

**TOWN OF SAN ANSELMO**

**ORDINANCE NO. 1128**

**AN 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, California law requires the Town to prepare and adopt a General Plan to guide the future development of the Town; and

WHEREAS, a General Plan must contain certain elements, including a Housing Element the purpose of which is to identify and analyze existing and projected housing needs, and sets forth the goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement and development of housing; and

WHEREAS, the Town Council adopted the 2015-2023 Housing Element on May 12, 2015; and

WHEREAS, the 2015-2023 Housing Element 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 housing density limit and estimates development of the sites at 20 units per acre; and

WHEREAS, to guide future development in Town and provide more certainty to the community as well as developers that seek to develop housing in the jurisdiction, the Town seeks 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; 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

WHEREAS, 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.

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

**SECTION 1:** 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.

**SECTION 2:** 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 3: 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.

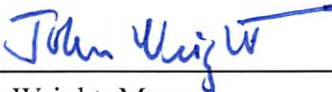
**SECTION 4: Severability.** The Town Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall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

**SECTION 5: Inclusion in the San Anselmo Municipal Code.** It is the intention of the San Anselmo Town Council that the text in Sections 1 and 2 be made a part of the San Anselmo Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

**SECTION 6:** This Ordinance shall go into effect thirty (30) days from its adoption and 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 not yet been issued.

**THE FOREGOING ORDINANCE** was introduced at a regular meeting of the San Anselmo Town Council on October 23, 2018, and was adopted at a regular meeting of the San Anselmo Town Council on November 13, 2018 by the following vote:

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

  
\_\_\_\_\_  
John Wright, Mayor

ATTEST:  
  
\_\_\_\_\_  
Carla Kacmar, Town Clerk