

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of February 26, 1991

6:45 p.m.

Closed session regarding pending litigation pursuant to Government Code Section 54956.9(a), Helfrich vs. Town of San Anselmo, and regarding personnel matters.

7:45 p.m.

Interviews with applicants to the Tax Equity Board.

8:00 p.m.

1. CALL TO ORDER.

Mayor Chignell convened the regular meeting with Councilmembers Colteaux, Kanis and Zaharoff present, and Walsh not present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Dan Thomas, architect, asked that the agenda be amended to include consideration of a permit for 273 Butterfield Road.

3. CONSENT AGENDA.

- (a) Acknowledge and file warrants: Nos. 5212-5418, in the amount of \$943,863.90.
- (b) Authorize agreement with Bank of America for payroll services.
- (c) Recognize the Marin Humane Society Auxiliary on the occasion of its thirtieth anniversary of operating the Marin Humane Society Thrift Shop.
- (d) Approve Resolution approving V-2308, Living Foods, 218 and 222 Greenfield Avenue, a parking variance to expand the existing store, which currently operates at 222 Greenfield Avenue, into the adjacent building at 218 Greenfield Avenue, with conditions.
- (e) Authorize closure of San Anselmo Avenue from Pine Street to Tamalpais Avenue and use of Creek Park on May 19, 1991, for the Antique Dealers' Fair.
- (f) Proclaim March as "Women's History Month."

Item (d) was removed from the consent agenda.

M/S, Zaharoff/Kanis, to approve the consent agenda, except for item (d). Motion passed unanimously.

- (d) Approve Resolution approving V-2308, Living Foods, 218 and 222 Greenfield Avenue, a parking variance to expand the existing store, which currently operates at 222 Greenfield Avenue, into the adjacent building at 218 Greenfield Avenue, with conditions.

M/S, Zaharoff/Kanis, to approve the resolution. Motion passed by the following vote:

AYES: Colteaux, Kanis, Zaharoff

NOES: Chignell

ABSENT: Walsh

4. APPOINTMENT TO THE TAX EQUITY BOARD. (1 seat)

It was the consensus of the Council that the quality of the two applicants compelled them to want to expand the size of the board to accommodate appointment of both applicants.

Staff was directed to bring back a resolution expanding the size of the Board to four members.

5. REQUEST TO INCREASE GARBAGE COLLECTION AND RECYCLING SERVICE RATES BY SIX PERCENT (6%) EFFECTIVE JANUARY 1, 1991, REPRESENTATION PASS-THROUGH COSTS AS MANDATED BY THE FEDERAL, STATE AND COUNTY GOVERNMENTS, AND DISCUSSION REGARDING A RECOMMENDATION FROM THE SOLID WASTE AND RECYCLING ADVISORY COMMITTEE REGARDING GARBAGE CONTAINERS.

Town Administrator Camuglia presented the staff report that addressed the issues Council raised at the February 12 meeting. The "lifeline" calculation was corrected to be \$7.65 per month, the Town Attorney submitted a written opinion on Council authority and prerogatives in requests for rate increases due to pass-through costs, calculation were submitted on conversion of a per ton landfill tipping fee to a per can schedule, a draft letter was prepared to the County of Marin and Redwood Landfill requesting separate tracking of pass-through costs, and staff recommendation that the Solid Waste and Recycling Committee's recommendation for smaller cans be deferred for discussion until January 1, 1992. Staff noted that many other Marin communities have adopted rate 13 to 15 percent rate increases. Camuglia said she would raise the issue of periodic reports on whether \$.65 is the appropriate charge for covering the added landfill costs.

Zaharoff asked if pass-through costs could be anticipated annually; Camuglia said that this year's costs associated with AB 939 were for performing studies; there will be costs in subsequent years for implementation.

Chignell expressed concern about passing on a 6 percent increase to ratepayers with no benefit to consumers who recycle.

Camuglia reported that review of tonage figures over the past four quarters revealed a variation of only 2.5% to 3.5% since 1990; there has not been a drastic change in the amount of waste. Furthermore, the drought has reduced the weight of garbage because yard clippings are dry. It has not been determined that fixed costs are lower due to recycling; there is still the same amount of pickup, and markets need to be found for recyclables. She said the Recycling Committee indicated they were interested in looking at another rate structure, and staff would like this review, too.

Chignell said giving consumers the right to have lower volume containers gives people the incentive to recycle.

Ray Forrest, San Anselmo Garbage, said they are trying countywide to come up with a uniform size smaller can to give incentive to do more recycling.

Stan Hayes, Co-Chair of the Marin County Hazardous Waste Committee, said that AB939 was of great concern to the County, and the associated fees will likely be in place for awhile.

Zaharoff supported a reduced can rate, wanting to give incentive to people to recycle, and wanted to see this resolved by January 1, 1992.

Kanis asked if the increase retroactive to January 1 could be prorated over two bills. Forrest responded affirmatively.

M/S, Kanis/Colteaux, to approve the 6 percent increase effective January 1, 1992, with the retroactive increase to

be spread over two billing periods, with a report by November 1 of every year on costs, and have proposal by the end of the year for reduced can size program. Motion passed by the following vote:

AYES: Colteaux, Kanis, Zaharoff

NOES: Chignell

ABSENT: Walsh

Zoning consideration regarding 273 Butterfield Road.

M/S, Kanis/Zaharoff, to add consideration of this item to the agenda, on the grounds that the need to take action arose following posting of the agenda. Motion passed unanimously.

The issue concerned whether a building permit could be issued because the project conflicted with new provisions of the zoning ordinance regarding lot coverage.

Mr. Riedy, 273 Butterfield Road, felt that since their plans were approved before adoption of the new zoning ordinance, they should be allowed to pick up a permit and proceed. Mrs. Riedy said they had been reassured that they were alright since they were not a hillside property, and lot coverage was not mentioned in the legal notice regarding changes to the zoning ordinance.

Dan Thomas, project architect, explained that it was a one story house with parking underneath, that the structures in the front yard setback will be demolished, that Mill Valley had exempted rental units from lot coverage, that they were proceeding with good faith in regards to the review process, and the building permit was approved two weeks ago.

Interim Planning Director Wight said the options were that the applicant could apply for a variance, and there could be an exception granted by the Council. She agreed that the applicant and architect had been working with the Town in the project design.

M/S, Colteaux/Kanis, that this applicant be governed by existing law since the applicant has been working with the Town during the process, it was only recently that the 35% lot coverage restriction was considered, and the project represented only a minor variation from the lot coverage rule. Motion passed unanimously.

6. ADOPT AS AN URGENCY MEASURE ORDINANCE NO. 917, REVISIONS TO THE ZONING ORDINANCE AND GENERAL PLAN, AND ENVIRONMENTAL REVIEW.

Wight said the issues of discussion at the last Council meeting on the zoning ordinance included:

- o Hillside residential design review: The threshold for addition size that would require design review.
- o Minor intrusions into development standards: Which items could be excepted, which should initially undergo an administrative variance process subject to review by Planning Commission, and which should initially be subject to the Planning Commission variance process.
- o Maximum house size.

Public Works Director Kottage distributed a list of projects that could not be reviewed if there were no

changes in the review process for minor intrusions into the development standards. He said San Anselmo's standards were among the highest in the County, and still will be if changes are made in the review process. Most of the intrusions are related to sideyard setbacks; San Anselmo has the largest sideyard setback in the County by 2 to 3 feet, second only to Ross. He urged the Council to try the changes; if they do not work, they can be revised.

Planning Commissioner Spencer Sias, expressed concern about intrusions into the sideyard setback, and asked this portion of the zoning ordinance be set aside and reviewed for 90 days to see what other communities are doing. Regarding setbacks, he said to the contrary, that San Anselmo appears to be in the middle of the road compared with other communities with respect to setbacks, and cited figures from other towns. He expressed concern that parts of houses could be within 6 feet of each other, which sets the stage for gradual but inevitable change in the community. The houses will crowd one another, and leave less room for landscaping. When lots are redeveloped, bigger houses are built on small lots. Before allowing homes to get close to one another, there should be a processing for noticing and conducting a public hearing. Streamlining the process takes away the right of neighbors to talk about their neighbor's project and how it will impact them. It further runs counter to the goal of achieving affordable housing. He said the public was not screaming for lax standards. He said the Town should take a more creative approach, establish another board or task force to address these items, shift some items to a design review board, but that the answer was not in relaxing standards.

Ted Posthuma, 379 Oak Avenue, said his application was 2.5 years old. He submitted drawings in November 1990, and the Planning Commission decided that they were not sufficient. He met with the Commission again in February, and had to redesign it again, at the expense of a lot of time in order to help the plans. It was a .71 acre site; according to the 40% lot coverage limitation under the existing zoning ordinance, he would be allowed at 12,000 square foot structure. Now he is being told to reduce it to the 4,000 to 5,000 square foot range because of the new zoning ordinance; he is in the 4,500 to 4,750 range. Now before the Council is a limitation at 4,500 square feet regardless of lot size. He asked the Council to consider giving him an exception. By setting a precedence at 4,500 for future development, they have to look at what the properties will be worth; if the Town controls house size, it also controls resale prices and taxes will decrease. He said 4,500 square feet was too limited, although 7,000 was exorbitant. He questioned how many lots were still developable to warrant this restriction.

Wight said Posthuma had been advised all along that an FAR was being considered. The Commission felt that Posthuma's proposal was not in keeping with the neighborhood.

Rich Shorthall, owner of property on Oak Avenue, said he just found out about the square limit restriction, and felt that since there were few owners of undeveloped property, that they should be noticed on an issue such as this. Furthermore, the Commission should review house size on a case by case basis; there were so few undeveloped properties, it would not be an extraordinary workload for staff since developers pay to hire outside consultants to review their projects. He went to the first workshop where the Commission seemed to be taking a positive trend, that there was a lot of opportunity to deal with the review process.

Pat Johnstone, Center Market, Center Avenue, spoke in favor of the C-1 zoning to be changed to allow a youth cafe. She said it would be a community service, questioned what was more neighborly than a youth center, and that it could be a conditional use that would still have to go through the Planning Commission.

Jonathan Braun, 479 Scenic, said he attended the Planning Commission workshops and had concerns for what could happen from liberalizations in review processes. He specifically objected to intrusions into the setbacks such as retaining walls and parking areas and decks, and felt those should go to the Planning Commission rather than being handled through an administrative variance. He expressed concern about traffic circulation on narrow streets, and the aesthetic impacts on neighborhoods from large homes and additions.

Planning Commissioner Stan Hayes endorsed the 4,500 square foot limit, and said he shared Commissioner Sias' concerns about the exceptions and items undergoing administrative rather than Commission review. There could be structures 6 feet apart without a review process, was reluctant to relegate certain intrusions to the exception process, and said a number of the additions should be looked at through design review. Findings were still required for an administrative variance. If an intrusion is not a detriment to the neighborhood, they should not be saddled with a special circumstance finding. He said he did not think that anyone on the Commission objected to drawing a line that some things are too trivial. He suggested the Council set this area aside for resolution in three months on the exception/administrative variance/Planning Commission variance process. He noted that there was a requirement in the General Plan to provide affordable housing and said the Town either needed to change its policy or do something soon. With regards to when design review should require a public hearing, he thought it was when there was a potential for controversy and/or the project would be seen by many alot in the community. In conclusion, what the Council had was a very good document with some shortcomings.

Gay Kagy, Redwood Road, said she walked the whole length of the creek this weekend, noted there were some large retaining walls, and spoke in favor of height limits on creek retaining walls.

Kathy Sanders, 310 Redwood Road, said that "character of neighborhood" lacks definition. She supported goal 4-E as a step in the right direction, and supported size limitations on houses.

Public Works Director Kottage said a General Plan amendment would be required to allow entertainment in a C-1 zone for a youth cafe.

Wight explained that C-1 uses were supposed to be neighborhood compatible, and staff felt that a youth cafe would be too intense a use for neighborhood compatibility.

Shortall said there already are height limits and so much unused area that has incorporated into the lot sizes, that the square footage limit was not needed.

Kanis expressed concern about the impact on hillside properties of architectural features such as high ceilings and areas under the main floor. Kottage said that any area eight feet tall or 10 feet wide was included in the calculation since they were potentially developable.

Design review of hillside additions: It was the general feeling of the majority of the Councilmembers to require design review of any hillside addition exceeding 500 square feet.

Exceptions: It was the general feeling of the majority of the Councilmembers to approve the changes in what intrusions into the setbacks are excepted from the zoning standards, what will be initially subject to an administrative review process only, and what will automatically be reviewed by the Planning Commission, as proposed by the Commission, subject to a committee of Councilmembers and Planning Commissioners monitoring and reviewing the process for a recommendation back in 90 days on their findings.

House size: It was the general feeling of the majority of the Councilmembers to limit house size to 4,500 square feet with 500 square feet for a garage.

Limited commercial district restaurants: It was the consensus of the Council to allow sit-down restaurants in the Limited Commercial district with a conditional use permit.

M/S, Colteaux/Kanis, to adopt an urgency ordinance adopting a negative declaration of environmental impact for amending Chapter 3 of Title 10, Articles 1 through 26, of the zoning ordinance, and said amendments to the zoning ordinance, adopted by the Town Council of the Town of San Anselmo, on February 26, 1991, consistent with the General Plan of the Town of San Anselmo. Motion passed unanimously.

M/S, Colteaux/Kanis, to approve the resolution adopting a negative declaration of environmental impact for amendments to the land use and open space elements of the General Plan, and the adoption of said General Plan amendments. Motion passed unanimously.

M/S, Kanis/Colteaux, to appointment a subcommittee of the Council and Planning Commission to report back on the status of changes and recommendation for any changes, to consist of three members of the Planning Commission, two members of the Town Council and staff. Motion passed unanimously.

7. RECOMMENDATION FROM PARKS AND RECREATION COMMISSION TO ESTABLISH A BASEBALL BOARD.

The San Anselmo Baseball Association requested that their program be covered under the Town's liability insurance because they have been unable to acquire their own affordable liability insurance. The proposal was to agree to this coverage, subject to establishment of a Council-appointed baseball board to oversee the operations of the Baseball Association to insure that it operates in a safe and responsible manner.

The Councilmembers raised some concerns about establishing a baseball board and assuming the liability of the Baseball Association. Kanis offered information on a trust organization that provides inexpensive liability insurance for team sports.

It was the consensus of the Council to continue the matter to the next meeting for further discussion with the Town's liability insurance administrator and pursuit of alternative inexpensive liability coverage for the association.

8. INTRODUCTION OF ORDINANCE PROHIBITING SMOKING IN BUILDINGS OWNED OR LEASED BY THE TOWN THAT ARE OPEN TO THE PUBLIC.

M/S, Zaharoff/Kanis, to introduce the ordinance prohibiting smoking in buildings owned or leased by the Town that are open to the public, with the following amendment: add "private use: at the end of the sentence "...open to the public, except rooms leased by the Town to individuals or organizations for private use.". Motion passed unanimously.

9. DISCUSSION REGARDING ACQUISITION OF A TANKER TRUCK TO TRANSPORT WELL WATER TO MEMORIAL PARK.

Parks Superintendent Nyberg said he has explored alternatives to renting a water tanker truck, such as sharing a truck with other agencies in the County, and no other agency is interested in a cooperative venture.

Town Administrator Camuglia noted that if Memorial Park is not watered, the grass will die, the soil will become hard-packed, and the Town will face closing the park from use for liability reasons.

The Councilmembers asked staff to look into other alternatives such as building a pipeline and pump from Creek Park to Memorial Park, or purchasing a truck.

10. DISCUSSION ON WHETHER TO SUPPORT STATE LEGISLATION TO ENACT A STATEWIDE 1% SALES TAX ON DOG AND CAT PRODUCTS.

It was the consensus of the Council not to support the proposed tax.

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

There were no comments.

12. ADJOURNMENT.

The meeting was adjourned at 11:45 p.m.

Beth Pollard