

# **TOWN OF SAN ANSELMO PLANNING COMMISSION MEETING JANUARY 7, 2013**

**Commissioners Present:** Chair Sisich, Co-Chair Brasler, House, Krebs, Swaim, Zwick

**Commissioners Absent:** None

Commissioner Overberger joined the meeting in progress.

## **CALL TO ORDER**

Chair Sisich called the meeting to order at 7:00 p.m. and welcomed Commissioner David Swaim to the Commission.

## **OPEN TIME FOR PUBLIC EXPRESSION**

No one spoke.

## **PLANNING DIRECTOR'S REPORT**

Interim Planning Director Diane Henderson welcomed all and wished all a happy new year.

## **PUBLIC HEARING ITEMS**

### **CONSENT AGENDA**

Minutes of Planning Commission Meeting December 17, 2012

M/s, Brasler/House, to approve the minutes of December 17, 2012

Ayes: Brasler, House, Krebs, Sisich, Zwick

Noes: None

Abstain: Swaim

Absent: Overberger

### **REGULAR AGENDA**

**UP-1206, DR-1210, GP-1206, DSAP LLC., 535 San Anselmo Avenue, 007-213-24:** Use permit to demolish the existing 6,500 square foot commercial building, design review for plans to construct an 8,700 square foot community park and a grading permit to fill over 100 cubic yards of material at 535 San Anselmo Avenue. The project site is located in the C-2 zoning district (Staff person: Boyle).

Senior Planner Phil Boyle presented the staff report.

Commissioner House asked for more information with regard to flood mitigation for the project.

Public Works Director Sean Condry noted that the lot at 535 San Anselmo Avenue is in a designated floodway on tentative FEMA maps. By removing the building, the applicant would be reducing the amount of potential flooding—a minor yet positive measure for the downtown area.

Condry added that the project calls for a lawn that will hold up to 1” of water—a measure which will significantly reduce erosion from storm water runoff, etc.

Commissioner Krebs asked if the Public Works Department considered proposing any additional drainage and/or bioretention measures.

Condry observed that removing the existing, completely impervious building, along with installing a lawn that can hold up to 1” of water are significant improvements. Nonetheless, he wants the applicant to take all reasonably possible measures to mitigate the amount of water coming off the site. If he sees potential for bioretention around the perimeter, Condry will fully explore that measure during the building permit application stage.

Krebs asked if Condry has any idea as to a measurable improvement in terms of percentage reduction in runoff, etc., that can be expected with the existing plan.

Condry replied that he believes the applicant does have a drainage plan at this time.

Landscape Architect Eric Blasen confirmed that a drainage report has been prepared and that the design as it stands will result in the site being about 75% pervious.

Krebs asked if storm water would retreat to the water table below the site.

Condry confirmed that storm water would retreat to the water table below until it reaches saturation, adding that the addition of a lawn that holds up to 1” of water is of considerable benefit, noting that this is a measure MCSTOPP (County Flood Control) prefers to bioretention.

Commissioner Overberger noted that she has seen the positive effects of bioretention and observed that any steps the applicant plans to take in terms of storm water mitigation would be greatly appreciated.

Commissioner Swaim asked if Condry has considered the potential need for additional safety measures, as the park will potentially draw more pedestrians and cyclists to the area.

Condry advised that if the project is approved by the Commission, he will take it to the Traffic Safety Committee, where consideration will be given to the need for safety improvements.

Condry further noted that one improvement already planned is the addition of a 5’ sidewalk, as the current 3’ sidewalk is inadequate. There will be a new ADA ramp installed and consideration will be given to traffic direction on Magnolia Avenue.

Sisich observed that the current crosswalk looks difficult to move because of an existing fire hydrant; also, a few parking spaces would be lost. He looks forward to the applicant addressing that topic in his remarks.

Further, Sisich asked for confirmation that the property is to be maintained in ownership by the San Anselmo Community Foundation as opposed to being maintained in ownership by the Town.

Condry confirmed that this is his understanding.

Sisich asked if there has been any discussion with the applicant regarding how the park will operate; he is assuming the park will be open to everyone even though it is privately owned.

Henderson confirmed that the park will be neither Town-owned nor Town-maintained; nevertheless, the applicant has committed to maintaining the property and having it open to the public. Town Manager Debbie Stutsman has been working with the applicant for many months on these issues.

Condry's concern is that adequate funding for maintenance be made available should the property fall under the Public Works Department's jurisdiction at any time in the future.

Sisich looks forward to the applicant explaining plans for insuring that the park is funded so that the extensive landscaping maintenance will be addressed in continuum.

As there were no more questions of staff, Condry invited the applicant to respond.

Connie Rodgers, President of the San Anselmo Community Foundation, read from a letter expressing gratitude to Mr. Lucas for his donation of the proposed park; introducing members of the Community Park Team; and describing the benefits of bringing such a resource to San Anselmo. Rodgers asked Blasen to respond to questions about the design of the proposed park.

Blasen described various design aspects of the proposed park and offered to respond to the Commissioners' questions.

Responding to a question from Sisich, Blasen confirmed that the goal is to complete the park by June.

Overberger is specifically concerned about the issues involved in placing a fountain in the park and asked Blasen to describe his experience designing public parks.

Blasen responded that his firm has done a number of commercial and institutional public projects, including San Francisco's Congregation Beth Shalom and Oakland's California College of Arts and Crafts; current projects include wineries with fountain features.

Overberger observed that the park is a partnership and she is concerned about which specific party is legally responsible for injuries that may occur on the premises. Further, she is interested in the specifics of the funding of the park.

Rodgers advised that the Foundation has been working with an attorney and has plans to raise funds to insure and maintain the park.

Attorney Natalie Talbott represents the owner of the property and advised that the property was acquired with the idea of developing something beneficial to the Town's residents and commercial district. Ultimately the San Anselmo Community Foundation approached the owner with their vision of how the property could be of most benefit to the community.

There are plans for setting up an endowment for maintenance of the property, as well as plans to develop an on-going partnership with merchants and the Foundation to contribute through fundraising. Talbott confirmed that insurance would be provided and that the Town would be indemnified.

Krebs asked if there have been any studies regarding the synergistic realities of removing a commercial space and replacing it with a park.

Talbott confirmed that studies prepared for the Marin Economic Forum and by the American Planning Association discuss the benefits of projects such as the one under consideration including increases in tourism, business and employment, property values, and tax benefits.

With regard to 535 San Anselmo Avenue specifically, Rodgers confirmed that only one business in that location has been in the top 25 sales tax generators for San Anselmo since 1989. Further, that business relocated because it could not generate a profit in San Anselmo.

Discussion ensued in response to a question from Krebs as to whether or not owners would be required to keep their dogs on leash in the park.

Commissioner Brasler asked Boyle if a requirement to keep dogs on leash could be made a condition of approval for the project; Boyle confirmed that such a condition could be placed on the project.

In response to a question from Commissioner Zwick, Blasen described the series of ground cover materials planned for the project.

Commissioner Zwick asked about the potential for pedestrians approaching the park from the nearby coffee shop to cut across to the lawn.

Blasen confirmed that the vegetation will be dense; further, it would be difficult to meet ADA requirements with an additional, smaller, corner-cutting footpath.

House asked about the design details and proposed security measures for the statues.

Blasen described the design and assured that the statues would be firmly anchored.

Sisich asked about borders for planted materials areas.

Blasen assured that the plants would be placed in such a manner as to avoid growth over sidewalks.

Sisich suggested the placement of fencing to discourage pedestrian cross-cutting.

Blasen described plant selection and planting strategies designed to discourage pedestrian cross-cutting.

A brief discussion ensued with regard to keeping the lawn and lawn borders attractive, and the use of lawns by the community.

Sisich urged the applicant to consider signage similar to the existing monument signage located on the entry to Tunstead Avenue and at the hub.

Boyle confirmed that the Commissioners could give direction to staff as to how they would like the signage to be reviewed.

A brief discussion ensued regarding the placement of additional bicycle racks in the vicinity of the park.

Krebs asked for the standards with respect to drainage for a project of this nature.

Condry advised that the Town's new draft guidelines are available on San Anselmo's website. Typically, the Public Works Department asks for measures to be taken that allow a site to contain a 10-year storm. In this instance, removing the building and installing the depressed lawn will produce net positive effects. Other bioretention measures can be considered at the building permit issuance stage as well.

Krebs asked about the logistics of off-hauling and grading in the downtown area.

Condry explained that a grading and erosion control plan will need to be submitted to the Public Works Department, adding that the required materials can probably be transported to the site over the course of a few days.

As there were no further questions from the Commissioners, Sisich invited public comment.

Joyce Brown, owner of Élan Fitness, observed that the park will provide a much needed venue for community events and gatherings. She supports the proposed on-leash policy for dogs in the park.

Jay Luther, San Anselmo, is appreciative of the design of the park and admires the confluence of government, human activity, and commerce that this project will nurture.

Danielle Dinnerman, San Anselmo Chamber of Commerce, sees the project as a wonderful opportunity for the Town and supports it wholeheartedly.

Helen Badger, San Anselmo, spoke on behalf of her two children who are enthusiastic about the proposed park.

Sisich asked the applicant if he had any further comments; as he did not, Sisich returned the discussion to the Commissioners.

In response to a question from House, Boyle responded that "San Anselmo Park" is the name under consideration for the park.

House is in favor of the project. With regard to conditions, she would like the Town Council to name the park; further, she would like the park area to abide by any rules the Town chooses to put in place with respect to dogs in the park; finally, she would prefer signage similar to that located at the hub and at the entrance to Tunstead Avenue.

Discussion ensued with regard to whether or not the Town has jurisdiction in the matter of naming a private park.

Swaim advised that he supports the project.

Overberger advised that despite her reservations about the proposed structure, she supports the project.

Krebs appreciates Mr. Lucas's donation to the Town and appreciates the time and energy that has gone into designing the project and ensuring its viability. He supports the project, asking if the Town Council will be consulted with respect to the project.

Boyle advised that the project will not go before the Town Council; the final decision rests with the Planning Commission.

Henderson further clarified that the applicant's representatives have been in discussion with the Town Manager and the Mayor for some time and are satisfactorily addressing all concerns raised in those discussions. She concluded by confirming that the Town has no jurisdiction when it comes to the naming of the park, as it is private property.

Krebs supports the staff report, adding that he would like a condition put in place that requires the park to comply with any regulations the Town imposes with respect to dogs. He does not have any particular preference for signage and would leave the decisions in that regard to the applicant and the design team. Finally, Krebs supports any measures that can be taken with respect to drainage.

Brasler supports the project, expressing his appreciation to Mr. Lucas for his donation and his appreciation of the work that has gone into the project. He believes it is important to indicate that dogs must be on leash as a condition of approval. He observed that the Traffic Safety Committee may take some measures with respect to crosswalks that will discourage pedestrian cross-cutting.

Zwick supports the project and thanked Blasen for consideration of his remarks and suggestions. He advised that dogs should be leashed in the park and would like to see as many bicycle racks made available as possible.

Sisich supports the project, noting that the existing commercial building on the site has been vacant for a considerable length of time. He believes the park will improve the downtown area and encourage more visitors. He asked the applicant to give signage careful consideration.

M/s, House/Overberger, approving the project with the additional condition that dogs are required to be on leash in the park.

Ayes:	Brasler, House, Krebs, Overberger, Swaim, Sisich, Zwick
Noes:	None
Abstain:	None
Absent:	None

Sisich reminded all of the 10-day appeal period.

## **ITEMS FROM PLANNING COMMISSION**

Krebs asked if the property owners at 610 Oak Avenue have had an opportunity to assess the alternatives suggested to them for their project at the last Planning Commission meeting.

Boyle has held discussions with the applicants, who are currently working on revising their plans and are in discussions with the Fire Department. He will probably meet with the applicants again in a week or so.

Zwick asked if there has been any recent progress on the project at 711 Sir Francis Drake.

Boyle replied that the applicants have been instructed to reapply for a conditional use permit and their deadline for resubmitting an application for the February 4<sup>th</sup> meeting is January 10.

Brasler asked if the applicants have sought historical designation for the property.

Boyle advised that they have not done so as of yet.

Krebs asked for a status report on the denied fence variance application.

Boyle noted that the applicant has until February 20<sup>th</sup> to modify the fence so that it meets code.

Overberger clarified that at the February 4<sup>th</sup> meeting, the Planning Commission may or may not be discussing the appeal of the Planning Department's decision for 711 Sir Francis Drake as well as considering any historical designation that may or may not have been granted to the property.

Boyle confirmed that this is correct.

Overberger asked if the Fire Department has been contacted with regard to plans for a fire truck turnaround at 610 Oak Avenue.

Boyle replied that the applicants have been instructed to obtain the Fire Department's sign off if they intend to use the proposed structure as a fire truck turnaround.

Overberger clarified that if the space is designated as a fire truck turnaround it cannot be used for conventional parking.

Henderson confirmed that this is correct.

Overberger asked when the home was constructed.

Boyle stated that he believes the home was built in 1998.

Zwick recalled that there is an existing fire truck turnaround at the property and believes it is located where the front lawn has been installed. He asked Boyle if there would be information on the restrictive easement at 610 Oak Avenue when the project returns to the Planning Commission.

Boyle confirmed that he would have information on the easement at a forthcoming meeting.

Brasler introduced and thanked Editor Jessica Mullins of the San Anselmo Fairfax Patch.

### **SELECTION OF PLANNING COMMISSION CHAIR AND CO-CHAIR FOR 2013**

Sisich opened nominations for Chair and Vice Chair of the Planning Commission.

M/s, Zwick/Krebs, to nominate Brasler for Chair.

Ayes: House, Krebs, Overberger, Sisich, Swaim, Zwick  
Noes: None  
Abstain: Brasler  
Absent: None

Sisich opened nominations for Chair and Vice Chair of the Planning Commission

M/s, Zwick/Overberger, to nominate House for Vice-Chair.

Ayes: Brasler, Krebs, Overberger, Sisich, Swaim, Zwick  
Noes: None  
Abstain House  
Absent: None

**ADJOURN TO THE MEETING OF FEBRUARY 4, 2013**

Sisich adjourned the meeting at 8:45 p.m.

Respectfully submitted,  
Nancy Harris