

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of March 12, 2002

Present: Breen, Chignell, Hodgens, Kilkus, Kroot
Absent: None

8:00 p.m.

- CALL TO ORDER.
- PLEDGE OF ALLEGIANCE

- ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Mayor Hodgens announced that no action was taken in closed session, but the Council will reconvene after this meeting in closed session to discuss public employees performance evaluations.

- INTRODUCE NEW PLANNING DIRECTOR TOM BELL.

Mayor Hodgens introduced and welcomed Tom Bell as the new Planning Director. She also thanked Acting Planning Director Lisa Wight for her hard work over the last ten months.

- RECOGNIZE DAVE ORTEZ FOR HIS 37 YEARS OF SERVICE TO THE COMMUNITY AT DAVE'S SHOE SERVICE.

Mayor Hodgens presented a certificate of appreciation to Dave Ortez for his service to the community of San Anselmo.

- RECOGNIZE EDITH STUMP FOR HER MANY YEARS OF SERVICE AS THE CHAIR OF THE LIBRARY ADVISORY COMMITTEE.

Mayor Hodgens recognized Edith Stump for her many years of service and presented her with a proclamation.

Cynthia Barrows, president of Friends of the Library, recognized Edith Stump for her years of service.

Ms. Barrows also reminded people of National Library Week and provided an overview of the events scheduled.

- OPEN TIME FOR PUBLIC EXPRESSION.

No one spoke at this time.

- COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, QUESTIONS AND COMMENTS TO STAFF; STAFF MISCELLANEOUS ITEMS.

Councilmember Chignell stated that the Measure G Committee met to discuss amendments to fiscal year 2002-03, noting that some recommendations will be coming to the Council shortly.

Chignell thanked staff for their quick resolution of abatement at 32 Elm Avenue.

Councilmember Kroot asked the Planning Director to look into preparing a resolution regarding demolition of homes. Many older homes are being torn down and rebuilt and he felt there should be some Commission review.

Mayor Hodgens thanked the Community Services Coordinator Kay Coleman and her assistant, Prudence Dreyfus, and the chefs for a spectacular event.

1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAY TAKE

1(a)

PLACE AT THE END OF THE AGENDA. OTHERWISE, ALL THE ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: February 26, 2002.
- (b) Authorize the solicitation of bids for the demolition of an unfinished steel frame structure which was constructed without permits; 379 Oak Avenue, A/P 007-241-61, Theodore Posthuma. **CONTINUED TO THE MEETING OF MARCH 26, 2002.**
- (c) Appoint Debra Stutsman Acting Town Administrator with a 20% increase in monthly salary.
- (d) Award contract for reconstruction of the Corporation Yard buildings to Charles O. Jones Inc. for \$729,747 and reallocate funds from the Capital Reconstruction Unprogrammed Projects budget and Capital Reconstruction Contingency Fund in the amount of \$85,935, and reserve \$30,000 in the General Fund Contingency budget for the project.
- (e) Proclaim April 14-20, 2002 Library Week.
- (f) Proclaim April 21-27, 2002, Volunteer Week
- (g) Proclaim April Fair Housing Month
- (h) Proclaim April Waste-Free Month
- (i) Accept as complete the Timothy Avenue drainage improvements and authorize staff to file a Notice of Completion.
- (j) Approve close of fundraising account with the Marin Community Foundation and direct staff to provide in house accounting services and database maintenance for fundraising donations.
- (k) Approve response letter to the Marin County Civil Grand Jury regarding affordable and workforce housing.
- (l) Approve resolution endorsing the Bay Area Alliance for Sustainable Development Draft Compact.
- (m) Approve resolution supporting the Marin "Share the Road" Program and the Marin Decal Distribution Project, a joint project of the Marin "Share the Road" Program and the Marin "Safe Routes to School" Program.
- (n) Approve expenditure of up to \$12,000 to provide for outside consulting assistance to the Administration and Finance Department, to meet workload demands during period of staff absence, to be appropriated from Contingency.

Councilmember Kroot removed Item (d) from consent.

Councilmember Kilkus removed Item (l) from consent.

M/s Chignell/Kilkus, and unanimously passed (5-0), to approve consent agenda items (a), (b), (c), (e), (f), (g), (h), (i), (j), (k), (m) and (n).

Kroot stated that through the work of staff members Keith Angerman and Rabi Elias, the cost of the Corporation Yard has been reduced and it will finally be built.

Breen added that the corporation yard was a dairy farm and it would make a good story; the Town should capitalize on it with the media.

M/s Kroot/Breen, and unanimously passed (5-0), to approve Item (d).

Kilkus wanted to commend the Quality of Life Committee for their work on the Bay Area Alliance for Sustainable Development Draft.

Breen also wanted to personally recognize Supervisor Harry Moore for his work.

Mr. Moore stated that the Quality of Life Commission looked into every aspect and felt it was worthy of the town's participation. He wanted to commend all the members for the work they put into it.

Lisa Summers wanted to thank the Town for reviewing the information they put together.

M/s Kilkus/Breen, and unanimously passed (5-0), to approve item (l).

2. APPROVAL OF AN ORDINANCE TEMPORARILY PROHIBITING THE CONSTRUCTION OR INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES PENDING REVIEW FOR MODERNIZATION AND ADDITION OF RULES FOR THE CONSTRUCTION AND INSTALLATION OF WIRELESS COMMUNICATION FACILITIES.

Town Attorney Roth presented the staff report, stating that the reasons for this are under the second paragraph. This exempts all pending applications and those that have been approved but not issued a building permit yet. This ordinance would go for 45 days and then would have to be extended by a notice and would be extended up to six months at the Council's direction.

In response to Mayor Hodgens, Town Attorney Roth stated that 330 Sir Francis Drake has been approved but a building permit has not been yet been issued; 820 Sir Francis Drake has submitted an application but no action has been taken by the Commission yet.

Kilkus said that there is almost nothing different than the previous ordinance. Town Attorney Roth responded that the difference is under paragraph 2.

Jane Paul, 31 Nokomis Avenue, stated that the current ordinance does not provide any measurement and we do not know what the effect is on the community. She urged the Council to pass this ordinance.

Christine Craig, 78 Madrone, thanked the Council for this ordinance which would allow time to research future options as they learn about the industry.

Chignell said he wants the Council to adopt the ordinance as described in the Staff report because the Town only has a skeletal ordinance at present. The genesis comes from the community and a viable citizens group that has asked the Council to do this.

Kilkus stated that Ordinance No. 985, which was the last telecommunication ordinance, sections 1, 2, 4 and the last part of section of 5 are not applicable because the present ordinance that was put into place after this, meets all these requirements. As far as he is concerned, the Town has a perfectly good and valid ordinance. In terms of consistency, he does not feel they should kees things in the ordinance that are no longer valid.

Town Attorney Roth stated that those sections were included to show what was done in the past, not what exists.

Kroot stated that the Council needs to take another look at the ordinance; both the Council and the community are starting to become educated on this issue. The first ordinance was somewhat rushed and we need to slow it down so we can find something that will work for San Anselmo.

Hodgens stated that there is sufficient reason to support this ordinance.

M/s Chignell/Kroot, to approve an ordinance temporarily prohibiting the construction or installation of wireless communications facilities pending review for modernization and addition of rules for the construction and installation of wireless communication facilities. Ayes: Breen, Chignell, Kroot, Hodgens Noes: Kilkus.

3. CONSIDER A SETBACK VARIANCE FOR A NEW DWELLING STRUCTURE TO BE WITHIN 5' OF THE FRONT PROPERTY LINE. ON PROPERTY LOCATED WITHIN THE R-1 ZONING DISTRICT ABOVE 150 FOOT MSL TO BE HEARD WITH:
APPEAL OF PLANNING COMMISSION APPROVAL OF V-0140 AND DR-0136 FOR 24 KNOLL ROAD, A/P 6-115-05, DESIGN REVIEW OF A NEW 2,777 SQUARE FOOT TWO-STORY SINGLE FAMILY DWELLING AND A SETBACK VARIANCE FOR A PEDESTRIAN BRIDGE TO BE WITHIN 0 FEET OF THE FRONT PROPERTY LINE. APPLICANT: STEVEN ATWATER. APPELLANTS: HERMAN AND LUJZA MEHLING.

Senior Planner Wight presented the staff report.

Kroot said that as part of the subcommittee, he and Councilmember Chignell met with Mr. Atwater and the Mehlings and it does not seem like they have come to any resolution.

Steve Atwater said he has put forth several proposals but has not heard anything from the Mehlings. He would prefer the Planning Commission site plan if the Mehlings do not withdraw their appeal.

Luiza Mehling, 14 Knoll Road, said she asked Mr. Atwater to move the master bedroom forward and he said he would reduce the size the house by 100 square feet. This would place it in front of the Hirsch's window at 32 Knoll Road and she did not think that was appropriate. She has a signed petition by 54 people from the neighborhood, asking the house size be reduced. Most of the people in the area feel the house is too big for the neighborhood. We have done quite a bit of work to show that the house was too big for the neighborhood. The house does not meet Objective 11 of the General Plan. The FAR is the maximum for a house that is on a flat lot; this lot is 39 percent slope and dangerous or any development. The present design has a high visual profile. The October 1st Staff report characterize the houses in the neighborhood as "cottages". The 1988 General Plan is written to safeguard the neighbors about a house like this. What kind

of life would the neighbors have with such a large house?

Breen asked if an offer has been made and, if so, has it been accepted? Ms. Mehling said she had not agreed to anything because Mr. Atwater has not reduced the house in size.

Kroot said there was a bit of a stumbling block; the Mehlings wanted it reduced 300 square feet and Mr. Atwater said it would be reduced by about 100 square feet.

Mayor Hodgens said the signed petition states the residents want to reduce the house by 600 square feet. Ms. Mehling responded that is because it is the largest house in the neighborhood.

Herman Mehling said he does not remember asking for a reduction of a specific size. They thought that if they could get consensus by the neighbors on a specific size, and they did, they put it through in a petition.

Mr. Atwater stated that his arborist confirmed that there would be no impact to the Hirsch's tree. He also moved the story poles 5' forward to reflect the change. The Mehlings said it was irrelevant because the house was too big. Mr. Hirsch said that design No. 2 was his preference. Most of the last two weeks have been used at trying to address the Mehlings concerns. Specifically, the concern is that the back master bedroom does not line up with the backyards of the other houses. He stated that in design No. 4 they moved the master bedroom forward, reduced the rear setback by 14' as well as the original 5', reducing the house by 100 square feet. This did not seem to be successful for the Kings and the Mehlings. He also has had many conversations with Senior Planner Lisa Wight, regarding restrictive hours of operation during construction, limiting construction days, etc., but this is not of interest to the Mehlings. Design No. 5 has a different configuration for the master bedroom.

Mr. Mehling said that if the house was not significantly reduced in size, there was no point in meeting with Mr. Atwater. They feel that the vast majority of the neighbors agree with them. Therefore, this design does not satisfy them.

Michael Morriety, 20 Sequoia, felt the house was too large and does not want it in the neighborhood. It appears that the codes do not address building on slopes that are very steep and he would suggest a moratorium for building on the steep hillsides until it can be adequately addressed.

Steve Penington, 12 Knoll Road, said he also feels that the house is too large and would like a house that is compatible with the neighborhood. He is concerned that if the soil slides, he will be a recipient of this.

Michele Chouinard, 208 Sequoia, is concerned about the size of the house and about potential earth movement and drainage off this lot and the impact of lots below.

Toby Symington, 33 Knoll Road, stated that the design of the house is very attractive and he appreciates the efforts Mr. Atwater has made to modify the design. However, the great majority of the neighbors oppose the current plan and favor a smaller house. Also, the Atwater plans are not in conformity of Objective 11 of the General Plan. This means the community values must be protected. He does not understand how a house that is 35% larger than any house within the immediate neighborhood can be approved.

Patricia King, 32 Knoll Road, said she did sign the petition but would like an agreement reached between the two parties.

Lisa Summers, San Anselmo, stated that 2,100 square feet is the spirit of the ordinance, although she did sign the petition.

Councilmember Kilkus stated that if Mr. Atwater has a fourth plan that has reduced the house further, then it is a house that is around 2,650 square feet and the Council could look at that as the final compromise. He could support that.

Councilmember Breen said design No. 4 is the most responsive to all the concerns and reduced the building another 100 feet.

Jim McDonald, architect representing Mr. Atwater, said they would give the Council the proposal for design No. 4 but discussion on this project has gone on for so long and they originally had met all the requirements of the Town, including FAR.

Senior Planner Wight stated that it sounds like design No. 4 does not require additional noticing.

Councilmember Kroot stated that design No. 4 is what he was hoping for and it would lessen the impact on the Mehlings backyard. He would like to see an elevation for design No. 4 but it could come back on consent.

Councilmember Chignell stated that this applicant had Planning Commission approval only 4 months ago. This process has been quite expeditious. Also, Mr. Atwater has been quite gracious and has made some concessions to the neighbors. However, they do not go to the root issue, e.g. the General Plan and it does not address the character of the neighborhood. This structure is quite a bit larger than those in the immediate neighborhood and he cannot support it.

Mayor Hodgens stated that if the structure violates the General Plan, how is it that the Planning Commission approved it? Senior Planner Wight responded that staff and the Planning Commission did not believe it violated the General Plan.

Mayor Hodgens said that the applicant, who is the owner of the property, has the right to build and she does not think this project is violating the General Plan. She did not think the neighbors would agree to anything short of the numbers they want, and Mr. Atwater will not reduce the size any further.

M/s Kilkus/Kroot, to approve design No. 4, subject to the applicant providing elevations and having this project placed on Consent Agenda for March 26th. Ayes: Hodgens, Kroot, Kilkus, Breen. Noes: Chignell.

As a clarification for the public, Councilmember Kroot explained that San Anselmo does have the tightest regulations in the County with a maximum of 5,000 square feet. Mr. Atwater and his architect have tried very hard to satisfy the neighbors; it is essentially a one story house and the mass has been broken up and articulated. This house will have to be built to the Uniform Building Code standards and will have to be engineered by a structural engineer. The house is in compliance with the General Plan.

Chignell asked about the indemnity clause. Town Attorney Roth said that Mr. Atwater's attorney had no objection to it.

4. 3% AT 50 RETIREMENT PROGRAM FOR LOCAL SAFETY MEMBERS OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM:

- (a) Approve resolution of intention to approve an amendment to contract between the Board of Administration of the California Public Employees' Retirement System and the Town Council.
- (b) Introduction and first reading of ordinance authorizing an amendment to the contract between the Board of Administration of the California Public Employees Retirement System and the Town Council.

Finance and Administrative Services Director Pendoley presented the staff report.

M/s Breen/Chignell, and unanimously passed (5-0), to approve 3% retirement program for local safety members of the Public Employees Retirement system.

5. DISCUSSION ON AMENDING THE MUNICIPAL CODE TO SET TIME LIMITS THROUGHOUT THE BUILDING PROCESS TO ENCOURAGE HOMEOWNERS TO COMPLETE CONSTRUCTION IN A TIMELY MANNER.

Building Official Angerman presented the Staff report.

Kroot said he finds it hard to follow the wording; perhaps an administrative code change would be better and given out with the building permit. Angerman said he would add it in to his approval sheet.

Kroot though maybe a deposit should be placed on it a second time. Angerman said that would not address the permits that are never finalized.

Kilkus did not think they could apply the standards to the large project as well as those small permits.

Mayor Hodgens said she felt it could be an incentive for people to do work without a permit.

Chignell suggested that he would like to think about this, perhaps think about reducing the amount somewhat.

Kroot agreed and added that perhaps the two should be separated.

M/s Chignell/Kroot, and unanimously passed (5-0), to continue the item to the meeting of March 26, 2002.

6. APPOINT REPRESENTATIVE TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PRIORITY SETTING COMMITTEE.

Kilkus said he would be willing to do this.

M/s Breen/Kroot, and unanimously passed (5-0) to appoint Councilmember Kilkus to the community Development Block Grant Priority Setting Committee.

7. ADJOURN.

The meeting was adjourned at 10:00 p.m. to closed session in memory of Rick Alvillar.

Barbara Chambers