

Mayor Convis convened the meeting with Councilmembers Toal, Capurro, Wooliever and Buckle Present.

2. OPEN TIME FOR PUBLIC DISCUSSION

Dave Bacigalupi suggested that some thought be given to means to increase the capacity of the creek.

3. APPOINTMENTS

a. ROBSON-HARRINGTON HOUSE ASSOCIATION. Two appointments for two-year terms. George Buckle and Gary Peasley heretofore nominated. Councilmember Toal nominated A. C. Signorelli. Councilmember Wooliever nominated Betsy and Tim Geraci.

M/S Toal, Capurro to close nominations. Passed by unanimous vote.

Appointment held over to February 23rd meeting, with the suggestion that Betsy and Tim Geraci be invited to attend that meeting for interview by Council.

b. Council representative on City-County Disaster Preparedness Task Force.

Councilmember Buckle appointed.

4. COMMENDATION OF POLICE DEPARTMENT, SAVE AND COMMUNITY ON REDUCTION OF MAJOR CRIMES IN 1981.

Council received Police Department's December, 1981 statistical report including comparative figures for calendar '81 vs '80, indicating a high percentage reduction of major crimes in San Anselmo during 1981. Attributing this reduction to the efforts of the Police Department itself and San Anselmo Volunteer Effort through its neighborhood alert program, Council commended the entire staff of the Police Department, SAVE and the community at large for this result.

5. REPORT ON FILING OF DISASTER ASSISTANCE APPLICATION

The Administrator reported that a Disaster Assistance Application was filed January 28th and that a disaster assessment team was now working in San Anselmo and that the San Francisco Foundation has announced that it has set aside \$5,000,000 to assist the County, Cities and Special Districts toward the 25% match to the Federal Government's 75%. In view of this anticipated assistance, the Administrator suggested that the Council remove from consideration a special tax measure for flood costs only.

Thereafter a motion was made by Councilmember Toal, seconded by Councilmember Wooliever to restrict consideration to a special tax measure to continue present services.

During Council discussion on this motion, Councilmember Toal questioned wording of advertisement for public hearing and was informed it reads "one or more Special Tax Measure(s)". Councilmember Capurro suggested that this decision should await conclusion of public hearings.

Councilmember Toal withdrew his motion.

6. CONSIDERATION OF WRITTEN MATERIALS FOR PUBLIC RELEASE OUTLINING BACKGROUND AND NECESSITY FOR SPECIAL TAX MEASURE ELECTION

Council approved release of materials as submitted by the Administrator.

7. MARIN COMMUNITY PLAYHOUSE - APPEALS

John Colteaux presented his appeal from the Planning Commission's finding of December 7, 1981 that the Marin Community Playhouse is a legal non-conforming use, contending that there is no legal basis for such a finding under San Anselmo's zoning ordinances. He further suggested that a theater use for this building should properly be presented as an integral part of the Seminary's master plan now in process. The neighborhood is concerned at suggestions of intensified use of any part of the Seminary property and consideration of an expanded theater operation should be reviewed in the context of overall uses proposed in the Seminary's Master Plan.

Neighborhood residents present reiterated objection to a theater operation within a residential zone with attendant traffic, parking and noise.

Town Attorney advised Council that to grant the appeal reversing the finding of the Planning Commission that a theater operation is a legal non-conforming use would abate any further such use from this day forward. William Taggert and Coralee Susser, representing Marin Community Playhouse advised that contractual obligations had been entered

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calling for performances during the succeeding six months within the guidelines established by the Planning Commission in its consideration of variance applications.

M/S Toal, Buckle to continue the appeal on the Planning Commission's finding of a legal non-conforming use for a period of six months or until the submission of the Seminary's Master Plan, whichever first occurs, with the understanding that the present use can continue. Motion passed on a 4 - 1 vote with Councilmember Capurro voting No.

The appellant and respondent Marin Community Playhouse, through its representatives, stipulated agreement to the effect of this motion, with Council accepting the Town Attorney's opinion that existing contractual obligations must be honored.

It was noted for the record that the two outstanding appeals filed by John Colteaux and Leslie & Eloise Ferragirao from the Planning Commission grant of variances become moot as a result of this action.

8. ORDINANCE REZONING 80 W. HILLSIDE AVE. TO STRAIGHT R-1

M/S Toal, Buckle to adopt Ordinance No. 815 amending Ordinance No. 485 of the Town of San Anselmo by changing the classification of 80 West Hillside Ave., A/P 6-172-10 from PPD R-1 to R-1. Motion passed by unanimous vote.

9. PUBLIC HEARING ON PLANNING COMMISSION RECOMMENDATION TO REZONE BAUMSTEIGER PROPERTY MONTEREY TERRACE TO STRAIGHT R-1 AND ACCEPTANCE OF NEGATIVE DECLARATION

Public hearing was opened with no objection to rezoning.

M/S Toal, Buckle to accept negative declaration. Motion passed by unanimous vote.

M/S Toal, Capurro to waive reading of ordinance. Motion passed by unanimous vote.

M/S Toal, Buckle to introduce an ordinance amending Ordinance No. 485 of the Town of San Anselmo by changing the classification of A/P 6-013-43 from PPD R-1 to R-1. Motion passed by unanimous vote.

10. PUBLIC HEARING ON PLANNING COMMISSION RECOMMENDATION REZONE 24 ROSS & 25 WOODLAND AVE.S TO SPD FOR EIGHT LOW-MODERATE INCOME RENTAL UNITS AND ACCEPTANCE OF NEGATIVE DECLARATION

Public Hearing was opened with Louis J. Leoncini, 24 Woodland Ave., objecting and complaining that he did not receive notice of the rescheduled Planning Commission hearing following cancellation of the original hearing date on January 4th.

Staff advised that the requested eight units do exceed the allowable number of five under R-3 requirements. However, the units are designed for moderately priced rental units with reduced square footage, which are critically needed in Town and the project is consistent with the Land Use Element of the General Plan and with the recently adopted Housing Element.

Councilmember Buckle objected to this project on the grounds that it is too dense, approval would conflict with planning concepts, and it is inequitable to approve a concession for one individual property owner, while denying other property owners' rights.

M/S Toal, Buckle to accept the negative declaration. Motion passed by unanimous vote.

M/S Toal, Buckle to waive reading of ordinance. Passed by unanimous vote.

M/S Toal, Wooliever to introduce an ordinance amending Ordinance No. 485 to rezone 24 Ross and 25 Woodland Avenues, A/P 7-282-06 from R-3 (Neighborhood Apartment District) to SPD (Specific Planned Development) for eight apartment units in accordance with the specific plan submitted. Motion passed with four ayes - Councilmember Buckle voting No.

11. PUBLIC HEARING ON PLANNING COMMISSION RECOMMENDATION REZONE 192 TUNSTEAD TO R-3 FOR THREE RENTAL UNITS AND ACCEPTANCE OF NEGATIVE DECLARATION

Public hearing was opened with no public input.

Council was advised that the applicant proposes to construct a triplex unit with the existing unit on the property to remain - one of the new units to be a handicapped unit.

M/S Toal, Buckle to accept negative declaration. Motion passed by unanimous vote.

M/S Toal, Buckle to waive reading of ordinance. Motion passed by unanimous vote.

M/S Toal, Buckle to introduce an ordinance rezoning 192 Tunstead, A/P 7-213-48 from R-2 to R-3. Motion passed by unanimous vote.

12. PUBLIC HEARING ON PLANNING COMMISSION RECOMMENDATION OF ORDINANCE AMENDMENT REPEALING LIMITS ON RESIDENTIAL USES IN COMMERCIAL ZONES

Staff advised that this ordinance amendment carries out the stated intent in the recently adopted Housing Element to consider zoning ordinance amendments to encourage residential uses in commercial zones and this proposal eliminates the 1:1 requirement, allowing greater residential use in commercial zones subject to a use permit.

Councilmember Buckle objected to removal of the limitation requirement, opining that individual properties should be rezoned where residential use is proposed.

M/S Toal, Capurro to waive reading of ordinance. Motion passed by unanimous vote.

M/S Toal, Wooliever to introduce an ordinance amendment repealing limitations on residential uses in commercial districts and clarifying parking requirements. Motion passed with three eyes, Councilmembers Capurro and Buckle voting no.

13. ORDINANCE SIMPLYING REGULATION OF GOING-OUT-OF-BUSINESS SALES

M/S Toal, Wooliever to waive reading. Motion passed by unanimous vote.

M/S Toal, Capurro to introduce an ordinance repealing Chapter 2 of Title 6 of the San Anselmo Municipal Code substituting a simplified Chapter 2 regulating going out of business sales. Motion passed by unanimous vote.

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

Councilmember Toal reported on his attendance at the Vallejo Redwood Empire meeting on February 6th.

Councilmember Buckle requested a listing of actions by Council wherein a 4/5 vote is required.

15. CONSENT AGENDA

M/S Buckle, Toal to pass consent agenda. Motion passed by unanimous vote.

- a. Approved minutes of meeting of January 26, 1982.
- b. Approved warrant register for 1/16-31/82.
- c. Continued disaster proclamation in effect.
- d. Supported efforts by Mayor to secure urgency legislation allowing liquor suppliers to assist flood-damaged liquor stores by exchanging fresh for dirtied stock (AB2492).
- e. Accepted first quarterly report from Robson-Harrington House Association.
- f. Acknowledged thank you letters from merchants for disaster assistance.
- g. Authorized up to \$200 from Reserve for Contingencies to install remove control for resetting electric clock in pergola.

ADJOURNED at 11:30 P.M. to special meeting 8 P.M. Tuesday, February 16 - Public Hearing on Special Tax Measure.

LIBBY HANSON
Secretary to Council