

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF SEPTEMBER 14, 1992**

The special meeting of the Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Kroot. Staff present was Director of Planning Ann Chaney, and Planning Consultant Jayni Barker.

**A. CALL TO ORDER**

**Commissioners present:** Hayes, Stas, Julin, Mihaly, Kroot  
**Commissioners absent:** Harle

**B. CONSENT**

**V-9226 - Nancy Stewart and David Wilhelm, 53 Hillside Avenue, A/P 7-115-24, a 17' front yard variance to construct a sunscreen/arbor within 3' of the front property line on property located within the R-1 Zoning District.**

**M/S Julin, Hayes, to approve consent agenda V-9226 - Nancy Stewart and David Wilhelm, 53 Hillside Avenue, A/P 7-115-24, a 17' front yard variance to construct a sunscreen/arbor within 3' of the front property line on property located within the R-1 Zoning District. Special circumstances are the slope of the lot and the small size of the parcel, which limits the usable amount of outdoor space; the granting of the variance will not have an impact on the neighborhood and poses no detriment to the other properties or improvements in the neighborhood; based on the drawings received May 19, 1992.**

**Motion unanimously passed. Audience advised of the ten day appeal period.**

**C. PUBLIC HEARINGS**

**V-9231/PDP-9202/S-9201 - James Helfrich, between 444 and 500 The Alameda, A/P Nos. 5-043-16, 5-043-22, 5-043-31, 177-133-13, 177-220-54. The request is for a Precise Development Plan, Tentative Map and Variances to create four residential lots from five existing lots. This request would establish the location of four future homes and the location of the private drive. Separate Design Review approval of each home will be required prior to construction. Variance requests include: 1) an 11' variance to locate a parking deck within 9' of the rear property line (Site 1); and 2) a 5' variance to locate a house within 15' of the rear property line (Site 2); and 3) to construct retaining walls over 30" in height within the front and rear yard setbacks (sites 1 and 2).**

The applicant was present.

Planning Consultant Jayni Barker presented the staff report which included historical background as well as a description of the current request.

Commissioner Mihaly asked whether the house on Lot 2 could be moved such that a variance would not be needed. Ms. Barker explained that existing graded pad and landscaping support staffs ability to justify a variance. Ms. Barker explained that two of the homes (Lots 2 and 3) are within the ridge zone and could not exceed a height of 18 feet above the ridge.

Discussion ensued on the proposed condition of CC&R's regarding private open space.

The resolution contained in the staff report (which is unsigned) is in fact the same as the signed resolution. Julin asked whether the Open Space had any more comments. Staff responded that their comments are primarily the same as during the Preliminary Plan process, that is the offering of a trail access.

James Helfrich stated that the Precise Development Plan is exactly the same as the Preliminary Development Plan as approved by the Council in 1991. He stated that the house locations were designed to closely represent what he felt would likely to be built. As part of the Memorandum of Understanding (MOU), it was recognized that a variance would be necessary for some of the houses.

Mr. Helfrich said he concurred with all conditions except for Condition Number 2 regarding CC&R's. He argued that a statement approved in the MOU regarding the maintenance of the roadway was intended to serve in lieu of CC&R's. He stated he generally agreed with the CC&R's provisions except that they be adopted as CC&R's. It is not his intent that any development or tree removal occur in the private open space easement area. Therefore, he said there was no need for No. 4 of the proposed Condition Number 2. He raised concerns about excessive design review requirements. Staff said that minor changes may be permitted through an administrative design review process through staff. Mr. Helfrich felt that Site C, D & E regarding further land divisions, common drive maintenance, and landscape maintenance was unnecessary.

With regard to phasing, the applicant argued that he should be allowed to install the improvements (road, drainage, etc) prior to building plans being submitted for the first house because it would benefit the Town.

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With regard to a swimming pool on Lot 3, the applicant stated that no swimming pool was envisioned on the lot. However, should the Commission want review authority over a pool, he would not object.

Regarding head lights shining into the neighbor's house across The Alameda, Mr. Helfrich said the drive entrance was widened to help this situation. He also agreed to supplement the landscaping of the neighbor to assist in screening. Landscaping is also shown at the curve of the private drive to screen head lights that may shine into the house to the west.

Regarding drainage, Mr. Helfrich said there would be "engineered" flow coming off the site and being directed into an improved drainage system along The Alameda.

Mike Mayock, 442 The Alameda, expressed concern of headlights reflecting into his home and submitted a letter dated 9/14/92 to that effect. He was also concerned that the 30" pipe has been 6" under water and that additional development would worsen this situation.

Jan Back, 439 The Alameda, asked if the 2 for 1 tree replacement condition referred to each lot or does it apply to the overall project and thereby the trees could be placed anywhere on any of the lots. She was also concerned about the drainage because it goes under her house.

Roberta Stoddard, 444 The Alameda, asked how many years would it take for the subdivision to be built. She questioned how the road would be built over the head of a landslide and how trucks will turn around on the road during construction. She asked about construction times, stating that currently traffic on The Alameda is quite heavy at 8:00 a.m. She was under the impression that Mr. Helfrich was going to pave a portion of The Alameda and now only the area in front of the project will be paved. She wanted clarification on that.

Tom Kirk, 20 Varbourg Terrace, expressed concern with traffic safety and the sharp curve in the private drive and proposed a guard rail in that area. His other concerns included head lights and their brightness, and the affect on wildlife. He also raised a concern on drainage. In response to a question on the pedestrian easement, he wondered if it will follow the middle of the road. This would be an "offer of dedication" that would not be accepted by the Town until a trail is created on the Carey property. He said that technically the road will remain private until the Town accepts the easement.

Bruce Schaefer, Landscape Architect for the project, explained that only one tree of 75" circumference will be removed because of the construction of the private drive. There are 22 other trees and shrubs scheduled to be removed that are not heritage trees per the tree survey conducted by the civil engineer. Trees to be replaced include 23 trees and 86 shrubs for screen purposes along the private road, ridge, and The Alameda. There will be an average of 4.75 to 1 replacement.

There was a general discussion about the number, size, and type of new landscape material and how tall that landscaping will be after five and ten years to maturity. Most of the new trees will be 15 gallon.

Staff stated that the Fire Chief has had concerns recently with the location of the new and existing trees being so close to the homes. This particularly relates to the bays, eucalyptus and acacias.

Mr. Helfrich said that he did not know how long it would take to construct the homes. Concerning geology, he said there are numerous reports attesting to the ability to safely construct a road and house near the home at 444 The Alameda. He would agree to construct a guard rail to satisfy the concerns of the owner of 20 Varbourg Terrace. He said the drive is designed as well as possible and he would be glad to supplement the landscaping at Mr. Mayock's house. Concerning drainage, he will be improving part of the problem and that drainage will be better than the current situation. Concerning paving, the MOU only requires that the pavement in front of the project need be paved. He stated that the timing of the drainage and paving will probably occur after the construction of the driveway.

Jan Back, 439 The Alameda, stated that it was her understanding that Mr. Mayock's engineer is in disagreement with Mr. Helfrich's engineer regarding the private drive and integrity of the slopes. He also disagreed with the MOU that limited the amount of paving. She wondered if all the restrictions stand if Mr. Helfrich sells the sites:

Roberta Stoddard, 444 The Alameda, asked if grading could begin prior to water availability to the sites? Ms. Chaney responded that per the proposed new condition on phasing, the answer is no. Ms. Stoddard again questioned how a road could be placed at the head of a landslide.

Mr. Helfrich estimated that water would be available to the sites within one to three years. He said they tried to balance the cut and fill. Construction vehicles will use The Alameda going east and west. He had no specific response to the traffic problem. Concerning the landslide, he said they will not be touching the slide and will construct a retaining wall above it. Staff stated that numerous reports have been prepared and reviewed by various Town engineering staff that

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relate to the retaining wall and the slide area.

There were no further questions by the public so Chairman Kroot closed the public hearing and turned the questions/comments over to the Commission.

Commissioner Hayes stated that it was unfortunate that a compromise was struck to allow development in the ridge zone, but he would support the CC&R's and wanted to have them written so that no swimming pool would be allowed.

With regard to access he stated he would like to have the trail dedicated now (i.e. with the Final Map). With regard to lighting, he supported the notion of no street lights. Other areas in San Anselmo do not have street lights and this will help retain the rural nature of the area. With regard to drainage, he felt comfortable with the studies that have been done but believed that the neighbor's engineer should review the plans and be given the opportunity to discuss the situation with the applicant. With regard to the headlights, he was not certain that this problem could be totally solved.

Commissioner Julin supports the need to be flexible on the landscaping in the event the Fire Chief has problems with the plan.

Commissioner Mihaly stated he would not vote for the project tonight because of the outstanding issues. He did not favor trucks being allowed to pass along Brookside School until after 9:30 a.m. and suggested an alternative route be designed to circumvent Brookside School. He did support the idea of a guard rail at the sharp curve. With regard to drainage, he was not comfortable that the existing drainag solution. He wondered if the grading plan had to be prepared prior to finaling the drainage so we don't have a drainage plan that is not consistent with the final grading. He asked staff to consider issuance of a grading permit at the time of water availability due to marketability concerns raised by the applicant. He opposed to fences on private open space. With regard to the building envelopes, he was uncomfortable approving envelopes without seeing the MOU and there are no criteria the Commission is seeing to guide them in the final approval. He was unable to approve a project like this without CC&R's. He would like to see a provision for of natural brush in the private open space. With regard to access, he felt that the easement should be accepted now.

Commissioner Sias wanted to see a building envelope with dimensions outside of which no development could occur. He opposed the need for variances at this time. He would like to see access redirected around the last house to ensure connection with the Carey property. He agreed with Commissioner Mihaly about drainage and the concerns about the existing drain pipes. He stated that at one time there was a proposal to solve this problem. He was opposed to fences in the private open space area and was in support of the guard rail. He wanted to see a landscaping plan installed with project improvements. The developer should provide access and landscaping prior to occupancy of these homes.

Chairman Kroot stated that he recalled there was a problem with the above mentioned alternative to drainage and was therefore rejected. He suggested however that the Public Works Director look into this. He had a problem with the CC&R's because of the lack of common areas. He felt the access easement should exist now. He did not believe the land division prohibition should be imposed, nor should the landscape maintenance provision. He would support installation of the private driveway ahead of the residential development. He would like to have the design review handled up front as much as possible and would like to allow for flexibility. He preferred construction trucks to use a route that would avoid Brookside School. He supported the request for the guard rail.

Mr. Helfrich formally requested a vote tonight and for the record stated he was willing to address many of the concerns stated tonight. He felt there were three issues that he disagreed with the Commission on which were: 1) Open space access - He felt it will not go anywhere; 2) CC&R's - He agrees with many of the items in the CC&R's but does not agree with the instrument itself; 3) Drainage report - Agrees that The Alameda floods but believes studies have been done to sufficiently handle the drainage coming from his site.

M/S Sias/Hayes, to continue V-9231/PDP-9202/S-9201 - James Helfrich, between 444 and 500 The Alameda, A/P Nos. 5-043-16, 5-043-22, 5-043-31, 177-133-13, 177-220-54. The request is for a Precise Development Plan, Tentative Map and Variances to create four residential lots from five existing lots. This request would establish the location of four future homes and the location of the private drive. Separate Design Review approval of each home will be required prior to construction. Variance requests include: 1) an 11' variance to locate a parking deck within 9' of the rear property line (Site 1); and 2) a 5' variance to locate a house within 15' of the rear property line (Site 2); and 3) to construct retaining walls over 30" in height within the front and rear yard setbacks (sites 1 and 2). The continuance is to the meeting of September 30, 1992, to allow staff time to return with a resolution, incorporating the comments of tonight's meeting.

Commissioner Mihaly asked that areas of the resolution be annotated where the applicant opposes.

Mr. Helfrich stated for the record, that a vote must take place if the applicant disagrees.

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However, he is willing to work with staff on areas where there is agreement. After further discussion and consideration, Mr. Helfrich agreed to a continuance but asked that some consideration be given to his concerns.

All ayes. Project continued to September 30, 1992.

**D. GENERAL DISCUSSION**

Staff raised the question of an October 22 date for holding a joint Town Council/Planning Commission meeting on Bald Hill. Several Commissioners had a conflict and suggested an early November date.

**E. OPEN TIME FOR PUBLIC DISCUSSION**

No one spoke.

**F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

There are none.

**G. ADJOURNMENT**

The special Planning Commission meeting was adjourned at 11:45 p.m. to the special meeting on September 30, 1992.

**ANN CHANEY  
DIRECTOR OF PLANNING**