

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MAY 2, 2011**

Commissioners Present: Chair Pascal Sisich, Vice-Chair Marty Zwick, Commissioners Brasler, Brown, Overberger, Schinner

Commissioners Absent: None; Commissioner Krebs joined the meeting before discussion of the regular agenda began.

CALL TO ORDER

Chairman Sisich called the meeting to order at 7:00 p.m.

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke.

PLANNING AND BUILDING DIRECTOR'S REPORT

Interim Planning Director had nothing to report.

PUBLIC HEARING ITEMS

CONSENT AGENDA

Minutes of Planning Commission Meeting of April 4, 2011.

M/s, Brasler/Brown, moved the consent agenda.

AYES: Brasler, Brown, Krebs, Overberger, Schinner, Sisich, and Zwick

NOES: None

REGULAR AGENDA

UP-1104, DR-1103 - Jennifer Ketels, 245 San Anselmo Avenue, APN 007-284-13: After-the-fact Use Permit for outdoor seating and after the fact Design Review for a 13 square foot illuminated sign at the U-Top-It Yogurt Shop. The project site is located in the General Commercial (C-3) Zoning District. (Staff person: Boyle)

Commissioner Krebs joined the meeting.

Krebs recused himself from the discussion.

Senior Planner Phil Boyle presented the staff report. The current application is for an after-the-fact Use Permit for outdoor seating and Design Review for an illuminated sign. The outdoor seating conforms to current codes. Two signs were previously facing Ross Avenue—one large poster and one illuminated sign identical to the one being proposed to face San Anselmo Avenue—have been removed. In terms of meeting square footage requirements for signage, the

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proposed illuminated sign and the existing sign on the parapet or upper face of the building combine for a total of 40 square feet, less than the maximum allowed of 58 square feet.

Boyle noted that copies of two emails from residents objecting to the large multi-colored sign/poster facing Ross Avenue. Boyle pointed out the both signs facing Ross Avenue are posted to be removed and the two facing San Anselmo Avenue are to remain.

Boyle noted that in the second row of the table on Page 3, both the upper and lower references should read "San Anselmo Avenue." The first sign, 27 square feet, is the one on the parapet or upper face of the building and the second, illuminated sign is 13 square feet.

Sisich asked for clarification that the sign on the parapet or upper face of the building has already been approved.

Boyle confirmed that it had been approved administratively because it is not illuminated and was not included in a design review of the building.

Sisich asked for clarification that only one illuminated sign is under review.

Boyle confirmed, explaining that the code allows only two signs per use.

In response to a question from Zwick, Boyle explained that informational or directional signs are not included in the calculation for allowable signage.

Boyle noted that he has added the condition that the sign be turned off when the business is closed. He is recommending approval for both the use permit for outdoor seating and design review for signage.

Sisich asked if the space which previously held the large poster will be returned to glass; currently, it is a white panel.

Boyle advised applicant Jennifer Ketels to address that issue when she speaks.

Sisich would like to know more about the illumination on the backlit sign, noting that it was very bright the last time he observed it and could not have possibly met Town requirements.

Boyle agreed that it is bright; unfortunately, the code does not get into specifics regarding lumens, foot candles or any quantifiable amount of lighting. The matter is at the discretion of the Commissioners. Boyle noted that the Commissioners have reviewed other applications for which they have required dimmers; for example, Bank of America. Boyle does not recall any decision asking an applicant to lower the number of lumens.

Brown asked if the sign is florescent.

Boyle confirmed that it is backlit fluorescent.

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Brown stated that it is possible to get a dimmable ballast for a fluorescent fixture.

Sisich replied that it is his understanding the Town does not have a standard for illumination, but does have some discretion with regard to design review.

Town Attorney Riley Hurd confirmed that although the Commissioners do not have a numerical standard to refer to, they have a finding to make that the light from the sign does not cause unreasonable glare or annoyance to neighbors and passers-by. Consequently, the Commissioners have full discretion regarding brightness.

Brasler asked if the after-the-fact status of the application for seating holds any ramifications.

Boyle confirmed that there are no penalties. An additional fee for a building permit could theoretically be required after tonight's decision, but will probably not be required in this instance.

In response to a question from Brasler, Boyle stated that he had been in contact with the applicants throughout the building permit process for interior improvements and that they added the illuminated signage when they opened up for business.

Brown asked for clarification that the code allows for any combination of two signs meeting a specified combined square footage.

Boyle confirmed, adding that there is a provision allowing for temporary signs, which is the authority for the applicant keeping the large poster temporarily. Temporary signs are allowed for 75 days but cannot exceed a quarter of the total window space.

Sisich has noted a lot of temporary signage at the health club on Greenfield Avenue.

Boyle advised that he interprets the temporary sign clause as applying to grand openings.

Sisich invited the applicant to speak.

Jennifer Ketels, founder of U-Top It Corporation in Redding California, is representing the owners. She was asked to oversee the tenant improvements and opening of the store when the owner was given an opportunity to run across the country. Ketels did not realize a permit was required for inside signage and is attempting to resolve the matter before the owner's return. As far as the poster on Ross Avenue is concerned, Ketels confirmed that it has been removed and replaced with white vinyl, explaining that it is the only window into the kitchen. She is working on a solution that will cover it up while still providing the necessary lighting. Boyle had suggested a frosting or sandblasting solution, but either of these would still reveal the kitchen appliances and equipment.

Sisich confirmed that eventually, a solution would be worked out.

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Ketels agreed that the current vinyl covering is temporary. Regarding the backlit box on San Anselmo Avenue, Ketels explained that it looks extremely bright because of the absence of color behind it. She will look into placing a dimmer on it. Regarding the lighting box facing Ross Avenue, it will be taken down at the same time as the work is finished on the sign facing San Anselmo Avenue.

Ketels explained that illuminated signage is essential for the shop as approximately 60% of its business is transacted after 5:00 p.m.

Sisich opened the public hearing.

Ed Caldwell, Shady Lane, Ross, likes the U-Top It shop very much, believes it has been designed very professionally, and feels it is of the correct scale for the neighborhood.

As there were no further comments, Sisich closed the public hearing and returned the discussion to the Planning Commission.

Brown is in complete support of the outside seating as it brings people into the Town. His only caution to Ketels is that she should have the architect check with the Building Department regarding accessibility, as 5 per cent of any area seating needs to be accessible.

Further, Brown would rather see the signage on San Anselmo Avenue than on Ross Avenue because the shop will have more visibility on San Anselmo Avenue. As it faces Sir Francis Drake, the sign's illumination is less likely to be directed into someone's living space. He would like to see a dimmer placed on the sign to reduce the intensity of the glare and would rely on staff to monitor the lighting.

Finally, Brown suggested that a frosted vinyl cover on the kitchen window would work well; suggesting Ketels consider a product named 3-M dusted crystal. Anything located four inches or more from the vinyl will disappear from view.

Zwick agreed with Brown.

Schinner agreed with Brown and Zwick and noted receipt of two emails that seem to oppose the sign on the parapet or upper face of the building. He respectfully disagreed, noting that it is in character with the art deco design of the building. He supports the project.

With regard to seating, Schinner reviewed the Commission's decision on 701 San Anselmo Avenue and, subject to Brown's comments on ADA, etc., noted that the Commission had been very supportive of the outdoor seating there.

Eventually, Schinner would like to see bike access as the yogurt shop seems geared to pedestrians and is a neighborhood store. Regarding the dimmer on the signage, he is in agreement, although he does not see it as a condition but rather a recommendation.

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Overberger advised that if the illumination were facing Ross Avenue, it would be facing the broad expanse of the U. S. Bank building and not shining into anyone's living space. She supports the comments of fellow Commissioners.

Brasler believes that placing a condition on the signage would be appropriate, with staff establishing the level of brightness. Placing a dimmer on the sign is probably something that should be done. Brasler believes the signage on the portico or upper face of the store is well conceived and well executed and he's pleased with the outdoor seating.

Sisich is in agreement and has no issue with the size or text of the signage and believes the illuminated sign is too bright as it is now. He appreciates the outdoor seating.

A brief discussion of the proposed condition with regard to lighting ensued.

Ketels asked if it would be acceptable to change the background color as a way to diminish the brightness as opposed to installing a dimmer.

Brasler is concerned that not requiring a dimmer will give staff less flexibility in determining the brightness level moving forward.

Henderson believes most of the Commissioners comments indicate confidence in staff's ability to establish an acceptable resolution and enforce same.

M/s, Brown/ Overberger, moved to accept the staff report and conditions of approval, with the additional condition that staff work with the applicant to adjust the light level of the illuminated sign to an appropriate level.

AYES: Brasler, Brown, Overberger, Schinner, Sisich

NOES: None

ABSTAIN: Krebs

Sisich reminded the applicant of the 10-day appeal period.

UP-1105 - Jennifer & Dana Sulprizio, 101 San Anselmo Avenue, APN 007-301-20: Use Permit for outdoor seating at the Pan D'Oro Bakery and Café (under construction). The project site is located in the General Commercial (C-3) Zoning District. (Staff person: Boyle)

Krebs returned to the dais.

Boyle presented the staff report and noted that copies of an email from a local resident in support of the project had been distributed. The project has also been reviewed for ADA compliance and access. Because Pan D'Oro's proposed outdoor seating is located on private property and not in the public right-of-way, the project did not require the same level of review as was applied to the seating at U-Top It. In terms of parking and seating capacity, the project continues to meet parking code requirements. The business will be open 7 days a week between 7 a.m. and 8 p.m. and has a permit to sell alcohol. Staff was able to make the finding for the outdoor seating and conditionally recommends the project.

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A brief discussion ensued with regard to the hours during which alcohol would be served. Boyle advised the Commission that the matter was not within the purview of the Planning Department but rather is regulated by the state's Alcoholic Beverage Control agency (ABC).

Jennifer Sulprizio, Garden Way, Woodacre, and her husband have been working on the project at 101 San Anselmo Avenue for two years now. They remain excited about the café and bakery and believe it will be a great addition to San Anselmo.

Designer Bill O'Callaghan thanked Brown for his comments regarding ADA accessibility. O'Callaghan will make certain that at least one table will meet maneuverability and code requirements before the project is submitted for Building Department review.

Sisich opened the public hearing.

Ed Caldwell, Shady Lane, Ross, spoke in favor of the project.

Pat Burton, Barber Avenue, advised that she had submitted the letter in support of the project.

As there was no further comment, Sisich closed the public hearing and returned the matter to the Commission.

M/s, Overberberger/Brown, moved the staff report.

AYES: Brasler, Brown, Krebs, Overberger, Schinner, Sisich, Zwick

NOES: None

Sisich added that he has been looking forward to the café and bakery since first hearing of the project from Designer Bill O'Callaghan.

ITEMS FROM PLANNING COMMISSION

Sisich asked if there have been any comments regarding the undergrounding project on Red Hill Avenue.

Henderson replied that the Town Manager has been working closely with PG&E on the project.

ADJOURN TO THE MEETING DATE OF May 16, 2011

Sisich adjourned the meeting at 7:40 p.m. The next meeting is scheduled for May 16, 2011.

Respectfully submitted,
Nancy Harris