

MINUTES OF THE SAN ANSELMO TOWN COUNCIL MEETING OF MARCH 22, 1988

Mayor Cordingley convened the meeting at 8:00 p.m., following a closed session beginning at 6:00 p.m. regarding personnel matter and pending litigation, pursuant to Government Code Section 54956.9(a) (Nome vs. San Anselmo and Heinecke vs. San Anselmo), and interviews with applicants to the Robson-Harrington House Association Board of Directors beginning at 7:45 p.m., with Councilmembers Chignell, Sharp, Walsh and Wooliever present.

2. OPEN TIME FOR PUBLIC EXPRESSION

William Jelinek, 53 Florence, asked that copies of the minutes of all Town commissions be on file in the library.

Sarah Nome, 77 Alder Avenue, objected to the request on the consent agenda for funding for volunteer and employee recognition events.

Walter Firestone, 37 Oak Springs, expressed concern about being unable to obtain an answer to a question from the Police Department about new legislation concerning transportation of handguns, and felt the police and fire chiefs should wear their uniforms.

3. APPOINTMENTS

(a) Robson-Harrington House Association Board of Directors.

M/S, Sharp/Walsh, to re-appoint Richard Tracy to a four year term, to expire February, 1992. Motion passed unanimously.

M/S, Chignell/Walsh, to appoint William Jelinek to a four year term, to expire February, 1992, based on his written resume, his interest in the building and the park, and that he has been active on a number of issues in Town and has a deep and abiding interest in serving. Motion passed unanimously.

(b) Open Space Committee

One vacancy has been advertised but another has arisen due to the resignation of Ann Adams. It was the consensus of the Council to advertise the second vacancy.

(c) Board of Review

Barbara Verkozen has expressed interest in re-appointment to the Board. An application was received from Pieter Toal.

M/S, Walsh/Wooliever, to close nominations. Motion passed unanimously.

M/S, Walsh/Chignell, to accept the application of Pieter Toal and re-appoint Barbara Verkozen to the Board of Review, with the term to expire December, 1992. Motion passed unanimously.

4. REQUEST FOR ENDORSEMENT OF PROPOSED MAJOR CRIMES TASKS FORCE FISCAL YEAR 1988-89 BUDGET AND COST SHARE ALLOCATIONS.

The countywide Major Crimes Task Force Oversight Committee requested endorsement of the proposed Task Force fiscal year 1988-89 budget and cost share allocations among the participating jurisdictions.

Police Chief Del Santo said that San Anselmo has had an officer in the program for three years.

Chignell said he completely supported the task force, but based on San Anselmo's deployment problems, perhaps another agency should send an officer in place of San Anselmo.

M/S, Chignell/Wooliever, to support San Anselmo being involved in the Major Crimes Task Force for fiscal year 1988-89, and to fund the budget and San Anselmo's contribution for fiscal year 1988-89 as specified in the memorandum dated February 10, 1988. Motion passed unanimously.

5. REQUEST FROM POLICE DEPARTMENT TO PURCHASE TWO POLICE CARS

Town Administrator Dickens reported that typically two replacement police vehicles are purchased annually, but none were included in the 1987-88 budget due to funding constraints. The Police Department has reported that the two vehicles they intended to replace will require significant amount of maintenance prior to the end of the next fiscal year. The Town has the opportunity to order two vehicles now; if they are not ordered now, the next opportunity is January, 1989 and the vehicles would not be delivered until May 1989. The options before the Council were to order one or two vehicles now with the funds to be allocated in the 1988-89 budget, or wait until January to order one or two vehicles beyond their economically viable time.

Police Captain Schmidt explained that the vehicles have more than 75,000 miles and their mechanics expect there would be an additional \$6,000 to \$8,000 in maintenance costs to keep them in operation until May 1989.

Bill Bandy, 202 Saunders, suggested that some of the \$25,000 budgeted this year for downtown revitalization could be applied towards purchase of the vehicles if the downtown merchants do not come up with a proposal for use of the funds. He questioned whether it was realistic to turn in vehicles after 60,000 to 70,000 miles or if they should wait.

Sarah Nome, 77 Alder, suggested the Town use the funds earmarked for the volunteer and employee recognition events.

Walter Firestone, 37 Oak Springs, supported buying one vehicle now.

Herm Kramer, 1 Allemand Place, said the Town should not commit at this time for two cars, and it was doubtful it should commit for one, noting it will be a different Council that will pass the budget.

It was the consensus of the Council that in the long run more funds would be expended because of maintenance costs if the new vehicles are not purchased.

M/S, Walsh/Chignell, to order two police vehicles now. Motion passed unanimously.

6. EXCEPTION REQUEST TO INTERIM ORDINANCE NO. 893 BY R. STEWART KAHN, OAK SPRINGS DRIVE AND THERESA DRIVE, A/P 5-011-60, TO PERMIT THE PROCESSING OF PLANNING APPLICATIONS FOR DEVELOPMENT IN AN R1-H DISTRICT (HILLSIDE DENSITY DISTRICT)

Town Attorney Roth reported that the Subdivision Map Act requires that when the Town has knowledge that a property has been divided illegally, it is required to notify the owner and conduct a hearing regarding this violation. The Thurmond parcel appears to have been illegally created, and therefore the hearing process must be completed to determine the status of the application. His recommendation was that this item be continued until after the legal status of the properties affected by the application is determined.

Mr. Kahn stated his objection to holding up processing his exception request pending the outcome of the Thurmond property issue, which he felt did not relate to his request.

M/S, Chignell/Walsh, to continue the matter.

M/S, Sharp/Wooliever, to take the matter off of the calendar until determination of the legal status of the properties affected by the application is determined. Motion passed unanimously.

7. QUARRY MOUNTAIN SUBDIVISION: DISCUSSION OF ACCESS THROUGH SITE TO PUBLIC OPEN SPACE LAND.

Town Attorney Roth reported that the property owners have fenced off the Quarry Mountain project site area for the duration of construction in response to continuous vandalism and because there is a lot of equipment on the property. This fencing blocks access to the public easements through the property to public open space that have been offered for dedication but which have not yet been formally accepted by the County Open Space District. Until the easements are accepted, the access over the property is still privately owned. The property owners have said that if the Town forces them to remove the fence, they will hold the Town liable for any damage, and that there is another, although more circuitous route, to the public open space.

Public Works/Planning Director Kottage reported that there is some hazard associated with the construction site and that typically construction sites are fenced off until the major work is done, and that it would be irresponsible to recommend removal of the fence.

Larry Stack, 10 Alice Way, said neighbors of the property did not like the fact that the public access is blocked off and felt it was very easy to fence off the site at other areas to make sure it was a safe environment yet assure access to the public open space. He said the neighbors objected to the developers unilaterally putting up the fence without the concurrence of the Open Space District and the Town.

Steve Best, 46 Elkhorn, said the public cannot get through the other property that accesses the open space because it is for sale, and that they just wanted the ability to walk through the Quarry Mountain property to get to the public open space.

Jonathan Braun, Scenic Avenue, suggested the developers just fence off the construction site and leave the access over the pavement open.

M/S, Sharp/Chignell, to continue the matter to the next regular meeting and direct staff to pursue whether there were other ways to fence the construction site without blocking public access to the open space and to determine whether there was an alternative access route to the open space. Motion passed unanimously.

8. APPEAL OF PLANNING COMMISSION DENIAL OF A PORTION OF PP-10 AND V-2209 FOR LEE COLE PROPERTIES, THE ALAMEDA, SOUTH OF 443 THE ALAMEDA, A/P 177-220-54, DRIVEWAY EASEMENT.

Planning Consultant Roberto explained that the Planning Commission denied without prejudice the applicant's variance application to construct a roadway over a portion of A/P 5-043-16, 22 and 31. The applicant proposed to improve an 18 foot wide access within The Alameda easement. The Fire Department required a turnaround and the applicant proposed to locate it on property owned by someone else. The owner's permission for this turnaround has not been submitted. Roberto noted that it was not the intent of the Commission to deny the applicant access to his property, but that the variance could not be granted without obtaining the consent of the owner of the property where the turnaround will be located.

Town Attorney Roth noted that the property owner cannot be denied access to his property and therefore a variance must be granted and he should be allowed to re-apply with a satisfactory solution. He reported that the applicant is in arrears in Town

fees, but advised that the appeal be acted on because of an impending deadline for action.

Planning Commissioner Zaharoff explained that the Commission could not grant the application because of the issue of the ownership of the turnaround area, but would have considered extending the application if the applicant had been agreeable to the extension.

Michael Carradine, representing Lee Cole Properties, said they have been trying for two years to get a driveway easement. At the last Commission meeting, they stated they could place a turnaround in the County area and on Lee Cole properties. Since the last meeting, they have discussed it with J. K. Mailer, the owner of the turnaround property, who is willing to give permission for the turnaround. Carradine said staff wanted to make other conditions besides the turnaround.

Roberto said a plan showing the improvements with the Fire Department's approval noted would be required, and that written permission for the turnaround was needed. He noted that there was quite a lot of testimony that the Council had not yet heard from the public concerning the proposed development and access.

Roth noted that the Council could extend the application if the applicant was agreeable to the extension. Mr. Carradine stated he would agree to an extension.

Dan Goltz, 107 Holstein, expressed concern that the access to the three homes in County jurisdiction would block access to the lot in San Anselmo on The Alameda.

Frank Burger, 324 The Alameda, said neighbors have been coming to many meetings of the Planning Commission and they have never really known what exactly was the proposal was. He said alternate means of access needed to be investigated, and that the soils reports show that the types of access that need to be provided will create a detriment to the neighborhood.

Roberto said there are a number of environmental issues raised by staff, some of which were and were not resolved. The determination of whether to require an environmental impact report has not been resolved.

M/S, Sharp/Walsh, to extend the application of Lee Cole properties for 90 days from March 26, 1988 to allow the applicant to revise his application consistent with the comments made in public this evening, and that the application would be denied if no consent to the extension in writing by the property owner is received by the Town by Friday at noon, and if the consent is received, the revised application is to be sent back to the Planning Commission. Motion passed unanimously.

9. EXCEPTION REQUEST TO INTERIM ORDINANCE NO. 893 BY PAUL J. AND MARIE NAVE AND ANDY BACHICH, A/P 7-201-08, OAK AVENUE (WEST OF 535 OAK AVENUE) TO PERMIT THE PROCESSING OF PLANNING APPLICATIONS FOR DEVELOPMENT IN AN R1-H DISTRICT.

The applicants have requested an exception to the interim ordinance under both Sections 1D3 and 1D4, on the grounds that the granting of the permit would not jeopardize the orderly review of the general plan and zoning ordinance and would not be detrimental to the health, safety, and general welfare of persons or property in the area.

Planning Consultant Roberto advised that in staff's opinion the granting of the exception permit would jeopardize the orderly review of the general plan as an application for the subdivision of A/P 7-201-08 would involve issues of adequacy of roadway access, public safety as regards fire protection, sewer and water service and hillside and ridge development policy. Staff did not

see anything unique to the property to incur a financial hardship and could not make the findings for approval.

Mr. Bachich stated that the application would not impact the orderly review. He said they have talked to the Marin Municipal Water District about buying a water tank, they have two culverts for drainage, the neighbors have said there is no traffic problem there, they are not on a ridge, their property is not targeted for open space, and the house below will not be able to see them. He said the kinds of issues that staff raised should come up when the application is processed. He said they spent a lot of time designing a septic system but that they will probably hook into the sewer system. He felt they have been poorly noticed about Town meetings and that he had not been notified about the Council meeting. There were a lot of hardships associated with the property because they do not have easy access to water or sewer systems.

Nancy Cecil, 1 South Oak Avenue, said there is a very serious problem with the road, noting it is a single lane.

Michael Rosa, 535 Oak Avenue, expressed concern about the adequacy of the road in the event of fire. He said the road has to be fixed, noting it was only passable by one vehicle. He supported responsible development, adding that before any more subdivisions are allowed the Town should take a look at the road.

Gary Nielson, 32 Dockside Circle, San Rafael, said the Town was not formalizing any policy by allowing them to apply for the subdivision.

Greta Hicks, 663 Oak Avenue, said the road, which is not Town maintained, is in such poor condition that the neighbors joined together to repave it. The water tank serving the area is so archaic that they have to pump the water up. The real problems in the area are getting water and having adequate fire protection given the narrow and unsafe road. She did not feel it was a developable area.

Edward Cecil, 1 So. Oak Avenue and attorney for the owner of 500 Oak Avenue, supported the interim ordinance and did not feel an exception should be granted in this case. He has been attending the workshops on review of the General Plan and felt the review should be completed before processing this subdivision application.

Hugh Cadden, Shady Lane, Ross, supported the exception request but felt the Council was compelled to deny it. He said he was confident that they will build their homes in the hillsides, and that it was just a matter of time and how much money will be spent in confrontation between the Town and the property owners. He asked whether the Town was on track in meeting the deadline for the General Plan review.

Roberto responded that they were within the timeline for the work program but did not know where the Town would be May 12, the date the interim ordinance expires.

Mr. Nave said that all they were requesting was a chance to submit a subdivision application. Finances were not the sole reason for the exception request, but the hardship created by getting a water and sewer system to the site. He said they were 500 feet from the sewer line, which means an expensive hookup plus obtaining sewer easements, and getting a water system in will also be expensive and difficult. He felt the road was adequate and that one or two more cars will not make a difference.

Walter Tamley, 951 South Oak Avenue, asked whether they owned enough acreage to subdivide.

Sharp said he was not unsympathetic to the positions of the applicants but that he would have a hard time making the findings that allowing this application to proceed would not interfere with the orderly review of the General Plan. He agreed it was a difficult parcel but did not think the hardships were created by the Town not allowing the process to proceed.

Walsh said she did not support the interim ordinance, that she did not see total neighborhood opposition to the application and that she would support allowing the applicants to file the application. She asked how one exception request could be approved and not another.

Wooliever said that the interim ordinance was established in good faith to allow exceptions where warranted to the ordinance. Her concern was the sensitivity of the site and the access. She expressed concern about the applicant's communication with Town staff and any confusion they encountered in the process, noting that the intent of the ordinance was to clarify planning policies for applicants.

Chignell stated that granting the exception would interfere with the orderly review of the General Plan. He said there was no doubt that they will get a fair review of their application when the time comes, but that he could not make the findings for approval of the exception request based on the issues presented at this meeting and in the staff report.

Cordingley commented that even though it was a small number of units proposed, he could not make the findings for approval of the exception request.

M/S, Chignell/Sharp, that a suitable resolution be prepared denying the exception request based on the fact that approval of the permit request would jeopardize the orderly review of the General Plan, with specific reference to the issues of roadway access, water and sewer systems, and ridge and hillside development, and would be detrimental to public health and safety as applied to the neighborhood in general. Motion passed by the following vote:

AYES: Chignell, Sharp, Wooliever, Cordingley

NOES: Walsh

10. INTRODUCTION OF ORDINANCE AMENDING TITLES 5 AND 9 OF THE TOWN CODE BY REPEALING VARIOUS SECTIONS RELATING TO CREEKS, STREAMS AND STRUCTURES WITHIN OR ABUTTING CREEKS, AND AMENDING TITLE 9, CHAPTER 17, PROTECTION OF FLOOD HAZARD AREAS, AND CHAPTER 18, WATERCOURSES.

Public Works/Planning Director Kottage reported that the federal government is requiring that in order for the Town and its residents to participate in the national flood insurance program, it must establish floodplain development ordinances. Staff took this impetus to review and update the Town's other watercourse related standards. The result is a three part ordinance: Division 1 repeals the existing portion of the Town Code relating to watercourses in order to codify the code sections on this issue; Division 2 is based on the model floodplain ordinance supplied by the Federal Emergency Management Administration that has been rewritten to account for local conditions and requirements for San Anselmo; Division 3 contains the proposed technical requirements for construction of structures that could be affected by the watercourses. The effect of the ordinance will be to decrease flood damage for any new or rebuilt structures within certain flood zones.

M/S, Chignell/Sharp, to waive reading of the ordinance. Motion passed unanimously.

Dave Bacigalupi, 56 Alder Avenue, asked how staff arrived at this ordinance.

Public Works/Planning Director Kottage explained that part of the ordinance was based on FEMA's model ordinance and another part was based on San Rafael's watercourse ordinance.

Herm Kramer, 1 Allemand Place, asked if anyone had looked at the impact of this ordinance on existing and future development.

Kottage responded that without the ordinance, the Town would be ineligible for past and future FEMA funds and would be exposed to substantial increased liability. The second part of the ordinance is oriented toward to improvements to property of structures subject to watercourse damage, and maintaining drainage courses free of debris.

M/S, Chignell/Sharp, to introduce an ordinance amending Titles 5 and 9 of the Town Code by repealing various sections relating to creeks, streams and structures within or abutting creeks, and amending Title 9, Chapter 17, Protection of Flood Hazard Areas, and chapter 18, Watercourses. Motion passed unanimously.

11. TRANSPORTATION REPORTS:

(a) 101 Corridor Action Committee: Sharp reported that the Committee will be taking a vote on transportation options at its April 13 meeting and asked that this item be continued to the April 12 Council meeting.

(b) Transportation Expenditure Plan Committee: Wooliever reported that the Committee took a vote on whether to proceed with a November 1988 election on a sales tax for transportation funding. The result of the vote was not to eliminate the possibility and a committee was established to formulate questions for an opinion poll.

12. TRANSPORTATION FUNDING FOR SIR FRANCIS DRAKE BOULEVARD IMPROVEMENT PROJECT

Town Administrator Dickens asked that this item be added to the agenda because the need to take action arose following the posting of the agenda.

M/S, Chignell/Wooliever, to add the item to the agenda. Motion passed unanimously.

Dickens reported that the County hearing to discontinue urban thoroughfare funding was scheduled for March 29 and requested authorization to send someone to the meeting to protest the discontinuance. He noted that the Town was likely to receive funding to improve Sir Francis Drake Blvd. if the funding program is continued.

M/S, Chignell/Sharp, to direct staff to attend the meeting to support the urban thoroughfare funding program. Motion passed unanimously.

13. CONSENT AGENDA

- (a) Approval of minutes: March 8, 1988.
- (b) Proclamation declaring May 1 to May 7 as Marin Suicide Prevention Week - "A Celebration of Youth."
- (c) Approval of Resolution setting management salaries.
- (d) Approval of Resolution commending Sgt. Don Nelson upon his retirement after 29 years of service.
- (e) Acceptance of annual report from the Tax Equity Board.
- (f) Approval of funding for volunteer and employee recognition events.
- (g) Appeal of Planning Commission denial of U-632 and V-2209 for Marilyn Izdebski Dance Productions, 330 Sir Francis Drake Boulevard, A/P 6-251-04, use permit and

parking variance for a dance school in a C-3 zoning district. CONTINUED TO APRIL 26, 1988.

- (h) Appeal of Planning Commission approval of V-2207 for Wie-Shing and Lorraine Lee, 208 Brookside Drive, A/P 5-132-28, a 2 foot frontyard variance and a 6 foot north sideyard variance to enlarge a garage to accommodate two vehicles within 18 feet of the front property line and 2 feet of the north side property line with a 6 inch roof overhang. CONTINUED TO APRIL 12, 1988.
- (i) Approval of a closure of a portion of San Anselmo Avenue on May 22 for the Antique Faire.

M/S, Chignell/Sharp, to approve the Consent Agenda. Motion passed unanimously.

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

April 19 meeting: Dickens recommended there be a special meeting April 19 to canvass the election results and make the transition from the current Council to the new Council.

Sound system: Kottage reported that the new sound system for the Council Chambers was ready to be installed.

Downtown Association: Chignell acknowledged receiving two letters from the Downtown Business Association and asked that the funding request be placed on the next Council agenda.

FAST: Wooliever reported that a request was submitted for 10 month funding from the Marin Community Foundation for the FAST bus. Interim funding was granted, but there was a request that San Anselmo and Fairfax provide interim two month funding.

Open Space Plan: Cordingley noted that the Open Space Committee had requested a response from the Council to its plan and asked that this item be on the next agenda.

15. ADJOURNMENT

The meeting was adjourned at 11:20 p.m.

Beth Calamar