

MINUTES OF REGULAR COUNCIL MEETING OF MARCH 11, 1980

Mayor Signorelli convened the meeting with Councilmen Toal, Convis, Reed and Capurro present.

Mayor Signorelli acknowledged the presence of and introduced George Davison, the newly appointed Director of Public Works/Planning.

2. OPEN TIME FOR PUBLIC DISCUSSION

None

3. PUBLIC HEARING - ORDINANCE REGULATING CONVERSION OF APARTMENTS AND DUPLEXES TO CONDOMINIUMS OR COOPERATIVES, AS RECOMMENDED BY PLANNING COMMISSION

Prior to public hearing, the following changes in the ordinance as recommended by the Planning Commission were proposed by staff for clarification purposes: Section 10-7.107, change to read "...consideration of units in multiple housing zones only."; Section 10-7.107, second paragraph, last line, change "considerations" to "conditions"; change Section 10-7.107(b)(15) to read: "Current tenants shall be offered an 18 month lease at rental rates in effect 12 months prior to the effective date of the ordinance, with any increase not to exceed that allowed by the Residential Rent Component of the San Francisco Bay Area All Urban Consumer Price Index."; Section 10-7.107(b)(16) third line from bottom, change to read: "...at rental rates in effect 12 months prior to the effective date of this ordinance, with any increase not to exceed that allowed by the Residential Rent Component of the San Francisco Bay Area All Urban Consumer Price Index."

M/S Toal, Convis to waive reading of the ordinance as recommended by the Planning Commission incorporating staff's proposed clarifying changes. Ayes all.

Public Hearing was opened with the only opposition being offered to the ordinance by Rufe Soule and John Roe, applicants for a condominium conversion at 84 Madrone, going only to the 5% rental vacancy rate factor. John Everingham, a tenant at 84 Madrone, requested that the tenants as a group be permitted to review the ordinance and furnish input on the basis that they were the first to be directly affected by the proposed ordinance.

M/S Toal, Capurro to introduce an ordinance adding Chapter 7 of Title 10 of the San Anselmo Municipal Code Regulating Condominium Conversion as amended, on the condition that the Planning Commission review and comment on the amendments at its March 17th meeting, for return to the Council at its March 25 meeting.

Prior to voting and during discussion, concern was expressed that the rental vacancy rate below 5% specified to constitute a housing emergency and precluding processing of applications for conversions would in effect constitute a prohibition against conversions in the foreseeable future.

M/S Reed, Toal to delete Section 10-7.107(a) from the ordinance. Motion failed on the following roll call vote: Noes - Councilmen Toal, Convis, Capurro. Ayes - Councilmen Reed, Signorelli.

(Mayor Signorelli stated that he voted Aye so that this motion would not be referred back to the Planning Commission with a unanimous vote).

Thereafter, M/S Convis, Reed to lower the rental vacancy rate to 3%. Motion passed on the following roll call vote: Ayes - Councilmen Convis, Reed, Signorelli. Noes - Councilmen Toal, Capurro.

Majority concensus supported the following corrections proposed by Councilman Reed: Language in Section 10-7.101(a) justifying purpose referring to magnification of impact on public health, etc. is too strong and unnecessary - should be deleted; inconsistency in wording of requirements for notices to tenants to be resolved; Section 10-7.107(b)(5)(c) - water consumption/ meter requirements is outside jurisdiction of the Town - should be deleted; Section 10-7.105(b)(4) for separate storage area for each unit for recreation vehicles is excessive - should be deleted; Section 10-7.107(b)(4) change "including" to "excluding"; Section 10-7.107(b)(8) - review and if not significant, delete; Section 10-7.107(b)(13) - design review be limited.

These clarifications and changes were then included in the motion to introduce the ordinance to be incorporated in the further review by the Planning Commission. The motion then passed on the following vote: Ayes: Councilmen Toal, Convis, Reed, Signorelli. No - Councilman Capurro.

Councilman Capurro's no vote was based on his concern at the lowering of the vacancy percentage rate when compared to the 5% called for in the ordinances adopted by other Marin County jurisdictions.

4. APPLICATION OF RUFÉ SOULE AND JOHN ROE, AS APPROVED BY PLANNING COMMISSION FOR
NEGATIVE DECLARATION AND CONVERSION TO CONDOMINIUMS UNDER SUBDIVISION RULES OF 22
APARTMENT UNITS AT 84 MADRONE

M/S Reed, Convis to accept Negative Declaration for SS-231 as recommended by the Planning Commission. Passed unanimously.

Council being aware of the fact that this is an application for a condominium conversion brought under subdivision rules due to the fact that San Anselmo presently has no ordinance regulating condominium conversion, Councilman Reed questioned the propriety of turning down a subdivision application filed prior to the introduction of the ordinance. He suggested a compromise by making this subdivision map approval subject to all of the conditions of the proposed condominium ordinance with the exception of the rental vacancy rate factor. The Town Attorney advised that if this was done, all other subdivision applications relating to condominium conversions which might be submitted prior to the effective date of the proposed ordinance would have to be treated likewise.

A motion was made by Councilman Capurro, which died for lack of a second, that the subdivision application of Rufe Soule and John Roe be rejected without prejudice pending further consideration of the adoption of a condominium conversion ordinance.

Thereafter, M/S Reed, Capurro that all applications for condominium conversions be delayed until the effective date of the proposed condominium ordinance. Motion passed with four ayes - Councilman Toal voting no.

Councilman Toal's no vote was based on his disapproval of the procedure.

5. ROBSON-HARRINGTON HOUSE ASSOCIATION SUBMITTING PROPOSAL BY JOHN E. BRYAN, INC.
FOR IMPROVEMENT AND EDUCATIONAL USE OF PARK TERRACES

M/S Toal, Reed to approve in concept proposal by John E. Bryan, Inc. dated February 26, 1980 for use of Robson Park terraces and area surrounding Robson House; per 6-1.07 SAMC, to exempt Public TV filming in conjunction with such use from business license tax. Passed unanimously.

6. PROGRESS REPORT AND REQUEST FOR TIME EXTENSION, FEASIBILITY STUDY, CONVERSION
OF PART OF ISABEL COOK COMMUNITY CENTER FOR HOUSING

M/S Reed, Toal to approve 90-day time extension for completion of the Isabel Cook Community Center conversion study. Passed unanimously.

7. CALIFORNIA TAX REFORM ASSOCIATION/MARIN ASSOCIATION OF PUBLIC EMPLOYEES REQUESTING
ENDORSEMENT OF TAX SIMPLICITY ACT INITIATIVE.

After presentation by Tony DeSousa representing MAPE,

M/S Toal, Convis to endorse the Tax Simplicity Act Initiative.

On the basis that it is not Council policy to endorse proposed tax initiatives, the motion failed with four noes and Councilman Toal abstaining.

8. PROPOSED CHANGE IN AIR QUALITY LEAD AGENCY DESIGNATION - ABAG/STATE AIR RESOURCES
BOARD

M/S Toal, Reed to table. Passed unanimously.

9. CODE AMENDMENTS REGULATING FUND SOLICITATION

M/S Reed, Convis to waive reading of ordinance. Passed unanimously.

M/S Reed, Capurro to introduce an ordinance of the Town of San Anselmo Adding Chapter 16 to Title 4 of the San Anselmo Municipal Code and Amending Title 6 by Deleting Section 6-1.42(a) and (b). Passed unanimously.

10. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTIONS TO STAFF

Councilman Reed expressed regret at being absent from the executive session at which George Davison was appointed Director of Public Works/Planning, expressing support and congratulations on the Council's decision.

Councilman Reed requested that the Town express thanks to the Chamber of Commerce and those responsible for the installation of the new "Business Areas" directional sign on Sir Francis Drake Blvd.

Regular Meeting - March 11, 1980

Councilman Reed advised of Kenneth Anderson's request that the Council agenda an item to discuss the issue of forcing assessment districts on unaccepted streets - Administrator advised that it will be scheduled after April 8th.

The Administrator requested the addition of item (e) to the Consent Agenda to continue the hearing on the Ridgeland's Committee Zoning recommendations which are expected to be passed on finally by the Planning Commission on March 17th, to the Council's March 25th regular meeting.

11. TOWN ADMINISTRATOR SUBMITTING PERFORMANCE EVALUATIONS AND SALARY RECOMMENDATIONS FOR FIRE AND POLICE DEPARTMENT MANAGEMENT

M/S Reed, Convis to accept the evaluations and approve the salary changes as recommended by the Town Administrator for Police and Fire management personnel, transferring \$1,730 from reserve for contingencies to appropriate Police Department accounts and \$1,664 from reserve for contingencies to appropriate Fire Department accounts to finance the salary increases and related changes in retirement and social security costs from March 1 to June 30, 1980; and further to congratulate all hands on a job well done. Passed unanimously.

12. CONSENT AGENDA

M/S Toal, Capurro to pass consent agenda. Passed unanimously.

- a. Approved minutes of meetings of 2/26 & 3/4/80.
- b. Approved warrant register for 2/16-29/80.
- c. Adopted resolution No. 1830 agreeing to transfer of appropriations limits.
- d. Rejected claim of Nicholas Lituano.
- e. Continued to March 25, 1980 hearing on ordinance/general plan changes re larger undeveloped and partially developed parcels.

ADJOURNED at 11:45 P.M. to regular meeting March 25, 1980

LIBBY HANSON
Deputy Town Clerk