

Minutes of Regular Town Council Meeting November 25, 1975

1. Call to Order and Flag Salute.

2. Consent Agenda

M/S Anderson, Toal to pass consent agenda. Passed unanimously.

- a. Approved minutes of November 11, 1975.
- b. Adopted Resolution No. 1622 requesting full services of County Clerk for March 2, 1976 Municipal Election.
- c. Adopted Resolution No. 1623 governing candidate's statements and other materials in sample ballot mailing.
- d. Denied claims of Michael S. Cox and Lester M. Cox.
- e. Adopted Resolution No. 1624 authorizing certain employees to represent Town in Small Claims Court.
- f. Instructed the Town Attorney to prepare amendments to Chapter 10 of Title 4 of the Municipal Code eliminating annual review of taxicab permits.
- g. Approved and authorized the Mayor to sign contract with Traffic Signal Maintenance Company.
- h. Adopted resolution No. 1625 authorizing Police Chief to sign renewal agreement, Abandoned Vehicle Abatement Program.
- i. Accepted in principle the concept of a stone entrance structure to Faude Park as a gift of C. Frederick Faude, subject to design approval.
- j. Authorized staff to arrange representation for the Town as may be appropriate at the public hearings before the Public Utilities Commission on December 17th & 18th in opposition to P.G.& E. request for rate increases for street lighting.

3. ANNOUNCEMENTS

Mayor Colteaux announced that it was the concensus of Council that the regular meeting of the Council which would fall on December 23rd should be cancelled.

The Administrator announced that the filing period for the March 2, 1976 Municipal Election for the expiring terms of two Councilmen, the Town Clerk, and the Town Treasurer will be from December 4th until 12 o'clock noon December 24th.

The Administrator announced that the attorney for the Sleepy Hollow Fire Protection District had delivered to the Town Attorney a further revised proposed form of agreement, but upon examination it appears to be a wolf slinking in sheep's clothing and a long way from a solution.

4. APPOINTMENTS

Board of Review - six year term commencing 12-15-75

Councilman Toal nominated Attilio Segale. Mayor Colteaux nominated Gary D. Nelson. Nominations were held open until the December 9th meeting, at which time appointment will be made.

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

Mayor Colteaux questioned staff concerning a complaint on the lack of streetsweeping in the Yolanda Court area. The Town Engineer responded that downtime resulting from the age and condition of the street sweeper was upsetting routine street sweeping schedules.

Councilman Anderson requested that the Traffic Safety Committee make a study of circulation problems in the area of Kientz Lane, Tamalpais Ave., San Anselmo Avenue, Center Blvd., Ongaro Building driveways and Guasco's parking lot.

Mayor Colteaux requested the Town Engineer to monitor the Corp of Engineers' design of the termination at the San Anselmo town limit of the flood control project through Ross and to report to the Council any problems of engineering or aesthetics affecting San Anselmo, or any constructional feature implying continuation into San Anselmo.

6. OPEN TIME FOR PUBLIC DISCUSSION

Ben Collins questioned the necessity of the traffic light on Sir Francis Drake Blvd. opposite Drake High School operating on a 24-hour basis. The Town Engineer advised that during off-hours the light should be green for Sir Francis Drake traffic at all times except when triggered by a pedestrian or car egressing from the High School.

7. GENERAL PLAN a. Report of Planning Commission on Council referral of Housing Element statement of criteria for second units.

After discussion of revisions by the Planning Commission to Council's previously approved wording,

M/S Blinder, Anderson to adopt the original Town Council version with the following additions: Add as last sentence B.2. "All second units shall be registered and a determination made as to their being subject to the rent control provisions." and as last sentence to B.3. "An exception will be permitted in the case of a landlord age 62 or older who has resided on the premises for five years or more."

No vote was taken on this motion and it was withdrawn.

M/S Anderson, Toal to adopt the original Town Council version of the wording with the substitution of the Planning Commission wording of paragraph A with certain deletions and changes, with additions to paragraph B so that the whole of Section IV, Criteria for Residential Second Units will read as follows:

"Residential second units have long been a part of San Anselmo's housing stock. Many served as the original dwellings of early Marinites who later built larger homes. Some served as summer cottages, and some were built to ease the critical housing shortage during World War II. Still others were built to house family members or servants. Many residential second units came into being without benefit of building permits or acceptance by Town officials. Uncontrolled development of second units would conflict with the density and environmental quality goals of this plan. Since overdevelopment would downgrade the esthetic quality of the Town, strong and reasonable policy criteria must be established. These criteria, subject to carefully prepared implementation and wise administration would permit a limited number of second units as a means of preserving a stable heterogeneous community with a balanced social and economic mix. Preserving San Anselmo's social balance through second units seems less damaging to the community than other methods such as the building of apartment houses or housing projects.

B. Therefore, subject to development, testing and review of implementing procedures, residential second unit criteria shall include but not be limited to the following, and those residential second units which do not or cannot meet such criteria shall be abated. All existing legal second units will be identified and granted a permit for registration purposes only. Existing illegal and new second units shall not be granted a use permit unless all of the criteria set forth below are met:

1. Density

By ordinance, the maximum number of residential second units, if any, shall be determined which are permissible in any given neighborhood or area. No additional second units shall be permitted beyond the determined holding capacity of each given area or neighborhood. In setting neighborhood ceilings, factors such as (but not limited to) neighborhood appearance, noise, traffic, parking, load on public facilities, street width, lot size and configuration shall be considered. It is recognized some areas will be found inappropriate for any second units. Second units shall be counted in the count of total units per acre specified as maximum in the land use chapter of this plan.

2. Low Rent Guarantee to Lower Income Persons

A critical shortage of low income housing exists in the Town of San Anselmo excluding low income persons and therefore it is necessary to impose reasonable rent guarantees to lower income persons so long as this shortage of low income housing continues. Accordingly, to qualify for a residential second unit authorized by Ordinance pursuant to this section, the owner must contract with the Town to provide housing at rental rates within a scale established by the Town Council and to rent only to persons whose incomes meet a low-income definition established by the Town Council. The owner shall, from time to time, provide proof of the actual rent paid and the tenant's low income level.

3. Owner on Premises

The owner of the property, or a member of his family of the first degree of sanguinity, must maintain his principal residence in one of the units. An exception will be permitted in the case of an owner age 62 or older who has resided on the premises for five years or more.

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4. Lot Characteristics

Depending in part on whether a residential second unit has been created by division of a large house, or by addition to an existing house, the size and configuration of the lot must be such that the second unit does not encroach into required setbacks, result in excess land coverage, or force parking in required setbacks.

5. Building Standards

All existing legal non-conforming second units must meet current housing code standards. All residential second units authorized by ordinance pursuant to this section shall meet current housing, building and fire codes. A separate building entrance must be provided in every residential second unit authorized by ordinance pursuant to this section. Each owner (or relation to owner as provided in paragraph 3 above) of any residential second unit authorized by ordinance pursuant to this section shall allow inspection of the premises by the Town Building Inspector, on reasonable notice, to insure compliance with current housing, building and fire codes.

6. Permit Mechanism

A use permit procedure shall be established by ordinance under which a time limited use permit may be granted by the Planning Commission if all criteria set forth in said ordinance are met. No use permit shall be issued or renewed without certification by the Planning Director that all criteria set forth in said ordinance have been met, and the owner (or relation to owner as provided in paragraph above) has executed a contractual agreement provided for in paragraph 3 above.

Motion passed on the following roll call vote:

Ayes: Councilmen Anderson, Capurro, Toal, Mayor Colteaux

Noes: Councilman Blinder

b. RESOLUTION ADOPTING GENERAL PLAN

M/S Blinder, Capurro to adopt Resolution No. 1626 Adopting General Plan for the Town of San Anselmo. Passed unanimously.

8. HEARING: ESTABLISHMENT OF NO PARKING ZONE AND CLASS 2 BIKEWAY, BUTTERFIELD ROAD

After hearing pro and con comments from the audience consisting of Butterfield Road residents and bicycle enthusiasts, and Council discussion of staff recommendations,

M/S Anderson, Blinder to prohibit parking on both sides of Butterfield Road from its intersection with Meadowcroft Drive/Rutherford Avenue to the Town limits wherever curb and gutter has been installed; further to prohibit parking in any other area on Butterfield Road where restricted width does not allow sufficient space for parking in the judgment of the Traffic Safety Committee during the hours of 6:30 A.M. - 7:30 P.M. seven days per week. Passed unanimously.

9. REPORT OF SCHOOL SAFETY ADVISORY COMMITTEE

After consideration of the recommendation of the School Safety Advisory Committee for an adult crossing guard at the Butterfield/Rosemont intersection and the installation of sidewalks on Butterfield Road,

M/S Blinder, Toal to place an adult crossing guard at the Butterfield/Rosemont Ave. intersection at the main entrance to Brookside School during the hours from 8:30 a.m. to 10:30 A.m. and 11:30 a.m. to 3:30 p.m. on school days; and authorize a transfer of \$2,207 from the reserve for contingencies to Police Department salary accounts; and direct Public Works staff to proceed toward the installation of sidewalks on the west side of Butterfield Road between Rutherford Avenue and Woodside Drive. Passed unanimously.

10. APPEAL OF PLANNING COMMISSION GRANT OF USE PERMIT TO MARIN PARA-MEDICAL SERVICES OF AMBULANCE SERVICE OPERATING FROM 101 SAN ANSELMO AVE. (U-435).

After hearing from appellant, Paul Nylund, and Dick Johnson, attorney representing Marin Para-Medical Services, and Council discussion

M/S Anderson, Blinder to deny the appeal based on the evidence submitted. Passed on a 4-1 vote with Councilman Capurro voting no.

11. APPEAL FROM PLANNING COMMISSION DENIAL OF VARIANCE FOR GARAGE/WORKSHOP 50 MARIPOSA (VAR-642)

Kenneth Overman, the appellant, presented a revised plan which eliminated the requirement for a rear setback variance and called for only a 4' sideyard setback variance. After consideration,

M/S Anderson, Toal to reverse the action of the Planning Commission denying the variance and to grant a 4' sideyard variance for the construction of a garage/workshop at 50 Mariposa for the reason that there is a peculiar legal circumstance, namely the easement against this property, which does not apply to other similiarly situated lots, and this project will not be detrimental to people or property in the neighborhood as it will not obstruct light or air to neighboring property.

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

Councilman Capurro stated that his No vote was based on his opinion that the applicant should be referred back to the Planning Commission with his revised plan.

Mayor Colteaux stated that his No vote was based on his opinion that there was no justification for a variance.

12. APPEAL OF LAWRENCE STACK FROM PUBLIC WORKS DIRECTOR'S DECISION NOT TO INSTALL STREET LIGHT, ALICE WAY

The matter was continued to next regular agenda due to absence of the appellant.

13. HEARING: SIDEWALK INSTALLATION CEDAR ST. AND ROSS AVE.

Everett Robbins of 68 Ross Avenue appeared and objected to the time element proposed by the Department of Public Works on the grounds it created a hardship for him inasmuch as his property fronts both Cedar Street and Ross Avenue and he had just completed the improvement on his Cedar Street frontage.

M/S Toal, Capurro to extend the time for construction of sidewalk improvement at 68 Ross Avenue from January 25th to July 25, 1976. Passed unanimously.

M/S Toal, Anderson to overrule any objections to the construction of street improvements at 49 Cedar Street, 68, 76, 80 and 88 Ross Avenue and order the Superintendent of Streets to cause the construction to be done after January 25, 1976 (except 68 Ross Avenue - July 25, 1976) if not completed by owners prior to that date.

Ayes: Councilmen Anderson, Blinder, Toal, Mayor Colteaux
Abstain: Councilman Capurro

14. HEARING: ABATEMENT OF NUISANCE, PLUMBING BUSINESS OPERATED FROM TRAILER AT 25 ANCHO VISTA

Sworn testimony was taken from Raymond Caron and Deputy Town Engineer Talmadge Robbins. Mr. Caron stated that he had applied for a use permit from the City of San Rafael and anticipated that he would be in a position to move the trailer and storage containers prior to December 5th. Mr. Robbins testified that there was an illegal use of these facilities by conducting a commercial business in an R-3 zone, creating a public nuisance and failure to comply with the conditions of a temporary permit granted by the Public Works Department on May 30, 1975 and Mr. Caron has been allowed sufficient time to correct the violation by removing the facilities.

M/S Blinder, Toal to adopt Resolution No. 1627 declaring certain personal property located at 25 Ancho Vista Avenue to be a public nuisance and ordering removal from the Town by 5:00 p.m. December 5, 1975, and to direct staff to remove the trailer and storage containers on December 6, 1975, or as soon as possible thereafter if the owner has not removed them prior to the deadline. Passed unanimously.

15. EMERGENCY ORDINANCE RE AUTHORITY TO ISSUE CITATIONS

M/S Blinder, Anderson to waive reading of Ordinance. Passed unanimously.

M/S Blinder, Anderson to pass Ordinance No. 694 Revising Chapter 6 of Title 2 redefining peace officers granted authority prusuant to the provisions of Section 817 of the Penal Code of the State of California, effective immediately. Passed unanimously.

16. EMERGENCY ORDINANCE PROHIBITING FUTURE PLACEMENT OF MAILBOXES AT CURB

M/S Blinder, Colteaux to waive reading of Ordinance. Passed unanimously.

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M/S Blinder, Toal to pass Ordinance No. 695 prohibiting the placement of mailboxes at the curb, effective immediately. Passed unanimously.

17. PROPOSED ORDINANCE REGULATING GARAGE SALES

After discussion of proposed ordinance submitted by Town Attorney,

M/S Toal, Anderson to refer the proposed ordinance to the Planning Commission for review and recommendations. Passed unanimously.

18. PROPOSED ORDINANCE REGULATING CONVERSION OF GARAGES & CARPORTS

After discussion of proposed ordinance submitted by Town Attorney,

M/S Toal, Capurro to refer the proposed ordinance to the Planning Commission for review and recommendations. Passed unanimously.

19. CONSIDERATION OF USE PERMIT REQUIREMENT FOR CERTAIN NON-COMMERCIAL HOME OCCUPATIONS

After discussion of Mayor Colteaux's suggested addition to Section 10-3.424 of the San Anselmo Municipal Code requiring a home occupation business license for non-commercial uses found by the Planning Commission to have substantially all of the characteristics of a home occupation.

M/S Anderson, Blinder to refer the proposal to the Planning Commission for review and recommendations. Passed unanimously.

20. OFFER BY EDWARD HALPERIN OF FOUR ACRE PARCEL AS OPEN SPACE, OAK SPRINGS AREA

M/S Blinder, Toal to adopt Resolution No. 1628 accepting conveyance of real property by Edward Halperin, et al, and to transfer \$650 from the reserve for contingencies to Account 481-46 for incidental costs. Passed unanimously.

21. CONTRACT WITH STATE FOR USE OF HEARING OFFICER IN PERSONNEL APPEALS

M/S Blinder, Toal to authorize the Town Administrator to execute an agreement for hearing officer services with the State Office of Administrative Hearings. Passed unanimously.

22. (Added Item) SET DATE FOR HEARING ON PLANNING COMMISSION RECOMMENDATION SS-190

M/S Blinder, Toal to fix December 9th for the consideration of the Planning Commission's recommendations on subdivision of 79 Lincoln Ave.

Ayes: Councilmen Anderson, Blinder, Toal, Mayor Colteaux

Noes: None

Abstain: Councilman Capurro

23. (Added Item) APPROVE FINAL PAYMENT AND ACCEPT WORK ROBSON-HARRINGTON PARK IMPROVEMENTS

M/S Capurro, Anderson to authorize payment of \$152.82 to Ray Forster Landscape Construction Company, as final payment on construction of Park Improvements - Robson-Harrington Park - 1975, to accept the work and to authorize payment of the 10% retention of \$1,134.68 at the end of 35 days, provided no defects in materials or workmanship are found by that time. Should defects in materials or workmanship require repairs by the contractor, payment of retention is authorized when the necessary repairs have been made.

Ayes: Councilmen Anderson, Capurro, Toal, Mayor Colteaux

Noes: Councilman Blinder.

24. (Added Item) ISABEL COOK SCHOOL LEASE-PURCHASE NEGOTIATIONS

M/S Anderson, Blinder to authorize the Town Administrator to execute an agreement with Frederick Mehrten, M.A.I. for appraisal services as to parcel 6-032-15 at a cost not to exceed \$2,500. Passed unanimously.

Adjourned at 11:59 P.M. to December 9, 1975.

Libby Hanson
Deputy Town Clerk