

**REGULAR MEETING MINUTES
SAN RAFAEL PLANNING COMMISSION
JANUARY 15, 2008**

ROLL

APPROVED

Commissioners Present: Chair Colin, Vice Chair Kirchmann, Lang,
Paul, Pick, Sonnet

Commissioners Absent: Mills

Community Development: Raffi Boloyan, Principal Planner
Mindy Nguyen, Planner

AGENDA

CONSENT CALENDAR

RECOMMENDED ACTION

1. Minutes, December 11, 2007

PUBLIC HEARINGS

2. **4000 & 4040 Civic Center Drive** – Request for an amendment to the existing sign program for 4000 Civic Center Drive to include signage at 4040 Civic Center Drive. The applicant is also requesting: for 4000 Civic Center Drive, a new tenant mansard sign for Autodesk, and the replacement of a tenant ID sign and secondary directional sign to match the design of the existing signage at 4000 Civic Center Drive; APNs: 180-124-13 & 155-200-12; Office (O) District; BIT Holdings Form Five, Inc. and Civic Center, LLC, owners; Scott Langpap, applicant; File No.: SR07-061.

Project Planner: Mindy Nguyen

Environmentally Review: Categorically Exempt

3. **1777 East Francisco Blvd (West America Bank Building)** – Request for a Use Permit to allow the conversion of 3,580 square feet of a 9,600 commercial bank from ancillary office to “stand-alone” general office use. The existing West America Bank use is reducing its operation at the site. No addition, expansion or modification to the existing office area, building or site is proposed other than minor interior tenant improvements requiring the issuance of building permits; APN: 009-122-13; General Commercial (GC) District; Marin Sonoma Investment Co., property owner; Matt Brown for NAI BT Commercial, applicant; File No.: UP08-048.

Project Planner: Steve Stafford

Environmental Review Categorically Exempt

4. Introduction and Description of Redevelopment Agency
5. Annual Review of Planning Commission Rules and Procedures
6. Election of Officers

DISCUSSION ITEMS**DIRECTOR'S REPORT****COMMISSION COMMUNICATIONS**

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

Chair Colin announced that the Commission will discuss the "*Citizen of the Year*" appointment under "*Discussion Items*" and the Redevelopment Agency Report will become the last agenda item.

AYES: Commissioners: Chair Colin, Vice Chair Kirchmann, Lang, Paul, Pick, Sonnet

NOES: Commissioners: None

ABSENT: Commissioners: Mills

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Colin explained for the benefit of the audience the Public Hearing procedures to be followed.

URGENT COMMUNICATIONS - None**CONSENT CALENDAR**

1. Minutes, December 11, 2007

Chair Colin asked for a motion.

Commissioner Kirchmann moved and Commissioner Lang seconded, to approve the December 11, 2007 minutes as amended. Motion carried 5-1-1. Pick abstained. Mills absent.

AYES: Commissioners: Kirchmann, Lang, Chair Colin, Paul, Sonnet

NOES: Commissioners: None

ABSENT: Commissioners: Mills

ABSTAIN: Commissioners: Pick

PUBLIC HEARINGS

2. **4000 & 4040 Civic Center Drive** – Request for an amendment to the existing sign program for 4000 Civic Center Drive to include signage at 4040 Civic Center Drive. The applicant is also requesting: for 4000 Civic Center Drive, a new tenant mansard sign for Autodesk, and the replacement of a tenant ID sign and secondary directional sign to match the design of the existing signage at 4000 Civic Center Drive; APNs: 180-124-13 & 155-200-12; Office (O) District; BIT Holdings Form Five, Inc. and Civic Center, LLC, owners; Scott Langpap, applicant; File No.: SR07-061.

Project Planner: Mindy Nguyen

Environmentally Review: Categorically Exempt

Mindy Nguyen, Planner, summarized the staff report and recommended that the Commission adopt a resolution conditionally approving the Sign Program for 4000 & 4040 Civic Center Drive. Staff recommended adding another condition to the draft resolution that states *“all signs must be installed simultaneously, that the mansard sign should be installed at the same time as the upgrade of the freestanding signs at 4040 Civic Center Drive to match 4000 Civic Center Drive.”*

Scott Langpap, designer/sign contractor, present to answer any questions of the Commission.

Commissioner Paul asked why they are not replacing all the signs. Mr. Langpap responded that it was a decision made by the owner, not Autodesk.

Eric Selvig, Regional Facility Manager/Autodesk, explained that the original owners put that sign up and the current owner does not want to change the sign because he feels it is historic and fits in with the building. The owner indicated that if they change that sign, the owner will not allow the Signage Program to move forward, so they agreed to leave the sign alone as long as it allows them to change every other sign on the project.

Commissioner Kirchmann pointed out that the word, *“receiving”* is spelled incorrectly on proposed Sign C and should be corrected. Also, they must make a findings that all the signs contained in the program have one or more common design elements such as placement, colors, architecture, materials, illumination, sign type, sign shape, letter size and letter type. He sees that across most of the signs, but questioned existing Sign D for 4040 and asked how to make that finding in regard to common elements on page 18. Mr. Langpap explained that Sign D is not being changed. The sign was designed initially with the complex and then 4000 changed their signage and actually approached the owners at 4040 to change all signage, but the owners declined. When Autodesk moved into 4040, they wanted to bring all signage together and the owner once again declined. He then admitted, in terms of colors and so forth, it does not match the rest of the Sign Program.

Commissioner Paul asked if *“the palm leaf”* logo would continue. Mr. Langpap responded in the affirmative.

Commissioner Sonnet discussed the existing sign color that is a dull brown color as opposed to the bronze and asked if the bright nice bronze would be used or remain the dull brown. Mr. Langpap responded that it would match the others, so what is out there would remain the same.

Commissioner Pick asked for clarification on page 6 in regard to the mansard existing sign, which is the Sutter Terra Linda Health Plaza, and asked if they are adding another sign. Mr. Langpap responded that there is no new Sutter Health sign proposed, just the Autodesk sign.

Chair Colin believed the mansard sign would be much smaller in scale compared to the Sutter Health sign because it is only 28-inches high. Mr. Langpap responded that they used the capped height. The Sutter Health sign has a 50-inch logo as well. Chair Colin desired compatibility.

Chair Colin opened the public comment on this item, and seeing no one wishing to speak, the Chair closed the public portion and brought the matter back to the Commission for discussion and action.

Commissioner Pick was intrigued to read and then hear the designer restate the issue of 48-inches down to 28-inches. The Autodesk mansard sign seems under scaled and too small. It seems out of scale terribly with the Sutter Health sign. The heights of the capital letters now match, but as part of the Signage Program, they desired threads of consistency. The size of the logo and the scale of the existing Sutter Health sign mandates a larger Autodesk sign in his view.

Commissioner Sonnet believed it would be good to have the signs match in order to have some commonality. On page 16 in regard to the reverse type, the typeface is very small and illegible from a distance. He has no planning issues, but it may do Brown Form and Beverages a disservice to be that small in reverse type. He also attended the DRB meeting when the discussion of the size of the Autodesk sign versus the Sutter Health sign and at that time Autodesk was up on the highest tier and DRB asked that it be brought down to the second tier to conform to the Sutter Terra Linda sign and also to be the same size. He agreed that it appears smaller because it is not as long of a word, but it is the same height, so he would continue to support DRB's comments. Also, in regard to the slight overage in the number of signs and the total square-footage of the signs and there is a slight exception, but pointed out that it is a very confusing area when driving around and parking and that is the type of exception that would make sense because more directional signage is needed, so he would agree to grant that type of exception.

Commissioner Kirchmann has trouble making the finding for the inclusion of existing Sign D. He is unable to find the common elements, so he would not support the proposal as it stands.

Commissioner Lang agreed with Commissioner Sonnet that this site is very difficult to maneuver, so signage is needed to drive around this site. The site specific needs also

drive her to agree with Commissioner Kirchmann about existing Sign D. Uniformity is needed not just for aesthetic reasons, but for signals that visitors are still in the same and correct complex. She is unable to support the Sign Program with Sign D in its current proposed state.

Commissioner Paul supported the idea of changing these signs. He had no objection to the Autodesk sign. It is odd that they do not want to replace Monument Sign D. He suggested changing the numerical typeface to the old typeface, which might be enough of a common element to tie the sign in with the Sign Program.

Chair Colin felt DRB is very practical and realistic in that it is of high quality, but Sign D does not match. This is a concern and wished the Sign Program findings had flexibility because signage on this site is needed. Autodesk on the mansard appears small, so she desired the sign to be bigger.

Commissioner Lang asked if any modification of Sign D is possible. Mr. Langpap responded that ownership indicated that if that sign were modified they would not allow the Sign Program to move forward. The owner desired signage for his building to look unique, so there is some kind of internal conflict. The beauty of the Sign Program is that all signs are consistent other than the one sign in question.

Chair Colin agreed that it is very hard to navigate on the site, so a Sign Program is needed.

Principal Planner Boloyan pointed out that one common design element could be that all of the freestanding signs have a raised letter face, so they are individually cut letters placed on the background, which is somewhat common. Commissioner Paul pointed out that the monument signs are different than the mansard signs.

Commissioner Pick stated that the old sign has a big palm leaf graphic and maybe a 2-inch size version could be placed on all the new signs to create that marker of consistency throughout. He suggested placing the logo somewhere graphically pleasing, which would provide a thread of consistency. Commissioner Kirchmann stated that would not carry through with the mansard signs. He stated that none of these signs are objectionable in the abstract, but it would be better if they were all consistent. When traveling up the drive to 4040, the first sign identifies the entrance and once up that road there is no confusion about where to go because there is not much choice. He could be persuaded to embrace staff's rational that the raised element would be the commonality. Commissioner Lang agreed.

Chair Colin asked for a motion.

Commissioner Paul moved and Commissioner Kirchmann seconded, to adopt a resolution conditionally approving the Sign Program for 4000 & 4040 Civic Center Drive including the new condition outlined by staff. Motion carried unanimously.

AYES: Commissioners: Paul, Kirchmann, Chair Colin, Lang, Pick, Sonnet
NOES: Commissioners: None
ABSENT: Commissioners: Mills
ABSTAIN: Commissioners: None

3. **1177 East Francisco Blvd (West America Bank Building)** – Request for a Use Permit to allow the conversion of 3,580 square feet of a 9,600 commercial bank from ancillary office to “stand-alone” general office use. The existing West America Bank use is reducing its operation at the site. No addition, expansion or modification to the existing office area, building or site is proposed other than minor interior tenant improvements requiring the issuance of building permits; APN: 009-122-13; General Commercial (GC) District; Marin Sonoma Investment Co., property owner; Matt Brown for NAIBT Commercial, applicant; File No.: UP08-048.

Project Planner: Steve Stafford
Environmental Review Categorically Exempt

Raffi Boloyan, Principal Planner, summarized the staff report and recommended that the Commission adopt the attached draft resolution approving the Use Permit Amendment to allow the conversion of 3,580 square feet of a 9,600 commercial bank from ancillary office to “stand-alone” general office use at 1177 Francisco Boulevard East.

The applicant was present to address any questions of the Commission.

Chair Colin opened the public comment on this item, and seeing no one wishing to speak, the Chair closed the public portion and brought the matter back to the Commission for discussion and action.

Commissioner Kirchmann asked staff if they need to worry about the ability or willingness of the property owner to properly patch and cover what is under the existing sign that needs to be removed. Principal Planner Boloyan explained that there is no proposal to modify the sign, it is being required by the City. The applicant must obtain a sign permit which will be reviewed by staff and then condition the sign permit to patch and repair any old holes and paint, so that will be handled through the sign permit application.

Chair Colin asked for a motion.

Commissioner Paul moved and Commissioner Lang seconded, to adopt a resolution approving the Use Permit Amendment to allow conversion of 3,580 square feet of a 9,600 commercial bank from ancillary office to “stand-alone” general office use at 1177 Francisco Boulevard East. Motion carried unanimously.

AYES: Commissioners: Paul, Lang, Chair Colin, Kirchmann, Pick, Sonnet
NOES: Commissioners: None

ABSENT: Commissioners: Mills
ABSTAIN: Commissioners: None

DISCUSSION ITEMS

4. Annual Review of Planning Commission Rules and Procedures

Chair Colin explained that this year they obtained all information and facts before starting Commission discussion and she believed the procedure forces the Commission to be more disciplined and if there is another way to achieve that process she would be open to change.

Commissioner Kirchmann stated that it is the function of the Chair to keep questions-to-questions and discussion-to-discussion, which is hard to do. At times, questions will clarify issues and reduce the public testimony and at times questions are lost by waiting until the end. His own sense is that members of the audience benefit more from the questions earlier because at long hearings several audience members leave before the questions are asked and answered, so he preferred having them earlier on.

Commissioner Paul appreciated the new system and felt the current process is very efficient. He reiterated the need for some kind of a period of rebuttal for the applicant because the process does not allow the applicant to respond. Commissioner Kirchmann explained that the Commission has the opportunity, as the rules are written, to allow the applicant to respond to issues raised by members of the public as well as clarify.

Commissioner Sonnet did not want to institutionalize the rebuttal process. He believed all should be given an equal shot. There are cases that are obvious to hear a response from the applicant, but objected to institutionalizing the rebuttal process because it places the public in a secondary position. Commissioner Paul stated that the Commission represents the public because it is between the applicant and the Commission.

Commissioner Pick asked the Commission if what they are doing is obtaining public testimony or more of a public debate. With the old procedure, it tended to become more of a debate and with the new process, it is more efficient and the Commission receives a more unvarnished view from the public. The issue of rebuttal is an issue because there would not be a conversation if it were not for the applicant. In a sense, the applicant has the most to lose and suffers the whole process if corrupted, so rebuttal is important. He desired more flexibility.

Commissioner Sonnet does not believe the applicant has the most to lose and by stating that they are giving the applicant more power. He would not grant the applicant some type of extra power over the public because they are here to represent the public. To keep all methods on the most even playing field as possible would be best. Also, he only lived under the new rules, which he found to work well.

Commissioner Lang felt under certain circumstances there are exceptions. The Chair always has discretion. She agreed the new rules are working fine and to the extent they have questions they should be directed to staff ahead of time. It is the structure or tone that is set by the Commission.

Chair Colin stated that there is consensus from the Commission that the new rules are working fine and the Commission should continue to review annually.

Commissioner Pick felt submittal of new materials should have a deadline because he did not appreciate late material because there is not sufficient time to review. Commissioner Kirchmann noted that they have a right to accept oral or written testimony. He pointed out that members of the public receive the staff report by Friday afternoon, so it is very difficult to respond, so they have Monday and Tuesday to prepare comments. He suggested that if necessary the Commission could take a short recess in order to review the material submitted late.

Commissioner Sonnet suggested making an announcement that written material should be provided to the Commission rather than during public testimony. Principal Planner Boloyan indicated that they cannot limit the written testimony. When staff receives inquiry from a member of the public, staff does suggest that they provide the written comments as soon as possible. Also, any comments received after distribution of the packets, staff on occasion faxes that material to the Commissioners. The latest trend has been that members of the public show up at the meeting with one letter. Staff asked that the public come early and provide that letter to staff in order to summarize. Staff hopes they attend with eight copies for all Commissioners and staff. Staff agreed to add more language to the notice to encourage that members of the public submit written comments at the beginning of the meeting and provide enough copies for all Commissioners and staff. Staff can explain that if properly reviewed and considered it should be submitted ahead of time, and if not, to provide enough copies.

Commissioner Lang stated that they want the public to attend the meetings and if material is lengthy then they will take a break to review. She desired the public to attend the meetings and provide their comments and suggestions. They must exercise their discretion as a Commission. This is not a problem and no action should be taken. Commissioner Sonnet agreed and in a sense the public is only compromising their own chances, but it might make sense to have a specific procedure as to where materials should be submitted. Chair Colin noted that the Chair could announce that written material should be turned into staff.

Commissioner Kirchmann stated that often times there is a level of detail in the written submission that would be boring to hear orally and is more effective by reading the material and others just highlight the key issues. He agrees it is awkward to be given a lengthy document at the last minute, but they must take a short recess and read.

Commissioner Paul recommended leaving rebuttal to the Chair's discretion. Commissioner Lang stated that they do not allow rebuttal, but allow the Chair discretion to gather final facts, when needed.

Commissioner Kirchmann stated that in an ordinary course, the applicant has an opportunity to provide all information to staff and there are rare situations when testimony comes up in the course of the public hearing that the applicant feels they must respond. His personal view is if they are going to hear more from the applicant everyone else should have an opportunity to respond to new information that was provided through the course of the hearing.

Commissioner Paul stated that the Commission represents the public. He suggested looking at the formal process. It is the applicant trying to make the case to the Commission and the public provides additional information, but it is not between the applicant and public, but between the applicant and the Commission who represents the public.

5. Citizen of the Year Appointment

Commissioner Sonnet volunteered and was appointed by Chair Colin.

6. Election of Officers

Commissioner Paul moved and Commissioner Lang seconded, to appoint Vice Chair Kirchmann as Chair of the Planning Commission for 2008 and appoint Commissioner Pick as Vice Chair of the Planning Commission for 2008. Motion carried unanimously.

YES:	Commissioners:	Paul, Lang, Chair Colin, Kirchmann, Pick, Sonnet
NOES:	Commissioners:	None
ABSENT:	Commissioners:	Mills
ABSTAIN:	Commissioners:	None

7. Introduction and Description of Redevelopment Agency

Nancy Mackle, Economic Development Director/Deputy City Manager, explained that there are five individuals in the Agency that work with the Business Improvement District, Chamber of Commerce, visitors' bureau, brokers, real estate professionals and property and business owners as well as affordable housing individuals. The main divisions of economic development in San Rafael are affordable housing, economic development and events to promote the City. They work on citywide issues, but primarily focus on the Downtown and the Canal. The City Council sits as the Redevelopment Agency Board and they have a Citizen Advisory Committee that advises the Agency Board on issues related to redevelopment. The Agency has a separate funding stream from the City called, "tax increment." The Agency is a tool to eliminate blight. In 1972

San Rafael formed a Redevelopment Agency that included downtown all the way out to Pickelweed Park and determined it was blighted at 1,700-acres. They wrote a plan that conforms to the General Plan. Every five years State law requires an implementation plan that has money attached to it, which she provided to the Commission for their review. The plan provides the power to acquire property, to sell property, enter into agreements with developers to develop property, the powers of eminent domain and condemnation that is rarely used in the City. They Agency has the right to issue bonds. Specifically, they do not have the right to spend money on City or County administrative buildings.

In regard to financing, when an Agency is established, a base tax year is set and as they build and as property values grow they have an increase in evaluation, which is tax increment, so all that increase goes to the Agency, but in Marin they receive a portion of those funds. The Agency uses the funds to pay off bonds and 20% of the income is used to pay for affordable housing. They issued bonds six times since established in 1972 and the last bond was in 2002. Tax increment funds received from bonds can only be used in the project area unless it is housing, which can be used citywide. The bond money is running out, so they have very limited funds. She indicated that it is a negotiation with the other tax agencies, so it is complicated. They have time limits on the Agency, 2012 is the last time to use eminent domain. Effectiveness of the plan is 2015. The Agency steps in where they need to in order to eliminate blight and help the private sector where it needs a boost such as parking structures, sidewalks and capital improvements. They worked with private partners such as Rafael Theater that was sold to the California Film Institute for \$1 and then they raised the funds to remodel. They bought the property sitting as the vacant Macy's building to help clean up that red tape. They assembled Lomb Palm housing sites. In regard to the San Rafael Corporate Center, they entered an agreement to sell the City's corporate yard to help downtown. They were involved with Pickelweed Park, Parkside Childcare, and Extended Stay. They worked eight years with the developer from Northgate Mall. They work with property owners, businesses and real estate brokers. They do a lot of connecting and ideas of assembling properties. They believe energy has a spin off effect. They work closely with planning in regard to affordable housing. They also take dollars and assembly parcels or provide grants to nonprofits. They are involved in BMR projects as well. They Agency handles a lot of paperwork and tracking. They are involved with community events and work with Youth and Art that puts on the street painting festival. The farmer's market is contracted out. She further noted that the intent is to promote this beautiful City and promote businesses.

Ms. Mackle explained that economic development would go on forever with or without the Agency in order to keep businesses thriving and retaining businesses, so efforts will still continue after 2020. She reiterated that there is a term limit on redevelopment by State law, which is 40 years. 20% of the tax increment goes to housing, so about \$900,000 per year goes into affordable housing. 20% of available funds goes to affordable housing. Money can be used for administration, code enforcement for low-income neighbors, used for purchasing property, building property, and for rehab loans, so it is project-by-project basis.

Ms. Mackle then provided the Commission with a packet that included the five-year implementation plan; maps; chart of projects; community guide; 2008 calendar of events; and an agency promoting events for their consideration.

DIRECTOR'S REPORT

Principal Planner Boloyan announced that a Planning Academy is occurring in March and registration is handled through the San Rafael Recreation Department and it is a great opportunity for individuals to get educated on planning. Also, Director Brown revised the Community Development website by clarifying issues and providing more information about the process in order to make it easier for members of the public to understand what they do. Comments are greatly appreciated.

Principal Planner Boloyan reported that Target at Shoreline Parkway EIR and the San Rafael Airport Recreation Facility EIR would come before the Commission in late spring/early summer. The Target project will head to DRB on Tuesday night as a formal application. 33 San Pablo was heard by DRB on the 8th of January and the DRB recommended approval of the project design with modifications to the driveway entrance. Still a lot of discussion and comments about height, mass and size of the building and Board members continue to have concern, but after reviewing the Commission's direction and consensus items from the previous meeting they agreed to move it forward to the Commission. The City's Building Official reviewed the height issue again. They submitted documentation, separate exhibits illustrating what the Building Official needed to understand how they were proposing to measure their height that was found consistent with the building code definition for height. Staff pointed out that this project would not be subject to the new building code for measuring height purposes for planning.

Commissioner Sonnet noted that 33 San Pablo recommendation for acceptance by the DRB was very reluctant. He believed height should be reviewed again because it does not conform to what many think is a logical approach to the situation. Principal Planner Boloyan responded that they are coming back in general with a different method for measuring height. This is a very difficult site and the couple exhibits the Uniform Building Code gives in terms of measuring height have to be adapted, so the Building Official found it met the spirit and letter of the Uniform Building Code. Staff further noted that matter would come back to the Commission for review and action in February.

Principal Planner Boloyan announced that PSP would occur in February. One project has been submitted as a pre-application that was reviewed by the DRB many months ago for a 6-story office building on the corner of Third and Tamalpais, which is the former Salute site. Staff suggested having a joint meeting between the Planning Commission and the DRB to provide preliminary comments. In this case, there is the question about context and evaluating height, bulk and mass on what is surrounding it today or 20 years down the road. Staff recommended a Special Planning Commission/DRB joint meeting to be held on a regular Planning Commission night and inviting DRB to sit in for a portion of that meeting and because there are issues that must be resolved it will not be heard in

February. Staff is working with the applicant to receive clarification and staff will inform the Commission about the date of that joint meeting.

Principal Planner Boloyan announced that the next meeting would be cancelled since there are no items on the agenda, so February 12th will be the next meeting for the Planning Commission.

COMMISSIONER COMMUNICATIONS - None

ADJOURNMENT

By order of the Chair, the meeting adjourned at 8:51 pm.

Respectfully submitted,
Jessica Woods, Recording Secretary