

ORDINANCE NO. 1138

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
ADDING THE OPEN SPACE (OS) ZONING DISTRICT AND REZONING CERTAIN
VACANT PUBLICLY-OWNED LANDS TO OPEN SPACE (OS) AND MAKING
CONFORMING AMENDMENTS TO THE SAN ANSELMO MUNICIPAL CODE**

WHEREAS, the Town of San Anselmo has a local open space plan for the comprehensive and long-range preservation and conservation of open space land within its jurisdiction, consistent with California Government Code Section 65563; and

WHEREAS, the Town of San Anselmo General Plan identifies a "Parks and Open Space" land use category "intended to designate existing and planned parks, recreation facilities, and natural open space areas;" and

WHEREAS, the General Plan further states that "open space areas identified as contributing to the Town's natural setting and community image fall into this category, and are shown on the open space map;" and

WHEREAS, Government Code Section 65910 requires the Town to prepare and adopt an open-space zoning ordinance that is consistent with the local open-space plan; and

WHEREAS, the General Plan Land Use Element "Future Planning" Implementation Program 5 calls for the Town to prepare a park lands zoning ordinance; and

WHEREAS, the Town Council adopted Ordinance 259 (1941) and Ordinance 705 (1976) to establish rules for public parks and other public property under San Anselmo Municipal Code Title 11 "Parks and Recreation" and has established rules for parks and open space, most recently updated by Resolution 4101 in 2014; and

WHEREAS, the Town has not yet adopted an open space zoning ordinance or a park lands zoning ordinance; and

WHEREAS, the Town of San Anselmo and the Marin County Open Space District have acquired several parcels designated on the General Plan Open Space Map for open space purposes, but the sites remain zoned for residential or public facilities uses; and

WHEREAS, the Town seeks to adopt an open space zoning ordinance and Open Space designation and to rezone parcels designated for open space and passive recreation in the General Plan to ensure consistency between the Town's zoning regulations and General Plan; and

WHEREAS, on August 19, 2019, the Planning Commission conducted a duly noticed public hearing to consider a proposed resolution amending the General Plan Planned Land Use Map to add an Open Space designation for certain publicly-owned lands and to consider this proposed ordinance Adding The Open Space (OS) Zoning District and Rezoning Certain Vacant Publicly-Owned Lands To Open Space (OS); and

WHEREAS, at the conclusion of the hearing, the Planning Commission found the proposed zoning ordinance consistent with the local open space plan and recommended that the Town Council approve the proposed resolution and ordinance; and

WHEREAS, on August 28, 2019, the Town Open Space Committee considered the proposed general plan amendment and rezoning and recommended Town Council adoption of both the resolution and the ordinance; and

WHEREAS, on September 10, 2019, the San Anselmo Town Council held a duly noticed public hearing to consider the proposed resolution and ordinance and the Planning Commission and Open Space Committee recommendations; and

NOW, THEREFORE, the Town Council of the Town of San Anselmo does hereby ordain as follows:

SECTION 1: The Town Council finds that the zoning ordinance amendment is in compliance with all provisions of the Town of San Anselmo General Plan. The rezoning is consistent with the Town General Plan and the General Plan Planned Land Use Map as amended by Resolution No. 4297 and the zoning ordinance amendments implement policies and programs of the General Plan.

SECTION 2: The General Plan Planned Land Use Map was amended in Resolution No. 4297 by designating all of the following land to "Open Space." The Zoning Map of the Town of San Anselmo, codified as San Anselmo Municipal Code Title 10, Chapter 3, Section 10-3.203, is hereby amended by rezoning all of the following land to Open Space (OS), as shown on the attached map, Attachment 1:

<i>Park Name</i>	<i>Assessor Parcel Numbers (Town owned unless noted)</i>	<i>Current General Plan Designation (prior to Resolution No. 4297)</i>	<i>Current Zoning</i>
Bald Hill Preserve	007-093-04 and 007-092-38 Marin County Open Space lots: 007-071-01, 007-071-02, 007-071-06, 007-101-01, 007-360-09, 007-360-08, 007-154-01	Single Family Conservation 1 Unit/Acre Very Low Density Residential 1 Unit/Acre	R-1 Single Family Residential R-1-H Very Low Density Residential
Faude Park	005-165-59, 005-212-01 005-212-03 005-172-42	Parks/Open Space Parks/Open Space Single Family Conservation 1 Unit/Acre	Public Facilities (PF) R-1 Single Family Residential R-1 Single Family Residential
Halprin Park	005-254-08, 005-022-56	Parks/Open Space	Public Facilities (PF)

Hawthorne Canyon	005-081-07, 005-081-19, 005-031-38 and adjacent lot 005-011-40	Very Low Density Residential 1 Unit/Acre Parks/Open Space	R-1-H Very Low Density Residential Public Facilities (PF)
Kite Hill	005-011-63 005-011-65	Public Facility Very Low Density Residential 1 Unit/Acre	Public Facilities (PF) Public Facilities (PF)
Oak Park	005-172-30, 005-172-59	Parks/Open Space	Public Facilities (PF)
Red Hill	006-061-34, 006-091-06	Parks/Open Space Parks/Open Space	Public Facilities (PF) Public Facilities (PF)
Sorich Ranch Park	Portion of APN 177-220-61 shown green on proposed map	Parks/Open Space	Public Facilities (PF)

SECTION 3: Title 10 "Planning and Zoning," Chapter 3 "Zoning," Article 2 "Designation and Establishment of Districts" is amended to add the following:

(p) OS Open Space District. This District is reflected on the General Plan Planned Land Use Map as "Open Space." This District is generally applied to land intended to be protected and managed as a natural environment with passive recreation usage and no or minimal development. Lands zoned to the OS District include existing open space areas, lands with scenic values or natural resources found to be in the public interest to preserve, or lands not suitable for development due to natural or other hazards associated with the land.

SECTION 4: Title 10 "Planning and Zoning," Chapter 3 "Zoning," Article 3 "Land Use Regulations," Section 10-3.302 "Land Use Regulations Table" is amended to read as follows, with additions indicated by underlined text:

10-3.302 - Land Use Regulations Table.

The Land Use Regulations Table, referred to as Table 3A, lists uses of the land and indicates whether or not each use is permitted (P), conditionally permitted (C), or not permitted (-) in each Zoning District. Uses not specifically listed in the Land Use Regulations Table are specifically prohibited unless a Use Determination by the Planning Director is made which finds the use not specifically listed is similar to another use permitted or conditionally permitted within the District.

The Residential Housing Opportunities (R-HO), Public Facilities (PF), Open Space (OS), Preliminary Planned Development (PPD), and Specific Planned Development (SPD) Districts are not included on the Land Use Regulations Matrix. The R-HO, PPD, and SPD Districts are overlay Districts and generally allow for either higher residential densities or unique or special mixing of uses on one site. The R-HO District is not yet designated on the zoning map and, therefore, is not currently regulated. The PPD and SPD Districts are regulated by Article 9 of this chapter of the San Anselmo Municipal Code, respectively. The PF District does not include any lands not currently developed with major public facilities. Any expansion of the PF District would be preceded by the Town's acquisition of the land for a specific use or purpose, a General

Plan Amendment, and a zone change. The OS District is limited to passive recreation uses. See also Title 11, Chapter 1 "Regulations for Parks and Playgrounds."

SECTION 5: Title 10 "Planning and Zoning," Chapter 3 "Zoning," Article 4 "Development Standards," Section 10-3.402 "Development Standards Table" is amended as follows, with additions indicated by underlined text and deletions indicated by strike through text:

10-3.402 - Development Standards Table.

The Development Standards Table, referred to as Table 4A, lists the development standards for each Zoning District. Deviations from development standards set forth in the Development Standards Table, referred to as Table 4A, may only be permitted by (1) an exception; (2) a minor exception; or (3) a design review, each of which are listed on the Minor Intrusions into Required Development Standards For Residential Properties Table, referred to as Table 4B; or (4) a variance by the Planning Commission as set forth in Section 10.3.1404(b) of this chapter of the San Anselmo Municipal Code.

The Residential Housing Opportunities (R-HO), Public Facilities (PF), Open Space (OS), Preliminary Planned Development (PPD), and Specific Planned Development (SPD) Districts are not included on Table 4A. The R-HO District is an overlay district and utilizes development standards for the underlying District. The PPD and SPD Districts are overlay districts and allow for the establishment of development standards suitable to a specific use or project site. The PF and OS Districts does not include any development standards but allows for the use of development standards appropriate to the specific use or project site as determined by the Planning Commission or the Town Council.

SECTION 6: 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 preserves lands already designated for open space and acquired by the Town or Marin County Open Space District for open space and will not change the development of the parcels, which will result in no environmental impact. 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 7: 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.

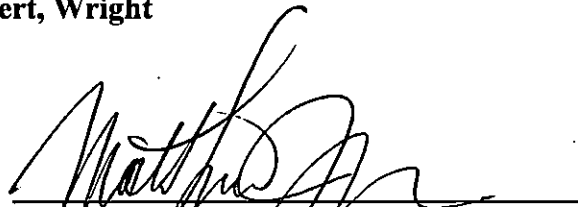
SECTION 8: Inclusion in the San Anselmo Municipal Code. It is the intention of the San

Anselmo Town Council that the text in Sections 3, 4 and 5 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 9: This Ordinance shall go into effect thirty (30) days from its adoption.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on September 10, 2019, and was adopted at a regular meeting of the San Anselmo Town Council on September 24, 2019, by the following vote:

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


Matt Brown, Mayor

ATTEST:

Carla Kacmar, Town Clerk



Proposed Town of San Anselmo Zoning Map

