

**TOWN OF SAN ANSELMO
PLANNING COMMISSION STAFF REPORT**

For the meeting of October 17, 2011

Agenda Item E-1

Property Owner and Project Address:

Case No.

D and O Partners LLC
Spaulding Street and Luna Lane
(an address has not been assigned)
San Anselmo, CA 94960
APN 006-091-65

GPA-1101, RZ-1101, DR-1106, GP-1101

Applicant :

Laura Kehrlein
Fredric C. Divine Architects
1924 Fourth St
San Rafael, CA 94901

Project Location

Spaulding Street and Luna Lane, APN 006-091-65

Request

An application for: 1) General Plan Amendment to change the existing land use designation from Parks/Open Space to Limited Commercial; 2) Rezoning from Residential Single Family (R-1) with a Specific Plan Development (SPD) overlay to Limited Commercial (C-L) with a Specific Plan Development (SPD) overlay; 3) Design Review for a proposed 12 space, ±4,000 square foot parking lot with retaining walls ranging in height from 2 feet to 6.5 feet and associated landscaping; and 4) A Grading Permit to cut and fill over 100 cubic yards of earth or material located at Luna Lane and Spaulding Street, APN 006-091-65 (Attachment 1).

Recommendations

1. That the Planning Commission adopt the attached resolution, recommending that the Town Council approve the Mitigated Negative Declaration and the General Plan Amendment to change the existing land use designation of APN 006-091-65 from Parks/Open Space to Limited Commercial (Attachment 2).

2. That the Planning Commission adopt the attached resolution, recommending that the Town Council approve the rezoning of assessor parcel number 006-091-65 from Residential Single Family with a Specific Plan Development overlay to Limited Commercial with a Specific Plan Development overlay (Attachment 3).
3. That the Planning Commission conditionally approve the Design Review Application for a proposed 12 space, ±4,000 square foot parking lot with retaining walls ranging in height from 2 feet to 6.5 feet and associated landscaping.
4. That the Planning Commission conditionally approve a Grading Permit to cut and fill over 100 cubic yards of material for the proposed parking lot.

I. PROJECT SUMMARY

Environmental Determination

Staff prepared an Initial Study of potential environmental impacts pursuant to the California Environmental Quality Act (CEQA) (Attachment 4). Mitigation measures to avoid, substantially reduce, or compensate for the environmental impacts are identified in the areas of Air Quality, Biology, Cultural Resources, Geology and Soils, Hydrology / Water Quality and Noise. These mitigation measures have been agreed to by the applicant and incorporated as draft conditions of approval. Because all potential impacts can be reduced to a level that is less than significant, staff recommends adoption of a Mitigated Negative Declaration.

Authority

1. Mitigated Negative Declaration – California Environmental Quality Act (CEQA)
2. General Plan Amendment – San Anselmo General Plan
3. Rezoning – San Anselmo Municipal Code (SAMC) Zoning Article 8
4. Design Review – SAMC Article 15
5. Grading Permit – San Anselmo Ordinance No. 1074

Timing

A determination must be made within 60 days of the adoption of the Mitigated Negative Declaration.

Previous Actions

November 1979	Planning Commission approved rezoning of numerous properties including APN 006-091-65 from Preliminary Plan Development (PPD) R-3 with a presumptive use of multi-family to Specific Plan Development (SPD) for a private parking lot.
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November 1979	Town Council approved Ordinance No. 775 rezoning numerous properties including APN 006-091-65 from PPD R-3 to SPD.
June 1980	Planning Commission approved Tentative Parcel Map, Use Permit and Design Review for owner (Mr. Martinis) to purchase land from the Town of San Anselmo and construct a parking lot.
January 1981	Parcel APN 006-091-65 was transferred from the Town of San Anselmo to George Martinis to be developed as a parking lot. Parking lot was never developed.
May 1997	Planning Commission denied an application for Tentative Parcel Map to create 2 lots and rezone from SPD/Parking Lot to R-2 SPD/Multi-Family.
January 1998	Town Council upheld the Planning Commission denial of the application for a Tentative Parcel Map to create 2 lots and Rezone from SPD/Parking Lot to R-2 SPD/Multi-Family.

II. STAFF ANALYSIS

Project Description

The applicant is proposing to construct a 12 space parking lot for the exclusive use of two nearby parcels which he owns, 640 Sir Francis Drake Boulevard and 110/112 Spaulding Street. The project will provide parking for the two lots that currently do not meet the Town's minimum parking requirement as shown in the table below. However, even with the additional 12 spaces, the two parcels will still have 14 spaces less than the minimum requirement. The proposal includes a request for a General Plan Amendment to change the existing land use designation of the site from Parks/Open Space to Limited Commercial. The land use and zoning designations must also be consistent and therefore this project requires a rezoning from R-1 with an SPD overlay to C-L with an SPD overlay. Design Review for the parking lot, retaining walls and landscaping as well as a Grading Permit are also part of this application.

The entrance to the parking lot is proposed to be from Spaulding Street and the exit will be from Luna Lane. The project will include retaining walls ranging in height from 2 feet to 6.5 feet at the front and rear of the parking lot. Landscaping is proposed along the front and rear retaining walls and the walls will be painted to blend with the hillside and reduce the visual impact.

As a condition of project approval, the applicant will be required to record a "Declaration of Restrictions and Grant of Parking Easement" to regulate the exclusive use of the proposed parking lot (Attachment 5). This declaration will "tie" the three parcels together and give a perpetual right to both properties 006-091-08 (112 Spaulding Street) and 006-091-03 (640 Sir Francis Drake Boulevard) to park vehicles on the project parcel 006-091-65.

Parcel	Existing Parking	Proposed Parking	Required Parking (3 spaces + 1 space/ 500 sq. ft. of building area)
Proposed Parking Lot		12	
640 SFD Boulevard	7	0	21
110/112 Spaulding Street	6	0	18
Total	13	12	39

Mitigated Negative Declaration

Staff prepared an Initial Study of potential environmental impacts and determined that potential impacts could be avoided or substantially reduced to a level of insignificance, with mitigation measures adopted as conditions of approval. A Draft Mitigated Negative Declaration has been prepared and mitigation measures identified to avoid, substantially reduce, or compensate for the environmental impacts identified in the areas of Air Quality, Biology, Cultural Resources, Geology and Soils, Hydrology / Water Quality and Noise. These mitigation measures have been agreed to in writing by the applicant and incorporated as draft conditions of approval.

General Plan Amendment

The project site currently has a General Plan Land Use designation of Parks/Open Space. Although the zoning designation has changed over the last several years, the General Plan Designation was not also amended for consistency. By changing the land use designation and the zoning as proposed in this application, the land use and zoning will be consistent.

The project site is not identified on the General Plan Map #3 Open Space Plan, San Anselmo and Vicinity, February 1988 (Attachment 6). Therefore the parcel is not included under Objective 7 - "To protect and preserve those areas of unique natural and visual resources within the planning area." The parcel is also not on a ridge line as defined by the Open Space – Conservation Map.

Consistency with San Anselmo General Plan

Staff has reviewed the General Plan Policies which are pertinent to the project and determined that the project is consistent. Below are the pertinent General Plan Policies and a description of how the project is consistent with each policy.

Land Use Element

Policy 7.3 To preserve as open space land of aesthetic or recreational value.

The project site is approximately 17,000 square feet in size and is adjacent to a gas station, auto body repair shop and residential uses. Directly behind the site is Red Hill,

which rises steeply in elevation and is heavily wooded. The project site does not have significant aesthetic value. Further up Red Hill there are trails which are accessible from Shaw Drive to the west. Approval of the General Plan Amendment to change the existing land use designation from Parks/Open Space to Limited Commercial and development of the parking lot will not conflict with the General Plan Policy to preserve open space land of aesthetic or recreational value. Furthermore, the San Anselmo Open Space Committee reviewed the project application at their August 2010 meeting and determined that the parcel does not have significant value as open space and the Committee is not interested in acquiring the parcel for open space.

Policy 7.5 Regulate construction on visible slopes to preserve the visual value of the hillside.

Policy 9.2 No development including structures, roads, and public facilities shall be allowed on visible ridges and hillsides unless it has been demonstrated that development outside of these areas is not feasible for geologic, soils, or hydrologic reasons, or development would impact a unique natural habitat.

The project site has a slope of approximately 35% with a minimum elevation of 96 feet and a maximum elevation of 122 feet. The site is not highly visual from Sir Francis Drake Boulevard or surrounding parcels or roadways. The project will include retaining walls ranging in height from 2 feet to 6.5 feet at the front and rear of the parking lot. Landscaping is proposed along the front and rear retaining walls to reduce the visual impact and preserve the visual value of the hillside.

Policy 9.4 Development on hillside and ridge parcels shall be located so as to be screened by existing woodlands or by portions of the site where existing topography provides screening. Development within existing woodlands may be allowed if tree removal is minimal.

Policy 9.7 Development on hillside and ridge parcels shall be so designed as to minimize grading and disruption of natural contours.

The parking lot is proposed near the lowest elevation on the parcel to minimize the visual impact and reduce the size of the retaining walls. Tree and vegetation removal will also be minimized by locating the parking lot close to Luna Lane and Spaulding Street. The project site is not on a ridge.

Circulation Element

Policy 13.1 All parking lots will be required to be landscaped and set back from the right-of-way.

Policy 13.2 Trees should be used in parking lots to provide shade and break up the visual size of the lot.

Two crepe myrtle and nine California lilac trees are proposed in front of the lower retaining wall about eight feet from the edge of the pavement. The rear retaining wall will have trailing rosemary designed to cover the wall and reduce the visual impact from below.

Open Space Element

- Policy 1.1 The Town will determine the relative importance of the property listed in Appendix A in terms of their open space value.*
- Policy 1.4 Any landowner or developer who intends to submit a land division or other development proposal for all or a portion of property listed in Appendix A will be required to meet with the San Anselmo Open Space Committee prior to submitting any development application.*
- Policy 1.5 The Town's hillside and ridge protection policies and development densities will be used to protect the open space values of the properties listed in Appendix A if efforts to purchase open space have failed. Such efforts will include the establishment of lands designated as private open space.*

The San Anselmo Open Space Committee reviewed the project application at their August 2010 meeting, and though the project site is listed in Appendix A of the General Plan Open Space Element, the commission determined that the parcel does not have significant value as open space and as a result the Committee is not interested in acquiring the parcel for open space (Attachment 7)

Rezoning

The proposal includes the rezoning of the project site from R-1 with an SPD overlay to C-L with an SPD overlay. The purpose of the SPD overlay is to provide opportunities for development on land areas within the Town which because of size, hillside location, unusual topography, natural resources, or aesthetic appeal cannot be developed through adherence to rigid development standards. The characteristics of parcels zoned SPD require a flexible approach to provide logical and orderly development while promoting and protecting the public's health, safety, and general welfare. The designation of C-L with an SPD overlay will result in a consistency between the land use designation, the zoning designation and surrounding parcels. Furthermore, the SPD designation will give the Town the ability to review future development proposals through the SPD Amendment process.

Design Review

The project site has a slope of approximately 35% with a minimum elevation of 96 feet and a maximum elevation of 122 feet. The site is not highly visible from Sir Francis Drake Boulevard or surrounding parcels or roadways. Efforts have been made to reduce the visual impact of the parking lot by placing it at the bottom of the parcel and minimizing the height of the retaining walls. The landscape plan submitted includes trees, shrubs and ground cover in front of the lower retaining wall closest to the street and trailing rosemary designed to cover the rear wall. The color of the walls will be "Audubon Russet" to blend into the surrounding hillside (Attachment 8).

Grading Permit.

Chapter 18 of Title 9 of the Town of San Anselmo Municipal Code requires Planning Commission approval for the movement of more than 100 cubic yards of soil on any property. The applicant's civil engineer estimates the earthwork required to construct the project at 567 cubic yards of excavation, 150 cubic yards of fill, and 417 cubic yards of soil to be exported off the property. The proposed grading plan has been review by the Town's Public Works Department and conditions of approval have been attached.

Comments in Response to Public Notice

A letter and an email were submitted in response to the public notice sent to all property owners within 300 feet of the project site (Attachment 9). Below is a list of the issues raised in these two comment letters and how they are addressed in the Mitigated Negative Declaration and draft conditions of approval:

Grading: Impacts from project grading were evaluated in the Geology and Soils section of the Draft Initial Study (Attachment 4). As a part of the project application, a geotechnical report by John C. Hom and Associates, Inc. was submitted. The report concluded that the project was feasible from a geotechnical engineering standpoint, provided that the recommendations contained in the report are followed. To minimize grading and reduce the size of the retaining walls, the parking lot has been located as low as possible on the parcel. The Town of San Anselmo's Public Works Department has reviewed the application, the geotechnical report and the Draft Initial Study and has determined that the project will have a less than significant impact in the areas of geology and soils with the incorporation of all required mitigation measures. The property owner has agreed to Mitigation Measures and they are also included in draft conditions of approval.

Surface Water, Drainage and Subterranean Water: As required with all development applications, plans were submitted showing the proposed grading, drainage, erosion control and storm water pollution prevention measures. These plans have been reviewed and approved by the Town of San Anselmo's Public Works Department. Furthermore, staff is able to make all of the required findings pursuant to the Town's Grading Ordinance #1074 which also address drainage, erosion and prolonged exposure of unstable excavated slopes. Finally, the project will be conditioned to include an asphalt valley gutter from the end of the proposed exit drive of the parking lot to the storm drain at the intersection of Spaulding Street and Luna Lane which will improve surface drainage.

Open Space Designation: The change in land use designation from Parks/Open Space to Limited Commercial and the rezoning from R-1 with an SPD overlay to C-L with an SPD overlay will provide consistency between the General Plan and Zoning Ordinance. The new zoning designation of C-L with an SPD overlay will allow the Town to have greater control over future development of the site. Any future development on the site will require the Planning Commission to review and approve an amendment to the SPD.

III. REQUIRED FINDINGS

Mitigated Negative Declaration

Staff prepared an Initial Study of Environmental Impacts and determined that the proposed project could have a significant effect on the environment (Attachment 4). However, the implementation mitigation measures as draft conditions of approval will reduce the impacts to less than significant.

General Plan Amendment

- A) *The General Plan Amendment shall not have a significant adverse impact on the environment.*

Staff prepared an Initial Study of potential environmental impacts and determined that potential impacts could be avoided or substantially reduced to a level of insignificance, with mitigation measures adopted as conditions of approval. A Draft Mitigated Negative Declaration has been prepared and mitigation measures identified to avoid, substantially reduce, or compensate for the environmental impacts identified in the areas of Air Quality, Biology, Cultural Resources, Geology and Soils, Hydrology / Water Quality and Noise. These mitigation measures have been agreed to in writing by the applicant and incorporated as draft conditions of approval.

- B) *That the General Plan Amendment is deemed to be in the public interest.*

Amending the General Plan to change the existing land use designation from Parks/Open Space to Limited Commercial is deemed to be in the public interest because it will provide off street parking for the two nearby parcels and reduce the demand for on-street parking. The amendment will allow the parcel to be developed in a manner that is consistent with the Limited Commercial land use designation and will not result in the loss of valuable open space land.

Zoning Amendment

- A) *The Zoning Ordinance Amendment in its entirety is in compliance with all provisions of the Town of San Anselmo General Plan.*

The rezoning of the project site from R-1 with an SPD overlay to C-L with an SPD overlay will be consistent with all of the pertinent provisions of the Town's General Plan as discussed above. The designation of C-L with an SPD overlay will result in a consistency between the land use and zoning designations and furthermore, give the Town the ability to review future development proposals through an SPD Amendment.

Commercial Design Review Findings

The purpose of design review is to minimize adverse effects of poor or inappropriate exterior design by providing for the review of the design of certain buildings and improvements. The Town shall seek to encourage creativity and variety in design. Approval of design review shall be made only after making all of the following findings:

- A) *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.*

The proposed parking lot is adjacent to commercial and residential uses which also have surface parking areas. The 12 space private parking lot is for the exclusive use of the tenants of 110/112 Spaulding Street and 640 Sir Francis Drake Boulevard and is intended to reduce the number of vehicles currently parking on Spaulding Street and Luna Lane. Efforts have been made to reduce the visual impact of the parking lot by placing it at the bottom of the parcel and minimizing the height of the retaining walls. The landscape plan submitted includes trees, shrubs and ground cover in front of the lower retaining wall closest to the street and trailing rosemary designed to cover the rear wall. The color of the walls will be "Audubon Russet" to blend into the surrounding hillside (Attachment 8).

- B) *Provides for protection against noise, odors, and other factors which may make the environment less desirable.*

The proposed parking lot will be for the exclusive use of the commercial and residential uses at 112 Spaulding Street and 640 Sir Francis Drake Boulevard. Access to the parking lot will be controlled by bollards and chain gates at the entrance and exit. A condition of approval has been added that a sign shall be installed at both access points of the parking lot prohibiting overnight parking and any type of vehicle repair within the parking lot.

- C) *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area.*

Based on the project description and plans, the proposed parking lot will not cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area. The parking lot is designed to have as low a visual impact as possible and is intended to reduce that number of cars parked on Spaulding Street and Luna Lane.

- D) *Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel.*

Pursuant to the analysis submitted by George W. Nickelson, P.E. and reviewed by the Town's Public Works Department, the proposed parking lot will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors (Attachment 10).

- E) *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.*

There are no indications based on the materials submitted that this project will adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.

Grading Permit Ordinance No. 1074

The Public Works Department has reviewed the project architectural and civil engineering drawings and memorandums dated June 2, 2011 and June 21, 2011 as they pertain to right-of-way, site earthwork, site drainage, driveway improvements, and erosion control (Attachment 11). The project drawings and memorandums comply with all requirements from the Public Works Department for approval of the grading permit. Furthermore, the Public Works Department is able to make all of the required findings required by the Town's Grading Ordinance No. 1074 listed below.

- A) *The health, welfare, and safety of the public will not be adversely affected.*

Construction will be required to be in compliance with all adopted building codes and public works standards, thereby ensuring the health and safety of persons in or near the property

- B) *Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work.*

The adjacent properties are adequately protected from geologic hazards that could result from this project. The project drawings were prepared by a licensed architect and meet all applicable building codes and public works standards. The proposed excavation is approximately 30 feet away from the nearest adjacent building. A geotechnical investigation by a licensed engineer was provided and approved by the Public Works Department.

- C) *Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work.*

Sheets C1 and C2 have drainage plans and erosion control plans that protect adjacent properties from drainage and erosion. In addition, a hydrology study or additional work may be required during building permit submittal to determine if further measures are required to reduce offsite drainage

- D) *The amount of excavation, grading, or fill proposed is not more than is required to allow the property owner reasonable beneficial use of his or her property.*

The proposed earthwork for the project is reasonable in order to ensure adequate access to the proposed parking lot, installation of the retaining walls, and the overall landscape / hardscape improvements.

- E) *The visual and scenic enjoyment of the area by others will not be unreasonably adversely affected by the project.*

The grading work will not unreasonably adversely affect the visual and scenic enjoyment of the area within the vicinity of this project. Landscaping is proposed to screen the retaining walls.

- F) *Natural landscaping will not be removed by the project more than is necessary and that any removed vegetation will be replanted in a timely manner.*

Natural landscaping will only be removed where necessary to accommodate the proposed work. Areas removed of vegetation will be replanted as soon as possible to ensure slope protection prior to the rainy season.

- G) *The time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff or prolonged exposure of unstable excavated slopes.*

Grading work will not be allowed prior to April 15th. All grading work must be completed prior to October 15th.

- H) *The proposed excavation, grading, or fill does not violate the Town's General Plan or Zoning Codes.*

The proposed grading work is consistent with the Town's General Plan and Zoning Ordinance.

- I) *Sufficient erosion control measures will be employed to offset any impact by the proposed excavation, grading, or fill.*

No grading work will be allowed prior to April 15th. Marin County's Storm Water Pollution Prevention Program guidelines for erosion control will be implemented. Disturbed areas of construction must be replanted and established prior to October 1st or erosion control measures in accordance with the erosion control plan must be in place.

IV. CONDITIONS OF APPROVAL

1. The Design Review and Grading Permit Approval will not go into effect unless and until the Town Council approves the Mitigated Negative Declaration, the General Plan Amendment and the Rezoning.
2. Planning approval is based on the plans and materials date stamped received by the San Anselmo Planning Department on September 14, 2011.
3. All mitigation measures required in the Mitigated Negative Declaration shall be incorporated into this project.

4. Prior to issuance of a building permit, the applicant shall do the following:
 - a) Submit to the Town Attorney for review and approval a "Declaration of Restrictions and Grant of Parking Easement" ("Parking Easement"). The Parking Easement shall be recorded against the title of properties 006-091-08 (110/112 Spaulding Street) and 006-091-03 (640 Sir Francis Drake Boulevard) and the project site 006-091-65 and provide that parcels 006-091-08 (110/112 Spaulding Street) and 006-091-03 (640 Sir Francis Drake Boulevard) have a perpetual right to park vehicles on the project parcel 006-091-65.
 - b) Once the "Parking Easement" is approved by the Town Attorney it must be recorded with the County of Marin.
5. Plans submitted for building permit shall include a sign at both access points of the parking lot prohibiting overnight parking and any type of vehicle repair within the parking lot. The design and wording of the sign shall be submitted to Town staff for review and approval prior to issuance of a building permit.
6. Plans submitted for building permit shall included an asphalt valley gutter from the end of the proposed exit drive of the parking lot to the storm drain at the intersection of Spaulding Street and Luna Lane, subject to review and approval by the Town's Public Works Department.
7. Plans submitted for building permit shall include no parking signs along the project frontage of Spaulding Street and Luna Lane, subject to review and approval by the Town's Public Works Department.
8. No grading work shall be allowed to occur prior to April 15th with all grading to be completed by October 15th.
9. A grading bond in the amount of \$5,000 shall be posted at the time of building permit submittal.
10. All disturbed soil shall be replanted and/or erosion control measures be in place prior to October 1st.
11. If a complete building permit application including the required fees is not submitted to the Town for this project within one year from the date of this approval, the approval shall be considered null and void. A one-time-only, one-year extension can be requested in writing to the Planning Director or appropriate town staff prior to the expiration date.
12. The property owner shall indemnify and hold harmless the Town of San Anselmo and its officers and/or employees in the event of any legal action related to or arising from the granting of this approval and shall cooperate with the Town in the defense of any such action, and shall indemnify the Town for any award of damages and/or attorneys' fees and associated costs that may result.

Prepared By:



Phil Boyle
Senior Planner

Attachments:

1. Application, project description, site map and site photos
2. Draft resolution recommending that the Town Council approve the Mitigated Negative Declaration and the General Plan Amendment
3. Draft resolution recommending that the Town Council approve the rezoning of assessor parcel number 006-091-65
4. Draft Initial Study and Mitigated Negative Declaration
5. Letter from applicant's attorney Neil Sorenson, July 21, 2011
6. General Plan Map #3 Open Space Plan, San Anselmo and Vicinity, February 1988
7. General Plan Open Space Element Appendix A
8. Retaining wall color sample
9. Comments in response to public notice
10. Traffic analysis prepared by George W. Nickelson, P.E. dated July 14, 2011
11. Memoranda from J.L. Engineering dated June 2, 2011 and June 21, 2011
12. Plans

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