

MINUTES OF THE TOWN COUNCIL MEETING OF OCTOBER 14, 1986

Mayor Wooliever convened the meeting on October 14, 1986 at 8:00 p.m. with Councilmembers Chignell, Cordingley, Sharp and Walsh present.

2. OPEN TIME FOR PUBLIC DISCUSSION

Sarah Nome, 77 Alder Avenue, said the budget minutes were ready and she could find no reference to the \$53,000 overpayment or the JPA insurance overestimate.

3. CONSIDERATION OF LETTING CONTRACT FOR EXPERT SERVICE RE: ABATEMENT OF PUBLIC NUISANCE AT 9 and 15 OAK SPRINGS DRIVE

The Director of Public Works said the two dwellings had been unoccupied for three years or so, are unkempt and an attractive nuisance. He proposed a number of immediate measures to be accomplished within the next twenty days and further steps which should be accomplished within 45 days. Staff recommended abating the nuisances.

Cordingley asked about the recommendation for a fence the width of the front and wondered if it should extend around the house. The Director replied he felt the front fence sufficient. He said it had two purposes, one to shield the house from the street and two to inhibit access from the road.

Walter Firestone, 37 Oak Springs Drive said the fence was a valid and adequate safety measure.

M/S Sharp, Chignell to adopt Resolution 2094 declaring the dwelling at 9 Oak Springs Drive to be a Public Nuisance. Ayes all.

M/S Sharp, Chignell to adopt Resolution 2095 declaring the dwelling at 9 Oak Springs Drive to be a Public Nuisance. Ayes all.

Cordingley asked the Public Works Department to watch conditions at this location and keep the Council up to date.

4. REQUEST FOR COUNCIL ENDORSEMENT OF COUNTY MEASURE A.

Chignell said he had no qualms about taking a position on the issue.

Cordingley said he was not clear as to whether the Town is affected directly and whether the Town should take a stand.

Walsh would prefer the Town not to take a stand as an official body.

Lois Wise, Attorney, 8 Commercial Boulevard, Novato, member of the Coalition for a Nuclear Free Zone, said she would be happy to try to answer any constitutional questions. She said local entities have a right to pass laws dealing with issues that would affect the lives of the residents. She said the divestment issue as a whole has been found legal, as an example.

Brady Bevis, Attorney, 8 Commercial Boulevard, Novato, spoke in favor of the Nuclear Free Zone.

M. G. Sheldon, 41 Brookside Drive, raised the question of constitutionality and reminded the Council they had sworn allegiance to the U.S. Constitution. He said he felt there was a conflict.

Speaking in favor of the Nuclear Free Zone were Sophia Spencer, Charles Feeny, Holly Biedul, Jonathan Rossman, Lucile Dandeleat.

Speaking against the Nuclear Free Zone were Nelson King and Holly Stanton.

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M/S Chignell, Cordingley, The Town of San Anselmo supports Measure A and urges each resident to vote yes on Measure A. Passed with four Aye vote and Walsh voting No. Walsh said she felt it is a personal issue and the Council should not take a position.

5. RECREATION PROGRAM INSURANCE

The Administrator reported Pro Rec has found several insurance brokers who may be able to get them insurance. Pro Rec would prefer to remain independent; if they cannot obtain adequate insurance coverage, the key personnel would like to become Town employees. Mr. Howell requested that the item be continued.

The Mayor requested if this is to be an item on the October 28 agenda, that job description, salaries, etc. be available.

Item continued until next meeting.

6. REPORT ON CONTROLLED INTERSECTION EXPERIMENT ON CENTER BOULEVARD

The Chief of Fairfax and Chief of San Anselmo, Town Administrators of Fairfax and San Anselmo had met and concluded the experiment with manually directed traffic on Center Boulevard only had moved the traffic congestion from Fairfax to the Hub and no further effort is recommended.

Chignell asked if San Anselmo had been reimbursed for the officers overtime. The Town Administrator stated the Fairfax Town Administrator is to approach his Council.

7. DISCUSSION OF OCTOBER AND NOVEMBER COUNCIL MEETING SCHEDULE

Carter Collins, Dancewonder, has appealed the Planning Commission denial of his use permit. The Administrator asked the Council if they wished to consider the item at their October 28 meeting, pointing out that their Planning Consultant would be unable to attend. The consensus of the Council was they did not wish to consider the appeal in the absence of the Planning Consultant; they did wish to hold a special meeting for the appeal; Mr. Collins is to be given the choice of November 10 or December 8 for the hearing.

It was the consensus of the Council to hold a regular meeting on November 11, which is a Town Holiday.

8. DIRECTION TO PLANNING COMMISSION RE: REZONING OF DOWNTOWN PARCELS:  
A. DISCUSSION OF PREZONING SPHERE OF INFLUENCE

Cordingley said direction was needed to the Planning Commission regarding the downtown zoning study. He asked if the Council concurred that they wished to pursue the matter. He said it would be advisable to lay out the parameters of the study.

Walsh asked if this is a general plan issue. She also asked if this wasn't done several year back. She said she was concerned because the Council made a commitment to encourage affordable housing. She said. "Let's not downzone from the General Plan."

Cordingley said he only suggested looking to see where we are.

Ms Nome said this was on the agenda three different times and wondered if people had been noticed.

Bill Bandy, 730 San Anselmo Avenue said the businesses had heard some rumors about commercial uses proposed for rezoning. Some areas where low cost housing could go. He said someone from the business community should be included.

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It was the consensus of the Council to go ahead with the study.

A. A DISCUSSION OF PRE-ZONING SPHERE OF INFLUENCE

The Administrator said there are approximately 120 unimproved parcels within the Sphere of Influence. Eliminating the residential parcels in Sleepy Hollow, about half that number would be left. He asked the Council if they wished to begin rezoning parcels within our Sphere of Influence.

The Director of Public Works is concerned about staffing. The staff he has is inadequate staff to handle the workload at the present, and suggested perhaps the Council ought to talk about priorities.

A decision was made that the Director of Public Works will package all items and set priorities. It is suggested that it be worked out with the Town planning consultant.

9. RED HILL/MEMORIAL PARK STUDY COMMITTEE

The Superintendent of Schools and the Town Administrator roughed out a proposal for getting this Committee organized to begin its work. In addition to the Councilmember (Sharp) on this Committee, two additional members would be appointed by each entity. The Committee then would lay out an approach to the study. The Council directed staff to post two vacancies.

10. RESOLUTION EVALUATING TOWN ADMINISTRATOR AND SETTING COMPENSATION

Cordingley stated he felt the Town Administrator is a valuable asset for San Anselmo; he appreciates his competence, ability, determination and creativity; he appreciates having him here.

Sharp echoed Cordingley saying we have an above average Town Administrator.

Chignell said he supported the resolution; he was very pleased with the goals and objectives that the Town Administrator is going to perform over this fiscal year.

Walsh said she echoed what her fellow Councilmembers have said; however, she did not support the original raise. She said she feels it is a question of what the Town can afford.

Wooliever said she wanted to express her appreciation to the Town Administrator and said the Town of San Anselmo is truly fortunate to have him.

Ms Nome asked for a legal opinion from the Town Attorney as to whether this resolution constitutes a substantial change from the earlier, rescinded raise. The Town Attorney indicated that it was a matter of judgment for the Council and it had so determined.

M/S Chignell, Sharp to adopt Resolution 2096, which sets nine points for the evaluation of the Town Administrator's performance; approves the Goals and Objectives for the coming fiscal year; and, on the basis of the evaluation and work plan, the Council fixes the salary for the Town Administrator for fiscal year 1986-87 at \$4,426 per month, effective July 1, 1986. Passed with four Aye votes and Walsh voting No.

11. DISCUSSION OF CREATING OF TOWN AUDIT COMMITTEE

A memo from Walsh distributed and item held over to next meeting.

12. DISCUSSION OF STATE PROPOSITION 62 ON NOVEMBER BALLOT

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M/S Chignell, Cordingley this Council has been prudent in raising general taxes and is against Proposition 62 on the November ballot. Passed with four Aye vote and Walsh voting No.

13. RESOLUTION AMENDING FEES FOR PERMITS UNDER TITLES 5, 7, 9 AND 10 OF THE SAN ANSELMO MUNICIPAL CODE

The Public Works Director said the Department had been falling far short of covering their costs of issuing permits. Staff recommends adopting new fee schedule.

M/S Sharp, Cordingley to adopt Resolution 2097 setting and amending fees for permits under Title 5, 7, 9 and 10 of the San Anselmo Municipal Code. Ayes all.

14. AWARD OF CULVERT REPLACEMENT CONTRACT FOR 119 SCENIC AVENUE

The Public Works Director said the culvert in front of 119 Scenic Avenue had failed entirely. Since the anticipated work was less than \$10,000, the informal bidding process was used. Low bid came in at \$9,990; allocation for culvert had been \$9,000; however, savings from other projects could offset the \$990 difference.

M/S Cordingley, Chignell to award a contract to W. R. Forde for culvert replacement in the vicinity of 119 Scenic Avenue in the amount of \$9,990. Four Aye votes, Sharp abstained.

15. APPEAL OF PLANNING COMMISSION APPROVAL AR-6 QUARRY MOUNTAIN, INC. MASTER LANDSCAPE PLAN

John Roberto, Planning Consultant, stated this was an appeal of the approval of the Landscaping Plan. The appeal had been filed by Jerome Draper on the Landscape Plan and the design of the subdivision improvements approval of the tentative map of the subdivision. The Planning Commission had held four public hearings on the matter, and had approved the Master Landscape concept for the entire project. It was the intent of the developer to get the landscaping started as soon as possible.

Sharp asked The Town Attorney whether or not approval of this landscape plan required making findings as set forth in Section 10-4.07 a (4) of the Design Review Ordinance. The Town Attorney said it was his understanding that Mr. Roberto had added that section. Roberto said that point was addressed at the time of the tentative map.

Draper presented his appeal. He said traffic is a problem in San Anselmo. He said the undeveloped lots, when developed, would add to the traffic problems on Sir Francis Drake Boulevard. There are, he said 2,074 undeveloped parcels in the planning area, all of which, if developed, would put additional traffic on an already overcrowded Sir Francis Drake Boulevard. He suggested eliminating lots 1, 2, 3, 11 and 12 because they are too visible and require too much grading in order to build on the lots. He suggested redesigning the project. His suggestion would be to enhance all cuts with 4 - 6 inches of topsoil; to cluster the development more onto the flat area; eliminating lots 11 and 12 would reduce visibility.

John Roberto addressed Mr. Draper's appeal.

Mr. Draper has listed 15 points in his appeal:

1. Master Site Landscaping Plan: The Planning Commission has found it compatible.

2. Notice regarding change of water pump location. The Marin Municipal Water District changed the location because they felt it would be better located on a small piece of property which they own

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along Indian Rock Road. The Town has no review power or permit requirements for a pump station at the proposed location.

3. Traffic. The EIR certified for the original 25 lot Subdivision proposed for the site found that the project would not result in any adverse traffic impacts on Broadmoor. There would be some increase noticed by the residents along upper Broadmoor and Indian Rock Road; however, this would not be a significant impact.

4. Grading. A detailed grading plan has been submitted. The plan, which is a part of the final map, does not require significant amount of grading on lots 1, 2, 3 11 and 12. The large fill area is between lots 11 and 12 and is needed for the roadway and not dwelling house construction.

5. Long Term Landscaping Maintenance. The developer will maintain landscaping for two years after which time the future owners will take over. This condition could be recorded with the deed so any future buyer would be aware of the condition.

6. Hydromulching. The applicant has said that topsoil will be placed over steep cuts between lots 4 & 5 and 9 & 10 and that any additional topsoil will be spread out over other cuts in the area until all topsoil is utilized.

7. Landscape. The Planning Commission has concluded that no landscaping will be requires for lots 1, 2 & 3 during the interim period between Subdivision improvements and the time homes are constructed. The Master Landscape concept approved for the Subdivision will require landscaping around homes that would be placed on lots 1, 2 & 3. Additional landscaping may also be required at time of design review for construction on each individual lot.

8. Water Tank. The color and actual design are not yet resolved. The MMWD will come to the Town for color approval.

9. Speaks to the numerous hearings on the plan.

10. The public easement to public open space area. The plan provides a 4 foot equestrian path.

11. Location of pedestrian path. The developer had provided alternatives for pedestrian traffic through the subdivision. The Planning Commission had reviewed the alternatives and had preferred the pedestrian path shown on the Landscape Plan and Improvement Plan which was approved as part of the Final Map.

12. Open Space Issue. Is not considered a part of the landscaping plan.

Chignell asked Mr. Draper if he would withdraw any of his 15 point. After first saying no, he reconsidered and withdrew points 2, 8 and 10.

Draper said, we value ridgetops in San Anselmo. This is a designated ridgetop. The subdivision does not meet criteria of our planning laws in San Anselmo. Lots 1, 2, 3, 11 and 12 should be eliminated because they are too visible and would require too much grading in order to build on those lots. All cuts should have 4 - 6 inches of topsoil.

Sharp asks whether approval of the landscape plan requires making findings.

Mr. Roberto said normally no landscaping is required by subdivision.

Cordingley asks if trees to be planted will be large to start and how large they will be when mature. The landscape architect said the trees will be in 5 - 15 gallon cans, and at the end of five years they will

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be virtually the same height. There will be both slow growing and faster growing trees.

Walsh said the developer would maintain the landscaping for two years, but wondered what would happen within 2 or 3 years when the property was developed and sold.

John Slack, 47 Santa Barbara, said he lives where all the traffic will be coming out and asked why they wanted to put a subdivision up there.

Jonathan Braun, 479 Scenic Avenue, said part of the appeal dealt with grading, design of lots and development concepts. San Anselmo values hillsides and ridges, he said. He is concerned approval would be setting a precedent for future ridge development. He feels the plan violates stated guidelines. He asked if this was the only concept available to the Town. He felt there were many alternatives. He would like to ask the developers to redesign.

Cynthia Hyatt said it was an issue of water. The developer cannot get water until the MMWD review the landscape plan. If a drought were to occur again there would be restrictions on the use of water.

The landscape architect said the plantings are all drought resistant. He said they were chosen for a mix of growth rate. All are very compatible.

Karen Grey, consultant to the Landscape Architect said she had many consultations with the MMWD consultants.

Larry Stack, 10 Alice Way, said lots 1, 2, 3, 11, and 12 are not on the flat area as required by the Planning Commission. He questioned the size of the boulders at the entrance to the subdivision; further, there is no provision for lighting within the subdivision; there is a light at the entrance and at the cul de sac only. He expressed further concern over who would maintain the landscaping. He urged the Council to return the entire plan to the Planning Commission with a request the developers start from scratch.

Sophia Spencer asked for no houses at all on the ridges. She said she was afraid we are going to lose all the ridges.

Vicki Chase, 9 Brookside Drive is concerned over the noise factor. She like the peace and quiet. She said she would rather see nothing there.

Resident of 51 Indian Rock Road said she did not want it there.

David Israel, 47 Indian Rock, said this was a good developer who had completed a quality project on Ross Avenue. He said he thought the appeal very well stated. He is concerned over the ridgetops, but would like to see further development up there.

Constantin Kanis, 46 Miwok wanted unpaved pedestrian access to the open space.

Carolyn Turner, Los Angeles Boulevard, said she was against the Italian Alder trees, and she was in favor of sending the application back for redesign.

Terry Campbell and Kay Barnett supported the appeal.

Richard Greenwalk, 20 Meadowcroft said he did not like to project development by piecemeal. He said the landscape plan is trying to hide the houses. If we need to hide something, why put it there? If development on the ridges is allowed, San Anselmo residents will never see those ridges again.

Holly Stanton, 100 Meadowcroft, spoke against the development.

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Steve Best, 46 Elk Horn Way, is concerned with the traffic.

Robert Epifaneo, 83 The Alameda, said by developing the ridge land, a priceless resource is going to be developed. It is setting a precedent.

Fritz Winkler said he would like to hear from people who are in favor of the development and asked for a raise of hands.

Phil Bundschu, 421 The Alameda, spoke in favor of the project. He said it had been scaled down from 24 units to 12. This developer has a national reputation; they have had more expertise in this project than any other project in San Anselmo. The water system will provide adequate water and fire protection to the entire area, not just the development. Drainage will be corrected for the entire area.

Marianne Cowperthwaite, 141 Oak Avenue, said enough is enough. She is really concerned about the ridges. She said there was good reason for so much opposition to this project.

Irving Schwarz, Civil Engineer, said the Town has approved the tentative subdivision map and tonight was supposed only to hear the appeal on the landscape plan and probably had gone far afield tonight. He said grading was proposed only where the land had already been scalped for the quarry. He said the goal of the grading is to soften the development. Lots 1, 2, and 12 have no, or very little grading. The details for the boulders was shown in the plan. Regarding street lights, they had originally proposed 5, but did ask the Planning Commission what they wanted and the Planning Commission told them a total of two lights, one at the entrance and one at the end of the cul de sac. The pedestrian link comes to a question of liability. If the path is not next to the roadway who will be responsible for maintenance and accept liability. Neither the Town nor the Developer wished to accept the maintenance or liability. As it is now proposed, the path starts on the lower level being a concrete sidewalk and then goes into asphalt and further up is rock.

Cordingley asked if grading is part of the landscape plan. Mr. Roberto said grading was part of the final map.

Cordingley said the Council seemed to be forced, by process, to deal with the landscape plan, grading plan and design all at once. He asked if grading was in the Council's purview this evening. He said it was difficult to address each separately. He said there were two ways for the developers to go. Personally, he felt they made the wrong choice. He doesn't see the spirit of the hillside density ordinance. A low visual profile, he said, is all that is acceptable. Looking at the model he sees very large homes. While he said he realized that had nothing to do with the issue before the Council tonight, the size of those homes has a great deal to do with the density and size of the trees that surround the houses. He sees large homes on pads on top of the ridge with no attempt, except in one or two cases, to step down or step up as the ordinance requires.

Mr. Roberto said there are no buildings before the Council tonight.

Doug Elliott said he was not presenting the master plan here tonight. He was only presenting the landscape plan for just the public area. He said what you now have here is a 24 acre parcel which presently has no pedestrian access, when people walk over the private property they are trespassing. The property now has a major cut. He said the one major problem with comments is people just do not want this project there. There are 12 units and he is giving 80% of the land to open space in perpetuity. For the first time there will be access to open space. He stated the slides presented earlier were not accurate and asked to have them disregarded. Mr. Elliott emphasized the tentative map has already been approved and the proposed landscape plan has been

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approved by the Planning Commission. He said, "We care a lot about what we do and our reputation". He further stated he had hired Karen Gray and Jon Roberts, Landscape experts who said after two years the plants will be established and can grow on their own.

John Sharp said it was his desire also to extract the grading from the landscape plan. He thinks there is a problem with traffic. He is concerned with how to enforce landscaping maintenance. A lot of what has been said goes to the final map. He feels there is a basis for upholding the appeal such as the grading and traffic.

Walsh said she was looking for protection for the ridge line. The Council had approved the tentative map and it did address the traffic. She is concerned over the landscape maintenance. It appears the development can improve upon nature in this case. The drainage will be improved.

Paul Chignell said he supported the appeal on the traffic, item #3.

Wooliever said she doesn't understand how it is addressed. The difficulty is it is sequential. She feels the compliments to the developer are well founded. Looking only at landscape plan, it appears a tremendous amount of consideration has been given. She said she is prepared to support the landscaping plan.

Stanley Bala said he had checked the grading thoroughly. It complies with the approved tentative map. The grading was discussed at length. In regard to the traffic, he did not understand why, at this late date, the Council was considering traffic. With regard to the lights. Who needs lights on the top of a ridge? The Planning Commission has agreed with this soft approach. Grading was the most important condition.

Sharp said he agreed with the Town Attorney; on the surface it is difficult to see the link between the landscape plan and traffic. He said he feels a traffic impact every step of the way. He thinks it must go back to the Planning Commission to find out what their thinking was.

Elliott suggests it was clear to him that the traffic issue had been resolved.

Chignell, said for some reason they considered the traffic report.

Elliott ask to continue the meeting so the question can be answered specifically at the next meeting.

Cordingley said he was concerned with the appeal items 1 (size of the homes which required a large number of trees (4) grading (11) pedestrian access path (6) topsoil, shouldn't that be in all the cuts? He said he would like to hear more about that. He said he is dismayed that the concept may be slipping away from the Council. He is concerned with the trees and grading.

Elliott said he cannot answer anything about the final map.

Chignell said the Town has a legal obligation to Elliott.

Walsh prefers to see the final map covering grading, the size of the houses.

At this point Elliott formally rescinded the request for a continuance.

Sharp said he wanted to see it held over to find why that traffic issue is in the memo. He said, "Shall we ignore it or pay attention to it?" What did the Commission have in mind?



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Walsh said she wanted a copy of the tentative map approval and wanted to know what was discussed.

M/S Sharp, Chignell to continue the matter. Ayes all.

Council should go through the 15 points and pick out the ones that need study.

Jerry Draper asked is there was a "clock ticking". Roth said the appeal stayed any time period.

Chignell asked about liability for the trails.

Draper said he would like to see the pedestrian paths behind the houses.

Cordingley said he was concerned with the Master Landscape plan; he would like to see fewer trees, creating a less dense area and less visible. Very dense areas are not in keeping with the grassy areas. The homes are too large. He questioned whether the trees are aesthetically compatible with the landscaping. He spoke to item 4, grading, and asked what specific lots the Council was now looking at. Roberts said Nos. 2, 5, 7, 8, 9 and 10.

Cordingley asked if we do not deal with it now, can it be done at final map stage?

Stan Bala said at the final map stage or both. The Town Council can ask to see the grading plan.

Roberto said a map had been discussed and approved. Walsh asked if the landscaping could be bonded.

October 27 was set for a special meeting on the Quarry Mountain, Inc. Master Landscape Plan and S-98 Final Map, Quarry Mountain, Inc.

16. S-98 FINAL MAP, QUARRY MOUNTAIN, INC. END OF TOMAHAWK DRIVE, A/P Nos. 177-250-40, 41, 177-2250

Continued to the Special Meeting.

17. COUNCIL REQUESTS FOR FUTURE AGENDA ITEM, COMMENTS AND DIRECTION TO STAFF: STAFF MISCELLANEOUS ITEMS

Several Councilmembers asked when the Grape Festival Banner above Tunstead Avenue would be coming down.

Cordingley and Jerry Draper each stated the Town ought to have a policy on hours of Planning Commission Hearings.

Chignell asked about the State Legislation regarding a limited time for raising Councilmembers salaries. He asked about an expiration date.

The Administrator said he wanted the Council to be aware that in at least two instances the Town was well over target on expenses. He said the Planning Consultant as well as the Town Attorney had logged considerable hours. He said he would be ready with his semi-annual report mid-year.

18. CONSENT AGENDA

- A. Approval of Warrants: Nos. 61451 to 61491 and 1681 to 2701 in the amount of \$498,729.80.
- B. Approval of Minutes of 6/19, 7/1 and 7/3
- C. Approval of Minutes of 9/23

Chignell stated with regard to the non-departmental budget heard on July 3, he had voted No only on the labor relations consultant and Aye

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for the rest of the non-departmental budget. Walsh said she also voted No on the labor relations consultant and yes on the balance of the 421 budget.

Minutes of 9/23 Chignell asked to have his comments regarding the controlled traffic experiment included in the minutes as follows: He did not believe the experiment was going to work; the traffic would bunch at the Hub. He said he felt we should rely on our Chief of Police and Traffic Expert, Sgt. Wight.

The Town Administrator said Sarah Nome had stated at the beginning of the meeting there was no mention of the \$53,000 overpayment nor the JPA insurance overestimate in the budget hearing minutes. He pointed out that the minutes of June 24 discussed the \$190,000 reduction from the original estimate of the cost of insurance; the minutes of July 3 discussed the \$53,000. The June 24 minutes were approved somttime ago; the July 3 minutes are up for consideration now.

M/S Cordingley, Sharp Consent agenda approved with modifications to 7/3/86 and 9/23/86.

ADJOURN: At 2:15 a.m. the meeting adjourned to the special meeting of October 27.

Thelma Foster