

TOWN OF SAN ANSELMO
STAFF REPORT
May 21, 2014

For the meeting of May 27, 2014

TO: Town Council
FROM: Sean Condry, P.E., Public Works Director
SUBJECT: 19 Knoll Road Building Permit

RECOMMENDATION:

Receive report on 19 Knoll Road building permit expiration and provide direction to staff on next steps.

BACKGROUND AND DISCUSSION:

At the Council meeting on May 13, 2013, Town Council heard a report on the building permit status for 19 Knoll Road and provided direction to the staff and the property owner, Attachment 1. Specifically, it was agreed that the Public Works Director will work with the owner on a more specific construction management plan, that the owner will submit a bond in the amount of \$75,000-\$100,000 for grading, foundation, site work, drainage and erosion control, the owner will fix the fencing to ensure public safety and that the owner will allow no outside storage of construction materials or vehicles on the site.

A revised construction management plan was received, dated May 15, 2012, which has more specific dates to meet milestone inspections indicating continuous progress on the site, Attachment 2. To date no bond has been submitted by the property owner as required, see emails Attachment 3. A hard barrier was installed on the road above the cut, Attachment 4.

An additional inspection was conducted in the past week for more form work and rebar work. However, since no bond has been received staff would like direction from Council on the next steps to take?

Respectfully submitted,


Sean Condry
Public Works Director

Attachment 1 - 19 Knoll Staff Report from May 13, 2014
Attachment 2 - Revised and previous Construction Management Plan
Attachment 3 - Emails
Attachment 4 - Photo of Barrier

Item 2

TOWN OF SAN ANSELMO
STAFF REPORT
May 8, 2014

For the meeting of May 13, 2014

TO: Town Council
FROM: Sean Condry, P.E., Public Works Director
SUBJECT: 19 Knoll Road Building Permit

RECOMMENDATION:

Receive report on 19 Knoll Road building permit expiration and provide direction to staff on next steps.

BACKGROUND:

On July 12, 2007 an application was submitted for a permit to construct a single-family house at 19 Knoll Road. The Town Municipal Code requires the permit application process be completed and a permit issued within 6 months or the application expires. It does allow for one extension of up to 6 months. The applicant applied for and was granted an expiration extension for his application until July 12, 2008. On June 6, 2008, the Town issued Building Permit #55879 to allow for construction of a new house at 19 Knoll Road.

Work on the property was intermittent and progressed extremely slowly following issuance of the building permit. The Town performed multiple inspections for small pieces of work after long periods of inactivity. Over the five years after the permit was issued, the property owner only constructed portions of a small perimeter retaining wall.

Town staff attempted to work with the property owner by contacting him on multiple occasions and alerting him to the need to complete more substantial work on his property. During inspections, the code requirement regarding continuous and diligent progress was explained multiple times. However, due to lack of continuous progress to meet milestones, after many years, staff revoked the building permit on April 3, 2013.

On September 10, 2013, an appeal was made to Town Council by the owner of the property to reverse the decision by staff to revoke the permit, Attachment 1. The minutes for the Council, Attachment 2, show that the appeal was denied. However, the owner was allowed by Town Code a onetime renewal for six months. Council extended this onetime renewal until the end of April 2014 if the owner submitted a Construction Management Plan, proof of financing, keeps the site clean, and shows substantial progress.

DISCUSSION:

The permit was due to expire at the end of April 2014 giving an additional month (7 as opposed to 6) but staff mistakenly assumed that the permit had expired by the end of March 2014 and, therefore, red tagged the property when work had continued into April. Upon learning of the mistake, the Public Works and Building Director removed the red tag and granted the owner an additional 4 working days to make up for the days lost by the red-tagging. The building permit was therefore extended to May 6, 2014.

Construction Management Plans (CMP) were submitted on April 29, 2013, April 27, 2014, and May 3, 2014, Attachment 3. The site has been kept relatively clean, as construction sites go. Though it occurred the week before the permit was set to expire, the owner made substantial progress on the project. Specifically, he constructed approximately 50 lineal feet of footing for a new 11'+/- foot retaining wall immediately adjacent and below a public road, Attachment 4.

Proof of financing was submitted by the property owner on May 6, 2014 which was the final day before the permit would expire. Staff did not accept the proof of financing as submitted, Attachment 5, and informed the owner his permit would expire on May 6, 2014, Attachment 6. The owner took issue with staff's conclusion because the Council's direction at its September 2013 meeting had not been clear. On May 8, 2014, the Town received a complaint that construction work was occurring at 19 Knoll and a Stop Work Notice was issued to the property owner, Attachment 7. This complaint has been one of many over the years from neighbors about the ongoing and never ending project at 19 Knoll Road.

Staff believes the current proof of financing may not be adequate. Typically, the Town would require a bond or similar financial instrument for a project with this type of retaining wall; however the Council did not specify what type of financial documentation would be sufficient in this instance. Therefore, Staff would like clarification as to what documentation for proof of financing would be acceptable to Council. At a minimum Staff recommends, if Council so chooses to extend the permit, that a bond be required in an amount determined by Public Works equivalent to all grading and foundation work.

In addition, if the permit is extended Staff will inspect on a monthly basis to insure that continuous progress is being made to milestones as outlined in the Attachment 3 CMP schedule. If continuous progress towards milestones is not being met, as outlined in the CMP and as determined by staff, the permit will be revoked and expire.

The current cut below the road, see Attachment 3 photo, must be stabilized by installing the retaining wall as detailed in the approved drawings. Therefore, if the permit is not extended Staff recommends that the owner be given a building permit to complete the retaining wall and grading only and that no fee is applied to the permit. In the event that the retaining wall is not completed, the Town would be required to build it, lien the property for payment, and ultimately if payment was not received, foreclose on the property through the County.

FISCAL IMPACT:

A lot of staff time has been spent on the entire process over the past 10 years with the actual cost to the Town being unknown but could include finishing the existing retaining wall and grading with an approximate cost of \$100,000.

Respectfully submitted,

Sean Condry
Public Works Director

- Attachment 1 - September 10, 2013 Staff Report
- Attachment 2 - Minutes to Council Meeting Appeal September 10, 2013
- Attachment 3 - Construction Management Plans
- Attachment 4 - Photo of Excavation below Road
- Attachment 5 - Email Proof of Financing
- Attachment 6 - Summary of Inspection on May 6, 2014
- Attachment 7 - Stop Work Notice

Revised 5/15/14

Owner: Ken Mayer 19 Knoll Rd. San Anselmo, Ca. 94960 (C) 415-730-5466

Contractor: Mayer and Co. 415-453-0434 Lic 659359 www.mayerandco.com

Construction Management Plan, Key Points as followed:

All Construction activity will adhere to SAMC title nine and any other applicable code/law

SA Police Dept. 258-4610

SA Building Dept. 258-4616

Constructions Hours: Mon - Fri. 7 to 7, Sat. 9 to 5, Sun. 12 to 5

Please be courteous to all residents leaving for work, appointments, or school.

**** Parking:** The primary construction parking will be along Knoll Rd, with some overflow parking on the N property line on Cypress Ave. If additional parking is required, legal parking can be easily found on Sequoia Dr. See attached map.

**** Deliveries:** If possible, will come up Sequoia and on to Knoll Rd. Either turn around on lot or make left on Cypress Ave and back down Sequoia Dr. If facing down hill is preferable during a delivery. Up Sequoia Dr, right on Cypress Ave, Right on Knoll Rd and back to Sequoia Dr. See attached map. There are no anticipated road closure---plenty of room and options.

**** Erosion Control (10/15/13 thru 4/15/14):** No work during this period.

Note all site work completed prior to 10/15/15.

**** Anticipated Schedule:**

Construction thru turn key is expected 9 to 12 months.

Construction time line forecasted as a one year project.

Construction to resume with site work and excavation on 4/16/14

First inspection 4/30/14 Updated and noted by building inspector 5/6/14

Site work, retaining walls, foundations and drainage: End of July 2014

Framing, roof and siding (dried in): End of October 2014

Rough Plumbing/HVAC, and Rough Electrical: End of Dec 2014

Insulation, sheetrock, interior paint: End of Feb 2015

Completion of finishes and Final: End of April 2016

5/3/14

Owner: Ken Mayer 19 Knoll Rd. San Anselmo, Ca. 94960 (C) 415-730-5466
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** Anticipated Schedule: Construction time line forecasted as a one year project.

Construction to resume with site work and excavation on 4/16/14

First inspection ~~4/30/14~~ Updated and noted by building inspector 5/6/14

Site work, retaining walls, foundations and drainage: April thru May/June 2014

Framing, roof and siding: June/September 2014

Exterior Paint, HVAC, Rough Plumbing, and Rough Electrical: August/Dec 2014

Insulation, sheetrock, interior paint: Nov/Feb 15

Interior finishes: Jan/March 15

Landscaping/vegetation: Spring 2015

Sean Condry

From: Sean Condry
Sent: Wednesday, May 21, 2014 5:26 PM
To: 'Ken Mayer'
Subject: RE: 19 Knoll

Hi Ken:

When can you supply a bond to the Town and have you started the process? If you can submit correspondence with a bonding company, that would help.

Sean

Sean Condry, P.E.
Public Works and Building Director
Town of San Anselmo
525 San Anselmo Avenue
San Anselmo, CA
(415) 258-4676

From: Ken Mayer [<mailto:ken2418@aol.com>]
Sent: Monday, May 19, 2014 10:17 PM
To: Sean Condry
Subject: RE: 19 Knoll

Sean,

Please don't take this wrong

I can provide you with an updated CMP based on a 12 month schedule. The goal for me is not build in success based on a tangible schedule.

I cannot provide a bond prior to the council meeting next week.

Thanks

Ken Mayer

From: Sean Condry [<mailto:scondry@townofsananselmo.org>]
Sent: Monday, May 19, 2014 5:40 PM
To: Ken Mayer
Subject: RE: 19 Knoll

Hi Ken:

This is just a heads up that I need the construction management plan and bond ASAP because Council wanted me to have this on the agenda May 27. I previously asked for all of these by today so please advise on the status otherwise you will miss the deadline for the staff report.

Sincerely,
Sean

Sean Condry, P.E.
Public Works and Building Director
Town of San Anselmo
525 San Anselmo Avenue
San Anselmo, CA
(415) 258-4676

From: Ken Mayer [mailto:ken2418@aol.com]
Sent: Wednesday, May 14, 2014 9:02 PM
To: Sean Condry
Subject: Re: 19 Knoll

10 4

Sent from my iPhone

On May 14, 2014, at 9:00 PM, Sean Condry <scondry@townofsananselmo.org> wrote:

Eric Seabrook is our contract engineer/ for structural plan check.

Dave Donery is the Community Services Director/Assistant Town Manager.

Sean Condry, P. E.
Public Works Director
Town of San Anselmo

Sent from my iPhone

On May 14, 2014, at 6:24 PM, "Ken Mayer" <ken2418@aol.com> wrote:

Sean

Thanks for mostly taking the high road at the town council meeting last night. Maybe we can bury the hatchet, and work in a positive direction from here on out.

Can you please inform me who Dave Donery and Eric Seabrook is.

Thanks

Ken Mayer

From: Sean Condry [mailto:scondry@townofsananselmo.org]
Sent: Wednesday, May 14, 2014 8:54 AM
To: Ken Mayer
Cc: Eric Robbe; Eric Seabrook
Subject: 19 Knoll

Hi Ken:

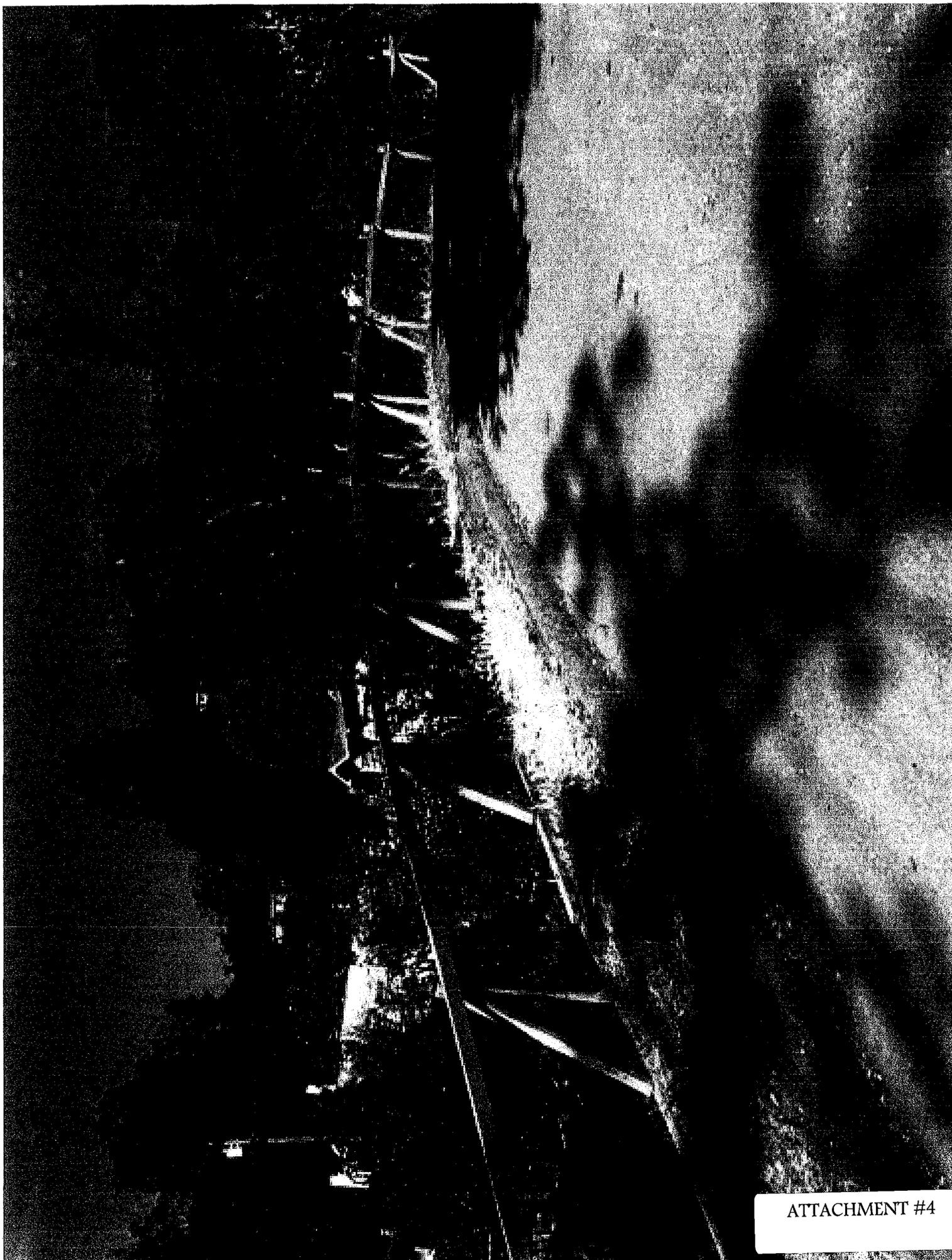
As per Council last night, the Town requires the following items which need to ready for the next Council meeting:

1. Bond equal to all site work, retaining wall , foundation, drainage, erosion control, and other work to keep the site safe. You may submit an estimate for all this work which will be subject to the Town's review. The estimate for this work is due on 5/19/14 which will allow time for you to get a bond in place by May 26, 2013. One company who you may get a bond from is Surety Bonds 1-800-308-4358
2. Construction Management Plan is due by May 19 with refined dates showing more precisely when the various tasks/trades will be completed.
3. The road above the new cut must have a hard barrier such as a 2x railing or cyclone fencing by weeks end. Rebar ends should be covered and any other public safety items should also be addressed. The building inspector will inspect safety item to insure they are in place.
4. Continuous inspections will be made as outlined in the Construction Management Plan. Failure to meet deadlines in the plan will result in red tagging and suspension of the permit.

Please submit the Construction Management Plan to me, Eric Robbe, and Eric Seabrook who I have copied.

Sincerely,
Sean

Sean Condry, P.E.
Public Works and Building Director
Town of San Anselmo
525 San Anselmo Avenue
San Anselmo, CA
(415) 258-4676



ATTACHMENT #4