

ORDINANCE NO. 1083

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
REZONING ASSESSOR'S PARCEL NUMBER 006-091-65 (SPAULDING STREET AND
LUNA LANE) 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**

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, \pm 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, 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 \S 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 three ayes and two noes to approve the Design Review for a proposed 12 space, \pm 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 continued this item to next Council meeting of March 27, 2012; and

WHEREAS, on March 27, 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 private parking lot 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 Rezoning shall not have a significant adverse impact on the environment.

Staff prepared an Initial Study of potential environmental impacts and determined that potential impacts could be avoided or substantially reduced to a level of insignificance, with mitigation measures adopted as conditions of approval. A Mitigated Negative Declaration has been 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, Hydrology / Water Quality and Noise. These mitigation measures have been agreed to by the applicant and incorporated as draft conditions of approval.

The Rezoning in its entirety is in compliance with all provisions of the Town of San Anselmo General Plan.

The rezoning of the project site from R-1 with an SPD overlay to C-L with an SPD overlay will be consistent with all of the pertinent provisions of the Town's General Plan as discussed above. The designation of C-L with an SPD overlay will result in a consistency between the land use and zoning designations and furthermore, give the Town the ability to review future development proposals through an SPD Amendment.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Council rezones Assessor's Parcel Number 006-091-65 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.

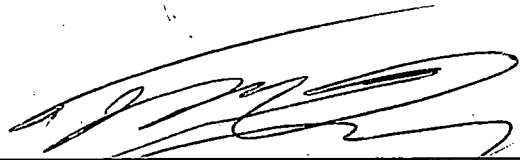
THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 27th day of March, 2012 and was adopted at a regular meeting on the 10th day of April, 2012 by the following vote:

AYES: Councilmembers: Coleman, Kroot, Lopin, McInerney

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: Greene



Tom McInerney, Mayor

ATTEST:



Barbara Chambers, Town Clerk