

**TOWN OF SAN ANSELMO
PLANNING COMMISSION APRIL 21, 2014**

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

COMMISSIONERS ABSENT: Pipkin

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 noted that the Commission's action taken on 711 Sir Francis Drake a year ago was appealed. Because that property is owned by a Councilmember it was determined that the appeal could not be heard by the Town Council. An Administrative Law Judge was retained by the Town to hear the appeal, which occurred on April 2. The Town expects to receive the results of the hearing shortly.

PUBLIC HEARING ITEMS

CONSENT AGENDA

Minutes of Planning Commission Meeting of March 3, 2014

M/s, Krebs/House, to approve the minutes of the Planning Commission meeting of March 3, 2014.

AYES: Brasler, Cronk, House, Krebs, Swaim
NOES: None
ABSTAIN: Sisich
ABSENT: Pipkin

REGULAR AGENDA

UP-1401, DR-1402, Stacey Ford, 437 Laurel Avenue, 007-171-24: Use permit to demolish the existing single family residence and hillside design review for a new 1,729 square foot, two story, single family residence at 437 Laurel 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, noting that a slight change to Condition 5 in the Conditions of Approval has been added. The applicant may pay in-lieu fees to the Town, which would be directed to a project across the street, as an alternative to placing a sidewalk in front of the applicant's property.

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Commissioner Sisich asked for clarification of the in-lieu fee.

Public Works Director Sean Condry advised that during the planning stage, staff tries to inform applicants of frontage improvements that may be required during the building permit stage. If frontage improvements are required, there would be three alternatives available to the applicant in this instance.

The first alternative would be construction of a sidewalk in front of the property; however, because there is a creek immediately behind the front fence, a retaining wall or head wall would need to be constructed and the fence moved back to accommodate a sidewalk, making the project expensive.

The second alternative would be the construction of a meandering sidewalk out into the street; however, because the street is narrow, this course of action would require widening the street, which is also expensive.

A third alternative would be to construct a sidewalk across the street where another property owner is building a home and will be required to install sidewalks. By working together, assuming both property owners have exactly the same frontage, they could cut their costs in half.

Condry explained that assuming the sidewalks would be required, the applicant can complete the sidewalk with the property owner across the street; or the two property owners could have the Town complete the sidewalk and reimburse the Town in three installments. An alternative would be to have the applicant pay in-lieu fees toward the completion of another frontage project. The fees would need Town Council approval and the applicant has 90 days to appeal Council's decision.

Sisich asked if the fees were based on the Town's cost to build the sidewalk and retaining wall.

Condry confirmed, adding that he calculated a cost of approximately \$14,000 to \$15,000, including the cost of 150 linear square feet of sidewalk with additional curb and gutter work as needed. That cost could be split between the applicant and the property owner across the street.

Commissioner Krebs asked for confirmation that Condry's calculation did not include construction of a retaining wall.

Condry confirmed that a retaining wall was not included in his estimate.

Cronk asked if the 90 day appeal process is completely separate from the design review approval process, so that in-lieu fees could be successfully appealed, resulting in no sidewalk requirement at all.

Condry explained that in-lieu fees are typically offered if an agreement can be reached. The alternative is to condition approval of the building permit on the completion of frontage improvements.

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Henderson added that there are projects that do not require discretionary approval and that Condry still has the authority to require frontage improvements at the time the building permit is being approved. In projects coming before the Planning Commission, the Planning Department prefers to include discussion of likely frontage improvements in the staff report so that applicants are not surprised by the additional expense incurred at the building permit stage.

Condry added that the requirement for frontage improvements can include everything from no requirement at all up to traffic signals and crosswalks. There is always an attempt to scale the requirement to the size of the project.

Commissioner Swaim asked if the creek on the front of the property is of concern to Condry.

Condry noted that there is a drain and an open box culvert at the end and that in the winter, Town employees clean it out. He will need to examine it in more detail; meanwhile, his largest concern is the sidewalk.

Swaim noted that there is a drastic drop-off into the creek which is very dangerous and asked if the fence is going to remain.

Condry replied that a fence is needed for safety and that the fence needs to be open to comply with Bald Hill requirements.

Brasler asked about the applicant's alternatives with regard to the existing accessory structure.

Boyle clarified that the bath and kitchen were constructed without permits. If the applicant would like the kitchen to remain, the structure will need to go through the second unit approval process. If the applicant does not want a second unit, the kitchen will need to be removed and the building, including the bath, will need to be brought up to code. It was confirmed that the location of the structure is adequate.

As there were no further questions from the Commission, Brasler invited the applicant's architect to speak.

Architect Stacey Ford explained the goals of the design for the project as being economical, resulting in a friendlier street presence, and maximizing sunlight into the house which is on a shaded parcel.

The original structure was destroyed in a fire in the fall of 2013 and the new structure will be built on the existing pier foundation with a small extension added in the rear. An interior stair was moved to the back to increase sunlight into the home. The organization of the rooms remains unchanged and a front porch has been added and roofs reoriented to create a more street-friendly residence. The color scheme was designed for blending in with the shadows and steep wooded hillside beyond. The hope is that construction can be completed before the rainy season.

Ford introduced applicant Geraldine Wilson.

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Wilson observed that there is an existing sidewalk fronting her property. She added that she has been out of her home for seven months and is burdened by the cost of renting. She hopes to return to her residence as soon as possible.

Sisich asked staff if there is a process for fast-tracking projects in terms of planning approval or building approval, for situations such as this one in which a homeowner has been displaced by a fire.

Condry observed that at the building permit stage, a project can be expedited for an additional fee.

Brasler opened the discussion to the public.

Steve Lamb, Laurel Avenue, asked for clarification of the slope of the second story element. He also asked what triggers review of a given project by the Planning Commission as opposed to staff level review. In conclusion, Lamb asked what triggered Planning Commission review of the project currently under discussion.

Len Wilson, son of the applicant, would like to see the project review expedited as his mother is essentially homeless at this time. Wilson maintains that there is an existing sidewalk fronting the property and that the Public Works Department has installed a locked gate on the sidewalk. He noted that funds available to complete the project are limited and that the additional cost of installing sidewalks may be problematic. Wilson asked if the existing sidewalk could be repaired rather than replaced and expressed the desire to see his mother back in her home by Christmas.

As there were no further public comments, Brasler returned the discussion to the Planning Commission. In response to Lamb's questions, Brasler explained that an application for a use permit and design review process for any project over 400 square feet on a second story automatically triggers review at the Planning Commission level. He added that within or below those criteria are specific rules that allow review at the staff level.

Henderson advised Lamb that the Municipal Code is very specific with regard to the review of projects and offered to indicate the area of the code he may wish to consult.

Henderson further expressed her appreciation for Ford's willingness to work with staff in lowering the home and noted that the project first came to the Planning Department on February 27, although the fire displacing Wilson occurred nearly a year ago. Henderson has worked as staff in most Marin County cities and confirmed that San Anselmo's Planning Department staff processes projects more quickly than any other jurisdiction in which she has worked. She noted that the same expediency takes place at the building permit application stage and confirmed that applicants can further expedite their projects by paying additional fees.

Brasler concurred that the Town reviews projects efficiently and that he has complete confidence in Planning Department staff. He further advised Mr. Wilson to work with an insurance adjuster who will advocate for the applicant.

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In response to Lamb's request for clarification regarding the second story element, Boyle confirmed that the slope is 5:12.

Sisich supports the project and asked if the Town offers hardship waivers for frontage improvement requirements.

Henderson replied that only the Town Council can waive fees. Condry has the responsibility of requiring frontage improvements at the building permit stage and that can be appealed to the Town Council only.

Condry added that he always seeks compromises on frontage improvements and believes he has identified a good compromise in this case; it is the most affordable solution and decreases the applicant's costs by half.

Henderson reminded the Planning Commission of the obligation to Safe Routes to Schools, Safe Streets, and ADA transition plans for which the Town Council has set policy. Unfortunately, in a built-out Town such as San Anselmo, the only opportunity to meet the policy requirements is when applicants come forward with proposed projects at their homes.

Krebs supports the staff report and commended staff on moving the project through efficiently and working with the applicant and her architect. He is hopeful a solution can be worked out with regard to the sidewalk.

Swaim expressed his regret to the applicant for the loss of her home and is hopeful she will return to her new home as soon as possible. He also supports Condry's decision and believes he is doing what is best for the homeowner and the Town. Swaim supports the project and would like to see it approved.

House supports the project at this point and would like to see the applicant return to her home as quickly as possible. House favors second units and is hopeful a legalized second unit will be part of the project.

Cronk agrees with prior comments and supports the staff report. She is curious as to whether or not the existing sidewalk could be repaired as opposed to constructing new sidewalks.

Condry explained that he had originally hoped to repair the existing sidewalk, but discovered that there is a creek on the other side of the existing fence and no sidewalk in that location. He believes a previous sidewalk may have been washed out. He added that the applicant would need to build a head wall and put in concrete there; this is another option to explore.

Brasler supports the staff report.

M/s, House/Cronk, to move the staff report, amending the staff report with a correction on Page 6, Item 7, to say that there is a proposed 5:12 roof pitch on the second story element as opposed to what is written there now.

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AYES: Brasler, Cronk, House, Krebs, Sisich, Swaim
NOES: None
ABSTAIN: None
ABSENT: Pipkin

Brasler reminded all present of the ten-day appeal period.

ITEMS FROM PLANNING COMMISSION

House acknowledged Planning Department staff's responsiveness in getting the approved project to the Planning Commission so quickly. She recalled that San Anselmo flood victims who wished to raise their homes were able to get their fees waived and their building permit applications expedited as a result of the Town Council's quick action. She would like to see similar measures taken on behalf of applicants victimized by other natural disasters or home fires.

House further asked about the project across the street from the one just approved by the Planning Commission.

Boyle confirmed that the proposed project across the street is a single family home with a large application that includes a General Plan amendment, a rezoning, and a lot split. The applicant plans to keep the existing home on the upper portion of the lot, to cut off the bottom third of the lot and create a lot there, at Laurel Avenue, that will be zoned R-1, as opposed to R-1C—the current zoning on the existing home. Boyle is currently working on the CEQA analysis for the project and hopes to bring it to the Planning Commission shortly.

Condry observed that just as the Planning Department acted quickly with regard to the approved project at 437 Laurel Avenue, the Building Department typically does everything possible to expedite the approval process for applicants such as Wilson who have lost their home to fire or other disasters.

Swaim confirmed with Boyle and Condry that the Ross Valley Kitchen's outdoor seating area is ADA compliant, that it was approved, and noted that it is a confusing model. Boyle added consideration is being given to imitating the Pizzalina path of travel model in that location.

Swaim further asked if the Town has any requirements for hedge trimming in front of Red Hill Shopping Center, noting that it has become dangerous to make a turn from the parking lot at that location.

Condry confirmed that there is an on-going abatement process which is often complaint-driven or project-driven. He will have someone look into the situation at Red Hill, adding that vegetation must be cut back and lowered to address line of sight issues.

House and Cronk recalled a request made by the Planning Commission many years ago to keep the hedges not impeding line of sight as high as possible in order to screen the cars in the parking lot as much as possible.

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Henderson confirmed that Boyle will check the property file and speak with the property manager.

Sisich observed cameras on the walls in the Council Chambers and asked if meetings were being videotaped.

Condry confirmed that meetings are not yet being videotaped, but that they will be televised in the near future.

ADJOURN TO THE MEETING OF MAY 19, 2014

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

Respectfully submitted,
Nancy Harris