

SAN ANSELMO PLANNING COMMISSION MEETING
October 22, 2012

COMMISSIONERS PRESENT: Chair Sisich, Co-Chair Brasler, Commissioners Krebs, Overberger
COMMISSIONERS ABSENT: Brown, Zwick

CALL TO ORDER

Chair Sisich called the meeting to order at 8:10 p.m.

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke.

PLANNING DIRECTOR'S REPORT

Senior Planner Phil Boyle announced that there is soon to be a vacancy on the Planning Commission as Commissioner Brown will be resigning due to his current extended overseas work assignment.

PUBLIC HEARING ITEMS

CONSENT AGENDA

Minutes of Planning Commission Meeting October 1, 2012.

M/s, Brasler/Krebs, to approve the minutes of October 1, 2012

AYES: Brasler, Krebs, Overberger, Sisich

NOES: None

ABSENT: Brown, Zwick

REGULAR AGENDA

DR-1206, VR-1202, GP-1203 Brian Miller, 157 Meadowcroft Drive, APN 005-142-02, Design review for plans to construct a new 2,182 square foot two-story residence with a 470 square foot attached garage, rear yard setback variance of 8 feet (Code: 20 feet), and a grading permit to cut and fill over 100 cubic yards of material at 157 Meadowcroft Drive. The project site is located in the R-1 zoning district (Staff person: Boyle).

Boyle presented the staff report.

Having been able to make the findings for: design review as they relate to light, privacy, bulk and mass; the variance with regard to the rear property line; and the grading permit, staff recommends approval of the project.

Sisich confirmed with Boyle that the south-facing windows of the proposed structure were high clerestory windows located in the great room, kitchen, dining, and living room area and that they are intended to provide light.

Sisich further noted that earlier in the day, Boyle had confirmed that staff had received no comments on the project from neighbors as a result of the public notice.

In response to a question from Commissioner Overberger, Boyle observed that there are three structures beyond the rear property line, one of which is a home. The distance between the new home and the nearest existing home in that area is roughly 40 feet.

Sisich observed that the homes beyond the rear property line are slightly elevated and look down on the 157 Meadowcroft lot.

Boyle added that a neighbor had come into the Planning Department prior to the meeting with concerns about the overall size and mass of the proposed home. She had specifically asked why the house was not going to be set

down into the ground further. Boyle explained the project to her, advised her that she was welcome to stay for the meeting, and noted that if the Commission's decision is not one she favors, she can make an appeal.

Sisich asked the project sponsor to speak.

Designer Brian Miller first spoke to neighbors after placing the story poles and erecting a laminate board featuring proposed plans. Subsequent to neighborhood review and in light of the comments he received, Miller revised the plans, reducing the massing of the structure and eliminating a design feature from the entryway. The design is now more in keeping with existing homes in the neighborhood.

Miller added that he further reduced massing by placing the garage at a lower elevation so that the garage door is at the same level as the front door of the home, resulting in a less intrusive, more attractive front.

Overberger asked for the average square footage of the homes in the neighborhood.

Miller responded that he had not researched that point.

Overberger noted that the size of the proposed residence just meets the floor area ratio limit and asked if any concerns had been expressed regarding the size of the home.

Miller responded that he had not received any questions or comments with regard to the size of the proposed structure.

Sisich asked about the proposed material and color of the roof.

Miller indicated that the roof will be a rust-colored clay roof.

Krebs noted references on the plans to a proposed pool and spa. He asked what the restrictions and setbacks are for pools and spas.

Boyle advised that the side yard setback is 5 feet and the front yard setback is 20 feet for in ground pools and for spas. There would be no planning approval involved; only a building permit is required. Related mechanical equipment must meet the same setbacks.

Sisich thanked Miller for coming and asked if there were any comments from the public. As there were no public comments on the project, Sisich closed the public hearing.

Overberger supports the project, noting that the home is slightly larger than others in the neighborhood and that the existing homes are much older. She doesn't normally approve of setback variances but understands the need for one in this particular situation.

Brasler generally agrees with Overberger's comments and commended Miller for doing a good job of placing the home on an odd lot.

Krebs supports the project, adding that it is an attractive design and that he appreciates the use of articulation as a means of reducing the bulk of the structure. He noted that the home is not a large one and that given the shape and size of the lot, as well as the fact that no one appears to object, he accepts the setback variance.

Sisich supports the project as well, observing that the structure is as bunkered down as much as possible and that previously vocal neighbors do not appear to hold any objections. Sisich feels the design of the home is in keeping with other homes in the neighborhood.

M/s, Overberger/Brasler, to move the staff report.

AYES: Brasler, Krebs, Overberger, Sisich

NOES: None

ABSENT: Brown, Zwick

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

DR-1207, UP-1203, Jim Catlin, 580 Redhill Avenue, APN 006-091-61, Design review and use permit for plans to construct a ±625 square foot outdoor seating area attached to the existing restaurant at 580 Redhill Avenue. The project site is located in the C-3 zoning district (Staff person: Boyle).

Boyle presented the staff report. He was able to make the findings for the use permit as well as those for the design review; consequently, staff supports the project.

Sisich asked if the proposed landscaping would be irrigated.

Boyle responded in the affirmative, adding that it is a standard requirement to require irrigation for new landscaping.

Sisich asked if Boyle had received any comments from the public with regard to the project.

Boyle replied that he had not.

Brasler asked if there were any concerns regarding the transformer's close proximity to Sir Francis Drake Boulevard. He is concerned about the potential for a vehicle to hit the transformer.

Boyle advised that PG&E had expressed no concerns other than requesting that there be no landscaping within 8 feet of the transformer. Further, the utility did specify that the landscaping between the box and the street be relatively low.

Sisich asked the project sponsor to speak.

Landscape Architect Jim Catlin explained that the project involves a simple addition for the purpose of offering patrons an optional dining experience providing more of a sit-down versus a cafeteria experience. The hope is to stage 8 tables on the patio for a potential yield of 30 customers. The plan is to use simple materials, such as stucco, colored concrete, and perhaps flagstone.

Sisich asked if the restaurant is owner-operated.

Catlin responded that it is and that the owner is at the restaurant every day.

Sisich thanked Catlin and asked if there were any comments from the public.

Mike Belling, Boulder Lane, is a neighbor and regular patron of the restaurant who is concerned about the additional noise that may result from the proposed outdoor eating area. Belling explained that because of the nature of the terrain and landscape, as conditions are now, when the windows are open at his home, he can hear conversations in the restaurant parking lot as well as sound from the films shown in Creekside Park and traffic on Sir Francis Drake.

Belling has planted sizeable redwoods behind his home to buffer the sound; however sound continues to have an impact as it travels through the areas without redwood protection. He is concerned about the possibility of speakers being placed in the restaurant's parking lot and requested that measures to keep the area as quiet as possible be sought.

Belling asked Boyle to clarify a previous statement about music at the restaurant.

Boyle explained that if there were plans for amplified music at the restaurant, the owner would be required to comply with the Town's sound ordinance.

Belling asked Boyle to describe the lighting planned for the proposed area.

Boyle noted that the lighting would be downcast and pointed to the location of the proposed fixtures on the plans. He further noted the plans for retractable vertical shades around the dining area.

Belling concluded that although he is pleased about the plans for landscaping, his major concern with the project is the additional noise it will generate and he requests that thought be given to ways in which the sound emanating from the dining patio can be minimized.

Sisich asked for clarification as to the placement and proximity of the Belling home to the proposed structure.

Belling indicated the placement of his property on the site plan.

Sisich asked if the restaurant holds a beer and wine license, to which Boyle responded in the affirmative.

Sisich invited the applicant to respond.

Catlin observed that he had not heard of any concerns regarding noise before Mr. Belling's remarks.

As there were no more comments, Sisich closed the public hearing.

Krebs asked how the noise ordinance is enforced.

Boyle explained that noise ordinance requirements are based on the zoning of the property in question and of the adjacent property. Noise levels are read at the property line and certain decibel levels are allowed within given time ranges. Boyle and the Police Department receive calls regarding noise and both respond. Boyle noted that it is often difficult to ascertain the source of noise.

Brasler asked how Boyle arrived at the finding in his staff report that addresses noise.

Boyle responded that he arrived at the finding by considering the nature of the project. It is an outside dining area and not an entertainment facility with amplified music and there is nothing to indicate that excessive noise would be an issue. The Town currently has few outside dining areas.

Sisich asked if the dumpsters will remain in their current position.

Boyle indicated that a permanent trash enclosure is planned for the dumpsters.

Sisich observed that there are currently no outside speakers at the restaurant and Boyle confirmed that this is the case; further, there are no plans of which he is aware to install speakers.

Sisich asked if the applicant is proposing music and Boyle responded that the owner has not indicated his plans.

Sisich asked if it was possible to condition the project so that no outside speakers would be allowed and Boyle confirmed that such a condition could be imposed.

Sisich asked if the applicant is planning to provide table service and Boyle responded that he believes that is the intention.

Sisich asked if the applicant is proposing any aesthetic improvements to the existing building and Catlin responded that he is not.

Brasler likes the proposal while agreeing that noise is a concern. He is hopeful that the existing noise ordinance will adequately address the neighbors' concerns. He would support the project as it stands and would also be willing to consider a condition prohibiting speakers, although care should be taken; it is reasonable for the applicant to be allowed to have music occasionally if desired.

Sisich asked if a use permit is required for a restaurant to have music.

Overberger noted that in the past, Robson House has been allowed to have music inside as long as it was not amplified and it had been negotiated with the neighbors.

Boyle noted that he does not see live music or entertainment on his list of uses requiring a use permit.

Sisich asked if Boyle would conclude that live music is not prohibited.

Boyle believes live music could easily be seen as an accessory use to the restaurant.

Sisich is doubtful that the applicant is planning to have music because of the noise on Sir Francis Drake Boulevard.

Sisich observed that the proposal includes the addition of two new parking spaces.

Brasler noted that he sees the new parking spaces as amenities.

Krebs generally supports the project, believing it will be helpful for the restaurant. He is somewhat concerned about the noise and appreciates the neighbors' position and the fact that they can hear virtually everything that comes from the Town and that this project could potentially add to that. It is, however, a neighborhood with a lot of commercial activity and he doesn't want to unduly restrict the restaurant. Krebs is reluctant to impose conditions relative to noise but is willing to listen to discussions about that possibility. In conclusion, he would most likely support the project as presented.

Overberger noted that it is never easy for residents who live in close proximity to a commercial area. The benefit is that one is within walking distance of services while the drawback is that one must accept the activity that is generated by commercial activities. She observed that it would be beneficial to inform the owner that the Town would rather not see outdoor speakers installed. Overberger concluded that the project will improve the existing space and she supports it as proposed.

Sisich applauds the effort to improve the property but believes the applicant would be better served by improving the existing facilities as opposed to creating the outdoor seating area. He nevertheless supports the project and would like to condition the project on prohibiting the installation of outdoor speakers.

Krebs asked if the Commission has imposed similar conditions on facilities with outdoor seating.

Boyle replied that the Commission has not imposed similar conditions in the past and noted that if the project should be approved as it stands, it may be possible for the applicant to install speakers at some later date and that doing so may or may not require a building permit. Logistically, it may prove difficult for staff to administer such a condition.

Overberger believes asking the Town to administer such a condition is an unreasonable expectation.

Brasler does not see the enforcement issue and asked the project sponsor if the applicant intends to install speakers.

Catlin advised that there has been no discussion with regard to speakers.

M/s, Sisich/Brasler, to approve the staff report with one condition that there be no speakers for any type of amplified voice or sound outside.

AYES: Brasler, Sisich
NOES: Krebs, Overberger
ABSENT: Brown, Zwick

M/s, Overberger/Brasler, to move the staff report.

AYES: Brasler, Krebs, Overberger
NOES: Sisich
ABSENT: Brown, Zwick

Sisich reminded the project sponsor of the 10 day appeal period.

RZ-1201, DR-1208, DeeDee Iacopi, 834-916 Sir Francis Drake Boulevard (Redhill Shopping Center), APN 006-061-23, Specific Plan Development (SPD) Amendment and design review for proposed changes to the *Red Hill Shopping Center Signage and Storefront Design Guidelines 2010*. The proposal includes the addition of two new sign types: junior anchor tenant signs and tenant entry signs. The project site is located in the SPD zoning district (Staff person: Boyle).

Boyle presented the staff report.

Boyle also addressed an email message distributed to the Commissioners. The message, from Victor Turkan, a resident across the street from Redhill Shopping Center, mentions the brightly lit signage of Chase Bank, deliveries

occurring at Safeway outside of the prescribed hours of delivery; and teenagers occupying the parking lot of the shopping center.

Boyle has been in touch with Chase Bank regarding the lighting of their signage and will speak with the bank's representative further about the lighting of the ATM stations. He plans to speak to the manager at Safeway with regard to the delivery hours, which are between 6 a.m. and 11 p.m. Finally, Boyle has spoken with the Police Department regarding the teenage activity in the parking lot; the police are aware of the problem and are working with the shopping center owner to the extent that they can intervene on private property.

Overberger asked for clarification as to the placement of the proposed monument signs and Boyle confirmed that one would be placed between the gas station and the shopping center and the other would be placed at Shaw Road and Sir Francis Drake Boulevard.

Overberger expressed concern with the proposed placement of yet another sign close to the gas station as it is a busy traffic area. She further asked if the lights at the shopping center have timing limits.

Boyle responded that there are no timing limits on lighting at Redhill at this time.

Overberger noted that lights fronting Sir Francis Drake will affect residents in the area.

Sisich asked if the proposed modification will allow existing shopping center tenants to replace their old signage.

Boyle responded that the existing guidelines for signage were approved in 2010. His understanding is that as a new tenant comes in, the new guidelines must be followed and that established tenants are encouraged to upgrade to the new guidelines.

Sisich invited the applicant's team to respond.

Sudish Mohindroo explained that the shopping center is working with the established tenants in the effort to upgrade signage. He further explained that the advent of the junior anchor tenant—a retailer with frontage smaller than the traditional anchor tenant but larger than the small shop tenant—brings the need for signage dimensions proportional to the size of the store. With regard to the lighting on the monument signs placed in front of the shopping center, Mohindroo noted that the lighting is very subdued and directed down toward the landscaping that borders these 3' tall signs.

Sisich asked if there are any proposed lighting changes.

Mohindroo responded that the only proposed change is the offering of an option for halo illumination for tenant signs, explaining that halo illumination is a soft silhouette effect and that Safeway's current tenant signage is halo illumination.

Mohindroo further clarified that tenants' lighting levels are reviewed and that an on-site mock-up of proposed lighting may be required of the tenant. The center is not currently requiring the tenants, however, to place lighting on dimmers. He added that if a specific application is received that creates some concern; the prospective tenant may be asked to install dimmers.

A discussion ensued with regard to current guideline requirements as they relate to lighting mock-ups and dimmers. Redhill's owner representative Tom Artz reminded the Commissioners that the application before them is to address one proposed sign and that it will not be a problem to negotiate wattage and size parameters so that an attractive and unobtrusive result can be achieved.

In response to a question from Overberger, Boyle confirmed that there have been projects in San Anselmo for which dimmers have been required, although he has never had occasion to request anyone to adjust the level of his or her dimmer.

Krebs asked if it is possible that there might be another future junior anchor tenant under the current configuration.

Artz responded that there is no plan to add a second junior anchor tenant.

Sisich thanked the applicants.

Krebs believes the proposed tenant signage seems to be consistent with existing signage and that the monument signs will have little impact, noting that there are plans for only one junior anchor tenant. He supports the staff report.

Brasler has no issue with either the junior anchor tenant signage or the monument signs at the entry, observing that both are improvements to the existing signage. He supports the project.

Overberger supports the project.

Sisich has some concern about the loss of small tenants, but applauds the efforts of management to make improvements. He supports the project.

M/s Brasler/Krebs, to approve the project noting that all external illumination levels will be reviewed carefully and a dimmer installed, or a mock-up may be required.

AYES: Brasler, Krebs, Overberger, Sisich

NOES: None

ABSENT: Brown, Zwick

Sisich reminded the project sponsor of the 10 day appeal period.

ITEMS FROM PLANNING COMMISSION

Overberger asked for a status report with regard to a project at 67 Tamalpais Avenue which had been discussed at the October 1, 2012 Planning Commission meeting.

Boyle advised that he has written a letter to the property owner asking for the submission of plans for fencing and landscaping by October 29, 2012.

Brief discussion ensued with regard to whether or not the Town Attorney should be consulted in the matter.

ADJOURN TO THE MEETING OF NOVEMBER 5, 2012

Sisich adjourned at 10:00 p.m.

Respectfully submitted,
Nancy Harris