

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of May 28, 1991

7:00 p.m.

Interviews with applicants to the Parks and Recreation Commission and Historical Commission.

8:00 p.m.

1. CALL TO ORDER.

Mayor Zaharoff convened the regular meeting at 8:00 p.m., with Councilmembers Chignell, Colteaux, Kanis, and Walsh present.

Agenda item 12 was placed after item 6, and item 10 was placed after item 11.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Marilyn Tetarchik, Florence Avenue, said that the opening of the alley between Oak Knoll and Florence due to the Sanitary District construction was hazardous due to speeding cars not being driven cautiously, and requested two stop signs or slow signs with blinking lights on either side of the gate of her neighbor.

William DeBisschop, 91 Elm Avenue, said he was getting alarmed about the number of variances being requested for construction close to property lines.

Diane King, 1055 San Anselmo Avenue, suggested young people be hired to sweep sidewalks and gutters.

Richard Gould, Skyline Road, asked that income schedules for second units be placed on an agenda in June, and that it be calendared during the first quarter of every year.

3. CONSENT AGENDA.

- (a) Approve minutes: May 14, 1991.
- (b) Approve closure of San Anselmo Avenue from Tunstead to Tamalpais Avenue for Country Fair Day, September 22, 1991.
- (c) Announce expiration of term, Parks and Recreation Commission.
- (d) 80 Melville Avenue: Public hearing on appeal of the Planning Commission's condition of approval of a variance (V-9107), specifying that the parking deck may be extended by no more than 6 feet from the rear of the present deck; Greg and Megan Phillips: CONTINUE TO JUNE 11, 1991.

M/S, Wals/Chignell, to approve the consent agenda. Motion passed unanimously.

4. APPOINTMENTS.

- (a) Parks and Recreation Commission. (1 seat)

M/S, Colteaux/Walsh, to appoint Barry Spitz to the unexpired term of Kay Coleman, to expire in July, 1994. Motion passed unanimously.

M/S, Colteaux/Walsh, to appoint Philip Kazan and Jack Spears, to unexpired terms, to expire in September, 1994. Motion passed unanimously.

5. RECOGNIZE KAY COLEMAN FOR SERVICE ON THE PARKS AND RECREATION COMMISSION.

Kay Coleman was presented with a Certificate of Service for her service on the Parks and Recreation Commission. Ms. Coleman thanked the Council for the support it gave to programs that benefit youths.

6. INTRODUCE NEW CHIEF OF THE ROSS VALLEY FIRE SERVICE, RON ZEISE.

Walsh, President of the Ross Valley Fire Board, introduce Chief Zeise, adding that he comes to San Anselmo highly recommended. Chignell added that the Chief is articulate, community oriented, and highly qualified for the position

Chief Zeise commented that in his few weeks of tenure, he was struck by the friendliness in the Ross Valley, and looked forward to working with the department and meeting members of the community.

7. REQUEST FOR COUNCIL OPPOSITION TO GOLDEN GATE BRIDGE TOLL AND FERRY INCREASES.

Chignell asked that the Council send a letter opposing the toll and ferry increases under consideration by the Golden Gate Bridge District.

Gene Prat, San Anselmo resident and spokesperson for the opposition to the increases, said the voters had established through Measure A that there should be no toll increases until there is an elected Bridge Board, that there has been substantial increases in administrative overhead and other costs that could be reduced, and noted that Assemblyman Filante had introduced state legislation allowing for the seismic safety capital improvements to the bridge to be paid for out of a bond measure, thereby eliminating the need for a bridge toll increases.

Chignell said that this issue directly affects San Anselmo residents, and it was important the Council make its views known. He was more concerned about transit fare increases, felt it was inappropriate for Marin residents to bear the burden of the seismic safety improvements over only a five year period, and that administrative overhead is not being cut.

Walsh said she was opposed to the Council making a decision without an opportunity for the Bridge District to present its information, and that ultimately the voters would have say on the issue.

Sarah Nome, 77 Alder Avenue, questioned the need for the seismic safety improvements, and recalled when the toll was to be eliminated.

Linda Wadler, 149 San Francisco Boulevard, said the transportation services provided by Golden Gate Transit were not adequate, she would support the Council's opposition, and felt that if they were going to increase tolls they should at least improve services.

Prat said the voters have no recourse, no way to recall the Bridge Board members.

Diane King, 1055 San Anselmo Avenue, said she agreed with Prat.

Chignell said that the voters will not have an opportunity to vote on this issue or on the Board membership. He urged maintenance of discount commuter tickets, bus and ferry fares, and that serious consideration be given to a bond measure.

Kanis said that in this instance it was appropriate for the Council to express its opinion, and he supported the proposal of Supervisor Brown, a member of the Bridge Board.

Zaharoff said enough of San Anselmo's residents will be affected by the actions of the Bridge Board to warrant Council taking an stand on the issue, that the Council would be maintaining the decisions of the voters two years ago in Measure A, and that the viewpoints of Marin have been largely ignored on this issue.

M/S, Colteaux/Walsh, to send to Supervisor Brown a letter stating the Council's support of his efforts to prevent the toll increase, with a copy to the Bridge Board. Motion passed unanimously.

8. REQUEST FOR FUNDING FOR A MASTER PLAN FOR THE DEVELOPMENT AND MANAGEMENT OF SORICH RANCH PARK.

Parks Superintendent Nyberg reported that the Open Space Committee, Parks and Recreation Commission and staff have been looking for a way to come up with the plan for Sorich Park, and discovered a graduate student interested in taking on the project for a masters thesis. The student will get community input in the development of a plan, which will require only reimbursement for out-of-pocket costs.

Kanis expressed concern that the limitations on Murphy's services in that he is not a licensed professional will, in the long run, be economically disadvantageous. It was the consensus of the Committee and staff members who addressed this issue that the plan is intended to be conceptual guidelines, with development of specific construction plans to be done later where necessary.

Colteaux wanted to see the project in the Parks budget, rather than appropriated from contingency.

Camuglia recommended that funds be appropriated from contingency this year, and encumbered into the next fiscal year for placement in the parks budget.

Jonathan Braun, Open Space Committee, explained that the student needs a commitment on the project very soon or else he will have to select another agency.

Kathy Sanders, Open Space Committee, said they have tried to get help from the University of California at Davis and at Berkeley, and that they are trying to raise funds and get volunteer time. The plan is not expected to be complicated or expensive.

Sarah Nome, 77 Alder Avenue, said that out of 63 acres, she would like to see an area fenced for unleashed dogs.

M/S, Chignell/Colteaux, to advance the funds from contingency to put the item in next year's budget in the Parks Department so it has full visibility. Motion passed unanimously.

9. 47 ELM AVENUE: PUBLIC HEARING ON APPEAL OF THE PLANNING COMMISSION'S DECISION TO REQUIRE A DEED RESTRICTION PROHIBITING CONVERSION OF SPACE INTO AN ADDITIONAL LIVING UNIT; VINCENT AND CHARMAINE DERHAM.

Interim Planning Director Marge Macris presented the staff report.

Neither the appellants nor their representatives were present.

William DeBisschop, 91 Elm Avenue, said he has seen numerous instances where residences were sold with areas that could be used for illegal units, but were not required to record deed restrictions.

Sarah Nome, 77 Alder Avenue, said the second unit problem in San Anselmo is out of control, that owners of units have not been paying their fair share of taxes, the number of units in neighborhoods is exceeding the limits, and there are no staff members abating them.

Chignell wanted the matter continued to give the appellants the opportunity to appear in the event they were not aware of this hearing.

M/S, Walsh/Colteaux, to deny the appeal and uphold the Planning Commission's decision to require the deed restriction. Motion passed by the following vote:

AYES: Colteaux, Kanis, Walsh and Zaharoff

NOES: Chignell

10. PUBLIC HEARING ON ABATEMENT OF A PUBLIC NUISANCE, 137 MADRONE AVENUE.

The following persons were sworn in to testify in this matter:

Gay Kagy
Michael Denning
Eddie Williams

Building Inspector Denning said there were two large old bay laurels on the property that are dangerous and present a hazard to the neighbors. The trees were presented as a hazard by certified arborists due to the condition of their bases. He reported that an agreement had been reached with the new buyers of the property to remove the trees expeditiously, but recommended passage of the resolution to insure their removal.

Eddie Williams, 135 Madrone Avenue, adjoining 137 Madrone, said the bases of the tree was completely rotted out and presented a hazard to neighboring property. After a process of telephone calls and letters to the property owner and Town, the neighbors collectively began to pursue the abatement. The trees lean southward, and the house most threatened by the trees is occupied by two older neighbors. He said it was important that the Council go on record with the nuisance abatement action.

M/S, Chignell/Kanis, to approve the resolution declaring certain trees located at 137 Madrone Avenue, San Anselmo, to be a public nuisance and ordering the removal and/or pruning thereof. Motion passed unanimously.

11. 379 OAK AVENUE: PUBLIC HEARING ON APPEAL OF THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF ARCHITECTURAL REVIEW (AR-9005), OF AN ADDITION TO A SINGLE FAMILY DWELLING OWNED BY THEODORE POSTHUMA.

Zaharoff explained that the only issue before the Council this evening was architectural review of this project, and asked that a hearing on the issue of how square footage is calculated be scheduled on a future agenda.

Interim Planning Director Macris presented the staff report on the project. She noted that the house is 200 to 250 square feet larger than the maximum allowable size, and that this discrepancy must be corrected prior to issuance of a building permit. Planning staff is to confirm that

the applicant has reduced the size appropriately prior to permit issuance.

David Bassett, architect representing Miranda Leonard, appellant, and Mark Kertz, attorney representing Ms. Leonard, were present. Kertz said he did not enter into an agreement with the applicant that would make the appeal moot. He said they were appealing on two grounds: it was a size that was out of character with the neighborhood, and that the square footage had been significantly undercounted. All the surrounding houses are less than 2,000 square feet, except Leonard's house. In November, 1990, the size of the house became an issue. At that time, the staff report said the house size was 1,500 square feet, minus the garage. The next staff report, by a different staff person, said the house was 1,100 square feet. He said the discrepancy regarding size became enough of a problem at an architect was hired to review the plans and found the total size to be 5,700, while another architect found it to be 5,000 square feet. In the May staff report, and planner and the applicant measured the size of the house using the guidelines of the Uniform Building Code, and counted only usable space/living space. It does not say anything in the ordinance about taking out dead space. The State Housing Department requires cities to adopt codes except for zoning purposes. However, even if the Town wanted to approve 4,500 square feet, it would still be bigger than any other houses.

Bassett said that his calculations and those of Harman & Wilkinson are within 100 feet of each other, and are 5,330 and 5,231 respectively. They measured to the outside of the walls, while staff used the Uniform Building Code which allows deductions for dead space. It is still 685 square feet larger than the largest house allowed, and it should be redesigned to conform to the allowed space in public view.

Colteaux inquired about the size of Leonard's house. Bassett responded that according to the Town's staff report, it was between 3,700 and 4,700 square feet.

Chignell noted that according to the May 17 letter from the applicant, an agreement reached would make the appeal moot, and confirmed that the appellant did not consent to the agreement.

Theodore Posthuma, applicant, questioned why there was no architectural certification on the plans submitted by the appellant for purposes of counting square footage, and why they were not signed. He said they had counted the staircases twice, had arbitrarily added square footage to the second floor, and he asked that they both be considered null and void. He said that his brother had been at the last meeting where he had been asked to reduce the size of the house by 250 square feet. A six inch reduction all around in length and width would result in an overall decrease in size of 25- square feet. Posthuma noted that the only prior size limitation in place when he began development of the project was the 40% maximum lot coverage, which would have enabled him to build a 12,000 square foot house.

Posthuma said his property is long and narrow, and his house is long and narrow too. The appellant's property is actually two parcels, he said. He has been through the Commission three or four times, and will meet each of the conditions imposed by the Commission, although one of the conditions he asked the Council review was to allow him the right to build a garage in the future.

Gay Kagy, 280 Redwood Road, said her understanding was that the square footage of the existing garage has been deducted, and that the garage would be used as storage for an old car. If he is allowed to deduct 500 square feet as within the square footage calculations, and then comes in later for a new garage, the 500 square feet could be converted to living space, which is why the Commission did not want a future garage. She said she was not so concerned with whether the house is 250 square feet or 650 square feet over, but the general overall size seems to be beyond the Town's limits, and it should be reduced substantially. At the April 15, meeting, she had said she would like to see the house size reduced. She asked that the Council not consider the maximum square footage table as a size guideline, but instead as maximums.

Peter Beckham, 286 Redwood Road, said he will live within the limits when he plans an extension, and that the size of homes in the neighborhood should be taken into consideration.

Michael Cone, 406 Oak Avenue, said road improvements should not be the applicant's responsibility, but the Town should require a bond.

Dixie Ruud, 367 Oak Avenue, said her house is 65 feet long, and her first vision out her front door will be Posthuma's hot tub. She wanted the hot tub fenced, and landscaping put in, and also a V-ditch to improve the drainage off of his property. Posthuma has a watering system where water will flow down into easement and onto property. She asked that he be required to remove the parking pad and than more landscaping be added in that area. Contrary to one of the staff reports, her house is also impacted by this development. She said than Leonard's house was built in the 1940's, and that it can be seen from all over San Anselmo. She wanted to see a deed restriction since there is the potential to make two properties.

Kathy Sanders, 310 Redwood Road, said there has been a significant misinterpretation of the new zoning ordinance, that property owners are not automatically entitled to that size homes, but instead must integrate with the surrounding neighborhood. Where conflicts occur between the General Plan and Zoning Ordinance, the General Plan should prevail. This house is more than twice the size of the average home in the neighborhood. It is a sensitive hillside slope, that is visible from many areas. If the garage is under 500 square feet, it is no longer subject to design review. Granting this application would set a precedent, and may violate policy 11.1 of the General Plan.

Phyllis Wright, 367 Oak Avenue, said the proposed house is larger than the surrounding homes, and is not in conformance with the General Plan. She requested a cement V-ditch in front of Posthuma's property, and that the parking pad to the right of the garage be removed and replaced with landscaping.

Richard Posthuma, 2 Skyline Road, said this development will enhance the neighborhood and will be an improvement for the hillside.

Theodore Posthuma said that the concerns have been addressed in the conditions. He said he did not have a problem with putting in the V-ditch, but felt it was on their property. He said that garage space is something for which he still wants an option.

Kertz said it was an old neighborhood with distinctive character, and small houses except one house on a large property. The proposed house is more than twice as big as

the other homes in the neighborhood, and just because that square footage is allowed does not entitle one to it.

Walsh expressed concern about the applicant's property rights, and that it was subjective what is small and what is large. She said she had disagreed with the reduction in permitted house size in the zoning ordinance. She said that if the size was correct, she supported the applicant's proposal, with the conditions on drainage as raised this evening.

Kanis said he was troubled by the size of the house, and that he had spent a lot of time on the site observing the property. His initial reaction was that a large house on this property was not in keeping with the General Plan, and he neither heard nor seen information tonight that would change that position. This is a large house in relation to the neighborhood, and the Council is forced to go back and seriously question whether it is going to enforce the General Plan. There were numerous suggestions on maintaining community and neighborhood character. To approve this proposal would be violating those principles. He said he would like to see a smaller house, was disturbed about the possibility of a garage in the future, and encouraged his fellow Councilmembers to see the site.

Colteaux said he supported the appeal but thought they should give the property owner some idea of what they have in mind. He noted that the spirit of the General Plan was for smaller houses, and he was inclined to go along with the idea that the house has to be smaller. He thought that about 3,000 square feet, in view of the neighborhood and viewing the improvements in the neighborhood, would be about right. This project should be turned down and a resubmission made.

Chignell said he opposed removal of the Commission's condition on the garage, and thought that Ruud and Wright's conditions could be worked out, although they would have to be resolved before he would support the project. The appellants have presented information that this house is more than 4,500 square feet, and he was persuaded by this information. He did not go along with setting the project on track without public review. On the other hand, the property will be developed. He could not say whether 3,000 or 3,500 will meet his approval, but he wanted the applicant to come back with a redesign and smaller house. He wanted to continue rather than uphold the appeal, and have the applicant come back with something less onerous to the General Plan.

Walsh expressed her agreement with Chignell. She said she had a lot of concern on the message to the Planning Department and Commission. She said it was disturbing that they were setting policy, and changing the rules mid-way.

Posthuma said he had been through five public hearings. His lot is the second largest in the neighborhood. This Council and Town will be in court. He said he could not please everybody because there are 12 people between the Commission and Council, plus the neighbors.

Colteaux said that the subjective determinations were part of the Councilmembers' responsibilities.

Zaharoff said the Council was warned that the size limits would be seen as an entitlement by applicants. However, the General Plan requires development and size to be compatible with the neighborhood. The wild card here is one large house in the neighborhood. However, in assessing compatibility, one goes up Oak Avenue and looks at the house measurements and plans. She noted that they were not

comparing lot sizes, but house sizes. This proposal is not compatible with the neighborhood because of the house size.

Macris recommended that the Council deny rather than continue the application due to time limits on processing the application.

M/S, Kanis/Colteaux, to approve the appeal of the Planning Commission's conditional approval of architectural review of an addition to a single family dwelling, 379 Oak Avenue, based on the findings that the project is not functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area, and the architectural features do not enable the structure to blend with its environment. Motion passed by the following vote:

AYES: Chignell, Colteaux, Kanis, Zaharoff

NOES: Walsh

12. REPORT ON TOWN AUDIT AND INTERNAL CONTROLS.

Scott Seamands, partner with Lindquist, von Husen and Joyce, reviewed the 1989-90 audit, and management letter on internal controls. He explained that the management letter presents weaknesses that have come to his attention, with the most important mentioned first. Camuglia submitted a report addressing the management letter that explained what changes have been made in response to the letter and what changes were proposed or were in progress.

Regarding unanticipated checks, Seamands responded that he gets a list of every check issued by the State or the County.

Walsh inquired about the twice weekly rather than daily deposits. Camuglia explained that most of the large deposits are electronically transferred, and any large checks received over the counter or through the mail are deposited the same day. When the Recreation Department is collecting large amounts of fees, they submit the funds almost daily.

Regarding pre-numbered receipts, Camuglia stated that some of the departments are using them while others that have small amounts of receipts currently do not use them. However, she has asked the contract accountant to review the systems and recommend changes as needed.

Chignell wanted to see pre-numbered receipts, and expressed concern about duties not being sufficiently segregated, and inquired about some ways to do some more segregation. Camuglia said that segregation of duties is inherent in small organizations. Chignell inquired as to whether there were spot audit procedures that could provide some oversight. Camuglia said the Assistant Administrator will do some spot auditing on deposits and invoicing, and that could be looked into further.

Walsh expressed concern about having any risk due to the sensitivity of the matter.

Seamands said there was never any way to get rid of risk, and that the Town has to look at the cost and benefits of each recommendation, and whether the cost of implementing a recommendation exceeds the benefits of reducing that risk. A recommendation does not mean that it has been determined to be cost effective.

Unused check supply storage and approval of invoices were reviewed and discussed.

Sarah Nome, 77 Alder Avenue, said that it was pathetic, that city has lost control, that it spends \$250,000 for four to five women of which she wondered if any was a bookkeeper. The Council does not know what is going on.

Walsh and Chignell asked that the matter be continued for further discussion due to the lateness of the hour. Colteaux supported approving the administrator's recommendations so that she can start on some of the changes.

M/S, Chignell/Walsh, to continue the matter to June 11, 1991. Motion passed unanimously.

Chignell said that the changes Camuglia has made to tighten financial controls are fine.

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

Water tank - The Councilmembers expressed concern about the water tank being reviewed by the Marin Municipal Water District, and that the Town would not have an opportunity to participate in its review. Staff will contact the water district officials.

14. ADJOURNMENT.

The meeting was adjourned at 12:05 a.m.

Beth Pollard