

ORDINANCE NO. 1087

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AMENDING MUNICIPAL CODE TITLE 10 CHAPTER 6 (RESIDENTIAL SECOND UNITS), SECTION 10-3.1701 (ZONING DEFINITIONS), AND TABLE 5A (PARKING STANDARDS TABLE)

WHEREAS, the Town of San Anselmo ("Town") adopted a Residential Second Unit Ordinance (Ordinance No. 1033) as Title 10 Chapter 6 of the Town Municipal Code on June 24, 2003;

WHEREAS, the Town adopted its General Plan Housing Element on November 13, 2012;

WHEREAS, Housing Element policy H3.10 states, "The Town will encourage the construction of well-designed second units and the legalization of existing second units as an important way to provide affordable housing;"

WHEREAS, Housing Element policy H3.E sets forth the goal of modifying the Second Dwelling Unit Development Standards and Permit Process as follows:

Continue to allow second dwelling units, and establish the following second unit development requirements in the Zoning Ordinance, assuring consistency with State law requirements:

- a. Allow second units in the R-2 district on properties too small to be developed with a duplex.
- b. Remove the owner-occupancy requirement.
- c. Reduce or eliminate per unit fees in recognition of the small size and low impacts of second unit dwelling units.
- d. Eliminate deed restrictions for rent control of second units in recognition that they provide a significant source of housing throughout the community and they will be affordable because of their small size.
- e. Allow lot coverage and other standards to be modified through an "exceptions" process so that a variance is not needed.
- f. Allow tandem parking;

WHEREAS, the timeframe for accomplishing policy H3.E is set for 2013 so that the Town can attempt to reach its goal of 20 new second units by 2014;

WHEREAS, revisions to the Residential Second Unit Ordinance require modification to the definitions related to the ordinance and those definitions will be included with all other definitions in Section 10-3.1701 of the Town Municipal Code;

WHEREAS, revisions to the Residential Second Unit Ordinance parking requirements necessitate modification of the Parking Standards Table referenced in Section 10-3.502 and found at Table 5A under Title 10, Chapter 3, Article 5 of the Town Municipal Code;

WHEREAS, the Planning Commission held a hearing on March 4, 2013, to consider the revisions to Residential Second Unit Ordinance and recommended that the Town Council adopt the ordinance.

NOW, THEREFORE, BE IT ORDAINED that Title 10 Chapter 6 of the Town Municipal Code is hereby amended as follows;

**Title 10 - PLANNING AND ZONING
Chapter 6 - RESIDENTIAL SECOND UNITS**

Article 1. Findings and Applicability

10-6.101 – Findings.

10-6.102 - Applicability.

10-6.101 - Findings.

The Town Council of San Anselmo finds as follows:

(a) San Anselmo General Plan Housing Element Policy H3.E sets the goal of modifying the Town's residential second unit development standards and permit process. The recommended modifications include: permitting second units on some properties in the R-2 district; eliminating deed restrictions for rent control of second units; and allowing tandem parking for these units. The development standards and permit process in this Chapter attain the objectives set forth in this Housing Element policy.

(b) In addition, Housing Element Policy H3.A(c) directs the Town to provide for more flexible parking requirements that help to facilitate infill, affordable, transit-oriented and mixed-use development, while at the same time avoiding off-site parking impacts. Reducing parking requirements for residential second units located near transit stops will promote these goals. Therefore, the parking requirements of this Chapter are necessary to maintain the public health, safety, and welfare.

(c) Objective 11 of the San Anselmo General Plan Land Use Element sets forth policies necessary to preserve, maintain, and enhance the quality of life in residential neighborhoods. The provisions of this Chapter establish specific thresholds and requirements necessary to implement such General Plan objectives. The standards for residential second units herein are hereby determined to be consistent with other provisions of this Title and necessary to implement General Plan objectives.

(d) This ordinance is consistent with the provisions provided in Section 65852.2 of the California Government Code.

(e) The Planning Director shall make interpretations and determinations of residential second units in accordance with all provisions herein.

10-6.102 - Applicability.

The provisions of this ordinance shall apply to all residential second units hereinafter approved or constructed. The Standards for residential second units listed in Article 2 of this ordinance shall apply in the residential zoning districts- R-1, R-2 and R-3.

Nonconforming residential second units in existence at the time of this ordinance adoption shall be allowed to continue until such time as the properties containing such nonconforming units expand or enlarge any building area, or until such time as fifty (50%) percent or more of the primary living unit or residential second unit should be destroyed. Thereafter, all residential second units shall conform to the provisions of this ordinance.

No more than one residential second unit per lot or parcel shall be permitted under the provisions of this chapter.

Article 2. - Standards for Residential Second Units

10-6.201 - Parking.

10-6.202 - Height, location and setbacks.

10-6.203 - Lot coverage/floor area ratio.

10-6.204 - Maximum size.

10-6.205 - Architectural design standards.

10-6.206 - Exceptions to standards.

10-6.207 - Building permits/codes.

10-6.208 - Residence requirements.

10-6.201 - Parking.

(a) Except as provided in subsection (b), one permanently surfaced parking space shall be provided for each residential second unit in accordance with Section 10.3.507 of this code. Said parking space may be tandem and within any of the setback areas, provided however that any such parking space within a public right-of-way must be approved by the Public Works Director to ensure that such parking location does not constitute a potential public safety hazard.

In addition to the above and pursuant to required findings of the chapter, the primary living unit parking requirements shall conform to the required parking dimensions, access, surface and number of spaces, sections 10-3.502, 10-3.507, 10-3.509, 10-3.511, and Table 5A of this Code as a condition of any residential second unit approval.

(b) Residential second units located within one mile of a transit stop do not require a surfaced parking space as required by subsection (a).

10-6.202 - Height, location, and setbacks.

Residential second units may be within the primary living unit or within a separate building upon the same lot as the primary living unit, and are subject to the height and setback requirements of the underlying zoning district.

10-6.203 - Lot coverage/floor area ratio/density.

For the purposes of determining maximum lot coverage and floor area ratio requirements, residential second unit square footage shall be calculated as a part of the primary living unit, and subject to the limitations provided in this Title. A maximum of one residential second unit shall be permitted per residential lot containing a single-family dwelling. Residential second units are not required to meet density requirements for the General Plan or Zoning Ordinance.

10-6.204 - Maximum size.

Residential second units shall not exceed 800 square feet in floor area provided however that no residential second unit shall be smaller than an efficiency unit one hundred fifty (150) square feet as determined by the California Health and Safety Code.

10-6.205 - Architectural design standards.

Residential second unit construction shall be of complimentary materials, colors, and style as the exterior of the primary living unit including roof, eaves, windows, accents, and doors.

Further, new residential second units at or above 150 mean sea level shall provide screening from off-site views. Screening may include landscaping and/or natural forms.

10-6.206 - Exceptions to standards.

Exceptions to Sections 10-6.201 through 10-6.205 may be permitted subject to approval of a conditional use permit in accordance with Article 13 of this Title.

10-6.208 - Building permits/codes.

In addition to the provisions herein, residential second unit construction shall be subject to all requirements of Title 9 of the Code (Building Regulations).

Article 3. - Administration and Enforcement

10-6.301 - Enforcement.

10-6.302 - Severability.

10-6.303 - Administration.

10-6.301 - Enforcement.

Failure to comply with any provision of this chapter shall constitute a violation of Section 1-2.01 of Chapter 2 of Title 1 of this Code, and any condition permitted to exist in violation of this chapter shall constitute a public nuisance, which may be abated.

10-6.302 - Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter for any reason is held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional on their face or as applied.

10-6.303 - Administration.

The Planning Director of the Town of San Anselmo, hereinafter referred to as Director, shall administer this chapter.

Any person proposing to construct a residential second unit shall provide to the Director an application, site plan, elevations, color and materials samples, and any other information deemed necessary by the Director to administer this chapter.

The Town Council has authorized a fee for the ministerial review of residential second unit projects. Such fee is applicable for the review of proposed projects authorized by this chapter.

BE IT FURTHER ORDAINED that the following definitions are hereby incorporated into Section 10-3.1701 of the Town Municipal Code:

Kitchen. A room or space within a building used or intended to be used for cooking or preparation of food, which includes any of the following: stove, oven, range top, microwave oven or refrigeration equipment.

Residential second unit. One additional living unit on any one lot or parcel within a residential zoning district R-1, R-2 or R-3 containing a single-family dwelling. Such residential second unit is further defined as any building or portion thereof whereby bathroom and kitchen facilities are not shared in common with the primary living unit. Outdoor structures not suitable for habitation (e.g., pool cabanas, workshops, and other improvements unsuitable for habitation) are not deemed living units.

Residential second unit – nonconforming. A residential unit approved as a residential second unit through the issuance of a Conditional Use Permit or a residential second unit that has been occupied as such since 1963 and registered with the Town.

BE IT FURTHER ORDAINED that the portion of Table 5A, the Parking Standards Table under Title 10, Chapter 3, Article 5, related to residential second units is hereby amended to state:

RESIDENTIAL LAND USE	NUMBER OF REQUIRED ON-SITE PARKING SPACES
Residential Second Units Located only on R-1, R-2 or R-3 zoned property	One (1) space per second living unit, unless the unit is within 1 mile of a transit stop.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 26th day of March, 2013 and was adopted at a regular meeting of the Town Council on the 9th day of April, 2013 by the following vote:

AYES: Coleman, Greene, Kroot, McInerney


NOES: None

ABSENT: None



Kay Coleman, Mayor

ATTEST:



Barbara Chambers, Town Clerk
Joanne Kessel for Barbara Chambers