

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of November 8, 1988

Mayor Sharp convened the meeting at 8:00 p.m., following a closed session beginning at 7:00 p.m. regarding pending litigation pursuant to Government Code Section 54956.9(a), Yeakey vs. Town of San Anselmo, and Richard E. Nagley, and a personnel matter, with Councilmembers Chignell, Colteaux, Walsh and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION

Public Works/Planning Director Kottage asked the Council to add the scheduling of a special meeting regarding an appeal to the agenda, as the need to take action arose following the posting of the agenda. M/S, Chignell/Zaharoff, to place this item on the agenda. Motion passed unanimously.

2a. SCHEDULING OF SPECIAL MEETING.

M/S, Chignell/Walsh, to schedule a special meeting Thursday, November 17, 8:00 p.m., to hear an appeal regarding a development application by Robert Yeakey. Motion passed unanimously.

3. APPEAL OF PLANNING COMMISSION'S DENIAL OF A PORTION OF V-2251, 94 BERKELEY AVENUE, AN 18 FOOT FRONTYARD VARIANCE TO CONSTRUCT A FIRST STORY HALLWAY STRUCTURE WITHIN TWO FEET OF THE FRONT PROPERTY LINE; A 15.5 FOOT FRONTYARD VARIANCE TO CONSTRUCT A FIRST AND SECOND STORY ADDITION BELOW A CARPORT WITHIN 4.5 FEET OF THE FRONT PROPERTY LINE; AND A 2 FOOT HEIGHT VARIANCE FOR AN 8 FOOT HIGH ENTRANCE GATE AND FENCE SURROUNDING THE PROPERTY, BY CYRUS ANSARI.

Mr. Ansari requested a continuance of the appeal, stating that he had just retained legal counsel and his attorney needed time to study the case.

Colteaux said he would abstain from this matter as he had consulted with Ansari on this matter before he became a member of the Council.

Sharp asked the neighbors present to have one representative speak to the issue of the request for a continuance.

Marlene Kawahata, 84 Berkeley, said that Ansari had previously had the appeal continued, which was discouraging to the neighborhood. She asked on behalf of the neighbors that the request for continuance be denied. She said they have other issues that the Council should be aware of that they have addressed in a letter to the Council. It was difficult for the neighbors to keep going to the meetings, as they all have to be contacted and make babysitting arrangements. She felt that Ansari had plenty of time to consult with a lawyer ahead of time.

Regarding issues concerning the property other than those related to the appeal, Sharp stated that the Council prohibited by law to hear a matter that was not on the agenda.

Kawahata asked why the neighbors could not address those issues, adding that they have been addressed for months without resolution.

Public Works/Planning Director Kottage said that staff have responded on numerous occasions to complaints about the property, felt that quite a bit has been done, and that the department has been vigorously pursuing this as far as it can under the law.

It was the consensus of the Councilmembers that they did not want to be in a position of denying the applicant his legal rights, but that the appeal must be heard at the next regular meeting.

M/S, Zaharoff/Walsh, to continue the Ansari appeal to the meeting of November 22, 1988, and will be heard, no matter what, at that meeting. Motion passed by the following vote:

AYES: Chignell, Walsh, Zaharoff, Sharp

NOES: (None)

ABSTAIN: Colteaux

4. APPEALS OF PLANNING COMMISSION RESOLUTION 88-11 TO MODIFY THE USE PERMIT (U-621) REGULATING THE CHURCH OF DIVINE MAN LOCATED AT 1381 SAN ANSELMO AVENUE.

Sharp said the Church had contacted him to request that the appeal be continued. Noting that there was acrimony on both sides of this issue - the Church and the neighborhood, they could all end up with a no win situation no matter the outcome. If the Council becomes inclined to continue the appeal, he suggested that the interim time be used to bring the two sides together. He proposed that the parties meet with a Planning Commissioner and a Councilmember to see if a resolution was possible, and he offered to be the Council's representative.

Town Attorney Roth advised that such a mediation attempt would not jeopardize the appeal.

John Corley, attorney for the Church of Divine Man, said the Church was willing to look at the issues and at what would satisfy the neighbors.

Lorraine Farrarese, 24 Elm Avenue, said the neighbors have been meeting with the Planning Commission since April 4, and the appeals were filed in August but the hearing was delayed at the request of the Church. She said it has been one year since the neighbors brought a nuisance complaint to the Town. In the meantime, the Church has not had to make any changes while the neighbors have had to put up with the problems resulting from the Church's operation.

Chignell expressed his appreciation for the frustration felt by the neighbors and noted that it would be difficult to surmount the obstacles to resolving this situation.

Zaharoff commented that the best possible solution was to work out a resolution agreeable to both sides. To hear the appeal without such an attempt, they would run the risk of no one being happy with the results. Weighing that risk against the burden of a two week period, she felt it was worth the risk. If a resolution is not forthcoming in that period, then the Council would hear it anyway on November 22.

Colteaux stated his support for the meeting described by Sharp.

Walsh supported the attempt at resolution, but wanted to have the appeal heard on November 22 regardless of the results.

M/S, Chignell/Zaharoff, that the item be continued for two weeks with the proviso that the Mayor, a Planning Commissioner and staff member meet with both sets of appellants, and that the appeal be heard on November 22, 1988. Motion passed unanimously.

Representatives from both sides agreed to participate in the meeting.

5. REQUEST FOR REMOVAL OF RED CURB AT 1009 AND 1011 SAN ANSELMO AVENUE.

Town Administrator Dickens reported that the Traffic Safety Committee received a petition asking for stop signs at the three-way intersection at San Anselmo and Hazel Avenues. The Committee determined that a three-way stop would improve safety. However, the Committee also observed another hazard due to the parking on both sides of the street between the intersection and the sharp curve to the north, where there is room for only one vehicle to pass. This hazard was exacerbated by the volume and variety of traffic and was expected to increase when vehicles stack up behind the new stop sign on San Anselmo Avenue. Therefore, the Committee decided that on-street parking should be removed on one side of the street.

John Jones, 1011 San Anselmo Avenue, disagreed with the Traffic Safety Committee's action, saying it was an overreaction by the Committee. He said the stop signs help, but there has never been a problem or hazard due to vehicles parked on both sides of the street. He said a 61 foot red zone was fine, but not the 71 feet the Committee proposed.

Kottage said that the higher volume of traffic in this area differentiated this situation from intersections in the hills that have lower traffic volume. He reported that while the Committee was at the site, a FAST bus stopped and caused a car coming in the opposite direction to stop quickly.

William DeBisschop, 91 Elm Avenue, said the stop signs are great but there is too much red curb there.

It was the consensus of the Councilmembers that they normally support decisions of the Traffic Safety Committee, but did not feel in this case that the red curb was needed to the extent recommended by the Committee, and that the red zone could be reduced to 61 feet as requested by Mr. Jones.

M/S, Chignell/Walsh, to send this item back to the Traffic Safety Committee with the direction given this evening, with a six month review by the Council. Motion passed unanimously.

6. REQUEST FOR CHANGES IN APPROVED POSITIONS.

The staff proposal was that upon the retirement of the Payroll Clerk in December, the following changes be made: eliminate the payroll clerk position and replace that position with a full-time secretary position, transfer the existing 40% Secretary position and the appropriations for it in Administration and Finance to the Public Works and Planning Department, and utilize the funds already budgeted for the Administration and Finance Department to obtain the services of an accountant on a part-time basis.

M/S, Colteaux/Walsh, to approve the staff recommendation. Motion passed unanimously.

7. APPOINTMENTS:

(a) Volunteer Program Advisory Board.

An application was received from Lawrence Lococo.

M/S, Colteaux/Chignell, to appoint Larry Lococo. Motion passed unanimously.

8. PUBLIC HEARING ON ADOPTION OF ORDINANCE NO. 900, AN ORDINANCE ACCEPTING THE PENAL CODE REQUIREMENTS RELATING TO THE SELECTION AND TRAINING STANDARDS OF PUBLIC SAFETY DISPATCHERS.

The public hearing was opened. There was no public comment.

M/S, Chignell/Colteaux, to close the public hearing. Motion passed unanimously.

M/S, Chignell/Colteaux, to waive reading of Ordinance No. 900. Motion passed unanimously.

M/S, Colteaux/Zaharoff, to adopt Ordinance No. 900. Motion passed unanimously.

9. CONSENT AGENDA:

- (a) Approve minutes: October 25, 1988.
- (b) Approve warrants: Nos. 2534-2559 and 7619-7823 in the amount of \$354,411.83.
- (c) Approve transfer from contingencies for increase in health benefits.
- (d) Approve transfer from contingencies to compensate for increase in medical insurance costs.
- (e) Approve transfer from contingencies to execute contract for reimbursement of services.

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

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

Robson-Harrington House - Dickens announced that the Robson-Harrington Association will be having a meeting to listen to proposals regarding applying to the National Historic Register.

Library Services Committee - Colteaux inquired about the progress of this Committee. Dickens reported that the committee will be meeting with representatives from the County and school districts.

11. ADJOURNMENT.

M/S, Chignell/Zaharoff, to adjourn at 9:00 p.m.

Beth Pollard