

ORDINANCE NO. 1172

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO REPEALING AND REPLACING TITLE 10 "PLANNING AND ZONING", CHAPTER 6 "ACCESSORY DWELLING UNITS"

WHEREAS, beginning in 2017 in response to the State's housing crisis, the State of California has adopted a series of State laws encouraging the development of Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs") by reducing local control over these projects; and

WHEREAS, a series of amendments to State ADU/JADU law becomes effective January 1, 2023 and the Town desires to update its local ADU/JADU Ordinance in order to comply with said State law ("Ordinance Amendment"); and

WHEREAS, the Planning Commission is responsible for providing recommendations to the Town Council for proposed amendments to the Town's Zoning Code pursuant to Government Code section 65853 *et seq.*; and

WHEREAS, on November 7, 2022, the Planning Commission held a duly noticed public hearing and unanimously voted to recommend Town Council adoption of the Ordinance Amendment; and

WHEREAS, the adoption of the Ordinance Amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080.17, which exempts the local adoption of ordinances regarding second units in single or multifamily residential zones; and CEQA Guideline section 15301 involving the minor alteration of existing residences involving negligible or no expansion of use beyond that already in existence; and

WHEREAS, the adoption of the Ordinance Amendment is in the public interest and is consistent with the Town's General Plan Housing Element, which encourages the development of ADUs and JADUs, and helps satisfy the Town's Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, on November 15, 2022, the Town Council held a duly noticed public hearing to consider the Ordinance Amendment.

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

SECTION 1: Environmental Review. The Ordinance Amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080.17, which exempts the local adoption of ordinances regarding second units in single or multifamily residential zones; and CEQA Guideline section 15301 involving the minor alteration of existing residences involving negligible or no expansion of use beyond that already in existence.

SECTION 2: The above recitals are true and correct and are incorporated as findings herein.

SECTION 3: Ordinance Amendment. Title 10 "Planning", Chapter 6 "Accessory Dwelling Units", is hereby Repealed and Replaced as follows:

Article 1. – Accessory Dwelling Units and Junior Accessory Dwelling Units Purpose, Definitions, Permit Requirement and Exemption.

10-6.101 – Purpose. The purpose of this chapter is to provide for the creation and regulation of accessory dwelling units (ADUs) and junior accessory units (JADUs) in a manner consistent with State law including the requirements set forth in California Government Code sections 65852.2 and 65852.22.

10-6.102 – Definitions. For the purposes of this chapter the following definitions apply:

"Accessory dwelling unit" or "ADU" means an attached or detached residential dwelling unit that provides complete independent living facilities for 1 or more persons and is located on the same lot as the proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

"Efficiency kitchen" shall have the same meaning as defined in California Government Code section 65852.22, as amended from time to time and means a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the unit.

"Efficiency unit" shall have the same meaning as defined in California Health and Safety Code section 17958.1, as amended from time to time and means a unit with a minimum floor area of 150 square feet.

“Junior Accessory Dwelling Unit” or “JADU” shall have the same meaning as defined in California Government Code section 65852.22, as amended from time to time and means a unit located entirely within an existing or proposed single-family residence that is no more than 500 square feet, includes an efficiency kitchen, and includes either its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family residence.

“Living area” shall have the same meaning as defined in California Government Code section 65852.2, as amended from time to time and means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or an accessory structure.

“Multifamily dwelling” means a structure with two or more attached dwellings on a single lot.

“Nonconforming zoning condition” shall have the same meaning as defined in California Government Code section 65852.2, as amended from time to time and means a physical improvement on a property that does not conform with current zoning standards.

“Objective standards” shall have the same meaning as defined in California Government Code section 65852.2, as amended from time to time and means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

“Passageway” shall have the same meaning as defined in California Government Code section 65852.2, as amended from time to time and means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU.

“Proposed dwelling” shall have the same meaning as defined in California Government Code section 65852.2 and includes a dwelling that is the subject of a permit application that meets the requirements for permitting.

“Public transit” shall have the same meaning as defined in California Government Code section 65852.2, as amended from time to time and means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and/or other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

“Tandem parking” shall have the same meaning as defined in California Government Code Section 65852.2, as amended from time to time and means 2 or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

10-6.103 – ADU and JADU Approvals.

a. ADU Permit. Unless exempt from an ADU Permit pursuant to Section 10-6.103(b) of this chapter, an ADU must receive an ADU permit in compliance with the standards and requirements set forth in this chapter.

b. Exemptions from ADU Permit. The Town shall ministerially approve a building permit application for an ADU and/or JADU, and no ADU permit shall be required, in the following instances for projects located within a residential or mixed-use zone. Projects exempt from an ADU permit under this section shall remain subject to other applicable construction-related permit requirements including but not limited to building and grading permits.

1. Interior on Single-Family Lot. One ADU and/or one JADU if the unit(s) is:

A. Within the proposed or existing space of a single-family dwelling or an existing accessory structure, plus an additional 150 square feet if required to accommodate ingress and egress;

B. Has exterior access from the proposed or existing single-family dwelling;
and

C. Has side and rear yard setbacks sufficient for fire safety as determined by the Ross Valley Fire Department.

D. If a JADU, the unit complies with the requirements of California Government Code section 65852.22.

2. Detached on Single-Family Lot. One newly constructed detached ADU that is up to 800 square feet of floor area, with minimum 4-foot side and rear yard setbacks, in compliance with the height limitations as provided in section 10-6.301(b) of this chapter, on a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU located on the same lot.

3. Existing Multifamily Lot. Multiple ADUs within the portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings. At least one ADU within an existing multifamily dwelling and up to 25% of the number of existing permitted multifamily dwelling units rounded down to the nearest whole number shall be allowed.

4. Detached on Multifamily Lot.

A. Not more than two detached ADUs located on a lot that has an existing or proposed multifamily dwelling, in compliance with the height limitations as provided in section 10-6.301(b) of this chapter, and side and rear yard setbacks of no more than 4 feet.

B. If the existing multifamily dwelling has a rear or side yard setback of less than 4 feet, no modification to the existing multifamily dwelling shall be required as a condition of approving the ADU application if the ADU satisfies the requirements of this subparagraph.

5. Junior Accessory Dwelling Unit. A JADU satisfying the requirements of Government Code section 65852.22, as amended from time to time.

Article 2. – Procedures and General Requirements.

10-6.201 – Permit Application and Procedures. The following requirements apply to all ADUs and JADUs applications:

- a. Application and Review. An application for an ADU permit shall contain such information as reasonably requested by the Town Planning and Building Departments accompanied by the appropriate fee. In addition to the ADU permit, the applicant shall obtain all other required permits including but not limited to a building permit or a grading permit.
- b. Ministerial Review. A permit application for an ADU and/or a JADU shall be considered and approved ministerially without discretionary review or a public hearing. The decision shall not be subject to an administrative appeal.
- c. Review Timing and Contents. The Town shall approve or deny the application to create an ADU or JADU within 60 days from the date of receipt of a completed application if there is an existing single-family or multifamily dwelling on the lot. If the application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the Town may delay approving or denying the application for the ADU and/or the JADU until the Town approves or denies on the permit application to create the new single-family dwelling; but the application to create the ADU or JADU must be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the Town has not approved or denied the completed application within 60 days, the application shall be deemed approved. If an application for an ADU or JADU is denied, the Town shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

10-6.202 – General Requirements for ADUs and JADUs. Unless otherwise provided for in this chapter, the following requirements apply to all ADUs and JADUs that are approved with either an ADU permit pursuant to Section 10-6.103(a) of this chapter or exempt from an ADU permit pursuant to Section 10-6.103(b) of this chapter.

- a. Number of Units and Zoning District. One ADU and JADU is allowed on any parcel in a single-family residential or multifamily zoning district with a primary dwelling unit unless otherwise prohibited by local or State law.
- b. Owner Occupancy.

1. All ADUs permitted before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.
2. An ADU permitted between January 1, 2020 and January 1, 2025 is not subject to any owner-occupancy requirement.
3. All ADUs that are permitted on or after January 1, 2025 require owner-occupancy as a place permanent residence. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
4. All JADUs require owner occupancy as a place of permanent residence. The owner may reside in the primary dwelling or the JADU.

c. No Separate Conveyance. No ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot), except as otherwise provided in Government Code section 65852.26.

d. No Short Term Rental. An ADU or a JADU shall not be rented for less than thirty consecutive days, except as otherwise provided for in this chapter.

e. Density. ADUs and JADUs shall not be considered to exceed the allowable density for the lot upon which the unit is located, and are a residential use consistent with the Town's General Plan and zoning designation for the lot.

f. Fees and Utility Connections.

1. Impact Fees. No impact fee is allowed for an ADU that is less than 750 square feet. For purposes of this subparagraph "impact fee" means a "fee" under California Government Code section 6600(b), except that it also includes fees specified in Government Code section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation. Any impact fee required for an ADU that is 750 square feet or larger must be charged proportionately in relation to the square footage of the primary dwelling unit.

2. Utility Connections and Fees.

- A. An ADU shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU unit was constructed with a new single-family dwelling. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.

- B. For a unit described in Section 10-6.103(b) of this chapter, a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the ADU and the utility, or impose a related connection fee or capacity charge, unless the ADU was constructed with a new single-family dwelling.

C. For a unit not described in 10-6.103(b) of this chapter a local agency, special district, or water corporation may require a new or separate utility connection directly between the ADU and the utility. Consistent with California Government Code section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

g. Adequate Services. Proof of the proposed method of water supply and sewage disposal, as well as service availability from any associated electric and gas provider for the lot, must be provided and confirmed by letters of service availability from the appropriate utility service providers for the lot. The property must have existing or future legal access to these utilities.

h. Building and Safety; Nonconformities.

1. All ADUs and JADUs shall comply with all applicable building, fire, safety, and environmental regulations including Title 9 Building Regulations, Title 6, Chapter 8, Urban Runoff Pollution Prevention and Title 7, Chapter 12, Watercourses unless otherwise provided for in this chapter or as required by State law.

2. An ADU must comply with local building code requirements that apply to detached dwellings, except that the construction of an ADU shall not constitute a Group R occupancy change under the Town's Building Code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Town's Public Works and Building Director makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection shall be interpreted to prevent the Town from changing the occupancy code of a space that was unhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this section.

3. The Town shall not require the correction of nonconforming zoning conditions as a condition of approval for an ADU or JADU.

4. The Town shall not deny an application to create an ADU or JADU due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the unit.

i. No Passageways. No passageway shall be required in conjunction with the construction of an ADU or JADU.

j. Fire Sprinklers. The installation of fire sprinklers shall not be required in an ADU if sprinklers are not required for the primary residence. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in an existing primary dwelling or an existing multifamily dwelling, as applicable.

k. Unpermitted Accessory Dwelling Units.

1. Notwithstanding any other law, and except as otherwise provided in subdivision in subdivision (2) below, the Town shall not deny an application for an unpermitted ADU that was constructed before January 1, 2018, due to either of the following:

A. The ADU is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

B. The ADU does not comply with Government Code section 65852.2 or any local ordinance regulating ADUs.

2. Notwithstanding subdivision (1), the Town may deny an application for an ADU subject to subdivision (1) if the Town makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.

3. The section shall not apply to a building that is deemed substandard pursuant to Health and Safety Code section 17920.3.

l. Detached Garage Demolition. A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time. The applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an ADU, unless the property is located within an architecturally and historically significant historic district.

m. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction shall be recorded against the title of the property in the Marin County Recorder's office subject to the approval of the Town Attorney as to form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

1. Except as otherwise provided in California Government Code section 65852.26, the ADU or JADU may not be sold separately from the primary dwelling.

2. The ADU or JADU is restricted to the maximum approved size and to other attributes allowed by this chapter.

3. The deed restriction runs with the land and may be enforced against future property owners.

4. The ADU and/or JADU may be occupied by or rented to a separate household living independently from the occupant(s) of the primary residence; provided, that the terms for separate occupancy of the accessory unit and/or primary unit shall be longer than 30 days.

n. Flood Regulations. An attached or detached ADU located in a designated floodplain shall comply with all applicable floodplain requirements in San Anselmo Municipal Code Title 7, Chapter 11. For sites within a Flood Hazard Area on the adopted Federal Emergency Management Agency Flood Insurance Rate Map, the finished floor of an ADU 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”. The applicant shall submit an Elevation Certificate based on construction drawings with the building permit plans and a final Elevation Certificate shall be required prior to project final.

o. Urban Lot Splits and Two-Unit Housing Development. Pursuant to the authority granted in Government Code section 65852.21(f) no ADU or JADU shall be permitted on any lot in a single-family zoning district if: 1) an urban lot split has been approved pursuant to Government Code section 66411.7; and 2) a two-unit housing development has been approved for construction pursuant to Government Code section 65852.21.

p. Prior conditions not applicable. This chapter supersedes any Town conditions on existing ADUs that comply with this chapter, including owner occupancy or rent control, that were imposed as conditions of approval on ADUs that the Town approved prior to the effective date of this chapter if the conditions would not apply under current regulations. The Planning Director is authorized to void recorded deed restrictions for ADUs that comply with this chapter at the request of a property owner.

10-6.203 – Violations and Enforcement. It shall be unlawful for any person to construct or maintain an ADU or JADU on property within the Town without compliance with this chapter. The maintenance, ownership, or use of any ADU or JADU unit except as permitted in this chapter shall constitute a nuisance, subject to abatement pursuant to the Municipal Code, or any other remedy allowed in the Municipal Code and State law. All remedies are cumulative.

Article 3. – Accessory Dwelling Unit and Junior Accessory Dwelling Unit Development Standards and Requirements, Objective Standards, Parking, and Exception.

10-6.301 ADU Development Standards and Requirements. Unless exempt from an ADU permit pursuant to Section 10-6.103(b) of this chapter, an ADU must comply with the following objective development standards to receive an ADU permit.

a. Zoning Conformance. An ADU shall meet the development standards of the zoning district in which it is located except as modified by this section.

b. Height. Unless otherwise provided for in this chapter, an attached or detached ADU must comply with the following height requirements.

1. A maximum height of 16 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit.

2. A maximum height of 18 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code section 21155 of the Public Resources Code, as may be amended from time to time. The Town shall also allow an additional 2 feet in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

3. A maximum height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.

4. A maximum height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an ADU that is attached to a primary dwelling. An ADU under this section may not exceed 2 stories.

c. Lot Size. There shall be no minimum lot size required for an ADU.

d. Lot Coverage and Floor Area Ratio. The ADU shall comply with the lot coverage and floor area ratio requirements of the underlying zoning district unless otherwise required by this chapter.

e. Setbacks.

1. No setbacks shall be required for the following:

- A. An existing living area that is converted to an ADU or a portion thereof;
- B. An existing accessory structure that is converted to an ADU or a portion thereof; or
- C. A structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion thereof.

2. A setback of no more than 4 feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

f. Maximum and Minimum Unit Size.

1. The maximum floor area square footage for an attached or detached studio or one bedroom ADU is 850 square feet. The maximum floor area square footage for an attached or detached ADU that is more than one bedroom 1000 square feet.

2. The total floor area of an attached or detached ADU not exceed 50% of the existing or proposed primary dwelling. Notwithstanding this provision, an attached or detached ADU must be allowed at least 800 square feet of floor area.

3. The minimum floor area for an attached or detached ADU is 150 square feet, which is the minimum square footage required for an efficiency unit as defined in California Health and Safety Code section 17958.1, as may be amended from time to time.

4. An ADU may exceed the maximum sizes provided in this subsection pursuant to section 10-6.305 of this chapter; provided however, the ADU shall not exceed 1200 square feet.

g. Separate Entry, Kitchen and Bathroom. All ADUs shall contain a separate entrance, kitchen, and bathroom independent of the primary residence.

h. Exception. The Town shall not impose any requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an ADU, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square ADU with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

10-6.302 Objective Design Standards. Unless exempt from an ADU permit pursuant to Section 10-6.103(b) of this chapter, an ADU must comply with the following objective standards to receive an ADU permit. Where an application does not meet the objective design standards set forth herein, the application may undergo the standard discretionary design review process as set forth in the San Anselmo Municipal Code Title 10, Chapter 3, Article 15 Design Review.

a. Building Design. The materials and colors of the ADU's exterior walls, roof, windows, and doors shall be of a complimentary material, color, and style the primary dwelling, including roof, eaves, windows, accents, and doors.

b. Landscape Design. Landscaping shall be provided around the ADU, and its location shall ensure defensible space. Fire-resistant and low-water-use plants shall be included in the landscape design. Landscaping shall be included to screen mechanical and structural elements of the ADU, including, but not limited to, foundations, retaining walls, condensers, and transformers.

c. Entrance. The entrance to the ADU shall face towards the interior of the lot and/or away from neighboring development, unless the ADU is directly accessible from an alley, public path, or public street.

d. Windows and Doors. Windows in an ADU that is located less than 10 feet from a rear or side property line shall be clerestory windows or use frosted or obscure glass. Any new door that faces an adjoining residential property located less than 10 feet from a rear or side property line shall either not include windows, or all windows must be made of opaque glass.

e. Exterior Lighting. All exterior lighting shall be low wattage, shielded, and directed downward.

f. Skylights. Where visible from off-site locations, skylights shall not have white or light opaque colored exterior lenses.

g. Historical. An ADU that includes exterior alterations or additions to a property that is listed in the California Register of Historic Places or on a local historical register shall not be approved if it may cause an adverse impact to the historical significance of the property. There shall be no design exception to this requirement.

i. Heritage Trees. No heritage tree (as defined in Title 4, Chapter 13 of the San Anselmo Municipal Code) shall be removed in conjunction with the construction of an ADU until a building permit has been issued for the ADU.

10-6.303 – Parking.

a. One parking space is required per ADU unless otherwise provided for in this chapter.

b. Parking may be provided through tandem parking on an existing driveway.

c. Off-street parking to satisfy parking requirements shall be permitted in setback areas in locations determined by the Town unless specific findings are made that parking in setback areas is not feasible based on specific site, regional, topographical, or fire and life safety conditions, which conditions shall include but are not limited to circumstances where parking would impede reasonable emergency and fire access.

d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, it is not required that those off-street parking spaces be replaced.

e. Parking Exemptions. An ADU shall be exempt from the parking requirement of this section if the unit is:

1. Located within one-half mile walking distance of a public transit stop.

2. Located within an historic district, as may be designated by the Town Council from time to time;

3. The ADU is part of the proposed or existing primary residence or an accessory structure;

4. When on-street parking permits are required but not offered to the occupant of the ADU;

5. When there is a designated car share vehicle pick up or drop off location (as defined by the California Vehicle Code) located within one block of the ADU;

6. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this paragraph; or

7. The unit is an attached or detached ADU that is up to 800 square feet of floor area, with minimum 4-foot side and rear yard setbacks, in compliance with the height

limitations as provided in section 10-6.301(b) of this chapter, on a lot with a proposed or existing single-family dwelling.

10-6.304 JADU Development Standards and Requirements. Unless otherwise provided for in this chapter, JADUs are subject to the following objective development standards:

- a. **Location.** A JADU shall be located within an existing or proposed single-family residence. For purposes of this paragraph, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence. One JADU is allowed per lot.
- b. **Unit Size.** No JADU unit shall be less than 150 feet or more than 500 square feet in size. The square footage of any shared sanitation facilities with the primary dwelling unit shall not be included in the square footage calculation.
- c. **Access.** The JADU unit shall have a separate exterior entrance from the primary dwelling unit.
- d. **Bathroom Facilities.** A JADU unit may include separate bathroom facilities, or it may share such facilities with the primary dwelling unit. If a permitted JADU does not include a separate bathroom, the JADU unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- e. **Kitchen Facilities.** The JADU shall include an efficiency kitchen, which shall include a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- f. **Parking.** No parking is required for a JADU.
- g. **Entryways.** A JADU must include a separate entrance from the main entrance to the proposed or existing single-family residence.

10-6.305 Exceptions. An applicant may request an exceptions to this chapter and receive ADU approval by applying for a conditional use permit. Any exceptions approved pursuant to this section must also comply with all design review standards, if applicable, and shall be reviewed through the standard discretionary process. Any detached ADU approved herein shall not exceed 1200 square feet.

Article 4. – Requirements to Eliminate ADU.

10-6.401 – Intent to Maintain Units. It is the Town's intent to preserve ADUs and discourage the conversion of ADUs for the use of the primary dwelling. To this end, the following are requirements that apply when taking actions that remove elements of an ADU.

- a. A building permit shall be required to remove the separate entrance or permanent provisions for eating, cooking, and sanitation in an ADU.
- b. No building permit shall be issued to remove permanent provisions for eating, cooking, and sanitation or the separate entrance for an ADU created by converting or demolishing a garage, carport, or covered parking structure in conjunction with the construction of an ADU unless either: 1) the project includes restoring the garage for vehicle parking prior to the first inspection on the permit; or 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 and the spaces comply with all provisions for setbacks, siting, configuration and size.
- c. No building permit shall be issued to remove permanent provisions for eating, cooking, and sanitation or the separate entrance for an ADU created with an exception to lot coverage and/or floor area ratio unless the project removes the additional lot coverage and/or floor area granted for the ADU prior to issuance of the permit or a variance is approved.
- d. No building permit shall be issued to remove permanent provisions for eating, cooking, and sanitation or the separate entrance for an ADU created with side or rear yard setbacks that are less than required under applicable development standards unless the project includes removing the area for the ADU where the setback or a variance was approved.


SECTION 5: Severability. The Town Council hereby declares every section, paragraph, sentence, clause, and phrase is severable. If any section, paragraph, sentence, clause or phrase of these ordinance amendments are 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.

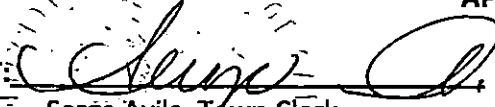
SECTION 6: Effective Date. This Ordinance Amendment shall go into effect thirty (30) days from its adoption. Prior to the expiration of fifteen (15) days of adoption, this Ordinance Amendment or a summary thereof pursuant to Government Code section 36933, shall be published at least once in a newspaper of general circulation, along with the names of the members of the Town Council voting for and against its adoption.

SECTION 7: Submission to California Housing and Community Development Department ("HCD"). The Ordinance Amendment shall be submitted to HCD pursuant to State law requirements.

INTRODUCED AT A PUBLIC HEARING DURING A REGULAR MEETING OF THE SAN ANSELMO TOWN COUNCIL ON NOVEMBER 15, 2022, AND ADOPTED AT A REGULAR TOWN COUNCIL MEETING ON DECEMBER 13, 2022, BY THE FOLLOWING VOTE:

AYES: Councilmember: Colbert, Burke, Greene, Burdo, Mayor Fineman
NOES: Councilmember: None
ABSTAIN: Councilmember: None
ABSENT: Councilmember: None
RECUSED: Councilmember: None

APPROVED: 
Alexis Fineman, Mayor

ATTEST: 
Serge Avila, Town Clerk

