ORDINANCE NO. 1113

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO REZONING PROPERTY LOCATED AT 754 SIR FRANCIS DRAKE BOULEVARD (APN 006-091-39) FROM C-L LIMITED COMMERCIAL DISTRICT TO PPD/SPD PRELIMINARY/SPECIFIC PLANNED DEVELOPMENT DISTRICT AND APPROVING THE SPECIFIC PLAN FOR THE PPD/SPD

WHEREAS, an application was filed with the Town of San Anselmo on February 25, 2015, requesting approval of Design Review for the construction of a new building, Conditional Use Permit for residential use in the C-L Limited Commercial zoning district and for demolition of structure, Grading Permit for grading over 100 cubic yards, and Waiver/reduction of development standards under California State Density Bonus law to permit three story height (two stories permitted), 32 foot height (30 feet permitted) and over 18,628 square feet of floor area (100% Floor Area Ratio permitted) with two units proposed to be deed restricted for very low income housing; and

WHEREAS, a Negative Declaration of Environmental Impact was prepared for the project in accordance with the provisions of the California Environmental Quality Act; and

WHEREAS, on January 11, 2016, a public hearing was conducted by the Planning Commission and the Planning Commission voted 5-0 (Planning Commissioners Cronk and Krebs absent) to continue the project for redesign due to concerns with the design, size of project, height, and mass, and for additional investigation on air quality due to the location near the gas station and roadway; and

WHEREAS, on June 6, 2016, a public hearing was conducted by the Planning Commission and the applicant presented revised plans (dated April 2016) and additional air quality analysis to the Planning Commission (Planning Commissioners Cronk and Pipkin absent) and, which continued the item to allow the applicant to address minor concerns with the design, such as removal of shutters and modification of front deck areas; and

WHEREAS, on June 20, 2016, a public hearing was conducted by the Planning Commission and the Planning Commission considered revised plans (dated June 20, 2016) and voted 5-0 (Planning Commissioners Swaim and Pipkin absent) to approved the project; and

WHEREAS, On June 29, 2016, Faranak and Joseph Asemi, owners of 20 Luna Lane, and San Anselmo resident Harold Murphy, AIA, RAIA, filed an appeal of the Planning Commission decision based upon claims of poor design and other considerations; and

WHEREAS, on July 26, 2016, the Town Council held a duly noticed public hearing on the appeal and adopted Resolution 4174, upholding the appeal in part to remove the requirement for the applicant to pay the full cost of a new crosswalk, which was estimated to cost $200,000, and was estimated to serve only 38 households; and
WHEREAS, the applicants Monfredini Properties LLC have submitted an application to revise the design of the project to reduce the number of units from 16 apartments to 12 apartments and reduce the visual bulk and mass of the design and staff has recommended that the Town Council rezone the parcel located at 754 Sir Francis Drake Boulevard (Assessor Parcel Number 006-091-39) (hereinafter, the "Property") from C-L Limited Commercial District to PPD/SPD Preliminary/Specific Planned Development District; and

WHEREAS, the Planning Commission considered the project at a public meeting on December 5, 2016, and it made a recommendation that the Town Council approve the proposed rezoning and specific plan; and

WHEREAS, the Planning Commission found that rezoning the Property is desirable to retain flexibility in developing the site for housing near transit and services and to encourage the development of two units that will be restricted for very low income housing, in furtherance of the Town Housing Element goals.

NOW, THEREFORE, the Town Council of the Town of San Anselmo does hereby ordain as follows:

SECTION 1: Findings. The Town Council finds that the zoning ordinance amendment in its entirety complies with all provisions of the Town of San Anselmo General Plan based on the Findings set forth in Exhibits C. The Property, which is currently developed with commercial development, is currently zoned for Limited Commercial development. The proposed project would result in 2 affordable units and 10 market rate apartment units, in furtherance of the Town’s Housing Element.

SECTION 2: Rezoning. The Zoning Map of the Town of San Anselmo, codified as San Anselmo Municipal Code Title 10, Chapter 3, Section 10-3.203, is hereby amended by rezoning the Property located at 754 Sir Francis Drake from C-L Limited Commercial to PPD/SPD Preliminary/Specific Planned Development District.

SECTION 3: Specific Plan. The Specific Plan for development of the Property located at 754 Sir Francis Drake, Assessor’s Parcel Number 006-091-39, shall be for 12 apartments as depicted in plans approved by the Town Council on 01/24/2017 dated “November 2016” and as conditioned in the Conditions of Approval, Exhibit B. Approval of the Specific Plan is based on the Findings in Exhibit A and C and subject to the Conditions of Approval in Exhibit B.

(1) The site shall be used for multifamily residential use and landscaped yard area, as depicted on the approved plans.

(2) Access to the site shall be as provided on the plan. The rate and volume of site drainage shall be maintained in its existing path, which flows both east and west across Sir Francis Drake Boulevard to existing catch basins, or reduced. The site is already served by major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities. These components will be adjusted to support the 12 unit residential project, as depicted in the approved plan.
(3) Development shall substantially conform to the plan. A building permit must be obtained prior to construction. Any modifications to the proposed use or significant changes to the design require an amendment to the use permit and design review.

(4) Plans for utilities, access, solid waste disposal, energy, water supply, drainage shall be submitted with the building permit application and installed prior to project final and prior to issuance of any occupancy permit.

SECTION 4: California Environmental Quality Act (“CEQA”). Pursuant to CEQA, the Town approved a Mitigated Negative Declaration of Environmental Impact for the previously approved apartment building design for the project. The design modification approved as part of the specific plan project does not produce any environmental effects that were not previously studied; therefore, no additional environmental review is required. The conditions of approval subject the project to the same mitigation measures as previously approved for the Mitigated Negative Declaration of Environmental Impact.

SECTION 5: Effective Date. This Ordinance shall go into effect thirty (30) days from its adoption, and shall be posted or published as required by State law.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The Town Council of the Town of San Anselmo hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof and hereby declared to be severable.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on December 13, 2016, and was adopted at a regular meeting of the San Anselmo Town Council on January 24, 2017 by the following vote:

AYES: Coleman, McInerney, Wright, Brown
NOES: None
ABSENT: Greene
ABSTAIN: None

Kay Coleman, Mayor

Carla Kacmar, Town Clerk
EXHIBIT A
FINDINGS
754 Sir Francis Drake Residential Project

California Environmental Quality Act
1. The Town Council considered the Initial Study of Environmental Impacts and the conclusion that the project would not have a significant adverse impact on the environment with proposed mitigation measures and adopted a Mitigated Negative Declaration of Environmental Impact and mitigation measures. The proposed project is similar to the approved project but smaller in scale and has fewer units, and, therefore, fewer daily vehicle trips than the approved project. The proposed design modification does not produce any environmental effects that were not previously studied. Therefore, no additional environmental review is required. Draft conditions of approval subject the project to the same mitigation measures as previously approved for the Mitigated Negative Declaration of Environmental Impact.

Grading Permit Findings

2. The health, welfare and safety of the public will not be adversely affected
There will be no adverse effects to the public other than the temporary disruption associated with construction; all measures will be taken to protect, secure and maintain public safety throughout the course of the project. Engineered plans and a construction management plan are required.

3. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work
Engineered plans and a construction management plan are required. Geotechnical studies will be presented and reviewed by the San Anselmo Department of Public Works during the building permit review process.

4. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work
An engineered drainage plan will be required. Site runoff must be maintained or reduced. No sites are downslope of this site.

5. The amount of excavation, grading, or fill proposed is not more than is required to allow the property owner reasonably beneficial use of his or her property
The proposed project grading is the minimum necessary to widen an existing level area to construct minimum parking required for 16 apartment units. The density proposed is below what would be permitted for the site under the Density Bonus Ordinance.

6. The visual and scenic enjoyment of the area by others will not be unreasonably adversely affected by the project
The project is in a commercial zoning district and below multifamily residential development. The grading allows parking to be placed in a garage, screened from public view. All retaining walls will be screened by the proposed structure and landscaping.
grading allows for the structure to sit lower on the site, which improves the overall visual and scenic enjoyment of the area by others.

7. **Natural landscaping will not be removed by the project more than is necessary and that any removed vegetation will be replanted in a timely manner**
   The site has little landscaping in the area proposed for grading. A landscape plan is proposed.

8. **The time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes**
   The Public Works Department and Building Department will require Best Management Practices to be followed. All industry-standard methods of construction, including silt fences, hay bales, and drainage filtration will be utilized. All work will be monitored by the San Anselmo Public Works Department to ensure implementation and maintenance of erosion control protections throughout the project duration.

9. **The proposed excavation, grading, or fill does not violate the Town's General Plan or Zoning Codes**
   The proposed grading, excavation and fill will not violate the Town's General Plan and Zoning Codes. The site is near major roadways. 126 cubic yards of cut and 110 cubic yards of fill are proposed. The proposed grading will result in few additional construction trips.

10. **Sufficient erosion control measures will be employed to offset any impact by the proposed excavation, grading, or fill.**
    The applicant and owners will employ erosion control measures to offset impact of the proposed excavation, grading and fill as recommended by the project soils and civil engineer and an erosion control plan will be provided per Town requirements. All work will be monitored by the Public Works Department to ensure implementation and maintenance of erosion control protections throughout the project duration. Specific details will be coordinated with the Public Works Department and submitted as part of the building permit submittal.

**Specific/Preliminary Planned Development District**

11. In order to approve a Planned Development District, the Town Council must find:

    A. **The lot is of sufficient size and otherwise suitable for planned development.** The lot has a large level area adjacent to Sir Francis Drake Boulevard, which places the site in an ideal location for apartment housing near services, schools and transit. The lot is an adequate size for an apartment building and plans for the building will be reviewed with the rezoning request.

    B. **The lot or lots can best be developed or further developed by a specific integrated plan approved by the Town in advance of development or further development.** A planned development would provide assurance to the public regarding the potential...
development of the site. The planned development designation will allow the Town to approve an improved design for the site that will have less mass and fewer impacts than an approved project.

C. Planned development of the lot or lots would promote the purposes set forth in Section 10-3.901 of this article of the San Anselmo Municipal Code. The Town zoning code allows the Town to rezone sites with “special characteristics” to a Preliminary or Specific Planned Development District (“SPD”) designation “to allow their development without adherence to rigid zoning designations and restrictions.” The purpose is to, “provide for logical and orderly development, and at the same time, promote the health, safety, and general welfare of the Town.” The project site is steeply sloped, which requires all parking to be in a “floor” under development, which counts as floor area ratio. The parking floor limits the floors available for development and necessitating an exception to the standards for any development under the density bonus law. The proposed site zoning will allow development of an apartment building that includes 2 units of affordable housing deed restricted for very low income housing.

D. The planned development is consistent with the Town's General Plan, with specific reference to the applicable sections of the General Plan. (SAMC §10-3.906) The applicant has committed that at least 2 (16.7 percent) of the units in the 12-unit project will be affordable for very low-income households, which furthers the goals of the housing element. Details on the projects consistency with the general plan is in Exhibit C General Plan findings.

**Design Review Findings**

12. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.* (SAMC §10-3.1505(a)(1))

The project will remove a dated commercial building and large expanses of visible parking area, deteriorating landscaping, and asphalt. The proposed use will be similar to adjacent multifamily residential uses. The project maintains a setback from the adjacent gas station and unit windows are not oriented towards the gas station.

Based on the shadow study, the design of the project ensures adequate provision of sun, light and air to adjacent residential property to the north. Proposed colors and materials will be reviewed by the Planning Commission. The three-story elevation is broken up by changes of material, variations in the front setback from 16 to 40 feet from the roadway, and are softened with landscaping.

The stucco material and tile roof reflect the materials on several local buildings including the Tamalpais movie theater building and Town Hall. Trellises, decks and projections help to reduce the apparent bulk of the structure.

The height of the structure is compatible with the adjacent apartment building development, which is approximately 30 feet tall.
The project site is adjacent to a gas station and apartment buildings, including two 3-story apartment buildings to the northwest. The character of the neighborhood includes a “potpourri” of architectural styles, uses, materials, building forms, and building setbacks.

The shade study demonstrates the proposed structure will not impair access to light and air of structures on neighboring properties. Based on the story poles, it appears the proposed building will be slightly taller than the adjacent, flat roof, apartment structures. The building is closer to the street than immediately adjacent structures. However, the neighborhood includes several structures with no front yard setback. The project incorporates variations in building height in the stairwell and elevator, front entry, garage entrance, and covered porch areas. Exterior wall and roof articulation is included to avoid a monotonous structure. Materials draw from area structures, including clay tile roof, trellises, and stucco.

The building steps down to two stories on the front and on both east and west ends, breaking up the building form and giving the building a more pedestrian scale, despite its overall length.

13. Provides for protection against noise, odors, and other factors which may make the environment less desirable. (SAMC §10-3.1505(a)(2))

With application of conditions of approval proposed, the proposed project will not significantly increase noise, odors and other negative impacts caused by the operation of a multifamily development.

Auto Pollution
The existing site is adjacent to a heavily traveled roadway and gas station, which create existing air quality impacts. Based on the W-Trans Trip Generation Analysis for 754 Sir Francis Drake Boulevard, the project is expected to result in 147 fewer vehicle trips than existing uses. Therefore, overall vehicle emissions will reduce with the project. The garage will be required to comply with Building Code requirements for garage ventilation, primarily aimed at protecting residents from pollution. Since the garage is not fully enclosed, emissions from vehicles will dissipate, similar to the existing open parking lot conditions.

Noise
No project-specific noise studies have been conducted. The project site is adjacent to a four lane roadway, which creates high ambient noise levels during the day. Potential noise resulting from the project include temporary construction noise, automobile movement, mechanical equipment (HVAC, ventilation, elevator) and noise associated with residential use. No mechanical equipment is included in the current proposal.

Units at the rear elevation have small balconies. Sound carries uphill and activity on the proposed rear elevation decks may create unwanted noise for uphill neighbors. It is unlikely that residents will use all the outdoor areas simultaneously. It is expected that the
units will not have a large number of occupants generating noise on the balconies on a regular basis. The uphill neighbors are 60 or more feet from the proposed decks. These decks are small and each deck is very close to another neighbor’s deck. The small outdoor areas for the small units are a typical apartment amenity and will not be a significant noise concern.

Automobile movement noise is not expected to be an issue for neighbors, since the garage is enclosed on two sides and the neighboring/uphill living areas are approximately 40 feet higher in elevation than the garage floor and over 50 feet away from the garage. However, in the event the garage generates unanticipated vehicle noise for uphill residents, a condition of approval allows staff to require fencing or other mitigation to reduce vehicle noise from the garage up to one year from building occupancy.

Mechanical equipment could have the potential to generate noise that may affect interior noise levels within apartments and may carry towards adjacent residential sites. However, all mechanical equipment is subject to the existing Town Noise Ordinance. The Noise Ordinance makes it unlawful for anyone to, “operate any machinery or equipment, pump, fan, air-conditioning apparatus, or similar mechanical device or any radio receiving set, musical instrument, phonograph, television set, or other similar device” that would exceed decibel levels specified in the Noise Ordinance. The Town Noise Ordinance contains maximum noise level limits for specific zoning districts and times of day. The project site is adjacent to an R-1 single family zoning district (20 and 36 Luna Lane sites). Where the property boundary is shared with the R-1 single family zoning district, the R-1 decibel limits apply at the residential property lines. The decibel levels for the R-1 district are low: 45-55 decibels, depending on the time of day. The noise level is corrected for the time duration and character of the noise. For example, a noise with a steady hum, like an air conditioner, would reduce the permitted decibel level by 5 dBA. The noise ordinance limits may be lower than existing daytime ambient noise levels. The General Plan Noise Map indicates 1975 daytime/weekday noise readings were 55-65 dba in this area, when traffic counts were lower and vehicles were louder.

The following conditions have been included to address noise:

- The property owner shall provide all tenants with information on the Town noise regulations.
- Prior to the issuance of the building permit, the applicant shall provide adequate information, reports and data to the Building Department demonstrating that the noise level from heating, ventilation, and air conditioning (HVAC) units, elevator, and similar mechanical equipment, when measured at the property line boundary with the residential zoning district, complies with Town Noise Ordinance.
- A mechanical permit is required for any exterior mechanical equipment. Any exterior mechanical equipment to be added to the site shall be: 1.) screened from public and neighbor view; 2.) at or below the proposed maximum roof height; and 3.) an acoustical engineer shall certify that the equipment will comply with the Town noise ordinance.
14. *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.* (SAMC §10-3.1505(a)(3))

Based on the project description and plans, the project will not cause the surrounding area to depreciate materially in appearance or value, or otherwise discourage occupancy, investment, or orderly development in the area. The exterior materials, project design and landscaping will enhance the look of the parcel. Conditions of approval limit vehicles in order to minimize parking impacts on the nearby commercial district neighbors. Noise issues will be addressed through project permitting and conditions of approval.

Common sense indicates that construction of a new building to replace the existing structure with several vacancies will improve both commercial and residential property values in the area.

Increasing the number of housing units has the potential to decrease demand and lower prices for housing unit rental or ownership. However, since current demand is so great in the Bay Area, it is unlikely 12 new units will result in a drop in the rental rates in San Anselmo. With the exception of the two rent-controlled units, the new units may rent for higher square foot prices than other apartments within the Town, increasing the average rental price per square foot.

The building height is at 34 feet. The proposed roof height is approximately 6 feet higher than the level of Luna Lane, the road uphill from the development. Luna Lane is at an elevation of 129-130 feet. The proposed building has a parapet at 136 feet. The building would not obstruct views from the uphill apartments, which are a level above the Luna Lane roadway. The project includes a condition of approval for a fence along Luna Lane. With the proposed conditions, the building is not expected to decrease property values for adjacent sites. The 20 Luna Lane apartments will continue to enjoy the expansive hillside, Mt. Tamalpais and Mount Baldy views they enjoy today. The desirability of the 20 Luna Lane site may increase when it is adjacent to new residential, and not old commercial, development.

15. *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.* (SAMC §10-3.1505(a)(4))

The project traffic engineer indicates the additional vehicle trips will not be perceptible. The proposed ingress and ingress is nearly identical to existing conditions, which have existed since the 1980s. Town staff is not aware of any existing safety issues at the site or the adjacent roadway due to the existing development, which has higher daily traffic trips.

Based on the W-Trans Trip Generation Analysis for 754 Sir Francis Drake Boulevard, the residential units will generate fewer trips than existing development. The vehicles will enter and exit onto Sir Francis Drake in a traffic pattern similar to existing uses, since the driveways will be located in similar locations.
The proposed building is close to a major roadway and the site will be accessible for emergency personnel. Small emergency vehicles could use the proposed driveways and larger vehicles would stop on Sir Francis Drake to serve the site during an emergency.

16. **Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.** (SAMC §10-3.1505(a)(5))

   Based on the conditions of approval proposed, there are no indications based on the materials submitted that this project will adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.

**Safety of Air**

Based on the Ilingworth & Rodkin, Inc., Toxic Air Contaminate analysis for the project, residents will be subject to pollutants from the adjacent roadway and gas station. The Town has no air quality thresholds. The estimated air quality impacts for full time residents are within levels acceptable to the Bay Area Air Quality District.

**Safety of Site/Grading/Walls**

The Miller Pacific Engineering Group Geotechnical Investigation for the project concludes the proposed development is feasible from a geotechnical perspective. The project plans will be required to be engineered and meet current building code requirements. See further discussion under grading permit, below.

**Safety for Pedestrians**

Residents may use existing sidewalks and crosswalks to safely travel in the vicinity of the project.

17. **That the project will not be detrimental to the existing façade(s) of buildings constructed prior to January 1, 1960.** (SAMC §10-3.1505(f))

   The existing building was constructed in the 1980’s and not prior to January 1, 1960.

**Use Permit Findings**

18. **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.** (SAMC Sec. 10-3.1305)

   The project proposes 12 new apartment units in a commercial zoning district and a conditional use permit is required. The use is adjacent to a gas station and multifamily residential units. The residential use will be compatible with the adjacent residential uses. Air quality impacts have been studied and the use will not be detrimental to residents living adjacent to a heavily travelled roadway and gas station.

The project would include 12 housing units (including 2 affordable units) within walking distance of a grocery store, shops, restaurants and other services and amenities and is located in an area that is well served by transit and within walking distance of the Town’s
transit center.

The project would further the purposes of the housing element by creating additional housing, and affordable housing. The project will help meet the Town's affordable housing production goals by providing two affordable units to low-income households.

The construction of 12 new dwelling units in an area near amenities, services and transit will help reach Climate Action Plan goals by provide transit-oriented, sustainable and accessible housing opportunities:

The project will help foster increased pedestrian and economic activity by increasing the residential population (and potential customer base) of the downtown area.

The project includes conditions to minimize parking demand so that nearby residents and businesses are not impacted by loss of parking. Conditions of approval will help reduce car ownership in the project and discourage use of on-street parking. Conditions of approval include measures to minimize noise, limit parking to one vehicle per unit, and preclude issuance of Overnight Parking Hardship permits in order to minimize parking impacts to the adjacent residential neighborhood.

The existing residential land uses have existed together for over 40 years and the additional multifamily units would be similar and compatible to the existing residential uses. The existing site is developed with a commercial building and has two access points to Sir Francis Drake. The existing commercial uses have traffic that enters and exits on Sir Francis Drake in a pattern similar to what is proposed for the development. Based on the W-Trans Trip Generation Analysis, the typical traffic trips generated by 12 residential units is lower than typical traffic trips for a commercial building the size of the existing building. Therefore, the project is expected to reduce daily traffic. Current uses include a chiropractor and nail salon, which have regular traffic trips throughout the day.

The project site is adjacent to Sir Francis Drake, which has high volumes of traffic (nearly 35,000 vehicles pass this area of Sir Francis Drake daily¹) and also a gasoline fuel station (Bay Area Air Quality Management District Plant No. G10858). Benzene emitted from fuel vapors is a Toxic Air Contaminant (TAC) due to its potential to cause cancer to nearby residents. Health effects associated with TACs include both long term health impacts such as cancer, birth defects, neurological damage, asthma, bronchitis or genetic damage and short term effects such as eye watering, persistent cough, running nose, throat pain, and headaches. Many scientific studies have linked fine particulate matter and traffic-related air pollution to respiratory illness and premature mortality.² The Town retained an air quality consultant to analyze the air quality risks and the report concludes

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Exhibit A, Page 8
the risk to future residents is within levels acceptable to the Bay Area Air Quality District. The Town has not set any specific thresholds for air quality (see TAC Assessment).

The project complies with the Town parking regulations and provides 17 parking spaces where 14 spaces are required by Town code. However, there is no on street parking available near the project site, unlike most areas within the Town. Some street spaces are available on the south side of Sir Francis Drake, but these are not convenient without a crosswalk. Street parking in the 700 block of Sir Francis Drake is already in high demand for the many existing businesses that have limited parking. It would be difficult to add additional parking to the plan. In order to decrease parking demand, staff has included draft conditions of approval that require the property owner to limit the number of vehicles for residents to 21 and to preclude issuance of overnight parking permits.

A 100% residential project in this commercial area will not be detrimental to the commercial uses or vitality of the commercial district. The property owner indicates the commercial rentals have not been successful at this site. The primary storefront at the site has been vacant for many years. The site is adjacent to a heavily travelled roadway which makes it difficult to access, in addition to not having any direct access from eastbound Sir Francis Drake.

19. The granting of the use permit will not allow a use which generates traffic at a rate greater than: 1.) Fifty (50) vehicle trip ends for each 1,000 gross square feet of gross leasable building area, or 2.) The existing number of trips during the a.m. and p.m. peak hours generated by the existing use as of July 22, 1997 (the determination for vacant buildings will be the most recent use between February 26, 1991 and July 22, 1997) on Sir Francis Drake Boulevard. Those numbers of traffic trips typically generated for existing and proposed uses shall be obtained from the current edition of Trip Generation, Institute of Transportation Engineers. (SAMC Sec. 10-3.1305(c))

A former San Anselmo Planning Director, who was planning director at the time this finding was adopted, indicates the analysis is an “either/or.” “In order for the ... use to be granted a use permit ... the traffic generation for the ... use has to conform to either 10-3.1305(c)(1) or (2).” (Email from Lisa Wight to Elise Semonian dated September 25, 2015, related to use permit for H&R Block to replace hair salon at 805 Sir Francis Drake Boulevard) Therefore, to be consistent with past application of the provision, the residential apartments would have to generate more trips than 50 trip ends or more traffic than the commercial uses in 1997. This is consistent with how the finding was applied for the H&R block use permit and the use permit for the tire store at 610 Sir Francis Drake. The finding was not made for the residential unit added at 711 Sir Francis Drake Boulevard, possibly since the unit could be expected to reduce traffic trips as a live/work use.

According to the W-Trans Trip Generation Analysis, the twelve residential units will generate 80 trips per day, 6 AM Peak Hour Trips and 7 PM Peak Hour Trips.
Residential trip ends are based on dwelling unit and not square feet. Each unit is expected to generate 6.65 trips per day. Since each unit is 1,130 square feet or smaller, there is no way the units will generate more than 50 trip ends per 1,000 square feet.

The Town’s 1997 Evaluation of the Potential Traffic Impacts of Changing the Zoning for Specific Parcels on Sir Francis Drake Boulevard study estimated 754 Sir Francis Drake generated 3 AM and 13 PM Peak Hour trips for “Strip Retail/Service” use of the site. However, the 1997 report greatly underestimated the size of the space as 1,370 square feet, instead of 5,700 square feet. Using the correct building size and the 1997 trip generation rates, the 1997 use generated 14 AM Peak Hour Trips and 52 PM Peak Hour Trips. Using the more conservative 1997 professional office rate, the uses generated 10 AM and 10 PM Peak Hour Trips.

Therefore, since the proposed use will generate only 6 AM Peak Hour and 7 PM Peak Hour trips, the proposed use does not generate more AM Peak Hour and PM Peak Hour trips than the 1997 use at the site.

The 2015 W-Trans study more conservatively estimates the existing uses generate 5 AM Peak Hour Trips and 15 PM Peak Hour Trips. In this case, the proposed use generates 1 more AM Peak Hour Trips than the existing use and fewer PM Peak Hour Trips. However, the residential use does not exceed both the AM Peak Hour and PM Peak Hour trips, just the AM Peak Hour Trips.

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The C-L Use Permit finding requires the Town to obtain the traffic trips from the “current edition of Trip Generation, Institute of Transportation Engineers.” (SAMC Sec. 10-3.1305(c)) Since so many residents have questioned the national trip generation rates, staff did an informal one day survey of AM Peak Hour trips for San Anselmo apartment buildings. The results (included on page 5 of the June 3, 2016 staff report) indicated the AM Peak trips were minimal and consistent with the national trip estimates:

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</table>
20. Demolitions of Commercial Structures: The Town will encourage the preservation, maintenance, restoration, rehabilitation, moving or continued use of all structures of historic, cultural, or aesthetic value. The granting or denying of a conditional use permit for the demolition of structures may also be subject to the following findings based on substantial evidence as determined by the Planning Commission or Town Council.

a. Failure to approve a demolition permit will cause immediate and substantial hardship because of the conditions peculiar to a particular structure, and such hardship has not been created by an act of the owner in anticipation of action under this chapter. Examples of hardship include health and safety hazards that cause the building to be unsafe. Personal, family, financing difficulties, loss of prospective profits and neighboring violations are not justifiable hardships.

b. It is necessary to reveal previous architectural features covered up, such feature that would be functionally and aesthetically compatible with the existing improvements and the natural elements of the area. (SANC Sec. 10-3.1305(e))

The existing commercial structure was built in the 1980s, designed by Robert Forsher around 1983. Forsher is a San Rafael architect. The building does not have historic, cultural or aesthetic value. Existing Town regulations would require construction materials to be recycled.
EXHIBIT B

CONDITIONS OF APPROVAL.

754 Sir Francis Drake Residential Development

The project is approved subject to the following conditions.

The Conditions of Approval & Mitigation Monitoring and Reporting Program shall be printed on the first sheets of the plans submitted for a building permit pursuant to this Use Permit, under the title ‘Use Permit Conditions’ or ‘Mitigation Monitoring and Reporting Program’.

The applicant shall ensure compliance with all of the following conditions. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

1. Except as expressly specified herein, the project shall substantially conform to the site plan, floor plans, civil plans, landscape plans and building elevations reviewed by the Planning Commission at their December 5, 2016, meeting, dated “November 2016”.

2. Staff reserves the right to require any modifications to the project design made after project approval to be reviewed and approved by the Planning Commission after mailed notice to property owners within 300 feet.

3. Fencing or other mitigation may be required up to one year from building occupancy to reduce vehicle noise from the garage if vehicle movement creates noise that is found to be an annoyance to a person of reasonable sensibilities.

4. Except as otherwise provided in these conditions, the materials, including proposed colors, shall not be modified before or after project final without prior Town review and approval.

5. Utilities shall be undergrounded and not connected to Luna Lane utility poles.

6. No construction parking is permitted on Luna Lane.

7. No exterior mechanical equipment and no air conditioners are proposed on the approved plans. A mechanical permit is required for any exterior mechanical equipment. Any exterior mechanical equipment to be added to the site shall be: 1.) screened from public and neighbor view; 2.) at or below the proposed maximum roof height; and 3.) an acoustical engineer shall certify that the equipment will comply with the Town Noise Ordinance (San Anselmo Municipal Code Title 4, Chapter 7).

8. The approved use and/or construction are subject to, and shall comply with, all applicable Town ordinances and laws and regulations of other governmental agencies.

9. This Permit authorizes a 12-unit rental (not condominium) project with 17 parking spaces, as proposed in the plans dated November 2016, and excludes other uses and activities. This approval terminates all other uses at the location. Modifications to the use or conditions of approval shall require review and approval by the Planning Commission.
10. The project shall provide 2 below market rate dwelling units for very low income households ("BMR Units"), for a period of 55 years, which are provided in consideration of the special planning district zoning and exceptions to standard zoning code requirements for height, floor area and number of stories. Prior to the issuance of a building permit, the applicant shall enter into a Regulatory Agreement that implements this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the Town to be necessary to ensure compliance.

11. The maximum qualifying household income for the BMR Units shall be 50 percent of area median income (AMI), and the maximum housing payment shall be 30 percent of 50 percent of AMI, as set forth in the following paragraphs of this condition. If the BMR units are occupied by very low income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for comparable units in the development.

12. In addition, the following provisions shall apply:
   a. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h).
   b. Rent shall include a reasonable allowance for utilities, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.
   c. The AMI shall be based on the income standards for the Marin County Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the Town will designate another appropriate source or method for determining the median household income.
   d. The applicable AMI for the purpose of determining the allowable rent for each unit shall be adjusted for family size.

13. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow the provision of additional BMR units, or additional affordability, than are required in the foregoing provisions.

14. The Town may require a deposit to pay for the cost of monitoring compliance with these Conditions of Approval and other applicable peer review, conditions and regulations. Should compliance-monitoring expenses exceed the initial deposit, the applicant shall
deposit additional funds to cover such additional expenses upon the request of the Planning or Building Department. Any unused deposit will be refunded to the applicant.

15. A Construction Management Plan (CMP) shall be submitted to the Town as part of the Building Permit and/or Grading Permit application and shall be incorporated into the plans. This CMP shall be a binding document. Failure to adhere to the plan may result in a “Stop Work Notice” being placed on the project. An electronic copy of the APPROVED CMP shall be submitted to the Town, and may be posted to the Town’s website. The CMP shall be updated as project conditions warrant. Updates to the plan shall be provided to the Town for review and approval. The CMP shall include but not be limited to:

a. Work schedule (start of construction date, road or lane closure intent/dates, important milestones and proposed final dates)
b. Construction Hours
c. Construction Waste Management Plan
d. Staging/storage type and location
e. Travel routes and turn-around locations
f. Road and/or lane closures (Applicant to provide information on how many anticipated road closures, and the reasons for each road closure).
g. Worker auto parking space locations/construction parking
h. Phasing (if applicable)
i. The hours of construction activity.

16. A 24-inch by 36-inch weatherproof copy of the approved CMP shall be posted on the site as part of a job site sign and located so as to be clearly readable from the public right-of-way. In addition to the approved CMP, the sign shall include the following information:

a. Address of the project site.
b. Permitted hours of construction and of deliveries/off-haul.
c. Name, e-mail address and direct phone number of the General Contractor.
d. Name, e-mail address and direct phone number of the person responsible for managing the project.
e. Name and direct phone number of the party to call in case of an emergency.
f. Town of San Anselmo Building Department phone number.

17. All construction materials, debris and equipment shall be stored on site. No storage is permitted on Sir Francis Drake Boulevard. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to
placing any construction materials, debris, debris boxes or unlicensed equipment in any other right-of-way.

18. All portions of the job site shall be maintained in an organized and professional condition. All trash, debris, construction scraps and broken/deteriorated machinery shall be removed from the site by the end of each week. If off-loaded construction materials are not used within 2 weeks, they shall be screened from public view.

19. The Town has adopted Green Building Requirements (San Anselmo Municipal Code Title 9, Chapter 19) to reduce greenhouse gas production and emissions from development. The project must achieve at least 60 points on the most recent version of the Build It Green Greenpoints Rated New Home Multifamily Checklist. The project must be 15% below the energy budget for California Title 24. An independent Third Party Green Point Rater and Approved Certification from Build It Green will be required prior to project final.

20. The project shall comply with the Town requirements for Construction and Demolition Debris Recycling. The Town may request receipts or reports as necessary to ensure compliance with this requirement.

21. No overnight parking permits (Pursuant to SAMC 3-5.1207(c), as may be amended from time to time) shall be issued to project residents. The project planner shall notify the Central Marin Police Authority to add the project addresses to the list of addresses ineligible for overnight parking permits. The property owner shall notify all tenants of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the Planning Department prior to issuance of an occupancy permit or final inspection.

22. The property owner shall limit motor vehicles for tenants/residents to the number provided on site. The property owner shall provide tenants with notification of this restriction prior to entering into any rental agreement. Violations of the rental condition by tenants shall be considered a violation of the use permit.

23. A surveyor shall verify that foundation location is in compliance with setbacks from property lines as shown on the plans prior to the first inspection on the project foundation. A surveyor shall verify the first floor elevation and the roof elevation prior to project final.

24. A building permit, grading permit, hauling permit and encroachment permit shall be obtained for the project.

25. The applicant shall submit a detailed lighting plan for review and approval by the Planning Department and Building Department. Shielded and downcast exterior light fixtures are required. The lighting plan shall indicate the locations and specifications for all exterior light fixtures. Lighting shall be designed to focus the light onto only the areas necessary to be illuminated and minimize overflow of lighting off-site. Exterior lighting shall not include unnecessary illumination of building or site walls. Town staff
will review compliance with this condition after installation of the lighting and reserves the right to require adjustment or elimination of lighting that violates this condition.

26. During project construction, the project contractor shall comply with the Basic Construction Mitigation Measures recommended by the Bay Area Air Quality Management District, including:
   a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
   b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
   c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
   d. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
   e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
   f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
   g. Post a publicly visible sign with the telephone number for the building department to contact regarding dust complaints. The Building Official or his designee shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
   h. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
   i. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
   j. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways.
   k. Minimize the idling time of diesel powered construction equipment to two minutes.
24. Prior to the issuance of a grading permit, plans shall include a notation indicating that if cultural resources or human remains are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the contractor shall immediately notify the Town of the discovery. If human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Marin County Coroner shall be contacted immediately. The Town, at the expense of the project applicant, shall retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Town for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the vicinity of the discovery, as identified by the qualified archaeologist, shall not be allowed until the preceding steps have been taken.

25. The project geotechnical engineer shall evaluate stability conditions on and adjacent to the site, and provide any geotechnical recommendations for the protection of proposed improvements. Off-site conditions shall include review uphill roadway and slide areas and regional mapping by Rice, Smith and Strand (Geology for Planning: Central and Southeast Marin County, 1976). The project geotechnical engineer should review and approve all geotechnical aspects of the project civil and structural plans to ensure conformance with their geotechnical recommendations. The results of the plan review should be summarized by the project geotechnical engineer in a letter submitted to the Town for review and approval by the Town staff.

27. An engineered drainage plan shall be submitted with the grading and building permit application. The applicant shall submit a hydrologic report and calculations to support the design and sizing of the system to convey a minimum of the 10-year storm event. The location for the connection to the existing storm drain system needs to be determined and shown on the plans. Hydrologic analysis is required to verify the stormwater inflow will not increase or exceed the capacity of the existing storm drain system.

28. The project shall comply with the Town of San Anselmo Urban Runoff Pollution Prevention Ordinance. An Erosion and Sediment Control Plan (ESCP) shall be required. The ESCP shall be implemented year round and must be updated to reflect changing conditions on the project site. Any modifications to the ESCP shall be submitted to the Town for review and approval.

29. The project shall include bioretention or permanent stormwater controls designed to remove sediment and other pollutants and to mimic the pre-project site hydrology by controlling the flow rates and/or the volume of stormwater runoff from the project’s added impervious surfaces. The selection and design of such controls shall be in general accordance with criteria established or recommended by federal, state, and local agencies, and where required by the Town, the San Anselmo Specific BASMAA Post Construction Manual. Where physical and safety conditions allow, the preferred control measure is to retain drainage ways above ground and in as natural a state as possible, or other biological methods such as bioretention areas.
30. The applicant shall develop, submit and implement a Stormwater Control Plan (SCP). The SCP shall follow the appropriate SCP template, based on project type, in the most recent version of the San Anselmo specific BASMAA Post Construction Manual. The specific practices proposed in the SCP shall be subject to the review and approval of the Town and shall be in general accordance with the San Anselmo specific BASMAA Post Construction Manual, and the Phase II Stormwater Permit. The SCP is separate and distinct from the ESCP requirements. All stormwater management facilities shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design guidelines for bioretention facilities are outlined in the San Anselmo specific BASMAA Post Construction Manual.

31. Applicants shall submit a preliminary Stormwater Facilities Operation and Maintenance Plan (O&M Plan). The approval of the O&M Plan by the Town is required prior to final inspection and approval of building permit closure.

32. All stormwater management facilities shall be maintained according to the approved O&M Plan. The person(s) or organization(s) responsible for maintenance shall be designated in the plan. The plan shall require that stormwater management facilities be inspected by those responsible for maintenance at least annually. The O&M Plan shall also describe how the maintenance will be funded. Upon the failure of a responsible person to maintain the stormwater management facilities in accordance with the O&M Plan, the Town may perform the maintenance and recover its costs from the responsible person as provided in the San Anselmo Municipal Code Section.

33. Where deemed appropriate by the Town, access by the Town staff to stormwater management facilities for inspections, as provided in San Anselmo Municipal Code and through such means as may be appropriate, including, but not limited to, legal agreements, recorded covenants or easements provided by the property owner.

34. All project proponents and their successors, or successors in fee title, in control of a project that is located within the Town shall submit one of the following as a condition prior to final inspection and approval of building permit closure: 1.) The project proponent's signed statement accepting responsibility for the operations and maintenance of stormwater management facilities until such responsibility is legally transferred to another entity; 2.) Written conditions in the sales or lease agreements or deed for the project that requires the buyer or lessee to assume responsibility for the operations and maintenance of the stormwater management facilities until such responsibility is legally transferred to another entity; 3.) Written text in project deeds that require the property owner—or conditions, covenants and restrictions for multi-unit residential projects that require the homeowners association or, if there is no association, each individual owner—to assume responsibility for the operation and maintenance of the stormwater management facilities until such responsibility is legally transferred to another entity; or 4.) Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns the operation and maintenance of the stormwater management facilities to the project owner(s) or the Town.
35. A form of financial security may be required to ensure that stormwater management facilities operate and are maintained following construction for a period that may be determined by the Town. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the Town.

36. The Town may require submission of a drainage/hydraulic/hydrologic analysis prepared by a professional engineer and establish specific runoff reduction standards.

34. During project construction Public Works staff shall inspect the site at the following times to ensure compliance with the erosion control plans: 1.) Prior to land disturbance; 2.) After each major rain event (the Town may require the applicant to conduct and document these inspections); 3.) Once during active grading; and 4.) At conclusion of project (final soil stabilization). There shall be re-inspection after an inspector identifies BMP problems or receives complaints to verify corrections. The Town can require the applicant to submit proof (photo) demonstrating corrections have been made.

35. The property owner shall provide all tenants with information on the Town noise regulations.

36. Prior to the issuance of a mechanical or building permit for any new mechanical equipment, the applicant shall provide adequate information, reports and data to the Building Department demonstrating that the noise level from any heating, ventilation, and air conditioning (HVAC) units, elevator, and similar mechanical equipment, when measured at the property line boundary with the residential zoning district complies with Town Noise Ordinance decibel limits. The Town may retain an independent expert to evaluate the information submitted, at the applicant’s expense. The Town may retain an independent expert to measure the noise level from the equipment during times with low ambient noise. All mechanical equipment shall be maintained in compliance with the Town Noise Ordinance.

37. If equipment will be used that will cause vibrations, prior to approval of grading plans and/or prior to issuance of grading and building permits, and to the satisfaction of the Planning Department, the applicant shall retain a Professional Structural Engineer with experience in structural vibration analysis to perform the following tasks: 1.) review the project plans for demolition and construction; 2.) survey the project site and the existing residential neighborhood; and 3.) prepare and submit a report to the Planning Department to describe existing conditions, vibration level limits based on building conditions, soil conditions, and planned demolition and construction methods to ensure vibration levels below the potential for damage to neighboring structures. The report shall identify specific measures to be taken during construction to ensure the specified vibration level limits are not exceeded. The report shall include a monitoring plan to be implemented during demolition and construction.

38. The applicant shall request an on-site meeting with Town staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general
contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction are aware of the conditions of approval.

39. The property owner shall implement the following measures to minimize short-term noise levels caused by construction activities. Measures to reduce construction noise to the maximum extent feasible shall be included in contractor specifications and shall include, but not be limited to, the following:

a. Construction equipment shall be properly outfitted and maintained with manufacturer recommended noise-reduction devices to minimize construction-generated noise.

c. A noise disturbance coordinator shall be designated by the project applicant and will be responsible for responding to complaints about construction noise. The telephone number of the disturbance coordinator shall be posted in a conspicuous place at the construction site.

d. Construction hours, including the arrival and departure of employees, shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday.

e. Quiet construction work (such as hand painting and work inside the building) shall be allowed until 7:00 p.m. on weekdays and Saturdays from 9:00 a.m. to 5:00 p.m. and Sundays from 12:00 p.m. to 5:00 p.m. The construction work must not be heard from adjacent sites.

f. No amplified music or radios are permitted to be audible off the site.

g. Stationary construction noise sources such as air compressors, generators or pumps shall be shielded to minimize their sound and shall be located as far as practical from existing residences and businesses.

h. Impact tools and equipment shall have intake and exhaust mufflers recommended by the manufacturers. Pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers. In lieu of or in the absence of manufacturers’ recommendations, the Director of Public Works shall have the authority to prescribe such means of accomplishing maximum noise attenuation as he deems to be in the public interest, considering the available technology and economic feasibility.

i. All internal combustion engines for construction equipment used on the site shall be properly muffled and maintained.

j. All unnecessary idling of internal combustion engines is prohibited.

40. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 100 feet of the project site with (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Disturbance Coordinator for the project, (5) that
construction work is about to commence, and (6) designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, working too late, bad muffler, etc.) and institute reasonable measures to correct the problem. A copy of the notice and methodology for distributing the notice shall be provided in advance to the Town for review and approval.

41. Landscaping shall be installed within 6 months of building construction and prior to occupancy. Town staff may approve modifications to the landscape plan as necessary to comply with Ross Valley Fire Department and Marin Municipal Water District approval. Landscaping along the street frontage and west side of the building shall substantially conform with the approved landscape plan.

42. As required by San Anselmo Municipal Code Section 10-3.604 “Landscape Maintenance,” all landscaping shall be maintained in a healthy condition in accordance with approved landscaping plans. Any landscaping found by the Planning Director to not be adequately maintained, shall be considered a public nuisance.

43. The applicant has agreed to install a 6-foot fence along the Luna Lane Roadway. The fence shall be installed prior to project final.

44. The applicant shall comply with all requirements of the Marin Municipal Water District (MMWD) for water service prior to project final including compliance with all indoor and outdoor requirements of MMWD District Code Title 13 – Water Conservation. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted to the Marin Municipal Water District to confirm compliance or exemption. The Code requires a landscape plan, an irrigation plan, and a grading plan. Should backflow protection be required, said protection shall be installed as a condition of water service. A letter or email confirming compliance with MMWD’s requirements shall be submitted to the building department prior to project final. A graywater system may be required.

45. Applicants shall comply with all the requirements of the Ross Valley Sanitary District prior to project final.

46. The Building Department requires the plans submitted for a building permit to: 1.) Meet the requirements of California Building Code (CBC) Chapter 11A; 2.) Include a Geotechnical report; 3.) Provide complete building data, to include occupancies, types of construction, floor areas on each level, allowable building code area analysis (CBC chapters 3 and 5); 4.) Address existing needs to meet the requirements of CBC chapter 10; and 5.) Address the requirement that the parking garage have adequate ventilation (CBC 406 and 6). In addition, a grease interceptor may be required in the garage for the floor drains pursuant to the California Plumbing code.

47. The project shall comply with the requirements of the Ross Valley Fire Department memo dated 3/20/15.
48. Unless otherwise provided for in the Town Municipal Code, if an activity or development which has received discretionary approval has not begun within one (1) year from the date of the final action, the permit shall become null and void. The date of final action shall be either ten (10) calendar days following the date of action by the Planning Commission or the Town Council, whichever is last. The discretionary action previously approved by the Planning Commission, or Town Council for which the improvement permitted by the discretionary action has not been used or accomplished may be renewed by the Planning Director for a maximum period of one year provided that prior to the expiration of the discretionary action, the applicant submits a written statement to the Planning Director showing good cause, which shall be reviewed in accordance with the provisions set forth for discretionary actions as set forth in Article 7 of Title 10 of the San Anselmo Municipal Code.

49. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with attorneys of the Town's choice, with all attorneys fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

50. The applicants shall immediately reimburse the Town for any unpaid costs associated with the project, including work done by consultants and the Town Attorney (Town Attorney time at $11,137.50 as of December 1, 2016).

51. No crosswalk is required to be installed on Sir Francis Drake Boulevard.

52. The vehicle passageways into the garage shall not be enclosed with doors or gates. Design review is required to add gates or doors to the garage openings.

53. The project shall include a turnout area for delivery vehicles.

54. The applicant shall submit a detailed preliminary Landscape Plan for Planning Commission review to reflect the modified building design. The Landscape Plan should be prepared by a skilled and licensed Landscape Architect. Tall, columnar-shaped trees, like Poplars, are suggested on the east and west ends of the building to further soften and screen the building. The walls screening the garbage and meter areas should be setback from the side property lines at least 2 to 3 feet, so a hedge can be planted and allowed to grow to the height of the enclosure walls, so they are fully screened. If a 2 to 3 ft. wide planting bed is not possible, than at least a one foot planting bed should be provided between the property line and the enclosure walls for planting Boston Ivy or a ficus vine that can fully screen the walls. Gates should be shown between the driveways and these enclosures to screen meters and dumpsters.

Exhibit B, Page 11
55. A Landscape Plan should be provided for the sloped area at the rear of the property that will not be built on, in consultation with the project geotechnical engineers.

56. Along with the landscape plan, the applicant should provide additional details on colors and key elements, including deck guardrails, trellis members and the brackets supporting the roof overhangs, for review and approval by the Planning Commission. Heavy scaled wooden timbers over door and window openings will relate well with the wooden trellises and roof brackets. The banding at the building’s base and upper floor levels can be simple stucco bands. The applicants should consider making the ceilings, doors and windows as tall as possible.
EXHIBIT C
FINDINGS FOR GENERAL PLAN CONSISTENCY
754 Sir Francis Drake Residential Project

1. **The project is consistent with the C-L Limited Commercial District**
The project is consistent with the Town’s general plan. The primary intent of the Town when it added residential uses to the C-L district was to allow mixed use residential projects and affordable and small residential projects. However, the Town retained some flexibility for approval of 100% residential projects, particularly with adoption of the 2015-2023 Housing Element. Based on current rents, apartment buildings in San Anselmo provide affordable housing, even if the units are market rate. Therefore, the 100% housing project could be considered to be “affordable” housing.

For the reasons set forth below, the project, which is in an area of mixed uses, includes two very low income apartments and 10 market rate apartments, and reduces overall traffic on Sir Francis Drake, is consistent with and compatible with the objectives and policies of the general plan.

a. **General Rules on Project Consistency with General Plan**
A project must be “compatible with the objectives, policies, general land uses, and programs specified in” the general plan. (Gov. Code, § 66473.5) A project does not have to comply with every single provision of a general plan. As well summarized in a recent land use case *Naraghi Lakes Neighborhood Preservation Association v. City of Modesto* (5th App. Dist., 7/1/16):


ii. The rule of general plan consistency is that the project must at least be compatible with the objectives and policies of the general plan. (Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 717–718 [29 Cal. Rptr. 2d 182] (Sequoyah Hills); Friends of Lagoon Valley, supra, 154 Cal.App.4th at p. 817.) “[S]tate law does not require
precise conformity of a proposed project with the land use designation for a site, or an exact match between the project and the applicable general plan. [Citations.] Instead, a finding of consistency requires only that the proposed project be ‘compatible with the objectives, polices, general land uses, and programs specified in’ the applicable plan. [Citation.] The courts have interpreted this provision as requiring that a project be "in agreement or harmony with" the terms of the applicable plan, not in rigid conformity with every detail thereof." (San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656, 678 [125 Cal. Rptr. 2d 745] (San Franciscans.).) To reiterate, the essential question is "whether the project is compatible with, and does not frustrate, the general plan's goals and policies." (Napa Citizens, supra, 91 Cal.App.4th at p. 378.)

iii. As has been accurately observed by one court: "[I]t is beyond cavil that no project could completely satisfy every policy stated in [a city's general plan], and that state law does not impose such a requirement. [Citation.] A general plan must try to accommodate a wide range of competing interests ... and to present a clear and comprehensive set of principles to guide development decisions. Once a general plan is in place, it is the province of elected city officials to examine the specifics of a proposed project to determine whether it would be 'in harmony' with the policies stated in the plan. [Citation.]..." (Sequoyah Hills, supra, 23 Cal.App.4th at pp. 719-720.)...

b. Current General Plan Descriptions for C-L District
The General Plan Land Use Element provides (emphasis added):

c. Limited Commercial
The areas designated as Limited Commercial on the General Plan Land Use Map will be regulated as to the intensity of commercial development allowed thereon. It is intended that commercial development allowed for on these properties will be low traffic generators, or generate an equal or lesser number of trips during the a.m. and p.m. peak hours than the existing uses as of July 22, 1997, (the determination for vacant buildings will be the most recent use between February 26, 1991, and July 22, 1997, on Sir Francis Drake Boulevard). Examples of uses which are expected to be low traffic generators include specialized enterprises such as furniture and antique stores, specialty boutiques, book stores, art galleries, and personal services such as barber shops and beauty shops. The types of commercial activity which will not be allowed in the Limited Commercial area include fast-food restaurants, convenience food stores (when not in combination with a gasoline station), and medical office types of uses and services.

The determination as to whether or not a commercial use would be allowed within this Limited Commercial area will be based upon the total number of traffic trips typically generated by that business. Commercial uses which will disrupt the flow of traffic on Sir Francis Drake Boulevard, or uses which would have a detrimental effect on the residential neighborhoods adjacent to Sir Francis Drake Boulevard will not be allowed. The intent of this Limited Commercial area is to ensure that the businesses which operate within this area will not be disruptive to the flow of traffic on the boulevard or the nearby residential neighborhood.
Residential use will be allowed in the limited commercial area. Residential uses can be provided for in a single structure; the ground floor of every building should be utilized for commercial or commercial-related uses. However, the Town will consider the entire use concept for a building before determining the appropriate use of the ground floor.

The concentration of commercial development in this area is expected to be lower than in the Central and General Commercial districts. Floor area ratios could be up to 1.0 within this area, and building heights are to be compatible with buildings in the surrounding area, but shall not exceed 30 feet in height.

The residential language underlined above was added to the Land Use Element by Resolution 3337, adopted in 1996, to implement the 1995 Housing Element, which included adding residential uses to all commercial zoning districts. Residential uses were previously prohibited in the C-L and C-3 zoning districts. At that time, the Town's share of the Regional Housing Needs Allocation (RHNA) was 302 units, which was significantly higher than subsequent RHNA allocations (See slide 5 of Housing Element Update presentation to Town Council, October 28, 2014). To implement Resolution 3337, the Town adopted Ordinance 974 in 1996 to add residential uses to the C-L Limited Commercial and C-3 General Commercial zoning districts by adding text to the district descriptions in San Anselmo Municipal Code Section 10-3.201(j) and by adding residential uses as conditionally permitted uses in all commercial districts in the Municipal Code Land Use Table 3A. The description added to Section 10-3.201(j) by Ordinance 974 was added to the General Plan in the Housing Element in 2012, and it is in the current/2015-2023 Housing Element, adopted May 12, 2015.

The General Plan Housing Element provides (emphasis added):

C-L Limited Commercial District. This District is reflected on the General Plan Land Use Map as "Limited Commercial," which allows a maximum Floor Area Ratio of 1.0. This District is generally applied to properties lining both sides of Sir Francis Drake Boulevard, west of The Hub, for approximately one-quarter (1/4) of a mile, ending at Bella Vista Avenue. The Land Use category was developed as part of the 1988 General Plan to allow only those commercial uses which will not result in the generation of traffic in volumes sufficient to disrupt the flow of vehicular traffic along Sir Francis Drake Boulevard. Residential uses are allowed within the District which provide mixed-uses, live/work arrangements, and affordable housing that will not result in significant traffic disruption along Sir Francis Drake Boulevard. Offices and residential uses are encouraged to locate above the ground floor to preserve the District's primary purpose for providing for commercial activities. Multi-family uses are encouraged to provide incentives for mass transportation use.

The Housing Element also provides, “Housing in commercially zoned areas does not require rezoning and can be processed with a use permit.” (Town of San Anselmo General Plan, 2015-2023 Housing Element, at page 48) “Multi-family and single family housing is conditionally
permitted in all commercial zoning districts.” (2015-2023 Housing Element at page 53) “Of course there will always be circumstances that lead site owners to variations in the mixed-use prototype including single-use buildings and those involving no residential development, changing market dynamics, cost/risk factors, and business objectives.” (Town of San Anselmo General Plan, Page 82, emphasis added)

The Land Use Element also contains an objective to, “Maintain the existing size and intensity of commercial businesses in the Town.” (General Plan Land Use Element Objective 4) and the Housing Element refers to “mixed use” over thirty times with reference to housing development in commercial areas, and only occasionally “infill” residential use.

c. 100% Residential Use Is Consistent with the General Plan
The Town originally allowed residential uses in commercial districts, then the Town prohibited residential uses in commercial districts, then they were allowed again in 1995 in response to the 1995 Housing Element to encourage development of housing. Based on a review of the staff reports, minutes, Resolution 3337, and the 2004 and 2012 General Plan Housing Elements, staff believes the Town did intend for mixed use housing/commercial development when it added residential uses to the C-L and C-3 commercial districts. However, staff believes the Town retained discretion to approve 100% residential uses and has loosely applied the term “mixed use.”

1 Lincoln Park was a 100% residential project in the commercial zoning districts included in the Town General Plan Housing Element 2015-2023. The project, in a C-3 General Commercial district (which has identical housing policies as the C-L district, except regarding traffic), is included as a 100% residential project with 16 units of housing in the 2015-2023 Housing Element. The Housing Element even includes a sketch to illustrate the 100% residential development. This, combined with the wording “residential will be allowed” “residential uses can be provided for in a single structure” “the town will consider appropriate use of the ground floor” and “multi-family uses are encouraged” indicate that 100% residential use can be considered consistent with the General Plan.

The 754 Sir Francis Drake project is not a mixed-use project, but is in a district with mixed uses and next to commercial development and also 100% residential development. The project provides two units of affordable housing, which furthers the Town housing element goals for development of affordable housing to meet the Town’s share of the Regional Housing Need Allocation. Apartments in San Anselmo provide housing that is affordable, based on current apartment advertisements. The project reduces overall traffic trips on Sir Francis Drake Boulevard, but increases AM peak trips by 1 trip. One AM peak hour trips would not result in “significant traffic disruption.” The district, on a whole, continues to have a primary purpose for commercial activities. The C-L zoning district has 4.9 acres of land and consists of 18 Assessor parcels. There are currently 24 housing units in the district (according to County Assessor records) and 17 additional units have been approved (one at 711 Sir Francis Drake and 16 at 754 Sir Francis Drake). The existing C-L District has an overall density of 5 units an acre that would be increased to an overall density of 8 units per acre with the Project.
The General Plan Housing Element is focused on developing mixed-use projects and creating housing above existing commercial development. However, the Housing Element also has a loose definition of “mixed use,” “A mixed-use site could be all retail mixed with office or housing or any combination of these uses consistent with other aspects of the zoning district.” (Housing Element at p. 82). The Town identified the two single family homes approved above 790 Sir Francis Drake as “mixed use,” even though they are on separate lots behind and uphill from the commercial building (Housing Element at p. 74). In addition, in prior housing elements, 1 Lincoln Park was called “mixed use” just because the property owner owned a commercial building on an adjacent site. The 1 Lincoln Park vacant lots sold in 2014, before the 2015-2023 Housing Element was adopted. The Town Council essentially determined 100% residential use was allowed when it adopted the 2015-2023 Housing Element with 1 Lincoln Park as a 100% residential project.

d. Precedent for 100% Residential in Commercial Districts

Prior actions of the Planning Commission support the conclusion that the wording is intended to be flexible and allow 100% residential projects:

i. 1201 San Anselmo

Commercial district regulations changed in order to allow apartments over commercial use at this site in 1977 for C-1 Neighborhood Commercial district. Use permit approved in 1984 to convert the street level commercial space to an apartment so the building would be 100% residential.

ii. 727 Sir Francis Drake

In 1995, when the ordinance to add residential uses to C-L and C-3 districts was considered, the Planning Commission approved a Conditional Use Permit to allow conversion of a ground floor restaurant at 727 Sir Francis Drake Boulevard, APN 006-083-07, to a single-family residence (pending approval of the zoning code changes). A condition of approval required the use “subject to the use by the resident of an adjacent commercial establishment” at 729 Sir Francis Drake, APN 006-083-06. The Planning Commission considered multifamily uses and recommended including the multifamily language in the ordinance. Staff indicated the house could be “remodeled to two or three families” with a conditional use permit. While this approval confirms the Town desired mixed uses, it also indicates it anticipated 100% residential uses. The
Town could not have approved conversion of the restaurant to a single-family residence if 100% residential uses were not allowed with a use permit.

iii. 1535 Sir Francis Drake

The Town approved development of 10 units (including 2 moderate rate apartments) at the corner of Oak Knoll and 1535 Sir Francis Drake in 2005 (a plan that was modified in 2007) on a site with a Neighborhood Commercial general plan designation. The site was rezoned to a Specific Planned Development. There is no discussion in the record regarding the commercial general plan designation or conversion of commercial uses to 100% residential uses.

iv. 1 Lincoln Park

1 Lincoln Park, a 100% residential 16-unit apartment building project, was approved by the Planning Commission in 2016 in a C-3 General Commercial general plan/zoning district.

e. General Plan Density Limit

State law requires the general plan land use element to “include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan.” (California Government Code Section 65302(a)) The Town General Plan gives standards for building heights and floor area for commercial districts, which limit the intensity of development in the districts. The General Plan does not specify a housing density range or limit for commercial districts. The General Plan Housing Element does indicate densities up to 20 units per acre for residential zoning districts but indicates repeatedly that higher densities of “more than 20 units per acre” are allowed in commercial districts. (Town of San Anselmo Housing Element 2015, Pages 76, 77, 78, 79, 81, 82 and 84)

The Town Housing Element includes an implementing program H1.A “Create a Permanent Housing Element Implementation Commission” which provided the subcommittee is responsible to, “Eliminate residential density in prescribed infill areas, such as along Greenfield, in the Downtown and along Lower San Anselmo Avenue, to encourage new residential uses. Allow residential uses by right, subject to design review, as long as parking, setbacks and building height standards are met in the development.” Although this implies that there is a prescribed residential density in commercial areas, none can be found in the General Plan or zoning code.

1 Staff believes this was added in response to comments on the draft housing element by the Housing and Community Development (HCD) in 2010 http://www.hcd.ca.gov/housing-policy-development/housing-resource-center/plan/he/housing-element-review-letters/mansen_anselmo121710.pdf.

2 The Town should consider amending this program when it considers a density limit for commercial areas.

Exhibit C, Page 6
The Housing Element identifies commercial sites that could be developed with at least 20 units per acre, the "default density," in order to meet the Regional Housing Needs Allocation (RHNA) for affordable units. Housing element law requires the Town to demonstrate how its adopted densities accommodate the need for affordable housing. Default densities are presumed to promote affordability and to eliminate the time-intensive analysis for cities and counties that already used higher densities.\(^3\) As explained in the Housing Element:

To provide local governments with greater certainty and clarity in evaluating and determining what densities facilitate the development of housing that is affordable to lower-income households (Very Low and Low Income together), the statute provides two options. The Town can either: (1) conduct an analysis of market demand and trends, financial feasibility, and residential project experience to demonstrate the densities facilitate lower income housing development; or, (2) apply Government Code Section 65583.2(c)(3)(B), which allows local governments to utilize "default" density standards deemed adequate to meet the "appropriate zoning" test, which in San Anselmo's case are sites designated at 20 units per acre or more. Using the second approach and applying the default density standard of 20 units/acre, the Housing Element must identify sites for at least 23 units at this density. The Town may also rely on projected second units to satisfy part of this requirement. (Housing Element Pages 75-76, emphasis added)

Use of the required state "default density" of 20 units an acre did not set a density limit of 20 units per acre for the commercial districts.

2. **100% Residential Use Allowed in C-L Limited Commercial Zoning District**

Ordinance 974 changed the Land Use Table 3A to list single and multi-family housing as conditionally permitted uses in the C-L zoning district. The Zoning Code also provides a description for the C-L Zoning District:

C-L Limited Commercial District. This District is reflected on the General Plan Land Use Map as "Limited Commercial," which allows a maximum Floor Area Ratio of 1.0. This District is generally applied to properties lining both sides of Sir Francis Drake Boulevard, west of The Hub, for approximately one-quarter (¼) of a mile, ending at Bella Vista Avenue. The Land Use category was developed as part of the 1988 General Plan to allow only those commercial uses which will not result in the generation of traffic in volumes sufficient to disrupt the flow of vehicular traffic along Sir Francis Drake Boulevard. Those uses permitted will typically be low traffic generators or generate an equal or lesser number of trips during the a.m. and p.m. peak hours than the existing uses as of July 22, 1997 (the determination for vacant buildings will be the most recent use between February 26, 1991, and July 22, 1997) on Sir Francis Drake Boulevard. Those numbers of traffic trips typically generated will be obtained from the current edition of Trip Generation, Institute of Transportation Engineers. Examples of the types of uses allowed within the District are furniture and antique shops, specialty boutiques, book stores, art galleries, and personal services such as barber and beauty shops.

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\(^3\) AB 1537 (Levine 2014)
Examples of some of the uses specifically prohibited within the District are fast food restaurants, and convenience food stores which are not in combination with a gasoline station. Residential uses are allowed within the District which provide mixed uses, live/work arrangements, and affordable housing that will not result in significant traffic disruption along Sir Francis Drake Boulevard. Offices and residential uses are encouraged to locate above the ground floor to preserve the District's primary purpose for providing for commercial activities. Multi-family uses are encouraged to provide incentives for mass transportation use. (San Anselmo Municipal Code (SAMC) Section 10-3.201 (j), emphasis added)

While the project can be “compatible” with general plan policies, a project must comply with zoning regulations. The Town cannot grant a variance to authorize a use which is not otherwise expressly authorized by the zoning regulations. (Cal. Govt. Code Sec. 65906) Where conflicts between general and specific provisions of the zoning ordinance occur, the most restrictive provision shall prevail. (SAMC Sec. 10-3.104) Therefore, residential uses that are conditionally permitted in the C-L zoning district are limited by the provisions in Section 10-2.201(j). The language in Section 10-2.201(j) can be interpreted two ways:

- Residential uses in the C-L district must include mixed uses, live/work arrangements, and affordable housing that will not result in significant traffic disruption along Sir Francis Drake Boulevard; or

- The C-L district allows mixed uses, live/work arrangements and affordable housing that will not result in significant traffic disruption along Sir Francis Drake Boulevard, but not all three have to exist within the same project.

Based on the staff report and history from 1996 when the ordinance was adopted, it appears the Town intended to allow all three types of housing in the C-L district, but they do not have to be found in the same project. The January 23, 1996, staff report provides:

> What is expected with this change is the ability for property owners to incorporate residential uses above office, allow live/work spaces which tend to reduce traffic impacts, and possibly allow small multi-family projects. Hopefully, many of these would provide affordable housing. Because any such use within a commercial zone will require a Use Permit, the issues of traffic generation, parking, and circulation will have to be taken into consideration and mitigated if necessary. Given these safeguards, plus the fact that these zones are located along mass transit lines, staff and the Planning Commission were able to support the General Plan and Zoning Ordinance Amendments.

> January 23, 1996 staff report at p. 2

This conclusion is also consistent with the Town’s policy to encourage housing development since requiring a project to have mixed-use, live/work and affordable housing would probably be a constraint on the development of housing.

The Town did not define “affordable housing.” However, the 1996 staff report notes that the ordinance would “possibly allow small multi-family projects. Hopefully, many of these would provide affordable housing.” Therefore, the intent of “affordable housing” should include

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Exhibit C, Page 8
projects that include affordable housing, but it was not anticipated that every unit would be required to be affordable. As mentioned above, apartment building units in San Anselmo rent for rates affordable to moderate and low income households, based on current advertisements.

3. **The project is consistent with the General Plan design policies**

The Town General Plan provides Town policies for design:

- Preserve, maintain, and enhance the existing character, scale, and quality of life in San Anselmo's residential neighborhoods. (Land Use Element Objective 11)
- New development, including rehabilitation and expansion projects, shall be of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood. (Land Use Policy 11.1)
- Medium- and large-scale development projects in both single-family and mixed residential areas shall provide for a variation in building heights and exterior wall and roof articulation to avoid monotonous structures with a large, blank visual bulk and mass. (Land Use Policy 11.2)
- Maintain a high standard of aesthetic and functional quality in housing. (Housing Element goal)
- Promote blending well-designed new housing into the community. (Housing Element)
- Housing Design. The Town will review proposed new housing in order to achieve excellence in development design in an efficient process. (Housing Element Policy H2.1)
- Design that Fits into the Neighborhood Context. The Town will encourage innovative design that creates housing opportunities that are complementary to the location of the development. It is the Town's intent to enhance neighborhood identity and sense of community by ensuring that all new housing will (1) have a sensitive transition with the surrounding area, (2) avoid unreasonably affecting the privacy of neighboring properties, or (3) avoid impairing access to light and air of structures on neighboring properties. (Housing Element Policy H2.2)

As summarized by a member of the public, the Mediterranean styled building resembles other traditional style buildings in the area such as 710 Sir Francis Drake (former Pavilion). The building shape steps down to two stories on the front and on both east and west ends, which breaks up the building forms and gives the building a more pedestrian scale, despite its overall length, which is still substantial. The amount and size of the windows on the rear elevation greatly improves the building's appearance when seen from the back, plus will bring in more daylight into the north facing units.