

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of September 27, 1994**

Present: Breen, Kroot, Chignell  
Absent: Yarish, Zaharoff

1. CALL TO ORDER.
2. ANNOUNCEMENT OF ACTION TAKEN, IF ANY, IN CLOSED SESSION.

Mayor Chignell announced that the closed session regarding the Fraser matter will be taken up following the meeting this evening, rather than before as previously announced.

3. OPEN TIME FOR PUBLIC EXPRESSION: THE PUBLIC IS WELCOME TO ADDRESS THE COUNCIL AT THIS TIME ON MATTERS NOT ON THE AGENDA. PLEASE BE ADVISED THAT PURSUANT TO GOVERNMENT CODE SECTION 54954.2, THE COUNCIL IS NOT PERMITTED TO DISCUSS OR TAKE ACTION ON ANY MATTER NOT ON THE AGENDA UNLESS IT DETERMINES THAT AN EMERGENCY EXISTS, OR THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION WHICH AROSE FOLLOWING POSTING OF THE AGENDA.

Barbara Schmidt, 59 Austin, said she feels it is a good time for the Town to activate an active tree ordinance program.

Bob Ferragamo, San Anselmo, said he is a smoker and he has a number of arguments against the smoking ordinance. He feels the Town Attorney should be consulted regarding the ordinance. He has 500 people who have signed his petition.

Sarah Nome, 77 Alder, said that the Tunstead paving job looks very nice. She said that midway up Tunstead a flower shop has put in a claim against the Town saying their flowers were ruined by the work. She said she hasn't seen flowers in that location and thinks the claim is phony.

Val Schaaf, San Anselmo, asked that Council endorse Proposition 186 on a future agenda and he gave out additional information on 186.

Neil Wolf, 192 Tunstead, said he is pleased about Council's recent proclamation regarding pollution week. He complained about dog droppings on Tunstead Avenue and said he would like to see an ordinance about cleaning up after dogs. Staff will pursue this.

Danielle Deny, 137 Indian Rock, said she attended a recent Park & Recreation Commission meeting on dogs at Memorial Park. She said the meeting wasn't handled well and that it nearly turned into a brawl. It seemed one-sided to her. She asked that in future meetings the Chair should state expectations, time limits, let everybody have an opportunity to speak and leave his biases at home. Staff will pursue this item.

Barbara Schmidt, 59 Austin, said she thought Sorich Park was going to become a dog park.

4. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTIONS TO STAFF; STAFF MISCELLANEOUS ITEMS.

Kroot said a letter was received from the County Board of Supervisors in opposition to Proposition 188. He would like this issue on the next agenda, in addition to Propositions 184, 186, and 187.

Breen said the County Planning Commission approved the Baywood project, and he asked staff and the Open Space Committee to report back on the details of the project so the Council can be informed.

Breen asked attendees to take a look at the "on loan" street light at the corner of Pine Street and San Anselmo Avenue. The street light is an old fashioned style used at the Embarcadero. The next meeting of the downtown revitalization group will be Monday, October 17, at 6:30 p.m. in the Town Hall Council Chambers.

Pollard reported that the railroad gate is up at the United Market parking lot, allowing limited access from the parking lot to Forbes Avenue. The berm at Hilldale and Jordan was built today to prevent cars cutting through to Forbes from Hilldale through Jordan.

Pollard said that at the last meeting the Council authorized her to pursue an injunction on 14 Oak Knoll if certain documents were not received. Both documents were received in a timely matter.

Chignell said that, if staff concurs, he would recommend we send a letter to the lower Sequoia neighbors giving them a status report on the work being done.

Chignell said that a request to continue the item regarding the Garbage Franchise Transfer was received from James Ratto.

M/s, Breen/Kroot, to continue Item 8 to the next meeting. Ayes: All. Absent: Yarish, Zaharoff.

5. 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: September 13, 1994.
- (b) Acknowledge and file warrants: Nos. 16351 - 16584, in the amount of \$708,342.96.
- (c) Acknowledge and file financial report through August 31, 1994.
- (d) Waive payment of rent withheld by Marin Concerned Citizens ((MCC) from May through September, 1994, and appropriate \$2,400 from the Isabel Cook Complex Fund to assist MCC with relocation expenses.
- (e) Authorize \$2,800 in additional costs for engineering services, Redwood Hills Subdivision.
- (f) CONTINUE TO OCTOBER 11, 1994:
  - (i) Introduce ordinance amending regulations and procedures for towing operators.
  - (ii) 379 Oak Avenue, APN 7-241-61, Resolution approving the two-car garage subject to conditions, and sustaining the Planning Commission denial of a design review amendment and use permit to construct an addition to a single family residence and add a second unit, DR-9120, NU-9302; Ted Posthuma.
- (g) Acknowledge receipt of draft staff recommended three-year capital improvement plan for proceeds of Measure G bond measure, make available for public review and comment, and schedule public hearing on plan for November 22, 1994, if Measure G is successful.

Kroot asked about a warrant for \$44,000. Pollard replied it reflects the purchase of a new bucket truck.

Breen asked that item (f) (ii) be removed for discussion. Planning Director Chaney said there is a possible request coming from the applicant, Ted Posthuma, to ask Council to reconsider this action. Town Attorney Roth has advised that once an action is taken it cannot be reconsidered. The applicant would have to reapply. If it is to be heard by the Council, Mr. Posthuma would reapply for an appeal. The fee would be \$125, but the Council could waive the fee if they wanted, but all the normal noticing would have to be done. Breen said Mr. Posthuma wants to put the property in a salable condition so he can sell it and leave town. This matter could be on the October 25 agenda.

M/s, Breen/Kroot, to continue item (f) (ii) to the meeting of October 25. Ayes: All. Absent: Yarish, Zaharoff.

M/s, Kroot/Breen, to approve the consent agenda, with the change noted in the minutes.  
Ayes: All. Absent: Yarish, Zaharoff.

6. APPOINTMENTS.

- (a) PARKS AND RECREATION COMMISSION (1 SEAT)
- (b) HISTORICAL COMMISSION (6 SEATS).

This item was continued to the meeting of October 11, 1994.

7. ABC ACADEMY: APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A USE PERMIT AMENDMENT TO ADD DAY CARE FOR GRADES K THROUGH 3; SETBACK VARIANCES FOR A REAR ACCESSORY STRUCTURE TO BE RECONSTRUCTED AND EXTENDED WITHIN 4' OF REAR PROPERTY LINE, WITHIN 5'6" OF THE WEST SIDE PROPERTY LINE, AND WITHIN 5' OF THE EAST SIDE PROPERTY LINE; AND A PARKING VARIANCE FOR THE NUMBER OF PARKING SPACES TO REMAIN SUBSTANDARD WITH THE BUILDING EXPANSION.

Planning Director Chaney said the ABC Academy received a use permit in 1983 for a maximum of 35 children. This request is an amendment to the use permit to add after school care for children in Kindergarten through third grade. Included are variances for a rearyard structure and parking. The applicant was approached by parents who wanted the school's use expanded to school age children. The request is to expand the facility to add 11 school age children in the afternoon hours. The preschool program has only 20 children in the afternoon. This request increases the parking requirement to eight spaces.

The conditions of the use permit are for a total of 35 children 8 a.m. to 5:30 p.m. After school outside activity is limited to three hours total. The rear structure will have a 3 and 12 pitch roof. The current storage area is to become parking, and parents will be encouraged to use the driveway to park. They will minimize sound with insulation, plants and rubber-wheeled toys. House of construction are to be 8 a.m. to 4:30 p.m., Monday through Friday. The rear fence will be a maximum of 6 feet. The use will be reevaluated in six months to see how it is working.

The Planning Commission's findings for a variance were that the setback variance on the rear building will save an old Bay Tree that would otherwise have to be removed, and the new building is less bulky than the old. The parking variance is justified because it is a school, and parents are dropping off and picking up children at staggered hours during the day.

The item was appealed. The appellant is concerned that their concerns were disregarded by the Planning Commission. Chaney said their concerns were heard, as evidenced by the many conditions on the permit.

Kroot asked if the applicant could have built the rearyard building further forward without a variance. Chaney replied yes.

Breen noted that Social Services reviews the facility's license every year.

Carolyn Handelin, applicant, said that parents understand the parking situation and know that they must pull all the way into the driveway and back out. She said that the majority of her students are from San Anselmo, but she also has students from Kentfield, Ross and Fairfax.

Planning Director Chaney said the Planning Commission also dealt with the issues of the small size of the lot and neighbors who work nights. She said children will be separated by age to encourage age-oriented play. This permit is needed because the current permit is for preschool children only, and for the building expansion.

Chignell asked about the six month review and what authority the Planning Commission would have. Chaney said the Commissioners want to see if the project needs any fine tuning, strengthening of conditions or rehearing, to give the neighborhood a chance to take another look. If any conditions have been violated they would take action to mitigate. There is the option of revocation of the use permit.

Chignell noted that at the Council meeting two weeks ago, testimony was taken from Klaus Binz on this issue which is hereby incorporated into the record.

Joyce Wernsman, Appellant, said she is not against children in any way. This is a business on a substandard lot in a high density area. Between 190 Tunstead and 55 Magnolia there are many renters. Several have said they will move if this is passed. Tenants have rights too; they vote and pay taxes, and all 21 of them feel strongly about this issue. This is noise that they can't turn off. Over the years the noise from the school has increased and they have learned to put up with it. She has lived on Magnolia for 22 years. She and Mrs. Binz have looked at every day care center in the area and this one has the smallest yard space, except for the Co-Op Nursery School. ABC Academy is using every bit of space on their lot. She asked why they don't look for a space to expand.

Carolyn Handelin, Applicant, said they have plenty of space as required by California state law. She looked for a new site for three months, and nobody wanted a school. Tunstead is a mixed use area, not residential and there has been a preschool at this site for 25 years. In 11 years nobody has ever approached her about problems. Last Sunday in an hour she got 19 signatures in support of the project from Tunstead neighbors. She said she has removed plastic wheeled toys, taken away 30 minutes of outside play time, to decrease noise. There are never 35 children out at one time.

The meeting was opened for public discussion.

Larry Klein, 60 Magnolia, said he felt at the Planning Commission meetings that this was a done deal. He asked about the rear structure and commented that it has no windows or doors on the back or sides.

Jo Ann Spangler, 166 Tunstead, said she lives two doors away from the school. She moved there because of the school. She likes the happy sounds of children. She feels the community should be proud of the school.

Alyssa Hall, Tunstead, said it is a great school and a nice environment. Neighbors haven't complained about traffic increases, but they have tolerated it. This addition is bound to increase traffic. Mothers dropping off children double park and park in front of driveways. She doesn't believe parents will pull in three deep in the driveway.

Judy Pullen, daughter of the Champions, 172 and 174 Tunstead. She lived at 174 Tunstead for 11 years and her family has owned a number of buildings on Tunstead. Her family is in full support of ABC's modifications. Her unit was right next to the children's playyard and she is home during the day enough to know that it wasn't a problem. She hasn't had any problems with parking and hasn't heard any complaints from their eleven tenants.

Sarah Nome, 77 Alder, said she is familiar with the area. She was stunned to find out that on a 43 foot wide lot 35 children live all day, confined to the backyard. Her children had a lot more space. She feels it is warehousing children to cram so many in. It is frightening to think of them there until age 7 or 8. Compared with the space at the San Anselmo/Fairfax Children's Center, ABC is definitely substandard.

Mr. Beck, San Anselmo, said this issue is like the leaf blower issue, if you have kids, you are for it. He is speaking in behalf of Mr. Binz, a good landlord who is concerned for his tenants. It is difficult to rent apartments with the sounds nearby so loud. The downtown is becoming increasingly noisy. He asked about fire safety with the limited exits from the backyard building.

Joyce Wernsman, Appellant, said that the schools that were on this property before had just 24 and 10 children. The tenants at 55 Magnolia are not rabble rousers and good quality housing is hard to find. She does not want tenants voting with their feet. Rents in the area will be going up and high turnover means bad renters.

Carolyn Handelin, Applicant, said that they will be walking students to ABC from Wade Thomas, or one vehicle will be used for transport. It will eliminate traffic in that aspect.

The public hearing was closed.

Chignell asked if the Fire Department approved the application. Mr. Handelin said the Fire Department came out to the site, and the only requirement was to put a fire alarm in the rear building.

Kroot said he was reminded of the St Anselm's Kindergarten addition several years ago. The residents of McGarr House were concerned that the building would block the sounds of the children. Beauty is in the eyes of the beholder. The property has been a preschool for a long time and this will not increase the total number of children. The addition may actually improve sound problems. The six month review lets the Planning Commission take action to remedy any problems that come up. He would like to deny the appeal.

Breen said if we had school buses, traffic problems would disappear. There are traffic problems, but parents appear to be very involved in the school. It is a small space, but they do need room to grow. The rear building will buffer sound and if it has been inspected by the Fire Department emergency exiting is not a problem. He supports diversity in the community, and the community working together.

Chignell said it is difficult in the downtown area because of mixed use. The Town Council has been responsive to residents who live downtown. He said he used to live at 55 Magnolia and it was a difficult transition for him with increased noise and parking problems. He will support denying the appeal, but is concerned with traffic and parking. The problems that arise must not just be given lip service. He wants a substantive written report from the Fire Marshall regarding fire safety and a written report from the Police Chief on circulation and parking problems on Tunstead for the six month review. He implored the Handelin's to respond to complaints, and the neighbors to address problems as they come up.

M/s, Kroot/Breen, to deny the appeal of the use permit and variance for ABC Academy, to include written review of the traffic and parking situation from the Police Chief, and a written report from the Fire Marshall on fire safety, with a written report from the Planning Director to the Council. Ayes by roll call: Breen, Kroot, Chignell. Absent: Yarish, Zaharoff.

8. APPROVE GARBAGE AND RECYCLING FRANCHISE AGREEMENT WITH JAMES RATTO.

This item was continued to the meeting of October 11, 1994.

9. DISCUSS PROPOSAL BY THE TOWN OF ROSS TO LIMIT PARKING, AND CHARGE A \$5 PARKING FEE (DISABLED EXEMPTED) ON SATURDAYS, SUNDAYS AND HOLIDAYS AT THE NATALIE COFFIN GREENE PARK ADJACENT TO THE MARIN MUNICIPAL WATERSHED AT PHOENIX LAKE.

Councilmembers Mary Brown, John Scott, and Charles Goodman from the Town of Ross were present.

Town Administrator Pollard said this item is in response to a request for comments on the Town of Ross proposal for charging parking fees of \$5 at the Natalie Coffin Greene Park.

Kroot said he has attended several Ross meetings regarding closing the parking area altogether and banning parking on Lagunitas Road. At a meeting in the park with MMWD representatives, he made his feelings known as one person about the potential impact on our streets. In the meantime he received a letter from Mary Brown and a lot of residents have discussed this issue with him. The meeting tonight is a forum for people to let their feelings known.

John Scott, Ross Town Council, said this is a problem of disproportions. Between 3,000 and 6,000 people go by the Phoenix dam on key weekend days. They have counted 400 cars trying to park, which translates to 800 trips on the road. There are only 23 parking spaces. Eliminating all parking wouldn't really affect the situation. As it gets more crowded people park on narrow streets, causing emergency access problems. Parking migrates down toward the Ross Common. It is a problem that involves all of us. Parking at the dam is so limited that it is just a symptom. The Town of Ross hasn't pointed out that there are other ways to access the watershed.

Mary Brown, Ross Town Council, said they are here to hear what San Anselmo has to say so they can take it back to the full council. This is a public safety issue. There are 23 spaces with thousands of cars trying to get in. They need someone there to monitor the situation.

Sidney Greenberg, Fairfax, said he appreciates the problem Ross has, but he recommends that the proper way is not to charge \$5 to enter public property. He doesn't think it'll change the Ross situation anyway. The Sierra Club has discontinued using the Ross area because of all the restrictions on parking. He recommends a better way be found to monitor, rather than slapping on a \$5 fee. It is a public park and the public have the right to access it. Bicyclists should be told of the problems, and maybe they could use other entrances. In Fairfax, near Deer Park, there is a problem with access too.

Barbara Schmidt, 59 Austin, said that the people who used to live in Ross weren't bothered by traffic on Lagunitas Road, as their houses were far off the street. The new rich want everything perfect. She said Ross will not cooperate with other Towns. This is a small county and everyone is impacted by change, so we have to work together. She asked what right Ross has to suggest people pay \$5. The main issue is safety. She feels the park is unsafe. The banisters and bridges are falling apart. After the big flood very little money was spent to fix the park up again, they just shoved around a lot of mud.

Kathy Sanders, 310 Redwood Road, said she feels it is important to maintain a good relationship with Ross. Charging to enter the park is hurting families with small children and people who must drive. If money is raised by charging for parking, it should be used for park maintenance or for recreational facilities. She said \$5 seems expensive and asked why it couldn't be \$2. Couldn't they use the money for a shuttle service.

Glen Smith, San Anselmo, said that after the big flood in 1982 FEMA gave them a \$15,000 grant and all they did was spread the dirt in the parking lot. It was never reseeded. The bridges are unsafe.

Charles Goodman, Ross Town Council, said that the Council members have been in town for many years; 90 years between the three of them. They had a meeting and neighboring communities were invited and attendance was disappointing. Regarding the \$5 fee, Fairfax charges \$3 at their entrance, and it's \$7 at McNears, Paradise and Stafford. \$5 is not out of order.

Breen said he would like to see a joint Ross Valley Parks and Recreation District formed to work on issues like this one. There are just too many people trying to funnel through.

Kroot said he is uncomfortable with the direction Ross is taking. In the past there was always space to park at Phoenix Lake. A lot of the problems we face now come from parking limitations on Lagunitas. Those spaces are gone, and now a fee at the lot is being talked about. He feels it will get more and more restrictive as time goes on. People will

still want to use these lands, so they move out to smaller and smaller streets to try to get there. There is a tremendous increase in the number of people who want to visit.

Chignell said there are no magic solutions. He appreciates Ross' presence here tonight and hopes we can move toward solutions. He had hoped the fee would be a little lower, so there would be room to go up over time. He appreciates that Ross is not printing maps to get people to go elsewhere.

John Scott, Ross Town Council, said the basic problem is the closing of another frontier. It is a regional problem.

Mary Brown, Ross Town Council, said that \$5 isn't very high for 99% of the population.

Kroot asked if the parking in the park could somehow be enhanced.

Charles Goodman, Ross Town Council, asked if they should pave over their park to make easier access to MMWD lands.

Kroot said perhaps that would be a solution.

Chignell said they have received a good deal of information tonight. They will talk to their colleagues and will send a letter to Ross with constructive suggestions.

Mr. Cary thanked the San Anselmo Town Council for having the Ross Council members here to discuss these problems as the issue needs to be addressed by the whole valley.

This issue will be taken up with the full council at a later date.

10. PUBLIC HEARING ON ADOPTION OF AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 10, ARTICLE 4 (DEVELOPMENT STANDARDS), AND ARTICLE 7 (PROCEDURES) OF THE ZONING ORDINANCE RELATIVE TO THE MAXIMUM SIZE OF DWELLINGS ON RESIDENTIAL PROPERTIES LOCATED ABOVE 150 FEET MEAN SEA LEVEL ELEVATION.

This item was continued to the meeting of October 11, 1994.

11. ADOPT 1994-95 BUDGET:
  - (a) APPROVE RESOLUTION ADOPTING THE 1994-95 BUDGETS FOR THE GENERAL, CONTINGENCY, EQUIPMENT, ISABEL COOK COMPLEX, RECREATION, SAFETY, AND CAPITAL PROJECTS FUNDS.
  - (b) APPROVE RESOLUTION ADOPTING AN AMENDING TO THE TOWN'S FINANCIAL POLICY ON GENERAL FUND CARRYOVER FOR THE 1994-95 FISCAL YEAR.

This item was continued to the meeting of October 11, 1994.

12. ADJOURN.

The meeting was adjourned at 10:40 p.m. to closed session previously scheduled to be held before this meeting.

Debbie Stutsman