

TOWN OF SAN ANSELMO  
Minutes of the Town Council Meeting of February 28, 1989

Mayor Sharp convened the regular meeting at 8:00 p.m., following interviews with applicants to be the San Anselmo representative to the Marin Commission on Aging beginning at 7:35 p.m., with Councilmembers Chignell, Colteaux and Walsh present, and Councilmember Zaharoff not present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

There was no public comment.

3. APPOINTMENT: REPRESENTATIVE TO THE MARIN COMMISSION ON AGING.

M/Colteaux, to appoint Thelma Cudworth. Motion died for lack of a second.

M/S, Chignell/Walsh, to appoint Paula Neese. Motion passed unanimously.

The appointment was made to the unexpired term of Gayle Stewart, to expire in June, 1990.

4. REQUEST BY THE CAMPAIGN FOR A HEALTHIER COMMUNITY FOR CHILDREN FOR USE OF TOWN HALL LAWN MAY 15-21 AND CLOSURE OF TUNSTEAD AVENUE FROM SAN ANSELMO AVENUE TO LIBRARY PLACE ON MAY 21 FOR THE "FESTIVAL OF THE CHILDREN."

M/S, Chignell/Walsh, to proclaim the week of May 15-21 as the "Week of the Children", and to grant the Campaign's request for the use of the Town Hall lawn May 15-21 and closure of Tunstead Avenue between San Anselmo Avenue and Library Place on May 21, with the conditions in the staff memorandum dated February 23, 1989. Motion passed unanimously.

5. PUBLIC HEARING TO DETERMINE WHETHER A PUBLIC NUISANCE EXISTS IN THE USE OF THE PROPERTY AT 1381 SAN ANSELMO AVENUE, A/P 7-052-55, 7-052-56, 7-052-57, 7-052-58 AND 7-052-59, CHURCH OF THE DIVINE MAN.

A request had been received from the Church, through the office of their attorney, to continue this matter due to the fact that their attorney, John Corley, was out of the country until March 1. Rev. Gail Halloran, from the Church, said she had been asked by a Bishop Susan Hall bostwick from the church to represent the Church and confirmed the request for a continuance.

Town Attorney Roth's advise to the Council was to grant the continuance request.

Lorraine Ferrase, Elm Avenue, requested the Council hear the matter because the usage of the property had grown intolerable.

Maryann Marselli, 26 Elm Avenue, said the Church's violations are blatant and asked that her rights as a citizen also be protected.

M/S, Chignell/Walsh, to continue the matter to a regular adjourned meeting on March 7, 1989, at 7:00 p.m., without fail, and subject to the information being communicated immediately to John Corley's office. Motion passed unanimously.

6. PUBLIC HEARING ON APPEAL OF PLANNING COMMISSION APPROVAL OF C-221 FOR M. S. PARTNERSHIP, LA MANCHA DEVELOPMENT COMPANY, AT 805 SIR FRANCIS DRAKE BOULEVARD, A/P 6-082-14, DESIGN REVIEW AND ENVIRONMENTAL REVIEW OF A NEW COMMERCIAL BUILDING.

Two appeals were filed on the Commission's approval of the building, on the grounds that the number of businesses approved

for the site (5) and the owner's policy of requiring employees to park off site will place an excessive demand on surrounding on-street parking and adversely impact the neighborhood, the additional traffic generated by the project will adversely impact the neighborhood, there are no assurances that future commercial tenants will not be of the type to cause problems for the adjacent residential neighborhood, and the building and site characteristics do not meet the findings required for design review.

Public Works/Planning Director Kottage reported on the Planning Commission's action on this application.

Betty Logwood, 25 Bella Vista, said the neighborhood was not adequately represented at the last meeting, there is not enough parking for five stores, and expressed concern that garbage trucks would go down her block every day to get to the new building.

Mary Small, 56 Tamalpais Avenue, an appellant, said she received no notification of the meeting, she questioned where water for the project would be obtained because of the current water moratorium, she questioned whether more development was needed in town, and that the proposed building was ugly.

Casey Logwood, 25 Bella Vista, said several neighbors could not attend this evening, that they were not notified until last Wednesday, the area does not support businesses, and submitted letters objecting to the site.

Margaret Alexander, 745 Sir Francis Drake Boulevard, expressed concern about accidents at Madrone and Sir Francis Drake Boulevard, and said there should be consideration for elderly and handicapped people.

Madalin Schurer, 50 Bella Vista, expressed concern about traffic missing the Madrone Avenue entrance and turning into Bella Vista. She said her house has developed cracks from heavy traffic. She said if people who work at the new building were not allowed to park on-site, they would have to find spaces in the neighborhood and there is not enough space on the street.

Matt Chepin, 42 Madrone Avenue, expressed concern about traffic and parking. He said the only protection the street has is a "No through traffic" sign, which does not seem to stop anyone from cutting through to Center Boulevard from Sir Francis Drake Boulevard down Madrone Avenue.

Toni Chepin, 42 Madrone Avenue, said the traffic on Madrone is tremendous, that there is so much traffic on her rear bumper that she cannot turn into her own driveway. She said there is no place for employees to park on street. She said she did not like the design, that it does not go with the Town of San Anselmo. She expressed concern that they did not know what businesses would be there, which will affect traffic, and noted that turning right onto Sir Francis Drake Boulevard from Madrone Avenue is very difficult.

Tony Liftin, 30 Madrone Avenue, objected to this development due to increased traffic. He said that one year ago the neighborhood asked to have something done, which resulted in a "No through traffic" sign that is universally ignored. Adding this development will increase traffic and the jeopardy to children. He noted that commuters taking the bus into San Francisco park on Madrone.

Lou Dangles, 74 Madrone Avenue, expressed concern about the traffic impact of the project and parking. He said if employees park off-site, they will be parked in the neighborhood all day, which will clog up the street. He said he has been aware of vacant business spaces in town and

questioned whether this was a wise use of the property, noting it will be a difficult place to get to as a business location.

Fore Greene, who has a law office at 711 Sir Francis Drake Boulevard, expressed concern that there is a health hazard on Sir Francis Drake Boulevard, and had serious questions about adding to the impact of the hazard in terms of number of cars. He said it was difficult to understand why this kind of development can go in without an awareness of how it will add to the hazard that already exists.

Christine Cragg, 78 Madrone Avenue, expressed concern about traffic and parking impacts of this project, noting that people currently are parking off the street onto her property and blocking her water meter.

Locklin Kane, 16 Madrone Avenue, directly adjacent to the subject property, said there are many near misses at the corner of Madrone and Sir Francis Drake Boulevard. He said that the left turn lane pocket from Sir Francis Drake Blvd. onto Madrone Avenue currently backs up with cars and will get worse if this development is built.

Cindy Irvin, Boulevard Dogs, expressed concern about cars eastbound Sir Francis Drake turning into the property because of the blind corner at the entrance.

Mrs. Creighton, 56 Bella Vista, asked about the sidewalk being moved 10 feet so that there will be parking on street. Kottage explained that the road will be widened 10 feet to create a bus pad to get the bus stops out of the travel lane, and there will be extra area for a couple of parking spaces.

Al Creighton, 56 Bella Vista, asked about the time line for this project.

Jerry Arbin, 26 Bella Vista, expressed concern about parking, adding that Bella Vista is not a city maintained street and it was not appropriate to have traffic going through there.

Casey Logwood, 25 Bella Vista, expressed concern about what kind of business would move into the building.

Mary Small, 56 Tamalpais, asked if the Town would take the time to review each business moving in and asked the developer if he has considered light industrial use on the site as something the Town needs.

Jo Julin, San Anselmo resident, expressed concern about the level of detail of the plans and the incompleteness of the application, notably with respect to lighting, signage, cross section information and building materials. She said that the importance of this site warrants more thought and wanted it to go back to the Commission for submission of a complete application.

Jerry Cler, project architect, said they had proceeded with the project with staff input. He said the site has a deed restriction for a 10 foot right of way that will expire next year, and that is the reason for the road widening. Regarding the issue of application completion, he said that signage is a separate permit from the design review and is not included in the application, the landscape plan has been submitted and approved, lighting is part of the electrical plan approved as part of the building permit, and that building materials were not submitted. Regarding the issue of who will be renting the building, he said nobody knows whether it will be one tenant or five tenants and the tenant improvement plan must go to the Commission so that the Town does not have to allow any use it does not want. He said it was business people's right to compete with another business. He said that a gas station, the former use of the property, generates a lot of traffic all day long, and any building that goes there will be less intense a

use. It will be a neighborhood shopping center geared to attracting people on Sir Francis Drake Blvd. or in the neighborhood. No garbage can be picked up from Bella Vista and therefore there will be no garbage trucks going down that street to access this property. The garbage area will be screened by a berm.

Kottage said there would be no access to the site from Bella Vista, and that part of the garbage building will be visible from that street and there will be a seven foot high wall around the garbage area.

Cler said the top will either be solid or a trellis, at the preference of the Town, and the concrete block building could be trimmed in wood or the same material as the main building.

The Councilmembers expressed concern about the following issues:

1. Whether the public could be involved in approval of the lighting plan and signs. Kottage responded affirmatively.
2. Whether the left turn pocket onto Madrone Avenue was large enough. Kottage said it is currently approximately 80 feet in length and under the Drake project plan it will be extended about 15 feet.
3. Setting a condition on the location of the air conditioner and the maximum amount of noise that can be heard from it on the adjacent properties.
4. Whether a parking survey had been done in the neighborhood.
5. Drivers missing Madrone and going onto Bella Vista.
6. Unlike the Hub Center, this development was in a residential neighborhood and therefore greater caution should be taken.
7. Environmental issues and whether the mitigations in the negative declaration are adequate or whether an EIR is required and more information is needed. More information on parking is needed.
8. Whether the plans are inadequate.
9. More information is needed on what uses will be in the building.
10. More detail is needed on the parking enclosure and on-street parking.

Leonard Leone, La Manchas Development, said the drawings and model are the result of three designs and they have always had more parking than the code requires. The street widening and bus turnout will cost him \$30,000. The number of parking spaces will conform to the new General Plan. He said they have never asked to do anything other than what the General Plan and zoning ordinance require. He said they have offered to make a condition of approval that there would not be certain uses such as fast food restaurants or convenience stores. He said it was difficult for them to outguess what uses will be there but they perceive there to be a direction for low intensity uses. There would be discretionary review by the staff for conformance with the General Plan, and therefore there would be a lot of control on what uses would go into these buildings. He said he was not sent a staff report for this meeting. Regarding parking, it is their general policy to keep parking spaces available for customers. He said they have complied with every request made of them.

Town Attorney Roth advised that the Town was facing certain time limits on review of the application.

M/S, Colteaux/Walsh, to refer the application back to the applicant for redesign in accordance with these conditions:

1. The number of businesses be limited to four, so that the on-street parking in that neighborhood is not so severely affected.
2. The lighting plan be made a matter of public hearing so that the neighborhood can comment on whatever is proposed either by the city or by the applicant.
3. The signage plan be made a matter of public hearing so that the neighbors can comment on whatever is proposed either by the city or by the applicant.
4. The air conditioning equipment stipulation as to the noise factor be handled by specific designation of equipment location and decibel level.
5. The garbage enclosure be detailed so that it can be specifically approved as to design, construction size, etc., and that the building materials be specified as to type, color and texture so that when they are approved we know exactly what we're getting or as close as we can get to that.
6. The on street traffic situation at the bus stop is approved, but no on-street parking in front of the site be created.
7. The left-turn pocket at Madrone be coordinated with the Sir Francis Drake Boulevard Improvement Project.
8. The use permit application procedure for the individual businesses as they come up is approved since it will be available to a public hearing in each of those.

in a procedure framed in accordance with the advice of the Town Attorney, to be resubmitted to the Council.

Town Attorney Roth advised that the developer should be asked to agree to the continuance, specifically that he agree verbally this evening to waive all the time limitations to the extent he is allowed to waive them, and that he submit a letter to that affect the following day. Mr. Leone agreed to this waiver and agreed to submit the written agreement the next day.

The motion passed unanimously.

7. FINAL CONCEPTUAL APPROVAL OF SIR FRANCIS DRAKE BOULEVARD HAZARD MITIGATION PROJECT.

In response to Council's request at the last meeting to retain as much parking along Sir Francis Drake Boulevard as much as possible, staff submitted a plan that preserves 11 of the 12 on-street parking spaces on S.F. Drake Boulevard. Kottage explained that they were forced to remove the parking space near the corner at Bridge Street for significant safety reasons. The driveway entrances were widened and the curves leading into parking spaces reduced. There was the potential to add three on-street parking spaces near the Madrone intersection for approximately \$3,00 per space.

The Councilmembers discussed whether they should do what could be done to create as much on-street parking as possible or whether they should not invest in creating any more on-street parking spaces.

Ford Greene, 711 Sir Francis Drake Boulevard, said the space staff recommended be eliminated is frequently used and asked if the space could be preserved by reducing its length.

Chignell supported retaining the space.

M/S, Walsh/Chignell, to approve the proposed project as presented. Motion passed by the following vote:

AYES: Colteaux, Walsh, Sharp

NOES: Chignell

ABSENT: Zaharoff

8. LETTER TO STATE LEGISLATORS REGARDING ASSAULT WEAPONS.

Sharp asked that certain language in the letter be replaced with the language used in the staff report, and that the letter be sent to certain other state and federal officials.

M/S, Colteaux/Chignell, to send the letter as directed by the Mayor. Motion passed unanimously.

9. CONSENT AGENDA.

- (a) Approve Minutes: February 14, 1989.
- (b) Authorize on a one-time basis the voluntary transfer of sick leave from the account of one or more employees to the account of another employee.
- (c) Proclaim March 23 as Special Olympics Torch Run Day.
- (d) Accept Floribel Avenue Slide Repair Project and authorize filing of Notice of Completion.
- (e) Resolution to amend the rental rates and low income limits as provided by Ordinance No. 706 pertaining to second units with use permits. CONTINUE TO MARCH 14, 1989.

M/S, Chignell/Walsh, to approve the Consent Agenda. Motion passed unanimously.

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

Ted's - Dickens reported that he asked Ted Janko to produce a draft letter he would like sent to the administrative judge, but it had yet been submitted.

Mt. View - Chignell asked staff to look into parking complaints on Mt. View.

Towing - Colteaux said the Police Chief had advised the Chamber of Commerce that the Police Department would begin towing vehicles with five or more tickets over 5 or more days.

Zoning ordinance - Kottage said a report on changes to be proposed to the zoning ordinance would be submitted in mid-March.

Water - Sharp requested an overview of the Marin Municipal Water District's action on water rationing and hookup bans.

11. Adjournment

On motion duly made and seconded, the meeting was adjourned at 10:50 p.m. in memory of Lloyd Rains, Parks Foreman.

Beth Pollard