

## Minutes of Regular Town Council Meeting November 11, 1975

## 1. Call to Order and Flag Salute

Present: Councilmen Anderson, Toal, Blinder and Mayor Colteaux

Absent until 8:20 P.M.: Councilman Capurro

2. CONSENT AGENDA

M/S Anderson, Blinder to pass Consent Agenda. All present voted Aye.

- a. Approved minutes of October 28, 1975.
- b. Adopted Resolution No. 1621 approving October, 1975 Warrant Register.
- c. Approved progress payment Sequoia-Red Hill-Greenfield intersection to W. R. Forde Construction in the amount of \$31,326.88.
- d. Approved progress payment Memorial Park Tennis Courts to Malott and Peterson-Grundy in the amount of \$2,748.33.
- e. Approved progress payment Robson-Harrington Park Improvements to Ray Forster in the amount of \$10,059.30.
- f. Accepted Chamber of Commerce invitation to judge Holiday window displays.
- g. Accepted report of Public Works Director as to voluntary abatement of nuisance at 35 Salinas Ave.
- h. Confirmed request of Public Works Director to Town Attorney for drafting emergency ordinance requiring placement of mail boxes outside developed right of way.
- i. Denied application of David Silvia to file late claim.

With reference to Item 2-g, the Town Attorney advised that he was in the process of drafting an ordinance change which would make clear a prohibition against keeping of other people's horses on private property.

In connection with the Sequoia-Red Hill-Greenfield intersection, the Town Engineer was requested to work with Pacific Gas & Electric and Pacific Telephone Co. in an attempt to conform the utility pole in front of Marin Wine & Spirits to the area standard.

ANNOUNCEMENTS

The Director of Public Works announced that the Planning Commission held a special meeting last night to review the Council's referral of the revised housing element of the General Plan relating to second units. A report on the Commission's suggested changes, including their reasoning, will be available for the next regular Council meeting.

4. APPOINTMENTS

- a. M/S Anderson, Blinder to appoint Dick Spackman to the Park & Recreation Commission for the balance of the term to July 15, 1976. Ayes all present.
- b. Board of Review - four year term commencing 12-15-75 - held over to next meeting for nominations and appointment.

5. Council requests for future agenda items; comments and directions to staff.

Councilman Toal suggested a possible agenda item to consider recommending a County-wide para-medical program.

Mayor Colteaux suggested an agenda item for consideration of an amendment to the Business License Ordinance which would make non-commercial activities in a residential area subject to a home occupation license, requiring a use permit.

(Councilman Capurro arrived at 8:20 P.M.)

6. OPEN TIME FOR PUBLIC DISCUSSION

Paul Nylund of 14 Prospect Avenue questioned receipt of his appeal from the Planning Commission's grant of a use permit to Marin Para-Medical for an ambulance service at 101 San Anselmo Avenue. He was advised that the appeal would be heard at the November 25th regular meeting.

7. APPROVAL OF SCHEMATIC DESIGN, TOWN HALL RECONSTRUCTION

A review of Architect Banning's schematic design developed Council concern with the Police Department occupying the entire first level of a two-story

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building creating an impression of a civic center overwhelmingly devoted to law enforcement. The architect was requested to consider entrances to the Police Department, Administrative Offices and Public Works Department which would emphasize a complete civic center. It was also suggested that construction plans consider possible future Library expansion.

M/S Toal, Anderson to approve the schematic design study for the Town Hall and direct the architect to proceed with design development phase, stage one, including Alternate 1A, not to exceed \$460,300 construction cost, stage two \$127,600, and stage three \$90,400, based on 1975 construction dollars with inflation not considered, and further savings to be sought in all stages. Passed unanimously.

M/S Toal, Anderson to direct staff to commence proceedings for abandonment of City Hall Avenue as a public street between San Anselmo Avenue and Library Place. Passed unanimously.

8. PUBLIC HEARING: SCENIC HIGHWAY FRONTAGE REZONING TO PLANNED DEVELOPMENT CATEGORIES.

After public hearing, which developed no opposition

M/S Anderson, Toal to rezone the following parcels from R-1 to PPD/R-1F:

6-042-01	5-151-01	7-012-02	7-015-16	7-043-17
6-042-02	5-151-02	7-015-08	7-051-03	7-051-30

From R-2 to PPD/R-2F

5-153-05

From C-1 to PPD/C-1/F

7-015-14

From C-2 to PPD/C-2F

6-103-03

From C-3 to PPD/C-3/F

6-083-02	6-091-35	6-171-06	6-191-37	6-251-08
6-091-34	6-092-05	6-171-12	6-241-05	

The Council finds that the rezoning is necessary for the purpose of achieving consistency with the San Anselmo General Plan, specifically the scenic highways (parkways) element of the plan. Passed unanimously.

9. APPEAL OF MARTY KENT FROM PLANNING COMMISSION DENIAL OF VARIANCE FOR PARKING, 72 MARIPOSA (VAR 641)

Appellant's attorney, Robert W. Williams, Esq., presented the appeal, and after Council discussion,

M/S Blinder, Anderson to support the action of the Planning Commission denying the variance on the grounds that in the absence of the requested variance the applicant enjoys substantial property rights. The motion failed on the following roll call vote:

Ayes: Councilmen Anderson, Blinder

Noes: Councilmen Capurro, Toal, Mayor Colteaux

M/S Colteaux, Capurro to grant a variance for one additional non-conforming parking space in tandem on the north side of the property on the ground that there are exceptional and extraordinary circumstances justifying the granting of a parking variance within the setbacks in that the unit on the ground floor has insufficient bedrooms to allow substantial use of the property. Because of the small size of the lot, it is not possible to construct all of the required parking within the setbacks. One of the required parking spaces is already within the rearyard setback area, and converting the existing garage at the rear to one or two bedrooms requires one more parking space to be located within the setbacks. Granting of this variance will not adversely affect the health or safety of persons residing or working in the neighborhood since the adjacent apartment house is located a considerable distance from the rear property line and the apartment house requires parking in the rearyard setbacks. And that in addition, there are substantial and extraordinary considerations of equity that have been generated by the processing of the residential occupancy report by Town staff in that the purchaser of the property, the applicant here, was led to believe that the requested variance would be either unnecessary or would be granted. The net result of

the granting of the variance would be that the applicant would have two non-conforming parking spaces to the north of the building in tandem. The motion passed on the following roll call vote:

Ayes: Councilmen Capurro, Toal, Mayor Colteaux  
Noes: Councilmen Anderson, Blinder

10. PROPOSED ORDINANCE REGULATING CONVERSION OF CARPORTS AND GARAGES

M/S Blinder, Anderson to direct the Town Attorney to draft an ordinance embodying as much of the following as he deems legally permissible: The elimination or conversion of any garage, carport or designated parking space is prohibited without first having obtained a specific permit from the Town. No such permit shall be granted unless there exists on the same lot the same number (but not less than 2) legal, safely usable parking spaces without the necessity or request for any variance, and further that parking within the front yard, except in the driveway, shall be prohibited.

After discussion, the foregoing motion was withdrawn, and

M/S Blinder, Capurro that staff draw up suggestions as to how to deal with problems enunciated by the Council with special attention to elimination of existing garages, carports or designated parking spaces such as parking within the front yard, reporting back at the next meeting. Passed unanimously.

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11. PROPOSED REGULATION OF REPETITIVE GARAGE SALES

Councilman Capurro presented a sample ordinance regulating residential garage sales as adopted by the City of San Mateo, and after discussion

M/S Capurro, Anderson that the Town attorney be directed to draft an ordinance modeled on the San Mateo ordinance regulating garage sales for consideration at the next regular meeting. Passed unanimously.

12. PROPOSED BAN ON FLUOROCARBON AEROSOLS

M/S Anderson, Toal to direct the Administrator to advise the appropriate legislators of the Council's support of AB 1725 which would prohibit the manufacture, sale or use of fluorocarbon aerosols in the State of California and strongly indicating that if legislative prohibition is not enacted at the state level, San Anselmo is prepared to enact a prohibitive ordinance. Passed unanimously.

13. CONSIDERATION OF NUCLEAR POWER INITIATIVE

Councilman Toal withdrew his request for consideration of this item at this time.

ADJOURNED at 11:35 P.M. to November 25, 1975.

Libby Hanson  
Deputy Town Clerk