

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of March 26, 1991

7:00 p.m.

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

8:00 p.m.

1. CALL TO ORDER.

Mayor Chignell convened the regular meeting at 8:05 p.m., with Councilmembers Colteaux, Kanis, Walsh and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Therese Allen, 14 San Francisco Boulevard, inquired about the status of the update of the Housing Element, noting that April was "Fair Housing Month." Town Administrator Camuglia responded that it was a budgeted item for this fiscal year, but that staff departures and limitations have prevented the Town from proceeding with the work.

Robert Anderson, Mill Valley, raised the issue of the use of wells for drinking water. Town Attorney Roth responded that he has been researching the issue, and could address it at the next regular meeting.

3. CONSENT AGENDA.

- (a) Approve minutes: March 12, 1991.
- (b) Acknowledge and file warrants: Nos. 5469-5618, in the amount of \$275,609.61.
- (c) Award contract for Sir Francis Drake Boulevard Improvement Project, and authorize project contingency fund, for a total cost of \$228,303.82.
- (d) Approve appropriation of \$15,000 from the Isabel Cook Renovation Fund for emergency replacement of the canopy at the Recreation Center.
- (e) Announce vacancies on the Parks and Recreation Commission, Historical Commission, and the Mosquito Abatement District Board of Trustees.
- (f) Proclaim April as "Fair Housing Month."
- (g) Proclaim April 7 through 13, 1991, as "Mediation Week."
- (h) Proclaim April 21, 1991, as "Earth Day."

M/S, Walsh/Colteaux, to approve the consent agenda. Motion passed unanimously.

4. PRESENT CERTIFICATES OF APPRECIATION TO OUTGOING COMMISSION, COMMITTEE AND BOARD MEMBERS, AND OTHER HONOREES.

Bruce Baum and Jerome Draper were recognized with Certificates of Merit in appreciation for the computer expertise and time they donated to the Town. Susan Carlson, former Historical Commissioners, and Robert Corlett, former member of the Tax Equity Board, were presented with Public Service Awards for their years of service to the Town.

5. PRESENT PROCLAMATION OF APPRECIATION TO PUBLIC WORKS DIRECTOR JOHN KOTTAGE.

Public Works Director Kottage is leaving the Town of San Anselmo to become Director of the Engineering Division for

Sonoma County. He was presented with a proclamation of appreciation recognizing his abilities and his accomplishments during his five year tenure with San Anselmo. The Town Administrator, Mayor and Councilmembers thanked John for his hard work and wished him luck in his future endeavors.

6. REQUEST FOR DONATION TO SAFE AND SOBER GRADUATION NIGHT, SIR FRANCIS DRAKE HIGH SCHOOL

Laurie Lewis, a high school parent, George Lewis, a parent and teacher, and Kristin Snyder, Vice President of the Senior Class, asked the Town to make a donation to this year's event. Snyder described the arrangements and the fund raising being done by students.

M/S, Zaharoff/Colteaux, to contribute \$500 to Safe and Sober Graduation Night. Motion passed unanimously.

7. DISCUSSION REGARDING LIBRARY SERVICE OPTIONS.

Town Administrator Camuglia presented a comprehensive staff report on options for the Town given the unsafe condition of the library building in not meeting seismic standards. The range of options included discontinuing library services and closing or demolishing the library building, contracting or arranging for library services with the County of Marin, and continuing to provide local library services in San Anselmo. Options for continuing Town library services included establishing a permanent location for library services other than the building at 110 Tunstead, demolishing the existing building and building a new one on the same site, sell/trade/buy a new site for the Library, establish a temporary location for library services while the building at 110 Tunstead is repaired and/or renovated. Financing options were a pay-as-you go approach from the Town's General Fund, asking the Town of Ross to join with San Anselmo to share the cost of library services by withdrawing from the County Library system and utilizing their cash contribution to pay for repairs to the building, allocating a portion of the proposed Utility Users Tax to pay for the repairs, and ask the Friends of the Library to coordinate a major fundraising drive to make the repairs/renovations.

Camuglia reported that she had worked with the Library staff, Advisory Board, Friends and Historical Commission in preparation of this report. She expressed concern about the safety risks of the building and recommended that it was an appropriate time to remove the building from the Town's lists of risks and development a plan of action to correct the safety problem. The recommendations presented were predicated on the premise that past Council have affirmed they wish to continue to provide library services at 110 Tunstead. She explained that there was a variety of renovation projects possible, ranging from the minimum work necessary to reinforce the building that would not generate more work space nor be aesthetically pleasing to a project with a ballpark estimate of \$1.2 millions to raise the basement floor to create additional useable space while reinforcing the building.

It was the consensus of the Councilmembers that they had no intention of discontinuing library services in San Anselmo or at its current location.

Barbara Jacobs, Town Librarian, noted that the library had 22,000 users. She and Heather Lamb, Town Librarian, offered to respond to any questions Council may have.

Edith Stump, Chairperson of the Library Advisory Board, said the Board did not have anything further to add, that

the members were in accord with the Administrator's memorandum.

Joanna Sheridan Mooney, 79 Lincoln Avenue, asked if the size of the library was adequate, or if it was to be expanded, and whether financing required a vote of the people. Camuglia responded that it was not adequate by the State Librarian's standards, but due to limited resources, the largest project under consideration by the Town at this time was to raise the basement floor, currently used for staff workspace, for better use. Whether a vote was required for financing depended on the mechanism used.

Carmen Mitchell, President of the Friends of the Library, said the friends supported the idea of maintaining library services with as little disruption as possible.

Kanis asked whether there were other options to expand usable space, such as providing meeting room locations, and the community's feeling about an expanded library.

Zaharoff inquired about other funding sources for renovation. Camuglia responded that she did not believe any grants would be forthcoming in the near future, that funds are going into libraries in areas that do not currently have libraries.

Cynthia Barrows, Friends of the Library, said they were willing to do the best they could on fundraising, but was concerned as to how realistic it was to have a small volunteer group raise a large sum of money.

Walsh recommended the Friends speak with the Friends of the Larkspur Library.

Jim Stinchcomb, expressed his and his wife's appreciation to the library staff for their professional assistance and willingness to help.

Colteaux stated his support for a project that would raise the floors and allow for future expansion, approaching the Town of Ross, and closing the library during the period of repairs. He said he was willing to take the chance to continue to operate in the building now.

Walsh expressed concern about the cost of the project being too unrealistically high to accomplish successful fundraising.

Zaharoff expressed concern about the library being closed during repairs, and wanted to see cost figures on a temporary location.

Kanis wanted to see an all-inclusive plan designed based on phased-in improvements, ranging from function, to enhancement to wish-list projects. He did not think it would be workable to close three to six months during the repairs, and wanted the plan to include consideration of temporary facilities for some library services.

Chginell stated his support for a temporary location during library repairs.

It was the consensus of the Council to approve the following staff recommendations:

1. Affirm Council's prior determination to continue to provide local library services in the library building at 110 Tunstead if monetary resources can be found to repair and/or renovate the building for earthquake safety.

2. Direct staff to:

- a. Formally approach the Town of Ross to negotiate for shared library services with the Town of San Anselmo.
- b. Identify and negotiate for a temporary location for library services as soon as possible to mitigate the risk of using an unsafe building for public services.
- c. Request quotations for engineering and design of minimum strengthening the building would need to be considered earthquake safe and interior renovation to raise the floors and bring the building up to code.
- d. Request the Friends of the Library to consider a major fundraising campaign to help pay for the repairs, renovations and/or furnishings at the Library.

8. APPEAL OF PLANNING COMMISSION APPROVAL OF AR-9006/V-9039, ARCHITECTURAL REVIEW AND VARIANCES FOR A NEW SINGLE FAMILY DWELLING WITHIN THE FRONT, SIDE AND REAR YARD SETBACKS, AND WITH A THIRD STORY, AND WITH RETAINING WALLS AND OPEN STAIRS WITHIN THE FRONT SETBACK, IN AN R-1 ZONING DISTRICT, 16 IVY LANE, BY JEF PEDERSON.

Lisa Newman, Town Planning Consultant, presented the staff report on the application.

Following questions of the planning consultant by Council, the public hearing was opened.

Sandy Magid, 49 Canyon Road, appellant, said the greatest concerns of the neighbors were land stabilization, the easement, the changing character of the neighborhood, and traffic/circulation, not visual impact. The homes on that street were built after the turn of the century as small, summer homes, in contrast to the proposed building. He said the variance cannot be granted because parcel does not differ substantially enough from the neighbors to make the finding of special circumstance. An environmental impact report has not been done but should be required because of the unstable land, steep slopes, drainage problems, and animals. The soils engineer hired by the develop did the soils study in the fourth year of the drought, and conducted it in terms of building two-story, not the proposed three-story, house. In the early 1980's, 8 Ivy Lane slid, and current rain conditions caused additional landslides.

Magid said that the proposed house will appear as a four-story structure from the property downslope. The landscaping will take time to grow to provide any screening since the trees will be only 15 gallons in size.

Magid made the following additional points on the application:

The character of the neighborhood would be changed if street paving and other off-site improvements are required. It should not make a difference to the Fire Department whether the street is widened and paved.

There is a proposal to take over public land for parking and remove three healthy bay trees. If the Town had performed road studies, that might have been addressed.

The consultant report says there would be six new parking spaces, but he counts no new net parking spaces, but instead, current owners will have two parking spaces taken away.

The reason people are not in favor of paving Ivy Lane is because people would then park there because it is paved.

In 1985, when there was a proposal to widen Ivy Lane and remove three bays and acacia, and there was a variance application and appeal, he was promised that the trees would not be removed.

His property is downslope from the site. The development would concentrate water flow and direct water onto his property, requiring an easement. He felt he was being asked to sign away some of his property rights.

Most of the neighbors feel if the house were built higher on the hill, the impact would be reduced.

Michael Wood, 21 Canyon, said the area was on unstable ground.

Guy Meyer, 550 Scenic Avenue, former resident of 582 Scenic, said the old foundation on the property could be seen, and felt that the best part about San Anselmo is that everybody's house has it's own space, but this development would impact 582 Scenic.

Ed Shaner, 555 Scenic, top of the canyon, said he has water coming through his property, and noted that the redwoods at the front was a sign of how much water there is on that hillside.

Nelly Dolinsek, owner of two lots, 37 Canyon Road, said she was disappointed that these variances were granted. She felt that the degree of grade on the site was not well represented. There is even a car buried in her backyard from a previous landslide. An environmental impact report is essential. She questioned how reasonable it was to ask the applicant to bear the burden of future problems by setting aside funds in escrow to pay for future damages caused by landslide, allowing for a direct way to settle damage costs. She said the objection to the project was more than visual impact. She is currently not living in the house because of earthquake damage, and her new home is being designed in such a way that it will face the proposed concrete wall.

Clay Freeberg, 10 Ivy Lane, said the proposed house is 80% larger than his, urged the Council to reject the variance for a third story, noted that his main view is in an area that is a straight shot to the third story, and said that the police department cannot cite for parking on a non-city maintained road.

Mrs. Freeberg said the house would have less visual impact if it was moved back and the third story was eliminated. She said the area was a former dump site.

Jim Cressa, 566 Scenic Avenue, a builder, said he has seen what damage water can do, and that Ivy Lane is some of the steepest terrain in Town. There is limited sunlight and quite a bit of erosion on that site. He said the proposed house seems large for the area, and he would not like to live below it.

Jef Pederson, applicant and architect, said they have created a most sensitive design they could based on a difficult site. He has increased the parking for the

neighborhood; when they move the wall over, they will create two legal sized spaces, for a total of six spaces.

Walsh said the soils report was prepared for only a two-story house, whereas this proposal was three stories, and asked if another soils report should be required.

Newman responded that there probably would not be a significant difference in the reports, but that the soils report would have to satisfy the Public Works Department in order for a building permit to be issued.

Town Attorney Roth advised that the general legal principle was the properties downslope have to accept water from properties above, unless it is unreasonable.

Public Works Director Kottage said that the drainage pipes would be perforated, with slots in the road, so that water is dispersed in a relatively natural way over the slope and should not change the drainage pattern.

Kanis questioned the effect of the drought on the findings of the soils report, and whether any information presented this evening would warrant requiring an environmental impact report (EIR). Kottage responded that the engineering firm that performed the work was highly respected, that the drought should not have a significant effect, and the watershed that is impacted by the house is less than an acre in size. Newman stated that there was no information presented here that would warrant requiring an EIR, based on the finding that there is not a potential for an adverse significant impact.

Colteaux said that given the paving of a porous road in a steep canyon with streams and a sloughing hillside, it seems it would not be unreasonable to come to the conclusion that there could be a significant impact.

Kottage said that after development, the site will be more stable than an undeveloped site because it will be looked at and reinforced.

Colteaux asked what question they should ask to determine whether further environmental study was required. Roth responded that the question was "Can it be fairly argued, based on substantial evidence, that there could be a significant negative impact?"

In response to a question from Kanis, Pederson said there would be drilled piers on the downhill site, but they hope to get to bedrock in 12 feet; the lower floors will be bunkered. He said they had experience doing work on hillsides in Tiburon.

Kanis inquired about insuring against liability; Roth said there could be conditions that the applicant be required to carry a certain amount of insurance in case a second party suffered damage, and to hold the Town harmless.

Chignell inquired as to whether a road study had been performed. Kottage responded that with the work required by the Fire Department with additional drainage work, and the fact that they are dealing with a single family residence, it is essentially a de facto road study and an actual road study would not reveal any additional information. Regarding enforcement of conditions, Kottage said there could be an agreement with the developer on the conditions. Kottage said the Town could require the developer to finance a second opinion by a soils engineer hired by the Town to review the work of the developer's engineer.

Colteaux inquired as to whether the Fire Department had the legal authority to require paving. Town Administrator Camuglia responded that the fire code allows for improvements for the ease of access of fire vehicles, such as elimination of hairpin turns that create access problems. However, the Public Works Director has final say on the road improvements. Roth advised that it would be imprudent, however, not to follow the recommendations of the Fire Department.

Zaharoff said she did not have a problem with the square footage, but had a problem with the bulk and layout of the house. She could not make the finding for the third story variance, and did not have enough information on whether she could make the findings on the sideyard variance until she took a look at the upper area. Regarding the roadway and the removal of three bay trees that screen the development up hill: regardless of whether there was approval of the previous project, it would be detrimental. she would be interested in the outcome of the paving issue, and whether it was required.

Walsh said a number of questions have been raised, she supported having an independent soils report done, and felt that locating the house uphill would have a greater impact. she wanted it continued for more information.

Kanis said he was satisfied that the screening was as much as they could expect in any development, and they could not expect that the trees being planted would be fully grown. He thought it made sense to put the house where it was, and that enough questions have been raised to ask for an independent soils study. He confirmed with staff that the Planning Commission required that the trees being removed are to be replaced. Regarding paving and widening, the Town would be irresponsible not to take advantage of every opportunity to upgrade a road to town standards. Tasteful planting would mitigate many of the concerns about size. He wanted to see an independent soils study, and investigation of the possibility of eliminating the third story, adding that the size itself was not a problem.

Colteaux stated his concern about the size of the house, wanted to see the bulk reduced, and felt the design was such that it was not build in a location to minimize the impact on the neighborhood. This was a special neighborhood, not San Anselmo in general, and felt that an EIR that focused on soils should be required. He questioned what standard was used for environmental review. He asked why road paving was required for fire since to get to a fire does not require paving, curb and gutter; with a gravel road, the water can percolate.

Chignell said he shared the other Councilmembers concerns, and wanted to see the development more in character with the neighborhood.

M/S, Zaharoff/Walsh, to continue the appeal pending submission of further information needed as described tonight, to April 23 or May 14. Motion passed unanimously.

Mr. Pederson stated he understood the consensus of the Council regarding the project and information needed.

10. UPDATE ON PRIORITY LIST OF PLANNING PROJECTS.

It was the consensus of the Council that due to the lateness of the hour, that this be continued to a future meeting.

San Anselmo Town Council, March 26, 1991

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

There were no items.

12. ADJOURNMENT.

The meeting was adjourned at 11:15 p.m.

Beth Pollard