

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MEETING MAY 20, 2013**

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

COMMISSIONERS ABSENT: Commissioner Zwick

**CALL TO ORDER**

Chair Brasler 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 advised that the next meeting of the Planning Commission is tentatively scheduled for July 1, 2013, at which time the San Francisco Theological Seminary project will be on the agenda.

Commissioner Overberger advised that she will be unavailable for the July 1<sup>st</sup> meeting.

Commissioner Sisich noted that because he resides within the 500' radius of the Seminary, he will need to recuse himself from the discussion of the project.

Commissioner Sisich further advised that during the Commission's discussion of the park currently under construction on San Anselmo Avenue, a representative of the San Anselmo-Fairfax Patch had videotaped the proceedings and posted them on the internet without advising the Commissioners.

Henderson is not certain as to whether or not there is a restriction on videotaping. She is also uncertain as to whether or not it is legal to post the tape and will follow up with the Commissioners.

Sisich noted that even if videotaping and posting of the tape are allowed, the individual taping should advise the Commissioners that taping is taking place.

**PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

Minutes of Planning Commission Meeting April 1, 2013

**UP-1301 and DR-1304, Hiroyuki Makino, 69 Center Boulevard, APN 006-102-37:**  
Use permit and design review for outdoor seating at Sushi 69 restaurant, 69 Center

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Boulevard. The project site is located in the Downtown Commercial (C-2) zoning district (Staff person: Boyle).

In response to a question from Commissioner Krebs, Senior Planner Phil Boyle advised that the Krebs' residence is not within the 500' radius of 69 Center Boulevard, meaning that Krebs does not need to recuse himself from voting on the project.

M/s, Overberger/House, to approve the items on the consent agenda.

AYES: Brasler, House, Krebs, Overberger, Sisich, Swaim  
NOES: None  
ABSTAIN: None  
ABSENT: Zwick

Brasler advised all of the ten day appeal period.

**REGULAR AGENDA**

**DR-1305, Bryan Murdock, 136 Allyn Avenue, 007-092-25:** Hillside design review for a new 2,443 square foot three-story residence with a 433 square foot attached garage at 136 Allyn Avenue. The project site is located in the R-1 zoning district (Staff person: Boyle).

Senior Planner Phil Boyle presented the staff report.

Brasler invited the applicant to speak.

Architect Bryan Murdock displayed a PowerPoint presentation and shared a materials board with the Commissioners.

Brasler invited members of the public to speak. As there was no public comment, discussion returned to the Commissioners.

Sisich asked Public Works Director Sean Condry to clarify the relationship of the property under discussion to recent slide activity occurring in the vicinity.

Condry advised that the Town reached a settlement with the previous property owner for 1.25 million dollars as it was determined that the roadway may have been a contributing factor to the landslide.

Sisich asked if the house was torn down even though only the garage was impacted.

Condry clarified that it was a neighboring garage that was impacted.

Sisich asked if the settlement addressed rebuilding on the lot.

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Condry responded that he is not aware of any such issue being addressed in the settlement.

Sisich asked if the Town is in anyway protecting itself from any sort of indemnity.

Condry advised that the road considered a possible contributing factor to the landslide has been remedied and a retaining wall has been constructed to retain the road. There is some question as to whether or not the standards in place when the original road was constructed would have met current standards. He added that a retaining wall has been constructed below the site.

Condry went on to say that the current project will be going into bedrock, soil nails will be used, bioretention is being implemented, and an erosion control plan will be administered. From a structural and drainage standpoint, Condry believes the site will be much improved by the proposed project.

Sisich asked if the Town has required a release of liability from the property owners.

Condry responded that he does not know if it would be legal to require such a release.

Henderson advised that when the Town entered into a settlement agreement with the previous property owners, a soils report was presented and stated that with the corrections that have been made to the site, the property is developable. Subsequent soils reports have come to the same conclusion based on the design currently under discussion.

Brasler asked if liability is shifted to the engineer by securing the independent third-party soils report.

Condry confirmed that any engineer performing structural analysis is professionally responsible for their work.

In response to an observation by Overberger that there are several engineering reports on the property, Condry stated that when he inspected the most recent report, noted what kind of soils are there, and that the plan was to go into bedrock, he was made comfortable with the project.

Commissioner Krebs asked for clarification of one of the renderings.

Murdock confirmed that the slope as depicted was accurate, as was the house in relation to grade.

Krebs asked if specific measures with regard to landscaping are being taken to reduce the possibility of future sliding and to address drainage.

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Murdock explained that any disturbed areas will be seeded with fescue grass which is native land cover for these types of hillsides. Also, woodchips and mulch will be used. It is planned to restore the site to its natural condition and to avoid any invasive landscaping.

Murdoch added that another wall may be required depending on future structural analysis of the design.

Condry added that the fact that the house is covering a large portion of the property is beneficial, explaining that failures generally occur when water causes a surcharge which results in slippage of topsoil. Diverting the water that would naturally be spread out on the property is an improvement.

Commissioner Swaim asked if the area has a significant history of movement.

Condry replied that San Anselmo has many similar areas and that failures occur because homes built many years ago were not put on piers. Further, retaining walls were not constructed and soils put in the road were not compacted or installed correctly in many instances.

As there were no further questions of staff or of the applicant, Brasler turned the discussion to the Commission.

Overberger commended the applicants for the pleasing design, for conforming to floor area ratio guidelines, and noted the inclusion of more parking than is required. She is appreciative of the use of color to articulate the structure. As long as data is available to the one neighbor below the site who does not fully support the project, she anticipates no obstacles. In conclusion, Overberger is very much in support of the project.

Sisich observed that designing a house on a slope is always challenging and he is appreciative of the design of this home. He supports the project.

House is in agreement with all of the comments she has heard and concurs with the staff report.

Swaim believes that from the comments he has heard from staff, it sounds as though the project will help stabilize the hillside and he fully supports it.

Krebs agrees with the previous comments, noting the color, design, bioretention and natural landscaping are all aspects he appreciates. He supports the project.

Brasler noted the zero net drainage, bioretention, lack of variances, and neighborhood support as positive aspects of the project. He trusts that the Public Works and Building Departments will make sure the necessary engineering issues are addressed. He supports the project.

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M/s, Overberger/House, to move the staff report.

AYES: Brasler, House, Krebs, Overberger, Sisich, Swaim  
NOES: None  
ABSTAIN: None  
ABSENT: Zwick

Brasler advised all of the ten day appeal period.

**ITEMS FROM PLANNING COMMISSION**

Sisich noted that he is pleased with the progress being made at 790 Sir Francis Drake Boulevard.

Condry explained that the contractor was able to resume construction. When the building envelope is completed, more funding will become available from the bank.

Sisich asked if the project is being monitored to insure that all planning conditions are being met.

Boyle will be observing the project to make sure planning conditions are being met. Currently, the project is at the framing stage.

In response to a question from Overberger, Condry confirmed that the original contractor remains in charge of the project and that the collapse of the economy resulted in the bank pulling his construction loan. He is now able to resume with the project.

House noticed that the concrete retaining wall has been cleaned up.

Condry clarified that the wall has been painted.

House asked about the park under construction on San Anselmo Avenue.

Condry reported that the project is moving quickly. He is not certain it will be completed by June 1<sup>st</sup>, but a lot of improvements are being installed and the Chamber of Commerce is hoping to hold an event there during the Art and Wine Festival planned for June 22 and 23rd.

Work on three crosswalks, two existing and a new one, is planned. Pavers and concrete will be used. It is Condry's hope that Magnolia Avenue will be improved along with the park.

Overberger briefly discussed the fundraising effort to support the park, noting that \$100,000 had been raised thus far. There has been considerable interest in the project.

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Discussion ensued regarding ways in which donations can be acknowledged. The fountain, benches, bike racks, and trees are features that might provide opportunities.

Condry noted that the Town has invested \$15,000 in the sidewalks adjoining the park and the park's benefactor has been kind enough to incorporate City Hall Place into the park.

Swaim observed that the project manager should be complimented for his efforts.

Swaim asked about the availability of identification cards for Planning Commissioners so that they can show them to residents when visiting project sites.

Henderson will look into providing the Commissioners with Town I.D.'s.

Brasler announced that U. S. Bank has just renewed its lease on San Anselmo for nine years. The post office has renewed its lease as well.

**ADJOURN TO THE MEETING OF JUNE 3, 2013**

Brasler adjourned the meeting at 7:50 p.m.

Respectfully submitted,  
Nancy Harris