

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF FEBRUARY 26, 2007**

A. CALL TO ORDER

Commissioners Present: Chair Krebs, Harris, Schinner, Zwick Purl, Sisich
Commissioners Absent: Overberger

OPEN TIME FOR PUBLIC EXPRESSION

None.

C. CONTINUED PUBLIC HEARING ITEM

1. **DR-0703/U-0701 – Steven Shaw, 62 Tamalpais Avenue, APN 007-211-03**, Use Permit to demolish a single family dwelling and detached non-conforming 2nd unit; and Flatland Design Review to construct a ±1,973.5 square foot second story addition which includes a ±622 square foot second unit in conjunction with a new ±3,218 square foot single family dwelling, located within the R-1 zoning district. (staff person: Consultant Henderson) CONTINUED TO MARCH 5, 2007
2. **V-0702/DR-0701 – Abraham Kalichman, 157 Meadowcroft Drive, APN 005-142-02**, Setback Variance to construct a first story addition within 5' of the west side property line (Code: 8'); Setback Variance to raise the existing roof a maximum of 4'-4" within 8' of the west side property line (Code: 2' maximum); Lot Coverage Variance to increase the lot coverage up to 38.7% (Code: 35% maximum); and Flatland Design Review to add a 454± square foot second story addition and 108 square foot deck, located within the R-1 zoning district. (staff person: Chambers). CONTINUED TO MARCH 5, 2007

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. **Minutes – December 18, 2006 and February 5, 2007**

M/s Harris/Schinner and unanimously passed to approve the minutes of December 18, 2006 and February 5, 2007. Chair Krebs reminded the hearing of the 10-day appeal period to the Town Council.

REGULAR AGENDA

2. **Z-0701/ER-0701 - TOWN OF SAN ANSELMO**, Environmental Review (Negative Declaration) and 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; nonconforming structures), and additional recommendations from the Zoning Ordinance Sub-Committee for future consideration.

Development Standards Table – Table 4A

Notes 8 and 10

Commissioner Zwick discussed lot sizes in relation to setbacks, and he provided materials to demonstrate the difference between lot coverage and floor area ratio (FAR). He discussed the effects of different FARs.

Commissioner Zwick responded to a query by Commissioner Schinner on the effect of two FARs on single story structures, and Planning and Building Director Wight discussed exemptions. General discussion followed.

In response to Commissioner Purl, Commissioner Zwick explained the reasons for changing to an FAR standard from lot coverage, the primary purpose of which is to limit the size of houses on small lots.

The hearing was opened for public comment on Notes 8 and 10.

Jonathan Braun, resident, quoted from the General Plan, which specifically dictates that the small town character of San Anselmo must be maintained. He said that projects that have appeared before the Commission have involved an increase in use and size of dwellings which is changing the small town character of San Anselmo. Mr. Braun supports the implementing of FAR regulations over lot coverage, and he is in agreement with Commissioner Zwick's comments.

Gay Kagy, resident, said that there was unanimous concurrence amongst the members of the Subcommittee that the character of the town should be preserved. She noted that FAR in the hillside works well, and that view blockage is also a problem caused by large houses in the flatlands. Thus, other reasons exist to consider the change to FAR.

A concerned citizen explained why she believes that lot coverage should not be eliminated and she commented on setbacks and a sliding scale.

The public comment period on these items was closed.

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Commissioner Purl said that a small town character has not been defined by the General Plan on which Codes are based. He does not believe that small houses are consistent with a small town feel.

Commissioner Harris said that FAR is a tool that can be used to achieve smaller houses, which creates more air and greenery which is allowed under the Code. Thus, it does not concern just the size of a dwelling. He also discussed square footage in relation to FAR.

Commissioner Schinner discussed circumstances under which a higher FAR would lead to a larger dwelling than would be allowed under lot coverage. In response, Commissioner Harris said that FAR addresses mass and bulk, and Commissioner Zwick discussed the Subcommittee's intentions, noting that adjustments could be made at a later date.

Ms. Wight explained why a lot coverage maximum of 35% worked well in the past, noting that people wanted to add space but not maximize the allowance. In recent times, home owners wish to maximize the allowable space.

Commissioner Sisich said he would prefer more restrictions to apply to second story setbacks, rather than adopting FAR regulations, only. His main concern is that second stories are too large, and need to be controlled. General discussion followed.

Commissioner Purl explained why he opposes changing the rules to restrict house size, and discussion followed on what constitutes a small town character. Commissioner Zwick explained why he believes it is necessary to change to FAR.

Commissioner Harris explained why he also favors FAR regulations, and he commented on the process. He said that discretion does not exist on the kind of houses that can be built in the flatlands.

Commissioner Krebs said he would support FAR regulations, and he discussed an option for a sliding scale in the flatlands. Commissioner Zwick said he would support a sliding scale.

The Deputy Town Attorney, Todd Smith, explained the options for presenting the changes to the Town Council, and discussion followed.

Commissioner Harris said that a 7,500 sq ft lot could accommodate a very reasonable sized family home, and Ms. Wight suggested stepback rules for second stories recommended by the Subcommittee. Planner Chambers noted that a maximum size for homes in the hillside exists but not in the flatlands.

General discussion followed on a proposed maximum FAR of 40% and a sliding scale maximum of 45%. There was general agreement on a sliding scale to allow a larger home on a small lot, with a reduction as a lot size increases. Commissioner Harris opposes this sliding scale, and Ms. Wight will provide more information at the next meeting.

Note 20

Commissioner Zwick explained this item in more detail, and the reason he supports a stepback zone. General discussion followed on the cost of building second stories.

The meeting was opened for public comment, and Jonathan Braun discussed stepbacks and options that do not necessarily entail installing a whole new foundation for a second story. He also discussed the need to move dwellings further out of the setbacks.

Ms. Chambers responded to a query by a concerned citizen regarding lot sizes, and the public comment period closed.

Commissioner Sisich is in favor of a stepback zone, and Commissioner Harris is inclined to agree. However, he said that architectural design could create articulation that might achieve the same goal. He believes that 5' as a minimum is too high, and he suggested a minimum of 2' with discretion that could be incorporated in findings. He is concerned that too much level of detail will be required, as he believes exists in other Towns.

Mr. Smith said that San Anselmo has the least restrictive design review standards of many towns. He discussed subjective criteria, and said that mass and bulk findings individualized to each lot would assist the Town's objectives.

In response to Commissioner Purl, Commissioner Zwick discussed mass and bulk, and how a 'wedding cake' effect can control the bulk and size of a dwelling, but not regulate design. Commissioner Harris noted that the stepback does not apply to the rear of a building, and he believes that rules are necessary to ensure some articulation in the rear of the building occurs, rather than a sheer wall being designed. General discussion followed on the need for more flexibility than a 5' stepback zone, with which the Commissioners were in agreement with the exception of Commissioner Harris.

Footnote 21 – Maximum Roof Height

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Ms. Wight said that Subcommittee Members discussed the height and size of a dwelling, and a decision was not made about exceeding the current maximum. The Commissioners agreed that this point needs to be deleted.

Footnote 22 – 5 percent expansion of FAR

Ms. Wight provided background information, and Commissioner Zwick referred to a project that would have benefited from an exception rule, rather than a variance. Ms. Wight explained why decks and porches have not been counted towards FAR.

Gay Kagy expressed concern that an applicant might take advantage of the rule by building a home that is 5% larger than would be allowed. Discussion followed when it was agreed that the wording did not express the intention adequately, and Mr. Smith discussed a minor exception permit with findings. He explained the difference between an exception and a variance, and discussion followed on changes to the language that would be necessary to create the exception rule.

A concerned citizen commented on dwellings.

Table 4B – Minor intrusions

Ms. Wight discussed the Subcommittee's recommendations and the reason for the change to the rules regarding accessory structures. Discussion followed, and the public comment period opened.

Jonathan Braun said that he does not support exemptions for zero setbacks, for reasons of property encroachment that he explained in more detail. A survey should be required if this rule is instigated.

A concerned citizen said that a 3' setback is not sufficient.

Another concerned citizen said that he has no objection to side setbacks, but property dwellers on busy streets have little privacy with people looking into their back yards.

The public comment period was closed for this item.

Commissioner Krebs said he does not favor a zero side yard setback, back, and general consensus implied that a 3' side yard setback would be acceptable. Ms. Wight noted that a setback closer than 3' would require a survey.

Carport, Garage

Ms. Wight explained how the recommendations differ from the current rules, and discussion followed. Commissioner Zwick said that the purpose is to provide more flexibility in parking options, and Ms. Wight suggested changes to the wording.

Commissioner Harris noted that it would be possible to build a larger structure than a trellis and the impact would be greater. Discussion followed, and Commissioner Zwick said that the purpose of the rule is to encourage more parking. Commissioner Schinner suggested a 5' side yard setback, rather than a 3' setback, which was generally agreed upon. Commissioner Zwick said he would not comment on it as he was a member of the Subcommittee and the consensus was to forward that recommendation.

Porch

Ms. Wight explained the reasons for allowing porches to enter the setback under certain conditions, and Commissioner Zwick said that the Subcommittee liked the idea of front porches. Following discussion, it was agreed that changes would be made to the 50% wording.

Gay Kagy said she supports front porches, and a concerned citizen discussed her concern for the proposed changes.

Commissioner Krebs said he supports the 50% rule for covered porches, and discussion followed. Ms. Wight suggested other changes that need to be made, and Commissioner Harris voiced his opposition. He supports front porches but is concerned that they could be built too close to the property line, which might result in a more urbanized neighborhood. He believes that porches should not extend beyond 17' from the front property line.

Commissioner Purl suggested that a copy of the Zoning Code should be provided to buyers when houses are sold.

E. ITEMS FROM PLANNING COMMISSION

None.

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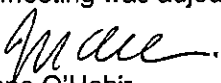
None.

F. ITEMS FROM STAFF

Ms. Wight said she had notified realtors that a Resolution has been passed prohibiting real estate signs, and is in the process of notifying property owner and business owners by mail.

G. ADJOURNMENT TO REGULAR MEETING OF MONDAY, MARCH 5, 2007

The meeting was adjourned at 10.15pm.


Joanne O'Hehir
Sr. Admin. Services Asst.