

TOWN OF SAN ANSELMO

**ORDINANCE NO. 890**

AN ORDINANCE AMENDING ARTICLE 12 OF CHAPTER 3 OF TITLE 10 OF THE SAN ANSELMO MUNICIPAL CODE, ESTABLISHING A REVISED APPLICATION AND PROCESSING PROCEDURE FOR DEVELOPMENT WITHIN THE HILLSIDE DENSITY DISTRICTS (RI-H)

---

Amended Article 12 is hereby added to Chapter 3 of Title 10, Planning and Zoning, to read as follows:

Article 12. Hillside Density Districts (RI-H)

**Section 10-3.12.01 Purpose**

The purpose of this article is to establish for hillside and ridge parcels the maximum number of single family detached dwelling allowed, and to provide a mechanism to protect the natural features of the land and limit development on visible ridges. This article will be applied where the unique and sensitive character of hillside and ridge parcels require lower densities than permitted in other Residential Districts.

**Section 10-3.1202 Scope and Plan Review Process**

The specific regulations set forth in this article and the general rules set forth in Article 19 of this chapter shall apply in the RI-H District; provided, however, when conflicts occur between this Article and Article 19, the provisions of this Article shall govern.

A parcel of land in the RI-H District can not be constructed upon until all of the following applications have been submitted and approved by the Town.

- a) Preliminary Development Plan - The Preliminary Development Plan will set forth the general acceptable number of residential dwelling units for the property, building site locations, roadway alignments, and pedestrian, equestrian, and open space easements.
- b) Precise Development Plan - The Precise Development Plan will establish the maximum number of residential dwelling units for the property; the exact location of structures and roadways; and the boundaries and alignment of pedestrian, equestrian, and open space easements.
- c) Tentative Map and Improvement Plans - A tentative map and improvement plan can not be acted upon until a property has received both preliminary and precise development plan approval. The tentative map must conform to the requirements of the Subdivision Map Act.

RIH.Ord

- d.) Architectural Plans - Must be submitted and approved by the Planning Commission prior to the issuance of a residential building permit.

A property owner or authorized representative can apply for one or more of the above applications at the same time. However, a revision or modification of the preliminary development plan, during the review process, could invalidate the other applications submitted. The R1-H district requires the precise plan and tentative map to be consistent with the approved preliminary plan.

#### **Section 10-3.1203 Parcels Covered**

The parcels included in the R1-H District shall be those listed in the official "Table of Hillside and Ridge Density Parcels" as adopted and as may be amended from time to time, as shown on the Zoning Map referred to under Article 3 of this chapter. The Planning Director shall maintain said Table together with the Zoning Map, and shall keep said Table current when Assessor's parcel numbers are changed.

The maximum number of dwelling units allowed on each parcel in the R1-H District shall not exceed the number of dwelling units designated for each parcel listed in the official "Table of Hillside and Ridge Density Parcels". Under no circumstances shall the density of any parcel in the R1-H District exceed one dwelling unit per gross acre of land in the parcel.

#### **Section 10-3.1204 Definitions**

- a) Ridge tops: Ridge tops are those identified in the San Anselmo General Plan.
- b) Ridge line: The ridge line is defined as the uppermost line in elevation along a ridge.
- c) Ridge Zone: The ridge zone is defined as that part of a ridge on both sides of the ridge line which lies within either 50 feet vertically in elevation of the nearest point on the ridge line, or a 150 foot horizontal distance measured perpendicular from the ridge line, whichever is less.

#### **Section 10-3.1205 Uses Allowed**

The following uses will be allowed in the R1-H District subject to approval of a Preliminary and Precise Development Plan as provided for in this Article.

- a) Detached single family dwellings.
- b) Agriculture, horticulture, gardening and the keeping of animals as permitted by Town laws, but not including stands or structures for the sale of agricultural or nursery products or commercial animal establishments except by Use Permit in Special Agricultural Combining Districts.

R1H.Ord

- c) Underground and above ground utility installations for local service.
- d) Public parks, trails and access easements intended for public use.
- e) Roadways, driveways and other access easements necessary to serve the approved level of development.
- f) Home occupations as an incidental accessory use so long as carried on by persons residing in the dwelling with not more than one nonresident person. Such use shall not increase vehicular traffic flow by more than four (4) individual visits per day, shall not include outdoor displays or storage, and shall not create noise exceeding the levels permitted by Chapter 7 of Title 4 of this code or dust, vibration, odor, smoke, fumes, glare, electrical interference, fire hazards, or other hazards or nuisances.

**Section 10-3.1206 Standards and Requirements**

The following regulations shall apply in the R1-H District, which district shall be subject to other provisions of this title, except that where conflicts in regulations occur, the requirements specified in this Article or on a Preliminary or Precise Plan approved pursuant to this Article, shall apply:

- a) Standards for lot area, frontage, width and coverage; yards and parking shall be the standards of the R-1 District. Exceptions to these standards may be allowed or required by the Planning Commission when such exceptions would result in a more desirable development and are warranted based on information developed through the review process and the exceptions are consistent with the goals, policies and objectives of the San Anselmo General Plan.
- b) Height Limitation The height of structures located in the ridge zone (see section 10-3.1204) shall be limited as follows:
  - 1) The highest point in the roof line shall be no higher than 18 feet vertically above the nearest point on the ridgeline ground surface, nor shall the highest point on the roof line be higher than 30 feet vertically above the ridge zone slope ground surface. The requirement which produces the lowest height shall govern.
  - 2) For the purposes of this section, the ground surface shall be either the predevelopment ground elevations at the appropriate points or the finished grade elevations at the appropriate points. The finished grade elevations may be used only if they are approved by specific action of the Planning Commission.

In approving the finished grade elevation as the governing ground surface, the Planning Commission shall make all of the following findings:

- (a) That use of the finished grade elevation in lieu of the pre-development ground surface will produce results consistent with the intention of this section to minimize visual impact

RLH.Ord

on the ridge zone.

- (b) That use of the finished grade will benefit the public welfare and other properties in the area.
  - (c) That use of the finished grade will not result in the substantial obstruction of visible redgeline or view from other properties in the Town.
- 3) These requirements assume evenly graded ground surfaces. When local irregularities in the ground surface produce results which are in conflict with the intent of these requirements, the Planning Commission shall determine reasonable, average ground surface conditions in the vicinity of the governing points and instruct the Town Engineer to make structure height calculations based on these reasonable average conditions.
  - 4) The intention of the preceding height limits is to produce structures which minimize visual impact on the ridge zone. If during the design review process associated with a particular structure, a design emerges which is in compliance with these limits but in conflict with the intent of the ordinance, the Planning Commission shall have the authority, to amend these limits in order to achieve the original intention of these limits.

Prior to any amendment of these height limits, the Planning Commission shall make all of the following findings:

- (a) That such amendment will better achieve the purpose of the ordinance.
  - (b) The amendment in height limits will benefit the public welfare and other properties in the area.
  - (c) The amendment will not result in the substantial obstruction of a visible ridgeline or the obstruction of views from other properties in the Town.
- c) Building site locations shall be selected to reduce visibility providing such locations can be served with reasonable access and are geologically stable.
  - d) The Preliminary and Precise Development Plans shall be based on a grading plan designed to retain the natural features of the land. Cuts and fills shall be kept to a minimum, and rounded and contoured to blend with existing topography.
  - e) Landscaping shall be provided to screen, maintain or improve the overall visual quality of the community; to stabilize erodible soil; and to camouflage the visually harsh aspects of improvements such as cuts, fills, and retaining walls. The type and character of plant materials shall be reasonably related to plants in the surrounding areas. Landscape plans shall demonstrate a recognizable pattern or theme for the overall development by choice and location of plant varieties.

RIH.Ord

- f) Pedestrian easements are required where pedestrian facilities are not contained within streets. Consideration shall be given to continued use of established local trails and trails in the accepted Countywide Trails Plan.
- g) Where developable land exists beyond the development being considered, road easements and dedications shall be provided. Such easements shall be to the same standards as other public roads within the development.
- h) Where developments include proposed open space, or where developments abut existing open space, access to that open space shall be provided for the public, and emergency, and management vehicles and equipment.
- i) Construction within ridge zone.
  - 1. Construction within the ridge zone shall be permitted only when the applicant has demonstrated to the satisfaction of the Town Engineer and the Planning Commission that construction outside of the ridge zone would be detrimental with respect to soil and geologic conditions, vegetation removal, drainage and such other factors as are determined to be pertinent.
  - 2. Construction allowed within the ridge zone, under this Ordinance, shall be kept to a low visual profile, the acceptance of which shall be determined in the Design Review process.

**Section 10-3.1207 Application Procedures for Preliminary and Precise Development Plans**

The application for Preliminary and Precise Development Plan approval may be made by one or more private property owners. The application shall be submitted on prescribed forms, and shall be accompanied by a filing fee. In addition, the applicant(s) shall pay the actual costs of Town staff and consultant services in reviewing and processing the application. Payment for such actual costs of services shall become due and payable upon receipt of a bill therefore. The Preliminary or Precise Development shall not be placed on the agenda for review by the Planning Commission until said bills are paid in full. The application shall be signed by the owner(s) of the property.

**Section 10-3.1208 Preliminary Development Plan Approval**

The applicant shall submit a Preliminary Development Plan to the Planning Commission for approval. The Planning Commission approval shall be limited to the general acceptability of the number of residential dwelling units, building site locations, roadways, and pedestrian and equestrian easements. Approval shall not be construed to endorse precise location of dwellings, configuration of parcels, engineering feasibility, or acceptance of detailed grading to implement said Preliminary Plan. The Preliminary Plan

application shall include the following information.

- a) A topographic map of the subject property or properties and adjacent properties showing existing land features, trees and buildings. The property lines of the subject property(s) shall be shown on the topographic map, as well as, the boundaries of all ridge zones as defined in Section 10-3 1204.
- b) Proposed circulation pattern, indicating both public and private roadways, driveways, and pedestrian ways. Estimated traffic generation as it effects streets within, and in the vicinity of the proposed development.
- c) Proposed lot lines and building envelopes on each lot.
- d) Proposed parks, open space and public access easements.
- e) A Preliminary Geology and Soils Report.
- f) A conceptual grading plan showing cuts, fills and potential location of retaining walls. Retaining wall height and width shall be estimated.
- g) Preliminary landscape concept designed to screen all improvements, building envelopes, and cuts and fills associated with the conceptual grading plan.
- h) A preliminary report indicating provision for water service, sewage disposal, storm drainage and public utilities.
- i) A statement of provisions for ultimate ownership and maintenance of all parts of the development, including but not limited to streets, roadways, structures, and open space.
- j) Delineation of development phases, if any.
- k) Any additional information which may be required in order to determine compliance with the San Anselmo Zoning Code and General Plan.
- l) The Director of Planning may waive any of the above required informational items, maps, drawings, etc., if, in the Director's opinion, they are unnecessary or unreasonable under the circumstances. Such items and the reason why they were waived shall be explained in the staff report to the Planning Commission.

#### **Section 10-3.1209 Findings Required**

The Planning Commission after the public hearing may continue, deny, approve or approve with conditions a Preliminary Development Plan provided that the Planning Commission shall make all of the following findings:

RLH.Ord

- a) The proposed Preliminary Plan or phase thereof can be completed within four years of the approval of said plan.
- b) That each individual phase of development, as well as the total development can exist as an independent unit.
- c) That the roadways proposed are suitable and adequate to carry projected traffic, and the proposed development will not generate traffic in such amounts as to overload the street network outside the project area.
- d) That the proposed plan will not adversely affect the health or safety of persons in or adjacent to the area or endanger property located in the surrounding area.
- e) That the proposed plan is in conformance with the San Anselmo General Plan.

**Section 10-3.1210 Precise Development Plan Approval**

The applicant shall submit the Precise Development Plan or a phase(s) of said plan as stipulated in the approved Preliminary Plan, and supporting evidence and documents for review and approval by the Planning Commission. Said Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan.

The Precise Development Plan application shall contain the following information:

- a) A topographic map of the subject property or properties, prepared by a registered civil engineer or licensed land surveyor, including metes and bounds description(s), and showing in accurate detail the topography, existing buildings and existing land features and trees.
- b) Improved portions of roadways easements with spot centerline elevations at least every 100 horizontal feet.
- c) An updated preliminary soils report. The report shall certify that the building sites, roads and other improvements indicated on the Precise Plan can be reasonably and safely developed as shown. All unstable areas shall be identified with appropriate recommendations for stabilization addressed in the report. Prior to review by the Planning Commission, the Town Engineer shall review the soils report to see if the required certification has been made.
- d) A site plan, showing in detail the design and location of all functional use areas such as roadways, planting areas, open space areas, building envelopes, bicycle and pedestrian circulation.
- e) Construction plan showing detailed grading, drainage, sewer, water and other utilities.

- f) A detailed landscaping plan for subdivision improvements and grading as well as buildings if buildings are included in the first phase of construction. Plan shall show location, number and name of all trees, shrubs and ground cover.
- g) Building plans, including floor plans and exterior elevations if buildings are included in the first phase of development.
- h) Plans for the location, grades, widths and types of improvements proposed for all on and off-site streets, driveways, parking areas, pedestrian ways, bicycle paths and utilities.
- i) Statement indicating the phases of construction proposed for the entire development and the timing of each phase.
- j) Statement of provisions for ultimate ownership and maintenance of all parts of development including streets, structures and open spaces, including suitable deed covenants providing for continuing use of property for local open space purposes.
- k) Any additional drawings or information as may be required by the Planning Director.
- l) The Director of Planning may waive any of the above required informational items if in the Director's opinion, they are unnecessary for the phase of precise development seeking approval or are unreasonable under the circumstances. Such items and the reason why they were waived shall be explained in the staff report to the Planning Commission.

**Section 10-3.1211 Findings Required**

The Planning Commission shall continue, deny, approve or approve with condition the Precise Development Plan application. In approving the Precise Development Plan the Planning Commission shall find that the Precise Development Plan in its entire context is in substantial conformance with the previously approved Preliminary Development Plan.

**Section 10-3.1212 Tentative Maps and Improvement Plans**

- a) A Tentative Map shall not be submitted for lands within the R1-H District until the Planning Commission has approved a Preliminary and Precise Development Plan, or waived the requirements for said plans, for the lands within the District.
- b) A Tentative Map submitted for lands within the R1-H District shall be in substantial compliance with the approved Preliminary and Precise Development Plan.
- c) A Tentative Map prepared on lands within the R1-H District shall contain the following information in addition to that required by the Towns Subdivision Ordinance.

RLH.Ord



1. Lands to be offered for dedication as public open space.
  2. Open space lands that are to remain in private ownership, but restricted from further improvement.
  3. Public access and trail easements across private property.
  4. All lands to be held in any sort of undivided ownership.
  5. Emergency and through access easements.
- d) The Improvement Plan required by Section 10-2.303 shall be reviewed by the Planning Director for conformance to the approved Preliminary and Precise Development Plans. If the Improvement Plan is not in conformance with the approved plans, it shall be referred back to the applicant for revisions to bring it into conformance with the approved Preliminary Plan.

When there are conflicts between the Improvement Plan and the approved Preliminary and Precise Development Plans that cannot be resolved with the applicant, or there are significant changes that warrant consideration, the Planning Director shall refer the Improvement Plan to the Planning Commission for review and approval.

#### **Section 10-3.1213 Architectural Plans**

- a) Architectural plans for each residential unit, or cluster of units, are to be submitted to the Planning Commission for determination unless waived under Subsection 10-3.1208(1) and 10-3.1210(1). Such plans shall be processed in accordance with the requirements of Chapter 4 of this Title.
- b) In addition to the requirements of Chapter 4, review of the architectural plans shall evaluate the following:
  1. Conformance to the approved Preliminary and Precise Development Plans.
  2. Adequacy of screening.
  3. Selection of architectural features that enable the structure to blend with its environment.
- c) The Planning Commission shall:
  1. Approve the architectural plan where it finds the above items satisfactory or;
  2. Approve the plan with stipulated additions or changes to bring it into conformance with the intent of the approved Preliminary and Precise Development Plans.

RLH.Ord

**Section 10-3.1214 Modifications**

The Preliminary and Precise Development Plans may be modified by submitting a request for such modification according to the same procedures as are required in the initial review and approval process, including a public hearing by the Planning Commission.

The departures from standards ordinarily required in other districts, and permitted in the initial approval of a P-D District, shall not be considered as precedent setting or as a lone compelling reason for approving the modification.

**Section 10-3.1215 Termination of Preliminary and Precise Plan**

If within one year after the approval of the Preliminary Development Plan by the Planning Commission, the Precise Development Plan has not been submitted in the required form to the Town, the approval of the preliminary plan shall terminate unless a written request for an extension is made to the Town by the property owner, and the Town grants the extension after a public hearings.

Furthermore, if within two years after the approval of a Precise Development Plan by the Planning Commission, the construction specified in the Development Plan has not commenced, the approval of the Precise Plan shall terminate, unless a written request for an extension is made to the Town by the property owner, and the Town grants the extension after a public hearing.

I certify that this ordinance was adopted November 10, 1987 by the following vote:

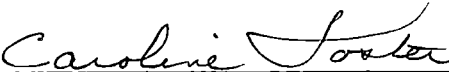
AYES: CHIGNELL, CORDINGLEY, SHARP, WALSH, WOOLIEVER

NOES: NONE

ABSENT: NONE

  
William Cordingley, Jr., Mayor

ATTEST:

  
Caroline Foster, Town Clerk

RLH.Ord