

ORDINANCE NO. 998*

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING THE ZONING
ORDINANCE, CHAPTER 3, TITLE 10, TABLE 3A: LAND USE REGULATIONS
TABLE**

Section 1.

WHEREAS, a draft Negative Declaration was prepared and published in a newspaper of general circulation for the required 20-day noticing period; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 20, 1998 to consider the Negative Declaration and the proposed Zoning Ordinance Amendment, at which time they considered the staff report, public testimony (of which there was none), and recommended approval to the Town Council;

WHEREAS, the Town Council held a duly noticed public hearing on June 9, 1998, and June 23, 1998, at which time they considered the staff report, public testimony, the Planning Commission minutes of April 20, 1998, a verbal report of the April 20, 1998 Planning Commission determination, and approved the Negative Declaration (Exhibit 1) and introduced an Ordinance for the Zoning Ordinance Amendment; and

WHEREAS, the Town Council held a duly noticed public hearing on July 14, 1998 at which time they considered the staff report and public testimony, and adopted an Ordinance for the Zoning Ordinance Amendment.

NOW, THEREFORE, the Town Council does hereby find that:

The Zoning Ordinance Amendment in its entirety is in compliance with the provisions of the San Anselmo General Plan in that it is consistent with the goals and policies of the Land Use Element.

Section 2.

THEREFORE, THE TOWN OF SAN ANSELMO DOES ORDAIN that Chapter 3, Title 10, Table 3A: "Land Use Regulations Table" of the San Anselmo Municipal Code be amended as attached (Exhibit 2) (existing text to be deleted is in "strike-out" format, and proposed text is in "bold/underline" format); and that Section 10-3.1305 Required Findings for use permit be amended as follows (proposed text is in "bold/underline" format):

Sec. 10-3.1305. Required findings for use permit

(e) The granting or denying of a conditional use permit for the on-sale and off-sale of beer and wine in conjunction with the sale of motor fuel shall be subject to the following:

(1) The findings shall be based on substantial evidence in view of the whole record to justify the ultimate decision.

(2) In addition to the standards listed in the State Business and Professions Code Licensing Restrictions, the Town has the authority to further condition the use permit.

Section 3.

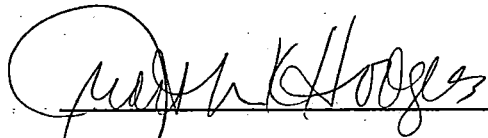
This ordinance amendment will become effective on August 13, 1998, 30 days following the adoption of this amendment by the Town Council.

PASSED AND ADOPTED by the Town Council of the Town of San Anselmo on July 14, 1998, by the following vote:

AYES: Breen, Chignell, Hodgens, Kroot, Overberger

NOES: (None)

ABSTAIN: (None)



Judith K. Hodgens, Mayor

ATTEST:


Debra Stutsman, Town Clerk

TOWN OF SAN ANSELMO



DEPARTMENT OF PUBLIC WORKS AND PLANNING
525 SAN ANSELMO AVENUE, SAN ANSELMO, CA 94960

NOTICE OF NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACT

DESCRIPTION OF PROJECT: Zoning Ordinance Amendments to Table 3A: Land Use Regulations and Section 10-3.1305: Required Findings for Use Permit, related to the ~~On-Sale and~~ Off-Sale of Beer and Wine in Conjunction with the Sale of Motor Vehicle Fuel.

This application is available for public review at the office designated above.

NAME AND ADDRESS OF PROPONENT: Planning Department, Town of San Anselmo, 525 San Anselmo Avenue, San Anselmo, California 94960.

Pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code Sections 21100, et seq.), the Town of San Anselmo has determined that the above project will not have a significant effect upon the environment for the following reasons:

The Zoning Ordinance Amendments are to bring the Zoning Ordinance into compliance with State Law, which states that a local jurisdiction has authority to require a conditional use permit, but does not permit a local jurisdiction to prohibit the sale of beer and wine in conjunction with the sale of motor vehicle fuel. There should be no significant adverse impact on earth, water, air, plant life, animal life, noise, light or glare, land use, natural resources, risk of upset, population, housing, transportation/circulation, public services, energy, utilities, human health, aesthetics, recreation, cultural resources, nor have any mandatory findings of significance. The licensing of such a facility is subject to the regulations of the State Department of Alcohol Beverage Control.

The environmental study was made by Lisa Wight, Senior Planner. Copies of this initial study are available at cost from the Planning Department. Written comments on this determination should be received in the Planning Department prior to Monday, April 20, 1998.

Public hearings will be held by the Planning Commission at 7:30 p.m. on Monday, April 20, 1998, and by the Town Council at 8:00 p.m. on Tuesday, May 12, 1998 and Tuesday, May 26, 1998 in the Town Hall Council Chamber, 525 San Anselmo Avenue, San Anselmo, California.

Any persons unable to attend the hearings and wish to express their views on this issue may do so in writing prior to the date of the hearing.

Posted: March 31, 1998

Lisa Wight
Signature
Lisa Wight
Typed Name
Senior Planner
Position
PLANNING
Department

ENVNEGDEC / Revised 3/97

LAND USE REGULATIONS TABLE
TABLE 3A

"P" = Permitted Use
 "C" = Conditionally Permitted Use
 " - " = Not Permitted Use

	DISTRICT	R-1 H	R-1 C	R-1	R-2	R-3	P	C-1	C-2	C-L	C-3
Alcohol, On-Sale		-	-	-	-	-	-	-	C	-	(2) C
Alcohol, Off-Sale		-	-	-	-	-	-	C	C	(1) C	(2) C

Notes:

- (2) ~~Off-Sale alcohol shall not be permitted on the same premises as a gasoline service station.~~ **In addition to the findings required for the approval of a use permit as set forth in Section 10-3.1305(a) of the San Anselmo Municipal Code, additional findings must also be made as set forth in Section 10-3.1305(e) of the San Anselmo Municipal Code.**