

**TOWN OF SAN ANSELMO
TOWN COUNCIL ORDINANCE NO. 967**

**AN ORDINANCE OF THE SAN ANSELMO TOWN COUNCIL AMENDING
THE DEVELOPMENT STANDARDS TABLE (TABLE 4A) AND ARTICLE 15
OF THE ZONING ORDINANCE TO: 1) REQUIRE ADMINISTRATIVE
DESIGN REVIEW OF RESIDENTIAL PROPERTIES ZONED R-1, R-2, OR R-3
(3 OR FEWER UNITS) LOCATED BELOW 150 FEET MEAN SEA LEVEL
(FLATLANDS), AND 2) REVISE RELATED WORDING AND NOTATIONS TO
PROVIDE CLEARER LANGUAGE**

WHEREAS, several instances have arisen where new homes or additions, requiring building permits only, have resulted in the loss of light, air and privacy of adjoining homes; and

WHEREAS, the Town Council directed the Planning Commission to draft an amendment to the Zoning Ordinance to address this issue; and

WHEREAS, the Planning Commission has held several hearings on December 5, 1994, February 6, 1995, and April 17, 1995 where findings in the staff report and testimony from the public were taken into consideration;

WHEREAS, the Town Council held a public hearing on May 23, 1995 and June 27, 1995, where findings in the staff report and testimony from the public were taken into consideration;

WHEREAS, a Negative Declaration has been prepared on proposed revisions to the Zoning Ordinance regarding an Administrative Design Review process of residential development in the flatland area.

THEREFORE, BE IT RESOLVED that the Town Council of the Town of San Anselmo **DOES HEREBY FIND** as follows:

That General Plan Land Use Element goals, relevant to residential character, state that:

- The small town character, scale, and pace of life in San Anselmo shall be preserved, as shall the Town's close connection with the natural beauty of its setting; and
- New developments shall be integrated harmoniously into San Anselmo's existing neighborhoods and commercial areas.

That Objective 11 of the General Plan Land Use Element is:

To preserve, maintain, and enhance the existing character, scale, and quality of life in San Anselmo's residential neighborhoods.

Policy 11.1: New development, including rehabilitation and expansion projects shall be of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood.

In addition, the Town Council finds that a few building permits have been issued over the past several years which have resulted in the loss of light, air, and privacy of the neighboring properties or which are not in scale with the character of the neighborhood.

THEREFORE, THE TOWN OF SAN ANSELMO TOWN COUNCIL does ordain that Title 10, Article (Development Standards) of the San Anselmo Municipal Code is amended as shown in the following section bold face type:

ARTICLE 4. DEVELOPMENT STANDARDS

Development Standards Table Table 4A

Notes

For properties located on or above 150' mean sea level (hillside):

Zoned R-1-H

- (5) All new construction requires the approval of a Precise Development Plan and Design Review in accordance with the provisions of ~~Sections 10-3.706 and 10-3.710~~ **Articles 11 and 15** of the San Anselmo Municipal Code.

Zoned R-1-H, R-1-C or R-1

- (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 offset.

- (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~~ **10-3.1501** 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 offset.

For properties located below 150' mean sea level (flatland):

Zoned R-1, R-2, or R-3 (3 or fewer units):

- (8) All new dwellings, and all additions (excluding open decks and stairway structures) require administrative Design Review approval in accordance with the provisions of Section 10-3.1501 of the San Anselmo Municipal Code if the new construction is for a second story which is greater than four hundred (400) square feet in size.

Renumber all Notes below and change notes on table.

<u>Current</u>	<u>Proposed</u>
(8)	(9)
(9)	(10)

etc.

ARTICLE 15. DESIGN REVIEW

Section 10-3.1505 Required Findings for Design Review

Approval of design review, which may include the imposition of conditions, shall be made only after the making of the following findings.

- (a) **Commercial, Professional, and Residential R-3 (4 or more units, churches, and convalescent homes) Design Review**
- (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.

In making these findings, the Planning Director or Planning Commission shall consider the size, proportions, 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 to be pertinent to the criteria set forth in this section.

~~In addition to the foregoing findings, special findings shall be made for certain districts or uses as follows:~~

- (b) **Residential R-1-H, R-1-C, and R-1 Design Review on or above 150' msl (hillside)**

~~In addition to the requirements of Section 10-3.710(a) of the San Anselmo Municipal Code, Residential Design Review shall be subject to the following findings:~~

- (1) **Conformance to the findings required by 10-3.1505(a);**

- (1)(2) Conformance to the approved precise development plan;
- (2)(3) Adequacy of screening;
- (3)(4) Selection of architectural features and colors that enable the structure to blend with its environment and which results in a low visual profile.

For R-1-C, R-1 and R-3 properties, the level of compliance shall be less stringent than that required for R-1-H properties if the Planning Commission, in making its review, is able to quantify the extent of any reduced adverse impact the application has on the Town, as a whole, when compared with the impact of the development of a parcel zoned R-1-H.

(c) Residential R-1, R-2, and R-3 (3 or fewer units) Administrative Design Review below 150' msl (flatland)

- (1) Will not unreasonably impair access to light and air of structures on neighboring properties.**
- (2) Will not unreasonably affect the privacy of neighboring properties.**
- (3) Will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.**

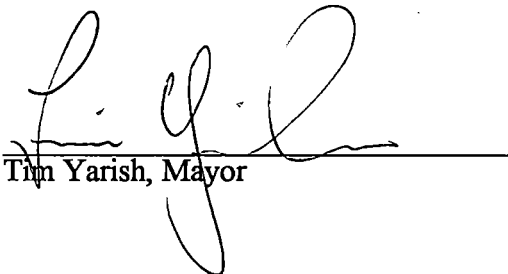
Notification for administrative Design Review actions will be sent to property owners within a 100 foot radius of the proposed project site.

PASSED AND ADOPTED by the San Anselmo Town Council at a regularly scheduled meeting on June 27, 1995 by the following roll call vote:

AYES: Breen, Chignell, Hodgens, Kroot, Yarish

NOES: None.

ABSENT: None.



Tim Yarish, Mayor

ATTEST:



Caroline Foster, Town Clerk