

**TOWN OF SAN ANSELMO PLANNING  
PLANNING COMMISSION MINUTES OF MARCH 21, 2011**

Commissioners Present: Chair Pascal Sisich, Vice-Chair Marty Zwick, Commissioners Brasler, Brown, and Schinner  
Commissioners Absent: Commissioner Krebs, Commissioner Overberger

**CALL TO ORDER**

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

**OPEN TIME FOR PUBLIC EXPRESSION**

No one spoke.

**PLANNING AND BUILDING DIRECTOR'S REPORT**

Interim Planning Director Diane Henderson advised that Senior Planner Phil Boyle is currently working with an environmental consultant on a project to amend the master plan at the San Francisco Theological Seminary.

**PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

Minutes of Planning Commission Meeting of January 10, 2011

**UP-1102- Tom Saberi, 750 Sir Francis Drake Boulevard, APN 006-091-40:** Use Permit for off sale of beer and wine at the existing BP Gas Station and Convenience Store. The project site is located in the Limited Commercial (C-L) Zoning District. (Staff person: Boyle)

M/s, Brown/Zwick, to move the consent agenda.

AYES: Brasler, Brown, Schinner, Sisich, Zwick

ABSENT: Krebs, Overberger

NOES: None

**REGULAR AGENDA**

**UP-1103 and DR-1103 -Bill Freschi, 21 Forest Avenue, APN 007-021-06;** Use Permit to demolish an approximately 1,422 square foot single family residence, Hillside Design Review for plans to construct a new 2,254 square foot, two story single family residence and a grading permit to cut approximately 183 cubic yards of soil. The project site is located in the R-1 Zoning District above 150 msl. (Staff person: Boyle)

Boyle presented the staff report and shared a color and materials board, advising that the project meets all zoning ordinance requirements in terms of setbacks, height, floor area ratio (FAR), etc. Further, it meets all Ross Valley Fire Department requirements and the fire department has approved a vegetation management plan. Additionally, the fire

department has approved a condition added by Boyle to plant two trees near the west property line for additional screening and to replace one tree slated for removal.

Excavation of 184 cubic yards is part of this proposal. Most of the soil is to be hauled off-site to the San Rafael Landfill via Center Boulevard and Red Hill Avenue. Most of the excavation is to accommodate a new garage.

Boyle noted that Assistant Public Works Director Sean Condry has reviewed the Town's grading ordinance in conjunction with this project and is able to make all required findings.

The current residence holds no historical value and was built in approximately 1916.

Boyle stated that he was able to make all required design review findings including those related to bulk and mass, as well as visual impact. Another condition of planning approval is the verification of the height of the home by a registered, written survey. Boyle recommends conditional approval of the project.

Commissioner Brown asked if the applicant's grading permit application should be part of the project packet that is provided to the Commissioners before their review.

Brown noted that in the current project, the cut and fill calculations do not include soil being removed from some of sections of the driveway, nor do they include the paving section that will be removed. Brown estimates that an additional 40 to 50 cubic yards of off-haul will be created, between the driveway, the paving base, the foundations, etc.

Brown further noted that this 20 to 25% correction in the number of cubic yards may not be significant in this project, but may be critical in another project. He concluded that a copy of the grading permit application would reveal who had completed it: the applicant, architect, or civil engineer.

Assistant Public Works Director Sean Condry replied that typically he requests an estimate of the cut and fill calculation at the planning stage; when a project is under review for a building permit, he may ask for full civil drawings and/or further analysis.

Condry added that discussions have been on-going as to how much project information is requested at the planning stage and at the building stage.

Boyle clarified that at this time the Town does not have a specific grading ordinance application. Ordinance No. 1074 requires Planning Commission review and approval of excavation, grade, or fill involving movement of more than 100 cubic yards.

Brown read from the ordinance and asked for clarification of Section 9-18.05 which refers to an application for a permit to excavate, grade, or fill.

Condry responded that this section refers to a grading permit application that is typically submitted with the project's building permit application.

Brown asked Commissioners how they felt about rough figure vs. specificity.

Commissioner Zwick observed that a civil engineer is not always part of the design team at the inception of a project; nevertheless, it is only fair that Planning Commissioners be informed as to the parameters of their analysis. In this particular case, the assumptions are not included. If the Commissioners are informed as to what is included in the figures provided (e.g., driveway off haul for the paving section that is being removed, expansion for excavation, etc.), they can make their own calculations, discuss the matter, and reach conclusions.

Brown suggesting that perhaps a document reviewing the proposed grading figures might be provided by the Public Works Department to the Commissioners.

Condry agreed that this is a reasonable course of action.

Commissioner Brasler observed that a specific variance factor is essential for the Commission's review and he is not comfortable with an extremely large factor. If Public Works is in agreement with the calculations provided, and the Commissioners are all in agreement with the estimated figures, they should be able to make informed decisions.

Condry responded that he would most likely ask for a more thorough examination if he is charged with signing off on the calculations.

Zwick observed that this kind of analysis is a difficult task for a civil engineer. Soil conditions vary within any given area; some areas are more densely packed than others and some areas are rocky. For those reasons, estimating cut and fill within a 15% margin of error is extremely challenging.

Brasler agreed. Fifteen percent may not be the correct number, but some specific measure should be determined. He added that this is a good project as it fits the parameters and does not require any variances; the driveway, however, should be a topic of conversation.

Sisich asked the applicant and/or architect to speak.

Architect Laura Kehrlein reported that the applicants have owned the property for nearly four years and that it is in poor condition with no access whatsoever. A considerable amount of time was given to deciding whether to make repairs or to build a new structure. The first order of business was to obtain an access easement. The design goal was to keep the home within the original footprint, shifting it slightly to allow for placement of the garage. With regard to the two trees mentioned by Boyle, one was transplanted as part of the driveway retaining wall work and is not thriving at the moment but may survive. The second tree does not appear to be salvageable because of its location to the proposed garage. Kehrlein noted that there is quite a bit of mature screening along that side property line. Further, some smaller trees have already been planted in the back and these are not shown on the plan.

Owner Bill Freschi advised that the area of proposed excavation is already mostly excavated and it is only the space of the garage. The measurements on the topographical plan reflect a larger area of excavation than is anticipated. Freschi cannot imagine the excavation would include more than 135 cubic yards.

Brasler asked how much discussion Freschi has had with the neighbor at 33 Forest regarding the driveway.

Freschi replied that the owner at 33 Forest has been involved with the project from the beginning and that the work he will be doing on her driveway will be of benefit to her as well as to him. He specified that the driveway work will take place in the easement area.

Kerhleim noted that the easement location is reflected in the plans.

Brasler asked what materials will be used for the driveway.

Freschi replied that the driveway would be concrete.

Kerhleim advised that all adjacent neighbors have been contacted

Freschi added that neighbors had expressed no reservations.

Sisich opened the public hearing. As there was no comment from the public, he returned the discussion to the Commission.

Brasler thanked the sponsor for initiating the project. It is a large, attractive house and will be noticed when driving down Center Boulevard. He would like to see some detail around the driveway, which is very steep. The drainage on the driveway, as well as at the retaining walls on the Center Boulevard side, should be examined very carefully.

Zwick is in favor of the project. He noted that the visual profile has been increased rather than decreased by building on to the deck in front, but that he is not too concerned as house is not too large. Zwick suggested that choosing a darker shade of stucco would help the house disappear into the background and he would be in favor of that change. He also agreed with Brasler that the driveway needs to be engineered appropriately.

Commissioner Schinner is in support of the project. He is somewhat concerned about the water traveling down the hill and asked if a permeable material would be used at the top of the driveway, just outside the garage.

Freschi reported that he plans to use pavers in front of the garage.

In response to Zwick's question regarding the extent of the Public Works review of a project which entails creating additional access to an existing substandard driveway, Condry replied that he asks applicants to look at permeable surfaces or bio-retention systems as a means of collecting water.

Condry further advised that there are a few drainage issues on the property of which he is aware and that he will be asking for repairs.

Brown asked if the Planning Commission has jurisdiction to mandate a modification or repair to a property neighboring the applicant's.

Town Attorney Riley Hurd answered in the affirmative, adding that it may be as simple as requiring either a letter of consent from the registered owner of the property or proof of an easement. In any case, the Planning Commission can require that the applicant demonstrate the necessary property rights to do whatever they wish to do.

Brown asked what happens if the owner of the adjacent property does not support the modifications requested by the Planning Commission.

Hurd replied that this happens fairly often and that there are three options for resolution: to resolve it with the neighbor, obtain alternate access and create a new driveway, or cancel the project.

Brown is neutral on the project. He is concerned about the visual effect of the two stories in one line. He would have preferred to see the project stair-stepped back. Even though it is not an extraordinarily large house, it will be noticed from Center Boulevard. Brown further noticed a perforated French drain that comes down from the retaining wall and appears to stop there.

Condry noted that the drain will not be permitted.

Brown further commented that he is still unclear as to the depth of review the Planning Commission can expect from Public Works when they review a project.

Condry responded that the Commissioners must decide what they want to see from the applicants. Consideration must be given to the cost to an applicant in presenting a planning application that may not necessarily be approved for building.

Brasler does not want a full engineering review at the planning stage; rather, he would like to know that when a project is approved from the planning perspective, it is understood that the Public Works Department will make certain that issues of drainage, etc. will be handled properly before a building permit is issued.

Zwick agrees that it is best for the Public Works Department to be charged with the responsibility of scrutinizing drainage and related issues at the time of building permit application review.

Sisich supports the project as proposed and does not have any concerns with regard to the visual impact of the home, adding that he leaves issues of drainage and grading, etc., to Condry.

M/s, Brasler/ Schinner, to approve the project with conditions per the staff report.  
Ayes: Brasler, Schinner, Sisich, Zwick  
Absent: Krebs, Overberger  
Noes: Brown

Sisich advised the applicants of the 10-day appeal period.

#### **E. ITEMS FROM PLANNING COMMISSION**

Brown asked for an update on the Town's Housing Element.

Henderson advised that she recently met with consultant Jeff Baird. Comments have been received from the state and she is hoping to submit responses next week. Once the Town has certification, the Housing Element will be brought back to the Planning Commission and Town Council for a final vote.

Boyle advised that a Climate Action Plan will be presented to the Commission for review at the April 4<sup>th</sup> meeting. He explained that the first step was the greenhouse gas inventory and that the Climate Action Plan is the second step.

Henderson added that the Climate Action Plan is in response to a state mandate and that Boyle and Stutsman have been working with a consultant on the project.

Brown asked if the project is part of AB 32.

Boyle confirmed.

Sisich asked if California was subject to the California Green Building Code at this time.

Boyle confirmed.

Sisich asked how the Cal Green legislation dovetails with the Town's ordinance.

Boyle replied that Cal Green deals specifically with brand new homes. With regard to the Town's Green Building Ordinance, it has been working well. Most of the projects have been small so far and applicants are typically adding two to four green features to their homes that they would not have otherwise considered. The process has been going smoothly and has not been difficult for applicants.

Henderson noted that Boyle has spent a considerable amount of time talking with applicants and helping them to understand the issues.

Brown observed that the local green ordinances are more stringent than the state mandates; if a project is complying with the local codes, the state requirements are easy to meet.

**F. ADJOURN TO THE MEETING DATE OF April 4, 2011**

Chair Sisich adjourned the meeting at 7:50 p.m.

Respectfully submitted,  
Nancy Harris

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