

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MEETING November 5, 2012**

**Commissioners Present:** Chair Sisich, Co-Chair Brasler, Commissioners Krebs, Overberger, Zwick

**Commissioners Absent:** None

**CALL TO ORDER**

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

**OPEN TIME FOR PUBLIC EXPRESSION**

No one spoke.

**PLANNING DIRECTOR'S REPORT**

Interim Planning Director Diane Henderson polled the commissioners to confirm all will be present at the upcoming November 19<sup>th</sup> meeting.

Henderson further followed up regarding the neighbor to 67 Tamalpais Avenue, who had requested intervention with respect to landscaping and fencing that has not yet been completed at that address. Henderson advised that the Town Attorney has now been consulted in this matter.

Sisich asked Public Works Director Sean Condry for a status report as it concerns any plans to pave Sir Francis Drake Boulevard from the hub to Saunders Avenue.

Condry responded that he had originally scheduled work in the area for 2013. The project has now been placed on hold as Marin County Public Works (MPWA) is currently planning to replace their water line on Drake and Red Hill. Condry explained that he will likely persuade MPWA to do a plug, as opposed to a plug, grind, and overlay, on the road. In that event, it is probable MPWA will give the funds for grind and overlay work to San Anselmo, making it economically feasible for Condry to repair more road area than originally anticipated. Consequently, the project will be scheduled for completion in 2014.

**PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

**Minutes of Planning Commission Meeting October 22, 2012**

M/s, Krebs/Brasler, to approve the minutes of October 22, 2012.

**Ayes:** Brasler, Krebs, Overberger, Sisich, Zwick  
**Noes:** None

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**REGULAR AGENDA**

**DR-1209, GP-1204, Jonathan and Nathalie Barsky, 269 Redwood Avenue, APN 007-097-09.** Design review for plans to construct a 709 square foot addition to an existing residence and a grading permit to cut and fill over 100 cubic yards of material at 269 Redwood Avenue. The project site is located in the R-1 zoning district and within the Bald Hill Area Plan (Staff person: Boyle).

Senior Planner Phil Boyle presented the staff report. Boyle was able to make the findings for the design review and grading permit and supports the project. Boyle noted that two emails of support for the project had been received and forwarded to each of the commissioners. Additionally, two letters from Gay Kagy of Redwood Road had just been received and distributed.

Sisich asked why the letters from Kagy had not been received and distributed earlier.

Kagy explained that she had reviewed the property file on Wednesday morning, at which time Boyle's staff report was not yet available. When she returned to the Planning Department the following day with her letters, she found the offices closed.

Boyle advised that he did have the opportunity to speak with Kagy both on the telephone in a prior week and in person last Wednesday, advising her that the staff report would be available on the Town's website on Wednesday evening. Because Kagy does not have access to the website, Boyle had offered to either fax the report to her or to deliver it to her in some other way.

Brasler asked why Item 4 of Table 4E of the Municipal Code allows for expansion of adjusted floor area specifically for homes built, enlarged, or expanded before February 26, 1991.

Zwick explained that many homes had been built with the idea of expanding them at a later date. To accommodate those property owners, the commission devised the exception known as Item 4, which states that "dwellings built, enlarged, or expanded before February 26, 1991, which do not exceed the Maximum Adjusted Floor Area, may exceed this number by not more than 10% subject to Design Review approval and the findings below."

As there were no further questions from the commissioners, Sisich asked the applicant to speak about the project.

Architect Alan Ohashi introduced Staff Designer Kelly Manning and described the ways in which the project will improve the property. Specifically, Ohashi noted that the plan creates a level area in back for the family's use and improves the property through the addition of a fitness room and enlargements to a bedroom and bathroom. Ohashi further observed that the house and its improvements are not visible to any homes in the area and that the project is well-designed in terms of screening and terrain improvements.

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Krebs asked if the applicant met with any neighbors during the design process.

Jonathan Barsky confirmed that he met with several neighbors, including those contiguous to the area of planned expansion. Immediately below the Barsky residence is the Miles residence and Barsky noted that the Miles had submitted a letter of support for the project. Barsky further observed that Kagy's home, below the Miles residence, has no view of the area of remodel at all.

Sisich opened the public hearing.

Gay Kagy, Redwood Road, lives just below the property and is concerned about the 70 cubic yards of earth that are to be distributed on the east side of the home. While she acknowledges the stated plan to compact the soil, Kagy believes the 7 or 8 dump truck loads of dirt placed immediately above her property is excessive and suggested that it would not be a hardship for the applicant to forgo plans to build the deck requiring this extensive grading.

Kagy further noted what she believes are some irregularities with the staff report, including insufficient emphasis on previous planning applicants and actions, as well as a discrepancy between the square footage of the home as described in the handwritten application vs. the square footage as described in the staff report.

Finally, Kagy believes a road bond should be secured for the project and that the intent of Table 4E needs to be considered carefully in this matter.

Lowell Dwyer, Redwood Road, observed that he does not see how the applicant can stage the construction for this project without securing Dwyer's permission to trespass on his property and he does not plan to grant that permission. Further, he believes any construction management plan should be specific to this point and carefully outlined so that there are definite consequences should the applicant violate the terms of the plan.

Sisich invited the applicant to respond.

Ohashi noted plans submitted by Civil Engineer Neil Anderson for grading, including soil and erosion control plans per typical standards for rainy seasons and control of any site deposited material.

Manning added that the erosion control plan will be submitted as part of the building permit application.

Ohashi explained that Anderson's drawings include a plan for the staging of the construction, including a drive cut and level area to be created above the property.

Manning noted that an existing temporary road will be put to use for loading, unloading, and storage of construction materials. She further noted that the square footage as

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described in the original handwritten application incorrectly included crawlspace and was later corrected per Boyle's notes.

Sisich closed the public hearing and asked Condry to confirm his understanding of the construction staging and the grading and soil placement planned for the project.

Condry confirmed that at the level of a planning application, approximate cut and fill figures are sufficient, as well as indication of any potential sites for bioretention or swales. Construction management, erosion control, and staging plans will be required with the building permit application. Condry concluded by saying 100 yards of soil is not excessive if a suitable plan for its ultimate placement and treatment is devised and well executed.

Brasler asked Zwick if he shares Kagy's interpretation with regard to Item 4 of Table 4E.

Zwick clarified Brasler's question, asking if the 10% allowance cited in Item 4 of Table 4E applies to the current existing square footage of the home or to the square footage that existed prior to 1991.

Discussion ensued with regard to interpretation of the 10% rule.

Brasler concluded that the lot allows for a home with a maximum square footage of 5,000 square feet, which may be increased by 10%, for a total of 5,500 square feet.

Krebs concurred with Brasler's interpretation.

Brasler noted that the home was built but not expanded prior to 1991 and asked if the intention of Item 4 of Table 4E was to provide a one-time opportunity for expansion.

Zwick said that he was not on the committee that ultimately enacted this measure, but agrees with the analysis of Brasler and Krebs.

Henderson's interpretation is that there is nothing in the code that precludes the interpretation presented by Brasler.

Condry stated that it is highly unlikely he would allow the applicant to begin construction at this time of year and that he would be more inclined to approve a post-April 15 start.

Brasler asked Condry if he is comfortable with the erosion control plan and satisfied that the fill will be compacted in such a way that it will not affect down slope neighbors.

Condry confirmed that he would require an appropriate erosion control plan before approving the project.

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Krebs referred to the middle of the first paragraph of Kagy's first letter which states that a drainage swale and spring exist in the proposed dispersal location, asking Condry if this is correct.

Condry does not know but noted that he would not typically allow a water course to be blocked and would look for a plan to reroute the course. He would have to look at the civil plans and be convinced that drainage is being addressed appropriately. There are springs throughout San Anselmo and plans need to properly address the collection and dispersal of water.

Krebs asked if there are plans for a retaining wall on the downside of the down slope of the proposed deck.

Boyle indicated the location of the proposed retaining wall on the plans.

Regarding an item in Kagy's letter, Krebs asked if it is typical to require the posting of a road improvement bond on projects in the vicinity.

Condry indicated that road bonds are required on nearly every project in San Anselmo.

Boyle added that the Bald Hill Plan requires specific financial contributions when new homes are constructed there.

Zwick believes the project is a reasonable one and is certain Condry will insure that erosion control measures and cut and fill plans will meet the necessary standards. He can support the project.

Brasler agrees with Zwick, noting that it is a large house and that the lot is sizeable enough to support it. Some details need to be addressed, including the creation of a construction management plan that works for the neighbors. As long as proper erosion control measures are taken, Brasler sees no impact on the neighboring homes. He supports the project.

Overberger supports the project as well and is confident that the road bond, construction management plan, and erosion control measures will be addressed appropriately. She visited the site and was surprised that the home did not have large visual impact.

Krebs supports the project while recognizing Kagy's concern as a down slope neighbor. He is appreciative of the fact that the soil will remain on site. Krebs noted that although it is a large home approaching the maximum allowable square footage, the lot is sizeable and the structure has minimal visual impact. He supports the staff report.

Sisich supports the staff report as well.

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Zwick suggested that staff reports for future projects include standard requirements such as road bonds, erosion control measures, and construction management plans.

M/s, Zwick/Overberger, to move the project.

AYES: Brasler, Krebs, Overberger, Sisich, and Zwick  
NOES: None

Sisich reminded all of the 10 day appeal period.

**ITEMS FROM PLANNING COMMISSION**

Overberger would like to see a checklist of standard requirements included at the end of staff reports. She believes it will be helpful and reassuring to members of the public unfamiliar with standard approval protocols by showing them what information must be provided at each step of the process; e.g., construction management and erosion control plans are required after planning approval is granted but before building approval is granted.

Discussion ensued regarding the provision of useful handouts for applicants embarking on planning and building projects.

Sisich suggested the inclusion of non-technical but necessary measures, such as speaking with neighbors about projects before applying for planning or building approval.

Discussion ensued about other jurisdictions requiring pre-planning meetings with neighbors.

**ADJOURN TO THE MEETING OF NOVEMBER 19, 2012**

Sisich adjourned the meeting at 8:00 p.m.

Respectfully submitted,  
Nancy Harris