

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of August 11, 1992

6:45 p.m.

Closed session regarding pending litigation pursuant to Government Code Section 54956.9, and labor negotiations/personnel matters.

7:15 p.m.

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

8:00 p.m.

1. CALL TO ORDER.

Mayor Kanis convened the regular meeting, with Council Members Breen, Chignell and Yarish present, and Council Member Zaharoff not present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Claudia Miles, San Anselmo resident, asked that the Town ordinances on overnight parking and time limited parking be placed on a Council agenda.

3. CONSENT AGENDA.

- (a) Acknowledge and file warrants: #9779 - #10026 for the month of July 1992, totaling \$396,271.29.
- (b) Acknowledge and file financial reports through July 31, 1992.
- (c) Announce expiration of terms, Solid Waste and Recycling Advisory Committee.

Chignell noted that legal fees for 1991-92 were 46% of budgeted amount. Breen noted that the 1991-92 expenditures were 94% of budget, and revenues were 101% of budget, and complimented staff on outstanding budgeting and cost savings.

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

4. RECOGNIZE JENNIFER SHAW FOR HER SERVICE ON THE VOLUNTEER PROGRAM ADVISORY BOARD.

Ms. Shaw was presented with a Certificate of Public Service for her contributions to the community.

5. PRESENTATION OF PEDESTRIAN SAFETY AWARD BY THE CALIFORNIA STATE AUTOMOBILE ASSOCIATION (CSAA).

Morry Simon, Assistant District Manager for CSAA, presented the Council with a plaque recognizing the Town's pedestrian safety record over the past five years.

6. APPOINTMENTS:

- (a) Parks and Recreation Commission (3 seats)

M/S, Yarish/Breen, to appoint George Buckle and Lynda Wadler to terms to expire July, 1996, and Dennis Comstock to a term to expire July, 1994. Motion passed unanimously.

- (b) Historical Commission (1 seat)

M/S, Chignell/Breen, to appoint Lorri Giono to a term to expire September, 1995. Motion passed unanimously.

7. PUBLIC HEARING ON ADOPTION OF 1991 UNIFORM CODES:
- (a) Adopt Ordinance No. 933 adopting the 1991 Uniform Fire Code and Fire Code Standards, with amendments;

The public hearing was opened. There was no public comment.

M/S, Yarish/Chignell, to adopt Ordinance No. 933 adopting the 1991 Uniform Fire Code and Fire Code Standards, with amendments. Motion passed unanimously.

- (b) ADOPT ORDINANCE NO. 934 ADOPTING THE 1991 UNIFORM BUILDING, PLUMBING, MECHANICAL, HOUSING, SOLAR ENERGY, AND SWIMMING POOL, SPA, AND HOT TUB CODES, WITH AMENDMENTS.

The public hearing was open. There was no public comment.

M/S, Yarish/Breen, to adopt Ordinance No. 934 adopting the 1991 Uniform Building, Plumbing, Mechanical, Housing, Solar Energy, and Swimming Pool, Spa, and Hot Tub Codes, with amendments. Motion passed unanimously.

8. AUTHORIZATION TO NEGOTIATE A CONTRACT FOR ANALYSIS OF GARBAGE FRANCHISE AGREEMENT.

Staff recommended contracting with Hilton, Farnkopf & Hobson (HFH), while the Solid Waste and Recycling Advisory Committee recommended contracting with Deloitte Touche (DT); both staff and the committee advised that they could work with either one that the Council selected.

Town Administrator Bonander reported that both proposals addressed the key issues of the request for proposals, although the HFH proposal appeared to be more precise in its handling of the issues and its response to the RFP, and intentionally excluded garbage companies from its clientele. HFH did not propose to express an opinion about the rates in their establishment of the rate base, while DT would; HFH's schedule allowed for three meetings, not including a Council meeting, while DT allowed for one meeting with Council.

Barbara Thornton, Chairperson, Solid Waste and Recycling Advisory Committee, said she had also reviewed reports DT had done for other municipalities, and felt that DT did a thorough review of both the cities' and franchisors' issues, looked at current and future issues, and did an outstanding analysis on the rate basis. She said the committee was pleased with DT's willingness to suggest an opinion. Only one of the three members of the subcommittee that reviewed the proposals was a SWARAC member, she said. Regarding confidentiality of the garbage company's finances, she said other reports looked at the garbage company's expenditures and how they compared to industry standards.

Richard Cohen, Vice-Chair of SWARAC, questioned what the point was of having an analysis if they do not issue an opinion on the rates. He thought it was advantageous that the consultant has had garbage companies as clients, because they would have a better understanding of what are reasonable expenditures.

Ranny Cockburn, SWARAC member, said \$2,000 was a big difference in the contract amounts, and that more work could be negotiated into the contract.

The Council Members discussed the differences between the two firms' approaches. It was the general feeling of the

majority of the Council Members that there were minor differences between the consultants, but favored having a Council meeting with the consultants, and receiving an opinion on the rates, and responding to the committee in its recommendation.

M/S, Chignell/Yarish, to authorize the Town Administrator to negotiate a contract with Deloitte Touche to perform the tasks outlined in the Request for Proposal, and that an examination of the financials be a part of that review. Motion passed unanimously.

9. PUBLIC HEARING ON APPEAL OF PLANNING COMMISSION'S DENIAL OF VARIANCE REQUEST TO EXCEED THE MAXIMUM DWELLING SIZE OF 5,000 SQUARE FEET AND CONSTRUCT A THIRD STORY, 165 CRESCENT ROAD, RALPH AND EMILY SIMON.

Planning Director Chaney presented the staff report. Existing development on the property included a 5,945 square foot single family home, and a 2,200 square foot guest residence. The proposal was to add a new 216 square foot bedroom adjacent to the master bedroom for the applicant's children; enclose an existing roof deck off the kitchen to create a 175 square foot solarium; and construct a third story, created by the solarium, where only two stories are permitted by code.

The Council Members asked questions regarding precedent from this decision, historical significance, visibility, and uniqueness of property.

Emily Simon said that the stated purpose of the 5,000 square foot dwelling limit was to preserve the hillsides on new development, and was not directed to older, pre-existing development. She said that the addition was deminimus, that the solarium would be located on the existing deck and is only needed because the unused space in the house is being counted. She said the addition will be invisible to neighbors.

Ralph Simon said their house was a 100-year old farmhouse with awkward space, and that it was not unfair of them to request that they conduct their family life within the borders of their house in a different way. They have taken great trouble to ensure that the house addition preserves the integrity of the house, that the benefit will be a credit to San Anselmo, and it will have future historical significance.

Heide Brennan, Idalia Court, asked what roads were being referred to when the adequate road access was mentioned, and asked if the applicants had their children when they bought the house.

Helen Broyles, 167 Crescent Road, said she used to live at 165 Crescent Road, and that there would be no extra traffic on the driveway.

Nancy Oswald, Idalia Court, said the project looks okay to her as long as it will be built the way it looks.

Kathy Sanders, 310 Redwood Road, agreed with the interpretation of the ordinance limiting house size that it was intended to address concerns regarding narrow road access and visibility, which in this case were not as applicable.

Yarish said that the intent of the R-1C zone and third story regulations are what need to be the focus on the application. He believed there is no one zoning ordinance that is going to be right for every neighborhood, and the point was to find the proper balance between strict

application and reasonable application of the zoning ordinance. The zoning ordinance empowered the Town to protect the hillsides, which takes a great deal of time to administer, and it is a difficult system, but it works. Regarding this application, he noted that it was a unique residence, there were few homes in Town this large, it was well-screened, it was low enough in the view shed to have little impact, the site is well-served by adequate streets for emergency access, and there is no detrimental impact on the neighborhood; the combination of these factors provide adequate findings to approve the application.

Breen agreed that the findings could be made, and that he did not have a sense the Town would see a big rush of applications as a result of this appeal.

Chignell said this was a special piece of property, that was well-hidden, and felt that a decision to approve could withstand scrutiny for future applications.

Kanis said that the real ramifications of Council taking this step is causing the Town extra work in advising the public on interpretation of the zoning ordinance, but that the findings could be made.

M/S, Yarish/Breen, to support the appeal of the Planning Commission denial of V-9223, 165 Crescent Road, based on findings in support of the variance, that there is no significant, material detriment to the neighborhood either in consideration of physical impact, traffic impact, noise, or other considerations; and that the finding of special circumstances is that this is a unique residence, in its topography, size, its proximity to substantial and adequate roads, the visual screen of trees, and the deminimus nature of the addition in terms of size and visual impact; in reference to the drawings dated by the architect May, 1992, and received by the Town May 14, 1992. Motion passed unanimously.

10. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR ARCHITECTURAL REVIEW OF AN ADDITION TO A SINGLE FAMILY DWELLING OWNED BY THEODORE POSTHUMA, 379 OAK AVENUE.

Planning Director Chaney presented the staff report. The proposed revised plan is for a house 77.5 square feet small than the previous 3,573 square foot plan. The length of the addition is reduced by 4 feet, but the overall length of the house remains at about 88 feet, because 4 feet will not be removed from the other side of the existing house as previously proposed. The size of the driveway has been reduced, thereby eliminating much of the grading.

The applicant stated he had no comment at this time.

Mark Kertz, counsel for Miranda Leonard, said that Posthuma's instance on a 3,500 square foot house is contrary to what the Council had told him. Kertz said that the average size of the homes in the neighborhood was 2,600 square feet; that Posthuma wants to narrow the Town's comparison of average house length to two houses when he wants the square footage comparison to encompass a broader number of houses. The houses immediately adjacent Posthuma's property and those that can be seen from his property are approximately 70 feet in length.

Dixie Ruud, 367 Oak Avenue, said her house is 44 feet long, not the 45 feet as stated in the previous minutes. She explained how she had arrived at the 50 foot average house length.

Kathy Sanders, 310 Redwood Road, said this project has come a long way toward compromise, but he is not reducing the

project at the location of its greatest visual impact. She said the addition needs to be 10 feet shorter.

Mr. Posthuma said that he had shifted the bulk of the house in order to save the trees, and that the project is being screened by existing trees. He said he had reduced the height of the building, and replanted the privets to establish a screening effect. He said that in May, there were neighbors who supported the project. He said a reduction of 10 feet would not do it, that he would like to have another bedroom in the house.

Chignell said that the new plan was not a redesign, and that the applicant is still working about the edges and was not responding to the Council's direction.

Yarish said that the walnut trees the applicant was attempting to preserve are important as solar trees and screening trees, a reduction in length on the right side of the building is important, the project is nearly 20 percent below the allowable limit, and the size of the road, access for safety equipment, and reduced visibility demonstrate that the present configuration meets the intent of the zoning ordinance.

Breen said that the project essentially meets the ordinances, but that the issue now was compatibility with the neighborhood. He wanted the applicant to look at the design one more time, and wanted to see some sort of compromise reached with the concerns of the neighborhood.

Kanis said he did not see that the resubmittal has met the criteria set in the previous meeting.

Posthuma was asked if he wanted the matter continued, in lieu of a project denial. Posthuma said he wanted a continuance.

M/S, Chignell/Yarish, to continue the matter until the second Council meeting in October, the final date it will be heard. Motion passed unanimously.

11. UPDATE ON 1992-93 BUDGET. (Oral report)

The State of California has still not passed a budget for this fiscal year, but measures are being proposed that are extraordinarily onerous to cities.

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

Filante - Chignell asked that Assemblyman Filante be sent flowers and/or get well wishes.

Trees - Chignell said the tree(s) on the sidewalk area in front of Ted's on Sir Francis Drake Boulevard were gone; staff will look into whether the Committee to Landscape a Scenic San Anselmo will be resolving that issue.

Real estate signs - Chignell inquired about the status of the revision to the real estate sign regulations. Bonander responded that it would be addressed through the business license ordinance.

Sycamore creek - Chignell said that the trees behind the apartment building at 100 Sycamore are blocking the flow of water in the creek.

Bike racks - Kanis reported that the bike racks have been installed in front of the Coffee Roasters, and are a success.

Oak Avenue sewer - Planning Director Chaney reported that a sewer extension line will be installed on Oak Avenue, and result in road closures during construction.

13. ADJOURNMENT.

The meeting was adjourned at 11:05 p.m. in memory of San Rafael Police Chief Hank Ingwerson.

Beth Pollard