



## Legislation Details (With Text)

**File #:** 22-015  
**Type:** Ordinance **Status:** Passed  
**File created:** 12/18/2021 **In control:** Town Council  
**On agenda:** 2/8/2022 **Final action:**  
**Title:** Sale of Accessory Dwelling Units. Public hearing to consider recommendation of the Planning Commission and introduce by title only and waive further reading of "An Ordinance of the San Anselmo Town Council Amending Title 10 (Planning and Zoning), Chapter 6 (Accessory Dwelling Units), Adding New Section 10-6.210 for Sale of Accessory Dwelling Units for Low and Moderate Income Housing" to comply with 2021 Assembly Bill 345, which requires the town to allow certain nonprofit corporations to sell an accessory dwelling unit to families of low or moderate income if certain conditions are met.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Attachment 1 Draft Ordinance, 3. Attachment 2 AB 345

Date	Ver.	Action By	Action	Result
1/25/2022	1	Town Council	introduced by title only and waive further reading	Pass

**FROM:**

Elise Semonian, Planning Director

**SUBJECT:**

Amend Accessory Dwelling Unit Regulations in Response to 2021 Assembly Bill 345

### RECOMMENDATION

Introduce by title only and waive first reading of "An Ordinance Of The Town Council of the Town of San Anselmo Amending San Anselmo Municipal Code Title 10 (Planning and Zoning), Chapter 6 (Accessory Dwelling Units) , Adding New Section 10-6.210 Sale of Accessory Dwelling Units for Low and Moderate Income Housing."

### BACKGROUND/DISCUSSION

On July 6, 2020, and August 17, 2020, the Planning Commission considered modifications the Town Accessory Dwelling Unit (ADU) regulations. The Commission considered staff's recommendation for a new section "Sale of Accessory Dwelling Units for Low- and Moderate-Income Housing" (allowed under 2020 AB 587), which would allow separate sale of ADUs by nonprofit housing developers for deed restricted affordable housing. The section was proposed to affirmatively further diversity and fair housing in the Town by providing home ownership opportunities for people that have been historically excluded from home ownership in the Town. The Planning Commission did not recommend in favor of the proposed Section 10-6.210. The Planning Commission wanted more information on how property is transferred, and affordability restrictions

maintained. Some questioned what will happen if the units fall into disrepair.

The Town Council considered the section on August 25, 2020 and did not adopt it. They were interested in discussing it further.

On September 28, 2021, Governor Gavin Newsom approved AB 345. The bill requires the Town to allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if the certain conditions are met. The bill imposed additional conditions on a tenancy in common agreement to include specified information, including a delineation of all areas of the property that are for the exclusive use of a cotenant, delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, and improvements associated with the property, and procedures for dispute resolution among cotenants before resorting to legal action. The new requirements are incorporated into the draft ordinance.

The Planning Commission considered the ordinance at a public hearing on November 15, 2021 and recommended that the Town Council adopt the ordinance. With the passage of SB 9, which allows separate sale of units in residential zoning districts, nonprofit housing developers are only likely to use these regulations for ADUs in multifamily or commercial districts, where SB 9 does not apply.

#### **FISCAL IMPACT**

None.

#### **GENERAL PLAN CONSISTENCY**

The ordinance is consistent with the programs in the General Plan Housing Element to encourage development of affordable housing.

#### **CEQA AND CLIMATE ACTION PLAN CONSISTENCY**

See ordinance for CEQA statement. The proposed regulations further the Climate Action Plan Program T-9 for Smart Growth Development and infill development.

#### **CONCLUSION**

Staff recommends adoption of the ordinance.