

TOWN OF SAN ANSELMO
ORDINANCE NO. 982

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING
CHAPTER 3. ZONING, ARTICLE 13. CONDITIONAL USE PERMIT AND
TABLE 3A LAND USE REGULATIONS
REQUIRING A USE PERMIT IN ORDER TO CONVERT RESIDENTIAL USES
IN COMMERCIAL AND PROFESSIONAL ZONING DISTRICTS TO NON-
RESIDENTIAL USES.**

Section 1.

WHEREAS, the General Plan of the Town of San Anselmo encourages the Town to “maintain the existing affordable rental housing stock including: multi family units, legal second units, and mixed use units (e.g., residential units above commercial uses)”; and

WHEREAS, the General Plan of the Town of San Anselmo states that the Town “shall discourage the displacement of existing residential uses to other uses or to higher priced housing unless there is a clear public benefit or equivalent housing can be provided.”; and

WHEREAS, a possible conflict between the General Plan and Zoning Ordinance exists in that the Zoning Ordinance requires a conditional use permit for new residential uses in commercial and professional zones, but does not require such a permit for office or commercial uses, thereby implying a preference for commercial and office in favor of retaining existing residential; and

WHEREAS, the Planning Commission initiated an amendment to the Zoning Ordinance to correct this apparent conflict; and

WHEREAS, a Negative Declaration was published on January 16, 1997, for this Ordinance amendment which found no adverse impacts; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 18, 1997, to consider the Ordinance amendment, at which time they took into consideration comments in the staff report and public testimony; and

WHEREAS, the Town Council held a duly noticed public hearing on April 8, 1997, to consider this matter, at which time they considered the staff report, the recommendation of the Planning Commission, and public testimony.

NOW, THEREFORE, the Town Council does hereby find that:

The Zoning Ordinance Amendment, in its entirety, is in compliance with all the provisions of the Town of San Anselmo General Plan in that the proposal requires a conditional use permit prior to converting existing residential uses to other uses in the commercial and professional zoning districts. Findings proposed to grant the conditional use permit are

the same as the policies contained in the Housing Element of the General Plan that discourage displacement of existing residential to other uses.

Section 2.

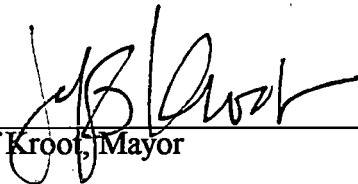
THEREFORE, THE TOWN OF SAN ANSELMO DOES ORDAIN that Chapter 3, Article 13. "Conditional Use Permit" and Table 3A Land Use Regulations of the San Anselmo Municipal Code be amended per Exhibit A (attached) with additional language shown in underlining:

Introduced on April 8, 1997, at a regular meeting of the Town Council and thereafter on April 22, 1997, the Town Council adopted this Ordinance amendment by the following vote:

AYES: Breen, Chignell, Hodgens, Kroot, Overberger


NOES: (None)

ABSENT: (None)



Jeff Kroot, Mayor

ATTEST:



Debbie Stutsman, Town Clerk

Exhibit A

LAND USE REGULATIONS TABLE

TABLE 3A

"P" = Permitted Use
 "C" = Conditionally Permitted Use
 "-" = Not Permitted

DISTRICT	R-1-H	R-1-C	R-1	R-2	R-3	⁽²⁾ P	⁽²⁾ C-1	⁽²⁾ C-2	⁽²⁾ C-L	⁽²⁾ C-3
LAND USES										
Accessory Buildings	P	P	P	P	P	P	P	P	P	P
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	-	-	-	-	-	-	-	-	-	-
Alcohol, On-Sale	-	-	-	-	-	-	-	C	-	⁽²⁾ C
Alcohol, Off-Sale	-	-	-	-	-	-	C	C	⁽¹⁾ C	⁽²⁾ C
Amusement, Places of	-	-	-	-	-	-	-	C	-	C
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	P
Automotive, Gasoline Service Station, Full Service	-	-	-	-	-	-	-	-	-	⁽³⁾ C
Automotive, Gasoline Service Station, Self Service	-	-	-	-	-	-	-	-	-	⁽³⁾⁽⁴⁾ C
Automotive, Rental	-	-	-	-	-	-	-	-	-	C
Automotive, Sales	-	-	-	-	-	-	-	-	-	C
Automotive, Service and Repair	-	-	-	-	-	-	-	-	⁽¹⁾ C	C
Automotive, Wash	-	-	-	-	-	-	-	-	-	C
Bakeries	-	-	-	-	-	-	P	P	⁽¹⁾ C	P
Bakery Goods Stores (no on-site baking)	-	-	-	-	-	-	P	P	⁽¹⁾ C	P
Banks	-	-	-	-	-	-	-	P	-	P
Bars	-	-	-	-	-	-	-	C	-	C

LAND USE REGULATIONS TABLE

TABLE 3A (CONTINUED)

"P" = Permitted Use
 "C" = Conditionally Permitted Use
 "-" = Not Permitted

<u>DISTRICT</u>	<u>R-1-H</u>	<u>R-1-C</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>(2)P</u>	<u>(2)C-1</u>	<u>(2)C-2</u>	<u>(2)C-L</u>	<u>(2)C-3</u>
LAND USES										
Drug Stores, including Drug and/or Alcoholism Treatment Facility, Small	P	P	P	P	P	-	-	-	-	-
Drug and/or Alcoholism Treatment Facility, Large	C	C	C	C	C	-	-	-	-	-
Dry Cleaners	-	-	-	-	-	-	P	P	P	P
Dry Cleaners, Self Serve	-	-	-	-	-	-	C	C	(1)C	C
Electric Transmission Line Routes of 12 Kv or greater prior to ROW Acquisition	-	C	C	C	C	C	C	C	(1)C	C
Entertainment, Places of	-	-	-	-	-	-	-	C	-	C
Financial/Real Estate Services	-	-	-	-	-	-	-	P	P	P
Florists	-	-	-	-	-	-	C	P	P	P
Food Stores (6:00 AM- 11:00 PM only)	-	-	-	-	-	-	P	P	-	P
Food Stores, Before 6:00 AM and After 11:00 PM	-	-	-	-	-	-	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	P	P	P	P	P	P	(5)p	-	P
Hospitals	-	-	-	-	-	P	P	P	-	P

LAND USE REGULATIONS TABLE

TABLE 3A (CONTINUED)

"P" = Permitted Use
 "C" = Conditionally Permitted Use
 "-" = Not Permitted

DISTRICT	R-1-H	R-1-C	R-1	R-2	R-3	⁽¹⁾ P	⁽¹⁾ C-1	⁽¹⁾ C-2	⁽¹⁾ C-L	⁽¹⁾ C-3
<u>LAND USES</u>										
Hotel	-	-	-	-	C	-	-	C	-	C
Institutional, Public	-	-	P	P	P	P	P	P	P	P
Institutional, Non-Profit	-	-	C	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
Motorcycles, Sales	-	-	-	-	-	-	-	-	-	C
Motorcycles, Service and Repairs	-	-	-	-	-	-	-	-	(1)C	C
Musical Instrument Sales and Service	-	-	-	-	-	-	-	P	P	P
Nursery, Garden	-	-	-	-	-	-	-	C	(1)C	P
Nursery School	C	C	C	C	C	C	C	C	-	C
Outdoor Sales and Rental	-	-	-	-	-	-	C	C	(1)C	C
Paint Stores	-	-	-	-	-	-	-	P	(1)C	P
Parking Garage, Commercial	-	-	-	-	-	-	C	C	-	P
Parking Lots, Commercial	-	-	-	-	-	-	C	C	-	P
Parks, Public	P	P	P	P	P	P	P	P	-	P
Pediatric Day Health and Respite Care Facility	P	P	P	P	P	-	-	-	-	C
Pet Stores	-	-	-	-	-	-	-	P	P	P
Pharmacy	-	-	-	-	-	-	-	P	(1)C	P
Photographic Equipment Sales and Service	-	-	-	-	-	-	-	P	P	P
Preschool	C	C	C	C	C	C	C	C	-	C
Printing Shops	-	-	-	-	-	-	P	P	P	P

LAND USE REGULATIONS TABLE

TABLE 3A (CONTINUED)

"P" = Permitted Use
 "C" = Conditionally Permitted Use
 "-" = Not Permitted

<u>LAND USES</u>	<u>DISTRICT</u>	<u>R-1-H</u>	<u>R-1-C</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>(5)P</u>	<u>(7)C-1</u>	<u>(7)C-2</u>	<u>(7)C-L</u>	<u>(7)C-3</u>
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
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	C	C	C	C	C	-	-	-	-	-
Residential Care Facility, Small	P	P	P	P	P	P	-	-	-	-	-
Residential Care Facility for Persons with a Chronic Life- Threatening Illness, Large	C	C	C	C	C	C	-	-	-	-	-
Residential Care Facility for Persons with a Chronic Life- Threatening Illness, Small	P	P	P	P	P	P	-	-	-	-	-
Residential Care Facility for the Elderly, Large	C	C	C	C	C	C	-	-	-	-	-
Residential Care Facility for the Elderly, Small	P	P	P	P	P	P	-	-	-	-	-
Residential, Multi-Family	-	-	-	-	-	P	C	C	C	C	C
Residential Second Units	(6)C	(6)C	(6)C	-	-	-	-	-	-	-	-
Residential, Single Family Attached	-	-	-	P	P	P	C	C	C	C	C

LAND USE REGULATIONS TABLE

TABLE 3A (CONTINUED)

"P" = Permitted Use
 "C" = Conditionally Permitted Use
 "-" = Not Permitted

<u>DISTRICT</u>	<u>R-1-H</u>	<u>R-1-C</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>(7)P</u>	<u>(7)C-1</u>	<u>(7)C-2</u>	<u>(7)C-L</u>	<u>(7)C-3</u>
LAND USES										
Residential, Single Family Detached	P	P	P	P	P	C	C	C	C	C
Restaurant	-	-	-	-	-	-	-	P	(1)C	P
Restaurant, Cafes	-	-	-	-	-	-	C	P	(1)C	P
Restaurants, Fast Food	-	-	-	-	-	-	-	-	-	C
Restaurant, Take-Out	-	-	-	-	-	-	-	-	-	C
Savings & Loan Institution	-	-	-	-	-	-	-	P	-	P
Schools, Public	-	-	P	P	P	P	C	C	-	C
Schools, Private	-	-	C	C	C	C	C	C	-	C
Schools, Religious	-	-	C	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
Tool Repair, Commercial	-	-	-	-	-	-	-	C	(1)C	C
Toy Stores	-	-	-	-	-	-	-	P	(1)C	P
Transportation Services, Bus Depots	-	-	-	-	-	-	-	P	-	P
Travel Bureaus	-	-	-	-	-	-	-	P	P	P
Utility Substations	C	C	C	C	C	C	C	C	(1)C	C
Variety Stores	-	-	-	-	-	-	P	P	C	P
Wall Paper Stores	-	-	-	-	-	-	-	P	P	P
Water Tanks	C	C	C	C	C	C	C	C	(1)C	C
Wholesale Distribution	-	-	-	-	-	-	-	-	-	C
Wholesale Warehouses	-	-	-	-	-	-	-	-	(1)C	C
Windmills	-	C	C	C	C	C	C	C	-	C

Notes on Following Page

LAND USE REGULATIONS TABLE

TABLE 3A (CONTINUED)

Notes:

- (1) In addition to the findings required for the approval of a use permit as set forth in Section 10-3.1305(a) of the San Anselmo Municipal Code, an additional finding must also be made as set forth in Section 10-3.1305(c) of the San Anselmo Municipal Code.
- (2) Off-sale alcohol shall not be permitted on the same premises as a gasoline service station.
- (3) All operations of either a full service or self-service gasoline station, including storage, excepting servicing with gasoline, oil, air, and water, shall be conducted within a closed building.
- (4) In addition to the findings required for the approval of a use permit as set forth in Section 10-3.1305(a) of the San Anselmo Municipal Code, an additional finding must also be made as set forth in Section 10-3.1305(b) of the San Anselmo Municipal Code.
- (5) All professional uses which propose to provide services before 8:00 AM and after 6:00 PM are subject to the granting of a conditional use permit as set forth in Section 10-3.1301 of the San Anselmo Municipal Code.
- (6) In addition to the findings required for the approval of a use permit as set forth in Section 10-3.1305(a) of the San Anselmo Municipal Code, an additional finding must also be made as set forth in Section 10-4.708(6)(d)[SECTION DOES NOT EXIST] of the San Anselmo Municipal Code.
- (7) Conversion of a residential use to another use is subject to the granting of a conditional use permit as set forth in Section 10-3.1301 of the San Anselmo Municipal Code and to the findings required for the approval of a use permit as set forth in Section 10-3.1305(a) and (c). This provision applies to residential uses in existence as of [substitute effective date of this Ordinance Amendment].

Should a property require more than one planning application, and should any of those applications require Planning Commission review, then all planning applications associated with the property shall require Planning Commission review.

Sec. 10-3.1305 Required Findings for Use Permit

Approval of a Use Permit, which may include the imposition of conditions, shall be made only after the making of the following findings:

- (a) The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town.

In addition to the foregoing finding, special findings shall be made for certain Districts or uses, as follows:

- (b) Self-Service Gasoline Stations - All Districts:

The granting of the use permit will not adversely affect the public health, safety, or welfare by either diminishing the availability of minor emergency health and safety services, including rest rooms and minor automobile repair.

- (c) Limited Commercial (C-L) District - All Uses Requiring a Use Permit:

The granting of the use permit will not allow a use which generates traffic at a rate greater than fifty (50) vehicle trip ends for each 1,000 gross square feet of gross leasable building area and which does not add any additional traffic volume on Sir Francis Drake Boulevard during the AM and PM peak commuting periods.

- (d) Second Units - Single Family Residential (R-1) Districts:

Those additional findings listed in Section 10-6.303 of the San Anselmo Municipal Code.

- (e) Conversion of Residential Use to Another Use - Commercial (C) and Professional (P) Districts:

The granting of a use permit will not allow a use that diminishes the existing affordable housing stock, including multi family units and mixed use units (e.g., residential units above commercial uses), unless there is a clear public benefit or equivalent housing can be provided.