

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of February 8, 1994

6:45 p.m.

Closed session regarding pending litigation pursuant to Government Code Section 54956.9(a), and 54956.9 (b)(1).

7:45 p.m.

Interview with applicant to the Planning Commission.

8:00 p.m.

1. CALL TO ORDER.
2. OPEN TIME FOR PUBLIC EXPRESSION

Barbara Schmidt, 59 Austin, feels that San Anselmo has too much density for such a small town. Money could better be spent on traffic studies.

Joseph Colton, Counsel to Teamster Local 624, said regarding the garbage franchise transfer that he has learned that Mr. Ratto does not want anyone but Town officials to be privy to its wage agreement with employees. Colton feels this information should be out in the open, and is not the kind of issue that the Town can keep closed. He asked that the Town Council bear this in mind.

Glen Smith, San Anselmo, said that high school students should perform some kind of service project for the town in exchange for money donated to their Safe & Sober Graduation Night.

Barbara Thornton, Chairman of Solid Waste and Recycling Committee, reported that the Garbage Franchise Transfer subcommittee met with Mr. Ratto to discuss several issues with him, including the labor issue. She said that Mr. Ratto wants sole debris box rights in San Anselmo. The rate base analysis is underway, although they have not yet met with Deloitte and Touche. The subcommittee would like a council member involved in this. They suggest garbage rate figures from 1991, 1992 and 1993 be used.

Barbara Schmidt, 59 Austin, said the environmental people in Sonoma are against Ratto's organization and there have been several lawsuits brought against him. She asked why San Anselmo can't do business with a local firm.

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

Agenda Change - Kroot asked that Agenda Item 9 be heard before Agenda Item 8, as he will abstain from participation in Item 8.

M/s, Kroot/Breen to hear Item 9 before Item 8. Ayes: 4 (Zaharoff, Breen, Yarish, Chignell) Abstain: Kroot

Earthquake Funds - Kroot said he has heard that earthquake funds have been released for Mill Valley City Hall retrofit work and wondered if staff had explored that option. Interim Town Administrator Pollard will look into this.

Capital Reconstruction Budget - Breen asked if this item will be on the February 22, 1994 agenda. Interim Town Administrator Pollard said it would.

North Bay League of Cities - Pollard requested that this item be added to the agenda as Item 10.

M/s, Zaharoff/Breen to add the North Bay League of Cities request for a San Anselmo representative to attend their meetings. Ayes: All

Emergency Preparedness Guide - Pollard said that volunteer Anthony Negrin and the San Anselmo Chamber of Commerce have put out an emergency preparedness guide for merchants.

Fraser Land Deal - Yarish suggested that staff review the idea of hiring a consultant to assist in the negotiation of the land exchanges involved.

5. CONSENT AGENDA: AT THE REQUEST OF A COUNCIL MEMBER, ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY.

- a) Approve minutes: January 25, 1994
- b) Acknowledge and file warrants: Nos. 14461 through 14671, in the amount of \$549,217.55.
- c) Approve contract with Deloitte & Touche for garbage franchise rate base analysis, and appropriate up to \$5,000 from contingency.
- d) Approve request from the Antique Dealers Association of San Anselmo to close San Anselmo Avenue from Tamalpais to Pine Street for the Outdoor Antique Fair on Sunday, May 15, 1994.
- e) Appropriate \$700 from Contingency for Festival of Student Art.
- f) CONTINUE TO FEBRUARY 22, 1994: 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 location above 150 mean sea level elevation.

M/s, Zaharoff/Breen to approve the consent agenda. Ayes: All

5. APPOINTMENTS:

- (a) M/s, Kroot/Yarish, to appoint Tom Sargent to the Planning Commission. Ayes: All.
- (b) M/s, Kroot/Yarish, to appoint Diana Glanville to the Volunteer Program Advisory Board. Ayes: All.
- (c) M/s, Breen/Zaharoff, to appoint Peter Kilkus to the Solid Waste & Recycling Advisory Committee. Ayes: All.
- (d) M/s, Zaharoff/Yarish, to appoint Leo Donovan to the Robson-Harrington House Association Board of Directors. Ayes: All.
- (e) M/s, Yarish/Zaharoff, to appoint Tom Verkozen, Edwin Deer, and Jean Holm to the Tax Equity Board. Ayes: All.

M/s, Kroot/Zaharoff, to direct staff to stagger terms of the appointees to the Tax Equity Board, either by choice or random selection.

6. PUBLIC HEARING ON 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, AND CONSIDERATION OF REQUIRED INFRASTRUCTURE IMPROVEMENTS; JAMES AND ELIZABETH FREEMAN, APPLICANTS.

Planning Director Chaney recapped that the applicant wants to rezone a small portion of their lot to R-1. The applicant also wants a land division to separate the two portions of the lot. At the December 14, 1994, meeting, council directed Public Works Director

Wayne Bush, the applicants, and their engineer to work together in order to develop a solution to the drainage collection and runoff problem from Rancho Drive to Carlson Avenue. Public Works Director Bush wants the applicants to correct the drainage situation by replacing the old, sub-standard drainage pipe from Rancho to Carlson, presently located under three homes. In exchange Bush is willing to waive other less critical improvements such as paving Rancho Drive, rip rapping the ditch, and dedicating and improving a hammerhead turnaround.

Dietrich Stroh, engineer for the applicants, said the drainage problem is touchy, and is complicated by the hilly terrain. He does not feel that this is the applicants' responsibility as the house is already there.

Elizabeth Freeman, applicant, said that they are willing to pay for the partial drainage solution already in the plans. She pointed out that the runoff is from the properties above them.

Mr. Gamberdella, Rancho Drive, said he felt the council should not approve anything until these problems are ironed out.

Ted Wight, 24 Carlson, owns one of the properties that the current drain goes through. He said that more and more water is going through his property in a pipe that was put in in the 1950's. He noted that there appears to be some sinking after last weekend's rain. He wants the integrity of the pipe checked to see if it will carry this water. He would be willing to help finance his portion.

It was the consensus of the council that the drainage problem needs to be addressed now in the planning phase to avoid facing bigger problems in the future. The involved parties need to get together and come up with two or three clear options, so that the council will have something on which to vote.

M/s, Breen/Zaharoff, to put this item off until the February 22, 1994, meeting, so that staff, the applicants, and their engineer can come up with a workable plan. Ayes: Breen, Kroot, Zaharoff, Chignell. Noes: Yarish

7. REPORT ON SCOPE AND COSTS OF ENVIRONMENTAL REVIEW FOR THE CLOSURE OF JORDAN AVENUE.

Interim Town Administrator Pollard reported that any time a road closure is considered, the public agency must assess environmental impact. In this case, traffic circulation is important, as well as an economic analysis for the business community. Staff recommends we conduct a traffic study first, with an economic analysis at a later date, if needed. Staff has one proposal for the traffic study at \$12,000. Money would come from contingency fund. As the issue concerns local businesses and San Rafael, they could be asked to participate in the cost of the study and mitigation measures.

Evelyn Reese, 14 Forbes, said the traffic study is a great opportunity to get hard data and get the issue away from personal motivations. The study gives the message that the Town is willing to open up the issue.

Joel Necke, 4255 Fifth Ave, San Rafael, said there should be a traffic count on Forbes. He noted that Jordan should be re-opened so that the traffic count can be done both ways.

Emil Heitner, 208 Forbes, supported the traffic study and felt that traffic should be directed through main thoroughfares, not neighborhoods.

Renee Janis, 56 Longwood Drive, said that \$12,000 is a lot of money to spend on one block. She also noted that the issue has cost a lot in staff time as well, again on only one block.

Laurel Ladevich, 217 Forbes, supports the traffic study so that hard data can be obtained on which to make a decision.

Mike Green, 39 Forbes, noted that the staff report says the town no longer believes it has a liability in the United Market parking lot when used as a thoroughfare, so closure no longer matters. He asked the council to invest in the safety of the community.

Jolene Hammonds, 18 and 20 Forbes, noted that the staff report said that drivers might be more careful after all the publicity on this issue, but she sees that this is not the case, as people are speeding up Forbes and cutting through Wanda's. She supports conducting the traffic study.

Gayla Tyson, 62 Forbes, supports the traffic study. Traffic is bad on Forbes, even with Jordan closed.

Barbara Schmidt, 59 Austin, would like a similar study done in the Seminary area, where she feels there is a safety problem for children.

Glenn Smith, San Rafael, said Forbes is called treacherous, but that many streets in San Anselmo could also be called that. It is not neighborly to shut it off.

The public hearing was closed.

It was the consensus of the council that this is a long-time problem that cannot be resolved without gathering some hard data on traffic patterns. Traffic studies can generally be done in-house, but this issue is different because it affects residents, non-residents, local and outside businesses. Council also agreed that it would not be appropriate to ask United Market to participate financially in the study.

M/s, Zaharoff/Breen to go forward with the traffic study as proposed, and to ask staff to take every opportunity to defray costs through negotiation, and to approach San Rafael for information gathering, comments and financial support.

8. PUBLIC HEARING ON ORDINANCE 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/MITIGATION NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT; 27 MARIPOSA, A/P 7-301-05, BY NORTH BAY REHABILITATION SERVICES.

Planning Director Chaney reported that this item was continued in order to conduct a tour of North Bay's Mill Creek facility, to direct staff to look at infrastructure improvements, and to study the feasibility of a rental agreement that might restrict roommates in the apartments. Staff still recommends rezoning as noted above.

Staff visited the Mill Creek facility twice. Parking was ample, with 5 spaces for 10 units. The residents' modes of transportation are walking, bicycling, and bus. They spoke with the Mill Valley Planning staff who reported no problems with the facility.

Regarding infrastructure improvements, Public Works Director Bush would recommend replacement of the sidewalk in front of 27 Mariposa, in a stamped concrete like at St. Anselm's. Staff observed no potholes on Mariposa, and as the project will generate little traffic, does not recommend requiring repaving. Staff observed the parking situation between 3:00 p.m. and 3:30 p.m. and found that the biggest problem is when school lets out at 3:00 p.m. By 3:30 p.m. parking was fine. Parking at the storage facility is a problem when big vans arrive and cannot pull into the facility. The curb could be marked for loading only, but that would eliminate parking spaces. Consequently, staff has no new recommendation on parking.

On the roommate issue, HUD regulations do not preclude other members of a particular household with disabilities. North Bay can place restrictions on the facility's occupants and would be willing to restrict residents who are unrelated.

A 4 x 8 tank has been located under the sidewalk at 27 Mariposa from some previous occupant and North Bay has contacted the appropriate authorities to deal with this. A condition was attached to that affect.

August Strotz, Architect, said they are willing to do the sidewalk as described, plus everything will be handicapped accessible. He is confident that there will be ample parking for visitors. The idea is to get the residents living independently, not with a roommate.

Bob Anderson, North Bay, said that no one in Mill Creek has a roommate. They did have one marriage, but the couple moved elsewhere because the apartment was too small for two.

John Sharp, Attorney for Sohner Court residents, said they take issue with the parking and density issues only. The idea of the facility is laudable. He feels there are too many assumptions about driving and the roommates issue and not enough facts. He said it would be difficult to enforce a contract limiting roommates. It may be bad to base assumptions on Mill Creek as it is a vastly different project with fewer units. He does not believe the special circumstances exist to warrant a parking variance. He asked that the council refer to the Town's General Plan and think about how these policies relate to this project. Council has the right to make any limits they feel are needed, and he takes issue with North Bay's statement that their funding will disappear if the parameters of the project are changed.

Peter Mendoza, 837 San Anselmo Ave. #C, addressed the parking issue. He said five different state agencies agree: the people who qualify to live in this residence don't drive. Because they are low-income, most couldn't afford to even if qualified. A federal committee recently concluded that people with disabilities are the most transit dependent. There is a tremendous need for this type of housing, the residents will be employed and will contribute to the community. He has a problem with the roommate issue, as he feels it is passing a moral judgment. But he supports the project, and if that clause has to be there, he would still be supportive.

Richard Nagley, 40 Butterfield, voiced the importance of having ample downtown parking. Without it, businesses can't succeed.

Lena Kasdan, Sohner Court, agreed with Mr. Mendoza, and said the residents are not against the developmentally disabled, they just want to be sure the problems are fairly addressed.

Nancy Kenyon, Director of Fair Housing, Marin County, commended the council for supporting this badly needed project. She said the disabled are covered by the Fair Housing Act and are protected from discrimination in housing. In her experience unrelated-persons ordinances are regularly overruled.

Mary Ann Deluzio, Mariposa Ave., saw the Mill Creek facility and was impressed. She said, however, that the lot is bigger, it's located near a park and only has ten units.

Barbara Schmidt, 59 Austin, asked that someone check out the property tax issue. Chignell will get her the information on this. She also questioned fire safety and said she thought there should be a patio.

Kay Coleman, 22 Agatha Court, said that with issues like this one, the people who support the project stay home, thinking it will be approved. She feels this residence will be an improvement, and that parking just isn't an issue.

Jo Julin, Santa Barbara Avenue and Planning Commissioner, said that R-3 is the right zoning for this lot and this is an outstanding project. Benefits to the community include the future residents. She said another benefit is that parking is not an issue, as the residents don't drive. The plan is consistent with San Anselmo's General Plan.

Mike Lerner, 147 Calumet, has a son who is developmentally disabled. He has worked with him all through his life to help him to become independent in small ways. His son always talks about when he can live on his own. Lerner is sure there are many parents out there, like him, who would love to have this wonderful project. He is proud of his community.

Linda Trundholm, 1001 San Anselmo Avenue, feels the community should be doing everything it can to have a project like this. The value of a neighborhood is the people who live there. Making this project work in San Anselmo would be valuable.

Jane Verone, 33 Yolanda, business owner, doesn't see parking as a major issue. She would be proud to have a project like this in her town.

Peter Fraser, 12 Kienst Lane, said that McGarr House has 24 adults living there, with three parking spaces and there have been no complaints about parking.

Susan Lewis, Mariposa Ave., said the project's idea is wonderful. She just doesn't support having 14 units.

Stephanie Draper, Sir Francis Drake Blvd., knows people from the Cedars and feels our community should foster this concept.

John Sharp, Attorney for the Sohner Court residents, remembered when he was on the council and thought the Sohner Court project had too much density

Richard Hardwick, 35 Ross Avenue, said he will submit a letter to council in the next few days, but mentioned that HUD entertains request for increases and decreases regarding projects.

The public hearing was closed.

It was the consensus of the council that this project complies with the General Plan, and makes a smooth transition from residential to commercial, and incurs very little parking or traffic liability. The residents would be an asset to the community, and the building a marked improvement.

M/s, Yarish/Breen, to make a negative declaration of environment impact on 27 Mariposa, A/p 7-301-05, by North Bay. Ayes: Yarish, Breen, Zaharoff, Chignell. Abstain: Kroot.

M/s, Yarish/Breen, to change the zoning of 27 Mariposa from PPD C-3 to SPD R-3, with the conditions of approval as an addendum to the draft ordinance. Ayes: Yarish, Breen, Zaharoff, Chignell. Abstain: Kroot.

9. ACKNOWLEDGE AND FILE 1992-93 AUDIT, AMEND THE GENERAL FUND CARRYOVER POLICY BY RESOLUTION, AND REFER RECOMMENDATIONS OF MANAGEMENT LETTER TO STAFF FOR REVIEW AND COMMENT.

Interim Town Administrator Pollard reported that a special meeting was held January 18, 1994, to go over the audit. Several recommendations were made in the management letter. It is planned to amend the general fund carryover policy to use on capital reconstruction projects. This item was deferred to the February 22, 1994, meeting.

M/s, Zaharoff/Kroot, to acknowledge and file the 1992-93 audit. Ayes: All.

10. NORTH BAY LEAGUE OF CITIES REQUEST FOR TOWN REPRESENTATIVE.

The North Bay League of Cities would like to have a council member representing San Anselmo at their meetings. Kroot will do this.

The meeting was adjourned in memory of deceased town employee Jeff Goodman at 11:20.