

TOWN OF SAN ANSELMO  
ORDINANCE NO. 1046

*Residential*

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO REZONING THE PROPERTY FROM R-1, R-3, AND C-L TO PPD/SPD FOR A TWO UNIT RESIDENTIAL PROJECT LOCATED AT 2 AND 6 LOMA ROBLES AVENUE, APN 006-091-34 & 35, 006-091-02, 006-091-62**

**WHEREAS**, an application was filed with the Town of San Anselmo requesting approval for Environmental Review, Zone Change from R-1, R-3, & C-L to PPD/SPD, Use Permit, Tentative Map, and Design Review to consider 4 residential dwelling units on .58 acres; and

**WHEREAS**, on June 21, 2004 initial environmental processing and subject application was deemed complete and a public hearing was conducted by the Planning Commission; and

**WHEREAS**, on June 21, 2004, the Planning Commission provided a recommendation to the Town Council for consideration of the Zone Change from R-1, R-3, & C-L to PPD/SPD, Use Permit, Tentative Map, and Design Review for four residential dwelling units on .58 acres; and

**WHEREAS**, the Town Council requested additional environmental studies, which were subsequently reviewed by the Public Works Director and presented to the Town Council at public hearings on March 22, 2005 and June 14, 2005;

**WHEREAS**, on June 28, 2005, the Town Council held a duly noticed public hearing and approved the mitigated Negative Declaration with Exhibit A (listing additional environmental studies) and Exhibit B (additional mitigation measures) on the grounds that the project would not have a significant impact on the environment;

**WHEREAS**, on August 23 and September 13, 2005, the Town Council held duly noticed public hearings to consider reducing the residential density to 2 units, known as 2 and 6 Loma Robles Avenue, and directed staff to prepare an ordinance to be considered at the September 27, 2005 public hearing;

**WHEREAS**, on September 27, 2005, the Town Council held a duly noticed public hearing, waived reading, and introduced an ordinance rezoning the property from R-1, R-3, AND C-L TO PPD/SPD for a two-unit residential project, and on October 11, 2005, adopted an Ordinance.

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

The requested zone change from R-1, R-3, and C-L to Preliminary Planned Development District (PPD) and thereafter to Specific Planned Development District (SPD) is hereby approved based upon the following findings of fact:

*Required Finding 1. The lots are of sufficient size and otherwise suitable for planned development.*

The proposed lots are of sufficient size and suitable for development. The two homes will be situated on the lots to adequately provide light, air, privacy, and open space to the homes. Adequate access for vehicles, pedestrians, emergency services, and utilities will be provided.

*Required Finding 2. The lots can best be developed or further developed by a specific integrated plan approved by the Town in advance of development or further development.*

The lots can best be developed by a specific integrated plan approved by the Town in advance of development because of the current lot sizes and configurations, topography and related mass grading needs, and limited access points which necessitate a flexible approach for the provision of a logical and orderly development.

*Required Finding 3. Planned development of the lots would promote the purposes set forth in Section 10-3.901 of the Municipal Code.*

This project would promote the purpose of the planned development district, which necessitates a flexible approach to the development of this property which will provide for logical and orderly development. Due to the property's hillside location, unusual topography, and aesthetic appeal, the property could not appropriately be developed through adherence to rigid zoning restrictions.

*Required Finding 4. The Planned development is Consistent with the General Plan, with specific reference to sections of the General Plan.*

The proposed project is in compliance with the provisions of the Town of San Anselmo General Plan. Specifically, the detailed areas and locations of buildings as required as part of the proposed Planned District are consistent with General Plan Land Use Element Policies 9.3, 10.3, 11.1, and 11.2. The density of the development, design of the structures, and proposed landscaping should sufficiently reduce the visual impact of the development. The proposed scale and intensity reflects a design that integrates well with the existing character of the surrounding neighborhood. The building heights, orientations, and details provide adequate variations to avoid monotonous structures.

*Required Finding 5. The planned development is consistent with the preliminary planned development.*

The Preliminary Planned Development District (PPD) and Specific Planned Development District (SPD) are proposed as the same project and therefore, consistent with each other.

**CONDITIONS OF APPROVAL:**

1. Project shall be in accordance with the plans date stamped September 22, 2005 received by the Town of San Anselmo Planning Department.
2. Prior to the issuance of a grading permit, surety to complete the grading improvements shall be provided in an amount as approved by the Director of Public Works, and in a form as approved by the Town Attorney.
3. A construction management plan shall be prepared by the applicant and submitted to the Director of Public Works. An oversight committee including the Director of Public Works, Planning Director, and a Town Councilmember shall review and ultimately approve the plan prior to the issuance of any building or grading permit. Said plan shall include, but not limited to, protection of public streets and surrounding properties, and shall provide for adequate construction staging, hours of operation, dust control, and other matters deemed appropriate by the Public Works Director necessary to protect the health, safety, and welfare of the Town.
4. A homeowners association or other instrument assuring common access easements, improvements, and maintenance of approved exterior materials/colors, and common improvements shall be recorded prior to or in conjunction with the proposed parcel map. Said instrument shall be approved by the Town prior to recordation.
5. Prior to Building permit issuance, the Town Engineer shall review and approve a map and deeds of the proposed lot mergers and lot line adjustments. Such map and/or deeds shall be recorded at the County prior to the issuance of any Building or grading permit within the project.
6. All outstanding planning processing fees and building permit fees shall be paid prior to the issuance of any Building or grading permit.
7. This project shall be subject to the requirements of the Marin Municipal Water District and all other public utility agency requirements necessary to serve the project.
9. If construction is not commenced within one year from the date of final Planning Commission action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.
10. Final exterior wall colors shall be presented to and approved by the Planning Commission after sample color swatches are painted on the exterior of the buildings

during construction. Final exterior building colors shall be approved by the Planning Commission prior to any final inspection or occupancy.

11. Exterior lighting shall be designed to eliminate off-site spread of light through the use of hooded, low level, low wattage light fixtures, which cast light in a downward direction. Such lighting should be permitted for safety and security purposes only and must be unobtrusive and maintain privacy.

12. All construction shall be subject to the mitigations listed in Exhibit B of the Mitigated Negative Declaration approved by the Town Council on June 28, 2005.


13. Prior to the issuance of a building permit an Indemnity Agreement indemnifying the Town of San Anselmo, its Council, Commissions, agents, officers, employees, and consultants against all claims, costs, suits, and liabilities or against any action to set aside or declare void the approvals granted herein, executed by the project property owner. The agreement shall be approved by the Town Attorney. The agreement shall be binding upon all successors in interest and shall be executed and recorded with the Marin County Recorder's Office.

Introduced by the Town Council on September 27, 2005, and PASSED AND ADOPTED by the San Anselmo Town Council at a regularly scheduled meeting on October 11, 2005, by the following roll call vote:

AYES: Breen, Cooper, Kroot, Thornton

NOES: None

ABSENT: Chignell

  
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Peter Breen, Mayor

ATTEST:

  
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Barbara Chambers, Town Clerk