

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION RESOLUTION NO. 04-01**

**A RESOLUTION OF THE SAN ANSELMO PLANNING COMMISSION APPROVING THE DESIGN OF A  
SECOND UNIT RESIDENTIAL DWELLING AT 125 REDWOOD ROAD, A/P 7-083-03**

WHEREAS, an application was initially filed with the Town of San Anselmo on February 19, 2004, requesting approval of a use permit and variances to construct a residential second unit at 125 Redwood Road, A/P 7-083-03; and

WHEREAS, on May 3, 2004, June 7, 2004, and June 21, 2004, the Planning Commission held a public hearing and accepted public comment on the proposal.

**NOW, THEREFORE**, the Planning Commission of the Town of San Anselmo does hereby resolve as follows:

**I. Findings required for the approval of the Use Permit and Variances pursuant to Sections 10-3.1305 and 10-3.1405 of the San Anselmo Municipal Code are as follows:**

**USE PERMIT**

- 1 *The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town.*

The proposed 2<sup>nd</sup> unit use permit will not be detrimental to the neighborhood because it currently exists as an accessory building. Its conversion to a residential second unit will have no detrimental land use effects to the neighborhood or general welfare of the Town. The potential parking impact will be adequately mitigated by providing the necessary parking required by the San Anselmo Municipal Code.

**VARIANCES**

1. *Due to the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict interpretation of the controlling zoning ordinance or regulation deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated*
  - a) Special circumstances exist for the amended variance requesting a 26.5'x26' accessory building within 8' of the east property line and 5' of the south property

line due to the fact that a variance has already been approved for this building with a dimension of 24'x26' and the additional 2.5' does not alter the intent of the approved variance or surrounding impacts.

- b) Special circumstances exist for the establishment of a 2<sup>nd</sup> unit within the south and east setbacks due to the fact that an accessory building already exists with approved variances and the establishment of a habitable 2<sup>nd</sup> residential unit within that building will not affect exterior land use impacts.
- c) Special circumstances exist to allow a retaining wall in excess of 4' in height within +/- 0' of the front yard and +/- 0' of the south side yard because of the extreme topography limiting the ability to provide adequate parking.

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

- a) The granting of an amended variance to allow a 26.5'x26' accessory building will not materially affect adversely the health or safety of persons in the neighborhood and will not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood because the additional 2.5' of building length does not alter the neighborhood impact and will be required to be built in accordance with the Town Building and Safety standards.
- b) The establishment of a habitable 2<sup>nd</sup> unit use within an existing accessory building will not adversely affect the neighborhood or be detrimental because it will be entirely located within the existing building and be required to meet applicable building codes.
- c) The construction of a retaining wall in excess of 4' in height will not materially affect adversely the neighborhood and will not be detrimental because its construction will be required to meet all building and public works safety codes.

II. **The Use Permit and Variance requests mentioned herein to allow a 689 square foot second residential unit project are hereby approved in accordance with the plans date stamped received by the Town of San Anselmo on June 17, 2004 except as may be herein modified and subject to the following conditions:**

- 1. Applicant shall pay all applicable planning processing fees and building permit fees prior to the issuance of any building permit.
- 2. The lower floor of subject 2<sup>nd</sup> unit/accessory building shall be restored to a setback from Savannah Avenue of fourteen(14') feet and the existing access way and door to such lower floor located within the southerly side yard setback area shall be removed. Said restoration and removal shall be indicated on the approved building plans and be completed prior to any final inspection or occupancy.
- 3. A deed restriction in a form approved by the Town Attorney shall be recorded limiting the use of the lower level portion of the existing building as an accessory use. Said deed restriction shall be recorded prior to any final inspection or occupancy of subject second residential unit, and shall provide an expedited enforcement mechanism in the event of violation.

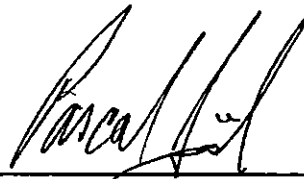
4. Proposed coastal redwood trees and irrigation installations shall be approved by the Town prior to any final inspection or occupancy of the second residential unit.
5. The proposed required parking adjacent to Redwood Road shall be installed prior to any final inspection or occupancy of the residential second unit. Detailed plans for the parking space and accompanying retaining wall shall be approved by the Director of Public Works prior to the issuance of any building permit.
6. A detailed landscaping and irrigation plan providing screening of the proposed retaining wall adjacent to Redwood Road shall be submitted to and approved by the Planning Director prior to the issuance of any building permit for subject project. Such landscaping shall be installed prior to any occupancy or final inspection of the second residential unit.
7. Applicant shall maintain all required landscaping in perpetuity and provide a deed restriction for it in a form approved by the Town Attorney.
8. If construction is not commenced within one year from the date of final Planning Commission action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.
9. Applicant shall comply with all requirements of the Marin Municipal Water District and other utility agency requirements as applicable regarding this second residential dwelling unit.
10. Applicant shall meet with neighbors at 20 Savannah (Moore's) regarding landscaping adjacent to Savannah Ave. Plans shall be approved by the Town Planning Department, and landscaping installed prior to any final inspection or occupancy.
11. A deed restriction shall be recorded in a form approved by the Town Attorney preventing any elevated deck constructions along the westerly side of the residential second unit.

PASSED AND ADOPTED by the San Anselmo Planning Commission at on June 21, 2004, by the following roll call vote:

AYES: Jochum, Sisich, Harris

NOES: House

ABSENT:



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Planning Commission Chair