

**AGENDA ITEM 1(b)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
July 25, 2003**

For the Meeting of August 12, 2003

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

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**RECOMMENDATION**

That Council acknowledge and file warrant numbers 45857 to 46147 issued during the month of June 2003 in the amount of \$990,434.29. The following warrant numbers were voided: 45942-45955 and 46065.

**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, June 2003

**AGENDA ITEM 1(c)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
July 25, 2003**

*For the Meeting of August 12, 2003*



For the meeting of August 12, 2003

TO: Mayor and Members of the Town Council

FROM: Janet Pendoley, Finance and Administrative Services Director

SUBJECT: Ross Valley Paramedic Authority Tax Resolution for 2003-04

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**RECOMMENDATION**

That Council approve the attached resolution setting the tax rate for Ross Valley paramedic services in 2003-04 at an amount not to exceed \$30.00 per living unit and per 1,500 square feet of structure on each developed parcel in non-residential use, to be collected in addition to fees for transport to the hospital charged to insurance providers, with the appropriations limit increased by the amount of said tax.

**BACKGROUND**

The voters of the Ross Valley approved a special tax in November 2002 of up to \$30 per taxable unit to fund paramedic services for the four fiscal years beginning in 2003-04. The services are provided in San Anselmo and other agencies in the Ross Valley through a joint powers authority called the Ross Valley Paramedic Authority.

**DISCUSSION**

The Ross Valley Paramedic Authority Board of Directors has approved a budget setting the tax rate at a total cost of \$30 per taxable unit. Passage of the attached resolution is required to implement the tax in San Anselmo. The tax is the same rate as was approved by the Town Council in previous years.

Attached is a copy of the budget approved by the Paramedic Authority. The budget shows that the parcel tax is needed to retain services at their current level, which includes dedicated ambulances in the Ross Valley, 9-1-1 responses, defibrillators, Paramedic and Emergency Medical Technician (EMT) training.

The Ross Valley Paramedic Authority tax will be supplemented by approximately \$536,000 in revenue from transport billings, which are essentially reimbursements from health care insurance providers for the cost to transport patients to the hospital. This billing program has been in place for several years.

**FISCAL IMPACT**

There is no cost to the Town of San Anselmo for the tax or its placement on the tax assessments. The revenue generated from taxable units in San Anselmo is projected to be \$173,839.

Respectfully submitted,

Janet Pendoley  
Finance and Administrative Services Director

**Attachment #1:** Resolution # \_\_\_\_\_, A Resolution of the Town Council of the Town of San Anselmo Approving the Ross Valley Paramedic Authority Tax Levy for the 2003-04 Fiscal Year.

**Attachment #2:** Ross Valley Paramedic Authority – Proposed Budget 2003-2004

# TOWN OF SAN ANSELMO

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

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
SAN ANSELMO APPROVING THE ROSS VALLEY PARAMEDIC  
AUTHORITY TAX LEVY FOR THE 2003-04 FISCAL YEAR**

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WHEREAS, on November 5, 2002 the electors of the Town of San Anselmo approved a tax measure, thereby establishing the current authority for funding of paramedic services through June 30, 2006; and

WHEREAS, the Board of Directors of the Ross Valley Paramedic Authority has now approved an operating budget for the fiscal year 2003-04; and

WHEREAS, the adopted budget results in a tax of \$30 per taxable unit.

NOW, THEREFORE, BE IT RESOLVED:

The Town of San Anselmo does hereby confirm and levy a tax for paramedic services during the fiscal year 2003-04 at a rate not to exceed \$30 per living unit and per 1,500 square feet of structure on each developed parcel in non-residential use, to be collected in addition to fees for transport to the hospital charged to insurance providers, with the appropriations limit increased by the amount of said tax.

I hereby certify that the foregoing Resolution was duly passed and adopted at a regular meeting of the San Anselmo Town Council held on the 12<sup>th</sup> day of August, 2003, by the following vote, to wit:

AYES:

NOES:

ABSENT:

\_\_\_\_\_

Peter Kilkus, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

## AGENDA ITEM 2

### TOWN OF SAN ANSELMO STAFF REPORT August 6, 2003

For the Meeting of August 12, 2003

TO: Town Council  
FROM: Debra Stutsman, Town Administrator  
SUBJECT: Appointment to Boards/Committees/Commissions

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#### RECOMMENDATION

That Council make appointments to the Planning Commission (2 seats), Library Advisory Board (1 seat), Quality of Life Commission (1 seat) and Tax Equity Board (1 seat).

#### BACKGROUND

Council has interviewed two candidates for the **Planning Commission**, incumbents Daniel Harris and Brian Wittenkeller. The available seats are to terms set to expire in August 2007.

Incumbent Edith Stump was interviewed for the **Library Advisory Board** at the last meeting. There is one vacancy to a term set to expire in June 2007.

One candidate is scheduled to be interviewed this evening for the **Quality of Life Commission**, Sam Ruark. There are two seats set to expire in April 2005 and one set to expire in April 2006.

Also scheduled to be interviewed this evening is incumbent Jean Holm of the **Tax Equity Board**. There is one opening scheduled to expire in July 2006.

All the applications are attached, as is a current status report on the Boards/Commissions/Committees.

Respectfully submitted,

Debra Stutsman  
Town Administrator

Attachments

### **AGENDA ITEM 3**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
August 6, 2003**

For the Meeting of August 12, 2003

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Tourism Business Improvement District (BID)

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#### **RECOMMENDATION**

That Council approve the resolution in support of the creation of the Marin County Tourism Business Improvement District.

#### **BACKGROUND**

The Marin County Board of Supervisors has asked the Marin cities/towns (excluding Ross and Belvedere) to participate in the formation of the Marin County Tourism Business Improvement District (MCTBID) to fund the Marin Visitor Network, Inc. The Marin Visitor Network would be a city/county/lodging business partnership to promote mid-week and off-season overnight lodging business, to provide visitor services and manage tourism impacts, and to contribute to the local tourism economy.

The Board of Supervisors believes that this work can best be accomplished by a single comprehensive scheme of work for the Marin Visitor Network, funded by the MCTBID and carried out by contract between the County of Marin and the Marin Visitor Network in consultation with the cities and lodging industry.

#### **DISCUSSION**

The resolution would establish the Council's support for an assessment district within San Anselmo. Lodging establishments would charge each guest a fee consisting of one percent of the room rate per night. Those monies would then be collected on a monthly basis and passed along, less any Town administrative fee for the collection process, to the newly formed Marin Visitors Network. Julie McNair, proprietor of the San Anselmo Inn, has expressed support for the proposal. Attached is additional information about the BID plan and process.

Respectfully submitted,

Debra Stutsman  
Town Administrator

Attachments

## **AGENDA ITEM 4**

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

August 5, 2003

For the meeting of August 12, 2003

TO: Mayor and Members of the Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: 2003-04 Budget and Workplan

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#### RECOMMENDATION

That Council approve the attached resolution adopting the 2003-04 Budget and Workplan.

#### BACKGROUND

At its meeting of July 22, 2003, Council reviewed and conducted a public hearing on the proposed 2003-04 Budget presented by staff.

#### ANALYSIS

Staff was directed to make the following addition to the Police Department's 2003-04 Goals and Workplan (page 46):

**Community Policing Project/Sir Francis Drake High School neighborhood --**  
Work with neighbors to reduce impact on the neighborhood from the school, including monitoring student parking, providing traffic enforcement and facilitating any communications with the school.

#### CONCLUSION

The final budget document will be published with the above-mentioned change.

Respectfully submitted,

Debra Stutsman  
Town Administrator

**Attachment #1:** Resolution # \_\_\_\_\_, A Resolution of the San Anselmo Town Council Adopting the 2003-04 Budget and Workplan.

**TOWN OF SAN ANSELMO**

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

**A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL ADOPTING THE  
2003-04 BUDGET AND WORKPLAN**

**WHEREAS**, the San Anselmo Town Council held a public hearing on the Proposed 2003-04 Budget and Workplan on July 22, 2003; and

**WHEREAS**, the Council has determined that the 2003-04 Proposed Budget, with the change directed at the meeting of July 22, 2003, will allow for the continuation of municipal services and the construction of capital improvements;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the San Anselmo Town Council adopts the 2003-04 Budget and Workplan as allocated below:

Capital Reconstruction Fund	\$ 138,340
Citizens Option for Public Safety (COPS)	145,641
Downtown Revitalization	19,590
Emergency Projects	100,000
Equipment	347,598
General Fund	11,681,946
Insurance	588,124
Isabel Cook Complex	(34,685)
Measure G Capital Projects	2,160,150
Measure G Debt Service – 1995, 1997, 2000, 2003	1,097,759
Recreation	966,895
Road Maintenance	1,080,844
Special Events	23,601
State Gasoline Tax	241,190
Traffic Congestion Relief	356,455

I hereby certify that the foregoing resolution was passed and adopted by the San Anselmo Town Council at a regular meeting thereof, held on the 12th day of August, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Peter Kilkus, Mayor

ATTEST:

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Debra Stutsman, Town Clerk

**TOWN OF SAN ANSELMO  
STAFF REPORT  
August 5, 2003**

**For the Meeting of August 12, 2003**

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: RESOLUTION ESTABLISHING THE 2003 – 04 APPROPRIATIONS  
LIMIT

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**RECOMMENDATION**

That Council approve the attached resolution establishing the appropriations limit for Fiscal Year 2003-04.

**DISCUSSION AND ANALYSIS**

Under Proposition 4 of the State of California, municipalities are limited in the amount of revenue that they may spend each fiscal year. The limit is calculated using a formula that includes change in population and inflation, as defined by the State.

Also known as the Gann Limit, the limit is set each year by resolution of the Town Council. Attached is a worksheet prepared by staff, showing the Gann Limit calculation for fiscal year 2003-04. The calculation shows that the amount of revenue that the Town estimates it will collect is \$89,215 below the limit it is allowed to spend.

Respectfully submitted,

Janet Pendoley  
Finance and Administrative Services Director

**Attachment #1:** Resolution # \_\_\_\_\_, A Resolution of the Town Council of the Town of San Anselmo Establishing the Appropriations Limit for Fiscal Year 2003-04

**Exhibit A:** Appropriations Limit Data, 2003-04 Summary

**TOWN OF SAN ANSELMO**

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

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO  
ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2003 – 04

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**PURSUANT TO** Government code Section 7910, and based on documentation submitted by the Town Administrator, and acknowledging that the documentation has been available to the public for the required period of time;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Town Council of the Town of San Anselmo establishes the appropriations limit for the Town of San Anselmo for fiscal year 2003-2004 under Article XIII-B of the State constitution, as shown on Exhibit “A”, in the amount of \$5,886,258.

I hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the San Anselmo Town council held on the 12<sup>th</sup> day of August, 2003, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_

Peter Kilkus, Mayor

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Attest:

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Debra Stutsman, Town Clerk

## **AGENDA ITEM 5**

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

***August 6, 2003***

**TO:** Town Council

**FROM:** Dean Nyberg, Parks Director

**RE:** Parks' Rules and Regulations Update

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#### Recommendation

**That Council approve a resolution adopting the Rules and Regulations outlined in Attachments A and B.**

#### Background

**It has been over ten years since the Town Parks' rules and regulations were reviewed by Council. Since then new playgrounds have been built and dog usage in the parks has changed. Concerns have been raised about safety issues and risk reduction in playgrounds and open space parks. In an effort to address these safety concerns, Staff is recommending the rules and regulations outlined in Attachment A.**

#### Issues

1. Adoption of Marin County dog use rules and regulations for Parks and/or Open Space.
2. Playground safety rules.
3. Risk Management recommendations.
4. No smoking in playgrounds and open space parks.
5. The cost for various permits needs to be established.

#### Analysis

1. The question of whether or not to adopt some or all of the County's dog use rules and fire regulations should be considered at this time by Council. Some of the Open Space rules might be advantageous to park environment, the public, and Staff. The County Open Space District is in the process of reprinting new rules such as dog owners must carry out dog waste and the ability to show verbal control by demonstrating a call back upon request by Staff. Staff recommends these rules be adopted for all parks. (See attachment B) Updated Marin County

Parks and Open Space rules and regulations may be seen at this website:  
<http://www.ordlink.com/codes/marinco/>

2. Playground safety rules have been expanded upon recommendation from our risk management group.
3. The Parks and Recreation Commission and the Open Space Committee have recommended a ban on smoking in all Open Space Parks in San Anselmo.

State law forbids smoking in playgrounds. Adopting the County's Open Space fire regulations should be considered during this public review process.

### **Options**

1. Council approve Attachments A and B.
2. Council disapprove Attachment A or B.
3. Council recommend further rules and regulations.

### **Conclusion**

Staff recommends Council approve a resolution adopting Attachments A and B.

Respectfully submitted,

Dean Nyberg, Parks Director

## **TOWN OF SAN ANSELMO**

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

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO ESTABLISHING PARKS RULES AND REGULATIONS FOR ALL PARKS, OPEN SPACE PARKS, AND OPEN AREAS**

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**WHEREAS**, the Town Council has heard testimony from Town Staff, residents, and other community members regarding the establishment of new Parks Rules and Regulations; and

**WHEREAS**, the San Anselmo Parks and Recreation Commission and the San Anselmo Open Space Committee have reviewed and approved the new Parks Rules and Regulations; and

**WHEREAS**, the Town Council is committed to maintaining and fostering Parks that are safe and enjoyable for all users; and

**WHEREAS**, The Town Council finds that it is in the best interest of the community to adopt the Park Rules and Regulations as stated in attachments A and B.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of San Anselmo that to facilitate and enhance the protection of the public's health, safety and welfare, the Town shall immediately adopt the Park Rules and Regulations as stated in attachments A and B.

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**APPROVED**

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Peter Kilkus, Mayor

**ATTEST:**

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Debra Stutsman, Town Clerk

### **(Attachment A)**

#### **Rules and Regulations for all Parks**

- No person may be in the park between ½ hour after sunset and ½ hour before sunrise without prior authorization.
- No commercial use.
- No amplified sounds without prior authorization.
- No motorized vehicles
- No vandalism
- No riding of horses or other animals in the park.
- No littering or dumping of offsite debris.
- No person may drink beer, wine, or alcoholic beverages or have in their possession any receptacle containing any alcoholic beverage.

- Where permitted, dogs and other domestic animals must be fastened to a chain or leash no more than six feet in length and must be under the direct and immediate control of a responsible person.
- A dog's owner/keeper must clean up their dog's waste.
- Violation is a misdemeanor, SAMC 4-6.06: 11-1.02

### **Additional rules for Open Space Parks**

- Dogs may be off leash if controlled by owners/keepers at all times and not allowed to enter environmentally sensitive or restricted areas or chase other dogs or wildlife.
- Professional dog walkers must obtain a permit from the Recreation Department before using Town Park property. No more than 3 dogs at a time are allowed off leash on Town Park property.
- No smoking of tobacco or other substances is allowed within the boundaries of this park at any time.
- No person shall operate any bicycle or similar vehicle on Town Park property except upon paved roads, fire protection roads, designated bicycle pathways or public roads not signed against such use. Furthermore, no person shall operate or possess any bicycle or similar vehicle elsewhere on Town Park property, including trails, if signed specifically to not permit such operation.

### **Additional rules for Urban Parks**

- No group of twenty five or more persons may use the park without written permission from and payment of fee to the Recreation Department, 1000 Sir Francis Drake Blvd. 258-4640
- No golf or motorized airplanes

### **Dog use regulations for each separate Park**

#### **Memorial Park:**

- Dogs must be fastened to and restrained by a chain or leash no more than six feet in length in all areas of the Park between 8:00 a.m. and 8:00 p.m. Hours of Park use still apply.
- During allowable off leash times, dogs are to be controlled by owners/keepers at all times so as to allow the safe use and enjoyment of others in the park.
- Do not tie dogs to fences, trees, or other objects
- Dogs may not enter the fenced children's playground area.

- Dogs may not be on turf areas during organized sports or group activities.
- A dog owner, keeper, or guardian must clean up their dog's waste.

**Robson-Harrington Park:**

- Dogs must be on leash at all times in the area being used by organized children's programs.
- During allowable off leash times, dogs are to be controlled by owners/keepers at all times so as to allow the safe use and enjoyment of others in the Park.
- Dogs may not interfere with informal recreation activities.
- A dog's owner/keeper must clean up their dog's waste.

**Creek Park:**

- Dogs must be leashed at all times.
- A dog's owner/keeper must clean up their dog's waste.

***Millennium Playground Rules and Regulations***

- No person may be in the Park or playground between ½ hour after sunset and ½ hour before sunrise.
- Dogs are not allowed in the fenced playground areas.
- Do not tie dogs to fences or other objects.
- Dogs must be leashed between 8:00 a.m. and 8:00 p.m. in the park.
- No smoking. Smoking or disposal of tobacco products is not allowed in the playground or within 25 feet of the fenced playground area.
- No bicycles, skateboards, rollerblades, or scooters are allowed within the playground or on the walkway.
- All children must be supervised at all times.
- The Tot Lot is intended for children ages 2-5
- The Main Play Area is intended for children ages 6-12

Slides

- Slide feet first only.
  - No crawling or walking up the slides.

Swings

- Hold on with both hands.
- Standing on swings may cause injury.
- Stop swinging before you get off.
- Never swing or twist empty seat.
- Stand clear of moving swings to avoid contact and possible injury.

### **Caution**

- The water at the Animal fountain wall is continuously recycled and is not suitable for drinking.
- Bare feet may cause injury
- Throwing sand, gravel, or any other objects within the play area may cause injury.
- Playing on this equipment when wet may cause injury.
- The sun can cause slides and other surfaces to become hot. Test surfaces before allowing children to play on equipment.
- Do not assist children onto equipment they cannot reach on their own.

### ***Courtesy***

- No pushing, running, or shoving
- No climbing on benches, fences or over handrails.
- Play safely and be courteous to others.
- Please use the waste and recycling containers provided.

### ***Lansdale Station Playground Rules and Regulations***

Same as the Millennium Playground .

### ***Elders Garden Area***

- No smoking or disposal of tobacco products are allowed within 25 feet of the garden area.
- No climbing is allowed on the water fountain feature and park structures.
- Dogs must be leashed at all times in the garden area.

### **Fires**

No person shall build, light or maintain a fire of any nature on Town Park property, except in permanent fixed barbecues, camp stoves, or fireplaces established by the Town. The use of portable barbecues and camp stoves is prohibited except in designated areas. Barbecues and stoves shall be operated at all times in a manner which does not endanger facilities. In addition, hot coals must be disposed of in a safe manner.

### **Fireworks**

No person shall possess, bring onto, set off or otherwise cause to explode on Town Park property any firecrackers, skyrocketers or other fireworks or explosives.

### **Smoking**

Smoking is permitted in designated areas only.

### **Firearms, Traps and Other Weapons**

No person shall possess, use, carry, discharge, or cause to be discharged any gun, firearm or weapon while on Town Park property, including air or gas weapon, spring gun, spear, bow and arrow, crossbow, sling shot, animal trap, knife with blade over 5 inches long, explosive or any other form of weapon potentially dangerous to wildlife or human safety. No person shall discharge or cause to be discharged any firearm or weapon onto or across Town Park property from outside the boundary of such property.

## New Rules and Regulations for Consideration from Marin County Parks and Open Space Regulations (Attachment B)

### **Parking and Vehicle Removal**

No person shall park, leave, abandon, possess or otherwise store any vehicle on Town park property, except in locations designated for such use. No person shall park any vehicle on Town Park property during periods when parking areas are closed nor in the following locations:

- a) Within the traveled portion of any road;
- b) On any service road or trail;
- c) In front of any gate;
- d) On any undisturbed or natural hillside;
- e) In areas designated for disabled or handicapped persons without appropriate authorization;
- f) In more than one parking space per vehicle;
- g) Within posted "no parking" areas;
- h) in any manner obstructing the free flow of traffic.

Except in designated overnight parking areas, no person shall park any vehicle for more than 12 consecutive hours, unless posted otherwise. Any enforcement officer mentioned in California Vehicle Code section 22651 is authorized to remove any vehicle parked in violation of this section.

**California Vehicle Code.** Except as otherwise provided in these regulations, the provisions of the California Vehicle Code shall be applicable to the operation of vehicles on Town Park property.

**Dogs and Other Animals.** Dogs and other domestic animals are allowed on Town Park property, except in areas designated otherwise. Where permitted, dogs and other domestic animals must be fastened to and restrained by a chain or leash not exceeding six feet in length and must be under the direct and immediate control of a responsible person. Where dogs are allowed off-leash, a dog's owner/keeper must be able to show verbal command by demonstrating a call back upon request by Staff.

No person shall do any of the following on Town Park property:

- a) allow any dog or other domestic animal to enter environmentally sensitive or restricted areas;
- b) allow any dog or other domestic animal to interfere with, bother or disturb others using Town Park property;
- c) allow any dog or other domestic animal to hunt, pursue or harass other animals or wildlife;
- d) bring or keep a noisy, vicious or dangerous dog or other animal
- e) tie or hitch any dog or domestic animal to a tree or plant;
- f) bring or keep a dog 4 months of age or more without proof that the dog has a valid rabies inoculation or a valid license;
- g) leave a dog or other animal in an unattended vehicle without adequate ventilation, or in such manner as to subject the animal to extreme temperatures which adversely affect the animals health or welfare;
- h) fail to promptly remove from Town Park property any dog or other domestic animal after being ordered by department personnel to do so.

Dogs and other animals, other than dogs and animals which assist disabled or handicapped persons, are not permitted in Town buildings.

**Horses and Saddle Animals.** Horses and saddle animals are not permitted on Town Park property, except in areas designated otherwise. When permitted, horses and saddle animals must remain on trails, service roads and other areas not signed against such use. No person shall do any of the following on lands managed by the department:

- a) ride, drive, lead or keep any horse or saddle animal at such speed or in such manner which may endanger the safety of others, other animals or the protection of environmental resources.
- b) Allow any horse or saddle animal to stand unattended or insecurely tied;
- c) Tie or hitch any horse or saddle animal to a tree or plant.

**Animals at Large.** No person shall do any of the following on Town property:

- a) Permit any cattle, sheep, goat, horse, dog, cat or other animal to graze or run at large;
  - b) Abandon a dog, cat, fish, fowl or other animal on Town property.
- Any domestic animal found at large on Town property may be turned over to the County pound keeper for disposition as outlined in the Marin County Code.

## **AGENDA ITEM 6**

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

**August 6, 2003**

For the Meeting of August 12, 2003

TO: Town Council

FROM: Lisa Wight, Senior Planner

SUBJECT: Environmental Review: Negative Declaration; Rezoning from C-3 (General Commercial) to SPD (Specific Planned Development) for 12 residential living units; Design Review of two buildings with 6 residential units in each for a total of 12 residential units (2: market rate, 2: at or below 50% median, 4 at or below 60% median, and 4 at or below 80% median); and Use Permit to remove existing structures on property.

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#### RECOMMENDATION

1. That the Town Council approve the Negative Declaration and introduce an Ordinance to Rezone;
2. That the Town Council schedule the adoption of the Ordinance for the August 26, 2003 Town Council meeting; and
3. That the Town Council approve the Design Review, and Use Permit.

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#### APPLICANT

Bob Dittmer of Hunter House Foundation, Post Office Box 150783,  
San Rafael, California 94960

#### LOCATION

19 and 21 Ross Avenue, APN 7-284-48, San Anselmo, (property extends between Nos. 15 and 23 Ross Avenue and between Nos. 8 and 18 Mariposa Avenue).

#### BACKGROUND

**July 7, 2003:**

**Planning Commission recommendation to Town Council for conditional approval of project.**

#### STAFF DISCUSSION

Also refer to both the June 16 and July 7, 2003 Planning Commission staff reports.

The Mariposa Avenue building would be constructed prior to the demolition of the existing building. The existing tenants of Units 1, 3, 4, 6, 7, and 8 would then be moved from the existing building to the new building. The tenants of Units 2 and 5 would not move into the new building as these two tenants signed a statement that their somewhat recent lease would expire at the time construction began. After the move, demolition of

the existing building would take place, followed by construction of the Ross Avenue building.

The applicant advised the Commission that the anticipated \$1,100 per month individual rents would be based on servicing the debt incurred for the project. Because current rents are lower than that anticipated figure, some Commissioners expressed concern about whether all the existing tenants would be capable of paying the increased rent.

In an effort to assure that those individual tenants who might be in need can continue to live in the Ross Valley, the applicant has been put in contact with Betty Pagett of the Ecumenical Housing Association (EHA). Once Ms. Pagett receives from the applicant a list of tenant gross incomes, and whether they are senior citizens, families or disabled, she will arrange a meeting between the applicant, herself, and various agencies who might be able to offer assistance. Ms. Pagett has spoken to the applicants, but has not yet received the information to schedule the meeting.

### **FINDINGS FOR APPROVAL**

1. Negative Declaration and Rezoning: Findings listed on page 1 of the attached Ordinance;

2. Design Review:

A. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;

The exterior changes to the property should be functionally and aesthetically compatible with the building improvements and the natural elements in the surrounding area.

B. Provides for protection against noise, odors, and other factors, which may make the environment less desirable;

This project will not make the environment less desirable.

C. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment or orderly development in such area;

This project will not cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or development in the area; in fact, it should be a visual improvement to the neighborhood.

D. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel;

This project will not create unnecessary traffic hazards and provides for satisfactory access by emergency vehicles and personnel.

E. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.

This project will not adversely affect the health or safety of persons or endanger property.

3. Use Permit:

*A. Failure to approve a demolition permit will cause immediate and substantial hardship because of the conditions peculiar to a particular structure, and such hardship has not been created by an act of the owner in anticipation of action under this chapter. Examples of hardship include health and safety hazards that cause building to be unsafe. Personal, family, financing difficulties, loss of prospective profits and neighboring violations are not justified hardships; and/or*

Structurally, the existing residential/commercial structure is in unsatisfactory condition. It is necessary to reconstruct the residential living units.

*B. It is necessary to reveal previous architectural features and covered up, such features that would be functionally and aesthetically compatible with the existing improvements and the natural elements of the area.*

No architectural features have previously been covered up. The building is in disrepair.

**RECOMMENDATION**

1. Approval of the Negative Declaration and Introduction of an Ordinance changing the zoning classification from C-3 to SPD for 12 residential units: 2 market rate units, 2 which would be available to 50% median Income persons, 4 available to 60% median income persons, 4 available to 80% median income persons, based on the required findings on page 1 of the attached ordinance;
2. Schedule the adoption of the Ordinance for the August 26, 2003 Town Council meeting; and
3. Conditional approval of the design review and use permit based on the findings contained on pages 1 and 2 of this staff report.

Attachments: Ordinance  
Negative Declaration and Environmental Worksheet  
Planning Commission staff reports and minutes of June 16 and July 7, 2003  
Hunter House letter dated June 26, 2003  
General Plan 1995 Housing Element Excerpt

APN Map  
Plans

- c: Michael Barber, architect  
Bob Dittmer, Hunter House Foundation