

Minutes of Adjourned meeting of San Anselmo Town Council with San Anselmo Planning Commission Tuesday, May 4, 1976 - 8 P.M.

Mayor Capurro called the meeting to order with Councilmen Reed, Signorelli and Toal present, Councilman Colteaux absent. Planning Commissioners Ainsworth, Goltz and Fairchild present, Commissioner Bolles present for a portion of the meeting. Commissioners Greenfield, Eisgrau and Ragan absent throughout.

A. SECOND UNIT ORDINANCE

Council members and Planning Commissioners reviewed second unit criteria specified in the Housing Unit of the General Plan, together with draft second unit ordinance submitted by Planning Commission under date of April 19th, 1976, with particular regard to deviations from General Plan criteria. Communications from Councilmen Toal and Colteaux were noted. The Planning Director supplied a tabulation of apparent deviations. Concensus and/or Council determination was reached as follows:

1. LEGAL NON-CONFORMING UNITS

a. Proof of legality (date unit established and continuity of use). Per advice of Town Attorney, the burden of proof is on the owner of the property, and the degree of proof is that which a reasonable man would find convincing. Evidence of continuity could include garbage company or water district records, etc.

b. Registration fee. No fee for registration during initial 180 day period after adoption of ordinance. \$100 penalty or fee for registration after the 180 day period.

c. Duration of Registration. Unlimited.

d. Certificate of registration. Certificate to be issued referring to the ordinance and stating conditions under which issued (e.g. continuity of use - without interruption exceeding 6 months).

e. Housing Code - application, inspections, corrections. An owner applying for registration gives permission for residential property inspection and report. The actual making of an inspection is at the discretion of the Chief Building Official. The intent is that corrective measures will be required, before issuance of the certificate of registration, only as to life safety hazards per the Housing Code.

f. Rent guarantee. Does not apply.

2. ILLEGAL EXISTING UNITS

a. Use permits - procedural. 180 day period within which to make application, with normal use permit fee. Double fee for late filing (Per Town Attorney 5/5).

b. Density criteria. Applies

c. Code coverage. Housing Code inspection mandatory, but to be managed without destruction of any part of the structure. Corrections to be required to meet Housing, Building and Fire Code standards in effect as of the time of construction or conversion. Building permit to be required only if corrections are such as to require a building permit.

d. Rent guarantee. Applies.

e. Owner on premises. Owner or family member as defined in the Code must reside on premises. If not the case at time of application for use permit, grace period of (say) one year to be provided.

f. Variances from current zoning ordinances as to set-backs, land coverage, parking, etc. Permitted, with usual conditions.

g. Second unit created by dividing house, addition, or separate building.

All three permitted.

3. NEW UNITS

Same as above, except:

a. Use permit and building permit must be secured prior to construction or conversion.

- c. Current Housing, Building & Fire Codes apply, without exception.
- e. No grace period for owner not on premises.

4. ORDINANCE ADOPTION - PROCEDURE AND TIMING

Planning Commission hearing on May 17th to encompass the considerations developed at tonight's meeting, and to include hearing on conforming revisions to General Plan if legally necessary. (NOTE: Town Attorney's opinion of May 5: the above criteria are permitted by the "development, testing and review" language of the General Plan, and do not deviate from the basic policies and objectives of the Plan. Hence, amendment of the General Plan is not necessary in relation to the proposed disposition of issues discussed to date).

B. (Cont) JUSTIFICATIONS FOR VARIANCES

Brief discussion indicated philosophical differences requiring further and extended discussion at another time.

ADJOURNED at 11:50 P.M. to next regular Council meeting 8 P.M. Tuesday, May 11.

Alan Bruce  
Administrator

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