

MINUTES OF THE SAN ANSELMO TOWN COUNCIL MEETING OF DECEMBER 4, 1987

Mayor Cordingley convened the regular adjourned meeting at 4:00 p.m. at the Town Hall, with Councilmembers Chignell, Sharp, Walsh and Wooliever present.

1. CLOSED SESSION REGARDING PENDING LITIGATION (PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1)).
2. RESOLUTION DENYING AN APPLICATION FOR AN EXCEPTION TO ORDINANCE NO. 886 (INTERIM ORDINANCE PROHIBITING THE PROCESSING OF CERTAIN PLANNING APPLICATIONS) TO ALLOW THE PROCESSING OF AN APPLICATION FOR A MAJOR SUBDIVISION (FOUR OR MORE LOTS) FOR A/P 7-071-03, 7-101-02, AND 7-154-04, REDWOOD ROAD, BY PETER FRASER, ET AL.

Planning Consultant Roberto reported that the resolution, which sets forth findings for denial, had not been amended since the last meeting.

Gary Raggianti, attorney for the applicant, argued that the extension of Ordinance No. 886 was invalid, and therefore the Council did not have the authority to pass the resolution of denial.

Walsh said it was her understanding that density in the R1-H zone would not be addressed during review of the General Plan and zoning ordinance, noting that a revised R1-H ordinance had been recently adopted, and said that a density of one unit per acre in this zone has already been set. Roberto said that density in the R1-H zone is set individually on each parcel, and that he believes density issues will be raised in the review.

Walsh noted that the Public Works Director had said that the zoning of the property was consistent with the General Plan and the original application had said it was consistent with the General Plan.

Cordingley asked staff to amend the resolution to reflect the correct assessor's parcel number, ordinance number and date of adoption.

Raggianti requested the Council reconsider the denial it voted to take on the basis of the legal position stated in his letter of November 23, 1987. Since he and his client felt that moratorium ordinance was invalid, he said there was no need for the applicant to request an exemption. However, if the Council takes the position that the ordinance is valid, he wanted the request for the exemption to proceed.

M/S, Sharp/Wooliever, that based on the fact that our moratorium ordinance is valid, and having reviewed the questions raised by Mr. Raggianti on behalf of his Mr. Fraser, approve Resolution No. 3041, denying a request for an exemption of Ordinance No. 886 by Mr. Peter Fraser and others for A/P 7-071-03, 7-101-02 and 7-154-04 in the Town of San Anselmo, as revised. Motion passed by the following vote:

AYES: Chignell, Sharp, Wooliever, Cordingley

NOES: Walsh

Walsh stated she had been against the moratorium in the first place, as she did not think it was necessary. She added that the Town has taken a position on denying this application based on opinions rather than the facts presented to the Council.

3. CONSIDERATION OF ADOPTION OF INTERIM ZONING ORDINANCE(S) PROHIBITING THE PROCESSING OF CERTAIN GENERAL PLAN AMENDMENTS, ZONE CHANGES, AND DEVELOPMENT AND LAND USE APPLICATIONS.

Town Attorney Roth asked the Council to consider adopting a new interim ordinance in order to protect the Town and because of certain planning concerns raised by staff.

Roberto reported that there were three differences between the proposed ordinance and Ordinance No. 886:

1. A revised timeline for completion of the review of the General Plan and Zoning Ordinance; the timeline was revised because funds to perform this review were not authorized in the budget until August, 1987.
2. Staff has found that any subdivisions creating two or more lots in the R1-H District could pose major land development and conservation policy questions if applications for subdivision were filed at this time, and therefore proposes that such subdivision applications be prohibited. The issues in these areas that pose major policy questions include: the adequacy of existing narrow and circuitous roadways, the health and safety hazards that narrow circuitous roadways present, and the effects of subdivisions on parking and emergency vehicle circulation.
3. Subdivisions outside the R1-H District, in which the zoning is consistent with the General Plan, do not present the Town with any major land development or conservation policy issues and therefore are proposed to be excluded from the ordinance.

Staff recommended the new ordinance be adopted for 45 days as an interim urgency ordinance.

Walsh said she did not agree, she did not support it, and did not feel the Town had to do a comprehensive review of the General Plan and Zoning Ordinance.

Roth advised that if there is no successful challenge to the validity of Ordinance No. 886, the ordinance presented tonight and Ordinance No. 886 will both be in effect, in which case Section 4 of the latter ordinance will prevail.

M/S, Wooliever/Chignell, to waive reading of Ordinance No. 893. Motion passed unanimously.

M/S, Wooliever/Chignell, to adopt Ordinance No. 893, an interim ordinance, as an urgency measure, prohibiting applications for a General Plan amendment, zone change, zoning ordinance amendment, annexation, rezoning, 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, with the findings stated within the text of the ordinance, to expire January 18, 1988. Motion passed by the following vote:

AYES: Chignell, Sharp, Wooliever, Cordingley

NOES: Walsh

Peter Fraser submitted a letter from Mr. and Mrs. John Foley wherein they wished to "state for the record they they and Mr. and Mrs. David Campbell have no objection to the request for an exemption and feel that responsible development such as that should be welcomed."

4. On a motion duly made and seconded, the meeting was adjourned at 5:07 p.m.

Beth Calamar