

MINUTES OF THE JANUARY 5, 1988 MEETING OF THE SAN ANSELMO TOWN COUNCIL

The meeting could not be called to order at 7:00 as scheduled as there was not a quorum. Therefore, Planning Consultant Roberto gave an explanation of the General Plan review process prior to the onset of the meeting.

Roberto reported that San Anselmo is 80% built out. Some of the land use changes taking place include an increasing amount of development occurring in hillside areas and new market pressures to change the uses on so-called "economically marginal lands". Much of the vacant land is infill lots; some of these lots are steep and some are large properties neighboring other jurisdictions.

The Association of Bay Area Governments projections show a constant population size but an increase in the number of homes due to the decline in the household size, and that the primary commercial activity will be personal support services. The kinds of jobs being created in the County are not high income, and therefore people will be seeking housing in an affordable price range. Due to the proximity of San Anselmo to San Rafael, it is expected there will be pressures for housing in San Anselmo that may generate proposals for housing types that meet the market demand for smaller, affordable units. The hill areas fall short of meeting the projected housing need due to the high cost of their development.

Roberto noted that there was a strong desire in the community to reduce density in order to preserve the quality of life and there were also demands for open space. Annexation is also a land use issue, he said, noting that the Town's sphere of influence goes beyond its borders.

Mayor Cordingley convened the special workshop session at 7:35 p.m. in the Council Chamber, with Councilmembers Chignell and Walsh present.

2. REPORT DESCRIBING MEASURES TAKEN TO ALLEVIATE THE CONDITION THAT LED TO THE ADOPTION OF ORDINANCE NO. 893, AN INTERIM ORDINANCE, AS AN URGENCY MEASURE, PROHIBITING APPLICATIONS FOR GENERAL PLAN AMENDMENT, ZONE CHANGE, ZONING ORDINANCE AMENDMENT, ANNEXATION, PREZONING, SUBDIVISION OF LANDS IN THE R1-H ZONING DISTRICT, AND SUBDIVISIONS, DEVELOPMENT AND LAND USE APPLICATIONS ON PROPERTIES WHERE THE CURRENT ZONING IS INCONSISTENT WITH THE CURRENT GENERAL PLAN.

The Town Council is required to issue a written report on the measures which have been taken to alleviate the conditions that led to the adoption of the interim ordinance ten days prior to the expiration or extension of the ordinance. The draft report prepared by staff states that these measures include the adoption of a work program and contract with a planning consultant to facilitate the Town's review of its General Plan, adoption of a work schedule that sets target dates for alleviating the conditions that led to the adoption of Ordinance No. 893, preparation of four working papers as called for in the work program, and two public workshops to discuss general plan issues.

Peter Fraser, owner on property on Redwood Road, questioned the need for the ordinance. He said that when the issue was raised last March, it dealt with properties inconsistent with the General Plan. He said he had originally asked that these properties not be included in the interim ordinance. He has filed the only application for an exemption, which was denied. He said there are 14 properties that could possibly come in for an application in the R1-H district.

Fraser said he was part of a zoning committee in 1979-81 and came up with the figure that the Town was 94% to 96% built out based on a parcel by parcel survey. He questioned the validity of this ordinance, the former moratorium ordinance and the third ordinance under consideration by the Planning Commission on legal grounds and on the practical grounds that it is not necessary. He said that in light of the Town's non-growth mode and dwindling commercial activity, there are better subjects on which to focus the Town's resources. He said that out of 25 acres on his property, about 16 will be open space. He said

the Town's non-growth mode and dwindling commercial activity, there are better subjects on which to focus the Town's resources. He said that out of 25 acres on his property, about 16 will be open space. He said he would like to be accommodated and would like to be able to do something that will benefit the Town.

Rich Shortall, owner of about 16 acres on the hillside, said his father served on a committee reviewing the zoning ordinance and that he also had been involved in the hearings setting the densities on properties in the R1-H zone. He was not happy with the densities established, and said that his property had the lowest density. He said he never had a response to his concerns about the density. He asked if the densities were going to be reviewed all over again, and expressed distress about the attitude he perceived on the part of the Town against his property and his family. He said he was hoping for a better response from the Town.

Cordingley noted that there were two issues on the agenda: a report regarding the interim ordinance and review of the General Plan. He said that it was his feeling that the General Plan discussions will deal more with policies and goals rather than specific densities.

John Colteaux, 55 Kensington, said he did not think it was accurate that densities will not be reviewed when the reason the General Plan is being reviewed is the inconsistencies between densities in the General Plan and Zoning Ordinance. He said he also had concerns because he thought the General Plan was settled and that the Town should get into the work of revising the Zoning Ordinance.

Colteaux expressed concern about the instability of the moratorium, changing the use categories of existing lands because of economics and that density in town will be increased by these types of proposals.

Cordingley said it is possible that in terms of individual pieces of property, changes in the General Plan and Zoning Ordinance may result in some rezonings. He noted that the General Plan is 10 years old and the Town is required by state law to keep it current, and it is time for the Town to review it.

Ken Anderson, 468 Laurel Avenue, said he agreed with much of what Colteaux said. He questioned why the Town had to open up the whole can of worms, how one can talk about the General Plan without talking about density, and how the increase in density at Ross Court on Ross Avenue improves the community. He said that everytime you grant a variance, there is a decrease in the quality of life and what is needed is enforcement of existing laws.

Hugh Cadden, owner of property affected by the ordinance, asked the difference between this ordinance and the ordinance reviewed by the Commission the previous night. Planning Consultant Roberto explained that they were the same, but both were different from the first moratorium ordinance which allowed applications for subdivisions of four or fewer lots in the R1-H zone.

Hugh Cadden, 100 Shady Lane, Ross, said that when the R1-H ordinance was passed, he thought it was all settled. He was opposed to the adoption of an interim ordinance and felt that the constant proposals for changes borders on being disingenuous.

Roberto read the findings stated in the interim ordinance. He noted that the Town is still reviewing development proposals, but not those that involve policy. Fraser had applied for an exemption but it was found that there were policy issues at stake.

Cadden asked if whether all properties in the R1-H zone involve policy. Roberto responded that only those applications listed in the interim ordinance involve policy and that other types of development are allowed to occur.

Andrew Botich, 327 Irwin, San Rafael, owner of property on Oak Avenue, said he and his associate put everything they had into developing property they had purchased, and now that they want to build

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on it, they are not able to do so because of the interim ordinance. He objected that property owners were not notified about the ordinance.

Paul Nave, 1679 Grand Avenue, Novato, an associate of Botich, explained that their property is zoned for two units in the R1-H zone, and said they were now being told they can only apply for one unit because of the ordinance.

Cadden said that based on Roberto's earlier comments, if a development involves policy issues, approvals will not be granted; however, everything in the R1-H zone involves policy.

Roberto said there may be property in the R1-H zone where policy issues are not at stake.

Jonathan Braun, Scenic Avenue, said that what is being ignored are the major recommendations of the Land Use element of the General Plan, which he then read aloud. He said already there are densities in the R1-H zone which exceed the designation in the General Plan, and that already there is an inconsistency.

Fraser said the density designation in the General Plan included the Sleepy Hollow area. He said that his property was the single-most studied property in the Town that has not had any approvals. He said that neighbors concerns and policy issues were brought out during the review of his property, and argued that there are no policy issues concerning his property that need to be reviewed. He had been told by staff that they were unaware of any policy issues applicable to his property and had been asked to wait for revisions to the R1-H ordinance; but the same night the R1-H ordinance revisions were passed, his exemption request was denied.

Chignell stated that all that was before the Council was a vote on issuance of the report.

M/S, Chignell/Cordingley, to accept the Planning Consultant's report regarding Ordinance No. 893, as specified in the staff report dated December 30, 1987. Motion passed by the following vote:

AYES: Chignell, Cordingley

NOES: Walsh

Walsh stated that she was opposed to the interim ordinance. One year ago the Planning Commission and Council met regarding the inconsistency between the General Plan and Zoning Ordinance. It was suggested at that time that the Council pass an interim ordinance. She said that at that time she did not think it was necessary and she still did not think it was necessary. She expressed concern about the depth of the ordinance. She said that in review of Fraser's request for an exemption, it was mentioned there may be open space acquisitions and density changes as a result of the General Plan review. She said she did not feel that a subdivision of two or more units was a major subdivision.

3. DISCUSSION OF LAND USE AND TRAFFIC ISSUES

With respect to the "marginal land areas," Chignell said he wanted a policy developed on this issue that responds to the evolutionary change taking place rather than telling people what to do, specifically as it relates to housing goals such as infill housing in the downtown areas.

Roberto commented that there is alot of perception about what the plan says and recommended the public become familiar with it. He noted that an example of the inconsistency between the General Plan and the Zoning Ordinance was that the Zoning Ordinance allows a density higher than the maximum density in the General Plan.

Colteaux commented that such a policy would require identifying specific parcels that are considered "marginal land areas," and that he did not think the intent of the General Plan is to control the free market, but rather to place controls on what would happen. By

designating marginal lands, new marginal lands may be created around the old marginal lands.

Chignell noted that the Sohner Court project was an example of an infill housing project that was embraced across the board.

Cordingley said he felt the General Plan was good and that what the Council was trying to do is set up a General Plan that is clear enough to set up zoning and policies for the future. For example, the plan could make it clear what findings would have to be made to allow changes in zoning for marginal lands.

Colteaux said that the densities approved for Sohner and Ross Courts exceeded the zoning ordinance and that the Council was giving into developers.

Gay Kagy objected to not being given time to give comments. Regarding the market pressures on property, she noted that everyone faces pressures in their own lives, such as to build houses and buy things, but that we try to balance our lives to put those things into perspective. She suggested the Town look at this issue on a more personal level and put what it wants to do into perspective. She noted there was a correlation between the land use, traffic and circulation elements and suggested the Town think in terms of the land use element first and make the other elements conform to it. She said there were aspects of the housing element she disagreed with and suggested that changes to this element be allowed if warranted by changes in the land use element. Kagy suggested not spending too much time on Sleepy Hollow because it is unlikely it will be annexed.

Fraser asked why inconsistencies between the General Plan and zoning ordinance could not be handled on a case by case basis.

Jonathan Braun, Scenic Avenue, expressed frustration with the review process and suggested starting with the larger issues and working down to smaller issues. He recommended reading the goals of each of the elements being reviewed and determine whether they need to be changed.

Roberto said they could start by taking the existing General Plan and discussing what they like and dislike about it and focus on the areas of concern where issues are at stake. He agreed to prepare a policy paper for the next meeting.

The Council set the date of the next General Plan workshop as February 2, 1988, 7:30 to 9:30 p.m.

ADJOURNMENT

The meeting was adjourned at 9:08 p.m.

Beth Calamar