

**TOWN OF SAN ANSELMO
STAFF REPORT
March 19, 2012**

For the meeting of March 27, 2012

TO: Town Council

FROM: Phil Boyle, Senior Planner

SUBJECT: Mitigated Negative Declaration, General Plan Amendment to change the land use designation from Parks/Open Space to Limited Commercial and 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 for a private parking lot at Spaulding Street and Luna Lane. APN 006-091-65. **(This item was continued from the March 13, 2012 Council meeting.)**

RECOMMENDATION

That Council: 1.) approve the resolution adopting the Mitigated Negative Declaration and the Mitigation Monitoring Program; 2.) approve the resolution adopting a General Plan Amendment to change the land use designation from Parks/Open Space to Limited Commercial; and 3.) introduce and waive the first reading of the ordinance approving the 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 for a private parking lot at Spaulding Street and Luna Lane, Assessor's Parcel Number 006-091-65.

BACKGROUND

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. However, even with the additional 12 spaces, the two parcels will still have 14 spaces less than the minimum number of spaces required by Code.

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 be consistent, and therefore, the applicant is also requesting a 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. Design Review for the parking lot, retaining walls and landscaping as well as a Grading Permit are also part of this application, but as discussed below, were previously approved by the Planning Commission.

DISCUSSION

Project Summary

On October 17, 2011 the Planning Commission held a public hearing, received public testimony and voted to continue consideration of the project to a future meeting with direction to staff to work with the applicant to provide additional information. Specifically, the Commission requested the following: (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 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 (Attachments 5, 6 and 7).

The applicant and staff provided the information requested and on December 5, 2011 the Planning Commission held a continued public hearing, received public testimony and unanimously forwarded a recommendation that the Town Council approve the Mitigated Negative Declaration, the General Plan Amendment and the Rezoning for the proposed parking lot. The Planning Commission also approved the Design Review and the Grading Permit applications, with the contingency that those permits do not go into full effect unless and until the Town Council approves the Mitigated Negative Declaration, the General Plan Amendment and the Rezoning. Please refer to the attached Planning Commission staff reports and minutes for a detailed description and analysis of the project and the environmental review (Attachments 8 and 9).

A noticed public tour of the project site was held on March 10, 2012 to give the Town Council and members of the public an opportunity to view the project site and ask questions of staff and the applicant.

Findings

Below are the required findings for the Mitigated Negative Declaration, the General Plan Amendment and the Rezoning. These are identical to the findings recommended for approval by the Planning Commission.

Mitigated Negative Declaration

Staff prepared an Initial Study of Environmental Impact and determined that the proposed project could have a significant effect on the environment (Attachment 6). However, the implementation of the 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 impact for the project 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 in detail in the Planning Commission staff report. 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.

Conditions of Approval

The following conditions were approved by the Planning Commission as part of the Design Review and Grading Permit 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 November 14, 2011.
3. All mitigation measures identified in the Initial Study and included in the attached Ordinance shall be incorporated into this project (Attachment 3).
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 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 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, subject to review and approval by the Town's Public Works Department.
7. Plans submitted for building permit shall include:
 - a) Bioretention to collect and delay peak runoff rates which may include a curbed-in area to retain water and allow time for infiltration into the sub grade;
 - b) Drainage swale at the front of the property to the storm water catch basin and;
 - c) Net zero change or a negative change to storm water runoff.
8. 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 Engineer.
9. No grading work shall be allowed to occur prior to April 15th with all grading to be completed by October 15th.
10. A grading bond in the amount of \$5,000 shall be posted at the time of building permit submittal.
11. All disturbed soil shall be replanted and/or erosion control measures be in place prior to October 1st.

12. 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.
13. 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.

Respectfully submitted,



Phil Boyle
Senior Planner

- Attachment 1 - Resolution adopting the Mitigated Negative Declaration and the Mitigation Monitoring Program
- Attachment 2 - Resolution adopting a General Plan Amendment to change the land use designation from Parks/Open Space to Limited Commercial
- Attachment 3 - Ordinance approving the 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
- Attachment 4 - Mitigation Monitoring Program and Negative Declaration
- Attachment 5 - October 17, 2011 Planning Commission Staff Report
- Attachment 6 - Initial Study
- Attachment 7 - October 17, 2011 Planning Commission Minutes
- Attachment 8 - December 5, 2011 Staff Report
- Attachment 9 - December 5, 2011 Planning Commission Minutes
- Attachment 10 - Plans

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