

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

**For the meeting September 15, 2014**

**Agenda Item No. 3**

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**Project Address:**

834-914 Sir Francis Drake Boulevard  
Red Hill Shopping Center  
San Anselmo, CA 94960  
APN-006-061-23

**Case No.**

UP-1406

**Applicant**

Ben Himlan  
Director of Business Development  
Off the Grid Services LLC  
Fort Mason Center  
2 Marina Boulevard  
San Francisco, CA 94123

**Owner**

Red Hill Shopping Center  
834-914 Sir Francis Drake Boulevard  
San Anselmo, CA 94960

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**Request**

Use permit for weekly reoccurring, live amplified music associated with Off the Grid, a mobile food truck market, located in the parking lot in front of the Red Hill Shopping Center. Amplified music performances are proposed between 6:00 PM and 8:00 PM on Tuesday evenings. Music performances will take place under a tent in the middle of the market and will be amplified by two speakers with a maximum decibel level of 125 decibels. The project site is located in the SPD zoning district.

**Recommendation**

Conditional approval

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**I. PROJECT SUMMARY**

**Environmental Determination**

Categorically Exempt: Section 15304(e) – Minor Alterations to Land. Section 15304(e) allows for minor temporary use of land having negligible or no permanent effects on the environment.

**Authority**

San Anselmo Municipal Code; Title 10, Chapter 3, Article 13 – Conditional Use Permit

**Timing**

A determination must be made within 60 days of the project being deemed complete which is October 21, 2014.

**II. STAFF ANALYSIS**

**Project Description**

Off the Grid is a company that sponsors gourmet food truck markets, highlighting street food, and is based on the concept of using open space to create a place for people to meet while focusing on chef-driven small businesses. Between eight and ten food trucks will operate on Tuesday evenings between 5:00 PM and 9:00 PM. Town staff determined that Off the Grid is an authorized permitted accessory use for the shopping center. The requested Use Permit is for the weekly reoccurring, live amplified music associated with the operation of Off the Grid.

Amplified music performances are proposed between 6:00 PM and 8:00 PM on Tuesday evenings in the parking lot of the Red Hill Shopping Center. The music will be performed under an unenclosed, open, 10' x 10' tent with two STAGEPAS 400i speakers used to amplify the sound. At the tent location, the speakers will be amplified to a decibel level of between 62.5 decibels and 125 decibels at maximum. The speakers will face the center of the market where the majority of seating will be located (see attached map).

The distance from the music tent to the property line of the Red Hill Shopping Center is 114.40 feet or 34.87 meters. Sound Services, a professional commercial sound company retained by Off the Grid, has estimated the decibel level from the speakers at the adjacent property line by calculating the sound attenuation due to distance. The estimated sound impact at the property line will be between 32 and 94 decibels based on the range of amplification from the center of the market (see attached Figure 2 from Sound Services).

A Use Permit is required for Off the Grid's amplified music in order to provide an exception to the provisions of the Town of San Anselmo Municipal Code Noise Ordinance. The Municipal Code does not provide a regulation for noise in SPD Zoning districts. However, Code Section 4-7.104 specifies that noise levels in C Zoning districts, such as those adjacent to the Red Hill Shopping Center, be at a maximum of 60 decibels between the hours of 7 A.M. and 10 P.M. Noise levels in the R Zoning districts adjacent to the Red Hill Shopping Center are restricted as follows:

<u>Zone</u>	<u>Time</u>	<u>Sound Level - dBA</u>
R-1	7 A.M. - 7 P.M.	55
R-1	7 P.M. - 10 P.M.	50
R-3	7 A.M. - 10 P.M.	55

The Municipal Code Section 4-7.301 further limits the installation, use, or operation within the Town, except within a completely enclosed building, of a loudspeaker or sound amplifying equipment in a fixed or movable position or upon any sound truck for any commercial purpose.

### **Public Notice**

A notice was sent to all residents and property owners within 300 feet of the project.

### **III. REQUIRED FINDINGS**

#### **USE PERMIT FINDINGS FOR PROPOSED USE**

In order to grant the use permit, the Planning Commission must make the following finding:

1. *The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town.*

Any increase in the noise from the live amplified music will not significantly differ in impact to adjacent residential neighbors as this is a local shopping center where background noise already occurs due to traffic from automobiles, traffic along Sir Francis Drake Boulevard, delivery trucks and other motorized sources. A number of existing stores within the shopping center close at 8 P.M. when the amplified music is set to end. Other businesses close at 7 P.M. and Safeway is open until midnight. Although at maximum, noise levels at the property line will exceed Municipal Code requirements by approximately 44 decibels, in many instances, amplified sound will be well within Code requirements for both the adjacent R and C Zoning districts.

As limited to a two-hour weekly event, the live amplified music will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood. The proposed use and hours of operations will not be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town. Staff is able to make the required finding for the Use Permit to operate the proposed live amplified music as part of the Off the Grid market.

### **IV. CONDITIONS OF APPROVAL**

1. Planning Commission approval is based on the plans and materials titled Off the Grid Use Permit application, date stamped received by the San Anselmo Planning Department on August 2, 2014 and August 25, 2014.
2. 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:

Elizabeth Jonckheer  
Interim Senior Planner

Attachments:

1. Application and supplemental questionnaire
2. STAGEPASS 400i speaker specifications
3. Aerial overview of distance from the music tent to the adjacent property line
4. Sound Services decibel calculation
5. Site plans

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Redhill Shopping Center\OTG\OTG Sound amp staff report pc.doc