

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 6, 1989

The regular meeting of the Planning Commission was convened on November 6, 1989, in the Council Chamber by Co-Chairman Yarish. Staff present: Lisa Wight, Planner; Lisa Newman, Consultant Planner and Vicki Hill, Consultant Planner.

Commissioners present: Harle, Julin, Kanis, Kroot, Yarish
Commissioners absent: Hayes, Sias

B. WITHDRAWN ITEM

TH. F. POSTHUMA, 379 OAK AVENUE, A/P 7-241-61, APPEAL OF PLANNING DIRECTOR'S INTERPRETATION OF THE SAN ANSELMO MUNICIPAL CODE ZONING ORDINANCE PERTAINING TO THE ERECTION OF ACCESSORY STRUCTURES - WITHDRAWN.

Lisa Wight asked if the Commission would be willing to convene at 7:00 p.m. at the next regular meeting on November 20 because of the length of the agenda. The Commissioners agreed to staff's request.

C. PUBLIC HEARINGS

1. PP-11 - PAUL J. NAVE, MARIE NAVE, AND ANDY S. BACHICH, END OF OAK AVENUE, A/P 7-201-08, STAFF RECOMMENDATION FOR DENIAL OF APPLICATION, WITHOUT PREJUDICE TO ANY FUTURE APPLICATION, DUE TO INABILITY TO PROCESS WITHIN ON-YEAR TIME LIMITATION.

Andy Bachich, applicant, was present.

Vicki Hill, Contract Planner, presented the staff report, noting that since the applicants have given no response to the Town and have not provided necessary funds to prepare the EIR, it is not possible to continue the application review process. Therefore staff recommends denial of the project, due to the inability to further process the application without applicant funding for the required environmental review. It is recommended that the applicant be denied without prejudice to any future application.

Mr. Bachich said that he purchased the property several years ago and has subsequently tried to follow the proper channels to develop his property. He is financially unable to pursue the project at this time because of the vast amount of money for the EIR as well as for consultant fees and staff overhead. He felt it was very unfair that he was not informed up-front of the potential costs. He grew up in Marin and wanted to stay here, but now will probably have to sell the property to a large developer who has adequate funding.

Mary Tromley, 951 Oak Avenue, said that Oak Avenue area is a fragile hillside and fragile road and she would be concerned about development on Mr. Bachich's property and the undeveloped land further up Oak Avenue.

Commissioner Kanis could appreciate the frustrations of the applicant however most of the undeveloped lots left in San Anselmo are fragile and the Town has to adhere to the tight constraints of the General Plan.

Commissioner Kroot commented that community pressure has dictated the changes in the last few years and unfortunately the parcel purchased by the applicant is in a very sensitive neighborhood.

Commissioner Harle echoed the comments of his colleagues.

Commissioner Julin noted that the item on the agenda was for denial of the project without prejudice and although it is unfortunate for the applicant, the Commission has no other recourse but to deny because of the deadlines.

Commissioner Yarish thought that Mr. Bachich was a victim of circumstances but the Commission had no alternative but to deny.

Ms. Hill asked if a 90 day extension would help the applicant secure the appropriate financing needed to continue the project. If so, staff would need to have financing by mid-December so they can start to process the EIR.

Mr. Bachich appreciated the additional time to allow for adequate financing.

The consensus of the Commission was to continue to the meeting of December 18, 1989 and if at that time no funding is available, the application can be denied without prejudice.

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M/S Kroot, Julin, to continue PP-11 - Paul J. Nave, Marie Nave, and Andy S. Bachich, End of Oak Avenue, A/P 7-201-08 to the meeting of December 18, 1989.

All ayes. Motion unanimously passed.

2. PP-13 - BEN O-HARE, REDWOOD ROAD, A/P NOS. 7-097-02, 7-097-05, AND 7-141-04, INITIAL ENVIRONMENTAL REVIEW OF A PROPOSED PROJECT FOR TWO SINGLE FAMILY DWELLINGS.

The applicant was present.

Consultant Planners, Susan Shafer and Vicki Hill, presented the staff report. Geology, traffic and water supply are the three major issues of concern. Regardless of the type of environmental document prepared, a new study must be made of the road conditions and traffic patterns on Redwood Road. A new traffic study would be required pursuant to the General Plan policy requirement and because the traffic conditions and surrounding land use density has considerably changed in ten years. A new geologic site investigation should also be prepared because of the new access driveway configuration and building pad locations. In addition, the conclusions presented in the preliminary site investigation, concerning soils and geology, recommended that a detailed on-site subsurface investigation be conducted to determine any potential for slope stability hazards. Marin Municipal Water District does not have sufficient water supply at present nor in the foreseeable future to serve the project. No guarantee is given to the applicant or the lead agency to serve the project in the future by putting the applicant on a waiting list. In addition, the project would require a service line extension and some modifications to reach the dwellings at their proposed elevations. Two options for environmental review of the project are mitigated negative declaration or subsequent EIR. In light of the fact that there may be no water hook-up in the foreseeable future, staff wonders if the applicant wants to incur additional costs by proceeding with the project. If the applicant wants to proceed, staff feels a subsequent EIR would be preferable because of the unanswered questions.

Mr. O'Hare said he has been in contact with MMWD and is unable to get on a waiting list for water until he has received approval for a preliminary plan and tentative map from the Town. His impression is that there are many acres of water available that have been promised, such as Hamilton, that may be made available. He therefore wants to proceed with the project. With regard to the geologic study, he agreed that it should be done prior to final approval of the project.

Commissioner's Kroot and Harle suggested a Subsequent Focused EIR to research the issues that have been brought up relating to traffic and geology.

Commissioner Julin said she would be satisfied with a Mitigated Negative Declaration, noting that water will not impact the issue because it is out of the Commission's control. There would be a condition placed on the building permit stating that the project cannot continue until there is a water hook-up.

Commissioner Kanis felt that there have been many changes since the last Focused EIR was done 9 years ago, and therefore was inclined to see a subsequent Focused EIR.

Commissioner Yarish was in agreement that a Mitigated Negative Declaration was the approach he would like to pursue. Traffic would be studied regardless if there was a subsequent Focused EIR or Mitigated Negative Declaration. He felt a geologic study and soils report relating to the site and access driveway were more engineering issues than planning and that water hook-up was not an issue.

After hearing his colleagues comments, Commissioner Harle was inclined towards the Mitigated Negative Declaration depending on the mitigations. He noted that traffic was not much of a concern to him because the applicant is only proposing two homes.

Ms. Hill suggested that the Commission provide input to staff as to what detailed mitigation studies would be required to proceed with the Mitigated Negative Declaration.

Comments by the Commission were that they would like to see studies on geology, soils, drainage and transportation as well as addressing other items on the EIR Checklist attached to the staff report.

M/S Harle, Kroot, to refer PP-13 - Ben O-Hare, Redwood Road A/P 7-097-02, 7-097-05, and 7-141-04, to staff for preparation of Mitigated Negative Declaration in accord with comments outlined by the Commission on check list in Exhibit "A".

Ayes: Julin, Kroot, Yarish, Harle
Noes: Kanis

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Motion carried.

3. A-8903 - GARY AND FANI HANSEN, 27 AND 37 INDIAN ROCK ROAD, A/P NOS. 177-250-21 AND 177-250-22, DESIGN REVIEW OF A PROPOSED NEW SINGLE FAMILY DWELLING AND A DRIVEWAY EASEMENT.

The applicants were present.

Consultant Planner Lisa Newman presented the staff report and indicated that an updated geotechnical reobservation report prepared by Earth Science consultants, was received after the Staff Report was prepared.

Wilhelm Braunschweig, 53 Indian Rock Road, said there has been no discussion about the 90 foot rock that borders the driveway.

Mr. Hansen said they do not propose to touch the rock in question however the soils report addresses this.

David Israel, 47 Indian Rock Road, spoke with Fire Chief Mollenkopf regarding the turnaround and was informed that the fire trucks can access the property from the front rather than using the access driveway. He is of the opinion that the intersection is currently a hazard and with the additional driveway, the hazard would increase. The current plans are to have a 10 foot cut at one point and Mr. Israel suggests an alternative plan with only 4 foot cuts. He is concerned about the stability of the hillside and the potential damage to his property. There has been discussion about cuts below the large rock. What assurance did he have that the rock will not give way during construction. He felt that by moving the driveway lower on the property would move it farther away from the rock and might also be less expensive for the owners. With regard to the driveway, it actually slopes up and then goes down. The head light of cars at the top of the driveway will glare into his dining room window. He wondered what guarantee there would be that landscaping would be maintained at 37 Indian Rock Road. With regard to the design review, he thought the intent of the R-1C zone was to see natural colors in the hillsides. If that is the case white stucco would not be appropriate. If the Commission were to approve the application as proposed by the Hansens, Mr. Israel would agree to a 6 foot fence to screen his house from the proposed driveway.

Darlene Housman, 19 Indian Rock Road, opposed the project because it would invade her privacy. She was very inconvenienced by the Quarry Mountain project and did not want to have to go through that again. She wondered what adverse impact it would be on her if the driveway was constructed in front. Ms. Housman also opposed the color, and wondered what guarantee there would be that the landscape would be maintained.

Fani Hansen reminded the Commission that the driveway approach was approved in October 1988 and no new information has been submitted to adversely affect their project. She mentioned that they did not think landscape maintenance would be a problem at 37 Indian Rock Road because water is paid by them, not the tenant. In good faith, they have proposed to build a fence to protect the privacy of the Israels.

Evelyn Israel, 47 Indian Rock Road, indicated there has been very little good faith effort on the part of the Hansens. The existing retaining wall is falling down, the landscaping has been neglected and the oak tree has not been maintained. She felt it unlikely that the Hansens could understand the sensitivity of the neighborhood if they can't maintain the property at 37 Indian Rock.

Commissioner Harle objected to the color, noting that it should be darker, otherwise he had nothing to add from the last meeting on this subject.

Commissioner Julin supported the application with the conditions recommended by staff. Although she agreed that the color should be darker, she noted that it was not inconsistent with the color of other homes in the area.

Commissioner Kanis was bothered by the white stucco but the Israel's home is also bright and therefore, not inconsistent with the neighborhood.

Commissioner Kroot felt the color was too light and wanted to see it toned down. He wondered if the driveway could drop away consistently rather than have the hump in it. He agreed with staff's recommendations of item 1 and 2. With regard to the large rock, it appears the engineer has reviewed the site and feels it is safe.

Commissioner Yarish said that the overwhelming approval of the driveway last year was based upon the low visual impact to the immediate neighborhood as well as from across the valley. His also felt the architecture would suffer by having the driveway in front. He has no objection to the roof but was opposed to a white house in the R-1C zone. He hoped the applicants would

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monitor dust control and maintain the landscaping. With regard to the oak tree, there should be some type of maintenance program.

Commissioner Kanis noted that although he is opposed to white, the most dominant facade of the house is the glass and therefore has no objection to the color.

Mrs. Hansen did not realize white would be objectionable, because other homes in the area are light in color. She was willing to paint the exterior color whatever the Commission feels is acceptable.

Commissioner Kroot preferred a more muted color than the white.

M/S Kroot, Harle to approve A-8903 - Gary and Fani Hansen, 27 Indian Rock Road, A/P No. 177-250-21, design review of single family residence above 150 foot elevation and access driveway on the basis: 1. If functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 2. provides for protection against noise, odors, and other factors which may make the environment less desirable; 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; 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; 6 is adequately screened; 7. Contains a selection of architectural features that enable the structure to blend with its environment. The conditions for approval are: 1. A soils engineer shall prepare a detailed soils investigation prior to submittal of the building permit application, shall be present during construction of the project, and certify it safe as a condition of building permit approval. 2. A licensed civil engineer shall design the access driveway to #27 Indian rock Road and submit these plans to the Building and Planning Department as part of the building permit application. Should said design require significant changes in the access driveway location or design, or in the location or design of the residence, revised plans shall be submitted to the Planning Commission for an amended design review permit. 3. In designing the access driveway, the civil engineer shall take into consideration the stability of the large rock upslope of the proposed driveway. 4. The driveway shall have a steady downslope grade from the proposed house to minimize the impact of car headlights upon the home at \$47 Indian rock Road. 5. The applicant shall construct a fence along the property line between #37 and #47 Indian Rock Road not to exceed six feet in height. The specific fence material and color are to be mutually agreeable to the owner of #47 and the applicant. 6. Prior to building permit approval of the residence, the applicant shall submit a building color sample that is more muted than the proposed "bright white" color to the Planning Commission for their review. In addition, fence designs, samples of the proposed fence color and materials shall also be submitted for Commission review. 7. Development and landscaping shall be subject to the recommendations of the certified arborist report prepared by Bartlett Tree Experts dated August 26, 1988. Routine maintenance of the Oak trees at #27 and #37 Indian Rock Road shall also be conducted according to the requirements of the arborist's report.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

Darlene Housman wanted assurance that the applicants would build within the standard hours set by the Municipal Code.

4. V-2308/C-502 - LIVING FOODS, 218 AND 222 GREENFIELD AVENUE, A/P 6-173-16, NEGATIVE DECLARATION AND RESOLUTION OF APPROVAL AS RECOMMENDED BY THE PLANNING COMMISSION FOR A PARKING VARIANCE TO EXPAND THE STORE INTO AN ADJACENT BUILDING AND DESIGN REVIEW OF EXTERIOR ALTERATIONS.

Walter Robb, General Manager of Living Foods, and Roger Pierce, son of the property owner, were present.

Planner Wight presented the staff report.

Mr. Robb was still concerned about some comments in the staff report and the resolution that addresses the number of parking spaces and square footage of the building. 1) His lease indicates he is allowed 11 spaces, not 10. 2) He further stated the building is 1,500 square feet, not 1,600 square feet. 3) He questioned what businesses were being adversely affected besides Bravermans. He has had no complaints about parking from anyone else. 4) He questioned the wording in page 6, paragraph 2, of the staff report, stating it did not reflect all the comments made at the October 16th meeting. 5) He expressed concern that staff did not point out that their business is a contribution to the business community. Specific comments regarding the Resolution are:

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6) Item A. Why is it necessary to state that employees cannot park on Greenfield Avenue or in the parking lot when the employees are already advised of such when they are hired and the store management strictly enforces that.

7) Items C. and D. - His impression was there should be no deliveries between 10:00 a.m. to 3:00 p.m. on Saturdays only. He noted that an exterior sign already exists on the back door of the building.

8) Item E. - Was not sure the wording of "no new product lines" clearly defined the intention of the Commission and perhaps they meant to use the word "categories." He wondered if the Commission was trying to say that the scope of the business is to stay consistent with what it is now.

9) Item G. - Wondered if this was a standard clause, because given the way staff feels about this application, he believes the clause is a set-up and open ended to make him come back at a future hearing.

Mr. Pierce addressed the number of parking spaces for Living Foods: Living Food has a lease for 11 spaces, not 10. In addition, they get 5 more spaces by leasing an office space at No. 224, 2 more spaces by leasing the American Cancer Society building, for a total of 18. He also stated that staff's comments on page 4 of the Staff Report referring to the fact if the property at No. 224 be sold, the parking spaces from the No. 224 property would no longer be available to No. 222. This comment is incorrect because the lease runs with the land. The lease has never referred to Living Foods as a produce store and there is no evidence in the Town records to substantiate this.

In response, Ms. Wight stated that 1) when the building at No. 224 Greenfield Avenue was constructed in 1983, the legal minimum number of parking spaces were provided on No. 224, so a parking variance was not required. The minimum Code required space width size was later reduced from 10' to 9', so an additional 2 spaces were accommodated on No. 224 since 1983. Living Foods has only 10 parking spaces on No. 222 as shown on the site plan submitted with this application. Mr. Pierce suggested the property line is shown incorrectly on the site plan submitted by the applicant. Staff understands the fact that Living Foods has a lease with the Pierces for 8 additional parking spaces located on the property at No. 224 for use by the Living Foods Store at No. 222, but a variance is still required because those 8 parking spaces are not located on the property at No. 222. Although Mr. Pierce's mother owns both properties (known as Nos. 224, and Nos. 218/222), these properties can be sold separately in the future. 2) the floor plan submitted by the applicant indicates the American Cancer Society building is 1,600 square feet. 3) Staff acknowledged that with the exception of Mr. Froman's concerns, there has been no other opposition to the expansion brought to our attention. This has surprised staff based on the history of discussions at the Greenfield parking meetings. 4) the background discussion in a staff report is typically limited to stating only what staff's recommendation and the Planning Commission's action were, realizing that the minutes of the meeting, which are always attached to the staff report, reflect the full discussion. 5) Staff does recognize that Living Foods is a successful business in Town; however, the purpose of our review is to determine whether or not the store expansion will adversely impact the parking and traffic circulation. 6) In response to Items C and D of the proposed resolution, staff agreed that the resolution should state that there be no deliveries between 10:00 a.m. to 3:00 p.m. on Saturdays. 7) In response to Item E of the proposed resolution, the Commission used the words "product lines" in their previous motion, but if that is not the intent, the wording can be modified. 8) In response to Item G of the proposed resolution, this is a standard clause that has been used with other applications and is not intended as a "set-up" for the applicant.

Mr. Froman, Bravermans Furniture, was opposed to the expansion of Living Foods and reiterated his comments from the previous Planning Commission meeting. The Town Council requested that a traffic study be made of Greenfield Avenue because of the inadequate parking for all the retail businesses and Mr. Froman could not understand why the Commission is ignoring the Council and the problems. The site should be used for a low traffic generator, not Living Foods which is a high traffic generator. He highly disagrees with comments made that indicate a business is not successful if it does not generate a high volume of traffic. He has been in the furniture business for 50 years on Greenfield Avenue and he does not understand how the Planning Commission can adversely affect his business to approve the expansion of Living Foods. Mr. Froman said that another merchant on Greenfield Avenue is concerned about the store expansion, but will not come forward with her comments.

There was a discussion on what wording should be used to state that no new product line is to be introduced with the expansion of Living Foods. Commissioner Kanis felt the Commission should be more specific, perhaps stating that no new services or products are to be introduced. He did not want to see the store selling a line of cookware or cooking materials because that is not currently offered by the store. Commissioner Harle did not want the expansion of merchandise to include tools, electronic equipment, books or lawn chairs or any other type of merchandise that is currently not being sold. Commissioner Kroot suggested wording that

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expansion will only involve those products similarly being sold at Living Foods. Ms. Wight suggested that the approval will be granted for uses as outlined in the "General Statement" submitted with the application for the Variance and Design Review for Living Foods as signed by Walter Robb and dated March 20, 1989. The Commission concurred with staff's recommendation.

Commissioner Julin wanted the box on the Environmental Checklist checked under: "I find the proposed project could not have a significant effect on the environment, and a negative declaration will be prepared." She wanted to add the wording "...increase traffic..." in page one of the Resolution. With the minor changes already addressed, she was able to support this application.

Commissioner Kanis felt that what is being proposed by Living Foods was not a significant increase from any use that would go into the adjacent building. For that reason he was able to approve the application. He hoped the applicants would be able to work with Mr. Froman to help him alleviate the parking problem for Bravermans. He suggested wording change on page one of the Resolution from "...another low traffic..." to "...a low traffic..."

Commissioner Kroot concurred with the comments of his colleagues and added that since there was so much discussion about the number of on-site parking spaces, he suggested changing "A" in the Resolution from "...the 10 on-site parking..." to all on-site parking..."

Commissioner Yarish had nothing to add.

M/S Julin, Harle, to approve the negative declaration dated 11/2/89 for Living Foods, 218 and 222 Greenfield Avenue, a/P 6-173-16, with the following amendments to the environmental checklist:

- 1) Number 13b should be changed from "yes" to "maybe";
- 2) Item D. Determination: Check "I find the proposed project could not have a significant effect on the environment, and a negative declaration will be prepared."
- 3) Statement of no significant environmental effects the statement should be: "The parking demand will not significantly increase traffic more than a low traffic generating use of the same space."

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

M/S Julin, Harle, to approve V-2308/C-502 - Living Foods, 218 and 222 Greenfield Avenue, A/P 6-173-16, parking variance to expand the store into an adjacent building; and design review of exterior alterations. Conditions of the approval are as follows:

1. All on-site parking spaces shall be used exclusively by customers;
2. Owner and all employee parking will be in the designated on-street parking spaces westbound on Redhill Avenue;
3. The owner will instruct delivery trucks that no deliveries are permitted between 10:00 a.m. and 3:00 p.m. on Saturdays;
4. An exterior sign be posted advising that no deliveries are permitted between 10:00 a.m. and 3:00 p.m. on Saturdays;
5. There will be no expansion of use beyond that described in the "General Statement" signed by Walter Robb, General Manager, and submitted with the planning application dated March 20, 1989;
6. A good faith effort be made to reduce demands on parking by customers of Living foods and further attempts be made to find solutions for other merchants on the street. Examples include encouraging customers to not park in front of Braverman's by either or both interior signage in Living foods or bagging notices with customer's purchases;
7. Should the Town find that the type of intensity of use exceed that described above, the Town shall notify the owner in writing of such. Said notice shall indicate that the owner shall have a maximum of 90 calendar days from the date of said notice to bring the use into compliance with the resolution. Should the owner fail to bring the use into compliance to the satisfaction of the Planning Director within 90 days, the owner agrees to immediately cease all use of the subject property at the end of said 90 day period.
8. If the Town brings an action to enjoin use of the property in violation of the Resolution or any provision thereof, the prevailing party shall be entitled to all costs related to enforcement of any provisions of the Resolution including costs of suit, and reasonable attorney fees as may be fixed by the court.

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9. The terms, conditions and restrictions set forth in the Resolution shall bind and benefit not only the owner, but all successors in interest, including, but not limited to lessees, assignees, transferees, devisees or purchasers.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

5. U-635 - JACK AND KAREN DOHERTY AND HENRY N. BATTJES, 46 MARIPOSA AVENUE, A/P 7-284-29, USE PERMIT FOR THE SPECIFIC PLANNED DEVELOPMENT FOR A RESIDENTIAL CARE FACILITY FOR 24 ELDERLY PERSONS.

The applicants were present.

Ms. Wight presented the staff report.

Henry Battjes said they have agreed to two moderate units for the residential care facility but were considering a rate of \$1325 per month. It would be an undue hardship for them to restrict the charge to \$1068 per month. He felt the rates did not reflect the quality of service for each facility and they take pride in assuring that their facilities maintain high standards.

Jack Doherty said they have absorbed all of the changes asked by the Town Council and Planning Commission but feels it is economically not feasible to charge \$1068. They have tried to provide clean, moderately priced, private rooms, with good meals but they are also in business to make a profit. They could not operate with such a low rate of \$1068. He presented figures that he obtained from the County which differ from staff's figures.

Based on the comments made, Commissioner Kanis was inclined to compromise on the proposed monthly rate. He thought \$1,200 would be a moderate rate for this residential care facility.

Commissioner Julin said one of the conditions placed on the approval of the rezoning was that two moderately priced units made available to the residential care facility. She was unsure the Commission could change the figures that were provided by staff and wondered if they needed to go through the rezoning process again to redefine the conditions placed on the approval.

Ms. Wight said she has been unable to obtain moderate rate figures for nursing homes from the County and that the figures she used were for housing. She noted that the facility will be increasing in size from 12 to 24 elderly persons and the rooms vary in size from 105 square feet to 220 square feet. It was the intent of the Town Council that the approval of this residential care facility be based on the fact that two units be charged a moderate rate.

Commissioner Harle thought that the moderate rates could be charged to those rooms that were smaller in size. He concurred with Commissioner Kanis that perhaps the Commission could reach a compromise with the applicant because the rate schedule prepared by staff was per bed, not per room.

Mr. Battjes said they would agree with \$1,200 per month but would prefer to see it at \$1,250.

M/S Harle, Kanis, to approve U-635 - Jack and Karen Doherty and Henry N. Battjes, 46 Mariposa Avenue, A/P 7-284-29, Use permit for the Specific Planned Development for a residential care facility for 24 elderly persons on the basis: 1. The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town; and 2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner; 3. The exterior design is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 4. The exterior design provides for protection against noise, odors, and other factors which may make the environment less desirable; The exterior design 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; 6. The exterior design 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 7. The exterior design will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. This approval is conditioned on the following: 1. The use of the property be limited to that described in the staff report dated October 10, 1989, and the drawings dated June, 1989; 2. The exterior changes to the building be limited to the colors as shown on the Kelly-Moore Paint Company Exterior Finishes: Walls to be either: 27 Bone, 36 Navajo White, or OW13 White Magic. Trim to be either: 206 Russet or 200 Saddle Brown; 3. Existing landscaping be maintained as shown on the drawings dated June, 1989; 4. That initially, on-site parking remain unchanged, i.e., 1 existing carport and 2 open parking spaces as shown on the

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drawings dated June, 1989. However, the parking requirements shall be subject to a review by the Planning Commission 6 months after the commencement of full operation of the facility. That at the time of this 6 month review, the Planning Commission shall have the authority to require full compliance with the Code required number of on-site parking spaces, should the Planning Commission find that the existing on-site parking is inadequate. 5. Two rooms to be rented at a moderate rental rate of \$1,200 per month, with annual increases to be based on the Cost of Living Adjustment issued by the San Francisco Metropolitan Statistical Area, Consumer Price Index, as maintained by the United States Department of Labor Statistics. This rate of \$1,200 is based on the fact that this is a care facility, not a housing development. 6. That the facilities shall adhere to the most current State of California Social Services Department Guidelines for residential care facilities.

Ayes: Yarish, Julin, Kanis
Abstain: Kroot

Motion passed. Audience advised of the ten day appeal period.

6. SR-348 - ORRICK TRAVEL BUREAU, 232 SIR FRANCIS DRAKE BOULEVARD,
A/P 6-252-07, SIZE VARIANCE FOR A PROJECTING SIGN.

Planner Wight said that this item be continued because the applicants stated they did not have adequate notification.

D. APPROVAL OF MINUTES: OCTOBER 16, 1989

M/S Kroot, Harle, to approve minutes with the following amendments: page 1, 5th paragraph from the bottom, add in "...Metro van..."; page 7, paragraph 15, add "The applicant stated that it was his intent to ensure that adequate landscape was addressed to the neighbors satisfaction."

Ayes: Julin, Kanis, Harle, Yarish, Kroot

E. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 12.40 a.m. to the next regular meeting of November 20, 1989.


BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY