

Minutes of Regular San Anselmo Town Council meeting
December 28, 1982

Mayor Buckle convened the meeting with Councilmembers Toal, Capurro and Wooliever present. Councilmember Ollinger absent.

2. OPEN TIME FOR PUBLIC DISCUSSION

Larry Stack, 10 Alice Way, suggested that a list of Town Officials, with telephone numbers and addresses, be placed in the Town's official bulletin board for the public's information. Council directed staff to post a list sans addresses and telephone numbers.

3. APPOINTMENTS

Announcement was made that applications are open for appointment to a full term on the Board of Review and the balance of a term to August, 1983 on the Planning Commission.

Councilmember Capurro nominated Alan Matthew Mayer for the Planning Commission

Councilmember Toal put the names of James O'Rourke, Jeffrey Kroot and Joyce DeMartini in nomination for the Planning Commission.

4. (Cont.) PUBLIC HEARING - NUISANCE ABATEMENT, HAZARDOUS INCOMPLETE SITE WORK, 308 GREENFIELD - PROGRESS REPORT

The Director of Public Works advised that an excavating contractor is scheduled to be on the job tomorrow morning. Staff is monitoring closely. Continued to next meeting for further progress report.

5. PUBLIC HEARING - NUISANCE ABATEMENT, PLUGGED CULVERT, CHERNEWOOD SITE.

The Director of Public Works reported on a problem of silt and debris being washed down onto Rancho Drive as a result of a plugged culvert on the Chernewood property. Approximately two months ago the property owner's representative indicated that arrangements had been made with a contractor to excavate the end of the pipe, construct a standard debris rack a short ways upstream to prevent further plugging and do a minor amount of grading to remove a vertical bank cut by last year's flood waters. However, no work has been done to date.

Notice of this hearing was given to the property owner in the manner and form required by law, but no appearance was made on behalf of said property owner.

Pat Stocking, 2 Rancho, and Ed Croce, 11 Rancho Drive, testified as to previous problems from washdowns and what they expected in the way of further problems and damage during the rainy season if the situation is not remedied.

M/S Toal, Wooliever to adopt Resolution No. 1927 declaring the plugged drainage culvert on the Chernewood property at the end of Idlewood Drive to be a public nuisance, directing the property owner to abate said nuisance by proceeding diligently and immediately to excavate and open the inlet end of the 24-inch culvert at the lower end of the property, and construct a debris rack in order to keep the pipe from again plugging with debris. Upon the failure of the property owner to complete this work to the satisfaction of the Director of Public Works by January 10, 1983, said Director of Public Works shall cause said work to be done and the cost thereof to the Town made a lien on said property. Ayes all present.

6. APPEAL OF BILL SAKS FROM PLANNING COMMISSION ACTION TO APPROVE EXISTING MURAL DISPLAYED BY SPOTLESS CLEANERS, 2 RED HILL AVENUE

Adam Morgan, owner of Spotless Cleaners, not present, but represented by Dominic Diluigi.

Mr. Saks presented his appeal on the basis that the mural violates San Anselmo's sign ordinance, that it was erected solely to call attention to a commercial operation and that to allow it to remain would establish a dangerous precedent.

The appeal was supported by Dan Thomas, former Town Planning Technician charged with enforcing the sign ordinance and upgrading design review, stating that enforcement cannot show favoritism.

James Dismukes, owner of Fairfax Laundry and Cleaners, advised that he had cooperated in removing an expensive sign from his business subsequent to the adoption of the sign ordinance because it did not meet the specifications of the ordinance, and

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that if the mural is allowed to remain, he should be permitted to reinstall his sign.

Mr. Diluigi repeated the contention that this was a work of art and should not be considered in the content of the sign ordinance.

Council discussion developed a consensus there was no disagreement the mural is an outstanding piece of art work, but it is inappropriate for the premises and surrounding area.

M/S Toal, Capurro to grant the appeal on the basis that size and shape of the mural is not appropriate for the use, is aesthetically incompatible with the premises and with existing improvements and the natural elements in the surrounding area and will create adverse visual effects due to relation and juxtaposition of such sign to adjacent buildings and structures including other signs. Ayes all present.

7. ORDINANCE AMENDMENT REZONING 9 - 11 FERN LANE, FROM R-1 TO SPD FOR THREE SEPARATE LIVING UNITS, WITH CONDITIONS

M/S Toal, Wooliever to adopt Ordinance No. 835 amending Ordinance No. 485 by changing the property classification of A/P No. 5-193-07, 9 - 11 Fern Lane, from R-1 to SPD for three separate living units as now existing with the condition that one living unit fall into the category of second unit for moderate income housing and a rental agreement be set up to implement that condition. Motion passed with Toal, Capurro and Wooliever voting Aye, Buckle voting No.

8. PUBLIC HEARING ON PLANNING COMMISSION RECOMMENDATION FOR DENIAL OF APPLICATION OF SIEGFRIED PFENDT FOR REZONING OF PORTION OF INDIAN HILLS PROPERTY TO SPD FOR 20-LOT DEVELOPMENT

Consistent with his abstention from participation in this matter, Mayor Buckle left the podium.

Mr. Pfendt commenced his presentation with a series of interrogatories - the first as to why Mayor Buckle is abstaining from participation - subsequently advised by the Town Attorney that Buckle is the owner of a house and vacant lot abutting the proposed development and therefore would have a conflict of interest in voting on the proposal. Others included a question directed to the Town Attorney as to whether Council had been furnished with Government Code Section 66424.2 and advice on its effect on a previously approved subdivision; the applicant requested an answer from the Council as to why they will not let him develop his property.

Mr. Pfendt was reminded of the Planning Commission's request that he submit a development plan for the entire property, with a response from Pfendt that he wants to find out what is wrong with this application before filing another and does not understand why portions cannot be developed separately.

Mr. Pfendt closed his presentation with a request the Council let him develop his property or buy it from him.

M/S Capurro, Toal to certify the adequacy of a previous EIR for the current proposal. Passed with three ayes.

M/S Toal, Capurro to accept the recommendation of the Planning Commission to deny the application of Siegfried Pfendt, A/P Nos. 177-250-30 & 41, off the end of Tomahawk Drive, for proposed rezoning from PPD R-1 to SPD for 20 single family dwellings. Passed with three ayes.

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

Toal advised he has distributed to the Council a questionnaire for MTC and requested cooperation in completion.

Buckle suggested that the Council give Pieter Toal authority to vote on behalf of San Anselmo at the upcoming Redwood Empire Association meeting - so given.

Buckle requested an item on the next agenda for consideration of including on the ballot for the June Special Election an advisory measure as to continuation of the Pension Override Tax.

10. CONSENT AGENDA

Buckle requested an addition to the minutes of the meeting of December 14 under Item No. 7 - Rezoning of 9-11 Fern Lane to SPD for three living units - to indicate that his No vote was based on his opinion that SPD was the incorrect zoning procedure to deal with the land use situation.

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M/S Toal, Capurro to pass consent agenda. Ayes all present.

- a. Approved minutes of meeting of December 14, 1982, as amended.
- b. Approved warrant register for 12/1-15/82.
- c. Awarded contract for concrete work for the period January through June 1983 to Carcano-Velcich, Inc.
- d. Adopted Resolution No. 1928 designating Department of Public Works/ Planning as coordinating entity for residential development permit review.

ADJOURNED at 10:50 P.M. to regular meeting January 11, 1983.

LIBBY HANSON
Secretary