

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of February 14, 1989

Mayor Sharp convened the regular meeting at 8:00 p.m, following a closed session regarding personnel matter, and pending litigation, pursuant to Government Code Section 54956.9(b((1) and (c), beginning at 7:15 p.m, with Councilmembers Chignell, Colteaux, Walsh and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION

Ted Janko, owner of Ted's Restaurant and Bar, said that the liquor license for this establishment's location may be permanently revoked in connection with drug arrests recently made at Ted's. What he was seeking was an opportunity to submit evidence of support from neighbors, elected officials and other members of the community in an effort to demonstrate to the administrative law judge who will adjudicate the case that Ted's was not perceived by the community as a den of inequity. He said that the "double transfer" revocation of the liquor license would take an asset from the Town and was a reflection on the Town that it is unable to handle its own establishments. He asked the Council to consider writing a letter of support to the judge.

M/S, Colteaux/Zaharoff, to refer the matter to the Town Administrator to consult with Janko to determine if a letter can be drafted that the Administrator can recommend to the Council for forwarding to the administrative law judge on the question of appropriate punishment if Janko is found in violation. Motion passed unanimously.

3. REVIEW STATUS OF COMPLIANCE WITH USE PERMIT FOR CHURCH OF DIVINE MAN.

The reviewed a report received from the Planning Department regarding the status of the conditions that were attached to the use permit for the Church of Divine Man and determined that a hearing shall occur to determine whether or not there have been violations of any or all of the conditions attendant to the use permit on this property.

M/S, Chignell/Walsh, that the hearing shall take place at the meeting of February 28, 1989. Motion passed unanimously.

Town Attorney Roth stated that it will be a hearing on whether a public nuisance exists and whether it should be abated, and any persons who want to speak at the hearing should advise staff prior to the meeting to make arrangements for their testimony.

4. HEARING ON PUBLIC NUISANCE ABATEMENT OF A STRUCTURE IN VIOLATION OF THE SAN ANSELMO MUNICIPAL CODE, 1615 SAN ANSELMO AVENUE.

Assistant Public Works Director Braun, Assistant Ross Valley Fire Marshal Denning and Building Inspector De Sousa were sworn in to give testimony in this matter.

Braun summarized the staff report submitted for this meeting explaining the history of the work started and stopped on this property. He reported that Town staff has performed a building survey inspection of the subject structure, which revealed that the structure is substandard and is a public nuisance in accord with Section 1001 (b), (c), (d), (h), (i), (k), (m) of the 1985 Uniform Housing Code. The Ross Fire District performed an inspection of the property and finds it to be a fire hazard.

The item was continued from the last Council meeting so that staff could obtain a title report for the property and notify all parties with an interest in the property about this public hearing. The Resolution under consideration at this hearing declares the structure to be a public nuisance and directs the owner to abate it by demolishing or rehabilitating the structure within 30 days. Upon failure to comply, the Town is directed to demolish the structure and place a lien on the property for costs thereof.

Building Inspector DeSousa testified to the findings of the building survey report on the property prepared by him on January 12, 1989.

Ross Valley Fire Captain and Assistant Fire Marshal Denning testified regarding the violations of the Uniform fire Code, 1985 Edition, discovered in his inspection of the property on January 19, 1989.

Lynn Payton, 1649 San Anselmo Avenue, was sworn in to testify. She said she lived one block away from the subject property and found that not only was the property an incredible eyesore, it was filthy, it smelled and her husband had seemed children playing on the site.

Jeanette Shipman, 1629 San Anselmo Avenue, asked how long the abatement process would take.

Tami Quan, 685 Peralta Avenue, San Francisco, was sworn in as a witness. She stated she was the new owner of the property. She said she did not create the nuisance, and that it was her intention to continue the work started by the previous owner and build the house.

Sharp stated that he would be abstaining from this matter.

M/S, Colteaux/Walsh, to approve Resolution No. 3078 declaring a certain building located at 1615 San Anselmo Avenue to be a public nuisance and ordering the demolition or rehabilitation thereof. Motion passed by the following vote:

AYES: Chignell, Colteaux, Walsh, Zaharoff

NOES: (None)

ABSTAIN: Sharp

5. 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 plan that would be prepared with the grant would include a study of the problems associated with the major creeks in San Anselmo and recommendations to reduce the possibility of flooding, but would not include implementation. The plan would also determine what the Town could do to maintain and enhance the natural features of the creek. The plan would be subject to review and revision by the public and Council.

Dickens noted that the grant application calls for creation of a broad-based Creeks Committee, which he envisioned would include property owners such as those who expressed concern about the proposal, to advise in development of the plan.

Dean Williams, LSA representative, explained that there is a requirement that a local interest group be a sponsor and recommended that SAVE, because of its work on creek cleanup, be that group. The Councilmembers expressed concern about SAVE being the nucleus of the committee and agreed that the

name of the committee be changed from the SAVE Creek Committee to the Creek Committee.

Dave Bacigalupi, 56 Alder Avenue, expressed concern that the plan would usurp property rights. He asked that pages 2 and 3 of the grant application be amended to state that any improvements along the creek to increase public access will take place only in publicly owned creeks.

Sarah Nome, 77 Alder Avenue, said she wanted the plan to apply only to publicly owned creeks, and that SAVE does not have the expertise to oversee the plan.

M/S, Walsh/Chignell, to approve Resolution No. 3078 authorizing the submission of a grant application to the Department of Water Resources pursuant to the Urban Creek Restoration and Flood Control Act Statutes 1985, Chapter 1130, for the Development of a flood damage reduction and creek restoration plan for the Town of San Anselmo, with the amendments made to the application, including removing "SAVE" from the name of the Creeks Committee, and the changes made on pages 2 and 3 of the application to state that any improvements along the creek to increase public access will take place only in publicly owned creeks. Motion passed unanimously.

6. SIR FRANCIS DRAKE BOULEVARD HAZARD MITIGATION PROJECT - CONCEPT REVIEW.

Assistant Public Works Director Braun explained what off-street parking is required for the businesses and residences on the eastbound lane side of Sir Francis Drake Boulevard between Madrone Avenue and Bridge Street. He reported that the portion of the project the cost of retaining the existing off-street parking spaces and providing two traffic lanes was \$80,000.

It was the consensus of the Council that removing the on-street parking would create too great a hardship on the businesses between Madrone Avenue and Bridge Street and that these parking spaces should be retained.

Cappy Kimball, San Anselmo Avenue, spoke in favor of retaining the off-street parking spaces. She questioned how many businesses downtown have their required off-street parking. She said that Gallagher-Sturiale managed on her property with four off-street parking spaces and that she has low rent housing in the back of her property for residents without cars.

Ford Greene, whose law office is located at 711 Sir Francis Drake Boulevard, said that an "urban darwinism" exists along that strip in that the businesses who stay are the ones who can survive on little parking. Without the on-street parking, the result would be sure death of those businesses.

Charles Curtis, of the Plant Shoppe, 747 Sir Francis Drake Boulevard, which opened just this month, said the shop relied on drive-by business, which requires the on-street parking spaces.

The owner of Ace Answering Service, 745 Sir Francis Drake Boulevard, asked why area could not be taken from the other side of the street.

Sara Lovell, 761 Sir Francis Drake Boulevard, the new owner of Shining Star Boutique, said the traffic hazard in this location was not due just to on-street parking but also speed, which was a threat to passengers on the sidewalk. She suggested the installation of a traffic light and "slow" signs.

Cindy Lou Ervin, Boulevard Dogs, said her business relies on drive-by business, and her older clientele needs easy access.

Katherine Servino, owner of the Servino restaurant and building, spoke in favor of keeping the on-street parking.

Marius Cordone, executor of the estate of the owner of the property at 715 Sir Francis Drake Boulevard, suggested land be taken from the sidewalk across the street. Staff noted that the slope of the property across the street made that proposal prohibitive.

M/S, Colteaux/Walsh, to approve the concept of design Alternative #1 to preserve the on-street parking as much as possible and the median as necessary to improve access to off-street parking, not including the proposal for Madrone Avenue. Motion passed unanimously.

7. REQUEST FOR JOINT FUNDING OF STUDY ON CITY/COUNTY ISSUES.

M/S, Colteaux/Zaharoff, to approve the appropriation of \$2,026 from the Non-departmental budget, with a corresponding transfer from the contingencies budget, for San Anselmo's share of the cost of a study of shared city/county service funding relationships, with the condition that the County participate in the funding and that special districts be asked to participate. Motion passed unanimously.

8. REQUEST TO TRIM SHRUBS AND TREES IN THE PLANTER STRIP DIVIDING SIR FRANCIS DRAKE BOULEVARD AND SAN ANSELMO AVENUE FROM ROSS TO MARIPOSA AVENUES.

Merchants on San Anselmo Avenue between Ross and Mariposa Avenues submitted a letter asking that the trees and shrubs in the island between Sir Francis Drake Boulevard and San Anselmo Avenue be trimmed to improve the visibility of their businesses to motorists travelling on Sir Francis Drake Boulevard.

William Jelinek, 53 Florence Avenue, spoke again the proposal, saying that those are the most visible businesses in the town's shopping district, to grant the request would increase noise and pollution, and that this green area should not be altered - adding that this request comes at a time when there is a fundraising effort underway to beautify the entrances to town with landscaping. He suggested other ways the merchants could generate business.

Marilyn Tetarchik, 53 Florence Avenue, said the Town needs its fresh air green belt, the Town already has alot invested in it, and the merchants should use marketing methods to improve business.

Sarah Nome, 77 Alder Avenue, said the Town should set policy that it will not remove what it has planted.

It was the general feeling of the Councilmembers to refer the matter back to staff for clarification on the specific suggestion, but that they would not be receptive to a significant amount of trimming.

9. Appointment: Marin Commission on Aging.

Applications were received from Paula Neese, Thelma Cudworth, Joyce DeMartini, and David Lapidus.

M/S, Chignell/Zaharoff, to close nominations and schedule interviews. Motion passed unanimously.

10. TRANSPORTATION EXPENDITURE PLAN COMMITTEE STATUS REPORT.

Colteaux reported that they are meeting to set standards for local projects.

11. CONSENT AGENDA.

- (a) Approve Minutes: January 24, 1989.
- (b) Approve Warrants: Nos. 2605-2623, and 8204-8514 in the amount of \$402,673.25.
- (c) Approve lease with Tamalpais Day Treatment Center.
- (d) Announce Planning Commission vacancy.
- (e) Approve absence of Town Administrator at March 28 Council meeting.
- (f) Approve Resolution approving the five-year Federal Aid Urban program commencing fiscal year 1989-90.
- (g) Approve JPA amendment expanding the powers of the Marin Street Light Acquisition Joint Powers Authority.
- (h) Resolution to amend the rental rates and low income limits as provided by Ordinance No. 706 pertaining to second units with use permits: Continue to February 28, 1989.

M/S, Colteaux/Zaharoff, to approve the Consent Agenda. Motion passed unanimously.

12. ADJOURNMENT.

The meeting was adjourned at 10:20 p.m.

Beth Pollard