

# TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of February 28, 2012

Present: Coleman, Greene, Kroot, McInerney

Absent: Lopin

7:20 p.m.

## CALL TO ORDER AND PLEDGE OF ALLEGIANCE

## ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Town Attorney, Rob Epstein, announced there was no reportable action taken in closed session.

## OPEN TIME FOR PUBLIC EXPRESSION

There was no comment from the public.

## COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Council agreed to move Council reports and Council requests for future agenda items to the next scheduled regular Council meeting the interest of time.

## **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 ITEMS MAY BE APPROVED WITH ONE ACTION.**

(a) Approve Minutes of February 14, 2012.

(b) Proclaim April, 2012 Fair Housing Month.

There was no comment from the public regarding the consent agenda.

M/s, Greene/Coleman, to approve the consent agenda. AYES: Coleman, Kroot, Greene, McInerney. NOES: None. ABSENT: Lopin.

## **2. APPOINT APPLICANTS TO THE LIBRARY ADVISORY BOARD AND THE ARTS COMMISSION.**

Town Manager, Debra Stutsman, presented the staff report.

There was no comment from the public.

Greene supports the appointment of Joe Hamilton to the Library Advisory Board.

McInerney supports the appointment of Doug Holm to the Library Advisory Board.

Coleman & Kroot support the appointment of Joyce Cole to the Library Advisory Board.

M/s, Coleman/Kroot, to appoint Joyce Cole to the Library Advisory Board. AYES: Coleman, Kroot. NOES: Greene, McInerney. ABSENT: Lopin.

M/s, McInerney/Greene, to appoint Doug Holm to the Library Advisory Board. AYES: Greene, McInerney. NOES: Coleman, Kroot. ABSENT: Lopin.

M/s, Greene/Coleman, to move the appointment to the Library Advisory Board to the next scheduled Council meeting. AYES: Coleman, Greene, Kroot, McInerney. NOES: None. ABSENT: Lopin.

M/s, Kroot/Greene to appoint Joan Stone to the Arts Commission. AYES: Coleman, Kroot, Greene, McInerney. NOES: None. ABSENT: Lopin.

**3. REVIEW OF DESIGN REVIEW REGULATIONS AND CONSIDERATION OF POSSIBLE CHANGES TO ORDINANCE; PROVIDE DIRECTION TO STAFF.**

Diane Henderson, Interim Planning Director, presented the staff report. Henderson noted that Council gave her direction to craft a solution to the lack of public noticing for certain second story additions. Henderson believes it is appropriate to amend the code so any second story addition, regardless of size or location, is required to go through the design review process which would trigger public noticing.

Coleman asked what the Town charges for a Design Review. Henderson replied an Administrative Design Review costs \$600 and a Design Review that goes to the Planning Commission is \$1,200. Coleman thinks these costs can be punitive to some people.

Greene asked Henderson to explain how she would exercise her discretion of when she would send it to the Planning Commission distinct from retaining the authority herself. Henderson replied she would send it to the Planning Commission when she felt that staff could not handle it themselves. Henderson noted staff works hard with applicants to get their projects approved with the policies Council has established.

Greene asked Henderson in her review of other local jurisdictions which ones allow for second stories to be approved administratively. Henderson stated Belvedere allows second stories of up to 100 square feet; it is a judgment call on staff for Mill Valley and also Sausalito; non-controversial projects in Tiburon can be done at a staff level; projects in Ross most always go to Town Council.

**Public Comment**

Eric Warner, 220 Crescent Drive, supports changes to the Towns design review process suggesting it will help neighbor discussions. Warner stated neighbors have expressed concern that the location of a second story addition could impact neighbors and they should have the opportunity to review the plans and express concern prior to issuance of a building permit.

Barbara Stewart, Foss Avenue, acknowledged property values drop when views are changed and that should not be allowed.

Steve Wilrich, 121 Sunnyside Drive, supports noticing as an effective way to enhance neighbor communications and a very effective way of engaging the community.

Kristen Halstead, 218 Crescent Drive, supports the recommended changes to the Town's design review regulations.

Camden Hicks, 131 Crescent Road, supports changes similar to Larkspurs design review regulations in that the intent and values give guidance to the functioning appearance and location of improvements so as to maintain and enhance a balance between private prerogatives and preferences and the public safety and welfare. Hicks believes there should be a way for the planners and the neighbors to evaluate projects.

Maria Kallmeyer, 68 Hawthorne Drive, has conflict of interest concerns regarding Kroot's participation in the discussion. Kallmeyer opposes Kroot voting on the issue.

Regarding Kroot's participation on the issue Town Attorney, Rob Epstein finds no statutory conflict. Epstein noted it is up to the individual Councilmember to determine if he/she can make an independent decision judgment regarding the matter before the Council free from any pre-existing bias.

Kroot stated he is interested in strong planning codes that protect the community and he hopes that the code is not rewritten because of one second story addition that meets the Town code requirements. Kroot noted as a Councilmember twenty years ago he created the Design Review process and later as a Planning Commissioner he encouraged Floor Area Ratio for the hillsides.

Greene has previously advocated for view corridors stating there are values of privacy and values of scale. Greene objected to construction on the Kroot property stating a 27-foot wall without any notice is inappropriate.

McInerney supports facilitating neighbor communication and encourages neighbors to work with one another. McInerney supports staff recommendation regarding the Design Review Ordinance and is open to further discussion regarding the ordinance details.

Greene believes second stories can impact views and should be subject to a Design Review. He supports changes to the Design Review regulations and also supports a Design Review process that includes public hearing.

Coleman does not support the ordinance as written and would like the Planning Commissions to review the issue.

Greene supports the idea that staff bring back ideas and recommendations to Council so that Council can make the policy determination.

Kroot is in support of the Planning Commission reviewing the issue and then make recommendations to Council.

Coleman is agreeable to further discussions coming back to Council rather than sending it to the Planning Commission.

Henderson noted if Council agrees that the Municipal Code should be amended to require that all additions proposed at a second floor or above be subject to Design Review, staff will prepare the Code amendment for consideration by the Planning Commission and ultimately, Town Council.

Henderson stated staff will come back to Council at the March 27 meeting for discussion and recommendations regarding Design Review modifications to the Municipal Code.

Barbara Tracy, Crescent Road, questioned if the frequencies are of significant importance.

McInerney asked that staff's March 27 report include information regarding the frequencies of these issues.

**4. INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 20 TO TITLE 9- BUILDING REGULATIONS, CONCERNING THE COLLECTION, RECYCLING AND DISPOSAL OF WASTE GENERATED FROM CONSTRUCTION, DEMOLITION AND RENOVATION PROJECTS.**

Diane Henderson, Interim Planning Director, presented the staff report.

There was no comment from the public.

McInerney asked if all the agencies, cities/towns in Marin being asked to adopt the identical ordinance.

Henderson stated the model ordinance required residential projects over \$2,000 and commercial projects over \$5,000 would be subject to the ordinance. Henderson believes it is an unfair burden on small residential projects as well as small commercial projects therefore raised the amounts on both the residential and commercial projects to \$10,000 for San Anselmo's ordinance.

There was no comment for the public.

M/s, Greene/Kroot, to approve the introduction and waive the first reading of an ordinance of the Town of San Anselmo amending the Municipal Code by adding a new Chapter 20 to Title 9 – Building Regulations, concerning the collection, recycling and disposal of waste generated from construction, demolition and renovation projects. AYES: Coleman, Kroot, Greene, McInerney. NOES: None. ABSENT: Lopin.

Town Manager Stutsman read the ordinance by Title only.

**5. TOWN COUNCIL APPOINTMENTS TO THE MARIN TELECOMMUNICATIONS AGENCY (MTA), ONE SEAT AND THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG), MEMBER AND ALTERNATE.**

Town Manager Stutsman presented the staff report.

There was no comment from the public.

M/s, Coleman/Kroot, to appoint Lori Lopin as representative to the Marin Telecommunications Agency (MTA). AYES: Coleman, Kroot, McInerney. NOES: Greene. ABSENT: Lopin.

M/s, Coleman/Kroot, to appoint Kay Coleman as representative and Jeff Kroot as alternate to the Association of Bay Area Governments. AYES: Coleman, Greene, Kroot, McInerney. NOES: None. ABSENT: Lopin.

Police Chief, Charles Maynard reported on the Towns Police dispatch office. Maynard stated the dispatch office re-located today to the Twin Cities Police Station in Larkspur and will be ready for business tomorrow.

Coleman requested confirmation that the San Anselmo Police Department's front counter will be staffed daily.

Maynard confirmed the front counter will be staffed Monday thru Friday, 8:00 A.M. to 5:00 P.M. Police Department staff will occupy the building all night but will not be sitting at the front counter after 5:00 P.M.

**6. ADJOURN.**

The meeting was adjourned at 9:52 p.m.

Respectfully submitted,

Joanne Kessel