

ORDINANCE NO. 1142

AN INTERIM URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AMENDING TITLE 10 (PLANNING AND ZONING), CHAPTER 3 (ZONING), ARTICLE 5 (PARKING AND LOADING REGULATIONS), SECTION 10-3.504(B)(3) AND CHAPTER 6 (ACCESSORY DWELLING UNITS), ARTICLES 1-3 TO BRING THE TOWN ACCESSORY DWELLING UNIT REGULATIONS INTO CONFORMANCE WITH 2019 STATE HOUSING BILLS

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, the Planning and Zoning Law authorizes cities and towns to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, on October 9, 2019, California Governor Gavin Newsom signed three bills into law (SB 13, AB 68 and AB 881) that amend California Government Code Section 65852.2 and that require the Town to modify local regulations to further facilitate development of Accessory Dwelling Units and Junior Accessory Dwelling Units; and

WHEREAS, the New ADU Laws take effect January 1, 2020, and if the Town's ADU ordinance does not comply with the New ADU Laws, the Town's ordinance becomes null and void on that date as a matter of law; and

WHEREAS, the Town desires to amend its local regulatory scheme for the construction of ADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 renders the Town's ordinance regulating ADUs null and void, thereby limiting the Town to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

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 November 26, 2019, 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;

WHEREAS, on November 4, 2019, the Planning Commission of the Town of San Anselmo conducted a duly noticed public hearing on the proposed Zoning Ordinance amendments, and considered all staff reports, attachments, testimony and found the proposed ordinance consistent with the General Plan and recommended that the Town Council adopt the proposed ordinance; and

WHEREAS, the Town Council held a duly noticed public hearing on November 26, 2019, and considered the Planning Commission recommendation and 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; and

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

SECTION 1: FINDINGS

The Town Council finds that failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 renders the Town's ordinance regulating accessory dwelling units null and void, thereby limiting the Town to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of accessory dwelling units.

The Town Council finds the approval of accessory dwelling units based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

To guide accessory dwelling unit 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 standards for height, setback, landscape, architectural review.

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 accessory dwelling unit development currently being studied and contemplated by the Town.

SECTION 2: CEQA The Town Council finds and determines that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The ordinance is intended to modify existing local regulatory requirements to be consistent with State and local law which encourage development of accessory dwelling units and is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.17, the

adoption of an ordinance to implement Government Code section 65852.2. Similarly, the ministerial approval of accessory dwelling unit ("ADU") applications would not be a "project" for CEQA purposes, and environmental review would not be required prior to approving individual applications.

SECTION 3: Title 10 Planning and Zoning is amended as indicated in Exhibit 1 with strikethrough text to indicate deleted text and underline text indicating new text.

SECTION 4: Severability. To the extent allowed under State law, the Town Council hereby declares every section, paragraph, sentence, cause and phrase is severable. To the extent allowed under State law, 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 Section 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 immediately and shall be posted or published as required by State law.

THE FOREGOING ORDINANCE was adopted at a regular meeting of the San Anselmo Town Council on November 26, 2019, by the following vote:

AYES: Brown, Greene, Fineman, Colbert, Wright

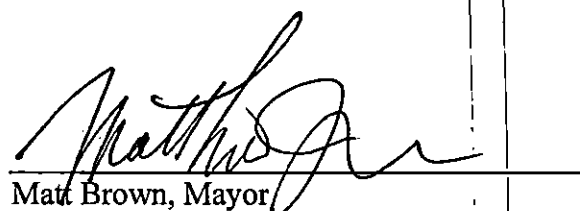
NOES: None

ABSENT: None

ABSTAIN: None



ATTEST: Carla Kacmar, Town Clerk



Matt Brown, Mayor