

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of June 12, 1990

7:15 p.m.

Closed session regarding pending litigation pursuant to Government Code Section 54956.9 (a) (Ansari vs. Town of San Anselmo), and regarding labor negotiations.

8:00 p.m.

The meeting was called to order by Mayor Paul Chignell. Councilmembers present were Ann Walsh, Gus Kanis, John Colteaux. Absent was Councilmember Maria Zaharoff.

2. OPEN TIME FOR PUBLIC EXPRESSION:

Diane King congratulated Mayor Chignell for the fine job he is doing. She spoke on behalf of the Police Department stating that the officers go above and beyond the call of duty. She expressed concern about the Town losing good officers and asked that the Council consider raising the salaries of the officers. She complimented Chief DeSanto saying he is "tops."

Bill DeBisschop brought to the Council's attention that there are many broken curbs and gutters. The concrete at 22 Scenic has been broken, and he expressed his concern that persons could get hurt. He urged the Council to consider when permits are taken out, perhaps inspectors could look at the concrete in front of the property. He brought to the Council's attention the illegal unit existing at 89 A Elm Avenue. It is a cabana that has been closed in for about one and a half years and, there are persons living there. The Police Department has been called to this unit many times, and recently, they have been there three times in two days.

Diane King stated the Police Department is aware of the situation and it is under investigation by the task force.

3. CONSENT AGENDA.

- (a) Approve Minutes: May 22 and June 8, 1990.
- (b) Approve closure of San Anselmo Avenue between Tamalpais and Tunstead Avenues for Antiques Faire on September 9.
- (c) Proclaim June 17, 1990 as Lesbian/Gay/Bisexual Freedom Day."
- (d) Proclaim July 14, 1990 as "Abandoned Car Abatement Day."
- (e) Proclaim July as "Parks and Recreation Month."
- (f) Announce expiration of term, Parks and Recreation Commission.
- (g) Waive reading and adopt ordinance increasing the size of the Parks and Recreation Commission from five to seven members.

M/S Walsh/Colteaux that the agenda be approved as submitted with the amendment to item c as submitted to staff. The motion was passed unanimously.

4. APPEAL OF PLANNING COMMISSION'S APPROVAL OF USE PERMIT 9002 AND USE PERMIT 9003 ALLOWING THE ESTABLISHMENT OF A DRY CLEANING PLANT/RETAIL STORE AND SELF-SERVE LAUNDRY AT LA MANCHA PLAZA, LOCATED AT 805 SIR FRANCIS DRAKE BOULEVARD.

Assistant Planning Director Anderson stated that on May 7, 1990, the Planning Commission approved Use Permits 9002 and

9003 allowing the establishment of a dry cleaning plant and retail store and self-serve laundromat at La Mancha Plaza. On May 14, 1990, an appeal of the Planning Commission's approval was filed by four of the established dry cleaning businesses in the Town. The basis of the appeal is traffic and environmental concerns.

Councilmember Kanis asked if for traffic and public safety reasons, was it still okay to have this establishment in close proximity to the neighborhood.

Lockland Kane, 16 Madrone, said his residence is twenty-five feet to the rear of the proposed laundromat. He felt the environmental concerns about the chemicals have not been addressed fully, and the standards of Cal OSHA weren't up to date. Mr. Kane brought to the Council's attention that television news reporter Dennis Richmond had a recent report regarding Cal OSHA not doing enough to protect people from chemicals, the EPA (Environmental Protection Agency) is not doing a good job either. Mr. Kane would like the Council to protect the people from chemicals. A recent report states that the chemical "Perk" causes cancer in laboratory animals, particularly affecting their reproductive systems. This chemical can cause harm to the developing human fetus, and nursing mothers should avoid any contact with Perk. Mr. Kane stated other dry cleaning establishments are not located in close proximity to neighborhoods as this one would be. He stated that a new report suggests that sperm count can be affected by using Perk. He urged the Council not to approve this dry cleaning establishment.

John Wolohan, an advisor to Gene Hui, applicant, stated the EPA has studied chemicals and had made recommendations for their control. The applicant would be putting in an enclosed system, and whereas 25 parts per million is allowable, the closed system would only have two parts per million.

Leonard Lane, developer of the La Mancha Plaza, stated perchloroethylene remains in any dry cleaned clothing and doesn't harm the wearer of those garments. Mr. Lane found it difficult to defend the arguments because there was not any backup evidence on statements made. He assured Council the equipment is a closed system in an enclosed building and would not pose a health hazard.

Diane King objected to the dry cleaning establishment going into the La Mancha Plaza.

Mr. Kane offered to provide Councilmembers interested in the latest California study the doctor's name and phone number.

Director of Public Works/Planning Kottage said that a requirement for approval is that the establishment use a state of the arts closed system.

Councilmember Kanis asked under what circumstances Cal OSHA inspects properties for compliance of the regulations.

Mr. Anderson responded that the inspections are made in response to complaints about smells.

Councilmember Colteaux asked who would be checking to see if the equipment is actually the state of the art and the handling of the chemicals is in compliance with the legal standards. Further, he asked if there could be a preapproval of the equipment before it is installed in the building.

Mr. Anderson said that the Bay Area Quality Board monitors usually only on a complaint basis.

Councilmember Colteaux asked if there were any other plants using the chemicals. If the measure is approved, there will be no equipment placed in establishment without prior approval.

Mr. Anderson responded there are nine plants, some of them using much older equipment than that to be installed at La Mancha Plaza.

Councilmember Walsh asked about the on-going monitoring of the chemicals by governmental agencies and if there were any on-going checks. She said there were already three dry cleaning establishments in the Red Hill area.

Mr. Anderson responded the investigations were instigated by complaints. Monitoring takes place when machinery is set in place and when chemicals are taken off-site and replenished.

Councilmember Colteaux asked what was the volume of business done at this plant.

Mr. Anderson replied he really didn't know the volume. It was not an issue at the Planning Commission.

Mr. Wolihan stated the proposed plant is for retail business only. The Cal OSHA and Federal OSHA offices inspect dry cleaning establishments once a year. New regulations give the government the right to shut down non-conforming dry cleaning establishments. The equipment proposed emits less vapors than previous equipment. He stated he is a salesman of dry cleaning equipment and has been in the business for six years.

Mr. Wolihan explained that as of this year, Cal OSHA gives until the first of next year to be in compliance of the regulations or the establishment can be shut down.

Councilmember Kanis raised the issue of hazardous materials used in San Anselmo. He would like to see exploration regarding uses of hazardous materials in the town. He stated that the Town needed to be concerned about the health of the people.

Town Administrator Camuglia will have the staff check with the Air Quality Control Board and Cal OSHA to see if there have been any reports regarding hazardous materials, and she could get the report back to Council at a later date.

Mayor Chignell would like to have it confirmed if Cal OSHA makes one year inspections.

Richard Ming, owner of two dry cleaning establishments (one in Santa Rosa) presented the Council with a letter he received from Montgomery Village, Santa Rosa. The management of Montgomery Village, where his establishment is located, has asked Mr. Ming to vacate the premises because of the ordinances regarding disbursement of toxics into the water system.

Mr. Colteaux asked that staff find out the volume of existing businesses and would like to have this investigated further. Therefore, he recommended it be referred back to staff for more information. He asked staff to find out what happened in Santa Rosa. Mr. Colteaux would like the seals on the machinery examined.

Councilmembers Walsh and Kanis asked for more information.

Councilmember Colteaux stated he is not impressed with the Federal and State system for informing Town about what's being done to enforce the regulations.

Administrator Camuglia asked if Council wanted the rate of regulation that is occurring by Cal OSHA, Federal OSHA, the Bay Area Air Quality Control District, and Santa Rosa.

Councilmember Colteaux asked if staff could find out the number of plants operating in similar-sized towns. He would like assurances that this will be a retail operation only, not a wholesale operation. He would like staff suggestions for a method with little expense to the Town for monitoring emissions in San Anselmo dry cleaning plants.

Mayor Chignell said he would like pre-approval of equipment. He felt the people who made application are entitled to speedy action, and he asked that this item be placed on the agenda in two weeks.

Mr. Anderson stated it could take a long time to find all these answers, and there is no way of knowing how cooperative agencies will be in responding to questions.

M/S Colteaux/Wash to refer this item back to staff. Passed unanimously.

5. RECONSIDERATION OF THE TOWN COUNCIL'S ACTION REGARDING THE APPEAL OF PLANNING COMMISSION'S APPROVAL OF A VARIANCE FOR AN ACCESSORY STRUCTURE WITHIN REAR AND SIDE SETBACKS, LIBBY HAYES, 14 ELM COURT, A/P 7-081-15.

Public Works/Planning Director Kottage said it was decided by the Planning Commission not to allow the addition because it would have an adverse effect on the privacy, it created a second unit, and the building code was violated. The staff was in contact with the owner and closest neighbors, and there evolved a potential alternative. The mitigation is outlined in the staff report. Basically, the owner can construct a higher fence and remove a window. Applicant agreed to deed restrictions saying unit would never be used as a second unit and the sewer line would be removed or filled. The building would be brought up to building code standards. Both neighbors are in agreement. Staff would like formal approval.

Mayor Chignell asked for public comment.

Mr. DeBisschop wanted to make sure this property would never be used as a second unit. Already there are many illegal second units, and he cited 10 Elm Court as one of those units.

Diane King was very concerned about the traffic.

Mayor Chignell asked that the meeting record show that former Mayor Peter Toal arrived.

Councilmember Colteaux stated the agreement to remove the bathroom fixtures and fill in the sewer line was fine but wondered what utilities would be in the building.

Oscar Selbert answered that an electrical line would be the only utility in use. He will remove the water but would like to keep a wood-burning stove.

Councilmember Colteaux asked that deed restriction reflect action that unit cannot be used as a second unit, that the only utility would be electricity, and this report would be available upon resale. Also, he wanted to know what the use of the building would be.

Mr. Selbert stated it was being used as a music studio.

Councilmember Colteaux asked that if it was being used as a music studio, there be a noise level restriction.

Mayor Chignell complimented Mr. Kottage on the fine work he and staff have done.

M/S, Colteaux/Kanis approve the setback variance subject to the conditions proposed in the staff report and based on the findings proposed in the November 22, 1988, Town Council staff report, specifically that utilities be limited to electricity, the wood burning stove be removed, the use be specified as a studio as described, the sewer lines and supply lines be removed. Passed unanimously.

6. REQUEST TO WAIVE FEE TO HANG TWO BANNERS PUBLICIZING THE 1990 ART AND WINE FESTIVAL.

Town Administrator Camuglia stated it was traditional to waive the fee.

Councilmember Kanis questioned the waiver of fees for commercial enterprises.

Ms. Camuglia responded that this was a Chamber of Commerce Event.

Councilmember Kanis asked how much revenue this produced for the Town and what effect the Festival had on business.

Ms. Camuglia stated that any response would be second-hand. Town's cost is labor for putting up banners. Direct costs are reimbursed by the sponsor of the program.

Councilmember Walsh responded that although the merchants were not always happy with the festivals, the Town received good press. On a long terms basis, people return to San Anselmo. The Art and Wine Festival is very well organized. They do their own cleanup and policing.

M/S, Colteaux/Walsh to waive the fee for the two banners publicizing the 1990 Art and Wine Festival. Passed unanimously.

7. REVIEW PROPOSAL TO ADD PARKING SPACES ON GREENFIELD AVENUE.

Public Works/Planning Director Kottage reported that he has been working a long time to relieve the problem of parking at the East end of Greenfield Avenue. The three projects were outlined in the staff report which would result in an increase of twenty-two additional parking spaces. The merchants would be paying for materials and the Town would supply the labor. The whole project would be very inexpensive.

Councilmember Colteaux stated he had been impressed to have someone with the imagination of George Johanson, and now he would add Mr. Kottage to that list. He responded to the spirit of the merchants to take into their hands the problem and alleviate it. Mr. Pierce of Living Foods and Joyce Brown have been very helpful, and he complimented Councilmember Walsh.

Councilmember Walsh reported this process has been going on for four years. The total cost of the project will be about \$9,000. The process has been a great example of people working together.

Councilmember Kanis felt the solution was terrific.

Mayor Chignell agreed with Councilmember Kanis. The total involvement of the Town would be labor and no monetary involvement.

M/S, Walsh/Colteaux to approve the concept and design of the Greenfield Avenue parking enhancement proposal and direct staff to begin implementation of the proposal. Authorize the Town staff to use staff time to implement project. Passed unanimously.

8. RESOLUTION ESTABLISHING A RENTAL SCALE AND LOW INCOME DEFINITION SCALE PERTAINING TO SECOND UNITS.

Assistant Planning Director Anderson said that staff had been taking a look at the program goals for readjustment, the options relative to adjusting the goals, and recommendation using updated figures to benefit low and very low income residents. Goals and limits are unrealistic and out of sync to achieve market rate limits.

Councilmember Colteaux asked how to define low and moderate income. He felt the figures were unrealistically high, and asked if staff had worked with local housing organizations like the Ecumenical Housing Association. He asked who were the groups the Council is trying to benefit.

Mr. Anderson said the numbers were accepted by using Housing and Urban Development figures along with those of other housing agencies through the country.

Councilmember Colteaux asked if it was possible to use the income level of San Anselmo as opposed to that of Marin County.

Mr. Anderson agreed it was a good suggestion but the figures would be available when the figures from the Census are available.

Public Works/Planning Director Kottage stated San Anselmo using data from County, and based on that relationship, still tie into the "standardized" figures, then set the formula.

Councilmember Colteaux brought to the Council's attention that ads in the local newspapers indicate the prices the owners hope to receive for the apartments, but the figures do not necessarily relate to the low income persons the Town is trying to benefit.

Mayor Chignell stated the State Department of Finance might be a source of figures updated more often than every ten years.

Former Mayor Toal explained that this process started ten years ago with a citizens committee appointed to look into second unit proposals. Second units were never considered as a moneymaker but as a social endeavor. Illegal units were recognized and could at that time be used legally as second units for low income persons.

Gabriel Richie, Community Housing Concern Board of Marin, Canal Crime Abatement, said she runs three HUD rehabs complexes in Marin. She could not understand why the City Council was asking the owner residents to subsidize and be the housing authority of San Anselmo. She presented other options, rental deposit guarantee program by the Housing Authority of Marin; funding one month's rent when persons of low income need it. She pointed out that an old person using the rental unit for income cannot afford to subsidize a renter because costs such as water are increasing.

Bob Holmes, Marin County Board of Realtors, stated property owners with second units should be able to adjust to the times to realize some benefit for providing housing.

Rich Gould, Skyline Drive, referred to the 65% target group adopted by the Town last year. The Town should attempt to change the C.P.I. and allow increases based on that. Rentals allowable here in 65% figure reviewed records of Town. What was the group the Town is intending to benefit from rent control. He asked that low and moderate income groups be funded. In 1983 the Town identified the target group. The numbers were too high, and there was no attempt to bring it up to scale. He voiced his mixed feelings about rent control. Using 30% of income for rent is okay. There are programs now to help people. He asked if property owners are being asked to subsidize rents, facing no increase in four years. He suggested that an adjustment to the very low income and very low monthly range is necessary. \$15,950 for one person is a very low income. He stated that the town not go below \$15,950 for a target group. Asked that staff prepare a resolution for approval at the next meeting.

Mr. DeBisschop asked if the rental limits would be affected on the three types of second units in San Anselmo.

Mr. Kottage said that new use permits would use rent control. The registered units and existing units (at the time of the ordinance) are not subject to rent control.

Councilmember Colteaux explained that what happened in 1976 was there were a number of legal second units that had some formal or informal approval to be in existence. There was another group of units that were illegal that had been built without permits. The Council offered to the owners of the illegal units that in order to legalize them, the owners had to meet the low rent guidelines. The problem now is that the income for San Anselmo is much higher than those guidelines allowed.

Mr. DeBisschop stated the owners of some properties move into the second units themselves and rent out the main house.

Councilmember Colteaux expressed his hope that guidelines would help to prevent this abuse.

Alberta Hare, 56 Rosemont, said she has a second unit which she uses for low income persons making the minimum wage. She asked that the guidelines be kept for low income people, those who are making the minimum wage. She felt the maximum allowable income for a one person studio apartment should be \$12,000.

Mr. Kottage stated that perhaps the Council needed more information for setting up a target group.

Councilmember Walsh stated that it was her intent to provide affordable housing for low income group. There was not a problem for increasing the guidelines for the very low income group but she had a problem increasing the guidelines for the higher level wages.

Councilmember Kanis said he was getting an education about the intent in 1976 and wanted to continue with that policy. He was sensitive that the owners need to have an economic return on the second property. He was in favor of second units for low and moderate income.

Councilmember Colteaux said he would like affirmative suggestions from staff about what needs to be changed in order to carry out the philosophy of the 1976 guidelines.

He was not prepared to make any changes yet, and he felt a workshop might be in order.

Mr. Gould asked that the Council take action immediately.

Mayor Chignell explained the guidelines were a social experiment, and he felt the Town was gracious to allow the illegal second units to continue. He would like to define the target group and would like some type of incremental percentage increases annually. The property owner would need to have a specific sense as to what the increases would be. He supported continuing with the existing limits and sending it back to staff to continue working with the target group definitions.

Ms. Camuglia asked if the staff report should consider cost of living increase on the basis of the existing base in the next meeting or so while staff makes determination of new target group. Staff would not be able to provide this information in next two weeks particularly because they would be dealing with a fifteen year old problem. It would probably be several months before staff could complete the work necessary.

Councilmember Kanis said he was convinced that a cost of living increase is most necessary.

9. REVIEW OF ROSS VALLEY FIRE 1990-91 BUDGET

Fire Chief Rick Mollenkopf stated the review was intended to outline the Department budget giving members of the Council and the public a chance to express their concerns. He hoped a budget would be adopted by June 15. Each year the budget is more detailed. This year started with a 3.7% increase, but the final figure will be a 5.9% increase. There have been salary negotiations and the transfer of the retiree health contributions. There has been an increase in retirement return of 3%. There has been a decrease in worker's compensation insurance. A large number of the services and programs will not cost any more by using the existing fiscal resources. The increases are in the salaries and benefits. There are no new capital expenditures, no new equipment.

Councilmember Walsh had no comments but expressed her opinion about the wonderful job the Chief is doing.

Councilmember Kanis asked about worker's compensation costs during the next three years.

Chief Mollenkopf responded that the benefits were same for three years.

Mayor Chignell indicated his support of the status quo budget and appreciated the hard work that went into this budget.

Councilmember Colteaux felt it was a very reasonable budget and was well written.

10. APPOINTMENTS:

- a. Library Advisory Board nominations
- b. Planning Commission nominations

Town Administrator Camuglia informed the Council a vacancy on the Library Advisory Board is occurring because the term has expired and the individual, Ranny Cockburn, would like to continue. There is an additional person wishing to be considered for the position.

The Planning Commission vacancy has ten applicants. The staff will provide the Council with copies of the resumes

and the Council will act on these vacancies at a special meeting June 25.

11. REVIEW OF MARIN SALES TAX PLAN, BALLOT LANGUAGE, AND JOINT POWERS AGREEMENT ESTABLISHING COUNTYWIDE PLANNING AGENCY.

There were no comments from the staff.

Councilmember Colteaux said that essentially the plan has been approved. There had been a question of the voting pattern required for approval of the local set-aside funds. He felt the consensus was for the double majority negative. That was the only point of controversy. He asked Council to approve the plan.

Councilmember Kanis asked if there was a technical question in the resolution second to the last paragraph if it was 1 cent or 1 percent.

Mark Reisenfeld said there are these recommendations: adopt a resolution on the plan, approve joint powers agreement by establishing a Countywide Planning Agency and Agendize the Transportation Improvement and Growth Management Plan.

M/S, Colteaux/Walsh, to agendize the Transportation Improvement and Growth Management Plan, the proposed Ballot Language, and the Joint Powers Agreement establishing a Countywide Planning Agency for the earliest possible City Council meeting in June; adopt the resolution approving the Transportation Improvement and Growth Management Plan and authorize transmittal to the Board of Supervisors; and adopt the Joint Powers Agreement establishing a Countywide Planning Agency. The motion was passed unanimously.

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

Chevron station - Councilmember Colteaux questioned the chemicals in the barrels at the Chevron Station at Redhill. He was concerned about the dirt and the possibility of removing it and replacing it. He would like to know if the business is licensed. Mr. Kottage responded that the mixing of hydrocarbons with fertilizer would create something beneficial. Mr. Colteaux would like more information.

Tomahawk Road - Councilmember Kanis asked about the signage at Tomahawk Road because he felt the signs and changes were puzzling. It was unclear where parking was appropriate. He also questioned if the "private road" sign was appropriate. Mr. Kottage volunteered to go up with Councilmember Kanis to the site. Two recreation signs have been ordered stating the private road can be used for open space access by pedestrians.

Barber Avenue and Recreation Master Plan - Councilmember Walsh asked if Traffic Safety has looked at the Prospect to Barber Avenue road? She also asked about the progress on the recreation master plan. Camuglia responded that the Traffic Safety Committee was looking into the Barber Avenue situation. Further, she has been trying to work with the Robson-Harrington Association but their last two meetings have been postponed. She has not gone to the Isabel Cook complex. This will be scheduled for the next fiscal year.

Administrator's evaluation - Councilmember Walsh asked if Camuglia's evaluation has been scheduled. Camuglia responded that this has not been accomplished yet because of various budget projects but hopes it will be scheduled next month.

Forbes Avenue - Mayor Chignell asked if Forbes Avenue had been considered by Traffic Safety Committee. Camuglia said she was in the process of setting up meetings with the owners of United Market and the City of San Rafael. Mr. Kottage looked into the appropriateness of speed bumps.

Library - Mayor Chignell asked about the library job sharing situation. Camuglia stated it was a proposal in the budget. She has completed the first draft of the budget, and Department heads have been asked to comment. Budget hearings will be scheduled after the Fourth of July. She would like to have three evenings with the Council to discuss the budget. She asked if there are areas of specific concern, please advise her so that public discussion can occur and she can be responsive to the public.

13. ADJOURNMENT.

The meeting was adjourned at 10:35.

Barbara Swenson