

**AGENDA ITEM 1(b)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
August 17, 2004**

For the Meeting of August 24, 2004

TO: Town Council  
FROM: Janet Pendoley, Finance & Administrative Services Director  
SUBJECT: Report of Warrants Issued, July 2004

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**RECOMMENDATION**

That Council acknowledge and file warrant numbers 49206 to 49441 issued during the month of July 2004 in the amount of \$1,719,089.19. The following warrants voided or cancelled: 49286, 49340.

**BACKGROUND**

This report is an itemization of payments made to vendors during the month just ended. It also includes warrants written to Bank of America for the month's two regular payrolls as well as reimbursements to employees for work-related approved expenditures.

Respectfully submitted,

Janet Pendoley  
Finance and Administrative Services Director

**Attachment 1:** Warrant Registers, July 2004

## **AGENDA ITEM 1(c)**

TOWN OF SAN ANSELMO  
STAFF REPORT  
August 16, 2004

For the meeting of August 24, 2004

TO: Town Council  
FROM: Debra Stutsman, Town Administrator  
Subject: CONFLICT OF INTEREST CODE

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### ***RECOMMENDATION***

That Council approve the attached Resolution amending the Town's Conflict of Interest Code.

### ***BACKGROUND***

According to Government Code Section 87300, every public agency must adopt and promulgate a conflict of interest code. The San Anselmo Town Council approved Resolution No. 3603 in 2002 readopting the conflict of interest code regulations set by the State of California and the Fair Political Practices Commission (FPPC). State legislation requires cities and other public agencies to review, and revise if warranted, their conflict of interest codes every two years.

### ***DISCUSSION***

The Town Administrator, Town Attorney, Town Treasurer, members of the Town Council and Planning Commission, and candidates for elected Town office are designated by the State to be positions subject to disclosure of financial interests.

In addition, the standard conflict of interest code adopted by the FPPC requires local agencies to designate which employees make or participate in the making of decisions which may foreseeably have a material effect on financial interests. These employees are required to disclose financial interests they have in business entities contracting with the Town, or in properties within the Town limits other than their personal residences, and disqualify themselves from decisions in which they have a financial interest.

Staff and the Town Attorney have reviewed the code and prepared a resolution for adoption with an appendix designating which employee positions shall disclose financial interests.

### ***ANALYSIS***

The employees recommended to be designated for disclosure of financial interests are all management employees, which is in keeping with the Town's current conflict of interest code. Also included in the disclosure category are consultants, with an allowance as permitted by the FPPC for the Town Administrator to make exemptions as appropriate to the scope of the consultant's services.

**CONCLUSION**

Under the proposed resolution, any changes to state conflict of interest codes will automatically be incorporated in the Town's conflict of interest code. In accordance with state law, the Town will review its code again in 2006 to determine whether any changes are warranted.

Respectfully submitted,

Debra Stutsman, Town Administrator

Attachments: Draft resolution with attachments

**TOWN OF SAN ANSELMO**

**RESOLUTION NO. \_\_\_\_**

**A Resolution of the Town Council of the Town of San Anselmo amending its  
Conflict of Interest Code**

WHEREAS, the Political Reform Act (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code which may be incorporated by reference in an agency's code, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act, following public notice and hearings; and

WHEREAS, the terms of 2 Cal. Code of Regs. 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code for the Town of San Anselmo; and

WHEREAS, designated employees shall file statements of economic interests with the Town of San Anselmo. The Town shall make all statements available for public inspection and reproduction, pursuant to Government Code Section 81008.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 3603 is hereby repealed and herewith replaced, and the attached Exhibit A establishes the Designated Positions and Disclosure Categories for the Town of San Anselmo.

Adopted at a regular meeting of the Town Council of the Town of San Anselmo held on August 24, 2004, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Paul Chignell, Mayor

ATTEST:

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Barbara Chambers, Town Clerk

***EXHIBIT A***

**Designated Positions**

Director of Public Works, Police Chief, Police Commanders, Deputy Town Clerk, Planning Director, Parks Director, Recreation Director, Street Maintenance Superintendent, Community Resources Director, Town Librarian, Building Official/Engineer, Finance and Administrative Services Director, Consultant\*, and any other position designated as a management position by the Town Council.

***Disclosure***

1. Investments and business positions in any business entities which, within the last two years, have contracted, or in the future may foreseeably contract, with the Town on provide services, supplies, materials, machinery or equipment.
2. Income from any other source which, within the last 12 months, has contracted, or in the future foreseeably may contract, with the Town to provide services, materials, machinery or equipment to the Town.
3. Interests in real property located in whole or in part either within the boundaries of the Town, or within two miles of the boundaries of the Town, including any leasehold, beneficial or ownership interest or option to acquire such interest in

real property. This information need not be provided with respect to an interest in real property which is used as the principal residence of the designated member or employee.

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\* The Town Administrator may determine in writing that a particular consultant, although a designated position, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this appendix. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Town Administrator's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

**AGENDA ITEM 1(d)**

**TOWN OF SAN ANSELMO  
STAFF REPORT**

For the Meeting of August 24, 2004

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Announce Term Expirations:  
Boards, Commissions and Committees

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**RECOMMENDATION**

That the impending expiration of terms be announced and publicized, and that applications for appointment be solicited and forwarded to Council.

BACKGROUND

The following terms will expire on the specified dates:

<b>Boards, Commissions &amp; Committees</b>	<b><u>Members</u></b>	<b><u>Expiration date</u></b>
Open Space Committee	Peter Horn Daniel S. Krebs	October, 2004 October, 2004

A status report of current openings is attached.

Respectfully submitted,

Debra Stutsman  
Town Administrator

**AGENDA ITEM 1(e)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
August 16, 2004**

For the meeting of August 24, 2004

TO: Town Council  
FROM: Debra Stutsman, Town Administrator  
Subject: Proposition 1A

***RECOMMENDATION***

That Council approve the attached resolution supporting Proposition 1A.

***BACKGROUND***

For more than a dozen years, the state legislature has been taking local tax dollars that local governments used to provide vital services like fire protection, paramedic response, law enforcement, healthcare, parks and libraries. The State has taken more that \$40 billion from cities, counties and special districts in the last 12 years.

***DISCUSSION***

Proposition 1A is a historic bipartisan agreement between Governor Arnold Schwarzenegger, local governments, legislators, public safety officials, healthcare advocates, taxpayers and community leaders. Proposition 1A prevents the State Legislature from taking and using local government funds.

Proposition 1A replaces the need for Proposition 65. A coalition of local government officials placed Proposition 65 on the ballot earlier this year to stop the State from taking local government funding. However, that was before passage of the historic bipartisan agreement that put Proposition 1A on the ballot. All the official proponents of Proposition 65 are now supporting Proposition 1A and opposing Proposition 65.

Respectfully submitted,

Debra Stutsman  
Town Administrator

**AGENDA ITEM 1(f)**

For the Meeting of August 24, 2004

To: Town Council

From: Charles L. Maynard, Chief of Police

**Subject: Continuation of Benefits for Police Officer Daniel Widger while on Active Military Duty.**

Date: August 18, 2004

RECOMMENDATION

That Council adopt the attached Resolution regarding the continuation of healthcare benefits in the form of COBRA coverage for Police Officer Daniel Widger's family while he is on active duty with the National Guard stationed in a combat zone.

***BACKGROUND***

Police Officer Daniel Widger is a non-commissioned officer in the California National Guard and has served in that capacity for the past 15 years. He recently returned from an 8-month tour of duty during which time he was stationed in Bosnia.

**DISCUSSION**

During Officer Widger's tour in Bosnia, Council passed a resolution in order to continue medical coverage for his family. Officer Widger and his family live a considerable distance from the nearest military medical facility which would create a hardship in the event medical treatment is needed. Additionally, this treatment would be provided by medical staff unfamiliar with his family's medical history. Previous research also revealed that processing time for activated military personnel's dependants medical coverage may delay coverage by as much as two to three months due to the high volume of activated military personnel. It appears that medical coverage could be delayed and/or denied during this processing period.

## FISCAL IMPACT

While deployed, Officer Widger will not be receiving Town paid salary or benefits beyond that which is required by law. One benefit that is required is the continuation of the members PERS retirement contribution. Since his position will not be back-filled, this will result in net savings to the Town of approximately \$107,703 based on current (FY 03-04) earnings and benefit costs as follows:

<b>TYPE BENEFIT</b>	<b>FY 2004-05</b>	<b>FY 2005-06</b>	<b>TOTAL</b>
Salary	\$45,472	\$51,156	\$96,628
Associated Costs & Benefits	\$5,121	\$5,953	\$11,074
Required PERS Contribution	\$18,476	\$22,457	\$40,933
<b>Total Potential Savings</b>	<b>\$50,593</b>	<b>\$57,110</b>	<b>\$107,703</b>

While the salary savings appear substantial the police department is currently experiencing other personnel shortages and will find it necessary to utilize a substantial portion of these savings to cover shifts left vacant in Officer Widger's absence. These shifts will be covered utilizing overtime and temporary hire personnel.

As a part of this recommendation Officer Widger will voluntarily discontinue his employee coverage for the period of unpaid leave, which will trigger COBRA eligibility for his dependents. Calculation of the costs to continue the current health benefits (COBRA) for Officer Widger's family was estimated by Finance & Administrative Services Director Janet Pendoley, to include estimated increases in FY05-06, and is as follows:

<i>Health Premium FY 2004-05</i>	<b>Health Premium FY 2005-06</b>	<b>Total</b>
<b>\$5,473</b>	\$6,802	\$12,275

Upon his return to Town service Officer Widger would re-enroll with his chosen PERS healthcare provider.

### ***CONCLUSION***

The Police Department staff believes that this officer, who serves his community and nation with distinction and honor, should be free of worry about his family's welfare during his time of service in a hostile military zone. The Town has always taken pride in its employees and this is an opportunity to demonstrate our pride and commitment to those who routinely sacrifice for the Town.



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CHARLES L. MAYNARD  
Chief of Police

**WHEREAS:** This is a particularly dangerous time for America; and

**WHEREAS:** Military and Veterans Code 395.03 requires a Council Resolution if an employee receives pay and/or benefits in excess of those required by law; and

**WHEREAS:** Members of the California National Guard and all branches of our nation's active duty military are putting themselves in harm's way around the world to make America safer; and

**WHEREAS:** The Town Council of the Town of San Anselmo recognizes the commitment of our employees in the National Guard and active duty members of the military and offers our support for the men and women who defend our freedom without taking a stance on the political issues; and

**WHEREAS:** It is our hope that all members of the National Guard and of the active duty military services return safely to their families; and

**WHEREAS:** Thousands of citizens in the California National Guard have been called to active duty in Iraq, and around the world; and

**WHEREAS:** The Citizen Soldier's families usually do not receive the same support from the regular military as do the regular soldiers due to location of services; and

**WHEREAS:** The families of these Citizen Soldiers tend to suffer the greatest burden due to delays in benefits and lack of local assistance.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of San Anselmo hereby resolves to demonstrate the Town's support of its employees who participate in the protection of our Nation by serving overseas in hostile territory by making a financial contribution in the form of fully funding COBRA health coverage for the family of Police Officer Daniel Widger while he is on active duty in the hopes that this contribution will ease some of the stress of this sacrifice on the employee and his family.

I hereby certify that the foregoing resolution was approved by the San Anselmo Town Council on the 24<sup>th</sup> day of August, 2004 by the following vote, to wit:

AYES:

NOES:

ABSENT:

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PAUL CHIGNELL

Mayor

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DEBRA STUTSMAN  
Town Clerk

**AGENDA ITEM 1(g) – CONTINUED TO SEPTEMBER 14, 2004**

**AGENDA ITEM 2 – oral report**

**AGENDA ITEM 3**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
August 13, 2004**

*For the Meeting of August 24, 2004*

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Appointments to the Historical Commission and Planning Commission

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**RECOMMENDATION**

That Council appoint members to the Historical Commission (2 seats) and appoint members to the Planning Commission (3 seats).

**BACKGROUND**

The Historical Commission has a membership of fifteen seats. The Commission presently has four vacancies, to term expiring in September, 2008 (4). Council has interviewed two candidates, Tom Hendricks, an incumbent and Elizabeth Paurel.

The Planning Commission has a membership of seven seats. The Commission presently has three vacancies, to terms expiring in August, 2007 (1) and August, 2008 (2). Council has interviewed three candidates, Pascal Sisich (incumbent), Ted Freeman and Kim Pipkin. In addition, Council is scheduled to interview Ella Foley-Gannon before the meeting.

Respectfully submitted,

Debra Stutsman  
Town Administrator

Attachments

**AGENDA ITEM 4a)**

**TOWN OF SAN ANSELMO  
STAFF REPORT**

August 18, 2004

For the meeting of August 24, 2004

TO: Mayor and Members of the Town Council  
FROM: Janet Pendoley, Finance & Administrative Services Director  
SUBJECT: 2004-05 Budget and Workplan

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RECOMMENDATION

That Council approve the attached resolution adopting the 2004-05 Budget and Workplan.

BACKGROUND

At its meeting of August 10, 2004, Council reviewed and conducted a public hearing on the proposed 2004-05 Budget presented by staff.

ANALYSIS

The Town Council directed staff to proceed to adoption of the Budget and Workplan without amendment.

CONCLUSION

The final document will be published as presented.

Respectfully submitted,

Janet Pendoley  
Finance & Administrative Services Director

**Attachment #1:** Resolution # \_\_\_\_\_, A Resolution of the San Anselmo Town Council Adopting the 2004-05 Budget and Workplan.

**TOWN OF SAN ANSELMO**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL ADOPTING THE 2004-05 BUDGET AND WORKPLAN**

**WHEREAS**, the San Anselmo Town Council held a public hearing on the Proposed 2004-05 Budget and Workplan on August 10, 2004; and

**WHEREAS**, the Council has determined that the 2004-05 Proposed Budget and Workplan will allow for the continuation of municipal services and the necessary construction of capital improvements;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the San Anselmo Town Council adopts the 2004-05 Budget and Workplan as allocated below:

Capital Reconstruction Fund	\$ 158,543
Citizens Option for Public Safety (COPS)	100,000
Downtown Revitalization	17,953
Emergency Projects	50,000
Equipment	319,663
General Fund	12,121,014
Insurance	749,810
Isabel Cook Complex	7,495
Measure G Capital Projects	924,312
Measure G Debt Service – 1995, 1997, 2000, 2003	1,162,015
Recreation	1,089,886
Road Maintenance	1,314,651
Special Events	26,012
State Gasoline Tax	233,102
Traffic Congestion Relief	621,701

I hereby certify that the foregoing resolution was passed and adopted by the San Anselmo Town Council at a regular meeting thereof, held on the 24th day of August, 2004 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Paul Chignell, Mayor

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Barbara Chambers, Town Clerk

**AGENDA ITEM 4b)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
August 17, 2004**

**For the Meeting of August 24, 2004**

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: RESOLUTION ESTABLISHING THE 2004-05 APPROPRIATIONS  
LIMIT

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**RECOMMENDATION**

That Council approve the attached resolution establishing the appropriations limit for Fiscal Year 2004-05.

**DISCUSSION AND ANALYSIS**

Under Proposition 4 of the State of California, municipalities are limited in the amount of revenue that they may spend each fiscal year. The limit is calculated using a formula that includes change in population and inflation, as defined by the State.

Also known as the Gann Limit, the limit is set each year by resolution of the Town Council. Attached is a worksheet prepared by staff, showing the Gann Limit calculation for fiscal year 2004-05. The calculation shows that the amount of revenue that the Town estimates it will collect is \$514,737 below the limit it is allowed to spend.

Respectfully submitted,

Janet Pendoley  
Finance and Administrative Services Director

**Attachment #1:** Resolution # \_\_\_\_\_, A Resolution of the Town Council of the Town of San Anselmo Establishing the Appropriations Limit for Fiscal Year 2004-05

**Exhibit A:** Appropriations Limit Data, 2004-05 Summary  
**TOWN OF SAN ANSELMO**

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO  
ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2004-05

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**PURSUANT TO** Government code Section 7910, and based on documentation submitted by the Town Administrator, and acknowledging that the documentation has been available to the public for the required period of time;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Town Council of the Town of San Anselmo establishes the appropriations limit for the Town of San Anselmo for fiscal year 2004-05 under Article XIII-B of the State constitution, as shown on Exhibit "A", in the amount of \$6,382,249; and

I hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the San Anselmo Town council held on the 24th day of August, 2004 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Paul Chignell, Mayor

Attest:

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Barbara Chambers, Town Clerk

**AGENDA ITEM 5**

**TOWN OF SAN ANSELMO  
STAFF REPORT**

*August 19, 2004*

**TO:** Parks and Recreation Commission

**FROM:** Dean Nyberg, Parks Director

**RE:** Proposed Bond Funding Project Plan

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Recommendation

**That Council accepts the Staff and Parks and Recreation Commission's proposed bond funding project plan.**

Background

The Town of San Anselmo has received \$402,827 in State Block Grants. Staff was directed to reserve \$100,000 of the grant funds for the Red Hill Community Park Project. This leaves \$302,827 to be spent on park and facility needs. The hard process of final decision making has been completed. The Parks and Recreation Commission and Staff recommend \$265,000 be used for project allocation, \$25,000 be used for Open Space property acquisition, and \$12,827 be reserved for contingency and administrative costs.

The Town has an estimated \$3,927,000 in deferred park maintenance and facility needs. Starting with a project list of \$1,462,000 of the most immediate needs, Staff prioritized a draft of proposed projects totaling \$302,000 for the Parks and Recreation Commission's consideration. The Commissioners ranked each of the projects from the original project list (1-low, 5-high) so a tally of the very highest priority projects could be made. The results of the Commissioner's poll totaled \$408,000 in projects most needed. Staff made recommendations for Commission consideration which reduced this amount to the \$265,000 project goal. Staff and the Parks and Recreation Commission's recommendations are outlined in the attached Bond Funding Project Plan Draft. (see attachment A) The Parks and Recreation Commission recommends \$55,000 for tennis court replacement at Memorial Park be reserved for further study and approved all other Staff recommendations in the Bond Funding Project Plan Draft. The Parks and Recreation Commission further recommends \$25,000 in bond funds be used for the proposed Holstein Road Open Space property acquisition.(see attachment B)

Respectfully submitted,

Dean Nyberg, Parks Director

**AGENDA ITEM 6**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
August 16, 2004**

For the meeting of August 24, 2004

TO: Town Council  
FROM: Debra Stutsman, Town Administrator  
Subject: Refuse and Recycling Issues

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***RECOMMENDATION***

That Council discuss the issues and provide direction to staff.

***BACKGROUND***

The Town entered into a five-year franchise agreement with Marin Sanitary Service on February 1, 2004 to provide refuse, recycling and green waste services.

***DISCUSSION***

Several issues have arisen that require Council direction:

- Distance Charges – Some service locations are long distances from the street and require the garbage person to walk a distance to retrieve the garbage and bring it out to the truck. In multi-family units or residences with several cans, this may entail several time-consuming trips back and forth. This time-consuming effort slows down the whole process, eventually raising costs for those who are willing to bring their cans to the curb.

Marin Sanitary proposes to institute a distance charge for multi-family residences of \$4.75 per month/per can for an extra 50 feet of distance, \$9.50 for 100 feet. It is proposed to begin distance charges with multi-family residences first, considering later single-family residences. Distance charges would not affect disabled or elderly side-yard service, which is provided at no additional charge. Marin Sanitary would work with owners/managers of multi-family residences to provide choices to reduce the distance costs, such as swapping multiple smaller carts for a



larger volume carts. In addition, owners/managers could choose to bring the carts to the curb, thus eliminating the need for distance charges.

- **Start Time** - The current contract calls for service to be conducted between 6 a.m. and 6 p.m., except in commercial areas and/or in selected residential areas between 1000 and 1500 Sir Francis Drake Blvd, where collection is limited to 5 a.m. to 6 p.m. It has been the experience of Marin Sanitary that the earlier hours of collection (5 a.m.) are needed on Sir Francis Drake Blvd. between the San Francisco Blvd. and Bolinas Avenue. The earlier start time is needed for safety reasons, as well as the need to get the trucks in and out before the commute begins in earnest. This earlier time would be in effect on Fridays only.
  
- **Contract Changes**
  - a) **Section 6.3 A reads “All Rate Revenues collected from Customers during that month for current and past due accounts are to be reported as Gross Rate Revenues. Documentation should be provided to support the Gross Rate Revenues. Documentation should include the number of accounts for each Rate and total number of Customers bill for each Special Charge.” There are presently no special charges in the contract, so that last line should be eliminated.**
  
  - b) **Section 8.1A, Record Keeping, Accounting Records, says “Gross rate revenues and Recycling revenues derived from provision of Franchise Services . . .” MSS does not get recycling revenues as the products of the recycling program do not generate revenue. The recycling is sent to separate company in the Marin Sanitary group, but it does not generate a profit; rather, customers save by having less trash. The words “Recycling revenues” should be deleted.**

Per the franchise agreement, Marin Sanitary is entitled to a rate adjustment beginning January 1, 2005, to be submitted by September 1, 2004 and acted on by November 1, 2004. The rate is to be adjusted up or down to reflect the product of the change in the annual inflation rate measured as the percentage increase in the Consumer Price Index (CPI) over the previous twelve months, and the CPI Adjustment Factor. The contract with Marin Sanitary between December 1, 2002 and November 30, 2003 was an interim contract; no rate increase was considered in 2003 due to the unusual circumstances. Thus, Marin Sanitary will request a rate adjustment covering the last two years. Any changes made to the contract could be effective January 1, 2005 when a rate adjustment takes place.

### ***CONCLUSION***

Staff will come back with a formal contract addendum incorporating Council’s direction to staff.

Respectfully submitted,

Debra Stutsman  
Town Administrator

**AGENDA ITEM 7**

**TOWN OF SAN ANSELMO  
STAFF REPORT**

**August 10, 2004**

For the Meeting of August 24, 2004

TO: Town Council

FROM: Thomas Bell, Planning Director

SUBJECT: Appeal of Planning Commission's approval of a Use Permit and Variances, establishing a residential second dwelling unit including required parking space and retaining structure located at 125 Redwood Road in the R-1 zoning district APN 007-083-03

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**RECOMMENDATION**

Adopt the attached resolution upholding the Planning Commission's approval of the project, reaffirming the necessary findings, and adding additional conditions regarding indemnification and code enforcement as specified within this staff report.

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**APPELLANTS:** Alan Mooers 20 Savannah Ave.  
Jaqueline Ryan, 135/122 Redwood Rd.

**APPLICANT:** Patricia Johnstone

**BACKGROUND:** June 21, 2004: Planning Commission approved the Use Permit, Variances, to allow a residential 2<sup>nd</sup> unit and parking space/retaining wall within the front yard.

***DISCUSSION OF APPEAL***

Three items are documented in the attached appeal. Following is staff's response to those issues:

1. **The required additional parking space is in the opinion of neighbors, dangerous, may not conform to code, may require a variance not yet requested.** The parking space was reviewed and approved by the Commission. The Public Works Director/Town Engineer has reviewed the location and found it acceptable. Detailed plans are required to be approved by the Public Works Director prior to Building Permit. The Commission approved a variance for the retaining wall to accommodate the parking. A parking space variance is not needed since the 2<sup>nd</sup> unit ordinance allows parking within the setback area.
2. **An additional rental unit in the neighborhood due to congestion, parking problems, traffic, noise..Generally inappropriate for the neighborhood.** Residential 2<sup>nd</sup> units are allowed within single-family zones consistent with state and local laws. The Planning Commission made necessary findings for approval of the 2<sup>nd</sup> unit.
3. **Too many variances required.** Planning Commission approved variances making appropriate findings as authorized by code.
4. **Concerns regarding property line of #19.** No documentation has been presented to substantiate property line dispute in front parking area. Commission and staff must act on plans (evidence) presented. Detailed parking/retaining wall plans are required to be approved by the Public Works Director prior to permits. As part of that approval, the Director could require a survey if he determines necessary.

Details of the project are contained in the Planning Commission staff reports of May 3, June 7, and June 21, 2004.

In addition to the project conditions required by the Planning Commission, the Town Attorney recommends that the project be conditioned requiring an indemnification agreement and correction of existing building code violations (conditions 12 and 13).

#### RECOMMENDATION

Conduct a Public Hearing, and thereafter subject to evidence and testimony received, **adopt the attached resolution** upholding the Planning Commission's approval of the application, approving the necessary findings, and adding project conditions as recommended herein.

Respectfully submitted,

Thomas Bell  
Planning Director

Attachments: 1. Appeal  
2. Planning Commission minutes and staff reports

3. Plans and application materials
4. Various letters from citizens

c: applicants/appellants

## **AGENDA ITEM 8**

### **TOWN OF SAN ANSELMO STAFF REPORT**

**August 19, 2004**

For the Meeting of August 24, 2004

TO: Town Council

FROM: Thomas Bell, Planning Director

SUBJECT: Resolution approving an appeal and **denying** approval of a Negative Declaration and proposed project to develop a 9500 square foot commercial building, and exterior renovation of an existing 4,215 square foot building, located within the C-L zoning district APN's 006-061-06, 006-091-34, & 006-091-35, **790-800 Sir Francis Drake Blvd.**

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#### RECOMMENDATION

Adopt the attached resolution

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#### ***DISCUSSION***

At the meeting of August 10, 2004, the Council conducted a public hearing and thereafter, denied a proposed Negative Declaration and project at 790-800 Sir Francis Drake Boulevard. Further the Council directed the preparation of a focused Environmental Impact Report (EIR) if the project proponent desired to proceed with a project at this location.

The attached resolution defines that action.

Respectfully submitted,

Thomas Bell

Planning Director

## **AGENDA ITEM 9**

### **TOWN OF SAN ANSELMO TOWN COUNCIL STAFF REPORT**

August 18, 2004

For the meeting of August 24, 2004

**TO:** Town Council

**FROM:** Tom Bell, Planning Director

**SUBJECT:** Environmental Review, Zone Change from R-1, R-3, & C-L to PPD/SPD, Use Permit, Tentative Parcel Map, and Design Review to consider 4 residential dwelling units on .58+ acres located at 2, 4, 6, & 8 Loma Robles Dr. APN 006-091-02, 34, 35, 62

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#### DISCUSSION

At the meeting of August 10, 2004, this matter was continued to tonight without discussion. No additional information has been provided. Please refer to the staff report of August 10, 2004.

Although this matter may have similar concerns as the 790-800 Sir Francis Drake project heard on August 10, this hearing is a separate matter and must be heard independently of the aforementioned project hearing.

Should the Council determine that the Negative Declaration prepared for this project is deficient, it should so determine and direct staff to return to the Council with a resolution of denial of the Negative Declaration and the proposed project.

Tom Bell  
Planning Director

#### **Attachments:**

1. Staff report of August 10, 2004

## **AGENDA ITEM 10**

### **TOWN OF SAN ANSELMO STAFF REPORT**

August 16, 2004

For the meeting of August 24, 2004

TO: Town Council

FROM: Debra Stutsman, Town Administrator

Subject: Designation of Voting Delegate  
2004 League Annual Conference

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***RECOMMENDATION***

That Council designate the Town's Voting Delegate to the League of California Cities annual conference.

***BACKGROUND***

This year's league Annual Conference is scheduled for Friday, September 17 through Sunday, September 19, in Long Beach. One important aspect of the annual conference is the annual business meeting where the membership takes action on conference resolutions. Annual conference resolutions guide cities and the League in efforts to improve the quality, responsiveness and vitality of local government in California.

To expedite the conduct of business at this policy-making meeting, each city/town council is asked to designate a voting representative who will be registered at the conference and present at the annual business meeting. Each city/town is entitled to one vote in matters affecting municipal or League policy.

***CONCLUSION***

Due to our reduced training budget and scheduling conflicts, it is not anticipated that staff will attend the conference. However, a Councilmember may wish to attend.

Respectfully submitted,

Debra Stutsman  
Town Administrator