

The joint meeting of the San Anselmo Town Council and Planning Commission was called to order by Mayor Convis on November 16, 1981, at 8:00 p.m. in the Town Hall Council Chamber. Alan Bruce, Hadden Roth, George Davison and T. J. Robbins present.

1. ROLL CALL

Councilpersons Present: Buckle, Capurro, Convis, Toal, Wooliever
Councilpersons Absent: None

Commissioners Present: Harle, Hayes, McPeak, Ollinger, Peterson,
Ragan, Signorelli

Commissioners Absent: None

2. Review of Environmental Negative Declaration and the first draft of the Housing Element of the General Plan.

Katie Crecelius and Lynn Sedway, of Lynn Sedway & Associates, present. Olena Berg and Steve Peterson, of the Department of Housing and Community Development, present.

Alan Bruce summarized the actions associated with the Housing Element rewrite. He said the "Toal Draft", submitted to the Department of Housing and Community Development (HCD) in May, 1981, under the 1980 Standards (AB 2853), was not reviewed by the Council or Commission, nor did Council or Commission have opportunity to consider the implications of submitting under the 1980 Standards. HCD took not 90 days, but 116 days, to review the draft, which was too late for revisions to be made by the October 1st deadline. In September, Mr. Peterson informed Lynn Sedway of the 90 day extension period for those jurisdictions, including San Anselmo, which submitted Housing Elements to HCD in timely fashion, but on which HCD review was delayed. This extension for San Anselmo was later confirmed in writing on October 1st by the Director of HCD, I. Donald Turner. A written contract had been made on September 30th between the Town and Lynn Sedway & Associates to prepare the Housing Element on the basis of Mr. Peterson's advice, that is, per the 1977 Guidelines.

Mr. Bruce said that on November 5th he wrote Mr. Turner asking questions raised by Councilman Buckle; Councilman Buckle then wrote Mr. Peterson on November 8th asking for his verification that San Anselmo was proceeding on the right course. On November 13th Mr. Peterson and his superior, David Williamson, spoke to Mr. Bruce by telephone and informed him that the 90 day extension granted to the Town was an error on the part of HCD. That extension was only for those jurisdictions who had submitted drafts under the 1977 Guidelines and San Anselmo had submitted under AB 2853. Talking to Olena Berg, Deputy Director of HCD, today, Mr. Bruce asked that if San Anselmo stays on course and adopts the Housing Element under the 1977 Guidelines and if then challenged in court, will HCD state in writing whether it would have been approved if reviewed under the 1977 Guidelines. Her answer was that HCD would respond to that request.

Mr. Bruce offered two courses of action: 1. Proceed with the hearings on the Element as prepared under the 1977 Guidelines. He feels the Town will be in a defensible position as the Housing Element will have been adopted in good faith and more than conforms to the 1977 Guidelines, and may be construed as adopted constructively by October 1, 1981; or 2. Cancel the hearings and direct Lynn Sedway & Associates to prepare an Element per the AB 2853 Standards. This will involve added costs, an inventory of all vacant land suitable for residential development and consideration of housing for all income levels, including zoning, development standards, and use or challenge of ABAG figures. Mr. Bruce recommended the first course of action.

Ms. Berg and Mr. Peterson apologized to the Town for the confusion; however, pointed out that HCD has to review the Element under AB 2853 Standards since it was not originally submitted under the 1977 Guidelines. Ms. Berg confirmed the Department's willingness to make hypothetical findings in writing under the 1977 Guidelines if requested by the Town in event of court challenge.

Commissioners Ragan and Hayes agreed with Mr. Bruce to proceed with the Element under the 1977 Guidelines. Commissioner Hayes stated that the October 1st letter granting the 90 day extension was not clear that the extension only applied to jurisdictions submitting under the 1977 Guidelines.

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Commissioner Peterson, to the contrary, stated that he, as well as Councilman Buckle, were immediately concerned as to the applicability of the October 1st letter to San Anselmo. He suggested the Town adopt a Housing Element satisfactory to the people, adding that the proposed Element is not as comprehensive as the Element adopted in 1975. Commissioner Peterson feels the Housing Element should comply with the AB 2853 Standards; to which Commissioner McPeak and Councilman Buckle agreed. Commissioner Peterson also said if the Density Ordinance is dead, we should get together, make compromises and decide something.

Councilman Capurro said the most important consideration is meeting the desires of the San Anselmo citizens; to which Councilman Toal and Mayor Convis agreed.

Hadden Roth stated that legally, going to the 1980 Standards would be the most prudent, but that the other course would be defensible.

Audience members in favor of proceeding with the adoption of the Housing Element under the 1977 Guidelines were Maria Zaharoff, 1 Traxler Road, Bob Neaylon, 18 Beverly Way, Dr. Sergid Singh, of the Ross Valley Ecumenical Housing Association, Carolyn Turner, 152 Los Angeles Boulevard, Howard Blair, 53 Summit Road, Bill Cordingley, 10 Elkhorn Way, Paul Brand, 130 Allyn Avenue, Randy Heubach, 61 Lincoln Avenue, and Ken Meyer, 20 Elkhorn Way. Some of these audience members pointed out that meeting the housing needs under the 1977 Guidelines will be more practical and reasonable than the requirements of AB 2853.

Peter Fraser, 100 Oak Knoll Drive, stated that whether the Element was written under the 1977 Guidelines or AB 2853, it does not comply as there has not been adequate public participation.

Carl Baumsteiger, 1 Monterey Terrace, read a letter submitted to the file which states the proposed draft does not comply with Section 65302(c) of the Government Code or the 1977 Guidelines in numerous respects.

Jerry Mayer, Oak Springs Drive, suggested there be a discussion of the traffic situation on Sir Francis Drake Boulevard, which is at a saturation point, as pointed out in the Willow Glen EIR, affecting the Town's ability to provide more housing; to which John Holm, Idlewood Drive, and Ken Meyer, 20 Elkhorn Way, agreed. Mr. Mayer objects to the mention of a housing "problem" as he feels there is no "problem"; Page 42, first paragraph, second and third sentences, should be deleted; and Page 43, second and third paragraphs should be deleted.

Commissioner Signorelli said he is concerned about the identification of every piece of land as done by the Citizens' Committee and this could be plugged into a Report. Also, Page 51 suggests a possible 20 to 50 homes in the Sorich Park area which is not feasible and does not comply with a good faith intent to furnish a viable document. On Page 48 he pointed out the term, "profit" should be changed to "overhead and profit".

Commissioner Ollinger suggested on Page 42, fourth line, "low" be changed to "high". He said San Anselmo has come through in a good faith effort and should proceed along with the 1977 Guidelines. He added that after adoption, the Town should continue to bring the Element into conformance with the requirements before the 1984 deadline; to which Commissioner Hayes agreed.

M/S Toal, Wooliever, to continue discussions of the draft Housing Element as prepared by Lynn Sedway & Associates under the 1977 Guidelines, on November 6, 1981.

Motion failed: AYES: Toal, Wooliever
NOES: Buckle, Convis
ABSTAIN: Capurro

Mayor Convis decided to change his vote so that discussions could continue, although he had reservations.

M/S Wooliever, Toal, to continue the discussions of the draft Housing Element as prepared by Lynn Sedway & Associates under the 1977 Guidelines as submitted November 6, 1981, to the next Planning Commission and Town Council meetings.

Motion carried: AYES: Convis, Toal, Wooliever
NOES: Buckle
ABSTAIN: Capurro

3. ADJOURNMENT

The joint meeting was adjourned at 11:24 p.m. to the Planning Commission meeting on November 30, 1981, and the Town Council meeting on December 1, 1981 (subsequently sessions added on November 23, 1981, and November 24, 1981, respectively).

Lisa Burglin

LISA BURGLIN
PLANNING ASSISTANT