

TOWN OF SAN ANSELMO  
RESOLUTION NO. 3374

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO APPROVING U-9620: USE PERMIT AND DESIGN REVIEW OF TWO LIVING UNITS ON SIR FRANCIS DRAKE BOULEVARD (ADJACENT TO THE WILLOW GLEN DEVELOPMENT), A/P NO. 5-311-21: ONE UNIT TO BE AVAILABLE FOR PHYSICALLY DISABLED PERSONS, AND ONE UNIT TO BE AVAILABLE AS A BELOW MARKET RATE UNIT ON PROPERTY LOCATED WITHIN THE SPD R-3 ZONING DISTRICT.

---

WHEREAS, on July 13, 1982 the Town Council adopted Ordinance No. 827 changing the zoning classification of A/P 5-224-17 from PPD R-1/R-3 to SPD (Specific Planned Development) for 19 townhouse units and 2 single family dwellings in accordance with plans received by the Town on May 5, 1982. That property, A/P 5-224-17 is currently known as: a) Subject property, known as A/P 5-311-21; and b) Contiguous properties, known as A/P Nos. 5-310-01 through 5-310-20, inclusive, and A/P 5-301-23; and

WHEREAS, on December 27, 1985, the Subdivision Map of Willow Glen, dated April, 1985, depicting the division of the individual parcels on the contiguous properties, and the notation that subject property was for a "Future 4 unit Condominium Site" was recorded by the Marin County Recorder; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 23, 1996, at which time they conditionally approved the applicant's request for a use permit and design review of: two living units on Sir Francis Drake Boulevard (adjacent to the Willow Glen development), A/P No. 5-311-21: one unit to be available for physically disabled persons, and one unit to be available as a below market rate unit; and

WHEREAS, the appellants, Leslie Harden, 14 Aspen Court, Maureen Higgins, 15 Aspen Court, Darcy J. Sears and Edward T. Wilson, 15 Rivera Street, and Mark M. Smith and Maria K. Zaharoff, 1 Rivera Street, appealed the Planning Commission's approval to the Town Council on October 3, 1996; and

WHEREAS, the Town Council held duly noticed public hearings on November 26, 1996 and December 17, 1996 to consider the above referenced request.

THEREFORE, upon considering information from the staff, Planning Commission, and appellants, and the applicant, the Town Council denied the appeal and supported the Planning Commission's approval based on the following findings and conditions:

### FINDINGS OF FACT

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

The proposed development will not 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, for the reasons that the use and design of the development is compatible with the neighborhood. Additionally, the number of proposed living units for subject property has been reduced from 4 to 2; the living area has been reduced from 1984-approved 4,024 square feet to the current proposal of 3,125 square feet; and dwelling structures have been moved away from the creek bank; and the parking structure has been reduced from the 1984-approved 1,000 square feet to the current proposal of 600 square feet.

### Design Review

- **Required Finding No. 1:** *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;*

The design, materials, and landscaping of the improvements will be functionally and aesthetically compatible with the existing improvements in the area.

- **Required Finding No. 2:** *Provides for protection against noise, odors, and other factors which may make the environment less desirable;*

The units will be exposed to traffic noise generated by Sir Francis Drake Boulevard; however, the outdoor living areas will be towards the creek and rear yard.

- **Required Finding No. 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;*

This development will be the natural completion to the Willow Glen project and will not discourage occupancy, investment or orderly development in the area.

- Required Finding No. 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;*

The proposed driveway will be very wide, which will improve turning movements into and out of the property. It is not possible to utilize the neighboring driveway on Aspen Court due to the location of the existing townhouses and the creek.

- Required Finding No. 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 be constructed in accordance with the Town building regulations.

#### CONDITIONS OF APPROVAL

1. Approval is based on: 1) the site plan received by the Town on December 17, 1996; 2) the floor plans received by the Town on November 8, 1996, and marked up by staff on December 17, 1996; and 3) the elevations received by the Town on July 8, 1996, and marked up by staff on December 17, 1996; 4) the landscape plans received by the Town on July 31, 1996 and November 25, 1996; and 5) the color board approved on November 5, 1984 and described in the Planning Commission staff report dated September 23, 1996;
2. That small trees be placed in the location of the fruit trees proposed to be removed near the handicapped parking space;
3. That any dead buckeye trees be replaced, and additional buckeyes be planted between the structures and the creek;
4. That a replacement tree be planted on the west side of the proposed driveway;
5. That Unit 1 be available as a unit for physically disabled person(s);
6. That Unit 2 be available as a below market rate unit. Direct the applicant to record with the County Recorder's Office either: 1) As a sale of Unit 2: contract with the Housing Authority to have the Authority prepare a developer agreement and a resale agreement (upon resale, the unit would come back through the Housing Authority). The Housing Authority has an eligibility list and potential homeowners would be included in a lottery; or 2) As a rental, to enter into a Rental Agreement with the Town

of San Anselmo to rent the unit at the 65% of median in line with those rent and income figures provided by the Housing Authority; and

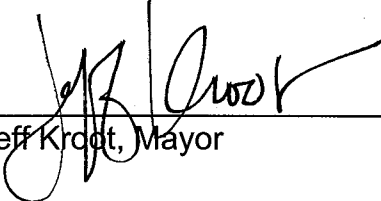
7. That construction begin within one year of the approval date unless a written request is approved by the Planning Director for a one-time only, one-year extension, provided the request is received before the expiration of the first year.

PASSED AND ADOPTED by the Town council of the Town of San Anselmo on December 17, 1996, by the following vote:

AYES: Breen, Hodgens, Kroot

NOES: (None)

ABSTAIN: Chignell

  
\_\_\_\_\_  
Jeff Kroot, Mayor

ATTEST:

  
\_\_\_\_\_  
Debbie Stutsman, Town Clerk