

MINUTES OF REGULAR TOWN COUNCIL MEETING JUNE 14, 1977

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

2. OPEN TIME FOR PUBLIC DISCUSSION

Alan Strong, 1405 San Anselmo Avenue, requesting Council consider a variance to the overnight parking Ordinance to accommodate hardship parking problems. He was advised that this was to be considered at a workshop meeting on August 2nd.

3. NOMINATIONS AND APPOINTMENTS

a. Library Advisory Board

M/S Reed, Signorelli to close nominations. Passed unanimously.

C. Richard Shaffer and Bernice Brown were by unanimous vote appointed to the Library Advisory Board for terms running to July 1, 1981.

b. Park & Recreation Commission - balance of a term to July 15, 1980

Applications being solicited.

5. HOLSINGER-BAUER-PERKINS DEVELOPMENT, RED HILL

Council had before it the Planning Commission's recommendation that the SPD zoning be approved with the total of 13 units in the form of five duplexes to encompass the ten units over and above the three single family units previously approved in the Bauer project, situated in the same area where units 4, 5, 6, 7, 8 and 9 were shown on drawing 77-131 dated May 24, 1977. Mr. Holsinger presented an alternate plan dated June 9, 1977 locating 10 units comprised of four duplex units and two single family units. It was the concensus of Council that this new location plan appeared preferable, subject to detailed review by the Planning Commission.

M/S Reed, Capurro to refer to the Planning Commission the drawings dated June 9, 1977 for its comments and recommendations with the advice that of all of the plans presented, this set had the most appeal to the Council. Motion passed with four ayes - Councilman Signorelli voting No.

6. APPEAL OF BARRY ROBBINS; MONA IMPORTS FROM DESIGN REVIEW COMMITTEE DENIAL OF VARIANCE FOR READERBOARD FOR TICKET SALES (SR-260).

Barry Robbins, owner of Mona's Imports, presented his appeal for granting the variance on the basis of hardship, in that the readerboard sign was necessary to advertise events covered by his Bass outlet and without the advertisement volume of sales was not sufficient to permit retention of the outlet.

M/S Capurro, Reed to grant the appeal to allow a readerboard on the grounds that the business of selling tickets requires that the constantly changing merchandise (events) requires a means of changing copy on a sign, and that a variance is necessary to assure the rights of the applicant in promoting his merchandise (tickets) though said events are not held on site, and to refer back to staff for approval of placement and size. Passed unanimously.

Thereafter, M/S Capurro, Reed to reconsider. Passed unanimously.

After consideration of the fact that total signing would exceed allowable area with the addition of the readerboard to existing signing,

M/S Reed, Capurro to grant the appeal and limit the size of the readerboard to 18 x 24, the location, color and all other facets of design to be approved by staff, and direct removal of the existing "Latin Imports" and "Bass Outlet" signs, or any other alternative worked out with staff which would not exceed the allowable signing area. Passed unanimously.

4. VALIDITY OF BUILDING PERMIT NEW STRUCTURE 21 ALLYN AVENUE (cont'd)

The Council was advised by the Town Attorney that effective January 1, 1977 commonly owned contiguous parcels, one or both of which do not meet current minimum size regulations, are merged by operation of law unless exempted by local ordinance; that, the Town Attorney had previous opined there were two legal building sites at 21 Allyn Avenue based on his assumption Town Council had wished to exempt all undersized parcels 5,000 sq. feet with an average width of 50 ft or larger by virtue of its action on September 28, 1976 thereby bringing these parcels within the specific exemption provided by state law. Argument

made by Jay Paxton, Esq. that Mr. Milliken at any rate had a vested right in the building permit for developing the lot in question. It was the concensus of the Council that it was not its intent in September, 1976 to exempt lots from state law which did not conform to San Anselmo's present requirements for a legal building site as to overall size and average width.

M/S Reed, Colteaux to declare that the Council did not intend to specifically exempt any parcels in San Anselmo from Section 66424.2 of the Government Code at the time it took no action on an amendment to the Code on lot mergers on September 28, 1976. Motion passed on a 4 - 1 vote with Councilman Signorelli voting no.

It was suggested that Mr. Milliken still had an administrative right and remedy to apply for a lot split. The Council also referred to staff for recommendation for ordinance amendments to cover exemptions to the Government Code merger provisions and also clarification of the Code covering the need to conform to current local regulations where the value of reconstruction or rehabilitation of structures exceed 50% of value due to deterioration; and whether non-conforming buildings should be distinguished in the Code from non-conforming use of buildings.

7. APPEAL OF SOLAR ENERGY SALES FROM PLANNING COMMISSION DENIAL OF VARIANCE FOR SOLAR HEATING RACK, 500 CENTER BLVD. (VAR-720) (Cont'd)

After hearing further appeal from Dayton John of Solar Energy Sales for the granting of a variance to permit the solar heating rack to remain in the location in which it was installed, and considering staff's opinion that there is an alternate location for installation which would not require a variance.

M/S Colteaux, Reed to deny the appeal. Motion passed on a 4 - 1 vote with Councilman Capurro voting No.

8. ABATEMENT OF NUISANCE, 520 RED HILL AVENUE

William C. Dill, owner of the subject property; Charles R. Leitzell, Town Engineer; Herman Ballert, Building Inspector; and Robert Beedle, Assistant Fire Chief were sworn as witnesses. After hearing the testimony and examining the proofs offered, the Council found that the structures in their present condition are dangerous and uninhabitable due to a structural fire which occurred on May 19, 1977.

M/S Colteaux, Reed to pass Resolution No. 1712 declaring the two structures at 520 Red Hill Avenue to be a public nuisance and directing the owner to commence abatement by demolition within 30 days or reconstruction within 90 days from June 14, 1977. Passed unanimously.

9. ABATEMENT OF NUISANCE, ALEXANDER PROPERTY, 1008 SAN ANSELMO AVENUE

Ken Bullock, owner of the subject property; Charles R. Leitzell, Town Engineer; Herman Ballert, Building Inspector; and Robert Beedle, Assistant Fire Chief were sworn as witnesses. After hearing the testimony and examining the proofs offered, the Council found that the garage building at 1008 San Anselmo Avenue is in a state of deterioration such as to be an attractive nuisance to juveniles and others and that the assessibility of the interior of the structure and its contents make the structure a fire hazard.

M/S Reed, Colteaux to pass Resolution No. 1713 declaring the structure at 1008 San Anselmo Avenue consisting of two garage parking spaces to be a public nuisance, directing the owner to abate the nuisance by removal of the contents within 30 days and rehabilitation of the building or abatement thereof within 60 days from June 14, 1977. Passed unanimously.

10. ORDINANCE PROVIDING FOR DEDICATION OF LAND OR PAYMENT OF FEES FOR PARK LAND IN SUBDIVISIONS

Continued to June 28 regular meeting.

11. "BLUE CURB" RESOLUTION PROVIDING SPECIAL PARKING SPACES FOR HANDICAPPED

M/S Reed, Colteaux to pass Resolution No. 1714 providing for designation of parking spaces for disabled persons pursuant to Section 22511.7 and 22511.8 of the California Vehicle Code. Passed unanimously.

Mayor Toal informed Council that he had received a telephone call from Louise De Sousa of the Association of Handicapped persons complimenting Council on this voluntary action.

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

Councilman Reed requested an item on the next agenda to discuss endorsement of Federal Government alternate proposals for supply of natural gas from Alaska.

Councilman Colteaux had received complaint from a Yolanda Drive resident on pavement subsidence. Town Engineer reported that it had been observed and a letter had been sent to the Sanitary District.

13. JOINT POWERS AGREEMENT WITH FAIRFAX FOR STUDY OF ACQUISITION AND DEVELOPMENT, MARIN TOWN AND COUNTRY CLUB.

M/S Signorelli, Toal to approve the Joint Powers Agreement and direct the Joint Committee to prepare a written report on all issues outlined in the Agreement. Motion passed on a 4 - 1 vote with Councilman Capurro voting No.

14. JOINT POWERS AGREEMENT ESTABLISHING MARIN COUNTY WORKERS COMPENSATION FUND

M/S Reed, Toal to adopt Resolution No. 1715 adopting and authorizing the Mayor to execute Joint Powers Agreement Establishing the Marin County Workers' Compensation Fund. Passed unanimously.

15. ORDINANCE AMENDMENTS CONFORMING TO "GUIDELINES FOR COMMUNITY SERVICE"

M/S Reed, Signorelli to adopt Ordinance No. 735 amending various sections of the San Anselmo Municipal Code Governing Membership on the Parks & Recreation Commission, Planning Commission, and Board of Review. Passed Unanimously.

16. MARIN MUSEUM OF NATURAL SCIENCE REQUESTING SUPPORT OF COUNCY SUBSIDY.

M/S Reed, Toal to direct the Administrator to advise the Board of Supervisors of the Council's support of the concept of the Marin Museums' Wildlife Rehabilitation Program. Passed unanimously.

17. SUPPORT OF AB 1533, MUNICIPAL ORGANIZATION/ANNEXATIONS

M/S Reed, Capurro to direct the Administrator to communicate support of AB 1533 to appropriate legislators. Motion passed with four Ayes - Councilman Signorelli abstained.

ADDED ITEM - DIRECTIONS TO PRIORITY SETTING COMMITTEE REPRESENTATIVE

M/S Capurro, Signorelli to approve recommendations Nos. 2 & 5 in Councilman Colteaux's memorandum of 6-3-77 (Item # having been approved at the 6/9 meeting and the other items not requiring action.) Passed unanimously.

18. CONSENT AGENDA

M/S Reed, Signorelli to pass Consent Agenda. Passed unanimously.

- a. Approved minutes of May 24, June 1 and June 7.
- b. Approved warrant register for May 16 - 31.
- c. Authorized progress payment #8, firehouse construction to Rudo-Metkin Construction Co. in the amount of \$41,460.41.
- d. Adopted Resolution #1716 accepting a deed from the County of Marin for purchase of tax deeded property.
- e. Adopted Resolution No. 1717 designating the Environmental Health Division of the Department of Health Services of the County of Marin as enforcement agency for solid waste disposal for the Town of San Anselmo.
- f. Approved waiver of business license fee, Marin Senior Day Services.

ADJOURNED at 12:50 A.M. to Budget Hearing June 15, 8:00 P.M.

Libby Hanson, Deputy Town Clerk

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