

**Table of Amendments to the Zoning Ordinance (SMC Title 10)
Proposed for Further Consideration by the Legislative Committee**

Revision Date: December 13, 2011

| Public Proposals | | | | | |
|-------------------------|----------------------|----------------------------|---|--|---|
| No. | Section/Table | Topic | Description | Legislative Committee Comments | Legislative Committee Direction |
| 1. | 10.24-1 | Restaurants in W Zone | Should restaurants in the W Zone require a CUP or a MUP? MR: Restaurants in the W Zone require a CUP and/or MUP per Section 10.44.210, Table 10.44-2, or revise Table 10.44-2 to delete W Zone. | | Staff to bring back a proposed direction and language [8/18/11] |
| 2. | 10.40.030.D | Substandard Lots | Should this be a standard for creating new lots? Also, when applied to existing lots less than 30 ft. in width, this section is in conflict with Section 10.40.080.A | Setback should be reduced to 3' when the parcel is less than 50' in average width. [8/18/11] | Staff to bring back proposed language [8/18/11] |
| 3. | 10.40.040.C | Floor Area Ratio | "Floor area ratio of FAR shall mean the floor area of the building or buildings on a parcel divided by the net area of the parcel." Is it "of the parcel" or of the area within a specific Zoning District within a parcel? | | Staff to examine effect of this on parcels in the MSP area [8/18/11] |
| 4. | 10.40.040.C | Floor Area Ratio | Should the word "basement" be replaced with "all underground areas"? MR: Replace the word "basement" with "all underground areas" because such areas should be subject to the 50% rule regardless of if there are other stories constructed above. A basement suggests space below a taller structure. | The intent was specifically for a basement area to get credit, to encourage building underneath the building within the existing envelope. [8/18/11] | Staff to bring back proposed language suggestion. Is a floor above the basement area required to get credit? [8/18/11] |
| 5. | 10.40.060.D.3 | Building Height / Chimneys | Chimneys are currently allowed to exceed the building height, as noted in Section 10.40.060.D.3. Should this be allowed? | Yes [8/18/11] | Staff to bring back language that adds language "unless excepted by 10.40.060.D.3, 10.40.060.B, 10.40.060.C.2 and 10.40.060.C3.a" [8/18/11] |

Public Proposals

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| 6. | 10.40.070.D.1 | Measurement of Structures | Clarification is needed on where structures are measured from | The centerline method should be used where a line is drawn down the center of the parcel (from the midpoint of the front parcel line to the midpoint of the rear parcel line). The longest point of the structure on the right side is calculated and then the longest portion of the structure of the left side is calculated. Question: is this a gradual or incremental calculation (i.e., feet vs. inches)? [8/18/11] | Staff to bring back revised language [8/18/11] |
| 7. | 10.40.090.D | Side Yard Structural Projections | Should the word "side" be deleted, so that the exception is allowed in all yards – both side and rear? | | Staff to research pre-2003 code to see what the language said [8/18/11] |
| 8. | 10.40-1 | General Industry | General Industry and Limited Industry are not defined. Should they be defined, and if yes, how should they be defined? | | Staff to provide definition of general, limited and research development industries [8/18/11] |
| 9. | 10.44.020.C.4.b | Accessory Building | Clarify accessory building height requirements as related to setbacks MR: Clarify that the height of an Accessory Building is limited only in the area of required setback, but once setback to the required distance, the height can be up to 15 ft. Staff is currently interpreting this otherwise. | | Staff to bring back two options and their implications [8/18/11] |
| 10. | 10.54.040.A & B | Redraft for Clarity | These sections should be revised for clarity | Item deferred [8/18/11] | Item deferred [8/18/11] |
| 11. | 10.54.050.A | Redraft for Clarity | This section should be revised for clarity | Item deferred [8/18/11] | Item deferred [8/18/11] |

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| 12. | 10.56.050 | Building Coverage | This section treats downhill property owners differently from uphill property owners, since driveways on downhill properties are often higher than 2 ft. above average grade, and therefore, counted as Building Coverage, where driveways for uphill properties are generally cut in and on grade, therefore, not counted as Building Coverage. | The penalization should be equal. Perhaps the minimum area for vehicular access should be excepted. Perhaps this is a question for the listserve. [8/18/11] | Staff to bring back a recommendation [8/18/11] |
| 13. | 10.88.040 | Parcel Size | Clarify what an individual access way means | Item deferred [8/18/11] | Item deferred [8/18/11] |

Staff Proposals

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| 14. | Table 10.24-1 | Create a new land use for Storage Containers | Identify where storage containers are permitted as a storage use. | Are the structures permanent? Is Design Review required? [9/15/11] | Staff to bring back (1) the current regulations and how they apply to different properties (2) staff recommendations [9/15/11] |
| 15. | Table 10.24-1 | Districts | Discuss district issues pertaining to 10.24-1 | What does this mean? [9/15/11] | Staff to bring back a more in-depth discussion of this item [9/15/11] |
| 16. | Table 10.24-1 | New Structure or Replacement of Existing | Review type of permits that should be permitted for this section | This topic should be split into a discussion regarding (1) new offices (2) existing offices. [9/15/11] | Staff to bring back criteria for what constitutes a replacement of an existing office (intensity of use, foot traffic, generate visits) [9/15/11] |
| 17. | Table 10.24-1 | Clarify where Accessory Storage is allowed | Currently accessory storage is only permitted in the W District which is completely underwater whereas accessory storage is a use that is needed in the W-M District. Should the section be amended accordingly? | Similar issue to #1 [9/15/11] | Staff to incorporate this into #1 and look at this issue [9/15/11] |
| 18. | 10.24-1 | Upper Level Residential | Determine if revisions are required. | | Staff to identify where conflicts exist [9/15/11] |
| 19. | Table 10.26-1 | Table needs to be updated to reflect MSP land use table | Determine how the MSP land use table should be updated | The table doesn't work [9/15/11] | Staff to look at issue of eliminating table or just including district-wide permitted uses and for all other uses a reference to see the MSP [9/15/11] |

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| 20. | 10.40.040.B & 10.88 | 10.40.040.B and "Floor, Finished" definition in 10.88 | Determine appropriate regulations regarding finished floor area | Amend definition to make it clear that even if dirt is over a finished floor the area still counts as a finished floor for floor area calculations [9/15/11] | Staff to bring back revised language [9/15/11] |
| 21. | 10.40.050.C | Impervious Surfaces | Determine appropriate modifications of definition and use of impervious surfaces | Conflict with pervious requirements. Perhaps this could be changed to be a requirement for open space. [9/15/11] | Staff to bring back examples of County's requirements [9/15/11] |
| 22. | 10.40.060.C.3.b | Parking Exception | For structures that are not attached, determine if there should be an exception to the 15 foot requirement on downhill lots | There is a distinction between covered and uncovered parking. [10/13/11] | Staff to look at issues associated with revising this—could the height limit be 32'? [10/13/11] |
| 23. | 10.40.090.B.1 | Minimum Yard Setback | Determine if the minimum yard setback is 20% total or 20% per each provision | Any of the features can project up to 20%. Staff can begin this clarification. [10/13/11] | Language to be revised: "An of the following features may project into the minimum setback by up to 20% provided..." Staff to incorporate revision and move forward. [10/13/11] |
| 24. | 10.40.120.B.1 | Tandem Parking Spaces | Determine if this section should allow a MUP for tandem parking instead of a CUP | No issue—insertion of word "rear" in 4(b) as a part of the omnibus will clarify this. [10/13/11] | Remove this item from the policy list. [10/13/11] |
| 25. | 10.44.020.C.4 | Accessory Structure Regulations | Determine if the regulations should specifically state that side accessory buildings are not allowed, with exception of 10.44.020.D & 10.40.090.D? | | |
| 26. | 10.44.020.D.2 | Add maximum height of a fence on a three-foot retaining wall | This section specifies that four feet is the maximum height of a fence on a retaining wall greater than 3 feet, however, it does not specify the maximum height of a fence on a retaining wall less than three feet. Staff has interpreted the maximum height to be six feet. Suggested amended language: "Walls, fences and railings may be located on retaining walls up to three feet (3') high above grade on property lines." Should this interpretation be implemented? | The maximum height of the fence on a retaining wall less than 3 feet should be 6 feet max. as measured from natural grade. [10/13/11] | Staff should incorporate this revision and move forward. [10/13/11] |

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| 27. | 10.44.220.E.2 | Outdoor dining permits | Review P/C's interpretation regarding off-street parking exemptions for outdoor dining permit. See 85 Libertyship Way staff report dated 11/28/07. Should the section be amended in accordance with the staff report? | The treatment of properties in with and without street frontage should be fair and treated in a similar manner. The language: "if there was public street frontage" is confusing and not equitable. There should be a way to deal with this in a fair manner (ideas: based on a square foot basis, a max number table before parking is considered basis... etc.) [10/13/11] | Staff should look at revising the language so that there is equitable treatment. [10/13/11] |
| 28. | 10.44.230.B | Visitor Serving Store | Determine the definition that will be used consistently to define Visitor Serving Stores | Wine merchants rely on tourists. This list should be revised. There should be a catch all for things that are obviously visitor serving when located in downtown Sausalito (i.e., bike rental, Christmas stores). [10/13/11] | Staff should look at other communities like Carmel, San Francisco and Tiburon for examples of how this language is worked into their definitions of visitor serving stores and take revised language to the Planning Commission for review and discussion. [10/13/11] |
| 29. | 10.45.030.B.10 | Tele-Comm | Determine if the alternative site analysis procedure should be changed. Staff proposes the following change: "Alternative site analysis is required <i>for new facilities</i> if the facility is <i>not collocated and is.</i> " (emphasis added). | If the carrier is collocating and stealthfully designed then the alternative site analysis shouldn't be required, but if there is more clutter it should be. [10/13/11] | Staff should look at the regulations more carefully to see if there is a requirement to stealthfully design the antennas on an upgrade. If not, this should be revisited. [10/13/11] |
| 30. | 10.50.180 | Admin Review of Changes to an Approved Project | Define process and notice requirements for Admin Review of Changes to an Approved Project | n/a now [Planning Commission to discuss] | Remove this item [11/17/11] |
| 31. | 10.50.180 | Notification process for Changes to an Approved Project | Clarify the notification process to neighbors for Changes to an approved project. The procedure of other jurisdictions should be reviewed. | n/a now [Planning Commission to discuss] | Remove this item [11/17/11] |
| 32. | 10.54.040.B.4 and 10.54.050.B.7 | | Clarify difference between the two sections | Section 10.54.040.B.4 should be reworded. Section 10.54.050.B.7 should be moved to Admin Design Review to streamline the process. | Language to be revised: Reword 10.54.040.B.4 as follows: "Any elevated structures wherein sub-floor plumbing, utility ducts, or |

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| | | | | | <p>mechanical equipment <u>underneath the structure</u> is exposed to view from adjacent properties or the public right-of-way <u>to avoid unsightly exposed utilities.</u> [11/17/11]</p> <p>Reword and move 10.54.050.B.7: "Construction of structures with a distance of more than six (6) feet from the ground to the lowest point of complete enclosure <u>structure</u>. (Design Review shall address the potential visual impact of unsightly exposed underframing and utility ducts.)" to Admin Design Review section. [11/17/11]</p> |
| 33. | 10.54.050.B.7 | | Determine if this section includes second story decks which are open and significance of "complete enclosure" | | See changes in #32 [11/17/11] |
| 34. | 10.54.040 & 10.54.050 | ADRP & DRP | Revise both sections to make each easier to understand | These sections are confusing | Staff to propose new wording for intro and purpose and authority of Admin Design and P/C Design Review for Legislative Committee Review. [11/17/11] |
| 35. | 10.54.040.B.14 | | Reword 10.54.040.B.14 to remove ambiguity | This section should be reworked | Any project that retains 6' or more needs to go through Admin Design Review. However, there should be a slope percentage that triggers this review (not 6'). The slope percentage should be uniform for each case. Staff to provide suggested slope and language changes. [11/17/11] |
| 36. | 10.54.050.B.15 | Demo Projects | Determine if demolition projects be allowed without a Design Review Permit | This is a problem. Some applicants would like to demolish something without showing what is replacing it. | Staff to provide suggested language to discuss. The applicant should provide plans for what goes in the demolished structure's place. |

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| | | | | | Perhaps a description of the “short term and long term plans for the site”? Should there be exceptions? What about an unsafe building? <i>[11/17/11]</i> |
| 37. | 10.56.050 | Impervious Surfaces | Identify whether impervious surface associated with improvements in the right-of-way are to be included in the bulk calculations. | | |
| 38. | 10.88 | Def of Visitor Serving Uses | Review definition of “Visitor Serving Stores” | | |
| 39. | 10.88 | Single-Family, Two-Family, Multi-Family Residential Structures | These terms are used in 10.54.050.B, but are not defined in 10.88. Definitions are needed or different terms should be used. | | |
| 40. | 1.04.070 | Calendar Days | Amend regarding counting of calendar days for appeals, et cetera | | |
| 41. | | Compact Spaces | Determine whether or not to allow compact spaces based on percentage of total parking required with size specifications comparable to other Marin County jurisdictions. Also determine whether or not regular parking space size should be changed. | | |
| 42. | | Mobile Food Delivery | Determine if mobile food providers should be permitted in the Marinship | | |
| 43. | | Off-site Glare | Determine need for regulations restricting (or prohibiting) off-site glare | | |
| 44. | | Glare from Address Lights | Determine need for regulations regarding glare from address lights | | |

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| 45. | | Kitchen | Clean up definition of "kitchen," specifically the second to last sentence | | |
| 46. | | Medical Offices in CR District | Should Medical Offices in the CR District be a permitted use per the General Plan | | |
| 47. | | Notices of Code Enforcement Violations | Recordation of "Notices of Code Enforcement Violations" with the County Recorder | | |
| 48. | | Tree Removal Permit | Clarify whether P/C approval of Tree Removal Permit as part of package of development approvals is appealable. | | |
| 49. | | Roof-top equipment | Add regulation to require screening of roof-top equipment | | |
| 50. | | WAM | Review WAM recommendations | | |
| 51. | | Garage Sale Signs | Determine if regulations are required. | | |
| 52. | | Liveaboards | Review regulations regarding liveaboards in marinas | | |

Planning Commission Proposals

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| 53. | | Consistency | Make consistent all references to "Title", "SMC", etc; See 10.40.060.C.1.c for an example | | |
| 54. | | Consistency | Review if all references to the California Building Code in the SMC say " <i>consistent</i> with the California Building Code" or " <i>compliant</i> with the California Building Code" and change all references to "compliant" | | |

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| 55. | 10.40.090.B.1 | Setbacks | Should the setback be bigger than 3 feet? | | |
| 56. | 10.50.180 | Changes to an Approved Project: Notice | Allow the PC to get routine notices of decisions | | |
| 57. | 10.50.180 | Changes to an Approved Project: Appeals | Allow more time for the appeal process | | |
| 58. | 10.84.030 | Appeals | Allow more time for the appeal process | | |
| 59. | 10.88 | Subterranean | Add definition of "subterranean" to definitions section | | |
| 60. | 10.88 & 10.44.230.B | Visitor Serving Store | Add massage parlors to definition | | |
| 61. | 2.20.050 | Planning Commission | There is a conflict between the Municipal Code Section 2.20.050 and Zoning Ordinance Section 10.80.050.B. The Zoning Ordinance specifies that action should require a majority of the quorum, and therefore the Zoning Ordinance should be amended. | | |
| 62. | 10.44.170.A | Liveboards | Are liveboards required to get a CUP individually or marina-wide? | | |

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| 63. | Diagram 10.40-8 and 10.40.090.B | | How do does this diagram support this section? | | |
| 64. | 10.44.010 | Accessory Uses and Structures | This section needs to be cleaned up | | |

City Council Proposals

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| 65. | 10.54.050.B.1 | Design Review Criteria | There is no required Design Review Permit for a new commercial/industrial building. Revise 10.54.050.B.1 to state "any new single-family, duplex, multi-family, commercial, or industrial structure proposed for construction" or similar <i>[Removed for "minor" list on 12-6-11 by C/C]</i> | | |
| 66. | 10.40.060.C.3 | Parking Exception | Discuss if the exception only applies to parking areas attached to the main structure. The language could suggest that a detached parking structure could be allowed taller than the 15' maximum allowed for an accessory structure. <i>[Removed for "minor" list on 12-6-11 by C/C]</i> | | |
| 67. | 10.82.020 | Noticing Procedures | Require a 500' noticing radius for all public hearing projects. <i>[Removed for "minor" list on 12-6-11 by C/C]</i> | | |

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