

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of August 10, 2004

Present: Thornton, Kroot, Breen, Chignell
Absent: Kilkus

8:00 p.m.

- CALL TO ORDER.
- PLEDGE OF ALLEGIANCE
- ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Mayor Chignell announced that no closed session was held.

- OPEN TIME FOR PUBLIC EXPRESSION.

Leonard Charles, 7 Roble Court, said that he would like the Council to reduce the appeal fee back to an amount people can afford.

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

Breen said the Red Hill Park JPA talked about the possibility of utilizing lighting at the park and asked for staff to review. He asked for a report on using lights at a soccer field that could generate longer practice hours.

Breen also said that a local merchant, who is not happy with the Council's decision to install parking meters to generate additional revenues, requested that the Town consider enforcing parking in the parking lots and on San Anselmo Avenue 7 days a week. This would assure a turnover in the parking spaces over the weekend.

1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. OTHERWISE, ALL THE ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: July 27, 2004.
- (b) Acknowledge and file final 2003-04 Work Plan progress report.
- (c) Introduction and first reading of sign ordinance: Negative Declaration of Environmental Impact and Amendments to the Current Sign Provisions of the Zoning Ordinance, SAMC Title 10, Chapter 9. The Amendments include: provisions for both temporary and permanent noncommercial (political) signs upon all properties, increasing the time limits for temporary signs, noncommercial sign size limitations without a limit to the number of signs, elimination of private signs within the public right-of-way, reinstatement of temporary sign provisions inadvertently removed from the Code several years ago, and general clarifications and logical formatting of the various sections. **(CONTINUED TO THE MEETING OF AUGUST 24, 2004.)**

Louise Matthews requested item (a) be removed.

M/s, Kroot/Thornton to approve the consent agenda except for item (a). Ayes: All.
Absent: Kilkus.

Louise Matthews, Foothill Road, said that in the July 27th written minutes, the summary did not include her specific comment that the Planning Director and Commission did not address the attributes of the Coby Friedman property being above 150 ft. sea level.

M/s, Breen/Thornton, to approve item (a) Ayes: All. Absent: Kilkus.

2. APPOINT MEMBERS TO THE PARKS & RECREATION COMMISSION (TWO SEATS) AND OPEN SPACE COMMITTEE (ONE SEAT).

M/s, Kroot/Thornton, to appoint Mathew Swalberg and Jay Murphy to the Parks & Recreation Commission. Ayes: All. Absent: Kilkus.

M/s, Kroot/Thornton, to appoint Liz Huntington to the Open Space Committee. Ayes: All. Absent: Kilkus.

3. APPROVAL OF NEGATIVE DECLARATION AND SUBDIVISION MAP PER PLANNING COMMISSION RECOMMENDATION CONVERTING FIVE APARTMENT UNITS TO FIVE CONDOMINIUMS ON PROPERTY LOCATED IN THE R-3 ZONING DISTRICT AT 26 TAMALPAIS AVENUE, APN 7-211-23. PROPONENT: DREW KLAUSNER, 2004 FIFTH AVENUE, SAN RAFAEL, CA 94901.

Senior Planner, Lisa Wight, presented the staff report. She said the Planning Commission recommended approval based on the findings with the addition of new conditions that Council should adopt.

Breen asked what would happen if during the conversion the property is sold. Senior Planner Wight said that she could write into the CC&R's that the conversion is transferred to the new property owners.

Chignell said that the code states that the Planning Commission shall first consider the percentage of housing available for rent within the town. Senior Planner Wight said that the Commission went with the alternate conditions, and the two findings that are required are that it is consistent with the general plan and that the negative declaration can be adopted with no adverse impact on the neighborhood. She said two separate reports were done to show that the rental units have not dropped below 25%.

Drew Klausner, Applicant, said that all of the current tenants have given their written consent for the conversion. Three of the five tenants have a 5-year fixed rent, one of the tenants has a 10-year fixed rent and one has a lifetime fixed rent, based on 2003 rents. Each tenant will be given first right of refusal to purchase their own unit at a discounted price. They are offered a move out bonus they can choose instead. He said this project can provide a lower cost housing unit for the Town. One of the units will be deeded to

Marin Housing for participation in the Below Market Rate Program. Preference for the Below Market Rate unit is offered first to a qualifying Town Employee per the program specifications.

Breen said it is a win-win situation, in particular for the Town, as it gives the Town a low-income unit and also provides a affordable housing to a Town employee.

Thornton asked how the rate is implemented. Mr. Klausner said the rate is based on median income in the bay area, if the median income goes up, then the value of the home appreciates at that same rate, this way the unit can remain in the Below Market Rate Program, continuing to offer low cost home ownership to lower income families.

Louise Matthews, Foothill Road, said the condominium conversion did not appear to meet the Housing Element Objective 1-4. She is also concerned about the lack of parking in that area.

Chignell asked why Council hasn't seen more condominium conversions in the past. Senior Planner Wight said only 5 or more unit conversions come to Council for approval, anything 4 units or less is approved by the Planning Commission.

Kroot said he does not want to see a run of condominium conversions starting in Town but didn't have a problem with this one. Thornton said the sales price would generate a considerable increase in rent/mortgage payment in comparison to what the tenants are currently paying. Chignell said that the ordinance should include quotas to preserve rental-housing stock.

M/s, Breen/Kroot, to approve the negative declaration and the subdivision map and to approve the recommendations delineated in the staff report. Mayor Chignell asked for a roll call vote. Ayes: Kroot, Breen, Chignell. Noes: Thornton. Absent: Kilkus.

4. APPEAL OF PLANNING COMMISSION APPROVAL OF ENVIRONMENTAL REVIEW, DESIGN REVIEW, LOT MERGER, AND LOT LINE ADJUSTMENT TO DEVELOP A 9,500 SQUARE FOOT COMMERCIAL BUILDING, AND EXTERIOR RENOVATION OF AN EXISTING BUILDING LOCATED IN THE C-L ZONING DISTRICT. LOCATION OF PROJECT: 790-800 SIR FRANCIS DRAKE BOULEVARD, APN 6-061-06, 6-091-34, 6-091-35. APPLICANT: FREDRIC DIVINE ARCHITECTS FOR G. KOBlick (800 SIR FRANCIS DRAKE BLVD) 790 SIR FRANCIS DRAKE BLVD. LLC – COBY FRIEDMAN. APPELLANT: JONATHAN BRAUN, BOX 627, SAN ANSELMO, CA 94979.

Planning Director, Tom Bell, presented the staff report. He said the project is a commercial project located in a commercial zone and includes a 9,500 sq. foot commercial building and a façade renovation for the existing building. The two properties were combined for reciprocal access and to enhance the design. He said it

meets all intensity standards, parking requirements and is within the allowable height, therefore the Planning Commission approved it. Staff recommended that Council uphold the approval, reaffirming the necessary findings and add a condition of indemnification that was recommended by the Town Attorney.

Jonathan Braun, Appellant, 479 Scenic Avenue, said that the site has unstable geologic conditions, only one access from Sir Francis Drake Boulevard, is located where it would increase traffic congestion, will cause traffic backup due to construction impact, has cumulative environmental impacts, should have been considered one project according to CEQA, and the landscaping will impact site lines. He said that more information should be sought before this project is approved such as what the building uses will be as it may impact traffic, timelines for construction completion, considerations for land movement, environmental concerns and more. He suggested that Council request a focused EIR and that they uphold the appeal.

Frederic Divine, Architect, said that this project was brought to Council once before as a residential idea that was not approved because it was in a commercial zone. He said the soils work was done by a professional soils engineer and the design standards are at a safety level beyond normal, the work would be done in stages, work would be done on site minimizing the traffic impact, there is a second outlet and the project is appropriate to the zone. He added that the new landscaping would improve the site line compared to the old landscaping and the details of how the construction will progress would be worked out with the Public Works Director at the appropriate time, which is usually after the project approval.

Len Rifkind, Attorney, said this site is already zoned for the traffic a business in this location would generate, as well as impacts for commercial building, and the business itself would have to apply for a use permit if necessary at that time. He said a licensed registered engineer determined that the total number of excavation trips by truck would be insignificant for affecting the level of service. As a commercial project it meets all the requirements. He urged the Council to deny the appeal.

Sheila Wheeler, 44 Madrone Avenue, asked what the length of the project would be and what the route would be for the excavation trucks. The Architects said 18-24 months for project length and the route would be determined at the next phase of the project with the Public Works Department but it could go east or west on Sir Francis Drake Blvd.

Susan Blair, 27 Bella Vista, said she was very concerned that the excavation and construction traffic would use Bella Vista to turn around in. She said Bella Vista is a private road that the residents on the street just paid a lot of money to have repaved and she doesn't want it to get ruined.

Liz Huntington, 324 Francisco Blvd., said she was also in favor of a focused EIR before approving the project.

Gina Clark, 65 Bella Vista, said her concerns were the increased traffic congestion, the length of the project likely taking longer than 18-24 months, the possibility of a major landslide and decreased open space for the deer.

Jerry Arbini, 26 Bella Vista, said that while he doesn't question the professional integrity of the soils engineer, nothing is foolproof and a slide seems possible as it has already happened in the past. He is also concerned about increased traffic congestion.

Mary Beth Reese, 53 Bella Vista, said that she is also concerned about traffic congestion and said there is already commercial buildings in the area that are not being rented and questioned why we needed another commercial property there.

Nancy Helmers, Fairfax resident, said she felt that the whole Ross Valley would be impacted by this project in terms of traffic impacts. She said the combination of soils and traffic concerns seemed an intolerable burden on the community. She was in support of a focused EIR.

Gay Kagy, 280 Redwood Road, said the traffic report is from a study done in 2002, since then public transportation routes have decreased and traffic congestion has increased. She felt a focused EIR was needed.

Charles Even, Roble Court, said he felt a focused EIR was needed to help determine things like how many truck hauls eastbound on Sir Francis Drake Blvd. will occur, how will the trucks cross safely to turn eastbound, how will traffic and level of service be impacted, what are the cumulative impacts in various areas, and how would erosion control happen.

Bruce Ackerman, Fairfax resident, said it is clear, though he has not read the documents yet, that traffic will be a concern and he is in support of a focused EIR.

Louise Matthews, Foothill Road, said that the traffic study done in 2002 is not applicable to this project because it is two years old and it specifically focused on parking issues along Sir Francis Drake Blvd. near Drake High School. She said she is also concerned about the cumulative impacts.

Patrick Haven, 36 Luna, said the new outlet behind 800 Sir Francis Drake Blvd. would direct traffic behind Walgreen's and into the Safeway parking lot in order to get to the signal that will allow a left turn eastbound. He proposed that the Town install a traffic light at Madrone to allow a left turn eastbound and a safer right turn, take away from traffic traveling behind Walgreen's and into the Safeway parking lot and it would slow traffic down that accelerates from the hub.

Bob Chapman, 780 Sir Francis Drake Blvd., said he felt the hill will slide and traffic and parking will be an issue. He liked Mr. Haven's idea of installing a traffic light at Madrone.

Heather Mitchell, 225 First Street, San Rafael, said according to the General Plan Policy this project exceeds allowable trips made by 5,190. She also asked who would assume liability should Red Hill slide.

Cherilyn Gilroy, Luna Lane, said she is concerned with the drainage, ground vibration

and noise issues that are already a problem for her. She said springs cut away and rocks fall from Red Hill. She felt the project should go back to the Planning Department.

Martha Richardson, 37 Madrone, she said the traffic is already dense and doesn't like the idea of a new traffic light at Madrone. She urged the Council to rethink this project.

Zach Hoffman, San Anselmo resident, said that there is already no room for cyclists on Sir Francis Drake Blvd. westbound and felt that construction crews would only make it more unsafe.

Jonathan Braun, Appellant, 479 Scenic Avenue, thanked everyone who was present to support the appeal. He said the issues that have been brought up in the past have not been dealt with which is why the same issues are resurfacing now.

Frederic Divine, Architect, said the project was properly noticed, the traffic and soils studies were comprehensive, even beyond what was asked, the project reduces the number of trips on Sir Francis Drake and he pointed out that an EIR will provide the same information that has been provided thus far.

Len Rifkind, Attorney, said that it is unfortunate that the residents are reluctant to change because the project would enhance the neighborhood. He said that how the residents think the impacts might be is not a fair argument for conducting an EIR when sufficient information, including professional studies, to support the project has already been founded.

Thornton asked what the difference is between a focused EIR and just an EIR. Planning Director Bell said that a focused EIR focuses on specific areas of impact where a regular EIR analyzes everything. A focused EIR will require hiring, on the part of the Applicant, a consultant and would take 6-12 months to complete.

Chignell asked the Planning Director if it would be unusual to refer this to the Public Works Director to work with the Applicant and put together certain mandates. Planning Director Bell said that generally the Public Works Director, who is governed by state and local laws regarding drainage, hours of operation, loads, etc., hammers out these details in the next stage of planning after project approval.

Public Works Director, Rabi Elias, said no matter what you do there is going to be impacts because it's a construction site, but mitigation can help keep the impacts as minimal as possible.

Kroot said that this is a large project for San Anselmo and he is concerned about the location in terms of soils, traffic, construction management, site lines and use. He thought more study, a diagram showing the site lines in particular, should be done prior to approval.

Breen said this is a great project if it wasn't on Red Hill and on Sir Francis Drake Blvd. He said the traffic safety and congestion issues are a concern as well as soils. He said he would like to look at the two projects as one whole project and have a focused EIR done

to provide more information.

Thornton said she is concerned with traffic safety, and possible solutions, in that area and would also like to see a focused EIR specifically for that project and that area, as well as, some thought to what the overall long term impacts may be.

Chignell said he is not prepared to support the project at this time. He would also like to see the project combined as one project. He thought the traffic study was outdated and did not specifically address issues pertaining to this project. He said he is not sure a focused EIR is necessary, as it will repeat a lot of work that has already been done, but more information in some form is needed. He suggested the Construction Management Plan be a part of the approval and the matter be continued to the next meeting.

Planning Director Bell said Council needs to make a decision environmentally within 180 days of a complete application, and then 60 days thereafter they have to act on the project. He said a focused EIR would not be completed by the November 14th deadline. If Council wanted to request a focused EIR he suggested they deny the negative declaration and project and then redirect a focused EIR be completed and the project be resubmitted.

Len Rifkind, Attorney, said that they could provide more information and try to save the project, but if Council wants a focused EIR they would not be able to comply due to the amount of time and cost already involved in the project.

Planning Director Bell said that the advantages to conducting a focused EIR over just getting more information is that you don't have to do alternative analysis, it provides for public scoping sessions which could be advantageous and this way the public can get involved.

M/s, Breen/Thornton, to deny the negative declaration and project, without prejudice, and require a focused EIR be conducted and resubmitted to the Planning Department. Mayor Chignell asked for a roll call vote. Ayes: Thornton, Breen, Chignell. Noes: Kroot. Absent Kilkus.

5. APPROVAL OF 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; LOCATION OF PROJECT: 2, 4, 6 AND 8 LOMA ROBLES DRIVE, APN 6-091-02, 34, 35 AND 62; APPLICANT: FREDRIC DIVINE ARCHITECTS FOR LOMA ROBLES LLC/COBY FRIEDMAN.

M/s, Breen/Kroot to continue item 5 to the meeting of August 24th, 2004. Ayes: All. Absent: Kilkus.

6. PUBLIC HEARING ON PROPOSED 2003-04 BUDGET AND WORK PLAN.

Town Administrator, Debra Stutsman, presented the staff report. She said the last fiscal year came in right on budget by curtailing all unnecessary spending and freezing 7 vacant positions. The budget presented tonight maintains key services to the community with no involuntary employee pay and schedule reductions. She said the next step is to conduct a public hearing on the proposed budget and then to incorporate any changes identified by Council and bring it back for adoption.

Louise Matthews, Foothill Road, said that the Town's fiscal struggles are not due to pension costs as those are paid for by the taxpayers. She also said that Town Administrator Stutsman said that there were no raises for employees but if you look at the salary section of the budget it shows that management received raises effective July 2004.

Heather Mitchell, 225 First Street, said that the Red Hill Community Park is a waste of the Town's money and was concerned as to who was paying for the liability on the park.

Kroot asked the Public Works Director why it would cost \$38,000 to replace the library roof when there was some repair already done on it. Public Works Director Elias said the roof repairs have never been done right, the insulation is gone, the air conditioning has caused leaking and it needs to be replaced now.

Chignell thanked Finance Director Janet Pendoley, for her hard work throughout this process. Finance Director Pendoley said that she believed this budget to be realistic. She said she is confident that the Town may break even or be ahead slightly but no worse than that. She said there is nothing in contingency because that money would come from reserves anyway. If something happens that warrants a contingency fund we can move money at that time.

Chignell said we have no money for capital improvements, the infrastructure will deteriorate in time and layoffs have only been deferred if something is not done in the next year.

7. APPOINT ALTERNATE REPRESENTATIVE TO THE TRANSPORTATION AUTHORITY OF MARIN (TAM).

M/s, Breen/Kroot, to appoint Council Member Thornton as the alternate representative to the Transportation Authority of Marin. Ayes: All. Absent: Kilkus.

Louise Matthews, Foothill Road, said that having three members of Council appointed to the Transportation Authority of Marin seemed like a strong representation.

8. ADJOURN.

The meeting was adjourned in the memory of John Gray Sr., who resided on Idlewood, and commemorating Dorothy Hughes, a long time community activist.

Respectfully submitted,

Denise A. Phillips
Senior Police Administrative Assistant