TOWN OF SAN ANSELMO

RESOLUTION NO. 3041

A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL DENYING A REQUEST FOR AN EXEMPTION TO ORDINANCE # 886 BY MR. PETER FRASER AND OTHERS FOR APN 7-071-03, 7-101-02, AND 7-154-04 IN THE TOWN OF SAN ANSELMO.

WHEREAS, on May 12, 1987 the San Anselmo Town Council adopted an Interim Ordinance which prohibited the filling or processing of an application for a major subdivision while the Town reviewed and updated its General Plan; and

WHEREAS, on June 23, 1987 the San Anselmo Town Council extended the Interim Ordinance to allow for enough time to review and update the General Plan; and

WHEREAS, on August 25, 1987 the San Anselmo Town Council adopted a work program and time table for completion of the General Plan review; and

WHEREAS, the time table for preparation of the updated General Plan calls for the preparation of a draft in April, 1988 and public hearings on the revised plans in June and July 1988; and

WHEREAS, Mr. Peter Fraser on August 11, 1987 filed a request for an exemption under Sections 1D3 and 1D4 of the Town's Interim Ordinance which if granted would allow him and other property owners he represented to file a major subdivision application while the Town was reviewing and updating its General Plan; and

WHEREAS, the Town Council held duly noticed public hearings on October 27 and November 10, 1987 to consider Mr. Frasers exemption request; and

WHEREAS, after careful consideration of the facts the Town Council found that the granting of an exemption permit under Section 1D3 of the Interim Ordinance would be detrimental to and jeopardize the general plan and zoning proposals the Town Council and Planning Commission intended to consider and study with public participation; and

WHEREAS, after careful consideration of the facts the Town Council found that Mr. Fraser in his application did not demonstrate a hardship due to special circumstances applicable to the property in question as required under Section 1D4 of the Interim Ordinance.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The San Anselmo Town Council hereby denies the exemption request under Section 1D3 of the Interim Ordinance based on the following findings:

1. The parcels of land covered in the exemption request are located in hillside and ridge areas of the Town. One of the proposals the Town Council intends to consider in the review of its General Plan are current hillside and development policies and densities. After review of recent development applications it is questionable whether current policies contained in the plan are achieving the goals of preserving the visual image and character of hillside and ridge areas.

2. General Plan proposals which the Town Council may consider and the general public has requested that they consider are the adequacy of existing roads which provide access to hillside and ridge parcels. The intent is to provide policy in the plan for such issues as expansion, maintenance, and parking on narrow circuitous roads which serve hillside and ridge areas and pass through established residential areas. Redwood Road which is the primary access road to the parcels covered in the exemption request is a roadway that would be effected by these planning issues.

3. Ridge and hillside areas have long been a major open space objective of the Town. Current recommendations which are being formulated by the Town's Open Space Committee include priority lands for acquistion, and methods to obtain funds needed for acquistion. The recommendations of the Open Space Committee will be dicussed in the general plan review process. A granting of an exemption request at this time for hillside and ridge parcels would jepordize the Town's efforts to develop policies and priorities for hillside and ridge acquisition.

4. Some residents in the area effected by this exemption request, testified that at this time, without proper policy guidance in the general plan the granting of the exemption request would jepordize the health and safety of their neighborhood. The health and safety issues included the traffic safety hazards associated with the narrowness of Redwood Road, the deteriorated condition of the roadway, and the lack of offstreet parking which hampers not only traffic movement but access for public safety equipment. The filing of an application at this time for a major subdivision which would add more traffic to this existing roadway would jepordize any effort to develop meaningfull planning policy.

5. The Town's review of the General Plan is now underway and is on schedule. Exhibit A of the Resolution is the Town's estimated time table for completing its general plan review and update.

NOW THEREFORE BE IT FURTHER RESOLVED THAT:

The San Anselmo Town Council hereby denies the exemption request under Section 1D4 of the Interim Ordinance based on the following findings:

1. The application for an exception permit does not contain any evidence or facts that there are any special or unique circumstances relative to the property that are creating a hardship.

2. The basis of the hardship stated by the applicants, in the request, is a result of actions taken directly by the owners themselves to speculate and incur costs relative to the perceived development

potential of their undeveloped property.

3. The Interim Ordinance is a limited restriction in terms of the processing of a development application for the property in question, and the applicants claim of economic hardship is not unique to the property. Upfront development costs, including money advances and holding costs of undeveloped property, are not a unique situation, and are found in all speculative real estate ventures. Furthermore, the carrying cost of undeveloped land was not invisioned, in Section 1D4, as a basis for claiming a unique hardship relative to property.

The foregoing resolution was adopted and passed at a continued special meeting of the San Anselmo Town Council held on December 4, 1987, by the following vote:
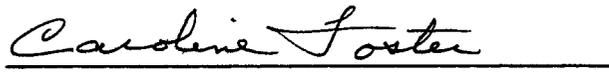
AYES: Chignell, Sharp, Wooliever, Cordingley

NOES: Walsh

ABSTAIN: (None)

MAYOR

ATTEST:

TOWN CLERK