

ORDINANCE NO. 1143

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
AMENDING TITLE 10 (PLANNING AND ZONING), CHAPTER 3 (ZONING),
ARTICLE 5 (PARKING AND LOADING REGULATIONS), SECTION 10-3.504(B)(3)
AND CHAPTER 6 (ACCESSORY DWELLING UNITS), ARTICLES 1-3 TO BRING
THE TOWN ACCESSORY DWELLING UNIT REGULATIONS INTO
CONFORMANCE WITH 2019 STATE HOUSING BILLS**

WHEREAS, accessory dwelling units expand the opportunity for small, lower cost, housing units in San Anselmo; and

WHEREAS, the Town has approved 100% of its share of the Regional Housing Need Allocation for the 2015-2023 Housing Element cycle and almost half of the approved units have been Accessory Dwelling Units; and

WHEREAS, on October 9, 2019, California Governor Gavin Newsom signed three bills into law (SB 13, AB 68 and AB 881) that amend California Government Code Section 65852.2 and that require the Town to modify local regulations to further facilitate development of Accessory Dwelling Units and Junior Accessory Dwelling Units; and

WHEREAS, on November 4, 2019, the Planning Commission of the Town of San Anselmo conducted a duly noticed public hearing on the proposed Zoning Ordinance amendments, and considered all staff reports, attachments, 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 held a duly noticed public hearing on November 12, 2019, and considered the Planning Commission recommendation and introduced the draft Ordinance; and 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; and

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 law which encourage development of accessory dwelling units and is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.17, the adoption of an ordinance to implement Government Code section 65852.2. Similarly, the ministerial approval of accessory dwelling unit ("ADU") applications would not be a "project" for CEQA purposes, and environmental review would not be required prior to approving individual applications.

SECTION 2: Title 10 Planning and Zoning is amended as indicated in Exhibit 1 with strikethrough text to indicate deleted text and underline text indicating new text.

SECTION 3: Severability. To the extent allowed under State law, the Town Council hereby declares every section, paragraph, sentence, cause and phrase is severable. To the extent allowed under State law, 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 4: Inclusion in the San Anselmo Municipal Code. It is the intention of the San Anselmo Town Council that the text in Section 2 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 5: This Ordinance shall go into effect thirty (30) days from its adoption and shall be posted or published as required by State law.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on November 26, 2019, and was adopted at a regular meeting of the San Anselmo Town Council on December 10, 2019, by the following vote:

AYES: Brown, Greene, Fineman, Colbert, Wright

NOES: None

ABSENT: None

ABSTAIN: None

Ford Greene, Mayor

ATTEST:

Carla Kacmar, Town Clerk

EXHIBIT 1

Chapter 3 - ZONING

Article 5. - Parking and Loading Regulations

10-3.504 - Enlargement and alteration to dwelling units and conversion of garages, carports, and uncovered parking spaces.

- (a) Any dwelling unit having less than the required number of vehicular parking spaces as required by the Parking Standards Table, referred to as Table 5A, may be enlarged provided that one (1) of the following conditions is satisfied:
 - (1) The required number, setbacks, siting, configuration, and size of parking spaces as required by the Parking Standards Table, referred to as Table 5A, of the San Anselmo Municipal Code shall be provided prior to the first Building Department inspection for the enlargement, except that the parking spaces may be in tandem and within established setback areas; or
 - (2) The enlargement does not include a room suitable for use as a bedroom nor does the enlargement include the conversion of an existing room for use as a bedroom.
- (b) No parking space either uncovered or within a garage or carport, having minimum dimensions of eight (8) feet in width by seventeen (17) feet in depth, shall be converted to a use other than for vehicular parking, unless the following conditions are satisfied:
 - (1) 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; or
 - (2) Each converted parking space shall be replaced with one (1) legal parking space that complies with all provisions for setbacks, siting, configuration, and size prior to the first inspection for the building permit; or
 - (3) When a garage, carport, or covered parking structure is ~~demolished~~structurally altered or modified to create in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit the Town shall not require that those off street parking spaces be replaced.~~Each converted parking space may~~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. Replacement parking spaces required under this subsection (3) may be located on site on an existing driveway within setbacks. New replacement parking spaces may be created within a required setback with design review approval pursuant to Article 15 of this chapter; and~~

- (4) For residential development, the garage door shall remain in place and look functional, or the garage door shall be removed. If the door is removed, the project shall include architectural features (including siding, doors, windows, trim and accent details), and landscaping (such as a landscape strip to disconnect the driveway from the building wall) so it is not apparent that the structure was originally a garage.

Chapter 6 - ACCESSORY DWELLING UNITS

Article 1. - Purpose, Applicability, Definitions

10-6.101 - Purpose.

This chapter provides regulations for developing accessory dwelling units. The purpose of permitting accessory dwelling units is to expand the opportunity for small, lower cost, housing units in San Anselmo, while preserving the character of residential neighborhoods.

10-6.102 - Applicability.

An accessory dwelling unit may be constructed on a lot that meets all of the following minimum standards:

- (a) Zoning district. A lot located within a single family or multifamily zoning district (R-1-C, R-1-H, R-1, R-2 or R-3) or any commercial zoning district (C-1, C-2, C-3, C-L or P).
- (b) Existing or proposed primary dwelling unit. A lot that is presently developed with at least one (1) primary dwelling. In addition, an accessory dwelling unit may be approved in connection with a building permit to construct a new primary dwelling. ~~An accessory dwelling unit may not be constructed on a lot that is developed with more than one (1) dwelling or commercial uses.~~
- ~~(c) Conforming parking. The parking spaces on the lot 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 and the lot will continue to have conforming parking after development of the accessory dwelling unit. 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.~~

10-6.103 - Definitions.

In addition to the terms defined by Article 17 (Definitions), the following terms shall have the following meanings as used in this chapter:

~~"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.~~ "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on the same lot as the proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. 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.

"Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

~~"Attached accessory dwelling unit" means an accessory dwelling unit that is constructed as a physical expansion (i.e., addition) of a primary dwelling unit, and also includes an existing garage attached to a primary dwelling unit that is legally converted (fully or partially) to an accessory dwelling unit, and construction of a new basement or story underneath a primary dwelling unit to accommodate an accessory dwelling unit.~~

~~"Detached accessory dwelling unit" means an accessory dwelling unit that is constructed as a separate structure from the primary dwelling unit, and also includes an existing garage detached from the primary dwelling unit that is legally converted (fully or partially) to an accessory dwelling unit.~~

~~"Interior accessory dwelling unit" means an accessory dwelling unit that is legally created entirely within the existing living area of a primary dwelling unit or existing living area of an accessory structure.~~

~~"Existing garage" means a legally constructed attached or detached garage that is in existence and/or granted a certificate of occupancy prior to January 1, 2017.~~

~~"Existing living area" means the legally constructed living area of a primary dwelling unit or accessory structure that is in existence and/or granted a certificate of occupancy prior to January 1, 2017.~~

"Junior accessory dwelling unit" is a unit that complies with the requirements of Government Code Section 65852.22, as amended from time to time.

~~"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.~~

~~"Living area" means the interior habitable floor area of a dwelling unit, as measured to the outside surface of exterior walls, including basements and attics but does not include a garage or any accessory structure that was not developed for habitable space.~~

"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

"Floorspace" means the gross floor area of a detached accessory dwelling unit as measured to the outside surface of exterior walls, including its living area, basement area whether conditioned or unconditioned, and any garage or other enclosed accessory structure attached to the detached accessory dwelling unit.

"Multifamily dwelling" means a dwelling on a site with more than one unit that is not within a single-family residential district (R-1, R-1-H, R-1-C) or a specific planned development district (SPD or PPD) with underlying single-family residential zoning ("single family zoning district"). A site with more than one residential unit in a single-family zoning district shall be considered a single-family residence with accessory dwelling unit(s) that may be nonconforming in size, number, or other development standards.

"Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

"Passageway" as defined in Government Code Section 65852.2(i)(5), as amended, means a pathway that is unobstructed clear to the sky and extends from a street to ~~the one~~ entrance of an accessory dwelling unit.

"Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

"Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

~~"Public transit stop" means a Golden Gate Transit and/or Marin Transit bus stop that is served by weekday bus service (through multiple routes) every thirty (30) minutes between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m.~~

~~"Nonconforming accessory dwelling unit" for the purposes of this chapter shall mean:~~

- ~~(a) A residential unit approved as an accessory dwelling unit through the issuance of a conditional use permit, or~~

~~(b) An accessory dwelling unit that has been occupied as such since 1963 and registered with the Town.~~

“Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Article 2. - Standards for Accessory Dwelling Units

10-6.201 – Permit required. The Town shall ministerially approve an application for a building permit to create any of the units described in this section, subject to the development requirements set forth in this chapter. A rental of the accessory dwelling unit created pursuant to this section shall be for a term longer than 30 days.

- (a) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if the accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- (b) One detached, new construction, accessory dwelling unit up to 800 square feet of floor area and up to 16 feet tall that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in 10-6.201(a).
- (c) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. (ii) The Town shall allow at least one accessory dwelling unit within an existing multifamily dwelling up to limits established in California Government Code Section 65852.2(e)(1)(C)(ii), as amended by the legislature or as interpreted by the State Department of Housing and Community Development.
- (d) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

10-6.201-202 - Parking.

Parking for accessory dwelling units shall be provided in compliance with the following provisions:

- (a) Except as provided in subsection (b) ~~and (c)~~, one (1) permanently surfaced parking space shall be provided for each attached or detached accessory dwelling 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 fire or life safety~~public safety~~ hazard.
- ~~(b) No additional parking shall be required for interior accessory dwelling units.~~
- ~~(b)~~ ~~The parking requirement for an attached or detached accessory dwelling unit under subsection (a) of this section,~~ No parking shall be required for an accessory dwelling unit not apply in any of the following instances:
 - (1) The accessory dwelling unit is located within one-half (1/2) mile walking distance of a public transit ~~stop~~.
 - (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - ~~(4)~~ When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (5) When there is a pick up or drop off location for a car share vehicle (as defined by the California Vehicle Code) located within one (1) block of the accessory dwelling unit.
- ~~(c)~~ Demolition of existing covered parking and conversion of existing parking spaces to uses other than vehicle parking. See requirements at Article 5 Parking and Loading Regulations, Section 10-3.504(b)(3).

10-6.202203 - Height, location, and setbacks.

Accessory dwelling units shall either be attached to, ~~the existing dwelling~~ or located within, the proposed living area of the or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. Accessory dwelling units shall satisfy the required building height and setback standards applicable to a primary dwelling unit as specified by the zoning district in which the lot is located except that:

(a) A detached accessory dwelling unit shall be a maximum of ~~sixteen~~^{fourteen} (16¹⁴) feet in overall building height and is limited to a single, ground floor, story or basement. ~~The height limit.~~ Accessory dwelling units constructed in Special Flood Hazard Areas on the adopted Town Flood Insurance Rate Map may be up to fourteen (14) feet in overall building height, shall be measured from the Base Flood Elevation plus one (1) foot of freeboard, or sixteen (16) feet in overall building height, whichever is taller in Special Flood Hazard Areas on the adopted Town Flood Insurance Rate Map.

~~(b) No setback shall be required for an existing garage that is converted to an accessory dwelling unit. Any expansion of the structure shall comply with applicable setback requirements.~~

~~(c) No setback shall be required for an interior accessory dwelling unit.~~

(b) No setback shall be required for the following:

(1) An existing living area that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit; or

(2) An accessory structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit; or

(3) A structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.

(c) A setback of four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

10-6.203~~204~~ - Lot coverage, floor area ratio, and 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 (1) residential second unit shall be permitted per residential lot containing a single family dwelling. The town shall not apply limits on lot coverage and floor area ratio for either attached or detached dwellings that~~ does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other development standards.

Pursuant to state law, an accessory dwelling unit that conforms to this chapter shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.

10-6.204-205 - Minimum and Maximum size.

The minimum size of an accessory dwelling units shall be the minimum necessary to comply with all adopted and applicable building codes have at least one hundred fifty (150) square feet of living area and shall not exceed eight hundred fifty (850) square feet in floor area or one thousand (1,000) square feet for an accessory dwelling unit that provides more than one bedroom. Accessory dwelling units may be smaller if located within a primary dwelling unit or in a detached structure that complies with all setback requirements in Table 3A. If there is an existing primary dwelling, the total floor area shall not exceed fifty (50%) percent of the existing primary living area of the primary dwelling unit. Accessory dwelling units shall include no more than two (2) bedrooms. Notwithstanding the existing living area of the primary dwelling, attached or interior accessory dwelling unit may contain at least 800 square feet of floor area.

10-6.205-206 - Architectural design standards.

Accessory dwelling 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 accessory dwelling units at or above one hundred fifty (150) mean sea level shall provide screening from off-site views. Screening may include landscaping and/or natural forms.

Landscaping shall be included to screen mechanical and structural elements of the accessory dwelling unit, including, but not limited to, foundations, retaining walls, condensers, and transformers, provided that nothing in this provision shall require the accessory dwelling unit to be screened completely from view or require any screening that would conflict with Ross Valley Fire Department Vegetation Management Plan requirements. Any heritage tree (as defined in Title 4, Chapter 13) removed in conjunction with the construction of an accessory dwelling unit must be replaced on site with a 48 inch -box tree unless that would conflict with Ross Valley Fire Department Vegetation Management Plan requirements or if the Director of Public Works determines there is adequate existing trees on or off site in the area where the tree was removed.

The following standards apply to accessory dwelling units located within required side and rear setbacks for the district in which the unit is located, pursuant to Table 3A under Development Standards Table 4A:

- (a) The entrance to the accessory dwelling unit shall minimize noise and privacy impacts for neighbors by facing the entrance towards the interior of the lot and/or away from neighboring development where possible, unless the accessory dwelling unit is directly accessible from an alley, public path, or public street.

- (b) Any new windows that face an adjoining residential property shall be designed to protect the privacy of neighbors, such as by use of opaque glass or sill heights above eye level; alternatively, fencing or landscaping shall be required to provide screening.
- (c) Wall heights shall be limited to 10 feet. Planning Department Staff shall develop written standards that illustrate how wall height will be measured for various roof forms.

10-6.~~206~~207 - Exceptions to standards.

Exceptions to Sections 10-6.201 through 10-6.206~~5~~ may be permitted subject to approval of a conditional use permit in accordance with Article 13 of this Title. However, the total area of floor space for a detached accessory dwelling unit shall not exceed twelve hundred (1,200) square feet. ~~A setback of at least five (5) feet is required from the side and rear lot lines for an accessory dwelling unit that is constructed above a garage.~~

10-6.~~207~~208 - General Requirements and Restrictions.

The following requirements and restrictions apply to accessory dwelling units:

- (a) All accessory dwelling units shall satisfy all applicable general performance, site development, landscaping, and other standards and requirements in the Town Municipal Code and adopted Town Council resolutions including, but not limited to, Title 4, Chapter 13, Private Trees; Title 6, Chapter 8, Urban Runoff Pollution Prevention; Title 7, Chapter 12, Watercourses; and Title 9, Building Regulations.
- (b) The unit shall not be intended for sale separate from the primary residence (including creation of a stock cooperative or similar common interest ownership arrangement) and may be rented.
- (c) For sites within a Flood Hazard Area on the adopted Federal Emergency Management Agency Flood Insurance Rate Map, the finished floor of any new or legalized accessory dwelling unit shall be elevated at least one (1) foot above the Base Flood Elevation as "new construction" under Title 7, Chapter 11, Protection of Flood Hazard Areas, even if the project would not be considered a "substantial improvement." The applicant shall submit an Elevation Certificate based on construction drawings with the building permit plans and a final Elevation Certificate shall be required prior to project final.
- (d) An accessory dwelling unit shall include separate exterior access from the primary dwelling unit and may include an interior connection. A passageway from the accessory dwelling unit to a public street may be created, but shall not be required by the Town.
- (e) The Building Department and Ross Valley Fire Department shall confirm that side and rear setbacks are sufficient for fire safety.

(f) A 20-foot wide fire lane shall be provided within one hundred fifty (150) feet of the structure and a minimum fire flow of one thousand (1,000) gallons per minute shall be required.

(g) If construction or heritage tree removal is proposed within fifteen (15) feet of the top of the bank of any watercourse the applicant shall demonstrate they have received all applicable permits from the San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, The Army Corps of Engineers, State Water Resources Control board and/or U.S. Fish and Wildlife Service.

Article 3. - Administration and Enforcement

10-6.301 - Administration.

Any person proposing to create or construct an accessory dwelling unit or junior accessory dwelling unit that complies with Sections 10-6.201 through 10-6.205 and 10-6.207, or has received an exception with a use permit, shall submit a building permit application to the Building Department with a site plan, elevations, color and materials samples, and any other information deemed necessary to administer this chapter, even if no construction is proposed. The Town shall consider the building permit application ministerially, without discretionary review or a hearing. ~~The Town shall issue or deny the building permit application for an accessory dwelling unit within one hundred and twenty (120) days of submittal.~~ The Town shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the Town receives a complete application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the Town may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the Town acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

The Town Council may authorize by resolution a fee for conditional use permits and the ministerial review of accessory dwelling units.

10-6.302 - Prior conditions not applicable.

This chapter supersedes any Town conditions on existing accessory dwelling units that comply with Sections 10-6.201 through 10-6.205 and 10-6.207, including owner occupancy or rent control, that were imposed as conditions of approval on accessory dwelling units that the Town approved prior to the effective date of this chapter if the conditions would not apply under current regulations. The Planning Director is authorized to void recorded deed restrictions ~~that~~ for accessory dwelling units that comply with this chapter section at the request of a property owner.

10-6.303 Acts to Eliminate ADU Entrance or Permanent Provisions for Eating, Cooking, and Sanitation.

- (a) A building permit shall be required to remove the separate entrance or permanent provisions for eating, cooking, and sanitation in an accessory dwelling unit.
- (b) No building permit shall be issued to remove permanent provisions for eating, cooking, and sanitation or the separate entrance for an accessory dwelling unit created by converting or demolishing a garage, carport, or covered parking structure in conjunction with the construction of an accessory dwelling unit unless either: 1) the project includes restoring the garage for vehicle parking prior to the first inspection on the permit; 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.
- (c) No building permit shall be issued to remove permanent provisions for eating, cooking, and sanitation or the separate entrance for an accessory dwelling unit created with an exception to lot coverage and/or floor area ratio unless the project includes the lot coverage and/or floor area granted for the accessory dwelling unit prior to issuance of the permit or a variance is approved.
- (d) No building permit shall be issued to remove permanent provisions for eating, cooking, and sanitation or the separate entrance for an accessory dwelling unit created with side or rear yard setbacks that are less than required under the development standards Table 4A unless the project includes removing the area within the setback or a variance is approved.