

TOWN OF SAN ANSELMO
MINUTES OF THE TOWN COUNCIL MEETING OF MARCH 11, 2003

Present: Breen, Chignell, Kroot, Thornton, Mayor Kilkus

8:05 p.m.

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Mayor Kilkus stated the Council met in closed session and no action was taken.

OPEN TIME FOR PUBLIC EXPRESSION

Mr. David Hansen, Planning and Activities Manager for the Marin County Open Space District, stated the district would be celebrating its 30th anniversary. He discussed the preservation of open space through partnerships with other agencies. He invited the Council to participate in the upcoming Policy Review Initiative.

Mr. Steve Plath, 1 Ray Court, President of the Board of Directors of the Playhouse, discussed the proposed remodeling of the building and the new long-term lease with the Seminary. They are planning on a capital campaign to restore the outside of the building and will ask the Council for support sometime in the future.

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

Councilmember Breen requested the Council adjourn the meeting in memory of Mr. Wilbur Watkins, founder of the Marin Community Clinic located in Fairfax.

Councilmember Breen asked staff to report back to the Council about any future proposals for the Marin Town and Country Club.

Councilmember Breen discussed the recent tragedies in Chicago and Rhode Island and asked staff to review and evaluate evacuation plans for public buildings located in San Anselmo. He stated the Council might want to look at policies and ordinances pertaining to this issue.

Councilmember Breen discussed the plans for the Red Hill Field. Trustee John Wright is working on the wording for the Joint Powers Agreement which would be reviewed by the Council and the Town Attorney. Fundraising for the project has started and he would like to see government entities signing on quickly.

Councilmember Chignell reported the Ross Valley Fire Board will meet to discuss the arrangement with the Sleepy Hollow Fire Protection District which expires in 2005. The

district currently pays a percentage towards labor costs. There is a proposal to increase that percentage. He stated he and Councilmember Kroot would keep the Council informed.

Councilmember Kroot commended the Police Department on their handling of the Drake High School Protest March.

Mayor Kilkus stated the Council met with the Quality of Life Commission prior to the regular Council meeting. Applications for the Commission could be obtained at Town Hall and he urged those interested to apply.

1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAY TAKE PLACE AT THE END OF THE AGENDA. OTHERWISE, ALL THE ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: February 11, 2003.
- (b) Acknowledge and file warrant numbers 44477 to 44791 during the month of January 2003 in the amount of \$1,119,569.54.
- (c) Approve the General Fund Revenue and Expenditure report for the period ending January 31, 2003.
- (d) Acknowledge and file report on the budget development calendar for fiscal year 2003-04.
- (e) Acknowledge and file quarterly report of the Police Department, for the period ending December 31, 2002.
- (f) Approve project and authorize informal bids for the installation of in-pavement crosswalk lights across Sir Francis Drake Blvd. at Madrone Avenue and Saunders Avenue.
- (g) Accept the project and authorize filing a certificate of completion for the Corporation Yard project;
Contractor- Charles O. Jones
- (h) Approve pavement rehabilitation project, Center Blvd. from San Anselmo Avenue/Sycamore Avenue to Saunders Avenue, and authorize staff to solicit bids.
- (i) Approve expenditure of Snack Shack/Memorial Park Improvement funds of up to \$14,000 per recommendations of the Park & Recreation Commission and the snack shack committee.

Councilmember Breen asked for the removal of item (h) from the Consent Calendar.

M/s Chignell-Kroot to approve the Consent Calendar with the removal of item (h)
Ayes: All

- (h) Approve pavement rehabilitation project, Center Blvd. from San Anselmo Avenue/Sycamore Avenue to Saunders Avenue, and authorize staff to solicit bids.

Councilmember Breen asked if the Measure G Committee has reviewed the possible diversion of funds for this project should State funding not come through. Public Works Director Elias stated “no”. Councilmember Breen expressed concern with digging into next year’s funds. Public Works Director Elias stated the project must be completed this year. He could set a meeting for the Measure G Committee if that is the direction of the Council. Councilmember Breen stated he was trying to respect the process of the Committee. Councilmember Chignell stated the Committee has already met to approve the project.

M/s Breen-Thornton to approve the project and authorize staff to solicit bids unless the Measure G Committee has any objections Ayes: All

2. APPOINT MEMBERS TO THE OPEN SPACE COMMISSION (1 SEAT) AND LIBRARY ADVISORY BOARD (1 SEAT)

M/s Kroot-Chignell to appoint Kathy Sanders to the Open Space Commission. Ayes: All

M/s Kroot-Breen to appoint Ted Freeman to the Library Advisory Board. Ayes: All

3. APPROVE REQUEST TO HOLD FILM NIGHT IN THE PARK THIS SUMMER IN CREEK PARK ON THE SPECIFIED FRIDAY AND SATURDAY EVENINGS IN JULY, AUGUST AND SEPTEMBER, 2003.

Recreation Director Wheeler presented the staff report. He stated this item was continued pending some research into the business owners’ opinions and a review of other potential Creek Park community event users. A survey was handed out to over 60 downtown businesses, 20 were returned and the results were compiled. The survey showed many businesses in favor of the event. There were concerns from a number of restaurants that the continuous nature of the event makes parking in the area difficult on Friday and Saturday nights during Film Nights. A meeting was held with the Film Night Coordinators and staff to review the survey results. A number of measures to mitigate the concerns were recommended.

M/s Chignell-Kroot to approve the amended schedule for Film Night and direct staff to implement the suggested measures. Ayes: All

Mr. Tom Boss, Film Night Organizer, thanked the Council for their continued support.

4. APPEAL OF PLANNING COMMISSION’S APPROVAL OF A USE PERMIT TO DEMOLISH A DWELLING; AND FLATLAND DESIGN REVIEW OF A 1,883 SQUARE FOOT SECOND STORY ON A NEW DWELLING AT 126 LAUREL AVENUE, APN 7-115-10 DAVID BARSOCHINI, APPLICANT

Senior Planner Wight presented the staff report. She stated the Planning Commission approved a use permit to demolish an existing single family dwelling and design review

of a second story on the new dwelling. Two of the Commissioner voted “no” because they supported moving the house back 3 feet more from the front property line for a front setback of 44 feet. The Commission was able to make the following findings: 1) the project will not unreasonably impair access to light and air of structures of neighboring properties, 2) the project will not unreasonably affect the privacy of surrounding properties.

Councilmember Breen asked about the location of 130 Laurel Avenue. Senior Planner Wight stated it was to the left of the project.

Mayor Kilkus opened the Public Hearing.

Ms. Gayle Permar, 113 Madrone Avenue, architect representing the appellants, showed a video tape depicting a shade study and displayed a model of the project. She alleged the following: project documentation submitted to the City was inadequate; the process had been expedited for the applicant; letters and other documents were missing from the file. She stated the required findings could not be made because of the following: the project would block the neighbors light, wind, and air; the neighbors privacy would be affected; the proposed garage was not workable and was unsafe. She stated the house should be pulled back 12 feet. She asked the Council to send the project back to planning for a redesign and deny the approval.

Senior Planner Wight stated the project was not expedited and the applicant received no special treatment. The Planning Commission was able to make the required findings and they are attached to the staff report. She was not aware of any missing documents. The space between the project and 130 Laurel Avenue is 17 feet, which is one foot more than the code requires. Planning Director Bell stated each project was different and was reviewed by the Planning Commission on its own merit.

Mr. Ed Hardin, project architect, 480 Gate Road, Sausalito, stated he was unaware of any missing documents and there were no discrepancies in the plans. He stated they met with the neighbors to try to find solutions that would be satisfactory to all parties. The buildings were far enough apart for the appellants to get cross ventilation. The appellant’s shadow study shows there will be no impact to the surrounding properties. He stated moving the house back was not an option because it would be pushed into the hillside and leaves the applicants with a very small backyard.

Mr. Dave Barsochini, 126 Laurel Avenue, stated he showed the architectural plans to the neighbors and had approval from five of them. The shadow study he received shows shade three times a day during four months out of the year. There would be 17 feet between the project and 130 Laurel Avenue. He stated he could fit three cars in the garage and two outside. He installed 5 story poles as required by the Planning Department and the heights were verified by a surveyor. They were not asking for any variances.

Ms. Lisa Orłowski, 130 Laurel Avenue, asked the Council to send the plans back to the Planning Commission and deny the approval. When she spoke to the applicant about the plans she asked him not to obstruct the wind or sun from her dining room and children's bedroom. She discussed her children's health problems and stated her concerns about the project pertained to health and safety issues. She would like the applicant to move the second story back. She expressed concern that the chimney was located in front of her children's bedroom.

Ms. Diana Davis, 108 Madrone Avenue, stated she was concerned about the ever-increasing size of homes in San Anselmo and the precedence they set. She stated these new, large homes increased the demands on Town services.

Ms. Nancy Cicchetti, 119 Laurel Avenue, was opposed to the project and stated it would destroy the aesthetics of the neighborhood and the Town.

Mr. Bill Permar, 113 Madrone Avenue, was opposed to the project. He referred to the videotape of the shade study and stated it showed the project would block a significant amount of sunlight.

Councilmember Kroot stated the issue was one of light, air and privacy in relation to the second story addition. He felt the shade study indicated there would be no significant impact to the neighbors due to the second story. He asked the applicant about any impediments to the movement of air around the neighbor's house. Mr. Barsochini stated he offered to install two double-hung windows so they would get more air on that side of the building. He also offered to change the wood fireplace to gas.

Ms. Orłowski stated the installation of new windows would take away from the character of her house. She felt they should not have to do that.

Councilmember Kroot asked if the house could be moved back more. Mr. Barsochini stated they offered to move it back 3 feet. They do not want to move it back any more due to the cost and the potential loss of backyard space.

Councilmember Breen asked the applicant if he considered reversing the floor plans. Mr. Barsochini stated they considered that option but it would give them a smaller driveway and less yardspace. The current proposal has less of an impact on the other neighbors.

Mr. Bob Schultz, 130 Madrone Avenue, stated the house would be very large and would not do anything for the neighborhood.

Ms. Linda Jensen, 130 Madrone Avenue, felt that a compromise could be made. She felt the house would be too large for the neighborhood and unacceptable to the neighbors.

Mr. Brian Cullen, 110 Laurel Avenue, stated the project conforms to the rules and regulations of the Town.

Ms. Permar stated the application would not have been before the Planning Commission if the second floor were made smaller.

Mayor Kilkus closed the Public Hearing.

Councilmember Chignell stated he was not sure he could approve the application tonight and his inclination was to ask the parties to seek a compromise. He discussed the three findings that need to be made and was not sure he could make the first finding. He would like to see the two parties find a solution.

Mayor Kilkus stated he was not convinced there was an issue regarding the access to light, air, and wind for the neighboring properties. The project does appear to be large but it is within the legal limits. He would prefer to see the two parties seek a compromise but he saw no reason to deny the appeal.

Councilmember Breen would like to continue the item for two weeks to allow the two parties to come up with a solution. He drove down the street and noticed significant changes. He asked both parties to think about the good of the community.

Councilmember Thornton stated she was not sure about the sun study and the airflow to the neighbors. She stated she heard the concerns of the neighbors and would support a two-week continuance to allow the parties to come up with a compromise.

Councilmember Kroot stated he could support the two-week continuance. He stated the project does conform to the code in terms of lot coverage, height, and setbacks and the applicant is not requesting any variances.

He was not concerned about the impact to the neighbors access to light but he was concerned about the access to air. He stated houses have been getting larger but the project comes in under the maximum allowed for the site. He would like to see some give and take on both sides.

Mayor Kilkus stated there should be some compromise on both sides.

M/s Breen-Chignell to continue this item for two weeks to allow the parties to come to a resolution regarding this matter. The item will be the first item on the March 25th Council agenda. Ayes: All

5. APPOINT COUNCILMEMBER ALTERNATE REPRESENTATIVE TO THE
MARIN
TELECOMMUNICATIONS AGENCY

M/s Chignell-Kroot to appoint Councilmember Thornton to act as the alternate representative to the Marin Telecommunications Agency. Ayes: All

6. ADJOURN

The meeting was adjourned at 10:10 p.m. in memory of Mr. Wilbur Watkins.

Respectfully submitted,

Toni DeFrancis
Recording Secretary