

The Workshop Meeting of the San Anselmo Planning Commission was called to order by Chairman Dan Goltz at 8:00 p.m. in the Town Hall on October 20, 1975. Representing Town Staff: C. R. Leitzell, Planning Director

1. ROLL CALL

Commissioners Present: Ainsworth, Fairchild, Goltz, Greenfield, Ragan
Commissioners Absent: Bolles, Eisgrau

2. APPROVAL OF MINUTES OF SEPTEMBER 15 AND OCTOBER 6, 1975

M/S Ragan, Ainsworth that the minutes of September 15th be approved as amended. Passed unanimously.

AMENDMENTS:

Pg. 1, 5th para. from bottom change spelling of name from "Mr. R. Cavey" to "Mr. R. Carey"

Pg. 2, 8th para. from top, add after third sentence: "While as a general principal planning and zoning restrictions are a necessary and desireable tool to avoid environmental mistakes, he felt this particular rezoning was not a valid exercise of planning power."

Pg. 2, 10th para. from to to read: Commissioner Ainsworth stated he did not feel bound by the General Plan to go along with this because the health and safety open space den-ity is given in the text as an average of 1 unit per 10 acres and on the applicable map it is shown as 1 unit per 1 acre or less. He felt the 1 unit per 10 acre density would be appropriate when, by some professional demonstration, the site.....etc.

M/S Greenfield, Fairchild the minutes of October 6th be accepted as amended. Passed unanimously, Commissioner Ainsworth abstaining.

AMENDMENT:

M/S Eisgrau, Bolles to recommend to the Town Council that marked bicycle lanes be provided on Butterfield Road between Meadowcroft Dr. and the San Anselmo Town Limits, as the first step in adequately marked bicycle paths, and that appropriate signs and pavement markings be placed....etc....(last line add)...to the Council meeting considering establishing prohibited hours of parking."

3. NEW BUSINESS

A. PUBLIC HEARING: Z-153 - Planning Commission initiated Proposed Rezoning of Undeveloped Properties in the San Anselmo Planning Area, including ridge lands and Health and Safety Open Space, from R-1 and R-1/B-20 to PPD/R-1/B-? (Density to be determined).

Chairman Goltz announced that a Negative Declaration had been posted. No one had contested it. No public hearing at the Planning Commission level, which would have been held October 6th, had been necessary.

Staff was asked if there was anything to add before beginning the public hearing. Mr. Leitzell stated that parcels which were in common ownership might have a difference on how many units would be allowed. A map showing the parcels in common ownership had been prepared for the meeting.

Mr. Leitzell stated that he had felt the 1 unit per 10 acres was unacceptable based on the Commissioners' and the public reaction at the last meeting. He was now recommending 1 unit per 2.3 acres (lots which are closer to major streets or in already developed lands of a higher density) or 1 unit per 4.6 acres (properties with access on narrow streets and generally remote from existing small developments) depending on the nature of the site. However, this hearing was open and any suggestions would be considered.

Mr. George Buckle, 44 Indian Rock Ct. commented on the possibility of the proposed low density rezoning being based on the lack of water. He stated that in order to file a subdivision, the subdivider must verify that there is water. Therefore he felt this point to be redundant and not a positive planning move. Mr. Buckle also stated that the real purpose of this rezoning was not clear to him.

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Mr. Signorelli, 90 Ridge Rd. also questioned "water supply" and its effect in terms of building. He questioned who made the determination as to its adequacy. Staff stated that ultimately, it was the opinion of the Fire Chief.

Mrs. Betty Jennings, 383 Holly Drive, San Rafael, a property owner in San Anselmo, stated that she objected to the rezoning. She felt it was prohibitive and restrictive. She stated that the Town would not be able to provide for the low and moderate income housing. She suggested that the Commission instead consider parcels they wanted to keep for Open Space.

Mr. Carl Baumsteiger, 1 Monterey Terrace also questioned the purpose of this rezoning.

Mr. Baumsteiger stated that if the Town wanted open space then the Town should pay for it. If land was not stable, then it should not be built on.

Commenting on the Attorney General's opinion, Mr. Baumsteiger felt that lots-of-record already having gone through a lot split were exempt from having to go through it again. Many of these lots already had utilities. To do this all over again just didn't make any sense.

Ms. Barbara Crawford, representing Robert Foster who owns 13 acres in the Rosenthal Tract stated that some years back an architect had suggested that two units per acre might be possible on Mr. Foster's land. She stated that Mr. Foster has no intention of selling or developing this land, but questioned the possibility of, for example, a senior citizens housing complex in the distant future. Was there any possibility of that being done?

Chairman Goltz stated that if the request was for more than what the zoning allowed, it would not be approved.

Mr. Joel Pressman, representing the Falk property, questioned what factors were that were used to make the determination of areas in the health and safety and ridgelands. Mr. Leitzell answered that poor access, poor fire protection, and poor water were some of the considerations (in addition to Slope Stability and steep slopes).

Mr. Pressman questioned whether there was any testing done to determine health and safety areas. Mr. Leitzell commented that there was only physical observation by Div. of Mines & Geology personnel.

Mr. Robert Carey, owner of the Sky Ranch, stated that in terms of water supply, Ross had recently determined that a property owner (one particular case) could utilize his property provided he had a 200,000 gallon water tank with a pump and fire take-off. He felt this type of action should also be considered by San Anselmo.

The public hearing was closed.

Commissioner Greenfield suggested the Commission set up guidelines for property owners outlining what was wanted, in terms of planning their construction, rather than rezone the property.

Commissioner Ainsworth stated that based on what he had seen so far he had not discovered any health and safety reason that would justify this rezoning. It was his understanding that what was being done was since the GPC ordinance had expired the Commission was trying to do something which would prevent unfortunate types of development. He felt that could be done with just the PPD designation. Health and Safety conditions could be better dealt with in the other Code treatments rather than setting arbitrary densities.

M/S Ragan, Ainsworth that the properties before us this evening, as outlined on the enclosed Planning Commission action memo dated October 17, 1975, be rezoned to PPD/R-1/B-20.

Commissioner Ainsworth questioned whether portions of a particular lot which were unstable or unsafe to build on would be excluded from the total size of the lot when considering development. As this was not the case, Commissioner Ainsworth felt he could not vote for the motion being considered.

Commissioner Ragan withdrew his motion. Properties were considered on an individual basis.

Mr. Carey's property, the Sky Ranch, A/P 7-071-01, was first to be considered.

Mr. Carey stated that the Sky Ranch was a very different piece of property. It has been used for cattle and horses. Most of the property is in Fairfax and much of the neighboring land belongs to the Marin Municipal Water District.

Mr. Carey stated he did not intend to subdivide, but he would like to be able to replace a once existing residence and barn facility. His property has water and good access from Fairfax. It was critical that he be allowed flexibility on the placement of his home.

Mr. Carey also stated that the Falk property had access to water and electricity.

Commissioner Greenfield and Ragan felt that if Mr. Carey needed one or two units on his property this need could be accommodated.

Commissioner Fairchild felt that access was a handicap for this property. For that reason she favored a density of 1 unit per 5 acres.

Chairman Goltz stated that this piece of property overlooked the Town. The whole ridge could be seen from the Hub. He felt the Sky Ranch was a piece of land that did have an effect on the community. If this property was developed to its full potential there would be about 10 cars going up to the ridge every day. The General Plan says that is what we don't want.

Chairman Goltz felt this area should be kept in low density. He felt 1 unit per 10 acres was within the concept of the General Plan.

Mr. Carey objected. He felt his property was not properly studied and that this rezoning was degrading his property.

Commissioner Ainsworth stated that his idea of what the Commission should be doing was to be writing a final (Health and Safety zone) ordinance. How he voted depended on the findings and the wording of the motion.

Each parcel was individually considered as to its merits resulting in the specific lot size recommended to the Town Council in the following motions:

M/S Greenfield, Fairchild that in consideration of the findings of the General Plan, particularly referring to protection of open space and hazard to property without proper access (specifically, fire hazard) it is recommended to the Town Council that the properties with A/P's 7-071-02, 7-071-03, 7-071-01, 7-101-02, 7-101-01, 7-154-04, 7-154-03 and 7-154-02 all be rezoned PPD/R-1/B-200.

Motion carried: Ayes: Fairchild, Goltz, Greenfield
Nays: Ainsworth, Ragan

Commissioner Ragan stated for the record that his "no" vote was based on the fact that he felt there were not enough facts before the Commission to make this rezoning. For that reason it was an injustice to the property owners.

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M/S Fairchild, Greenfield that the Planning Commission recommend to the Town Council rezoning of A/P 7-201-02 and 7-201-10 to be PPD/R-1/B-200 for reasons of fire hazard and poor street access and that such rezoning will be in keeping with the basic tenets of the General Plan, specifically the environment and safety concerns listed in Chapter 3, Open Space and Conservation, specifically "A", Fire Hazards.

Motion carried: Ayes: Fairchild, Goltz, Greenfield
Nays: Ainsworth, Ragan

M/S Greenfield, Goltz that the Planning Commission recommend to the San Anselmo Town Council that A/P's 7-191-03, 7-191-06, 7-241-49, 7-241-51, 7-271-37, 7-241-56, 7-201-09 and 7-192-04 all be rezoned PPD/R-1/B-200 in keeping with the plans as stated in the San Anselmo General Plan, specific reference to the Open Space Goal B, namely "Limit development or an increased density in important open space areas as a basis for good land use planning." and with specific reference to potential fire hazard and limited access.

Motion carried: Ayes: Fairchild, Goltz, Greenfield
Nays: Ainsworth, Ragan

Commissioner Greenfield moved that the Planning Commission recommend to the San Anselmo Town Council that A/P 7-201-06 be rezoned PPD/R-1/B-200 in keeping with the plans as stated in the San Anselmo General Plan, specific reference to the Open Space Goal B, namely "Limit development or an increased density in important open space areas as a basis for good land use planning.", and with specific reference to potential fire hazard and limited access.

Motion failed for lack of second.

M/S Greenfield, Goltz that consideration of A/P 7-201-06 be held over for the next regular meeting of the Planning Commission on November 3rd. Passed unanimously.

M/S Fairchild, Greenfield that the Planning Commission recommend to the Town Council rezoning of A/P 7-271-26 and 7-241-42 to PPD/R-1/B-100 for the reasons of health and safety, specifically the items delineated under the section of fire hazard and water supply in the Open Space and Conservation Elements, and the section relating to Circulation and hazardous access.

Motion carried: Ayes: Fairchild, Goltz, Greenfield, Ragan
Nays: None
Abstain: Ainsworth

M/S Greenfield, Ragan that the Planning Commission recommend to the Town Council that properties carrying A/P's 7-142-01, 7-131-15 and 7-182-03 be rezoned PPD/R-1/B-200 in keeping with the tenet of the San Anselmo General Plan with specific reference to the Open Space and Conservation Element Goal B "Limit development or an increased density in important open space areas as a basis for good land use planning.", and with specific reference to the health and safety aspects of the plan and in the sense of the property having poor access roads and questionable water and fire protection.

Motion carried: Ayes: Fairchild, Goltz, Greenfield, Ragan
Nays: Ainsworth

M/S Fairchild, Ragan that the Planning Commission recommend to the Town Council rezoning to PPD/R-1/B-100 for the following three properties: A/P 7-182-07, 7-182-02, and 7-182-06 in order to further the goals of the San Anselmo General Plan specifically in relation to Goal B of the Open Space and Conservation Element which states "Limit development or an increased density in important open space areas as a basis for good land use planning.", Goal E "Protect against earthquakes, erosion, flooding, or other acts of nature which are compounded in their destructiveness by unwise land use.", as well as the problem of access by automobiles and emergency vehicles to that area.

Motion carried: Ayes: Ainsworth, Fairchild, Goltz, Greenfield, Ragan
 Nays: None

M/S Fairchild, Ragan that the Planning Commission recommend to the Town Council rezoning to PPD/R-1/B-100 for the following properties: A/P's 7-097-04, 7-097-05, 7-097-06, 7-097-02, 7-141-04, 7-131-14 and 7-131-01 in order to further the goals of the San Anselmo General Plan specifically in relation to Goal B Open Space and Conservation Element which states "Limit development or an increased density in important open space areas as a basis for good land use planning". Goal E, "Protect against earthquakes, erosion, flooding, or other acts of nature which are compounded in their destructiveness by unwise land use", as well as the problem of access by automobiles and emergency vehicles to that area.

Motion carried: Ayes: Fairchild, Goltz, Greenfield, Ragan
 Nays: Ainsworth

M/S Greenfield, Ragan that the Planning Commission recommend to the Town Council rezoning to PPD/R-1/B-100 for A/P 7-121-40 in order to further the goals of the San Anselmo General Plan, specifically in relation to Goal B, Open Space and Conservation Element which states: "Limit development or an increased density in important open space areas as a basis for good land use planning." Goal E, "Protect against earthquakes, erosion, flooding, or other acts of nature which are compounded in their destructiveness by unwise land use"., as well as the problem of access by automobiles and emergency vehicles to that area.

Motion carried: Ayes: Goltz, Greenfield, Ragan
 Nays: Ainsworth, Fairchild

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4. OLD BUSINESS

A. REVIEW OF USE PERMIT/DISCUSSION

- 1. Commission to discuss the action taken by the Design Review Committee on the exterior appearance of D&D Stereo at 606 Sir Francis Drake Blvd.

Chairman Goltz commented that the D&D Stereo was doing everything they had been instructed to do by the Design Review Committee. It was too late for the Planning Commission to appeal their decision.

- 2. Discussion of methods for auditing approved Use Permits to insure compliance with Planning Commission conditions.

Held over until the Regular Meeting of December 1, 1975.

As a matter of interest, Chairman Goltz stated that the Planning Commission, due to the fact that the GPC Ordinance had expired, did not have the authority to review the GPC Use Permit granted for Lee Ann Torlakson at 31 Tomahawk. This application, however, would be reviewed as directed by the Planning Commission by the Design Review Committee. Chairman Goltz stated he would like to recommend to Design Review that they take into account the fact that the house should be set down from the ridge as much as possible.


M/S Fairchild, Greenfield that the Staff be authorized to direct Design Review Committee to take into account the fact that the house should be set down from the ridge as much as possible. Passed unanimously.

5. ADJOURN

Meeting adjourned at 12:35 a.m.

DAN GOLTZ, CHAIRMAN
SAN ANSELMO PLANNING COMMISSION

By


Catherine Carpenter
Planning Secretary