

## THE PLANNING COMMISSION MEETING OF JULY 25, 1988

The special meeting of the San Anselmo Planning Commission was called to order on July 25, 1988, at 7:00 p.m. in the Council Chamber by Chairman Hayes. Staff present: John Kottage, Director of Public Works, John Roberto, Planning Consultant.

## A. Roll Call

Commissioners present: Sias, Harle, Julin, Yarish, Hayes  
Commissioners absent: Manning, Kroot

B. Commission Discussion and taking public comment on the Land use, Circulation and Open space elements of the draft amendments to the San Anselmo General Plan.

## Item 5 - Mixed Residential Primarily Multiple

John Roberto presented an overview stating that it was suggested that the word primarily be changed to "predominantly". Predominantly is defined in the draft General Plan as 65% of the parcels being developed as multi family dwellings.

Commissioner Julin said that the existing General Plan uses the word "predominantly" and that also seemed to be the intent of the draft General Plan. Her suggestion was to make clear the difference between mixed residential-predominantly single family and mixed residential-predominantly multiple. She noted that there was wording adopted at the meeting of June 27th that was acceptable to the Commission related to this item.

Tony Shindelus, 16 Pastori, said he is the owner of duplexes at 3 and 5 Sierra and is concerned that the new General Plan will down zone his property from multiple to single family.

John Roberto said there is more than one approach to handling property that may be affected by down zoning. For example the property could become a legal, non conforming use and the Town could then allow that the land to continue to carry the existing use or, there could be an amortization clause that would over a period of time, have the parcel conform to the new land use designation. Mr. Roberto said he would prefer the first approach.

Mr. Shindelus said he purchased, what he thought was a "legal" duplex and would resent having it designated a "legal non-conforming" unit. He thought this to be a controversial issue and many property owners could be similarly affected.

There was an in depth discussion as to why the down zoning may occur, specifically noting the conflict between the existing use of the area between Sir Francis Drake and Center, from Fairfax to the Hub and the current General Plan designation. The current General Plan zoned that area R-2, however most of the parcels are actually single family. The maps presented to the Commissioners were the zoning map, the proposed Land Use General Plan map, and a map indicating those parcels that are still undeveloped (vacant lands map).

Mr. Kottage said he would prefer to have the General plan be more in conformance with the zoning map. There seems to be consensus that "status quo" should be preserved. There has been no map developed which shows actual Land Use, however over the years the zoning map has been modified so that it closely reflects the actual use of the property. He noted that the overlay is the existing zoning map and the map under it is the proposed land use map.

Mr. Kottage said the main difference between the zoning and land use maps are the nonconforming islands and the designation of property along the major arterials as higher density properties.

Commissioner Harle said that during the last zoning map update, it was decided to locate multiple family units near the downtown area, duplexes somewhat further away and single family residential homes the farthest away. The reason for what appears to be spot zoning on the zoning map is rezoning at that time to reflect existing use. The Commission anticipated serious objections from property owners if their parcels were zoned something other than a designation that reflects their actual use so the Commission left them as they were.

Mr. Roberto suggested that the downtown area is where major apparent spot zoning occurs. If the Commission is relatively happy with the current zoning perhaps the downtown area could be defined generally as a "mixed use area" and second, a more detailed map could specify parcel by parcel what the actual uses are. This could be accomplished legally as long as there was documentation to support the basis for these designations.

Commissioner Sias was agreeable to Mr. Roberto's approach of a new mixed use designation in the downtown area as long as it was consistent with the current zoning plan.

Mr. Kottage noted that the current zoning map reflects with 90%+ accuracy the actual current land use.

Commissioner Harle agreed with conforming the Land Use Map to present uses and using the zoning map as a guide while leaving the small islands in the middle of general designations as legal non-conforming.

Mr. Roberto asked about the R-1H zoning.

Chairman Hayes asked what the repercussions would be if the Town departs from the General Plan. He was concerned that a General Plan review would be required every time there was a request for rezoning. He would favor using the existing zoning map to define current land use. He added that he thought that the small islands could be left as is and be made legal non-conforming. Regarding the downtown area, the Commission previously reviewed street by street the zoning in order to blend the densities so that they may smoothly go from lower to higher. He said that he has gone through the Land Use Map in the old, existing General Plan and it clearly was not what he envisioned for the Town.

John Kottage thought the Commission was seeking a 5th residential designation in the area of the downtown.

John Roberto explained that this new designation would be a mixed density zone to allow for a mixture of types of uses within a general designation. This would be accomplished by a more detailed map that specifies the use for each property.

Mr. Roberto asked that the Commission give direction to staff so that new maps can be prepared for the next meeting.

\*The consensus was: (1) to use the existing zoning map as the basis for current land use because it has been the subject of a good deal of discussion in the past, and the Commission wants to give weight to these decisions (2) there is support for the idea of a "mixed residential zone" in the downtown area, which is further defined by a detailed map that reflects the actual uses. The second map would reflect parcel by parcel, how land is now used. Note: The

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boundaries of the downtown commercial area will stay the same. (3) The Commission recognizes that there are certain areas that need exemptions from the draft General Plan land use designations, specifically the small islands which will be made legal non-conforming with existing land use to continue.

Mr. Roberto asked about the vacant lands that are not subdivided to their maximum potential. John Kottage suggested that the policy discussion at this time should be limited to the flat lands to gain closure on this topic. John Roberto thought the Planning Commission's discussion should include hillside undeveloped lands and not be limited to the flat lands.

Chairman Hayes suggested leaving the ridge land areas designated R-1, but giving them an overlay hillside land use designation.

Mr. Roberto said that it can be written so that although these lands have been zoned R-1, the General Plan recognizes the uniqueness of this area and would not allow lots to be subdivided to the 7500 square foot minimum allowed by a simple R-1 designation.

Chairman Hayes said it was always his feeling that hillside R-1 properties under one acre in size should have densities of no more than one unit. He suggested that all undeveloped lands above elevation 150 feet should be subject to design review.

Commissioner Harle suggested wording that: "parcels contiguous to and touching R-1H zones should be considered subject to the lower density requirements of one unit per acre."

Chairman Hayes suggested creating a hillside conservation zone which has a one unit per acre limit and further that hillside units that are visible be subject to design review.

\*John Roberto gave a summary of what was discussed. (1) The basis for the General Plan Map should be the current land use and further that the current zoning map reflects current land use. (2) There should be a new mixed residential zone in the downtown area. (3) Existing land use which is inconsistent with new land use categories shall be grandfathered. (4) Vacant lands in the hillside area are not to be subdivided to their maximum R-1 potential, and are to be protected.

Commissioner Yarish wondered if the R-1H zones could be enlarged to include the special R-1 areas.

\*Chairman Hayes noted that the first three policies apply to developed lands. He suggested that the fourth guiding principal be further modified as follows: Undeveloped and partially developed ridge lands warrant special attention in light of their environmental sensitivity.

John Roberto presented a map that identified underdeveloped lands. He proposed to retain the current zoning in these area and create a design review process for those properties above a certain elevation.

John Kottage presented a map that showed the Town's undeveloped lots which are above the 150 foot contour.

Chairman Hayes asked if the Building Department might be responsible for deciding which properties are controversial and for forwarding those developments to the Commission for review. The properties not found controversial by the Building Department would be processed normally.

Mr. Kottage said that the Town currently has an administrative variance review process which involves noticing adjacent property owners. The Town could notice hillside developments under this process. If any objection is received from the neighbors, then the application would be brought before the Commission for review.

Johnathan Braun would much prefer seeing a policy dealing with the hillside parcels written into the General Plan which has the Planning Commission making the decisions rather than have staff make these decisions.

Commissioner Sias felt that the Commission should take the responsibility for setting policy for the hillside land use rather than have staff make that decision. He realizes it will create increased work for staff and the Commission but he felt that it is the Planning Commission's responsibility to preserve the hillsides from improper development. He thought that property above 150 feet should go through a design review screening process conducted by the Commission. The Commission can then decide if a more detailed review is necessary.

Mr. Roberto noted that the Commission now meets a minimum of twice a month and if design review is required for all parcels above 150 feet, the Commission may want to set up a separate committee, a Design Review Board to review these developments.

Chairman Hayes wondered if the Commission needed to detail this process at the General Plan stage. Perhaps a statement of policy that hillside areas warrant special protection and leave the implementation details to a later time.

John Kottage said that staff is having a difficult time implementating the existing code requirements. An expansion of the design review process would mean a great increase in the Town's burden which would exacerbate the Town's planning difficulties. He proposed that General Plan policy be limited to a general statement as described by Chairman Hayes. This would allow time to carefully review the implications of an expanded design review process.

Commissioner Julin thought that the issue of insufficient staff is separate from what is being discussed tonight. The Commission's mission is to come up with good planning guidelines which the people of San Anselmo need and want. Difficulties with implementation will have to be dealt with at a later date. With regard to the design review, she felt it would be best done by the Commission and not a separate board.

Commissioner Sias said the first goal of the Commission is to make good planning decisions. It is up to the Town Council to decide whether and how it can be implemented.

Mr. Roberto said that if a policy is created in the General Plan then it will have to be carried out. The Commission should be aware that there is insufficient staff to carry out the proposed policy.

Mr. Kottage noted that at the present time there has been an enormous interest in the R-1H areas... there has been interest shown in about 20 units.

Chairman Hayes asked if staff could prepare a report, with recommendations on the parcels that need to be included in the hillside design review.

Paul Gutfreund, 216 Oak Springs, said it was his understanding that the General Plan proposes that any

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development in a proposed Open Space area first go before the Open Space committee prior to going before the Commission. He reiterated what he discussed at the last meeting and he presented a copy of the signatures of support for his positions from the Oak Springs neighbors.

Chairman Hayes said that the recommendations of the Open Space Committee are still up for discussion and perhaps the Commission can discuss Mr. Gutfreund's proposals at that time. He assured Mr. Gutfreund that the information he provided will be used even if it is not placed in the General Plan.

Mr. Kottage said that a copy of Mr. Gutfreund's concerns have already been forwarded to the developer and a copy of these concerns were placed in the file on this property.

Item #5 - Mixed Residential Primarily Multiple

\*It was decided to insert the word "Predominantly".

Item #6 - Housing Opportunity Areas

John Roberto presented an overview of the issue.

Item #6A: Using the 40% for the number of low/moderate cost units that need to be created to qualify for the bonus allowance.

Commissioner Sias asked for clarification of the meaning and purpose of stating the number of people per acre in the General Plan.

John Kottage said that the existing General Plan and current zoning allow more units and population than does the draft General Plan because the existing General Plan allows higher densities over larger areas. For example, the existing General Plan allows 20 units per acre, while the existing zoning ordinance allows 29 units per acre. The draft General Plan reduces both the number of parcels zoned at the higher densities and also lowers the maximum density allowed in each of those parcels.

Commissioner Harle did not favor the use of the housing bonus mechanism found in the draft General Plan. The forty percent requirement seems to be too great an increase, however much below it will not provide enough low cost housing to be meaningful. He did not feel it was an economically feasible way to get low cost housing. He would like to omit this as a mechanism for low cost housing.

Commissioner Julin said Housing opportunity areas associated with the existing General Plan are identified in the Housing Element.

Mr. Roberto said the Town has not determined where the Housing opportunity areas associated with the draft General Plan are to be located.

Commissioner Julin thought the proposed 40% requirement was high and questioned whether it would be economically feasible for the developer.

Mr. Kottage noted that the most recent low income units that the Town has created are associated with Sohner Court and the bonus requirement for that development was 10% or two low income units.

Commissioner Yarish would hate to discourage Ecumenical Housing in San Anselmo by making the bonus requirement too high. Perhaps 20% should be used rather than 40%.

Commissioner Sias said that if the Town has to meet housing requirements, he will agree to 40% if it is economically feasible and if there is a map showing precisely where they are contemplated. He suggested the area between Center Blvd and Madrone as a possible housing opportunity area.

Mr. Roberto said the Town does not need to specify areas at this time.

Chairman Hayes thought the Housing Opportunity area needed to be left in because of the goals of the Housing Element. It seems that we were looking for a very high number of units with the Housing Element policies and perhaps 40% is not high enough.

Item #6B: Population Density

Commissioner Harle asked what the State requires regarding population density. Mr. Roberto said that he came up with the draft recommendation using population figures from the last census and other local population factors in order to meet the State requirements. Those figures can be changed if the Commission finds them inappropriate.

Commissioner Harle asked what kind of trouble the Town could get in if we exceed the population density? Why do we need to have both the number of units and the number of population?

Mr. Roberto answered these questions.

\*M/S Julin, Yarish, agree to keep the wording of the Housing Opportunity Areas as is written on page 17 of the draft General Plan, dated May 31, 1988.

All ayes.

Item #7 - Residential Densities

Mr. Roberto presented an overview.

Mr. Kottage said he would like to see the draft General Plan densities changed back to the densities shown in the existing General Plan. His interpretation of the effect the term "gross acre" has on densities is different than Mr. Roberto's (see the definition on page 13 of the draft General Plan). He thought the current General Plan densities are consistent with the existing zoning in the R-1 and R-2 zones. With regard to higher density zoning, he was concerned that if the Town lowered the maximum allowable density below the existing General Plan density level, we will open ourselves to controversy about down zoning the existing R-3 parcels. This conflict does not appear to be necessary in order to achieve a status quo General Plan. The current General Plan densities provide a compromise between the existing zoning which allows up to 29 units per acre and the lower densities proposed in the draft General Plan which allows 16 units per acre.

Mr. Roberto said it is up to the Commission to decide. Either way is ok with him but in terms of land designated as mixed-predominantly single family (R-1) and single family (R-1) the Town does not have lot sizes which will allow people to build at the existing General Plan densities.

Commissioner Harle felt uncomfortable about lowering the densities from the current General Plan level and would prefer to sticking with our current general plan limit of 6-20 for the mixed, predominantly multi-family designation (R-3).

Commissioner Julin finds the lower densities acceptable.

Commissioner Yarish was inclined to leave the densities as they are in the current zoning ordinance and include the wording about "gross acre" as written on page 13 of the draft General Plan.

Commissioner Sias was inclined to make R-3 zones the Housing Opportunity areas allowing up to 29 units per acre. He was also in support of the densities produced by the current zoning ordinance for the R-1 and R-2 zones.

Chairman Hayes wanted to stay with the current General Plan and he thought the consensus was that the Commission should go with the maximum density of 20 units per acre for mixed, predominantly as described in the existing General Plan.

Commissioner Sias said he would not mind going over 20 units per acre in those areas that had affordable housing.

\*M/S Sias, Yarish to revise the densities in those areas designated: very low density, R-1 and the R-2 to those densities listed in the current General Plan.

All ayes.

\*M/S Yarish, Sias, to set the R-3, Mixed Residential predominantly multifamily density at 6 to 20 units per acre.

All ayes.

\*M/S Sias, Julin, to allow up to 28 units per acre in select mixed residential, predominantly multi family areas, assuming full use of the 40% bonus described in the Housing Opportunity Section, in areas to be designated at a later time.

All ayes.

The special meeting was adjourned at 11:10 p.m. to the next regular meeting of August 1, 1988 at 8:00 p.m. and to continue the General Plan hearing to the next date of August 8, 1988, at 7:00 p.m.

BARBARA CHAMBERS  
ADMINISTRATIVE SECRETARY/TECHNICIAN