

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of October 25, 1994

Present: Breen, Chignell, Kroot, Yarish, Zaharoff
Absent: None

1. CALL TO ORDER.
2. ANNOUNCEMENT OF ACTION TAKEN, IF ANY, IN CLOSED SESSION.

Mayor Chignell announced that during closed session regarding pending litigation on Lot 94, Bush Tract, the Council decided to direct the Planning Department to prepare lot line adjustments to reflect a legally sufficient number of lots under the Town's zoning ordinance.

No other decisions were made during closed session.

3. OPEN TIME FOR PUBLIC EXPRESSION: THE PUBLIC IS WELCOME TO ADDRESS THE COUNCIL AT THIS TIME ON MATTERS NOT ON THE AGENDA. PLEASE BE ADVISED THAT PURSUANT TO GOVERNMENT CODE SECTION 54954.2, THE COUNCIL IS NOT PERMITTED TO DISCUSS OR TAKE ACTION ON ANY MATTER NOT ON THE AGENDA UNLESS IT DETERMINES THAT AN EMERGENCY EXISTS, OR THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION WHICH AROSE FOLLOWING POSTING OF THE AGENDA.

Glenn Smith, San Anselmo, said street lights in front of his house on Austin have been out for three weeks. PG&E says the Town handles burned out street lights. One light has finally been fixed but five are still out. Town Administrator Pollard said the Public Works Department will look into this.

Rohana McLaughlin, 150 San Francisco Blvd., asked about a party at the American Legion Log Cabin on October 16. According to the agreement there are to be no public parties. She asked what the Council is going to do about this. She was advised that the Council will take this up during agenda item 4.

Barbara Schmidt, 59 Austin, said Bouick Field has become a dog park for Ross. She is against having dogs at Memorial Park as they get in the way of kids, and all owners are not responsible about picking up. She thinks a heritage tree has been cut down on The Alameda. She feels the Town should reactivate the Tree Committee.

Oakley McLaughlin, 150 San Francisco Blvd., said he is concerned about the party at the Log Cabin. It was a disturbance of the peace with no traffic control.

Barbara Thornton, Chairperson of the Town's Solid Waste and Recycling Committee (SWARAC), gave an update regarding the Town's recycling activities. SWARAC and the Recycle Kids had two booths at Country Fair Day. The Recycle Kids picked up recyclables at both the Art & Wine Festival and Country Fair Day. The business recycling program is starting up, with five Drake High School students interviewing business owners and helping them get started with a recycling program.

Barbara Schmidt, 59 Austin, said leaves are starting to collect on the street. Why doesn't the street sweeper go out.

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

Chignell said that an item has been added to the agenda regarding lowering fees for a filming permit for Red Sky Films. This item will be taken up between items 7 and 8. M/s, Zaharoff/Yarish, to add this item to the agenda. Ayes: All.

Kroot asked about Mountain View residents' request for a stop sign. Pollard said their request has been received and agendized for the November 15 meeting.

Yarish asked what legal findings there are regarding enacting some kind of vacancy tax for downtown buildings. He feels it takes away from the fabric of the town to have buildings empty for years. He requests that Town Attorney Roth look into this matter.

Yarish asked that the Traffic Safety Committee look into a stop sign at San Anselmo Avenue and Medway.

Breen said he attended a workshop on the California Mainstreet Program in Ontario, California.

Breen said the Council has received a letter from the No on Proposition 187 Committee congratulating them on their stand, and advising them of a rally on Saturday, November 5.

Breen said he received a letter from the Mayor of Ross asking for a San Anselmo Town Council position on the heliport at Marin General. He would like to have this issue on the Council's agenda.

Breen asked staff to look into new legislation for booking fees.

Chignell asked Public Works to look at the disability access issue from 29 Angela to Butterfield Road.

Chignell said the Town Council was invited to lunch this Friday at Sunny Hills to help plan for their 100th anniversary celebration next summer. Invitees are asked to RSVP as soon as possible.

Town Administrator Pollard reported on the October 16 party at the Log Cabin. She said comments were received after the event from neighbors who complained about significant noise and disturbance to the neighborhood. She contacted the Log Cabin and they will not do another motorcycle event for six months and then not without discussion. Her understanding of the event was that it was to be smaller in scope and was sponsored by the American Legion, in line with the agreement. Staff will continue to look closely at events before they take place.

Breen said he was contacted by a person from across town who was told to call a Councilmember by the police dispatcher. He feels this sort of hand-off is not appropriate. He feels the Town is not living up to the agreement. He feels the staff and Council need to look at the whole issue.

Zaharoff said she feels someone responsible at the Police Department should have the authority to decide whether an event is appropriate at the time it is happening.

Chignell said hours were spent negotiating this agreement, but somewhere there is a breakdown in implementation. The police approved the event, and he would like a report from the Town Administrator on who authorized this event. The Memorandum of Understanding (MOU) was negotiated in good faith.

Yarish said the neighbors deserve more respect, as does the process. He feels the Log Cabin people should apologize as this was outside the MOU. There should be some level of accountability. This is a flagrant violation and needs careful follow up. He would like to know who authorized this. The MOU should be reviewed and beefed up if necessary.

5. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. OTHERWISE, ALL THE ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: October 11, 1994.
- (b) Acknowledge and file warrants, Nos. 16586 through 16906, in the amount of \$623,576.02.
- (c) Acknowledge and file financial reports through September 30, 1994.
- (d) Approve Resolution No. 3284 updating the rent and income limits for the leasing of second units.
- (e) Change November 8, 1994, Council meeting date to November 15, 1994.
- (f) Acknowledge and file report on E.D. Jones sign.
- (g) Approve Resolution No. 3285 confirming Council action of September 27, 1994, approving a use permit and variance for 176 Tunstead Avenue, ABC Academy.

M/s, Kroot/Yarish, to approve the consent agenda. Ayes: All

6. COMMEND THE "RECYCLE KIDS" FOR THEIR RECYCLING EFFORTS.

Evan Kilkus, Recycle Kids, said their group worked at the Art & Wine Festival and Country Fair Day, and earned more than \$100 from redeeming recyclables. The Recycle Kids are donating this money to the Town to go for the purchase of recycling containers for the front of Town Hall.

Town Administrator Pollard presented a certificate of appreciation to the Recycle Kids for their hard work and dedication. The certificate was received by Evan, accompanied by Newton, Megan, Matt, Ryan, Danushka, and Crystal.

7. APPOINTMENTS.

- (a) Volunteer Program Advisory Board (2 seats)
- (b) Library Advisory Board (1 seat)

M/s, Kroot/Yarish, to appoint H.G. von Dallwitz and Sophia Spencer to the Volunteer Program Advisory Board.

Yarish suggested that the Library Advisory Board be expanded by one seat to allow for two appointments to the Board, on either a permanent or temporary basis.

M/s, Yarish/Breen, to appoint Robin Skewes-Cox and Jan Petri-Haines to the Library Advisory Board, and to expand the Board by one seat. Ayes: All.

7A. FILM PERMIT, REQUEST TO LOWER FEES, RED SKY FILMS.

Town Administrator Pollard said this is a request to lower permit fees for filming in a private business. Under the Town's present ordinance, the fee for this project would be \$5400. San Anselmo's ordinance is at the high end compared to other cities. Some cities make a distinction between public and private filming in ordinances. She would recommend a permanent revision to allow for adjustments for filming on private property.

Doug Humphries, Red Sky Films, said they are a small company making a small film. He had originally wanted to defer the permit cost of \$5400 until the film is completed and is making money. They are hoping to defer the fees, paying just \$150 up front. He said the Town would be the first to get paid after the film makes money.

Breen asked what his hope is for this film. Humphries said he is a local film maker using local talent, and it is a commercial film.

Breen asked if town resources are being used for the film. Pollard said all the filming will take place on private property so town resources are not required.

Zaharoff asked what amount the Town Administrator recommends. Pollard said she recommends \$200 a day at this time, recouping the remainder of the \$5400 at the end.

Humphries said they are on a very tight budget and would like just the \$150 up front, with the remainder to be paid out of the film's profits.

Zaharoff said she misunderstood the Town Administrator's proposal. She feels the remainder due after the film makes money should be based on the lower fees for films made on private property, that staff wants to look into.

M/s, Zaharoff/Breen, to accept \$200 up front from Red Sky Films for six days of filming, with the remainder to be paid at \$200/day when the film makes money and to direct staff to review the fee for filming on private property. Ayes by Roll Call: Breen, Chignell, Kroot, Yarish, Zaharoff.

8. APPROVE GARBAGE AND RECYCLING FRANCHISE AGREEMENT WITH JAMES RATTO.

Town Administrator Pollard said she had hoped that the agreement would be finalized tonight, but they are still working on the rate review process. Richard Johnson is present tonight and prepared to speak on their perspective.

Richard Johnson, James Ratto's representative, said he is confident that these details will be resolved. He is present to let the Council know this. He understands that the Town Administrator is concerned about the number of items piling up needing the attention of the new garbage company. They, too, are anxious to start planning for the transition. They will get going right away on items that are waiting as soon as the deal is finalized.

Breen asked about the status of the November 1 deadline set by San Anselmo Garbage. He suggests that Town Attorney Roth talk with Forrest's attorney, Mr. Martinez, to advise him of the status of the matter and to see if the delay is a problem.

9. PUBLIC HEARING, 379 OAK AVENUE, THEODORE POSTHUMA, APPLICANT:

(a) Design review request to approve a proposed two-car detached garage subject to the installation of story poles and redesigning the structure with a pitched roof.

(b) Request for direction from the Town Council regarding whether a new application on the original Design Review proposal should be reconsidered by the Town.

Planning Director Chaney recapped the history of this project. The design review of the garage is the item before the Council tonight. Mr. Posthuma has located a new site now for the garage which appears to require less grading work and be less intrusive.

Ted Posthuma, Applicant, said he moved the location of the garage because of sunlight and he has made it just a one-car garage, with a carport. Putting a pitched roof on the original design of the garage was a problem at the old location. He also apologized for starting his addition without a permit. He would now like to use the pad he built as a deck off the master suite, instead of tearing it down. He would also like to enclose 90 square feet under the deck for an entry way. He reminded the Council that his building is smaller than originally approved, due to mudslides and saving a tree. Adding up all that he lost, he could get it back with the 9 x 12 entryway. He would like to get his home closed up for the holidays.

Breen said he is confused. He discussed a tentative plan with Mr. Posthuma a couple weeks ago, now this is a different plan. He would like to see some closure on this matter. He wants to continue to act in good faith but there are too many changes.

Posthuma said that originally he was asking for a large addition, now he's just asking for a 90 square foot entry hall. He said he is trying to compromise.

Kroot said he is uncomfortable with negotiating. He feels the new location of the garage is an improvement, but he is not sold on the entry plan.

Zaharoff said she feels she can't negotiate the entry when she doesn't know what it will look like. The issue of the garage is the only one she feels she can deal with, and on that issue she is only prepared to comment on the original garage as proposed at the last meeting. Mayor Chignell's concern over the possibility of using this building as a second unit concerned her as well, especially considering its location. She would only approve the garage if the old garage is abandoned. She would want to see plans for a one-car garage.

Yarish said he felt OK with the two car garage, and one car and a carport might be OK too, maybe better. He is baffled at Posthuma doing construction without a permit. He is only prepared to talk about the garage, as the rest is all new.

Chignell said there is a process problem. These changes have not been reviewed by staff, and new applications must go through the proper process. We cannot negotiate outside of the process. He is aware that this is frustrating for Mr. Posthuma. Through the design review process these can be addressed.

Yarish suggested this go back to the Planning Commission if this is a new application.

Kroot said any addition would have to be a new application.

Breen asked if we can outline this in writing. He said we should all agree that this is the process to follow.

Planning Director Chaney said the issue before them is legitimately the garage. On the issue of revisiting a denied item, Town Attorney Roth has said that since the Council has already acted, it cannot reconsider denial. It must look at the issue anew with a new application. For this reason Town Attorney Roth has said that since the Council has taken final action on the item, it must go back through the Planning Commission.

Zaharoff said amendments can come back as long as a final decision hasn't been made.

Planning Director Chaney said she does need direction on the garage roof.

Kroot said the new location is better for the garage; he would give up the idea of a peaked roof.

M/s, Kroot/Breen, to approve a half garage, half carport, in the location shown in Sheet A1 in dash lines closest to the house, with a flat roof, matching the residence in detail, with the staff to determine whether it is acceptable, and if not, direct the matter back to the Town Council. Ayes by roll call: Breen, Kroot, Yarish. Noes by Roll Call: Chignell, Zaharoff.

Zaharoff said she feel the wording regarding the unauthorized building should be left in. She said she is not comfortable with what she has actually seen on the drawings and she wants the lower garage abandoned.

Planning Director Chaney asked for clarification on the denied application. If Posthuma wants to reapply it would go through the normal process through the Planning Commission. She asked if we could take a poll of the Council for some direction on this issue.

Kroot said he is reluctant to expand the house.

Yarish said in light of the history of this project, he is reluctant to alter it.

Breen said he is still looking for a solution to the problem.

Zaharoff said a solution was found with the prior approval and she is not in favor of expansion.

Chignell agreed.

10. REDWOOD HILLS SUBDIVISION NEAR 390 REDWOOD ROAD (APPLICANTS: PETER AND PAMELA FRASER): REQUEST FOR REVISIONS TO RESOLUTION #3263 SPECIFICALLY RELATED TO SEVERAL SECTIONS OF THE DESIGN GUIDELINES AND A CONDITION PERTAINING TO PRUNING OF TREES OUTSIDE BUILDING ENVELOPES. (RESOLUTION #3263 PROVIDES FOR APPROVAL OF A PRECISE DEVELOPMENT PLAN AND VESTING TENTATIVE MAP TO CREATE SEVEN (7) RESIDENTIAL LOTS AND AN 18 ACRE PUBLIC OPEN SPACE LOT ON A 25 ACRE SITE).

Planning Director Chaney said that a decision cannot be made tonight on this as the matter was not properly noticed.

Peter Fraser, Applicant, said the purposes of his changes are clarification. He just wants to make sure the wording is clear and not open to misinterpretation. The most important items are building height, mass, tree removal, and deed restrictions.

Fraser's comments were as follows:

- Regarding the 35' building height, Mr. Fraser does not want the building height arbitrarily reduced by five feet, but rather have the ability for flexibility.
- He feels that the wording "minimize visual building mass" doesn't need to be there.
- About the deed restriction language on trees, he feels that once a deed restriction is on, it's very difficult to get any changes, making it an elaborate process.
- On the issue of 25% pruning of trees and shrubs, he feels the intent of the language recognizes that you should be able to keep foliage pruned to the level it was when the design review went through.
- Fraser never intended that the water tank on the property be shingled, it was to be either redwood or concrete.
- Regarding vegetation on retaining walls, he thought it was an alternative or option, not both.
- The composite roofing item means to include materials that simulate clay.
- Miscellaneous items regarding tree cover, story poles, drainage, allowable trim color, and deer fencing need to be discussed.

Jonathan Braun, Scenic Avenue, said he has looked over the staff report. He feels Chaney's analysis on all items seems well founded and he would support her.

Barbara Schmidt, 59 Austin, said this is a wonderful wooded area. She feels white trim would show up in the hills.

Kathy Sanders, 310 Redwood Road, said the agreement has a certain tone and spirit as it is. The concrete tank at the entranceway is a serious mistake and would not preserve the integrity of this area. Drainage plans should be a necessity, not an option. She asked that the next time this item is heard it be placed higher on the agenda. A number of people who wanted to be heard on this item have left due to the late hour.

Barbara Schmidt, 59 Austin, asked if bond money has been put up for street damage during construction. Planning Director Chaney answered affirmatively.

Yarish said that Mr. Fraser makes some good and interesting points. Deed restrictions are difficult to undo once they are there.

Planning Director Chaney said this problem can be resolved by moving things around a bit.

Zaharoff noted that proper noticing did not happen on this item so the Council cannot make a decision this evening.

Kroot said there are some things that Chaney can work out. Most of the items are set up loosely.

Fraser said that the concerns can be whittled down to just a few issues with the Planning Director.

Planning Director Chaney said she is willing to work with Fraser on the deed restriction, but the other items she feels strongly about and is concerned with changing them. Many of the items are typically asked of applicants by the Planning Commission.

Breen said regarding the deed restriction that he thinks it could give guidance on trees but not be so rigid. He'd like to see them reach a compromise.

Zaharoff said she feels the deed restriction is all right as it is the best vehicle to preserve documents. Otherwise they can somehow get lost. It is a handy way to preserve the record. She said she wouldn't be willing to change anything until the outstanding fees are paid.

Chignell said he is willing to hear deed restriction language.

The matter is continued to the November 15 meeting.

11. DISCUSS RESPONSE TO THE TOWN OF ROSS REGARDING PARKING AND ACCESS TO PHOENIX LAKE ADJACENT THE NATALIE COFFIN GREEN PARK.

Town Administrator Pollard said this item is a follow-up to an item on the agenda two meetings ago for public comment on parking and fees at Natalie Coffin Greene Park in Ross. The Council decided to send a letter to Ross expressing their concern, and decided to agendaize the item for a time when the full Council is present before sending the letter.

Jonathan Braun, Scenic Avenue, said he wasn't here for the previous discussion. He agrees with the staff comments and recommendations. The fee is a punitive measure against the public and he would like the town to take a stand on the issue.

Barbara Schmidt, 59 Austin, said Ross has the money to do replanting. The \$5 fee isn't to raise money but to discourage bicyclists going through Ross. The MMWD is using it as a political tool. She told the Ross Public Works Director to get the pebbles out of the creek and pull the scotch broom. There is a lot of bulldozing going on that someone should take a look at. She feels the Town should make a firmer stand on this, and send a letter to MMWD also.

Kroot said he is concerned not only with the parking fee, but also with the elimination of parking on Lagunitas Road. There is a three hour restriction now at Ross Commons. This has increased parking problems in San Anselmo. His suggestion is to let cars park on Lagunitas Road and increase parking at the park.

Yarish said that if a \$5 fee is necessary, it should go to improved facilities, maintenance etc. He would like to include a comment in the letter about the ban on parking on Lagunitas Road, mentioning that it diverts parking to San Anselmo and Kentfield, just displacing the problem. This is a regional park, not a personal neighborhood park.

Breen said he is concerned about the \$5 fee. He feels we can find a regional solution and that we should offer to join with them in finding that solution. We should reiterate our recent open space purchase. San Anselmo is doing its share.

Barbara Schmidt, 59 Austin, said there are no drinking faucets at the park. FEMA money has gone elsewhere. There was a lot more parking at the park before the big landslide.

Zaharoff said that a letter regarding the parking fee should mention the Lagunitas parking restriction as well. She is reluctant to offer solutions. If we can help we are here and willing to do so.

It was the consensus of Council that the Town Administrator should draft a letter to Ross expressing displeasure with the proposed \$5 parking fee at the park, mentioning as well the restriction on parking on Lagunitas Road as part of the problem.

12. DISCUSS LIAISON RELATIONS WITH THE ROBSON-HARRINGTON HOUSE ASSOCIATION BOARD OF DIRECTORS.

Chignell said he asked that this item be on the agenda due to a number of items of contention with which the Robson Board is dealing. He feels it is prudent for the Council to meet with the Board to get some information and find out how the Board intends to resolve these issues.

Breen said there is potential for legal action with a recent employee termination. Maybe an ad hoc liaison committee should be formed. It could include a couple members of the Council. The committee could sort out the issues and bring the matter back to the full Council.

Yarish said there is a lot going on, and the Council should help them as well as being fully informed on issues as they come up. He feels he is in the dark on critical issues.

Breen said it seems to him that the issues should be articulated in a closed way, then brought in public when it is sorted out.

Chignell asked if an ad hoc committee can meet privately.

Town Administrator Pollard said that Robson is an unusual Board and there is not a clear-cut answer. A subcommittee meeting of each group could, however, take place outside the public forum.

Yarish said he would nominate Jeff Kroot to be on the committee as he is informed on Robson issues and lives in the neighborhood.

Chignell said he would like to join Kroot on the committee.

Shirley Graves, Robson Board Chair, said they would be happy to meet with the Town Council. Everything that has been done has been in writing, both with the tenant and with the employee that was let go. Everything has been done openly, and an attorney on the Board keeps them in line.

M/s, Zaharoff/Yarish, to appoint a subcommittee of Kroot and Chignell to meet with the Robson Board. Ayes: All.

Chignell asked Town Administrator Pollard to schedule the meeting as soon as possible. He said the issues he would like to address are the tenancy issue, the termination of Ms. Sims, the lead-based paint, and resignation of George Stameroff.

Barbara Schmidt, 59 Austin, said she hopes the house stays open for public enjoyment.

13. REGULATIONS FOR VEHICLE TOW OPERATORS:

- (a) Second reading and adoption of Ordinance No. 961, revising regulations and procedures for vehicle town operators.
- (b) Resolution setting the fee schedule for tow operators.

Kroot asked about the minimum amount of insurance required for tow operators and was advised it is \$1 million.

Town Administrator Pollard said that on page 5, item 3, it should read 30 minutes.

M/s, Kroot/Yarish, to move adoption of Ordinance No. 961, revising regulations and procedures for vehicle tow operators. Ayes: All.

M/s, Kroot/Yarish, to approve Resolution No.3286 setting the fee schedule for tow operators. Ayes: All.

14. ADJOURN.

The meeting was adjourned in honor of Jim Burneo at 11:00 p.m.

Debbie Stutsman