

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of November 22, 1988

Mayor Sharp convened the regular meeting at 7:00 p.m., with Councilmembers Chignell, Colteaux, Walsh and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION

There was no public comment.

3. 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.

Planning Consultant Newman reported that the Church was granted a revocable, conditional use permit in May, 1987 based upon information supplied by the applicant indicating that the Church would operate in a manner similar to the Church of the Nazarine, which previously occupied the site. The Planning Commission conducted public hearings between April and August, 1988 in response to complaints by Church neighbors that the Church was using the site more intensively than the Church of the Nazarine and that this intensity of use was causing negative impacts in the neighborhood. On August 15, 1988, the Commission approved Resolution 88-11 to amend the Church's use permit. The Resolution contains findings that the present level of operation by the Church is creating significant negative impacts in the neighborhood, and includes new conditions that are intended to reduce the negative impacts. It is not expected that these conditions will return the use of the site to the same level of use as the Church of the Nazarine, but place a limit on the size, frequency and time of the Church meetings.

The Church is appealing the findings that a nuisance is being created and the neighbors are appealing conditions #1 and #2, which they feel need clarification.

Sharp reported that he met with representatives of the neighborhood, the Church, and staff. A proposal arose out of that meeting to consider an alternative parking system where parking would be provided at a different location and churchgoers would be shuttled to and from the church site. In exchange for that shuttle system, the Church was requesting they be allowed to have more people on the premises than allowed under the Commission's conditions. The neighborhood has not formally responded to this proposal. Sharp asked the other Councilmembers for their reaction to such an off-site parking proposal.

Colteaux said he would not consider the proposal because he did not see an application by the Church on file for any of the things they have been given by the Planning Commission or that they are asking for in conjunction with the shuttle system. He felt their use exceeded what the Planning Commission had allowed without an application. There has been no formal request of an amendment of the use permit that the Church was granted at the level of the Church of the Nazarine, and that is where they ought to stay until they make an application for a use level that is different than what was approved.

John Corley, attorney for the Church, said the Church was present not because they had initiated any action. He said it was staff's recommendation that the conditional use permit be amended. The Church was willing to stipulate as to amendments to the conditional use permit. The Planning Commission had attempted to place conditions after the fact on the conditional use permit, and the Church has appealed those conditions. The Church does not feel those

conditions are fair and reasonable, and feels that they violate due process. The Mayor has met with the Church and the neighbors. In response to that meeting, the Church has said it would be willing to stipulate to an amendment of the conditional use permit; they are saying in the face of the Planning Commission's recommendations and the meeting, the Church feels that these are conditions that could be applied to their use permit that would be acceptable, although they are not happy with them and would prefer to go back to the original conditional use permit.

Rev. Jeanne Jackson, Secretary/Treasurer of the Church's Board of Directors, said that she spoke with Newman after the meeting and she suggested she write the letter to the Council and the neighbors, they talked about what they felt were the main issues that came out of the meeting with the neighbors, which was there was an impact on the neighborhood from cars, not people. Through the shuttle proposal, the Church was trying to alleviate the impact of the cars, but not be penalized for the number of people, which has never been a problem. She discussed what would be a reasonable number of people with Newman, and came up with 124 because that was the occupancy limit of the sanctuary, not taking into account any of the other buildings.

Chignell stated that the original conditions of the use permit is the threshold that the Church must meet.

Colteaux said that the Church of the Nazarine had 30 to 50 people two times per week, and this Church has 75 people as often as every day of the week, and now they want 124 people every day of the week. If they want more than the previous level of use, they should make an application for a use permit amendment. He said he did not think they had exhausted their administrative remedies.

Town Attorney Roth said the procedure before the Council was his responsibility. The reason it had been structured this way was because in his opinion there was some question concerning the firmness of the conditions imposed when the church was granted the use permit; it may not be clear what the scope of the use permit was. In order to be conservative in terms of due process and to be sure that the Town would be able to sustain its actions if this matter is litigated, his suggestion to the Planning Commission was that in the event they may have acquired certain rights by operating up to a certain level of use which could not be taken away - in other words, had acted in reliance upon what the Church thought to be the conditions of the use permit granted at the time, the safer way to proceed was to take evidence to see if their current actual use caused a nuisance to the neighbors and if it did, then to scale it back so that its activities no longer constituted a nuisance. The Church has refused to make any application to amend the use permit, so the situation presented to the Town was to either revoke the use permit, which he felt was a somewhat risky procedure to take, or to modify and amend the permit, which the Planning Commission has done on its own initiative.

Walsh said she did not want to entertain the idea of a shuttle bus that could just create more people and more noise, and wanted to hear from the neighbors.

Sharp asked whether it was the Town's burden to find the ambiguity in the use permit and then try to straighten it out or is it the applicant's burden to be clear in the application as to what it is they propose to do on the property.

Roth responded that, taking a conservative approach, the Planning Commissioners accepted his suggestion and have

carefully gone over the evidence and listened to voluminous evidence to determine as best they could the actual extent of the permit at the time the use permit was granted. This effort was not entirely successful in the sense that the scope of the use was not crystal clear. As a fallback, the Commissioners looked at the evidence to determine to what extent the use was causing a detriment to the neighbors, and to the extent it was, attached additional precise conditions to the use as an act of police power in order to alleviate the detrimental effects of the operation.

Colteaux said he did not see that it was any detriment to the Church to ask them to make an application for the use they want. It is the Town and the neighbors that seem not to have due process in that they never know what it is the Church wants or on what basis they want it. He said it was clear the Church is well beyond their original use of the property and what was originally approved, and therefore the proper procedure was for them to make an application for an amendment that provided the Council with information on the requested use.

Roth said that if the Council can make findings of fact based on substantial evidence as to what those conditions of the use were at the time the use permit was granted, then that position is sound. He advised the Council that in using that approach, it should also make a finding on whether the Church was aware of the scope of those conditions when the permit was granted.

The public hearing was opened.

Cornelius Keene, 51 Elm, said that with the previous Church, there was a feeling of a small community church and a cooperative relationship with the neighborhood. In all the struggles with the Church of Divine Man, there has never been an attempt on the Church's part to communicate with the neighbors and create a working relationship.

Al Weidenhofer, 56 Elm, said that the neighborhood, the Council and the Church of the Nazarine worked out an equitable agreement, and it was the neighbors' understanding that the conditions of the use permit were spelled out. The scope of use is what concerns most of the neighbors; the previous church use was well within an acceptable range, but the current use was not and he felt it should be reverted to the previous level.

Marianne Marsili, 26 Elm Avenue, said during the use permit hearing, the Church of Divine Man had stated their use would be similar to the previous use. They did not state at that time they were also the Berkeley Psychic Institute, which implies a use other than a church and a use other than worship. She said the neighborhood felt the use permit should have been revoked, and that the neighborhood could not absorb their growth.

William DeBisschop, 91 Elm Avenue, asked whether any use other than the Church of Divine Man, such as the Berkeley Psychic Institute, was allowed to operate on the site. He objected to being awakened at 10 p.m. by pollution and noise.

Lorraine Ferrarese, 24 Elm Avenue, said she was very active when the property was zoned R-1. The property, which is in an R-1 neighborhood, needs to have controls and restraints on its use. She said that people think it can have a large use because it is such a large piece of property with large buildings, but it used to be used as a small school. She said the church applied only as Church of the Divine Man, not including the Berkeley Psychic Institute; if the public had known it also included the Institute, some issues could have been raised at that time.

Mary Ann Smythe, 28 Elm Avenue, said it was a family, residential neighborhood, with small narrow streets; a church this size coming in, not willing to discuss what their growth was to be, and just saying that they own the property and are going to do whatever we want, and not allowing the neighborhood children to use the playground goes to show it does not have anything to do with a residential neighborhood. It was her understanding there were conditions on the use of the property when the use permit was issued.

John Bowman, 92 Elm Avenue, said he resented the fact that the playground is locked up, the basketball hoops are gone and felt that the Berkeley Psychic Institute was a big business in a small neighborhood.

Carol Effelis, San Anselmo resident and member of the Church of Divine Man, said she felt the church was an asset to the community. She said she has invited neighbors to attend the church, but no neighbors have attended or explored the asset the Church is to the community.

Cornelius Keene said that even if he was a member he would say the church use was too big. He recommended that the job site be shut down until a permit was applied for and granted.

Carter Rose, 141 Lansdale Avenue, Fairfax, said that shortly after the Church moved in, he observed the sign go up and he was aware at that time that it was also the Berkeley Psychic Institute.

Pam Spencer, Church member, said the Church is 15 years old, it was not a cover and was thankful for the Church.

Kathleen Waters, 60 Park Way, a Church member, said that a couple of years ago, 50 people in the community said they wanted a place to worship. It was basically 50 people who worked to get the money together to put a down payment on the property. It is the same 50 people who attend the church services who wanted to buy a church to create a place to worship in the Church in Marin.

Chignell said he appreciated the Town Attorney proceeding cautiously. Having read the record on the issue, he was supportive of the Planning Commission action, with the proviso that the staff suggestion about clarification of condition #1 be adopted. He said he heard nothing from the Church's representatives to refute what has been said. If the Church wishes to make an amended application and present information, he would be willing to listen to it. His feeling was that the prior use permit had conditions.

Roth said the Town, through its the police power, has the power to add reasonable conditions to a use permit under appropriate circumstances.

Chignell said that in light of that comment, he would hope that any conditions are imposed by the Council are looked at by staff.

Zaharoff said that in evaluating the use permit and the conditions put upon it by the Planning Commission, it seems very straightforward. She said she believed that the Church's activities have gone beyond the original use permit and thought the Commission's conditions upon that permit were an attempt to bring the activities back to the original intent of the use permit. For that reason, she would support the Commission's decision in the matter. She also supported staff's recommendation on the neighbors' request for clarification on the conditions. The conditions now before the Council allow the Church to

continue with its worship but also allow the neighborhood to have a peaceful existence.

Walsh said she agreed with the comments of the other Councilmembers. She said she would sustain the Commission's decision, with the planning recommendation that condition #1 be amended and clarified, and that if the Church does file a new application to increase the use, that they do so, but in the meantime let the conditions stay.

Colteaux said that the problem he had with it was expressed by the planning staff at the bottom of page 1. It is not expected that these conditions will return the use of the site to the same level as the Church of the Nazarine. There is no application to increase the use, and at the time of their original application they represented that there would be no use that they would be having that wasn't already in place on the property. He said he could not vote for it because he did not think that an application had been made under the provisions of the Town code.

Sharp said he shared Colteaux's concern about the procedure on this matter. There are certain findings that are required to grant or to sustain the granting of a use permit and he questioned how those findings could be made if there is no application stating the proposed use. He further questioned whether it was possible that through the actions that have been taken an application can be deemed to have been made complete?

Roth said that in the situation before the Council there were some questions as to the precise limits of the use. The use permit has been in operation over a period of time at an increased level. Complaints have been received about the increased use. The course that the Council can clearly take under its police power is to limit the use to the extent that interferes with the peace, safety and welfare of the neighborhood. This is what has been done; conditions have been added to make precise what was not precise initially. Although it turns out a greater level of use may now be permitted, it could also have turned out that public necessity required a lesser level of activity. The key is the level at which the use creates a detriment or a nuisance to those living in the neighborhood.

Sharp said he did not feel that the imprecision of the original application creates a burden on the Town to create precision by imposing conditions.

Roth advised the Council should assume when the Town is taking something away or restricting the use of something granted, the Town will have to bear the burden of sustaining the action taken.

Colteaux responded that nothing was being taken away because there is no application for any increased use.

M/S, Walsh/Chignell, to deny the appeal of Reverend Richard Lawrence, Church of Divine Man, based on the findings of the Planning Commission that the current level of operation of the Church is creating a nuisance and continuation of this level of operation is detrimental to the health, safety and welfare of neighbors residing near the Church, and to grant the appeal of Mary Ann Marsili and Lorraine Ferrarese as to condition #1 of Resolution 88-11, which shall be modified to read as follows: "the total number of parishioner, Church members or other persons who attend or are involved with any type of Church function or operation at this site, including Church staff, shall be limited to no more than forty (40) persons at any and all times,"; accordingly, the findings and conditions of the Planing Commission set forth in Resolution 88-11, as modified

herein, are hereby adopted. Motion passed by the following vote:

AYES: Chignell, Walsh, Zaharoff

NOES: Colteaux, Sharp

4. RESOLUTION OF APPROVAL OF PP-9, PRELIMINARY PLAN REVIEW AND AR-7, ARCHITECTURAL PLAN REVIEW OF A SINGLE FAMILY DWELLING IN AN R-1 H DISTRICT (HILLSIDE DENSITY DISTRICT), ROBERT M. YEAKEY, 80 SOUTH OAK AVENUE, A/P 7-241-50.

Town Attorney Roth advised that on the question of the water tank, it might be considered a breach of approval of the application for the Council to later completely deny the construction of a water tank. With that one exception, he wanted to be sure the applicant understands that the Town retains the legal authority it has in terms of siting and appearance. Also, included in that observation is the notion that if a dispute develops between the Water District and the Town, the Town would have the last word, which could mean no tank would be permitted to be built.

Public Works/Planning Director Kottage reviewed the conditions of approval and how they corresponded with the discussion as stated in the draft minutes of the special meeting of November 17, 1988 on this application.

Neil Sorenson, attorney for the applicant, indicated his agreement with the conditions of approval.

Robert Yeakey, applicant, showed the Council color samples for the roofing tile and exterior colors of the building.

It was the consensus of the majority of the Councilmembers that the colors being proposed were too light.

M/S, Walsh/Colteaux, to approve the revised conditions on PP-9, preliminary plan review, and AR-7, architectural plan review of a single family dwelling in an R-1 Hillside Density District, as set forth in the staff memorandum received this evening, with the exception of color, which is to be submitted consistent with the Council guidance as presented tonight. Motion passed unanimously.

Yeakey responded that he did not want to submit any colors darker than what he presented this evening.

M/S, Chignell/Walsh, to reopen the matter. Motion passed unanimously.

Roth advised the Council that it would be propitious to resolve the color issue this evening if possible.

Yeakey explained that he went through the color selection process in detail at the Planning Commission. A black roof with a dark gray exterior color was the best fit for the conditions of the property. He noted that some homes are white, and some are dark green, and that he wanted to have a color that was acceptable to the marketplace, and green or brown are not currently acceptable in the marketplace.

The Councilmembers agreed to consider the colors he proposed, but wanted the color samples to be much larger than those submitted this evening.

5. APPEAL OF PLANNING COMMISSION APPROVAL OF V-2172, LIBBY HAYES, 14 ELM COURT, A/P NO. 7-081-15, VARIANCE FOR AN ACCESSORY STRUCTURE WITHIN REAR AND SIDE SETBACKS.

Planning Consultant Newman reported that at the October 11, 1988 meeting, the Council conducted a public hearing on this matter. It was continued to this meeting because the Council had been split two to two on this issue.

Bill Hendrickson, representing the appellant, said that representing the structure as an accessory unit is a twist on the facts; it is an illegal second unit that should not be permitted, he said.

Oscar Salbert, representing the property owner, said he felt they have met all of the conditions imposed by the Planning Commission, even going beyond the requirements by building a fence that increases the privacy between the two properties at no cost to the appellant. He said that if one looks out the front windows of the addition at a certain angle, one can just barely see a small amount of the appellant's window over the top of the fence. The existing shed was small and oddly configured with extensive wood rot and faulty electric wiring, and was not a usable accessory building. He said there was no intention of using this building as a second unit, was willing to remove all the plumbing fixtures, lines, water heater and gas lines and agreed to random inspections of the building.

Sharp said he had been out to the property three times and had trouble making the finding of no adverse impact on the neighborhood. He said there already was an accessory structure prior to the creation of this extension accessory structure, and this amounts to a second accessory structure.

M/S, Colteaux/Chignell, to grant the appeal. Motion passed by the following vote:

AYES: Chignell, Colteaux, Sharp

NOES: Walsh, Zaharoff

6. APPOINTMENTS: ROBSON-HARRINGTON HOUSE ASSOCIATION BOARD OF DIRECTORS.

M/S, Walsh/Chignell, to appoint Linda Weill to the Robson-Harrington House Association Board of Directors, to a term to expire February, 1992. Motion passed unanimously.

11. CONSENT AGENDA.

- (a) Approve minutes: November 1 and 8, 1988.
- (b) Approve amendment to Joint Powers Agreement allowing Corte Madera to join the Marin Street Light Acquisition Joint Powers Authority.
- (c) Direct the Town Attorney to prepare a draft amendment to the lease with the Tamalpais Day Treatment Center.
- (d) Proclaim the week of November 21 through 27, 1988 to be California Family Week.
- (e) Approve advance payment to Ross Valley Fire Service.
- (f) Continue hearing on proposed nuisance abatement of hazardous structure, 14 Spruce Avenue, to May 15, 1989.
- (g) Approve transfer of funds and appropriation for inventory of storm drainage system.

Regarding page 2 of the minutes of November 1, Walsh corrected that she supported policy 4.6 and supported the deletion of policy 4.7.

Regarding item (d), Chignell said that the resolution was a platform for promoting an ideology that seeks to impose a

definition of family, noting that last year more than 300 cities and towns did not support this resolution.

Regarding item (e), Herman Kramer, 1 Allemand Place, said he did not want to see the Town continually give the Ross Valley Fire Service advance payment. Town Administrator Dickens agreed that he also would like to see the Fire Service not in a position to ask for advance payment, that their financial situation was better than it was a year ago, and if the towns do not provide an advance the Fire Service would have to borrow money on the commercial market.

Staff requested that the continuance date on item (f) be changed to May 23, 1989.

M/S, Chignell/Walsh, to approve the Consent Agenda with the exception of item (d), with the date on item (f) changed to May 23, 1989, and the changes in the minutes made by Walsh. Motion passed unanimously.

6. 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.

Reuben Becker, attorney for Mr. Ansari, said the applicant was withdrawing his appeal regarding the hallway and the first and second floor addition below the stairway, and was proceeding only with the portion of the appeal relating to the fence.

Public Works/Planning Director Kottage explained the fence proposal and the Planning Commission's basis for denial.

Becker said the eight foot fence would add an increment of privacy between his deck and the portion below. Throughout the boundary line, the applicant feels an 8 foot fence would provide an element of security. He said on the lower line portion, the impact of the 8 foot fence is minimal. Berry bushes rise 4 feet that would block out the fence. It would not affect the view more or less from the lower line of the property. He said the gateway was architecturally consistent with the fence, and a 6 foot entryway with a crossbar would be too low for some people to pass under.

At the last Commission session, the applicant withdrew the portion regarding a retaining wall, and he would like to have this matter brought back without paying additional fees.

Marlene Kawahata, 84 Berkeley, said they were very upset that the appeal was withdrawn. She said he had first called this proposed addition an additional unit, then it was called additional space. Another issue was that the piers that are now set it where the parking deck would go. There appears to be a discrepancy between what is there and what is on plans. There are piers drilled for a parking deck and the piers are not flushed.

Kottage said that he thought what was being referred to was a previous variance for a parking deck. Town staff has measured it, and while it is different than what is shown on the variance plans, the proximity to the property line is the same as shown on variance plans. While no formal decision on this issue has been made, it was staff's

initial interpretation that it was consistent with the variance granted.

Sharp informed Mrs. Kawahata that her remedy was to contact Kottage with here questions regarding the location of the piers, and if she is not satisfied with his response, her recourse was to appeal his decision within ten days.

Russell Kawahata, 84 Berkeley, said that from their property, which is downslope from the applicant's property, an 8 foot fence would offer no privacy at all nor would it help with sound. What it will do is make them look at an 8 foot fence that will be an odd-shaped, imposing structure. He said a wood fence and an 8 foot fence were both out of character with the neighborhood, as there are only wire mesh fences there.

Marie Hoch, 51 Sunview, said she agreed that there was no need for an 8 foot fence. She said it would be hard to see how the fence would help the privacy issue. A 6 foot fence in front of the property already looks imposing. She said there were no instances that she knew of in the neighborhood of vandalism where someone would not climb over an 8 foot fence but would climb over a 6 foot fence. It is not a neighborhood of grand gates and fences, the proposal was not in keeping with the neighborhood, and she did not see any real need for such a tall fence.

Gregory and Joan Smith, 97 Berkeley, said a fence for security is a matter of opinion. Their main concern was the noise factor, and a fence of this height will force sound waves down into their property.

Jean Whelan, 90 Berkeley, objected to an 8 foot fence, adding that it was very imposing.

Larry Stack, 10 Alice Way, said the current 6 foot front fence and gate appear to be next to or even with Berkeley Avenue, and since the applicant has received a variance for a 2 foot setback, he believed the location was in violation with the variance. He said the fence was already a bad situation but the current proposal would make it worse. The Planning Commission approved seven variances that were not appealed because the neighbors thought those were a part of a person's right to build, but an 8 foot fence is not appropriate.

Alan Almquist, 6 Alice Way, said he did not see a need for an 8 foot fence.

Becker said that Ansari sought to have the 8 foot fence for his own privacy, and the 8 foot fence had its origins prior to the acrimony in the neighborhood.

It was the consensus of Councilmembers Chignell, Zaharoff, Walsh and Sharp that the finding of special circumstances could not be made for either the fence or the gate.

M/S, Walsh/Chignell, to deny the appeal of the Planning Commission's denial of a portion of V-2251, 94 Berkeley Avenue, specifically a two foot height variance to an 8 foot high entrance gate and fence surrounding the property, on the basis that the size of the existing dwelling is consistent with the other homes in the neighborhood, and an 8 foot high fence is unnecessary, in accordance with the reasons stated in the Planning Commission decision of September 29, 1988. Motion passed by the following vote:

AYES: Chignell, Walsh, Zaharoff, Sharp

NOES: (None)

ABSTAIN: Colteaux

11/22/88

7. RESOLUTION ADOPTING REVISED LAND USE, CIRCULATION AND OPEN SPACE ELEMENTS OF THE SAN ANSELMO GENERAL PLAN, AND NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT.

Planning Consultant Roberto reported that he had prepared an addendum to the September 30 draft to incorporate the changes requested by the Council November 1. Height limits on commercial buildings and alternative uses for school sites were still to be decided by the Council.

Public Works/Planning Director Kottage said that as the manager of the Planning Department, he felt the need to point out to the Council that given staff's current at or exceeding capacity status and the size of the proposed increase in work load, staff did not see how it would be possible to properly perform the duties association with the proposed single family residential conservation land use category.

Colteaux said the same provision was in the 1976 General Plan but the staff cutbacks in 1978 required that it be stopped.

Roberto said in 1976 the conservation zone was established but strict implementation had never been codified.

Chignell noted that the Council had received letters from owners of property targeted for open space stating they were not interested in selling their property.

Roberto stated that there was a procedure in the proposed Open Space Element that in the event property earmarked for open space is purchased, the Town wants the owners to at least meet and confer with the Committee. He noted that the public hearings on the General Plan were legally noticed.

Zaharoff said she appreciated Kottage's concerns, but it is good from a policy standpoint and is what the Town has wanted since 1976. She supported assigning alternative zoning to private as well as public schools, and favored a 30 foot height limit on commercial buildings.

Walsh supported the deletion of policy 4.7. It was the consensus of the Council to delete this policy. Walsh further supported a maximum 35 foot commercial building height limit.

Kottage reported on the heights of some of the existing buildings in the downtown.

Colteaux said he would be willing to support a 35 foot height limit, adding that it would be difficult to accommodate 3 stories in 30 feet, but requiring that the building heights be compatible with the surrounding buildings. Regarding the school sites, he expressed concern about the language of the objective, wanting it to apply to long-term leases as well as property sales. He wanted to make sure that any situation in which school sites were no longer used as schools was covered, and wanted to see the wording in its final form before voting on it. Regarding the zoning of these properties, he felt they should be zoned residential with as much control as can reasonably be imposed given the compatibility with the surrounding neighborhood, and wanted a recommendation from Roberto on what densities were feasible given the density in the neighborhood.

Chignell said he agreed with the 35 foot height limit. He thought that some areas near schools are conducive to higher densities so that the Town can provide low and moderate or senior housing.

Zaharoff said that other than Red Hill School, which she would like to see rezoned R-1H, all the other school sites seem compatible with R-1 zoning.

Given the Council direction, Roberto said he would expand the addendum regarding schools, add a section to delete land use policy 4.7, provide wording on how to set a higher commercial height limit, omit "its" from the first sentence of the third paragraph in Section (g) on page 18, and propose alternative land use designations for private and public schools.

8. RESOLUTION APPROVING APPLICATION AND PROJECT AGREEMENT FOR HISTORY AND ARCHEOLOGY GRANT FUNDS FROM THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION ACT FOR ROBSON-HARRINGTON HOUSE PROJECT.

David Hantz, President of the Robson-Harrington House Association, said the Association wants to apply for state funding to rehabilitate and restore the Robson-Harrington House and Park.

M/S, Chignell/Zaharoff, to approve Resolution No. 3072 approving the application and the project agreement for history and archeology grant funds for Robson-Harrington House Project from the California Wildlife, Coastal and Park Land Conservation Act of 1988. Motion passed unanimously.

10. RESOLUTION SETTING THE SALARY OF THE TOWN ADMINISTRATOR.

Herman Kramer, 1 Allemand Place, said that without any reflection to the person who currently occupies this position, he felt that \$4,000 per month was an appropriate salary.

Walsh said she thought Dickens had handled himself with a great deal of dignity and restraint regarding this issue. She said she felt that the problem with the previous Council action lay in the fact that they were prepared to give a new administrator a starting salary that was equal to the retiring administrator's when they should have started with a lower salary and given raises in conjunction with performance reviews. She said she felt that the voters did not support large salaries or salary increases and therefore she would not support a salary increase until the end of this year, and would be willing to look at a salary increase based on excellent performance effective April 1989.

Colteaux said he thought the Council ought not to raise the administrator's salary during the one-year time period necessitated by the referendum. This leave the administrator without a raise for 18 months. He said his performance has justified a raise, the salary proposed was not out of line with administrator salaries in other communities where San Anselmo has to compete for personnel. He felt a multi-year contract was to the benefit of the community, and proposed an 8% salary increase to \$4860 per month, effective April 15, 1989, and a 5% increase to \$5152 effective April 15, 1990.

Zaharoff said that Dickens had an excellent performance evaluation and she had enormous respect for the job he was doing.

Chignell commented that he spoke with other managers, appointed officials and staff and Dickens gets nothing but high marks about his performance, and he wished the salary could be more.

Sharp said he thought the salary should be higher, that it was unconscionable for him to go 18 months without a raise, that he is doing a great job, and the salary proposed falls within the mandate of the voters.

Walsh said she supported the figures proposed, and that Dickens was doing an excellent job.

M/S, Colteaux/Walsh, to approve Resolution No. 3073 setting the salary of the Town Administrator with the figures as previously stated. Motion passed unanimously.

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

Lincoln street light - Colteaux asked about a street light that had been out for a long time. Kottage responded that it required replacement of the pole, which was only manufactured once a year.

Woodland Avenue disturbance - Sharp asked the police department to be contacted about a problem with lack of adult supervision at a residence on Crescent Road.

13. ADJOURNMENT.

The meeting was adjourned at 10:45 p.m.

Beth Pollard
Administrative Assistant