

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of December 13, 1988

Mayor Sharp convened the regular meeting at 8:00 p.m., following a closed session regarding personnel matters beginning at 7:00 p.m, with Councilmembers Chignell, Colteaux, Walsh and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Stephanie Kramer, 211 San Anselmo Avenue, suggested there be a door closer put on the outside door to the Council Chamber lobby to reduce the noise.

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

Sharp noted that letters had been received from property owners who objected to the adoption of the lot size restrictions under the single family residential conservation designation in the General Plan, and the application of these regulations to their development applications. He noted that their issue seems to be zoning and that the public hearing on the General Plan had already been closed.

Public Works/Planning Director Kottage reported that in reviewing development applications for completeness during the last two weeks, planning staff recognized that certain applications are in process that will be affected by the policies proposed in the General Plan and felt that the property owners should be informed of this as soon as possible.

Sharp commented that there was a more appropriate forum to handle these issues if they relate to zoning rather than the General Plan.

Colteaux submitted a memorandum suggesting language changes for Objectives 18 and 19 of the Land Use Element.

Planning Consultant Roberto revised the Addendum to the proposed General Plan to include an expanded discussion on the Town's policies on the reuse of surplus public and private school sites. Regarding the proposed wording on the San Francisco Theological Seminary, Roberto noted that one of the objectives was to try to preserve buildings of historic significance, which would be difficult to accomplish under single family residential zoning. Although the area surrounding St. Anselm's School is mixed residential, the proposal was to designate a future use of single family residential in following the Council's direction to make it the lowest density possible given compatibility with the neighborhood.

The Council noted that the language on the 35 foot building height restriction in the commercial district should include a statement that the heights are to be compatible with surrounding buildings.

It was the consensus of the Council to amend the proposed statement in Objective 18.1 to read: "The Town shall meet with the School Districts to determine the appropriate future use of surplus school sites whenever Districts contemplate reuse of these lands."

It was the consensus of the Council to support the amendments proposed by Colteaux, with the amendment to Objective 18.1 and the addition of language regarding commercial building heights to be compatible.

Sharp stated that the public hearing on the General Plan had been formally closed, but agreed to talk comments from the public present this evening.

Paul F. Goldsmith, an attorney representing Juliet Giacalone, owner of the property at 100 Forbes Avenue, spoke regarding the minimum one acre lot size requirements under the single family conservation zone designation. The Giacalone's own a 1 3/4 acre sized lot with a house already built on it and want to apply for one more buildable lot. He said the houses in the area are built on approximately 10,000 square foot lot sizes; requiring one acre lot sizes for the Giacalone's property would single out their property from the rest of the neighborhood. It appears the requirement would foreclose any future development of the property or any property less than two acres. He said that the property is not in prominent view and the view of the hillside would not be served in this case. It was their suggestion that further work on the design would be appropriate to provide flexibility. He said it was possible that the way the General Plan was now proposed would be a spot zoning of these particular properties. He asked how the 150 foot height limit designation for the conservation zone was established.

Roberto responded that the conservation zone was established with a one unit per acre density in the 1976 General Plan and the new plan did not change the density; the intent of the changes in the new General Plan was to further define what was meant by the conservation zone.

Goldsmith asked if it would be possible to subdivide the property by leaving the existing home on a lot that is similar to the size of existing lots in the neighborhood and make the new lot meet or exceed the conservation zone lot size requirement.

Stephanie Kramer, 211 San Anselmo Avenue, said the reason the General Plan review was started was because there was an influx of subdivision applications and the Town residents wanted to preserve the Town. While individual variations may be possible, she felt the regulations should be kept as uniform as possible.

The public hearing on the Negative Declaration of Environmental Impact was opened. There was no public comment. Staff recommended adoption of the negative declaration.

M/s, Colteaux/Chignell, to adopt the Negative Declaration of Environmental Impact on the revisions to the General Plan. Motion passed unanimously.

M/S, Colteaux/Chignell, to adopt Resolution No. 3074 adopting a Negative Declaration of Environmental Impact for amendment so the Land Use, Circulation and Open Space Elements of the San Anselmo General Plan, and the adoption of said General Plan amendments, incorporating the changes to Exhibit "C" as set forth in the memorandum from Planning Consultant Roberto and as set forth tonight and modified by the Colteaux memorandum of December 13, 1988, except Objective 18.1 should read "The Town shall meet with the School Districts to determine the appropriate future use of surplus school sites whenever Districts contemplate reuse of these lands.," and the definition of height limits on commercial buildings shall be redefined as stated in the meeting of November 22, and deleting policy 4.7 in the Land Use Element. Motion passed unanimously.

4. PROPOSAL BY PARKS AND RECREATION COMMISSION TO APPLY FOR FUNDS UNDER THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND BOND ACT OF 1988 TO BUILD A RECREATION CLUBHOUSE AT MEMORIAL PARK.

Parks and Recreation Director Howell reported that in October he had received a grant application from the state stating that San Anselmo would receive \$36,000 under the grant program for this bond act. He said the funds must be spent on a parks and recreation project - either a new project or renovation, but not maintenance. The Parks and Recreation Commission reviewed various projects and concluded that a 2,000 square foot clubhouse was the top priority for use of these funds. The estimated construction cost was \$80,000; the remaining funds would have to be raised and they would use volunteer labor where possible. Howell said that ballet would be the primary use of the building, but that it also had fundraising potential. The Town currently is spending \$6,000 a year to rent the portable at Red Hill School, and the ballet program raises \$35,000 to \$40,000 in revenue to the town every year. However, they need a new facility, as the portable is not adequate, the Town spends \$6,000 a year to rent it, and there is no other facility appropriate for the program. The proposed location was the western corner of Memorial Park across from the Log Cabin. The facility would be used mostly in the daytime, and for nighttime meetings. He said they never had one call from neighbors when the ballet program was at the log cabin. He said the onus will be on the staff and the Parks and Recreation Commission to raise the money, and was asking the Council to approve the concept so they could apply for the funds. The application could be amended once it is submitted to build something completely different, but the initial deadline to file for funding without a year's delay was January 13, 1989. The project must be completed within three years.

Sharp noted that there were significant planning issues involved in the project idea.

William Jelinek, 53 Florence, said that the Recreation Department does a wonderful job; however, he was financially, philosophically and actually opposed to the clubhouse idea. He said he had thought the purpose of the bond act was to purchase open space, not to build on it, and that another possible use of the funds was to help renovate the Robson-Harrington House. He doubted that the clubhouse, which would have to conform to expensive public building codes, could be built for less than 200,000. He said that over time he has continually seen the Parks and Recreation Commission spend most of its time on recreation, a revenue generator, rather than parks and felt the Town needs to have separate parks and recreation commissions.

Jonathan Braun, 479 Scenic Avenue, Chairman of the Open Space Committee, said he was not even aware the funds were available. he said his bias was an out-of-doors approach to the funds, and \$36,000 could go a long way towards building the bikepaths, bikeways and trails that have been included in the General Plan since 1976.

Linda Watson, 18 Santa Barbara, said she works with the Recreation Department and her daughters have been taking ballet through the Recreation Department. She said the Town needs a facility where the kids can pursue their talents. The needs to be a good facility because the quality of their performance is affected. The ballet teacher, Virginia Stapleton is developing a talented group of dancers who need a good facility. She said the Town needs to beef up its programs for kids so that everything does not become a private enterprise.

Oakley McLaughlin, 150 San Francisco Boulevard at the corner of Sonoma, said he would be affected on three sides of his property by the proposed facility. He expressed concern about getting input from the entire community on the proposal, and that there was a need to consider parks as well as recreation. He also expressed concern about the practicality, the funding and the impact on the neighborhood. He said his property was the most severely impacted and has had a long experience with activities at the Log Cabin. No matter the assurances given on restrictions for use of facilities, things change, and there is not always adequate control over what goes on. He said there was a great deal of community concern and community discussion was needed.

Barry Spitz, 155 Los Angeles, read a statement by Susan English, 152 San Francisco Boulevard, who said it was a bad idea, that Sonoma Avenue was already dangerous and did not need any more traffic, and the building would have a negative impact on the neighborhood. He said the neighborhood has had enough disturbances, expressed his agreement with Jelinek's statements, and wanted there to be no further building in Memorial Park.

Sarah Nome, 77 Alder Avenue, said she hoped Virginia Stapleton would continue to teach ballet in Town and keep youngsters involved in San Anselmo. But the Town does not have much open space, and she was opposed to any further construction on the property. She said the Tunstead deed restriction prevents it from being built upon. She said there were other spaces in Town that would accommodate the dance class and that have adequate parking. She added that the Town agonizes over taking care of the facilities it now has.

Carolyn Turner, 152 Los Angeles Boulevard, said the neighborhood suffers from noise problems, litter, people parking in front of her driveway from the use of the park and the American legion Log Cabin. In the summer it happens almost every night. The neighbors have suffered for years and they cannot take any more. The proposed building area currently is a horseshoe pit and sand area for children, which she would like to see it remain.

Chignell expressed strong concerns about the project and the need for more information about the use of the building and whether the remaining funds could be obtained. Noting the neighborhood had concerns about future use of the building, he said that there needed to be consensus on this issue and neighborhood support for the project.

Zaharoff commented that there had been alot of suggestions for creative uses of the funds, and that it would be advantageous to have the money in hand rather than having to wait for it. Given Howell's information that the project could be amended after an application has been submitted, she said she would like to see the process started in order to get the grant money as soon as possible. She suggested the Council consider the matter again on January 10.

Walsh noted that a new building could cost \$200,000 to build and would create more maintenance problems at a time when the Town has a waiting list of maintenance projects.

Colteaux said he was not concerned about not getting the grant money for an additional year, and that he would like to see the neighborhood supporting the project.

Sharp said the Council had an obligation to explore the project in more detail and that it is an asset to have one year to planning the project. He suggested the proposal be

referred back to Howell and also be referred to the Town Administrator.

Martha Elder-Groebe, 35 Westgate Way, whose son and daughter are in the ballet program, noted that the 300 students in the program generate \$35,000 a year. She said once children have been involved in the ballet program, they get involved in other recreation programs and bring in even more revenue. She said the ballet studio currently being used was dangerous and wanted to see funds obtained to provide a proper ballet studio. If something was not obtained soon, the parents of students in the ballet program will recommend that Stapleton pursue having a program on her own instead of through the Town. The ballet program is not small, generates a lot of money and a lot of interest, and she would like to see the Town give it some support.

Jelinek said that once the Town applies, it will have three years to complete the project, and that the grant money is not forwarded before the project starts but it given out along the way or upon completion of the project.

Walsh said she wanted clarification on how Fairfax is able to submit a very general project application and more information on the proposed project.

M/S, Chignell/Walsh, to continue the matter to January 10, 1989. Motion passed unanimously.

5. REQUEST THAT SAN ANSELMO SHARE IN THE COST OF PROPERTY APPRAISALS ON MT. BALDY.

M/S, Colteaux/Chignell, to approve the contribution of \$1,000 towards a property appraisal of Mt. Baldy, with \$200 to be taken from the Open Space Fund and \$800 to be taken from Contingency Funds. Motion passed unanimously.

6. REVIEW OF PP-9, PRELIMINARY PLAN REVIEW, AND AR-7, ARCHITECTURAL PLAN REVIEW, TO APPROVE THE COLORS OF A SINGLE FAMILY DWELLING IN AN R-1 H (HILLSIDE DENSITY) DISTRICT, ROBERT M. YEAKY, 80 SOUTH OAK AVENUE, A/P 7-241-50.

The applicant submitted samples of the colors approved by the Planning Commission. Neil Sorenson, attorney for the application, said that much of what is seen of the front of the house is of the roof, proposed to be black, rather than the gray of the house. The retaining walls will be brown colored, and the gray color is only certain elements. The gray will blend better with the hillsides than brown due to the shade from the trees.

Jonathan Braun, 479 Scenic, said that in watching some of the new buildings being constructed, the color gray stands out and highlights the bulk of the house, in addition to setting a precedent for the application of numerous buildings in the hillsides. He supported earthtone colors.

Zaharoff said she could not support the colors proposed.

M/S, Walsh/Chignell, to support the Planning Commission decision on the colors. Motion passed by the following vote:

AYES: Chignell, Colteaux, Walsh, Sharp

NOES: (None)

7. PUBLIC HEARING ON ADOPTION OF AN URGENCY ORDINANCE AMENDING CHAPTER 4 OF TITLE 1 OF THE MUNICIPAL CODE REVISING PROCEDURES OF APPEAL FROM ADMINISTRATIVE DECISIONS.

Roth reported that the Government Code mandates that the Town have this appeal process in place. The ideal format is to set up a chapter in the code that includes all the appeal processes, but that approach would take additional time.

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

M/S, Chignell/Walsh, to waive reading of Ordinance No. 901, an ordinance amending Chapter 4 of Title 1 of the San Anselmo Municipal Code revising Procedures of Appeal from administrative decisions. Motion passed unanimously.

M/S, Chignell/Walsh, to adopt Ordinance No. 901 as an urgency ordinance. Motion passed unanimously.

8. DISCUSSION REGARDING ABATEMENT OF STRUCTURE AT 14 ELM COURT.

Bill Hendrickson, father of the in this matter, said that some notice ought to go to the property owner of 14 Elm Court before January 2.

The Council reviewed the staff proposals and discussed the most appropriate way to proceed in order to get the structure removed, preferably by the property owner, expeditiously, but giving the property owner a proper time frame in which to make compliance feasible in light of the Christmas holiday.

M/S, Zaharoff/Walsh, to approve staff alternative # 1, amended to contact the applicant in writing on January 2 that the variance application has been denied and that the Town now requests that the violating structure be removed, adding citing for the specific code violations, with the time stated for compliance to be as specified in the Town Code, or 14 days if the code does not specify, or else nuisance abatement procedures will begin. Motion passed by the following vote:

AYES: Chignell, Walsh, Zaharoff

NOES: Colteaux, Sharp

9. REQUEST FOR WAIVER OF A PORTION OF A VARIANCE APPLICATION FEE, 48 SANTA BARBARA, BY ROBERT AND JUDITH DESMOND.

The request was to waive the fine levied on top of the variance fee for installing a portable hot tub and lattice screen without proper permits. The property owners claimed they were unaware that the project required a permit.

Sharp stated he would abstain since the applicants were friends and former neighbors.

Colteaux and Zaharoff did not support waiving the fee, with Zaharoff noting that there were no compelling reasons in the letter to do so. Chignell and Walsh supported waiving the fine, noting it was a portable hot tub, that there are few requests for fee waivers and the circumstances were unique.

M/S, Walsh/Chignell, to waive the fee. Motion failed by the following vote:

AYES: Chignell, Walsh
NOES: Colteaux, Zaharoff
ABSTAIN: Sharp

M/S, Chignell/Walsh, to reconsider the item. Motion passed by the following vote:

AYES: Chignell, Walsh, Zaharoff
NOES: Colteaux
ABSTAIN: Sharp

M/S, Chignell/Walsh, to waive the \$180 fine. Motion passed by the following vote:

AYES: Chignell, Colteaux, Walsh, Zaharoff
NOES: (None)
ABSTAIN: Sharp

10. REQUEST FROM CLASS, THE COMMITTEE TO LANDSCAPE SCENIC SAN ANSELMO, FOR WAIVER OF FEE TO HANG BANNER.

M/S, Walsh/Colteaux, to waive the fee. Motion passed unanimously.

11. APPOINTMENT OF COUNCILMEMBER TO COUNTYWIDE PLAN ADVISORY COMMITTEE.

M/S, Chignell/Walsh, to appoint Councilmember Zaharoff. Motion passed unanimously.

12. CONSENT AGENDA.

- (a) Approve minutes: November 17 and 22, 1988.
 - (b) Approve warrants: Nos. 7824-7976 and 2560-2585 in the amount of \$335,230.42.
 - (c) Cancel regular Town Council meeting of December 27, 1988.
 - (d) Approve street closure on San Anselmo Avenue for Art and Wine Festival.
 - (e) Appeal of Planning Commission determination to record a Notice of Violation, A/P 5-291-06, and to the conditions attached to the Conditional Certificate of Compliance; Robert Thurmond and Nancy Ross.
- CONTINUED TO JANUARY 10, 1989.

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

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

Isabel Cook Community Center - Town Administrator Dickens reported that Inter Arts of Marin wants to vacate their space in the Center, and that both the YWCA and the Peace Center want to take over the vacated space. The Peace Center wants to move in so that the Youth Center could move into their existing space in the Green House. The Peace Center also has a youth program that could also use the building in conjunction with the Youth Center. He spoke with the groups about using the spaces cooperatively. Chignell said that if the Teen Center is going to happen, that it be brought to the Council for review.

14. ADJOURNMENT TO CLOSED SESSION REGARDING PENDING LITIGATION, PURSUANT TO GOVERNMENT CODE SECTION 54956.9(B)(1) OF THE GOVERNMENT CODE.

The meeting was adjourned at 10:50 p.m. to closed session.

Beth Pollard