

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of October 9, 1990

7:15 p.m.

Closed session regarding personnel matters, and regarding pending litigation, pursuant to Government Code Section 54956.9(a), (Noyer & Phillips v. Town of San Anselmo).

8:00 p.m.

1. CALL TO ORDER.

Mayor Chignell convened the regular meeting, with Councilmembers Colteaux, Kanis, Zaharoff and Walsh present.

2. CONSENT AGENDA.

- (a) Approve Minutes: September 18, 1990.
- (b) Acknowledge and File Warrants: Nos. 4199 - 4338, in the amount of \$386,839.55.
- (c) Authorize refund of rent to the San Anselmo Youth Committee.
- (d) Approve Resolution setting management compensation.
- (e) Nominate applicants and schedule interviews for vacancies on the Open Space Committee.
- (f) Announce vacancy on the Tree Advisory Committee.
- (g) Authorize appropriation of \$1,000 for payment of expenses to abate the public nuisance at 63 Nokomis.

Item (d) was removed from the consent agenda.

M/S, Walsh/Kanis, to approve the remainder of the consent agenda. Motion passed unanimously.

4. PRESENTATION, DISCUSSION AND RESOLUTION ON THE FINAL REPORT OF THE MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS BLUE RIBBON HOMELESS WORKING GROUP.

Loni Valentine, Belvedere City Council, said the goal of the Working Group was the acceptance of the report by all of the four appointing bodies - MCCMC, the Board of Supervisors, the Interfaith Council, and the Marin Community Foundation. The final report recommends the establishment of five permanent, scattered-site emergency housing facilities, development of four new or expanded daytime services centers, initiation of a County-wide Homeless Commission and creation of a county Homeless Coordinator position, implementation of a transportation voucher program, and commencement of public education and outreach activities. These recommendations were based on five central principles regarding the homeless issue. No funds were being requested at this time.

Kanis inquired about the transportation voucher system. Valentine noted that transportation is one of the problems the homeless have, and the idea was to dispense vouchers on a trail basis, that could be measured through the staff of the Marin Housing Center.

Walsh said she did not have a problem with the report, the Homeless Commission, or the Coordinator, but thought that most cities and towns have concerns about them.

Colteaux said he felt a rational approach and coordinated plan was needed.

Chignell questioned whether Valentine envisioned there being local matching funds. She responded that the coordinator position would cost \$75,000, and they would be

looking for funding from the Marin Community Foundation, the County of Marin, cities, and the Interfaith Council.

Sarah Nome, 77 Alder Avenue, said she applauded some action being brought forward. She said San Anselmo is one of the most depressed towns per person, has the least tax revenues, and does not have a large sales tax base that other communities have. She said a large population of homeless live in the cities that have a sales tax base, whereas San Anselmo has only three homeless persons. She objected to taking property off the tax rolls for homeless shelters, and noted that the free meals are in San Rafael.

M/S, Colteaux/Walsh, to approve Resolution No. 3127 supporting the Blue Ribbon Homeless Working Group Final Report Recommendation. Motion passed unanimously.

3.d. RESOLUTION SETTING MANAGEMENT COMPENSATION.

Town Administrator Camuglia presented the staff report regarding the title changes and appointments to positions, and the appropriation of \$31,880 for salary and benefit adjustments. The appointments and title changes included in the resolution were Virginia Schweiger, Recreation Director; Elizabeth Dorey, Assistant Recreation Director; Administrative Assistant changed to Assistant Administrator; and Parks Foreman changed to Parks Superintendent. The salaries of the Director of Public Works/Planning and the Assistant Director of Planning have been continued at the 1989-90 level until Council reviews the department reorganization plan presently under preparation. She said the most striking change was the title change to Assistant Administrator. She reported that the Town has seen increased complexity in the variety of tasks it is required to perform, such as state mandates, which San Anselmo is required to meet even though it is a small town. These mandates affect the Town's ability to administrate. Restructuring the administrative offices would help the Town approach these problems. The incumbent has served as Acting Town Administrator, Acting Library Director

Colteaux asked that consultant arrangements be addressed.

Sarah Nome, 77 Alder Avenue, said it was unconscionable for a town this size to have an assistant administrator, that it was too much administrative staff for the size of the work.

Kanis said he has spent time in Town Hall examining Town staff, thought that the Town gets remarkable performance and efficiency out of the size of the staff, and that the position was not only reasonable, it was called for. He thought the Town was getting its money's worth.

Colteaux said the Council would be talking about raising Administrative Assistant Pollard's salary anyway, that she and Camuglia have been able to work together well, and that the title fits the structure that is actually in place.

Zaharoff said they were talking about making an investment in what they are buying, and she felt it was money well spent. In a small town, people should be recognized for work done, they Town is getting much more for its money, given the responsibility Pollard has in her work.

Walsh said it was no reflection on Pollard personally, but it was an issue of fiscal mismanagement. The problem with the arrangement is that it becomes permanent, and is another level of bureaucracy the Town cannot afford. Voters in San Anselmo have come out against high administrative salaries. She said no members of the

Finance Committee recommended increasing levels of administration. She said the Town should not increase management costs when they are going to the voters for money.

Chignell said he agreed basically with Walsh, that he could not support this resolution. Regarding the Assistant Administrator, he did not think they needed another level of bureaucracy, and not with a 15% salary increase. He objected to giving the Police Chief and Police Captain less of an increase than the rank and file police, and that both the Assistant Director of Planning and the Director of Planning and Public Works should receive an increase irrespective of the pending review of the department structure.

Dan Goltz, 107 Holstein Road, requested the Council not take action until the residents take a look at it.

Zaharoff said the Long Term Finance Committee made a series of recommendations, including that there are internal matters needing work. She said rather than neglecting these matters, it would be better to spend a little money now.

Kanis said it was not a matter of adding another layer of bureaucracy, that the Town Administrator does not have enough time to handle all the administrative functions needed in the Town.

Colteaux said the title change would eliminate a secretary's position, and that they were talking about only 7 or 8 percent above the 6 percent that the other employees had received.

Walsh said she did consider it another level of bureaucracy, that they were increasing the Town Administrator's salary, and that the Police Chief and Captain should be paid the same increase as the rank and file.

M/S, Colteaux/Kanis, to approve Resolution No. 3127 setting management salaries and benefits. Motion passed by the following vote:

AYES: Colteaux, Kanis, Zaharoff

NOES: Walsh, Chignell

5. APPEAL OF PLANNING COMMISSION'S APPROVAL OF VARIANCE V-2315 AND PRELIMINARY DEVELOPMENT PLAN PP-14, THE ALAMEDA RESIDENCES, FILED BY JAMES HELFRICH.

Assistant Planning Director Anderson and Planning Consultant Jayni Barker presented the staff report on the appeal.

Al Bianchi, attorney representing the applicant, said that if the Council takes no action, there are four existing legal sites on the property. The easement runs for the benefit of the adjacent property owner, it can be utilized by the adjacent property owner, and there is nothing that they can do about it, except to make the best of it. There have been ten public hearings, the Planning Commission acted unanimously on this, and the entire parcel has been extensively studied more than any other project that has been before the Council. The Council has written reports from geologists, civil engineers, and a botanist, and no study has been challenged as to its validity. The only issue is where the four lots should be located. The Planning Commission reached this consensus after considering information from all aspects.

Mary Lynn Kirk, 20 Varborg Terrace, said they were appalled that site E has been chosen as a site. She submitted a photograph with a ribbon showing where the house would be located, and commented that it was 8 feet, which is very close, to their house. It would be 1500 feet from Goltz' house at lower D. She said she understood that a massive understructure could be built, and other homes were built with three stories. Lower D should be reconsidered, and site E is so close, too close, that it should be reconsidered.

Laurel Ferrari, 10 Varborg Terrace, said they were new neighbors. She said her house was not as close, the steep hillside was right above them, and it blocked their sun. Mr. Helfrich assured them that he would not cut down trees, but they did not see how he could build without cutting trees.

Lloyd Crenna, attorney for Roberta Stoddard, said he did not think that site E is an approved lot, but rather, it is only a site. He said the San Anselmo Municipal Code prohibits four lots on this site. The code says no greater density than one unit per acre, and this development exceeds that density. He said he did not understand how this could have been grandfathered in. Site E will loom over other residences. He said the two key points were that there was no exemption available to make four houses, and the Council was obligated to allow development that conforms to the safety and health of citizens. He said they could not put up heavy construction equipment, given that there is many slides. He noted that site E was not selected by the applicant, that the applicant had said he did not like sites E and F because they would loom over The Alameda. It is only 100 feet back from the site to the property line. He said they could not trade off safety for somebody's view. He showed a five minute video tape which he said was to demonstrate the steepness of the site.

Dan Goltz, 107 Holstein, said neither he nor his wife have said they would prefer this site over E because it would affect their views. He said that in order to get a variance, the Council has to make findings. He noted that the easement benefits Mr. Cary, that it was created by deed two years before the State Subdivision Map Act precluded that from happening. He said he was appealing the findings that were made by the Planning Commission. As to whether it was impossible to get four houses on the site without a variance, it was not impossible. Another solution was to eliminate the easement. The easement was not a condition of the land, but rather, was a condition created by the previous owners. It was detrimental to the whole Town in that it goes counter to the General Plan policy to keep development off ridgelines and hillsides. This will create a new road. Goltz showed a plan with four lots in a different configuration. He said the proposal before the council sets a bad precedent, that there were inconsistencies with the General Plan. Specifically, the development was inconsistent with Land Use Policy 2.1, that "all land use decisions within the Town and the planning area will take into consideration the protection and preservation of the area's surrounding hillsides, ridges, water courses, and any unique natural habitats"; Land Use Policy 7.2 "to prohibit or severely limit development along the Town's major and minor ridges and hilltops"; Land Use Policy 11.1, that "new development, including rehabilitation and expansion projects, shall be of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood," and Open Space Goals 1 through 4. Goltz said you don't built above cuts, and if you don't have variances, then you don't have to mitigate.

Jan Back, 34 The Alameda, said there were problems with drainage and roads to be dealt with later. Regarding traffic impact, the development will add 40 more cars to the road every day. She said her position was that there should be fewer than four houses. She said she was aware that Goltz's presentation cleared the hillside so that he would have a beautiful view forever. What he has shown would create a real mess, without space between homes.

Alan Friedman, 500 The Alameda, said site C is near to his property, behind his house. He said he has spent \$10,000 to \$13,000 on drainage over the past four years. His concern was that any development not create drainage problems.

Robert Cary, owner of 20 acres behind the property, in the County, said his family was not a subdivider. He said a lot of protests in past meetings were concerned that there would be a highway in through there. He said he did not want it chopped up, that he intended to keep the property. He said he was against major subdivisions. He said Coach Wending owned that property and put in a road, and that this road was already built but not maintained. It was always a mess on The Alameda where houses went, and he thought the community as a whole would be glad to see the road properly ditched and maintained. How this stayed together all this time without maintenance was beyond him. The easement was a right of way for utilizes, ingress, and egress, and there was no maintenance responsibility. He thought that for fire, police and generally planning, there should be a way in and out. He did not want the road blocked and taken down, so that he was not able to have emergency access. If there was anything he could do to help this owner, he would be happy to help. He said there was an undercurrent of fear that Bob Cary is going to put in a major subdivision, but he has protected his property for 40 years as open space, and he thought the Helfrich plan was fine.

Mike Dowd, 443 The Alameda, expressed his agreement with Mr. Cary. He said he could not wait to see the road paved. They have exhausted all these sites. Sites F and G would generate 200 truckloads of dirt. Goltz's proposal would be raping the hillside. They picked site E trying to get rid of it, and suggested they look at site D again.

Charles Richardson, 429 The Alameda, expressed his agreement with Mr. Cary. The area above The Alameda is a fire hazard. Ten years ago there was a severe fire, and it was very important that the road be improved. It sounds like site D should be looked at again.

Assistant Planning Director Anderson said these are four legal lots: three in the Town and one in the County, that were legally subdivided.

Al Bianchi, attorney for the applicant, said that how one feels about the location of the houses depends on where one lives. Concerning the legality of the lots, they are recorded lots, they were legally created prior to enactment of current regulations. In response to comments about traffic, he commented that given that there are four lots, and these four lots are to replace those four lots. They could go back to the other four lots, but these lots are better. The most recent evaluation of site E was submitted to the Town with a letter dated October 5 of this year from van Honken and Associates, a culmination of all the most recent studies, saying that the development of site was geologically feasible. Bianchi said that the easement cannot be ignored; perhaps the development would be configured differently if there was no easement, but it

does exist, and it is not within the power of the applicant or the Town to control it, unless the Town wants to condemn it.

Jim Helfrich, applicant, said that since they approached the Town one and a half years ago, they have worked with staff, have conducted numerous studies by engineers, worked with a botanist, and met with the neighbors. With staff's help, the neighbors, and the Planning Commission, they thoroughly studied the four existing parcels to find the best locations for the houses. At one point in its public comment, it appeared that the Planning Commission felt that A, B, and C were acceptable. He noted that this was the preliminary plan, and they will still have to go through two more stages to design the placement, landscaping and design review of the houses. Every site on the map has been studied by very well known and competent people in the field. All of the issues including safety have been thoroughly studied. There was a difficult discussion and decision on which of these two sites are best suited. It turns out that this home here is very close to our property line. He said he made a commitment during the planning process that they would stay further away from this house and any other house in the neighborhood that is required. He said that he has said that lower site D is acceptable to him, but after the last four months, two unanimous votes by the Planning Commission suggest that they feel that site E is preferable to lower D. When he went before the Planning Commission, he felt that A, B, and C were approved, and then they studied the pros and cons of the other site. They have done that, site D is safe, site E is safe, and they will not impose on the privacy of any neighbor any more than any other neighbor in San Anselmo; they are willing to comply with all the setbacks. He has also committed to plant thick and thoroughly along the yard with the new neighbors. He said he felt that they complied with the General Plan items, as listed by Mr. Goltz.

Goltz said he did not propose that the easement be eliminated.

Mary Lynn said that planting trees and shrubs are not going to insure privacy, and the neighbors prefer site D over site E.

Colteaux questioned the basis for the variance granted by the Planning Commission.

Anderson said the variance was needed because the lot areas that would be created in consideration of the easement would not be of the size required by the code; the easement would in essence subdivide the properties. Anderson said the four lots are existing, and Appendix A to the General Plan recognizes it is zoned for the development of four lots.

Colteaux said they were told that there were four legal lots, but in order to get the fourth lot, a variance is required. He questioned whether a variance for lot size could be required. He could not state that there were four lots and therefore they have to pick one or the other. He wanted to see more work from the Town Attorney that requires there to be four lots.

Anderson said that the variance was not for lot size, but for access.

Walsh questioned the objections by the Commission to the site D. Anderson replied that the Commission felt that D would be more highly visible to a larger number of residents in the greater Ross Valley than site E, which is on the other side of the ridge.

Kanis noted that he was on the Commission for six of the nine meetings on this application. At the last meeting, he made a motion that the Commission approve A, B, C and F. He said he was not satisfied with the response on how much was involved in developing site F.

Anderson said that development on Site F, based on the geotechnical information submitted, would require the removal of some landscaping, depending on the ultimate designed proposed - whether uphill or downslope. There is some soil creep there, and depending on how close the house is built to the area of known landslide activity, it may require the removal of tens of thousands of yards of dirt.

Kanis asked if it was possible to build any house on site F without the removal of as much soil.

Kottage responded that if they stay out of the slide area, they could build with a drilled pier foundation without extensive excavation. It will, however, require a number of variances and removal of significant vegetation, including trees.

Zaharoff thanked Mr. Cary for his great work in open space in the County through his ownership of Deer Hollow Ranch and Sky Ranch. She commented that she enjoys the open vistas that those areas provide. While he owns those properties, she had no doubt that they will be kept open, but the point in the planning process in developing the General Plan is to insure policies that are not predicated on the personalities on the owners, but policies that transcend those personalities and the individual ownerships and preserve what the community as a whole sees as valuable land uses. For those reasons, they have to look beyond the individuals of surrounding neighbors, and really look at a parcel to be consistent with the policies that have been set out in the General Plan. For that reason, with the sites that are presented this evening, there are at least two that she can pass judgment on and say she could not support them as she sees them violative of the General Plan: Site C, because the roadway would extend over the ridge zone, and site E, because of its proximity to the neighbors and its close association with some geologic problems and in the terrain. She said she reserved judgment on sites A and B, primarily because she is interested in pursuing the question that Councilmember Colteaux proposed, that is the legality surrounding the variance either as to lot size or access, and/or both, before a judgment is rendered on the rest of the application.

Kottage said that prior to the current round of discussions, the Town Attorney did look into the legal requirement for the Town issuing a variance for that easement. Chignell said the Council would need that in writing, and have an opportunity to review it.

Chignell asked whether the Council was up against any time constraints. Anderson said that in the opinion of the Town Attorney, they are not.

Chignell asked the applicant if there was any impediment to him in continuing the matter to the first meeting in November. Bianchi said the applicant had no problem with the continuance.

M/S, Walsh/Colteaux, to continue the matter to the first meeting in November. Motion passed unanimously.

6. REQUESTS FOR COUNCIL ENDORSEMENTS:

- (a) Forest and Wildlife Protection and Bond Act of 1990.
- (b) California Alcohol Tax Act of 1990.
- (c) "San Anselmo Coming Out Day."

Sarah Nome, 77 Alder Avenue, said she was voting down every tax measure on the ballot.

Zaharoff spoke of a policy on not endorsing anything that does not affect the Town. She said she would need information from staff analyzing the impact of the ballot measures on San Anselmo in order to vote on them, and questioned whether they should spend the staff resources to do that analysis.

Kanis said that without an analysis, and the proper resources to do the analysis, it would be irresponsible for the Council to vote on endorsement of the measures.

Chignell commented that the tax measures were in the public domain.

Kanis said he also supported those people who do not want to "come out" and choose to make their sexual orientation private.

Leigh Brown, Ministry of Light, San Anselmo resident, encouraged coming out, and added that they did not support taking away an individual's right to keep their sexual orientation private. She said this measure was designed so that lesbian and gay people and youth know that their Town supports lesbian and gay people, and that it was a source of empowerment.

Colteaux suggested eliminating the middle three paragraphs of the proclamation that pertain to "coming out".

M/S, Colteaux/Walsh, to approve the first, fourth and fifth paragraphs of the proclamation recognizing San Anselmo Coming Out Day, and lesbian/gay and bisexual people, their families and friends. Motion passed unanimously.

7. DISCUSSION REGARDING FORMATION OF A BALD HILL STUDY ZONE WITH NEIGHBORING JURISDICTIONS.

Colteaux asked that Council refer to staff developing jointly with Ross and other neighboring jurisdictions a comprehensive special study on Bald Hill and its environs, with the County Planning staff participating in the study.

Nome suggested the Town consider proposing to annex Bald Hill to obtain its property tax revenues.

M/S, Walsh/Kanis, to direct staff to begin work on this project. Motion passed unanimously.

8. REQUEST FOR APPROPRIATION OF FUNDS TO MOUNT OUTSIDE LIGHTING FOR THE PEDESTRIAN BRIDGE AND WALKWAY ADJACENT THE KAUFMAN BUILDING, LOCATED BETWEEN SAN ANSELMO AVENUE AND SIR FRANCIS DRAKE BOULEVARD.

Kurt Rudy, Curtis Gallery, said he would like to see lights on as well as above the bridge. He said he would like to replace the lights if something goes wrong, felt the whole area could be better maintained, and lighting would improve safety and ambiance.

Colteaux wanted a light design that would have aesthetic appeal, and suggested the issue be referred to Mr. Rudy to look over what is available, and to look at it as a package with other lights.

Dan Goltz said he was responsible for the original lighting of the bridge, recommended it be lighted well, and offered to donate time to come up with proposal.

It was the consensus of the Council to defer a decision on the lighting, pending Mr. Rudy meeting with merchants, Goltz and Public Works Director Kottage.

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

Tree Advisory Committee - Colteaux asked why the Committee was reviewing ongoing applications. Kottage responded that in order to apprise the Committee of the situations that exist, staff is forwarding a copies of the tree removal applications to the Committee.

Smoking - Kanis asked for an update on the smoking in public buildings issue.

Chevron - Colteaux asked when something was going to happen on this property on Redhill Avenue.

10. ADJOURNMENT.

The meeting was adjourned at 10:47 p.m.

Beth Pollard