

<b>TOWN OF SAN ANSELMO MEASURE E</b>	
<b>E</b> MEASURE E: Shall the ordinance of the San Anselmo Town Council establishing maximum floor area and maximum lot coverage for single family properties located below 150 feet mean sea level elevation be adopted?	<b>YES</b>
	<b>NO</b>

**TOWN ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE E**

If this measure is approved by the voters, a new Town ordinance will become effective that would establish a maximum floor area and not change the existing maximum lot coverage for single family residential properties (zoned R-1) located below 150 feet mean sea level.

The ordinance was introduced at the August 12, 2008 regular meeting of the San Anselmo Town Council by a unanimous vote of the Council (5-0), and was adopted by the same vote at the Council's regular meeting on September 23, 2008.

On October 23, 2008, a valid referendum petition concerning the ordinance was submitted to the County Registrar of Voters. Pursuant to the Elections Code, the Town Council was then required to choose whether to (1) rescind the ordinance; or (2) submit the ordinance to the voters of San Anselmo. At its regular meeting dated November 25, 2008, the Town Council voted unanimously (5-0) to submit the ordinance to the voters.

The ordinance would define "floor area ratio (FAR)" as the ratio between the total floor area of a building or buildings on a lot and the area of that lot in gross square feet. The ordinance would separately define "adjusted floor area" such that the following would be excluded from the floor area calculation: unenclosed horizontal surfaces, unenclosed balconies, unenclosed decks, unenclosed porches, crawl spaces with dirt floors, attics with no floor, and the first 400 square feet of garage floor area. The ordinance would define "adjusted lot coverage" as the land area covered by all buildings and improvements on a lot with a finished height above grade of three feet or more, including projections, but excluding (1) roof eaves that project less than two feet from the side of a building; and (2) structures and improvements less than three feet above grade.

The ordinance would limit the maximum adjusted floor area ratio on lots in the R-1 zoning district located below 150 mean feet sea level elevation to a schedule of declining percentages ranging from a high of a 45% floor area ratio on lots 4,000 square feet and smaller, to a low of a 35% floor ratio on lots 8,250 square feet and greater up to those lots of 14,500 square feet and greater, on which the maximum allowable floor area would be limited to 5,000 square feet. The maximum lot coverage ratio would remain unchanged by this ordinance at 35% for all parcels in the R-1 zoning district located below 150 feet mean sea level elevation.

The ordinance would allow the maximum allowable floor area ratio in the subject area to be exceeded by up to 325 square feet of floor area, on condition that the Planning

Commission make a series of findings including that the subject dwelling or improvements were constructed prior to the effective date of the ordinance.

A YES vote approves the measure and thereby approves enactment of the ordinance.

A NO vote rejects the measure and thereby rejects the ordinance.

s/ROBERT F. EPSTEIN  
San Anselmo Town Attorney

**FULL TEXT OF MEASURE E  
TOWN OF SAN ANSELMO  
ORDINANCE NO. 1066**

**AN ORDINANCE OF THE TOWN OF  
SAN ANSELMO REVISING CHAPTER 3 OF  
TITLE 10 OF THE TOWN OF SAN ANSELMO  
MUNICIPAL CODE, KNOWN AS THE ZONING  
ORDINANCE, SPECIFICALLY ADDING  
SECTION 10-3.412 AND TABLE 4F TO  
ESTABLISH MAXIMUM FLOOR AREA AND  
MAXIMUM 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, which also included two Planning Commissioners appointed by the Planning Commission, to review the Zoning Ordinance regulations;

**WHEREAS**, the subcommittee members held several duly noticed public meetings, discussed various topics, took comments from the audience, and passed several motions recommending changes to the Code; 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 amendments to the Zoning Ordinance;

**WHEREAS**, the Town Council held duly noticed public hearings concerning the Zoning Ordinance Amendments, and received comments from staff and the audience 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 April 22, 2008, when they took the following action: appointed a subcommittee to return to the Town Council with minor changes intended to reflect the majority opinion of people and minimize the split in the community;

**WHEREAS**, the subcommittee members held duly noticed public meetings on May 12, June 4, June 11, June 18 (which included a neighborhood walk), June 23, and June 25, 2008, took comments from the audience, and prepared a majority recommendation to the Town Council;

**WHEREAS**, the Town Council held a duly noticed public hearing on July 22, 2008 to receive the majority subcommittee report and were also provided with minority subcommittee reports, received comments from the audience and staff, and directed staff to return to the Town Council on August 12, 2008 with an ordinance for introduction and first reading and also to return with alternate language related to one exception for consideration;

**WHEREAS**, the Town Council held a duly noticed public hearing on August 12, 2008 to introduce the Ordinance; and

**WHEREAS**, at the duly noticed public hearing on September 23, 2008, the Town Council took the following action: approve the Negative Declaration of Environmental Impact and adopt the Ordinance as shown in 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 will 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 will 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 Ordinance is consistent with the General Plan, specifically, the following General Plan policies:

Land Use Policy 11.1: New development, including rehabilitation and expansion projects, shall be of a scale, intensity, and design that integrate 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 HEREBY 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 12th day of August, 2008 and was adopted at a regular meeting on the 23rd day of September, 2008 by the following vote:

AYES: Breen, Freeman, Greene, House, Thornton

NOES: None

ABSENT: None

s/TED FREEMAN  
Mayor

ATTEST:

s/BARBARA CHAMBERS  
Town Clerk

## EXHIBIT A

### Title 10 PLANNING AND ZONING

#### Chapter 3 ZONING

#### Article 4. Development Standards

##### 10-3.412 Maximum Floor Area and Maximum Lot Coverage for Dwellings and Improvements on Single Family Residential Properties Located Below 150 Mean Sea Level Elevation.

a. **Introduction.** The “small town” feel and character of San Anselmo’s neighborhoods are unique and important qualities to the Town. The existing scale of architecture, the open and tree-covered hills, winding creeks, and landscaped streets and yards contribute to this ambience and to the beauty of a community in which the man-made and natural environments co-exist in harmony.

b. **Intent.** This Section is intended to accomplish the following:

1. Preserve the quality of life and small town character in the neighborhoods of San Anselmo by limiting the size of new or renovated dwellings and improvements. This size limitation shall be accomplished by establishing a ratio between floor area and lot size and a ratio between lot coverage and lot size. Additionally, this limitation will be accomplished through the establishment of an overall maximum limit on floor area of 5,000 square feet for any residential structure.
2. Provide an additional tool to ensure that homes too big for the lot are neither approved nor built. To manifest such intent, projects should be designed, evaluated and approved based on their compatibility with the neighborhood in which such projects propose to be constructed by being appropriately sized, massed and scaled.
3. Provide a standard that serves to protect property values through the preservation of neighborhood character.

c. **Definitions.** For the purpose of this Section, the following definitions apply:

1. **“Floor area ratio (FAR)”** means the ratio between the total floor area of a building or buildings located on a lot and the area of that lot in gross square feet.
2. **“Total floor area”** means the sum of the gross horizontal areas of all floors of a building measured from the exterior framing of the outside walls.
3. **“Adjusted Floor Area”** is the total floor area (as measured from the exterior framing of the outside wall), of any dwellings or improvements on a lot, including Basements, Attics with floors, Second Units and Accessory Buildings. The floor area of interior spaces with ceilings of more than fifteen (15) feet in height from floor to ceiling shall be double-counted in the calculation of Adjusted Floor Area. Adjusted Floor Area excludes the following:

- a. Unenclosed Horizontal Surfaces
- b. Unenclosed Balconies
- c. Unenclosed Decks
- d. Unenclosed Porches
- e. Crawl Spaces with Dirt Floors
- f. Attics with no Floor
- g. The first 400 square feet of Garage Floor Area

4. **“Adjusted Lot Coverage”** is the land area covered by all buildings and improvements on a lot with a finished height above grade of three (3’) or more, including all projections. Adjusted Lot Coverage excludes the following:

- a. Roof eaves which project less than two (2’) from the face of a building; and
- b. Structures and improvements less than three (3’) feet above grade.

5. **“Attic”** means an open space at the top of a dwelling situated wholly or partly within the roof.

6. **“Basement”** means an enclosed space, finished or unfinished, partly or wholly below natural grade, having more than one-half (1/2) its height, as measured from its floor, whether finished or unfinished, to its ceiling, whether finished or unfinished, below the adjoining natural grade.

7. **“Crawl Space”** means a shallow, unfinished space, located below the living quarters of a basement-less house and enclosed by the foundation walls, where it is not possible for an adult to stand.

8. **“Unenclosed”** means a space with or without a permanent roof that is not enclosed by walls, windows or doors on at least two sides. Insect screening would not constitute enclosure.

#### d. Maximum Adjusted Floor Area and Maximum Adjusted Lot Coverage

1. The maximum Adjusted Floor Area and maximum Adjusted Lot Coverage, of structures and improvements combined, on lots in the R-1 zoning district located below 150 foot mean sea level elevation shall be as indicated in Table 4F. Additionally, all structures and/or improvements shall be required to comply with the applicable design review findings in Article 15 of Chapter 3 of Title 10 of the San Anselmo Municipal Code.

#### e. Maximum Adjusted Floor Area Exception

1. The maximum Adjusted Floor Area may be exceeded on a lot by up to 325 square feet subject to the Planning Commission finding that the subject dwelling and/or improvements:

- a. Were built prior to the effective date of this Section;
- b. Will not exceed an Adjusted Floor Area of 5,000 square feet;
- c. Are functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.

- d. Provide for protection against noise, odors, and other factors which may make the environment less desirable;
- e. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development;
- f. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors;
- g. Will provide for satisfactory access by emergency vehicles and personnel;
- h. Will not adversely affect health or safety or endanger property located in the neighboring area;
- i. Will not unreasonably impair access to light and air of structures on neighboring properties;
- j. Will not unreasonably affect the privacy of neighboring properties;
- k. Are of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood; and
- l. Employ mass-reducing techniques such that the additional square footage over the maximum Adjusted Floor Area is reasonably mitigated and does not result in overbuilding of the lot.

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

**Table 4F**

Lot Size (Sq Ft)	Sliding Scale 45% to 35%	Adjusted Floor Area	325 sf Additional Floor Area for Dwellings that Exist Prior to Ordinance Adoption (1)	Maximum Lot Coverage Ratio	Adjusted Lot Coverage
< 2250	0.45		325+	0.35	
2250	0.45	1013	1338	0.35	788
2500	0.45	1125	1450	0.35	875
2750	0.45	1238	1563	0.35	963
3000	0.45	1350	1675	0.35	1050
3250	0.45	1463	1788	0.35	1138
3500	0.45	1575	1900	0.35	1225
3750	0.45	1688	2013	0.35	1313
4000	0.45	1800	2125	0.35	1400
4250	0.42	1800	2125	0.35	1488
4500	0.40	1800	2125	0.35	1575
4750	0.40	1900	2225	0.35	1663
5000	0.40	2000	2325	0.35	1750
5250	0.40	2100	2425	0.35	1838
5500	0.40	2200	2525	0.35	1925
5750	0.40	2300	2625	0.35	2013
6000	0.40	2400	2725	0.35	2100
6250	0.40	2500	2825	0.35	2188
6500	0.40	2600	2925	0.35	2275
6750	0.40	2700	3025	0.35	2363
7000	0.40	2800	3125	0.35	2450
7250	0.39	2828	3153	0.35	2538
7500	0.38	2850	3175	0.35	2625
7750	0.37	2868	3193	0.35	2713
8000	0.36	2880	3205	0.35	2800
8250	0.35	2888	3213	0.35	2888
8500	0.35	2975	3300	0.35	2975
8750	0.35	3063	3388	0.35	3063
9000	0.35	3150	3475	0.35	3150
9250	0.35	3238	3563	0.35	3238
9500	0.35	3325	3650	0.35	3325
9750	0.35	3413	3738	0.35	3413
10000	0.35	3500	3825	0.35	3500
10250	0.35	3588	3913	0.35	3588
10500	0.35	3675	4000	0.35	3675
10750	0.35	3763	4088	0.35	3763
11000	0.35	3850	4175	0.35	3850
11250	0.35	3938	4263	0.35	3938
11500	0.35	4025	4350	0.35	4025
11750	0.35	4113	4438	0.35	4113
12000	0.35	4200	4525	0.35	4200
12250	0.35	4288	4613	0.35	4288
12500	0.35	4375	4700	0.35	4375
12750	0.35	4463	4788	0.35	4463
13000	0.35	4550	4875	0.35	4550
13250	0.35	4638	4963	0.35	4638
13500	0.35	4725	Maximum: 5000 sf	0.35	4725
13750	0.35	4813	5000	0.35	4813
14000	0.35	4900	5000	0.35	4900
14250	0.35	4988	5000	0.35	4988

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

Note:

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

## ARGUMENT IN FAVOR OF MEASURE E

### ELECTION ON REFERENDUM FOR FLOOR AREA RATIO (FAR) ORDINANCE

This ordinance is an attempt to preserve the character of San Anselmo neighborhoods. The Town held more than 30 public hearings over 2.5 years in response to residents' concerns about the spread of "monster homes" or McMansions in the flatlands that often result in reduced green space, privacy, light and views for adjacent neighbors.

A vast majority of attendees favors this legislation. In 2008 our Town Council voted unanimously to adopt the floor area ratio (FAR) ordinance. FAR rules have successfully governed San Anselmo hillside homes since the 1990's. This ordinance does not prohibit additions to existing homes and in fact will allow larger additions than allowed in any other town in Marin County excluding Novato.

FAR is not controversial legislation. It is a commonly used tool that helps towns around the country control their growth and manage the size of structures by specifying how large a building can be in relation to its lot size. Every other town in Marin is already protected by a FAR ordinance. Only the San Anselmo flatland neighborhoods are still vulnerable to the over-building that pits neighbor against neighbor and allows developers to build houses too large for their lots – changing the feel and look of neighborhoods forever.

If you like the current character of San Anselmo neighborhoods, then you should vote "Yes" on this measure.

s/JONATHAN BRAUN

s/CYNTHIA BARROWS

s/CARLA OVERBERGER

s/MARTY ZWICK

Architect

s/GARY MILLAR

Architect

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE E

The proposed FAR legislation has grave consequences to the average San Anselmo home. Should this FAR pass, the Town will consider more than 1,000 existing homes to be too large to add even a single square foot. The character of San Anselmo neighborhoods are already well preserved by the Planning Code that currently exists (lot coverage, Design Review, etc). The proposed FAR legislation is redundant and heavy handed.

Reasonable FAR guidelines can have a positive effect on a community. But the proposed FAR legislation on this ballot is flawed. This proposed FAR would be the only FAR in Marin County that includes attics and crawl spaces towards the square footage of a home. We believe that only habitable space should be counted against the total square footage of a home - NOT attic storage, NOT under-floor crawl space and NOT vaulted ceiling air space.

The public hearings that were held regarding the proposed FAR were discussed among relatively few residents. The vast majority of San Anselmo residents did not attend any meetings whatsoever and were unaware of any discussions regarding remodeling and home expansion. However, when educated about the negative effects of the proposed FAR, more than 1,100 San Anselmo citizens signed a petition to address the FAR on this ballot.

A "No" vote on this measure will protect the rights of property owners to reasonably improve their homes.

VOTE "NO" ON MEASURE E.

s/PAUL CHIGNELL

s/JENNIFER ASSELSTINE

s/JAMES JOSEPHS

s/SHARON B. LUCE

## ARGUMENT AGAINST MEASURE E

### **Vote NO on the FAR (Floor Area Ratio) Ordinance.**

The FAR Ordinance does NOT represent your needs. It was NOT written with the homeowner, the growing family or the small lot owners' needs in mind. It was written by people with one point of view; to try and keep San Anselmo from changing at all.

**The FAR Ordinance will severely limit your ability to add onto your home.** The FAR Ordinance goes well beyond counting the floor area of your home to limit its maximum size. Your entire attic will count as floor area if it has a floor no matter how low the ceiling. All basements will count as floor area even if not visible from outside the house and even your crawl space will count if it has a floor. Your home may be considered to be much larger than you think and you may not be able to ever enlarge it.

**The FAR Ordinance will limit young families' ability to move to San Anselmo.** Young families often have to stretch their budget to afford to buy even a small home in San Anselmo, but with this FAR Ordinance young homeowners who wish to build an additional bedroom or bath to accommodate a growing family or elderly parent will be out of luck. There are hundreds of homes that already exceed the maximum size allowed.

**The FAR Ordinance does not stop "McMansions" from being created.** If your parcel is large enough you can still build a 5,000sf house.

**The FAR Ordinance is more restrictive than the floor area ratio in the hills of our town.** Hillside homeowners are allowed larger garages and attics, and basements only count as floor area if they are habitable spaces. This FAR Ordinance is unfair.

**Protect your rights; vote NO on the FAR Ordinance.**

s/JEFF KROOT

s/PAUL CHIGNELL

s/SHARON B. LUCE

s/JAMES JOSEPHS

s/JENNIFER ASSELSTINE

## REBUTTAL TO ARGUMENT AGAINST MEASURE E

**Vote YES because this Ordinance PROTECTS you...**

- From new oversized houses that will severely impact your light, views, privacy, and change the character of your neighborhood.
- By clarifying guidelines that will avoid costly changes to your house addition plans.

**This Ordinance will NOT severely limit your ability to expand ...**

Unless your house has already been extensively expanded and is on a small lot. Even then, EVERY house can add up to 350sf if not negatively affecting neighbors. This Ordinance is NOT retroactive and will NOT increase taxes.

**This Ordinance will HELP young families.**

If small lots are remodeled with expensive, oversized houses, then over time there will be NO affordable "starter homes".

**This Ordinance will stop "McMansions" on small lots.**

That's its purpose – and why EVERY other town in Marin has adopted FAR. Large houses would be allowed only on lots large enough not to negatively affect neighbors.

**This Ordinance treats flatland owners FAIRLY.**

Opponents identified ONLY hillside rules where the code is more lenient, as a whole.

- Small-lot flatland homeowners can build houses 28% larger than hillside properties.
- A 5,000sf flatland house can be built on a lot 1/3 the size required in the hillsides. This is a thoughtful attempt to deal EQUALLY with dissimilar site conditions.

Without FAR, San Anselmo must allow houses nearly DOUBLE the size allowed in Mill Valley and Tiburon. Your vote will shape how San Anselmo looks in the future.

**Vote YES for smart growth in San Anselmo!**

s/KATHLEEN E. SANDERS-CURTIS

s/BARBARA LYONS STEWART

Architect

s/GAY J. KAGY

s/MARTY ZWICK

Architect

s/GARY MILLAR

Architect