

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of March 9, 1993

7:00 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(a), San Anselmo v. Gill, et al, Marin Superior Court # 155116, Mitchell v. Town of San Anselmo, et al, Marin Superior Court #155454, and regarding labor negotiations.

8:00 p.m.

1. CALL TO ORDER.

Mayor Kanis convened the regular meeting at 8:00 p.m., with Council Members Breen, Chignell, Zaharoff, and Yarish present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Town Administrator Bonander reported that a memorandum of understanding had been signed with North Bay Industries to allow them to hold onto their federal grant and seek additional funding while the application and public hearing process is underway. Bonander reported that MOU allows the Town to withdraw its participation in the project at any time.

Donna Olsavy, Pine Street, asked why the project should be allowed to go ahead and get funding before the neighborhood has had a chance to end the project right here. If it is going to be just somewhere in Town, that is one thing; but if it is going to be Pine Street, that neighborhood should have a chance to participate at this time.

Ann Pearce, Pine Street resident, said the project would be horrendous for the residents of Pine Street.

A Pine Street resident expressed concern that the Pine Street residents had not been notified, and asked that the residents be notified.

Guy Myer, Jr. inquired about the process on herbicide on the next agenda.

Sarah Nome, asked that item (g) be removed from the consent agenda.

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

Ross Valley Fire Board funding and service options - Zaharoff asked that this item be placed on a Council agenda.

Sandbags - On March 27 in early hours, volunteers will remove sandbags from the downtown.

Smoking - Council Member Breen asked Council for authorization to take a leadership role on smoking, and conduct a community workshop to develop San Anselmo approach to smoking regulations on March 30.

63 Nokomis - Chignell asked for a status report.

Joint meeting with Solid Waste & Recycling Advisory Committee - Bonander explained that the presentation of Deloitte Touche report will be only a portion of the agenda for the joint meeting.

Trash receptacles - Council asked who is responsible for the trash container in front of San Anselmo Auto Parts, as it is messy.

Regional planning meeting - Bonander reported on her meeting in Napa with North Bay city officials regarding regional planning.

ISTEA Committee - Bonander will chair committee deciding how federal funds allocated on a county basis will be spent on local transportation projects.

Sales tax reports - The Reports have been received from the sales tax consultants.

Association of Bay Area Governments (ABAG) Assembly: Bonander reported she has been asked to speak at the meeting.

4. CONSENT AGENDA.

- (a) Approve minutes: February 23, 1993.
- (b) Acknowledge and file warrants: Nos. 11454 to 11696, in the amount of \$460,115.81.
- (c) Authorize police officer training program for a police dispatcher.
- (d) Ratify Memorandum of Understanding with the San Anselmo Police Officers Association.
- (e) Approve amendments to Memorandum of Understanding with the Public Essential Services Unit, Marin Association of Public Employees/SEIU 949.
- (f) Support resolution urging the Ross Valley Paramedic Authority to obtain proposals for services.
- (g) Approve procedural guidelines for placing property owners on second unit waiting list.
- (h) Adopt amendments to urgency ordinance amending regulations for water wells.
- (i) Adopt revisions to resolution conditionally approving an amendment to a Precise Development Plan permit and Design Review to allow installation of a private water system to an, as yet, unbuilt house at 80 South Oak Avenue, Robert Yeakey.
- (j) CONTINUE TO MARCH 23, 1993: Establish policy on use of herbicides.

M/S, Breen/Zaharoff, to approve a, d, e and j. Motion passed unanimously.

Yarish inquired about payments to San Anselmo Garbage Disposal after January 1, 1993, noting that as of that date, pickups are to be made at Isabel Cook at no charge. Staff will research the matter.

- (c) Authorize police officer training program for a police dispatcher.

A police dispatcher is interested in obtaining training to become a police officer, which would have some costs to the Town.

Yarish expressed concern that there be a guarantee of employment with the Town for a period of time, and that a cost sharing should be explored, adding that he felt it would be money well spent.

Chignell supported exploring reaching out to this employee, wanting assurance she would stay in San Anselmo, and exploring asking the employee to pay back at least some portion of the training costs; he inquired about the procedure to hire this employee over any qualified applicants on an eligibility list. He added that there should be consideration for balancing the gender mix in the dispatch positions as well as the police officer position.

Breen said the net cost to the Town was \$9,500, and expressed concern that the staff work should have been more clearly in place prior to bringing the matter to the Council.

Kanis expressed concern about setting a precedent for police officer training, particularly during times of financial constraints, and questioned what would happen if she did not pass the academy or probation.

- (f) Support resolution urging the Ross Valley Paramedic Authority to obtain proposals for services.

The item was tabled until after item 7.

- (g) Approve procedural guidelines for placing property owners on second unit waiting list.

Planning Director Chaney explained the issue.

Sarah Nome, 77 Alder Avenue, said 20 years ago there was community opposition to second units, and a second unit committee was formed to canvass the neighborhoods and establish guidelines on second units. She said units in her neighborhoods are being built and rented illegally, with illegal incomes. She said a second unit committee was needed at this time, which would also address establishing a correct population count in San Anselmo.

- (h) Adopt amendments to urgency ordinance amending regulations for water wells.

Yarish expressed concern that the ordinance was too restrictive, specifically noting Section 9-20.07(B)9, and proposed adding language after "certificate of occupancy...", "if supply is imminent."

Zaharoff suggested the ordinance be passed as previously discussed, with amendments which may include provisions that address the imminent supply issue

Chignell noted that this provision was subject to an appeal to the Council.

Delete "possible" in front of refund, and add "reasonable" in front of determined.

Scott Hochstrasser, planning consultant representing clients, said he was disappointed he had not been notified about this meeting, said the ordinance was not very well thought out, notably requiring lines installed at time of construction even when MMWD water is not available, and forcing property owners to withdraw from private well use when MMWD water was available, and he did not think that was legal. He questioned the validity of the findings of fact to justify the urgency, notably item number 4, and questioned whether the Town had accomplished a study.

Chaney said that Environmental Health has reported that there have been no studies on the health and availability of well water in the county. Property owners could still use well water for non-potable uses after connecting with MMWD. She said environmental health officials concurred with the findings of fact in the urgency ordinance.

M/S, Chignell/Zaharoff, to adopt the ordinance, with an amendment to add "reasonable" and delete "possible" as discussed. Motion passed by the following vote:

AYES: Breen, Chignell, Zaharoff, Kanis

NOES: Yarish

- (i) ADOPT REVISIONS TO RESOLUTION CONDITIONALLY APPROVING AN AMENDMENT TO A PRECISE DEVELOPMENT PLAN PERMIT AND DESIGN REVIEW TO ALLOW INSTALLATION OF A PRIVATE WATER SYSTEM TO AN, AS YET, UNBUILT HOUSE AT 80 SOUTH OAK AVENUE, ROBERT YEAKEY.

Yarish expressed concern about requiring the deposit fees, as reasonably be determined by the Director of Public Works in condition #1, and in #2, and the amendment that the Public Works Director "shall review and consider a refund."

M/S, Chignell/Breen, to approve the resolution, with those amendments. Motion passed by the following vote:

NOES: Yarish

- (f) Support resolution urging the Ross Valley Paramedic Authority to obtain proposals for services.

Fairfax Mayor Frank Egger reported that Fairfax was the only city that had appointed a Council Member as its appointee to the Paramedic Authority Board of Directors. In San Anselmo in 1992, there were 340 response calls, with an average response time of 5.52 minutes from time resident picked up phone and called 911, that was the time that a response was on the scene. Costs for San Anselmo in the year ending June 30, 1992, was \$136,207. He said initially one station was placed in Ross as a central location, but there was a proposal for a second station. Another possibility was looking at a fee for service, yet residents were promised there would be no charge when the tax measure for paramedic service was passed.

Bonander explained that Town of Corte Madera was concerned about response time, and making sure they received an adequate level of service, and wanted to encourage the paramedic authority to seek proposals for services in the public and private sectors. There is a possibility that through the residents' insurance programs some revenues could be recovered.

Chignell expressed concern about sending this type of resolution to another public agency, and that first there should be an effort to work through staff and the Town's representative to the authority.

It was the consensus of the Council to continue the matter to a future meeting to allow the executive officer of the paramedic authority and the Town's representative to the Paramedic Authority Board of Directors to be present.

M/S, Zaharoff/Breen, to approve the remainder of the consent agenda. Motion passed unanimously.

Kanis announced that items 9, 10 and 11 will be continued to the next regular meeting due to the lateness of the hour, and item #6 was moved to follow item #8.

5. PUBLIC HEARING ON REQUEST TO CLOSE SAN ANSELMO AVENUE BETWEEN TUNSTEAD AND TAMALPAIS ON MAY 15 FOR THE ANTIQUE DEALERS FAIRE, SPONSORED BY THE ANTIQUE DEALERS ASSOCIATION OF SAN ANSELMO.

M/S, Yarish/Breen, to approve the request. Motion passed unanimously.

6. UPDATE ON COMMENTS REGARDING SAN ANSELMO GARBAGE DISPOSAL NOISE AND PICKUP SCHEDULE. (Oral report)

This item was continued to the next regular meeting.

7. PUBLIC HEARING ON APPEAL OF PLANNING COMMISSION DENIAL OF V-9301 AND DR-9302; VARIANCE TO EXCEED THE MAXIMUM PERMITTED DWELLING SIZE AND DESIGN REVIEW OF A 1,648 SQUARE FOOT ADDITION, 41 HILLCREST COURT, ALBERT AND BESSIE JUNG.

Planning Director Chaney presented the staff report. The existing dwelling is 2,442 square feet with a 512 square foot garage. The applicants propose to increase the size of living area and garage to a total of 4,102 square feet. Under the zoning ordinance, the maximum dwelling size permitted on this 12,326 square foot property is 3,200 square feet, plus a 500 square foot garage.

Chaney reported that the Planning Commission was looking for guidance on the issue of maximum house size; specifically, whether a variance could be obtained for house size in excess of the size limit because it appeared that under the ordinance, there is no room for discretion.

Bob Tanaka, project architect, submitted a model demonstrating the impact of the project. He said they felt it was a reasonable request to tuck the bedrooms underneath the house. He said there were no objections from the neighbors. He said he would be willing to forego the 450 square foot garage and 140 square foot greenhouse, for a net total of a 150 square feet addition above the size limit.

Chaney explained that the Commission felt they could not grant an overage, regardless of the size of the overage, because of the wording of the zoning guidelines. The required parking for hillside homes is three off-street parking spaces, which includes tandem parking.

Chaney noted that the swimming pool was built several years ago in the public right of way.

Planning Commissioner Harle expressed concern that the zoning ordinance was incompatible with the first finding of special circumstances, and it seemed that a variance could not be granted. Nothing in the special circumstances would require someone to have a larger house. If the issue was visual impact, its frontal aspect and appearance would be more appropriate than square footage. He said visual impact was the main issue behind the square footage limit.

Yarish asked if the Town could establish its own findings. Chaney said that findings could be crafted for specific regulations to make exceptions.

Planning Commissioner Kroot said there was a concern, after the Bald Hill measure failed, that large homes would be built that would create a negative impact on the community, with the primary concern being visibility. He said in this situation, it seemed that there was a special circumstance, because of the surroundings - no one can see it. If no variance can be granted, then why was there an application.

Zaharoff said that the floor area ratio was included also to comply with the General Plan policy on development being consistent and compatible with the neighborhood.

Harle questioned to what extent variations from the norm can be allowed without requiring uniformity. Zaharoff said the issue was variety in architecture, not size, and that size was a major issue in the applications being brought to the Town.

Kathy Sanders, 310 Redwood Road, said the maximum size table quantifies and further clarifies Policy 11.1 in the General Plan. The proposed house size is larger than allowed on the maximum density table, and would take it to being the largest house in the neighborhood, it would not be compatible with the character of the neighborhood, and would be inconsistent with Policy General Plan Policy 11.1. Regarding screening, she noted that trees have been removed from some properties where they had previously screened development.

Jonathan Braun, 479 Scenic, expressed concern about proposed changes to square footage specifications. Whenever discretion is brought in, there are adverse impacts. He said the restriction on size limit, without variance, is needed.

Sarah Nome, 77 Alder Avenue, said there was precedent for enlarging houses.

Yarish said there was no visual massing difference between a project that fit within the square footage limits, and the applicant's proposal, and supported approving the project exclusive of the greenhouse. He said conditions and findings can be made regarding screening, making it largely invisible from surrounding properties and roadways. A revision of the zoning ordinance to create findings for exceptions to floor area ratio provision was needed. When strict zoning ordinances are overly applied, and are unreasonable, it creates conflict. He supported leaving the ordinance strict, as long as there were ways to make findings for exceptions when applications had no or minor visual impact.

Zaharoff supported the Planning Commission action, noting that houses are permanent but trees are not. Allowing a 3,200 square foot house in a neighborhood that has a 1,600 square feet average house size would be contrary to the spirit in the General Plan goals. She was against changing the spirit of this portion of the zoning ordinance regarding house size.

Breen said there was visual impact at the bottom of the hill, behind Rosemont, currently that is more obtrusive than the proposal which would clean up the lines. None of the plans can be seen by any neighbors. He expressed concern about the size of the garage. He said the issue was visual impact, not size.

Chignell said he was opposed to the changes in the ordinance, and felt putting down quantifiable limits without giving discretion to the Council was not appropriate. On the one hand there was an ordinance he did not support, but on the other hand, the ordinance was on the books. He wanted to be able to use discretion, but did not know if he could make the findings on this application.

Kanis pointed to a garage that can hold five vehicles, setting a precedent to invite overly large houses, whether or not they are visible. A matter of a house that is too big in light of what the Town is trying to achieve through

its General Plan. He wanted to see a reworked plan to decrease the size, and said he could not make the findings.

Yarish proposed approving the appeal, with the condition that the applicant eliminate the greenhouse, reduce the extension of the garage to the last eight feet, which would go a long way to reducing visual impact and reducing mass.

The applicant concurred with Yarish's idea.

M/S, Yarish/Breen, to continue the hearing for a resubmitted plan. The motion passed unanimously.

8. DISCUSS AIR RIGHTS DEVELOPMENT PROPOSAL FOR AFFORDABLE HOUSING FOR THE DEVELOPMENTALLY DISABLED OVER A TOWN-OWNED PARKING LOT. (Oral report)

It was the consensus of the Council to call a public meeting as soon as possible to familiarize people about the process entailed in this proposal. Bonander reported that she and the Town Attorney had signed a non-binding agreement to start the process. All the people who signed up on the petition, property owners on Pine Street, and all streets between Magnolia and Pine Street will be notified of the meeting.

It was the consensus of the Council that Zaharoff and Breen would be involved in this meeting.

9. ADOPT ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE REGARDING THE TAX SCHEDULE FOR RENTAL UNITS, THE SUBMISSION OF TAX STATEMENTS, AND THE PAYMENT DUE DATE.

This item was continued to the next regular meeting due to the lateness of the hour.

10. INTRODUCE ORDINANCE AMENDING REGULATIONS FOR REAL ESTATE SIGNS.

This item was continued to the next regular meeting due to the lateness of the hour.

11. REQUEST FROM THE CAMPAIGN FOR A HEALTHIER COMMUNITY FOR CHILDREN FOR \$3,000 FOR ROBSON STOP-BY PROGRAM.

This item was continued to the next regular meeting due to the lateness of the hour.

12. ADJOURN.

The meeting was adjourned at 11:15 p.m.

Beth Pollard