

TOWN OF SAN ANSELMO

ORDINANCE NO. 709

AN ORDINANCE REPEALING CHAPTER 13 OF TITLE 4 OF THE SAN ANSELMO MUNICIPAL CODE AND ENACTING A NEW CHAPTER 13 OF TITLE 4 OF THE SAN ANSELMO MUNICIPAL CODE PROVIDING FOR CONTROL OF TREE WORK WITHIN THE TOWN OF SAN ANSELMO

The Town Council of the Town of San Anselmo does ordain as follows:

SECTION 1. Chapter 13 of Title 4 of the San Anselmo Municipal Code is hereby repealed.

SECTION 2. A new Chapter 13 of Title 4 of the San Anselmo Municipal Code is hereby added as follows:

Section 4-13.01. Purpose.

Many sections of the Town are covered by oak, madrone, and other trees which contribute greatly to the scenic beauty of the Town. A large proportion of residential property within the Town is on hillside and sloping terrain. The uncontrolled removal or destruction of trees destroys the scenic beauty, contributes to erosion, increases flood hazards, reduces property values, increases the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters and adversely affects the local economy by reducing the attractiveness and desirability of the area as a place to live, work, and visit. In addition, San Anselmo's trees are an integral part of the Town's complex environmental system, the functioning of which does not depend on or conform to the arbitrary delineations of property.

Therefore, the Council finds it necessary, as a matter of public health, safety and welfare to enact the provisions of this chapter to control the removal or destruction of trees within the Town; to preserve trees that are a significant part of San Anselmo's heritage,

and at the same time to recognize the individual's right to use his land in a manner which will not be prejudicial to the public interest.

Section 4-13.02. Definitions.

(a) As used in this chapter, the word "tree" shall mean any woody perennial plant characterized by having one or more trunks, any one of which has a circumference of twenty-five (25") inches or more, measured at twenty-four (24") inches above the ground level.

(b) As used in this chapter, the phrase "heritage tree" shall mean a tree which has a trunk with a circumference exceeding seventy-five (75") inches measured twenty-four (24") inches above the ground level, or a tree which has special significance and is of a species and size designated in a resolution adopted by the Town Council, but shall not mean an acacia tree nor any other tree designated as a "junk" tree by resolution of the Town Council.

(c) "Undeveloped parcel," as used in this chapter, shall mean any lot or parcel, or portion of lot or parcel, which can be further subdivided or further developed under the provisions of Title 10 of this Code.

Section 4-13.03. Undeveloped Parcels.

On any undeveloped parcel of property, public or private, it shall be unlawful, unless a permit has been issued pursuant to Section 4-13.05, to remove or destroy any tree, or to cut or prune a tree or its roots in such a way as to endanger or shorten its life, or to raise the soil level around any tree.

Section 4-13.04. Developed Parcels.

On any developed parcel of property, public or private, it shall be unlawful, unless a permit has been issued pursuant to Section 4-13.05, to remove or destroy any heritage tree, or to cut or

prune a heritage tree or its roots in such a way as to endanger or shorten its life, or to raise the soil level around any heritage tree.

Section 4-13.05. Permits.

(a) Applications. An application for a permit shall be made in writing to the Planning Director and shall contain the number and location of trees or heritage trees to be affected and a brief statement of the purpose of removal or other work desired, as well as such other pertinent information as the Planning Director may require. In the case of subdivisions, such information shall be part of the subdivision filing pursuant to subsection (e) of this section. On receipt of such application, the Planning Director shall inspect the premises and shall thereafter make a determination of the following:

(1) The condition of the trees, or heritage trees, with respect to disease, danger of falling, proximity to existing structures, and interference with utility services;

(2) The necessity of the contemplated work to allow economic enjoyment of the property;

(3) The topography of the land and the effect of the contemplated work on erosion, soil retention, and the diversion of increased flow of surface water;

(4) The general effect of the contemplated work on property values in the area; and

(5) Good forestry practices.

(b) Priority inspections. The Planning Director shall give priority of inspection to those requests based on hazard, danger, or disease.

(c) Issuance. A permit shall be issued unless the Planning

Director finds, after inspection, securing of such expert advice as he deems necessary, and making the foregoing determinations, that the trees affected are of a size, type, condition and location and in such surroundings that the contemplated work would significantly frustrate the purpose of this chapter. He may issue a permit subject to such conditions as he finds reasonably necessary to accomplish the purpose of this chapter.

(d) Emergency conditions. In case of an emergency caused by a particular tree or heritage tree causing a hazardous or dangerous condition, such tree may be removed or cut back by permission of the Planning Director, the Chief of Police or the Fire Chief.

(e) Subdivisions. All subdivision improvement maps filed hereafter shall designate clearly the location, size, and type of any tree and heritage tree scheduled for removal. In addition, heritage trees shall be generally located on the tentative map, which shall be submitted to the Planning Commission for approval. Approval of the improvement plans as required by the subdivision regulations shall constitute a permit to cut, remove or change the soil level around any tree so particularly designated on said plans.

(f) A public utility subject to the jurisdiction of the Public Utility Commission of the State of California, the Department of Public Works or the Park and Recreation Department of Town may apply for a general permit to prune trees, as may be necessary to maintain the safe operation of the utility business, or in the case of a Town department necessary to maintain traffic safety or the safe public use of public property. Such general permit shall not apply to any heritage tree, nor shall it allow cutting, destruction or removal of any tree,

nor shall it allow changing the soil level around any tree. Such general permit shall require that pruning be performed under the supervision of a licensed tree surgeon or a landscape architect named therein. Such permit may be good for an indefinite period of time, and may be revoked at any time for cause by the Planning Director.

Section 4-13.07. Appeals. Any decision made by the Planning Director may be appealed to the Town Council. Such appeal shall be submitted in writing to the Town Clerk within fifteen (15) days of the decision and shall briefly state the grounds of such appeal. Said appeal shall be set on the Town Council agenda at the earliest opportunity, but in no event later than twenty-one (21) days from the date of submission to the Town Clerk. The Council may affirm, modify or reverse the decision of the Planning Director. Pending decision on appeal, all rights growing out of a permit shall be suspended.

Dated: July 13, 1976.

Woodrow V. Capurro  
WOODROW CAPURRO

ATTEST:

Caroline Foster  
CAROLINE FOSTER  
Town Clerk

The foregoing Ordinance was read and introduced at a regular meeting of the San Anselmo Town Council held on June 22, 1976, and was thereafter at a regular meeting of the Town Council held on July 13, 1976, duly passed and adopted by the following vote:

AYES:	Councilmen	Colteaux, Signorelli, Toal, Mayor Capurro
NOES:	Councilmen	None
ABSENT:	Councilmen	Reed

Caroline Foster  
CAROLINE FOSTER  
Town Clerk

## MINUTES OF REGULAR TOWN COUNCIL MEETING JUNE 22, 1976

Mayor Capurro convened the meeting with Councilmen Reed, Signorelli and Toal present. Councilman Colteaux absent.

2. OPEN TIME FOR PUBLIC DISCUSSION

none

REQUESTS FOR FUTURE AGENDA ITEMS, INSTRUCTIONS TO STAFF

Councilman Reed suggested and the Council directed that prior to next year's budget time, the Administrator work with the Police Chief, Fire Chief and Director of Public Works on an analysis of utilization of their staffs.

The Administrator advised that the Police Chief had encountered a situation which legally would require enforcement of a 1942 ordinance regulating amusement devices, the provisions of which in his opinion are outdated. The Town Attorney was requested to review the ordinance and bring in suggested changes or a repealer on July 13.

The Planning Director called to the Council's attention a Planning Commission decision in relation to the new ordinance regulating conversion of garages.

3. ORDINANCE REGULATING OUTDOOR DISPLAY OF MERCHANDISE

The Planning Director read the proposed ordinance including amendments recommended by the Planning Commission at its public hearing thereon June 21st. Public hearing was opened. After public input, and advice that the Chamber of Commerce wished to review the matter further,

M/S Toal, Signorelli to introduce an ordinance amending the San Anselmo Municipal Code regulating the display of outdoor merchandise as recommended by the Planning Commission. Ayes all present (Councilman Colteaux absent).

Council directed that second reading be held over to an August meeting.

4. APPEAL OF PLANNING COMMISSION ACTION LOT SPLIT 18-20-22 FERN LANE (SS-198)

Applicant Rasjidah Franklin was present and presented her appeal. After Council discussion and agreement that granting the application for a lot split would require too many undesirable exceptions,

M/S Reed, Capurro to deny the appeal. Motion passed on a 3 - 1 vote with Councilman Toal voting No. (Councilman Colteaux absent).

5. APPEAL OF PLANNING COMMISSION DENIAL VARIANCE FOR PARKING 1598 SIR FRANCIS DR. BLVD. (VAR-671)

Over to July 13, 1976 at request of appellant.

6. SHELL OIL CO. APPEAL DESIGN REVIEW COMMITTEE TIME REQUIREMENT FOR PLAN SUBMISSION (SR-221)

James Munson, Field Engineer for Shell Oil Company, informed Council that compliance with the requirement for plan submission would be possible, but there would be a problem in replacing the non-conforming sign this calendar year inasmuch as there are no funds in the current district marketing budget to cover the cost.

M/S Toal, Reed to deny the appeal. Ayes all present (Councilman Colteaux absent).

Council suggested that applicant request the Design Review Committee's stipulation that sign removal and replacement take place in early 1977.

7. URGENCY ORDINANCE PROVIDING FOR SETTING OF PLANNING FEES BY RESOLUTION

M/S Reed, Toal to waive reading of ordinance. Ayes all present (Councilman Colteaux absent).

M/S Reed, Toal to adopt Ordinance No. 707 repealing provisions of Titles 1, 9 and 10 of the San Anselmo Municipal Code relating to fees for permits or other entitlements and establishing the adoption of such fees by resolution, to be effective immediately. Ayes all present (Councilman Colteaux absent).

In discussion of the resolution setting fees by consent of Council there was added a \$20 fee for an Administrative Use Permit and a \$15 fee for a return visit if appointment not kept for a residential property inspection report.

M/S Toal, Signorelli to adopt resolution No. 1656 setting fees effective 7-1-76 for permits or other entitlements under Titles 1, 9 and 10 of the San Anselmo Municipal Code as amended. Ayes all present (Councilman Colteaux absent).

8. URGENCY ORDINANCE INCREASING DOG LICENSE FEES

M/S Reed, Toal to waive reading of ordinance. Ayes all present (Colteaux absent).

M/S Reed, Toal to adopt Ordinance No. 708 increasing fees for dog licenses, to be effective immediately. Ayes all present (Councilman Colteaux absent).

9. ORDINANCE REDEFINING LIBRARY BOARD FUNCTIONS

Council considered drafts of ordinances proposed by staff and the Library Board. The Chairman of the Library Board requested time to meet with the full Board to discuss Council's suggestion that it consider the acceptance of the ordinance as drafted by staff. It was understood that Council would consider the Library Board's further suggestions as to the staff draft, if submitted in writing through the Administrator prior to the next Council meeting.

M/S Toal, Reed to waive reading. Ayes all present (Councilman Colteaux absent).

M/S Reed, Signorelli to introduce an ordinance amending the San Anselmo Municipal Code to provide for a Library Advisory Board in lieu of a Board of Library Trustees. Ayes all present (Councilman Colteaux absent).

10. RESOLUTION ESTABLISHING HISTORICAL COMMISSION

M/S Reed, Toal to adopt Resolution No. 1657 establishing an Historical Commission. Ayes all present (Councilman Colteaux absent).

11. ORDINANCE REGULATING TREE WORK

M/S Signorelli, Reed to waive reading. Ayes all present (Councilman Colteaux absent).

M/S Signorelli, Reed to introduce an ordinance repealing Chapter 13 of Title 4 of the San Anselmo Municipal Code and enacting a new Chapter 13 of Title 4 of the San Anselmo Municipal Code providing for control of Tree Work within the Town of San Anselmo.

Councilman Reed suggested that Sec. 4-13.07 Appeals be amended to provide that decisions of the Planning Director may be appealed to the Town Council instead of to the Planning Commission. The amendment was accepted by the motioner and seconder.

Motion as amended passed with Ayes all present (Councilman Colteaux absent).

The Town Administrator was requested to suggest legislative action to Senator Peter Behr which would permit the imposition of a cash penalty by municipalities to go into a "Tree Replacement Fund."

12. The Council convened in executive session to instruct the Town Attorney regarding pending litigation.

13. RESOLUTION REVISING QUALIFICATIONS FOR POLICE & FIRE STAFF EDUCATIONAL INCENTIVE PROGRAM

M/S Reed, Toal to adopt Resolution No. 1658 revising the incentive compensation system as of July 1, 1977. Ayes all present (Councilman Colteaux absent).

14. COST ESTIMATES FOR DRILLING WELLS IN THREE TOWN PARKS.

No action taken.

15. WARRANT REGISTER AUDIT.

M/S Reed, Signorelli that the Council act as committee of the whole for semi-monthly audit of the warrant register, with detailed review delegated to the Mayor. Ayes all present (Councilman Colteaux absent).

M/S Toal, Signorelli to approve the Summary Warrant Register for June 1 through June 15, 1976. Ayes all present (Councilman Colteaux absent).

BBZ/6

16. CONSENT AGENDA

M/S Toal, Reed to pass consent agenda. Ayes all present (Councilman Colteaux absent).

- a. Approved minutes of 6/3, 6/8, 6/9, 6/10 and 6/15.
- b. Adopted Resolution No. 1659 adopting the budget of the Town of San Anselmo for the fiscal year commencing July 1, 1976.
- c. Approved leave of absence to August 21, 1976, Jan Fairchild, Planning Commissioner.

ADJOURNED at 11:15 P.M. to July 13, 1976.

LIBBY HANSON  
Deputy Town Clerk



## Minutes of Regular Town Council Meeting July 13, 1976

1. Mayor Capurro convened the meeting with Councilmen Reed, Colteaux, Signorelli, Toal present.

2. OPEN TIME FOR PUBLIC DISCUSSION

Leonard Raymey of San Rafael requested Council consideration of Police Department policy on charges for towing illegally parked cars in San Anselmo.

Jeanne Renaud, San Anselmo Bicentennial Chairman, announced that she did not intend to proceed with her heretofore announced plans for a Bicentennial publication, for which she has to date received \$70 in donations. Rather, she wished to donate it to the Town meeting and she would become active in the Town meeting and the San Anselmo Historical Commission.

3. APPOINTMENTS

a. Planning Commission - Announcement applications are open for two four-year terms commencing August 18th.

b. Historical Commission - Announcement - applications continue to be solicited until a sufficient number of persons has applied for Council selection.

4. BRIDGE DISTRICT PRESENTING PLANS FOR SAN ANSELMO BUS SHELTERS

After presentation by Dan Mohn of the Golden Gate Bridge, Highway & Transportation District,

M/S Reed, Signorelli to approve the construction of Bus Shelters as proposed by the Golden Gate Bridge, Highway and Transportation District as shown on Sketch, C-107, and the design as recommended by the Design Review Committee as shown on Drawings SK-20, 21 and 22, dated May 14, 1976, and Drawings 1-3 of Scheme A, dated July 22, 1975, as revised August 5, 1975 and the matter of expanded 3-color choice referred back to Design Review Committee for selection for individual sites. Motion passed on a 4 - 1 vote with Councilman Colteaux voting no.

5. FIREHOUSE FINAL PLANS, SPECIFICATIONS AND COST ESTIMATES - AUTHORIZATION TO CALL FOR BIDS

After presentation by Harold Wagstaff, architect, and the Town Administrator,

M/S Toal, Signorelli to approve final plans, specifications and cost estimates for construction of new main firehouse, and to authorize the Director of Public Works to call for bids, subject to final approval of landscape and irrigation plans by the Design Review Committee, and with authority to the Director of Public Works to modify the specifications as to gasoline pumps and gasoline storage tanks as he deems advisable.

Ayes: Councilmen Reed, Colteaux, Signorelli, Toal  
Abstain: Mayor Capurro

6. Announcement was made that the County Housing Authority is now taking applications for rent assistance payments. Low and moderate income, elderly and disabled in San Anselmo renters should apply immediately, before allocation exhausted.

7. RESOLUTION SETTING RENT SCHEDULE AND INCOME LEVELS - SECOND UNIT ORDINANCE

Council considered resolution as proposed by Planning Commission and directed inclusion of amendments simplifying the rent schedule as to utilities, and specifying rental assistance payments to be included in gross income.

M/S Toal, Capurro to adopt Resolution No. 1660 Establishing a Rental Rate Scale and a Low Income definition scale as provided for by Ordinance No. 706 permitting second units, as amended. Motion passed on a 3 - 2 vote with Councilman Signorelli and Mayor Capurro voting no.

Councilman Signorelli stated that his no vote was based on concern that the result may be accommodation of one economic class at the expense of another.

8. COMPLAINTS AGAINST UNITED MARKET

Residents of the Jordan-Hilldale-Carolina area were present and conceded that complaints as to United Market largely have been resolved, but there remained objectionable noise levels created by San Anselmo Garbage Disposal pick-ups in the early A.M. hours. Mayor Capurro requested the Administrator to set up an early meeting to be attended by a

representative of the garbage company, the market manager, a neighborhood representative, the Town Engineer, the Mayor and the Administrator to seek a workable solution.

9. APPEAL DENIAL OF VARIANCE FOR PARKING 1598 SIR FRANCIS DRAKE BLVD. (VAR-671)

Councilman Toal left the meeting for the duration of this item, indicating potential conflict of interest.

After presentation by John Eldred of Scott McCall & Co. and applicant John King,

M/S Reed, Signorelli to deny the appeal on the basis that no hardship exists which would justify this variance.

Ayes: Councilmen Reed, Colteaux, Signorelli, Capurro  
Absent: Councilman Toal

11. OPINION OF TOWN ATTORNEY RE WHETHER VARIANCE REQUIRED BEFORE IMPROVEMENT OF PROPERTY WITH INADEQUATE PARKING.

After reviewing the Town Attorney's opinion that the Code should be amended to clarify the necessity or non-necessity for a variance for current off-street parking requirements for each and every alteration or addition,

M/S Colteaux, Reed to leave the policy as is and refer to the Planning Director for specific ordinance amendment recommendations that would avoid the necessity for a variance when in staff's judgment parking will not be affected. Ayes all.

10. APPEAL FROM GRANTING OF VARIANCE FOR PARKING, 205 SAN FRANCISCO BLVD. (VAR-676)

Applicant was present and after discussion indicating Council concensus that the granting of the variance by the Planning Commission was in violation of Ordinance No. 701 prohibiting conversion of garages without the existence of the required number of legal parking spaces within setback requirements, and that alternate solutions were available to applicant,

M/S Colteaux, Reed to uphold the appeal as to the conversion of the garage and refer the question of the proposed parking variance back to the applicant. Motion passed on a 4 - 1 vote with Councilman Toal voting no.

(At this point Councilman Reed left the meeting)

12. APPEAL FROM PLANNING COMMISSION FAILURE TO CONSIDER VARIANCE FOR TANDEM PARKING 66 DURHAM RD. (VAR-679)

Applicant Richard J. Anstey was present.

After discussion of Planning Commission contention that this situation did not require a variance and noting clarifying action to be taken as directed in Item 10 above,

M/S Signorelli, Toal to approve VAR-629, application for a 2' sideyard variance to provide one parking space 6' from the property line and a variance to allow two-car tandem parking at 66 Durham Rd., A/P 5-202-24, on the basis that there is a site hardship in the shape and topography of the site, that this approval will not be detrimental to the neighborhood, and is necessary to afford property rights to reasonably allow necessary parking that is now required by Code. Ayes all present. Councilman Reed absent.

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13. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS; COMMENTS AND DIRECTIONS TO STAFF.

Councilman Colteaux requested the Town Attorney to make certain simplifications in the proposed property maintenance ordinance as drafted by the Attorney, after which meetings to be set up with merchants in the Red Hill and Miracle Mile commercial areas to seek their cooperation in maintaining these areas.

Councilman Colteaux complimented the Director of Public Works on his letter concerning the Dutch Elm disease situation and suggested San Anselmo initiate a County-wide meeting to establish facts and agree on a proper prevention program.

14. ISABEL COOK SCHOOL FINAL DOCUMENTS

Put over to July 27.

15. HOUSING ASSISTANCE ACTION PLAN - FURTHER CONSIDERATION

The Town Administrator was directed to communicate to County officials that San Anselmo continues its expression of general support for the program, but is deferring consideration of appropriation of funds awaiting a joint powers agreement and the establishment of a specific need in San Anselmo.

16. FIRE CHIEF REPORT ON CRITERIA BEING FOLLOWED FOR USE OF FIRE HORN

Council directed that consideration be given to a weekly rather than daily test of the horn.

17. ORDINANCE REDEFINING STATUS OF LIBRARY BOARD

Over to July 27.

18. ORDINANCE REGULATING TREE WORK

M/S Toal, Capurro to adopt Ordinance No. 709 repealing Chapter 13 of Title 4 of the San Anselmo Municipal Code and enacting a new Chapter 13 of Title 4 of the San Anselmo Municipal Code providing for control of tree work within the Town of San Anselmo. Ayes all present. Councilman Reed absent.

19. CONSENT AGENDA

M/S Toal, Signorelli to pass consent agenda as to all items with exception of item g

- a. Approved minutes of meeting of June 22, 1976.
- b. Approved warrant register for June 16 to June 30, 1976.
- c. Approved progress payment to W. K. McLellan in the sum of \$20,311.94, Alder Avenue Improvements.
- d. Approved additional payment of \$978.10 to W. R. Forde Construction Co. on Street Improvements and Signalization, Greenfield and Red Hill Avenues, on the basis of work actually done and not included in the final payment approved on May 11, 1976.
- e. Approved Chamber of Commerce request to hold annual San Anselmo Country Fair Day on Saturday, September 11, 1976.
- f. Awarded bid for an Ecolotec Vacuum Street Sweeper to George's Contractors and Industrial Supply, Inc., Sacramento, at a net cost of \$51,640.86 in accordance with their proposal, and to direct Administrator to complete lease-purchase agreement with United California Bank @ 7% over four years.
- h. Adopted resolution No. 1661 ordering the vacation of City Hall Avenue.
- i. Authorized purchase of a supplemental Worker's Compensation Insurance Policy via the California State Fireman's Association, with transfer of \$460 from the reserve for contingencies to Account 432-14.

Ayes all present. Councilman Reed absent.

g. M/S Toal, Signorelli to adopt resolution No. 1662 authorizing purchase of real property, A/P 7-211-12.

Ayes: Councilmen Colteaux, Signorelli, Toal  
Abstain: Mayor Capurro  
Absent: Councilman Reed

ADJOURNED at 11:45 P.M.

Libby Hanson  
Deputy Town Clerk

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