

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of September 28, 1993

6:00 p.m.

Mayor Chignell convened the open session to announce adjournment to closed session regarding negotiations with Peter and Pamela Fraser for the exchange of real property, with Council Members Breen, Kanis, Yarish, and Zaharoff present.

6:05 p.m.

Closed session regarding negotiations on the exchange of real property, pursuant to Government Code Section 54966.8.

7:20 p.m.

Interviews with applicants to Open Space Committee and Ross Valley Paramedic Authority Board of Directors.

8:00 p.m.

1. CALL TO ORDER.

The regular meeting was convened, with all Council Members present.

2. OPEN TIME FOR PUBLIC EXPRESSION

Barbara Schmidt, 59 Austin Avenue, inquired about the potential for meetings with Fairfax and Ross regarding Bald Hill, and the cities' representatives to the County animal control committee.

3. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTIONS TO STAFF; STAFF MISCELLANEOUS ITEMS.

Berkeley Avenue - Yarish asked that a decision on road improvements and traffic management be placed on the next agenda.

American Legion Log Cabin - Yarish inquired about the status of the memorandum of understanding with the Legion and neighbors. Staff reported that it had been signed, and that its implementation, notably with respect to disturbance to the neighborhood, would be monitored.

Purchasing policy - Breen asked that purchasing policies be placed on a future agenda.

ISTEA - Public Works Director Bush explained that the project application for guardrails would be discussed by the Council if the funding is approved.

4. CONSENT AGENDA

- (a) Approve minutes: September 14, 1993.
- (b) Approve resolutions authorizing grant applications for Sorich Ranch Park.
- (c) Approve resolution authorizing participation in the Federal Surplus Property Donation Program.
- (d) Declare October 4 - 10 as "Pollution Prevention Week."

M/s, Zaharoff/Breen, to approve the Consent Agenda. Motion passed unanimously,

5. PRESENTATION OF PEDESTRIAN SAFETY AWARD BY THE CALIFORNIA STATE AUTOMOBILE ASSOCIATION.(CSAA)

A representative from CSAA presented Council with a plaque.

6. RECOGNIZE CHERILYN GILBOY AND LYNDA WADLER FOR THEIR SERVICE ON THE PARKS AND RECREATION COMMISSION.

Ms. Gilboy was unable to attend. Ms. Wadler was presented with a certificate recognizing her efforts on behalf of the community.

7. APPOINTMENT OF SAN ANSELMO'S REPRESENTATIVE TO THE ROSS VALLEY PARAMEDIC AUTHORITY.

M/S, Yarish/Breen, to appoint Janice Przybylski to the Board of Directors of the Ross Valley Paramedic Authority, to a term to expire July, 1997. Motion passed unanimously.

8. ADOPT ORDINANCE REGULATING LEAF BLOWERS.

Charlotte Hatch, 10 Deer Park Land, asked if the economic impacts of the ordinance had been considered.

Kanis spoke in opposition to the ordinance, commenting that it did not go far enough in banning the blowers, and was unenforceable.

Yarish said that if this ordinance was not workable, and was unenforceable, he would not hesitate to revoke it in six months.

Breen encouraged residents to speak to neighbors whenever possible.

M/S, Breen/Yarish, to adopt Ordinance No. 951 pertaining to the restricted use of leaf blowers. Motion passed by the following vote:

AYES: Breen, Yarish, Zaharoff, Chignell

NOES: Kanis

9. REQUEST FROM THE SAN ANSELMO CHAMBER OF COMMERCE TO CLOSE SAN ANSELMO AVENUE FROM MARIPOSA AVENUE TO TAMALPAIS AVENUE THE THIRD WEEKEND IN JUNE FOR THE NEXT TWO TO THREE YEARS FOR THE SAN ANSELMO ART & WINE FESTIVAL.

M/S, Zaharoff/Yarish, to approve a three year permit for the closure of San Anselmo Avenue as requested, with the proviso that staff look into adding a stipulation for revocation or modification of the permit if problems or unforeseen circumstances arise, with the language of the stipulation to come back to the Town Council. Motion passed unanimously.

10. PUBLIC HEARING ON APPEAL OF PLANNING COMMISSION APPROVAL OF REAR YARD VARIANCES (TO BE WITHIN 0 FEET OF THE REAR PROPERTY LINE, WHICH IS HUMBOLDT AVENUE), AND DESIGN REVIEW OF A SINGLE FAMILY DWELLING; 137 HUMBOLDT AVENUE, A/P7-033-20 AND 7-033-21; JOHN SCHRECK, APPLICANT.

Planning Director Chaney presented the staff report.

The applicant's representative said that Foothill Avenue was very narrow in that location - 10 to 12 feet wide, and the impact from building on the Foothill frontage on the neighbors would have been tremendous, closer than their present location. The three bay trees would be removed to provide additional parking for the neighborhood. He submitted photographs of the street showing the difficulty of parking in front of the house, and said they had changed some aspects to mitigate concerns of neighborhood. They worked out some of the conditions of approval from the Planning Commission with

the Public Works Department. The soils engineer is prepared to furnish an updated report.

The appellant, Donald Harte, 135 Humboldt, submitted a petition signed by 22 neighbors protesting the project due to the impact on the neighborhood, geologic instability, oversize of house, and that it is visually out of character with the neighborhood. He said the Planning Commission did not give reasons why access could not be off Foothill. The neighborhood is extremely overburdened with a parking problem, and it presents an intolerable circumstance to not have parking. It is a rustic neighborhood, country type feeling; very little has been done to change this house into a rustic feel. This house doesn't fit into the neighborhood. It was similar to the house at end of Ivy Lane that he designed, which Mr. Harte said dominates the neighborhood. He expressed concern about replacing heritage trees with bushes. Foothill has alot less traffic than Humboldt, and felt it was not unreasonable to have people walk up from Foothill to this property.

Sheri McNear, Humboldt Avenue, objected to the house from a parking standpoint. She submitted copies of a schematic showing available parking spaces. Humboldt bears the parking burden for all three streets. When her house was built, it was required that they rebuild parking spaces that were lost with the construction. He noted that Humboldt is an evacuation route for the neighborhood in the event of a fire or other disaster.

Patrick McGregor, 100 Humboldt, raised concerns about economic and environmental issues. He said that looking at safety, evacuation route, he noted that one fire hydrant that serves 17 houses, and wanted to know if more hydrants would be added. He said no one was fixing the roads, and expressed concern about the continual erosion. There are foxes that go down to the creek, salamanders, skunks, and raccoons to take into consideration. He said the house was being built upslope where it will be visible, instead of downslope, where it would not be seen.

The owner of 42 Humboldt asked who would pay to have her retaining wall redone because of collapse. If someone comes over it and into my house, who will pay for it.

Charlotte Hatch, 10 Deer Park Lane, said it would be easier to build a house on Foothill, but the view from building on Humboldt is valuable.

Michael Krasney, 133 Humboldt, said cars were ticketed on Humboldt and that the police and a prior Council had said Humboldt had the worst parking problem in town. The neighborhood is also one of the worst tinder box areas, accessibility was horrible, and it was unconscionable to add to the problem. In addition, it was a hideous house design.

Mike Williamson, broker who once represented the seller, TRI, said there has been a problem with this lot since 1986, and that the Shrecks and Hartes have been in litigation regarding this property.

Jeff McNear, Humboldt Avenue, said that parking is horrendous on Humboldt, and if the four parking spaces are removed from the 137 Humboldt frontage as proposed, those cars will have to go somewhere. He said the parking spots are in the public right-of-way not on the property, and there was precedent for parking to be required in he right-of-way in front of other peoples' homes.

Lois Lindeman, 8 Ivy Lane, said her concern was soils stability on the hill. She inquired about who paid for the prior soils report.

Chaney suggested the language be incorporated to require review by an independent engineer.

Zaharoff expressed concern about the project's compatibility with the neighborhood, parking, and bulk. She said the parking and safety concerns are so compelling, and she had not heard any information that would preclude siting the house on Humboldt, other than inconvenience. Humboldt Avenue is overburdened, while only three homes access

percent of his bar business. He said that the ordinance will affect him financially, felt that people will quit on their own, and that there needed to be some refuge where people could go to have a cigarette with a meal.

The Council Members discussed how the ordinance would apply to a business such as Ted's that had both restaurant and bar service with distilled spirits.

M/s, Breen/Zaharoff, to waive reading and introduce the ordinance prohibiting smoking in public places and places of employment, with the following amendment: that smoking be allowed in restaurants that serve distilled spirits for a period of two years, after which such restaurants must come into conformance with the ordinance. Motion passed unanimously.

10. ESTABLISH AD-HOC COMMITTEE TO REVIEW STRUCTURE, POLICIES, AND PROCEDURES OF THE ART COMMISSION.

It was the consensus of the Council to solicit applications for a five-member ad-hoc committee as recommended by staff.

11. INTRODUCE ORDINANCE AMENDING PROCEDURES FOR PRESENTING CLAIMS AGAINST THE TOWN.

M/s, Yarish/Zaharoff, to waive reading and introduce the ordinance. Motion passed unanimously.

12. Appoint a Council representative to the Marin Delegation of the 101 Corridor Committee.

No Council Member was available to attend the meeting the next evening. A representative will be appointed after the election.

13. ADJOURN.

The meeting was adjourned at 11:00 p.m.

Beth Pollard