

## Regular Town Council Meeting - June 9, 1981

Mayor Convis convened the meeting with Councilmembers Toal, Capurro, Wooliever and Buckle present.

2. OPEN TIME FOR PUBLIC DISCUSSION

Herman Kramer, President of Tam View Knolls Homeowners Association presented a protest to holding of the June 2nd election, stating that it was the Town's responsibility to budget from available funds to resolve drainage problems.

3. APPOINTMENTS

Library Advisory Board

M/S Toal, Buckle to close nominations. Motion passed by unanimous vote.

Bernice Brown and Tannette Jaloff were reappointed to terms on the Board to June 30, 1985.

Parks & Recreation Commission

Councilmember Toal nominated Don Rickets for reappointment. Nominations held open.

4. RECREATION PROGRAM MANAGEMENT CONTRACT

Council discussion revealed strong opposition by Councilmember Capurro and sentiment of some other Councilmembers to move more slowly than proposed.

A motion was made by Councilmember Toal, which died for lack of a second, to authorize execution of the agreement with San Anselmo Professional Recreation, Inc. effective January 1, 1982.

Thereafter, M/S Wooliever, Toal to authorize execution of Agreement with Professional Recreation, Inc. effective July 1, 1981. Motion passed on a 3 - 2 vote with Councilmembers Capurro and Convis voting no.

5. COUNCILMEMBERS WOOLIEVER AND CAPURRO REPORT ON ROBSON HOUSE NEGOTIATIONS

Councilmembers Wooliever and Capurro reported that they had met as a Council Committee with a Committee from the Association and reached agreement on contract provisions to be included in a revised agreement between Town and Association. However, draft of the revised agreement presented by the Association does not cover the agreed provisions. Members of the Association present contended they did not realize such agreements would be required in writing. Councilmembers Wooliever and Capurro requested to draft, with staff assistance, specific contract language to include all agreed provisions and bring back to Council at an early meeting.

6. APPEAL OF ASTRA ENTERPRISES FROM PLANNING COMMISSION DENIAL OF 24 UNIT INDIAN HILLS PLANNED DEVELOPMENT

Councilmember Buckle announced that he would not participate in this matter in view of a possible conflict of interest and left the podium.

The appeal was presented by Kent Mitchell, attorney for Astra Enterprises, on the basis that the density in the proposed plan is within the allowable number provided for in Town ordinances and that to deny development amounts to a taking of property without compensation.

Residents of the area present reiterated their strong objections to the development.

Appellant emphasized the position that the proposed density could be maintained by transfer of density credit for removal of units from the ridgetop.

M/S Toal, Capurro to deny the appeal from the Planning Commission's denial of Z-192 for Astra Enterprises, application to rezone A/P Nos. 177-250-30 and 177-220-50 from PPD R-1 to SPD for a 24 single family development on the grounds that the submitted plan is not in conformance with San Anselmo's General Plan, specifically the Conservation Zone Element which calls for preservation of ridgetops. Motion passed with four Ayes, Councilmember Buckle abstaining.

## Regular Council Meeting June 9, 1981

It was agreed that the applicant may submit a revised plan without further fees.

7. APPEAL OF THERESA MADDEN AND DAVID SUBKE FROM PLANNING COMMISSION DENIAL OF SEBACK VARIANCES, 3 HAZEL AVE.

Following appellant's presentation,

M/S Wooliever, Toal to grant the appeal and allow a three-foot rearyard variance and a three foot east sideyard variance to construct a swimming pool within five feet of the rear and east side property lines; and a 20 foot frontyard variance for two-car parking, V-947, 3 Hazel Ave., A/P 7-114-02 on the grounds that the variances are necessary for the enjoyment of property rights due to the configuration of the lot and will not be detrimental to the neighborhood. Motion passed by unanimous vote.

8. COUNCIL REQUESTS, COMMENTS AND DIRECTIONS TO STAFF

Councilmember Buckle reminded Council of his prediction on the outcome of the election for the drainage tax.

Mayor Convis reported a complaint received concerning a noisy, speeding motorcycle on Cordone every morning about 7:30. Staff to refer to Police Department.

9. ORDINANCE REZONING WILLOW GLEN PROPERTY AT 1330 SIR FRANCIS DRAKE BLVD. TO SPD FOR 21 UNIT PLANNED DEVELOPMENT

M/S Wooliever, Buckle to waive reading of ordinance. Passed by unanimous vote.

Hearing was opened for public comments. Mrs. Walter A. Anderson challenged Mayor Convis' ability to vote on this subject by reason of a conflict of interest in view of his real estate related occupation. This challenge was supported by Joyce DeMartini, Robert Neaylon and other members of the audience.

Mayor Convis stated that he did not believe his occupation constituted a conflict of interest and intended to vote on the matter with the understanding that a legal opinion will be obtained on the question and if such opinion supports the conflict of interest contention, his vote will become null and void.

Councilmember Toal again presented to the Council request for consideration of allowing increased density on the parcel, which would call for a revised plan for 23 Townhouse units fronting Drake Blvd. and 5 single family homes on Beverly Way, urging that this is a prime opportunity to support the policy of pending revised housing element of San Anselmo's General Plan. There was no Council support for increased density.

Thereafter, M/S Wooliever, Buckle to adopt Ordinance No. 804 amending Ordinance No. 485 of the Town of San Anselmo by changing the property classification from PPD R-1/R-3 to SPD for 18 Townhouse units and 3 single family dwellings, 1330 Sir Francis Drake Blvd., A/P 5-224-17 in accordance with the specific plan submitted. Motion passed on a 3 - 2 vote, with Councilmembers Capurro and Toal voting no.

Councilmember Toal's no vote was based on his desire for increased density and objection to the proposed placement of the units in relation to the creek. Councilmember Capurro's no vote was based on his objection to placement of the units in relation to the creek.

10. ORDINANCE AMENDMENT TO REQUIRE USE PERMIT FOR BUILDING SUPPLY AND LUMBER SALES IN C-3 ZONES

M/S Toal, Buckle to adopt ordinance No. 805 amending Chapter 3 of Title 10, revising zoning section of the San Anselmo Municipal Code to require use permit for retail building supply and lumber sales when confined within buildings. Motion passed by unanimous vote.

11. ORDINANCE REQUIRING UNDERGROUNDING OF UTILITIES ON PORTIONS OF SIR FRANCIS DRAKE BLVD, BRIDGE & CENTER BETWEEN SYCAMORE AND RED HILL

M/S Toal, Wooliever to adopt Ordinance No. 806 requiring undergrounding of utilities on portions of Sir Francis Drake Blvd., Bridge & Center between

Sycamore and Red Hill. Motion passed by unanimous vote.

12. RESOLUTION SETTING APPROPRIATIONS LIMIT FOR FY 81-82

M/S Toal, Wooliever to adopt resolution No. 1876 setting appropriations limit for FY 81-82. Motion passed by unanimous vote.

13. STATEMENT OF POLICY AND MINORITY BUSINESS PROGRAM FOR FEDERAL AID PROJECTS

M/S Toal, Wooliever to approve the Statement of Policy and Minority Business Program, and authorize the Mayor to sign Statement of Policy. Motion passed by unanimous vote.

14. CONSENT AGENDA

- a. Approve minutes of meeting of May 28, 1981.
- b. Approve warrant register for 5/16-31/81.
- c. Continue to July 28 hearing on rezoning Dal Bozzo property, Valley Rd. from PPD to SPD for 5 - 6 units.
- d. Approved notice of completion and final payment of \$20,842.49, with 10% retention of \$2,084.25 to be held for 35 days; and adopt resolution No. 1877 accepting offers of dedication for Laurel Avenue reconstruction.
- e. Adopted resolution No. 1878 approving right of way agreement, Hendrickson property, for HUB Bus Transfer Facility.
- f. Adopted Resolution No. 1879 authorizing execution of program supplement for funding Sir Francis Drake Blvd. for signal project.

ADJOURNED at 11:20 P.M. to budget hearing June 11, 1981.

LIBBY HANSON  
Secretary to Council