

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of March 12, 1996

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

6:30 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(a), Susan Nelson v. San Anselmo, et al, and pursuant to Government Code Section 54956.9(b)(1), based on correspondence from Peter Brekhus dated February 21, 1996.

7:15 p.m.

Interview applicant to the Open Space Committee.

7:30 p.m.

Video presentation and report by students of Sir Francis Drake High School.

8:00 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE.

The pledge of allegiance was led by members of the 8th Grade class of St. Anselm's School.

3. OPEN TIME FOR PUBLIC EXPRESSION.

Barbara Thornton, Solid Waste and Recycling Committee, said the committee has gotten approval from the Town Council and the garbage company for an intensive recycling program. They will hold a town-wide yard sale, Saturday, May 18, "Close Encounter of the Trash Kind", on the Town Hall lawn. Proceeds will go to the Downtown Revitalization Committee. Composting workshops are back by popular demand, three in March, three more in October.

Christopher Lee, Magnolia, said he feels the overnight parking prohibition is outdated. It was enacted in the '30's, and seems to only apply to flatlanders, not on hillsides. The law forces people to concrete in their yards.

It was the consensus of Council to ask the Police Chief and Town Administrator to prepare a staff report on this issue for a future meeting.

Ryan Murphy, 206 Cascade, Fairfax, spoke regarding an illegal trail in Cascade Canyon that was highlighted in the Independent Journal. He brought maps so people could see the trail and protest its destruction by officials. He feels the trail is great and shouldn't be destroyed.

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

Hodgens said she and Chignell have been meeting on management compensation. They are ready to submit all the management evaluations and the salary adjustment plan.

Chignell said he and Kroot have been working as a subcommittee on Recreation issues. They've had several meetings, and last night SABA gave accounting of Snack Shack funds.

Yarish said he would like an update from staff on the outlook for beginning projects with Measure G funds.

Public Works Director Bush said the County is working on the Capital Improvement Program, and, when adopted, the projects can begin. Work will probably begin this summer and go through the fall.

Breen said he received a resignation letter from Karen Whitten, San Anselmo's representative to the Commission on Aging.

Breen said a meeting was held on developing criteria on the downtown fairs. He would like staff to look at having the lot behind Creek Park reserved for short term resident parking during street fairs when the street is closed.

Breen said the Ross Valley School District has been contacted regarding issues of mutual concern, such as use of the property. Hodgens will be involved as well.

Breen complimented the San Anselmo Volunteer Effort Board on the blooming daffodils around Town.

Breen asked about the Town's seismic upgrade plan. He asked for a status report San Anselmo's progress in this area.

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: February 27, 1996
- (b) Acknowledge and file warrants: Nos. 21237-21529, in the amount of \$527,767.97.
- (c) Accept as complete, 1995 Street Pavement Digout Project.
- (d) Authorize execution of contract with Maze & Associates for auditing and accounting services.
- (e) Authorize Council representative to the Marin County Hazardous & Solid Waste Management Authority to vote to withdraw San Anselmo from the Joint Powers Authority (JPA) and/or terminate the JPA.
- (f) Support the City of Concord in its opposition to the shipment of nuclear fuel in the Bay Area.
- (g) Proclaim April as *Fair Housing Month*.
- (h) Support state legislation in response to *Santa Clara County Local Transportation Authority v. Guardino*.
- (i) Designate issues to be addressed during the garbage rate review process.
- (j) Approve recommendation to extend the trial period for downtown parking enforcement on Saturdays for three months.
- (k) Endorse the "Gifts for Guns, Marin" event on June 1, 1996.
- (l) Approve annual contract for sidewalk and other concrete repairs.
- (m) Approve resolution approving the condominium conversion at 865 San Anselmo Avenue.
- (n) CONTINUE THE FOLLOWING ITEMS TO MARCH 26, 1996:
 - (i) Acknowledge and file year-to-date Recreation Fund revenue and expense report.
 - (ii) Authorize advertisement for bids, Library Renovation Project, Phase II.
 - (iii) 1108 Sir Francis Drake Boulevard, A/P 6-031-09: Appeal of the Planning Commission's denial of an amendment of the General Plan Map, rezoning of the property from R-1 to R-2, and a variance to permit a substandard size lot to be developed as R-2.
 - (iv) Introduction of ordinance modifying the maximum dwelling unit size regulations.
 - (v) Public hearing on a resolution authorizing the Police Department to enforce State Vehicle Codes on the non-Town maintained portion of Oak Avenue.

Items (c), (d), (f), and (i) were removed for discussion.

M/s, Yarish/Chignell, to approve Items (a), (b), (e), (g), (h), (k), (l), (m), and (n) of the consent agenda and to continue Item (j). Ayes: All.

M/s, Kroot/Yarish, to approve Item (d). Ayes by roll call: Breen, Hodgens, Kroot, Yarish. Noes by roll call: Chignell.

Regarding Item (c), Public Works Director Bush said the digout program is the first step of repaving projects, and will keep the streets from deteriorating even further while waiting for repaving. The budget was \$275,000, and the work has all been completed.

M/s, Kroot/Chignell, to approve item (c). Ayes: All.

On Item (f), Town Administrator Pollard said the City of Concord is asking for support in opposition to the plan to ship nuclear fuel through the Bay Area.

Merle Sheldon, 41 Brookside Drive, said a suit was filed against Oakland regarding a nuclear waste policy. The ordinance was found to be unenforceable. He doesn't feel the Council should endorse this policy.

Kroot said the Concord request is different than the Oakland case. We would be supporting Concord in its desire to have this issue discussed.

M/s, Chignell/Kroot, to approve consent agenda item (f). Ayes All.

Regarding Item (i), Chignell said Fairfax is poised to enact a 10% rate increase, which could affect San Anselmo. Fairfax is not going through the extensive garbage rate review process that San Anselmo is. He asked staff about the timeline for implementation. Pollard said the rate review will continue through May, at which time an implementation date will be discussed.

Yarish asked about revenue from recycled products. Town Administrator Pollard said this will be part of the analysis.

Breen suggested staff discuss this issue with Fairfax

M/s, Kroot/Yarish, to approve Consent Item (i). Ayes: All.

6. REPORT FROM AD-HOC COUNCIL SUBCOMMITTEE REGARDING DISCUSSIONS ON DRAINAGE WITH PROPERTY OWNERS ON AND ADJACENT TO FERN LANE, AND ON LONGVIEW.

Town Administrator Pollard said Chignell and Breen met with neighbors on Fern Lane and Longview to discuss drainage problems and options.

Breen said they met with both neighborhoods and had frank discussions on the issues. They are working toward agreement on contribution division.

Mike Randall, Klare Avenue, said they've met with neighbors and there's no consensus yet. The number of people actually affected is a small number, now that money's involved. He needs more information on the assessment district option before he presents anything to neighbors.

Breen asked Public Works Director Bush to get together this information for Mr. Randall.

James MacFarlan, resident, said they are back to square one if they can't get money out of residents. He asked the contractor the minimum cost to get things running and he said \$3,000. Can Council approve this emergency stop gap measure?

Chignell asked how the Town can assist to help build consensus. The Town Council will help if possible.

Regarding the Longview problem, Public Works Director Bush said there is 12" metal pipe between 23 and 27 Longview and 31 Carolina. There is a sinkhole on Mr. Simon's property. They have had several discussions with Mr. Simon and his attorney. It appears the pipe could be sliplined for about \$23,000. The work could be done in two phases.

Mr. Simon, Longview, said he would go along if it would be cost efficient.

Mr. Gilder, Carolina, said he and Ms. Frances, the other affected neighbor on Carolina, will go along.

Public Works Director gave the breakdown of costs for doing this work. The total amount the Town would pay would be about \$13,500, and a hold harmless clause will be included. The neighbors would each contribute around \$3,000.

Chignell thanked everyone for working on this.

Sarah Nome, 77 Alder, said the voters didn't get enough information with the passage of Measure G. Many residents thought the whole drainage system would be repaired with Measure G funds. She'd like to see a listing of improvements. Breen said this will be in the Capital Improvement Program. She'd like a copy of information given out on the drains.

Hodgens asked where these funds will come from. Town Administrator Pollard said they will come from Measure G funds. The full package will come back on the next regular agenda.

7. 30 FLORENCE AVENUE: APPEAL OF THE PUBLIC WORKS DEPARTMENT'S DENIAL OF A PERMIT TO REMOVE A HERITAGE TREE; LEN POLI, PROPERTY OWNER.

Public Works Director Bush said the property owners want to remove this tree as an arborist told him it was dangerously unbalanced. Two neighbors sent in written protests. The Town's arborist found the tree to be in need of removal also. Staff met with the neighbors, who wanted to take any steps to save the tree. Neighbors found an arborist who proposes to save the tree by aggressive pruning (over 50%). Staff changed the permit to an aggressive pruning, and the property owner has appealed this action. Bush said he would recommend removal of the tree, excepting the neighbor's concerns.

Aaron Crocker, 27 Florence, said he's lived there for 27 years and the tree hasn't leaned. Pruning for power lines unbalanced it, as well as high winds in December.

Resident, 24 Florence, said she and her husband sleep in living room when it's windy because they're afraid the tree will fall on their bedroom.

Len Poli, owner, said this is a really big tree and a hazard to the neighborhood. He originally wanted the tree pruned, but after so much came down during winter storms, the viability of the tree is in question.

Breen asked if suggested pruning will eliminate the risk. Bush said it would not eliminate the risk, but it would help.

Yarish said he received a letter from Thomas Gibbs, 16 Florence, who feels that pruning would result in the same safety factor as total removal. It is not likely that the main trunk will fall over. He feel the tree can be saved.

Kroot said this tree is obviously a heritage tree, but in a very urban area. It is leaning toward a house and trees do fall, especially with saturated soil. It is a matter of priority and safety.

M/s, Kroot/Hodgens, to uphold the appeal of Mr. Poli. Ayes by roll call: All.

8. 115 SAN FRANCISCO BOULEVARD: APPEAL OF POLICE DEPARTMENT'S DENIAL OF AN OVERNIGHT PARKING PERMIT.

Police Chief Del Santo said this application was received in January and he inspected the property and found the garage had been converted, which is an automatic denial of a parking permit by our municipal code adopted in 1983. There is no leeway in the code. No permit is on file for the garage conversion. He suggested the applicant could park at Memorial Park.

Lisa Formichi, 115 San Francisco Blvd., read her March 7 letter to Beth Pollard. She finds it difficult to park half a block away due to personal safety. She feels her request does not impose an undue parking burden on the street.

Hodgens asked if the garage could have been changed before this ordinance came into effect and if the Council has the authority to waive the ordinance.

Pollard said Council can waive the ordinance, but runs the risk of nullifying the ordinance over time.

Sarah Nome, 77 Alder, said she worked diligently on a second unit ordinance several years ago. Second unit rules should be strictly enforced because there will always be someone with a hardship.

Chignell said he is not a proponent of the overnight parking ordinance as it stands, but the ordinance is very clear on converted garages. He would support if possible.

It was the consensus of Council that there are no findings for a motion to grant the appeal, but that the item should be continued to allow time for review by Town Attorney Roth. The ordinance and the overnight parking regulations should be reviewed.

M/s, Chignell/Kroot, to continue this matter to next regular meeting, to allow time for Town Attorney Roth to review. Ayes: All.

9. REVIEW AND DISCUSS CHARGE OF THE NEWLY FORMED MEASURE G MONITORING COMMITTEE.

Town Administrator Pollard said staff recommends that Council establish the workplan of the Committee, with the two Councilmembers being non-voting, exofficio members, and that the Committee be charged with considering the needs and interests of the community as a whole, above the needs and interests of their property or neighborhood. She said it would be possible to have a catch phrase included so other work could be given to the Committee.

Hodgens said she feels the implied scope of the Committee isn't as encompassing as she had envisioned when she was campaigning. She would like more than safety, reliability and cost benefit. She'd like to leave room for the Committee to comment and advise on the implementation plan when asked.

John Barrows, Committee Chair, said he likes the wording the way it is.

Town Administrator Pollard said it is implied with any committee that Council can delegate work to it.

Breen said he feels the definition and charge of the Committee should be specific, and should not abdicate the official responsibility of Council.

M/s, Yarish/Kroot, to move that Council establish as the workplan of the Measure G Monitoring Committee the review of and report to the Council on: a) The measure G Capital Improvement Programs for consistency with the prioritization principles of safety, liability, and cost benefit., b) The Measure G bonds sales, investments, and accounting. c) The communication efforts to inform residents about Measure G; that the two Councilmembers of the Committee be non-voting, ex-officio members, and that the members of the Committee be charged with considering the needs and interests of the community as a whole, above the needs and interests of their property and/or neighborhood. Ayes by roll call: Breen, Kroot, Yarish. Noes by roll call: Chignell, Hodgens.

10. 40 MOUNTAIN VIEW; APPEAL OF PLANNING COMMISSION DENIAL OF V-9553, VARIANCE TO CONSTRUCT A GARAGE, OFFICE, AND MASTER BEDROOM WITHIN 14 FEET OF THE REAR PROPERTY LINE (20 FEET REQUIRED).

Councilmembers Kroot and Chignell abstained from participation in this item.

Planning Director Chaney presented her staff report. The applicant wants to construct an addition that requires a rearyard variance of six feet. Staff recommends denial of the appeal. The Planning Commission denied without prejudice because they liked the design and had concerns over the definition of a front yard. A petition is included from neighbors opposing the project. The front

of a house is defined as the narrowest street frontage, which in this case is Mountain View. But this house faces Rivera. In either case a variance is needed.

Yarish asked why the neighbors were opposed. Chaney said it was for light and privacy reasons.

Yarish asked about Planning Commission's review of 8 foot setbacks. Chaney said they only addressed houses that were built with a five foot setback originally.

Yarish asked if corner lots are prejudiced against because of being on a corner. Chaney answered affirmatively, due to the 12 foot street frontage setback. If a structure gets too close to the street it looks imposing.

Michael O'Brien, 40 Mountain View, said they want to enlarge their home. Because of the configuration of the property, this is the best design they came up with. He said this is not a large project. The master bedroom does not require a variance and this was noticed to their neighbors, so they have the impression that this is a big project. The definition of front yard is a big issue because it changes all the setbacks. But they are not encroaching on all four sides. He summarized some of the Planning Commissioner's comments. He feels their special circumstances are upgrading the carport, and adding in the least intrusive place. It is one story and well concealed by vegetation. Regarding guest parking, the new driveway would still be used for guest parking. Regarding the neighbor's petition, he feels the signers didn't understand what they were signing. It was badly worded and people weren't shown the drawings. The public noticing was misstated as well. They considered many alternatives to this project which would have been more imposing on their neighbors.

Yarish said the office is the main encroachment, and it goes over the root system of the big tree. He asked if the office size could be reduced by a few feet.

O'Brien said he spoke with an arborist about this, and the arborist said the addition is workable. They could reduce the office if they had to.

Carl Gardener, representing the Majesky's (neighbors), said a carport will be replaced by a substantial structure. They feel it will impact their light and box them in. These factors will intrude on the Majesky's and the value of their home. The proposed structure is not to code. The requirements for a variance are not met ; there are no special circumstances and no adverse impact. Regarding reordering of the front yard street frontage, this should go by the ordinance in the book.

Mike Lynch, 10 Brookside Drive, said it is obvious that Rivera is the front of the house when you see it. This addition should raise everyone's property values.

Ms. Majesky, said this will infringe on their property values because nobody will want to buy their house. San Anselmo is a non-traditional place; this is a neighborhood of small house. She liked the alternative plan of going back with the office, and she doesn't feel it will go near any trees.

Yarish said he feels the corner lot provides the special circumstances. The intent of the ordinance is 8 feet between adjacent property owners, and not a lot of thought went into corner lots. This is a reasonable addition providing little infringement. There is still a substantial rear yard. The intent of the zoning ordinance is reflected in this design. Dislike isn't an adverse affect. The proposed addition may be less intrusive than the existing carport. He would suggest several mitigation's 1) concern for tree 2) suggest reduction of windows on east side of property, and 3) reducing distance to the back of the office by two feet (for the tree). He suggested the applicant use obscure glass on the east facing windows.

O'Brien asked if a notch for the tree would be all right.

Hodgens said foliage might be a better screen than reducing the size of the windows. She feels the petition was unclearly written.

Chaney said if Council provides direction, she could review and approve changes, the matter could come back as an informational item, or it could be continued.

M/s, Yarish/Hodgens, to uphold the appeal of Planning Commission denial of V-9553 at 40 Mountain View, on the basis of special conditions, which include building design, a corner lot, the fact that the plans meet the purpose and intent of the zoning, the adjacent property owner has more than 8 feet sideyard, a substantial rear yard continues to exist, adequate space remains for light and views for all neighbors and planting will provide an enhanced visual screen between the new addition and the property to the east, such planting to be reviewed and approved by the Planning Department. Ayes by roll call: Breen, Hodgens, Yarish. Abstain: Kroot, Chignell.

11. REPORT ON RECOMMENDED STAFFING STRUCTURE FOR THE ADMINISTRATION, FINANCE, AND VOLUNTEER PROGRAM OFFICES.

This item was continued to the special meeting of March 19, 1996.

12. ADJOURN.

The meeting was adjourned to a special meeting on March 19, 1996, at 8 p.m. at 11:45 p.m.

Debbie Stutsman