

**TOWN OF SAN ANSELMO
RESOLUTION NO. 3742**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO APPROVING A USE PERMIT, DESIGN REVIEW, AND LOT LINE RELOCATION FOR A TWO-UNIT RESIDENTIAL PROJECT LOCATED AT 2 AND 6 LOMA ROBLES AVENUE, APN 006-091-34 & 35, 006-091-02, 006-091-62

WHEREAS, an application was filed with the Town of San Anselmo requesting approval for Environmental Review, Zone Change from R-1, R-3, & C-L to PPD/SPD, Use Permit, Tentative Map, and Design Review to consider 4 residential dwelling units on .58 acres; and

WHEREAS, on June 21, 2004 initial environmental processing and subject application was deemed complete a public hearing was conducted by the Planning Commission; and

WHEREAS, on June 21, 2004, the Planning Commission provided a recommendation to the Town Council for consideration of the Zone Change from R-1, R-3, & C-L to PPD/SPD, Use Permit, Tentative Map, and Design Review for four residential dwelling units on .58 acres; and

WHEREAS, the Town Council requested additional environmental studies, which were subsequently reviewed by the Public Works Director and presented to the Town Council at public hearings on March 22, 2005 and June 14, 2005;

WHEREAS, on June 28, 2005, the Town Council approved the mitigated Negative Declaration with Exhibit A (listing additional environmental studies) and Exhibit B (additional mitigation measures) on the grounds that the project would not have a significant impact on the environment.

WHEREAS, on August 23 and September 13, 2005, the Town Council held duly noticed public hearings to consider reducing the residential density to 2 units, known as 2 and 6 Loma Robles Avenue, and directed staff to prepare a resolution to be considered at the September 27, 2005 public hearing;

WHEREAS, on September 27, 2005, the Town Council held a duly noticed public hearing and adopted a resolution approving the use permit, design review and lot line adjustment for a two-unit residential project.

NOW, THEREFORE, be it resolved, that the Town Council finds the following:

- The Use Permit is hereby approved based upon the following findings of fact:

Required Finding. The establishment of the use would 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.

The Use Permit is hereby approved because the establishment of the use would not be detrimental to the health, safety, peace, 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 based upon the fact that the project will be built to the Town's building safety and public works standards. Further, the project would be an improvement to the area consistent with Town codes.

- The Design Review is hereby approved based upon the following findings of fact:

Required Finding 1. Is functionally and aesthetically compatible with the existing improvements and natural elements in the surrounding area

The proposed project is functionally and aesthetically compatible with the existing improvements and natural elements in the surrounding area because the residential project can be adequately accessed from existing streets consistent with other residential properties in the area; and the project's exterior colors, materials, and landscaping will provide an aesthetic improvement compatible with surrounding area.

Required Finding 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable

The proposed project will provide for protection against noise, odors, and other factors which may make the environment less desirable because the project will consist of residential buildings which will be built in accordance with the Town's building and safety codes consistent with other residential properties and protections.

Required Finding 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.

The project 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 because the design represents an improvement to the existing property and will be built in accordance with the Town's standards and requirements herein.

Required Finding 4. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and will provide for satisfactory access by emergency vehicles and personnel.

The project will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and will provide for satisfactory access by emergency vehicles and personnel because the proposed project consists of four single-family residences which will have adequate ingress-egress to a public street, and which will provide adequate ingress-egress for emergency vehicles as determined by the Ross Valley Fire Department. Further, the traffic impact of the residential units is determined to be less than significant.

Required Finding 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 not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area because it will be built in accordance with the Town's building and safety codes and will be required to comply with the construction management and grading requirements herein.

- The Lot Line Adjustment is hereby approved based upon the following findings of fact:

Required Finding. The parcels will conform to the General Plan and Zoning Ordinance.

The lot line adjustment will not create additional lots and will simply adjust lot lines between the two proposed dwellings, and it will be in conformance with both the General Plan and Zoning Ordinance.

Conditions of Approval:

1. Project shall be in accordance with the plans date September 22, 2005, received by the Town of San Anselmo Planning Department, except as may be modified herein.
2. Prior to the issuance of a grading permit, surety to complete the grading improvements shall be provided in an amount as approved by the Director of Public Works, and in a form as approved by the Town Attorney.
3. A construction management plan shall be prepared by the applicant and submitted to the Director of Public Works. An oversight committee including the Director of Public Works, Planning Director, and a Town Councilmember shall review and ultimately approve the plan prior to the issuance of any building or grading permit. Said plan shall include, but not limited to, protection of public streets and surrounding properties, and shall provide for adequate construction staging, hours of operation, dust control, and other matters deemed appropriate by the Public Works Director necessary to protect the health, safety, and welfare of the Town.
4. A homeowners association or other instrument assuring common access easements, improvements, and maintenance of approved exterior materials/colors, and common improvements shall be recorded prior to or in conjunction with the proposed parcel map. Said instrument shall be approved by the Town prior to recordation.
5. Prior to Building permit issuance, the Town Council shall consider the Planning Commission's recommendation for approval of a tentative parcel map providing for the creation of proposed lot mergers and lot line adjustments. Further, said map shall be recorded prior to the issuance of any Building permit within the project.
6. All outstanding planning processing fees and building permit fees shall be paid prior to the issuance of any Building permit.

7. This project shall be subject to the requirements of the Marin Municipal Water District and all other public utility agency requirements necessary to serve the project.

9. If construction is not commenced within one year from the date of final Planning Commission action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

10. Final exterior wall colors shall be presented to and approved by the Planning Commission after sample color swatches are painted on the exterior of the buildings during construction. Final exterior building colors shall be approved by the Planning Commission prior to any final inspection or occupancy.

11. 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.

12. All construction shall be subject to the mitigations listed in Exhibit B of the Mitigated Negative Declaration approved by the Town Council on June 28, 2005.

13. Prior to the issuance of a building permit an Indemnity Agreement indemnifying the Town of San Anselmo, its Council, Commissions, agents, officers, employees, and consultants against all claims, costs, suits, and liabilities or against any action to set aside or declare void the approvals granted herein, executed by the project property owner. The agreement shall be approved by the Town Attorney. The agreement shall be binding upon all successors in interest and shall be executed and recorded with the Marin County Recorder's Office.

PASSED AND ADOPTED at a meeting of the Town Council on September 27, 2005, by the following vote:

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



Peter Breen, Mayor

ATTEST:



Barbara Chambers, Town Clerk