

**TOWN OF SAN ANSELMO  
TOWN COUNCIL MINUTES FOR FEBRUARY 13, 1990**

Mayor Walsh convened the regular meeting at 8:10 p.m., following a closed session regarding pending litigation pursuant to Government Code Section 54956.9 (a), San Anselmo v. Richard Nagley; pending litigation pursuant to Government Code Section 54956.9(c) beginning at 7:00 p.m.; and, interviews with three applicants to the Seminary General Plan Advisory Committee at 8:00 p.m., with Councilmembers Colteaux, Zaharoff, and Sharp present. Councilmember Chignell attended the meeting at approximately 8:30 p.m.

**2. OPEN TIME FOR PUBLIC EXPRESSION**

Sarah Nome, 77 Alder, asked that item (c) of the Consent Agenda be removed.

M/S Sharp/Colteaux removed item (c).

**3. CONSENT AGENDA**

- (a) Approve Minutes: January 23, 1990.
- (b) Acknowledge and file warrants: Nos. 1940, 1944, 1949 and 1951-2202, in the amount of \$833,770.55.
- (c) Adopt litigation expense disclosure policy.
- (d) Announce vacancy on Open Space Committee.
- (e) Approve closure of San Anselmo Avenue from Tunstead to Tamalpais for Antiques Fair on May 20.
- (f) Approve out-of-classification pay for Public Works Administrative Secretary.
- (g) Acknowledge and file letter of resignation from the Assistant Director of Public Works.

Nome asked that the disclosure policy be explained. She also requested that all the completed legal cases from the years 85,86 and 87 be available, starting with the Del Santo Case.

Roth responded that the Del Santo case was never under any restriction and that the records are kept with the Administrator and are open to the public.

Colteaux pointed out that this has no relevance to item (c). The intent of the policy is to disclose the litigation expenses on a monthly basis but not to specific cases until those are terminated. The policy should be rewritten so that this is emphasized.

M/S Sharp/Colteaux, to approve items (a), (b), (d), (e), (f) and (g). Motion passed unanimously.

4. Presentation of a certificate of recognition to Patty Stahl for her work in the Explorer Scout Program will be made at the next meeting.

**5. REQUEST FOR FUNDING FOR "SAFE AND SOBER GRADUATION NIGHT."**

Jennifer Portnoy, a student from Sir Francis Drake High School requested financial support for the 1990 graduation night to be held on June 15, 1990.

Sarah Nome suggested the school do its own fundraising and the party should not be subsidized by the Town.

Mayor Walsh stated that the Town supports no drugs or alcohol at these events and Colteaux appreciated the school's efforts in these endeavors.

M/S Colteaux/Zaharoff moved to appropriate \$500. Motion passed unanimously.

6. SEMINARY GENERAL PLAN ADVISORY COMMITTEE APPOINTMENTS.

M/S Colteaux/Sharp appointed Mary Walker for the Town Council position and Cindy Roberts for the Neighborhood position. Motion passed unanimously.

7. INTRODUCTION OF ORDINANCE REZONING PROPERTY AT 49 CEDAR, A/P 7-222-44, FROM R-2 TO SPECIFIC PLANNED DEVELOPMENT R-1 AND/OR PRELIMINARY PLANNED DEVELOPMENT.

Dain Anderson, Assistant Planning Director, presented two ordinances for consideration by the Council.

Colteaux objected to the exclusion in the ordinances of Town Council's rejection of Planning Commission recommendation for three units, and also felt that a clarification should be made of the term "maximum carrying capacity" for lot 2. Council is not as concerned with engineering as with the number of units and wants to make certain that two units were most appropriate. He recommended that staff inform the Planning Commission that Council wants a maximum of 2 units. Reference to two units should be in the resolution and not in the ordinance.

Anderson agreed on these points and that the language will need to be changed.

Steven Harnsberger, 49 Cedar, referred to the General Plan which states that maximum are from 1.67 to 3.31 units per acre.

It was recommended that this item be continued on the consent calendar to the next meeting and later for public hearing for adoption.

8. INTRODUCTION OF ORDINANCE TO REZONE PROPERTY GENERALLY LOCATED BETWEEN RICHMOND AND KENSINGTON ROADS, SAN FRANCISCO THEOLOGICAL SEMINARY, A/P 7-291-01 AND A/P 7-291-03 FROM R-1 TO SPECIFIC PLANNED DEVELOPMENT.

Lisa Newman, Town's Planning Consultant, gave a brief presentation of the Seminary's 20-year long-range master plan to upgrade seismically unsafe buildings, renovate and relocate faculty and student classrooms on the campus. This comprehensive plan development adheres to the General Plan policies for the site and should be rezoned from the present Single Family Residential to Specific Planned Development. Planning Commission has held two public hearings and heard testimony from neighbors, and in addition, the Seminary has held two community meetings. From these four meetings modifications have been made to the plan. The Commission found it satisfactory and called for a few minor conditions to be attached to their approval of the use permit application for Phase 1. This phase involves closing the castles on the hill and Montgomery Chapel and the relocation of faculty offices to square #2, Barrett Hall which is presently used for retreat activities; and, several faculty homes along Kensington Court will be renovated for retreat purposes. Subsequent phases will involve construction of two parking lots and improvements of an aesthetic nature. The Planning Commission requested that some clarifications be made in the text of the master plan regarding the designation of the site and that the design guideline wording be strengthened to show clearly that the Seminary intends to protect the visual image of the stone castles as they presently and historically exist in the community. Staff has prepared a Negative Declaration finding that there is no significant environmental impact caused by the implementation of the improvements.

Colteaux asked Town Attorney whether he was limited by State Law because two constituents felt strongly that he was representing their interest. Roth responded that if this rezoning had no financial effect on his property or alternatively if it did, but a significant segment of the community was also affected, 20% or more, Colteaux can vote in this matter. No objections or comments from Councilmembers or the audience was voiced.

Sharp commented that an environmental review was not noticed on the agenda. Roth felt that the subject matter was agendized and that therefore was sufficiently noticed. Zaharoff added that staff had prepared a Negative Declaration finding for environmental impact.

Colteaux felt that there is no problem with the zoning change in the central campus. He expressed concerns about: improvements to the properties outside the Central Campus which are not included in the Master Plan; the Seminary's keeping to the spirit of the Master Plan; the level of impact from off campus properties, potential and real; conversions of central campus buildings being converted to high density student housing off campus in R-1 neighborhood; effects of the delayed construction of parking lot from Phase I to Phase II for neighborhood parking.

Kelly Robertson, 38 Austin Avenue, requested that provisions be made in the Central Campus for parking during the remodeling of Baird Hall.

Dr. J. Randolph Taylor, President of the Seminary, explained that there is no change in use intended on off-campus properties. The October '89, and revised February '90 plans, sketch 2.1 shows the entire campus with no change in zoning or use off-campus. There are no plans to expand the campus. The renovations of the facilities are for efficiency and safety only. Funds are not immediately available to complete more than one phase at a time but are they seeking to raise the funds sooner. He would like to give assurances that the Seminary will do whatever it could to prevent a great lag between Phase I and II.

Brian Greenwald, Architect and Planner for the Master Plan, stated that according to a survey, there is a tremendous availability of on-street parking to meet daytime demands and that additional faculty parking could be accommodated. All the site work is planned at one time for efficiency of construction.

Colteaux responded that no one ever parks on Kensington Court so closing it would have no impact. He stated that the parking survey is wrong. In the area adjacent to Lloyd Center, cars are parked solidly from Kensington to Waverly. On Bolinas Avenue, from Kensington to Waverly, throughout the day cars which belong to Branson School are parked there solidly. The parking lot is the key to the improvement with Baird Hall. Neighbors of the Seminary support the parking lot and the Phase I should be approved contingent to adding this lot in the same Phase.

Brian Grunwald stressed that at most only eight parking spaces are at issue and are not creating an onerous load.

Colteaux suggested the Seminary take another look at the plan to see if there is some way the projects could be phased a different way.

Dr. Taylor, stated the reorientation of the buildings more toward the center of campus would encourage use of the parking on Kensington Court, and the logic of transferring dirt from parking lot to the pedestrian pathway. The

immediate needs are the retreat and faculty, and the parking lot would come soon thereafter, as money permits.

Brian Grunwald recommended a condition for approval be that, if a problem for parking occurs through parking and traffic studies, then the Seminary would then with all due dispatch install the parking lot.

Sharp thinks that Baird Hall parking and renovation go together and would like the Seminary to reconsider this.

Zaharoff feels the Seminary should be required to identify off campus uses of buildings and Baird Hall and the parking lot should be considered jointly. Since the Master Plan is quite an extensive project, she felt more time was needed to study it.

Chignell was in agreement and stated that the Seminary has gone a long way to allay some of the original fears of the neighborhood.

M/S Sharp/Zaharoff requested that the item be referred to Lisa Newman for guidance in clarifying the parking issue for Baird Hall and identifying the uses for off campus housing. Motion passed unanimously.

9. DISCUSSION REGARDING UPDATING THE HOUSING ELEMENT OF THE GENERAL PLAN.

Dain Anderson, Assistant Director of Planning, presented a draft work program which will achieve the goals to establish and finalize the Housing Element which is consistent with both the statutory and uncodified mandates of the State and the State Housing and Community Development Department. Planning recommended a combined effort of an outside Consultant with assistance of planning staff in doing the necessary research program development report writing and bringing this before the Commission and Council. The Department has the financial resources to achieve the July 1 deadline.

Sharp felt this mandate imposed by the State is unrealistic and is a waste of time and money and should be deferred to budget time.

Chignell supports the staff recommendation of the joint effort and recognizes this will probably carry over to the next fiscal year.

Zaharoff felt a staff effort on a time available basis should be acceptable and forget the deadline date.

Jean Camuglia, Town Administrator, interjected misgivings about Council requesting staff to find the time to complete this project. Although the consequences are unknown, Camuglia recommended that the Town make a good faith effort on items that are mandated.

John Kottage, Director of Public Works, stated that there is a potential that the State may withhold the gas tax proceeds. There is \$8,400 available in the budget and realistically half would be spent during this fiscal period, with the balance paid in the next period. He stressed the importance of this project and suggested this item be continued to next time to allow for staff to provide more information.

Colteaux also felt \$8,400 could easily be used for other more important projects.

William Jelinek, 53 Florence Avenue, asked when this Housing Element was mandated. Anderson responded that it was in 85-86.

M/S Chignell/Zaharoff voted to continue this discussion in two weeks. Motion passed unanimously.

10. DISCUSSION REGARDING REMOVAL OF POTENTIALLY HAZARDOUS PLAYGROUND EQUIPMENT FROM LANSDALE PARK.

Town Administrator relayed that the playground equipment, made of wood tire and chains, is over 20 years old and is deteriorating. It has been determined by staff and by the JPA Authority that it is an attractive nuisance. Staff recommends it be removed to avoid any danger to the children and therefore removing liability to the Town.

Dean Nyberg, Parks Foreman, sent out 150 letters to the surrounding neighborhood and among the 4 responses received, 3 requested the equipment remain and 1 requested removal. He suggested replacing some of the equipment with few of the structures that will be removed from Memorial Park later in the year. New equipment could cost anywhere between \$10,000 to \$20,000.

Bill Nichols, 54 Creek Road, felt the letter sent to the neighbors was misleading. It conveyed that the Town was considering the removal of the structures when actually the Town recommended removal of the structures. He felt they should remain as he did not see any danger.

William Jelinek, 53 Florence Avenue, pointed out the neighborhood is changing and there are many new families with babies in the neighborhood and so the playground would be used heavily.

Dan Helkin, 46 Forest Avenue, wants the playground to remain.

Chignell requested the Parks Department submit a progress report within a month.

M/S Sharp/Colteaux voted to remove the structures since both staff and the insurance authority found it unsafe. Motion passed unanimously.

11. REQUEST OF MR. T.F. POSTHUMA FOR A REFUND OF DOUBLE PERMIT FEES RELATED TO THE PROJECT AT 379 OAK AVENUE.

John Kottage, explained that double fees are charged when construction begins without benefit of a building permit.

Ted Posthuma, 379 Oak Avenue, claims that he was unduly delayed by the Building and Planning Departments. After initial review by Lisa Wight, Town Planner, and after being told by Michael Denning, the Building Department Plan Checker, that his drawings were approved and the permit would be issued by Friday, he indeed began preparations for remodeling. When the permit was to be issued, Lisa Wight, upon closer investigation, told him he needed to apply for a Variance as the loft was considered a third story. Next day it was determined by the UBC's definition that Planning's interpretation was incorrect.

Kottage explained that when the plans were originally submitted, they lacked in significant detail and a lot had to be designed at the counter and the Town did a lot to help Mr. Posthuma expedite this. It is unfair to characterize the

department as delaying his project when in fact the building permit was issued sooner than the four-week wait.

Colteaux/Chignell approved a refund of the penalty portion of \$561.80 and recommended a handout be available to the public stating the time period for building permit application review. Approved unanimously.

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

Hold Harmless Agreement Colteaux asked about status of the agreement for volunteers who do the landscaping work in Town to be reviewed by the Town Administrator and Attorney.

Permanent Sales Office in lot next to Matteucci's Bar Colteaux requested to know who was operating this business and were permits applied for.

Parking lot in front of the Quik Stop Colteaux requested the owners be notified of the conditional use permit given to the original owners to keep the area clean of debris and garbage.

Broken water meter cover near the exit at Creekside Antiques Colteaux requested repair.

Right turn lane at Tunstead into Sir Francis Drake Zaharoff wants the status of the request to remark the road into three lanes onto Sir Francis Drake. Kottage will follow up.

63 Nokomis Chignell asked for the status. Camuglia relayed that she held a meeting with the police, fire, and building departments and it was decided that Rick Mollenkopf would be in charge of this project as he knew the family. He would attempt to contact the property owners of the concern of the neighborhood, and he would determine whether there were any building violations or whether the humane society should be notified. If the family would not allow access to the property a warrant could be obtained from the courts. Camuglia will respond to all individual letters from the neighbors and carbon copy them to the Council.

Garbage Franchise Agreement Chignell asked for a draft. Camuglia has given the Town Attorney a preliminary draft for his review. Ray Forrest received the draft today and she will also submit to Council for their review.

Mayor Walsh adjourned the meeting at 10:10 in the memory of Paul Chirone. A group of his neighbors are planning something to honor him and will present their idea to the Council at a later date.

Walsh recommended the Woody Capurro, who served on the Town Council for 22 years without missing one meeting, should also be honored as nothing has been done to date. Councilmembers responded that he has been approached but wanted no fanfare. Walsh may pursue this further.