

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of September 8, 1992

1. CALL TO ORDER.

Mayor Kanis convened the regular meeting at 8:00 p.m., with Councilmembers Peter Breen, Tim Yarish, and Maria Zaharoff present, and Councilmember Paul Chignell not present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Lucile Dandalet, 126 Redwood Road, asked the Council to have a policy requiring vacated stores to remove their signs.

Rohanna McLaughlin, San Anselmo resident, expressed concern about the public bar at the American Legion Log Cabin, particularly its daytime hours during the football season. She inquired about the legal standing of having that use in a residential area and adjacent a public park.

Robert Howard also expressed concern that the American legion had proposed to simply change signage, but the result will increase the traffic and was not sure that the residents would have approved the signage if they had known it was going to be open during the day.

Barry Spitz, San Francisco Boulevard, said that on September 10 the Ross Council will enact legislation that will charge \$5 for access to Phoenix Lake, thereby closing the only public access to that open space. Parks have traditionally been free access, and urged the Councilmembers to contact Ross Councilmembers opposing this fee.

The Councilmembers expressed their extreme displeasure at the parking fee proposal. Town Administrator Bonander will attend the Ross Council meeting to express San Anselmo's displeasure at the proposal, noting its important access to the watershed for the broader community, and San Anselmo's willingness to cooperate in developing a solution.

3. CONSENT AGENDA.

- (a) Approve minutes: August 25, 1992.
- (b) Acknowledge and file warrants: Nos. 10027 through 10266 in the amount of \$457,742.30.
- (c) Authorize expenditure of \$400 for termite removal at downtown San Anselmo fire station.
- (d) Set compensation for Accounting Specialist and Account Clerk, and authorize recruitment.
- (e) Accept County contract for contribution of \$5,000 for the Recreation Scholarship Program and \$2,500 for the After School Recreation Program for At-Risk Students.
- (f) Award contracts and appropriate funds from Contingency for Halprin Park slide repair project.
- (g) Approve request from the San Anselmo Chamber of Commerce to close San Anselmo Avenue from Magnolia to Tamalpais on October 9, 1992, from 6 p.m. to 10 p.m. for a western style street dance.
- (h) Nominate applicants to the Historical Commission, and schedule interviews.
- (i) Approve resolution setting second unit rent and income limits.
- (j) CONTINUE TO SEPTEMBER 22, 1992:
 - i. Second public hearing on fee schedules for planning and police services.
 - ii. Introduce ordinance allowing a fee to be charged for the cost of police services responding to an event where alcohol is being consumed by minors

- and/or an event is a threat to the peace, safety, or general welfare of the public.
- iii. Resolution in support of the Corridor Plan recommendations submitted by the Marin delegation of the 101 Corridor Action Committee.

M/S, Breen/Zaharoff, to approve the consent agenda with the exception of items (e) and (f). Motion passed unanimously.

- (e) Accept County contract for contribution of \$5,000 for the Recreation Scholarship Program and \$2,500 for the After School Recreation Program for At-Risk Students.

Bonander explained that the Town Administrator signed the contract.

- (f) Award contracts and appropriate funds from Contingency for Halprin Park slide repair project.

Public Works Director Bush explained that the fee for construction observations services was set at a "not-to-exceed" amount.

M/S, Yarish/Zaharoff, to approve consent agenda items (e) and (f). Motion passed unanimously.

Town Administrator Sheldon inquired about the location and amount of the contingency fund.

Rich Gould, 11 Skyline Terrace, urged the Council to base the change in the rent limit not on the consumer price index in its entirety, but on the housing cost factor only. He said that if the income limit was set at 65% of median income, that figure should continue to be used, rather than applying a consumer price index increase to the prior year's income limit.

It was the consensus of the Council to address these issues in the updating of the housing element.

4. REQUEST FOR CONTRIBUTION OF \$1,400 TOWARDS A FEASIBILITY STUDY ON A NORTH-SOUTH COMMUTER BIKEWAY IN MARIN COUNTY.

It was the consensus of the Council to incorporate consideration of this request into the budget hearings, if that delay can be accommodated by Supervisor Brown.

5. CONSIDER PROPOSAL TO ESTABLISH A SAN ANSELMO ARTS COMMISSION.

The proposal was to establish an Arts Commission that would work to enhance the cultural character of the community, provide a structure for interaction between artists and public agencies, and sponsor programs such as public exhibits and art enrichment events.

Lydia Gerzac, 127 Butterfield Road, explained that the Arts Commission would provide a means for showing San Anselmo artists and their works through the Town and in Town facilities, exploring opportunities for art in San Anselmo storefronts that have closed, and create a different ambianceto enhance its cultural character and help businesses. The Commission would do its own fundraising, and fundraising, and has already received a \$100 donation.

Yarish inquired about the artists making contact with owners of empty storefronts. Breen, Zaharoff, and Kanis stated their support for the concept.

M/S, Yarish/Zaharoff, to refer the proposal for creation of an Arts Commission to staff, for a report back to Council

on the issues and options relative to Town involvement in supporting or sponsoring a commission, and efforts to enhance the cultural character of the community. Motion passed unanimously.

6. 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, noting that the revisions from the plan reviewed by Council on August 11, 1992 included a 9'6" reduction in house length, a new bedroom on the second floor located on the southern end of the house above bedroom #3, reorientation of the parking area to eliminate the need for substantial grading, and elimination of a portion of the yard space that was to be planted with extra trees and shrubs. Staff recommended the driveway be reduced in size to be consistent with the original landscaping plans for this area.

Mr. Posthuma said he has taken 10 feet off the length of the house as requested by Councilmembers, he is extended the length of the house by only 4 feet, and he still wants to keep the three trees located behind the house rather than locate the addition there.

David Bassett, representing Miranda Leonard, requested that dimensions be added to the floor plans if they are approved to document what has been approved.

Gay Kagy, 280 Redwood Road, asked if the mound of dirt on the exterior of the property can be incorporated into the landscape plan, and inquired about the circulation of the hallway.

Kathy Sanders, 310 Redwood Road, said the construction should be within the character of the surrounding neighborhood, that the second floor addition could create a significant bulk and visual impact, and if it was removed or altered so as not to be so large, it would bring the house in with the character of the neighborhood.

Yarish said the project has taken major steps towards responding to concerns, especially in the area that is most visible, creating a building that is more compact, is in scale with itself, more in symmetry, and was import, has reduced the visual impact from the previous application. The interior of the building works better and is less at risk for a second unit.

Breen said the requirements noted that the Council in August have been met, that he thought the house will fit with the neighborhood, and that consensus in the neighborhood is important as it begins to put to rest the uncomfortableness that arose during the process.

Zaharoff said that this redesign was much more compatible with the neighborhood, but that when she said she would approve the project if it was reduced by 10 feet, it did not have a southernmost bedroom on the second floor. She said if he wanted to save square footage, it needed to be oriented in the back of the building, but otherwise it needed to be eliminated.

Kanis said he agreed with Zaharoff.

Posthuma said there was a tree that provides screening which is 5 feet higher than the addition.

Posthuma agreed to remove the second story bedroom if it meant his project would be approved.

M/S, Yarish/Breen, to approve DR-9120, design review, 379 Oak Avenue, Theodore Posthuma, based on the compliance with the first ten conditions of approval in the staff report prepared for the meeting of September 8, 1992, with the elimination of condition #11 which is the alterations to the driveway, and further, including the deletion of the second story bedroom and hallway above the south end of the existing building leaving no new structure above the existing structure to the south of the existing study tower, with reference to the drawings submitted to the Town date stamped September 1, 1992, with this motion subject to preparation of a resolution for the next meeting and incorporation of dimensions on the floor plans keeping with the scale as drawn on the referenced plans. Motion passed unanimously, Chignell absent.

7. PUBLIC HEARING ON PROPOSAL TO PROHIBIT PARKING ON EASTBOUND SIR FRANCIS DRAKE BOULEVARD FROM BUTTERFIELD ROAD TO SAIS AVENUE.

Public Works Director Bush recommended that due to traffic safety concerns, parking be prohibited where it is currently allowed on eastbound Sir Francis Drake Boulevard between Butterfield Road and Sais Avenue. There have been 27 accidents in 39 months on that stretch of road, not including intersection accidents. Vehicle speed is the problem, but it is hard to control with the volume of cars travelling Sir Francis Drake Boulevard. Parked vehicles force other vehicles to change lanes, often with little warning; furthermore, when vehicles are turning left and blocking one lane, and parked vehicles block the other lane, traffic comes to a stop. The traffic light resignalization project will adjust the lights to the most efficient coordination and may help to regulate the traffic flow speed.

Michael Patterson, the Town's liability insurance consultant, said that the two principles for minimizing the Town's liability in traffic conditions is that the traffic flow be smooth and predictable, and that the design be as close as possible to current standards. He said the current situation did not meet the first principle in that there are curves and hills in the road, and the number of available lanes changes so that the hazard is not reasonably apparent. The Town has had more than constructive notice; it has actual notice of the hazard with various accidents and near-accidents. Secondly, the Council has a recommendation from the Public Works Director that the situation does not meet acceptable standards. He noted that San Anselmo is self insured, and that whether it wants to or not, it is providing roadway service for a broader community than local residents.

Police Chief Del Santo said he had memos dating back to 1990 from officers expressing concern about the safety and recommended that parking not be allowed on Sir Francis Drake Boulevard. Staff reported that any car making a left turn anywhere on Sir Francis Drake, whether into a driveway or a street, created congestion and a hazard; the turn into the Isabel Cook Community Center was used as an example.

Questions and concerns expressed by Councilmembers included:

1. That an agreement may have been made with the community to allow parking when Sir Francis Drake Boulevard was widened to two travel lanes.
2. Is parking prohibition in some sections but not others possible?

3. Is allowing parking in a travel lane common or uncommon?
4. Why are there no parking spaces marked in the travel lane, to serve as a warning that there may be parked vehicles ahead?

The public hearing was opened.

Jessie Roads, Sir Francis Drake Boulevard resident for 10 years, said he did park on the street very much; that the problem was speed, not parking. He did not want to eliminate the parking unless there were other measures to control speed, but acknowledged that the speed was difficult to enforce. He said it was almost impossible to get in and out of driveways. The lanes are a narrower width than standard. The less traffic there is, the greater the vehicular speed. Backing out of a driveway was a hazard. He was skeptical that the lights could be timed to control traffic to the speed limit similar to 19th Avenue in San Francisco, because not every block on Sir Francis Drake Boulevard is the same length, as they are on 19th Avenue. The transition several years ago from two lanes to four lanes brought increased speed.

John Amato, 1409 Sir Francis Drake Boulevard, said it has not been shown that parked cars were the cause of any of the 27 accidents. Furthermore, if someone is turning left, the vehicle behind it cannot just dash into the adjacent lane to the right. He thought the increased traffic flow and speed were the causes of the accidents.

Sylvia Haas, 1421 Sir Francis Drake Boulevard, invited people to try backing out of her driveway onto Sir Francis Drake Boulevard. People may stop in the center lane to let her out, but they often do not stop in the curb lane. San Anselmo used to be a lovely small town, but now people just want her to get out of their way. She suggested making Center Boulevard and Sir Francis Drake Boulevard each one way. She supported a 25 mph speed limit.

Charles Bassing, 1123 Sir Francis Drake Boulevard (between Saunders and Tamal Vista), said that before the SFD improvement project, the curb lane was marked "right turn only." Traffic has become noisier, which indicates there is more traffic. The property owners on Sir Francis Drake Boulevard cannot add onto their homes, because their property values will decrease if the Town widens the road. He suggested getting the traffic lights adjusted to control speed, and establishing a 25 mph speed limit.

Terry McGovern, 1423 Sir Francis Drake Boulevard, disputed the figure of 40,000 vehicles per day travelling that road, she said the number of accidents seemed low in light of the number of vehicles, she thought 25 mph speed limit was a good idea, and suggested re-routing trucks to Center Boulevard.

Eva Jansson, 1405 Sir Francis Drake Boulevard, said removing street parking will be a problem with carpools for children, which need to let children out at their homes, and taxicabs for older residents, which would have difficulty backing out onto Sir Francis Drake Boulevard if they pulled into the driveways to pickup and drop off their passengers. Some people stop and let people out of their driveways and some do not.

Heidi Jaeger, resident of 1015 Sir Francis Drake Boulevard for 25 years, suggested marking clearly that cars will be parked on the street, and signs be installed that say that radar will be enforced.

Robert Haas, 1424 Sir Francis Drake boulevard, asked how many of the 27 accidents were related to driving under the influence; that people who hit parked cars are usually under the influence.

Patrick Haas, 1421 Sir Francis Drake Boulevard, suggested bot dots and diagonals be placed in the curb lane.

Police Chief Del Santo said Center Boulevard, built on crushed rock, could not carry the truck loads like Sir Francis Drake Boulevard.

Councilmembers expressed concern that this was a very difficult issue in that everyone was correct in their observations of the hazards and liabilities both of having parking on Sir Francis Drake Boulevard, and not having parking. It was the general feeling of the Council to explore other measures to address both staff's and the neighbors' concerns. Staff was directed to work with the residents on a range of ideas, and report back to Council.

8. PUBLIC HEARING ON APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF APPLICATION DR-9212, DESIGN REVIEW OF A NEW SINGLE FAMILY RESIDENCE, ASSESSOR'S PARCEL NO. 7-192-10, 25 SOUTH OAK.

Planning Director Chaney presented the staff report.

Norman Charles said there were no objections to the application at the second public hearing. He proposed to build a new home, trim back the overgrown landscaping, and plant fire resistant landscaping. Parking would be accommodated in a two-car garage, the project did not encroach into the setbacks, a sewer line will be installed to replace the septic tank, the utilities will be undergrounded, they will pave a portion of the road, and they would be entitled to build 3,015 square feet without design review. The proposals was for a new 3,088 foot house, stepping the home down to the hill to soften the visual impact, and requiring minimal excavation. The exterior will be brown shingles; shadow lines will soften the visual impact. The home will face north. The extensive landscaping plan will include oleanders and trees planted on the side, including planting three redwoods; after the redwood are grown, they will remove the bays adjacent the houses due to fire concerns. He said they tried for a redesign that met the setback requirements. By putting the house outside both the setbacks and the tree lines, they ended up with a boxy design that looked massive and required a 9 foot excavation, which the soils report recommended against. He showed the Council photographs of what could be seen of Mr. Posthuma's property from his property, and said that his house has no impact on him; all that can be seen is a portion of his parking area from his property. Charles said the encroachment permit has already been released, that the eucalyptus trees about which Mr. Posthuma is concerned have shallow roots which can be dug around so as to save the trees.

Yarish inquired about reducing the pitch of the roof and making changes in the landscaping.

Theodore Posthuma, 379 Oak Avenue, submitted photographs showing what he sees from his property. He was primarily concerned about the pitch of the roof and supported dropping the roof and obtaining a variance to locate the home closer to the road where the present home is located. He noted that the eucalyptus trees were in the Town right-of-way. The trees as 1 South Oak were removed, he was concerned that the same would happen at this address. He asked how it was feasible to dig a sewer trench in a

roadway 8 feet wide. He said the house was too big for the lot.

Patty Cavanagh, whose parents own a vacant lot behind 25 South Oak, said it was important to put a house on the property to improve it and to upgrade the sewer. She said that if the landscape design and trees would adequately screen the house, they would not have a problem with the building square footage.

Yarish supported using landscaping for screening, and suggested that a mitigation measure for the visibility would be a shallower roof pitch, but noted that it would make the design less interesting from the downslope.

Breen inquired about the paving required. Charles said that the area in need of paving was a non-Town maintained road, not the Town maintained road. Breen commented that if the Town is satisfied that road will meet the standards over the next five years, then a slurry seal alone was likely to be acceptable.

Zaharoff expressed concern that the Town maintained road will get ripped up during the sewer project and the roots of the eucalyptus trees are becoming exposed due to erosion and their health is threatened. She said she appreciated the applicant's efforts to minimize the fire hazards, but that the landscaping needed to be increased; three box redwoods were not sufficient landscaping.

Charles said having a yard area for children is very important; if the house is moved away from the trees, it will severely reduce the yard.

Fire Chief Zeise said it was not recommended to place pine, bay and acacia trees next to homes due to their combustibility in the event of fire.

Yarish suggested planting 6 to 8 redwoods, pruning the bay trees, and removing the bay trees in 5 to 6 years when the redwoods have reached sufficient height.

Kanis expressed concern that the house was too big for the lot, and that the Town should not bear the risk of the results of ripping up the road for sewer construction.

Zaharoff noted that a remodeled 3,000 square foot house would not require design review. With the proposed project, the applicants get an extra 100 square feet that they could not get if they wanted to avoid design review, and the Town gets landscaping, and a deed restriction on the landscaping. The purpose of the deed restriction would be to ensure that the trees are maintained and provide adequate screening, rather than be allowed to die. Based on the mathematics of that arrangement, she would support the project, with the condition that there be more landscaping that landscaping be viable. She wanted a stepped, phased landscaping plan that takes into account elimination of the bay trees in a phased manner, and the planting of drought tolerant, native, fast growing trees that will provide adequate screening. Three box redwoods were not adequate. In addition, if the eucalyptus trees are damaged or removed, that the applicant pay for the cost of either rehabilitating or replacing the trees.

Yarish suggested that eight 24 inch box redwood trees be required. Charles said that was fine, or substitute wording that they be approved by the Planning Director.

Yarish inquired about traffic control for the duration of the sewer construction project. Charles said a plan was

being worked on with the Public Works Department regarding the road closure.

M/S, Zaharoff/Breen, to deny the appeal and modify the Planning Commission's approval of DR-9212, for Sandra and Norman Charles, 25 South Oak Avenue, concerning design review to construct a new single family residence subject to all the additional conditions imposed by Council tonight including changing the landscape plan to the specifications directed by Council, with the added proviso in the sewer plan that should the two eucalyptus trees be damaged or removed, that the applicant pay for the cost of either rehabilitating the trees or replacing them. Motion passed by the following vote:

AYES: Breen, Yarish, Zaharoff

NOES: Kanis

ABSENT: Chignell

9. DISCUSSION REGARDING ROSS VALLEY FIRE SERVICE COST-SHARING AGREEMENT BETWEEN THE TOWNS OF SAN ANSELMO AND FAIRFAX.

Zaharoff reported on the history of the cost sharing arrangement between the two towns. The recent analysis by the Fire Chief and Executive Officer using the criteria stated in the joint powers agreement concludes there is an approximately 2 percent difference in the cost sharing agreement, to Fairfax's benefit. The question before the Council was whether to pursue readjustment, and by what formulation should that decision be made.

It was the consensus of the Council to ask Ross Valley Fire Board Member Zaharoff to request a continuance on this matter, until Board Member Chignell can also be present, and to allow time for the Executive Officer/San Anselmo Administrator, Fire Chief, and Fairfax Administrator to work together on this issue.

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

The State of California has passed a budget, which includes approximately \$200,000 in revenue cuts to the Town of San Anselmo. Hearings on the Town's 1992-93 budget were tentatively scheduled to start October 6.

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

Summer youth counselors - Breen inquired about the recruitment and selection process used for these recreation positions.

12. ADJOURNMENT.

The meeting was adjourned at 12:30 a.m.

Beth Pollard