

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

**For the meeting of May 20, 2013**

**Agenda Item D-2**

**Applicant/Project Address:**

Hiroyuki Makino  
69 Center Boulevard  
San Anselmo CA 94960  
APN-006-102-37

**Case No.:**

UP-1301, DR-1304

**Property Owners:**

William and Liz Hendrickson  
P.O. Box 621  
San Anselmo, CA 94979

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**Request**

Use permit and design review for outdoor seating for an existing restaurant at 69 Center Boulevard located in the Downtown Commercial C-2 zoning district.

**Recommendation**

Conditional approval

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**I. PROJECT SUMMARY**

**Previous Actions**

- |      |   |
|------|---|
| 1979 | Planning Commission approved design review application for exterior painting of the building. |
| 1977 | Planning Commission approved a use permit for on-site sale of alcohol.                        |

**Environmental Determination**

Categorically Exempt: CEQA Section 15301(e) – Existing Facilities - Additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area or over 2,500 sq. ft.

## **Authority**

San Anselmo Municipal Code; Article 13 Use Permit and Article 15 Design Review

## **Timing**

A determination must be made within 60 days of the project being deemed complete which is July 10, 2013.

## **II. STAFF ANALYSIS**

### **Design Review for Exterior Modifications**

The proposed exterior additions are to the side and rear elevations of the building which is located at 69 Center Boulevard. The new outdoor dining area will be approximately 530 square feet in area and located along the south and east sides of the building. The outdoor dining area is proposed to be located within the "breezeway" area between the two buildings (630-730 San Anselmo Avenue). The proposal includes a new door on the east elevation of the restaurant to provide access to the outdoor seating area as well as an awning over the new dining area adjacent to the east elevation. A trash enclosure constructed to match the panels surrounding the outdoor dining area is also proposed on the south side of the building.

The exterior materials for the panels will be 2 x 6 redwood posts with T1-11 siding installed horizontally. The panels and posts will be painted a brown color. The fabric awning will be pumpkin color and will not include any signs. The project will also include clear vinyl curtains, for weather protection, along the outside of the dining area (Sheet A-3, details 2 and 5).

The proposal has been reviewed by the San Anselmo Public Works Department and will meet all Americans with Disability Act (ADA) requirements.

### **Use Permit for Outdoor Seating**

The applicant is requesting a use permit to locate outdoor tables and chairs adjacent to the existing restaurant for outdoor dining. Alcohol will be sold under the existing use permit. A site plan showing the location of the tables and chairs has been closely reviewed by the Town's Public Works Staff. Staff has determined that adequate clearance will be provided for pedestrians and wheelchairs. Approximately nine tables with seating for about 20 people is proposed.

## **Parking**

The parcel does not have any on-site parking, however the two public parking lots on Magnolia Avenue and the Creek Park public parking lot are within close walking distance to the site.

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

#### **Commercial Design Review Findings**

1. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.*

The proposed exterior improvements to the existing building are compatible with the architectural style of the building and with the surrounding properties.

2. *Provides for protection against noise, odors, and other factors which may make the environment less desirable.*

The exterior modifications to the building will not make the environment less desirable.

3. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area.*

Based on the project description and plans, the project will not cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area. The exterior modifications are consistent with the surrounding area and should improve the value of the area.

4. *Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel.*

The proposed use, size and hours of operation, will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors.

5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.*

There are no indications based on the materials submitted that this project will adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The project has been reviewed by the Town's Public Works Department and provides satisfactory access for pedestrians and wheelchairs.

### **Use Permit 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.*

The proposed outdoor seating area will initially be used for dinner only with the possibility of expanding to lunch service in the future. The proposed use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood. If the area of outdoor seating is expanded, then an amendment to the use permit will be required. The proposed use 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 plans and materials titled "Tenant Improvements for Sushi 69" date stamped received by the San Anselmo Planning Department on March 22, 2013.
2. 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.
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. Please contact the San Anselmo Building Department at 415-258-4616 or [townofsananselmo.org/building](http://townofsananselmo.org/building) for requirements and further information.
4. All conditions of approval shall be printed at the top of sheet 1 of the building permit drawings

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 Design Review approval, variance, or other 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. Plans

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