

MINUTES OF THE SAN ANSELMO TOWN COUNCIL, SEPTEMBER 22, 1987

Mayor Cordingley convened the regular meeting at 8:00 p.m., following interviews with applicants to the Planning Commission beginning at 6:40 p.m., with Councilmembers Chignell, Sharp, Walsh and Wooliever present.

2. OPEN TIME FOR PUBLIC EXPRESSION

Mayor Cordingley announced that agenda item #6 regarding a request for an exception from an interim ordinance from Peter Fraser will be continued to the meeting of October 13. A resident of Redwood Road asked that a notice of the meeting on this item be posted on Redwood Road.

Pat Burton, 43 Alta Vista, asked if the Council would be taking action at this meeting on the Library Planning Committee report. Cordingley responded that the Council did not intend to take any action on the report other than to accept it.

3. APPOINTMENTS

Planning Commission (2 seats) - Cordingley stated that all 13 applicants to the Commission were well qualified for appointment.

Chignell noted that although he had been unable to attend the September 8 meeting when the Council interviewed five applicants, he had contacted all the applicants except Elliott, who was out of town.

The Councilmembers each stated their two choices for appointment.

M/S, Chignell/Wooliever, to appoint Tim Yarish. Motion passed unanimously.

M/S, Sharp/Cordingley, to appoint Jo Julin. Motion passed by the following vote:

AYES: Chignell, Sharp, Wooliever, Cordingley

NOES: Walsh

4. REPORT OF THE LIBRARY PLANNING COMMITTEE

Committee member Bill Sinski, 18 Lincoln, reported that the Committee had completed its study of the library and was ready to submit its report and recommendation to the Council. One group explored whether the present building was worth saving while another group looked studied the ideal library. Based on both of those studies, the recommendation of the Committee is that a new building be built.

Town Administrator Dickens recommended that the Council address the question of the long term affordability of operating a library, and appoint a committee to study that issue, prior to making a decision on building a new library. He noted that if the Town is to continue to have a library, he recommended the Council think in terms of a new building rather than rehabilitating the present building.

Chignell stated that there was tremendous support in the community for an independent library.

It was the consensus of the Council that the Committee had submitted an excellent report and that more time was needed for the public to review it before any kind of funding study committee is established.

Sarah Nome, 77 Alder Avenue, said a downtown location for a library is very expensive and takes available parking spaces away from shoppers. Town Librarian Wingate noted that an idea of having a library above a parking lot was briefly discussed.

M/S, Sharp/Chignell, to accept the report. Motion passed unanimously.

The councilmembers agreed by consensus to conduct a workshop or public hearing at the meeting of October 27 on the concept of establishing a committee as previously discussed.

5. APPEAL OF PLANNING COMMISSION DENIAL OF SS-268, A TWO-LOT PARCEL SPLIT, AND ENVIRONMENTAL REVIEW; TERRY SCHENK, A/P NO. 5-300-28, OFF CHERNE LANE.

This appeal was continued from the meeting of September 8 to allow staff to research whether the density of the Schenk property was discussed when the R-1-H zone ordinance was developed.

Chignell noted that he was absent at the previous meeting but had read the minutes and familiarized himself with the matter and asked Town Attorney Roth whether he could vote on the matter. Roth responded that if he felt he was familiar with the matter, than it was alright to participate.

Planning Consultant Roberto reported that there was no reference to the density on the Schenk property in the minutes on the R-1-H ordinance hearings or the previous subdivision on this property.

Eugene Schenk said that at the Planning Commission hearing on the previous subdivision on his property on June 18, 1984, two commissioners had said that they should go ahead with that lot split and that they would take a look later at the Cherne Lane property.

Schenk further stated that he was willing to grant an area for and build a turnaround on Cherne, without which people would have to drive onto his property to turn around. He said the development would not disturb the visual impact of the street, could only improve the street, and they have agreed to increase the flow of the fire hydrant. He said they are willing to do whatever the Fire Department wants them to do. He said building a house on this property would look better than a garage. They have consulted soils engineers who say there is geological stability on the site, there are civil engineers who have advised what to do with the fill on the property, and they would agree to resurface the road if any damage is done by construction vehicles. He said the house they built on the adjacent property added to the value of the homes in the neighborhood, and that this empty area was a perfect place to build a home. He said no one had ever mentioned the 1 unit per acre density before they started this application process.

Chignell asked whether the one unit per acre density limit was written either in the Municipal Code or General Plan. Roberto responded that there was no statement in the General Plan or zoning ordinance, but the table establishing the density on the hillside properties in the R-1-H zone states there is a one unit per acre density limit. He noted that this was a policy and the Council has the authority to change policy.

Sharp expressed the need for having a representative from the Planning Commission at Council hearings on appeals. He said the one unit per acre density limit was repeatedly discussed in meetings on the R-1-H ordinance. A former Commissioner, Sharp said he did not have any recollection that the Commission was going to allow an additional unit on the Schenk property later on. In general, when people asked if they could have additional units they were told they were not prevented from applying for this zoning and individual Commissioners may have said they might consider such a proposal. Sharp said that the zonings themselves demonstrate the policy of one unit per acre and that the policy should be maintained. He did not see a density in the R-1-H zone of greater than 1 unit per acre, and that in itself sets a policy.

Terry Schenk said they have gone through six months of study and were never informed of the one unit per acre limit. He said they would have

never proceeded with the plans if they had been aware of the limit. He said this half acre site is larger than any lot on the street and is in the midst of a row of houses.

Sharp said he was not unsympathetic to the Schenks having to go through the process, but submitting an application did not in and of itself guarantee approval.

Walsh said she recalled the issue of one unit per acre being published in the newspapers.

Carolyn Turner, Los Angeles Boulevard, said she remembered the one unit per acre density being publicized.

The councilmembers all agreed that the one unit per acre density should be written into the Municipal Code.

Wooliever noted that the Council is obliged to review individual applications on their own merits and that they should feel that there is latitude to make judgements in each case about appropriate planning requirements. She said she also felt an obligation to subscribe to the process used in determining the R-1-H densities.

Cordingley agreed that even though a greater density was being proposed, it was appropriate for the Council to consider this request. He recalled being aware of the hearings on the R-1-H zone when the one unit per acre density was discussed.

Public Works/Planning Director Kottage said there was nothing to prevent the Schenks from submitting the application requesting a greater density than one unit per acre, and that the one unit per acre policy is always subject to review and change. Both Kottage and Roberto said they informed the Schenks on more than one occasion of the density limit.

M/S, Sharp/Walsh, to deny the appeal of the Planning Commission approval of SS-268, a two-lot parcel split, and environmental review, on the grounds it is in conflict with the General Plan policies, specifically the policy regarding a one unit per acre maximum density in the R-1-H zone, and finding number 2 of the Planning Commission's denial that approval of the rezoning to allow for more dwelling units than provided for in the "Table of Hillside and Ridge Density Parcels" would set a poor precedent. Motion passed unanimously.

6. REQUEST FOR EXEMPTION FROM ORDINANCE NO. 886, AN INTERIM ORDINANCE PROHIBITING THE PROCESSING OF CERTAIN PLANNING APPLICATIONS, TO ALLOW THE FILING OF AN APPLICATION FOR A MAJOR SUBDIVISION (FOUR OR MORE LOTS), BY PETER FRASER ET AL, REDWOOD ROAD, A/P NOS. 7-071-03, 7-101-02 AND 7-154-04.

Continued to October 13, 1987.

7. APPEAL OF PLANNING COMMISSION APPROVAL OF AN AMENDMENT TO CONDITION A-1 OF RESOLUTION 85-1 OF THE PLANNING COMMISSISON TO ALLOW SOME FLEXIBILITY IN BUILDING CONSTRUCTION OUTSIDE OF THE BUILDING ENVELOPES SHOWN ON THE APPROVED TENTATIVE MAP IF WARRANTED FOR A BETTER BUILDING DESIGN, QUARRY MOUNTAIN, INC., END OF TOMAHAWK DRIVE, A/P NOS. 177-220-50, 177-250-40 AND 177-250-41.

Planning Consultant Roberto reported that one of the conditions of Planning Commission Resolution 85-1 was that construction would not take place outside the building envelopes designated on the Tentative Map. When the applicant submitted the plans for architectural review, the buildings exceeded the envelopes. After discussing the concept of construction exceeding the envelopes, the Commission decided that they wanted to give credence to exceeding the envelopes as long as two findings could be made: one, that it will result in an overall better design of the building and its relationship to other structures on and

off the property; and two, that it is consistent with the intent of the R-1-H zone and will not result in any adverse visual impacts on or off the subject lot.

Roberto reported that staff feels some flexibility might be appropriate since the envelopes were adopted prior to knowledge about the design of the buildings, adding that this is a policy issue that is under appeal.

Bruce Burman, project developer, said that when the building envelopes were originally designed, they thought the homes would be two-story. Subsequently, the Commission proceeded to develop an ordinance for a height limit of 18 feet in the R-1-H zone. Although that ordinance has not been adopted, Burman said they lowered the height of some of the homes to one story in the spirit of the draft ordinance. He noted that the resolution only allows the Commission to look at the idea of building outside the envelopes, and that they proposed no heated space outside the envelopes.

Larry Stack, 10 Alice Way, represented the appellant, who was called out of town on an emergency. He said there was plenty of time for the applicant to redesign the projects to conform with the envelopes. He acknowledged that the developer has the right to all the approvals granted to date, but that he also has the obligation to comply with the conditions of approval. One of his concerns is that it is unclear whether the request to build beyond the envelopes applies to nine lots or all 12 lots. He said the public has not requested that the building envelopes be changed or reduced; all they are asking is compliance with the existing approvals.

Stack read from a letter written by Schwartz-Waag & Associates, project engineers, wherein he said it is stated that the building envelopes were arbitrarily established. Stack said it was not credible that the developer would agree to arbitrarily set the envelopes; if this was the case, the public requests that they be reduced.

Stack said the neighborhood feels that building outside the building envelopes does not promote better design and increases the adverse visual impact because the garage and houses do not have a low profile. He said the average size of the Quarry Mountain homes are twice the average size of the homes in the surrounding neighborhood, and that a large amount of space between homes reduces their profile. He said that to build outside the envelopes means that the project would be out of scale with the neighborhood in that it would be too dense, that the overdevelopment would be disruptive to the neighborhood, it is not harmonious with the surrounding area, the Town or the General Plan, and the high profile of the homes is neither desirable nor permissible according to the hillside density ordinance and ridgetop development policies.

The following persons spoke in favor of denying the appeal:

David Israel, 47 Indian Rock Road  
Bill Deer, 63 Indian Roack  
Steve Barrett, 97 Woodside  
Dave Lazelle, Oak Crest

The following persons spoke in favor of sustaining the appeal:

Barry Spitz, 155 Los Angeles Boulevard  
Steve Best, 46 Elkhorn  
Albert Barsochini, 4 Blackhawk  
Fred Winkler, 32 Salinas  
Bonnie Bompert, 32 Salines  
Sarah Nome, 77 Alder Avenue  
Ed Tilton, Ridge Road  
Nancy Olson, 1329 San Anselmo Avenue  
Barrett Denton, 53 Miwok

Roberto showed the plans submitted to date where proposed construction exceeds the building envelopes. He said that the issue of the size and height of the homes can be dealt with in any way deemed appropriate by the Commission.

Walsh asked what future owners would have to do if they wanted to add onto the homes. Roberto responded that they would have to go through the same process of requesting construction outside the building envelope.

Wooliever commented that the design review process will have its own checks and balances and supported flexibility on the part of the Commission on this issue.

Sharp said that in theory he did not have a problem with giving the Commission flexibility on this issue, but did not support the wording of the findings to be made by the Commission to approve construction outside the building envelope. For example, he felt that the finding that it would "result in an overall better design" was arbitrary and incapable of definition.

Chignell stated that his visceral feeling was that they should support the Planning Commission in that the Commission is the appropriate forum for the decision on construction outside the building envelopes and they are unanimously convinced of the need for this flexibility. He agreed with Sharp's comments about the wording of the findings and thought the resolution should be sent back to the Commission to make the findings more succinct, particularly the finding of "design benefit."

Public Works/Planning Director Kottage expressed difficulty in defining "good design."

Cordingley said he thought the development should not exceed the building envelopes and that the developers should instead make the homes smaller in size.

M/S, Wooliever/Walsh, to deny the appeal of the Planning Commission approval of an amendment to Condition A-1 of Resolution 85-1 of the Planning Commission to allow flexibility in construction outside the building envelopes as stated in the resolution of the Planning Commission adopted August 24, 1987 if warranted for better building design, if consistent with the intent of the R-1-H zone and if it will not result in any adverse visual impacts, in that there is intrinsic value in allowing flexibility for the Planning Commission to determine modifications of the building envelopes if the required findings can be made. Motion failed by the following vote:

AYES: Walsh, Wooliever

NOES: Chignell, Sharp, Cordingley

M/S, Wooliever/Walsh, to support flexibility for Planning Commission so they can approve projects exceeding building envelopes as a concept. Motion passed by the following vote:

AYES: Chignell, Walsh, Wooliever

NOES: Sharp, Cordingley

M/S, Wooliever/Walsh, to refer the matter back to the Planning Commission for greater specificity.

Motion passed by the following vote:

AYES: Chignell, Sharp, Walsh, Wooliever

NOES: Cordingley

Town Attorney Roth advised that no action may be taken on the architectural review of the Quarry Mountain projects until this matter is resolved.

Roberto noted that if the findings for approving construction outside the building envelopes are revised, the Commission will have to reconsider the projects approved under the old findings to determine whether they meet the revised findings.

8. ADOPTION OF 1987-88 BUDGET

- (a) Resolution No. 3030 adopting the budget for the fiscal year commencing July 1, 1987.

Chignell asked why the revenue for the Municipal Services Tax had dropped \$30,000 from the preliminary budget figures. Town Administrator Dickens responded that this revised figure was based on actual revenues from 1986-87.

Wooliever commented that there is an effort to perpetuate the FAST transit system and that she has advised the participating agencies that if the shuttle continues, San Anselmo's involvement would have to be minimal.

Chignell said he wanted to California Police Officers Association dues removed from the budget if they have not been deleted already. Dickens reported that these dues are not part of the agreement with the Police Officers Association and therefore could be omitted from the budget.

Sarah Nome, 77 Alder Avenue, expressed disappointment that there is no cash flow chart available. She argued that the contract approved by the Council provided for the Assistant Recreation Director to be hired on an 80% basis, but she has been getting paid for a five-day week. She said that if the contract is being changed, it should be brought back to the Council.

Herman Kramer, 1 Allemand Place, asked when the budget would be available to the public. Dickens responded that the sheets given to the Council were available now, the budget with the revisions proposed this evening would be available in a week, and the final budget will not be available for awhile due to additional revisions that may develop in the final 1986-87 audited actual figures.

M/S, Chignell/Wooliever, to approve Resolution No. 3030 adopting the budget for the fiscal year commencing July 1, 1987, consistent with the appropriations shown on attached Exhibit "A", with the condition that no funds be used for the California Police Officers Association. Motion passed unanimously.

- (b) Resolution No. 3031 establishing the appropriations limit for fiscal year 1987-88.

M/S, Chignell/Wooliever, that pursuant to Government Code Section 7910, and based on documentation submitted by the Town Administrator, which documentation has been available to the public for the required period, the Town Council establishes the appropriation limit for the Town of San Anselmo for Fiscal year 1987-88 under Article XIII-B of the State Constitution at \$3,245,930, and approves Resolution No. 3031 stating said appropriations limit. Motion passed unanimously.

9. REPORT ON STRUCTURAL PROBLEMS IN THE SAN ANSELMO AVENUE FIRE STATION, EMERGENCY RESOLUTION AUTHORIZING THE PERFORMANCE OF EMERGENCY REPAIRS, AND AUTHORIZATION FOR TOWN ADMINISTRATOR TO EXECUTE CONTRACT FOR EMERGENCY REPAIRS WHERE COST MAY EXCEED THE LIMITS ESTABLISHED BY THE STATE GOVERNMENT CODE.

M/S, Wooliever/Sharp, to approve Resolution No. 3032 declaring that an emergency exists at Fire station No. 19 (777 San Anselmo Avenue)

and that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health and property. Motion passed unanimously.

M/S, Wooliever/Sharp, to authorize the Town Administrator to negotiate and sign a contract for emergency repairs to Fire Station No. 19, not to exceed a total amount of \$10,000, direct the Town Administrator to investigate funding of this repair by payment from insurance funds, and authorize the Town Administrator to make payments from the General Fund contingency fund if payment cannot be secured through insurance funds. Motion passed unanimously.

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

Collins - Wooliever inquired about the status of the use of the upstairs of the Tamalpais Theater by Carter Collins.

Red Hill - Chignell noted that there was information in the newspaper about housing proposals at the Red Hill School site. He noted there was alot of concern in the community about that site and suggested the previous committee studying this site be re-established.

11. CONSENT AGENDA

- (a) Approval of Warrant nos. 1887 through 1944 and 66,286 through 66,359 in the amount of \$297,861.14.
  - (b) Approval of minutes of September 8, 1987.
  - (c) Waive reading and introduce ordinance amending Town Code Title 10, Chapter 13, Private Trees, to place restrictions on the pruning of elm trees and revising procedures involving heritage trees, as previously discussed.
  - (d) Proclamation recognizing the United Way Campaign.
  - (e) Proclamation recognizing the "Great American Smokeout" on November 19.
  - (f) Proclamation designating October 4 through 10 as "Mental Illness Awareness Week."
  - (g) Agreement for engineering services with the County of Marin for Redwood Road overlay project and Halprin Park hazard mitigation project.
  - (h) Proposed amendments to the San Anselmo Municipal Code, Title 10, revising Planning Commission appeal procedures.
- CONTINUED TO OCTOBER 13, 1987.

12. ADJOURNMENT

On motion duly made and seconded, the meeting was adjourned at 11:14 to a closed session regarding labor negotiations, and thereafter to a closed session on September 28, 1987, at 6:00 p.m. regarding labor negotiations, and thereafter to the next regular meeting of October 13, 1987.

Beth Calamar