

**TOWN OF SAN ANSELMO
SPECIAL MEETING OF THE TOWN COUNCIL AND PLANNING COMMISSION**

**COUNCIL CHAMBERS
525 San Anselmo Avenue, San Anselmo, CA 94960
Tuesday, January 21, 2003
7pm**

Agenda

CALL TO ORDER

Present: Mayor Kilkus, Councilors Breen, Kroot, Thornton
Planning Commissioners Fernandez, Harris, House, Jochum, Wittenkeller, Zwick

Open time for public expression:

None

General Plan Housing Element Update

Planning Director Bell presented his draft report on the General Plan Housing Element, noting the Affirmation of Support from the Marin Interfaith Council. He explained that a Sub-Committee held a Public Workshop in July 2002 for public input, which has been incorporated into the draft report. Furthermore, the draft report has been posted on the Town's website since mid-November 2002 and a press release was made in November and a legal advertisement in December.

Mr. Bell explained that the object of this Special Meeting is to conduct a Public Hearing and direct Staff and the Consultant to modify the report, as appropriate, before it is submitted to HCD for their comments.

Mr. Bell further explained that a second unit ordinance needs revising in order to comply with the law, AB1866, which takes effect 1 July, 2003. In response to Councilor Breen, Mr. Bell confirmed that there is a statement within the report requiring second units to comply with the State Law. Second units will be allowed where various conditions are met relating to size, parking, design, etc. These issues need to be developed and adopted as standards by the Town.

In response to Councilor Kroot, Mr. Bell said he believed that the State may not limit the number of second units that could be included in the Town's goal of 149 units. He suggested that other parties present might have a more accurate answer but he believes it would be acceptable to include an appropriate number of second units. This was confirmed by Jeff Beard, Consultant, who said that a survey undertaken by the City of San Rafael showed that rents charged for second units fall within low to moderate income households. Second units may, however, be unsuitable for the very low end of the market.

In response to Commissioner Zwick, Mr. Bell believes that illegal second units have not been included in the count, so unless it is proved otherwise, then such units should be included.

Mayor Kilkus asked how much would be charged for in-lieu fees and for what would they be used. Mr. Bell explained that the fees would enable the Town to build a fund that would be used to facilitate projects with a non-profit organizations. This would, of course, need sanctioning by the Council. Many towns in Marin are considering in-lieu fees and Novato's fee of \$363 per unit is already in effect. Mr. Bell pointed out that the Town's inclusionary requirement is outdated and the Committee suggested a 1 to 7 inclusionary ratio with a pro-rata fee for housing fewer than 7 units. Since most of the houses built are single family homes, the idea is to collect a small amount from each home to build up a fund. In response to the Mayor, Mr. Bell believes that the in-lieu fee applies to new units and not remodels.

Elizabeth Moore, 13 Baytree Lane, believes that under the terms of AB 1866, one may not discriminate against a second unit. However, in order for second units to be legal, a rent-control ceiling needs to be in place, which appears to contravene the State Law. In response, Mr. Bell said that the State Law is intended to provide affordable units so reasonable restrictions should, therefore, apply. He explained that the Planning Commission, together with the Town Attorney, will research reasonable requirements, which are consistent with State Law. Ms. Moore believes that a contributing factor towards owners not stepping forward with illegal second units is rent control.

Lucky Philips, Secretary, Marin Interfaith Council (MIC), explained that her statement on behalf of MIC was intended to raise the consciousness of churches and the community to recognize the need for affordable housing. Ms. Philips commends the Report and wants to draw particular attention to Action #5 in the Overview of the Housing Element. She would be pleased for the Council and Staff to do all in their power to act on this point.

Betty Pagett said that AB 1866 is not well written and requests that all must be done to protect key sites around transit lines for affordable housing. She believes that inclusionary zoning is often not sufficient and would like existing housing to be insured. She suggested a local housing trust fund be established to enable people to buy and live in cottages, rather than they be sold and replaced by larger homes. Ms. Pagett believes that the ability still exists for cottages to be purchased and deed restrictions applied.

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Overall, however, she believes that San Anselmo has designated a sufficient number of sites to meet the objectives of the housing element. Furthermore, Ms. Pagett suggested the Town could make a significant contribution by zoning sites for low-income housing.

Donna Bjork, of 140 Brookside Drive, is concerned with the amount of remodeling that takes place. She asks the Council to consider at what point a remodeling project becomes a new residence. She would also like the Town to consider ways to control the number of cars in San Anselmo, perhaps by limiting street permits or renting to people who do not own a car. Although Ms. Bjork's comments are taken on board, the Mayor does not think the last suggestion feasible.

In response to the Mayor, Mr. Bell said he investigated various sites to determine their suitability for low cost housing, although he is not able to dictate the future use of these sites. However, the law requires the Town to demonstrate that the sites have the potential to be developed before 2006. Mr. Bell suggests that perhaps the owners could be approached with a view to providing low cost housing or be put in touch with non-profit agencies.

Councilor Breen brought attention to a property that is on the market. He and other organizations have attempted to raise funds to buy the property and he understands the role of the Council and Staff is to serve in a facilitating capacity, bringing interested parties together. Councilor Kroot concurs, believing it is not possible for the Town to create 149 units. In the meantime, the Councilor commended Staff on the job of identifying sites and believes that second units form the best option for affordable housing.

Mayor Kilkus asked if the Town could discount 19 units, which were demolished some years ago. In response, Mr. Bell believes that these units may not be counted towards the 149 needed. The Housing Element discourages any decrease in current affordable housing and the Town has a new Ordinance prohibiting the demolition of a building without Planning approval.

Commissioner Zwick suggested that the former Wild Oats building be added to the list of potential sites. The Commissioner also identified land owned by the Town off Sir Francis Drake Blvd. However, Jonathan Braun, of the Open Space Committee believes this site is designated open space. Mr. Bell confirmed that this did not apply to the whole of the site and it could perhaps accommodate green belt and living units. Mr. Bell further confirmed that 820 Sir Francis Drake is eligible for listing.

Joseph Maquire, of 46 Oakland Ave, has collected information from the Assessor's Office on properties that he believes are suitable for multi-unit developments. He made his list available to the Council.

Donna Bjork suggested a matching funds scheme, similar to a scheme established in San Francisco, to facilitate the purchase of cottages for Town employees.

Commissioner Kroot noted that many down town buildings are one story with potential for a second story.

Commissioner House suggested that commercial developments in Town should be required to include residential units and is supported by Commissioner Zwick. Mayor Kilkus asked if a policy could be implemented to make the provision of residential units contingent upon commercial development. Mr. Bell replied that the zoning ordinance would need changing to encourage mix-use development. It would be possible to change the Housing Element to insure an ordinance is developed.

Commissioner Harris is concerned that that such second story additions might contravene downtown preservation rules. The Commissioner is further concerned that the Town should not be called upon to produce results from a policy designed to encourage the development of units rather than to produce them.

At the suggestion of Councilor Breen, the Tamalpais Bank will be approached with a view to providing affordable housing units alongside its office development. The bank is committed to affordable housing.

With regard to Action #2 of the Housing Element, Senior Planner Wight said that it would not be difficult to require large new houses to provide second units because the plans very often provide areas, such as dens and studies, which could easily convert to second units. Mr. Bell commented that it is difficult for staff to enforce the Second Unit Ordinance and the requirement would remove such difficulties. It is thought that 10 extra units will be gained this way over the next 5 years. In the meantime, however, Mr. Bell said that the Second Unit Ordinance needs to be revised before the end of July 2003, enabling approval of second units over-the-counter.

In response to Councilor Kroot, Mr. Bell suggested establishing a policy to encourage second units such as by reducing or eliminating the in-lieu fee.

In response to Commissioner Zwick, Mr. Bell confirmed that three story buildings are allowed where a slope of 25% exists. Naturally, second units would need to meet all planning requirements. He explained that the last sentence was inserted in Action #4 to benefit the downtown area. The current ordinance limits residential construction to 2 stories in downtown. However, a third story might not exceed the 30' height restriction, whilst maintaining the local architecture. Mr. Bell confirmed the necessity of establishing good downtown standards.

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Commissioner Zwick is concerned that the whole of downtown can be built to the maximum height. Mr. Bell suggested the wording for the fourth action be changed to mitigate this potential problem.

In response to Commissioner Wittenkeller, Mr. Bell said the Town Code does allow live/work loft arrangements.

M/s Thornton/Kroot and passed unanimously (4-0) to support the housing Element with the following changes:

1. To add to the list of potential sites the building previously housing Wild Oats, and second stories along downtown San Anselmo Avenue,
2. In Item 4 of the Overview of the Housing Element, 'inclusionary' to be changed to 'voluntary'.
3. In Item H2.6(a) on Page 48, 'required' to be changed to 'encourage second units in new homes'.

2: Other Planning Matters

a. Downtown District/design

Commissioner Zwick requested a discussion to update the planning rules for downtown development. In response to the Mayor, Mr. Bell confirmed that the Demolition Ordinance and design review rules are generally sufficient but that new standards should be developed.

Commissioner Wittenkeller suggested downtown buildings should be identified and standards drawn up to manage their preservation. Councilor Breen suggested the Planning Commission provide material for the Council to discuss. In the meantime, priority must be given to the development of an ordinance for second units.

b. Discussion and direction regarding maximum residential floor area ratios (FAR)

Commissioner Zwick feels that clarification is needed for maximum residential floor area ratios. Mr. Bell said the Ordinance is clear on FAR's and perhaps further wording should be taken from that ordinance and added to the instruction sheet given to customers applying for variances.

The Meeting was adjourned at 9.05pm.



**Joanne O'Hehir
Sr. Admin. Services Asst.**