

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of January 25, 1994

6:40 p.m.

Open session to announce adjournment to closed session regarding negotiations with Peter and Pamela Fraser for the exchange and purchase of real property.

6:45 p.m.

Adjournment to closed session regarding negotiations with Peter and Pamela Fraser for the sale and exchange of real property, and regarding labor negotiations and personnel matters.

7:45 p.m.

Interview with applicant to the Bald Hill Working Group.

8:00 p.m.

1. CALL TO ORDER.

2. OPEN TIME FOR PUBLIC EXPRESSION:

Barbara Schmidt, 59 Austin Avenue, expressed concern about the Town's tree ordinance as she hates to see trees cut down. She feels the parking and traffic situation on Bolinas Avenue, as well as trash from Branson students, ought to be addressed. She also noted that she has heard that there is a cave on Bald Hill that could present a safety hazard.

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

Parking lot lights for Creek Park - Breen asked for a status report on the parking lot lights at Creek Park.

Capital Reconstruction Budget - Breen asked for a status report on the Capital Reconstruction Budget. Town Administrator Bonander advised that this will be on the February 22 agenda.

Drake students as Council Members - Breen expressed an interest in exploring the possibility of having a high school student sit on the council as a non-voting member.

Holiday grace period for tickets - Kroot asked if any consideration was given to having a moratorium during the December holidays on parking tickets. Town Administrator Bonander will check with the police and report back.

Robson House policies: Yarish asked if users of Robson House are required to provide insurance policies as a condition for rental. This requirement could make the facility difficult to rent. He would like a staff report on the use of Robson so that council can provide more guidance.

Interim Town Administrator: Assistant Administrator Pollard will assume the role of Interim Town Administrator on January 31, 1994, and Debbie Stutsman will be taking the minutes of the council meetings.

4. CONSENT AGENDA:

- (a) Approve minutes: January 11, 1994.
- (b) Approve management coordination for response to the National Pollutant Discharge Elimination System (NPDES) by the City of San Rafael, and authorize an expenditure of \$4,262 for San Anselmo's cost share.
- (c) Approve 2% increase in hourly rate for Town Attorney services.
- (d) Approve resolution authorizing joint powers agreement to regulate cable television.
- (e) Nominate applicants to the Volunteer Program Advisory Board, Disabilities Access Committee, Tax Equity Board, and Robson-Harrington House Association Board of Directors, and the Solid Waste and Recycling Advisory Committee, and schedule interviews.
- (f) Approve locating flagpole in Memorial Park in memory of Attilio Segale.
- (g) Continue to February 8: Negative declaration and ordinance to rezone a portion of a 1.48 acre parcel known as 25 Rancho Drive from R-1-C to R-1.
- (h) Approve agreement with DKS to conduct a traffic study regarding the Redwood Hills Subdivision (Fraser/Town of San Anselmo) and appropriate \$6,300 from the Contingency for the study.

Item (c) was removed for discussion.

M/s Yarish/Breen to approve the consent agenda with the exception of item (c). Ayes: All.

Sarah Nome objected to the 2% raise for Town Attorney services in these recessionary times when he made \$150,000 last year. She said in the last four months he has put in 120 hours on the Fraser matter and suggested he not be included in such matters until a legal opinion is required. She commented that his part-time lawyering now requires a highly paid assistant.

M/s, Yarish/Breen, to accept item (c). Ayes: All.

5. APPOINTMENT TO BALD HILL WORKING GROUP.

M/s, Yarish/Kroot, to nominate Michael Gill and Stuart Jacobson. Ayes: All.

Barbara Schmidt, 59 Austin Avenue, commented that there was some confusion over the posting of this item. Town Administrator Bonander will look into this.

6. ACKNOWLEDGE AND FILE 1992-93 AUDIT, AND AMEND THE CARRYOVER FINANCIAL POLICY.

M/s, Yarish/Breen, to continue this item to the next regular meeting. Ayes: All.

7. STATUS REPORT ON SEQUOIA AVENUE PAVING PROJECT.

Town Administrator Bonander acknowledged staff's cooperation on this project with the Sequoia Avenue property owners, Marin Municipal Water District, Ross Valley Sanitary District and Hal Brown. Staff has contributed expertise and the agencies and owners are putting in money. Property owner Denise Gula has taken the lead.

Steve Merch, Sequoia Avenue, reported for Denise Gula that they have spent almost a year putting this project together. They are now ready to lock in with one contractor by February 1. There are 24 affected households, and 20 have agreed to participate. Merch said they will go ahead without the other four, as an assessment district was too expensive to consider. He mentioned that he would like to ensure that changes be kept to a minimum to keep costs down now that they are in the contracting phase. He asked that the account for donations be set up as soon as possible as construction should start May 15.

Brian Crawford, Oakland Avenue, said residents on Oakland have a similar project starting and asked if the Town could be of assistance as Oakland Avenue is the route to the Town's property at Faude Park. Crawford said the road is narrow and washing out. They could use help with cleaning out the ditch on a regular basis.

It was the consensus of the council that Public Works Director Bush study this matter and report back.

8. REPORT ABOUT AND DIRECTION ON ABATEMENT OF A PUBLIC NUISANCE, 14 OAK KNOLL AVENUE

Fire Chief Zeise reported that he inspected the premises and the outside cleanup has been completed within the 14 day deadline. He complimented Curtis and Terry Ryan, hired by Mrs. Egisti, for a good well done on the cleanup. The inside has not yet been worked on, but the property owner has hired a contractor; however, no permits have been filed. Zeise said weekly inspections are required to monitor the situation.

Town Administrator Bonander said the owner still has the remainder of the 60 day deadline to complete required repairs inside. Even if the property is sold, the new owner would be subject to this time frame. However, it would be possible to grant an extension if a good faith effort was shown. Staff will continue to keep on top of this, including Public Works Director Bush, Building Inspector DeSousa, Fire Chief Ron Zeise, and Police Sgt. Randy Kirton. There will be an interim report at the February 22, 1994, meeting.

Tamra Peters, 12 Oak Knoll, commented that the neighbor's are really pleased with the work that has been done.

9. CONSIDERATION OF A REPORT AND/OR RECOMMENDATION FROM THE GARBAGE FRANCHISE TRANSFER SUBCOMMITTEE REGARDING THE REQUEST TO TRANSFER THE GARBAGE FRANCHISE AGREEMENT TO JAMES RATTO.

Barbara Thornton, Chair of the Solid Waste and Recycling Committee (SWARC) reported that the Garbage Franchise Transfer subcommittee has met several times to consider the transfer. They have toured the Novato

operation, as well as several other facilities owned by Ratto. They believe the service will meet the needs of the town and may be an improvement. Ratto has a wide range of equipment and can improve service, especially for businesses. The recycling truck is more sophisticated and can make recycling easier for residents. She recommended that the subcommittee continue with the review on recycling and AB 939, and do a complete historical rate base analysis.

Town Administrator Bonander reported that finding someone to do the rate base analysis inexpensively using the Deloitte and Touche model has been difficult. Deloitte and Touche can do it in about 20 hours, for an amount not to exceed \$5,000. Staff recommends that the subcommittee go ahead and get the analysis started, with formal approval requested at the next regular meeting. The analysis will take two to three weeks, but the subcommittee will meet again before February 27 to consider the issue. Problems to be addressed are exclusive rights on debris boxes, extension language, delinquent accounts, green cans, and smaller cans with less frequent pickup.

R. Oak Dowling, attorney for San Anselmo Garbage, has replaced Al Bianchi due to a conflict of interest. Dowling said he took over last Friday and is aghast at what is going on. He said staff is holding up the Rate Base Analysis and the transfer. He said the Town can't reasonably withhold approval due to landmark law, but it is. He will sue the Town for breach of contract and intentional interference if the transfer doesn't take place by January 31.

Richard Johnson, representing James Ratto, said it had been a pleasure meeting with the subcommittee. He said he is not sure of the relevance of the Deloitte and Touche Rate Base Analysis as the current rates were approved by the council.

Joseph Colton, Counsel to Teamster Local 624, representing the San Anselmo Garbage drivers, was concerned about what was planned for the drivers in the transfer. They will be injured by either losing their jobs or going to Ratto's company at a lower wage. He felt the council should cancel the agreement if Ratto does not accept the current collective bargaining agreement.

Peter Kilkus, 129 Pine Street, an attendee at subcommittee meetings, said he is against the transfer. He feels people are negative about Ratto because of his involvement with the West Marin Landfill and the Lakeville Highway. He feels that with Ratto San Anselmo will not fulfill state requirements or the diversion requirement. He said that compared to Joe Garbarino's Marin Recycling Center operation, Ratto's service is only a step above the present situation. In a survey recently sent to residents, most people who returned the survey said they would be interested in a green can or a compost bin and wanted to improve recycling.

Dr. Alan Cascio, 53 Grove Lane, from SWARC, addressed the lawsuit issue. He said the subcommittee has left a clear paper trail and it is not reasonable to say that the town is dragging its heels. He said the council has the right to take its time.

Fred Grange, owner of Grange Debris, read a letter in which he voiced concern over how debris box service would be handled under the new contract. His family-based company has been in existence for many years,

serving three generations of residents and he requests that a provision be included in the garbage contract to retain his services in San Anselmo.

Barbara Schmidt, 59 Austin Avenue, said she felt the Town ought to take its time making this decision. She feels the present garbage men are very considerate to senior citizens. She is not in favor of the Ratto contract.

Roger Pettini, Bank Street, asked if the Ratto operation planned to utilize the current San Anselmo Garbage property on Greenfield. He asked that the council consider residents of Bank and Lincoln Streets when making a contract. The trucks at present create a lot of noise and traffic.

Sarah Nome, 77 Alder Avenue, said that San Anselmo Garbage has a 100% guaranteed return, because if a bill isn't paid the Town gets involved in collection. She said that any contract should include provisions for the Town to be reimbursed for unpaid gas tax revenues from San Anselmo Garbage during an approximately 10 year period. She said employee pay should be looked at carefully, as well as garbage rates.

Dan Corder, Fairfax, said he has been with San Anselmo Garbage for 17 years and he appreciates everyone's concern. He feels no one is concerned about the employees except the council.

Doug Wilson, Fairfax Council Member, said that he is concerned about the West Marin Landfill and that Fairfax would like to see fewer trucks going through Fairfax.

Keith Yarrow, Fairfax, and member of Fairfax/San Anselmo Greens said the council should investigate the West Marin Landfill before a contract is signed with Ratto.

It was the concensus of council that the process in this matter has been candid, and threatening at this point will not help expedite things as it is close to closure. It was also agreed that the status of current employes is an important issue.

M/s, Breen/Zaharoff, to retain Deloitte and Touche on an expedited basis, up to \$5,000, with the contract coming back to council for approval at the next regular meeting. The work should start immediately and the committee will meet no later than February 7, regardless of whether the report is completed. This matter should be on the agenda February 8, 1994. Ayes: All.

10. PUBLIC HEARING ON REZONING FROM PPD C-3 (PRELIMINARY PLANNED DEVELOPMENT WITH A PRESUMPTIVE USE OF GENERAL COMMERCIAL) TO SPD R-3 (SPECIFIC PLANNED DEVELOPMENT WITH A PROPOSED USE OF MULTIPLE FAMILY RESIDENTIAL FOR 14 ONE-BEDROOM UNITS TO BE OCCUPIED BY LOW INCOME, DEVELOPMENTALLY DISABLED ADULTS; AND ENVIRONMENTAL REVIEW/MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT: 27 MARIPOSA, A/P 7-301-05, BY NORTH BAY REHABILITATION SERVICES.

Planning Director Chaney reported that there are two issues before the council, a negative environmental declaration and a rezoning from commercial to multiple family residential. The property is between St. Anselm's school and a storage facility, and a lot line change was approved in 1992 by council, with the provision that council would have right of

review on the project. The plan is to have a 14 unit apartment complex for 13 developmentally disabled adults to live independently. Because the state encourages low cost housing, a density bonus aspect is in effect, and would allow for a minimum of 7 additional units on this property, as well as a reduction in normal standards. As these are small one-bedroom apartments, they are equivalent to 5 regular sized apartments. Staff supports the project as it will have less impact than current commercial zoning as the residents of this apartment project generally do not qualify for driver's licenses and do not have cars. There are five parking places planned; this would be reevaluated in a year to see if a sixth spot is needed. The Planning Commission has dealt with setback issues and neighbors obstruction of view.

Council Member Kroot announced that he has a conflict of interest on this matter and excused himself.

Augustus Strutz, Architect, said that all 14 units would be handicapped adaptable and two would be built that way. He said the project makes a nice transition between commercial and residential. They cannot afford to build fewer units with the Housing and Urban Development (HUD) money that is available. He thinks they will be good neighbors. If the property had a regular apartment building, there would be more noise and cars.

Hal Shirley, Executive Director, North Bay Rehabilitation Services, said this is a unique project for HUD. It is not a group home. The residents all would have jobs. If the project is approved, construction would start in August, 1994. They have a similar project in Mill Valley called Mill Creek that has been very successful.

Lena Kasdan, Sohner Court, said that she lives across the street and is worried that this project will lower her property values as a rehabilitation unit in the neighborhood must be disclosed during a sale. She wants to know who will control whether there are extra roommates in the small apartments, and how those roommates would affect the already bad parking situation. She said the drawings made it look like an appendage to the warehouse, and a normal builder would be required to comply with building codes.

Mary Ann Delusio, 36 Mariposa, President of Sohner Court Homeowners Association, voiced concern about the parking problem on Mariposa and wondered if this would set a bad precedent in the future. Town Attorney Roth advised that this would not be the case.

Marlin Olsen, 22 Mariposa, said he is satisfied that the building will not impact views, but wondered where vans going to the storage facility would park without blocking driveways. There is already a bad parking problem.

Sarah Nome, 77 Alder, said that Mariposa is a flood area and asked if it is safe to put this project in an area that might flood. She said these projects have a wonderful intent but in 4 or 5 years can be sold and the facilities used differently. The project would lower the property tax base as they don't pay property taxes.

Marsha Hallett questioned the Housing Element document, which she feels is biased and inconsistent. Only 9 low-income unit are required by 1995 in San Anselmo by ABAG. Fourteen is a dramatic increase. She questions

the density figures and feels staff should look again at the Housing Element and check their figures. She feels the Seminary area already has a high rate of second units; and should not absorb more. Nothing is gained and current residents lose property values, while others are crammed into too small spaces. She wants more facts.

Planning Director Chaney responded that communities take their fair share of low-income housing, based on buildout, population and housing, and are assigned a need. San Anselmo's need is 9 units and we would exceed our quota with the project. She clarified the confusion over some numbers that were calculated on the old parcel, before the lot line change was approved, increasing lot size.

Rita Dempsey, 36 Mariposa, said she is deeply concerned about property values and the density issue. She is not in favor of the project and feel neighborhood concerns have not been adequately addressed.

Bill Hendrickson, 90 Chipman Place, an owner at Sohner Court, is concerned over increased density, tax exemptions and related problems. He asked who would be the owners of the property.

Robert Anderson advised that the Catholic Archdiocese currently owns the property and North Bay wants to purchase.

Barbara Schmidt, 59 Austin, said she is concerned about traffic and parking.

Richard Hardwick, 35 Ross Avenue, noted that on page 2 of the Housing Element, San Anselmo is the third most densely populated city in Marin. He is concerned that this project would move San Anselmo to number one.

Peter Fraser, 12 Kienst Lane, said that this project will be required to maintain the building, unlike privately financed projects. He feels the project is a good thing for the town and the council should support.

Julia Marshall, 26 Mariposa, said she's convinced her view will be unaffected. She feels the residents would be good, quiet neighbors. But, there is also a parking problem on the street.

John Corcoran, 26 Mariposa, asked why fourteen units are needed to pay for the project. Mariposa has a lot more traffic now with St. Anselm's new driveway. Everyday he finds people parking in his driveway and vans at the storage facility partially block the street.

Jerry Draper, 11 Sacramento, said there is a serious parking problem on Mariposa. North Bay owns a lot on Bald Hill and he wondered if the density could be moved around.

Sarah Nome, 77 Alder, talked about monitoring second units.

Marsha Hallett wants this item to be postponed beyond the February 8, 1994, meeting.

The public hearing was closed.

Hal Shirley, North Bay, noted that Mill Creek has experienced just one tenant per unit; any roommate would have to be developmentally disabled

as well. A manager is on site and in touch with residents every day in exchange for a reduced rent. Property values in the area have not diminished in the residential neighborhood in which it is located. Parking at Mill Creek is not a problem. The facility would be fully sprinklered for fire protection. Residents do not sign a contract and about half at Mill Creek are conservatees.

It was the consensus of council that this is a good project that is probably more attractive than other options for the property. They shared the neighbor's concerns and felt that they could look for ways to mitigate the impact on the neighborhood. Interest was expressed in a tour of the Mill Creek facility, perhaps included some interested residents.

M/s, Zaharoff/Breen to continue the matter until the next regular meeting on February 8, 1994. Ayes by call of roll: 4 (Breen, Chignell, Yarish, Zaharoff), Abstain: 1 (Kroot).

11. APPEAL BY THEODORE F. POSTHUMA FROM DENIAL BY SAN ANSELMO PLANNING COMMISSION OF AN APPLICATION FOR A SECOND UNIT ON 379 OAK AVENUE, AND PROPOSED AMENDMENT TO DESIGN REVIEW: NU 9302/DR-9120.

Planning Director Chaney reported that Mr. Posthuma owes outstanding building fees. He has been notified of such, and advised that staff would not continue to work on this matter until the fees are paid. If he wishes to protest this he must pay the fees, then notify the building department in writing. He has done neither. She recommended that we no longer consider his appeal and let stand the denial by the Planning Commission.

M/s, Zaharoff/Kroot, to no longer consider the appeal of Mr. Posthuma and allow the Planning Commission decision to stand. Ayes: All.

12. PUBLIC HEARING ON ADOPTION OF AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 10, ARTICLE 4 (DEVELOPMENT STANDARDS), AND ARTICLE 7 (PROCEDURES), OF THE ZONING ORDINANCE RELATIVE TO THE MAXIMUM SIZE OF DWELLINGS ON RESIDENTIAL PROPERTIES LOCATED ABOVE 150 MEAN SEA LEVEL ELEVATION.

This item was continued to the next regular meeting.

13. APPOINT REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE MARIN COUNTY HAZARDOUS & SOLID WASTE JOINT POWERS AUTHORITY.

Councilmember Yarish was nominated to serve as the San Anselmo representative to this authority. He will attend the meeting on Monday, January 31, 1994, at 8 a.m. at the Marin Exhibit Hall.

14. The meeting was adjourned at 11:45 p.m.

Debbie Stutsman