

## Proposed Changes to Current Regulations with Staff Comments

TABLE OF MAXIMUM SIZES OF DWELLINGS ON RESIDENTIAL PROPERTIES LOCATED ABOVE 150 MEAN SEA LEVEL ELEVATION				
TABLE 4E				
Formula	Lot Size (Square Feet)	(Acres)	Maximum Adjusted Floor Area <sup>(1)(2)</sup> (Square Feet)	Maximum Adjusted Floor Area Ratio
35% of Lot Size	8,000 or less			
10% of Lot Size	8,500	0.20	2,850	.33
+ 2,000 sq. ft.	9,000	0.21	2,900	.32
	9,500	0.22	2,950	.31
	10,000	0.23	3,000	.30
	11,000	0.25	3,100	.28
	12,000	0.28	3,200	.26
	13,000	0.30	3,300	.25
	14,000	0.32	3,400	.24
	15,000	0.34	3,500	.23
	17,500	0.40	3,750	.21
5% of Lot Size	20,000	0.46	4,000	.20
+ 3,000 sq. ft.	25,000	0.57	4,250	.17
	30,000	0.69	4,500	.15
	35,000	0.80	4,750	.14
5,000 sq. ft. Maximum	40,000	0.92	5,000	.13
	45,000	1.03	5,000	.11
	50,000	1.15	5,000	.10

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	55,000	1.26	5,000	.09
	60,000	1.38	5,000	.08
	65,000	1.49	5,000	.08
	70,000	1.61	5,000	.07
	75,000	1.72	5,000	.07
	80,000	1.84	5,000	.06
	87,120	2.00	5,000	.06
	108,900	2.50	5,000	.05
	130,630	3.00	5,000	.04
	174,240	4.00	5,000	.03
	217,800	5.00	5,000	.02

### Notes:

(1) Adjusted Floor Area is defined as the gross exterior floor area (as measured from the exterior framing of the outside wall) in the main dwelling PLUS:

- (a) Any garage space after the first 500 square feet;
- (b) Any enclosed accessory buildings; and
- (c) Any potential living space with minimum dimensions of 8 feet by 10 feet and 7.5 feet head room; and
- (d) Any accessory dwelling unit.

(2) The maximum size of R-1-H, R-1-C, and R-1 structures located above 150 mean sea level shall be as described above. The maximum house size shall be further limited by the requirement to meet all applicable design review findings. Should there be no other option but to allow development on a visible hillside or ridge, the Town may further limit the size of development, i.e., square footage allowed within any structure, should it be determined that such a limitation would reduce the visual impact of a development.

(3) Existing Enclosed Structures — Exemption:

Existing enclosed structures that do not conform to the standards of Table 4E may be altered or reconstructed, provided that:

- (a) The alterations or reconstruction shall not alter the exterior building dimensions of the structure to an amount greater than was contained in the original structure; and
- (b) Said work otherwise meets the provisions of the San Anselmo Municipal Code.

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(4) Dwellings built, enlarged, or expanded before February 26, 1991, which do not exceed the Maximum Adjusted Floor Area, may exceed this number by not more than 10% subject to Design Review approval ~~and the findings below under Article 15 of this chapter.~~

Dwellings built, enlarged, or expanded before February 26, 1991, which exceed the Maximum Adjusted Floor Area, may exceed this number by not more than 500 square feet subject to Design Review approval ~~and the findings below under Article 15 of this chapter.~~

### ~~Findings:~~

~~(a) — Conformance to findings in Sections 10-3.1505(a) and (b);~~

~~(b) — Will not be materially visible offsite;~~

~~(c) — Is of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood; and~~

~~(d) — Internal efficiency/space utilization problems exist.~~

### ~~Additional requirements/conditions:~~

~~(a) — A professionally prepared photo analysis may be required to help determine whether the new development will be materially visible offsite.~~

~~(b) — If approval is granted to exceed the maximum dwelling size guidelines, based on existing landscaping, the following shall occur:~~

~~1. — A landscape plan shall be submitted showing location, type and size of existing landscapes screening, and~~

~~2. — Any existing landscape screening, which is part of an approved landscape plan, shall be maintained. If said landscaping is lost due to natural disaster, the owner shall replace it per the plan. If said landscaping is removed or neglected for any reason other than a natural disaster, the owner shall replace it per the plan and may be subject to either an infraction or a misdemeanor.~~

10-3.412 - Maximum Floor Area and Maximum Lot Coverage for Dwellings and Improvements on Single-Family Residential Properties Located Below 150 Mean Sea Level Elevation.

a. Introduction. The "small town" feel and character of San Anselmo's neighborhoods are unique and important qualities to the Town. The existing scale of architecture, the open and tree-covered hills, winding creeks, and landscaped streets and yards contribute to this ambience and to the beauty of a community in which the man-made and natural environments co-exist in harmony.

b. Intent. This Section is intended to accomplish the following:

**Commented [ES1]:** Footnote 4 allows Town to approved FAR 10% above maximum with Design Review, subject to findings. Findings and conditions have been deleted from this section and added to Design Review chapter.

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1. Preserve the quality of life and small town character in the neighborhoods of San Anselmo by limiting the size of new or renovated dwellings and improvements. This size limitation shall be accomplished by establishing a ratio between floor area and lot size and a ratio between lot coverage and lot size. Additionally, this limitation will be accomplished through the establishment of an overall maximum limit on floor area of 5,000 square feet for any residential structure.

2. Provide an additional tool to ensure that homes too big for the lot are neither approved nor built. To manifest such intent, projects should be designed, evaluated and approved based on their compatibility with the neighborhood in which such projects propose to be constructed by being appropriately sized, massed and scaled.

3. Provide a standard that serves to protect property values through the preservation of neighborhood character.

c. Definitions. For the purpose of this Section, the following definitions apply:

1. "Floor area ratio (FAR)" means the ratio between the total floor area of a building or buildings located on a lot and the area of that lot in gross square feet.

2. "Total floor area" means the sum of the gross horizontal areas of all floors of a building measured from the exterior framing of the outside walls.

3. "Adjusted Floor Area" is the total floor area (as measured from the exterior framing of the outside wall), of any dwellings or improvements on a lot, including Basements, Attics with floors, Accessory Dwelling Units and Accessory Buildings. The floor area of interior spaces with ceilings of more than fifteen (15) feet in height from floor to ceiling shall be double-counted in the calculation of Adjusted Floor Area. Adjusted Floor Area excludes the following:

- a. Unenclosed Horizontal Surfaces
- b. Unenclosed Balconies
- c. Unenclosed Decks
- d. Unenclosed Porches
- e. Crawl Spaces with Dirt Floors
- f. Attics with no Floor
- g. The first 400 square feet of Garage Floor Area

4. "Adjusted Lot Coverage" is the land area covered by all buildings and improvements on a lot with a finished height above grade of three (3') feet or more, including all projections. Adjusted Lot Coverage excludes the following:

- a. Roof eaves which project less than two (2') feet from the face of a building; and

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b. Structures and improvements less than three (3') feet above grade.

5. "Attic" means an open space at the top of a dwelling situated wholly or partly within the roof.

6. "Basement" means an enclosed space, finished or unfinished, partly or wholly below natural grade, having more than one-half (1/2) its height, as measured from its floor, whether finished or unfinished, to its ceiling, whether finished or unfinished, below the adjoining natural grade.

7. "Crawl Space" means a shallow, unfinished space, located below the living quarters of a basement-less house and enclosed by the foundation walls, where it is not possible for an adult to stand.

8. "Unenclosed" means a space with or without a permanent roof that is not enclosed by walls, windows or doors on at least two sides. Insect screening would not constitute enclosure.

d. ~~\_\_\_\_\_~~ Maximum Adjusted Floor Area and Maximum Adjusted Lot Coverage. Table 4F provides the maximum Adjusted Floor Area and maximum Adjusted Lot Coverage of structures and improvements on lots in the R-1 zoning district located below one hundred fifty (150) feet Mean Sea Level (flatland).

~~1. \_\_\_\_\_ The maximum Adjusted Floor Area and maximum Adjusted Lot Coverage, of structures and improvements combined, on lots in the R-1 zoning district located below 150 foot mean sea level elevation shall be as indicated in Table 4F. Additionally, all structures and/or improvements shall be required to comply with the applicable design review findings in Article 15 of Chapter 3 of Title 10 of the San Anselmo Municipal Code.~~

e. ~~\_\_\_\_\_~~ Maximum Adjusted Floor Area Exception

~~1. \_\_\_\_\_ The maximum Adjusted Floor Area may be exceeded on a lot by up to 325 square feet subject to the Planning Commission finding that the subject dwelling and/or improvements:~~

~~a. \_\_\_\_\_ Were built prior to Design Review approval pursuant to the effective date Article 15 of this Section; chapter.~~

~~b. \_\_\_\_\_ Will not exceed an Adjusted Floor Area of 5,000 square feet;~~

~~e. \_\_\_\_\_ Are functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;~~

~~d. \_\_\_\_\_ Provide for protection against noise, odors, and other factors which may make the environment less desirable;~~

~~e. \_\_\_\_\_ Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development;~~

~~f. \_\_\_\_\_ Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors;~~

~~g. \_\_\_\_\_ Will provide for satisfactory access by emergency vehicles and personnel;~~

**Commented [ES2]:** Footnote allows Town to approved FAR up to 325 square feet above maximum with Design Review, subject to findings (the "325 Exception"). Findings and conditions have been deleted from this section and added to Design Review chapter.

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~~h. Will not adversely affect health or safety or endanger property located in the neighboring area;~~

~~i. Will not unreasonably impair access to light and air of structures on neighboring properties;~~

~~j. Will not unreasonably affect the privacy of neighboring properties;~~

~~k. Are of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood; and~~

~~l. Employ mass reducing techniques such that the additional square footage over the maximum Adjusted Floor Area is reasonably mitigated and does not result in overbuilding of the lot.~~

### Article 15. - Design Review

#### 10-3.1504 - Review of design review.

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

**Commented [ES3]:** Proposed revisions clarify that Planning Director decisions are administrative and not at a public meeting/hearing.

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) The Planning Director may approve the following applications:

(1) Any minor modifications to existing buildings, structures or improvements such as awnings, canopies, windows, doors, color changes, ~~automated teller machines or~~ other similar modifications similar to the above.

~~(2) All new dwellings or additions which may be subject to administrative design review per Table 4A Development Standards.~~

(2) All additions in residential zoning districts.

**Commented [ES4]:** Staff does not believe it is appropriate to approve new homes administratively and has modified this section to only allow administrative approvals of additions. The Planning Director may refer any additions to the Planning Commission (PC). Deleted reference to Table 4A as that Table does not outline projects subject to administrative design review.

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~~ following applications:

(1) All exterior improvements to be constructed in the Town, ~~with the exception of~~ except for those listed in subsection (a) of this section.

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~~(2) The Planning Commission shall review the design of all~~ (2) 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~~ All exterior improvements to be constructed by the Town that have been referred to them pursuant to Section 10-3.1502. A report and recommendations as to those improvements to be constructed by the Town shall be advisory only.

~~(4) Any request to exceed the maximum adjusted floor area under Section 10-3.412(e) or Table 4E.~~

**Commented [ES5]:** PC wanted code to be clear that PC will review all exceptions to FAR.

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

10-3.1505 - Projects subject to design review ~~and required findings for design review.~~

**Commented [ES6]:** For clarity, this Section 10-3.1505 was modified to only list projects that are subject to Design Review. All required findings have been moved to a new section for required findings.

The following projects are subject to design review ~~and approval of design review, which may include the imposition of conditions, shall be made only after making the following findings. These findings are not intended to preclude innovative design.~~

~~(a) Commercial, Professional, and Residential R-3 (four (4) or more units, churches,~~

~~and convalescent homes) design review.;~~  
(a) Commercial, Professional, and Residential R-3 (four (4) or more units, churches, and convalescent homes)

~~(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.~~

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~~(1) All new buildings; and~~

~~(2) Any exterior modifications.~~

~~(b) Residential R-1-H: All exterior modifications.~~

~~(c) Residential R-1-C; and R-1 design review on lots that include any area at or above one hundred fifty (150) feet ~~msl~~ Mean Sea Level (hillside);~~

~~(1) For R-1-H properties: All construction requires the approval of Design Review.~~

~~(2) For R-1-C properties: All new New dwellings and all;~~

~~(2) Any second story or higher additions; and~~

~~(3) Any 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.~~ For purposes of determining additions, pre-existing development that will be replaced in kind, will not be counted toward the five hundred (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 five hundred (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 and Building Director, that the proposed development satisfies the criteria below, the Planning and Building Director may grant an administrative Design Review approval under this section for dwellings or additions having~~

~~(a) Less than eight hundred (800) square feet absent significant visual impact; or~~

~~(b) Less than one thousand two hundred (1,200) square feet if the proposed development is not materially visible offsite.~~

~~(3) For R-1 properties: All new dwellings and all additions (which include decks, roof decks, 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 one hundred fifty (150) mean sea level require the approval of Design Review in accordance with the provisions of Section 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 five hundred (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 five hundred (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 and Building Director, that the proposed development satisfies the criteria below, the Planning and Building Director may grant an administrative Design Review approval under this section for dwellings or additions having~~

~~(a) Less than eight hundred (800) square feet absent significant visual impact; or~~

**Commented [ES7]:** This section has been historically interpreted to require design review for all new buildings and exterior modifications in the Commercial, Professional and R-3 zones. This is added in the code to reflect that.

**Commented [ES8]:** Changed from "all construction" in R-1-H, which could include interior work, to "all exterior modifications."

**Commented [ES9]:** New provision to require Design Review for all 2<sup>nd</sup> and 3<sup>rd</sup> story and higher additions.

**Commented [ES10]:** The proposed revisions allow the Planning Director to consider any residential additions, regardless of size. The existing code requires certain hillside additions to go to the PC. Any director decision may be appealed to the PC.

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~~(b) Less than one thousand two hundred (1,200) square feet if the proposed development is not materially visible offsite.~~

**Commented [ES11]:** See comment above.

~~Required Findings:~~

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

~~(2) Adequacy of screening;~~

~~(3) 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.~~

~~(e) Residential design review if exceeding 4) Any request to exceed the maximum dwelling size (in Table 4E). Conformance to findings in Section 10-3.1505(a) and (b) above, and those in Table 4E.~~

~~(d) Residential R-1, R-2, and R-3 (three (3) or fewer units) administrative design review lots below one hundred fifty (150) feet ~~msl~~ Mean Sea Level (flatland).~~

~~All new (1) New dwellings and all;~~

~~(2) Any second story or higher additions (including decks, roof decks, and stairway structures) on lots below 150 mean sea level shall require administrative Design Review if 1);~~

**Commented [ES12]:** New provision to require Design Review for all 2<sup>nd</sup> and 3<sup>rd</sup> story and higher additions.

~~(3) Any request to exceed the maximum adjusted floor area under Section 10-3.412(e);~~

**Commented [ES13]:** Clarifies that any request for a floor area exception requires Design Review.

~~(4) Additions where the new construction is on a second or third story with a combined square footage greater than four hundred (400) square feet in size; or 2) the new construction is for an will increase in total floor area or existing Adjusted Floor Area by fifty (50%) percent or more; or 3) the new construction is and~~

~~(5) Additions in conjunction with the demolition of fifty (50%) percent or more of the existing exterior walls of a dwelling structure.~~

For purposes of making the above determinations, pre-existing development that will be replaced in kind shall not be counted where such replacement involves no material change in visual effect due to identical or similar design. Additions ~~(including include~~ decks, roof decks, and stairway structures) ~~constructed after July 28, 2005 will be considered cumulatively, henceforth, so that when the four hundred (400) square foot limit is triggered by the sum of all additions, design review shall be required.~~ Demolition and a fifty (50%) percent building increase performed after ~~(the date of this ordinance) March 24, 2009,~~ will be looked at cumulatively, henceforth, so that when the limit is triggered by the sum of all the work performed, design review will be required.

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(e) Residential R-1 and R-2 design review for additions to existing dwellings and accessory structures originally and legally built less than eight (8) feet but not less than five (5) feet from the interior side property line.

(f) All parking spaces created in required setbacks in association with conversion of a garage to an accessory dwelling unit pursuant to Section 10-3.504(b).

(g) Any project subject to design review in the Minor Intrusions Into Required Residential Development Standards Table 4B.

(h) All development within a Specific Planned Development District.

10-3.1506 - Required findings for design review.

Approval of design review, which may include the imposition of conditions, shall be made only after making the following findings. 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. These findings are not intended to preclude innovative design.

(a) Commercial, Professional, and Residential R-3 (four (4) or more units, churches, Required Findings:

(+convalescent homes).

(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;

(5) Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area; and

(6) Is consistent with the Town General Plan.

(b) Residential R-1, R-2, and R-3 (three (3) or fewer units) sites below one hundred fifty (150) feet Mean Sea Level (flatland):

(1) Conformance to findings in Section 10-3.1506(a);

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(2) Will not unreasonably impair access to light and air of structures on neighboring properties;

(23) Will not unreasonably affect the privacy of neighboring properties including not unreasonably affecting such privacy by the placement of windows, skylights and decks;

(34) Will be of a bulk, mass and design that complements the existing character of the surrounding neighborhood; and

(45) 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.

~~(c) Residential R-1 and R-2 design review for additions to existing dwellings and accessory structures originally and legally built less than eight (8) feet but not less than five (5) feet from the interior side property line.~~

(c) Residential R-1-H, R-1-C, and R-1 design review for lots that include any area at or above one hundred fifty (150) feet Mean Sea Level (hillside).

(1) Conformance to the findings ~~required by~~ Section 10-3.1506(b);

(2) Adequacy of screening; and

(3) 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.

~~1505~~(d) Request to exceed maximum dwelling size in Table 4E (residential lots that include any area at or above 150 Mean Sea Level);

(1) Conformance to findings in Section 10-3.1506 (c) above;

(2) Will not be materially visible offsite;

(3) Is of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood; and

(4) Internal efficiency and/or space utilization problems exist.

(5) Required conditions if approval is granted to exceed the maximum dwelling size guidelines based on existing landscaping:

(i) A landscape plan shall be submitted showing location, type and size of existing landscapes screening, and

**Commented [ES14]:** The current zoning code does not address sites that have areas above and below 150 Mean Sea Level (MSL). Staff has historically applied the above 150 MSL regulations to any site that has any area above 150 MSL, even if construction is below 150 MSL or most of the site is below 150 MSL. The proposed ordinance reflects this policy.

**Commented [ES15]:** Brings in findings for floor area exception

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(ii) Any existing landscape screening, which is part of an approved landscape plan, shall be maintained. If said landscaping is lost due to natural disaster, the owner shall replace it per the plan. If said landscaping is removed or neglected for any reason other than a natural disaster, the owner shall replace it per the plan and may be subject to either an infraction or a misdemeanor.

(e) Residential R-1 and R-2 design review for additions to existing dwellings and accessory structures originally and legally built less than eight (8) feet but not less than five (5) feet from the interior side property line:

(1) Conformance to findings in Section 10-3.1506(b) above; and

(2) Is of a scale, intensity, and design that complements the existing character of the surrounding neighborhood.

(f) Professional and commercial (one thousand two hundred (1,200) square feet or more of gross floor area); ~~that~~;

(1) Conformance to findings in Section 10-3.1506(a); and

(2) That the project will not be detrimental to the existing facade(s) of buildings constructed prior to January 1, 1960.

(g) All parking spaces created in required setbacks in association with conversion of a garage to an accessory dwelling unit pursuant to Section 10-3.504(b) ~~are subject to design review and plans~~. Plans must be designed with sensitivity so that public views and neighbors are not impacted by the loss of landscaping and views of parked vehicles.

### Required Findings:

(1) Visual effects have been mitigated with screening and landscaping, including plants, trees, berms, fencing or walls; and

(2) Findings required by Section 10-3. ~~1505~~ 1506(a).

(3) Required Conditions:

(4i) A building permit shall be required to remove the kitchen, separate entrance, or bathroom of the accessory dwelling unit. No building permit shall be issued to remove the kitchen, separate entrance, or bathroom in the accessory dwelling unit unless either: 1) the project includes restoring the garage for vehicle parking; or 2) the site has the required number of on-site parking spaces as required by the Parking Standards Table, referred to as Table 5A, of the San Anselmo Municipal Code and the spaces comply with all provisions for setbacks, siting, configuration and size.

(2ii) The accessory dwelling unit shall not be used for occupancy for less than a 30-day term of tenancy.

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(h) ~~Maximum~~ Adjusted Floor Area Exception for lots below 150 Mean Sea Level pursuant to Section 10-3.412:

**Commented [ES16]:** Brings in findings for floor area exception.

(1) ~~Conformance to findings in Section 10-3.1506(b):~~

(2) ~~The dwelling and/or improvements were built prior to November 9, 2009:~~

(3) ~~The site will not exceed an Adjusted Floor Area of 5,000 square feet; and~~

(4) ~~Employs mass-reducing techniques such that the additional square footage over the maximum Adjusted Floor Area is reasonably mitigated and does not result in overbuilding of the lot.~~

Article 16. - Noticing: Public Hearings: Zoning Applications

10-3.1601 - ~~Public hearings~~

**Commented [ES17]:** This section is amended to reflect current practice. Planning Director does not hold public hearings for design review or conditional use permits. This section is also amended to allow Design Review and Variance applications to be considered at a public meeting and not public hearing – so items may be placed on consent agenda.

A public hearing shall be conducted as prescribed by the ~~State of~~ California Government Code, as may be amended from time to time, for the following:

(a) Zoning ordinance amendments;

(b) Preliminary Planned Districts;

(c) Specific Planned Districts;

(d) R-1-H Precise Development Plans;

(e) Tentative maps;

~~(f) Conditional use permits;~~

~~(g) Variances;~~

~~(h) Design review.~~

Public hearings shall be conducted by the Planning ~~Director, the Planning Commission,~~ or the Town Council, as appropriate to the specific discretionary action, ~~for all discretionary actions established.~~

Any Design Review, Conditional Use Permit or Variance application to be considered by this Chapter. ~~the Planning Commission shall be considered at a noticed public meeting.~~

10-3.1602 - Notice of public hearings ~~and meetings.~~

Notice of all public hearings and meetings shall be given in accordance with the ~~State of~~ California Government Code, and shall include at least one of the following:

(a) Notice ~~of the hearing~~ shall be mailed or delivered at least ten (10) days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the

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project applicant.

(b) Notice ~~of the hearing~~ shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide these facilities and services may be significantly affected.

(c) Notice ~~of the hearing~~ shall be mailed or delivered at least ten (10) days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within three hundred feet of the real property that is the subject of the hearing. unless a greater distance is specified by adopted Town Council policy. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph is greater than 1,000, notice may be given by placing a display advertisement of at least one-eighth ( 1/8 ) page in one newspaper of general circulation within the Town at least ten (10) days prior to the hearing.

**Commented [ES18]:** This was not considered by PC. This is added in the event Town Council requires larger notice area for wireless applications.

(d) A notice shall be posted at least ten (10) days prior to the public hearing in at least three (3) public places within the Town, including one public place in the area directly affected by the hearing.

(e) The notice shall include, at a minimum, the date, time, and place of the public hearing, the identity of the hearing body or officer, a general explanation of the item to be considered, and a general description, in either text or diagram, of the location of the real property, if any, which is the subject of the hearing.

10-3.1603 - ~~Noticing of zoning applications that are acted upon~~ Notice for Planning Director actions.

Public notice for the following actions by the Planning Director ~~shall be provided as follows:~~

**Commented [ES19]:** There are no provisions requiring public notice for Planning Director approval of Exceptions or Minor Exceptions to the setback requirements or exempting them from notice requirements. This provision makes it clear that no notice is required for Exceptions and only adjacent neighbor notification is required for a Minor Exception (current staff practice).

(a) ~~In addition to the~~ No public notice for any Exceptions for minor intrusions into required State of California Government Code noticing requirements, notice of the hearing residential development standards in Table 4B;

(b) No public notice for Design Review under Article 15 for minor modifications to existing buildings, structures or improvements such as awnings, canopies, windows, doors, color changes, or other similar modifications.

Staff recommends allowing the Planning Director to approve minor design review applications (such as change in awning materials or building color) without mailed notice. Mailing notice is time consuming, adds costs to the applicant, delays improvements, and discourages commercial tenants from improving sites.

(c) For all Minor Exceptions pursuant to Article 14.5, notice shall be mailed or delivered at least 10 days prior to the decision to the owner of any real property adjacent to the setback involved, as shown on the records of the Marin County Assessor or Tax Collector, unless the applicant submits written evidence of support for the application signed by the adjacent property owner(s).

Regular 10-day mailed notice would be required for planning director consideration of additions and use permits.

(d) For all other Planning Director Design Review decisions under Article 15, notice shall be provided at least ten (10) days prior to the hearing decision in accordance with the California Government Code Section 65091. In addition, notice shall be mailed or delivered at least ten (10) days prior to the action to the Planning Commission.

## Proposed Changes to Current Regulations with Staff Comments

(e) For all Planning Director Conditional Use Permit decisions under Article 13, notice shall be provided at least ten (10) days prior to the decision in accordance with the California Government Code Section 65091, unless a greater distance is required by written Town Council policy. In addition, notice shall be mailed or delivered at least ten (10) days prior to the action to the Planning Commission.

**Commented [ES20]:** This was not considered by PC. This is added in the event Town Council requires larger notice area for wireless applications.