

**TOWN OF SAN ANSELMO PLANNING COMMISSION MEETING  
MONDAY, AUGUST 18, 2014**

**COMMISSIONERS PRESENT:** Chair Brasler, Co-Chair House, Commissioners Krebs, Pipkin, Sisich, Swaim

**COMMISSIONERS ABSENT:** Commissioner Cronk

**CALL TO ORDER**

Commissioner Brasler called the meeting to order at 7:00 p.m.

**OPEN TIME FOR PUBLIC EXPRESSION**

Steve Lamb, Laurel Avenue, encouraged the Planning Commission to begin recording the meetings for the internet and television.

**PLANNING DIRECTOR'S REPORT**

Interim Planning Director Diane Henderson advised that the intent is to eventually record the meetings of the Planning Commission.

Henderson introduced Elizabeth Jonckheer, Interim Planner, who will be working with the Town while recruitment for Phil Boyle's position is in progress.

**PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

**Minutes of Planning Commission Meeting August 4, 2014.**

M/s, House/Swaim , to approve the minutes of the meeting of August 4, 2014.

Ayes: Pipkin, House, Sisich, Swaim  
Noes: None  
Abstain: Brasler, Krebs  
Absent: Cronk

**GP-1403, Jim Catlin, 531 Oak Avenue, 007-201-17:** Grading permit for the construction of new retaining walls to create three level terraces in the backyard of a single family residence. The project includes excavation of approximately 65 cubic yards of dirt and 166 cubic yards of fill. There is a net import of 101 cubic yards of material. The project site is located in the R-1 Zoning District (Staff person: Blomquist).

M/s, House/Swaim, to approve the grading permit at 531 Oak Avenue.

Ayes: Brasler, Krebs, Pipkin, House, Sisich, Swaim  
Noes: None  
Abstain: None  
Absent: Cronk

**REGULAR AGENDA**

**UP-1403, Daniel and Celeste Ezell, 921 Sir Francis Drake Boulevard, Red Hill Church, APN 006-073-09:** Use permit for a tutoring center operating Monday through Saturday from 9 A.M. to 9 P.M. and Sundays from 2 P.M. to 9 P.M. The project site is located in the R-3 Zoning District (Staff person: Boyle).

Henderson presented the staff report.

Celeste Ezell introduced herself and Daniel Ezell. The Ezells have been looking forward to expanding their program, making themselves available to students in a Makerspace way which encourages students to create in a manner that

integrates science, technology, engineering, art, and math. They also wish to make classes available to homeschoolers who need a social outlet and a source of identity in a space that is their own.

Daniel Ezell added that he and Celeste support homeschoolers and the public school system; they have great respect for the teachers they support.

Celeste Ezell offered more letters of support for the proposed move.

Commissioner Krebs asked for clarification as to the traffic study's determination of the number of parking spaces that need to be available.

Henderson explained that the traffic engineer looked at the maximum number of spaces needed at any given time, or the worst case scenario, and determined that the necessary number of spaces is 25. There are currently 27 spaces on site. Henderson believes most of the spaces will be empty most of the time, as students will typically be dropped off, or will bike or walk. She further noted that there have been no issues with the tutoring center's current downtown location.

Brasler opened the discussion to the public.

As there was no public comment, discussion returned to the Planning Commission

Commissioner Swaim has a business across the street from the center's current location, has heard good things about the program, and supports the project.

Commissioner Sisich supports the project.

Commissioner House concurs with Sisich.

Krebs supports the project.

Commissioner Pipkin supports the project as well.

Brasler supports the project and asked if one of the Commissioners wished to make a motion.

M/s, Krebs/ Swaim, to approve Agenda Item 3 and support the staff report.

Ayes: Brasler, Krebs, Pipkin, House, Sisich, Swaim

Noes: None

Abstain: None

Absent: Cronk

Brasler reminded all of the ten day appeal period.

**UP-1404, Amber Smith, 921 Sir Francis Drake Boulevard, Red Hill Church, APN 006-073-09:** Use permit for a preschool for children ages 2-5 years old. The school will be open Monday through Friday from 8 A.M to 5:30 P.M. The project site is located in the R-3 Zoning District (Staff person: Boyle).

Henderson presented the staff report.

Sisich noted that preschools are regulated by the state, which prescribes minimum indoor/outdoor dimensions per pupil and requires that the outside space be secure and fenced. He asked if the facilities at the church meet the state's requirements.

Henderson confirmed that the state is the regulatory agency and believes the county handles the approval of the location on the local level. The Planning Commission has no authority in this regard.

Amber Smith is proposing to open Le Petite Jardin, a French immersion nursery school. She has been operating a French immersion home day care for four years. Smith confirmed that she did go through state regulators to secure approval to run the program from her home. She has just completed her credentialing and cannot apply to the state until the

Planning Commission approves the proposed site. At that point, an application will be submitted to the state. Smith added that secure fences and gates will be installed and the fire marshal will complete an investigation.

Smith described her immersion nursery school program as an accessible, carefree way for Ross Valley students and others to explore learning French. It is a specific niche open to everyone. She added that she has an on-going program at the San Anselmo Library called French Story time and that the program has quite a following.

As there were no questions from the Commissioners for staff, Brasler opened the discussion to the public.

As there was no public comment, discussion returned to the Commissioners.

Pipkin asked what the proposed proximity is for the tutoring center and the preschool. She further asked where the outdoor space will be located.

Pastor Michael Snearly, Red Hill Church, explained that the church is comprised of three different sections which can be partitioned off to create separation. The outdoor space is shaped like a horseshoe. The middle section of the horseshoe is a courtyard that contains a playground and is fenced and secure. Sidewalks frame a center section of poured rubber that contains new playground equipment.

Pipkin supports the project and likes the use of the church as a venue for both the tutoring center and the preschool.

Krebs supports the project and believes the preschool will be a good use of the space.

House agrees with Krebs. She believes the project will be good for the Town.

Swaim supports the project as well.

Sisich concurs with Swaim.

Brasler supports the project and acknowledged the demand for preschool education facilities in Town.

M/s, Pipkin/House, to approve the use permit.

Ayes: Brasler, Krebs, Pipkin, House, Sisich, Swaim  
Noes: None  
Abstain: None  
Absent: Cronk

Brasler reminded all of the ten day appeal period.

**UP-1405, DR-1404, LM-1401, GP-1404, Michael Weiss, 476 Laurel Avenue, APN-007-131-10 and APN 007-131-46:** Use permit to demolish the existing single family residence, hillside design review for a new 3,540 square foot, three story, single family residence, a lot merger of APN 007-131-10 and APN 007-131-46, and a grading permit to excavate 570 cubic yards, fill 140 cubic yards and off-haul 430 cubic yards at 476 Laurel Avenue. The project site is located in the R-1 Zoning District and within the Bald Hill Area Plan (Staff person: Boyle).

Henderson presented the staff report. She added that a letter from Mark and Sheila Kelley had been distributed to the Commissioners prior to the meeting and that copies were available.

Brasler invited the project sponsor to speak.

Michael Weiss stated that he has twice met with the neighbors, who are unhappy that the proposed home is being built for speculation. One of the neighbors' concerns is the proposed swimming pool, which is a stopgap measure for the hydrant requirements as put forth by the Fire Department because the existing hydrant does not meet requirements. Weiss would like to avoid placing storage tanks on the site.

Weiss added that there are proposed water line improvements slated for 2016. One of the neighbors has urged Marin Municipal Water District (MMWD) to consider moving the project forward to 2015. Weiss confirmed with the utility's engineers that the proposed water line improvement is undergoing a feasibility study. He is hesitant to postpone building his project on the strength of a proposed water line improvement project that is only in the feasibility stage.

Brasler opened the public hearing.

Mark Kelley, Laurel Avenue, spoke on behalf of seven property owners in the neighborhood and requested a continuance to allow neighbors a few months to clarify some issues with MMWD, the Fire Department, and the Town. Kelley would like to see temporary water tanks or some other method of water retention, noting that there would be no prejudice to Weiss if a continuance is granted because he cannot begin building until Spring 2015 and the MMWD project is slated for Summer 2015.

Kelley indicated that the proposed home is significantly larger than the existing homes in the neighborhood, adding that the massing and retaining walls are out of scale with existing residences. With respect to the proposed pool, he indicated that its placement in proximity to his own home raises safety, noise, and privacy issues.

Scott Sanchez, Laurel Avenue, believes a continuance is necessary because the materials presented contain inaccurate and incomplete information. Neighbors would like time to address those issues with Weiss, in addition to issues related to the proposed pool.

Sanchez stated that the color, elevation, visual simulation, and plans are inconsistent with one another in terms of design, color, proposed materials, and the height of the second story. Further, the Bald Hill Area Plan criteria require a landscape plan to insure proper screening; to date, the applicant has not submitted a plan. Additionally, the proposed retaining walls are in excess of 4' in height within the front setback. The staff report describes a relatively flat topography when in fact there is a significant upslope and lateral slope. The adjacent property is described as 75' away from the proposed project when it is actually 55' away as per the plans. Finally, Sanchez questioned the categorical exemption from environmental review given that the project proposes a merger of lots which exceed 20%. He explained that generally lot line adjustments with lots that are greater than 20% are not categorically exempt.

Sisich asked Sanchez about his immediate concerns in terms of the impact of the proposed project on his property.

Sanchez believes the project is out of place and out of character with the neighborhood and that a similar project might be more acceptable. He would like clear information with respect to issues affecting the visual impact of the project. Also, he sees some opportunity to shift the building slightly to the west if the pool is no longer needed. Finally, he sees opportunities to reduce the height in keeping with the character of existing homes in the area.

John Poppy, Laurel Avenue, is requesting a continuance to sort out some uncertainties. With regard to the question of whether or not a swimming pool is required, Poppy advised that when he approached a director at MMWD with the request to advance the date of their proposed water line replacement on Laurel Avenue, he was advised that there would be no problem with doing so. MMWD has informed the Fire Department of their plans to escalate the project to be done in 2015. Poppy added that the fire inspector clarified 10,000 gallons of water must be on the project site at the time of the delivery of flammable materials and that temporary tanks could be installed and later removed at the completion of the project. Poppy requested that the Planning Commission delay making a final decision on the project until all parties concerned can work through the issues that have been raised.

Scott Williams, Laurel Avenue, reiterated the request for a continuance. Williams advised that after Weiss purchased the lot, a tree crew clear cut the lot, making the site highly visible to neighbors. Williams believes the trees were removed before a permit was issued. Story poles have been erected and confirm that the proposed residence will be highly visible to neighbors below the site. If the pool is not built, the structure can be shifted, removing the massive impact of the building on neighbors below. Williams is seeking the continuance so that neighbors can continue to work with MMWD and the fire marshal.

Dave Anderson, representing his mother, Irene Anderson, Laurel Avenue, read a statement from Mrs. Anderson requesting that the Planning Commission give consideration to the letter from Mark and Sheila Kelley.

Rob Lay, Laurel Avenue, indicated that his home is directly below the proposed project and that the project would have a dramatic visual impact on his property. Lay described his and his neighbors' attempts to maintain the character of the neighborhood by treating the oaks on a regular basis so that they won't be lost to Sudden Oak Death, as have many trees in the area.

Lay believes the proposed project's landscape plan is key and that a continuance should be granted so that the plan can be reviewed. He would support the project if the pool can be eliminated and the house shifted over slightly to reduce the sense of massing.

Sheila Kelley, Laurel Avenue, like Lay, has devoted a lot of resources to battling Sudden Oak Death in an attempt to preserve the character of the neighborhood and agrees that the landscape plan for the project is a crucial element. Kelley noted that most of the homes in the area are 1500 to 2000 square feet, much smaller than that proposed by the applicant, adding that the project calls for 300 linear feet of cement retaining wall, which will be extremely impactful to the hillside.

Kelley would like to see some collaboration between MMWD and the applicant with their respective plans so that the road is only subject to construction vehicles once for both projects. She added that more time is needed in order to seek a collaborative solution with the applicant.

As there were no further comments from the public, Brasler closed the public hearing.

Swaim asked Public Works Director Sean Condry for his thoughts with regard to comments that MMWD may push their project forward.

Condry explained that there are two water lines: one for domestic use and one for fire. The Fire Department controls the line for fire and the two agencies do not agree on where or when the lines should be replaced. The second issue is that MMWD cannot reliably commit to when a project will be undertaken. Condry has been working with MMWD for many years and finds it challenging to coordinate work on paving projects. He does not believe it is feasible to condition the building of a single family residence on the stated plans for a major utility project.

Condry added that Weiss will be required to videotape the road to document any damage and make required repairs. Condry confirmed that Weiss has been very proactive with the Town with regard to the project.

Swaim asked Condry for his opinion about constructing a pool to provide adequate water storage as prescribed by the fire marshal.

Condry stated that the pool was offered as a solution to eliminate the need for a fire hydrant as a source of fire suppression. There are other solutions and these should be discussed with the fire marshal.

Sisich observed that Sanchez believes the project is not exempt from CEQA review and asked Henderson for clarification as to Sanchez' reasoning

Henderson explained that there is a section of CEQA that exempts lot line adjustments if they are on property that does not exceed 20% in slope. A lot line adjustment is the moving of lot lines without creating any new lots. The proposed project is for a lot merger as opposed to a lot line adjustment. Henderson will research the code section mentioned by Sanchez.

Krebs noted that Sanchez cited many errors, including heights of the structure, the distance of the proposed structure from neighboring properties, etc. and asked Henderson to speak to that with respect to whether or not a continuance should be granted.

Henderson advised that the applicant may be able to respond to those issues, adding that the mention of a home being 55 feet away as opposed to 75 feet away should be corrected if it is an error, although it is not material as both of those distances greatly exceed the Code's minimum requirement.

Krebs asked for clarification as to whether or not the applicant removed trees before receiving a permit.

Condry stated that the applicant spoke with the Public Works Department before removing trees. Trees over 7' in diameter on undeveloped lots are protected. However, a lot with a home on it that holds trees which are neither heritage trees (22" or more in diameter at 4' in height and not including nuisance trees) nor street trees (trees which can be trimmed up to 25% without a permit) can be removed without a permit.

In response to a question from Krebs, Condry confirmed that the trees removed in this instance did not require a permit, that any other trees removed that required a permit were removed after a permit was granted, and that no violation occurred with regard to the Town's requirements for tree removal.

Krebs noted that a landscape plan had just been submitted

Henderson indicated the plan was prepared by Studio Green, a local landscape architecture firm, and it was submitted to the Fire Department as well. Henderson added that there is a draft condition that a vegetation management plan must be submitted to the Fire Department prior to the issuance of a building permit.

Krebs asked if the plan was a requirement for making the design review findings.

Henderson replied that a plan may or not be required depending on the jurisdiction. It may be required for design review or it may be left to staff to review at the building permit stage. She explained that landscape plans are quite expensive and that if a project is clearly not going to be approved, the development of a landscape plan prior to design review is an unnecessary expenditure.

Brasler asked if Henderson believes that complete and correct information has been provided.

Henderson noted that the process includes review of the plans by the Fire, Building and Public Works Departments, as well as the Planning Department at which point a completeness letter is sent to the applicant, advising him of what was needed to make the plans complete. Inconsistencies are highlighted in the letter.

Additionally, in this instance, there was a pre-application meeting, an additional process often encouraged for larger projects. Henderson added that although she did not review the plans herself, they were reviewed by staff and deemed complete.

As there were no further questions for staff, Brasler invited the applicant to respond.

Brasler asked Weiss if the plans are complete and correct.

Weiss responded that the plans are complete and correct for the purpose of design review. With respect to Mr. Sanchez's comment about the distance between the two properties, Weiss indicated that the distance is 50' 4 1/4" from the property line of Mr. Sanchez to the corner of the proposed structure. Weiss believes perceived inconsistencies have to do with the staff report and/or interpretations of the plans, but not the plans themselves.

House observed the statement that as construction cannot begin before Spring, a continuance would not be detrimental to the applicant. She asked Weiss to clarify when he would begin construction if the project were approved rather than continued.

Weiss would complete the necessary grading by October 15. If he is prevented from completing the grading by October 15, he will be forced to wait another six months.

House asked whether the pool or storage tanks would be the most ecological solution in terms of getting water to the site.

Weiss replied that he doesn't know the ecological impact of a pool vs. tanks. He is uncertain as to where he would stage the tanks. Constructing a pool allows him the possibility of recouping some of the expense of providing the water.

Pipkin asked if there is another potential location for the pool.

Weiss noted that the proposed location for the pool already contains a large scarf in the hill, creating the beginnings of a flat spot. It is also well-placed in relation to the house. Weiss added that in response to suggestions of moving the house, doing so would require more grading and more excavation.

Pipkin asked if Weiss has a structural or a civil engineer.

Weiss replied that he has both a structural and a civil engineer, although he has not yet retained the services of the structural engineer and will do so once his plans are approved in terms of design review.

Krebs asked for Weiss's position with regard to moving the house if he did not need to construct the pool.

Weiss replied that he would need to consider the matter further.

Krebs asked Weiss if he had considered reducing the size or mass of the house and, if so, has he identified any areas for doing so.

Weiss reduced the size of the house after the first submittal to the Planning Department. He noted that it is a 3500 square foot house which, in terms of Floor Area Ratio (FAR) is 3040 square feet and 10.2% of the lot—well under the requirements of FAR.

With respect to tree removal, Weiss noted that he removed many nuisance trees and many diseased trees. Several of the trees were removed at the suggestion of the fire marshal. The story poles appear very prominently because of the removal of the trees. The vegetation management plan includes the planting of large shrubs at the bottom of the lot, which will eventually screen the house.

In response to a question from Brasler, Condry confirmed that it is a Town-maintained road.

Brasler reiterated the concerns of the neighbors, including color, visual simulation inconsistencies, landscape plan, pool, size, location on the lot, and screening of the retaining walls. He asked Weiss if there were any comments from the neighbors that Weiss wished to speak to.

Although it is not feasible for him to plan his project around MMWD's perceived timeline, Weiss believes he is close to resolution and will take direction from the Planning Commission.

As there were no further questions for the applicant, Brasler returned discussion to the Planning Commissioners.

Swaim believes the request for a continuance is a reasonable one.

Sisich is equally convinced that the neighbors have been respectful and that Mr. Weiss has been doing the best he can. The fact that the project is for speculation is not relevant. With respect to size of homes in the neighborhood, there is another home nearby that is at least 3000 square feet. In terms of visual impact, Sisich did not see any negative impact. Sisich could approve the project; however, he is open to issuing a continuance to clear up any perceived inconsistencies.

House and her colleagues in the past have approved plans that use tanks for water storage and found the tanks unsightly. She observed that the Fire Department was probably quite pleased with the tree removals because it reduces potential fire hazard. Planting along the edge of the property will screen the house. House supports Condry's position with regard to attempting to work around MMWD's purported schedule. House's inclination is to trust the staff report as it stands because Boyle's work has always been consistent and careful. All of the colors in the renderings meet her expectations in terms of hiding the structure. She is sensitive to the costs incurred by the applicant as the project is awaiting approval and the project meets all of the requirements.

Krebs reiterated his appreciation for the applicant working with neighbors. He does not believe the applicant will become comfortable with the idea of working with MMWD's assurance. He is weighing the choice of spending another month to explore an alternate solution against the effect of such a delay on M. Weiss's ability to complete grading by October 15.

Krebs asked Condry if it was feasible to complete grading by October 15, should the project be approved as it stands.

Condry replied that it is unlikely the applicant would be able to progress quickly, given the amount of time it takes to secure building permit approval.

Krebs is leaning toward voting for a continuance. He added that regardless of plans for the pool, he questions whether or not the applicant is going to want to move the house. With regard to the tree removal, Krebs appreciates the fact that there was not any violation.

Pipkin agrees with Sisich and House and supports the project. She believes the applicant has done the best he can and that there are no issues with the staff report. Having had some familiarity with the fire in the Oakland hills, Pipkin supports the idea of the swimming pool as a source of fire suppression and supports the project.

Krebs added that he does not believe the size of the proposed house is excessive for the lot or the neighborhood. He believes that after it is screened by mature vegetation, it will be easier to accept the new house.

After hearing Condry's comments that there is not much immediate opportunity to complete excavation and grading quickly, House is in favor of granting a continuance so that the applicant can continue to have conversations with the neighbors.

Brasler is in favor of the placement of the project on the lot and the colors. He believes the pool is superior to the idea of placing storage tanks on the lot. Brasler does not have any issue with the size of the house at 10% of FAR. He asked Condry what the applicant could accomplish by October 15 with approval of the project as it stands.

Condry replied that the applicant could get the existing house demolished relatively quickly; however, to continue with grading, he would need to return to the Planning Commission for approval.

Brasler asked Henderson for her thoughts as to what would occur between the current and future meeting of the Planning Commission if a continuance is granted.

Henderson replied that staff would consider the points raised in the Kelleys' letter in terms of merit. She asked the Commissioners to clarify if they are in agreement with the existing plans for size, pool, color, and location. Henderson added that the environmental review should be examined in terms of the categorical exemption within the CEQA process.

A brief discussion followed with regard to the Commissioners' general thoughts on location, color, visual simulation, visual impact, landscape plan, consideration of MMWD's plans, storage tanks in lieu of the pool, and size.

Henderson reminded the Commissioners that the Bald Hill Plan does not allow solid screening.

Brasler urged staff to place the matter on the consent agenda at the next available opportunity.

M/s, House/Sisich, to move that the project be continued to September 15 to allow staff sufficient time to consider the environmental review pursuant to the CEQA process and to further study the landscape plan. During this time, staff should talk with MMWD and review the information provided by the neighbors to clarify any inconsistencies or any inaccuracies that might be in the reports that have come before the Commissioners. This would also allow time for the applicant and the neighbors to talk further.

Ayes: Brasler, Krebs, Pipkin, House, Sisich, Swaim  
Noes: None  
Abstain: None  
Absent: Cronk

Discussion followed with regard to whether or not the project should appear on the consent agenda. It was decided to leave the matter to staff's discretion.

### **ITEMS FROM PLANNING COMMISSION**

House expressed her appreciation of staff's efforts to get the height of the building down with regard to a project discussed at the previous Planning Commission meeting.

House further stated that she cannot see the details of the architectural plans on her computer screen and would appreciate receiving paper plans for reviewing the exterior features of proposed structures.

Henderson noted that paper plans can be provided; it will take some time as projects currently under review were not required to submit paper plans.

Discussion ensued with regard to including reduced plan sets for Commissioners to take into the field when reviewing projects.

Krebs observed that some of the commercial projects around town seem to be sitting for a long time.

Condry replied that the store across the street is considering what kind of candy to sell in light of the fact that the Health Department would require a sink to be installed for the sale of open candy.

Krebs would like to make sure that the Town is being responsive and cooperative with project applicants.

Condry replied that the Town is recommending the pre-application process to applicants at which time they can meet with Fire, Public Works, Planning, and Building Department staff. Draft plans are examined and staff tries to provide



guidance. So far the process has been well-received and Condry believes it is the best solution for getting applicants on the right track. That being said, one of the challenges is that San Anselmo has a lot of old commercial buildings and many applicants are seeking changes in occupancy. Changes in occupancy trigger requirements for fire sprinklers, fire separation, and ADA improvements, which often make projects less feasible.

Sisich thanked Henderson for presenting the staff report and taking responsibility for the Planning Commission's review of the project at 476 Laurel.

**ADJOURN TO THE MEETING OF SEPTEMBER 15, 2014**

Chair Brasler adjourned the meeting at 9:30 p.m.

Respectfully submitted,  
Nancy Harris