

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 5, 2004**

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. CONTINUED PUBLIC HEARINGS

1. **Z-0302 – TOWN OF SAN ANSELMO**, Zoning Ordinance Amendments to the Temporary Signs Ordinance, Title 10, Chapter 9, Article 3. (staff person: Wight) **CONTINUED TO 2/2/04**

This item has been continued to February 2, 2004 because January 19, 2004 is a holiday.

D. PUBLIC HEARING ITEMS
CONSENT AGENDA

1. **MINUTES – December 15, 2003**

M/s Harris/Fernandez and unanimously passed (5-0) to approve the minutes with minor corrections.

2. **U-0324 – Vincent Galasso for Lo Forti Fine Prints, 110C Spaulding St., APN 006-092-03**, use permit to operate a wholesale art studio and office within the C-L zone and change in occupancy within a building that is ±2,339 square feet. (staff person: Chambers)
3. **DR-0315 – Tamalpais Bank, 100 Sir Francis Drake Blvd., APN 006-241-01**, design review of exterior building colors on property located within the C-3 zoning district. (staff person: Wight)

REGULAR AGENDA

(Taken from Consent)

2. **U-0324 – Vincent Galasso for Lo Forti Fine Prints, 110C Spaulding St., APN 006-092-03**, use permit to operate a wholesale art studio and office within the C-L zone and change in occupancy within a building that is ±2,339 square feet. (staff person: Chambers)

Planner Chambers presented the staff report.

Chair Sisich said that a guardrail on the exterior of the building is in a state of disrepair and is unsafe. Ms. Chambers said that its repair could be reviewed if the applicants require a building permit.

M/s Sisich/Jochum and unanimously passed (5-0) to approve the project based on the findings and conditions as set forth in the staff report, with the added condition that the guard rail be fixed as a condition of the building permit.

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

3. **DR-0315 – Tamalpais Bank, 100 Sir Francis Drake Blvd., APN 006-241-01**, design review of exterior building colors on property located within the C-3 zoning district. (staff person: Wight)

The Commission waived the reading of the staff report.

Commissioner Harris objects to the main building color, which he believes is too similar to the color of Insalata's. He dislikes there being two buildings together of the same mustard color. Ms. Wight confirmed that this color was submitted with the original application.

Jim McDonald, architect for the project, said that the colors should appear more subdued once applied to the building.

M/s Jochum/Fernandez and passed (4-1 Noe: Harris) to approve the project.

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

4. **Z-0303/ER-0304 TOWN OF SAN ANSELMO**, Environmental Review and consideration of an ordinance of the Town of San Anselmo amending Ordinance Number 1001 Establishing Zoning Regulations for Wireless Communication Facilities. (staff person: Bell)

Planning Director Bell presented the staff report and reported that funds had not been allocated to enable a consultant to review the draft ordinance.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 5, 2004**

Jane Hall, 31 Nokomis Avenue, said that her group of concerned citizens had obtained a second legal opinion on the draft ordinance prepared by the Planning Department. They were advised that the list of requirements drawn up for antenna applications is conservative

In response to Vice Chair Fernandez, Ms. Hall said that their attorney's report is being drafted. The attorney believes that it is within the Town's jurisdiction to request further information to evaluate the need for an antenna site or determine the availability of other sites.

Vice Chair Fernandez is concerned that the report produced by the concerned citizen's attorney might differ from the findings made by the Town's legal expert.

Commissioner Harris noted that the Council must decide if the draft ordinance needs to be reviewed by a legal expert. He suggested that Ms. Hall's attorney speak with the Town's attorney.

Commissioner Zwick suggested that Ms. Hall ask her attorney if he would be willing to make a statement on the restrictions he believes could be imposed by the Town without courting legal action.

Mr. Bell said that there are different legal opinions on the Town's authority over antenna applications. If the Commission has no significant changes, then Mr. Bell would recommend that the draft ordinance be referred to the Council to determine the next stage of the proceedings.

Commissioner Harris suggested that if the Council determines that funding an external review of the draft ordinance or further review by the Town Attorney is not warranted, then the Council should be encouraged to support an ordinance based on one that is already in existence.

M/s Fernandez/Jochum and unanimously passed (5-0) to recommend approval of the Negative Declaration to the Town Council.

M/s Fernandez/Jochum and unanimously passed (5-0) to recommend that the Town Council obtain legal counsel on the draft ordinance.

5. SR-0308 - US Bank, 305 San Anselmo Avenue, APN 007-282-20, sign review of a 72 square foot wall sign for a total signage area of 81 square feet. (staff person: Wight)

Senior Planner Wight presented the staff report.

In response to Chair Sisich, Ms. Wight said that the application is concerned with sign review. A variance is not necessary.

In response to Commissioner Jochum, Ms. Wight demonstrated how she calculated the square footage and noted that it fell within the Code.

In response to Commissioner Zwick, Ms. Wight said that the Sign Ordinance dictates that a sign must not be higher than the roofline.

Ken Fisher, Applicant, said that the signs now conform to regulations and that he believes they are appropriate for the building. He noted that the signs have been reduced in size since the last application, which failed.

In response to Commissioner Harris, Mr. Fisher said that the illuminated sign at the top of the building will be turned off at 10pm, which is part of the conditions of approval. Mr. Fisher said that the wall sign will be larger than the temporary sign currently in place.

Commissioner Jochum said that the sign is not out of scale with the building but since the building is grossly out of scale with the fabric of the town, it is, nonetheless, too large and he believes that the temporary sign is a more appropriate size. He noted that the new sign falls within the Town's regulations but he is not in favor of the new sign because of its size.

Commissioner Zwick does not support the project. He believes the building already constitutes a non-conforming use, which the sign will exacerbate, and he believes that a height variance is necessary in this instance.

Commissioner Harris is in agreement with Commissioner Zwick with regard to the variance. However, Ms. Wight said that a variance was granted in 1999 for a larger area of signage, thus negating the need for a variance for this project.

Commissioner Harris believes that the color red is too dominant, which he thinks might be construed as a traffic signal. He would support blue, instead, and recalled that Mr. Fisher said at a previous hearing that US Bank might accommodate this change.

Vice Chair Fernandez acknowledged that red is the Bank's trademark and supports the use of the color.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 5, 2004**

Chair Sisich believes that the Commission is able to determine the size of the sign if it believes that the project does not blend with the existing improvements and natural elements. Furthermore, Chair Sisich does not like the color red. However, he would support a smaller sign and the removal of the color red.

Ms. Wight asked that the Commission give the applicant direction on the size and color that would be acceptable.

Mr. Fisher said that US Bank might consider litigation if the project is not supported. He believes the sign is appropriate for the building and that it complies with regulations. Mr. Fisher noted that the process, which has already taken considerable time, will be prolonged and that he does not believe it is appropriate to continue in this manner.

Commissioner Zwick noted that the original application did not conform to Town Codes. This evening, a project that does meet regulations is being presented for the first time to the Commission. Any delay has therefore been under the control of the applicant. However, the granting of approval is not a right and he believes it is appropriate for staff to request direction.

In response to Commissioner Harris, Mr. Fisher believes that US Bank might accept a blue background for the pentagon. Commissioner Harris said he could support the size of the sign if the red were changed to blue.

Commissioner Jochum said he would approve a sign, with a blue or red background, that is the same size as the temporary sign, which is an appropriate size. Commissioner Zwick is in agreement.

Vice Chair Fernandez will support the project if the sign background is blue.

M/s Sisich/Fernandez and passed (3:2 Noes: Jochum/Zwick) to approve the staff report with the added conditions that the sign be reduced in size so that the letter B measures 36" vertical dimension and the color of the shield be changed from red to blue, with the lettering to remain white.

Chair Sisich advised all parties of interest of the 10 day appeal period.

6. **U-0323/DR-0345 – Satwank Singh, 745 Sir Francis Drake Blvd., APN 006-083-04**, use permit to demolish an existing building and allow a residential dwelling unit within a C-L zoning district; parking variance of 3 spaces, proving 4 spaces where code requires 7, and design review of a ±3,800 square foot building including garage, commercial shop, and residential unit. (staff person: Bell)

Planning Director Bell presented the Staff Report. He said that the Public Works Director, Rabi Elias, is satisfied that the building meets creek setback requirements.

Commissioner Zwick said he had spoken with Mr. Elias, who thought that the deck was above the height of the flood plain, but which the Commissioner is unable to locate on the plans. There is also concern that wedges or obstacles would present a problem in the event of flooding.

Mr. Bell said that he had subsequently spoken with Mr. Elias, who had confirmed that the deck was above the height of the flood plain and had said that a cantilevered deck could potentially be required. In further response to Commissioner Zwick, Mr. Bell said that there is a discretionary setback, usually of 15', that is determined by the Public Works Director. A retaining wall changes the property's flood zone from C to A.

In response to Commissioner Harris, Mr. Bell said that an application for a use permit might not be necessary, depending on which type of business occupies the building. The zoning allows for general commercial uses and minor shops, such as a candy store or a clothing store, which should not produce intensive use.

In further response to Commissioner Harris, Mr. Bell said that the building is considered two story.

Jitender Makkar, designer for the project, confirmed that Mr. Elias had inspected the property and declared that a setback of approximately 14' is sufficient in this instance. In response to Commissioner Zwick, Mr. Makkar said that a certified engineer has determined that the basement's height above sea level is 51.50.

Mr. Bell said that the Public Works Director did require certification of the flood plain elevation relative to the basement.

In response to Chair Sisich, Mr. Bell said that approval would be necessary if a business wished to have a sign.

In response to Chair Sisich, Mr Makkar said that the cornice on the commercial portion is on one side of the property only. The other side of the building belongs to a different owner.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 5, 2004**

In reply to Commissioner Jochum, Mr. Bell said that the building's colors should be made part of the conditions and he suggested that those colors should be brought before the Commission.

In response to Commissioner Harris, the applicant, Mr. Singh, said that he intends renting out the property for a commercial purpose, but if this is not successful then he will use it as an office. He and his family will live in the house.

Commissioner Zwick believes that the two decks should be set further back from the creek. He suggested that the lower deck should be made permeable, perhaps, or at least some effort made to ensure the water is not held back during a flood. Otherwise, Commissioner Zwick is in favor of the project.

Commissioner Harris notes that there will be just 2 parking spaces, in addition to the garage, and he would prefer that 3 spaces be provided. Otherwise, Commissioner Harris supports the project.

Commissioner Jochum is in favor of the project and suggested that an accent color is not appropriate for the garage door. He does not believe that parking will be a problem and noted that spaces were available when he parked outside.

Vice Chair Fernandez supports the project, which he believes is a great improvement on the building's current state.

Chair Sisich is in agreement with Vice Chair Fernandez. He would like the garage to be painted the same color as the building.

M/s Sisich/Fernandez and passed (4-1 Noes: Harris) to approve the project based on the findings and conditions as set forth in the staff report with the following condition: At framing stage of building construction, the applicant shall provide proposed color specifications to staff and a 4' x 8' color sample of proposed exterior colors at the site for Planning Commission review. Subsequently, the Planning Commission shall determine the approved exterior colors at a regularly scheduled meeting.

Chair Sisich advised all parties of interest of the 10 day appeal period.

E. GENERAL DISCUSSION

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

G. ADJOURNMENT TO THE MEETING ON MONDAY FEBRUARY 2, 2004.

The Meeting was adjourned at 9.05pm.

**JOANNE OHEHIR
SR. ADMIN. SERVICES ASST.**