

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of July 26, 2005**

Present: Cooper, Thornton, Kroot, Breen  
Absent: Chignell

8:00 p.m.

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

Mayor Breen announced that there was no closed session held.

- OPEN TIME FOR PUBLIC EXPRESSION.

Louise Mathews, Foothill Road, asked Council bring forward any increases in the employee pension system by way of voter approval.

Connie Rodgers, Chamber of Commerce, said they had been working on a draft proposal for the 200 block of Sir Francis Drake Boulevard. A local architect drew up the plans which were presented to the community at the Art Festival. The comments generated were submitted to Council.

Catherine Bradley asked about the Planning Commission Review process on work being done at Long's Drugs, removing all the windows and replacing them with solid walls. Planning Director Wight explained that Longs did a building permit, but the permit has not yet been issued as the application is currently incomplete. The Building Inspector will be asked to visit the site and a stop work order may need to be issued.

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

Kroot thanked the volunteers and Kay Coleman for their great work on the Beatles Night. Council will acknowledge Ms. Coleman with a letter from the Mayor.

Breen thanked Public Works Director Elias for taking care of the sink hole at the corner of Butterfield and Woodside but noticed with the heavy trucks traversing this road it has begun to sink again. Public Works Director Elias will look into it

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

- (a) Approve minutes: July 12, 2005.
- (b) Acknowledge and file warrant numbers 51899 – 52224 issued during the month of June 2005 in the amount of \$1,081,396.57.
- (c) Announce expiration of terms on Boards/Committees/Commissions and direct staff to publicize openings and solicit applications.

Louise Mathews, Foothill Road, requested item (b) be removed from the consent agenda.

M/s, Cooper/Thornton, to approve the consent agenda except item (b). Ayes: All.  
Absent: Chignell.

Ms. Mathews asked why the Town is voiding cancelled checks. Finance Director Pendoley said at the end of the year all outstanding checks more than 18 months old are staledated, which is a normal accounting practice. The checks indicated as cancelled have a zero amount and this process removes them from the listing but has absolutely no fiscal impact.

M/s, Cooper/Thornton, to approve item (b) of the consent agenda. Ayes: All. Absent: Chignell.

2. APPOINT MEMBERS TO THE LIBRARY ADVISORY BOARD, PARKS & RECREATION COMMISSION AND THE ROSS VALLEY PARAMEDIC AUTHORITY.

M/s, Kroot/Thornton, to appoint Tom Robinson to the Library Advisory Board, Carter Coleman to the Parks and Recreation Commission and Janice Przybylski to the Ross Valley Paramedic Authority. Ayes: All. Absent: Chignell.

3. PUBLIC HEARING AND APPROVE RESOLUTION NO. 3736 PROPOSING AN ELECTION BE HELD ON NOVEMBER 8, 2005 SUBMITTING TO THE VOTERS A SPECIAL MUNICIPAL SERVICES TAX AND SETTING THE BALLOT LANGUAGE FOR THE CONSOLIDATED GENERAL DISTRICT & SCHOOL ELECTION, NOVEMBER 8, 2005.

Town Administrator Stutsman said added to the ballot language was a four-year term, an effective date of July 1, 2006 (a four-year sunset) and a section on reporting including the Citizens Oversight Committee.

Connie Rodgers, Chamber of Commerce, issued a statement on behalf of San Anselmo merchants asking Council to implement a cap on the proposed tax of \$700 for small businesses.

Town Administrator Stutsman said this is why the tax is based on square footage. For example, a small business, occupying 500 square feet would pay \$84 a year versus a larger business, occupying 10,000 square feet would pay \$1,670 a year. This seemed to be most equitable. A \$700 cap would mean a significant decrease in tax revenue.

Cooper suggested Council give thought in the future to amnesty for illegal second units.

Several citizens expressed that if an entity is receiving services i.e., seniors, schools, non-profit organizations, that those entities should also contribute to the tax. The Council expressed that traditionally it has been the Town's desire to recognize and support non-profit and other organizations that specifically benefit the community with tax exemptions.

Louise Mathews, Foothill Road, asked that Council maintain the 2/3 majority rules for this election and wanted to see park money restriction language in the ballot preventing any monies from being spent on Red Hill Park's development.

M/s, Kroot/Thornton, to approve Resolution No. 3736 proposing an election be held on November 8, 2005 to submit to the voters a Special Municipal Services Tax and set the ballot language for the Consolidated General District & School Election, November 8, 2005. Ayes: All. Absent: Chignell.

4. 790-800 SIR FRANCIS DRAKE BLVD. AND 2, 4, 6 AND 8 LOMA ROBLES:

- a) Reconsideration and review of August 24, 2004 Town Council grant of appeal of Planning Commission approval of design review, lot merger, and lot line adjustment to develop a 9,500 square foot commercial building and exterior renovation of an existing building located at 790-800 Sir Francis Drake Boulevard, APN Nos. 006-061-06, 006-091-34, and 006-091-35, which are in the C-L Zoning district. Applicants: Fredric C. Divine Associates Architects for G. Koblick and 790 Sir Francis Drake LLC Coby Friedman. Appellant: Jonathan Braun, PO Box 627, San Anselmo.
- b) Planning Commission recommendation of approval of: rezoning from R-1, R-3 and C-L to PPD/SPD, use permit and design review to consider 4 residential dwelling units on .58+ acres at 2, 4, 6 and 8 Loma Robles, APN Nos. 006-091-02, 006-091-34, 006-091-35 and 006-091-62. Applicant: Fredric C. Divine Associates Architects for Loma Robles LLD Coby Friedman.

Planning Director, Lisa Wight, presented the staff report.

Fred Divine, Architect for the Applicant, presented the project plans for the commercial building, pointing out lot lines, retail spaces on the first floor, additional parking on the

roof (non visible from ground) and the ground level, stucco building with craftsman character, 15 feet back from sidewalk, landscaping, entrance and exit locations and upgrades to the adjoining building. The ground floor consists of two rental spaces of 1100 sq. ft. and 1500 sq. ft.. The second level contains 3,000 sq. ft. that can be kept open or sectioned off to create smaller areas. Entrance and exit location would be from Loma Robles and an additional exit only would run behind the commercial buildings westbound.

Jonathan Braun, Appellant, said that due to the amount of problems and potential for hazard with this property, this project should be held to a higher standard of review. He asked that consideration be given to using the existing dirt to restructure Redhill, which would eliminate the number of truckload exits and improve the landslide safety zone. Mr. Braun noted that the particular uses of the property would largely affect how traffic is impacted. He asked the Council to consider the commercial and residential projects as one single project and to require a focused EIR with alternatives.

Community residents raised familiar concerns including local and regional traffic impacts, reduced vegetation on the hill, the use of Bella Vista as a permanent traffic route after construction, the Town's potential liability of any future slides and density of the project, especially the four residential units.

Some suggestions included installing a signal at Loma Robles, reducing the number of residential units from four (4) to two (2) and using soils compaction as an alternative to concrete retaining walls.

Fred Divine, Architect for the Applicant, said they have tried to address all the issues the community and Council has been concerned about just short of not doing the project at all. He said experts, more than one, have been hired to conduct various studies and surveys on the stability of the hill and traffic solutions. He said the reason there are two applications for this project are because there are two different zonings but it has been treated as one project all along and was taken in by the Town that way. He noted that the uses for the building are defined by the Town's codes and some uses would necessitate use permit approval. Use permits beyond what is allowable would need permit approval by the Town. Currently the types of uses allowed per the existing code would only generate approximately 4 additional cars per hour for the commercial property. He said the traffic engineer, that the Town hired, reported that few if any drivers use Bella Vista as a route to gain access eastbound. He said a signal at Madrone would be helpful but seemed an extreme solution to accommodate four additional cars per hour.

Planning Director Wight introduced the residential portion of this project.

Fred Divine, Architect for the Applicant said the four (4) single-family home project is a condominium arrangement. The entrance to Loma Robles will be improved, fire truck access on the hill would be greatly improved, the neighboring businesses are not complaining and one is even involved in the project's solutions. He said the developers have been carrying the costs in order to give the community the best compromises. The chimneys have been removed, as directed by the Planning Commission.

Thornton said she is okay with the commercial portion but is still concerned about the construction phase and the density of the residential section. She felt it doesn't fit in well in that area.

Cooper said he hasn't heard a solution to the traffic issues that would be effective yet. He said he has to rely on the expertise of the soils engineers and put his faith into their work on the stability of the hill during this project's development. He felt the residential sections were too dense.

Breen said the residential portion is too dense and would like to see the residential reduced to two homes on the lower area of the hill. He also felt the traffic issues were not resolved.

Kroot said he would not vote to approve the project until the traffic flow issues are resolved. He didn't think that Red Hill Shopping Center should be expected to absorb the

increase in traffic flow. He would prefer two homes, which could be slightly larger than proposed, but on the lower area of the hill.

Mr. Divine said he heard the Council's concerns. They will focus on the residential for the next meeting.

The question was raised as to whether the Applicant would be willing to indemnify the Town for any slide that may occur on the Town property as a result of the property development. Mr. Friedman said he would have his attorney look into it and report back to the Council.

M/s, Kroot/Thornton to continue the items with comments to the September 13<sup>th</sup> Council meeting for Applicant review/changes. Ayes: All. Absent: Chignell.

**5. APPEAL OF PLANNING COMMISSIONS APPROVAL OF 1) HILLSIDE DESIGN REVIEW OF A NEW 3,007 + SQUARE FOOT, THREE STORY SINGLE FAMILY DWELLING WITH UNCOVERED DECK TERRACES AND A 426+ SQUARE FOOT GARAGE; 2) SETBACK VARIANCES FOR A) A RETAINING WALL APPROXIMATELY 140' IN LENGTH AND UP TO 6.5' ABOVE GRADE TO BE CONSTRUCTED OFF THE PROPERTY AND IN THE SCENIC RIGHT OF WAY BELOW AND SETBACK FROM THE EXISTING ROAD; AND B) A GATED DRIVEWAY; AND 3) HEIGHT VARIANCES FOR THREE CHIMNEYS TO BE 2.94' ABOVE THE CODE MAXIMUM HEIGHT. 186 SCENIC AVENUE, APN 7-063-11 (ACROSS FROM NOS. 179 AND 203 SCENIC AVENUE) APPLICANTS: JOSEF F. AND CORINNE A. KREMLACECK, 34 LOS CEDROS DRIVE, NOVATO. APPELLANTS: JONATHAN BRAUN, PO BOX 627, SAN ANSELMO. CONTINUED TO THE MEETING OF AUGUST 23, 2005.**

**6. PUBLIC HEARING ON PROPOSED 2005-06 BUDGET AND WORKPLAN.**

Town Administrator Stutsman said because the Town is in a difficult fiscal situation the budget does not reflect any increases, with the exception of contract requirements which the Town has no choice but to honor. There are some new expenditures within the administration's department budget for upcoming bargaining unit negotiations and the police department's budget for equipment, offset by grant funds which cover the lion share of the expenditures. These equipment purchases are mission critical to the continued operation and service delivery of the police department. Finance Director Pendoley also noted two capital items: the \$30,000 budgeted for the Oak Springs fire improvements which the Council approved in April 2005; and the \$100,000 budgeted for the Oak Springs slide repair for which the Council recently awarded a bid.

Thornton asked Staff to put together an overall tracking of what steps the Town has taken each year to manage this difficult financial situation, so that as we move through a tax measure we can clearly identify what we have had to do to continue doing business.

Kroot asked about the amnesty possibility for second units and possibly setting up over the counter permits to help free up some of the Public Works Director's time. Town Administrator Stutsman pointed out that Staff can look into it but reminded Council how thin the office staff is in terms of being able to look to the future and take on new projects and procedures. Staff is barely able to sustain the scaled back services as they exist today. She also pointed out that in general people think an amnesty program means they are just going to apply for a permit and receive one but it is not that easy. In some cases walls would need to be ripped up and certain conditions met in order to receive their permit.

Breen said if the measure is unsuccessful the Town would need to take immediate steps to implement the extensive cuts that would be necessary, however, he wanted to assure people that if this were to happen this budget represents the budget through the end of the fiscal year 2005-06.

Louise Mathews, Foothill Road asked if the monies from the road maintenance fund would be used to cover salaries and pensions. She asked why the new budget reflected a

revenue decrease from the originally proposed revenue from the parking meters and suggested that special events not be given variances to help make up the lost revenue. She also asked if the \$100,000 in repairs done on the slide (on the appropriations limit) would be recouped upon sale of the property, therefore, why would it be placed on the GAN limit. She pointed out that the Town's portion of the FLSA for fire services is not \$33,000 but rather \$21,626 because Sleepy Hollow picks up 25% of the compensation expenditures. She asked that that correction be made and Sleepy Hollow could apply it to their own appropriations limit. She also asked why neither the gas tax nor the pension tax are listed on the appropriations worksheet and reminded everyone present that she pointed out correction that needed to be made on the appropriations limit worksheet over the past three years.

Finance Director Pendoley responded that the money in the road maintenance fund comes from sources that are restricted for use in road maintenance. The budget for parking meter revenue was always estimated at the current revenue amount. The Adoption Budget showed only the estimated net receipts, so a budget revision was done to restate the amount as gross receipts and add the expenditure budget needed to install and maintain the parking meters. She said the slide repair property is owned by the town and is an asset; therefore, capital expenditures on the property are allowable as a Gann Limit exemption. She explained the gas tax and the pension tax are not required to be counted as tax proceeds on the appropriations worksheet because they are revenue sources designated for specific uses.

Staff will come back on August 23<sup>rd</sup> with a resolution.

7. ADJOURN.

Meeting was adjourned at 10:54 p.m.

Respectfully submitted,

Denise A. Phillips  
Senior Police Administrative Assistant