

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on September 21, 1987, by Chairman Hayes in the Town Hall Council Chamber. Staff present: John Kottage, Director Public Works/Planning and Lisa Wight, Planning Technician.

A. ROLL CALL

Commissioners Present: Harle, Manning, Sias, Hayes
Commissioners Absent: Zaharoff

B. APPROVAL OF MINUTES - September 14, 1987 - Continued

C. PUBLIC HEARINGS

1. 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.

Robert Yeakey, applicant, and David Engel, Attorney for the applicant, present.

John Kottage presented staff report and stated that this application has drawn quite a bit of attention from the public and felt that it would be beneficial to hear from the applicant on the concerns.

Mr. Engel responded to the concerns of the residents and staff as follows:

Concern 1

The applicant had no objections to staff's recommendation that the applicant be required to dispose of sewage in the public sewage system.

Concern 2

The applicant had no objections to staff's recommendation that prior to issuing any building permit for clearing, excavation or construction, the applicant secure an approved method of providing both potable water and water of sufficient quantity and flow rate to provide fire protection acceptable to the Ross Valley Fire District and the Town of San Anselmo.

Concern 3

Staff recommended that prior to issuing any building permit associated with clearing, grading or construction, the applicant provide a method of fire protection for this property that is acceptable to the Ross Valley Fire Department and that any off site work associated with the fire protection be in place prior to beginning the framing of the house. In response, the applicant will provide a complete fire sprindler system for the home, in addition there are 2 separate holding tanks, plus the water from the swimming pool which is about 39 thousand gallons holding capacity. This doubles the capacity of the Fire Department. With regards to the off site work associated with fire protection being in place prior to beginning the framing, the applicant does not feel this is necessary until after completion and then it should be up to MMWD.

Concerns 4 and 5

With regards to ground stability, the applicant has provided Herzog's Report and in addition a new report from Salem Howes, plus a supplemental report from Salem Howes. All the reports have concluded they will not foresee land slope instability. The soils engineers have addressed the issues and for the most part the applicant agrees with the engineers. The applicant feels that 3 soils reports should be adequate.

Concern 6

The applicant did not want to address the issue of bringing the road up to standards and then it being accepted by the town at this time.

Concern 7

the applicant was in concurrence with staff but did not want to comment further at this time.

Concern 8

With respect to heavy vehicles damaging the existing roadway and causing the roadway to slide, the applicant is in agreement with staff's recommendation of A. building during the dry season (May 1 through December 1); C. the equipment associated with the site grading be stored and used only on site, off the roadway, but feels that B. limiting the size of vehicles that can use the roadway to 5 yard dump trucks or smaller would double the number of trips on the road and cause approximately 170 trips for the 850 yards of fill. The applicant has consulted Ghilotti Bros and they feel 10 yard dump trucks is satisfactory.

Concern 9

Is in agreement with staff.

Concern 10

Is in agreement with staff that all equipment used to develop this property shall be limited to a size that is trailerable.

Concern 11

Is in agreement with staff that once the driveway is cut, that all equipment associated with construction will be loaded, off loaded and parked off the traveled roadway, in the driveway area. Further that use of the roadway will be limited to the coming and going of these vehicles and not the parking or off loading of these vehicles.

Concern 12

The applicant has agreed to deposit a sum of \$25,000 for bonding of the roadway, should it be damaged by this project.

Concern 13

While it is still unresolved as to where the fresh water supply will come from it does appear that the fresh water will be potable. The condition that the water be used for household consumption is agreeable and the applicant is willing to accept the condition that spring water be captured to eliminate any future erosion.

Concern 14

There will be some noticable runoff due to the excavation of the site but this project has been engineered quite extensively and the applicant objects to an additional engineered study of the drainage.

Concern 15

A. The applicant is in agreement with staff about limiting the heavy construction activity to the dry months; B. Objects to staff's wording about the project being stopped if the applicant caused degradation of the roadway drainage and feels the \$25,000 bond should take care of that.

Concerns 16 - 18

These were addressed as a whole. The applicant feels that the 1.2 acre parcel is high on the hillside and is screened and sheltered from the neighbors; that there is about a 9% ratio of house to site; the proposal is to excavate into the hillside. The average home in the area is approximately 3,500 square feet so this home is not out of line with the neighborhood. The applicant feels there is very little visual impact on the immediate neighbors and the only visual impact would be from a distance. There would be retaining walls and adequate plants and trees to screen. The roof lines will be varied and sloped back. It was mentioned that the applicant is not talking about making this home invisible but rather making it pleasingly visible. The exterior is La Habra' stucco silver grey, color trim is P&L burnished mahogany, factory enameled aluminum windows and 'supradur' Pennsylvania grey roofing.

Commissioner Sias had questions regarding the holding tanks, the landscaping and the parking.

Mr. Engel explained that the lower holding tank will be approximately 8 feet in diameter and buried. The back tank is 12 feet in diameter, 9 feet tall and in redwood. The tanks will be built in the excavation stage. Approximately 50-60 yards of soil will be graded to put in the upper holding tank. There will be shrubs and trees planted, the shrubs being about 10 feet tall. The applicant is planning a 3 car garage and a turnaround that can hold 3 to 4 cars.

Michael Brazen, 535 Oak, said he lives above the parcel and had a landslide on his property and was seriously concerned about this house being built. He was also concerned about the safety of the road in that the road can not handle any more traffic.

Walter Tamley, 951 South Oak, suggested that the road be brought up to Town standards and that it then become a Town maintained street. He felt that drainage was an issue that needed to be addressed also.

Debbie Treewater, 1000 South Oak, said she had a slide in 1986 and had to put \$60,000 of her own money into the property to stabilize the ground. She wanted to know who would be responsible if this project was approved and she has additional drainage problems.

Nancy Cecil, 1 South Oak, wanted to know if MMWD was going to provide water hookup.

Ed Cecil, 1 South Oak, had several questions pertaining to this site. He understood that in a memo from Fire Chief Mollenkopf, MMWD said that there is not adequate water pressure. He wondered if 800 yards of fill is an understatement. There was a soils report done in 1976 and again in 1984 that contradict the soils reports of the applicant. He said that the prior Police Chief said the well water was polluted. He also said that the roadway is already in poor shape and additional trucks going up and down the road will do more damage. According to the County Public Works Department a utility easement does not include a "sewer hookup" which means we are dealing with septic tanks, not sewers. There still is no showing that the applicant has legal easements for sewer. Lastly, the house will be cut into the hill and it has been proven that there are slides around the area. There should be an independent soils report done on the area.

Greg Gibson, 47 South Oak, wanted to know if this application could be approved without access to a public sewer. If so, could a condition be placed on the application. Also, he was told by a soils engineer that this site should not have a septic system. He wanted to know if this road could become Town maintained.

Polly Cherney, 30 South Oak, was in agreement with her neighbors and felt that this application should be reviewed more closely.

Donna Brazen, 535 Oak, said that everything that happens in their area is dramatic; the water pressure is very bad, there have been major slides, the phone lines have gone down during storms and was concerned about fires in the area and access to them.

Commissioner Sias was not satisfied with the drainage report and wanted to see details on where the water was going; wanted details on the location of the water supply, size of holding tanks, screening etc.; wanted to see landscaping larger than 10 feet to screen from homes across the valley; wants a condition placed on the application that a sewer hook up to MMWD be necessary; wanted darker colors on the house and trim and wanted an independent soils report done on the site.

Commissioner Harle said he was alarmed by the concerns of the neighbors. He wanted to know more about the water supply, and wanted to know if the spring water was adequate for such a large house.

Commissioner Manning said that clearly this application is affecting the health and safety of the neighbors. He wanted clarification from staff about the mechanics of the Town taking over a road, the water pressure and hook up with MMWD, wanted to know if the cut of 850 yards was an accurate figure, and was concerned about the damage to the road during construction.

Mr. Kottage said staff will review the cost of bringing the road up to standards however at this time even if it was brought up to standards the Town can not even afford to maintain the roads we now have so it would be unlikely to take on another expense. He said that the site will have to meet the requirements of the Fire Department, MMWD and Health Department standards and all will have to sign off as to the impact on the neighborhood and the property.

Chairman Hayes was opposed to the application as it stands now and had the same concerns as his colleagues. The Herzog Report recommends that the house be situated higher on the property, stating that the lower portion was the location of landslide deposit and wonders why the applicant is proposing to build lower on the site. He also wanted additional information about the spring water and wanted to know if it was potable. In addition Chairman Hayes felt the house had considerable bulk.

After a general discussion among the Commissioners and applicant it was decided that the applicant would rather readdress the concerns of the Commission instead of having the application denied at this point.

M/S Manning, Sias move to continue 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 and AR-7, architectural review of a single family dwelling in an R-1 H zone with the

applicant to supply additional information regarding roadway drainage, and clarification of soils reports as to where the property will be situated with regards to slides, supplemental and adequate water supply and sewage supply and impact of traffic and roadway with regards to construction. Staff is to choose an independent soils engineer to survey the site with a list of requirements and the applicant to be charged for this survey. This meeting will continue to October 19, 1987.

Motion passed unanimously.

Because late hour, and only having heard the 1st agenda item of 8, Chairman Hayes suggested hearing item 3 out of order because item 2 looked like it would be lengthy. The applicants of item 2 concurred as long as they could be heard tonight.

3. U-624-Dr. and Mrs. Taylor Smith, 677 Redwood Road, a/P 7-182-10, amendment to the use permit granted in 1983 to permit the construction of a lattice enclosure under an existing car deck, a six foot high deer fence and gates, a spa, swimming pool, open deck and patio.

V-2194 - Dr. and Mrs. Taylor Smith, 677 Redwood road, a/P 7-182-10, a 20 foot frontyard variance to construct a lattice enclosure under an existing car deck within zero feet of the front property line; and a 12 foot rearward variance to construct retaining walls and a patio for an inground swimming pool.

Dr. and Mrs. Smith, present; Jeff Kroot, Architect, present.

Lisa Wight presented staff report and stated that the property was developed with a single family dwelling in 1984. The existing approach ramp is currently open underneath and the applicants desire to enclose it with lattice to hide items stored underneath. The applicants propose to construct an open deck, spa and swimming pool adjacent to the south rear of the dwelling. A spa and swimming pool are to be constructed directly behind the dwelling. The spa and pool conform to the required setbacks; however, due to the steep slope and the desire to locate the pool some distance from the dwelling, the retaining walls for the pool, patio and spa are proposed to be located within eight feet of the rear property line and, therefore, necessitate a variance. The retaining walls at the highest point will be six feet in height and will have an additional three foot high lattice above. Plans are to plant Kiwi on the outside of the deer fence. This is a deciduous vine plant that can grow to 30 feet and can grow to cover fences.

Jeff Kroot, Architect, stated that the applicants wanted to maintain some distance between the dwelling and pool. Based on the soils report this was also the ideal location. In addition the fill from the pool will be used in the retaining wall.

M/S Harle, Manning to approve U-624 for Dr. and Mrs. Taylor Smith, 677 Redwood Road, A/P 7-182-10, an amendment to the use permit granted in 1983 to permit the construction of a lattice enclosure under an existing car deck, a six foot high deer fence and gates, a spa, swimming pool, open deck, and patio, on the basis that: 1. The establishment of the structures applied for will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood; and 2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

Motion passed unanimously.

M/S Harle, Sias to approve V-2194 - Dr. and Mrs. Taylor Smith, 677 Redwood Road, A/P 7-182-10, a 20 foot frontyard variance to construct a lattice enclosure under an existing car deck within zero feet of the front property line; and a 12 foot rear yard variance to construct retaining walls and a patio for an inground swimming pool, on the basis that: 1. There are special circumstances associated with the variance requests, specifically: the placement of the house and the patio make this most suitable placement to the pool and the lattice work is simply an addition to the existing deck and approve the appearance and allows concealment under the deck; 2. The variances are approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 3. The variances are approved as they 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; 4. The variances are necessary for the preservation and enjoyment of substantial property rights; and 5. The variances will not materially affect adversely the health or safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Motion passed unanimously.

Applicant advised of 10 day appeal period.

2. AR-8 - Jan A. Bolgla and Robert Wisner, 80 West Hillside Avenue, A/P 6-172-10, architectural plan review for a single family dwelling in an R-1H district.

Robert Wisner and Jan Bolgla, applicants, present.

Lisa Wight presented staff report and noted that should the Commission choose to approve this proposal, staff requests that the action contain certain conditions outlined previously in the staff report. Should these conditions be acceptable to the Commission, we further request for the sake of thoroughness that the Commission instruct staff to prepare a resolution carefully defining these conditions for adoption at your next meeting. A proposed resolution is included in this staff report with an attachment (Exhibit A), indicating the conditions.

Robert Wisner, applicant stated he wants to build a minimum impact house and that he has also talked to the neighbors about improving the road as a group effort. He has been in contact with the Director of Public Works about the improvements necessary. Mr. Wisner said that a story pole has been up for the last 6 weeks and the only place it is visible in on Park by the United Market

Commissioner Manning said this seems to be a reasonable application and was happy to hear the applicant was addressing the road improvement. He wanted to know the height requirement for this home. The applicant said the house was 26 1/2 feet high, with the chimney to extend 3 feet beyond.

M/S Manning, Harle to approve AR-8 for Jan A. Bolgla and Robert Wisner, 80 West Hillside Avenue, A/P 6-172-10, architectural plan review of a single family dwelling on the basis that: 1. The plan is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable; 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such

area; 4. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area; 6. Conforms to the approved preliminary plan; 8. Has adequate screening; 9. selection of architectural features that enable the structure to blend with its environment; 10. That the height not to exceed 26 1/2 feet and the chimney to extend 3 feet above that. Further approval conditions are the attachment of items in Exhibit "A" and both sets of plans received July 22, 1987.

Motion passed unanimously. Applicant advised of the 10 day appeal period.

M/S Manning, Sias to continue agenda items 4. V-2195 - Clifford A. and Ute M. Pierce; 5. V-2196 - Jack and Linda Moerschbaeher, 26 Jordan Avenue; 6. V-2198 - Joan Olsen Hechtman, 66 Indian Rock Road; 7. V-2199 - Michael Conroy, 27 Oakwood Court; and 8. V-2200 - Lawrence Tan, 219 The Alameda until the next regularly scheduled meeting of October 5, 1987 because of the late hour.

Motion passed unanimously.

D. CONTINUED PUBLIC HEARINGS

9. Town of San Anselmo initiated amendments to the Zoning Ordinance - Title 10 of the Municipal Code - Hillside Density Districts (R-1H) - to establish a new application processing procedure and standards for developments proposed within the R-1H District and review of the proposed Negative Declaration - CONTINUED TO SEPTEMBER 28, 1987.

10. Z-244 - Steven Potter and Jefferey Potter, 54 Ross Avenue, A/P 7-282-14, proposed rezoning from R-1 (ksingle Family Residential) to R-2 (Two Family Residential) and the initial environmental review - CONTINUED TO OCTOBER 5, 1987.

E. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:30 p.m. to the next special meeting on September 28, 1987.

Barbara Chambers
Planning Secretary/Technician