

TOWN OF SAN ANSELMO
TOWN COUNCIL RESOLUTION NO. 3228

A RESOLUTION OF THE TOWN COUNCIL OF SAN ANSELMO
CONFIRMING THE PLANNING COMMISSION'S APPROVAL OF DESIGN
REVIEW, USE PERMIT, AND TENTATIVE PARCEL MAP FOR THE
DEVELOPMENT OF TWO NEW RESIDENTIAL UNITS AT 45 AND 45A
CEDAR STREET

WHEREAS, an application was filed with the Town of San Anselmo on February 26, 1993 requesting approval for Design Review, a Use Permit, and Tentative Parcel Map for the development of a two unit condominium located at 45 and 45A Cedar Street, San Anselmo, Assessor Parcel Number 7-222-58, and

WHEREAS, The Planning Commission held a public hearing on May 3 and May 17, 1993; and

WHEREAS, the Planning Commission unanimously approved the architectural plans and tentative parcel map referred to as Exhibit A and dated received by the Planning Department on February 26, 1993 subject to the following conditions:

1. That if this development which has received discretionary approval has not begun within one year from the date of the final action, the permit shall become null and void. However, this discretionary action may be reviewed by the Planning Director for a maximum period of one (1) year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action. The timing for recording the map shall be in accordance with the State Map Act.
2. The applicant shall develop the project in accordance with the plans date stamped received February 26, 1993.
3. The applicants must submit a soils investigation for the specific project and a \$1,000.00 deposit to be charged for peer review.
4. The applicant must abide by all recommendations of the soils report and the peer review.
5. The applicant must remove the existing valley gutters and install the standard curb, gutter and driveway approach.
6. The applicants must install a sidewalk four (4) feet in width across the property frontage.

7. In the event of damage to the street due to construction, the applicant must re-pave that portion of the street damaged with one (1) inch of asphalt concrete. A video tape of the road, following the construction traffic route, is required prior to issuance of a building permit.
8. The applicants must connect all down-spouts, surface, and subsurface drains under the sidewalk and daylight to face of curb.
9. The applicant shall use double glazed windows on the front elevation (east elevation) of all the living areas to mitigate street noise.
10. CC&R's (Codes, Covenants, and Restrictions) shall be prepared by the applicant and address future maintenance of the structure and landscaping. These CC&R's shall be subject to review by the Planning Director and shall be recorded.
11. No existing mature trees as shown on plans approved by the Planning Commission and on file with the Planning Department shall be removed without the approval of the Public Works Director. Such condition shall be recorded as part of the CC&R's.
12. Exterior colors for the building shall be Kelly-Moore/Malibu Beige, the trim Kelly-Moore/Pepperwood. The asphalt shingles are Elk/Prestique Plus/Sablewood.
13. Additional landscaping shall be placed along the property line shared with the neighbor to the north (47 Cedar Street) acceptable to both parties. This landscaping shall be reviewed and approved by the Planning Director.
14. The applicant will not object to the raising or relocating of the PG&E power poles, for the purpose of mitigating the EMF problem.

NOW , THEREFORE, the Town Council of the Town of San Anselmo DOES HEREBY FIND as follows:

Section 1. Findings required for the approval of Design Review pursuant to Section 10-3.710(5) of the San Anselmo Municipal Code that the proposed residence:

- (1) Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.
- (2) Provides for protection against noise, odors, and other factors which may make the environment less desirable;
- (3) Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment , or otherwise discourage occupancy, investment, or orderly development in such 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; and
- (5) Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.
- (6) Is adequately screened.

- (7) Contains a selection of architectural features and colors that enable the structure to blend with its environment and which results in a low visual profile.

Supporting facts for these findings are as follows:

The project is compatible with the existing improvements in the neighborhood. Its design is sensitive to the topography and natural elements of the site. The stepped design of the structure will minimize the necessary amount of grading on the property. The front elevation depicts a variety of architectural embellishments that will create an interesting facade. The natural wood exterior and selected colors will blend with neighboring residences. The introduction of new landscaping and the maintenance of existing vegetation will minimize this structure's visual impact on neighboring residences. More residential activity will not substantially increase vehicular trips in the neighborhood, nor will it detrimentally impact existing property values. These new residences will be constructed in conformity to all building codes for the Town of San Anselmo.

Section 2. Finding required for approval of the Use Permit pursuant to section 10-3.708 of the San Anselmo Municipal Code is as follows:

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

Supporting facts for this finding is as follows:

These two new residential units will not cause any detrimental impacts on the surrounding properties. Nor will the development of the property detract from the established residences in the area. The proposed use is compatible with the neighboring land uses and the property's development will not alter the character of the neighborhood. This portion of San Anselmo is a mixture of single family and multi-family uses.

Section 3. Finding required for approval of the Tentative Map Pursuant to section 10-2.503 of the San Anselmo Municipal Code is as follows:

- (1) The Commission in approving a tentative map, shall make the finding that the subdivision, together with the provisions for its design and improvement, is consistent with the General Plan of the Town.

Supporting fact for this finding is as follows:

This proposed subdivision map is consistent with the General Plan for this district and the density will not exceed the maximum allowable density for this site. Specifically, the General Plan designation on this property as "Residential Downtown Mixed", and which permits a density of 6 - 20 units/gross acre. Based on the two units proposed for this project the density equates to 7.26 units/gross acres.

PASSED AND ADOPTED by the Town Council of the Town of San Anselmo at a regularly scheduled meeting on May 25, 1993, by the following roll call vote:

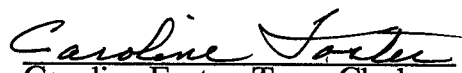
AYES: Breen, Kanis, Yarish, Zaharoff, Chignell

NOES: (None)

ABSENT: (None)


Paul Chignell, Mayor

ATTEST:


Caroline Foster, Town Clerk