

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of June 11, 1996

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

6:15 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., pending litigation pursuant to Government Code Section 54956.9(a), *Robert Cain v. San Anselmo*, *Epstein v. San Anselmo*, and regarding labor negotiations with the Marin Association of Public Employees/SEIU 949.

7:30 p.m.

Interview with applicant to the Planning Commission.

8:00 p.m.

1. CALL TO ORDER

The meeting was called to order by Mayor Breen, who announced that no action was taken during closed session.

2. PLEDGE OF ALLEGIANCE, LED BY THE ROSS VALLEY FIRE DEPARTMENT EXPLORER SCOUTS POST 307.

3. CONGRATULATE JESSICA DAVIS FOR WINNING THE NATIONAL CHAMPIONSHIP IN RHYTHMIC GYMNASTICS, AND WISH HER WELL IN HER FUTURE ENDEAVORS.

Mayor Breen presented Ms. Davis with a Certificate of Merit congratulating her on her National Championship and in her future competitions.

4. OPEN TIME FOR PUBLIC EXPRESSION.

Leon Olsolvi, 144 Pine Street, said the Town has no codes regarding where residents can park large recreational vehicles. An RV has been parked on his next door neighbor's property line for several months. The RV is right up next to the windows of his home and intrudes on their privacy.

Planning Director Chaney said the Town has an ordinance that permits residents to park an RV on their property. This comes under the parking section of the code because RV's are not considered a permanent residence.

Peter Kilkus, 129 Pine Street, said the RV was moved recently. This seems like a problem between neighbors.

Breen said perhaps the County Mediation Services could be employed to help resolve this between neighbors.

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

Chignell he has been working to mediate the Nokomis street closure issue, which will come up at the next meeting. Potholes have been filled on Bella Vista Avenue; he thanked staff for their efforts.

Hodgens said she met with the Red Hill Field subcommittee, regarding a baseball and soccer field at the site. A meeting was also held with members of Town's Boards, Committee's and Commissions regarding having youth representation on Town committees.

Hodgens asked about the noise issue at the Log Cabin now that summer is here. Pollard said the subcommittee should be prepared to move on this when complaints come. A meeting will be scheduled soon.

Breen said in Novato people who want to speak at Open Time fill out a card before the meeting. He feels this procedure would facilitate Open Time and provide an accurate record of speakers.

Breen said there have been two meetings regarding an emergency radio system like Corte Madera and Berkeley now have. This system would be operated through the Fire Department and would be extremely useful in the Ross Valley. Costs would be \$25,000-\$30,000 and would provide for improved radio coverage during an emergency.

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

- (a) Approve minutes: May 28, 1996.
- (b) Acknowledge and file warrants: Nos. 21986-22289 in the amount of \$602,022.69.
- (c) Adopt Ordinance No. 976 modifying the maximum dwelling unit size regulations.
- (d) Approve downtown event application for the Farewell-to-Drake Stapleton Walk-a-thon.
- (e) Appoint representative to the revised Marin County Hazardous & Solid Waste Management Joint Powers Authority.
- (f) Approve resolution supporting the reuse plan for the Hamilton Army Airfield.
- (g) Approve Resolution No. 3348 authorizing Community Development Block Grant Program.
- (h) Authorize execution of contract between MARINET and the San Anselmo Public Library to add its collection holdings to the on-line public access catalog.
- (i) APPROVE REQUEST FOR CONTINUATION TO JUNE 25, 1996: Public hearing on abatement of a public nuisance, 379 Oak Avenue, Theodore Posthuma; and resolution denying the 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.

Items (b) and (f) were removed for discussion.

M/s, Yarish/Kroot, to approve Consent Agenda Items (a), (c), (d), (e), (g), (h), and (i). Ayes: All.

Regarding Item (b), Sarah Nome, 77 Alder, asked about a warrant in the amount of \$450 for yard sale expenses. She asked where these items are.

Town Administrator Pollard said the panic bar is for a door at Town Hall. The cash box was for startup cash for the Townwide Yard Sale and the money was paid back.

M/s, Chignell/Yarish, to approve Consent Agenda Item (b). Ayes: All.

Regarding Item (f), Kroot said he doesn't feel the Hamilton resolution is clear on what the Council would be supporting. Perhaps more information can be solicited before considering this for approval.

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.

Town Administrator Pollard said the committee chair is present to make a presentation.

Barbara Thornton, SWARAC Chair, said their idea was to divert trash from landfills by facilitating trading of unwanted items. They made over \$3,300 which will go toward Downtown Revitalization. They are proud of the community involvement that was generated as well. She commended committee members Stephanie Roth and Francia Stanton for their hard work.

Breen presented the committee with a Certificate of Recognition for their hard work.

8. RECOGNIZE THE RECREATION DEPARTMENT AS A RECIPIENT OF A GOLDEN BELL AWARD FROM THE COUNTY OFFICE OF EDUCATION.

Town Administrator Pollard said the Golden Bell award was received from the County Office of Education for the Recreation Department's fine work. The award was presented to Richard Fernandez, Park & Recreation Commission chair.

9. APPOINTMENTS:

- (a) Planning Commission
- (b) Robson-Harrington Association Board of Directors

M/s, Kroot/Yarish, to nominate Dee Crooke and Leo Donovan for the Robson-Harrington Association Board of Directors. Ayes: All

10. RECOMMENDATION ON ENFORCEMENT OF PARKING IN CREEK PARK AND THE MAGNOLIA STREET LOT ON SATURDAY AND SUNDAY DURING THE ART & WINE FESTIVAL ON JUNE 15 & 16, 1996.

Town Administrator Pollard said the Police Chief recommends that the two hour parking limit be vigorously enforced this weekend. He does not recommend using the Magnolia lot for public parking due to safety considerations. Council can choose to have one or two hour parking limits in Creek Park.

Police Chief Del Santo said it would be safer to use the Magnolia lot for the artists who will not be coming and going during the day. Signs will be up indicating the parking enforcement plans at the entrance to the lot.

Diane King, resident, asked that festival participants set up quietly. She feels two hours is a reasonable amount of time to park.

Emily Dvorin, Chamber of Commerce, wondered if one hour was a realistic amount of time to allow somebody to shop.

Hodgens said she is strongly in support of one hour parking enforcement in the Creek lot to create more parking spaces during the two day period.

Kroot said he feels one hour isn't long enough and may backfire due to the vigilant enforcement.

M/s, Chignell/Kroot, to strictly enforce time limit parking of two hours in the Creek Park parking lot on Saturday, June 15, and Sunday, June 16, 1996 for the Art and Wine Festival. Ayes: Breen, Chignell, Kroot, Yarish. Noes: Hodgens.

11. REPORT ON THE PROPOSAL TO CLOSE SAUNDERS AVENUE ON JUNE 17, 8, AND 19 TO TRAFFIC OTHER THAN NEIGHBORHOOD VEHICLES, FOR THE FILMING OF A SMILE LIKE YOURS.

Town Administrator said the filming company has returned as requested at the last meeting with a written proposal on how they will handle parking and other issues that were raised regarding the filming. Their written proposal includes a traffic plan that has been reviewed and approved by the Police Department. They have gone door to door in the neighborhood to alert residents.

Arrangements have been made with Drake High School for parking in the school lot. They plan to let neighbors get to their homes without interruption. Filming is planned Monday and Tuesday from 6 a.m. to 10 p.m., and Wednesday until midnight. Concerns were raised about the noise at the very early and late hours. The filming people said it there would be minimal noise. They will make a donation to the playground project at Memorial Park that will allow its completion.

Chignell asked about the police officers stationed at the site. He also asked how the residents will get through the blockades, whether concrete trucks on Saunders have been notified and if it is clear that driveways on Yolanda won't be blocked.

Police Chief Del Santo said the officers will be in uniform and earning overtime pay. The street signs will be of the state-approved type in orange and black. Residents will be allowed in the neighborhood on the honor system and driveways on Yolanda will remain clear.

Kroot asked about the donation to the town. Pollard said the film company offered to pay \$5,000 to the playground project at Memorial Park. She suggested a similar donation to Downtown Revitalization.

Bill Franchini, 2 Agatha Court, said not many large trucks go down Saunders Avenue.

Scott Logan, Location Manager, said Drake High School will receive a \$3,000 donation, plus the Town is getting a \$1200 filming permit fee.

Matthew Mahoney, Location Assistant, said they have been looking for a street that they can drive around on for background footage. There would be no parking on one side of the street during that time. They are aware of the need to be concerned for pedestrian safety.

Diane King, San Anselmo, said the safety of children is most important in this endeavor.

Police Chief Del Santo said he feels Alder Avenue would be the best and safest location for this filming. The Police Department will be in charge and will be responsible for the executive of the entire plan.

Chignell said street that will have no parking on one side should have notification ahead of time.

M/s, Yarish/Kroot, to move approval of the street closure as outlined in the staff report, directing staff to negotiate with the producer on the possibility of a second donation to the Town. Ayes: All.

12. PUBLIC HEARING, 1108 SIR FRANCIS DRAKE BOULEVARD, A/P 6-031-09, APPEAL OF THE PLANNING COMMISSION 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.

Planning Director Chaney presented her staff report. The applicant has been unable to sell her property as there is a second unit that requires owner occupancy on the property. At the last meeting Council directed staff to look at various alternatives, other than the one the applicant is proposing. Chaney presented five alternatives for the Council to consider. Staff is most concerned with spot zoning and giving unfair treatment to the applicant. Proposed Alternatives 1 and 2 would result in a potential of 47 additional living units. Alternative 3 would rezone the lot to SPD (Specific Planned Development). Staff does not feel this zoning applies to this lot. Alternative 4 would modify the second unit ordinance by lifting the owner occupancy requirement on Sir Francis Drake Blvd., thus enabling the owner to sell the property without the occupancy requirement. Alternative 5 increases the allowable rent for second units. Town Attorney Roth feels the state rent control issue is not applicable to the Town of San Anselmo, so this option is not viable. Staff recommends the Council uphold the Planning Commission decision.

Hodgens asked about Alternative 4. She asked if upkeep on rental property goes downhill on a single family dwelling as well as second units.

Planning Director Chaney said that generally an owner who lives on the property puts more time and effort into the property.

Shelagh Barker, 1108 Sir Francis Drake Blvd., said she doesn't believe that 47 additional living units are possible, as stated by staff. She would suggest a variance on her lot to permit a second unit. Regarding the specified planned development suggestion, she feels she has the grounds for a variance. Of the five purchase offers they received from people who wanted it for income property, all were from Marin County, and three were from San Anselmo.

Kroot asked about a variance request to the second unit on an R-1 lot.

Chaney said state law does not allow use variances.

Barker said no buyers were interested once they found out the property had to be owner occupied.

Hodgens asked about Alternative 4, and whether it is acceptable to the applicant. She asked how rent control apply in that case.

Barker said Alternative 4 would be acceptable to her, but she'd also like the unit to be released from rent control.

Chaney said she is sympathetic to Ms. Barker's situation, but the Town cannot make a decision in isolation.

Chignell said the widening of Drake generated these problems. The owner-occupied rule was adopted in 1976 and is rather unique even now. He might be able to support Alternative 4.

Kroot said Alternative 4 is the only possibility, but we're saying all residences on S.F. Drake Blvd. don't have to be owner-occupied. This may result in lesser upkeep on these properties.

Hodgens confirmed that only two properties would be affected by Alternative 4 at present, but others could apply. She could be comfortable with Alternative 4, even though the properties may not be as nicely maintained.

Chignell asked about the second unit allocation in the area. It would be good to look at this on the map.

Planning Director Chaney said action on Alternative 4 would ask the Planning Commission to hold public hearings on an Ordinance Amendment. Also at question is who would pay for this. The cost could be approximately \$500-\$750.

M/s, Chignell/Hodgens, to adopt Alternative 4 to amend the Second Unit Ordinance by lifting the owner occupancy requirement (Sir Francis Drake Blvd. only) Ayes: All . Noes: Kroot.

13. REPORT ON THE STATUS OF THE PLANS FOR THE LIBRARY RENOVATION PROJECT, PHASE II. (ORAL REPORT)

Town Administrator Pollard said the Project Architect, Dan Peterson, is present with the plans.

Dan Peterson, Architect, apologized for the delay in completing the plans. He has taken the time to be more thorough on his plans due to the recent experience with Mullin Construction. The payment process has been tightened up. It is tentatively scheduled to go out for bids this week, with work commencing around the beginning of August. The work will take about four months. Phase II is the rehabilitation of the lower floor and the new hallway connecting the library to the rest room/chambers area, and includes handicapped access. The project will also enlarge office space and add lounge space for employees. This also includes flood walls so excess water can't get into library basement.

Town Administrator Pollard said she feels that we may need to factor a little more time into the bidding process for Public Works Director review.

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

This item was continued to the next regular meeting.

15. RECOMMENDATION TO AMEND THE HOURS OF CONSTRUCTION TO DESIGNATE DIFFERENT HOURS FOR HOMEOWNERS AND CONTRACTORS.

This item was continued to the next regular meeting.

16. ADJOURN.

The meeting was adjourned at 10:50 p.m.

Debbie Stutsman