

ORDINANCE NO. 1119

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
AMENDING TITLE 10 PLANNING AND ZONING, CHAPTER 3 ZONING, LAND USE
REGULATIONS TABLE 3A, ARTICLE 5, SECTIONS 10-3.503, 10-3.504, 10-3.506, 10-
3.1505, 10-3.1701, 10-6.103, 10-6.201, AND PARKING STANDARDS TABLE 5A OF THE
SAN ANSELMO MUNICIPAL CODE TO ENCOURAGE DEVELOPMENT OF ACCESSORY
DWELLING UNITS

WHEREAS, accessory dwelling units (“ADU”) expand the opportunity for small, lower cost, housing units in San Anselmo, while preserving the character of residential neighborhoods;

WHEREAS, converting an existing garage to an ADU is an affordable way for residents to create new units without changing the bulk or mass of existing development and the Town Council would like to offer incentives to encourage creation of new ADUs in garages;

WHEREAS, on July 17, 2017, the San Anselmo Planning Commission conducted a duly noticed public hearing on the proposed Zoning Ordinance amendments meant to encourage development of ADUs in garages and directed staff to amend the proposed ordinance;

WHEREAS, on October 16, 2017, the Planning Commission conducted a duly noticed public hearing on the revised proposed Zoning Ordinance amendments, at which it considered all staff reports, attachments, and testimony and found the proposed ordinance consistent with the General Plan and recommended that the Town Council adopt the proposed ordinance; and

WHEREAS, the Town Council has found that the provisions of this ordinance are consistent with the goals and policies of the Town’s General Plan and other adopted ordinances and regulations of the Town.

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

SECTION 1. The Town Council finds and determines that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The ordinance is intended to modify existing local regulatory requirements to be consistent with State and local laws that encourage development of accessory dwelling units. Adoption of the ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code section 21080.17, because the ordinance implements Government Code section 65852.2. Similarly, the ministerial approval of ADU applications is not a "project" for CEQA purposes and environmental review is not required prior to approving individual applications.

SECTION 2. Title 10 Planning and Zoning, Chapter 3 Zoning, Article 3 Land Use Regulations, Land Use Regulations Table, Table 3A is amended as follows, with insertions shown by underlined text and deletions shown by strike-through text. The remainder of Table 3A remains unchanged.

LAND USES	DISTRICT	R-1-H	R-1-C	R-1	R-2	R-3	(7)(8) P	(7)(8) C-1	(7)(8) C-2	(7)(8) C-L	(7)(8) C-3
Parking Area, Off-Street <u>Serving Off-Site Commercial Use</u>		-	-	C	C	C	-	-	-	-	-

SECTION 3. In order to make the sections consistent with Parking Standards Table 5A, Title 10 Planning and Zoning, Chapter 3 Zoning, Article 5 Parking and Loading Regulations, Sections 10-3.503 shall be amended to delete the term “off-street” and add the following sentence at the end of the section:

Unless otherwise allowed by this Title, the minimum parking spaces shall be on-site and not within a public right-of-way.

SECTION 4. Title 10 Planning and Zoning, Chapter 3 Zoning, Article 5 Parking and Loading Regulations, Section 10-3.504 “Enlargement and alteration to dwelling units and conversion of garages, carports, and uncovered parking spaces” shall be amended to delete “off-street” and Subsection (b)(3) is amended to read as follows:

When a garage, carport, or covered parking structure is structurally altered or modified to create an accessory dwelling unit, each converted parking space shall be replaced with one (1) legal parking space that complies with all provisions for setbacks, siting and size prior to the first inspection for the building permit. The spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. Parking required under this section (3) may be located within a required setback with design review approval pursuant to Article 15 of this chapter; and

SECTION 5. Title 10 Planning and Zoning, Chapter 3 Zoning, Article 5 Parking and Loading Regulations, Section 10-3.506 “Parking space: Location”, Subsection (e) is amended to read as follows:

Parking areas for commercial uses may be permitted in the "R" Districts on properties adjoining "C" Districts upon the securing of a use permit in accordance with Article 13 of the San Anselmo Municipal Code.

SECTION 6. Title 10 Planning and Zoning, Chapter 3 Zoning, Article 5 Parking and Loading Regulations, Parking Standards Table 5A footnote (3) is amended to read as follows:

One (1) of the three (3) parking spaces may be in tandem and may be located within the minimum required front setback unless otherwise noted in this chapter.

SECTION 7. Title 10 Planning and Zoning, Chapter 3 Zoning, Article 15 Design Review, Section 10-3.1505 “Required findings for design review” is amended as follows, with insertions shown by underlined text and deletions shown by strike-through text, and to add a new subsection (g). The remainder of the section shall remain the same.

10-3.1505 - Projects subject to design review and ~~Required findings for design review.~~

The following projects are subject to design review and ~~Approval of design review, which may include the imposition of conditions, shall be made only after the making of the following findings.~~ These findings are not intended to preclude innovative design.

(g) All parking spaces created in required setbacks in association with conversion of a garage to an Accessory Dwelling Unit pursuant to 10-3.504(b) are subject to design review and plans must be designed with sensitivity so that public views and neighbors are not impacted by the loss of landscaping and views of parked vehicles.

Required Findings:

(1) Visual effects have been mitigated with screening and landscaping, including plants, trees, berms, fencing or walls; and

(2) Findings required by Section 10-3.1505(a).

Required Conditions:

(1) A building permit shall be required to remove the kitchen, separate entrance, or bathroom of the Accessory Dwelling Unit. No building permit shall be issued to remove the kitchen, separate entrance, or bathroom in the Accessory Dwelling Unit unless either: 1.) the project includes restoring the garage for vehicle parking; 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.

(2) The Accessory Dwelling Unit shall not be used for occupancy for less than a 30-day term of tenancy.

SECTION 8. Title 10 Planning and Zoning, Chapter 3 Zoning, Article 17 Definitions, Section 10-3.1701, definition for “Residential second unit – nonconforming” is deleted and replaced with the following:

"Residential second unit - nonconforming." Refer to "Nonconforming accessory dwelling unit" in Title 10, Chapter 6, Section 10-6.103.

SECTION 9. Title 10 Planning and Zoning, Chapter 6 Accessory Dwelling Units, Article 1 “Purpose, Applicability, Definitions,” Section 10-6.103 “Definitions” is amended to modify the definition of “accessory dwelling unit” and to add a definition for “kitchen” as follows:

"Accessory dwelling unit" means a dwelling unit ancillary to a primary dwelling unit, on the same parcel as the primary dwelling unit is situated, that provides complete independent living facilities for one (1) or more persons. It shall include one (1) kitchen, one (1) room capable of serving as a room for sleeping, at least one (1) bathroom, and a separate entrance from the primary dwelling unit. An accessory dwelling unit may have an interior entry to the primary dwelling unit. 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.

"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, convection oven, cooking burners, microwave oven or refrigeration equipment. A separate or second kitchen does not exist if configuration of appliances and the floorplan clearly indicate that the space will not and cannot be used as a separate living unit, such as an unenclosed pool cabana. Interpretation of whether or not an area is or is not a separate kitchen shall be by the Planning Director pursuant to this section.

SECTION 10. The first sentence of Title 10 Planning and Zoning, Chapter 6 Accessory Dwelling Units, Article 2 Standards for Accessory Dwelling Units, Section 10-6.201 “Parking” is amended to delete “Off-street” and to capitalize “parking.”

SECTION 11. Severability. The Town Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is 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 12. Inclusion in the San Anselmo Municipal Code. It is the intention of the San Anselmo Town Council that the text in Sections 2 through 15 be made a part of the San Anselmo Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

SECTION 13. Effective Date. This Ordinance shall go into effect thirty (30) days from its adoption, and shall be posted or published as required by State law. This ordinance shall apply to any building permit received on or after its effective date. In accordance with California Government Code section 65852.2(h) the Town shall submit a copy of the adopted ordinance to the California Department of Housing and Community Development within 60 days of adoption.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo

Town Council on November 28, 2017, and was adopted at a regular meeting of the San Anselmo Town Council December 12, 2017, by the following vote:

AYES: Wright, McInerney, Coleman, Brown, Greene

NOES: None

ABSENT: None

ABSTAIN: None

John Wright, Mayor

Attest:

Carla Kacmar, Town Clerk