

**TOWN OF SAN ANSELMO
STAFF REPORT
April 17, 2008**

For the meeting of April 22, 2008

TO: Town Council
FROM: Debra Stutsman, Town Manager
Subject: Floor Area Ratio/Lot Coverage

RECOMMENDATION

That Council provide direction to staff on next steps on the Floor Area Ratio (FAR)/Lot Coverage issue.

BACKGROUND

In 2006 the Town Council appointed two Councilmembers and two Planning Commissioners to a subcommittee to review the Zoning Ordinance regulations. The subcommittee recommendation included a proposal to limit house size based on a sliding scale that combines lot coverage with floor area ratio.

The Planning Commission held seven public hearings on this issue. The Town Council has held ten public hearings on the lot coverage/floor area ratio proposal, including one workshop.

At the Town Council meeting of April 8, the FAR/lot coverage item was continued. Mayor Freeman noted that it was spring break and a number of people were unable to attend. He also noted that two community leaders wanted an opportunity to meet and see if a compromise proposal could be reached. They have since advised that they were not successful in formulating a compromise.

The FAR issue has elicited strong response from both sides of the issue. Proponents of the ordinance cite preserving small town character by avoiding very large homes. Opponents of the ordinance believe it unfairly limits the size of houses on small lots.

During the last public hearing on this issue held on March 25, members of the community were split equally on the issue. It appears from Council comments at the various meetings that the Town Councilmembers are somewhat split on the issue as well.

DISCUSSION

FAR/lot coverage is an important issue to the town. At the last meeting, there was talk of a possible compromise, but there was no Council involvement or direction given to facilitate any kind of compromise. Before moving forward this evening with a first reading and another public hearing on this topic, staff suggests that Council may want to consider several different options, particularly if there is interest in trying to come up with a compromise proposal on this important issue:

1. Appoint a Council subcommittee to work with staff and leaders on both sides of this issue to formulate a possible compromise ordinance that addresses the desire to preserve San Anselmo's small town character, remain family friendly, avoid very large homes and allow for some flexibility.
2. Consider whether opinions on this issue are so divided that an advisory vote of San Anselmo voters may be an option.
3. Hold another public hearing on the FAR/Lot Coverage issue as presented in the attached staff report.

Respectfully submitted,



Debra Stutsman
Town Manager

**TOWN OF SAN ANSELMO
TOWN COUNCIL STAFF REPORT**

April 17, 2008

For the meeting of April 22, 2008

To: Town Council

From: Lisa Wight, ^J Planning and Building Director

Re: Introduction and First Reading of Zoning Ordinance Amendments to the Current Development Standards Establishing a Combined Floor Area Ratio and Lot Coverage for Single Family Residential Dwellings Located below 150 msl Elevation, and Environmental Review (Negative Declaration).

I. Background

April 8, 2008: Town Council did not hear the item and continued it to the meeting of April 22nd.

March 25, 2008: Town Council requested staff to return with an Ordinance based on the Planning Commission's recommendation, but with the following additions and deletions to Footnote 1. 1) include 2nd and 3rd story covered porches and covered decks after 250 square feet (thereby exempting 1st story covered porches and covered decks); 2) include attics with a ceiling height over 6'; 3) include basements with an exterior wall height over 3' and for those properties located in a flood zone include basements with an exterior wall height exceeding 2' above the base flood elevation; and 4) eliminate potential floor area (passed 3:1; no: Greene; absent: Breen).

II. Discussion

Attached to this report are the Negative Declaration of Environmental Impact and the Ordinance, which includes Table 4F: Maximum Sizes of Dwellings for Single Family Residential Properties Located Below 150' Elevation.

III. Recommendation

Introduce the Ordinance, waive the first reading, and continue to the April 22, 2008 meeting for adoption.

Attachments: Ordinance
Negative Declaration
Town Council minutes and staff report dated March 25, 2008

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

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO REVISING
CHAPTER 3 OF TITLE 10 OF THE SAN ANSELMO MUNICIPAL CODE
KNOWN AS THE ZONING ORDINANCE, SPECIFICALLY ADDING TABLE
4F TO ESTABLISH A COMBINED FLOOR AREA RATIO AND LOT
COVERAGE FOR SINGLE FAMILY RESIDENTIAL PROPERTIES LOCATED
BELOW 150' MEAN SEA LEVEL ELEVATION.**

WHEREAS, in 2006 the Town Council appointed two Councilmembers to a subcommittee to review the Zoning Ordinance regulations, which included two Planning Commissioners appointed by the Commission.

WHEREAS, the subcommittee members attended several meetings, discussed various topics, took comments from the audience, and passed several motions recommending changes to the Zoning Ordinance. The Town Council subsequently directed staff to schedule public hearings before the Planning Commission and the Town Council to discuss the subcommittee's recommendations.

WHEREAS, the Planning Commission held duly noticed public hearings on January 16, February 5, February 26, March 19, May 7, May 21, 2007, and June 5, 2007, and took comments from staff and the audience;

WHEREAS, at the duly noticed public hearing on June 5, 2007, the Planning Commission recommended to the Town Council approval of the Negative Declaration of Environmental Impact and a Table of Maximum Size of Dwellings with Notes.

WHEREAS, the Town Council held duly noticed public hearings on July 10, 2007, July 24, 2007, October 9, 2007, October 23, 2007, November 13, 2007, November 27, 2007, December 11, 2007, February 2, 2008 (workshop), February 26, 2008, March 25, 2008 and took comments from staff and audience;

WHEREAS, at the duly noticed public hearing on March 25, 2008, the Town Council directed staff to return with an Ordinance for a Table of Maximum Size of Dwellings with Notes;

WHEREAS, at the duly noticed public hearing on April 22, 2008, the Town Council took comments from staff and the audience, approved the Negative Declaration, waived reading and introduced the Ordinance, and continued this ordinance to the May 13, 2008 meeting for subsequent adoption; and

WHEREAS, the Town Council at its duly noticed regular meeting on May 13, 2008, adopted the Ordinance and its Exhibit A.

ACCORDINGLY, the Town Council of the Town of San Anselmo HEREBY FINDS as follows:

Environmental Determination

That the project will not have a significant adverse impact on the environment.

The zoning ordinance revisions should have no adverse impacts on land use, public services, population and housing, biological resources, utilities and service systems, geological problems, energy and mineral resources, cultural resources, air quality, or recreation, nor on transportation/circulation, water, noise, and aesthetics. The revisions would further the purpose and intent of the Zoning Ordinance, which is to refine and define the Town's General Plan goals, objectives, and policies as related to the preservation, enhancement, and development of the Town.

Ordinance

That the Ordinance is consistent with the General Plan.

The Zoning Ordinance Amendments would be consistent with the General Plan, specifically:

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

Housing Element Policy 1.2: Design that Fits into the Neighborhood Context. It is the Town's intent that neighborhood identity and sense of community will be enhanced by designing all new housing to have a sensitive transition of scale and compatibility in form to the surrounding area. New development in existing residential areas shall be of a scale and character complementary to that of the neighborhood in order to protect existing neighborhoods and prevent overbuilding of the property.

THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN that the Zoning Ordinance shall be amended per Exhibit A attached.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 22nd day of April, 2008 and was adopted at a regular meeting on the 13th day of May, 2008 by the following vote:

AYES:
NOES:
ABSENT:

Ted Freeman, Mayor

ATTEST:

Barbara Chambers, Town Clerk

Title 10, Article 4. Development Standards

10-3.412 Table of Maximum Sizes of
Dwellings on Single Family Residential Properties
Located Below 150 Mean Sea Level Elevation.

The Table of Maximum Sizes of Dwellings on Properties Located below 150 Mean Sea level Elevation, referred to as Table 4F, lists the maximum sizes of dwellings on single family residential properties located below 150 mean sea level elevation.

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

NOTES:

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

- (a) Any garage space after the first 400 square feet;
- (b) Any enclosed accessory buildings;
- (c) Any 2nd and 3rd story covered porches and covered decks over 250 square feet;
- (d) Any attic with a ceiling height over 6' above the floor; and
- (e) Any basement with an exterior wall height of over 3' above finished grade. Those properties located in a flood zone as established by the Department of Housing and Urban Development shall be permitted an exterior basement wall height of 2' above the base flood elevation.
- (f) Double height spaces are not counted twice (floor area is counted once).

(2) The following are EXEMPT from the Adjusted Floor Area:

- (a) Existing enclosed structures that do not conform to the standards of Table 4F may be altered or reconstructed, provided that:
 - (1) 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
 - (2) Said work otherwise meets the provisions of the San Anselmo Municipal Code.
- (b) Dwellings built, enlarged, or expanded before April 22, 2008, which do not exceed the Maximum Adjusted Floor Area, may exceed this number by not more than 10% AND dwellings built, enlarged, or expanded before April 22, 2008 which exceed the Maximum Adjusted Floor Area, may exceed this number by not more than 250 square feet, provided:
 - (1) Conformance to Design Review findings in Sections 10-3.1505 (a) and (d);
 - (2) Is of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood; and
 - (3) Internal efficiency and/or space utilization problems exist.

(3) Adjusted 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. Structures less than three (3') feet above grade are not included.

(4) The maximum size of structures in R-1 zoning districts located below 150 mean sea level elevation shall be the Maximum Adjusted Floor Area as described in (1) and (2) above. The maximum lot coverage of structures in R-1 zoning districts located below 150 mean sea level elevation shall be the Maximum Adjusted Lot Coverage as described in (3) above. The maximum house size shall be further limited by the requirement to meet all applicable design review findings in Article 15 of Chapter 3 of Title 10 of the Municipal Code.

TOWN OF SAN ANSELMO
NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACT

DESCRIPTION OF PROJECT: Revisions to the Zoning Ordinance of the Town of San Anselmo (including development standards for structures: setbacks, height, lot coverage, and floor area; fences and vegetative screening; parking and driveways; demolition of structures; definitions and uses; required findings; design review; demolition reuse and recycling; energy efficiency; and wood smoke).

NAME AND ADDRESS OF PROPONENT: Town of San Anselmo, 525 San Anselmo Avenue, San Anselmo, California 94960. Contact: Lisa Wight, Planning and Building Director

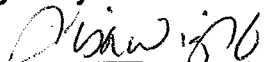
Pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code Sections 21000, et seq.), the Town of San Anselmo has determined that the above project will not have a significant effect upon the environment for the following reasons:

The zoning ordinance revisions should have no adverse impacts on land use, public services, population and housing, biological resources, utilities and service systems, geological problems, energy and mineral resources, cultural resources, air quality, or recreation, nor on transportation/circulation, water, noise, and aesthetics. The revisions would further the purpose and intent of the Zoning Ordinance, which is to refine and define the Town's General Plan goals, objectives, and policies as related to the preservation, enhancement, and development of the Town.

The environmental study was made by Lisa Wight, Planning and Building Director. The file is available in the Planning and Building Department where copies of this initial study are available at cost. Written comments on this determination should be received in the Planning Department prior to Tuesday, January 16, 2007. The Planning Commission will hold at least one public hearing on the Negative Declaration and Ordinance Revisions beginning on Tuesday, January 16, 2007, the Commission meeting to begin at 7 p.m., and the Town Council will hold at least two public hearings beginning on Tuesday, February 14, 2007, the Council meetings to begin at 7 p.m. All meetings **up until August, 2007 were to be held** in the Ross Valley School District Conference Room, 110 Shaw Drive, San Anselmo. **All meetings after August, 2007 are held in the Town Hall Council Chamber, 525 San Anselmo Avenue, San Anselmo.** ~~(Heading westbound on Sir Francis Drake Boulevard, turn right on Shaw Drive located between Jack in the Box and the Red Hill Shopping Center. Continue to the end of the parking lot and take the driveway downhill to the district office).~~ All interested persons are invited to attend the public hearings.

The file is available for public review in the Planning and Building Department, 525 San Anselmo Avenue, San Anselmo. The Negative Declaration and Zoning Ordinance Subcommittee recommendations are posted on the Town Hall Bulletin Board.

Originally Posted: December 26, 2006



Lisa Wight, Planning and Building Director

**TOWN OF SAN ANSELMO
ENVIRONMENTAL CHECKLIST FORM**

I. BACKGROUND

1. Project Title: Revisions to the Current Zoning Ordinance
2. Lead Agency Name and Address: Town of San Anselmo, Planning and Building Department, 525 San Anselmo Avenue, San Anselmo 94960
3. Town Contact Person and Phone Number: Lisa Wight, Planning and Building Director, 258-4616.
4. Project Location: Town-wide
5. Project Sponsor's Name and Address: Town of San Anselmo, 525 San Anselmo Avenue, San Anselmo 94960
6. General Plan Designation/Zoning: Town-wide - all districts
7. Description of Project: The revisions include: development standards for structures: setbacks, height, lot coverage, and floor area; fences and vegetative screening; parking and driveways; demolition of structures; definitions and uses; required findings; design review; demolition reuse and recycling; energy efficiency; and wood smoke).
8. Other public agencies whose approval is required: None.

II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:


The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

- | | | | | | |
|------------------------|--------------------------|----------------------------|--------------------------|------------------------------------|--------------------------|
| Land Use and Planning | <input type="checkbox"/> | Transportation/Circulation | <input type="checkbox"/> | Public Services | <input type="checkbox"/> |
| Population and Housing | <input type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Utilities/Service Systems | <input type="checkbox"/> |
| Geological Problems | <input type="checkbox"/> | Energy/Mineral Resources | <input type="checkbox"/> | Aesthetics | <input type="checkbox"/> |
| Water | <input type="checkbox"/> | Hazards | <input type="checkbox"/> | Cultural Resources | <input type="checkbox"/> |
| Air Quality | <input type="checkbox"/> | Noise | <input type="checkbox"/> | Recreation | <input type="checkbox"/> |
| | | | | Mandatory Findings of Significance | <input type="checkbox"/> |

III. DETERMINATION

On the basis of this initial evaluation:

- X I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ___ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ___ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ___ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ___ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.


Signature _____

Date: December 22 2006

Typed Name: Lisa Wight

Evaluation of Environmental Impacts	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
I. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community? Source: No division.				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Source: No conflicts.				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? Source: None.				X
II. POPULATION AND HOUSING. Would the project:				
a) Induce substantial growth in an area either directly, e.g., by proposing new homes and businesses, or indirectly, e.g., through extension of roads or other infrastructure? Source: Revisions to the Zoning ordinance would have no impact on the increase of population or housing.				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Source: No displacement.				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? Source: No displacement.				X
III. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Source: Zoning Ordinance revisions would have no impact on a rupture				X
ii) Strong seismic ground shaking? Source: see ai above.				X
iii) Seismic-related ground failure, including liquefaction? Source: see ai above.				X
iv) Landslides? Source: see ai above.				X
b) Result in substantial soil erosion or the loss of topsoil? Source: see ai above.				X
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? Source: see ai above.				X
d) Be located on expansive soil, as defined in Table 18 – 1-B of the Uniform Building Code, creating substantial risks to life or property? Source: see ai above.				X

Evaluation of Environmental Impacts (Cont'd)	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? Source: see ai above.				X
IV. HYDROLOGY/WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements? Source: None associated with revisions.				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted? Source: see a above.				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Source: see a above.				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Source: see a above.				X
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? Source: see a above.				X
f) Otherwise substantially degrade water quality? Source: see a above				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard Delineation map? Source: unrelated.				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Source: See g above.				X
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? Source: See a above.				X
j) Inundation by seiche, tsunami, or mudflow? Source: No possibility of seiche or tsunami. See a above.				X
V. AIR QUALITY. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? Source: No impact on air quality				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Source: See a above.				X

Evaluation of Environmental Impacts (Cont'd)	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors? Source: None. See a above.				X
d) Expose sensitive receptors to substantial pollutant concentrations? Source: See a above.				X
e) Create objectionable odors affecting a substantial number of people? Source: None.				X
VI. TRANSPORTATION/CIRCULATION. Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system, i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections? Source: No impact on increase in traffic.				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? Source: No impact on level of service.				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Source: No patterns.				X
d) Substantially increase hazards due to a design feature, e.g., sharp curves or dangerous intersections, or incompatible uses, e.g., farm equipment? Source: No design features to roadways.				X
e) Result in inadequate emergency access? Source: signs erected in conformance with sign ordinance amendments would not interfere with access to properties.				X
f) Result in inadequate parking capacity? Source: No impact to parking capacity.				X
g) Conflicts with adopted policies, plans, or programs supporting alternative transportation, e.g., bus turnouts, bicycle racks? Source: No impact to such policies.				X
VII. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? Source: No such impact.				X
b) Have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? Source: See a above.				X

Evaluation of Environmental Impacts (Cont'd)	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means? Source: See a above.				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Source: See a above.				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Source: No such conflict.				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? Source: See e above.				X
VIII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Source: No such impact.				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? Source: See a above.				X
IX. HAZARDS/HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Source: No impact to road design.				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Source: No impact due to hazardous materials.				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? Source: Not applicable.				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? Source: No such site.				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? Source: No airport.				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? Source: No airstrip.				X

Evaluation of Environmental Impacts (Cont'd)	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Source: No interference.				X
h) Expose people or structures to a significant risk of loss, injury, or death involving wetland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? Source: No exposure from Sign Ordinance amendments.				X
X. NOISE. Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Source: Revisions would not expose people to noise.				X
b) Exposure of persons to or generation of excessive groundbourne vibration or groundbourne noise levels? Source: See (a) above.				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Source: See (a) above.				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? Source: See (a) above.				X
e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? Source: No airport.				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? Source: No airstrip.				X
XI. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection? Source: Revisions would have no impact on services.				X
Police protection? Source: See above.				X
Schools? Source: See above.				X
Parks? Source: See above.				X
Other public facilities? Source: See above.				X
XII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Source: No impact.				

Evaluation of Environmental Impacts (Cont'd)	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Source: Not applicable.				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Source: see b above.				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Source: See b above.				X
e) Result in a determination by wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Source: see b above.				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Source: see b above				X
g) Comply with federal, state, and local statutes and regulations related to solid waste? Source: See b above.				X
XIII. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista? Source: Amendments would have no impact on scenic vistas.				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Source: No state scenic highway in vicinity.				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings? Source: See a above				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Source: See a above.				X
XIV. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource? Source: Revisions would have no impact on such resources.				X
b) Cause a substantial adverse change in the significance of an archaeological resource? Source: see a above.				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Source: see a above.				X

Evaluation of Environmental Impacts (Cont'd)	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
XV. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Source: revisions are unrelated to the use of parks and recreational facilities.				X
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? Source: see a above.				X
XVI. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable?				X
c) Does the project have environmental effects which would cause substantial adverse effects on human beings either directly or indirectly?				X

4. DISCUSSION ON THE PARAMETERS OF THE PROPOSED FLOOR AREA RATIO/LOT COVERAGE ORDINANCE AND DIRECTION TO STAFF ON PREPARING A DRAFT ORDINANCE.

Planning & Building Director Wight presented the staff report.

Jeff Kroot, Paul Chignell, Michael Sagredo, Tom Mulvey, Casey Mazzone, Mark Groane, John Adams, Ron Benatel, and Dave Hamer spoke against the FAR Lot Coverage proposal, noting that it isn't good for families, is not necessary, limits houses on small lots, and is inflexible.

Jonathan Braun, Guy Meyer, Gay Kagy, R. K. Stewart, Marty Zwick, Barbara Stewart, Joey Edelman, Mike Brown and Matt Brown spoke in favor of the ordinance, saying it preserves the character of the town and prevents degradation of the community.

Greene said he feels the proposal is unfair to those who own smaller lots. There's no tool for discretion in the ordinance. He likes Larkspur's exception process. He feels garages of 500 sq. ft. should be exempted.

Thornton said she supports the Planning Commission table, and the staff recommendation regarding attics, basements, garages, and porches.

House said she is in favor of the staff recommendation, except basements should be 3' from finished grade.

Freeman said standards for home sizes have changed over the years.

M/s, House, Thornton, to accept the staff recommendation, deleting 1 (c) (potential living space), and adding language regarding exemptions of attics up to six feet and basements three feet above finished grade. Ayes: Freeman, House, Thornton. Noes: Greene.
Absent: Breen.

Greene noted that he feels this is unfair to owners of small lots.

**TOWN OF SAN ANSELMO
TOWN COUNCIL STAFF REPORT**

March 19, 2008

For the meeting of March 25, 2008

To: Town Council

From: Lisa Wight, Planning and Building Director

Re: Discussion of Combined Floor Area Ratio and Lot Coverage for Single Family Residential Properties Located Below 150 foot elevation

Planning Commission Recommendation

Combined Floor Area Ratio and Lot Coverage for Single Family Residential Properties Located Below 150 Foot Elevation

I. Background

February 26, 2008: The Town Council's comments were as follows:

- FAR:

House and Thornton suggested an additional FAR percentage not be permitted for smaller lots. House added that there should not be a minimum housing size of 1,800 or 2,000 square feet nor should an existing house be permitted a larger FAR than a new house, to which Thornton agreed. Greene suggested there should be a restriction of large houses on small lots, but that reasonable modifications should not be precluded and there should be a minimum house size on small lots. Freeman suggested the 5,000 square foot maximum may be too high for large lots.

- Attic:

House suggested attics over 7.5' tall be included in the FAR calculation regardless of whether finished or unfinished (habitable or not habitable) because attics increase the bulk of the building, to which Thornton agreed. Greene suggested that regardless of height, an attic should only be included in the FAR calculation if it is developed (habitable) and that houses with sharply pitched roofs have a lesser impact than square monoliths. Thornton suggested that regardless of whether an attic is habitable or not, it is an issue of bulk that can also create shadows on neighbors. Greene suggested that counting attics in the FAR calculation would encourage flat monoliths.

- Basement:

House suggested including basements in the FAR calculation if the wall height above predevelopment or proposed grade is 3' or more at any point, noting the recent need to raise houses in the flood zone, which created basements. House said her initial thoughts are that she is not concerned how far below ground a basement goes so long as the necessary engineering reports support such.

Freeman suggested that in addition to bulk, the large basement spaces must be heated and illuminated, so he does not support exempting excavated space. House suggested that the sustainability issue will be discussed in the near future, so mixing those codes with FAR at this time would delay the FAR determination as the Town continues to receive proposals for large houses.

- Garage:

Thornton suggested exempting garages up to 400 square feet, to which House agreed.

- General:

Greene suggested including first stories in the design review requirement for the flatland proposals and in the interest of having flexibility, suggested guidelines rather than a mathematical standard for a broad universe of variability. House suggested the variance procedure as a means to flexibility, to which Greene expressed reservations. Thornton suggested that standard rules are better than something not clearly defined as it leads to subjectivity.

Greene requested that staff provide the actual FAR ordinances from the other local jurisdictions.

The matter was continued to March 25, 2008.

II. Planning Commission Recommendation

The Planning Commission recommended a sliding scale table, which is attached to this report. This table indicates that a 45% FAR is proposed for all lots 5,000 square feet or smaller. Examples of the maximum FAR include a 1,575 square foot house on a 3,500 square foot lot and a 2,250 square foot house on a 5,000 square foot lot. In addition, the following structures would be exempt (not counted in the FAR calculation): 400 square foot garage, 250 square feet of covered porches and decks, potential under story area with less than 7.5 headroom and 8' x 10' dimensions and double height spaces.

III. Staff Recommendation

Because there was no consensus at the February 26th Town Council meeting staff recommends the Town Council consider the Planning Commission recommended sliding scale table with the following changes.

Exemptions from the FAR Calculation:

- Attics with a ceiling height up to 6'
(current zoning ordinance defines a story as 6' measured from floor to roof above, so an attic with a 6' ceiling height would slightly exceed a "story", but would contain less bulk than an actual "story").
- Basements with an exterior wall height up to 5' measured at any point from pre-development or finished grade
(a 5' basement wall above the ground is just a little lower than a full "story" as defined by the zoning ordinance. This would also provide necessary space to raise a house if it is located in a flood zone).
- Garage: 400 square feet or less in floor area
(a 400 square foot garage can accommodate two vehicles, albeit a bit tight, but covered parking isn't a requirement, so it would be a matter of choice to use one's allowable "floor area" by having a garage larger than 400 square feet).
- Covered Porches and Covered Decks: 1st story: exempt; 2nd and 3rd story 250 square feet or less
(first story covered porches and covered decks do not typically cause "bulk" and a 250 square foot second or third story covered porch or covered deck is small enough to not typically cause "bulk").
- Potential Living Space: No exemption.
(The potential living area calculation is complicated and not typically applicable in the flatlands).

The FAR Ordinance would be a living document that could be amended by the Town Council in the future were it found that it was not adequately accomplishing the goals and policies of the General Plan. Those goals and policies include encouraging "designs that fit into the neighborhood context . . . of a scale and character complimentary to the neighborhood in order to protect existing neighborhoods and prevent overbuilding of the property" and "in response to the broad range of housing needs in San Anselmo, the Town will strive to achieve a mix of housing types, densities, affordability levels and designs."

IV. RECOMMENDATION

Discuss and provide direction to staff.

Attachments: Planning Commission Recommended Sliding Scale Table and Notes
Summary of FAR and Lot Coverage Regulations for other jurisdictions
Town Council minutes and staff report dated February 26, 2008