

TOWN OF SAN ANSELMO
PLANNING COMMISSION AGENDA

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. in the Council Chambers by Chairman Mihaly. Staff present was Planning Director Ann Chaney, Associate Planner Lisa Wight and Planning Consultant Delvin Washington.

A. CALL TO ORDER

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

B. CONSENT

Minutes - June 27, 1994; July 5, 1994, July 11, 1994; July 18, 1994

M/S Julin/Israel, to approve minutes of June 27, 1994.
All ayes.

M/S Julin/Israel, to approve minutes of July 5, 1994 with staff amendments.
All ayes.

M/S Julin/Israel, to approve minutes of July 11, 1994 with the following amendments: Page 3, paragraph 3, "...that he would really not like to see..."; Page 6, Paragraph 9, "...in the event this project is denied."; Page 7, paragraph 4, "....there is a utility pole and manhole that should be addressed as they are on Town property".

Ayes: Julin, Ollinger; Abstain: Hayes, Harle, Mihaly. Motion carried.

M/S Julin/Israel, to approve minutes with the following amendments: Page 7, last paragraph, "...wide expanses of glass (as imposed on the Gill project)".

Ayes: Julin, Ollinger, Hayes, Israel; Abstain: Mihaly, Harle. Motion carried.

C. OPEN TIME FOR PUBLIC DISCUSSION

There was none.

D. PUBLIC HEARINGS - CONTINUED

1. **V-9420/DR-9414 - Leonard Garriott, 422 Scenic Avenue, A/P 7-031-08, 1) 20' front yard and 8' south side yard variance for required parking spaces to be within 0' of the front and south side property lines (Code minimum setbacks: 20' front and 8' sides); 2) a parking variance for the third required parking space to encroach over the right of way (an encroachment permit will be required); 3) a 3' south side yard variance to construct a dwelling within 5' of the south side property line); 4) a 2.5' south side yard variance to construct an uncovered deck within 3.5' of the south side property line; 5) 20' front yard and side yard setback to construct a retaining wall (up to 13' in height) within 0' of the front and side yards (code minimum setbacks, 20' front and 8' sides); and 6) design review of a new dwelling, on property located within the R-1 Zoning District (Above 150' Mean Sea Level). CONTINUED TO THE MEETING OF AUGUST 15, 1994**
2. **V-9422-DR-9417- John Paletta, 29 Oakwood Court, A/P 5-062-83, a design review and variance application to construct a new single family residence that will be 0' from the front property line (20' required) and have 2 off street parking spaces (3 required), on property located within the R-1 Zoning District (Above 150' Mean Sea Level). CONTINUED TO THE MEETING OF AUGUST 15, 1994**

E. PUBLIC HEARINGS

1. **V-9417/USE AMEND.- Carolyn Handelin, 176 Tunstead, A/P 7-213-45, 1) a 16' rear yard, 3' east side yard variance and 2'6" west side yard variance to reconstruct and add to an accessory building (to be used for day care in conjunction with ABC Academy) within 4' of the rear property line, 5' of the east side property line and 5'6" of the west side property line; and 2) a use permit amendment to allow day care for children in grades K-3 sponsored by ABC Academy, on property located within the R-3 Zoning District.**

Ms. Wight presented the staff report.

Commissioner Israel questioned the number of handicapped stalls required.

Commissioner Israel questioned the pitch of the roof. Mr. Handelin said that they originally suggested a 6 in 12 roof and at the second meeting they suggested a flat roof but the Commission was opposed to both. Their last suggestion was a 3 in 12 roof pitch with asphalt shingle. Commissioner Israel stated that the drawings should reflect the 3 in 12 roof.

Ms. Handelin stated that she invited her children and their parents because they also have a voice. Many of the neighbors have been in opposition of ABC School but there are now other neighbors present who are in support of their project. She stated that they have made attempts to eliminate the noise and taken into consideration the concerns of the Commission. The Wade Thomas After School program is now full and there are 11 families that are looking for after school care for their children. In response to the screening, they had the privet trees to the rear of the property trimmed because they were told that they would not topple over and become unsafe. She stated there was a letter circulated in the neighborhood by Joyce Wernsman that had incorrect information in it. The reason they have so much support is because they are very concerned by the statement that their use permit could be challenged. They have had nothing but support in the past 11 years.

Chairman Mihaly stated that the only issue tonight is to expand the use permit, not challenge the current use permit.

Mr. Binz, 190 Tunstead, stated that the applicant originally asked for a use permit for 20 children, to increase to a maximum of 35 children. He discussed the original parking requirements, noting that the applicant has never complied with the original parking requirements. He understands that there is a need for after school programs for children but this is too intense a use for the neighborhood. He questions the amount of outdoor play time for the children, especially since staff is reluctant to restrict the amount of outdoor time. Some of his tenants work at night and sleep during the day and some tenants work at home. This is an adverse impact on his tenants.

John Sharp, past Councilmember, Commissioner and parent of the school, stated that has reviewed the file and did not know why the Use Permit is being reviewed at all because of the low increase in the use, in fact there may be no increase in the use from the original permit. He was troubled as a Planning Commissioner in 1984 when the project was approved because of the sensitivity in the neighborhood. There is no increase in the number of children, and felt there should have been no reason to have a public hearing on this project. Having said that, the Commission now have the history of 10 years in business. It is common nature when people are asked, to state they would rather have no increase intense in use. Regarding all aspects of the variance, he takes issued with the adverse impact of the rear yard setback. That is not a solid observation. There is really no objective evidence that there is a negative impact. There may be a positive impact, because of the property on Magnolia Avenue. Unless there is a noise test that states the noise is so intense, it cannot be proven. Yes, at any given moment there may be more noise, but there is really anything solid and objective about it.

Sandy White, Tunstead and Cedar, her son went to ABC for pre school and an after school program. San Anselmo has many children and is a children town. The only parking congestion she has observed is for the Library, Ludwigs, or the Flower Shop. This is a mixed residential street. She felt that expanding the building would buffer the sound for the apartment in the rear.

Carl Becke, Ross Avenue, there is an increased amount of traffic because of the increase in the use. Retired people also have a right to live in an apartment building without the noise of children. This school must generate 100 cars per day. The people in the downtown are tired of the noise. Wade Thomas School has a buffer around the school but this school does not.

Gail Albang, 172 Tunstead, has lived in the neighborhood for 10 plus years and has had no problem with the noise of the children. She has not experienced a problem with traffic getting in and out of her driveway.

Judy Pullin, part owner of 172-174 Tunstead, said that noise has not been an issue. She has also not experienced a problem with parking in conjunction with the ABC Academy. She said she is also speaking on behalf of her father. She did not feel that the requested additional outside play time would be a detriment. She did not feel older children would be noisier than the younger ones because they can be reasoned with.

Janet Sinclair, 55 Magnolia, lives directly behind the intended expansion. She is a tenant and a single parent of three, now adult children. She made a pro active choice to live in San Anselmo. She does not question the good intentions of ABC Academy. Noise is a consideration for her and she purposely looked for a place that was quiet but was not adverse to adversity. She agreed that she did not complain because she felt she should be tolerant. However, she feels now that she is not being heard because the children are sometimes really noisy. She therefore wants to go on the record that

30 additional minutes will be an adverse impact. She agreed that there is a need for day care but wanted to give a balance to the community.

Larry Tine, 60 Magnolia, can hear the noise but it does not bother him but if he had to rent next to the school the noise would be an issue.

Pat Justine, parent, typically older children have a calming influence to the younger children. Older children are not as noisy as the younger ones. If there are 35 children, there will be no more than 35 cars. The busy times will be in the morning and the afternoon, but the hours are staggered. The other business on the same street have also created a parking problem.

Joyce Wernsnman stated that the letter she circulated had accurate information in it. She is speaking on behalf of the owner of 55 Magnolia. She read a letter from the owner who was opposed to the expansion of the use. She also stated there was a letter in the file in 1985 about the noise and another complaint in 1982. She said that her compromise would be to cope with what they have now, but does not want to see it increased. There is also a monetary issue for the apartment owner. Magnolia does not have a mixed use like Tunstead, it just backs up to it. If the building is expanded, it will create a dark feeling. By topping the trees, although a good idea because they will be bushier, has removed the barrier.

Chuck Handelin, stated they have made a lot of concessions after hearing the concerns of the Commission and the neighbors. They have tried to reduce the noise level by reducing the outside play time by 1/2 hour for 11 children. They are very sensitive about the noise and want to work with the community.

Scott Finik, 69 Wellington, felt it was objectionable to disregard the voice of a landowner instead of the children.

Sarah Nome, 77 Alder, felt this was an over intensification of use for the building and the neighborhood. She has also experienced a parking problem on Tunstead.

Commissioner Ollinger felt that the expansion is relatively insignificant and there are less than 35 children and the use allows 35 children. The greatest traffic impact occurs in the morning, no more than 40 trips, and this will not increase. The privet trees in the rear can grow back which will allow for additional screening. In the afternoon the traffic will not increase either. He would suggest that the school keep the turnover moving which can be done in the newsletter. He said the school has responded to the concerns of the previous two hearings by reducing the outdoor play time and they are varying the outdoor time. the building expansion will to an extent act as a buffer because it will expand the entire length of the rear. He would like the fence to be replaced by a solid fence on the rear property line and go to the maximum height of 6'. He would not compare this school to Wade Thomas because there are differences. The teachers are trying to hold down the noise. He would like a six month review of this project but there is no basis to measure the noise at this time. He suggests a condition that when the shed is reconstructed, the construction time should be conditioned so as to minimize the disturbance to the tenants.

Commissioner Julin expressed her support for this project and would even support the time to 6:00 p.m. She said the General Plan has not been discussed for this project however, this neighborhood is considered a downtown mixed residential use. She stated that the day care use is in keeping with the General Plan land use designation for this neighborhood, and the rebuilt structure is consistent with General Plan Polity 11.1 regarding neighborhood character. Regarding the setback variances, the staff report is fairly complete. However, there have been many setback variances in this neighborhood because of the small lots. Regarding staff's comment about not being able to make the finding because of adverse visual impact, the amount of visible structure is actually being reduced. In summary, she felt she could make the finding when viewed from the rear and side because it will be consistent with General Plan Policy 11.1. She felt the parking issue has been resolved by staff. She has walked the neighborhood on several occasions and there seem to be more unoccupied spaces than occupied spaces. The exception seems to be on Sunday. Finally, regarding the Use Permit, it has been ongoing for 11 years, the applicant has built a business in reliance on the use permit, this use does not vary substantially from the original use and therefore she tends to agree with John Sharp. San Anselmo cares about its children very much and particularly appreciates that we care for the children. The image of all the orphans in Zaire makes her appreciative that we can take care of our children. She wanted to thank the Handelins for caring about the needs of the children whatever the outcome of this project.

Commissioner Harle finds no difficulty with the parking variance and the increase in use has no bearing on the parking. Regarding the use permit, he supports the staff report and finds it difficult to make the finding of non detriment. This is a very small lot and putting 35 children with 4 staff members on the lot is too much. This looks to be one of the poorest places in town to have this use because of the high density in the neighborhood. He is not ready to increase the use. The vacant building in the rear will no longer buffer but will bring the noise to the rear. This is over stressing what is an already a tight use.

Commissioner Hayes said the original application talks about a preschool but is not sure that older children necessitate a more intense use. He said that Commissioner Harle had a good question about the noise level being greater when the use is moved to the rear.

Ms. Handelin said the sand box will be removed, which will eliminate some noise. Sound proofing will be added to the rear building which will be increased to expand the entire length of the rear will act as a buffer.

Mr. Handelin added that there will be no windows to the rear and side of the building.

Commissioner Hayes stated that the issues have been dealt with and perhaps have eliminated the concerns of Commissioner Harle. His general sense is that the original use had no conditions placed on it. This use is just placing conditions on this project but would like the applicants to work with staff on the acoustics.

Commissioner Ollinger suggested metal clips when putting up the wall board.

Commissioner Hayes is strongly supportive of a six month review.

Item Number 4. Taken out of Order.

Commissioner Mihaly noted that because of the late hour he suggested a continuance of 227 The Alameda to the meeting of August 15th. Ms. Chaney also noted that a neighbor, interested in the project was also unable to stay any longer.

M/S Julin Hayes, to continue SS-9401/V-9419 - Dina Della Santina and Alice Ann Klatt, 227 The Alameda, A/P 5-052-08, 1) a request to subdivide an existing parcel to create a new 10,613 square foot parcel to construct a new single family residence; and 2) a variance to have 20' of street frontage for the new parcel (40' is required), on property located within the R-1 Zoning District. This was continued to the meeting of August 15th, 1994. Motion unanimously passed.

Commissioner Israel was troubled by the application in several ways but felt there has been many compromises made by the applicants. He is not concerned about the parking variances. There have been 35 kids and there will not be more than 35 kids. His big concern was the 50% increase in time outside, and appreciates the reduction of time. He hoped that would not be a negative impact on the children however. He stated that if all the conditions are incorporated, the impact could be minimized to the tenants. He is still concerned about the handicapped requirements and wants staff to review that for any impacts. Regarding the parking issue, he suggested a teacher stand out in front so that parents will not have to park to let their children off. He is convinced that the expansion of the building in the back will be a benefit because it will muffle the noise. He will approve the 3 in 12 roof and that Commissioner Julin's calculations might be correct on the net reduction of the building. There are adequate sounding techniques that can adequately mitigate noise. He felt that this is a challenge for the owners to create a dwelling that could be creative for the children.

Chairman Mihaly supports the application for the reasons already stated. He said that the issue really was noise and noise is really subjective. He concluded that for reasons stated by the commissioners the tenants will have to bear the burden. However, the addition may not create in fact create additional noise.

M/S Mihaly/Israel, to approve V-9417/USE AMEND.- Carolyn Handelin, 176 Tunstead, A/P 7-213-45, 1) a 16' rear yard, 3' east side yard variance and 2'6" west side yard variance to reconstruct and add to an accessory building (to be used for day care in conjunction with ABC Academy) within 4' of the rear property line, 5' of the east side property line and 5'6" of the west side property line; and 2) a use permit amendment to allow day care for children in grades K-3 sponsored by ABC Academy, on property located within the R-3 Zoning District. Approval is based on the staff report with amendments incorporated by staff as follows:

Condition 1. Add: "...at any one time;"; Condition 4. add: "rough pitch to be to 3 in 12; Condition 9. Add: "including the replacement of plastic wheeled toys with rubber wheeled toys, the total outdoor time shall be 3.5; sound proofing material will be used in the walls and ceiling of the building, metal resilient clips and double glazing will be used to help muffle sound; closing time will be at 5:30 p.m."; Condition 12. Add: "Hours of construction will be from 8:00 a.m. to 4:30 p.m. Monday through Friday. Setback variance approval is based on the following: "When viewed from the rear and side properties, the reconstructed accessory building is likely to present a less bulky appearance than the existing structure: A similar accessory structure exists immediately to the east at 172-174 Tunstead. The proposed accessory building would be consistent with General Plan Policy 11.1 and reinforces the General Plan land use designation for this neighborhood.

Commissioner Ollinger suggested that applicant also rebuilding the rear fence, up to 6'.

Mr. Handelin stated he would be happy to comply with a new 6' fence. Ms. Wernsman would like to be consulted about the fence.

Ayes: Hayes, Israel, Ollinger, Julin, Mihaly
Noes: Harle
Motion carried.

The audience was advised of the ten day appeal period.

2. V-9418-DR-9413 - Ned MacDonald, 330 Sir Francis Drake Boulevard, A/P 6-251-04, a design review and parking variance to demolish the auditorium portion of the Tamalpais Theater and to remodel the office and lobby portion of the structure and create a new surface parking lot with 22 on-site stalls (25 required), on property located within the C-2 Zoning District.

On behalf of the applicant, staff has asked to continue this hearing. M/S Hayes, Israel to continue 330 Sir Francis Drake to the meeting of August 15, 1994. Motion unanimously passed.

3. 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, sign Review and Encroachment Permit to demolish the existing Unocal 76 station and construct a new Unocal 76 Station. this new facility will include a drive through car wash and a snack shop, including the sale of beer and wine, on property located within the SPD Zoning District.

Dennis Decota, owner of Unocal 76, Thomas Horan, Architect Holmes & Narver, Arthur Guariniello, and Scott Diener, were present.

Mr. Washington presented the staff report. He noted that the hearing tonight was for discussion only and that action could not take place because a parking variance will have to be noticed for the subsequent meeting.

Commissioner Julin said the zoning is SPD however the staff report refers to rezoning. Mr. Washington stated that this is an amendment, not a rezoning.

Dennis Decota stated that he has been the owner since 1978. This building has had no modernization since then. By 1998 the community will probably have only two stations. Unocal has decided to go back out to the market to modernize their stations and the Town will benefit from this. The design is rather bold but Frank Lloyd Wright also had an idea. The business is changing. In 1991 the business made \$3,000 and was in a deficit in 1992. He has employed kids in the community and supported baseball teams. They will recycle 80% of the water used. they will be environmental and earthquake sound. The stations have to be well lit, and easily maneuverable. The modern operation will wash a car with only 11 gallons of water. The pumps will be automated.

Commissioner Julin thought that the franchise trade mark buildings was prohibited in the General Plan. Staff said they will have the language from the General Plan for the next meeting.

Commissioner Ollinger questioned the signs. Mr. Diener said the sign at the corner will be a monument sign and they will also install some new lighting. They will retain the other sign that currently exists.

Mr. Decota discussed the location of the parked cars. He is also in the process of obtaining the site at the HUB which he will turn into a automotive center and could park cars there.

Mr. Guariniello explained the noise levels with regard to the car wash. There are standards that they could lay out for the Commission.

Mr. Decota said that the dry cleaning noise for the car wash has been moved farthest away from the Isabel Cook housing facilities.

Commissioner Julin was interested in the decibel levels from the Isabel Cook facilities. Commissioner Hayes also asked about the businesses behind the proposed car wash and the decibel levels for those businesses.

Mr. Horan explained the design. They have been asked to do an inventory of all the Unocal building types and come up with a uniform design. One of the types for tight lots with a 3 bay station is proposed for the existing station. They looked at the traffic in greater detail and felt the need to tear down the entire building. They have the glass viewing area so customers can view their cars. They provided additional renderings to further clarify their intent. The colors are subdued. The exterior

materials will be a 1' ceramic tile. Unocal is getting into new technology. He explained the modifications from the original plan. The clear window is designed for a 24 hour operations.

Commissioner Julin asked if any of these buildings have already been built in other locations so the Commission could view the finished product. Mr. Huran stated that none have yet been built but have been approved in the following locations: Fremont, Castro Valley, Santa Rosa and Gilroy.

Gene Arntz, owner of Red Hill Shopping Center, voiced his contempt for the rear wall if they are expecting to built it. He would prefer the 18' wall parallel to Sunnyhills Drive rather than what is proposed. He also is opposed to the metal look because it is opposite the look of the shopping center. He would like to work with the applicants to come up with a plan that would be beneficial to both of them.

Mr. Horan stated that the siting of the building is problematic - if it faced Sunny Hills, those residents might also object.

Mr. Diener said they have laid the building out as best as possible.

Mr. Decota said that they have been planning this for over 14 months and for management of traffic flow on the lot it was better to demo the building based on conversations with staff and their architect.

Mr. Guariniello felt that this is the best siting of the building for all the services. The way the vehicles are moved is very significant to the success of the building. It has been a mechanical repair shop for the last 25 years and that has the potential for a greater noise level than what the car wash will experience. They have developed an environmentally sound product.

Commissioner Julin was concerned that the volume will be greater with cars going out of the car wash and would like the Public Works Director to review that. Also, she was sympathetic with Mr. Arntz to the building being similar and also the General Plan policy regarding trademark buildings. She wanted the decibel levels checked on the Isabel Cook buildings. She cannot support the beer and wine proposal because the automotive use being the primary use, would be in conflict with alcohol.

Commissioner Harle seconded Commissioner Julin's concerns regarding the sale of alcohol. In addition, this was visited at the Mobile station and was rejected because it seems inappropriate to combine alcohol with automobiles. Also, Something must be done about the blank wall.

Commissioner Hayes hoped it would be a win-win situation with the shopping center Unocal. Looking at the Red Hill Shopping Center and the concept of San Anselmo there should be some real rethinking of the design. He is concerned about the wall. He wondered if there could be an arrangement with Mr. Arntz about using their property for a turning area. He agrees with his colleagues about the beer and wine sale.

Commissioner Israel said the length of the rear wall will create a view shadow for the shopping center. Anything that can be done to reduce the length and scale of the wall would be good. He has concerns about the parking in the front of the lot and was nervous with a trade with the shopping center. Parking is still an issue with him. Regarding design, he thinks this is a good design and is a supporter of contemporary designs however he does not want to see 12" glowing tubes on the side of buildings. He said there is a real mix in San Anselmo but the project would go easier if it blended a little more. A glowing roof, lit, is a strong visual statement and would be something the Town will have to live with.

Commissioner Ollinger rejects the idea of beer and wine. The circulation is still an issue and has strong feelings about adding parking; would like to see ride share but would not like to see it cluttered with cars and it would detract if employees park their cars on the front of the lot. The red lit strip at night is generally something he does not like but he is open to seeing photographs of this. The atrium bothered him also. It does not seem to visually fit. The station now is different from the shopping center and does not mind them being different but the glass element and the round corner is out of character with the barrel vents. In fairness to the wall, it doesn't show the landscaping that currently exists however it is a lot of wall. Perhaps it does not have to be solid. From the street, the shopping center is not clearly viewed and therefore, if the wall is shortened, lightened up and reduce the height, it should make it the same as what exists now. There should be some demarcating on the buildings. He would prefer the concrete block to the ceramic tile used in the other two renderings.

Commissioner Israel said that the driveway should be addressed at Sir Francis Drake Blvd. into the shopping center. With regard to the back wall height, it could it be lowered.

Chairman Mihaly wanted staff to put major resources into this. It is right in the middle of town. He doesn't believe the traffic study for trip generations and wants it proved to him. There is nothing in the traffic study that discusses the food mart. He wants this striped to see how traffic flow in and out of the station will be managed. The back wall is not consistent with the Shopping Center. The noise needs to be addressed. Regarding architecture, he echoes the other Commissioners but this building is the opposite of what they have been asking for from other San Anselmo residents. The shopping

center is soft but the Unocal is jazzy. He would like to see something creative but more suitable for pedestrian intensive, rather than a roadside interchange.

Ms. Chaney said they want a lighting plan and signage.

Mr. Decota stated that he did not know the proposal for beer and wine was in the application. It is a non issue at this point.

M/S Israel, to continue 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, sign Review and Encroachment Permit to demolish the existing Unocal 76 station and construct a new Unocal 76 Station. this new facility will include a drive through car wash and a snack shop, including the sale of beer and wine, on property located within the SPD Zoning District. This is continued to the meeting of August 22, 1994.

F. GENERAL DISCUSSION

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

There was no discussion.

H. ADJOURNMENT TO THE MEETING OF August 16, 1994

The regular meeting was adjourned at 12:50 a.m. to the next meeting of August 16, 1994.

BARBARA CHAMBERS