

Minutes of Regular Town Council Meeting -  
February 23, 1982

Mayor Convis convened the meeting with Councilmembers Toal, Capurro, Wooliever and Buckle present.

2. OPEN TIME FOR PUBLIC DISCUSSION

Vivian Smith, 144 Sycamore, advised she was offended by a letter directed to property owners abutting the creek by the Director of Public Works, contending that the Town should assume some responsibility for proper maintenance. Council agreed that discussion of the overall creek situation will be an agenda item at a March meeting.

3. APPOINTMENTS

Board of Directors, Robson-Harrington House Association. A. C. Signorelli and Tim Geraci appointed to two-year terms as Council representatives.

4. CONTINUATION OF PUBLIC HEARING ON SPECIAL TAX MEASURE.

The Administrator presented a revised proposal containing a simple formula calling for a maximum annual tax rate of 7.5¢ per structural square foot on all improved property with an assumption of one 2,000 sq. ft. structure per acre on unimproved property. This proposal calls for the creation of a Tax Equity Board to resolve questions of equity and relative ability to pay. He advised that he had met with members of the Chamber of Commerce and there appeared to be some strong opposition from the commercial property owners who require a large amount of square footage for a particular business enterprise, suggesting that a compromise for commercial property be made either by elimination of the assessment or fixing a ceiling on an assessment of a structure housing a single operation.

Continued public hearing indicated general support with some scattered strong opposition, with a consensus developing adverse to elimination of assessment against commercial property.

a. Resolution calling election.

During Council discussion of the wording of the measure, Councilmember Toal suggested that the measure might have a better chance of being approved if the term for levy is reduced from four years to two years.

M/S Toal, Buckle to change the wording of the proposed tax measure to provide for levy for a period of two years. Motion failed on a 2 - 3 vote with Councilmembers Toal and Buckle voting Aye.

Councilmember Toal suggested that inclusion of reference to the Town's physical plant and assets might be misleading in that it might suggest to the voters that funds would be used for construction of more buildings.

M/S Toal, Buckle to remove all reference to physical plant and assets from the wording of the proposed measure. Motion passed by unanimous vote.

Council affirmed its understanding that the intent of this motion does not remove the ability of the Town to use any part of the special tax funds for ordinary and necessary maintenance and repairs, or replacement of worn-out equipment.

M/S Wooliever, Capurro to adopt Resolution No. 1897 proposing a special election on June 8, 1982 wherein the issue to be presented to the voters shall be:

Shall the Town of San Anselmo levy a special tax for a period of four years from July 1, 1982 through June 30, 1986, and increase its appropriations limit, to assist in financing continuation of existing levels of service to the public, the tax to conform with all the provisions of Resolution No. 1896?

Motion passed by unanimous vote.

b. Resolution setting forth full text of measure to be placed before the voters

Councilmember Buckle suggested that the assumption of a 2,000 sq. ft. structure on one acre to arrive at the proposed \$150 per acre assessment on unimproved property is inequitable and could be assumed a pre-zoning.

M/S Buckle, Wooliever to reduce the per acre proposed assessment on unimproved property from \$150 to \$100. Motion passed by unanimous vote.

In an attempt to mitigate the alleged inequity in assessing commercial property where a single business requires an inordinate amount of square footage,

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M/S Buckle, Wooliever to place a ceiling on commercial property assessments by the addition of the following provision in the maximum annual tax schedule: "...except the tax derived from a commercial structure or structures 75% or more occupied by a single business enterprise shall not exceed \$1,000." Motion passed on a 4 - 1 vote with Councilmember Toal voting No.

The Town Attorney suggested the following technical amendments to the proposed resolution:

Insertion of a direction that the resolution shall be printed in full in the Voter's Pamphlet.

Reword paragraph 4(e) to read as follows: "The Board in determining tax equity or ability to pay shall consider all relevant factors including:"

Direction for adoption of an ordinance to specify disclosure of information concerning an application to the Tax Equity Board to be a misdemeanor and to repeal the business license tax on rental residential units.

These amendments were accepted by consensus of Council as well as the following further corrections:

Paragraph 4(e)(1) to read - "The amount of household....."

Paragraph 4(e)(3) to read: "Elderly person(s) receiving property tax assistance, or living in such circumstances that make increased taxes an undue hardship."

Delete the words "If coupled with relative inability to pay" from paragraph 4(e)(5).

M/S Buckle, Wooliever to adopt Resolution No. 1896 establishing limitations and administrative procedures for levy of special municipal tax as amended. Motion passed with Four ayes, Councilmember Toal abstaining.

Councilmember Toal indicated his reluctance to approve the document prior to rereading amended text, reserving the privilege to change his vote upon being presented with a copy of the rewritten resolution.

5. PUBLIC HEARING ON PLANNING COMMISSION RECOMMENDATION TO REZONE 1220 SIR FRANCIS DRAKE BLVD. TO R-3 TO PERMIT ADDING TWO ONE-BEDROOM RENTAL UNITS TO EXISTING TWO-UNIT APARTMENT BUILDING

M/S Toal, Wooliever to accept negative declaration. Motion passed by unanimous vote.

M/S Toal, Wooliever to waive reading of ordinance. Motion passed by unanimous vote.

M/S Toal, Wooliever to introduce an ordinance amending Ordinance No. 485 by changing the classification of 1220 Sir Francis Drake Blvd. from R-2 (Two Family Residential) to R-3 (Multiple Family Residential) to permit the addition of two one-bedroom apartments to an existing two two-bedroom apartment building. Motion passed with four ayes, Councilmember Buckle voting No, based on the following reasons: Too many variances are required, density too high, parking will interfere with R-1 residences to the rear, is not appropriate zoning of this particular lot and configuration.

6. APPEAL OF JEFFREY DEAN PORTNOY FROM PLANNING COMMISSION GRANT OF USE PERMIT FOR SECOND UNIT AT 84 BERKELEY AVE.

The appellant, represented at the hearing by Randy Harris, 71 Berkeley, presented the appeal on the basis that the neighborhood was overburdened with parking and traffic problems. Ed Jagels, 79 Berkeley, expressed concern that the granting of the use permit would be a precedent setter for the neighborhood.

Council being informed that there is sufficient off-street parking and the addition of this second unit is well within the number allowed for the neighborhood,

M/S Toal, Wooliever to deny the appeal. Motion passed by unanimous vote.

8. ORDINANCE REZONING BAUMSTEIGER PROPERTY, MONTEREY TERRACE TO STRAIGHT R-1

M/S Toal, Wooliever to adopt Ordinance No. 816 amending Ordinance No. 485 by changing the classification of A/P 6-013-42, Monterey Terrace, from PPD R-1 (Preliminary Planned Development Single Family Residential) to R-1 (Single Family Residential). Motion passed by unanimous vote.

9. ORDINANCE REZONING 24 ROSS & 25 WOODLAND TO SPD TO PERMIT EIGHT LOW-MODERATE

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INCOME RENTAL UNITS.

M/S Toal, Wooliever to adopt Ordinance No. 817 amending Ordinance No. 485 of the Town of San Anselmo by changing the property classification from R-3 (Neighborhood Apartment District) to SPD (Specific Planned Development) for Eight Apartment Units, A/P 7-282-06. Motion passed with four ayes, Councilmember Buckle voting No.

10. ORDINANCE REZONING 192 TUNSTEAD TO R-3 TO PERMIT ADDITION OF THREE RENTAL UNITS FOR TOTAL OF FOUR

M/S Toal, Wooliever to adopt Ordinance No. 818 amending Ordinance No. 485 of the Town of San Anselmo by changing the property classification of 192 Tunstead Ave., A/P 7-213-48, from R-2 (Two-Family Residential) to R-3 (Multiple Family Residential). Motion passed by unanimous vote.

11. ORDINANCE AMENDMENT REPEALING LIMITS ON RESIDENTIAL USES IN COMMERCIAL ZONES, RETAINING USE PERMIT REQUIREMENT.

M/S Buckle, Toal to confirm negative declaration. Motion passed by unanimous vote.

M/S Toal, Wooliever to adopt ordinance No. 819 amending Chapter 3 of Title 10 of the San Anselmo Municipal Code repealing limitations on residential uses in commercial districts and clarifying parking requirements therefor. Motion passed with four ayes, Councilmember Buckle voting No.

12. ORDINANCE SIMPLIFYING REGULATION OF GOING OUT OF BUSINESS SALES.

M/S Wooliever, Toal to adopt Ordinance No. 820 repealing Chapter 2 of Title 6 of the San Anselmo Municipal Code substituting a simplified Chapter 2 regulating going out of business sales. Motion passed by unanimous vote.

13. DIRECTOR PUBLIC WORKS REPORTING DRAINAGE PROBLEM ON BANK STREET AT SMITH LANE, RECOMMENDING RELEASE OF \$6,000 FROZEN IN ACCOUNT 491-D-3 TO PROCEED WITH CORRECTIVE MEASURES

M/S Capurro, Buckle to table for consideration at budget hearings. Motion passed by unanimous vote.

14. OPEN SPACE COMMITTEE RECOMMENDING PROCEED WITH SALE OF THREE TOWN-OWNED PARCELS, PROCEEDS TO BE PLACED IN OPEN SPACE FUND.

Continued.

15. FLOOD AFTERMATH INFORMATION

Council received Staff's critique of disaster operations, with proposals for disaster plan changes, suggesting that it be made available to the public.

16. ADMINISTRATOR RECOMMENDING CONCERTED ACTION TO CAUSE ROLLBACK AND REEXAMINATION OF PG&E RATE INCREASES

Continued to next meeting.

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

Councilmember Buckle suggested that pot holes on Sir Francis Drake Blvd. should be given first priority on patching program.

17. CONSENT AGENDA

Councilmember Buckle requested corrections to February 9th minutes:

Addition of the words "other than a concrete lining" to Dave Bacigalupi's suggestion made during Open Time for Public Discussion concerning increasing the capacity of the creek.

Addition to his objections to rezoning 24 Ross and 25 Woodland - Item No. 10:

"That the proper planning method is to create a new zoning designation such as R-4."

M/S Toal, Convis to pass consent agenda. Motion passed by unanimous vote.

- a. Approved minutes of meetings of February 9th, as corrected, and February 16th.
- b. Approved warrant register for 2/1-15/82.

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- c. Authorized Mayor to proclaim March 20, 1982 as World Citizens Day.
- d. Awarded bid for Isabel Cook Community Center remodeling to Ace Marcellus.
- e. Adopted Resolution No. 1898 authorizing Administrator to sign deed transfer, Isabel Cook Housing project.
- f. Continued disaster proclamation in effect.
- g. Adopted resolution of commendation - Marcia Keller, Departing Librarian.

ADJOURNED at 12:30 A.M. to regular meeting, March 23, 1982.

LIBBY HANSON  
Secretary to Council