

TOWN OF SAN ANSELMO
TOWN COUNCIL RESOLUTION NO. 3285

A RESOLUTION OF THE TOWN OF SAN ANSELMO TOWN COUNCIL APPROVING A USE PERMIT AMENDMENT TO ADD DAY CARE FOR GRADES K THROUGH 3 SPONSORED BY ABC ACADEMY; A VARIANCE FOR A REAR ACCESSORY STRUCTURE TO BE RECONSTRUCTED AND EXTENDED WITHIN 4' OF THE REAR PROPERTY LINE, WITHIN 5'6" OF THE WEST SIDE PROPERTY LINE, AND WITHIN 5' OF THE EAST SIDE PROPERTY LINE; AND A PARKING VARIANCE FOR THE NUMBER OF PARKING SPACES TO REMAIN SUBSTANDARD WITH THE BUILDING EXPANSION AT 176 TUNSTEAD AVENUE, A/P 7-213-45

WHEREAS, on April 14, 1994 the applicant, Carolyn Handelin, applied for setback variances to reconstruct and extend a rear accessory building; a parking variance to maintain existing parking; and a use permit amendment to add day care for grades K through 3 at 176 Tunstead Avenue, A/P 7-213-45;

WHEREAS, the Planning Commission held public hearings and heard the staff reports and public testimony at their meetings on June 20, July 11, 1994, and August 1, 1994;

WHEREAS, the Planning Commission conditionally approved the applications on August 1, 1994;

WHEREAS, the Town Council held public hearings to discuss an appeal of the Planning Commission's determination, and heard the staff reports and public testimony at their meetings on September 13, and September 27, 1994;

WHEREAS, THE Town Council approved the applications on September 27, 1994, subject to the following conditions:

1. That the maximum combined number of children in the pre school and elementary school programs shall not exceed 35 at any one time;
2. That the hours of operation shall not exceed 8:00 a.m. to 5:30 p.m.;
3. That the hours of outside activity in the afternoon shall be limited to a combined total of 3.5 hours for the pre school and after school program;
4. That the design of the rear building shall be in conformance with the plans received by the Town of San Anselmo and dated July 4, 1994, with the roof pitch to be 3 in 12;
5. That the "storage area" on the east side of the dwelling shall be cleared and the gates left open for vehicular parking during operating hours;
6. That a 1' by 2' sign, subject to design approval by staff, be placed on this driveway that reads to the effect: "Parents, Pull Vehicles through to End of Driveway";
7. That on a biannual basis, the applicant provide written information to those persons dropping off and picking up children, stating that the school driveway shall be used to its maximum potential by pulling in vehicles to the end;
8. That the applicant work with the neighboring property owners of 190 Tunstead Avenue to design a small sign to be placed on the neighbors' driveway, reading to the effect: "No ABC Parking";

9. That the applicant shall strive to minimize disruptive noise to the residential neighbors, including: the replacement of plastic-wheeled toys with rubber-wheeled toys; the total outdoor time shall be 3.5 hours in the afternoon; soundproofing material shall be used in the ceiling and walls of the rear building (Suggestions include metal resilient clips and double glazing. Material to be approved by staff); and closing time will be 5:30 p.m.;
10. That there shall be a Planning Commission public hearing review of the proposed program six months after occupancy. At that time, and prior to the public hearing, the Planning Commission shall be presented a specific written report from the Ross Valley Fire Marshall, and a specific written report from the Police Chief regarding traffic relative to this use. After the six month review public hearing, the Planning Commission shall provide the Town Council with a written report of their findings;
11. That the applicants shall work with staff to select plant species which will provide partial screening of the rear wall of the rear building;
12. That the hours of construction shall be Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m.;
13. That the replacement of the rear fence not to exceed 6' in height above grade at any point.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES HEREBY FIND AS FOLLOWS:

Section I. Findings required for the approval of Setback and Parking Variances pursuant to Section 10-3.1405 of the San Anselmo Municipal Code:

Finding 1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and

Setback Variances:

The accessory building is built within 4' of the rear property line and within only a few feet of a play yard sidewalk. This sidewalk winds around the entire yard and is used for the children to ride their toys in a one way direction around the yard. An expansion of the front wall of the building would necessitate either terminating the sidewalk in this area, or moving it closer to the large bay tree, which could destroy the tree. Staff can make the special circumstance finding related to surroundings in this case to permit the expansion to the east, which necessitates rear yard and side yard setback variances.

Parking Variance:

The 8: on-site parking space requirement is intended to be for general commercial uses and it may be excessive for this type of use.

Finding 2. The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or

injurious to property or improvements in such neighborhood.

Setback Variances:

When viewed from the rear and side properties, the reconstructed accessory building is likely to present a less bulky appearance than the existing structure. There is a similar existing accessory structure immediately to the east at 172-174 Tunstead Avenue. The proposed accessory building would be consistent with General Plan Land Use Policy 11.1, and reinforces the General Plan land use designation for this neighborhood.

Parking Variance:

Including the area currently used for storage, there are 4 on-site parking spaces, albeit three are in tandem and one is on a substandard pad. The combination of the on-site parking and street parking appears to be adequate for the school staff. It has been stated by residents in the area that parent parking has been a problem in the past. However, the elimination of the storage and the signage to require parents to "pull up" into the driveway should eliminate the problem. The pick up and drop off typically is workable for preschools and after school programs because the arrival times are staggered. It is at the elementary schools, when the hours are not significantly staggered, that parking becomes a problem.

Section II. Findings required for the approval of the Use Permit Amendment pursuant to Section 10-3.1305 of the San Anselmo Municipal Code:

1. Use Permit

Finding. The establishment, 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.

The expansion of the use to include after school care for K through 3 graders will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town. The number of afternoon children will increase by 11, but will not exceed the morning number. The older children and the younger children will be grouped separately to encourage age-appropriate play. The combined maximum outdoor afternoon play for the pre school and after school children will be 3.5 hours.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO at a regularly scheduled meeting on October 25, 1994, by the following roll call vote:

AYES: Breen, Chignell, Kroot, Yarish, Zaharoff

NOES: (None)

ABSENT: (None)


MAYOR

ATTEST:


Caroline Foster, Town Clerk