

**TOWN OF SAN ANSELMO
PLANNING COMMISSION STAFF REPORT**

**For the meeting of March 4, 2013
Agenda Item D-4**

Location

Townwide

Recommendation

That the Planning Commission hold a public hearing and recommend to the Town Council adoption of proposed changes to San Anselmo Municipal Code (SAMC), Title 10, Chapters 3 and 6 with regard to residential second units.

BACKGROUND

The San Anselmo Housing Element, adopted in November 2012, includes Policy H3.E, which sets forth the goal of modifying the residential second 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.*

Staff has drafted proposed changes to the Municipal Code consistent with Policy H3.E, as part of the Housing Element implementation.

DISCUSSION

The proposed zoning amendment incorporates a number of changes to the San Anselmo Municipal Code with regard to requirements for residential second units. The proposed changes are generally in the areas of definitions, standards, parking, administration and enforcement, and rent limitations for residential second units, and are intended to clarify the zoning parameters and facilitate the development of second units consistent with the adopted Housing Element. The changes are discussed in detail below, broken down by topic area:

- **Definitions**
The definitions that have historically been located in the Second Unit Ordinance have been moved to be included with all other definitions in the Zoning Ordinance, to Section

10-3.1701 of the San Anselmo Municipal Code.

- **Size Limitations**
The Code currently limits the size of a second unit to 750 square feet in floor area or thirty percent of the primary unit floor area, whichever is less, and for properties above 150 msl, second units cannot exceed 500 square feet in floor area. The thirty percent limitation creates a very difficult constraint for an existing small home on a parcel that may be able to accommodate a second unit. Staff believes that the maximum size should be a flat figure, regardless of whether the property is above or below 150 msl, not a percentage of the floor area of the main building. The maximum size is recommended to be 800 square feet, a slight increase over the current limit of 750 square feet. Staff believes that the additional 50 square feet allows for better design of a workable unit and is consistent with requirements of other jurisdictions. The geometrics of the lot and the required setbacks will serve as natural limits to the size of most second units. Staff has also recommended excluding the first 500 square feet of a second unit from the floor area ratio (FAR) calculation (similar to how San Anselmo currently calculates garage area). In an effort to encourage second units, other jurisdictions do this as well.
- **Height and Location**
Currently there are specific requirements regarding when a second unit can be located above the ground floor and to what height. Staff believes that the second unit should be subject to the same setbacks and height limits as prescribed for the zoning district.
- **Parking**
Consistent with the Town's commitment to climate protection and promoting alternative sources of transportation, staff recommends relaxing parking standards for second units by waving the requirement for an additional parking space if the property is within one mile of a transit stop. Staff has also recommended allowing tandem parking and parking within the public right-of-way if approved by the Town Engineer (on a case-by-case basis).
- **Colors and Materials**
Currently the Code requires that a second unit be of the same colors and materials as the main residence (which could be a problem if the main residence is unattractive.) Staff recommends changing this requirement to colors and materials that are complimentary to those of the main residence.
- **Rent Limitations**
Currently the Code requires that tenant rent of second units shall be affordable to persons of low income; however, the Town does not have a means to enforce such a requirement. By virtue of the size of second units, they tend to rent for lower amounts that generally would be affordable to many segments of the population. Staff recommends deleting the rent limitations.

The Planning Commission's recommendation will be forwarded to the Town Council for consideration and ultimately, adoption.

Prepared by:

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Attachments:

1. Draft Ordinance