

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF NOVEMBER 20, 2006**

A. CALL TO ORDER

Commissioners Present: Chair Krebs, Harris, Schinner, Sisich,
Commissioners Absent: Zwick, Overberger

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. CONTINUED PUBLIC HEARING ITEMS

1. **U-0623/DR-0626 - Pat and Gary Phillips, 70 Scenic Avenue, APN 007-054-15**, Use Permit to demolish a single family dwelling; and Flatland Design Review of a 1,124+ square foot second story in conjunction with the construction of a new 2,389+ square foot single family dwelling located within the R-1 zoning district. (consultant planner: Vazquez) **CONTINUED TO 12/04/06**

D. PUBLIC HEARING ITEMS
CONSENT AGENDA

1. **Minutes – November 6, 2006**

M/s Harris/Schinner and unanimously passed (4-0) to approve the minutes of November 6, 2006 with amendments.

REGULAR AGENDA

2. **V-0655 – Alexandra Kirk – 10 Bolinas Avenue, APN-007-302-18**, Setback Variance to raise the existing dwelling and second unit 3'-1" in height in order to clear the December 31, 2005 flood elevation within 4'-10" of the west side property line on property located within the R-1 zoning district. (staff person: Wight)

Planning Director Wight introduced the staff report, when she explained why a variance is necessary. Ms. Wight noted the letters of support that were included with the staff report, in addition to an additional letter of support that had been received that morning. She said that the second unit conforms to the Second Unit Ordinance, although an all-weather surface is needed on the driveway.

In response to Commissioner Schinner, Ms. Wight said that the building is not being enlarged, but a variance is required for it to be raised.

No-one wished to speak when the meeting was opened for public comment.

M/s Sisich/Harris, and unanimously passed (4-0) to move the staff report. Chair Krebs reminded the hearing of the 10-day appeal period to the own Council.

3. **ER-0601/ZO-0601 - TOWN OF SAN ANSELMO, 525 San Anselmo Avenue**, Adoption of a Resolution recommending approval of the Negative Declaration and draft Sign Ordinance to the Town Council (staff person: Wight)

Planning Director Wight presented the staff report. She said that staff has made the changes to the draft Ordinance that the Planning Commission requested, in addition to changes made by staff, which were mainly grammatical. Ms. Wight explained that the Planning Commission is acting in an advisory role, and that a recommendation to the Town Council must be made tonight. The Town Council will make a decision, for which another public hearing will be held before a final public hearing to adopt the Ordinance.

Ms. Wight noted that a copy of a petition had been received via e-mail recommending the Sub-Committee's suggestions regarding the banner segment, but that an original signed copy had not been received. She also brought to the Commissioners' attention other banner materials that had been received. Ms. Wight recommended that public comment be taken, and the Negative Declaration and Draft Ordinance be reviewed, resulting in a recommendation being made or not to the Town Council to adopt them.

Karen Martin, Crane Dr, member of the Sign Committee, is concerned that the Town is compelled to sponsor an event that might not happen in their Town. Furthermore, she would like to know the criteria the Town will use to choose events to sponsor and she is further concerned that the Town might not sponsor events they do not favor.

Joe Ranno, Sir Francis Drake Blvd, owner of Flash Photo, and a member of the Sign Committee, said that it is costing him money not to be making banners. It is a serious problem that needs to be resolved. He makes banners for non-profits and the banner section needs to be reworded.

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Connie Rodgers, San Anselmo Chamber of Commerce, member of the Sign Committee, noted the loss of revenue to Flash Photo and to the Town which can charge rent for leasing the hub for banner signs. She said that 50,000 cars drive through the hub every day, so the hub banners contribute to the Town's sponsorship. This action should not be taken based on the possibility that an individual will change the integrity of San Anselmo, and she commented on the sponsorship or co-sponsorship of the Town Council for events.

Joyce Brown, owner of Elan Fitness Center, 230 Greenfield Ave, expressed concern with those who decide which events the Town sponsors. A diverse group make up San Anselmo, that seem to be in battle, and this adds fuel to the fire. She believes that these changes to the banner ordinance suggested by staff will create more problems rather than fewer.

The meeting was closed to the public.

In response to Commissioner Sisich, Ms. Wight said that before the moratorium was introduced, the Recreation Department issued permits to anyone who wished to use a banner. With the current language, the banner would have to advertise a Town event or an event that would be co-sponsored by the Town.

Todd Smith, Town Attorney, explained that a resolution would be put forward each year with the events the Town will sponsor or co-sponsor for that year, and that the Town Council needs to set the criteria in a resolution, as it is more difficult to amend an ordinance.

In response to Chair Krebs, Mr. Smith said that the decision on whether the Planning Director or Town Council should authorize a banner would need to be set by resolution. However, Mr. Morrison, the attorney the Town retained for this ordinance, suggested that the decision should be taken by the Town Council and not staff.

In response to Commissioner Harris, Ms. Wight read aloud from the report the language that was endorsed by the Sign Committee.

Commissioner Sisich said that the language should be broad enough to include any non-profit, and he does not see a big problem with the wording the Sign Committee chose. It seems excessive to have the Town Council sponsor events.

Commissioner Schinner said that the language preferred by the Sign Committee appears to be exclusive to other groups that are not mentioned in the Ordinance, and he would prefer more neutral language. He is further concerned that commercial speech would be elevated over other types of speech, and that Mr. Morrison felt that the language of limiting banners to events sponsored or co sponsored by the Town Council would be neutral and the Council could make findings to support such events. Thus, he is inclined to support the draft ordinance as proposed. He respects the work put in by the Sign Committee, but he would defer to Mr. Morrison's expertise in this area.

Commissioner Harris said that ambiguity exists where a Town is required to sponsor or co-sponsor events and that he hesitates to create bureaucracy for the sake of a banner, but he also sees the potential for misuse. We are trying to establish a neutral ordinance to take account of one bad time, whilst being fair to most things. The general sentiment is that we do not wish to punish local organizations, but language needs to be created in an Ordinance that meets certain legal criteria, which has resulted in the sponsor and co-sponsor language. However, we are still at the recommendation stage, and it might be more appropriate for the Town to make more criteria-based decisions or political decisions when the Ordinance reaches the Town Council. Commissioner Harris said he appreciates the work of the Sign Committee, but he noted that the easiest ordinance would be one that is implemented purely for Town business or one that is wide open. He favors local organizations advertising their fundraisers but he does not want banners to be wide open to commercial speech. He is hopeful that criteria can be implemented that protects the Town from possible litigation.

Commissioner Krebs is in agreement with the previous Commissioner's comments. He said that the Committee's proposed language would include those organizations the Town would wish to support, but there could be potential problems because the language allows any organization to use a banner. Thus he would err on the side of Town sponsored or co-sponsored events and criteria needs to be established to provide for a fair decision process, and allow community groups we endorse and appreciate to use banners. He would rather the Ordinance be implemented this way than risk including groups that might cause a problem.

Mr. Smith explained that due to time restraints, a decision on whether or not to recommend adoption of the Resolution to the Town Council needs to be made tonight. However, any concerns raised this evening can be addressed at the Town Council level, at which stage audience concerns and comments will also be addressed. Mr. Smith suggested that the recommendations of the Planning Commission should be made part of the conditions because there is no time to amend the Resolution as it would need to be noticed. Mr. Smith suggested other amendments to the motion.

M/s Schinner/Sisich and passed (3:1 no: Harris) to adopt a Resolution recommending approval of the Negative Declaration and draft Sign Ordinance to the Town Council.

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In response to Commissioner Harris, Mr. Smith suggested that a separate verbal motion be made, incorporating the changes to the draft ordinance that the Planning Commission would recommend to the Town Council.

Commissioner Harris listed those items he would suggest be used in a separate motion, and Commissioner Schinner expressed concern that certain types of organizations would be excluded from using banners. He also commented on Commissioner Harris' sunset suggestion, and would propose, instead, that the Town Council adopt the Ordinance, which could then be fine tuned.

General discussion ensued about the organizations that should be included under Street Banners, and it was agreed that the sentiment to be passed to the Town Council is that the Commission would wish those events that are town benefits, rather than a wide array of public views, to be allowed street banners.

Mr. Smith made suggestions as to how these wishes should be conveyed to the Town Council, and it was agreed that a motion be created making recommendations to the Resolution.

M/s Harris/Krebs, and unanimously passed (4-0) to recommend to the Council that they adopt the following changes to Section 10-10.601 of the Sign Ordinance:

1. Develop criteria for sponsorship or co-sponsorship of events in San Anselmo;
2. Consider the sign committee's endorsed proposal;
3. Limit banners to Town-events only;
4. Limit banners to Town or other governmental agency events;
5. Do not limit banners in any way (this includes discussion of how broad a group to include);
6. Consider banner ordinance as a pilot program and/or possibility/viability of a sunset provision in case it presents difficulty with a fixed term of 6 – 12 months to see what is workable, bearing in mind limited staff time and liability;
7. Review definition of "city-produced event" from Santa Monica Food Not Bombs case;
8. Should the Town Council adopt the Sign Committee's recommendations, then they might consider expanding organizations beyond 501(c)(6) as proposed;
9. Establish application and decision-making processes;

Planning Director Wight said that the Ordinance will be introduced to the Town Council at their meeting on November 28.

E. ITEMS FROM PLANNING COMMISSION

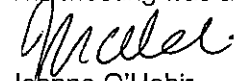
In response to Commissioner Harris, the Planning Director said that two positions are available on the Planning Commission.

F. ITEMS FROM STAFF

The Planning Director said that there were no appeals to report.

G. ADJOURNMENT TO THE MEETING OF MONDAY, NOVEMBER 20, 2006

The meeting was adjourned at 8.20pm.


Joanne O'Hehir
Sr. Admin. Services Asst.