

R-1 Zoning Regulations

This reflects ordinances adopted through 3/9/22. If there is any conflict between a provision in this summary and adopted ordinances, the Town of San Anselmo Ordinances shall be followed.

Development Standards.

10-3.402 Development Standards Table.

The Development Standards Table, referred to as Table 4A, lists the development standards for each Zoning District. Deviations from development standards set forth in the Development Standards Table, referred to as Table 4A, may only be permitted by (1) an exception; (2) a minor exception; or (3) a design review, each of which are listed on the Minor Intrusions into Required Development Standards For Residential Properties Table, referred to as Table 4B; or (4) a variance by the Planning Commission as set forth in San Anselmo Municipal Code (SAMC) Section 10.3.1404(b).

DEVELOPMENT STANDARDS TABLE			
TABLE 4A			
DEVELOPMENT STANDARD	R-1-H	R-1-C	R-1
Lot Area, Minimum (Sq. Ft.)	43,560	43,560	7,500
Density, Maximum (Units/Acre)	1	1	1
Lot Width, Minimum Average	60'	60'	60'
Lot Width, Minimum Street Frontage	40'	40'	40'
Lot Coverage, Maximum	-	-	⁽¹⁾ 35%
Setback, Minimum Front ⁽²⁾	20'	20'	20'
Setback, Minimum Rear ⁽²⁾	20'	20'	20'
Minimum Adjacent to "R" Districts			
Minimum Adjacent to "P" Districts			
Minimum Adjacent to "C" Districts			
Setback, Side ⁽²⁾			
Minimum Interior Side	8'	8'	8'
Minimum Street Side	12'	12'	12'
Minimum Adjacent to "R" Districts			
Minimum Adjacent to "P" Districts			
Minimum Adjacent to "C" Districts			
Floor Area Ratio, Maximum	⁽¹⁾	⁽¹⁾	⁽¹⁾
Maximum Stories:			
On lot with building footprint having an average slope of less than 25%	2	2	2
On lots with building footprint average slope at or greater than 25%	3	3	3
Maximum Building Height Outside Primary and Secondary Ridgezone: Above Average Grade:			

DEVELOPMENT STANDARDS TABLE			
TABLE 4A			
DEVELOPMENT STANDARD	R-1-H	R-1-C	R-1
On lot with building footprint having an average slope of less than 25%	30'	30'	30'
On lots with building footprint average slope at or greater than 25%	35'	35'	35'
Maximum Building Height Within Primary and Secondary Ridgezone: Maximum Feet Above Average Grade	30'	30'	30'
Maximum Building Height Within Primary and Secondary Ridgezone: Maximum Feet Above Ridgeline	18'	18'	18'
Maximum Fence Height ⁽²⁾			
NOTES:			
(1) Reference Table 4E Below.			
(2) Reference Table 4B Below.			

10-3.403 Setback measurement.

All setback measurements shall be made as follows:

- (a) The setback measurement shall be taken from the nearest point of any building, architectural feature, or improvement to the nearest point of any property line; or
- (b) If a future right-of-way line or a future width line has been established for a street by provisions of any applicable ordinance, the measurement shall be taken from the nearest point of any building, architectural feature, or improvement to the nearest point of the future right-of-way line or nearest point of the future width line.

10-3.404 Height measurement.

All height measurements shall be made as follows:

The height of a building, structure, or improvement shall be that vertical distance measured from the average level of the highest and lowest point of that portion of the lot ground surface covered by the building, structure, or improvement, to the highest point on the roof, ridge, or parapet wall. Height limitations shall not apply to public utility transmission and distribution lines.

- (a) A chimney up to twelve (12) square feet may exceed the maximum building height by four (4) feet.
- (b) For R-1 H, R-1 C and R-1 properties no development, including structures, roads, and public facilities shall be allowed on visible ridges and hillsides unless it has been demonstrated to the satisfaction of the Town Engineer and Planning Commission that development outside of the ridge zone is not feasible for geologic, soils, or hydrologic reasons, or development would impact a unique natural habitat, and if development is allowed on visible ridges and hillsides, the maximum height shall be no more than eighteen (18) feet above the ridgeline.
- (c) The ground surface for determining building height 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 predevelopment ground surface will produce results consistent with the intention to minimize visual impact 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 any substantial obstruction of visible ridgeline or view from other properties in the Town.

These requirements assume evenly graded 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 Public Works Director to make structure height calculations based on these reasonable average conditions.

The intention of the 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 codified in this article, 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 codified in this article.
- (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.

Building site locations shall be selected to reduce visibility providing such locations can be served with reasonable access and are geologically stable. 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.

10-3.405 Minor Intrusions into Required Development Standards for Residential Properties Table.

The Minor Intrusions Into Required Development Standards for Residential Properties Table, referred to as Table 4B, lists: (a) exceptions, which require no discretionary action by the Planning Director nor Planning Commission; (b) minor exceptions, which require discretionary action by the Planning Director; and (c) minor intrusions that require planning commission design review.

10-3.406 Setback and height exceptions.

The purpose and intent of allowing exceptions to the development standards is to permit minor intrusions into required setback areas. If, in the judgment of the Planning Director, the structure is not a minor intrusion due to its size, location, or potential use, the Planning Director shall require that the structure either adhere to the standards listed in the Development Standards Table, referred to as Table 4A, or obtain a variance from the Planning Commission, as set forth in Section 10-3.1404(b) of the San Anselmo Municipal Code.

SETBACK EXCEPTIONS

MINOR INTRUSIONS INTO REQUIRED RESIDENTIAL DEVELOPMENT STANDARDS
Table 4B⁽¹⁾⁽²⁾⁽³⁾

Feature	Front	Rear	Interior Side	Street Side	Review Required
Accessory Structure - Detached or Attached					
A. For properties with a rear property frontage on Center Boulevard or Red Hill Avenue (one of the following):					
1. One, similar in type to gazebo, tool shed, or play structure, less than 200 square feet in area up to 10' in height ⁽⁴⁾ above the ground surface subject to screen landscaping between the accessory structure and the right of way, as approved by the Planning and Building Director. It is encouraged that the roof pitch design of accessory buildings be similar to that of the main dwelling; <u>or</u>	20'	4'	8'	8'	E
2. One, similar in type to gazebo, tool shed, or play structure, less than 200 square feet in area exceeding 10' in height ⁽⁴⁾ , but no higher than 12' in height above the ground surface subject to screen landscaping between the accessory structure and the right of way, as approved by the Planning and Building Director. It is encouraged that the roof pitch design of accessory buildings be similar to that of the main dwelling; <u>or</u>	20'	6'	8'	8'	E
3. One, similar in type to gazebo, tool shed, or play structure, less than 200 square feet in area up to 10' in height ⁽⁴⁾ above the ground surface subject to screen landscaping between the accessory structure and the right of way, as approved by the Planning and Building Director. It is encouraged that the roof pitch design of accessory buildings be similar to that of the main dwelling; <u>or</u>	20'	4'	0'	0'	DR
4. One, similar in type to gazebo, tool shed, or play structure, less than 200 square feet in area exceeding 10' in height ⁽⁴⁾ , but no higher than 12' in height above the ground surface subject to screen landscaping between the accessory structure and the right of way, as approved by the Planning and Building Director. It is encouraged that the roof pitch design of accessory buildings be similar to that of the main dwelling.	20'	6'	0'	0'	DR

Feature	Front	Rear	Interior Side	Street Side	Review Required
B. For all other properties:					
One, similar in type to gazebo, tool shed, or play structure less than 120 square feet in area (measured to exterior walls or surfaces) and 8' or less in height above the ground surface ⁽⁴⁾	20'	0'	0'	0'	E
Arbor and Trellis:					
1. Freestanding, 60 square feet or less in area and 8' or less in height ⁽⁴⁾ above the ground surface. A distance of 10' shall be maintained from dwellings located on contiguous properties.	0'	0'	3'	3'	E
2. Freestanding, exceeding 60 square feet in area and exceeding 8' in height above the ground surface ⁽⁴⁾ .	0'	0'	0'	0'	ME
3. Attached, extending 3' from building wall	3'	3'	3'	3'	E
Awning, Chimney, Cornice, Eave, Fireplace					
1. All extending not more than 3' from the building wall. A distance of 10' shall be maintained from dwellings located on contiguous properties.	3'	3'	3'	3'	E
2. All extending beyond 3' from the building wall.	3'	3'	3'	3'	ME
Built In Outdoor Barbecue and Counter					
1. Counter and built in barbecue less than 36" above grade ⁽⁴⁾ .	0'	0'	0'	0'	E
2. Counter between 36" and 48" above grade ⁽⁴⁾ and built in barbecue with cover up to 60" above grade. A distance of 10' shall be maintained from dwellings on contiguous properties.	0'	0'	0'	0'	ME
Carport, Garage					
One, new detached, one car, single story carport and garage with a maximum gable height of 12' (required on-site parking spaces shall be located as described in Section 10-3.504).	20'	5'	5'	5'	DR
Chicken Coops and Runs with a permit issued pursuant to Title 5, Chapter 1, Section 5-1.04					
One structure up to 50 square feet in area and 8 feet or less in height above the ground surface used for the specific purpose of housing hens	0'	0'	0'	0'	ME
One transparent enclosure/run up to 120 square feet in area and 8 feet or less in height above the ground surface to allow hens to walk around	0'	0'	0'	0'	ME
Deck, Landing, Stairway - All Uncovered					
1. Less than 3' in height above the ground surface.	0'	0'	0'	0'	E

Feature	Front	Rear	Interior Side	Street Side	Review Required
2. 3' or greater in height above the ground surface.	14'	14'	6'	10'	E
3. Exceeding 3' in height above the ground surface, but not exceeding 5' in height above the ground surface.	0'	0'	0'	0'	ME
Dormer					
A maximum of one on each wall, the length of each to be no greater than 8' in length as measured parallel to the roof ridge. A distance of 10' shall be maintained from dwellings located on contiguous properties.	3'	3'	3'	3'	E
Enclosure of an Area Directly Below an Existing Deck					
To create additional living area.	0'	0'	0'	0'	DR
Fence, privacy wall, solid opaque screen planting, including supporting structures⁽³⁾					
A. For properties with rear frontages on Center Blvd and Red Hill Avenue:					
1. Up to 6' in height above the ground surface on either side of the fence at any point (3).	0'	0'	0'	0'	E
2. 6' in height with a 2' lattice top above the ground surface (for a total height of 8') with screen landscaping subject to approval by the Planning and Building Director	20'	2'	8'	8'	E
3. Between 6' and 10' in height with a 2' lattice top above the ground surface with screen landscaping subject to approval by the Planning and Building Director.	20'	4'	Encroachment not permitted	Encroachment not permitted	E
Fence, privacy wall, solid opaque screen planting, including supporting structures⁽³⁾ (continued)					
B. For all other properties;					
1. Up to 6' in height with a 2' lattice top (for a total height of 8') above the ground surface.	0'	0'	0'	0'	E
2. For properties in Bald Hill: also refer to Bald Hill Area Plan: Fence Design					
Filtered (non-opaque) Screening					
There shall be no maximum height for filtered screen vegetation unless deemed necessary in a particular instance by the Public Works Director due to safety factors necessary to maintain good vehicular and pedestrian visibility of intersections of streets, sidewalks, and driveways, after	0'	0'	0'	0'	E

Feature	Front	Rear	Interior Side	Street Side	Review Required
consideration of the terrain and topography of the lot involved, and the volume of vehicular and pedestrian traffic.					
First Story Rear and Side Horizontal Dwelling Infill Extensions					
1. Incorporating no additional height increase and within the boundaries created by either connecting two points of the rear wall or two points on the same side wall of a building (notch filler).	20'	0'	0'	0'	E
2. Incorporating no additional height increase and within the boundaries created by connecting one point of a side wall and one point of a rear wall of a building (notch filler).	20'	0'	0'	0'	ME
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					
Existing dwellings may be expanded vertically or horizontally and existing accessory structures may be expanded horizontally along the existing building plane subject to Design Review. Should an existing building located within five (5') feet to eight (8') feet of the interior side property line originally and legally built be removed and rebuilt with no dimension changes from that which previously existing, the 5' to 8' setback is considered grandfathered and expansion can occur along the former building plane subject to Design Review. This provision does not apply to: (a) Additions to existing structures which are less than eight (8') feet from the interior side property line by virtue of a previously granted variance; (b) Any construction less than five (5') feet from the interior side property line; or (c) Second story additions to accessory structures.	20'	20'	5' to 8'	12'	DR
Hot Tub					
1. Above the ground surface.	20'	5'	5'	5'	E
2. Above the ground surface.	8'	5'	5'	5'	ME
3. Below the ground surface.	8'	5'	5'	5'	E

Feature	Front	Rear	Interior Side	Street Side	Review Required
Mechanical Equipment					
Air conditioning unit, hot tub and swimming pool equipment (not contained in hot tub or swimming pool), all at or under 3' above the ground surface.	5'	5'	5'	5'	E
Parking Deck, Driveway, Supporting Structure: (Uncovered)					
On both downslope and upslope lots having minimum average lot slope of 25%.	0'	0'	0'	0'	ME
Parking Spaces on Uphill Lots					
With retaining walls greater than 6' in height above the ground surface(5), but less than 10' in height above the ground surface.	0'	0'	0'	0'	ME
Porch					
1. Enclosure of existing roofed porch limited to two sides of an existing dwelling, not to exceed 100 square feet.	0'	0'	0'	0'	E
2. Covered porches (not enclosed): provided the finished porch floor does not exceed 5' in height above the elevation of any adjacent right of way.	14'	20'	8'	12'	E
Raising of Structures (originally constructed without setback requirement and not having been granted an exception, minor exception or setback variance) a total of 2' above the existing building height (including the roof, walls, and foundation), not to exceed the height limitation of the applicable zoning district. Includes: Dwelling, Carport, Garage, and Accessory Building.					
If requested to elevate a finished floor in a Flood Hazard Area, to replace a foundation, or for other hazard mitigation.	0'	0'	0'	0'	E
If requested for aesthetic or other non-hazard purposes.	0'	0'	0'	0'	ME
Replacement in Kind					
All existing structures legally erected (either before applicable ordinances or with applicable Building permit and Planning approval). Includes relocating structure from an existing 0' property line setback to a 2' maximum setback for maintenance purposes. Does not include other dimension changes.	0'	0'	0'	0'	E
Retaining Wall					
Up to 4' in height above the ground surface.	0'	0'	0'	0'	E
Swimming Pool					
1. Above the ground surface measured at the outside edge.	20'	5'	5'	5'	E

Feature	Front	Rear	Interior Side	Street Side	Review Required
2. Above the ground surface measured at the outside edge.	8'	5'	5'	5'	ME
3. Below the ground surface measured at the outside edge.	8'	5'	5'	5'	E
Window: Bay, Greenhouse, Box					
1. All extending not more than 3' from the building wall and no greater than 8' in length. A distance of 10' shall be maintained from dwellings located on contiguous properties.	3'	3'	3'	3'	E
2. All extending more than 3' from the building wall and greater than 8' in length.	3'	3'	3'	3'	ME
Notes:					
<p>(1) All other structures that intrude into the minimum required setback areas shall require Planning Commission variance review unless a determination is made by the Planning Director that a particular structure is similar in kind to one of the above listed structures which are considered either an exception, minor exception or subject to administrative variance review.</p> <p>(2) For R-1 H, R-1 C, and R-1 properties located at or above 150 mean sea level elevation, design review shall take precedence over the above listed exceptions.</p> <p>(3) Fences, privacy walls, and solid opaque screen plantings located within twenty (20') feet of a front property line or within twelve (12') feet of a street side yard property line fronting a street are subject to a separate permit review by the Public Works Director. The Public Works Director's decision shall be based upon safety factors necessary to maintain good vehicular and pedestrian visibility at intersections of streets, sidewalks, and driveways, after consideration of the terrain and topography involved, and the volume of vehicular and pedestrian traffic. Fences, privacy walls, hedges and solid screen plantings exceeding eight (8') feet in height above grade, or those exceeding lesser heights as specified by the Public Works Director.</p> <p>(4) Ground surface: ground level at the time of construction, unless otherwise determined per Section 10-3.404(c).</p>					

FAR IF SITE HAS ANY PORTION ABOVE 150 MEAN SEA LEVEL

10-3.411 Table of Maximum Adjusted Floor Area for Residential Properties Located Above 150 Mean Sea Level Elevation.

The Table of Maximum Adjusted Floor Area for Properties Located Above 150 Mean Sea Level Elevation, referred to as Table 4E, lists the maximum adjusted floor area allowed on residential properties located above 150 mean sea level elevation.

TABLE OF MAXIMUM ADJUSTED FLOOR AREA FOR RESIDENTIAL PROPERTIES LOCATED ABOVE 150 MEAN SEA LEVEL ELEVATION				
TABLE 4E				
Formula	Lot Size (Square Feet)	(Acres)	Maximum Adjusted Floor Area ⁽¹⁾⁽²⁾⁽³⁾ (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.	40,000	0.92	5,000	.13
Maximum	45,000	1.03	5,000	.11
	50,000	1.15	5,000	.10
	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(s) 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)	Except as provided in Chapter 4, 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.
(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 under Article 15 of this chapter. Additional floor area is not allowed for any lots or structures associated with an application under Chapter 4 or California Government Code Sections 65852.21 and 66411.7.
	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 under Article 15 of this chapter. Additional floor area is not allowed for any lots or structures associated with an application under Chapter 4 or California Government Code Sections 65852.21 and 66411.7.

FAR IF SITE IS ENTIRELY BELOW 150 MEAN SEA LEVEL

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:
 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

- 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).
- e. Maximum Adjusted Floor Area Exception. The maximum Adjusted Floor Area may be exceeded on a lot by up to 325 square feet subject to Design Review approval pursuant to Article 15 of this chapter. Additional floor area is not allowed for any lots or structures associated with an application under Title 10, Chapter 4 or California Government Code Sections 65852.21 and 66411.7, unless required to accommodate two 800 square foot units.

Table of Maximum Sizes of Dwellings on Single Family Residential Properties Located Below 150 Mean Sea Level Elevation
Table 4F

Lot Size (Sq Ft)	Sliding Scale: 45% to 35%	Adjusted Floor Area	325 sf Additional Floor Area for Dwellings that Exist Prior to Ordinance Adoption (1)(2)	Maximum Lot Coverage Ratio	Adjusted Lot Coverage
<2250	0.45		325 +	0.35	
2250	0.45	1013	1338	0.35	788
2500	0.45	1125	1450	0.35	875
2750	0.45	1238	1563	0.35	963
3000	0.45	1350	1675	0.35	1050
3250	0.45	1463	1788	0.35	1138
3500	0.45	1575	1900	0.35	1225
3750	0.45	1688	2013	0.35	1313
4000	0.45	1800	2125	0.35	1400
4250	0.42	1800	2125	0.35	1488
4500	0.40	1800	2125	0.35	1575
4750	0.40	1900	2225	0.35	1663
5000	0.40	2000	2325	0.35	1750
5250	0.40	2100	2425	0.35	1838
5500	0.40	2200	2525	0.35	1925

Lot Size (Sq Ft)	Sliding Scale: 45% to 35%	Adjusted Floor Area	325 sf Additional Floor Area for Dwellings that Exist Prior to Ordinance Adoption (1)(2)	Maximum Lot Coverage Ratio	Adjusted Lot Coverage
5750	0.40	2300	2625	0.35	2013
6000	0.40	2400	2725	0.35	2100
6250	0.40	2500	2825	0.35	2188
6500	0.40	2600	2925	0.35	2275
6750	0.40	2700	3025	0.35	2363
7000	0.40	2800	3125	0.35	2450
7250	0.39	2828	3153	0.35	2538
7500	0.38	2850	3175	0.35	2625
7750	0.37	2868	3193	0.35	2713
8000	0.36	2880	3205	0.35	2800
8250	0.35	2888	3213	0.35	2888
8500	0.35	2975	3300	0.35	2975
8750	0.35	3063	3388	0.35	3063
9000	0.35	3150	3475	0.35	3150
9250	0.35	3238	3563	0.35	3238
9500	0.35	3325	3650	0.35	3325
9750	0.35	3413	3738	0.35	3413
10000	0.35	3500	3825	0.35	3500
10250	0.35	3588	3913	0.35	3588
10500	0.35	3675	4000	0.35	3675
10750	0.35	3763	4088	0.35	3763
11000	0.35	3850	4175	0.35	3850
11250	0.35	3938	4263	0.35	3938
11500	0.35	4025	4350	0.35	4025
11750	0.35	4113	4438	0.35	4113
12000	0.35	4200	4525	0.35	4200
12250	0.35	4288	4613	0.35	4288
12500	0.35	4375	4700	0.35	4375
12750	0.35	4463	4788	0.35	4463
13000	0.35	4550	4875	0.35	4550
13250	0.35	4638	4963	0.35	4638
13500	0.35	4725	Maximum: 5000 sq ft	0.35	4725
13750	0.35	4813	5000	0.35	4813
14000	0.35	4900	5000	0.35	4900

Lot Size (Sq Ft)	Sliding Scale: 45% to 35%	Adjusted Floor Area	325 sf Additional Floor Area for Dwellings that Exist Prior to Ordinance Adoption (1)(2)	Maximum Lot Coverage Ratio	Adjusted Lot Coverage
14250	0.35	4988	5000	0.35	4988
14500	Maximum: 5000 sf	5000	5000	0.35	5075
14750		5000	5000	0.35	5163
15000		5000	5000	0.35	5250
15250		5000	5000	0.35	5238
15500		5000	5000	0.35	5425
15750		5000	5000	0.35	5513
16000		5000	5000	0.35	5600
16250		5000	5000	0.35	5688
16500		5000	5000	0.35	5775
16750		5000	5000	0.35	5863
17000		5000	5000	0.35	5950
17250		5000	5000	0.35	6038
17500		5000	5000	0.35	6125
18000		5000	5000	0.35	6300
18250		5000	5000	0.35	6388
18500		5000	5000	0.35	6475
18750		5000	5000	0.35	6563
19000		5000	5000	0.35	6650
19001+		5000	5000	0.35	

Note:

1) Subject to Findings per Sec. 10-3.412(e)

2) Additional floor area is not allowed for any lots or structures associated with an application under Title 10 Chapter 4 or California Government Code Sections 65852.21 and 66411.7.

PARKING

10-3.502 Parking standards.

The Parking Standards Table, referred to as Table 5A, lists the minimum parking requirements.

PARKING STANDARDS TABLE TABLE 5A	
RESIDENTIAL LAND USE	NUMBER OF REQUIRED ON-SITE PARKING SPACES⁽¹⁾⁽²⁾
Single-Family Dwelling, Attached or Detached, and Located below 150 mean sea level elevation	Two (2) spaces per living unit ⁽⁴⁾
Single-Family Dwelling, Attached or Detached, and Located above 150 mean sea level elevation	Three (3) spaces per living unit ⁽³⁾
Residential unit associated with an application under California Government Code Sections 65852.21 and 66411.7.	One (1) space per living unit, except as provided in Title 10, Chapter 4 ⁽²⁾
Accessory Dwelling Units	See Title 10, Chapter 6
Notes:	
(1) Any calculation of parking space requirements which results in a fractional parking space shall be rounded up to the next full parking space.	
(2) A tandem parking space is not allowed to fulfill the legal parking space requirement unless otherwise noted in this chapter.	
(3) One (1) of the three (3) parking spaces may be in tandem and may be located within the minimum required front setback unless otherwise noted in this chapter.	
(4) For any lot with an average width of 52 feet or less, one (1) of the two (2) parking spaces may be in tandem and may be located within the minimum required front setback and side setback.	

10-3.504 Enlargement and alteration to dwelling units and conversion of garages, carports, and uncovered parking spaces.

- (a) Any dwelling unit having less than the required number of vehicular parking spaces as required by the Parking Standards Table, referred to as Table 5A, may be enlarged provided that one (1) of the following conditions is satisfied:
 - (1) The required number, setbacks, siting, configuration, and size of parking spaces as required by the Parking Standards Table, referred to as Table 5A, of the San Anselmo Municipal Code shall be provided prior to the first Building Department inspection for the enlargement, except that the parking spaces may be in tandem and within established setback areas; or
 - (2) The enlargement does not include a room suitable for use as a bedroom nor does the enlargement include the conversion of an existing room for use as a bedroom.
- (b) No parking space either uncovered or within a garage or carport, having minimum dimensions of eight (8) feet in width by seventeen (17) feet in depth, shall be converted to a use other than for vehicular parking, unless the following conditions are satisfied:

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- (1) 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; or
 - (2) Each converted parking space shall be replaced with one (1) legal parking space that complies with all provisions for setbacks, siting, configuration, and size prior to the first inspection for the building permit; or
 - (3) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit the Town shall not require that those off street parking spaces be replaced. Each converted parking space may be replaced with one (1) legal parking space that complies with all provisions for setbacks, siting and size Replacement parking spaces may be located on site on an existing driveway within setbacks. New replacement parking spaces may be created within a required setback with design review approval pursuant to Article 15 of this chapter; and

10-3.506 Parking space: Location.

- (a) When replacing a dwelling in kind (no dimension or design changes), the existing location of parking spaces and parking structures can remain (provided that they were created either before applicable ordinances or with applicable Building permit and Planning approval).
- (b) When accessing parking at the rear of property, the driveway can go in and out of the setbacks, the driveway can be less than the nine-foot Code parking space width, and the surface shall be more permeable with one (1) of the choices being two (2) parallel tracks with an average wheel base distance, subject to approval of the Public Works Director.
- (c) Parking spaces may be located off-site from the use they are intended to serve only if the parking space or spaces are within one hundred fifty (150) feet of the lot on which the use they are intended to serve is located and that the off-site parking spaces are exclusively for the use they are intended to serve by the recordation of an appropriate agreement. Said agreement shall be in a form approved by the Town Attorney and reserved in perpetuity unless removed by approval of the Planning Commission. Parking spaces provided on a parcel for an off-site use must be spaces in excess of the minimum Code required parking spaces for the use on that parcel providing the parking.
- (d) Garages to accommodate subsection (c) of this section may be allowed upon vacant property subject to the following:
 - (1) The garage structure shall be exclusively used for the parking of vehicles. Water connections shall be permitted. No sewer connections shall be allowed to such structure.
 - (2) Deed restrictions in subsection (a) of this section shall further limit the use of the garages for the parking vehicles for the exclusive use of the property they are intended to serve.
 - (3) Planning Commission Design Review shall be obtained in accordance with Article 15 of this chapter.
 - (4) The maximum size of such garages shall not exceed five hundred (500) square feet in floor area.
 - (5) Such garages shall otherwise meet all requirements of this chapter.
- (e) Parking areas for commercial uses may be permitted in the "R" Districts on properties adjoining "C" Districts upon the securing of a use permit in accordance with Article 13 of the San Anselmo Municipal Code.

10-3.507 Parking space: Dimensions.

Every parking space shall have minimum dimensions of nine (9') feet in width, nineteen (19') feet in length, and seven (7') feet of vertical clearance for the entire horizontal dimension of the parking space.

10-3.508 Parking space: Siting.

All required parking spaces shall be sited in compliance with all development standard setbacks as set forth in the Development Standards Table, referred to as Table 4A, unless otherwise noted in this chapter.

10-3.509 Parking space: Access.

Each required parking space shall have access to a public street, alley, access easement, drive aisle, or driveway.

10-3.511 Parking space: Surfacing.

All parking spaces, drive aisles, and driveways, and all other streets, alleys, and access easements which serve a parking space shall be constructed and paved with an all-weather surface and the surface shall be permeable as may be approved by the Director of Public Works.

NONCONFORMING STRUCTURE REGULATIONS

10-3.607 Nonconforming uses and improvements.

- (e) Nonconforming buildings and improvements.
 - (1) Replacement of nonconforming buildings and improvements
 - (i) If at any time any building or improvement in existence or maintained at the time of the adoption of this chapter, which building, structure, or improvement does not conform to the regulations for the district in which it is located, shall be either: (a) destroyed by fire, explosion, act of God, or act of the public enemy; or (b) demolished; or (c) fifty (50%) percent or more of the existing exterior walls of a structure above the foundation are demolished, then, and without further action of the Town Council, the building, structure, or improvement and the land on which the building or improvement was located or maintained, from and after the date of such destruction, demolition or removal shall be subject to all regulations of the district in which such land and/or building is located. The Planning Director may develop written guidelines for what is included in exterior wall demolition, which shall be measured in square feet and shall include the square feet of windows and doors that are removed.
 - (ii) An exception to (e)(1)(i) above is if the new building or improvement is a replacement in kind with no dimension, design or location changes beyond relocating the building or improvement from an existing zero-foot property line setback to a two-foot maximum setback for maintenance purposes and it can be shown that such building or improvement was erected either before applicable ordinances or with applicable Building permit and Planning approval.
- (f) Expansion of nonconforming buildings and improvements.
 - (1) Any nonconforming building or improvement may be maintained, repaired, enlarged, extended, or structurally altered provided the enlargement or alteration complies with the use, setback, height, lot coverage and other site development requirements of the zone in which the structure is located, as well as other development regulations applicable to the area in which the structure is located.

VARIANCES

10-3.1401 Purpose and intent.

The purpose of a variance is to allow for deviations from development standards set forth in the Development Standards Table, referred to as Table 4A, of the San Anselmo Municipal Code.

10-3.1402 Initiation of a variance.

A variance may be initiated by the following:

The owner or owners of record of a lot or lots for which a variance is sought.

10-3.1403 Application requirements.

An application for a variance shall include, at a minimum, the following:

- (a) A completed application form of a content specified by the Planning Director;
- (b) A completed environmental information work sheet of a content and form specified by the Planning Director; and
- (c) Payment of fees for the review and processing of a variance, in a fashion and manner as may be prescribed by the Town Council.

10-3.1404 Review of variance.

A variance may be acted upon by either (1) the Planning Director; or (2) after the Planning Commission conducts one or more public hearings on the variance. The following identifies which variance applications may be acted upon by the Planning Director and which variance applications shall be acted upon by the Planning Commission:

- (a) Planning Director.

The list of administrative variances, which require discretionary action by the Planning Director, is included in the Minor Intrusions Into Required Residential Development Standards Table, referred to as Table 4B.

The Planning Director may 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.

All other variance applications not identified in the Minor Intrusions Into Required Residential Development Standards Table, referred to as Table 4B.

10-3.1405 Required findings for a variance.

Approval of a variance, which may include the imposition of conditions, shall be made only after the making of all of the following findings:

- (a) Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and

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- (b) The granting of the variance, under the circumstances of the particular case, 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.

MINOR EXCEPTIONS

10-3.14.501. Purpose and intent.

The purpose of a minor exception is to allow for minor deviations from development standards set forth in the Development Standards Table, referred to as Table 4A of the San Anselmo Municipal Code, subject to the findings set forth below. This process is a more flexible approach for reviewing homeowner's minor projects while still providing safeguards for the residential neighborhoods by way of the required findings for approval that address aesthetics, bulk, light, air and privacy.

10-3.14.502. Initiation of a minor exception.

A minor exception may be initiated by the owner or owners of record of a lot for which a minor exception permit is sought.

10-3.14.503. Application requirements.

An application for a minor exception shall include, at a minimum, the following:

- (a) A completed application form of a content specified by the Planning and Building Director; and
- (b) Payment of fees for the review and processing of a minor exception, in a fashion and manner as may be prescribed by the Town Council.

10-3.14.504. Review of minor exception.

A minor exception may be acted upon by either (1) the Planning and Building Director; or (2) after the Planning Commission conducts one (1) or more public hearings on the minor exception. All minor exceptions are listed in the Minor Intrusions Into Required Residential Development Standards Table, referred to as Table 4B.

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

Should a property require more than one (1) 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.

10-3.14.505. Required findings for a minor exception.

Approval of a minor exception, which may include the imposition of conditions, shall be made only after the making of all of the following findings:

- (a) For an accessory structure, arbor, trellis, awning, chimney, cornice, eave, fireplace, outdoor barbeque and counter, carport, garage, deck, landing, stairway, enclosure of an area directly below an existing deck, dwelling infill extension, hot tub, parking deck, parking space, swimming pool, and windows.
 - (1) The impact of the proposed minor exception is de-minimus and will not significantly exacerbate existing, or create a significantly new, non-conformity; and

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- (2) Will not unreasonably impair access to light and air of structures on neighboring properties and will not unreasonably affect the privacy of neighboring properties; and
 - (3) Will not add to, and preferably reduce, the apparent visual bulk of a structure; and
 - (4) Will contribute to the aesthetic and/or physical functionality of the dwelling structure or improve the life safety of the dwelling; and
 - (5) In no instance shall a minor exception be granted where the effect of approval would be to cause the structure to be expanded by more than one hundred (100) square feet; and
 - (6) 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.
- (b) For Chicken Coops:
- (1) The impact of the proposed minor exception is de-minimus; and
 - (2) The coop will be at least 25 feet from adjacent residential structures; and
 - (3) If within a front yard setback, the coop will be adequately screened from public view; and
 - (4) The coop 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.

DESIGN REVIEW

10-3.1501 Purpose and intent.

The purpose of design review is to minimize adverse effects of poor or inappropriate exterior design of improvements to real property by providing for the review of the design of certain buildings and improvements hereafter constructed in the Town.

Poor or inappropriate exterior design of improvements to real property adversely affects the health, safety, and welfare of the residents of the Town 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 Town as a whole;
- (c) Impair the comfort and well-being of the persons using such real property; and/or
- (d) Are aesthetically incompatible with adjacent real property.

The intent of design review is to ensure the above adverse effects are eliminated or minimized through the imposition, if necessary, of conditions that cause the improvements to comply with the intent of this chapter.

The Town shall seek to encourage creativity and variety in design by the review established by the provisions of this chapter. The term "improvement," as used in this section, shall be liberally interpreted and shall include the construction, alteration, and repair of all buildings, structures, access structures, and facilities on real property and appurtenances thereto.

No improvement subject to design review shall thereafter be constructed, located, repaired, altered, or thereafter maintained, except with a design approved in accordance with Section 10-3.1601 of this chapter of the San Anselmo Municipal Code.

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 (1) or more public meetings 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) 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, or other similar modifications.
 - (2) All additions in residential zoning districts, subject to such review by the Planning Commission as may be required by another section of this Code.

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 (1) 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) The Planning Commission shall review the following applications:
 - (1) All exterior improvements to be constructed in the Town, except for those listed in subsection (a) of this section.
 - (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) 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.

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.

The following projects are subject to design review.

- (a) Commercial, Professional, and Residential R-3 (four (4) or more units, churches, and convalescent homes):
 - (1) All new buildings; and
 - (2) All exterior modifications including changes to exterior paint colors and exterior finishes and new or replacement mechanical equipment.
- (b) Residential R-1-H: All exterior modifications including changes to exterior paint colors and exterior finishes but excluding new or replacement mechanical equipment located in compliance with required setbacks and within building envelope and that meet all applicable requirements of the Town Noise ordinance.
- (c) Residential R-1-C and R-1 lots that include any area at or above one hundred fifty (150) feet Mean Sea Level (hillside):

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- (1) New dwellings;
 - (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. 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 size and 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.
 - (4) Any request to exceed the maximum dwelling size in Table 4E.
- (d) Residential R-1, R-2, and R-3 (three (3) or fewer units) lots below one hundred fifty (150) feet Mean Sea Level (flatland):
- (1) New dwellings;
 - (2) Any second story or higher additions;
 - (3) Any request to exceed the maximum adjusted floor area under Section 10-3.412(e);
 - (4) Additions where the new construction will increase existing Adjusted Floor Area by fifty (50%) percent or more; and
 - (5) Additions in conjunction with the demolition of fifty (50%) percent or more of the existing exterior walls of a dwelling structure above the foundation. The Planning Director may develop written guidelines for what is included in exterior wall demolition, which shall be measured in square feet and shall include the square feet of windows and doors that are removed.

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 size and identical or similar design. Additions include decks, roof decks, and stairway structures. Demolition and a fifty (50%) percent building increase performed after 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.

- (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, convalescent homes).

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- (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);
 - (2) Will not unreasonably impair access to light and air of structures on neighboring properties;
 - (3) Will not unreasonably affect the privacy of neighboring properties including not unreasonably affecting such privacy by the placement of windows, skylights and decks;
 - (4) Will be of a bulk, mass and design that complements the existing character of the surrounding neighborhood; and
 - (5) 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-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.

- (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:
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- (i) A landscape plan shall be submitted showing location, type and size of existing landscapes screening, and
 - (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):
 - (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). 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.
 - (1) Visual effects have been mitigated with screening and landscaping, including plants, trees, berms, fencing or walls; and
 - (2) Findings required by Section 10-3.1506(a).
 - (3) Required Conditions:
 - (i) 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.
 - (ii) The accessory dwelling unit shall not be used for occupancy for less than a 30-day term of tenancy.
 - (h) Maximum Adjusted Floor Area Exception for lots below 150 Mean Sea Level pursuant to Section 10-3.412:
 - (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 five thousand (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.
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EXPIRATION OF APPROVAL

10-3.1605 Final approval of discretionary actions.

Any discretionary action as described in this chapter, except zoning ordinance amendments, Preliminary Planned Development Districts, and Specific Planned Development Districts, shall be final ten (10) calendar days following the date of approval by the Planning Director or the Planning Commission, whichever is applicable, unless the action of the Planning Director or the Planning Commission is appealed to the Planning Commission or Town Council in the manner prescribed in Sections 1-4.01 and/or 10-1.05 of the San Anselmo Municipal Code.

10-3.1607 Duration of approval.

Unless otherwise provided for in this chapter, if an activity or development which has received discretionary approval has not begun within one (1) year from the date of the final action, the permit shall become null and void. The date of final action shall be either ten (10) calendar days following the date of action by the Planning and Building Director, the Planning Commission or the Town Council, whichever is last.

RELEVANT DEFINITIONS

10-3.1702 Definitions.

The following words and phrases, when used in the context of this chapter, shall have the following meanings:

"Accessory building" means a building detached from the primary building on the same lot and which is necessary for the operation or use of the lot or primary building and which is incidental and subordinate to the primary use of the lot or to the primary building. That portion of a residential garage or carport, whether attached or detached, and which provides covered area greater than that necessary to park vehicles of a number in excess of that required to serve the use, as required by Article 5 of Chapter 3 of the San Anselmo Municipal Code, shall be considered an accessory building, unless it meets the requirements of Section 10-3.506. A storage shed, whether prefabricated or constructed on-site, shall be considered an accessory building. Also includes "accessory structure."

"Accessory dwelling unit." Refer to Title 10, Chapter 6, Section 10-6.103.

Accessory structure. Refer to "accessory building."

"Accessory use" means use of a lot or building which is incidental and subordinate to the primary use of the lot or of a building and which is located on the same lot with the primary use of the lot or building.

"Addition" means a building added to and attached to the original building after completion of the original building.

"Arbor" means a horizontal open-air structure over a garden, walkway or driveway.

"Architectural features" means projections or appurtenances, having a maximum exterior projection of two (2') feet on buildings which provide visual variation and/or relief, but do not serve as living or working space and do not add floor area. Architectural features may include, but not limited to chimneys, cornices, canopies, bay windows, greenhouse windows, and eaves.

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

"Automobile" means a four-wheeled passenger vehicle propelled by an internal combustion engine.

Average slope. The "average slope" of a lot shall be the ratio between the net difference in elevation between the upper and lower property lines.

"Awning" means a roof-like structure, as over a window or door, that serves as a shelter or shading device.

"Basement" means an enclosed space, finished or unfinished, partly or wholly below natural grade, having more than one-half ($\frac{1}{2}$) its height, as measured from its floor, whether finished or unfinished, to its ceiling, whether finished or unfinished, below the adjoining natural grade. If the finished floor located immediately above the basement is more than six (6) feet or more feet above the adjoining grade the basement shall be considered a story.

"Bay window" means a window which projects from the face of a building, which does not add floor area (permanent window seat or counter permitted), and which has a bottom sill no less than two (2') feet above the adjoining finished floor.

"Building" means any structure having a roof supported by columns or walls.

"Building envelope" means the horizontal and vertical area of a lot in which a building or other improvements may be constructed as defined by either the established development standards set forth in each district, or by the Planning Director, the Planning Commission, or the Town Council as associated with specific action upon a master plan, use permit, variance, preliminary development plan, precise development plan, or design review.

"Building Height" means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point on the roof, ridge, or parapet wall including all antennas (television, radio, cellular, and satellite). Public utility transmission and distribution lines are not included in this definition. Also includes "structure height."

"Building site" means the area of a lot where buildings are to be constructed.

"Carport" means an attached or detached building covered by a solid or lattice roof and supported by posts, poles, or walls and having one (1) or more permanently open sides, and intended for the off-street parking of motor vehicles.

"Deck" means an exterior living space which has a finished floor surface thirty-six (36) inches or more above natural grade. Other typical attributes of a deck include finished floor surfaces of wood, tile, or concrete, one (1) or more permanently open sides, and railings.

Deck, covered. "Covered deck" means a deck over which is constructed a solid or lattice roof supported by posts, poles, or walls.

"Demolition" means the removal of fifty (50%) percent or more of the existing exterior walls of a structure above the foundation. The Planning Director may develop written guidelines for what is included in exterior wall demolition, which shall be measured in square feet and shall include the square feet of windows and doors that are removed.

"Density" means the ratio between the number of dwelling units and the size of a lot.

Density, maximum. "Maximum density" means the maximum number of residential units which may be constructed on any one (1) lot based on the maximum gross density permitted in the Zoning District, as guided by the Land Use Element of the General Plan, regardless of the size of the lot.

Dwelling unit. Refer to "residential unit."

"Eaves" means roof projections which extend beyond the exterior wall plane of a building, or in the case of a covered porch, the roof projection beyond the porch columns.

Entrance, primary. The primary entrance to a building.

"Fence" means a vertical barrier of any material, or combination of materials, constructed to enclose or screen a lot or a portion of a lot. Also includes "wall."

"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.

Floor area, total. "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.

Garage, residential. "Residential garage" means a detached or attached accessory building or structure designed for the parking of motor vehicles belonging to or used by the occupants of the residential unit.

"Ground surface" means the predevelopment ground elevation.

Height. Refer to "building height."

"Impermeable Surface" means a surface with structural stability that does not allow for drainage. Includes asphalt and concrete with sand and finer material.

"Kitchen." A room or space within a building used or intended to be used for cooking or preparation of food, which includes any of the following: stove, oven, range top, convection oven, cooking burners, microwave oven or refrigeration equipment. A separate or second kitchen does not exist if configuration of appliances and the floorplan clearly indicate that the space will not and cannot be used as a separate living unit, such as an unenclosed pool cabana. Interpretation of whether or not an area is or is not a separate kitchen shall be by the Planning Director pursuant to this section. Accessory Dwelling Unit kitchens shall meet the requirements of the California Building Code, such as a sink, electric outlets/circuit and a countertop, and shall not be required to have appliances pursuant to the guidance provided by the State Department of Housing Community Development.

Lot, corner. "Corner lot" means a lot bounded by two (2) or more streets, ways, or access easements. The shortest boundary line which borders said street, way, or access easement shall constitute the front lot line.

"Lot coverage" means the land area covered by all buildings and improvements with a finished height above grade of three (3') feet or more, including all projections with the exception of roof eaves which project less than two (2') feet from the face of a building.

Lot, nonconforming. Refer to "non-conforming lot."

Maximum Density. Refer to "density, maximum."

Minimum average lot width. Refer to "lot width, minimum average."

Minimum lot street frontage. Refer to "lot width, minimum street frontage."

"Natural grade" means the top or upper most surface of the ground prior to human intervention or modification.

"Non-conforming building" means a building, or portion of a building, which was constructed, or structurally altered, in a manner consistent with land use regulations and development standards in effect at the time of the construction or structural alteration but which does not conform to the current development standards of the District in which it is located. Also includes "non-conforming structure."

"Non-conforming lot" means a lot existing lawfully at the time of the adoption of the zoning ordinance or amendment, but which does not conform to the lot area, width, access or other development standards of the applicable zoning district.

Non-conforming structure. Refer to "non-conforming building."

"Non-conforming use" means a use of the land which was begun in a manner consistent with land use regulations and development standards in effect at the time of the initial use but which does not conform to the current land use regulations of the District in which it is located.

"Parking space" means an area designed for the parking of motor vehicles having unobstructed access to a public street, way, or access easement at all times, and having a minimum width of nine (9) feet, a minimum length of nineteen (19) feet, and a minimum vertical clearance of seven (7) feet, and either within a garage or carport, or uncovered, and paved with a permanent all weather surface as may be approved by the Public Works Director. Such all weather surface includes permeable and impermeable surfaces.

"Permeable Surface" means a surface with structural stability that allows for drainage. Includes pavers (pre-cast sections or individual units that fit together), grid systems (rigid plastic forms filled with gravel or soil and vegetation), and porous asphalt/concrete (similar to conventional asphalt and concrete in structure and form except that the sand and finer material have been removed).

"Primary building" means a building which houses the primary use of the lot.

"Primary Entrance" means the main entrance to a building.

"Projections" means portions of buildings and architectural features which extend beyond the primary exterior building wall plane.

Property line, front. "Front property line" means the property line extending across the full street frontage of a lot between the side property lines and typically defined as the narrower of the lot's dimensions.

Property line, rear. "Rear property line" means the property line extending across a lot's rear between the side property lines and parallel to the lot's front property line.

Property line, side. "Side property line" means the property lines extending along the entire length of a lot between the front and rear property lines and typically defined as the longer of the lot's dimensions.

Residential second unit. Refer to "accessory dwelling unit."

"Residential second unit - nonconforming." Refer to "Nonconforming accessory dwelling unit" in Title 10, Chapter 6, Section 10-6.103.

Residential, single-family attached. "Single-family attached residence" means a building containing two (2) or three (3) independent and attached residential units. Also includes "duplex" and "triplex."

Residential, single-family detached. "Single-family detached residence" means a detached residential unit.

"Residential unit" means a building, or portion of a building, designed for occupancy as living quarters by one (1) household and having no more than one (1) kitchen and at least one (1) bathroom. A residential unit may be either detached, attached, multi-family, or may be a manufactured structure. A residential unit may be owned, either wholly or as part of a condominium or stock cooperative, or may be rented as an apartment. Also includes "dwelling unit."

"Ridge" means those specific primary and secondary ridges delineated by the General Plan.

Ridge line, primary. "Primary ridge line" means the line described by connecting the uppermost elevation along a primary ridge, as such ridge is delineated by the General Plan.

Ridge line, secondary. "Secondary ridge line" means the line described by connecting the uppermost elevation along a secondary ridge, as such ridge is delineated by the General Plan.

"Ridge zone" means that area of a primary or secondary ridge on both sides of the ridge line which has an elevation fifty (50') or less of the elevation of the ridgeline when measured perpendicularly from the nearest point of the ridgeline or which lies within 150 feet when measured perpendicularly from the ridge line, whichever results in a lower elevation.

"Screen Vegetation, Filtered" means vegetation that grows together to form a non-opaque screen and permits visibility of structures through to the other side.

"Screen Vegetation, Solid" means vegetation that grows together to form an opaque screen that does not permit visibility of structures through to the other side.

Second unit. Refer to "accessory dwelling unit."

"Setbacks" means a distance established by the provisions of this chapter to govern the placement of buildings and other improvements on lots with respect to property lines, streets, ways, or access easements. Setbacks shall not apply to public utility transmission and distribution lines.

Slope, average. Refer to "average slope."

"Story" means that portion of a building with a measured distance of six (6') feet or more between any finished or unfinished floor or ground surface and the floor next above, except that the topmost story of a building shall be that portion included between the topmost floor and the top surface of the roof above the topmost floor.

"Street" means a public way or permanent private access easement which functions as and affords a primary means of access to two (2) or more lots.

"Street frontage" means that portion of a lot or parcel, typically a property line, which is parallel to and adjoining a public street or way or access easement.

"Structural alteration" means any change in the supporting members of a building, including but not limited to, bearing walls, shear walls, retaining walls, columns, beams, girders, floor joists, ceiling joists, or roof rafters.

"Structure" means any improvement constructed or erected so as to project thirty-six (36") inches or more above the level of the adjoining grade, including, but not limited to, buildings, retaining walls, and decks. Fences shall also be considered structures if the height of the fence is greater than six (6') feet above the level of the adjoining existing grade. Both covered and uncovered parking spaces shall also be considered structures for purposes of setback requirements. Patios, walls, and similar improvements which have a finished height less than thirty-six (36") inches above the existing grade and creek bank restoration shall not be considered structures. For the purposes of computing the heights of structures and fences, the existing grade shall be the lower of:

- (a) The existing ground surface or;
- (b) The elevation of the existing grade at the time the application for construction of the structure is made.

Structure height. Refer to "Building Height."

"Studio" means a business whose activity includes the creation, display, or sale of items of art.

"Trellis" means an open-air, horizontal structure used to shade the side of a building or support plants.

"Unenclosed" means a space with or without a permanent roof that is not enclosed by walls, windows or doors on at least two (2) sides. Insect screening would not constitute enclosure.

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, existing landscape screening, or combination thereof.

Wall, retaining. "Retaining wall" means a structural wall designed to retain earth.

"Water tank" means a tank, which may be constructed below grade or wholly or partially above grade in which is stored water for domestic consumption or irrigation.

DEMOLITION PERMIT

10-3.2101 Purpose.

- (a) The quality and feel of the Town are heavily shaped by the attributes, integrity, historical character and design scale of existing residential and commercial structures. The preservation, enhancement and continued use of structures with historic, architectural, cultural and/or aesthetic importance is essential in retaining this community character.
- (b) Demolition activity itself should be designed to minimize disturbances and hazard to the neighborhood and community.

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- (c) The Town seeks to maintain housing units in order to further the goals of the General Plan Housing Element.

10-3.2102 Demolition permit required.

Except as otherwise provided in this article, no commercial, professional and/or residential dwelling structures within the town shall be demolished until a demolition permit is approved by the Planning Commission. A demolition permit for exterior demolition shall be required for the demolition of more than fifty (50%) percent of the exterior walls above the foundation. The Planning Director may develop written guidelines for what is included in exterior wall demolition, which shall be measured in square feet and shall include the square feet of windows and doors that are removed. Wall areas that are replaced in kind shall not count towards the demolition threshold where such replacement involves no material change in visual effect due to identical size and identical or similar design. This article does not apply to non-habitable accessory structures less than five hundred (500) square feet in size.

10-3.2103 Submittal requirements.

- (a) Demolition permit applications shall be filed with the Planning Department with an application fee as set by resolution of the Town Council.
- (b) Every demolition permit application shall include standard submittal requirements as prepared by the Planning Department.
- (c) Every building permit application that involves forty (40%) percent or more demolition shall provide the following:
 - (1) Detailed calculation in square feet of existing wall areas, wall areas proposed to be demolished, and wall areas to be replaced in kind.
 - (2) Drawings that detail all existing exterior wall areas to remain, wall areas to be demolished and wall areas to be replaced in kind.
 - (3) Verification from a structural engineer may be required.
- (d) Independent evaluation and report by an architect specializing in historic preservation, historical resources or a similar field may be required by the Planning Director or Planning Commission. This consultant may be selected by the Town and retained at the applicant's expense.

10-3.2104 Findings.

The Planning Commission may approve or conditionally approve any application upon making the following findings:

- (a) The demolition will not remove from the neighborhood or Town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value.
- (b) The project is consistent with the San Anselmo General Plan.
- (c) The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
- (d) The granting or denying of a demolition permit for the demolition of structures may also be subject to the following findings based on substantial evidence as determined by the Planning Commission or Town Council.
 - (1) Failure to approve a demolition permit will cause immediate and substantial hardship because of the conditions peculiar to a particular structure, and such hardship has not been created by an act of the owner in anticipation of action under this chapter. Examples of hardship include health

and safety hazards that cause the building to be unsafe. Personal, family, financing difficulties, loss of prospective profits and neighboring violations are not justifiable hardships.

- (2) It is necessary to reveal previous architectural features covered up, such feature that would be functionally and aesthetically compatible with the existing improvements and the natural elements of the area.

10-3.2105 Projects reducing housing stock.

Projects reducing the number of housing units in the Town, whether involving the demolition of a single unit with no replacement unit or the demolition of multiple units with fewer replacement units, are discouraged.

10-3.2106 Emergency situations.

An emergency demolition permit may be issued by the Town Building Official prior to Planning Commission approval of a demolition permit when a structure is determined by the Building Official to pose an immediate threat to public health, safety and welfare and no other alternative means exists to permanently or temporarily prevent, restrain, correct or abate the threat. The extent of demolition activity shall be limited to the minimum amount necessary to abate the emergency situation. The Building Official may condition such emergency demolition as necessary to provide compliance with this article.

10-3.2107 Permit for replacement structure required.

If a replacement structure is required as a condition of approving a demolition permit, the Town shall not issue a building permit to allow the approved demolition activity until the applicant secures a building permit for the replacement structure.