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**TOWN OF SAN ANSELMO PLANNING COMMISSION
MINUTES OF OCTOBER 17, 2011**

Commissioners Present: Chair Sisich, Vice-Chair Zwick, Commissioners Brasler, Brown, Krebs, Overberger, Schinner
Commissioners Absent: None

CALL TO ORDER

Chair Sisich called the meeting to order at 7:00 p.m.

OPEN TIME FOR PUBLIC EXPRESSION

Edwin Cariati, Tamalpais Avenue, advised that at the time the Planning Commission approved a construction project next to his property, the applicant was granted several variances with the condition that he provide fencing and screening on the property line. The applicant recently advised the Town building inspector that he lacks the funds to complete the fencing and screening. Mr. Cariati asked the Commissioners if they have the authority to intervene and see that the project is completed as promised.

Senior Planner Phil Boyle advised that he has been mediating the matter and is in discussion with Mr. Cariati and the applicant. He confirmed that fence screening is a condition of approval on the project in question.

Overberger asked for confirmation that no permitting for a carport will be issued until the fencing is completed.

Boyle confirmed.

Interim Planning Director Diane Henderson advised that in addition to the fact that the project predates Boyle's appointment, the condition to build a fence was never formalized but rather rested on a handshake arrangement.

Mr. Cariati thanked the Commissioners for their attention.

As there was no further comment from the public, Sisich closed the time for public expression.

PLANNING DIRECTOR'S REPORT

Henderson introduced Permit Services Technician Kurt Botn. She also thanked all who attended the walking tour of the Seminary and observed that there was a good turnout.

Henderson remarked that at the last meeting, Mr. Warner, a neighbor to Councilmember Jeff Kroot, expressed concerns about the process by which the Kroots were able to begin construction on an addition to their home without having gone through a hearing process. Henderson confirmed that staff has thoroughly checked the plans for the Kroot project and conducted on-site inspections to confirm that everything is being completed according to code. Further, a subcommittee appointed by Council continues to work out issues between the two property owners concerning views and privacy.

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Henderson reminded the Commissioners to consider attending the December 3 planning workshop at Sonoma State University.

CONSENT AGENDA

Minutes of Planning Commission Meeting of September 19, 2011.

Brasler requested that under "Items From Planning Commission," in the last line of the sixth paragraph, the phrase "no design review is required" should be replaced with "we may not have jurisdiction."

M/s, Overberger/Brasler, to approve the minutes of the meeting of September 19th with the requested revision.

Ayes: Brasler, Krebs, Overberger, Schinner, Zwick.

Noes: None

Abstain: Brown, Sisich

UP-1108, Colm Glass, 500 San Anselmo Avenue, 006-102-09: Use Permit for on-sale and off-sale wine at a proposed wine bar and café at 500 San Anselmo Avenue. The project site is located in the Downtown Commercial (C-2) Zoning District. (Staff person: Boyle).

Sisich asked if anyone from the Commission, staff, or the public wished to pull the item for discussion. As there was no comment, he returned the matter to the Commission for a motion.

M/s, Overberger/Brown, to move the Staff Report.

AYES: Brasler, Brown, Krebs, Overberger, Schinner, Sisich, Zwick.

NOES: None

Sisich advised of the 10-day-appeal period.

PUBLIC HEARING ITEMS

GPA-1101, RZ-1101, DR-1106, GP-1101, ER-1101 Laura Kehrlein, Spaulding Street and Luna Lane (the parcel has not been issued an address number) APN 006-091-65: An application for: 1) A 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 two 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. Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and Draft Mitigated Negative Declaration have been completed by Town staff. (Staff person: Boyle).

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Boyle presented the staff report and noted the distribution of a letter and photographs received from Mill Valley Architect Steve Thompson with regard to the project. He clarified that the proposed parking lot was intended for the use of the tenants at 640 Sir Francis Drake, San Anselmo Auto Body, and the residents of 110 and 112 Spaulding Street. Boyle recommended that the Commission (1) adopt the resolution recommending approval to the Town Council for the Mitigated Negative Declaration and the General Plan Amendment; (2) adopt the resolution recommending approval to the Town Council for the rezoning; (3) grant conditional approval of the Design Review application; and (4) grant conditional approval of the grading permit application.

Zwick asked Public Works Director Sean Condry to indicate the placement of the proposed drainage swale and the proposed bioretention swale.

Condry indicated the two measures on the project plans and described the intended path of rain water from the bioretention swale into the storm drain that feeds across the street and enters the storm drainage system.

Zwick asked how the speed of the water has been altered by the proposed measures.

Condry advised he would consider that issue when the building permit application is submitted for review.

Zwick asked if anything is being done to improve the drainage on Spaulding as part of the proposed project.

Condry advised that drainage on Spaulding will be addressed by the Public Works Department and noted that the road is in need of repair as is an existing retaining wall. Condry has not yet determined the ownership of the existing retaining wall.

Overberger asked if the proposed rear retaining wall will be adequate protection against sliding and inquired as to the results of the soils report.

Condry responded that the soils report indicated depth to bedrock of approximately four to six feet; that it is recommended foundations be placed on drilled piers, and that retaining walls should be completed on bedrock. He concluded that these measures will improve the area structurally.

Schinner confirmed with Boyle that the project proposes an increase of 12 parking spaces and that the Open Space Committee has no object to the proposed change in designation.

Schinner asked if the Town has been citing vehicles in the area.

Boyle is not aware of any citing by the Police Department and advised that the Fire Department has requested that some on-street parking be vacated so that fire trucks can navigate the area more easily.

Schinner asked if the applicant has been asked to shore up the hillside above.

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Boyle advised that the parcel above the proposed project belongs to the Town and that the applicant has not be asked to shore up the hillside.

Brasler would like to know if the parking issues are day- or night-issues and whether or not vehicles are being ticketed. He asked whether both streets are both town-owned.

Boyle confirmed that both streets are owned by the Town but that Spaulding is not town-maintained.

Sisich asked if there are any plans to condition this project with any upgrades to the stretch of Luna Lane across the street from the proposed parking lot, noting that the street is in poor condition.

Condry advised that there is no plan for any such conditioning at this time, but that it could be done if it looks as though the project will be increasing drainage.

Sisich invited the applicants to address the Commissioners.

Architect Fred Divine discussed the history of the project. He advised that the suggestion of creating a parking lot first came up in discussions with Town staff who encouraged the endeavor to provide better access to the Fire Department. The goal is to mitigate the auto body shop parking on the street.

Divine further discussed each of the issues raised in letters to the Planning Commission, including the Open Space designation, soils reporting, inconsistency of the map included with Mr. Thompson's letter, drainage plans, street traffic, and emergency vehicle access.

Zwick asked (1) why bollards and chains are proposed across the bottom of both driveways; (2) if a completion bond would be required; and (3) for confirmation as to the ownership of the streets.

Divine responded that the bollards and chains were requested by the Town to restrict access to the parking lot.

Condry responded that a road bond and not a completion bond would be required and confirmed that both streets are town-owned public rights-of-way.

Overberger observed that there appears to be a flat space on the west side of the second portion of Spaulding that could be used for parking.

Divine and Boyle confirmed that the area in question is private property.

Krebs confirmed with Architect Laura Kehrlein that there will be a slight amount of fill and little excavation in the front of the parking lot and a cut in the rear.

Brown asked if owners of 790 Sir Francis Drake have been approached with regard to the possibility of leasing parking to the applicant or the auto body shop tenant.

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Divine advised that the proximity of those spaces at 790 Sir Francis Drake to the current project is not adequate; further, future tenants of the Sir Francis Drake site will need the parking on that site.

Schinner asked for the net increase in run-off expected with the proposed paving.

Zwick reminded all that a requirement consistent with Bay Area Regional Water Quality Control Board standards will be made.

Henderson added that it is typical that those issues are worked out between the applicant and the Public Works Director prior to the issuance of a building permit.

Schinner opened the public hearing.

Annie Bates-Winship, Luna Lane showed a photograph of wildlife in the area proposed for a parking lot. She noted that all of the tenants on Luna Lane are opposed to the project and that she is particularly concerned about the impact to the hill.

Dave Hood, Spaulding Street, is not necessarily opposed to the proposed project, but would like clarification as to (1) the ownership of Luna Lane and Spaulding Street; (2) who will be responsible for maintenance of Spaulding Street; and (3) where the vehicles parked in the proposed parking lot will park at night.

Architect Steve Thompson, Mill Valley, representing the owners of 20 Luna Lane expressed concern about (1) the stability of the hill behind the proposed project; (2) lack of clear delineation for reserved emergency vehicle parking; (3) an existing slide on the south side of Luna Lane; and (4) the inadequate drainage for both Luna Lane and Spaulding Street. Mr. Thompson believes improvements need to be attached to the project to mitigate the issues he has raised.

Faranak Asemi, owner of property on Luna Lane, believes her property will be most affected by the project. Asemi is concerned about the stability of the earth and noted that the existing retaining wall does not meet current building standards. She believes the parking lot may encourage more traffic and urged the Commission to seek more answers before approving the project.

Ruth Hood, Spaulding Street, asked for clarification as to the proposed overnight parking restrictions for the proposed lot. She further opined that constructing a paved parking lot on Red Hill is not a sound idea.

Architect Gayle Permar occupies commercial space at 754 Sir Francis Drake, believes a parking study should be completed, and agrees with Thompson's comments with regard to requiring improvements. Permar noted that the road is not engineered and is moving considerably. She urged reconsideration of the process by which the project is being reviewed.

Divine clarified that the project would not undercut the hill and that he and his colleagues have studied the site carefully and concluded that there are no soils issues. He sees the parking lot as an improvement to a currently congested area.

Sisich closed the public hearing and asked Fire Chief Roger Meagor to speak.

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Meagor clarified the Fire Department's street width requirements for fire engine access and apparatus. He further clarified that the California Fire Code's 20 foot requirement is applied to new developments, new homes, and substantial remodels in a limited fashion, but that many of the Town's streets do not meet the 20 foot requirement. The Town does have a 12 foot requirement that is enforced. Meagor added that historically it has been difficult to navigate fire trucks in the area of the proposed project because of the parking concentration on the street and he believes access will be improved by restricting parking at the top.

Zwick is not particularly in favor of limiting night access to the proposed lot with bollards and chains. He suggested creating a red zone for fire trucks at the corner rather than restricting access to existing parking. He favors the project with those changes.

Krebs generally favors the project but has concerns regarding drainage and potential slide risk. He does not want to ascribe mitigation and repair responsibilities to the applicant and believes these issues may be the Town's responsibility.

Discussion ensued regarding examination of the existing drainage system and its adequacy, the specific criteria to be applied by the Public Works Director in making that assessment, the appropriateness of the 10% threshold allowing for a moderate increase in runoff, and bioretention to redirect water to storm drains.

Zwick believes he can no longer support the project in light of a lack of certitude with regard to drainage and runoff issues.

Further discussion ensued with regard to slide risk, possible peer review, the potential for leakage through the proposed retaining wall and measures available to prevent leakage, the risk of non-completion of the project, and the timing of the project with regard to the rainy season.

Overberger likes the idea of improving parking but has concerns regarding lack of access to evening parking and issues of local neighborhoods. She observed that the Town's ownership of the property above the project makes it necessary to consider the Town's potential liability. She would like to see direct communication with regard to Town and resident responsibilities and feels confident that the drainage would be dealt with appropriately. Overberger believes the proprietor of the auto body shop needs to be involved in negotiations. In conclusion, she would like to support the project but needs more information and clarity.

Brasler feels he has an understanding of the project and believes it should be built. He also feels there may be some issues around the General Plan amendment as far as who would benefit from the project: the public or the project sponsor. In the matter of access for safety vehicles, the Commission must defer to the Fire Department. In the matter of drainage, the Commission must defer to the Public Works and Building Departments. Brasler wants to support the project but believes it needs to be refined in terms of resolving parking conflicts and assigning road maintenance responsibilities.

Schinner commended Boyle for his report. He is concerned about the visual impact of the project but his biggest concern is the potential danger of cutting into the hillside and the possible liability of the Town. He also feels the existing retaining wall is vulnerable and responsibility for the wall needs to be determined before construction can be approved on the hill.

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Brown believes that the Commission's responsibility is to examine the parking lot in the context of where it is and is not ready to support the project. His concerns revolve around (1) parking conflicts; (2) the public/private partnership regarding maintenance that must be made contractual; and (3) the fact that there is enough existing concrete on the hill as it is. Further, Brown is confident the drainage will be addressed appropriately.

Zwick believes the project needs to be made more specific in terms of parking and is unclear from the staff report as to whether or not the residents on Spaulding will have parking. If Spaulding is not town-maintained and is the primary access to the benefit of the owner, a requirement to upgrade Spaulding should be considered. He would not consider supporting any increase in the amount of water that comes down from the site and believes the concerns of the Fire Department, the neighbors, and those doing business in the area need to be considered in that order.

Sisich believes the project is a good idea as it will relieve parking in the area; he further believes the proposed retaining wall will improve rather than diminish the strength of the hill and has confidence in staff to make sure the project is engineered properly. His concerns are that he (1) is unsure as to who will have parking when the project is completed; and (2) would like to see the project conditioned on making improvements to the existing retaining wall on Luna Lane. In conclusion, Sisich would like to consider a continuance with some clear direction as to the Commission's expectations in terms of issues that need to be resolved.

Henderson observed that it is a very unusual project and has been scrutinized over two years. The applicants have continued to refine the project and very specific direction is needed from the Planning Commission. She believes the stability of the hillside would only be improved by the drainage and engineering improvements contained in the project. She agrees that it is fair to require reports addressing hydrology prior to the issuance of a building permit, but feels that such reports are appropriately entrusted to the review and approval of the Public Works Director.

Regarding the bollards, staff was thinking about their inclusion in terms of keeping dismantled cars out of the parking lot overnight and protecting the neighborhood; staff is happy to rescind that requirement.

Henderson reminded all that the plans have been revised in response to the Fire Department's requirements and thanked Chief Meagor for attending the meeting.

Finally, Henderson asked that the Commission summarize a motion and give staff very specific items they would like to see addressed.

It was agreed to continue the item and direction was given to staff to work with the applicant and return the project to the Planning Commission at a future meeting with the following information: (1) a diagram of the street parking demonstrating the net change in parking (public spaces lost and private spaces gained) with clarification of which area will be red-striped, and addressing public safety; (2) an explanation of the public/private ownership and maintenance responsibilities with specific reference to how the applicant may or may not participate; (3) an explanation of the geology with regard to cutting into the hill and an analysis of whether or not

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the hill would in fact be stronger in the end; and (4) an analysis of what drainage criteria the Public Works Department will use in evaluating the project's drainage requirements.

M/s, Brown/Overberger, to continue the item to a date uncertain with a request that the four aforementioned items be addressed.

AYES: Brasler, Brown, Krebs, Overberger, Schinner, Sisich, Zwick.

NOES: None

ITEMS FROM PLANNING COMMISSION

There were no items from the Planning Commission.

ADJOURN TO THE MEETING DATE OF November 7, 2011

Sisich adjourned the meeting at 9:40 p.m.

Respectfully submitted,
Nancy Harris

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