

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of May 28, 1996

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

6:45 p.m.

Interviews with applicants to the Art Commission.

8:00 p.m.

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

Lewis Epstein, Oak Avenue, said there was a landslide on his property last February. A culvert was filled in with dirt and needs to be restored. He is worried that more sliding will occur, even down to Redwood Road. Public Works Director Bush said work done in this area by the Sanitary District created this problem and the district plans to remove a berm that they feel will correct the problem. Bush feels there is still work to be done on this, but it is really a civil matter. We can, however, ensure that the appropriate Town rules are followed.

Diane King, 1055 San Anselmo Avenue, said she has asked for many years to have sidewalks and gutters repaired in Town. She takes issue with the Art & Wine Festival as it takes business away from local merchants.

Lu Dandeleit, 126 Redwood Road, said Redwood Road at her property is not a Town maintained road. Many heavy vehicles go up the road every day and the asphalt is crumbling. Public Works Director Bush said there are plans to do work on Redwood Road to repair the road. Ms. Dandeleit presented the Council with information from the Marin-Sonoma Land Use/Transportation Conference.

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

Kroot said that Item 9, Overnight Parking, will be continued to another agenda.

Hodgens said the Open Space Endowment Fund through the Marin Community Foundation now totals \$36,000. She commended the Open Space Committee for their hard work.

Pollard reported that a meeting was held with the Broadmoor neighbors who had concerns about traffic and speed on their street. They will report back soon.

Hodgens said that on Saturday, June 1, the Campaign for a Healthier Community for Children is holding the Festival of the Children in front of Town Hall.

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: May 14, 1996
- (b) Acknowledge and file financial report through April 30, 1996.
- (c) Announce expiration of terms, Library Advisory Board.
- (d) Approve Resolution No. 3347 setting management compensation.
- (e) Authorize advertisement for bids for 1996 Measure G pavement improvement projects, and agreement with the County of Marin for joint paving of Butterfield Road.
- (f) CONTINUE TO JUNE 4, 1996: Introduction of ordinance modifying the maximum dwelling unit size regulations.
- (g) CONTINUE TO JUNE 4, 1996: Zoning amendment to revise the definition of residential second unit and add a new definition of kitchen.
- (h) Approve financial assistance program for the spraying of Elm trees.

- (i) Approve proposal for Town operation of snack shack and Memorial Park, and disbursement of proceeds.
- (j) Approve downtown event application for San Anselmo Summer Festival involving Music in Creek Park, Film Night, and Friday Night Music programs.

Items (e), (f), (g), and (h) were removed for discussion.

M/s, Kroot/Hodgens, to approve Items (a), (b), (c), (d), (i), and (j) on the consent agenda. Ayes: All.

Regarding Item (e), Chignell said he is concerned that we have not received cost breakdowns from the County. We were promised timely billings and we need a breakdown on what money has been spent.

Public Works Director Bush said he believes the County's costs thus far are lower than projected. This agreement under consideration is intended to get Butterfield paved on a shared cost basis.

Kroot said there are two issues. We need the bills from the County and we should vote to approve this paving tonight so we can take advantage of the economy of scale.

Town Administrator Pollard said a detailed billing was received from the County two weeks ago, but it has not been analyzed yet.

M/s, Chignell/Kroot, to approve an agreement with the County of Marin relative to a joint project to resurface Butterfield Rd. and authorize the Director of Public Works to advertise for Bids for a project to resurface Butterfield Rd., Broadmoor Avenue, and Carlson Ct. and to construct drainage facilities on Butterfield Rd. from Suffield Avenue to Willow Way; and to direct staff to request that the County provide consistent monthly accountings. Ayes: All.

Regarding item (h), Roger Christian, Austin Avenue, asked how much money is allocated for the elm tree spraying.

Pollard said staff is recommending a total expenditure of \$1,000, with \$10 per tree for homes with a single tree, and 25% of the cost for residential properties with more than one tree.

M/s, Kroot/Yarish, to approve consent agenda items (f), (g) and (h). Ayes: All.

6. RECOGNIZE JACLYN MAYER, HESTER NOLAN, AND SARAH SHARP FOR BEING SELECTED AS 1996 MARIN ARTS SCHOLARS.

The students were unable to attend; their commendations will be mailed.

7. COMMEND THE SOLID WASTE & RECYCLING COMMITTEE FOR ITS SUCCESSFUL TOWNWIDE YARD SALE ON MAY 18, 1996, TO REDUCE WASTE AND RAISE FUNDS FOR DOWNTOWN REVITALIZATION (ORAL REPORT).

This item was continued to the next regular meeting.

8. APPEAL OF PLANNING COMMISSION DECISION APPROVING A DESIGN REVIEW AMENDMENT TO ALLOW CONSTRUCTION OF A STEEL FRAME PATIO COVER AND DECK AT 379 OAK AVENUE, AND REQUEST FOR REIMBURSEMENT OF APPEAL FEE. AN UNFINISHED STEEL FRAME PATIO/DECK STRUCTURE CURRENTLY EXISTS ON THIS PROPERTY AND WAS CONSTRUCTED WITHOUT PERMITS. NUISANCE ABATEMENT ACTION, TAKEN BY THE TOWN COUNCIL ON OCTOBER 10, 1996, CALLING FOR THE REMOVAL OF THE STRUCTURE, HAS BEEN TEMPORARILY SUSPENDED PENDING THE OUTCOME OF THIS DESIGN REVIEW AMENDMENT REQUEST AND APPEAL.

Planning Director Chaney presented her staff report. Council can take one of three possible actions tonight; 1) uphold Planning Commission action and rescind the nuisance abatement, 2) uphold the appeal and reaffirm the nuisance abatement, and 3) modify Planning Commission

action and the nuisance abatement. She gave a history of this project. The Planning Commission took action to approve the design review amendment subject to several conditions, including a deed restriction keeping the deck structure open. The Planning Commission looked at this as a new project, but did not disregard the Town Council's previous opinion. Chaney said the Planning Commission recommends approval of the project.

Jeffrey Moss, Attorney for Ted Posthuma, said it is clear that Mr. Posthuma did not follow the process and he regrets the difficulties he has caused. There was no public opposition to these plans and the Planning Commission had two public hearings on this latest project. No neighbors appealed the decision; rather it was two members of the Town Council. He believes that what the Town Council last saw was the deck with a small enclosed structure in front. At that time Mr. Posthuma was told he had to go through the proper design process. Mr. Moss asked the Council to look at this project anew, and reconcile the previous abatement resolution.

Hodgens asked how many entrances the house presently has. She asked how Council can reconcile a six foot porch with the one that is requested being three times bigger.

Moss said there are two back door entrances up against the hillside, plus the original front door that opens to what is now the family room and no longer works as a front door. The doorway in question is the natural entryway according to how the project has been approved. He has been at the house during wind and rain. A six foot porch structure would provide no protection for the lower three quarters of the front door. This structure will also provide an upper deck off the upstairs bedroom.

Kroot said this project looks very similar to what was denied in the fall. A six foot porch was discussed and they believed that would be what would come back to the Planning Commission. Instead, it went back to the Planning Commission almost the same. Most of the Planning Commission members are new, and the one that had the most history with the project was adamantly against it. This project has been going on since the late '80's. He would support a 6'6" porch with a deck over it.

Yarish said he has high regard for the Planning Commission, but he feels their recent action was inconsistent with the abatement order and the Planning Commission's earlier restrictions. He feels neighbors aren't here due to a sense of exhaustion with the whole issue. He said this proposal further deteriorates the appearance of the house. There has been a blatant disregard in the whole process. He would support a much smaller awning over the front door. Perhaps a joint meeting with the Planning Commission would be appropriate.

Chignell said we cannot look at this project in a vacuum. Mr. Posthuma knows the rules and has been given license by these agencies. He has been treated fairly. He knew he was building an illegal structure. This project should have been abated long ago. If Mr. Posthuma comes back with something smaller, we will go through the process.

Hodgens said she feels the Council must stand by the abatement and a smaller structure. She wondered if a sliding glass door is an appropriate front door. She would support upholding the abatement and seeing a smaller, porchlike structure.

Ted Posthuma, Oak Avenue, said he doesn't understand why Mr. Kroot and Mr. Yarish oppose this considering that they were on the Planning Commission when his project was approved. He set out to try to improve his property. He knows he made a mistake by beginning construction without a permit. He said a six foot porch will not protect them from the rain. A hinged door won't work because the wind is so strong. He urged the Council to reconsider their apparent decision. His neighbors did not appeal these plans; it is two Councilmembers who feel this is necessary and it isn't fair.

Breen said previous public boards have been subjected to modification after modification of design. The steel framework in question is of significant size. He questioned putting the front in the most windswept area of a building. There is a question of credibility here. He would like to see a compromise.

Town Attorney Roth said that the public nuisance resolution should be updated is Council upholds this appeal. The item would be continued in order to bring the resolution up to current status.

M/s, Chignell/Kroot, to grant the appeal and to deny the Planning Commission decision, to waive the appeal fee of \$157, and to direct staff and Town Attorney Roth to come back at next regular meeting with a nuisance abatement that is updated. Ayes: All.

9. REPORT ON THE BACKGROUND AND STATUS OF THE TOWN ORDINANCE PROHIBITING OVERNIGHT PARKING.

This item was continued to the next regular meeting.

10. DISCUSSION REGARDING USE OF CREEK PARK AND OTHER AREAS FOR PARKING DURING THE ART & WINE FESTIVAL ON JUNE 15 & 16, 1996. (ORAL REPORT)

Town Administrator Pollard said this is a discussion item. The issue is how to maximize the availability of parking in the downtown during the Art & Wine Festival. Some ideas that have arisen are using the Creek Park parking lot and having valet parking in the downtown (merchant sponsored). The Creek Park lot presently has a two hour limit, except for Sundays. Two hour parking could be enforced both Saturday and Sunday during the Art & Wine Festival.

Kroot asked if Creek Park parking would be just for local merchant customers and how would that be enforced. Pollard said it was not workable to save the lot for customers of local businesses.

Breen said he is trying to be responsive to concerns that street closures make it difficult for customers to come to San Anselmo Ave. Valet parking would have to be covered in the press. He would like to include Sunday in the two hour parking restriction. There would be an increased cost to the town for overtime in Police Department.

Hodgens asked if Creek Park could be used for free validated parking from local merchants.

Town Attorney Roth said he would like to look into that possibility.

Drew McEachron, 574 San Anselmo Avenue, said he no one is present from the Chamber of Commerce. Andronico's Market fills up the Creek Park lot. He said the Art & Wine vendors take up too much parking. He asked how the Council can help the affected businesses.

Breen said Joan Crook is here representing the Chamber of Commerce.

Jim Paymar, resident, asked what the benefit of these events is for the Town. Cars park in front of his driveway and sometimes he cannot get out of or into it.

Breen said the events bring people to our Town. The police should be notified of illegally parked cars.

Sarah Nome, 77 Alder, said her neighbors make it a point to stay away from downtown during these weekends. She doesn't feel the Council has the right to take the town away from its citizens.

J.R., Terry Pimsleur & Co., said this is a premier event in Northern California. If vendors park in Creek Park all day long, it is a problem. Pimsleur & Co. would be willing to pay the cost for a police officer to monitor the parking lot. Their artists get a booth pass and a parking pass, to allow for loading in wares and to keep track of involved cars to straighten out any problems that may arise. One year the vendors were told to park on Cedar Street and that worked out OK.

David Gladysz, Cedar St., said it would be good to enforce all two hour parking.

Town Administrator Pollard said staff will look at enforcement of two hour limits in town lots on Saturday and Sunday, as well as taking a look at one hour parking limits, bringing back a resolution that Council could adopt. Staff will discuss the costs of this program and work with Pimsleur & Company to arrange for signage and personnel.

Drew McEachron, Antique Timepieces, said he isn't against events, just street closures.

11. REVIEW OF POLICY FOR CONTRIBUTIONS TO PAVING PROJECTS ON NON-TOWN MAINTAINED STREETS WITH MEASURE G FUNDS.

Town Administrator Pollard said we are reviewing the criteria for neighborhood paving projects for unmaintained streets. Staff recommends this matter be referred to the Measure G Subcommittee.

Chignell said the Measure G monitoring committee should look at the policy because things have changed since it was formulated. There was no bond measure in place at that time and Council hadn't asked those people to vote for and pay for a bond. He feels diverting this money to other projects isn't keeping the faith with residents on unmaintained streets.

Yarish said we need to get the word out to residents of non-Town maintained streets regarding this policy.

Kroot said that these joint efforts are an effective way to get a lot of paving done for little public money. Perhaps residents on streets most affected could be notified.

Sarah Nome, 77 Alder, said there are five miles of non-Town maintained streets. It is not right to take public funds for these private roads.

Yarish said taxpayers live on these streets and most are public right-of-ways.

It was the consensus of Council to refer the policy on contributions to paving projects on streets that are not maintained by the Town (because they have not been accepted as meeting standards) to the Measure G Monitoring committee for a recommendation on changes needed, if any, due to the passage of Measure G; Council is concerned that dollars identified for non-Town maintained be used for these kinds of projects. Council would like a recommendation back from the Committee.

12. APPOINT AD-HOC COUNCIL SUBCOMMITTEE REGARDING POLICE DEPARTMENT ORGANIZATION REVIEW.

Town Administrator Pollard said the Town has received notification of the retirement of Police Captain Schmidt at the end of the year. Due to his long-term tenure and the management level of the position, it is a good opportunity for a management review of the department. She recommends two Council members be appointed to work with staff.

M/s, Kroot/Yarish, to appoint Breen and Chignell to the ad-hoc Council subcommittee regarding Police Department organization review. Ayes: All.

13. ADJOURN.

The meeting was adjourned at 11:05 p.m.

Debbie Stutsman