

TOWN OF SAN ANSELMO
Minutes of the Special Town Council Meeting of June 4, 1996

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

7:25 p.m.

Announce adjournment to closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, and Anthony Quilici on the terms of purchase and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-071-02, 03, 7-101-02, pursuant to Government Code Section 54956.8.

8:00 p.m.

1. CALL TO ORDER

2. ANNOUNCEMENT OF ACTION TAKEN, IF ANY, IN CLOSED SESSION.

No action was taken during closed session. The closed session will be continued at the close of tonight's meeting .

3. CONSIDER REQUEST FOR CLOSURE OF SAUNDERS AVENUE TO ALLOW NEIGHBORHOOD TRAFFIC ONLY ON JUNE 17, 18, AND 19, FOR FILMING OF THE FEATURE FILM *A SMILE LIKE YOURS*.

Town Administrator Pollard said a request was received to film at 2 Agatha Court. The applicant wants Saunders Avenue to be closed for three days to all but local traffic.

Scott Logan, Location Manager, said they plan to keep one lane clear on Saunders for emergency traffic and local residents. The street closure is for safety reasons as well as for the filming. Their equipment trucks will be parked at the Drake High School parking lot and on Yolanda Avenue. Meals for cast members will be prepared at the parking lot. They plan to work three days, Monday, Tuesday, and Wednesday, June 17, 18 and 19. Off-duty police officers will provide security. They would like to work 12 hour days.

Police Chief Del Santo said there are two construction jobs ongoing on Saunders. One neighbor on Agatha Court has expressed concern about access to her home. He understands that her concerns have been addressed satisfactorily.

Matthew Mahoney, Location Assistant, said he is talking with all the neighbors to ensure their needs are accommodated. All but one of the immediate neighbors are enthusiastic. They will be contacting the larger neighborhood by letter.

Town Administrator Pollard said the moviemakers should present a proposal to the Town Council in writing. This evening it would be helpful to get an idea of what the concerns are so that the filmmaker can address them.

Mr. Logan said the filmmakers will be making a contribution to the school, as well as helping one neighbor with landscaping. They would consider making a contribution to the Town as well. They plan to hire a traffic consultant to plan how to reroute traffic. They will use a local hotel for people who need a place to stay; they have a union caterer.

Kroot asked what types of vehicles would be parked on Yolanda.

Logan said there would be several large trucks parked on Yolanda. He hopes most of the parking will be at the Drake parking lot.

Jerry Burroni, Yolanda Avenue, said they have had filming on their street before and it is very difficult for residents to deal with. There have been parking problems in the past.

Bill De Bisschop, 91 Elm, said he would suggest that the larger construction type vehicles that routinely use Saunders be notified of this closure.

Town Administrator Pollard said she would suggest that Council direct staff to continue to work with the film company to get specifics in writing, review, and bring back to the next Council meeting. It was the consensus of Council to do this.

4. INTRODUCTION OF ORDINANCE MODIFYING THE MAXIMUM DWELLING UNIT SIZE REGULATIONS.

Planning Director Chaney presented her staff report. The Town currently has a maximum dwelling size of 5,000 square feet for large lots. There have been a number of variance requests to exceed this maximum. The Planning Commission decided that the ordinance should be revised for existing homes to allow increases of no more than 10%. This ordinance would exempt people who are adding to an already enclosed area that was previously unfinished. It allows a 10% increase for dwellings built before February 26, 1991, which do not exceed the current maximum, and allows not more than 500 square feet increase for dwellings built before February 26, 1991, which currently exceed the maximum.

Kroot said it seems no one could add more than 500 square feet. Chaney said that a homeowner with 6,000 square feet could add 500.

M/s, Chignell/Kroot, to approve the Negative Declaration and introduce the Draft Ordinance Amendment with the changes proposed, as follows: Footnote 4: Dwellings built, enlarged, or expanded before February 26, 1991, which do not exceed the Maximum Adjusted Floor Area, may exceed this number by not more than 10% subject to Design Review approval and the findings below. Dwellings built, enlarged or expanded before February 26, 1991, which exceed the Maximum Adjusted Floor Area, may exceed this number by not more than 500 Square feet subject to Design Review approval and the findings below. Ayes: All.

5. INTRODUCTION OF ZONING ORDINANCE AMENDMENT TO REVISE THE DEFINITION OF RESIDENTIAL SECOND UNIT AND ADD A NEW DEFINITION OF KITCHEN.

Planning Director Chaney presented her staff report. After several meetings on the subject, the Planning Commission agreed on an amendment to the definition of a residential second unit and a definition for a kitchen. The difficulty is to preclude illegal second units but not preclude residents from legitimate use of their property. Also at question is the rewording of the second unit deed restriction language, although this does not need action tonight. Inspections are called for two times a year, perhaps upon complaint as well.

Hodgens asked about the definition of the kitchen with the "uninterruptable space" requirement. She is concerned about the clarity of this language.

Yarish asked how this ordinance will affect Mr. Watsuta. Chaney said he already has a single family deed restriction on his property, but she doesn't believe the ordinance can be retroactively enforced. They will get it on a resale inspection.

Chignell said he feels the ordinance can be retroactively enforced unless that is specifically excluded.

Kroot asked if this definition of a kitchen includes portable facilities. Chaney said it does.

Linda Ross, Yolanda Avenue, said she feels enforcement should be allowed when there are complaints, not just two times a year and the enforcement visits should be unannounced. If owners have notice of an inspection, they just clean it up. They have a problem on their street with an au pair who really does have a second unit.

Bill de Bisschop, 91 Elm, said there are a number of illegal units on his block that he has complained about but nothing has happened. Inspections have to be unannounced to be effective. He is in favor of strengthening the second unit ordinance.

Planning Director Chaney said there are 200 alleged illegal second units in Town. The Code Enforcement employee will be working on this matter this summer. She feels the unannounced enforcement should be subject to attorney review.

Hodgens said perhaps just the first inspection is by appointment, but if complaints continue the inspections should be unannounced.

Yarish said he is concerned with retroactive enforcement and would like the Town Attorney consulted on this issue.

Frank Egger, Fairfax Town Council, said Fairfax has the same problem with illegal units.

It was the consensus of Council that they are concerned about the use of the word "uninterruptable," guest room issues, retroactive enforcement and the unannounced visits.

M/s, Chignell/Yarish, to continue this item to the second meeting in July and to direct staff to look at the "uninterruptable" space and guest room issues, the possibility of retroactive enforcement, and unannounced inspections. Ayes: All.

6. ADJOURN.

The meeting was adjourned at 9:20 p.m.

Debbie Stutsman