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CITY OF SAN ANSELMO

ORDINANCE NO. 547

AN ORDINANCE ADDING A CHAPTER 4 TO TITLE 10 OF THE SAN ANSELMO MUNICIPAL CODE PROVIDING FOR A DESIGN REVIEW OF ALL IMPROVEMENTS SUBJECT TO A BUILDING PERMIT EXCEPTING SINGLE FAMILY RESIDENCES AND APPURTENANCES AND PLANNED DEVELOPMENT (P D) IMPROVEMENTS SUBJECT TO APPROVAL BY THE PLANNING COMMISSION.

The City Council of the City of San Anselmo do ordain as follows:

Section 1. There is hereby added to the Municipal Code of San Anselmo a Chapter 4 to Title 10 as follows:

Chapter 4. DESIGN REVIEW.

Article 1. Adoption of Design Review

Sec. 10-4.01. Adoption of Design Review. There is hereby adopted a plan of design review for all buildings, structures and improvements requiring a building permit in the City of San Anselmo excepting single family residences, appurtenances and improvements thereto, and certain planned development (P D) improvements by creating a Design Review Committee.

Sec. 10-4.02. Purpose. The City Council of San Anselmo hereby finds that poor or inappropriate exterior design of improvements to real property adversely affects the health, safety and welfare of the residents of this City by creating conditions which: (a) endanger the lives of persons using adjacent streets and property; (b) decrease property values in the surrounding area or the City as a whole; (c) impair the comfort and well-being of the persons using such real property; and (d) are aesthetically incompatible with adjacent real property. It is the purpose of this ordinance to minimize such adverse effects by providing for the review of the design of certain buildings and improvements hereafter constructed in this City.

Sec. 10-4.03. Membership of Design Review Committee. The established Design Review Committee (hereinafter referred to

as the "Committee") shall consist of seven members appointed by the Mayor and confirmed by the City Council. Any such committee member may be removed by a majority vote of all members of the City Council. Each such member shall be appointed for a term of four years and until his successor takes office, and may be reappointed for an additional term or terms, provided however, that (a) a member appointed to fill a vacancy caused by the death, resignation, or removal of a member shall initially be appointed to serve only during the unexpired term of the former member, and (b) the terms of ~~two~~^{three} of the members first appointed shall expire on April 15, 1968, and the terms of the ~~three~~^{four} other members first appointed shall expire on April 15, 1970. Each such member shall at all times during his term be a resident of, or have his principal place of business in the City of San Anselmo and each shall serve without compensation. Each such member shall be a person whom the City Council finds qualified by education, experience, or interest, to be a member of the Committee.

Sec. 10-4.04. Meetings and Organization. (a) The Committee shall meet at the City Hall at such times as it deems advisable and necessary, but not less frequently than once a month. It shall elect a chairman and such other officers as it deems advisable at its first meeting in January of each year. Four members of the Committee shall constitute a quorum and the like votes of the majority of the members present shall be necessary for the Committee to take action on any matter. All meetings shall be open to the public.

(b) The Committee shall keep minutes and records, which shall be public records, of all of its proceedings and shall, from time to time, adopt such rules as it deems advisable for the implementation of this ordinance. To the fullest extent compatible with the purpose of this

ordinance, such rules shall seek to encourage creativity and variety in design, and to minimize any expense or delay necessitated by the review herein established. The City Council shall establish such policies for the augmentation of this chapter as may become necessary or desirable.

(c) The Committee is directly responsible to the City Council.

Sec. 10-4.05. Improvements Subject to Design Review. (a) The Committee shall review the design of each improvement for which a building permit, license, certificate or other approval is required, except (a) single family residences, appurtenances and accessory improvements, and additions or repairs to either; (b) additions or repairs to any existing improvement if the exterior thereof is not to be altered; (c) any addition or repair to an existing improvement if the total value of additions and repairs to such improvement does not exceed \$300 in any calendar year; and (d) any improvement which is constructed in a P D District, pursuant to a variance or use permit, or is otherwise subject to Planning Commission consideration. The Committee shall, nevertheless, when requested to do so by the Planning Commission, make recommendations to that Commission regarding the design of any improvement subject to Commission consideration.

(b) The term "improvement" as used in this ordinance shall be liberally interpreted, and shall include the construction, alteration and repair of all buildings, structures and facilities permanently affixed to real property, and appurtenances thereto. No improvement subject to design review shall hereafter be constructed, located, repaired, altered or thereafter maintained except in accordance with a design approved as provided in this ordinance.

Sec. 10-4.06. Applications for Design Review. Any person or

entity proposing to construct or locate in this City an improvement subject to design review hereunder shall file an application for design review with the head of the Planning Department. Each application shall be in the form, and shall include such plans, elevations and other information as the Committee shall by its rules require. No application shall be considered complete until all information required by the Committee's rules has been filed. The head of the Planning Department shall submit to the Committee all applications for design review promptly following completion thereof. If the Committee fails to take final action upon an application within 30 days after the date of its completion and filing the application shall be deemed approved by the Committee as filed, provided, however, that the foregoing provisions of this sentence shall not apply to any optional procedure established by the Committee for the review of tentative or preliminary designs. Any time limit specified herein may be extended by written agreement between the Committee and the applicant.

Sec. 10-4.07. Review by the Committee. (a) The Committee shall review the significant elements of exterior design and arrangement set forth in each complete application filed with the head of the Planning Department, and shall approve the application if it finds that the design of the proposed improvement (1) is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; (2) provides for protection against noise, odors, and other factors which may make the environment less desirable; (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; (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; and (5) will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.

(b) In its review the Committee shall consider size; proportion; use, type and quality of materials; architectural features and ornamentation; night lighting; color application; signs; site placement of all features; existing and proposed landscaping and topography; existing and proposed open spaces and paved areas; screening devices, and other matters and elements deemed by it to be pertinent to criteria (a) to (e) listed above.

(c) If the Committee is unable to make the finding required above, it shall take one of the following actions: (1) request further information from the applicant, upon obtaining a written stipulation waiving the 30-day approval period; (2) disapprove the application or (3) require, as a condition of approval, such changes in the design as it determines are necessary to enable it to make the required finding. Any disapproval shall be accompanied by a statement of the Committee's reasons for such action and showing how each member present voted.

Sec. 10-4.08. Appeals and Further Review. Any person in interest may file with the City Council an appeal of any approval, disapproval or other disposition of an application for design review. Such appeal shall be filed within ten days after the date of such approval, disapproval or disposition, and the appeal shall be put on the City Council agenda for that next regular meeting which follows a lapse of ten days from filing of the appeal. The action of the City Council on any application shall be final and shall be effective on the date of the action. Any other approval, disposition, or action not appealed shall become final upon the expiration of the ten day appeal period. The City

Council may, on its own motion made within the appeal period, order an appeal of any approval, disapproval or other disposition or action of the Committee.

Sec. 10-4.09. Appeal Procedure. Each appeal by a person in interest shall be made in the form prescribed by the City Council and shall be filed with the City Clerk. Each such appeal shall state the respects in which the decision appealed is contrary to the provisions hereof. The Council shall promptly consider the appeal and shall approve, modify or reverse the prior decision.

Sec. 10-4.10. Prohibitions. No building permit, license, certificate, or other approval shall be issued or given by the City or any department or employee thereof with respect to any improvement subject to design review until the design of the improvement has been approved as provided in this ordinance. No certificate of use and occupancy or similar approval shall be issued or given for any improvement subject to design review hereunder unless, and until the head of the Planning Department has certified that the improvement has been completed in accordance with the design approved pursuant to this ordinance.

Sec. 10-4.11. Nuisance. Any improvement constructed, located, repaired, altered or maintained contrary to the provisions hereof is hereby declared to be unlawful and a public nuisance.

Sec. 10-4.12. Other Duties of the Committee. The Committee shall review the design of all improvements to be constructed (1) by the City and, (2) to the extent permitted by law or by the agencies involved, by school districts and other governmental agencies. Such review shall be conducted with reference to the criteria and factors set forth in section 6 hereof and, following such review, the Committee shall submit a written report of its recommendations and comments to the body proposing to construct the improve-

ment. The report and recommendations as to improvements to be constructed by the City of San Anselmo shall be advisory only. The Committee shall also perform such other functions as may be assigned to it by the City Council.

Sec. 10-4.13. Financial Interest of Committee Members.

No member of the Committee shall participate in the review of or vote upon the design of any improvement in which he has a direct or indirect financial interest of any kind. The Mayor may appoint a temporary member to the Committee to take the place of each member so disqualified during the Committee's review of and voting upon the design in which the regular member has an interest.

Sec. 10-4.14. Other Ordinances Not Affected. Nothing in this chapter shall be construed to: exempt any applicant from compliance with any requirement of any other ordinance of this City; or amend any such other ordinance.

Section 2. This ordinance shall be published once in full, within fifteen (15) days of its final passage and adoption in the Independent Journal, a newspaper printed in the County of Marin and of general circulation in the City of San Anselmo.

The foregoing ordinance was introduced at a regular meeting of the San Anselmo City Council held on February 14, 1967, and was thereafter at a regular meeting of the City Council held on February 28, 1967, duly passed and adopted by the following vote:

AYES: Councilmen: Scott, Capurro, Ragan, Smith

NOES: Councilmen: Reichmuth

ABSENT: Councilmen: None

JOHN REICHMUTH, MAYOR

ATTEST:

ANITA GANNON, CITY CLERK