

MINUTES OF THE SAN ANSELMO TOWN COUNCIL MEETING OF AUGUST 25, 1987

Vice Mayor Sharp convened the regular meeting at 8:00 p.m. in the Council Chambers with Councilmembers Chignell, Walsh and Wooliever present, Mayor Cordingley excused, following interviews with two applicants to the Planning Commission (Mary Jane Chetelat and Herbert Foedisch) beginning at 7:30 p.m.

2. OPEN TIME FOR PUBLIC EXPRESSION

Stephany Kramer, 211 San Anselmo Avenue, said she supported weekly curbside recycling pickup, adding that it is worth any extra cost and it costs less to recycle materials than to dump them.

Sarah Nome, 77 Alder Avenue, expressed opposition to the salary level approved for the Town Administrator by the Council at its August 11 meeting, and said she would be circulating petitions to repeal the pay level.

Nome expressed concern about Town use of facilities to organize events to which the public is not invited, specifically a fundraiser being organized by the San Anselmo Volunteer Effort. Lew Tremaine, editor of the FAX newspaper, said he had received a press release stating that the community was invited to this event.

Bill Bandy, President of the Chamber of Commerce, announced there would be a Red Tag Sale in the downtown on Saturday, August 29.

3. CONTRACT FOR PLANNING CONSULTANT SERVICES FOR UPDATING THE GENERAL PLAN AND ZONING ORDINANCE

The proposed agreement with John Roberto and Associates formalizes the scope, schedule and budget for consultant services to update the Town's General Plan, zoning ordinance and zoning maps that was previously developed by the Town Council and the planning consultant. Public Works/Planning Director Kottage reported that the only significant change to the agreement was the addition of coordinating the review with adjacent jurisdictions, and that the review was designed to be as expeditious and as frugal as possible. Roberto added that the General Plan review was limited to the Land Use, Open Space and Circulation Elements, with possible changes to the Housing Element if they are deemed necessary by the changes to the other elements.

M/S, Walsh/Chignell, to authorize the signing of the agreement with John Roberto and Associates to provide consultant services to update the Town's General Plan, Zoning Ordinances and Zoning Maps. Motion passed unanimously.

The first workshop on this review was scheduled with the Town Council for November 18, 1987, 7 p.m. to 9 p.m.

4. APPEAL OF POLICE CHIEF'S DENIAL OF AN OVERNIGHT HARDSHIP PARKING PERMIT, OSAVALDO AND LEA DELL'ANGELICA, 841 SAN ANSELMO AVENUE

This property has three one-bedroom units and two two-bedroom units and room for six parking spaces. The number of parking spaces conforms to the Town Code parking requirements of one space for each one-bedroom units and one and a half spaces for each two bedroom unit. However, the tenants in the two-bedroom units have two cars. Ms. Dell'Angelica explained that they were short one parking space, which creates a hardship for the tenant and for her, since she recently purchased the building.

Stephany Kramer, 211 San Anselmo Avenue, said the Town needed to develop a parking ordinance that addresses both new and old buildings.

Walsh said she felt a hardship existed but that to grant the appeal would be precedent setting. She added that providing parking is the

landlord's responsibility, but that the Town Code requirement for one and a half spaces for a two-bedroom unit was inadequate.

Chignell said he could not support the appeal if there was a connection between the Town Code requirements for parking specified in the zoning ordinance and in the provisions for obtaining an overnight hardship parking permit. Town Attorney Roth advised that there was a connection.

It was the general feeling of the Council that the current residential parking requirements are inadequate.

Bill Bandy, San Anselmo Shoe Repair, questioned that if the Council feels the parking ordinance is wrong, why not approve the appeal now rather than waiting until the parking requirements are revised.

Sharp responded that any revisions to the parking requirements would have to go through the public hearing process. He suggested that if the appeal is denied, it be done without prejudice to allow the applicant the opportunity to re-apply in the event the parking requirements are changed.

M/S, Chignell/Walsh, to deny the appeal, without prejudice. Motion passed unanimously.

Dell'Angelica asked to be notified of any hearings on revisions to the parking requirements.

5. APPOINTMENTS

Planning Commission - Staff reported that five more individuals expressed interest in appointment to the Commission. It was the consensus of the Council to accept applications from these individuals and schedule interviews.

M/S, Wooliever/Chignell, to close the nominations for the Planning Commission. Motion passed unanimously.

Open Space Committee - The Open Space Committee has endorsed Evan Kraus for appointment.

M/S, Chignell/Wooliever, to appoint Evan Kraus to the Open Space Committee. Motion passed unanimously.

Historical Commission - Of the 15 seats on the Commission, 7 will expire in September, and the remaining 8 will expire in September, 1988. Staff requested direction from the Council on readjusting the sequence of appointments to improve the staggering of terms, and whether the Council wanted recommendations from the Commission on applicants. It was the consensus of the Council to consult the Commission on prospective applicants, and deferred to staff on readjusting the terms of appointments. Staff was to post and publicize the expiration of terms.

9. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTIONS TO STAFF; STAFF MISCELLANEOUS ITEMS. (Taken out of agenda order)

Town Administrator codes - Walsh requested copies of the code sections from other jurisdictions on the duties of the Town Administrator.

10. CONSENT AGENDA

- (a) Approval of minutes of August 11, 1987.
- (b) Endorsement of open letter to Congress urging adoption of housing legislation to maintain funding for the Community Development Block Grant Program.
- (c) Resolution establishing the appropriations limit for fiscal year 1987-88. CONTINUED TO SEPTEMBER 22, 1987.
- (d) Resolution adopting budget for fiscal year commencing July 1, 1987.

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On the minutes of August 11, Walsh amended the discussion on the Town Administrator's salary to include her statement that it was not the selection of the Town Administrator to which she was opposed, but that she did not support salaries of the magnitude being proposed.

Nome asked that the suggestion she made at the August 11 meeting to designate one councilmember to co-sign Town checks be added to the minutes. The Council agreed to this request.

M/S, Chignell/Wooliever, to approve the Consent Agenda as amended. Motion passed unanimously.

6. PROPOSED REVISION TO RESOLUTION NO. 2099, WHICH PERTAINS TO THE DESIGN OF SUBDIVISION IMPROVEMENTS FOR QUARRY MOUNTAIN, INC., END OF TOMAHAWK DRIVE, A/P NOS. 177-220-50, 177-250-40 AND 177-250-41. THE PROPOSAL IS TO PERMIT THE FILLING OF A PORTION OF THE OLD FIRE ROAD.

The developer's proposal is to modify the grading plan of the subdivision by filling in a portion of the old fire road. Staff reported that it is a technical change in the plans that does not change the basic design of the subdivision and is consistent with the Hillside Density Ordinance.

Staff reviewed and strongly supported the proposal on the grounds that the road serves no useful purpose and has no public access, it is consistent with the project's other approvals, it will enhance the aesthetics, stability, drainage and safety of the site, and it will mean fewer heavy construction vehicles hauling fill away from the project site.

Kottage reported that normally this type of change would be handled as an administrative matter but due to the sensitivity of the site, it was brought to the Town Council.

Irving Schwartz, project engineer, affirmed the benefits the change will have to the community and expressed concern that there was a two week delay in the project pending the Council action this evening when he felt the subdivision agreement authorizes changes such as this to be reviewed administratively.

Sharp responded that the two-week delay for the review of the change was a result of the applicant's request for the change, and that the Council could not guarantee that staff will be authorized to approve changes in the project.

Barry Spitz, 155 Los Angeles Boulevard, said he did not want to see approval of filling in the fire road until the Planning Commission had completed its design review on the project.

Carolyn Turner, Los Angeles Boulevard, said it bothered her that the developer was making major changes to the project, and she would not want these changes to be approved by staff instead of the Council.

Larry Stack, 10 Alice Way, presented a petition with 48 signatures opposing the proposed change. He asked whether the drainage improvements improved to date were adequate, whether there would be drainage problems if the road was not filled, and whether the developer had already filled in 6 feet of the road, to which Kottage responded "yes", "no" and "yes" respectively.

Stack added that the proposal also included elimination of a concrete "v" ditch, which he said would result in an increase of water draining to the watershed below the fire road. He said he felt a certain degree of compromise and adjustment was reasonable, but that there has already been an after the fact compromise in that the developer has received permission for 6 feet of fill of the road and the majority of the neighbors oppose any change.

Nancy Olson, 1329 San Anselmo Avenue, said that it is appropriate for an issue this controversial to be heard by the town Council rather than staff.

Doug Elliott, project developer, said that if the fire road did not exist and they had proposed to make a cut in the hill to create it, they would not have obtained approval. He said they are trying to follow sound engineering practices, everything they are doing is being supported by the four consulting engineers, who also support filling in the fire road.

Stephany Kramer, 211 San Anselmo Avenue, said she wished the Council would support the plan as originally proposed.

Schwartz said that elimination of the "V" ditch would improve the drainage.

Kottage stated that the key issue seems to be that alot of effort was put into approving a plan and after all that, a change is proposed; however, this particular change makes sense from an engineering standpoint. He said it was appropriate for the Council to act on this request prior to the conclusion of the design review underway by the Planning Commission.

It was the consensus of the Councilmembers that it was appropriate for this change to be reviewed by the Council, and that they only issue under review by the Council at this time was the proposal to fill in the fire road. The Councilmembers stated that they were not inclined to grant changes to the project unless there was a benefit to the community, they did not like to approve changes piecemeal, and any change granted this evening was not indicative that there should be any changes in the future.

Concerning findings for approval, staff noted that benefits to the community that would result from the filling of the fire road were stated in the resolution staff recommended be adopted for approval of the proposed project change.

The Council asked that staff provide reports to the Council on Planning Commission actions on the project.

M/S, Wooliever/Walsh to approve Resolution No. 3027, a Resolution amending Resolution No. 2099 to allow modification of the Old Quarry Subdivision improvements in order to permit filling of a portion of the former fire road, providing the entire area is treated to prevent erosion, including hydromulching the entire area. Motion passed unanimously.

7. DISCUSSION REGARDING AB 2020, STATE LEGISLATION THAT MANDATES ESTABLISHMENT OF BEVERAGE CONTAINER REDEMPTION CENTERS, AND THE TOWN'S RECYCLING PROGRAM

Town Attorney Roth and Town Administrator Dickens advised that, according to the provisions of AB 2020 and the lead state official handling the requests for exemptions, a weekly curbside pickup recycling program must be in place by October 1st in order for the Town to be included in an exemption.

Ray Forest, San Anselmo Garbage, said there will be one redemption center established in San Anselmo if the exemption is approved and two if it is not approved.

Dickens recommended that the Town obtain an proposal from San Anselmo Garbage on the cost of increasing the frequency of the pickup schedule for recyclable materials.

The Councilmembers expressed concern about rushing into a decision to increase the pickup frequency and collection fees and wanted public participation on this matter. It was the consensus of the Council to conduct a public hearing on this proposal at its meeting of September 8.

8. RESOLUTION ENDORSING FORMATION OF A COUNTYWIDE TASK FORCE TO DRAFT AN EXPENDITURE PLAN FOR LOCAL TRANSPORTATION PROJECT THAT MAY BE PROPOSED FOR AN SB 878 BALLOT MEASURE

Chignell said he could not support the resolution as proposed, explaining that he did not support a sales tax increase, he did not think the voters would support it, and there are other better ways to pay for transportation projects. Furthermore, he did not consider the county groups proposed for representation on the task force as all inclusive and there were some groups that he felt were not appropriate for representation.

Sharp, a member of the current countywide SB 878 Process Planning Committee, said that a decision has not been made to seek a sales tax increase but acknowledged that the committee was not exploring alternative sources of revenue. He recommended that San Anselmo participate in the planning process even if the Councilmembers do not support a sales tax increase.

It was the consensus of the Council to amend the draft resolution as follows: delete "to be funded by an SB 878 sales tax measure;" from the fifth paragraph and add "and other interested community groups" to the end of the seventh paragraph.

M/S, Wooliever/Walsh, to approve Resolution No. 3028, a Resolution of the Town Council of the Town of San Anselmo endorsing formation of a task force to draft an expenditure plan for local transportation projects that may be proposed for an SB 878 ballot measure, with amendments as indicated. Motion passed unanimously.

ADJOURNMENT at 10:55 p.m. to the next regular meeting of September 8, 1987.

Beth Calamar