

**TOWN OF SAN ANSELMO
PLANNING COMMISSION AUGUST 16, 2010**

Present: Brown, Overberger, Sisich, Zwick
Absent: Harris, Krebs, Schinner

CALL TO ORDER

Commissioner Brown called the meeting to order at 7:00 p.m.

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke.

PLANNING AND BUILDING DIRECTOR'S REPORT

Interim Planning and Building Director Diane Henderson announced that on August 24, 2010, the Council will hear the second reading of the Green Ordinance. At the previous reading, there were four Councilmembers present, resulting in a split 2-2 vote, so the issue was continued. Henderson is hopeful that final action will be forthcoming at the next meeting. There will not be a Planning Commission meeting in the first week of September because of the Labor Day holiday. The Housing Element passed through the Council at their last meeting and Henderson is currently working with Consultant Jeffery Baird to make changes from the errata sheet and to edit the document before sending it on to the state.

Commissioner Overberger complimented Henderson on her leadership and clarification in presenting plan to the Council.

Brown asked if other cities have received extensive comments from the state with regard to their housing element proposals.

Henderson advised that the state has very tough standards and that many cities have received a large number of comments and requests for revisions. Further, Baird is somewhat concerned that as the Town had a work program in 2006, many elements of which were not implemented because of time, lack of funding, and limited staffing, the state may be dubious about the probability of implementing the even more ambitious plan San Anselmo is bringing forth now.

Commissioner Zwick advised that the state's sustainability ordinance will take effect in 139 days.

Overberger expressed concern that the state's ordinance may dampen the enthusiasm of San Anselmo residents for passing a Town ordinance.

PUBLIC HEARING ITEMS

CONSENT AGENDA

Minutes of Planning Commission Meeting July 12, 2010

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M/s Zwick/Overberger, to approve the minutes of July 12, 2010.

AYES: Brown, Overberger, Sisich, Zwick

ABSENT: Harris, Krebs, Schinner

REGULAR AGENDA

DR 1012 / UP 1009 / SR 1001; Deborah and Kelly London, 701 San Anselmo Avenue, APN 007-211-18, Design Review for exterior modifications, Use Permit for outdoor seating and review of proposed signs for a commercial building located in the C-2 Zoning District. (Staff person: Boyle)

Senior Planner Phil Boyle presented the staff report, noting that the proposed exterior modifications include two retractable awnings and the installation of vertical bike hooks at the corner of the building, parallel to Tamalpais Avenue. Bike hooks are proposed for the interior as well. He further advised that Department of Public Works Director Steve Myrter has reviewed the plans and is not comfortable with the exterior bike hooks in the public right of way due to concerns of safety for both cyclists installing the bikes on the hooks and passing pedestrians. Myrter advised that he does not know of any other municipality that allows this feature in the public right of way. As a consequence of Myrter's input, Boyle has specifically excluded the exterior bike hooks as a condition of approval for the project.

With regard to the proposed outdoor seating and planters facing San Anselmo Avenue, as well seating beneath the proposed awnings on Tamalpais Avenue, both the Planning and Public Works Departments have approved these features, having determined that there is adequate clearance for wheelchairs and pedestrians to navigate these areas.

The applicants are further proposing one sign each on San Anselmo and Tamalpais Avenues; the proposed signage meets all code requirements.

Zwick inquired about plans for the existing, Town-owned bike rack.

Boyle responded that both Planning and Public Works approve the removal of the existing, Town-owned bike rack at the site.

Commissioner Sisich asked for clarification as to the safety concerns expressed by Myrter regarding the bike hooks.

Boyle advised that there are concerns improperly mounted bikes may fall on pedestrians, that pedestrians on the sidewalk may run into the bikes, and that customers exiting the building and making sharp turns may run into the bikes. Myrter is also concerned about the placement of the hooks in the public right of way.

Brown noted that San Anselmo Coffee Roasters has a couple of bike racks on Town asphalt and asked whether or not a similar solution was suggested to the applicants.

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Boyle responded that he had discussed placing racks on the asphalt along Tamalpais Avenue and that this would entail working with the Public Works Department and the Traffic Safety Committee and would likely result in the loss of on street vehicular parking.

Brown observed that it would provide 15 to 20 spots for bike parking.

Overberger asked about the possibility of providing the vertical racks as well as the existing racks, so that those who are comfortable with hanging their bikes could do so. Further, she is uncomfortable with removing the vehicular parking spot on the corner; it is a difficult corner to navigate and is not the ideal spot for bikes.

Boyle responded that he was thinking of a spot on Tamalpais Avenue, away from the intersection, closer to Taco Jane's, where the bikes would be safer and still visible to patrons.

Zwick is in favor of the project and would like to see the existing, Town-owned bike parking replaced, as it is too tight.

Brown remarked that 48" of sidewalk clearance on the sidewalk are required to meet ADA specifications for path of travel.

Zwick noted that the dimensions on the site plan show a figure more than five feet, whereas the chalk marks on the sidewalk show 4'1"; he suggested making the site plan specifications the standard, as they are reasonable, if minimal.

Zwick further noted that he would like more bike parking and supports Boyle's suggestion of placing additional bike parking down the street, closer to Taco Jane's; he would like to see the current Town-owned bike rack removed as it is not well placed.

Overberger would like to see the success of Marin Coffee Roasters on San Anselmo Avenue replicated but without the congestion in front of the building. It is difficult for pedestrians to maneuver around the patrons outside and impossible for those in wheelchairs or on crutches. Overberger would also like to hear more about Myrter's objection to the exterior bike hooks.

Henderson responded that Myrter's concern is with potential liability for the Town, adding that the hooks would not be permitted without an encroachment permit, which Myrter would not sign. Henderson suggested seeking other solutions.

Zwick added that ADA requirements would actually prohibit the placement of the hooks on the exterior of the building.

Brown confirmed Zwick's observation.

Overberger asked if Myrter had concerns about interior placement of bike hooks.

Henderson responded that Myrter has no concerns about interior hooks and no authority in that regard.

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Brown reminded the applicants that an encroachment permit would be required for the improvements such as planters, awnings, benches, etc., located in or over the Town right-of-way; further, the town should be named as an additionally insured entity.

Hurd remarked that he has not seen the Town's encroachment form as it is prepared at the staff level; he added that in other jurisdictions, indemnification is required.

Applicant Deborah London thanked the Commissioners. She feels that ADA requirements should be satisfactorily met with the placement of pots and striping that is planned. London further suggested the possibility of using a sturdier hook or another device for outside bike parking and would appreciate approval on a probationary basis to see how it works out. She is certainly willing to take out additional insurance as required.

Applicant Kelly London observed that bikes placed on the ground are far more problematic.

London agreed that Boyle's suggestion of changing a vehicular parking space into bike parking is a good one; she would like a spot one or two places up the street from the corner but not as far away as Taco Jane's, noting that patrons' bikes are often quite expensive and need to be observed at all times.

Zwick reminded applicants to familiarize themselves with ADA requirements.

Brown added that Chapter 11-B of the California Building Code, dealing with issues of accessibility, should be understood as well as ADA requirements. Sections of 11-B address, in very detailed and specific terms, the issues of objects protruding off walls and objects that are within a walkway or right of way.

Overberger suggested beginning with the elements of the project that are working, first by placing bike hooks inside to start, and observing the situation for six months or so. She further suggested that at that point, the applicants may want to return to the Planning Commission with regard to making further adjustments.

Brown asked why the awning on the side of the building is retractable.

Deborah London responded that in the winter, they may want that spot to be sunnier.

Brown opened the matter to the public; there was no public comment and the public session was closed. The discussion was brought back to the Planning Commission.

M/s, Zwick/Overberger, to make the site plan part of the record and to approve the staff report, incorporating the site plan.

AYES: Brown, Overberger, Sisich, Zwick

ABSENT: Harris, Krebs, Schinner

Brown reminded the applicants of the ten-day appeal period.

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ITEMS FROM PLANNING COMMISSION

Henderson reminded all present that the next Planning Commission meeting is scheduled for September 20.

Brown adjourned the meeting at 7:35 p.m.

Respectfully submitted,

Nancy Harris