

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

For the meeting January 7, 2013

Agenda Item D-2

Project Address:

535 San Anselmo Avenue
San Anselmo, CA 94960
APN: 007-213-24

Case No.

UP-1206, DR-1210, GP-1206

Property Owner

DSAP LLC
101 Ygnacio Valley Road
Walnut Creek, CA 94596

Request

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.

Recommendation

Conditional Approval

I. PROJECT SUMMARY

Environmental Determination

Categorically Exempt: Section 15332 – In-Fill Development Projects

Authority

San Anselmo Municipal Code Title 10, Chapter 3, Article 13 - Use Permit, Article 15 - Design Review; and Title 9, Chapter 18 - Excavation, Grading and Erosion Control.

Timing

A determination must be made within 60 days of the project being deemed complete. The decision deadline for this project is February 19, 2013.

Previous Action

November 2007 Sign and awning permit for Eden Day Spa

March 1993 A parking variance to allow 5 parking spaces, where 17 were required and design review for exterior changes to the building.

II. PROJECT ANALYSIS

Existing and Proposed Conditions

	Existing	Proposed	Code
Lot Size (sq. ft.)	8,700	Same	NA
Floor Area (sq. ft.)	6,500	0	NA
Floor Area Ratio	75%	0	200%
On-Site Parking	5	0	NA
Stories	1	0	2
Height	±19 feet	Maximum height of statue ±10 feet 6 inches	30 feet
Zoning	C-2	Same	NA
Flood Zone	AE	Same	NA

Project Description

The proposal is to demolish the existing 6,500 square foot commercial building and construct an 8,700 square foot park.

The park will be owned and maintained by the San Anselmo Community Foundation a nonprofit charitable organization. The Foundation will direct the construction of the downtown park and provide on-going maintenance.

The park is proposed to have three meandering paths that lead to a circular fountain at the west end of the parcel. Adjacent to the paths will be benches, ADA complaint seating areas, a water fountain and trash receptacles. The southern section of the park, which will be planted with turf, is designed to accommodate gatherings with the fountain serving as a backdrop.

The fountain will be approximately 15 feet in diameter and contain two bronze statues. One statue will be of "Indiana Jones", and will be approximately 6 feet in height and the other will be of "Yoda", and will be approximately 2 feet in height. Both statues are

proposed to be placed on a 4 foot high boulder with accent lighting from below. The fountain base is proposed to be finished with linear stone veneer.

The northern section of the park is proposed to contain low evergreen shrubs and perennial plantings. The specific varieties are listed on Sheet L-2.0. The southern section is proposed to have turf. A variety of drought tolerant trees are proposed adjacent to Town Hall and Magnolia Avenue. A 7 foot tall hedge and chain link fence, to match the existing fence, is proposed along the western property line to screen the parking lot to the west. The proposed planting plan and irrigation design have been reviewed and approved by the Marin Municipal Water District.

A new 5 foot wide sidewalk is proposed along the park side of Magnolia Avenue as well as a new ADA pedestrian ramp at the corner of San Anselmo Avenue and Magnolia Avenue. The existing sidewalk along San Anselmo Avenue will be repaired as needed. Bike racks for four bikes are shown on the southeastern corner of the lot adjacent to Town Hall. An ADA compliant pedestal mounted drinking fountain will be placed between the fountain and Town Hall. Trash and recycling bins are proposed at the northeast and southwest corners of the park. Utility equipment for the park will be housed adjacent to Town Hall at the southwest corner of the park. Because the parcel is in the floodplain, all utility equipment will need to be elevated to meet Town standards.

The project requires approximately 70 cubic yards of material to be excavated of which 50 cubic yards will need to be off hauled and approximately 260 cubic yards of topsoil are proposed to be imported.

A mural, *The History of Pharmacy*, by Jose Moya del Pino was painted on a wall in the back of the main space of Rossi Brothers Pharmacy in 1949. The mural inside the building has been donated and accepted by the Spain-USA Foundation in Washington, DC and will be displayed in the Spanish Consulate in San Francisco.

Use Permit for Demolition of Commercial Building

The Town encourages the preservation, maintenance, restoration, rehabilitation, moving or continued use of all structures of historic, cultural, or aesthetic value. The applicant provided a State of California-The Resources Agency Department of Parks and Recreation Primary Record Report by Michael R. Corbett, Architectural Historian (Attachment 2). The report was required to assist staff in determining if the building and mural are historic resources. The report provides a history of the building and the mural inside. The report was reviewed by Judy Coy, Chair of the San Anselmo Historical Commission, who indicated that the report is detailed and documents the history of the building and the mural (Attachment 3).

The building at 535 San Anselmo, which is proposed for demolition, was built in two stages 33 years apart. The building was first built in 1916. In the summer of 1948, Rossi Brothers hired the architectural firm of Roselyn & Gartner to prepare plans for a

remodeling of the facade and rear addition. The building remodel was completed in 1949.

The mural, *The History of Pharmacy*, by Jose Moya del Pino was painted on a wall in the back of the main space of Rossi Brothers Pharmacy in 1949. Moya is an international figure (representative of the King of Spain to the United States) and an important American muralist who painted WPA murals and other permanent art works in California cities and scattered locations around the U.S. He is also identified with his home in Marin County where he painted murals and portraits, taught art, and was involved in local civic activities including founding the Marin Art and Garden Center. He painted local murals at the Ross School and St. John's Church.

In summary, the Rossi Brothers Pharmacy building possesses significance under Criterion C at the local level for the period 1949. It is significant in the theme of Art because its mural is an integral part of the building that is a good example of an important artist, a good example of the style of the WPA muralists, and a heroic expression of the work and contributions of a type of worker often considered ordinary—the pharmacist. Although the building is not on a local, state or national register of historic resources, because of the significance of the mural, the applicant has donated it and it has been accepted by the Spain-USA Foundation in Washington, DC. The mural will be displayed in the Spanish Consulate in San Francisco. Judy Coy has indicated that this will accomplish the preservation requested by the Historical Commission. Ms. Coy further states that once the mural is removed and preserved, the building itself will lack historical significance and not meet the test for eligibility for California Register of Historical Resources. Ms. Coy has asked that the door handles of the building be donated to the San Anselmo Historical Commission; a condition of approval has been included.

III. REQUIRED FINDINGS

Use Permit for Demolition

In order to grant the Use Permit Application the Planning Commission must make the following findings:

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.*

The community park will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood. The 8,700 square foot community park will provide an extension to the existing public space in front of Town Hall and be an amenity to the Town.

In addition, the San Anselmo Municipal Code Section 10-3.1305(e) includes the following findings when considering a use permit for demolition:

2. *Failure to approve a demolition permit will cause immediate and substantial hardship because of the conditions peculiar to a particular structure, and such hardship has not been created by an act of the owner in anticipation of action under this chapter. Examples of hardship include health and safety hazards that cause the building to be unsafe. Personal, family, financing difficulties, loss of prospective profits and neighboring violations are not justifiable hardships.*
3. *It is necessary to reveal previous architectural features covered up, such feature that would be functionally and aesthetically compatible with the existing improvements and the natural elements of the area.*

Neither of the two findings (2 and 3) above is relevant to the proposed demolition of the building at 535 San Anselmo Avenue or the relocation of the mural. Failure to approve the demolition will not cause a hardship to the tenants or the property owner. If the building is not demolished it may remain vacant or be occupied by another use.

Design Review

To approve the Design Review application, the Planning Commission must make each of the following findings:

1. *The project will not unreasonably impair access to light and air of structures on neighboring properties.*

The park will not unreasonably impair access to light on neighboring properties, nor will it impair access to air. In fact, removing the building and creating a park will provide the public with expanded opportunities to enjoy sunlight and fresh air in the outdoors.

2. *The project will not unreasonably affect the privacy of neighboring properties including not unreasonably affecting such privacy by the placement of windows, skylights and decks.*

The proposed park will not unreasonably affect the privacy of neighboring properties. The nearest buildings are Town Hall at 525 San Anselmo Avenue and the retail building across Magnolia Avenue at 601 San Anselmo Avenue. The proposed landscaping will provide screening for neighboring properties.

3. *The project will be of a bulk, mass and design that complements the existing character of the surrounding neighborhood.*

The simple design and scale of the park will complement the character of downtown San Anselmo. The park will provide an extension to the existing public space in front of Town Hall. The statues on the fountain represent the work of a well known artist, George Lucas, who has lived in San Anselmo for over 40 years.

4. *The project will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.*

Construction will be required to be in compliance with all adopted building codes, thereby ensuring the health and safety of persons on or near the property.

Grading Permit

The applicant estimates that the project requires approximately 70 cubic yards of material to be excavated of which 50 cubic yards will need to be off hauled and approximately 260 cubic yards of topsoil are proposed to be imported. The San Anselmo Municipal Code requires a grading permit application be reviewed by the Planning Commission if the project involves the movement of more than a total of 100 cubic yards. In order to grant the grading permit, the Commission must make each of the following findings:

1. The health, welfare and safety of the public will not be adversely affected.

There will be no adverse effects to the public other than the temporary disruption associated with construction, all measures will be taken to protect, secure and maintain public safety throughout the course of the project. The standard forms of traffic and safety control will be required with the building permit submittal; these studies will be done by certified consultants and subject to the review and approval of the Director of Public Works.

2. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work.

Grading work on site should not create any geologic hazards. The required final geotechnical studies will be presented and reviewed by the San Anselmo Department of Public Works (SADPW) during the building permit review process.

3. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work.

See the civil engineer's erosion control plan for proposed erosion control measures (Sheet C5-Erosion Control Plan). If additional measures are necessary, the input from SADPW will be provided during the building permit submittal. Erosion control details will be included with the building permit submittal. All storm water and site drainage is addressed through onsite drainage improvements and increased infiltration areas. Adjacent properties should not be impacted by grading work. The lawn has a depressed profile of approximately one foot and is intended to serve as a storm water detention area.

The building and, therefore, the proposed park are in the floodplain and the soon to be adopted "floodway". While removing the building is a significant step in the right direction in terms of removing barriers in the floodway, additional drainage work may be needed. Therefore, a drainage plan will be required at building permit submittal. Based on SADPW's review of the drainage plan, additional measures may be required to further reduce drainage from the site. Additional measures may include bioretention and/or other drainage improvements.

4. The amount of excavation, grading, or fill proposed is not more than is required to allow the property owner reasonable beneficial use of his or her property.

The proposed soil cut, fill and import is the estimated amount needed to create a viable park for public enjoyment and successful establishment of trees and vegetation. Imported top soil may be reduced if sub soils below the current building are found to be viable for amendment and planting. It is assumed that existing soil below the building, to be demolished, will be of sub-standard quality for healthy plant growth and storm water infiltration. This project estimates 260 cubic yards of topsoil to be imported, 70 cubic yards of excavation, and 50 cubic yards of export. The large amount of imported soil is due to the demolition and removal of the existing building foundation and parking lot.

5. The visual and scenic enjoyment of the area by others will not be unreasonably adversely affected by the project.

The visual and scenic characteristics of the site will be improved for adjacent properties and the public once the project is complete. The removal of the existing building on the site will open new views and create a new park for the enjoyment of the public. During the construction, measures and logistics will be put in place to minimize the visual impact to the surrounding areas of commerce, the site perimeter will be 'dressed' with safety barriers that are in character with what is seen in other cities or towns when downtown work is performed. All barriers will need to be approved by SAPWD.

6. Natural landscaping will not be removed by the project more than is necessary and that any removed vegetation will be replanted in a timely manner.

There is no existing landscaping on site to preserve. Adjacent street trees and landscape areas will be protected from construction activity. Replanting of the entire parcel is proposed as part of the project scope.

7. The time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff or prolonged exposure of unstable excavated slopes.

Project excavation and grading will conform to Town guidelines and schedule for grading. An erosion control plan (Sheet C5-Erosion Control Plan) is provided to address storm water runoff and siltation concerns. There are no slopes to be exposed or destabilized.

Grading is typically not allowed during the winter months from October 15 to April 15. However, the Public Works Director on a case by case basis can make exceptions if the site meets certain conditions and appropriate erosion measures can be put in place to insure that erosion does not occur. At the time of building permit submittal a construction management plan will be required which includes a schedule of work, staging area for vehicles/construction equipment, proposed erosion control measures as outlined in the plans, noise control, dust control, and a video of the surrounding public rights of way.

8. The proposed excavation, grading, or fill does not violate the Town's General Plan or Zoning Codes.

The proposed grading, excavation and fill will not violate the Town's General Plan and Zoning Codes. The current excavation plan includes the removal of a building foundation and parking lot, followed by the proper development of substructure and assembly to properly support the landscape design; including drainage compliance and other necessary improvements for public use.

9. Sufficient erosion control measures will be employed to offset any impact by the proposed excavation, grading, or fill.

The project will employ sufficient erosion control measures as designed and prescribed by the project civil engineer and as required by the SAPWD (see Finding 7). Specific details will be coordinated with SAPWD and submitted as part of the building permit submittal. Preliminary erosion control plans have been submitted as part of the planning application; see Sheet C5-Erosion Control Plan.

IV. CONDITIONS OF APPROVAL

1. Planning Commission approval is based on the plans and materials titled San Anselmo Park, stamped dated received November 28, 2012, prepared by Blasen Landscape Architecture.
2. All conditions of approval shall be printed at the top of sheet 1 of the building permit drawings.
3. A building permit must be obtained prior to the start of any construction work that requires a permit per the Town of San Anselmo regulations. Demolition of the building requires a building permit. Please contact the San Anselmo Building Department at 415-258-4616 or townofsananselmo.org/building for requirements and further information.
4. Plans submitted for building permit shall show a new fence along the entire west property line, wherever possible. The design of the fence shall be reviewed and approved by staff prior to building permit submittal.
5. Plans submitted for building permit shall include a drinking fountain which provides water for dogs as well as pedestrians.
6. The front door handles of the building shall be donated to the San Anselmo Historical Museum.
7. If a completed building permit application has not been submitted 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.
8. 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:

Phil Boyle
Senior Planner

Attachments:

1. Application and supplemental questionnaires
2. State of California -The Resources Agency Department of Parks and Recreation Primary Record Report, October 29, 2012, by Michael R. Corbett, Architectural Historian.
3. Email from Judy Coy, Chair of San Anselmo Historical Commission, December 5, 2012
4. Plans

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