

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

**For the meeting of October 1, 2012**

**Agenda Item D-2**

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**Applicant and Project Address:**

Devon Yanko  
556 San Anselmo Avenue  
San Anselmo, CA 94960

**Case No.:**

UP-1204

**Property Owner:**

Maurizi Rossetti  
P.O. Box 873  
San Anselmo, CA 94979

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**Project Location**

556 San Anselmo Avenue, APN 006-102-15

**Request**

Use permit for on-sale and off-sale of beer and wine, C-2 zoning district.

**Recommendation**

Conditional approval.

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**I. PROJECT SUMMARY**

**Previous Action**

March 2010	Planning Commission approval of a use permit for on-sale and off-sale of beer and wine.
February 2000	Planning Commission approval of design review for a patio cover over the back deck.
June 1998	Planning Commission approval of design review for exterior modifications.
September 1990	Planning Commission approval of a use permit for on-sale and off-sale of beer and wine.

November 1981 Planning Commission approval of deck enclosure.

### **Environmental Determination**

Categorically Exempt: CEQA Section 15301(e) – Existing Facilities

### **Authority**

San Anselmo Municipal Code, Article 13 - Conditional Use Permit

### **Timing**

A determination must be made within 60 days of the project being deemed complete. The decision deadline for this project is November 19, 2012.

## **II. PROJECT DESCRIPTION**

The applicant is requesting a use permit to add the ancillary sale of beer and wine to a proposed cafe. The cafe is approximately 1,600 square feet and will be open every day except Tuesdays. Mondays and Wednesdays the café will be open from 7a.m. to 3p.m. and Thursday through Sunday from 7a.m. to 8p.m. The café will serve lunch daily and dinners 4 nights per week. No additional floor area will be created for this project and there will be no modifications to the building's exterior.

## **III. DISCUSSION OF REQUIRED USE PERMIT FINDINGS FOR APPROVAL**

Section 10-3.1305 for the Zoning Ordinance requires that the following finding must be made to approve a use permit:

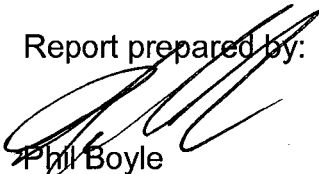
*"The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious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

The proposed addition of the sale of beer and wine to the café under construction at 556 San Anselmo Avenue is not expected to negatively impact the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood. The sale of alcohol will be ancillary to the sale of food. The café will not be open late at night. If the use is expanded in terms of hours of operation, floor area or other characteristics, then an amendment to the use permit will be required. The applicant will be required to secure all necessary approvals from the Department of Alcohol Beverage Control. Furthermore, the on-sale and off-sale of beer and wine is not expected to be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town.

#### IV. CONDITIONS OF APPROVAL

1. Planning approval is based on the materials date stamped received by the San Anselmo Planning Department on September 6, 2012 and submitted by Devon Yanko.
2. This approval does not include signs. A separate sign permit is required pursuant to the San Anselmo Municipal Code.
3. The applicant must obtain all necessary permits and approvals from the California Department of Alcohol Beverage Control, the Marin County Health Department and any other relevant agencies.
4. If the use is not commenced within one year from the date of final action, the planning action becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.
5. 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 entitlement 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.

Report prepared by:



Phil Boyle  
Senior Planner

#### Attachments:

1. Application and attachments
2. APN Map





THE TOWN OF  
SAN ANSELMO

PLANNING DEPARTMENT

Planning Division, 525 San Anselmo Avenue, San Anselmo, California 94960  
Tel. (415)-258-4616/FAX 454-4683/email: [planning@townofsananselmo.net](mailto:planning@townofsananselmo.net)

**GENERAL PLANNING APPLICATION FORM**

Job Site Address: <i>556 San Anselmo Ave</i>	Assessor Parcel No.: <i>00610215</i>	Zone: <i>C2</i>
Property Owner(s) Name: <i>Maurizio Rossetti</i>	Phone Numbers: Home: <i>415-518-5979</i> Work:	Fax Number: Cell Phone: E-Mail:
Mailing Address: <i>223 The Alameda</i>	City: <i>San Anselmo</i>	State/Zip: <i>CA 94960</i>
Applicant(s) Name (contact person): <i>Devon Yanko</i>	Phone Numbers: Home: <i>206-409-8996</i> Work: <i>415-999-7989</i>	Fax Number: Cell Phone: E-Mail:
Mailing Address: <i>P.O. Box 873</i>	City: <i>SAN ANSELMO</i>	State/Zip: <i>CA, 94979</i>

TYPE OF APPLICATION/FEE	ACCOUNT	FEE
<b>Planning Commission Action Applications:</b> Annexation, General Plan Amendment, Rezoning, Design Review, <u>Use Permit, Variance*</u> , Subdivision, Parcel Split, Lot Line Adjustment* Illuminated Sign Review, FAR Exception	01.00.48057	\$ 1,200 <sup>(1)(2)</sup>
Environmental Review/Negative Declarations/ Environmental Impact Reports	01.00.48057 01.00.20312	\$ 1,920 <sup>(3)(4)</sup> Consultant cost plus 20%
Administrative Design Review (commercial)	01.00.48057	\$ 360
Administrative Design Review (residential)	01.00.48057	\$ 600
Ministerial Residential Second Unit	01.00.48057	\$ 720 <sup>(5)</sup>
Administrative Variance	01.00.48057	\$ 720
Administrative Minor Exception	01.00.48057	\$ 238
Administrative Sign Review (conforming)	01.00.48057	\$ 119
Administrative Lot Line Adjustment	01.00.48057	\$1,200
Administrative Lot Merger	01.00.48057	\$ 238
Administrative Temporary Outdoor Display	01.00.48057	\$ 100
Certificate of Compliance	01.00.48057	\$ 1,200
Peer Review	01.00.20327	Consultant cost plus 20%
Plan Storage	01.00.20313	\$ 2 per/sheet
General Plan Maintenance Fee	01.00.48012	10% of application fee
Planning Technology Fee	01.0048058	5% of application fee
Planning Training Fee	01.0048059	5% of application fee
Appeal (to Planning Commission or Town Council)	01.00.48057	\$ 504
Additional Planning Deposit and Research Fee	01.00.20312	\$ 119/hour
<b>TOTAL APPLICATION FEE</b>		\$

Notes: See Planning Division Acknowledgement of Application Fees

*\$1,440*

*120  
60  
60*

**DETAILED DESCRIPTION OF PROJECT:**

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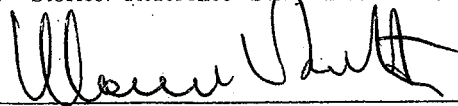
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**GENERAL INFORMATION:**

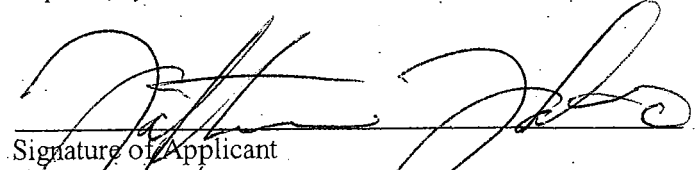
	EXISTING	PROPOSED
Lot Size		
Dwelling Size	Total: 1 <sup>st</sup> story: 2 <sup>nd</sup> story: Basement/other:	Total: 1 <sup>st</sup> story: 2 <sup>nd</sup> story: Basement/other:
Other Building Size	Total: 1 <sup>st</sup> story: 2 <sup>nd</sup> story: Basement/other:	Total: 1 <sup>st</sup> story: 2 <sup>nd</sup> story: Basement/other:
Parking <sup>1</sup>	Number of spaces & dimensions: Garage: Carport: Uncovered:	Number of spaces & dimensions: Garage: Carport: Uncovered:
Deck and Stairs	Deck: Stairs:	Deck: Stairs:
Porch		
Lot Coverage or FAR <sup>2</sup>		
Dwelling/Building Height Above Average Grade (roof peak) <sup>3</sup>		
Number of Stories <sup>4</sup>		
Zoning		
Flood Zone		

Notes:

- Minimum parking dimensions are 9' wide by 19' long by 7' high.
- Lot Coverage** applies to flatland residential in R-1, R-2, and R-3 zones and to Professional zones. It is defined as the land area covered by all buildings and improvements with a finished height above grade of 36" or more, including all projections except for eaves which project less than 2' from the face of a building.  
**Floor Area Ratio (FAR)** applies to Residential zones R-1-H, R-1-C and R-1 and to all Commercial zones. It is defined as the ratio between the total floor area of a building(s) on a lot and the area of that lot in gross square feet.
- Average Grade: The average slope of the land in the building footprint only.
- Stories: Reference "Story" handout

  
 Signature of Property Owner

9/6/2012  
 Date

  
 Signature of Applicant

9/6/2012  
 Date



PLANNING AND BUILDING DEPARTMENT

Planning Division, 525 San Anselmo Avenue, San Anselmo, California 94960  
Tel. (415)-258-4616/FAX 454-4683/email: [planning@ci.san-anselmo.ca.us](mailto:planning@ci.san-anselmo.ca.us)

**USE PROPOSAL FORM: COMMERCIAL AND HOME OCCUPATION**

Complete the information below:

Property Address: <u>556 San Anselmo AVE</u>	Assessor Parcel No.: <u>00610215</u>	Zone: <u>C2</u>
Applicant(s) Name (contact person): <u>Devon Crosby-Helms</u>	Phone Numbers: Home: Work:	Fax Number: Cell Phone: <u>2069098976</u> E-Mail: <u>devon@mhbreadand</u>
Mailing Address: <u>223 The Alameda</u>	City: <u>San Anselmo</u>	State/Zip: <u>CA 94960</u> <u>butter.com</u>

**DETAILED DESCRIPTION OF PROPOSED USE:** Cafe/bakery offering breakfast, lunch and dinner a few nights a week Bread, sandwiches, salad

Total number of employees: 6 Maximum number of employees on site at any one time: 4

Days of operation: M, W, TH, F, S, S Hours of operation: 7-8 weekends, 7-3 <sup>TH/F</sup> <sup>m/w</sup>

Maximum number of customers/clients expected daily: 300

Maximum number of daily vehicular trips associated with the use (including UPS, clients, etc.): 100

Type of machines, equipment, materials to be in use: oven, refrigerator, kitchen equipm

Number of on-site parking spaces (do not include street parking) 0

Square footage of building (all floors): \_\_\_\_\_

Square footage of building intended for proposed use: 1200

Current/previous use of building: cafe

Applicant's signature: Devon Date of application: 9/6/2011

For Town Use Only:

Approved/Denied by \_\_\_\_\_ Date: \_\_\_\_\_

Conditions of Approval: \_\_\_\_\_

Reasons for Denial: \_\_\_\_\_



SAN ANSELMO  
PLANNING AND BUILDING DEPARTMENT

Type of machines, equipment, materials used for business: oven, refrigerator, kitchen equipment

Floor Area (square footage) of portion of the building intended for subject use:

Basement: \_\_\_\_\_ 1<sup>st</sup> Floor: 1200 2<sup>nd</sup> Floor: \_\_\_\_\_ 3<sup>rd</sup> Floor: \_\_\_\_\_

**For Second Living Units in Single Family Residential Zoning Districts:**

What was the date the unit was established? \_\_\_\_\_

**For All Use Permit Applications:**

List why 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: This license will be supplemental to our function of our

space as a cafe. This will enhance the experience offerings of the space but support our mission to provide a community gathering place.

**For Gasoline Stations In All Commercial (C) Zoning Districts:**

1) For Full Serve and Self-Service Gasoline Stations: Will all operations including storage, excepting service with gasoline, oil, air, and water be conducted within a closed building, as required by Code? \_\_\_\_\_ (yes or no).

2) For Self-Service Gasoline Stations: List why the granting of the use permit will not adversely affect the public health, safety, or welfare by either diminishing the availability of minor emergency health and safety services, including rest rooms and minor automobile repair: \_\_\_\_\_

**For Uses in Limited Commercial (C-L) Zoning District:**

1) Will the use generate traffic at a rate greater than: fifty (50) vehicle trip ends for each 1,000 gross square feet of gross leasable building area? \_\_\_\_\_

-OR-

2) Will the use generate traffic at a rate greater than the existing number of trips during the a.m. and p.m. peak hours generated by the existing use as of July 22, 1997 (the determination for vacant buildings will be the most recent use between February 26, 1991 and July 22, 1997) on Sir Francis Drake Boulevard (those numbers of traffic trips typically generated for existing and proposed uses shall be obtained from the current edition of Trip Generation, Institute of Transportation Engineers)? \_\_\_\_\_

**For On-Sale and Off-Sale of Beer and Wine in Conjunction with the Sale of Motor Fuel:**

List the substantial evidence in view of the whole record to justify the granting of a use permit: \_\_\_\_\_

Note that in addition to the standards listed in the state Business and Professions Code Licensing Restrictions, the Town has the authority to further condition this type of use permit.





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**USE PERMIT SUPPLEMENTAL QUESTIONNAIRE**

**Administrative Review** (Planning and Building Director): 1) Accessory use that is very low in scale, will not cause a significant increase in intensity of use of the property, and will not alter the primary use of the facility; and 2) Outdoor storage and display of merchandise, plants, and street furniture based upon one of the following: a) within all the commercial (C) districts: outdoor display and sale of merchandise for a limited time period, not exceeding thirty (30) consecutive days and not exceeding more than thirty (30) days in any one calendar year; and b) within all zoning districts: outdoor placement of plants and street furniture on public or private property in limited quantity which, in the opinion of the Planning and Building Director will not hinder the free use of the public sidewalk. Such plants and street furniture shall not bear signs, price tags, or other indications that the plants or street furniture is for sale or rent.

**Planning Commission Review:** The following applications are acted upon by the Planning Commission: 1) Any of the above applications referred by the Planning and Building Director; 2) All other use permit applications not identified above; and 3) Should a property require more than one planning application, and should any of those applications require Planning Commission review, then all planning applications associated with the property shall require Planning Commission review.

Complete the information below:

What is the most recent use of the building/tenant space prior to your occupancy? If this is an expansion of your existing use, so indicate.

cafe

PROPOSED USE: cafe w/ beer & wine license

Number of employees associated with the use who would work on-site: \_\_\_\_\_

	Day of Operation? (Yes or No)	Hours of Operation	Maximum no. of employees on-site at any one time	No. of vehicular trips typically expected (include deliveries/pick ups)	Number of clients/customers typically expected
Sunday	Y	7-8	4	100	300
Monday	Y	7-3	4	100	300
Tuesday	N	—			
Wednesday	Y	7-3	4	100	300
Thursday	Y	7-8	4	100	300
Friday	Y	7-8	4	100	300
Saturday	Y	7-8	4	100	300

If this space in this table is inadequate for complete answers, attach this information.

POR. PUNTA DE QUENTIN RANCHO

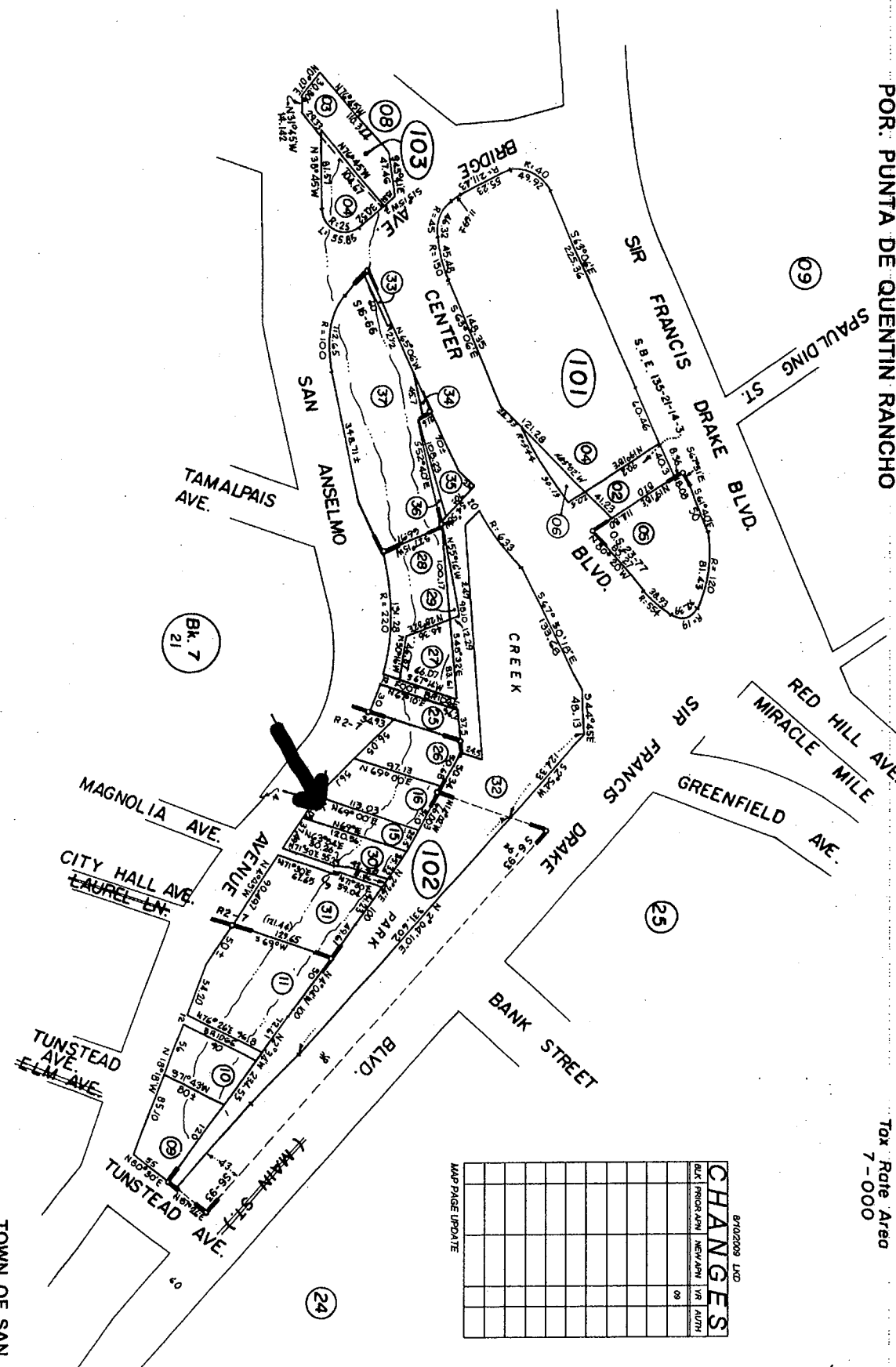
Tax Rate Area  
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6-10

R.M. Bk. 2 - Pg. 7, Magnolia Tract

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

TOWN OF SAN ANSELMO  
Assessor's Map Bk. 6 - Pg. 10  
County of Marin, Calif.



9/02/2009 LUC

CHANGES	
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