

**AGENDA ITEM 1(b)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
June 19, 2003**

For the Meeting of June 24, 2003

TO: Town Council  
FROM: Janet Pendoley, Finance & Administrative Services Director  
SUBJECT: Report of Warrants Issued, May 2003

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**RECOMMENDATION**

That Council acknowledge and file warrant numbers 45526 to 45856 issued during the month of May 2003 in the amount of \$992,691.15. The following warrant numbers were voided: 45165 and 45485.

**BACKGROUND**

This report is an itemization of payments made to vendors during the month just ended. It also includes warrants written to Bank of America for the month's two regular payrolls as well as reimbursements to employees for work-related approved expenditures.

Respectfully submitted,

Janet Pendoley  
Finance and Administrative Services Director

Attachment 1 - Warrant Registers, May 2003

**AGENDA ITEM 1(c)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
June 19, 2003**

For the Meeting of June 24, 2003

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Revenue and Expenditure Report, May 2003

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## **RECOMMENDATION**

That Council approve the Revenue and Expenditure Report for the period ending May 2003.

## **BACKGROUND**

The Revenue and Expenditure report is a year-to-date summary report of revenues and expenditures that is presented to the Town Council on a monthly basis. The General Fund is included in the monthly report. The purpose of these reports is to present financial information for review and discussion.

## ANALYSIS

### **Revenue:**

The revenue and expenditure data as of May 31st reflects financial activity transacted during 92% of the budget year. Revenue received, at 88%, includes the first distribution of 55% of property taxes as well as the second distribution of 40%. The final distribution of 5% will occur in June. The largest portion of the Town's taxes come from Secured Taxes, which have been received at exactly 95%. The first ERAF distribution was received and it indicates that annual income from this source will exceed the budgeted amount by approximately \$45,000. This increased revenue will in part offset anticipated losses in sales tax income, franchise fees, and interest earnings (see below). Other sources of revenue show the normal lag in receipt of periodic payments. Items of note include the following:

- Sales tax income, at 77%, represents revenue through April only (i.e. 83% of the year) and as such trails the budgeted amount by 6%. The current economic uncertainties have resulted in a reduced quarterly advance of these funds from the state. Staff estimates that the total sales tax income from this source will fall short of the budgeted amount by approximately \$30,000 (2.9%).
- Annual business license fees received to date, in the amount of \$254,835 (104%), have already exceeded the budgeted amount by \$10,961. It is anticipated that revenue from this source will exceed the budgeted amount by approximately \$20,000, which returns it to the level of earlier fiscal years.

- Gas, electric, and cable franchise fees, estimated at \$346,241, will fall short of the budgeted amount by approximately \$65,000 due to lower gas prices in the current year as well as changes in the utility companies' methods of fee calculation.
- Interest income, at 37%, includes three quarters' earnings. The interest rate continues to decline into the 4<sup>th</sup> quarter, and staff estimates a shortfall from this revenue source of approximately \$100,000.
- Motor Vehicle License Fee (MVLFF) income, in the amount of \$672,929 (90%), continues to be received from the State in a timely manner and close to the budgeted amount.
- Planning and construction fee income, at 67% and 84% respectively, reflects the impact of refunds of prior years' planning and road bond deposits.

### **Expenditures:**

Expenditures, at 90%, appear to be at a stable level across major categories presented on page 1 of the report. Over expenditure in the category of Office & Department Supplies and Library Materials at 94% is offset by savings in Training, Publications, and Dues, at 71%. Utilities expense, at 80%, continues to be significantly under budget and as previously noted may in part reflect the savings realized by the LED traffic signal conversion.

Expenditures also appear to be at a stable level across departments presented on page 2 of the report with only a few exceptions:

- Legal Services at 95% is at a slightly higher proportion of budget as a result of recent litigation and legal activities.
- Library expenditures at 94% is at a slightly higher proportion of budget due to the transition of Library staff into newly created positions.
- Parks expenditures at 81%, Streets expenditures at 86%, and Finance & Administration expenditures at 87% are all at a lower proportion of budget as a result of employee vacancies and the transitions resulting from in-house promotions. In addition, the Streets budget includes streetsweeping and a large portion of utilities, both of which continue to reflect savings despite the seasonality of the recent winter months.
- Transfers Out (transfer of the Town's General Fund money to other Town Funds) in the amount of \$1,005,097 have all been processed. In comparison, last year's transfers were at 90% as of this report period.

### **BUDGET REVISIONS:**

There were no budget revisions to Town funds during this report period.

### CONCLUSION

In reviewing the financial data particularly as it compares to the prior year, the Town's revenue collections and spending levels appear to be within normal ranges for this report period. Staff estimates that the revenue losses discussed above will be offset by expenditure savings in the areas of compensation and utilities.

Respectfully submitted,

Janet Pendoley  
Finance and Administrative Services Director

Attachment #1: Revenue and Expenditure Report, May 2003

### **AGENDA ITEM 1(d)**

### **TOWN OF SAN ANSELMO TOWN COUNCIL STAFF REPORT**

For the meeting of June 24, 2003

**TO:** Town Council  
**FROM:** Tom Bell, Planning Director  
**SUBJECT:** Amendment to Title 10 (Zoning Ordinance) regarding residential second units.

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### **RECOMMENDATION**

Adopt the attached Zoning Ordinance amendment, waive the reading, and direct staff to hold any 2<sup>nd</sup> unit applications received until the ordinance becomes effective.

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**Previous Action**

June 10, 2003 This ordinance introduction was approved by the Council.

May 27, 2003 This item was continued to June 10.

May 13, 2003 A motion to approve the introduction of the attached ordinance was made at the Council meeting but it failed with insufficient affirmative votes 2-1 where 3 were required.

April 7, 2003 The Planning Commission unanimously recommended approval of the attached ordinance draft.

July 1976 A second unit ordinance (chapter 6 of Title 10) was adopted regulating residential second units in the Town of San Anselmo.

**Discussion**

At the meeting of June 10, this item was introduced. Staff gave an update on the status of the recent survey sent to all use permitted 2<sup>nd</sup> units. Attached is the staff report of June 10, 2003 with attachments.

Respectfully submitted,

Tom Bell  
Planning Director

Attachments: Staff reports of June 10, May 13 and 27, and proposed ordinance

**AGENDA ITEM 1(e)  
TOWN OF SAN ANSELMO  
STAFF REPORT**

For the Meeting of June 24, 2003

TO: Town Council  
FROM: Debra Stutsman, Town Administrator  
SUBJECT: Announce Term Expirations:  
Boards, Commissions and Committees

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**RECOMMENDATION**

That the impending expiration of terms be announced and publicized, and that applications for appointment be solicited and forwarded to Council.

## BACKGROUND

The following terms will expire on the specified dates:

<b>Boards, Commissions &amp; Committees</b>	<b><u>Members</u></b>	<b><u>Expiration date</u></b>
Historical Commission	Stacie Reutter, Judy Coy, David Schock, Patricia Swensen, Lucky Phelps, Roy Farrington Jones	September, 2003
Volunteer Program Advisory Board	Norma Keating, Ellin Purdom, Susan Barstow	September, 2003

A status report of current openings is attached.

Respectfully submitted,

Debra Stutsman  
Town Administrator

<b>Board, Committee, Commission</b> <i>(total seats)</i>	<b>Seats Vacant</b>	<b>Applicants</b>	<b>Date Interviewed</b>
<b>Arts Commission</b> <i>9 seats</i> <i>Jim wheeler</i>		Amie Clute ** Mike Laska **	
Board of Review <b>5 seats</b>	1	Lea Madison ** Eleanor Kellog Smith **	
<b>Historical Commission</b> <i>15 seats</i> <i>Sara Loyster</i>			
<b>Library Advisory Board</b> <i>6 seats</i> <i>Sara Loyster</i>	1	Edith Stump ** *	
<b>Marin Commission On Aging</b> <i>1 seat</i>			

<b>Marin County Hazardous &amp; Solid Waste Authority</b> <i>1 seat</i>			
<b>Measure G Monitoring Committee</b> <i>6 seats</i> <i>Rabi Elias</i>	2	Erik Selvig	6/10/03
<b>Mosquito Abatement District</b> <i>1 seats</i>	1		
<b>Open Space Comm</b> <i>11 seats</i>	1	Brian Crawford Don Vita ** *	6/10/03
<b>Parks &amp; Recreation Commission</b> <i>7 seats</i> <i>Jim Wheeler</i>		Jack Martel ** Ann Adams ** *	
<b>Planning Commission</b> <i>7 seats</i> <i>Tom Bell</i>		Brian Wittenkeller ** *	
<b>Quality of Life</b> <i>7 seats</i>	4	Theresa Allen Denise Dunn ** Anna Frost Lea Madison ** Sam Ruark **	5/13/03 6/10/03
<b>Robson Board</b> <i>4 seats</i> <i>Jim Wheeler</i>			
<b>Ross Valley Paramedic Authority</b> <i>1 seat</i>			
<b>Tax equity Board</b> <i>3 seats</i>	1	Jean Holm ** *	
<b>Volunteer Advisory Board</b> <i>7 seats</i> <i>Kay Coleman</i>			

\* Incumbent

\*\* Waiting for interview

## AGENDA ITEM 1(f)

### TOWN OF SAN ANSELMO STAFF REPORT June 19, 2003

For the Meeting of June 24, 2003

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Property Tax Insert

## RECOMMENDATION

That Council acknowledge and file the report regarding having an informational insert included in the property tax bills, explaining to property owners the cumulative effect of Proposition 13 and other state funding shifts on local government funding.

## **BACKGROUND**

The Legislative Committee of the Marin County Council of Mayors and Councilmembers (MCCMC) originated the idea to include a message in the property tax billing to educate property owners about the negative effect State funding shifts have had on our local budgets.

## ***DISCUSSION***

The proposed wording of the insert is as follows:

“Proposition 13, the 1978 ballot measure that capped property taxes in the state, sharply diminished the property tax revenues that counties, cities and special districts had available to provide services. In 1976, local agencies received \_\_\_ percent of their revenue from property taxes. Today property taxes only support \_\_\_ percent of local agency budgets.”

“Proposition 13 allowed the State Legislature to reallocate local property taxes among local governments. In the midst of the 1991-92 recession, the State Legislature exercised this power to take county, city and special district property taxes to fund the state governments constitutional obligation to support schools. Today this tax shift is causing Marin governments (cities, counties and special districts) to lose more than \$36 million this year alone. During the past 10 years, Marin governments have lost a cumulative amount of more than \$ \_\_\_ million in funds that previously were used for local community services.”

## **FISCAL IMPACT**

It is estimated that the cost to the Town to prepare the insert is \$335.

Respectfully submitted,

Debra Stutsman  
Town Administrator

## **AGENDA ITEM 1(g)**

**TOWN OF SAN ANSELMO  
STAFF REPORT**



*June 19, 2003*

For the meeting of June 24, 2003

TO: Town Council  
FROM: Debra Stutsman, Town Administrator  
SUBJECT: Workers' Compensation Program

A. RECOMMENDATION

That Council acknowledge and file the report on the transition from the Marin County Risk Management Authority (MCRMA) to the Bay Cities Joint Powers Insurance Authority (BCJPIA) for the Town's Workers' Compensation program.

BACKGROUND

The Town is a member of MCRMA, a self-insurance pool for Workers' Compensation insurance. Other members of the pool include Belvedere, Tiburon, Belvedere/Tiburon Joint Recreation, Fairfax, Larkspur, Novato, Sausalito, Tiburon and Twin Cities Police. The program has been administered for many years by Darrell Heppner, who has decided to retire. MCRMA Board members, after reviewing a number of options, have voted to transition to the BCJPIA workers' compensation program.

A number of MCRMA members, San Anselmo included, are already members of BCJPIA for liability insurance. BCJPIA has an established workers' compensation pool program that will accommodate the addition of MCRMA members. MCRMA will be closed out effective July 2003, and BCJPIA will begin administering members' claims, both old and new.

The BCJPIA program is similar to MCRMA in that the Town is responsible for funding losses and expenses up to the self-insured retention, which is now set at \$150,000. Costs between \$150,000 and \$500,000 are covered by pool funds, and excess insurance is purchased for losses above \$500,000. The annual assessment is based on outstanding claims and claims history.

Respectfully submitted,

Debra Stutsman  
Town Administrator

**AGENDA ITEM 1(h)**

**TOWN OF SAN ANSELMO**

STAFF REPORT

*June 19, 2003*

For the meeting of June 24, 2003

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Referendum Election – November 4, 2003

B. RECOMMENDATION

That Council approve the resolution authorizing the procedures for said election submitting to the voters the question relating to the Town’s award of a five-year franchise for refuse, recycling and green waste collection services.

BACKGROUND

A referendum petition was filed in September 2002, protesting Town Council action on August 27, 2002, approving a Franchise Agreement for Solid Waste, Recycling, and Green Waste Services with Marin Sanitary Service. The referendum petition was certified by the County Clerk and the Council decided to submit the question to the voters on November 4, 2003.

C. DISCUSSION

The resolution calls for the following question to be submitted to the voters at the election:

Shall the motion of the San Anselmo Town Council awarding a five-year franchise agreement to Marin Sanitary Service for Solid Waste, Recycling, and Green Waste Services be adopted?	Yes	
	No	

Respectfully submitted,

Debra Stutsman  
Town Administrator

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO CALLING AND GIVING NOTICE OF THE HOLDING OF AN ELECTION TO BE HELD NOVEMBER 4, 2003 AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN TO CONSOLIDATE SAID ELECTION; AND AUTHORIZE THE TOWN CLERK OR HER DULY AUTHORIZED OFFICERS AND AGENCY TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION SUBMITTING TO THE VOTERS THE QUESTION RELATING TO THE TOWN'S AWARD OF A FIVE-YEAR FRANCHISE FOR REFUSE, RECYCLING AND GREEN WASTE COLLECTION SERVICES.**

**Whereas**, a referendum petition was filed with the Town Clerk protesting Town Council action on August 27, 2002, approving a Franchise Agreement for Solid Waste, Recycling, and Green Waste Services with Marin Sanitary Service; and

**Whereas**, Michael J. Smith, Marin County Clerk, submitted a Certificate of Sufficient Petition Signatures regarding the referendum petition; and

**Whereas**, on October 8, 2002, the Town Council decided to submit the item to the voters and set an election date of November 4, 2003; and

**Whereas**, under the provisions of the laws relating to general law cities in the State of California, an election shall be held on November 4, 2003 for the submission to the voters of the question relating to the franchise for refuse services; and

**Whereas**, it is desirable that the election be consolidated with the statewide election to be held on the same date and that within the Town, the precincts, polling places, and election officers of the two elections to be the same; and

**Whereas**, it is desirable that the county election department of County of Marin canvass the returns of the Consolidated Schools, Districts and Municipal Election and that the election be handled in all respects as if there were only one election; and

**Whereas**, the Town Council desires to submit to the voters at the election a question relating to the award of a franchise agreement for refuse services.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

Section 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the Town of San Anselmo, California, on Tuesday, November 4, 2003.

Section 2. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Marin is hereby requested to consent and agree to the consolidation of said election.

Section 3. That the Town Council, pursuant to its rights and authority, does order submitted to the voters at the election the following question:

Shall the motion of the San Anselmo Town Council awarding a five-year franchise agreement to Marin Sanitary Service for Solid Waste, Recycling, and Green Waste Services be adopted?	Yes	
	No	

Section 4. Pursuant to Elections Code Section 9280, the Town Clerk shall transmit a copy of the measure to the Town Attorney who shall prepare an impartial analysis of the measure in accordance with said Section 9280. Arguments for and against said measure may be filed in accordance with applicable provisions of the law. Pursuant to Section 9285 of the Elections Code of the State of California, (the provisions of which are hereby adopted), when the clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The rebuttal arguments shall be filed with the Town Clerk not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut. The text of the measure shall be printed on the ballot in the voter information portion of the sample ballot.

Section 5. That the County Election Department is authorized to canvass the returns of said election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 6. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

Section 7. That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 8. That the polls for the election shall be open at 7:00 a.m. of the election and shall remain open continuously from that time until 8:00 p.m. of the same day, when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

Section 9. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 10. That notice of the time and place of holding the election is given and Town Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

Section 11. That the Town Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Election Department of the County of Marin.

I, the undersigned hereby certify that the foregoing is a full, true, and complete copy of a resolution duly passed and adopted by the Council of the Town of San Anselmo at a regular meeting thereof held on the \_\_\_ day of \_\_\_\_\_, 2003, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Approved: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Town Clerk

**AGENDA ITEM 2**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
June 10, 2003**

TO: Town Council

FROM: Sara Loyster, Town Librarian

***SUBJECT: Proposal to Increase Library Fines***

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**RECOMMENDATION**

That Town Council approve a fine increase at the San Anselmo Library of \$.05 a day for adult items and \$.05 a day for children's items, which would bring the fine totals to \$.30 a day per item for adult books and audios and \$.15 per day for children's books and audios. The fines for overdue videos and dvds will remain the same at \$1.00 per day. This comes at a time when the County Library is also raising their fines by the same amount, so it should not appear to be too great a hardship for library patrons.

### **BACKGROUND**

Libraries all over the state are anticipating a revenue decrease in the form of a reduction of the Public Library Fund, which the Governor outlined in his May Revise of the State Budget, a possible loss to the Town of \$11,000. Raising fines and fees is the only way to offset, by even a small amount, this loss.

The increase would bring San Anselmo in line with nearby County Library Branches and would help defray the increased costs of purchasing books and on-line services. The Library Advisory Board has agreed that this would be a good idea.

At the same time we increase fines, we will also be promoting our new on-line service that, among other things, allows patrons to renew from home using the on-line MARINet system. A bookmark that reads: *"Why pay fines? Renew on-line (or by phone!)"* will be given to every patron who uses our library for two weeks after the fine increase goes into effect.

### **CONCLUSION**

The fine revenue fine is expected to go from \$22,000 per year to about \$25,000 for an increase of \$3,000.

### **AGENDA ITEM 3**

#### **TOWN OF SAN ANSELMO STAFF REPORT**

**June 16, 2003**

For the Meeting of June 24, 2003

TO: Town Council

FROM: Lisa Wight, Senior Planner

SUBJECT: Use permit and hillside design review of a proposed 3,077 square foot, three-story single family dwelling and a 488 square foot garage (existing 700 square foot dwelling will be removed in conjunction with this project) at 240 Redwood Road, A/P 7-095-01.

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RECOMMENDATION

That the Town Council upholds the Planning Commission's approval and denies the appeal.

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**APPLICANT** Seneca Properties, LLC, Post Office Box 1738, Mill Valley, California 94942

**APPELLANT** Andrew and Nancy Schumacher, 180 Floribel Avenue, San Anselmo, CA 94960, etal

**BACKGROUND** **May 5, 2003:** **Planning Commission conditionally approved project (ayes: 4; absent: 3).**

DISCUSSION OF APPEAL

1. *“Plan . . . exceeds mass, size and intensity of neighborhood houses and is in conflict with Gen. Plan.”*

Understanding that the house size was part of their discretionary review, the Planning Commission felt satisfied with the visual impact of the project and was able to make the required findings for approval.

Conditions of approval included: 1) placing the proposed trees at the rear of the property closer to the dwelling for screening purposes; 2) requiring a tree protection plan; 3) landscape screening of retaining walls; 4) maintaining several of the existing cypress trees along the street frontage and the existing 36” palm would be relocated to below the dwelling; 5) replacing existing cypress and pine trees (which are in poor condition) with a different species that is fire resistant and capable of screening along the eastern side property line; 6) installing a deer fence along the west side property line; and 7) confirmation by a licensed surveyor that the placement of the dwelling conforms to the approved plan prior to foundation pour and the height of the dwelling after framing, confirming construction is in accordance with the approved plans.

2. *“Proposal will cause adverse waterflow and drainage to downhill properties.”*

Having been advised by Town Engineer Rabi Elias that there would not be additional water on the site as a result of the project, but that it would be channeled into drains and then dispersed on the site, the Planning Commission was able to making the findings for approval. The drainage plan prepared by Lawrence P. Doyle would be subject to the Town Engineer's final approval prior to building permit issuance.

3. *“Planning Commission made errors of law.”*

Staff believes this comment refers to an earlier meeting, when one of the Commissioners commented that he felt he could not vote to reduce the house size. It was made clear to all of the Commissioners that they do indeed have discretion on the house size, and the Commission subsequently made the required findings to approve the proposed house size.

4. *Full Commission was unable to legally consider high-impact plan.*

Commissioners Fernandez, House, Jochum and Sisich supported the project; Commissioner Wittenkeller was present, but recused himself from this hearing due to a potential conflict; and Commissioners Harris and Zwick were absent.

The entire Commission was informed in the staff report of the required findings for approval and further advised of their options in making a determination, i.e., approval, denial, or continuance for redesign. The Commissioners present made the required findings for approval of the project.

#### RECOMMENDATION

To deny the appeal, thereby approving the project with the Planning Commission's Resolution of Approval (which includes required findings and conditions).

Attachments: Appeal and attachments  
Planning Commission Resolution No. 0301  
Planning Commission minutes and staff reports: May 5, April 21, 2003, and  
December 16, 2002  
APN Map  
Plans

c: Lawrence Jatsek, Seneca Properties, LCC  
Tony Richards, Architect  
Andrew and Nancy Schumacher, appellants  
Additional Appellants:

David Harp  
Stan Grabowski  
Monica Schindler  
D. Fitzmaurice  
Lucella Hoefuagels  
Joy Gade  
Anne Glasscock  
Stephanie Fein and David Lakes  
Gay Kagy  
Kathleen Sanders and Jeff Curtis  
Rico Villa  
Sali and Ryan Carlson  
Kate and Brian Hogan



Ferne Lewis

**AGENDA ITEM 4**

**TOWN OF SAN ANSELMO  
STAFF REPORT**

*June 19, 2003*

For the meeting of June 24, 2003

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Settlement Agreement – 125 Redwood Road

D. RECOMMENDATION

That Council hold a public meeting regarding the proposed settlement agreement regarding use of property located at 125 Redwood Road.

BACKGROUND

Patricia Johnstone owns a single family dwelling at 125 Redwood Road. In 1985, her mother, Rae Johnstone, now deceased, obtained, via a variance, town approval to construct a storage structure on the property with access at Savannah Avenue. There has been ongoing controversy over the use of this structure by the Johnson family, culminating in an abatement proceeding that ended with a determination by the Council that the structure constituted a public nuisance because of its use as an alleged residential second unit without the required town permits.

E. DISCUSSION

In the interest of resolving this matter, the Town Attorney has worked with Ms Johnstone's representative on a proposed settlement agreement. Before committing to the agreement, however, the Town Council directed staff to place the proposed settlement agreement on a regular meeting agenda for public discussion. Advance notice to neighbors residing within 300 feet of 125 Redwood Road was accomplished and copies of the draft proposed agreement have been available at Town Hall.

The proposed settlement agreement is attached.

Respectfully submitted,

Debra Stutsman

Town Administrator

## AGENDA ITEM 5

### TOWN OF SAN ANSELMO TOWN COUNCIL STAFF REPORT

*June 18, 2003*

For the meeting of June 24, 2003

**TO: Mayor and Members of Town Council**

FROM: Tom Bell, Planning Director

SUBJECT: Environmental Review, Zone Change from R-1, R-3, & C-L to PPD/SPD, Use Permit, Design Review, and protective appeal to consider 13 residential dwelling units on .874 acres.

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#### RECOMMENDATION

The Planning Commission recommends denial of the project. If this is the determination of the Council, the Council should articulate its findings and reasoning and direct staff to prepare an appropriate resolution of denial.

#### DISCUSSION

**At the June 10 meeting, the Council opened the public hearing and focussed upon the geology/soils and traffic impacts of the project. No determination of those matters was made. The hearing was continued to tonight in order to further evaluate the project issues and the Planning Commission's recommendations.**

#### *NEGATIVE DECLARATION*

As the Council may be aware, before the Council could consider approval of the zone change, design review, and use permit requests, approval of the environmental document prepared for the project (Negative Declaration) would be necessary. In considering approval of a Negative Declaration, the Council must find that all environmental impacts identified within the document (with the inclusion of appropriate mitigation measures) are determined to be "less than significant". State law provides that the document must be acted upon within 180 days of a complete application, or in this case by the second meeting in July.

In its Negative Declaration recommendation of denial, the Planning Commission identified 4 areas of concern regarding potentially significant impacts. These were:

1. Geology/soils
2. Traffic
3. Land Use Planning

#### 4. Aesthetics

Based upon the professional reports, project conditions, peer review, and evaluation by the Town Public Works Director, staff believes that the **Geology/Soils** and **Traffic Impacts** would be “less than significant” with the imposition of proposed mitigation measures. However, the majority of the Commission believed that the geology/soils and traffic impacts would remain “significant”.

With regard to **Land Use Planning Impacts**, the negative declaration would need to indicate that there would be no significant conflict with established plans. In this case, the proposed zoning with its site plan and potential visual/aesthetic impacts could be interpreted as being in conflict with the General Plan. Specifically, the land use element policies identified in the Commission’s resolution and further articulated on page 3 of the PC staff report of May 5 could represent a general plan conflict and therefore, a significant impact unless sufficiently mitigated through project revision/redesign.

Likewise, the **Aesthetic Impacts** identified in the negative declaration may remain potentially “significant” unless mitigated by further project revisions.

#### ***ZONE CHANGE***

In order to approve a zone change, the Council must find that the amendment in its entirety is in compliance with **all** provisions of the General Plan. Since the SPD zoning establishes its own setbacks, heights, intensity, site plan, design, etc. as a comprehensive planned development at the time of SPD approval, all policies of the general plan should be evaluated at the zone change stage including design review and aesthetic considerations. Consequently, as currently proposed, the Commission believes that the project is not in compliance with the General Plan because

1. the size of structures do not sufficiently reduce visual impact,
2. the visual mass of the proposed units is not sufficiently minimized,
3. the proposed scale and intensity reflects a large monotonous design which does not integrate well with the existing character of the surrounding neighborhood,
4. the building heights, orientations, and details are similar and do not provide adequate variations to avoid monotonous structures, and
5. the current C-L zoning designation upon a portion of the property does not automatically entitle the residential density proposed due to detrimental visual impacts upon the neighborhood and Town.

#### ***USE PERMIT & DESIGN REVIEW***

Although the Planning Commission normally decides upon Use Permit and Design Review matters, because the requested zoning requires Council approval and the particular SPD designation requires detailed site plan and design components, the design review and use permit functions become an integral part of the zoning classification. As

proposed and articulated above, the Commission could not make required findings of aesthetic compatibility and non-detriment addressed further in the resolution of denial.

***Options available to Council***

At this time staff would recommend that the Council hear any additional testimony on the project, formulate its findings and, and thereafter, direct staff to prepare the necessary resolution of denial, or ordinance approving the project.

Since the Commission recommended denial, any subsequent **plan revisions** should be referred back to the Planning Commission for additional review and recommendations in accordance with Section 65857 of the Government Code. However, because the Negative Declaration must be acted upon within 180 days (and the project 60 days thereafter), the Council must act on the Negative Declaration by the July 22 meeting. Consequently, the Council could

1. Deny the Negative Declaration, Zone change, Design Review, and Use permit (by resolution), or
2. Approve the Negative Declaration, Zoning Amendment, Design Review, and Use permit as proposed (by ordinance), or
3. Refer a less intense (revised) project back to the Planning Commission, and approve the Negative Declaration with the proposed mitigation measures (recommended conditions), revising the Land Use Planning and Aesthetic Impacts as potentially significant unless mitigated, and adding an additional mitigation measure requiring that the zone change and project design be revised to address General Plan and aesthetic concerns identified to date. Additionally, if this option were to be approved, staff would recommend that the Council authorize a 90-day extension to the project time limit (assuming written agreement from the applicant) pursuant to Section 65957 of the Government Code. This extension would be necessary in order to give the Planning Commission adequate time to review and forward a recommendation to the Council.

Respectfully submitted,

Tom Bell  
Planning Director

**Attachments:** 1. Staff report of June 10 with its attachments

**AGENDA ITEM 6**

**TOWN OF SAN ANSELMO**

**STAFF REPORT**  
**June 19, 2003**

For the Meeting of June 24, 2003

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Taxicab Regulation

**RECOMMENDATION**

That Council consider participation in the creation of a Countywide program for the regulation of taxicab transportation services and direct staff to bring the model ordinance to Council for consideration.

**BACKGROUND**

California Government Code Section 53075.5 requires that every city and county adopt an ordinance or resolution regarding taxicab transportation services rendered in vehicles designed to carry eight or fewer passengers. Pursuant to GC § 53075.5 (b) each city and county is required to provide for:

1. A policy for entry into the business of providing taxicab transportation service that shall include, but need not be limited to, the following:
  - a. Employment, or an offer of employment, and the issuance of a “driver’s permit” is conditioned upon an acceptable drug and alcohol test.
  - b. The driver’s permit is void upon termination of employment.
  - c. The driver’s permit states the name of the employer.
  - d. The employer notifies the city or county upon termination of employment.
  - e. The driver shall return the permit to the city or county upon termination of employment.
2. The establishment or registration of rates for the provision of taxicab transportation service.
3. A mandatory controlled substance and alcohol testing certification program.

Each city or county may levy service charges, fees or assessments in order to pay for the costs of carrying out the regulation of taxicab transportation services. [GC § 53075.5(c)].

## ***DISCUSSION***

The majority of cities and towns in Marin County and the County itself currently require that businesses obtain a license or permit from the individual jurisdiction in order to provide taxicab transportation services. Such licenses are generally issued only upon a finding that the issuance of the license is necessary for “public convenience.” The existing ordinances vary significantly, however, in the level of detail of the regulation of the taxicab transportation services.

**Currently the only regulation regarding taxicabs in the San Anselmo Municipal Code is a provision for the payment of a business license tax of \$60 per vehicle per year. In the 50’s and 60’s a number of ordinances were enacted regulating taxicabs, but all were repealed in 1982. The minutes reflect that the chapter was repealed as there was no “apparent reason or legal requirement for this regulation.”**

In order to provide for the uniform regulation of taxicab transportation services thereby reducing administrative costs and to better ensure the safety and well being of the citizens utilizing these services, it has been proposed that a County-wide program for the regulation of taxicabs be created. This program would be modeled after the Orange County Taxi Administration Program (OCTAP) which is administered by the Orange County Transportation Authority (OCTA).

Under this proposal, a program for the regulation of taxicab transportation services would be created. The program would be administered by the Marin Street Light Acquisition Joint Powers Authority, which is considering renaming itself the General Services Agency. The program would include:

1. **Company Permit:** In order to provide taxicab transportation services within the jurisdiction of an agency participating in the program the company must first receive a “Company Permit” from the JPA. Such a permit would only be issued upon the company demonstrating its compliance with all program requirements including:
  - Submission of the company’s drug and alcohol testing policy which must meet the requirements of GC § 53075.5.
  - Submission of evidence of insurance.
  - Fingerprinting and cleared background checks of the every owner, partner or principal officer of the company.
  - Payment of all applicable fees.
2. **Drivers Permit:** In addition to the Company Permit, each individual driver must receive a “Driver’s Permit” from the JPA authorizing them to operate the taxicab.

Such a permit would only be issued upon the driver compliance with all program requirements including:

- Possession of a valid California driver license
- A negative drug and alcohol screening test in compliance with GC § 53075.5.
- Fingerprinting and a cleared background check.
- Payment of all applicable fees.

**3. Rates:** The establishment or registration of rates.

**4. Vehicle inspections:** General inspections of the vehicles to ensure that they are “road worthy”

**5. Indemnification.** Each participating agency would indemnify the other participating agencies from liability arising from the agency’s participation in the program.

Fees will be established and collected by the JPA from the companies to offset the costs incurred in connection with the implementation of the program.

Each City/Town and the County would adopt an ordinance providing that only companies and drivers which have received a permit from the JPA would be authorized to provide taxicab transportation services in the jurisdiction. The taxicab companies would still need to comply with the Town’s business license requirements. It would be up to the individual Cities/Towns and the County to ensure that only properly licensed companies and drivers are operating taxicabs in their jurisdiction.

## **FISCAL IMPACT**

It is anticipated that the legal costs for the actual development and drafting of the program documents and the model ordinance will not exceed \$5000. These costs would be paid through the Marin Street Light Acquisition Joint Powers Authority.

Respectfully submitted,

Debra Stutsman  
Town Administrator