

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of July 11, 1989

Mayor Walsh convened the regular meeting at 6:45 p.m., following a closed session regarding personnel matters, regarding pending litigation pursuant to Government Code Section 54956.9(a) (ACORN v. Town of San Anselmo), and regarding pending litigation pursuant to Government Code Sections 54956.9(c) and 54956.8., and interviews with applicants to the Library Advisory Board and Ross Valley Paramedic Authority beginning at 7:30 p.m., with Councilmembers Chignell, Colteaux, Walsh and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION

Public Works/Planning Director Kottage requested that a matter regarding 54 Miwok be added to the agenda, but it was determined that the item did not meet findings necessary to add it to the agenda.

3. CONSENT AGENDA.

- (a) Approve Minutes: June 27, 1989.
- (b) Adopt Resolution No. 3092 setting the fee for downtown employee parking permits.
- (c) Continue consideration of adoption of an interim ordinance extending Ordinance No. 902 to July 25, 1989.

4. PRESENT PROCLAMATION IN MEMORY OF DON ONGARO.

Walsh presented the proclamation honoring Don Ongaro to his family.

5. APPEAL OF PLANNING COMMISSION DENIAL OF V-2282 AND C-2223, JAMES R. AND DONNA M. HASTINGS, 18 SAN RAFAEL AVENUE, A/P 7-162-15, A 5 FOOT WEST SIDEYARD VARIANCE, A 6 FOOT EAST SIDEYARD VARIANCE, AND A 2'8" REARYARD VARIANCE TO PROVIDE ON-SITE PARKING FOR A PROFESSIONAL USE WITHIN 3 FEET OF THE WEST SIDE PROPERTY LINE, 2 FEET OF THE EAST SIDE PROPERTY LINE, AND 17'4" OF THE REAR PROPERTY LINE; A PARKING VARIANCE FOR THE REQUIRED NUMBER OF PARKING SPACES; AND DESIGN REVIEW OF THE PARKING PLAN.

James Hastings reported that he has contracted for four off-site parking spaces for his business, and suggested that a condition of his parking variance be that he maintain agreements to provide three off-site spaces. Two of the proposed off-site spaces were located in an apartment building across the street with parking available during the day, and two would be located in the Bridge Street lot.

Sharp said he had read the minutes of June 25 and familiarized himself with the record on this matter.

Cheryl Mondoux, 16 San Rafael Avenue, expressed concern about how the Town could enforce and maintain the four off-site parking spaces. She suggested that if four off-site spaces were available, the number of parking spaces in the backyard could be reduced to two, and that if approval is granted, the neighbors be given an opportunity to address the parking landscaping.

Salvisberg, said granting the variance would set a precedent for other buildings in the neighborhood that were zoned professional without sufficient parking.

Bernard Fabish, 35 San Anselmo Avenue, said one dentist would generate more traffic than three part-time attorneys.

Mrs. Scarola, Tamalpais Avenue, said Hastings has gone to a lot of trouble to satisfy the concerns, and asked the Council to make a decision that evening.

Ken Anderson, said more information was needed, that the street did not have enough parking spaces, the proposal was not going to add any new spaces, and the Council should not be granting a lot of variances.

George Stameroff, 11 San Rafael Avenue, said the street was empty a lot of the time, there were a lot of empty spaces.

Dan Goltax, said the street is empty much of the time, the neighbors will not be harmed by this proposal, and he cannot provide sufficient parking unless he tears down the building.

Robert Scarola, 10 Tamalpais, said every planning decision is situational, they have to look at what one person has done to meet the terms of the situation, and that Hastings is trying to find a way to make it work.

Barbara Trenham, 22 San Rafael Avenue, said that if the concerned neighbors could not talk about the situation, other people should not talk about the neighborhood.

Leigh Yafa, 115 Tamalpais Avenue, said it was unbelievable that the highest and best use of the property is professional, but that a way cannot be found to have it used as that. She said Hastings has done what he can to meet the concerns of the neighbors.

Roger Dorre, 61 San Rafael Avenue, said Hastings has done a nice job of trying to put his property together, but the number of employees is overuse of the property.

Hastings said he is doubling the space he has for his employees over what he has now, he is trying to meet the requirements imposed, there are four on-street spaces which he is not eliminating, he agrees to provide an actual valid agreement for the parking spaces, and will do whatever he has to do to assure the Town the required spaces will be provided.

The public hearing was closed.

M/S, Chignell/Sharp, to continue the matter to July 25 so that staff can present a report on the legal and planning issues, including the Town's ability to enforce a condition to require the off-site parking, whether the proposed parking spaces are earmarked for use by other properties, and a recommendation as to whether staff feels that imposing a condition requiring the off-site parking agreements will alleviate the concerns of the neighborhood. Motion passed unanimously.

10. APPOINTMENTS:

(a) Ross Valley Paramedic Authority (one seat).

M/S, Colteaux/Sharp, to appoint Bob Beedle and the representative and Janice Przybylski and the alternate, with terms to expire July, 1993. Motion passed unanimously.

(b) Library Advisory Board (two seats).

M/S, Colteaux/Sharp, to reappoint Tanette Jaloff and Virginia Pierce, and to appoint Shelagh Smith. Motion passed unanimously.

Sharp excused himself from the meeting at this time.

6. REPORT ON EXTENSION OF ORDINANCE NO. 902, AN INTERIM ORDINANCE PROHIBITING THE ISSUANCE OF DEVELOPMENT PERMITS FOR PROJECTS THAT ARE INCONSISTENT WITH THE RECENTLY REVISED GENERAL PLAN.

M/S, Sharp/Chignell, to issue the reported as submitted. Motion passed by the following vote:

AYES: Chignell, Colteaux, Zahaorff

NOES: Walsh

7. RESPONSE TO REQUEST FOR ROAD IMPROVEMENTS ON THE ALAMEDA.

A petition had been submitted from residents on The Alameda requesting that the Town pave the road. Staff drafted a response for review by the Council to determine whether it reflected its position on the issue.

It was the consensus of the Councilmembers that they were willing to meet with the neighbors, but that they felt that staff's response was appropriate.

8. NUISANCE ABATEMENT: 1615 SAN ANSELMO AVENUE.

Public Works/Planning Director Kottage reported that the applicant decided to withdraw her appeal and informed the Town she would rebuild the home. A portion of the house was removed. Staff recommended that portions of the remaining structure be removed, and that all the entry points be closed, noting it was questionable whether it could be used for a future structure and that it was hazardous to the neighborhood in general and children in particular. Staff recommended that the owners be required to remove the structure by next Wednesday, or else the Town crews be employed to abate the structure.

Jan O'Connor, 1643 San Anselmo Avenue, said one was on their street had been notified of the meeting two weeks prior.

Patrice Hickock, 1660 San Anselmo Avenue, said she wanted the house to come down, and a reasonable house to be built, adding that the nuisance has been there a long time.

Lynn Payton, 1649 San Anselmo Avenue, said that staff said the back part of the structure may not have to be abated, and asked that to be verified and inspected.

Bob Wipfler, 1659 San Anselmo Avenue, said the structure had been put up in violation and had been left there with no regard to the neighborhood. He said the Council had to weigh the history on the nuisance, which should take precedence over any more stories by the owner.

Tami Quan, the new owner of the subject property, said the previous owner tried to do something two years prior. She said she was asking for permission to do something. He said she has cleaned it up and it is fairly sanitary.

M/S, Chignell, Zaharoff, pursuant to the Council action in February 1989, and the staff report, direct staff to proceed with demolition of the structure, with the finding that since February 14, 1989, no steps have been taken by

the property owner to abate the nuisance. Motion passed unanimously.

9. INTRODUCTION OF ORDINANCE ADDING CHAPTER 6 TO TITLE 8 OF THE TOWN CODE RELATING TO CLAIMS AND SUITS FOR REFUNDS OF TAXES, FEES, ASSESSMENTS AND LEVIES.

M/S, Colteaux/Chignell, to waive reading of Ordinance No. 904. Motion passed unanimously.

M/S, Colteaux/Chignell, to introduce Ordinance No. 904. Motion passed unanimously.

10. APPOINTMENTS:

(a) Nominations: Parks and Recreation Commission.

The names of Cherilyn Gilboy, Kathryn Coleman, and Linda Wadler were placed in nomination. Interviews are to be scheduled for the next regular meeting.

(b) Applications: Seminary General Plan Advisory Committee.

It was the consensus of the Council to continue to maintain a distinction between representatives of the neighborhood and representatives from the Town at-large in its appointments to the Seminary Advisory Committee.

11. DISCUSSION REGARDING SELECTION OF ASSISTANT DIRECTOR OF PLANNING.

Chignell reported that a member of the Long-term Finance Committee had expressed concern that it was premature to create a new staff position prior to the Committee's work. Chignell asked that the Committee's meetings with the department heads be expedited.

Town Administrator Dickens said the Committee's next meeting is to discuss how to proceed. The Committee members' intent is to sit in on all the budget hearings, followed by meeting with each of the department heads on issues not addressed at the budget hearing.

Dickens said that his view was that the Assistant Planning Director position was so important to the Town that it was a top priority for the budget, and should be filled.

12. DISCUSSION REGARDING CREATION OF A CITIZENS ADVISORY COMMITTEE ON TREES.

M/S, Zaharoff/Chignell, to set the size of the Committee at seven members, with the charge to be to review the current ordinances and their administration, to take testimony and research the effectiveness of the Town's ordinances, to review the ordinances of other towns in Marin for useful suggestions that might improve San Anselmo's system, and to make recommendations to the Council; Committee members are to live within the San Anselmo planning area. Motion passed unanimously.

13. REPORT ON THE MARIN COMMUNITY FOUNDATION.

Walsh, the Council liaison to the Foundation, gave an update on their work.

14. REPORT ON 101 CORRIDOR ACTION COMMITTEE.

Marin County Council of Mayors and Councilmembers (MCCMC) will conduct a meeting on the Committee's work July 13 at San Rafael City Hall.

15. REPORT ON TRANSPORTATION EXPENDITURE PLAN COMMITTEE.

The Committee is submitting a report for approval by MCCMC, which will be sent to Town Councils next week.

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

Storm drain, United Market - Colteaux reported that the storm drain next to the United Market entrance had slots running parallel to the street, and one of the strips was sticking up and was potentially hazardous to a bike tire.

Yarish, Red Hill Avenue sign - Chignell noted that Alice Yarish was moving out of Town and asked when the Red Hill Avenue street sign would be erected.

Budget - Dickens reported that the proposed budget would be presented at the next regular meeting.

17. ADJOURNMENT IN MEMORY OF DON ONGARO.

At 10:15 p.m.

Beth Pollard