

120-DAY ORDINANCE RE CONDOMINIUM & COOPERATIVE
HOUSING

The Town Council of the Town of San Anselmo does ordain as follows:

Section 1. Purpose: This Ordinance is necessary to accomplish the following purposes:

- A. To insure that all saleable units (land or air space) which result from a subdivision or land division action, are usable for the purpose(s) intended;
- B. To insure the performance of maintenance responsibilities in new and converted community housing developments;
- C. To establish criteria for the conversion of the existing multiple family rental housing to condominiums, community apartments, stock cooperatives, and planned developments;
- D. To insure that the conversion of existing developments to community housing be consistent with the protection of the health, safety and general welfare of the future occupants of the project and with that of the citizens of San Anselmo;
- E. To insure that rental units being converted to community housing meet reasonable physical standards as required by subdivision and building codes adopted by San Anselmo.
- F. To assure that purchasers of converted community housing have been properly informed as to the physical condition of the structure which is offered for purchase;
- G. To preserve a reasonable balance in the owned vs. rental housing mix and to maintain the supply of low to moderate income units available in San Anselmo; and
- H. To reduce the impact of such conversions on residents in rental housing who may desire to relocate due to the conversion of rental housing to community housing, by providing for procedures for notification and adequate time for such relocation.

Section 2. Definitions:

- A. "Association" means the organization of persons who own a lot, parcel, area, condominium or right of exclusive occupancy in a community housing project.
- B. "Community housing" and "Community housing development" mean and include the following:
 1. A condominium project, as defined in Section 1350 of the Civil Code, containing two or more condominiums, as defined in Section 783 of the Civil Code;
 2. A community apartment project, as defined in Section 11004 of the Business and Professions Code containing two or more rights of exclusive occupancy;
 3. A stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, containing two or more rights of exclusive occupancy; and
 4. A residential planned development, as defined in Section 11003 of the Business and Professions Code, containing two or more separately owned lots, parcels, or areas.
- C. "Developer" means the owner or subdivider with a controlling proprietary interest in the community housing development, or the person or organization making application hereunder.
- D. A "community housing conversion" is defined as the development or use of the land and existing structures as a condominium or cooperative project regardless of the present or prior use of such lands and structures, and regardless of whether substantial improvements have been made to such structures.

1 Section 3 . Applicability. All community housing developments construct
2 or converted after the effective date of this Chapter, shall comply with th
3 provisions of this Chapter prior to the sale of any dwelling unit.
4

5 Section 4 . Compliance with Zoning. All community housing developments
6 shall comply with the provisions of Title 10.3, "Zoning", for the zoning
7 district in which the project is located. In the event that development
8 standards stated in Title 10.3 conflict with the development standards
9 stated in this Chapter, the more restrictive standard shall apply.
10

11 Section 5 . Site Coverage, New Residential Condominiums. The maximum
12 allowable site coverage for community housing developments shall be 35%
13 of the net site acreage. Site coverage shall mean all that land area
14 covered by: structures containing dwelling units, stairways, covered
15 walkways, covered patios, covered parking structures, recreational structur
16 and storage structures. Not included in site coverage shall be ground
17 level landscaped areas, walkways, uncovered patios, uncovered recreational
18 areas and uncovered parking areas. Net site acreage shall mean the gross
19 site acreage minus all public streets and private streets and other vehicul
20 accessways.
21

22 Section 6 . Setbacks, New Residential Condominiums.
23

24 A. The minimum building setback shall be twenty (20) feet from all
25 public rights-of-way.
26

27 B. The minimum building setback from private vehicular accessway shall
28 be fifteen (15) feet.
29

30 C. The minimum distance between buildings at their nearest point
31 shall be fifteen (15) feet or one-half the sum of the heights of the
32 adjacent buildings, whichever is greater.
33

34 Section 7 . Physical Standards. The Council finds that the physical
35 requirements for multiple-residential developments, as set forth in the
36 zoning ordinance of the Town of San Anselmo, are structured for rental
37 occupancy. The Town of San Anselmo has determined that owner occupancy,
38 through community housing projects, of multiple residential developments,
39 necessitates higher physical standards than for rental occupancy. Rental
40 units provide as a primary function, short-term transitional housing not
41 normally necessitating space for storing goods and chattel, commonly
42 accumulated by long term owner occupants (tools and materials related to
43 maintenance needs, recreation vehicles and equipment, displaced but
44 undiscarded clothing and furniture, equipment and materials related to
45 hobbies or other avocations). In addition to storage needs, owner-
46 occupancy also dictates higher standards for laundry facilities, and,
47 particularly in conversions, the physical condition and appearance of the
48 overall complex.
49

50 The Planning Commission may, in case of conversions, modify the following
51 requirements so as to assist those projects deemed to provide additional
52 low and moderate income housing. In addition, the Planning Commission
53 shall consider the granting of variances for minimal modification of the
54 following physical standards, where a conversion proposal attempts to meet
55 such standards to the fullest extent possible. The Planning Commission
56 shall, however, not grant a variance which would nullify the intent or
57 purpose of the chapter.
58

59 A. Parking. The minimum parking requirements for community housing
60 shall be as follows:
61

- 62 1. A minimum of two (2) covered parking spaces (one of which
63 shall be in a garage), shall be provided for each dwelling
64 unit and shall be located within close proximity of the
65 unit they serve.
66
- 67 2. Visitor parking spaces shall be provided at one-half (1/2)
68 space per dwelling unit and shall be uniformly distributed
69 throughout the development. All visitor spaces shall be
70 permanently marked as visitor spaces.
71
- 72 3. Screened parking areas for recreational vehicles such as boats
73 and trailers shall be provided and shall have a total size
74 equal to fifty (50) square feet per dwelling unit.
75
76

1 B. Storage Space. At least two-hundred (200) cubic feet, with a
2 minimum horizontal surface area of twenty-five (25) square feet of enclosed,
3 weatherproof, lockable storage space shall be provided for each dwelling
4 unit. Such storage space shall be in addition to that ordinarily contained
5 within a unit as cabinets, pantries, and clothes closets. Such storage
6 space may be located in or separated from the dwelling unit.
7

8 C. Laundry Facilities. Each dwelling unit within a community housing
9 development shall have the capacity to reasonably have installed a washer
10 and dryer without the need for the buyer to rewire or vent the unit.
11 Separate laundry rooms may be substituted for the individual unit facilities
12 at a ratio of one (1) washer and one dryer (1) for each five (5) dwelling
13 units, if located in reasonable proximity to the units.
14

15 D. Noise Attenuation, Residential Condominiums. All condominiums
16 shall meet the sound transmission control requirements of the Uniform
17 Building Code.
18

- 19 1. Wall and floor-ceiling assemblies shall conform to the sound
20 insulation performance criteria promulgated in Title 25,
21 California Administrative Code, Section 1092, or its
22 successor;
- 23 2. All permanent mechanical equipment, including domestic
24 appliances, which is determined by the building official
25 to be a source or potential source of vibration or noise,
26 shall be shock mounted, isolated from floor and ceiling,
27 or otherwise installed in a manner approved by the
28 building official to lessen the transmission of vibration
29 and noise.
30
31

32 E. Utilities. The consumption of gas and electricity within each
33 dwelling unit shall be separately metered so that the unit owner can be
34 separately billed for each utility. A water shut-off valve shall be provided
35 for each unit.
36

37 F. Products of Combustion Detection Devices. Community Housing
38 Developments shall meet current Uniform Building Code requirements for
39 "products of combustion" detection devices and systems.
40

41 G. Private Open Space. A minimum of one hundred and fifty (150)
42 square feet of screened outdoor private area shall be provided contiguous
43 with each residential community housing unit, when required by the
44 Planning Commission.
45

46 H. Recreational Facilities. The Planning Commission may require the
47 following in community housing developments:
48

- 49 1. Community center or recreational center buildings shall be
50 provided with the development.
51
- 52 2. Bicycle and pedestrian paths shall be provided and shall be
53 subject to recommendations of the Parks and Recreation
54 Department and the Public Works Department.
55
- 56 3. Common areas for outdoor active and passive recreation shall
57 be provided in central locations throughout the development.
58

59 I. Private Vehicular Accessways.
60

- 61 1. The maximum overall length of any deadend private vehicle
62 accessway shall be two hundred and fifty (250) lineal feet.
63 Private vehicle accessways shall be loops rather than
64 cul-de-sacs wherever possible.
65
- 66 2. The minimum curb to curb width for private vehicular
67 accessways shall be twenty-four (24) feet. Where right
68 angle parking occurs off the accessway, a minimum stall
69 length of twenty-four (24) feet shall be provided.
70
- 71 3. Minimum curb face or edge of pavement radius shall be twenty-
72 four (24) feet for community housing developments except
73 for "turn around" facilities, where larger radii may be
74 required.
75

- 1 4. An adequate hammerhead or bulb turn around with minimum
2 thirty-five (35) foot radius shall be provided at the
3 end of all deadend private vehicular accessways which
4 have overall lengths greater than one hundred and twenty-five
5 (125) feet.
- 6
- 7 5. Connections between private vehicular accessways and public
8 streets shall be by a standard commercial driveway connection.
- 9
- 10 6. The pavement structural section in private vehicular access-
11 ways shall be designed on the basis of a calculated traffic
12 index which in no case shall be less than 4.0 and with a
13 ten (10) year design life and be constructed according to
14 Town specifications. Under no circumstances shall a structural
15 section of less than two (2) inches of asphaltic concrete
16 over six (6) inches of rock base material be utilized.
- 17
- 18 7. Vertical concrete curbs and gutters or concrete valley gutters
19 shall be used where storm water run-off is involved. Rolled
20 curbs shall not be allowed.
- 21
- 22 8. Sidewalk connections shall be provided from the private
23 vehicular accessway to the main pedestrian walkway system.
- 24
- 25 a. Sidewalks shall be built with wheelchair ramps at
26 all intersections.
- 27
- 28 9. Minimum overhead clearance on all private vehicular accessways
29 shall be sixteen (16) feet.
- 30
- 31 10. Plans and specifications for all utilities and private
32 vehicle accessways shall be subject to the approval of the
33 Public Works Department.
- 34
- 35 11. Private vehicular accessways shall be identified as "Commons".
36 A sign post to which is attached a sign having a size of at
37 least fifteen (15") inches by twenty-one (21") inches is to
38 be installed at or near the entrance of each intersection of
39 a private vehicular accessway with a dedicated public street.
40 The name of the accessway is to be placed on this sign in
41 clearly legible four (4") inch letters. The sign is also to
42 have painted, in at least one (1") inch letters "Private
43 Property. Not Dedicated For Public Use Or Maintained By The
44 Town of San Anselmo."
- 45
- 46 12. Backfill of all trenches in private accessway areas shall
47 meet Town public street standards for trench backfill. All
48 work done within private vehicular accessways by a utility
49 company shall be inspected by the responsible utility
50 company to a point six (6") inches over the top of their
51 facility. All other work in the private vehicle accessway
52 shall be inspected by the Public Works Department.
- 53

54 J. Easements. A public utility easement (P.U.E.) shall be established
55 over the entire private vehicle accessway. The easement shall be dedicated
56 to the Town for public use and the fee is to be deeded to the Homeowners
57 Association. Additional easements or public utility easements may be
58 provided adjoining the private vehicle accessway to accommodate any other
59 utilities necessary. Storm drain easement (S.D.E.) and sanitary sewer
60 easement (S.S.E.) shall be established where facilities for storm drains
61 and sanitary sewers are to be owned and maintained by the Town.

62 K. Fire Protection. Fire hydrants sh all be located on the public
63 streets at the entry to the private vehicular accessways as recommended by
64 the Fire Chief. Fire hydrants together with adequate water mains, shall
65 be located in private vehicular accessways at a maximum spacing of four-
66 hundred (400') feet and at other locations where deemed necessary by the
67 Fire Chief.

68 L. Lighting. Safety lighting with a minimum of 0.8 foot candles at
69 the ground surface shall be provided private vehicular accessways and shall
70 be subject to the approval of the Public Works Department. All pedestrian
71 walkways shall be lighted.

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1 M. Landscaping. Landscaping shall be provided as required by
2 Title 10.3 Zoning; however, when required by the Planning Commission a
3 more extensive landscape plan shall be submitted for the approval of
4 the Design Review Committee.

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6 Section 8 . Property Owners Association

7
8 A. For all community housing developments an association shall be
9 established by recordation of the following:

- 10
11 1. Articles of Incorporation of the association;
12
13 2. Declaration of Covenants, Conditions and Restrictions;
14
15 3. By-laws of the association.

16
17 B. Included in the recorded documents specified in "A" above shall
18 be provision for, at least, but not limited to, the following:

- 19
20 1. Any amendment or modification to the documents, as approved
21 by the Town prior to completion of the amendment or
22 modification;
23
24 2. Provisions satisfactory to the Town regarding payment of all
25 assessments and taxes;
26
27 3. A statement to the effect that maintenance shall be
28 accomplished except where maintained by a public utility
29 agency, to maintain landscaping and all on-site property
30 improvements, including common areas, vehicular accessways,
31 sewers, storm drains, street lighting, and fire prevention
32 water systems, in good appearance and repair at the expense
33 of the association. The Town will be responsible for
34 maintenance of only those areas located within a public
35 right-of-way which have been accepted by the Town;
36
37 4. A statement to the effect that during a one year minimum
38 warranty period, commencing from the date of the last building
39 occupancy permit issued by the Town, the developer shall
40 fulfill all responsibilities of the association for
41 maintenance of all facilities which may require maintenance.
42 The expiration of the warranty period shall not limit or
43 relieve the developer from satisfactory performance of any
44 agreements executed with the Town.
45
46 5. The Town to make any repairs or engage in any maintenance
47 necessary to abate any nuisances, health or safety hazards,
48 and to assess the project for such repair or maintenance.
49 The Town shall have the right to recover all costs incurred
50 by collection as a property tax assessment shared on a pro
51 rata basis on all parcels.
52
53 6. The establishment of an annual operating budget containing
54 a sinking fund reasonably calculated to accumulate reserve
55 funds to pay for major anticipated maintenance, repair, or
56 replacement expenses of all commonly owned structures,
57 mechanical equipment, open space and landscaped areas.
58
59 7. The purchaser of a unit shall be informed in writing, prior
60 to purchase, of insurance which is unavailable as a result
61 of community housing ownership. The Association shall be
62 required to facilitate insurability when necessary.
63
64 8. Each buyer shall sign an acknowledgment stating he has read the
65 the Articles of Incorporation, By-laws of the Property Owners'
66 Association, and the Conditions, Covenants and Restrictions
67 applying to the development, as well as the Community Housing
68 Conversion Report where applicable under Section 10.
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70 9. Provisions that an individual owner cannot avoid liability for
71 his prorated share of the expenses for the common area by
72 renouncing rights in the common area.
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- 10. An assessment breakdown that includes all commonly shared responsibilities and concerns such as: maintenance fees, insurance, utilities, cable TV, accounting, supplies, garbage, termite and pest control, water reserves, contingencies, legal fees, management (first two years) and major repair sinking fund.
- 11. Due to the unique nature of shared ownership responsibilities and limitations on rights which differ from normal home or business ownership, a statement setting forth the basic ownership responsibilities and rules of conduct shall be developed for each project, and provided to buyers of units/air space prior to the close of sale for such units/air space.
- 12. For a professional manager (on-site or off) or management firm for the first two (2) years of the Association's life, dating from the sale of the first unit. The Association shall retain the right to change firms or individuals during that period, but shall at all times, during that two-year (2) period, have some professional management guidance (firm or individual) through valid contract or agreement.
- 13. The organizational documents shall allow the association to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties, three (3) months after the Association assumes control of the community housing project or any time thereafter.

Section 9 . Conditional Use Permits. A conditional use permit shall be required for conversion to Community Housing.

A. A conditional use permit shall only be approved or conditionally approved in whole or in part for a conversion to community housing if:

- 1. The community housing development conforms to the goals stated in the San Anselmo General Plan.
- 2. The Planning Commission makes the finding that approval of the proposed development will not adversely affect the provision of adequate housing for all segments of the community and that adequate replacement housing is available for displaced tenants desiring to remain in San Anselmo.

B. The developer shall provide the to Planning Commission a report including the following information:

- 1. A list of the names of all tenants and lessees of the existing structure, with a verified written statement that notice of the filing of all application for conversion has been given to each such tenant by certified mail prior to the filing of the application for a conditional use permit;
- 2. Length of occupancy of present tenants;
- 3. Present household composition by age and sex or present tenants;
- 4. Current rents; whether rents include or exclude utilities;
- 5. Nature of existing lease agreements;
- 6. Provisions for relocation of any tenants in a building proposed for conversion, including the time available for such relocation;
- 7. Size, age and condition of any building proposed for conversion to community housing;
- 8. Approximate proposed sale price of units, expected monthly mortgage payments, association and expected financing available to buyer;

1 C. Town Staff shall provide the Planning Commission with the
2 following information:

- 3
- 4 1. Balance between owned and rental units within the
- 5 community;
- 6
- 7 2. Balance between high, moderate, and low income housing
- 8 within the community;
- 9
- 10 3. The desires and needs of any tenants in a building
- 11 proposed for conversion, including any desire to either
- 12 purchase prospective converted units or maintain rental
- 13 status. Where feasible, the Department of Public Works
- 14 shall survey the existing tenants;
- 15
- 16 4. Possible effect of the conversion on neighborhood property
- 17 values and taxes.
- 18

19 D. The Planning Commission may deny the conditional use permit
20 upon finding that:

- 21
- 22 1. Based on the vacancy rate for rental housing, tenants
- 23 will have substantial difficulty in obtaining comparably
- 24 priced rental housing;
- 25
- 26 2. The ratio of multiple family rental units would be reduced
- 27 to less than 25% of the total number of dwelling units in
- 28 the Town, with no replacement rental housing being provided.*
- 29

30 Section 10 . Community Housing Conversion Report. In the case of a
31 conversion, following approval of the conditional use permit, the developer
32 shall apply to the Department of Public Works for a Community Housing
33 Conversion Report. The report shall evaluate and compare the condition of
34 the physical improvements to the requirements of all current adopted codes
35 and ordinances. The inspection report shall identify all items, including
36 equipment and facilities determined to be hazardous or deteriorated. The
37 report shall also indicate other related violations and conditions, which
38 are detrimental to the health, safety and welfare of the public, the owners,
39 the occupants and future occupants of the building. A copy of the
40 Community Housing Conversion Report shall be furnished to the developer.

41
42 Section 11 . Tentative Map or Preliminary Map. In addition to all
43 other applicable requirements, the application for the tentative or preliminary
44 map for a community housing development shall include:

45
46 A. A map showing all common areas and usage of the building and grounds,
47 and plans for the interior division of the building showing horizontal and
48 vertical boundaries of all units.

49
50 B. A copy of the Articles of Incorporation; the Declaration of
51 Covenants, Conditions, and Restrictions; and the By-laws of the Association.
52 Such documents must comply with Section 8.

53
54 C. In the case of conversions, a copy of a structural pest report
55 issued in conformance with the requirements of the Structural Pest Control
56 Board.

57
58 D. Plans and descriptions showing how the following will be performed:

- 59
- 60 1. All site work shall be brought up to current Town codes;
- 61
- 62 2. After a Community Housing Conversion Report has been issued
- 63 by the Department of Public Works, plans and descriptions
- 64 shall be submitted demonstrating how violations and hazardous
- 65 conditions detailed in such report will be corrected. Such
- 66 plans shall also indicate whether equipment and facilities
- 67 determined to be deteriorated at the time of the conversion
- 68 report will be replaced or repaired;
- 69
- 70

71 *Rental housing comprised approximately 35% of San Anselmo housing in 1975.
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3. A maintenance plan which clearly specifies standards for performance of common responsibilities and maintenance for all common areas and equipment and fees to be assessed for such purposes.

E. In the case of conversions, repair or replacement of any damaged or infested areas in need of repair or replacement as shown in the structural pest report.

Section 12 . Approval of Tentative Map. The tentative map may be considered approved only at such time as the Planning Commission determines that the Tentative Map meets all requirements of Town ordinances and complies with the Town's general plan and with the Subdivision Map Act.

In the case of a conversion, if the tentative map is approved, the applicant shall be required to provide copies of the Community Housing Conversion Report to prospective purchasers. Such report may be revised with the approval of the Planning Commission to reflect improvements, repairs, or replacement completed since the report was first issued.

Section 13 . Improvement Bond. If the improvement work required under Section 7 of this Title cannot be completed satisfactorily before the final or parcel map is filed, the applicant may enter into an agreement with the Town Council within the provisions of Section 7 and Title 10 Chapter 2 of the San Anselmo Municipal Code. However, no agreement shall be entered into regarding the repair, installation or construction of equipment or facilities where the delay sanctioned by such an agreement would be hazardous to occupants or neighbors of the project.

~~Section 14 . Preliminary Public Report. The preliminary public report shall be filed with the California State Department of Real Estate, Public Lands and Survey, not less than five (5) days before the filing of the preliminary map. In the case of a conversion project consisting of four (4) parcels or less, the applicant shall file the preliminary public report not less than five (5) days before the filing of the preliminary map.~~

Section 14 . Subdivision Public Report. The Subdivision Public Report by the California State Department of Real Estate shall state that sales are subject to occupancy by the existing tenant at the existing rental rate for ninety (90) days from the date of issuance of said report.

Within five (5) days of issuance of the Subdivision Public Report, the applicant shall notify the present tenants of the following:

- A. The date of issuance of the report;
- B. The right of occupancy specified above;
- C. That no repair or remodeling will begin until at least thirty (30) days after the date of the issuance of the subdivision public report, or the date of notification, whichever is later.

Copies of said notices shall be filed with the Planning Department at the time the notice is given to the tenants. In the case of a conversion project consisting of four (4) parcels or less, the applicant shall meet this requirement within five (5) days of the approval of the parcel map.

Section 15 . Final and Parcel Maps. The final or parcel map for a community housing development shall meet all applicable regulations or laws and shall be filed in accordance with same. In addition, a copy of the respective covenants, conditions, and restrictions shall be filed concurrently with the final or parcel map.

Section 16 . Final and Parcel Map Approval. In addition to the applicable provisions of Title 10, Chapter 2 of the San Anselmo Municipal Code, the applicant shall obtain the following certification to be filed with the final or parcel map:

- A. Community Housing Report from the Department of Public Works stating that the community housing project, including all structures and units are in conformance with all applicable laws, ordinances and regulations, including, but not limited to those pertaining to housing, building, fire, subdivision, and zoning or that agreements have been entered into with the Town Council pursuant to Section 13 above.

1 B. A statement to the effect that any required structural pest work
2 has been completed or funds for the completion of said work have been bonded
3 to the satisfaction of the Director of Public Works.
4

5 C. Certification in the case of a conversion that any present tenant
6 or tenants of any unit have been given, in writing, a non-transferrable
7 right of first refusal to purchase the unit occupied at a price no greater
8 than the price offered to the general public. The right of first refusal
9 shall extend for at least sixty (60) days from the date of approval of the
10 Final Subdivision Map or Final Parcel Map.
11

12 Section 18 . Validity. If any section, subsection, sentence, clause
13 or phrase of this Ordinance is for any reason held to be invalid or
14 unconstitutional, such decision shall not affect the validity of the remaining
15 portions of this ordinance. The Council hereby declares that it would have
16 adopted the Ordinance and each section, subsection, sentence, clause or phrase
17 thereof, irrespective of the fact that any one or more sections, subsections,
18 sentences, clauses or phrases be declared invalid.
19

20 Section 19. Urgency Measure. The provisions of this ordinance are for
the immediate preservation of the public health, safety, and general welfare
and one of emergency and shall take effect immediately. The facts
constituting the emergency are: That the health, safety, and welfare of
the community requires an interim emergency ordinance as authorized by
Section 65858 of the Government Code in order that applications for
condominium subdivisions may be processed while the Planning Commission and
the Town Council hold public hearings on the development and adoption of
a permanent Community Housing Ordinance.

* * *

This Ordinance shall take effect immediately upon its passage and adoption
as an urgency measure. This ordinance shall within fifteen (15) days of
its passage and adoption be published once in The Reporter, a newspaper of
general circulation, published and circulated in the County of Marin and
hereby designated for that purpose.

Dated: November 9, 1976

Woodrow V. Capurro
WOODROW V. CAPURRO, MAYOR

ATTEST: Caroline Foster
CAROLINE FOSTER

The foregoing ordinance was adopted at a regular meeting of the San Anselmo
Town Council held on November 9, 1976, duly passed and adopted by the
following votes:

- AYES: Councilmen Reed, Colteaux, Signorelli, Toal, Capurro
- NOES: None
- ABSENT: None

Caroline Foster
CAROLINE FOSTER