

TOWN OF SAN ANSELMO
TOWN COUNCIL MINUTES OF FEBRUARY 27, 1990

The Town Council meeting was convened on February 27, 1990 at 8:00 p.m. by Mayor Walsh following interviews at 7:45 p.m. with applicants to the Board of Review. All Councilmembers were in attendance with the exception of Sharp.

2. OPEN TIME FOR PUBLIC EXPRESSION

Pieter Toal, 48 Hawthorne, wanted to know if the Town still had a Cable Television Committee. Mayor Walsh responded, saying she was the Viacom Cable representative for the Town.

Cathy. Burlew, Medway, asked that the Town proclaim April 22, 1990 Earth Day. Mayor Walsh asked that a letter be given to the Administrator and then Administrator Camuglia would be happy to look into the matter.

3. CONSENT AGENDA.

- (a) Approve Minutes: February 13, and January 17, 1990.
- (b) Approve recommendation from the Traffic Safety Committee to remove the kilometer speed limit signs.
- (c) Appeal of Planning Commission's decision to issue Notice of Violation in creation of the lot, and approval of a Conditional Certificate of Compliance, Nancy L. Thurmond, etal, and Robert L. Thurmond, etal, end of Oak Springs Drive, A/P 5-291-06: CONTINUED TO MARCH 27, 1990
- (d) Introduction of ordinance rezoning property at 49 Cedar, Assessor's Parcel Number 7-222-44, designating one lot Specific Planned Development R-1 and designating a second lot Preliminary Planned Development.

Chignell asked that Item "b" be taken off the consent agenda for further discussion.

Colteaux asked that Item "D" be taken off the consent agenda for further discussion.

M/S Chignell, Zaharoff, to approve the remainder of the consent agenda. Motion unanimously passed.

Item "b"

Chignell quoted Section 25.31.5 of the Vehicle Code that states kilometer speed limit signs were passed by Congress in 1975 and still remain in existence. There has only been one incident that was thrown out of court within a several year period. Therefore it is important for the signs to remain.

Mr. Toal said the Town erected the signs approximately 13 years ago. The intent was to help Congress utilize international standards. The new signs that the Town has erected however are too large and should be one-fourth the size.

M/S Zaharoff, Chignell, to keep the kilometer speed limit signs in Town and if the pattern changes, review the matter again. Also, any future kilometer signs to be made should be toned down in size. Motion unanimously passed.

Item "d"

Colteaux suggest minor changes to the ordinance attached to the staff report noted as "Attachment 2" as follows: Page 2, third paragraph, add "...considered "but did not adopt" the recommendation...; fourth paragraph, delete "...maximum carrying capacity..." and replace it with "...appropriate density...". Delete "...based on the community's perceptions about traffic capacity, noise generation, the site's geologic conditions, and protection of privacy;"; fifth paragraph, delete "...maximum carrying capacity..." and replace it with "...appropriate density..."; page 3, paragraph 2, change "...City..." to "...Town..."; paragraph 8, change "...City..." to "...Town..."; paragraph 9, delete "...the maximum carrying capacity..." and insert in its place "...the precise allowable density...".

M/S Colteaux, Chignell, to waive further reading and introduce an ordinance, including changes addressed at tonight's meeting, amending ordinance no. 485 of the Town of San Anselmo changing the zoning designation for property generally known as 49 Cedar, San Anselmo, from R-2 to Specific Planned Development District - R-1 for one portion of the project site and from R-2 to Preliminary Planned Development district - Medium Density for the balance of the project site. Motion unanimously passed.

Mr. Harnsburger wanted clarification on the wording change. Staff said there is no change to the content.

4. PRESENT CERTIFICATE TO PARKING ENFORCEMENT WORKER PATTY STAHL IN RECOGNITION OF HER WORK IN THE EXPLORER SCOUT PROGRAM.

TOWN OF SAN ANSELMO
TOWN COUNCIL MINUTES OF FEBRUARY 27, 1990

Mayor Walsh presented the Certificate to Patty Stahl for her hard work. Chief Del Santo stated how proud the Department was of her and that many kids have been helped because of her achievements.

5. REPORT FROM SAN ANSELMO REPRESENTATIVE TO THE MARIN COMMISSION ON AGING.

Paula Neese, would like the Town to participate in Older American's Month and would like approval for an event to take place in May. She wanted to encourage seniors in San Anselmo to participate.

6. APPOINTMENT: BOARD OF REVIEW (ONE SEAT)

M/S Colteaux, Zaharoff, to appoint Harold Matteucci to a six-year term on the board of Review. Motion unanimously passed.

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

Lisa Newman, Consultant, stated the Seminary has agreed to construct "parking lot A", the Kensington Court 17-car parking lot in Phase I of the Master Plan improvements. In addition, the Seminary proposes to reorient the Lloyd Center entrance onto Kensington Road and enhance the path from Baird Hall to Kensington Court as part of Phase I. The amended Master Plan lists most of these improvements in Table 5-3 "Phasing of Improvements". Staff proposes a rezoning condition of approval that the Baird Hall occupancy permit not be issued until completion of Parking Lot A.

The Seminary also agreed to include a new table in the Master Plan describing existing off-campus properties owned by the Seminary and a new paragraph which requires a Master Plan amendment before the Seminary can purchase additional off-campus properties. This paragraph, on page II-3 states: "Future expansion of Seminary uses off-campus is not anticipated by the Master Plan. Should expansion off-campus (i.e., the purchase of new properties for student housing or other Seminary purposes) become desirable in the future, approval of an amendment to the Master Plan will be sought from the Town council prior to undertaking such expansion. The Town will, in the course of its review, consider the fiscal, social, and environmental impacts of such expansion upon the surrounding neighborhood and the Town in general and whether alternative proposals might reduce any identified impacts." Ms. Newman said she has had a recent conversation with Administrator Camuglia, regarding proposed condition number 1 of approval, and Camuglia suggests deleting this condition and addressing it at a future time.

Colteaux stated that he has never met a more cooperative applicant and the good will is very much appreciated the Town.

Chignell supports the fiscal deletion noted as condition number 1 but would like to know in the near future what the Administrator had in mind.

Barbara Schmidt, was concerned about population increase on the campus. She wanted to know the number of students, personnel and teachers. She also wanted to know if, during the renovation of the buildings, low-flush toilets would be required. She was also concerned that the Branson school was taking all the parking on Waverly.

Walsh commended Dr. Taylor for attention to the concerns of the neighbors and neighborhood.

M/S Chignell, Colteaux, to approve the Negative Declaration for San Francisco Theological Seminary, generally located between Richmond and Kensington Roads, San Francisco Theological Seminary, A/P Nos: 7-291-01 and 7-291-03. Motion unanimously passed.

M/S Colteaux, Chignell, waive reading. Motion unanimously passed.

M/S Colteaux, Chignell to introduce Ordinance 910 to rezone property owned by the San Francisco Theological Seminary, generally locate between Richmond and Kensington Roads, San Francisco Theological Seminary, Assessor's Parcel Numbers 7-291-01 and 7-291-03, etc., from R-1 to Specific Planned Development. Motion unanimously passed.

8. APPEALS OF PLANNING COMMISSION DECISIONS REGARDING VARIANCE APPLICATIONS FOR 94 BERKELEY AVENUE, ASSESSOR'S PARCEL NUMBER 5-165-35, CYRUS ANSARI:

- (a) APPEAL OF KAWAHATA AND NEIGHBORS OF THE PLANNING COMMISSION APPROVAL OF A 6 FOOT SOUTH SIDEYARD VARIANCE TO CONSTRUCT AN OPEN DECK WITHIN ZERO FEET OF THE SOUTH SIDE PROPERTY LINE, A MOTORIZED GATE TO CONTROL ACCESS TO

TOWN OF SAN ANSELMO
TOWN COUNCIL MINUTES OF FEBRUARY 27, 1990

THE CAR DECK LOCATED IN THE FRONTYARD; AND AN ACCESS GATE LOCATED IN THE SIDEYARD.

- (b) APPEAL OF CYRUS ANSARI OF THE PLANNING COMMISSION DENIAL OF A HEIGHT VARIANCE FOR A FENCE (LOCATED ON THE SOUTH SIDE PROPERTY LINE AND THE SOUTHERLY PORTION OF THE REAR PROPERTY LINE ADJACENT TO NO. 98) TO BE UP TO 8 FEET IN HEIGHT; A 5 FOOT REARYARD VARIANCE TO CONSTRUCT A LOWER PLATFORM ON A PREVIOUSLY APPROVED CAR DECK WITHIN 15 FEET OF THE REAR PROPERTY LINE; AND A CONDITION THAT A DRIVEWAY NOT BE INSTALLED TO THE LOWER ACCESS GATE.

Colteaux to abstain from this item.

Planner Wight presented the staff report.

Russell Kawahata, 84 Berkeley, did not approve of the side yard variance because it would constitute overdevelopment in view of all the other variances that have been granted. Also, this was constructed without permits and is in the nuisance abatement process. He said there are open conflicts with the neighbors regarding parking in front of the proposed lower access gate. To allow the access gate will only increase the tension in the neighborhood. If the Council does approve the access gate he would hope they would limit it to 4 to 6 feet. He said the fence height was previously denied and did not feel it should be approved. He agreed with the four car parking deck but having the gate closed only allows for two cars.

Marlene Kawahata, 84 Berkeley, said she is also representing the Smiths who were unable to attend the meeting. She said there was a lot of confusion at the Planning Commission meeting and she wants all the decisions made by the Council to be specific and clear so there will be no further confusion. She would like further clarification on how much noise the motorized gate will cause in a very quiet neighborhood and echoed her husband's comments that there was no objection about a four car parking deck, but with the gate, it will be reduced to two. She felt the south side deck was part of the original abatement issue. Also the edge of the deck is now cantellivered. Her understanding was that the majority of the Planning Commissioners wanted to see the lower access gate reduced. There is no need to have a 9 foot opening to allow passage of equipment. The 8 foot fence height is only adding to the looming structure. The lower platform was build without permits and his engineer stated it should not have been built so close to the house. It seems like the Town rewards a person if they are represented by an attorney.

Marie Hoch, 51 Sunview, encouraged the Council to visit the site. She feels the site is overdeveloped and that there have been too many variances already approved.

Jean Whelan, 90 Berkeley, said her main objection is the lower platform. She felt it created a looming effect and she was sure the area would turn into a second unit in the future.

Sarah Nome, 77 Alder, said she was representing someone who was afraid to attend the meeting but they are against Mr. Ansari's proposals. Also, there is another property in Town that has been in the process of being abated and the Town still has done nothing.

Neil Blumfield, Attorney representing the applicant, said there are many strong statements that have been made against his client that are just not true. He said that 95% of the original problems have all been solved between Mr. Ansari, the Town Attorney and staff. They have secured bonds for the abatement items and have in good faith followed all the procedures. The reason the whole process has taken so long is not because of Mr. Ansari, but because the neighbors appeal everything. He felt that if the Planning Director, and Planning Commission approve items, he does not understand why Council can not go along with their approvals. With regard to the south side deck, the Planning Commission approved this 3-1. It should be noted the one denial was not specific to this request but because he approved the lower platform while the other three Commissioners denied this. The additional area for the deck is very small. It should be noted the one denial was not specific to this request but because he approved the lower platform while the other three Commissioners denied this. With regard to the motorized gate, the Planning Director approved this and then was approved 3-1 by the Planning Commission. With regard to the lower access, the Planning Director approved this as well as the Commission 3-1. It should be noted the one denial was not specific to this request but because he approved the lower platform while the other three Commissioners denied this. It should be noted that Mr. Ansari is not asking for a driveway, only an access. He did not think it was proper at this time to order that there be no driveways in the future. With regard to the 8 foot fence, the only area being requested is where the adjoining neighbor has no objection and the people objecting to the fence height will not be affected by it. Also, the fence is 30' below the road. He presented photographs of another fence in the neighborhood that was 7'6". With regard to the rear platform, the top of the car deck and the middle have already had approved variances and therefore could be considered as part of the envelope. There is only 75 square feet in question and that cannot be considered overdevelopment.

TOWN OF SAN ANSELMO
TOWN COUNCIL MINUTES OF FEBRUARY 27, 1990

Larry Stack, 10, Alice Way, said that he agreed with the comments of his neighbors although he was not included in the petition as part of the appeal for Mr. Ansari. He also said he is speaking on behalf of his neighbor at 6 Alice Way. He felt there were many controversies over the 8 foot fence. He cited minutes of 12/18/89 that say the fence was cut back to six feet and also that the building inspector measured the fence and although portions of the fence measures up to 6'3" the average height is 6'. Mr. Stack said the fence has never been cut and presented a copy of staff's field survey of the fence surrounding Mr. Ansari's property. It shows that the fence exceeds 6' in several locations. He wanted to know what denotes an average 6 foot fence. He also cited the Municipal Code Section 10.3.190 sec. 8 regarding fence height. He claims the code does not address the word "average". He wondered by which date will the fence and posts in excess of 6' be reduced to 6' and what penalties will be applied to the applicant if they are not reduced?

Ms. Wight said that with these variances the applicant has now reached the Code maximum 40% lot coverage, which means there can be no further building additions without a variance to exceed the maximum 40% lot coverage. She found no authority in the Code prohibit a 2nd driveway on lower Berkeley because the property has two street frontages. Staff also contacted the company that produces the motorized gate and they said the gate is driven by a 3/4 horse power motor and the opening takes about 5 seconds. Also, the code only requires Mr. Ansari to have a minimum of two on-site parking, not four, and that the third and fourth spaces will be useable when the gate is open.

Director of Planning Kottage explained how staff determines the height of fences and how the average is used when there is irregular topography.

Zaharoff felt a 5' access gate was sufficient to have equipment brought in for maintenance and also consistent with the neighborhood but could not approve the south sideyard deck, the 8 foot fence or the lower platform.

Chignell agreed that a 5' access gate was sufficient but was not able to approve the south sideyard deck, the 8 foot fence or the lower platform.

Kottage stated that the lower platform will be contested legally and the portion in question is very small.

Attorney Roth agreed with Kottage, stating the expense to the Town would be costly to litigate.

Kottage suggested some mitigations for approval of the lower platform. 1) painting the entire support structure a dark earth tone color; 2) the lower platform railing meet UBC requirements and 3) plants growing up to 10' in height be placed along the entire north and west side of the lower platform.

M/S Zaharoff, Chignell, 1) to grant appeal to overturn Planning Commission approval of the variance request for an open deck extension within 0 feet of the south side property line; 2) deny appeal to overturn Planning Commission approval of the motorized gate; 3) deny appeal to overturn Planning Commission approval of the lower access gate. Approval of the gate is conditioned upon the width of the gate being no greater than 5'; 4) deny appeal to overturn Planning Commission denial of a variance request for an 8' high fence in the southerly side and rear yards; 5) grant the appeal to overturn the Planning Commission denial of a variance request for the lower platform on the car deck. Approval of the lower platform is conditioned upon a) painting the entire support structure a dark earth tone color; b) the lower platform railing meet UBC requirements; and c) plants growing up to 10' in height be placed along the entire north and west side of the lower platform; 6) grant appeal to overturn the Planning Commission condition that a future driveway not be permitted to the lower access gate. This decision should be in a form of a resolution to be placed on the next Council meeting on the consent agenda. Motion unanimously passed.

9. M.S. PARTNERSHIP, LA MANCHA DEVELOPMENT COMPANY, 805 SIR FRANCIS DRAKE BOULEVARD, A/P 6-082-14, C-221: REQUEST TO AMEND THE DESIGN REVIEW REQUIREMENTS OF A NEW COMMERCIAL BUILDING IN A C-3 DISTRICT, SPECIFICALLY TO AMEND THE BUILDING EXTERIOR SIDING:

Planning Director Kottage presented the staff report stating that the requirement for "plain beveled" wood siding was made very clear to the applicant, and the applicant's Architect during the Town Council's Design Review Hearing on May 23, 1989. At that hearing the Architect vigorously opposed the plain beveled siding. The same Architect developed the building plans used for the building permit. The beveled siding requirement was also made at the time of issuance of the building permit, by attaching, and making part of that permit conditions and mitigations measures for approval by the Town Council on May 23, 1989. Staff recommends that the Council retain the original design review requirement of plain bevel wood and hold up issuance of occupancy on one of the four units until the proper siding is in place and accepted.

Jerry Klair, Architect, said that his preference was stucco to wood and if he was inclined to disregard the Council's decision on purpose, then he would have put up stucco. There was never an intent on his part to build something contrary to what was decided. He explained that the ship lap siding is

TOWN OF SAN ANSELMO
TOWN COUNCIL MINUTES OF FEBRUARY 27, 1990

\$1.10 per square foot and plain bevel siding is \$0.85 per square foot. However, the expense would be approximately \$26,000 if they were required to tear down what is up and replace the siding at this late date. He thought the plans clearly showed the ship lap siding. He said the purpose of the plan check is to catch the items the architect misses. He contented that there have been six inspections on the site and the inspector never indicated that there was a conflict with what was approved. He felt the accusation that he deliberately disregarded the plain bevel siding is absurd.

Kottage said that on the first page of the approved plans is a copy of the mitigations for approval; elevations on page 2 indicate horizontal lines. The only page that shows the ship lap siding is page four.

Richard Cameron, Pine Street, said that although the building is bland it will bring interest to the community.

Barbara Greer, Pine Street, thought the building was nice.

Sarah Nome, 77 Alder, said the building was interesting and that this discussion about the type of siding was a waste of the taxpayer's money.

Christopher Lee, Magnolia, had no objection to the building although he thought it could have been more interesting looking.

Colteaux said that it was made very clear that it was a requirement to have plain bevel siding.

Chignell supported staff, stating the siding should be plain bevel.

Zaharoff support staff recommendations about the siding. She noted that she was not supportive of the building or the color in the past but suggested an alternative that might not be so costly to the applicant and yet achieve the same results as staff recommended. She suggested sandblasting the building to bring it back to its natural color.

Walsh said she did not want to get into another discussion about color. She felt that the Council has to act in the best interest of the community and because of that, along with the previous discussions she will go along with staff's recommendations.

M/S Colteaux, Chignell to deny the request to amend the design review requirement of a new commercial building on 805 Sir Francis Drake Boulevard, by La Mancha Development Company. Motion unanimously passed.

10. REVIEW OF DRAFT GARBAGE FRANCHISE AGREEMENT WITH SAN ANSELMO GARBAGE DISPOSAL, INC.

Administrator Camuglia presented the staff report with the three recommendations to the Council. 1. That Council approve the proposed Garbage Franchise Agreement with San Anselmo Garbage Disposal, Inc. 2. That council establish a Solid Waste and Recycling Advisory Committee, and direct staff to advertise vacancies for the committee; 3) That Council direct staff to prepare policies to support a Town facilities recycling program. She noted that page 4, Section 6(a) of the Agreement should be changed from "...Section 4..." to "...Section 7...".

Colteaux made the following observations: 1. That the ten year period should begin on January 1, 1990 not January 1, 1991 because the rates are currently in place. 2. An application cannot be made each year for an increase unless it is an emergency. 3. Add the following sentence under section 13.(e) "Cost analysis will be done by the company."

Chignell said there is no wording in this agreement that speaks about the spring and fall clean-up that the garbage company provides free to the residents or the once a year curb side pick-up. He was unhappy about the language of the recycling program in the agreement and wanted to make sure that all the information that was in the original agreement are transferred over to this agreement. He also wanted clarification on the intent that there will be no public disclosure of records.

Barbara Schmidt, asked if senior citizens or disabled people would be eligible for a discount. She said she has contacted local schools and they have recycling programs.

Christopher Lee, Magnolia, thought the garbage trucks were too noisy and did not understand why they picked up garbage at 2:30 a.m.

Cathy Burlew, did not think that establishing a recycling committee would work in San Anselmo. The garbage company is in business to make money and she did not feel a committee should help come up with ideas to make the company more profitable. She also did not think it was the Town's responsibility to determine and define what is recyclable. Under Section 14, she did not think the agreement specifically address recycling complaints. She suggested the Town look into using another agency that is equipped to handle recycling.

TOWN OF SAN ANSELMO
TOWN COUNCIL MINUTES OF FEBRUARY 27, 1990

Richard Wheeler, wanted language included in Section 12 of the Agreement that specifically addresses recycling and the reclamation process. He felt that recycling was an important issue.

Jaime Gray, Cordone Drive, was disappointed in the current proposed agreement. She thought there should be a clear statement about the recycling methods proposed. She was not sure San Anselmo Garbage Company was equipped to handle recycling. She felt the agreement was ambiguous.

Sarah Nome, 77 Alder, said she visited Marin Recycling and they have the most up to date equipment. She wondered why the Town wasn't considering them.

M/S Chignell, Zaharoff, to continue until the meeting of March 13, 1990.

11. DISCUSSION REGARDING RECOMMENDATION TO INITIATE A RECREATION MASTER PLANNING PROCESS.

Administrator Camuglia presented the staff report, recommending that Council authorize staff to initiate a "Recreation Master Planning" process, and to prepare a written report outlining initial recommendations regarding the Robson-Harrington House and property only by March 30, 1990 and the balance of the report by June 1, 1990.

Richard Tracy, Vice President, Robson-Harrington Board, said he was very surprised that the Town Administrator had asked the Board to not rent the currently vacant space at the house. The money from the rent goes back into maintaining Robson. On behalf of the Robson Board, he is requesting that Council allow them to rent the available room.

William Jellinik, 53 Florence, recommended that the Council rent the upstairs space.

Christopher Lee, Robson-Harrington Board Member, said that there are currently about \$30,000 in repairs required on the house. Some of the rent money could be used for repairs.

Zaharoff was supportive of a master plan but she also did not want to lose the potential monthly revenue. She therefore suggested a month-to-month rent until a decision is reached.

Mr. Tracy thought it would be difficult to find a renter who would be willing to rent on a month to month basis.

Chignell was supportive of a master plan but also wanted to see the Robson Harrington House Committee plans continue.

Walsh was happy with Robson House as it currently is run and noted that the Town did not want to take responsibility for it in 1978.

Colteaux said the Administrator was only asking for one month to review the situation and he thought that was a reasonable request.

M/ Colteaux, to adopt the Town Administrator's recommendation outlining initial recommendations regarding the Robson-Harrington House and property by March 30, 1990.

Motion died for lack of second.

M/ Chignell, to leave Robson Harrington House status quo.

Motion died for lack of second.

M/ Zaharoff to approve the Town Administrator's recommendation to initiate a Recreation Master Planning process and to prepare a written report outlining initial recommendations regarding the Robson Harrington House and property only by March 30, 1990, and the balance of the report by June 1, 1990. Further that Robson Harrington house be allowed to get a renter for a 6 month lease.

Died for lack of a second.

M/S Colteaux, Chignell, to approve that there is to be no lease for a 30 day period on the Robson Harrington House and that there be an interim report prepared by staff for the March 27, 1990 meeting.

Ayes: Zaharoff, Chignell, Colteaux
Noes: Walsh

Motion carried.

TOWN OF SAN ANSELMO
TOWN COUNCIL MINUTES OF FEBRUARY 27, 1990

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

Colteaux recommended that the zoning ordinance be completed by staff as soon as possible and be presented to the Planning Commission for their review.

Colteaux asked if a letter had been written to the owner of Quick Stop Market regarding the litter.

13. ADJOURNMENT.

The regular meeting of the Town Council was adjourned at 12:00 p.m. to the next meeting of March 13, 1990.