

AGENDA ITEM 2

**TOWN OF SAN ANSELMO
STAFF REPORT
November 21, 2002**

For the Meeting of November 26, 2002

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Appointment to Arts Commission

RECOMMENDATION

That Council appoint one member to the Arts Commission (1 seat).

BACKGROUND

The Arts Commission currently has two vacant seats for terms that expired in October 2002. There are also two more vacancies that have not been filled. Council has interviewed one applicant for the opening, Carol Scialli.

Ms Scialli's application is attached.

Respectfully submitted,

Debra Stutsman,
Town Administrator

Attachments:

AGENDA ITEM 3

TOWN OF SAN ANSELMO STAFF REPORT November 19, 2002

For the Meeting of November 26, 2002

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Annual Independent Audit Report for Fiscal Year ending June 30, 2002

RECOMMENDATION

1. That Council accept the following reports prepared by Odenberg, Ullakko, Muranishi (OUM) and Company, LLP, CPA which comprise the Annual Independent Audit Report for the fiscal year ending June 30, 2002:
 - General Purpose Financial Statements and Supplemental Information With Independent Auditor's Report;
 - Fiscal 2002 Report to Town Council (Management Letter);
 - Agreed Upon Procedures (Gann Limit Compliance); and
 - Single Audit Report on Federal Awards Program.
2. That Council approve staff's response to the recommendations presented in Section II of the Fiscal 2002 Report to Town Council.

BACKGROUND

OUM, Certified Public Accountants, have prepared the annual independent auditor's report and general purpose financial statements for the fiscal year ending June 30, 2002. In addition, they tested and reported on compliance in the Gann Limit calculations and performed an audit on the Town's federally funded STPL grant. This is the first year that OUM has conducted the audit and prepared the financial statements for the Town. The reports have been mailed to the homes of the Council members and Town Treasurer, and otherwise are included as Attachment #1-4. Scott Miller, the audit manager from OUM, will present its report to the Town Council on November 26, 2002.

GENERAL PURPOSE FINANCIAL STATEMENTS

The general purpose financial statements (Attachment #1) include balance sheets and revenue and expenditure reports for the Town's funds, and notes on items designated by the auditor.

A key piece of data that the Town receives in the transmittal of the financial statements is the amount of the prior fiscal year General Fund “carryover”, which is defined as the excess revenue realized in comparing actual to budgeted revenue and expenditures. At the time of the 2002-03 Budget Adoption, staff projected a carryover amount of \$210,000. As a result of the final closing of the 01-02 books and as reflected in the auditor’s report, that number has been revised to \$217,132, an increase of \$7,132. While the initial \$210,000 was allocated to capital and equipment needs, the additional amount has been set aside in the contingency for future use.

The conclusion presented in the independent auditor’s report (Attachment #1) resulting from OUM’s audit of the Town’s financial records is that the general purpose financial statements present fairly, in all material respects, the financial position of the Town as of June 30, 2002 and that the results of its operations and cash flows of its proprietary fund types for the fiscal year are in conformity with generally accepted accounting principles. This conclusion is known as a “clean audit.”

AUDITOR’S REPORT TO TOWN COUNCIL

The auditor’s Report to Town Council (Attachment #2) contains two sections. The first, entitled Required Communications, is a series of statements regarding various aspects of the Town’s internal control structure. No material deficiencies were identified in this section.

The second section, entitled Recommendations, outlines recommendations designed to help the Town make improvements and achieve operational efficiencies. The first recommendation is regarding the consistent use of a tagging system for identifying the Town’s fixed assets. Staff concurs with this recommendation and is currently implementing the recommendation.

The second recommendation is regarding the development of a comprehensive disaster recovery plan to ensure continuity of critical business functions during a disaster. Staff concurs with the importance of disaster planning. It has implemented the recommended off-site back-up tape for financial data in addition to its regular nightly update that is kept in the Town’s fire proof safe. Financial system software backup continues to be kept in the Town’s bank safe deposit box. Further efforts continue to be performed in coordination with the Town’s ongoing participation in the county-coordinated Standardized Emergency Management System (SEMS) and include annual tabletop and field exercises. An integral part of the county-wide coordination effort is the Marin Emergency Radio Authority (MERA), in which the Town participates.

AGREED UPON PROCEDURES (GANN LIMIT)

The auditors reviewed the Town’s Gann Limit Worksheet for FY 01-02 for compliance with the *Agreed-upon Procedures Applied to the Appropriations Limitation Prescribed by Article XIII-B of the California Constitution*. The report (Attachment #3) indicates compliance with no exceptions.

SINGLE AUDIT REPORT

The Single Audit Act requires that a separate and specific audit be performed on funds the Town received from a single federal source and of which more than \$300,000 was expended in a single fiscal year. The Federal STPL 5159-004 funds expended during FY 01-02 for the Sir Francis Drake Blvd resurfacing project were \$483,833 (total federal funding for the project was \$539,000) and therefore qualified for this special audit process.

The Single Audit Report (Attachment #4) indicates that, in OUM's opinion, the Town complied in all material respects with the requirements contained in *Government Auditing Standards* and the U.S. Office of Management and Budget's *Circular A-133*. Additionally, they noted no material weaknesses in the internal control over compliance and its operation. The conclusion of this report is an "unqualified" or "clean" audit.

CONCLUSION

The annual audit reports outlined above provide the Council with an overview of the fiscal condition of the Town as of June 30, 2002. The recommended actions are to hear the auditor's reports and to accept them, and to approve the response to OUM's recommendations.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachments (mailed to Council Members and Treasurer):

Attachment #1 -- General Purpose Financial Statements and Supplemental Information with Independent Auditor's Report, as of June 30, 2002

Attachment #2 -- Fiscal 2002 Report to Town Council

Attachment #3 -- Agreed Upon Procedures (Gann Limit)

Attachment #4 -- Single Audit Report on Federal Awards Programs

AGENDA ITEM 4

TOWN OF SAN ANSELMO STAFF REPORT November 19, 2002

For the Meeting of November 26, 2002

TO: Town Council

FROM: Lisa Wight, Senior Planner

SUBJECT: Appeal of Planning Commission's Approval of Negative Declaration of Environmental Impact, Parcel Split, Precise Development Plan (including amendment to previously-approved building envelopes and driveway location), Access Variance and Design Review of Two Single-Family Dwellings on APN 7-201-15, to be known as 531 and 535 Oak Avenue (located between 541 and 565 Oak Avenue).

RECOMMENDATION

That Town Council upholds Planning Commission's approval and denies appeal.

BACKGROUND

Applicant: Stonecraft, LLC, 900 46th Street, Sacramento, California 95819

Appellant: Stuart Jacobson, 500 Oak Avenue, San Anselmo, California 94960

On October 21, 2002, the Planning Commission conditionally approved the applications by Resolution. The appeal of their decision was filed on October 31, 2002.

DISCUSSION OF APPEAL

Appeal: *Failure to consider environmental impact of the development with respect to Endangered Species Act (Federal), and Failure to consider the impact, upon downhill residents of Oak Ave, of Traffic resulting from construction.*

Staff Response:

- Environmental:

The State Clearinghouse distributed the Negative Declaration and checklist to the Department of Fish & Game, and staff did not receive a response from that agency. The State's Fish & Game has accepted the U.S. Fish & Wildlife Services' protocol for the Northern Spotted Owl. However, neither the State Fish & Game nor the federal Fish & Wildlife Services *requires* that the federal protocol be followed because there is no federal or state permit involved.

Biologist Peter Epanchin of the United States Fish and Wildlife Service confirmed that there is no requirement for the 1-year survey and said the USFWS *could become* involved only if there was a “take” during construction. A “take” is defined by the USFWS as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”

Both the Negative Declaration for the 1994 Development Agreement and the current Negative Declaration required that there be a preconstruction nesting survey to preclude the actual loss of a nest or of individual owls. The Commission’s Resolution of Approval states:

“11. In order to avoid any potential impacts on Northern Spotted Owl, Cooper’s Hawk, Sharp-Shinned Hawk, Long-Eared Hawk, and migratory bird species, the timing of all construction activities should not coincide with the nesting period of this subspecies. Construction shall not be initiated between February 1 and June 30, to allow adequate time for chicks to fully fledge and leave the nest. Should the applicant wish to initiate construction after January 31 and prior to July 1, a preconstruction survey for occupied nests, must be conducted by a qualified biologist before any tree cutting or grading operations are initiated. If any of these species are detected on-site, no construction activity shall commence until the U.S. Fish and Wildlife Service is consulted. The survey must be completed immediately prior to the anticipated time of construction since nesting locations could vary from year to year.”

- Construction Traffic:

The Resolution of Approval’s Conditions 8 and 9 read as follows:

“8. Prior to building permit issuance, the applicant shall prepare and file with the Public Works Director, a construction management plan, which includes a videotape of the roadway conditions on Oak Avenue prior to construction. The applicant shall post a road improvement bond or provide other assurance to the Town that damage to Oak Avenue or other public street resulting from construction vehicles will be corrected. The Construction Management Plan, prepared by the applicant, shall include at a minimum: 1) construction delivery routes; 2) construction schedule (deliveries, worker hours, etc.); 3) notification to area residents; 4) emergency access routes; 5) designation of an individual responsible for implementing the plan; 6) a clause for damages for non-compliance with the provisions of this plan; 7) constructing the driveway first in order to provide parking for construction vehicles, 8) all construction equipment shall be adequately muffled and maintained, 9) hours of construction, 10) construction debris fence, 11) nesting conditions, 12) erosion control, 13) dust control, 14) refueling of equipment, 15) tree protection conditions, etc.

9. Prior to building permit issuance, the applicant shall meet with the Building Official and Planning Director to review in detail the approved Construction Management Plan. “

CONCLUSION

Staff believes the environmental impact of both the endangered species and traffic have been adequately mitigated to a level of less than significant. Details of the project are addressed within the attached Planning Commission staff reports.

c: Scott Sanders, applicant
Scott Couture, architect
Stuart Jacobson, appellant

Attachments: Appeal

LSA letter dated November 11, 2002

Planning Commission Resolution of Approval

Planning Commission staff report and minutes dated October 21 and
September 3, 2002

Negative Declaration and Checklist

A/P map

Plans/Renderings

AGENDA ITEM 5

TOWN OF SAN ANSELMO STAFF REPORT November 20, 2002

For the Meeting of November 26, 2002

TO: Town Council

FROM: Lisa Wight, Senior Planner

SUBJECT: Appeal of Planning Commission's approval of a single family dwelling at 16 Spruce Avenue, A/P 7-024-05

RECOMMENDATION

That Council uphold the Planning Commission's approval and deny the appeal.

BACKGROUND

Applicants: Jeff and Diane Ramsey, Post Office Box 1757, San Anselmo 94979
Appellant: Paul Thompson, 18 Spruce Avenue, San Anselmo 94960

At their meeting on October 21, 2002, the Planning Commission conditionally approved a single family dwelling on 18 Spruce Avenue. An appeal was submitted on October 29, 2002.

DISCUSSION OF APPEAL

APPEAL: *1) The height, bulk, mass and looming nature of the proposed project are all contrary to the design review findings; 2) The proximity of the proposed structure to the appellant's dwelling and to Spruce Avenue creates potential impacts upon the health and safety of appellant and others residing in the neighborhood; and 3) the boundary survey is inaccurate, which makes the variance and design review approvals inaccurate and calls into question the Commission's ability to make the requisite findings.*

PLANNING COMMISSION FINDINGS FOR DESIGN AND SETBACKS:

The Commission's findings of approval were as follows: 1) The building design and materials will be functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area due to the existing screening, proposing screening, building materials and colors; 2) The project will not cause the surrounding area to depreciate, as this is one single family home that meets the intent of the General Plan; 3) The project will not create unnecessary traffic hazards, nor will it adversely affect the health or safety of persons or endanger property; 4) There

will be a period of time when the new trees will not provide the optimum screening as they are growing, but the existing screening shall provide reasonable screening for the next few years; 5) The materials and design are aesthetically compatible with the neighborhood and with appropriate colors selected after construction, the dwelling will result in a low visual profile; 6) The special circumstance is the topography, which makes it unreasonably difficult to construct a garage and maintain the required 20' front setback and be within the 35' height limit above average grade; 6) The height of the garage is in keeping with the visual line on the street: 14 Spruce Avenue is slightly lower and 18 Spruce is slightly higher. By pushing the garage back, the structure will present more bulk as viewed from the sides and below. There should be no adverse impact relative to the height or the setback.

PROPERTY LINE CONCERN:

A property line and topography survey were prepared by Licensed Land Surveyor Robert A. Walling. Because Mr. Walling noted a discrepancy in the starting point on a much earlier survey by another surveyor, Mr. Walling was required to record a Record of Survey with the County, which he did in 2000. This Record of Survey shows the beginning point of his survey being near 58 Spruce Avenue. Mr. Walling has also submitted a written explanation of how he conducted his survey. The Town's approval of the project would be based on the information provided in this survey.

As it turns out, and can be seen on the site plan, the appellant's existing dwelling comes within 0' of the common side property line, which means that although the applicants are maintaining the Code required 8' setback for the new dwelling, the two houses will be within 8' of each other. It would be preferable if there was 16' between the two dwellings, but that would limit the new home to a 26' width. Consequently, staff believes that it would be unreasonable to burden the applicant's use of property because of the appellant's non-conformance.

CONCLUSION

Staff believes the required design review and variance findings have been made by the Planning Commission. The survey has been prepared by a licensed land surveyor who acknowledged the past inaccuracies in surveying by others. This survey shows that the appellant's dwelling is located within 0' of the common side property line.

c: Jeff and Diane Ramsey, applicants
Scott Couture, architect
Paul Thompson, appellant

Attachments: Appeal

Planning Commission staff report and minutes dated October 21 and
October 7, 2002
Letter from applicants to appellant dated November 15, 2002
Plans
A/P map