

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of March 23, 1993

7:15 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 94956.9(a), San Anselmo v. Gill, et al, Marin Superior Court #155454: CANCELLED.

8:00 p.m.

1. CALL TO ORDER.

Mayor Kanis convened the regular meeting, with Council Members Breen, Chignell, Yarish, and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Tom McNeil, 5 Berkeley Avenue, felt the Town is having a problem with the drainage system on Berkeley, called for the immediate repair of the drainage, and also asked for stop signs, speed bumps, and a posted 15 mph speed limit.

Town Attorney Roth advised that Sect. 845 of the Civil Code provides that the maintenance of unaccepted streets is the responsibility of the adjacent property owners.

Chignell commented that the street is impassible, and asked if there was anything the Town could do to financially assist repair efforts.

Bonander said staff could put together process for Council review, tentatively for the next meeting.

Glen Smith, Austin Avenue, said there have been three traffic accidents at the corner of Austin and Oak, and requested a three-way stop sign be installed. Police Chief Del Santo said the problem was visual, requiring foliage to be cut back.

William DeBisschop, Elm Avenue, said the cost of the \$5 overnight parking citation was costing the Town \$13,000 a year, and the Councilmembers should pay for that cost out of their pockets.

Barbara Schmidt, 59 Austin Avenue, expressed concern about the number of lot divisions taking place in Town, and urged that there be a moratorium until anything further happens. She supported decreasing density on Oak Avenue to one unit per 10,000 acres.

Sarah Nome, 77 Alder Avenue, said there are no police powers given to anybody, and resented the Mayor enforcing what she called the "daffodil law". She commented that only one Council Member had attended a reception for former Council Member Ann Walsh, and spoke in favor of the Council sending money to a trust fund for medical expenses for Ms. Walsh, rather than appropriating funds for Sir Francis Drake High School's "Safe and Sober Grad Nite".

Barbara Tracy, 228 Crescent Road, citizens against San Quentin prison expansion, ask Council to put on next agenda the issue of the doubling of the prison and its impact on San Anselmo.

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

Bald Hill - Zaharoff asked that a discussion regarding Bald Hill be placed on the next agenda.

Woodland Avenue sidewalk - Breen commented that on the north side, there is a long portion of sidewalk that is uneven due to tree roots.

Broken lamp post - Breen reported that there was a broken lamp post lying in front of Jack in the Box on private property.

San Anselmo Avenue paving - Yarish asked if this street was scheduled for repaving. Staff responded that while repaving was warranted, it was not a priority in light of other streets in greater need.

Zoning brochure - Breen asked if a handout could be prepared for prospective builders, buyers, and architects, on the General Plan policies above 150 foot elevation and below 150 feet.

Parking Committee - Yarish asked that a meeting be scheduled.

San Anselmo Garbage noise issues - Chignell inquired about the status, and asked that it be brought to the Council.

Recreation issue meeting - Chignell reported that a meeting took place with representatives of girls softball, women's softball, and the San Anselmo Baseball Association to discuss and resolve issues regarding scheduling, the results of which will be forwarded to the Parks and Recreation Commission.

Annexation policies - Planning Director Chaney recommended the Council review its annexation policies.

Housing for developmentally disabled - Town Administrator Bonander reported that North Bay Industries was discussing its proposal to build housing for developmentally disabled on property other than the Town-owned Pine Street parking lot.

4. CONSENT AGENDA.
- (a) Approve minutes: March 9, 1993.
 - (b) Acknowledge and file financial reports through February 28, 1993.
 - (c) Approve amendment to Open Space Fund Agreement with the Marin Community Foundation.
 - (d) Proclaim April as "Fair Housing Month."
 - (e) Waive fee to hang banner announcing the Scout-O-Rama sponsored by the Marin Council of Boy Scouts.
 - (f) Proclaim March as "Red Cross Month."

Town Treasurer Sheldon said the financial statement was out of agreement with the audit report.

M/S, Breen/Chignell, to approve the consent agenda with the exception of item (c). Motion passed unanimously.

- (c) Approve amendment to Open Space Fund Agreement with the Marin Community Foundation.

The amendment would allow donations to endowment fund that is property-specific.

Sarah Nome, 77 Alder Avenue, objected to more property being removed from the tax rolls and designated for open space.

M/S, Chignell/Breen, to approve (c). Motion passed unanimously.

5. COMMEND DANIEL PIOMBO, CAPTAIN OF THE SAN ANSELMO POLICE EXPLORER POST #306, FOR HIS SELECTION AS EXPLORER OF THE YEAR FOR THE MARIN COUNCIL, BOY SCOUTS OF AMERICA.

Mr. Piombo was not present. The item was continued to the next regular meeting.

6. REQUEST FROM SIR FRANCIS DRAKE HIGH SCHOOL SENIOR CLASS FOR FUNDING ASSISTANCE FOR THE "SAFE & SOBER GRAD NITE."

Representatives from the high school were not present. The item was continued to the next regular meeting.

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

Dorothy Hughes said the Campaign had run out of funds for the stop-by program, and requested funds to take it through the summer, after which they believed they would obtain grant funding. The program serves approximately 20 children. There are no fees charged.

Kanis suggested the Campaign conduct a fundraiser for the program.

Sarah Nome spoke in favor of the request.

M/S, Breen/Zaharoff, to approve the request on the proviso that staff will provide more of an evaluative approach. Motion passed unanimously.

8. 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 architect has revised the plans to eliminate the greenhouse and a portion of the garage for a revised total square footage of 4,086 square feet, inclusive of the garage.

Even if Council denies the variance, staff recommended approving the design review. Staff is unable to make the findings; If Council approves the application, staff recommends that it be approved with conditions requiring maintenance of trees for screening, recording of deed restriction for single family use, and direct staff and the Planning Commission to develop new language on the house size issue.

Kanis inquired about the location of the swimming pool in the public right-of-way. Chaney explained that when they obtained a permit for the swimming pool, the property line was represented to be in a different location, and suggested requiring an encroachment permit and the recording of that encroachment permit.

Robert Tanaka, project architect, displayed a model showing the changes he had made in the size of the house, for a revised total of 3,586 square feet., when 3,200 feet is permitted under the zoning ordinance.

Albert Jung, property owner, said at the last meeting the issue of average house size in the neighborhood and compatibility was raised. He said there was no difference in visual impact on the front or rear of the house; it would only be seen by flying overhead. He said the article in the Ross Valley Reporter was negative, an infringement on his privacy, and showing a picture of his house from the

rear, from the deck of his neighbor's house. If his plan was incompatible with the neighborhood, he would expect his neighbors to be here to object. He said the size limit was passed to address large houses on open hillsides, but he was not developing on open hillsides.

Chignell asked if there were any comments from neighbors. Chaney said that not that staff was aware of, but would expect there to be concern if the trees were to be removed.

Kanis commented that he voted incorrectly on the Crescent Road application on house size approved the prior year by the Council.

Guy Myer, Jr., 550 Scenic Avenue, said Council needs to take a hard line on encroachment and size issues. Nancy Bennett, San Anselmo resident, agreed.

Jerry Draper, 11 Sacramento, said he thought the community had reached a compromise on the size regulations when the General Plan and zoning ordinance were amended, and felt there was support for holding the line on size. He said it was not a decision on this house; it was a philosophical issue of saying this is where we are going to hold the line.

Barbara Schmidt, 59 Austin, said the General Plan needed to be updated to address issues such as traffic, street repairs, schools, and overloading public safety services

Yarish said the floor area ratio standard recommended by the Commission was changed by the Council. He said the demographics of the town are changing, and cases like this are a minor variation from the intent of the ordinance, since the intent is to protect the overdevelopment of the hillsides. This project does not have negative visual impact, and he believed the findings could be made, such as the surroundings, physical location on the hillside prevents views from most areas because of trees, and approval should be conditioned upon leaving trees healthy and in place.

Zaharoff said that the standards in the General Plan are there to protect quality of life, and that it goes beyond visual impact. The floor area ratio exists for other reasons. The idea of planning is to present an objective. She suggested visualizing the street with every house that size, to see why that would impinge upon the quality of life in the neighborhood. The Floor Area Ratio table was a procedure whereby the size of houses was defined, taking the guesswork out of it for the developer and the neighborhood. By allowing it to be changed, you wipe out the whole reason for the table. This is a pure philosophical argument for the quality of life in San Anselmo, and what the Town is willing to do for it.

Breen said the Council was the court of last resort, and did not feel that this application and situation affects the quality of life in San Anselmo. The only thing being done visually is adding down below on the bottom of the house. He suggested keeping the chart, but to take certain issues into consideration in fine tuning the chart. He felt uncomfortable saying that this was a rule from which the Town could not waver.

Chignell said he had voted against the floor area ratio table, and favored a guideline approach instead. He said there were people in San Anselmo who want to remodel their homes, and the quality of life is also the ability to remodel homes and raise children here. He felt that the application should be approved, but was concerned about making the findings. He was persuaded by the fact there

was no neighborhood opposition. He would like to see revision of the mandatory table.

Kanis said he opposed approval of the variance. He said a 3,200 square foot house was ample to meet family needs today in the community, and was not an unreasonable size. The majority of the had Council approved the table. He said the standard of the table allows the Town to make reasonable decisions on applications. He said approval of this application would invalidate the General Plan and zoning ordinance; when the appropriate way to change it was through noticed discussion and reasoned arguments. He suggested the applicant eliminate the square footage over 3,200 square feet.

Yarish said that regarding the findings, special circumstances are the surroundings in that the topography provides screening from all directions, trees mitigate the visual impact, and the convoluted shape of the lot.

When asked to speak to the findings to be made, Roth advised that a variance is an escape clause for properties that do not enjoy the same size or shape of neighboring properties, and the Council needs to make the findings.

M/S, Chignell/Zaharoff, to deny the variance on the grounds there are no special circumstances, and accordingly approve the design review, subject to the following conditions: that all present and future property owners be responsible for maintaining a line of trees along the rear of the property to provide screening of the dwelling from Rosemont Court, and that the design be accomplished within the approved size confines. Motion passed by the following vote:

AYES: Breen, Chignell, Zaharoff, Kanis

NOES: Yarish

M/S, Chignell/Breen, to direct the Planning Commission and staff to provide revised code language with series of alternative language relative to size, and that it be done in an orderly manner.

Nome said nothing should be approved until things are fair.

Motion passed by the following vote:

AYES: Breen, Chignell, Yarish, Kanis

NOES: Zaharoff

Councilmember Zaharoff left the meeting due to illness.

9. ESTABLISH POLICY ON USE OF HERBICIDES AND PESTICIDES.

Town Administrator Bonander presented the staff report.

Jerry Draper, 11 Sacramento, said that two years ago the Town was not using herbicides, and that there was never a hearing about starting to use herbicides. If the Town did not need them in 1991 and before, it did not need them now. He said the Open Space Committee requested that herbicides not be used in open space, and Parks Superintendent Nyberg has agreed. He urged the Town to cease use of herbicides. He suggested using a weed eater, using young people, and hiring someone for \$6/hour to eliminate weeds.

Barbara Schmidt, 59 Austin Avenue, said she asked a year ago if the Pine Street parking lot could be cleaned up. She said the park benches have splinters. She supported not using pesticides.

Guy Myer, Jr., 550 Scenic Avenue, submitted a response to the letter from Monsanto. He urged an immediate stop in the use of herbicides. He said the posting of notices for 11 sites was unwieldy. He felt the number of hours for hand or mechanical weeding cited by staff was inflated. He said a lawn mower could handle Red Hill Avenue; and it would take one day to weed Center Boulevard from Saunders to Grove. He estimated a total of 54 hours for one going over on medians and drainageways; he said 150 hours for beautification, @15 hour, equals \$3,675.

Nancy Bennett, 405 San Francisco Boulevard, said she was surprised to find out about the herbicides. As soon as weed eater was discovered, that tool was used instead of herbicide. She asked the Council to forbid the use of herbicides.

Jim Rice, Fairfax resident, said he read Mr. Arvik's Monsanto report, and he had omitted information from California State medical records that Roundup is responsible for causing more eye and skin injuries than any other herbicides. Roundup is Monsanto's most important herbicide, and it is heavily invested in portraying roundup as safe. He said fraudulent testing was done on Roundup. He recommended a no herbicide/pesticide policy in San Anselmo, and suggested the Town contract with the Resource Center in Berkeley. If the Town uses the IPM approach, he recommended against placing Mr. Nyberg in charge. He suggested having a committee on the issue, and sending the chemicals on hand back to the manufacturer.

Sarah Nome, 77 Alder Avenue, said the Town could not afford herbicides and pesticides, commented that she loved weeds, questioned why they should be eliminated, and asked what herbicides were on hand.

Nancy Sugar, Lincoln Avenue, said that when trees are sprayed, neighbors have to go inside. She said the trees did not die from the oak tree moth infestation, and suggested getting people from San Quentin and community service to pull weeds.

Richard Nagley, 40 Butterfield Road, said his cats were extremely allergic to herbicides, suggested erring on the side of safety, and supported having a committee.

Nancy Rice, Lansdale Avenue, said the median in front of her house is sprayed, that her asthma is returning as an adult because of chemicals, and that employees spray in protective suits, but the public comes out unprotected.

Jane Marion, 14 Durham Road, strongly opposed to poison being used on her own property, and was shocked that San Anselmo used chemicals. She believed that San Anselmo had same view towards health concerns and protection of citizens as Fairfax, and she would like to see San Anselmo suspend use of all chemicals.

Paula, San Anselmo Avenue, showed a weed burning tool she had acquired.

Carol Cazzola, Fairfax resident, asked the Town not to use pesticides or herbicides on parks or roadsides. She said residual toxics poison animals, and affects every living thing. She asked that vegetation not be removed, noting that each plant was an oxygen factory; vegetation was strategically placed. She said that due to toxic exposure, her body has exhausted its ability to combat chemicals.

Kanis announced that items 11, 12, and 15 would be continued due to the late hour.

Parks Superintendent Nyberg said that there was a period of approximately one year when herbicides were not used because of new laws, and staff did not meet the criteria. He said that Roundup had been used in the picnic area because of fire hazard concerns about weeds. Recently there was four days of a 10-man crew doing weeding in Town parks, including Sorich. He said that Roundup had been recommended as a least toxic herbicide. He said that 1500 volunteer hours were used in 1992 to eliminate weeds. He said the Town has about 700 hours of herbicide on hand, and the minimum cost for disposal is \$500. Homeowners use is a big concern, and the Town uses little in comparison to homeowners.

Breen asked if the Town will look unkempt without the use of herbicides. Nyberg said that Public Works staff could go through the Town median areas once a year only.

Breen commented on the use of Roundup by private individuals. He said it was clear that people who have spoken out do not want chemicals. If the Town looks more natural, the community needs to know what we are doing and why. If Town appears a little less kempt, people tend to be less careful in their efforts to not litter. If the moratorium was part of a conscious effort, he expected to get cooperation from community. He supported the integrated pest management approach, a moratorium on herbicides, and spending \$600 for first step study.

Yarish concurred with Breen, commented that the people in town have spoken out for a moratorium, and it was Council's job to hold staff accountable to the interests and concerns of our residents.

Chignell strongly opposed the use of herbicides. He said he appreciated the efforts by the Parks Superintendent, and noted that staff has gone a long way towards mitigating use of herbicides. He supported a moratorium on herbicides, moving towards alternatives, and bringing the pesticide issue back with discussion about alternatives.

Kanis said he was not convinced that herbicides and the Town's methods of using herbicides was imprudent, but felt compelled to err on the side of safety. He supported having a moratorium on herbicides for a year, taking an integrated approach to vegetation management, and having a vigorous public education program to encourage residents to cease using the materials on same basis for a year, to be consistent. Urge public to help volunteer with weed control, and would consider staff's suggestions about oversight process.

Sarah Nome suggested that parkways be paved.

M/S, Yarish//Breen, we direct staff to appropriate \$600 from Contingency for a site survey toward the development of an integrated vegetation/pest management program that will include for at least one year a ban on Town use of herbicides, with a focus on developing short-term and long-term alternatives for controlling weeds and pests, and that staff should develop a means for public education in encouraging the public to participate in a ban on herbicide and pesticide use, check with the Resource Center in Berkeley pm for public education materials. Ayes: All, Zaharoff absent.

10. AUTHORIZE POLICE OFFICER TRAINING PROGRAM FOR A POLICE DISPATCHER.

M/S, Chignell/Yarish, that Council direct staff to fill one of the two anticipated vacancies for police officer

positions by authorizing police academy training for Dispatcher Paige Pittman, with the condition that Ms. Pittman comply with the repayment schedule as stated in the staff report if she resigns within three years after completion of FTO training. Yarish seconded. Motion passed unanimously, Zaharoff absent.

11. PUBLIC HEARING ON APPEAL OF PLANNING COMMISSION APPROVAL OF APPLICATIONS U-9206/DR-9219, DESIGN REVIEW AND USE PERMIT TO ESTABLISH A CELLULAR SITE FACILITY WITHIN AN EXISTING COMMERCIAL BUILDING; AND INSTALLATION OF THREE, 9 FOOT TALL OMNI DIRECTIONAL ANTENNAS ON THE ROOF OF THE BUILDING, ON PROPERTY LOCATED WITHIN THE C-3 ZONING DISTRICT, 640 SIR FRANCIS DRAKE BOULEVARD, ASSESSOR'S PARCEL #6-092-08; DAVID HATCH, CELLULAR ONE, APPLICANT.

This item was continued to the next regular meeting.

12. REPORT FROM THE "COMMUNITY FOR RECREATION", AN ORGANIZATION BEING CREATED TO RAISE FUNDS FOR RECREATION IN SAN ANSELMO.

This item was continued to the next regular meeting.

13. REPORT FROM TOWN ATTORNEY ON LEGAL PARAMETERS FOR OPERATION OF BINGO GAMES BY MUNICIPALITIES AND NON-PROFIT ORGANIZATIONS.

This item was continued to the next regular meeting.

14. PRESENTATION ON BUDGET AND SERVICE OPTIONS FOR THE ROSS VALLEY FIRE SERVICE.

Town Administrator Bonander, who is also the Executive Director of the Ross Valley Fire Service, reported that the fire service is expected to have a \$318,851 revenue shortfall for the 1993-94 fiscal year. The Ross Valley Fire Service Board of Directors is considering various options for overcoming that shortfall, and asked that the governing councils of Fairfax, San Anselmo, and Sleepy Hollow review information on this shortfall and options.

Some of the options being considered included: (1) Increasing the Towns' contributions; (2) Ask taxpayers for a parcel tax in June or November, 1993; (3) Reduce service level on some fire calls, lay off three firefighters, and have Towns pick up the remaining shortfall; (4) Close Sleepy Hollow Fire Station, lay off six firefighters and 1/2 Administrative Assistant; may affect response times and service levels to some parts of the service area; (5) Cut all fire service salaries by 29 percent, a meet-and-confer issue; (6) Break up the joint powers agreement and have each Town/service area re-define the service they can afford.

It was the consensus of the Council that the importance of the issue warranted further discussion with more members of the public present.

15. ADOPT ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE LOWERING THE TAX SCHEDULE FOR RENTAL UNITS, ELIMINATING THE SUBMISSION OF INCOME TAX STATEMENTS, AND CLARIFYING THE PAYMENT DUE DATE.

M/S, Yarish/Breen, to approve adoption of the ordinance. Motion passed unanimously, Zaharoff absent.

16. ADJOURN.

The meeting was adjourned at 12:40 a.m.