

TOWN OF SAN ANSELMO

TOWN COUNCIL RESOLUTION NO. 3297

A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL APPROVING A DESIGN REVIEW APPLICATION, USE PERMIT TO DEMOLISH THE EXISTING UNOCAL 76 SERVICE STATION AND CONSTRUCT A NEW 1,912 SQUARE FOOT FOOD MART WHICH INCLUDES THE SALE OF BEER AND WINE ON PROPERTY LOCATED AT 930 SIR FRANCIS DRAKE BOULEVARD.

WHEREAS, an application was filed with the Town of San Anselmo on April 26, 1994 requesting approval for a Design Review, Use Permit, and Parking Variance to demolish the existing Unocal 76 Service Station to establish a food mart, which originally included a car wash establishment, on a 17,500 square foot parcel located at 930 Sir Francis Drake Boulevard, San Anselmo, Assessor Parcel Number 6-061-31; and

WHEREAS, the Planning Commission held a public hearing on August 1, 1994, August 22, 1994, September 19, 1994, and October 3, 1994; and

WHEREAS, the Planning Commission denied the application on October 3, 1994, due to the imposition of the rear wall on merchants located in the Red Hill Shopping Center, and the need for parking and noise ordinance variances; and

WHEREAS, the applicants filed an appeal to the Town Council on October 13, 1994;

WHEREAS, the Town Council held a public hearing on November 22, 1994 and February 28, 1995, and March 14, 1995, as well as two community meetings on December 8, 1994 and January 17, 1995; and

WHEREAS, the Town Council approved the Design Review and Use Permit for the food mart and sale of beer and wine, subject to the following conditions:

1. The plan shall be constructed according to the site plan, floor plan, and landscape plan dated March 2, 1995 and referred to as Exhibits GA-13, L-13, and A-1, except that:
 - a) The structure shall be moved one additional foot (1') toward Sir Francis Drake Blvd. (i.e., 2' from the rear property line) to allow for more landscaping;

- b) The concrete walkway accessing the electrical switchboard shall be replaced with paving stones to allow for more landscaping;
 - c) The mechanical equipment shall be enclosed with a sound absorptive wall painted a color to match the darker trim color. The type of sound absorptive wall shall be subject to the approval of the Planning Director;
 - d) Landscaping shall not exceed twelve feet in height to retain views from the shopping center; and
 - f) A painted crosswalk shall be included from the food mart entrance to the fueling islands.
2. The elevations shall be according to the building elevations dated March 2, 1995 referred to as Exhibits A-2 and CA-1 and according to the color board submitted on February 28, 1995.
3. The applicant shall submit a final lighting plan with the building permit application for review and approval by the Planning Director prior to issuance of a building permit. The lighting plan shall be subject to the following:
- a) Lighting for the service station shall meet minimum IES standards;
 - b) The height of the perimeter lights shall not exceed sixteen (16) feet above grade.
 - c) Any pole or under canopy light covers shall be flush with the luminaire housing (box) such that light is not seen from the sides.
 - d) Except for security lighting, all exterior lights, including signage, shall be turned off when the establishment is not open for business.
 - e) Except for security lighting, lighting inside the car wash and food mart shall be turned off when these uses are not open for business.
 - f) All lighting, including interior lighting, is subject to a 30 day lighting review by the Police Department and Planning Department to allow for any modifications (e.g., lighting directed off-site, intensity).
4. The applicant shall submit a final landscape plan for review and approval by the Planning Director prior to issuance of a building permit.
5. The existing oil tanks on the site shall be removed and all contaminated soil removed or mitigated to the satisfaction of the Marin County Environment Health Department.
6. The applicant shall implement all of the dust and odor mitigations listed in the Negative Declaration.

- a) Suspend demolition or other dust producing activities during periods of high winds when dust control is not effective.
 - b) Provide equipment and personnel for watering all exposed material area as needed. An appropriate dust palliative or suppressant shall be added to water before application, and shall be utilized.
 - c) Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - d) Sweep demolition area and adjacent streets of all mud and debris.
7. The hours of construction and demolition shall be limited between 7:30 a.m. and 5:00 p.m. Monday through Friday, and no construction or demolition activity shall occur on the weekends.
 8. The applicant shall submit a debris removal plan specifying all routes and times debris will be removed from the site. This plan shall be reviewed and approved by the Director of Public Works.
 9. The proposed Food Mart and Gas Station hours of operation shall be between 6:00 a.m. and 12:00 midnight.
 10. The final sign plan for this project shall be reviewed and approved by the Planning Director prior to issuance of building permits and shall adhere to the following:

- a) One free standing/monument sign incorporating logo and prices.

Such sign may be located either in the corner island or in the middle island along Sir Francis Drake Blvd., but in either case may not adversely affect motorists' line of sight. Ultimate location to be determined by the Public Works Department. This sign may be double faced but cannot exceed 40 square feet per face (a total of 80 square feet).

- b) Two wall mounted signs
- c) The combined area of the wall mounted signs and free standing sign shall not exceed 100 square feet.
- d) No other permanent signs, other than small signs allowed by the ordinance, shall be permitted without a Variance. Examples of prohibited signs include permanent signs which might be incorporated into the canopy columns. Examples of allowed signs include qualifying credit cards, self and full serve signs at the pumps, hours of operation, rest rooms, etc.
- f) Temporary signs, such as banners, are permitted subject to conformance with the Sign Ordinance.
- g) Final placement of signs, and any other potential visibility obstruction located near roadways, shall be subject to the review and approval of the Public Works Director to ensure that adequate sight distance is provided.

11. If the Public Works Director determines that the proposed painted island at the Sir Francis Drake entrance is inadequate as a traffic control device, a raised island or other device, as well as a KEEP RIGHT sign, shall be installed by or at the cost of the project applicant.
12. If the Public Works Director determines that an island can and should be constructed down the center of Sir Francis Drake Blvd. to prevent cars from making a left turn to enter the shopping center, such a device shall be installed by or at the cost of the project applicant.
13. If the Public Works Director determines that the pedestrian crosswalk across Sunny Hills Drive should be realigned with the sidewalk, such realignment/painting shall be at the cost of the project applicant.
14. A sign prohibiting eastbound left turns from Sir Francis Drake Boulevard into the easterly driveway should be installed on the island mentioned in No. 12 above, or in the shopping center planting area.
15. The existing NO LEFT TURN sign should be replaced with a new RIGHT TURN ONLY sign.
16. If permitted by the owners of the Red Hill Shopping Center, a landscape planter shall be installed by Unocal along the eastern property line.
17. The following limitations shall be placed on the sale of alcoholic beverages:
 - a) Alcoholic beverage sales shall be limited to beer and wine only with no hard liquor sold.
 - b) The hours of beer and wine sales may coincide with the food mart hours of operation (i.e., 6:00 a.m. to midnight). However, after the first six months of operation, the Police Chief should make a report to the Town Council on alcohol sales and any enforcement problems. After their review, the Town Council shall have the authority to restrict alcohol sales to 10:00 p.m.
 - c) Applicant shall post signage at food mart precluding consumption of alcoholic beverages on site and precluding loitering.
 - d) Applicant shall post signs at the food mart in compliance with any and all municipal codes notifying the public in both English and predominant second language in the area with regard to open containers.
 - e) Exterior advertising shall comply with all local sign ordinances and there will be no advertising indications of the availability of alcoholic beverages.
 - f) There will be no beer and wine advertisement located on the motor fuel island.
 - g) No fortified wines shall be sold.

- h) No ice in quantities of less than 2 pounds shall be sold, furnished or given away.
 - i) No beer and wine will be displayed within five feet of the cash register or the front door, unless, of course it is in a permanently affixed cooler.
 - j) No beer or wine display will be made from an ice tub.
 - k) No single can sales of beer will be permitted.
 - l) There will be no coin operated amusement devices or video games on the premises.
 - m) Applicant will secure the premises with employee scrutiny of the adjacent areas under which applicant has control to preclude trash, graffiti, or littering.
 - n) The applicant shall maintain free of litter all areas of the premises under which applicant has control.
 - o) Any graffiti painted or marked upon the premises shall be removed or painted over within 72 hours of the discovery.
 - p) A sign will be posted in the window to identify that the cash register contains \$50.00 or less in cash and the drop safe is not accessible to employees.
 - q) The food mart is equipped with a security camera that is capable of receiving an image on film or tape that can be made a permanent record and that can be enlarged through projection or other means. Cameras will be maintained in proper working order at all times and shall be subject to periodic inspection by the local police department.
18. The owner shall maintain the property in good condition at all times, including all landscaped areas. Prior to issuance of building permits, staff shall review the lease agreement to ensure that maintenance concerns are adequately addressed. If not addressed, the Planning Director may direct the applicant to make appropriate changes.
 19. The Noise Ordinance standards may not be violated unless a variance is granted by the Town Council.
 20. Six months from the start of the service station/food mart operation, staff shall make a report to the Town Council at a regular meeting which addresses noise, lighting, the sale of beer and wine until midnight, and any other relevant issues.

NOW, THEREFORE, the Town Council for the Town of San Anselmo DOES HEREBY FIND as follows:

Section 1. Findings required for the approval of a Design Review Application pursuant to Section 10-3.710, and a Variance pursuant to Section 10-3.709 of the San Anselmo Municipal Code are as follows:

Design Review

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; and
2. Provides for protection against noise, odors and other factors which may make the environment less desirable; and
3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area; and
4. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and
5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.

Supporting facts for these findings are follows:

The proposed removal of the old service station building will not be detrimental in appearance to the community. The new facility will introduce a design that is consistent and compatible with the existing Red Hill Shopping Center in that the siding will be redwood shake, painted with a color similar to the shopping center, and the roof material will be asphalt shingles to match the shopping center. The new design will be professionally done and tasteful in character. The setback from the rear property line is 10' where 0' is permitted. The rear wall will be 11'5" at the edge of the overhang as measured from grade on the Unocal site and 10'5" from the shopping center due to a 1' differential in grade. In addition, the long rear wall facing the shopping center will be softened by landscaping the area with new shrubs and trees.

Use Permit

- (1) The established, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town.
- (2) The granting of the use permit will not adversely affect the public health, safety, or welfare by either diminishing the availability of minor emergency health and safety services, including rest rooms and minor automobile repair.

Supporting facts for these findings are as follows:

A Negative Declaration was prepared and approved for this project. A traffic study and noise report were prepared in response to the Initial Study. The facility will not be detrimental to the overall good of the community, and the reconstruction will mitigate many of the existing safety hazards which exist on the site. Though this establishment will

eliminate an automotive repair establishment, there are three existing automotive repair garages in town. The owner of this franchise has expressed a desire to relocate the automotive repair portion of this business to another site in San Anselmo.

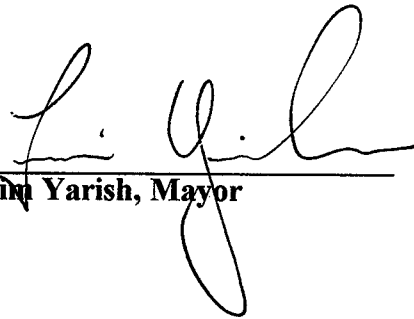
State law precludes the Town from disallowing the sale of alcoholic beverages at a service station site. In addition, there are other businesses in the immediate area which also sell such beverages. Unocal has agreed to a number of restrictions regarding the sale of alcohol including the types and quantity of alcohol sold. In addition, a six month review of the operation will be conducted by the Town Council to evaluate the overall operation of the Unocal station. With these restrictions in place, it is found that the sale of beer and wine at this location will not have an adverse impact on the surrounding uses or the community.

PASSED AND ADOPTED by the San Anselmo Town Council at a regular scheduled meeting on March 14, 1995 by the following roll call vote:

AYES: Breen, Chignell, Hodgens, Kroot, Yarish

NOES: None.

ABSENT: None.



Tim Yarish, Mayor

ATTEST:



Caroline Foster, Town Clerk