect of that with respect to when the time clock starts on the application. Commissioner Hayes stated it might be hard to give the applicant any guidance without having all the information pertaining to the project. Commissioner Mihaly felt it might be hard to have a hearing without making a decision because of the CEQA requirements.

There was a 15 minute break. At this time Commissioner Kroot excused himself.

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**Sec. 10-3.702 Hierarchy of Discretionary Actions (con't)**

Commissioner Mihaly stated that staff needs to explore the conceptional aspect further to ensure that it can be accomplished within the law. Also, it should be stated as clear as possible so there is no chance for misunderstanding. Commissioner Hayes stated that it might be unrealistic for the applicant to think they do not need to provide a lot of information on the project. Commissioner Sias said that San Rafael should be contacted to determine the specific process and what the advantages are. He was curious if other Towns had the same process as that being proposed.

**Sec. 10-3.703(1) Ordinance Amendment**

Attorney Roth stated that this section should only contain zoning ordinance information that relates to land use.

Staff said they will work on this section. to comply with Attorney Roth's statement.

**Sec. 10-3.704 Designation and Establishment**

Commissioner Hayes wanted to add the words "or rescinded" to the first sentence.

**Sec.10-3.706(5) Required Findings for Precise Development Plans**

Cathy Curtis, Redwood Road, wanted to know if the dedications stated in item (h) related to public or private dedications. Mr. Kottage stated that it could be either. Commissioner Mihaly suggested wording that states (h)...and dedications to the appropriate bodies...".

**Sec. 10-3.718(4) Review of Use Permit**

There was a discussion on the word "accessory use".

Commissioner Mihaly would like staff to rework the wording of "accessory use".

The consensus of the Commission was to continue this discussion because of the late hour. Staff suggested a schedule, noting that the Planning Commission should complete their review in January. The schedule is as follows: 1/7/91 - devote 2 hours to Zoning Ordinance discussion; 1/14/91 - Convene meeting at 7:00 p.m. for Special Zoning Ordinance Meeting; 1/21/91 - devote 2 hours to Zoning Ordinance discussion; 1/28/91 - Final Zoning Ordinance Meeting.

Commissioner Julin asked that staff confer with the Town Administrator on the date the Town Council wants to begin their hearings.

The special Planning Commission meeting was adjourned at 11:15 p.m. to the next regular scheduled meeting on December 17, 1990.