

TOWN OF SAN ANSELMO  
MINUTES OF THE TOWN COUNCIL MEETING OF SEPTEMBER 26, 1989

Mayor Walsh convened the regular meeting at 8:00 p.m. following a interview with applicant to the Tree Advisory Committee at 6:25 p.m. and following a closed session at 6:30 p.m. regarding pending litigation pursuant to Government Code Section 54956.9(a), (Dore vs. Town of San Anselmo, Kaufman v. Town of San Anselmo), pursuant to Government Code Section 54956.8 (22 Magnolia), and regarding personnel matters; and interview at 7:30 p.m. with applicants to the Planning Commission and Tree Advisory Committee. Present were Councilmembers Chignell, Colteaux, Zaharoff and Sharp.

**2. OPEN TIME FOR PUBLIC DISCUSSION**

Sophia Spencer thanked the Town for installing the stop sign at San Anselmo Avenue and Tunstead.

Sarah Nome, 77 Alder, said it is her understanding that legal invoices are not currently being itemized and she said they were in the past based on her recommendation. She also requested itemized copies of the legal invoices pertaining to her case and that of Chief Del Santo. She said she was also informed that those invoices are not public record.

Town Attorney Roth said invoices are not made public on pending litigation until after a decision has been reached. The Del Santo case is no longer pending and therefore the invoices are public record.

Colteaux referred to a report dated 9/21/89, prepared by Director of Public Works/Planning Kottage requesting \$1.2 million to be budgeted for Capital Reconstruction. Because of the importance of these items, Colteaux felt this deserved a special meeting after the arrival of the new Town Administrator.

The consensus of the Council to set a special hearing to discuss the items addressed in the 9/21/89 staff report after the new Administrator has arrived.

**3. CONSENT AGENDA.**

- (a) Approve Minutes: August 22 and September 12, 1989
- (b) Approve Proclamation declaring October 2-6 as Ridesharing Week.
- (c) Ratify collective bargaining agreement with Public Essential Services Unit, MAPE/SEIU 949.

M/S Sharp, Chignell, to approve the Consent Agenda, with Sharp to abstain on the minutes of September 12, 1989. Motion passed.

**4. APPOINTMENT TO PLANNING COMMISSION. (1 seat)**

M/S Sharp, Chignell, to reappoint Oliver Harle to a four year appointment as Planning Commission to a term to expire September 1991. Motion unanimously passed.

**5. PRESENTATION:**

- (a) Certificate of Service to Dolly Frauens.

Mayor Walsh presented a public service award to Dolly Frauens for her involvement in Robson Harrington House for the past twenty years. Ms. Frauens gratefully accepted the award and read excerpts from the minutes of April 22, 1959 that talked about the "Robson Girls".

- (b) Pedestrian Safety Award.

D. Allen Wyley, California State Automobile Association presented the Pedestrian Safety Citation to the Town of San Anselmo based on the Town's 1988 pedestrian statistics and safety activities.

6. **AMENDMENT TO THE PROCEDURES FOR REQUESTS FOR EXCEPTIONS TO ORDINANCE NO. 903, WHICH PROHIBITS THE ISSUANCE OF DEVELOPMENT PERMITS FOR PROJECTS WHICH ARE CONSISTENT WITH ZONING REGULATIONS BUT INCONSISTENT WITH THE GENERAL PLAN:**

- (a) Adoption of an urgency ordinance amending Ordinance No. 903 to modify the provisions for exceptions to the ordinance.

Planning Director Kottage presented the staff report, noting that this is a continued item from a previous meeting. This has been reviewed by the Town Attorney and minor revisions have been made.

Sharp questioned the necessity for the wording under Section 1 (d) "The granting of an exception shall exempt the owner from the prohibitions of this ordinance and allow the filing of an application with the Town with subsequent rights of construction if the application for exception is properly filed with and approved by the Town." Attorney Roth said there is no legal need for the statement and can be removed if the Council so desires.

M/S Sharp, Chignell, waive reading of Ordinance No. 905. Motion unanimously passed.

M/S Sharp, Colteaux, amending the Interim Ordinance as amended. The amendments being reflected in the revision dated 9/26/89 and comments made by the Town Council at tonight's meeting.

Walsh said she will not support this because she did not support the original ordinance.

Ayes: Zaharoff, Chignell, Colteaux, Sharp  
Noes: Walsh.

Motion carried.

- (b) Adoption of resolution implementing Ordinance No. 903 as amended covering land use areas designated Single-Family Conservation (SF-C) and Very Low Density (VLD) which are not currently zoned R-1H.

M/S Sharp, Colteaux, to adopt Resolution No. 3104 implementing ordinance 903 as amended revised 9/26/89.

Ayes: Zaharoff, Chignell, Colteaux, Sharp  
Noes: Walsh

Motion carried.

7. **REQUEST FOR EXEMPTION TO ORDINANCE NO. 903 TO PERMIT PROCESSING AN APPLICATION TO CONSTRUCT A NEW ACCESS DRIVEWAY AND A NEW DWELLING ON A PROPERTY WITH THE GENERAL PLAN LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL CONSERVATION AREA, WITH OR WITHOUT A DESIGN REVIEW REQUIREMENT: 27 AND 37 INDIAN ROCK ROAD A/P 177-250-21 AND 177-250-22.**

Planning Director Kottage presented the staff report stating that the applicants propose to construct a 4,200 square foot two story single family dwelling on No. 27 with an access driveway across the adjacent property at no. 37. In September, 1988, the Commission granted a variance for the proposed access driveway to this property. The Commission

did not review the proposed dwelling at that public hearing because the dwelling conforms to the minimum Code required height, bulk and space requirements.

At the public hearings for the access driveway variance, the adjacent neighboring property owner of No. 47 expressed concern over potential impact of his view, the creation of undue noise and light, and soil instability, caused by the proposed access driveway. The variance approval had several conditions imposed, which are listed in the staff report.

Staff recommends the Town Council grant an exception to the Interim Ordinance without a separate design review for the access driveway requirement. Since public hearings were not held on the dwelling itself, staff recommends the Town Council grant an exception to the Interim Ordinance with the condition that the dwelling be subject to the R01H review process with the understanding that the level of compliance may be less stringent than required in the R-1H process providing the Planning Commission is able to find that there is a reduced adverse impact associated with this development when compared to development of a parcel zoned R-1H.

Fani Hansen said they are really only asking for approval on the driveway. They have spend several thousand dollars already on this project and would like to start building.

David Israel, 47 Indian Rock Road, said because the proposal is over 150 feet sea level, he thought there was a minimum of one acre required and a height restriction. If so, this is in conflict with the General Plan. He has many concerns regarding the driveway, specifically there is a large drop out between 47 and 53 Indian Rock and it is his understanding there is no soils report on file stating this would be a safe project. What is being proposed is in direct conflict with the soils report prepared in 1976. He requests that a current soils report be required. Also, there are inconsistencies in the Staff report and the Fire Department requirements. Lighting and screening should be addressed prior to the permit stage; he would like to see story poles showing placement of the driveway and house; erosion control methods; plans to be confirmed by a licensed surveyor, not architects; and alternative methods for the location of the driveway and house. He did not feel a 20 foot long retaining wall was necessary and had suggestions of alternate locations.

Kottage noted that the one acre parcel does not apply to this lot because it is considered legal, non conforming. Also, the height requirement is 30 feet. All the other concerns of Mr. Israel have been or will be addressed at the Planning Commission level with additional conditions placed on the parcel.

Colteaux thought that the house and driveway should be compatible and therefore should be reviewed together, not separately.

M/S Colteaux, Zaharoff, to grant an exception to Interim Ordinance No. 903 for Fani Hansen, Nos. 27 and 37 Indian rock Road, A/P Nos. 177-250-21 and 177-250-22. Conditions are that both the driveway and the house be reviewed together and using the R-1H standards. Motion unanimously passed.

#### 8. UPDATE ON LONG-TERM FINANCES COMMITTEE

William Jellinek said the Long-Term Finances Committee has finished stage 1 and it has been determined that San Anselmo does have a financial problem. Their next step is to set up interviews with department heads and collect additional data. He encouraged involvement and input from the

community, perhaps a notice in the local newspapers would be helpful.

**9. APPOINTMENTS:**

(a) Tax Equity Board

Acting Town Administrator Pollard said the vacancy of one seat on the Tax Equity board has been publicized since the meeting of June 27. Two applications have been received. The Council may proceed with an appointment, or direct staff to schedule interviews with the applicants.

M/S Zaharoff, Chignell, to direct staff to schedule interview prior to the beginning of the next regular Council meeting of October 10. Motion unanimously passed.

(b) Bald Hill Mello-Roos Community Facilities District Task Force.

Pollard stated that the Council previously approved a joint powers agreement with the Town of Ross and the County Open Space District for creation of a Mello-Roos community facilities district to fund the acquisition of the summit parcel on Bald Hill. The agreement states that each of the three participating jurisdictions will provide representatives to a local task force. It is recommended that the Council appoint the San Anselmo representatives to the task force, which will begin work on a April, 1990 ballot measure, and that the representatives include two Councilmembers, two Planning Commissioners and one member for the Open Space Committee. The individuals from these three groups who have been participating in this project and who have expressed interest in being the Town's representatives to the task force are: Councilmembers Colteaux and Zaharoff, Commissioners Sias and Hayes, and Open Space Committee member Braun.

M/S Sharp, Chignell move appointment of representatives to the task force as noted in staff's recommendation, with Mayor Walsh being an alternate. Motion unanimously carried.

**10. APPOINT ACTING RECREATION DIRECTOR AND ACTING PARKS DIRECTOR DURING ABSENCE OF PARKS AND RECREATION DIRECTOR.**

Pollard said that Parks and Recreation Director Gary Howell has been on sick leave and it is uncertain at this time the date he will be able to return to work. Due to the length of time of his absence, staff recommends that Ginny Schweiger, Recreation Secretary, be appointed Acting Recreation Director, and Dean Nyberg, Parks Foreman, be appointed Acting Parks director, with their salaries set at the rate of \$2,600 per month, effective September 18.

M/S Sharp, Colteaux, to adopt staff recommendations. Motion unanimously passed.

Sarah Nome, 77 Alder, said that the \$200 per month car allowance given to the Parks and Recreation Director should cease.

**11. SET MEETING WITH PLANNING COMMISSION TO REVIEW GOALS AND OBJECTIVES OF PLANNING DEPARTMENT. (WALSH)**

Mayor Walsh said the Council has set some goals and objectives for the Planning Department and they have not been met. Therefore she would like to set a meeting to discuss this. Kottage felt that would be a good idea and proposed the Council set the meeting in mid-December after the new Assistant Director of Planning has arrived.

**12. DESIGNATE DELEGATE TO ANNUAL LEAGUE OF CALIFORNIA CITIES CONFERENCE.**

Pollard said this year's conference will take place October 22-25 in San Francisco. The memorandum outlining the conference explains the opportunity for the Town to have a voting representative and alternate present at the Business Session of the conference. If no Councilmember is able to attend the business session, Town Administrator Camuglia, who plans to attend the conference, may be designated as the Town's delegate.

M/S Chignell, Colteaux, to designate the new Town Administrator Camuglia to be a delegate to the annual League of California Cities Conference. Motion unanimously passed.

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

**1. Countywide Plan Committee**

Zaharoff would like to agendize this item for the next meeting.

**2. Traffic Counter for Broadmoor/Berkeley**

Chignell would like a status report for the next Council meeting.

**3. Thank you letter for SAVE**

Walsh wanted a letter to go out to SAVE from the Town Council to thank them for all their hard work in helping put on Country Fair Days this year.

**14. ADJOURNMENT.**

The regular Town Council meeting was adjourned at 9:15 p.m to the next regular scheduled meeting of October 10, 1989.

BARBARA CHAMBERS  
ADMINISTRATIVE SECRETARY