

MINUTES OF THE SAN ANSELMO TOWN COUNCIL MEETING OF APRIL 12, 1988

Mayor Cordingley convened the regular meeting at 8:00 p.m. following a closed session regarding a personnel matter, pending litigation pursuant to Government Code Section 54956.9(c) (Richard E. Nagley), and pending litigation pursuant to Government Code Section 54956.9(b((1), beginning at 6:45 p.m., with Councilmembers Chignell, Sharp, Walsh and Wooliever present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

James Miller, 1600 Sir Francis Drake Boulevard, whose son is a senior at Sir Francis Drake High School, announced that there will be a Graduation Night event designed to be a safe, non-alcoholic alternative and that funds were being solicited to help those students who cannot afford to attend. Cordingley asked that the item be on the next regular agenda.

3. PRESENTATION BY MARIN COUNTY SUPERVISOR HAROLD C. BROWN

Supervisor Brown presented Resolutions of the County Board of Supervisors to outgoing Councilmembers Cordingley and Wooliever expressing its appreciation for their service to the community.

4. RESOLUTION DENYING AN EXCEPTION REQUEST TO INTERIM ORDINANCE NO. 893 BY PAUL J. AND MARIE NAVE AND ANDY BACHICH, A/P 7-201-08, OAK AVENUE, TO PERMIT THE PROCESSING OF PLANNING APPLICATIONS FOR SUBDIVISION IN AN R-1 H DISTRICT.

M/S, Chignell/Sharp, to approve Resolution No. 3053, a resolution denying an exception request to interim Ordinance No. 893 by Paul J. and Marie Nave and Andy Bachich, A/P 7-201-08, Oak Avenue, to permit the processing of planning applications for subdivision in an R-1 H district, based upon the findings under Section 1D3 and 1D4, specifically findings 1 through 5 on 1D3 and 1-4 under the 1D4 of the staff memorandum. Motion passed by the following vote:

AYES: Chignell, Sharp, Wooliever and Cordingley

NOES: Walsh

5. RESPONSE TO THE SAN ANSELMO OPEN SPACE COMMITTEE'S OPEN SPACE PLAN.

The Open Space Committee presented an open space plan at a General Plan workshop and asked that the Council express its views on it. Staff drafted a proposed Council response to the plan thanking the Committee for its work and noting that the appropriate mechanism to consider the recommendations in the plan is the General Plan review process.

Jonathan Braun, Chairman of the Open Space Committee, expressed appreciation for the recognition and concurred with incorporating the ideas of the plan into the General Plan. The Committee had hoped to receive some direction from the Council on whether it concurred with the recommendations and goals in the plan. He reported that he has contacted the Town of Ross to arrange for a meeting regarding Mt. Baldy.

Walsh approved the letter as drafted but expressed concern about the rights of property owners, notably with respect to them obtaining a fair market price for any land obtained by the Town for open space through inverse condemnation.

Wooliever expressed appreciation and support for the report and concurred with the idea of cooperating with neighboring communities to preserve open space assets.

Chignell agreed with Wooliever's comments, adding that he embraced the open space plan and felt it should be incorporated into the General Plan. He noted that the Town will have to look at which funding mechanism is the most viable.

Sharp said he personally endorsed the goals and priorities in the plan, adding that it was not his intention to do any inverse condemnation.

Cordingley noted that Braun deserved a lot of credit for all the work he has done for the Town. He said he felt the people of San Anselmo will be delighted with the Open Space Plan, adding that he also supported the idea of regional planning efforts.

It was the consensus of the Council to send the letter as drafted.

6. APPEAL OF PLANNING COMMISSION'S 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 2 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.

The application was to expand the existing one-car garage into a two-car garage without diminishing the interior space of the house but extending the garage into the sideyard setback. The original proposal was to encroach further into the frontyard setback but this encroachment was reduced. The Planning Commission determined it was able to make the findings for approval. The Commission's approval was then appealed by the neighbors who felt it was a granting of special privilege not enjoyed by others in the neighborhood since the garage would be as close as 2 feet to the side property line.

Bob Sisler, 212 Brookside Drive, the appellant, said they were objecting to a garage within 2 feet of the property line with a 6 inch overhang. He said that he had tried to get a permit to build within 3.5 feet of the property line but the Lee's complained about the garage being that close to their property. Therefore, they increased the setback to 4.5 feet and reduced the width of the garage to 18 feet, which an impractical size. He said they would not object to the Lee's garage being 2 feet closer to the street.

Lorraine Lee said the Sislers have installed skylights and insulation in their garage, she was concerned it might become a living area, and that they were building a garage to protect their property rights.

Kay Sisler said that their previous garage was insulated with a finished interior and they have no intention of making a room out of it.

Walsh said she would like to see a compromise where both the Lees and the Sislers have a 4.5 foot side setback.

Public Works/Planning Director Kottage reported that staff was requiring the garage to be a minimum size of 18 feet by 18 feet. Because of the angle of the garage and property, in order to get a 4.5 foot sideyard setback, the garage would have to be moved 12 feet towards the front property line.

It was the general feeling of the Councilmembers that it was unfortunate that an amicable compromise could not be reached, but that the Lee's need to accommodate two cars outweighed the inconvenience to the Sislers, both sides have made some compromises, and that the findings for approval could be made.

M/S, Chignell/Sharp, to deny the appeal of the Planning Commission's approval of V-2207 on the grounds that due to special circumstances applicable to the property, strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification; the granting of the variance will not constitute a grant of special privileges, the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, and the granting of such variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. Motion passed by the following vote:

AYES: Chignell, Sharp, Wooliever, Cordingley

NOES: Walsh

7. APPEAL OF PLANNING COMMISSION'S DENIAL OF PP-9 FOR ROBERT M. YEAKEY, 80 SOUTH OAK AVENUE, A/P 7-241-50, PRELIMINARY PLAN DEVELOPMENT FOR A SINGLE FAMILY DWELLING IN AN R-1 H DISTRICT.

Public Works/Planning Director Kottage reported that since the Planning Commission meeting on this matter, substantial new information of a technical nature has been submitted and he questioned whether it was appropriate for the Commission to see that new information.

Town Attorney Roth reported that it was a legal course of action for the Council to refer the item back to the Commission because of submission of new information. He advised that concerning the deadline for review of the project, it was important for the Council to proceed on the merits of their project, looking at it from the standpoint of what is the best result, while moving as expeditiously as possible.

Neil Sorenson, attorney for the Yeakeys, said the only information submitted was additional information to further clarify the points in the soils report and the drainage information that was previously submitted. They opposed sending the project back to the Commission, noting the property owner was under a tight construction deadline for tax purposes.

Edward Cecil, 1 So. Oak Avenue, questioned whether it was proper for the Commission to act on information submitted after its hearing. Roth advised that an appeal opens up a new hearing and it is not improper for new information to be considered.

Robert Yeakey said that all that was submitted was backup information and clarifications of previously submitted information. He said he had eight experts for the project present that evening and that this was his fifth meeting.

Planning Commission Chairman Hayes said there were serious and legitimate concerns to motivate the Commission to take the action it did and if there is substantially new information that the Council might want the Commission to consider, he felt it was appropriate for the application to be sent back to the Commission. He noted that one of the findings in the R-1 H ordinance was that disturbances to the contours of the land be kept to a minimum. Some of the Commissioners felt that the amount of grading required would be sufficiently great so as to make it difficult to make that finding.

Commissioner Yarish commented that if the Council feels the information is so substantial that it might change the Commissioners' minds, it may be appropriate to send it back, but not if it is only clarification of information.

Kottage said the new information relates to engineering questions, not the impact on the contours or the features of the land. It includes calculations that indicate the new runoff from the development is not significant and could affect #4 of the Planning Commission resolution. The soils information is more focused than the information provided to the Commission, which relates to #1 and #2 of the motion to deny. Other information was submitted regarding an assessment district for water, excavation data, which also relate to the points made by the Commission in their motion to deny.

It was the consensus of the Councilmembers that while they were not trying to slow down the process, the information submitted was significant and that it was important for the Planning Commission to go through the process of reviewing the new information. They asked that the Commission conduct a special meeting for this purpose to expedite the matter. Other issues to review included the grading issue, and the question of the definition of "minimum" in the finding regarding grading in the R-1 H ordinance.

M/S, Sharp/Chignell, to refer the application back to the Planning Commission with direction to staff to coordinate the earliest possible date for a hearing, and with direction to the Commission on the points made this evening concerning the grading.

Commissioners Harle and Yarish noted that the application would inevitably be appealed regardless of the Commission's decision. Commissioner Julin said that it sounded like there was substantial new information to review and it was part of the Commission's rote to review this information, even if the application will end up being appealed to the Council.

The motion was called and passed unanimously.

8. STATUS REPORT ON LEASE NEGOTIATIONS REGARDING THE PEACE CENTER AND AUTHORIZATION FOR ADMINISTRATOR TO EXECUTE LEASE.

Town Administrator Dickens reported that the Peace Center and the Town staff had a difference of opinion on the extent of repairs required for the Peace Center building. They realized that there were different philosophies at work in that staff was operating on the assumption of keeping the building in use beyond ten years. However, the Peace Center expects to outgrow the building in ten years. If staff assumes that the building will not be in use after ten years, the extent of repairs could be reduced. If the Town wants to keep the building beyond ten years, there are other repairs that must be done to keep it viable.

Cordingley noted that it was difficult for the Council to decide that night the long term future of the building.

Dickens noted that it is not clear that it makes economic sense to rehabilitate the building, particularly if the rehabilitation is delayed until the future when it will be more expensive.

Walsh commented that it was better to look at \$15,000 to maintain the building rather than \$40,000 to renovate and maintain it. Wooliever noted that funds were not available to put into it now anyway.

Hannah Creighton, Director of the Peace Center, said it was a nice building, but did not feel the Center could take on the responsibility to raise funds to repair the building, noting that they have already lined up volunteer labor and materials. The Center planned to outgrow the building and wanted to hear that the Town was committed to lease the building to them for ten years.

Lew Tremaine, Peace Center staff, said the Center felt comfortable with Dickens' recommendations and a ten year lease, noting they had someone ready to begin repair work.

M/S, Sharp/Chignell, to authorize the Town Administrator to enter into a ten year lease with the Peace Center based on the staff memorandum dated April 11, 1988. Motion passed unanimously.

9. PUBLIC HEARING ON ADOPTION OF ORDINANCE NO. 898 AMENDING TITLE 5 AND 9 FO 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.

Town Attorney Roth made some technical, typographical changes to the ordinance.

Cordingley opened the public hearing. There was no comment from the public.

M/S, Chignell/Walsh, to close the public hearing. Motion passed unanimously.

M/S, Chignell/Walsh, to waive reading of Ordinance No. 898. Motion passed unanimously.

M/S, Chignell/Walsh, to adopt Ordinance No. 898 amending Titles 5 and 9 fo 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, consistent with the changes made by the Town Attorney. Motion passed unanimously.

10. FUNDING REQUEST FROM THE DOWNTOWN BUSINESS ASSOCIATION.

The Downtown Business Association requested \$2,000 for the establishment of its organization, using a portion of the funds for Country Fair Day, and \$2,000 for development of a San Anselmo graphic sign, from the \$25,000 in the 1987-88 budget for commercial revitalization. Town Administrator Dickens recommended that the Council use criteria when evaluating proposals for use of these funds, such as the degree to which the requesting organization is willing to fund the proposal themselves and the projected long-term impact of the proposal on the Town's sales tax revenue, since only 1% of sales tax goes to the Town.

Walsh suggested the Council meet with the different business organizations in Town to discuss how the funds would be spent.

Lew Tremaine commented that what the downtown merchants were requesting were appropriate, but that he did not want to see the \$25,000 opened up like a grant-making fund. He felt its purpose was to be used for an advertising type program and that the Council should look at hiring someone for this purpose.

Herman Kramer, 1 Allemand Place, said he had a problem with government getting involved in free enterprise and objected to the Town hiring someone to tell business people what to do.

It was the general feeling of the Councilmembers that the intent of the budget item was development of a promotional marketing program but that no organization had come forward with a comprehensive proposal. The Council supported establishing criteria for use of these funds.

Cordingley said he hoped that whatever funds are not spent this year can be carried over to next year. He recommended

that if someone is hired to run a promotional program for the business community, it be someone from outside local business and outside Town government, but that the funding be shared.

It was the consensus of the Council to send the proposal back to the Downtown Business Association for development of a comprehensive plan, and to support the criteria recommended by staff including the idea for a long-range approach to the funding request.

11. TRANSPORTATION REPORTS:

(A) Transportation Expenditure Plan Committee - Dickens reported that the Committee is proceeding with its survey and that San Anselmo continues to take the position that it will not pay for funding the Committee unless a San Anselmo Councilmember is a voting member of the transportation authority.

(B) 101 Corridor Action Committee - Sharp reported that a consensus has been reached by all the cities and town on the testing proposal.

12. REPORT ON APPLICATIONS FOR LIBRARY FUNDING COMMITTEE.

Only one person has applied for the five public seats on the Committee. It was the consensus of the Council to continue advertising.

13. SELECTION OF DATE FOR GENERAL PLAN REVIEW WORKSHOP #5.

The Council set the date of the next General Plan workshop for Tuesday, May 3, 7 p.m. to 9 p.m.

14. CONSENT AGENDA.

- (a) Approval of warrants: 2312-2340, 5202-5279 and 6052-6171, in the amount of \$398,312.78.
- (b) Approval of minutes: March 22, 1988.
- (c) Approval of proclamation designating April as "National Child Abuse Month."
- (d) Approval of request from Downtown Business Association for closure of a portion of San Anselmo Avenue on August 28 for Country Fair Day.
- (f) Authorization to advertise for bids for the Caletta Avenue Bridge reconstruction project.
- (g) Discussion on fencing at Quarry Mountain project site. CONTINUED TO APRIL 26, 1988.

15. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTION TO STAFF; STAFF MISCELLANEOUS ITEMS.

April 19 meeting - There will be a meeting on April 19 to canvass the vote from the April 12 election and to select a new Mayor and Vice-Mayor.

16. ADJOURNMENT TO APRIL 19, 1988, 8:00 P.M.

Beth Calamar