

MINUTES OF THE SAN ANSELMO TOWN COUNCIL MEETING OF DECEMBER 8, 1987

Mayor Cordingley convened the regular meeting at 8:00 p.m., following a closed session regarding personnel matters beginning at 7:00 p.m., and an interview session with an applicant to the Red Hill School Site Committee beginning at 7:45 p.m., with Councilmembers Chignell, Sharp, Walsh and Wooliever present.

2. OPEN TIME FOR PUBLIC EXPRESSION

There was no public comment.

3. APPOINTMENTS

Red Hill School Site Committee- Town Administrator Dickens reported that the Ross Valley School District had not yet made a decision on whether they would sell a portion of the Red Hill School property. It was the consensus of the Council to appoint a committee to have in place in the event it is needed now or in the future.

M/S, Chignell/Wooliever, to appoint Cynthia Barrows, John Colteaux, Larry McDermott, Helen Broyles, Sophia Spencer, Barry Spitz, and George Buckle representing the public at-large, Ann Walsh representing the Town Council, Oliver Harle representing the Planning Commission, and Gail Stewart - the Town representative on the Marin Commission on Aging to the Red Hill School Site Committee. Motion carried unanimously.

M/S, Chignell/Sharp, to appoint Cherilyn Gilboy as the representative from the Park and Recreation Commission, if she is still interested. Motion carried unanimously.

4. APPEAL OF POLICE CHIEF'S DENIAL OF AN OVERNIGHT PARKING PERMIT, 62-A TAMALPAIS AVENUE, BY YVONNE CALDWELL AND SCOTT GLASSCOE.

This appeal had been continued from the meeting of November 24 for inspection of the property. Police Chief Del Santo reported the garage can hold no more than three small cars and there has been no conversion in the garage to eliminate a parking space. There are two gravel parking areas: one in front of the garage and one next to the garage area.

Yvonne Caldwell stated that without a parking permit, she blocks her neighbor's driveway, that the street is capable of handling cars parked on both sides and two cars passing and that her landlord was unaware parking permits were so difficult to obtain at the time she moved to this house.

M/S, Chignell/Walsh, to support the appeal and overturn the Police Chief's denial of an overnight parking permit, 62-A Tamalpais Avenue, by Yvonne Caldwell and Scott Glasscoe. Motion carried unanimously.

5. CONSIDERATION OF RESOLUTION ESTABLISHING TERMS OF OFFICE OF SAN ANSELMO COUNCILMEMBERS SERVING ON THE ROSS VALLEY FIRE SERVICE BOARD OF DIRECTORS.

The proposed resolution establishes two-year terms for the two San Anselmo seats on the Board, and a limit that no one shall serve more than two years consecutively.

Town Administrator Dickens recommended that the resolution be amended to allow a Councilmember to serve a consecutive term if no other Councilmember is interested in appointment and noted that the Council might want to stagger the appointments.

Sharp, Wooliever and Cordingley supported staggering the terms. Cordingley added that staggering the appointments would help to maintain an historical perspective on the Board. Walsh did not support staggering the appointments. Chignell said he did not see the need to stagger the terms in that Councilmembers should be able

to grasp onto service on the Board as they do Council service, but that he would go along with the majority opinion of the Council.

It was the consensus of the Council to continue the resolution to include the modifications discussed this evening.

6. APPEAL OF PLANNING COMMISSION DENIAL OF V-2199 AND A-144 FOR MICHAEL CONROY, 27 OAKWOOD COURT, A/P 5-062-80, A THIRD STORY VARIANCE TO CONSTRUCT A FLOOR IN THE LOWER AREA TO PROVIDE ADDITIONAL LIVING AREA; AND ARCHITECTURAL REVIEW OF EXTERIOR CHANGES.

Director of Public Works/Planning Kottage reported that the two issues in this appeal were a request for a variance for a third story and a change in the exterior material. The proposal behind the third story variance request is to enlarge the master bedroom, add a bath and place the other bedroom in undeveloped space. The exterior changes to the building consist of the addition of two windows. There will be no additional bedrooms and the only access to this area is interior and therefore is not likely to be a second unit. This change will add structural stability to the house.

The change in exterior building material is from cedar shingles to T-111 siding. Kottage explained that single family homes in the R1 zone do not typically require design review, but during review of this project, it was felt that the public should participate in all aspects of this project, including the building permit. Therefore, a condition of approval for variances on this project was to require design review. The purpose of this design review, staff felt, was for safety of construction, not appearance. However, staff did not feel comfortable with acting on the changes to the material without Planning Commission review. The Commission felt there was such an extensive review of this development that they needed to maintain the integrity of the original exterior design approval.

Don Velazquez, owner of the subject property, said they wanted to use the space that creates a third story because it was already available, and he added that his engineer advised that this modification was an improvement in health and safety aspects over the initial design. He said it was not intended to be a second unit. Regarding the exterior siding material, he said that they had not tried to get by with anything but felt the cedar siding would look bad after a couple of years. He did not apply for a third story variance initially because he thought they would apply for it after the house was built and they were living there. Under the initial layout, the exit from the second bedroom was through the master bedroom; the third story would allow for a different layout.

Phyllis Ostrander, 45 Oakwood, read portions of a letter from Rick and Carole Sheviakov opposing the third story variance request on the grounds that it could easily be made a second unit and there is no effective way to prevent it from happening, and a large house will have an adverse impact in an area with such limited parking. In addition to requesting denial, they proposed corrective actions to deter future owners from creating a second unit in this space. Ostrander said that the Velazquez' knew the requirements from the onset.

Planning Commissioner Yarish noted there had been quite a bit of neighborhood input at the original hearings, and the Commission felt that the proposed changes should have been considered at that time. The exterior changes also included changing the shape of the windows and the width of the trim and he felt the colors were inconsistent. The entire proposal appeared to be in contempt of the planning process, he said.

Philip Miller, 50 Oakwood Avenue, said he felt sorry for the Velazquez for all they have gone through. However, the neighborhood took the design review to mean that they would not be faced with a monstrosity. He was concerned that the third story area could be a second unit, which he opposes. He said the neighbors were assured that

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the conditions of approval would be met; with the third story area, the house is larger which will mean more people and more traffic.

Carmen Mitchell, 55 Oakwood Avenue, said it was not true that the Council was not concerned with the appearance of the house when it set the condition requiring design review and objected to granting the request.

Connie Velazquez said they had originally applied and then withdrew the request for a third story variance because they were just trying to focus on the health and safety issues of construction, and they were within their right to apply for the variance.

Kottage said the process of detailed review of the building permit plans was called design review, but its primary purpose was health and safety review, not the design review process as detailed in the Town code.

Sharp said the project has had several albatrosses around its neck since its onset, namely a skinny road and a steep hillside. He said he had sympathy for the neighbors, but felt that whatever was built here would have an impact. He did not see the finding that a change in the siding would be detrimental to the neighborhood. He noted that staff reports that safety is increased by the proposed third story and that safety is a key issue. However, he wanted assurance that the purpose of this area is not to create a second unit.

The other Councilmembers expressed their agreement with Sharp's comments.

M/S, Sharp/Wooliever, that subject to the condition that no second unit shall be constructed, to grant the appeal of the Planning Commission denial of V-2199 and A-144, Don and Connie Velazquez, Oakwood Court, A/P 5-062-80, a third story variance to extend a finished floor in the enclosed unexcavated area, and a design review amendment to allow a change in exterior materials, on the grounds that due to special circumstances of the property including size, topography, and location, strict application of the code deprives the property owner of privileges of other property owners in the vicinity in that there could not be full use of the property for a single family residence, it will not be a grant of special privilege in that the only use allowed will be single family, it is necessary for the substantial enjoyment of property rights in that the configuration of the property is unusual and narrow and allowing a third story will increase safety, and it will not have an adverse effect on the neighborhood in that the same number of bedrooms will exist and all of these changes are contained in the existing structure. Motion carried unanimously.

M/S, Sharp/Wooliever, to approve the design review amendment for the previously described property on the grounds that the proposed amendment is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area, the siding and colors will have no effect on noise, odors, and other factors which may make the environment less desirable, and they will not tend to cause the surrounding area to depreciate materially in appearance or value or other discourage occupancy, investment or orderly development in such area, they will not create unnecessary traffic hazards and will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. Motion carried unanimously.

7. REPORT ON INSTALLATION OF THE DOWNTOWN CHRISTMAS LIGHTS

Public Works/Planning Director Kottage reported that during the fall of 1986, the first year the Town crews installed, maintained, and removed the decorations without outside assistance, the total Town crew labor expenditure amounted 346.5 person hours. He expected the 1987 expenditure to be somewhat less but substantial nevertheless.

Kottage explained that the magnitude of the labor required for the decorations was difficult due to the small size of the crew and the various other commitments at this time of year, such as drainage

problems, etc. The crew likes to do it, but it means they do not have time to do other maintenance work.

Sharp asked whether volunteers could help with the work. Dickens noted that this work requires people to be up on ladders and roofs, which can be considered dangerous. Walsh asked whether firefighters could do it. Ross Valley Fire Chief Mollenkopf responded that he was the only person in a supervisory capacity in the fire service at this time, he could not bring down additional personnel, and there would be no continuity because different people would be doing the work. Furthermore, to take on something this large outside the department would be hard to justify when they have other fire service related projects they are unable to do.

William Jelinek, 53 Florence, suggested the lights be left on the buildings year round.

Attilio Segale, 20 Holstein, suggested the Chamber of Commerce make a donation to allow the work to be done by an outside contractor.

It was noted that this item was for the Council's information only and no action was required at this time.

8. APPEAL OF PLANNING COMMISSION DENIAL OF Z-244 AND V-2186, FOR STEVEN POTTER AND JEFFERY POTTER, 54 ROSS AVENUE, A/P 7-282-14, REZONING FROM R1 TO R2 AND ENVIRONMENTAL REVIEW; AND A FRONT YARD VARIANCE FOR EXISTING PARKING TO REMAIN WITHIN ZERO FEET OF THE FRONT PROPERTY LINE; A SIDEYARD VARIANCE FOR REQUIRED PARKING FOR DUPLEX USE TO BE WITHIN SIX FEET OF THE SOUTH SIDE PROPERTY LINE; AND A PARKING SIZE VARIANCE FOR THE EXISTING TWO PARKING SPACES TO BE SUBSTANDARD IN LENGTH, A LOT AREA VARIANCE, AND AN AVERAGE LOT WIDTH VARIANCE.

Public Works/Planning Director Kottage reported that the Planning Commission felt this was too intense a use of the property; the lot area is smaller than allowed even for R1, and the average lot width, front yard setback, side yard setback and parking are substandard.

Steven Potter said that this was a special neighborhood in San Anselmo in that it is very high density and most properties have multiple units. He did not feel that rezoning his property would have a detrimental impact on the neighborhood: the change to duplex will not alter the building much and the variances requested are for existing conditions, except the south side yard. They have the correct number of parking spaces, although two are in tandem. He said it was unfair to put the burden on properties with small lots to maintain single family homes in this neighborhood.

The project architect said there is not change to the front of the building except the stairs and no change to the parking and that it will still look like a single family home.

Planning Commissioner Julin noted that the General Plan land use category was mixed residential, predominantly multiple family with some single family homes, and therefore the existing and proposed developments are consistent with this category. She said there is a value to having single family houses in this district. The Commission also considered the intensity of use of the site, noting there were numerous variances being requested. She considered the urban design aspect of loading up a site with cars, for example, when the community value as stated in the General Plan was to have single family use in that area.

Planning Commissioner Yarish said he had concerns about the parking arrangement on the property, but had supported the project.

Sharp commented that the problem in this neighborhood is that single family homes have fallen by the wayside, which he felt it was for want of an overall plan for the neighborhood. Walsh supported the proposal, noting that there is no change to the outside of the house and it conforms with the General Plan. She said she did have trouble, however, with the variance findings.

Wooliever said it was a close call but felt that the need for this type of infill housing takes precedence. Cordingley commented that the lot was substandard for a single family home and therefore it was illogical to increase the density.

Potter commented that the high density of the neighborhood negatively impacts the value of his home, and that if it is kept a single family home with four bedrooms, there could be the same number of cars on the premises. He said the variances they are requesting would bring them on par with the neighboring properties.

Chignell said he thought the neighborhood is evolving in a good direction and he recognized the need for infill housing. He noted it was in conformance with the General Plan.

Kottage asked that the formal vote on this item be continued in order for staff to verify that the environmental review was adequately noticed.

M/S, Chignell/Wooliever, to support the appeal, subject to staff's inquiry regarding environmental review notice and a report back to the Council, and to continue the appeal to the next regular meeting. Motion carried by the following vote:

AYES: Chignell, Walsh, Wooliever

NOES: Sharp, Cordingley

9. INTRODUCTION OF ORDINANCE NO. 894 AMENDING TOWN CODE TITLE 10, REVISING PLANNING COMMISSION APPEAL PROCEDURES.

Following previous Council review of the draft ordinance, the clause requiring a basis for an appeal to be stated in the appeal was deleted. Cordingley opened the public hearing on the ordinance. There was no public comment.

M/S, Chignell/Wooliever, to waive reading of Ordinance No. 894. Motion carried unanimously.

M/S, Chignell/Wooliever, to introduce Ordinance No. 894 amending Title 10, Planning and Zoning, of the San Anselmo Municipal Code revising the procedures for appealing Planning Commission actions to the Town Council. Motion carried unanimously.

10. PROPOSED RESOLUTION TO DECLARE THAT AN EMERGENCY SITUATION EXISTS AT FIRE STATION NO. 20, 150 BUTTERFIELD ROAD, AND AUTHORIZATION FOR THE TOWN ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT FOR EMERGENCY REPAIRS.

A recent inspection of the building foundation at this fire station revealed that extensive erosion of the creek banks has begun to undermine the building foundation, jeopardizing the structural integrity of that portion of the building. Staff and the engineering consultant feel the threat is so significant and immediate that there is a need to proceed with repairs immediately.

M/S, Chignell/Sharp, to open the public hearing.

Sarah Nome, 77 Alder Avenue, asked the costs for repairs to Stations 19 and 20. Staff responded that it is somewhere under \$20,000 but it was possible it may be reduced to \$10,000 because of insurance adjustments, and that repairs to Station 19 have a good possibility for reimbursement.

M/S, Sharp/Chignell, to approve Resolution No. 3042 declaring that an emergency exists at Fire Station No. 20 (150 Butterfield Road), and that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health and property. Motion carried unanimously.

11. REPORT ON SB 878 STUDY COMMITTEE, A COUNTYWIDE COMMITTEE EXPLORING ESTABLISHING A SALES TAX INCREASE TO BE USED FOR

TRANSPORTATION PROJECTS, AND A REPORT ON THE HIGHWAY 101  
CORRIDOR ACTION COMMITTEE.

Sharp, a member of both committees, gave a status report on each of the committees' efforts. Alternatives will be examined by the 101 Corridor committee the following night, but there is a push to wait until after the January 27 meeting of the Marin County Mayors and Councilmembers to make decisions on these alternatives. It was the consensus of the Council to support this postponement. Sharp reported that San Anselmo has been asked to contribute \$4,813 to the Transportation Expenditure Plan Committee.

Sharp felt that the Council needed to discuss county transportation issues at a special workshop session to get a clear idea on the Town's position.

12. CONSENT AGENDA.

- (a) Approval of warrants. CONTINUED TO DECEMBER 22, 1987.
- (b) Approval of minutes of November 10 and 24, 1987.
- (c) Declaration designating December 5-24 as Christmas CanTree weeks to benefit the Marin Community Food Bank.
- (d) Acceptance of Financial Statements and Auditors Report, and Report on Internal Accounting and Administrative Controls, Fiscal Year 1986-87.
- (e) Adoption of Ordinance No. 892 rezoning the property at 1535 Sir Francis Drake Boulevard, A/P No. 5-153-01 from PPD R/C to SPD.
- (f) Ratification of collective bargaining agreement with the San Anselmo Police Officers Association.

The Council asked Dickens to report back on the auditor's reports.

M/S, Chignell/Sharp, to approve the Consent Agenda, with the exception of a correction by Walsh to page 4 of the November 24 minutes. Motion carried unanimously, with the exception of an abstention by Cordingley on the minutes of November 24.

13. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND  
DIRECTIONS TO STAFF; STAFF MISCELLANEOUS ITEMS.

Open Space report- Walsh asked if the Council could have the Open Space Committee's report. Cordingley responded that it will be presented to the Council when it is appropriate.

Sound system Cordingley asked that a report on the Council Chambers sound system be placed on an agenda.

Public relations - Cordingley said he is exploring ways to improve public relations between the Council and Town, and to better communicate issues to the public.

Physical plant- Cordingley suggested the Town consider having a systematic evaluation of its physical plant to reveal structural problems ahead of time.

14. ADJOURNMENT

On motion duly made and seconded, the meeting was adjourned at 10:23 p.m.

Beth Calamar