

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF AUGUST 4, 2003**

**A. CALL TO ORDER**

**Commissioners Present:** Chair Harris, Vice-Chair Sisich, Fernandez, House, Wittenkeller  
**Commissioners Absent:** Jochum, Zwick

**B. OPEN TIME FOR PUBLIC EXPRESSION**

None

**C. CONTINUED PUBLIC HEARINGS**

**D. PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

**1. MINUTES – July 21, 2003**

M/s Fernandez/House and all in favor (5-0) to approve the minutes with minor amendments.

**REGULAR AGENDA**

**2. DR-0235 – A.K. Strotz for Walgreens, 820 Sir Francis Drake Boulevard, APN 006-061-13,  
design review of proposed exterior color scheme and HVAC roof equipment, located within the C-3 Zoning District. (Staff person: Wight)**

Ms. Wight presented the report.

In response to Commissioner Wittenkeller, the applicant, Mr. Strotz confirmed that the air conditioning units are appearing on the plans for the first time and for which he is seeking approval. Mr. Strotz explained that since the new equipment replaces the old units in the same location, he had not thought to bring it to the Commission's attention earlier. It is intended that the units are painted to blend in with the scenery.

Chair Harris and Commissioner Wittenkeller are concerned that the units will be highly visible from Sir Francis Drake. However, Mr. Strotz believes that the present location for the units is the most suitable and suggests that metal screens are installed and painted the same color as the walls.

In response to Vice Chair Sisich, Ms. Wight said that the Commission could require the equipment to be moved towards the rear of the building as some Commissioners have suggested. However, similar equipment has been approved on the rooftops of the library, which is painted to match the building trim, and Wells Fargo Bank, which has been painted to match the walls of the building.

Commissioner House observes that the equipment has a visual impact on the view from the east side of Sir Francis Drake Blvd, a problem not shared with Wells Fargo Bank and the library.

Commissioner Wittenkeller suggests that the units could be located on the flat roof and the ductwork attached to the barrel part of the roof. Mr. Strotz said that a concrete wall might not make this possible. Furthermore, a mass of ductwork would be visible, which the Commissioner suggests could be screened. Mr. Strotz said he had not thought of placing such a massive structure in that location.

In response to Chair Harris, Mr. Strotz said that a great deal of work would be needed, including the removal of the ceiling, in order to move the units.

With regard to the screening option, Mr. Strotz suggests that metal would be a suitable material, since wood requires maintenance and metal is lighter. Furthermore, the new units are heavier than the old equipment but fit on the existing curves. He acknowledges that the units are similar in size to the old equipment but the mass appears to be greater. In response to the Chair, Mr. Strotz is agreeable to painting the equipment if the Commission does not favor screens.

Vice Chair Sisich is not in favor of the screening but feels that the Commission has no alternative. He would have liked the HVAC issue to have been brought before the Commission sooner.

Commissioner House believes that the panel shares some of the responsibility for the delay in bringing the HVAC issue before them, given that it is an integral part of the project. Thus, if the Commission supports screening, then she is in favor of three separate pieces of screening around each of the units to be painted dark green to blend in with the trees in the background. However, she would prefer the equipment to be located towards the back rather than the front of the building.

Commissioner Fernandez is in agreement with Commissioner House and believes that the Commission is acting rather harshly towards the applicant. He suggests that the screening be painted to match the building, given that it is unlikely that the equipment will need to be moved.

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Commissioner Wittenkeller presumes that the applicant has not deliberately brought the HVAC issue before the Commission at this late date. He suggests that the units were inadvertently omitted from earlier drawings.

Chair Harris is particularly concerned that the HVAC equipment was not included earlier in the plans. He has supported the project because it appeared to be a great improvement on the previous state of the building. However, he believes that the air conditioning equipment is visually detrimental to the environment and warranted discussion much earlier in the planning process. The Chair would like a reasonable compromise to be reached and notes that the applicant has not made a sample of the metal screens available for viewing. The Chair suggests that the equipment is painted and screens erected at a later date if deemed necessary.

Ms. Wight confirms from the minutes of a previous meeting that a former prospective tenant, Kragen, had been allowed to install screening.

On the issue of the building colors, the applicant presented photographs of various buildings in San Anselmo to demonstrate color pallets. Mr. Strotz observes that the colors are generally muted and not very dark. Accordingly, Mr. Strotz presents new color charts for the Walgreens building.

Commissioner House generally favors the tones in Scheme 1. She suggests that the tones are mixed until a suitable color is found that will blend in with the trees. She favors a matte finish but still believes that the lighter color in Scheme 1 is too pale and suggests that the darker color be used as the 'light' color choice and a darker shade chosen for the second tone. Ms. House favors the color of the tiles. Commissioner Wittenkeller and Chair Harris are in agreement with the Commissioner. Chair Harris said that he finds the color boards at the site to be confusing.

Commissioner Fernandez supports Scheme 1 and suggests the paneling is painted a color that blends with the trees.

Mr. Strotz says that Walgreens does not favor dark colors and believes the color pallet presented is as dark as Walgreens are agreeable to. However, Mr. Strotz suggested the lighter color be made one shade darker and the darker tone to be painted on the tower and columns.

Commissioner Wittenkeller favors Scheme 1 although he would prefer the tone of the wall panels to be darker. He also favors individual screening of the HVAC units and the roof color, although he would prefer it to be a shade darker and for the paneling to match.

Vice Chair Sisich does not support roof screens. He prefers Scheme 1, although he is in favor of darkening both tones by 50%. In light of the screening issue, Mr. Sisich does not believe this is too much to ask of the owners.

In response to Chair Harris, Mr. Strotz explained that there is one vent that is in a prominent position and which cannot be screened. However, a matte paint to match the roof should be sufficient. The Chair generally favors Scheme 1, although he would prefer the tones to be darker. He supports the use of matte color for the tower and approves the green shade and the tiles. However, Mr. Harris remains concerned that the HVAC system dominates the roofline and he would prefer the designer to investigate the possibility of pushing it to the back of the building.

M/s Fernandez/Wittenkeller (3:2; Noes: House/Sisich), to approve Scheme 1 for the building colors. Chair Harris advised all parties of interest of the 10 day appeal period to the Town Council.

M/s House/Fernandez (2:3; Motion Failed; Noes: Harris, Sisich, Wittenkeller), to approve Scheme 1 of the screens with the paint color to blend in as much as possible with the trees beside it, starting with the roof color in a matte finish and the approved color determined administratively.

M/s Wittenkeller/Harris (2:2:1 abstention Sisich, Noes:Harris/House: Motion failed) to ask the architect to present an alternative plan to place most of the HVAC out of view on the flat roof, if financially and technically feasible, or else on the vaulted roof if necessary.

M/s Sisich/ House (3-2; Noes: Harris/Wittenkeller) to accept the location of the HVAC units as printed on the drawings dated 31 July, 2003, with screening per Option 1 (each unit to be screened) and paint them with the roof color (a green matte) to blend in with the trees, subject to administrative approval.

Chair Harris advised all parties of interest of the 10 day appeal period to the Town Council.

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3. **V-0337 – Susan Richards Slavik and Dana Slavik, 15 Morningside Drive, APN 005-183-04,** variance to permit a 13'-8" tall, 71.25 square foot play structure to be placed within 3'-4" of the rear (Code: 20") and 2'-4" of the side (Code: 8") located in the R-1 zoning district. After-the-fact. (Staff person: Chambers)

Ms. Chambers presented the report, noting that the applicant had inquired of Town Codes governing play structures. Ms. Chambers says she explained the restrictions quite specifically. In response to Chair Harris, Ms. Chambers said that the applicant did not seek advice on a building permit prior to the building of the structure, although she believes that a permit might not be necessary.

When asked by Chair Harris, there was no one in the audience who came forward to speak against the project.

The applicant, Susan Richards Slavik, says she spoke with her neighbors prior to building the structure and no objections were raised, including the neighbor whose deck overlooks their yard. Ms. Slavik has 24 signatures of approval.

In response to the Chair, Ms. Slavik believes the complainant resides on Morningside Drive and does not believe the play structure is in their site line. She notes that three other neighboring properties have play structures near the fence line.

In response to Vice Chair Sisich, Dana Slavik says that the posts are set in concrete and would be difficult to move. Mr. Slavik explains to the Chair that he believes the structure falls into a gray area concerning planning rules because it is not a storage shed, addition or garage. He believes that no one else who has built a similar structure has had a problem with setbacks. He expresses surprise at the complaint because he did not think then neighbors objected to the playhouse and it was far advanced in construction when the complaint was received.

In response to the Chair, Ms. Slavik does not recall Ms. Chambers telling her that the play structure would have to meet set back requirements. After speaking with Ms. Chambers, the applicant continued to work on the play structure. Ms. Slavik sought advice from an architect who told her that there were no regulations regarding play structures and suggested there would not be a problem building the structure if the neighbors had no complaints.

In response to the Chair, Mr. Slavik says that a utility conduit runs through the property, which limits the area on which the play structure can be built. He hopes that wisteria grows over the structures to shield it from the road.

Mr. Slavik presented photographs of other play structures in neighboring properties in response to Commissioner Wittenkeller's inquiry as to whether other such structures exist.

In reply to Vice Chair Sisich, Ms. Chambers explains that the location of the play structure would be suitable if it were lowered to meet the Code.

Commissioner Fernandez is in favor of the variance. He believes the yard is small and the play structure would be in the way of the homeowners if it were moved to another location.

Commissioner Wittenkeller suggests that the play structure would still be suitable if the height was lowered. He would consider permitting a 12" crawl space under the platform for maintenance. This would meet the intent of the code because the walls of the structure would not exceed 6' in height and would be no higher than a permitted 6' fence. Commissioner House supports Commissioner Wittenkeller, noting that the owners disregarded the Town's Codes. Vice Chair Sisich would also support a variance to lower the structure.

Chair Harris observes that the structure is visible from the street and that the planning process was not observed. The zoning rules prohibit the play structure if there are no special circumstances and thus he supports staff's report.

M/s Wittenkeller/House and passed (3-2 Noes: Fernandez/Harris) to conditionally approve the project by reducing the height of the structure so there would only be a 12 inch crawl space under the platform. Special circumstances are that the walls of the structure would not exceed 6' in height and would be below the fence line, and would thereby meet the intent of the Code; and that the underground utilities also restrict the location of the structure. Also, if it becomes necessary in the future to reconstruct or perform maintenance on the 24" pipe storm drain, the owner shall remove the structure, at the owners expense, within thirty days.

The audience was advised of the ten day appeal period to the Town Council.

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4. DR-0238 – Michael Weiss, 42 Miwok Drive, APN 177-263-03, design review amendment requesting modification of previously approved exterior colors and landscaping (as-built) of a new home, located in the R-1 zoning district. (Staff person: Bell)

Planning Director Bell presented the report.

The applicant, Mr. Weiss, explains that his neighbors do not appear to object to the colors he has used. The garage might impact the neighborhood but he does not believe that it specifically had to be sand colored. Mr. Weiss brought photographs to show that the impact from the street is not so great, although he acknowledges that the French doors and white garage door are visible from the street. He requests the Commission to grant the amendment because his neighbors have no objections.

Commissioner Wittenkeller supports the amendment, particularly since the neighbors were noticed and raised no objections. Commissioners House and Fernandez are in agreement.

Vice Chair Sisich supports the white windows but requests that the garage door and trimming are painted to match the shingles.

Chair Harris notes that the windows were supposed to be a tan color. The planning process has not been observed and he does not support the amendment.

M/s Fernandez/Sisich (4-1 Noes: Chair Harris) to support the amendment.

Chair Harris advised all parties of interest of the 10 day appeal period to the Town Council.

5. SR – 0302 – Ken Fisher for US Bank, 305 San Anselmo Avenue, APN 007-282-20, sign review and sign variance for a wall sign near the top of the building and a projecting sign near the doors, both of which would be on the San Anselmo Avenue building frontage, on property located in the C-3 zoning district.

Senior Planner Wight presented the staff report.

In response to Commissioner Wittenkeller, Ms. Wight says that the sign for Bayview Bank consisted of individual, self-illuminated letters. The Commissioner is concerned that the US Bank sign will be too bright, to which Ms. Wight suggests the Commission order the lighting to be turned off at 10pm.

The applicant, Ken Fisher, explains that the sign's letters can be made brighter or dimmer but that the thickness of the letters does not affect strength of illumination. He believes that the sign is tasteful and keeping with the size of the building.

Commissioner Wittenkeller notes that the wall sign is not drawn to scale and he is unable to judge whether or not the sign will be appropriate for the space.

Commissioner House feels that red is too conspicuous and would prefer blue. She supports the idea of the lighting being on a timer so that it is switched off at 10pm. Ms. House suggests the sign consists of self-illuminated, individual letters and to ensure the lighting is not too bright. Commissioner Sisich is in agreement.

Commissioner Wittenkeller is also in favor of blue replacing the red parts of the sign. In response to the Commissioner, who does not favor the heavy font, the applicant says that it is part of US Bank's logo. The Commissioner would like there to be minimal lighting and to be presented with the entire elevation of the building with the sign drawn to scale.

In response to Commissioner Fernandez, Mr. Fisher says that the Bank will be amenable to changing the red part of its signage to blue.

Chair Harris notes that the building is one of the tallest in town and he would not favor a sign that is too brightly lit. He asks the applicant to consider lowering the sign. The Chair is unable to make the findings for the Variance and suggests the applicant assists by designing a smaller sign or by removing illumination. Mr. Fisher says that size of the sign is important to the owners.

M/s Harris/Fernandez and passed (5-0) to continue the project to the next meeting. The applicant will provide an elevation and a sign drawn to scale.

**E. GENERAL DISCUSSION**

Commissioner House expresses concern that applicants may request an amendment to a decision, after-the-fact, made by the Commission at a previous meeting. Chair Harris notes that certain jurisdictions levy a charge for retroactive actions. However, Mr. Bell says that the Commission must make its determinations based upon ability to make findings rather than consideration of personal hardship. He notes that the Planning Commission cannot impose fines.

Mr. Bell reports that a Sign Ordinance will be brought before the Commission.

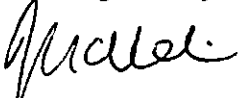
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**F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

None.

**G ADJOURNMENT TO THE MEETING ON MONDAY AUGUST 18, 2003**

The meeting was adjourned at 10.15pm.



**JOANNE OHEHIR  
SR ADMN SERV ASST**