

The special meeting of the San Anselmo Planning Commission was called to order by Chairman Harle at 8:00 p.m. on September 29, 1980, in the Town Hall Council Chamber. George Davison and T. J. Robbins present.

1. ROLL CALL

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

2. PUBLIC HEARINGS

A. Second (Dwelling) Units Resolution, Amending the Number of Units Allowed by Neighborhood.

M/S Ollinger, Hayes, to limit the hour of discussion to the hour of midnight and if further discussion is warranted, to set a date to continue this hearing.

Motion carried; Commissioner McPeak voted no.

Mr. Davison said there is far more demand for second units in some neighborhoods, such as those close to transportation and shops, which are in the lower elevations. However, the allowable number of second units is high in the higher elevations. He said his main concern is to shift those remaining allowable second units from the higher elevations to the lower elevations.

Commissioner Harle questioned how the number of 276 total allowable second units was arrived at originally and why it is proposed to remain the same. Mr. Davison said we should not allow more units than originally allowed since density has been a great concern lately.

John Colteaux, 55 Kensington Road, said staff's proposal does not seem to make any sense. He said at the time of the Ordinance discussions there were two countervailing power groups - one wanted to keep the R-1 character in Town and the other were the people who had either built their units before the Zoning Ordinance or for emergency housing or illegally after the Ordinance when the Town turned their heads, and these people felt they had certain legal rights to keep their units. The original reason for the Second Unit Ordinance was not to benefit a housing problem. The thinking was to allow as few second units as possible while keeping their political necks intact. 276, as he recalls, was the minimum number the Council felt could be established in face of the equities of those built before the Ordinance.

Chairman Harle questioned this reason since the Council allowed a substantial number in some neighborhoods where there were no existing units.

Bill DeBisschop, 91 Elm Avenue, said there are more cars and dogs than people on Elm Avenue. Evelyn Cameron, Humboldt Avenue, said the Scenic-Humboldt area already has too many cars. Chairman Harle pointed out that the proposal will not allow anymore second units in those areas than presently exist.

Jonathon Braun, Scenic Avenue, said he understands the reason for shifting the number of allowable second units from the higher elevations to the lower elevations; however, he said by doing this it should not result in the Town allowing greater density in the undeveloped hillside areas. There is a big difference in new construction on the hillsides and conversions of single family residences to allow second units.

Gay Kagy, 280 Redwood Road, said the reason the Second Unit Ordinance came about was due to her court case with the Town over her second unit and the issue of low cost housing. Ms. Kagy said the second units should be spread throughout the Town in order to avoid "ghettoizing." As far as being close to transportation, she said a survey showed that most families have at least one car. Since San Anselmo was the first city in Marin County to adopt such an ordinance, she thinks it is

abominable to erase the units in difficult neighborhoods and "ghettoize" them in the downtown area.

Mr. Tracy said he agrees with Mr. Colteaux regarding why the Ordinance was adopted in the first place. He said San Anselmo should not be responsible for providing low income housing.

Carl Baumsteiger, 1 Monterey Terrace, said we must ask what is the purpose of the Ordinance? Do we want second units in Town? Is the Ordinance to make the property owners better off with higher equity or provide for low cost housing? If low cost housing is a true concern then it should be available to senior citizens and, therefore, more second units should be in the lower elevations than in the higher elevations.

Ms. Kagy said the proposal to shift second units from the higher to the lower elevations is because Peter Fraser owns 25 acres in the hillsides and we are talking about swapping second units for more new development projects. Mr. Davison said that although he knew Mr. Fraser owned land in Town, he was not aware that he owned 25 acres in the hillsides and it has no affect on his idea to shift the second units as a possible trade-off for higher density for new development.

Commissioner Signorelli said he does not want to see any of our second units eliminated and wants to protect the full intent of the Ordinance. He said that those undeveloped hillside lands are worth a lot of money and to turn developments down because more second units are allowed would not be fair.

Commissioner Hayes said talking about trade-offs between second units and new development projects is like trading apples and oranges.

Commissioner Ollinger said he has troubles with staff's recommendation. He feels the Commission is being asked to address the second unit question in light of the proposed density ordinance and it is like comparing apples and oranges.

Commissioner Peterson disagreed that this discussion is like comparing apples and oranges. He asked if it is fair to let others who developed their land years ago have great density, and not allow those who have waited to develop their land to have the same density. He said it is not important to speculate on what the political realities of the Council were five years ago. Low and moderate income housing is a greater issue today and the State is ready to step in and take care of the problem if cities do not. He thinks staff's proposal is a good one. He did point out that in regard to the originally established number of allowable second units, the Commission is not obligated to ignore rationality and accept what has been approved.

Commissioner McPeak agreed with Commissioners Peterson and Signorelli.

Chairman Harle said any new second units will be low income housing; whereas, new developments will not necessarily be so. Therefore, we are talking about two quite different things and they are not tradeable. He said he is unwilling to arbitrarily change this without looking at the purpose of the Second Unit Resolution - why the numbers were established in the first place.

M/S Peterson, McPeak, to adopt the Second Unit Resolution as proposed by George Davison revising Resolution No. 1682 setting the total allowable number of second units per neighborhood.

Motion failed: AYES: McPeak, Peterson, Signorelli  
NOES: Harle, Hayes, Ollinger

Chairman Harle said that speaking for himself if we are to reconsider this item he would like to see some consideration given to the underlying rationale for the original numbers and compensating rationale for the changed numbers.

John Colteaux suggested the staff renotify the citizens of the Town because many of them do not know what is being discussed. Mr. Davison said that appropriate notice was given of this hearing and if continued, legally additional notice is not required. He said it is impossible to be sure that everyone sees the notice that is sent to them.

M/S McPeak, Peterson, to reconsider the previous motion and continue action to the regular meeting of October 20, 1980.

Motion passed unanimously.

John Colteaux, attorney and former Town Council member, remarked that there is no slope policy in the proposed Ordinance. He felt this was a conflict with the General Plan which has slope policy (1 unit in 10 in areas exceeding 30% slope). He felt an EIR was needed because of this point. Colteaux also suggested the Planning Commission direct Public Works Director Davison to inquire of Town Attorney Hadden Roth whether there is a legal reason for the present distribution of new second unit allocations throughout the town. Davison stated that the original allocations did not cover all areas of town and indicated he was reluctant to ask Hadden Roth. Planning Commission dropped the issue.

B. Proposed Density Ordinance for Undeveloped Properties.

M/S Peterson, McPeak, that the Planning Commission hereby makes a formal finding that the density figures contained in the Town Council version of the ordinance are no greater than those contained in the General Plan.

Motion passed unanimously.

M/S McPeak, Peterson, to change the elevation division in Zone 1 to 150 feet and change the density table from units per acre to area per unit:

	<u>Acceptable Access</u>	<u>Substandard Access</u>
Zone 1 - 150 feet	Per Slope Policy	Max. 20,000 sq. ft.
Zone 2 - 150 - 199 feet	22,000 sq. ft.	44,000 sq. ft.
Zone 3 - 200 - 349 feet	32,000 sq. ft.	65,000 sq. ft.
Zone 4 - 350 - 499 feet	54,000 sq. ft.	87,000 sq. ft.
Zone 5 - 500 and above	76,000 sq. ft.	132,000 sq. ft.

Motion passed unanimously.

M/S McPeak, Peterson, that the words "Town maintained" be inserted when referring to streets in the first section of 10-8.2(b)(2) and read, ". . . grades shall not exceed 18 percent."

Motion passed unanimously.

At 12:00 midnight,

M/S Ollinger, McPeak, to continue this hearing another half hour.

Motion passed unanimously.

Mr. Davison said his feeling is that a three-story house off the ridge is worse than a one-story house on a ridge is properly covered with growth.

M/S Ollinger, Hayes, that Section 10-8.4(b) read, "Any structure located within a ridge zone shall not exceed one story. Construction that projects above the ridgeline is prohibited unless the Commission finds there is no reasonable alternative to such construction."

Motion passed unanimously.

Siegfried Pfendt said some developments can be placed very well on the ridges, better so than below the ridge line.

Commissioner Ollinger said it has been expressed over and over that the people in general do not want development on the ridgetops as they are an asset to the community.

Commissioner Signorelli said he would rather see a house on top of a large flat top than between the hills. He said there should be some provision for screening.

Commissioner Peterson pointed out that the word "reasonable" is rather flexible.

Commissioner Hayes referred to one of the Conservation Element goals in the General Plan which states, "Preserve ridgetops and other locally important natural or manmade historic areas or features."

M/S McPeak, Ollinger, to continue this hearing to the meeting of October 20, 1980.

Motion passed unanimously.

### 3. ADJOURNMENT

The special meeting of the San Anselmo Planning Commission was adjourned at 1:15 a.m. to the next regular meeting on October 6, 1980.

*Lisa Burglin*

LISA BURGLIN  
PLANNING ASSISTANT