

**TOWN OF SAN ANSELMO
ORDINANCE NO. 1043**

AN ORDINANCE OF THE TOWN OF SAN ANSELMO APPROVING A MITIGATED NEGATIVE DECLARATION AND REZONING FROM SPECIFIC PLANNED DEVELOPMENT (SPD) FOR AN AUTOMOBILE DETAILING/REPAIR OPERATION TO SPECIFIC PLANNED DEVELOPMENT (SPD) FOR A RESIDENTIAL DEVELOPMENT: 2 SINGLE FAMILY DETACHED DWELLINGS, AND A BUILDING CONTAINING 4 TOWNHOUSES AND 4 "WORKFORCE" APARTMENTS (LOW TO MODERATE INCOME) ON APN 005-153-01, 1535 SIR FRANCIS DRAKE BOULEVARD.

SECTION I. PLANNING COMMISSION ACTION

WHEREAS, an application was filed with the Town of San Anselmo on June 15, 2004, requesting environmental review and SPD rezoning, and was determined complete on September 12, 2004; and

WHEREAS, the Planning Commission held duly noticed public hearings on October 5, November 15, and December 6, 2004, and considered the negative declaration and Specific Planned Development rezoning. Comments were received from staff and the audience; and

WHEREAS, the Planning Commission approved Resolution No. 0403 with conditions, recommending to the Town Council approval of the negative declaration and SPD rezoning on December 6, 2004, on the grounds that the required findings of approval could be made.

SECTION II. TOWN COUNCIL ACTION

WHEREAS, the Town Council held duly noticed public hearings on January 25, 2005 April 12, 2005, and May 10, 2005 to introduce an ordinance rezoning the property, at which time they considered the recommendations of the Planning Commission and took comments from staff and the audience, and continued the matter;

WHEREAS, the Town Council held a duly noticed public hearing on May 24, 2005, at which time they introduced an ordinance rezoning the property, after considering new information from the applicant, staff and the audience, waived reading, and continued the matter to June 14, 2005 for adoption of the ordinance.

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

SECTION III. ENVIRONMENTAL REVIEW

1. *That the above project would have a less than significant impact on the environment.*

Due to the scope and design of the project (10 units) and its location (at the corner of Sir Francis Drake Boulevard and Oak Knoll Avenue), the project should have no impacts on land use and planning, geology and soils, hydrology/water quality, mineral resources, and cultural resources, and less than significant impacts on population and housing, air quality, biological

resources, noise, public services, aesthetics, and recreational facilities. The project would have a less than significant impact with the mitigation measures (attached to the negative declaration) on transportation/circulation, utilities and service systems, and hazards/hazardous materials.

SECTION IV. REZONING

1. *The lot or lots is/are of sufficient size and otherwise suitable for planned development.*

The property is of sufficient size and suitable for planned development.

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

Due to the location of the property on Sir Francis Drake Boulevard and surrounding development and local streets, it can best be developed by a specific integrated plan.

3. *Planned development of the property would promote the purposes set forth in SAMC Section 10-3.901.*

Due to the property's size and aesthetic appeal, it cannot be appropriately developed through adherence to rigid zoning designations and restrictions. The special characteristics of this lot necessitate a flexible approach to its development, which will provide for logical and orderly development, and at the same time, promote the health, safety, and general welfare of the Town. Planned development contemplates flexibility and variety in the location of buildings and the diversity of lot sizes and building designs. The Planned Development District is intended to accommodate various types of development, including single family residential developments, multiple housing developments, and any combination of uses, which can be made a part of a planned development.

4. *The planned development is consistent with the Town's General Plan, with specific reference to the applicable sections of the General Plan.*

The project would be consistent with the General Plan for the following reasons:

LAND USE ELEMENT:

"Policy 1.2: Future growth will be managed based on the ability to provide needed public services, the constraints associated with development of the site, the costs and revenues associated with new development, and the effects of growth on local traffic conditions."

It has been shown that public services can be provided for this project, the applicant will pay for off-site improvements, and the Traffic Study has determined that the increase in traffic shall not have a significant impact on local traffic conditions.

"Policy 3.2: Single-family residential development is most appropriate within and adjacent to existing single family areas, and in areas easily served with water and sewer lines. Such areas should also serve as transition zones between mixed density and very low density areas."

The two detached single family dwellings are proposed to be located adjacent to detached dwellings on Medway Road, the project can be served by existing water and sewer lines, and the detached dwellings will serve as a transition between the apartments and townhouses on Sir Francis Drake Boulevard and the lower density on Oak Knoll Avenue and Medway Road.

"Policy 3.3: Mixed residential and housing opportunity development is also appropriate along major traffic arterials and adjacent to commercial and office areas."

The townhouses and workforce housing are proposed to be located on Sir Francis Drake Boulevard.

"Policy 3.4: Mixed residential and housing opportunity development is also appropriate along major traffic arterials and adjacent to commercial and office areas."

See 3.3 above.

"Policy 11.1: 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 scale of the townhouses and workforce apartments would be of a scale, intensity and design that integrates with the existing character of the Sir Francis Drake Boulevard neighborhood, and the scale of the detached dwellings would be of a scale, intensity and design that integrates with the existing character of the Oak Knoll Avenue/Medway Road neighborhood.

"Policy 11.2: Medium and large scale development projects in both single family and mixed residential areas shall provide for a variation in building heights and exterior wall and roof articulation to avoid monotonous structures with a large, blank visual bulk and mass."

The structures are designed to have variation in building heights and exterior wall and roof articulation such that the structures are visually interesting to break up any mass.

"Policy 12.1: To work with the special districts that provide water, sewer, and fire protection services in order to maintain and improve upon the present level of service."

The Town has obtained "will serve" letters from Marin Municipal Water District, Ross Valley Sanitary District, and both the Ross Valley Fire and San Anselmo Police Departments have responded with their comments.

"Policy 12.2: To require all new development with the Town to be served by public water and fire protection agencies and, where feasible, the public sewer system."

The project would be served by Marin Municipal Water District, Ross Valley Sanitary District, and both the Ross Valley Fire and San Anselmo Police Departments.

"Policy 16.1: All new developments in the Town should be designed to minimize vegetation removal, soils compaction, and site coverage."

The project would have balanced cut and fill at approximately 200 cubic yards. Vegetation removal would be of a heritage fan palm tree (circumference is 76.32"), which is located in the Town right of way. It was planted by a former tenant of No. 1535 in 1993 without Town approval, is not native to Northern California, and is located in the area where the sidewalk is proposed to be widened to meet ADA regulations.

"Policy 16.4: To repair and improve the Town's storm drainage system to handle existing and projected runoff."

Installation of storm drains on Oak Knoll Avenue and Medway Road would not be the responsibility of this development. The Town Engineer would require, however, that surface drainage be piped to the streets and not over adjacent private property.

CIRCULATION ELEMENT:

"Policy 1.2: To limit the intensity of developments which may have the potential to make a residential street traffic dominated."

The Traffic Study reports that this project will not make the residential streets traffic dominated.

"Policy 1.3: To promote traffic safety by channeling through traffic away from residential streets."

The project includes two egress driveways with right turn only signs, which places the vehicles on Sir Francis Drake Boulevard.

"Policy 3.2: All new major developments or subdivisions will be required to submit information to the Town as to their effect on the level of service at impacted intersections."

A Traffic Study was prepared, which states the project should not have a significant impact.

"Policy 4.1: To direct through traffic away from residential areas of the Town by using such techniques as landscaping and traffic islands . . . one-way traffic controls . . . do not pose a problem to public safety."

See 1.3 above.

"Policy 5.1: To maximize the use of local streets for regional bicycle traffic."

"Policy 6.1: San Anselmo's pedestrian way system is intended to link residential areas with local community destination points (i.e., parks, schools, town hall, commercial areas)."

The Sir Francis Drake Boulevard sidewalk is proposed to be widened to between 10' and 12' and will serve as a multipurpose path for pedestrians and bicyclists.

"Policy 6.2: Sidewalks and walkways will be considered in new residential projects but may not be mandatory."

See 6.1 above.

"Policy 8.1: to improve traffic circulation along Sir Francis Drake Boulevard by authorizing limited improvements such as . . . improvements at existing intersections . . ."

The Oak Knoll Avenue/Sir Francis Drake Boulevard intersection is proposed to be improved with Oak Knoll road and turning radius widening.

HOUSING ELEMENT:

"Policy 1.2: Design that fits into the neighborhood: It is the Town's intent that neighborhood identity and sense of community will be enhanced by designing all new housing to have a sensitive transition of scale and compatibility in form to the surrounding area. New development in existing residential areas shall be of a scale and character complementary to that of the neighborhood in order to protect overbuilding of the property."

This project has a "sensitive transition of scale and compatibility" with the surrounding area. The detached homes are adjacent to the Medway Road detached homes, and the townhouse/workforce apartments are adjacent to multi-residential housing.

"Policy 2.1: Housing for local workers: The Town will strive to provide an adequate supply and variety of housing opportunities to meet the needs of San Anselmo's workforce and their families, striving to match housing types and affordability, with household income."

Four workforce apartments, four townhouses, and 2 detached dwellings are proposed.

"Table 25: Summary of Potential Multi-Family Housing Sites and Opportunities"

The number "15" was assigned to this property based on the location of the project (near public transportation, adjacent to an arterial street, near other multiple family dwellings) and the Land Use Element discussion of Housing Opportunity Areas that would serve as an incentive to provide housing for low and moderate income families and that incentive would be to allow 28 units per acre if 40% of a project was developed for low or moderate income families.

SECTION V. Conditions of Approval

Plans:

1. Approval is based on the site plans and floor plans dated stamped received on May 19, 2005, the elevation plans of the townhouse building date stamped received on November 22, 2004, and the elevation plans of the two detached dwellings date stamped received on May 24, 2005.

2. Prior to Building permit issuance for construction of the dwelling units and tentative map approval, a professional environmental consultant shall take additional soil and ground water samples in different areas of the site. Should contamination be found, a second mitigated Negative Declaration shall be circulated detailing the clean up operation

parameters. Should contamination be found at the site, the applicant must clean it up to the satisfaction of the San Francisco Regional Water Quality Board before the dwelling units are constructed. Should clean up not be possible, this Ordinance shall be repealed and the zoning shall revert to Specific Planned Development (SPD) for an automobile detailing/repair operation.

3. Prior to Building permit issuance for construction of the dwelling units, the tentative parcel map shall be subject to Planning Commission review and approval by the Town Council. This tentative map shall include the specific lot designs.

4. Prior to Building permit issuance for construction of the dwelling units, a use permit application shall be subject to approval by the Planning Commission and their approval obtained, which includes specifics, such as building materials, exterior colors, landscape plan including plant species, sizes, irrigation, and fencing, driveway materials, etc.

Grading and Drainage:

5. Prior to Building permit issuance for construction of the dwelling units, a grading plan and drainage plan shall be subject to approval by the Town Engineer.

6. Roof drainage from Buildings D and E shall be to Sir Francis Drake Boulevard.

Right of Way:

7. Prior to issuance of the Certificate of Occupancy: Off-site improvements to the right of ways on Oak Knoll Avenue (road widening, turning radius, sidewalk, driveway approach) and Sir Francis Drake Boulevard (sidewalk and driveway approach) shall be completed to the satisfaction of the Town Engineer.

8. Prior to building permit issuance, the applicant shall prepare and file with the Public Works Director, a construction management plan, which includes a videotape of the roadway conditions on Sir Francis Drake Boulevard, Oak Knoll Avenue and Medway Road prior to construction. The applicant shall also post a road improvement bond or provide other assurance to the Town that damage to public streets resulting from construction vehicles will be corrected. The plan should include: 1) on-site storage of equipment and vehicles; 2) all construction equipment shall be adequately muffled and maintained; 3) hours of construction; etc.

9. Prior to issuance of the Certificate of Occupancy, Right Turn Only signs shall be installed by the Town at the applicant's expense near the Oak Knoll Avenue and Sir Francis Drake Boulevard exits. The San Anselmo Police Department shall determine such signs and their locations so that that Department can enforce them.

Landscaping:

10. Prior to issuance of the Certificate of Occupancy, the landscaping shall be planted and automatically irrigated as shown on the landscape plan.

11. Prior to building permit issuance for construction of the dwelling units, those trees along the rear property line, which are to be preserved, shall be protected according to the an Arborist's recommendations in order to minimize damage to these existing trees during construction of the dwelling and infrastructure. This includes protecting trees during installation of the utility lines. All protection shall remain in place until construction is completed.

Lighting:

12. 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.

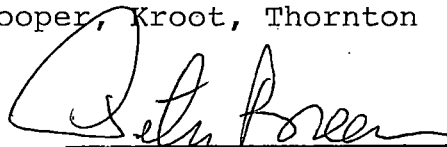
General:

13. Should construction not begin within one year from the date of this approval, the approval shall be considered null and void. A one-time-only, one-year extension can be requested in writing to the Planning Director prior to the expiration date.

14. Units WF 1, WF 2, WF 3 and WF 4 which are identified as "workforce housing", shall be available to households of low to moderate-income (80%-120% of median) for Marin County, by ownership. The term, "workforce" generally means that such units would be made affordable to private and public sector workers with incomes at or below that of teachers, public safety workers, and other professionals. Prior to recordation of the final subdivision map, the applicant shall enter into an agreement with the Town and the Housing Authority of the County of Marin, which is authorized by law to participate in programs that provide housing for households of low and moderate income, that the 4 designated "workforce units" would continue to be available as workforce housing for a period of 35 years.


THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 24th day of May 2005, and was adopted at a regular meeting on June 14, 2005, by the following vote:

AYES: Chignell, Breen, Cooper, Kroot, Thornton
NOES: (None)
ABSENT: (None)



Peter Breen, Mayor

ATTEST:


Barbara Chambers, Town Clerk