

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of March 22, 1994

1. CALL TO ORDER.

Present: Mayor Chignell, Council Members Breen, Kroot, Yarish, Zaharoff
Absent: None

2. OPEN TIME FOR PUBLIC EXPRESSION.

Sarah Nome, 77 Alder, said she was disappointed last week when she tried to attend a fire board meeting and no San Anselmo representatives came. The meeting was rescheduled for March 21, and by the time she got to the Fire Station that evening the meeting was already over. She protested that the meeting began early. Meetings should begin at the posted time. She feels it is time for representation on the Fire Board to change over.

Barbara Schmidt, 59 Austin, said the announcement in the paper for the Fire Board meeting had an incorrect time listed for the meeting.

Lu Dandeleit, Redwood Road, said it would be good to require a tenant leaving a business building remove any signs, posters, advertisements, etc., so it will be cleared for new tenants. Staff will look into this.

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

Yarish asked about easement between Vista Lane down Forest Avenue. There used to be a staircase there and some residents are interested in reconstruction. He would like staff to assist neighbors in working on the stairway and perhaps organizing an assessment district.

Kroot asked about the status of the letter to the Ross Valley School District on the skateboard issue. Interim Town Administrator Pollard said it would go out next week.

Breen said he will be out of town for the next regular meeting, April 12. He is working with the United Market on some alternative solutions regarding the Jordan Avenue/market parking lot matter and will keep staff and council posted.

Chignell asked staff to invite former County Treasurer J. A. Coffrini to come to the next Town Council meeting so he can be recognized for his long-time service to the County.

Chignell said he has received several calls about banners at the San Rafael Avenue Stop 'N Go store. Staff will look into this.

Chignell asked for a copy of the JPA cable letter that was recently sent.

Chignell said that the Sleepy Hollow Fire Protection District asked when negotiations would begin to amend the contract. Interim Town Administrator Pollard said those negotiations could begin now.

Chignell asked staff to formally notify the Solid Waste and Recycling Advisory Committee to compile a list of irregularities in garbage service.

Pollard advised Council that she has received the resignation of Planning Commissioner Spencer Sias.

Pollard said that the Council will host a financial planning workshop on Tuesday, March 29, at 7:00 p.m. in the Council Chambers.

4. CONSENT AGENDA: AT THE REQUEST OF A COUNCIL MEMBER, ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY.
- (a) Approve minutes: March 8 and 15, 1994.
 - (b) Acknowledge and file financial reports through February 25, 1994.
 - (c) Approve resolution designating staff to appear on behalf of the Town in Small Claims Court.
 - (d) Approve resolution in support of efforts of *It's Time for a Park* to acquire the Marin Town and Country club site for public use.
 - (e) Proclaim Labor Day as *Try American Day*.
 - (f) Appropriate up to \$3,000 from the Equipment Fund for replacement computer and peripherals.
 - (g) Waive the banner fee for the *Festival of Student Art*.
 - (h) Award contract for sidewalk and other concrete repairs to J.J.R. Construction, Inc.
 - (i) Grant potential new owner of 114 Oak Knoll Avenue a 60 day timeframe from the close of escrow to abate the public nuisance, contingent upon close of escrow.
 - (j) Ratify collective bargaining agreement with the San Anselmo Police Officers Association.
 - (k) Approve equity adjustments for the maintenance worker series, Public Essential Services Unit, Marin Association of Public Employees/SEIU 949.
 - (l) Authorize temporary closure of San Anselmo Avenue for Sir Francis Drake High School victory parade.
 - (m) CONTINUE TO APRIL 12, 1994; Negative declaration and ordinance to rezone a portion of a 1.48 acre parcel known as 25 Rancho Drive, from R-1-C to R-1, and consideration of required infrastructure improvements; James and Elizabeth Freeman, applicants.

Chignell noted one change on Item (a), in the Minutes of March 15, 1994, page 4, item 8, paragraph 3, sentence 2, should read "Chignell advised that Hal Brown said he would endeavor to overturn this language as two of the four incorporated cities in his district have signed resolutions."

M/s, Zaharoff/Yarish to approve the consent agenda as amended. Ayes: All

5. RECOGNITION PRESENTATIONS:

A certificate was presented to Steven Best in recognition of his eight years of service to the Town on the Open Space Committee, working on the Open Space Master Plan, committee finances, and Quarry Mountain. Mr. Best was commended for his excellent work and dedication.

A certificate of recognition was presented to Belinda McDonald, recently named the 1993 Marin County Explorer of the Year by the Marin County Council of the Boy Scouts of America. Belinda had over 500 volunteer hours last year.

6. PUBLIC HEARING ON ADOPTION OF AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 10, ARTICLE 4 (DEVELOPMENT STANDARDS), AND ARTICLE 7 (PROCEDURES), OF THE ZONING ORDINANCE RELATIVE TO THE MAXIMUM SIZE OF DWELLINGS ON RESIDENTIAL PROPERTIES LOCATED ABOVE 150 MEAN SEA LEVEL ELEVATION.

Planning Director Ann Chaney gave the background of this item. Staff recommends that this ordinance amendment be approved which would allow exceptions to the maximum dwelling size, or Floor Area Ratio (FAR), through the Design Review process.

Kroot asked how allowable size was determined on the recently approved Mariposa Avenue project. Chaney said state law governing affordable housing supersedes the Town's Municipal Code, and allows for reductions in normal standards for low cost housing.

Yarish asked how many such variances have been requested. In the last three years, there have been three. Compared to other Marin County cities, San Anselmo's rules are the most restrictive.

Jonathan Braun, Open Space Committee, said the Committee feels strongly that large homes could have considerable impact on the aesthetic quality of San Anselmo's open spaces. They feel 5,000 sq. ft. is adequate and protects sensitive areas.

Barbara Schmidt, 59 Austin, feels that the current limit should not be exceeded.

Kathy Sanders, Open Space Committee, pointed out that trees on Bald Hill are a minimum barrier to screen homes. People trim to gain a view and lose the screening value. Screening on ridgetops is difficult, especially with trees.

Bill Ollinger, 60 Olive, said the Council should make it very clear what the guidelines are in this ordinance. If the process is arbitrary it engenders hostility. He suggests there be guidelines so builders know what to expect and staff has a framework in which to work.

Barbara Schmidt, 59 Austin, feels former rules haven't worked, and that rules are useless if they aren't enforced.

The public hearing was closed.

Zaharoff does not believe the ordinance should be changed. She feels it is subjective and that 5,000 sq. ft. should be adequate. She feels this is a bad time to send a message encouraging development. The present ordinance has worked.

Kroot said that people making additions to older homes can sometimes get caught in the 5,000 square foot rule, especially if they are on a sloping lot with a basement or attic. He feels something needs to be changed, but he wants to stay with the variance procedures, basing it upon visibility.

Yarish said the current ordinance is awkward and revision is needed in the interest of fairness. He feels the design review approach is the way to go, perhaps renaming it an exception would make it seem stronger.

Breen favors the Design Review approach, and would like guidelines on the counter in Public Works so people know at the outset what is expected.

Chignell feels that individual applications have had merit, and mentioned several examples where additions are appropriate but not within the ordinance. He is leaning toward the variance process.

It was the consensus of Council that Chaney should look into the exception process and work with Town Attorney Roth to define "exception".

M/s, Kroot/Breen to ask Chaney to look into the exception process and to meet with Roth. Ayes: All.

7. INTRODUCE ORDINANCE AMENDING THE ZONING ORDINANCE TO REDUCE THE ALLOWABLE FENCE HEIGHTS IN FRONT YARD AREAS FROM THE 6 FEET CURRENTLY PERMITTED, TO 3 FEET, 6 INCHES.

Planning Director Ann Chaney gave the history of this issue. Currently six foot fences on street frontage property are allowed by right. In surveying neighboring towns, San Anselmo and Belvedere are the only two towns that allow a six foot fence by right in front yards. This ordinance would allow by right a fence up to 3.5 feet on a front yard, or on a sideyard with street frontage. Fences up to 6 feet would be allowed through the administrative design review process. Chaney said that included in the ordinance is language that fence height must not impair traffic, impair light to the area, be compatible with the neighborhood, and not significantly obstruct street scene openness. This

ordinance would not affect backyard fences between neighbors. Should a fence be built within the 20' front yard setback or 12' side yard setback, it could be 6 feet tall without any design review.

Council discussed what types of fences would be included, and whether hedges would be considered fences. The administrative design review process would cost \$52, with a \$40 fee for notification costs. If a decision were appealed, it would cost more.

Sarah Nome, 77 Alder, said that several tall fences have gone up in her neighborhood. She feels other neighbors should have the same right.

Kathy Sanders, Redwood Road, noted that a new 380' solid 6 foot fence on Redwood Road and White Way has seriously impacted neighbors and created a lot of animosity. She feels the town needs design review process for solid fences, especially in hillside areas.

Bill Ollinger, 60 Olive Avenue, objects to the 3.5 foot limit. At this height the fence cannot possibly keep deer out. He feels the ordinance should state that taller fences should be open in nature. He said the definition of hedges should be kept under control because their growth can become objectionable.

Elaine Robertson was concerned that not many people know about this. She is a gardener and has to have a 6 foot fence to keep the deer out. She feels the ordinance needs flexibility.

Glen Smith, San Anselmo, said a 3.5 foot fence is not enough to keep animals in or out, and will not provide privacy.

Barbara Schmidt, 59 Austin, has a four foot fence in her front yard and the deer walk in and eat what they want. She suggests deer resistant plantings.

Sonya Sieverson, Crescent Road, said a deer proof garden isn't very pretty and you can't grow roses or tomatoes. She has a garden and couldn't live with a 3.5 foot fence.

Lu Dandeleit, Redwood Road, feels the proposal is unrealistic.

Kathy Sanders, Redwood Road, said she feels people are misunderstanding the ordinance. It doesn't disallow 6 foot fences, it just puts an administrative design review process in place.

Sarah Nome, 77 Alder, said she has had a lot of vandalism and she may have to put in a tall fence. She resents paying a fee for this.

It was the consensus of council that a workshop is needed that could focus on this issue, perhaps scheduled for the summer, that would help educate the public and air opinions.

M/s, Breen/Yarish, to continue this item and schedule a public workshop on this issue.
Ayes: All.

8. APPEAL OF A PLANNING COMMISSION ACTION DENYING THE APPLICANT'S REQUEST TO ELIMINATE THREE WINDOWS ON THE EAST ELEVATION OF A BUILDING AT 22 MAGNOLIA, AS AN AMENDMENT TO THE ELEVATION PLANS FOR THIS STRUCTURE PREVIOUSLY APPROVED THROUGH THE DESIGN REVIEW PROCESS.
APPLICANT: SELWYN HOAG.

Due to a conflict of interest, Council Member Kroot excused himself.

The property at 22 Magnolia has had a number of design changes approved and staff feels they've made as many changes as possible.

Selwyn Hoag, applicant, said windows have been removed for budgetary reasons. He wishes the three windows in question to be removed because noise and lights from cars parking in the Town's Magnolia parking lot will affect the enjoyment of his living room. Mr. Hoag surveyed Magnolia lot patrons recently for opinion and the results were favorable to him.

Breen said he feels the windows could go as there is plenty of light inside, but he doesn't like the yellow color planned for the siding. He wondered if the applicant would trade a better color for eliminating the three windows.

It was the consensus of council that staff has gone a long way toward accommodating Mr. Hoag. Landscaping the east side of the house is important, and Mr. Hoag is willing to purchase some large trees, and will look into a paler yellow for the outside.

M/s, Breen/Yarish, to direct Planner Lisa Wight to work with the applicant to attempt to work out a compromise solution and continue this matter to the next regular meeting.

Ayes: Breen, Chignell, Yarish, Zaharoff

Abstain: Kroot

9. CONSIDER PROPOSAL TO ISSUE TAX AND REVENUE ANTICIPATION NOTES TO EARN INTEREST INCOME.

Interim Town Administrator Pollard said that this proposal would allow the town to manage their cash flow and receive interest. The town issues short-term notes, which are bought at tax exempt rates and earn interest at taxable rates. The Town's profit is the difference between the two rates, subtracting professional fees involved in the transaction.

Merle Sheldon, Town Treasurer, said that he feels that for the amount of risk, we aren't gaining very much. He wondered what would happen if interest rates went the wrong way.

Sarah Nome, 77 Alder, said the market is volatile and this seems like an iffy proposal. If money is lost, taxpayers will have to pay.

It was the consensus of council that more information is needed to make a decision. It would be helpful if the firms involved could send their representatives to a meeting and make a presentation. Interim Town Administrator Pollard will invite Bartle Wells Associates, financial advisors, and Stradling, Yocca, Carlson & Rauth, bond counsel, to make such a presentation. The item is continued until this time.

10. ADJOURNMENT.

The meeting was adjourned at 10:30 in memory of recently deceased residents Lawrence R. Shattuck and Robert McKibbon Scott.

Debbie Stutsman