

**TOWN OF SAN ANSELMO
ORDINANCE NO. 976**

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING CHAPTER
3 OF TITLE 10, ARTICLE 4 (DEVELOPMENT STANDARDS), ARTICLE 7
(PROCEDURES), AND ARTICLE 8 (DEFINITIONS) OF THE ZONING
ORDINANCE RELATIVE TO THE MAXIMUM SIZE OF DWELLINGS ON
RESIDENTIAL PROPERTIES LOCATED ABOVE 150 MEAN SEA LEVEL
ELEVATION**

Section 1.

WHEREAS, the Town Council of the Town of San Anselmo initiated an amendment to the Ordinance relative to the maximum dwelling size after denying a variance at 41 Hillcrest Court on March 23, 1993, to exceed the maximum threshold size; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 19, 1993, December 19, 1994, May 15, 1995, and June 5, 1995, to consider the proposed Ordinance Amendment at which time they considered the staff report and public testimony; and

WHEREAS, the Town Council held a duly noticed public hearing on August 24, 1993, September 28, 1993, October 26, 1993, November 9, 1993, December 14, 1993, September 12, 1995, December 12, 1995, and June 4, 1996, to consider the proposed Ordinance Amendment at which time they considered the recommendation of the Planning Commission, the staff report, and public testimony; and

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

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

General Plan policy 9.3 states that: "Should there be no other option but to allow development on a visible hillside or ridge, the Town may limit the size of development (i.e., square footage allowed within any structure), if such a limitation would reduce the visual impact of a development."; and

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

General Plan policy 11.1 states that: "New development, including rehabilitation and expansion projects, shall be of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood."; and

That the proposed Amendment is consistent with these General Plan policies in that projects exceeding the Maximum Sizes of Dwellings on Residential Properties Located Above 150 Mean Sea Level Elevation will continue to be subject to Planning Commission approval, through the public hearing process, albeit subject to a broader criteria; and

That such criteria stipulates that any dwelling size exceedance not be allowed if it is materially visible offsite; and

Where "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.

Section 2.

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

**TABLE OF MAXIMUM SIZES OF DWELLINGS ON RESIDENTIAL PROPERTIES
LOCATED ABOVE 150 MEAN SEA LEVEL ELEVATION**

TABLE 4E

See Exhibit A (attached) which reflects proposed revisions to Table 4E

ARTICLE 7. ZONING ORDINANCE IMPLEMENTATION PROCEDURES

Section 10-3.1501 DESIGN REVIEW

Section 10-3.1505 Required Findings for Design Review

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

- (a) **Commercial and Residential Design Review**
 - (1) Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;
 - (2) Provides for protection against noise, odors, and other factors which may make the environment less desirable;

(3) Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area;

(4) Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and

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

In making these findings, the Planning Director or Planning Commission shall consider the size, proportions, use, type, and quality of materials; architectural features and ornamentation; night lighting; color application; signs; site placement of all features; existing and proposed landscaping and topography; existing and proposed open spaces and paved areas; screening devices; and other matters and elements deemed to be pertinent to the criteria set forth in this section.

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

(b) **Residential Design Review**

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

- (1) Conformance to the approved precise development plan;
- (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, when compared with the impact of the development of a parcel zoned R-1-H.

(c) **Residential Design Review if Exceeding Maximum Dwelling Size (Table 4E)**

Conformance to findings in Sections 10-3.1505 (a) and (b) above, and those in Table 4E.

ARTICLE 17. DEFINITIONS

Section 10-3.1701

Visual Impact:

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.

Section 3.

This Ordinance was introduced on June 4, 1996, and adopted on June 11, 1996. This ordinance shall take effect 30 days following its adoption.

Adopted by the Town Council of the Town of San Anselmo this 11th day of June, 1996, by the following vote:

AYES: Hodgens, Kroot, Chignell, Yarish, Breen

NOES: None

ABSENT: None


Peter Breen, Mayor

ATTEST:



Debbie Stutsman, Town Clerk

TABLE OF MAXIMUM SIZES OF DWELLINGS ON
RESIDENTIAL PROPERTIES LOCATED
ABOVE 150 MEAN SEA LEVEL ELEVATION

TABLE 4E

Formula
 Lot Size
 Floor Area (1) (2) (3) (4)
 Maximum Adjusted
 Floor Area Adjusted
 Maximum Adjusted
 Floor Area Ratio

Formula	Lot Size	Floor Area (1)	(2)	(3)	(4)
35% of Lot Size	8,000 or less				
10% of Lot Size	8,500	2,850	0.20		33
10% of Lot Size	9,000	2,900	0.21		32
+ 2,000 sq. ft. Lot Size	9,500	2,950	0.22		31
	10,000	3,000	0.23		30
	11,000	3,100	0.25		28
	12,000	3,200	0.28		26
	13,000	3,300	0.30		25
	14,000	3,400	0.32		24
	15,000	3,500	0.34		23
	17,500	3,750	0.40		21
5% of Lot Size	20,000	4,000	0.46		20
	25,000	4,250	0.57		17
Lot Size + 3,000 sq. ft.	30,000	4,500	0.69		15
	35,000	4,750	0.80		14
5,000 sq. ft. Maximum	40,000	5,000	0.92		13
	45,000	5,000	1.03		11
	50,000	5,000	1.15		10
	55,000	5,000	1.26		09
	60,000	5,000	1.38		08
	65,000	5,000	1.49		08
	70,000	5,000	1.61		07
	75,000	5,000	1.72		07
	80,000	5,000	1.84		06
	87,120	5,000	2.00		06
	108,900	5,000	2.50		05
	130,630	5,000	3.00		04
	174,240	5,000	4.00		03
	217,800	5,000	5.00		02

Notes on Following Page

EXHIBIT A

TABLE OF MAXIMUM SIZES OF DWELLINGS ON
RESIDENTIAL PROPERTIES LOCATED
ABOVE 150 MEAN SEA LEVEL ELEVATION

TABLE 4E (Continued)

Notes:

- (1) Adjusted Floor Area is defined as the gross interior floor area in the main dwelling PLUS:
 - a. Any garage space after the first 500 square feet; and
 - b. Any enclosed accessory buildings; and
 - c. Any second unit space after the first 500 square feet of gross interior floor area; and
 - d. any potential living space with minimum dimensions of 8 feet by 10 feet and 7.5 feet head room.

- (2) The maximum size of R-1H, 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 and the findings below.

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.

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 landscape 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.