

# CORTE MADERA PLANNING COMMISSION STAFF REPORT

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**REPORT DATE:** APRIL 21, 2017  
**MEETING DATE:** APRIL 25, 2017

**TO:** PLANNING COMMISSION

**FROM:** DOUG BUSH, ASSISTANT PLANNER

**SUBJECT:** STUDY SESSION FOR DISCUSSION OF POTENTIAL  
MODIFICATIONS TO LOT COVERAGE STANDARDS FOR THE R-1  
SINGLE FAMILY RESIDENTIAL ZONE

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## **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission provide direction to Staff regarding the proposed changes to the Zoning Ordinance regarding lot coverage in the R-1 Residential Zone. If desired by the Commission, Staff will return to the Commission at its May 9, 2017 meeting with a proposed Zoning Ordinance Amendment for a public hearing and recommendation to the Town Council.

## **BACKGROUND**

Lot coverage is one of the primary development standards that control the physical form of development in the R-1 Medium Density Residential Zone. Working in tandem with required setbacks, maximum floor area and height limits, lot coverage affects the distribution of bulk and proportion of open space to structures on residential parcels. After applications to exceed the allowable lot coverage were brought to the Planning Commission in the last year, the Planning Commission requested that Staff explore the Town's existing lot coverage standards. As discussed at the March 28, 2017 public hearing, Staff finds that a less restrictive lot coverage standard would provide multiple benefits. These benefits include greater flexibility for property owners who wish to pursue single story additions, reduction or elimination of variance applications for exceeding allowable lot coverage, and moving toward standards which are more consistent with neighboring jurisdictions.

Staff provided a staff report (Attachment 1) and discussed several potential changes to the zoning ordinance. The Planning Commission and two members of the public, both architects, spoke in support of modifying the existing lot coverage standards by increasing the allowable lot coverage percentage. Based on feedback received at the prior March 28, 2017 hearing (Attachment 2), Staff has returned with several potential changes to the zoning ordinance intended to improve the feasibility of single story design and reduce or eliminate lot coverage variances. Staff is requesting that the Planning Commission review the following applications for

changes and provide feedback prior to Staff returning for a future hearing with a formal application for amendments to the Zoning Ordinance.

## **PROPOSED CHANGES**

### **1. Increase lot coverage to 40% for R-1 parcels over 4500 square feet and eliminate lot coverage for lots 4500 square feet or less.**

The existing lot coverage standards allow a maximum of 35% lot coverage for lots 6000 square feet or less and 30% for lots over 7500 square feet. Lots between 6000 and 7500 square feet allow lot coverage which gradually decreases from 35 to 30%. Increasing the maximum lot coverage to a less restrictive 40% for lots over 4500 square feet would allow for greater flexibility in design while other development standards would continue to provide a predictable pattern of development. These standards include "required setbacks" which establish minimum distances between structures on adjacent properties and "floor area ratio" which sets clear limits on the total area of enclosed structures permitted on a site. For projects subject to Design Review, "required findings" provide an additional discretionary mechanism to facilitate positive outcomes in new development.

In the proposed changes below, lots 4500 square feet or below would not be subject to lot coverage maximums. This is because lots of 4500 square feet and below are already significantly limited by setbacks. For example, on a typical 4500 square foot lot with a 50 foot lot frontage, setbacks result in a buildable area of 2000 square feet or 44% of the lot. On wider lots, the effective allowable lot coverage created by the required setbacks is even smaller. Some additional lot coverage would be allowed pursuant to Section 18.08.220(d) that allows up to 12% of the rear yard to be covered by enclosed structures and an additional 12% of the rear yard to be covered by unenclosed structures. On a typical 4500 square foot lot, this would equate to roughly 300 square feet of additional lot coverage. In summary, this would allow for a maximum of approximately 2,300 square feet or 51% lot coverage.

The existing lot coverage standards are flexible based upon lot sizes; smaller lots get higher allowable lot coverage than larger lots. The proposed change of eliminating lot coverage for lots below 4,500 square feet and allowing setbacks to dictate maximum coverage would maintain a similar policy with respect to smaller lots. Staff estimates that there are approximately 130 lots in Corte Madera to which this would apply.

#### Existing – Section 18.08.220

##### (e) Coverage.

- (1) On a site containing at least seven thousand five hundred square feet, not more than thirty percent of the total site area shall be covered by structures.
- (2) On a site containing less than seven thousand five hundred square feet, but more than six thousand square feet, the maximum permitted coverage shall be determined by the equation: Maximum % coverage =  $55 - (.0033 \times \text{site area})$ .
- (3) On a site containing six thousand square feet, or less, the maximum permitted coverage shall be thirty-five percent.

- (4) On a site located within the Special Flood Hazard Area, the lot coverage allowance for a site as described in subsections (1) through (3) above may be exceeded by an additional two percent for construction of uncovered decks that do not exceed the height of the first floor of a house that has been raised above the base flood elevation with approval of Design Review in accordance with Section 18.30.
- (5) "Coverage" shall be measured in accordance with Section 18.24.080.

Proposed – Section 18.08.220

- (e) Coverage.
- (1) Measured in accordance with Section 18.24.080, on lots greater than 4500 square feet, not more than forty percent of the total site area shall be covered by structures.
  - (2) No lot coverage requirement shall apply to lots less than or equal to 4,500 square feet in area.
  - (3) On a site located within the Special Flood Hazard Area, the lot coverage allowance for a site as described in subsections (1) through (3) above may be exceeded by an additional two percent for construction of uncovered decks that do not exceed the height of the first floor of a house that has been raised above the base flood elevation with approval of Design Review in accordance with Section 18.30.

**2. Additional lot coverage allowance of 2% for unenclosed structures.**

The intent of lot coverage is to preserve a portion of open space on a lot by limiting the total footprint of structures. Lot Coverage includes both enclosed and unenclosed structures over 3 feet in height. This includes structures such as arbors, trellises and similar features which can facilitate the enjoyment of outside spaces by serving as attractive landscaping elements, providing shading, protection from harsh weather or a sense of enclosure. In hillside areas, such amenities may allow residents to make use of steep yards which may otherwise be unusable. Given the value of such amenities and the fact that such unenclosed structures often represent only minimal visual bulk, Staff recommends that maximum lot coverage for lots over 4500 square feet be set at 40% with an additional allowance of 2% specifically for unenclosed structures such as arbors, trellises and unenclosed decks under 10 feet in height. The Planning Commission may wish to provide feedback on which features which should be eligible for this 2% allowance.

Proposed

Allow an additional 2% lot coverage for unenclosed structures no greater than 10 feet in height, such as arbors, trellises and raised decks. In tandem with the proposed changes in Proposed Change #1 above, Section 18.08.220(e) could be amended to read:

- (e) Coverage.
- (1) Measured in accordance with Section 18.24.080, on lots greater than 4500 square feet, not more than forty percent of the total site area shall be covered by structures. *Such lots may add an additional 2% for unenclosed structures no greater than 10 feet in height, including but not limited to arbors, trellises and raised decks.*
  - (2) On a site located within the Special Flood Hazard Area, the lot coverage allowance for a site as described in subsections (1) above may be exceeded by an additional two

percent for construction of uncovered decks that do not exceed the height of the first floor of a house that has been raised above the base flood elevation with approval of Design Review in accordance with Section 18.30.

### **3. Update Section 18.24.080 – “Measurement of Coverage,” to improve clarity.**

Changes to Section 18.24.080 below are intended to simplify and clarify the calculation of lot coverage without altering the method. The revised language is based on numerous conversations with applicants who are commonly confused by the existing language.

#### Existing

The percent of the site area covered by structures shall be measured by dividing the total number of square feet of ground area covered by structures, open or enclosed, by the net area of land; provided, that the area of uncovered and unenclosed off-street parking spaces, walks, patios, in-ground swimming pools or pools that do not project more than three feet above the ground, uncovered decks or garage aprons three feet or less above the ground, and eaves projecting three feet or less shall not be counted, and; provided, that only one-half of the area of uncovered and unenclosed decks fifteen or more feet above the ground shall be counted. Additional lot coverage for uncovered decks shall be allowed in accordance with Section 18.08.220(e)(4).

#### Proposed

Lot Coverage shall be measured by dividing the total square feet of ground area covered by all open or enclosed structures greater than 3 feet in height, by the net area of land. Required handrails extending less than 4 feet from the surface of a deck or patio shall not be counted toward the height of an element for purposes of this provision. Eaves projecting three feet or less shall not be counted. Only one-half of the area of uncovered and unenclosed decks fifteen or more feet above the ground shall be counted. Additional lot coverage for uncovered decks shall be allowed in accordance with Section 18.08.220(e)(4).

#### Attachments:

Attachment 1 Planning Commission Staff Report March 28, 2017

Attachment 2 Minutes of Public Hearing March 28, 2017

**ATTACHMENT 1  
PLANNING COMMISSION  
STAFF REPORT MARCH 28, 2017**



# **CORTE MADERA PLANNING COMMISSION STAFF REPORT**

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**REPORT DATE:** MARCH 24, 2017  
**MEETING DATE:** MARCH 28, 2017

**TO:** PLANNING COMMISSION

**FROM:** DOUG BUSH, ASSISTANT PLANNER

**SUBJECT:** STUDY SESSION FOR DISCUSSION OF POTENTIAL MODIFICATIONS TO LOT COVERAGE STANDARDS FOR THE R-1 SINGLE FAMILY RESIDENTIAL ZONE

**APPLICANT:** CORTE MADERA PLANNING DEPARTMENT

## **PURPOSE**

Lot coverage is one of the primary development standards that control the physical form of development in the R-1 medium density residential zone. Along with setbacks, floor area and height limits, lot coverage affects the distribution of bulk on the lot and affects the proportion of open space to built structures on residential parcels. Within the region, lot coverage is a standard that is used in most, but not all jurisdictions. Of those jurisdictions that do utilize lot coverage, Corte Madera's standard of 30-35% is one of the most restrictive. In the last 10 years, the Town has approved at least 14 variances for exceeding allowable lot coverage. While lot coverage variances have historically been based on a number of different factors, small lot size is most common. In light of these recent variances, the Planning Commission has suggested that the Planning Department evaluate current lot coverage standards. Staff is requesting that the Planning Commission provide feedback regarding the information and conclusions drawn in this report and provide guidance and direction regarding potential modification of the existing lot coverage regulations.

## **BACKGROUND**

### **WHAT IS LOT COVERAGE?**

Lot coverage is a development standard that controls the maximum amount of a lot that can be covered by structures, expressed as a percentage of a lot's size. While setbacks create front, side and rear yards, lot coverage creates additional open space within the buildable area of the lot and governs proportion of open space to built structures. Lot coverage speaks to the footprint of structures and does not control height, total square footage, architectural design or building articulation. Lot coverage is one of multiple bulk regulations that together determine the maximum size and placement of a building on a zoning lot. It is important to note that for projects that are subject to Design Review, the maximum lot coverage, like other objective development standards that set maximum standards, may not necessarily be achieved given the requirement that all of the Design Review findings must be adequately satisfied.

## HOW IS LOT COVERAGE CALCULATED?

Lot coverage is calculated by dividing the area of all structures (open or enclosed) over 3 feet from grade, into the total site area. The following are exempted:

- The area of uncovered and unenclosed off-street parking spaces, walks, patios, in-ground swimming pools or pools that do not project more than three feet above the ground
- Uncovered decks or garage aprons three feet or less above the ground
- Eaves projecting three feet or less
- Only one-half of the area of uncovered and unenclosed decks fifteen or more feet above the ground shall be counted.

Note: Additional lot coverage (+2%) for uncovered decks may be permitted for properties within the flood plain. See Section 18.08.220(e)(4)

## EXISTING LOT COVERAGE STANDARD

In the R-1 zoning district, lot coverage maximums range from 30-35% depending upon the size of the lot.

- Lots less than or equal to 6000 s.f. may not exceed 35%
- Lots greater than 6000 s.f. and less than 7500 s.f. utilize the following formula: Maximum Coverage=  $55 - (.0033 \times \text{Site Area})$
- Any lot equal to or greater than 7500 s.f. may not exceed 30% lot coverage.

The following table demonstrates how these current standards apply to common lot sizes.

R-1 MEDIUM RESIDENTIAL LOT COVERAGE REQUIREMENTS		
PARCEL SIZE SQ. FT.	LOT COVERAGE %	SQUARE FOOTAGE
2000	35	700
3000	35	1050
4000	35	1400
5000	35	1750
6000	35	2100
6500	33.55	2181
7000	31.9	2233
7500	30	2250
10,000	30	3000

## WHY CHANGE THE LOT COVERAGE REGULATIONS?

### Variances

The Planning Department has identified 13 approved Variance applications to exceed allowable lot coverage ("lot coverage variances") since 2007.<sup>1</sup> With 14 lot coverage variances issued in the last

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<sup>1</sup> Because there is no master list of such variances, the total number of lot coverage variances is difficult to identify and likely exceeds the examples identified in the table below.

decade, and even more which were issued in the years preceding 2007, the prevalence of lot coverage variances creates multiple issues.

In order to issue a variance, Staff or the Planning Commission must make several required findings, including the finding that the subject property is unique in comparison to other properties in the same zone and vicinity (Attachment 1). Substandard lot size (lots which are under the standard lot size of 7500 square feet in the R-1 Zone) has been commonly used as a justification for lot coverage variances. The problem with considering this factor as “unique,” is two-fold. Firstly, the lot coverage standard is already a sliding scale which takes lot size into account – providing increased lot coverage for substandard lots. Secondly, Staff estimates that there are more properties in the R-1 Zone which are substandard in size – or roughly 1412 lots under 7500 square feet compared to 965 lots which are equal to or greater than 7500 square feet.

When considered in the Town-wide context, substandard lot size may not be an appropriate basis for issuance of a variance. Issuing variances for lots which are not truly unique and which share conditions with many other lots, establishes a precedent that can undermine the legitimacy of the development standard and the ability of the Town to implement such a standard. Changing lot coverage would interrupt the precedent tied to existing lot coverage standard and provide a more reliable application of the standard moving forward.

<b>Lot Coverage Variances Issued Since 2007</b>	
121 Birch Avenue	2015
172 Birch Avenue	2017
3 Council Crest Drive	2016
122 Grove Avenue	2017
317 Oakdale	2016
295 Golden Hind Passage	2010
307 Golden Hind Passage	2010
42 Madera Blvd	2008
14 Prospect Ln	2009
290 Corte Madera Ave	2011
149 Birch Ave	2012
40 Mohawk Ave	2008
16 Echo	2007

At the same time, the fact that so many variances to exceed allowable lot coverage have been approved points to de facto acceptance of: 1) the challenge of redeveloping or creating an addition to a house without exceeding the current thresholds, and 2) the appropriateness of an alternative lot coverage standard.

Neighborhood Impacts

The neighborhood impacts of residential remodels may be influenced by any number of factors such as lot topography, relationship and distance of neighboring properties and structures, and the height of developments. The Zoning Ordinance and General Plan acknowledges impacts related to height through design guidelines and policies including Residential Guidelines #1 which states that,

“in all residential districts, single-story design is encouraged.” General Plan Policy CD2.4 says to “allow second story construction... where site and view conditions warrant.”

Lot coverage is one of the planning tools that can be utilized to try and encourage desired residential construction, such as single story design. Currently, compliance with the Town’s lot coverage regulations tends to force homeowners wishing to construct significant additional allowable floor area onto a second story. This can have potentially negative impacts on neighborhood character, privacy, and views. A change to the lot coverage regulations that relaxes the current standard may help avoid or lessen the frequency of conflicts between an owner’s expectation of allowable floor area and neighborhood concerns of scale and privacy.

Comparison with Other Jurisdictions

Corte Madera’s Lot Coverage standard of 30-35% is more restrictive than a majority of other local towns. Tiburon limits lot coverage to 30% and Sausalito limits lot coverage to 30% for lots over 8000 square feet however a majority of local municipalities allow a maximum lot coverage of 35 or 40% for all lots, irrespective of size. Some jurisdictions such as Marin County or the City of Petaluma do not utilize lot coverage at all.

Jurisdiction	Maximum Lot Coverage %	Minimum Lot Size S.F.	Notes
County of Marin	No lot coverage	NA	
Fairfax	35	7500	
Larkspur	40	7500	
Mill Valley	40	6000	
Novato	40	6000	
San Anselmo	35	7500	
San Rafael	40	5000	"Maximum upper story floor size" Lots less than 5000 sf - 50% of max lot coverage, lots greater than 5000 sf, 75% of max lot coverage
Sausalito	35, 30	6000, 8000	Uses coverage and impervious surface as separate standards (65-67.5%)
Tiburon	30	10000	

**INTENDED OUTCOMES**

Given the aforementioned issues related to lot coverage, Staff believes a revision of the lot coverage standards could achieve the following positive outcomes:

- Facilitate single story design
- Reduce conflicts and neighborhood impacts associated with remodels and second story additions
- Provide property owners with more flexibility in considering home additions and redevelopment. Reduce frequency of variance applications

## POTENTIAL CHANGES

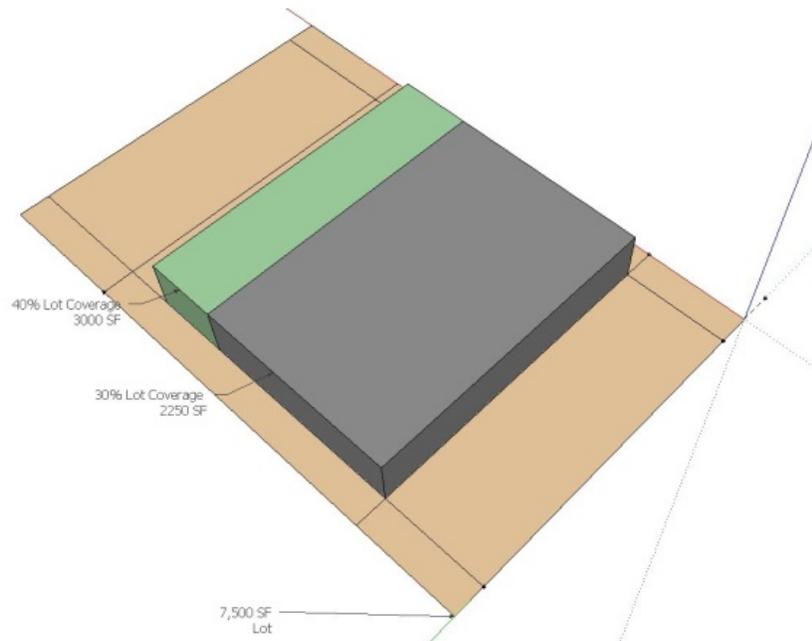
There are a variety of way to modify or change the existing lot coverage regulations in the R-1 zoning district to accomplish the above goals. Below are two different approaches that Staff is currently exploring.

Increase lot coverage to 40% for all R-1 properties.

R-1 LOT COVERAGE					
LOT SIZE	EXISTING LOT COVERAGE %	MAX BUILDING FOOTPRINT (EXISTING)	PROPOSED LOT COVERAGE %	MAX BUILDING FOOTPRINT (PROPOSED)	MAX FLOOR AREA S.F.
2000	35	700	40	800	1200
5000	35	1750	40	2000	2800
6000	35	2100	40	2400	2900
6500	33.55	2181	40	2600	2950
7000	31.9	2233	40	2800	3000
7500	30	2250	40	3000	3050

### SCENARIO 1

Applicant has a 7500 square foot lot and desires to expand the size of their existing, single story, 1500 square foot home. The maximum lot coverage for the lot is 30% and the maximum floor area for the lot is 3,050 square feet. The neighboring residences are also single story and the applicant would like to avoid privacy concerns of the neighbor, avoid a costly second story addition and match the pattern of single story development in the neighborhood.



Under the existing 30% lot coverage, the applicant could build up to a 2,250 square foot single level home. This is 800 square feet less than the maximum floor area allowed on the lot. If the applicant desired to maximize the square footage of their home, this would necessitate adding a second floor. In this scenario the applicant desires to maintain a single level design, the neighbors are encouraging a

single story design, and the zoning ordinance clearly states, “in all residential districts, single-story design is encouraged.” (Section 18.30.030(1))

Increasing the lot coverage to 40% would allow the applicant up to 3000 square feet of floor area on the lower floor which is 50 square feet less than the maximum floor area allowed on the site. This would allow the applicant to achieve the goal of expanding their residence to the maximum allowed by development standards, while maintaining a single story design that is encouraged by both the neighbors and the zoning ordinance.

### Eliminate Lot Coverage

Lot coverage was put into place to regulate the proportion of open space and structures on a lot. Setbacks also create this affect. For example, on a 5000 square foot lot that is 50 feet wide, by 100 feet deep, setbacks protect 52% of the lot from development. On a 7500 square foot lot that is 75 feet wide by 100 feet deep, setbacks prohibit development on 54% of the lot. As a lot gets wider and less deep, this number is exaggerated even further. Setbacks are an existing regulation that already set aside a significant portion of the lot from development. Lot coverage takes this even further, eliminating an additional 10-20% from the developable area of the lot. Because setbacks and floor area limit the overall bulk and distribution of building footprint on the lot, eliminating lot coverage completely would still result in a significant amount of open space on residential lots. Lastly, elimination of lot coverage would not necessarily allow applicants to maximize lot coverage because Design Review applications must still meet all Design Review Findings including but not limited to, aesthetics, neighborhood impacts, and neighborhood compatibility.

Attachments:

Attachment 1 Required Variance Findings

**ATTACHMENT 2  
PLANNING COMMISSION MINUTES  
MARCH 28, 2017**

**DRAFT MINUTES  
REGULAR PLANNING COMMISSION MEETING  
MARCH 28, 2017  
CORTE MADERA TOWN HALL  
CORTE MADERA**

**COMMISSIONERS PRESENT:** Chair Peter Chase  
Vice-Chair Phyllis Metcalfe  
Commissioner Bob Bundy  
Commissioner Nicolo Caldera  
Commissioner Jennifer Freedman

**STAFF PRESENT:** Adam Wolff, Planning Director  
Douglas Bush, Assistant Planner  
Phil Boyle, Senior Planner  
Joanne O'Hehir, Minutes Recorder

**1. OPENING:**

- A. Call to Order** – The meeting was called to order at 7:37 p.m.
- B. Pledge of Allegiance** – Chair Chase led in the Pledge of Allegiance.

**2. PUBLIC COMMENT** – None

**3. CONSENT CALENDAR**

**159 PRINCE ROYAL DRIVE** – REVIEW AND RATIFICATION OF A RESOLUTION FOR APPROVAL OF DESIGN REVIEW APPLICATION PL-2016-0007 – FOR A MAJOR REMODEL AND ADDITION OF A NEW THIRD FLOOR WITH ADDITIONS TOTALING 1,516 SQUARE FEET AT 159 PRINCE ROYAL DRIVE, REFLECTING THE PLANNING COMMISSION MOTIONS OF APPROVAL AT THE MARCH 14, 2017 PUBLIC HEARING (Assistant Planner Doug Bush)

**MOTION:** Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bundy, to Move 159 Prince Royal Drive to the Continued Hearings calendar:

**AYES:** Metcalfe, Bundy, Chase, Freedman, Caldera

**4. CONTINUED HEARINGS**

**159 PRINCE ROYAL DRIVE** – REVIEW AND RATIFICATION OF A RESOLUTION FOR APPROVAL OF DESIGN REVIEW APPLICATION PL-2016-

0007 – FOR A MAJOR REMODEL AND ADDITION OF A NEW THIRD FLOOR WITH ADDITIONS TOTALING 1,516 SQUARE FEET AT 159 PRINCE ROYAL DRIVE, REFLECTING THE PLANNING COMMISSION MOTIONS OF APPROVAL AT THE MARCH 14, 2017 PUBLIC HEARING (Assistant Planner Doug Bush)

Chair Chase explained that the purpose of tonight's discussions is to determine if the amended resolution reflects the commissioner's actions at the March 14<sup>th</sup> meeting, including the conditions of approval.

Planning Director Wolff commented on the staff report and the commissioners' vote taken at the last hearing, confirming that the item had been approved by 4 votes to 1. Vice-Chair Metcalfe discussed her concern that the conditions regarding tree trimming do not address long-term view mitigations for the neighbor at 180 Prince Royal Drive.

Commissioner Bundy and Assistant Planner Bush discussed the ratio of tree replacement that is called for in the conditions.

In response to Commissioner Freedman, Chair Chase noted that any changes to the approved plans would need to be resubmitted for review.

Commissioner Caldera and staff discussed maintenance of tree trimming over the long term, and Mr. Wolff noted that the conditions address a vegetation-monitoring program by the Town-procured arborist. In response to Vice-Chair Metcalfe, Mr. Wolff suggested adding language to the conditions stipulating a Town-appointed arborist would determine ongoing monitoring.

Chair Chase opened the public comment period.

Riley Hurd, representing Margaret Bandel of 180 Prince Royal Drive, discussed the reasons he believes the resolution does not reflect the views of the commissioners. Mr. Hurd said the applicant has been non-responsive to the requests of the Commission and that, while his client has the right to appeal the decision to the Town Council, they ask the commissioners to reconsider their decision. Mr. Hurd said the hill views of his client should be maintained, which he discussed in relation to the code, and that they believe tree-trimming to be a temporary fix when the height of the proposed dwelling could be lowered.

Chair Chase and Ms. Bandel discussed tree growth over time.

Jan Keizer, 172 Prince Royal Drive, provided background information on the height and state of the trees on the property in the past. Mr. Keizer asked the commissioners to postpone voting on the resolution for reasons discussed by Mr. Hurd and he referred to comments made by the commissioners at the first hearing.

Margaret Bandel, 180 Prince Royal Drive, said she had a reasonable expectation that the Code and majority view of the commissioners at the meeting on February 14<sup>th</sup> would prevail and her views would be protected. Ms. Bandel said she expected the height of the proposed dwelling to be lowered.

Joel Hernandez, Applicant, said they have reduced the height of their original proposal from 30 feet to 28 feet and also the bulk. Mr. Hernandez explained that the tree-trimming proposal replaces the loss of long-range views caused by the additional height of their dwelling with other long-range views.

Mr. Wolff discussed the two letters of request from Mr. Hurd and Mr. Keizer to postpone a decision to approve the resolution. He confirmed there are no provisions in the Planning Commissions Rules and Procedures to reconsider a matter that has already been approved and, furthermore, Robert's Rules dictate that reconsideration can only occur at the same hearing where a matter is decided. Mr. Wolff said that, on approval of the resolution, the appeal rights would be read and an appeal could be made to the Town Council.

**MOTION:** Motioned by Vice-Chair Metcalfe to continue Design Review Permit PL-2016-0007 for a major remodel and addition of a new third floor with additions totaling 1,516 square feet at 159 Prince Royal Drive to the meeting of April 11, 2017, on the condition the process of obtaining an arborist report is started and the following amendments are made to the conditions of approval, and an additional condition:

4d: "Any tree proposed for removal or requiring removal during construction, .....must be replaced in-kind with a minimum 24" box size....", amended to read:

4d: "Any tree proposed for removal or requiring removal during construction, .....must be replaced with a species of similar height at maturity with a minimum 24" box size....";

5i: "feasibility of trimming and continued management of existing and proposed vegetation to comply with condition of approval #3 listed above", amended to read:

5i: "feasibility of trimming and continued management of existing and proposed vegetation to comply with condition of approval #3 listed above. Such management plan, and the implementation of such management plan, shall be paid for by the property owner";

"Consideration of foundation and structural plans as they relate to effects on trees within close proximity of the construction area" shall be numbered 5ii;

The following additional condition shall be added:

“A final landscape plan approved by the arborist chosen by the Town shall be submitted to the Planning Commission for review to confirm the findings can still be met”:

The motion died through lack of a second.

**MOTION:** Motioned by Commissioner Caldera, seconded by Commissioner Freedman, to approve Resolution No. 17-003, Design Review Permit PL-2016-0007 for major remodel and addition of a new third floor with additions totaling 1,516 square feet at 159 Prince Royal Drive, with the following amendments to the conditions of approval, and an additional condition, and confirming the actions taken by the commissioners reflect the commissioners’ intent on approving the project at the hearing on February 28, 2017:

4d: Where the condition mentions “in kind” replacements, “in kind” shall be struck and replaced with “with a species of similar height at maturity...”

5i: “feasibility of trimming and continued management of existing and proposed vegetation to comply with condition of approval #3 listed above”, amended to read:

5i: “feasibility of trimming and continued management of existing and proposed vegetation, with frequency of monitoring to be determined by the arborist, to comply with condition of approval #3 listed above. Such management plan and the implementation of such management plan shall be paid for by the property owner”;

“Consideration of foundation and structural plans as they relate to effects on trees within close proximity of the construction area” shall be numbered 5ii.

The following additional condition shall be added:

“A final landscape plan approved by the arborist chosen by the Town shall be submitted to the Planning Commission for review to confirm the findings can still be met”:

**AYES:** Bundy, Freedman, Caldera, Chase

**NO:** Metcalfe

Chair Chase announced a 10-minute break at 8:45 pm.

**5. NEW HEARINGS – None**

**6. BUSINESS ITEMS**

**A. LOT COVERAGE STUDY SESSION – STUDY SESSION FOR DISCUSSION OF POTENTIAL MODIFICATIONS TO LOT COVERAGE STANDARDS FOR THE R-1 SINGLE FAMILY RESIDENTIAL ZONE**

Assistant Planner Bush presented the staff report. He explained that staff is seeking direction from the commissioners about modifications to the lot coverage rules and that a decision would not be made at the end of the discussions.

Mr. Bush provided an overview of lot coverage and how it is calculated, noting that an additional 2% increase is allowed for raising a property out of a floodplain. Mr. Bush said that lot coverage is based on the size of the lot and that the lot coverage allowance is flexible, which he discussed, in addition to other development standards such as height limits and design review findings. Mr. Bush explained that the reasons for the discussions are to determine if the maximum lot coverage is appropriate, given that many of the Town's lots are small and variance requests are common, and also to facilitate single-story designs, reduce conflicts and neighborhood impacts. Mr. Bush said that staff believes lot coverage should be less restrictive in order to reduce variance requests and potential height conflicts.

Planning Director Wolff said that one alternative that staff is exploring is a lot coverage increase to 40% (the maximum lot coverage allowed in the Cities of Larkspur and San Rafael), which would allow homeowners to more easily expand into the backyard, rather than add vertical height.

Commissioner Freedman and Mr. Wolff discussed covered decks in relation to lot coverage. Mr. Wolff confirmed that staff is not proposing changes to the floor area ratio (FAR) for reasons he discussed.

Commissioner Bundy said he would support the expansion of lot coverage to encourage first floor additions, which he noted are age-friendly. Mr. Bush confirmed that other design review requirements would still remain, such as required setbacks and design review findings.

Vice-Chair Metcalfe noted that the unincorporated area of Marin County and the City of Petaluma do not use lot coverage, and that she believes lot coverage serves no purpose as long as setbacks and FAR exist, given that very few of the Town's lots are neat, square shapes. In response, Mr. Wolff said that the square footage allowance would be higher if lot coverage was removed entirely.

Chair Chase opened the public comment period.

Rich Perlstein, Marin Estates resident and architect, said that he supports higher lot coverage to encourage lateral additions, which at .4 should not impact neighbors.

Michael Harlock, architect and resident at 533 Redwood Avenue, also expressed his support for higher lot coverage to incentivize single-story additions, but at the same time

should not discourage two story designs. Mr. Harlock said the Town should review its lot coverage rules that relate to decks, and that a sliding scale relating to the size of lots should continue to be used.

Commissioner Caldera said that he preferred the flexibility offered by FAR to lot coverage and suggested that larger lots (as opposed to small lots), should be subject to both lot coverage and FAR for reasons he discussed. He expressed a hope of developing lot coverage rules that do not negatively impact neighbors.

Commissioner Freedman said she supports a change to lot coverage and suggested a higher maximum of 40% for small lots might be appropriate. She said the changes would provide more expansion options.

Vice-Chair Metcalfe and staff discussed development standards and the reasons why staff is suggesting allowing greater lot coverage. Mr. Wolff said that small “bump outs” can result in lot coverage variances that could be avoided, and Vice-Chair Metcalfe suggested eliminating lot coverage for small lots.

There was general consensus among the commissioners that staff would return with a more refined proposal for lot coverage changes. Chair Chase confirmed his support of a larger lot coverage allowance to reduce the number of variances and that he would favor higher lot coverage for smaller lots. He asked staff to present lot coverage proposals at .4 and .45.

Discussion took place relating to the inclusion of hardscape in lot coverage, which staff noted is not currently addressed by the code. Mr. Bush said storm water improvements are usually required for large projects by the Public Works Department and outside agencies.

Mr. Wolff concluded the discussions with a general outline of what staff would include in a follow-up staff report on lot coverage.

## **7. ROUTINE AND OTHER MATTERS**

### **A. REPORTS, ANNOUNCEMENTS AND REQUESTS**

#### **i. Commissioners**

Chair Chase reported on his attendance of the March 21<sup>st</sup> Town Council Meeting, during which the following items were discussed: Two options for the Corte Madera Marsh restoration project by the Golden Gate Bridge District, progress at the Tam Ridge apartments, and a Development Agreement between the Town and Restoration Hardware should Restoration Hardware’s proposed plans for a new development be approved. Chair Chase also reported on his attendance of the March 23<sup>rd</sup> Transportation Authority of Marin’s Board Meeting, which included discussions on a traffic study from data collected from cell phones.

Commissioner Bundy reported on the State of the Town meeting.

**ii. Planning Director**

Planning Director Wolff noted that the next Planning Commission meeting should include consultants' presentations.

**iii. Tentative Agenda Items for April 11, 2017 Planning Commission Meeting  
*PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE***

**A. CORTE MADERA INN REBUILD** – PUBLIC HEARING FOR CONSIDERATION AND POSSIBLE RECOMMENDATION OF CERTIFICATION OF A REVISED FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND APPROVAL OF APPLICATIONS BY RENESON HOTELS, INC., FOR A NEW 174-ROOM DUAL-BRANDED MARRIO TT HOTEL, INCLUDING A 71-ROOM SPRINGHILL SUITES AND A 103-ROOM EXTENDED STAY RESIDENCE INN. APPLICATIONS INCLUDE A PROPOSED GENERAL PLAN AMENDMENT, ZONING AMENDMENT, PRELIMINARY PLAN, PRECISE PLAN, AND CONDITIONAL USE PERMIT.

**B. MINUTES**

**i. Planning Commission Meeting Minutes of March 14, 2017**

**MOTION:** Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bundy, to approve the Planning Commission Meeting minutes of March 14, 2017, with the following amendment:

Page 2: "...Commissioner Bundy expressed concern that construction might negatively affect the trees on the east side of the property", amended to read "...Commissioner Bundy stated that the existing trees on the east side of the property potentially have large root bulges that are damaging the retaining wall and might need replacing."

**AYES:** Metcalfe, Bundy, Chase, Caldera  
**ABSTAIN:** Freedman

**8. ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:30 p.m.