

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of May 23, 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;

7:25 p.m.

Interviews with applicants to the Open Space Committee

8:00 p.m.

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

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

3. OPEN TIME FOR PUBLIC EXPRESSION

Susan Fritz, 139 Humboldt, said she is upset about the massive trimming of two bay trees at 137 Humboldt. Town approval was not obtained prior to doing this cutting, and keeping these trees intact was a condition of Mr. Charles' approval to build the spec home at this address. She would like the Council to put this issue on the next agenda.

Planning Director Chaney said she has been working on this item. Council can direct staff to continue to negotiate with the property owner and neighbors or refer the matter to the Planning Commission. She is working on replacement of trees and a deed restriction to prevent this from happening in the future. Yarish asked Chaney to continue to negotiate and simultaneously agendize the matter with the Planning Commission, reporting back to the Council at the next meeting.

Bill DeBisschop, 91 Elm, said his street is deteriorating with renters, too many parked cars and too many second units. There is an abandoned home at number 32. At number 44 the resident trucks in items to hold a garage sale. He would like the staff to look into this. In addition, in July he brought up the issue of parking surfaces, parking lots (with four or more cars) and multiple driveways in his neighborhood. He met with the Town Administrator in October about this, and has heard nothing since.

Planning Director Chaney apologized to Mr. DeBisschop for the delay. She said the real issue is overdevelopment of that neighborhood. Yarish asked about the status of 66 Elm. Chaney said the building inspector has been to the site and found a new door and some signs that there may be a second unit in place. An abatement letter will be sent.

Edie Brennan, Idalia Court, asked what the rule is on cutting down trees. Chaney said the heritage tree ordinance applies to trees that are 75" in circumference, two feet above the ground. Trees that must be cut down must be replaced with full grown trees.

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

Kroot asked the status of complaints on the noise from garbage trucks. A resident told him that having the trucks come at different early morning hours is more disruptive to sleep than always coming at the same hour.

Chignell asked about the status of the Art Commission. Town Administrator Pollard said Recreation Director Schweiger will come back in June with a recommendation.

Chignell asked that the Traffic Safety Committee look into the striping for left hand turns off Sir Francis Drake Blvd. between Calumet and Sunny Hills Drive.

Breen said the new "Slow Down for Children" signs are popping up all over town. He asked staff to see if they can be legitimized somehow.

Hodgens asked about the congestion at Tunstead and San Anselmo Avenue in the late afternoon. Town Administrator Pollard said that, short of putting in a traffic signal, no other solution could be found. Hodgens said she would like to have a report on the problem.

Hodgens said the Ross Valley Community for Schools received an Artistic Excellence award from the Marin Arts Council. She asked they be recognized for this honor.

Yarish reported that the Hazardous and Solid Waste Joint Powers Authority reported that San Anselmo is doing well in reducing waste. Peter Kilkus, SWARAC, said that the numbers for the first quarter of 1995 show an even greater increase in waste reduction with the new garbage company, and those numbers are expected to continue to increase.

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

- (a) Approve minutes: May 9, 1995.
- (b) Acknowledge and file financial report through April 30, 1995.
- (c) Acknowledge and file status report on abatement of a public nuisance concerning a slide at 4 Herrera Court, sliding onto property on Carlson Court.
- (d) Acknowledge and file status report on abatement of public nuisance, 14 Oak Knoll Avenue.
- (e) Approve Resolution No. 3306 establishing a "buy recycled" and recycling policy.
- (f) Approve Resolution No. 3307 establishing a telecommunications policy.

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

M/s, Breen/Chignell, to approve items (a), (b) and (f). Ayes: All.

Regarding item (c), Kroot asked about the status of the slide on Herrera Court. Town Administrator Pollard said no building permit has been requested. Yarish said he is distressed with the lack of progress by the property owner. Pollard said if the property owner doesn't perform by June 20, the Town will take over the project. Yarish said Council would like updates at each meeting.

On item (d), Pollard said an inspection will be done next week to see if the project is in compliance. A copy of the inspection report will be sent to the Council.

Regarding item (e), Chignell thanked Peter Kilkus for his excellent work on the recycling policy. It will probably be used as a model throughout the county.

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

6. APPOINTMENT TO THE OPEN SPACE COMMITTEE.

M/s, Hodgens/Breen, to continue the appointment to the next regular meeting to allow time to review the applications. Ayes: All

7. INTRODUCE ORDINANCE AMENDMENT TO REQUIRE ADMINISTRATIVE DESIGN REVIEW OF NEW CONSTRUCTION IN RESIDENTIAL AREAS LOCATED IN THE FLATLANDS (BELOW 150 MEAN SEA LEVEL) WHICH MEET THE FOLLOWING CRITERIA (a) EXCEED 400 SQUARE FEET IN SIZE; AND (b) EXCEED 15 FEET IN HEIGHT.

Planning Director Chaney said that this ordinance is aimed primarily at second stories. Design review would be triggered by height and square footage, but the projects would meet all other code requirements. Design review is needed because these types of projects may adversely impact neighbors' light and air. Staff has evaluated all projects over the last 3.5 years and found that between five and eight projects per year would need design review. The plan is to notice neighbors within a 300 foot radius, as is usual, and if there are no objections the project can go ahead. If there are objections, the project would be referred to the Planning Commission for a hearing. It takes 25 to 30 days to go through this process. There is a question if noticing a 100 foot radius would be sufficient as the effects of the project would only be felt by close neighbors. Staff felt it would be better for them administratively not to have two different noticing requirements. Design review is not for color, design or architecture; it concern light, air and impact on neighbors' privacy. There are two approaches on the fees, either a flat fee or on an hourly schedule. Staff recommends the Council approve the negative declaration and introduce the ordinance amendment tonight. The ordinance could become effective as of 5/24/95.

Kroot asked what is meant by air. Chaney said light is really the issue, but the two terms are used together in the field. If a neighbor appeals, and the case is judged by the Planning Director to have merit, the applicant must pay the fees. If a neighbor just doesn't like the plans, the neighbor pays. This has worked well so far in the hills.

Chignell asked if the hourly rate or flat rate be better for residents. Chaney said it depends on how much staff time is required, but a flat rate would probably be more advantageous. Chignell asked if demolition has been addressed. Chaney said the Planning Commission has not addressed that subject. This matter took a long time to get approved because of press of business on the Planning Commission.

Kroot asked if something could be added to the ordinance to address demolition. Breen and Chignell agreed that the demolition issue should be addressed.

Hodgens asked if Council could have a site tour of typical home additions affected by this ordinance. Chaney said this would be a good idea. Hodgens also asked how many households get noticed in a 300' radius. Chaney said about 41 properties would be noticed.

The meeting was opened for public discussion.

Edie Brennan, Idalia Court, said they have solved their problem with a neighbor's addition.

Chaney said that if the ordinance is introduced tonight it can be made effective as of tonight, but not retroactively.

Jonathan Braun, Scenic Avenue, said he is in favor of adoption of the ordinance. Homes are close together and the potential is great for negative impact.

Jake Ours, 125 Saunders, said he is in favor of the ordinance.

Mark Roam, 77 Oak Knoll, said it is trouble to have neighbors decide what you can do. If you need a variance, that's design review itself.

Suzanne Mollenkopf, 21 Angela Avenue, said she feels it is inappropriate to notice neighbors 300 feet away, as their light and air would not be affected. This noticing adds a whole month to the approval process. There should be a way to get waivers from neighbors. She said it is not fair to have it effective retroactively.

Mr. Fitzgerald said it adds an unfair burden to people already in the process to make this retroactive. There should be a moratorium in effect when this gets approved. Perhaps the problem could be dealt with in another way, like lot coverage or height requirements.

Mr. Brennan, Idalia Court, said there should be a restriction on houses in areas that are originally one story.

Bob McCohen, 141 Barber Avenue, said he has a pending project and has worked within the building code. Maybe the setback should be increased for second stories. He said it makes no sense to notice so many people. To make it retroactive is not fair.

Mike Williamson, real estate broker, said design review approvals are a nightmare. One neighbor can really foul you up.

Greg Lyman, 122 Saunders, said it doesn't seem fair to punish those who are adding now. Just five or ten years ago people were adding right on their property line.

Jonathan Braun, Scenic, said many properties do not have an eight foot setback. It is important to note that the ordinance doesn't speak to architectural features.

Spencer Sias, 37 Carlson Court, said he feels it is a reasonable ordinance that protects people and gets them talking.

John Bauman, San Anselmo, said these issues are few and far between and only address one or two situations. It isn't good to slap something on everybody for a small portion of the population.

The public hearing was closed.

Kroot said most people work with their neighbors to do additions, but some can really harm neighbor's property. Something is needed to catch those few each year that are a problem. He wondered why not say one story is OK and pick up design review for a second story. He feels the 400 square foot requirement will pick up a lot of small projects. Noticing so many people seems silly as usually only one neighbor is affected. Maybe neighbors could sign the plans on second story additions of certain sizes.

Chignell said he was struck by Planning Commissioner Jo Julin's comments in the minutes. He is disturbed by the 15 foot limit and the noticing 300 feet. He is opposed to retroactivity and will not support the 15 foot limit. He would like to have some site visits.

Breen said he is concerned with retroactivity. He would like neighbors to come to agreement themselves.

Hodgens asked if there would be any point to introducing this ordinance if it will be changed. It was agreed that there would be no point to that, but the residents should be alerted to the fact that this ordinance is in the works. We need to honor the need of people already in the process to move forward.

Chaney said there are four projects filed presently, but all four seem to be sensitive to neighbors concerns. The ordinance cannot be effective until the date of introduction.

Yarish said he feels retroactivity is a problem and sees no compelling reasons for it. He is concerned over the height trigger of 15 feet and the square footage trigger of 400'. He would like to see the noticing question readdressed, demolition phrasing added to the ordinance, and a signoff from neighbors included.

M/s, Kroot/Hodgens, to continue this issue to the meeting of June 13, 1995. Ayes: All.

8. APPROVE A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND RESOLUTION APPROVING AN AMENDMENT TO THE SAN ANSELMO GENERAL PLAN TO UPDATE THE HOUSING ELEMENT.

Planning Director Chaney said the Council is being asked to approve the negative declaration and draft resolution to update the housing element. Chaney has been working with Planning Consultant Lisa Newman, who is present tonight.

Lisa Newman, Planning Consultant, said that after two public hearings the Planning Commission approved the draft Housing Element subject to several revisions that have been incorporated into the element. The Housing Element was last revised and adopted in December, 1984 in conformance with State law. This Element is an update of the 1984 effort, and endeavors to include all segments of the community. The State Department of Housing and Community Development (HCD) will review the Element, after which a revised Draft Housing Element will be the subject of several public hearings before the Planning Commission and Town Council.

Yarish asked about the timeframe for this document. Planning Consultant Newman said this is for the planning period 1990 to 1995.

Kroot asked if by adoption of the Element, the Town is saying that housing will be built on the identified spots, such as the Magnolia and Pine Street lots. Newman said the Town is saying that the sites are suited to low income housing, and careful thought should go to their inclusion in the Element.

Planning Director Chaney said staff is looking at the second unit rules to make them more attractive to allow residential buildings in commercial zones.

Hodgens asked why the Red Hill School site is included. Newman said HUD wants to know what possible sites the Town has. You are saying you would be open to low income housing, but that doesn't change your responsibilities in the approval process. This is a policy statement to the development community.

It was the consensus of Council that they would like more time to carefully review the document.

M/s, Chignell/Kroot, to continue this item to the meeting of June 13, 1995. Ayes: All. Staff should ensure that the item is publicized so interested community members can attend and have input.

9. ADJOURN.

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

Debbie Stutsman