

## **AGENDA ITEM 1(b)**

For the Meeting of May 13, 2003

To: Town Council

From: Charles L. Maynard, Chief of Police

Subject: Quarterly Statistical Report

Date: April 4, 2003

### **RECOMMENDATION**

That Council acknowledge and file the quarterly statistical report prepared by the Chief of Police.

### **SUMMARY**

The San Anselmo Police Department is prepared to address Council with statistical information concerning crime and traffic issues that have occurred in the Town of San Anselmo. This report will provide statistical data for the first quarter of 2003. Future reports will be prepared on a quarterly basis.

A new category was added to the Statistical Data spreadsheet under the Traffic Collision heading, that of "Drunk Driving Involved". This statistic will show the number of DUI involved accidents that occur during each quarter. For comparison purposes, year 2002 statistics were compiled and are also reflected on the data sheet.



### **BACKGROUND**

The San Anselmo Police Department documents criminal and traffic statistics in a format that is consistent with the State of California Department of Justice guidelines. The Police Department is prepared to present this data to the Town Council annually and quarterly.

### **ISSUES**

The Police Department is submitting crime and traffic statistics to Council covering the year 2002 in its entirety and the year 2003 broken down by quarters. Crime statistics include part one and part two offenses. They include actual crimes as well as persons arrested and cases cleared. Traffic Statistics include injury, non-injury and hit and run collisions. Traffic statistics include citation activity consisting of moving, administrative / mechanical and parking citations.

Part One and Part Two Offenses: The Town of San Anselmo experienced 292 reported part one crimes during calendar year 2002. During the first quarter of 2003 there were 86 reported part one offenses. Part one offenses include murder, forcible rape, robbery,

aggravated assault, burglary, larceny, auto theft and are reported to the state on a monthly basis. Part two offenses include malicious mischief, driving under the influence and all other misdemeanors.

Traffic Collisions: The data for traffic collisions included injury, non-injury, pedestrian and bicycle involvement.

Traffic Citations: Officers of the San Anselmo Police department are directed to enforce the traffic laws pursuant to the provisions of the California Vehicle Code. This enforcement consists of education, deployment of the department's radar trailer, warnings to traffic violators and the issuance of citations. Emphasis  added to those violations that are considered to be "hazardous" in nature or to those violations that are commonly deemed as primary collision factors in collisions. A hazardous traffic violation would include but not be limited to, speeding, stop sign, failure to yield to a pedestrian, right of way violation, following too closely, driving under the influence, unsafe starting or backing and signal light violations. Data is also provided regarding parking and abandoned vehicle enforcement.

Supplemental Enforcement/Educational Efforts: In addition to enforcement efforts the Department has instituted the "Speed Law Observation and Warning" (SLOW) Program. This program, run by Department volunteers, is designed to supplement enforcement efforts by targeting complaint areas and monitoring speed in those locations. Police volunteers using traffic radar check the speed of vehicles traveling through the target area. Once a violating vehicle is observed, the license plate is noted and a warning letter is sent to the registered owner advising of the speed violation. Volunteers are used as observers only and do not become directly involved in enforcement situations.

### ***ITEMS OF INTEREST THIS QUARTER***

On January 17<sup>th</sup> at 5:39 PM the Department received a report of a traffic accident on Sir Francis Drake Blvd at Barber Ave. Officers arrived to find the driver of a vehicle who had rear-ended a Golden Gate Transit bus unconscious behind the wheel of his vehicle. The 80 year old driver was transported to Marin General Hospital by paramedics where he later died of head and chest trauma.

Detective Steven Payette received his Bachelor of Science degree from the University of Nebraska at Omaha. The entire Police Department congratulates Steve on this accomplishment.

Sergeant Richard Pisciotta recently requested to take on the additional responsibility of the property and evidence room. He was sent to specialized training and upon his return set out to conduct a complete audit and inventory of the property room and the procedures associated with the room. The process was completed and while doing so a purge of all unneeded evidence was conducted. A substantial number of guns and other weapons along with illegal drugs were destroyed (in accordance with law) during the purge. This inventory, as with previous inventories, resulted in a finding that all items of

evidence and found property booked into the room was accounted for. This is a testament to the hard work and dedication of the previous property officer, PEO Patty Stahl. This realignment of duties will now allow PEO Stahl to focus her attention of parking enforcement as well as pursue community service duties and opportunities.

In February, Detective Stuart Baker completed the Robert Presley Investigative Institute, an intensive P.O.S.T. certified investigators course. Detective Baker studied the specialty area of computer crimes. He is the first ever San Anselmo Detective to attend this prestigious training. It is our intention to have all Detectives participate in this same training.

On March 12<sup>th</sup>, another raid was staged at the Caring Therapy Massage Parlor, 10 Greenfield Ave. This business had been the target of a previous raid when an undercover police officer was solicited for an act of prostitution. The business continued to operate and the suspected prostitution was ongoing. At the conclusion of this raid (conducted by officers from this department and the Marin Sheriff's Department) another arrest was made and a search warrant was executed at the business owner's residence. Documents were seized that provided evidence of the ongoing prostitution operation. The business has since closed and the building is now vacant. Criminal proceedings are pending.

On March 5<sup>th</sup>, students from Sir Francis Drake High School staged an anti-war demonstration and marched from the high school to downtown San Rafael. The students, numbering in excess of 100, blocked traffic on Sir Francis Drake Blvd, Redhill Ave, and 4<sup>th</sup> Street in the City of San Rafael. The protesters returned via the same route and continued to bring traffic to a standstill.

On March 18<sup>th</sup>, Drake High School students staged another demonstration in a coordinated effort with other high schools. A march was to take place from the high school to the San Rafael City Hall where a rally was scheduled. In a coordinated effort by the San Anselmo and San Rafael Police Departments with personnel assistance from the Twin Cities, Sausalito, Tiburon and Fairfax Police Departments the march took place following a predetermined route. The protesters followed the route and all instructions from law enforcement personnel. The demonstration was peaceful, orderly and no arrests were made. Traffic disruption was kept to a minimum.

Devry James Reed was convicted of gross vehicular manslaughter and felony drunk driving stemming from the fatal vehicle accident on Sir Francis Drake Blvd in September 2001 where Louise Thompson was killed and James Lankford was severely injured. Reed faces a prison sentence of 26 years to life when sentenced. A sentencing date has not yet been set.

The following is a summary of some of the comments the Department has received regarding the performance of police personnel during this quarter.

- Chief Maynard received a letter from the Town Administrator thanking him for allowing her to "observe firsthand the planning and implementation of police

involvement in the recent anti-war demonstration and march”. The Administrator was impressed with the operation and praised the professionalism of the entire department, stating that we “truly reflected the community policing goals of the department”. Additionally the Administrator commended Commander Providenza and Sergeants Pisciotta and Valeri for their efforts in planning the police response to the demonstration.

- Commander Providenza and Sergeant Pisciotta received a letter from the Principal of San Domenico School thanking them for their efforts during the anti-war march on March 18<sup>th</sup>. Mr. Bowermaster commented on the positive relationships that were forged between the police and students as a result of the department’s handling of the incident.
- Sergeants Pisciotta and Valeri received a memo of commendation from Commander Providenza for their professionalism and assistance during the planning and execution of department operations associated with the recent anti-war demonstrations.
- A citizen wrote in commending Officer Kevin McGoon for his assistance when the writer’s father passed away. Officer McGoon was commended for being kind, helpful, respectful, and assisting the writer’s family with their grief.
- Sergeant Erickson and Officers Wacholz and Joseph received a positive citizen comment for their fast response to locate and return a reported missing person.
- Officers Wacholz and Joseph received a letter from Mothers Against Drunk Driving (MADD) for their recent completion of drunk driving enforcement training. MADD thanked the officers for their commitment to the enforcement of these important laws which, contribute to the safety of the general public.

**CONCLUSION**

As always, the Police Department strives to provide the highest possible level of service and protection to the citizens of San Anselmo and those who visit our community. Statistical data is compiled so that our attention can be focused on specific issues when necessary in order to further this effort.

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CHARLES L. MAYNARD  
Chief of Police

<b>INCIDENT TYPE</b>	<b>Total Year 2002</b>	<i>1<sup>st</sup> Quarter 2003</i>	<i>2<sup>nd</sup> Quarter 2003</i>	<i>3<sup>rd</sup> Quarter 2003</i>	<i>4<sup>th</sup> Quarter 2003</i>	<i>Total To Date Year 2003</i>
<u>TOTAL CALLS FOR SERVICE</u>	21,233	5254				5254

<b><u>PART I CRIMES – TOTAL</u></b>	285	86	86
HOMICIDE	1	0	0
RAPE	0	1	1
ASSAULT – SIMPLE	59	17	17
ASSAULT – AGGRAVATED OR WITH WEAPON	5	4	4
ROBBERY	5	1	1
BURGLARY	61	15	15
LARCENY / THEFT	142	43	43
MOTOR VEHICLE THEFT	12	5	5
ARSON	0	0	0
<i>TOTAL ARRESTS MADE</i>	360	86	86
<i>VEHICLE CODE ENFORCEMENT</i>			
DRUNK DRIVING	19	4	4
MOVING CITATIONS	2435	595	595
ADMIN. CITATIONS	384	59	59
PARKING CITATIONS	4478	1260	1260
ABANDONED VEHICLES REPORTED	513	87	87
ABANDONED VEHICLES TOWED	16	5	5
<i>TRAFFIC COLLISIONS – TOTAL</i>	187	42	42
<i>NON-INJURY COLLISIONS</i>	125	30	30
<i>INJURY COLLISIONS</i>	62	11	11
<i>BICYCLES INVOLVED</i>	11	2	2
<i>PEDISTRIANS INVOLVED</i>	7	2	2
<i>DRUNK DRIVING INVOLVED</i>	5	1	1
<i>FATAL</i>	1	1	1

*Total Crimes for Town of San Anselmo*

(Part 1 Crimes)

1999	379
2000	296
2001	272
2002	292

*Moving Violations Issued*

1999	1768
2000	1727
2001	2244
2002	2435

*Parking Citations Issued*

1999	6270
2000	6573
2001	5342
2002	4478

*Total Arrests*

1999	408
2000	387
2001	317
2002	360

Total Accidents

1999	211
2000	234
2001	192
2002	187

Total Calls for Service

1999	20,463
2000	21,589
2001	22,466
2002	21,233

<u>INCIDENT TYPE</u>	<i>Year Total</i> 2002	<i>1st Quarter</i> 2003	<i>2<sup>nd</sup> Quarter</i> 2003	<i>3<sup>rd</sup> Q</i> 2003
<u>MISCELLANEOUS CRIMES</u>				
HATE CRIMES	0	0		
SHOPLIFTING	30	8		
ANNOYING PHONE CALLS	63	15		

**MISCELANEOUS CALLS FOR SERVICE**

ASSIST OUTSIDE AGENCY	535	116
BUSINESS/BUILDING CHECK	277	39
CITIZEN ASSIST	603	135
EXTRA PATROL	1275	400
MEDICAL AID	614	111
DISTURBED PERSONS (5150 W&I)	53	19
MISSING PERSONS (INCLUDING SUNNYHILLS SCHOOL & 9 GROVE LANE)	189	29
NOISE ABATEMENT	457	58
PARK CHECKS	1044	254
RADAR TRAILER DEPLOYMENT	344	90
SUSPICIOUS PERSONS	158	26
TRAFFIC STOPS	4092	868
VACATION HOME REQUESTS	118	18
VACATION HOME CHECKS	155	114

**AGENDA ITEM 1(c)**

**TOWN OF SAN ANSELMO  
STAFF REPORT**

*May 6, 2003*

For the meeting of May 13, 2003

TO: Town Council  
FROM: Debra Stutsman, Town Administrator  
SUBJECT: Term Expirations – Boards/Commissions/Committees

**RECOMMENDATION**

That the upcoming expiration of terms on the Library Advisory Board, Parks & Recreation Commission, Tax Equity Board and Planning Commission be announced and publicized, and that applications for appointment be solicited and forwarded to Council.

**BACKGROUND**

The following terms are set to expire in the next several months:

<b>Board/Commission/Committee</b>	<b>Member</b>	<b>Expiration Date</b>
Library Advisory Board	Edith Stump	June, 2003
Parks & Recreation Commission	Yohann Anderson	July, 2003
	Ann Adams	July, 2003
Tax Equity Board	Jean Holm	July, 2003
Planning Commission	Daniel Harris	August, 2003
	Brian Wittenkeller	August, 2003

Respectfully submitted,

Debra Stutsman  
Town Administrator

**AGENDA ITEM 1(d)**

***TOWN OF SAN ANSELMO***  
**TOWN COUNCIL STAFF REPORT**  
For the meeting of May 13, 2003

**DATE:** 5-5-03

**TO:** Mayor and Council Members

**FROM:** Rabi Elias, Public Works Director

**SUBJECT:** Safe Routes to School (SR2S) grant application

**RECOMMENDATION**

Approve the Resolution approving application for a Safe Routes to School Grant and authorizing the Public Works Director to file the application for sidewalk and other improvements along Butterfield Road and part of Brookside Drive.

**DISCUSSION**

It was apparent from the SR2S meetings at Brookside School that the need for a sidewalk along the east side of Butterfield Road is a priority. At the present there is no sidewalk from Arroyo Ave to the Town boundary line. A sidewalk will create a safe route for the school children.

As part of the application we are requesting funds for striping and marking to make the bicycle lane, and especially the crosswalks, safer. We are asking for funds to fill in the missing one block segment of bicycle lane between Suffield Ave and Rutherford Ave. by widening the pavement and deleting some parking spaces. A review of the traffic signal operation at Sir Francis Drake/Butterfield will be undertaken to consider modifications to provide for safer pedestrian and bicycle crossings. Also a sidewalk along Brookside Drive from Broadmoor Ave. to Brookmead Ave. will connect Brookside School to adjoining neighborhoods, creating a safe route to the school.

**FISCAL IMPACT**

The amount of grant we are requesting is around \$450,000.  
The local match is 10% around \$45,000 to be funded by Measure G.

Resolution No. \_\_\_\_\_

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO APPROVING A SAFE ROUTES TO SCHOOL GRANT APPLICATION AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SUBMIT THE APPLICATION FOR SIDEWALK AND OTHER IMPROVEMENTS ALONG BUTTERFIELD ROAD AND PART OF BROOKSIDE DRIVE.

**WHEREAS**, the Marin Safe Routes To School Program is dedicated to increasing the number of children walking and biking to school, and has been highly successful in this endeavor; and

**WHEREAS**, the Town Council of the Town of San Anselmo considers the wellbeing and the safety of children as they travel to and from schools to be of the highest priority; and

**WHEREAS**, increasing the numbers of children walking and bicycle riding to schools reduces traffic congestion and promotes a cleaner environment; and

**WHEREAS**, grants and financial assistance are needed in order to make sidewalk and other improvements to roadways used by children going to school in order to achieve these objectives,

**NOW, THEREFORE, BE IT RESOLVED**, that the Public Works Director is authorized to apply for a Safe Routes to School grant for the following projects:

1. Four foot wide sidewalk on the east side of Butterfield Road from Sir Francis Drake Boulevard to Oak Knoll Road (town limit), including bicycle lane striping and high visibility crosswalk enhancements.
2. Bicycle lanes at Butterfield Road the one block from Suffield Avenue to Rutherford Avenue.
3. Four foot wide sidewalk along Brookside Drive from Broadmoor Avenue to Brookmead Court, to connect Brookside School to adjoining neighborhoods.
4. Traffic signal enhancements and intersection modifications at Sir Francis Drake Boulevard and Butterfield Road to provide for safer pedestrian and bicycle crossings.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of San Anselmo held on the thirteenth day of May, 2003 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

**AGENDA ITEM 2**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
*May 6, 2003***

For the meeting of May 13, 2003

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Appointment to the Arts Commission

RECOMMENDATION

That Council make appointment to the Arts Commission.

## BACKGROUND

There is one seat vacant on the Arts Commission, to a term scheduled to expire in October, 2003. In addition, there are two other terms scheduled to expire this October. The two incumbents in those positions have indicated that they probably will not be reapplying for membership.

Council has interviewed three applicants to the Arts Commission, Arnie Cicchotti, Lynn Brown and Deborah Todd. All three applications are attached.

Respectfully submitted,

Debra Stutsman  
Town Administrator

## **AGENDA ITEM 2A**

For the Meeting of May 13, 2003

To: Town Council

From: Charles L. Maynard, Chief of Police

Subject: **Continuation of Benefits for Police Officer Daniel Widger While on Active Military Duty.**

Date: May 6, 2003

## RECOMMENDATION

That Council authorize the expenditure of \$7,371 to extend the health and welfare benefits for Police Officer Daniel Widger while he is on active duty with the National Guard stationed in a combat zone.

## **BACKGROUND**

Police Officer Daniel Widger came to the San Anselmo Police Department after resigning his position as a Sergeant with the College of Marin Police Department. In addition to his law enforcement career, Officer Widger is a non-commissioned officer in the California National Guard and has served in that capacity for the past 14 years.

Since the terrorist attacks on 9-1-1 the entire country has been on heightened alert and military reservists and national guard units have been activated for various assignments

both domestic and abroad. The frequency of these units being activated has increased with the military actions currently underway in Iraq. Officer Widger's California National Guard unit recently received activation orders for an overseas assignment in hostile territory. The duration of the assignment is to be approximately eight (8) months.

### DISCUSSION

While serving in the active military Officer Widger will be assigned to a combat zone and as a result will receive certain tax benefits which will allow him to earn approximately the same income as he does working for the Town with one exception, health and welfare benefits. While on active military duty the Town is not required to continue these benefits and has the option to extend COBRA coverage to the officer's family at the employees expense. This option creates a financial hardship on the officer and his family and to discontinue medical coverage and accept military provided healthcare might create an equal hardship. Military healthcare would require the family to travel an extended distance to the nearest military base (Travis AFB in Fairfield) to visit a doctor. Research conducted by Finance & Administrative Services Director Pendoley suggests that processing time for activated military personnel's dependants medical coverage may delay coverage by as much as two to three months. It appears that medical coverage could be denied during this processing period.

The Department has made great strides in employee retention due in large part to the betterment in employee relations and working conditions. The Military and Veterans Code outlines the very basic obligations of employers under these circumstances and the position of the Police Department is that in order to properly look out for our employees that we go above and beyond what is minimally required.

In this particular case, an officer who regularly risks his safety to protect our community is now leaving our community to risk his safety while taking part in a large military operation to safeguard not only our country but the citizens of other nations.

### FISCAL IMPACT

The cost of medical coverage continuation for the period of unpaid military leave (8/1/03 to 4/30/04) is \$7,371.

### CONCLUSION

The Police Department staff believes that this officer, who serves his community and nation with distinction and honor, should be free of worry about his family's welfare during his time of service in a hostile military zone. The Town has always taken pride in its employees and this is an opportunity to demonstrate our pride and commitment to those who routinely sacrifice for the Town.

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CHARLES L. MAYNARD  
Chief of Police

**AGENDA ITEM 3 – Oral Report**  
**AGENDA ITEM 4**

**TOWN OF SAN ANSELMO**  
**TOWN COUNCIL STAFF REPORT**

April 15, 2003

For the meeting of May 13, 2003

**TO:** Town Council

**FROM:** Tom Bell, Planning Director

**SUBJECT:** Amendment to Title 10 (Zoning Ordinance) regarding residential second units.

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**RECOMMENDATION**

Introduce the attached Zoning Ordinance amendment and waive the reading

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**Previous Action by Planning Commission**

April 7, 2003 The Planning Commission unanimously recommended approval of the attached ordinance draft.

Discussion

Environmental Review

Statutory Exemption per section 15282(i) of the California Code of Regulations Title 14, Chapter 3 (CEQA) regarding second unit ordinance adoption in order to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code.

Zoning Ordinance Amendment

Section 65852.2 of the Government Code (AB1866) permits local agencies to adopt 2<sup>nd</sup> unit ordinances subject to authorized limitations. Basically, it requires that local agencies provide a **ministerial process** for 2<sup>nd</sup> unit administration. It does however, allow local agencies to provide for reasonable parking, height, setback, architectural, etc. standards. It also allows local agencies to designate (or preclude) areas based upon specific evidence and findings of such items as adequacy of water, sewer, or traffic flow. It does not authorize neighborhood quotas nor does it allow onerous requirements that would discourage the creation of second units.

The draft ordinance sets fourth reasonable standards for ministerial processing. If however, an applicant wanted to vary from the proposed standards, then it would allow approval consideration subject to **discretionary review by the Commission** through standard variance and/or conditional use processes. The following standards are proposed by staff in order to assure that 2<sup>nd</sup> units would have a negligible effect upon our current design review policies and concerns.

### **2<sup>ND</sup> UNIT SIZE LIMITATIONS**

The proposed ordinance would limit the size of 2<sup>nd</sup> units to 750 sf consistent with our draft housing element. It would further restrict units to 500sf above 150 msl consistent with the current design review trigger for building additions above 150msl. Lastly, it further restricts size to 30% of the main unit so as not to affect the character of the single-family dwelling and neighborhood.

### **ARCHITECTURAL STANDARDS**

This proposal would require 2<sup>nd</sup> units to conform to the same colors, materials, and style of the primary dwelling unit. Additionally, screening would be required above the 150msl consistent with current requirements.

### **PARKING**

The parking requirements would be the same as our current ordinance (one parking space for the 2<sup>nd</sup> unit plus conforming parking for the main dwelling unit).

### **HEIGHT, LOCATION, SETBACKS**

Staff proposes to limit the 2<sup>nd</sup> unit height within the first story, and no greater than 18' if built separately since our current limitation is 30' with 2 stories. The setbacks would be the same as any new dwelling. The purpose of these restrictions is to assure that the sensitivity to current second story design review requirements is not compromised.

### **LOT COVERAGE/FLOOR AREA RATIO**

These standards would be the same as the current requirements except that the current FAR 2<sup>nd</sup> unit exemption of the first 500sf would be eliminated (i.e. the 2<sup>nd</sup> unit would count as part of the overall dwelling FAR).

## **AFFORDABILITY RESTRICTIONS**

Although AB 1866 is silent with regard to rent controls, it was the conclusion of the State Housing and Community Development (HCD) Attorney and the Town Attorney that rent control provisions are already authorized by state law and therefore, could be implemented in conjunction with 2<sup>nd</sup> units provided that such restrictions were not so onerous so as to discourage the creation of such units.

The current rent control requirements appear to be onerous and discourage the creation of legal second units. Further staff has had little time to monitor rents or enforce requirements. The proposed requirements would limit rents to be affordable to low income households as defined by HUD so as not to be construed as “onerous”. Since the size limitations would most likely be affordable at market rates, this does not appear to be a significant problem.

The current limitation for a low-income (80%median area income) household of one is \$63,350. Given the 30% income limits for low-income, monthly rental rates for a second unit could be \$1583. If a two-person household occupies the 2nd unit, the rents could be up to \$1641. See attached Income Limits data.

As previously mentioned, if an applicant could not meet the above parking, setback, or floor area/lot coverage standards, he or she would have the option of submitting a variance request. Variations in the required height, location, size(unless limited by General Plan requirement), design, or residency requirements would be allowed subject to a use permit process.

The impact of this ordinance would facilitate the streamlining of second unit processing and encourage their development. Based upon the standards herein, it would help maintain the character of existing residential neighborhoods.

## **Recommendation**

Introduce the attached ordinance, waive the reading, and continue to May 27, 2003 for final adoption.

Respectfully submitted,

Tom Bell  
Planning Director

attachments: Proposed Ordinance  
Existing Chapter 6 of the Zoning Ordinance

**TOWN OF SAN ANSELMO  
ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING THE  
ZONING ORDINANCE TITLE 10 OF THE SAN ANSELMO MUNICIPAL CODE  
REGARDING RESIDENTIAL SECOND UNITS**

The Town Council does ordain as follows:

Section 1. Chapter 6 of Title 10 of the San Anselmo Municipal Code is hereby amended to read as follows:

**Chapter 6**

**RESIDENTIAL SECOND UNITS**

**Sections:**

**Article 1. Applicability, Findings, Definitions**

- 10-6.101 Findings**
- 10-6.102 Applicability**
- 10-6.103 Definitions**

**Article 2. Standards for Second Units**

- 10-6.201 Parking**
- 10-6.202 Height and Location**
- 10-6.203 Setbacks**
- 10-6.204 Lot Coverage/ Floor Area Ratio**
- 10-6.205 Maximum Size of Second Unit**
- 10-6.206 Architectural Design Standards**
- 10-6.207 Exceptions to Standards**
- 10-6.208 Building Permits/Codes**
- 10-6.209 Residence Requirements**

**Article 3. Administration and Enforcement**

- 10-6.301 Violations**
- 10-6.302 Severability**
- 10-6.303 Administration**

**Article 4. Affordability**

**10-6.401 Second Unit Rent Limitation**

**Article 1. Applicability, Findings, Definitions**

**10-6.101 Findings**

**The Town Council of San Anselmo finds as follows:**

- (a) Public residential roadways within San Anselmo are predominantly narrow and insufficient to allow extended parking within such streets. Further, parking along public roadways negatively impacts traffic safety and emergency vehicle access to residences. Any additional traffic generated by the creation of residential second units exacerbates this situation. Therefore, the parking requirements of this chapter are necessary to maintain the public health, safety, and welfare.**
  
- (b) Objectives 9 and 10 of the Land Use Element of the San Anselmo General Plan set forth policies necessary to protect, maintain, and enhance natural characteristics of hillsides and lands above 150 mean sea level elevation. Further, objective 11 of the same Land Use Element sets forth policies necessary to preserve, maintain, and enhance the quality of life in residential neighborhoods. The size, setback, parking, height, lot coverage, floor area ratio, design review, and other provisions of this Title set forth specific thresholds and requirements necessary to implement such General Plan objectives.**

**The standards for residential second units herein are hereby determined to be consistent with other provisions of this Title and necessary to implement General Plan objectives.**

- (c) This ordinance is consistent with the provisions provided in Section 65852.2 of the California Government Code.**

**10-6.102 Applicability**

**The provisions of this ordinance shall apply to all residential second units hereinafter approved or constructed.**

**Non conforming 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 non conforming units expand or enlarge any building area, or until such time as 50% or more of the primary living unit or second unit should be destroyed.**

Thereafter, all residential second units shall conform to the provisions of this ordinance.

No more than one residential second unit per lot or parcel shall be permitted under the provisions of this chapter.

#### **10-6.103 Definitions**

**“Residential Second Unit”** for the purposes of this chapter shall mean one additional living unit on any one lot or parcel within a residential zoning district containing a single-family dwelling. Such residential second unit is further defined as any building or portion thereof whereby bathroom and kitchen facilities are not shared in common with the primary living unit. Outdoor structures not suitable for habitation (e.g., pool cabanas, workshops, and other improvements unsuitable for habitation) are not deemed living units.

**“Primary Living Unit”** for the purposes of this chapter shall mean an existing single-family dwelling on any lot or parcel which contains a residential second unit and is occupied 9 out of 12 months annually.

**“Kitchen”** for the purposes of this chapter shall mean any portion of a structure with any combination of the following: sink (other than that appurtenant to a bathroom), food storage and preparation areas, refrigerator, or cooking appliances including a stove, microwave oven, convection oven, cooking burners, or similar appliances which may reasonably be used for the preparation of food.

**“Non conforming residential second unit”** for the purposes of this chapter shall mean:

- (a) a residential unit approved as a second unit through the issuance of a Conditional Use Permit, or
- (b) a residential second unit that has been occupied as such since 1963 and registered with the Town.

**“Low Income Household”** for the purposes of this chapter shall mean a household earning 80% or less of the Marin County Area Median Income as determined by the United States Department of Housing and Urban Development (HUD).

The Planning Director shall make interpretations and determinations of second units in accordance with all provisions herein.

### **Article 2. Standards for Second Units**

#### **10-6.201 Parking**

**One permanently surfaced parking space shall be provided for each residential second unit in accordance with section 10.3.507 of this code. Said parking space may be in tandem and within the setback areas, provided however that any such parking space shall not be within five (5) feet of a public right-of-way unless determined by the Public Works Director that such parking location does not constitute a potential public safety hazard.**

**In addition to the above and pursuant to required findings of this chapter, the primary living unit parking requirements shall conform to sections 10-3.507, 10-3.509, 10-3.511, and 10-3–Table 5A of this code as a condition of any residential second unit approval.**

#### **10-6.202 Height and Location**

**Residential second units may be within the primary living unit or within a separate building upon the same lot as the primary living unit.**

**If within the primary living unit, the second unit may be located in any existing habitable area. If added to the existing primary living unit, the second unit shall not constitute a second story or any story above.**

**Residential second units constructed as a separate building or added to an accessory building shall be limited to a single story with a maximum building height of eighteen (18) feet. Further, such second units shall not have a plate height greater than the first floor primary living unit plate height, nor shall the roof slope be steeper than the primary living unit roof.**

#### **10-6.203 Setbacks**

**Front, side, and rear yard setback requirements for residential second units shall be the same as the setback requirements for any new primary dwelling unit within such residential district unless such second unit is wholly contained within existing habitable space of the primary living unit.**

#### **10-6.204 Lot Coverage/Floor Area Ratio**

**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.**

#### **10-6.205 Maximum Size of Second Units**

**Residential second units shall not exceed seven hundred and fifty (750) square feet in floor area or 30% of the primary living unit floor area, whichever is less; provided however that no second unit shall be required to be smaller than an**

efficiency unit [one hundred fifty (150) square feet] as determined by the California Health and Safety Code.

In addition to the above requirements, residential second units at or above 150 mean sea level shall not exceed five hundred (500) square feet in floor area.

#### **10-6.206 Architectural Design Standards**

Residential second unit construction shall be of the same materials, color, and style as the exterior of the primary living unit including roof, eaves, windows, accents, and doors.

Further, new residential second units at or above 150 mean sea level shall provide screening from all off-site views. These units shall be screened such that they are not materially visible off-site at the time of completion of the second unit. Screening may include landscaping and/or natural forms.

If landscaping is utilized as required screening, such landscaping shall have an automatic irrigation system and be maintained in perpetuity. A deed restriction shall be required assuring landscaping maintenance.

#### **10-6.207 Exceptions to Standards**

Exceptions to Sections 10-6.201(parking), 10-6.203(setbacks), 10-6.204 (lot coverage/floor area) may be permitted subject to approval of a variance in accordance with Article 14 of this Title.

Exceptions to Sections 10-6.202(height & location), 10-6.205(maximum size), 10-6.206(design), or 10-6.209(residence requirements) may be permitted subject to approval of a conditional use permit in accordance with Article 13 of this Title.

#### **10-6.208 Building Permits/Codes**

In addition to the provisions herein, residential second unit construction shall be subject to all requirements of Title 9 of this code (Building Regulations).

#### **10-6.209 Residence Requirements**

Approval of a residential second unit is conditioned upon the owner of record maintaining his or her principal residence upon the same parcel as the location of the second unit.

### **Article 3. Administration and Enforcement**

#### **10-6.301 Enforcement**

**Failure to comply with any provision of this chapter shall constitute a violation of Section 1-2.01 of Chapter 2 of Title 1 of this Code, and any condition permitted to exist in violation of this chapter shall constitute a public nuisance, which may be summarily abated.**

#### **10-6.302 Severability**

**If any section, subsection, sentence, clause, phrase or portion of this chapter for any reason is held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.**

**The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional on their face or as applied.**

#### **10-6.303 Administration**

**The Planning Director of the Town of San Anselmo, hereinafter referred to as Director, shall administer this chapter.**

**Any person proposing to construct a residential second unit shall provide to the Director an application, site plan, elevations, color and materials samples, and any other information deemed necessary by the Director to administer this chapter.**

**The Town Council has authorized a fee for Administrative Design Review for the review of projects. Such fee is applicable for the review of proposed projects authorized by this chapter.**

### **Article 4. Second Unit Rent Limitation**

#### **10-6.401**

**Tenant rent of residential second units shall not exceed 30% of total income of a Low Income Household.**

**Existing rent limitations for nonconforming residential second units may be amended to conform to the rent limitations herein at the option of owners of such nonconforming units.**

Section 2. Note (1)(c), Table 4E, Chapter 3, Title 10 of the San Anselmo Municipal Code is hereby deleted. Note (1)(d), Table 4E, Chapter 3, Title 10 of the San Anselmo Municipal Code is hereby designated as Note (1)(c), Table 4E, Chapter 3, Title 10.

Section 3. The Residential Second Units row of Table 3A, Chapter 3, Title 10 of the San Anselmo Municipal Code is hereby amended as follows:

	<u>R-1H</u>	<u>R-1C</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>P</u>	<u>C-1</u>	<u>C-2</u>	<u>C-L</u>	<u>C-3</u>
<b>Residential Second Units</b>	<b>P(6)</b>	<b>P(6)</b>	<b>P(6)</b>	<b>P(6)</b>	<b>P(6)</b>	-	-	-	-	-

**Footnote (6): Residential Second Units shall be subject to Chapter 6 of this Title**

Section 4. Section 10-3.1305(d) of the San Anselmo Municipal Code is hereby deleted.

Section 5. This project has been determined to be exempt from CEQA under the provisions of Section 15282(i) of the California Code of Regulations Title 14, Chapter 3 (CEQA Guidelines) regarding the implementation of Section 65852 of the Government Code pertaining to residential second units. The Town Administrator and others as appropriate are hereby authorized to file a Notice of Exemption in accordance with Section 15062.

Introduced at a regularly scheduled meeting of the Town Council of the Town of San Anselmo on May 13, 2003, and PASSED AND ADOPTED by the Town Council at a regularly scheduled meeting on May 27, 2003 by the following roll call vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Peter Kilkus, Mayor

ATTEST:

\_\_\_\_\_  
Debra Stutsman, Town Clerk

## **AGENDA ITEM 5**

For the Meeting of May 13, 2003

To: Town Council  
From: Traffic Safety Committee  
Subject: Traffic Calming Guidebook  
Date: May 1, 2003

### ***RECOMMENDATION***

That Council adopt the Town of San Anselmo Traffic Calming Guidebook as a resource to be utilized by the Traffic Safety Committee in conjunction with the community in an effort to properly manage the flow of traffic while reducing negative impacts on residents, pedestrians, bicyclists and our schools.

### ***BACKGROUND***

With the growing number of vehicular trips per day throughout San Anselmo, our community has looked to the Town for ways of reducing speeds, traffic flow and cut-through traffic. Over the years the Town has made several attempts through the use of STOP signs, speed limit signs and other regulatory measures to control the flow of traffic, but these measures all require regular enforcement to be effective. In contrast, traffic calming measures are designed to be self-enforcing.

*“Traffic calming is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users.”*

*Reid Ewing / Traffic Calming-State of the Practice*

For the purposes of this report, traffic calming involves changes in street alignment, installation of barriers, and other physical measures to reduce traffic speeds and cut-through volumes in the interest of street safety, livability, and other public purposes.

### ***DISCUSSION***

To expand the technical knowledge of the Traffic Safety Committee in the area of traffic calming, the Town sent Police Chief Charles Maynard and Public Works Director Rabi Elias to a traffic calming workshop in November 2002. At the completion of the workshop it was apparent to staff that the Town was in need of a clear set of Traffic Calming Guidelines approved by Council prior to the design and implementation of any traffic calming measures.

The Traffic Safety Committee requested proposals from local traffic engineering firms with experience in traffic calming to assist in developing a set of guidelines. Parisi Associates of Mill Valley was selected in December of 2002, as the engineers for this project. After several meetings and site visits the final draft of the Town of San Anselmo Traffic Calming Guidebook was completed on April 16, 2003, ready for submittal to the Town Council for approval. These guidelines were designed to ensure only the most effective traffic calming tools are selected to address identified issues. The guidebook includes:

- A Toolbox of Traffic Calming Measures approved by the U.S. Department of Transportation and the Institute of Transportation Engineers,
- a Traffic Calming Implementation Process based on a partnership between residents and Town Staff, and;
- a Traffic Calming Petition, enabling residents to request the initiation of a traffic study to determine if a traffic calming plan should be developed.

### **FISCAL IMPACT**

The fiscal impact to the Town of San Anselmo to develop the attached Traffic Calming Guidebook was \$4,825. These funds were allocated from current fiscal years budget.

### ***CONCLUSION***

The Traffic Safety Committee has prepared this report and the attached guidelines in an effort to manage the Town's limited resources effectively and appropriately when dealing with town wide traffic calming needs.

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CHARLES L. MAYNARD

Chief of Police

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RABI ELIAS

Director of Public Works

### **AGENDA ITEM 6**

### **TOWN OF SAN ANSELMO STAFF REPORT**

*May 6, 2003*

For the meeting of May 13, 2003

TO: Town Council  
FROM: Debra Stutsman, Town Administrator  
SUBJECT: Sidewalk Liability

RECOMMENDATION

That Council acknowledge and file the report on the Town's experience with trip and fall claims on sidewalks since 1997 and direct staff as to next steps.

BACKGROUND

At the meeting of April 22, Council was asked to direct staff on whether to develop an ordinance regarding sidewalk liability. Such an ordinance would place the responsibility for sidewalk liability on the abutting property owner. Council directed staff to come back with a report on the Town's experience with trips and falls.

DISCUSSION

The following table identifies the claims the Town has paid on related to trips and falls since 1997:

<b>Date of Claim/Injury</b>	<b>Injury</b>	<b>Settlement Amount</b>
January 28, 1997	Neck, back	\$4,483.36
April 19, 1998	Face, wrist	\$466.65
August 24, 1998	Fall on uneven sidewalk	\$12,968.38
May 28, 1999	Bruises, sprained wrist	\$986.00
August 3, 1999	Foot, tooth, bruises	\$1,321.81
August 30, 1999	Fingers	\$9,179.58
July 24, 2000	Hip	\$580.40
January 19, 2003	Knee	\$4,500.00
<b>Total</b>		<b>\$34,486.18</b>

Respectfully submitted,

Debra Stutsman  
Town Administrator

