

TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF OCTOBER 3, 1994

The regular Planning Commission meeting was convened at 8:00 p.m. in the Council Chamber by Chairman Mihaly. Staff present was Planning Director Ann Chaney and Planning Consultant Delvin Washington.

A. ROLL CALL

Commissioners Present: Harle, Julin, Israel, Ollinger, Sargent, Hayes, MihalyB.

B. CONSENT

1. Minutes - September 19, 1994

2. V-9428 Maria Caboara, 119 Meadowcroft, A/P 5-142-09, a 3'6" side yard Variance request to construct a 38.64 square foot addition 4'6" from the west side property line (8' required) on property located within the R-1 Zoning District.

3. V-9429 - Kevin Reardon, 420 Laurel Avenue, A/P 7-111-07, a 4' side yard Variance request to enclose an existing open carport into an enclosed garage/workshop that is presently 4' from the west side property line (8' required) on property located within the R-1 Zoning District.

M/S Julin/Israel, to approve Consent Agenda. Conditions of approval are as follows:

119 Meadowcroft:

1. The addition shall be constructed in accordance to the plans date stamped received July 13, 1994 by the Town of San Anselmo. 2. That applicant shall obtain all necessary development permits and conform with all adopted standards of the Building and Public Works Department. 3. That if this development which has received discretionary approval has not begun within one year from the date of the final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action.

420 Laurel:

1. The enclosure of this carport shall be constructed in accordance to the plans date stamped received July 14, 1994 by the Town of San Anselmo. 2. That applicant shall obtain all necessary development permits and conform with all adopted standards of the Building and Public Works Department. 3. That if this development which has received discretionary approval has not begun within one year from the date of the final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action.

C. OPEN TIME FOR PUBLIC DISCUSSION

D. PUBLIC HEARINGS

1. V-9426/DR-9418/U-9405/SR-9401/ER Unocal Service Station - 930 Sir Francis Drake Boulevard, A/P 6-061-31, 1) Design Review, Use Permit and Sign Review, to demolish the existing Unocal 76 Station and construct a new Unocal 76 Station; and 2) a five (5) space parking variance to allow four (4) on-site parking spaces (9 required). This request would include a drive through car wash, a food mart, sale of alcoholic beverages, and a 24 hour operation on property located within the C-3 Zoning District.

The applicants were present.

Ms. Chaney presented the staff report.

Commissioner Julin asked if the sale of alcohol could be restricted because it is surrounded by schools, treatment centers, parks, etc. Ms. Chaney said that the Commission should make their findings and if they are unable to make the findings of approval the applicant has the option of appealing the Planning Commission decision to the Town Council.

Commisisoner Sargent asked if the food mart could be denied and in fact, if that happens the sale of alcohol will be removed. Chairman Mihaly responded that specific issue could become a legal issue.

Ms. Chaney explained that staff is opposing the poles and standards.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF OCTOBER 3, 1995

Commissioner Israel stated that he needs to have examples of different light levels from other stations. Ms. Chaney stated that they have not been provided comparison.

Commissioner Julin questioned the Noise Ordinance and wondered if there is going to be a problem with the outdoor eating area.

Ralph Saul, Counsel for UNOCAL, agreed with staff's discussion about State Law and has also had conversations with the Town Attorney.

Scott Deiner, UNOCAL, questioned number 13 of the Resolution and wondered if it could be more clearly defined. Mr. Washington suggested that a barrier be placed in the center divider which has been suggested by the Chief of Police. It will discourage people from making a left turn. In summary, he does approve the wording of the resolution. He showed a sample of the orange accent tube. He added that he will concur with the lighting as proposed by staff and is willing to do what ever is required to meet IMF standards.

Mike Shay, UNOCAL, discussed the blower and the noise associated with it. The San Rafael station is similar to the one being proposed here but this station will have a sound muffler. The noise studies that have been done with the blower are 88 dba to 86 dba at the source and with silencers it is brought down to 83 dba. He provided a demonstration of how the cars will go through the car wash and the noise levels at various spots on the site.

Commissioner Julin asked about the high powered guns used at the beginning of the wash and inquired as to whether or not there could be an alternative to muffle the sound hitting the cars. Mr. Mr. Shay responded that an alternative to that would be to put sprayers inside the car wash itself.

Mr. Decota stated that he has not been able to locate additional off-site parking except to use the HUB service station which will close shortly.

Mr. Shay explained that they will not use the roll over system because it can damage cars, is unattended and utilizes bristle brushes. This will be an attended service station and they will use cloth.

Mr. Arntz, Red Hill Shopping Center is opposed to having traffic being exited onto their parking lot. His tenants are vary clearly opposed to this and therefore he has to back them. It will become a legal problem if they try to use the access easement. In summary, he is opposed to any intrusion onto his land that he can legally stop.

Terry Carlson, Attorney for Red Hill Shopping Center, expressed that it is his client's opinion after listening to the tenants, that the permission that has been granted will be revoked if UNOCAL is granted approval. There is a title report from the land owner to the Red Hill Shopping Center that specifies there is no easement for UNOCAL. Permission has been granted in the past to go across the Shopping Center although it has not been granted in writing. He stated that Mr. Arntz has elected to erect a barrier at the exit of the car wash.

Jack Capulsky, Parkside Apartments, 101 Sunnyhills Drive, stated that noise rises. He can hear a tennis ball bounding on the tennis court at Memorial Park, as well as being able to hear the trash bins that are used at the Red Hill Shopping Center. He stated that there are several locations in close proximity to buy alcohol. He wondered if there has been an investigation of the sale of alcohol with respect to the parks that are adjacent to them.

Corinne Conklin, 45 Sias Avenue, presented a petition from 29 people who oppose the sale of alcohol. She does not think this project will contribute to the neighborhood, only to UNOCAL. She is concerned about the traffic congestion as well as the noise factor. She is also opposed to a mini mart.

John Geoghegan, 61 Sias, is opposed to the project because of the noise factor. He does not feel a 24 hour mini mart is necessary and feels it will attract additional customers late at night, not just those getting gas.

Janet Lois, Merchant, Red Hill Shopping Center, discussed the acoustical noise consultant analysis. The measurement was done for 15 minutes and it has been suggested that it should be done on a 48 hour period. She would also like to see the vacuum motors placed underground, as is done in San Rafael.

Mark Machetti, Parkside Apartments, 101 Sunnyhills Drive, is opposed because of the noise. He is also concerned about public safety, especially in the location of a public park. San Anselmo does not really need a car wash. The traffic is a serious problem even with the UNOCAL closed and the car wash will only increase traffic.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF OCTOBER 3, 1995

Lisa Manachetti, Parkside Apartments, 101 Sunnyhills Drive, is questioning the drainage relative to the car wash. She also felt that parking would be a big issue.

Lisa Marchetti, Sias Avenue, stated that walls do not make noise disappear, it makes noise scatter. Star Academy, across the street serves disabled people and they do not need additional noise. Additionally, she does not want additional light on Sir Francis Drake. She suggested utilizing the station at the HUB rather than the current location. She said the noise, light, and traffic will be detrimental to her health and safety.

Carey Conklin, 45 Sias, is alarmed at the impact to his quality of life and is concerned with staff's recommendation of approval when it will be such a negative impact to his neighborhood.

Paula Spencer, Monterey Avenue, share concerns with the other neighbors and also does not want a neon sign.

Matthew Elkins, 205 Butterfield Road, called the Chevron Station in San Rafael on Second Avenue, and they informed him that they were required to rent space elsewhere for their employees. He also wondered if an EIR is required for this project. He stated that the noticing process has hurt this project and caused ground swell of opposition.

Jane Weinheimer, Sias, said there has yet to be a dba reading taken from her porch. She presented a letter from a broker that states her property value will be reduced when the commercial zone is expanded.

Jack Capulsky asked the Commission not to make a decision tonight so the neighbors would have time to solicit other neighbors in opposition of the project. He also felt that it is unnecessary to have a 24 hour market within a shopping center that has a 24 hour Safeway.

Mr. Saul apologized to the audience that they did not have all the information that has been presented and gathered over the course of the last 14 1/2 hours of public testimony. With respect to the curb exiting into the shopping center, he will go along with that although he does not understand why the Shopping Center wants to prohibit access to other merchants within the shopping center. Other comments by the merchants have been addressed in the staff report.

Ms. Chaney stated that microfiche files from 930 Sir Francis Drake building file indicate the triangle as an easement. Commissioner Sargent stated the easement should be recorded to have any meaning. Chairman Mihaly stated that it might be by prescriptive right. Mr. Saul stated that he can present to staff documentation that indicates they have an easement.

Ms. Chaney responded about the EIR question. She stated that a environmental check list was prepared and mitigation measures met, therefore a full EIR is not required.

Commissioner Sargent said there are key issues that stand out that require so much monitoring. There have been many steps made to mitigate the issues, such as noise, and parking. If exiting is blocked off into the shopping center he would have difficulty making a decision. He would also like a better parking solution.

Commissioner Israel said he is discomforted by the sale of alcohol at a gas station however most people drive up to Safeway and purchase alcohol and there is not much difference. He is sympathetic to the proximity to the park and schools. Traffic, noise and visual impact really bother him. He is in support of a viable gas station on this site. The car wash is generating the noise, the large wall, and the additional traffic. Parking is a significant issue and he is uncomfortable with them parking at the HUB and the Town has no way to police it. Therefore, it should be on-site or at Red Hill Shopping Center. The number of attendants needed for the car wash would be substantial. He cannot approve the car wash now but could approve the mini mart and gas station. If he had a clear noise level test it might help him, and he is also concerned about the access easement and cannot make a decision on anything until that is clear. The shopping center and gas station will each benefit from this project. He has mixed feelings about four foot fixtures and has no problem with that if they are the right fixtures. The trellis adds more mass because it is long and monolithic.

Commissioner Harle concurred with Commissioner Israel's assessment of the project and added that he is dubious on the accent lighting on the building and thought that should count as signage.

Commissioner Julin wished the Commission could make some closure tonight based on some assumptions (regarding the easement). The information presented by the applicants has been good quality information and has provided all the information that has been requested. There have been a number of changes in response to the public testimony. She is satisfied that the architecture is quite fine. She asked staff to put up the contour maps which shows noise areas of town. She said that this noise generator is being put into one of the noisiest parts of town now. Therefore she thinks it falls within the parameters. She said the touchless noise is not that bad.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF OCTOBER 3, 1995

Although noise can be measured, it is subjective but she felt it does fall within the existing parameters of this site. Parking is also an issue although some of the employees may not own vehicles and may carpool or use public transportation. Therefore, perhaps the number of spaces required might be excessive.

Commissioner Hayes said that the Red Hill Shopping Center and gas station has successfully co-existed there for a long time and wants that to continue. His concerns are alcohol sales although he understands it is preempted by the State. He read a provision on State Law regarding the sale of alcohol. In his estimation he would prefer a voluntary on behalf of the applicant. He would prefer UNOCAL to take that approach. Absent of that he would find it difficult to be able to make the finding of health and safety to approve the sale of alcohol. He is not comfortable with parking, although there may be some remedy for that which has not been found. Regarding the access easement, the Red Hill Shopping Center is opposing this and it simply needs to be clarified prior to taking action. Finally, regarding lighting and noise, he asked if it would be possible to provide some reference points to reference the noise and light. He would be willing to travel to another site if he is given the information by the applicants.

Commissioner Ollinger concurs with Commisisoner Hayes on the sale of alcohol. The noise level is still a concern, he agrees that noise does rise but feels there are still questions about the kind of impact on the neighborhood. He noted that if the use was not a gas station, there could be a use that could be greater and a building that could be larger. However, there is a lot of intense activity on this site. He suggested that the mini mart might be too big for the site. There are many gas stations that have 4 foot standards and they must meet the lighting levels. He strongly supports staff on the number of signs. He is therefore reluctant to support this because the proposed use is too intense, with too much building and too much activity. He said he is discouraged that the Shopping Center and the UNOCAL cannot get along.

Chairman Mihaly said there is no majority on the Commission to act favorably. He cannot vote in favor of this project either. His biggest problem is that he is opposed to the sale of alcohol but has no problem with lighting. There are enough problems that need to be worked out with the Shopping Center. His biggest problem is neighborhood ambiance with the apartment building behind because of the park and the outdoor eating. He does not really know if it is going to be that noisy. He would support the mini mart but he is concerned about the car wash. He might accept the car wash if the applicant accepts the consequences if they go over the decibel level the use permit be immediately revoked.

Chairman Mihaly asked for a vote from the Commission on whether of not they want to continue or make a decision.

Mr. Saul suggested that on behalf of UNOCAL he wanted the Commission to take final action tonight.

M/S Mihaly, Hayes, to deny V-9426/DR-9418/U-9405/SR-9401/ER Unocal Service Station - 930 Sir Francis Drake Boulevard, A/P 6-061-31, 1) Design Review, Use Permit and Sign Review, to demolish the existing Unocal 76 Station and construct a new Unocal 76 Station; and 2) a five (5) space parking variance to allow four (4) on-site parking spaces (9 required). This request would include a drive through car wash, a food mart, sale of alcoholic beverages, and a 24 hour operation on property located within the C-3 Zoning District. This denial is based on the grounds that a primary concern is that the car wash creates parking needs that cannot be satisfied at this moment on site and that the car wash creates a visual impact on the surrounding businesses detrimental to their activities because the car wash may create unacceptable noise impacts and would violate the Town's Noise Ordinance. And given the sensitive surroundings that violation is not acceptable. At this point there does not appear that there are a set of standards which would substitute for compliance of the noise ordinance. Because there are problems concerning access and ingress to the site and the Red Hill Shopping Center which have not been adequately resolved, and in light of the Red Hill Shopping Center's opposition to the project which do not appear resolvable. Also it appears that there may be adverse noise impacts on surrounding residences. While recognizing the negatives, the Planning Commission believes that the mini mart use with the hours of limitations agreed to by the applicant is acceptable, but would, in combination with other factors, including the sale of on-site liquor, impose burdens on the surrounding community and park which are not acceptable. The use of a modernized service station on the site will be a benefit to the community and it an appropriate use for the site. The design of the service station, with the exception of the back wall and trellis, and the lighting as agreed to by the applicant as stated in the staff report, is acceptable. But, unfortunately the problems with the project at this time out weigh the benefits for the surrounding residential and commercial uses.

Commissioner Julin stated that she will vote no on this motion because she was hopeful that this could be worked out without a denial.

AYES: Sargent, Israel, Harle, Hayes, Ollinger, Mihaly
NOES: Julin

TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF OCTOBER 3, 1995

Motion carried. Audience advised of the ten day appeal period.

Commissioner Israel stated that he would be willing to have additional meetings if the applicant would like that to reach a compromise.

Commissioner Julin stated she supports the mix of uses that are being proposed in concept and the Town needs to consider a better processing for major projects such as this.

2. DR/9420 Clifford Joe, 344 Oak Avenue, A/P. 7-181-12, a Design Review request to construct a 1,210 square foot addition to an existing single family residence, to demolish an existing cottage and construct a new detached 630 square foot garage and workshop on property located within the R-1 Zoning District above 150 mean sea level.

M/S Mihaly, Harle, to continue this item to 10/24 because the first item is too lengthy but that this item will be heard as close to the beginning of the agenda as possible. All ayes.

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

There was no discussion.

G. ADJOURNMENT TO OCTOBER 24, 1994.

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:45 p.m. to the next special meeting of October 24, 1994.

BARBARA CHAMBERS

TOWN OF SAN ANSELMO ²⁴
PLANNING COMMISSION MINUTES OF OCTOBER 14, 1994

Due to a lack of a quorum, the Planning Commission did not convene on October 14, ²⁴1994.