

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR MAY 20, 1996**

The regular meeting of the San Anselmo Planning Commission was convened at 4:30 p.m. to tour built projects in San Anselmo, adjourned at 6:30 p.m. and reconvened at 7:30 p.m. Staff present was Planning Director Ann Chaney, Planning Associate Lisa Wight and Assistant Planner Chip Griffin.

A. CALL TO ORDER

Commissioners' Present: Harle, Wittenkeller, Duys, Mihaly, Sargent, Israel
(note: Chair Israel-excused himself after Item E1)

Commissioners Absent: None

B. CONSENT

1. Minutes - April 15, 1996 and May 20, 1996

2. Capital Improvement Program (CIP)

3. V-9604/DR-9606/U-9603 - Pacific Bell (applicant), 1509 SIR FRANCIS DRAKE BOULEVARD, (Seventh Day Adventist Church), A/P 5-153-03, a variance to increase the height of the church tower by 5' (currently the Tower is 33'-6" tall, it will be increased to 38'-6") and a use permit to locate a cellular phone site at this location, the panel antenna will be located within the tower addition, on property located within the R-2 Zoning District.

4. 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.

5. DR-9609/U-9605 - Warren Perry, 120 SIR FRANCIS DRAKE BOULEVARD, A/P 6-241-02, a Design Review and Use Permit to renovate an existing building for use as a restaurant which includes take-out items and sale of beer and win, on property located within the C-3 Zoning District.

Staff has requested that Item 3 and 4 be removed from the Consent Agenda and be placed as a public hearing item because of public concern.

M/s Wittenkeller/Sargent, and unanimously passed, to approve consent agenda Items, with conditions for 1, 2, and 5.

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 JUNE 3, 1996**

2. V-9614/DR-9607/U-9604 - Joshua and Lisa Stapp, 28 VINE AVENUE, A/P 7-231-17, 1) Design Review to construct 1st and 2nd floor additions totaling 1,026 square feet to an existing 1,171 square foot single family dwelling and construct a detached second unit totaling 404 square feet; 2) Use Permit for the second unit; and 3) Rear yard setback variance for the second unit to be located 8' from the rear property line (20' required), on property located within the R-1 Zoning District (above-150' mean sea level). **CONTINUED TO THE MEETING OF 6/3/96**

3. 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-2nd story addition to an existing 1,592 square foot single family dwelling; and 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, on property located within the R-1 Zoning District. **CONTINUED TO THE MEETING OF 6/3/96**

E. 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.

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Ms. Wight presented the staff report, noting that at the last meeting the Commission discussed and the majority concurred on the exterior colors but no motion was made at that time. She also discussed the proposed signage. Staff stated the proposed signage will be smaller, although it may appear larger because it has been hung higher. Also, Staff was wondering if the Commission would like to place a condition on the sign that states the area of translucent lettering and logos compared to the area of opaque background shall not exceed a certain percentage.

Commissioner Sargent said it would be difficult to put a percentage on the opaque background and difficult to measure.

Maryanne Spinozzi, applicant, presented a color sample of the proposed signs.

Commissioner Mihaly stated that he had some negative reaction to the teal in that it is jarring and intense but he appreciated the dark background and the cut out lettering; uniformity of signage will help.

Commissioner Wittenkeller concurred with the Staff recommendation noting that if the color appears really bad after it is installed, the businesses would apply for an amendment. He also did not recommend a percentage of background.

Commissioners' Harle and Sargent supported staff recommendations.

Commissioner Duys preferred wood signage as opposed to the teal color because the paint and color are reflective, although she did like the uniformity in color.

Chairman Israel stated that the glossy face of the sign will stand out although he would not push wood because of the maintenance. He felt the signs were much larger than they need to be. He looked at the Bon Air Shopping Center signs which appear to be quite a bit smaller but very adequate. In summary, he might be able to approve the color if the sign size could be reduced and could not support the color for Baskin and Robbins. The color selected goes well with the color scheme of the building but the signs are much too large.

Ms. Wight stated that the sign size was approved through the SPD but perhaps the size looked smaller because of the wood.

Chairman Israel stated that the signage height of 12" to 18" would be quite adequate. The sample sign at the Shopping Center just jumps out at him.

Commissioner Duys could approve a smaller sign which will reduce the glossy nature and teal color.

The representative for Barber Signs stated that there would be no reflective quality on the signs.

M/s Wittenkeller/Harle, to approve the project based on the staff report and conditions, omitting Condition #3.

Motion denied with the following vote.

Ayes: Harle, Wittenkeller
Noes: Mihaly, Israel, Duys, Sargent

Commissioner Sargent stated that he did not understand that the signage could be reduced and now that he has been made aware of it, he could not vote approval for the current sign.

Chairman Israel stated that he would be able to approve a reduced sign of 12" but would like to have staff measure Bon Air Shopping Center for the heights.

Commissioner Mihaly suggested a continuance to allow the applicant time to consider the Commission's proposal and have staff measure the signage at Bon Air Shopping Center. He commented that he would approve a smaller sign that was in keeping with other shopping centers.

Commissioner Duys stated that although the sign will be reduced she is not sure she would be able to support a sign with teal.

Chairman Israel would like to see a sample sign to be able to view the size, it could even be of cardboard.

M/s Wittenkeller/Harle, to approve the project with conditions in the staff report, omitting Condition #3 and with the reduction of the signage height from 14" to 18", with final approval to be made by the Planning Director.

Motion denied with the following vote:

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Ayes; Harle, Wittenkeller
Noes: Mihaly, Duys, Sargent, Israel.

M/s Mihaly/Duys, and carried, to continue the application to allow the applicant time to prepare a smaller size sign. Continuance will be to the meeting of 6/3/96.

Ayes: Harle, Sargent, Duys, Mihaly, Israel
Noes: Wittenkeller.

There was a discussion as to whether or not the rest of the application can be approved. Chairman Israel stated that he would want to wait until the rest of the application is approved.

Commissioner Duys stated that she would like to see the sign color be of a more subtle tone, such as the teal on the building.

Chairman Israel stated that the box itself and the treatment of the sign is so simple and contemporary and all that is viewed is the size and color of the sign. He noted that the Commission understands that it would be an unreasonable request to have a custom color used in the 3M signs.

Chairman Israel excused himself from the meeting and turned the gavel over to Vice Chair Sargent.

B3. V-9604/DR-9606/U-9603 - Pacific Bell (applicant), 1509 SIR FRANCIS DRAKE BOULEVARD, (Seventh Day Adventist Church), A/P 5-153-03, a variance to increase the height of the church tower by 5' (currently the Tower is 33'-6" tall, it will be increased to 38'-6") and a use permit to locate a cellular phone site at this location, the panel antenna will be located within the tower addition, on property located within the R-2 Zoning District.

B4. 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.

Mr. Griffin presented the Staff Reports for both Items B3 and B4 and noted that late information was received from Pacific Bell advising staff that the 5' antenna extension has been eliminated from the 1509 Sir Francis Drake site. Also

He stated that there is an additional condition that should also be placed on each application that states: "Applicant shall attach placard in plain view of anyone using the interior tower access and on the BTS cabinets, warning of the presence of telecommunications antennas and their associated Radio frequency Radiation, or Electro-Magnetic Fields". Staff also received a statement of opposition from Paul Eveloff, 48 Alta Vista.

In response to Commissioner Mihaly, Ms. Chaney stated that Dr. Peter Polson, was hired by the Town but paid for by Pacific Bell to review the potential for health effects from the radio frequency energy that will be emitted from the cell sites.

Commissioner Wittenkeller wanted to know how many analogue and digital antennas are currently in San Anselmo. He wondered about the safety for tenants in the Tam Theater building. Mr. Griffin responded that the Town has approved two analog antennas and noted that there is a diagram in the staff report that indicates the beam will not affect the tenants because it is well over the tenants and projects straight out.

Commissioner Harle asked about the bi-annual monitoring.

Commissioner Sargent was concerned about cumulative impact and wondered if there has been any discussion with Dr. Polson. Staff responded that Dr. Polson has not discussed the cumulative impacts in his report but there is still considerable discussion on the cumulative affects.

Commissioner Harle stated that there should be a clean-up of the units as stated in the staff report, including the ratios so they are rational, understandable units.

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Anna Radkovich, JM Consulting Group, Inc., provided an overview of the project. She stated that the technology is not new, just being reallocated for commercial use. It is the same idea as UHF television. Pacific Bell has lowered the antennas on the sites and therefore will have more of them. However, because they will be smaller they will not be viewed. It is unlikely that they will ever require more sights in San Anselmo that what is being proposed tonight. They were able to reduce the height of the antenna on the roof of the Church by adjusting another site. Local jurisdictions are preempted by the Federal Government and they are required to enforce all the sites to ensure they are running below the ANSI standards. The intent was not to take the power away from the jurisdictions but all must comply with the same standards. Regarding cumulative effects, if there were 10 on one building, the antennas are direct and project from one side of the antennas. As you move from the site, the frequency is dropped off exponentially. No person should be within 8.6 feet of the antenna. The Town has the right for bi-annual monitoring but the site is self monitoring and a call to the FCC would have them come out and register the frequency, and the site would be closed down if not in compliance.

Commissioner Wittenkeller was concerned about the unknown for radiation exposure. He wondered what would happen if the antenna was knocked down and what kind of assurance does the Town have. Also, have animals been tested and exposed to the frequency.

Commissioner Sargent wondered what the monitoring process would be if the levels got too high.

Ms. Radkovich stated that a surge of energy would cause the calls to drop and would therefore not service the people in the immediate area.

In response to Commissioner Wittenkeller, Ms. Radkovich stated that the antennas have a structural wind load, are braced to the location and will only fluctuate one degree.

Patricia Burton, 43 Alta Vista, stated that she was asked by Joseph Polsa, 9 Boulder Lane, to read his letter of opposition. A copy was also included in the Staff Report.

John Giron, 15 Avenue Del Norte, recommended that the Commission not rush into approval of this application until further information has been obtained. There are statistics that breast cancer is higher in women in Marin County and it is believed that the radiation could have a cumulative effect. Although the request is only for two antennas at this time, there may be more in the future. He stated that Sherman Oaks, California, did deny an installation because it was in a residential area. Although there are ANSI standards, standards could change and he wondered who set those standards. The Commission must compare benefits versus risks. He would like to see this continued and the Town to put together a plan.

Scott Shafer, 300 Bolinas, would encourage the Commission to use scrutiny in looking at the technology; the potential effects are far reaching in the community. There are a lot of unanswered questions on this issue.

Pat Burton, 43 Alta Vista, wanted to see a moratorium be placed on Pacific Bell at this time and would like to have a survey of the cumulate effect, and in the mean time would like to see the current facilities removed. She would like to see the Town Attorney review the regulations and the need to approve the sites. She stated that government standards are subject to change. Technology has changed and more information is being obtained. She stated that there should be more information obtained prior going forward with these applications. At present place a moratorium on Pacific Bell until an ordinance is in place.

Ms. Radkovich stated that there was a suggestion to relocate the antennas on the roof of 324 Sir Francis Drake, if they are put flat they would not be effective; they need to be stepped out. On 1509 SFD, the proposal would be one BTF and would be agreeable to landscape. If any standards are changed, any provider will have to come into compliance.

Gary Bendon, 1509 SFD Blvd., stated that they have given permission for line routings to be within the tower. They would prefer to have the BTS unit in the base of the tower in front.

Commissioner Wittenkeller did not feel comfortable acting on this tonight and would like to see it continued. He did not see the need to rush the decision. He would also like to have further time to review the information that was given the Commission tonight and would like recommendation from the Town Attorney as to whether of not this application has to be approved.

Commissioner Harle was concerned about the safety factor and impossible to reach a decision.

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Commissioner Duys had no concern about the aesthetics but there are health safety issues that still need to be addressed and is not prepared to act at this time.

Commissioner Mihaly was concerned about electric radiation however he did not think the Commission would have the grounds to deny the proposal. He felt the Town should look at the cumulative impact issue. There has to be a way of having the utilities provide data on the cumulative impacts. He is not sure how staff could answer the questions proposed by the public and the Commission because this issue is just now being touched on by the League of California Cities and other groups.

Commissioner Sargent concurred with his colleagues and proposed a continuance to have staff research: 1. How other jurisdictions are researching this issue; 2. Pursue information via the internet; 3. Consider adopting a policy; 4. Method of monitoring the sites, at the expense of the applicant, but under the direction of the Town; and 4. The possibility of an annual fee to measure the micro radiation levels.

Commissioner Harle wanted more information on the background report and where the standards come from and how they were arrived at by Dr. Polson

Commissioner Mihaly stated that DR. Polson's report does not explain the standard and does not show the cumulative exposures and provides no reference point. He would like information on that.

M/s Wittenkeller/Duys, to continue this item to the meeting of June 17, 1996 to allow staff and the applicant time to research items of concern by the Commission.

Motion carried.

4. PDP-9505/Parcel Split - 9503/V-9549/DR-9525 - Carlos Castro, 444 REDWOOD ROAD, A/P 7-191-10, 1) a land division, precise development plan, density determination and design review to subdivide an existing property currently developed with a single family residence in order to construct a new house; 2) a variance to allow an access easement across the existing driveway for 444 Redwood in order to serve the proposed new parcel; 3) a variance to construct a retaining wall a total of 60 feet long along the uphill side of Redwood Road (within 0' of the property line) in order to widen Redwood Road to 15' of paving for fire safety reasons; and 4) remove one heritage tree (30" bay) (this project will involve the removal of 12 bay trees between 6" and 22" in diameter and one 15" walnut tree), on property located within the R-1-H Zoning District.

Ms. Chaney presented the staff report and stated that this project is just for discussion to provide direction for the applicant.

Commissioner Mihaly thought that only the first story would be viewed with the garage under. The building has so much articulation.

Donna Warrington, Architect, presented drawings that show the difference between the first submittal and the current proposal. She stated that there is a very limited area for the location of the garage and did not work with the stepped down house with the garage in front. They have been able to reduce the amount of lot coverage by having the garage under the house. Bay trees currently exist on the site but she proposes new landscaping that will be 15' at maturity. They have pushed the house up the hill and are proposing very small balconies facing Redwood Road.

Carlos Castro, owner, stated that they want to screen the house as much as possible. The length of the road is approximately 625 feet and wondered if the Commission would consider the road improvements in the area fronting the new dwelling. He is opposed to 8' retaining walls on Redwood Road.

Barbara Giesler, 405 Redwood Road, stated she likes the current proposal better than the old one.

Commissioner Wittenkeller was opposed to timber lagging walls for this property but would agree that the retaining wall would not be his preference.

Commissioner Harle supported the revised plan and felt it was a satisfactory way of incorporating the garage. The project will be less intrusive than the original design.

Commissioner Duys liked the design concept as proposed, but wondered if the north elevation could have additional screening to break up the facade. She supported the relocation of the building and the massing. She was in support of the 15' roadway width but wonders if there was a way to mitigate the impact of the neighbors below.

Commissioner Mihaly supported the staff report on the number of units, and wondered if the Bald Hill Plan discussed the lot split and if it applied to both street frontages.

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Ms. Chaney responded that the Public Works Director has required it for both property owners. Commissioner Mihaly asked if staff could provide the Bald Hill section that indicates the road requirements for widening. Also, if there are landowners on each side of the road, what will the determination be for placement of the retaining walls. Ms. Warrington stated that the highest retaining wall would be on Mr. Castro's side.

Commissioner Wittenkeller said there are good facets to both the original and the current proposal. The site is extremely steep and though the retaining walls could be minimized behind the house by moving the house back a little. He felt they could not back off of the public safety issue but would suggest an uphill retaining wall.

Commissioner Sargent did not understand why the Commission was required to allow the lot split. The site and drainage issues are problematic and would require retaining walls. Therefore he was unable to support the lot split. The roads are dangerous now and he does not want to see another house built.

Commissioner Wittenkeller was interested in Commissioner Sargent's comments and wondered if there is justification for approving the house just to get the road widened.

Commissioner Harle stated the reason the Commission went to low density was because of the roadway. A lot split is really against the intent of the R-1-H Zoning provision and the General Plan.

Ms. Chaney stated that there were a number of issues to consider, including, slope, density, drainage and geotechnical information.

Commissioner Mihaly said he was not animated to oppose the lot split and this house has no significant impact on traffic or fire. He concurred this is an opportunity to widen the road and the area is very dense.

Commissioner Duys felt it was a good idea to keep the lots as big as possible but she also considered the visibility of the house on the site. To the extent that this could provide an improvement to the road, she was willing to look at the potential development of the site

Commissioner Wittenkeller stated he could approve a lot split with the roadway improvements; could explore a downhill retaining wall but was opposed to an uphill retaining wall.

Commissioner Harle stated he would support the project with the full roadway improvements.

Ms. Chaney suggested that the project engineer prepare a design for the roadway width and discuss the particulars with the Public Works Director. Ms. Warrington stated that it may be cheaper to grade 444 Redwood Road.

F. GENERAL DISCUSSION

Staff discussed the following:

Redwood Hills project: RVFS stated that the trees that have been torn out should be hydroseeded and not be replanted with trees.

Red Hill Shopping Center sidewalk striping: The response from the Traffic Safety Committee is that it is private property. Commissioner Mihaly stated that the Town Attorney should be notified regarding health and safety issue.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:30 p.m. to the next meeting on June 3, 1996.

BARBARA CHAMBERS