

TOWN OF SAN ANSELMO

ORDINANCE NO. 896

AN INTERIM ORDINANCE OF THE TOWN OF SAN ANSELMO EXTENDING INTERIM ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO, ORDINANCE NO. 893, ADOPTED DECEMBER 4, 1987 AS AN URGENCY MEASURE, PROHIBITING APPLICATIONS FOR A 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 SAN ANSELMO GENERAL PLAN, FOR THREE MONTHS AND 23 DAYS

The Town Council of the Town of San Anselmo ordains as follows:

SECTION 1. The Town Council of the Town of San Anselmo does hereby find, determine and declare:

(a) Current findings. The facts constituting the need for this ordinance:

- (1) The current San Anselmo General Plan, which was adopted in 1975 has undergone a number of amendments and is no longer internally consistent as required by Section 65300.5 of the Government Code of the State of California.
- (2) The current San Anselmo Zoning Ordinance and Zoning Map are not consistent with the current San Anselmo General Plan as required by Section 65860 of the Government Code of the State of California.
- (3) The current San Anselmo General Plan has not undergone a comprehensive review in 12 years, and at present does not provide adequate policy direction on many of the planning issues before the Town in 1987 and 1988.
- (4) The current inconsistency between the Town's general plan and zoning ordinance has created significant confusion on the part of the Town, and the public, as to which document provides direction relative to land use and conservation in the community.
- (5) The current inconsistencies within the general plan, and between the general plan and the zoning ordinance are a current and immediate threat to the public health, safety, and welfare as documented in Sections 1-4 above.
- (6) There is an immediate need to undertake a comprehensive review of the general plan, and there is a need to revise the zoning ordinance to make it consistent with the general plan after the comprehensive review is completed.

- (7) Any land use or development application which requires the Town Council to formulate policy on a project specific basis, or where a land use or development application is inconsistent with the current general plan, is found to be detrimental to the orderly review of the general plan and zoning ordinance and as such would result in a threat to the public health, safety and welfare.
- (8) The written report issued by the Town Council January 5, 1988 pursuant to Government Code Section 65858(d), hereby incorporated by reference, shows that the Town of San Anselmo has not alleviated all the conditions which led to the adoption of Ordinance No. 893.
- (9) The findings set forth in Ordinance No. 893 are incorporated herein.

(b) Purpose. The purpose of extending Ordinance No. 893 is to protect the public against an immediate threat to its safety, health and welfare by controlling, on an interim basis, land use and development applications which would be detrimental to, or jeopardize, the general plan and zoning proposals which the Town Council and Planning Commission intend to consider and study with public participation. The purpose of said general plan and zoning proposals is to make the general plan responsive to current planning issues before the Town, and to make the general plan internally consistent, and the zoning ordinance consistent with the general plan as required by Section 65860 of the Government Code of the State of California. Approval of any of the foregoing applications and those set forth in paragraph (c) below during the operative period of the extension of Ordinance No. 893 would therefore constitute an immediate threat to the public safety, health and welfare.

(c) Scope. During such time as this ordinance extending Ordinance No. 893 is in full force and effect, no application shall be accepted or processed for a general plan amendment; a zone change which is inconsistent with the adopted San Anselmo General Plan; annexation; rezoning; subdivision of land in the R1-H zoning district; or applications for subdivision, building, use, grading permits, and design review where the current zoning of the property is inconsistent with the adopted San Anselmo General Plan. Except as provided for in Section (d) of this ordinance.

(d) Exceptions. The following are exceptions to the provisions of this ordinance:

- (1) All planning and zoning applications filed with the Planning Department of the Town of San Anselmo prior to March 24, 1987 are exempted from the provisions of this ordinance and can continue to be processed and constructed if approved. Exhibit "A" contains a list of current applications which shall be exempt from the provisions of this ordinance.

- (2) Where a land use or development application is prohibited only because the existing zoning is deemed inconsistent with the current general plan; a land use or development application can be accepted, processed and acted upon by the Town if the land use or development proposal is formulated so as to be deemed inconsistent with the current general plan.
- (3) In the event that an owner of a parcel or parcels of property is prohibited from filing an application under Section (c) of this ordinance but desires to process an application for his/her property, said owner may apply for an exception permit. The granting of an exception permit shall exempt the owner from the prohibitions under Section (c) of this ordinance and allow the filing of an application with the Town with subsequent rights of construction if said application filing with the Town is approved.

An application for an exception permit shall be made to the Town Council, the Town Council may grant an exception if it makes all of the following findings:

- (a) The granting of the exception permit will not be detrimental to, or jeopardize, the orderly review of the general plan and zoning ordinance.
 - (b) The granting of the exception permit under the circumstances of the particular case, will not adversely effect the health, safety or welfare or be detrimental to persons, property or improvements in the vicinity.
- (4) A property owner prohibited from filing an application under Section (C) of this ordinance may apply for an exception permit because of hardship resulting from special circumstances applicable to the property. The granting of an exception permit shall exempt the owner from the prohibition under Section (C) of this ordinance, but must find in granting the permit that facts exist which satisfy the following:
 - (a) The special circumstances are applicable to the property, and not the particular circumstances of the owner of occupant.
 - (b) That the special circumstances are not the result of a self-created hardship. A self-created hardship results from actions taken by present or recent owners or users of the property which consciously creates the very difficulties or hardship claimed as the basis for an application for an exception.

Fees associated with processing an exception shall be limited to the Town's actual cost of providing this service.

SECTION 2. If any property owner requests in writing a finding by the Town staff of whether his or her property is zoned consistent with the General Plan, the Town staff shall respond in writing to said request within thirty days of receipt of the request.

SECTION 3. DECLARATION OF INTENT

- (a) This ordinance extending Ordinance No. 893 is hereby declared to be an urgency measure and shall take effect immediately upon its adoption and shall extend Ordinance No. 893 until May 12, 1988; and to be extended in the manner prescribed by law.
- (b) It is the intent of the Town Council to keep Ordinance No. 893 in effect until the general plan is reviewed and the zoning ordinance is made consistent with the General Plan. A tentative timeline for accomplishing these objectives has been drafted, and is incorporated in Ordinance No. 893 as Exhibit "A".

SECTION 4. The provisions of Section 1(c) and 3(b) of Ordinance No. 893 shall prevail over any inconsistent or conflicting provisions contained in any other provision of the San Anselmo Municipal Code or previously adopted ordinance.

The foregoing ordinance was adopted at a regular adjourned meeting of the San Anselmo Town Council on the 19th day of January, 1988, by the following vote, to wit:

AYES: Chignell, Sharp, Wooliever, Cordingley
NOES: Walsh
ABSENT: (None)


William Cordingley, Jr.
MAYOR

ATTEST:

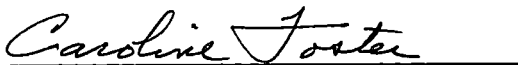
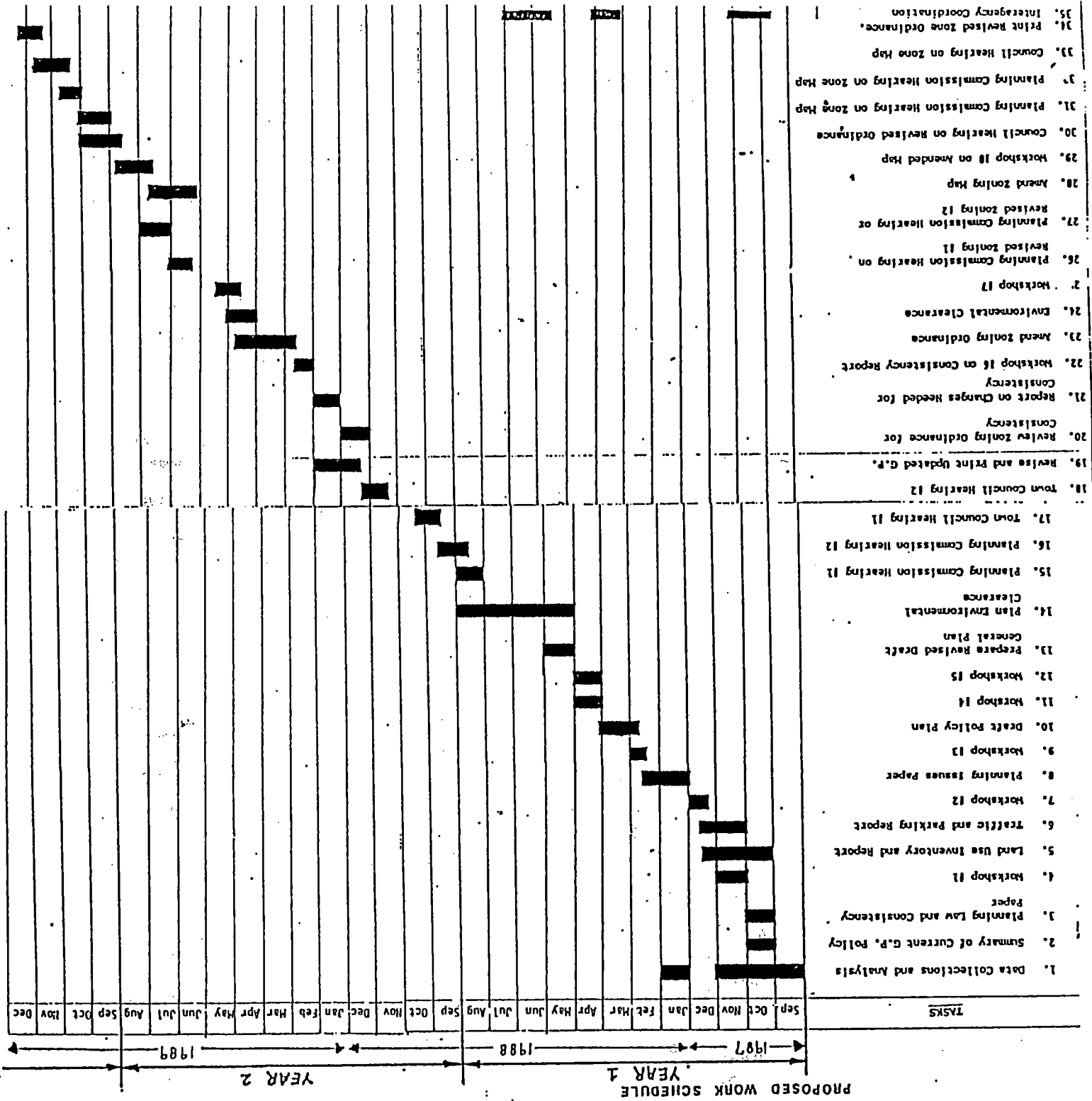

Caroline Foster
TOWN CLERK

EXHIBIT "A"

8/21/87



TOWN OF SAN ANSELMO
PLANNING DEPARTMENT

April 10, 1987

A. INVENTORY OF PROJECTS IN PLANNING PROCESS

Address	Applicant	Project	Current Status of Application		
			Staff Level	Plng Comm Level	Town Council Level
The Alameda	Carradine	Annexation: 1 parcel	Roberto		
The Alameda	Carradine	R-1 H for 3 units and 1 County lot (if annexed)	Roberto		
1535 S. F. Drake	Town Plng Comm	GP Amendment: new category of mixed res/comm		2nd hearing: 5/4	
1535 S. F. Drake	Town Plng Comm	PPD category of mixed res/comm		2nd hearing: 5/4	
49 Cedar Street	Harnsberger	SPD - residential	Staff		
57 Summit Road	Elliott	SPD - 1 res unit			PC recommendation to TC to hear 4/28
Cherne Lane	Schenk	R-1 H rezone for 1 additional unit	Roberto		
Cherne Lane	Schenk	R-1 H 2-lot parcel split, Arch Review	To be heard if Rezoning approved		

Address	Applicant	Project	Current Status of Application		
			Staff Level	Plng Comm Level	Town Council Level
Cherne Lane	Schenk	R-1 H Arch Review of already approved res unit		To hear 5/4/87	
Townwide	Town Staff	Parking Ord Amend	Roberto/Staff		
Townwide	Town Staff	2nd Unit Ord Amend	Roberto		
Townwide	Town Council	R-1 H Ord Amend		2nd hearing 4/20	
Townwide	Town Staff	Appeal Ord Amend			PC recommendation to TC to hear 4/28
35/37 Ross Ave 36/38 Mariposa Ave	Sohner Ct Ptnrship	22 Unit Use Permit Design Review		2nd hearing 4/20	
35/37 Ross Ave 36/38 Mariposa Ave	Sohner Ct Ptnrship	22 Unit Subdiv	To be scheduled after use permit/ design review apprvd		
60 Mariposa Ave	Passetti	Design Review and Environ Review for 10 apt: zoned R-3	Roberto		
27/31 Mariposa Ave	Howey/Ohlson, Catholic Church	Submitted dwgs for commercial use 3/87; have been advised of necessary steps; in meantime, Catholic Church may be proposing community center - having regular meetings among themselves: zoned C-2/R-1; Gen Plan: Mixed Res, 6-12 units per acre			

B. INVENTORY OF PROJECTS WITH PLANNING APPROVALS

Address	Applicant	Project	STATUS OF PROJECT		
			No Action Since Planning Approval	Plans submitted for Bldg Permit	Building Permit Issued Recently
829 San Anselmo Av	Paletta	4 new apts + 1 exist: zoned R-3	PC Approved 3/16/87		
837 San Anselmo Av	Yates	2 new apts + 1 exist: zoned R-3			3/87