

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of October 10, 1989

The regular Town Council meeting was convened at 8:00 p.m. by Mayor Walsh following a closed session at 6:40 p.m. regarding pending litigation pursuant to Government Code Section 54956.9(a), (Kaufman's v. Town of San Anselmo and Barnett/Miner v. Town of San Anselmo), and regarding personnel matters and following interview with applicants to the Tree Advisory Committee at 7:15 p.m. and a tour of the library building at 7:40 p.m. Councilmember Sharp not in attendance.

2. OPEN TIME FOR PUBLIC DISCUSSION

Mayor Walsh introduced Jean Camuglia as the new Town Administrator and welcomed her to San Anselmo.

Sarah Nome, 77 Alder Avenue, requested that the warrants pertaining to payment of the Town Attorney for legal fees be removed from the consent agenda and be open for discussion. She also noted that the Director of Parks and Recreation is still being paid \$200 per month for car allowance even though he is on an extended medical leave.

Walsh said that these warrants have already been paid but there will be future meetings to discuss the mechanics of paying legal services. The Long Term Finance Committee will also be reviewing this.

Colteaux suggested having staff review the mechanics of paying warrants and noted there is a meeting scheduled on October 24 relating to litigation disclosure at which time questions can be raised.

3. CONSENT AGENDA

- (a) Approve Warrants: Nos. 1096 - 1301, in the amount of \$501,175.30.
- (b) Confirmation of cost of demolition of structure at 1615 San Anselmo Avenue - Continued to the meeting of October 24, 1989.

M/S Chignell, Zaharoff to approve consent agenda item (b) with item (b) to be continued to the meeting of October 24, 1989. Motion unanimously passed.

4. Z-247 - JACK AND KAREN DOHERTY AND HENRY N. BATTJES, 46 MARIPOSA AVENUE, A/P 7-284-29, REZONING FROM SPECIFIC PLANNED DEVELOPMENT FOR 12 LOW INCOME ELDERLY PERSONS TO SPECIFIC PLANNED DEVELOPMENT FOR A RESIDENTIAL CARE FACILITY FOR 24 ELDERLY PERSONS, AND THE INITIAL ENVIRONMENTAL REVIEW.

Planning Director Kottage presented the staff report noting that Fawn Oaks Foundation proposes to make interior alterations in order to provide a residential care facility for 24 elderly persons. Three meals and snacks will be provided daily. The monthly fee for room and board will range between \$1,325 and \$1,450. The property is 15,500 square feet and has a General Plan land use designation of DMR medium density, 28 persons per acre. The use of the property is to be one residence for 24 elderly persons. The 28 persons per acre maximum translates to 10 persons on this property. However, General Plan population maximums are only intended to be a Town-side average and although 24 persons would exceed the maximum on this property by 14 persons, staff believes that even with this use the Town-wide average for this designation will still conform to the General Plan.

On-site parking is substandard for this facility. The minimum parking requirement for 24 guest rooms are 8 spaces, and only 3 are provided. The parking area is located at the end of the driveway and is separated from the garden by a 6 foot high fence. There is a one car carport and uncovered area to accommodate 2 vehicles. There is also a large storage shed behind a rose garden. The applicants propose to have 7 employees with a maximum of 4 on-site at any one time. The applicants state that their employees utilize public transportation and do not own personal vehicles and none of the guests drive cars. The applicants have requested that additional on-site parking not be required so that the existing rose garden and landscaped areas can be maintained.

Staff recommends that the Town Council rezone this parcel to Specific Planned Development for a residential care facility for 24 elderly persons on the basis that the proposed rezoning is consistent with the General Plan with conditions that: 1) the rents for two units to be held at a "moderate price" level with allowance for a cost of living increase annually based on Marin Housing Authority figures; and that a total of 7 on-site parking spaces be created as described in the staff report; and 3) that use of the site be as described in the staff memo, and as described in the plans and documents submitted by the applicant.

Henry Battjes, co-owner, said they own and operate the Golden Years in San Anselmo and there seems to be a great demand for housing of this type in the Ross Valley. They are proposing approximately \$250,000 in renovation to upgrade the facilities. He felt it would be a detriment to the tenants to remove the rose garden. The tenants do not own cars and visitors will take the tenants off site, therefore parking will not be a problem.

Zaharoff felt that density has an indirect bearing, although it won't change the exterior she was concerned about the lack of three on site parking spaces. She would like to have more information on what kind of parking impact this area would have in three spaces versus seven spaces. She would like to have the garden preserved but would like to get statistics from other similar type residential care facilities in residential areas, not just San Anselmo, to determine the impact.

Colteaux did not think parking was an issue, as there was ample on street parking available.

Chignell thought a six month review would bring out any problems if there were any.

Walsh supported the application with the substandard parking.

M/S Chignell, Colteaux, to approve the negative declaration as amended with three spaces and six month review. Motion unanimously passed.

M/S Chignell, Colteaux, to approve Z-247 Jack and Karen Doherty and Henry N. Battjes, 46 Mariposa Avenue, A/P 7-284-29, rezoning from Specific Planned Development for 12 low income elderly persons to Specific Planned Development for a residential care facility for 24 elderly persons on the basis it is consistent with the General Plan and with the conditions listed in the staff report with the elimination of condition no. 2: 1) the rents for two units to be held at a moderate price level ( the fee will be determined at the use permit hearing) with allowance for a cost of living increase annually based on Marin Housing Authority figures; and 3) that use of the site be described in this staff memo, and as described in the plans and documents submitted by the

applicant. That should conflict occur between the various documents, that the interpretation which results in the minimum adverse impact be found to be the governing document. Motion unanimously passed.

5. REQUEST FOR AN EXCEPTION TO INTERIM ORDINANCE NO. 903 TO PERMIT JOSE CARRILLO, 98 SIR FRANCIS DRAKE BOULEVARD, A/P 6-191-36, TO OPERATE A SERVICE STATION WITH MECHANICAL REPAIRS (SUBJECT TO PLANNING COMMISSION USE PERMIT APPROVAL) ON A PROPERTY WITH A GENERAL PLAN LAND USE DESIGNATION OF CENTRAL COMMERCIAL DISTRICT.

Planning Director Kottage presented the staff report with the staff recommendation that an exception be granted to Interim Ordinance No. 903 to permit the applicant to pursue use permit approval for a service station with minor automotive repairs with the conditions as stipulated in the staff report.

Ann Pardee, 54 Sir Francis Drake said the property is now an eye sore and wondered if there was a possibility to have the owners fence off part of the property where cars will be stored.

Sarah Nome, 77 Alder, said the Town needs a new service station.

Kottage said that those concerns regarding the use of the property should be brought up at the Planning Commission meeting when the use permit application is heard.

M/S Zaharoff, Chignell, to grant an exception to Interim Ordinance No. 903 to permit Jose Carrillo, 98 Sir Francis Drake Boulevard, A/P 6-191-36, to operate a service station with mechanical repairs (subject to Planning Commission use permit approval) on a property with a General Plan land use designation of Central Commercial District on the basis 1. The granting of the exception will not be detrimental to, or jeopardize, the orderly review and revision of the Town's zoning ordinance. The Central Commercial designation addresses those properties which do not have on-site parking. This site does provide adequate on-site parking and, therefore, does not conflict with the intent of the General Plan. Staff will recommend a General Plan Land Use Map amendment to designate Nos. 98 through 190 as General Commercial; and 2. The granting of the exception, under the circumstances of the particular case, will not adversely affect the health, safety, or welfare or be detrimental to persons, property, or improvements in the vicinity. The previous use of the site was similar and any application for a service station at this site will be subject to first obtaining a use permit through the Planning Commission process and, if approved, will be subject to use permit conditions established by the Planning Commission. The only complaints received in the past related to service station operations at this site pertained to litter and excessive signage. The applicants state they intend to keep the site "...clean of debris and waste, the building will be repainted and a general well-being of upkeep and clean appearance maintained." Motion unanimously passed.

6. DISCUSSION REGARDING ACQUISITION OF PROPERTY AT 22 MAGNOLIA

Town Administrator Camuglia stated the current owners of the property have made an offer to sell the property to the Town. The owners have stated that their offer will expire on October 27. The issue before the Council is whether to pursue purchase of the property at this time, and if so, what type of financing mechanism(s) should be considered. Camuglia said she received a telephone call from

Councilmember Sharp asking for a continuance to the October 24 meeting so he could be present for the discussion.

Colteaux commented that the price has gone up since the Town's original offer by \$30,000 to \$40,000, the Town's availability to purchase has decreased, and there has been some disclosure of a project that goes well beyond the acquisition of the property. He agreed that the matter should be continued until the meeting until October 24 when there would be a full Council, and felt that it would make good sense to notice the neighborhood.

Walsh asked about the length of time necessary for financing. Camuglia said that the Town does have an offer that expires on the 27th of October and it is staff's feeling that at least two weeks would be necessary to prepare and process the paper work for funding. However, staff could ask for renegotiation of that date if the Council so desires.

Walsh did not want to lose the opportunity to purchase the property and suggested that staff continue to pursue the financing.

Chignell supported the acquisition of the property and felt it was important to notice the neighborhood and honor the request of Councilmember Sharp to continue this until he could be present. He suggested that perhaps a special meeting be set because of the time constraints.

Zaharoff would like a continuance until Sharp could be present and have the neighborhood noticed.

Sarah Nome, 77 Alder, thought that the purchase of 22 Magnolia would be a great opportunity for the Town.

Mark Lucca, 26 Magnolia, felt this would be a good opportunity but hoped the parking area would be adequately screened with trees.

Tim Yarish, did not want to see the opportunity lost and would like to see off site mitigation fees.

William Jelinek, 53 Florence, was in favor of the purchase.

Ray Forrest, 80 Greenfield, suggested that staff pursue the purchase and get the funding, subject to the negotiated price acceptable to the Town. He added that the property will only increase in value.

Jo Julin, supported the acquisition but would like to hear the comments of Councilmember Sharp. At that time she would like to comment on the present zoning and the impacts of the neighborhood.

Walsh said there has been an incredible amount of interest from the business community and she did not want to lose the opportunity for the Town to purchase the property.

M/S Chignell, Zaharoff, to continue the discussion of acquisition of property at 22 Magnolia Avenue to the meeting of October 24, 1989 and to notice all of Magnolia Avenue.

Ayes: Colteaux, Zaharoff, Chignell  
Noes: Walsh

Motion carried.

The Council directed staff to try to negotiate an extension of the option and start a funding application with the understanding that it may not be completed.

7. DISCUSSION REGARDING LIBRARY:

(a) Review of Library Services Report

Town Librarian Wingate said that the Library Services Committee was created to examine the fiscal aspects of operating the library, including staffing levels and funding mechanisms, and to identify potential sources of funding for a new library building appropriate to the long-term operation of the library. The report was submitted to the Town Council at the meeting of August 8, 1989 and referred to staff for review. Wingate reported that she agreed with all the recommendations of the committee noting that she did not know the mechanics of approaching the Town of Ross to discuss the possibility of its joining our Town's library system but thought it was an excellent idea. With regard to the Council addressing the library concerns to the Library Advisory Board rather than to ad hoc groups, she felt that most concerns should be handled by the Advisory Board. She said there are currently six active members. She noted that although one member is supposed to be a student member they have never had a student on the Board and therefore recommended that the ordinance be changed.

Colteaux suggested that staff approach the Town of Ross to discuss the possibility of its joining our Town's library system.

Ranny Cockburn, Chairman of the Advisory Board, said that the Board generally concurred with the comments of Librarian Wingate.

Ginny Richardson, 5 Oak Hill Drive, would like the Council to seriously consider a fund raising mechanism for the library.

Cynthia Barrows, 265 Crescent, recommended the Council to rely on the Library Advisory Board.

William Jelinek, 53 Florence, said the Long Term Finance Committee has met with the Town Librarian at which time there was discussion about a funding mechanism. He thought that should be pursued.

Wingate said that if the Library wants to acquire funding from the Library Bond Act that passed last year, a letter of intent needs to be submitted to request funding prior to January 1, 1990.

Walsh suggested that George Frieze from the Larkspur Endowment Library Fund be contacted to discuss the mechanics of funding.

Administrator Camuglia said it appears there are several recommendations that come out of this report. She suggested that staff research the following items and report back to the Council at a subsequent meeting. 1. Contact the Town of Ross in their interest in joining our Library; 2. Look at the Ordinance relating to the Library Advisory Board and see if it requires updating; 3. Research fund raising options and feasibility; 4. With regard to cooperation with the Historical Society, Council may want to refer this to the Library Advisory Board so the two could work together.

M/S Chignell, Zaharoff, to approve staff recommendations. Motion unanimously passed.

(b) Report on library building

Staff reported that recent state legislation requires certain communities to determine which public and commercial structures are unreinforced masonry buildings and to adopt a mitigation program for this type of building by January 1,

1990. It has been determined that the Town's library building is one of these buildings. The possible options in a mitigation program are to strengthen, abandon or demolish the building, or reduce its use to a warehouse type occupancy. Staff will be submitting a report to the Council on adoption of a mitigation ordinance program this fall. A complete retrofit of the building would cost approximately \$250,000. A partial retrofit of installing the wall anchors during 1990, at a cost of approximately \$100,000, could add three to five years to the deadline for completion of all the work. Aside from the structural safety aspects of the building, there have been concerns about the adequacy of the building in meeting the Town's library services needs. The report of the Library Planning Subcommittee recommended that the library be rebuilt with an additional 6,000 square feet.

When the issue of the library building was last discussed by the Council on May 2, 1989, Council requested the following information: 1. A conceptual plan to determine whether it was feasible to enlarge the building, preserving its appearance, while meeting the seismic safety requirements; and 2. The cost of implementing the plan, and funding sources.

The most attractive funding option is state Proposition 85, which provides funding to construct new libraries and renovate old ones for purposes including safety code compliance. A 35% local match is required, but this can include the value of the land and what is retained of the existing structure. Specific guidelines on the grant have not been issued by the state, but staff has been informed that in order to be eligible, the Town must submit a letter of intent to apply for this grant, with the amount of funds requested, by January 1, 1990. A specific plan need not be adopted by this date, but the Town would need to have an estimated project cost. Another possible state funding source may result from legislation being proposed to grant funds for seismic retrofitting of public buildings.

Local architects Dan Goltz and Bill Ollinger volunteered their time to prepare a conceptual plan of how the library could be enlarged, preserving its appearance and conforming to seismic safety standards. They presented this plan to the Council. They felt that the grand scheme would be to create a civic center for San Anselmo. They would preserve the look of the library while adding, raise the existing lower floor, create a large courtyard, and create a second story over the existing parking lot, and also increase staff parking. The cost would be \$4.7 million. Goltz said that phase 1, which would be part of the seismic retrofit, could be completed for \$1 million. This would include raising the lower floor, and making the existing building safe. This would increase the size of the building to 6,400 square feet.

Sarah Nome, 77 Alder, said that when Novato planned their civic center, one-third of the space was to be rented out for commercial use to bring in revenue to help support the project. She wondered if San Anselmo had considered this.

The Council commended both Goltz and Ollinger for all their time and hard work in preparing the conceptual plans for the library.

Administrator Camuglia said there are options as to whether or not the Town wants to request the grant funding. Staff recommendations that a letter of intent be submitted for Proposition 85 funds prior to January 1, 1990 and that Council be kept advised as to what the status of is application is as staff receives notification.

M/S Chignell, Zaharoff, to approve staff recommendations. Motion unanimously passed.

8. APPOINTMENTS

(a) Tree Advisory Committee

Administrative Assistant Pollard said that eight of the nine applicants have been interviewed, one applicant has been unable to interview. Council can proceed with the appointments for the seven seats or wait until the next meeting to have the opportunity to interview the last applicant.

M/S Colteaux, Chignell, to continue appointment for the Tree Advisory Committee to the meeting of October 24, 1989. Motion unanimously passed.

(b) Open Space Committee (applications)

Three terms of the Open Space Committee will expire October 31, 1989. Mr. Braun and Mr. Draper have expressed an interest in seeking reappointment and Mr. Kanis has informed staff he is not seeking reappointment. Only one application has been received. Staff recommends that the Town continue to received applications for the Committee and to contact the applicants who applied in June to determine whether they are still interested in seeking appointment, with a report back to Council at the next regular meeting.

The consensus of the Council was to go with staff recommendation.

9. DISCUSSION REGARDING MARIN COUNTY TRANSPORTATION IMPROVEMENT AND GROWTH MANAGEMENT PLAN

Zaharoff, a member of the Countywide Plan Advisory Committee, requested Council direction on whether it supported the countywide growth management plan proposed by the Marin Conservation League (MCL). In response to proposed transportation improvements, MCL proposed a separate growth management authority, established by a joint powers authority. Under this proposal, the authority would make recommendations to the County on environmental quality standards, a development review board would review projects passed by cities that do not meet these standards, and there would be regional planning with Sonoma County.

Colteaux stated that the Transportation Authority plan included growth management provisions, and he felt this plan was sufficient. Walsh said she would like to see the growth management plan of the transportation authority have more teeth, but not to the extent of the MCL proposal. Zaharoff and Chignell supported the MCL plan.

10. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

1. Chignell asked for a list of the 26 buildings that are seismically unsafe because he has received telephone calls from some property owners affected.

Kottage said that report is not complete at this time but staff will provide information at the next Council meeting as to when that will be available.

2. Walsh received a letter from Paul Anderson, Marin Scope, asking that Council make an announcement that the League of Woman Voters and the Ross Valley Reporter are co-sponsoring two candidate night in conjunction with the school board election in the Ross Valley School district. The dates are October 11 and October 18, 1989.

11. ADJOURNMENT.

The regular scheduled Town Council meeting was adjourned at 10:50 p.m. to the next meeting of October 24, 1989.

BARBARA CHAMBERS  
ADMINISTRATIVE SECRETARY