

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of March 24, 1992

8:00 p.m.

1. CALL TO ORDER.

Mayor Zaharoff convened the regular meeting at 8:03 p.m., with Councilmembers Chignell, Colteaux, and Kanis present, and Councilmember Walsh not present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

A resident from Broadmoor Avenue said there were about ten residents present from Broadmoor Avenue because of their concern about the number and speed of vehicles traveling on Broadmoor, particularly between Brookside and Berkeley. There were 22 children in that section of roadway, and there have already been accidents including a death on the street, a head-on accident, and cars going into yards even in the daytime. Although there is a wide turn in the street, cars are speeding and endangering the residents. The residents were extremely concerned about the street being so unsafe, and they wanted to have speed bumps and "slow" signs put on the street. Another resident said the number of problems with that roadway included no sidewalks, traffic passing through from Sleepy Hollow, and the commute hour coinciding with the kids going to school. The matter was referred to Town Administrator Bonander and the Traffic Safety Committee. Zaharoff asked that Meadowcroft also be addressed.

3. CONSENT AGENDA.

- (a) Approve minutes: February 25, 1992.
- (b) Announce "Candidate's Night" sponsored by the Ross Valley Reporter on Thursday, March 26, 1992.
- (c) Nominate applicants to the Robson-Harrington House Association Board of Directors, and schedule interviews.
- (d) Proclaim April to be "Fair Housing Month."
- (e) Proclaim May to be "Older Americans Month."

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

4. APPEAL OF DENIAL OF OVERNIGHT ON-STREET PARKING PERMIT, 13 SAN RAFAEL AVENUE.

Harold Kallaway, 13-A San Rafael Avenue, said he was not aware that the condominium was given a variance for parking, that there was nothing in the CC&R's for the property about parking. He likened tandem parking on the property to an automotive rubic's cube, and said he would like to see the supporting documentation for approval of tandem parking because it does not make sense.

Police Chief Del Santo said that the Planning Commission approval was based on there being tandem parking on the property.

Colteaux asked if insight should be sought from the Planning Commission on this application because of the parking and planning issues.

Chignell said that there is a distinction in the code between guest parking and hardship parking, what the Planning Commission addressed was guest parking, the appellant is not asking for guest parking assistance, and the evidence was clear that the appeal should be granted.

Zaharoff said that some parking appeals are tied to planning considerations, and that Council needed more of a planning type report on these appeals, and maybe some appeals need to first go to the Planning Commission. She wanted to see the appeal continued anyway to allow Mr. Kallaway to review the Planning Commission information on the parking for this property.

Colteaux inquired about the Town's responsibility to notify buyers about Town regulations imposed on the sellers' property. He wanted the Town Attorney to look into the Town's ability to enforce having the sellers disclose Town requirements to the buyers of their property.

Kanis noted that the Planning Commission's current composition is different now than it was ten years ago when it acted on the development application for this property, and questioned how the Commissioners would be able to recall the circumstances of the application.

Bonander suggested the matter be continued to the next meeting to allow review of the planning file on this property, and that the Commission be asked to look at the broader issue of overnight parking and carrying information from one property owner to the next owner.

M/S, Chignell/Colteaux, to continue the matter to April 14, 1992. Motion passed unanimously.

5. APPEAL OF DENIAL OF OVERNIGHT ON-STREET PARKING PERMIT, 55 MELVILLE AVENUE.

Police Chief Del Santo reported he had received three different applications for hardship parking permits, all of which reported a different number of vehicles parked on the property. He had approved the first application, and had denied the two subsequent ones. A recent site inspection revealed there were items stored in the carport. He suggested that the motorcycle be parked in an area of the carport now being used for storage, and that a vehicle be parked in the garage where the motorcycle is now parked.

Eva Dahl, appellant, said her information was erroneous the first time, and submitted a diagram showing where the vehicles for the property parked. She said they were unable to fit three cars in the carport, and that across the street there was a dirt lot where she could park and there would be only two wheels on the street.

Sarah Nome, 77 Alder Avenue, expressed concern that there was an uneven application of the parking ordinance, and that only people who apply for variances get permits, while there are people who park illegally without being cited.

William DeBisschop, Elm Avenue, raised concerns about second units.

Dr. Dahl explained some aspects of the living arrangements, and that her living area had a separate entrance and hotplate.

Colteaux asked the Councilmembers if they would object to him meeting with the applicant, property owner, police chief and someone from the planning department, on the property to sort out the facts on the application.

Chignell noted that he did not think the Council was in a position to force them to put the motorcycle into the carport.

M/S, Kanis/Colteaux, to continue the matter, and allow Councilmember Colteaux, someone from the Planning Department, and the Police Chief to bring back a report based on their conversation and meeting with the property owner and applicant. Motion passed unanimously.

6. APPEAL OF PLANNING COMMISSION DENIAL OF USE PERMIT FOR CHARLES DOOLITTLE TO OPERATE AN AUTO REPAIR AND SMOG TESTING SERVICE AT 17 MADRONE AVENUE, ASSESSOR'S PARCEL NUMBER 6-083-01, WHICH IS ZONED CL, LIMITED COMMERCIAL.

Planner Lisa Wight presented the staff report.

Charles Doolittle, applicant and appellant, said he has lived here for 25 years, that he had gotten a petition together in support of his project, and that he has conformed to all agency requirements. He said he mended a fence on a neighbor's property, that he is all for clean air,, he has been trained in automobile repair and business, and that Chester Hunter has taught him alot of things that have prepared him for operating this business.

Tony Litvin, 30 Madrone Avenue, said he lives with his wife and two children 60 yards from 17 Madrone. They were opposed to the smog check business, expressed concern about the traffic it will bring to his family and neighborhood. If the 10 spaces at 17 Madrone, three are designated for 11 Madrone, the fourth will be used by the plumbing company, leaving 6 spaces for 17 Madrone. However, the applicant has four vehicles, leaving two spaces, one of which will be used by his employee. Therefore, customer vehicles will be parked with commuters' vehicles on the street, and the cars going to and from the business will add to the traffic problems. There is a "no through traffic" sign for Madrone Avenue, but they are not enforced. He said they were concerned about the safety of their children. The shop will radically change their neighborhood, and he asked the Council the approve the residential integrity of the neighborhood by denying the appeal.

Julie Alden, 37 Madrone Avenue, said the quality of the neighborhood has gone done. Twice a car has been stolen out of the driveway. Smog already hovers there because of its proximity to Sir Francis Drake Boulevard, and it is not good for her health, especially because she is asthmatic, to have more carbon in the air.

Stephanie Marlis, who lives 70 yards from the businesss, next to Mr. Litvin, said she had compassion for what he is trying to do, but there were five places in San Anselmo where people can get smog checks on their vehicles, and questioned whether this business was needed. Although one of the mitigations was to keep the door closed while the cars were running, that door will be open at some time, and the fumes will get out when the door opens.

Rob Mayers, 31 Madrone Avenue, said that when the Planning Commission reviewed the application, they assumed the door would be closed. He said the applicant admitted that the door would be open, otherwise people doing the car checks would be asphyxiated. He said the residential character of Madrone Avenue has decreased. On Sunday there was a near accident by cars speeding down Madrone Avenue in opposite directions. He wanted to see less commercialization rather than more. The intent of the rezoning was to prohibit high volume stores and businesses such as restaurants, yet the applicant's business would have a higher turnover than a restaurant.

Owner of Parsonage Graphics, 11 Madrone Avenue, said she was not aware there was going to be a smog testing business

at 17 Madrone; she was told it would be storage. She expressed concern about the business and the parking.

The owner of 19 Madrone Avenue said her building and its windows were very close to 17 Madrone. The pollution from the business would be going practically into her kitchen window.

Ann Stevenson, 16 Madrone Avenue, said she agreed with her neighbors. She has a small child, and was concerned that more people would speed down the street, and was also concerned about pollution.

Tia Mayers, 31 Madrone Avenue, a mother-to-be, expressed concern about air pollution, toxins, odors, and noise pollution that this business would generate. She expressed concern that the business might dump fluids into nearby creek, and was concerned about the traffic threat that would be caused by an increase in the flow of traffic. She wanted to make sure that the neighbors' petition was part of the record. She said it was the nature of a new business to make money, and therefore the owner would have to get a certain number of cars in and out of his shop, despite his best intentions. She submitted photographs of the neighborhood, and said that overflow cars will end up on the street and in the residential neighborhood. She expressed concern that a customer would not pick up a car at the end of a day, and the car would end up on the street. She said the Sir Francis Drake Boulevard widening project has impacted the neighborhood, and expressed concern about the cumulative impact on the neighborhood.

Matt Chapin, 42 Madrone Avenue, said he agreed with everything his neighbors said. Concerning the La Mancha development, he said the neighbors did not object to the development, but to the traffic. Parking is a real problem in the neighborhood. He said he just wanted to be able to enjoy where he lived. There already are a number of commercial businesses that have come into their neighborhood, and if this project is approved, there would be one more stress being inflicted on the neighborhood.

Mr. Doolittle said he was himself a single parent with a three year old. He said the smog checks would be "while you wait" and done in 15 minutes. He said his employee has a motorcycle, not a car. Regarding pollution to the neighborhood, he said cars from 1980 to the present have low smog, and that he is abiding by the Environmental Protection Agency standards. There will be no batteries, and no tires, and there will be no cars on the street. The four people in the apartment building at 19 Madrone Avenue signed a petition in support of this project. He said his business would have five cars a day.

Colteaux said it was a judgement call, but that the judgement should be weighted in favor of the neighborhood. The neighborhood has already been impacted by the shopping center and road widening project, and this business would further impact that neighborhood. It was important to have a buffer between high activity commercial areas and residential neighborhoods.

Chignell agreed, and said he would support the staff and Planning Commission recommendations. He said he respected the applicant's zest, but it was the wrong use for that location.

Kanis said he did not hear anything this evening that would change the recommendation of the Planning Commission in his mind. The application was for the wrong use in the wrong place.

Zaharoff said that changing the zoning to Limited Commercial was not a mistake, noting that the testimony from the neighborhood was overwhelming that this application was not an appropriate use for this site.

M/S, Colteaux/Chignell, to deny the appeal and uphold the Planning Commission action. Motion passed unanimously.

7. INTRODUCE ORDINANCE UPDATING ABANDONED VEHICLE REGULATIONS.

The ordinance was required to bring the Town's regulations into compliance with standards set by the California Highway Patrol.

M/S, Chignell/Kanis, to waive reading and introduce the ordinance. Motion passed unanimously.

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

There were no comments.

9. ADJOURNMENT.

The meeting was adjourned at 9:25 p.m. in memory of Milton Bonander.

Beth Pollard