

TOWN OF SAN ANSELMO

ORDINANCE NO. 1127

**AN INTERIM URGENCY ORDINANCE OF THE TOWN OF SAN ANSELMO
AMENDING TITLE 10 “PLANNING AND ZONING” DEVELOPMENT STANDARDS
TABLE 4A TO ESTABLISH MAXIMUM RESIDENTIAL DENSITIES FOR
COMMERCIAL ZONING DISTRICTS**

WHEREAS, the California Legislature has declared that there is a severe shortage of affordable housing and has changed laws to expedite the local residential development process; and

WHEREAS, Section 65913.4 has been added to the California Government Code to require the Town to approve multifamily housing projects ministerially, with no environmental review and application of only objective design review standards; and

WHEREAS, the Town’s commercial zoning regulations do not include a density limit for residential development and the Town has no objective standards regarding traffic, geological issues, air quality, views or aesthetics, so a large multifamily project may significantly impact the public health, safety and welfare; and

WHEREAS, the Town receives inquiries regarding multifamily developments, underscoring the need for the Town to establish density requirements for commercial zoning districts; and

WHEREAS, the Town Council adopted the 2015-2023 Housing Element on May 12, 2015, which contains adequate programs to ensure development of the Town’s share of the Regional Housing Need Allocation and the Housing Element was certified by the State Department of Housing and Community Development as in compliance with State housing element law on May 20, 2015; and

WHEREAS, the Town has approved 100% of the 2015-2023 Regional Housing Need Allocation, although building permits have not been issued for every unit; and

WHEREAS, the 2015-2023 Housing Element provides that housing units may be developed in commercial zoning districts where there is no established density limit and estimates development of the sites at 20 units per acre; and

WHEREAS, on July 18, 2016, the Planning Commission of the Town of San Anselmo conducted a duly noticed public hearing on the proposed Zoning Ordinance amendment, and considered all testimony and recommended that the Town Council establish a density maximum for commercial zoning districts; and

WHEREAS, on September 13, 2016, the Town Council considered the Planning Commission’s recommendation but took no action; and

WHEREAS, on October 23, 2018, the Town Council reconsidered the Planning Commission’s recommendation and directed staff to prepare an ordinance imposing maximum density limits for commercial areas; and

WHEREAS, California Government Code Section 65858 authorizes a city to adopt an interim urgency measure by a four-fifths vote where necessary to protect the public health, safety, and welfare without following the procedures otherwise required prior to adoption of a zoning ordinance; and

WHEREAS, on October 23, 2018, the Town Council will be considering amendments to the Town of San Anselmo Zoning Ordinance pertaining to multifamily housing in commercial zoning districts in a manner that complies with state law;

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

SECTION 1: Findings

The Town Council finds that the Town’s current commercial zoning regulations do not include a density limit for residential development and the Town has no objective development standards regarding traffic, geological issues, air quality, views or aesthetics; therefore, a large multifamily project may significantly impact the public health, safety and welfare.

To guide future development in Town and provide more certainty to the community as well as developers that seek to develop housing, the Town Council finds it necessary to codify a maximum density for commercial areas of 20 units per acre, excluding any additional density granted pursuant to the Density Bonus Law in Government Code Section 65915, which is consistent with the 2015-2023 Housing Element. The Town Council has found that the provisions of this ordinance are consistent with the goals and policies of the Town’s General Plan and other adopted ordinances and regulations of the Town.

The Town Council finds and determines pursuant to California Government Code Section 65858 that adoption of this ordinance is necessary for the immediate preservation of the public health, safety, and welfare, and to prohibit uses in conflict with zoning regulations pertaining to multifamily development currently being studied and contemplated by the Town.

SECTION 2: CEQA. The proposed amendments are categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under the “common sense exemption” as the ordinance sets a limit for density where there currently is no applicable limit, which will result in fewer environmental impacts than unlimited housing unit development with no environmental review. In addition, the amendments qualify for an exemption under CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations, because the changes represent a minor change that is consistent with the Town's General Plan. This project may also be found exempt under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the ordinance will not result in cumulative adverse environmental impacts or any other potentially significant impact described in CEQA Guidelines Section 15300.2.

SECTION 3: Density Limit for Commercial Zoning Districts The uncodified Town of San Anselmo Municipal Code is hereby amended beginning on the effective date of this interim ordinance and continuing for the duration of this interim ordinance and any extensions thereto as

follows:

- A. Title 10, Chapter 3 “Zoning”, Section 10-3.402 “Development Standards Table” is amended to delete “minimum” from the first sentence so the first sentence reads as follows:

The Development Standards Table, referred to as Table 4A, lists the development standards for each Zoning District.

- B. Title 10, Chapter 3 “Zoning,” Article 4 “Development Standards” is amended to limit density in commercial zoning districts to 20 units an acre by replacing the third row of the table starting with “Density, Maximum (Units/Acre)” with the following, deleting footnotes (1) and (2) and renumbering the remaining footnotes accordingly:

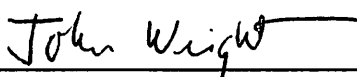
DEVELOPMENT STANDARDS TABLE TABLE 4A											
DEVELOPMENT STANDARD	DISTRICT	R-1-H	R-1-C	R-1	R-2	R-3	P	C-1	C-2	C-L	C-3
Density, Maximum (Units/Acre)		1	1	1	12	20	20	20	20	20	20

SECTION 4: Severability. The Town Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 5: Effective Date This Ordinance shall go into effect immediately upon its adoption and shall expire forty-five (45) days following its adoption unless otherwise extended in compliance with California Government Code Section 65858. This ordinance shall not apply to any valid land use permit application that has been approved by the Town prior to the effective date of this ordinance for which a building permit has or has not yet been issued.

THE FOREGOING ORDINANCE was passed and adopted at a regular meeting of the San Anselmo Town Council on October 23, 2018 by the following vote:

AYES: Wright, Colbert, Brown, Greene
NOES: None
ABSENT: Coleman
ABSTAIN: None



John Wright, Mayor

ATTEST:



Carla Kacmar, Town Clerk