

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of December 10, 1996

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

8:00 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by members of the Julio's championship soccer team.

3. ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION.

Mayor Kroot announced that no action was taken in closed session.

4. OPEN TIME FOR PUBLIC EXPRESSION.

No one spoke during this time.

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

Hodgens asked that the full report of the Red Hill Field Subcommittee be placed on an agenda in January

Chignell asked about the County Board of Supervisors proposed action on the Proposition 90 property tax changes. He is concerned that cities have had no opportunity to comment on this action and asked if a letter could be sent to the Board commenting that there was insufficient time to review this matter, which came up following the posting of this agenda.

M/s, Chignell/Breen, to put the issue of the County's Proposition 90 changes on tonight's agenda as Item 12A, as there is a need to take immediate action which arose following posting of the agenda. Ayes: All.

Breen reminded the audience that the deadline for applications for the vacant Council seat has been extended to December 16.

Kroot said he'd like a report on the landscaping maintenance in front of the Isabel Cook Community Center.

Pollard said there will be no special meeting on December 12 as previously announced for interviews of Council candidates. The dates of December 17, 18 and 19 have been reserved for interviews.

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: November 12 and 26, and December 6, 1996.
- (b) Acknowledge and file warrants: Nos. 23665 through 23899, in the amount of \$876,046.75.
- (c) Approve pledge of \$12,162 to the Hamilton Service Center Capital Campaign for a residential and job training center for homeless adults.
- (d) Approve resolution establishing management compensation, and appropriate \$17,700 from Contingency.
- (e) Approve contract with County of Marin for recruitment services, on an as needed basis.
- (f) CONTINUE TO DECEMBER 17, 1996: Oak Avenue reimbursement agreement.

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

M/s, Breen/Hodgens, to approve consent agenda items (a), (e) and (f). Ayes: All.

Regarding Item (b), Louise Mathews asked about the warrant to Marin Housing. Pollard said this is the annual renter's rebate.

Regarding Item (c), Chignell asked about the process for appropriating this money. Pollard said that at the Marin Manager's meeting there was discussion about the amount of money needed, and, to be equitable, they decided to come up with a \$1 per capita figure. The remainder of the funds would come from the private sector.

Hodgens asked about the item in the staff report regarding Novato and San Rafael.

Jean Taylor, Chair of New Beginnings, said Corte Madera, Mill Valley, San Rafael, Tiburon and the County have pledged their \$1 per capita share. Belvedere has pledged \$3 per capita and Sausalito has pledged its share plus the money in their holiday parking meters. Larkspur will be voting in January. There are just three cities that have not yet come forward.

Nicki McIntyre, Rental Rebate Program, said there is an existing homeless referral network. In this program, people must be committed to obtaining a job and getting themselves back on their feet.

Hodgens asked if the intent is to come back on a yearly basis and ask for money.

Nicki McIntyre said this is not the intent. They have funds from Marin Community Foundation (MCF) and the County; 2/3 of their funding is covered. Private donors are contributing to the operating funds.

Hodgens asked if there are plans to relocate women and children displaced by the closure of Innovative Housing.

McIntyre said a transition team has been created to ensure they are not displaced, with both short and long term planning going on right now. They hope another non-profit will come forward to continue the Innovative Housing program.

Louise Mathews, Foothill Road, asked why per capita was selected rather than by sales tax revenue. She wonders how long term funding will be worked out in a 24 hour facility.

Ms McIntyre said the City Manager's felt it was equitable to use the \$1 per capita figure. Regarding sustainability, she said the shelter has been operating for ten years, and has consistently been funded by MCF and the County. She feels confident that these agencies are in for the long haul in this project.

Regarding Item (d), Louise Mathews questioned the total figure of \$17,700. Town Administrator Pollard said the \$17,700 figure includes the retirement and social security costs, as well as salary.

M/s, Hodgens/Breen, to approve Consent Agenda Items (b), (c), and (d). Ayes: All.

Chignell said a decision must be made in the near future as to where San Anselmo's share of the money will come from.

7. APPOINTMENTS: PARKS & RECREATION COMMISSION.

Town Administrator Pollard said four applicants have been interviewed for two seats on the Parks & Recreation Commission.

M/s, Chignell/Kroot, to nominate Greg DeSurville and Mark Adamsbaum to the Parks & Recreation Commission. Ayes: All.

8. REQUEST FOR RECOMMENDATION OF THE MARIN COUNTY BOARD OF SUPERVISORS TO ORDER A COMPREHENSIVE STUDY OF ALL THE PLANNING OPTIONS TO DETERMINE THE FUTURE OF MARIN BAYLANDS.

Town Administrator Pollard said Council was requested to adopt a resolution encouraging the Marin County Board of Supervisors to order a comprehensive study on the future of the Marin Baylands. Staff has no recommendation as it hasn't done a thorough study.

Doug Wilson, Fairfax Councilmember, said this is a big land use decision in Marin County. Fairfax has adopted in concept a baylands protection plan. The resolution is directed at enabling a discussion on this topic and studying various available options. He urged Council's support of this resolution.

Louise Mathews, Foothill Road, asked if there is a cost associated with this study. Kroot said this is just making our opinion known.

It was the consensus of Council to hear this item on the agenda of January 7 with County Planning staff present for a full airing of this topic.

9. APPLICATION FOR DOWNTOWN EVENT INVOLVING THE OF PUBLIC SPACE AND THE CLOSING OF SAN ANSELMO AVENUE ON SATURDAY AND SUNDAY, JUNE 28 AND 29, 1997, FOR THE SAN ANSELMO ART & WINE FESTIVAL, SPONSORED BY THE SAN ANSELMO CHAMBER OF COMMERCE.

Town Administrator Pollard said the Chamber has completed the downtown event application for the Art & Wine Festival. In reviewing the application, staff was concerned about businesses exhibiting goods on the sidewalk, that the event be family friendly and valet parking. The Chamber has submitted an addendum to the original application (page 5). Staff recommends conditional approval of this application.

Hodgens asked if the application is for this year only. Town Administrator Pollard answered affirmatively. In addition, this event is being planned on a non-holiday weekend.

Emily Dvorin, Chamber of Commerce, said a lot of positive effort has gone into this, and there has been a lot of compromise to make this a more satisfying event for the diverse population of San Anselmo.

Sydney Halladay, 10 Bank Street, suggested that towaway signs be put up just 24 hours before the event instead of a couple of days before. After the event, she would like her property returned to the same shape it was in when she leaves Friday night.

Drew McEachron, 574 San Anselmo Avenue, asked that the application be denied because street closures hurt his business and parking is too difficult. He feels something should be done to reimburse merchants who lost money at last year's event. One half of San Anselmo Avenue businesses get hurt with this event. He asked that a copy of the contract be made available at Town Hall.

Louise Mathews, Foothill Road, said she would like to see the contract. She would like to see valet parking for exhibitors. She would like to know if the sidewalk in front of a store is public or private property. She would like to know where alcoholic beverages are to be sold. She would like a tight accounting of beer/wine sales.

Town Administrator Pollard said the street crew may have some overtime costs associated with putting the towaway signs up earlier.

Steve, Pimsleur & Associates, said he has put those signs up himself and he will put them up whenever the Town wants. They will ensure that the area is cleaned up after the event.

Kroot asked if the contract can be made available to the public. Town Administrator Pollard said she believes the last contract was made available to the public. Ms. Pimsleur does not want to have the contract made public.

J. R. Roloff, Pimsleur & Associates, said they'd like to do the valet parking if they can find a local group willing to take on the project. Short-term parking (2 hour) at the Creek Park parking lot worked out well last year.

Town Administrator Pollard said the Town doesn't receive an accounting of the event, but the vendors are required to submit the 1% sales tax. They designate a point of sale, which is a condition of the contract to be San Anselmo.

Hodgens asked who are the operators of the beverage concessions. Terry Pimsleur said her organization runs the beverage booths.

Louise Mathews, Foothill Road, asked about the liability issues with the valet parking. Ms Pimsleur said she takes out event insurance.

Drew McEachron, San Anselmo Avenue, asked if there is information on how much the Town made on the last Art & Wine Festival.

Town Administrator Pollard said \$800 was paid for a business license, plus the sales tax figures which we don't know.

The public hearing was closed.

It was the consensus of Council to support the application, with the conditions as outlined. Discussions on valet parking should continue and the Chamber should ensure that no vendor is allowed that directly competes with a local merchant, like free ice cream.

M/s, Chignell/Hodgens, to conditionally approve the application for street closure for the Art & Wine Festival, requested by the San Anselmo Chamber of Commerce, for Saturday and Sunday, June 28 and 29, 1997. Ayes: All.

10. PUBLIC HEARING, APPEAL OF PLANNING COMMISSION'S CONDITIONAL APPROVAL OF A USE PERMIT/DESIGN REVIEW FOR TWO LIVING UNITS: ONE TO BE AVAILABLE FOR PHYSICALLY DISABLED PERSONS, AND ONE TO BE AVAILABLE AS A BELOW MARKET RATE UNIT ON PROPERTY LOCATED WITHIN THE SPD R-3 ZONING DISTRICT; SIR FRANCIS DRAKE BOULEVARD, ADJACENT TO THE WILLOW GLEN DEVELOPMENT, A/P 5-311-21.

This item was continued to the meeting of December 17, 1996.

11. APPEAL OF A PLANNING COMMISSION DECISION GRANTING, WITH CONDITIONS, A PRECISE DEVELOPMENT PLAN, DESIGN REVIEW, AND VARIANCES TO CONSTRUCT A NEW SINGLE FAMILY HOME AT 80 SOUTH OAK AVENUE. VARIANCES WERE GRANTED TO CONSTRUCT THREE WATER TANKS AND FOUNDATION WITHIN 2 FEET OF THE REAR PROPERTY LINE AND TO CONSTRUCT A PATIO WALL WITHIN 3 FEET 6 INCHES OF THE SOUTH SIDE PROPERTY LINE. THE APPELLANTS, DAVID BOTT AND KAREN NELSON, ARE APPEALING CERTAIN CONDITIONS.

Planning Director Chaney presented her staff report. Staff recommends that Council adopt a resolution approving the Precise Development Plan and Design Review for a new house at 80 South Oak. It is her understanding that agreement has been reached between the applicants on the disputed conditions. The Planning Commission approved this project with 45 conditions, several of which the applicants are appealing. This is a highly visible property. Contested conditions included drainage and roadway improvements.

Scott Hochstrasser, Land Use Planner, said they've reached agreement excepting one minor language change on condition 31, where they prefer the word "approved" be included on all references to applications for development.

Planning Director Chaney said the implication of this change is just timing. This change is fine; it just gives a little more leeway on timing.

Devi Treewater, 1000 South Oak Avenue, said her concern is drainage. She would like her engineer to look at the site and have language included for engineering and maintenance fees. Regarding the road, she would hope that there would be some interim measure done on the road.

Jonathan Braun, 479 Scenic, said he spoke in opposition to this house at the Planning Commission meetings. It is a large, imposing building on a very visible site. Regarding the road, the applicants have been granted a great privilege and he feels they should be required to pave the road. On the drainage, the improvements required are a minimum, and the maintenance required over the years is almost as important. A condition should be included to require the future maintenance of this drainage.

Greg Gibson, 47 South Oak Avenue, said the road should be fully paved by the applicants. The road in front of their home will be damaged by the truckloads of material being taken away. Ms. Chaney said potholes will be filled ahead of time, plus a bond will be required.

Jack Degman, 60 South Oak Avenue, said the road is very bad, especially during the rainy season.

Kathy Sanders, 310 Redwood Road, said this will be an extremely visible structure for the Ross Valley. There is no screening in this area.

Theresa Tamley, 951 South Oak Avenue, said she is concerned about the road issue. Potholes should be filled beforehand to protect the road from the heavy truck use. She feels condition #22 should remain. She doesn't feel the sewer issue has been fully resolved. She agrees that the property is highly visible.

Scott Hochstrasser, Land Use Planner, said condition 22 required them to build a road before they build a house which they don't feel is fair. They've agreed with staff on videotaping the road beforehand to assess damage. They aren't asking for any other changes. The applicants have agreed to pave 300 feet of roadway. All the drainage for this project goes away from Mr. Gibson's property. The road is private and the responsibility of the homeowners.

Mary Tamley, 951 South Oak Avenue, said she wants to be assured that the trucks won't turn around in her driveway. She asked what the decision was on the colors.

Planning Director Chaney said the trucks turning around has been included in the conditions. Regarding color, condition #38, the water tank color is the only approved one. The rest will be shown at a public meeting as the plans progress.

Jack Degman, Oak Avenue, said \$10,000 is not much money for road repair, especially if there is a slide.

Judy Gibson, 47 South Oak Avenue, regarding drainage, they are concerned that the roadway slopes into the hillside and water will come down their way. She asked if road repairs are stipulated midway into the job if damage occurs.

David Bott, Appellant, said they will make logical repairs as they are needed. Regarding the drainage in question, the road already slopes toward the hillside and won't create any additional drainage.

Kroot asked if this is an April through November project. Ms. Chaney said the Public Works Director has allowed that a winterization plan can be submitted.

The public hearing was closed.

Breen said he feels the two sides should get together and discuss these issues.

Chignell said he doesn't like the \$10,000 cap on roadway improvements. Is it legal to require a homeowner to pave more than his own street frontage? He doesn't feel it is appropriate for the

Council to revisit the house size, color, etc. that the Planning Commission discussed at length. He would like a meeting with the people involved, including neighbors and staff to try to figure this out.

Hodgens said she is also concerned about the impact of the sewer line. She asked if there have been engineering reports on the road regarding this construction. She needs assurances about the stability of this road. Also, what would happen if this road were not passable for any period of time.

Kroot said he is concerned with the road and feels this should be a summertime construction project, particularly for excavation.

M/s, Chignell/Hodgens, to continue this item to the meeting of January 7, 1997, with the proviso that the subcommittee of Chignell and Breen meet with all parties, including staff, to try to reach agreement. Ayes: All.

Karen Nelson, Appellant, asked that the neighbors come to them with a formal proposal and suggestions of how it can be resolved to their satisfaction.

12. APPEAL OF A PLANNING COMMISSION DENIAL OF A PARKING VARIANCE APPLICATION TO DECREASE THE NUMBER OF REQUIRED ONSITE PARKING SPACES FROM FIVE TO ZERO. THE PLANNING COMMISSION'S DENIAL WAS BASED ON THE INTENT OF THE APPLICANT TO ESTABLISH FIVE OFFICES IN THE SPACE WHICH HAD PREVIOUSLY BEEN USED AS A RESIDENTIAL USE. THE PROPERTY IS LOCATED AT 228 SIR FRANCIS DRAKE BOULEVARD.

Planning Director Chaney presented her staff report. Because this is an intensification of use, it requires a parking variance. It is a change from a three bedroom apartment to a five office complex. It is also a loss of low income housing. Parking required for residences is less than required for office space.

Dirck Brinckerhoff, Property Manager, said the Town's zoning ordinances don't conform with its General Plan. He feels variances such as this have been given before and feels they deserve one. If it were a residence it would rent for about \$1,000. They've just completed a major seismic retrofit that was expensive. There are five rooms, but it could be just three separate offices. They would expect it to be quite possibly just one tenant.

It was the consensus of Council to support the appeal as there is a public benefit with new businesses, although parking is an issue.

M/s, Chignell/Breen, to grant the appeal, to approve the parking variance to reduce the required onsite parking from six spaces to zero, based upon shape of the lot and existing built condition, as well as the fact that it will not adversely affect the neighbors. Ayes: All. Conditions of Approval: 1) That the request for the Parking Variance be granted to reduce the required onsite parking spaces from 6 spaces to 0 be in accordance with the plans date stamped July 10, 1996, received by the Town of San Anselmo Planning Department. 2) The lessor should consider local tenants with the intent to use alternative transportation such as walking, bicycling or public transportation, a priority when considering lessees. 3) This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.

12B. PROPOSITION 90 DISCUSSION

Town Administrator Pollard said Proposition 90 allows property owners moving into Marin from other counties to keep their previous property value assessment. The County Board of Supervisors is considering repealing this. This issue came up following posting of the agenda. Marin approved Proposition 90 by 77%. More and more counties are opting out of this as the fiscal landscape has changed since 1988. There are more takeaways from cities and counties than there were in years past. The funds become more disproportionate as more and more Counties opt out. Many millions have been lost in Marin due to Proposition 90. This would not be retroactively applied.

Chignell said he is concerned with the short time frame. There is no time for public input. He'd like a letter to the County stating that there's not enough time to consider this properly.

It was the consensus of Council that there should be full public display of this issue.

M/s, Chignell/Hodgens, to send a letter from the Mayor to the County Board of Supervisors expressing that the issue of repealing Proposition 90 should receive a full public display before a decision is made. Ayes: All.

13. ADJOURN.

The meeting was adjourned at 11:20 p.m.

Debbie Stutsman