

**TOWN OF SAN ANSELMO PLANNING COMMISSION
MINUTES OF DECEMBER 5, 2011**

Commissioners Present: Chair Sisich, Commissioners Brasler, Brown, Krebs, Overberger

Commissioners Absent: Vice-Chair Zwick, Commissioner Schinner

CALL TO ORDER

Chair Sisich called the meeting to order at 7:00 p.m.

OPEN TIME FOR PUBLIC EXPRESSION

Resident Eric White, Red Hill Avenue, observed that as part of a construction project at 292 Red Hill Avenue, it appears public parking is being converted into private parking and he is concerned about the loss of parking for mail carriers and delivery services as well as for residents. He suggested that establishing a loading zone at the site for daytime use and designating it for residential parking at night would help mitigate the parking shortage caused by the project.

Public Works Director Sean Condry clarified that the project is creating three spaces perpendicular to the street and eliminating one space. The proposed red zone is to allow vehicles to back out. Condry sees no reason why the red zone cannot be made yellow, and will follow-up on it.

PLANNING DIRECTOR'S REPORT

Interim Planning Director Diane Henderson thanked Boyle, Brasler, and Permit Services Technician Kurt Botn for attending the Planning Commission Workshop held at Sonoma State University over the weekend and wished all happy holidays.

CONSENT AGENDA

Minutes of Planning Commission Meeting of November 7, 2011

M/s, Brasler, Brown, to approve the minutes of November 7, 2011.

Ayes: Brasler, Brown, Krebs, Overberger

Noes: None

Abstain: Sisich

PUBLIC HEARING ITEMS

GPA-1101, RZ-1101, DR-1106, GP-1101, ER-1101 Laura Kehrlein, Spaulding Street and Luna Lane (the parcel has not been issued an address number) APN 006-091-65:

An application for: 1) General Plan Amendment to change the existing land use designation from Parks/Open Space to Limited Commercial; 2) Rezoning from Residential Single Family (R-1) with a Specific Plan Development (SPD) overlay to Limited Commercial (C-L) with a Specific Plan Development (SPD) overlay; 3) Design Review for a proposed 12 space, ±4,000 square foot parking lot with retaining walls ranging in height from two feet to 6.5 feet and associated landscaping; and 4) Grading Permit to cut and fill over 100 cubic yards of earth or material, located at Luna Lane and Spaulding Street, APN 006-091-65. Pursuant to the California

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Environmental Quality Act (CEQA), an Initial Study and Draft Mitigated Negative Declaration have been completed by Town staff. (Staff person: Boyle).

Boyle presented the staff report, reminding the Commissioners that the project had come before them at a prior meeting and that they had requested it be brought back after addressing and/or clarifying four specific factors. The factors are parking, street ownership and maintenance responsibilities, grading and retaining walls, and drainage.

With regard to parking, Boyle advised that due to requirements of the Public Works Department and the Fire Department, five street parking spaces will be lost to red curbing for access of emergency vehicles; this will take place whether or not the proposed parking lot is constructed. If the parking lot is approved for construction, a total of six street spaces will be lost, and the lot will create 12 private spaces.

With regard to street ownership and maintenance, Boyle explained that Luna Lane, from Spaulding Street to 20 Luna Lane, is Town-maintained. Spaulding is not Town-maintained, although the Town will patch and repair the street as required for emergency access. Further, residents can apply to the Town for a 25% contribution if they wish to have the street paved or improved.

With regard to grading and retaining walls, Engineer John Horn has provided a memorandum stating that the proposed cuts will be retained by engineered walls and that the original slope behind those walls will not change. He went on to state that the engineered walls will have a positive impact on the site, as will the compacted fill material. With respect to drainage, the drainage will be improved as the water will be controlled and directed and will not sheet flow across the lot.

With regard to drainage criteria, Boyle advised that the Public Works Department has a minimum requirement of zero net change and, ideally, seeks a negative change to storm water runoff. The goal is to have less water running off of the site after development of the project. This particular project has been conditioned to include a bioretention system to collect and delay the peak flow. A drainage swale is also required.

Boyle advised the Commissioners that the condition stipulating the placement of bollards and chains at the parking lot entrance and exit has been removed. Likewise, as directed by the Commission, the condition requiring no overnight parking has been removed. The condition requiring a sign that states no maintenance or repair of vehicles is to take place in the lot remains in place.

Staff still recommends approval of the project with the remaining conditions attached, and further recommends that the Commission adopt the resolution recommending to the Town Council that they approve the mitigated negative declaration, the general plan amendment, the resolution approving rezoning of the property, and that the Commission conditionally approve the design review for the 12-space parking lot, and approve the grading permit.

Sisich asked for clarification as to who owns this site, who will be using the site in the day time, and what its availability will be at night.

Boyle replied that D&O Partners owns this site as well as the site that houses San Anselmo Auto Body and the property at 110 and 112 Spaulding, the last site including apartment housing

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and an art studio. According to the applicant, the parking lot will be used by the tenants. In terms of enforcement, this would be a matter between the property owner and the Police Department if the latter is called. The site is private property and any enforcement issues related to the site would be handled as would any other private property matter.

In response to an inquiry from Sisich, Boyle further clarified that the intention is for San Anselmo Auto Body to park in the parking lot so as to free up more street parking.

Sisich asked if the auto body shop can leave the vehicles in the parking lot with the stipulation that they cannot perform work on the vehicles parked in the lot.

Boyle confirmed that this is the case.

Sisich asked for clarification as to what is meant by "not working" on the vehicles in the parking lot; would vehicles on jack stands be allowed in the parking lot? Is parking in the lot limited to operable vehicles?

Boyle advised that the phrase "not working on vehicles" can be clearly defined and reminded Sisich that his original stipulation of not allowing overnight parking was to eliminate the possibility of working on vehicles in the lot altogether. Boyle added that he believes the Police Department has some criteria defining when a site becomes a nuisance.

Commissioner Overberger noted that the Police Department told her a car has to be abandoned and inoperable in order to be cited as a nuisance. Other concerns include the possibility that other types of conveyances, such as boats, might be parked there. Can it be stipulated that the parking lot is specifically for operable cars?

Henderson confirmed that Overberger's concerns can be addressed.

Brown noted that one of the conditions of approval is the posting of a \$5,000 bond and asked if the bond protects maintained as well as non-maintained streets from the potential damage caused by heavy construction equipment.

Public Works Director Sean Condry responded that a separate bond on the building permit will cover both maintained and non-maintained portions of the streets. In the event of damage to the streets, the streets must be returned to their pre-construction condition. The amount of the bond is generally related to the size of the project.

Sisich invited the applicant to speak.

Architect Fred Divine explained that standard commercial leases require vehicles in private lots to be operable, so there would be no problem with inserting language to that effect as a condition of approval for the project. He further noted that the property will most likely be posted so that if infractions take place, unlawfully parked vehicles can be towed from the site.

As there were no further questions from the Commission, Sisich asked for public comments.

Annie Bates-Winship, Luna Lane, displayed a photograph indicating the poor condition of Luna Lane and stated she believes the road should be repaired before the project is undertaken. She also believes the project will have considerable negative impact both visually and structurally, and, specifically, that the construction will compromise the hill. She is further concerned about

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the potential for loss of funding by the developer before the project is completed. Bates-Winship observed that although the project has been in the planning stage for two years, the plans have only recently been shared with residents.

Faranak Asemi, Luna Lane, shared photographs of San Anselmo Auto Body and suggested it needs remodeling before consideration is given to building a parking lot. She is concerned about the fragility of Red Hill and would like to know why the body shop should not assume more responsibility for maintaining the road, as that business is the heaviest user. Asemi also shared photographs indicating a failing retaining wall on the south side of Luna Lane, a sliding curb, leaning fence, dislocated curb, and broken asphalt.

Asemi further noted that a landslide had occurred in the 1970's just behind her property and that a report from her engineer indicates that the retaining wall may be subject to further movement. She suggests that before the project is approved, the problem of further potential deterioration of the retaining wall be addressed.

Dave Hood, Spaulding Street, believes that the phrase "vehicles capable of being moved" as proposed in the language of the conditions of approval is in need of clarification. He further observed that the focus of the discussion has been the frontage, but that traffic coming in from Spaulding, particularly larger service trucks traveling on Spaulding to beat the traffic light, has not been considered. While Hood has made efforts to maintain the road, the damage caused by vehicles such as delivery and tow trucks makes it impossible for him to keep the road in reasonable condition. Hood further pointed out that the Town has not assisted with road maintenance in the area in twenty years and that there is a community of homeless people who pitch tents above the site of the proposed lot. He is concerned that these individuals will have access to the proposed lot.

Architect Steve Thompson, Mill Valley, shared a sketch offering an alternate parking scenario. In his letter to the Commission, Thompson referred to geotechnical reports prepared for properties in that area, noting that all authors of the reports concur there is a four or five foot overburden above the bedrock, and do not concur with regard to proposed depth, skin friction, and spacing of piers. Thompson believes further consultation is warranted.

Cherilyn Gilboy, Luna Lane, advised that the project calls for the digging out the toe of the hill. Gilboy advised that within two months of a similar project at 790 Sir Francis Drake, five exterior doors on her home became jammed shut and cracks appeared in her walls. Gilboy is convinced that the project caused an underground landslide. She is concerned that subterranean water and underground slide movement will occur with the proposed project as well. She shared an exhibit indicating the effects of the slide that occurred in the 1970's. She would like to see more study with regard to reducing the amount of excavation and pulling the project away from the hill. Additionally, Gilboy requested a hydrology study for the site.

Patrick Haven, Luna Lane, is concerned about the choice of compaction equipment for the project, referring to the choices made for the project at 790 Sir Francis Drake. Haven added that the project on Sir Francis Drake has resulted in water being rerouted toward his home and wonders if the same thing will occur with the current project and if it will possibly threaten property on Spaulding Street. He would like to know what the plans are for the existing foundations above the retaining wall, expressing concern that disturbing an area that has been solidified since the sliding that occurred in the 1970's could potentially trigger further earth movement.

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As there were no further comments from the public, Sisich asked the applicant to respond.

Divine believes the foundations mentioned by Haven are on city property and do not have anything to do with the project under discussion. This is a very minor earthworks project that was actually instigated by the Town whose representatives suggested that the applicant build a parking lot to offset parking problems. The plan originated when Rabi Elias was the Public Works Director, but the applicant was not able to proceed with it at that time. The proposed lot cannot be moved either up or down the hill to have less impact as it is placed where it has the least impact, requiring the minimum amount of cut and the minimum amount of fill necessary to make the project work. The proposed lot has two driveways because the Fire Department required two driveways for access. The open space designation of the site is a mapping error and the property is developable private property. It is a minimal project that has been reviewed by a soils engineer and by the town engineer. Divine concluded by stating that the lot is strictly for the parking of cars and that the applicant is agreeable to any conditioning of the parking that the Town wishes to impose.

With regard to the placement of the parking spaces and having them off street vs. on street, Brown pointed to Thompson's design, which includes head-in stalls and would require backing out on to Luna Lane, and asked if a similar design had been considered.

Divine does not believe the Public Works Department would approve Thompson's design.

As there were no further questions of the applicant, Sisich closed the public hearing.

Krebs noted community concerns that the proposed retaining wall will weaken the hillside and asked Condry what his level of confidence was in the safety of the project.

Condry indicated that piers, retaining wall, and drainage systems are the solutions to hill failure, noting that the Town suffered five landslides in March, all of which impacted roads, and that retaining walls have been built in these cases. The existing road and retaining wall, while they require work, are not the worst in the Town and he is in the position of having to prioritize needs. Condry concluded that if the road fails, regardless of whether or not there is a parking lot, the Town will address the issue and construct a retaining wall.

Krebs asked Condry if he knows of anyone else with expertise who believes that putting in the proposed retaining wall or parking area will weaken the hillside.

Condry stated that from a purely structural or drainage standpoint, he does not see anything that concerns him with the project at this time.

Sisich asked what would typically be required as a condition of approval for the applicant with regard to the public road.

Condry responded that normally conditions are imposed only on the property immediately adjacent to the frontage. If the project becomes larger, the Town can begin looking at requirements for improving drainage and related issues. He reminded Sisich that the Town is already imposing conditions addressing improvement of drainage and that a hydrology study will be required.

Krebs observed that there was a lot of community concern about the usage and conditions of the road and asked how the Town allocates responsibility for maintenance of the road.

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Condry noted that an application can be made to the Town for erecting signage limiting the size of vehicles allowed on the road and that the relative size of a property owner's frontage determines the amount of responsibility for road maintenance.

Brasler likes the idea of not restricting the use of the lot in the evenings. He believes the existing condition of the streets, fencing, and curbs are embarrassing but sees no immediate solution. He understands the concerns of the public; at the same time, the engineer states that from a safety perspective, the engineering will be improved as a result of this project. If the hill slides, it will not be because of the proposed parking lot. Given the staff report and the findings, he does not see anything he could not support if reasonable conditions are imposed, such as designation of 72-hour parking; requiring some street repair, shared parking, and/or parking stickers; requiring a completion bond; or stipulating the building of the retaining wall before the parking lot.

Brown observed that unfortunately the condition of the street is neither the sole responsibility of the applicant nor is it tied to this project directly. He could see the property owners joining ranks with the Town to patch, pave, and slurry seal the two streets as a part of this project. Brown is not concerned about water and the geology of the hill, agreeing with Brasler that this project is not at fault if the hill should slide. In looking at the contours of the site, he further understands the placement of the lot as the least intrusive with regard to minimizing cut and fill and taking advantage of natural grades. Brown's preference is to have no evening parking unless there is a shared liability on the lot. Finally, he would like to see a performance bond to insure that the project is completed and a damage bond or deposit to cover the costs of any damage caused to the road.

Krebs advised that he understands the concerns of the neighbors. He believes the lot should probably be closed at night unless the owner feels otherwise and can give reasonable assurances that there will not be any problems. Krebs further agrees with Brown's suggestion of allocating costs and getting the street repaired with the Town's assistance and encouraged the parties to pursue this course of action. With regard to the geology and the hill, Krebs noted that the project is much smaller than the one at 790 Sir Francis Drake. He, too, is concerned about the hill and must rely on the advice of the experts. Krebs observed that Condry believes the work will strengthen the hillside and it appears the project will improve the drainage. Like Brasler, Krebs is not enthusiastic about the project but sees it as a reasonable solution. He believes it is unfortunate that a few parking spots will be lost but recognizes that it will alleviate some parking issues during the day. Finally, Krebs can support the project with some of the conditions suggested by Brasler.

Overberger weighed the pros and cons of the project and listed the pros, including the possibility of some improvements to the road, the fact that drainage may be improved, the fact that the hillside may be stabilized—although professional opinions differ on the last point. The anticipated hydrology study will answer questions about water coming off the hill. With regard to cons, Overberger is disturbed by the absence of the two principle tenants at these meetings and is concerned about the visual impact of the cars in the lot from the vantage point of Sir Francis Drake. Overberger advised that she was on the Town Council when a proposal came forth to build two homes on the location and that the project was denied because of all the same concerns voiced over the current project. Finally, the decision to support private ownership over public good is of philosophical importance and she cannot support the project.

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Sisich supports the staff report and would support the project with the conditions as written. He fully understands the positions of the neighbors but does not believe the project is what the neighbors perceive it to be. Sisich reminded all that five parking spaces will be removed regardless of whether or not the project is approved and he believes the neighbors will be parking in the lot as he does not believe the owner will enforce towing vehicles. He further disagrees with the depth of concerns about the stability of the hillside and believes the stability will either remain the same or improve with the project. The street is in poor condition and he does not see the neighbors joining forces to improve it.

Brown suggested that some planting along the front of the parking lot would block the view of the retaining wall and vehicles. With respect to other uses for the property, he added that if there is potential for the hillside sliding, he would much rather it occurs on a parking lot than a residence.

Discussion ensued confirming that the Commission's action on the project represents a recommendation to the Town Council and is not an action that can be appealed. Further discussion ensued regarding potential conditions of approval, including imposing potential street repair responsibilities for the applicant, clarifying evening parking availability of the lot, imposing a 72-hour parking limit, and performance bonding.

M/s, Brasler/Krebs to accept the staff report with two amendments: (1) to close the lot after hours, and (2) to require a completion bond for the engineering component of the project, including retaining walls, grading, and drainage.

Ayes: Brasler, Brown, Krebs
Noes: Overberger, Sisich,
Absent: Schinner, Zwick

Henderson clarified that the grading permit and design review are final at this point and could be appealed; further, they are not effective until the Town Council approves the rest of the project.

Sisich advised that the Town Council's discussion of the project will most likely occur in February.

ITEMS FROM PLANNING COMMISSION

Brasler reported on the Sonoma State Planning Workshop, noting that the session was well-attended and worthwhile. Discussion topics included conflicts with neighbors, communication between planning commissioners and the public, use of electronic devices, encouraging public attendance at meetings, and the Brown Act.

Henderson mentioned that the workshop is always offered on the first weekend in December and has been taking place for about 30 years.

Brown asked for an update on the housing element and Henderson advised that a decision is close at hand.

Sisich asked for clarification of the street sweeping policy.

Condry confirmed that the street sweeping and vacuuming of the storm drains is to keep the drains clear.

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PLANNING COMMISSION MEETING SCHEDULE FOR JANUARY AND FEBRUARY 2012

It was decided to see what projects will be coming forth before scheduling a meeting for January 23 or January 30, and to plan to hold the regularly scheduled meeting of February 6th.

Sisich adjourned the meeting at 9:10 p.m.

Respectfully submitted,
Nancy Harris