

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of October 27, 1992

6:45 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(b) and 54956.9(c).

7:30 p.m.

Interviews with applicants to the Volunteer Program Advisory Board.

8:00 p.m.

1. CALL TO ORDER.

Mayor Kanis convened the regular meeting, with Councilmembers Breen, Chignell, and Zaharoff present, and Councilmember Yarish not present due to illness.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Barbara Schmidt, Austin Avenue, expressed opposition to doing anything different with the Robson Harrington House, supported preserving heritage trees, commented that more growth could not be tolerated on Sir Francis Drake Boulevard, and wanted the Town to maintain its support of keeping the Baywood Canyon project to a smaller size.

M/S, Zaharoff/Chignell, to add to the agenda after item 5 consideration of entering into negotiations with the Marin Municipal Water District and the property owners regarding the costs related to the selection of an environmental review consultant for the water tank and/or specific plan for Bald Hill, on the grounds that the need to take action on the item arose following posting of the agenda. Motion passed unanimously, Yarish absent.

3. CONSENT AGENDA.

- (a) Approve minutes: September 22 and October 1, 1992.
- (b) Approve response to Marin County Civil Grand Jury report on tax rebate procedures.
- (c) Approve Resolution No. 3207 opposing the Baywood Canyon development project, 3200 Sir Francis Drake Boulevard, outside Fairfax Town limits
- (d) Approve scope of work and contract with Newman & Associates for preparation of the Housing Element of the General Plan.
- (e) Award contract for Willow Storm Drain Repair project.

M/S, Breen/Zaharoff, to approve the consent agenda. Motion passed unanimously, Yarish absent.

4. APPROVE RESOLUTIONS ADOPTING THE 1992-93 BUDGET AND SETTING THE APPROPRIATIONS LIMIT.

M/S, Zaharoff/Chignell, to adopt Resolution No. 3208 setting the appropriations for the Town of San Anselmo for fiscal year 1992-93 under Article XIII-B of the State Constitution at \$3,684,766. Motion passed unanimously, Yarish absent.

M/S, Zaharoff/Chignell, to adopt Resolution No. 3209 adopting the General Fund budget, including the Contingency Fund, of \$5,416,752, adopting the Isabel Cook Complex Fund budget of \$86,000 and the Equipment Fund budget of \$171,250 for the 1992-93 fiscal year. Motion passed unanimously, Yarish absent.

5. APPEAL OF PLANNING COMMISSION APPROVAL OF PDP-9201; DR-9210; LLR-9202, MICHAEL AND LINDA GILL, A/P 7-154-07 AND 08; PRECISE PLAN, DESIGN REVIEW, AND LOT LINE RELOCATION FOR REDEVELOPMENT OF A 3.25 ACRE LOT IN THE R-1H DISTRICT TO CONSTRUCT A SINGLE-FAMILY RESIDENCE AND 40,450 GALLON WATER TANK AT 663 OAK AVENUE.

Planning Director Chaney presented the staff report describing the appeal from Jerry Draper regarding this project's relationship to a 120,000 gallon water tank being proposed by MMWD, and counter appeal from the Gills relating to the access road up to Worn Springs and up to the MMWD watershed lands. At the last meeting, Council requested the Town Attorney research these issues further.

Staff recommended that Council deny the Draper appeal, and adopt the resolution with the 15 conditions, deleting condition #14 relating to the access issue, and adding condition #12 regarding maintenance of the 40,450 gallon water tank.

Town Attorney Roth said it was dubious to require the applicant for this project to do an EIR on the 120,000 water tank. Because the Town and the applicant could not come to an agreement regarding the access easement, he recommended dropping that condition and was prepared to file a lawsuit the next day establishing the access easement.

Neil Sorenson, attorney for the Gills, stated their support for the staff recommendation.

M/S, Breen/Zaharoff, to approve Resolution No. 3204 conditionally approving the precise development plan, lot line adjustment and design review applications for redevelopment of a 3.25 acre lot in the R-1-H District to construct a single family residence and 40,450 gallon water tank at 663 Oak Avenue. Motion passed unanimously, Yarish absent.

6. NEGOTIATIONS WITH THE MARIN MUNICIPAL WATER DISTRICT AND THE PROPERTY OWNERS REGARDING THE COSTS RELATED TO THE SELECTION OF AN ENVIRONMENTAL REVIEW CONSULTANT FOR THE WATER TANK AND/OR SPECIFIC PLAN FOR BALD HILL.

Town Administrator Bonander reported that staff would like the opportunity to negotiate with the property owners and MMWD regarding the costs related to the selection of an environmental impact report consultant for the water tank and/or a specific plan for Bald Hill. The intent would be for staff to meet with these parties in the next couple of weeks, and report back to Council, on whether the negotiations have produced any results and whether any Council appropriation is recommended to continue the negotiations. Town Attorney Roth explained that there is presently an environmental review process occurring with MMWD, and the time is ripe for selecting the EIR consultant, or determining whether a specific plan on the whole area is the more appropriate planning vehicle.

M/S, Chignell/Zaharoff, to direct staff to enter into those negotiations, and report back to Council at the meeting of November 10, 1992. Motion passed unanimously, Yarish absent.

6. PUBLIC HEARING TO CONSIDER REVOKING A PORTION OF AN ENCROACHMENT PERMIT ISSUED TO CARL YEAKEY FOR CONSTRUCTION OF A REDWOOD BULKHEAD IN FRONT OF 22 ISLAND DRIVE.

Public Works Director Bush presented the staff report. He explained that the prior Public Works Director had granted

an encroachment permit to Mr. Yeakey to build a bulkhead for a parking area in the public right-of-way in front of the property at 22 Island Drive, which is owned by Roger Gershon and Jeffrey Johnston, y Mr. Gershon's property, without notification to Mr. Gershon or Mr. Johnston. There had been a parking pad at this location since 1965. After the bulkhead was constructed, Mr. Gershon complained about its location and raised the issues of visual blight and slope stability. Bush recommended that the permit be revoked since the property owners of 22 Island Drive had not been given adequate notice; if Council upholds the permit, Bush recommended a soils engineer be hired by Mr. Yeakey to address the concerns raised by Mr. Gershon regarding soils stability.

Mr. Yeakey said he had papers from his neighbors that this parking space has been located there for 25 years; he used this space when he built his home in 1962. Existing concrete could be seen below the gravel to further justify his claim that it previously existed. Regarding soils stability, he commented that he had been a contractor for 35 years and had never had a failure on any of his work. There was no erosion on his site. The highest part of the retaining wall was 29 1/2 inches; the other side was 22 inches. He made a sheer vertical cut, according to former Interim Public Works Director Hill's recommendation.

Larry L. Gershon, representing the property owners of 22 Island Drive, said the property in front of 22 Island Drive has been taken for purpose of accommodating the parking necessitated by Mr. Yeakey converting a single family dwelling to a multi-family dwelling, and he declines to use his two-car garage and driveway for his tenants. He did not obtain a parking encroachment in front of his property for his tenants; instead he took his neighbor's property. He submitted photographs of the site. He said it was a laudable motive for Mr. Yeakey to create parking. He said Mr. Yeakey had posted a sign stated that the parking area was not for public use, contrary to the requirements of the encroachment permit. The permit states that it is for the "benefit of the property herein described"; there is nothing in the permit that says it is for the benefit of the adjacent property. He said the permit was probably issued in error. If it had been known that it was the adjacent property owner's, due process would require notice. He said there were five or six cars at Mr. Yeakey's residence requiring parking. His clients' access to light, view, and air were taken by the action to approve the permit. Although Mr. Yeakey discounts the soil stability issue, they were talking about the geologic structure of the subsurface at the head of the slope. He did not know how many of the signatures submitted by Mr. Yeakey were his tenants, but he did not that the only property owners impacted by the parking space was his clients.

Roger Gershon submitted photographs taken one week apart; the first photograph showed the "no parking sign", after which Mr. Gershon told Mr. Yeakey it could not be posted as such, and the sign was removed.

Roger Gershon said that if the structure is removed, and someone parks there during the day, a large part of the driving force on the hillside is removed.

Bush said that if the retaining wall was adequately designed to standards, it should be stable as is; it is not required to go down into bedrock. However, there was enough concern on the part of the property owners to have it verified by a soils engineer.

Neil Sorenson, attorney for Mr. Yeakey, said there was a pre-existing condition of a parking area at this location, there was no error by the Town - former Interim Public Works Director Hill visited the site with Mr. yeakey, and there are five people in Mr. Yeakey's home, which includes a legal second unit. He said Mr. Yeakey was a citizen who has tried to comply with the law and built improvements, and he acknowledges that he cannot restrict other people from parking there since it is in the public right-of-way.

Jeff Johnston, co-owner of 22 Island Drive, said he would feel differently if they had been approached by Mr. yeakey. They returned from being away to find their landscaping thrown into the middle of their front yard. He said they had received anonymous complaints about their dogs barking. He said they were skeptical to rely on Mr. Yeakey to act in good faith.

Mr. Yeakey said he would do everything he could to resolve this in a good way.

Roger Gershon said the parking area was built in front of their house without their knowledge. What was there before did not have railings. He said the parking problems on Island Drive were created by Mr. Yeakey, adding that he parks an airplane in his garbage, had eight tenants three weeks ago, and the two parking spaces in front of their house depreciates its value.

After discussion, it was the consensus of the Council that an attempt be made to mediate the dispute, led by Councilmember Breen.

M/S, Chignell/Breen, to continue to a subsequent meeting. Motion passed unanimously.

7. DISCUSS THE TOWN'S OVERNIGHT PARKING PERMIT ORDINANCE.

Town Administrator Bonander presented the staff report describing the history of the Town's ordinance prohibiting parking on the street between 2 a.m. and 6 a.m., except upon issuance of a hardship parking permit.

Police Chief Del Santo recommended that the ordinance be kept for safety reasons. He said that San Anselmo had fewer car thefts than other cities in Marin.

Ross Valley Fire Chief Zeise said it was important for the fire engines to get through the streets, which was made easier without vehicles parked on the street. He said some streets may be wide enough for parking without blocking the street, there is a higher incidence of blocked streets in Fairfax where parked vehicles are allowed on the streets, and that it shows up more on medical than fire calls. There have been two occasions in San Anselmo in the past year where the engines had to stop because of parked cars.

Claudia Miles, Tamalpais Avenue, submitted a petition with 100 signatures supporting a parking permit program. She said they were not talking about repealing the ordinance, but establishing a permit program. She questioned why it was alright to block passage of emergency vehicles with parked cars on the street during the day, when it was not alright at night. She said she was not saying that parking should be allowed on narrow streets where emergency vehicles could not pass. Regarding abandoned vehicles, both state law and County ordinance prohibit the parking of vehicles on the street for more than 72 hours on the street. She said many concerns are being passed on under the guise of the ordinance and clutter. She suggested a residential parking program on a neighborhood by neighborhood basis. She said she did not see people

building illegal units applying for parking permits. Regarding automobile theft, no one will be forced to get or use a parking permit. She said the character of the community is more than just appearance; the inconvenience of moving cars also affects the character. She said she lived in a two-adult house with two cars and a narrow driveway, with two and four hour parking on the street. She often has to move her car three times a day, which does not make her feel good about living in San Anselmo.

Miles suggested that a permit program provide:

- o Each household may purchase two permits to affix to vehicles, that are valid for six months, with a fee charged to pay for signs.
- o Allow each household to purchase two guest permits that could be placed in the windshield or hang from the mirror.
- o Parking tickets could cost substantially more than they current do.

Miles suggested soliciting the opinions from San Anselmo residents on overnight parking, adding that there may be some neighborhoods where it is not appropriate to have permits.

Bill Franchini, 2 Agatha Court, said he was a 70 year San Anselmo resident, that a discussion of parking surfaces about every ten years when someone new moves in, and supported keeping the ordinance as is.

Dolly Frauens, 30 Oak Avenue, supported the ordinance, had no quarrels with amendments, said there were alot of people who do not take advantage of the permits, that the surveillance needed to be kept up, and that a permit system creates complications and an administrative bureaucracy for homeowners.

Mary Anne Cowperthwaite, Oak Avenue, supported keeping the ordinance, said that junkers on the street bother her, that the ordinance was important for safety, and perhaps there could be permits for wide streets but not hills.

Ken Anderson, Laurel Avenue, said he would hate to see the ordinance weakened, and that he did not want San Anselmo to begin looking like a city with alot of cars on the street,

Alva Shine, Alder Avenue, said she was a 32 year San Anselmo resident, that they have to move their cars every night, the streets are wide enough so as to be able to park on the street, questioned why the restriction was 2 a.m. to 6 a.m., what other cities have this ordinance, and said wider streets should be entitled to have overnight parking.

Dennis Shine, Alder Avenue, said that criminals do not necessarily work between 2 a.m. and 6 a.m., if the prohibition against overnight parking was for security reasons.

Jim Cowperthwaite, Oak Avenue, said that by prohibiting parking between 2 a.m. and 6 a.m., it breaks up the continuity of parking, and means that cars are not parked for a day. He favored retaining the ordinance, said it had been amended to accommodate the needs of the Town, he did not see how the Police Department can administer the program and look for permit stickers. He said he had been a San Anselmo resident since 1956, he lived on a private road not patrolled, and preferred the scene of streets not cluttered by vehicles or motor homes.

John Holm said his car was side-swiped when he left it on the street, that there was enough bureaucracy without having a permit program.

Patrice Hickox, San Anselmo Avenue, said she supported ms. Miles' proposal. She said that streets that are too narrow at night are too narrow during the day; there were many disabled people who were forced to go into the streets when cars are parked on sidewalks rather than streets; and vehicles are abandoned regardless of the parking ordinance.

Mr. Snyder, Plumas Avenue, supported keeping the ordinance as is. He said that during the daylight, people are on the street and there is a possibility of aid other than the Fire Department, and they are around to move their cars. He liked the street being clear at 2 a.m. If there is a fire when he is asleep, there would be no one on the street to take care of abandoned vehicles, which could mean the difference between life and death in a fire emergency. Wildlife fire will travel faster than a human can run. There is no time for the Fire Department to get the street cleared. The law is a burden that everyone shares. He complimented staff on the report, and felt the ordinance is clean, simple and enforceable.

Mike Plagy, said the police have better things to do than tag cars. If emergency vehicles cannot get by, the vehicles blocking them could be tagged.

Bill DeBisschop, 91 Elm Avenue, said he was interested in a parking permit program to allow residents to parking in the 2 to 4 hour zones on their street, objecting to an employee who does not live in town to be able to park all day in a four-hour zone. His street survey revealed there are streets with less than a 12 foot clearance. He objected to paying \$.67 per ticket plus the police officer's time to process overnight parking tickets, and objected to people parking on sidewalks.

Elizabeth Berryhill, 18 Plumas, questioned to whom to talk when a street is too narrow in the day or nighttime, did not think a fire engine could get through for medical or fire reasons if there were cars parked on the street.

Larry Nelson, 32 Meadowcroft, said people have to be creative to find off-street parking; he had to build a garage to find parking. He supported leaving the ordinance in place.

Stephanie Roth, Tunstead Avenue, complimented Ms. Miles on her fine job, said that every time a car is moved and an engine is turned on, it puts carbon monoxide into the atmosphere, and supported considering parking permits for the two and four hour parking zones.

Ron Foster, 21 Lincoln Avenue, supported leaving the ordinance in place and looking at something different for the two and four hour zones.

Town Administrator Bonander said the enforcement was dependent upon other police priorities, other cities with an overnight parking ordinance use 2 a.m. to 6 a.m. as a period to break up 24-hour a day parking because people typically will not get up at that time to move their cars. She said the overnight parking ordinance must be applied townwide.

Town Attorney Roth said that neighborhood parking permits were legal.

Chignell said he thought the majority of residents would support repeal of the ordinance, that people have a right to live in this town and speak regardless of how long they have lived here, that it is a town of many small homes with different kinds of families with special problems, and

staff should relax the standards for parking permits. He said no one wants parked vehicles to interfere with emergency response.

Breen said he supported the ordinance, but recognized there were issues in the downtown area that needed to be addressed. If there are unique situations that can be remedied, they should. He expressed concern about cars being parked on the street, such as long-term repairs, or cars blocking the address numbers painted on the curb, and maybe there should be an ad-hoc task force to look at some of these issues, to work to solve the problem as a community.

Zaharoff expressed concern about the permit system as a burden for the police department to administer and enforce with staffing so strapped. There are a number of streets where parking could be accommodated on parking sides of the street, but most streets would have to assign one side of the street for parking, and there still would not be certain parking spaces available. She said that residents who live in four-hour parking zones are at a disadvantage compared with other residents, and residents should not be made to move their cars. She supported the overnight parking ordinance, although she acknowledged that it was a burden. The overnight parking ordinance is one of those types of things where people have to suffer burdens to generate good for the community as a whole. There are a lot of cars in San Anselmo, most of the streets do not have sidewalks, many people walk, and it is very dangerous to walk on the street around parked cars.

Kanis supported continuing the ordinance and doing a parking study that presents problems and alternatives. As the Town representative to the Countywide Planning Agency, he noted that congestion problems in the County promoted the Agency to support discouraging the use of vehicles. Repealing the ordinance and making street parking available would be encouraging more vehicles, and he felt it was a disservice not to consider the larger issues, including environmental considerations. He supported looking at extreme situations such as the downtown, and suggested that questions about parking could be included in the community survey.

It was the general consensus of the Council to have staff look at some aspects of the ordinance, such as the language on hardship parking permits and guest permits, and conduct a street analysis. Bonander suggested taking the issue back to the Traffic Safety Committee and department heads, and perhaps pulling together a citizens group to discuss the ideas raised this evening.

8. REVIEW POLICY REQUIRING RECYCLING AT PUBLIC EVENTS SPONSORED OR APPROVED BY THE TOWN.

M/S, Zaharoff/Chignell, to approve the resolution requiring recycling at Town sanctioned or approved events. Motion passed unanimously.

9. APPOINTMENTS AND STATUS REPORT ON APPLICATIONS:

(a) Volunteer Program Advisory Board. (5 seats)

M/S, Zaharoff/Chignell, to reappoint H. G. von Dallwitz, and appoint Libby Davis, Barbara Prowell Jones, Paul Kuentz, and Jason Cameron. Motion passed unanimously.

(b) SOLID WASTE AND RECYCLING COMMITTEE. (3 seats)

Staff was directed to schedule interviews with the applicants.

(c) Parks and Recreation Commission (1 seat)

M/S, Breen/Chignell, to appoint Richard Fernandez. Motion passed unanimously.

(d) Tax Equity Board (1 seat)

M/S, Chignell/Zaharoff, to reappoint Joyce DeMartini. Motion passed unanimously.

10. RESPOND TO THE MARIN COUNTY CIVIL GRAND JURY REPORT ON GARBAGE AND RECYCLING IN SAN ANSELMO: CONTINUE TO NOVEMBER 10, 1992.

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

Fall clean-up - Breen said there were no shavings remaining this weekend, and asked how the clean-up did compared with other years.

Street sweeper - Chignell asked if there some ability to notify residents about when the street sweeper will be coming through; it did not have to be an exact date, but give residents some idea.

Community survey - Kanis will work with Bonander on developing a survey.

12. ADJOURN.

The meeting was adjourned at 11:20 p.m.

Beth Pollard