

**RESOLUTION NO. 4342**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO  
DENYING AN APPEAL, AND UPHOLDING THE PLANNING COMMISSION APPROVAL OF  
DESIGN REVIEW FOR A NEW RESIDENCE AT 55 ESSEX AVENUE**

**WHEREAS**, on September 27, 2013, the Town of San Anselmo recorded a Certificate of Compliance pursuant to California Government Code Section 66499.35 for an undeveloped lot in San Anselmo known as 55 Essex Street, Assessor's Parcel Number 006-121-06, which was created by deed on January 17, 1925, prior to the first Town zoning regulations (Ordinance 190, 1926) and first Town subdivision regulations (Ordinance 248, 1937) ("the Lot"); and

**WHEREAS**, on February 27, 2019, Red Dot Studio filed an application with the Town of San Anselmo requesting approval of a Design Review and Grading Permit application for JK and Cherry Lesure ("Applicants"), Application No. PRO2019-0011, to construct a new home on the Lot ("the Project"); and

**WHEREAS**, on April 1, 2019, the Planning Commission of the Town of San Anselmo ("Planning Commission") held a noticed study session to consider a proposed design for the Project and all interested parties were given a full opportunity to be heard and the application was studied, discussed and deliberated, and the Planning Commission (Planning Commissioner Pederson absent) provided preliminary comments on the design and a requested variance; and

**WHEREAS**, on February 3, 2020, the Planning Commission held a noticed public hearing to consider the Project and all interested parties were given a full opportunity to be heard and present evidence, the application was fully studied, discussed and deliberated, and the Planning Commission voted 5-0-2 to approve the project subject to the findings and conditions recommended by staff (Planning Commissioners Swaim and Engelhardt absent); and

**WHEREAS**, on February 11, 2020, Lynn Thomas Horton and Kathleen Marie Lucido of 59 Essex Street ("Appellants") appealed to the Town Council to reconsider the Planning Commission decision); and

**WHEREAS**, on May 26, 2020, the Town Council held a duly noticed public hearing to reconsider the Project and all interested parties were given a full opportunity to be heard and present evidence, and adopted this Resolution based on the findings included below.

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

**SECTION 1:** The project is categorically exempt from review under the California Environmental Quality Act since it falls under the types of projects which the California Secretary of the Resources Agency has determined do not usually have a significant effect on the environment: one single family residence (CEQA Guideline Section 15303(a)). No exception set forth in Section

15300.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources (lot is cleared and has no significant tree removal or natural features, such as a creek); (b), which relates to cumulative impacts (two major remodels of existing single family residences may be under construction at the same time as the project. The two projects will have a staging and parking area on a vacant lot in close proximity to the projects and conditions of approval require a construction management plan); Subsection (c), which relates to unusual circumstances (grading proposed is not unusual for hillside construction); or Subsection (f), which relates to historical resources (no structures are proposed for demolition and the site and adjacent sites have been previously disturbed and not known for historic or cultural resources).

**SECTION 2:** The Town Council of the Town of San Anselmo hereby approves the Project based on the entire record before the Town Council including the application, project plans, staff reports, correspondence, prior meeting videos, public testimony received at one study session and two public hearings, Town Zoning Code, Town General Plan, all written and oral evidence presented to the Planning Commission and Town Council, and the findings made in this Resolution.

**SECTION 3:** The Town Council makes the following findings specific to issues raised in the appeal:

1. San Anselmo Municipal Code Section 10-3.407 provisions for driveways apply to subdivisions and are not applicable to the Project.
2. The Town allows development of lots that do not meet the current minimum area or width requirements if the requirements of San Anselmo Municipal Code Section 10-3.408 are met. The Lot satisfies Section 10-3.408 because all of the applicable provisions of the zoning code will be complied with and the Lot was under one ownership, owned by Frank Salvisberg, in 1926. Accordingly, the Lot may be developed.
3. The Applicants are required to secure approval of the offsite driveway material from public works prior to issuance of a permit and any work outside of the property owners' easement area shall require written consent of the property owner.

**SECTION 4:** The Town Council makes all the findings required to approve Design Review for a new single-family residence under San Anselmo Municipal Code Section 10-3.1506(b):

1. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;*  
The Project includes construction of one new single-family residence. The existing improvements in the area include multi-family development and some single-family homes. The new single-family home will be functionally compatible with the existing residential improvements. The natural elements in the area include trees and a sloping hillside. The Applicants propose to maintain as many existing trees as possible, while complying with Ross Valley Fire Department vegetation management plan requirements. The Project involves significant grading in order to keep the

buildings as low as possible to minimize impacts on neighbors. The Project design breaks up the building mass into three primary forms and the two upper buildings closest to Tam View Knolls structures are single story in height. The Project is compatible with the existing improvements in the area, which have a mix of different architectural styles. The surrounding area is developed more densely than the Project site. The Project will not have a negative aesthetic impact on the area based on the Project plans and material board submitted to the Planning Commission for review at the hearing on February 3, 2020. The materials proposed are dark and will not stand out.

2. *Provides for protection against noise, odors, and other factors which may make the environment less desirable;*

As a typical single-family residential development, the Project will not create any unusual noise, odors or other factors. The residence will have vents for cooking and appliances such as the dryer but these are typical for single-family residences and the noise and odors associated with the vents will be similar to the noise and odors for any residence, which have not made any other unit in the area less desirable. The Project sponsor has agreed to move air condenser units to the southern side of the site, away from the closest neighbors.

3. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area;*

The Project will increase the housing stock and add a market rate dwelling to the neighborhood and eliminate one vacant lot. Development of the site with a new residence is expected to improve the value of property in the surrounding area of the Project as the assessed value of the site is currently \$275,000 and will increase by the value of the improvements, which are expected to be over 1.2 million dollars (2,983 sq. ft. x \$450 sq. ft. typical construction cost = \$1,342,350).

The Project is designed to maintain the view of Mt. Tamalpais for adjacent condominiums. The Project will result in 59 Essex having a view of a building and Mt. Tamalpais instead of the view of a vacant lot and Mt. Tamalpais. The owners of 59 Essex have submitted evidence that their site will decrease in value as a result of the project. The Property owners have submitted documentation that 59 Essex, which has an assessed value of \$381,940, will decrease in value from \$845,000 to \$725,000, or by 14.2%, as a result of the Project construction. \$80,000 (9.4%) is estimated for blocking the view of Mt. Tam and \$50,000 for a "location adjustment" and "negatively affecting the previous desirable location and Mt. Tam view."

The Planning Commission and Town Council have considered if construction of the Project will materially depreciate the value of the "surrounding area" and finds the impact on views is specific to the adjacent building to the north and not to the surrounding area.

4. *Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel;*

A new single-family residence will not create traffic hazards due to the limited number of traffic trips that a single-family residence generates (9.44 per day according to Institute for Traffic Engineers estimates). The site will be able to be accessed by emergency personnel. The driveway is an adequate width to be served by emergency vehicles.

5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area;*

The Project will not impact the health and safety of the surrounding area. All new construction must comply with current Building and Construction Codes and the Town will require a construction management plan.

6. *Is consistent with the Town General Plan.*

The Project is consistent, in agreement and in harmony with applicable *Town General Plan* Land Use Element Goals and Policies:

1. To conserve the small town character of the community and its close relationships with the natural beauty of its setting and to integrate new development harmoniously into San Anselmo's existing neighborhoods.
2. To preserve and enhance the unique natural and urban characteristics of the community while accommodating suitable new growth.
3. To preserve, maintain, and enhance the existing character, scale, and quality of life in San Anselmo's residential neighborhoods.
4. 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.

The parcel is designated for Medium Density Residential (6-12 units/acre) on the General Plan Land Use Map. One new single-family dwelling on the 8,992 square foot site is consistent with 5 units/acre density, which is consistent with the General Plan. The Project complies with the adopted development standards for the single-family residential zoning district.

7. *Will not unreasonably impair access to light and air of structures on neighboring properties;*

The Project impacts the adjacent properties since the site is now vacant. However, the proposed impacts are not unreasonable. The design has been modified to preserve neighbor views of Mt. Tamalpais and a shade study prepared by the applicant and reviewed by the Planning Commission (Sheet AO.02) indicates the residence will not cast shade on adjacent building living spaces. The proposed structure complies with setback and height regulations. There is much more than 8



*materially detrimental to the public welfare or injurious to property or improvements in such neighborhood*

No elements of the Project will adversely affect the health or safety of persons in the neighborhood nor will it be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood. Prior to construction, the Applicants must receive a grading permit, drainage plan review and building permit from the Town of San Anselmo that requires that all work be done per California Construction Codes.

**SECTION 5:** The Town Council makes all the findings required to approve a Grading Permit for the new single-family residence and associated landscape work under San Anselmo Municipal Code Section 9-18.08:

1. *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. A construction management plan will be required. Most of the grading is proposed to reduce impacts of the building on adjacent development. See Miller Pacific Geotechnical Investigation prepared for 55 Essex dated January 25, 2019.
2. *Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work*  
A grading permit and construction management plan are both required at the building permit stage.
3. *Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work*  
An Erosion and Sediment Control plan will be required for the approval of the grading permit by the Public Works Department.
4. *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 amount of grading proposed is consistent with other residential development. The grading will allow for the development of the currently vacant parcel.
5. *The visual and scenic enjoyment of the area by others will not be unreasonably adversely affected by the project*  
The grading will not impact the enjoyment of the area by others, as it is a privately-owned vacant parcel.
6. *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*  
Few trees exist at the site. A landscape plan has been proposed by the Applicants.

7. *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*

An erosion control plan is required. The Building and Public Works Department will monitor the progress of the Project.

8. *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 amount of grading and excavation is limited and within a range that is not unusual for residential projects.

9. *Sufficient erosion control measures will be employed to offset any impact by the proposed excavation, grading, or fill.*

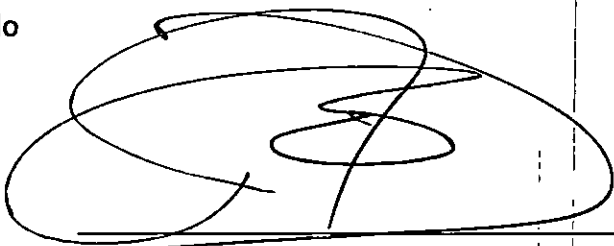
An erosion control plan is required. Work will be monitored by the Public Works Department to ensure implementation and maintenance of erosion control protections throughout the project duration. Specific details will be coordinated with the Public Works Department and submitted as part of the building permit submittal.

**SECTION 6:** The Town Council approves the Project subject to the following conditions of approval, which shall be printed on the first pages of the plans submitted for a building permit:

1. The Town Council approval is for the plans for 55 Essex, prepared Red Dot Studio and considered by the Planning Commission on February 3, 2020, Attachment 3 to the Town Council staff report.
2. The Project shall be subject to Exhibit A the Standard Conditions of Planning Approval.
3. Any work outside of the property owners' easement area shall require written consent of the property owner.


The foregoing Resolution was adopted at the regular meeting of the San Anselmo Town Council held on May 26, 2020, by the following vote:

AYES: Colbert, Wright, Fineman, Burdo  
NOES: Greene  
ABSENT: None  
ABSTAIN: None



Ford Greene, Mayor

ATTEST:



Carla Kacmar, Town Clerk

## EXHIBIT A

### Town of San Anselmo

#### Standard Conditions of Planning Approval

1. All conditions of approval shall be included on the first sheet after the cover sheet of the construction drawings submitted for a building permit.
2. Except as otherwise noted in these conditions of approval, the plans submitted to the Building Department for plan check shall be identical to those approved by the Planning Commission or Planning Director. If any changes are made to the approved plans the applicant is responsible for clearly identifying all such changes and reviewing them with the Planning Department prior to submitting for a Building Permit or a revision to the Building and/or Grading Permit. All changes made to the Design Review Plans approved by the Planning Commission/Planning Director and the Building Permit construction document submittal must be clearly highlighted with a "bubble" or "cloud" on plans and marked with a "Delta P" at the time of initial Building Permit submittal. A list describing in detail all such changes shall be submitted and attached to the plans. Any changes that have not been clouded on the plans and noted in a transmittal memo and explicitly approved by staff are not approved. Construction, demolition or grading that does not conform to the Planning Commission/Planning Director approval is not valid and shall be subject to stop work orders and may require removal.
3. Site landscaping shall be generally consistent with any approved landscape plan. Plans for any irrigation of the site shall be incorporated into the landscape plan. All planting shown on the approved plan shall be installed prior to occupancy. Upon the request of an applicant to receive a Temporary Certificate of Occupancy and at the discretion of the Planning Director, landscape installation may be guaranteed by posting a cash bond equal to 100% of the cost and installation of any landscape improvements. 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.
4. Acceptance of the construction drawings and specifications does not release the applicant and owner from correction of mistakes, errors, or omissions contained therein. If, during the course of construction, the public interest requires a modification or a departure from these accepted plans, the Town shall have the authority to require such modifications or departure and specify the manner in which the same is to be made.
5. 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.

**Planning Department Standard Conditions of Approval:**

6. This approval shall be final either 10 calendar days following the date of action by the Planning Director, Planning Commission, or Town Council, whichever is last. This approval is effective from the date of approval until the building permit is issued and shall expire one year after approval should a building permit not be issued. If building permits are issued during the effective life of the approval, the expiration date of the approval shall be automatically extended to concur with the expiration date of the building permit. The approval may be renewed once by the Planning Director for one year if the applicant submits a written statement to the Planning Director showing good cause prior to expiration of the application.
7. Prior to issuance of a building permit, the applicants shall reimburse the Town for any known unpaid costs associated with the project, including work done by consultants and the Town Attorney. Prior to project final the applicants shall reimburse the Town for any other unpaid costs associated with the project, including work done by consultants and the Town Attorney.
8. The light source for all exterior lighting fixtures shall be shielded from adjacent properties. Cut sheets for all exterior lighting shall be submitted as part of the building permit. 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.

**Department of Public Works Standard Conditions of Approval:**

9. For all improvements within the public right of way, the applicant shall submit plans to adequately describe the work. Plans shall include but not be limited to drainage details, cross-sections, driveway/roadway grades and utility locations as necessary.
10. The project shall comply with the Town of San Anselmo Urban Runoff Pollution Prevention Ordinance. If the project paves or otherwise creates more than 150 square feet of impervious surface, a Flatwork Permit is required from the Public Works Department. In addition to the site design measures and Flatwork Permit required for small projects, new and redeveloped projects that create or replace more than 500 square feet of impervious surface may require 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 and/or replaced impervious surfaces and a Stormwater Control Plan (SCP) (San Anselmo Municipal Code Section 5-8.11).

11. Appropriate Best Management Practices (BMPs) shall be implemented to prevent the discharge of construction wastes or contaminants from construction materials, tools, and equipment from entering storm drains or watercourses. Plans for adequate BMPs to be installed, implemented, and maintained during construction and after final stabilization shall be submitted with the building permit application. The combination of BMPs used, and their execution in the field, must be customized to each site using up-to-date standards and practices. The Town will provide references to current guidance manuals and BMP information on request. (San Anselmo Municipal Code Section 5-8.10)
12. The Director of Public Works may require dedication of street rights-of-way or improvements. No permit for the development of any parcel of land abutting a public street shall be issued until the Director certifies that frontage improvements in accordance with the current Town specifications in use by the Department of Public Works and at the location prescribed by the Town Engineer in accordance with the Streets and Highways Plan of the Town: 1.) have been installed at no cost to the Town; or 2.) will be installed as a part of the development and prior to occupancy; or 3.) that in lieu of the improvements the applicant has deposited the estimated cost of the improvements with the Town. (San Anselmo Municipal Code Section 7-10.101)
13. Any improvements, public or private, damaged during construction shall be replaced, by the applicant, in-kind or with new improvements. All cracked, broken, or uplifted sidewalk, driveway and/or curb and gutter fronting the property shall be replaced. Applicant shall coordinate with the Department of Public Works prior to the start of the project improvements to identify the extents and limits of replacement.
14. All construction materials, debris and equipment shall be stored on site. 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 the right-of-way. A minimum of 12' passable auto traffic clearance (paved travel way) shall be maintained at all times along the roadway. The placing of portable restroom facilities in the Town right-of-way will not be permitted unless there is not an appropriate location on the subject property and Public Works approves placement in the right of way.
15. If a permeable paving system is to be used as a part of the site development strategy, the analysis shall include but not be limited to the following:
  - a. For drainage purposes, the underlying intent, either retention or detention, shall be fully quantified. If retention is to be used, a soils report, including percolation of the soils shall be submitted as a part of the plans. If detention is to be used, peak runoff quantities, storage capacity of the system, discharge rates, discharge points, impacts to existing facilities etc. shall be included. For small to medium projects, the Town and County prescriptive method outlined in the Homeowner's Guide to Stormwater Management may be used if approved by Public Works.
  - b. The structural adequacy of the system that accommodates vehicle loading including emergency response vehicles (i.e. fire trucks) if the access to be designated for that

- purpose.
- c. Provisions for ongoing maintenance of the pavers shall be included in the submittal package.
16. Drainage improvements shall implement Low Impact Development standards, including but not limited to:
- a. No increase in stormwater runoff as compared to existing conditions
  - b. Maintain natural drainage patterns
  - c. No concentration of flows, allowing drainage to flow naturally and to percolate and mimic existing and sheet flow conditions.
  - d. Rock rip-rap outfalls shall be located as far from property lines as possible and shall be designed to mimic existing drainage conditions (i.e. sheet flow, velocity dissipater, etc.)
  - e. All stormwater runoff lines (such as building downspout lines, landscape drain lines, etc.) must be discharged in a manner that conforms to the current stormwater discharge practices in Marin County and as outlined in the Town's Homeowner's Guide to Stormwater Management on the Town website.
17. A Construction Management Plan (CMP) shall be submitted to the Town as part of the Building Permit and/or Grading Permit and shall be incorporated into the plans. This plan 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. This plan 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. A video of the right of way in front of and adjacent to the property and the haul route as required by Public Works before any work commences.
  - c. Construction Hours-Construction hours may be changed before or during construction as needed and determined by Public Works.
  - d. Construction Waste Management Plan
  - e. Staging/storage type and location
  - f. Travel routes and turn-around locations
  - g. Road and/or lane closures (Applicant to provide information on how many anticipated road closures, and the reasons for each road closure).
  - h. Worker auto parking space locations/construction parking
  - i. Phasing (if applicable)
  - j. If construction improvements are in areas of steep slopes, the Contractor shall provide safe temporary hard surface stair access to the improvements. This access shall be shown on the CMP.

The CMP may be more stringent if the project is located close to schools or in impacted neighborhoods. A CMP may be required to be modified if a neighborhood becomes

“impacted” during the construction. Impacted neighborhoods are defined as areas in geographic proximity (i.e. using the same streets for access) with a significant number of simultaneous construction projects.

Delivery times shall be determined at the time of Building Permit review and included on the Construction Management Plan sign.

A **24 inch by 36-inch weatherproof copy** of the approved Construction Management Plan 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 Construction Management Plan, 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.

**Building Department – Standard Conditions of Approval:**

18. All construction shall comply with the California Building Code, Plumbing Code, Electrical Code, and Mechanical Code, and other applicable Title 24 Codes in effect at the time of building permit submittal.
19. It is the responsibility of the designer(s) to ensure that all of the above Title 24 codes, as well as any applicable San Anselmo Municipal Codes are incorporated into the design.
20. The hours of construction activity shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, 9:00 a.m. to 5:00 p.m. on Saturdays and 12:00 p.m. to 5:00 p.m. on Sundays. These hours may be changed as required by Public Works or Building.
21. A mechanical permit is required for any exterior mechanical equipment. Prior to the issuance of a mechanical or building permit for mechanical equipment, the applicant shall provide adequate information, reports and data to the Building Department demonstrating that the noise level from any exterior mechanical equipment or exterior vents, when measured at the property line boundary, complies with Town Noise Ordinance decibel limits.
22. 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. All sidewalks, driveways and public/private roadways fronting the subject site shall be broom cleaned at the end of each business day.
23. Prior to issuance of a building permit, a Construction Sign shall be posted in a location where

the sign is clearly readable from the public right-of-way. The sign shall be 9 to 12 square feet in size (for example, 3' by 3' or 3' by 4'). Information on the sign shall include:

- a. Address of site.
- b. Permitted hours of construction.
- c. Name, address, and phone number of the contractor.
- d. Name and phone number of the person responsible for the project.
- e. Name and phone number of the private party to call in case of an emergency.
- f. Requirement that workers carpool to the site.
- g. The phone number of the Town of San Anselmo Building Department.

**24. A Pre-Construction Meeting is required.** Prior to initiation of any work on the proposed project, the applicant shall arrange a pre-construction meeting that shall be attended by Town of San Anselmo staff, the owner, general contractor, and sub-contractors responsible for demolition, foundation and excavations, framing, roofing and major deliveries to review these conditions of approval, permitted hours of operation, etc. Staff may require additional subcontractors depending on project scope. The general contractor is responsible for ensuring that all contractors adhere to the Construction Management Plan and all Conditions of Project Approval and Conditions of all permits (Building, Grading, Encroachment, etc.).

25. All required construction signage and any required tree-protection shall be posted and available for Town inspection at the time of the Pre-construction meeting. If these measures are not in place at the time of the pre-construction meeting, a re-inspection fee will be required and issuance of building permit will be delayed.

26. Any project within a Special Flood Hazard Area shall comply with the standards of construction and standards for utilities in San Anselmo Municipal Code Title 7, Chapter 11.

27. All electrical and communication service laterals, including those for cable television service, to any new building or structure or building or structure undergoing a substantial improvement as defined by California Building Code Chapter 2 shall be placed underground from the main service equipment within the building or structure to a location designated by the supplying utility in accordance with the supplying utility's applicable rules, regulations and tariffs on file with the Public Utilities Commission of the State or other competent jurisdiction. The Building Official may grant an exception to this condition when it is found that the undergrounding of the utility service laterals will cause an unnecessary hardship or results inconsistent with the intent of San Anselmo Municipal Code Title 9, Chapter 4. (SAMC Sec. 9-4.01-9.4.03)

28. Every building shall be numbered by placing the appropriate number on or adjacent to the main entrance to the building so as to be readily seen from the street. Address numbers must be Arabic numerals or alphabetical letters with a minimum stroke width of one-half inch. Numbers on residential buildings shall be self-illuminated, internally-illuminated or placed adjacent to a light which is controlled by a photocell and switched only by a breaker so it will

remain illuminated all night. Building numbers shall be a color that clearly contrasts with the color of the background upon which they are placed. Residential building numbers shall be not less than four inches in height and non-residential /commercial building numbers shall be not less than six inches in height. All numbers shall be of proportionate width to the height, shall be made of permanent material, and shall be placed in a manner as to not be easily defaced or removed. (San Anselmo Municipal Code Sections 9-5.03 and 9-5.06).

29. Building plans shall include a green building program description and completed checklist that demonstrate the project shall comply with the applicable Green Building Standards adopted by the Town Council including the green building rating system(s); minimum compliance thresholds; and methods for verification of compliance with the adopted standards. The checklist shall be incorporated onto a separate full-sized plan sheet included with the building plans. A qualified green building rater, if required, shall provide evidence that the project, as indicated by the project plans and green building program description, will achieve the applicable Green Building Standards prior to issuance of a building permit. The green building rating system in effect at the time of building permit submittal shall be that which is applicable to the development project throughout the project construction. During the construction process, alternate green building measures may be substituted, provided that the qualified green building rater or applicable individual provides documentation of the proposed change and the project's continued ability to achieve the Green Building Standards to the Chief Building Official. Prior to final building inspection and occupancy, a qualified green building rater, if required, shall provide evidence that project construction has achieved the required compliance. Where certification through GreenPoint Rated or Leadership in Energy and Environmental Design (LEED) is required and such certification is only available subsequent to occupancy of the completed building, the applicant shall provide documentation of such certification within one (1) year of the date of the final building inspection for the project. (San Anselmo Municipal Code Section 9-19.040)
30. The applicant shall submit a Construction and Demolition Diversion Report to the Building Department prior to final inspection of the project and granting of occupancy. Prior to obtaining any final inspection and grant of occupancy from the Building Department, the person who has obtained a building permit shall pay an Avoided Disposal Regulatory Fee if the Building Official determines that the applicant has not satisfied the diversion requirements. (San Anselmo Municipal Code Section 9-20.02)
31. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted.

**Fire Dept. Standard Conditions of Approval:**

32. The project shall comply with the Ross Valley Fire Department Plan Review memorandum for the project. The memo details items required for compliance and required inspections.
33. Final occupancy approval shall not be granted by the Fire Department unless all conditions have been met.

34. Fire Department and Town personnel shall be granted access to private driveways and private roadways in order to enforce applicable ordinances related to fire codes, municipal and penal codes pertaining to maintaining road access for emergency vehicles.

**Ross Valley Sanitary District – Standard Conditions of Approval:**

35. The project shall comply with all requirements of the Ross Valley Sanitary District prior to project final. Any private sewer lateral may be required to be tested, repaired or replaced prior to project final. Evidence of compliance shall be submitted to the Building Department prior to project final.

**Marin Municipal Water District – Standard Conditions of Approval:**

36. 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.
37. All landscape and irrigation plans must be designed in accordance with the most current, Marin Municipal Water District (MMWD) landscape requirements. New construction and rehabilitated (renovations or changes made to sites with an existing irrigation system) landscape projects will be affected by these requirements if the altered landscape area is greater than 500 square feet. The Code requires a landscape plan, an irrigation plan, and a grading plan. Evidence of compliance (compliance letter or exemption) shall be submitted to the Building Department as part of the building permit review process. Any question regarding the MMWD's current water conservation and landscape Ordinance should be directed to (415) 945-1497 or [plancheck@marinwater.org](mailto:plancheck@marinwater.org).
38. Indoor plumbing fixtures must meet specific efficiency requirements.
39. Installation of a gray water recycling system is required for all projects that require installation of new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service in compliance with MMWD Ordinance No. 429.
40. Backflow protection may be required as a condition of water service.
41. Prior to project final inspection, the applicant shall provide evidence to the Town Building Department that the project has received final approval (or is exempt from review) from the following three MMWD departments: Water Efficient Landscaping, Engineering, and Backflow Prevention.

END OF STANDARD CONDITIONS OF APPROVAL