

ORDINANCE NO. 1160

AN URGENCY ORDINANCE OF THE TOWN COUNCIL
OF THE TOWN OF SAN ANSELMO AMENDING AND
ADDING SECTIONS TO TITLE 10 OF THE TOWN OF
SAN ANSELMO MUNICIPAL CODE TO COMPLY
WITH SENATE BILL 9

WHEREAS, this Ordinance is adopted as an interim urgency ordinance pursuant to Government Code Section 65858; and

WHEREAS, on September 16, 2021, Senate Bill 9 was approved by the Governor of the State of California and filed with the Secretary of State, amending Section 66452.6 of the California Government Code and adding to the Government Code Sections 65852.21 and 66411.7, allowing additional housing units on properties within single family zones and providing for parcel map approval of an urban lot split; and

WHEREAS, the changes made to the Government Code by Senate Bill 9 go into effect January 1, 2022; and

WHEREAS, SB 9 further restricts the standards and regulations that local agencies, including the Town of San Anselmo (the "Town"), may impose on qualifying two-unit or subdivision projects. For example, SB 9 specifies that local agencies may impose only objective zoning, subdivision, and design standards that do not conflict with the statutes, but such standards must not physically preclude a unit size of 800 square feet. In addition, SB 9 permits a local agency to deny a proposed two-unit or subdivision project only if the agency's Building Official makes a written finding based on preponderance of the evidence that the proposed project would have a specific, adverse impact upon public health and safety or the physical environment, which is a very high standard for municipalities to meet under the statute; and

WHEREAS, the Town's natural beauty, including the trees and hills and views of the natural areas, is a uniquely valuable public resource. A significant number of parcels within the Town are also within high fire hazard severity zones, slope stability hazard areas, flood hazard areas, and/or covered by open space easements. The Town has substantial interests in protecting the community against these hazards. The reasonably regulated and orderly development of residential construction and subdivision projects as permitted by SB 9 is desirable, and unregulated or disorderly development represents an ever-increasing and true threat to the health, welfare and safety of the community; and

WHEREAS, the Town has implemented land use policies, based on the Town's General Plan, Bald Hill Area Plan, and the Climate Action Plan 2030, which provide an overall vision for the community and balance important community needs, and the Town seeks to ensure Senate Bill 9 projects are consistent with those policies; and

WHEREAS, the default standards contained in the new state law include no objective zoning, subdivision, and design standards, such as those contained in the Town's Zoning Ordinance, which include, floor area, lot coverage and height regulations, subdivision, and site development standards and regulations that require development projects including accessory dwelling units be designed to respect the visual and acoustic privacy of primary residences on contiguous lots and to preserve the scenic views of principle structures on contiguous lots; and

WHEREAS, state law allows a local agency to adopt an ordinance to implement the provisions in Senate Bill 9; and

WHEREAS, the Town has received multiple public inquiries from architects, developers, and residents regarding SB 9 development projects and the new state law, underscoring the need for the Town to update its regulatory scheme to bring it into compliance with the requirements of the bill; and

WHEREAS, the proposed amendments to the Town of San Anselmo Municipal Code implement the requirements of state law and add local policies that are within the scope of the state law; and

WHEREAS, on November 1, 2021, the San Anselmo Planning Commission conducted a public hearing on the proposed Zoning Ordinance amendments and notice of the hearings was published in the *Marin Independent Journal* on October 8, 2021; and

WHEREAS, the San Anselmo Planning Commission considered all staff reports, attachments, and public testimony and found the proposed ordinance is consistent with the Town's General Plan and recommended that the Town Council adopt the proposed ordinance; and

WHEREAS, due to time constraints, the Town Council did not hold a hearing to introduce the ordinance at its meeting of November 9, 2021, which prevents the ordinance from taking effect before SB 9 goes into effect; and

WHEREAS, California Government Code Section 65858 authorizes the Town to adopt an interim urgency ordinance by a four-fifths (4/5) 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, the Town Council held a public hearing on December 23, 2021, to consider the Planning Commission recommendation; and

WHEREAS, public notice of the Town Council hearings to consider the proposed ordinance was published in the *Marin Independent Journal* on November 19, 2021; and

WHEREAS, any interim urgency measure adopted pursuant to Government Code Section 65858 shall be of no further force and effect forty-five (45) days from its date of

adoption unless extended by the legislative body. During the effective term of the urgency ordinance, Town staff intends to undertake further study and present its recommendations to the Town Council regarding permanent revisions to the Town's regulatory scheme pertaining to residential development and subdivision projects and consistent with the goals and policies of the Town's General Plan, California Planning and Zoning Law, and the provisions of California Government Code Section 65858; and

WHEREAS, the Town Council finds that the provisions of this ordinance are consistent with the goals and policies of the Town's General Plan; and

WHEREAS, the Town Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 65858, and take effect immediately upon adoption. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

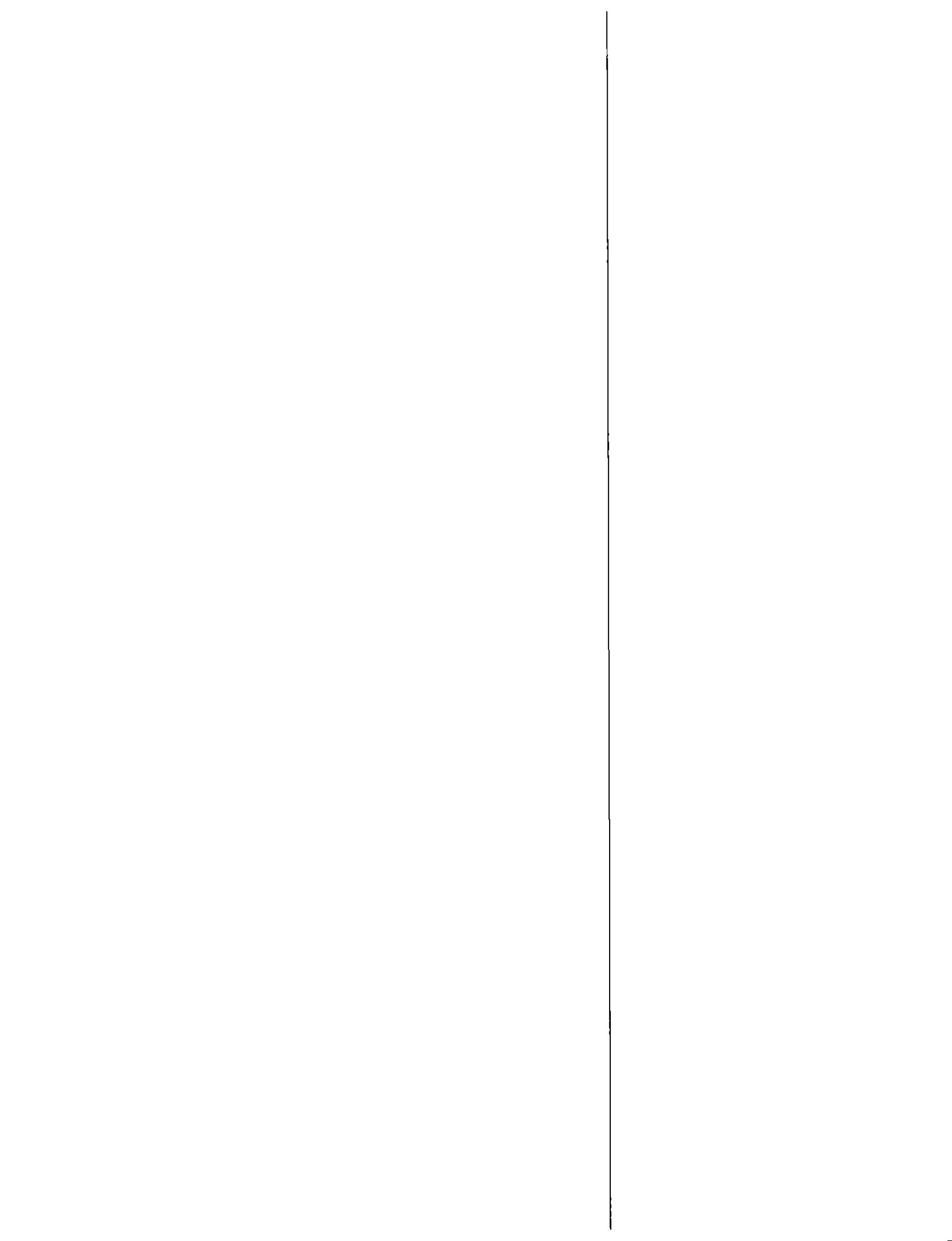
NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

Section 1. FINDINGS

- a. The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.
- b. There exists a current and immediate threat to the public health, safety, and welfare requiring immediate implementation of an urgency ordinance to regulate residential development projects, subdivisions and site developments in the Town of San Anselmo.
- c. The urgency ordinance is necessary for the immediate preservation of the public peace, health, and safety because the subdivision of lots and design and construction of single-family residences, duplexes and accessory dwelling units pursuant to Senate Bill 9 (SB 9) without adequate standards can cause: land use and site development conflicts and incompatibilities including public safety, visual, privacy, acoustic and aesthetic impacts which would negatively impact the public welfare and the unique quality and character of the Town.
- d. Based on the recent amendments to state law with respect to the regulation of SB 9 units and lot subdivisions, there is a need for the Town to update its current codes.

Section 2. The Town of San Anselmo Municipal Code Title 10, Chapter 2, Section 10-2.709(a) is amended to remove the words "Planning Director" and replace it with "Town Engineer".

Section 3. The Town of San Anselmo Municipal Code Title 10, Chapter 2, Section 10-2.710(a)(1) is hereby repealed and replaced with:



"(1) Do not create an additional lot in any zone or make an otherwise ineligible site eligible for an Urban Lot Split or Ministerial Housing Unit pursuant to Title 10, Chapter 4;"

Section 4. The Town of San Anselmo Municipal Code Title 10, Chapter 2, Section 10-2.711 is hereby added as follows:

"10-2.711 Urban Lot Splits Pursuant to Government Code 66411.7

- (a) The Town shall ministerially consider a parcel map that subdivides an existing parcel to create no more than two new parcels for an Urban Lot Split pursuant to California Government Code Section 66411.7 and this section. The Planning Director and Public Works Director shall be responsible for determining whether an Urban Lot Split meets the requirements for ministerial approval under this section.
- (b) Within the time required under the Subdivision Map Act, the Planning Director shall determine if the parcel map for the Urban Lot Split meets all of the following requirements:
 - (1) The parcel is located within a single-family residential zone R-1, R-1-H, R-1-C or SPD R-1.
 - (2) The parcel satisfies the requirements specified in California Government Code Section 65913.4(a)(6)(B) through (K), inclusive.
 - (3) Both newly created parcels are no smaller than 1,200 square feet.
 - (4) One parcel shall not be smaller than 40 percent of the lot area of the parcel proposed for subdivision.
 - (5) The resulting parcels shall comply with the lot size, frontage, width, side lines, and front and rear yard requirements of Chapter 3 Zoning, except that the Planning Director will grant exceptions to any requirement that would physically preclude the original parcel from being subdivided into two new parcels that are not smaller than 1,200 square feet, so long as one parcel is no smaller than 40 percent of the lot area of the parcel proposed for subdivision.
 - (6) Each resulting parcel shall adjoin a public right of way.
 - (7) For lots than have existing residential units, at least one parking space shall be provided per unit in accordance with the requirements in Title 10, Chapter 4.
 - (8) The proposed lot split would not require demolition or alteration of any of the following types of housing:

- (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - (ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - (iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 - (iv) Housing that has been occupied by a tenant in the last three years.
- (9) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a town landmark or historic property or district pursuant to a town ordinance.
- (10) The parcel has not been established through prior exercise of an Urban Lot Split as provided for in this section.
- (11) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided for in this section. For purposes of this Section, a person "acting in concert" means a person that has common ownership of the subject parcel with the owner of an adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.
- (c) The Planning Director shall confirm whether the parcel map for the Urban Lot Split meets the requirements of subsection (b) and of Title 10, Chapter 2 (Subdivisions), Chapter 3 (Zoning), and Chapter 4 (Housing Developments Under Government Code Section 65852.21) by submitting a written report to the Director of Public Works. An application for a parcel map for an Urban Lot Split shall be approved or denied by the Director of Public Works ministerially without discretionary review. The Director of Public Works shall approve an Urban Lot Split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with California Government Code Section 66410)), except as otherwise expressly provided in California Government Code Section 66411.7. Notwithstanding California Government Code Section 66411.1, the Town shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an Urban Lot Split.
- (d) The only uses allowed on a parcel created by an Urban Lot Split shall be residential uses.
- (e) The applicant for an urban lot split shall sign an affidavit stating that the applicant intends to occupy one of the housing units on the newly created lots as their principal residence

for a minimum of three years from the date of the approval of the Urban Lot Split. This subsection shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

- (f) The applicant for an urban lot split shall record a deed restriction limiting rental of any unit created pursuant to this chapter, or Chapter 4, for a term longer than 30 days on a form provided by the Town.
- (g) The Town may deny an urban lot split if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- (h) No exceptions to the standards in this section shall be requested or granted pursuant to Section 10-2.706 or Section 10-2.901.
- (i) A decision to approve or deny and Urban Lot Split shall be final ten (10) calendar days following the date of approval unless the action is appealed to the Planning Commission or Town Council in the manner prescribed in Sections 1-4.01 or 10-1.05 of the San Anselmo Municipal Code.

Section 5. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10-3.201 subsections (a), (b), and (c) are hereby amended to add the following sentence to the end of each section:

"Small two unit developments that comply with Chapter 4 are permitted."

Section 6. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10-3.202, Table 3A (Land Use Regulations Table) is hereby repealed and replaced with the following:

| LAND USE REGULATIONS TABLE | | | | | | | | | | | |
|-----------------------------------|----------|-------|-------|-----|-----|-----|------------------|-----|-----|------------------|-----|
| TABLE 3A | | | | | | | | | | | |
| "P" = Permitted Use | | | | | | | | | | | |
| "C" = Conditionally Permitted Use | | | | | | | | | | | |
| "- " = Not Permitted | | | | | | | | | | | |
| LAND USES | DISTRICT | R-1-H | R-1-C | R-1 | R-2 | R-3 | P | C-1 | C-2 | C-L | C-3 |
| Accessory Uses | | P | P | P | P | P | ⁽⁵⁾ P | C | C | ⁽¹⁾ C | C |

| | | | | | | | | | | | |
|--|--|------------------|------------------|------------------|---|---|---|---|------------------|------------------------|---------------------|
| Alcoholism and/or Drug Treatment Facility, Small | | P | P | P | P | P | - | - | - | - | - |
| Alcoholism and/or Drug Treatment Facility, Large | | C ⁽⁸⁾ | C ⁽⁸⁾ | C ⁽⁸⁾ | C | C | - | - | - | - | - |
| Alcohol, Off-Sale | | - | - | - | - | - | - | C | C | ⁽¹⁾ C | ⁽²⁾ C |
| Alcohol, On-Sale | | - | - | - | - | - | - | - | C | - | C |
| Amusement, Places of | | - | - | - | - | - | - | - | C | - | C |
| Animal Boarding | | - | - | - | - | - | - | - | C ⁽¹⁾ | C ⁽¹⁾ | C ⁽¹⁾ |
| Animal Grooming and Supplies | | - | - | - | - | - | - | - | P | P | P |
| Appliances Repair, Domestic | | - | - | - | - | - | - | P | P | P | P |
| Appliances Sales, Domestic | | - | - | - | - | - | - | - | P | P | P |
| Audio/Video Sales and Service | | - | - | - | - | - | - | - | P | ⁽¹⁾ C | C |
| Automotive, Bio-Diesel Fuel | | - | - | - | - | - | - | - | - | - | C ⁽¹⁾ |
| Automotive, Gasoline, Full and Self Serve | | - | - | - | - | - | - | - | - | ⁽¹⁾⁽³⁾⁽⁴⁾ C | ⁽³⁾⁽⁴⁾ C |
| Automotive, Gasoline, Service Station, Full & Self Service | | - | - | - | - | - | - | - | - | - | ⁽³⁾⁽⁴⁾ C |
| Automotive, Gasoline with Convenience Market | | - | - | - | - | - | - | - | - | ⁽¹⁾⁽³⁾⁽⁴⁾ C | ⁽³⁾⁽⁴⁾ C |
| Automotive, Rental | | - | - | - | - | - | - | - | - | - | C |
| Automotive, Sales | | - | - | - | - | - | - | - | - | - | C |
| Automotive, Service and Repair | | - | - | - | - | - | - | - | - | ⁽¹⁾ C | C |

| | | | | | | | | | | | | |
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| Automotive, Wash | | - | - | - | - | - | - | - | - | - | - | C |
| Bakeries | | - | - | - | - | - | - | P | P | (1) C | | P |
| Bakery Goods Stores | | - | - | - | - | - | - | P | P | C(1) | | P |
| Bakery Goods Stores (no on-site baking) | | - | - | - | - | - | - | P | P | (1) C | | P |
| Banks | | - | - | - | - | - | - | - | P | - | | C |
| Bars | | - | - | - | - | - | - | - | C | - | | C |
| Barber Shops | | - | - | - | - | - | - | P | P | P | | P |
| Beauty Parlors | | - | - | - | - | - | - | P | P | P | | P |
| Beauty Support Services | | - | - | - | - | - | - | P | P | P | | P |
| Bed and Breakfast | | - | - | - | - | C | - | C | C | - | | C |
| Bicycle, Sales and Repair | | - | - | - | - | - | - | P | - | - | | P |
| Blueprinting Shops | | - | - | - | - | - | - | - | P | P | | P |
| Book Stores | | - | - | - | - | - | - | P | P | P | | P |
| Building Supplies and Lumber when within a building | | - | - | - | - | - | - | - | - | - | | C |
| Business Machine Sales and Repairs | | - | - | - | - | - | - | - | P | P | | P |
| Business Support Services | | - | - | - | - | - | - | - | P | C(1) | | P |
| Butcher Shops | | - | - | - | - | - | - | - | P | (1) C | | P |
| Candy Shops | | - | - | - | - | - | - | - | P | P | | P |
| Caterers | | - | - | - | - | - | - | - | P | P | | P |
| Churches | | - | - | C(8) | C | C | - | C | C | (1) C | | C |
| Cigar Stores | | - | - | - | - | - | - | - | P | P | | P |
| Clothing Stores | | - | - | - | - | - | - | P | P | P | | P |
| Communications Equipment Buildings | | C(8) | C(8) | C(8) | C | C | C | C | C | (1) C | | C |
| Computers, Sales & Repair | | - | - | - | - | - | - | C | P | P | | P |
| Convalescent Homes | | - | - | - | - | C | C | C | C | - | | C |

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|--|--|------------------|------------------|------------------|---|---|---|---|------------------|------------------|------------------|
| Fitness Center, Classes as Primary Use | | - | - | - | - | - | - | C | C | - | C |
| Florists | | - | - | - | - | - | - | C | P | P | P |
| Food Stores (6:00 a.m. — 11:00 p.m. only) | | - | - | - | - | - | - | P | P | - | P |
| Food Stores, Before 6:00 a.m. and After 11:00 p.m. | | - | - | - | - | - | - | C | C | - | C |
| Foster Family Homes | | P | P | P | P | P | P | P | P | - | P |
| Furniture Stores | | - | - | - | - | - | - | - | P | P | P |
| Gift Stores | | - | - | - | - | - | - | - | P | P | P |
| Hardware Stores | | - | - | - | - | - | - | P | P | P | P |
| Home Occupations | | p ⁽⁸⁾ | p ⁽⁸⁾ | p ⁽⁸⁾ | P | P | P | P | ⁽⁵⁾ P | - | P |
| Hospitals | | - | - | - | - | - | P | P | P | - | P |
| Hotel | | - | - | - | - | C | - | - | C | - | C |
| Institutional, Public | | - | - | p ⁽⁸⁾ | P | P | P | P | P | P | P |
| Institutional, Non-Profit | | - | - | C ⁽⁸⁾ | C | C | C | C | C | ⁽¹⁾ C | C |
| Jewelry Stores | | - | - | - | - | - | - | - | P | P | P |
| Laundries | | - | - | - | - | - | - | P | P | ⁽¹⁾ C | P |
| Laundry, Self-Serve | | - | - | - | - | - | - | C | C | ⁽¹⁾ C | C |
| Leather Goods Stores | | - | - | - | - | - | - | - | P | P | P |
| Mail Service | | - | - | - | - | - | - | - | P | ⁽¹⁾ C | P |
| Manufacturing, Light | | - | - | - | - | - | - | - | C ⁽¹⁾ | C ⁽¹⁾ | C ⁽¹⁾ |
| Medicinal Cannabis Facilities | | - | - | - | - | - | - | - | - | - | - |
| Motorcycles, Sales | | - | - | - | - | - | - | - | - | - | C |
| Motorcycles, Service and Repairs | | - | - | - | - | - | - | - | - | ⁽¹⁾ C | C |
| Musical Instrument Sales and Service | | - | - | - | - | - | - | - | P | P | P |

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| Non-Medicinal Cannabis Facilities | | - | - | - | - | - | - | - | - | - | - |
| Nursery, Garden | | - | - | - | - | - | - | - | C | ⁽¹⁾ C | P |
| Nursery School | | C ⁽⁸⁾ | C ⁽⁸⁾ | C ⁽⁸⁾ | C | C | C | C | C | - | C |
| Outdoor Sales and Rental | | - | - | - | - | - | - | C | C | ⁽¹⁾ C | C |
| Paint Stores | | - | - | - | - | - | - | - | P | ⁽¹⁾ C | P |
| Parking Area, Serving Off-Site commercial use | | - | - | C ⁽⁸⁾ | C | C | - | - | - | - | - |
| Parking Garage, Commercial | | - | - | - | - | - | - | C | C | - | P |
| Parking Lots, Commercial | | - | - | - | - | - | - | C | C | - | P |
| Parks, Public | | p ⁽⁸⁾ | p ⁽⁸⁾ | p ⁽⁸⁾ | p | p | p | p | p | - | C |
| Pediatric Day Health and Respite Care Facility | | p ⁽⁸⁾ | p ⁽⁸⁾ | p ⁽⁸⁾ | p | p | - | - | - | - | C |
| Personal Cannabis Cultivation ⁽⁶⁾ | | P | P | P | P | P | P | P | P | P | P |
| Pet Stores | | - | - | - | - | - | - | - | P | P | P |
| Pharmacy | | - | - | - | - | - | - | - | P | ⁽¹⁾ C | P |
| Photographic Equipment Sales and Service | | - | - | - | - | - | - | - | P | P | P |
| Preschool | | C ⁽⁸⁾ | C ⁽⁸⁾ | C ⁽⁸⁾ | C | C | C | C | C | - | C |
| Printing Shops | | - | - | - | - | - | - | P | P | P | P |
| Professional, Dental | | - | - | - | - | - | ⁽⁵⁾ p | P | P | ⁽¹⁾ C | P |
| Professional, Medical | | - | - | - | - | - | ⁽⁵⁾ p | P | P | ⁽¹⁾ C | P |
| Professional, Medical Clinics | | - | - | - | - | - | - | - | - | - | C |
| Professional, Offices | | - | - | - | - | - | ⁽⁵⁾ p | P | P | ⁽¹⁾ C | P |
| Professional, Optician | | - | - | - | - | - | ⁽⁵⁾ p | P | P | ⁽¹⁾ C | P |
| Professional, Optometrist | | - | - | - | - | - | ⁽⁵⁾ p | P | P | ⁽¹⁾ C | P |
| Professional, Real Estate | | - | - | - | - | - | - | - | P | ⁽¹⁾ C | P |

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| Professional, Veterinary Clinics | | - | - | - | - | - | (5) p | P | P | (1) C | P |
| Recreation, Places of | | - | - | - | - | - | - | - | C | - | C |
| Rental Libraries | | - | - | - | - | - | - | P | P | - | P |
| Residential Care Facility, Large | | C ⁽⁸⁾ | C ⁽⁸⁾ | C ⁽⁸⁾ | C | C | - | - | - | - | - |
| Residential Care Facility, Small | | P | P | P | P | P | - | - | - | - | - |
| Residential Care Facility for Persons with a Chronic Life-Threatening Illness, Large | | C | C | C | C | C | - | - | - | - | - |
| Residential Care Facility for Persons with a Chronic Life-Threatening Illness, Small | | P | P | P | P | P | - | - | - | - | - |
| Residential Care Facility for the Elderly, Large | | C ⁽⁸⁾ | C ⁽⁸⁾ | C ⁽⁸⁾ | C | C | - | - | - | - | - |
| Residential Care Facility for the Elderly, Small | | P | P | P | P | P | - | - | - | - | - |
| Residential, Accessory Dwelling Units | | p ⁽¹⁰⁾ | p ⁽¹⁰⁾ | p ⁽¹⁰⁾ | P | P | - | - | - | - | - |
| Residential, Multi-Family | | p ⁽⁹⁾ | p ⁽⁹⁾ | p ⁽⁹⁾ | - | P | C | C | C | C | C |
| Residential, Single Family Attached | | - | - | - | P | P | C | C | C | C | C |
| Residential, Single Family Detached | | P | P | P | P | P | C | C | C | C | C |
| Residential, Single-Room Occupancy Units ⁽⁷⁾ | | - | - | - | - | - | - | - | C | C | C |
| Restaurant | | - | - | - | - | - | - | - | P | (1) C | P |

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|-------------------------------------|--|------------------|------------------|------------------|---|---|------------------|---|---|------------------|------------------|---|
| Restaurant, Cafes | | - | - | - | - | - | - | - | C | P | ⁽¹⁾ C | P |
| Restaurants, Fast Food | | - | - | - | - | - | - | - | - | - | - | C |
| Restaurants, Take-Out | | - | - | - | - | - | - | - | - | - | - | C |
| Savings & Loan Institution | | - | - | - | - | - | - | - | P | - | - | P |
| Schools, Public | | - | - | P ⁽⁸⁾ | P | P | P | C | C | - | - | C |
| Schools, Private | | - | - | C ⁽⁸⁾ | C | C | C | C | C | - | - | C |
| Schools, Religious | | - | - | C ⁽⁸⁾ | C | C | C | C | C | - | - | C |
| Shoe Repair | | - | - | - | - | - | - | P | P | P | - | P |
| Sporting Goods Stores | | - | - | - | - | - | - | - | P | ⁽¹⁾ C | - | P |
| Stationery Stores | | - | - | - | - | - | - | - | P | P | - | P |
| Studios | | - | - | - | - | - | ⁽⁵⁾ p | P | P | ⁽¹⁾ C | - | P |
| Supportive Housing | | P | P | P | P | P | - | C | C | C | - | C |
| Tool Repair, Commercial | | - | - | - | - | - | - | - | C | ⁽¹⁾ C | - | C |
| Toy Stores | | - | - | - | - | - | - | - | P | ⁽¹⁾ C | - | P |
| Transitional Housing | | P | P | P | P | P | - | C | C | C | - | C |
| Transportation Services, Bus Depots | | - | - | - | - | - | - | - | P | - | - | P |
| Travel Bureaus | | - | - | - | - | - | - | - | P | P | - | P |
| Utility Substations | | C ⁽⁸⁾ | C ⁽⁸⁾ | C ⁽⁸⁾ | C | C | C | C | C | ⁽¹⁾ C | - | C |
| Variety Stores | | - | - | - | - | - | - | P | P | C | - | P |
| Wall Paper Stores | | - | - | - | - | - | - | - | P | P | - | P |
| Water Tanks | | C ⁽⁸⁾ | C ⁽⁸⁾ | C ⁽⁸⁾ | C | C | C | C | C | ⁽¹⁾ C | - | C |
| Wholesale Distribution | | - | - | - | - | - | - | - | - | - | - | C |
| Wholesale Warehouses | | - | - | - | - | - | - | - | - | ⁽¹⁾ C | - | C |
| Windmills | | - | C ⁽⁸⁾ | C ⁽⁸⁾ | C | C | C | C | C | - | - | C |
| Wireless Sales | | - | - | - | - | - | - | - | P | C ⁽¹⁾ | - | P |

| LAND USE REGULATIONS TABLE TABLE 3A |
|---|
| Notes: |
| (1) Reference Section 10-1305 of Article 13 of this Chapter. |
| (2) Services provided before 8:00 a.m. and after 6:00 p.m. are subject to the granting of a conditional use permit. Reference Article 13 of this Chapter. |
| (3) Reference Chapter 6 of this Title. |
| (4) Upon change of occupancy, buildings or leasable space having a minimum of one thousand two hundred (1,200) square feet of gross floor area shall be subject to the granting of a conditional use permit and design review as set forth in Articles 13 and 15 of this Title. |
| (5) Reference Article 5 of this Title. |
| (6) Reference Section 10-3.1801 of Article 18 of this Chapter. |
| (7) Reference Section 10-3.1901 of Article 19 of this Chapter. |
| (8) Use is prohibited on lots created by California Government Code Sections 65852.21 and 66411.7. |
| (9) Two units permitted pursuant to Chapter 10-4.101, implementing California Government Code Sections 65852.21 and 66411.7. |
| (10) No accessory dwelling unit or junior accessory dwelling shall be allowed for units on parcels that use both the authority contained in Government Code Section 65852.21 and the authority contained in Government Code Section 66411.7 (Urban Lot Split). |

Section 7. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10-3.402 is hereby amended by adding the following to the end of the first paragraph:

"or (5) pursuant to specific exceptions for certain two unit developments and subdivisions set forth in Chapter 4, Housing Developments Under Government Code Section 65852.21, and Chapter 6, Accessory Dwelling Units."

Section 8. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10-3.407(c) is hereby repealed and replaced as follows:

"(c) Except as provided in California Government Code Section 66411.7, no lot shall be divided into two (2) or more parcels in any manner, so as to produce a remaining lot having an area less than the minimum lot area required within the District as set forth in the Development Standards Table, referred to as Table 4A."

Section 9. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10-3.408 is hereby amended to add to the start of the first sentence:

"Except as provided in California Government Code Section 66411.7,"

Section 10. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10-3.410 is hereby repealed and replaced as follows:

"The Table of R-1 H (Hillside Density District) Parcels, referred to as Table 4D, lists the maximum allowable number of dwelling units for the corresponding parcels of land for properties with an R-1 H zoning designation. Additional units shall be permitted in conformance with State law pursuant to Chapter 4 (Housing Developments Under Government Code Section 65852.21) and Chapter 6 (Accessory Dwelling Units).

| TABLE OF R-1-H (HILLSIDE DENSITY DISTRICT) PARCELS for 06/28/05 | | | | | |
|--|-----------------|--------------------------|-----------------|--------------------------|-----------------|
| TABLE 4D | | | | | |
| 1. MAXIMUM ALLOWABLE NUMBER OF UNITS FOR THE CORRESPONDING PARCELS | | | | | |
| Assessor's Parcel Number | Number of Units | Assessor's Parcel Number | Number of Units | Assessor's Parcel Number | Number of Units |
| 5-011-60 | 5 | 7-097-06 | 1 | 7-191-06* | 1 |
| | | | | 7-201-09* | 1 |
| 5-011-66 | 1 | 7-360-01 | 1 | | |
| 5-011-67 | 1 | 7-360-02 | 1 | 7-192-07 | 1 |
| | | 7-360-03 | 1 | | |
| 5-031-36 | 1 | 7-360-04 | 1 | 7-201-02 | 1 |
| | | 7-360-05 | 1 | | |
| 5-320-01 | 1 | 7-360-06 | 1 | 7-201-06 | 1 |
| 5-320-02/05/06 | 1 | 7-360-07 | 1 | | |
| 5-320-03 | 1 | | | 7-201-13 | 1 |
| 5-320-04 | 1 | 7-121-40 | 1 | 7-201-14 | 1 |
| | | | | | |
| 5-062-73 | 2 | 7-131-58/59 | 1 | 7-201-15 | 2 |
| | | | | | |
| 5-300-15 | 8 | 7-340-01 | 1 | 7-241-73 | 1 |
| | | 7-340-02 | 1 | 7-241-74 | 1 |
| 5-300-29 | 1 | 7-340-03 | 1 | | |
| 5-300-30 | 1 | 7-340-04 | 1 | 7-241-75/76 | 1 |
| | | 7-340-05 | 1 | | |
| 6-013-41 | 2 | | | 7-241-68 | 1 |
| | | 7-154-02 | 1 | | |
| 6-091-05 | 1 | | | 7-241-66 | 1 |
| | | 7-154-03 | 1 | | |
| 6-091-56 | 1 | | | 7-241-67 | 1 |
| | | 7-370-01/02 | 1 | | |
| 6-172-10 | 1 | | | 177-171-07 | |
| | 1 | 7-182-07 | 1 | 177-250-67 | 1** |
| 6-172-13 | | | | | |
| 6-172-14 | 1 | 7-097-02* | | 177-190-05 | 5 |

| | | | | | |
|----------|---|-----------|---|---------------|---|
| | | 7-097-07* | 2 | | |
| 6-181-42 | 2 | 7-141-04* | | 177-220-66 | 1 |
| | | | | 177-220-67 | 1 |
| 7-031-28 | 1 | 7-191-03 | 1 | 177-220-68 | 1 |
| | | | | 177-250-57 | 1 |
| | | 7-191-07 | 1 | 177-250-58 | 1 |
| | | | | 177-250-59 | 1 |
| | | 7-191-10 | 2 | 177-250-60 | 1 |
| | | | | 177-250-61 | 1 |
| | | | | 177-250-62 | 1 |
| | | | | 177-250-64 | 1 |
| | | | | 177-250-65 | 1 |
| | | | | 177-250-66/68 | 1 |
| | | | | | |
| | | | | 177-250-31 | 1 |

* Multiple parcels under one ownership.

**The number of units established for these parcels is based on the assumption of their combined development.

2. DENSITIES FOR THE FOLLOWING PARCELS SHALL BE RECOMMENDED BY THE PLANNING COMMISSION AFTER A SPECIAL PUBLIC HEARING AND AFTER ACCEPTABLE ACCESS HAS BEEN DEMONSTRATED IN JOINT COOPERATION WITH THE TOWN OF FAIRFAX:

| |
|--------------------------|
| Assessor's Parcel Number |
| 7-071-02 |
| 7-071-01 |

Section 11. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10-3.411 is hereby repealed and replaced as follows:

"10-3.411 Table of Maximum Adjusted Floor Area for Residential Properties Located Above 150 Mean Sea Level Elevation.

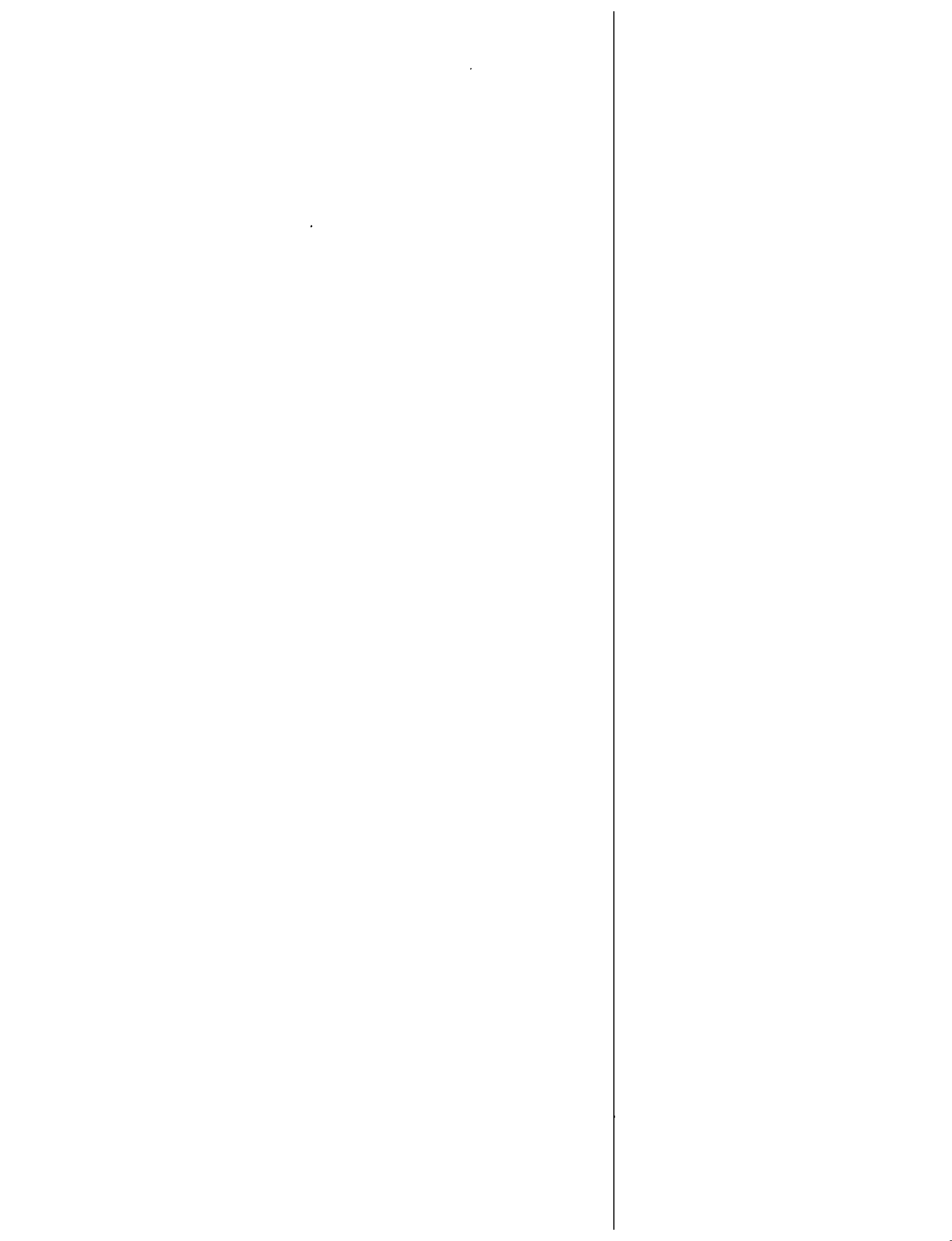
The Table of Maximum Adjusted Floor Area for Properties Located Above 150 Mean Sea Level Elevation, referred to as Table 4E, lists the maximum adjusted floor area allowed on residential properties located above 150 mean sea level elevation.

| | | | | |
|--|---------------------------|---------|---------------------|---------------------|
| TABLE OF MAXIMUM ADJUSTED FLOOR AREA FOR RESIDENTIAL PROPERTIES LOCATED ABOVE 150 MEAN SEA LEVEL ELEVATION | | | | |
| TABLE 4E | | | | |
| Formula | Lot Size (Square Feet) | (Acres) | Maximum Adjusted | Maximum Adjusted |

| | | | Floor Area ⁽¹⁾⁽²⁾⁽³⁾ (Square Feet) | Floor Area Ratio |
|-----------------|---------------|------|--|------------------|
| 35% of Lot Size | 8,000 or less | | | |
| 10% of Lot Size | 8,500 | 0.20 | 2,850 | .33 |
| + 2,000 sq. ft. | 9,000 | 0.21 | 2,900 | .32 |
| | 9,500 | 0.22 | 2,950 | .31 |
| | 10,000 | 0.23 | 3,000 | .30 |
| | 11,000 | 0.25 | 3,100 | .28 |
| | 12,000 | 0.28 | 3,200 | .26 |
| | 13,000 | 0.30 | 3,300 | .25 |
| | 14,000 | 0.32 | 3,400 | .24 |
| | 15,000 | 0.34 | 3,500 | .23 |
| | 17,500 | 0.40 | 3,750 | .21 |
| 5% of Lot Size | 20,000 | 0.46 | 4,000 | .20 |
| + 3,000 sq. ft. | 25,000 | 0.57 | 4,250 | .17 |
| | 30,000 | 0.69 | 4,500 | .15 |
| | 35,000 | 0.80 | 4,750 | .14 |
| 5,000 sq. ft. | 40,000 | 0.92 | 5,000 | .13 |
| Maximum | 45,000 | 1.03 | 5,000 | .11 |
| | 50,000 | 1.15 | 5,000 | .10 |
| | 55,000 | 1.26 | 5,000 | .09 |
| | 60,000 | 1.38 | 5,000 | .08 |
| | 65,000 | 1.49 | 5,000 | .08 |
| | 70,000 | 1.61 | 5,000 | .07 |
| | 75,000 | 1.72 | 5,000 | .07 |
| | 80,000 | 1.84 | 5,000 | .06 |
| | 87,120 | 2.00 | 5,000 | .06 |
| | 108,900 | 2.50 | 5,000 | .05 |
| | 130,630 | 3.00 | 5,000 | .04 |
| | 174,240 | 4.00 | 5,000 | .03 |
| | 217,800 | 5.00 | 5,000 | .02 |

Notes on Following Page

TABLE OF MAXIMUM SIZES OF DWELLINGS ON
RESIDENTIAL PROPERTIES LOCATED
ABOVE 150 MEAN SEA LEVEL ELEVATION



| TABLE 4E | |
|---------------|---|
| Notes: | |
| (1) | Adjusted Floor Area is defined as the gross exterior floor area (as measured from the exterior framing of the outside wall) in the main dwelling(s) PLUS: (a) Any garage space after the first 500 square feet; (b) Any enclosed accessory buildings; and (c) Any potential living space with minimum dimensions of 8 feet by 10 feet and 7.5 feet head room; and (d) Any accessory dwelling unit. |
| (2) | Except as provided in Chapter 4, the maximum size of R-1-H, R-1-C, and R-1 structures located above 150 mean sea level shall be as described above. The maximum house size shall be further limited by the requirement to meet all applicable design review findings. Should there be no other option but to allow development on a visible hillside or ridge, the Town may further limit the size of development, i.e., square footage allowed within any structure, should it be determined that such a limitation would reduce the visual impact of a development. |
| (3) | Existing Enclosed Structures — Exemption: Existing enclosed structures that do not conform to the standards of Table 4E may be altered or reconstructed, provided that: (a) The alterations or reconstruction shall not alter the exterior building dimensions of the structure to an amount greater than was contained in the original structure; and (b) Said work otherwise meets the provisions of the San Anselmo Municipal Code. |
| (4) | Dwellings built, enlarged, or expanded before February 26, 1991, which do not exceed the Maximum Adjusted Floor Area, may exceed this number by not more than 10% subject to Design Review approval under Article 15 of this chapter. Additional floor area is not allowed for any lots or structures associated with an application under Chapter 4 or California Government Code Sections 65852.21 and 66411.7. |
| | Dwellings built, enlarged, or expanded before February 26, 1991, which exceed the Maximum Adjusted Floor Area, may exceed this number by not more than 500 square feet subject to Design Review approval under Article 15 of this chapter. Additional floor area is not allowed for any lots or structures associated with an application under Chapter 4 or California Government Code Sections 65852.21 and 66411.7. |

Section 12. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10-3.412(e) is hereby amended by adding the following sentence at the end:

"Additional floor area is not allowed for any lots or structures associated with an application under Title 10, Chapter 4 or California Government Code Sections 65852.21 and 66411.7, unless required to accommodate two 800 square foot units."

Section 13. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10-3.412 Table 4F is hereby repealed and replaced as follows:

Elevation
Table 4F

| Lot Size (Sq-Ft) | Sliding Scale: 45% to 35% | Adjusted Floor Area | 325 sf Additional Floor Area for Dwellings that Exist Prior to Ordinance Adoption (1)/(2) | Maximum Lot Coverage Ratio | Adjusted Lot Coverage |
|------------------|---------------------------|---------------------|---|----------------------------|-----------------------|
| <2250 | 0.45 | | 325 + | 0.35 | |
| 2250 | 0.45 | 1013 | 1338 | 0.35 | 788 |
| 2500 | 0.45 | 1125 | 1450 | 0.35 | 875 |
| 2750 | 0.45 | 1238 | 1563 | 0.35 | 963 |
| 3000 | 0.45 | 1350 | 1675 | 0.35 | 1050 |
| 3250 | 0.45 | 1463 | 1788 | 0.35 | 1138 |
| 3500 | 0.45 | 1575 | 1900 | 0.35 | 1225 |
| 3750 | 0.45 | 1688 | 2013 | 0.35 | 1313 |
| 4000 | 0.45 | 1800 | 2125 | 0.35 | 1400 |
| 4250 | 0.42 | 1800 | 2125 | 0.35 | 1488 |
| 4500 | 0.40 | 1800 | 2125 | 0.35 | 1575 |
| 4750 | 0.40 | 1900 | 2225 | 0.35 | 1663 |
| 5000 | 0.40 | 2000 | 2325 | 0.35 | 1750 |
| 5250 | 0.40 | 2100 | 2425 | 0.35 | 1838 |
| 5500 | 0.40 | 2200 | 2525 | 0.35 | 1925 |
| 5750 | 0.40 | 2300 | 2625 | 0.35 | 2013 |
| 6000 | 0.40 | 2400 | 2725 | 0.35 | 2100 |
| 6250 | 0.40 | 2500 | 2825 | 0.35 | 2188 |
| 6500 | 0.40 | 2600 | 2925 | 0.35 | 2275 |
| 6750 | 0.40 | 2700 | 3025 | 0.35 | 2363 |
| 7000 | 0.40 | 2800 | 3125 | 0.35 | 2450 |
| 7250 | 0.39 | 2828 | 3153 | 0.35 | 2538 |
| 7500 | 0.38 | 2850 | 3175 | 0.35 | 2625 |
| 7750 | 0.37 | 2868 | 3193 | 0.35 | 2713 |
| 8000 | 0.36 | 2880 | 3205 | 0.35 | 2800 |
| 8250 | 0.35 | 2888 | 3213 | 0.35 | 2888 |
| 8500 | 0.35 | 2975 | 3300 | 0.35 | 2975 |

| | | | | | |
|-------|---------------------|------|------------------------|------|------|
| 8750 | 0.35 | 3063 | 3388 | 0.35 | 3063 |
| 9000 | 0.35 | 3150 | 3475 | 0.35 | 3150 |
| 9250 | 0.35 | 3238 | 3563 | 0.35 | 3238 |
| 9500 | 0.35 | 3325 | 3650 | 0.35 | 3325 |
| 9750 | 0.35 | 3413 | 3738 | 0.35 | 3413 |
| 10000 | 0.35 | 3500 | 3825 | 0.35 | 3500 |
| 10250 | 0.35 | 3588 | 3913 | 0.35 | 3588 |
| 10500 | 0.35 | 3675 | 4000 | 0.35 | 3675 |
| 10750 | 0.35 | 3763 | 4088 | 0.35 | 3763 |
| 11000 | 0.35 | 3850 | 4175 | 0.35 | 3850 |
| 11250 | 0.35 | 3938 | 4263 | 0.35 | 3938 |
| 11500 | 0.35 | 4025 | 4350 | 0.35 | 4025 |
| 11750 | 0.35 | 4113 | 4438 | 0.35 | 4113 |
| 12000 | 0.35 | 4200 | 4525 | 0.35 | 4200 |
| 12250 | 0.35 | 4288 | 4613 | 0.35 | 4288 |
| 12500 | 0.35 | 4375 | 4700 | 0.35 | 4375 |
| 12750 | 0.35 | 4463 | 4788 | 0.35 | 4463 |
| 13000 | 0.35 | 4550 | 4875 | 0.35 | 4550 |
| 13250 | 0.35 | 4638 | 4963 | 0.35 | 4638 |
| 13500 | 0.35 | 4725 | Maximum: 5000 sq ft | 0.35 | 4725 |
| 13750 | 0.35 | 4813 | 5000 | 0.35 | 4813 |
| 14000 | 0.35 | 4900 | 5000 | 0.35 | 4900 |
| 14250 | 0.35 | 4988 | 5000 | 0.35 | 4988 |
| 14500 | Maximum: 5000 sf | 5000 | 5000 | 0.35 | 5075 |
| 14750 | | 5000 | 5000 | 0.35 | 5163 |
| 15000 | | 5000 | 5000 | 0.35 | 5250 |
| 15250 | | 5000 | 5000 | 0.35 | 5238 |
| 15500 | | 5000 | 5000 | 0.35 | 5425 |
| 15750 | | 5000 | 5000 | 0.35 | 5513 |
| 16000 | | 5000 | 5000 | 0.35 | 5600 |
| 16250 | | 5000 | 5000 | 0.35 | 5688 |
| 16500 | | 5000 | 5000 | 0.35 | 5775 |
| 16750 | | 5000 | 5000 | 0.35 | 5863 |
| 17000 | | 5000 | 5000 | 0.35 | 5950 |
| 17250 | | 5000 | 5000 | 0.35 | 6038 |
| 17500 | | 5000 | 5000 | 0.35 | 6125 |
| 18000 | | 5000 | 5000 | 0.35 | 6300 |
| 18250 | | 5000 | 5000 | 0.35 | 6388 |
| 18500 | | 5000 | 5000 | 0.35 | 6475 |
| 18750 | | 5000 | 5000 | 0.35 | 6563 |
| 19000 | | 5000 | 5000 | 0.35 | 6650 |

| | | | | | |
|--------|--|------|------|------|--|
| 19001+ | | 5000 | 5000 | 0.35 | |
|--------|--|------|------|------|--|

Note:

1) Subject to Findings per Sec. 10-3.412(e)

2) Additional floor area is not allowed for any lots or structures associated with an application under Title 10 Chapter 4 or California Government Code Sections 65852.21 and 66411.7.

Section 14. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10.3-515 Table 5A is hereby repealed and replaced as follows:

| PARKING STANDARDS TABLE TABLE 5A | |
|---|---|
| RESIDENTIAL LAND USE | NUMBER OF REQUIRED ON-SITE PARKING SPACES⁽¹⁾⁽²⁾ |
| Single-Family Dwelling, Attached or Detached, and Located below 150 mean sea level elevation | Two (2) spaces per living unit ⁽⁴⁾ |
| Single-Family Dwelling, Attached or Detached, and Located above 150 mean sea level elevation | Three (3) spaces per living unit ⁽³⁾ |
| Residential unit associated with an application under California Government Code Sections 65852.21 and 66411.7. | One (1) space per living unit, except as provided in Title 10, Chapter 4 ⁽²⁾ |
| Accessory Dwelling Units | See Title 10, Chapter 6 |
| Multi-Family Living Unit: | |
| Studio or 1-bedroom living unit | One (1) space per unit |
| 2-bedroom living unit | One and one-half (1½) spaces per unit |
| 3 or more bedroom living unit | Two (2) spaces per unit |
| NON-RESIDENTIAL LAND USE | NUMBER OF REQUIRED ON-SITE PARKING SPACES⁽¹⁾⁽²⁾ |
| Church, College/University Auditorium, High School and Other Places of Public Assembly | One (1) space for each ten (10) fixed seats |
| Convalescent Home, Hospital | One (1) space for every two (2) beds |
| Auditorium, Theater, Other Similar Places of Assembly | One (1) space for each five (5) seats |
| Commercial Place of Amusement, Assembly Hall Without Fixed Seats, Dance Hall | One (1) space for each 100 gross square feet building floor area |
| Hotel, Motel | One (1) space for each guest room |
| Communication Equipment Building | Three (3) spaces PLUS one (1) space for each 500 gross square feet of building floor area PLUS two (2) spaces for each two (2) employees on duty on the maximum shift |
| Other Business, Commercial, Public Utility Buildings | Three (3) spaces PLUS one (1) space for each 500 gross square feet of building floor area |

| |
|---|
| Notes: |
| (1) Any calculation of parking space requirements which results in a fractional parking space shall be rounded up to the next full parking space. |
| (2) A tandem parking space is not allowed to fulfill the legal parking space requirement unless otherwise noted in this chapter. |
| (3) One (1) of the three (3) parking spaces may be in tandem and may be located within the minimum required front setback unless otherwise noted in this chapter. |
| (4) For any lot with an average width of 52 feet or less, one (1) of the two (2) parking spaces may be in tandem and may be located within the minimum required front setback and side setback. |

Section 15. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10.3-1603 is hereby amended by adding a subsection (f) as follows:

"(f) For all Planning Director decisions under Title 10, Chapter 2, Article 7, Section 10-2.705 Urban Lot Splits and Title 10, Chapter 4 Housing Developments Under Government Code Section 65852.21, notice shall be provided at least ten (10) days prior to the decision in accordance with the California Government Code Section 65091. In addition, notice shall be mailed or delivered at least ten (10) days prior to the action to the Planning Commission."

Section 16. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10.3-1701 is hereby amended to add the following definitions:

"Car share vehicle" means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.

"Lower income household" shall have the meaning set forth in California Health and Safety Code Section 50079.5.

"Moderate income household" shall have the meaning set forth in California Health and Safety Code Section 50093.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

"Urban Lot Split" means a subdivision of an existing parcel into no more than two separate parcels of approximately equal size and meeting all the criteria and standards of Title 10, Chapter 2, Article 7, Section 10-2.705.

"Very low income household" shall have the meaning set forth in Health and Safety Code Section 50105."

Section 17. The Town of San Anselmo Municipal Code Title 10, Chapter 3, Section 10.3-1701 is hereby amended by adding to the end of the definition of "Kitchen" the following:

"Accessory Dwelling Unit kitchens shall meet the requirements of the California Building Code, such as a sink, electric outlets/circuit and a countertop, and shall not be required to have appliances pursuant to the guidance provided by the State Department of Housing Community Development."

Section 18. The Town of San Anselmo Municipal Code Title 10, Chapter 4 is hereby repealed and replaced with the following:

"Chapter 4. Housing Developments Under Government Code Section 65852.21

Article 1. Purpose and Applicability

10-4.101 Purpose.

This chapter provides regulations for developing units and subdividing lots pursuant to the provisions of California Government Code Sections 65852.21 and 66411.7. For purposes of this Chapter, dwelling units developed hereunder shall be known as "Ministerial Housing Units".

10-4.102 Applicability.

The Town shall ministerially consider without a hearing an application for a housing development containing no more than two residential units under this chapter if the proposed housing development meets all of the following requirements:

- (a) The parcel is located in an R-1, R-1-H, R-1-C or SPD/R-1 zoning district;
- (b) The boundaries of the Town include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau.
- (c) The parcel satisfies the requirements specified in California Government Code Section 65913.4(a)(6)(B) through (K).
- (d) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:
 - (1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, as defined in California Health & Safety Code Sections 50093, 50079.5, and 50105.
 - (2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(3) Housing that has been occupied by a tenant in the last three years.

(e) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of California Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(f) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the site has not been occupied by a tenant in the last three years.

(g) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a Town landmark or historic property or district pursuant to a Town ordinance.

Article 2. Standards for Ministerial Housing Units

10-4.201 Number of Ministerial Housing Units allowed.

Up to two (2) attached or detached Ministerial Housing Units are allowed per lot. Existing dwelling units, including single-family dwellings and existing Accessory Dwelling Unit(s) and Junior Accessory Dwelling Unit(s) shall count towards the two-unit limit for parcels subdivided pursuant to Section 10-2.711.

10-4.202 Parking.

Parking for Ministerial Housing Units shall be provided in compliance with the following provisions:

(a) Except as provided in subsection (b), one (1) permanently surfaced parking space with access to a public street with minimum dimensions of nine (9') feet in width, nineteen (19') feet in length, and seven (7') feet of vertical clearance for the entire horizontal dimension of the parking space shall be provided for each attached or detached Ministerial Housing Unit. The required parking space shall be on site, shall not be tandem, shall not be within any required setback area, and shall not be in a required fire lane.

(b) No parking shall be required for a Ministerial Housing Unit in any of the following instances:

- (1) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in Public Resources Code Section 21155(b), or a major transit stop as defined in Public Resources Section 21064.3.
- (2) There is a car share vehicle located within one block of the parcel.

(c) All parking spaces, drive aisles, driveways, and access easements which serve a parking space shall be constructed and paved with an all-weather surface and the surface shall be permeable.

(d) The Planning Director will approve waivers to any parking standard in this section that would have the effect of physically precluding the construction of up to two units or that would physically preclude either, or both, of the two units from being at least 800 square feet in floor area.

10-4.203 Height, location, and setbacks.

Ministerial Housing Units shall either be detached, attached to, or located within an existing residential dwelling unit, excluding attached garages, storage areas or similar uses. Ministerial Housing Units shall satisfy the required building height and setback standards applicable to a primary dwelling unit as specified by the zoning district in which the lot is located, including any approved building envelope, except that:

(a) A newly constructed Ministerial Housing Unit shall be a maximum of sixteen (16) feet in height, measured to the predevelopment ground elevations, and a single story. Ministerial Housing Units newly constructed in Special Flood Hazard Areas on the adopted Town Flood Insurance Rate Map may be up to fourteen (14) feet in height, measured from the Base Flood Elevation plus one (1) foot of freeboard, or sixteen (16) feet in height, whichever is taller. The Planning Director will grant an exception if two units of 800 square feet cannot physically be built.

(b) No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. For all other structures, the side setback shall be at least four feet from the side property line and the rear setback shall be at least four feet from the rear property line.

10-4.204 Lot coverage and floor area ratio.

The minimum size of a Ministerial Housing Unit shall be the minimum necessary to comply with all adopted and applicable building codes. Notwithstanding any other floor area provision in this Title 10, floor area shall be limited to 800 square feet per unit and lot coverage shall be limited to 35%. The Town shall permit up to two eight hundred (800) square foot single story Ministerial Housing Units even if the site exceeds the maximum permitted lot coverage of 35%.

10-4.205 Architectural design standards.

(a) All Ministerial Housing Units shall comply with the objective standards in the Town of San Anselmo General Plan. Units in the Bald Hill Area shall comply with the objective standards in the Bald Hill Area Plan.

(b) Any tree that is twenty-two inches in diameter at breast height or larger removed for construction of a Ministerial Housing Unit shall be replaced on-site with a forty-eight inch box tree.

(c) The following standards apply to newly constructed Ministerial Housing Units located within required side and rear setbacks for the district in which the unit is located under Development Standards Table 4A and not conversions of existing structures:

- (1) The entrance to the Ministerial Housing Unit shall minimize noise and privacy impacts for neighbors by facing the entrance towards an adjacent public right of way or towards the interior of the lot and/or away from neighboring development.
- (2) Walls within the required side and rear setbacks for the district in which the Ministerial Housing Unit is located under Development Standards Table 4A shall be limited to a maximum height of eight (8) feet on the interior and eleven and one half (11.5) feet on the exterior. Applicants can refer to the Planning Department written standards that illustrate how wall height is measured for various roof forms.
- (3) To protect the privacy of neighbors, Ministerial Housing Units developed within the required side and rear setbacks for the district in which the unit is located under Development Standards Table 4A shall either (1) install opaque glass in the windows that face an adjoining residential property, (2) design window sill heights to be above eye level on the side of the unit that faces an adjoining residential property, or (3) install fencing or landscaping in compliance with the Fire Code and Ross Valley Fire Department standards to provide screening of the area facing the adjacent residential property.

10-4.206 Nonconforming Structures and Exceptions to standards.

(a) The Town shall not require the correction of any preexisting nonconforming zoning condition as a condition of approval for a Ministerial Housing Unit.

(b) The Town may permit exceptions to Sections 10-4.202 through 10-4.205 subject to approval of design review and a conditional use permit in accordance with Article 13 and 15 of this title.

10-4.207 General requirements and restrictions.

The following requirements and restrictions apply to Ministerial Housing Units:

(a) All Ministerial Housing Units shall satisfy all Title 9 Building Regulations and any objective standards and objective requirements in the Town Municipal Code and adopted Town Council resolutions including, but not limited to Title 6, Chapter 8, Urban Runoff Pollution Prevention and Title 7, Chapter 12, Watercourses.

(b) The applicant shall acquire any required permits from the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) prior to issuance of a building permit and prior to conducting construction activity (including grading, vegetation removal, and site preparation) within any and all Waters of the State or Water of the U.S. under the jurisdictions of USACE, RWQCB or CDFW including (1) a RWQCB Waste Discharge Requirements permit and/or Section 401 Water Quality Certification, (2) a CDFW Streambed Alteration Agreement pursuant to Section 1600 et seq. of the California Fish and Game Code for impacts within the areas of CDFW jurisdiction, and (3) a USACE permit pursuant to Section 404 of the Clean Water Act.

(c) Rental of Ministerial Housing Units shall be for a term longer than thirty (30) days.

(d) For sites within a Flood Hazard Area on the adopted Federal Emergency Management Agency Flood Insurance Rate Map, the finished floor of any new Ministerial Housing Unit shall be elevated at least one (1) foot above the Base Flood Elevation as "new construction" under Title 7, Chapter 11, Protection of Flood Hazard Areas, even if the project would not be considered a "substantial improvement."

(e) A Ministerial Housing Unit shall have a separate exterior access and shall not include an interior connection if attached to a Ministerial Housing Unit.

(f) The installation of fire sprinklers shall be required for each newly constructed Ministerial Housing Unit.

(g) Each Ministerial Housing Unit shall have a separate water meter and electric meter but may share a sewer line if allowed by the Ross Valley Sanitary District.

(h) Driveways required for fire department access shall comply with Ross Valley Fire Department Fire Protection Standard 210.

(i) An onsite turnaround area in compliance with Ross Valley Fire Department Fire Protection Standard 212 shall be required for all dead end roadways with a length in excess of 150 feet.

(j) Adjacent or connected structures are allowed provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

Article 3. Administration and Enforcement

10-4.301 Administration.

(a) Any person proposing to create or construct a Ministerial Housing Unit that complies with this chapter shall submit a building permit application to the Building Department with a site plan, floor plans, and any other information deemed necessary to administer this chapter, even if no construction is proposed. The Town shall consider the building permit

application ministerially, without discretionary review or a hearing. The following information shall be submitted with the building permit application:

(1) For residential units connected to an onsite wastewater treatment system, the applicant shall submit a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(2) For projects in a Special Flood Hazard Area, the applicant shall demonstrate compliance with Government Code Section 65913.4(a)(6)(G) and an Elevation Certificate based on construction drawings and a final Elevation Certificate shall be required prior to project final.

(3) A recorded survey shall be provided to demonstrate the required setbacks and a surveyor shall verify the setback prior to completion of any foundation.

(b) Prior to issuance of a building permit, the applicant shall record a deed restriction requiring owner occupancy of one of the units created and limiting rental of any unit created pursuant to this chapter for a term longer than 30 days on a form provided by the Town.

(c) The Town Council may authorize by resolution a fee for the ministerial review of Ministerial Housing Unit applications.

10-4.302 Denial of Ministerial Housing Units.

The Town may deny a proposed Ministerial Housing Unit if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

10-4.303 Requirements for actions to eliminate entrance or permanent provisions for eating, cooking, and sanitation.

It is the Town's intent to preserve units created under this chapter and discourage the conversion of units used as primary dwelling. To this end, the following are requirements that apply when taking actions that remove elements of a dwelling unit.

(a) A building permit shall be required to remove the separate entrance or permanent provisions for eating, cooking, and sanitation in any dwelling unit created under this chapter.

(b) No building permit shall be issued to remove permanent provisions for eating, cooking, and sanitation or the separate entrance for a unit created under this chapter unless: 1) the residential unit shall comply with all development regulations for a standard single family residence in the district in which the site is located; and 2) the site has the required number of on-site parking spaces as required by the Parking Standards Table, referred to as Table 5A, of the San Anselmo Municipal Code for a single family residence and the spaces comply with all provisions for setbacks, siting, configuration and size; and 3) the project site would have

complied with all requirements for subdivision under standard zoning regulations for the zoning district, including lot size, width and frontage.

Section 19. The Town of San Anselmo Municipal Code Title 10, Chapter 6, Section 10-6.102 is hereby amended by adding the following sentence at the end:

"No accessory dwelling unit or junior accessory dwelling unit shall be allowed for units on parcels that use both the authority contained in Government Code section 65821.21 and the authority contained in Government Code Section 66411.7."

Section 20. The Town of San Anselmo Municipal Code Title 10, Chapter 20, Section 10-20.030(a) is repealed and replaced to read as follows:

"(a) For new construction within four (4) to eight (8) feet of a side property line or four (4) to twenty (20) feet of a rear property line, any new windows that face an adjoining residential property shall be designed to protect the privacy of neighbors, such as by use of opaque glass or sill heights above eyelevel; alternatively, fencing or landscaping shall be required to provide screening."

Section 21. The Town Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) because the code amendments are to implement Senate Bill 9 adding Government Code Sections 65852.21 and 66411.7, which provide that an ordinance implementing the provisions of these statutes is not considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

Section 22. Severability. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Town Council hereby declares that it would have adopted the Ordinance and each section, sub-section, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 21. Effective Date. This ordinance is an urgency ordinance enacted under California Government Code 65858. This urgency ordinance is effective January 1, 2022, upon adoption by a four-fifths (4/5) vote of the Town Council. This urgency ordinance shall be of no further force and effect forty-five (45) days from its date of adoption unless extended by the Town Council.

Within fifteen days after the passage of this ordinance, the Town Clerk shall cause this ordinance or a summary thereof to be published once, with the names of those Town Councilmembers voting for or against it in a newspaper of general circulation in the Town of San Anselmo, as required by law.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on December 14, 2021, and was adopted at a regular meeting of the San Anselmo Town Council on December 14, 2021, by the following vote:

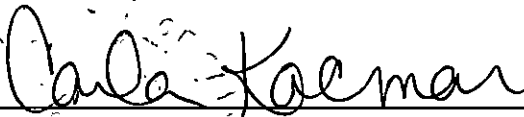
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|----------|-----------------|--|
| AYES: | COUNCILMEMBERS: | Fineman, Burdo, Burke, Colbert, Greene |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

APPROVED:

ATTEST:



Alexis Fineman, Mayor of Town of San Anselmo



Carla Kacmar, Town Clerk