

TOWN OF SAN ANSELMO ORDINANCE NO. 1099
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
AMENDING SECTION 10-3.1701 (DEFINITIONS) AND LAND USE TABLE 3A OF
THE SAN ANSELMO MUNICIPAL CODE TO INCLUDE "SUPPORTIVE HOUSING",
"TARGET POPULATION" AND "TRANSITIONAL HOUSING"

WHEREAS, the Federal Fair Housing Act (42 U.S.C. 3601 *et seq.*) and California Fair Employment and Housing Act (California Government Code § 12900 *et seq.*) prohibit discrimination against individuals with disabilities in housing and require cities to take affirmative steps to eliminate obstacles to housing opportunities for people with disabilities; and

WHEREAS, Housing Element Policy H4.5 states that "The Town of San Anselmo recognizes the need for and desirability of transitional and supportive housing and will treat transitional and supportive housing as a residential use that will be subject only to the same restrictions that apply to other residential uses of the same type in the same zone;" and

WHEREAS, Implementing Program H4.B of the Housing Element provides that the Town will amend residential zones to specifically allow transitional and supportive housing, as required by State law, so they are treated as a residential use that will be subject only to the same restrictions that apply to other residential uses of the same type in the same zone; and

WHEREAS, California Government Code section 65583 provides that the Town must demonstrate that it has made efforts to remove governmental constraints that hinder the Town from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters; and

WHEREAS, California Government Code section 65583 (a)(5) further specifies that "Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone;" and

WHEREAS, the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061.b.3 of the CEQA Guidelines because adoption of this zoning ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and this project does not have the potential for causing a significant effect on the environment; and

WHEREAS, adoption of this Ordinance is consistent with the Town of San Anselmo's General Plan.

NOW THEREFORE, the Town Council of the Town of San Anselmo does hereby ordain as follows:

SECTION 1 Section 10-3.1701 (Definitions) of the Town of San Anselmo Municipal Code is amended to include the following definitions:

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

“Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse or other chronic health condition, or individuals eligible for service provided pursuant to the Lanterman Developmental Disabilities Service Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

BE IT FURTHER ORDAINED that Chapter 10, Article 3, Chapter 3 (Land Use Regulations) is hereby amended to include Supportive Housing and Transitional Housing as permitted uses in Residential zones and a conditionally permitted use in Commercial zones. This amendment shall be reflected in the Land Use Table 3A as follows:

	R-1 H	R-1 C	R-1	R-2	R-3	P	C-1	C-2	C-L	C-3
Supportive Housing	P	P	P	P	P	-	C	C	C	C
Transitional Housing	P	P	P	P	P	-	C	C	C	C

Section 2. The adoption of this Ordinance is exempt from the application of the California Environmental Quality Act (CEQA), Public Resources Code section 21000, *et seq.*, in accordance with Section 15061.b.3 of the CEQA Guidelines; and

Section 3. If any section or portion of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the Town of San Anselmo.

Section 5. This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 9th day of December, 2014, and was adopted at a regular meeting on the 13th day of January, 2015 by the following vote:

AYES: Councilmembers: Coleman, Greene, Kelly, McInerney, Wright
NOES: Councilmembers: None
ABSENT: Councilmembers: None

John D. Wright
John D. Wright, Mayor

ATTEST:

Joanne Kessel
Joanne Kessel
For Barbara Chambers, Town Clerk