

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of March 14, 1995

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

7:15 p.m.

Announce adjournment to closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, Hugh and Luanne Cadden, and Anthony Quilici, on the terms of purchase and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-071-02, 03, 7-101-01 and 02, and 7-154-01, pursuant to Government Code Section 54956.8.

7:20 p.m.

Closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, Hugh and Luanne Cadden, and Anthony Quilici, on the terms of purchase and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-071-02, 03, 7-101-01 and 02, and 7-154-01, pursuant to Government Code Section 54956.8; and for conference with labor negotiator (Town Administrator) regarding negotiations with the San Anselmo Police Officers Association.

8:00 p.m.

1. CALL TO ORDER.
2. OPEN TIME FOR PUBLIC EXPRESSION

Mayor Yarish asked that comments during open time be kept to one minute as tonight's agenda is very full.

Clarence Cain, 2 Lincoln, expressed concerned about garbage operations at 80 Greenfield. He is concerned for his own health and well-being and the quality of life in their neighborhood. Operations at 80 Greenfield begin at 4:30 a.m., five days a week and are very loud. Their two new trucks make more noise than the previous trucks.

Yarish said the Council is aware of this problem. Staff will be out to the site with a decibel meter and a noise test of the trucks will be scheduled soon. Discussions will begin with the company regarding their intentions on the property's use.

Mrs. Cain said that the trucks park in the red zone, engines running for a half hour, unattended. She has pictures to show other parking violations. Chignell mentioned violations on Greenfield, parking on the wrong side of the street. Town Administrator Pollard will forward these complaints to the Police Chief.

Barbara Schmidt, 59 Austin, said it is not fair to limit people to one minute during open time.

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

Breen said he is still getting rocks in plastic bags from people advertising to do yard work. He asked if a special ordinance is needed to deal with this nuisance. Town Administrator Pollard said the Police Department has followed up with the collected rocks and citations have been issued.

Chignell thanked staff for their excellent work during the recent storms, especially mentioning Police, Fire, and Public Works.

Chignell asked about the status of the Sequoia landslide on non Town maintained property. He would like a report on what the Town can do to provide any technical assistance or advice. This is a health and safety issue, plus the Town has invested money in the roadway repaving project. Town Administrator Pollard will look into this and report back.

Yarish said he has reviewed the Traffic Safety Committee report regarding making the Town Hall employees parking lot accessible to the public on weekends. He would like to see it tried even though the report cited a number of problems. Pollard said the report was just preliminary with respect to concerns over police access. They will now address these hazards and she will report back.

4. 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: February 28, 1995.
- (b) Acknowledge and file warrants: Nos. 17943 through 18191, in the amount of \$539,253.38.
- (c) Acknowledge and file financial reports through February 28, 1995.
- (d) Approve letter of intent to the Marin Community Foundation for grant funding for collaborative programs for children and teens.
- (e) Approve Resolution No. 3295 requesting the services of the County Clerk for the June 6, 1995, San Anselmo general obligation bond ballot measure, and authorizing the filing of an impartial analysis and written arguments.
- (f) Approve Resolution No. 3296 confirming appointment of a representative to the Cable TV Joint Powers Authority.
- (g) Authorize the purchase of three sets of recycling and trash containers for the downtown, within budgeted funds.
- (h) Proclaim April, 1995 to be *Fair Housing Month*.
- (i) Waive fee to hang banner publicizing the *Festival of Student Art*.
- (j) CONTINUE TO MARCH 28, 1995: Redwood Hills subdivision near 390 Redwood Road (Applicant: Peter and Pamela Fraser): Request for revisions to Resolution #3263 related to design guidelines and condition on tree pruning.

M/s, Breen/Chignell, to approve consent agenda. Ayes: All.

5. APPOINTMENT TO THE SOLID WASTE AND RECYCLING ADVISORY COMMITTEE.

Town Administrator Pollard said there are two vacant seats of the Solid Waste and Recycling Advisory Committee. One applicant, Charles Enders, has already been interviewed. A second application from Hilary Hawken was just received. Council could go ahead and make the one appointment, or continue the item to the next meeting to allow the second candidate to be interviewed.

Stephanie Roth, SWARAC, said the Committee is eager to have Charles Enders join and would like to recommend that he be appointed this evening.

M/s, Kroot/Chignell, to appoint Charles Enders to the Solid Waste and Recycling Advisory Committee. Ayes: All.

6. PRESENTATION BY THE NORTH BAY HEALTH RESOURCES CENTER ON A RESEARCH AND COMPLIANCE PROGRAM REGARDING TOBACCO SALES TO MINORS IN SAN ANSELMO.

Jeness Keller, North Bay Health Resources Center, said tobacco sales to minors are down considerably in San Anselmo. Tobacco use in California has decreased, but not with kids. Their organization has received funding to address the problem of tobacco sales to minors. They will take five communities with tobacco ordinances and compare those communities to other communities that do not have a community campaign. San Anselmo was randomly selected to be one of the subjects. The plan is for community education,

community publicity and involvement, merchant education and enforcement and merchant recognition.

Breen asked what amount of money would be spent as San Anselmo's share. Keller estimated approximately \$35,000.

7. CONSIDER COUNCIL SUBCOMMITTEE RECOMMENDATION ON DOGS IN TOWN PARKS.

Town Administrator Pollard said that at its December meeting the Town Council discussed the issue of dogs in Town parks. A subcommittee was developed, headed by Council Members Breen and Hodgens, which facilitated a series of four meetings. The subcommittee has recommended that the Town have a dog park, require poop scooping and have guidelines for dogs at each Town park. A scooper ordinance would require owners to clean up after their dogs. The subcommittee looked individually at each park and formulated specific guidelines. Pollard said she recommends the Council endorse these recommendations and direct staff to pursue implementation.

Breen said this was a difficult issue, much like leafblowers. It was an open process with a lot of public involvement.

Hodgens said that over 100 citizens had input on this issue. The subcommittee will be working toward the creation of a dog park area. It will be important to make sure each park has sufficient supplies. Other concerns may crop up as we go along and those will be addressed.

Barbara Schmidt, 59 Austin, said she feels the dog meetings were run too tightly and people weren't allowed to speak. She doesn't feel the public has expressed itself. There should be room for everybody at Memorial. She feels Sorich Park should be left in perpetuity for dogs. She said the School Board officially turned down the Red Hill dog park idea. Now she hears about an affordable housing idea for the site.

Sandra Wornum, Larkspur, congratulated Hodgens and Breen for running good meetings, plus assisting other towns in policy making.

Glenn Smith, San Anselmo, said he thinks a dog park at Red Hill School is a pig in a poke. They should go slowly.

Sarah Nome, 77 Alder, said the schools don't belong to the district, they belong to the children. No portion of any school should be taken over to be used by dogs. Parks are for people's use and she feels she is being squeezed out.

Sandra Wandschneider, 64 Fernwood Drive, asked if dog hours will be posted at Robson. Hodgens said it was decided to post that dogs are disallowed when there is an activity in progress. They won't post certain hours.

Sandra Wandschneider, 64 Fernwood Drive, asked about letting dogs run at Memorial Park before 8 a.m. Hodgens said this was not included because of staff concern that the dogs could tear up the turf. Wandschneider said this should have come out at the meetings. She feels turf damage is due to games being played on the grass as opposed to the animals. She feels this issue should still be considered. Town Administrator Pollard will investigate this and report back.

Joyce Wernsman, San Anselmo, asked if there is a leash law in San Anselmo. There is not.

Barbara Schmidt, 59 Austin, said she has asked for five years to get the mudhole at Memorial Park fixed. She asked why this area cannot be better maintained. She would like to see Sorich Park kept in perpetuity for dogs.

Greg Gilmore, San Anselmo, said he agrees with Ms. Wandschneider. It should be OK to run your dog at Memorial Park before 8 a.m.. Pollard said staff will report back on this.

Sandra Wandschneider, 64 Fernwood Drive, said now that the dog population is reduced at Memorial, it shouldn't be damaging to the turf to allow dogs before 8 a.m.

Sarah Nome, 77 Alder, said San Anselmo has a very high number of child care positions and these children need space in parks.

The public hearing was closed.

It was the consensus of Council that a balanced regulation has come out of the dog subcommittee work. Council is committed to have a dog park in Town even if the Red Hill School site becomes unavailable. All substantial changes should come back to the Council for approval. Any fines will be set based on surveys of what other towns are doing. Signage must be in place at the entrances to the parks or rules can't be enforced.

M/s, Hodgens/Breen, to endorse and implement the recommendations from the subcommittee of the Council and community workshop group on dogs in the park, pending a staff report about dogs at Memorial Park before 8 a.m. and report on signage. Staff will bring back the necessary ordinances needed to implement the plan and establish a committee to pursue creation of a dog park. Ayes: All.

8. UNOCAL 76 SERVICE STATION, 930 SIR FRANCIS DRAKE BLVD, 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 WITH A FOOD MART.

Planning Director Chaney said staff recommends Council approve the Negative Declaration and the Resolution which grants design review to renovate the service station, a use permit for a convenience store and a use permit to allow the sale of beer and wine. Chaney outlined the basics of the project as now redesigned. The convenience store is a little bigger and the building has been redesigned to match the shopping center architecture. From the rear of the project, landscaping is mostly visible, with some equipment shielded by a metal wall. The height of the building is up slightly. Mr. Arntz of the Red Hill Shopping Center wrote a letter stating they are now in support of this proposal, except that they ask that the area where the equipment is placed be enhanced with landscaping and the building moved forward five feet to allow more landscaping space. Proposed new conditions would be replacing a rear concrete walkway with paving stones and enclosing the equipment with a sound absorptive wall. Regarding sale of alcoholic beverages, churches and schools within 600 feet will be noticed and objections taken into consideration. According to State child care licensing agencies, alcohol sales across the street won't jeopardize the day care licenses. UNOCAL Attorney Ralph Saltsman proposed additional language he would like to have included in the resolution which further emphasized the Town's support regarding the sale of beer and wine.

Chignell said that these types of business often become poorly maintained over time. He asked if the ordinance has enough teeth to keep the landscaping going. Planning Director Chaney said Council could add maintenance as a condition.

Chignell asked about moving the structure five feet toward Drake. Chaney said Public Works Director Bush says it is doable but will require more maneuvering in the station.

Yarish asked about a berm down Sir Francis Drake Blvd. to prevent left turns into the station. Chaney said it is in the resolution that if it is feasible it may be done. Not enough research has been done yet.

Breen asked if this project fits in with our idea of downtown revitalization. Chaney said this is what she visualizes as compatible with San Anselmo.

Hodgens asked if you have to move the building forward to get the rear landscaping. Chaney said Boston Ivy is planned and the space is enough for that.

Chignell asked if the applicant has agreed to stop selling alcohol at 10 p.m. He also asked if the lighting is comparable to how it was before. Chaney said there will be security lighting only after midnight. The lighting will be reviewed after it settles in. Alcohol sales time will be discussed tonight.

Dennis Decota, Applicant, said this project is a product of the community and hopes it continues to be a good member of the community.

Breen asked how long people will be parking there. Decota said they will park just as long as their purchase takes. He will be diligent to ensure the station doesn't become a hangout.

Hodgens asked if all the pumps will be self-serve. Decota said he is currently discussing having one full serve island with his partner.

Yarish asked about the purpose of the tile at the base of the building.

Tom Horan, Project Architect, said he felt it would be nice to have the tile as a base for the building. It is durable and cleanable. The building was looking very residential and he wanted to set it apart a bit. The mechanical enclosure space is as small as possible in order to include a work space. It includes a foot of growing space. The enclosure could be painted to match the trim. From a site planning point of view, he doesn't feel the building should be moved forward.

Chignell asked about the matter of not selling alcohol after 10 p.m.

Ralph Saltsman, UNOCAL Attorney, said they have a strong preference that alcohol sales cease at the same time as the rest of the business, for regular business considerations. It is a lot easier for the operation. With respect to the resolution, the language he would like to have added is important for approval of the liquor license.

Chignell asked where the 10 p.m. liquor sales idea came from?

Planning Director Chaney said that Police Captain Schmidt suggested 10 p.m. Saltsman and Decota said they will work with the Council on this issue. It is not a deal breaker.

Jim Kawamura, Traffic Engineer, said he feels it would create congestion on the site to move the building forward five feet. He said one foot wouldn't matter.

Hodgens asked about the "No Right Turn" sign at the signal at Red Hill. She asked if that requirement is still necessary.

Jim Kawamura, Traffic Engineer, said there is a lot of traffic coming out the west end of the shopping center. He feels the "No Right Turn" sign should be removed.

Chignell said the sign was the result of a global effort. Staff should review first why it was done.

The meeting was opened for public discussion.

Ellen Lerner, 147 Calumet, asked if there is a wall on the back property line. She asked why they don't use the hedge that is presently there. She also asked about the florescent orange stripes along the building which are not in keeping with San Anselmo.

Tom Horan, Architect, said there is just the metal enclosure that will be painted. There is basically no wall. The existing hedge was removed for an integrated landscape approach. The lighting conditions can be changed if there is a problem.

Letha Marchetti, 29 Sais, asked where employees will park. She also asked if there are traffic counts on Drake Blvd. She asked how much the metal noise baffling wall would reduce the sound decibels.

Scott Deiner, UNOCAL, said employees will park on the premises. There will be a maximum of two employees at one time. Chaney said traffic studies have been done and she has been told by noise specialists that the sound absorptive wall will reduce sound further from the original metal wall.

An unidentified man complained that the orange florescent tube seems awful.

Dennis Decota, Applicant, said the orange tube is basically the signature of the project. It is an upscale mini-market. It is an important part of what the consumer needs to know about his business.

Joan Weinheimer, Sir Francis Drake Blvd., said this is franchise architecture and she doesn't feel that this is what San Anselmo is about.

Don Ferrensi, UNOCAL Project Manager, said this can be toned down if it is a problem.

Theresa Allen, San Francisco Blvd., asked how people will get going east again after going to the station. She feels high school kids will be running across the street and children from the park walking across the shopping center. Noise and lights until midnight are still a problem for nearby neighbors.

Yarish said motorists can make a left turn onto Drake from Sunny Hills Drive, or go through the shopping center and make a left at the light.

Ralph Saltsman, UNOCAL Attorney, said the traffic generation by this station is nothing compared to the kind of traffic coming into the center already.

Mr. Lerner, 147 Calumet, asked about the PG&E transformer and what decibels it puts out. Where will it be located. Can the generator have a top on it to muffle sound?

Tom Horan, Architect, said the generator must have air so it can't have a top. It is uncertain whether PG&E will want a pad for the transformer or put it on a pole. He doesn't know about the low frequency noise on the transformer.

Planning Director Chaney said she talked with PG&E and they said the decibel question had not been raised before. They couldn't predict the size of the transformer until the project gets further along.

Jean Jung, Red Hill Merchant, said she feels the tower should be reduced in height. She asked if the building could be moved two feet forward. She asked if the landscaping will be automatically watered. Horan said the irrigation will be by timer.

Howard Bobbin, neighbor, asked if the shopping center is in accord with the project.

Jean Jung, Red Hill Merchant, said competition is part of democracy and merchants are resigned to it.

John Gabin, 61 Sais, said there will always be three cars on the lot. It seems like there will be a lot of deliveries coming in and out. There should be some sort of delivery or loading zone.

Sarah Nome, 77 Alder, wants Council to work on drainage problems at Shaw Drive.

Letha Marchetti, 29 Sais, said she is concerned about the greenery; trees should have thin trunks. There are no story poles for the towers. Why not lower the interior height. She is

concerned with traffic on Drake which is already at an unacceptable level. She feels this could mean a loss of gasoline tax funds.

Joan Weinheimer, S. F. Drake, is concerned with her health and noise problems. She asked what recourse she has if the devices generate too much noise.

Bob Leedy, 65 Sequoia, said he has a heat pump located in the attic above his office at his UNOCAL station and he can't hear it at all.

Joan Weinheimer, S. F. Drake, asked what would be the preliminary times for opening or closing. Decota said it would be basically within operating hours, to ten minutes before and after.

The public discussion was closed.

Breen said he is concerned about the florescent orange tube. He would like to see the station moved forward one foot. He feels there should be a condition regarding noise ordinance standards.

Hodgens said she is concerned about the traffic and the possibility that gasoline tax funds could be lost.

Chignell said he supports the project. He said it is important to recognize that the project has undergone a major revision over the last ten months. The neighborhood has put its undelible stamp on this project. He is pleased that we've gotten to this point. He would suggest conditions regarding enforcement from staff on maintenance of landscaping, perhaps giving the lease agreement to staff. In the first six months, the project should be reviewed by staff with regard to noise issues to ensure readings are within code, plus a six month review on lighting. The police chief should report back on alcohol sales and any enforcement problems. The Town could then look at bringing the operation back to 10 p.m. if it is recommended by the Police Chief.

Kroot said he supports the project. The tower and building height seem fine to him, but moving the building forward one foot would be a good idea. The color of the enclosure in the rear should be the darker trim color. The landscaping should be a maximum height of 12 feet. He likes a six month trial period to see how the beer/wine sales are working.

Yarish said he would add a painted crosswalk from the store entrance to the fueling islands, with a six month review for noise compliance and impact on neighbors.

M/s, Chignell/Breen, to approve the UNOCAL project, with the following amendments to the draft staff report: 1) paving stones replacing the concrete walkway and sound absorptive enclosure for mechanical equipment, 2) structure to be moved one foot forward toward S.F.Drake Blvd, 3) a painted crosswalk from the mini-mart entrance to the fueling islands, 4) staff to incorporate a lease agreement review and maintenance agreement, 5) six month review of lighting, noise, beer/wine sales until midnight, be presented to the Town Council at a regular meeting, 6) the sound absorption wall will be painted to match the darker trim color, 7) landscaping not to exceed twelve feet in height. (The Town Council can amend the hours of alcohol sales to 10 p.m. based on the recommendation of the Police Chief.) Ayes: All.

9. MID-YEAR 1994-95 BUDGET REVIEW.

M/s, Chignell/Kroot, to continue this item to the next regular meeting, nearer the beginning of the agenda. Ayes: All.

10. APPOINT COUNCIL REPRESENTATIVE TO THE NORTH BAY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES.

This item was continued to the next regular meeting.

11. ADJOURN.

The meeting was adjourned at 11: 45 p.m. in memory of Roger Gershon.

Debbie Stutsman