

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of November 22, 1994**

Present: Breen, Chignell, Kroot, Yarish  
Absent: None

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

Mayor Chignell announced that no action was taken during closed session.

3. SELECTION OF MAYOR AND VICE-MAYOR.

M/s, Kroot/Breen, to nominate Tim Yarish as mayor. Ayes by roll call: All.

Mayor Yarish presented Councilmember Chignell with an award of appreciation for his hard work and service to the Town as mayor.

M/s, Chignell/Kroot, to nominate Breen as Vice-Mayor. Ayes by roll call: All

4. 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, asked about the status of Mr. Bell's property on Sequoia Drive. Planning Director Chaney said that they can speed the matter up from a building permit standpoint. Ms. Schmidt also complained about hillside building, especially near Austin. Ritter House, San Rafael, is short of food to give out and could use more donations.

Glenn Smith, San Anselmo, asked about the Town's overnight parking ordinance. An equipment trailer was parked across the street from him all night. No permit was issued from the Police Department. Staff will look into this matter and report back.

Stephanie Roth, 29 Woodland Ave., thanked the Town for Creek Park and the beautiful fall colored trees planted there.

Sandra Wandschneider, 64 Fernwood Dr., read a letter from a bereaved dog owner. She encouraged the Council to consider both sides of this issue when it comes up.

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

Breen asked, in light of recent events, for a report on the weaponry of the Police Department.

Kroot asked about the status of 14 Oak Knoll. Town Administrator Pollard said that it appears the property has been sold; staff will follow up to ensure that it is.

Kroot said he has been told that the berm at Jordan Avenue is so low that cars can get over it. Pollard said the berm was specifically designed for two purposes, to keep cars from entering and to allow truck exit from the parking lot. Staff will look into the situation and report back.

Chignell asked about the next step in the Wasuta abatement. Planning Director Chaney said it will be on the agenda the first meeting in December.

Chignell suggested that agenda Item 11 be heard before Item 9, as Item 9 will be lengthy.

Yarish reported that he has asked Town Attorney Hadden Roth about a downtown vacancy tax, but has received no response as yet.

6. 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: November 15, 1994.
- (b) Announce expiration of term, Board of Review.
- (c) Ratify 1994-96 collective bargaining agreement with the Marin Association of Public Employees/SEIU 949 (MAPE) and appropriate up to \$15,000 from Contingency for adjustments.
- (d) Acknowledge and file report on formation of ad-hoc committee to review the structure, policies, and procedures of the Art Commission.
- (e) Approve resolution calling for the reinstatement of a ban on blood and tissue donations from Gulf War Veterans.

Breen asked that Item (e) be removed for discussion.

M/s, Chignell/Breen, to approve the consent agenda, except Item (e). Ayes: All.

Breen said he would like more information on Item (e) before making a decision. Staff will follow up and report back.

7. RECOGNIZE ALAN CASCIO FOR HIS SERVICE ON THE SOLID WASTE & RECYCLING ADVISORY COMMITTEE.

Town Administrator Pollard presented Alan Cascio with a Certificate of Merit thanking him for his volunteer service to the Town.

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

Town Administrator Pollard said agreement has been reached on all issues. The agreement includes a new rate review procedure, green waste program, curbside pickup of debris, an increased recycling program, non-exclusive debris box service, and acceptance of the employee collective bargaining agreement. The agreement has an eight year term.

Chignell asked about the intended use of the building on Greenfield.

Richard Johnson, representing James Ratto, said they are sensitive to this issue and would expect to review the situation before the three year lease is up.

Chignell said that resolving billing problems is of paramount importance. Johnson agreed.

Kroot asked about the policy regarding present employees. Mr. Johnson said that they have accepted the current collective bargaining agreement through March, 1995, in a Memorandum of Understanding. The agreement is automatically renewed unless either side wishes to renegotiate. They are obligated to follow the terms of the agreement.

Breen and Yarish urged Mr. Ratto's organization to keep the current employees.

M/s, Chignell/Breen, to authorize the Town Administrator to execute the garbage and recycling franchise agreement with James Ratto. Ayes: All.

9 UNOCAL 76 SERVICE STATION, 930 SIR FRANCIS DRAKE BOULEVARD, APN 6-061-31: V-2926/DR-9814/U-9405/SR-9401/ER, APPEAL OF THE PLANNING COMMISSION'S DECISION DENYING THE APPLICANT'S REQUEST FOR DESIGN REVIEW, USE PERMIT, VARIANCE, AND SIGN REVIEW TO DEMOLISH THE EXISTING STATION AND CONSTRUCT A NEW STATION; A SIGN VARIANCE TO ALLOW AN INCREASE IN SIGNAGE BEYOND THAT PERMITTED BY ORDINANCE; AND A PARKING VARIANCE. THIS NEW FACILITY WILL INCLUDE A DRIVE-THROUGH CAR WASH AND A FOOD MART, ON PROPERTY LOCATED WITHIN THE C-3 ZONING DISTRICT. THE APPLICATION INCLUDES A REQUEST FOR A VARIANCE OF THE MUNICIPAL CODE TO EXCEED THE MAXIMUM ALLOWABLE NOISE LEVEL FOR USE IN A COMMERCIAL DISTRICT.

Planning Director Ann Chaney reported that the Planning Commission has had four meetings on this project. The Commission has recommended denial of the project, although it did give the applicant the opportunity to come back with a redesign that excludes the car wash. Council has been given all the correspondence that this project has generated in their packets.

Chaney said that the following aspects of the project have been revised in response to Planning Commission meetings:

- Design - The project design has been revised since the initial submission. The car wash has been shortened, neither a parking variance nor a noise variance is now needed, a wing wall to be constructed around the car wash to reduce noise impact, the rear wall shortened with a berm and trellis to minimize wall height.
- Traffic and Circulation - Although the project is not expected to increase traffic much, there is concern over a shared driveway onto Drake. It is proposed to widen the driveway to minimize problems.
- Parking - A parking variance is no longer needed.
- Alcohol Sales - As state law preempts municipal law, the Town has no option on this issue. However, the station owner has indicated that he will not sell alcoholic beverages. UNOCAL had proposed selling no hard liquor, no single cans of beer, and to terminate sales at 10 p.m.
- 24-Hour Operation - It has been agreed to limit hours of operation to 6 a.m. to 12 p.m.
- Noise - The noise from the car wash has been mitigated by the inclusion of a wing wall and flaps on the vacuums.
- Lighting - Wattage has been reduced to minimize the impact on the neighborhood. Thirty and ninety day lighting review periods will allow for modifications.
- Signs - The project now conforms to the sign ordinance. Staff can support another sign for car wash instructions, which would require a variance.

Breen questioned traffic circulation between the car wash exits and the pump entrances. He feels there's a lot going on in a tight space. He asked if the Town has the authority to adopt an emergency ordinance regarding alcohol sales. Planning Director Chaney said to do this the Town would have to make a finding, and show good reason for the ordinance.

Chignell asked about UNOCAL's rules regarding alcohol sales at a mini mart.

Ralph Salzman, UNOCAL attorney, said that at this point they are still contemplating the issue and would be able to reach a resolution before the Town Council makes its decision.

Chignell asked about the rear wall of the car wash. Chaney said it was originally much higher, and now it's 12 1/2 feet high.

Chignell asked if the Town agrees with the noise experts readings. Chaney said that independent readings were taken with the Police Department noise meter, and those readings on ambient noise generally jibe with the expert's.

Yarish said that compared to other car washes in the area, this one seems to be on a smaller lot. Chaney said both San Rafael car washes are on larger lots.

Dennis DeCota, Applicant, said they came to the Town Council as they couldn't resolve the issues with the Planning Commission. Modern gas stations include a mini-mart and car wash. He has tried to resolve the problems with the neighbors. He got 800 signatures from postcards and petitions-- people who are in favor of the project. He is concerned about his neighbors. The facility would be a positive improvement to the shopping center. He has never before received any complaints from his neighbors. Fifty-three stations have been lost in Marin County in recent years, a number of them in San Anselmo. His car wash will save water. He is a franchisee, in partnership with UNOCAL. The station is not profitable as it is. If he doesn't get to make improvements, the town will lose a choice of gas stations. He will listen to the community regarding beer and wine.

Ralph Salzman, UNOCAL Attorney, said they have been continually tinkering with this project. He recapped the changes that UNOCAL has made since the Planning Commission began looking at this project. The express car wash is very fast and doesn't require much time. He is convinced that the project will be a business and environmental improvement to the neighborhood.

Chignell asked what the interaction has been with the neighbors.

Ralph Salzman, UNOCAL Attorney, said that Mr. DeCota has met with the neighbors and the Red Hill Shopping Center merchants.

Scott Deiner, UNOCAL, said they have met with merchants, and the community has been invited to comment, as well as to a meeting.

Tom Horan, Project Architect, said the rear elevation was set up with story poles. They have tried to work with the neighbors. They added the trellis with vines to the rear wall to reduce its impact. He visited nearby sites and took light readings for comparison purposes. They intend to have even lighting.

Breen asked if they had thought about trying to match the building to the shopping center.

Tom Horan, Project Architect, said the trellis and vines, with a textured granite wall, as well as the building itself, was intended to complement the center without parroting it.

Fred Greve, Mestre Greve Associates, noise expert, said they have incorporated features that will mitigate noise. The tunnel and the roof were well thought out. They tested the noise levels at two different times at the outside eating area at Red Hill. South of S.F. Drake Blvd, the street noise masked all noise from the car wash.

Breen asked if the wing wall is liable to bounce sound up to the apartments above.

Fred Greve, Mestre Greve Associates, said there would be no bouncing action here.

Mehrad Zarreparvar, Drake High School Leadership Class, said he has done a survey of residents in the area surrounding the UNOCAL station. He went to the Isabel Cook apartments and Sais Avenue to ask people what they think about the project. He surveyed 20 people: one was for the project, one was undecided, and eighteen were against. One merchant, Round Table Pizza, thought the project would bring more business to the center. People were concerned about people hanging out, increased crime, noise from the car wash, traffic, safety, aesthetics, odor, and parking problems. Residents were

concerned for their property values and alcohol sales at the mini-mart. In the businesses, most others felt there was no need for the project. He used a written script with closed off questions and answers.

Gene Arntz, Red Hill Shopping Center, read a letter into the record, stating that people live in San Anselmo because they like country life. Red Hill Shopping Center tries hard to keep it countrified and park-like.

Bob Leedy, 65 Sequoia, spoke in support of UNOCAL expansion in San Anselmo because UNOCAL will spend \$1 million in our town. Dennis DeCota and Bud Everson care about San Anselmo -- these are people, not a big corporate giant. This is tax money we desperately need.

Neil Humphrey, First Baptist Church of San Anselmo, said he is concerned because their tenant, Star Academy, is a school for children with learning disabilities, and it is located right across the street from the station. Increased noise will disturb them. He is also concerned with a lowering of property values and selling alcohol so close to a school.

Merle Sheldon, Town Treasurer, said he hates to see another service station disappear, and we need to get gas someplace. You shouldn't let a going enterprise fall apart. He is in favor of letting the station and car wash go ahead.

Lisa Menakedy said she lives close by and is concerned with noise and traffic. She is an architect and did a drawing of the area. She said the street is narrow and highly trafficked. She doesn't think this will work. She thinks the wing wall will reflect the sound over to Sais.

Shannon Snow, representing residents at the Isabel Cook Complex apartments, said they were initially opposed to the alcohol sales, noise, and the big wall. She went to the community meeting Thursday night and saw all the things that were changed in response to neighbor's concerns. Now they are not opposed to the project. She said people will self-regulate attendance at gas stations. If all islands are full, they will usually get gas at another time.

Matt Everson, son of UNOCAL owner, said this isn't about UNOCAL, this is about his dad and uncle trying to make a living. They said they won't sell alcohol. Regarding the noise, studies have been done, and the street is so loud anyway that it won't matter. He asked the Council to take into account that this is his family's business.

Howard Bauman, 37 Sais, said they try hard to keep their street nice. He asked the Council to take a good look before approving this project.

David Sepke, 37 Calumet, said their street gets blocked off a lot because the turn lane is short. He asked how people will get out going eastbound. He has been a real estate broker for ten years. This project will not have a positive impact on property values in the area.

David Israel, Planning Commissioner, said the Planning Commission couldn't move forward because there was no solution to the parking variance. They asked themselves if not a gas station, what might it become.

Kroot said it seems the Planning Commission was seeming to tend toward favoring the project, then the applicant sent it to the Town Council. There were lots of issues they couldn't resolve, but other issues that did come to resolution.

Kay Coleman, Agatha Court, said she feels the project ought to work out, but that it is difficult getting out of the shopping center.

Pam Martin, 43 Nokomis, said her neighbors are concerned about the traffic situation.

John Kay, 29 Nokomis, said he recently bought his home and wouldn't have bought here if this big station had been here.

Mike Lerner, 147 Calumet, said noise is not masked during off-traffic hours. They will have noise all the time. You want to build walls to suppress noise for the code requirements, but are there codes for walls?

Jean Gordon, 20 Sais, asked why Mr. DeCota doesn't service town vehicles any more. With the new configuration there will no longer be service bays for neighbors. The car wash is unnecessary.

Stan Hook, 182 Deer Hollow, said the problems on Drake are the same whether or not there is a car wash. This is a family-owned small business.

Letha Marchetti, Sais Avenue, said all sound lulls will disappear. Their peace and quiet is threatened. The wall will amplify sounds.

Brad Tardy, 58 Sais, said he is a licensed architect, and he thinks the circulation on the site will not work.

Dennis DeCota, Applicant, said security cameras will scan the station constantly. In 17 years he has never been robbed. He was outbid for the contract for city vehicles maintenance. He had the petitions signed at his Hub station. The postcards with signatures are from his customer lists. The Hub station would be used for automotive repairs, but not gasoline sales because of the difficult access. The plans were put together by licensed architects who say it will work.

The public hearing was closed.

Breen said he would like the parties to get together to make the project more compatible with the area and work more cooperatively.

Chignell said he realizes this neighborhood has already been through traffic troubles. He has a problem with the process and feels the different groups should try to work together on issues like traffic circulation, noise, an ironclad commitment on alcohol sales, etc.

Kroot said he too is concerned over circulation, as well as early morning weekend noise and a guarantee on the alcohol sales.

Yarish said he is concerned over noise, but wants to encourage DeCota and his partners. He would like to see the architecture more compatible with the shopping center.

It was the consensus of Council that the neighborhood, merchants, and Applicants should get together with Council representatives to discuss the project maturely and explore opening communication channels. Councilmembers Chignell and Yarish will attend this meeting. The meeting will be held on Thursday, December 8, at 6:30 p.m. in the Council Chambers. All interested parties will be noticed.

**10. FIRST READING AND INTRODUCTION OF ORDINANCE ADOPTING A STORM WATER MANAGEMENT AND DISCHARGE CONTROL PROGRAM.**

M/s, Chignell/Breen, to waive reading and introduce the ordinance adopting a storm water management and discharge control program. Ayes: All.

**11. APPROVE RESOLUTION DECLARING THE RESULTS OF THE CONSOLIDATED MUNICIPAL ELECTION HELD ON NOVEMBER 8, 1994, AND**

DISCUSS RESULTS OF MEASURE G, THE BOND MEASURE FOR IMPROVEMENTS TO STREETS, STORM DRAINS, AND THE LIBRARY.

Measure H, the paramedic services tax, received 72.3% yes votes, meeting the required two-thirds majority.

Town Administrator Pollard said Measure G received 66.5% yes votes; 66.67% yes votes were required for passage. One precinct has already been recounted and there was no significant margin or error. The margin is not great enough to warrant any hope for a recount. Twenty ballots were disqualified, some because they were not received by the required time on election day. The cost of a recount would be about \$1100.

Chignell said the Measure G Committee feels this would be money well spent. He would like to investigate the provisional ballots and look into the absentees. This is appropriate because nearly 2/3 of our voters said they wanted to pursue this tax. It isn't appropriate to certify the results until we look at all the factors.

Breen asked when the results have to be certified. Pollard said they would have to ask for a recount by tomorrow, but she doesn't know about the certification, although she may be able to find an answer before the end of the meeting.

M/s, Chignell/Breen, to continue this discussion at the end of the agenda.

Discussion continued: Town Administrator Pollard said certifying the results of the election does not nullify going for a recount. Staff recommends Council pass the resolution. She has learned that a change in election law requires absentee ballots be received by 5 p.m. on election day.

No action was taken.

12. REPORT ON MEETING WITH REPRESENTATIVES OF THE ROBSON-HARRINGTON HOUSE ASSOCIATION BOARD OF DIRECTORS (ORAL REPORT).

Town Administrator Pollard reported that a subcommittee of Kroot and Chignell with two members of the Robson Board met regarding an employee termination, tenant issues, lead paint, and other communication issues. The meeting was productive, and resulted in areas of communication that can be improved.

Kroot said they also discussed the resignation of the Robson treasurer and the Town Administrator will review the Robson insurance requirements.

Chignell said they had a good meeting with Robson representatives Shirley Graves and Leo Donovan.

Shirley Graves, Robson Chair, said they were happy to meet with two Councilmembers and appreciate their help.

12. ADJOURN.

The meeting was adjourned at 12:45 a.m.

Debbie Stutsman

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of December 6, 1994**

1. Call to order.

Mayor Yarish convened the special meeting at 7:00 p.m., with Council Members Breen, Chignell, and Kroot present.

2. Interviews with applicants to the vacant seat on the Town Council created by the resignation of Maria Zaharoff.

There were four applications submitted to the Council. This evening, the Council interviewed applicants Herman Kramer, Barbara Thornton, and Arthur Madsen, Jr.

3. Adjournment.

The meeting was adjourned at 8:50 p.m.

**Minutes of the Town Council Meeting of December 7, 1994**

1. Call to order.

Mayor Yarish convened the special meeting at 6:20 p.m., with Council Members Breen and Kroot present, and Chignell not present.

2. Interview with applicants to vacant seat on the Town Council created by the resignation of Maria Zaharoff.

The Council interviewed the final applicant to the Town Council, Judith Hodgens.

3. Adjournment.

The meeting was adjourned at 7:15 p.m.

Beth Pollard