

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of January 24, 1989

Mayor Sharp convened the regular meeting at 8:00 p.m, following a closed session beginning at 7:00 p.m. regarding pending litigation, pursuant to Government Code Section 54956.9(b)(1), and a personnel matter, with Councilmembers Chignell, Colteaux, Walsh and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION

Jane Margulis, 203 Scenic Avenue, objected to San Anselmo Garbage Disposal not recycling paper other than newspaper, saying that Marin Resource & Recycling recycles all paper, and asked how the residents of San Anselmo can participate in changing the Town's recycling company. Town Administrator Dickens agreed to contact Margulis and San Anselmo Garbage Disposal.

3. RESOLUTION TO AMEND THE RENTAL RATES AND LOW INCOME LIMITS AS PROVIDED BY ORDINANCE NO. 706 PERTAINING TO SECOND UNITS WITH USE PERMITS.

At the direction of the Council at the last meeting, staff researched mechanisms other than HUD Fair Market Rental Rates for establishing rental limits. Public Works/Planning Director Kottage presented a staff report that included a chart comparing what rates would be, dating back to the onset of the second unit ordinance in 1976, if rent was based on Fair Market Rental Rates, changes in the CPI, or based on a percentage of median low income.

Kottage noted that the Town's rental rates are fairly much in line with a rate that would be established if the CPI had been used all along. He explained that the CPI reflects changes in the costs of buying goods and services in general, not specifically changes in housing costs.

Kottage explained that rental rates based on median low income is calculated using a formula of 30% (the ratio of income that can reasonably be spent on rent and utilities) of the target income group. Its advantages include providing a realistic rental rate for the renter, allowing the Council to target the group it wants to assist with its low income housing policies, and it is based on an index that is updated on a regular basis.

Rich Gould, 11 Skyline Road, complimented staff on the initial and supplemental report. He stated his support for basing the rents on 30% of gross income, adding that it meets the findings of Ordinance No. 706 in attempting to recognize the critical shortage of low and moderate income housing. He said the CPI does not focus on housing, whereas 30% is a standard percentage for designating housing costs. He said he did not want the Town adopting the CPI and then looking at a different standard in the future. Regarding the income on which to base the 30%, he supported using the 75 percentile of the low income group, rather than the 65 percentile proposed by staff, as a more accurate means of creating low-moderate incoming housing.

Richard Marchetti, 29 Sais Avenue, asked who rents these units.

John Herr, 56 Rosemont, raised the issue of the maximum income schedule, saying that he has been forced to refuse to lease the unit to prospective tenants whose incomes exceed the limits.

Bill Schutt-Mesrahi, 50 Oak Knoll Avenue, said that since development of the second unit ordinance, the poverty level

has risen more than the CPI, and that the Bay Area Consumer Price Index, not the National CPI, should be used. Kottage responded that the figures reported were the Bay Area CPI.

Sarah Nome, 77 Alder Avenue, said a house in her neighborhood has gone through an addition and been rented out, but is not subject to rent control.

Rachel Schutt-Mesrahi, 50 Oak Knoll Avenue, said they bought the property a year ago and discovered that the previous owners had originally complied at first with the rent controls, but then ceased to comply. She added that by not allowing an increase on a yearly basis deprives renters of the dignity of where they're living, in that the rent is insufficient to properly maintain the units.

Chignell said he wanted to keep the rents as low as possible without jeopardizing the rights of property owners, and supported phasing in the rent increase over a minimum of two years.

Kottage reported that the gap between the CPI and the current rents for one-bedroom units is approximately \$30.

Zaharoff stated her support for basing the rents on the increase in the CPI, and wanted to know the actual percentage increase this would mean before committing to a period of time in which to phase in the increases.

Colteaux supported basing the increase on the CPI, adding that although landlords need to get a fair return, the Town cannot chase the market place in setting the rents, as the housing market is artificially high.

Walsh supported phasing in an increase based on the CPI over a two year period. She noted that only homeowners, not tenants, were present and expressing dissatisfaction.

Sharp referred to the comment in the staff report that the "privilege of having a second residence and the associated density and income in an area of town which has been designated for single family residence" is a factor to consider when determining fair compensation for property owners with second units. He supported basing the increase on the CPI, with the time period for its implementation to be discussed at the next meeting.

Gould objected to adoption of the CPI as the index, saying that it was being adopted because it happens to be the lowest rates.

M/S, Colteaux/Chignell, to refer the item back to staff to prepare a resolution consistent with the discussion tonight. Motion passed unanimously.

4. PUBLIC HEARING ON NUISANCE ABATEMENT OF A STRUCTURE IN VIOLATION OF THE SAN ANSELMO MUNICIPAL CODE, 1615 SAN ANSELMO AVENUE,  
A/P 5-153-17.

Staff reported that the public had been noticed about this hearing and staff had received word from the owner of a pending change in the situation.

Bill Boyl, Sleepy Hollow resident, asked who owned the property. Assistant Public Works Director Braun responded that staff is in the process of obtaining a title report on the property. The only response staff has received from the person contacted as the owner was the phone call received this evening.

Jon McGraw, 6 Medway, owner of the adjacent property, said he has registered numerous complaints about the property. He said it was fine to continue the matter for another week but urged the Councilmembers to drive by and see that the property is a safety hazard. He said the neighbors do not feel that the matter must be continued just because the owner phoned this evening.

Staff recommended that the matter be continued to give the owner an opportunity to appear due to the gravity of the matter, noting that what was being considered was tearing down somebody's house.

Sharp said he would be abstaining from the matter itself.

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

5. PRESENTATION AND REQUEST FOR APPROVAL IN CONCEPT OF SIR FRANCIS DRAKE BOULEVARD TRAFFIC HAZARD MITIGATION PROJECT. (MADRONE TO BRIDGE, EASTBOUND)

Currently, traffic on eastbound Sir Francis Drake Boulevard must merge into a single traffic lane between Madrone Avenue to Bridge Street except during morning commute hours, creating a traffic hazard. Staff presented a status report and design concept on the widening project, previously approved in concept by Council, that will create two-full-time traffic lanes along with curbside parking at this location, and other minor changes in that area to accommodate the project.

The project has been divided into two phases in order to coordinate it with the utility undergrounding project, with the first phase estimated to cost \$70,000 and the second phase estimated at \$68,000. There is \$70,000 in the 88-89 budget for the project.

Colteaux expressed concern that the proposed project would result in narrow traffic lanes adjacent to a parking lane, creating a hazardous condition. He asked whether staff had pursued locating parking elsewhere off-street for the businesses in that area.

Zaharoff said she was intrigued about the idea of looking for alternative parking off-street and felt it was worth exploring.

Chignell said he was pleased with the design, but was not sure about changing the Bridge Street intersection onto Sir Francis Drake to "no left turn" 24 hours a day. He said the Council needed to protect those few businesses on the block between Madrone and Bridge.

Richard Marchetti, 29 Said, said that the previous Sir Francis Drake Boulevard improvement project has eliminated people taking a shortcut through his neighborhood, but has lowered the quality of life due to increased noise.

Town Administrator Dickens recommended the Council not commit to funds for the project in the 1989-90 budget prior to the budget process.

Sharp said they should preserve some kind of parking for the businesses on that block, but was concerned about the hazard of the parking lane adjacent to the traffic lane, adding that it is dangerous even as it is now. He said he constantly sees people coming close to having accidents and said he would like to see some kind of study on whether an alternative parking location was feasible.

Letha Marchetti, 29 Sais Avenue, said the noise factor was tremendous and the two additional lanes create more noise. She said that previous off-street parking attempts there have failed.

Colteaux said that if the off-street parking was well-organized it might work, and questioned whether the existing parking spaces there are being used.

Walsh spoke against eliminating parking for those drive-by businesses, adding that to eliminate parking would jeopardize the businesses.

Chignell said he was intrigued by the idea but noted that the businesses depend on that parking to attract drive-by business.

It was the consensus of the Council to continue the matter for review of more information on parking alternatives.

6. DISCUSSION OF GRANT APPLICATION FOR DEVELOPING A PLAN TO IMPROVE THE TOWN'S CREEKS IN TERMS OF FLOOD CONTROL AND BEAUTIFICATION.

Public Works/Planning Director Kottage reported that the Town had been approached by LSA, an environmental assessment, restoration, planning and management firm that proposed to prepare an Urban Stream Restoration Grant from the state Department of Water Resources on behalf of the Town and at no cost to the Town. The purpose of the grant would be to develop a creek restoration and flood damage reduction plan for the Town, including calculations of hydraulic characteristics of the creek and flood control options that are environmentally acceptable to the community. Kottage reported that staff had reviewed the proposal and felt it was a golden opportunity, noting that the Town currently does not have an overall plan for improvement and maintenance of the Town's creeks.

Dean Williams, a San Anselmo resident and project manager for LSA, said that when LSA heard about the grant program they felt it was an opportunity to improve an obvious amenity in Town. They have submitted letters and a draft grant application explaining the scope of the project, and they are still working on the actual costing of the project. The application must be submitted by the end of February. The proposal is for a grassroots program designed to incorporate the input of the community, and without the support of the community the grant proposal would not be made. He said he has an understanding of the history in San Anselmo on why channelization of the creek was rejected, and that there are alternatives that include restoring the habitat around the creek. The Town is currently doing a survey of Town culverts, which will contribute to the project. He acknowledged that LSA has not had any previous experience with submitting applications for this grant.

Jim Culver, also with LSA, gave some information about the firm, adding that its primary thrust is that there are ways to do projects such as flood control other than traditional engineering design. He said they have done 25 projects where they have used biological and engineering standards that maintain the aesthetics and the wildlife habitat values as well as maintaining flood control. LSA has also done 250 projects related to riparian and flood control.

Kottage stated that in staff's opinion they are well qualified.

Williams added that the grant application would come from the city, that LSA would be working for the Town and

working closely with a citizens group to perform the tasks outlined in the application. LSA would provide some initial design guidelines. After collection of the basic hydraulic information, they would design a plan and present it to the citizens group and the Council. The Council would then select what plan would be in the best interest of the community. The Town could then apply for grants to pay for implementation of the plan if it chose to do so.

In response to questions from Councilmembers, Williams said that a plan such as this would help to avoid pressure from the Army Corp of Engineers to channelize the creek; not all of their projects are successful, as when they are asked to repair or recreate riparian zones that have been damaged; and the estimated amount of the grant to be requested is \$150,000. Regarding the channelization, Williams explained that the Corps had concluded that this was the only way to deal with the flood problem, and while he did not know if there was an alternative as comprehensive as channelization, he thought there are ways to mitigate flooding without it. The creeks in town have erosional problems from increased runoff due to development, and there is bank failure that is undercutting foundations and roads that will exacerbate over time.

Alice Stinchomb, 50 Alder Avenue, objected that the Town has not informed the people who live on the creek that there is going to be a plan for the creek. She asked whether there had been an agenda item to take creek property from property owners, to which the Mayor responded "no," and she said that the fish ladder installed at the Saunders Avenue Bridge acted as a place for all the uprooted trees to go during the last bad storm. She said the Council has to know about the history that has gone on about the creeks.

Jim Stinchomb, 50 Alder Avenue, said he was interested in the creek as a place of beauty, and said the Council's decision on this proposal will lack credibility if it is made before having a meeting with all the creek property owners.

Richard Marchetti, 29 Sais, said the people on the creek should be notified.

Sarah Nome, 77 Alder Avenue, expressed the need for a regional flood control planning, and felt the problem was really in Corte Madera and Larkspur due to development in the flood plain.

Dave Bacigalupi, 56 Alder Avenue, said the whole idea hits a sore spot, is a boondoggle, and no good is going to come out of it. He said the Council should get two or three other estimates about what can be done, and he did not feel that LSA was adequately experienced to do the job.

Letha Marchetti, 29 Sais Avenue, said the Town has no business telling property owners what to do on their property, and any plans prepared must make a distinction between private and public property.

The Councilmembers expressed interest in pursuing an application for funding for a creek plan, but were also interested in obtaining more information on the proposal before making a decision. Williams said that LSA could submit a more detailed proposed grant application for the next meeting.

M/S, Zaharoff/Chignell, to continue the item to the meeting of February 14. Motion passed unanimously.

7. PUBLIC HEARING AND ADOPTION OF RESOLUTION APPROVING THE REVISED COUNTY HAZARDOUS WASTE MANAGEMENT PLAN.

There was no public comment on the revised plan. Jill Shapiro, a consultant for the County on the plan, explained the concerns of the State with respect to siting criteria and the statement that those who generate the waste should take care of it.

M/S, Chignell/Walsh, to approve Resolution No. 3077 approving the Revised County Hazardous Waste Management Plan. Motion passed unanimously.

8. APPOINTMENTS: HISTORICAL COMMISSION. (1 SEAT)

An application had been received from Betty Stott for the vacancy created by the resignation of Fred Divita. The Historical Commission recommended her appointment.

M/S, Colteaux/Zaharoff, to appoint Betty Stott to an unexpired term, to expire September, 1990. Motion passed unanimously.

9. REPORT ON 101 CORRIDOR ACTION COMMITTEE.

Sharp reported that a deal was underway to acquire the Northwestern Pacific Railroad right-of-way, there was no resolution yet on whether the right-of-way would be used for light rail or buses, and concerns have been raised from the County of Sonoma regarding land use in Marin County, notably at Hamilton Field.

10. CONSENT AGENDA.

- (a) Approve Minutes: January 10, 1989.
- (b) Appeal of Planning Commission decision to issue a Notice of Violation in creation of the lot and approval of a Conditional Certificate of Compliance for Nancy Thurmond Ross and Robert L. Thurmond, et al, end of Oak springs Drive, A/P 5-291-06: CONTINUE TO MARCH 28, 1989.
- (c) Authorize award of contract for Floribel Avenue slide repair project.
- (d) Approve lease with Peace Center of Marin for space in the Isabel Cook Community Center.

M/S, Chignell/Walsh, to approve the Consent Agenda with the exception of item (d). Motion passed unanimously.

Dickens reported that Inter Arts had vacated their space in the Isabel Cook Community Center. The YWCA wanted to lease the vacated space for its youth groups, and the Peace Center wanted to lease the space so that the Youth Committee could use the house they are currently leasing. A proposal has now been submitted to the Town for the shared use of the house for the youth activities of the San Anselmo Youth Committee, the Peace Center and the YWCA. The proposal is being reviewed by the town departments and reports will be presented to the Council upon completion. If the lease with the Peace Center for space in the Community Center is approved, the Peace Center will still have its other lease, which is a 10 year lease. He explained that the 10-year lease was approved by the Council last year as part of an arrangement for repairs to the building.

Colteaux expressed concern about the Council relinquishing control of the Peace Center building for 10 years and whether the Town had asked the Peace Center if it was willing to relinquish the 10-year lease on the house as a condition of the new lease.

Lew Tremaine, representing the Youth Committee, said the Peace Center is not going to do anything without the Town Council's permission and that they have been in constant contact with staff about this matter. The lease before the Council tonight is not the enabling mechanism for the Youth Center to operate, but it does enable discussion to take place about the proposal. He said the Peace Center intends to put its youth project in the house, and will cross the bridge about what to do if the youth center is rejected when they get there. The move they are making now does not require approval of the Youth Center, noting that the Peace Center was in an expansion mode.

Sarah Nome, 77 Alder Avenue, said that the 10-year lease means that there will be several Councils elected before it expires who will not have a say in the use of the building. She said the amount of the lease was not adequate to include all the utilities, particularly if it is used as a youth center and utility usage increases. She asked how a vacancy in the Community Center is announced, adding that there may have been more applications if the vacancy was publicized, and more rent could be received.

Richard Marchetti, 29 Sais Avenue, said that the entire rent should not be taken up by utilities and suggested the Peace Center pay for its own utilities.

Letha Marchetti, 29 Sais, asked whether there are clauses in the Peace Center's existing lease specifying times by which repairs should be made, and if they haven't been made in time, then the lease could be ended for non-compliance.

Chignell said that San Anselmo was fortunate to be the home of the Peace Center, and that if the space was not being rented to the Center it would be rented to another non-profit group. Regarding the 10-year lease, he said that whatever use replaces the Peace Center will have to comply with the Town.

Colteaux said the Town could prohibit a use if it is unreasonable but otherwise control of the property is in the hands of the Peace Center for the duration of the lease. He supported holding the Peace Center's lease for the Community Center until the issue on the use of the house is resolved.

In response to questions from Walsh, it was noted that the Peace Center could not sub-lease the house without Town permission, and that if the use proposed for the house requires a use permit, it cannot commence until and unless a use permit is granted.

Colteaux said he did not have a problem with the lease before the Council, except in losing leverage over the old one. He has checked on the cost of the utilities, did not see any problem, and the cost of metering the utilities separately would be prohibitive from what the Town could recover.

M/S, Chignell/Zaharoff, to approve the lease as specified in the staff report with all of the terms and conditions, 1 through 10 including the succession language and making notice that the lease commences on January 5, 1989 and runs through June 30, 1992 between the Town and the Peace Center. Motion passed by the following vote:

AYES: Chignell, Walsh, Zaharoff, Sharp

NOES: Colteaux

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

Heritage trees - Colteaux asked staff to contact the City of San Rafael regarding the heritage tree ordinance they are drafting.

McGarr House - Sarah Nome, 77 Alder Avenue, said the McGarr House is closing because they cannot afford to pay someone to live in the house to assist the six elderly ladies living there, and asked if the San Anselmo Volunteer Effort could look into placing a volunteer there. Sharp noted that the appropriate time to raise this item was during open time for public expression.

12. ADJOURNMENT.

The meeting was adjourned at 11:15 p.m.

Beth Pollard