

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JULY 1, 1996**

A. CALL TO ORDER

Commissioners present: Mihaly, Duys, Sargent, Israel
Commissioners absent: Harle, Wittenkeller

B. CONSENT

1. Minutes - June 17, 1996

M/s, Duys/Sargent, to approve the June 17, 1996, minutes. Ayes: Duys, Sargent, Israel.
Abstain: Mihaly.

C. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

D. PUBLIC HEARINGS-CONTINUED

1. WORKSHOP: Town of San Anselmo - Ordinance Amendment - Evaluation of the 8' interior side yard and 12' street side yard set back requirement in residential zoning districts for additions to existing structures which do not meet current set back requirements .CONTINUED TO 7/15/96

E. PUBLIC HEARINGS - CONSENT

1. DR-9606/U-9603 - Pacific Bell (applicant), 1509 SIR FRANCIS DRAKE BOULEVARD, (Seventh Day Adventist Church), A/P 5-153-03, A use permit and design review to locate a cellular phone site at this location, the panel antenna will be located within the existing tower, on property located within the R-2 Zoning District.

2. V-9603/DR-9602/U-9602 - Pacific Bell (applicant), 324-330 SIR FRANCIS DRAKE BOULEVARD, (Tamalpais Theater) A/P 6-251-04, a variance, use permit and design review request to establish a cellular phone site at this location. The proposed cellular antenna will be located on a section of the building that exceeds the 30' height limit, on property located within the C-L Zoning District.

3. V-9619-Mark Friedeberg and Cathy Borg, 163 LOS ANGELES BOULEVARD, A/P-6-022-04, a variance to construct a portion (10 square feet) of an addition within 7 feet of the northeasterly side property line (8' required), on property located within the R-1 Zoning District.

M/s, Mihaly/Duys, to approve the consent agenda. Ayes: All.

F. PUBLIC HEARINGS

1. DR-9530/S-9503 - Red Hill Shopping Center, 834-916 SIR FRANCIS DRAKE BOULEVARD, A/P 6-061-23, design review of new exterior building colors and sign review of a new sign program on property located within the SPD Zoning District.

Ms. Wight presented her staff report. Samples of the proposed signs are installed at the shopping center. Staff visited the Strawberry Shopping Center; their signs are 14 1/2" high and illuminated. Staff would like the signs at Red Hill to be reduced to an 18" height, rather than the 24" height requested. The Center's attorney feels that it is unreasonable to make them reduce the height to 18". When the Center was approved, it was stipulated that replacement signs be identical to the current redwood signs with painted yellow lettering. The matter was reviewed by Town Attorney Hadden Roth who said the 1971 variance reserves to the Town control over any new signs. Staff has listed conditions for approval in the staff report.

Marianne Spinozzi, Manager of the Red Hill Shopping Center, said they want attractive and effective signage. A number of merchants are here tonight. She feels the 24" sign is attractive and readable. They would like to get this approved so they can begin work. She is holding up on all work until approval is received.

Commissioner Mihaly asked about the height of the sign from the ground.

Ms. Spinozzi said the merchants would like more of their windows to show, so they are raising the signs up eight inches over the present ones.

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Joe Renno, 890 Sir Francis Drake, Flash Photo, said they are trying to make their Center more competitive and nicer. It helps the Town if the Center is more successful. The Strawberry signs are smaller but are difficult to read.

Christopher Mitchell, Burritoville and Easy Street Cafe, said they are already reducing sign size by 20% with their proposal and now they are asked to reduce the square footage even more. Their stores are blocked by the UNOCAL station, which has bright orange tubes that have affected their businesses. People need signs to know that the businesses are there.

Jean Jung, Gold Dreams, said her store is in a hidden courtyard. People need to know that her business is there, and the signs are the way to do it. She doesn't believe 6" will make that big of an overall difference in the look of the signs, but will definitely help readability. They need to increase their business to remain competitive.

Terry Carlson, Attorney for Red Hill Shopping Center, said these merchants have the right to advertise their stores, based on the original 24" sign size. He doesn't believe the signs have been changed enough to allow the Town the right to require these changes. It is to the Town's advantage to have these businesses be successful. He has found cases that support the merchants' position.

Patricia Burton, resident, said people don't wander at Red Hill like they do at a mall. She suggests a directory be placed at a central place so people know what stores are there.

Ms. Spinozzi said there is a type of directory near Easy Street Cafe, but other directories have been discontinued due to vandalism.

The public discussion was closed.

Commissioner Mihaly said he is sympathetic with the applicant's desire to move forward on this. Perhaps this could be approved in two motions, leaving the painting separate from the signage. Regarding the legal opinion, he feels an aesthetic consideration is within the purview of the Town. He feels the different type of sign they have selected will be much more visible than the current ones, even in the smaller size. He supports the staff recommendation. He is concerned with the problem of people who need two lines to advertise their business. He feels it is fair to go to 18" because the new signs are more visible.

Commissioner Duys said she feels it would be difficult to get two lines even on a 24" sign. She agrees with Commissioner Mihaly. The new signs are much more visible in the smaller size than the present ones. She feels the allowed signage at 18" is fair, considering the perpendicular signage and window signage that is also allowed.

Commissioner Sargent said he feels the signage is a very important element to businesses. But this is a major change that they are making, even just by painting the Center. Sign height is a Center-wide decision, and he feels the 18" is by far preferable because of the new color and typeface. It is actually only a 2" difference in the actual lettering.

Commissioner Israel said this is not a cosmetic issue, it is an issue of fairness. This project will provide a dramatic increase in signage visibility. The Planning Commission did not approve the orange tube lights at UNOCAL, the Town Council did. The station just had its six month review and the lighting was an issue. Merchants who are opposed to UNOCAL's lighting should make their desires known. Visibility in the inset area where Gold Dreams is is difficult. Raising the signs will improve the stores' visibility. He is concerned about letter height, which wasn't addressed in the staff report. He doesn't see why this Center needs bigger signs than Strawberry. He would support 14.5 inches and maybe 18". Regarding paint colors, he said he feels the signs actually clash with the colors chosen for paint. He would support doing this in two separate motions.

Ms. Spinozzi said the work has to be done all at one time, because the signs must come down and the holes filled for the painting work.

Ms. Wight said she agrees that the green paint color selected clashes with the plastic sign of teal.

Ms. Jung said she originally thought this also, but when the sign is in the shade it blends really well. The signs are in the shade most of the time.

A motion was made by Commissioner Mihaly to approve the project as recommended in the staff report, with the exception that on Item 8 it should be clear that the applicant is free to drop the sign down if they so desire to a height 24" below the crossbeams. No second was received.

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Ms. Wight clarified with the applicant that they are proposing to limit window signs to 144 square inches.

Commissioner Duys said she doesn't like the teal plastic signs. This was the consensus of the Commissioners present.

M/s, Sargent/Duys, to approve the staff report, minus Condition #4 and #8. Regarding the building colors, the colors presented are approved, but judgment is reserved on the plastic sign color. Ayes: All. Conditions of approval are:

1. Exterior Colors shall be those described in the staff report under "Proposed Building Colors" dated March 18, 1996.
2. The Non-Illuminated Signs shall be as described in the staff report under "Proposed Signs: Non-Illuminated Signs" dated March 18, 1996;
3. The Pylon Signs shall be as described in the staff report under "Proposed Signs: Pylon Signs" dated March 18, 1996;
4. (Not included in this motion)
5. Banners, Flags, and Pennants shall not be permitted.
6. Those signs to not be changed shall be as described in the staff report under "Exceptions" dated March 18, 1996;
7. The Safeway Illuminated Sign shall be as described in the staff report under: "Proposed Signs: Illuminated Signs: Safeway" dated May 20, 1996, with the additional language to read: 1) "Lettering: Red Translucent"; and 2) "Background (face): 3M . . . Opaque.";
8. (Not included in this motion)

Commissioner Sargent said he feels the Commission should approve all elements of the signage, excepting the actual background colors of the sign, giving the applicant time to find a more compatible color.

M/s, Sargent/Mihaly, to approve as part of the application the illuminated sign proposal as outlined in Item 8 of the Conditions of Approval, except the proposed sign colors. Before the signs are fabricated there must be a final approval by the Commission of the colors. Ayes: Sargent, Israel, Mihaly. Noes: Duys.

2. V-9615/DR-9608 - Howard and Maria Silver, 17 IDALIA COURT, A/P 7-232-04, 1) Design Review to construct a 924 square foot-second story addition to an existing 1,332 square foot single family dwelling; 2) Variance request to locate required parking (2 spaces) within 0' of the front yard setback (20' required) and into the public right-of-way due to a request to convert an existing 1-car garage to office space; and 3) a height variance for the chimney height to be 32' above average grade (code maximum 30') on property located within the R-1 Zoning District.

Ms. Wight presented her staff report. The applicant is requesting design review, a parking variance and a height variance for the chimney. Regarding parking, the plan includes three usable spaces although they do hang over the right of way. This is due to converting the garage into a study. The architect has done a sun study on the effect of the proposed second story on the immediate neighbor's glass room, and feels it will not substantially block sun from the room. Regarding the chimney height, the plans could be changed so that the chimney variance wouldn't be needed. Staff cannot make a finding for special circumstances for the parking variance, since they're converting the garage. Staff cannot support the chimney height variance as it is possible to do it without a variance. Regarding design review, the question is will it affect the light, privacy, or health and safety of the neighbors.

Commissioner Sargent asked why the design review would be disapproved because of the chimney. Ms. Wight said it is because it is part of the design.

Kirk Hillman, Architect, said he has never seen a chimney affected by the height limit before in all his years of practice. He polled all the surrounding towns and none of them include a chimney in height limits. Regarding parking, the Silver family needs the space for storage and laundry, and have been using it as such for 10 years. Their parking has always taken place outside the garage. The Silvers are willing to cut off part of the old garage to create more space for parking.

Edy Brennan, 21 Idalia Court, passed out pictures of light in her glass room taken on June 21, throughout the day. She feels this building will literally block all light from her room, as well as her view. She feels this home is not appropriate for this neighborhood.

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Bill Brennan, 21 Idalia Court, said the pictures were taken at the optimum time for the sunlight.

Nancy Oswald, Idalia Court, said she feels the Brennan's will be walled in if this addition is built. No other homes on the street are two stories, they've been added to below rather than above.

Eleanor Obenhouse, Idalia Court, said this addition will definitely affect the Brennan's, not just light and air, but the ambiance as well. Trees are an important consideration. She feels the house is too large for the lot and will look out of place.

Howard Silver, 17 Idalia Court, said their family needs more room. The Brennan's glass room did require a variance, which brought it three feet into the setback. Their two story glass room impacts the Silver's privacy.

Commissioner Mihaly asked the architect for an explanation of the light cone discussed in the sun study.

Mr. Hillman, Architect, explained how he believes the sunlight at the Brennan's would be affected. Because the trees in the area are quite tall, the majority of light to the room comes from reflected sky. He set the second story as far back as possible to minimize the impact on the Silvers.

Bill Brennan, 21 Idalia Court, said he feels this will definitely impact his light. He built the glass room around an exterior staircase, and that's why the room is two stories in one section.

Heidi Brennan, San Anselmo Avenue, said this garden room was already there when the Silvers bought their house. The Silvers could build out back without infringing on the Brennan space. This addition will affect them in many rooms, not just the glass room. The second floor rooms are a kitchen, dining room and a bedroom. The second floor looks out on the Silver home's roof already.

The public hearing was closed.

Commissioner Duys said she cannot support doing away with the garage because future buyers might use it. Regarding the chimney height, this is a minimal intrusion. She is concerned with the overall design.

Commissioner Sargent said he doesn't support the parking variance. He understands the Brennan's concerns, but feels the Silvers have the right to expand their home. He agrees with the staff recommendation. He'd like to see the addition less massive, particularly on the second floor.

Commissioner Mihaly said he can't support the parking variance. He feels the architect has concentrated on making the second story set back, but there is a lot of mass in the front view.

Chairman Israel said he is concerned about the parking variance. The architect has done a good job trying to reduce impact on the concerned neighbor. He feels the addition will affect morning sun to the Brennan's home. The concept behind design review is to minimize impact on neighbors. If the addition can be made differently, those options should be explored. He asked Ms. Wight to look into if our ordinance includes chimneys in height limits specifically.

M/s, Mihaly/Duys, to continue this item to meeting of August 5, 1996. Ayes: All.

3. PDP-9603/DR-9610/V-9618-David Bott and Karen Nelson, 80 SOUTH OAK AVENUE, A/P 7-241-50, Precise Development Plan and Design Review request to construct a new single family home; and a variance to construct a patio wall (9' high maximum) within 3'6" of the south side property line (8' required) on property located within the R-1-H Zoning District.

Ms. Wight presented her staff report. When this item was heard last a number of concerns were raised regarding drainage, soil instability, visual impacts and construction noise. Several changes have been made in response to those concerns. The house and driveway have been reoriented slightly and the driveway area in front of the garage is reduced in size. The overall height of the building has been reduced, but the size has not. The driveway entrance has a wider throat to accommodate fire trucks. A 16" oak tree should be retained, but it is so close to the foundation that it may not survive. Three water tanks are proposed, which require a rear yard variance, requiring renoticing and a hearing scheduled for July

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15, 1996. There is no modified landscape plan because the landscape architect is out of the country. The lighting plan appears adequate. Drainage suggestions from the Public Works Director are included. The applicants plan to widen South Oak along his frontage and their neighbor's. A proposed resolution is attached to the staff report.

Chairman Israel said he is confused about the requirement for an 11 foot driveway when at the last meeting it didn't seem necessary.

Mr. Wilson, Architect, said they rotated the building, narrowed the turnaround and shifted the driveway, thereby reducing height. Regarding the water tanks, the pad will have to be about 60 feet long. They've decided to move the tanks directly behind the house, shielding them from everyone but the home's residents. Regarding the 16" trees, they have tried to minimize tree removal as much as possible. The lighting issue has been addressed. They plan drainage improvements to the existing drainage on the hill.

David Bott, Applicant, said that they are investigating road widening, which would require extensive retaining walls that are prohibitive. They are working with a neighbor on sewers. Final roadway improvements could be delayed until all building is done that is planned.

Kathy Sanders, 310 Redwood Road, said she was on the Bald Hill Working Group and she is concerned that several issues have not been addressed. She feels story poles should be included. An adequate landscape plan is also required by the Bald Hill plan. This house will have a big visual impact and the mustard color will stand out. She suggested a green color.

Jonathan Braun, 479 Scenic Avenue, said he has a number of concerns regarding this project. He is concerned about the vertical design of the house. He would like to see the house lowered, perhaps lowering the 15 foot high garage. He is concerned about the mustard color. Story poles with tape are essential, with large color panels with full color swatches. He is concerned about the lack of landscape plan, especially in a barren area above the house.

Ms. Treewater, South Oak Avenue, said she would like to send their drainage plan to the engineer who designed her slide repair. She asked who would maintain the catch basin at the inlet of the pipe.

Jack Duggan, 60 South Oak Avenue, said he is concerned that the applicant doesn't want to do the road until the other houses are built. They have no way of knowing when the other houses will be built.

Theresa Tamlin, South Oak Avenue, said she feel an effort has been made to address issues brought up at the last meeting. She would like to see story poles. She is concerned about tree removal because the site is so visible. She will be interested to see the landscape plan.

Mr. Wilson, Project Architect, said the mustard color could be changed if it is perceived as a problem. They did reduce the overall height of the building.

Commissioner Sargent said this is a very visible site. It is important to conform to the Bald Hill plan. He feels it would be good to deal with the color panels now. The driveway should be reduced to 10 feet. He is confused about the plans for paving the road. The height of the garage is a concern to him.

Commissioner Mihaly said there is a lot of investment in the Bald Hill plan, so it is taken very seriously. He is concerned about the height of the garage. He'd like to see a landscaping plan. He would like to save the oak at the corner of the patio.

Commissioner Duys said she feels the diagonal element is strong, but has been well-designed. She is concerned with the lack of overhangs; they may reduce the lighting impact. Regarding the patio and the trees, she would like to encourage trying to save the trees.

Chairman Israel said he is confused over the widening of the road to fifteen feet. If they can't do it, is that acceptable to the Public Works Department. He would like clarification on this. He supports the 10 foot driveway, with the 11 foot throat. He would suggest the driveway retaining wall be broken up into sections. He cannot support the removal of the two significant oak trees. Regarding indirect lighting, it does affect neighboring homes. The photo montage should include the roadway retaining walls. He'd like to see the color panels tried out. The garage height is driven by the two bedrooms, and he would like to see that height reduced.

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Mr. Wilson, Project Architect, gave a history of the project. He feels like they are a moving target, and a number of other requirements are being added. If he had had this information from the beginning, it would have made this process easier.

Ms. Nelson, Applicant, said the initial misunderstanding was that since the lot had a previously approved, but, unbuilt, project planned on it, the Planning Director initially assumed incorrectly that it was not subject to the Bald Hill Plan.

M/s, Duys/Israel, to continue this item to the meeting of August 5, 1996. Ayes: All.

G. GENERAL DISCUSSION

H. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

I. ADJOURNMENT TO Monday, July 15, 1996.

M/s, Mihaly/Duys, to adjourn the meeting at 12 a.m. Ayes: All.

DEBBIE STUTSMAN