

TOWN OF SAN ANSELMO  
Minutes of the Town Council Meeting of May 31, 1994

Present: Yarish, Breen, Kroot, Zaharoff  
Absent: Chignell

1. OPEN SESSION CALL TO ORDER.

Vice-Mayor Yarish reported that no decisions were made during the council's closed session regarding negotiations with Peter and Pamela Fraser, Hugh and Luanne Cadden, Ronald Lachman and Christine Troffer, Robert and Virginia Cary, David Hansen, Lewis Epstein, Robert Pisani, and the Marin County Open Space District on the purchase and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-101-01, 02, 7-071-01, 02, 03, and 7-154-01, 02, 03 and 04.

2. APPEAL OF CONDITIONS OF PLANNING COMMISSION APPROVAL OF PDP-9401/VTM-9402/ER AND DENSITY DETERMINATION, PETER AND PAMELA FRASER, NEAR 390 REDWOOD ROAD, APN's 7-071-03, 7-101-02, 7-154-04, ENVIRONMENTAL REVIEW, DENSITY DETERMINATION, PRECISE DEVELOPMENT PLAN, AND VESTING TENTATIVE MAP APPLICATIONS FOR A 25.65 ACRE SITE LOCATED OFF REDWOOD ROAD NEAR 390 REDWOOD ROAD. THE SUBDIVISION MAP WOULD CREATE SEVEN (7) HOMESITES ON ABOUT 5.7 ACRES AND A PUBLIC OPEN SPACE PARCEL TOTALING APPROXIMATELY 19+ ACRES.

Planning Director Chaney said the applicant has filed an appeal of the conditions of the Planning Commission approval of this project. Council is being asked to approve the mitigated negative declaration and approve a resolution revised from what the Planning Commission approved. However, instead of one resolution, it has been split into two separate resolutions. The first resolution includes the approval of a precise development plan and vesting tentative map to create seven residential lots and a 19+ acre public open space lot. The second resolution approves the density determination for 12 units.

Chaney outlined the changes made to the first resolution. On page 8, #3, language was added to create a separate public/private open space lot behind Lot A. The word "private" will be added to the resolution. On page 11, #18, it is stipulated that money received in payment for any tree damage will be used for tree replacement or enhancement on this project only. On page 13, a cap of \$6,165 has been inserted for roadway improvements, and a \$8,125 cap put on repaving. These are based on the Town Engineer's estimates for the work. On page 13, item B. 5), language has been added to reflect that if the owners of this property refuse permission to do the work, the condition is waived. Also, the word "house" should be changed to "garage" twice in that item. On page 14, F.1) "the Town" is changed to "MCOSED". On page 15, the Ross Valley Sanitary District has indicated that the road width requirements for the sewer improvements will be consistent with the Town's requirement. Page 16, #9 includes wording that fencing around the housing envelope may exclude wildlife, while fencing around the property boundary may not exclude wildlife. On page 18, #22 has been deleted and #23 modified to include "and filing the Improvement Plan."

Peter Fraser, applicant, asked that on page 16, #13, that the words "and/or the use of blockstone/chipstone" be added. Also on page 16, #1, he asked it be noted that "masonite products are also not allowed."

Planning Director Chaney discussed the changes to the second resolution, which approves a density determination of 12 units.

The discussion was opened to the public.

Sarah Nome, 77 Alder, said that this process is taking a long time and expenses are high. She doesn't want her taxes to pay for this. She feels there should be a cap on legal expenditures.

Barbara Schmidt, 59 Austin, asked if the second resolution means that more homes could be built up there in the future. She also asked if Fish and Game had been brought into the process.

Planning Director Chaney said that no more homes would be built on those lots as they will be owned by the Marin County Open Space District. An environmental document was circulated to Fish and Game, along with a number of other agencies.

Mary Beth Whittemore, 75 Allyn Avenue, asked if 12 units will be built. Chaney responded that only 7 can be built. She also asked why the language on page 14, #2, uses "may" rather than "shall." Chaney responded that the Sanitary District will ultimately determine whether a soils report will be required, therefore "may" was used.

Barbara Geisler, 405 Redwood Road, asked why the resolution says 12 when it means 7. Chaney responded that those five lots are to be retired to the open space district.

Paul Bailiff, 75 Allyn, asked about #22 on page 18, which was deleted. He feels the council has gone right to the edge of giving Fraser 12 units. Couldn't another developer come back later and say it's been practically approved for 12.

Hadden Roth, Town Attorney, said the language at the end of the resolution was made to prohibit just that. The deal must be struck in its entirety. In his opinion it will work.

Kathy Sanders, 310 Redwood Road, asked about item 3 on page 8. Will the trail still be allowed to go through this open space and will the public be allowed access? She wondered when the roadway/driveway drainage issues would be addressed. Chaney responded that the improvement plan addresses these issues.

Barbara Schmidt, 59 Austin, asked if drainage is ever taken into consideration. She doesn't feel the public is getting any feedback.

Paul Bailiff, 75 Allyn, said that between lots A and B there is drainage that isn't listed anywhere, that goes between his house and 45 Allyn. He would like to see the final improvement plan. He said curbing should be included on Colley's property.

Dietrich Stroh said residents are welcome to contact his office and come look at the plans. The roads will be pitched to ensure proper drainage. A tremendous amount of drainage work will be done, even offsite.

Cheryl Foley, 390 Redwood Road, asked when work on the infrastructure would be begin once approval is given. Fraser anticipates starting this summer, perhaps August.

Barbara Geisler, 405 Redwood, said her father owned this property when White Way was put in and he worried then about slides on the unstable soil. Later on a house directly below White Way slid down the hill.

The public hearing was closed.

Hadden Roth, Town Attorney, asked that on page 18, item #23, that language be added as follows: "contemplated by that agreement."

It was the consensus of council that with the modifications outlined they could support this appeal.

M/s, Kroot/Zaharoff, to approve the mitigated negative declaration for this project. Ayes: All. Absent: Chignell.

M/s, Kroot/Breen to approve Resolution No.3263, approving the precise development plan and vesting tentative map to create seven (7) residential lots and a 19+ acre public open space lot. Ayes by roll call: Breen, Kroot, Zaharoff, Yarish. Absent: Chignell.

M/s, Kroot/Zaharoff, to approve Resolution No. 3264, a density determination of twelve units. Ayes by roll call: Breen, Kroot, Zaharoff, Yarish. Absent: Chignell.

3. AUTHORIZE EXECUTION OF A COOPERATIVE AGREEMENT WITH THE MARIN COUNTY OPEN SPACE DISTRICT REGARDING THE FRASER PROPERTY AND THE PUBLIC ACQUISITION OF AN APPROXIMATELY 20 ACRE PORTION OF THE FRASER PROPERTY FOR PUBLIC OPEN SPACE.

This item was continued to the Town Council meeting of June 7, 1994.

4. SECOND READING: ADOPTION OF ORDINANCE AMENDING TITLE 10, CHAPTER 20, OF THE MUNICIPAL CODE TO PERMIT A WELL TO BE SHARED FOR IRRIGATION PURPOSES ONLY AND TO ALLOW WAIVERS OF WATER CONNECTION FEE DEPOSITS UNDER CERTAIN CIRCUMSTANCES.

Planning Director Chaney said language has been added to the ordinance to give the Town enough latitude to ensure that downstream vegetation is protected.

Barbara Schmidt, 59 Austin, said things like this need strict monitoring. She feels it should be thought about carefully to be sure it can be kept under control.

M/s, Breen/Kroot, to adopt Ordinance No. 957 to permit a well to be shared for irrigation purposes only and to allow waivers of water connection fee deposits under certain circumstances. Ayes: All. Absent: Chignell.

5. ADJOURNMENT.

The meeting was adjourned at 9:30.

Debbie Stutsman