

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING MONDAY, MAY 4, 2015**

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

COMMISSIONERS ABSENT: Commissioners Pipkin and Cronk

CALL TO ORDER

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

OPEN TIME FOR PUBLIC EXPRESSION

There was no public comment.

WELCOME PLANNING DIRECTOR ELISE SEMONIAN

Interim Planning Director Diane Henderson welcomed Elise Semonian to the Town of San Anselmo. Henderson explained how Semonian worked for Ross and Mill Valley and is a San Anselmo native. Henderson also introduced Sarah Price, the new Permit Services Technician.

PLANNING DIRECTOR'S REPORT

There was no planning director's report.

CONSENT AGENDA

Minutes of the Planning Commission Meeting of March 31, 2015

M/s, Krebs/Swaim, to approve the minutes of the meeting of March 31, 2015

AYES: House, Swaim, Krebs, Sisich

NOES: None

ABSTAIN: Brasler

ABSENT: Pipkin, Cronk

GP-1501, Margot and Kyle Biehle, 217 Crescent Road, APN 007-171-10: A grading permit to excavate 214 cubic yards, fill 134 cubic yards and off-haul 80 cubic yards of dirt for a new in-ground swimming pool at 217 Crescent Road. The project also includes a general remodel of the existing residence with an 18 square foot, first story addition along the east side façade, the demolition of the existing garage at the rear of the lot, construction of a new 518 square foot garage at the west side of the property and demolition of an existing patio and set of stairs at the west side of the property. The project site is located in the R-1 Zoning District. (Staff person: Jonckheer)

Commissioner Swaim explained there is a lot of construction on Crescent in the school zone. Swaim suggested that the applicant remind contractors to be extra careful in the morning for drop off and pick up.

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Commissioner Swaim asked if the project is in the school zone. Public Works Director Sean Condry doesn't believe it is in the school zone but suggested that town require a construction management plan.

M/s Swaim/Siscich to move the staff report.
AYES: Swaim, House, Krebs, Brasler, Sisich
NOES: None
ABSTAIN: None
ABSENT: Pipkin, Cronk

PUBLIC HEARING CONSENT

UP-1501, DR-1502, Dagan Heavrin, 44 Crooked Avenue, APN 006-114-22: Use permit to demolish the existing, two story, single family residence and hillside design review for a new 3,010 square foot, three story, single family residence at 44 Crooked Avenue. The existing garage will also be demolished. No changes are proposed to the existing 250 square foot cottage on the property. The project site is located in the R-1 Zoning District. (Staff person: Jonckheer)

There was no public comment.

Commissioner Krebs inquired as to why this item was designated differently than other public hearing items. Elise Semonian answered it was due to the public hearing requirement for variances and use permits; the intent is to have the public hearing but to save time on the staff report since it is non-controversial. Treating the item in this way, the code is fulfilled, and the oral staff report is unnecessary.

Commissioner House asked about the white exterior trim and doors. House explained the need for colors to blend into background hillside. House suggested different colors for the trim and noted that staff will have final decision.

Commissioner Swaim clarified that black or darker colors for trim would be more appropriate and agreed with Commissioner House.

Dagan Heavrin, 44 Crooked, expressed enthusiasm to change color to a more appropriate color.

M/s Swaim/Krebs to move staff report with an additional condition that applicant works with staff to find a suitable color for trim.

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

PUBLIC HEARINGS

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Consideration of the **Draft 2015-2023 San Anselmo General Plan Housing Element, dated March 6, 2015**. The Housing Element is a policy document required by state law that addresses housing issues related to all territory within the Town of San Anselmo and is part of the Town of San Anselmo General Plan. The Housing Element provides extensive information on housing conditions and trends, future housing needs and opportunities, and sets forth goals, policies and programs for implementation. State law requires that Housing Elements be updated periodically. The San Anselmo Housing Element was last updated in 2012. The role of the Planning Commission is to adopt a resolution recommending the Town Council adopt the Housing Element. (Staff person: Henderson)

Diane Henderson, former Interim Planning Director, explained the purpose of the General Plan and Housing Element. Last February the Commission reviewed the draft of the Element, prior to being sent to the State for review.

Christine O'Rourke, consultant, explained that the housing element will span an 8 year cycle. O'Rourke explained that the town has already approved 38 units including 26 at the seminary, so an additional 68 units over the next 8 years will be needed. O'Rourke explained how the Town Council made a few changes to element. The HCD had a 60 day review period, and found only eight changes that needed to be made, which are identified in the staff report.

Henderson explained that the draft is in compliance with state law, and will be in time for May 31 deadline. Henderson explained that the housing element would not result in environmental impacts – as it is only a policy level document. Caltrans does want the town to measure the Element's impact to highway 101, encourage vehicle trip reduction, and encourage development near mass transit.

Commissioner Krebs asked for clarification if the 26 units at seminary were net new units. Krebs explained that some units were torn down.

O'Rourke explained the Town is not required to net out units because the housing units that are getting rid of are already reported to DOF, therefore loss units are already factored into the number assigned to the city.

Commissioner Krebs asks how many units were lost; Henderson will follow up on that issue.

M/s Krebs/Brasler to adopt Resolution for Town Council to adopt housing element as submitted with the corrections from HCD.

AYES: Swaim, House, Krebs, Brasler, Sisich

NOES: None

ABSTAIN: None

ABSENT: Pipkin, Cronk

UP-1405, DR-1404, GP-1404, Michael Weiss, 476 Laurel Avenue, APN 007-131-10 and APN 007-131-46: Use permit to demolish the existing, two story, single family residence, hillside design review for a new 3,540 square foot, three story, single family residence and a

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grading permit to excavate 570 cubic yards, fill 140 cubic yards and off-haul 430 cubic yards of dirt at 476 Laurel Avenue. The proposed design is the same as what was considered August 18, 2014, except a swimming pool is no longer proposed. (Grading numbers still reflect the swimming pool). The project site is located in the R-1 Zoning District and within the Bald Hill Area Plan. (Staff person: Jonckheer) **(CONTINUED FROM MARCH 31, 2015)**

Senior Planner Elizabeth Jonckheer gave staff report on the project at 472 Laurel. The project includes: demolish existing residence, design new three story residence, and grading permit. Design is similar to what was proposed in August, except no swimming pool is included. Commission indicated support at the time, but continued the item for staff to be able to review more. The Commission asked the applicant to work with neighbors on the project. At the time, the project was thought to need environmental review due to the proposed lot merger. Since August, several iterations were submitted to the town, and neighbors were advised of the proposals. In April, the Elise Semonian, Planning Director, determined the parcels comprised of one property and town permitted a voluntary merger not subject to CEQA. The current plan is similar to the original, changes include: site plan slightly different, landscape plan includes trees, applicant lowered floor to ceiling heights on the first and second levels, max height 30 feet, setbacks were followed, and MMWD has scheduled the water line upgrade. Existing landscaping on site will be maintained. The latest emails from neighbors, has been viewed by the project applicant as well. The neighbors would like the height to be reduced by two feet, and a modification of landscaping plan. The applicant is willing to work on landscaping plan with the neighbors. The grading is to be limited to excavation as noticed.

There were no commissioner questions.

Commissioner House invited applicant Michael Weiss to speak.

The applicant, Michael Weiss, Fairfax, referenced last meeting, and explained that the level of environmental review stopped the project last time. Weiss explained that environmental review caused the project to stall, he decided to change routes and turned to the Town for assistance. During this time, Weiss found documents that supported that the lot was a single lot as opposed to two lots and created a design with less square footage that fit on one lot. Elise Semonian found that the lots could be merged, so Weiss went with the first plan that moved the house away from the neighbors 30 feet, and lowered the height of the house and tower, and lowered and set back the east bedroom wing. Weiss explained that when complete the project will have less fire hazards, bring the property up to code, and include more turn around space. Weiss explained that the new plan addresses all comments from last meeting, including heights and landscaping. Weiss is willing to change landscaping to live oaks as per the neighbors request. Weiss is hesitant to lower the height as the first floor is set at an elevation that is tenable for drainage and privacy, and the house has already been lowered a foot and would like the project to be approved tonight.

Commissioner Sisich expressed support for the project. Sisich asked the applicant to clarify that the neighbors are asking for three things, and the applicant is willing to comply with their conditions on two: landscaping and grading.

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Weiss explained that he does not know how to minimize grading because of the site topography (and fire department requirements).

Jonckheer clarified that the grading condition was no longer applicable.

Commissioner House confirmed that the new plate heights were 9'6" for the first floor and 8'6" for the second floor.

Commissioner Swaim clarified that based on last meeting the height was lowered from 10' and 9' previously.

Commissioner House invited the public to speak.

Mark Kelly, 479 Laurel, explained that he was at the last meeting, and expressed happiness that there was no pool in the approval since that was a big issue last meeting. Kelly explained the issue is surrounding the setting of project: the neighbors aren't saying there shouldn't be a house, they just want a house that fits with Bald Hill Area plan. Kelly presented photographs of historical context of the lot. Kelly explained Weiss has already taken out most trees and planted holly trees and oak trees in a way that couldn't be supported. Kelly presented a mockup of what he thought was proposed, though the new plan showed updated information. Kelly explained that the neighbors do not support the project, but they support two other projects in the neighborhood that they feel meet the Bald Hill Area Plan.

Scott Sanchez, 472 Laurel Avenue, believes that the project does not comply with Bald Hill Area plan or General plan. Sanchez expressed support for the town in the lot merger decision, but believed that the project should be modified to comply more with the area plan. Sanchez pointed out two conditions: landscaping plans and lowering the height by two feet. Sanchez appreciates that it is a difficult site to build, but argues that the height could be reduced without grading needed to accommodate that. Sanchez encouraged the proposed development to conform to the Bald Hill Area plan, specifically section 5.1.2, which states that overall height should be varied and as low as possible for site conditions.

John Poppy, 462 Laurel, recognized that in a legal sense the owner has the right to do what they want with the property, and has the right to build a house, but expressed the desire to protect the area and not damage the property around it. Poppy explained there is language in the Area Plan that says new construction must be functionally and aesthetically compatible with existing elements in area. Poppy believed that although the project meets technical requirements and FAR, the size of the house does not fit in due to the steep grade combined with the height of the project. Poppy suggested a move to a design that fits in and is consistent with the houses around it.

Katherine Poppy, 462 Laurel, has gone to every house on the street and asked every person their view on the project and reported that not one person supported it. Poppy expressed the view that the project does not fit in with the neighborhood.

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Dave Andersen, 468 Laurel, is a Master Arborist, and had concerns about the landscape plan. Andersen says that the Bay trees have been removed (which is understandable, they are very dense and block out light) but change was drastic. Andersen expressed concern about protection for 6 native trees. Andersen pointed out the native trees on the plans to the commissioners. Andersen was glad to hear about the addition of live oaks in that area, and preferred live oak over olives. Andersen would like an addition of two/three other trees: redwoods or live oak (redwoods would be preferable as they would grow faster than live oaks which take years to grow). Andersen expressed concerns about city trees: in Oct three holly trees were planted less than four feet from the larger trees, and roots were cut to plant them. Andersen would like to see a requirement that the trees get protection during the building process and would like the current plan extended to all six trees.

Sheila Kelly, 479 Laurel, had concerns about the landscape plan and the inclusion of linear feet of cement walls that are up to four feet high. Kelly explained that at 476 Laurel, the cement walls were never covered in landscaping like was agreed. Kelly would like some features to cover the cement that will be added to the hillside and would like plan supplemented so that it looks more like the historical image presented earlier to the commission.

Diane Broderick, 475 Laurel Avenue, lives across the street from the project. Broderick expressed disbelief that the property values would be higher with the new building, and believed that the value has been lowered since the trees have been taken down.

Gail Corren, San Anselmo, the realtor who sold Weiss the house, described the condition of house at time of sale: somewhat inhabitable, but only borderline livable. Corren explained that the driveway was broken and dangerous, so whoever lives in the house would have to do improvements. Corren also explained that a house on lower Laurel is similar in size in that neighborhood.

Matt Owens, Designer on the project, Fairfax, explained that they scaled back east bedroom four feet, reduced square footage, lowered media room, and reduced that area by 200 square feet. Owens explained that there are small shaped parcels that lead to the lot in question. Owen stated that the plans are comparable to what has been built on Bald Hill and San Anselmo. Owens explained that they set the house as low as could in buildable parameters. It is possible to lower it a little, but expresses that it will be an extreme difficulty due to the implications it would cause throughout the project.

Michael Weiss explained that he met extensively with fire marshal, and the house is as far west as it can go. Weiss explained that the fire marshal requested that the bay trees be removed due to the fire hazard. Weiss explained that the 30 foot height matches the Bald Hill area plan. Michael agreed with the suggestion of redwood trees inclusion into the landscape plan. Weiss also explained that the retaining walls are colored and stained in the new plan, and that the project is 73% of the FAR that is allowable.

Commissioner Krebs asked if it was true that some of the plans were delivered last week.

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Elizabeth Jonckheer confirmed that this revision was submitted last week, and there have been various revisions since August based on constraints.

Commissioner Krebs asked if that was typical and what the implication of the timing on the noticing was.

Elise Semonian explained that when the notice was prepared, it was with the original plan, but the new plans addressed some of the neighbor concerns.

Commissioner Krebs asked if the protection for six trees in front could be included in construction plans.

Public Works Director Sean Condry explained that once the applicant submits the Town can require a construction plan. Condry clarified that the previously removed trees might be in Right Of Way but if they were located within the property frontage they were not a city trees. Heritage trees are usually the only ones protected.

Commissioner Krebs clarified that CEQA would not be needed. Elise Semonian confirmed that was the case.

Commissioner Swaim asked if any of the trees removed were significant in size.

Sean Condry explained that, to the best of his memory, one tree needed a permit, but it was diseased. The other trees were not protected.

Commissioner Krebs identified the key issue: reduced height – neighbors have asked for it to be reduced 1.5 feet for taller plate and 6" for shorter plate - would the height change the impact of the house that significantly or materially since it will still be the same width. The significance of the height is the issue that is in dispute.

Commissioner Swaim appreciated the cooperation with landscaping. Swaim suggests that more up front might be the key to shield the house; instead of lowering it two feet landscaping could be raised two feet.

Commissioner Sisich expressed support of the project. The height of house complies with what is allowed to be built. Sisich explained that nine foot ceilings are standard these days, not by code but practicality. The lowering would trigger changes with the retaining walls. When it is done and screened, he expects that it won't be as out of place.

Commissioner Brasler commended the neighbors and the applicant for working together on the landscaping. Brasler agreed with Pascal, agreed with the staff report, and does not find and issues with the height of the house.

Commissioner House stated that it is difficult to work within the constraints of the fire department, and recognizes that the fire marshal requires a lot and does emphasize removing trees. House directed Sean Condry or planning staff to monitor Item 2, and ensure that trees are protected. House identified the remaining issue as plate height- and agrees that 9 foot is standard

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and that two feet won't make that much of a difference in visual impact – trees and landscaping are key to screening the house.

Commissioner Brasler pointed out that Anderson has ideas about the trees that should be brought into the discussion

Elise Semonian suggested 24" box trees.

Sean Condry agreed that 24" box trees grow faster than 36" trees.

M/s Sisich/Swaim moves the staff report with the added condition that planning staff will work with applicant to meet Condition #2 in letter dated May 4, 2015, specifying 24" box trees.

AYES: Swaim, House, Krebs, Brasler, Sisich

NOES: None

ABSTAIN: None

ABSENT: Pipkin, Cronk

Review of **Proposed Changes to the Urban Stormwater Runoff Ordinance**. The section of the Town of San Anselmo's Municipal Code governing urban runoff and pollution prevention (Title 5 Chapter 8) needs to be updated to conform with new State requirements. The Public Works Department is modifying these requirements to further limit creation of impervious surfaces in the watershed. (Staff person: Condry)

Public Works Director Sean Condry explained that a few weeks ago public works brought a proposal to change the runoff ordinance which went through many iterations with flood committee, and is almost ready to bring to Town Council. The State became more constrictive-bringing storm water ordinance inline with the state.

Project Manager Gerhard Epke described the basis of the project and explained run off and infiltration into soil. On developed land water flows off the surface much faster and less water is in the soil and effects the hydrograph of the creeks. On developed land, the watershed the flow in the creek responds slower to precipitation event, while developed land responds faster. Epke Can lead to flooding, though that is not the focus of the ordinance. Retention – passive, low impact.

Sean Condry explains that the benefit is for localized flooding but not regional flooding, house to house for example. Epke received a grant for a Magnolia parking lot bio retention project which could reduce flooding on magnolia Avenue.

Epke clarified that it prevents new development from worsening the issues.

Commissioner Swaim asked if the difference would be significant.

Epke answered that potentially yes, but it is difficult to quantify.

Epke then presented a bioretention hand out given out at counter.

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Condry explains that the idea behind handout is to offer people with small to med projects a proscriptive way to do bio-retention which goes hand in hand with landscaping that is already being done.

Epke explained that the draft ordinance requirements for small projects would be to create 150-500 square feet impervious surface. This would require a flatwork permit.

Condry explains that staff tried to align the size requirement with other requirements. For example, a 10 x 20 you don't need permit, but exterior dimensions are larger than that. Staff did not want the ordinance to cause people to have to get a permit who would not have needed one before, so the language was created to align with existing requirements. The ordinance would apply to people altering the path of water – would not apply for basic repair work.

Epke presented visuals of pervious surface, including: pavers, permeable pavement, dissipation and detention pipes, turf blocks, rain barrels.

Commissioner Swaim asked if someone would be able replace driveway with permeable surface or if they would need to put something beneath it.

Condry stated that staff would accept the replacement.

Epke does not recommend rain barrels for our climate, due to the long periods in-between rain.

Epke described the grant from State Water Control Board which has led to three projects in the town. Magnolia parking lot preliminary integrating permeable pavers/bio retention pockets
Commissioner Swaim asked if the Town could expand the scope of work. Sean Condry answered that it would be difficult with grant. Epke described the other projects as a medium parklet at Greenfield and Lincoln Park which collects water from the streets, and a project at the Corp yard.

Condry explained that the parking meters are going away.

Commissioner House asked for clarification.

Condry explained that the Town will get a pay station, as all of the meters are outdated and need an upgrade.

Commissioner House asked if would pools be a factor with the new Ordinance

Condry explained that the applicant would have to offset it with pervious surface.

Commissioner House wondered that with the drought if the Town will be allowing pools twenty years in the future. Pools are all hard surface, all impervious surface.

Commissioner House asked when the sidewalk requirement is triggered.

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Condry explained that it is triggered when practical. Condry explained that with the building permit, staff looks at frontage improvement requirements, drainage, etc. Condry described the three ways to obtain sidewalks: development, town money, and grants. Development and grants are the best way, a small section at a time which lead to safe sidewalks.

Commissioner Swaim commented that the he hears that concern a lot from the community. Swaim stated there is also with parking on sidewalks.

Condry confirmed that is an issue, and states that staff works with police to curb that.

Commissioner Sisich clarified that the grant for Magnolia is to do the construction of the project.

Epke confirmed that, and explains the town is matching 1/3 of it.

Condry explains that the Town is matching it in kind service – with time not necessarily money.

Commissioner Sisich mentions the ballooning costs of public works projects, for example the bridge project.

Condry explained that it will cost \$600, 000 for larger bridge – but it is covered in the funding.

Epke explained that the Magnolia project should be inexpensive because the Town will be following the templates provided to the public.

Sisich asked if the town will be in charge of design.

Condry confirmed that with the stipulation that the project will have to go through CEQA.

Elise Semonian stated that she hopes to include these requirements as part of the planning process.

ITEMS FROM PLANNING COMMISSION

There were no items from the Planning Commission.

ADJOURN TO THE MEETING OF MAY 18, 2015

House adjourned the meeting at 9:07 p.m.

Respectfully submitted,
Sarah Price