

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR SEPTEMBER 19, 1994**

The San Anselmo Planning Commission was convened at 8:00 p.m. in the Council Chambers by Commissioner Israel. Staff present was Director of Planning Ann Chaney.

A. CALL TO ORDER

Commissioners present: Harle, Hayes, Julin, Israel, Ollinger
Commissioners absent: Milhaly, Sargent

B. CONSENT

1. Minutes - September 12, 1994

M/S, Julin/Harle, to approve the Consent. Ayes: Ollinger, Julin, Harle. Abstain: Israel, Hayes.

C. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during open time.

D. PUBLIC HEARINGS - CONTINUED

No agenda items were continued from the September 12, 1994, meeting.

E. PUBLIC HEARINGS

1. SPD-94 AMEND/DR-9418/U-9405/SR-9401/ER Unocal Service Station - 930 Sir Francis Drake Boulevard, A/P 6-061-31, 1) Amendment to a Specific Planned Development, Design Review, Use Permit and Sign Review, to demolish the existing Unocal 76 Station and construct a new Unocal 76 Station; 2) A parking variance to allow 4 (four) on-site parking spaces (9 required); and 3) A sign variance to allow an increase in signage beyond that permitted by Ordinance. This new facility will include a drive-through car wash and a snack shop, on property located within the SPD Zoning District.

The applicants were present.

Planning Director Chaney presented the staff report. She said that final action cannot be taken tonight, but items can be resolved and the matter placed on the consent agenda at the next meeting. Staff recommends that the Commission approve the amendment and resolution. In her report she will address the issues raised, including building design and layout, traffic circulation, parking, noise, lighting, signage, alcohol sales and 24 hour operation, and landscaping.

- **Building Design and Layout** - There was concern with the building so near the property line. Since the last meeting they have redesigned and moved the wall 7.5 feet from the property line and eliminated the parapet wall that was so imposing. The wall has been lowered from 18.5 feet to 10.5 feet. The applicant still wants a wing wall, lowered to 9 feet to provide noise protection. The total length is 84 feet. The wall would be granite, and this textured approach would discourage graffiti. They will retain the present trees, but the shrubs will have to be removed as a berm will be put up against the wall to create the illusion of an even shorter wall. The story poles are up at the site. The proposed building is 4.5 feet higher than the current building, and five feet lower than the original proposal. There will be some changes in the peripheral planters because of moving the building forward. It will be painted in gray and off-white colors. This design is a definite improvement over the original design. Planner Delvin Washington expressed some concern over the big metal roof.

- **Traffic Circulation** - The difference between a gas station and this kind of facility is almost nil for traffic generation. During the afternoon peak it will generate four additional cars. Previously one of the islands was full serve, which does not generate as much traffic. This project should not impact the traffic situation at the corner of Sir Francis Drake Blvd. and Sunny Hills Drive. It is recommended that the access entry be widened six feet to allow traffic to come into the center in two lanes. There would be a striped median to divide incoming traffic from outgoing. Perhaps a raised median will be needed, and this will be reviewed in the future by the Public Works Director, with the cost to be borne by the applicant. The median strip will funnel car wash folks on the route they want, and striping will direct traffic to the exit. Police Chief Del Santo would like an island on Sir Francis Drake, if feasible, to prevent left turn traffic. This is a condition of the report.
- **Parking** - The requirement for this project is nine spaces and four are proposed on-site. They need a variance for five spaces. The five spaces could be accommodated by the shopping center based on parking studies that have been done. The center is not amenable to this however.
- **Noise** - A noise consultant prepared a study, taking readings near the Pet Store, the residential areas, and across Drake. He found that the noisiest things will be the blowers and vacuum and that is why the wing wall is proposed. The vacuums should be close to the wall to muffle the sound. These changes are all recommended by staff.
- **Lighting** - The plan calls for pole lighting at the site, as well as canopy lights and recessed wall lighting, in addition to lighting in the mini mart. Ms. Chaney met with a professional light consultant who thought the plan more than adequate. Staff looked at other service stations in the area. At the Shell station in San Rafael, they do not have pole lights, but rather there are low lights at each entrance. Staff recommends the lighting at the perimeter not exceed four feet in height, except one where the air and water are located. The lighting box for the canopy area should be flush so it won't be as harsh. The lights under the canopy should be recessed and the exterior and car wash lights off when the station is closed. Once the project is lit up adjustments to the lighting can be recommended. There are two lighting levels, one initially brighter, then several months later when it has gotten to its maintained level of lighting.
- **Signage** - Currently the station has a small sign at the middle island, at the corner, and on the building. It is proposed to put a monument sign at the center and side, with three building signs. The ordinance says the overall signage can't be more than 100 square feet. This exceeds the ordinance by numbers and size. Staff recommends one free standing sign with the logo and prices, and two wall mounted signs. The ordinance does allow small signs, like "credit cards accepted" signs.
- **Alcohol Sales and 24 Hour Operation** - They are proposing alcohol sales and our ordinance expressly prohibits this. However, the ordinance could fly in the face of state law. Ms. Chaney asked the Commissioners to let her know how they feel about alcohol sales. They propose all night operation and the neighborhood is concerned about this. There are currently no all night stations in San Anselmo; midnight is as late as they are open. Staff recommends gas sales go from 6 a.m. to midnight.

Commissioner Julin asked about the zoning on this property. If it is a Specific Planned Development (SPD) it has its own standards and doesn't necessarily need to adhere to the code. Is a variance still needed? Ms. Chaney said the intent of the SPD is to allow the Planning Commission to incorporate flexibility on those sites. There are only a few of them in town. It was originally zoned C-3, but is now SPD.

Commissioner Harle asked how the lighting dims down after several months of use. Ms. Chaney said that the lighting just settles in after that period of time and wears down to the level at which it will remain.

Ms. Chaney said that the parking variance is based on the square footage of the whole project, but people don't typically park when they patronize this type of place. The station will have a maximum of eight employees.

Commissioner Israel asked what impact moving the building away from the rear property line will have on sound. Ms. Chaney replied that she has not looked into this.

Commissioner Israel asked if some modification to the landscaping at the entrance to the Red Hill Shopping Center will be required. Ms. Chaney said this area should be trimmed to provide safe entrance to the center. This can be done independently of the Unocal project.

Commissioner Israel asked if an access easement is needed for the car wash to exit into the shopping center. Ms. Chaney said she didn't believe it would be required, but she will check into it.

Commissioner Israel asked if other mini-marts provide parking for employees, such as the big Shell station in San Rafael. He also asked if the Red Hill Merchant's Association needs to approve giving the Unocal station parking spaces, or if the owner has that authority. He wondered if Ms. Chaney felt the proposed lighting is too much. She said it was more than adequate. Does the existing station have a parking variance? Ms. Chaney said probably not as there is parking in the rear now.

Commissioner Hayes said that the drawing showing the roof lines is misleading because one is in perspective and one is a plan drawing. The site line is about 4.5 feet higher than the existing roof.

Scott Deiner, Applicant, said the car wash will operate from 8 a.m. to 7 p.m., 7 days a week. He said that the lights are based on the IES recommended foot-candle levels of 3 foot-candles for the approach and 5 foot-candles in the driveway. No matter how high the lighting poles are, they need to meet those standards. The IES standards are measured at the curblines and the interior lights are based on your operating needs. The highest foot-candle number on this project is 71, and it goes down from there. The Shell station has recessed lighting with no poles, but they have regular street lighting at their sites which helps to illuminate the station. He said that they would like to have some lights on in the facility when they are closed for safety.

Jim Kawamura, Traffic Engineer, addressed putting an island into the center of Sir Francis Drake Blvd. He feels there is not enough space for it, and that it will be a traffic hazard. He cannot recommend this. It is difficult to turn left off Drake into the station, and people shouldn't really do it. In a previous study of 30 Mobil stations they found that on the average there were 5.33 parked vehicles during daylight hours, with an average of 6.22 parking spaces provided. Comparing this to requirements in San Anselmo's code, nine is probably excessive. He stated, however, that these stations were located in heavily urbanized areas.

Dennis Dakota, Applicant, said that he has agreed with Unocal to operate the station for 24 hours/day for a six month period. There are no all night stations from here all the way out to the coast. This would serve a purpose for the valley. It would be manned by one employee in the middle of the night. He would like to give the 24 hour operation a try.

Commissioner Ollinger asked how the eight employees are used and how the tanks are filled. There is one person pre-soaping, one towel drying, vacuum personnel and a cashier. The tank truck fits under the canopy and can just pull in and fill up the tanks.

Tom Horan, Architect, said that originally the plan was to use the original building, with just a small snack bar, but they couldn't move the cars through the car wash.

Commissioner Israel asked if they would make a change to the design if beer and wine were not sold. Mr. Deiner said the plans are formulated for Unocal and this is the smallest set they have. However, it would affect the economics of the business if beer and wine are not sold.

Commissioner Israel asked about the number of traffic trips that will be generated by this facility. Mr. Kawamura said the extra daily trips are projected to be 111. During peak hours, there would be an additional 16 trips per hour. This is a 20% increase in traffic.

Commissioner Hayes asked how much business you could expect to get in the middle of the night. Mr. Kawamura said the numbers fall off significantly at night. They get less than 10% of their business then, but it is a service to people who work off hours.

Robert Salzman, Special Counsel for Unocal, said that the San Anselmo ordinance against gas station mini-marts selling alcohol is unlawful by state law, so there is no legal basis for the Planning Commission to deny the alcohol permit.

Commissioner Julin asked if cities don't have some discretionary rights to preempt state law. Mr. Salzman replied that some very special findings must be found to preempt state law.

Commissioner Ollinger said the town went through this ten years ago, and it was strongly stated that this is what the community wants. Big companies beat us in the state legislature and now we have no control over something that is very important to us.

Commissioner Hayes asked if the canopy over the dispensers is larger than the current one. It is larger to allow two cars to park in a row and to provide protection from sun and rain. The height is about the same as before. The roof peak is 17 feet high, and the roof pitch is 3 and 12.

The meeting was opened for public discussion.

Jean Jung, Gold Dreams and President of the Red Hill Merchant's Association, read a letter into the record regarding the merchants concerns. They feel this project is too large for the community and that an Environmental Impact Report should be done to see about traffic flow and safety. Parking is already a problem at Red Hill; they don't feel they can give up five spaces. The station will generate more traffic and noise in the center. They pay for the parking lot with their own maintenance fees. They are concerned with the levels of noise that will be generated both for the business and residential community. The rear wall that is to be 10.5 feet high will impact merchants on the west end, creating a tunnel effect. The mini mart duplicates food for sale already at the center and will decrease sales for merchants at Red Hill. They are opposed to beer and wine for sale at a gas station as it encourages drinking and driving, not a good idea with Drake High so close. 99% of the business at Red Hill have signed this letter.

Commissioner Israel asked what exactly they are opposed to. Ms. Jung said they are opposed to the mini-mart and car wash, but a high tech gas station would be fine.

Janet Lewis said that 27 businesses at Red Hill have signed their petition, including Longs and Safeway.

Monika Egan, Red Hill merchant, said she is unclear about the amount of employees needed to operate this. She doesn't feel eight can be enough to run a car wash and a mini market. She asked where all these people will park. Mr. Deiner said eight employees is a total for all operations. They have space for a vendor to park just outside the mini mart.

Matthew Elkins, Magic Muffins, said they pay lease-mandated maintenance fees for parking lot maintenance. The owner of the shopping center, Mr. Arntz, has no say over giving up parking spaces. He said he has been in contact with the San Rafael Planning Department who say that the new Second Street station was required to provide offsite parking. He can't imagine the view from his shop with the wall in front of it. He asked if the noise ordinance was designed to protect neighbors from neighbors, and not to eliminate noise that you can't do anything about. Twice the sidewalk cleaners they hired have been cited for breaking the noise ordinance. He is worried that he will have to close the door to his shop every day to shut out the noise.

Mary Ann Spinozzi, Manager of the Red Hill Shopping Center, said Mr. Arntz couldn't be here but is in support of the Merchant's Association. The Unocal proposal is strongly opposed by tenants of the western side of the center. He feels he must support the merchants. The wall will dramatically alter their view.

Joan Weinheim, Sir Francis Drake Blvd., said she lives across the street from Unocal. She asked to have noise readings done at her house, but they were done at the property line instead. She brought a tape recorder to show the variety of sounds she already hears at her house. She feels this project can only increase her problems with traffic and noise.

The public hearing was closed.

Commissioner Ollinger said the concerns he has have all been raised. He feels strongly about not having alcohol sales at the mini-mart, and said that if we can't control the sales, maybe we can limit the hours of sale. He is not for 24 hour operation; 18 hours seem sufficient. He feels that if it is open 24 hours, the lighting should be reduced somehow. Regarding the lighting he hopes Unocal can be creative and achieve the proper level without high poles. He appreciates the efforts Unocal has made to make this project more palatable. He visited the Magic Muffin store and felt the noise there was already terrible. When he visited the Second Street car wash in San Rafael he noticed the sound was considerably reduced when he went behind the sound wall. He suggested that perhaps a flat roof on the car wash would reduce the problem with view. He is concerned with the signs as they are way over the amount allowable in our code, and he feels they should be kept within limits. He suggested that the wall be curved at the end to make it less visually impacting and to dissipate the sound away from the center. He also suggested a deflector on the top as a possibility.

Commissioner Harle said he feels the major problems are the lights, noise and the wall. He feels sharp noises are more intrusive than continuous humming type noises. He said the store has the potential for noise as well. He is against 24 hour operation because of the noise problem. He feels the lights are very bright in contrast to the understated look of the shopping center. He feels the appearance of brightness should be reduced as it is out of scale with the surroundings. The wall with the berm will probably be less obtrusive. Landscaping could really make a difference.

Commissioner Hayes said the wall seems really bad, and this is because of the general orientation of the site. He asked why the building can't face another way. The engineer explained that this is the only way they could do it that gives them the queuing and stacking space they need for the car wash. Hayes said the wall will be a significant presence to that end of the shopping center. He feels there should be some permanent arrangements regarding employee parking. There is too much lighting, and he feels staff had some good suggestions to reduce the amount and still meet safety criteria. The shopping center really dims down at night. The noise issue is difficult to relate to without being able to actually see and hear a similar facility. He asked if they could see if there wasn't one he could visit. He is opposed to alcohol sales, and asked staff to list how we can monitor sales. He asked Ms. Chaney to discuss this issue with Town Attorney Hadden Roth to see what our options are regarding alcohol sales. He feels 6 a.m. to midnight is adequate for hours of operation. He said there are too many signs -- this should be kept within the code. Let us know if that doesn't work for you.

Commissioner Harle asked if there isn't some law about alcohol sales in close proximity to schools and churches. Ms. Chaney will check into this and report back.

Commissioner Israel said he feels it is important to keep this a viable gas station. The evidence suggests that to remain viable, they are changing how they look. Regarding the lighting he would need to see an example to get a sense of what they are talking about. If you have tall fixtures you don't need as many; if they are lower, you need a lot more. He suggested a double double yellow line down the center of Sir Francis Drake Blvd. so people won't turn left. He doesn't feel it would be worthwhile in San Anselmo to be open 24 hours. About the parking issue, he thinks staff should find a similar situation where this many spaces work, or try to use the Red Hill spaces. If that's not possible, they should

find parking somewhere else. He would like to visit a similar station to get an idea of the noise. He asked how you keep the trees if you berm up behind the wall. It would be nice to have a trellis along the back wall to soften the wall, and the trellis would help the plants stay up. He suggested Unocal look at the trash and vacuum area, to see if it isn't possible that the wall could be changed from one continuous plane, to shifting in and out somehow. Perhaps trees could be added to the Red Hill side. He would suggest a dialog between the two parties. He is concerned about the orange and blue strip lights. He would like staff to look into whether an access easement is needed for exiting Unocal to the Red Hill parking lot. He agrees that alcohol shouldn't be sold at the mini mart.

Commissioner Julin said she likes the lowered wall and feels they've done a nice job. She feels this is a very good plan and answers a lot of concerns. This is a significant community-serving business, and she feels that we should keep in mind that we are fortunate to have them. She feels we shouldn't get bogged down in details when this is something that is good for our community. She agrees that alcohol shouldn't be sold at the mini mart.

Commissioner Israel said the increase in traffic is significant and wondered if we have really addressed this. He would like staff to look into this. Regarding the competition issue with existing Red Hill merchants, he said he thinks this could really help their business.

Scott Deiner, applicant, asked for a list by Wednesday from Ms. Chaney summarizing all the information that they need to compile for staff, so they can get a decision at the next meeting.

M/S, Ollinger/Julin, to continue this matter to October 3, 1994. Ayes: All

F. GENERAL DISCUSSION

Ms. Chaney said that the only date Michael Freedman can come to San Anselmo to discuss downtown revitalization is October 17, which is a regular Planning Commission meeting night. If agreeable, she suggested the Planning Commission meet the following Monday, October 24, and have Mr. Freedman here on October 17. This was agreeable to the Commissioners.

Ms. Chaney said that Mr. Blackwell, to whom they gave a variance last week, now wants to put on a partial second story and raise the upper portion of the back unit to create an additional bedroom. It was the consensus of the Commission to let staff handle this and look at the scale of the project.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL.

There were none.

H. ADJOURNMENT TO OCTOBER 3, 1994

The meeting was adjourned at 12:15 a.m. to the next meeting on October 3, 1994.

Debbie Stutsman
Debbie Stutsman