

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of May 9, 1995**

Present: Breen, Chignell, Hodgens, Kroot, Yarish  
Absent: None

6:55 p.m.

Announce adjournment to closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, on the terms of purchase and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-154-04; 7-101-02; and 7-071-03 pursuant to Government Code Section 54956.8.

7:00 p.m.

Closed session regarding conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, on the terms of purchase and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-154-04; 7-101-02; and 7-071-03 pursuant to Government Code Section 54956.8, and regarding pending litigation pursuant to Government Code Section 54956.9(b)(1)(A) (two cases).

8:00 p.m.

1. CALL TO ORDER AND ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION.

Mayor Yarish announced that no action was taken during closed session.

2. PROCLAIM MAY 30 THROUGH JUNE 3 AS THE WEEK OF THE CHILDREN, AND APPROVE REQUEST FOR THE USE OF TOWN HALL LAWN FOR THE FESTIVAL OF THE CHILDREN, AND TO CLOSE TUNSTEAD AVENUE FROM SAN ANSELMO AVENUE TO LIBRARY PLACE ON JUNE 3, 1995.

M/s, Breen/Kroot, to proclaim May 30 through June 3 as the Week of the Children, and approve request for the use of Town Hall lawn for the Festival of the Children, and to close Tunstead Avenue from San Anselmo Avenue to Library Place on June 3, 1995.

Ayes: All.

3. OPEN TIME FOR PUBLIC EXPRESSION

Howard Nemerov, San Anselmo Avenue, asked that Council consider a regulation for graffiti removal, perhaps requiring that if the property owner doesn't take care of graffiti, then the Town will do it, maybe with the property owner's paint.

Yarish directed staff to prepare a report recommending an official policy on graffiti removal to bring back to Council.

Chignell mentioned that Corte Madera has recently passed such an ordinance.

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

Breen asked about the car advertised on the front lawn at 1432 Sir Francis Drake Blvd. Chaney said staff will take photos and follow up with a letter to the property owner.

Chignell said the Morningside neighbors appreciate the hard work of the Public Works Department, especially Mike Hopp.

Kroot asked when the Downtown Revitalization material might come before the Council. Chaney said Michael Freedman's schedule is very busy in upcoming months and he won't be free until August. It was agreed that Mr. Freedman's presence is not critical, and momentum should not be lost waiting.

5. RECOGNIZE AWARD WINNERS IN THE ANNUAL FESTIVAL OF STUDENT ART.

Town Administrator Pollard recognized eight high school seniors on their award winning participation in the Third Annual Festival of Student Art.

Warren Fairchild, Drake High School art teacher, said that the Drake students were unable to be present due to a performance at school, but that they appreciate the recognition.

The Council recognized the hard work of the Festival's chair, Lidija Grzac.

6. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. OTHERWISE, ALL THE ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: April 25, 1995.
- (b) Acknowledge and file warrants: Nos. 18445-18650, in the amount of \$505,329.34.
- (c) Approve Resolution No. 3303 approving the Marin County Major Crimes Task Force Joint Powers Agreement and authorize the Mayor to execute said agreement.
- (d) Approve Public Inquiry/Comment form.
- (e) Acknowledge and file status report on implementation of greenwaste collection program.
- (f) Approve proclamation honoring *Youth Advocates' Nine Grove Lane Shelter* 20th Anniversary.
- (g) Approve Resolution No. 3304 authorizing certificate of acceptance of grant of interest in real property, the Cadden property on Bald Hill.
- (I) Approve Resolution No. 3305 authorizing quit claim deed on the Cadden property on Bald Hill to the Marin County Open Space District.
- (j) Status report on abatement of a public nuisance concerning a slide at 4 Herrera Court, sliding onto property on Carlson Court.
- (k) Appropriate \$3,000 from unprogrammed/emergency Capital Projects fund to share the cost of paving Ancho Vista Avenue with the Ross Valley Sanitary District.
- (l) Announce expiration of terms: Library Advisory Board, Tax Equity Board, Parks & Recreation Commission, Planning Commission, Solid Waste & Recycling Advisory Committee.

Items (c), (e), (f), and (j) were removed for discussion.

M/s, Kroot/Chignell, to approve the remainder of the consent agenda, excluding items (c), (e), (f), and (j). Ayes: All.

Regarding item (c), Breen said he wanted to acknowledge the work of Paul Chignell in the Major Crimes Task Force. Chignell said the Town's 95-96 contribution is proposed to increase from \$7,000 to approximately \$15,000, and the money will not be spent on salaries. The Task Force budget will be presented to the Council in the near future. There is some discussion of reducing the number of personnel on the Task Force.

Chignell said, in reference to Item (e), that the Town has finally been able to get Green Cans, through the hard work of staff, the Recycling Committee, Councilmembers Breen and Yarish, and the garbage company. He would like a letter sent to SWARAC thanking them for their hard work. Breen said the spring cleanup will take place May 15-19, and it will be curbside.

On Item (f), Lindy Graham of Youth Advocates thanked the Town for their support of 9 Grove Lane. A 9 Grove Lane counselor, Lisa, thanked the Councilmembers and the Police Department for their support. Mayor Yarish read the proclamation.

Regarding Item (j), Spencer Sias, 35 Carlson Court, asked if there has been any change of status on the slide. Town Administrator Pollard said one bid has been received, no design has been completed as yet, but this is a more accurate bid.

M/s, Kroot/Hodgens, to approve items (c), (e), (f), and (j). Ayes: All.

7. REDWOOD HILLS SUBDIVISION NEAR 390 REDWOOD ROAD (APPLICANT: PETER AND PAMELA FRASER); REQUEST FOR REVISION TO RESOLUTION NO. 3263 RELATED TO DESIGN GUIDELINES AND CONDITION ON TREE PRUNING, AND DISCUSS TIMING OF PAYMENT TOWARDS THE LONG-TERM IMPROVEMENTS OF REDWOOD ROAD AS PART OF THE PROJECT MITIGATION MEASURES.

Town Administrator Pollard said that her recommendation is in three parts. First, it is recommended that Council adopt the resolution amending Resolution No. 3263 to revise Condition No. 17 regarding tree and plant removal, and condition No. 20 regarding design standards. Second, she recommends Council revise the condition for tree planting and maintenance, and thirdly, that Council consider the proposal from Peter Fraser to change the timing of the payment for long-term improvements on Redwood Road.

Pollard said that Fraser and staff are in agreement on the above, with two exceptions. Mr. Fraser does not want the word "plant" in the title of Condition 17, as he feels it is too hard to enforce. He would like the title to read "Tree Removal Restrictions." In Condition No. 20 he objects to having the conditions of approval on the individual lots specified. He prefers the conditions of approval simply be referenced by number but not specified by subject. Pollard wants just the words "Lighting," "Fencing," "Color," "Height," and "Design Review" specified in the resolution, so that future property owners know generally what types of restrictions to which they may be subject.

Mr. Fraser feels that including these items in the resolution makes the deed restriction too detailed, and title companies are reluctant to get involved in complicated restrictions. Other projects have not been treated this way and this information has not been discussed in a public forum. Planning Director Chaney said other projects have been subject to deed restrictions.

M/s, Chignell/Kroot, to support the staff recommendation on Condition No. 20 amending Resolution No. 3263, to make summary reference to the subject matter of certain conditions of approval (lighting, fencing, colors, height of structures, and design review process). Ayes: Breen, Chignell, Kroot, Yarish. Abstain: Hodgens.

Planning Director Chaney said that in Condition 17, "plant" refers to the area outside the building envelope.

M/s, Breen/Chignell, to approve Resolution No. 3307, and to change the wording of Condition No. 17 amending Resolution No. 3263, to read "Tree Removal Restrictions" instead of "Tree and Plant Restrictions." Ayes: All.

Town Administrator Pollard said that regarding long-term improvements on Redwood Road, the mitigation monitoring program requires the applicant to contribute funds to road improvements upon the filing of the final map. It would be more cost effective for the applicant to have the payment made at the time of issuance of occupancy; the payment would then be made by the subsequent owners of the property. Pollard said that as the Town is also a property owner in this case, perhaps it is not appropriate for the Town to exempt itself from rules that others have to follow.

Mr. Fraser said that he feels it is more appropriate for the property owners to make this payment at the time of occupancy. The earlier you make the homeowner pay, the more onerous it is.

M/s, Kroot/Chignell, to direct staff to negotiate with Peter Fraser on the payment of the fees for long-term improvements on Redwood Road in the context of the Town-Fraser land exchange agreement, rather than its role as regulator. Ayes: All.

8. APPOINT COUNCIL REPRESENTATIVE(S) TO MEET WITH THE PROPERTY OWNER AND NEIGHBORS OF 37 YOLANDA AVENUE REGARDING USE OF ACCESSORY STRUCTURE.

M/s, Chignell/Kroot, to appoint Peter Breen to be the Council representative to meet with the property owner and neighbors of 37 Yolanda Avenue regarding the use of the accessory structure.. Ayes: All.

Breen said he would like to set Friday, May 20, set as a deadline to get something started on this issue.

9. RECOMMENDATIONS FROM THE PLANNING COMMISSION FOR ADOPTION OF A RESOLUTION THAT WOULD MAKE BUILDING PERMIT APPLICATIONS, SUBMITTED ON OR AFTER APRIL 19, 1995, FOR NEW CONSTRUCTION IN RESIDENTIAL AREAS LOCATED IN THE FLATLANDS (BELOW 150 MEAN SEA LEVEL) WHICH EXCEED 400 SQUARE FEET IN SIZE AND EXCEED 15 FEET IN HEIGHT, TO BE SUBJECT TO ADMINISTRATIVE DESIGN REVIEW, PENDING POTENTIAL ADOPTION OF AN ORDINANCE ESTABLISHING THAT REVIEW. This request was prompted by the Commission following its action on April 18, 1995, recommending design review in the flatlands. Public hearing on the ordinance is scheduled for the Council meeting of May 23, 1995.

Planning Director Chaney said the Planning Commission voted to amend the zoning ordinance to allow for design review in the flatlands. Tonight the Council is not discussing the merits of the proposal, but giving direction to staff as to how they should treat projects that are presently in the mill, or may be applied for prior to adoption of this resolution. The Town Attorney has said that the Town can retroactively establish an ordinance, as vesting rights do not occur until construction has begun. Chaney said the Council has several alternatives. The flatland design review could start as of the date of the Planning Commission's approval, as of the date of the first reading of the ordinance, or as of 30 days after the second reading of the ordinance.

Kroot asked what if the Town Council doesn't approve the design review. Chaney said in that case we may hold some people up. There are two applications pending that this may affect.

Chignell said he questions whether it is a fair policy statement to make this effective retroactively.

Hodgens asked why Chaney recommends the effective date be the date of the Planning Commission approval. Chaney said this came from the Planning Commission, in an effort to avoid an influx of applications. She said there may be applications in process that she doesn't know about that may be affected.

Brad Tarte, Architect, said this ordinance may discourage families from adding on to their homes. Council should look carefully at this. Be fair to those already in the permitting process and say no to having it effective retroactively.

Bob McCohen, 141 Barber, has plans already submitted for his renovation. This will pose a financial burden on his family. They have discussed their plans already with their neighbors.

Greg Wyman, 123 Saunders, said he thinks a retroactive effective date is unfair.

Edie Brennan, 21 Idalia Court, said she has no problem with her neighbors adding on, but feels that blocking light and view is a problem.

Howard Silver, 17 Idalia Court, said he has offered to show their plans to the Brennan's but they haven't done it. He feels going retroactive is unfair.

Peter Fraser, Kientz Lane, asked if any thought has been given to having a second floor setback rule.

Planning Director Chaney said the Planning Commission has considered this, but as each case is different, such a rule would have no effect on many projects. The Commission felt this administrative approach was fairest.

It was the consensus of Council that it would be unfair to apply this ordinance retroactively. It would be helpful if some Planning Commissioners would come and speak up for their proposal. This item will be placed on the next regular agenda.

10. DISCUSS APPROACHES TO ELIMINATING A LONG-TIME VACANCY IN A DOWNTOWN COMMERCIAL LOCATION.

Town Administrator said staff is looking at either eminent domain or condemnation in this matter.

11. CONSIDER PROPOSAL FOR DEVELOPING OF A SPORTS COMPLEX ON THE RED HILL SCHOOL FIELD PROPERTY.

Town Administrator Pollard said this proposal comes from the Park & Recreation staff, the Park & Recreation Commission and members of the community. It is proposed to build a sports complex at the Red Hill School field site to include a swimming pool, sports fields, and related facilities. Pollard recommends that a site and use plan and basic design be drafted and that a feasibility analysis be performed on the proposal.

Recreation Director Ginny Schweiger said that the recreation facilities available in Town are too limited for the Town's needs. She said she would like to send the survey of residents included in the packet out with the next Recreation brochure.

Richard Fernandez, Park & Recreation Commission Chair, said a steering committee was formed in March to look at this issue. He feels this complex is completely separate from the Marin Town & Country Club as it is dedicated to organized sports. He asked for the Council's support of a feasibility study and architectural drawings.

Mark Adamsbaum, Co-Chair of Sports Complex Committee, said a full study is needed and asked for the Council's support to go ahead with that. Money has been received from a donation that can be used for the architectural rendering.

Breen said he thinks the survey should include the question "Are you willing to provide money to support this facility?" He feels that a Ross Valley Recreation District should be formed. He cautioned against getting Marin Community Foundation involved as they are heavily involved in the Marin Town & Country Club issue.

Chignell asked what the planning process would be. Planning Director Chaney said there are environmental concerns that must be addressed, as well as a possibility of affordable housing sharing the site.

Hodgens said she thinks a capital campaign person should be included in the planning process.

The meeting was opened for public discussion.

Mark Anderson, Sleepy Hollow Swim Teach Coach, said he has 70 signatures in support of the proposal. The pool would be well used.

Bob Smith, residents, said swimming is for all ages.

Jonathan Braun, Scenic Avenue, urged caution as the traffic is already bad in the area.

Karen Wright, resident, said the Council must consider the traffic, but also our children need something healthy to do.

Richard Fernandez, Park & Recreation Commission, said the facility would not be just for swimming, but a number of sports as well.

Recreation Director Schweiger said that this complex would allow her department to accommodate seniors and the handicapped.

Howard Nemerov, San Anselmo Avenue, said he has been concerned about the quality of the sports facilities at Drake High School. He would like to support the youth. He thinks parking might be a problem.

It was the consensus of Council to support the staff recommendation for design and study. A list of funding sources should be brought back to the Council, along with a study of why this project doesn't compete with the Marin Town & Country Club. Any questionnaire should include a question to parents regarding willingness for providing financial support. The Request for Proposal for the MT&CC could be helpful in this project. Council cautioned the committee to go slowly and carefully through the process.

M/s, Kroot/Chignell, to agree that a site and use plan and basic design for a sports complex at the Red Hill School field site be drafted, and that a feasibility analysis be performed on the proposal. Those involved in the planning process should take note of the above Council comments. Ayes: All

12. ADOPTION OF ORDINANCE RESTRICTING BICYCLE RIDING ON SIDEWALKS IN THE CENTRAL BUSINESS DISTRICT FOR SAFETY REASONS.

M/s, Chignell/Breen to adopt the ordinance restricting bicycle riding on sidewalks in the central business district for safety reasons. Ayes: All.

13. ADJOURN.

The meeting was adjourned at 11:45 p.m. in memory of recently deceased San Anselmo resident Philip O. Bill.

Debbie Stutsman