

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of January 23, 1996**

Present: Breen, Chignell, Kroot, Yarish  
Absent: Hodgens

7:40 p.m.

Interview with applicant to the Board of Review.

8:00 p.m.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE.
2. OPEN TIME FOR PUBLIC EXPRESSION.

Barbara Schmidt, 59 Austin, said that no conclusion has really been reached about a dog park. She feels environmental impact studies done on Bald Hill are inadequate and the public should be more involved in this process.

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

Kroot said he received a letter from resident Maureen Groper who pointed out that the town has no mailbox accessible from a car for people with handicaps. Town Administrator Pollard will discuss this with the Postmaster.

Kroot said he has received a complaint regarding overnight parking on Scenic and Floribel. Town Administrator Pollard will ask the Police to inspect and report back.

Breen said he was concerned with the array of flags displayed at the new Unocal station and discussed his concern with Planning Director Chaney. She will discuss the matter with the owner.

Yarish said the Marin Town & Country planning group has been meeting to formulate a plan for acquisition. Several alternatives have been discussed for the park and a professional public opinion survey is planned. Further financing will be a subject for discussion.

Town Administrator Pollard reported that the Town sent a letter to the Public Utilities Commission (PUC) regarding PG&E's poor response during December's storms. No response has been received from the PUC, but PG&E has been in contact with the Town and is instituting a number of changes with the aim of being more responsive.

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: January 9 and 11, 1996
- (b) Acknowledge and file financial report through December 31, 1995.
- (c) Approve request for closure of San Anselmo Avenue from Pine Street to Tamalpais Avenue on Sunday, May 12, 1996, from 5 a.m. to 5 p.m. for the Annual Antique Dealers of San Anselmo Street Fair.
- (d) Approve the placement of a bench with a plaque in memory of John Haapala, Town employee, on the deck of the Robson-Harrington Summer Day Camp facility.
- (e) Acknowledge and file report on the activity and allowed land use, 1537 San Anselmo Avenue.
- (f) Acknowledge and file report on the status of the design of 123 Saunders Avenue.
- (g) Acknowledge and file status report on Halperin Park, and authorize expenditure from the emergency repair fund.
- (h) CONTINUE TO FEBRUARY 27, 1996: Appeal of a Planning Commission denial to convert property from rental status to condominium ownership status, 865 San Anselmo Avenue.

(i) CONTINUE TO FEBRUARY 27, 1996: Introduce ordinance modifying the maximum dwelling unit size regulations.

Items (c) and (g), were removed for discussion.

M/s, Yarish/Chignell, to approve consent agenda items (a), (b), (d), (e), (f), (h) and (i). Ayes: All. Abstain: Kroot [item (a) only]. Absent: Hodgens. Items (h) and (i) should be corrected to read 1996 instead of 1966.

Regarding item (c), Town Administrator Pollard said the Police Chief has met with the Antique Dealers regarding closing San Anselmo Avenue for the Antique Dealers Street Fair. The Antique Dealers have agreed to change the street closure on San Anselmo Avenue from Tamalpais to Tunstead, instead of down to Pine. In addition, Hodgens suggested looking at locating the fair on San Anselmo Avenue nearer to Bolinas Avenue.

Sarah Nome, 77 Alder, said she doubts the Council has the authority to shut down San Anselmo Avenue. This is a disadvantage to the downtown merchants. Pollard will provide Ms. Nome with a copy of Council's authority for street closure.

Heidi Hanson, merchant, said the Antique Fair is planned for Mother's Day, a big sales weekend for her card store and customers can't get there. She is losing business. She suggested Memorial Park or Bouick Field at the Seminary.

Drew McEachern, Antique Timepieces, said he represents a number of other merchants who object to the street closure because of their loss of business. He suggested using Greenfield Avenue as many antique dealers are located there.

Barbara Schmidt, 59 Austin, said closing the street increases traffic on side streets and is a hazard for the Fire Department.

Town Administrator Pollard said the street closure meetings are attempting to deal with this issue. The problem with the Antique Dealer's Street Fair now is one of timing as the dealers had been counting on this location and date. She would recommend approval.

Sydney Halladay, Ten Bank Street, said she feels there is time for the Association to relocate the event. She stated for the record that other merchants, not just restaurants, have a problem with closing the street.

Holly Hopper suggested that S. F. Drake Blvd. be closed instead and re-route traffic down San Anselmo Avenue.

M/s, Chignell/Kroot, to continue this item to the next meeting on January 30, directing the Town Administrator to discuss alternative sites and dates with the Antique Dealers. Ayes: All. Absent: Hodgens.

Regarding item (f), Yarish acknowledged the neighbors at 123 and 125 Saunders and staff for reaching an agreement in this matter. He asked that a letter be sent to the participants.

On item (e), Planning Director Chaney said a neighbor of 1537 San Anselmo Avenue expressed concern over the business at this address. An inspection of the property has been set up. The property has been used for 45 years for a janitorial service. Neighbors say that traffic has increased significantly in the area due to the expanding business. Breen asked for a comprehensive report at the next meeting.

Regarding item (g), Town Administrator Pollard reported that this item began as a status report on projected costs of slope repairs at Halperin Park. On Friday, word was received that more debris fell down the hill, and on Saturday the situation worsened. In addition, a boulder was in danger of falling. About \$20,000 worth of work had to be completed on an emergency basis. Council is asked to authorize that expenditure. More debris must be removed or it will fall on private property. Staff recommends the authorization of up to

\$65,000 to pay for this work. The possibility of some type of ownership transfer should be looked into as well.

Public Works Director Bush said work done last year at Halperin was money well spent, but additional sliding has been experienced. Work began on Monday to secure the site. He showed Council pictures of the slide area. This work was critical to public safety. In the short term, loose soil must be removed, either all at once or as it encroaches. He recommends doing it all at once. The short term approach is approximately \$65,000. The long range plans are still being formulated.

Kroot asked if there is any solution to this problem. Bush said the soil conditions are such that it is a continuing problem.

Dennis Furby, Soils Engineer, said the debris barrier was a great investment. Unfortunately there is no long term solution. The risk can be reduced by taking some measures. Once the bulk of the debris is removed, there will be some movement, but not of this same magnitude. It should be stable with only minor amounts of removal needed.

Town Administrator Pollard said if \$85,000 is appropriated from the Emergency Reserve Fund, it will leave \$28,000. There is no available balance in the Capital Fund or Equipment Fund. Contingency has \$70,000 remaining. Some money has been received from FEMA but is included in these calculations.

Bush commended Dave Mariani of W.R. Forde for his prompt response and attention to this property. This is dangerous work and is usually done in the pouring rain.

M/s, Chignell/Yarish to authorize the expenditure of up to \$85,000 from the Emergency Reserve Fund for emergency debris removal in Halperin Park, requesting staff report back on recommended preventative measures, timing and source of funds, for improvements necessary to secure public safety; in addition, staff is requested to investigate alternatives for transferring ownership and/or responsibility of Halperin Park to other public or private entities. Ayes: All. Absent: Hodgens.

**5. PUBLIC HEARING ON APPROVAL OF NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND AN AMENDMENT TO THE GENERAL PLAN INCORPORATING THE BALD HILL AREA PLAN.**

Planning Director Chaney said Council directed further study on the pruning issue and hours of construction in the Bald Hill plan. The Fire Chief recommends that the language be amended to say pruning must be done in a way not to shorten the life of the tree, omitting a percentage figure. Regarding hours of construction, heavy construction trucks would include concrete trucks, dump trucks, backhoes, graders, pile drivers, and flatbed delivery trucks, and would be allowed weekdays from 10 a.m. to 3 p.m. The Public Works Director can authorize exceptions when necessary. These changes have been incorporated in the resolution.

Jonathan Braun, Scenic Avenue, said he is satisfied with the pruning change. Regarding the hours for heavy trucks, noise and safety are the primary concerns. He asked if the language is clear enough regarding no trucks allowed at all on weekends.

Kroot said he feels there will be a lot of applications for exceptions to the hours for heavy trucks.

Public Works Director Bush said he would look at whether the exception is integral to the construction, not if the contractor just wants to keep his people working.

Barbara Schmidt, 59 Austin, she is concerned about noise from these trucks disturbing nesting birds.

Kathy Sanders, 310 Redwood Road, said resident's main concerns are blocking the road during peak commute times by big trucks. That is why they want these hours.

Glenn Smith, 59 Austin, said trailers are often left for days in their neighborhood. Bush said to call the Police if the trailer is blocking the driveway.

Kroot said he feels the heavy equipment times will be a problem, and the exceptions difficult to handle. He feels the hours are too limiting and are a mistake.

Chignell commented that a lot of work has gone into this plan and he would like to see it implemented. If problems occur, the Planning Department can bring it back to Council.

Public Works Director Bush suggested that he would come back to Council after the first three exceptions are granted for Council review.

M/s, Yarish/Kroot, to approve the Negative Declaration and adopt the attached Resolution No. 3336 approving an Amendment to the General Plan which incorporates the Bald Hill Area Plan. Ayes: All. Absent: Hodgins.

6. PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO ENFORCE THE STATE VEHICLE CODE ON THE TOWN UNMAINTAINED PORTION OF OAK AVENUE.

Town Administrator Pollard said the parties involved in this matter would like to continue the item to allow for further discussion.

M/s, Chignell/Yarish, to continue the public hearing on a resolution authorizing the Police Department to enforce the state vehicle code on the Town unmaintained portion of Oak Avenue. Ayes: All. Absent: Hodgins.

7. PUBLIC HEARING ON NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT ON:

- (a) Proposed General Plan amendment to revise the text for the Limited Commercial and General Commercial land use categories to allow residential single family and multi-family uses.
- (b) Introduction of ordinance changing the Land Use Table of the Zoning Ordinance to expand permitted uses in the C-L (Limited Commercial) and C-3 (General Commercial) zones to include Residential single family (attached and detached) and multi-family uses subject to a Use Permit.

Planning Director Chaney said general commercial and limited commercial zones do not presently allow for residences. In discussions of the Housing Element this change was discussed because it would increase available low cost housing in the town. Residential use in a commercial area would be allowed for mixed uses, such as a live/work arrangement, and affordable housing that will not result in significant traffic disruption. The only potential problem is traffic on this busy corridor. The live/work type of residence actually reduces traffic. Language has been added to add a proviso to ensure affordable housing has every opportunity. This action will carry out a key provision of the Housing Element. A use permit in this situation will always be required. Planning Commission approval is pending Town Council approval.

Kroot said he supports the item, but feels that Exhibit A should include a statement that the residences should be on a second floor to preserve prime streetfront property for businesses.

M/s, Kroot/Yarish, to approve the Negative Declaration for a General Plan Amendment; to approve Resolution No. 3337 amending the General Plan to allow residential uses in the "General Commercial" and "Limited Commercial" land use categories; to approve the Negative Declaration for a Zoning Ordinance Amendment; and to introduce Ordinance Amendment No. 974 allowing residential uses in General Commercial (c-3) and Limited Commercial (C-L) zones subject to a Use Permit. Ayes: All. Absent: Hodgins.

**8. PUBLIC HEARING ON NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND INTRODUCTION OF AN ORDINANCE AMENDING THE ZONING ORDINANCE TO RESTRICT THE RE-APPLICATION FOR A PERIOD OF SIX MONTHS OF A DEVELOPMENT APPLICATION THAT HAS BEEN PREVIOUSLY DENIED.**

Planning Director Chaney said the Planning Commission has approved this. It was originally noticed citing the 6 month time frame; however, they have since found a one year time frame to be better. Council is asked to approve the six month time frame and an amendment will be done to change to one year. The Ordinance Amendment requires that there be no application for the same development within six months of approval, unless there was a denial without prejudice. The six month period applies for changes also.

James MacDonald, Architect, asked if this amendment refers to a Planning Commission approved project. Planning Director Chaney said this applies only to a project which was previously denied, or to a project with an approved variance that is being made bigger than what was approved. This wouldn't affect minor changes.

M/s, Kroot/Yarish, to approve the draft Negative Declaration; and introduce Ordinance Amendment No. 975, as recommended by the Planning Commission. Ayes: All. Absent: Hodgens.

**9. CONSIDERATION OF PREPARING AN AMENDMENT TO THE DESIGN REVIEW IN THE FLATLANDS ORDINANCE TO CLARIFY ITS EFFECTIVE DATE ON PROJECTS FOR WHICH PERMIT APPLICATIONS HAD BEEN RECEIVED, WHEN THE ORDINANCE WAS ADOPTED.**

Planning Director Chaney said this issue arose recently because the design review ordinance in the flatlands is silent on what specific projects apply to this amendment. The question is whether the ordinance should be amended to specify at what stage design review becomes effective. Staff recommends not amending the ordinance at this time; rather Council could direct staff to contact the three owners of similar situation, where they applied for building permits prior to the ordinance approval, but permits have not been issued. She recommends handling the three properties similarly, by getting statements from neighbors. If a dispute arises, staff would meet with the parties and try to resolve. Failing that, the plans would have to go on to an administrative design review. The property owner at 21 Angela testified at hearings on design review, has permits, but haven't done much work. The owner has indicated that she had shared plans with her neighbors and could get them to sign something. The owner was advised that a temporary stop work order may be issued. On Idalia Court the owners have already contacted their neighbors and have no problems getting signatures. They are rethinking their project at this point anyway. At 228 Saunders, the owners showed plans to their nearest neighbors and none expressed opposition. The staff recommendation is that we not amend the ordinance, but encourage the affected neighbors to contact one another. This direction has been discussed with Town Attorney Roth.

James MacDonald, Architect for 228 Saunders, said design work was begun on this addition long before any discussion was started on the ordinance. He feels that if he had gotten better information from staff, he would have gotten everything completed more quickly to avoid this trouble. He suggested early on to the property owners that they contact their neighbors, which they did, and all three neighbors approved of the addition. Now one neighbor is hesitant because they are being asked to sign something.

Scott Gillespie, 228 Saunders, said they had hoped to get this project started sooner. All along their neighbors have been supportive. They've done their best and now this seems unfair.

Planning Director Chaney said she would be glad to intercede with the neighbors to explain this situation to unsure residents. Perhaps an OK over the phone is sufficient; she will check with Town Attorney Roth. Council could initiate an amendment that states that

the August 10 date is based on issuance of building permits, except for the following residences, providing the residences get the neighbors' signatures. .

M/s, Chignell/Kroot, to direct staff to contact the three affected property owners and request that they obtain approval from their nearest neighbors, indicating that they do not believe the second story addition will unreasonably impair access to their light and air, affect their privacy, or adversely affect their health or safety. If there is a dispute, staff will meet with the applicant and neighbors to try to resolve the problem. If a resolution cannot be reached, the application should go through the Administrative Flatland Design Review process, waiving the processing fee. In addition, staff should obtain the concurrence of Town Attorney Roth on getting verbal approval from neighbors as opposed to written.  
Ayes: All. Absent: Hodgens.

10. STATUS REPORT FROM AD-HOC COUNCIL SUBCOMMITTEE ON ESTABLISHING CRITERIA FOR CLOSURE OF SAN ANSELMO AVENUE FOR EVENTS (ORAL REPORT).

Town Administrator Pollard said Breen and Kroot were assigned to conduct a workshop on this subject. The workshop has taken place and was facilitated by Michael Freedman. The purpose of the workshop was to get concerns and ideas regarding the closure of San Anselmo Avenue. Issues discussed included traffic, parking, number of attendees, behavior, and having an outside promoter making money from San Anselmo. Ideas were expressed about the value of such events, providing healthy exposure for merchants. In general it was agreed that some street closures are acceptable, but policies with criteria should be in place. A follow up workshop is planned to establish this criteria. Michael Freedman would be available to facilitate on Thursday, March 7.

Breen said the group felt that a policy was needed to avoid picking and choosing events.

11. RECOMMENDATION TO PARTICIPATE IN LOBBYING EFFORTS TO RESTORE PROPERTY TAX CUTS TO THE CITIES, COUNTY AND SPECIAL DISTRICTS OF MARIN.

Town Administrator Pollard said the County is taking a leadership role in getting a lobbying firm to keep the excess ERAF funds from being rerouted. The Town has lost money due to these shifts. San Anselmo should join this group to pursue a lobbying effort to keep the funding. Our share of funds for this participation is \$1,361.

Chignell said he wants to reiterate that he feels this is the wrong firm to hire, as it is known to engage in lobbying opposed to our local government values.

Yarish suggested a letter be sent to Marty Nichols saying the Town is disappointed in the selection of the lobbying firm.

M/s, Yarish/Kroot, to appropriate \$1,361 from Contingency for participation in a Countywide effort organized by the County of Marin in support of restoring excess ERAF funds to the cities, special districts, and County of Marin. Ayes: Breen, Kroot, Yarish.  
Noes: Chignell. Absent: Hodgens.

12. ADJOURN IN MEMORY of Ronald Cockburn, who was the 1994 San Anselmo Senior of the Year, a member of the Library Advisory Board and Solid Waste & Recycling Committee, and community volunteer.

The meeting was adjourned at 10:30 p.m. in memory of Ranald Cockburn.

Debbie Stutsman