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SAN ANSELMO TOWN COUNCIL
MINUTES OF THE MEETING OF APRIL 26, 1988

Mayor Sharp convened the meeting at 8:00 p.m., following a closed session regarding pending litigation pursuant to Government Code Section 54956.9(a) (Fraser vs. San Anselmo), pending litigation pursuant to Government Code Section 54956.9(b)(1), and a personnel matter beginning at 6:30 p.m., with Councilmembers Chignell, Colteaux, Walsh and Zaharoff present.

Sharp announced that the Council in closed session adjourned on the personnel matter regarding the salary of the Town Administrator and will reconvene on that matter at the next regular meeting.

2. OPEN TIME FOR PUBLIC EXPRESSION

Pieter Toal, 48 Hawthorne, said he had read that San Anselmo is opposed to the county Transportation Management Authority. Town Administrator Dickens explained that the Council was opposed to a seven member authority and instead supported an authority that included a San Anselmo Councilmember as a voting member. Toal objected to being opposed to the authority. He also noted that there are areas on Sir Francis Drake Boulevard where old striping is visible.

William Jelinek, 53 Florence Avenue, said that the Ross Valley School District was selling Deer Park School in Fairfax and felt that in context of the review of the General Plan, the Town needed protection against a school district selling property without consulting the Town.

3. APPOINTMENTS

(a) Announcement of vacancy on Planning Commission.

There is a vacancy on the Planning Commission due to the election of Maria Zaharoff, former Planning Commissioner, to the Town Council. It was the consensus of the Council to announce and advertise the vacancy.

(b) Transportation Expenditure Plan Committee

Former Councilmembers Wooliever and Cordingley were the San Anselmo Town Council representative and alternate respectively to this Committee.

M/S, Chignell/Walsh, to appoint Councilmember Zaharoff as the representative and Councilmember Colteaux as the alternate representative to the Transportation Expenditure Plan Committee. Motion passed unanimously.

(c) Nominations for Open Space Committee.

It was the consensus of the Council to leave nominations open through May 5, and to authorize staff to schedule interviews with applicants prior to the start of the next regular meeting.

4. REQUEST FOR FUNDING FOR GRADUATION NIGHT AT SIR FRANCIS DRAKE HIGH SCHOOL.

Students from Drake High School were seeking donations to help support a safe, no-alcohol graduation event.

Bill Bandy, 202 Saunders, spoke in favor of the Town making a contribution to the event.

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Sarah Nome, 77 Alder Avenue, said there were San Anselmo students who attended high schools other than Drake and that it was not fair to do something for just Drake graduates.

M/S, Chignell/Colteaux, to contribute \$225, the same amount allocated last year, from contingencies. Motion passed unanimously.

5. CONSIDERATION OF REPORT ON MEASURES TAKEN TO ALLEVIATE THE CONDITION WHICH LED TO THE ADOPTION OF INTERIM ORDINANCES NOS. 886 AND 893.

Planning Consultant Roberto explained that the current interim ordinance will expire May 12, 1988 and the Council is required to issue a report ten days prior to the expiration of the ordinance on the efforts that have been made to alleviate the conditions leading to the adoption of the ordinance. Staff prepared a draft report describing these effort.

Walsh noted that she did not support the interim ordinances and was not aware that the public supported any of them as was stated in the report. She said it was her understanding that the Town was led to believe by the planning consultant that the zoning of certain parcels in the R-3 zone was inconsistent with the General Plan and it was based on this that she has never supported the ordinances.

M/S, Colteaux/Zaharoff, that the report on measures taken to alleviate the conditions which led to the adoption of interim Ordinances Nos. 886 and 893. Motion passed by the following vote:

AYES: Chignell, Colteaux, Zaharoff, Sharp

NOES: Walsh

6. APPEAL OF PLANNING COMMISSION'S DENIAL OF U-632 AND V-2209 FOR MARILYN IZDEBSKI DANCE PRODUCTIONS, 330 SIR FRANCIS DRAKE BOULEVARD, A/P 6-251-04, USE PERMIT AND PARKING VARIANCE FOR A DANCE SCHOOL IN A C-3 DISTRICT.

The Planning Commission on February 22, 1988 denied the use permit application on the grounds that the use would be detrimental to the health, safety, peace, morals, comfort and general welfare of the Town, and there is unresolvable detriment from this use for the other existing commercial uses in the building associated with the noise created by tap dancing. There were concerns about parking, but the primary concern was the noise that would emanate from the business.

Marilyn Izdebski stated that the location has been a dance studio for 50 years and therefore a precedent was not being set. Regarding the noise, she said the overlap in time between her business and the business being bothered by the noise is only 3.5 hours per week. She said that what she is doing in providing the dance classes was very important to the community. She explained that she had tried using sound insulation in other establishments and found it to be ineffective and cost prohibitive; it would be even more so in this building because of its construction.

Bill Bandy, 202 Saunders, said there seemed to be a squabble between two tenants and questioned why the Town had to be an arbiter in something that was none of its business. Public Works/Planning Director Kottage explained that a use permit was required for dance studio use at this location.

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Tony Barbera, Collective Antiques, asked about work being done on the upstairs area without a permit and how this business could operate without a permit. Kottage responded that there was a building permit for the upstairs and certain uses at this location do not require a use permit.

Donna Manni, San Anselmo Country Store, expressed concern for the safety of children being dropped off and picked up at this location, noting she was familiar with the hazards because of her experience with loading and unloading furniture there.

Judy Sharlip, parent of children participating in the dance program, said she appreciated Manni's concern but was sure parents would agree to walk with their children to class to shield them from traffic hazards. She said that Izdebski and her activities are an asset to the community, questioning where the right place was for the dance classes.

Nancy Olson, 1329 San Anselmo Avenue, questioned how a business can come into town without a use permit when such a permit is required.

Maggie Simmons, 312 Sir Francis Drake Boulevard, questioned the Town's enforcement on this property.

David Isaac, 15 Cottage Avenue, said that parking was not really the issue. After the use permit was denied by the Commission, the Town Attorney advised that it was moot to proceed with the parking variance. The issue was noise, and Izdebski has done everything she can to mitigate the noise. Sometimes businesses have to be asked to tolerate their neighbors' noise, he said, adding that the classes were Izdebski's livelihood and that there were not many places in the County for this use. No use permit was requested when they signed the lease, he said.

Sarah Nome, 77 Alder Avenue, said that youngsters need something they will take pride in and dance is something they can do.

Herm Kramer, president of the Tam View Homeowners' Association, felt it was the best use of the property that has been suggested in a long time.

Kent Diehl, who owns a business located below the dance studio, said he represented his wife Sheila, as well as George and Carol Deshawa, who also owns a business below the studio. He said Izdebski was an asset to the community, and that it was a matter of being the right business in the wrong place in that tap dance instruction is a first floor use, not a second floor use. While it had been a dance studio before, the classes were for ballroom dancing that did not generate noise except for shuffling of feet. Occasionally there would be noise from special dancing events, but the dance teachers would make arrangements with him ahead of time. The noise created by tap dancers was bearable for 5 to 10 minutes, but certainly not 3.5 hours per week, he said. He asked that the permit be denied and that Izdebski be helped in finding a new location. He said kids going up and down the stairs were also noisy, although there had been an improvement in this over time. He said the noise was so bad from the dancing that he could not hear himself on the telephone. He said he uses the rooms below after the store is closed.

Katherine Barkes, director of the Marin Community Playhouse, said she was in Diehl's store during a tap dance class and felt there was only small amount of noise, sounding like distant typing.

Izdebski said she held all classes in the center of the room being careful not to go right over Mr. Diehl's or Mr. Tawasha's shops. She explained that it was very difficult to find a location for tap dancing because it requires a special floor and cannot be done on just a cement floor covered with linoleum.

Chignell suggested that the matter be continued to allow the applicant and the affected tenants to participate in the County Mediation Services. This service has worked in disputes of this kind, he said, but if that is not possible, he could not get beyond the noise problem.

Zaharoff, who was a Planning Commissioner at the time the Commission reviewed this application, said that parking was not the problem, it was the noise. While noise is subjective, it is an element in the findings for approval. She suggested the matter be continued to allow Councilmembers who have not heard the sound the opportunity to do so.

Walsh said that Izdebski was not being denied the right to have a business and that there were other dance studios in town. She had a problem with the fact that the business operated without a permit. She expressed concern that children could have an impact on the loading and unloading of antiques, which is very hazardous, at the businesses on that block and that the Hub intersection is very dangerous in the late afternoon, when childrens' dance classes take place. She did not agree with the use of mediation, and supported upholding the Planning Commission's decision.

Colteaux said it was up to the Council to make the decision that evening and supported upholding the Commission's decision. He noted that the Commission had thoroughly investigated the matter and that he did not hear anything that was different from the information available when the Commission considered the application. He said the Council would like to perpetuate the service Izdebski provided for the children, but in a more suitable location.

Sharp commented that the issues were the perception and quality of noise, and that he did not see anything that qualitatively changed from the time the Planning Commission made its decision.

M/S, Colteaux/Walsh, to deny the appeal from the Planning Commission decision on the use permit principally on the basis of the noise problem that has been enunciated by the Planning Commission, which would make the appeal on the variance moot.

M/S, Chignell/Sharp, that the applicant may stay on the premises until the completion of the lease as specified in the staff report. Motion passed unanimously.

The question was called on the original motion. The motion passed unanimously.

7. DISCUSSION OF PRIORITIES FOR UNDERGROUNDING UTILITIES.

Pacific Gas & Electric is required to set aside funds each year for the undergrounding of overhead utilities. Approximately \$36,000 is currently available for undergrounding work in San Anselmo. The Town's role in the undergrounding process is to select the area where it wants the utilities undergrounded and to form an undergrounding district that oversees and coordinates the undergrounding effort. The San Anselmo project must be ready for construction by 1990 or the funds may be reallocated to other communities. Staff submitted a list of potential

projects for consideration that were located in the commercial area.

It was the consensus of the Council to also consider projects in residential neighborhoods and to continue the matter to the meeting of May 24 to allow time for residents to become aware of the program and contact the Town about potential project sites.

8. CONSIDERATION OF UPGRADING PARKS MAINTENANCE POSITION.

The Creek Park Planning Committee had recommended that the Town upgrade the staffing of the Parks Department in order to obtain a higher level or horticultural expertise. In addition, staff feels more expertise in turf management would be an asset to all the Town's parks.

The proposal was to create a Parks Foreman position and eliminate a Maintenance Worker I position, which is currently vacant. In conjunction with this, staff recommended that the existing Leadworker position in the Parks Department be downgraded to a Senior Maintenance Worker position and shifted to the Street Department in exchange for a Maintenance Worker II position.

Sarah Nome, 77 Alder Avenue, said the Creek Park Planning Committee had wanted a consultant to give advise on proper pruning techniques and that maybe a person with expertise was not needed on a daily basis.

Lew Tremaine, a member of the Creek Park Planning Committee, asked what skills would be brought to the job that the Town does not now have. Public Works/Planning Director Kottage responded that the foreman would be required to have a degree in horticulture which the current leadworker position does not have, and that the foreman would need to have management ability to develop an overview program of what the parks need and then implement it. He felt the request was in the direction taken by the Committee.

Town Administrator Dickens noted that staff was looking at maintenance of all the Town's parks, not just Creek Park.

Tremaine commented that the move was in the direction the Committee wanted, but he also wanted the Town to have a consultant to look after trees. Kottage noted that tree experts have been working on trees in Creek Park and Robson park.

M/S, Walsh/Chignell, to create the Parks Foreman position and to eliminate the Maintenance Worker I position, to create one additional Senior Maintenance Worker position and eliminate one leadworker position effective upon filling of Foreman position or July 1, 1988, whichever comes first, and to authorize "y-rating" of salary of employee transferred from Leadworker to Senior Maintenance Worker. Motion passed unanimously.

9. REQUEST FROM THE CHAMBER OF COMMERCE TO CLOSE A PORTION OF SAN ANSELMO AVENUE FOR THE ART AND WINE FESTIVAL.

Town Administrator Dickens reported that the Chamber of Commerce adopted a policy regarding closing San Anselmo Avenue only three times a year. Regarding this request, Dickens noted there was concern about how the closure during last year's festival affected Pine Street residents and recommended the Council consider conducting a public hearing.

It was the consensus of the Council that a solution be worked out between staff and the residents of Pine Street regarding the closure.

M/S, Chignell/Zaharoff, to authorize the closure of San Anselmo Avenue as specified, contingent upon agreement between the residents of Pine Street and the Traffic Safety Committee. Motion passed unanimously.

10. CONSENT AGENDA.

- (a) Approve minutes: April 19, 1988.
- (b) Approve proclamation declaring May 1, 1988 as "Voter Registration Day."
- (c) Continue discussion on fencing at Quarry Mountain project site to May 10, 1988.
- (d) Approve proclamation endorsing the Marin Special Olympics.
- (e) Approve proclamation designating the week beginning May 1st as "Youth Week."
- (f) Authorize advertisement for bids for the Isabel Cook Community Center re-roofing project.
- (g) Authorize expenditure of \$6,000 this fiscal year from Isabel Cook Complex Fund for repairs to Town-owned property at 1024 Sir Francis Drake Boulevard as required by 10-year lease with the Peace Center of Marin.
- (h) Approve Resolution amending Resolution No. 3051 to revise the salary of the Assistant Director of Public Works and Planning.

M/S, Chignell/Walsh, to approve the Consent Agenda. Motion passed unanimously.

11. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTION TO STAFF; STAFF MISCELLANEOUS ITEMS.

Sign ordinance - Colteaux asked why the sign ordinance was not being enforced on the Miracle Mile. He said he would be willing to discuss liberalizing it but that he wanted it enforced equitably. Walsh suggested that review of the sign ordinance be put on a future agenda. It was the general feeling of the Council that the issue first be discussed by the Chamber of Commerce.

12. ADJOURNMENT.

On motion made and seconded, the meeting was adjourned at 10:30 p.m.

Beth Calamar