

MINUTES OF THE TOWN COUNCIL MEETING OF APRIL 28, 1987

Mayor Wooliever convened the regular meeting at 8:00 p.m., after a closed session on a personnel matter, with Councilmembers Chignell, Cordingley, Sharp and Walsh present.

2. PRESENTATION OF CERTIFICATE OF MERIT AND CERTIFICATE OF COMMENDATION TO THERESE STAWOWY FOR HER WORK ON THE TOWN'S BIRTHDAY

Mayor Wooliever presented a Certificate of Merit to Therese Stawowy, Coordinator of Volunteers, for her work in organizing the weeklong celebration of the Town's 80th birthday this month. Town Administrator Garvey presented Ms. Stawowy with a Certificate of Commendation, a department award signifying outstanding work.

Ms. Stawowy acknowledged the help of many other people in organizing the birthday celebration.

3. ELECTION OF MAYOR AND VICE-MAYOR TO SERVE UNTIL APRIL, 1988

M/S, Sharp/Chignell, to nominate William Cordingley for Mayor. Motion passed unanimously.

Cordingley presented outgoing Mayor Wooliever with a plaque expressing the Council's respect and affection for her during her term as Mayor. She was also given the first key to the city. Cordingley noted that Wooliever offered a special blend of talents to the role of Mayor, including an unquestionable sense of honesty and integrity. Wooliever expressed her appreciation to all that had offered their support and her gratitude to the staff.

M/S, Wooliever/Cordingley, to nominate John Sharp as Vice-Mayor. Motion passed by the following vote:

AYES: Chignell, Cordingley, Sharp, Wooliever

NOES: (None)

ABSTAIN: Walsh

Cordingley said the Council wanted Town Administrator Garvey to know how much it valued his assistance over the last 3 1/2 years.

4. OPEN TIME FOR PUBLIC EXPRESSION

Attilio Segale, 20 Holstein Road, said he could not hear the Councilmembers' comments and suggested there be an amplification system.

Larry Stack, 10 Alice Way, said he presented the Town with a written request for information on April 16 and had not received a response. Cordingley responded that the request had been answered and sent to Mr. Stack.

Herman Kramer, 1 Allemand Lane, said he had filed a claim against the Town regarding the Pension Override Tax.

Bryce McDermott, 27 Bella Vista, said he had not been contacted by the Town about his proposal for a downtown clean-up program. Garvey explained that the Coordinator of Volunteers had been on vacation but would be contacting him.

Nancy Olson, 1329 San Anselmo Avenue, said she thought the councilmember who had received the most votes in the last election was typically next in line to be mayor. Wooliever responded that this was not a tradition of San Anselmo's and that she had nominated

Sharp because of his experience in serving on committees and in chairing the Planning Commission.

Sarah Nome, 77 Alder Avenue, said she had brought a letter to Town Hall, that she had written, addressed to her with Garvey's name as the intended signatory, in which she recounts her understanding of Garvey's response to her about the Town's cash reserve balance. She said that Garvey had not signed the letter. Garvey explained that the content of the letter was not factual and he will amend the letter and sign it if he has time before he leaves his position.

Mike Plage, 36 Jordan Avenue, asked where he could obtain a copy of the Town's budget. He was informed he could receive one at Town Hall.

Bill Bandy, President of the Chamber of Commerce, asked the Council to agendaize a discussion on the idea of having a committee to plan the economic future of the downtown.

5. CONSIDERATION OF ADOPTION OF INTERIM ORDINANCE TO PROHIBIT THE PROCESSING OF CERTAIN PLANNING APPLICATIONS DURING THE TIME IN WHICH THE GENERAL PLAN IS REVIEWED AND AMENDED

At the direction of Council at its meeting of March 24, 1987, staff prepared an interim ordinance that would prohibit the processing of certain planning applications that relate to the Town's General Plan during the review of the General Plan. The proposed interim ordinance would prohibit the processing of applications for General Plan amendments, zone changes, amendments to the zoning ordinance, rezonings, annexations, major subdivisions, and development and land use applications for properties in which the present zoning is inconsistent with the current General Plan. The ordinance would exempt all applications filed with the Planning Department prior to a date set by the Council. The draft ordinance before the Council also includes an exception clause under which a property owner could apply to the Council for an exemption from the ordinance and the Council could grant such an exemption if it can make the findings relative to a negative impact on the review of the General Plan and Zoning Ordinance and on persons, property or improvements in the neighborhood.

Planning Consultant Roberto reported that there were some consistency problems between the elements of the General Plan, and that the Zoning Ordinance was not consistent with the General Plan. Therefore, the Town has inconsistent policies that impede deliberations on applications relating to land use issues, particularly those that relate to inconsistent policies that may be in the General Plan or that concern properties with zoning that is inconsistent with the Land Use Element of the General Plan. He recommended that this interim ordinance be in place while the Town revises its General Plan and Zoning Ordinance to assure consistency. Roberto explained that the interim ordinance has a life term of 45 days, after which it may be extended for a total effective period of two years. The time estimate for review of the General Plan and Zoning Ordinance is two years from its starting date.

Town Attorney Roth reported that adoption of an interim ordinance requires a 4/5 vote of the Council and that the ordinance may be rescinded or amended at any time. He noted that the proposed ordinance does not include a "hardship" exemption clause for property owners, which the Council may consider adding.

Public Works/Planning Director Kottage said the draft ordinance is worded to be as least restrictive as possible and still make the General Plan review valid.

Wooliever said focus should be on the intent of the proposal, which is to make the Zoning Ordinance consistent with the General Plan. She said this ordinance provides that opportunity, noting that the General Plan has to be modified to meet the Town's objectives.

Walsh said she preferred to have a local ruling that only addressed the properties that have inconsistencies, noting that the Town has spent a lot of time on the Housing Element and Hillside Density Ordinance, which do not have any inconsistencies. She said the Council did not have a list of the properties that would be affected by the proposed ordinance. Furthermore, property owners might be subject to further delays if the General Plan and Zoning Ordinance reviews take longer than two years.

Roberto responded that most of the areas that would be affected by the ordinance are zoned R-3, since R-3 zoning is inconsistent with the Land Use Element of the General Plan. However, to identify every parcel that could potentially be affected by the ordinance could take almost as much time as reviewing the General Plan. Under this ordinance, the Council could make the determination of whether there is a policy issue at stake in development of a certain property through the exception procedure.

Chignell asked whether any potential applicants had been turned away after the Council's action on March 24 to prohibit processing of certain applications. Roberto said he had received inquiries from two potential applicants whose properties would be affected by the ordinance, and added that staff is proceeding with processing applications on file, whether or not they have been deemed complete.

Peter Arrigoni, General Manager of the Marin Builders Exchange, submitted a letter signed by himself and Alan Stansbury, Director of Government Relations of the Marin County Board of Realtors, and Paul Scheller, President of the Marin Property Owners Association opposing a "limited building moratorium or a restriction on planning processes" as being unnecessary. Arrigoni said the Council should instruct staff to inventory the parcels that are inconsistent with the General Plan, notify those property owners, and conduct public hearings.

Alan Stansbury said he failed to see the urgency of this issue or the potential detriment to public health and safety, noting that there does not seem to be issues of traffic or politics in this matter. He said there should be an inventory of parcels where there are inconsistencies with the General Plan and a timeline for updating the General Plan. He questioned why annexations and rezonings were included in the ordinance.

Chignell stated that the Council has not adopted a fiscal relationship to the timeline of reviewing the General Plan and Zoning Ordinance.

Peter Fraser, an owner of property in the R-1-H zone, said that at the most there were three properties in the R-1-H zone that would be affected by this ordinance. The Town has already spent a great deal of time reviewing properties in the R-1-H zone and establishing development criteria, he said. To include R-1-H properties in the ordinance would create an additional burden on staff when property owners must apply for exceptions to the ordinance.

Fred Peterson, 101 Sunnyhills Drive, said that fairness requires the Town to identify the parcels that are affected and to schedule public hearings. He said the Town can benefit from a project that does not conform to the General Plan, such as the Sohner development on Ross Avenue - which the Council approved, that includes low and moderate income units on a commercially zoned property.

Sarah Nome, 77 Alder, questioned the cost of reviewing the General Plan and whether the Town had the funds to do that kind of review, including the legal fees associated with the review, or whether it would be overkill compared with the Town's needs.

Chignell asked whether there is a due process requirement that all potentially affected property owners be given notice. Roth responded that the Town has met all of the noticing requirements for this

ordinance and that a grieved property owner would first have to apply for an exception from the Council and be denied in order to take legal action.

Sharp said they have no way of knowing what projects are being anticipated. By including a mechanism for an exception procedure for property owners with hardships, and weighing the affect on property owners against the hardships to the Town that could result if improper development is allowed - noting that traffic is of concern, he felt the ordinance was proper. He said it was not pertinent to compare the amount of vacant land in San Anselmo with the amount of vacant land in other jurisdictions.

Walsh said they had an idea of what development to expect within the next two years, noting that while 4% of San Anselmo is undeveloped, 95% of that land is undevelopable. She said there will be very little building going on and therefore does not see that a threat to public health and welfare exists. Rather than have an exception procedure, she said the Council should explore the feasibility of a local ordinance with a more limited scope.

Wooliever said she has been opposed to moratoriums but that this ordinance is necessary and furthermore provides an exception procedure. To inventory all the parcels in order to place a geographic limit on the ordinance would be taxing on staff. Property owners have the right to come in and know what to expect, and this ordinance is the most efficient way of going about that.

Chignell said he was not persuaded to support this ordinance.

Cordingley said that the revising of the General Plan should be done in the most orderly and cost effective way possible. In order to do that, the Council could weave a net that is tightly woven, but what is instead proposed is a loosely woven net that allows the General Plan to be revised to be consistent but which is completely flexible to allow for exceptions.

Roberto said that rather than adopting an interim ordinance, which requires a 4/5 vote, the Council could adopt the proposed measures in an ordinance adopted through the normal, more lengthy, review process.

M/S, Sharp/Wooliever, to refer the proposed ordinance to the Planning Commission, with direction to the Commission to consider including an exception provision for property owners with hardship situations and to provide input on the timeline for updating the General Plan and Zoning Ordinance.

Following further discussion, it was the consensus of the Council to refer the proposed interim ordinance back to staff for revision in response to the concerns of the Councilmembers. The motion and second were withdrawn.

M/S, Sharp-Wooliever, to continue the policy of suspending review of applications for General Plan amendments, zone changes, amendments to the Zoning Ordinance, prezonings, annexations, major subdivisions and development and land use applications for properties whose present zoning is deemed inconsistent with the General Plan. Motion passed unanimously.

6. APPEAL OF ALMA R. WIEDERHOEFT OF PLANNING COMMISSION DENIAL OF SS-264, 327 BUTTERFIELD ROAD, A/P 5-022-62, TWO-LOT PARCEL SPLIT, AND THE INTIAL ENVIRONMENTAL REVIEW.

With the consent of the applicant, agenda item #6, Z-242, was tabled to follow the appeal of Alma Wiederhoeft.

The Planning Commission had denied SS-264 on the grounds that the findings for the requested exceptions to minimum lot width requirements and access requirements could not be made.

Since the time of the Commission meeting, the applicant had submitted new information on the width of the lots and staff now concurred that the parcels meet the width requirements. The only exception needed is to obtain access to the newly created parcel off an easement on an adjacent property. Public Works/Planning Director Kottage reported that if the appeal was upheld, soils and drainage reports would be required for the property prior to issuance of a building permit, and that he would recommend requiring design review of the new home.

Cecelia Bridges, attorney for Mrs. Wiederhoeft, said the parcel on which the access easement is located is also owned by Mrs. Wiederhoeft. She said Mrs. Wiederhoeft was agreeable to the design review condition. Furthermore, according to the negative declaration of environmental impact recommended by staff, the project will not create any significant adverse impacts, and neighbors' concerns about soils and drainage would be addressed in the respective reports.

Henk Van Den Broek, 12 Bay Tree Lane, read a letter signed by residents of Bay Tree Lane opposing the subdivision for the following reasons: 1. Bay Tree Lane was designed for use by only four residences and Mrs. Wiederhoeft did not contribute to this improvement because she said she had no plans to build; 2. The new home will change Bay Tree Lane from a cul-de-sac to a through street, which will end its favorable rustic character; 3. Four properties would suffer deprivation in property values; 4. They disagreed with the project engineer who said this was a stable area; they felt the subject property and area was unstable and construction would expose neighbors below to landslides; 5. Construction vehicles and vehicles from the new home will further deteriorate Bay Tree Lane, which is already in poor condition and would be costly to the city to repair; 6. They were concerned about the effect from the height of the new home; 7. Bay Tree Lane has a 25% grade, which contributes to air pollution from car exhaust fumes.

Kottage suggested a bond be required for repairs of any damage to the road during construction.

Marianne Howard, 2 Bay Tree Lane, expressed concern about the adverse impact of the construction on her foundation.

John Bruce, 9 Bay Tree Lane, objected to one driveway serving two lots.

Mrs. Wiederhoeft said there has never been a slide on her property.

Ted Broess, 13 Bay Tree Lane, said excavation is taking place on Kendrick behind Bay Tree Lane and that the engineers have not yet hit rock.

Rose Marie Schultz, 30 Woodside Drive, said she was familiar with Mrs. Wiederhoeft's property and that it is stable.

It was the consensus of the Council that the concerns of the neighbors could be addressed by placing conditions on approval of the project.

M/S, Walsh/Chignell, to approve the negative declaration of environmental impact, on the grounds that the project is small in scope and will not have a significant adverse impact. Motion passed unanimously.

M/S, Walsh/Chignell, to grant the appeal of Alma R. Wiederhoeft, 327 Butterfield Road, A/P 5-022-62, on the Planning Commission's denial of SS-264, a two-lot parcel split, subject to the following conditions:

1. Any residence constructed on Parcel B shall be subject to design review.
2. Soils and drainage reports shall be submitted to the Town for approval prior to any issuance of a building permit for this site.

3. A bond shall be required for repair of any damage to the road caused by construction vehicles or equipment during construction on the site.

4. The easement must be completed prior to the recording of the final map.

Such approval is granted on the grounds that the two-lot parcel split is consistent with the General Plan, the variance for the inadequate access is necessary for the preservation and enjoyment of substantial property rights in that all the infrastructure is in place and this is the only access feasible to the property, the granting of the variance will not have an adverse affect on the neighbors in that the conditions of approval will mitigate any potential detriment to public welfare, and it will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood in that design review will be required and there is adequate parking for turnaround space for emergency vehicles. Motion passed unanimously.

7. Z-242 - MR. AND MRS. PAUL ELLIOTT, 57 SUMMIT ROAD, A/P 7-013-41, PROPOSED REZONING FROM PPD R-1 (PRELIMINARY PLANNED DEVELOPMENT WITH A PRESUMPTIVE USE OF SINGLE FAMILY RESIDENTIAL) TO SPD R-1 (SPECIFIC PLANNED DEVELOPMENT FOR ONE SINGLE FAMILY DWELLING) AND APPROVAL OF THE ASSOCIATED NEGATIVE DECLARATION

Sharp abstained from this item due to a possible conflict of interest.

M/S, Wooliever/Walsh, to approve the negative declaration of environmental impact on the grounds that this project represents a less intense use than previously approved when an environmental impact report was prepared. Motion passed by the following vote:

AYES: Chignell, Cordingley, Walsh, Wooliever

ABSTAIN: Sharp

8. HALPRIN PARK HAZARD MITIGATION PROJECT: APPROVAL OF THE PROJECT AND FINANCING MECHANISMS, AND AUTHORIZATION TO ADVERTISE FOR PROJECT BIDS; CONTINUED TO MAY 12, 1987

9. ROBSTON-HARRINGTON PARK PATHWAY IMPROVEMENT PROJECT: APPROVAL OF FINANCING MECHANISMS, AND AUTHORIZATION TO AWARD CONTRACT

The San Francisco Foundation funds appropriated for this project had not been earmarked to be carried over to fiscal year 1986-87 and therefore the money had reverted to the General Fund.

M/S, Wooliever/Chignell, to re-appropriate the \$5,961 balance of the San Francisco Foundation Grant from the General Fund. Motion passed unanimously.

M/S, Walsh-Sharp, to award the contract for the Robson Park Improvement Project Schedule A and B to the lowest bidder W. R. Forde in the amount of \$11,340. Motion passed unanimously.

10. CONSIDERATION OF AGREEMENT WITH ROSS VALLEY SANITARY DISTRICT EXPANDING OPTIONS FOR EMPLOYEE DEFERRED COMPENSATION

The purpose of the reciprocal agreement is to offer Town employees options that are available under the deferred compensation program used by the Ross Valley Sanitary District and to offer Sanitary District employees options available under the Town's deferred compensation program. There is no added cost to either agency for this agreement.

M/S, Chignell/Wooliever, to authorize the Mayor to sign the agreement authorizing Town employees to make deposits into the Deferred Compensation plan of the Ross Valley Sanitary District No. 1, on a reciprocal basis. Motion passed unanimously.

11. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTION TO STAFF: STAFF MISCELLANEOUS ITEMS

Staff reported that the total cost to the Town of the weeklong 80th birthday celebration was \$1,271.

Garvey informed the Council that there will be meeting of the Redwood Empire Division of the League of California Cities on Saturday in Santa Rosa.

Chignell expressed his appreciation to Wooliever for her leadership during her term as mayor. Walsh and Sharp echoed the appreciation.

Lew Tremaine, Chamber Board member, asked the Council to consider formation of a City-Chamber Committee to plan the economic future of the downtown.

In response to a question from Walsh about a letter received from George and Enid Werham, 310 Laurel, Kottage said the structure about which they complained was built in compliance with Town codes.

Walsh asked about progress on San Anselmo's participation in the review of the proposed redevelopment project on the Marin Town and Country Club in Fairfax. Wooliever stated that San Anselmo has asked to be a part of the committee reviewing the project.

Cordingley asked the Councilmembers for approval of his draftletter to Supervisor Brown supporting the appropriation of County funds toward the Sir Francis Drake Blvd. improvement project.

Kottage asked whether he should take minutes at the Chamber of Commerce's Parking Committee meeting. It was the consensus of the Council that the committee should find someone else to fill this function.

12. CONSENT AGENDA

- (a) Approval of minutes of April 10 and 14, 1987.
- (b) Proclamation designating "Project Graduation Awareness Week"
- (c) Proclamation commemorating the 10th anniversary of Marin Abused Women Services
- (d) Proposed amendments to the San Anselmo Municipal Code, Title 4, Chapter 13, Private Trees, to place restrictions on the pruning of elm trees and also revising procedures involving heritage trees. CONTINUED TO MAY 26, 1987.
- (e) Proposed amendments to the San Anselmo Municipal Code, Title 10, revising Planning Commission appeal procedures. CONTINUED TO MAY 26, 1987.

M/S, Wooliever/Sharp, to approve the Consent Calendar. Motion passed unanimously, with the exception of an abstention from Walsh on the minutes of April 10 and an abstention from Wooliever on the minutes of April 14.

ADJOURNED at 11:20, in honor of Michael Garvey, to a continued closed session regarding a personnel matter.