

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
ADOPTING THE MITIGATED NEGATIVE DECLARATION
AND THE MITIGATION MONITORING PROGRAM FOR A PRIVATE PARKING LOT
AT SPAULDING STREET AND LUNA LANE**

WHEREAS, assessor's Parcel Number 006-091-65 (Spaulding Street and Luna Lane) is currently identified on the San Anselmo General Plan Land Use Map with the designation of Parks/Open Space; and

WHEREAS, an application was filed with the Town of San Anselmo on July 29, 2010, requesting a General Plan Amendment to change the existing land use designation from Parks/Open Space to Limited Commercial; and a Rezoning from Residential Single Family (R-1) with a Specific Plan Development (SPD) overlay to Limited Commercial (C-L) with a Specific Plan Development (SPD) overlay; and Design Review for a proposed 12 space, ±4,000 square foot parking lot with retaining walls ranging in height from 2 feet to 6.5 feet and associated landscaping; and a Grading Permit to cut and fill over 100 cubic yards of earth or material located at Luna Lane and Spaulding Street, APN 006-091-65; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), staff prepared an Initial Study of potential environmental impacts for the proposed project and determined that potential impacts could be avoided or substantially reduced to a level of insignificance, with mitigation measures adopted as conditions of approval; and

WHEREAS, a Draft Mitigated Negative Declaration was prepared and mitigation measures identified to avoid, substantially reduce, or compensate for the environmental impacts identified in the areas of Air Quality, Biology, Cultural Resources, Geology and Soils, Hazards / Hazardous Materials, Hydrology / Water Quality and Noise. These mitigation measures have been agreed to in writing by the applicant and incorporated as draft conditions of approval for the project; and

WHEREAS, CEQA requires the Town to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures identified in the Mitigated Negative Declaration and such a program has been prepared for the project for consideration by the Town Council ("Mitigation Monitoring Program"); and

WHEREAS, on September 27, 2011, a Mitigated Negative Declaration was posted in accordance with the Government Code, providing a 20 day comment period as required by Public Resources Code § 21091; and

WHEREAS, on October 17, 2011, the Planning Commission held a duly noticed public hearing and received a staff report and public testimony regarding the Mitigated Negative Declaration, General Plan Amendment, Rezoning, Design Review and Grading Permit, and continued the matter for further information; and

WHEREAS, on December 5, 2011, the Planning Commission held a continued public hearing, received public testimony and at the close of the public hearing after considering the staff report and public testimony, voted unanimously to approve the Design Review for a proposed 12 space, ±4,000 square foot parking lot with retaining walls ranging in height from 2 feet to 6.5 feet and associated landscaping and a Grading Permit to cut and fill over 100 cubic yards of earth or material and to forward to the Town Council a recommendation for approval of the Mitigated Negative Declaration, General Plan Amendment; and Rezoning of Assessor's Parcel Number 006-091-65 (Luna Lane and Spaulding Street); and

WHEREAS, on March 13, 2012, the Town Council held a duly noticed public hearing and received a staff report and public testimony regarding the Mitigated Negative Declaration, General Plan Amendment and Rezoning for a proposed located at Luna Lane and Spaulding Street, APN 006-091-65.

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

The project will not have a significant adverse impact on the environment.

Staff prepared an Initial Study of potential environmental impacts for the proposed project and determined that potential impacts could be avoided or substantially reduced to a level of insignificance, with mitigation measures adopted as conditions of approval; and a Draft Mitigated Negative Declaration was prepared and mitigation measures identified to avoid, substantially reduce, or compensate for the environmental impacts identified in the areas of Air Quality, Biology, Cultural Resources, Geology and Soils, Hazards / Hazardous Materials, Hydrology / Water Quality and Noise. These mitigation measures have been agreed to in writing by the applicant and incorporated as draft conditions of approval for the project;

Furthermore,

- Notice of the public review period and hearing on the Mitigated Negative Declaration was given as required by law and said hearing was conducted pursuant to sections 15073 and 15074 of the State CEQA Guidelines.
- All individuals, groups and agencies desiring to comment on the Mitigated Negative Declaration were given the opportunity to address the Town Council.
- The Mitigated Negative Declaration of Environmental Impact for the project consists of the Initial Study and all reports, the Mitigated Negative Declaration, and all supporting information incorporated by reference therein, any responses to comments, and the project submittal.
- The Mitigated Negative Declaration of Environmental Impact for the project was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the Town's CEQA process.

- There is no substantial evidence in the record before the Town Council that the project, as mitigated, will have a significant effect on the environment.
- The decision to adopt the Mitigated Negative Declaration reflects the independent judgment of the Town Council.
- The Town is the custodian of the documents and other records that constitute the record of proceedings upon which this decision is based, which documents and other materials are located at the Town of San Anselmo Town Hall, 525 San Anselmo Avenue, San Anselmo California 94960.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Council adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program for the proposed project.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the San Anselmo Town Council on the 13th day of March, 2012 and was adopted at a regular meeting on the ___ day of _____, 2012 by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Tom McInerney, Mayor

ATTEST:

Barbara Chambers, Town Clerk

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