

The regular meeting of the San Anselmo Planning Commission was called to order at 8:15 p.m. on December 21, 1987, by Chairman Hayes in the Town Hall Council Chamber. Staff present: John Kottage, Director Public Works/Planning, Lisa Wight, Planner.

A. ROLL CALL

Commissioners present: Harle, Julin, Yarish, Sias, Zaharoff
Hayes
Commissioners absent: Manning

B. APPROVAL OF MINUTES - November 4, 1987 and December 7, 1987

M/S Yarish, Julin to approve minutes of November 4, 1987 with the following amendments: page 1, 7th paragraph, strike "Chairman Hayes said there were at least 16 feet between each home and they wanted to minimize the perpendicular view."; page 1, paragraph 8, amend second sentence to read "However, just before it was adopted it was decided to remove a specific height limit from the ordinance stating the wording should be left general for flexibility; page 2, paragraph 4, add "significantly" after "profile".

AYES: Sias, Julin, Yarish, Harle, Hayes
ABSTAIN: Zaharoff

M/S Harle, Julin to approve minutes of December 7, 1987 with the following amendments: page 7, paragraph 6, change "10-3.103" to "10-3.104"; page 7, paragraph 8, change "impact given the event" to "information given the event" and add; "and nature of the proposed use"; page 8, paragraph 3, change "accomplished" to "accommodated"; page 9, paragraph 7, change "C-3" to "C-2".

AYES: Sias, Harle, Julin, Yarish, Hayes
ABSTAIN: Zaharoff

C. PUBLIC HEARINGS

1. V-2213 - Carolyn S. Kinney and Gail R. Turk, 90 Oakland Avenue, A/P 177-265-13, a 20 foot frontyard variance to construct a carport within zero feet of the front property line.

Carolyn Kinney, applicant, present.

Lisa Wight presented staff report dated December 7, 1987.

The Commissioners were all in support of this application.

M/S Sias, Yarish to approve V-2213 - Carolyn S. Kinney and Gail R. Turk, 90 Oakland Avenue, A/P 177-265-13, a 20 foot frontyard variance to construct a carport within zero feet of the front property line on the basis that: 1. Due to special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 2. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, specifically that other properties in the area have 2 car garages; 3. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that they want a garage and the neighbors have them; and 4. The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically that the house is located at the end of the street and not visible to other neighbors and it is also screened by the landscape. This is based on the drawings submitted to the Town October 9, 1987.

Motion passed unanimously. Audience advised of 10 day appeal period.

2. PP-9 - Robert M. Yeakey, 80 South Oak Avenue, A/P 7-241-50, preliminary plan review of a single family dwelling in an R-1 H zone.

AR-7 - Robert M. Yeakey, 80 South Oak Avenue, A/P 7-241-50, architectural review of a single family dwelling in an R-1 H zone.

David Holcomb, Attorney; Dan Callarman, Structural Engineer; Vince Howes, Soils Engineer; Ron Wager, Architect; all representatives for applicant, present.

John Kottage presented the staff report.

Commissioner Harle wanted to know how the water distribution was going to be handled and Mr. Kottage answered by saying a roadside ditch. Commissioner Sias wanted to know if the drainage ditch was at full capacity and Mr. Kottage responded that staff did not know. Commissioner Julin wondered if staff has specific recommendations for each category. Mr. Kottage said that staff has tried to make recommendations at the end of each issue packet that might be helpful.

David Holcomb spoke on behalf of Mr. Yeakey stating that staff's report was extremely well done. He then addressed the problems that had been presented to him at the prior meeting as follows:

Road surface - Proposes the repaving from the southerly end of A/P 7-241-27 to the southerly end of A/P 7-241-50. This proposal is in addition to the remaining of roadway that will need patching. We do not propose regrading, widening or working with drainage unless it is done jointly with the neighbors. We do not want these as conditions. With regards to limiting the size of vehicles that can use the roadway to develop the property, we have no objections to the 5 yard dump trucks except that would mean double the trips on the road. Mr. Kottage noted that the applicant would put up a bond the amount which has not been determined at this time to maintain the roadway during construction and added the 5 yard dump trucks was suggested instead of ten because the most destructive thing to pavement is the weight of the vehicles not the number of trips. Commissioner Sias wondered what protection the neighbors would have if there were a slide. Mr. Kottage responded by saying the road is private and they would have all the rights of people sharing a road. And there are 2 soils reports that have addressed that issue.

Road stability and Soils Report - Vince Howes, Salem Howes, stated that the initial 200 feet in front of the subject property from the gate on down is considered to be the least stable and is constructed on fill, is cracked and shows settlement. Basically the rest of the way down South Oak Avenue is rock cut, probably a rock base and underneath is bedrock. Therefore the only damage to the road will be the trucks creating additional cracks. That any damage could be repaired by chipped seal or pot hole filling. He would suggest that trucks stay off the downhill side of the road along the initial 200 feet.

General site exploration - Mr. Howes said he did not see any area that was particularly subject to slides and that on the approximately one and one half acres the majority of the subsurface rock is 1 to 2 feet to 4 feet below the surface and the only area of about 30' to 60' feet is either an old landslide or deep soil material. He said this deep soil area is approximately 10 feet deep and has solid rock below it. He feels it is an excellent building site with the exception of the one area which has been identified and with proper soil drainage, grading and structural work it can be developed as proposed.

Off site drainage and site stability - Dan Callarman, Callarman-Komendant, stated that John Kottage covered most of the drainage issues in the staff report and added there will be some increase in drainage discharge due to an increase in runoff coefficient associated with a portion of the site from 65% runoff to 95%. That with the coefficient of runoff will increase for portions of the land, the actual amount of runoff is not significant, probably less than 1%. All foundations will be built well into bedrock and

supported on piers and in the case of the retaining walls will be excavated into rock. All footing loads will be supported either by drilled piers and grade beams or by spread footings. He went on to explain how the process will work. Construction will take place during the dry season. Mr. Callarman responded to questions about cuts associated with retaining walls and the main structure by saying that the highest cut in the retaining wall is 10 feet or so in the access road and the deepest cut on the main structure is 3 layers, approximately 12 feet or so.

Reliability and quality of Spring water - Mr. Holcomb stated that Scott Laboratory performed the standard tests on the spring water and stated that everything tested positive. With regards to the flow of the spring water, Vonder Haar Hydrogeology Associates did a test in November before the rains and said that there were 1,000 gallons of water per day running out of the hillside. If the water runs dry or becomes undrinkable, which is unlikely, then the alternative would be in the form of bottled water. Also, the water tanks, although primarily used for fire protection, could be used for drinking water if necessary. He said the swimming pool would be filled from the spring water.

Fire protection - Mr. Basil Holcomb, Sr. Fire Protection Engineer, The FPE Group, stated that the primary concern is that Marin Municipal Water District cannot supply adequate quantities of water at the necessary pressure to meet either the Fire Department needs or automatic sprinkler system demands. They prefer that Mr. Yeakey not connect to their system under any circumstances due to the extremely limited system capacity at the site. The applicant is proposing two separate 15,000 gallon tanks, at elevations necessary to support 500 gallons a minute flow for an hour when both tanks are full. These tanks will be filled with the spring water on the site and will be dedicated solely for fire protection. A standard, double outlet fire hydrant will be installed on the public right-of-way and be supplied from these tanks. In the event there should be a failure of the gravity tanks, they propose a secondary water supply. This will consist of a second hydrant installed approximately 180 feet from the first hydrant and it will be supplied by a direct connection to the 20,000 gallon swimming pool. These public hydrants would be available at all times for fire Department use for any fire in the area. They are also proposing a completely automated sprinkler system in the main rooms and garage which will prevent a fire from extending beyond the room of fire origin.

Chairman Hayes said that if 1,000 gallons of water has been running off the site for years, what % of this water will be reduced during the course of a year once the house and tanks are installed?

Mr. Basil Holcomb stated that the soils report indicated that if there were less runoff from the spring it would create more stable soil because water would not be going into the soil. Also, daily evaporation from the tanks will not be significant.

Commissioner Sias wondered if anyone downstream was using the excess water at this time. To which Mr. Callahan replied he did not think so.

Domestic water system - Mr. Basil Holcomb stated it will be a pressure system, adequately sized to meet a single family's needs for daily consumption. Although it has not been decided, there are no physical limitations to where the pump associated with this system could be located.

Landscaping and design - Braum Wager, Walter & Wager Architects, said they will plant larger bay trees and other trees and shrubbery that require low maintenance. They want to use draping rosemary to go over the retaining walls and creeping fig to grow up which will completely cover the walls. Bougainvillea will be added to give color. The back wall is buried in the ground and the house follows the slope of the hill with the house not exceeding 23 feet at the slope. Mr. Wager said that with the amount of windows and greenery they think the silver gray stucco will make the house sparkle. Commissioner Yarish wanted to know the elevations of the

retaining wall that will be seen from the neighbors house below. Mr. Wager responded saying the highest point of the wall is 10 feet.

Chairman Hayes thought that if the retaining walls were 10 feet high and the house about 28 feet high, the view would be approximately a 40 foot mass. Perhaps a 4,700 square foot home was too large for the area. To which Mr. Wager said the house covers only 7% of the site.

There was a short break at which time Commissioner Zaharoff excused herself for the rest of the meeting.

General Public Comments

Edward Cecil, 1 South Oak Avenue, wanted to know the status of ownership of the property. Does it belong to Mr. Coleman, Bayside Development or Robert Yeakey? Mr. Holcomb answered by saying Mr. Yeakey owns the property in the name of Bayside Development.

Debbie Treewater, 100 South Oak Avenue, indicated drainage is her main concern. Her house was condemned by the Town because of a major slide and if there is increased drainage on her property because of the Yeakey property she wanted to know what recourse she had if another slide occurred.

Mike Brazen, 535 Oak Avenue, indicated there was going to be a general meeting in September with the applicant and the neighbors to address their concerns but it did not materialize because of a confrontation with the applicant. Mr. Brazen said the water tanks proposed are massive, he wanted to know what kind of septic tanks are to be used and wanted to see independent reports, rather than the ones chosen randomly by the applicant. He is concerned about public safety on the roads and would like to see money going into upgrading it stating that any more pressure on the road will cause serious problems. He is also concerned about fire safety. Overall there were too many unanswered questions.

Jack Deignan, 60 South Oak Avenue, said the road is wide enough for one car and in front of his home it is very unstable. There have been times that he has not been able to get to his home in the last 16 years. He does not feel comfortable with the information presented regarding this property.

Nancy Cecil, 1 South Oak Avenue, was concerned that paving was not going to take place in front of her property and inquired about the amount of soil being removed from the applicant's property. She felt additional information is necessary on the water tanks and the spring water, stating that if the spring water was coming from the property above the applicant, what would happen if this supply was cut off or polluted.

Walter Tamley, 951 South Oak Avenue, indicated that South Oak is very fragile and suggests the Town accept the road. He feels that water runoff needs to be addressed, stating that Debbie Treewater put in an 8 inch drain which had to be replaced by a 12 inch drain at the foot of 56 South Oak. This is barely big enough to handle the existing runoff. Mr. Tamley felt that Vince Howse did not research the fill adequately. With regards to the spring water flow volume, he measured the flow 6 times and found a maximum flow of 450 gallons per day, not 1,000, therefore he would like to see an independent study done.

Greg Gibson, 47 South Oak Avenue, wanted to know what portion of the road was examined by the Soils Engineer, stating there have been significant landslides. His property sustained \$258,000 in damages from a landslide and he wanted to know who will be responsible if a slide occurs and is in excess of the amount provided by the applicant. Mr. Tamley could not understand how the Commission could approve the application without the normal water supply from MMWD. If approved the additional traffic will cause the road to fall.

Edward Cecil, 1 South Oak Avenue, thought there was going to be an

independent soils study. MMWD had stated they cannot accommodate the applicant and his research indicates there is only 450 gallons of spring water per day. His concern was that the spring water originates on the Seminary property and it is in the process of being sold. It was his understanding that the owner of 395 Oak was forced to upgrade the road and felt the same should apply to Mr. Yeakey. Mr. Cecil felt there needed to be more information provided by the applicant or else the application denied. Additionally, there maybe a conflict as to whether or not they have any sewer easement.

Planning Commission Comments

Commissioner Harle said that the issue is really safety. He is convinced that the road is fragile and will become a hazard with construction and additional traffic. There also seems to be the potential for drainage problems and the change in water runoff needs to be addressed. With regards to fire protection the applicant is willing to take risks but he is also impacting the neighbors. The Fire Chief was willing to give the go ahead but there are still many unanswered questions. Commissioner Harle said he was not sure even with further information on drainage that he could be convinced about safety in the area.

Commissioner Sias agreed with Commissioner Harle and added he was concerned about the discrepancy in the volume of spring water, the stability of the road, the potential of slides associated with the additional development, the unanswered questions about fire protection and stability of the site itself. He felt the structure is so large and wondered why it has to be built on the unstable part of the site. He also wondered if there were any records from the Seminary regarding the history of the water flow. Commissioner Yarish was also concerned about drainage and what would happen to the collected water and what impact it would have on the neighbors. Regarding the access road, he felt a bond was a good idea but thought it should be substantially more than \$10,000 because of the potential damage. He had no concerns with the engineering issues on the site although water seems to be controversial.

Commissioner Julin wanted to know how many developable lots were left that access the road and wondered if there was a maximum size house that would make the neighbors happy. She questioned the zone of the applicant's property as interpreted by the California Division of Mines and Geology survey. Mr. Howes replied zone 4, which indicated the least stable category. She felt there were unanswered questions relating to the water rights for the spring water on the Seminary property and needed more information with regards to the fire protection. Even if more information is supplied Commissioner Julin was not sure she could support the application.

Chairman Hayes echoed his colleagues and stated his major concern is the drainage. He wondered how many other homes in San Anselmo have an independent water supply and although he understands it is possible to build on a potentially unstable swale, he feels this is an extremely large home and still is concerned. He was concerned about the retaining walls, and the damage to the roadway from the construction.

Commissioner Yarish suggested a motion to continue the hearing until additional facts are obtained.

Chairman Hayes said decisions are never made without some degree of uncertainty however it is up to the Commission to make a judgement call.

Mr. David Holcomb said that they feel they have presented a thorough application and therefore on behalf of his client he will not ask for a continuance and requested the Commission to take action.

Mr. Kottage suggested to the Commission that the motion should still be made in a form of a Resolution at the next meeting of the Planning Commission.

M/S Harle, Sias to continue PP-9 - Robert M. Yeakey, 80 Oak Avenue, A/P 7-241-50, preliminary plan review of a single family dwelling in an R-1 H zone to the regular meeting of January 4, 1988 for the purpose of staff preparing a resolution for denial for the following reasons 1. the risk to the access roadway impacted by construction traffic and monetary damage; 2. the risk of fire protection; 3. the risk associated with a substandard domestic water supply over time and water rights to it; and 4. the drainage issue composes undefined risks on downhill properties 5. A variety of risks associated with soils stability on site and off site.

Motion passed unanimously.

3. V-2214 - Mr. and Mrs. Ron Moore, 12 Entrata Avenue, A/P 6-241-25, a four foot rearyard variance to construct a third story story addition on the dwelling within 16 feet of the rear property line within an 18 inch roof overhang; and a third story variance.

Mr. and Mrs. Moore, applicants, present.

Commissioner Sias felt there may be a conflict of interest with the application and therefore wanted to abstain.

Ms. Wight presented the staff report dated December 21, 1987.

Mr. Moore said that he spoke with his neighbor at 40 Entrata and he indicated that he was going to send a withdrawal letter, stating that he had no objections to the variance. He did indicate that he had no objection to reducing the pitch of the roof.

Commissioner Yarish said perhaps it might be 3 or 4 in 12. The roof could be wood or asphalt shingles and they could still have a nice roof line and also make the neighbors happy.

Commissioner Harle was in support of the 3rd story addition with the modifications. To which Commissioner Julin agreed. Chairman Hayes was also in support of the application.

M/S Yarish, Julin to approve V-2214 - Mr. and Mrs. Ron Moore, 12 Entrata Avenue, A/P 6-241-25, a four foot rearyard variance to construct a third story addition on the dwelling within 16 feet of the rear property line within an 18 inch roof overhang; and a third story variance on the basis that: 1. due to special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, specifically that this is the only logical way to add additional space; 2. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, specifically it will be similar in size of the homes in the neighborhood; 3. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically this will be necessary to enlarge the house; and 4. The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically that the neighbors have spoken out on the approval of the designs and the condition be made that the roof pitch be not more than 4 in 12. This is based in the drawings submitted to the Town dated October 19, 1987.

Ayes: Julin, Harle, Yarish, Hayes
Abstain: Sias

Motion carried. Audience advised of the 10 day appeal period.

D. CONTINUED PUBLIC HEARINGS

V-2207 - Wie-Shing and Lorraine Lee, 208 Brookside Drive, A/P 5-132-28, a ten foot frontyard variance and a five foot north

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sideyard variance to enlarge a garage to accommodate two vehicles within ten feet of the front property line and three feet of the north side property line - CONTINUED TO 1-4-88

A-144 - Mauro Passeti, 60 Mariposa Avenue, A/P 7-284-32, design review of ten apartment units and review of the environmental document - CONTINUED TO 1-4-88

E. APPOINTMENT OF CHAIRPERSON AND VICE CHAIRPERSON OF PLANNING COMMISSION FOR 1988.

Commissioner Harle felt that both the present Chairperson and Vice Chairperson have served such a short time he would be in favor of extending the invitation for another year.

M/S Yarish, Julin to approve the appointment of Chairman of the Planning Commission for the year 1988 to Stan Hayes and the appointment of Vice Chairperson to Maria Zaharoff.

Motion passed unanimously.

There was discussion by the Commission that staff's presentation to the Town Council on the Valasquez appeal was different than what was denied by the Planning Commission. Staff viewed the design review as primarily being safety and not color. It was decided that in the future the Chairman of the Planning Commission will receive a copy of the staff report prior to the appeal being heard by the Town Council.

F. ADJOURNMENT

The regular meeting was adjourned at 12:40 a.m. to the next regularly scheduled meeting of January 4, 1988.

Barbara Chambers
Administrative Secretary/Technician