



Agenda Item No. 8.

Staff Report

Date: March 14, 2024

To: Mayor Brekhus and Council Members

From: Roberta Feliciano, Planning and Building Director

Subject: Town Council discussion on requested Zoning Code Amendments including the applicability of demolition permits and an exception process for floor area.

Recommendation

It is recommended that the Town Council discuss and provide feedback and direction to staff on requested Zoning Code Amendments including an exception process for floor area and the applicability of demolition permits.

Background and Discussion

During the April 13, 2023, Town Council meeting, Council Members Brekhus and McMillan requested that Town staff review the need for a project to replace exterior siding and bring it before the Town Council for review and approval. Subsequently, on May 11, 2023, Mayor Kuhl and Council Member Brekhus requested that Town staff explore options for providing an exception process for floor area and return at a future Town Council meeting for discussion.

Chapter 18.50: Demolition of Structures

Pursuant to Ross Municipal Code (RMC) Chapter 18.50.020, Chapter application, a demolition permit, approved by the Town Council, shall be required for any project resulting in the alteration of more than twenty-five percent of the exterior walls or exterior wall coverings of a residence, as determined by the Town Planner. This Chapter also provides that the town planner may act on applications without Town Council approval when the application involves alteration of more than twenty-five percent of the exterior walls, but less than twenty-five percent of the exterior wall coverings of a residence. (RMC 18.50.045)

Local jurisdictions such as San Anselmo, Larkspur, Corte Madera, and Mill Valley do not require demolition permits or any planning entitlements to replace exterior wall coverings such as siding.

Belvedere does not define demolitions to include maintenance, repair and/or replacement of exterior surfaces, so long as the materials are consistent with the requirements of Section 20.04.140 "Materials and colors used" of the Design review criteria and standards. (Reference: [BMC 19.08.136, Demolition](#))

Options:

1. Town Council may amend the Zoning code to clarify that RMC Chapter 18.50, Demolition of Structures, does not apply to maintenance, repair and/or replacement of exterior surfaces; or
2. Town Council may amend the Zoning code to increase the twenty-five percent alteration of exterior wall coverings threshold; or
3. Town Council may amend the Zoning code to permit the town planner to approve demolition permits that meet a certain threshold of exterior surfaces; or
4. Town Council may keep the existing Zoning code and require demolition permits for exterior wall coverings be processed under a Minor Exception Permit.

Chapter 18.48: Variances, Exceptions and Adjustments

This Chapter does not differentiate between a Variance, Exception and Adjustment. In 2023, the Town received four applications that requested a variance to exceed the allowable Floor Area Ratio (FAR). Two of the four applications were approved by the Town Council.

Local jurisdictions such as San Anselmo, Larkspur, Corte Madera, Tiburon and Belvedere have incorporated floor area exception into their Zoning Code.

In Belvedere and Tiburon, upon a proper application for an exception to the floor area requirements, the Planning Commission may grant an exception to the floor area requirements by making certain findings. Some of the findings include the following:

1. That there are unusual characteristics applicable to the parcel which minimize the impact of a greater floor area;
2. That the proposed structure(s) are appropriate in mass, bulk, and character for the parcel, the neighborhood, and the zoning district, and meet(s) all design review criteria;
3. That the additional square footage will not substantially reduce the privacy otherwise available to residents of adjoining properties.
4. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood;

5. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, shape and steepness of the lot, ease of access, and the presence of natural features worthy of retention, such as trees, rock outcroppings, stream courses and landforms.

Options:

1. Town Council may amend the Zoning code Chapter 18.48: Variances, Exceptions and Adjustments to include Exception to Floor Area; or
2. Town Council may keep the existing Zoning code and require a variance for additional floor area requests.

Staff requests comments, feedback and direction from the Town Council on the specific Zoning Code Amendments regarding Chapter 18.50: Demolition of Structures, and Chapter 18.48: Variances, Exceptions and Adjustments, as requested by the Town Council on April 13, 2023, and May 11, 2023.

Fiscal, resource and timeline impacts

No fiscal impact anticipated other than ordinance preparation including costs related to Town Attorney review.

Environmental review (if applicable)

Zoning Code text amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As a series of Municipal Code text amendments, it can be seen with certainty that there is no possibility that the proposed action may result in a significant effect on the environment, and any proposed revisions to the Municipal Code are exempt from further review under CEQA.

Attachments

None