

**TOWN OF SAN ANSELMO
STAFF REPORT**

November 19, 2008

For the Meeting of November 25, 2008

TO: Town Council

FROM: Lisa Wight, ^{for} Planning and Building Director

SUBJECT: Environmental Review (Negative Declaration), Zoning Ordinance Amendments: Minor Intrusions into Development Setbacks (Table 4B) and Minor Exceptions

PLANNING COMMISSION RECOMMENDATION

1. Adopt the Negative Declaration of Environmental Impact and the Draft Zoning Ordinance Amendments; and
 2. Accept the Commission's Suggestions for Additional Matters for Review
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BACKGROUND

November 10, 2008: The Town Council received all the Planning Commission recommended zoning ordinance amendments and suggested matters for review. After reviewing a portion of Table 4B and the Minor Exceptions, staff was directed to return at the next meeting with a presentation limited to these two items.

DISCUSSION OF PROPOSED ZONING ORDINANCE CHANGES

Attached to this report (pages 2 through 4) is a new summary table that addresses what is proposed, why it is proposed, and the expected outcome for Article 14.5 Minor Exceptions and Table 4B Minor Intrusions

RECOMMENDATION

Discussion and direction to staff.

attachments:

1. Summary Table of Amendments (pages 2 through 7)
2. Draft Article 14.5 Minor Exceptions (pages 8 through 10)
3. Draft Table 4B with changes incorporated (pages 11 through 18)
4. Draft Table 4B tracked with changes (pages 19 through 26)
5. Town Council minutes dated November 10, 2008 (pages 27 through 30)

ITEM 5

Summary Table of Amendments

Proposed Amendments to Article 14.5 Minor Exceptions and Table 4B Minor Intrusions
Summary of What is Proposed, Why it is Proposed, and the Expected Outcome

| Code | What is Proposed | Why it is Proposed | Expected Outcome |
|---|--|---|---|
| <p>Article 14.5 Minor Exceptions</p> | <p>This would be a new tool for reviewing projects. Minor Exception review would be applied to certain arbors and trellises, awnings, chimneys, cornices, eaves, fireplaces, built in outdoor BBQ and counters, carports and garages, uncovered decks, landings and staircases, enclosure of areas under an existing deck, first story extensions, hot tubs, uncovered parking decks, driveways and supporting structures, parking spaces on uphill lots, swimming pools, and bay, greenhouse and box windows.</p> | <p>This would be an alternative to the administrative variance procedure to allow for minor deviations from development standards. It would replace the difficult to make "special circumstance" variance finding with findings related to design and impact.</p> | <p>The required findings would protect the neighborhood, while allowing minor structures on an applicant's property. Small structures would be allowed if these findings could be made: that the impact would be de-minimus, not unreasonably impair access to light and air to neighboring structures and privacy to neighboring properties, not add to the visual bulk of a structure, contribute to the aesthetic/physical functionality of the structure or improve life safety, not expand the structure more than 100 sq ft, and not affect adversely the health and safety of persons or be materially detrimental or injurious.</p> |
| | <p>2) Larger accessory structures could be located in the rear and side setbacks when located on property with rear frontage on Center and Red Hill. The side yard setback would be a range such that it could not be less than a 3' setback and the combined two side setbacks would have to be a minimum of 12.</p> | <p>The rear yards of these properties front on busy streets and do not face dwellings across the street. It seems reasonable to allow larger accessory structures in these rear yards without necessitating a "special circumstance" variance finding.</p> | <p>This would not impact neighboring properties to the rear because there are no front yards on these streets. These structures would also have the potential to serve as a noise buffer between the street and the dwellings.</p> <p>The side yard encroachment would have the potential to have an adverse impact to side neighbors due to the size of the structure, so perhaps this should have a "Minor Exception" requirement or eliminate the side yard encroachment.</p> |

| Code | What is Proposed | Why it is Proposed | Expected Outcome |
|---|---|--|--|
| Minor Intrusions for Residential Properties Table 4B | <p>3) Outdoor Built-In BBQs and counters in setbacks exceeding 36" in height, subject to "Minor Exception" findings.</p> | <p>The location of portable or permanent BBQs less than 36" above the ground is not regulated (they are just included in this Table for clarity).</p> <p>Outdoor "kitchens" are becoming increasingly popular and there is a tendency to install them in the side and rear yard setbacks. Most of the counters are between 36" and 48" above the ground and most BBQ hoods are between 48" and 60".</p> <p>A Minor Exception is required due to the potential for a smoke impact to interior side neighboring properties, This would also give the Fire Department the opportunity to review for safety.</p> | <p>There should be no adverse impact to front, rear or street side yards because neighboring dwellings are a significant distance away.</p> <p>With regard to side yard impact, the "Minor Exception" finding of no adverse impact to health would address that potential impact. There are some situations where it would have no adverse impact due to lot sizes and building configurations and the "special circumstance" variance finding would be difficult to make for a BBQ.</p> |
| | <p>4) New detached one-car, single story carports and garages would be allowed in the rear and side setbacks.</p> <p>This would not change the Code requirement that the required on-site parking must meet the Code setbacks for new dwelling construction or garage conversion.</p> | <p>This would allow new, one-car carports or garages with a height up to 8' to be located in the rear and side setbacks, which is common in older neighborhoods, with a minor exception approval.</p> | <p>One-car garages and carports typically do not impact neighboring properties because of their low height in the rear corner of the lot.</p> <p>This language should be slightly amended from the Planning Commission's version so that: 1) it is clear that just "one" garage or carport is permitted in these setbacks; and 2) the 8' wall height language should be changed to "top of gable not to exceed 12'", which would allow for the side walls to be 8' tall with a gabled roof, as the Commission did not intend to limit these structures to have flat roofs.</p> |

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| Code | What is Proposed | Why it is Proposed | Expected Outcome |
|--|---|---|--|
| Minor Intrusions for Residential Properties Table 4B (Cont'd) | 5) Fences: up to 6' in height above the ground surface: language was added: "on either side of the fence at any point." | The additional language was added for clarity. It is consistent with the long-held interpretation of the Code. | Clarity. |
| | 6) Fence height in rear yards fronting Center and Red Hill to increase from a 6' height subject to a vegetation screening requirement: 1) 6' in height with a 2' lattice top 8' total: the rear setback would be reduced to 2' with screen landscaping; and 2) 6'-10' in height with a 2' lattice top 12' total: the rear setback would be reduced to 4' with screen landscaping. | This would allow taller fences on busy street frontages that do not have dwellings across the street. The purpose of the landscape screening is to soften the height. | This would be a reasonable fence height for the rear yard of properties facing two busy streets without impacting surrounding neighbors. So that it does not create a tunnel effect, it is proposed to have a rear setback ranging between 4' and 6' with vegetative screening. Based on what already exists on these streets, it appears that a 0' rear setback with vegetation would be sufficient to reduce any potential tunnel effect. |
| | 7) Fences: For all other properties (not facing Center and Red Hill): Front yard and street side yard fences would change from a solid 6' tall fence to a solid 3' tall fence with a 5' transparent deer fence on top for a total height of 8' in the entire front yard and the portion of the street side yard measured from the front property line to the front face of the dwelling. | This is intended to eliminate solid 6' tall fences/walls along street front and side property lines which, in some cases, could result in a tunnel effect. | Posts would have to be constructed for the transparent portions of the fence and the aesthetic impact might be undesirable. Note that the Public Works Director already requires that fences on street frontages be reduced to 3' in height within 15' of a driveway. Perhaps continuing with allowing the 6' solid fence, but requiring filtered, non-opaque screening would reduce a potential adverse impact. |

| Code | What is Proposed | Why it is Proposed | Expected Outcome |
|--|--|---|---|
| Minor Intrusions for Residential Properties Table 4B (Cont'd) | 8) Fences in interior side yards and rear yards to be increased in height to allow a 2' lattice height on top of the current 6' height. | There are frequent requests to construct 6' tall fences with an additional 2' lattice. The lattice often serves as a trellis to allow vegetation to attach. Most times it is difficult to make the "special circumstance" variance finding for this reasonable request. | <p>The 2' lattice height would provide openings above the 6' solid fence, which would serve to soften the fence.</p> <p>This has the potential to cause lighting issues to neighboring dwellings that are close together. Perhaps this should be subject to a "Minor Exception", which has a finding to address impact to neighbor's light.</p> |
| | 9) Bald Hill fences: This is not a change to the Bald Hill regulations. | This mention of fences in Bald Hill is added for clarity purposes only. | Clarity. |
| | <p>10) Fences: Currently vegetative screening has a height limit of 6', just like a fence. The word "non-opaque" is used for filtered screening.</p> <p>The Public Works Director would still have the final say on its height due to sight distance concerns.</p> | There is often a misunderstanding between neighbors of what is intended to constitute a vegetative screen. This would clarify that it does not include a filtered screen, where one can see the neighbor's dwelling or landscape through the screen. | Clarity. |
| | 11) Additions to existing dwellings within 5'-8' of the side property line are currently permitted subject to Design Review. This proposal would allow the same for existing structures that are removed and replaced. | If a structure is removed, due to damage, e.g., dry rot, termites, etc., the extensions can still take place. This eliminates the need for a "special circumstance" variance finding. | This would have no adverse impact because it would be subject to setback Design Review findings: No significant effect to light and air of buildings or to privacy of properties, and will not have an adverse impact. |

| Code | What is Proposed | Why it is Proposed | Expected Outcome |
|--|---|---|---|
| Minor Intrusions for Residential Properties Table 4B (Cont'd) | 12) Covered Porch: 50% of its depth could extend into the front setback, provided the finished floor does not exceed 5' in height above the elevation of any adjacent right of way. | <p>There has been interest in permitting front porches in the front setback in order to create a street-friendly ambience.</p> <p>The reason for not allowing the encroachment if the finished floor is 5'+ above the adjacent right of way is that at that height, it would not impact the streetscape in a positive way, rather would have the potential of just being additional mass.</p> | Street-friendly, reasonable. This should have no adverse impact on side neighbors as the side setback would not be reduced. |
| | 13) Footnote 4 would be expanded to add clarity and include old Footnote 15 of Table 4A. | Clarity and minimization of footnotes at the end of Table 4A | Clarity and easier access to information. |

Draft Article 14.5 Minor Exceptions

Article 14.5. 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.

10-3.14.502. Initiation of a Minor Exception

A minor exception may be initiated by the following: 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 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 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) The impact of the proposed minor exception is de-minimus and will not significantly exacerbate existing, or create a significantly new, non conformity; and**

- (b) 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**

- (c) Will not add to, and preferably reduce, the apparent visual bulk of a structure; and**

- (d) Will contribute to the aesthetic and/or physical functionality of the dwelling structure or improve the life safety of the dwelling; and**

- (e) 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 5% of the existing FAR or 100 sq ft, whichever is lesser; and**

- (f) 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.**

Draft Table 4B
with changes incorporated

Minor Intrusions into Required Residential Development Standards Table 4B ⁽¹⁾⁽²⁾⁽³⁾

| Feature | Front | Rear | Interior Side | Street Side | Review Required |
|--|-------|------|---|---|-----------------|
| <p>Accessory Structure - Detached or Attached</p> <p>A. For properties with a rear property frontage on Center Boulevard or Red Hill Avenue (one of the following):</p> <p>1. One, similar in type to gazebo, tool shed, or play structure, less than 200 square feet in area up to 10' 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; or</p> <p>2. One, similar in type to gazebo, tool shed, or play structure, less than 200 square feet in area exceeding 10' in height, 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.</p> <p>B. For all other properties:</p> <p>One, similar in type to gazebo, tool shed, or play structure less than 120 square feet in area and 8' or less in height above the ground surface.</p> | 20' | 4' | No less than 3', with a 12' combined side setback | No less than 3', with a 12' combined side setback | E |
| | 20' | 6' | No less than 3', with a 12' combined side setback | No less than 3', with a 12' combined side setback | E |
| <p>Arbor and Trellis:</p> <p>1. Freestanding, 60 square feet or less in area and 8' or less in height above the ground surface. A distance of 10' shall be maintained from dwellings located on contiguous properties.</p> <p>2. Freestanding, exceeding 60 square feet in area and exceeding 8' in height above the ground surface .</p> <p>3. Attached, extending 3' from building wall</p> | 0' | 0' | 3' | 3' | E |
| | 0' | 0' | 0' | 0' | ME |
| | 3' | 3' | 3' | 3' | E |

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Minor Intrusions into Required Residential Development Standards Table 4B ⁽¹⁾⁽²⁾⁽³⁾

| Feature | Front | Rear | Interior Side | Street Side | Review Required |
|---|-------|------|---------------|-------------|-----------------|
| <p>Awning, Chimney, Cornice, Eave, Fireplace</p> <p>1. All extending not more than 3' from the building wall. A distance of 10' shall be maintained from dwellings located on contiguous properties.</p> <p>2. All extending beyond 3' from the building wall.</p> | 3' | 3' | 3' | 3' | E |
| <p>Built In Outdoor Barbecue and Counter</p> <p>1. Counter and built in barbecue less than 36" above grade.</p> <p>2. Counter between 36" and 48" above grade and built in barbecue with cover up to 60" above grade. A distance of 10' shall be maintained from dwellings on contiguous properties.</p> | 0' | 0' | 0' | 0' | E |
| <p>Carport, Garage</p> <p>New detached, one car, single story carport and garage with a maximum plate height of 8' (required on-site parking spaces shall be located as described in Section 10-3.504).</p> | 20' | 5' | 5' | 5' | ME |
| <p>Deck, Landing, Stairway - All Uncovered</p> <p>1. Less than 3' in height above the ground surface.</p> <p>2. 3' or greater in height above the ground surface.</p> <p>3. Exceeding 3' in height above the ground surface, but not exceeding 5' in height above the ground surface.</p> | 0' | 0' | 0' | 0' | E |
| <p>Dormer</p> <p>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.</p> | 3' | 3' | 3' | 3' | E |

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Minor Intrusions into Required Residential Development Standards Table 4B ⁽¹⁾⁽²⁾⁽³⁾

| Feature | Front | Rear | Interior Side | Street Side | Review Required |
|--|-------|------|---------------|-------------|-----------------|
| <p>Enclosure of an Area Directly Below an Existing Deck</p> <p>To create additional living area.</p> | 0' | 0' | 0' | 0' | ME |
| <p>Fence, privacy wall, and solid opaque screen planting, including supporting structures ⁽⁴⁾</p> <p>A. For properties with rear frontages on Center Blvd and Red Hill Avenue:</p> <p>1. Up to 6' in height above the ground surface on either side of the fence at any point⁽⁴⁾.</p> <p>2. 6' in height with a 2' lattice top (for a total height of 8') with screen landscaping subject to approval by the Planning and Building Director</p> <p>3. Between 6' and 10' in height with a 2' lattice top with screen landscaping subject to approval by the Planning and Building Director.</p> <p>B. For all other properties:</p> <p>1. With front or side property line facing a street: Up to 3' in height (solid fence) with up to a 5' transparent deer fence top (for a total height of 8') above the ground surface⁽⁴⁾⁽⁵⁾ between the front property line and the front wall of the dwelling, and/or between the side property line and the front wall of the dwelling. Remainder of solid fence can be up to 6' in height with a 2' lattice top (for a total height of 8') with buffer landscaping between the fence and the side property line facing the street subject to approval by the Planning and Building Director.</p> <p>2. With property lines not facing a street: Up to 6' in height with a 2' lattice top (for a total height of 8').</p> <p>3. For properties in Bald Hill: also refer to Bald Hill Area Plan Fence Design</p> | 0' | 0' | 0' | 0' | E |
| | 20' | 2' | 8' | 8' | E |
| | 20' | 4' | 8' | 8' | E |
| | 0' | 0' | 0' | 0' | E |
| | 0' | 0' | 0' | 0' | E |
| | | | | | |

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Minor Intrusions into Required Residential Development Standards Table 4B ⁽¹⁾⁽²⁾⁽³⁾

| Feature | Front | Rear | Interior Side | Street Side | Review Required |
|---|-------|------|---------------|-------------|-----------------|
| <p>Filtered (non-opaque) Screening</p> <p>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 consideration of the terrain and topography of the lot involved, and the volume of vehicular and pedestrian traffic.</p> | 0' | 0' | 0' | 0' | E |
| <p>First Story Rear and Side Horizontal Dwelling Infill Extensions</p> <p>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).</p> <p>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).</p> | 20' | 0' | 0' | 0' | E ME |
| <p>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</p> <p>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:</p> | 20' | 20' | 5' to 8' | 12' | DR |

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Minor Intrusions into Required Residential Development Standards Table 4B ⁽¹⁾⁽²⁾⁽³⁾

| Feature | Front | Rear | Interior Side | Street Side | Review Required |
|--|-------|------|---------------|-------------|-----------------|
| Additions (cont'd) (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. | | | | | |
| Hot Tub 1. Above the ground surface. 2. Above the ground surface. 3. Below the ground surface. | 20' | 5' | 5' | 5' | E |
| | 8' | 5' | 5' | 5' | ME |
| | 8' | 5' | 5' | 5' | E |
| 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 ⁽⁴⁾ , 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 |

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Minor Intrusions into Required Residential Development Standards Table 4B ⁽¹⁾⁽²⁾⁽³⁾

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| Feature | Front | Rear | Interior Side | Street Side | Review Required |
|--|-----------------|----------------|----------------|----------------|-----------------|
| <p>Porch (cont'd)</p> <p>2. Covered porches (not enclosed): 50% of its depth extending into the front setback, provided the finished porch floor does not exceed 5' in height above the elevation of any adjacent right of way.</p> | 14' – 20' | 20' | 8' | 12' | E |
| <p>Raising of Structures (originally constructed without setback requirement and not having been granted a setback variance): Includes: Dwelling, Carport, Garage, and Accessory Building.</p> <p>Including the roof, walls, and foundation, a total of 2' above the existing building height, not to exceed the height limitation of the applicable zoning district.</p> | 0' | 0' | 0' | 0' | E |
| <p>Replacement in Kind</p> <p>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.</p> | 0' | 0' | 0' | 0' | E |
| <p>Retaining Wall, up to 4' in height above the ground surface.</p> | 0' | 0' | 0' | 0' | E |
| <p>Swimming Pool</p> <p>1. Above the ground surface measured at the outside edge,</p> <p>2. Above the ground surface measured at the outside edge.</p> <p>3. Below the ground surface (measured at the outside edge.</p> | 20' 8' 8' | 5' 5' 5' | 5' 5' 5' | 5' 5' 5' | E ME E |

Minor Intrusions into Required Residential Development Standards Table 4B ⁽¹⁾⁽²⁾⁽³⁾

| 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:

- (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.
- (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.
- (3) For all residential properties, second unit ordinance conditions shall take precedence over the above listed exceptions.
- (4) 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 6' in height above grade, or those exceeding lesser heights as specified by the Public Works Director.

Draft Table 4B
tracked with changes

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

Table 4B

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| Feature | Front | Rear | Interior Side | Street Side | Review Required |
|---|-------|------|---|---|-----------------|
| Accessory Structure - Detached or Attached | | | | | |
| <u>A. For properties with a rear property frontage on Center Boulevard or Red Hill Avenue (one of the following):</u> | | | | | |
| <u>1. One, similar in type to gazebo, tool shed, or play structure, less than 200 square feet in area up to 10' 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; or</u> | 20' | 4' | No less than 3', with a 12' combined side setback | No less than 3', with a 12' combined side setback | E |
| <u>2. One, similar in type to gazebo, tool shed, or play structure, less than 200 square feet in area exceeding 10' in height, 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> | 20' | 6' | No less than 3', with a 12' combined side setback | No less than 3', with a 12' combined side setback | E |
| <u>B. For all other properties:</u> | | | | | |
| <u>One, similar in type to gazebo, tool shed, or play structure less than 120 square feet in area and 8' or less in height above the ground surface.</u> | 20' | 0' | 0' | 0' | E |
| Arbor and Trellis: | | | | | |
| <u>1. Freestanding, 60 square feet or less in area and 8' or less in height above the ground surface. A distance of 10' shall be maintained from dwellings located on contiguous properties.</u> | 0' | 0' | 3' | 3' | E |
| <u>2. Freestanding, exceeding 60 square feet in area and exceeding 8' in height above the ground surface.</u> | 0' | 0' | 0' | 0' | ME |
| <u>3. Attached, extending 3' from building wall</u> | 3' | 3' | 3' | 3' | E |

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

Table 4B

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| Feature | Front | Rear | Interior Side | Street Side | Review Required |
|---|-------|------|---------------|-------------|-----------------|
| 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. | 0' | 0' | 0' | 0' | E |
| 2. Counter between 36" and 48" above grade 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 | | | | | |
| <u>New detached, one car, single story carport and garage with a maximum plate height of 8' (required on-site parking spaces shall be located as described in Section 10-3.504).</u> | 20' | 5' | 5' | 5' | ME |
| Deck, Landing, Stairway - All Uncovered | | | | | |
| 1. Less than 3' in height above the ground surface, | 0' | 0' | 0' | 0' | E |
| 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 |

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

Table 4B

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| Feature | Front | Rear | Interior Side | Street Side | Review Required |
|--|-------|------|---------------|-------------|-----------------|
| Enclosure of an Area Directly Below an Existing Deck To create additional living area. | 0' | 0' | 0' | 0' | ME |
| Fence, privacy wall, and solid opaque screen planting, including supporting structure ⁽⁴⁾ | | | | | |
| 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 ⁽⁴⁾ | 0' | 0' | 0' | 0' | E |
| 2. 6' in height with a 2' lattice top (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 with screen landscaping subject to approval by the Planning and Building Director. | 20' | 4' | 8' | 8' | E |
| B. For all other properties: | | | | | |
| 1. With front or side property line facing a street: Up to 3' in height (solid fence) with up to a 5' transparent deer fence top (for a total height of 8') above the ground surface between the front property line and the front wall of the dwelling, and/or between the side property line and the front wall of the dwelling. Remainder of solid fence can be up to 6' in height with a 2' lattice top (for a total height of 8') with buffer landscaping between the fence and the side property line facing the street subject to approval by the Planning and Building Director. | 0' | 0' | 0' | 0' | E |
| 2. With property lines not facing a street: Up to 6' in height with a 2' lattice top (for a total height of 8'). | 0' | 0' | 0' | 0' | E |
| 3. For properties in Bald Hill: also refer to Bald Hill Area Plan: Fence Design | | | | | |

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Deleted: 2. Exceeding 6' in height, but not exceeding 10' in height above the ground surface⁽⁴⁾⁽⁵⁾ provided no such fence is adjacent to a street.¶

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

Table 4B

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| Feature | Front | Rear | Interior Side | Street Side | Review Required |
|---|-------|------|---------------|-------------|-----------------|
| <p><u>Filtered (non-opaque) Screening</u></p> <p>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 consideration of the terrain and topography of the lot involved, and the volume of vehicular and pedestrian traffic.</p> | 0' | 0' | 0' | 0' | E |
| <p><u>First Story Rear and Side Horizontal Dwelling Infill Extensions</u></p> <p>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).</p> <p>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).</p> | 20' | 0' | 0' | 0' | E |
| <p><u>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.</u></p> <p>Existing dwellings may be expanded vertically or horizontally and accessory structures expanded horizontally along the existing building plane subject to Design Review. <u>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 horizontally and vertically along the former building plane subject to Design Review.</u> This provision does not apply to:</p> <p>(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;</p> <p>(b) Any construction less than five (5') feet from the interior side property line; or</p> <p>© Second story additions to accessory structures.</p> | 20' | 20' | 5' to 8' | 12' | DR |

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

Table 4B

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| Feature | Front | Rear | Interior Side | Street Side | Review Required |
|--|-----------|------|---------------|-------------|-----------------|
| 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 |
| 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, 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): 50% of its depth extending into the front setback, provided the finished porch floor does not exceed 5' in height above the elevation of any adjacent right of way. | 14' - 20' | 20' | 8' | 12' | E |

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

Table 4B

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| Feature | Front | Rear | Interior Side | Street Side | Review Required |
|--|-------|------|---------------|-------------|-----------------|
| Raising of Structures (originally constructed without setback requirement and not having been granted a setback variance): Includes: Dwelling, Carport, Garage, and Accessory Building. Including the roof, walls, and foundation, a total of 2' above the existing building height, not to exceed the height limitation of the applicable zoning district. | 0' | 0' | 0' | 0' | E |
| 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 |
| 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 |

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

Table 4B

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Notes:

- (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.
- (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.
- (3) For all residential properties, second unit ordinance conditions shall take precedence over the above listed exceptions.
- (4) Fences, privacy walls, and solid opaque screening plantings located within twenty (20') feet of a front property or within 12' of a street side yard 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 on safety factors necessary to maintain good vehicular and pedestrian visibility at intersections of streets, sidewalks, and driveways, after consideration of the terrain and topography of the lot involved, and the volume of vehicular and pedestrian traffic. Fences, privacy walls, hedges, and solid screen plantings exceeding six (6') feet in height above grade, or those exceeding lesser heights as specified by the Public Works Director, within front and street side yard areas may be considered a public nuisance.

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Deleted: (5) Ground Surface: Ground level at time of construction, unless otherwise determined per Footnote (12) of Table 4A.¶

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Town Council minutes
dated November 10, 2008

5. INTRODUCTION AND FIRST READING OF ORDINANCE IMPLEMENTING REVISIONS TO THE ZONING ORDINANCE (CHAPTER 3 OF TITLE 10) OF THE SAN ANSELMO MUNICIPAL CODE AND INTENT TO ADOPT NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACT, CONDUCT A PUBLIC HEARING ON THE ORDINANCE AND DIRECT THE TOWN MANAGER TO READ THE ORDINANCE BY TITLE ONLY.

Building and Planning Director Lisa Wight presented the staff report and suggested reviewing Table 4B and Article 14.5 (minor exceptions). Wight explained that "Minor Exception" would be an alternative to the "Administrative Variance" procedure. Wight also reviewed the "Accessory Structure" category, which would allow certain accessory structures to be located in the rear setback on lots with rear frontage on Center and Red Hill because the frontages are not across the street from residential front yards. Also reviewed were the "Built In Outdoor Barbecue and Counter item, which was added after the Planning commission hearings due to increasing popularity. Wight discussed New Carport/Garage amendment which would allow new, one-car carports or garages with height up to 8' to be located in the rear and side setbacks with a minor exception approval. Wight noted that the addition of "Fences" would allow 2 additional feet of lattice for fences with rear frontage on Center and Red Hill and reduce the solid fence height maximum in front yards to all other residential properties (with the exception of properties in Bald Hill). Finally, Wight discussed "Porch", which would allow two sides of an existing 100 square foot roofed porch to be enclosed and allow covered porches to be located in the front setback.

Councilmember Greene asked about residences that have yards, which are adjacent to major thoroughfares like Center Street and Redhill Road in comparison to homes on Sir Francis Drake. Wight noted that the yards on Center and Redhill are front yards, and due to the fact that San Anselmo is so varied in properties, there is always going to be some case that is outside an easy application of the rules. Greene then asked if there was any catchall in the provision that would address unique situations. Wight responded that issues of that nature are variance issues. Wight also stated that the Table 4B is a further loosening of recommendations.

Kathryn Gant Bradley stated that workshops are needed to address concerns and also stated that she was very concerned about the bifurcation process.

Jeff Kroot stated that the information was a lot to digest and that some seemed confusing while other information may be beneficial to the community. Kroot suggested letting the public know what is going to be discussed on the agenda and asked the Council to consider having the item placed earlier on the agenda.

Thornton stated that the item was in fact on the agenda when the agenda was posted, and noted that the staff report did suggest reviewing Table 4b at the current meeting.

Thornton also asked if accessory buildings are included in FAR and Wight responded yes. Wight also noted that the current issue is about setbacks. Thornton replied that she felt uncomfortable with three feet from the property line on the sides.

Councilmember House stated that the three feet allows residents to put the structures on the side versus the middle of the lot and gives the property owner the ability to have more open space in their backyard.

Vice Mayor Breen asked if it was possible to have walking tours to get a visual idea.

Greene stated that the sliding scale was a great idea that allows for flexibility. In discussing Arbors and Trellis's it was noted that the only change was that from "administrative variance" to "minor exception". Wight noted that she reviewed the required findings for a minor exception and noted that the change creates a more reasonable approach.

In response to Greene's inquiry about the minor exception language, Wight stated that the findings are mandated by the state.

In response to Greene's inquiry of whether the changes were intended to add and find more flexibility, Wight answered yes.

Greene asked if privacy was related to "peeping Tom" or imposing bulk and Wight noted "looking out of the window" privacy.

Jeff Kroot, Crescent Road, stated that the findings sound a lot like design review findings and asked calling it "minor design review". Wight responded that the Planning Commission needed more findings.

Kathryn Gant Bradley, Durham Road, noted that Design Review in the flatlands was taken out.

House clarified that the Council would review one item at a time.

Vice Mayor Breen noted the information needed to be put into context in a reasonable rational way. As it is very important to those building or wanting to make modifications. Breen said that he felt the current package was hard to follow.

Stutsman noted that the whole idea was make the process easier. Stutsman noted that here have been a lot of little changes and thanked Wight for doing a good job putting it all together.

Wight noted that the Town is not eliminating the design review process.

In relation to the Awning, Chimney, Cornice, Eave & Fireplace section, Wight noted that the change was from administrative variance to minor exception and said that the neighbors would be protected by the findings.

Thornton stated that she believes extended eaves are appropriate when building green.

Kathryn Gant Bradley, Durham Road, requested a workshop.

Regarding the Built In Outdoor Barbeque and Counter, Wight noted that the issue had never been addressed.

Mayor Freeman asked if there was an ordinance against using lighter fluid, and Wight responded that that is in relation to gas barbeques.

Jeff Kroot, Crescent Road, wondered if there should be a bit of a setback, as all outdoor kitchens are going to be over three feet high and suggested a 3-5 foot setback.

In response to House's inquiry of what Kroot would like to see, Kroot responded that he would personally make the sides 4 feet and the front 20 feet and they they'd be exempt.

Kathryn Gant Bradley stated that she was a real defender of setbacks and suggested a setback of a minimal 5 feet.

Thornton stated that there should be a front yard setback.

Wight stated the language regarding the Carports and Garages was new and that the way the Planning Commission recommended it is to allow carports and garages to be built, but not count toward legal parking.

House asked what the benefit was to not have the structure count as a parking space, and Wight responded that it would encourage tandem parking.

Jeff Kroot stated that it was an excellent idea, and noted concern about the maximum height plate of 8 feet. Wight responded that there is no limit to the height and that she would clarify the language.

In discussing the Deck Landing and Stairway, Wight noted that it was intended for all to be uncovered.

House stated that she would like to adjourn the meeting at 10:00pm.

M/s Greene/Breen to continue the item to the November 25, 2008 meeting and adjourn.

Respectfully submitted,

La Shaun Williams