

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR NOVEMBER 16, 1992**

The regular Planning Commission Meeting of November 16, 1992 was called to order by Chairman Kroot at 8:00 p.m. in the Council Chamber. Staff present: Planning Director Ann Chaney, and Planning Consultant Delvin Washington, and Public Works Director Wayne Bush.

A. CALL TO ORDER

Commissioner's Present: Hayes, Jullin, Harle, Israel
Commissioner's Absent: Sias, Mihaly

B. CONSENT

1. **Minutes - November 2, 1992**

2. **PP-9/AR-7 (Amendment) - Robert Yeakey, 80 South Oak Avenue, A/P 7-241-50**, The applicant is requesting that he be allowed to install a private water system, rather than the previously required public water system, to serve his approved, yet unbuilt, house, on property located within the R-1H Zoning District.

3. **Town of San Anselmo** - Proposed adoption of a Water Conservation Ordinance involving landscape requirements.

Commissioner Hayes asked that Item B.2 for Mr. Yeakey be taken off the Consent Agenda for discussion.

M/S Israel/Jullin, to approve Consent Agenda Items B.1 and B.3. Motion unanimously passed. Audience advised of the ten day appeal period.

C. PUBLIC HEARINGS - WITHDRAWN

1. **DR-9216 - Nelly Dolinsek, 37 Canyon Road, A/P 7-064-16**, 1) design review to demolish an existing dwelling and construct a new single family dwelling; and 2) removal of one (1) 36" diameter heritage tree, on property located within the R-1 Zoning District (within the 150' mean sea level).

D. PUBLIC HEARINGS - CONTINUED

1. **C-221 - Tom Ayers, 805 Sir Francis Drake Blvd, A/P 6-082-14**, Design Review Amendment to change the exterior color of an existing commercial structure, on property located within the CL (Commercial-Limited) Zoning District. CONTINUED TO THE MEETING OF DECEMBER 7, 1992

2. **V-9213 - Harry Kraft, 214 The Alameda, A/P 5-054-07**, a 20' front yard variance to allow a 7'3" existing trellis structure to remain within 0' of the front and side property line; and an appeal of the Public Works Department administrative decision to deny the 6' fence within 5.5' of the front property line and within 0' of the south side property line, on property located in the R-1 Zoning District. (AFTER-THE-FACT). CONTINUED TO THE MEETING OF 12/7/92

3. **PS-9201 - Tony Richards for Viking Leon, Between Forest Avenue and Vista Lane**, south of Landsdale Station Park, A/P Nos. 7-021-07, 7-021-23, and 7-021-24, 1) environmental review; 2) parcel split to legalize the 1954 creation of three separate building sites, each of which is currently undeveloped. CONTINUED TO THE MEETING OF 12/7/92

4. **V-9240/DR-9218 - Tony Richards for Viking Leon, 5 Vista Lane, A/P 7-021-24**, 1) design review of a single family dwelling; 2) a 17' frontyard variance to construct a dwelling within 3' of the front property line; 3) a 3' rear yard variance to construct bay windows within 17' of the rear property line; 4) a 20' frontyard variance for driveway retaining walls to be within 0' of the front property line; and 5) a 13' frontyard variance to construct an uncovered deck within 1' of the front property line. CONTINUED TO THE MEETING OF 12/7/92

E. PUBLIC HEARINGS

1. **V-9217 - Robert and Suzanne Legnitto, 20 Bollnas Avenue, A/P 7-302-21**, a 3'6" side yard variance to construct a first and second story addition within 4'6" of the required 8' side yard setback on property located within the R-1 Zoning District.

The applicants and Jim McDonald their Architect, were present.

Mr. Washington presented the staff report. He noted that the neighbor to the east is opposed to the deck being covered. He passed the letter out to the Commission with their statement.

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Mr. McDonald, Architect, passed out photographs of the project to the Commission, which included the front elevations, other homes on the street, as well as side yard, and interior rear conditions. He stated that they have worked on this project for a year trying to come up with the right plan. His clients have four children, and need to expand the two bedroom home for additional space. He complimented staff on the research and accuracy of the staff report although the recommendation was not as favorable as he would have liked. Mr. McDonald stated that there was a past problem with the neighbor to the east. His clients asked him to seriously consider the project so that it would not impact the Moriartys. They came up with various plans so as not to impact the neighbors and also not to request any variances. He stated that he contacted the Moriartys and had a lengthy conversation with them although they did not choose to see the plans. It seems by their letter that they may be in support of the project as long as there is no roof over the deck. He stated that no roof is proposed. His clients wanted to get some outdoor living space on the ground floor as well as additional off street parking. He noted that they are also trying to respect the sycamore tree. If the building was held back 3.5 feet further they could expand further back on the property. By trying to respect the neighbors to the east, there is a need for the variance. He also noted that almost all the homes on Bolinas Avenue have a five foot side yard setback and this addition is only a continuation of that setback. He stated if the Commission felt compelled not to approve a portion of the variance he felt that it was more important to retain the second story rather than the area on the first floor.

Chairman Kroot asked about an arbor on the deck. Mr. McDonald stated that this is proposed for privacy from the second story addition of the east side property neighbors. It was his understanding that this was not part of the variance and was allowed under the ordinance.

Mr. Legnito stated that the house was built by his great grandfather in 1926. He felt that this addition would be the least impact on the neighbors and a good solution for them, as well as keeping the aesthetic look to the house. He stated that if the Commission was able to visit the site they would see that the impact would not be negative to the neighbors.

Mrs. Legnito stated they would be open to discussion with the neighbors but she felt the house would look odd if there was a 3.5 foot jog in the house.

Commissioner Harle stated that he was leaning toward approval of the project based on the comments of the Architect. But he wanted to hear what the other Commissioners had to say.

Commissioner Israel appreciated the fact that they were trying to maintain design consistency to keep it in the original state. He did agree that this addition was consistent with the five foot setback that was in existence when this neighborhood was originally built. He did not see any negative impact on the neighbors and they do not seem to object. He did however, have a bit of a concern about the deck on the east side. He did understand the need for outdoor space and the covered arbor for privacy but was sensitive to the neighbors. He also was happy to see additional off-street parking.

Commissioner Julin appreciated staff's analysis however she viewed this just as a continuation of the exterior wall. She stated this was a discussion item during the zoning revisions and she felt that this was similar to a notch filler. She would like to see an item such as this be design review, not a variance. She felt that this was a minor encroachment and would not be a detriment. With regard to the Moriarty letter, the view of the Seminary and impact on their sun would still be impacted without the variance.

Commissioner Hayes shared his colleagues view on this project. He did not feel there was a substantial need to require the 8 foot setback in this instance. Special circumstances might be retaining the aesthetic value of the house and continuing the line of the property.

Chairman Kroot also supported the application. Special circumstances might be that by using the 3.5 feet in the setback, it will keep the house a little further away from the east side neighbor which would be the most impacted by the project. Also, the tree is being saved. He felt the architecture of the addition was very tastefully done to maintain the aesthetic value of the house. Although the privacy screen (trellis) is not part of this application, he did not think it would work very well and could shade the neighbors house to the east.

Commissioner Harle stated that there was another aspect of this. It looks like there is a tendency that all small houses on 50 foot lots to develop up. It is happening all around town and this is really a conflict of development rights. He felt that the zoning subcommittee should take into consideration the fact that if all similar lots are developed it is conceivable that the character of the neighborhood could change. In summary, by creating a long wall there are future restrictions on what the neighbors will be able to do.

Chairman Kroot added that this applicant is only continuing the line of the existing 5 foot set back and doing it along the garage side of the neighbor, not the neighbor's house.

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M/S Israel, Julin to approve V-9217 - Robert and Suzanne Legnitto, 20 Bolinas Avenue, A/P 7-302-21, a 3'6" side yard variance to construct a first and second story addition within 4'6" of the required 8' side yard setback on property located within the R-1 Zoning District. Findings for approval are as follows: 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 an identical zoning classification, and the granting of a 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.* This is an extension on the west side which will reduce the impact to the house on the east and to eliminate the need to remove a sycamore tree. Also, this is just an extension of an already existing five foot west side yard. 2. *The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in this neighborhood of the property or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood.* Specifically, this is consistent with other homes in the neighborhood and will not adversely affect the health or safety of persons in the neighborhood. This approval is based on the drawing dated Received by the Town of San Anselmo August 5, 1992.

Ayes: Hayes, Julin, Israel, Kroot

Noes: Harle

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

2. **PDP-9203 - Ben O'Hare, Redwood Road** (near 269 Redwood Road), A/P 7-141-04, 7-097-05 and 7-097-02, Preliminary Development Plan for the creation of two parcels from three existing parcels and the ultimate development of two homes and the extension of a private driveway. The 2.6 acre site is located along Redwood Road near 269 Redwood Road. The property is located within the R-1H Zoning District.

The applicant was present.

Ms. Chaney presented the staff report. She noted that the staff report indicates that story poles be erected for both sites but she in rethinking it, she felt it was necessary for house number one. Her reasoning was that it was coming out of the grassland area and will be taller than the previous house.

Chairman Kroot was curious why the right of way requirement is 20 feet to serve two houses when a normal right-of-way width requirement is 12 feet. Ms. Chaney said she would check with the Fire Chief on his rationale.

Commissioner Julin asked which would be the front and rear of the properties. She also wondered if a variance would be necessitated due to the relocated lot line. Ms. Chaney responded that Redwood would be the front, with Laurel Avenue being the rear. With regard to a potential variance, she stated that it is a little misleading because of the 1 to 40" scale and it measured about 10'. So it is close and might necessitate a variance.

Commissioner Harle wondered why other streets such as Melville and Oak Avenue were not considered as means for access to the site. Ms. Chaney agreed that there are alternative routes but thought that Redwood and Center have been discussed because they are the streets closest to the site.

Mr. O'Hare stated that he did not think he had much more to add to what staff already said. He did say however that he thought the road had to be 15', not 20' and if that will be a requirement, he would like to discuss it further. With regard to the turn around, it was approved in the original plan. It might have been modified slightly to avoid the tree. He did question staff's statement that one of the houses was 24' above the ridge. With regard to the setbacks, he did not think there would be a problem because there was plenty of acreage between both of the lots. Mr. O'Hare stated that he had a chance to meet with his neighbors and explained to them the recommendations of the Town Engineer regarding the driveway way. He felt that the neighborhood meeting was very beneficial and that they have come to an agreement on the placement of the houses.

Gay Kagy, 280 Redwood, stated that there are 20 future building sites within the immediate neighborhood. Eight are allotted for recorded lots of record and twelve of them are maximum for Peter Fraser's development. She thought the neighborhood meeting went very well. One topic of discussion was the use of the dispersal pits. She would like to have the Commission consider expanding the list of items for the next meeting. She would like to see the grading quantity revised as well as observing extra trees that might be affected when the driveway is expanded another 5'. All the neighbors were concerned about the dispersal pits. She stated that they would like to have the Commission consider the possibility of corrugated metal pipes to carry the water down Redwood where it could be put into an underground pipe that is already there that

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could take it down to Allyn Avenue. Mr. Doyle, Civil Engineer, stated that of the major part of the 25% increase of water runoff will be dispersed on the site through the dispersal sites. Five of them face Laurel fire road, which is the only other access that Redwood has in case of an emergency. The neighbors would like to see that the Laurel fire road be maintained. Therefore, the neighbors would like to see the use of corrugated metal pipes. The houses at 270 Redwood and 10 Fernwood were required to use corrugated metal pipes when built within the last few years. She also wondered if a small curve could be required on the driveway if the water was to be collected. Perhaps a 3" curve.

Joe Sanftner, 9 White Way, wondered if the dispersal pits was the best alternative because it leaves the water on the site and might in the future cause earth slippage. However, by channeling the water down the fire road could cause disturbance to the root systems. He noted that these houses will face closest to the fire road than any other house in the neighborhood. That road is not really functioning now but he felt it should be fixed in the event of any emergency. He wondered if it would be possible to stabilize the fire road if the drain goes in there.

Cathy Sanders, 310 Redwood Road, wanted to stress that their hill is very soggy. The house near 360 Redwood has actually slid down the hill which was caused by an underground spring. Below 360 Redwood on Allyn Avenue, two houses were washed off their foundation. The saturation point in this area can be reached very quickly and drainage pits do not make sense. She questioned the 20' width of the driveway because there are arteries that lead to it that are only 8' wide to 14' wide. She understood the philosophy but in this case she thought it would be environmentally detrimental. She questioned two items of the staff report; page 2, item 2, there was an agreement of 3,700 square feet and she is not sure if the garage is included in that figure; and page 16, number 5, there is the statement that indicates the house shall not exceed 4,350 square feet. She wondered who will maintain the dedicated open space. She also questioned the access of large trucks from Melville to Center. She wondered if this could be reconsidered. She wanted some determination about whether this project has approval for a one or two house lot.

Bill Holdebrand, 269 Redwood Road, stated that his main concern is the drainage runoff.

Mr. Bush stated that he was not opposed to direct connections to the storm drains. It is the preferred method but not always the most practical. He was unaware of the Laurel fire road and did not know who had jurisdiction over it. He thought that by a combination of enlarging the dispersal structures and regrading a ditch along the fire road with pipe underneath might remedy any problems. But dispersing the water and then grading a ditch adjacent to the fire road and collecting that water, getting it under the road and out to the other side, ultimately into the channel, might help the situation. He stated he would be interested in pursuing that. With regard to the location of the house closest to the driveway, it would appear that there will be a need for some significant retaining walls along the outer side of the driveway. It would be beneficial for the applicant to discuss the adequacy of this with his soils engineer. With regard to the enlargement of the easement, it would be up to the applicant to seek permission for this. Otherwise he will have to maintain his driveway within the existing easement. The only way to ensure that the easement is maintained is to provide survey stakes as to the location of the easement and when the driveway is constructed it should be construction staked.

Mr. O'Hare said that the driveway, as indicated on the plans shows the slope of the runoff. With regard to the dispersal pits, his engineer and the Town Engineer said that was the way to go, so he is unclear at this point. With regard to the garage, the square footage is included within the 3,700 square feet. With regard to the stability of 269 Redwood, he felt that the construction of a retaining wall would provide a better condition than currently exists.

Commissioner Israel supported staff's recommendation for a continuance because of the outstanding issues that still need to be resolved. He also would like to get a sense of the height of the houses relative to the tree canopy. He would also like to see circles on the plans indicating location of the houses. He still has concerns about the drainage, specifically, the dispersal pits, and whether or not that they are currently allowed in the area. With regard to the trench drain at the bottom of the driveway, he was not sure that was a real drainage solution. He wondered if the applicant should be required to address all of the outfall on the driveway even though not all of it was his problem.

Mr. Bush explained that there were two different drain sections, the proposed trench drain that would tie into the existing catch basin into another catch basin which is then piped all the way down along side the property until it get to a ditch approximately 400 feet away. Further up Redwood Road there is a 12 inch pipe that collects water from one side of Redwood to the other.

Commissioner Israel stated that he was also concerned about the visual impact of the 20' wide driveway and he was hopeful that the Fire Department would allow a reduced width. He also stated that the retaining walls looked to be very tall and might require a variance because of the location. He would like to see some section drawings of the wall rather than further down the

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road during the precise development stage. With regard to regulation of construction vehicles on Redwood, he wondered what kind of enforcement the Town had over this. With regard to the geotechnical report, he would like to know if it was done in conjunction with this plan or whether they were very general in nature. He would like to see the dialogue continue regarding the large bay tree.

Commissioner Julin was pretty satisfied with the information received for the preliminary development plan with one concern which is the type of drainage plan that will be undertaken.

Commissioner Hayes wanted to see this continued for the reasons listed in the staff report although he felt this project was clearly moving in a positive direction. In addition to staff's questions he felt the width and length of the driveway was still a concern for him. He wondered if he could have the Fire Department rationale if they are reluctant to reduce the width. He was also concerned about the retaining wall by 269 Redwood Road because the size of the structure. He thought the question of whether or not other property owners in recent years were allowed to use dispersal pits should be looked into. With regard to visibility of house number one, he would like to see more detail on how it will look. Hopefully the story poles will help him better visualize it.

Commissioner Harle supports the project so far. He was very concerned about the comments of the property owner at 269 Redwood Redwood that would be most affected. He was also impressed about the information provided by Ms. Kagy regarding drainage and was hopeful that it will be incorporated in the project.

Chairman Kroot agreed with the comments of his colleagues. He asked that if there was any possibility of the Fire Department reducing the 20' wide driveway. He appreciated the comments regarding the drainage but felt that this decision should be made by the Public Works Department and should not be determined by the Planning Commission.

Ms. Chaney asked the Commission if they wanted to see a supplemental soils report to specifically discuss the retaining wall or should this be a condition at the time of precise development plan.

Chairman Kroot stated that perhaps a supplemental letter addressing the stability would suffice.

Mr. O'Hare stated that the soils engineer could prepare an addendum to speak directly about the retaining wall.

Mr. Bush stated that it would also be helpful if the soils engineer could talk about the appropriateness of the dispersal structure given the possible slough in the hillside.

M/S Hayes/Julin, to continue PDP-9203 - Ben O'Hare, Redwood Road (near 269 Redwood Road), A/P 7-141-04, 7-097-05 and 7-097-02, Preliminary Development Plan for the creation of two parcels from three existing parcels and the ultimate development of two homes and the extension of a private driveway. The 2.6 acre site is located along Redwood Road near 269 Redwood Road. The property is located within the R-1H Zoning District. This is continued to the meeting of January 4, 1993. Motion unanimously passed.

3. V-9232 - Ali Akbar and Mary Kahn, 74 Broadmoor Avenue, A/P 5-171-03, a 3.5' north side yard variance to construct a second story addition within 4.5' of the north side property line; and 2) a 3' north side yard variance to construct a first story addition within 5' of the north side property line; and 3) a variance for the existing substandard parking to remain on property located within the R-1 Zoning District.

The applicant was present.

Ms. Chaney presented the staff report on behalf of Planner Lisa Wight.

Mrs. Kahn thought the driveway issue had been resolved at the last meeting and the Commission was in favor of her proposal. She stated that they revised their plans with this in mind. They will park their cars side by-side. Some bushes will be removed on one side of her property to allow for additional space. She provided photographs that show their proposal is in scale with the neighborhood. She stated that the present house does not allow adequate living space for her growing family or her in-home business. She stated that her immediate neighbors were in support of the project. In order to change the stair design she stated that a room downstairs had to be relocated. This would mean pushing the addition to the rear. The lot narrows in the rear and goes up. She therefore did not think it was feasible. She felt the special circumstances are the odd shape of the lot. She stated that the revised plan has been moved in to respect the 8' side yard setback.

Commissioner Israel said that he was under the impression from the last meeting that there was

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only a 1' parking variance and now the parking variance as explained is different.

Commissioner Hayes said it looked like most of the addition is being stepped back except in the area of the stairway for the second story. With regard to substandard parking, he stated that he did not think there was going to be any widening of Broadmoor Avenue that sidewalks would ever be required in the near future. Based on that he felt that there was really 25' of off street parking. With regard to the width, he was a little uncomfortable of extending the parking this way. In terms of the special circumstances he might be persuaded that the five foot side set back was necessary because of the placement of the stairway and the odd shaped lot.

Commissioner Harle stated that he was reasonably content with the driveway as proposed because it would be more likely that side by side parking will be used as opposed to tandem parking. With regard to the addition, he felt that considerable concession has been made to comply and because of the placement of the staircase necessitates the variance. Also, this is a neighborhood where five foot setbacks were customary during the phase of development.

Commissioner Israel stated that he agreed that side by side parking is much more usable than tandem parking but he was not in favor of pushing cars out closer to the street. He was also uncomfortable about the notion of paving right up to the side yard property line because it was intrusive. He also felt that there could be alternatives for the stair location.

Chairman Kroot stated that the problem on the lower floor was the entry area and the stairway. If the stairway and entry were not in that location two parking spaces could be accommodated. He did note however that if the stairs were not in that location, the only alternative to get from one area of the house to another would be through the kitchen. He wondered if the entry way was reduced that might allow for additional parking. He was concerned about the parking situation although he was not concerned about the side yard variance.

Commissioner Julin stated that she first felt this property is overdeveloped but she did not think it would be a detriment within this neighborhood because there is so much variety. She stated that she preferred tandem parking to the side by side.

Mrs. Kahn stated that many people park in their driveway and the neighborhood is very diverse.

Ms. Chaney stated that the intent is to remove parking out of the front yard setbacks for aesthetic reasons. In this case the applicant is asking to be allowed to park two cars into the front set backs with no garage. Most other cars in the neighborhood do have garages but perhaps choose to park in their driveway.

Mrs. Kahn stated that if the Commission felt strongly about moving parking back from the street she thought they could reduce the front entrance by about two feet and park the cars in tandem although she did not think it was the best solution.

Commissioner Hayes stated that the addition would be very bulky for the size of the lot.

Commissioner Israel agreed with Commissioner Hayes that the structure seemed bulky for the site.

There was a discussion on the pros and cons of tandem verses side by side parking and the merits of relocating the staircase to allow for more parking.

Commissioner Julin stated that she would be willing to support the variance based on the fact that the lot is very small and she did not think the addition would adversely affect the character of the neighborhood. She wondered if the discussion of a few feet was interfering with the ability of a family to function productively. With regard to the cars in the driveway, it seems to be consistent with the neighborhood.

Commissioner Harle added that the space economy of the interior requires the stairway to be in the proposed location.

Commissioner Hayes agreed with Commissioner Harle's philosophy.

Mrs. Kahn noted that the side by side parking works well for her as well as the neighborhood.

M/S Julin/Harle, to approve V-9232 - Ali Akbar and Mary Kahn, 74 Broadmoor Avenue, A/P 5-171-03, a 3.5' north side yard variance to construct a second story addition within 4.5' of the north side property line; and 2) a 3' north side yard variance to construct a first story addition within 5' of the north side property line; and 3) a variance for the existing substandard parking to remain on property located within the R-1 Zoning District. *Findings for approval are: 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 an identical zoning*

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classification, and the granting of a 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. Special circumstances were the small size and irregular shape of the lot, the location of the house on the lot which was originally placed many years ago with a five foot side yard setback. Also the location of the stairway is the best solution to economize the interior space and other properties in the neighborhood have similar setbacks that are non uniform. 2. The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in this neighborhood of the property or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood. Specifically, it is consistent with other developments in the neighborhood. Approval is also based on the plans dated October 12, 1992 and received by the Town on November 2, 1992. Also, to allow sufficient space left from the side property line to allow for a planting buffer between the properties.

Ayes: Harle, Hayes, Julin

Noes: Israel, Kroot

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

Ms. Chaney stated that staff strongly felt that this project needed a new redesign because it exacerbates the setbacks and the parking. She stated that a redesign could have resulted in allowing the same amount of new living area without the parking variance.

4. **Water Well Ordinance - Town of San Anselmo** - Approval of a Negative Declaration, General Plan Amendment and Ordinance Code amendment to allow private domestic water systems and the adoption of a well ordinance relative to their construction, reconstruction, maintenance, removal and monitoring.

Ms. Chaney stated that this item really does not need to be heard tonight. She stated that at the previous meeting the action was taken to approve the Water Well Ordinance but she was unclear if the Commission also approved the Negative Declaration. After reviewing the minutes and the tape it was determined that action was also taken on this.

The Commission reaffirmed in principal that the intent was to include everything that was in the staff report.

B2. **PP-9/AR-7 (Amendment) - Robert Yeakey, 80 South Oak Avenue, A/P 7-241-50**, The applicant is requesting that he be allowed to install a private water system, rather than the previously required public water system, to serve his approved, yet unbuilt, house, on property located within the R-1H Zoning District.

The applicant was present.

Ms. Chaney presented the staff report.

Mr. Yeakey stated that he is asking for the amendment because initially the approval was conditioned on the fact that he hook up to MMWD. Now that State law allows for a domestic water wells he would like to proceed with his project. He stated that this well will only serve his house. He stated that his property is the site of the old Seminary. There is a spring on the site and he has hired a hydrologist to test the water. His analysis showed that the flow was more than the flow of the County requirements and the quality was fine.

Commissioner Israel stated that there is no wording in the condition of approval that indicates this project will ever have to be a part of the MMWD improvement. In summary he did not see an incentive to having Mr. Yeakey hook up to MMWD at some time in the future.

Ms. Chaney noted that the Commission asked that wording be inserted into the Well Ordinance that some enforcement measures were necessary once water was available from MMWD.

Commissioner Hayes stated that he had concerns about the project being built and using spring water for an extended period of time. He said that the spring is a major historical spring on the hillside and he was not sure what the impact would be. He did not support changing the conditions on this project.

Commissioner Israel asked if there was a difference in policy if the water was spring water as opposed to ground water. Ms. Chaney responded by saying that the technical aspects of a well would be similar to a spring. A tank and the distribution system, the fire flow standards and the water quality will still be required.

There was a discussion as to why this application is before the Commission prior to the adoption of the Water Well Ordinance by the Town Council. Ms. Chaney stated that the Ordinance will be

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heard at the Council January 12, 1993, and Mr. Yeakey submitted his application in July and the Town is running against the six month deadline to act on the application. She added that the condition of approval in the staff report states approval subject to the adoption of a domestic water well Ordinance.

Mr. Yeakey did not understand the concern about the use of spring water as opposed to ground water for the reasons as stated by Ms. Chaney. Also, with regard to water rights, the spring is on his property and he did not feel that any one else would be using the water.

Commissioner Israel stated that he would like to see a recommendation to the Town Council on how to handle springs within the Water Well Ordinance.

Ms. Chaney stated that the Commission viewed Mr. Yeakey's property as unique because it has a spring and the Water Well does not address springs, perhaps there should be some wording in the Condition of approval for this property. Commissioner Israel stated that he did not think the Commission wanted to do anything inconsistent with the Water Well Ordinance. Commissioner Hayes noted that because the Ordinance has not been adopted yet by the Council and final wording has not been approved he stated that he in fact would approve putting the condition on this property. Ms. Chaney suggested wording such as "Any use of the water tank constructed on 80 South Oak shall only serve the property at this location". The Commission concurred with this wording.

M/S Julin/Hayes, to approve PP-9/AR-7 (Amendment) - Robert Yeakey, 80 South Oak Avenue, A/P 7-241-50, The applicant is requesting that he be allowed to install a private water system, rather than the previously required public water system, to serve his approved, yet unbuilt, house, on property located within the R-1H Zoning District. Conditions of approval have been amended as follows: 1.a. The following condition is approved subject to the adoption of a domestic water well ordinance. The intent of this condition is to provide a temporary alternative to upgrading the public water supply system for property at 80 South Oak Avenue. If a domestic water well ordinance is adopted by the Town of San Anselmo, this condition shall temporarily supersede conditions No. 1, 2, & 5 of the resolution for 80 South Oak Avenue by allowing the owner to file for a permit to install a private water system subject to the provisions of an adopted Town of San Anselmo water well ordinance. In the event the owner is unable to comply with all of the provisions of an adopted water well ordinance conditions 1, 2, & 5 shall remain in effect. Construction with flammable materials shall not take place until the interim fire protection water supply system described in item No. 4 or the upgrades to the public water supply system described in item No. 1 is in place and fully functional. A private system shall be in place and fully functional prior to the issuance of the Certificate of Occupancy. Due to the proposed use of spring water, a private water system designed and developed for this site shall only serve the property at 80 South Oak Avenue and is not intended for use by other properties. For domestic water supply the owner has agreed and shall connect to the public water supply system as soon as it is available.

Motion unanimously passed. The audience was advised of the ten day appeal period.

F. GENERAL DISCUSSION

Ms. Chaney asked if the Commission would object to canceling the meeting of December 21, 1992 because of the holiday. The Commission was not opposed to that.

Ms. Chaney reminded the Commissioners of the joint meeting between San Anselmo, Fairfax and Ross regarding Bald Hill, on Thursday, November 19, 1992.

G. OPEN TIME FOR PUBLIC DISCUSSION

There was none.

H. ADJOURNMENT

The regular Planning Commission meeting was adjourned to the special meeting of November 19, 1992.

BARBARA CHAMBERS