

TOWN OF SAN ANSELMO
ORDINANCE NO. 949

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING CHAPTER 3
OF TITLE 10, ARTICLE 4 (DEVELOPMENT STANDARDS), ARTICLE 7
(PROCEDURES), AND ARTICLE 8 (DEFINITIONS) OF THE ZONING
ORDINANCE RELATIVE TO DESIGN REVIEW**

Section 1.

WHEREAS, the Planning Commission of the Town of San Anselmo initiated an amendment to the Ordinance relative to Design Review on March 15, 1993; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 17, 1993 to consider the proposed Ordinance Amendment at which time they considered the staff report and public testimony; and

WHEREAS, the Town Council held a duly noticed public hearing on June 22, 1993 and July 13, 1993 to consider the proposed Ordinance Amendment at which time they considered the recommendation by the Planning Commission, the staff report and public testimony; and

WHEREAS, the Town Council finds that the content of the Zoning Ordinance revisions is consistent with the General Plan.

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

General Plan policy 9.8 states that: Lands above the 150 foot mean sea level elevation warrant special design review considerations; accordingly, the Town will review the building location, building design, and access of development in these areas.

That the proposed Amendment is consistent with this General Plan policy in that projects of 500 square feet or more, at or above 150 foot msl, will continue to be subject to design review albeit with a broader administrative function.

Over the past two years, the majority of design review applications were approved as a consent item by the Planning Commission because of the lack of controversy and conformance with design review findings.

That the Planning Director will retain the authority to schedule any administrative design review application for a public hearing before the Planning Commission if he or she determines such review to be desirable.

Section 2.

THEREFORE, THE TOWN OF SAN ANSELMO DOES ORDAIN that Title 10 of the San Anselmo Municipal Code is amended as shown in the following section in bold face type:

ARTICLE 4. DEVELOPMENT STANDARDS

Development Standards Table Table 4A

Notes

- (6) All new dwellings and all additions (which include deck and stairway structures, except those located on the uphill side of the dwelling) greater than five hundred (500) square feet in size require the approval of Design Review in accordance with the provisions of Section 10-3.710 of the San Anselmo Municipal Code. **For purposes of determining additions, pre-existing development that will be replaced in kind, will not be counted toward the 500 square feet, where such replacement involves no material change in visual effect due to identical or similar materials, design, and colors.** Additions constructed after February 26, 1991, will be looked at cumulatively, henceforth, so that when the 500 square foot limit is triggered by the sum of all additions, design review will be required.

Where the applicant demonstrates, to the satisfaction of the Planning Director, that the proposed development satisfies the criteria below, the Planning Director may grant an administrative Design Review approval under this section for dwellings or additions having:

- a) Less than 800 square feet absent significant visual impact; or
- b) Less than 1,200 square feet if the proposed development is not materially visible offsite.

- (7) All new dwellings and all additions (which include deck and stairway structures, except those located on the uphill side of the dwelling) greater than five hundred (500) square feet in size on lots located at or above 150 mean sea level require the approval of Design Review in accordance with the provisions of Section 10-3.710 of the San Anselmo Municipal Code. **For purposes of determining additions, pre-existing development that will be replaced in kind, will not be counted toward the 500 square feet, where such replacement involves no material change in visual effect due to identical or similar materials, design, and colors.** Additions constructed after February 26, 1991, will be looked at cumulatively, henceforth, so that when the 500 square foot limit is triggered by the sum of all additions, design review will be required.

Where the applicant demonstrates, to the satisfaction of the Planning Director, that the proposed development satisfies the criteria below, the Planning Director may grant an administrative Design Review approval under this section for dwellings or additions having:

- a) Less than 800 square feet absent significant visual impact; or
- b) Less than 1,200 square feet if the proposed development is not materially visible offsite.

ARTICLE 7. PROCEDURES

Section 10-3.710(4)

Design Review may be acted upon either by 1) the Planning Director; or 2) after the Town Planning Commission conducts one or more public hearings on the design review.

The following identifies which design review applications shall be acted upon by the Planning Director and which design review applications shall be acted upon by the Planning Commission:

(a) Planning Director

1. Any minor modifications to existing buildings, structures or improvements such as: awnings, canopies, windows, doors, color changes, **automated teller machines**, other modifications similar to the above.
2. **All new dwellings or additions which may be subject to administrative design review per Table 4A - Development Standards.**

The Planning Director shall refer any of the above to the Planning Commission if, in the opinion of the Planning Director, review by the Commission is desirable.

Should a property require more than one planning application, and should any of those applications require Planning Commission review, then all planning applications associated with the property shall require Planning Commission review.

(b) Planning Commission

- (1) The Planning Commission shall review the design of all exterior improvements to be constructed in the Town, with the exception of those listed in Section 10-3.710(4)(a) of the San Anselmo Municipal Code.
- (2) The Planning Commission shall review the design of all exterior improvements to be constructed by public school districts and other governmental agencies to the extent permitted by law or by the agencies involved. Following such review, the Commission shall submit a written report of its recommendations and comments to the body proposing to construct the improvement.
- (3) The Planning Commission shall review the design of all exterior improvements to be constructed by the Town. A report and recommendations as to those improvements to be constructed by the Town shall be advisory only.

Additions or repairs to any existing improvements shall not be subject to design review if the exterior thereof is not to be altered.

ARTICLE 8. DEFINITIONS

Section 10-3.801

Visual Impact:

Absent significant visual impact: Although new dwellings and additions may be visible offsite, the effect will not have a negative visual impact on surrounding properties or other significant viewpoints located offsite due to size, location, materials, colors, landscape screening, or combination thereof.

Not materially visible offsite: Refers to new dwellings and additions which will be totally or nearly obscured from surrounding properties or other significant viewpoints located offsite due to size, location, materials, colors, landscape screening, or combination thereof.

Section 3.

This ordinance shall take effect 30 days following its adoption.

Adopted by the Town Council of the Town of San Anselmo this 27th day of July, 1993, by the following vote:

AYES: Breen, Kanis, Yarish, Zaharoff, Chignell

NOES: (none)

ABSENT: (none)


Paul Chignell, Mayor

ATTEST:


Caroline Foster, Town Clerk