

**TOWN OF SAN ANSELMO**  
**STAFF REPORT**  
**June 17, 2010**

For the meeting of June 22, 2010

TO: Town Council  
FROM: Debra Stutsman, Town Manager  
SUBJECT: Discussion Items

**RECOMMENDATION**

That Council provide input to staff as to next steps and priority of the agenda items.

**BACKGROUND**

During Council Request time, a number of items have surfaced that require Town Council discussion and direction to staff regarding future action.

**ITEMS TO BE DISCUSSED**


Councilmember Office Hours – Councilmembers McInerney and Coleman have both suggested that Councilmembers have “office hours” on the Town Hall Plaza on a rotating basis, perhaps on Saturday mornings. Mill Valley has a successful program such as this, and they relay that it is beneficial for people who may feel intimidated about speaking at Open Time at Council meetings, and gives the citizen a chance to have a real exchange with a Councilmember that is not allowed by the Brown Act at a regular meeting. Mill Valley has kindly shared their materials with us on this program.

Campaign Reform ordinance – Councilmember McInerney has suggested that the Town adopt an ordinance limiting contributions to political campaigns to \$250 from a single donor. During the tenure of the previous Council, staff was directed to prepare an ordinance on campaign reform that focused on independent committee expenditures. The Town Attorney has been working with San Rafael on such an ordinance and plans to bring it forward to San Anselmo, depending on Council direction, once it is completed.

Volunteer care of medians – Vice Mayor Greene and Councilmember McInerney have expressed an interest in a volunteer program that would improve the Town’s medians.

View Ordinance – Vice Mayor Greene has suggested that the Town should enact a view ordinance. Interim Planning Director Henderson has prepared the attached memo discussing the pros and cons of a view ordinance.

Respectfully Submitted,

  
Debra Stutsman  
Town Manager

**TOWN OF SAN ANSELMO  
STAFF REPORT**

**For the Meeting of June 22, 2010**

TO: Town Council

FROM: Diane Henderson, Interim Planning and Building Director

SUBJECT: Discussion Regarding Potential View Ordinance

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**RECOMMENDATION**

To discuss the pros and cons of adopting a view ordinance and provide direction to staff accordingly.

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**DISCUSSION**

Councilmember Greene has asked that the possibility of adopting a view ordinance be brought before the Town Council for discussion purposes to see if there is Council support to proceed in this regard. Toward this end, the following is a brief summary of the pros and cons of a view ordinance.

The purpose of a view ordinance is to establish the right of persons to preserve views from their property from unreasonable obstruction caused by construction and/or the placement or growth of trees or other vegetation on another property. A view ordinance can also establish a process by which persons may seek restoration of such views when they have become unreasonably obstructed by the growth of trees or other vegetation on another property.

Staff recognizes that residents, property owners, and businesses cherish their outward views and that beautiful views of San Anselmo and its surrounds contribute greatly to the quality of life in San Anselmo. Staff also recognizes the desire of many of our residents, property owners, and businesses for beautiful structures and plentiful landscaping, including trees. Sometimes this desire may conflict with the preservation of views, and disputes related to view obstruction may be inevitable. A view ordinance would put the Town in the position of trying to prohibit such conflicts, and where they already exist, trying to resolve them.

There are several reasons to adopt a view ordinance, primarily to provide protection of views to our residents, property owners and business people. Further, there is clearly a connection between views and property values, and views certainly add to the ambience of a property. That said, while the prospect of an ordinance whose purpose is to maintain such views appears to be a positive tool, it has negatives associated with it as well.

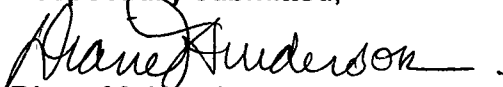
The first, and possibly biggest hurdle in adopting a view ordinance is defining view or primary view. While there are obvious landmarks, Mount Tamalpais and the Seminary, for example, an argument can be made that beauty is in the eye of the beholder. To one individual, a view across rooftops to a developed hillside across the valley may be invaluable; staff has heard arguments at public hearings that the view of a patch of sky between buildings is an invaluable view. Are views of non-primary ridgelines as important as views of primary ridgelines? It is not only the subject of the view, but also from where it is being viewed. While a picture window in a living room is an obvious opportunity for views, does the view from a small window in a second bathroom matter? And at what height is the view important? When the viewer is sitting in the room? Standing? What height is considered standing height? Typical heights for adults vary at least 18 inches.

A view ordinance may open the door to treating people inconsistently. For example, staff recently had a design review application for a second story addition in the flatlands. The subject property was the only property on the street that was single story; all others were two story and built very close together. A neighbor across the street argued that the single story residence should not be approved for a second story as it would take a portion of his view of Mount Tamalpais that he enjoys from his second story window. Staff responded that the Town does not have a view ordinance and therefore, the proposed second story could be approved. If a view ordinance was in place, staff would have likely denied the application, indicating that while others on the block were allowed second stories, because the subject property was the last one to request it, and it may impact views from a nearby second story, it cannot be allowed.

A view ordinance may open the door to a number of potential enforcement problems: Does the ordinance protect the property owner's views from the time they purchased the property? If so, how is that documented? If not, do views run with the property from the beginning of time? How far away does staff consider when determining whether a project may impact views? In the case of an uphill property owner, there may be a downhill property several blocks away whose tree could grow to a height where it impacts the view from the uphill property owner; views are not limited to adjacent properties only. In addition, if a view ordinance were to be considered by the Town, the Town's tree ordinance would also have to be rewritten to maintain consistency.

Staff believes that the existing Design Review process provides the necessary discretion to adequately evaluate potential impacts of structures and landscaping. The Municipal Code currently provides findings for Design Review which protect light and air and also limit the mass and bulk of structures. The adoption of a view ordinance may add another layer of bureaucracy and control during a time when the Town is trying to be more accommodating and user friendly to our applicants.

Respectfully submitted,



Diane M. Henderson

Interim Director of Planning and Building