

MINUTES  
TOWN OF SAN ANSELMO PLANNING COMMISSION  
Monday, May 2, 2022  
This meeting was conducted via Zoom.

Commissioners Present: Chair Thomas Tunny  
Jennifer Asselstine  
Tim Heiman  
Leyla Hilmi  
Danny Krebs  
Gary Smith

Staff Present: Interim Planning Director Richard Speaton  
Town Clerk Carla Kacmar  
Assistant Town Attorney Emily Longfellow

1. Call to Order

Chair Tunny opened the meeting at 7:00 p.m.

2. Open Time for Public Expression

There were no comments.

3. Planning Directors Report

There was no report.

4. Approval of Minutes

A. Approve minutes from the April 18, 2022 meeting.

M/s, Krebs/Asselstine, motion to approve the April 18, 2022 minutes as submitted.

Ayes: Asselstine, Hilmi, Krebs, Smith, Chair Tunny

Abstain: Heiman

5. Public Hearings

A. 141 Crescent Road: Design Review for a two-story addition and floor area exception to construct a 172 square foot, two-story addition to the south facing side of the existing single-family residence. The maximum building height would be 22' (up to 30 feet is allowed).

Planning Director Speaton presented the staff report.

Commissioner Heiman stated he visited the site and there were no story poles which makes it difficult to get a visual understanding of the project.

Commissioner Asselstine asked if staff received any communications from neighbors. Interim Director Speaton stated "no".

Commissioner Krebs asked if the Commission can act on this application without the benefit of story poles. Perhaps it should be continued. Assistant Town Attorney Longfellow stated

the installation of story poles is a provision in the Town Code. They are a prerequisite to making a decision since they provide an additional layer of notice to the community. She recommended the application be continued.

Commissioner Krebs stated he would like the applicants to discuss why they did not install the story poles. Assistant Town Attorney Longfellow stated that would be fine but there should not be any substantive deliberation and no decision should be made tonight.

Chair Tunny opened the Public Hearing.

Mr. Dave Jocum, architect, made the following comments:

- They received a laundry list of required items that did not include story poles.
- He was told that story poles would not be required.
- He did not want to see this application continued again.

Assistant Town Attorney Longfellow apologized for any misunderstandings. The Town Code requires the installation of story poles for any second story additions.

Chair Tunny asked for a presentation by the applicant.

Mr. Dave Jocum, architect, made the following comments:

- This is a 172 square foot two-story addition.
- They are enclosing the existing deck which would become part of the master bedroom.
- The area below (a covered terrace) would become part of the dining room.
- He displayed the plans and the existing west elevation.
- He displayed the front (east) elevation and pointed out the location of the addition.
- He pointed out the top of the balcony.
- The two neighbors that would be able to see the project have submitted letters of support.

Commissioner Krebs referred to the first floor plans and asked if the proposed structure extends past the footprint of the two columns. Mr. Jocum stated "no". Commissioner Krebs referred to the deck above and asked if the addition would extend to the wall. Mr. Jocum stated it would extend about six or eight inches beyond the face of the wall. Commissioner Krebs noted this was "de minimus" but might require story poles.

Ms. Kruger, applicant, made the following comments:

- They are hoping for a June start date.
- This is an existing structure.
- The deck has a lot of dry rot and installing story poles would be precarious.
- The two neighbors that are directly affected have signed off.
- She did not want the Commission to continue the application.

Assistant Town Attorney Longfellow stated after further review she discovered there is a provision in the Design Review Code that gives the Planning Director discretion to require certain information in the application. It is possible that the former director did not think story poles were necessary. It would be reasonable for the Commission to rely on that provision and consider the application tonight.

Commissioner Asselstine asked who has sign off and acknowledged that they have seen the documents. Interim Director Speaton stated the residents at 137 Crescent Road have

signed off. Ms. Kruger stated she could get an acknowledgement from the residents at 10 Dahlia Court.

Commissioner Asselstine asked if the Commission could make submittal of these acknowledgements a Condition of Approval.

Commissioner Krebs stated he would like to see confirmation from the neighbors that they understood the project and received the packet of information.

Chair Tunny closed the Public Hearing.

Commissioner Krebs provided the following comments:

- This is a well-designed, well-articulated project.
- It exceeds the base Floor Area Ratio (FAR) maximum. This requires it to be an exceptional project in order to meet the Design Review Findings.
- The project is located on a small street with a limited number of neighbors that would be impacted by the build-out.
- The upper deck would be more noticeable and extend out more than what currently exists.
- He can make the required Findings.

Commissioner Hilmi provided the following comments:

- She agrees with the comments made by Commissioner Krebs.
- The topography reduces the impacts.
- It is a logical project.
- She has a preference for enclosing upper level decks in general- it improves the property in terms of privacy and potential noise issues.
- She can make the Findings.

Commissioner Asselstine provided the following comments:

- No one would see the addition on the ground floor due to the fence.
- The second floor addition could be seen by the uphill neighbors.
- She agreed with the other Commissioners- it makes sense to give consent to this project
- It would be important to receive acknowledgment from the neighbors that they received all the information since the project is exceeding the FAR.

Commissioner Heiman provided the following comments:

- His views are different from the other Commissioners.
- This is already a big house. They are asking for a 325 Exception to make it larger.
- This goes against the grain of the General Plan.
- One of the metrics for a 325 Exception is the use of mass reducing techniques.
- Enclosing the area below the deck is “de minimus” and has no effect.
- The upper floor is adding quite a bit of mass.
- The south elevation is broken up with a deck, trellis, and some open area. It would become a long, projecting rectangle.
- He is not sure he can make the 325 Exception Findings.
- He is concerned about the confusion with respect to the story poles.
- The purpose of story poles is to notify everyone within 300 feet of a project.
- He cannot support the project.

Commissioner Smith provided the following comments:

- Much of the lower level of the house is obscured due to the topography of the street.
- The house at 10 Dahlia Court would have the greatest impact.
- The homes in the neighborhood are of similar size with sufficient setbacks. They are not dominating from a pedestrian perspective.
- The addition is in synch with the architecture.
- The impact is small.
- He supports the recommendation to obtain proof of adequate notice to all the neighbors.

Chair Tunny provided the following comments:

- He agrees with the majority of the Commissioners.
- The project fits in with the neighborhood.
- He could make the Design Review and FAR Exception Findings.
- He supported a Condition of Approval requiring the acknowledgements.

Commissioner Krebs provided the following comments:

- He wanted to resolve the noticing and story pole issue.
- There seemed to be a consensus about the merits of the project.
- He would like staff to confirm whether or not story poles are required in the next several days.

Assistant Town Attorney Longfellow reiterated the provision in the Design Review Code that allows the Planning Director to use discretion to require certain things. There is some “wiggle room”.

Commissioner Asselstine provided the following comments:

- She asked if the Commission wanted acknowledgement from all the neighbors within a 300’ radius.

Assistant Town Attorney Longfellow stated they should ask for confirmation that notice and acknowledgment of receipt of plans conforms to what is required by the San Anselmo Municipal Code.

Commissioner Krebs provided the following comments:

- Staff needs to give direction to the applicants as to who needs to be provided the plans and who needs to sign the acknowledgement. This should be done tomorrow.
- They do not have any evidence tonight that the former Planning Director waived the requirement for story poles.
- He asked staff to make a determination whether this is required.

Interim Director Speaton cited Municipal Code Section 10-3.1503, “Application Requirements”, and noted story poles are not specifically called out as being required. Section G states: “...any other information deemed necessary, such as story poles...”. Assistant Town Attorney stated the Commission could decide if it should be required since they cannot deduce the former Planning Director’s state of mind.

Commissioner Hilmi provided the following comments:

- It seems that the applicants have followed the advice of staff.
- She supported the condition requiring that the applicant provide the signed acknowledgments.

Commissioner Heiman provided the following comments:

- He is no longer concerned about the story pole issue given the Interim Director's interpretation of the code.
- He reiterated that he could not make the required Findings.

M/s, Krebs/Asselstine, motion to approve the project based on the findings and conditions set forth in the staff report and the following additional conditions: 1) The applicant shall comply in full with the requirements of the Town's regulations and codes that requires acknowledgment of receipt of the plans from the neighbors- submittal by the applicant should occur in three days from today; 2) The mention of "removal of story poles" from the staff report shall be eliminated; 3) Story poles are not required based on the discretion given to staff.

Ayes: Asselstine, Hilmi, Krebs, Smith, Chair Tunny

Noes: Heiman

Chair Tunny stated there is a 10-day appeal period.

#### 6. Items from Planning Commission

Commissioner Heiman asked about the status of replacing the Commission vacancy. Interim Director Speaton stated the Town has received several applications. Town Clerk Kacmar stated the Council has started the process for recruitment of a Planning Director including the first round of interviews- no decision has been made.

#### 7. Adjournment- Chair Tunny adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary