

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

For the meeting of March 1, 2010

Agenda Item D-3

Applicant/ Property Owner:

Hang Li
P.O. Box 6672
San Rafael CA 94903

Case No.:

UP-1004

Project Location

830 Sir Francis Drake Boulevard, APN 006-061-17, 21

Request

Use Permit to operate a fast food restaurant with a drive through pickup window in the existing ±1,000 square foot building in the C-3 Zoning District.

Recommendation

Conditional approval

I. PROJECT SUMMARY

Previous Action

July 1995 Planning Commission approval of design review for exterior changes and a sign variance.

Environmental determination

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

Authority

SAMC 10-3. Article 13: Conditional Use Permit.

Timing

A determination must be made within 60 days of the project being deemed complete which is March 22, 2010.

II. STAFF ANALYSIS

The previous use on the site was a fast food drive through restaurant. The applicant is requesting a Use Permit to operate a fast food restaurant with a drive through pickup window in the existing ±1,000 square foot building at 830 Sir Francis Drake Blvd. The hours of operation of the restaurant will be 7 days a week from 10:00am to 9:00pm. No additional floor area will be created for this project and there will be no modifications to the building's exterior. The parking and circulation will also not change.

III. DISCUSSION OF REQUIRED USE PERMIT FINDINGS FOR APPROVAL

- A) 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 restaurant and drive through pickup window will operate during typical business hours, 7 days a week, 10:00am to 9:00pm and is estimated to have approximately 50 customers per day. This 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 date stamped received by the San Anselmo Planning Department on February 11, 2010.
2. This approval does not include signs. A separate sign permit is required per the Town Zoning Ordinance.
3. The applicant must obtain all necessary permits and approvals from the Marin County Health Department and any other relevant agencies.

4. If the use is not commenced within two years 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
3. Plans

H:\PROJECTS\Planning Commission Applications\SIR FRANCIS DRAKE BLVD PROJECTS\Sir Francis Drake Blvd 830 Former Jack in the Box\Sir Francis Drake 830 UP Restaurant.doc



RECEIVED

JAN 21 2010

TOWN OF SAN ANSELMO
Dept. of Planning and Public Works

PLANNING AND BUILDING DEPARTMENT

Attachment 1

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

GENERAL PLANNING APPLICATION FORM

Job Site Address: <i>830 SIR FRANCIS DRIVE</i>	Assessor Parcel No.: <i>006-061-17,21</i>	Zone: <i>C-3</i>
Property Owner(s) Name: <i>TENANT = HANG LI</i>	Phone Numbers: Home: <i>415 299-0935</i> Work:	Fax Number: Cell Phone: <i>(415) 299-0935</i> E-Mail: <i>499-0581</i>
Mailing Address: <i>P.O. BOX 6672</i>	City: <i>(SAN RAFAEL) CIVIC CENTER</i>	State/Zip: <i>CA 94903-0672</i>
Applicant(s) Name (contact person): <i>Tommy Woo</i>	Phone Numbers: Home: <i>(510) 368-6988</i> Work: <i>510 742-1133</i>	Fax Number: <i>FAX = 510 742-1821</i> Cell Phone: <i>510 368-6988</i> E-Mail: <i>TW-DESIGN511@YAHOO.COM</i>
Mailing Address: <i>39174-A STATE ST.</i>	City: <i>FREMONT</i>	State/Zip: <i>CA 94538</i>

TYPE OF APPLICATION/FEE	ACCOUNT	FEE
Planning Commission action application (Annexation, General Plan Amendment, Rezoning, Design Review* <u>Use Permit</u> , Variance*, Subdivision, Parcel Split, Lot Line Adjustment* (*applications with an asterisk may be processed administratively as determined by Planning Division staff))	01.57.705	\$ 1,200 ⁽¹⁾⁽²⁾
Environmental Review/Negative Declarations/ Environmental Impact Reports	01.57.705 01.24.20	\$ 1,620 ⁽³⁾⁽⁴⁾ Consultant cost plus 20%
Administrative Design Review (commercial)	01.57.705	\$ 360
Administrative Design Review (residential)	01.57.705	\$ 600
Ministerial Residential Second Unit	01.57.705	\$ 720 ⁽⁵⁾
Administrative Variance	01.57.705	\$ 720
Administrative Minor Exception	01.57.705	\$ 238
Administrative Sign Review (conforming)	01.57.705	\$ 119
Administrative Lot Line Adjustment	01.57.705	\$1,200
Administrative Lot Merger	01.57.705	\$ 238
Administrative Temporary Outdoor Display	01.57.705	\$ 100
Certificate of Compliance	01.57.705	\$ 1,200
Peer Review	01.24.30	Consultant cost plus 20%
Plan Storage	01.24.02	\$ 2 per/sheet
General Plan Maintenance Fee	01.57.710	10% of application fee <i>120.00</i>
Planning Technology Fee	01.57.711	5% of application fee <i>60.00</i>
Planning Training Fee	01.57.712	5% of application fee <i>60.00</i>
Appeal (to Planning Commission or Town Council)	01.57.705	\$ 504
Additional Planning Deposit and Research Fee \$119/hr	01.24.20	
TOTAL APPLICATION FEE		\$ <i>1440.00</i>

Notes:
See Planning Division Acknowledgement of Application Fees



DETAILED DESCRIPTION OF PROJECT:

INSTALL NEW HOOD, COOKING EQUIPMENT & KITCHEN EQUIPMENT, NO OUT-SIDE WORK

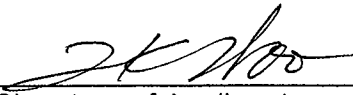
GENERAL INFORMATION:

	EXISTING	PROPOSED
Lot Size		
Dwelling Size	Total: 1 st story: 2 nd story: Basement/other:	Total: 1 st story: 2 nd story: Basement/other:
Other Building Size 30' x 30'	Total: 1 st story: 2 nd story: Basement/other:	Total: 1 st story: 2 nd story: Basement/other:
Parking ¹ EXISTING PARKING	Number of spaces & dimensions: Garage: X Carport: Uncovered:	Number of spaces & dimensions: Garage: Carport: Uncovered:
Deck and Stairs X	Deck: Stairs:	Deck: Stairs:
Porch ^		
Lot Coverage or FAR ²		
Dwelling/Building Height Above Average Grade (roof peak) ³		
Number of Stories ⁴		
Zoning		
Flood Zone		

Notes:

1. Minimum parking dimensions are 9' wide by 19' long by 7' high.
2. **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.
3. **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.
3. Average Grade: The average slope of the land in the building footprint only.
4. Stories: Reference "Story" handout.

Signature of Property Owner



Signature of Applicant

Date

1-21-10

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

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.

It used to be a fast food restaurant called "Jack In the Box" with a drive through.

PROPOSED USE: *Same as before, a fast food restaurant with drive through service.*

Number of employees associated with the use who would work on-site: 3

	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	<i>Yes</i>	<i>10:00 AM - 9:00 PM</i>	<i>3</i>	<i>50 Per day</i>	<i>50/day</i>
Monday	<i>Yes</i>	<i>10:00 AM - 9:00 PM</i>	<i>3</i>	<i>50 per day</i>	<i>50/day</i>
Tuesday	<i>Yes</i>	<i>10:00 AM - 9:00 PM</i>	<i>3</i>	<i>50 Per day</i>	<i>50/day</i>
Wednesday	<i>Yes</i>	<i>10:00 AM - 9:00 PM</i>	<i>3</i>	<i>50 Per day</i>	<i>50/day</i>
Thursday	<i>Yes</i>	<i>10:00 AM - 9:00 PM</i>	<i>3</i>	<i>50 Per day</i>	<i>50/day</i>
Friday	<i>Yes</i>	<i>10:00 AM - 9:00 PM</i>	<i>3</i>	<i>50 Per day</i>	<i>50/day</i>
Saturday	<i>Yes</i>	<i>10:00 AM - 9:00 PM</i>	<i>3</i>	<i>50 Per day</i>	<i>50/day</i>

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



SAN ANSELMO
PLANNING AND BUILDING DEPARTMENT

Type of machines, equipment, materials used for business: Griddle, refrigerator, and sink.

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

Basement: _____ 1st Floor: 1000 sq. ft. 2nd Floor: _____ 3rd 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: Our restaurant will use equipment that will not endanger anyone nor will we display anything that is offensive.

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: _____