TOWN OF
SAN ANSELMO
EST. 1907

In the Council Chambers and Via Zoom at 525 San Anselmo Avenue, San Anselmo, CA 94960

Town Council
Agenda

Tuesday, February 25, 2025 **7:00 PM**

Meeting held In-Person and via Zoom:

https://us02web.zoom.us/j/84434078261

Or Telephone: +1 669 900 6833 | Webinar ID: 844 3407 8261

How to Submit Comments Before the Meeting: Members of the public are encouraged to submit email correspondence to towncouncil@townofsananselmo.org before the meeting begins.

How to Participate During the Meeting: Members of the public will have the option to speak during the meeting through the Zoom application by using their phone or an electronic device.

For PC, Mac, or smart phone, Use Raise hand function when public comment for an item is requested. It is a button that is located at the top or bottom of your screen, based on your electronic device.

For landline phones, raise hand to be recognized with *9

Please be advised those participating in the meeting remotely via Zoom do so at their own risk. The Town Council regular meeting will not be cancelled if any technical problems occur during the meeting.

Call to Order. Optional Pledge of Allegiance: The Mayor or a designated Council member will recite the Pledge of Allegiance for members of the Council and the public who wish to join in the recitation. 7:00 PM

Open time for public expression.

The public is welcome to address the Council at this time on matters not on the agenda that are within the jurisdiction of the Council. Please be advised that pursuant to Government Code Section 54954.2, Council is not permitted to discuss or take action on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting of the agenda. Comments may be no longer than three minutes and should be

respectful to the community.

Open Public Comment

Council requests for future agenda items.

Council committee liaison reports, questions and comments to staff; staff miscellaneous items.

Special Presentation. There are No Special Presentations.

1. Consent Agenda:

The opportunity for public comment on consent agenda items will occur prior to Council discussion of the consent agenda. The Council may approve the entire consent agenda with one action. In the alternative, items on the consent agenda may be removed by any Council or staff member, for separate discussion and vote.

1.1 Approval of the Draft Minutes of the Regular Meeting of Tuesday, January 28, 2025
Staff Report (DOC)
Attachment 1- Draft Minutes of the January 28, 2025 Regular Town Council Meeting (DOC)

1.2 Consider to Approve a Special Event Application - Chamber of Commerce's Sip n' Stroll Fundraiser 2025
Staff Report (DOC)
Attachment 1 - Event Application (PDF)
Attachment 2 - ABC Assistance Form for CMPA (PDF)

1.3 Consider Approving the Quarterly Treasurer's Investment Report, December 2024
Staff Report (DOCX)
Attachment 1- Quarterly Investment Report December 31, 2024 (PDF)
Public Comment- Voss (PDF)

1.4 Receive and File the Revenue and Expenditure Reports for January 2025
Staff Report (DOCX)
Attachment 1 Budget Comparison Report by Subcategory, January 2025 (PDF)
Attachment 2 Budget Comparison Report by Department, January 2025 (PDF)

1.5 Receive and Accept the Results of the Alternative Compliance Examination Engagement with Maze & Associates for the Fiscal Year Ended June 30, 2024
Staff Report (DOCX)
Attachment 1 Independent Accountantâ€™s Report on Compliance for CSLFRF Alternative Compliance Examination Engagement (PDF)

1.6 Consideration of Amended Special Event Application – Teen Battle of The Bands 2025
Staff Report (DOCX)
Attachment 1 - Amended Event Application (PDF)

1.7 Approve Allocating Up to $2500 of Salary Savings from the Climate Action Fund to Support Funding a Climate Mural – A Collaborative Project Between the Climate Action and Arts Commissions.

Staff Report (PDF)
Attachment A- Public Mural Program Guidelines (PDF)
Attachment B- Climate Mural Proposal (PDF)

2. Public Hearing:

In general, the following procedural order applies to public hearing items:
•Staff Presentation
•Town Council Questions
•PUBLIC COMMENT – limited to 3 minutes/person
•Town Council discussion/action

2.1 Public Hearing to Consider Ordinance Amendments to Title 10 "Planning and Zoning", Chapter 6 "Accessory Dwelling Units"; and associated CEQA Exemption Finding. The Ordinance Amendments are exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guideline sections 15301 and 15061(b)(3).
Staff Report (PDF)
Attachment 1 - Ordinance (PDF)
Attachment 2 - Resolution No. 2025-02 (PDF)
Attachment 3 - 2025 HCD ADU Handbook (PDF)
Attachment 4 - 2023 and 2024 State ADU Legislation (PDF)
Attachment 5 - Comment Letter - CalHDF (PDF)
Presentation (PDF)

3. Council Business Items:

In general, the following procedural order applies to items of business:
•Presentation
•Town Council questions
•PUBLIC COMMENT – limited to 3 minutes/person
•Town Council discussion/action

3.1 Approve a Resolution of Intent to Abandon a Portion of a Public Right-of-Way Adjacent to 11 Sunnyside Dr. in San Anselmo. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15305, as the proposed right-of-way abandonment consists of the minor alteration in land use limitations, which does not result in any changes in land use or density.
Staff Report (PDF)

3.2 Receive a Presentation of the Downtown Parking Study and Consideration of Recommendations. The Town finds this project (installation of paid parking) to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Class 1, because it involves maintenance of existing streets (striping and signage), will not create additional automobile lanes and involves negligible or no expansion of use.
Staff Report (DOC)
Attachment 1 - Downtown Parking Study (DOC)
Attachment 2 - Cosmo and Luke II (PDF)
Attachment 3 - Resolution for Paid Parking on San Anselmo Avenue

Attachment 4 - Resolution to Raise Fees at Surface Lots

3.3 Receive the Downtown San Anselmo Active Transportation Safety and Circulation Study and Provide Recommendations. The Town finds the baseline improvements to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Class 1, because it involves maintenance of existing streets, will not create additional automobile lanes and involves negligible or no expansion of use.
Staff Report (DOC)
Attachment 1 - Downtown San Anselmo AT Safety & Circulation Study (PDF)
Public Comment- Mittelstaedt (PDF)
Public Comment- San Anselmo Chamber of Commerce

Adjourn

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Town Staff at email savila@townofsananselmo.org. Notification at least 48 hours prior to the meeting will enable the Town to make reasonable accommodation to help insure accessibility to this meeting.

Any writings or documents provided to a majority of the Town Council regarding any item on this agenda after the distribution of the original packet will be made available for public inspection at the public counter at Town Hall located at 525 San Anselmo Avenue.

Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda. If any of these matters above are challenged in court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this agenda, or in written correspondence delivered at, or prior to, this Council meeting. Judicial review of an administrative decision of the Town Council must be filed with the Court not later than the 90th day following the date of the Council's decision (Code of Civil Procedure Section 1094.6) Any item not under discussion before 10:00 p.m. may be continued to the next regular meeting. Next regular meeting is March 11, 2025.

Administration Department
Town Hall
525 San Anselmo Avenue
San Anselmo, CA 94960
(415) 258-4691

Town Council
Tarrell Kullaway, Mayor
Steve Burdo, Vice Mayor
Eileen Burke, Councilmember
Chantel Walker, Councilmember
Yoav Schlesinger, Councilmember

Staff
David Donery, Town Manager
Linda Kenton, Assistant Town Manager / Town Librarian
Jeff Zuba, Finance and Admin Services Director
Megan Holt Acevedo, Town Attorney
Serge Avila, Town Clerk

Heidi Scoble, Planning Director
Sean Condry, Public Works Director
Mattie O'Grady, Community Services Director
Mike Norton, Chief of Police
Dan Mahoney, Fire Chief

DECLARATION OF POSTING
This Notice is posted in accordance with Government Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the Town of San Anselmo website. Under penalty of perjury, this Agenda was posted to the public at least 72 hours prior to the meeting.

STAFF REPORT

TOWN OF SAN ANSELMO Item #: 1.1

MEETING DATE: February 25, 2025

AGENDA TITLE: Approval of the Draft Minutes of the Regular Town Council Meeting of the January 28, 2025

FROM: Serge Avila, Town Clerk

RECOMMENDATION: For Council to consider the approval of the Draft Minutes of the Regular Town Council meeting of January 28, 2025

ATTACHMENT:

Attachment 1- January 28, 2025, Draft Minutes

San Anselmo Draft Council Minutes
Regular Meeting
Town Council Chambers and via Zoom
Tuesday, January 28, 2025

Interviews for the Historical Commission and Open Space Commission- 6:30 p.m.

The Council interviewed Daniel Krebs, Jamie Mackie, Rene Voss.

Call to Order: Optional Pledge of Allegiance 7:00 p.m.

COUNCILMEMBERS PRESENT:

Tarrell Kullaway (Mayor)
Steve Burdo (Vice Mayor)
Eileen Burke
Yoav Schlesinger
Chantel Walker

STAFF MEMBERS PRESENT:

Dave Donery, Town Manager
Megan Acevedo, Town Attorney
Serge Avila, Town Clerk
Linda Kenton, Town Librarian
Heidi Scoble, Planning Director
Mattie O'Grady, Community Services Director
Kelly Warner, Community Engagement
Jeff Zuba, Finance and Admin Services Director

Mayor Kullaway stated there has been a request to continue item #2.2 to the next meeting.

M/s, Walker/Burdo, Motion to continue item #2.2 to the next meeting.
AYES: Burke, Schlesinger, Walker, Vice Mayor Burdo, Mayor Kullaway

Open Time for Public Expression

Mr. Ross Asselstine and Ms. Rosanne dalBello discussed flooding issues including the lack of flood control and the Building Bridge 2 project.

Ms. Ann Politzer stated last May she had asked for an update on the status of the Building Bridge 2 project and has not received an answer. She is concerned about flood management.

Mr. Tyler Graff, Superintendent of the Valley School District, gave an update on a Parcel Tax proposal revision that the Board is considering for a May Special Election.

Mr. Peter Collins discussed the good works of the First Presbyterian Church of San Anselmo and an event that will occur on Saturday, February 8th.

Mr. Guy Meyer discussed the importance of speaking one's mind even when it is a minority opinion, the recent fires in Southern California, and the dangers of lithium batteries being used in a Town Hall project.

Bob discussed the problem with Super 73's and the other illegal throttle devices the kids are riding.

Mr. Benedetto Chico discussed the Moss Landing Fire and his concern about lithium batteries. The Town needs a larger police presence given the recent assault on an elderly man.

Ms. Eva Chrysanthe discussed the Moss Landing Fire and the effects on nearby agricultural fields.

Ms. Sue Saunders, Vice Chair of the Climate Action Commission, stated gas powered cars are more likely to catch fire than electric cars due to fuel pump leaks. Electrification including battery storage is important.

Ms. Bridget Clark stated the Ross Valley Seniors have a Thursday lunch at the Women's Club and the next presentation will be about the resources of the Fairfax and San Anselmo libraries.

Erin, owner of Sax Consignment, state the noon Flood Horn terrifies people. She noted there are often cars parked in the EV charging spaces that are not using the chargers.

Council requests for future agenda items; Committee liaison reports; questions and comments to staff; miscellaneous items

Vice Mayor Burdo reported he attended the Transportation Authority of Marin (TAM) meeting; was in Sacramento last week at a conference; responded to citizen concerns about fire issues.

Councilmember Burke reported she attended the Safe Routes to Schools meeting; a Live on the Avenue meeting with the merchants; the Art Show at Town Books; announced the Boys' and Girls' Varsity Basketball games for Archie Williams (Go Falcons!); the basketball hoop in front of her house is repaired and back in business; she and her father were interviewed on a recent "Run TMC" podcast and she will be speaking to the Dominican Basketball team next week; will be meeting with residents about a United Market/Greenfield Fire Wise group; fielded a report about a homeless individual using propane and a BBQ; did a walkthrough at Robson; received a lot of feedback regarding last month's Council Committee Assignments and a potential Brown Act violation.

Councilmember Schlesinger reported he attended the Marin Wildfire Prevention Authority (MWPA) meeting.

Councilmember Walker discussed the Fire Wise communities; attended the conference in Sacramento; the Martin Luther King Celebration in Southern Marin.

Mayor Kullaway reported she attended the Martin Luther King Celebration; the McGinnis Park Smart Pathway Ribbon Cutting Ceremony; the Marin American Indian Alliance Potluck; discussed incidents of vehicular violence; the MCCMC Legislative Committee meeting; will be attending the Two Spirits Event at Fort Mason

Town Librarian Kenton reported on Library events including Super Saturday, the Puzzle Swap, and upcoming Middle School Speakers Program.

Special Presentation

There were no presentations.

1. Consent Agenda

1.1 Consider to Approve the Draft Minutes of the Regular Town Council Meeting- January 14, 2025

1.2 Consider to Approve a Special Event Application- Children for Change Challenge 2025

1.3 Receive and File the 2024 Age and Disability Friendly Assessment Report

1.4 Receive and File the Revenue and Expenditure Reports, December 2024

Mayor Kullaway opened the meeting to public comments.

Ms. Sara Robinson and Gene supported item #1.3

Ms. Eva Chrysanthe referred to item #1.3 and supported a robust public transport system.

Mayor Kullaway closed the meeting to public comments.

Councilmember Burdo stated he would like to pull item #1.3.

M/s, Burke/Burdo, Motion to approve Consent Calendar items #1.1, #1.2, and #1.4.
AYES: Burke, Schlesinger, Walker, Vice Mayor Burdo, Mayor Kullaway

1.3 Receive and File the 2024 Age and Disability Friendly Assessment Report

Councilmember Burdo stated there was a lot of good data in the report.

Councilmember Walker stated this report was very important and provided a means for moving forward.

Councilmember Schlesinger noted two trends in the report- the increased in the need for home improvements and preparedness in the event of an emergency,

Councilmember was concerned about the data regarding future cognitive health of seniors. She thanked staff for the great report.

M/s, Walker/Burdo, Motion to approve Consent Calendar item #1.3.
AYES: Burke, Schlesinger, Walker, Vice Mayor Burdo, Mayor Kullaway

<u>Council Business Items</u>

2.1 Consider to Approve a Special Event Application- Live on the Avenue 2025

Recreation Director O'Grady and Community Engagement staff member Warner presented the staff report and a PowerPoint presentation. Staff answered questions from the Council regarding the amount of time needed to clear parked cars; the type of bollards that will be used; street closure times; impacts to merchants; safety concerns; hours of music; the survey; overtime hours; what type of cuts would be needed if there is a fundraising shortfall.

Mayor Kullaway opened the meeting to public comments

Mr. Benedetto Chico, representing the Chamber of Commerce, stated Friday afternoon is the most important shopping day for merchants. He asked the Council to listen to the merchant requests in terms of street closure times. The extra half an hour would go a long way.

Mr. Frank Gomez agreed with Mr. Chico- he supported the extra half hour. He suggested forming a committee to pick the bands.

Bridget suggested that vendors be required to comply with the single use ordinance requirements when possible

Erin stated from 4:00 p.m. to 6:00 p.m. it is like a "ghost town" in front of her store during the Live on the Avenue Event. Merchants are losing money two nights a week during this event. She asked for the Town's support and to move the street closure time to 5:00 p.m.

Ms. Lori Berlinger stated merchants are asking for a reasonable accommodation and an extra half hour. She asked the Council to collaborate.

Belinda agreed with the comments made by her fellow merchants. She asked the Council to work with the merchants.

Barbara stated the request for an extra half hour has been done before. This is very important to the merchants.

Mayor Kullaway closed the meeting to public comments.

Mayor Kullaway was concerned about the Public Works Department doing enforcement- this is not their role. Police Department overtime is difficult to schedule due to staffing issues. Frank has offered to move the cars and they should let him do that. She supported decibel enforcement. The permit should speak to the single use ordinance.

Councilmember Burke stated the Community Services Officer hours need to be flexible. The priority should be to support the businesses. The safety issues can be addressed. She supports the later start, the mid-June start, and the decibel level suggestion.

Councilmember Walker stated she could live with a pilot that has a later closure by about thirty minutes. She would like data related to fundraising, how the cost of enforcement for that twenty minutes was covered, the impact to business income, and if there were impacts to cars.

Councilmember Schlesinger stated he is lacking some data including actual data from merchants regarding losses and that balanced increase in sales for staying open. He liked the idea of a pilot but was not sure about its scope. Clearing the streets for a 5:00 p.m. closure time is doable but he would need assurances that the staffing levels could be funded. Without those assurances he would prefer a 4:30 p.m. closure.

Councilmember Burdo stated he is not opposed to extending the closing time but he would need to see the cost, how overtime would be funded, and what it would look like. He would like Central Marin Police Authority (CMPA) Chief Norton to participate in these discussions. He wants to be receptive to the businesses.

Councilmember Schlesinger would like to see a budget proposal that includes the additional resourcing request.

M/s, Walker/Burke, motion to approve a 5:00 closure, that the music sets end at 8:30 p.m. an April determination of what contingencies need to move around including starting Fridays and Saturdays in July without impacting on the public services that have gone well for those on the survey, including the staff report budget as a baseline with the ability to exceed said amount.

AYES: Burke, Walker
NOES: Schlesinger, Vice Mayor Burdo, Mayor Kullaway

Mayor Kullaway stated this item would be continued to the next Town Council meeting.

2.2. Receive and File the Public Works Department Update

Mayor Kullaway stated this item has been continued to the next meeting.

2.3 Receive and File the Update on the Building Department and Permit process

M/s, Burke/Walker, Motion to continue this item to the next meeting.
AYES: Burdo, Schlesinger, Walker, Vice Mayor Kullaway, Mayor Burke

M/s, Burdo/Burke, Motion to adjourn the meeting at 10:07 p.m.
AYES: Burke, Schlesinger, Walker, Vice Mayor Burdo, Mayor Kullaway

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

STAFF REPORT

TOWN OF SAN ANSELMO Item #: 1.2

MEETING DATE: 2/25/25

AGENDA TITLE: Consideration of Special Event Application - Chamber of Commerce's Sip n' Stroll Fundraiser 2025

FROM: Mattie O'Grady – Director of Community Services

RECOMMENDATION: That Council approve the application for the Chamber of Commerce's Sip n' Stroll Fundraiser scheduled for Saturday, May 10th.

BACKGROUND

In 2018, a group of merchants got together and held a fundraiser to start a hanging flower basket program in the downtown area. This group raised over $3,000 which paid for pole brackets, a portable watering system and twelve hanging flower baskets. The baskets were watered by a team of volunteers.

In 2019, Nancy Altman and Jeanne Imai raised funds to not only continue the hanging basket program, but to expand it from 12 to 24 baskets. The increased cost for the program was due to the increased number of baskets along with the cost of hiring an individual to manage the watering of the baskets.

With the goal to raise funds for the flower basket program while reintroducing the public to the many shops and restaurants, the Chamber of Commerce would like to hold their second annual flower basket fundraiser on Saturday, May 10th from 4:00 to 7:00 pm. The main portion of the event will occur on the Town Hall Plaza but also engages and activates the downtown landscape with participating merchant locations. Each merchant who participates will be pouring wine samples or non-alcoholic options as well as have bites to eat from local restaurants.

Each attendee will pre-purchase a commemorative glass to Sip n' Stroll the Avenue. They will collect their wine glass in front of Town Hall. ID's will be checked, and wristbands must be worn in order to be served. Designated drivers or minors will be given a different color wristband and additional non-alcoholic beverages will be provided.

For the first time this year, the Arts Commission will be hosting an art show in Imagination Park during the event. Set-up will begin at 12:00pm and the show will be held from 4:00-7:00pm.

Please note that no street closure has been requested as part of this event application.

DISCUSSION/ANALYSIS

The following conditions have been communicated to the applicant:

- Applicant must obtain an ABC license and complete the ABC Assistance Form (attachment 2) to submit to CMPA.
- Applicant must follow correct protocol for Responsible Beverage Servers and submit an event diagram.
- Must provide the Town with a copy of the approved ABC license
- The Town requires a Certificate of Insurance claiming the Town of San Anselmo as additional insured
- Event must be ADA compliant (i.e. no blocking of sidewalks)
- Applicant must abide by Ordinance 1136 stating that all food vendors must provide items in reusable foodware or compostable disposable foodware.

The above conditions must be met in order for the event to proceed. The attached application provides details of the event with comments and conditions from Town staff.

FISCAL IMPACT

There is no cost to the town for this event. However, on January 14, 2025, the Town approved a funding request to allocate $5,000 to the beautification committee to fund the downtown flower baskets.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The proposed project is exempt from the California Environmental Quality Act (CEQA), under the “common sense” exemption, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs. tit. 14, § 15061).

ATTACHMENTS

Attachment 1- Event Application
Attachment 2 – ABC Assistance form for CMPA

TOWN OF SAN ANSELMO
1000 Sir Francis Drake Blvd, Suite # 14
San Anselmo, CA 94960
415-258-4640

APPLICATION FOR COMMUNITY-BASED EVENTS

Please complete this application if you wish to conduct a community-based event (non-commercial) in San Anselmo on public property for more than 50 people or involving the closure of a downtown street for more than fifteen minutes. The application will be reviewed by staff and forwarded to the Town Council for approval.

EVENT INFORMATION

Name of event: Sip & Stroll

Organization(s) presenting the event: San Anselmo Chamber of Commerce & SA Community Foundation

Other event sponsor(s), if any:

Contact Person: Nancy Altman **Phone Number:** 415-806-0359

Address: 18 Avenue del Norte **Email:** nnaltman@me.com

Event Date(s): Saturday, May10, 2025

Start and end times: 4:00 - 7:00pm **Number of attendees (estimate):** 300

Location:

Will alcohol be served or sold?

Yes ☑ No ☐

Brief Event Description:

This is a Spring event to raise funds for the downtown flower baskets and to introduce the public to our many businesses. Ludwig's will be curating the wines for the merchants. Each business that is pouring a 2oz. sample will have an RBS (responsible beverage server) person in the shop. There will also be other shops serving non-alcoholic beverages. All businesses will be serving bites to eat. Each attendee will purchase a commemorative glass to Sip, Stroll & Shop the Avenue. ID's will be checked and wristbands will be worn. Designated drivers and minors will be given a different color wristband.

Public space requested:

- ☐ **Creek Park**
- ☐ **Pine Street Parking Lot**
- ☑ **Town Hall Lawn**
- ☑ **Imagination Park**
- ☐ **Other:** _____
- ☐ **Creek Park Parking Lot**
- ☐ **Magnolia Parking Lot**
- ☐ **Council Chamber**
- ☐ **Memorial Park**

☐ **San Anselmo Avenue: from (cross streets) _____ to _____**
☐ **Tunstead Avenue: from (cross streets) _____ to _____**
☐ **Other street(s): from (cross streets) _____ to _____**
☐ **Other space use (e.g. parking spaces) _____**
☐ **Other Facilities:_____**

Additional Comments on the Public Space Requested:

To be qualified for consideration, applicants must fall into one of the following categories:

- ❖ Town-Sponsored Events
- ❖ Ross Valley* accredited or licensed schools (pre-kindergarten through 12th grade, (both public and private schools)
- ❖ Ross Valley* Youth Organized Sporting of Cultural Events
- ❖ Organizations located in the Ross Valley* which have received tax-exempt status pursuant to Internal Revenue Service Code Section 501c(3)
- ❖ Merchant associations located in incorporated San Anselmo and established as of 2006

*Ross Valley is defined as incorporated and unincorporated areas of San Anselmo, Fairfax, and Ross

Standards & Objectives

The Town Council, with input from downtown merchants, property owners, and local residents, has adopted the following criteria they will consider when reviewing applications for the closure of roadways or other public space in the downtown area.

Does the event:

- ✓ Attract local residents
- ✓ Attract people throughout the Bay Area
- ✓ Attract families
- ✓ Generate interest for people to return and spend money in local businesses
- ✓ Create a positive impact for real estate stimulation
- ✓ Provide a overall positive impact on business
- ✓ Provide an opportunity for downtown merchants to participate in the event
- ✓ Provide access to neighborhood streets during the event
- ✓ Avoid conflicting with a retail holiday
- ✓ Assure public safety
- ✓ Provide adequate parking
- ✓ Benefit the Town
- ✓ Provide access for persons with disabilities
- ✓ Provide for clean-up by event organizers
- ✓ Provide emergency vehicle access
- ✓ Assure that any booths or other structures are designed and placed so that storefronts have access and visibility
- ✓ Allow local businesses to exhibit merchandise on the sidewalk area in front of their stores, without charge, while maintaining wheelchair access

CONDITIONS OF APPROVAL

The following conditions apply to downtown events, unless waived or modified by the Town. Other conditions, as set by the Town Council and staff, may apply to particular events for public safety or other objectives of the Town.

A. **Police**: Off-duty police officers may be required for the event, as determined by the Police Chief, depending on the number of people attending and the nature of the event. Off-duty police officers are required during events where alcohol is served or sold.

B. **Emergency access**: An emergency access lane of at least 14 feet wide must be maintained at all times.

C. **Insurance**: Proof of general liability insurance, naming the Town, its employees, and agents as additional insured, at limits no less than $1,000,000.

D. **Recycling and garbage**: Extra containers for recycling cans and bottles, and garbage cans must be placed throughout the area of the event. Containers and cans are to be emptied when full during the event, and picked up after the event.

E. **Compostable/Disposable Foodware:** In accordance with the Town of San Anselmo's Ordinance 1136 all food vendors will provide takeout food in reusable foodware or compostable disposable foodware, or items composed entirely of aluminum. If a compostable disposable foodware item is not available, an alternative foodware item made of other materials, except polystyrene foam and polystyrene food ware, may be substituted.

F. **Toilet facilities**: Events estimated to attract more than 100 people and lasting more than two hours must provide portable toilets, in the number and location as approved by the Parks superintendent, unless alternate arrangements for toilet facilities are otherwise required or arranged to the approval of the Parks Superintendent. Toilet facilities must be provided for disabled persons at each location where portable facilities are provided. Hand washing facilities must be provided where food is served.

G. **Traffic control**: A traffic and parking control plan, including enforcement measures, must be approved by the Police Chief.

H. **Noticing:** Events that include closure of the street will require advance written notice to businesses and residents on the street(s) that will be closed. These notices must be distributed a minimum of five days prior to the Town Council meeting date that the event application will be considered.

I. **Sales tax**: Persons or businesses selling items as part of the event shall designate San Anselmo as the point of sale for sales tax purposes.

J. **Alcoholic beverages**: A permit is required from the Police Chief and the State Department of Alcohol Beverage Control in order to serve or sell alcoholic beverages. Off-duty police officers are required if alcohol is served or sold.

K. **Fire inspection**: A fire inspection is required of any and all appliances or devices that produce an open or enclosed flame and/or hot materials, including food.

L. **Creek Park**: No more than three booths are allowed inside the turf areas of the park.

M. **Signs and barricades**: Any "No parking signs" that are needed are to be provided by the event organizers, and posted according to the traffic control plan prior to the event. Barricades, detour signs, and other traffic control devices are to be provided by the event organizers.

N. **Parking:** Temporary accessible parking must be provided if a street closure or other event condition renders permanent accessible parking unusable.

O. **Cables**: Cables must be covered so as not to create a tripping hazard. When cable covers are used, they must not create a tripping hazard and must be navigable by wheelchair. The path of travel must be no more than 1:12.

On behalf of the organization applying for the permit to conduct the event, I have read and agree to follow the standards for events, as stated in this application, and have read and agree to follow the permit conditions as stated in this application and those which may be required of me as conditions of approval.

Name: N. Aldman Date: 2/4/25

NAME OF EVENT: Sip n' Stroll 2025 DATE OF EVENT: 5/10/2025

DEPARTMENT	COMMENTS/CONDITIONS	APPROVED BY
POLICE	Applicant must obtain an ABC license and complete the attached ABC Assistance Form to submit to CMPA. Applicant must follow correct protocol for Responsible Beverage Servers.	M. Norton
FIRE		D. Mahoney
RECREATION	Must provide the Town with a copy of the approved ABC license. The town requires a Certificate of Insurance claiming the Town of San Anselmo as additional insured.	M. O'Grady
PUBLIC WORKS	Event must be ADA compliant (i.e. no blocking of sidewalks). Applicant must abide by Ordinance 1136 stating that all food vendors must provide items in reusable foodware or compostable disposable foodware.	S. Condry & J. Healy
ADMINISTRATION		D. Donery
TOWN COUNCIL		

Central Marin Police
California Department of Alcoholic Beverage Control (ABC)
Assistance Form

All applicants wishing to temporarily sell alcohol in the jurisdiction of the Central Marin Police Authority (CMPA), must obtain a Daily License from the California Department of Alcoholic Beverage Control (ABC). Information regarding daily licenses and applicable forms can be found at:

https://www.abc.ca.gov/licensing/license-forms/form-abc-221-instructions/

Prior to submission to ABC, the application must be approved and signed by the Chief of Police of the CMPA. CMPA will not consider, nor sign the application unless the following are completed and submitted:

- A fully completed Daily License Application (ABC-211)
  - https://www.abc.ca.gov/wp-content/uploads/forms/ABC-221.pdf
- A fully completed Supplemental Diagram (ABC-253) specifically detailing every area of the event where the sales and consumption of alcohol will occur, including how many servers and how many Responsible Beverage Service (RBS) servers will be at each serving location.
  - https://www.abc.ca.gov/wp-content/uploads/forms/ABC-253.pdf
- A completed version of this form.

Organization name: _____

Contact Person's name: _____

Contact Person's telephone number: _____

Contact person's email address: _____

1. How many people will be serving alcohol at your event? _____
2. Will all of the servers be at least 21 years of age at the time of the event?

   Yes _____ No _____

   If NO, please explain _____

3. How many servers will be RBS trained at the time of the event? _____

   Pursuant to AB 1221: At least one person must be RBS trained and certified for events occurring on or after July 1, 2022. This person must be present at the event and **actively oversee** the alcohol service for the entire duration of the event. Additionally, this person must also create and implement policies for the event that mandate and foster responsible alcoholic beverage service. ABC recommends that everyone who serves alcohol for consumption complete the certification, however it is not mandated. Local jurisdictions may have additional requirements. Refer to the website below for further information and how to get trained:

   RBS Training Program | Alcoholic Beverage Control (ca.gov)

4. Please list the names and Server ID numbers for the servers who are RBS trained (attached additional pages if necessary):

   Name: _____ RBS server ID number: _____

   Name: _____ RBS server ID number: _____

   Name: _____ RBS server ID number: _____

   Name: _____ RBS server ID number: _____

   Name: _____ RBS server ID number: _____

   Name: _____ RBS server ID number: _____

   Name: _____ RBS server ID number: _____

   Name: _____ RBS server ID number: _____

   Name: _____ RBS server ID number: _____

   Name: _____ RBS server ID number: _____

I hereby certify that this form was prepared by me or under my direct supervision, and was completed to best of my knowledge:

Signature: _____ Date: _____

STAFF REPORT

TOWN OF SAN ANSELMO Item #:1.3

MEETING DATE: February 25, 2025

AGENDA TITLE: Quarterly Treasurer's Investment Report, December 2024

FROM: Jeff Zuba, Finance & Admin Services Director

RECOMMENDATION: That the Town Council consider approving the Treasurer's Investment Report for the quarter ending December 31, 2024.

SUMMARY

The Treasurer's Investment Report is a quarterly itemization of the market value of Town investments. The purpose of this report is to present financial information for review and discussion.

DISCUSSION/ANALYSIS

The attached report itemizes the Town's investments and states the market value of each investment as of December 31, 2024. The Wells Fargo bank account is the Town's primary checking account used for the deposit and expenditure of operating funds. The Bank of America checking account is a controlled account used for payroll processing only.

The Town holds three investment accounts; one with Moreton Capital with funds held at U.S. Bank, one with Wells Fargo Securities with funds held at Wells Fargo, and one with RBC Capital Markets held at RBC. The investments held are allowable by the Town's investment policy.

The Town maintains two Local Agency Investment Fund accounts (LAIF) for the purpose of maximizing interest income on funds not needed for immediate expenditure. One LAIF account is for the investment of general operating funds. The other is for the remaining series 2003 Measure G bond proceeds, required by law to be maintained in a segregated account.

The Town's cash balance as of December is $18,004,843, which is $123,080 more than the balances at this time last year.

FISCAL IMPACT
Not applicable

GENERAL PLAN CONSISTENCY
Not applicable

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The Council's discussion and approval of this report is not a "project" under the California Environmental Quality Act, because it does not involve an activity which has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

ATTACHMENTS
Attachment #1: Quarterly Treasurer's Investment Report, December 31, 2024

TOWN OF SAN ANSELMO

TREASURER'S INVESTMENT REPORT
for the quarter ending December 31, 2024

INSTITUTION	TYPE OF INVESTMENT	MATURITY DATE	EFFECTIVE YIELD	MARKET VALUE OF AMOUNT ON DEPOSIT	NOTES BOOK VALUE	NOTES UNREALIZED GAIN
Wells Fargo Bank	Government Advantage Checking	None	1.65%	-		
Wells Fargo Bank	Government Sweep Account	None	4.36%	9,314,898		
Bank of America	Business Checking Account	None	0.49%	77,464		
LAIF (Local Agency Investment Fund) Operating Account	State Treasurer's Pool	None	4.58%	8,218		
LAIF (Local Agency Investment Fund) Measure G Proceeds	State Treasurer's Pool	None	4.58%	99,007		
Moreton Capital	Money Market	None	4.37%	1,749,174		
Moreton Capital	Municipal Bonds	Varies	4.53%	3,698,390		
Moreton Capital	Cerificate of Deposits	Varies	4.75%	731,925		
Moreton Capital	Treasury/Federal Agency	Varies	0.00%	-		
Wells Fargo	Treasury/Federal Agency	Varies	4.95%	250,114		
Wells Fargo	Money Market	None	4.34%	20,401		
RBC Wealth Management	Certificate of Deposits	Varies	4.63%	1,476,845		
RBC Wealth Management	Treasury/Federal Agency	Varies	4.78%	249,188		
RBC Wealth Management	Money Market	None	3.94%	329,219		
Total Investment Portfolio:				18,004,843		

I hereby verify that this report is in conformity with the Town of San Anselmo Investment Policy.

John Mahl Digitally signed by John Mahl Date: 2025.02.17 18:32:50 -08'00'

John Mahl, Town Treasurer

Jeff Zuba, Finance & Administrative Services Director

January 28, 2025
Date

Outlook

Comment re Town Council Agenda Item 1.3 - Treasurer's Investment Report

From René Voss <renepvoss@gmail.com>
Date Mon 2/24/2025 10:41 PM
To Town Council <towncouncil@sananselmo.gov>; Jeff Zuba <jzuba@sananselmo.gov>

1 attachment (383 KB)
FossilFuleFinanceRisk.pdf;

CAUTION: External Sender

Town Council Members and Jeff Zuba,

I would urge the Town of San Anselmo to consider the potential Climate Impacts from its use of large banks that invest heavily in companies that develop and produce Fossil Fuels. These include:

- Wells Fargo
- Bank of America, and
- Royal Canadian Bank (RBC)

See Agenda 1.3 Report. **These banks are ranked in the top 7 highest investors in fossil fuel companies** (see attached chart and sources).

The detailed information about the scale of these banks' fossil fuel investments is provided by the As You Sow Foundation and sourced from the Banking on Climate Chaos Report.

In my opinion, the use of these banks by the Town of San Anselmo is inconsistent with its Climate Emergency Declaration as well as its Climate Action Plan.

I have already spoken to Jeff Zuba about this banking question, and I urge the Town to consider moving its banking business to a local credit union, which only uses its assets in support of its members in local communities. Divesting from fossil fuel-supporting banks and investing our funds in a community bank is a win-win for the planet and our local citizens.

The Town can achieve similar returns and receive the same services by using a local credit union instead of these big banks.

Thank you for your consideration,

René Voss

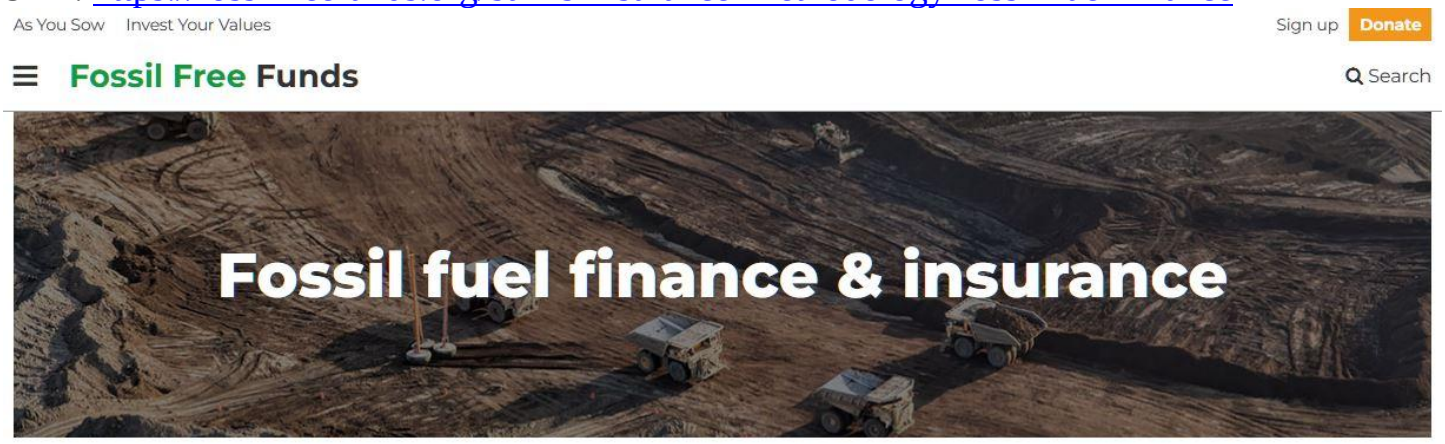
Executive Director - Western Alliance for Nature (wanconservancy.org)

Attorney - Natural Resources Law

415-446-9027



Source: As You Sow Foundation (https://www.asyousow.org/)
URL: https://fossilfreefunds.org/banks-insurance#methodology-fossil-fuel-finance



Fossil Free Funds now incorporates banks and insurers into our fossil fuel ratings. Financial companies are providing loans and underwriting that support fossil fuel projects – including tar sands, arctic drilling, and coal mining - but in order to keep global warming below 1.5°C, the world needs to rapidly transition away from fossil fuels.

Fossil fuel finance

To rate mutual funds on fossil fuel finance, we use data from Banking on Climate Chaos. Banking on Climate Chaos looks at 60 of the largest commercial and investment banks and tracks their total fossil fuel financing: lending, and underwriting debt and equity issuances. The data covers 2016 through 2023. The top bank, JPMorgan Chase, had over $430 billion in fossil fuel financing over this time period. For our fund ratings, we normalize the bank financing amounts from $USD to a 0-10 scale, where 10 is the worst score possible. These 0-10 figures represent a **company fossil fuel finance risk score**.

Bank	Fossil fuel lending & underwriting 2016-2023, in billions $USD	Fossil fuel lending & underwriting risk score
JPMorgan Chase & Co	430.9B	10.00
Citigroup Inc	396.3B	9.20
Bank of America Corp	333.2B	7.73
Mitsubishi UFJ Financial Group Inc	307.7B	7.14
Wells Fargo & Co	296.2B	6.87
Mizuho Financial Group Inc	272.5B	6.32
Royal Bank of Canada	256.4B	5.95
Barclays PLC	235.2B	5.46
Sumitomo Mitsui Financial Group Inc	212.2B	4.92
UBS Group AG	210.7B	4.89
Bank of Nova Scotia	192.8B	4.47
HSBC Holdings PLC	192.2B	4.46
BNP Paribas	186.8B	4.33
The Goldman Sachs Group Inc	184.9B	4.29
Morgan Stanley	183.5B	4.26
The Toronto-Dominion Bank	178.4B	4.14

Data Source: Banking on Climate Chaos Report (only top 16 banks listed)
URL: https://www.bankingonclimatechaos.org/

The Town of San Anselmo's banks are highlighted in red brackets (see Quarterly Treasurer's Investment Report, Consent Item 1.3)

Risky business

Since the Paris Agreement, the world's 60 largest banks have provided $6.9 trillion in financing to the fossil fuel industry, with $705 billion in fossil fuel financing in 2023 alone.

By continuing to provide support to high carbon companies and projects, financial institutions are exacerbating the climate crisis, delaying the transition to a clean energy economy, and creating substantial portfolio risk for investors.

Climate change creates financial risk. Investors should be aware of which companies in their portfolios are contributing to those risks.



The Solution

The Town of San Anselmo should divest its holdings from Wells Fargo, Bank of America, and RBC and instead bank with a **local Credit Union**, which uses it funds to support its members, meaning the local community.

STAFF REPORT

TOWN OF SAN ANSELMO Item #:1.4

MEETING DATE: February 25, 2025

AGENDA TITLE: Revenue and Expenditure Reports, January 2025

FROM: Jeff Zuba, Finance & Admin Services Director

RECOMMENDATION: That Town Council consider approving the monthly year-to-date Revenue and Expenditure Reports and corresponding activity for the period ending through January 31, 2025.

SUMMARY

Every reporting period end, the Town of San Anselmo presents to the Town Council its operations as shown on the Revenue and Expenditure reports for discussion and approval.

BACKGROUND

The Revenue and Expenditure reports are year-to-date summaries of revenues and expenditures from the Town's financial system ('Tyler Incode') for both the current as well as the prior corresponding fiscal year. These reports include the General Fund's operations given most of the Town-level operational activities are processed through the General Fund either directly or indirectly. This approval is to be obtained once a month within the fiscal year.

DISCUSSION/ANALYSIS

The revenue and expenditure data through January 31, 2025, is a compilation of all operating activity that is year-to-date for the current and prior fiscal year. These reports are sourced directly from the Town's financial system, of which a corresponding analysis has been performed identifying the key trends the Town Council should take note of.

Revenues

Overall, through the January 2025 reporting period end, the Town's General Fund revenue has increased its base relative to the prior year by $0.249M. A majority of the Town's revenue is collected at specific times.

Category	JAN YTD FY25	JAN YTD FY24	$ Change	% Change
Property Tax	9,323,529.22	9,186,951.78	136,577.44	1.49%
Sales Tax	583,187.74	605,206.98	(22,019.24)	-3.64%
Property Transfer Tax	59,874.09	52,495.83	7,378.26	14.05%
Franchise Taxes	331,784.39	321,728.32	10,056.07	3.13%
Licenses & Permits	752,567.46	651,788.16	100,779.30	15.46%
Fines	36,685.66	61,628.57	(24,942.91)	-40.47%
Cash & Investment Interest	39,091.45	(36,288.03)	75,379.48	-207.73%
Intergovernmental	147,174.18	230,850.54	(83,676.36)	-36.25%
Other Fees	220,397.05	180,274.36	40,122.69	22.26%
Transfers In	201,577.57	192,189.17	9,388.40	4.88%
Total	11,695,868.81	11,446,825.68	249,043.13	2.18%

As shown above, the Town's overall revenue base increased by $0.249M as its

- The Town receives property tax disbursements from the County of Marin in December (55%), April (40%), and June (5%). Property Tax revenue increased by $0.136M. The Town is expecting a 3.0% increase in property taxes in fiscal year 2024-2025. The 2022-2023 excess Education Revenue Augmentation Fund (ERAF) payment to the Town is offsetting that increase in Property Tax revenue. The payment is usually received in August however it was received in October 2023. That is outside of 60 days of year-end, so it was not recorded back into 2022-23 but rather recorded as revenue in 2023-24.
- The Town receives disbursements monthly from the State for Sales Tax. The collections for the fiscal year 2024-25 will begin in September. Revenues from Sales Tax decreased by $0.022M compared to the previous period individuals adjusting their dining habits as menu prices climbed, purchases of non-essential merchandise; and general consumer goods slumped, and a weaker return from grocers.
- Revenue from Licenses & Permits increased by $0.101M compared to the previous period, due to construction activity in the Town and the timing of business license collections.
- Intergovernmental revenue decreased by $0.084M compared to the previous period due to receiving a $0.160M grant in fiscal year 2023-2024 from the Department of Housing and Community Development SB2 Grant for Objective Design & Development Standards, ADU Work, and Inclusionary Study. In the current fiscal year, the Town received a $0.065 grant for work on the Housing Element.

As far as the other revenue streams, these changes either decreased or remained flat year-over-year resulting in an immaterial change.

Expenditures

Overall, through the January 2025 reporting period end, the Town's General Fund expenditures have increased by $0.265M compared to the prior year. This is primarily from increases in retirement, outside services, and debt service. All other activity is either flat year-over-year or nets correspondingly to an immaterial change—all of which are within management's expectations.

Category	JAN YTD FY25	JAN YTD FY24	$ Change	% Change
Compensation	2,562,522.25	2,392,576.85	169,945.40	7.10%
Retirement	272,697.45	168,188.79	104,508.66	62.14%
Training	28,037.61	25,147.27	2,890.34	11.49%
Outside Services	7,724,068.51	7,628,541.03	95,527.48	1.25%
Maintenance	104,642.80	164,415.73	(59,772.93)	-36.35%
Utilities	66,794.34	67,922.72	(1,128.38)	-1.66%
Supplies	129,578.52	131,025.31	(1,446.79)	-1.10%
Debt Service	638,811.71	585,985.33	52,826.38	9.01%
Other Expenditure	1,174,987.89	1,179,152.35	(4,164.46)	-0.35%
Transfers Out	605,000.00	699,500.00	(94,500.00)	0.00%
Total	13,307,141.08	13,042,455.38	264,685.70	2.03%

As shown above, the Town's expenditures base overall increased by $0.265M of which is driven by retirement, outside services, and debt service:

- Compensation (Salaries & Wages and Benefits) increased by $0.169M compared to the prior fiscal year primarily due to the 3.0% cost of living adjustment effective July 1, 2024, step adjustments, staffed positions, and health insurance premiums.
- Retirement increased by $0.104M compared to the prior period due to the Town's CalPERS unfunded liability payment, cost of living, step adjustments, and fully staffed positions.
- Outside Services increased by $0.095M compared to the previous fiscal year due to payments for Public Safety JPA's, Central Marin Police Authority, and Ross Valley Fire Department.
- Debt Service increased by $0.052M compared to the previous fiscal year due to the repayment of the 2021 Pension Obligation Bonds. The bond payments are due in August and February.
- Transfers Out decreased by $0.094M compared to the previous fiscal year due to the Town, not budgeting transfers to the Special Events ($0.029M), Downtown Revitalization Fund ($0.015M), and Vehicle Replacement Fund ($0.100M) offset by including a transfer to the Parks Capital Improvement Fund ($0.050M).

As far as the other expenditure streams, these changes either slightly changed or remained flat year-over-year resulting in an immaterial change. All other changes are taken together overall and are immaterial for further discussion and are expected given the Town's operations.

FISCAL IMPACT

None

GENERAL PLAN CONSISTENCY

Not applicable

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The Council's discussion and approval of this report is not a "project" under the California Environmental Quality Act, because it does not involve an activity which has

the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

ATTACHMENTS

Attachment #1: Budget Comparison Report by Subcategory, January 2025
Attachment #2: Budget Comparison Report by Department, January 2025

Town of San Anselmo
2024-2025 Rev & Exp Report
as of 01/31/2025
Fund: 01 - GENERAL FUND

	2023-2024 Revised Budget	2023-2024 Audited Actuals	2023-2024 YTD Actuals	% of Audited Actuals	2024-2025 Adopted Budget	2024-2025 Revised Budget	2024-2025 YTD Actuals	% of Actual / Budget
Revenue								
400 - PROPERTY TAX GENERAL	9,609,527.00	9,721,536.77	5,448,904.83	56.05%	10,030,351.00	10,030,351.00	5,610,964.54	55.94%
401 - PENSION	2,756,290.00	2,920,096.50	1,640,261.96	56.17%	3,020,000.00	3,020,000.00	1,731,569.72	57.34%
402 - PROPERTY TAX OTHER	4,097,971.00	4,029,898.65	2,150,280.82	53.36%	3,998,058.00	3,998,058.00	2,040,869.05	51.05%
410 - OTHER TAXES	1,503,000.00	1,542,571.04	605,206.98	39.23%	1,559,106.00	1,559,106.00	583,187.74	37.41%
411 - FRANCHISE TAXES	848,000.00	933,022.37	321,728.32	34.48%	936,500.00	936,500.00	331,784.39	35.43%
420 - BUSINESS LICENSE	290,000.00	277,534.46	95,409.42	34.38%	290,000.00	290,000.00	125,447.29	43.26%
421 - PARKING	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
422 - CONSTRUCTION	1,141,000.00	1,047,323.09	556,378.74	53.12%	1,016,000.00	1,016,000.00	627,120.17	61.72%
430 - VEHICLE CODE	10,000.00	4,354.86	703.76	16.16%	15,000.00	15,000.00	5,331.22	35.54%
431 - LIBRARY	1,250.00	2,512.30	847.17	33.72%	1,500.00	1,500.00	877.39	58.49%
432 - PARKING	115,000.00	109,148.12	60,077.64	55.04%	117,990.00	117,990.00	30,477.05	25.83%
440 - USE OF MONEY AND PROPERTY	100,000.00	453,141.00	-36,288.03	-8.01%	100,000.00	100,000.00	39,091.45	39.09%
450 - STATE REVENUE	297,500.00	313,861.71	230,850.54	73.55%	170,500.00	170,500.00	147,174.18	86.32%
460 - FEDERAL REVENUE	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
470 - LOCAL AGENCY REVENUE	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
480 - FEES FOR SERVICES	178,250.00	174,960.06	88,500.98	50.58%	198,500.00	198,500.00	126,750.79	63.85%
490 - MISCELLANEOUS REVENUE	102,772.00	179,796.79	91,773.38	51.04%	115,555.00	115,555.00	93,646.26	81.04%
519 - TRANSFERS IN	384,030.00	386,731.87	192,189.17	49.70%	403,318.00	403,318.00	201,577.57	49.98%
520 - SOURCE OF PROCEEDS	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Total Revenue:	**21,434,590.00**	**22,096,489.59**	**11,446,825.68**	**51.80%**	**21,972,378.00**	**21,972,378.00**	**11,695,868.81**	**53.23%**
Expense								
600 - SALARIES AND WAGES	3,336,127.00	3,286,881.51	1,887,895.52	57.44%	3,552,174.00	3,552,174.00	2,033,036.14	57.23%
601 - RETIREMENT	561,590.00	293,531.19	168,188.79	57.30%	428,706.00	428,706.00	272,697.45	63.61%
602 - EMPLOYEE BENEFITS	890,116.00	737,406.43	452,170.56	61.32%	872,566.00	872,566.00	479,341.92	54.93%
604 - RETIREE BENEFITS	164,779.00	164,779.00	52,510.77	31.87%	180,796.00	180,796.00	50,144.19	27.74%
610 - TRAINING	55,750.00	38,490.19	25,147.27	65.33%	68,750.00	68,750.00	28,037.61	40.78%
611 - OUTSIDE SERVICES	13,506,864.00	12,737,023.56	7,628,541.03	59.89%	13,633,637.00	13,633,637.00	7,724,068.51	56.65%
613 - PUBLICATION / DUES	25,272.00	17,472.68	14,631.98	83.74%	27,522.00	27,522.00	12,837.56	46.64%
614 - MAINTENANCE	119,135.00	102,103.92	66,025.59	64.67%	123,485.00	123,485.00	48,150.26	38.99%
615 - BUILDING MAINTENANCE	50,000.00	146,978.67	90,919.18	61.86%	60,000.00	60,000.00	9,439.88	15.73%
616 - VEHICLE MAINTENANCE	2,000.00	25,231.23	7,470.96	29.61%	76,050.00	76,050.00	47,052.66	61.87%
617 - UTILITIES	0.00	100,123.67	67,922.72	67.84%	0.00	0.00	66,794.34	0.00%
618 - HIRING	1,000.00	3,168.83	2,242.59	70.77%	1,000.00	1,000.00	12,687.10	1,268.71%
619 - MISCELLANEOUS	50,000.00	50,285.97	5,000.00	9.94%	25,000.00	25,000.00	3,225.00	12.90%
620 - OFFICE SUPPLIES	0.00	21,326.13	14,840.71	69.59%	32,754.00	32,754.00	23,972.93	73.19%
622 - DEPARTMENT SUPPLIES	202,450.00	195,567.55	97,079.27	49.64%	133,197.00	133,197.00	90,564.63	67.99%
623 - BOOKS / MAGAZINES / VIDEOS	27,500.00	38,714.81	19,105.33	49.35%	29,000.00	29,000.00	15,040.96	51.87%
629 - MISCELLANEOUS	1,371,875.00	1,378,895.26	1,157,277.78	83.93%	1,483,312.00	1,483,312.00	1,146,238.23	77.28%
630 - EQUIPMENT	500.00	0.00	0.00	0.00%	500.00	500.00	0.00	0.00%
631 - CAPITAL OUTLAY - CONSTRUCTION	0.00	381,015.63	0.00	0.00%	0.00	0.00	0.00	0.00%
640 - PRINCIPAL	410,000.00	410,000.00	410,000.00	100.00%	465,000.00	465,000.00	465,000.00	100.00%
641 - INTEREST	176,067.00	175,985.33	175,985.33	100.00%	173,929.00	173,929.00	173,811.71	99.93%
670 - TRANSFERS OUT	2,464,500.00	2,464,895.72	699,500.00	28.38%	605,000.00	605,000.00	605,000.00	100.00%
Total Expense:	**23,415,525.00**	**22,769,877.28**	**13,042,455.38**	**57.28%**	**21,972,378.00**	**21,972,378.00**	**13,307,141.08**	**60.56%**
Total Fund: 01 - GENERAL FUND:	**-1,980,935.00**	**-673,387.69**	**-1,595,629.70**		**0.00**	**0.00**	**-1,611,272.27**	
Report Total:	**-1,980,935.00**	**-673,387.69**	**-1,595,629.70**		**0.00**	**0.00**	**-1,611,272.27**	

Town of San Anselmo
2024-2025 Rev & Exp Report
as of 01/31/2025

	2023-2024 Revised Budget	2023-2024 Audited Actuals	2023-2024 YTD Actuals	% of Audited Actuals	2024-2025 Adopted Budget	2024-2025 Revised Budget	2024-2025 YTD Actuals	% of Actual / Budget
Fund: 01 - GENERAL FUND								
Expense								
00 - UNDESIGNATED	2,464,500.00	2,464,895.72	699,500.00	28.38%	605,000.00	605,000.00	605,000.00	100.00%
11 - TOWN COUNCIL	63,255.00	54,954.93	19,187.16	34.91%	71,446.00	71,446.00	26,761.74	37.46%
12 - ADMINISTRATION	1,565,944.00	1,556,055.62	921,413.98	59.21%	1,669,529.00	1,669,529.00	930,571.04	55.74%
16 - LEGAL SERVICES	425,000.00	259,765.00	155,033.00	59.68%	330,000.00	330,000.00	82,287.50	24.94%
18 - PLANNING	1,050,401.00	1,005,737.96	332,541.37	33.06%	1,169,800.00	1,169,800.00	492,241.04	42.08%
21 - NON-DEPARTMENTAL	2,120,808.00	1,775,454.55	1,455,931.14	82.00%	1,488,431.00	1,488,431.00	1,232,418.01	82.80%
30 - POLICE	5,184,636.00	5,204,393.04	3,035,895.94	58.33%	5,474,469.00	5,474,469.00	3,195,890.25	58.38%
32 - ROSS VALLEY FIRE SERVICE	5,088,722.00	5,090,465.78	2,958,008.55	58.11%	5,559,703.00	5,559,703.00	3,211,533.78	57.76%
40 - DEBT SERVICE	587,567.00	587,285.33	587,285.33	100.00%	640,429.00	640,429.00	640,111.71	99.95%
41 - ENGINEERING AND INSPECTION	1,809,804.00	1,660,231.03	951,585.84	57.32%	1,699,695.00	1,699,695.00	971,247.84	57.14%
42 - STREETS	1,185,909.00	1,220,177.31	785,580.44	64.38%	1,278,642.00	1,278,642.00	741,952.17	58.03%
71 - LIBRARY	847,839.00	868,149.87	536,795.53	61.83%	899,716.00	899,716.00	556,628.10	61.87%
81 - PARKS	694,458.00	725,266.27	431,294.12	59.47%	768,688.00	768,688.00	423,505.20	55.09%
82 - RECREATION/GENERAL FUND	326,682.00	297,044.87	172,402.98	58.04%	316,830.00	316,830.00	196,992.70	62.18%
Total Expense:	**23,415,525.00**	**22,769,877.28**	**13,042,455.38**	**57.28%**	**21,972,378.00**	**21,972,378.00**	**13,307,141.08**	**60.56%**
Total Fund: 01 - GENERAL FUND:	**23,415,525.00**	**22,769,877.28**	**13,042,455.38**	**57.28%**	**21,972,378.00**	**21,972,378.00**	**13,307,141.08**	**60.56%**
Report Total:	**23,415,525.00**	**22,769,877.28**	**13,042,455.38**	**57.28%**	**21,972,378.00**	**21,972,378.00**	**13,307,141.08**	**60.56%**

STAFF REPORT

TOWN OF SAN ANSELMO Item #:1.5

MEETING DATE: February 25, 2025

AGENDA TITLE: Alternative Compliance Examination Engagement

FROM: Jeff Zuba, Finance & Admin Services Director

RECOMMENDATION: That the Town Council receive and accept the results of the Alternative Compliance Examination Engagement with Maze & Associates for the fiscal year ended June 30, 2024.

BACKGROUND

The Town of San Anselmo received a total of $2,984,524 in federal funding through the American Rescue Plan Act (ARPA). This funding was disbursed in two equal payments:

- July 2021 – First Disbursement
- July 2022 – Second Disbursement

Additionally, approximately $287,000 in interest earnings has been generated from these funds, which is helping to extend the available funding for critical infrastructure projects.

AMERICAN RESCUE PLAN ACT – ELIGIBLE SPENDING CATEGORIES

The American Rescue Plan Act (ARPA) established the State and Local Fiscal Recovery Funds (SLFRF) program, which allows local governments to spend funds in the following four eligible categories:

1. **Public Health & Economic Impacts** – Addressing public health challenges and economic hardships caused by the COVID-19 pandemic.
2. **Premium Pay for Essential Workers** – Providing additional compensation to workers performing essential duties during the pandemic.
3. **Revenue Loss for Government Services** – Replacing lost revenue to sustain government services.
4. **Water, Sewer, and Broadband Infrastructure** – Investing in necessary water, sewer, and broadband infrastructure projects.

TOWN'S REVENUE LOSS STANDARD ALLOWANCE ELECTION

The U.S. Department of Treasury allowed municipalities to elect a standard revenue loss allowance of up to $10 million, simplifying the process for using funds under the provision of government services category.

The Town of San Anselmo elected the full standard revenue loss allowance for the $2.984M received, meaning all ARPA funds received by the Town were eligible to be spent on government services expenditures. This allowed the Town to maximize flexibility in fund usage while ensuring compliance with federal guidelines.

FUNDING ALLOCATION

The initial funding plan was received and discussed by Town Council at the March 14, 2023 meeting, allocating ARPA funds to multiple infrastructure projects, including:

- Town Hall Roof and HVAC
- Library Roof and HVAC
- Fire Station 20
- Robson House Painting Project
- Town Hall 2nd Floor Remodel
- Project management costs

However, after receiving and awarding the bid for the Town Hall Roof and HVAC projects, the funding plan was changed to focus solely on completing:

- Town Hall Roof and HVAC
- Fire Station 20

EXPENDITURES TO DATE

To date, $2.0 million of ARPA funds have been expended. These funds have been used for the following projects:

- $55,299.29 to the County of Marin to provide funding for Housing First Case Management (approved at the July 27, 2021, meeting)
- $1,489,908 on the Town Hall Roof and HVAC Project
- $425,563 on the Fire Station 20 Project
- $36,461 on the Library Roof and HVAC Project

SINGLE AUDIT REQUIREMENT & ALTERNATIVE COMPLIANCE

Under federal regulations, any municipality that expends more than $750,000 in federal awards during a fiscal year is required to undergo a Single Audit in accordance with 2 CFR Part 200, Subpart F.

Recognizing that many recipients of State and Local Fiscal Recovery Funds (SLFRF) would exceed this threshold and be newly subject to federal audit requirements, the U.S. Department of Treasury created an alternative approach for compliance.

Treasury's Alternative Compliance Examination Engagement

- Section IV of the SLFRF Compliance Supplement provides an alternative compliance approach for SLFRF recipients that would not otherwise be required to undergo an audit under 2 CFR Part 200, Subpart F, if not for the expenditure of SLFRF funds.
- This approach allows eligible recipients to elect to complete an Alternative Compliance Examination Engagement instead of a Single Audit or Program-Specific Audit.
- However, an SLFRF recipient may still choose to undergo a traditional Single Audit or Program-Specific Audit in accordance with federal guidelines.

DISCUSSION

The Town of San Anselmo opted for the Alternative Compliance Examination Engagement and engaged an independent accounting firm to conduct the examination in accordance with:

- Government Auditing Standards,
- American Institute of Certified Public Accountants (AICPA) attestation standards, and
- The SLFRF Compliance Supplement.

This examination specifically reviewed the Town's compliance with CSLFRF program requirements, including:

- Activities allowed or unallowed
- Allowable costs/cost principles

The independent accountant's report concluded that the Town of San Anselmo complied, in all material respects, with the specified requirements. No material weaknesses, significant deficiencies, or instances of noncompliance were identified.

Additionally, the examination confirms that the Town has managed its CSLFRF funds appropriately and in accordance with federal guidelines, ensuring transparency and accountability in fund utilization.

FISCAL IMPACT

There is no direct fiscal impact associated with accepting the Alternative Compliance Examination results.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The Council's discussion and acceptance of this item is not a "project" under the California Environmental Quality Act, because it does not involve an activity which has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

CONCLUSION

The Alternative Compliance Examination Engagement states the Town complied, in all material respects, with the specified requirements and met all federal compliance requirements related to ARPA and CSLFRF funding. Staff recommends that the Town Council receive and accept the results of the audit.

ATTACHMENTS

- Attachment 1 Independent Accountant's Report on Compliance for CSLFRF Alternative Compliance Examination Engagement

MAZE & ASSOCIATES

REPORT ON COMPLIANCE FOR THE U.S. DEPARTMENT OF TREASURY CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS PROGRAM (CSLFRF) REQUIREMENTS FOR AN ALTERNATIVE CSLFRF COMPLIANCE EXAMINATION ENGAGEMENT

INDEPENDENT ACCOUNTANT'S REPORT

To the Honorable Members of the Town Council
Town of San Anselmo, California

We have examined the Town of San Anselmo (Town) compliance with the compliance requirements "activities allowed or unallowed" and "allowable costs/cost principles" (the specified requirements) as described in Part IV "Requirements for an Alternative Compliance Examination Engagement for Recipients That Would Otherwise be Required to Undergo a Single Audit or Program-Specific Audit as a Result of Receiving Coronavirus State And Local Fiscal Recovery Funds" of the CSLFRF section of the April 2022 OMB *Compliance Supplement* (referred to herein as "Requirements for an Alternative CSLFRF Compliance Examination Engagement") during the year ended June 30, 2024. Management of the Town is responsible for the Town's compliance with the specified requirements. Our responsibility is to express an opinion on the Town's compliance with the specified requirements based on our examination.

Our examination was conducted in accordance with the attestation standards established by the American Institute of Certified Public Accountants; the standards applicable to attestation engagements contained in the *Government Auditing Standards*, issued by the Controller General of the United States; and in the Requirements for an Alternative CSLFRF Compliance Examination Engagement. Those standards and requirements require that we plan and perform the examination to obtain reasonable assurance about whether the Town complied, in all material respects, with the specified requirements referenced above. An examination involves performing procedures to obtain evidence about whether the Town complied with the specified requirements. The nature, timing and extent of procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

We are required to be independent and to meet our other ethical responsibilities in accordance with relevant ethical requirements relating to the examination engagement.

Our examination does not provide a legal determination on the Town's compliance with the specified requirements.

In our opinion, the Town complied, in all material respects, with the specified requirements referenced above during the year ended June 30, 2024.

Accountancy Corporation
3478 Buskirk Avenue, Suite 217
Pleasant Hill, CA 94523

T 925.228.2800
E maze@mazeassociates.com
W mazeassociates.com

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses in internal control; fraud, and noncompliance with provisions of laws, regulations, contracts, and grant agreements that have a material effect on the Town's compliance with the specified requirements and any other instances that warrant the attention of those charged with governance. We are also required to obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as any planned corrective actions. We performed our examination to express an opinion on the Town's compliance with the specified requirements and not for the purpose of expressing an opinion on the internal control over the specified requirements or on compliance or other matters; accordingly, we express no such opinions. The results of our tests disclosed no matters that are required to be reported under *Government Auditing Standards.*

We have also issued a separate Memorandum on Internal Control dated December 6, 2024, which is an integral part of our examination and should be read in conjunction with this report.

Intended Purpose

The purpose of this examination report is solely to express an opinion on whether the Town complied, in all material respects, with the specified requirements referenced above during the year ended June 30, 2024. Accordingly, this report is not suitable for any other purpose.

Maze & Associates

Pleasant Hill, California
February 5, 2025

STAFF REPORT8

TOWN OF SAN ANSELMO Item #:1.6

MEETING DATE: 2/25/24

AGENDA TITLE: Consideration of Amended Special Event Application – Teen Battle of The Bands 2025

FROM: Mattie O'Grady – Director of Community Services

RECOMMENDATION: That Council approve the amended event application for Teen Battle of the Bands scheduled for Saturday, May 31st in Creek Park from 4:00-7:00pm.

BACKGROUND

The San Anselmo Arts Commission in partnership with the Town of San Anselmo would like to host their second Annual Teen Battle of the Bands Competition for high school age musicians. A competition for high school rock bands only, with the goal of inspiring young musicians and giving teens an opportunity to perform for the community. This idea was conceived last year by one of the Town's Youth Commissioners, Julia Wise, who is a junior at Archie Williams High School and an active musician.

This event was held for the first time in spring 2024 and was a resounding success with over 300-400 people in attendance.

The 2025 event was initially scheduled for Saturday, April 26th, with approval from the Town Council in November 2024. However, following approval, a scheduling conflict with a musical production at Archie Williams High School was identified. As a result, an amended application is being submitted with a proposed new date of Saturday, May 31st.

DISCUSSION/ANALYSIS

Each band will have the opportunity to play a short set of 3 songs and compete to win prize money and the reigning title as the 2025 Battle of the Bands Champion. The bands will be judged by a panel of judges and the champion will be awarded $1,000 and a chance to play at *Live on the Avenue* 2025. The runner-up will win $500. Cash prizes are awarded by the San Anselmo Arts Commission.

All members of the band must currently be in grades 9-12 and enrolled in a high school curriculum: public, private, charter, or homeschool within a 5-mile radius of San Anselmo.

The park will not require fencing as this is a non-ticketed event free to the community, and there will be no street closure in conjunction with this event.

The attached application provides details of the event with comments and conditions from Town staff.

FISCAL IMPACT

The Arts Commission has voted to spend $2,000 on this event. The Town is contributing an additional $1,000 to help out with production costs that include a sound engineer, back-line, and other supplies.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The proposed project is exempt from the California Environmental Quality Act (CEQA), under the “common sense” exemption, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs. tit. 14, § 15061).

ATTACHMENTS

Attachment 1- Amended Event Application

TOWN OF SAN ANSELMO
1000 Sir Francis Drake Blvd, Suite # 14
San Anselmo, CA 94960
415-258-4640

APPLICATION FOR COMMUNITY-BASED EVENTS

Please complete this application if you wish to conduct a community-based event (non-commercial) in San Anselmo on public property for more than 50 people or involving the closure of a downtown street for more than fifteen minutes. The application will be reviewed by staff and forwarded to the Town Council for approval.

EVENT INFORMATION

Name of event: Teen Battle of The Bands

Organization(s) presenting the event: Recreation Department & SA Arts Commission

Other event sponsor(s), if any: TBD

Contact Person: Mattie O'Grady **Phone Number:** 415-258-4670

Address: N/A **Email:** mogrady@townofsananselmo.org

Event Date(s): 5/31/25

Start and end times: 4:00-7:00pm **Number of attendees (estimate):** +/-300

Location: Creek Park, San Anselmo

Will alcohol be served or sold?

Yes_☐_ No_☑_

Brief Event Description:

The San Anselmo Recreation Department in conjunction with the San Anselmo Arts Commission would like to host their second Annual Teen Battle of the Bands Competition for high school age musicians with the goal of nurturing and engaging young musicians in the community. The Battle of Band Competition is scheduled for May 31st in Creek Park from 4:00pm - 7:00pm. The bands will be judged by a panel of judges and the champion will be awarded $1,000 and a chance to play at Live on the Avenue 2024. The runner-up will win $500. Cash prizes are awarded by the San Anselmo Arts Commission. The event will not require a street closure or fencing off of the park as it will be free to attend.

Public space requested:

- ☑ **Creek Park**
- ☐ **Creek Park Parking Lot**
- ☐ **Pine Street Parking Lot**
- ☐ **Magnolia Parking Lot**
- ☐ **Town Hall Lawn**
- ☐ **Council Chamber**
- ☐ **Imagination Park**
- ☐ **Memorial Park**
- ☐ **Other:** _____

☐ **San Anselmo Avenue: from (cross streets) _____ to _____**
☐ **Tunstead Avenue: from (cross streets) _____ to _____**
☐ **Other street(s): from (cross streets) _____ to _____**
☐ **Other space use (e.g. parking spaces) _____**
☐ **Other Facilities:_____**

Additional Comments on the Public Space Requested:

To be qualified for consideration, applicants must fall into one of the following categories:

- Town-Sponsored Events
- Ross Valley* accredited or licensed schools (pre-kindergarten through 12th grade, (both public and private schools)
- Ross Valley* Youth Organized Sporting of Cultural Events
- Organizations located in the Ross Valley* which have received tax-exempt status pursuant to Internal Revenue Service Code Section 501c(3)
- Merchant associations located in incorporated San Anselmo and established as of 2006

*Ross Valley is defined as incorporated and unincorporated areas of San Anselmo, Fairfax, and Ross

Standards & Objectives

The Town Council, with input from downtown merchants, property owners, and local residents, has adopted the following criteria they will consider when reviewing applications for the closure of roadways or other public space in the downtown area.

Does the event:

- ✓ Attract local residents
- ✓ Attract people throughout the Bay Area
- ✓ Attract families
- ✓ Generate interest for people to return and spend money in local businesses
- ✓ Create a positive impact for real estate stimulation
- ✓ Provide a overall positive impact on business
- ✓ Provide an opportunity for downtown merchants to participate in the event
- ✓ Provide access to neighborhood streets during the event
- ✓ Avoid conflicting with a retail holiday
- ✓ Assure public safety
- ✓ Provide adequate parking
- ✓ Benefit the Town
- ✓ Provide access for persons with disabilities
- ✓ Provide for clean-up by event organizers
- ✓ Provide emergency vehicle access
- ✓ Assure that any booths or other structures are designed and placed so that storefronts have access and visibility
- ✓ Allow local businesses to exhibit merchandise on the sidewalk area in front of their stores, without charge, while maintaining wheelchair access

CONDITIONS OF APPROVAL

The following conditions apply to downtown events, unless waived or modified by the Town. Other conditions, as set by the Town Council and staff, may apply to particular events for public safety or other objectives of the Town.

A. **Police**: Off-duty police officers may be required for the event, as determined by the Police Chief, depending on the number of people attending and the nature of the event. Off-duty police officers are required during events where alcohol is served or sold.

B. **Emergency access**: An emergency access lane of at least 14 feet wide must be maintained at all times.

C. **Insurance**: Proof of general liability insurance, naming the Town, its employees, and agents as additional insured, at limits no less than $1,000,000.

D. **Recycling and garbage**: Extra containers for recycling cans and bottles, and garbage cans must be placed throughout the area of the event. Containers and cans are to be emptied when full during the event, and picked up after the event.

E. **Compostable/Disposable Foodware:** In accordance with the Town of San Anselmo's Ordinance 1136 all food vendors will provide takeout food in reusable foodware or compostable disposable foodware, or items composed entirely of aluminum. If a compostable disposable foodware item is not available, an alternative foodware item made of other materials, except polystyrene foam and polystyrene food ware, may be substituted.

F. **Toilet facilities**: Events estimated to attract more than 100 people and lasting more than two hours must provide portable toilets, in the number and location as approved by the Parks superintendent, unless alternate arrangements for toilet facilities are otherwise required or arranged to the approval of the Parks Superintendent. Toilet facilities must be provided for disabled persons at each location where portable facilities are provided. Hand washing facilities must be provided where food is served.

G. **Traffic control**: A traffic and parking control plan, including enforcement measures, must be approved by the Police Chief.

H. **Noticing:** Events that include closure of the street will require advance written notice to businesses and residents on the street(s) that will be closed. These notices must be distributed a minimum of five days prior to the Town Council meeting date that the event application will be considered.

I. **Sales tax**: Persons or businesses selling items as part of the event shall designate San Anselmo as the point of sale for sales tax purposes.

J. **Alcoholic beverages**: A permit is required from the Police Chief and the State Department of Alcohol Beverage Control in order to serve or sell alcoholic beverages. Off-duty police officers are required if alcohol is served or sold.

K. **Fire inspection**: A fire inspection is required of any and all appliances or devices that produce an open or enclosed flame and/or hot materials, including food.

L. **Creek Park**: No more than three booths are allowed inside the turf areas of the park.

M. **Signs and barricades**: Any "No parking signs" that are needed are to be provided by the event organizers, and posted according to the traffic control plan prior to the event. Barricades, detour signs, and other traffic control devices are to be provided by the event organizers.

N. **Parking:** Temporary accessible parking must be provided if a street closure or other event condition renders permanent accessible parking unusable.

O. **Cables**: Cables must be covered so as not to create a tripping hazard. When cable covers are used, they must not create a tripping hazard and must be navigable by wheelchair. The path of travel must be no more than 1:12.

On behalf of the organization applying for the permit to conduct the event, I have read and agree to follow the standards for events, as stated in this application, and have read and agree to follow the permit conditions as stated in this application and those which may be required of me as conditions of approval.

Name: Mattie O'Grady Date: 10/14/24

NAME OF EVENT: Teen Battle of the Bands DATE OF EVENT: 4/26/25 (back up date of 5/3/25)

DEPARTMENT	COMMENTS/CONDITIONS	APPROVED BY
POLICE		M. Norton & H. Khalili
FIRE		D. Mahoney
RECREATION		M. O'Grady
PUBLIC WORKS	Event must be ADA compliant (i.e. no blocking of sidewalks).	S. Condry & J. Healy
ADMINISTRATION		D. Donery
TOWN COUNCIL		

STAFF REPORT

TOWN OF SAN ANSELMO Item #: 1.7

MEETING DATE: February 25, 2025
AGENDA TITLE: Funding approval for Climate Mural. This project is categorically exempt per Categorical Exemption No. 15301 and 15303
FROM: Bridget Wipfler, Climate Action Coordinator

RECOMMENDATION: Approve allocating up to $2500 of salary savings from the Climate Action Fund to support funding a Climate Mural – a collaborative project between the Climate Action and Arts Commissions.

BACKGROUND

The Town of San Anselmo's Arts Commission (AC), an advisory body to the Town Council, works to enrich the community through public art, foster local artists, and promote cultural expression. Recently, the AC has focused on public murals, which enhance community identity, celebrate culture, and transform urban spaces. The AC developed Public Mural Guidelines, adopted by the Town Council on September 12, 2023, and coordinated the installation of a mural celebrating San Anselmo as a gateway to West Marin in 2024.

Inspired by this success, AC Commissioner Julia Wise proposed a climate-themed mural, which the AC fully supported. Wise presented the mural proposal to the Climate Action Commission (CAC) on January 13, 2025. The CAC endorsed the project, committing to collaborating on fundraising and planning. The mural, located on the public bathrooms at Memorial Park, will foster climate change awareness and education while supporting local artists.

To fund the project, the Arts Commission is applying for a Marin County Community Service Fund grant, which requires a matching contribution. The CAC and Arts Commission plan to share this cost. Additionally, the CAC requests a one-time reallocation of up to $2,500 from the Climate Action Fund to help cover the match. This funding opportunity arises from a staffing gap in 2024, which resulted in unspent budgeted funds for the Climate Coordinator position. This one-time request would not affect long-term budget priorities and is not expected to set a precedent for future funding requests as the funds are associated with salary savings.

DISCUSSION/ANALYSIS

The CAC is requesting a one-time reallocation of up to $2,500 from unspent funds, which is not an ongoing funding need and does not set a precedent, as Boards, Commissions, and Committees (BCCs) are not typically funded through the budget. This request represents a strategic use of existing funds that directly supports the Climate Action Plan's (CAP) goals and maximizes community impact.

The mural directly supports the CAP's Community Engagement and Outreach section, which emphasizes creative methods to engage the public on climate issues. By using public art in a highly visible space, the mural promotes climate awareness, reinforces climate action messages, and serves as both an educational tool and a cultural contribution to the community.

This project is a timely, creative way to promote climate action while supporting local artists and enhancing a shared space. The one-time reallocation of $2,500 ensures that existing funds are used for a tangible, CAP-aligned initiative without impacting long-term budget priorities.

FISCAL IMPACT
See Background and Discussion/Analysis section.

CEQA
This project is categorically exempt under CEQA Guidelines Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) as a public art installation that entails no significant physical changes, major construction, or environmental impact. The mural will be painted on an existing wall without altering land use, increasing density, or generating pollution. No exceptions under Section 15300.2 apply, as it will not affect sensitive habitats, historical resources, or create cumulative impacts. As a minor aesthetic improvement with no environmental risk, the project requires no further CEQA review.

GENERAL PLAN CONSISTENCY
This project Recommendation 5 in the Town Parks, Recreation, and Public Facilities Element emphasizes adding durable public art to the Town Park system. This project aligns with that goal by installing a long-lasting, climate-themed mural on the public restrooms at Memorial Park. Made with sustainable materials, the mural will enhance the space, promote climate awareness, and reinforce the Town's commitment to public art, education, and sustainability, while supporting Memorial Park as a community hub for recreation and engagement.

CLIMATE ACTION PLAN CONSISTENCY
A climate-themed mural supports community engagement policies by educating and inspiring action on climate resilience and sustainability. In partnership with groups like Resilient Neighborhoods, it visually conveys ways to reduce emissions and protect natural resources (O-1). As a public outreach tool, it engages residents and businesses, illustrating steps to prepare for climate impacts and build a healthier community (O-2). The mural creates shareable content for social and traditional media, amplifying its message (O-2h), and fosters participation through its design and painting process, making climate action a visible and lasting part of the community's identity (O-2i). See below for the language in the CAP.

A) O-1: Community Education Work with community-based outreach organizations, such as Resilient Neighborhoods, to educate and motivate community members on ways to reduce greenhouse gas emissions, increase resilience and protect nature's benefits at home, at work and in other social settings.

B) O-2: Community Engagement Implement a communitywide public outreach and behavior change campaign to engage residents, businesses, and consumers around the impacts of climate change, the ways individuals, neighborhoods, businesses and other organizations can reduce their GHG emissions, actively prepare for extreme events, and help create a more sustainable, resilient, and healthier community.

h. Create stories and "shareable content" that can be used by bloggers, businesses, non-profits, social media, and traditional media.

i. Use creative methods to engage the public.

ATTACHMENTS
Attachement A – Public Mural Guidelines
Attachement B – Climate Mural Proposal

Town of San Anselmo
Public Mural Program Guidelines

INTRODUCTION

About San Anselmo

Originally, Coast Miwok inhabited the oak-studded hills and valley and fished the fresh water of the San Anselmo Creek. By the mid-1880's, the area began to change when the Mexican government granted property to the Sais family. Cattle grazed in San Anselmo during the land-grant era until the North Pacific Coast Railroad arrived in 1894.

For a few years, the Town was referred to on railroad maps simply as Junction. Railroad officials began using the name San Anselmo in 1883. There was a short-lived spate of real estate activity about that time, but it was not until the San Francisco Theological Seminary was completed in 1892 that the Town began to grow of its own accord. After the 1906 earthquake and fire, the summer homes that San Francisco residents had built became their permanent homes and the Town of San Anselmo was established in 1907.

The opening of the Golden Gate Bridge in 1937 also boosted San Anselmo's population, which continued to grow until 1960, when the number leveled off to around 12,000 where it remains today.

San Anselmo has developed into a vibrant community with a bustling downtown area home to shops, restaurants, and common spaces. Mural art can play a key part in continuing to enliven the Town by creating a sense creativity, and cultivating community identity and shared space.

Public Art Mural Goals

The San Anselmo Arts Commission was established in 1996 with the goal of adding to the cultural character of the Ross Valley through artistic expression. The Arts Commission seeks to facilitate and encourage the creation of art in the community. Public art murals are murals that can be enjoyed by the public and are located either on Town-owned property or private commercial property in coordination with the Town. Public art murals can play an important artistic role in the community by providing art that may be enjoyed by residents and visitors alike. Public art murals also enhance the character and identity of the Town, and enliven and beautify public spaces by creating large pieces of art within the community.

These Public Mural Guidelines (Guidelines) drafted by the Arts Commission and adopted by the Town Council, establish a set of guidelines for public art murals installed on private or public property. The Guidelines provide direction for property owners and muralists on the process, criteria, and responsibilities associated with a public art mural project.

Public Art Mural Goals

The goals of public art murals are to:

- Enhance and improve the aesthetics of the Town as enjoyed by the public on both public buildings and private buildings.
- Encourage and facilitate inspirational works of public mural art that can be enjoyed by all residents and visitors of the Town.
- Ensure artistic and aesthetic quality in public murals.
- Encourage the creation of public art murals that consider and respect context and setting, while allowing for artistic expression.

CURATORIAL STANDARDS

Public art murals shall conform to the following curatorial standards:

- Aesthetics. Murals shall be of high aesthetic and material quality, considering craftsmanship, uniqueness, relevance and appropriateness to mural's environment.
- Responsiveness. Murals shall respond to the theme and criteria as set forth in the Request for Proposals (RFP).
- Durability. Murals shall be durable and resistant to weather and damage. Murals shall be able to withstand long-term outdoor exposure.
- Concept quality. Mural concepts shall exemplify artistic excellence, originality, and creativity.
- Compliance with public art goals. Murals must respond to and address public art goals, including enhancing the character and identity of the Town, and enlivening public space.

- Practicality of installation. Murals shall be feasible to install as proposed considering unique site characteristics.

ELIGIBILITY STANDARDS AND PROCESS

1. Artist Qualifications.

- Artists located in the San Francisco Bay area will be given preference.
- Artist must demonstrate excellence in the design and execution of completed works that are similar to the mural proposed in the RFP.
- Artist must have the capacity and ability to install, oversee, and ensure the timely completion of the mural and the deadlines for the project as indicated in the RFP.

2. General Requirements and Process.

A. Public Murals on Private Commercial Property.

- Town staff and/or members of the Arts Commission will seek out property owners who are interested in installing a public art mural. Priority will be given to properties that are visible to the public.
- Prior to issuing an RFP, notice of the Town's consideration of a public art mural on private commercial property shall be sent to all property owners within 300 feet of the proposed mural location, which notice shall include the address of the site, possible themes for the mural, and a deadline for submittal of public comment.
- After engagement with, and agreement of, the property owner, and receiving any public comment, the Arts Commission may direct staff to issue an RFP for the mural. The RFP shall be consistent with the public art mural goals and requirements and these Guidelines. The RFP shall identify and describe a theme or topic for the proposed mural.
- The property owner will enter into an agreement regarding maintenance and other requirements in a form approved by the Town Attorney's Office. The agreement will specify a mural term, with a minimum of five (5) years. After the expiration of the term as identified in the agreement, the Town and the private property owner may enter into an updated agreement to maintain the mural or modify it pursuant to applicable guidelines. If the Town and the private property owner do not enter into an updated agreement, the mural shall be removed pursuant to the terms of the agreement.

B. Public Art Murals on Town-Owned Property.

- The Arts Commission may identify a site on Town-owned property for the installation of a mural, and a proposed theme or topic for the mural. The Arts Commission shall bring this recommendation to the Town Council for consideration.
- Notice of the Town's consideration of a public art mural on Town-owned property shall be sent to all property owners within 300 feet of the proposed mural location, which notice shall include the address of the site, possible themes for the mural, and a deadline for submittal of public comment.
- The Town Council must approve both the proposed location and theme of the mural. The Town Council shall receive any public comment submitted regarding the proposed

mural. If approved by the Town Council, staff will issue an RFP for a mural on Town-owned property.

C. General.

- A mural artist is required to waive all rights under the California Art Preservation Act, the Visual Artists Rights Act, and other similar applicable law.
- Public murals may be funded with funds raised by the Arts Commission, pursuant to private donations, or both. Any requested funding of Town funds must be approved by the Town Council prior to issuing an RFP.
- The Arts Commission shall be limited to the consideration and processing of up to two (2) public art murals per year.

SELECTION

1. Selection Panel. For private commercial sites, a selection panel consisting of three (3) Art Commission board members, the property owner (or designee), and one staff member designated by the Town Manager shall review responses to the RFP. For Town-owned sites, a selection panel consisting of three (3) Art Commission Board members and a staff member designated by the Town Manager shall review responses to the RFP.

2. RFP Review. The panel shall review responses to an RFP and compliance with these Guidelines including curatorial standards and artist qualifications. The panel shall rank RFP responses pursuant to the Guidelines and responsiveness to the RFP. The proposals with the highest scores will be recommended to the full Arts Commission. The Arts Commission will review said proposals and recommendations, and may approve a proposal. The Arts Commission may reject all proposals. If on private property, the property owner may reject all proposals.

CLIMATE MURAL PROPOSAL

San Anselmo Arts Commission

November 18, 2024

Julia Wise

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Climate Mural Proposal

Scope

Proposal

This project proposes a positive climate art mural to beautify a utilitarian structure and communicate positive ideas about climate change to the community.

Where

The mural will be located on the public bathrooms in Memorial Park next to the baseball field and playground. While the rest of the park recently received an upgrade and looks terrific, this location was selected because of the utilitarian appearance of the bathroom building. It was also selected because of its central location to the community. Since the bathrooms are town property, this mural will be considered a mural on public property.

How

Proposal 1: The mural is on the side wall facing the field (east side).

a. The other walls are left blank.
b. The other walls are painted a base color.
c. The other walls are painted a base color and have colorful bubbles on them with inspirational or educational text surrounding the theme. The text could be sourced from the community (quotes) to incorporate more community engagement.

Proposal 2: The mural is on the back wall with the door (south side).

a. The other walls are left blank.
b. The other walls are painted a base color.
c. The other walls are painted a base color and have colorful bubbles on them with inspirational or educational text surrounding the theme. The text could be sourced from the community (quotes) to incorporate more community engagement.

Proposal 3: The mural covers all 4 sides of the building.

Why

The purpose of the mural is to contribute beautiful art to the community that also has a meaningful message to share. By representing climate change themes with a mural, the Arts Commission can beautify a building while also inspiring viewers. One aspect of this is teaching young kids about the concept of climate change and empowering them to act. The mural is located where many children will be able to see it and anyone who uses the park

may be inspired by it. The work also gives an opportunity for the town to support a local artist(s) and can highlight their work. The theme of the mural is consistent with the values of San Anselmo and the sustainability work that the town is doing. This mural could reflect the priorities of the town council as outlined in the adopted Climate Action Plan 2030.

Who

This project will involve the Arts Commission, the Climate Commission, the Town Council and staff, the artist, and community input.

Community Engagement

The mural will engage the community by incorporating educational and inspirational climate action themes. For example, themes relating to positive action, small but impactful changes, sustainability, and kindness towards the earth. Once the mural is painted, there could be a community event ribbon-cutting to celebrate another cultural addition to the town. The mural will be enjoyed daily by San Anselmo community members due to its prominent location and will enhance the appearance of the building for everyone.

Artist Parameters

The artist will be free to create a design within the themes and regulations provided by the Arts Commission. The parameters may be drafted by the subcommittee and reviewed by the Arts Commission. Parameters could include desired symbols or images to incorporate and general themes to touch on.

Schedule

1. November: Arts Commission review and approval.
2. December: Arts Commission budget approval.
3. January/February: Notices within 300ft of location. Town Council review and approval.
4. March: Put out RFP.
5. May: Select and contract an artist.
6. August: Begin painting, to be completed by mid-September.

Budget

Actual Cost Estimate

Proposal 1a (East side wall, blank building): **$4,320 + $864 (20% contingency) = $5,184**

Area: 72 square feet

Proposal 2a (South back wall, blank building): **$5,320 + $1,064 (20% contingency) = $6,384**

Area: 152 square feet

Proposal 3 (all walls): **$13,025 + $2,605 (20% contingency) = $15,630**

Area: 521 square feet

*If taken on by the Arts Commission, the budget will be finalized and account for maintenance costs and any other cost considerations. This estimate is just to provide a sense of the approximate pricing.

Methodology for Estimating Cost

1. Determine square footage.
2. Use cost estimate chart to estimate a price (see below).
3. Add a 20% contingency.

Cost Estimate Chart:

Square Feet Per Project	AVG. Price Per Square Foot
1-2 Sq Ft.	$1,000.00
3-5 Sq Ft.	$700.00
6-10 Sq Ft.	$400.00
11-20 Sq Ft.	$250.00
21-30 Sq Ft.	$150.00
31-50 Sq Ft.	$85.00
51-75 Sq Ft.	$60.00
76-200 Sq Ft.	$35.00
201-350 Sq Ft.	$30.00
351-550 Sq Ft.	$25.00
550-1000 Sq Ft.	$22.00
1001-2000 Sq Ft.	$18.00

STAFF REPORT

TOWN OF SAN ANSELMO Item #: 2.1

MEETING DATE: February 25, 2025

AGENDA TITLE: Public Hearing to Consider Ordinance Amendments to Title 10 "Planning and Zoning", Chapter 6 "Accessory Dwelling Units"; and associated CEQA Exemption Finding

FROM: Planning Department

RECOMMENDATION:

1. That the Town Council hold a public hearing and consider the attached Zoning Ordinance Amendments to Title 10, Chapter 6 "Accessory Dwelling Units" and associated California Environmental Quality Act (CEQA) findings (see **Attachment 1**).
2. Motion to read the attached Ordinance by title only. The Town Manager will read the full title of the Ordinance.
3. Motion to approve the first reading of the Ordinance Amendments and waive future readings in their entirety.

BACKGROUND

Since 2017, the State of California has adopted laws to expand Accessory Dwelling Units (ADU) and Junior ADU (JADU) development to address housing shortages. Updates to the Town's ADU Ordinance, most recently in 2022, included increased height limitations and allowances for ADUs in front-yard setbacks under certain conditions.

Recent state legislation (e.g., AB 1033, AB 976, SB 1211) has further streamlined ADU/JADU approval and introduced specific regulatory requirements.[1] In addition, the California Department of Housing and Community Development (HCD) released ADU regulation guidance for local jurisdictions in the updated ADU Handbook (see **Attachment 3**). In accordance with the above, the Planning Commission voted unanimously on February 3, 2025, to adopt Resolution No. 2025-02 to recommend that the Town Council adopt amendments to the Town's Accessory Dwelling Unit Ordinance, Title 10, Chapter 6 (see **Attachment 2**) to comply with these recent changes and also include various clean-up clarifications.

[1] See **Attachment 4** for a description of recent State laws.

DISCUSSION

The proposed amendments are included in the proposed Ordinance (see **Attachment 1**) and summarized below:

1. Detached ADUs On Lots with Multifamily Dwellings. The maximum number of detached ADUs allowed on a lot with an *existing* multifamily dwelling would increase to eight units. Up to two detached ADUs would be allowed on a lot with a *proposed* multifamily dwelling.
2. No Replacement Parking for Demolition of Uncovered Parking. No replacement parking would be required when an *uncovered* parking space is converted or used for the construction of an ADU.
3. Two ADUs and One JADU if Requirements Satisfied. HCD has recently opined that State law requires allowing up to two ADUs and one JADU on a single-family lot if requirements are satisfied, as indicated in Town Municipal Code section 10-6.103(b) (exemptions from ADU permits). These include: 1) an ADU on the interior of a proposed or existing home; 2) a detached 800 square foot ADU with 4-foot side and rear yard setbacks; and 3) a JADU. The proposed amendments would align with HCD's interpretation and provide clarity.
4. Definitions. Definitions of "livable space" and "objective standards" would be included as defined in State law.
5. References. State law has renumbered ADU Government Code sections, relocating sections 65852.2 and 65852.22 to sections 66310 and 66342, and other Municipal Code section references. References in the proposed Ordinance Amendments would be clarified accordingly.
6. Unpermitted ADU Amnesty Extension. The Town would not deny an ADU/JADU constructed without a permit prior to 2020 on this basis, unless it is necessary to comply with conditions that would deem the structure substandard. Additionally, the ADU would not be subject to impact fees, service connections, or capacity charges, except under limited circumstances.
7. Owner Occupancy and Deed Restrictions. Pursuant to State law, references to owner occupancy and deed restriction requirements for ADUs would be removed from the Municipal Code, while owner occupancy and deed restriction requirements for JADUs would remain.
8. Maximum ADU Size. The Town would revise local regulations to match HCD guidance, allowing ADUs up to 850 square feet for studios or one-bedroom units, and up to 1,000 square feet for two-bedroom (or greater) units. These size allowances would apply even if the ADU exceeds 50% of the primary residence's total floor area.[2]
9. Conditional Use Permit. The Amendments would clarify the process for ADUs to seek Town approval to deviate from Town requirements.
10. JADUs in Single-Family Zones. JADUs are only allowed in single-family residential zones, not multi-family zones per Government Code section 66333.

[2] Other Marin County jurisdictions anecdotally report similarly limiting the size of attached ADUs to 50 percent of the living area of the primary residence; however, regardless of the size of the primary residence they allow for an attached ADU to be up to 850 SF for a studio/one-bedroom and up to 1,000 SF for an ADU with more than one bedroom in accordance with HCD guidance (see **Attachment 3**).

The proposed amendments clarify that ADUs are allowed in both single-family and multi-family residential zones, but that JADUs are only allowed in single-family zones.

11. JADUs Number and Location. JADUs are limited to one per lot. The Amendments clarify that if there are multiple dwelling units on one lot, only one JADU is allowed. Additionally, the Amendments indicate that a JADU must be within a proposed or existing single-family home or attached garage and is not allowed in a detached accessory structure. (Gov. Code, § 66333.)
12. No Interior Connection. The Amendments clarify that no interior connection may be required between a primary dwelling unit and a JADU, unless the JADU shares bathroom facilities with the primary dwelling.

FISCAL IMPACT
There are no new fiscal impacts.

PUBLIC COMMENT
A public comment letter was received on January 29, 2025, identifying concerns with alignment between the proposed Ordinance and State law. In response, the Town corrected out-of-date Municipal Code references in the ADU Ordinance and clarified the Town provides three ADU approval paths – two ministerial and one discretionary – to provide greater flexibility for ADU approval while maintaining consistency with State law. The letter makes other assertions that are evaluated and addressed in **Table 1** below.

Table 1 – Response to Comment Letter

Comment		Town Action
Out-of-Date References	The proposed Ordinance referenced old Code sections	The proposed Ordinance corrects outdated references
Impermissible Standards	The Town cannot require conformance with Title 5, Chapter 8 (Urban Runoff Pollution Prevention) and Title 7, Chapter 12 (Watercourses) for exempt ADUs	State law allows the Town to levy requirements on exempt ADUs for public health and safety*
Impermissible Parking Requirements	The Town cannot levy parking requirements on exempt ADUs	The proposed Ordinance does not levy parking requirements on exempt ADUs
Impermissible Discretionary Process	The Town cannot require a discretionary process for approval of non-exempt ADUs	State law does not prohibit a discretionary process. The proposed Ordinance clarifies non-exempt ADUs may seek ministerial approval through objective design standards

* Referenced provisions in the Municipal Code remain unchanged since the last update to the ADU Ordinance in 2022, which was approved by HCD.

GENERAL PLAN CONSISTENCY
The proposed Ordinance Amendments are consistent with the General Plan because the General Plan Housing Element promotes the use of ADUs and JADUs for housing.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY
The proposed Ordinance Amendments are exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080.17, which exempts the local adoption of ordinances regarding second units in single or multi-family residential zones, and CEQA Guideline section 15301 involving the minor alteration of existing residences involving negligible or no expansion of use beyond that already in existence. The Ordinance Amendments are also exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility they would have a significant effect on the environment. The Ordinance makes no or minimal changes to land uses, development intensities, or the rate at which development is expected to occur.

ATTACHMENT
Attachment 1 - Proposed Ordinance
Attachment 2 - Planning Commission Resolution No. 2025-02
Attachment 3 - 2025 HCD Accessory Dwelling Unit Handbook
Attachment 4 - 2023 and 2024 State ADU Legislation
Attachment 5 - Comment Letter - CalHDF

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO ADOPTING AMENDMENTS TO TITLE 10 "PLANNING AND ZONING", CHAPTER 6 "ACCESSORY DWELLING UNITS"; AND ASSOCIATED CEQA EXEMPTION FINDINGS

WHEREAS, beginning in 2017 in response to the State's housing crisis, the State of California adopted a series of State laws encouraging the development of Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs") by reducing local control over these projects; and

WHEREAS, recent amendments to State ADU/JADU law become effective January 1, 2025 and the Town desires to update its local ADU/JADU Ordinance in order to comply with said State law; and

WHEREAS, the California Department of Housing and Community Development (HCD) released an updated version of the Accessory Dwelling Unit Handbook in January 2025 to guide local jurisdictions in the implementation of State housing law; and

WHEREAS, the Planning Commission desires to amend the Town's ADU regulations, Title 10, Chapter 6 "Accessory Dwelling Units" to comply with State law and make certain clarification changes ("Ordinance Amendments"); and

WHEREAS, the Planning Commission is responsible for providing recommendations to the Town Council for proposed amendments to the Town's Zoning Code pursuant to Government Code section 65853 et seq.; and

WHEREAS, Ordinance Amendments are exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080.17, which exempts the local adoption of ordinances regarding second units in single or multi-family residential zones, and CEQA Guideline section 15301 involving the minor alteration of existing residences involving negligible or no expansion of use beyond that already in existence; and pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility they would have a significant effect on the environment; the amendments make no or minimal changes to land uses, development intensities, or the rate at which development is expected to occur; and

WHEREAS, the adoption of the proposed Ordinance Amendments are the public interest and consistent with the Town's General Plan Housing Element, which encourages the development of ADUs and JADUs; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 3, 2025 to consider the Ordinance Amendments to the Town Municipal Code.

WHEREAS, the Town Council held a duly noticed public hearing on February 25, 2025, to consider the Planning Commission recommendation and introduce the draft Ordinance; and

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct and are incorporated as findings herein.

SECTION 2: The Zoning Ordinance Amendments are hereby adopted as set forth in **Exhibit "A"** attached hereto.

SECTION 3: Severability. The Town Council hereby declares every section, paragraph, sentence, clause, and phrase is severable. If any section, paragraph, sentence, clause or phrase of these ordinance amendments are 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: Effective Date. This Ordinance Amendment 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 February 25, 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSED:

APPROVED:_____
Tarrell Kullaway, Mayor

ATTEST:_____
Serge Avila, Town Clerk

Exhibit List:

A. Zoning Code Amendments

EXHIBIT "A"
Zoning Code Amendments

Deleted language in ~~strikeout~~ and additional language in underline.

Article 1. – Accessory Dwelling Units and Junior Accessory Dwelling Units Purpose, Definitions, Permit Requirement and Exemption.

10-6.101 – Purpose. The purpose of this chapter is to provide for the creation and regulation of accessory dwelling units (ADUs) and junior accessory units (JADUs) in a manner consistent with State law ~~including the requirements set forth in California Government Code sections 65852.2 and 65852.22~~.

10-6.102 – Definitions. For the purposes of this chapter the following definitions apply:

"Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for 1 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 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" or "Attached ADU" means an ADU that shares a common wall with the primary dwelling unit on the lot either by being constructed as a physical expansion (addition) to the primary dwelling unit, conversion of an existing attached garage to the primary dwelling unit, or construction of a basement underneath an existing primary dwelling unit.

"Detached Accessory Dwelling Unit" or "Detached ADU" means an ADU that is constructed as a separate structure from the primary dwelling unit on the lot of by the conversion (full or partial) of an existing detached accessory structure into an ADU.

"Efficiency kitchen" shall have the same meaning as defined in State law ~~California Government Code section 65852.22, as amended from time to time~~ and means a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the unit.

"Efficiency unit" shall have the same meaning as defined in California Health and Safety Code section 17958.1, as amended from time to time and means a unit with a minimum floor area of 150 square feet.

"Junior Accessory Dwelling Unit" or "JADU" shall have the same meaning as defined in State law ~~California Government Code section 65852.22, as amended from time to time~~ and means a unit located entirely within an existing or proposed single-family residence that is no more than 500 square feet, includes an efficiency kitchen, and includes either its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family residence.

"Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

"Living area" shall have the same meaning as defined in State law ~~California Government Code section 65852.2, as amended from time to time~~ and means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or an accessory structure.

"Multifamily dwelling" means a structure with two or more attached dwellings on a single lot.

"Nonconforming zoning condition" shall have the same meaning as defined in State law ~~California Government Code section 65852.2, as amended from time to time~~ and means a physical improvement on a property that does not conform with current zoning standards.

"Objective standards" shall have the same meaning as defined in State law ~~California Government Code section 65852.2, as amended from time to time~~ and means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

"Passageway" shall have the same meaning as defined in State law ~~California Government Code section 65852.2, as amended from time to time~~ and means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU.

"Proposed dwelling" shall have the same meaning as defined in State law ~~California Government Code section 65852.2~~ and includes a dwelling that is the subject of a permit application that meets the requirements for permitting.

"Public transit" shall have the same meaning as defined in State law ~~California Government Code section 65852.2, as amended from time to time~~ and means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and/or other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

"Tandem parking" shall have the same meaning as defined in State law ~~California Government Code Section 65852.2, as amended from time to time~~ and means 2 or more

automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

10-6.103– ADU and JADU Approvals.

a. ADU Permit. Unless exempt from an ADU Permit pursuant to Section 10-6.103(~~b~~c) of this chapter, an ADU must receive an ADU permit in compliance with the standards and requirements set forth in this chapter.
b. ADUs are permitted on single and multi-family zoned lots, and JADUs are permitted in single-family zoned lots.
c. Exemptions from ADU Permit. The Town shall ministerially approve a building permit application for an ADU and/or JADU ~~within a residential or mixed use zone~~, and no ADU permit shall be required to create any of the following. ~~in the following instances for projects located within a residential or mixed-use zone.~~ Projects exempt from an ADU permit under this section shall remain subject to other applicable construction-related permit requirements including but not limited to building and grading permits, and all applicable fire code requirements.
    1. Interior on Single-Family Lot. One ADU and/or one JADU if the unit(s) is:
        A. Within the proposed or existing space of a single-family dwelling or an existing accessory structure, plus an additional 150 square feet if required to accommodate ingress and egress;
        B. Has exterior access from the proposed or existing single-family dwelling; and
        C. Has side and rear yard setbacks sufficient for fire safety as determined by the Ross Valley Fire Department.
        D. If a JADU, the unit complies with the requirements of California ~~Government Code section 65852.22~~ State law.
    2. Detached on Single-Family Lot. One newly constructed detached ADU that is up to 800 square feet of floor area, with minimum 4-foot side and rear yard setbacks, in compliance with the height limitations as provided in section 10-6.301(b) of this chapter, on a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU located on the same lot.
    3. ADUs on Interior of Multifamily Dwelling ~~Existing Multifamily Lot~~. Multiple ADUs 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. At least one ADU within an existing or proposed multifamily dwelling and up to 25% of the number of existing permitted multifamily dwelling units rounded down to the nearest whole number shall be allowed.
    4. Detached ADUs on Multifamily Lot.
        A.
            i. ~~Not more than two detached~~ Multiple ADUs, not to exceed the number specified in clause (ii) or (iii) herein as applicable, located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling in compliance with the height limitations as

provided in section 10-6.301(b) of this chapter, and side and rear yard setbacks of no more than 4 feet.

ii. On a lot with an existing multifamily dwelling, not more than eight (8) detached ADUs. However, the number of ADUs allowable pursuant to this clause shall not exceed the number of existing units on the lot.

iii. On a lot with a proposed multifamily dwelling, not more than two (2) detached ADUs.

B. If the existing multifamily dwelling has a rear or side yard setback of less than 4 feet, no modification to the existing multifamily dwelling shall be required as a condition of approving the ADU application if the ADU satisfies the requirements of this subparagraph.

~~5. Junior Accessory Dwelling Unit. A JADU satisfying the requirements of Government Code section 65852.22, as amended from time to time.~~

Article 2. – Procedures and General Requirements.

10-6.201 – Permit Application and Procedures. The following requirements apply to all ADUs and JADUs applications:

a. Application and Review. An application for an ADU permit shall contain such information as reasonably requested by the Town Planning and Building Departments accompanied by the appropriate fee. In addition to the ADU permit, the applicant shall obtain all other required permits including but not limited to a building permit or a grading permit.
b. Ministerial Review. A permit application for an ADU and/or a JADU shall be considered and approved ministerially without discretionary review or a public hearing. The decision shall not be subject to an administrative appeal.
c. Review Timing and Contents. The Town shall approve or deny the application to create an ADU or JADU within 60 days from the date of receipt of a completed application if there is an existing single-family or multifamily dwelling on the lot. If the application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the Town may delay approving or denying the application for the ADU and/or the JADU until the Town approves or denies on the permit application to create the new single-family dwelling; but the application to create the ADU or JADU must 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. If the Town has not approved or denied the completed application within 60 days, the application shall be deemed approved. If an application for an ADU or JADU is denied, the Town shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

10-6.202 – General Requirements for ADUs and JADUs. Unless otherwise provided for in this chapter, the following requirements apply to all ADUs and JADUs that are approved with either an ADU permit pursuant to Section 10-6.103(a) of this chapter or exempt from an ADU permit pursuant to Section 10-6.103(~~b~~c) of this chapter.

a. Number of Units and Zoning District. One ADU ~~and JADU~~ is allowed on any parcel in a single-family residential or multifamily zoning district with a primary dwelling unit unless otherwise prohibited by local or State law.

b. Owner Occupancy.
    1. All ADUs permitted before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.
    2. An ADU permitted on or after ~~between~~ January 1, 2020 ~~and January 1, 2025~~ is not subject to any owner-occupancy requirement.
    ~~3. All ADUs that are permitted on or after January 1, 2025 require owner-occupancy as a place permanent residence. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.~~
    3. All JADUs require owner occupancy as a place of permanent residence. The owner may reside in the primary dwelling or the JADU.

c. Development Standards.
    1. A two-story Attached ADU is not allowed where the primary dwelling unit is only one story.
    2. At least fifty (50) percent of the common wall of the Attached ADU shall be attached to the primary dwelling unit.

d. No Separate Conveyance. No ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot), except as otherwise provided in Government Code section 66341 ~~65852.26~~.

e. No Short Term Rental. An ADU or a JADU shall not be rented for less than thirty consecutive days, except as otherwise provided for in this chapter.

f. Density. ADUs and JADUs shall not be considered to exceed the allowable density for the lot upon which the unit is located, and are a residential use consistent with the Town's General Plan and zoning designation for the lot.

g. Fees and Utility Connections.
    1. Impact Fees. No impact fee is allowed for an ADU that is less than 750 square feet. For purposes of this subparagraph "impact fee" means a "fee" under California Government Code section 6600(b), except that it also includes fees specified in Government Code section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation. Any impact fee required for an ADU that is 750 square feet or larger must be charged proportionately in relation to the square footage of the primary dwelling unit.
    2. Utility Connections and Fees.
        A. An ADU shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU unit was constructed with a new single-family dwelling. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.

B. For a unit described in Section 10-6.103(~~b~~c) of this chapter, a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the ADU and the utility, or impose a related connection fee or capacity charge, unless the ADU was constructed with a new single-family dwelling.

C. For a unit not described in 10-6.103(~~b~~c) of this chapter a local agency, special district, or water corporation may require a new or separate utility connection directly between the ADU and the utility. Consistent with California Government Code section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

h. Adequate Services. Proof of the proposed method of water supply and sewage disposal, as well as service availability from any associated electric and gas provider for the lot, must be provided and confirmed by letters of service availability from the appropriate utility service providers for the lot. The property must have existing or future legal access to these utilities.

i. Building and Safety; Nonconformities.

1. All ADUs and JADUs shall comply with all applicable building, fire, safety, and environmental regulations including Title 9 Building Regulations, Title 5 ~~6~~, Chapter 8, Urban Runoff Pollution Prevention and Title 7, Chapter 12, Watercourses unless otherwise provided for in this chapter or as required by State law.
2. An ADU must comply with local building code requirements that apply to detached dwellings, except that the construction of an ADU shall not constitute a Group R occupancy change under the Town's Building Code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Town's Public Works and Building Director makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection shall be interpreted to prevent the Town from changing the occupancy code of a space that was unhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this section.
3. The Town shall not require the correction of nonconforming zoning conditions as a condition of approval for an ADU or JADU.
4. The Town shall not deny an application to create an ADU or JADU due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the unit.

j. No Passageways. No passageway shall be required in conjunction with the construction of an ADU or JADU.

k. Fire Sprinklers. The installation of fire sprinklers shall not be required in an ADU if sprinklers

are not required for the primary residence. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in an existing primary dwelling or an existing multifamily dwelling, as applicable.

l. Unpermitted Accessory Dwelling Units.

1. Notwithstanding any other law, and except as otherwise provided in subdivision in subdivision (2) below, the Town shall not deny an application for an unpermitted ADU that was constructed before January 1, ~~2018~~ 2020, due to either of the following:
   A. The ADU is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.
   B. The ADU does not comply with ~~Government Code section 65852.2~~ State law or any local ordinance regulating ADUs.
2. Notwithstanding subdivision (1), the Town may deny an application for an ADU subject to subdivision (1) if the Town makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.
3. The section shall not apply to a building that is deemed substandard pursuant to Health and Safety Code section 17920.3.

m. Detached Garage Demolition. A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time. The applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an ADU, unless the property is located within an architecturally and historically significant historic district.

n. Deed Restriction. Prior to issuance of a building permit for a ~~an ADU or~~ JADU, a deed restriction shall be recorded against the title of the property in the Marin County Recorder's office subject to the approval of the Town Attorney as to form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

1. Except as otherwise provided in California Government Code section 66341 ~~65852.26~~, the ~~ADU or~~ JADU may not be sold separately from the primary dwelling.
2. The ~~ADU or~~ JADU is restricted to the maximum approved size and to other attributes allowed by this chapter.
3. The deed restriction runs with the land and may be enforced against future property owners.
4. ~~The ADU and/or JADU may be occupied by or rented to a separate household living independently from the occupant(s) of the primary residence; provided, that the terms for separate occupancy of the accessory unit and/or primary unit shall be longer than 30 days.~~

o. Short Term Rental. The ADU and/or JADU may be occupied by or rented to a separate household living independently from the occupant(s) of the primary residence; provided, that the terms for separate occupancy of the accessory unit and/or primary unit shall be longer than 30 days.

p. Flood Regulations. An attached or detached ADU located in a designated floodplain shall comply with all applicable floodplain requirements in San Anselmo Municipal Code Title 7, Chapter 11. For sites within a Flood Hazard Area on the adopted Federal Emergency

Management Agency Flood Insurance Rate Map, the finished floor of an ADU 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.

q. Urban Lot Splits and Two-Unit Housing Development. Pursuant to the authority granted in Government Code section 65852.21(f) no ADU or JADU shall be permitted on any lot in a single-family zoning district if: 1) an urban lot split has been approved pursuant to Government Code section 66411.7; and 2) a two-unit housing development has been approved for construction pursuant to Government Code section 65852.21.

r. Prior conditions not applicable. This chapter supersedes any Town conditions on existing ADUs that comply with this chapter, including owner occupancy or rent control, that were imposed as conditions of approval on ADUs 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 for ADUs that comply with this chapter at the request of a property owner.

10-6.203 – Violations and Enforcement. It shall be unlawful for any person to construct or maintain an ADU or JADU on property within the Town without compliance with this chapter. The maintenance, ownership, or use of any ADU or JADU unit except as permitted in this chapter shall constitute a nuisance, subject to abatement pursuant to the Municipal Code, or any other remedy allowed in the Municipal Code and State law. All remedies are cumulative.

Article 3. – Accessory Dwelling Unit and Junior Accessory Dwelling Unit Development Standards and Requirements, Objective Standards, Parking, and Exception.

10-6.301 ADU Development Standards and Requirements. Unless exempt from an ADU permit pursuant to Section 10-6.103(~~b~~c) of this chapter, an ADU must comply with the following objective development standards to receive an ADU permit.

a. Zoning Conformance. An ADU shall meet the development standards of the zoning district in which it is located except as modified by this section.

b. Height. Unless otherwise provided for in this chapter, an attached or detached ADU must comply with the following height requirements.
    1. A maximum height of 16 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit.
    2. A maximum height of 18 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code section 21155 of the Public Resources Code, as may be amended from time to time. The Town shall also allow an additional 2 feet in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the

primary dwelling unit.

3. A maximum height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.
4. A maximum height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an ADU that is attached to a primary dwelling. An ADU under this section may not exceed 2 stories.

c. Lot Size. There shall be no minimum lot size required for an ADU.

d. Lot Coverage and Floor Area Ratio. The ADU shall comply with the lot coverage and floor area ratio requirements of the underlying zoning district unless otherwise required by this chapter.

e. Setbacks.
   1. No setbacks shall be required for the following:
      A. An existing living area that is converted to an ADU or a portion thereof;
      B. An existing accessory structure that is converted to an ADU or a portion thereof; or
      C. A structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion thereof.
   2. A setback of no more than 4 feet from the side and rear lot lines shall be required for an ADU 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.

f. ~~Maximum and Minimum Unit~~ Size. ADUs shall be subject to all of the following requirements related to size.
   1. Except as provided in subsection (2) below, ADUs shall be limited to the following maximum sizes:

Fewer than two bedrooms	850 square feet of gross floor area
Two or more bedrooms	1,000 square feet of gross floor area

   2. ADUs may exceed the maximum unit sizes provided in subsection (1) above following approval through the discretionary design review process as set forth in the San Anselmo Municipal Code Title 10, Chapter 3, Article 15 Design Review. In no case shall an ADU exceed 1,200 square feet of gross floor area.
   3. The gross floor area of attached or interior ADUs shall not exceed 50 percent of the existing living area (as defined in California Government Code Section 66313, as amended from time to time) of the primary residence. Notwithstanding the prior sentence, an attached or interior ADU may contain at least the maximum size set forth in Section 10-6.301(f)(1).
   4. ~~The maximum floor area square footage for an attached or detached studio or one bedroom ADU is 850 square feet. The maximum floor area square footage for an attached or detached ADU that is more than one bedroom 1,000 square feet.~~
   5. ~~The total floor area of an attached or detached ADU not exceed 50% of the existing or proposed primary dwelling. Notwithstanding this provision, an attached or detached ADU must be allowed at least 800 square feet of floor area.~~
   6. ~~The minimum floor area for an attached or detached ADU is 150 square feet, which is the minimum square footage required for an efficiency unit as defined in California Health and Safety Code section 17958.1, as may be amended from time to~~

~~time.~~

~~7. An ADU may exceed the maximum sizes provided in this subsection pursuant to section 10-6.305 of this chapter; provided however, the ADU shall not exceed 1,200 square feet.~~

g. Separate Entry, Kitchen and Bathroom. All ADUs shall contain a separate entrance, kitchen, and bathroom independent of the primary residence.
h. Exception. The Town shall not impose any requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an ADU, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square ADU with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

10-6.302 Objective Design Standards. Unless exempt from an ADU permit pursuant to Section 10-6.103(~~b~~c) of this chapter, ~~an~~ all ADUs must comply with the following objective standards to receive an ADU permit. Where an application does not meet the objective design standards set forth herein, the application may undergo the standard discretionary design review process as set forth in the San Anselmo Municipal Code Title 10, Chapter 3, Article 15 Design Review.

a. Building Design. The materials and colors of the ADU's exterior walls, roof, windows, and doors shall be of a complimentary material, color, and style the primary dwelling, including roof, eaves, windows, accents, and doors.
b. Landscape Design. Landscaping shall be provided around the ADU, and its location shall ensure defensible space. Fire-resistant and low-water-use plants shall be included in the landscape design. Landscaping shall be included to screen mechanical and structural elements of the ADU, including, but not limited to, foundations, retaining walls, condensers, and transformers.
c. Entrance. The entrance to the ADU shall face towards the interior of the lot and/or away from neighboring development, unless the ADU is directly accessible from an alley, public path, or public street.
d. Windows and Doors. Windows in an ADU that is located less than 10 feet from a rear or side property line shall be clerestory windows or use frosted or obscure glass. Any new door that faces an adjoining residential property located less than 10 feet from a rear or side property line shall either not include windows, or all windows must be made of opaque glass.
e. Exterior Lighting. All exterior lighting shall be low wattage, shielded, and directed downward.
f. Skylights. Where visible from off-site locations, skylights shall not have white or light opaque colored exterior lenses.
g. Historical. An ADU that includes exterior alterations or additions to a property that is listed in the California Register of Historic Places or on a local historical register shall not be approved if it may cause an adverse impact to the historical significance of the property. There shall be no design exception to this requirement.

h. Heritage Trees. No heritage tree (as defined in Title 4, Chapter 13 of the San Anselmo Municipal Code) shall be removed in conjunction with the construction of an ADU until a building permit has been issued for the ADU.

10-6.303 – Parking.

a. One (1) parking space is required per ADU unless otherwise provided for in this chapter.
b. Parking may be provided through tandem parking on an existing driveway.
c. Off-street parking to satisfy parking requirements shall be permitted in setback areas in locations determined by the Town unless specific findings are made that parking in setback areas is not feasible based on specific site, regional, topographical, or fire and life safety conditions, which conditions shall include but are not limited to circumstances where parking would impede reasonable emergency and fire access.
d. When a garage, carport, ~~or~~ covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, it is not required that those off-street parking spaces be replaced.
e. Parking Exemptions. An ADU shall be exempt from the parking requirement of this section if the unit is:
    1. Located within one-half mile walking distance of a public transit stop.
    2. Located within an historic district, as may be designated by the Town Council from time to time;
    3. The ADU 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 ADU;
    5. When there is a designated car share vehicle pick up or drop off location (as defined by the California Vehicle Code) located within one block of the ADU;
    6. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this paragraph; or
    7. The unit is an attached or detached ADU that is up to 800 square feet of floor area, with minimum 4-foot side and rear yard setbacks, in compliance with the height limitations as provided in section 10-6.301(b) of this chapter, on a lot with a proposed or existing single-family dwelling.

10-6.304 JADU Development Standards and Requirements. Unless otherwise provided for in this chapter, JADUs are subject to the following objective standards:

a. Location and Number. A JADU shall be located within an existing or proposed single-family residence. For purposes of this paragraph, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence. A JADU is not permitted in a detached accessory structure. One JADU is allowed per lot. If there are multiple detached single-family residential units on one lot, only one JADU is

allowed.

b. Unit Size. No JADU unit shall be less than 150 feet or more than 500 square feet in size. The square footage of any shared sanitation facilities with the primary dwelling unit shall not be included in the square footage calculation.
c. Access. The JADU unit shall have a separate exterior entrance from the primary dwelling unit.
d. Interior Connection and Bathroom Facilities. A JADU unit may include separate bathroom facilities, or it may share such facilities with the primary dwelling unit. If a permitted JADU does not include a separate bathroom, the JADU unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. Unless sharing bathroom facilities with the primary dwelling unit, a JADU is not required to have an interior connection to the primary dwelling.
e. Kitchen Facilities. The JADU shall include an efficiency kitchen, which shall include a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
f. Parking. No parking is required for a JADU.
g. Entryways. A JADU must include a separate entrance from the main entrance to the proposed or existing single-family residence.

10-6.305 Exceptions. If an ADU application does not otherwise meet the requirements in this chapter, an applicant may request ~~an~~ exceptions to this chapter and receive ADU approval by applying for a conditional use permit (CUP). Any exceptions approved pursuant to this section must also comply with all objective design review standards as set forth in Section 10-6.302, if applicable, and shall be reviewed through the standard ~~discretionary~~ CUP process. Any detached ADU approved herein shall not exceed 1,200 square feet.

Article 4. – Requirements to Eliminate ADU.

10-6.401 – Intent to Maintain Units. It is the Town's intent to preserve ADUs and discourage the conversion of ADUs for the use of the primary dwelling. To this end, the following are requirements that apply when taking actions that remove elements of an ADU.

a. A building permit shall be required to remove the separate entrance or permanent provisions for eating, cooking, and sanitation in an ADU.
b. No building permit shall be issued to remove permanent provisions for eating, cooking, and sanitation or the separate entrance for an ADU created by converting or demolishing a garage, carport, or covered parking structure in conjunction with the construction of an a ADU 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 ADU created with an exception to lot coverage and/or floor area ratio unless the project removes the additional lot coverage and/or floor

area granted for the ADU 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 ADU created with side or rear yard setbacks that are less than required under applicable development standards unless the project includes removing the area for the ADU where the setback or a variance was approved.

SAN ANSELMO PLANNING COMMISSION
RESOLUTION NO. 2025-02

RESOLUTION OF THE PLANNING COMMISISON OF THE TOWN OF SAN ANSELMO RECOMMENDING TOWN COUNCIL ADOPTION OF ORDINANCE AMENDMENTS TO TITLE 10 "PLANNING AND ZONING", CHAPTER 6 "ACCESSORY DWELLING UNITS"; AND ASSOCIATED CEQA EXEMPTION FINDINGS

WHEREAS, beginning in 2017 in response to the State's housing crisis, the State of California adopted a series of State laws encouraging the development of Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs") by reducing local control over these projects; and

WHEREAS, recent amendments to State ADU/JADU law become effective January 1, 2025 and the Town desires to update its local ADU/JADU Ordinance in order to comply with said State law; and

WHEREAS, the California Department of Housing and Community Development (HCD) released an updated version of the Accessory Dwelling Unit Handbook in January 2025 to guide local jurisdictions in the implementation of State housing law; and

WHEREAS, the Planning Commission desires to amend the Town's ADU regulations, Title 10, Chapter 6 "Accessory Dwelling Units" to comply with State law and make certain clarification changes ("Ordinance Amendments"); and

WHEREAS, the Planning Commission is responsible for providing recommendations to the Town Council for proposed amendments to the Town's Zoning Code pursuant to Government Code section 65853 et seq.; and

WHEREAS, Ordinance Amendments are exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080.17, which exempts the local adoption of ordinances regarding second units in single or multi-family residential zones, and CEQA Guideline section 15301 involving the minor alteration of existing residences involving negligible or no expansion of use beyond that already in existence; and pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility they would have a significant effect on the environment; the amendments make no or minimal changes to land uses, development intensities, or the rate at which development is expected to occur; and

WHEREAS, the adoption of the proposed Ordinance Amendments are the public interest and consistent with the Town's General Plan Housing Element, which encourages the development of ADUs and JADUs; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 3, 2025 to consider the Ordinance Amendments to the Town Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that:

1. The above recitals are true and correct and incorporated as findings herein.
2. The Planning Commission of the Town of San Anselmo does hereby recommend that the Town Council adopt the proposed Ordinance Amendments as set forth in **Exhibit A** attached hereto.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the San Anselmo Planning Commission on the 3rd day of February, 2025, by the following vote:

AYES: Tunny, Asselstine, Koblick de Leon, Pipkin, Smith Acting Chair Heiman
NOES: None
ABSTAIN: None
ABSENT: Strauss
RECUSED: None

ATTEST: _____
Heidi Scoble, Planning Director

Exhibit List:

A. Ordinance Amendments

EXHIBIT "A"

Deleted language in ~~strikeout~~ and additional language in underline.

Article 1. – Accessory Dwelling Units and Junior Accessory Dwelling Units Purpose, Definitions, Permit Requirement and Exemption.

10-6.101 – Purpose. The purpose of this chapter is to provide for the creation and regulation of accessory dwelling units (ADUs) and junior accessory units (JADUs) in a manner consistent with State law ~~including the requirements set forth in California Government Code sections 65852.2 and 65852.22~~.

10-6.102 – Definitions. For the purposes of this chapter the following definitions apply:

"Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for 1 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 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" or "Attached ADU" means an ADU that shares a common wall with the primary dwelling unit on the lot either by being constructed as a physical expansion (addition) to the primary dwelling unit, conversion of an existing attached garage to the primary dwelling unit, or construction of a basement underneath an existing primary dwelling unit.

"Detached Accessory Dwelling Unit" or "Detached ADU" means an ADU that is constructed as a separate structure from the primary dwelling unit on the lot of by the conversion (full or partial) of an existing detached accessory structure into an ADU.

"Efficiency kitchen" shall have the same meaning as defined in State law ~~California Government Code section 65852.22, as amended from time to time~~ and means a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the unit.

"Efficiency unit" shall have the same meaning as defined in California Health and Safety Code section 17958.1, as amended from time to time and means a unit with a minimum floor area of 150 square feet.

"Junior Accessory Dwelling Unit" or "JADU" shall have the same meaning as defined in

State law ~~California Government Code section 65852.22, as amended from time to time~~ and means a unit located entirely within an existing or proposed single-family residence that is no more than 500 square feet, includes an efficiency kitchen, and includes either its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family residence.

"Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

"Living area" shall have the same meaning as defined in State law ~~California Government Code section 65852.2, as amended from time to time~~ and means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or an accessory structure.

"Multifamily dwelling" means a structure with two or more attached dwellings on a single lot.

"Nonconforming zoning condition" shall have the same meaning as defined in State law ~~California Government Code section 65852.2, as amended from time to time~~ and means a physical improvement on a property that does not conform with current zoning standards.

"Objective standards" shall have the same meaning as defined in State law ~~California Government Code section 65852.2, as amended from time to time~~ and means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

"Passageway" shall have the same meaning as defined in State law ~~California Government Code section 65852.2, as amended from time to time~~ and means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU.

"Proposed dwelling" shall have the same meaning as defined in State law ~~California Government Code section 65852.2~~ and includes a dwelling that is the subject of a permit application that meets the requirements for permitting.

"Public transit" shall have the same meaning as defined in State law ~~California Government Code section 65852.2, as amended from time to time~~ and means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and/or other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

"Tandem parking" shall have the same meaning as defined in State law ~~California Government Code Section 65852.2, as amended from time to time~~ and means 2 or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one

another.

10-6.103– ADU and JADU Approvals.

a. ADU Permit. Unless exempt from an ADU Permit pursuant to Section 10-6.103(~~b~~c) of this chapter, an ADU must receive an ADU permit in compliance with the standards and requirements set forth in this chapter.

b. ADUs are permitted on single and multi-family zoned lots, and JADUs are permitted in single-family zoned lots.

c. Exemptions from ADU Permit. The Town shall ministerially approve a building permit application for an ADU and/or JADU ~~within a residential or mixed use zone~~, and no ADU permit shall be required to create any of the following. ~~in the following instances for projects located within a residential or mixed-use zone.~~ Projects exempt from an ADU permit under this section shall remain subject to other applicable construction-related permit requirements including but not limited to building and grading permits, and all applicable fire code requirements.

    1. Interior on Single-Family Lot. One ADU and/or one JADU if the unit(s) is:
        A. Within the proposed or existing space of a single-family dwelling or an existing accessory structure, plus an additional 150 square feet if required to accommodate ingress and egress;
        B. Has exterior access from the proposed or existing single-family dwelling; and
        C. Has side and rear yard setbacks sufficient for fire safety as determined by the Ross Valley Fire Department.
        D. If a JADU, the unit complies with the requirements of California ~~Government Code section 65852.22~~ State law.
    2. Detached on Single-Family Lot. One newly constructed detached ADU that is up to 800 square feet of floor area, with minimum 4-foot side and rear yard setbacks, in compliance with the height limitations as provided in section 10-6.301(b) of this chapter, on a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU located on the same lot.
    3. ADUs on Interior of Multifamily Dwelling ~~Existing Multifamily Lot~~. Multiple ADUs 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. At least one ADU within an existing or proposed multifamily dwelling and up to 25% of the number of existing permitted multifamily dwelling units rounded down to the nearest whole number shall be allowed.
    4. Detached ADUs on Multifamily Lot.
        A.
            i. ~~Not more than two detached~~ Multiple ADUs, not to exceed the number specified in clause (ii) or (iii) herein as applicable, located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling in compliance with the height limitations as provided in section 10-6.301(b) of this chapter, and side and rear yard

setbacks of no more than 4 feet.

ii. On a lot with an existing multifamily dwelling, not more than eight (8) detached ADUs. However, the number of ADUs allowable pursuant to this clause shall not exceed the number of existing units on the lot.

iii. On a lot with a proposed multifamily dwelling, not more than two (2) detached ADUs.

B. If the existing multifamily dwelling has a rear or side yard setback of less than 4 feet, no modification to the existing multifamily dwelling shall be required as a condition of approving the ADU application if the ADU satisfies the requirements of this subparagraph.

~~5. Junior Accessory Dwelling Unit. A JADU satisfying the requirements of Government Code section 65852.22, as amended from time to time.~~

Article 2. – Procedures and General Requirements.

10-6.201 – Permit Application and Procedures. The following requirements apply to all ADUs and JADUs applications:

a. Application and Review. An application for an ADU permit shall contain such information as reasonably requested by the Town Planning and Building Departments accompanied by the appropriate fee. In addition to the ADU permit, the applicant shall obtain all other required permits including but not limited to a building permit or a grading permit.
b. Ministerial Review. A permit application for an ADU and/or a JADU shall be considered and approved ministerially without discretionary review or a public hearing. The decision shall not be subject to an administrative appeal.
c. Review Timing and Contents. The Town shall approve or deny the application to create an ADU or JADU within 60 days from the date of receipt of a completed application if there is an existing single-family or multifamily dwelling on the lot. If the application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the Town may delay approving or denying the application for the ADU and/or the JADU until the Town approves or denies on the permit application to create the new single-family dwelling; but the application to create the ADU or JADU must 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. If the Town has not approved or denied the completed application within 60 days, the application shall be deemed approved. If an application for an ADU or JADU is denied, the Town shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

10-6.202 – General Requirements for ADUs and JADUs. Unless otherwise provided for in this chapter, the following requirements apply to all ADUs and JADUs that are approved with either an ADU permit pursuant to Section 10-6.103(a) of this chapter or exempt from an ADU permit pursuant to Section 10-6.103(~~b~~c) of this chapter.

a. Number of Units and Zoning District. One ADU ~~and JADU~~ is allowed on any parcel in a single-family residential or multifamily zoning district with a primary dwelling unit unless otherwise prohibited by local or State law.

b. Owner Occupancy.
    1. All ADUs permitted before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.
    2. An ADU permitted on or after ~~between~~ January 1, 2020 ~~and January 1, 2025~~ is not subject to any owner-occupancy requirement.
    ~~3. All ADUs that are permitted on or after January 1, 2025 require owner-occupancy as a place permanent residence. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.~~
    3. All JADUs require owner occupancy as a place of permanent residence. The owner may reside in the primary dwelling or the JADU.

c. Development Standards.
    1. A two-story Attached ADU is not allowed where the primary dwelling unit is only one story.
    2. At least fifty (50) percent of the common wall of the Attached ADU shall be attached to the primary dwelling unit.

d. No Separate Conveyance. No ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot), except as otherwise provided in Government Code section 66341 ~~65852.26~~.

e. No Short Term Rental. An ADU or a JADU shall not be rented for less than thirty consecutive days, except as otherwise provided for in this chapter.

f. Density. ADUs and JADUs shall not be considered to exceed the allowable density for the lot upon which the unit is located, and are a residential use consistent with the Town's General Plan and zoning designation for the lot.

g. Fees and Utility Connections.
    1. Impact Fees. No impact fee is allowed for an ADU that is less than 750 square feet. For purposes of this subparagraph "impact fee" means a "fee" under California Government Code section 6600(b), except that it also includes fees specified in Government Code section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation. Any impact fee required for an ADU that is 750 square feet or larger must be charged proportionately in relation to the square footage of the primary dwelling unit.
    2. Utility Connections and Fees.
        A. An ADU shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU unit was constructed with a new single-family dwelling. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.
        B. For a unit described in Section 10-6.103(~~b~~c) of this chapter, a local agency,

special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the ADU and the utility, or impose a related connection fee or capacity charge, unless the ADU was constructed with a new single-family dwelling.

C. For a unit not described in 10-6.103(~~b~~c) of this chapter a local agency, special district, or water corporation may require a new or separate utility connection directly between the ADU and the utility. Consistent with California Government Code section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

h. Adequate Services. Proof of the proposed method of water supply and sewage disposal, as well as service availability from any associated electric and gas provider for the lot, must be provided and confirmed by letters of service availability from the appropriate utility service providers for the lot. The property must have existing or future legal access to these utilities.

i. Building and Safety; Nonconformities.

1. All ADUs and JADUs shall comply with all applicable building, fire, safety, and environmental regulations including Title 9 Building Regulations, Title 5 ~~6~~, Chapter 8, Urban Runoff Pollution Prevention and Title 7, Chapter 12, Watercourses unless otherwise provided for in this chapter or as required by State law.
2. An ADU must comply with local building code requirements that apply to detached dwellings, except that the construction of an ADU shall not constitute a Group R occupancy change under the Town's Building Code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Town's Public Works and Building Director makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection shall be interpreted to prevent the Town from changing the occupancy code of a space that was unhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this section.
3. The Town shall not require the correction of nonconforming zoning conditions as a condition of approval for an ADU or JADU.
4. The Town shall not deny an application to create an ADU or JADU due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the unit.

j. No Passageways. No passageway shall be required in conjunction with the construction of an ADU or JADU.

k. Fire Sprinklers. The installation of fire sprinklers shall not be required in an ADU if sprinklers are not required for the primary residence. The construction of an ADU shall not trigger a

requirement for fire sprinklers to be installed in an existing primary dwelling or an existing multifamily dwelling, as applicable.

l. Unpermitted Accessory Dwelling Units.

1. Notwithstanding any other law, and except as otherwise provided in subdivision in subdivision (2) below, the Town shall not deny an application for an unpermitted ADU that was constructed before January 1, ~~2018~~ 2020, due to either of the following:
   A. The ADU is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.
   B. The ADU does not comply with ~~Government Code section 65852.2~~ State law or any local ordinance regulating ADUs.
2. Notwithstanding subdivision (1), the Town may deny an application for an ADU subject to subdivision (1) if the Town makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.
3. The section shall not apply to a building that is deemed substandard pursuant to Health and Safety Code section 17920.3.

m. Detached Garage Demolition. A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time. The applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an ADU, unless the property is located within an architecturally and historically significant historic district.

n. Deed Restriction. Prior to issuance of a building permit for a ~~an ADU or~~ JADU, a deed restriction shall be recorded against the title of the property in the Marin County Recorder's office subject to the approval of the Town Attorney as to form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

1. Except as otherwise provided in California Government Code section 66341 ~~65852.26~~, the ~~ADU or~~ JADU may not be sold separately from the primary dwelling.
2. The ~~ADU or~~ JADU is restricted to the maximum approved size and to other attributes allowed by this chapter.
3. The deed restriction runs with the land and may be enforced against future property owners.
4. ~~The ADU and/or JADU may be occupied by or rented to a separate household living independently from the occupant(s) of the primary residence; provided, that the terms for separate occupancy of the accessory unit and/or primary unit shall be longer than 30 days.~~

o. Short Term Rental. The ADU and/or JADU may be occupied by or rented to a separate household living independently from the occupant(s) of the primary residence; provided, that the terms for separate occupancy of the accessory unit and/or primary unit shall be longer than 30 days.

p. Flood Regulations. An attached or detached ADU located in a designated floodplain shall comply with all applicable floodplain requirements in San Anselmo Municipal Code Title 7, Chapter 11. For sites within a Flood Hazard Area on the adopted Federal Emergency Management Agency Flood Insurance Rate Map, the finished floor of an ADU 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.

q. Urban Lot Splits and Two-Unit Housing Development. Pursuant to the authority granted in Government Code section 65852.21(f) no ADU or JADU shall be permitted on any lot in a single-family zoning district if: 1) an urban lot split has been approved pursuant to Government Code section 66411.7; and 2) a two-unit housing development has been approved for construction pursuant to Government Code section 65852.21.

r. Prior conditions not applicable. This chapter supersedes any Town conditions on existing ADUs that comply with this chapter, including owner occupancy or rent control, that were imposed as conditions of approval on ADUs 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 for ADUs that comply with this chapter at the request of a property owner.

10-6.203 – Violations and Enforcement. It shall be unlawful for any person to construct or maintain an ADU or JADU on property within the Town without compliance with this chapter. The maintenance, ownership, or use of any ADU or JADU unit except as permitted in this chapter shall constitute a nuisance, subject to abatement pursuant to the Municipal Code, or any other remedy allowed in the Municipal Code and State law. All remedies are cumulative.

Article 3. – Accessory Dwelling Unit and Junior Accessory Dwelling Unit Development Standards and Requirements, Objective Standards, Parking, and Exception.

10-6.301 ADU Development Standards and Requirements. Unless exempt from an ADU permit pursuant to Section 10-6.103(~~b~~c) of this chapter, an ADU must comply with the following objective development standards to receive an ADU permit.

a. Zoning Conformance. An ADU shall meet the development standards of the zoning district in which it is located except as modified by this section.
b. Height. Unless otherwise provided for in this chapter, an attached or detached ADU must comply with the following height requirements.
    1. A maximum height of 16 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit.
    2. A maximum height of 18 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code section 21155 of the Public Resources Code, as may be amended from time to time. The Town shall also allow an additional 2 feet in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
    3. A maximum height of 18 feet for a detached ADU on a lot with an existing or proposed

multifamily, multistory dwelling.

4. A maximum height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an ADU that is attached to a primary dwelling. An ADU under this section may not exceed 2 stories.

c. Lot Size. There shall be no minimum lot size required for an ADU.

d. Lot Coverage and Floor Area Ratio. The ADU shall comply with the lot coverage and floor area ratio requirements of the underlying zoning district unless otherwise required by this chapter.

e. Setbacks.

1. No setbacks shall be required for the following:
   A. An existing living area that is converted to an ADU or a portion thereof;
   B. An existing accessory structure that is converted to an ADU or a portion thereof; or
   C. A structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion thereof.
2. A setback of no more than 4 feet from the side and rear lot lines shall be required for an ADU 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.

f. ~~Maximum and Minimum Unit~~ Size. ADUs shall be subject to all of the following requirements related to size.

1. Except as provided in subsection (2) below, ADUs shall be limited to the following maximum sizes:

Fewer than two bedrooms	850 square feet of gross floor area
Two or more bedrooms	1,000 square feet of gross floor area

2. ADUs may exceed the maximum unit sizes provided in subsection (1) above following approval through the discretionary design review process as set forth in the San Anselmo Municipal Code Title 10, Chapter 3, Article 15 Design Review. In no case shall an ADU exceed 1,200 square feet of gross floor area.
3. The gross floor area of attached or interior ADUs shall not exceed 50 percent of the existing living area (as defined in California Government Code Section 66313, as amended from time to time) of the primary residence. Notwithstanding the prior sentence, an attached or interior ADU may contain at least the maximum size set forth in Section 10-6.301(f)(1).
4. ~~The maximum floor area square footage for an attached or detached studio or one bedroom ADU is 850 square feet. The maximum floor area square footage for an attached or detached ADU that is more than one bedroom 1,000 square feet.~~
5. ~~The total floor area of an attached or detached ADU not exceed 50% of the existing or proposed primary dwelling. Notwithstanding this provision, an attached or detached ADU must be allowed at least 800 square feet of floor area.~~
6. ~~The minimum floor area for an attached or detached ADU is 150 square feet, which is the minimum square footage required for an efficiency unit as defined in California Health and Safety Code section 17958.1, as may be amended from time to time.~~
7. ~~An ADU may exceed the maximum sizes provided in this subsection pursuant to~~

~~section 10-6.305 of this chapter; provided however, the ADU shall not exceed 1,200 square feet.~~

g. Separate Entry, Kitchen and Bathroom. All ADUs shall contain a separate entrance, kitchen, and bathroom independent of the primary residence.
h. Exception. The Town shall not impose any requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an ADU, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square ADU with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

10-6.302 Objective Design Standards. Unless exempt from an ADU permit pursuant to Section 10-6.103(~~b~~c) of this chapter, ~~an~~ all ADUs must comply with the following objective standards to receive an ADU permit. Where an application does not meet the objective design standards set forth herein, the application may undergo the standard discretionary design review process as set forth in the San Anselmo Municipal Code Title 10, Chapter 3, Article 15 Design Review.

a. Building Design. The materials and colors of the ADU's exterior walls, roof, windows, and doors shall be of a complimentary material, color, and style the primary dwelling, including roof, eaves, windows, accents, and doors.
b. Landscape Design. Landscaping shall be provided around the ADU, and its location shall ensure defensible space. Fire-resistant and low-water-use plants shall be included in the landscape design. Landscaping shall be included to screen mechanical and structural elements of the ADU, including, but not limited to, foundations, retaining walls, condensers, and transformers.
c. Entrance. The entrance to the ADU shall face towards the interior of the lot and/or away from neighboring development, unless the ADU is directly accessible from an alley, public path, or public street.
d. Windows and Doors. Windows in an ADU that is located less than 10 feet from a rear or side property line shall be clerestory windows or use frosted or obscure glass. Any new door that faces an adjoining residential property located less than 10 feet from a rear or side property line shall either not include windows, or all windows must be made of opaque glass.
e. Exterior Lighting. All exterior lighting shall be low wattage, shielded, and directed downward.
f. Skylights. Where visible from off-site locations, skylights shall not have white or light opaque colored exterior lenses.
g. Historical. An ADU that includes exterior alterations or additions to a property that is listed in the California Register of Historic Places or on a local historical register shall not be approved if it may cause an adverse impact to the historical significance of the property. There shall be no design exception to this requirement.
h. Heritage Trees. No heritage tree (as defined in Title 4, Chapter 13 of the San Anselmo Municipal Code) shall be removed in conjunction with the construction of an ADU until a

building permit has been issued for the ADU.

10-6.303 – Parking.

a. One (1) parking space is required per ADU unless otherwise provided for in this chapter.
b. Parking may be provided through tandem parking on an existing driveway.
c. Off-street parking to satisfy parking requirements shall be permitted in setback areas in locations determined by the Town unless specific findings are made that parking in setback areas is not feasible based on specific site, regional, topographical, or fire and life safety conditions, which conditions shall include but are not limited to circumstances where parking would impede reasonable emergency and fire access.
d. When a garage, carport, ~~or~~ covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, it is not required that those off-street parking spaces be replaced.
e. Parking Exemptions. An ADU shall be exempt from the parking requirement of this section if the unit is:
    1. Located within one-half mile walking distance of a public transit stop.
    2. Located within an historic district, as may be designated by the Town Council from time to time;
    3. The ADU 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 ADU;
    5. When there is a designated car share vehicle pick up or drop off location (as defined by the California Vehicle Code) located within one block of the ADU;
    6. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this paragraph; or
    7. The unit is an attached or detached ADU that is up to 800 square feet of floor area, with minimum 4-foot side and rear yard setbacks, in compliance with the height limitations as provided in section 10-6.301(b) of this chapter, on a lot with a proposed or existing single-family dwelling.

10-6.304 JADU Development Standards and Requirements. Unless otherwise provided for in this chapter, JADUs are subject to the following objective standards:

a. Location and Number. A JADU shall be located within an existing or proposed single-family residence. For purposes of this paragraph, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence. A JADU is not permitted in a detached accessory structure. One JADU is allowed per lot. If there are multiple detached single-family residential units on one lot, only one JADU is allowed.
b. Unit Size. No JADU unit shall be less than 150 feet or more than 500 square feet in size. The square footage of any shared sanitation facilities with the primary dwelling unit shall not be

included in the square footage calculation.

c. Access. The JADU unit shall have a separate exterior entrance from the primary dwelling unit.
d. Interior Connection and Bathroom Facilities. A JADU unit may include separate bathroom facilities, or it may share such facilities with the primary dwelling unit. If a permitted JADU does not include a separate bathroom, the JADU unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. Unless sharing bathroom facilities with the primary dwelling unit, a JADU is not required to have an interior connection to the primary dwelling.
e. Kitchen Facilities. The JADU shall include an efficiency kitchen, which shall include a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
f. Parking. No parking is required for a JADU.
g. Entryways. A JADU must include a separate entrance from the main entrance to the proposed or existing single-family residence.

10-6.305 Exceptions. If an ADU application does not otherwise meet the requirements in this chapter, an applicant may request ~~an~~ exceptions to this chapter and receive ADU approval by applying for a conditional use permit (CUP). Any exceptions approved pursuant to this section must also comply with all objective design review standards as set forth in Section 10-6.302, if applicable, and shall be reviewed through the standard ~~discretionary~~ CUP process. Any detached ADU approved herein shall not exceed 1,200 square feet.

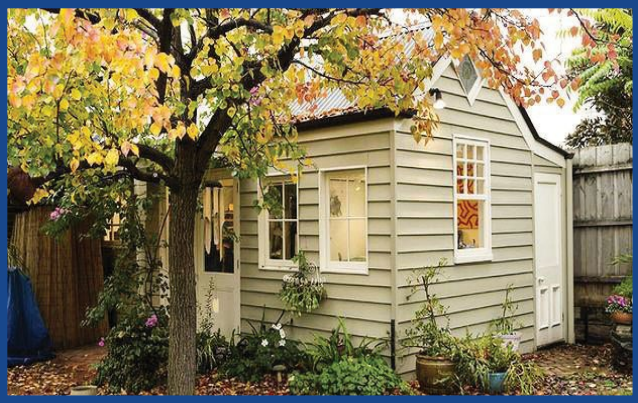
Article 4. – Requirements to Eliminate ADU.

10-6.401 – Intent to Maintain Units. It is the Town's intent to preserve ADUs and discourage the conversion of ADUs for the use of the primary dwelling. To this end, the following are requirements that apply when taking actions that remove elements of an ADU.

a. A building permit shall be required to remove the separate entrance or permanent provisions for eating, cooking, and sanitation in an ADU.
b. No building permit shall be issued to remove permanent provisions for eating, cooking, and sanitation or the separate entrance for an ADU created by converting or demolishing a garage, carport, or covered parking structure in conjunction with the construction of an a ADU 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 ADU created with an exception to lot coverage and/or floor area ratio unless the project removes the additional lot coverage and/or floor area granted for the ADU 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 ADU created with side or rear yard setbacks that

are less than required under applicable development standards unless the project includes removing the area for the ADU where the setback or a variance was approved.









CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

ACCESSORY DWELLING UNIT HANDBOOK

January 2025

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ADUs in California

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are innovative and effective options for adding much needed housing in California. Since 2016, State ADU Laws have continued to evolve to further lower barriers to the development of more affordable housing as the Legislature works to address the housing crisis across the state. As these laws change, HCD's goal is to ensure consistency and clarity in the application of these laws through education, technical assistance, and enforcement.[1]

Benefits of ADUs
ADUs provide a wide range of benefits, including:

- ADUs are an **affordable** type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators.
- ADUs can provide a **source of income** for homeowners.
- ADUs are often built with **cost-effective wood frame construction**, which is significantly less costly than homes in new multifamily infill buildings.
- ADUs allow **extended families** to be near one another while maintaining **privacy**.
- ADUs can provide as much **living space** as many newly built apartments and condominiums, and they're suited well for individuals, couples, small families, friends, young people, and older adults.
- ADUs give homeowners the **flexibility** to share independent living areas with family members and others, allowing older adults to age in place.

Indeed, Californians are increasingly recognizing the benefits of ADUs, and ADUs are making a difference. Between 2016-2023, the number of ADUs permitted annually in the state grew from 1,336 to 26,924, a 20-fold increase. In 2023, ADUs comprised more than 21 percent of all homes permitted statewide.

ADUs as an Infill Development Strategy
ADUs are, by definition, created in areas that are already developed but where land may be underutilized. Moreover, restrictions on parking requirements for ADUs that are located near transit create further incentives to build ADUs, particularly in places that provide easy access to jobs and other amenities, further reducing reliance on vehicles.

As a result, ADU construction is a key infill development strategy that contributes to, among other things, reducing greenhouse gas emissions and improving air quality by reducing the distance people need to travel; reducing conversion of agricultural land, sensitive habitat, and open space for new development; reducing costs to build and maintain expensive infrastructure; and facilitating healthy and environmentally friendly active transportation.

[1] This updated ADU Handbook references the law as amended by recent legislation that goes into effect on January 1, 2025.

In light of changing laws around ADUs and the growing importance of this housing type, HCD has updated this ADU Handbook and continues to be committed to facilitating housing production at all income levels.

The California Department of Housing and Community Development

With the vision that one day, every California resident can live, work, and play in healthy communities of opportunity, it is the mission of HCD to provide safe, affordable homes and vibrant, inclusive, sustainable communities for all Californians. HCD accomplishes this by increasing and preserving the supply of affordable places to live in California and by creating effective solutions to the housing crisis through policy and research.

Housing Accountability Unit
California's housing crisis has reached historic proportions despite the passage of numerous laws intended to increase the supply of housing affordable to Californians at all income levels. As part of the 2021-2022 state budget, HCD received additional staff to grow its accountability efforts and formed the Housing Accountability Unit (HAU). While education and technical assistance are always the first step in HCD's accountability efforts, the HAU holds jurisdictions accountable for meeting their housing element commitments and complying with state housing laws. Violations of state housing laws, including State ADU Law, may lead to consequences, including revocation of housing element certification and referral to the California Office of the Attorney General.

Technical Assistance
There may be uncertainty, or a need for education at the local level about how to comply with state law, especially as state laws evolve. HCD provides technical assistance to property owners and developers who are seeking to create ADUs, as well as to advocates, local agencies, and other interested parties.

Any questions regarding the application of State ADU Law may be submitted to HCD via the online ADU Portal. Please provide as much detail as possible in the online form. HCD may request additional information, including, but not limited to denials and communications from the local agency.

Local agencies seeking assistance or submitting an ADU ordinance to HCD, must also use the online portal.

For those experiencing technical issues with the ADU Portal, please email: ADUPortal@hcd.ca.gov.

Questions beyond what this Handbook provides are encouraged to contact their local permitting agency (e.g., city or county) or private attorney.

Enforcement of State ADU Law
Since 2016, HCD has had statutory authority to review local agencies' ADU ordinances, and as of January 1, 2024, HCD also has the authority to enforce all State ADU Laws. HCD's ADU team reviews local ordinances for compliance with State ADU Law and sends

findings letters and, when necessary, may escalate its enforcement. To ensure consistency, the HAU works closely with other HCD divisions.

The ADU team is committed to supporting the public, local agencies, and partner agencies with understanding and complying with State ADU Law.

Glossary

66323 Units
One of the four delineated types of ADUs (and JADUs) that must be permitted pursuant to Government Code section 66323. **Source:** Government Code section 66323

Accessory Dwelling Unit (ADU)
An attached or a detached residential dwelling unit that provides complete, independent living facilities for one or more persons, and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is, or will be, situated.

An ADU also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Source: Government Code section 66313, subdivision (a)

Accessory Structure
A structure that is accessory and incidental to a dwelling located on the same lot. **Source:** Government Code section 66313, subdivision (b)

Applicant
The person or party responsible for the submittal of an application seeking a permit.

Application
A formal request to perform work, which includes all information as required.

Certificate of Occupancy
A document issued by local California Building and Safety departments which certifies that a commercial space or newly constructed residential building has been inspected for compliance with the California Building Standards Code and local ordinances which govern construction and occupancy. **Source:** 2022 California Residential Code section R110

Common Interest Development
Any of the following:

(a) A community apartment project.

(b) A condominium project.

(c) A planned development.

(d) A stock cooperative.

Source: Civil Code section 4100

Covenants, Conditions, and Restrictions (CC&Rs)
A set of rules governing the use of a certain piece of real estate in each community. “Governing documents” includes declarations, bylaws, operating rules, articles of incorporation, or articles of association, which govern the operation of the common interest

development or association. **Source:** Civil Code section 4150

Efficiency Dwelling Unit
A dwelling unit which contains a minimum of 150 square feet in living space, a separate closet, kitchen sink, cooking appliance, refrigerator, and a separate bathroom containing a water closet, lavatory, bathtub, or shower. **Source:** Government Code section 66313, subdivision (a)(1); California Building Code section 1208.4

Habitable Space
A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. **Source:** 2022 California Building Code section 202

High Quality Transit Corridor
A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. **Source:** Public Resources Code section 21155, subdivision (b)

Impact Fee
“Impact fee” has the same meaning as the term “fee” as defined in subdivision (b) of Section 66000, and includes the fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation. **Source:** Government Code section 66324, subdivision (c)(2)

Junior Accessory Dwelling Unit (JADU)
A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. **Source:** Government Code section 66313, subdivision (d)

Livable Space
A space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation. **Source:** Government Code section 66313, subdivision (e)

Living Area
The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure. **Source:** Government Code section 66313, subdivision (f)

Local Agency
A city, county, or city and county, whether general law or chartered. **Source:** Government Code section 66313, subdivision (g)

Major Transit Stop
A site containing any of the following:

(a) An existing rail or bus rapid transit station.

(b) A ferry terminal served by either a bus or rail transit service.
(c) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Source: Public Resources Code section 21064.3

Manufactured Home

A structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. **Source:** Health and Safety Code section 18007, subdivision (a)

Ministerial Approval

Considered and approved without discretionary review or a hearing. **Source:** Government Code section 66317, subdivision (a)

Multifamily Dwelling

For the purposes of State ADU Law, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling. Multiple detached single-family dwellings on the same lot are not considered multifamily dwellings for the purposes of State ADU Law.

Nonconforming Zoning Condition

A physical improvement on a property that does not conform with current zoning standards. **Source:** Government Code section 66313, subdivision (h)

Objective Standards

Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant or proponent and the public official prior to submittal. **Source:** Government Code section 66313, subdivision (i)

Passageway

A pathway that is unobstructed, clear to the sky, and extends from a street to one entrance of the ADU. **Source:** Government Code section 66313, subdivision (j)

Permitting Agency

Any entity that is involved in the review of a permit for an ADU or JADU, and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts. **Source:** Government Code section 66313, subdivision (k)

Planned Development

A real property development other than a community apartment project, a condominium project, or a stock cooperative, having either or both of the following features:

(a) Common area that is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

(b) Common area and an association that maintains the common area with the power to levy assessments that may become a lien upon the separate interests in accordance with Article 2 (commencing with Section 5650) of Chapter 8.

Source: Civil Code section 4175

Proposed Dwelling

A dwelling that is the subject of a permit application and meets the requirements for permitting. **Source:** Government Code section 66313, subdivision (l)

Public Transit

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. **Source:** Government Code section 66313, subdivision (m)

Qualified Buyer

Persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code. **Source:** Government Code section 66340, subdivision (a); Health and Safety Code section 50093

Qualified Nonprofit Corporation

A nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program. **Source:** Government Code section 66340, subdivision (b)

Reasonable Restrictions

Restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an ADU or JADU. **Source:** Civil Code section 4751, subdivision (b), and Civil Code section 714.3, subdivision (b)

Single-Family Dwelling

For the purposes of State ADU Law, a single-family dwelling is a single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and existing as a separate interest of real property, such as a detached single-family dwelling or a townhouse.

Substandard Building

Any building or portion thereof, or premises on which the building is located, in which there exists any of a long list of conditions that endanger the life, limb, health, property, safety, or welfare of the public or occupants thereof. **Source:** Health and Safety Code section 17920.3

Tandem Parking

Two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. **Source:** Government Code section 66313, subdivision (n)

Summary of Recent Changes to ADU Law



In Government Code section 66310, subdivision (d), the California Legislature declared that allowing ADUs in zones that allow single-family and multifamily uses provides additional rental housing and is an essential component in addressing California's housing needs. Over the years, State ADU Law has been revised to improve its effectiveness in creating more housing units. Major changes to State ADU Law, effective January 1, 2023, January 1, 2024, and January 1, 2025, further reduced barriers to the development of ADUs and JADUs. Within this context, HCD developed – and continues to update – this Handbook to assist local governments, homeowners, attorneys, architects, and the public in understanding and applying the requirements of state law. Below is a summary of recent legislation that amended State ADU Law.

Please visit https://leginfo.legislature.ca.gov for the complete statutory changes.

All local permitting agencies and interested parties should review the amendments to California law, effective January 1, 2023, 2024, and 2025, regarding the creation of ADUs and JADUs.

2022 legislation includes the following changes to State ADU Law (effective January 1, 2023):

Assembly Bill (AB) 2221 (Chapter 650, Statutes of 2022, Section 1) and Senate Bill (SB) 897 (Chapter 664, Statutes of 2022, Sections 2.5, 4, 5, and 6) built upon recent changes to State ADU and JADU Law and further addressed barriers to the development of ADUs and JADUs. Due to SB 897 being chaptered after AB 2221, section 2.5 of SB 897 incorporated amendments to ADU Law proposed by both SB 897 and AB 2221.

- **Objective Standards.** Requires local agencies to only impose objective standards on ADUs, which "involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal" of an ADU permit application. (Gov. Code, § 66313, subd. (i). *See also* Gov. Code, §§ 66314, subd. (b)(1); 66323, subd. (g).)

- **Detached Garages.** Allows ADUs detached from the proposed or existing primary dwelling, including in detached garages (Gov. Code, § 66314, subd. (d)(3)).

- **Occupancy Change.** Provides that the construction of an ADU does not constitute a

Group R occupancy change under the local building code, unless the local agency makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety (Gov. Code, § 66314, subd. (d)(8)).

- **Fire Sprinklers.** Precludes ADU construction from triggering a requirement that fire sprinklers be installed in the existing primary dwelling (Gov. Code, § 66314, subd. (d)(12)).

- **Permitting Process.** Requires a permitting agency to either approve or deny (replacing the former language "act on") an application to create or serve an ADU or JADU within 60 days from when a completed application is received, if there is an existing single-family or multifamily dwelling on the lot (Gov. Code, §§ 66317, subd. (a); 66320, subd. (a); 66335, subd. (a)(2)).

- **Concurrent Permitting.** Clarifies that permitting agencies may concurrently approve or deny a proposed ADU and new single-family or multifamily dwelling when submitted simultaneously for permitting. The application for the ADU shall be considered without discretionary review or hearing. Clarifies that permitting agencies may concurrently approve or deny a proposed JADU and new single-family dwelling when submitted simultaneously for permitting. (Gov. Code, §§ 66317, subd. (a); 66320, subd. (a); 66335, subd. (a)(3).)

- **Permitting Agency Denials.** Obligates a permitting agency, when it denies an ADU or JADU application, to "return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant" within 60 days from when a completed application is received. (Gov. Code, §§ 66317, subd. (b); 66320, subd. (b); 66335, subd. (b).)

- **Demolition Permits.** Adds a requirement for a local agency to review and issue a demolition permit for "a detached garage that is to be replaced with an ADU" at the same time it reviews, and issues permits for, the ADU construction. (Gov. Code, § 66314, subd. (e).) Also prohibits permitting agencies requiring applicants to "provide written notice or post a placard for the demolition of a detached garage ... unless the property is located within an architecturally and historically significant district." (Gov. Code, § 66314, subd. (f).)

- **Zoning & Setbacks.** Prohibits a local agency from requiring "a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards." (Gov. Code, § 66321, subd. (b)(3).)

- **Detached ADU Height Limitations.** Establishes a base height limitation of 16 feet for detached ADUs (Gov. Code, § 66321, subd. (b)(4)(A)). Increases the maximum height limitation on a detached ADU to 18 feet if the ADU is "either within a half-mile walking distance of a major transit stop or a high-quality transit corridor" and provides for an

additional two feet for roof pitch to align with the roof pitch of the primary dwelling unit." (Gov. Code, §§ 66321, subd. (b)(4)(B); 66323, subd. (a)(2)(B).) Increases the height to 18 feet for a detached ADU that is "on a lot with an existing or proposed multifamily, multistory dwelling." (Gov. Code, § 66321, subd. (b)(4)(B).)

- **Attached ADU Height Limitations.** Establishes the maximum height limitation that may be imposed by a local agency on an attached ADU to 25 feet, or the existing primary dwelling height limit if lower than 25 feet. Does not require a local agency to allow an ADU to exceed two stories (Gov. Code, § 66321, subd. (b)(4)(D)).

- **Parking Standards.** Prohibits local agencies from imposing parking in a number of specific circumstances (Gov. Code, § 66322, subd. (a)).

- **Zoning Nonconformance & Building Code Violations.** Prohibits local agencies from denying an ADU permit due to the correction of "nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit." (Gov. Code, § 66322, subd. (b).) The prohibition was also added to Government Code section 66336 to apply to JADUs.

- **Multifamily Dwellings.** Prohibits a permitting agency from requiring "any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit" if the existing multifamily dwelling has "a rear or side setback of less than four feet..." (Gov. Code, § 66323, subd. (a)(4)(B)).

- **Permitting Agency Definition**. Adds definition of a permitting agency as "any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts." (Gov. Code, § 66313, subd. (k).)

- **Unpermitted ADUs.** Precludes a local agency from denying a permit for an unpermitted ADU that was constructed before January 1, 2018, because the ADU violates building standards or because the ADU does not comply with State ADU Law or a local ordinance. (Gov. Code, § 66332, subd. (a).) This prohibition does not apply if the local agency makes a finding that "correcting the violation is necessary to protect the health and safety of the public or occupants of the structure" (Gov. Code, § 66332, subd. (b)) or to a building that is deemed substandard pursuant to Health and Safety Code section 17920.3 (Gov. Code, § 66332, subd. (c)).

- **Enclosed Uses**. Considers enclosed uses within the residence, such as attached garages, to be "a part of the proposed or existing single-family residence" for the purposes of JADUs (Gov. Code, § 66333, subd. (d)).

- **JADU Separate Entrance.** Requires a JADU without a separate bathroom to "include a separate entrance from the main entrance to the proposed JADU, with an interior entry to the main living area." (Gov. Code, § 66333, subd. (e)(2).)

2023 legislation includes the following changes to State ADU Law (effective January 1, 2024):

AB 976 (Chapter 751, Statutes of 2023) and AB 1033 (Chapter 752, Statutes of 2023) made changes to State ADU Law. AB 1332 (Chapter 759, Statutes of 2023) added Government Code section 65852.27 to expedite the approval of ADUs. AB 434 (Chapter 740, Statutes of 2023) modified Government Code section 65585 to require enforcement of State ADU Law, ADU amnesty laws, and lot split / duplex laws, among others.

- **Owner Occupancy.** Removes the existing 2025 sunset of the prohibition on owner-occupancy requirements and instead mandates no owner-occupancy requirement for ADUs (Gov. Code, § 66315). Authorizes a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums (Gov. Code, § 66342).

- **Pre-Approved ADU Plans.** Requires the local agency to develop a program for the preapproval of ADU plans by January 1, 2025. The local agency shall accept ADU plan submissions for preapproval from any party and shall approve or deny applications pursuant to standards established in Government Code sections 66314-66332. The local agency shall post preapproved ADU plans and the contact information of the applicant on the local agency's website. The local agency may also post plans pre-approved by other local or state agencies. (Gov. Code, § 65852.27.)

- **Enforcement Authority.** Amends Government Code section 65585, subdivision (j), by adding to the list of laws about which HCD is authorized to notify a local jurisdiction or the Attorney General when the local jurisdiction fails to comply with those laws, including Chapter 13 (commencing with Section 66310) and Government Code sections 65852.21, 65852.24, 65852.28, 65913.4.5, and 66411.7, among others.

2024 legislation includes the following changes to State ADU Law (effective March 27, 2024, and January 1, 2025):

SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the government code sections related to ADU and JADU Law. AB 2533 (Chapter 834, Statutes of 2024) and SB 1211 (Chapter 296, Statutes of 2024) made changes to State ADU Law.

- **Updated Government Code Sections.** Government Code sections related to ADU and JADU law were updated from 65852.2, 65852.22, 65852.23, and 65852.26 to Government Code sections 66310-66342.

- **Unpermitted ADUs and JADUs.** Changes the date from January 1, 2018, to January 1, 2020, such that a local agency is precluded from denying a permit for an unpermitted ADU that was constructed before January 1, 2020, because the ADU violates building standards

or because the ADU does not comply with State ADU Law or a local ordinance. (Gov. Code, § 66332, subd. (a).) A local agency shall inform the public about the provisions of this section through public information resources, including permit checklists and the local agency's internet website, which shall include both of the following: (1) a checklist of the conditions specified in Section 17920.3 of the Health and Safety Code that would deem a building substandard, and (2) information that, before applying for a permit, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before applying for a permit. (Gov. Code, § 66332, subd. (d)(1), (d)(2).)

- **Objective Standards.** Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a).

- **Livable Space.** Defines "livable space" as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).

- **Uncovered Parking.** Specifies that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced.

- **Detached ADUs.** Authorizes up to eight detached ADUs on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot.

For additional summaries of ADU legislation, please see the Resources section.

Frequently Asked Questions

66323 Units

What are "66323 Units"?

HCD uses the term "66323 Units" to refer to ADUs and JADUs that are created pursuant to Government Code section 66323. They have also been referred to as "State mandated" or "State exempt" ADUs. Government Code section 66323 creates four categories of ADUs (and JADUs) that must be approved ministerially and are not subject to standards set forth in Government Code sections 66314-66322. For example, 66323 Units do not have to comply with lot coverage, front setbacks, and design standards. However, these ADUs must comply with building code and health and safety requirements for dwellings. The four categories are:

1. **Single-Family Converted ADUs and JADUs**

   One ADU per lot is permitted within the converted space of a proposed or existing single-family dwelling or accessory structure. This type of ADU must have exterior access and setbacks for fire and safety but is not subject to a four-foot side and rear yard setback. (Gov. Code, § 66323, subd. (a)(1).)

   ADUs converted from accessory structures are eligible for a 150 square-foot expansion to accommodate ingress and egress. For example, if a second story from a single-family dwelling is converted into an ADU, a stairwell of not more than 150 square feet could be added, among other types of ingress and egress configurations that comply with the local building code. (Gov. Code, § 66323, subd. (a)(1)(A).)

   In addition, one JADU per lot is permitted within the proposed or existing space of a single-family dwelling or accessory structure and must have exterior access, side and rear setbacks for fire and safety. (Gov. Code, § 66323, subd. (a)(1).) JADUs must also comply with the provisions of JADU Law found in Government Code sections 66333-66339. For the purposes of constructing a JADU, attached garages are part of a single-family dwelling. (Gov. Code, § 66333, subd. (d).)

   For more information, please see the Handbook section on JADUs.

2. **Single-Family Detached ADUs**

   One detached new construction ADU that does not exceed four-foot side and rear yard setbacks is permitted on lots with an existing or proposed single-family dwelling (Gov. Code, § 66323, subd. (a)(2)). The maximum unit size is 800 square feet with a height limitation of 16, 18, or 20 feet depending on conditions specified in Government Code section 66321, subdivision (b)(4). (Gov. Code, § 66323, subd. (a)(2)(B).)

3. **Multifamily Converted ADUs**

   ADUs may be created within the portions of existing multifamily structures that are not used as livable space (Gov. Code, § 66323, subd. (a)(3)(A)). Local agencies shall allow

at least one ADU within an existing multifamily dwelling and up to 25 percent of the existing multifamily dwelling units (Gov. Code, § 66323, subd. (a)(3)(B)). Examples of structures that are not used as livable space include, but are not limited to: storage rooms, boiler rooms, passageways, attics, basements, or garages (Gov. Code, § 66323, subd. (a)(3)(A)).

4. **Multifamily Detached ADUs**

   Up to two detached ADUs are allowed on a lot that has a proposed multifamily dwelling, or up to eight detached ADUs are allowed on a lot with an existing multifamily dwelling, not to exceed the number of existing units on the lot. These ADUs are subject to four-foot rear and side yard setbacks and height limits of 16, 18, or 20 feet depending on conditions specified in Government Code section 66321, subdivision (b)(4). (Gov. Code, § 66323, subd. (a)(4)(A).) A local agency may not require that a setback be modified for an existing multifamily dwelling with setbacks less than four feet as a condition of ADU application approval (Gov. Code, § 66323, subd. (a)(4)(B)).

The local agency must allow the four categories of ADUs listed above to be combined as allowed by the site and lot conditions. For example, pursuant to Government Code 66323, subdivision (a), local governments must allow units created pursuant to subparagraphs (1) and (2) together or (3) and (4) together. This means that on single-family lots, local agencies must allow at least one ADU constructed from existing space, one JADU, and one newly constructed detached ADU. For multifamily lots, local agencies must permit at least one ADU constructed from existing non-livable space (or up to 25 percent of the number of multifamily units), and two detached ADUs.

Allowable 66323 ADU Combinations
All formats listed below may be combined as explained in the preceding section

	Single-Family Primary Dwelling	**Multifamily Primary Dwelling**
Gov. Code, § 66323, subd. (a)(1) **ADU constructed from proposed or existing space**	• Sometimes referred to as "Conversions," "Interior," "Created within." • May expand 150 square feet from the existing accessory structure for ingress and egress. • Must have exterior access.	Does not apply
Gov. Code, §§ 66323, subd. (a)(1); 66333-66339 **JADUs**	• Created within existing or proposed dwelling. • 500 square-foot maximum. • May be created from within attached garage.	Does not apply

Gov. Code, § 66323, subd. (a)(2) **New construction detached**	• May be in front setback. • 800 square-foot maximum.	Does not apply
Gov. Code, § 66323, subd. (a)(3)(A) **Constructed in existing space not used as livable**	Does not apply	• Existing non-livable space (e.g., gyms, enclosed parking, etc.) within the multifamily structure. • Allows at least one ADU or up to 25% of existing primary units.
Gov. Code, § 66323, subd. (a)(4) **Detached from primary dwelling**	Does not apply	• Up to two units detached from proposed primary dwelling, or • Up to eight units detached from existing primary dwelling, not to exceed the number of existing units on the lot. • Four-foot side and rear setbacks.

What design, zoning, or other local standards can be imposed on 66323 Units?

A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) This includes, but is not limited to, parking, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

Additionally, rentals of 66323 ADUs must be for terms longer than 30 days. (Gov. Code, § 66323, subd. (e).) Fire sprinklers are not required for the ADU if not required for the primary residence, and the construction of an ADU may not trigger the requirement for fire sprinklers in an existing multifamily dwelling. (Gov. Code, § 66323, subd. (d).)

Can a 66323 ADU created by converting an existing accessory structure be expanded?

Yes. An ADU created within the existing space of an accessory structure can be expanded beyond the physical dimensions of the structure up to 150 square feet solely for the purpose of accommodating ingress and egress. (Gov. Code, § 66323, subd. (a)(1)(A).) An example is the construction of a staircase to reach a second story ADU. The ADUs shall conform to setbacks sufficient for fire and safety. (Gov. Code, § 66323, subd. (a)(1)(C).)

NOTE: A JADU may be created within the walls of a single-family residence and not within an accessory structure. JADUs may not be expanded beyond the existing dimensions of the single-family dwelling.

For more information regarding 66323 multifamily accessory units, please see Multifamily ADUs**.**

ADUs

What is an ADU?

An ADU is accessory to a primary residence and has complete independent living facilities for one or more persons. ADUs are either "detached from," "attached to," or located within the proposed or existing primary dwelling. This includes attached garages, storage areas or similar spaces, and accessory structures. The ADU can also be detached from the proposed or existing primary dwelling, including detached garages, provided it is located on the same lot. (Gov. Code. §§ 66313, subd. (a); 66314, subd. (d)(3).)[2]

Bedrooms

Can a limit on the number of bedrooms in an ADU be imposed?

A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs (Gov. Code, § 65008). Building code standards for minimum bedroom size still apply.

Can an ADU have no bedrooms?

A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, (Gov. Code, § 65008) and could also unreasonably restrict the ability of homeowners to create ADUs (Gov. Code, § 66311). Building code standards for minimum bedroom size still apply.

Building Code Violations

Can an ADU application be denied due to building code violations?

An ADU application pursuant to Government Code section 66314 may be denied due to building code violations on the primary unit only if the violations present a threat to public health and safety and are affected by the construction of the ADU (Gov. Code, § 66322, subd. (b)). However, all ADUs must comply with building code and health and safety requirements for dwellings.

Coastal Commission

Do state ADU laws apply to jurisdictions located in the California Coastal Zone?

Yes. ADU laws apply to jurisdictions in the California Coastal Zone, but do not alter or lessen the effect or application of Coastal Act resource protection policies (Gov. Code, § 66329). Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new State ADU Laws. For more information, see the California

[2] Note that certain federal financing programs mentioned in the section on "Funding," below, may have different definitions of an ADU.

Coastal Commission 2020 Memo and reach out to the local Coastal Commission district office.

Deed Restrictions

Can an affordable housing deed restriction be imposed on an ADU?

No. A local agency cannot impose a deed restriction on an ADU. Government Code section 66315 states, "Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer." Section 66314, subdivision (b)(1) allows for local objective standards, but the examples provided all relate to design and development standards (e.g., parking, height, setback, landscape, maximum size of a unit). A deed restriction is not such a standard and thus cannot be imposed.

Can a deed restriction be imposed on a JADU?

Yes. A local agency may adopt an ordinance for the creation of JADUs (Gov. Code, § 66333). That ordinance must "[r]equire the recordation of a deed restriction" that includes only a prohibition on the sale of the JADU separate from the sale of the single-family residence and a restriction on the size and attributes of the JADU that conforms with state law (Gov. Code, § 66333, subds. (c)(1), (c)(2)).

Fees

What types of fees are considered impact fees?

Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and include any monetary exaction other than a tax or special assessment that is charged by a local agency in connection with the approval of an ADU for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. (Gov. Code, §§ 66324, subd. (a); 66000.) A local agency, special district, or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home. (Gov. Code, § 66324, subds. (b), (d).)

Can impact fees be charged for an ADU less than 750 square feet?

No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if it is less than 750 square feet. If an ADU is 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit. (Gov. Code, § 66324 subd. (c)(1).) In this specific instance, impact fees also include Quimby fees specified in Government Code section 66477 (Gov. Code, § 66324 subd. (c)(2)).

For ADUs that include a 150 square-foot exterior expansion, the 150 square feet count towards the 750 square-foot limit. For example, a 700 square-foot interior conversion ADU with

a 150 square-foot exterior expansion for ingress and egress would count as an 850 square-foot ADU for the purposes of calculating fees, thus triggering the proportionate fee requirement of Government Code section 66324, subdivision (c).

What is "Proportionality"?
"Proportionality" is some amount in relation to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square-foot primary dwelling with a proposed 1,000 square-foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. (Gov. Code, § 66324, subd. (c)(1).)

Can school districts charge impact fees?

Yes. School districts are authorized to, but do not have to, levy impact fees for ADUs larger than 500 square feet pursuant to Section 17620 of the Education Code and the Mitigation Fee Act (Gov. Code, § 66000). ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs and to ensure appropriate nexus studies are conducted on fees to facilitate construction or reconstruction of adequate school facilities, as required by the Mitigation Fee Act. Local agencies should not withhold the issuance of a permit to create an ADU or JADU due to the imposition of school fees.

Can I still be charged water and sewer connection fees?

ADUs constructed from existing space and JADUs shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed concurrently with a new single-family dwelling (Gov. Code, § 66324, subd. (b)). The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling (Gov. Code, § 66324, subd. (e)).

Fire Protection and Fire Sprinkler Requirements

Can fire sprinklers be required for ADUs?

Only when sprinklers are required for the existing primary residence. Installation of fire sprinklers shall not be required in attached, detached, or converted ADUs if sprinklers are not required by building codes for the existing primary residence. For example, a detached single-family home designed and constructed decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. However, if the same primary dwelling recently underwent significant alteration and is now required to have fire sprinklers, any ADU created after that alteration must be provided with fire sprinklers. Additionally, the construction of an ADU under this code section shall not trigger a requirement for fire sprinklers for the primary residence. Finally, if a primary dwelling currently does not have fire sprinklers, and an attached ADU is proposed which would trigger fire sprinkler requirements due to the increase in livable space, that requirement shall not be imposed upon the primary dwelling unit. (Gov. Code, §§ 66314, subd. (d)(12); 66323, subd. (d).)

Funding

Is there financial assistance or funding available for ADUs?

Possibly. While at the time of this writing the funds have been exhausted, the California Housing Finance Agency's (CalHFA) ADU Grant Program provided up to $40,000 in assistance to reimburse qualifying homeowners for predevelopment costs necessary to build an ADU or JADU on a lot with an owner-occupied single-family dwelling unit. The ADU Grant Program was intended to create more housing units in California by providing a grant to reimburse qualifying homeowners for predevelopment costs. Predevelopment costs include, but are not limited to, architectural designs, permits, soil tests, impact fees, property surveys, and energy reports.

Some local agencies are creating funding opportunities for ADU/JADU predevelopment and construction costs, or they are waiving fees.

For local agencies wanting to apply for funding for ADUs and JADUs, some of HCD's funding programs, such as the CalHome Program, the Permanent Local Housing Allocation program, the Prohousing Incentive Program, and the Local Housing Trust Fund Program, do include funding for these housing types as eligible activities.

For more information on local and state funding opportunities for ADU/JADU predevelopment or construction, or funding options for local agencies, please see the Grants and Funding section of our ADU webpage: https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units.

The Federal Housing Administration (FHA), Freddie Mac, and Fannie Mae also provide loans to support ADUs. The links below include information on these finance programs, including relevant definitions and criteria.

FHA

The FHA recently expanded access to mortgage financing for homes that have or will include ADUs. Specifically, the updated loan policies allow for the inclusion of rental income from the ADU in the borrower's qualifying income and would allow more borrowers to qualify for FHA financing for properties with ADUs. This includes the 203(k) Rehabilitation loan. Note that the 203(k) Rehabilitation loan may only be used to construct an attached ADU.

For more information on the updated policies, please reference the FHA Single Family Housing Policy Handbook at https://www.hud.gov/sites/dfiles/OCHCO/documents/40001-hsgh-update15-052024.pdf, or the 2023 Mortgagee Letter that includes specific ADU finance changes in the handbook https://www.hud.gov/sites/dfiles/OCHCO/documents/2023-17hsgml.pdf. Interested parties should look to HUD's website for any updates.

Freddie Mac

Freddie Mac now offers several options for adding an ADU to an existing home and financing a purchase with the intention to rent or build an ADU. This includes allowing rental income from ADUs to be included in qualified income for a loan.

For more information, please visit https://sf.freddiemac.com/docs/pdf/fact-sheet/adu-fact-sheet.pdf.

Fannie Mae
Fannie Mae now offers financing options for adding an ADU to an existing property, building a home with an ADU using Construction-to-Permanent Financing, and buying a home with an existing ADU.

For more information, please visit https://singlefamily.fanniemae.com/originating-underwriting/mortgage-products/accessory-dwelling-units.

Height Requirements

Is there a limit on the height of an ADU?

There is no height limit contained in State ADU Law, but local agencies may impose height limits pursuant to Government Code section 66321, subdivision (b)(4). A local agency may impose a height limit by adopting a compliant ADU ordinance.

A local agency may not impose a height limit that is less than the following:

Detached ADUs

16 feet on a lot with a proposed or existing single-family or multifamily dwelling unit (Gov. Code, § 66321, subd. (b)(4)(A)).

18 feet on a lot with an existing or proposed single-family or multifamily dwelling, including an additional 2 feet to accommodate roof pitch that aligns with the primary dwelling, when the lot is a half-mile from a major transit stop or high-quality transit corridor (Gov. Code, § 66321, subd. (b)(4)(B)). Please see the ADU Glossary for definitions of these terms.

18 feet height on a lot with an existing or proposed multifamily, multistory dwelling (Gov. Code, § 66321, subd. (b)(4)(C)).

If a detached two-story ADU can be built according to the height allowances required under State ADU Law while remaining compliant with the building code, a local agency cannot deny an ADU application to create a two-story ADU, irrespective of the underlying zoning that might restrict a primary dwelling to one story. (Gov. Code, §§ 66321, subd. (b)(4)(D); 66314, subd. (d)(8).)

Attached ADUs

25 feet or the height limitation that applies to the primary dwelling in the local zoning ordinance, whichever is lower (Gov. Code, § 66321, subd. (b)(4)(D)).

Is there a limit on the number of stories of an ADU?

There is no limit on the number of stories contained in State ADU Law. A local agency must allow at least two stories, and an attached ADU may be built to the height of the zoning for the primary dwelling or up to 25 feet, whichever is lower. (Gov. Code, § 66321, subd. (b)(4)(D).)

Are there tools available to determine if a project qualifies for 18 feet in height?

The California State Geoportal features an interactive map and searchable database to assess whether any California address is within a High-Quality Transit Corridor (HQTC) (as described in Public Resources Code sections 21155, 21064.3, and 21060.2). This can assist with determining if your projects are eligible for an extra two feet in height. However, the State ADU Law does not designate a definitive resource for making HQTC proximity determinations. Applicants should go to their Metropolitan Planning Organizations first to find out if they are in a HQTC. If there is not one in their area, then they should go to their local agency.

Homeowners Associations (HOAs)

Can CC&Rs prohibit the construction or use of an ADU or JADU?

No. Sections 714.3 and 4751 of the Civil Code nullify covenants, conditions, and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on lots zoned to permit single-family residential uses. Such CC&Rs, including operating rules, are void and unenforceable. Applicants who encounter prohibitions of ADUs and JADUs within CC&Rs, whether implicit or explicit, are encouraged to reach out to their local agency.

What restrictions can be placed on an ADU or JADU?

HOAs may impose some limited objective standards on an ADU or JADU, such as requiring, within reason, specific materials, architectural styles, or other design and aesthetic restrictions. However, these standards may not be more stringent than State ADU Law and thereby unreasonably increase the cost to construct or effectively prohibit or extinguish the ability to create or serve an ADU or JADU. (Civ. Code, § 714.3, subd. (b).)

Examples of effective prohibitions, unreasonable costs, and extinguishments of the ability to construct an ADU or JADU may include, but would not be limited to:

- Any delay in reviewing an ADU or JADU for compliance with reasonable restrictions beyond the timeframes required of local agencies (60 days) or that significantly delay the construction or use of an ADU or JADU.
- Requiring alteration to an ADU or JADU application that would cause the property owner to incur substantial costs or forgo the development.
- Imposing a condition that would necessitate re-applying or amending a building permit application that substantially complies with State ADU and JADU Laws.
- Mandating neighboring property owners' approval or agreement for an ADU or JADU application or considering any disapproval or disagreement to the construction or use of an ADU or JADU by the neighbors as part of the local agency's ministerial process to approve or deny the application.
- Restricting the placement or location of an ADU or JADU such that it would be rendered infeasible or unusable by the property owner.

- Requiring major structural elements or design changes beyond the requirements set forth in State ADU and JADU Law that would extinguish the ability to construct or use the ADU or JADU.
- Imposing restrictions that are not objective or not knowable or available to the property owners in advance of submitting the application.
- Levying excessive application fees, conditions, or other financial requirements that would cause the property owner to incur substantial costs or forgo the development, such as requiring owner-occupancy of an ADU or charging excessive maintenance fees that would be unreasonable considering the size of the ADU proportionally to the primary dwelling.

Property owners whose construction or use of an ADU or JADU is impeded by an HOA (or their representatives or agents) are encouraged to reach out to their local agency and to seek legal counsel.

Can an HOA review or influence a local agency's ministerial approval to create or serve an ADU or JADU?

No. An HOA may not influence a local agency's ministerial approval of an ADU or JADU. Local agencies must provide an approval process that only includes ministerial provisions for the approval of ADU permit applications. This approval process shall not include discretionary processes, provisions, or requirements except as provided in Government Code section 66315. Thus, third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or JADU permit application (Gov. Code, § 66317, subd. (c)). If a local agency allows an HOA to be involved in any part of an ADU or JADU application process, the local agency is in violation of State ADU Law.

Housing Elements and Prohousing Designation

Do ADUs and JADUs count toward a local agency's RHNA?

Yes. Pursuant to Government Code sections 66330, and 65583.1, ADUs and JADUs may be utilized towards the RHNA and the Housing Element Annual Progress Report (APR) required by Government Code section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the U.S. Census definition of a housing unit. Generally, an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the U.S. Census definition and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other local applications.

For more information, please refer to the Housing Element Building Blocks or contact HousingElements@hcd.ca.gov.

What analysis is required to count ADUs toward the RHNA in the housing element?

To count ADUs towards the RHNA in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability, and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR required by Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures, and affordability monitoring programs.

Are ADUs required to be addressed in the housing element?

Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs to address identified constraints. In addition, housing elements must include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs. (Gov. Code, § 65583; HSC, § 50504.5.)

Can ADUs and JADUs impact a local agency's Prohousing Designation status?

Yes. To qualify for a Prohousing Designation, a local agency must be in compliance with all applicable state housing laws, such as those mentioned in Government Codes section 65585, subdivision (j), which includes State ADU Law. An approved housing element and any associated programs which promote ADU development will also need to be enacted and in compliance to meet the minimum threshold requirements for a Prohousing Designation. Additionally, ADUs and JADUs are specifically identified within the Prohousing Designation Program as designation criteria under California Code of Regulations, Title 25, section 6606, meaning that an ADU ordinance or program which promotes ADU development beyond the minimum requirements of State ADU Law may score additional points towards their Prohousing Designation. In other words, local agencies that are in violation of State ADU Law will be ineligible for a Prohousing Designation, while local agencies that promote additional ADU development can score additional points towards their Prohousing Designation, and all the benefits that designation provides. (CCR Title 25, §§ 6600-6608).

JADUs

What is a JADU?

A "junior accessory dwelling unit" or JADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. (Gov. Code, § 66333.)

Are two JADUs allowed on a lot?

No. Only one JADU may be created per lot zoned for single-family residences with an existing or proposed single-family residence (Gov. Code, § 66333, subd. (a)). The JADU may be created within the walls of the proposed or existing single-family residence, including attached

garages (Gov. Code, § 66333, subd. (d)). If there are multiple detached single-family residential units on one lot, there can only be one JADU.

Can a JADU be created within a "half-plex"?

Yes, a JADU is permitted in a half-plex. A half-plex consists of two primary dwelling units on separate lots that share a dividing wall. One JADU is permitted in each half-plex in areas zoned for single-family use. (Gov. Code, § 66333, subd. (a).) If two units are attached on a single lot (i.e., a duplex), the primary dwelling is considered multifamily and would not qualify for a JADU.

Are JADUs required to have an interior connection to the primary dwelling?

JADUs are required to be within the walls of the primary dwelling but are not required to have an interior connection to the primary dwelling. However, if the JADU does not include a separate bathroom, the JADU must include an interior entrance to the main living area. (Gov. Code, § 66333, subd. (e)(2).)

Are JADUs allowed in detached accessory structures?

No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence. As noted above, "enclosed uses" within the residence, such as attached garages, are eligible for JADU creation. (Gov. Code, § 66333, subd. (d).)

Are JADUs allowed to be increased by up to 150 square feet when created within an existing structure?

No. Only ADUs that are created from existing accessory structures are allowed to add up to 150 square feet "beyond the physical dimensions of the existing accessory structure" to provide for ingress or egress (Gov. Code, § 66323, subd. (a)(1)(A)).

Are there any owner-occupancy requirements for JADUs?

Yes. The owner must reside in either the remaining portion of the primary residence or in the newly created JADU. Owner-occupancy is not required when the owner is another governmental agency, land trust, or housing organization. (Gov. Code, § 66333, subd. (b).)

What can local agencies require as part of an "efficiency kitchen"?

An efficiency kitchen is a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the JADU (Gov. Code, § 66333, subds. (f)(1), (f)(2)). A local agency cannot be more restrictive than this definition. Thus, requirements such as counter or cabinet sizes, specified electrical or gas connections, or appliance types are not authorized by State JADU Law.

Are JADUs required to provide parking?

No. Local agencies may not require parking as a condition to permitting a JADU, even when the JADU is converted from an attached garage (Gov. Code, § 66334, subd. (a)).

Local ADU Ordinances and Local Agencies

Should a local ordinance encourage the development of ADUs?

Yes. Pursuant to Government Code section 66310, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities, and others. Therefore, ADUs are an essential component of California's housing supply.

Recent changes to State ADU Law intend to address barriers, streamline approval, and expand potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment, and implementation of local ADU ordinances must be carried out consistently with Government Code section 66310 and must not unduly restrict the creation of ADUs. Local governments adopting ADU ordinances should carefully weigh the adoption of zoning, development standards, and other provisions for impacts on the development of ADUs.

State ADU Law provides the statutory minimum requirements for ADUs and JADUs. Local governments may elect to go beyond this statutory minimum to further the creation of ADUs. (Gov. Code, § 66325, subd. (b).) Many local governments have embraced the importance of ADUs as an important part of their overall housing policies and have pursued innovative strategies.

Can a local agency adopt an ADU "bonus program?"

Yes. One common strategy used by local agencies to promote ADU development is to adopt ADU bonus programs. HCD supports this approach to go above and beyond State ADU Law's requirements to address California's ongoing housing crisis. A successful ADU bonus program should meet the following criteria:

1. The ADU bonus program is completely optional – There is no requirement, and no consequence for not taking part in a local bonus program.
2. The ADU bonus program only offers benefits in addition to the provisions of State ADU Law, not in lieu of them – All state-mandated requirements are granted unconditionally.
3. The ADU bonus program removes one or more physical constraints, such as a limitation on the number of allowable units on a lot, ADU size, height, setback requirements, or a waiver of design and development criteria.

Does HCD have enforcement authority over ADU ordinances?

Yes. Pursuant to Government Code section 66326, subdivision (a), local agencies are required to submit a copy of newly adopted ADU ordinances to HCD within 60 days of adoption. HCD may thereafter provide written findings to the local agency as to whether the ordinance complies with State ADU Law. If HCD finds that the ADU ordinance does not comply with State ADU Law, the local agency must respond to HCD's written findings within 30 days. The local agency shall either amend its ordinance in accordance with HCD's findings, or adopt the ordinance without changes, but include findings in its resolution explaining why the ordinance complies with State ADU Law despite HCD's findings. (Gov. Code, § 66326, subd. (b).)

Although not required by State ADU Law, HCD may continue to offer further technical assistance to the local agency. However, if the local agency does not amend its ordinance in accordance with HCD's findings or adopt a resolution explaining why the ordinance is compliant, HCD shall notify the local agency and may notify the Attorney General that the local agency is in violation of State ADU Law. (Gov. Code, § 66326, subd. (c)(1).) While an ordinance is non-compliant, the local agency shall apply state standards for the approval of ADUs, until the local agency adopts a compliant ordinance. (Gov. Code, § 66316.)

In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify State ADU Law (Gov. Code, § 66327).

Do local agencies have to adopt an ADU ordinance?

No. Local agencies may choose not to adopt an ADU ordinance. Should a local government choose not to adopt an ADU ordinance, any proposed ADU development would be subject only to the standards set forth in State ADU Law. (Gov. Code, §§ 66315, 66316.) A local agency that adopts an ADU ordinance may impose objective development and design standards in compliance with Government Code section 66314.

Is a local agency required to send an ADU ordinance to HCD?

Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to HCD within 60 days after adoption. After the adoption of an ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with the State ADU Law. (Gov. Code, § 66326, subd. (a).)

Are charter cities and counties subject to the new ADU laws?

Yes. State ADU Law applies to a local agency, which is defined as a city, county, or city and county, whether general law or chartered (Gov. Code, §§ 66312; 66313, subd. (g)).

Do ADU laws apply to areas governed by the Tahoe Regional Planning Agency (TRPA)?

Possibly. The TRPA was formed through a bistate compact between California and Nevada, which elevates its authority above state laws. Under this authority, TRPA has adopted certain restrictions that effectively limit lot coverage on developed land. State ADU Law may conflict to a degree with the TRPA standards, and to the extent that it does, the TRPA law preempts or overrides State ADU Law. For more information, please see: https://www.trpa.gov/adus/.

Manufactured Homes

Can a manufactured home be used as an ADU?

Yes. By definition, an ADU includes manufactured homes (Gov. Code, § 66313, subd. (a)(2); HSC, §§ 18007, 18008).

Health and Safety Code section 18007, subdivision (a): "Manufactured home," for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

For more information on Manufactured Homes please contact the Division of Codes and Standards at ContactMH-FBH@hcd.ca.gov.

Mobilehome Parks

Are ADUs permitted on lots within mobilehome parks or special occupancy parks?

No. A lot, as defined in Health and Safety Code sections 18210 and 18862.23, allows for only one manufactured home, mobilehome, or recreational vehicle. Health and Safety Code section 18862.23 also allows one tent, camp car, camping cabin, or camping party on a lot within a special occupancy park.

For more information, please contact the Division of Codes and Standards at: NAOStaff@hcd.ca.gov for Northern CA or SAOStaff@hcd.ca.gov for Southern CA.

Multifamily ADUs

What is considered a multifamily dwelling under State ADU Law?

For the purposes of creating an ADU, a structure with two or more *attached* dwellings on a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of State ADU Law.

Does a local agency have to permit ADUs on lots zoned for multifamily use?

Yes. A local agency must permit an attached, detached, or converted ADU on a lot that is zoned to allow single-family or multifamily residential use and includes an existing or proposed dwelling (Gov. Code, § 66314, subds. (d)(2), (d)(3)). An applicant may build a detached or a converted ADU on a site in a residential or mixed-use zone with a proposed or existing multifamily dwelling. (Gov. Code, § 66323, subds. (a)(3), (a)(4).) (See next question for more information.)

How many ADUs are allowed on a multifamily site under Government Code section 66323?

Under Government Code section 66323, an applicant may apply to build up to eight detached

ADUs (Gov. Code, § 66323, subd. (a)(4)(A)) and at least one conversion ADU within an existing multifamily dwelling and up to 25 percent of the number of units in the existing multifamily dwelling (Gov. Code, § 66323, subd. (a)(3)(B)).

Can JADUs be created in multifamily dwelling structures?

No. JADUs may only be constructed on a site with a proposed or existing single-family dwelling in an area zoned for single-family residences; a JADU cannot be constructed on a multifamily site (Gov. Code, § 66333, subd. (a)).

Can a permitting agency impose accessibility standards on ADUs converted from existing space?

Maybe. For more information on ADA standards as they apply to your specific dwelling, please contact the Division of Codes and Standards at HCDBuildingStandards@hcd.ca.gov.

Can a leasing office be converted into an ADU?

Yes. A leasing office within an existing multifamily dwelling structure can be converted to at least one ADU – and up to 25 percent of the existing multifamily dwelling units – provided the ADUs comply with state building standards for dwellings. (Gov. Code, § 66323, subd. (a)(3)(A).)

In addition, a leasing office on a lot with an existing multifamily dwelling may be converted into up to eight detached ADUs, not to exceed the number of existing units on the lot and subject to height limitations in section 66321, subdivision (b), and to rear yard and side setbacks of no more than four feet. (Gov. Code, § 66323, subd. (a)(4)(A).)

Finally, an ADU can be created from an accessory space, including a leasing office, that is either attached to or located within the multifamily structure or an accessory structure, or is detached from the primary dwelling and located on the same lot as the primary dwelling, and complies with other applicable standards. (Gov. Code, § 66314, subd. (d)(3).)

Nonconforming Zoning

Can a local agency refuse to permit an ADU or JADU because of nonconforming zoning conditions?

No. State ADU Law limits a local agency's ability to deny a permit application due to the correction of existing, nonconforming zoning conditions. Nonconforming zoning conditions are physical improvements on a property that do not conform to current zoning standards. (Gov. Code, § 66313, subd. (h)). For 66323 Units, a local agency cannot condition approval on the correction of nonconforming zoning conditions (Gov. Code, § 66323, subd. (c)). For all other ADUs, a local agency may only deny a permit to create an ADU due to zoning non-conformance when the non-conformance creates a threat to public health and safety and is affected by the construction of the ADU (Gov. Code, §§ 66322, subd. (b)).

Owner-Occupancy

Can local agencies require owner-occupancy for an ADU?

No. A local agency cannot impose an owner-occupancy requirement on any ADU (Gov. Code, § 66315).

Parking Requirements

Can ADU parking requirements exceed one space per unit or bedroom?

No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less (Gov. Code, § 66314, subd. (d)(10)(A)). These spaces may be provided as tandem parking on a driveway (Gov. Code, § 66314, subd. (d)(10)(B)). Guest parking spaces shall not be required for ADUs under any circumstances. In addition, a local agency may not require off-street parking spaces to be replaced when a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU (Gov. Code, § 66314, subd. (d)(11)).

Local agencies may choose to eliminate or reduce parking requirements for ADUs, such as requiring zero or a fraction of a parking space per each ADU (such as a ½ space per unit), to further reduce barriers to ADU construction and to facilitate more development of mixed-modal transportation such as walking and public transit.

Are certain ADUs exempt from parking requirements?

Yes. A local agency shall not impose parking standards on any of the following ADUs, pursuant to Government Code section 66322, subdivision (a):

1) ADUs located within one-half mile walking distance of public transit.
2) ADUs located within an architecturally and historically significant historic district.
3) ADUs that are 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 ADU.
5) When there is a car share vehicle located within one block of the ADU.
6) When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in Government Code section 66322, subdivision (a)(1)-(5).

Parking requirements for ADUs may not exceed one parking space per ADU or per bedroom, whichever is less (Gov. Code, § 66314, subd. (d)(10)). ADUs which have no bedrooms because they are an “efficiency unit” or studio do not increase the bedroom count.

In addition, local agencies may not impose parking requirements on 66323 Units.

Is flexibility for siting ADU parking recommended?

Yes. Local agencies should be flexible when siting parking for ADUs. Off-street parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking unless specific findings are made otherwise based on specific site or

regional topographical or fire and life safety conditions. (Gov. Code, § 66314, subd. (d)(10)(B).)

When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those off-street parking spaces for the primary unit be replaced (Gov. Code, § 66314, subd. (d)(11)).

Permit Applications and Permitting Agencies

What is an ADU permitting agency?

A permitting agency is "any entity that is involved in the review of a permit for an accessory dwelling unit or JADU and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts." (Gov. Code, § 66313, subd. (k).) See also the Glossary section of this Handbook for this definition.

Are ADUs permitted ministerially?

Yes. ADUs subject to State ADU Law must be considered, approved or denied, and permitted ministerially, without discretionary review or a hearing (Gov. Code, § 66317, subd. (a)). Development standards must be objective to allow for ministerial review (Gov. Code, § 66314, subd. (b)(1)). Objective standards require a uniform benchmark or reference that is knowable by both the permit applicant and the permitting agency prior to the submission of an application to create or serve an ADU (Gov. Code, § 66313, subd. (i)).

What are considered objective standards for ministerial approval?

Examples include numeric and fixed standards such as heights or setbacks, or design standards such as specified colors or materials. See also the Glossary section of this Handbook for the definition of objective standards.

What would be considered subjective standards?

Subjective standards require independent judgement and are open to multiple interpretations. Language such as "privacy," "compatibility with neighboring properties," "promoting design harmony and balance," "must maintain similar architecture style," or requiring "high quality materials" are subjective and may not be imposed on ADU development (Gov. Code, § 66313, subd. (i)).

What is the process and timeline for reviewing and approving ADU and JADU applications?

Under the Permit Streamlining Act, and whether or not a local agency has adopted an ordinance, a local agency has 30 calendar days to determine whether or not an ADU application is complete. If an application is deemed incomplete, the local agency must provide an exhaustive list of items that were not complete. That list shall be limited to those items actually required on the lead agency's submittal requirement checklist. (Gov. Code, § 65943, subd. (a).)

If the application is complete, it must be approved or denied ministerially within 60 days from the date the permitting agency received the complete application (Gov. Code, §§ 66317, subd. (a); 66320, subd. (a)). Applicants are responsible for paying all applicable processing and

permitting fees that may be due at the time of application.

What kind of environmental review is required for ADUs and JADUs?

ADUs and JADUs approved ministerially are statutorily exempt from CEQA pursuant to Section 15268 (Ministerial Projects) of the CEQA guidelines and Section 21080, subdivision (b)(1) of the Public Resources Code. In addition, ADUs can be categorically exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA guidelines, authority cited under Public Resources Code Sections 21083 and 21084. ADU and JADU ordinances are statutorily exempt from CEQA pursuant to Section 21080.17.

What does ministerial review of a permit application involve?

A ministerial review ensures that the permit application meets all the applicable objective standards effective at the time of the review and uses no discretionary judgment, opinion, or subjective standards. Agency staff inspect the submitted application, site plan, and building plans for compliance with applicable standards. This often means that the permitting agency (i.e., planning, building, fire departments and utilities) reviews the application using only checklists. (Gov. Code, §§ 66316, 66317, 66320.)

Can an applicant delay the 60-day timeline?

Yes. If an applicant would like to request a delay on their application for any reason, they may do so. The 60-day period to approve or deny the permit shall be tolled for the period of the delay. (Gov. Code, § 66317, subd. (a).)

When is an ADU permit application "deemed approved" without formal review?

An ADU permit application is "deemed approved" when the permitting agency fails to approve or deny a completed application within 60 days of receiving a completed application (Gov. Code, §§ 66317, subd. (a); 66320, subd. (a)).

Do ADUs need a Certificate of Occupancy?

Yes, property owners must obtain a Certificate of Occupancy from the local agency prior to any residential occupancy of an ADU or JADU (Gov. Code, § 66328; 2022 CBC, § 111).

Can the local agency deny a permit application for an unpermitted ADU that was built before 2020?

A local agency shall not deny a permit for an unpermitted ADU that was constructed before January 1, 2020, due to the ADU being in violation of building standards, non-compliance with State ADU Law, or any local ordinance regulating ADUs (Gov. Code, § 66332, subd. (a)). However, the local agency may deny the permit if the local agency makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure, or if the building is deemed substandard pursuant to section 17920.3 of the Health and Safety Code (Gov. Code, § 66332, subds. (b), (c)).

What happens when an application for an ADU is denied?

The permitting agency denying the application must provide the applicant a full set of comments listing items that are defective or deficient and include a description of how the application may be remedied. A full set of comments includes all comments from all reviewers,

from every permitting agency. The 60-day countdown continues until the complete list is provided. (Gov. Code, §§ 66317, 66320.) A local agency which has provided a complete set of correction comments has fulfilled this requirement. Following a denial, a subsequent application resets the 60-day period.

The applicant may address the proposed remedy and resubmit the application to the permitting agency. A local agency may charge a fee to process a resubmitted application. (Gov. Code, § 66335 subd. (c).)

How can I request technical assistance from HCD about the denial of my ADU application?

Questions and requests for technical assistance should be submitted through HCD's ADU Portal, which is available on HCD's ADU webpage: https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units. To reach the portal, navigate to "Contact the ADU Team." Applicants should first work to address the denial with the permitting agency via the agency's process. HCD may provide technical assistance after an application has been submitted. However, HCD may not respond or follow up with a permitting agency if there is no pending application.

Rental Terms

Are rental terms allowed?

Yes. Local agencies may require that ADUs be used for rentals of terms longer than 30 days (Gov. Code, § 66315). ADUs created pursuant to Government Code section 66323 must be rented for terms longer than 30 days (Gov. Code, § 66323, subd. (e)).

Sales and Separate Conveyance

Can ADUs be sold or separately conveyed?

A local agency may adopt a local ordinance to allow separate conveyance of the primary unit and the ADU as condominiums if the ordinance meets specific requirements laid out in Government Code section 66342. In addition, Government Code section 66341 creates a narrow exception to allow separate conveyance of an ADU to a qualified buyer if the property was built or developed by a qualified nonprofit corporation and meets other requirements specified in section 66341.

Senate Bill 9 (SB 9) (Chapter 162, Statutes of 2021)

How does SB 9 work with ADUs?

SB 9 (Gov. Codes, §§ 65852.21, 66411.7) and State ADU Law are complementary. Both laws can be implemented in ways that result in developments with both "SB 9 Units" and ADUs. However, in no case does SB 9 require a local agency to allow more than four units on a single lot, in any combination of primary units and ADUs or JADUs. For example, when a lot split has not occurred, the lot is eligible to receive a second primary unit on the lot under SB 9 and to receive up to two ADUs under State ADU Law. When a lot split occurs under SB 9, each lot is

eligible for up to two units, including, for example, a primary unit and an ADU or JADU. In the case that a lot owner both splits a lot and builds two primary units on each resulting lot under SB 9, State ADU Law is superseded (i.e., neither lot is entitled to an ADU or JADU); in all other cases, State ADU Law applies, up to SB 9's four-unit cap. (Gov. Code, § 66411.7, subd. (j).)

Members of the public with SB 9 complaints are encouraged to share them to the Housing Accountability Unit Portal. Please also see HCD's SB 9 Fact Sheet.

Setbacks

Can setbacks be required for ADUs?

Yes. A local agency may impose objective development standards, such as setbacks, for the creation of ADUs. A setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU (Gov. Code, § 66314, subd. (d)(7)). Additional setback requirements may be required in the Coastal Zone if required by a local Coastal Program (Gov. Code, § 66329).

Are setbacks required for ADUs/JADUs created within an existing structure or replacing an existing structure?

No setback shall be required for an ADU or JADU created within an existing living area or accessory structure or an ADU created in a new structure in the same location and to the same dimensions as an existing structure (Gov. Code, § 66314, subd. (d)(7)).

Can a local agency impose front setbacks?

Yes. A local agency may apply front yard setbacks for ADUs, but front yard setbacks cannot preclude an ADU of at least 800 square feet from being built on the property, even if that ADU would exist partially or wholly within the front setback (Gov. Code, § 66321, subd. (b)(3)).

Can a local agency require an ADU be built in an alternate location to comply with front setback requirements?

Maybe. Local agencies may set objective standards, including front setbacks. However, a permitting agency may not require that an ADU of up to 800 square feet be built in an alternative location based on discretionary, or non-objective, standards. Requiring an alternative site, using objective standards, to comply with front setback requirements must not be overly burdensome such that it unreasonably restricts the ability of homeowners to create ADUs in zones in which they are authorized by local ordinance. (Gov. Code, §§ 66321, subd. (b)(3); 66311.)

Is there a distance requirement between an ADU and other structures on the lot?

State ADU Law does not address the distance between an ADU and other structures on a lot. A local agency may impose objective development standards for the creation of some ADUs, and all ADUs must comply with local building codes. However, development standards should not unreasonably restrict the creation of ADUs. (Gov. Code, § 66311.) Minimum distance or other requirements may not be applied if they would unreasonably restrict the creation of ADUs, unless they are a requirement of a Building or Fire Code (Gov. Code, § 66314, subd. (d)(8)).

Size Requirements and Restrictions

How is the square footage of an ADU or JADU calculated?

The CBC provides the minimum standards to which all buildings in California must be built (California Building Code, Vol. 2, 1.1.3). The CBC also allows local agencies to adopt amendments, additions, or deletions to the provisions of the CBC which are reasonably necessary and are more restrictive than the CBC's standards (California Building Code, Vol. 2, 1.1.8).

The CBC defines "Floor Area, Gross" as "[t]he floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts."

Government Code section 66314, subdivision (d)(8) states that a local ADU ordinance must require ADUs to comply with local building codes. Thus, when a local agency has not adopted specific changes to the CBC in its local building standards, then the CBC standards, and in this case the definition of floor area, shall apply. If the local agency has made specific amendments, additions, or deletions relating to the definition of "Floor Area" within its local building standards, then those altered definitions shall apply.

Can minimum lot size requirements be imposed on ADUs?

No. Local governments may not include minimum lot size requirements for ADUs (Gov. Code, § 66314, subd. (b)(1)).

Can lot coverage or floor area ratio preclude an ADU?

Limits on lot coverage or any floor area ratio requirements cannot preclude the creation of an ADU of at least 800 square feet that maintains four-foot rear and side setbacks. While floor area ratio and lot coverage requirements can be applied to other ADUs, such requirements must not unreasonably restrict the creation of ADUs. (Gov. Code, §§ 66321, subd. (b)(3); 66311.)

Can minimum and maximum unit sizes be established for ADUs?

Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs; however, maximum unit size requirements must allow an ADU of at least 850 square feet, or 1,000 square feet for ADUs with more than one bedroom. (Gov. Code, § 66321, subd. (b)(2).) For local agencies without a compliant ADU ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU (Gov. Code, § 66314, subd. (d)(4)) and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet) (Gov. Code, §§ 66314, subd. (d)(5); 66321, subd. (a)(3)). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits the development of an efficiency unit as defined in Health and Safety Code section 17958.1. An efficiency unit may be as small as 150 square feet in floor area (HSC, § 17958.1).

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements. (Gov. Code, § 66323, subd. (a)(1).)

Can open space or landscaping requirements be used to limit the size of or deny an ADU permit?

No. A local agency's open space zoning requirements may not deny an ADU of at least 800 square feet with four-foot rear and side setbacks (Gov. Code, § 66321, subd. (b)(3)). In addition, 66323 Units are not subject to local open space and landscaping requirements in an ADU ordinance (Gov. Code, § 66323, subd. (b)).

Can a percentage of the primary dwelling be used to limit the maximum size of an attached ADU?

Yes. Local agencies may utilize a percentage (e.g., not greater than 50 percent) of the existing primary dwelling as a maximum unit size for attached ADUs, but only if it does not restrict an ADU's size to less than 850 square feet, or 1,000 square feet for ADUs with more than one bedroom (Gov. Code, §§ 66314, subd. (d)(4); 66321 (b)(2)).

Can maximum unit sizes exceed 1,200 square feet for ADUs?

Yes. Maximum unit sizes can exceed 1,200 square feet for ADUs through the adoption of a less stringent local ADU ordinance. State ADU Law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs. (Gov. Code, § 66325, subd. (b).)

Solar Requirements

Are solar systems required for newly constructed ADUs?

Yes, newly constructed ADUs are subject to the California Energy Code requirement (excluding manufactured homes) to provide solar systems if the unit(s) is a newly constructed, detached ADU (though some exceptions apply). Per the California Energy Commission (CEC), the solar systems can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the California Energy Code requirement to provide solar systems.

Please refer to the CEC on this matter. For more information, see the CEC's website at www.energy.ca.gov. You may email your questions to title24@energy.ca.gov, or contact the Energy Standards Hotline at 800-772-3300. CEC memos can also be found on HCD's website at https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units.

Tiny Homes

Are "tiny homes" considered ADUs?

Possibly. While State ADU Law does not specifically reference "tiny homes," "tiny home" is an industry term that can mean different structures or vehicles. If the unit meets the definition of an ADU in Government Code section 66313, subdivision (a), it is subject to ADU Law. For

more information on “tiny homes,” see Information Bulletin 2016-01 at https://www.hcd.ca.gov/policy-research/docs/hcd-bulletin-tiny-home-ib-2016-01.pdf. You may also contact HCD’s Division of Codes and Standards at ContactMH-FBH@hcd.ca.gov.

Types of ADUs

What are attached ADUs?

An attached ADU is a newly created (constructed) dwelling structure that structurally abuts (and connects to) an existing or proposed primary dwelling or accessory structure (Gov. Code, § 66314, subd. (d)(3)). This can be constructed on top of or below the primary dwelling. The attached ADU extends beyond the building plane of the existing or proposed primary dwelling unit. An attached ADU shall not exceed 50 percent of the existing primary dwelling’s floor area size. (Gov. Code, § 66314, subd. (d)(4).)

Examples of attached ADUs include, but are not limited to:

- An ADU addition to a duplex.
- An ADU built on top of an attached garage.
- An ADU built as a new second story of a single-family dwelling.
- An ADU built in a newly constructed basement.

What are converted ADUs?

Converted ADUs are dwelling units that are created from existing space within proposed or existing primary dwelling units or existing accessory structures. For single family residences, the converted ADU is created from the proposed or existing space of the single-family residence or the existing space of an accessory structure. For multifamily dwelling structures, the converted ADUs are created from portions of the multifamily dwelling structures that are not used as livable space (i.e., storage rooms, passageways, etc.). (Gov. Code, § 66323, subds. (a)(1), (a)(3)(A).)

What standards apply to ADU conversions?

Objective standards related to height, lot coverage, landscape, design, development, and architectural standards in the local ADU ordinance do not apply to ADU conversions. However, since ADU conversions are created within an existing structure, the height of ADU conversions are limited to the dimension of the original structure. ADU conversions are not subject to setback requirements because they are created within an existing living area or are constructed in the same location and to the same dimensions as an existing structure. (Gov. Code, § 66323, subds. (a)(1), (a)(3)(A).) ADU conversions are subject to all applicable building, health and safety, and fire standards for dwellings.

Can accessory structures be converted into an ADU?

Yes. The conversion of detached garages, sheds, and other existing detached accessory structures into ADUs is permitted by State ADU Law (Gov. Code, §§ 66314, subd. (d)(3); 66323, subds. (a)(1), (a)(3)(A)).

What are Detached ADUs?
Detached ADUs are newly constructed dwelling units that are created on a lot with an existing or proposed single-family or multifamily dwelling structure but are detached from the primary dwelling (Gov. Code, §§ 66314, subd. (d)(3); 66323, subds. (a)(1), (a)(2), (a)(4)(A)).

Can detached ADUs on multifamily lots be attached to each other?
Yes. Multifamily lots qualify for two detached, new construction ADUs on lots with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, not to exceed the total number of existing units on the lot. These ADUs are detached from the primary multifamily structure but do not have to be detached from each other or other accessory structures on the lot. (Gov. Code, § 66323, subd. (a)(4)(A).)

For more information on 66323 Units, please see the "66323 Units" section above.

Unpermitted Structures and ADUs

Can a local agency deny a permit for an unpermitted ADU or JADU built prior to January 1, 2020?
Local agencies may not deny a permit for an unpermitted ADU or JADU created prior to January 1, 2020. An inspector from the local agency may inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the local agency shall not penalize an applicant for having the unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards (Gov. Code, § 66332, subd. (f)). However, the local agency may deny a permit if it finds that the building is substandard. This does not preclude the local agency from pursuing enforcement action on these violations, and an applicant may be required to make alterations or repairs accordingly. (Gov. Code, § 66332.)

How does an applicant know what items are related to health and safety and may lead to needing corrections for an unpermitted ADU or JADU?
A local agency shall inform the public about the provisions of this section through public information resources, including permit checklists and the local agency's internet website, which shall include both of the following: (1) a checklist of the conditions specified in Section 17920.3 of the Health and Safety Code that would deem a building substandard, and (2) information that, before applying for a permit, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements (Gov. Code, § 66332, subd. (d)(1), (d)(2)).[3]

Can a local agency charge impact, connection, or capacity fees for an unpermitted ADU or JADU built prior to January 1, 2020?
No. A homeowner applying for a permit for a previously unpermitted ADU or JADU constructed

[3] See the Department of Consumer Affairs' Contractors State License Board's contractor license check resource, available at https://www2.cslb.ca.gov/onlineservices/checklicenseII/checklicense.aspx.

before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges to obtain a permit if they provide written evidence that their household income does not exceed the definition of a low- or moderate-income household, as defined in Section 50093 of the Health and Safety Code (Gov. Code, § 66332, subd. (e)).

Utilities

Can a local agency, special district, or water corporation require a new or separate connection for an ADU?

ADUs and JADUs created from the existing space of a primary dwelling or accessory structure pursuant to Government Code section 66323, subdivision (a)(1), cannot be required to install a new or separate connection unless the ADU is constructed concurrently with a new single-family dwelling. For all other ADUs not created pursuant to Government Code section 66323, subdivision (a)(1), a new or separate connection directly from the utility to the ADU may be required (Gov. Code, § 66324, subds. (d), (e)).

What if I have questions about electrical or gas utilities in connection with an ADU?

HCD does not have authority over issues related to gas and electrical services. If an applicant believes that a local utility provider is not complying with connection requirements, fee schedules, or other issues that impact the creation of or service of an ADU, the applicant can file a complaint with the appropriate agency.

For privately owned public utilities such as PG&E, contact the California Public Utilities Commission (CPUC) by using CPUC's online complaint form, by calling 1-800-649-7570, or by sending a letter to:

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102–3298

For publicly owned utilities such as SMUD, the applicant will need to contact the utility directly and follow their complaint process.

Zoning, Development, and Other Standards

Are ADUs allowed jurisdiction-wide?

No. Local agencies may, by ordinance, designate where ADUs are permitted within zones that allow residential use. However, any limits on where ADUs are allowed may only be based on the adequacy of water and sewer service and on the impacts on traffic flow and public safety. (Gov. Code, § 66314, subd. (a).)

Local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors. If a lot with a residence has been rezoned to a use that does not allow for residential uses, that lot is no longer eligible for an ADU. (Gov. Code, §§

66314; 66323, subd. (a).) Impacts on traffic flow should consider factors like lower car ownership rates for ADUs. Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns.

Can local agencies restrict ADUs based on Fire Hazard Severity Zones or other environmental hazards?

HCD understands that extreme weather conditions occur, and the threat of destructive wildfires cannot be ignored. Some agencies have used the High (HFHSZ) and Very High Fire Hazard Severity Zone (VHFHSZ) maps provided by CAL FIRE to mark areas where ADUs may be restricted or prohibited altogether. However, according to CAL FIRE, the HFHSZ and VHFHSZ maps are intended to govern building materials used in construction and defining zones of defensibility around structures. These are *not* intended to restrict housing development. The presence of a High Fire Hazard Severity Zone is not a conclusive rationale to warrant restricting ADUs. A restriction based on the threat to public safety should be supported with findings detailing the impact of ADUs on public safety. (Gov. Code, § 66314, subd. (a).)

Can an ADU application be denied due to lot density?

No. An ADU ordinance shall provide that ADUs do not exceed the allowable density on the lot (Gov. Code, § 66314, subd. (c)). Additionally, ADUs which conform to Government Code section 66314 shall not be considered to exceed the allowable density for the lot (Gov. Code, §§ 66314, subd. (c); 66319).

Can ADUs serve to qualify a project for a density bonus pursuant to State Density Bonus Law (SDBL), even though the general plan designation on the site allows less than five primary units?

Yes. A project initially qualifies under the SDBL when the project's "total units," as defined in the SDBL (i.e., the number of units in the project *before* a density bonus is received) meet or exceed five units (Gov. Code, § 65915, subd. (o)(8)). Although the SDBL makes no mention of ADUs in its text, it likewise does not expressly narrow the definition of unit to exclude ADUs. Provided they are counted within the total units of the project, ADUs are a type of housing unit that may be counted for the purposes of achieving the five total unit minimum.

If ADUs can be used to qualify a project under the SDBL's minimum total unit requirement, can they likewise be used to calculate a density bonus?

No. The calculation of a density bonus is based solely on a site's maximum allowable residential density, which does not include ADUs. A density bonus is defined as "a density increases over the otherwise maximum allowable gross residential density…" (Gov. Code, § 65915, subd. (f)). Maximum allowable residential density is defined as "the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan." (Gov. Code, § 65915, subd. (o)(6).) As an example, if the zoning ordinance allows up to two units and the general plan allows up to three, the applicable maximum allowable residential density (i.e., base density) on the site is three units, even though the addition of two ADUs brings the total units to five (see question above). The density bonus would then be calculated on top of a base density of three units, not five.

Can a local government apply design and development standards?

Yes. With an adopted ADU ordinance in compliance with State ADU Law, a local government may apply objective development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. These standards must be objective to allow ministerial review of an ADU. (Gov. Code, §§ 66314, subd. (b)(1); 66316.) ADUs created under Government Code section 66323 shall not be subject to design and development standards except for those that are specified in section 66323. (Gov. Code, § 66323, subds. (a), (b)).

Can an ADU be built in a historic district or if the primary residence is subject to historic preservation?

Yes. ADUs are allowed within a historic district and on lots where the primary residence is subject to historic preservation. State ADU Law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. (Gov. Code, § 66314, subd. (b)(1).)

As with non-historic resources, an agency may impose objective standards that do not unreasonably restrict the creation of ADUs (Gov. Code, § 66311). Local agencies are encouraged to incorporate these standards into their ordinances and to submit these standards along with their ordinances to HCD.

How should demolition of garages in conjunction with the permitting of an ADU be handled by a local or permitting agency?

The local or permitting agency must review and issue the demolition permit and ADU application at the same time. The applicant shall not be required to provide written notice or post a placard for the demolition of the garage unless the property is located in an architecturally and historically significant historic district. (Gov. Code, § 66314, subds. (e), (f).)

Resources



Changes to State ADU Laws

AB 2533

AB 2533 (Chapter 834, Statutes of 2024) made various changes to State ADU Law (Gov. Code, § 66332) regarding unpermitted ADUs and goes into effect on January 1, 2025. This bill:

- Prohibits a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for those violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard.
- Requires a local agency to inform the public about the provisions prohibiting denial of a permit for an unpermitted ADU or JADU.
- Requires this information to include a checklist of the conditions that deem a building substandard and to inform homeowners that, before submitting a permit application, the homeowner may obtain a confidential third-party code inspection from a licensed contractor.
- Prohibits a local agency from requiring a homeowner to pay impact fees or connection or capacity charges except under specified circumstances.
- Authorizes an inspector from a local agency, upon receiving an application for a permit for a previously unpermitted ADU or JADU constructed before January 1, 2020, to inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards.

- Prohibits the local agency from penalizing an applicant for having the unpermitted ADU and would require the local agency to approve necessary permits to correct noncompliance with health and safety standards.

SB 1211

SB 1211 (Chapter 296, Statutes of 2024) made various changes to State ADU Law (Gov. Code, §§ 66313, 66314, 66323) with regard to replacement parking and 66323 Units on lots with existing or proposed multifamily dwellings and goes into effect on January 1, 2025. This bill:

- Defines "livable space" as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).
- Specifies that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced.
- Authorizes up to eight detached ADUs on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot.
- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a).

SB 477

SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of Government Code for State ADU and JADU Laws. The bill went into effect on March 25, 2024.

New Government Code Sections	Previous Government Code Sections
Article 1. General Provisions	
66310	65852.150 (a)
66311	65852.150 (b)
66312	65852.150 (c)
66313	General Definition Section 65852.2 (j) 65852.22 (j)
Article 2. Accessory Dwelling Unit Approvals	
66314	65852.2 (a)(1)(A), (D)(i)-(xii), (a)(4)-(5)
66315	65852.2 (a)(8)
66316	65852.2 (a)(6)
66317	65852.2 (a)(3), (a)(7)
66318	65852.2 (a)(9) 65852.2 (a)(2)

New Government Code Sections	Previous Government Code Sections
66319	65852.2 (a)(10)
66320	65852.2 (b)
66321	65852.2 (c)
66322	65852.2 (d)
66323	65852.2 (e)
66324	65852.2 (f)
66325	65852.2 (g)
66326	65852.2 (h)
66327	65852.2 (i)
66328	65852.2 (k)
66329	65852.2 (l)
66330	65852.2 (m)
66331	65852.2 (n)
66332	65852.23.
Article 3. Junior Accessory Dwelling Units	
66333	65852.22 (a)
66334	65852.22 (b)
66335	65852.22 (c)
66336	65852.22 (d)
66337	65852.22 (e)
66338	65852.22 (f)-(g)
66339	65852.22 (h)
Article 4. Accessory Dwelling Unit Sales	
66340	65852.26 (b)
66341	65852.26 (a)
66342	65852.2 (a)(10)

Note: The statutory references below have been adjusted to the new numbering described above.

AB 976 and AB 1033

AB 976 (Chapter 751, Statutes of 2023) and AB 1033 (Chapter 1033, Statutes of 2023) made changes to State ADU Law (Gov. Code, §§ 66310-66342) regarding the occupancy, sale, and separate conveyance of ADUs and went into effect on January 1, 2024. These bills:

- Removed the existing 2025 sunset prohibition on a local agency imposing an owner-occupancy requirement on any ADU and would instead prohibit a local agency from requiring owner-occupancy for an ADU (Gov. Code, § 66315).
- Authorized a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums, subject to certain conditions (Gov. Code, §§ 66340-66342). Specifically:
    - Condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act.
    - Condominiums shall be created in conformance with the Subdivision Map Act.

- Requires a safety inspection of the ADU prior to recordation of the condominium plan.
- Requires lienholders' consent prior to recordation of the subdivision map or condominium plan.
- The local agency shall provide notice to consumers regarding requirements, establishment of condominium, and lienholder consent.
- Requires homeowner notice to utilities.
- The owner of a separate interest in an existing planned development must obtain express written authorization from the association.

AB 1332

AB 1332 (Chapter 759, Statutes of 2023) added section 65852.27 to the Government Code to expedite the approval of ADUs and went into effect on January 1, 2024. This bill:

- Requires the local agency to develop a program for the preapproval of ADU plans by January 1, 2025.
- Requires the local agency to accept ADU plan submissions for preapproval from any party and approve or deny applications pursuant to standards established in Government Code sections 66314-66342.
- Requires the local agency to post preapproved ADU plans and the contact information of the applicant on the local agency's internet website.
- Allows the local agency to also post plans pre-approved by other local or state agencies.
- Authorizes a local agency to charge a fee to an applicant for the preapproval of an ADU plan.
- Requires a local agency to approve or deny within 30 days an application for a detached ADU that utilizes either a plan preapproved by the local agency or another agency within the state, or a plan that is identical to a plan in a previously approved application for a detached ADU. The plans must be valid within the current triennial California Building Standards Code rulemaking cycle.

AB 434

AB 434 (Chapter 740, Statutes of 2023) modified amended Government Code section 65585, subdivision (j), by adding State ADU Law (Gov. Code, §§ 66310-66342) and SB 9 (Gov. Code, §§ 65852.21, 66411.7), among others, to the list of laws that HCD is authorized to enforce, including HCD's authority to notify a city, county, city and county, or the Attorney General when the planning agency of a city, county, or city and county fails to comply with those laws. The bill went into effect on January 1, 2024.

AB 345

AB 345 (Chapter 343, Statutes of 2021) built upon recent changes to State ADU Law, to require cities to allow the separate conveyance of ADUs from the primary dwelling in certain

circumstances, provided they meet certain conditions, including those listed below, found in Government Code section 66341:

- The ADU or primary dwelling was built or developed by a qualified nonprofit (Gov. Code, § 66341, subd. (a)).
- There is an enforceable restriction on the use of the property between the low-income buyer and nonprofit that satisfies the requirements of Section 402.1 of the Revenue and Taxation Code (Gov. Code, § 66341, subd. (b)).
- The entire property is subject to the affordability restrictions to assure that the ADU and primary dwelling are preserved for owner-occupied, low-income housing for 45 years and are sold or resold only to a qualified buyer (Gov. Code, § 66341, subd. (c)).
- The property is held in a recorded tenancy in common agreement that meets certain requirements (Gov. Code, § 66341, subd. (c)).

AB 345 does not apply to JADUs, and local ordinances must continue to prohibit JADUs from being sold separately from the primary residence.

AB 3182

AB 3182 (Chapter 198, Statutes of 2020) built upon recent changes to ADU Law, specifically Government Code sections 66310-66342 and Civil Code Sections 4740 and 4741, to further address barriers to the development and use of ADUs and JADUs.

This legislation, among other changes, addressed the following:

- States that an application for the creation of an ADU or JADU shall be deemed approved (not just subject to ministerial approval) if the local agency has not approved or denied the completed application within 60 days (Gov. Code, § 66317, subd. (a)).
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU and one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met (Gov. Code, § 66323, subd. (a)(1)(A)).
- Provides for the rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents (Civ. Code, §§ 4740, subd. (a); 4741, subd. (a)).
- Provides that not less than 25 percent of the separate interest units within a common interest development be allowed as rental or leasable units (Civ. Code, § 4741, subd. (b)).

AB 68, AB 881, and SB 13

AB 68 (Chapter 655, Statutes of 2019), AB 881 (Chapter 659, Statutes of 2019), and SB 13 (Chapter 653, Statutes of 2019) built upon recent changes to State ADU and JADU Law and further address barriers to the development of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lot size. (Gov. Code, § 66314, subd. (b)(1)).
- Clarifies that areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety (Gov. Code, § 66314, subd. (a)).
- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 66315).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 66321, subds. (b)(2), (b)(3)).
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of off-street parking spaces cannot be required by the local agency (Gov. Code, § 66314, subd. (d)(11)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, §§ 66317, subd. (a); 66335, subd. (2)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public (Gov. Code, § 66313, subd. (m)).
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit (Gov. Code, § 66324, subd. (c)(1)).
- Defines an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot (Gov. Code, § 66313, subd. (b)).
- Authorizes HCD to notify the local agency if HCD finds that the local ADU ordinance is not in compliance with state law (Gov. Code, § 66326, subd. (b)(1)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy its Regional Housing Needs Allocation (RHNA) (Gov. Code, § 65583.1, subd. (a)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 66320).
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence (Gov. Code, § 66333, subd. (d)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 66331; HSC, § 17980.12).

AB 587, AB 670, and AB 671

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an

impact on State ADU Law, particularly through Health and Safety Code section 17980.12.

These pieces of legislation, among other changes, address the following:

- AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households. (Gov. Code, § 66340, 66341.)
- AB 670 provides that covenants, conditions, and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civ. Code, § 4751)).
- AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs (Gov. Code, § 65583; HSC, § 50504.5)).

Summary Table of Statutory Changes

Bill	Statute Amended	Section	Year Effective
AB 670 (2019)	Civil Code	4751	2020
AB 671 (2019)	Government Code	65583 (c)(7)	2020
AB 671 (2019)	Health and Safety Code	50504.5	2020
AB 3182 (2020)	Civil Code	4740 4741	2021
AB 345 (2021)	Government Code	65852.26	2022
SB 9 (2021)	Government Code	65852.21 66411.7	2022
AB 1584 (2022)	California Civil Code	714.3	2022
SB1069 (2016) AB 2299 (2016) SB 229 (2017) AB 494 (2017) AB 881 (2019) AB 68 (2019) SB 13 (2019) AB 3182 (2020) AB 345 (2021) AB 2221 (2022) SB 897 (2022) AB 976 (2023) AB 1033 (2023)	Government Code	65852.2	2023
AB 2406 (2016) AB 881 (2019) SB 897 (2022)	Government Code	65852.22	2023
SB 897 (2022)	Health and Safety Code	17980.12	2023
AB 1332 (2023)	Government Code	65852.27	2024
AB 434 (2023)	Government Code	65585 (j)	2024
SB 477 (2024)	Government Code	65852.150 65852.2 65852.22 65852.23 65852.26	2024
AB 2533 (2024)	Government Code	66322	2025

SB 1211 (2024)	Government Code	66313 66314 66323	2025
AB 3057 (2024)	Public Resources Code	21080.17	2025
SB 1077 (2024)	Public Resources Code	30500.5	2026

2023 and 2024 State ADU Legislation

- AB 1033 (2023): This law allows homeowners to convert ADUs into condominiums, enabling the separate sale of ADUs from the primary residence.
- AB 976 (2023): This legislation permanently prohibits local governments from imposing owner-occupancy requirements on ADUs, allowing homeowners to rent out ADUs without residing on the property.
- AB 434 (2023): This bill empowers HCD to enforce streamlined processing of ADU applications, ensuring compliance with State laws and expediting approvals
- SB 1211 (2024): This law allows the construction of up to eight detached ADUs on properties with existing multifamily dwellings, provided the number of ADUs does not exceed the number of existing units. It also eliminates the requirement to replace parking spaces when they are demolished or converted to build an ADU.
- AB 2533 (2024): This bill introduces new requirements for local ADU ordinances to ensure they align with State laws, aiming to streamline the approval process and reduce regulatory barriers for ADU construction (e.g., removes requirements for impact fees, service connections, and capacity charges in most cases). This law extends ADU amnesty to ADUs and JADUs that were constructed without a permit before 2020 (while previous law gave amnesty to structures built before 2018). In addition, AB 2533 requires jurisdictions to post information about obtaining a permit for an unpermitted ADU/JADU on its website.
- SB 1077 (2024): This legislation requires the California Coastal Commission and HCD to develop guidance on the development of ADUs and JADUs in coastal areas, addressing unique challenges in these regions.
- AB 3057 (2024): This law streamlines the process for local governments to permit and facilitate the construction of JADUs, creating more affordable living spaces throughout the state.

Jan 13, 2025

Town of San Anselmo
525 San Anselmo Avenue
San Anselmo, CA 94960

By Email: tkullaway@townofsananselmo.org; sburdo@townofsananselmo.org; cwalker@townofsananselmo.org; EileenBurke100@gmail.com; yschlesinger@townofsananselmo.org; towncouncil@sananselmo.gov

CC: planning@sananselmo.gov; megan@ehc.law; ddonery@sananselmo.gov; savila@sananselmo.gov

Re: Proposed Amendments to the Town's Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations

Dear San Anselmo Town Council,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment concerning item 2.1 on the agenda for the Town Council meeting scheduled for January 14, 2025, an amendment to the Town's regulations for ADUs and JADUs. This proposed ordinance fails to comply with state law in several ways, and the Town should address these problems before approving the ordinance.

Background

The law gives local governments authority to enact zoning ordinances that implement a variety of development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (See *id.)* Separately from local ADU ordinances, Government Code section 66323 prescribes a narrower set of ADU types that cities have a ministerial duty to approve. "Notwithstanding Sections 66314 to 66322 ... a local agency shall ministerially approve" these types of ADUs. (*Id.* at subd. (a).) This means that ADUs that satisfy the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU ordinance. (*Ibid.*) Local governments may not impose their own standards on such ADUs. (Gov. Code, § 66323, subd. (b) ["A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."].)

360 Grand Ave #323, Oakland 94610
hi@calhdf.org

In addition, ADUs that qualify for the protections of Government Code section 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).)

State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, "No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer."

Impermissible Parking Requirements

Town code section 10-6.303 requires parking for each new ADU, less certain exceptions. However, as discussed *supra*, Government Code section 66323 mandates that the Town approve a specific class of ADUs subject only to specified height and setback requirements, notwithstanding any local code requirements to the contrary. This means that the Town cannot subject such ADUs to parking requirements.

Impermissible Owner-Occupancy Requirement

Town code section 10-6.202(b)(3) appears to impose an owner-occupancy requirement on ADUs constructed after January 1, 2025:

> "All ADUs that are permitted on or after January 1, 2025 require owner-occupancy as a place permanent residence. [sic] Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization."

State law forbids the imposition of owner-occupancy requirements. Government Code Section 66315 states (emphasis added), "No additional standards, other than those provided in Section 66314, shall be used or imposed, **including an owner-occupant requirement,** except that a local agency may require that the property may be used for rentals of terms 30 days or longer." CalHDF notes that before 2023, the state ADU law allowed local jurisdictions to require owner occupancy of ADUs constructed after January 1, 2025, but the law was amended by AB 976 to prohibit owner-occupancy requirements indefinitely. The Town should update its understanding of the state ADU law and conform its ADU ordinance to the law's current requirements.

Out-of-Date Reference

Town code section 10-6.202(d) refers to Government Code section 65852.26. However, this section of code has been moved to Government Code section 66341.

Impermissible Standards

Town code section 10-6.202(i)(1) imposes the following:

> All ADUs and JADUs shall comply with all applicable building, fire, safety, and environmental regulations including Title 9 Building Regulations, Title 6, Chapter 8, Urban Runoff Pollution Prevention and Title 7, Chapter 12, Watercourses unless otherwise provided for in this chapter or as required by State law.

A search of the Town's Code reveals that Urban Runoff Pollution Prevention is located in Title 5, Chapter 8, not Title 6, Chapter 8.

More importantly, the Town cannot impose all the various regulations of Title 5, Chapter 8 (Urban Runoff Pollution Prevention) on ADUs that qualify for the protection of Government Code section 66323. The Town must approve such ADUs with a building permit and may not require them to comply with the town's requirements for a flatwork permit, site design measures, a Stormwater Control Plan, and a Stormwater Facilities Operation and Maintenance Plan (O&M Plan). Furthermore, these various measures are overkill for what are inherently very small residential structures.

Impermissible Deed Restriction Requirements

Town code section 10-6.202(n) requires a deed restriction to be placed on the property prior to the issuance of a building permit for an ADU. This is a clear violation of Government Code section 66323, which prohibits any standards not explicitly authorized in that section. Deed restrictions are also not permitted by Government Code section 66315, which forbids standards not listed in section 66314, and it is unclear why the Town would want applicants to go through the trouble of filing such a deed restriction, other than to discourage ADU development by increasing development cost.

The California Department of Housing and Community Development ("HCD") has communicated that such deed restrictions are unlawful. The January 2025 HCD ADU Handbook specifically forbids deed restrictions as a condition of ADU development (see page 22).

Additionally, such deed restrictions imposed on ADUs (or on other accessory structures) are unenforceable. This is due to the absence of horizontal privity between the Town and the applicant. In other words, since the Town does not own the applicant's property at the time of the application, and does not own a neighboring property to whose benefit the proposed restriction(s) redound, black letter property law bars the restrictions from binding future property owners. (See, e.g., *Scaringe v. J. C. C. Enters* (1988) 205 Cal.App.3d 1536 [describing the types of privity relationship between covenanting parties that allow enforcement of a deed restriction]; see also Civ. Code §§ 1460 et seq.)

Impermissible Discretionary Process

Code section 10-6.305. creates a discretionary process for certain ADUs that do not conform to the standards within this chapter. However, state law does not allow any such process.

Government Code section 66316: "An existing accessory dwelling unit ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes ..."

Government code section 66317, subdivision (a): " A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing ..."

CalHDF understands that the Town may wish to allow ADUs that go beyond what state law and the Town's local ordinance allows. But if the Town wishes to create a path for approval of certain ADUs , then it should write objective criteria into its code and allow ministerial approval by Town staff. Maintaining an objective, discretionary process for all ADU approvals is crucial for maintaining transparency and predictability in the permitting process – an especially important objective in the ADU context, where most applicants are homeowners unfamiliar with local land use processes and should not be expected to navigate the vagaries of a discretionary process.

♦♦♦

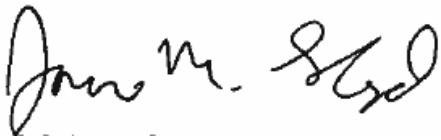
CalHDF appreciates the Town's effort to implement state law governing ADU construction.. However, the Town should amend its ordinance to ensure that it complies with state law.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,



Dylan Casey
CalHDF Executive Director



James M. Lloyd
CalHDF Director of Planning and Investigations



Public Hearing to Consider Amendments to Title 10, Chapter 6, Accessory Dwelling Units

Town Council

February 25, 2025

Purpose

- Public hearing to consider adoption of an Ordinance amending the Zoning Code
- Accept public comments
- Next steps





Background

- Town ADU/JADU regulations are found in Title 10, Chapter 6 (“ADU Ordinance”)
- ADU Ordinance last amended in 2022 in response to State law
- Additional State laws regulating ADUs have been adopted:
  - AB 1033
  - AB 976
  - AB 434
  - SB 1211
  - AB 2533
  - SB 1077
  - AB 3057
- HCD published 2025 ADU Handbook

Proposed Amendments

- Proposed amendments to the Zoning Code would comply with recent changes to State law:
  - Maximum number of detached ADUs on lots with multi-family dwellings
  - No replacement parking required for demolition of uncovered parking
  - Maximum of 2 ADUs + 1 JADU on lots with single-family dwellings
  - New definitions for livable space and objective standards
  - Renumber Government Code sections and Muni Code references

Proposed Amendments (Continued)

- Proposed amendments to the Zoning Code would comply with recent changes to State law:
  - Extend unpermitted ADU amnesty granted by the State
  - Remove owner occupancy and deed restriction requirements for ADUs
  - Clarify maximum ADU size to be 850 square feet or 1,000 square feet (based on bedroom count)
  - Clarify where and how many JADUs are allowed in the town and limitations to JADU design

Comment Letter

- The Town has received 2 comment letters from a non-profit requesting amendments to the proposed ADU Ordinance
- Comments focus on what regulations can be levied on exempt ADUs and non-exempt ADUs
  - **Exempt ADUs**: ADUs/JADUs created pursuant to Govt Code § 66323. Local agency may not impose standards beyond State requirements.
  - **Non-Exempt ADUs:** ADUs/JADUs that don't meet Govt Code § 66323.
- The Town has modified the proposed ADU Ordinance to address these comments, where appropriate

Response to Comment Letter

Comment		Town Action
Out-of-Date References	The proposed Ordinance referenced old Code sections	The proposed Ordinance corrects outdated references
Impermissible Standards	The Town cannot require conformance with Title 5, Chapter 8 (Urban Runoff Pollution Prevention) and Title 7, Chapter 12 (Watercourses) for exempt ADUs	State law allows the Town to levy requirements on exempt ADUs for public health and safety*

* Referenced provisions in the Municipal Code remain unchanged since the last update to the ADU Ordinance in 2022, which was approved by HCD.

Response to Comment Letter

Comment		Town Action
Impermissible Parking Requirements	The Town cannot levy parking requirements on exempt ADUs	The proposed Ordinance does not levy parking requirements on exempt ADUs
Impermissible Discretionary Process	The Town cannot require a discretionary process for approval of non-exempt ADUs	State law does not prohibit a discretionary process. The proposed Ordinance clarifies non-exempt ADUs may seek ministerial approval through objective design standards

Recommendation

- That the Town Council hold a public hearing and consider Zoning Ordinance Amendments to Title 10, Chapter 6 “Accessory Dwelling Units” and the associated California Environmental Quality Act (CEQA) findings.
- Motion to read the attached Ordinance by title only. The Town Manager will read the full title of the Ordinance.
- Motion to approve the first reading of the Ordinance Amendments and waive future readings in their entirety.

Questions?

STAFF REPORT

TOWN OF SAN ANSELMO Item #: 3.1

MEETING DATE: February 25, 2025

AGENDA TITLE: Resolution of Intent to Abandon A portion of a Public Right-of-Way Adjacent to 11 Sunnyside Dr in San Anselmo

FROM: Sean Condry, Director of Public Works

RECOMMENDATION: Staff recommends that the Council consider adopting the proposed Resolution of Intent to Abandon a portion of the right-of-way adjacent to 11 Sunnyside Dr in San Anselmo.

BACKGROUND

State law provides the exclusive method by which streets and highways, which include public rights-of-way[1], can be vacated.[2] The Public Streets, Highways, and Service Easements Vacation Law spells out the requisite procedures. (Sts. & Hy. Code §§ 8300-8363.)

To initiate this process, the Town Council adopts a Resolution of Intent to Abandon a ROW, which sets a hearing date for a public hearing on the abandonment. (Str. & Hy. Code § 8320.) Information contained in the Resolution of Intent to Abandon, including the hearing time and date, is posted along the street to be vacated and published in the newspaper for at least two weeks prior to the hearing. (Sts. & Hy. Code §§ 8322, 8323.)

Before the hearing, the Planning Agency must make a finding that the proposed abandonment conforms with the Town's General Plan. (Gov. Code § 65402.)

At the hearing, the Town Council takes evidence presented by interested persons. (Sts. & Hy. Code § 8324.) If the Council finds that the street proposed to be vacated is unnecessary for present or prospective public use, it may adopt a resolution vacating the street. (*Id.*) The abandonment must be in the public interest. The Council may provide that the vacation will occur only after conditions are met and/or it may reserve from the

[1] Under state law, "Street" and "highway" include all or part of, or any right in, a state highway or other public highway, road, street, avenue, alley, lane, driveway, place, court, trail, or other public right-of-way or easement, or purported public street or highway, and rights connected therewith, including, but not limited to, restrictions of access or abutters' rights, sloping easements, or other incidents to a street or highway. (Str. & H. Code § 8308.)

[2] Under state law, "'Vacation' means the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement." (Str. & H. Code § 8309.)

vacation a right to maintain and operate existing or future utility facilities. (Sts. & Hy. Code §§ 8324, 8340.) If the Council approves the proposed abandonment, it adopts a resolution of vacation that is recorded with the County. (Sts. & Hy. Code § 8324(b).) If the Town vacates a right of way in which it owns only an easement, rather than title to the underlying property, title to the property previously subjected to the easement reverts to the owner of the fee. (Cal. Sts. & Hy Code § 8351.)

Property History

The Town accepted the Melville Ave ROW in April of 1996. The legal description of the portion of that right-of-way currently being considered for abandonment is attached as Attachment 1 ("Lane Segment").

The property owners at 11 Sunnyside Avenue ("Applicants") have requested the Town abandon the Lane Segment adjacent to their property. Currently, the right-of-way edge sits within the limits of the home on the property, which limits the owners' ability to add or remodel their home.

The Lane Segment varies in width from approximately 10 to 20', situated 13' in elevation below the Melville Ave roadway. Due to the elevation difference, the Lane Segment provides no future use for the Town.

ANALYSIS

The Applicants have worked with Town staff to provide all necessary documentation, including the attached legal description of the Lane Segment and the site plan. (Attachments 1 & 3).

The Lane Segment appears to be unnecessary for present or prospective public use. The Lane Segment has not been used as a pathway and does not have the potential to be used as a road or driveway due to its steepness and narrow width.

Abandoning the Lane Segment is in the public interest for the following reasons:

1. Removes the Town's responsibility to maintain this portion of the right-of-way. Maintenance would become the responsibility of the owners of 11 Sunnyside Ave.
2. Removes the Town's potential liability for this portion of the right-of-way.

FISCAL IMPACT

Applicants' fees cover the cost of this proceeding.

CEQA AND CLIMATE ACTION PLAN

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15305, as the proposed right-of-way abandonment consists of the minor alteration in land use limitations, which does not result in any changes in land use or density.

CONCLUSION

Staff respectfully requests that the Town Council consider adopting the proposed resolution abandoning a portion of a right-of-way adjacent to 11 Sunnyside Avenue in San Anselmo and reserving a public utility service easement therein.

Attachment 1 – Legal Description

Attachment 2 – Site Plan

Attachment 3 – Application Letter for Abandonment

Attachment 4 – Resolution

ATTACHMENT 1

DATE: 09/19/24
FILE: 2300080

EXHIBIT 'A'
LEGAL DESCRIPTION
STREET VACATION

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN ANSELMO, COUNTY OF MARIN, STATE OF CALIFORNIA, BEING A STREET VACATION OVER A PORTION OF MELVILLE AVENUE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF THE LANDS OF CONWAY AS DESCRIBED IN DOCUMENT NUMBER 2018-28589 AND AS SHOWN ON THAT CERTAIN MAP ENTITLED "RECORD OF SURVEY LANDS OF CONWAY" RECORDED IN BOOK 2020 OF MAPS, PAGE 267, MARIN COUNTY RECORDS, NORTHWESTERLY AND THENCE PERPENDICULAR TO THE OUTER EDGE OF THE CONCRETE BAND/WALL, NORTH 65°21'40" WEST, A DISTANCE OF 11.93 FEET TO SAID OUTER EDGE OF THE CONCRETE BAND/WALL;

THENCE ALONG SAID OUTER EDGE OF THE CONCRETE BAND/WALL THE FOLLOWING COURSES AND DISTANCES:

SOUTH 24°33'03" WEST, A DISTANCE OF 3.16 FEET;

SOUTH 25°07'15" WEST, A DISTANCE OF 19.18 FEET;

SOUTH 29°02'31" WEST, A DISTANCE OF 9.26 FEET TO A CURVE TO THE RIGHT;

ALONG SAID CURVE, HAVING A RADIUS OF 93.79 FEET, THROUGH A CENTRAL ANGLE OF 10°48'53", AND AN ARC LENGTH OF 17.70 FEET TO A CURVE TO THE RIGHT;

ALONG SAID CURVE, HAVING A RADIUS OF 374.05 FEET, THROUGH A CENTRAL ANGLE OF 02°24'24", AND AN ARC LENGTH OF 15.71 FEET;

SOUTH 46°52'40" WEST, A DISTANCE OF 17.29 FEET;

SOUTH 36°36'43" WEST, A DISTANCE OF 8.00 FEET;

LEAVING SAID OUTER EDGE OF THE CONCRETE BAND/WALL, THENCE SOUTH 40°24'00" EAST, A DISTANCE OF 8.35 FEET TO A POINT PERPENDICULAR TO THE WESTERLY LINE OF SAID LANDS;

THENCE ALONG SAID LINE, NORTH 49°36'00" EAST, A DISTANCE OF 64.49 FEET;

THENCE NORTH 14°51'00" EAST, A DISTANCE OF 33.21 FEET TO THE **POINT OF BEGINNING**;

SAID MELVILLE AVENUE STREET VACATION CONTAINING 1,224 SQUARE FEET MORE OR LESS

SEE EXHIBIT 'B' ATTACHED AND MADE A PART HEREOF

STATEMENT IN INTENT:
THE INTENT OF THIS DESCRIPTION IS TO VACATE A PORTION OF MELVILLE AVENUE BETWEEN THE LANDS OF CONWAY (2018-28589, APN: 007-263-11) AND THE EXISTING CONCRETE BAND/WALL AND TO END THAT VACATION AREA BEFORE THE FIRE HYDRANT AND INLET, SO THOSE UTILITIES REMAIN IN THE MELVILLE RIGHT OF WAY.

PREPARED BY:
CSW/STUBER-STROEH ENGINEERING GROUP, INC.



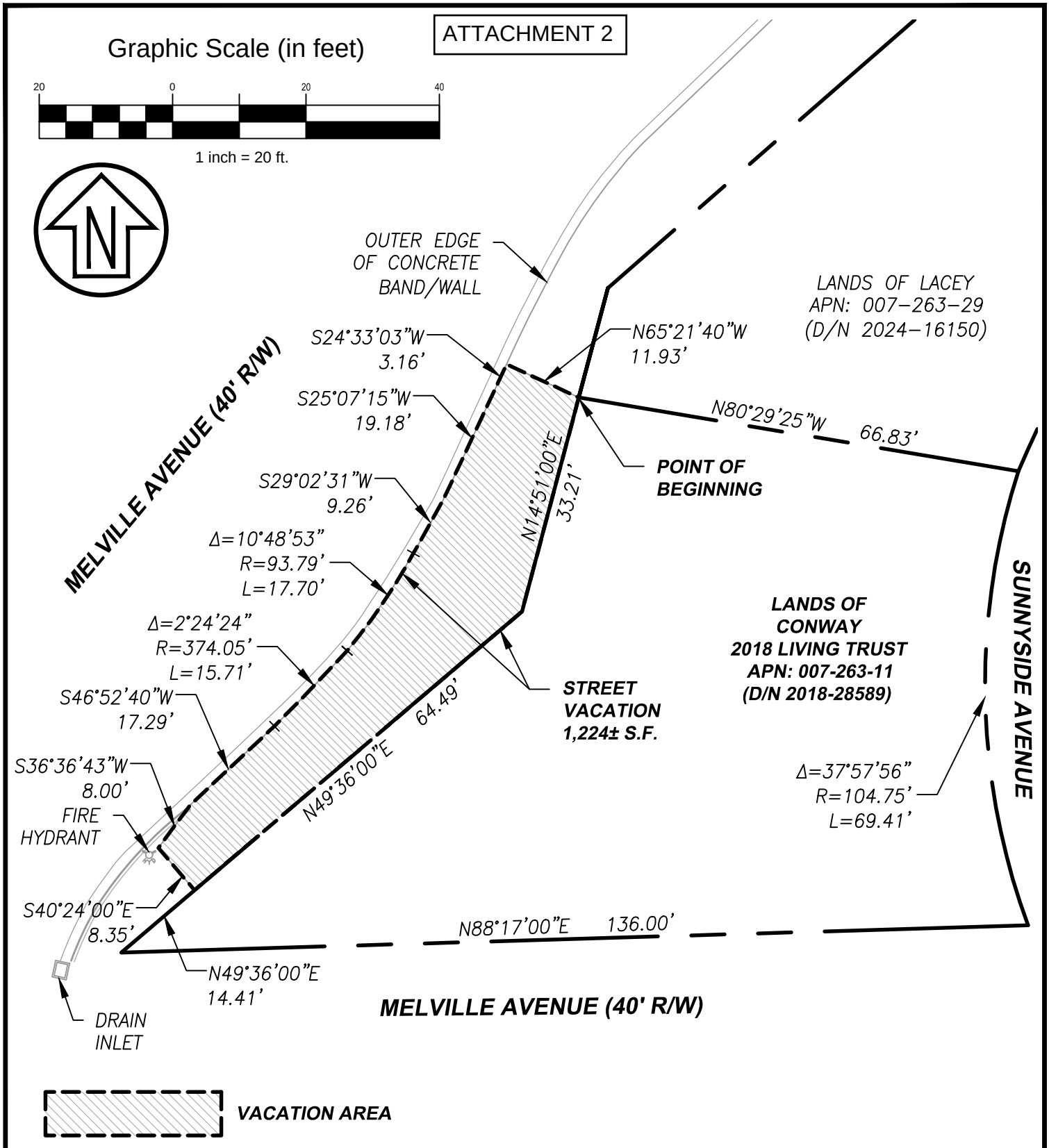
JOSH WOELBING, PLS 9387

ATTACHMENT 2

Graphic Scale (in feet)

20 0 20 40

1 inch = 20 ft.



CSW | ST2

CSW/Stuber-Stroeh Engineering Group, Inc.

Civil & Structural Engineers | Surveying & Mapping | Environmental Planning
Land Planning | Construction Management

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Rev. -	Date: 09/18/24
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EXHIBIT B

MELVILLE AVE STREET VACATION

PLAT TO ACCOMPANY LEGAL

SAN ANSELMO MARIN COUNTY CALIFORNIA

ATTACHMENT 3

September 23, 2024

Town of San Anselmo
Attention: Sean Condry
Department of Public Works Director
525 San Anselmo Avenue
San Anselmo, CA 94960

Re: Proposed Melville Avenue Right of Way Vacations at 11 Sunnyside (APN: 007-263-11)

Dear Mr. Condry,

I am representing the owners of 11 Sunnyside in the request for the vacation of a Melville Avenue public right of way adjacent to their home. It is our hope that the Town will approve the vacation and eliminate the encumbrances due to the odd lot configuration.

We understand the vacation of public right of way is a discretionary determination in the Town of San Anselmo. In most cases the right of ways designated for roadways are designed for use by vehicles, pedestrians, utilities and to facilitate Town infrastructure improvements. However, in the Melville right of way, there is a significant grade change and retaining wall between the roadway and the areas adjacent to 11 Sunnyside (and neighboring properties along Melville). As a result, the existing conditions preclude "expansion" into the right of way due to physical limitations of the retaining wall and adjacent grade changes.

We are formally requesting approval for the vacation of the Melville Avenue right of way that encumbers the 11 Sunnyside property. It is assumed that the right of way extends for potential improvements that never occur due to the retaining wall. As discussed with you, we endeavored to communicate a right of way vacate request for the entirety of Melville Avenue from the intersection at Vine Avenue, north, to the intersection at Foss Avenue. We coordinated a site visit with San Anselmo staff and the neighbors along the road on April 1, 2024 and pursued a phone and email outreach to gauge interest from all the neighbors. However, after several months, it has become apparent that only the owners of 11 Sunnyside are engaged to pursue the vacate request. As such, although there is general support from the property owners along the Melville right of way, the request for vacate will only affect the 11 Sunnyside property. Please see the attached exhibit which demonstrates how unusual the request is how it will not set any type of precedent in the Town.

It is our understanding that the Town requires requests for vacations of right of way to be reviewed and approved by the Town Council. We would ask that the Council review the request as a unique analysis and does not set precedence for other vacations in the Town.

The California Streets and Highways Code (SHC) allows public agencies like the Town to "vacate" a right of way, which means to terminate the agency's interest as outlined in SHC Section 8320, et seq. Pursuant to the SHC, a vacation request involves involves the initial review of the request by Public Works and the adoption of a Resolution of Intention to vacate the right of way by the Town

Council. To vacate the areas as proposed, the Town would have to make a finding that the areas are "unnecessary for present or prospective public use." As detailed above, this finding can be made, due to the presence of the large retaining wall and grade change adjacent to the 11 Sunnyside property. As the Town does not require this area of Melville for future use, we believe the Town can make the findings to support the vacate request.

Thank you for your attention to this matter, we await your response.

Sincerely,

Sean Kennings
Planning consultant

RESOLUTION NO. XXXX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DELCARING INTENT TO ABANDON A PORTION OF THE MELVILLE AVE ROW

WHEREAS, the portion of the public right-of-way adjacent to 11 Sunnyside Avenue in the Town of San Anselmo and described in Exhibit 1 ("Subject Right-of-Way") was accepted by the Town in 1966;

WHEREAS, the Town Council of the Town of San Anselmo finds that the portion of the Subject Right-of-Way is not presently needed for any public use and no public use will be required in the future;

WHEREAS, the Town desires to abandon the portion of the Subject Right-of- Way pursuant to Streets and Highways Code section 8300, *et seq.,*

NOW, THEREFORE, BE IT RESOLVED that

1. Pursuant to the provisions of Section 8300 *et seq.* of the California Streets and Highways Code, the Town Council declares its intention to abandon and vacate the following portion of the Subject Right—of—Way described in Exhibit 1.
2. Reference is made to the attached site map at Exhibit 2, which delineates the area to be vacated.
3. The Town will reserve easements for existing utilities satisfactory to the owners thereof.
4. A public hearing for all persons interested in the proposed vacation will take place at the Town Council meeting on Tuesday, April 22, 2025, at 7:00 p.m. in the Town Council Chambers located at 525 San Anselmo Avenue, San Anselmo.
5. Notice of the hearing on the proposed vacation will be published in the manner prescribed by law (Cal. Sts. & Hy. Code § 8322); and
6. Notice of the proposed vacation stating the time and place set for the public hearing, will be posted in the manner prescribed by law (Cal. Sts. & Hy. Code § 8323).
7. The Town Council finds this proposed project categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15305, as the proposed right-of-way abandonment consists of the minor alteration in land use limitations, which does not result in any changes in land use or density.

DULY & REGULARLY ADOPTED this 25th day of February, 2025.

AYES:

NOES:

ABSENT:

ABSTAIN:

TOWN OF SAN ANSELMO **ATTEST:**

_____ _____

Tarrell Kullaway, Mayor Serge Avila, Town Clerk

STAFF REPORT

TOWN OF SAN ANSELMO Item #: 3.2

MEETING DATE: February 25, 2025

AGENDA TITLE: Presentation of the Downtown Parking Study and Consideration of Recommendations

FROM: Scott Schneider, P.E., Assistant Public Works Director

RECOMMENDATION: Receive a presentation of the Downtown Parking Study and Consider Recommendations to Improve Parking in the downtown corridor.

BACKGROUND

At the request of the Economic Development Committee (EDC) in 2019, the Public Works Department began a Downtown Parking Study to look at the existing parking capacity and usage patterns and recommend improvements. Many residents and business owners have raised concerns about a perceived scarcity and difficulty in finding available public parking in downtown San Anselmo. Concerns also include lack of enforcement of parking duration limits, use of prime spaces by merchant/restaurant employees, lack of signage to direct users to available parking, and overall lack of supply of public parking spaces.

Throughout fall 2019 and spring 2020, staff counted over 10,000 parked cars to understand how the existing parking was being utilized by merchants, customers, employees, visitors, contractors, and delivery personnel. Staff reported the initial draft findings to the EDC in May 2019 to gather their input prior to finalizing the study for presentation to the Town Council.

In March 2020, staff was preparing the Council presentation when the global pandemic shut down businesses and restaurants across the country. The Parking Study was put on hold, and following the opening of commerce on June 15, 2021, staff initiated a specialized parking counting company, NDS Services, to re-do the counts.

An updated presentation was given to the EDC on August 14, 2021, with both EDC members as well as members of the public providing input on the staff recommendations. A presentation was given to the Town Council on August 28, 2021. An updated presentation was given to the Planning Commission on October 2, 2023, and to the Town Council on October 10, 2023.

The attached Downtown Parking Study (Attachment 1) describes the current parking inventory, changes that have occurred over the past several years, parking behavior (usage and duration data), and recommendations to improve parking usage.

Key takeaways from Parking Study:

2-hour parking along San Anselmo Avenue between San Rafael Avenue and Ross Avenue has a high occupancy rate throughout most of the day

Northern downtown areas (San Anselmo Avenue and side streets) have about 138 available spaces in the peak hour (1 pm to 2 pm).

Options to reduce the occupancy rate include signage directing users to other parking areas (completed), increasing customer parking by converting 4-hour spaces to 2-hour spaces on side streets and in Creek Park, as well as installing paid parking on San Anselmo Avenue to charge for the most desirable parking spaces.

At the October 10, 2023 Town Council meeting, Council approved the staff recommendations to move forward with paid parking on San Anselmo Avenue from San Rafael Avenue to Bolinas Avenue, reestablishing paid parking (2 hour limit) in Creek Park, and other parking duration changes on Sir Francis Drake Boulevard and Magnolia Avenue.

Currently, the public parking lots at Magnolia Avenue and Pine Street have parking rate of $0.60 per hour (a penny per minute), while the Creek Park lot is temporarily unmetered and free. Parking rates for other Marin cities are shown below:

Location	Rate
San Rafael on-street parking	$1.50/hour
San Rafael surface parking lots	$0.75 per hour
San Rafael parking structures	$1.00 per hour
Sausalito surface parking lots ---Summer ---Winter	 $2.00 to $4.00/hour $1.00 to $3.00/hour
Mill Valley	$1.00 per hour, discount for residents who purchase yearly pass

DISCUSSION

Signage changes for converting 4-hour zones to 2-hour zones can be implemented by the Public Works Director per the Municipal Code. Changes to paid parking areas and

increasing parking fees would need to be approved by the Town Council through Resolutions.

The current parking lots require payment from 7 AM to 6 PM, Monday through Saturday – a total of 276 days in 2025. Free parking is typically granted from Thanksgiving to New Years Day.

Staff recommends that the rate for the three surface lots be increased from $0.60 per hour to $1.00 per hour, and the rate for San Anselmo Avenue be set at $1.50 per hour.

The two existing lots (Pine Street and Magnolia) generated almost $25,000 in revenue over the last 12 months. If the fee is raised from $0.60/hour to $1.00/hour, the two lots should generate about $42,000 per year.

The current 2-hour duration parking on San Anselmo Avenue is enforced between 7 AM to 6 PM. Staff recommends the same time limits be used for paid parking.

There are a variety of modern parking features and applications that would make paid-parking on San Anselmo Avenue easy and convenient for customers and enforcement staff.

The parking lots at Magnolia Avenue and Pine Street currently use a T2 Luke II pay station that accepts coins/bills/credit cards as well as mobile app payments through ParkMobile, with pay-by-space-number. When customers use ParkMobile, the data is transmitted to the pay station, and enforcement staff can printout a list of space numbers of customers who have paid.

For paid-parking on San Anselmo Avenue, staff recommends using T2 Cosmo pay stations that would only accept credit cards and mobile app payments. If coins/bills are to be accepted, then Luke II pay stations could be installed. The Cosmo pay stations cost less, are slimmer and will have much less staff time needed to change paper rolls, fix jams, and collect/count change and bills. Staff recommends the Cosmo pay stations, since historically 87% of fees collected at the two paid parking lots was paid by credit card or through the ParkMobile application via smartphone.

Staff proposes ‘pay-by-license-plate’ so that no space numbering/street markings would be required.

The pay stations can be configured to transmit customer vehicle license plates to CMPA DataTicket handheld machines without the enforcement staff needing to interact directly with the pay stations or ParkMobile. Although CMPA has used DataTicket in the past, they do not currently have any units. Staff recommends providing three handheld units with ticket printers, and covering the annual fees.

Additionally, both types of pay stations can be configured to accept coupons. The Town can create digital coupon codes that businesses could use for customers – for example, discounted or free parking sessions.

Rollout of the new paid parking would consist of ordering/installing the pay stations, installing new signs (new 2-hour *paid* parking signs, new ParkMobile signs, new signs directing users toward pay station locations, new signs directing drivers to free parking on side streets), alerting the public through a social media campaign (Town Manager's newsletter, Nextdoor/Instagram posts), as well as A-frame signs. Staff may consider a grace period with warnings instead of tickets. Based on the lead time to receive the pay stations, staff expects the installation of the signage and pay stations to start as early as mid-April, and paid parking could start in early May.

The 11 pay stations would be located at the following locations:





The Merchant parking program incentivizes employees who need long-term parking to park farther away from San Anselmo Avenue, freeing spaces for customers/visitors. The program is currently administered by CMPA. Staff recommends that San Anselmo take over the program. The current cost for a sticker is $25 per calendar year that allows all-day parking in a 4-hour zone. Staff is considering rebranding the logo, increasing outreach to merchants/businesses, and possibly offering volume discounts for merchants with many employees. About 114 stickers were sold in 2024, which is a little less than the 152 sold in 2019 pre-Covid.

One of the most requested improvements in downtown parking is increased enforcement. CMPA has struggled with staffing over the years, but has recently added Community Service Officers (CSOs) to handle enforcement. Currently two CSOs cover parking enforcement and other issues in the three towns. CMPA estimates that the fully-burdened yearly cost of a CSO is approximately $92,000. Staff recommends that the Town Manager request a CSO to be dedicated to parking enforcement in downtown San Anselmo, to be funded by revenues from the paid parking program.

Staff further recommends that funds raised by the paid parking program be used for maintenance of the pay stations, increased enforcement, staffing costs to run the program, maintenance of surface lots and other infrastructure improvements, as well as downtown improvement programs – for example - holiday lights, flower baskets, Live on the Avenue and other special events.

ADDITIONAL INPUT

Recently, staff presented the recommendations to the Chamber of Commerce Board of Directors at their monthly meeting and received favorable feedback for paid parking, *not* collecting coins/bills, looking at peak pricing, keeping 10 minute zones free, and increased enforcement. The nine Board members suggested starting the paid parking from San Rafael Avenue to Ross Avenue first, and extending to Ross Avenue after carefully watching for unintended consequences with the proposed changes. The Board was firmly against any reduction in the number of parking spaces as parking is an extremely important issue for merchants.

RECOMMENDATIONS

Staff is moving forward with the time-limit changes previously approved, and recommends that the Council consider the additional staff recommendations below:

R1: Approve a resolution establishing a paid parking zone on San Anselmo Avenue between San Rafael Avenue and Bolinas Avenue, with a parking rate of $1.50 per hour, for the hours of 7 am to 6 pm, Monday through Saturday, holidays excepted. Free two-hour parking Thanksgiving through New Years Day.

R2: Approve a resolution to raise parking rates to $1.00 per hour in the Magnolia Avenue, Pine Street and Creek Park parking lots, for the hours of 7 am to 6 pm, Monday through Saturday, holidays excepted. Free two-hour parking Thanksgiving through New Years Day.

R3: Authorize staff to purchase and install eleven new pay stations to be located along San Anselmo Avenue (between San Rafael Avenue and Bolinas Avenue) and Creek Park. Approve acceptance of credit cards only (along with mobile app payment). Staff recommends T2 Cosmo units.

R4: Authorize the Town Manager to work with Central Marin Police Authority to establish additional dedicated enforcement personnel (CSO) for parking enforcement.

R5: Authorize staff to coordinate and manage the Merchant Parking program (currently run by CMPA).

R6: Authorize funds raised through the paid parking program be deposited into the Downtown Parking fund to be used for related costs for maintenance and collections

from pay stations, enforcement, maintaining downtown parking lots, downtown beautification, sinking fund for future downtown capital projects, and other downtown programs that enhance vitality, etc.

R3-ALT: Alternative to R3. Utilize mobile-only (smartphone) paid parking, with no additional pay stations installed.

FISCAL IMPACT

Annual Projected Revenue:

Zone	**Limits**	**# Pay stations**	**Total Spaces**	**Total Hours (7 am-6 pm)**	**Measured Occupancy**	**Assumed Occupancy**	**Yearly Revenue**
1	San Rafael Ave to Tunstead Ave	3	48	11 hrs	89%	50%	$109,200
2	Tunstead Ave to Ross Ave	1	20	11 hrs	71%	50%	$45,600
3	Ross Ave to Bolinas Ave	5	81	11 hrs	31%	20%	$73,700
4	Creek Park	2	43	11 hrs	72%	50%	$97,900
5							
	TOTAL	11	203			**TOTAL**	**$326,400**

Projected Costs:

One Time Costs	Cost	Cost
Item	Cosmo system (accepts credit cards)	Luke II system (accepts coins/bills/credit cards)
Pay stations (11)	$90,000	$130,000
Installation	$50,000	
Signage	$10,000	
DataTicket enforcement system	$10,000	
TOTAL	$170,000	$210,000

Annual Costs	Cosmo system	Luke II system

Item	Cost	Cost
Pay station maintenance (changing paper rolls, fixing jams, etc) – 15 minutes/week/pay station x 47 weeks x $100/hr	$0	$13,000
Pay station collections/counting – 30 minutes/week/pay station x 47 weeks x $100/hr	$0	$26,000
T2 software/warranty/data connection - $2,180/pay station	$28,000	$28,000
DataTicket annual fees	$3,000	$3,000
Additional CMPA enforcement officer	$92,000	$92,000
TOTAL	$123,000	$162,000

CEQA AND ENERAL PLAN/CLIMATE ACTION PLAN CONSISTENCY

The Town finds this project (installation of paid parking) to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Class 1, because it involves maintenance of existing streets (striping and signage), will not create additional automobile lanes and involves negligible or no expansion of use. (14 Cal. Code Regs. § 15301). None of the exceptions to this Class 1 categorical exemption apply in this instance (14 Cal. Code Regs. § 15300.2). Specifically, successive projects of the same type in the same location will not cause significant cumulative impacts, as there are no successive projects planned at this time. There are no unusual circumstances presented by this project and the project will not result in damage to scenic resources within a designated state scenic highway. Finally, the project will not cause a substantial adverse change in the significance of a historical resource, as no historical resources will be impacted.

The Parking Study recommendations propose improvements to downtown parking that eases parking and allows for reducing minimum parking requirement for downtown businesses - San Anselmo's Climate Action Plan 2030, specifically CAP Measures T-7 (parking).

The General Plan's Land Use Element, F. Implementation, recommends a Central Commercial Circulation and Parking Study inform any recommended changes.

ATTACHMENTS

Attachment 1- Downtown Parking Study
Attachment 2 – T2 pay stations – Luke II and Cosmo models
Attachment 3 – Resolution to Establish Paid Parking on San Anselmo Avenue
Attachment 4 – Resolution to Raise Parking Rates at Surface Lots

TOWN OF
SAN ANSELMO
EST. 1907

DOWNTOWN PARKING STUDY

2019-2021

Updated October 2023

Administrative Draft

Town Council Meeting, October 10, 2023

Executive Summary:

Concerns about parking or the lack of parking have been ongoing in downtown San Anselmo for some time. Therefore, staff has completed a parking study to determine what the issues are, if any. Is there a lack of parking or does it need to be better managed and available parking made more apparent to downtown shoppers and residents alike?

Based on counts (in Fall 2019/Spring 2020 and Fall 2021), on-street vehicular parking along San Anselmo Avenue between San Rafael Avenue and Tunstead Avenue is at full capacity most of the day (10 A.M. to 8 P.M.), which is not surprising as it is the main artery through downtown and the easiest, thus the first, parking opportunities for visitors. The peak (highest occupancy rates) is around lunchtime. During this time (1 pm to 2 pm), the adjacent public lots and nearby streets are between 42 to 80 percent full, with 138 parking spaces available a short walk away from San Anselmo Avenue. There is a second peak around dinner-time, however, many retail shops close at 6 pm and offices close around 5 pm. After 5 pm on weekdays, there are an additional 12 spaces available in the Town Hall employee lot, with another 8 available after 7 pm. There are also several spaces available after 6 pm along eastbound Tunstead Avenue (yellow curbed loading zone).

Opportunities to free up parking spaces for customers/visitors closest to San Anselmo Avenue include increasing the level of parking enforcement to encourage turnover, converting the merchant spaces in Creek Park to 2-hour public parking, changing some 4-hour zones to 2-hour zones, thus relocating the static merchant parking farther out, including the underutilized zones on San Rafael Avenue and southern Sir Francis Drake Boulevard.

Long term opportunities to reduce the high occupancy rate include charging for parking on San Anselmo Avenue between San Rafael Avenue and Tunstead Avenue or Ross Avenue to reduce occupancy rates along the retail core and make parking easier for customers/visitors.

Overall staff recommends increasing the turnover of prime parking areas on the avenue by adding more 2-hour parking areas, removing merchant parking in the prime downtown area of Creek Park, and adding paid parking on San Anselmo Avenue (see Recommendations section).

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1. Introduction

San Anselmo has multiple commercial and economic districts including along San Anselmo Avenue near Lansdale Park, at Saunders/Redwood/Laurel, on Sir Francis Drake (SFD) Boulevard (e.g., at Red Hill Shopping Center), SFD near the Hub, along Red Hill Avenue and Greenfield Avenue, along SFD from the Hub to Barber Avenue, as well as 'Downtown' on San Anselmo Avenue and side streets.

This vehicular parking study centers on the publicly available parking spaces in the commercial district in the downtown area: The study area encompasses San Rafael Avenue to the north, Bolinas Avenue to the south, Cedar Street to the west, and SFD to the east (see Figure 1). The available parking consists of public parking along streets, three public parking lots, as well as 29 private parking lots. The parking users consist of employees of shops and offices, residents, customers, visitors, deliveries, and contractors whose use varies from a few minutes to several days.

Parking in the downtown core area is primarily used by customers/visitors and merchants/employees (San Anselmo Avenue and the three public parking lots), as well as residents (on the side streets off of San Anselmo Avenue). Private lots are used by employees of the business/offices, and some are available to customers of those specific businesses. The private lots are typically signed indicating that public parking is not allowed. Parking is also used by contractors (working both inside buildings and in the street), as well as landscapers and delivery vehicles.

As San Anselmo does not allow overnight parking on town streets; almost all residential parking is required to be on private property. (There are a number of residents with overnight parking passes that allows them to park on the street overnight). Merchants can purchase parking stickers to allow all-day parking in 4-hour zones, which creates a ring of static vehicles during the day, primarily from 10 am to 6 pm. Parking use varies from several minutes (delivery vehicles or a quick pickup of food or coffee) to all day (employees or merchants). Contractors may need to park in close proximity to their work location, while others can park and either walk or carpool.

The primary challenge in parking in downtown San Anselmo is that when no spaces are available on San Anselmo Avenue, drivers often "circle the block" to wait for an open space, however, this takes the driver towards Cedar Street and residential areas that may not be familiar to the driver, resulting in frustration. Many residents and business owners have raised concerns about a perceived scarcity and difficulty in finding available public parking in downtown San Anselmo. Concerns also include lack of enforcement of parking duration limits, use of prime spaces by merchant/restaurant employees, lack of signage to direct users to available parking, and overall lack of supply of public parking spaces.

This report outlines the existing parking inventory, occupancy survey and duration survey (both pre-COVID (Fall 2019 and Spring 2020) and September 2021) as well as recommended modifications and strategies to optimize parking in downtown San Anselmo.

2. Existing Downtown Parking Conditions

The following section summarizes the Town's existing inventory of on and off-street public parking.

2.1 Public Parking Supply

Vehicular parking in downtown San Anselmo is located in both commercial and residential areas. For the purposes of this parking study, staff has broken up downtown into two areas, North and South Downtown.

Downtown North: Bordered by San Rafael Avenue to the north, Myrtle Avenue/Cedar Street to the west, Ross Avenue to the south, and Sir Francis Drake Boulevard (SFD) to the east. There are 538 public parking spaces in this area, along with 20 private parking lots (218 spaces), for a total inventory of 756 public and private spaces. *Installation of parklets/streetlets in 2020/2021/2022 in response to restaurants being closed to indoor dining reduced the parking inventory by 10 spaces, along with an increase of 3 new public spaces in front of 634-636 San Anselmo Avenue (replacing 3 private spaces) for a net loss of 7 public parking spaces.*

Downtown South: Bordered by Ross Avenue to the north, Cedar Street/Richmond Road to the west, Bolinas Avenue to the south, and Sir Francis Drake Boulevard (SFD) to the east. There are 255 public parking spaces in this area, along with 9 private parking lots (156 spaces), for a total inventory of 411 public and private spaces. *Installation of parklets/streetlets reduced the parking inventory by 3 public parking spaces.*



Figure 1: Downtown Parking Study Area

2.2 Public Parking Zones

The parking supply is a mixture of 20-minute parking, 2-hour, 4-hour, unregulated, accessible parking (ADA), merchant, and school loading (white) and general loading (yellow).

All of the parking along San Anselmo Avenue is restricted to 2 hours, as is the Pine Street Parking Lot. The Magnolia Avenue Parking Lot and the Creek Park Parking Lot are both restricted to 4 hours, and Creek Park has an un-signed merchant-only parking area – free parking for 4 hours, or unlimited time with a "Shop San Anselmo" sticker available from the Central Marin Police Authority (CMPA). Many of the side streets coming off of San Anselmo Avenue have 2-hour zones about halfway down the street, then switch to 4-hour zones. Cedar Street is unregulated.

It is interesting to note that the Magnolia Avenue parking lot was set to 2-hour parking in 1955, changed to 4-hour parking in 1975, back to 2-hour parking in 2004, and then back again to the current 4-hour parking in 2010. Parking meters were installed in 2004 with the rate set at $0.60 per hour, or a penny per minute. Similar duration changes took place at Creek Park, with 2-hour and 4-hour parking being changed multiple times over the last 45 years as the parking needs changed over time.

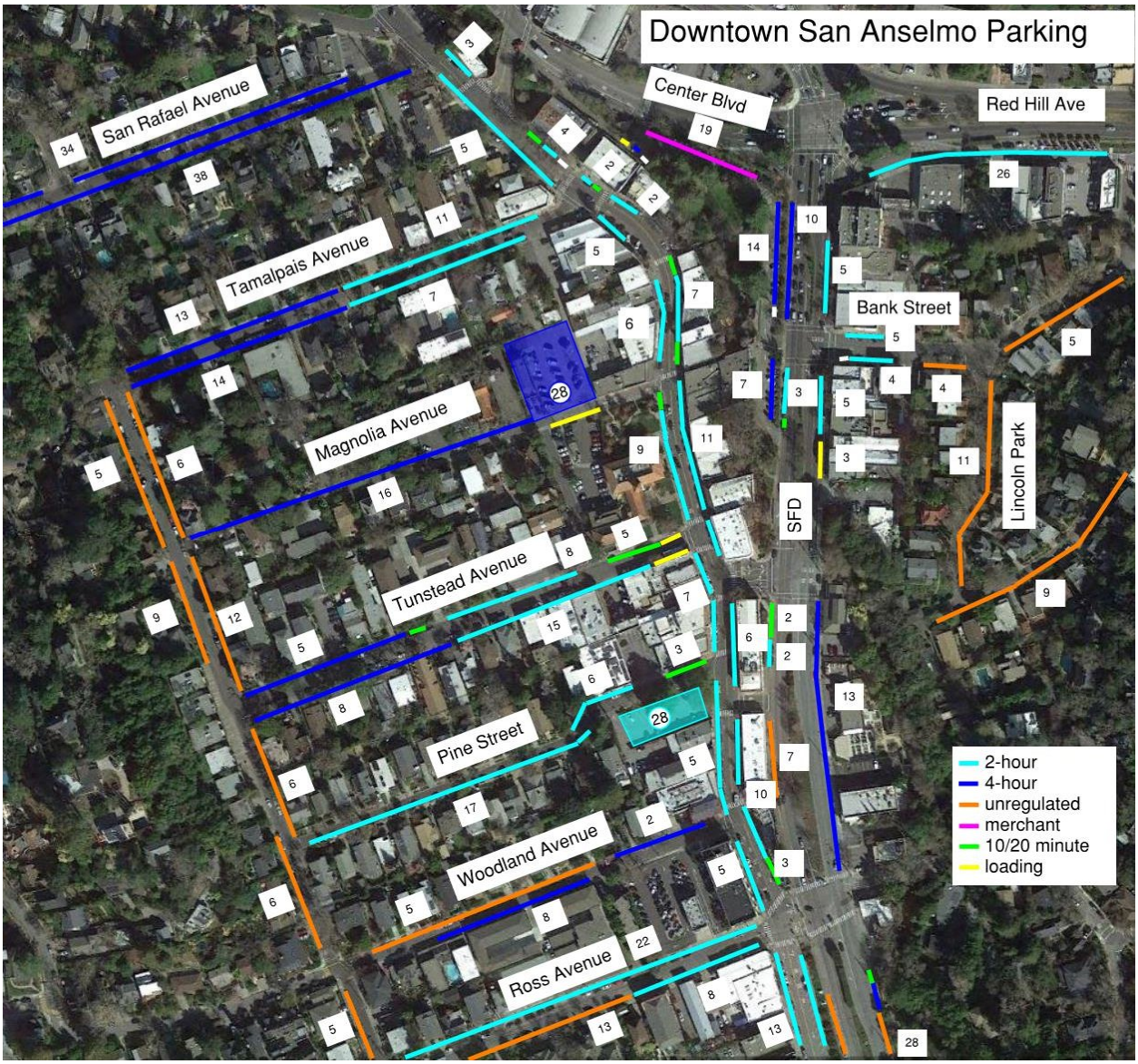


Figure 2: Downtown North Parking

= 2-Hour
= 4-Hour
= unregulated
= Merchant
= 20 minutes
= Loading
= Private Lot



Figure 3: Downtown South Parking

= 2-Hour
= 4-Hour
= unregulated
= Merchant
= 20 minutes
= Loading
= Private Lot

3. Existing Parking Behavior

The following section summarizes the existing vehicle parking occupancy and duration based on counts in September 2021.

3.1 Parking Counts:

Vehicle parking counts were undertaken in the study area between the hours of 8 am and 8 pm on two weekdays (Wednesday and Thursday) while school was in session in the first week of September 2021. (Earlier counts were taken by Town staff in fall 2019 and spring 2020, prior to the March 2020 shutdown, with similar results). Counts were done on two separate occasions at each location. The average of the two counts was used to determine the percent of spaces that held vehicles (occupancy rate). Based on these calculations, it was determined that the peak time for parking usage in downtown San Anselmo was between 1 pm and 2 pm, although similar occupancy rates were found between 11 am and 2 pm. The target maximum occupancy is typically considered to be 85% utilization, which provides for about one open space per block at any time (one open space out of 11 or 12 spaces). If occupancy rates are above 85%, then various strategies can be undertaken to bring the rate down below the target.

Weekend counts showed less vehicles parked than weekdays in all area, both Downtown North and South.

The occupancy rates for the types of parking (time limits), as well as the location, is shown in the tables below.

Table 1: Downtown North Peak Parking Occupancy by Time Restriction – 2021 counts

Time Restriction	# Spaces	Percent of Total Spaces	Occupancy at Peak Hour (1 pm-2 pm)
Unregulated	61	11%	67%
4-Hour	234	43%	73%
2-Hour	219	41%	80%
20-Minute	15	3%	63%
ADA	9	2%	44%
TOTAL	538	100%	74% Average

Source: NDS Services, 2021 – see Appendix

The 2-hour and 4-hour areas in the Downtown North area were observed having the highest parking occupancy, while the unregulated, 20-minute and ADA zones were lower. Overall, the Downtown North area has a peak parking occupancy below 75 percent, which means that there are about 130 available spaces during the peak hour (1 pm to 2 pm).

Table 2: Downtown North Peak Parking Occupancy by Location- 2021 counts

Location	# Spaces	Percent of Total Spaces	Avg. Occupancy (8 am-8 pm)	Occupancy at Peak Hour (1 pm -2 pm)
Magnolia Avenue Parking Lot	30	6%	65%	78%
Creek Park Lot	47	9%	87%	97%
Tamalpais Avenue	45	8%	80%	92%
Magnolia Avenue	16	3%	78%	75%
Tunstead Ave	42	8%	69%	71%
San Anselmo Avenue	95	18%	65%	88%
SFD Blvd.	51	9%	64%	67%
Cedar Avenue	49	9%	59%	62%
San Rafael Avenue	72	13%	37%	42%
Pine Street	26	5%	68%	77%
Pine Street Lot	28	5%	38%	70%
Woodland Avenue	15	3%	82%	87%
Ross Ave (north side)	22	4%	65%	75%
TOTAL	538	100%		74% Average

Source: NDS Services, 2021, See Appendix

The busiest parking areas in the Downtown North area include Creek Park parking lot, Tamalpais Avenue, Woodland Avenue and San Anselmo Avenue. Overall, the Downtown North area has a peak parking occupancy below 75 percent, which means that there are about 130 available spaces during the peak hour (1 pm to 2 pm).

Table 3: Downtown South Peak Parking Occupancy by Time Restriction – 2021 counts

Time Restriction	# Spaces	Percent of Total Spaces	Occupancy at Peak Hour
Unregulated	113	44%	39%
4-Hour	2	1%	100%
2-Hour	130	51%	60%
20-Minute	8	3%	56%
ADA	2	1%	51%
TOTAL	255	100%	51% Average

Source: NDS Services, 2021, see Appendix

Overall, the Downtown South area has a peak parking occupancy of 51 percent, the busiest parking zones being the 4-hour, 2-hour and 20-minute parking spaces.

Table 4: Downtown South Perak Parking Occupancy by Location – 2021 counts

Location	# Spaces	Percent of Total Spaces	Avg. Occ.	Occupancy at Peak Hour (1 pm - 2 pm)
Ross Ave (south side)	21	8%	58%	50%
Mariposa Ave	41	16%	46%	51%
Belle Ave	41	16%	53%	54%
San Anselmo Ave	86	34%	53%	54%
SFD	66	26%	34%	41%
TOTAL	255	100%		51% Average

Source: NDS Services, 2021, See Appendix

Within the Downtown South area, the streets with the highest parking demands throughout the day are San Anselmo Avenue and Belle Avenue. Sir Francis Drake Boulevard had an average occupancy below 50%.

When vehicular parking utilization rates are above 85%, it means that the most convenient spaces are in high demand, resulting in drivers circling to look for an available space. In Downtown San Anselmo, traffic circling is challenging due to the street layout, as there are not typical rectangular downtown blocks as found in larger cities and towns (for example, downtown San Rafael). Recommendations to reduce occupancy below 85% could include improvements in wayfinding, increase in shorter-duration spaces (2-hour spaces, for example), or charging for parking to incentivize some users to find less-convenient locations.

3.2 Parking Turnover

To analyze parking turnover, a duration study was done in 2019, which consisted of noting each vehicle in parking spaces every ten minutes for two to three hours during the peak lunch time between 10 am and 1 pm. Two duration studies were done on San Anselmo Avenue – once between San Rafael Avenue and Tunstead Avenue, and once between San Rafael Avenue and Ross Avenue. Both results were similar, with about half of vehicles parked for less than 30 minutes, 67-70% parked for less than one hour, and less than 10% parked longer than 2 hours.

Additional duration studies were done in July and September 2021 with similar results (see Table 5).

Increased enforcement may reduce or eliminate vehicles that stay over 2 hours.

Table 5: Downtown Parking Turnover

Date	Less than 30 min	Less than 1 hour	Less than 2 hours	Over 2 hours
5/2019	54%	70%	96%	4%
6/2019	49%	67%	90%	10%
8/2021	No data	75%	93%	7%
9/2021	No data	79%	93%	7%

Source: Town of San Anselmo 2019 data, NDS Services 2021 data, see Appendix

3.3 Findings

San Anselmo Avenue is at full capacity most of the day (10 A.M. to 8 P.M.), which is not surprising as it is the main artery through downtown and the easiest, thus the first, parking opportunities for visitors. The peak occupancy for Downtown North is during lunchtime (11 am to 2 pm, with the highest number of parked vehicles occurring from 1 pm to 2 pm). During this time (1 pm to 2 pm), the adjacent public lots and nearby streets are between 42 to 80 percent full, with 138 parking spaces available a short walk away from San Anselmo Avenue. Thus, Downtown North has sufficient number of available parking spaces, but directional signage could help users find spaces off San Anselmo Avenue.

About three-quarters of visitors to San Anselmo Avenue stay less than 1 hour, indicating a lot of turnover. Thus, the 2-hour designation seems appropriate. (Changing to 1-hour parking would drive 25% of vehicles into other areas (assuming drivers never overparked), and would require constant enforcement, thus it is not recommended to lower the 2-hour limits).

4. Existing Parking Management

The following section summarizes the Town's existing parking policies and pricing.

4.1 Parking Pricing Policy, Supply and Collection Method

The Town has three locations where users pay to park: the Magnolia Avenue, Creek Park and Pine Street Parking Lots. Up until the Magnolia Lot was reconstructed in 2018, all three lots used mechanical parking meters, with the collections and maintenance performed by the City of San Rafael Parking Services for $1,500 per month.

The mechanical meters are generally not repairable when they break. San Rafael staff attempted to repair them, if possible, otherwise they were covered with a canvas bag. A pay station was installed in the Magnolia Lot in 2018, and in the Pine Street Lot in 2021. In 2020 during the COVID-19 shutdown, the mechanical meters were removed at Creek Park and Pine Street Parking Lots, and the collection and maintenance agreement with the City of San Rafael was not renewed. It was anticipated that when the economy returned to 'normal', the pay lots would all be served by pay stations. With the County flood control project affecting Creek Park in summer 2024, followed by construction of improvements to the park, it may be prudent to hold off on installing pay stations in Creek Park until final designs are approved. In the meantime, 4-hour parking is free in the Creek Park Parking Lot.

Considering capital costs, pay stations are typically more cost-effective when they serve over 15 parking spaces, thus, they are typically selected for compact parking lots. In locations with paid street parking,

individual parking meters are typically used. For street parking areas, for example along San Anselmo Avenue, although the parking meters are less expensive to purchase and install, they tend to lead to sidewalk clutter, and take more staff time to perform collection operations. Another option is to use an app-based payment method through smartphones. The Magnolia Avenue and Pine Street lot allow users to pay through ParkMobile on their phones in addition to using the pay station.

Currently, the public parking lots at Magnolia Avenue and Pine Street have parking rate of $0.60 per hour (a penny per minute), while the Creek Park lot is temporarily unmetered and free. Parking rates for other Marin cities are shown below:

Table 6: Marin County Parking Pricing

Location	Rate
San Rafael on-street parking	$1.50/hour
San Rafael surface parking lots	$0.75 per hour
San Rafael parking structures	$1.00 per hour
Sausalito surface parking lots ---Summer ---Winter	 $2.00 to $4.00/hour $1.00 to $3.00/hour
Mill Valley	$1.00 per hour, discount for residents who purchase yearly pass

Source: Town of San Anselmo

The general principle is that higher rates are charged for the most desired parking spaces (often the most convenient), and lower rates for less-desirable locations. For downtown San Anselmo, the most desirable locations (based on the occupancy rates and proximity to stores/restaurants/offices) are along San Anselmo Avenue, while nearby surface lots charge fees. This incentivizes motorists to circle and hunt for free on-street parking rather than pay for parking that may be farther away from their destination.

4.2 Merchant Parking:

In 1989, the Town Council created the merchant parking program to "make parking spaces accessible to customers of business in the downtown area" by allowing employees of the downtown businesses to park all day in four-hour parking zones adjacent to the downtown area. In 2019, the Town raised approximately $4,000 per year by selling "Shop San Anselmo" merchant parking stickers. In 2020 and 2021, sales of the merchant stickers dropped appreciably. The total number of merchant parking stickers sold was 152 in 2019, 79 in 2020, 43 in 2021, and 134 in 2022. In 2023 to date, 144 merchant stickers were sold.

In addition to the 4-hour street parking zones, there are also 19 merchant parking spaces in Creek Park Parking Lot (established in 1975), with the existing parking meters covered through 2020, when the meters were removed. This area is not currently signed, so vehicles without the merchant stickers are allowed to park there for free up to 4 hours. In pre-COVID surveys, typically 16 to 18 spaces (of the 19) were utilized by merchants, with only a few spaces used by the public.

The merchant parking program has been very successful in encouraging employees to park farther away from their shop, restaurant or office, and freeing up closer parking for customers or other visitors. Counts during a weekday afternoon in 2019 counted 56 merchant vehicles in the north downtown zone, approximately 27% of the vehicles parked in 4-hour or unregulated zones. (Counts were not made in 2021 due to the assumption that the data point would not be valid due to the low number of merchant stickers sold).

4.3 Electric Vehicle Parking:

Under current Town policy (established as a one-year pilot program in 2011), electric vehicles (EVs) may park without paying at the Magnolia Avenue, Creek Park and Pine Street Parking Lots. When the Magnolia Avenue Parking Lot was reconstructed in 2018, the Town established that EVs receive free electrical charging when paying for parking (making parking enforcement easier). The Sustainability Commission recommended that EVs pay for electric usage, and this policy was approved by the Town Council in spring 2020.

Strictly speaking, EV charging spaces are not considered 'parking', similar to spaces in front of the pumps at gasoline filling stations that are not considered parking. EVs charging at Level 2 EV charging stations, the current type installed at the Magnolia Avenue Parking Lot, typically charge for over two hours, which for all intents and purposes, uses the charging spaces as 'parking'.

The southern section of the Creek Park parking lot was resurfaced in fall 2021 and conduit was added in August 2021 so that EV charging stations can be installed in the near future. Also in summer 2021, an additional ADA space was marked on the north aisle of the Pine Street Lot, which will allow easier installation of EV chargers in the future along that aisle, as at least one of the EV charging spaces needs to be ADA accessible.

Counts in 2021 at the Magnolia Avenue Lot show that the EV spaces are only used less than 50% of the day (30% of the day on weekends), indicating that as of now, the Town has sufficient EV spaces.

4.4 ADA Parking

The American with Disabilities Act of 1990 (ADA) requires that in parking lots, 4% of spaces be marked for accessible parking, with the first space having a van-accessible aisle 8 feet wide. Currently, there is no requirement that street parking have accessible spaces. The Town has installed several ADA spaces along San Anselmo Avenue that partially meet ADA requirements. Occupancy counts showed that the on-street ADA spaces were rarely used. Additional ADA spaces are not recommended at this time.

4.5 Bicycle Master Plan:

The Town's Bicycle and Pedestrian Master Plan (BPMP) includes future improvements for bicycle connectivity across the Hub, which is adjacent to Downtown North and includes portions of Creek Park. One option to achieve better connectivity would be to install a contra-flow bike lane through Creek Park, from the intersection of Bridge and Center Avenues, through the parking lot to Bank Street. The existing diagonal spaces could be retained if the lot was widened slightly using short retaining walls along the mound between the lot and Sir Francis Drake Boulevard and Center Boulevard. It is expected that

reconfiguring the lot for the contra-flow bike lane would retain most, if not all, of the parking spaces. (The project is described in Section 5.2.1 of the BPMP, page 40). Staff recommends that any changes to the Creek Park parking lot (other than to the Merchant Parking) be coordinated with future park projects (see Section 3.7 below).

4.6 Parklets:

In response to the COVID-19 pandemic in March 2020, the Town passed an urgency ordinance that allowed temporary use of public parking spaces to be used for outdoor dining or retail. In 2023, the Town Council approved the Parklet Program. The Town defines two types of parklets, public and private. Pubic parklets are open to everyone, and private parklets are areas that are reserved for patrons of restaurants or retailers. Over the last few years, several restaurants have installed private parklets – temporarily reducing the parking inventory by 8 spaces in Downtown North, and the Town constructed a public parklet in front of 634-636 San Anselmo Avenue, eliminating 3 street parking spaces that were previously gained when the driveway to the businesses there was removed as part of the County Flood Control project. In Downtown South, 2 spaces were taken up by a private parklet. With the overall average occupancy rate in Downtown North of about 75% at the peak hour, there appears to be sufficient parking capacity to allow additional parklets along San Anselmo Avenue and other areas downtown.

4.7 Reimagine Creek Park:

The County Flood Control District has a future flood reduction project (San Anselmo Flood Risk Reduction project (SAFRR)) that will affect San Anselmo Avenue and Creek Park. After the business in 634-636 San Anselmo Avenue were relocated by the County, Town staff oversaw the demolition of the vacant buildings and created a temporary park that has been very popular with the changing indoor dining restrictions. This project resulted in three private parking spaces on the deck being eliminated, and the creation of three public parking spaces on San Anselmo Avenue.

In 2023, the County required that the temporary park be closed to use due to structural integrity issues. The Town constructed a public parklet to replace the lost area, resulting in a loss of 3 on-street parking spaces.

The SAFFRR project is expected to be constructed in summer 2024, which will include a plaza area, eliminating 2 additional parking spaces currently fronting the park along San Anselmo Avenue. It is not anticipated that the Creekside Commons project will affect parking in Creek Park. Any parking changes in conjunction with the park project will be considered by the Town Council as part of that project.

5. Parking Revenues and Expenses

Currently, all funds collected from the metered surface lots (Magnolia Avenue Lot and Pine Street Lot while the Creek Park Lot is temporarily free), is deposited into a dedicated parking fund.

The Town share of revenue from parking tickets (from all over San Anselmo) is deposited into the General Fund. Revenue from parking tickets partially offsets payments made to the Central Marin Police Authority for enforcement services. Parking ticket revenue is not included in projections below.

In 2020, The Town did not renew the contract with the City of San Rafael Parking Services for the maintenance and collection of the parking meters, which was paid from the General Fund. The new pay stations in the Magnolia Avenue and Pine Street lots result in less staff/contract time required for collections each week compared with the parking meters.

Prior to 2020:

Parking Meter Revenue (per year, 2019 data) – 3 lots	$5,000/mo x 11 =	$55,000/yr
Cost for San Rafael Parking Services	($1,500/mo x 11)	($16,500/yr)
Net generated		$38,500/yr

FY 2021/2022:

Parking Meter Revenue (fall 2021 data) – 2 lots	$2,590/mo x 11 =	$28,500/yr
Cost for Staff time (estimated)	($325/mo x 11)	($3,575/yr)
Net generated		$24,925/yr

FY 2022/2023:

Parking Meter Revenue (fall 2023 data) – 2 lots	$2,790/mo x 11 =	$30,700/yr
Cost for Staff time (estimated)	($325/mo x 11)	($3,575/yr)
Net generated		$27,125

In addition, the Town had been raising three to four thousand dollars per year for merchant parking stickers, allowing vehicles to park all day in 4-hour zones. In 2020, the revenue fell to about $2,000 and in 2021, to just over $1,000 per year. The drop is assumed to be from the pandemic, as parking pressures have eased in the downtown core. The income from the merchant parking program has been reserved, with a current fund balance of approximately $70,000. In summer 2021, approximately $30,000 was used from the fund for paving improvements and the new pay station at the Pine Street Lot.

The pay stations in the Magnolia and Pine Street Lots are currently maintained by Town staff. Between collections, maintenance and responding to user issues, staff spends approximately 2-4 hours per month. It is anticipated that collections and maintenance at all three downtown lots would require 4 to 6 hours of staff time per month (assuming two pay stations in the Creek Park Lot).

6. Parking Policy Options

The following section provides potential options for modifying the vehicular parking policy to achieve the goals of this study, which are to address the perceived scarcity and difficulty in finding available public parking in downtown San Anselmo.

One option to reduce the high occupancy rates along San Anselmo Avenue in Downtown North would be to charge for on-street parking by installing signage for ParkMobile (an app based payment method) and/or physical pay stations. Paid parking would encourage turnover, reduce 'overstaying', and reduce

occupancy rates since a portion of the users would search for lower priced parking (in the Town lots), or search for free parking along side streets.

ParkMobile could be used as the primary payment method, with just a few additional pay stations installed for users who do not use a smartphone.

If pay stations were installed as the primary payment method, it is assumed that a dedicated employee would need to be hired to maintain the stations and perform weekly or biweekly collections. Staff time could be reduced to several hours a month if the pay stations were configured to accept only credit cards and smart phone app (ParkMobile) payments, as no collections would need to be performed. Pay stations would cost about $15,000 each to purchase and install, assuming solar panels would collect enough sunlight. If stations needed to be hard-wired to the electric grid, it is assumed that installation would add about $5,000 per machine ($20,000 total per machine).

If pay stations were selected as the primary payment method, twelve pay stations would be required from San Rafael Avenue to Ross Avenue (80 spaces), and would cost about $275,000 to $300,000 to install (with signage and space numbering). For a smaller paid area along San Anselmo Avenue (San Rafael Avenue to Tunstead Avenue – 49 spaces), eight pay stations would be required at a cost of about $175,000 to $200,000.

If the pay stations were limited to credit card and smartphone application payment only, the staff time required would be significantly reduced, with no new staff positions required. If bills and coins were to be accepted, an additional staff person would be needed to perform collection duties.

The estimated yearly revenue is for paid parking is about $135k ($83k for the shorter section). Yearly staff costs are estimated to be $45k ($34 for the shorter section). The payback period would be about 2 to 3 years for either option.

> Revenue assumptions: 80 spaces-average 50% utilized – 8 hours (10 am to 6 pm) – 6 days/wk – 47 wks/yr (49 spaces for shorter section) - $1.50/hr = $135,360 ($82,908 for shorter section)
>
> Staff time assumptions – 16 hrs/wk for 12 stations, 12 hrs/wk for 8 stations @ $60/hr (much less staff time if only credit cards and ParkMobile are used – no cash or coins).

As previously noted, all funding collected from the three metered surface lots (Magnolia Avenue Lot, Pine Street Lot and Creek Park Lot) is deposited into a restricted parking fund, and income from parking tickets is deposited into the General Fund. Revenue from parking tickets partially offsets payments made to the CMPA for enforcement services.

The new pay stations in the Magnolia Avenue and Pine Street lots result in less staff/contract time required for collections each week compared with the parking meters serviced by San Rafael. Between collections, maintenance and responding to user issues, staff spends staff spends approximately 2-4 hours per month. It is anticipated that collections and maintenance at all three downtown lots would require 4 to 6 hours of staff time per month (assuming two pay stations in the Creek Park Lot).

In addition, the Town raises approximately $1,000 to $2,000 per year for merchant parking stickers, allowing vehicles to park all day in 4-hour zones. The income from the merchant parking program has been reserved, with a current fund balance of approximately $70,000.

7. Recommendations and Options:

The northern section of Downtown San Anselmo has several areas where the vehicle parking occupancy during the peak lunch hour from 11 am to 2 pm is over 85%, which means at this time, it can be challenging to find parking in those areas. Just a block or two away from the busiest area lies San Rafael Avenue, which has a low occupancy throughout the day, including at the peak hour. Recommendations include directional signage to help with wayfinding, increasing the number of 2-hour spaces close to San Anselmo Avenue and in surface lots, and adding paid parking to San Anselmo Avenue thereby increasing parking turnover.

San Anselmo Avenue in the southern section of Downtown has an average occupancy of 56% at the peak hour (and 31% average for the day), which indicates that the supply of parking is sufficient for the current use patterns. No specific recommendations in the southern section are proposed at this time.

7.1 General Parking Recommendations:

The following list of recommendations apply to both the north and south areas of Downtown San Anselmo.

1) Improve signage and wayfinding to highlight available parking, both in surface lots as well as San Rafael Avenue and southern Sir Francis Drake Boulevard (completed).
2) Increase turnover of on-street parking through increased enforcement (ongoing).
3) Improve outreach to merchants and offices regarding the merchant permit program (ongoing).
4) Provide physical maps for merchants to provide to their customers showing available parking and duration limits (ongoing).

7.2 Location-Specific Recommendations:

Table presents location-specific recommended changes to San Anselmo's Downtown parking policies.

Table 7: Location-Specific Parking Policy Recommendations

Designation	Recommendation
G-1	Increase available 2-hour spaces by converting Magnolia Avenue between Library Place and Cedar Street from 4-hour parking to 2-hour parking.
G-2	Increase available 2-hour spaces by converting southbound Sir Francis Drake between the Hub and Tunstead Avenue from 4-hour parking to 2-hour parking.
G-3	To improve circulation and usage of the Magnolia Avenue Parking Lot, change Kientz Lane to two-way (completed).
G-4	If paid parking is instituted on San Anselmo Avenue, consider increasing price per hour at the other Town parking lots from $0.60 to $1.00/hour.
Creek Park Lot	
CP-1	Eliminate merchant parking, increasing the available public spaces by 19.
CP-2	Convert to 2-hour time limits.

CP-3	Install two pay stations, one by the Hub shack, and one by Bank Street.
San Anselmo Avenue	
SA-1	Install paid parking on San Anselmo Avenue between San Rafael Avenue and Ross Avenue, with a rate of $1.50/hour from 7 am to 6 pm. Staff recommends installing ParkMobile signage and two additional pay stations on San Anselmo Avenue (one by Creek Park and one in front of Town Hall).
SA-2	Install paid parking on San Anselmo Avenue between San Rafael Avenue and Tunstead Avenue, with a rate of $1.50/hour from 7 am to 6 pm. Staff recommends installing ParkMobile signage and two additional pay stations on San Anselmo Ave (one by Creek Park and one in front of Town Hall).

8. Next Steps

Based on changes to the downtown parking areas that are approved by the Town Council, it is expected that parking behavior will be modified. It is recommended that parking counts be done every year or two to identify if the changes are working, or if other changes or modifications to improve parking are necessary.

If paid parking on San Anselmo Avenue is to be instituted, a detailed plan, cost estimate and revenue projection should be developed, funding identified, and the project added to the Capital Improvement Program.

Appendix: Parking Count Data



T2 Cosmo
Accepts credit cards/
ParkMobile app payments



T2 Luke II
Accepts coins/bills/
credit cards/
ParkMobile app payments

TOWN OF SAN ANSELMO
RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO ESTABLISHING A PARKING METER ZONE AND AUTHORIZING THE INSTALLATION OF PARKING PAY STATIONS ALONG SAN ANSELMO AVENUE BETWEEN SAN RAFAEL AVENUE AND BOLINAS AVENUE AND SETTING RATES FOR PARKING AND FINES FOR VIOLATIONS ASSOCIATED WITH SAID METERS

WHEREAS, the vitality of local businesses is a priority for the Town of San Anselmo ("Town"); and

WHEREAS, to support local businesses and ensure accessibility, the Town Council sees the need to regulate parking to provide a reasonable turnover rate to make the best use of the available street parking; and

WHEREAS, the Town Council recognizes the need to defray some of the operating costs associated with parking and enforcement by instituting a new parking meter zone and rates to keep pace with the cost of delivering essential services; and

WHEREAS, the Town Council has determined that the installation of a paid parking system along San Anselmo Avenue between San Rafael Avenue and Bolinas Avenue will provide a sustainable revenue stream to support parking management and enforcement; and

WHEREAS, the current maximum two-hour time limit on parking will not change in these locations; and

WHEREAS, the rate for parking in metered zones along San Anselmo Avenue shall be established at $1.50 per hour; and

WHEREAS, the creation of paid parking zones is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines section 15061(b)(3), the "common sense exemption", because it can be seen with certainty that there is no possibility of a significant environmental effect since the parking is existing and not changing;

NOW, THEREFORE, the Town Council of the Town of San Anselmo does hereby resolve as follows:

1. The Town Council hereby finds and determines that the above recitals are true and correct and are incorporated herein as findings of the Council in support of this Resolution.
2. In accordance with San Anselmo Municipal Code sections 3-5.1209 *et seq*., the Town hereby establishes a parking meter zone along San Anselmo Avenue between San Rafael Avenue and Bolinas Avenue and authorizes the installation of paid parking stations within the zone.
3. The fine and rate schedule associated with the installation of paid parking pay stations in this zone will become effective April 1, 2025 and will be reviewed by the Town Council and adjusted as needed.

4. The Town hereby sets the expired meter violation fine at $40.
5. The Town hereby sets the zone's parking meter rate at $1.50 per hour for the hours of 7 am to 6 pm, Monday through Saturday, holidays excepted. Free two-hour parking Thanksgiving through New Years Day.

The foregoing Resolution was adopted at the regular meeting of the San Anselmo Town Council held on February 25, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Tarrell Kullaway, Mayor

ATTEST:

Serge Avila, Town Clerk

TOWN OF SAN ANSELMO
RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO ADJUSTING PARKING RATES AND FINES FOR VIOLATIONS ASSOCIATED WITH PARKING METERS AT THE PINE STREET, CREEK PARK AND MAGNOLIA AVENUE PARKING LOTS

WHEREAS, the vitality of local businesses is a priority for the Town of San Anselmo ("Town"); and

WHEREAS, to support local businesses and ensure accessibility, the Town Council sees the need to regulate parking to provide a reasonable turnover rate to make the best use of the available street parking; and

WHEREAS, in 2004 with the adoption of Resolution No. 3709, the Town Council recognized the need to defray some of the operating costs associated with parking by instituting a paid parking system in downtown surface lots to provide a sustainable revenue stream to support parking management and enforcement ("Parking Lot Zone"); and

WHEREAS, given that costs of parking management and enforcement have increased over the past twenty one years, the Town Council wishes to increase the parking rates and to adjust time limits where needed in the Parking Lot Zone; and

WHEREAS, the current maximum time limits on parking will not change in the Magnolia Avenue and Pine Street lots, and the maximum time limits will be reduced to two hours at the Creek Park parking lot; and

WHEREAS, the rate for parking in the three lots will be raised to $1.00 per hour; and

WHEREAS, the Town Council sees the need to allow Town staff to grant all-day parking under special circumstances, (e.g., construction, moving of a business location) that would last no longer than five business days; and

WHEREAS, the adjustment of parking fines and rates is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guideline section 10561(b)(3), the "common sense exemption", because it can be seen with certainty that there is no possibility of a significant environmental effect since the parking is existing and not changing; and

NOW, THEREFORE, the Town Council of the Town of San Anselmo does hereby resolve as follows:

1. The Town Council hereby finds and determines that the above recitals are true and correct and are incorporated herein as findings of the Council in support of this Resolution.
2. In accordance with San Anselmo Municipal Code sections 3-5.1209 *et seq*., the parking fine and rate schedule associated with the Parking Lot Zone pay stations to become effective April 1, 2025 and will be reviewed by the Town Council and adjusted as needed.
3. The Town hereby sets the expired meter violation fine at $40.

4. The Town hereby sets the parking meter rate at $1.00 per hour for the hours of 7 am to 6 pm, Monday through Saturday, holidays excepted. Free two-hour parking Thanksgiving through New Years Day.
5. The maximum time limits for the Creek Park parking lot is hereby reduced to two hours.

The foregoing Resolution was adopted at the regular meeting of the San Anselmo Town Council held on February 25, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Tarrell Kullaway, Mayor

ATTEST:

Serge Avila, Town Clerk

STAFF REPORT

TOWN OF SAN ANSELMO Item #: 3.3

MEETING DATE: February 25, 2025

AGENDA TITLE: Downtown San Anselmo Active Transportation Safety and Circulation Study

FROM: Scott Schneider, Department of Public Works

RECOMMENDATION:

1. Accept presentation and report for the Downtown San Anselmo Active Transportation Safety and Circulation Study.
2. Review recommendations and direct staff to pursue selected improvements throughout the downtown corridor.
3. Find the recommended project categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301.

BACKGROUND

At the February 14, 2023, Town Council meeting, Councilmember Colbert requested that the Council discuss bicycle and pedestrian safety in the downtown area and have staff come back with options for downtown circulation focusing on safety. The Council supported this request. Staff requested a scope of work from Parametrix, which was approved by Council at the October 10, 2023 meeting.

Based on input from Councilmember Colbert and Parametrix, the study area includes Cedar Street on the west, San Rafael Avenue on the north, San Anselmo Avenue on the east, down to Bolinas Avenue on the south. In addition, Sycamore Avenue was added to the scope due to requests from neighbors for traffic calming.

The purpose of the study is to develop safety and circulation improvements for the downtown core, and to improve access and comfort for people using all modes to navigate downtown San Anselmo.

San Anselmo Avenue through downtown is a major bicycle route (Countywide Route 20) connecting the towns of Ross and Fairfax. Cedar Street is on the San Anselmo School Bike Spine. In the fall of 2020, the weekend daytime counts included more than 2,100 pedestrians and almost 1,700 bicyclists along San Anselmo Avenue at Tunstead Avenue.

In addition, San Anselmo Avenue in the downtown area is listed as a High Collision Network segment in the 2024 Marin County Local Road Safety Plan prepared by the Transportation Authority of Marin.

Parametrix reviewed the latest available traffic collision data (2019-2023) in the study area. In addition, staff and Parametrix logged data for a cut-through traffic study, with the results showing about 40 percent of vehicles entering San Anselmo Avenue at Center Boulevard or Bridge Avenue did not stop for shopping or dining, but rather continued on and exited to Sir Francis Drake Boulevard at Tunstead Avenue.

On Sycamore Avenue, a speed survey indicated that the 85th percentile speed was 27/28 miles per hour, and more than several vehicles were surveyed at 30-35 mph during the day. Through the Traffic Calming Program, staff installed four sets of speed humps between Center Boulevard and Madrone Avenue, and a recent speed survey showed that the 85th percentile speed was reduced to 8/9 miles per hour.

In addition, staff and Parametrix have noted other needed improvements on Sycamore Avenue such as a sidewalk gap closure (near Madrone Avenue), repair of sidewalk tripping hazards, and sight distance issues at driveways. The Town will be applying for grant funds for the sidewalk installation, and notices of abatement will be sent to property owners to address tripping hazards and driveway view corridor issues.

DISCUSSION

Parametrix compiled collision data for the last five years available, assessed vehicle speeds and volumes, made site visits to assess bicycle and pedestrian facilities, and compiled short and long-term improvements to enhance active transportation (bicycle and pedestrian travel) safety in the area.

Two initial community meetings were held (in April and September 2024) to gather feedback from the public on downtown safety and circulation issues. In addition, the project team attended a Chamber of Commerce member meeting on October 17, 2024, to hear from the merchants on issues important to them.

A final community meeting was held on October 24, 2024, to present initial findings and several possible layouts for reallocation of the space along the roadway. There was general support by those present for widening the sidewalks, particularly between Tunstead Avenue and Tamalpais Avenue.

On February 18, 2025, staff presented the recommendations to the Chamber of Commerce Board of Directors at their monthly meeting and received favorable feedback for the Baseline improvements, but were firmly against any proposed changes (including one-way options or sidewalk widening) that would result in construction impacts or a reduction in the number of parking spaces, as parking is an extremely important issue for merchants.

ANALYSIS

At the community meetings, staff heard from residents about issues downtown, specifically bicycle safety issues, the need for pedestrian crossing improvements, and the desire to reduce vehicle congestion on San Anselmo Avenue.

At the Chamber of Commerce member meeting in October 2024, staff heard from merchants regarding lack of enforcement of moving violations and parking duration, weekend cyclists not stopping at stop signs, need for improved lighting, as well as strong support for maintaining the existing circulation (against conversion to one-way). These sentiments were echoed at the February 2025 Chamber Board of Directors meeting as well.

At the community meeting in October 2024, Parametrix presented a list of possible safety and parking improvements they referred to as “Baseline Improvements” that include improving sight lines, changes to curb ramps and crosswalks, loading zone reconfiguration, parking stall reconfiguration, improved lighting, removal of sidewalk obstructions, as well as removing parking spaces in front of crosswalks that are required by Assembly Bill 413 “Daylighting”.

AB 413 requires that no vehicle park or stop along the curb for the first 20 feet approaching a marked or unmarked crosswalk (or 15 feet in front of a bulb out) to improve visibility and safety of pedestrians crossing the street. The law is in effect now, and similar to parking in front of fire hydrants, the curb does not need to be painted red for parked vehicles to be cited. For ease of compliance and enforcement, the Town has begun painting red curbs at all areas that require daylighting.

Town staff have marked (red-curbed) most of the affected intersections throughout town except for the downtown area. Daylighting along San Anselmo Avenue between San Rafael Avenue and Bolinas Avenue will result in approximately 6-9 parking spaces being removed from the parking inventory. To prevent the spaces from becoming temporary drop-off or loading zones, bicycle racks or planters will be installed in the locations. Staff expects that paid parking on the Avenue (approved by Town Council in 2023) will help reduce demand along San Anselmo Avenue and will somewhat mitigate the reduced parking inventory.

RECOMMENDATIONS

The following recommendations will be presented at the Council meeting:

R1: Implementation of the Baseline Improvements including daylighting and installation of bicycle parking, signage and striping modifications, parklet modifications, curb ramp and cross walk improvements, etc.

Town staff recommends further study of near- to medium-term improvements, including:

R2: Design and pilot potential improvements at the San Anselmo Avenue/Tunstead Avenue intersection.
R3: Study of the feasibility of raised crossings for traffic calming.
R4: Study lighting along San Anselmo Avenue to improve pedestrian safety.
R5: Study specific locations for sidewalk obstruction removal.
R6: Study conversion of sub-standard angled parking to parallel parking between Tunstead Avenue and Magnolia Avenue.

Longer-term recommendations:

R7: Consider a potential long-term project to widen sidewalks on San Anselmo Avenue from Tunstead Avenue to Tamalpais Avenue and possibly further to San Rafael Avenue.

Cedar Street:

R8: Conduct further study of raised intersections, speed humps, or striping to provide additional traffic calming.

Sycamore Avenue:

R9: Monitor the success of recent speed hump installations and consider additional traffic calming remedies if needed.

General Study Area Recommendations:

G1: Evaluate additional enforcement needs for traffic safety and parking.
G2: Implement localized daylighting and sight line improvements as necessary.

FISCAL IMPACT

The cost of the short-term targeted improvement projects is fairly minimal, and can be done using existing maintenance funding (for red curbs and other signing/striping), and Active Transportation funding (for crosswalk enhancements, bicycle racks, curb ramp improvements, etc).

Near- and Medium term projects could be identified and budgeted using Active Transportation and/or Measure J funding, and folded into the Capital Improvement Program.

Longer term projects such as sidewalk widening would require design funds (likely in the $50,000 to $75,000 range) to analyze and scope the project to determine rough final design and construction estimates (likely in the $1 to 2 million range), and could be budgeted in future Capital Improvement Programs.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The Town finds the baseline improvements to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Class 1, because it involves maintenance of existing streets, will not create additional automobile lanes and involves negligible or no expansion of use. (14 Cal. Code Regs. § 15301). None of the exceptions to this Class 1 categorical exemption apply in this instance (14 Cal. Code Regs. § 15300.2). Specifically, successive projects of the same type in the same location will not cause significant cumulative impacts, as there are no successive projects planned at this time. There are no unusual circumstances presented by this project and the project will not result in damage to scenic resources within a designated state scenic highway. Finally, the project will not cause a substantial adverse change in the significance of a historical resource, as no historical resources will be impacted.

The baseline improvements consist of street and sidewalk improvements that address San Anselmo's Climate Action Plan 2030, specifically CAP Measures T-2 (biking) and T-3 (walking).

The General Plan's Land Use Element, F. Implementation, recommends a Central Commercial Circulation and Parking Study inform any recommended changes.

ATTACHMENTS

Attachment 1 – Downtown San Anselmo Active Transportation Safety and Circulation Study

DOWNTOWN SAN ANSELMO
Active Transportation Safety and Circulation Study





Prepared for the Town of San Anselmo by

Parametrix

FEBRUARY 2025



Prepared for Town of San Anselmo by

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1. Introduction

Downtown San Anselmo Active Transportation Safety and Circulation Study was initiated by the Town's Public Works Department and carried out with assistance from Parametrix, Inc. (Project Team). This chapter outlines the study's purpose and provides an overview of the study process.

Project Purpose

Downtown San Anselmo is the Town's heart. The main roadway, San Anselmo Avenue, features popular businesses, gathering places and festivals. Downtown San Anselmo also boasts parks, schools, and other attractions. It is well-traveled not only by drivers but also by pedestrians and cyclists. However, downtown San Anselmo is also the site of a high number of collisions, particularly along San Anselmo Avenue. Other downtown streets, particularly Cedar Street and Sycamore Avenue, are residential streets that also face safety and circulation issues.

With this in mind, the purpose of this project is to develop short- and long-term safety and circulation improvements for the downtown core, focused on San Anselmo Avenue, Cedar Street, and Sycamore Avenue. The project's recommendations will ultimately improve access and comfort for people using all modes to navigate Downtown San Anselmo.

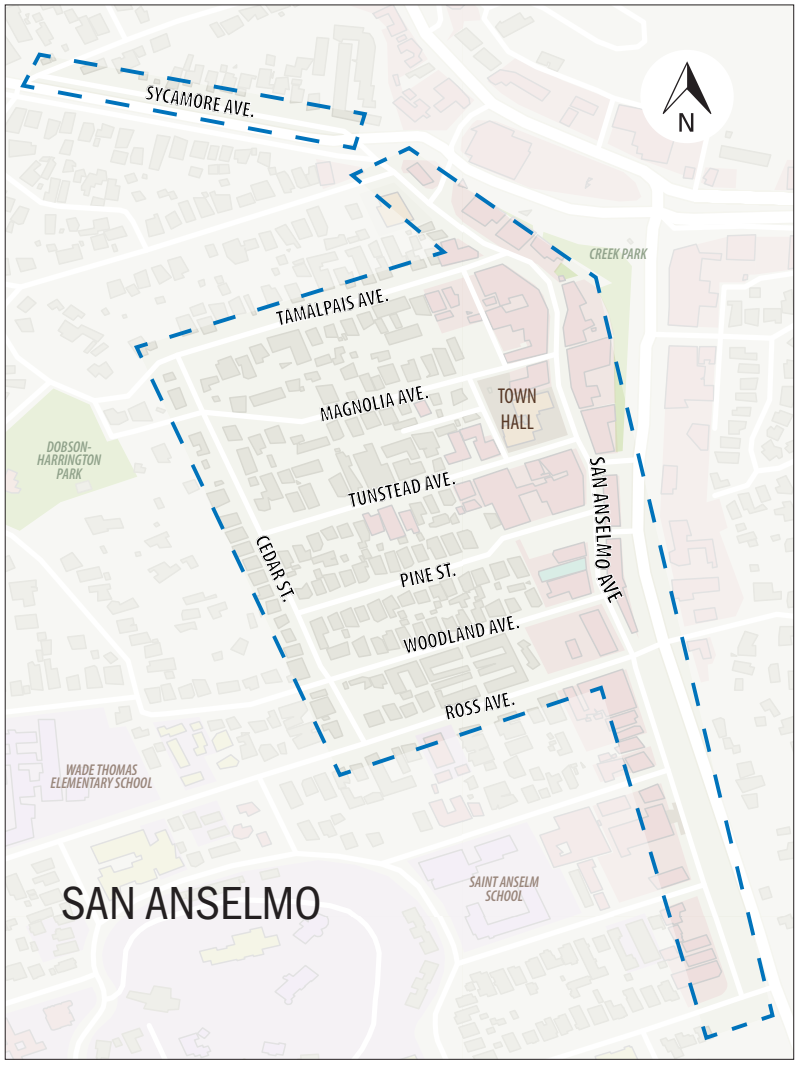


Figure 1. Project study area

Study Area

The study area for this project encompasses Downtown San Anselmo with a main focus on three roadways, San Anselmo Avenue, Cedar Street, and Sycamore Avenue - as well as side streets Tamalpais Avenue, Magnolia Avenue, Pine Street, Woodland Avenue, and Ross Street between San Anselmo Avenue and Cedar Street. San Anselmo Avenue features shops, restaurants, and a park; during the summer months a segment of the roadway is activated and closed to vehicles during part of the weekends for the Town's Live on the Avenue event. Cedar Street is residential and is on the Town's bike spine. It is used by local residents, as well as students and families traveling to and from nearby Wade Thomas Elementary School. Sycamore Avenue is another residential street located across Center Boulevard from the Downtown core. A map of the study area can be seen in Figure 1.

Process

The project was carried out using an iterative approach through which the project team reviewed baseline conditions, developed short- and long-term improvement concepts based on project goals, and incorporated community input, culminating in short- and long-term recommendations.

Baseline Conditions Assessment

The project team used data from a variety of sources to gain a thorough understanding of baseline, or existing, conditions. Insights gained from analyzing collision and traffic volume data were supplemented with site visits and public outreach meetings. A thorough analysis of existing roadway characteristics – including roadway width, parking supply, and other features – was also carried out to inform the development of improvement concepts. Additionally, vehicle cut-through surveys were carried out to better understand weekday vehicle trends along San Anselmo Avenue. See Chapter 2 for a detailed baseline conditions assessment.

Community Outreach

Outreach was an important step in the process for gaining understanding of baseline conditions and refining the improvement concepts. The project team held several public meetings throughout the life of the project. The first two meetings, held on April 24 and September 12, 2024, respectively, were used to gain a better understanding of baseline conditions, issues, and the community's appetite for trade-offs in the study area. The third public meeting, held on October 24, was used to present the draft concepts and solicit input that was used to refine the concepts and lead to the ultimate recommendations. A listening session was also held with the San Anselmo Chamber of Commerce on October 17 to hear specific concerns and ideas from the business community. See Chapter 3 for a discussion of the outreach process and results.

Concept Development

Based on a thorough understanding of baseline conditions, a toolkit of potential improvement measures was created to improve safety and circulation for all users in Downtown San Anselmo. These measures were then combined into potential short- and long-term improvement concepts. Special attention was paid to San Anselmo Avenue north of Tunstead Avenue, as this roadway segment is the heart of San Anselmo and has the highest visitation as well as the highest number of collisions. See Chapters 4 and 5 for more information on the improvement toolkit and concepts.

Short- and Long-Term Concept Recommendations

The project team developed short-and long-term recommendations to improve safety and circulation in Downtown San Anselmo as a culmination of the steps described above. Recommended concepts are presented in Chapter 6.



2. Existing Conditions

This chapter presents existing planning, safety, and circulation conditions in the study area.

Background and Prior Studies

Downtown San Anselmo is a vibrant destination that draws both local and regional visitors. Located adjacent to the Hub, a key regional intersection, it is at the crossroads between destinations including West Marin, Fairfax, San Rafael, Kentfield and Greenbrae, and the Highway 101 corridor. Downtown San Anselmo's draws include its shops and restaurants and Creek Park. It is also the site of the popular Live on the Avenue summer event series, for which part of San Anselmo Avenue is closed to vehicles on Friday and Saturday evenings.

Several prior studies and plans touch on the study area and its goals. These include the following:

Marin County Local Road Safety Plan (2024)

The Marin County Local Road Safety Plan includes a comprehensive collision analysis for the Town of San Anselmo. San Anselmo Avenue from Hazel Avenue to Bolinas Avenue is on the Town's High Collision Network and has the highest number of injury collisions and injury collision rate of any road segment in the Town from 2017-2021. This includes three collisions involving pedestrians and 15 involving bicyclists. Pedestrian crossing and bicycle facility improvements are recommended for this road segment as a priority project location.

2023 Amended General Plan (2023)

The Circulation Element of the Amended General Plan encourages the improvement of bicycle and pedestrian systems that will reduce the reliance on private vehicles for local trips. In the Plan the Town states that it will continue its efforts to identify the areas that should be linked by bicycle and pedestrian paths and will pursue opportunities



such as grants and conditions of development approval to achieve a viable bicycle and pedestrian transportation system as part of its Complete Streets policy. The plan also aims to preserve the character of its streets, particularly by discouraging through vehicular traffic on residential streets, using limited street closures and one-way traffic controls if necessary and appropriate.

Downtown Parking Study (2021)

A parking study conducted by the Town in 2021 considers parking on San Anselmo Avenue. It finds that on-street vehicle parking between San Rafael Avenue and Tunstead Avenue are at full capacity most of the day (10 AM – 8 PM), with a peak around lunchtime. Opportunities to free up parking spaces closest to San Anselmo Avenue include increasing the level of parking enforcement to encourage turnover, converting the merchant spaces in Creek Park to two-hour public parking, changing some four-hour zones to two-hour zones, and converting San Anselmo Avenue to paid parking.

Climate Action Plan (2019)

San Anselmo's Climate Action Plan incorporates active transportation into its strategies. It seeks to encourage bicycling as an alternative to private vehicles; establish and maintain a system of bicycle facilities that are consistent with the Town's Bicycle and Pedestrian Plan and Complete Streets policies; and encourage walking as an alternative to private vehicle travel.

Town of San Anselmo Bicycle and Pedestrian Master Plan (2016)

This plan proposes active transportation improvements in the Town with an emphasis placed on the Downtown commercial district, civic buildings, and schools. Recommendations include a proposed school route bike spine on Cedar Street (completed in 2022) as well as potential school bicycle routes on Bolinas Avenue, Ross Avenue, Tamalpais Avenue, and Woodland Avenue. San Anselmo Avenue is listed as a "bike priority" street for traffic calming and bicycle stencils.

Additionally, intersection improvements are proposed, including for the San Anselmo and lower Tunstead Avenue intersection. Potential treatments for a "Downtown Bypass" bicycle route include bicycle route signage and parking controls at intersections along Bolinas Avenue, Cedar Street, Ross Avenue, and San Anselmo Avenue, and Tamalpais Avenue.



Existing Roadway Conditions

San Anselmo Avenue

San Anselmo Avenue is Downtown's main thoroughfare. Running adjacent to Center Boulevard and Sir Francis Drake Avenue, San Anselmo Avenue features shops, restaurants, parklets, and key destinations such as Town Hall and the San Anselmo Library. The street is popular with people using various modes of active and motorized transportation and can therefore be the site of intermodal conflicts.

San Anselmo Avenue features one vehicular travel lane in either direction. Its on-street parking is on both sides and is a mix of parallel and angled parking spaces; however, these spaces are of varying size and some parking spaces are smaller than the sizes recommended in design guides and standards.

San Anselmo Avenue is part of County Bicycle Route 20 (connecting West Marin to San Quention) and features sharrow pavement markings. It is also adjacent to County Bicycle Route 24 (connecting San Anselmo to Point San Pedro via San Rafael). The street has a complete sidewalk network, but in some locations, narrow sidewalks and a lack of accessible ramps can make the street difficult to navigate on foot or using an assisted mobility device.

Cedar Street

Cedar Street is a residential street west of San Anselmo Avenue. The street has one travel lane in either direction with alternating parallel parking on both sides of the street. In some locations, the street's narrowness poses a challenge for oncoming vehicles to pass each other.

Cedar Street is part of the Town's bicycle spine and is a popular route for people walking and rolling to nearby Wade Thomas Elementary School. It has a complete sidewalk on one side of the street and is designated as a Class III bike boulevard with sharrows and signage; bicyclists must share the road with motor vehicles. Despite its inclusion in the bicycle spine, vehicle speeds can be an issue and near misses between active transportation users and motorists have been reported.

Sycamore Avenue

Sycamore Avenue is another residential street located across Center Boulevard from downtown San Anselmo. It is part of the Town's Slow Streets program, which discourages residents and visitors from using it as a cut-through street. This street has one travel lane in each direction and on-street parallel parking on the north side of the street. Residents have reported speeding vehicles on the street.



Multimodal Safety

The area's collision statistics all speak to the need to calm traffic along the roadways to increase safety for all users. The 2024 Marin County Local Road Safety Plan includes San Anselmo Avenue in its High Collision Network, citing that San Anselmo Avenue from Hazel Avenue to Bolinas Avenue had 20 collisions resulting in injury from 2017-2021, including 15 collisions with people bicycling and 3 with people walking. From 2019-2023, the latest five years of collision data at the time of this study, 32 collisions occurred in the study area. Collision hotspots were located at the intersections of San Anselmo Avenue with Tunstead and Ross Avenues, as can be seen in Figure 2. Twenty-two collisions (69% of the total) occurred on San Anselmo Avenue, while three (9%) occurred on Cedar Street and two (6%) occurred on Sycamore Avenue. Given the small number of collisions occurring outside of San Anselmo Avenue, collision trends for the entire project area are discussed below.

Eight collisions (25%) were caused by unsafe starting or backing, underscoring the narrow travel and parking lanes in the study area. Five collisions (16%) resulted from unsafe speeds, while four (8%) were caused by improper turning (Figure 3).

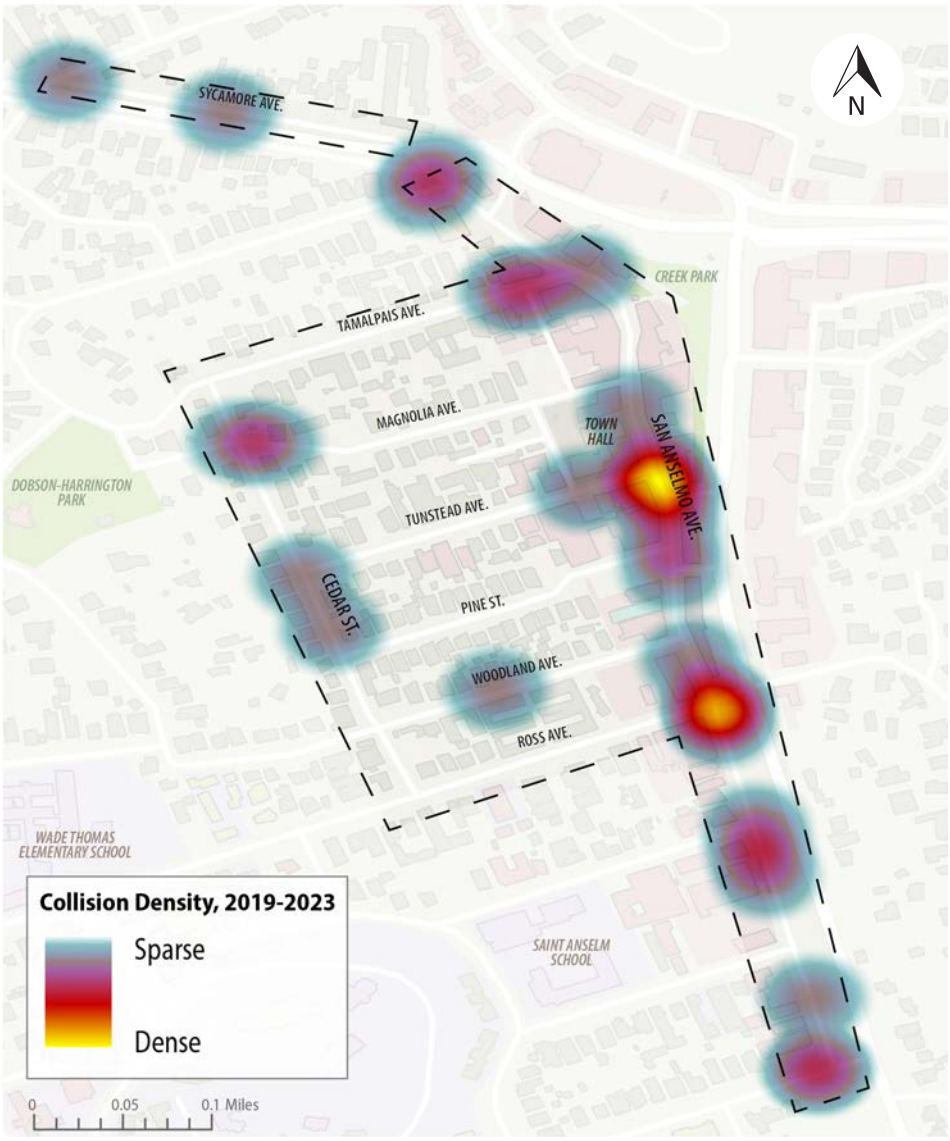


Figure 2. Collision density, 2019-2023

Despite the high number of collisions, only one resulted in a severe injury and no fatalities were reported. Almost half of all collisions resulted in an injury of some kind, however (Figure 4).

As vulnerable users, people walking and rolling were involved in a significant number of collisions and made up a disproportionate number of injuries resulting from these collisions. These vulnerable users were involved in 47% of the study area's collisions but made up 93% of collisions resulting in an injury, including the one reported serious injury. Four collisions involved a motorist hitting someone walking; eight involved a motorist hitting someone bicycling; and three involved a solo bicyclist. Most of the collisions involving active transportation users took place on San Anselmo Avenue.

Of the 16 collisions involving motor vehicles only, 12 (75%) involved a solo motor vehicle hitting either a parked car or a fixed object. The main causes of these collisions were unsafe starting or backing, unsafe speed, and improper turning. While fixed object collisions occurred along San Anselmo Avenue, collisions with parked vehicles occurred throughout the neighborhood streets, including Cedar Street and Tamalpais Avenue.

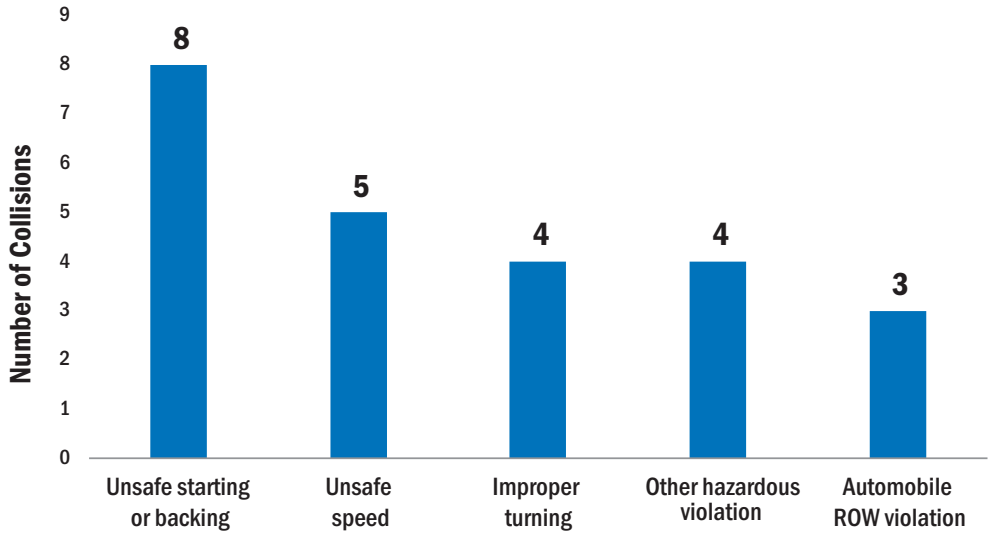


Figure 3. Top primary collision factors, all study area collisions

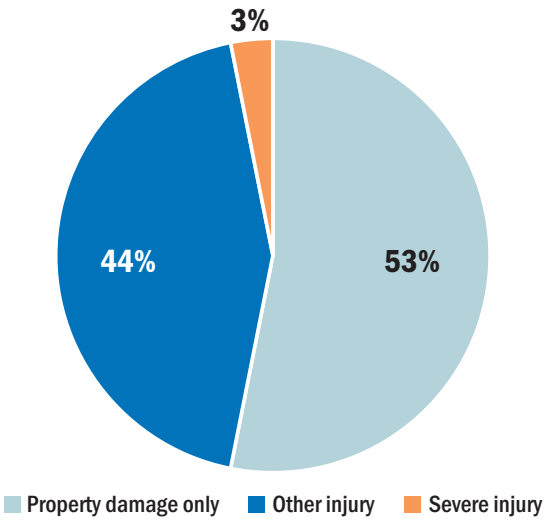


Figure 4. Collision severity, all study area collisions

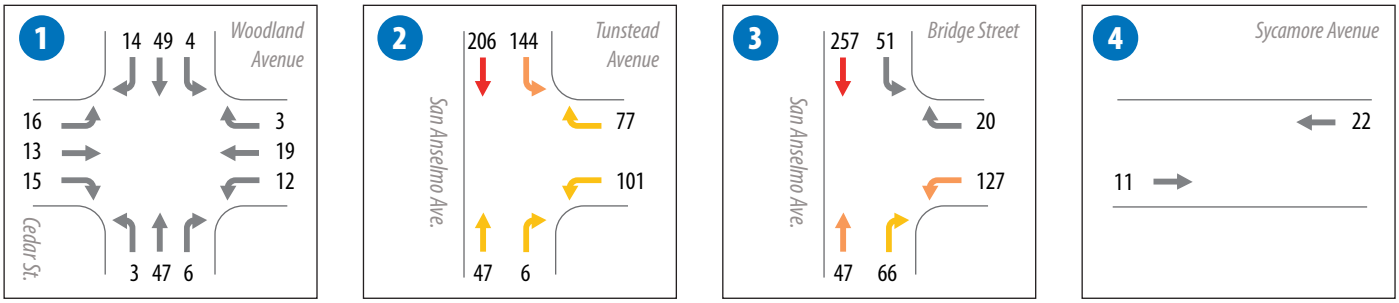
Multimodal Circulation

Vehicle, bicycle, and pedestrian counts were collected during the morning and afternoon peak periods on Thursday, February 15, 2024. Locations and counts can be seen in Figures 5 and 6.

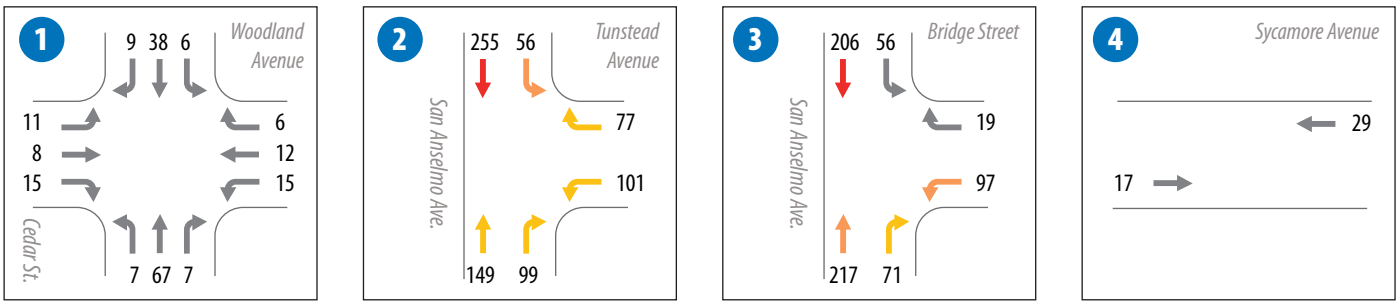


Figure 5. Traffic count locations

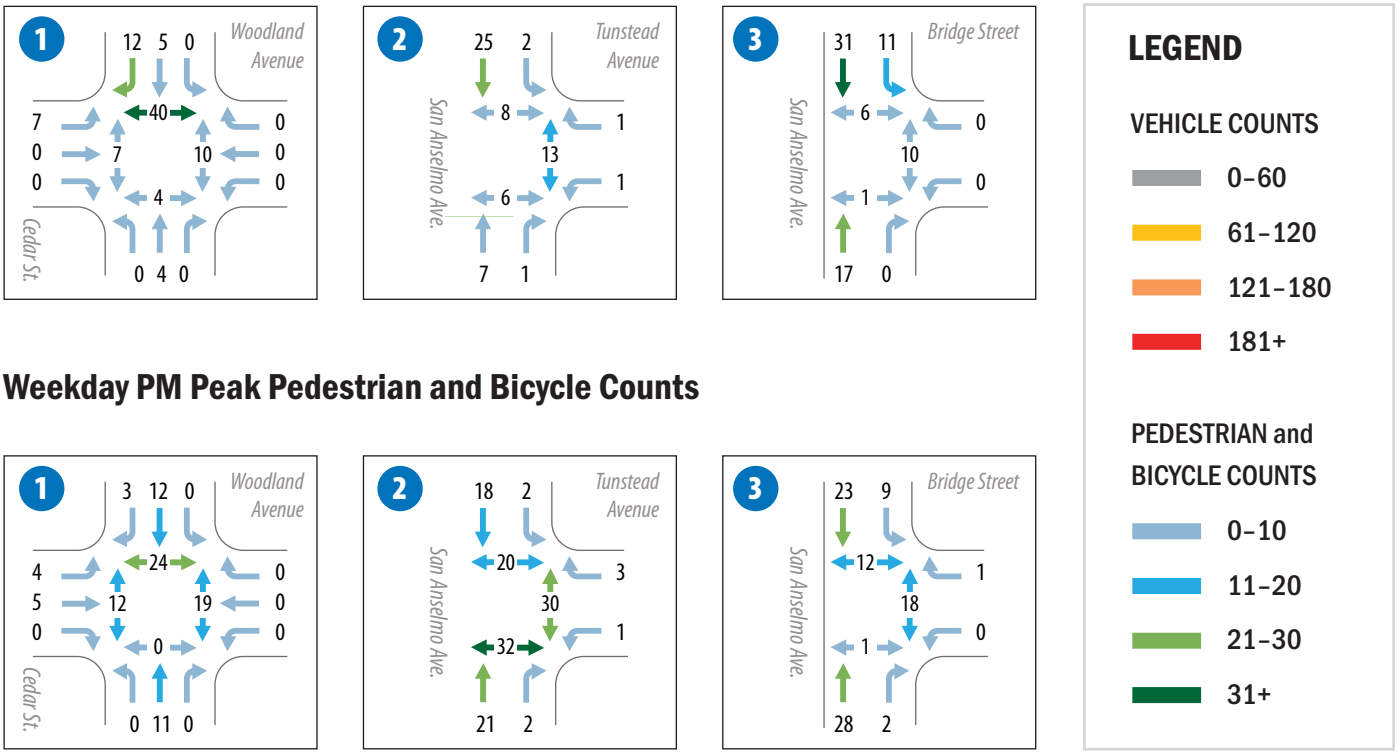
Weekday AM Peak Vehicle Counts



Weekday PM Peak Vehicle Counts



Weekday AM Peak Pedestrian and Bicycle Counts



Weekday PM Peak Pedestrian and Bicycle Counts

Figure 6. Traffic counts

San Anselmo Avenue

On San Anselmo Avenue, the weekday morning peak period was determined to occur from 8-9 AM. During this time 720 vehicles passed through the San Anselmo Avenue and Tunstead Avenue intersection, while about 670 vehicles traveled through the San Anselmo Avenue and Bridge Avenue intersection. While the predominant movements were traveling straight along San Anselmo Avenue, particularly southbound, large vehicle volumes were also recorded turning left from Bridge Avenue to San Anselmo Avenue and turning left from San Anselmo Avenue to Tunstead Avenue. A vehicular cut-through survey performed during the weekday peak hours found that approximately 38% of observed entering vehicles on San Anselmo Avenue comprised cut-through traffic, particularly traveling southbound on San Anselmo Avenue to bypass the Hub.

During the morning peak a total of over 50 people passed through the San Anselmo Avenue and Tunstead Avenue intersection on foot or by bicycle, while over 90 people did so at the Bridge Avenue Intersection. The heaviest bicycle movements were traveling straight through the intersections, particularly southbound. The highest number of pedestrians was seen crossing at Bridge Avenue, especially using the crosswalk across San Anselmo Avenue and crossing the fire station driveway.

During the weekday afternoon peak, approximately 3-4 PM, about 700 vehicles passed through the San Anselmo Avenue and Tunstead Avenue intersection while about 670 vehicles passed through the San Anselmo Avenue and Bridge Avenue intersection. Again, through movements along San Anselmo Avenue were the busiest, although there was a more even split between northbound and southbound circulation. High numbers of vehicles were observed turning right from Tunstead Avenue onto San Anselmo Avenue and turning left from San Anselmo Avenue onto Tunstead Avenue. The cut-through survey found that approximately 45% of traffic during the peak period was from vehicles attempting to bypass the Hub; again, the southbound direction had the highest volumes.

During the afternoon peak, about 110 and 120 people travelled through the Tunstead Avenue and Bridge Avenue intersections with San Anselmo Avenue, respectively, using active modes. Like vehicle circulation, the predominant movements were traveling straight through the intersections and there was a more even split between northbound and southbound volumes. This time more pedestrians were observed crossing at Tunstead Avenue, particularly using the crosswalks on the south and east sides of the intersection.





Cedar Street

Vehicle travel on Cedar Street during the weekday morning peak was much lower than San Anselmo Avenue, with a total of about 200 vehicles counted at the Cedar Street and Woodland Avenue intersection. The highest movements were traveling straight through the intersection on Cedar Street, with relatively split number of vehicles in either direction. Eighty-six people were observed passing through the intersection on foot or by bicycle during this time. While the highest bicycle movement was a southbound right turn from Cedar Street onto Woodland Avenue, a very high number of walkers (40) were observed crossing the northbound crosswalk across Cedar Street.

Almost 200 vehicles passed through the same intersection during the afternoon peak hour. While the through movement on Cedar Street still had the highest volume, almost twice as many vehicles travelled north during this time. Ninety people traveled through the intersection using active modes. The highest bicycle movements were traveling straight on Cedar Street, with a relatively even directional split. While the northern crosswalk across Cedar Street was still the most popular, more activity was seen on the other crosswalks at the intersection than in the morning.

A 2025 speed survey indicated that the 85th percentile speed is 19 MPH in one direction and 20 MPH in the other.



Sycamore Avenue

Vehicle counts were collected on Sycamore Avenue on a Saturday in March, 2024.the highest volumes were observed from 4-5 PM, when just under 50 vehicles traveled along the roadway. The westbound direction had the higher volume, with approximately 150% of the number of eastbound vehicles.

On Sycamore Avenue, a speed survey indicated that the 85th percentile speed was 27/28 miles per hour, and more than several vehicles were surveyed at 30-35 mph during the day.

3. Community Outreach

Public outreach was an integral part of the project. Two initial community meetings were held to gather feedback from the public on Downtown safety and circulation issues. These meetings, held on April 24 and September 12, 2024, were conducted both in-person and virtually. During these meetings community members shared their Downtown mobility issues, including bicycle safety issues, the need for pedestrian crossing improvements, and the desire to reduce vehicle congestion on San Anselmo Avenue.

The project team also attended a Chamber of Commerce meeting on October 17, 2024 to discuss issues the merchants find important. These issues include lack of enforcement of moving violations and parking duration, weekend cyclists not stopping at stop signs, the need for improved lighting along San Anselmo Avenue, and their lack of support for potential San Anselmo Avenue circulation changes (conversion to one-way).

A third community meeting was held on October 24, 2024 to present initial findings and several proposed layouts for reallocating the space along the study area roadways. Similar to the previous meetings, participants could attend either in person or online. There was general support by those present for widening the sidewalks, particularly between Tunstead Avenue and Tamalpais Avenue.







4. Improvements Toolkit

A number of measures were considered to improve transportation circulation and safety on the study streets in Downtown San Anselmo. The following is a description of the measures that were included in the improvement concepts. They range from relatively quick and inexpensive to implement and inexpensive to more involved, costly design considerations. Short-term improvements can generally be implemented within 0-2 years; medium-term, from 2-5 years; and long-term, in about 5-10 years.

ACTIVE TRANSPORTATION

Bicycle Boulevard



Bicycle boulevards are streets with low motorized traffic volumes and speeds, designated and designed to give bicycle travel priority. They use signs, pavement markings, and speed and volume management measures to discourage through motor vehicle trips. Bicycle boulevards are most effective on local streets with low existing speeds and volumes.

High Short

High Visibility Crosswalks



High-visibility crosswalks provide heightened visibility over standard crosswalk markings. Typically consisting of stripes along the vehicle path of travel, they occupy a wider area of a driver's field of view compared to basic crosswalks, more clearly defining where to expect pedestrians and allowing drivers to see the crosswalk from further away.

High Short

LEGEND Ease of Implementation Time Frame

Improved Lighting



Lighting improves visibility and safety for all users. Pedestrian-scale lighting illuminates sidewalks, crosswalks, curbs, and signs as well as barriers and potential hazards, and enhances feelings of safety for people walking and bicycling. Improved lighting can also help drivers see and respond to hazards in the roadway..

Medium Medium

Parking Modifications



Parking modifications include standardizing parking stall length and converting angled parking to reverse angled parking to improve road user safety. Converting angled parking to parallel parking would free up right-of-way for additional improvements. Similarly, converting angled parking to reverse angled parking can improve visibility and improve safety when drivers exit the parking stall. Modifications may require reconfiguration of parking meters.

Medium Medium

Class II Bicycle Lanes



Class II bicycle lanes are located on the roadway and provide delineated space for cyclists using paint. Class II bicycle lanes reduce conflicts by separating bicyclists from vehicular traffic. However, they provide less comfort and safety for bicyclists as they do not include physical separations.

Medium Medium

Widened Sidewalks



The National Association of City Transportation Officials (NACTO) recommends 8- to 12-foot sidewalks in downtown areas; typically, 6 feet is the minimum standard. This width allows more comfortable access for users of all ages and abilities. Increased sidewalk width can also provide space for streetscape amenities such as furniture, landscaping, and dining.

Low Long

TRAFFIC CALMING AND SAFETY

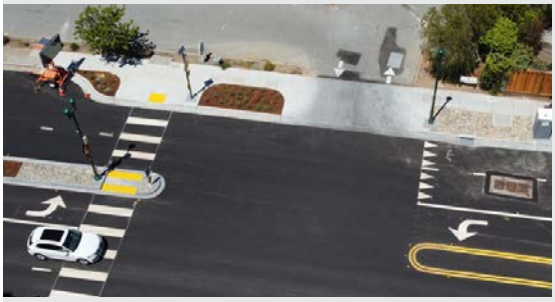
Daylighting



Daylighting is the practice of removing parking spaces around an intersection, typically by applying red curb paint. This increases visibility, allowing drivers and pedestrians to see each other more easily before pedestrians begin crossing the street. Per California AB-413, parking is prohibited within 20' on the approach side of a crosswalk (marked or unmarked) or within 15' of a crosswalk with a bulb-out.

High Short

Sight Distance at Driveways



Clearing obstructions to create view triangles at driveways improves safety when drivers are exiting their driveways. Sight distances can be improved by meandering parking on a street or clearing vegetation or other obstructions.

Low Long

Traffic Calming Measures



Traffic calming measures include a number of design features that encourage reduced motor vehicle speeds. They can deflect vehicles vertically (e.g., speed humps) or horizontally (e.g., chicanes). Other features, such as adding edge lines, visually narrow travel lanes and encourage slower speeds.

High Short

Bulb-Outs



Bulb-outs extend the sidewalk into the street. They reduce crossing time for pedestrians by reducing the crossing distance. They also make pedestrians more visible by bringing them out away from the original curb, which commonly has objects that could obstruct visibility. Typically installed on wide roads with parking lanes, bulb-outs take away no usable road space from vehicles while visually narrowing the road and calming traffic.

Medium Short

Gateway Treatments



Gateway treatments are design elements that mark the transition to a neighborhood or street with different characteristics. They signal to drivers to reduce speeds and be aware of the potential of pedestrians and or bicyclists in the roadway.

Medium Medium

Enhanced Enforcements

Enhanced enforcement can increase safety and access in Downtown San Anselmo. Parking enforcement ensures that drivers do not stay over the time limits, freeing up parking for visitors to Downtown. Additionally, increased enforcement can ensure that all road users follow safe behaviors, such as stopping for stop signs; and can reduce illegal movements such as mid-block U-turns.

Medium Medium

CIRCULATION

Conversion to 1-Way Traffic



Converting a roadway from two- to one-way traffic can reduce cut-through traffic in locations where this is an issue. One-way streets can simplify crossings for pedestrians and reduce pedestrian crashes. They can also be more efficient for traffic movement, especially in downtown areas. One-way conversion can be done through signage and striping or through the use of diverters to physically prevent wrong-way traffic from entering. They work best when there are alternative streets of the same capacity to handle the diverted traffic.

Low Long

5. Improvement Concepts

The project team developed several concepts to improve access and safety in Downtown San Anselmo. These include:

- **Shorter-term improvements that are relatively easy to implement**
- **Medium-term improvements**
- **Longer-term concepts**
- **Further study and design**

Overview

This section provides an overview of the improvement concepts for San Anselmo Avenue, Cedar Street, and Sycamore Avenue and provides an overview of opportunities and challenges associated with each.

Each concept has varying impacts on on-street parking. While the loss of parking could have impacts on accessing businesses, this could be mitigated through implementation of the town's parking management study strategies and enforcement. Some strategies noted in the parking management study include increasing the level of parking enforcement to encourage turnover, converting the merchant spaces in Creek Park to two-hour public parking, changing some four-hour zones to two-hour zones, and converting San Anselmo Avenue to paid parking.

San Anselmo Avenue Improvement Concepts

Baseline Improvements: San Rafael Avenue to Bolinas Avenue (Short- to Medium-Term)

A number of short- and medium-term improvements can be made throughout the corridor to improve safety and access for people using various transportation modes. One corridor-wide improvement is improving sight lines through daylighting, as mandated in Assembly Bill (AB) 413. AB-413 mandates that no vehicles can park or stop along the curb for the first 20 feet approaching a marked or unmarked crosswalk (or 15 feet in front of a bulb out) to improve safety for pedestrians crossing the street. The law went into effect on January 1, 2025, and similar to parking in front of fire hydrants, the curb does not need to be painted red for parked vehicles to be cited. Daylighting, along with some parking reconfiguration, would result in a net loss of six to nine parking spaces along San Anselmo Avenue of the existing 182 on-street spaces. Bicycle racks or landscaping could be used to ensure that drivers do not park in the new red curb zones.

Baseline improvements also include reconfiguration of the San Anselmo Avenue and Tunstead Avenue intersection, which is difficult for road users to navigate and can lead to vehicles backing up into the intersection. Improvements would consolidate crosswalks to improve pedestrian visibility and circulation through the addition of a southbound stop sign and pavement markings.

Other baseline improvements include treatments to improve sight lines; pedestrian enhancements; enhanced signage; and curb and parking reconfiguration to improve access and safety. Some improvements are corridor-wide and would require more study to assess feasibility prior to implementation:

- **Improved lighting at crossings**
- **Increased parking and bicycling enforcement**
- **Raised intersections**
- **Regulating vehicle size for angled parking spaces or converting to parallel parking**
- **Removing sidewalk obstructions as feasible and appropriate**

See Appendix 1 for a detailed concept of baseline improvements.

Concept A: Standardized Lanes (Medium-Term)

This concept would widen parking lanes and standardize travel lanes -- making each lane the same size – between Tunstead Avenue and San Rafael Avenue. Changes would be minimal north of Magnolia Avenue, but would be more pronounced north of Tunstead Avenue, where the angled parking on the northbound side of the street would be converted to parallel parking. The wider parking lanes would allow easier access, while the wider travel lanes could give bicyclists more space as they share the road with vehicles. Converting the angled parking spaces to parallel would result in a decrease of two to three parking spaces from Tunstead Avenue to Magnolia Avenue; tree removal would further reduce parking impacts. Figure 7 and Figure 8 show simulations of how this concept would look at various locations along San Anselmo Avenue.



Figure 7. Concept A: North of Tunstead Avenue



Figure 8. Concept A: North of Magnolia Avenue

Concept B: One-Way Conversion (Medium-Term)

Concept B would convert San Anselmo Avenue to one-way in the northbound direction from Tunstead to either Tamalpais Avenue or San Rafael Avenue. This would reduce cut-through traffic by eliminating the northbound movement, which was the primary cut-through direction. A contra-flow bicycle lane would allow two-way access for bicyclists.

While the concept would reduce vehicle circulation, it would have implications for traffic in the neighborhood and the Hub. Particularly, the concept would increase motorist delays on eastbound Center Boulevard by approximately 12 seconds per vehicle during the PM peak period. The concept would also necessitate a reduction of 14-16 parking spaces from Tunstead Avenue to San Rafael Avenue. There would be implications for access to businesses and some tree/bulb-out removal. Renderings of the concept can be seen in Figure 9 and Figure 10.



Figure 9. Concept B: North of Tunstead Avenue

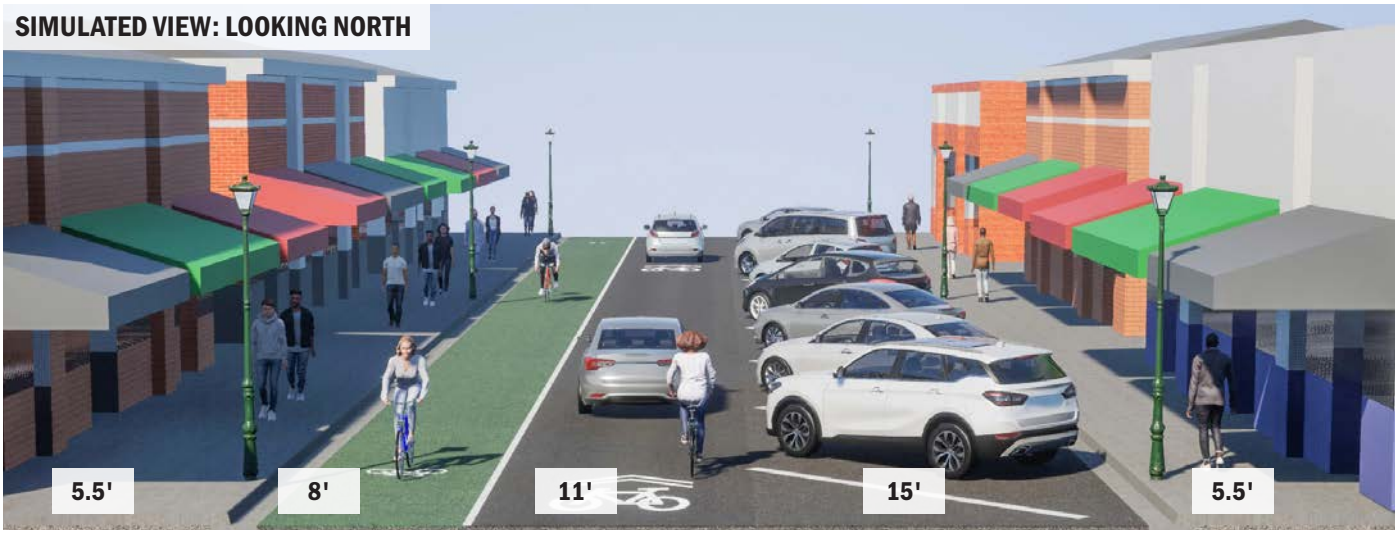


Figure 10. Concept B: North of Magnolia Avenue

Concept C: Wider Sidewalks (Long-Term)

Concept C would widen the sidewalks in the downtown core, from Tunstead Avenue to Tamalpais Avenue or San Rafael Avenue, to provide enhanced comfort and space for people walking to businesses. It would also standardize parking lanes to allow easier access.

This concept would have considerations for trees/bulb-outs. It would require a reduction of 9-12 parking spaces from Tunstead Avenue to San Rafael Avenue, with the biggest impact north of Magnolia Avenue where the street is most narrow. Access would also be improved by having more comfortable sidewalks. Additionally, widening the sidewalks would make this concept more costly than the shorter-term options. Figure 11 and Figure 12 show simulations of how the concept could be implemented.

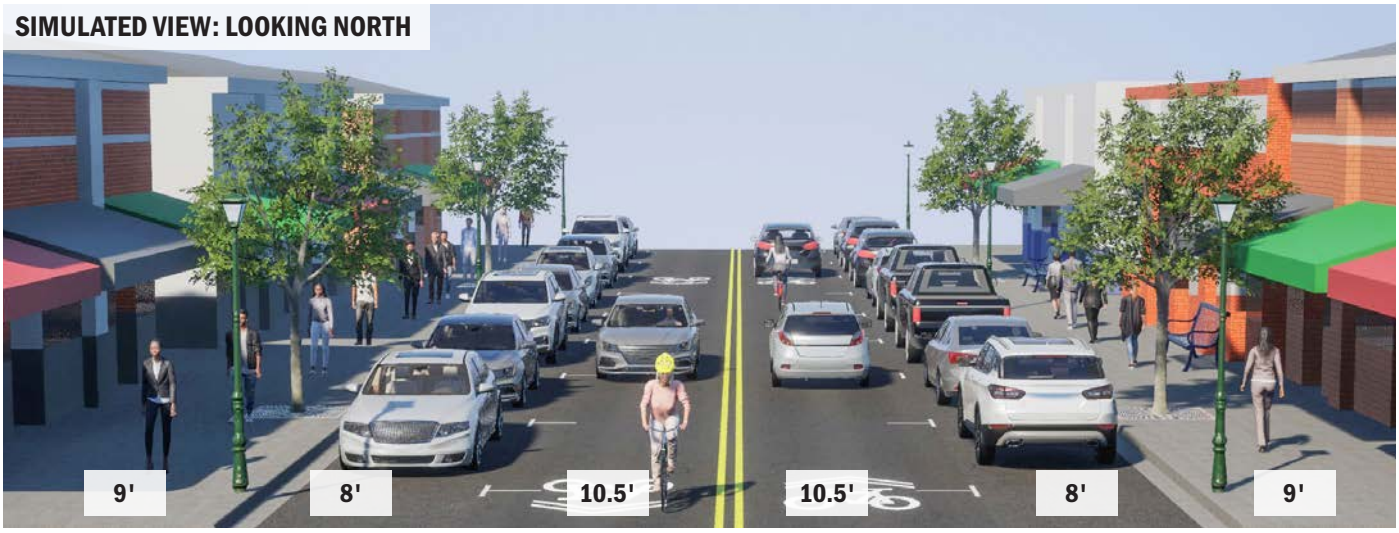


Figure 11. Concept C: North of Tunstead Avenue



Figure 12. Concept C: North of Magnolia Avenue

Concept D: Slightly Wider Sidewalks and One-Way Conversion (Long-Term)

This concept would widen the sidewalks while also converting San Anselmo to one-way in the northbound direction from Tunstead Avenue to Tamalpais Avenue or San Rafael Avenue. This would reduce cut-through traffic while providing more space for people walking Downtown and would have fewer circulation impacts compared to a one-way southbound conversion. It would also allow bi-directional bicycle travel via a southbound contra-flow bicycle lane. North of Magnolia Avenue, retaining and standardizing the angled parking on the east side of the street would mitigate parking reductions. There is also an option to convert angled parking to parallel on this segment to fit parking on both sides of the street.

This concept would result in a maximum decrease of 16-18 parking spaces from Tunstead Avenue to San Rafael Avenue. Similar to Concept B, the parking loss and one-way configuration could impact access to businesses; potential negative effects could be mitigated through parking strategy implementation and the presence of wider sidewalks providing greater access to people on foot. The concept would also have the same impacts on Center Boulevard congestion. Widening the sidewalks would make this concept more costly than the shorter-term options. Figure 13 through Figure 15 show simulations of how this concept could be implemented.

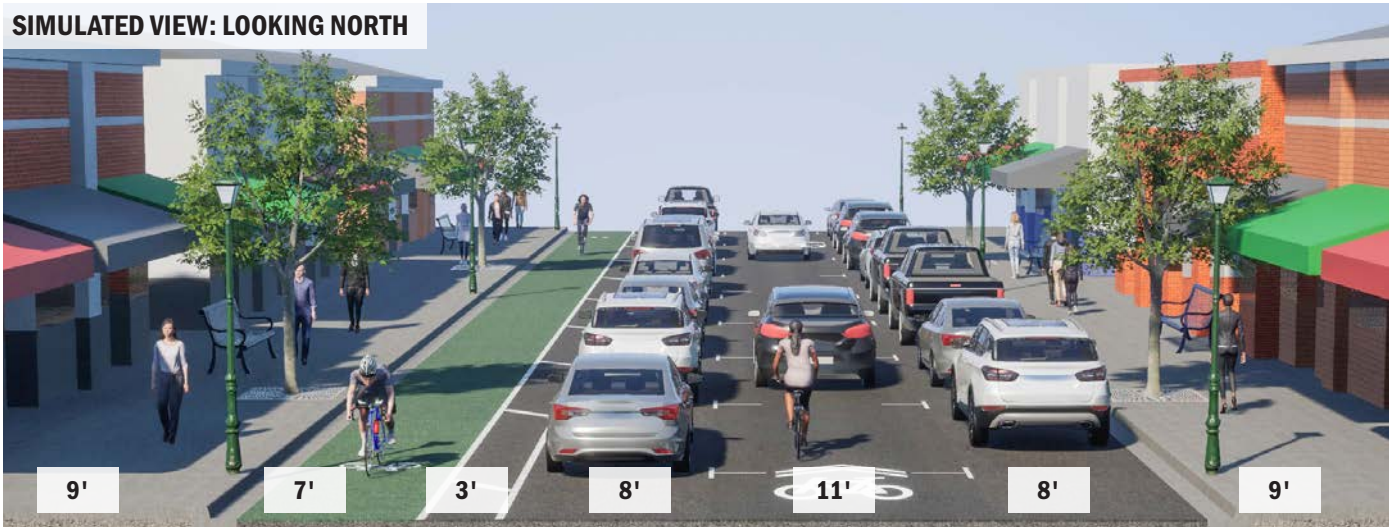


Figure 13. Concept D: North of Tunstead Avenue



Figure 14. Concept D: North of Magnolia Avenue



Figure 15. Concept D: North of Magnolia Avenue (Alternative)

Cedar Street Improvement Concepts

Concept A: Bicycle Boulevard Treatment (Short-Term)

Concept A would enhance the existing bicycle boulevard through additional treatments such as raised intersections to slow speeds (Figure 16). This would be paired with identification and resolution of sight line obstructions at intersections and driveways. While it would result in no parking loss, it would also not result in the implementation of separated facilities for bicyclists.



Figure 16. Concept A: Cedar Street

Concept B: One-Way Southbound Conversion (Short-Term)

Concept B would make Cedar Street one-way southbound to complement a potential one-way northbound conversion of San Anselmo Avenue (Figure 17). Northbound bicycle travel would be maintained through a contra-flow bicycle lane. This would necessitate a loss of parking at the street's most constrained points and could hinder residential access as well as potentially increase northbound traffic on San Anselmo Avenue.

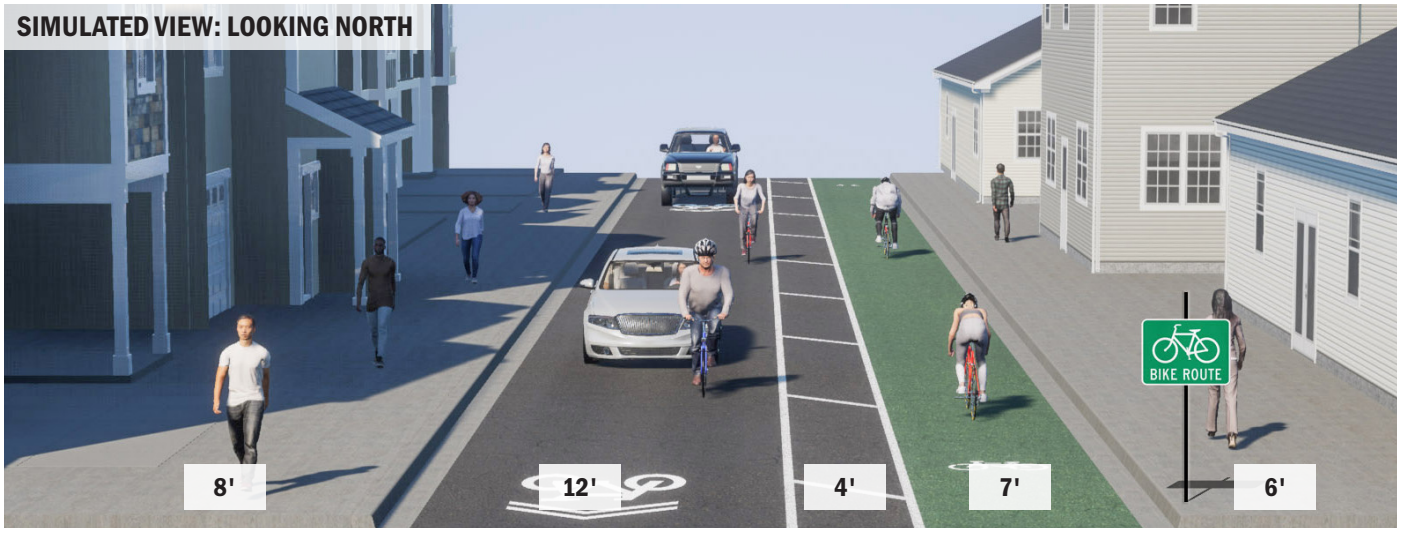


Figure 17. Concept B: Cedar Street

Sycamore Avenue Improvement Concepts

Concept A: Traffic Calming (Short-Term)

The Sycamore Avenue improvement concept would implement traffic calming tools such as speed bumps and edge line striping (Figure 18). These additions would encourage drivers to slow their speeds and visually narrow the roadway.

Traffic calming measures would be paired with additional improvements such as sidewalk gap closure near Madrone Avenue, sidewalk tripping hazard mitigation, and resolution of sight distance issues at driveways. While the improvements would not physically deter cut-through traffic from using Sycamore Avenue, they would encourage drivers to slow their speeds and increase safety for all users.

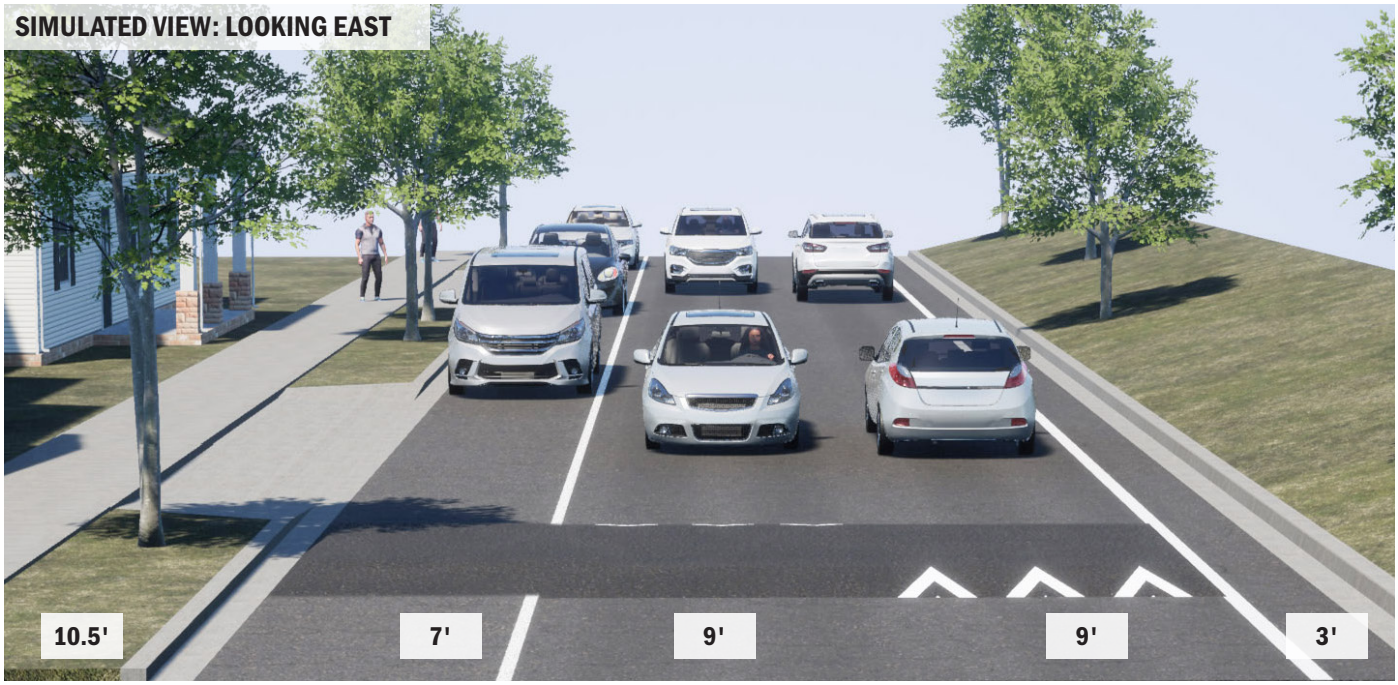


Figure 18. Concept A: Sycamore Avenue

6. Recommendations

Recommended improvements and concepts for San Anselmo Avenue, Cedar Street, and Sycamore Avenue were identified from the developed options based on each concept's opportunities and challenges as well as feedback from the community.

San Anselmo Avenue Recommendations

Baseline Recommendations

The project team first recommends implementing the Baseline Recommendations along San Anselmo Avenue. A number of baseline improvements can be implemented in the short term. These include daylighting per AB-413, signage and striping improvements, and modifying parklets to improve sight lines and active transportation user safety.

Some baseline improvements would need more study before implementation to ensure feasibility. Further study should be undertaken for near- and medium-term improvements such as:

- **Designing and implementing improvements at the San Anselmo Avenue and Tunstead Avenue intersection. A pilot project should be conducted to gauge effectiveness prior to making changes more permanent.**
- **Evaluating the feasibility of raised crossings for traffic calming given emergency access requirements**
- **Implementing enhanced lighting along the corridor**
- **Identifying locations and gauging the feasibility of sidewalk obstruction removal**
- **Conversion of sub-standard angled parking to parallel parking between Tunstead Avenue and Magnolia Avenue**

Longer-Term Recommendations

In the longer term, widening sidewalks while maintaining two-way vehicle traffic (Concept C) would have the greatest impact to improve access to Downtown San Anselmo. This would make it more comfortable for people to walk to their destinations by creating more space for people to walk side-by-side, to pass each other, and to navigate with mobility devices, strollers, or in other circumstances. The wider sidewalks would also provide more space for additional amenities such as street furniture. This would be beneficial for both visitors and business owners, as research has shown that increased walkability can lead to higher retail sales and property values. Improvements could be implemented from Tunstead Avenue to either Tamalpais Avenue or San Rafael Avenue.

While this concept does have parking impacts – it would require a decrease of approximately 9-12 on-street parking spaces – these impacts could be mitigated through enforcement and implementation of the town's parking management plan strategies to encourage higher turnover and employees parking further from the downtown core, paired with enhanced parking enforcement and paid parking on San Anselmo Avenue.

Further study would be needed to design the recommended improvements, including determining specific implications for parking, parklets, and existing tree bulb-outs.

Cedar Street Recommendations

On Cedar Street, additional traffic calming measures are recommended. Chief among these is a recommendations to conduct further study of raised intersections to provide additional traffic calming (Concept A).

Sycamore Avenue Recommendations

Through San Anselmo's Traffic Calming Program, Town staff installed four sets of speed humps between Center Boulevard and Madrone Avenue and will do another speed survey to document any changes in driving behavior. If the speeds are not reduced to the goal speed of 20 MPH, additional traffic calming measures such as fog line striping should be considered (Concept A).

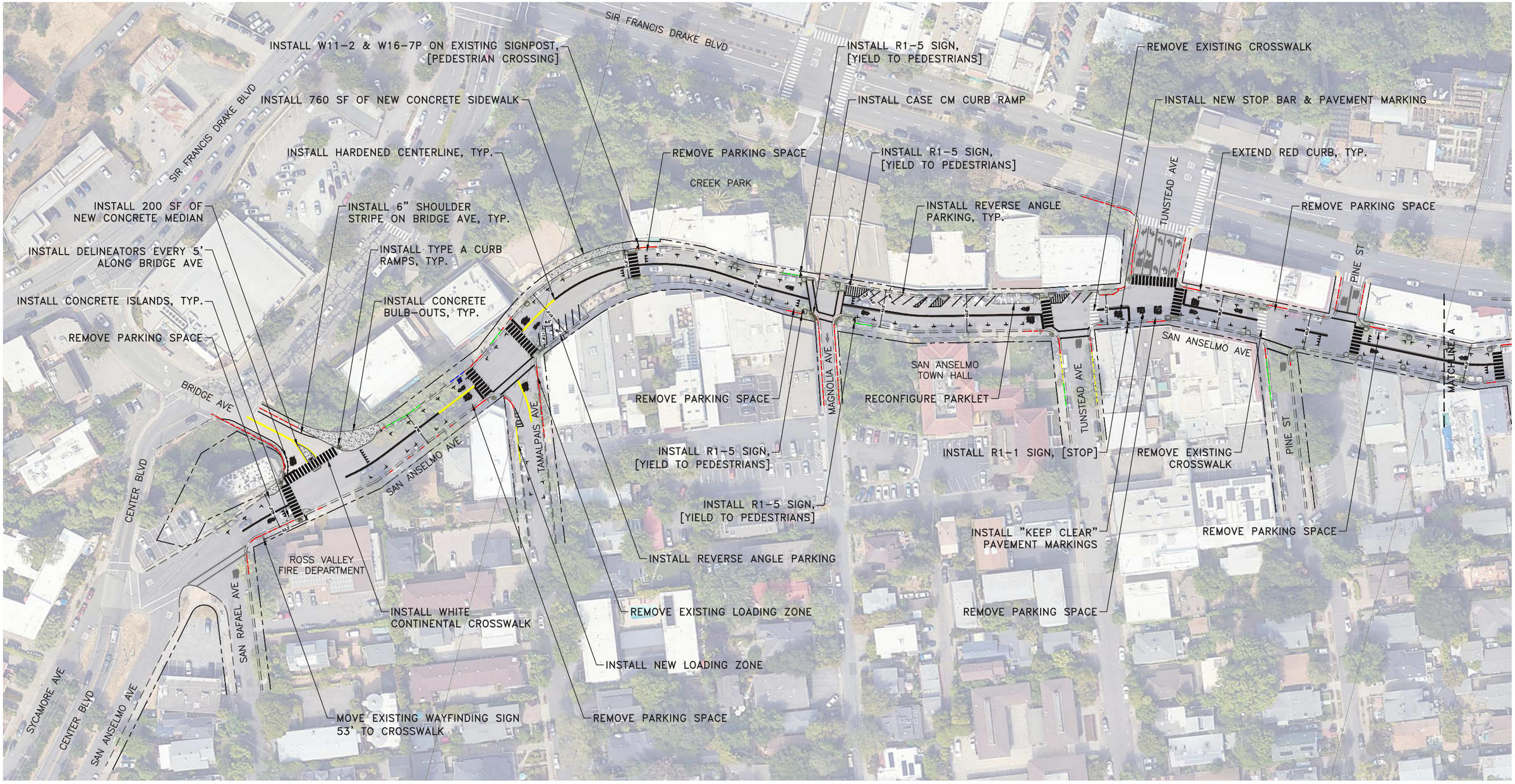
General Study Area Recommendations

Enforcement is key to ensuring that road users practice safe behaviors and that drivers follow parking regulations. Additional enforcement needs for traffic safety and parking should be evaluated for the entire study area alongside the site-specific recommendations described above.

Additionally, daylighting and sight line improvements should be implemented throughout the Downtown area as needed to improve safety for users of all modes in the short-term.



APPENDIX 1
Baseline Improvements



02/07/2025

Town of San Anselmo

San Anselmo Avenue Baseline Improvements

Parametrix



02/07/2025

Town of San Anselmo

San Anselmo Avenue Baseline Improvements

Parametrix



Parametrix

ONE HARBOR DRIVE, SUITE 300, SAUSALITO, CA 94965

415.649.6000 • www.parametrix.com

Outlook

Public Comment for Feb. 25 Town Council Meeting

From Bob Mittelstaedt <ramittelstaedt1010@gmail.com>

Date Tue 2/25/2025 10:49 AM

To Town Council <towncouncil@sananselmo.gov>

Cc Bridget Clark <msbridgetaclark@gmail.com>; Gwen Froh <gwen@marinbike.org>; Jonathan Frieman <jonathan.frieman@gmail.com>; madgeandmehats@gmail.com <madgeandmehats@gmail.com>

1 attachment (5 MB)

IMG_0219.jpeg;

CAUTION: External Sender

Dear Mayor Kullaway, Vice Mayor Burdo, and Council Members:

I cannot attend the February 25 council meeting because the MMWD is holding an important meeting on water supply options. But please consider this written comment, and agendize the issue of what to do about the continuing community and public safety problem of illegal e-motorcycles like Super73s that our middle schoolers are continuing to ride to school.

The background is set forth in the emails below to the CM Police Council.

In short, the effort to get Super 73s (and other brands of illegal throttle e-wheels) off our streets and out of our schools has hit a snag. School officials at White Hill and Hall Middle School have done their part to ban them -- so much so that students are now parking off-campus. Chief Norton anticipated this "spill-over" and promised he had "creative" ways to deal with it. His October letter to school parents made clear that parking at Piper Park was illegal, adding "I am imploring you, as parents, to be a good example for your children and not allow them to continue to break the law in this manner. **We will begin strict enforcement as necessary starting next week on this issue**."

But, for unexplained reasons, the CMPA is allowing Hall students to continue parking at Piper Park. That threatens to undermine the purpose of the school bans, and we will see more and more of these illegal vehicles -- and more and more serious injuries -- if the law is not enforced.

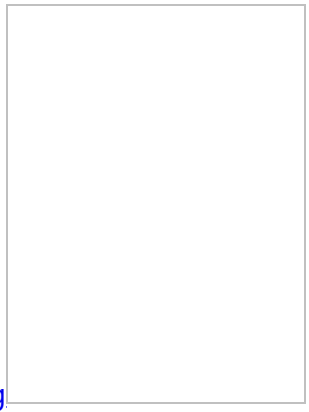
Stopping students from parking at Piper Park does not require much effort. A community service officer could show up at closing bell and counsel the students that their vehicles are illegal and cannot be ridden to and from school. If that doesn't suffice, he can call their parents -- and ultimately impound the vehicles.

San Anselmo students also attend White Hill middle school. There, they park at 9 Glen Drive, a few houses away from the school, reportedly for $10 a month. The Fairfax police department has failed to stop that illegal practice.

If you wonder why community members and merchants continue to complain about youth on "e-bikes" a big part of the reason is that CMPA and FPD are not doing their job.

When I raised this at the March 13 meeting of the CMP Council, Chief Norton took issue with two minor points. He said the school registration program was his idea, not Safe Routes to School, and that the schools had not asked for his help. Importantly, though, he did not dispute that his officers were allowing students to park at Piper Park. And he offered no explanation for his inaction.

I encourage this Town Council to get involved and do something. Unlike many problems you confront, this one involves public safety and it is easy to solve. If the police cannot stop 13 year olds and their scofflaw parents from outmaneuvering them, we are all in trouble!



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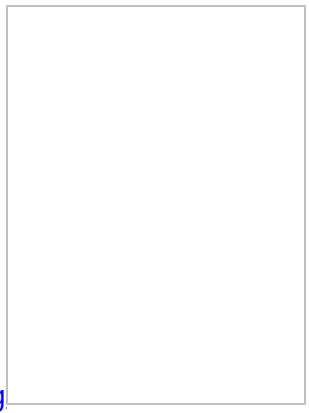
---------- Forwarded message ---------
From: **Bob Mittelstaedt** <ramittelstaedt1010@gmail.com>
Date: Thu, Feb 13, 2025 at 9:39 PM
Subject: Fwd: Police Council meeting, February 13, 2025: Enforcing the law against rogue motorcycles used as school transport and parked off-campus
To: Scot Candell <scandell@cityoflarkspur.org>, <fcasissa@tcmmail.org>, Catherine Way <cway@cityoflarkspur.org>, <yschlesinger@townofsananselmo.org>, <sburdo@townofsananselmo.org>, Pat Ravasio <pravasio@cortemadera.gov>, Michael Norton <mnorton@centralmarinpolice.org>

Thank you for considering my written and oral comments at tonight's meeting.

Chief Norton disagreed with my description of the role of Safe Routes to Schools in the school registration programs and what school officials have said.

But there was no disagreement that Hall middle schoolers are evading the school ban by parking at Piper Park — a practice that Chief Norton announced last October is illegal and won't be tolerated. He said he would have a creative way to deal with that evasion.

I'm hoping that the CMPA will do so.



https://www.ebikeaccess.org

---------- Forwarded message ---------
From: **Bob Mittelstaedt** <ramittelstaedt1010@gmail.com>
Date: Tue, Feb 11, 2025 at 9:40 AM
Subject: Police Council meeting, February 13, 2025: Enforcing the law against rogue motorcycles used as school transport and parked off-campus
To: Lorena Barrera <lbarrera@cortemadera.gov>

To CMP Council members:

CMPA has been a leader in the effort to protect youth safety by enforcing the laws against over-powered, dangerous throttle vehicles like Super73.

A major part of that effort has been to partner with schools to register bicycles and screen out the illegal vehicles. As Chief Norton explained last year:

- “We will also be working with our schools to educate them on which e-bikes are legal and which are not. It is our hope that all schools in our jurisdictions will enact an e-bike registration process next fall to ensure all of our students are riding legal and safe e-bikes.”
- "If parents don't know that their children cannot ride Super73s, they will find out this Fall when they are not allowed at any school in our jurisdictions."

Unfortunately, students are still riding Super73s to schools in Central Marin. They are parking within eyeshot of the CMPA headquarters, apparently with impunity. Meanwhile, the disproportionately high accident rate for middle schoolers on electric devices continues to be 5X all other age groups. And Super73s account for half the collisions according to CMPA data, with riders under 16 involved in most of the collisions.

For these reasons, we urge this Council to encourage and support the CMPA in addressing off-campus parking.

Specifically, Hall Middle School students are parking their Super73s and other illegal brands in Piper Park and at Tamiscal -- both within eyeshot of CMPA headquarters.

The girl is riding a Super73. The boy is parking his Velocric Discover, advertised top speed 28mph.

IMG_0472.jpeg

IMG_0476.jpeg

IMG_0478.jpeg

IMG_0461.jpeg

White Hill students are also evading the school's registration program by parking at a White Hill parents' residence at 9 Glen Drive, reportedly for a fee of $10/month. Although White Hill is outside CMPA, children from San Anselmo attend White Hill and are among the Super73 riders, and thus it is a Central Marin problem too.

IMG_0409 (1).jpeg

IMG_0403.jpeg

IMG_0398 (3).jpeg

Turning to the local high schools, Redwood and Archie Williams are behind in implementing their registration programs but have informed us that they are committed to doing so without further delay. They need help from CMPA.

As TUHSD superintendent Tara Taupier explained in December:

"It turns out that Redwood misunderstood the information and did allow some Super 73s to be registered. We have corrected that and informed all families that those bikes and those types of bikes are not allowed on campus. We are working with Central Marin to do sweeps of campus to impound those bikes starting in January."

Nonetheless, Redwood students are still parking their Super73s on or near the campus.

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IMG_0424 (2).jpeg

IMG_0425 (1).jpeg

If these loopholes are not blocked, the registration programs will be undermined, and the number of illegal, overpowered e-wheels will increase again as the weather warms up.

CMPA has ample authority to stop off-campus parking of illegal vehicles.

In July 2024, as shown in this YouTube video, Chief Norton told the Larkspur City Council that he anticipated this "spillover" of illegal vehicles and had "creative" ways to deal with it. He added that if the problem persisted in November -- which it has -- he would recommend other measures including the minimum age ordinances, "social host"-type ordinances, and other potential options.

When the anticipated spillover occurred, Chief Norton's October 11, 2024 letter to school parents made clear that off-campus parking would not be allowed:

- "Not only can illegal e-bikes and e-scooters not be parked in Piper Park, but due to State law they also cannot be ridden to and from school on streets, sidewalks, or pathways by Middle School students. These illegal vehicles may also not be parked or left on any other public areas, such as sidewalks or streets in our city."

Chief Norton "strongly encourag[ed] parents to stop allowing your students to continue to ride illegal e-bikes and e-scooters to school. The Central Marin Police Authority is working with the school to further prohibit students from riding to and from school on these vehicles. . .

"I am imploring you, as parents, to be a good example for your children and not allow them to continue to break the law in this manner. **We will begin strict enforcement as necessary starting next week on this issue**."

Chief Navarro faces the same problem in Mill Valley with middle schoolers parking at the Community Center or the Sewage Plant on either side of Mill Valley Middle School. Chief Navarro has personally assured me that he is committed to stopping this practice, whatever it takes.

Why is stopping off-campus parking important?

Allowing students to get away with this defeats the purpose of the registration program -- to stop students from riding these devices and to stop parents from buying them. Moving them 100 feet off campus to Piper Park accomplishes nothing. In fact, it undermines the program and encourages more students to ride these devices. If off-campus parking is allowed to continue, the problem will multiply as students learn that the police are condoning it or feel powerless to stop it.

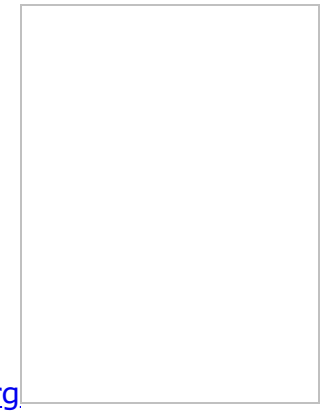
Allowing this to continue also diminishes respect for law enforcement. Chief Norton has advised parents that CMPA would begin "strict enforcement" months ago. Not doing so gives the impression that middle schoolers are outsmarting the adults. No wonder that these rogue motorcycles (to use CalBike's term) continue to plague our malls and communities, threatening the safety of the public and resulting in serious injuries for youth aged 10-15. I encourage you to ask Monty Stephens, the property manager at Town Center, how dangerous and disruptive these devices are when ridden around the mall.

Indeed, the CMPA collision records show that the eight most recent collisions with electric two-wheelers involved rogue motorcycles, half of which were Super 73s. A majority of the riders were under 16. So this is not just a legal technicality or an annoyance; it is a serious public health and safety matter. It is why the county data show that the serious accident rate for 10-15 year olds on electric devices is 5X the rate for any other age group.

This does not require a resource-heavy effort.

Finally, I understand that CMPA is understaffed. But all that is required here is for a community peace officer, at HMS closing bell, to walk 100 yards from CMPA office to where the illegal vehicles are parked at Piper Park or at Tamiscal across the street. Even if the rogue motorcycles were parked on private property, they use public streets and sidewalks to get there. The officer can issue a warning, ask for the parent's names and talk with them, and caution that if the student rides the vehicle to school again, it will be impounded. Or the police can put a note on the vehicles with the same warning information and follow up the next day with a visit. Or whatever "creative" method Chief Norton had in mind in July.

In sum, this Council should support CMPA in stopping this off-campus parking evasion -- and in working with Redwood and Archie Williams to enforce their on-campus bans.



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46
DIRT SURFERS
SUPERMOTO

SAN ANSELMO
CHAMBER OF COMMERCE

February 25, 2025

Re: Downtown San Anselmo Active Transportation Safety and Circulation Study By Scott Schneider, Department of Public Works

Dear Town Council Members and Town Staff:

The Chamber of Commerce and its members would like to thank Scott Scheider for his presentations on October 24th, 2024 and on February 18th, 2025 and for having included the Chamber position in his report:

> *"At the Chamber of Commerce member meeting in October 2024, staff heard from merchants regarding lack of enforcement of moving violations and parking duration, weekend cyclists not stopping at stop signs, need for improved lighting, as well as strong support for maintaining the existing circulation (against conversion to one-way). These sentiments were echoed at the February 2025 Chamber Board of Directors meeting as well".*
>
> *and*
>
> *"On February 18, 2025, staff presented the recommendations to the Chamber of Commerce Board of Directors at their monthly meeting and received favorable feedback for the Baseline improvements, but were firmly against any proposed changes (including one-way options or sidewalk widening) that would result in construction impacts or a reduction in the number of parking spaces, as parking is an extremely important issue for merchants."*

We strongly encourage the town to include the enforcement of current codes in the plan. As a matter of fact, enforcement should be the top priority, being the most cost effective and readily available solution favored by all. As reported by Scott *"at the Chamber of Commerce member meeting in October 2024, **staff heard from merchants regarding lack of enforcement of moving violations and parking duration, weekend cyclists not stopping at stop signs**, ….. These sentiments were echoed at the February 2025 Chamber Board of Directors meeting as well"*

At the February meeting, Scott Schneider mentioned his proposal to the Town Council would include concerns expressed by residents at community meetings. It should be clarified: 1) the number of residents present at these meetings (which was fewer than 10); 2) data showing the actual number and type of reported resident complaints; and 3) a clear definition

of resident complaints about “vehicle congestion” and whether this is limited to vehicles on San Anselmo Avenue or whether these complaints were based on traffic in the adjacent residential neighbors as the result of lack of parking on San Anselmo Avenue. As a final point of clarification, the more than 10 business owners present at the Chamber sponsored meeting with Mr. Schneider were unanimous in their opposition to the one-way street/two-way for bike proposal.

Most importantly, we are extremely concerned about the suggestion to :***” R7: Consider a potential long-term project to widen sidewalks on San Anselmo Avenue from Tunstead Avenue to Tamalpais Avenue and possibly further to San Rafael Avenue.”***

Without question, the proposal to widen sidewalks between Tunstead and Tamalpais would inevitably force the town to make the Avenue one-way for cars and two-ways for bicycles; it is a clear effort to take advantage of a CEQA exemption for bicycle lane projects before SB288 sunsets. Such a change would not only be at considerable expense to the Town and tax paying local residents (*),[1] but would be catastrophically devastating to the economic well-being and long-term stability of the Town's downtown business community. We are well aware of the adverse impacts such projects have had on neighboring communities (San Rafael and Mill Valley) both of which are considerably different from San Anselmo, in terms of the size, scale and physical aspects of these areas. We note the absence and lack of references in the commissioned study to the vast body of research concluding that one-way street modifications have negative impacts on businesses in commercial areas. It is especially troubling for the Town to consider such a long term solution which inevitably increases the noise and has negative safety implications for our resident customers living on adjacent residential streets. We urge Town planners to ask themselves whether the benefit of "comfort" for pedestrians, avoiding stroller traffic jams, and improvements for cyclists who violate traffic laws are worth the exorbitant cost and certain negative impacts on both residents and small businesses in San Anselmo.

We are extremely concerned about the lack of any mention of the vital need for maintenance of existing vehicle parking and expansion of the same in light of the required removal of 9 current parking spaces due to AB413. We strongly encourage the Town to bear in mind in all its planning that the downtown business community maintains its economic

[1] (*) Longer term projects such as sidewalk widening would require design funds (likely in the $50,000 to $75,000 range) to analyze and scope the project to determine rough final design and construction estimates (likely in the $1 to 2 million range), and could be budgeted in future Capital Improvement Programs.

vitality in direct relationship to the ability of customers coming from outside the area to access our businesses. This was recognized in the current General Plan and appears to be wholly absent from consideration in Mr. Schneider's proposal.

In conclusion, the Chamber of Commerce, on behalf of the entire San Anselmo business community, is profoundly disappointed to see the process of “sidewalk widening” moving forward. We believe this expensive long term proposal is a solution in search of a problem. We see clearly that the proposal for “sidewalk widening” is nothing more than a "rebranding" of the effort to make San Anselmo Avenue one-way for cars and two ways for bikes, proposals which are highly disruptive to the businesses and will necessarily impose increased traffic and noise on the adjacent residential areas. We urge the Council to table all further planning on this so-called "long term solution" and instead focus time, energy and limited taxpayer dollars on the near and medium term goals and more importantly, to work with Central Marin Police to increase traffic and safety enforcement in downtown San Anselmo.

Sincerely,

Benedetto Cico, President
San Anselmo Chamber of Commerce