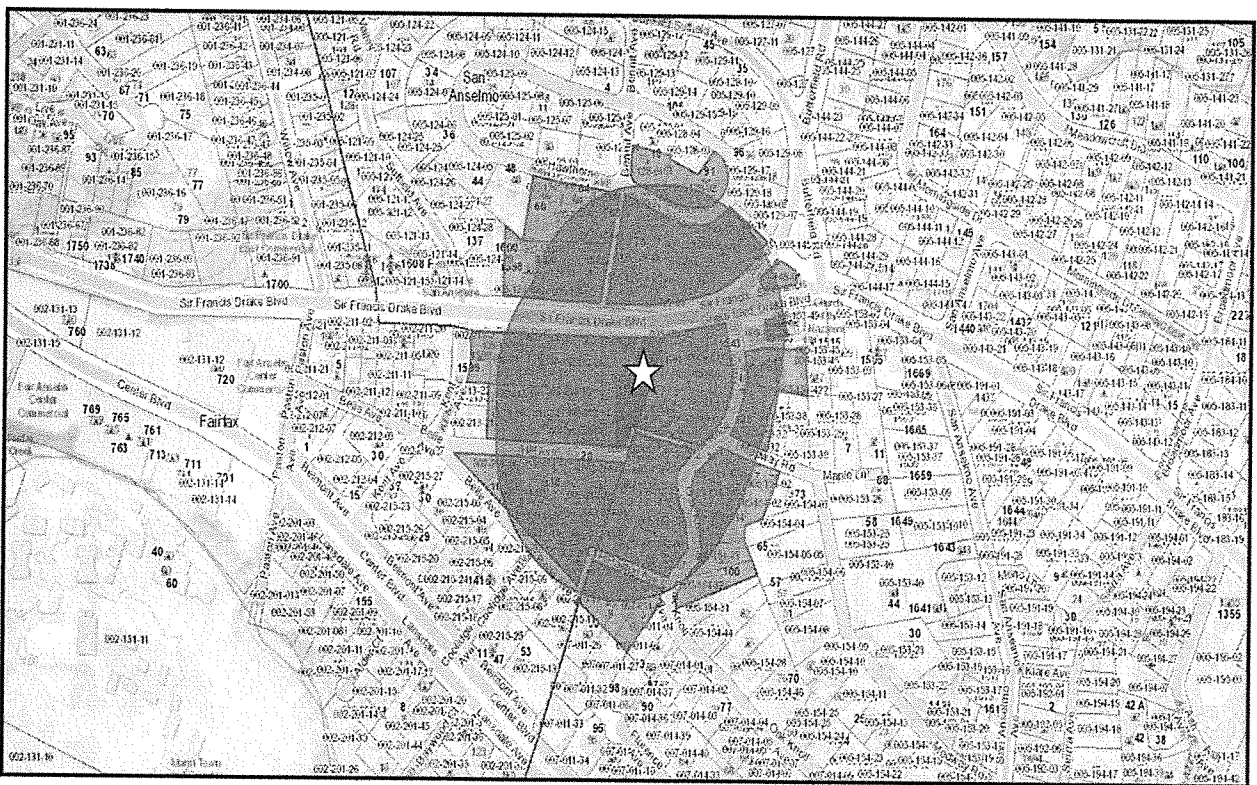


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Planning Commission
DATE: July 20, 20017
FROM: Linda Neal, Principal Planner
PROJECT: Expansion/conversion of a daycare facility into an accessory structure
ACTION: Use Permit, Design Review and Height Variance;
Application # 05-17
ADDRESS: 1569 Sir Francis Drake Blvd.; Assessor's Parcel #'s 002-213-11,
002-213-12 and 005-151-01
ZONING: Highway Commercial (CH) and Residential RD 5.5-7
APPLICANT: Shelby Green
OWNER: David Segale
CEQA STATUS: Categorically exempt, § 15301(a)



1625 SIR FRANCIS DRAKE BOULEVARD

BACKGROUND

The Planning Commission originally reviewed this project at their June 29, 2017 meeting. At that meeting they took public testimony, discussed the project and continued the matter to the July 20, 2017 meeting directing the applicant to explore the following modifications:

1. Alternative paths and improvements to direct parents into the rear-yard other than the gate at the southeast corner of the barn that is currently used.
2. Privacy improvements and/or landscaping that will screen and help mitigate noise impacts from children and parents congregating in the rear yard area. Particularly how the noise and view impacts on the neighboring property at 16 Ramona Way, San Anselmo can be minimized.
3. Improvements that will help direct parents and children away from the eastern portion of the rear yard to congregate and play, away from the kitchen window of 16 Ramona Way.

The Commission direction to the applicant was based on testimony from the public citing privacy and noise impacts of the project and use of the rear yard area on adjacent residences, particularly the impacts on the residence at 16 Ramona Way, San Anselmo, that has its kitchen window located immediately adjacent to the southeast corner of the rear play yard.

In our letter of action to the applicant after the June 20, 2017 meeting staff directed the applicant to provide alternative drawings showing a smaller dormer and a smaller entry porch to the barn, perhaps with screening on the side facing 16 Ramona Way.

Staff also recommended that the applicant investigate where the accessible parking space and accessible access required by the Building Official would be located so that if the provision of these improvements would require a further reduction in the on-site parking, it could be processed along with this application.

DISCUSSION

Plan Revisions

The applicants have provided amended floor plans and elevations for the barn conversion depicting the modification of the entry porch on the south side of the building to just a covered entry stoop and removal of the second-floor dormer. They have indicated that the proposed changes are more in keeping with the project budget and are willing to make the depicted changes to the plans.

The plans have also been modified to relocate the access path and entrance gate to the west side of the barn. A mounded landscaping berm would be planted with plants and tree species which would reach varied heights with the tallest tree species immediately adjacent to the fence between the yard and the structure at 16 Ramona Way to provide a visual screen as well as to provide a noise buffer. The planting bed

would be planted with native, drought tolerant plants (Exhibit B – revised plans including new landscaping plans) and would be drip irrigated. Staff has revised attached Resolution No. 17-20 to include a recommended condition requiring installation of the landscaping and irrigation and provision of a landscaping security (?) prior to the project final.

Although not shown on the site plan, the applicant and owner have indicated their willingness to construct a separation fence between the property at 1573 Sir Francis Drake Boulevard and the daycare facility for safety. They have not provided a design at this because they would like to work with the neighboring property owner on the fence design. Staff has included in the revised Resolution No. 17-20 a recommended condition that _____

Parking Revisions

The parking plan has been revised to provide the required accessible parking space on the north side of the barn structure along with an accessible ramp to provide ADA complaint parking and access. The Building Official has reviewed and approved the plan.

The parking and access revisions would reduce the on-site parking being provided by an additional one space resulting in a total of 7 spaces instead of the 8 spaces originally shown. The required number of spaces per Town Code § 17.096.120(B)(2) requires that 1 parking space be provided for each 200-square-foot of gross floor space. To comply with this requirement, the daycare would need to provide 11 parking spaces. The recent plan revision accommodates 7 parking spaces, 3 within San Anselmo's boundaries and 4 on the Fairfax portion of the site.

If this were a permitted use, a parking variance would be required to decrease the required on-site parking by 3 spaces. However, Town Code § 17.096.120(C)(2) allows the parking requirements to be varied by the terms and conditions of the use permit approving a conditional use.

The Town staff is unaware of any complaints about this daycare facility with regards to parking or about the lining up of parents dropping/picking up children in such a manner that traffic on Sir Francis Drake Boulevard is impacted. The one additional space proposed at the front of the building and the reduction by 1 space of the spaces between the daycare building and the barn structure should not negatively impact traffic on the site or along Sir Francis Drake Boulevard. The applicant has shown in the supplemental information that drop-off and pick-up times are staggered to avoid having to many vehicles parking on the site at any one time and that the children, staff and parents are encouraged to walk or bike to the center. Additionally, there are 3 on-street parking spaces which can be used on a first come first serve basis by this business and any other business on this block of Sir Francis Drake Boulevard. Therefore, staff has made the determination that an exception to the parking requirements could be granted for this use permit modification.

If parking does become a problem for this use in the future, the use permit can be revisited to identify additional conditions or modifications to decrease the impact of the business on parking in this area of the Town.

Discretionary Permits

The project requires the approval of the following discretionary permits:

A Use Permit for the daycare use in the barn structure [Town Code § 17.096.050(16), CH Zone, and 17.084.030(B)].

A Design Review Permit because the project includes modification of an existing structure in the Highway Commercial Zone [Town Code § 17.020.030(C)].

The dormer proposed on the second floor of the barn structure originally required the approval of a height variance by the Planning Commission. This feature has been removed from the plans so the Height Variance is no longer required.

For further discussion and findings for the above required discretionary permits and letters in opposition and in support of the proposal, see the attached original staff report dated June 29, 2017 (Exhibit C).

RECOMMENDATION

Move to approve the modification to Use Permit application # 05-17 based on the findings and subject to the conditions in the attached Resolution No. 17-20.

ATTACHMENTS

Attachment A – **Revised** Resolution No. 17-20

Attachment B – Revised Project plans

Attachment C – June 29, 2017 staff report including the original site plan, comment letters in opposition to the proposed expansion, comment letters in support of the proposed expansion and the Original 5/20/05 use permit letter action including conditions of approval

RESOLUTION NO. 17-20

A Resolution of the Fairfax Planning Commission Approving the Use Permit Modification, Design Review Permit and Height Variance for the expansion of the Daycare Facility at 1569 Sir Francis Drake Boulevard

WHEREAS, the Town of Fairfax received an application to expand the Caterpillar Academy daycare center at 1569 Sir Francis Drake Boulevard on July 22, 2016; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on May 29, 2017 and on July 20, 2017, at which time all interested parties were given a full opportunity to be heard and to present evidence, and at which time the Planning Commission approved the Use Permit Modification and Design Review Permit; and

WHEREAS, based on the documentary evidence in the record, as well as testimony at the public hearing, the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary for the Project's requested discretionary permits.

WHEREAS, the Commission has made the following findings:

Recommended Findings

1. The project is supported by General Plan Policy LU-7.1.1: The existing "village character of the commercial center of the Town, designated at the Town Center Area, shall be maintained and enhanced. Additional commercial development outside of the designated Town Center Area shall be discouraged except for limited neighborhood-serving uses.
2. The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment because: a) daycare centers and educational facilities are listed as permitted conditional uses in both the CH Zone and the RD 5.5-7 Zone; b) mitigation measures have been included in the business operating procedures to minimize the impact of vehicles entering and exiting the site on through traffic on Sir Francis Drake Boulevard; and, c) daycare facilities and grade schools are typically found in and around residential neighborhoods.
3. The proposed daycare use will have minimal impacts on nearby residences and businesses and represent a less intensive use than many of the permitted uses in the Highway Commercial Zone. Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

4. Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the Town. (see # 1 above)
5. The proposed use will not require the erection of any new building and therefore, it will not increase the development density or height of buildings on the site. Drop-off and pick-up schedules and modes of transportation will be varied to minimize the impact on traffic traveling Sir Francis Drake Boulevard. Therefore, approval of the use permit will result in equal or better development of the premises than would otherwise be the case. In addition, the shortage of daycare facilities in Marin County has been documented by the Marin Department of Health and Welfare and therefore, said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.
6. The proposed additions/modification to the barn structure will add to the articulation of the south side of the structure while the use of materials that will complement the existing exterior materials and preservation of the northern exterior will preserve the structure's appearance from the street. Therefore, the project is in compliance with the Design Review criteria listed in Town Code § 17.020.040.
7. The requested exception to the parking requirements to provide four fewer spaces than the Code required eleven spaces is warranted due to the staggered arrival times and travel methods used by the parents. Town Code §17.096.140(2) authorizes the Planning Commission to vary the parking requirements for a particular use in accordance with the facts, findings and determinations of the Use Permit approval.

Recommended Conditions

1. The new parking improvements shall be installed prior to operation of the expanded facility.
2. The applicant shall comply with the Town Noise Ordinance, Chapter 8.16 of the Town Code.
3. The applicant shall reapply for the required use permit for the portion of the property located within the San Anselmo city limits and shall comply with all the conditions placed upon Use Permit U-0506 by the Town of San Anselmo.
4. Any modifications of these conditions of approval or the approved plans must be approved by the Planning Commission.

5. The applicant shall comply with any and all conditions of approval of the Ross Valley Fire Department, Marin Municipal Water District, Ross Valley Sanitary Service and Building and Public Works Departments of the Town of Fairfax.
6. The applicant shall maintain the premises in a neat manner at all times during construction.
7. The applicant and all project contractors shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to, the Noise Ordinance, the Environmentally Acceptable Packaging Materials Ordinance, the Garbage and Rubbish Disposal Ordinance, the Stormwater Management and Discharge Control Program Ordinance and the Clean Indoor Air and Health Protection Ordinance;
8. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.
9. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.

10. Any changes made to the exterior of the building, including but not limited to new lighting, new signs, planters, etc, comply with the design review regulations of the Town Code, Chapter 17.020, and be approved by the Fairfax Design Review Board (when required).
11. A separation fence shall be erected between 1573 Sir Francis Drake Boulevard prior to the issuance of the certificate of occupancy for the remodeled barn. The applicant shall work with the neighboring property owner of 1573 Sir Francis Drake Boulevard, if possible, on the design of the fence which will be subject to approval by the Director of Planning and Building Services prior to installation.
12. A landscaping bond, certificate of deposit or some other acceptable form of security shall be provided to the Department of Planning and Building Services once the landscaping is completed. This security will be held for 18 months once installation is complete to ensure that the plant material becomes established.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

1. The approval of the Use Permit and Design Review Permit can be approved and can occur without causing significant impacts on neighboring businesses or residences.

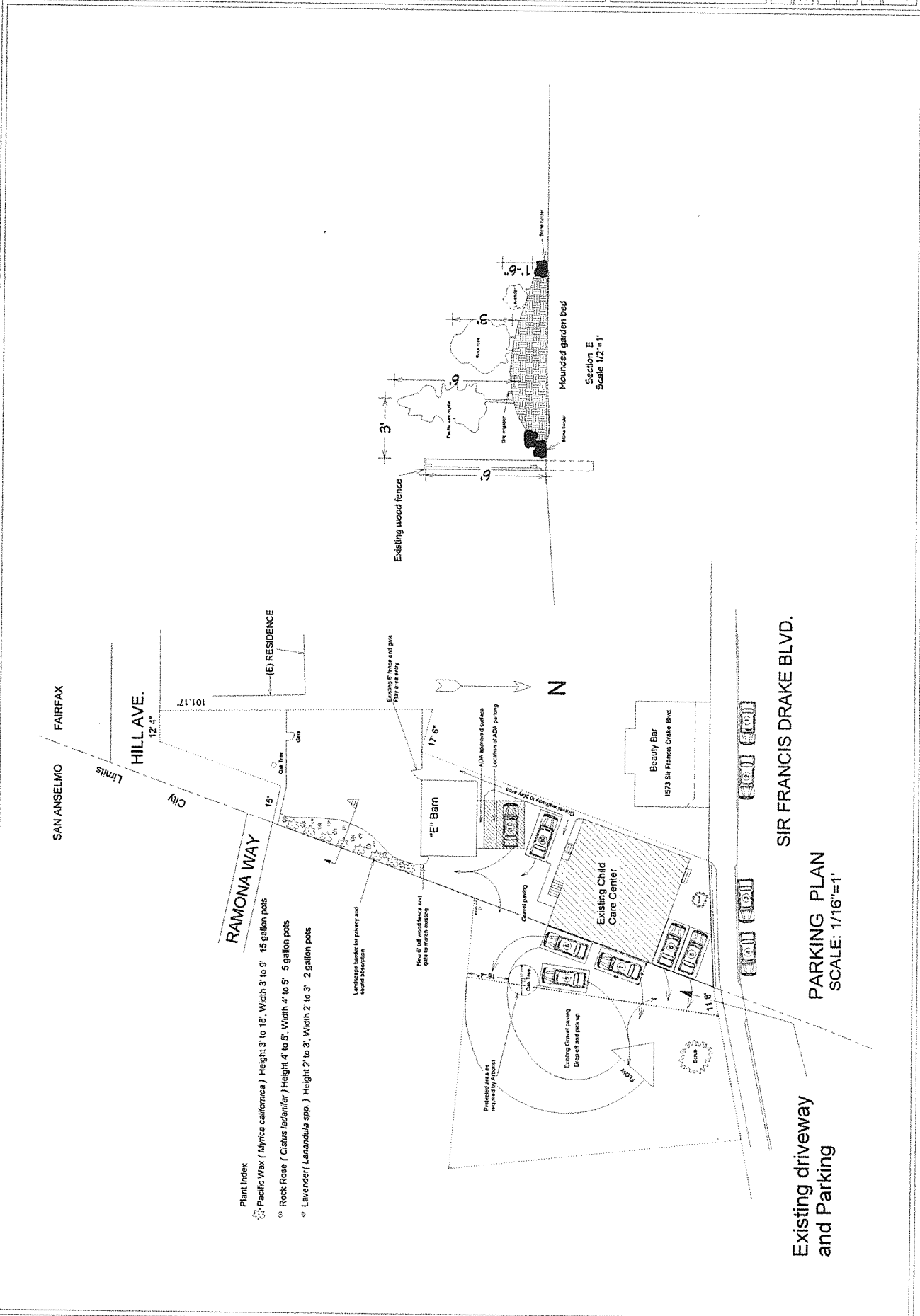
The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 20th day of July, 2017, by the following vote:

AYES:
NOES:
ABSTAIN:

Chair Fragoso

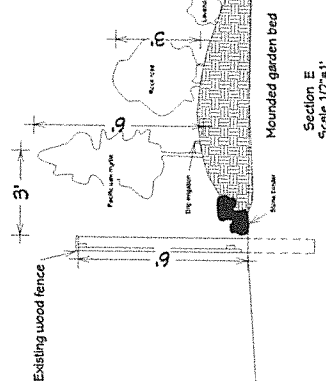
Attest:

Linda Neal, Principal Planner



PARKING PLAN
SCALE: 1/16"=1'

Existing driveway and Parking



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
 Plan, Elevation, and Section
 Changes

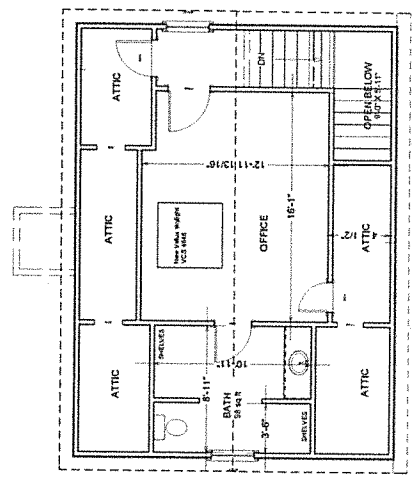
PROJECT DESCRIPTION:
 CATERPILLAR ACADEMY RED BARN
 1569 Sir Francis Drake Blvd,
 San Anselmo, CA 94960

DRAWINGS PROVIDED BY:
 David L. Segale General Contractor
 128 The Alameda
 San Anselmo, CA 94960
 415488152

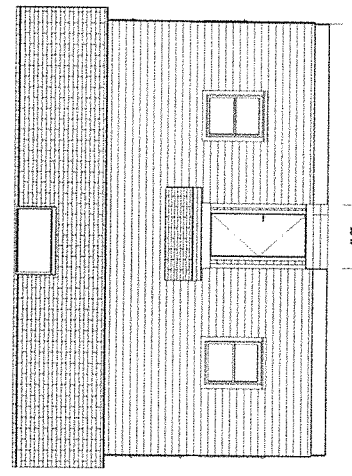
DATE:
 7/13/2017

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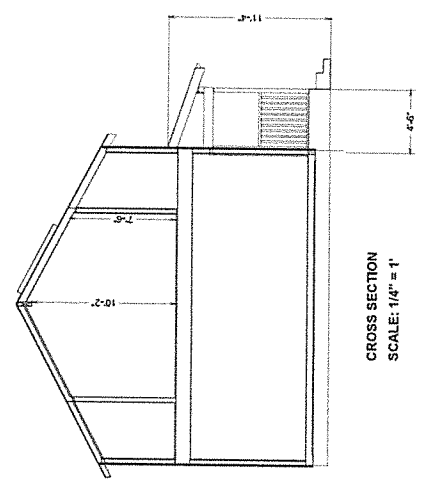
SHEET:
A-1



FLOOR PLAN WITHOUT DORMER
 SCALE: 1/4" = 1'



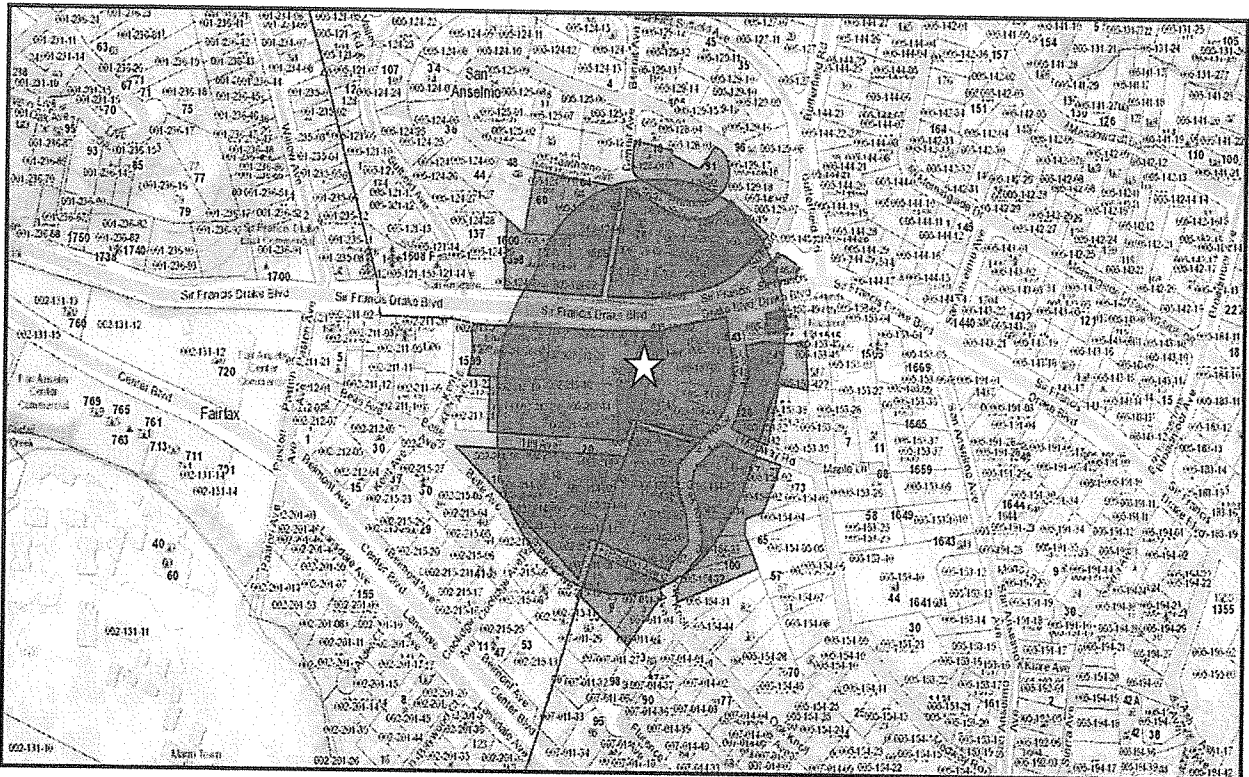
SOUTH ELEVATION WITHOUT PORCH
 SCALE: 1/4" = 1'



CROSS SECTION
 SCALE: 1/4" = 1'

**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Planning Commission
DATE: June 29, 2007
FROM: Linda Neal, Principal Planner
PROJECT: Expansion/conversion of a daycare facility into an accessory structure
ACTION: Use Permit, Design Review and Height Variance; Application # 05-17
ADDRESS: 1569 Sir Francis Drake Blvd.; Assessor's Parcel #'s 002-213-11, 002-213-12 and 005-151-01
ZONING: Highway Commercial (CH) and Residential RD 5.5-7
APPLICANT: Shelby Green
OWNER: Gerald Segale
CEQA STATUS: Categorically exempt, § 15301(a)



1625 SIR FRANCIS DRAKE BOULEVARD

BACKGROUND

Assessor's Parcel #'s 002-213-11 and 002-213-12 are located within the Town of Fairfax and are currently developed with a residential dwelling unit and a barn. These parcels were merged into one property by the Town in 1984. The Town of Fairfax granted a Use Permit for the 1,337 square-foot daycare facility on the parcels in 2005. The facility currently serves 20 children and has three full time teachers with two aids that visit the center once a week. The number of children currently being served complies with the required interior and exterior per child area ratios required by the State of California Department of Social Services Community Care Licensing Division

Assessor's Parcel # 005-515-01 to the east is vacant and located within the Town of San Anselmo. The front half of to the 1569 Sir Francis Drake property is on Sir Francis Drake Boulevard and is zoned Highway Commercial (CH). The rear of the property fronts on Hill Avenue and is located within the Residential RD 5.5-7 Zone. The parcel in San Anselmo is zoned for residential use. All three parcels are under common ownership. The barn structure is located entirely on the portion of the property zoned Highway Commercial.

The residential building and barn were constructed prior to the Town's incorporation which occurred in 1931.

The structure located west of the site used to be a hair salon and has been recently purchased for use as a restaurant/deli. The structures to the south of the site are single-family residences located on Hill Avenue in Fairfax and Ramona Way in San Anselmo.

Access to the site is located upon the San Anselmo parcel with most of the existing parking, 4 spaces, located on the Fairfax property and 2 spaces located on the San Anselmo property.

There is a 1,487 square-foot outdoor play area located to the rear (the south side) of the barn. The play area is fenced for the children's safety.

DISCUSSION

The applicant is proposing to remodel and expand the 1,346-square-foot, 2-story, barn into additional space for the adjacent daycare operating from the existing residence at the front of the property. The conversion will result in the first floor becoming a playroom with a ½ -bathroom and kitchen, and the upstairs becoming an office with a dormer addition and the installation of a half bathroom. The project includes construction of a 134-square-foot porch on the south-facing side of the barn. Only the porch addition will project into the rear portion of the site that is zoned Residential RD 5.5-7.

Discretionary Permits

The project requires the approval of the following discretionary permits:

A Use Permit for the daycare use [Town Code § 17.096.050(10), CH Zone, and 17.084.030(B)].

A Height Variance to expand the legal non-conforming second story with the dormer (Town Code § 17.084-060(B), RD 5.5-7 Accessory Structure Height Regulations).

A Design Review Permit because the project includes modification of an existing structure in the Highway Commercial Zone [Town Code § 17.020.030(C)].

Conditional Use Permit

The purpose of the Highway Commercial Zone is to allow a variety of service, retail and wholesale businesses with long operating hours, diversity of building size and type and short term parking. The Highway Commercial Zone is designed to cater to automobile traffic rather than to pedestrian traffic. The buildings are more dispersed than in the central commercial zone and allow greater vehicular access.

The Conditional Use discretionary permit allows the proper integration into Fairfax of uses which may be suitable only in certain locations in Town or in a zone or only if such uses are designed or laid out on the site in a particular manner. In consideration of an application for a Conditional Use Permit, the Commission shall give due regard to the nature and condition of all adjacent uses and structures, to the physical environs of the proposed use, and to all pertinent aspects of the public health, safety and general welfare.

Day care centers are listed as a conditional use in the Highway Commercial Zone and uses of an educational nature are listed as a conditional use in the Residential RD 5.5-7 Zone. Therefore, the use of the site as a daycare in 2005 required a Use Permit from the Town of Fairfax and the currently proposed expansion into the barn structure and its conversion to additional space for the daycare requires a modification of that Use Permit.

The proposed expansion would allow the center to serve an additional 15 children and the number of teachers/owners/aides needed to serve those children would increase to seven (3 teachers, 2 aides and 2 owners).

When the Use Permit was originally approved for the business a Use Permit was also granted by the Town of San Anselmo. The San Anselmo Use Permit restricted use of the San Anselmo parcel for a driveway and 3 parking spaces, all that could be permitted based on the historic use of the site and due to the zoning of the parcel for residential use by the Town of San Anselmo. San Anselmo's Planning Department has confirmed that this parcel may not be used as a full parking lot for the facility because that would require a general plan and zoning change and the San Anselmo Town Code. San Anselmo has confirmed that the continued use of the site for the driveway entrance and for 2 -3 parking spaces can continue but indicated that the 2005 Use Permit has expired and must be re-approved.

A commercial business is located to the west of the site while residences are located to the south and east of the site. Most of the commercially zoned property in Fairfax is

located immediately adjacent to residentially zones areas. Noise from children playing is the most common complaint the Town receives in conjunction with other daycare centers in Fairfax. However, daycare centers usually operate during the day. Occasionally there is an evening meeting or performance. When reviewing a Use Permit it is often helpful for the Commission to review the list of permitted uses which do not require a Use Permit from the Town and could have more significant impacts on the surrounding areas. The following uses are permitted within the Highway Commercial Zone:

- Building supplies and lumber yards
- Butcher shops
- Laboratories
- Packing and crating businesses
- Public parks
- Warehouses

(For a complete list see Town Code § 17.50.040)

The proposed modification to the existing Use Permit will have less impacts on the neighboring uses than other permitted uses in the Highway Commercial CH Zone District.

Project not Required to Obtain Traffic Impact Permit

The applicant has provided two spread sheets showing the current and proposed drop off and pick up patterns for the school. These show that the number of cars visiting the site on a daily basis will not reach the 100 average daily trips necessary to make this use permit modification subject to the Traffic Impact Ordinance [Town Code § 17.30.050(2)]. Note that the original use permit also was not subject to the Traffic Impact permit process.

Parking

Town Code § 17.096.120(B)(2) requires that 1 parking space be provided for each 200-square-foot of gross floor space. The proposed modification requires the provision of 11 parking spaces based on this section of the code. The site currently accommodates 6 parking spaces, 2 within San Anselmo's boundaries and 4 on the Fairfax portion of the site.

The applicant proposes reconfiguring the parking plan to provide an addition 2, on-site parking spaces. One of the additional spaces will be provided at the front of the property and the second will be provided on the portion of the site in San Anselmo, adjacent to the existing Oak tree on the east side of the main building for a total of 8, on-site parking spaces. The 8 spaces provided are 3 short of the 11 required by the code.

If this were a permitted use, a parking variance would be required to decrease the required on-site parking by 3 spaces. However, Town Code § 17.096.120(C)(2) allows the parking requirements to be varied by the terms and conditions of the use permit approving a conditional use.

The Town staff is unaware of any complaints about this daycare facility with regards to parking or about the lining up of parents dropping/picking up children in such a manner that traffic on Sir Francis Drake Boulevard is impacted. The two additional spaces proposed to be accessed off of Sir Francis Drake Boulevard should not negatively impact traffic in the Hill Avenue neighborhood. The applicant has shown in the supplemental information that drop-off and pick-up times are staggered to avoid having too many vehicles parking on the site at any one time and that the children, staff and parents are encouraged to walk or bike to the center. Additionally, there are 3 on-street parking spaces which can be used on a first come first serve basis by this business and any other business in this block of Sir Francis Drake Boulevard. Therefore, staff has made the determination that an exception to the parking requirements could be granted for this use permit modification.

If parking does become a problem for this use in the future, the use permit can be revisited to identify additional conditions or modifications to decrease the impact of the business on parking in this area of the Town.

Design Review

Although probably built in the early 1900's the barn is not listed on any historic building registry and it has been significantly modified within the last 20 years with a new slab foundation, new siding, new barn door, a new roof and new structural stability improvements. Therefore, there are no historical preservation conditions that apply to the building.

In order to approve a Design Review Permit for expansion/modification of the structure the Town Code requires the Commission to review the project for compliance with the Design Review Criteria listed in Town Code § 17.020.040(A) through (N).

The addition of the dormer and front entry porch the barn would add to the exterior articulation structure. The positioning of the additions would be at the rear of the structure and they will not impact the visual appearance of the barn from the street. Therefore, staff believes the proposed expansion would result in a well composed structure with minimal impact on the site or the neighboring properties and with no impact on the streetscape view of the site. The new exterior materials would either compliment or match those of the existing building. Therefore, the proposed project complies with the Design Review criteria.

Accessory Building Height Variance

Town Code § 17.096.090(B) limits the height of accessory structures in the Highway Commercial CH Zone to no more than 15-feet and no more than 1-story. The barn is already a legal non-conforming, 2-story structure, predating the incorporation of the Town and the accessory structure height limit that was adopted in 1973. The additional square footage is being created not through the expansion of the footprint of the structure but by raising a small portion of the peaked roof over the existing hay-loft into a dormer. One could make the argument that the proposed conversion of the barn structure to a daycare playroom and office result in the accessory building becoming an

ancillary building for the main use rendering it no longer an accessory building. However, the Fairfax Town Code does not include language that allows this type of argument to be made so this discussion includes the provision of an accessory building Height Variance for the proposed use.

The project will not increase the number of stories and it will not increase the height of the existing building nor will it disturb any additional undisturbed areas of the site. Therefore, the impacts of the dormer and front porch additions will be minimal and findings for the approval of the height variance can be made. These findings are included in the resolution recommending approval of the project (Attachment A).

Other Agency/Department Comments/Conditions

Ross Valley Fire Department

1. A fire sprinkler system shall be installed throughout both buildings that complies with the requirements of the National Fire Protection Association 13 and local standards. A permit for the system installation is required from the Ross Valley Fire Department prior to using the barn for the expanded daycare center.
2. A fire alarm system shall be installed throughout both the buildings which complies with the requirements of the National Fire Protection Association 72 and local standards. A permit for the system installation is required from the Ross Valley Fire Department prior to using the barn for the expanded daycare center.
3. Fire extinguishers shall be provided for both buildings with a minimum of 2A10BC rated fire extinguishers provided for each 3,000-square-foot and every 75-feet of travel.
4. Approved address numbers a minimum of 6-inches in height shall be placed on all existing buildings above the doorway or in such a position as to be plainly visible and legible from the street or road fronting the property. The barn shall have continually illuminated sign in compliance with Ross Valley Fire Standard #205.
5. The applicant may propose alternate materials or methods in accordance with Section 103.3.

Ross Valley Sanitary District

1. A private sewer lateral permit is required from the District for the proposed use. The lateral permit requirements will depend on the fixture count calculated during the permitting process.
2. If the existing lateral is adequately sized the applicant will have the option of installing a new lateral or testing the existing lateral in the presence of a District Inspector who determines if it complies with all current District standards.

The Planning Department received no comments or conditions for the project from the Fairfax Police, Building or Public Works Departments or the Marin Municipal Water District.

RECOMMENDATION

Move to approve the modification to Use Permit application # 05-17 based on the findings and subject to the conditions in the attached Resolution No. 17-20.

ATTACHMENTS

Attachment A – Resolution No. 17-20

Attachment B - Applicant's supplemental information

Attachment C – original site plan

Attachment D – comment letters in opposition to the proposed expansion

Attachment E – comment letters in support of the proposed expansion

Attachment F – Original 5/20/05 use permit letter action including conditions of approval

RESOLUTION NO. 17-20

A Resolution of the Fairfax Planning Commission Approving the Use Permit Modification, Design Review Permit and Height Variance for the expansion of the Daycare Facility at 1569 Sir Francis Drake Boulevard

WHEREAS, the Town of Fairfax received an application to expand the Caterpillar Academy daycare center at 1569 Sir Francis Drake Boulevard on July 22, 2016; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on May 18, 2017 at which time all interested parties were given a full opportunity to be heard and to present evidence, and at which time the Planning Commission approved the Use Permit Modification and Design Review Permit; and

WHEREAS, based on the documentary evidence in the record, as well as testimony at the public hearing, the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary for the Project's requested discretionary permits.

WHEREAS, the Commission has made the following findings:

Recommended Findings

1. The project is supported by General Plan Policy LU-7.1.1: The existing "village character of the commercial center of the Town, designated at the Town Center Area, shall be maintained and enhanced. Additional commercial development outside of the designated Town Center Area shall be discouraged except for limited neighborhood-serving uses.
2. The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment because: a) daycare centers and educational facilities are listed as permitted conditional uses in both the CH Zone and the RD 5.5-7 Zone; b) mitigation measures have been included in the business operating procedures to minimize the impact of vehicles entering and exiting the site on through traffic on Sir Francis Drake Boulevard; and, c) daycare facilities and grade schools are typically found in and around residential neighborhoods.
3. The proposed daycare use will have minimal impacts on nearby residences and businesses and represent a less intensive use than many of the permitted uses in the Highway Commercial Zone. Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

4. Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the City. (see # 1 above)
5. The proposed use will not require the erection of any new building and therefore, it will not increase the development density or height of buildings on the site. Drop-off and pick-up schedules and modes of transportation will be varied to minimize the impact on traffic traveling Sir Francis Drake Boulevard. Therefore, approval of the use permit will result in equal or better development of the premises than would otherwise be the case. In addition, the shortage of daycare facilities in Marin County has been documented by the Marin Department of Health and Welfare and therefore, said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.
6. The proposed additions/modification to the barn structure will add to the articulation of the south side while the use of materials that will compliment the existing exterior materials and preservation of the structures northern exterior will preserving the appearance from the street. Therefore, the project is in compliance with the Design Review criteria listed in Town Code § 17.020.040.
7. The requested exception to the parking requirements to provide three spaces less than the Code required eleven spaces is warranted due to the staggered arrive times and travel methods used by the parents. Town Code §17.096.140(2) authorizes the Planning Commission to vary the parking requirements for a particular use in accordance with the facts, findings and determinations of the Use Permit approval.

Recommended Conditions

1. The new parking improvements shall be installed prior to operation of the expanded facility.
2. The applicant shall comply with the Town Noise Ordinance, Chapter 8.16 of the Town Code.
3. The applicant shall reapply for the required use permit for the portion of the property located within the San Anselmo city limits and shall comply with all the conditions placed upon Use Permit U-0506 by the Town of San Anselmo.
4. Any modifications of these conditions of approval or the approved plans must be approved by the Planning Commission.
5. The applicant shall comply with any and all conditions of approval of the Ross Valley Fire Department, Marin Municipal Water District, Ross Valley Sanitary

Service and Building and Public Works Departments of the Town of Fairfax.

6. The applicant shall maintain the premises in a neat manner at all times during construction.
7. The applicant and all project contractors shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to, the Noise Ordinance, the Environmentally Acceptable Packaging Materials Ordinance, the Garbage and Rubbish Disposal Ordinance, the Stormwater Management and Discharge Control Program Ordinance and the Clean Indoor Air and Health Protection Ordinance;
8. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.
9. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.
10. Any changes made to the exterior of the building, including but not limited to new lighting, new signs, planters, etc, comply with the design review regulations of the Town Code, Chapter 17.020, and be approved by the Fairfax Design Review Board

(when required).

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

1. The approval of the Use Permit and Design Review Permit can be approved and can occur without causing significant impacts on neighboring businesses or residences.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 29th day of June, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

Acting Chair Newton

Attest:

Linda Neal, Principal Planner

Caterpillar Academy Transportaion and Pick up/Drop off policy

Caterpillar Academy School works with our families to help reduce traffic congestion during pick up and drop off times. We offer flexible scheduling so that families can pick the time of care to suit their needs. This means that we do not have 15 families dropping their children off at the same time. Arrival and departure times are staggered throughout the day so that we tend to only have 2-4 people dropping off or picking up at any one time.

We also offer a 10 min flex to the daily schedule. If a family comes 5 minutes early, then they pick up 5 minutes early. If they drop off 10 minutes late then they can pick up 10 minutes late. (Between the hours of 7:30am – 5:30pm) This further reduces the number of families that are dropping off or picking up at the same time.

On average it takes parents between 2 and 5 minutes to help their child transition into the school each day. At pick up it can take between 5 and 10 minutes to check in with a teacher and collect belongings.

We also encourage any family or employee living close to the school to walk or ride bikes. We have a place for strollers or bikes to stay during the time the child is at school so that a parent can commute via bus after dropping their child off. There is a bus stop near by the school building. A bike

SEP 27 2016

RECEIVED

Dear Linda Neal,

We have received your letter requesting the additional information and the incomplete status of our application.

The Title Report and the floor plan are included in this packet.

The additional information is as follows:

1. There are currently 20 children enrolled at our school but they do not all attend at the same time. Our maximum number is based on a per day limit of 18 children at one time. We keep the number below 16 at one time/ per day.

We expect the expansion to provide space for an additional 15 children.

2. The current number of vehicle trips is around 22. About 11 families pick up and drop off each day. Four of our families walk or ride bikes to school for pick up and drop off. The expansion will likely add an additional 10 vehicles to our school. At the very max our school will have 30 vehicles arriving and departing twice a day. Pick up and drop off times vary during the day so there are only 3 – 4 cars parking in our lot at one time. Typical drop off and pick up last about 10 minutes.
3. We employ 3 teachers and 2 aids (that visit us one day a week each). There is no more than 6 employee/ owner vehicles on site at one time. The max number of teachers are here between 1pm and 3pm. Two of the owners are able to bike/ walk to school.
4. We have not spoken to the town of San Anselmo at the time of this letter but will be contacting them this week to inquire about any concerns that the expansion may hold for them.

Please let us know if you require any additional information, lists of our enrolled families, or copies of correspondence with the town of San Anselmo.

Thank you for all your attention to our application,

~Shelby Green
The Caterpillar Academy

How our project meets design review criteria in Fairfax Zoning Ordinance section #17.020.040

The overall shape of the barn building will have minimal changes. The gable will be in line and style to the other building on the property. The additional porch will match the style of the main house's porch on the property and will be small in size, facing the enclosed back yard. The color of barn building will remain the same. There should be no noticeable changes observable from surrounding hillsides.

The work to be done on the outside of the building will be done in such a way that the building remains in harmony with other building on property and has no change in overall shape, size, height, or color. Landscaping will not be changed.

Improvements on the building will add to the value of surrounding area by providing additional childcare on the property and by maintaining the appearance and structure of the barn.

All the requirements set forth in this title and by the town planning commission will followed and adhered to. Any additional recommendations will be heard.

The Barn building is a unique and beautiful part of the property. That is a quality that will remain and will not stand out from surrounding buildings. The external structure changes will not change the overall appearance. The proposed gable will maintain the roof line. The porch will frame the door currently in place giving it a finished look.

All efforts will be made to use quality reclaimed and new materials and any ornamentation used will matched to existing ornamentation.

All natural features in the area will remain.

Ample parking is already available and construction will not increase traffic on surrounding streets.

Residential value around the proper could possibly increase with the availability of needed childcare in the area.

We will conform with any of the town's design guidelines that are deemed necessary.

Use Permit Application for 1569 Sir Francis Drake Blvd. (attachment pg 1)

Proposed Use Plan: Use of the existing barn

We hope to finish the inside of the barn building on 1569 Sir Francis Drake and create a usable space both upstairs and downstairs with 2 bathrooms, a kitchenette, and ample area for living space/ playroom, and addition of a dormer to add light to upstairs office/ room. If the use permit is approved barn will be used to extend the space for the childcare/school that is currently operating in the main house on the property.

The hours of operation will be between the hours of 7:00am and 6pm Monday – Friday. The busiest part of the day will be between 9:00am and 1:00 pm. The number of staff on the premises will increase to 7 at the height of the day. Some staff members are able to walk or bike to school. Families in attendance are encouraged to walk or bike to school as well.

Changing the use of the existing barn will allow the school that is currently operating on the property to expand. There is not enough space in the current building to accommodate all the families in the area that are seeking care. The school is receiving several calls each week from families that are in need of care. Use of the barn will allow an additional 15 care spaces for children ages 0- 5 years old.

Possible concerns

Construction noise: Most of the work to be done will be on the inside of the building by a small group of workers.

School Noises: A school has been in this location for more than a decade and while the number of children will increase, the noise of play will not change by much, since groups of children will take turns using the outside space.

Traffic and Parking: There is ample space available for parents to pick up and drop off children. This expansion will also cut down on traffic by opening up care for a wider range of children. Siblings can be picked up and dropped off in one place, instead of needing to drive to multiple locations around town.

Further traffic is reduced by the central location of the school, allowing more families to bike or walk to school.

Major activities of the school will include providing safe care and education for the children enrolled and quality childcare for working families. Activities include arts and crafts, gardening, supervised play, structured games, music, rhythm, dance and rest periods. The school uses an evolving curriculum to meet the needs of the individuals and the groups' interests. These activities are in place currently but with the expansion they would be expanded and improved.

Other Information: The overall shape of the barn building will have minimal changes. The dormer will be in line and style to the other building on the property. The additional porch will match the style of the main house's porch on the property and will be small in size, facing the enclosed back yard. The color of barn building will remain the same. Landscaping will not be changed. All natural features in the area will remain. Ample parking is already available and construction will not increase traffic on surrounding streets. There should be no noticeable changes from Sir Francis Drake Blvd.

Use Permit Application for 1569 Sir Francis Drake Blvd. (attachment pg 2)

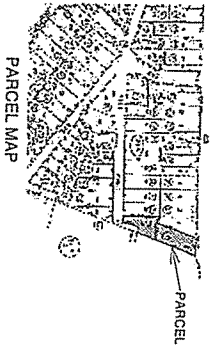
There has been a childcare at this address for the past 10 years. Expanding into the barn would not constitute a grant of any special privilege and our operation has been serving the community equally.

The existing operation meets the town's criteria and is not a public nuisance; and the expanded use will comply as well.

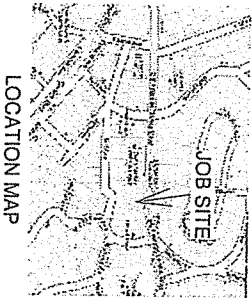
All the requirements set forth in this title and by the town planning commission will followed and adhered to.

NOV 22 2016

RECEIVED



THE PROJECT:
Expand the existing Caterpillar Academy Child Care Center to include the use of the existing RED BARN.

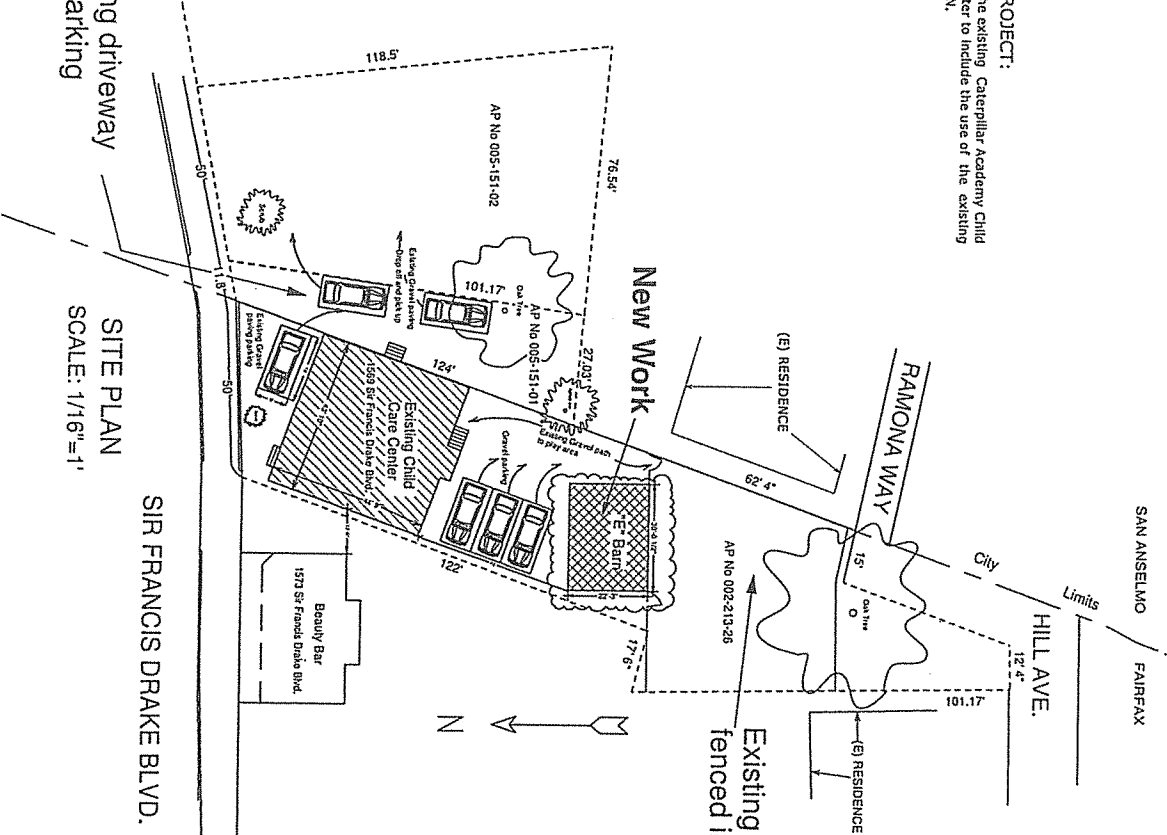


Existing driveway and Parking

SITE PLAN
SCALE: 1/16"=1'

SIR FRANCIS DRAKE BLVD.

CODES GOVERNING THIS PROJECT:
2013 California Building Code
2013 California Residential Code
2013 California Mechanical and Plumbing Codes
2013 California Electrical Code
2013 California Energy Code
2013 California Green Building Standards Code
And all local codes and ordinances



DRAWING INDEX

- A-1 Proposed Site Plan
- A-2 Proposed 1st and 2nd floor plans, Building Sections
- A-3 Existing and Proposed exterior Elevations
- A-4 Existing floor plan main house

Existing 6' tall fenced in play area:

SCOPE OF WORK:

Build a new shed dormer with window and a new covered deck at the south facing elevation, backyard view. Install four new windows in the one in the south facing elevation, and one in the west facing elevation, and one in the east facing elevation. Add two half baths, one on the first floor under the stair and one on the second floor. Install new rough and finish Plumbing, rough and finish Electrical, new HVAC, and an automatic fire suppression system. Install insulation and supply new 1/2" wallboard.

SHEET: A-1	DATE: 11/21/2016	DRAWINGS PROVIDED BY: David L. Segale General Contractor 124 The Alameda SanAnselmo, ca 94960 4154568152	PROJECT DESCRIPTION: Revision siteplan 1569 Sir Francis Drake Blvd.	SHEET TITLE: Site Plan	<table border="1"> <thead> <tr> <th>ID.</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	ID.	DESCRIPTION	BY	DATE												
	ID.	DESCRIPTION	BY	DATE																	
SCALE: 1/16"=1'																					

Jim Donohue
16 Ramona Way, San Anselmo, CA 94960

May 15th, 2017

Re: Application #17-20 – 1569 Sir Francis Drake Blvd.

I object to the proposed modification of the Conditional Use Permit for the daycare at 1569 Sir Francis Drake Blvd. My primary concerns are noise and privacy.

16 Ramona Way is approximately 8 feet from the daycare. There is significant noise that resonates from the school and our privacy is hugely impacted. The proposed modification of permit would make things significantly worse .

- Majority of the school outdoor playtime time operates at our fence – close to the entrance of our house.
- Teachers congregate at our fence – under the tree and talk loudly.
- Teachers conduct regular play sessions that make the kids hyper and scream loudly.
- The children's sandpit and play structures are close to our fence which additionally escalates the noise levels towards our house.
- During pick up times (4.30pm - 5:30pm) parents and staff congregate under our kitchen window and typically talk for long lengths of time.
- Significant high levels of noise escalate throughout the day even though the children are being supervised.
- There is no privacy at the the entrance way to our house.
- The proposed entrance/exit from the barn to the play area will be in front of our kitchen window.
- Proposed skylights will look down into our property and into our kitchen.
- Bright flood lights from the school are left on all night and shine straight into our house.

Sincerely,

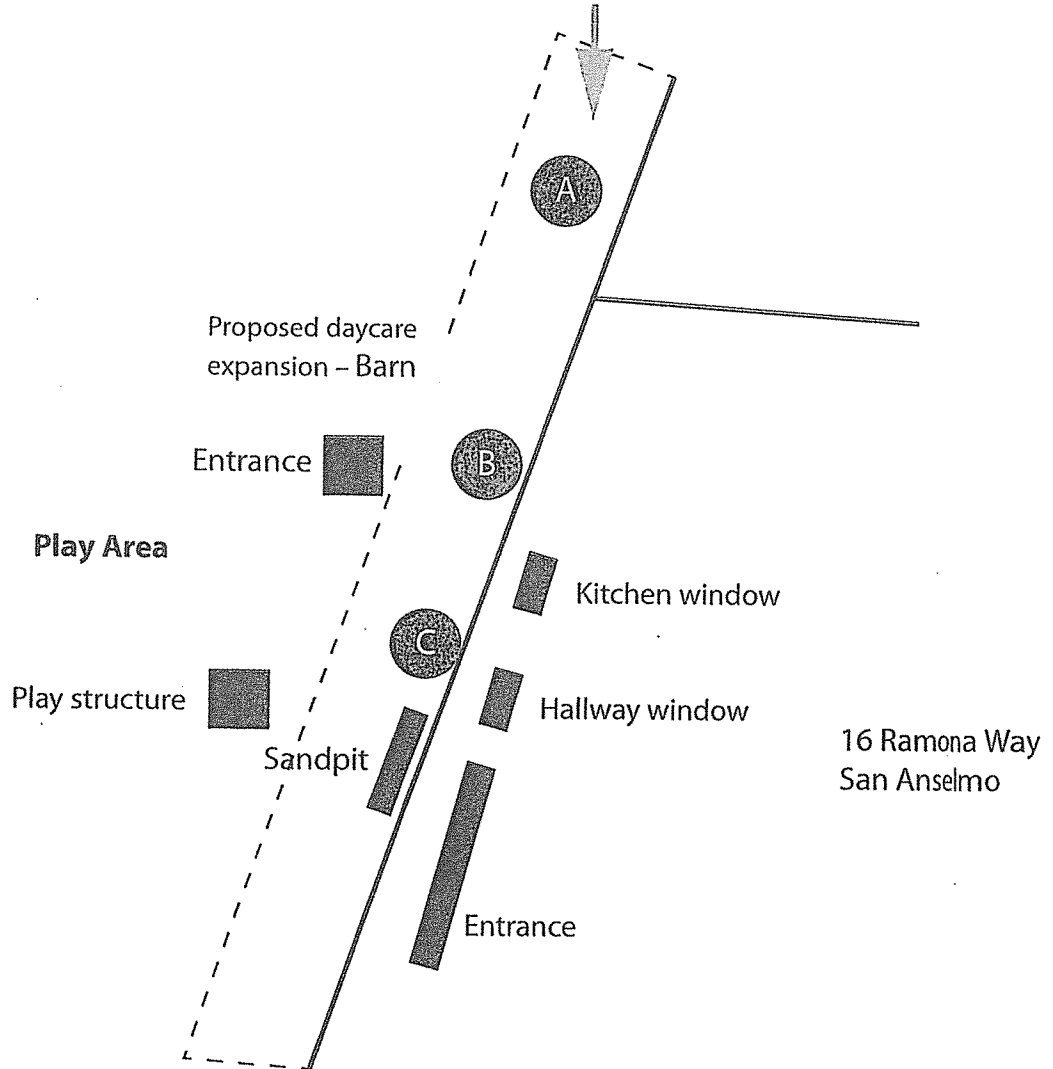
Jim Donohue

ATTACHMENT D

16 Ramona Way and proximity to daycare

Our house is approximately 8 feet from the daycare. The proposed modification of permit would make things significantly worse for both noise and privacy.

A large portion of the daycares daily business is conducted along this strip located on property line – causing noise and privacy issues.



Kids eating area, usage changes over time



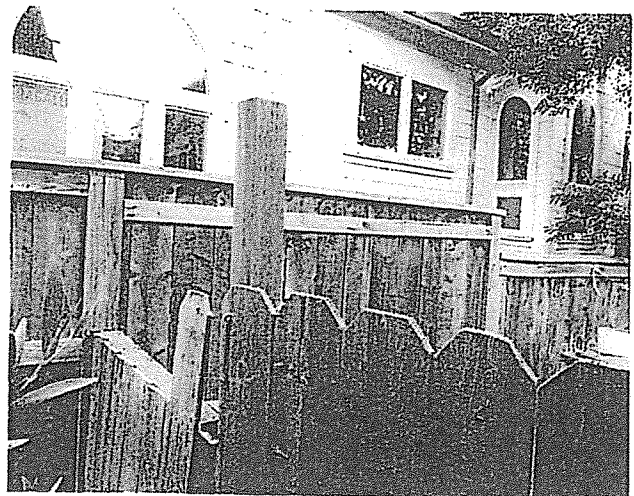
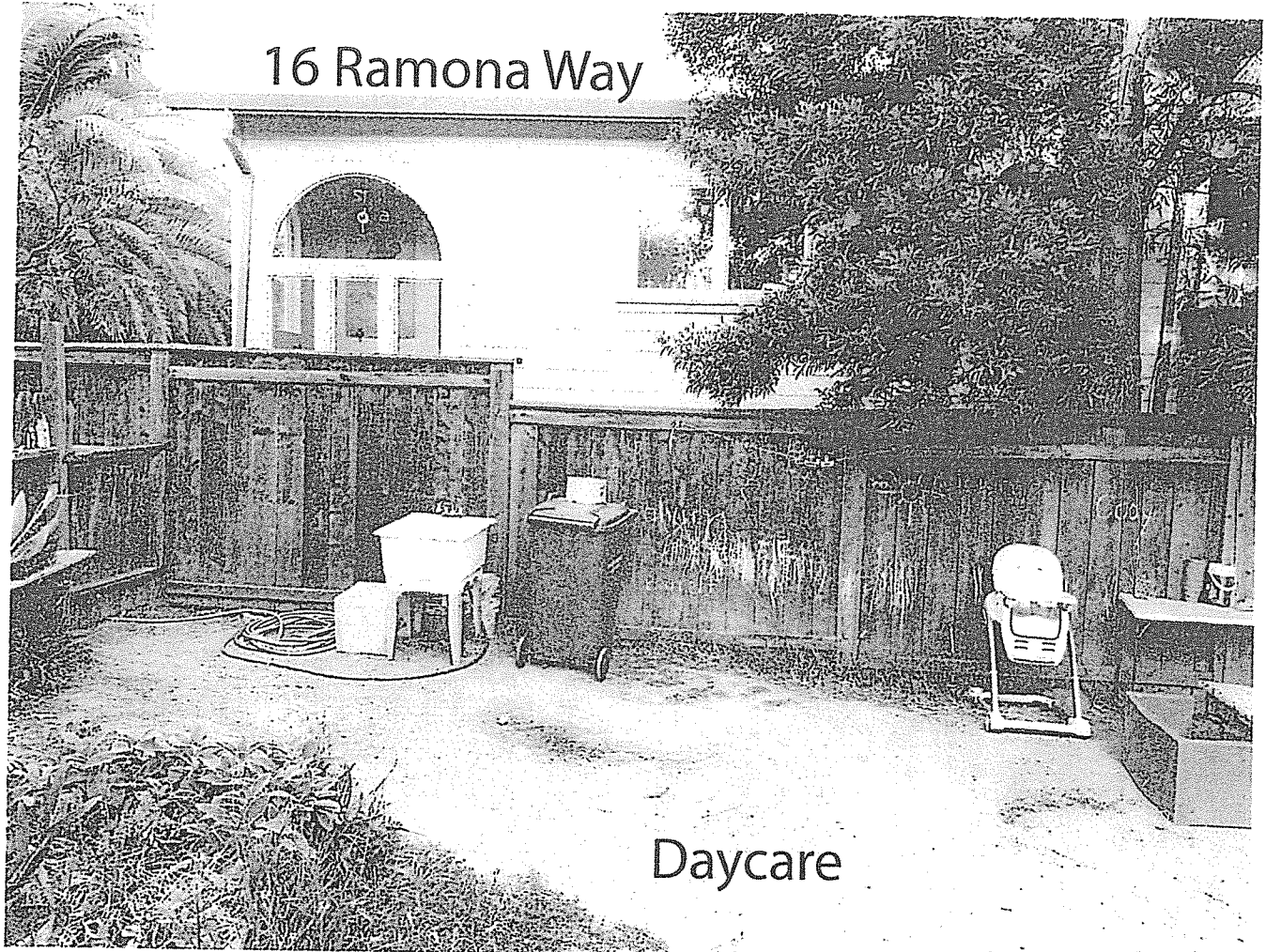
Gate - entrance to play area
Located under our kitchen window
Teachers & parents congregate
Parents collect their kids
No privacy



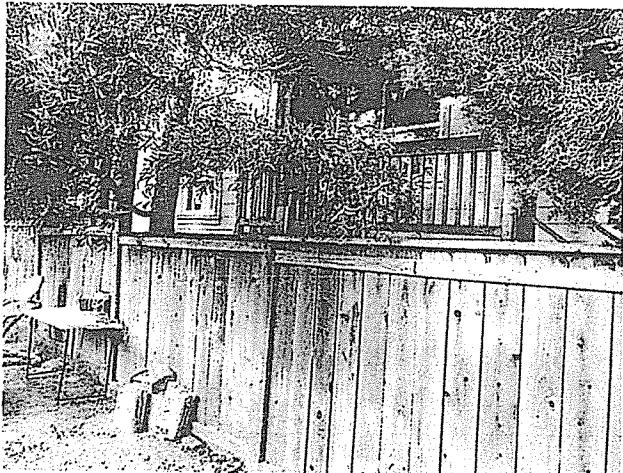
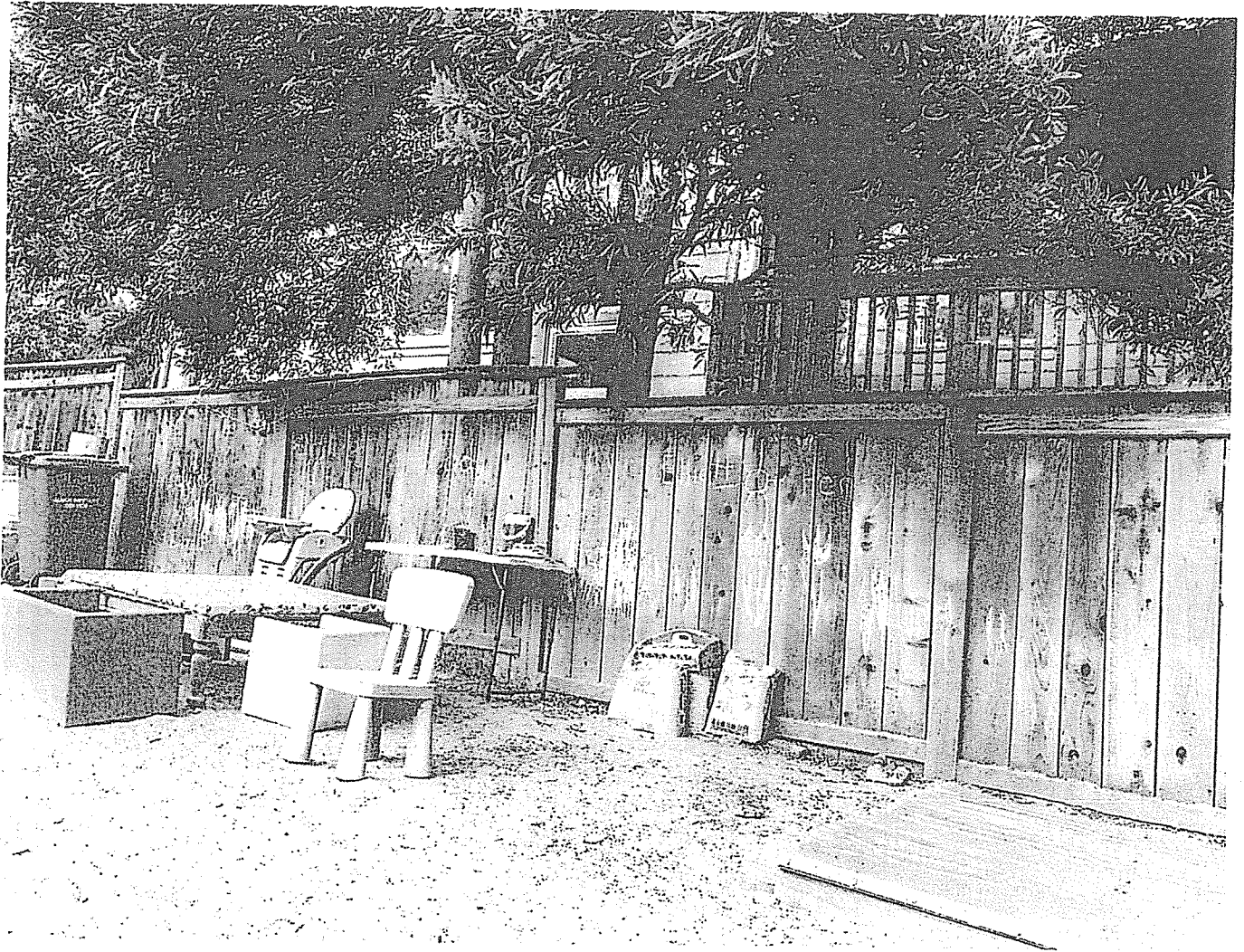
At Fence
Teachers hang out at fence for shade
Play structures are very close to my property
There is a lot of noise

Location of 16 Ramona Way to Daycare

16 Ramona Way is about 8 feet from the daycare. The proposed modification of permit would make things significantly worse for both noise and privacy.



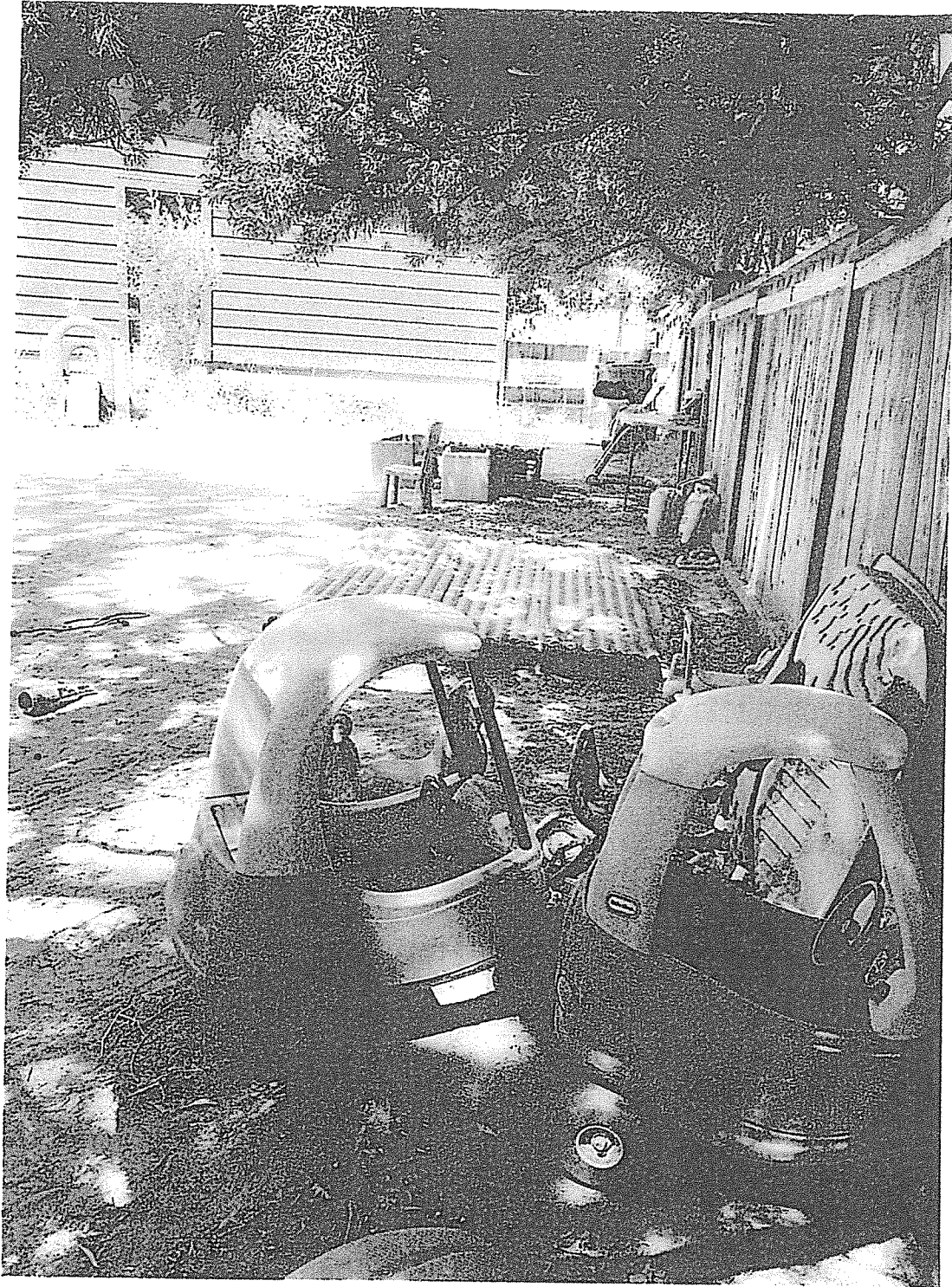
Location of 16 Ramona Way to Daycare



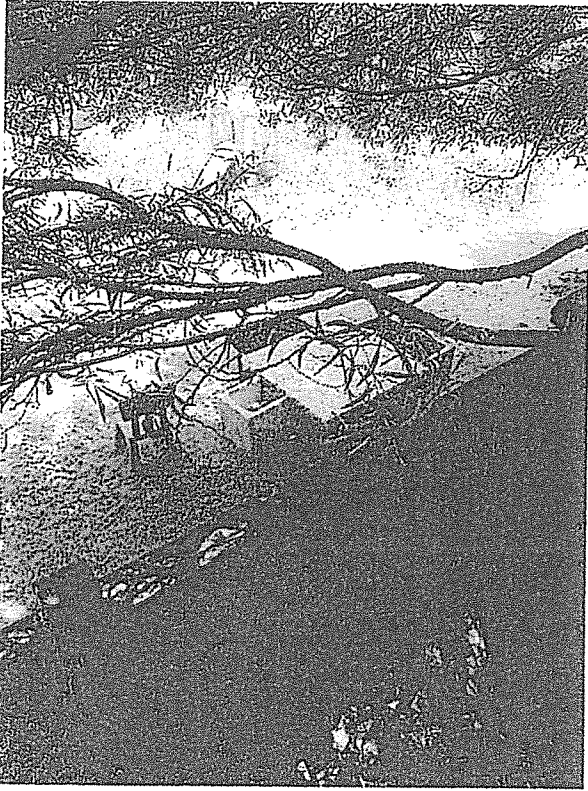
- Teachers congregate (for shade) under the tree and talk loudly.
- Sandpit and play structures are close to the fence which additionally escalates the noise levels towards our house.



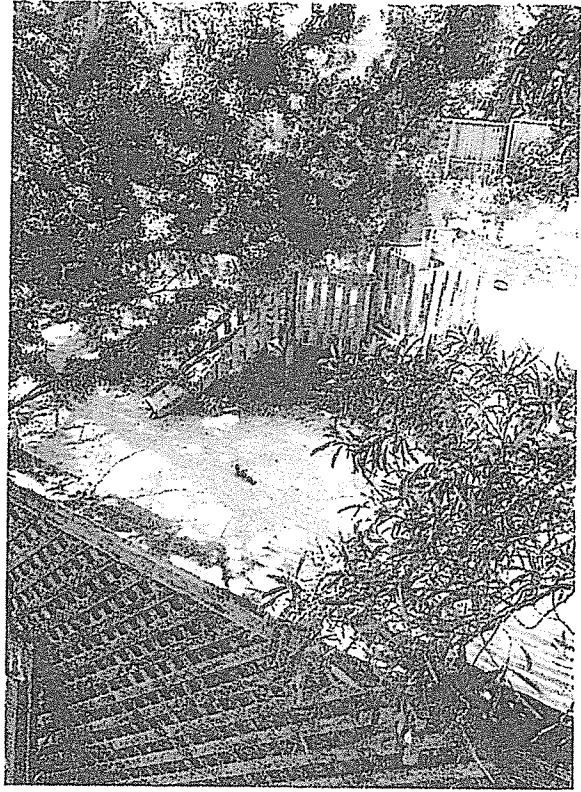
Location of sandpit and teacher congregation



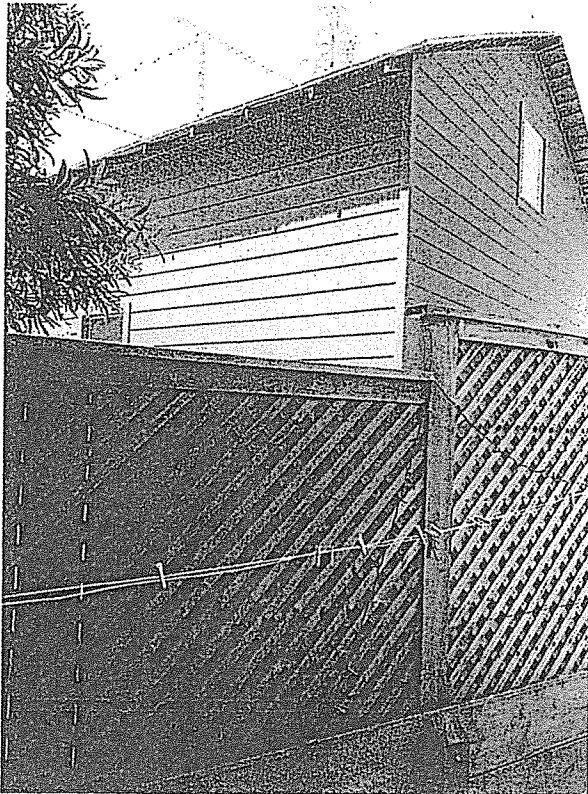
Entrance to 16 Ramona Way



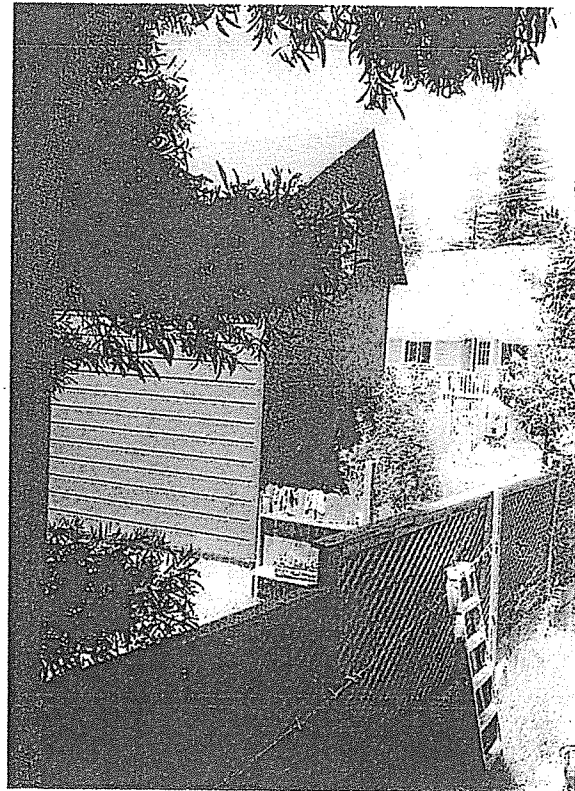
View of daycare from entrance way



View of daycare from entrance way



View of barn from entrance way

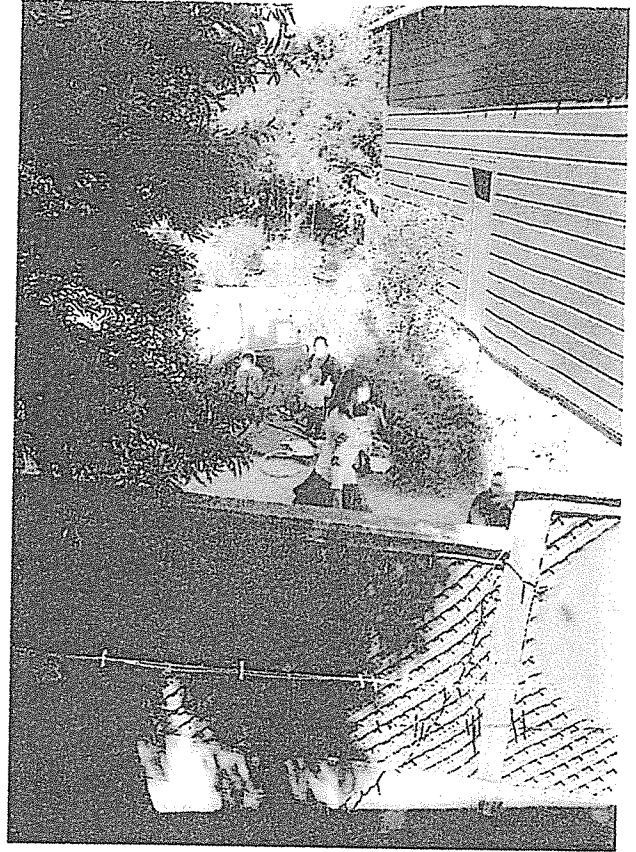


View of barn from entrance way

View – within 16 Ramona Way



View from hall Window
Privacy & noise issue.

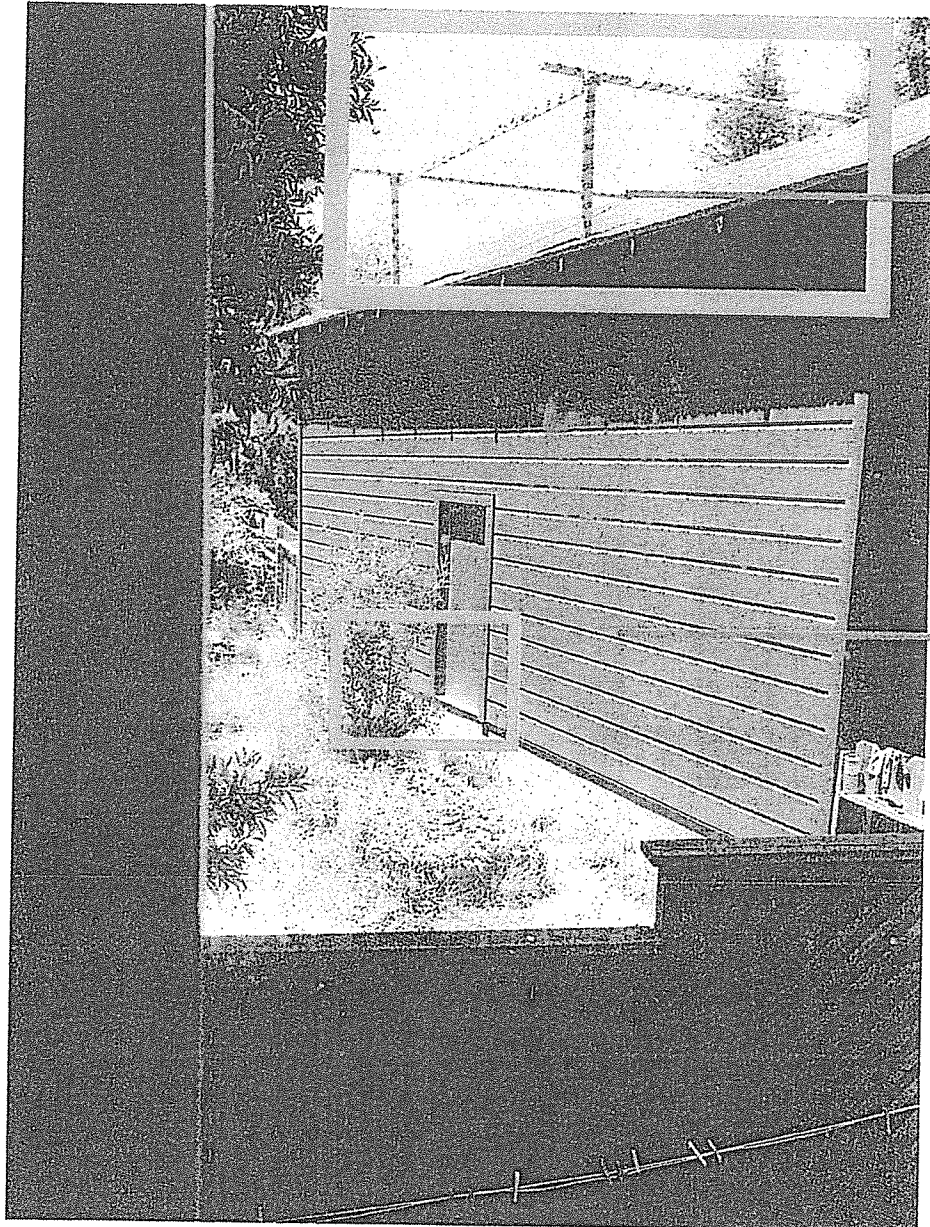


View from Kitchen Window
Privacy & noise issue – teachers, kids in front of kitchen window. Lot of foot traffic through gate/entrence.

View from Kitchen Window
Privacy & noise issue – parent being shown the play area. Or parent picking up their kid.



Proposed addition – Kitchen window view



Roof window/skylight

Structure of proposed entry way/exit

TOWN OF FAIRFAX

15 Ramona Way
San Anselmo, CA 94960

MAY 18 2017

RECEIVED

Re: Application #17-20 – 1569 Sir Francis Drake Blvd. Fairfax CA

Planning Commission, Town of Fairfax

We do not approve of the daycare expansion (as is) because it will significantly increase noise levels in our neighborhood. Significant changes to the day care facility would have to take place to reduce those levels.

Sincerely,

Handwritten signature of Lee Hanson and Edelle Hanson in cursive script.

Lee Hanson
Edelle Hanson

Town of Fairfax
Department of Planning & Building Services
Attn. Linda Neal, Principal Planner
142 Bolinas Road
Fairfax, CA 94930

Subject: Support Letter Caterpillar Academy expansion plan

Date: June 12, 2017

Dear Ms. Neal and Town Officials,

With this letter we express our full support of the plans of the Caterpillar Academy, located at 1569 Sir Francis Drake Blvd., to put every effort in turning the adjacent barn into an additional childcare facility as part of the current school.

With this addition the Caterpillar Academy will be able to serve more families in our community who are in much need of childcare in the ages of 0-3 and hopefully eventually 3-5 as well. Although the Fairfax/San Anselmo community offers a variety of (pre)schools, qualified care is far from abundant and specifically for the youngest ones the possibilities are very limited. Providing an existing and excellent school with the opportunity to grow, is in our modest opinion crucial for the town of Fairfax and adjacent neighborhoods to remain attractive for young families to settle down.

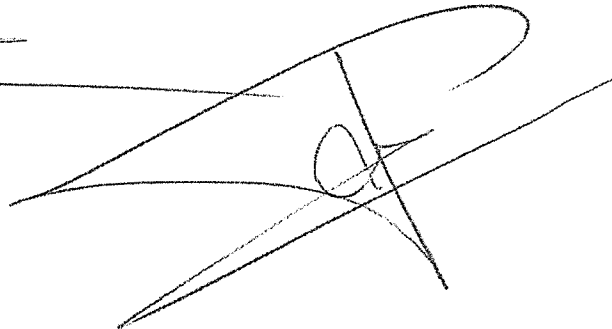
We are a family of five, currently residing in San Anselmo. Both our children of now 5 and 4 attended Caterpillar Academy during their first years, starting as babies of just a few months old. They had pleasure to experience the gift of this school to make kids feel truly loved and cared for. Also, the transition to preschool was seamless for both of them, in which Caterpillar Academy contributed greatly. We couldn't be more delighted our youngest son of 1 is currently enjoying the school as well. As a parent we feel Caterpillar Academy represents excellent childcare, professionalism and overall joy in carrying out their daily tasks, all factors you hope to find when turning your child into somebody else's responsibility.

We truly hope this letter of support is helpful in your consideration of the Caterpillar Academy's plans and ambitions. Thank you.

Kind regards,



The Vosbeek-Van Erp Taalman Kip Family
61 Angela Avenue
San Anselmo, CA 95960
415-448-5669



ATTACHMENT **E**

Linda Neal

From: bfarquhar@earthlink.net
Sent: Tuesday, June 13, 2017 1:42 PM
To: Linda Neal
Subject: 1569SirFrancisDrakeBlvd

Hi , I live next door to the day care center at 1569 Sir Francis Drake Blvd.

Regarding their plans for expansion , I am not opposed. The teachers and supervisors for the day care center do a good job watching the kids,[in no way are they out of control].

I think its a good use for the property , The kids and teachers are gone in the evenings and weekends ,[ideal for neighbors] and the noise is contained by the supervision of the teachers .

I also know the Segales as responsible , community orientated property owners who show patience dealing with neighbors .[a big plus in my book], They have indicated that there will not be parking on Hill Ave. , this eliminates the concerns of more traffic> They work with their neighbors!

Thank you for your time ,[I know your busy]

Bruce Goudie

37 Hill Ave., Fairfax

TOWN OF FAIRFAX

Town of Fairfax
Department of planning and Building Services
142 Bolinas Rd.
Fairfax, Ca. 94930

JUN 16 2017

RECEIVED

June 11th, 2017

Dear Council,

I am a parent of two boys and I live in San Geronimo Valley. I work full time, and when my first boy (Henry) was born, I looked high and low for a local daycare that would allow children under 6 months because I had to go back to work right away. Caterpillar is one of the only daycare locations in the area with this offering, and certainly is the only one that also offers the highest quality care around. I feel so lucky to have discovered Caterpillar, and have since referred many friends. My son Henry "graduated" from Caterpillar this spring and my other son, Sam, will be attending in the fall (he will be 7 months).

I can't speak highly enough about the teachers/guides at Caterpillar and I know that having the extra school space will make Caterpillar's offerings just that much better for local parents. This is an extremely valuable service to not only the Fairfax community, but the communities surrounding Fairfax as well. Finding affordable, trust-worthy childcare is a huge parenting hurdle, especially for parents who both work full time. The easier you can make it on parents to have access to places like Caterpillar, the healthier the community will be.

I understand that traffic is a concern. I had to drive through the Sir Francis Drake bottleneck every morning and expect to do so again when Sam starts up in the fall. But I can say that the trickle of cars that come in and out of the Caterpillar parking lot are nothing in comparison to the hoards of parents dropping their kids off at other local schools in the area. Plus, the guides at Caterpillar make an extra effort to ask parents to drop kids off and pick them up during "off hours" when possible. Most parents pick kids up around 5pm, well after the 3pm school rush. The parking lot is rarely (if ever) full, which means no one is parking on the street. The impact of a small expansion I imagine would be very minimal, especially in comparison to the benefits of allowing more/better access to such great childcare. I hope you approve their plans for the sake of everyone in the community and beyond.

Best,

Anna Schell
(415)404-0999



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

May 20, 2005

Skye Bailey
Little Arrows Child Care Center
P.O. Box 3004
San Anselmo, CA. 94979

NOTICE OF PLANNING COMMISSION ACTION

RE: 1569 Sir Francis Drake Boulevard; 05-18
Request for a Use Permit to operate a daycare facility in an existing 1,337sf single-family residence located on a property zoned for commercial use; Highway Commercial CH Zone; Assessor's Parcel No. 002-213-11; Skye Bailey, applicant; Gerald Segale, owner; CEQA categorically exempt per # 15301(a)

Dear Ms. Bailey,

At its meeting on May 19, 2005, the Fairfax Planning Commission approved the above referenced application subject to the following conditions of approval:

1. The fence at the rear of the property along Hill Avenue shall maintain a setback from the property line of at least 4ft.
2. The parking improvements, driveway access and fence around the playground area shall be installed prior to operation of the facility.
3. The walkway to the playground shall be surfaced with a permeable material other than gravel.
4. This approval is limited to the development illustrated on the plans prepared by Rushton Chartock Architects, page 1.1 dated 1/19/05.
5. The applicant shall comply with the Town Noise Ordinance, Chapter 8.16 of the Town Code.
6. The applicant shall comply with all the conditions placed upon Use Permit U-0506 by the Town of San Anselmo.
7. Any modifications of these conditions of approval or the approved plans must be approved by the Planning Commission.

8. The applicant shall comply with any and all conditions of approval of the Ross Valley Fire Department, Marin Municipal Water District, Marin Sanitary Service and Building Division of the Department of Planning and Building Services.
9. The applicant shall maintain the premises in a neat manner at all times during construction.
10. The applicant and all project contractors shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to, the Noise Ordinance, the Environmentally Acceptable Packaging Materials Ordinance, the Garbage and Rubbish Disposal Ordinance, the Stormwater Management and Discharge Control Program Ordinance and the clean Indoor Air and Health Protection Ordinance.
11. The applicant or permittee shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, and employees to attack, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department, committee, or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the Town promptly notifying the applicant or permittee of any said claim, action or proceeding and the Town's full cooperation in the applicant's or permittee's defense of said claims, actions or proceedings.

RIGHT TO APPEAL

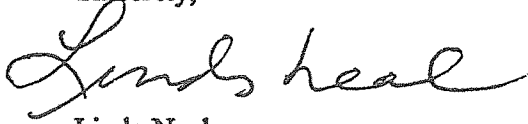
You and/or any interested citizen have the right-of-appeal to the Town Council from any action of the Planning Commission within ten days of the action. Contact the Planning Department staff at the Fairfax Town Hall for further information on how to appeal a Planning Commission decision.

DESIGN REVIEW BOARD HEARING

The project has been tentatively scheduled for review before the Fairfax Design Review Board on June 8, 2005. Please submit elevations showing the proposed height and materials of the fence. If you reach an agreement with the owner of the neighboring property on Romano way regarding a vegetative screening species, indicate the species, number and location of the screening trees or shrubs on the site plan and submit the plan along with the fence submittal. This information must be received no later than May 26, 2005 in order for the project be heard on June 8th.

If you have any questions regarding the Planning Commission action please do not hesitate to contact the Fairfax Department of Planning and Building Services.

Sincerely,

A handwritten signature in cursive script that reads "Linda Neal".

Linda Neal
Senior Planner

cc. , Director of Planning and Building Services