



MEMORANDUM

CITY OF SAUSALITO

TO: Distribution List

FROM: Lilly Schinsing, Associate Planner

DATE: April 11, 2012

SUBJECT: Municipal Code Amendments

The following Ordinances were adopted by the City Council from 2007-2012:

- Service Stations: Ordinance No. 1184, effective March 20, 2007, amended SMC Chapter 10.44 to exempt service stations from those uses subject to the restrictions applicable to formula retail.
- Medical Marijuana: Ordinance No. 1185, effective July 12, 2007, amended SMC Title 10 to prohibit medicinal marijuana dispensaries as an allowable use or home occupation. Changes were made to Chapter 10.44 and Chapter 10.88.
- Hotel Condominium Conversion: Ordinance No. 1194, effective May 7, 2009, adopted Hotel Condominium Conversion procedures. A new Chapter 10.57 was added to SMC Title 10, changes were made to SMC Chapter 10.40, 10.50 and 10.88 and 3.12.
- Construction Time Limits: Ordinance No. 1200, effective January 8, 2010, amended SMC Chapter 10.54 and modified Chapter 10.50, 10.62 and 10.80 regarding construction time limits.
- Historic Design Guidelines: Ordinance No. 1204, effective November 4, 2011, amended SMC Section 10.54.050.D.1 to require design review permits to be consistent with applicable design guidelines
- Omnibus: Ordinance No. 1205, effective March 29, 2012, amended SMC Titles 1, 2 and 11 in addition to Chapter 10.24, 10.40, 10.44., 10.45, 10.50, 10.52, 10.54, 10.56, 10.58, 10.82, 10.89 and 10.88 to correct errors, clarify ambiguities, and to modify various sections for increased effectiveness.

The relevant SMC sections have been updated pursuant to the adopted code changes (see attachments). Copies of the updated sections are also available on the Community Development Department webpage at

<http://www.ci.sausalito.ca.us/Index.aspx?page=287> and
<http://www.ci.sausalito.ca.us/Index.aspx?page=578>

Attachments:

1. Modified Title 10 Table of Contents
2. Modified SMC 1.04.07
3. Modified SMC 2.20.006
4. Modified SMC 3.12.020
5. Modified Chapter 10.24, pages 3-6, 9, 10
6. Modified Chapter 40, pages 3, 5-8, 10-14, 16-17, 19
7. Modified Diagrams 10.40-1 – 10.40-10
8. Modified Chapter 10.42, page 7
9. Modified Chapter 10.44, pages 1-3, 5-8, 10-14, 16-17, 19, 20, 24-29, 31-32, 37
10. Modified Chapter 10.45, page 9
11. Modified Chapter 10.46, page 6
12. Modified Chapter 10.50, pages 3-4, 6, 8, 10-11
13. Modified Chapter 10.52, page 1
14. Modified Chapter 10.54, pages 1-18
15. Modified Chapter 10.56, pages 1-2
16. Modified Chapter 10.58, pages 1-4
17. Modified Chapter 10.60, page 1
18. Modified Chapter 10.62 page 7
19. New Chapter 10.67, pages 1-6
20. Modified Chapter 10.80, page 3
21. Modified Chapter 10.82, pages 2-3
22. Modified Chapter 10.84, pages 1-2
23. Modified Chapter 10.88, pages 5, 11-13, 17-18, 21, 23
24. Modified Section 11.12.020

Distribution List:

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- Planning Commission
- Historic Landmarks Board
- Trees and Views Committee
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- Mary Wagner, City Attorney
- Jonathon Goldman, Public Works Director
- Todd Teachout, City Engineer
- Andy Davidson, Staff Engineer
- Interested Parties

TITLE 10

CITY OF SAUSALITO ZONING REGULATIONS

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1.04.060 Prohibited acts include causing and permitting. Whenever in the ordinances of the city of Sausalito any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 969 §6, 1980).

1.04.070 Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless ~~the last day is Sunday or a holiday, in which case it shall also be excluded.~~ (Ord. 969 §7, 1980).

1.04.080 Construction. The provisions of the ordinances of the city of Sausalito, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 969 §8, 1980).

1.04.090 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 969 §9, 1980).

Chapter 1.05

PENALTY PROVISIONS

Sections:

- 1.05.010 Violations an infraction.
- 1.05.020 Prohibited acts include causing, permitting and suffering.
- 1.05.030 Imposition of penalty.
- 1.05.040 Determination of punishment.
- 1.05.050 Place of confinement.
- 1.05.060 Enforcement.

1.05.010 Violations an infraction. Pursuant to the provisions of Government Code Section 36900(a), whenever in this code or in any other ordinance of the city, any action is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of such provision of this code or any city ordinance shall be, when so provided, a misdemeanor, but where no specific penalty is provided for the violation of a provision of this code, such violation shall be an infraction. Whenever the violation

the last day is a Saturday, Sunday, legal holiday, and/or day on which City Hall is not open for business in which case the last day shall be carried forward to come the next regular City business day (Ord. 1205, 2012).

I Conduct studies and prepare plans and ordinances as directed by the planning commission and the city council,

J Implement plans and enforce regulations of the planning agency;

K Prepare annual report on status of general plan and progress in its implementation;

L Review plans and programs of other public agencies for compatibility with city plans and programs,

M. Review city plans for compliance with other local, regional, state and federal regulations;

N. Prepare and administer planning agency budget. (Ord. 1119 §2, 1996)

2 20.006 Community development department staff. Except where otherwise provided by this ~~title~~, the responsibilities of the community development director may also be carried out by planning division employees under the supervision of the director. (Ord 1119 §3, 1996).

code (Ord.
1205, 2012)

2.20.010 Planning commission created. A planning commission is created for the city pursuant to the Provisions of the Planning and Zoning Law of the state. (Ord. 1119 §4, 1996).

2 20 020 Commission qualifications, membership and appointment. Planning commissioners shall be residents of the city and shall not hold an office on any other city board, commission or committee established by ordinance, except for the planning commission member who sits on the undergrounding committee. Planning commissioners shall not be city employees.

The planning commission shall consist of five members unless the city council determines, by resolution that the planning commission shall consist of seven members. Members of the planning commission shall be appointed by the city council for three-year renewable terms. Any vacancy occurring on the planning commission shall be filled by appointment for the unexpired term.

City council appointments to the planning commission shall be governed by the provisions set forth in Chapter 2.58 of this code. (Ord 1133 §2, 1998: Ord 1120 §1, 1996: Ord. 1119 §5, 1996)

Chapter 3.12TRANSIENT OCCUPANCY TAXSections:

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- 3.12.020 Definitions.
- 3.12.030 Imposed--Rate.
- 3.12.040 Exemptions.
- 3.12.050 Operator duties.
- 3.12.060 Registration and certificate posting required.
- 3.12.070 Reporting and remitting by operator.
- 3.12.080 Recordkeeping requirements.
- 3.12.090 Tax deemed debt to city--Liability.
- 3.12.100 Determination of tax by tax collector upon operator's failure to collect and report tax.
- 3.12.110 Interest and penalties for failure to remit tax.
- 3.12.120 Appeal procedure.
- 3.12.130 Refund or credit for overpayment of tax.

3.12.010 Title. This chapter shall be known as the "Uniform Transient Occupancy Tax of the City of Sausalito." (Ord. 660 §1, 1966).

3.12.020 Definitions. Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

A. "Hotel" means any structure, or any portions of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, Hotel-Condominium, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof. A "hotel" facility excludes time-share estates and/or time-share properties, but includes Hotel-Condominiums and their respective hotel management entities wherein the owners of Hotel-Condominiums obtain an estate in real property consisting of an undivided interest in common space together with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof.

B. "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

C. "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his function through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purpose of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or

**Table 10.24-1
LAND USES ALLOWED IN COMMERCIAL DISTRICTS*1***

LAND USE	CC	CR	CN	SC	CW	W	W-M	SEE SECTION
Manufacturing and Processing Uses								
Commercial fishing facilities					P	P	CUP	
Drydocks					CUP	CUP	CUP	
Marine industrial use					P	P	P	
Printing and publishing	CUP				CUP			
Recycling collection stations	MUP	MUP	MUP	P	MUP	MUP	MUP	10.44. 200 (Recycling Collection Stations)
Recreation, Education, & Public Assembly Uses								
Religious Institutions, Clubs and Fraternal Organizations	P	CUP	P					10.44.110 (Religious Institutions, Private Clubs and Fraternal Organizations)
Libraries and museums	MUP				CUP			
Parks, playgrounds	P	P	P		P	P		
Piers and wharves	MUP				P	P	P	
Private club or facility	CUP		CUP					
Recreation and fitness centers		CUP	CUP					
Schools – Specialized education and training	P	CUP	CUP		P	P		
Temporary uses and events	P	P	P	P	P	P	P	10.44.310 (Temporary Uses)
Theaters and meeting halls	CUP	CUP						
Yacht clubs	CUP				CUP	CUP	P*2*	
Residential Uses								
Home Occupations	P	P	P		P			Sec. 10.44.030 (Home Occupations)
Houseboats							CUP*3 *	
Liveaboards					CUP	CUP	CUP	10.44.170 (Liveaboards)

Table 10.24-1 (continued)
LAND USES ALLOWED IN COMMERCIAL DISTRICTS*1*

LAND USE	CC	CR	CN	SC	CW	W	W-M	SEE SECTION
Residential accessory uses	P	P	P					10.44.020 (Accessory Uses and Structures)
Senior housing projects	CUP	CUP	CUP ^{*4*}					10.44.120 (Senior Housing Projects)
Upper floor residential								
One to three (1-3) dwelling units	P	P or CUP	P ^{*4*}					10.44.190 (Residential Use in Com. Dist.)
Four (4) or more dwelling units	CUP	CUP	CUP ^{*4*}					
Retail Trade								
Art galleries dealing in original art	P	CUP						Sec. 10.44.230 (Visitor Serving Stores and Art Galleries)
Drinking Establishments	CUP	CUP	CUP		CUP ^{*5}			
Building material stores	P	P	P		P			
Formula Retail (<i>Applies to all forms of retail trade.</i>)	CUP		CUP	CUP				Sec. 10.44.240 (Formula Retail)
Full service supermarket				P				
Furniture, furnishings and equipment stores	P	P	P		P			
Grocery stores	P	P	P		P			
Jewelry stores – precious metals & gems	P	P						
Liquor stores	P	CUP	CUP					
Lumberyard				CUP				
Plant nurseries	CUP		CUP		CUP			
Recreational equipment sales and rentals	P	P			P	P		
Restaurants	P	CUP	CUP		P		CUP ^{*6}	10.44.210 (Restaurants) and 10.44.220 (– Outdoor Eating Areas)
Outdoor dining (on public right-of-way or private property)	MUP	MUP	MUP		MUP		MUP	
Retail stores, general merchandise (non-visitor-serving)	P	P	P					
Secondhand or thrift stores	P	P	P					
Visitor serving stores	CUP							10.44.230 (Visitor Stores)
Wholesale and retail fish sales	P	P	P		P	P	CUP	
Wine shops	P	P						

Table 10.24-1 (continued)
LAND USES ALLOWED IN COMMERCIAL DISTRICTS*1*

LAND USE	CC	CR	CN	SC	CW	W	W-M	SEE SECTION
Service Uses								
Banks and financial services, Retail	P	P	P					
Business support services	P	P	P		P			
Child day care								10.44.100 (Child Day Care)
Centers	P	CUP	CUP					
Large Family care homes		MUP	MUP					
Small family care homes		P	P					
Columbariums and mortuaries		CUP	CUP					
Marine applied arts					P	P	CUP	
Marine commercial services					P	P	P	
Marine fuel facility					CUP	CUP	CUP	
Medical services – Clinics and laboratories	MUP	CUP	CUP		CUP			
Office Conversion of an existing or previously-existing retail trade, commercial services, drinking/eating or residential use	CUP	CUP	CUP		CUP			10.44.250 (Office, Conversion)
Offices (new structure or replacement of existing office)	P	P	CUP		CUP			
Offices, temporary	MUP	MUP	MUP		MUP	MUP	MUP	10.44.280 (Offices, Temporary)
Personal services	P	P	P					
Public safety facilities	P	P	P		P	P		
Minor public utility facilities	MUP	MUP	MUP			MUP		
Major public utility facilities	CUP	CUP	CUP			CUP		
Repair and maintenance – Consumer products	P	P	P					
Service stations		CUP	CUP		CUP			10.44.260 (Service Stations)
Storage, accessory		P	P		P	P		10.44.050 (Storage, Accessory)
Upholstery shops		P	P		P			
Veterinary clinic	CUP	CUP	CUP		CUP	CUP	CUP	10.44.180 (Veterinary clinics and kennels)
Warehousing		CUP	CUP	CUP	CUP			

Table 10.24-1 (continued)
LAND USES ALLOWED IN COMMERCIAL DISTRICTS*1*

LAND USE	CC	CR	CN	SC	CW	W	W-M	See Section
Transient Lodging								
Bed & Breakfasts	CUP		CUP					
Hotels	CUP		CUP					
Transportation and Communications Uses								
Wireless communications facilities	SEE CHAPTER 10.45 (Standards and Criteria for Wireless Communications Facilities)							Chapter 10.45
Boat launching ramps					CUP	CUP	CUP	
Dry boat storage				CUP	CUP	P	P	
Harbor facilities and marinas					P	P	P ^{*7*}	Sec. 10.44.140 (Harbor and Marina Facilities)
Off-street parking facilities (private & commercial)	CUP	CUP	CUP					Sec. 10.40.100-10.40.120 (Parking – Standards, Requirements, Design)
Pipelines and transmission lines		P	P		P	MUP		
Transit stations and terminals	CUP	CUP	CUP					
P	Permitted Use							Chapter 10.58 Chapter 10.60
MUP	Minor Use Permit required							
CUP	Conditional Use Permit required							
1	Zoning Permit required for all uses. (See Chapter 10.52.)							
2	Tax-exempt yacht clubs only, subject to restrictions in the Marinship Specific Plan.							
3	No new houseboats are allowed. Existing houseboats may be legalized with a Conditional Use Permit.							
4	Residential uses are permitted above the ground floor in the CN zoning districts located in the Second and Main Street area and the Bridgeway and Spring Street area. Residential uses are not permitted in the CN zoning district located along Bridgeway between Coloma Street and Ebbtide Avenue.							
5	Other than beer and wine for on-site consumption as an accessory use.							
6	Not to exceed twenty (20) seats.							
7	Marine service harbors only.							

**Table 10.24-2
SITE DEVELOPMENT STANDARDS – COMMERCIAL ZONING DISTRICTS**

DEVELOPMENT REQUIREMENT	CC	CR	CN		SC	CW	W	WM	SEE SECTION	
Minimum parcel size	5,000 SF	5,000 SF	5,000 SF		10,000 SF	5,000 SF	25,000 SF		See Table 10.28-1 for site development standards	
Minimum lot width	50'	50'	50'		50'	50'	50'			
Maximum Density 1 du per	1,500 SF	1,500 SF	1,500 SF		N/A	10% of total berths (1)	10% of total berths (1)			
Maximum Floor Area Ratio	1.3	1.00	-1	-2	.20*	.30*	.30*			
			.50*	.35*						
Maximum Building Coverage	100%	70%	70%	50%	50%	30%	30%			
Minimum Setbacks										
Front	N/A	N/A	N/A		N/A	N/A	N/A			
Side (2)	10'	10'	10'		(3)	(3)	(3)			
Rear (2)	15'	15'	15'		20'	20'	15'			
Maximum Building Height	32'	32'	32'		32'	25'	32'			
			Sec. 10.40.030 (Minimum Parcel Standards) and Title 9							
			Sec. 10.28.060 (P-d overlay district)							
			Sec. 10.44.170 (Liveboards)							
			Sec. 10.40.040 (Floor Area Ratio)							
			Sec. 10.40.050 (Building Coverage Limits)							
			Sec. 10.40.080 (Exceptions to Required Setbacks), 10.40.070 (Setbacks and Yards), and Chapter 10.44 (Specific Uses)							
			Sec. 10.40.060 (Height Requirements)							

- (1) Density allowed for liveboard residential uses.
- (2) Setback required only when adjacent to residential zoning district. See noted section for additional setback requirements between structures on the same site and in other situations. Different setbacks may also apply if district is combined with other zoning districts.
- (3) Half (1/2) the building height, but no less than 5'.
- * See Section 10.40.010.B.6

The following requirements also apply:

- A. Minimum Lot Size.** New parcels proposed in a subdivision shall also comply with applicable provisions of Title 9 (Subdivisions) of this code. Existing parcels which do not meet the minimum lot area or width requirements specified by this Section may be developed in accordance with the development standards outlined in Table 10.24-2 (Site Development Standards – Commercial Zoning Districts) provided that the subject parcel has been legally created.
- B. Setbacks.** Setbacks will only be required where the subject parcel is adjacent to a residential zoning district. Additional requirements for setbacks between structures on the same site, and setbacks in other situations, are established by Section 10.40.080 (Exceptions to Required Setbacks) and by Chapter 10.44 (Specific Use Requirements) for certain specific land uses.
- C. Residential density.** Allowed density for liveaboard residential uses in the W district shall be one unit for each ten berths in a marina.

10.40.030 Minimum Parcel Standards

Each existing parcel proposed for development or a new land use shall comply with the provisions of this section. New parcels proposed in a subdivision shall comply with this section and all applicable provisions of Title 9 (Subdivisions) of this code.

A. Definition. Parcel area shall be defined as the net parcel area as defined by Chapter 10.88 (Definitions).

B. Minimum Parcel Requirements. All parcels shall meet minimum parcel size standards for permitted or conditionally permitted uses unless otherwise provided by this section. The following standards shall apply to all new parcels proposed by any application for major or minor subdivision, planned unit development, and lot line adjustment:

1. The width of any parcel shall not be less than thirty (30) feet at any point.
2. The average width of any parcel shall not be less than fifty (50) feet. Average parcel width shall be the area of the parcel in square feet divided by the length, in feet, measured down the center of the parcel.
3. Street frontage shall be required for all parcels and shall not be less than thirty (30) feet, as measured on the front parcel line.
4. To the extent practicable, parcel lines shall have a regular, unbroken alignment and shall intersect the street right-of-way as close to the perpendicular as possible.
5. To the extent practicable, parcels shall have a regular, rectangular shape and curved lines should be avoided.

C. Legal Nonconforming. Parcels legally existing on the effective date that do not comply with the minimum parcel sizes set forth in Title 10 shall be considered legal nonconforming. Any lot in an R-2-2.5 district legally created prior to December 17, 1963, provided such lot that has a minimum building site area of 3,000 square feet shall be considered conforming. Nothing in Title 10 shall be construed as requiring that a legally-created lot must be merged or subdivided to come into compliance with the minimum parcel requirements set forth herein.

D. Development on substandard lots. A legally-created substandard-sized lot (either width or area) for the applicable base district may be occupied by a permitted or conditional use, subject to the following:

1. Subject parcel must average at least thirty (30) feet wide; and
2. Subject parcel must provide at least 1,500 square feet of net parcel area.

No substandard lot shall be further reduced in area or width, except as required for public improvements. Substandard lots under contiguous ownership are subject to the merger provisions of the State Subdivision Map Act.

and shall include attics, crawl spaces and other confined spaces with a ceiling height greater than five feet eleven inches where such space has a finished floor. Interior volumes in residential structures with a finished floor to top of roof height of over 20 feet for sloped roofs (minimum 4:12 pitch) and over 17 feet for flat roofs shall be counted as 1.5 times the finished floor area. Continuous staircases (e.g., stacked) shall be measured as floor area on one floor only. Discontinuous (e.g., offset) staircases in residential structures shall be measured as floor area on each floor. See Diagram 10.40-10.

- C. Floor Area Ratio (FAR) calculation.** Floor area ratio or FAR shall mean the floor area of the building or buildings on a parcel divided by the net area of the parcel. Floor area for basements where at least 50 percent of the exterior walls are subterranean shall receive a 50 percent discount. A maximum of 500 square feet of subterranean floor area may receive the discount. To receive this credit for subterranean floor area, the entire basement must be located within the required setbacks, and a deed restriction must be recorded stipulating that the basement area shall not be utilized for the creation of an additional unit on the property, and the project must comply with all other parts of this Title.
- D. Floor Area Ratio (FAR) limits.** The maximum floor area allowed on any parcel shall be determined by multiplying the net parcel area by the maximum permitted FAR identified in the Site Development Standards Table for each applicable district. Also see Section 10.56.050.
- E. Reserved.**
- F. Split Parcels.** For parcels which are located within two or more separate residential zoning districts, the FAR calculation for structures within a certain zoning district shall be based upon the net parcel area only within that zoning district. Each portion of the parcel located within a different residential zoning district is treated as a separate parcel for determination of FAR entitlements. FAR entitlements within one residential district cannot be transferred to another residential district. This rule shall not apply in commercial districts for development associated with an approved Master Plan.
- G. Industrial-Equivalent FAR requirements (Marinship Specific Plan). See Section 10.28.050.E.4.**

10.40.050 Building Coverage Limits

- A. Applicability of Coverage Limits.** Coverage limits for buildings and structures are established by Chapters 10.20 through 10.28 (Zoning District Regulations), 10.44 (Specific Use Requirements) and this Chapter. No building or buildings shall be constructed or enlarged so as to cover a greater percentage of the parcel than the building coverage limit identified in the Site Development Standards Table for each applicable zoning district.
- B. Measurement of Coverage.** Coverage is measured as the percentage of the total site area occupied by buildings and structures. For the purposes of this definition, "buildings" include primary buildings, garages, carports, and accessory buildings; decks and paved areas (such as walkways, driveways, patios, uncovered parking areas or roads) that have an elevation of at least two (2) feet above the average level of the natural grade directly below the constructed feature (average of highest and lowest points); and stairs two (2) feet above the natural grade. The measurement of site coverage shall not include the portion of roof eaves and/or rain gutters that extend no more than two (2) feet six (6) inches from the face of the building wall, but shall include the portion of roof

eaves and/or rain gutters that extend more than two (2) feet six (6) inches from the face of the building wall. Also see Section 10.56.050.

- C. Limit on Decks and Impervious Surfaces.** All structures which count toward building coverage shall also count as impervious surface. In addition, impervious surface shall consist of any of the following features, regardless of height relative to natural grade: (1) all paved surfaces, such as concrete, regardless of the permeability of the material; (2) all hardscape garden elements such as stepping stones, fountains, statuary, swimming pools, and walls; (3) all deck areas regardless of the material used for the deck structure; (4) all gravel areas. See Diagram 10.40-1. The following features shall not be counted toward impervious surface: (1) landscaped areas; (2) planters; (3) unlandscaped areas of exposed earth, including those between different impervious surfaces (such as stepping stones) or between impervious surfaces and landscaped areas (such as the area between a walkway and a landscaped area). Impervious surfaces shall be subject to the maximum area specified in Table 10.22-2 (Site Development Standards-- Residential Zoning Districts).
- D. Reserved.**
- E. Split Parcels.** For parcels which are located within two or more separate zoning districts, the coverage calculation for structures within a certain zoning district shall be based upon the net parcel area only within that zoning district. Each portion of the parcel located within a different zoning district is treated as a separate parcel for determination of coverage entitlements. Coverage entitlements within one district cannot be transferred to another district.

10.40.060 Height Requirements

- A. Applicability of height limits.** Height limits for buildings and structures are established by Chapters 10.20 through 10.28 (Zoning District Regulations), 10.44 (Specific Use Requirements) and this Chapter. No building or structure shall be constructed or altered to exceed the height limit established by this Chapter, except as otherwise provided by this section.
- B. Measurement of height.** All portions of a building (including any portion of a floor, chimney or other appurtenance) shall be limited to 32 feet in height within the first 15 feet from the property line, as measured from the centerline of the paved portion of the road opposite the midpoint of the front parcel line. In addition, all structures shall be subject to the height restrictions identified below and the height restrictions specified in the appropriate zoning district, provided under no circumstances shall the height of any point of a building to the natural grade directly below exceed fifty (50) feet.
- 1. Standard Building Height.** Building height is the vertical distance from the average level of the natural ground surface under the building to the highest point of the building or structure. To determine the height of a building, the highest and lowest points of contact with the natural grade are identified and the average of these two elevations is the point from which the permitted maximum height is measured. The highest and lowest points of contact are determined where the maximum vertical projections of the perimeter walls of the building contact the natural grade. Where more than one structure is proposed for construction, the

permitted height shall be individually computed for each detached structure. Balconies, decks and similar appurtenances and projections shall not be included in measuring the primary structure's building height.

2. **Over Water or Flood Zone.** Maximum height of buildings located over water or within the V1 Flood Zone as identified in the FIRM (National Flood Insurance Rate Map) of the National Flood Insurance Program shall be measured above the natural grade or six (6) feet above NGVD (National Geodetic Vertical Datum), whichever is higher. The height of floating structures shall be measured from three feet above the waterline. See Diagram 10.40-2.
3. **Building Appurtenances.** Balconies, decks and similar appurtenances and projections shall not extend beyond a line measured from the high point of the building face on which the appurtenance is located and parallel with the degree of slope based upon the highest and lowest point of contact of the structure which it serves. When open balconies, decks and similar appurtenances are enclosed on existing structures and the newly calculated building height exceeds the height allowed by this Title, this excessive height is permitted subject to the following conditions:
 - a. The proposed enclosures do not violate any other provisions of this Title;
 - b. The roofline of the new addition is no higher than the roofline of the existing building;
 - c. The proposed enclosure is subject to review and approval by the Planning Commission as governed by Chapter 10.54 (Design Review Procedures) of this Title.

C. Sloped and Level parcels. In addition to the provisions contained in subsection B (Measurement of height), height restrictions shall apply to all sloped (uphill and downhill) and level lots, as the lots are sloped from abutting streets. For lots that abut more than one street, more than one restriction will apply. The Community Development Director shall review and make a determination for proposals that do not meet the site conditions described below.

1. **Uphill.** Any slope greater than ten (10) degrees slope computed upward from a parcel line that abuts a street at the front of the property to the rear of the property. On the uphill side of a street, a sloped roof that exceeds the height restriction identified in Section 10.40.060.B (Measurement of Height) may be permitted subject to the following conditions (see Diagram 10.40-4):
 - a. The roof slopes to meet a front wall of less than 32 feet toward the front property line, measured as stated above;
 - b. The maximum height within the first 15 feet does not exceed 40 feet; and
 - c. The sloped roof is subject to review and approval by the Planning Commission as governed by Chapter 10.54 (Design Review Procedures) of this Title.
2. **Level.** Any slope between ten (10) degrees up and ten (10) degrees down computed from a parcel line that abuts a street at the front of the property to the rear of the property. On level parcels, no portion of a building, including any portion of a roof, chimney or other

appurtenance, shall exceed a height of 32 feet, as measured from a point located at the centerline of the paved portion of the road opposite the midpoint of the front parcel line. See Diagram 10.40-3.

3. **Downhill.** Any slope greater than ten (10) degrees slope computed downward from a parcel line that abuts the street at the front of the property to the rear of the property. The following provisions apply (see Diagram 10.40-5):

a. **Height restrictions.** On the downhill side of a street no portion of a building, including any portion of a roof, chimney, or other appurtenance shall exceed a height of twenty-four feet, as measured from the centerline of the paved portion of the road opposite the midpoint of the front parcel line.

b. **Exception for parking.** On the downhill side of a street, that portion of a building devoted to covering the off-street parking spaces and building access may project above the thirty-two foot required height limit subject to the following conditions:

- (1) The overall height of the structure and all appurtenances does not exceed 40 feet;
- (2) The portion of new proposed structures exclusive of covered parking does not exceed the 32 foot height limit;
- (3) The covering does not violate any other provisions of this Title;
- (4) The covered parking is the highest structure on an uphill lot; and
- (5) The covered parking is subject to review and approval by the Planning Commission as governed by Chapter 10.54 (Design Review Procedures) of this Title.

- D. **Exceptions to height limits.** The height limits for buildings and structures established by this chapter are subject to the following exceptions:

1. **Public and quasi-public buildings and structures.** In districts in which a lower height limit is established, places of assembly in schools, religious institutions, and other permitted public and semi-public buildings may be erected to a height not exceeding 45 feet above average grade subject to the following conditions:

- a. The minimum side yard setback shall be increased one (1) foot for each two (2) feet such structure exceeds thirty-two feet in height.
- b. The minimum rear yard setback shall be increased one (1) foot for each four (4) feet such building exceeds thirty-two feet in height.
- c. Other architectural features (i.e., steeples, spires, chimneys, vents, etc.) may exceed the forty-five foot height limit, subject to Design Review.

on a public street or road) shall provide the required rear yard along one (1) parcel line and the required side yard along all remaining parcel lines. If a rear parcel line has not already been established, the owner may elect any parcel line as the rear parcel line provided such choice is not injurious to adjacent properties, as determined by the Community Development Director. If a rear parcel line has already been established, the owner may elect a new parcel line as the rear parcel line, provided such choice is not injurious to adjacent properties, as determined by the Community Development Director. See Diagram 10.40-6.

C. Parcels fronting on more than one street. The following setbacks shall apply for parcels abutting more than one public street or right-of-way measuring 50 feet or more in width (whether or not developed) (see Diagram 10.40-7):

1. No setback shall be required from parcel lines adjoining two intersecting public streets or rights-of-way.
2. Setbacks may be decreased for parcels fronting on two non-intersecting streets, or for parcels fronting on more than two intersecting streets provided the proposal is subject to Design Review and the Planning Commission finds the reduced setback does not diminish the overall purpose of providing physical and visual space between residences.

D. Required Increase of Setbacks. Setbacks will be increased in the following instances:

1. **Length of building.** The length of a structure shall be measured along a line parallel to the adjoining side lot line. Where the length of a structure, building wall, or series of attached building walls, exceeds forty feet measured parallel to the adjoining side lot line, the minimum setback shall be increased at the rate of one (1) foot for each five (5) feet such length exceeds forty feet. The full length of the building shall be subject to the increased setback. If the addition will increase the building length to exceed forty feet, only the addition shall require the additional side yard setback. The full length of the addition shall be subject to the increased setback. See Diagram 10.40-8.
2. **Entrance to dwelling from side yard.** Where access to the main or secondary entrance of any two-family dwellings or multiple-family dwellings, group houses, court apartments or row dwellings is from the side yard, the minimum side yard setback shall be increased by one (1) foot for each applicable dwelling unit. Such increase need not exceed five (5) feet.
3. **Creek Setbacks.** No structures of any kind, other than stairs and pathways on grade and/or retaining walls for slope stabilization purposes, shall be located within twenty (20) feet of the 100-year flood elevation line of an open natural drainage way or wetland (i.e., creek) identified on Map GP-14 of the Environmental Quality Element of the General Plan. Additional setbacks from creeks and wetland areas may be required as part of the environmental review process pursuant to the California Environmental Quality Act, as applicable. Also, in the course of design review, the Planning Commission may determine that additional setbacks from watercourses are necessary to ensure consistency with relevant policies contained in the Environmental Quality Element of the General Plan.

E. Special Setbacks.

1. **Purpose.** Special building setback lines are established along designated streets, pedestrian and other public ways to provide space for light, air, safety, circulation, and visual amenity.
2. **Applicability.** Structures adjacent to the streets, pedestrian ways and other public ways designated below shall be subject to the corresponding special building setback line. In any district where the yard requirement is more or less than the distance set forth by any special building setback line, the distance established by the special building setback line shall apply.
3. **Measurement.** The location of a special building setback line shall be measured in feet at right angles from the parcel line of the subject property or the line of the street, pedestrian way or other public way adjacent to the subject parcel.
4. **Special setback lines.**
 - a. A ten (10) foot special building setback line is required on both sides of the following streets, pedestrian ways or other public ways:
 - 1) Alexander Avenue
 - 2) South Street from Alexander Avenue to Second Street
 - 3) Second Street from South Street to Richardson Street
 - 4) Richardson Street from Second Street to Bridgeway
 - b. A five (5) foot special building setback line is required on both sides of the twenty (20) foot future pedestrian way shown on the General Plan for the Marinship Area, and lying between Coloma Street and Harbor Drive.

10.40.080 Exceptions to Required Setbacks

The following setbacks shall apply in the situations specified (rather than those required by Chapters 10.20 through 10.28, Zoning District Regulations) and any setback requirements in Chapter 10.44 (Specific Use Requirements):

- A. Narrow parcels.** The side yard setback requirement may be reduced to 10% of the lot width, to not less than three feet (3'), for any substandard parcel that meets the criteria in Section 10.40.30.D (Development on substandard lots) and is less than fifty (50) feet wide. See Diagram 10.40-7.
- B. Pedestrian lane rights-of-way.** Where a side parcel line adjoins a right-of-way which does not contain a street and is ten (10) feet or less in width, the required side yard setback shall be measured from the center line of such right-of-way.
- C. Accessory Structures.** Accessory structures and buildings may occupy required yard areas only to the extent permitted by Section 10.44.020 (Accessory Uses and Structures).
- D. Temporary structures.** Structures that are temporary or can easily and readily be

removed, have no more than 120 square feet of roof area, and are not permanently attached to the ground (including but not limited to surface utilities and storage bins), may be allowed within required setbacks for a period of no more than sixty (60) days per year.

10.40.090 Permitted Projections into Required Setbacks

A. Use of setbacks. No structure shall be permitted within any required setback area, except the following:

1. Underground utilities and the related above-ground metering;
2. Septic tanks;
3. Fences and retaining walls that comply with the applicable height requirements;
4. Signs pursuant to Chapter 10.42 (Sign and Awning Regulations); and
5. As otherwise provided by Section 10.40.080 (Exceptions to Required Setbacks) and this section.

B. Yard projections. Projections into minimum yards shall be as follows:

1. The minimum yard setback may be reduced by up to 20 percent provided that at all times a minimum setback of three (3) feet is provided, for the following features (see Diagram 10.40-8):
 - a. Cornices, canopies, eaves, or any other similar architectural features, not exceeding three (3) feet.
 - b. Fire escapes not exceeding four (4) feet.
 - c. Bay windows, balconies, and chimneys may project a distance not to exceed three (3) feet, provided that such features do not occupy, in aggregate, more than one-fifth (1/5) the length of any otherwise unbroken section of wall of the building on which they are located.
2. The minimum yard setback may not be reduced for decks that are 24 inches or more above natural grade, porches, or other indoor or outdoor living areas.
3. The following features may project into required yards if the applicable height and/or coverage requirements are met:
 - a. Walkways, provided that any walkway is not at any point more than two (2) feet above or below the level of natural grade.
 - b. Decks, swimming pools and patios, provided that the height of any structure does not exceed two (2) feet above the average level of natural grade directly below the feature and at all times a minimum setback of five (5) feet is maintained.
 - c. An uncovered stair and necessary landings, provided that such stair and landings do not extend above the entrance floor of the building except for a railing height compliant with the California Building Code.
 - d. Accessory structures if consistent with the requirements of Section 10.44.020 (Accessory Uses and Structures).

C. Reserved.

D. Side yard structural projections. Where a building wall is not parallel to a parcel line, or does not follow a continuous unbroken alignment, a portion of the building wall may project into the required setback provided that:

1. The average depth or width of yard is at least equal to the required depth otherwise required.
2. No more than 50 percent of the building wall encroaches into the required setback.
3. The yard is not less than three (3) feet in depth or width at any point.
4. The proposed side yard projection is subject to review and approval by the Planning Commission as governed by Section 10.54.090 (Design Review Permits) of this Title.

10.40.100 Parking Standards

A. Purpose and intent. The purposes of this section requiring off-street parking are as follows:

1. To minimize demand for on-street parking and alleviate traffic congestion and hazards to motorists and pedestrians;
2. To provide safe and convenient vehicular access to all land uses; and
3. To make the appearance of parking areas more compatible with surrounding land uses.

B. Type and location of parking required. All approved land uses shall be designed and developed to provide the type and amount of off-street parking spaces required by Section 10.40.110 (Parking Space Requirements by Land Use), and shall be designed as required by Section 10.40.120 (Design and Improvement of Parking). All parking spaces required by this section shall be located on the same site as the use for which parking is required, except as otherwise allowed by Section 10.40.110.D (Joint Use) and 10.40.120.B (Exceptions). The following requirements also apply:

1. **Disabled accessible parking.** Parking lots shall include disabled accessible parking spaces in the amount and manner required by Title 24 of the California Code of Regulations. Disabled spaces count toward the total number of parking spaces required by Section 10.40.110 (Parking Space Requirements by Land Use). Parking spaces serving existing uses may be reduced in number to permit the installation of disabled accessible parking as prescribed by Title 24 of the California Code of regulations. Existing structures and uses will not be considered non-conforming solely due to the loss of required parking for the purpose of establishing disabled accessible parking.

2. **Bicycle racks.** Parking lots with 20 or more spaces shall provide one bicycle rack for each 20 parking spaces. Bicycle racks shall be designed to provide a minimum of four bicycle spaces in each rack and to allow a bicycle to be locked to the rack.
3. **Accessibility and usability.** No owner or tenant shall lease, rent, or otherwise make a parking space required by this Chapter unavailable to the intended users of the parking space.
4. **Minimum off-street parking.** All off-street parking and vehicular access must be designed to result in a minimum loss of on-street parking and a net increase of at least one overall parking space (i.e., at least two off-street parking spaces must be served by a driveway where one on-street parking space is eliminated). Where only one off-street parking space is typically required, two off-street parking spaces shall be provided where one off-street parking space is lost to driveway access. Alternatively, the loss of on-street parking may be off-set by frontage reconfiguration or improvements to maintain the existing amount of on-street parking. Any proposed reconfiguration or improvement to on-street parking shall be subject to review and approval by the Community Development Director and City Engineer.

10.40.110 Parking Space Requirements by Land Use

The number of off-street parking spaces required for the land uses identified by Chapters 10.20 through 10.28 (Zoning District Regulations) shall be as provided by this subsection, except where parking requirements are established by Chapter 10.44 (Specific Use Requirements) for a specific use.

- A. **Interpretation of parking requirements.** The requirements in subsection 10.40.110(B) (Minimum Required Parking) shall be interpreted according to the following provisions:
 1. **Uses not listed.** The number of parking spaces required for land uses not listed in subsection (B) (Minimum Required Parking) and that do not have parking requirements set by Chapter 10.44 (Specific Use Requirements), shall be the same as required for the most similar use, as determined by the Community Development Director. The Planning Commission or Zoning Administrator shall determine the number of spaces required for uses not listed where a conditional use permit or a minor use permit is required, respectively.
 2. **New buildings without tenants.** If the type of rental tenants that will occupy a commercial, office or industrial building are not known at the time of land use or building permit approval, the amount of parking to be provided shall be:

- b. **Residential.** Whenever the density (number of units) of any residential site that is not in compliance with the off-street parking requirements of this Chapter is intensified, additional off-street parking shall be provided as required by this Title for the new use or occupancy and for the existing use.
- c. **Nonconforming Uses.** When a nonconforming structure is remodeled, replicated or expanded, parking shall be provided consistent with Section 10.62.050.B (Parking for Nonconforming Structures).

7. Parking Calculation. The following guidelines shall be used to calculate parking requirements:

- a. When the required number of parking spaces is calculated to a fractional number, any fraction of less than one-half (1/2) shall be disregarded and any fraction of one-half or greater shall be rounded up to the next whole number.
- b. When calculating the number of parking spaces required for a specific land use, the gross floor area of any building and the gross land area of any outdoor activity shall be used. If a multiple use building contains common areas, the parking calculation for those common areas shall be based upon the ratios of various uses in the building.

B. Minimum Required Parking. The number of off-street parking spaces required for new uses shall be based upon the type of land use, as specified in Table 10.40-1 (Parking Requirements). Where the tables of this subsection show more than one parking ratio for any use, the required number of spaces is the total of all ratios shown. Whenever subsection C (Specified Land Uses) does not specify a required amount of parking spaces for a listed land use, off-street parking shall be provided in an amount adequate to meet the parking needs of all employees, visitors, and loading activities entirely on the site of the use.

**Table 10.40-1
PARKING REQUIREMENTS**

LAND USE	Off-Street Parking Required
Open Space and Public	
Plant nurseries	1 per 400 sq. ft. of Gross Floor Area (GFA) of manufacturing stock + 1 per 2,000 sq. ft. of nursery stock area
Recreation, Education & Public Assembly	
Community centers	1 per 4 fixed seats 1 per 60 sq. ft. multi-use floor area if no fixed seats
Libraries and museums	1 per 500 sq. ft. public use area
Private clubs and recreational facilities	1 per 100 sq. ft. building area
Outdoor commercial recreation	Determined by MUP or CUP
Recreation, health, and fitness centers	1 per 250 sq. ft. floor area
Religious Institutions	See Section 10.44.110 (Religious Institutions, Private Clubs and Fraternal Organizations)
Schools	Elementary and Middle School: 3 per classroom High School: 8 per classroom
Schools – Specialized education and training	1 per 300 sq. ft. of floor area
Temporary events	Determined by MUP or CUP
Theaters and meeting halls	1 per 4 seats or 1 per 60 square feet of seating area
Yacht clubs	1 per 100 sq. ft. of building area
Manufacturing and Processing Uses	
General Industry	1 per 500 sq. ft. of GFA
Limited Industry	1 per 500 sq. ft. of GFA
Research Development Industry	1 per 450 sq. ft. of GFA
Wholesaling, Distribution and Storage	1 per 2,000 sq. ft. of GFA
Marine Industrial	1 per 1,000 sq. ft. of GFA
Uses in excess of 10,000 sq. ft.	As determined by Planning Commission
Residential	
Single or Multiple Family Residential	2 per dwelling unit
Multiple Family Residential (1 bedroom or studio)	1.5 per dwelling unit
Home occupations	See Section 10.44.030 (Home Occupations)
Liveaboards	See Section 10.44.170 (Liveaboards)
Residential accessory uses	No additional parking required
Residential care homes	1 per 2 persons cared for
Secondary dwellings	See Section 10.44.080 (Secondary Dwellings, Existing)
Senior housing	1 per dwelling unit. See Section 10.44.120 (Senior Housing Projects)

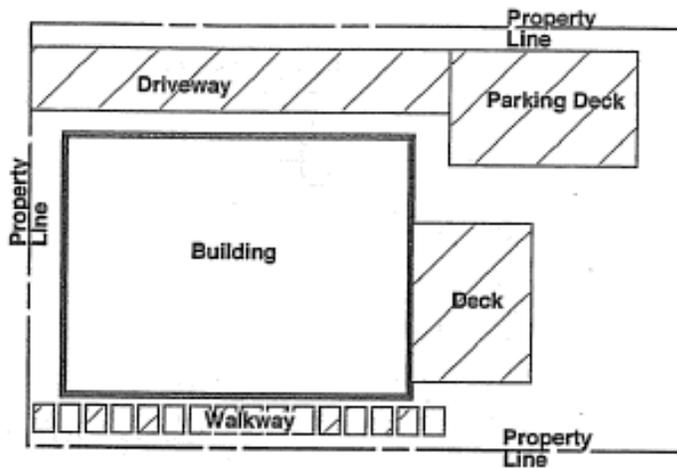
Table 10.40-1 (continued) PARKING REQUIREMENTS	
LAND USE	Off-Street Parking Required
Storage, accessory	As required for principal use
Storage yards	1 per 1,500 sq. ft. of site area
Upholstery shops	1 per 500 sq. ft. of floor area
Warehousing	1 per 1,500 sq. ft. of use area
Transient Lodging Land Uses	
Bed and breakfast	2 spaces, plus 1 space per guest room
Hotels	1 per 250 sq. ft. of office, plus 1 per guest room
Hotel-Condominium	1 per 250 sq. ft. of office, plus 1.25 per guest room
Transportation and Communications Land Uses	
Boat launching ramps and haul outs	As required by CUP or MUP; Recommended minimum 1 per 5 Dry Boat Storage
Dry boat storage	1 per 3 striped spaces or 1 per 1,000 square feet of open storage area
Harbor and marina facilities	See Section 10.44.140 (Harbor & Marina Facilities)
Transit stations and terminals	As determined by MUP or CUP
Vehicle storage	1 per 300 sq. ft. of office area As needed for stored vehicles

C. Specified Land Uses. The following parking requirements shall apply to specified land uses:

1. **Retail trade uses** shall provide the number of off-street spaces for each separate retail trade use or rental tenancy in the amount specified in Table 10.40-1 (Parking Requirements), but no less than one (1) parking space for each use or tenancy within a structure.
2. **Transportation and communications uses** shall provide the number of off-street spaces required by Table 10.40-1 (Parking Requirements), but no less than one space for each separate transportation and communication use or rental tenancy within a structure.

D. Reductions. The number of parking spaces required by Table 10.40-1 (Parking Requirements) and subsection C (Specified Land Uses) may be reduced as follows:

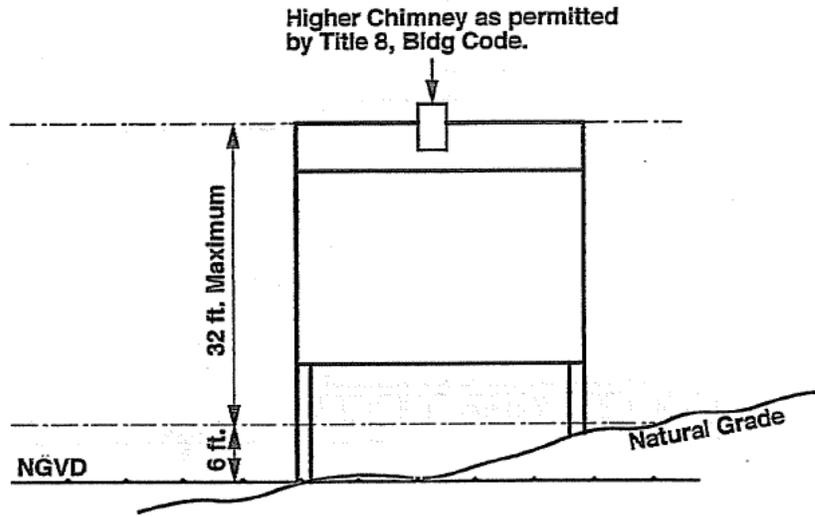
1. **Motorcycle space substitution.** Parking lots with 40 or more spaces may replace one regular space with one motorcycle space for each 40 required spaces. Motorcycle spaces shall be a minimum size of three (3) by six (6) feet.



**10.40.050-C
 IMPERVIOUS SURFACE COMPONENTS:
 Maximum Allowable Per Table**

Diagram 10.40-1 IMPERVIOUS SURFACE

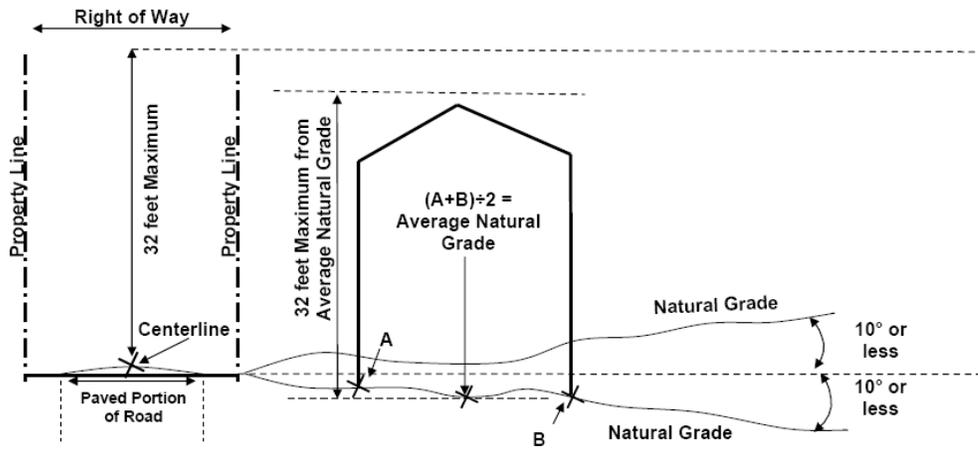
Note: This diagram is for illustration purposes only. The text of the Zoning Ordinance shall be used in the event of a conflict between this diagram and the text.



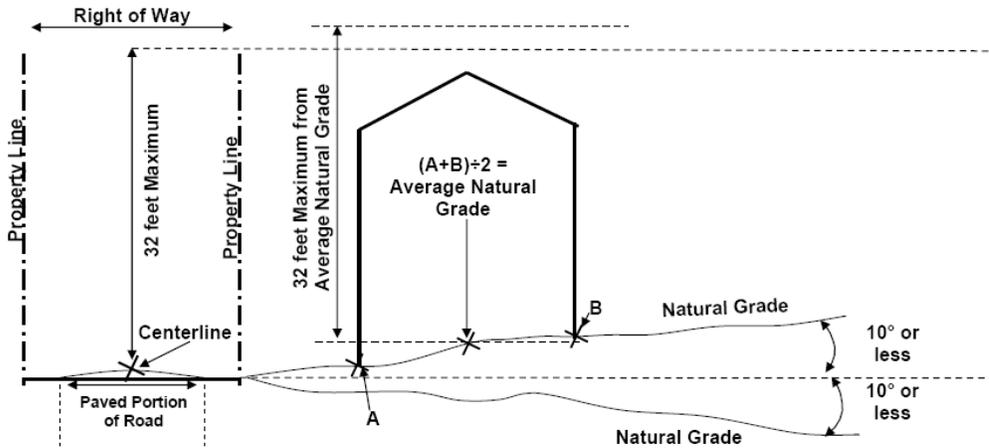
10.40.060-B2
"OVERWATER OR FLOOD ZONE SITE" CROSS SECTION:
Building Height Determination

Diagram 10.40-2 OVERWATER BUILDING HEIGHT

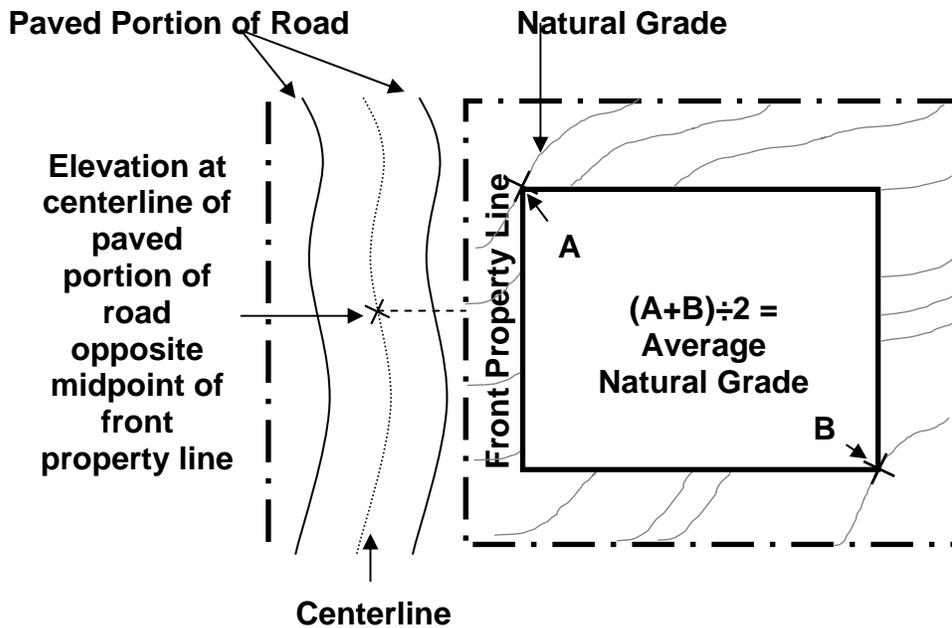
Note: This diagram is for illustration purposes only. The text of the Zoning Ordinance shall be used in the event of a conflict between this diagram and the text.



Reference: Section 10.40.060-C2
Level Site Cross Section - Slight Downhill Property



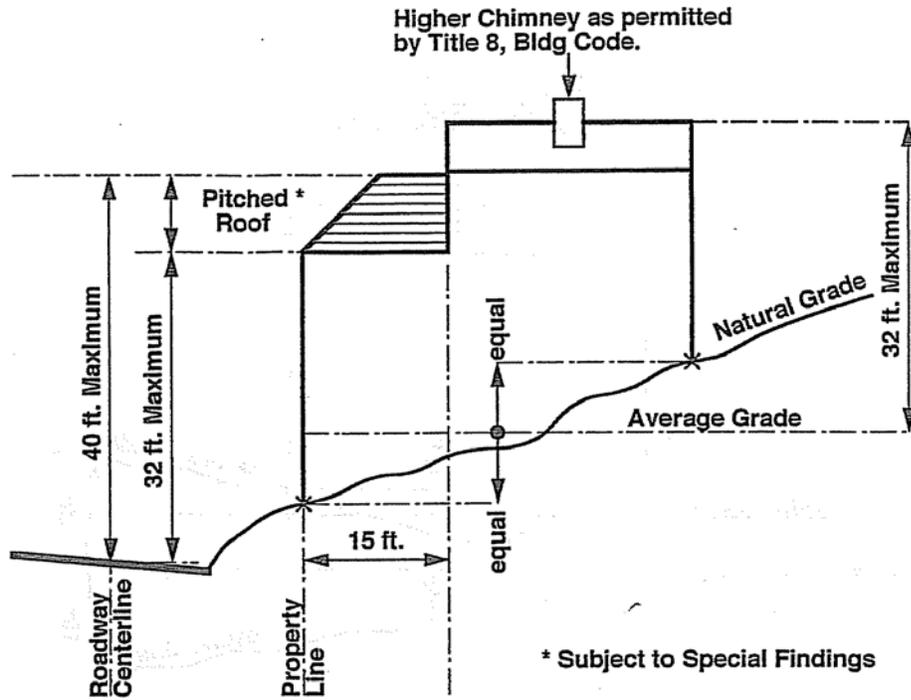
Reference: Section 10.40.060-C2
Level Site Cross Section - Slight Uphill Property



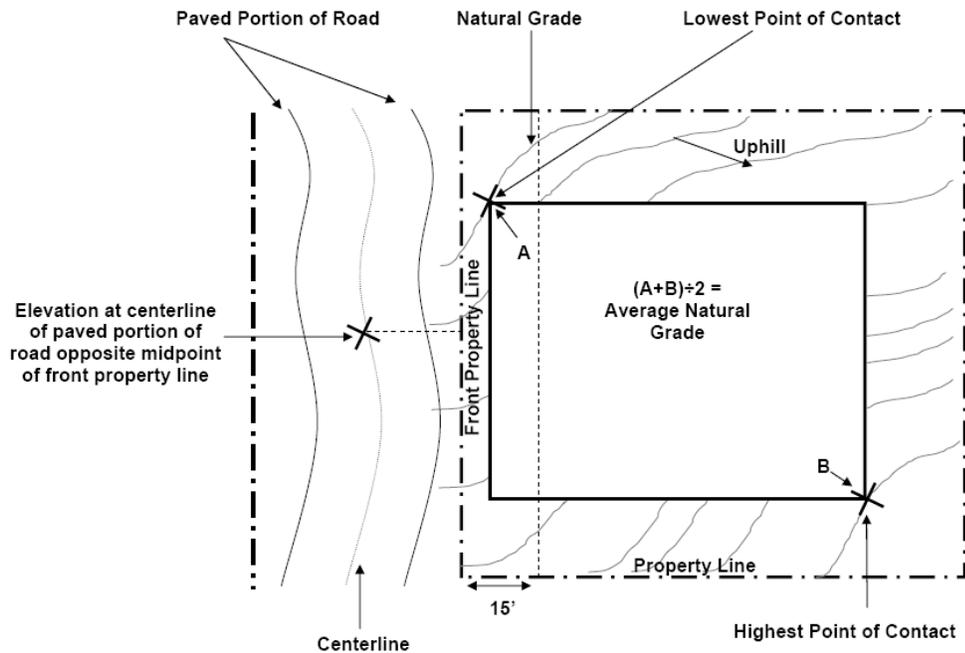
Note: This diagram is for illustration purposes only. The text of the Zoning Ordinance shall be used in the event of a conflict between this diagram and the text.

Reference: Section 10.40.060-C2
Site Plan: Building Height Determination

Diagram 10.40-3 Level Site Building Height



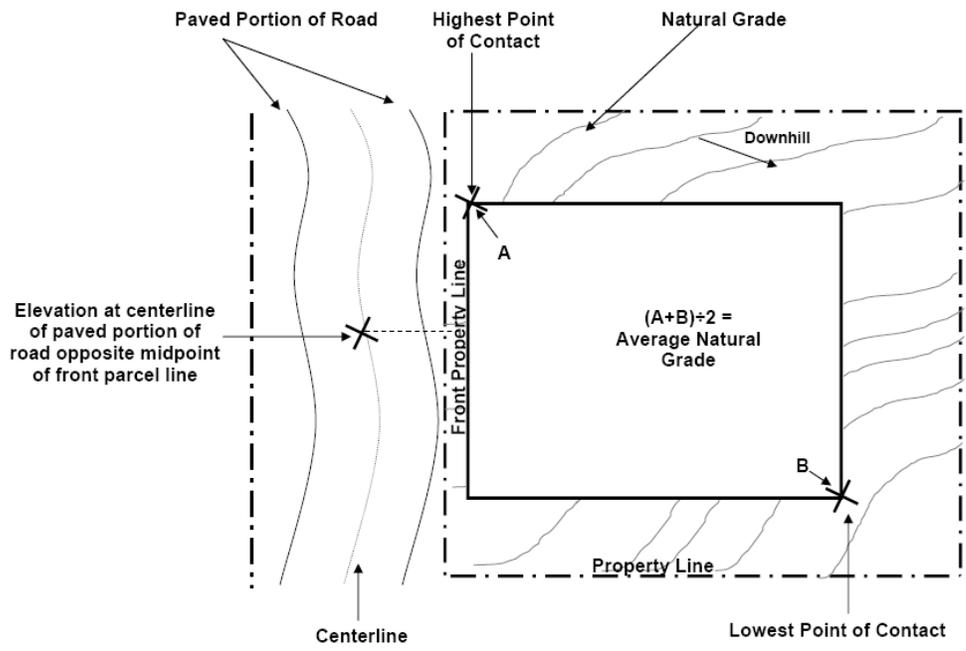
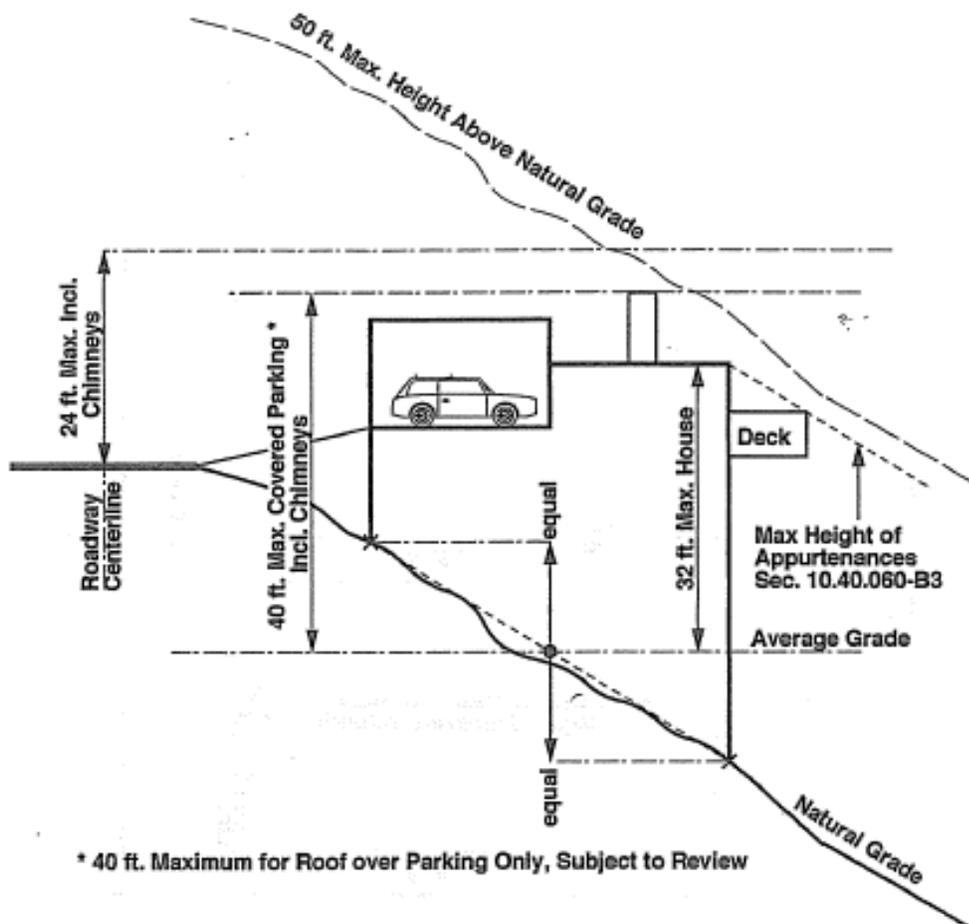
10.40.060-C1
"UPHILL SITE" CROSS SECTION:
Greater than 10° Uphill Slope



Reference: Section 10.40.060.C.1
 Site Plan: Building Height Determination
 Diagram 10.40-4 Uphill Site Building Height

Diagram 10.40-4 UPHILL SITE BUILDING HEIGHT

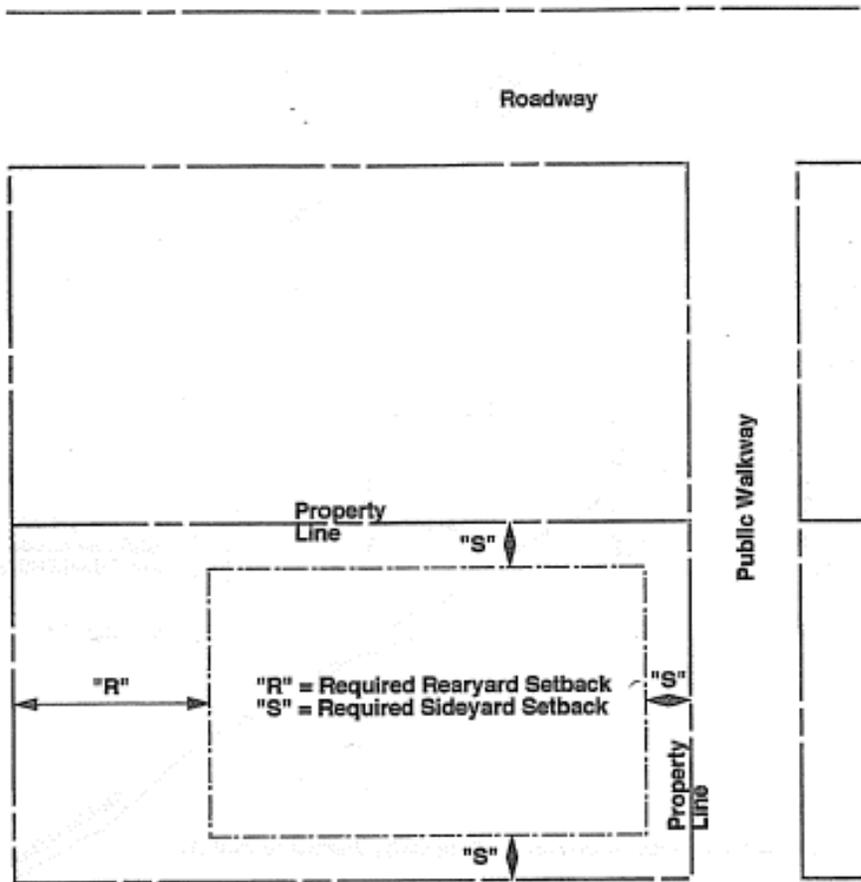
Note: This diagram is for illustration purposes only. The text of the Zoning Ordinance shall be used in the event of a conflict between this diagram and the text.



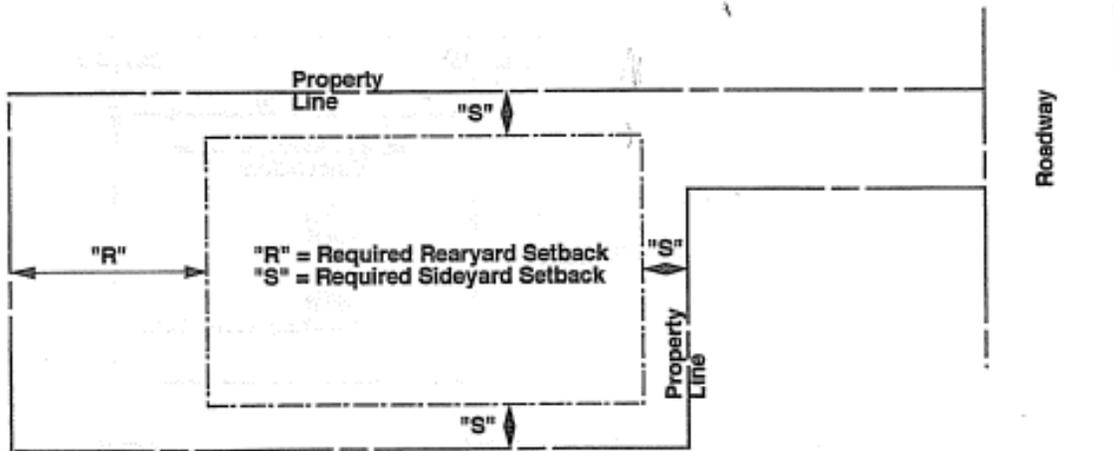
Reference: Section 10.40.060.C.3
 Site Plan: Building Height Determination
 Diagram 10.40-5 Downhill Site Building Height

Diagram 10.40-5 DOWNHILL SITE BUILDING HEIGHT

Note: This diagram is for illustration purposes only. The text of the Zoning Ordinance shall be used in the event of a conflict between this diagram and the text.



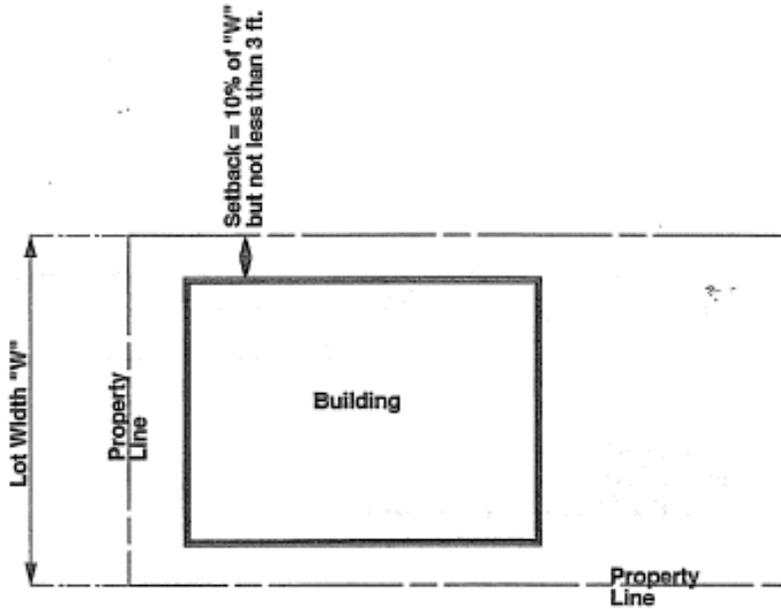
**10.40.070-B
LANDLOCKED PARCEL SITE PLAN:
Required Setbacks**



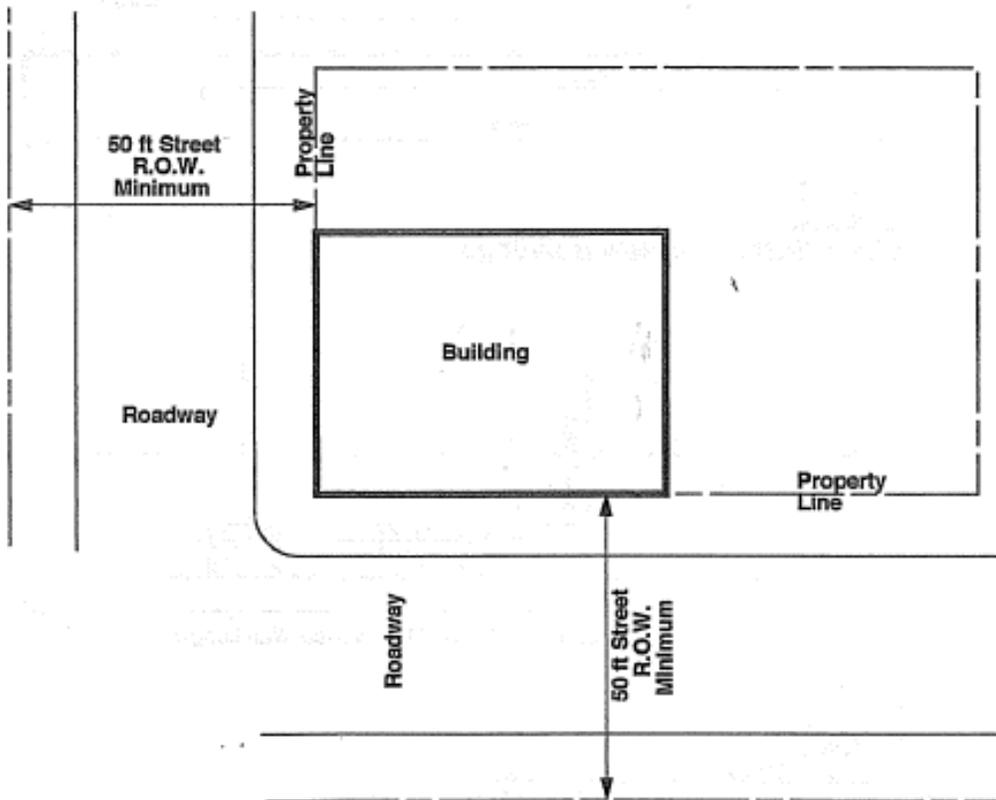
**10.40.070-B
"FLAG LOT" SITE PLAN:
Required Setbacks**

Diagram 10.40-6 LANDLOCKED AND FLAG LOT SETBACKS

Note: This diagram is for illustration purposes only. The text of the Zoning Ordinance shall be used in the event of a conflict between this diagram and the text.



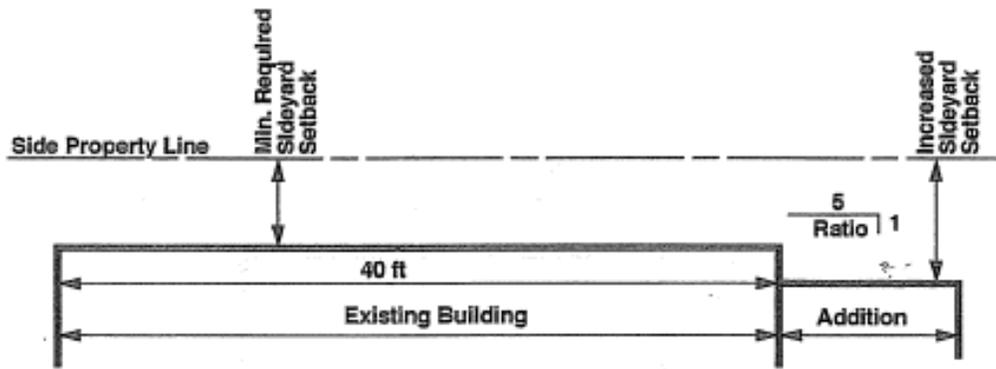
**10.40.080-A
NARROW PARCEL SITE PLAN:
Building Setbacks for Narrow Parcels (Less than 50 ft.)**



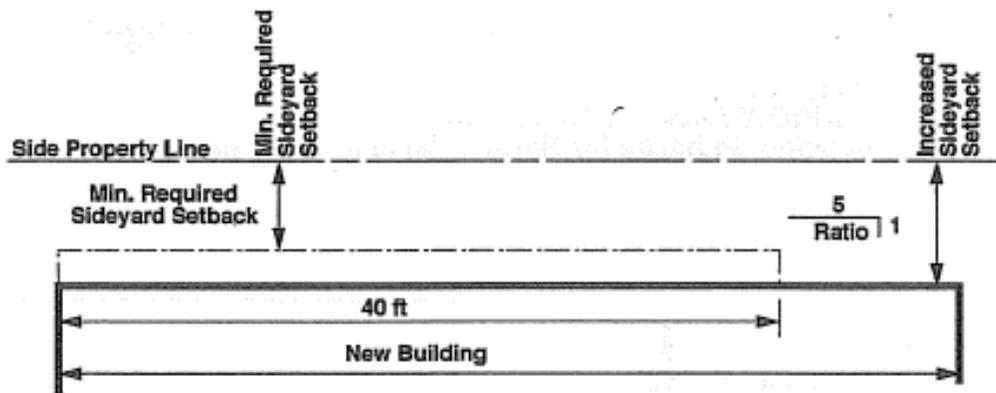
**10.40.070-C
CORNER LOT SITE PLAN:
Zero Building Setbacks at Corner Lots**

Diagram 10.40-7 NARROW AND CORNER PARCEL SETBACKS

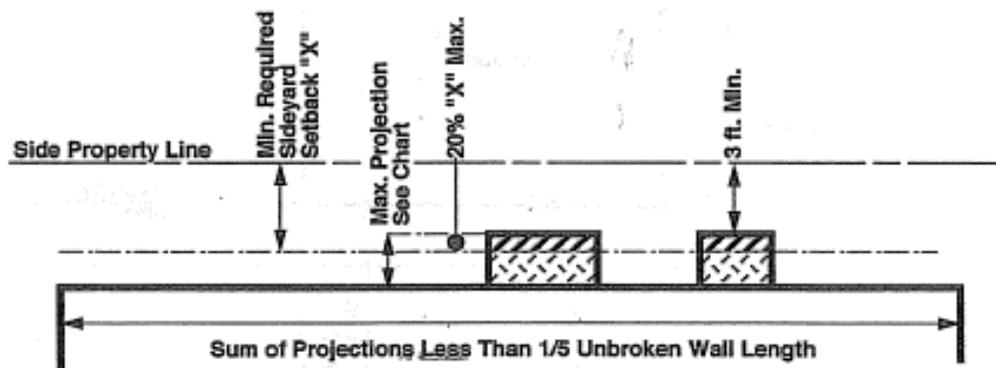
Note: This diagram is for illustration purposes only. The text of the Zoning Ordinance shall be used in the event of a conflict between this diagram and the text.



**10.40.070-D
SITE PLAN:
Side Yard Setbacks; Additions**



**10.40.070-D
SITE PLAN:
Side Yard Setbacks; New Buildings**



**10.40.090B
SITE PLAN:
Setbacks; Allowable Projections.
(See text section for additional information)**

Diagram 10.40-8 INCREASED SETBACK AND ALLOWABLE PROJECTIONS

Note: This diagram is for illustration purposes only. The text of the Zoning Ordinance shall be used in the event of a conflict between this diagram and the text.

////// = Area shall count as floor area

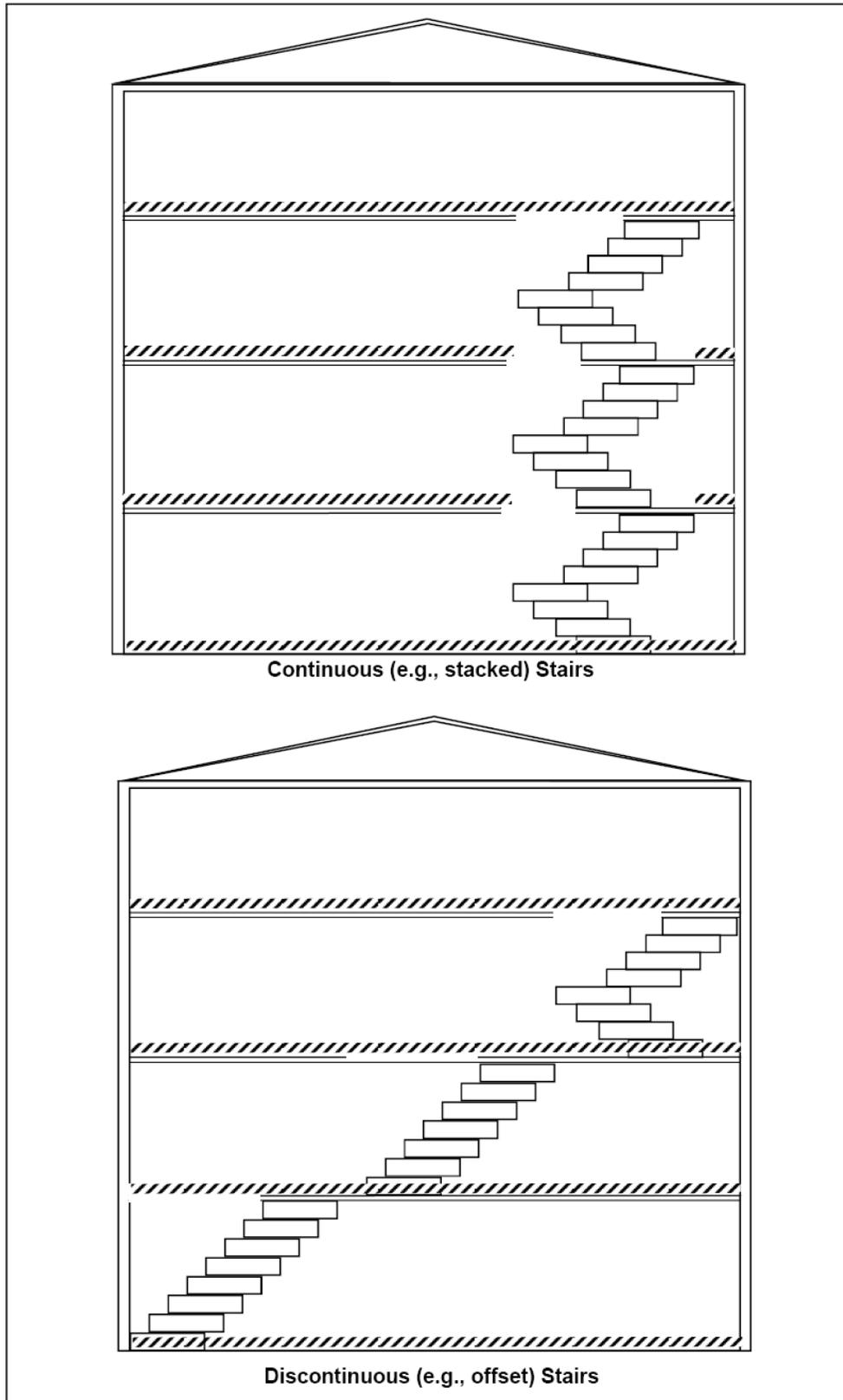
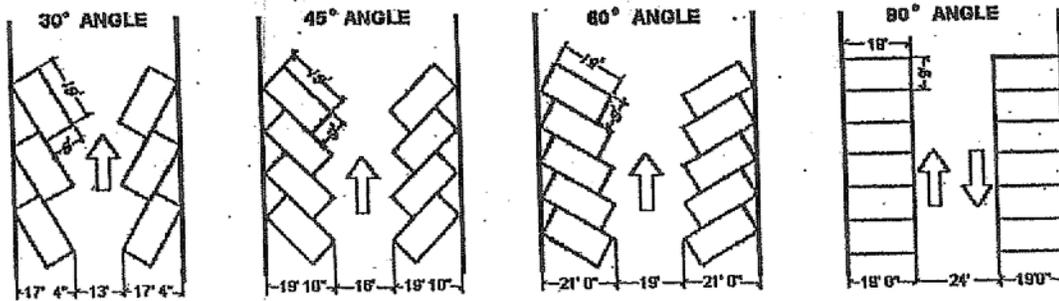


Diagram 10.40-9
Measurement of Stairs as Floor Area
Reference Section 10.40.040.B

Note: This diagram is for illustration purposes only. The text of the Zoning Ordinance shall be used in the event of a conflict between this diagram and the text.



MINIMUM AISLE WIDTH
9FT STALL

PARKING ANGLE	0° - 28°	30° - 34°	35° - 38°	40° - 44°	45° - 48°	50° - 54°	55° - 58°	60° - 64°	65° - 68°	70° - 74°	75° - 78°	80° - 88°
MINIMUM AISLE WIDTH	12.0'	13.0'	14.0'	15.0'	16.0'	17.0'	17.5'	18.0'	20.0'	21.5'	23.0'	24.0'

Diagram 10.40-10 PARKING AISLE WIDTH

Reference Section 10.40.120.A.3.a

Note: This diagram is for illustration purposes only. The text of the Zoning Ordinance shall be used in the event of a conflict between this diagram and the text.

10. **Prohibition signs.** "No Trespassing", "No Parking", and similar warning signs which do not exceed two square feet.
11. **Residential identification signs.** Individual residence identification signs which state the names of the residents of the home, limited to a total aggregate area of two square feet.
12. **Street addresses.** Street address numbers mounted or painted on building walls or doorways which do not exceed two square feet in residentially zoned areas and four square feet in commercially zoned areas.
13. **Safety and directional signing.** Parking lot and other private traffic directional signs, including disabled access and parking signs, each not larger than five square feet. Such signs shall be limited to guidance of pedestrian or vehicular traffic on the premises, and shall not display any logo or name of a product, establishment, service, or any other advertising.
14. **Noncommercial signs on residentially zoned property.** Noncommercial signs on residentially zoned property shall be permitted only if they are non-illuminated signs. The noncommercial signage shall not exceed a total of 16 square feet per residentially zoned property.

10.42.050 Prohibited Signs

The following signs and sign materials are prohibited, as well as any other sign or sign materials that are not consistent with the provisions of this ordinance.

- A. **Animated Signs.** Signs with any moving, rotating, flashing, or otherwise animated light or component, except for time and temperature displays and traditional barber poles which have received Planning Commission approval.
- B. **Billboard Signs.** Signs that are located off-site, usually on a highway, major thoroughfare or street, advertising a company, product and/or business.
- C. **Flags, Pennants and Banners with Commercial Advertising.** Signage that includes cloth, plastic and other materials and hanging from or independent of a building, used for the purposes of attracting attention. Such signs are prohibited whether or not they contain sign copy.
- D. **Hazardous Signs.** Any sign that creates a traffic safety hazard by interfering with a driver's view of pedestrian and/or vehicular traffic, projecting over a public or private vehicular roadway, conflicting with traffic regulations, signs, or signals.
- E. **Inflated Signs.** Any balloon style sign, figure, or object, filled with air or gas, which is used to call attention to a property or use.
- F. **Obsolete Signs.** Any sign or sign structure identifying a use or activity that has not occupied the site for more than ninety (90) days.

CHAPTER 10.44

SPECIFIC USE REQUIREMENTS

10.44.010 Purpose and Applicability

A. Purpose and intent. The general purposes of this Chapter establishing requirements for specific uses are as follows:

1. To establish special standards for certain land uses that may affect adjacent properties, the neighborhood, or the community, beyond the uniform zoning standards of Chapters 10.20 through 10.28 (Zoning District Regulations), 10.40 (General Development Regulations) and 10.42 (Sign and Awning Regulations) of this Title;
2. To establish appropriate standards for the location, design and operation of specific land uses;
3. To ensure compatibility with adjacent land uses;
4. To avoid incompatibility and hazards stemming from the uses; and
5. To ensure consistency with the General Plan.

B. Applicability. All land uses listed in this Chapter shall conform to the minimum standards established by this Chapter, unless the Planning Commission adopts findings pursuant to subsection E (Findings to Waive Specific Use Requirements) can be made. All land uses shall also conform to all other applicable requirements of this Zoning Ordinance, including but not limited to the minimum lot area, floor area ratio, building coverage, setbacks, and height limits imposed by the applicable district (Chapters 10.20 through 10.28, Zoning District Regulations), the General Development Regulations (Chapter 10.40) and Sign and Awning Regulations (Chapter 10.42). This chapter regulates the following uses:

1. Accessory Uses and Structures (Section 10.44.020);
2. Home Occupations (Section 10.44.030);
3. Non-commercial Vehicle and Boat Repair and Storage in Residential Areas (Section 10.44.040);
4. Accessory Storage (Section 10.44.050);
5. Mobile Home/Manufactured Housing Standards (Section 10.44.060);
6. Piers, Docks, Floats and Wharves (Section 10.44.070);
7. Reserved (Section 10.44.080);
8. Detached Dwelling Units (Section 10.44.090);
9. Child Day Care (Section 10.44.100);
10. Religious Institutions, Private Clubs, Fraternal Organizations (Section 10.44.110);
11. Senior Housing Projects (Section 10.44.120);
12. Arks (Section 10.44.130);
13. Harbor and Marina Facilities (Section 10.44.140);
14. Open Water Moorings (Section 10.44.150);
15. Houseboats (Section 10.44.160);
16. Liveaboards (Section 10.44.170);
17. Veterinary Clinics and Kennels (Section 10.44.180);
18. Residential Use in Commercial Districts (Section 10.44.190);
19. Recycling Collection Stations (Section 10.44.200);
20. Restaurants (Section 10.44.210);

21. Restaurants – Outdoor Eating Areas (Section 10.44.220);
22. Visitor Serving Stores (Section 10.44.230);
23. Formula Retail (Section 10.44.240);
24. Office Conversions (Section 10.44.250);
25. Service Stations (Section 10.44.260);
26. Freestanding Personal Structures (Section 10.44.270);
27. Offices, Temporary (Section 10.44.280);
28. Reserved (Section 10.44.290);
29. Temporary Outdoor Retail Sales (Section 10.44.300);
30. Temporary Uses and Events (Section 10.44.310);
31. Medical Marijuana Dispensaries (Section 10.44.320).

C. Conflicts. Where the provisions of a specific plan conflict with the requirements of this Chapter, the specific plan shall prevail. When a use listed in this Chapter is subject to conflicting requirements, the following rules apply:

1. Where the provisions of this Chapter conflict with those of Chapters 10.20 through 10.28 (Zoning District Regulations), 10.40 (General Development Regulations) or 10.42 (Sign and Awning Regulations), this Chapter shall control, except where this Chapter explicitly states otherwise.
2. Where a site or land use is subject to more than one section of this Chapter, the most restrictive standards apply.

D. Additional Conditions of Approval. Where a proposed use is subject to administrative design review, design review, minor use or conditional use permit approval, the granting authority may impose additional conditions of approval that are more restrictive to protect public health, safety, and welfare.

E. Findings to Waive Specific Use Requirements. The Planning Commission may waive specific use requirements established by this Chapter 10.44 in special situations when the following finding can be made:

1. Based on the unique project characteristics and location, the specific use requirement is not necessary to meet the purpose and objectives of the underlying Zoning District and General Plan designation.

10.44.020 Accessory Uses and Structures

A. Purposes. In addition to the general purposes of this Chapter, the specific purposes of this section regulating accessory uses and structures are as follows:

1. To provide for uses that are necessary to the operation or enjoyment of a lawful principally permitted or conditional use;
2. To provide for uses that are appropriate, incidental and subordinate to any lawful primary use;
3. To provide for residential accessory uses that are customarily part of a single family dwelling, including but not limited to swimming pools, workshops, studios, greenhouses and garages; and

4. To provide minimum standards for the timing and development of accessory uses and structures.

B. Accessory Uses. The following accessory uses are permitted in all districts when located on the same parcel as the principal use:

1. Installation and operation of necessary facilities and equipment in connection with schools and other institutions permitted in the respective district.
2. Recreation, refreshment, and service buildings in public parks.
3. Storage of not more than one horse trailer within an enclosed building located consistent with all the provisions of this Title.
4. Trees, shrubs and other ornamental planting.
5. Renting rooms for long-term (more than 30 days) occupancy in a dwelling. No more than two (2) paying occupants may be accommodated at any one time.
6. Home occupations permitted pursuant to Section 10.44.030 (Home Occupations).
7. Private swimming pools, cabanas, tennis courts and similar recreation facilities.
8. Private garages, carports and parking areas.

C. General requirements. All accessory buildings and structures are subject to the following standards, except where more restrictive requirements are established by other provisions of this Title for specific uses:

1. **Timing of construction.** Accessory buildings, temporary structures, and swimming pools shall be constructed or otherwise established at the same time as, or after, the main building or use, except where earlier construction is authorized through design review or zoning permit approval.
2. **Relationship of accessory use to principal use.** Accessory buildings and structures shall be incidental to, and not alter the character of the site from that created by the principal use.
3. **Attached Buildings.** If an accessory building is attached to a main building, it shall be made structurally a part of the main building and shall comply with all the requirements of this Title applicable to the main building.
4. **Structure Size.** Accessory buildings and structures shall not exceed one (1) story or 15 feet in height, and may occupy up to 25 percent of the required rear yard area, consistent with Section 10.40.050. The following requirements shall also apply:
 - a. No such building shall be used for sleeping quarters; and
 - b. The height of any such building at the rear property line shall not exceed six (6) feet. Such building or structure may then be increased one (1) foot in height for each foot such building or structure is set back from the rear property line.

D. Walls, fences, and railings. Walls, fences, and railings may occupy required yard areas subject to the following height limits:

1. When located along any parcel line: Six (6) feet.
2. When located in any required rear or interior side yard: Six (6) feet plus one (1) foot in height for each foot such fence or wall is set back from the side or rear

10.44.030 Home Occupations

Home occupations are subject to the requirements of this section when allowed by Chapters 10.20 through 10.28 (Zoning District Regulations) in the applicable zoning district:

A. Purpose and intent. In addition to the general purposes of this Chapter, the specific purposes of this section regulating Home Occupations are as follows:

- 1. To allow for limited or occasional, commercial-type activities to be conducted within dwellings, detached accessory structures and garages;
- 2. To allow occasional yard sales, adjacent to a dwelling or garage;
- 3. To allow the use of a residence for a business telephone and business mailing address;
- 4. To ensure home occupations do not result in excessive pedestrian and vehicular traffic; and
- 5. To maintain the residential character of neighborhoods and insure the compatibility of home occupations with surrounding uses.

B. Limitation on use. Home occupations shall be limited to activities carried on by the occupants of a dwelling as an accessory use to the principal use of the site as a dwelling, as follows:

- 1. **Allowed uses.** For guidance, permitted home occupations include but are not limited to: accounting, architect, bookkeeping and tax return preparation; the making of clothing; computer programming; typing or word processing; clerical work; dressmaking; handicrafts; garage/yard sales; or any other business that meets the intent and specific requirements of this section; the study, office or studio of a person engaged in a business or profession such as a physician or surgeon, dentist, artist, attorney, engineer, teacher, insurance agent, manufacturer’s representative or salesman; and one-on-one instruction (including but not limited to tutoring and music lessons).
- 2. **Uses prohibited.** For guidance, the following and similar uses are not allowed as home occupations: commercial retail sales (except as allowed pursuant to Section 10.44.030.C.9 (Retail sales)); auto repair or painting; beauty parlor or barber shop or any similar service enterprise; music school, dancing school, business school, or other school of any kind with organized classes or similar activity; medical marijuana dispensary; or any outdoor business activity not otherwise consistent with this Title.

C. Performance standards. A Zoning Permit shall be approved consistent with Chapter 10.52 (Zoning Permits) only if the proposed home occupation complies with all of the following criteria:

- 1. **Accessory use only.** The activity shall be consistent with and clearly accessory to the principal use as a dwelling and shall not occupy more than 25% of the floor area of the dwelling, but no more than 400 square feet per residence.
- 2. **Signs Prohibited.** No signs are permitted for any home occupation.
- 3. **Exterior evidence of use.** There shall be no exterior display or evidence of the home occupation, such as displays of merchandise, noise, light, etc., other than the display of items associated with a garage/yard sale as allowed by subsection

C.9 (Retail sales). No outdoor storage of supplies, materials or products associated with the home occupation is permitted.

4. **Location of home occupation.** A home occupation shall be conducted only within an enclosed living area of the dwelling, detached accessory structure that does not exceed any size limitation contained elsewhere in this ordinance, an attached garage or, in the case of a garage/yard sale, adjacent to a dwelling or a garage. Home occupations shall not be permitted out-of-doors on the property or in any trailer or other temporary structure unless allowed by subsection C.9 (Retail sales), or unless otherwise consistent with this Title.
5. **Equipment.** No mechanical equipment shall be used that creates visible or audible interference in line voltage outside the dwelling unit or that creates noise, odor, glare, smoke or dust not normally associated with residential uses.
6. **Vehicles, delivery and pick up.** Only one vehicle used in the home occupation shall be parked at the site other than standard passenger vehicles. Said vehicle shall not exceed half-ton capacity and shall be owned by the resident of the dwelling. (Also, see Chapter 10.88, definition of "Storage, Vehicles.") No more than two commercial vehicle trips per day shall be made both to and from the home occupation residence. Commercial vehicle trips may include but not be limited to movement of raw materials, finished products, equipment or similar materials. No commercial vehicle shall be stored on the site seven (7) consecutive days even if owned, rented, or leased by the home occupation operator.
7. **Employees.** There shall be no more than one employee allowed to support a home occupation, other than the actual resident of the subject dwelling, subject to the following conditions:
 - a. The employee shall work on-site only during the primary business hours prescribed under subsection C.12 (Hours of Operation); and
 - b. The site provides all required parking prescribed by Chapter 10.40 (General Development Regulations).
8. **Number of patrons.** Any combination of home occupations at a single residence shall allow for occasional visitors except for occasional garage/yard sales.
9. **Retail sales.** On-site sale of goods shall be prohibited. On-site garage/yard sales shall be limited to no more than 3 consecutive days at a time and no more than 8 days total within any calendar year.
10. **Storage of materials.** No storage of commercial materials, goods, supplies or equipment other than art, handicraft, and clothing products shall be permitted. No storage of hazardous or potentially hazardous materials, other than customary household cleaning supplies, shall be permitted.
11. **Number of home occupations.** In no case shall more than two home occupations be conducted at a single residence. Where there are two home occupations, the above limitations shall apply to the combined home occupations. For purposes of this subparagraph, occasional garage/yard sales may be conducted as allowed by subsection C.9 (Retail sales) regardless of the existence of two other home occupations at the same residence.
12. **Hours of operation.** Home occupations shall be conducted primarily between the hours of 8:00 a.m. and 6:00 p.m. No visitor traffic, deliveries, or equipment outside the structure shall be permitted Sundays, or after 6:00 p.m. or before 8:00 a.m. weekdays and Saturdays.
13. **Parking.** One off-street parking space shall be provided for the exclusive use of any vehicle used in the home occupation pursuant to subsection C.6 (Vehicles),

in addition to any parking spaces required by Section 10.40.110 (Parking Space Requirements by Land Use).

10.44.040 Non-commercial Vehicle and Boat Repair or Storage in Residential Areas

The non-commercial repair, maintenance, restoration, or storage of automobiles, pickup trucks, campers, trailers, motorhomes and boats of less than 20' in length, whether operative or inoperative, may be allowed on the same site as a residential use as an accessory and incidental use only, subject to the provisions of this section. Other residential accessory uses are subject to Section 10.44.020 (Accessory Uses and Structures). The outdoor storage of vehicles and related materials in a manner that does not comply with this section shall constitute a junkyard, which shall be a public nuisance and a violation of this Title.

- A. Commercial repair or storage prohibited.** The repair, maintenance, restoration or storage of vehicles and/or boats in residential areas shall involve only vehicles and/or boats that are registered to the property owner, lessee or tenant of the site, as shown on the current vehicle registration or Department of Motor Vehicles certificate of ownership. No storage, repair, maintenance or restoration shall be performed on other vehicles and/or boats, or on any vehicles and/or boats for compensation or otherwise as a business.
- B. Number of vehicles and/or boats allowed.** Provided that required parking spaces are not displaced, the number of vehicles and/or boats that may be stored outdoors on the site of a single-family dwelling for non-commercial repair, restoration or maintenance purposes shall be limited to one vehicle and/or boat per 4,000 square feet of parcel area, to a maximum of two (2) on any one site. The number of vehicles and/or boats that may be stored on the site of multiple family dwelling units for non-commercial repair, restoration or maintenance purposes shall be limited to one vehicle and/or boat per 6,000 square feet, to a maximum of four (4) on any one site.
- C. Limitation on outdoor repair.** No more than one vehicle and/or boat may be actively repaired outdoors at any one time. All other repairs shall occur within a garage or other fully enclosed area. Outdoor repairs on all vehicles or boats shall not occur before 8:00 a.m. or after 6:00 p.m. Monday through Friday, before 10:00 a.m. or after 5:00 p.m. on Saturday or Sunday, except for emergency repairs. All vehicles or boats that are stored outdoors and are under or in need of repair, as evidenced by being partly disassembled or otherwise not being in road or sea-worthy condition, shall be kept fully covered when not being worked upon.

10.44.050 Storage, Accessory

This section applies to sites that are not primarily used or zoned for storage yards, and where storage is accessory to another primary use. Accessory storage includes building materials and equipment storage, commercial vehicle storage, and storage of noncommercial and inoperative vehicles. Accessory storage is subject Chapters 10.20 through 10.28 (Zoning District Regulations), 10.40 (General Development Regulations) when applicable and this section. This section does not apply to storage yards where storage, dry boat storage, or container storage is the primary use.

- A. Building materials and equipment.** Building materials and equipment (including construction vehicles) being used for construction may be stored in an orderly fashion on or adjacent to the construction site as long as a valid building permit is in effect for the construction. Building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations. When storage is proposed on a lot adjacent to the construction site, the Design Review Permit application for the project shall also describe the storage site. If the storage area is not described in the original design review approval, the project shall return to the Planning Commission for a modification of a previously-approved Design Review Permit.

Storage areas (for construction projects) proposed within a public right-of-way shall require an Encroachment Permit from the City of Sausalito.

- B. Commercial vehicle repair and storage.** Commercial vehicles shall not be stored or parked longer than necessary for pickup or delivery at a site within a residential zoning district. This shall not include a standard passenger car, or a pickup truck or van having a payload of three-quarter (3/4) ton or less.

- C. Inoperative vehicles in commercial districts.** The storage or keeping of inoperative vehicles in commercial districts is subject to the following requirements.

1. **Vehicles being repaired.** The commercial repair of vehicles is allowed only in the commercial or industrial zoning districts. Repair of personal vehicles is subject to Section 10.44.040 (Vehicle and Boat Repair or Storage in Residential Areas). The storage of inoperative vehicles in a commercial or industrial zoning district for the purposes of repair, alteration, painting, impoundment or temporary storage is subject to the requirements established by Chapters 10.20 through 10.28 (Zoning District Regulations) for "Repair and Maintenance - Vehicle," as defined by Chapter 10.88 (Definitions).
2. **Vehicle ownership.** Only non-commercial vehicles, registered to the property owner, tenant, or resident shall be stored on site.

10.44.060 Mobile Home/Manufactured Housing Standards

- A. Purpose.** In addition to the general purposes of this Chapter, the specific purposes of this section allowing and regulating mobile homes and manufactured homes include the following:

1. To provide for the placement of mobile and manufactured homes on lots or parcels zoned for conventional single-family residential use;
2. To comply with the requirements of Section 65852.3 et seq. of the Government Code;
3. To provide affordable housing opportunities in the City of Sausalito;
4. To provide standards for the type, location, placement and architectural features of mobile and manufactured homes, consistent with Section 65852.3 et seq. of the Government Code; and
5. To ensure mobile and manufactured housing is compatible with the design and character of single-family neighborhoods.

B. Findings. Community Development Department staff shall grant approval only if it can make the following findings:

1. The proposed use does not conflict with the residential purposes or adversely affect abutting property or its permitted use.
2. The site for the proposed use is adequate in size and shape to accommodate the proposed improvements.
3. The pier or dock is to be constructed of generally accepted materials for marine installation and is of the minimum length and width necessary to accommodate the mooring of private pleasure craft.
4. The pier or dock will not despoil the natural scenic qualities of the waterfront.
5. The pier or dock will not significantly affect views from other residences.
6. The pier or dock will not substantially impede public access to and along the shoreline.
7. The improvements will be consistent with the Uniform Building Code's structural engineering requirements, U.S. Coast Guard marine safety standards, and will not materially interfere with the needs of navigation.

C. Action. All Community Development Department staff actions shall include findings and any applicable conditions of approval.

10.44.080 Reserved

10.44.090 Detached Dwelling Units

A. Purpose and Applicability. In addition to the general purposes of this Chapter, the more specific purposes of this section regulating two or more detached single-family dwellings in the R-2 and R-3 zoning districts are as follows:

1. To encourage designs which enhance existing neighborhood character.
2. To enhance patterns of development which combine one, two, and multiple family uses within the same neighborhood.
3. To encourage permitted two family or multiple family use development in a manner that discourages the appearance or use of the property as two or more distinct and separate single-family dwelling sites.
4. To encourage low or moderate income housing by promoting the development of smaller, subordinate dwelling units or attached dwelling units.

B. General Requirements. The following standards apply to all developments or improvements of two or more detached dwelling units on properties within the R-2 and R-3 zoning districts:

1. The project must incorporate significant common characteristics; i.e. stairways, pathways, open space and landscape areas, in a manner that maintains the two family or multi-family character of the site and neighborhood.
2. No fences may be constructed within common areas between such dwellings.
3. Parking may be provided in tandem, without the requirement of a conditional use permit, for dwelling units of less than 1200 square feet of floor area.

C. Exceptions. Exceptions to the general requirements specified under subsection B

(General Requirements) may be granted under applications for Planned Unit Developments (Section 10.28.060, Planned Developments).

D. Findings of Approval. Design review of new detached single-family dwellings, or expansions thereof, shall be subject to the following findings:

1. The proposed project provides greater neighborhood compatibility than would one duplex or multiple family structure.
2. The separation of the dwelling units will result in a better site design than could be accomplished with one duplex or a multiple family structure.
3. The proposed project provides an element of shared driveways, pathways, and/or common areas on the property.

10.44.100 Child Day Care

A. Purpose and Applicability. In addition to the general purposes of this Chapter, the more specific purposes of this section regulating Child Day Care uses are as follows:

1. To implement the provisions of the California Child Day Care Act set forth in Chapters 3.4 through 3.6 of Division 2 of the Health and Safety Code (Section 1596.70 et seq); and
2. To provide reasonable standards, restrictions, and requirements specifically relating to child day care facilities.

Child Day Care uses shall comply with the standards of this section.

B. Small family day care homes. Small family day care homes that are properly licensed pursuant to the provisions of the Act shall be considered an accessory residential use of property notwithstanding any other provisions of this Title, and pursuant to Section 1597.45 of the Health and Safety Code. Small family day care homes that meet these requirements shall be permitted in all residential zoning districts. Small family day care homes shall also be permitted in single-family dwellings and multiple family housing units in commercial zones. The operation of a small family day care home without proper state licensing shall constitute a violation of this Title. In addition to any remedies available to the State under the Health and Safety Code, any individual maintaining such a use shall be guilty of an infraction subject to citation.

C. Large family day care homes. Large family day care homes that are properly licensed pursuant to the provisions of the Act shall be considered an accessory residential use of property, notwithstanding any other provisions of this Title, and pursuant to Section 1597.46 of the Health and Safety Code. Said large family day care homes shall be permitted in all residential zoning districts subject to the issuance of a Minor Use Permit (MUP) by the Zoning Administrator, as allowed by State law.

1. **Findings.** Findings. The Zoning Administrator shall approve a Minor Use Permit if the following findings can be made:
 - a. The proposed use is consistent with the General Plan, the purposes of the Zoning Ordinance, and the purposes of the applicable zoning district.

- b. The location of the Large family day care home will not result in an over concentration of such uses.
 - c. Streets and highways paved (and of adequate width) are or will be adequate to serve the proposed use for the quantity and type of traffic it will generate.
 - d. Adequate parking is or will be available for the proposed use.
 - e. The proposed use complies with applicable provisions of the City's Municipal Code regarding noise generation taking into consideration the noise levels generated by children.
 - f. The proposed use complies with the requirements of California Health and Safety Code Section 1597.46(d) and any regulations adopted by the State Fire Marshall.
- 2. Conditions of Approval.** Minor Use Permits for large family day care homes shall be subject to conditions of approval, as allowed by State law, including but not limited to the following:
- (a). Compliance with the applicable provisions of the most recent edition of the Title 8 (Building Code) of the Sausalito Municipal Code which apply to single family, two family, and/or multiple family residences;
 - (b). Compliance with any standards of the State Fire Marshall and the Sausalito Fire Department relating to fire and life safety in large family day care homes;
 - (c). Licensed or deemed to be exempt from licensure by the State of California as a large family day care home.
- 3. Notice.** Not less than 10 days prior to the date on which the decisions will be made on the application for the Minor Use Permit by a Large family day care home the Zoning Administrator shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed Large family day care home.
- 4. Hearing.** No hearing on the application for the proposed use shall be held before a decision is made unless a hearing is requested by the applicant or other affected person.
- 5. Appeal.** The applicant or other affected person may appeal the decision of the Zoning Administrator. The appellant shall pay the cost, if any, of the appeal.
- D. Day care centers.** Day care centers shall be allowed in specified zoning districts as designated by Chapters 10.20 through 10.28 (Zoning District Regulations), notwithstanding any other provisions of this Title. Day care centers require a Conditional Use Permit from the Planning Commission pursuant to Chapter 10.60 (Conditional Use Permits), and subject to the provisions of this subsection.

1. **Findings.** The Planning Commission may approve a Conditional Use Permit only if it can make the findings specified in Section 10.60.070 (Findings), and as allowed by State law.
2. **Conditions.** Day care centers shall comply with requirements authorized by State law, including but not limited to the following:
 - a. Applicable provisions of Title 8 (Building Code) of the Sausalito Municipal Code;
 - b. Any standards of the State Fire Marshall and the Sausalito Fire Department relating to fire and life safety;
 - c. Licensed or deemed to be exempt from licensure by the State of California as a day care center.
 - d. Any conditions imposed by the Planning Commission deemed necessary to satisfy the requirements of Sections 10.50.090 (Recommended Conditions of Approval) and 10.60.060 (Conditions of Approval).

E. Parking Requirements. Child day care facilities shall provide off-street parking and loading facilities as follows:

1. **Small family day care homes.** A minimum of two parking spaces shall be provided.
2. **Large family day care homes and Child care centers.** Parking shall be provided based upon the number of staff required by the capacity of the center, as determined by the license issued by the California State Department of Social Services:
 - a. One space shall be provided for every three children between the ages of birth and eighteen (18) months.
 - b. One space shall be provided for every four children between the ages of eighteen (18) months and thirty six (36) months .
 - c. One space shall be provided for every eight children between the ages of thirty six (36) months and Kindergarten.
 - d. One space shall be provided for every fourteen (14) children who attend the center after elementary school (Kindergarten through age 14).
 - e. One space for every five children shall be provided for all parent cooperatives.
 - d. Adequate drop-off/loading spaces shall be provided for all facilities to maximize safety for the children, parents and caregivers. At a minimum, one drop-off/loading space shall be provided for every six (6) children.

F. Exclusions. The provisions of this Section shall not apply to those facilities and arrangements excluded from the provisions of the California Child Day Care Act pursuant to Section 1596.792 of the Health and Safety Code nor shall it apply to recreation programs excluded from the provisions of the California Child Day Care Act pursuant to Section 1596.793 of the Health and Safety Code.

10.44.110 Religious Institutions, Private Clubs and Fraternal Organizations in Residential Zones

A. Purpose and Applicability. In addition to the general purposes of this Chapter, the specific purposes of this section regulating religious institutions, private clubs and fraternal organizations are as follows:

1. To ensure compatibility with adjacent land uses; and
2. To provide for coordination of on-site facilities.

Churches, Synagogues, and other religious institutions and related uses are subject to this section when such uses are allowed by Chapters 10.20 through 10.28 (Zoning District Regulations).

B. Minimum lot area. The minimum lot area shall be 10,000 square feet. Religious institutions, private clubs and fraternal organizations established as of the date of this Title may continue to occupy their current parcels regardless of parcel size.

C. Location. New religious institutions, private clubs and fraternal organizations must be located on a major or secondary thoroughfare as designated by the General Plan. The Planning Commission may approve a religious institution, private club or fraternal organization on a site that provides access to a major or secondary thoroughfare if the Planning Commission can find that the facility will not cause excessive traffic on a local residential street. There shall not be an over-concentration of religious institutions, private clubs and fraternal organizations on a local residential street to prevent heavy traffic.

D. Setbacks: All buildings and structures on the site of a religious institution, private club and/or fraternal organization shall be designed and constructed to satisfy the following minimum setbacks, unless the applicable zoning district requires a larger setback:

1. Front: 15 feet.
2. Side and rear: 20 feet.

E. Height limit. The height of a religious institution, private club and/or fraternal organization shall not exceed that permitted in the applicable zoning district and as specified in Section 10.40.060.C.1 (Exceptions to height limits.).

F. Signs. Signs for a religious institution, private club or fraternal organization use shall conform to the requirements for signs in Chapter 10.42 (Sign and Awning Regulations).

G. Parking requirements. Religious institution, private club and/or fraternal organization sites shall provide off-street parking at a ratio of one parking space for every four seats in a sanctuary or place of public assembly, plus one space for each classroom or office. Parking spaces shall be designed and improved as required by Section 10.40.120 (Design and Improvement of Parking).

1. **Density.** Senior housing projects in the Senior Housing overlay district shall be allowed a density bonus of 33 percent over the density allowed by the base zoning district, except as modified by subsection F (Density Bonus Criteria).
2. **Parking requirements.** A minimum of one (1) off-street parking space per one (1) unit shall be provided, including guest parking. Senior Independent Living Centers (SILCs) with a minimum of six (6) units shall be eligible for additional parking reductions based on the project's design, location and operations, including but not limited to a car-sharing program and proximity to transit.

A single project is limited to a 30 percent total parking reduction from standards established by this subsection. A covenant approved by the City Attorney shall be filed with the County Recorder's Office. Said covenant shall specify there shall be no change in use of the property unless off-street parking is installed to meet the requirements of this Title for the new use.

3. **Laundry facilities.** Each multiple-family residential building or dwelling group for senior citizens or handicapped persons shall include congregate laundry facilities (in the building) that shall include washing machines and dryers.
- E. Changes to project.** If the nature of the project changes (such as occupancy changing to apartment use without age restrictions), the project shall comply with the applicable standards of this Title for the new use.
- F. Density bonus criteria.** The density bonuses provided by this section shall be deemed to be consistent with the General Plan when the findings required by subsection G (Findings) have been made.
1. **Calculation of density bonus.** Density credits shall be applied to the maximum residential density of the applicable zoning district. For example, if the applicable zoning allows a maximum of four (4) units on a project site and the project qualifies for a total density bonus of 25 percent, the project shall be allowed a density of five (5) units.
 2. **Maximum bonus allowed.** Density bonuses shall be limited to that specified by State law.
- G. Findings for approval.** Approval of a Conditional Use Permit (CUP) for a senior housing project shall require the following findings, in addition to those required by Section 10.60.070 (Findings):
1. The number of units approved in the project can be adequately accommodated by the existing or planned infrastructure that will serve the project.
 2. Adequate evidence indicates the project will provide senior citizen housing consistent with the purposes of this section.

10.44.130 Arks

- A. Purpose and Applicability.** In addition to the general purposes of this Chapter, the specific purposes of this section regulating Arks are as follows:
1. To promote and encourage the maintenance, restoration and preservation of the City's single family ark dwellings and ark dwelling groups as they existed at the time of adoption of this Title;
 2. To provide an environment compatible with surrounding marine and commercial districts;
 3. To maintain the ark's existing appearance and characteristics; and
 4. To provide requirements for any future work on the arks.
- B. Sewer.** Each single-family ark dwelling shall be provided with a City-approved sewer connection.
- C. Historic Landmarks Board review.** Any exterior renovation, restoration, reconstruction or replacement of a single-family ark dwelling shall be subject to review and approval by the Historic Landmarks Board as provided in Section 10.80.060 (Historic Landmarks Board) of this Title.
- D. Reconstruction or replacement.** Reconstruction or replacement of any single family ark dwelling that cannot feasibly be repaired may be permitted, provided the exterior design of the new construction is in character with the historic design of the ark which is being replaced. This section also applies to any alteration required by law, by order of the City of Sausalito, or other governmental agency having jurisdiction.
- E. Parking.** Notwithstanding the provisions of Section 10.40.100 (Parking Standards) et seq. no off-street parking spaces shall be required for an existing single-family ark dwelling.

10.44.140 Harbor and Marina Facilities

In addition to the general purposes of this Chapter, the specific purpose of this section is to provide for coordination of on-site and land-based harbor and marina facilities.

The following standards and conditions apply to marinas, harbors, and related uses, when such uses are allowed in the W or CW zoning districts, as provided by Chapter 10.24 (Commercial Zoning Districts):

- A. Maximum density.** The maximum density for marinas and harbors shall be twenty (20) berths per acre (43,560 square feet).
- B. Parking requirements.** Marinas and harbors shall provide off-street parking at a ratio of one (1) parking space for every two (2) berths, plus the required parking for any ancillary office space. Marinas and harbors shall also provide public parking at a ratio of one (1) space per ten (10) berths. Parking spaces shall be designed and improved as required

(as specified by the City), or in conformance with subsection A (Purpose). Houseboats must meet the following additional requirements:

1. **Construction.** Every houseboat shall be inspected and approved by the Sausalito Building Official, or any individual qualified to render such inspection and duly authorized by the City to review buoyancy, windage, stability and structure, and for compliance with this Section.
2. **Safety.** Every houseboat shall be supplied with lifesaving equipment and extinguishers, access to circumference of the houseboat, and adequate means of egress.
3. **Water Connection.** Every houseboat shall have a secure water connection above the waterline with an approved back-flow prevention device subject to the approval of the Sausalito Building Official and Fire Marshall.
4. **Electrical Connection.** Every houseboat shall have a permanent and adequate electrical connection.
5. **Sewer.** Every houseboat shall be connected to a public sewer system with adequate vents, tanks and ejector devices, consistent with the Uniform Building Code. Should a public sewer not be available, then other devices acceptable to the Regional Water Quality Control Board may be used.
6. **Mooring.** Every houseboat shall maintain adequate lines, cleats and other necessary mooring equipment. This shall be inspected by the owner and/or operator of the marina or property upon which or within which such watercraft are located preceding the winter season.
7. **Gangway (Secondary Walkway).** Every houseboat shall have a firm and substantial walkway extending from houseboat to mooring docks.
8. **Construction Specifications.** All construction shall conform to the specifications of the most recent Uniform Building Codes adopted by the City of Sausalito.

D. Permit required for construction or alteration of, or moving houseboat into, City. No person shall commence the construction, alteration or renovation of any houseboat within the City, or move a houseboat into the City, for use within the City, until a permit authorizing such work has been obtained from the Building Official. The fees for such permits shall be based upon the rates established by the latest Building Division fee schedule adopted by the City Council. All and any work thereafter shall comply with the requirements set forth in this Section.

E. Development Standards. All reconstruction, alteration, and exterior remodeling of houseboats shall comply with the following standards:

1. The houseboat shall not exceed a maximum height of eighteen feet (18'), as measured according to Section 10.40.060 (Height Requirements) of this Title;
2. The maximum floor area of a houseboat, as specified in Section 10.40.040 (Floor Area Ratio) of this Title, shall not exceed 1,700 square feet;
3. The floor area of any story above the lowest story of a houseboat shall not exceed 80 percent of the floor area of the story immediately below; and
4. In addition to the setback requirements for the district, the clear separation between houseboats on one parcel shall be at least ten (10) feet, plus an additional five feet for each story in excess of one story in each vessel, to a maximum distance of 20 feet.

- F. Design Standards.** Houseboats should be designed to include the following:
1. Compatible scale to recreational boats and other houseboats in the vicinity. Compact, well-organized interior spaces are encouraged.
 2. Large, two-story houseboats in areas of predominantly small, one-story houseboats or small recreational boats discouraged.
 3. Roof lines designed to visually reduce boat's bulk (e.g., curved, sloped or other articulated roof lines.)
 4. Architectural details and enhanced character to eliminate "box-like" appearance (e.g., eaves, bay windows, decks.)
- G. View and Water Access Standards.**
1. **Views, Sunlight and Privacy.** Houseboats should be placed so that they preserve, to the greatest extent possible, existing water views, privacy, and sunlight for adjacent homes. Design review approval shall not be granted if the proposal significantly obstructs water views, either from nearby structures, or from a distance.
 2. **Water Access.** Provision of public access to the shoreline is encouraged on parcels containing houseboat marinas and may be required as a condition of approval of discretionary permits.
- H. Parking standards.** All houseboats shall provide off-street parking in the amount and manner specified in Sections 10.40.100 et seq. (Parking Standards).
- I. Multiple units (H District only).** A Conditional Use Permit shall be required for multiple unit residential houseboats (not to exceed three units). Any application shall provide evidence of multiple unit houseboat's historic significance to the City of Sausalito and the houseboat's historic use as a duplex or three unit floating residence. The Community Development Director, upon consultation with the Historic Landmarks Board, shall determine the adequacy of said evidence.
- J. Commercial uses.** Commercial uses of any houseboat shall be limited to ancillary home occupations.

10.44.170 Liveboards

- A. Purpose.** Liveboards are subject to the requirements of this section, as provided by Chapter 10.24 (Commercial Zoning Districts) and when allowed in the W or CW zoning districts in accordance with Table 10.24-1. In addition to the general purposes of this Chapter, the specific purposes of allowing and regulating liveboards on private vessels in recreational marinas or harbors are as follows:
1. To provide affordable housing opportunities for low and moderate income households;
 2. To promote twenty four hour security in marinas and harbors;
 3. To ensure compatibility with adjacent land uses; and
 4. To ensure environmentally sensitive use of water areas for residential uses.
- B. Applicability.** Any vessel occupied in its berth for more than 180 nights in a calendar

rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

2. Small collection facilities that occupy an area of not more than 500 square feet and may include:
 - a. A mobile unit;
 - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet of floor area;
 - c. Kiosk-type units that may include permanent structures;
 - d. Unattended containers placed for the donation of recyclable materials.
3. Large collection facilities that may occupy an area of more than 500 square feet and may include permanent structures.

10.44.210 Restaurants

Any proposed restaurant is subject to the requirements of this section, as provided by Chapters 10.20 through 10.28 (Zoning District Regulations).

A. Standard requirements. The following uses are excluded in all zoning districts and are not included in the definition of restaurants:

1. Retail catering establishments without on-site dining or accessory to a grocery store.
2. Establishments serving customers within their automobiles on the premises or preparing food intended for consumption within automobiles on the premises.
3. Establishments primarily preparing food intended for consumption off the premises.

B. Music and/or Dancing. Music and/or dancing are only permitted as an accessory use to an approved eating or drinking establishment.

1. A **Minor Use Permit** is required (see Chapter 10.58).
2. **Findings.** The Zoning Administrator may approve or conditionally approve a Minor Use Permit if the following findings can be made in addition to those required by Section 10.58.050:
 - a. The proposed use is incidental to a primary restaurant use.
 - b. The proposed use will not adversely affect residential uses.
3. **Conditions.** All Minor Use Permits for music and/or dancing must meet the following conditions:
 - a. Under Planning Division supervision and at the cost of the applicant, prior to commencement of the use, the ambient noise levels shall be established from specific residential properties within 300 feet of the restaurant premises. The location of the ambient noise measurements shall be established by the Community Development Director during the completeness review of the Minor Use Permit application.
 - b. Under Planning Division supervision and at the cost of the applicant, noise measurements shall be taken after commencement of the use to ensure that the noise source does not exceed “audible” levels (See Chapter 10.88 for definition of “audible”). Thereafter, testing shall be done at any time so directed by the Community Development Director.
 - c. Noise from the music and/or dancing shall not be audible from any residential property or from within any residential unit.
 - d. Music and dancing shall only be allowed between the hours of 9:00 a.m. and midnight.

- C. Alcoholic beverages.** The sale of alcoholic beverages in restaurants is subject to the permits identified in Table 10.44-1 (Permits Required for Alcoholic Beverage Sales in Restaurants):

Table 10.44-1 PERMITS REQUIRED FOR ALCOHOLIC BEVERAGE SALES IN RESTAURANTS		
Permitted sales	District	Permit
Establishments serving any alcoholic beverage for consumption on the premises.	CC, CN, CW, IM	CUP
Establishments serving beer and wine only.	CR, W	MUP
MUP	Minor Use Permit (Chapter 10.58)	
CUP	Conditional Use Permit (Chapter 10.60)	

- D. Waterfront zoning district with Marinship overlay (W-M).** Commercial food service and small-scale restaurants in the Waterfront Marinship (W-M) zoning district shall meet the following requirements:

1. A needs analysis shall be completed that addresses the need to serve employees in the Marinship and the amount of food service square footage that will be allowed.
2. Occupancy shall be based on needs analysis and shall be limited to 20 persons.
3. A finding is required that the location and signing does not encourage use by persons outside the Marinship.

- E. Industrial Marinship (IM) district.** Eating establishments located within an existing industrial or office structure as accessory uses are permitted. Independent restaurants shall be subject to the following requirements:

1. The need for such a facility to serve employees in the Marinship area (as indicated with the -M overlay zoning designation) shall be determined.
2. New restaurants shall meet the following requirements:
 - a. Located on parcels of at least four (4) acres.
 - b. Limited to a maximum occupancy of forty (40) seats.
 - c. Subject to the issuance of a Conditional Use Permit pursuant to Chapter 10.60 (Conditional Use Permits).
3. A finding is required that the location and signage does not encourage use by persons outside the Marinship area.

10.44.220 Restaurants - Outdoor Dining Areas

- A. Purpose.** In addition to the general purposes of this Title, the specific purposes of allowing and regulating outdoor dining areas for restaurants are as follows:
1. To meet the desires of Sausalito residents to dine outdoors;
 2. To provide for the use of public sidewalks for outdoor dining consistent with the public's preeminent right to use the right-of-way for public passage and travel;
 3. To provide for improved business to restaurants and surrounding businesses;
 4. To allow Sausalito restaurants to be competitive with restaurants in neighboring communities that provide for outdoor dining;
 5. To protect the economic and social health and safety of Sausalito; and
 6. To provide a process for restaurant owners to request and obtain sidewalk dining encroachment permits.
- B. Private Property.** Outdoor dining areas located on private property where an approved restaurant is located shall require a Minor Use Permit pursuant to the provisions of Chapter 10.58 (Minor Use Permits).
- C. Sidewalks.** Outdoor dining on sidewalks shall require the issuance of a Minor Use Permit from the Zoning Administrator and a Sidewalk Dining Encroachment Permit by the Community Development Department as outlined in Title 17 (Streets, Sidewalks, and Public Places) and shall meet the requirements of this subsection.
1. **Encroachment Defined.** For the purposes of this section, "encroachment" is defined to include, but not be limited to, any utility, stairs on grade, sidewalk, curb and gutter, newspaper vending machine, garbage can, street excavation, installation and maintenance of landscaping, installation and maintenance of driveways with cuts or fills of less than six feet and concrete or asphalt surfacing, any dining table and/or chair and any device or structure intentionally placed within the public right-of-way.
 2. **Authority.** The Zoning Administrator is authorized to issue Minor Use Permits and the Community Development Director is authorized to issue Sidewalk Dining Encroachment Permits for encroachments defined by this Section only after approval of a Minor Use Permit for this use.
 3. **Conditions.** Permit issuance shall be subject to any special conditions imposed by the Community Development Department deemed necessary to protect the City's interests and to assure public safety and welfare, the provisions of this Title and all other provisions of applicable City and state laws. The following standard conditions shall also apply:
 - a. **Safe Passage.** The Community Development Director shall make a determination regarding the adequacy of the passageway. The sidewalk immediately adjacent to the restaurant shall have adequate space to accommodate tables and chairs and shall provide adequate safe passage along the sidewalk for pedestrian and wheelchair users of the sidewalk. Safe and adequate passage of 48" width shall be provided both along the sidewalk and from the curb to the sidewalk (to provide for two pedestrians

walking side by side or by a single wheelchair.) No tables or chairs shall be placed or allowed to remain on any sidewalk that inhibits passage.

- b. Location.** Permits shall only be issued to allow the use of sidewalk immediately adjacent to the restaurant seeking the permit. The Community Development Department shall determine the most appropriate location along the sidewalk for the applicant's tables and chairs. The permit shall include a map of the portion of the sidewalk where tables and chairs may be located.
- c. Cleanliness.** Debris, litter or food matter shall be removed from the sidewalk, streets or surrounding property at least once each day during operating hours and at the time tables and chairs are removed from the sidewalk.
- d. Food Service.** The establishment obtaining the Permit shall be engaged in food service and shall provide such service at the tables subject to the Permit.
- e. Insurance.** The Applicant shall obtain liability insurance with policy limits of at least \$500,000 per incident. The City shall be named an additional insured and the policy shall remain in force at all times that the Permit is in effect.
- f. Hold Harmless.** The Applicant shall enter into a Sidewalk Dining Encroachment Permit Agreement prepared by and satisfactory to the City Attorney. The Applicant shall agree to conform to these conditions and all applicable city ordinances. The Applicant shall also agree to indemnify the City and hold the city harmless from and against all liability arising out of the Applicant's activities under the Permit or otherwise arising out of the Applicant's placement of tables and chairs in the City sidewalk and/or from permitting the use of such tables and chairs by patrons or otherwise.
- g. Orderliness.** All tables and chairs shall be removed from the sidewalk whenever the restaurant is closed or when the restaurant is not serving patrons on the sidewalk. The Permit shall provide for the placement of tables and chairs for the use of diners only. The restaurant shall not be permitted to place any other structures or objects of any sort along or in the sidewalk. No entertainment shall be permitted along the sidewalk by the restaurant. No food preparation shall take place along the sidewalk, and no serving trays or bus stations shall be located along the sidewalk.
- h. Preeminence.** The Applicant shall acknowledge that its use of the sidewalk under the Permit is subordinate to the public's right to use the sidewalk for passage and travel. Permit shall be revocable from time to time by order of the City to allow for a public event or other public use of the sidewalk subject to the Permit or if the use of the sidewalk for dining purposes conflicts with any public use of the sidewalk. The Applicant shall also acknowledge that the use of the sidewalk is subject to temporary suspension any time the City or any utility company or easement holder

requires access to the sidewalk or any utility under the sidewalk, or requires use of the sidewalk in conjunction with any construction project.

- i. **Fee.** The Applicant shall be required to pay the City an annual permit fee, based on square footage of the permit area, as established by Resolution of the City Council.
- j. **Compliance With All Regulations.** The Applicant shall comply with all regulations of State Alcoholic Beverage Control and the County of Marin Department of Public Health, and any other agency that controls the operations of the restaurant.
- k. **Revocable.** All Sidewalk Dining Minor Use Permits and Sidewalk Dining Encroachment Permits shall be subject to permanent revocation by the City at any time.

4. **Validity.** Sidewalk Dining Encroachment Permits become valid with signatures of the Community Development Director and the applicant. A copy of the valid Permit shall be placed on file with the Community Development Department.

5. **Alcoholic Beverages.** Consumption of alcoholic liquor or other alcoholic beverages on any public street, sidewalk or passageway or in any park or playground or highway shall require City Council approval. Said consumption may be allowed at any special civic event when policing is adequately provided.

D. **Capacity of outdoor eating area.** An outdoor eating area on private property shall not exceed the most restrictive of the following limits, unless otherwise authorized by the Zoning Administrator in the required Minor Use Permit:

- 1. Twenty-five percent (25%) of the indoor dining area of the restaurant; or
- 2. Five (5) tables; or
- 3. A capacity of 20 people.

E. **Parking.** Eating establishments with outdoor eating areas in public rights-of-way shall be exempt from additional parking requirements. The following requirements apply:

- 1. Additional outdoor eating areas (on-site) shall be subject to the same parking requirements as indoor eating areas.
- 2. Eating establishments without public street frontage shall be exempt from additional parking requirements for on-site outdoor eating areas in the amount that would have been allowed if there was public street frontage. However, any additional on-site outdoor eating areas shall be subject to the same parking requirements as indoor eating areas.

10.44.230 Visitor Serving Stores in the CC District and Art Galleries in the CR District

A. Purpose. In addition to the general purposes of this Chapter, the specific purposes of regulating the location and number of visitor-serving stores are as follows:

1. To provide economic and commercial diversity in the Downtown area; and
2. To encourage a mix of resident-serving and visitor-serving businesses.

B. Applicability. The following uses are determined to be visitor serving and are subject to the requirements of this section:

1. Apparel stores which inventory and sell the following types of apparel as more than 10 percent of their total display area and/or more than 10 percent of their window display area, either cumulatively or individually: tee shirts, baseball caps, sweatshirts, windbreakers, and fleecewear.
2. Art dealers including any store that engages in retail sales of art objects, including but not limited to paintings, graphic arts, sculpture or glass but excluding any art dealer primarily engaged in the sale of original art objects.
3. Camera stores.
4. Candy stores.
5. Eating places selling frozen dessert products including any eating place that sells as a primary product dessert products made of ice cream, frozen yogurt, freezes, ices, gelato and frozen custard.
6. Gift, novelty and souvenir stores engaged in the sale of any, or a combination of, the following: balloons, curios, novelties, post cards, souvenirs or any items bearing local place names.
7. Jewelry stores primarily engaged in the sale of costume jewelry.
8. Miscellaneous amusements including astrologers, palm readers, phrenologists, and fortunetellers.
9. Miscellaneous personal services including spas, steam baths, tattoo parlors and Turkish baths.
10. Photo supply stores.
11. Photo finishing laboratories.
12. Art dealers that engage in the sale of original works of art in the CR District.

C. Conditional Use Permit Required. A Conditional Use Permit (Chapter 10.60) shall be required for any new visitor-serving store in the CC District, any change from one type of visitor-serving store to another type of visitor-serving store, or for any art dealer selling original works of art in the CR District.

D. Findings Required. In addition to the findings required by Section 10.60.050 (Findings, Conditional Use Permit), the following findings shall be made prior to issuance of Conditional Use Permits for Visitor-Serving Stores in the CC District or for any art dealer selling original works of art in the CR District:

1. The proposed use will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations.
2. The proposed use will not result in an over-concentration of a specific use within the district.

B. Applicability. "Formula Retail" means a type of retail sales activity or retail sales establishment, including food service, which is required to maintain any of the following: standardized ("formula") array of services and/or merchandise, trademark, logo, service mark, symbol, sign, decor, architecture, layout, uniform, or similar standardized feature. "Service Stations" as defined in Zoning Ordinance Chapter 10.88 are exempt from these formula retail provisions.

C. Conditional Use Permit Required. A Conditional Use Permit shall be required for any Formula Retail establishment in the City.

1. A Formula Retail Establishment may be allowed only in the Central Commercial, Shopping Center and Neighborhood Commercial District and only with a Conditional Use Permit;
2. The expansion of any existing Formula Retail establishment shall require a Conditional Use Permit if the establishment does not already have a Conditional Use Permit.
3. The cumulative expansion of a permitted Formula Retail establishment by 500 or more square feet of floor area shall require a Conditional Use Permit amendment; and
4. A Formula Retail establishment shall fully comply with all applicable regulations of this Code including Design Review.

D. Required Findings for Approval. In addition to all of the findings required by Section 10.60.070, all of the following findings must be made prior to the issuance of a Conditional Use Permit for a Formula Retail establishment:

1. The Formula Retail establishment will be compatible with existing surrounding uses, and has been designed and will be operated in a non-obtrusive manner to preserve the community's distinctive character and ambiance;
2. The Formula Retail establishment will not result in an over-concentration of formula retail establishments in its immediate vicinity or the City as a whole;
3. The Formula Retail establishment will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations;
4. The Formula Retail establishment will contribute to an appropriate balance of local, regional or national-based businesses in the community;
5. The Formula Retail establishment will be mutually beneficial to and would enhance the economic health of surrounding uses in the district;
6. The Formula Retail establishment will contribute to an appropriate balance of small, medium and large-sized businesses in the community, and
7. The proposed use, together with its design and improvement, is consistent with the unique historic character of Sausalito, and would preserve the distinctive visual appearance and shopping experience of Sausalito for its residents and visitors.

10.44.250 Office Conversions

A. Purpose. In addition to the general purposes of this Chapter, the specific purposes of regulating the conversion of certain commercial uses to office uses are as follows:

1. To provide economic and commercial diversity in the downtown area;
2. To provide an adequate level of resident-serving uses in all commercial areas; and
3. To maintain the character and attraction of Sausalito as a pedestrian oriented City.

B. Applicability. A Conditional Use Permit (Chapter 10.60) shall be required to convert any existing retail trade use, bank, eating & drinking establishment, or residential use to business or professional office within the CC, CR, CN and CW zoning districts use per the requirements of this section.

C. Findings Required. In addition to the findings required by Section 10.60.050 (Findings, Conditional Use Permit), the following findings shall be made prior to issuance of Conditional Use Permits to replace any retail, commercial service, or eating & drinking establishment use with an office use, as described above:

1. The proposed use will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations.
2. The proposed use will not result in an over-concentration of a specific use within the district.
3. The proposed use would be mutually beneficial to, and would enhance the economic health of, surrounding uses in the district.
4. The proposed use will enhance and maintain the efficient use of available public and/or private parking in the applicable district.

10.44.260 Service Stations

Service stations are subject to the requirements of this section, when allowed by Chapters 10.20 through 10.28 (Zoning District Regulations) in the applicable zoning district.

A. Purpose. The purpose of regulating the use and conversion of service stations is to protect the public health, safety and welfare of the community by preserving available minor emergency services.

B. Location. No service station shall be located adjacent to a lot in a residential zoning district.

C. Use limitations. Service stations shall offer gasoline, oil, tires, batteries, lubrication, light mechanical repairs and other services as specifically defined in Chapter 10.88 (Definitions) of this Title. The above listed services may only be discontinued or converted to other uses if a Conditional Use Permit or amendment thereto is obtained pursuant to Chapter 10.60 (Conditional Use Permits) of this Title.

- a. **Access.** Outdoor temporary events shall provide at least two unobstructed vehicle access points, each a minimum of eighteen feet wide, from the event site to a publicly maintained road. Additional access shall be provided as required by the City Engineer or Police Department.
 - b. **Fire protection.** Facilities shall be provided as required by the Fire Department.
 - c. **Water supply and sanitation.** Facilities shall be provided as required by the County Health Department.
4. **Guarantee of site restoration.** A bond or cash deposit may be required for approval of a temporary event to guarantee site restoration after use and operation, as required by this section. The guarantee shall cover both operation and restoration, and is subject to the provisions of Section 10.50.190 (Security for Performance).

10.44.320 Medical Marijuana Dispensaries

A medical marijuana dispensary (defined by Chapter 10.88, Definitions) is not an allowable use within any district of the City of Sausalito, and is prohibited as a home occupation in all districts. No other definition or term utilized herein shall be interpreted to allow such use.

evidence demonstrates that there are no other alternative sites, feasible support structures, and/or the use of a monopole or tower would avoid or minimize adverse effects related to the view shed, land use compatibility, visual resources, and public safety.

- F. **Map and List of Locations.** The City shall maintain a map and list of the location of all facilities permitted under this Section and shall make this information readily available to the public through a combination of methods such as posting at the Community Development Department, posting on the City's web site, and placement in the public library. "The map and list shall refer interested parties to the Community Development Department for permit and testing information."

10.45.110 Electromagnetic Field Exposure

- A. Wireless communications facilities operating alone and in conjunction with other telecommunications facilities shall not generate electromagnetic field (EMF) exposure or other measurable radiation in excess of the standards for permissible human exposure, as provided by applicable Federal regulations.
- B. Within 60 days of a wireless communications facility becoming operational, the applicant shall provide to the City a report indicating the actual EMF levels measured at the property line or nearest point of public access, whichever is closer, in the direction of maximum radiation from each antenna. Reports shall specify signal levels with the site operating at full power and baseline levels with the site inoperative. Technical data shall be presented showing levels relative to the currently permitted Federal regulations. Raw measurements shall be provided as an appendix. In addition, the report shall include, in lay terms, a summary of the technical data as presented in the report.
- C. Biennially, the operator of the antenna shall have EMF exposure levels tested and shall submit to the City written report of the results of the tests. On years when testing is not required, the operator of the antenna shall submit to the City written certification by an independent licensed engineer that no modifications have been made to the facility design or configuration that have increased or will increase EMF exposure. If modifications have been made to the facility which have increased or will increase the EMF exposure, the applicant shall provide a supplemental report measuring the modified facility as set forth in 10.45.110(B).
- D. EMF reports required by this section shall be paid for by the applicant and prepared by a third party consultant acceptable to the Community Development Director and using a testing protocol acceptable to the Community Development Director.

10.45.120 Lighting

- A. Wireless communications facilities are subject to the following lighting requirements:
- B. Manually operated, low wattage, hooded and downward directed exterior lighting shall be permitted for safety purposes only and shall be kept off except when maintenance or safety personnel are present at night.

3. The criteria for listing the structure or site on the local register does not apply, or the Historic overlay district will not be affected by the new construction or alterations.
4. The State Historic Building Code is being applied to minimize alterations to the original historic structure.
5. The Secretary of Interior Standards for Treatment of Historic Properties have been used to review and consider the new construction and proposed alterations.
6. Alternative uses and configurations have been considered as part of the Design Review process.
7. Findings specified by Chapter 10.54 (Design Review Procedures) can be made.
8. The proposed new construction or alteration will be compatible with, and help achieve the purposes of, the Historic overlay district.

G. Landscaping Findings. The Historic Landmarks Board and Planning Commission may approve a Design Review Permit to allow landscaping beyond routine maintenance if the following findings can be made:

1. Proposed removal or alterations will not affect the character of the Historic overlay district or structure listed on the local register; or
2. The safety of persons or property requires the removal or alteration.

H. Demolition Findings. The Historic Landmarks Board and Planning Commission may approve a Design Review Permit to allow partial or complete demolition of a structure listed on the local register or located in the Historic overlay district if the following findings can be made:

1. The requirements of the California Environmental Quality Act and Title 11 (Environmental Protection) have been met.
2. Alternatives to demolition have been considered, including reusing the structure with an alternate use that may not be consistent with existing zoning.
3. All financial alternatives have been evaluated, including use of Historic Tax Credit and acquisition by a third party.

I. Effective Date. Decisions of the Historic Landmarks Board and Planning Commission shall become effective ten (10) days after the decision date, provided no appeals have been filed.

J. Appeals. All decisions of the Historic Landmarks Board and Planning Commission may be appealed to the City Council within ten (10) days of the decision date. City Council appeal considerations shall be subject to the same requirements of the Historic Landmarks Board and Planning Commission and shall include consideration of any applicable plans or guidelines. Any significant change to a permit by the City Council

Title. If the application is for any use for which non-administrative design review is required (Chapter 10.54, Design Review Procedures), the application shall be referred to the Planning Commission in accordance with Section 10.54.080.I (Referral to Planning Commission). If more than one application is submitted, the entire proposal shall be reviewed and approved by the highest applicable authority. (For example, if a proposal involves a Minor Use Permit and a Variance requiring Planning Commission approval, the Planning Commission shall hear the entire proposal.)

- F. Multiple Applications.** The Community Development Director may schedule combined public hearings when multiple permit applications are filed for a given development or site (for example, a development which requires a Conditional Use Permit and a Variance).

10.50.030 Application Procedure

Applications for permits required by this Title shall be filed with the Community Development Department. Any application for approval of a land use, building or structure, land division, or other permit required by this Title shall be processed by the Community Development Department, subject to the following:

- A. The proposed use is allowed on its site, as provided by Chapters 10.20 through 10.28 (Zoning District Regulations), or Section 10.44.300 (Temporary Uses and Events); and
- B. The proposed land use, building or structure, or division of land complies with all applicable standards and requirements of this zoning ordinance, or such standards are addressed by a concurrently-filed variance application that will, if approved, provide such compliance; and
- C. Neither the proposed site nor any building or land use thereon is being maintained in violation of the Subdivision Map Act, this zoning ordinance, or any condition of approval of an applicable land use permit, except where the application proposes correction of the violation, and correction will occur before establishment of the new proposed use, or recordation of a final or parcel map in the case of a subdivision; and
- D. The City has not denied an application for substantially the same use on the same site within one year prior to the date of filing, unless permission to re-file has been granted pursuant to Section 10.50.120 (Effect of Denial).

An applicant may request a study session with the Planning Commission (and Historic Landmarks Board, if applicable) prior to submitting a formal application, or prior to a public hearing. Grant of a study session for Planning Commission is subject to the discretion of the Community Development Director, and grant of a study session for the Historic Landmarks Board is subject to the discretion of the Chair of the Historic Landmarks Board.

10.50.040 Application Filing and Processing

The Community Development Department shall provide and accept applications for Zoning Permits (Chapter 10.52), Design Review Permits (Chapter 10.54), Encroachment Permits (Chapter 10.56), Hotel-Condominium Conversion Permits (Chapter 10.57), Minor Use Permits

(Chapter 10.58), Conditional Use Permits (Chapter 10.60), Nonconforming Uses and Structures (Chapter 10.62), Lot Line Adjustments (Chapter 10.64), Condominium Conversion Permits (Chapter 10.66), Variances (Chapter 10.68), and Ordinance Amendments and Rezoning (Chapter 10.80, Administration). Applications shall be processed by the Community Development Department as provided by this Chapter. Subdivision application and processing requirements are contained in Title 9 (Subdivisions) of the Sausalito Municipal Code.

10.50.050 Required Application Contents

Applications for permits required by this Title shall be initiated by submitting the following information to the Community Development Department:

- A. Completed consolidated application form and any other applicable forms required by the Department;
- B. Permission from the owner of the subject property, or owner authorization;
- C. Any other information, plans or maps required by a particular application type, specified or requested by the City Engineer or other departments, or prescribed by resolution of the Planning Commission;
- D. Floodplain information applicable to the site; and
- E. Appropriate filing fees.

10.50.060 Initial Review of Applications

The Community Development Department shall determine the completeness and accuracy of applications prior to accepting applications as complete and officially filed. Said determination shall be subject to State law and the following:

- A. **Determination of completeness.** Within thirty (30) days of filing, the Community Development Department shall determine whether an application includes the information required by this Title, as follows:
 - 1. **Notification of applicant.** The applicant shall be informed by letter that either (1) the application is complete and has been accepted for processing; or (2) the application is incomplete and specified information must be provided. When an application is incomplete, submittal time for required additional information shall not be included in the 30-day period for determination of completeness. The time available to an applicant for submittal of additional information is limited by Section 10.50.170 (Applications Deemed Withdrawn).
 - 2. **Appeal of determination.** Where the Community Development Department has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Department is not required by this Title, other provisions of the Municipal Code, or of the policies of the General Plan or any applicable specific plan, the applicant may

10.50.080 Environmental Review

- A. **Additional information.** After an application has been accepted as complete pursuant to Section 10.50.060 (Initial Review of Applications), the Community Development Department may require the applicant to submit additional information needed for the environmental review of the project pursuant to the provisions of CEQA.
- B. **Environmental review procedure.** After an application has been accepted as complete pursuant to Section 10.50.060 (Initial Review of Applications), the application shall undergo environmental review, as required by the California Environmental Quality Act (CEQA) and Title 11 (Environmental Protection). Said review shall determine whether or not the proposed project is subject to the California Environmental Quality Act and if so whether a negative declaration or environmental impact report must be prepared.

This determination and the preparation of appropriate documents (including Negative Declarations and EIRs), shall be subject to the provisions of CEQA and Title 11 (Environmental Protection).

- C. **Historic overlay district and local register.** Projects involving the demolition or alterations of sites or structures that are in the Historic overlay district or that are listed on the local register shall be subject to environmental review, consistent with Section 10.46.060.E (Additional Demolition Procedures). The Historic Landmarks Board shall review such projects.
- D. **Potential historic resources.** When an application results in the alteration of, addition to, or demolition of an existing structure that is a potential historic resource, or when an application involves new construction on a previously undeveloped site, Staff shall review the structure's or site's potential as a historic resource, consistent with Public Resources Code § 15064.5. If the site or structure is a potential historic resource and is not listed on the local register nor located within the Historic overlay district, the Historic Landmarks Board (HLB) shall evaluate the historic significance of the structure or site and shall forward that evaluation to Community Development Staff.

The Planning Commission shall make an environmental determination , consistent with subsection B (Environmental review procedures) above.

10.50.090 Staff Report and Recommendations

- A. **Staff evaluation.** Community Development Department staff shall review all applications filed pursuant to this Title. Review shall determine compliance and consistency with the provisions of this Title, other applicable provisions of the Municipal Code, the General Plan, and applicable specific plans.
- B. **Staff report preparation.** A staff report shall be prepared by the Community Development Department for all applications that require Zoning Administrator, Planning Commission or City Council review and approval. Said report shall describe the conclusions of the department staff about the proposed land use and any accompanying development, based on staff's evaluation. The staff report shall include recommendations of the staff on the approval, approval with conditions, or denial of the

8. The size of the project or intensity of the use shall be limited to a level approved by the granting authority.
9. The granting authority may also adopt any other conditions of approval determined to be necessary to protect the public health, safety, and general welfare.

B. Effect of conditions. It shall be unlawful, and a violation of this code, for any person to construct or otherwise establish a land use authorized by a permit pursuant to this Chapter prior to compliance with, or contrary to, the conditions of approval adopted as set forth in this section. Violations of this Title shall be enforced pursuant to the applicable City of Sausalito Code Enforcement regulations.

10.50.110 Effect of Denial

No further application for a permit for the same or substantially the same use or project on the same property shall be filed for a period of one year from the date of denial of any Design Review Permit, Minor Use Permit, Conditional Use Permit, Nonconforming Permit, Lot Line Adjustment, Condominium Conversion Permit or Variance application unless the decision is reversed through appeal, pursuant to Chapter 10.84 (Appeals), or the denying authority specifically states the denial is without prejudice. The Community Development Director may give permission for such filing if the applicant can demonstrate a substantial change of circumstances or conditions from those existing at the time of such previous denial.

10.50.120 Implementation of Permits

It shall be the applicant's responsibility to diligently proceed to carry out the conditions of approval and implement any approved Administrative Design Review Permit, Design Review Permit, Nonconforming Permit, Minor Use Permit, Conditional Use Permit, Lot Line Adjustment, Condominium Conversion Permit or Variance. This shall include establishing the approved use within the time limits set forth by the applicable chapter. For purposes of this section, the following shall be construed to be implementation of permits:

- A. Conditions of approval prerequisite to construction have been satisfied and any required construction permits have been issued; or
- B. Use not requiring construction permits has been established on the site and is in operation as approved, and all conditions of approval prerequisite to establishment of the use have been satisfied; or
- C. Conditions of approval prerequisite to construction of multiple building or multiple structure project have been satisfied, any required building or grading permits have been issued, and foundation inspection for each and every building or structure have been conducted and approved by the Building Official or a designee. [For multiple phase projects which require a discretionary permit, the conditions of approval for that permit can provide for extended dates of expiration.]; or

10.50.150 Permit Lapse

Any permit that has been activated and implemented consistent with Section 10.50.100 (Implementation of Permits) shall remain valid and in force and shall run with the land, including any conditions of approval adopted with the permit. If one of the following events occurs, the permit shall be deemed to have lapsed:

- A. One year elapses after expiration of applicable construction permit.
- B. Use has discontinued for more than six (6) consecutive months after it was established and/or operated.
- C. Appurtenant structure necessary for conditional use has been removed from site for a period greater than six (6) consecutive months.
- D. The time limit set for the duration of the use by a condition of approval expires.

No land use, building or structure for which a permit has lapsed shall be reactivated, re-established or used unless a new permit is first obtained as provided by this Chapter. The site of a lapsed permit shall be used only for permitted uses in the applicable zoning district, pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations).

10.50.160 Applications Deemed Approved

Any permit application deemed approved pursuant to California Government Code §65956 and Section 10.50.070 (Processing Time Limits) shall be subject to all applicable provisions of this Title. The applicant shall satisfy said provisions before any construction permit is issued or a use not requiring a construction permit is established.

10.50.170 Applications Deemed Withdrawn

Any application which has been incomplete in excess of 120 days pursuant to Section 10.50.060 (Initial Review of Applications) shall be deemed withdrawn by the Community Development Department staff and returned to the project applicant. Thirty (30) day extensions may be granted at the discretion of the Community Development Director or his/her designee in order to complete an application.

10.50.180 Changes to an Approved Project

Changes to any approved Administrative Design Review Permit, Design Review Permit, Minor Use Permit, Conditional Use Permit, Nonconforming Permit, Lot Line Adjustment, Condominium Conversion Permit, or Variance shall be subject to this section. An applicant shall request any desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.

- A. Changes must be requested:
 - 1. Prior to a final inspection for a construction permit associated with any Administrative Design Review Permit, Design Review Permit, or Nonconformity Permit issued for a structure;
 - 2. Prior to recordation for any Conditional Use Permit or Condominium Conversion Permit;
 - 3. Prior to recordation of the associated map for a Lot Line Adjustment; or
 - 4. Within 90 days of commencement of use for a Minor Use Permit, Variance, or Nonconformity Permit issued for a use.

- B. The Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use provided the changes meet the following requirements:
1. Changes are consistent with all applicable provisions of this Title;
 2. Changes do not involve a feature of the project that was specifically addressed, or was a basis for findings, in a Negative Declaration or Environmental Impact Report for the project;
 3. Changes do not involve a feature of the project that was specifically addressed or was a basis for the project's conditions of approval or that was a specific consideration by the granting authority in the approval of the permit;
 4. Changes do not result in a significant expansion of the use; and
 5. Changes do not adversely impact a view.
- Changes to the project involving features described in subsections 2, 3 and 5 of this section shall only be approved by the granting authority pursuant to a new permit application processed as set forth in this Title.
- C. Notice. Notice shall be given as set forth in Section 10.82.020.
- D. Appeal. Changes to approved project decisions may be appealed to the Planning Commission within ten (10) days of the decision date. Appeals must be submitted in writing and shall be processed in accordance with Chapter 10.84 (Appeals).

10.50.190 Security for Performance

- A. **Security Required.** Guarantees of performance may be required as a condition of approval or when specified by this Title in order to secure compliance. Applicant shall provide guarantees in the form of letters of credit, certificates of deposit, cash deposits and/or other forms specified by the granting authority.
- B. **Amount of Security.** Security shall be provided in the amount of 110 percent of the estimated costs of improvements or other actions being guaranteed, based on a cost estimate prepared by a qualified professional approved by the Community Development Director.
- C. **Authorization for Completion.** Security shall include authorization for the City or its contractors to enter upon the property in question and undertake and complete the work being guaranteed in the event of default by the applicant.
- D. **Review and Update.** The granting authority may require an annual review of the amount of the security. If found to be outdated or insufficient, such security may be required to be increased to guarantee the original condition for which such security was required. If the security is not provided within 60 days of its due date, such action shall be grounds for setting aside the approval and for a hearing to revoke the permit.

10.50.200 Revocation of Approved Permits

- A. **Cause for Revocation.** The granting authority may revoke or modify any previously approved permit or variance, unless otherwise specified by this Title. Revocation shall require a public hearing held in the manner prescribed by Chapter 10.82 (Public Hearings) of this Title. The following shall be grounds for modification or revocation:
1. The approval was based on false information submitted by the applicant.

CHAPTER 10.52

ZONING PERMITS

10.52.010 Purpose

The Zoning Permit process allows for review of new and modified structures and uses for compliance with all provisions of Title 10, Zoning Regulation. In addition to the general purposes established by Section 10.10.030 (Title and Purpose), the specific purposes of this chapter are as follows:

- A. To provide for Community Development Department review of all permitted land uses; and
- B. To ensure building permits are issued consistent with this Title 10.

10.52.020 Applicability

Application shall be made on a form provided by the Community Development Department at the time application is made for the Building Permit. If no Building Permit is required, application shall be made whenever there is any change in the use of any structure, or any change of use in any land, or whenever there is a change in existing grade greater than six (6) feet or whenever any sign is erected, altered, strung, or otherwise displayed. Building Permits for non-structural interior work (e.g., plumbing and electrical permits, interior water heater replacement, and non-structural interior remodels) shall not require a Zoning Permit, unless otherwise determined by the Community Development Director.

10.52.030 Application Contents

The applicant shall submit all required data at the time of making application, including a site plan drawn to scale showing location of all existing and proposed buildings, yards, driveways, and parking areas and all other uses on the property as required to assure consistency with the General Plan, Marinship Specific Plan and Zoning Ordinance. Acceptance of an application does not constitute any indication of approval.

10.52.040 Application Process and Decision

The Community Development Department shall evaluate the proposed use and check for compliance with all applicable provisions of this Title and all other applicable ordinances and laws. If the proposal complies with all applicable provisions of this Title and other applicable regulations, the Community Development Department shall issue the permit. If the structure or site and proposed use does not comply in all respects with the provisions of this Title and all other applicable ordinances and laws, or a referring City Department recommends denial, the Community Development Department shall deny the application for a Zoning Permit. Denial shall be in writing, setting forth the reasons and advising the applicant of a summary of the appeal process.

10.52.050 Appeals

All decisions of the Community Development Department, with respect to Zoning Permits, may be appealed to the Planning Commission within ten (10) days of the decision date. Appeals shall be in writing and shall be submitted and processed in accordance with Chapter 10.84

CHAPTER 10.54

DESIGN REVIEW PROCEDURES

10.54.010 Purpose

Design Review provides for review of the architectural and site plans of selected projects, as specified in Section 10.54.080 (Administrative Design Review Permits) and Section 10.54.090 (Design Review Permits). In addition to the general purposes of this Title, the specific purposes of this Chapter establishing procedures and criteria for design review are as follows:

- A. To promote the preservation of Sausalito's unique visual character;
- B. To preserve land values and investment through thoughtful architectural and site design;
- C. To prevent the erection of unsightly or obnoxious structures, additions, alterations or signage;
- D. To incorporate site considerations, adjacent uses, and area traffic circulation into the review of new construction or alterations to existing structures;
- E. To minimize obstruction of public views and primary views from private property;
- F. To minimize obstruction of light, air and privacy;
- G. To minimize property clearing, excessive grading and destruction of trees and shrubbery; and
- H. To provide for street and alley dedication and adequate maintenance and improvements to public rights-of-way.

10.54.020 Applicability

This Chapter establishes thresholds for Administrative Design Review and Planning Commission Design Review. Administrative Design Review Permits shall be required and processed in accordance with Section 10.54.040 (Administrative Design Review Permits). Planning Commission Design Review Permits shall be required and processed in accordance with Section 10.54.050 (Design Review Permits). No design review shall be required for projects that fall under the design review thresholds contained in this Chapter. Minor revisions to approved projects are not subject to this Chapter and are instead governed by Section 10.50.180 (Changes to an Approved Project).

10.54.030 Guiding Principles of Design Review

In carrying out the purpose of this Chapter with respect to the external design of buildings, the decision maker(s) shall apply the following principles:

- A. Architectural control shall be minimal, ensuring that purposes and objectives of this Title are met, individual initiative is encouraged in building design, and substantial additional expense is not required.
- B. Good architectural character is based upon the suitability of a building for its purposes; upon the appropriate use of sound materials; and upon the principles of harmony and proportion in the elements of the building.
- C. Good architectural character is not, in itself, more expensive than poor architectural character, and is not dependent upon the particular style of architecture selected.
- D. The relationship of a building to its surroundings is of greater importance than the quality of design of the individual structure.

10.54.040 Administrative Design Review Permits

Proposals that fall below the thresholds contained in subsection B (Applicability) below, either incrementally or cumulatively over a three-year period, and meet or exceed all zoning requirements shall require a building permit, are subject to Chapter 52 (Zoning Permits), and are exempt from design review.

- A. Purpose and Authority.** Administrative Design Review Permits allow for administrative design review of selected projects where clear design review guidelines and criteria exist. Administrative Design Review Permits may be approved, conditionally approved or denied by the Community Development Department. When Administrative Design Review permits are requested in conjunction with one or more permits requiring Zoning Administrator review, Administrative Design Review permits may be approved, conditionally approved, or denied by the Zoning Administrator. If a proposal meets the requirements of subsection B (Applicability) and requires Planning Commission review for a concurrent application, the proposal shall be subject to design review, pursuant to Section 10.54.050 (Design Review Permits.)
- B. Applicability.** Selected project proposals require a lesser level of design review which shall be conducted by the Community Development Department (or Zoning Administrator where applicable). The Community Development Department shall review and act on applications which are made solely for the following classifications of projects, for which Planning Commission review is not required for another concurrent application, and for sites that are not listed on the local register and/or are located outside the boundaries of any officially designated Historic District:
 1. Additions to single family or two-family (duplex) residences where the addition results in a setback from any adjacent structure on a neighboring property of less than ten (10) feet.
 2. Additions to multi-family residences, commercial structures, and industrial structures which increase the size of the structure by less than 10 percent, not to exceed 300 sq. ft., and which are consistent with the architectural style of existing buildings on the site.
 3. Replacement of awning fabric on existing frames with fabric of a different color or modified signage.

4. Any elevated structures wherein sub-floor plumbing, utility ducts, or mechanical equipment is exposed to view from adjacent properties or the public right-of-way.
 5. Driveways in required side yard open spaces if not a part of an application which requires review by the Planning Commission.
 6. Encroachment Agreements (improvements in the public right-of-way) for the following items, if not part of other improvements requiring design review:
 - a. Major landscaping;
 - b. Stairs not on grade;
 - c. Driveways involving cut or fill of more than six (6) feet;
 - d. Fences not exceeding 42" in height; and
 - e. Retaining walls not exceeding six (6) feet in height.
 7. Signs and awnings consistent with criteria developed by the Planning Commission and City Council as adopted by resolution.
 8. Installation or reconstruction, other than repairing and re-striping, of a parking area of five (5) or more spaces.
 9. Capital Improvement Projects appropriate for staff review, as determined by the Planning Commission review of the annual Capital Improvement Program.
 10. Application for Building Permits for the construction, renovation or extension of any pier or dock, or application to establish floats or dolphins, for private pleasure craft in the R-2-2.5 Zoning District.
 11. Application for Zoning Permits for all buildings, decks, yards, and other improvements proposing a change in existing grade by cutting or filling greater than six (6) feet in height.
 12. Applications to construct fences that require the issuance of a Building Permit.
 13. Applications to construct terraced or multiple retaining walls or slope stabilization projects that retain an aggregate of six (6) feet or more of slope within any ten (10) foot horizontal interval.
- C. Public Notice.** Community Development Department shall give public notice of the application, pursuant to Section 10.82.020.B (Public Notice – Administrative Design Review.)
- D. Conditions.** Community Development Department may apply reasonable conditions of approval, in addition to those identified in Section 10.54.090 (Conditions of Approval, Design Review) and consistent with Section 10.50.100 (Recommended Conditions of Approval).

- E. **Findings.** The Community Development Department may approve or conditionally approve an Administrative Design Review Permit if the findings specified in Section 10.54.050.D (Findings), and 10.54.050.E (Heightened Review Findings) as applicable, can be made.
- F. **Resolution and Notice of Decision.** Community Development Department shall prepare a written resolution which shall include all findings and applicable conditions of approval. Notice of decision shall be distributed to applicant and all persons who received public notice.
- G. **Appeal.** Administrative Design Review Permit decisions may be appealed to the Planning Commission within ten (10) days of the decision date. Appeals must be submitted in writing and shall be processed in accordance with Chapter 10.84 (Appeals). Notice of appeals of staff decisions to the Planning Commission and the City Council shall be sent to all properties within 300 feet of the subject property.
- H. **Effective Date.** Community Development Department staff and Zoning Administrator decisions of approval or denial of Administrative Design Review Permit applications shall become final ten (10) days after date of resolution, unless an appeal has been filed.
- I. **Referral to Planning Commission.** The Community Development Director may refer an Administrative Design Review Permit application to the Planning Commission. Such referral shall be subject to public hearing, consideration, and approval or denial pursuant to the procedures specified by Section 10.54.050 (Design Review Permits). Referral shall be at the discretion of the Community Development Director dependent upon policy implications, unique or unusual circumstances, the size of the project, or other factors determined by the Community Development Director to be significant enough to warrant Planning Commission review.
- J. **Expiration of Permit.** Administrative Design Review Permits shall expire two (2) years following the effective date of the permit, provided no extension has been filed prior to the expiration date.

10.54.050 Design Review Permits

Proposals that do not require an Administrative Design Review Permit and fall below the design review thresholds contained herein, either incrementally or cumulatively over a three-year period, and meet or exceed all zoning requirements shall require a Building Permit, are subject only to Chapter 52 (Zoning Permits), and are exempt from Design Review.

- A. **Purpose and Authority.** Design Review Permits provide for discretionary review of the architectural and design features of selected projects for which design review is required, as established by this section. The Historic Landmarks Board shall provide concurrent review and recommendations for projects that are proposed and/or located in a historic district and/or are listed on the local register. The Planning Commission may approve, conditionally approve or deny Design Review Permit applications.
- B. **Applicability.** Design Review Permits shall be required for the following applications:

Building Permits

1. Any single-family, two-family (duplex), or any multi-family residential structure proposed for construction.

2. Any replacement or substantial reconstruction of a single-family, two-family (duplex), or multi-family residential structure which does not substantially replicate the original structure.
3. Any alteration to existing secondary dwellings.
4. Projects for any two-family (duplex) or any multi-family residence which has any of the following effects:
 - a. Adds more than 10 percent of the total floor area of the structure(s) or more than 300 square feet of floor area to the structure(s) (whichever is less with respect to adding new floor area square footage); or
 - b. Increases the height of the structure(s); or
 - c. Has the potential to impair views from other properties.
5. Projects for exterior remodeling of any commercial or industrial structure which has any of the following effects:
 - a. Adds more than 10 percent of the total floor area to the structure(s) or adds more than 300 square feet of floor area to the structure(s) (whichever is less with respect to adding new floor area square footage); or
 - b. Increases the height of the structure(s); or
 - c. Has the potential to impair views from other properties.
6. Projects for an existing single family residence or construction or expansion of an accessory structure which has any of the following effects:
 - a. Adds more than 300 square feet of floor area to any building on the parcel where the additional floor area will add new building coverage to the subject parcel where building coverage did not previously exist; or
 - b. Adds more than 25 percent of the total floor area of the existing structure or adds more than 600 square feet of floor area (whichever is less with respect to adding new floor area square footage) to any building on the parcel where the addition will not add any new building coverage to the subject parcel where building coverage did not previously exist; or
 - c. Has the potential to impair views from other properties; or
 - d. Increases the height of any building.
7. Construction of structures with a distance of more than six (6) feet from the ground to the lowest point of complete enclosure. (Design Review shall address the potential visual impact of unsightly exposed underframing and utility ducts.)

8. Any addition or remodeling that causes the structure to exceed the height limits established by Section 10.40.060 (Height Requirements).
9. Covering parking spaces causing the existing structure to exceed the maximum height limit pursuant to Section 10.40.060.C.3 (Downhill Parcel Exceptions).
10. Construction of a structure on an uphill parcel which will have a sloped roof in excess of the maximum height limit within the first 15 feet of the property pursuant to Section 10.40.060.C.1 (Uphill Parcel Restrictions).
11. Exterior renovation, modification, or remodeling of any structure listed on the National (or state) Register of Historic Places, or on the local register or structure located within a City designated historic district.

Signs and Awnings

12. Signs and awnings subject to design review as specified by Chapter 10.42 (Sign and Awning Regulations).

Capital Improvement Projects

13. Local public capital improvement projects and local public enhancement projects, excluding capital improvement projects which are maintenance projects or do not appreciably change the appearance of the area being maintained.

Other Permits

14. Encroachment Agreements for garages, fences, buildings, dwelling units, structures, and parking spaces.
15. Demolition permits to demolish 51 percent or more of any single family, two-family, or multi-family structure as defined in Chapter 10.88 (Definitions) except where the structure has been irreparably damaged due to forces of nature.
16. Permits to construct wireless communication facilities (antennae and ground equipment).
17. Permits to install satellite dish antennae which have a diameter greater than 40 inches (1 meter).
18. Administrative design review for proposals made in conjunction with other applications requiring Planning Commission review and approval.
19. Administrative design review when the Community Development Director determines a project warrants Planning Commission review and approval.
20. Any project proposing side yard structural projections (see Section 10.40.090.D).

- C. Public Notice and Hearing.** Design Review Permit applications require public hearing by the Planning Commission. Public hearing shall be noticed and conducted consistent with Chapter 10.82 (Public Hearings.) Design review for signs and awnings shall not be subject to the noticing requirement.

D. Findings. The Planning Commission shall approve Design Review Permit applications only if the following findings can be made:

1. The proposed project is consistent with the General Plan, any applicable specific plans, any applicable design guidelines, and this chapter. (The adopted Historic Design Guidelines can be found in the Community Development Department or the Office of the City Clerk).
2. The proposed architecture and site design complements the surrounding neighborhood and/or district by either:
 - a. Maintaining the prevailing design character of the neighborhood and/or district; or
 - b. Introducing a distinctive and creative solution which takes advantage of the unique characteristics of the site and contributes to the design diversity of Sausalito.
3. The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.
4. The proposed project has been located and designed to minimize obstruction of public views and primary views from private property.
5. The proposed project will not result in a prominent building profile (silhouette) above a ridgeline.
6. The proposed landscaping provides appropriate visual relief, complements the buildings and structures on the site, and provides an attractive environment for the enjoyment of the public.
7. The design and location of buildings provide adequate light and air for the project site, adjacent properties, and the general public.
8. Exterior lighting, mechanical equipment, and chimneys are appropriately designed and located to minimize visual, noise, and air quality impacts to adjacent properties and the general public.
9. The project provides a reasonable level of privacy to the site and adjacent properties, taking into consideration the density of the neighborhood, by appropriate landscaping, fencing, and window, deck and patio configurations.
10. Proposed entrances, exits, internal circulation, and parking spaces are configured to provide an appropriate level of traffic safety and ease of movement.
11. The proposed design preserves protected trees and significant natural features on the site to a reasonable extent and minimizes site degradation from construction activities and other potential impacts.

12. The project site is consistent with the guidelines for heightened review for projects which exceed 80% of the maximum allowed Floor Area Ratio and/or site coverage, as specified in subsection F (Heightened Review Findings).

E. Heightened Review Findings. The site development standards contained in Table 10.22-2 are not entitlements; the approved size, setbacks or other physical conditions of a proposed new home or expansion of an existing home subject to design review shall be at the discretion of the Planning Commission. In order to meet the findings of design review, including the following Heightened Review Findings, the Planning Commission may approve a home smaller, or with greater setbacks, or otherwise impose requirements that are more restrictive than those set forth in this chapter. For residential projects that require a discretionary design review (either Administrative Design Review or a Design Review Permit) and exceed 80% of the permitted Floor Area Ratio (FAR) and/or building coverage limitations, the decision-making body must determine whether or not the site can support maximum build-out, consistent with the following:

1. Proposed development of the site maximizes preservation of protected trees.
2. The site is configured with adequate width and depth to provide yard spaces and setbacks, proportional to the size of the structure.
3. The site will be developed in a manner that minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.
4. The proposed development of the site presents no potential hazard to public safety in terms of vehicle traffic, pedestrian circulation, slope and tree stability, run-off, and public utilities.
5. The slope and topography of the site allows for limited excavation and minimal alteration to the site topography outside the footprint of structures.
6. The site will provide adequate guest parking either on-site or within the immediate street frontage.
7. The proposed plan provides adequate landscaping to maximize privacy and minimize the appearance of bulk.

Although these findings are only required for projects that would otherwise require a discretionary design review public hearing, all projects that result in or exacerbate floor area and/or building coverage of over 80 percent shall require the Community Development Department to give public notice of the application, pursuant to Section 10.82.020.A (Public Notice – Public Hearing.) If such notice is required for a project that does not require a public hearing, the notice shall be mailed to notify neighbors that a Zoning Permit has been issued, including a description of the project, and shall include information regarding the appeal period for the Zoning Permit.

F. Conditions. The Planning Commission may impose conditions on Design Review Permits, to meet the purposes of this Title, the General Plan and any applicable specific

plan. Conditions may include but not be limited to maximum floor area, building coverage limit, maximum height, and minimum open space. In addition, the conditions specified in Section 10.54.070 (Conditions of Approval) and Section 10.50.100 (Recommended Conditions of Approval) shall be imposed.

- G. Resolution.** Planning Commission decision shall be in the form of a written resolution and shall include all findings and conditions of approval.
- H. Appeal.** All decisions of the Planning Commission, with respect to Design Review Permits, may be appealed to the City Council within ten (10) days of the Planning Commission decision. Appeals shall be filed and processed in accordance with Chapter 10.84 (Appeals).
- I. Effective Date.** Design Review Permits shall become effective at the end of the appeal period, provided no appeal has been submitted.
- J. Expiration of Permit.** Design Review Permits shall expire two (2) years following the effective date of the permit, provided no extension has been filed prior to the expiration date.
- K. Extension.** The applicant may request an extension of a Design Review Permit prior to the expiration of the permit. The Zoning Administrator or the Planning Commission (upon receipt of a referral from the Zoning Administrator) may grant one (1) extension for up to one (1) year, in accordance with Section 10.50.140 (Extension of Approved Permits).

10.54.060 Submittal Requirements

In addition to the information specified by Section 10.50.050 (Required Application Contents), applications for Administrative Design Review Permits and Design Review Permits shall be accompanied by information specified by administrative guidelines. The administrative guidelines shall be a detailed list of submittal requirements to include, but not be limited to, the following:

- A. Administrative Design Review Permit or Design Review Permit application;
- B. Applicable fee, as established by resolution of the City Council;
- C. A narrative project description, providing rationale for proposed architectural and site design solutions;
- D. Six (6) sets of full-size plans, including:
 - 1. Vicinity Map
 - 2. Site Plan
 - 3. Elevations
 - 4. Floor Plans
 - 5. Roof Plan
 - 6. Grading Plan
 - 7. Sectional Drawings
 - 8. Landscape Plans
 - 9. Statistics and Descriptive Information

- E. Materials Sample Board;
- F. Geotechnical Report;
- G. Tree removal/alteration permit, or written request for exemption, as applicable;
- H. Current topographic and record of survey;
- I. Story pole plan and certification;
- J. Site photographs; and
- K. Demolition Plan.

The Community Development Director may waive specific submittal requirements where not applicable.

10.54.070 Additional Submittals Required

Prior to making a final decision, the Community Development Department, Zoning Administrator, Historic Landmarks Board and/or Planning Commission may require the Applicant to provide any other data deemed useful or necessary for permit approval. Such requirements may include, but not be limited to:

- A. Models;
- B. Photomontages;
- C. Computer generated imaging; and/or
- D. Reports by expert consultants to address potential issues of concern, such as noise, odor, glare, sunlight, drainage, and traffic.

10.54.080 Referral

Prior to making a final decision, the Community Development Department, Zoning Administrator, Historic Landmarks Board and/or Planning Commission may refer any Design Review application for reports and recommendations from the Fire Chief, City Engineer, Building Inspector, Health Officer or any other officer of the City or County regarding matters in their fields of competence or under their jurisdiction and which would be affected by the proposed development.

10.54.090 Conditions of Approval

The following may be included as conditions of approval for design review:

Public Rights-of-Way

- A. **Dedication.** All required arterials and major collectors shall be dedicated to the full width required by the Circulation Element of the General Plan. The dedication of minor collectors, local streets, pedestrian ways, and bicycle routes and paths adjoining any property line of the subject property may be required. Dedication shall extend to the street or pathway centerline bordering said property.

- B. **Improvements.** For a project involving any increase in floor area, addition of bedroom or bathrooms, addition of dwelling units, substantial reconstruction of dwelling units, or partial reconstruction of dwelling units the value of which exceeds 10% of the valuation of the existing improvements, adjoining rights-of-way shall be improved to City standards, per the discretion of the City Engineer. Improvements may include but not be limited to curb, gutter, sidewalk, street and alley paving, street trees, street signs, shoulder parking improvements, streetlights, and all required utilities. Existing improvements which are damaged and/or hazardous to the public safety must also be corrected.

Landscape and Mitigation Bond Requirements

- C. **Landscape Performance & Maintenance Bond.** Within the waterfront area east of Bridgeway bounded by El Portal on the south and the north City limits, a maintenance bond shall be required to insure that landscaped areas are maintained for a period of two (2) years from the date of final approval for occupancy. Other projects which require installation of landscaping may, at the discretion of the Planning Commission and/or Community Development Director, be required to submit to the City a refundable performance bond or an equivalent security to guarantee the installation and survival of required landscaping for a period of two (2) years, prior to the issuance of a building permit. This bond may also be used to ensure the success and stability of mitigation measures required pursuant to a California Environmental Quality Act Initial Study/Mitigated Negative Declaration or Environmental Impact Report, if applicable. The bond or security to be used are as follows:
 - 1. The performance security may be provided, at the discretion of the City, by cash, by placing the assessed dollar amount in a Certificate of Deposit made payable to the City of Sausalito, or by securing a performance bond.

 - 2. The dollar amount of the performance security will be based on an estimate from a nursery which includes plant material, irrigation equipment, and labor costs, or for mitigation measures, in a manner to be determined by the Community Development Director based on the characteristics of the required mitigation measure.

10.54.100 Time Limits For Construction.

A. Purposes. The purpose of this ordinance is to regulate the duration of construction projects in order to avoid negative impacts on the City resulting from lengthy construction activities. Such negative impacts include detrimental effects of lengthy construction on residential neighborhoods, such as construction noise and increased traffic, reduction in available parking, and the presence of portable toilets. In addition to the general purposes of this Section 10.54.100, the City has adopted this Section 10.54.100 because:

1. A continuous stream of large numbers of construction projects on private properties within the City for many years past has resulted in substantial and continuing adverse impacts on the City and its residents from construction activities;
2. Among those adverse impacts are long-term noise disturbances to neighbors of the construction projects, loss of already inadequate on-street parking due to the presence of large numbers of construction vehicles, and frequent closures of the City's narrow streets for construction deliveries and staging, which closures hinder and/or eliminate local and emergency access for varying periods of time;
3. Numerous private individual large-scale projects have been designed and built in the City involving construction for many years, thus prolonging the adverse construction impacts created by those projects;
4. It is in the interests of the health, safety, and welfare of the citizens of Sausalito to place a reasonable time limit on the duration of each construction project, so as to balance the needs of the project site property owner with those of nearby residents and the community generally in the safe and peaceful enjoyment of their properties;
5. The time limits adopted in this Section 10.54.100 allow an adequate and reasonable amount of time for the kinds of construction projects undertaken in the City; and
6. Substantial penalties should be imposed upon persons who violate the time limits imposed pursuant to this Section 10.54.100, so as to encourage compliance with such time limits and achieve the purposes of this Section 10.54.100.

B. Construction Time Limit Required. As part of any application for a construction permit for a project which obtained a Design Review Permit, obtained an amendment of an existing Design Review Permit, or should have obtained a Design Review Permit (including, without limitation, any such application with respect to improvements that have been constructed without or in violation of an existing valid Design Review Permit, or Administrative Design Review Permit for the purposes of this Section 10.54.100), the applicant shall file a reasonable estimate of the value of the project, and based thereon, a construction time limit shall be established for the project in accordance with the criteria set forth in subsection C below. The applicant shall submit information reasonably requested by the Community Development Director to support the estimated

value of the project. Such documentation may include without limitation an executed construction contract. Compliance with such time limit shall become a condition of the Design Review Permit. The time for completion of the construction shall also be indicated on the construction permit. For projects exceeding \$500,000 in project valuation, a detailed GANTT chart (or other graphic display acceptable to the Community Development Director) depicting the sequence of steps necessary for completion of the project, including detailed information on the critical path of the project, duration of critical tasks, and predicted inspection dates, shall be submitted prior to the issuance of any construction permit. Once approved, the property owner shall provide the City with written quarterly job progress reports consistent with the approved chart.

- C. Construction Time Limit.** Except where a longer time period is approved pursuant to subsection D below, the maximum time for completion of approved alterations, additions, modifications, repairs, or new construction, following issuance of the construction permit, shall not exceed the following limits. These limits are not altered or extended by work delays or stoppages due to the enforcement actions resulting from violation(s) of the Municipal Code.

<i>Estimated Value of Project Construction</i>	<i>Construction Time Limit*</i>
<i>\$0 to \$500,000</i>	<i>18 months</i>
<i>\$500,001 to \$1,000,000</i>	<i>24 months</i>
<i>Greater than \$1,000,000</i>	<i>30 months</i>

* For landscaping work (including retaining walls and grading) approved as part of the construction project, the applicant shall have an additional ninety (90) days to complete the landscaping work after final building inspection approval or issuance of an occupancy permit (whichever occurs later) for the main construction project. This additional ninety (90) days shall not apply to construction projects solely comprised of landscaping.

D. Construction Time Limit Extension.

1. a. Construction Activities. Prior to or following the commencement of construction an applicant may apply for one or more extension(s) of the established construction time limit; provided, however in no event shall any single extension granted exceed one hundred eighty (180) days, nor shall the total extension(s) granted exceed the following:

<i>Estimated Value of Project Construction</i>	<i>Time Limit Extension</i>
<i>\$0 to \$500,000</i>	<i>270 days</i>
<i>\$500,001 to \$1,000,000</i>	<i>360 days</i>
<i>Greater than \$1,000,000</i>	<i>360 days</i>

- b. Landscaping Activities. For landscaping work (including retaining walls and grading) approved as part of the construction project, the applicant may apply for an extension not to exceed thirty (30) days beyond the ninety (90)-day landscaping time limit specified in subsection C above. Such application shall be filed prior to the expiration of the 90-day time limit and shall be considered by the Community Development Director, who shall have the authority to grant said extension only if, in his or her opinion, such extension beyond the 90-day landscaping time limit is warranted because of delays caused by

inclement weather or circumstances beyond the property owner's control.

2. Application Contents. An application for an extension of the construction time limit shall be accompanied by complete working drawings for the construction, a written explanation of the reasons for the requested extension, and a fee as established by resolution of the City Council.
3. Public Hearing and Notice. Within fifteen (15) working days of receipt of a complete application for an extension in accordance with subsection D.1.a above, the Zoning Administrator shall hold a public hearing on the said application. The Zoning Administrator may obtain input from the Building Inspector and the City Engineer.
4. Findings. The Zoning Administrator may grant an extension if the following findings can be made:
 - a. Such extension will not have a material deleterious effect on the neighborhood in which the project is located; and
 - b. Any one or more of the following factors is present and presents an unusual and substantial obstacle to complying with the standard construction time limit:
 - i. Site topography;
 - ii. Site access;
 - iii. Geologic issues;
 - iv. Neighborhood considerations;
 - v. Weather-related grading restrictions; or
 - vi. Other unusual factors (except lack of financing).
5. Conditions of Approval. The Zoning Administrator may apply reasonable conditions of approval deemed necessary to fulfill the purposes of this Section 10.54.100.
6. Notice of Decision. The decision of the Zoning Administrator shall be in the form of a written resolution and shall include the findings upon which the decision is based, applicable conditions of approval, and a summary of the appeal process. A written decision shall be mailed to the applicant and all parties who participated in the process via oral or written comments.
7. Appeals. The decision of the Zoning Administrator may be appealed to the Planning Commission in accordance with the procedures of Chapter 10.84.

E. Penalties.

1. If a property owner fails to complete construction by the applicable time limit established in this Section 10.54.100, the property owner shall be subject to the following penalties payable to the City:

Period of Time That Project Remains Incomplete Beyond Applicable Time Limit	Penalty
First 60 days	\$400 per day (i.e., \$24,000 maximum penalty applicable to this 60-day period)
61st through 120th day	\$600 per day (i.e., \$36,000 maximum penalty applicable to this 60-day period)
121st day and every day thereafter	\$800 per day (to a maximum of the lesser of 20% of project value or \$200,000)

F. Deposits.

1. Upon reaching the time limits set out in subsections C and D, if construction has not been completed, or if no final inspection has been made or a certificate of occupancy issued, the property owner or his representative shall deliver to the Community Development Department a refundable deposit (in cash or other security instrument acceptable to the City and valid for a minimum time period of two (2) years) in the amount of Twenty Four Thousand Dollars (\$24,000), plus a non-refundable administrative fee as established by resolution of the City Council.
2. If no deposit is made as provided in subsection F.1 above, the building official shall issue a stop work order.
3. On or before the sixtieth (60th) day that the project has remained incomplete, and no final inspection has been made and no certificate of occupancy issued, the property owner or his representative shall deliver to the Community Development Department an additional refundable deposit (in cash or other security instrument acceptable to the City and valid for a minimum time period of two (2) years) in the amount of Thirty Six Thousand Dollars (\$36,000), plus a non-refundable administrative fee as established by resolution of the City Council.
4. If no deposit is made as provided in subsection F.3 above, the building official shall issue a stop work order.
5. On or before the one hundred twentieth (120th) day that the project has remained incomplete, and no final inspection has been made and no certificate of occupancy issued, the property owner or his representative shall deliver to the Community Development Department an additional refundable deposit (in cash or other security instrument acceptable to the City and valid for a minimum time period of two years) in the amount of One Hundred Forty Thousand Dollars (\$140,000), plus a non-refundable administrative fee as established by resolution of the City Council.
6. If no deposit is made as provided in subsection F.5 above, the building official shall issue a stop work order.

7. If the property owner fails to complete construction by the applicable time limit, the applicable penalties shall accrue daily up to the maximum set out in subsection E.
8. If the property owner believes that the failure to meet the applicable time limit was caused by circumstances beyond the property owner's control, the property owner may file a written statement to that effect with the Community Development Director at the time of making the deposit as described in subsections F.1, 3 and/or 5 above and provide any documentation substantiating such grounds of appeal and the effect on the construction. If the property owner makes such filing, no part of the deposit cash or other security instrument shall be forfeited to the City if construction is completed within thirty (30) days of the deposit. If construction is completed after the thirty (30) days and the Community Development Director concurs with the property owner's statement as to the cause of the failure to meet the deadline, the Community Development Director shall waive the penalty and return the cash deposit or other security instrument to the property owner. If the Community Development Director does not concur with the property owner's statement, such statement shall be treated as an appeal under subsection G below and all the provisions of that subsection shall apply. As used in this Section 10.54.100, the term "circumstances beyond the property owner's control" shall mean events outside the property owner's reasonable control that are not caused by the property owner's willful or unlawful misconduct or gross negligence (or that of the property owner's contractor or subcontractors), such as acts of God, earthquake, labor disputes that are not caused, directly or indirectly by the property owner or the property owner's contractor or subcontractors, shortages of supplies, riots, war, acts of terrorism, fire, epidemics, or delays of common carriers. A failure of a lender to make or fund a loan commitment shall not be deemed to be a "circumstances beyond the property owner's control."
9. If construction is completed after the applicable time limit, and the Community Development Director does not concur with the property owner's statement pursuant to subsection F.8, the City shall draw on the deposit or other security instrument in the amount of the applicable penalties; provided, however, that in the event of an appeal, the City shall not draw on the deposit or other security instrument until the Planning Commission and, if applicable, the City Council has rendered its decision as set forth in subsection G.
10. After construction is completed and all applicable penalties received by the City, any remaining cash or security instrument deposit shall be refunded or returned to the account of the property owner.

G. Appeals.

1. A penalty imposed pursuant to subsections B through F may be appealed to the Planning Commission on the grounds that the property owner was unable to comply with the applicable time limit as a result of circumstances beyond the property owner's control. There shall be no right to appeal until construction is completed. Any person aggrieved by the decision of the Planning Commission on the appeal may appeal to the City Council in accordance with the procedures of

Chapter 10.84.

2. At the time the appeal is filed or within two (2) weeks thereafter, the appellant shall submit documentary and other evidence sufficient to establish that design decisions, construction drawings and documents, bids and construction contracts, permit applications, and compliance with all required permit conditions were undertaken in a diligent and timely manner. Documentary evidence shall include, but not be limited to, dated design contracts, date-stamped plans, dated construction contracts and material orders, and proof of timely payment of any deposits or fees required pursuant to any of the foregoing items. The documentary and other evidence shall demonstrate that construction delays resulted from circumstances beyond the property owner's control and despite diligent and clearly documented efforts to achieve construction completion within the applicable time limit. Penalties imposed pursuant to this Section 10.54.100 shall not be modified or cancelled unless all evidence required by this subsection G.2 is submitted at the time of appeal.

H. Enforcement.

1. This Section 10.54.100 shall apply to all construction, including all additions, alterations, modifications, repairs, and improvements, that requires a design review permit, including a design review permit for such construction undertaken before the application for the design review permit or an amended design review permit with respect to such construction previously undertaken without a Design Review Permit or outside a previously-issued Design Review Permit. The time limit for completion of any Design Review Permit issued after January 1, 2009 shall be extended from the effective date of this ordinance pursuant to the time limits specified in subsections C and D.
2. Any penalty due under subsection E in excess of the deposit made under subsection F shall be a personal debt owed to the City by the property owner(s) and, in addition to all other means of enforcement and collection, shall become a lien against the said property and shall be subject to the same penalties (including interest thereon at the maximum rate allowed by law from the date the lien attaches until the date of payment) and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes.

I. Violations.

1. A violation of this Section 10.54.100 is a misdemeanor and shall be punished as provided in Chapter 1.05. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of violation of any provision in this Section 10.54.100. In a civil action brought pursuant to this Section 10.54.100 in which the City prevails, the court may award to the City all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.
2. As part of a civil action brought by the City, a court may assess against any person who commits, allows, or maintains a violation of any provision of this

Section 10.54.100 a civil penalty in an amount not to exceed Five Thousand Dollars (\$5,000.00) per daily violation. The civil penalty is separate and distinct from penalties imposed pursuant to this Section 10.54.100.

3. Upon any guilty plea or judgment or conviction, in any criminal proceeding brought for the violation of this Section 10.54.100, where the defendant is entitled by law to probation, then the court may require the payment to the City of the costs and expenses as described above and the code provision incorporated by reference as one of the conditions of such probation.
4. The building official or the Community Development Director is authorized to order work stopped whenever work is being done contrary to the provisions of this Section 10.54.100.
5. Any violation of this Section 10.54.100 shall constitute a public nuisance and, in addition to being subject to any other remedies allowed by law, may be abated as provided by law.

CHAPTER 10.56

ENCROACHMENT REVIEW AND AGREEMENTS

10.56.010 Purpose

The Encroachment Review and Agreement process provides an opportunity to review permanent and/or semi-permanent encroachments onto public lands, easements and rights-of-way of the City of Sausalito. In addition to the general purposes of this Title, the specific purposes of this chapter regulating encroachments are as follows:

- A. To review and regulate the long-term (three years or more) use of City of Sausalito properties and easements by individual property owners;
- B. To protect the City of Sausalito's interests in City-owned property and easements;
- C. To examine demonstrated physical need by neighboring property owners to use and improve adjacent or nearby publicly-owned properties or easements for long-term and short-term private use;
- D. To ensure that permanent and/or semi-permanent private use of City-owned properties or easements will not affect the need for, and use of, public passageways and utilities;
- E. To ensure compatibility of permanent and/or semi-permanent encroachments with the surrounding area;
- F. To ensure land use review of permanent and/or semi-permanent encroachments;
- G. To ensure consistency of encroachments with the General Plan, Marinship Specific Plan, other sections of the Sausalito Municipal Code and applicable plans and ordinances; and
- H. To provide for the necessary removal or termination of any encroachment.

10.56.020 Applicability

Encroachments which are subject to this chapter shall also be subject to Chapter 17.16 (Encroachments on Public Streets and Property) of the Sausalito Municipal Code. Encroachments subject to this chapter shall include but not be limited to any fence, wall, trellis work, garage, runway, ramp, building, structure of any kind, or any other use or improvements, including landscaping that will occupy public land, easements and/or rights-of-way for three (3) years or more. Areas which are subject to such encroachment review and agreements shall include but not be limited to any public street area, easement, square, park, place, ground, or any other public property, regardless of whether such public property is or is not surfaced or otherwise improved. Other encroachments (including, but not limited to sewer, electricity and dumpsters) shall be subject to Chapter 17.16 (Encroachments on Public Streets and Property) only.

10.56.030 Authority

- A. Community Development Director.** The following encroachments shall be subject to Community Development Director review and recommendation:
1. Major landscaping;
 2. Stairs not on grade;
 3. Driveways, involving cut or fill of more than six (6) feet;
 4. Fences that do not exceed 42 inches in height;
 5. Retaining walls that do not exceed six (6) feet in height; and
 6. Signs allowed without permits (See Section 10.42.040, Signs Allowed Without Permits).
- B. Planning Commission.** The Planning Commission shall have the authority to review and make recommendations on the following types of encroachments:
1. Garages;
 2. Fences that exceed 42 inches in height;
 3. Buildings and structures, including but not limited to decks and accessory structures;
 4. Parking spaces;
 5. Signs;
 6. Awnings; and
 7. Retaining walls that exceed six (6) feet in height.
- C. Design Review.** Encroachments requiring Planning Commission review and recommendation shall be subject to Design Review Procedures (Chapter 10.54). Encroachments requiring Community Development Director review and recommendation shall be subject to Administrative Design Review Permits (Section 10.54.040).
- D. Multiple Applications.** When multiple applications are filed for a given development or site, the Community Development Director may schedule a consolidated public hearing before the highest authority required under one or more of the applications.
- E. City Council.** The City Council shall have the final decision-making authority to approve Encroachment Agreements, thereby authorizing the use of City-owned rights-of-way, easements or property.

10.56.040 Applications

Applications for Encroachment Agreements shall include all information specified by resolution of the Planning Commission. Submittal shall include a site plan drawn to scale showing location of all existing and proposed buildings, yards, driveways, and parking areas; floor plans showing the location of uses in the structure; and the required fee. Application procedures and processing timeframes shall be consistent with Chapter 10.50 (Land Use Permits), this chapter, State law and additional procedural guidelines established by the Community Development Director. Acceptance of an application does not constitute any indication of approval.

CHAPTER 10.58

MINOR USE PERMITS

10.58.010	Purpose.
10.58.020	Applicability.
10.58.030	Application contents and submittal.
10.58.040	Public notice and hearing.
10.58.050	Findings.
10.58.052	Reserved.
10.58.060	Conditions of approval.
10.58.070	Notice of decision.
10.58.080	Appeals.
10.58.090	Effective date of permit.
10.58.100	Approval applies to land.
10.58.110	Expiration.
10.58.120	Referral to Planning Commission.

10.58.010 Purpose

Minor Use Permits provide for review of discretionary land uses that generally meet the purposes of the applicable district but which require special consideration in their design or operation to ensure compatibility with surrounding uses. In addition to the general purposes of this Title, the specific purposes of establishing procedures and a framework for Minor Use Permits are as follows:

- A. To consider the relationship of the project's location to the neighborhood and community as a whole;
- B. To determine if the project's use and location is compatible with the types of uses that are normally permitted in the surrounding area;
- C. To consider the compatibility of the proposed use with the site's characteristics;
- D. To evaluate the adequacy of services and facilities for the proposed use;
- E. To provide opportunity for public review and comment on proposed use; and
- F. To identify conditions and requirements necessary to comply with the basic purposes of this Title, the General Plan and any applicable specific plan.

10.58.020 Applicability

Minor Use Permits are required pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations) and Chapter 10.44 (Specific Use Requirements.) The Zoning Administrator may approve, conditionally approve or deny a Minor Use Permit application. Development must comply with all applicable requirements of this Title, including but not limited to Chapters 10.40 (General Development Regulations) and 10.44 (Specific Use Requirements.)

10.58.030 Application Contents and Submittal

Applications for Minor Use Permits shall include all information specified by resolution of the Planning Commission. Submittal shall include a site plan drawn to scale showing location of all existing and proposed buildings, yards, driveways, and parking areas; floor plans showing the location of uses in the structure; and the required fee. Application procedures and processing timeframes shall be consistent with Chapter 10.50 (Land Use Permit Procedures), this chapter, State law and additional procedural guidelines established by the Community Development Director. Acceptance of an application does not constitute any indication of approval.

10.58.040 Public Notice and Hearing

The Zoning Administrator shall hold a public hearing on an application for a Minor Use Permit, following completion of a staff report pursuant to Section 10.50.090 (Staff Report and Recommendations). Public hearing shall be noticed and held in accordance with Chapter 10.82 (Public Hearings.)

10.58.050 Findings

The Zoning Administrator may approve or conditionally approve a Minor Use Permit if the following findings can be made:

- A. The proposed use is allowed with issuance of a Minor Use Permit, pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations), Chapter 10.44 (Specific Use Requirements) or any other applicable section of this Title 10.
- B. The proposed use is consistent with the General Plan, the purposes of the Zoning Ordinance, and the purposes of the applicable zoning district.
- C. The proposed use, together with the applicable conditions, will not be detrimental to the public health, safety, or general welfare of the City.
- D. The proposed use complies with each of the applicable provisions of the Zoning Ordinance.
- E. The proposed use or facility is properly located relative to the community as a whole and to land uses and transportation and service facilities in the vicinity.
- F. The size and shape of the subject property is adequate to provide features needed to ensure reasonable compatibility with land uses normally permitted in the surrounding area. Features may include but not be limited to yards, open spaces, walls and fences, parking, loading, landscaping, and such features as may be required by this Title or the Commission.
- G. Public utilities and facilities are or will be adequate to serve the proposed use, including streets and highways paved (and of adequate width) for the quantity and type of traffic it will generate.

- H. The proposed use will not materially adversely affect nearby properties or their permitted uses.
- I. Findings required by Chapter 10.44 (Specific Use Requirements) for the approval of specific uses are made.

10.58.052 Reserved

10.58.060 Conditions of Approval

The Zoning Administrator may apply reasonable conditions of approval to assure compliance with applicable regulations and standards, including those required by City departments and those specified in Section 10.50.100 (Recommended Conditions of Approval).

10.58.070 Notice of Decision

Zoning Administrator decision shall be in the form of a written resolution and shall include findings on which the decision was based, applicable conditions of approval and a summary of the appeal process. A written decision shall be mailed to the applicant. Zoning Administrator shall provide written summaries of actions to the Planning Commission.

10.58.080 Appeals

All decisions of the Zoning Administrator, with respect to Minor Use Permits, may be appealed to the Planning Commission within ten (10) days of the decision date. All appeals shall be in writing and shall be submitted and processed in accordance with Chapter 10.84 (Appeals) of this Title.

10.58.090 Effective Date of Permit

Minor Use Permits become effective ten (10) days after the decision is rendered, provided no appeal has been filed.

10.58.100 Approval Applies to Land

Any Minor Use Permit approval shall run with the land and shall continue to be valid for the time period specified whether or not there is a change of ownership of the site or structure to which it applies. Minor Use Permit approval cannot be transferred to another site.

10.58.110 Expiration

Minor Use Permits are valid for one year unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, or the permit is renewed or extended. If more than one phase of a development is approved in a single

action and later phases remain outstanding, approval shall lapse at the end of the authorized time frame.

10.58.120 Referral to Planning Commission

The Zoning Administrator may refer a Minor Use Permit application to the Planning Commission, pursuant to Section 10.80.040.C (Referral to Planning Commission). Such referral shall be subject to public hearing, consideration, and approval or denial pursuant to the procedures specified by Chapter 10.60 (Conditional Use Permits). Referral shall be at the discretion of the Zoning Administrator and shall be dependent upon policy implications, unique or unusual circumstances, magnitude of the project, or other factors determined by the Zoning Administrator to be significant enough to warrant Planning Commission review. Minor Use Permit applications for projects requiring an Environmental Impact Report or subsequent Environmental Impact Report shall be referred to the Planning Commission pursuant to this section.

CHAPTER 10.60

CONDITIONAL USE PERMITS

10.60.010 Purpose

The Conditional Use Permit process allows Planning Commission level of review for selected land use proposals, as provided by Chapters 10.20 through 10.28 (Zoning District Regulations.) Conditional Use Permits are required for uses which may be suitable only in specific locations in a zoning district or which require special consideration in their design, operation or lay-out to ensure compatibility with surrounding uses. In addition to the general purposes of this Title, the specific purposes of establishing procedures and a framework for Conditional Use Permits are as follows:

- A. To consider the relationship of the project's location to the neighborhood and community as a whole;
- B. To determine if the project's use and location is compatible with the types of uses that are normally permitted in the surrounding area;
- C. To consider the compatibility of the proposed use with the site's characteristics;
- D. To evaluate the adequacy of services and facilities for the proposed use;
- E. To provide opportunity for public review and comment on proposed use;
- F. To consider possible impacts (including but not limited to noise, smoke, odor, dust, vibration, radiation) on neighboring sites and residents;
- G. To consider possible hazard from explosion, contamination or fire;
- H. To determine inconvenience, economic loss, or hazard associated with increased traffic and people;
- I. To identify conditions and requirements necessary to comply with the basic purposes of this Title, the General Plan and any applicable specific plan; and
- J. To provide for an approval process for Master Plans if required by the General Plan.

10.60.020 Applicability

Conditional Use Permits are required pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations) and Chapter 10.44 (Specific Use Requirements.) The Planning Commission may approve, conditionally approve, or deny a Conditional Use Permit application, unless otherwise restricted by State law. Development must comply with all applicable requirements of this Title, including but not limited to Chapters 10.40 (General Development Regulations) and 10.44 (Specific Use Requirements).

period, provided no appeal has been filed. While an appeal is pending, the establishment of the proposed structure or use shall be held in abeyance.

- K. Expiration of Permit.** Nonconforming Permits shall expire two (2) years following the effective date of the permit, unless a different expiration date is stipulated at the time of approval, a construction permit has been issued and construction diligently pursued, or the permit is extended.

CHAPTER 10.67 HOTEL-CONDOMINIUM CONVERSION PERMIT

10.67.010 Purpose and Applicability

The conversion of any Hotel to a Hotel-Condominium shall require the issuance of a Hotel-Condominium Conversion Permit.

In addition to the general purposes of this Title, the specific purposes of establishing procedures and a framework for Hotel-Condominium Conversion Permit are as follows:

- A.** To establish regulations for the processing of Hotel-Condominium Permits and the operation of Hotel-Condominiums;
- B.** To ensure that Hotel-Condominiums are operated and governed in the same manner as conventional hotels, and that such facilities are not used for residential purposes;
- C.** To ensure the maintenance and upkeep of converted structures to avoid public nuisances and hazards to public health and safety;
- D.** To ensure that structures converted to Hotel-Condominiums meet physical standards as required by all applicable laws, ordinances and regulations; and
- E.** To ensure that the purchasers of the Hotel-Condominium units have been properly informed as to the physical condition of the structure that is offered for purchase.

10.67.020 Authority.

The Planning Commission may approve, conditionally approve, or deny a Hotel-Condominium Conversion Permit application, unless otherwise restricted by State law. Development of a Hotel-Condominium must comply with all applicable requirements of this Title. Such development shall also comply with Title 9 (Subdivisions) and the Subdivision Map Act.

10.67.030 Applications.

Applications for Hotel-Condominium Conversion Permits shall include all information specified by Chapter 10.50 (Land Use Permit Procedures) and Title 9 (Subdivisions). Each submittal shall also include:

- A.** A map showing all common areas and usage of the building, showing the boundaries of all units for informational purposes.
- B.** A physical elements report prepared by a registered engineer or architect or licensed, qualified contractor describing the physical elements of all structures and facilities. The report shall include, but not be limited to, the following:

1. The structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment and parking facilities.

For each element, the report shall state to the best knowledge or estimate of the applicant: when such element was built, the condition of each element, when said element was replaced, the approximate date upon which said element will require replacement, the cost of replacing said element, and any variation of the physical condition of said element from the current zoning regulations and from the Uniform Construction Codes in effect on the date that the last construction permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

2. A report from a licensed structural pest control operator approved by the City on each structure and each unit within the structure.
 3. A report on soil and geological conditions regarding soil deposits, rock formations, faults, groundwater and landslides in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to all known previous soil reports for the site. Copies of all known previous soil reports shall be submitted with said report.
 4. A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.
- C.** Full architectural plans, including floor plans, elevations and site plan, as determined necessary by the Community Development Director.
- D.** Any other information that, in the opinion of the Community Development Director, will assist in determining whether the proposed project will be consistent with the purposes of this Chapter.

The applicant shall deliver copies of the final reports and materials required under subsection 10.67.030 to each initial purchaser at least ten (10) days prior to the sale of such unit or units within the Hotel Condominium. The final reports and materials shall remain on file with the Community Development Department for review by any interested persons. The reports and materials shall also be referenced in the staff report to the Planning Commission.

Application procedures and processing time frames shall be consistent with Chapter 10.50 (Land Use Permit Procedures), this Chapter, State law and additional procedural guidelines established by the Community Development Director. Acceptance of an application does not constitute any indication of approval.

10.67.040 Public Notice and Hearing.

The Planning Commission shall hold a public hearing on an application for a Hotel-Condominium Conversion Permit following completion of a staff report pursuant to Section 10.50.090 (Staff Reports and Recommendations). The Public Hearing shall be noticed and held in accordance with Chapter 10.82 (Public Hearings).

10.67.050 Findings.

The Planning Commission may approve a Hotel-Condominium Conversion Permit only if the following findings can be made:

- A. The Planning Commission has received and reviewed physical elements report regarding the general condition of all buildings and listing all code violations.
- B. The project will conform to all applicable laws, ordinances and regulations, including but not limited to those pertaining to building, fire, subdivision and formula retail (Section 10.44.240 of the Municipal Code).
- C. The project is consistent with the Sausalito General Plan.
- D. All provisions of this Chapter are met, or, alternatively the parking requirements for Hotel-Condominium are met, any existing nonconformities are not increased, and, to the greatest extent practicable, existing nonconformities are decreased.
- E. The overall design and physical condition of the project achieves a high degree of appearance, quality and safety.

10.67.060 Conditions of Approval.

The Planning Commission may apply reasonable conditions of approval to assure compliance with applicable regulations and standards, including those recommended by City Departments and those specified in Section 10.50.100 (Recommended Conditions of Approval). In addition, the following conditions of approval shall apply:

- A. Covenants, Conditions and Restrictions (CC&Rs).** CC&Rs and all other agreements, including but not limited to, Property Owner's Association agreements, and hotel management agreements, relating to a Hotel-Condominium project shall be submitted for review and approval by the Community Development Director and City Attorney to ensure that: (i) the long-term maintenance and operation of the Hotel-Condominium is in accordance with this Chapter and the terms of the Hotel-Condominium Conversion Permit; (ii) all units, except for the Resident Manager unit prescribed in Section C below, remain available for occupancy by transients (as defined in Chapter 3 of Title 10); (iii) except for ownership interests held by a corporation, limited liability company, limited partnership, general partnership or similar entity, or a tenancy-in-common or joint tenancy (which shall be treated as a single entity), the ownership interest in any individual unit or units shall not be divided by any form of fractional ownership, including, without limitation, a time share; (iv) no storage or long term parking of vehicles or other items (except for storage facilities provided in individual units) shall be allowed; and (v) notice is provided to future purchasers of the City's right to enforce the CC&Rs and all

other agreements. Any future amendments to such documents shall be subject to review and approval by the Community Development Director and City Attorney.

- B. Owner's Association.** All Hotel-Condominium projects shall require the establishment of a Property Owner's Association (a "POA") to oversee the maintenance and operation of the Hotel-Condominium and its services. The structure and responsibilities of the POA shall be approved by the Community Development Director and the City Attorney and shall comply with all applicable regulations of the California Department of Real Estate.
- C. Guest Management Entity.** All Hotel-Condominium projects shall require the POA to hire a hotel management entity to manage and operate the Hotel-Condominium and its services as a single Hotel facility. The POA shall submit a letter identifying the hotel management entity and its professional qualifications to the Community Development Director and City Attorney. The hotel management entity shall: (i) provide transient guest services to all owners of the Hotel-Condominium units; (ii) be the sole entity to manage and operate the reservations of individual Hotel-Condominium units; and (iii) be responsible for collection of the transient occupancy tax. All unit owners shall be required to participate in the reservation program provided by the hotel management entity. The management and operations of a Hotel-Condominium shall be subject to compliance with Section 10.44.240 (Formula Retail) of the Municipal Code.
- D. Enforcement and Inspection.** The POA and the hotel management entity shall have the right, power and obligation to enforce the terms set forth by the CC&Rs and all other agreements, together with the terms of the Hotel-Condominium Conversion Permit and any other permits issued by the City for the site. This includes, without limitation, the right to enter any portion of the Hotel-Condominium, including individual units, to cure any failure or defect in order to satisfy such terms. In addition, all Hotel-Condominium facilities, including individual units, shall be subject to inspection upon reasonable notice by the Community Development Department to ensure compliance with the terms of any use permits issued for the Hotel-Condominium, the terms of this Chapter, and all other applicable laws and regulations.
- E. Occupancy and Rates.** Units shall be available for transient occupancy by the general public at all times, and shall not be used for purposes that are not subject to the transient occupancy tax (TOT). Occupancy by unit owners or their designees shall be limited to no more than twenty-eight (28) days per calendar year per unit. Any such occupancy shall be subject to the TOT in accordance with Chapter 3.12 of the Sausalito Municipal Code. Calculation of the TOT for unit owners or their designees shall be based on the same reservation/guest rates as utilized for the general public.
- F. Resident Manager.** Notwithstanding the terms of this Chapter, a Hotel-Condominium facility may contain one unit that may be used on a full-time basis by a Resident Manager(s), and, if applicable, such unit shall be subject to the governance of the POA and the hotel management entity.
- G. Reservation System.** All Hotel-Condominium facilities shall provide a central reservation system for the reservation of units as an integral part of Hotel-Condominium services.

- H. Furnishings and Utilities.** All Hotel-Condominium facilities shall contain a central lobby with a front desk and/or reservation desk. All units within the Hotel-Condominium facility shall contain and maintain standardized furniture, furnishings, and décor, and shall be served by centrally metered utility services, including, but not limited to, telephone and cable services. No units shall contain a kitchen, or any lockable storage closet or cabinet unless access to such closet or cabinet is uniformly provided to all Hotel-Condominium occupants.
- I. Parking.** Parking shall be provided in accordance with the requirements of Section 10.40.100 (Parking Standards) in addition, owners shall not be allowed to store vehicles.
- J. Utility Undergrounding.** Utilities serving the structure(s) shall be undergrounded in accordance with Chapter 18.08 of the Sausalito Municipal Code from the meter to the distribution lines.
- K. Physical Condition.** The project shall conform to the applicable standards of Title 8 of the Municipal Code regarding Uniform Construction Codes in effect on the date the last construction permit was issued for the subject structure or structures, except as herein provided.
- 1- Each bathroom in each unit shall be provided with ground fault circuit interrupters.
 - 2- Each unit shall be provided with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located near rooms used for sleeping purposes.
 - 3- All fire hydrants, fire alarm systems, portable fire extinguishers, sprinklers, fire life safety warning systems and other fire protective appliances shall be maintained in operable condition at all times in accordance with current requirements of the City's Fire Code.
 - 4- The structure(s) shall comply with the accessibility requirements of Title 24 of the California Building Code and the Americans with Disabilities Act.
 - 5- All landscaping shall be restored as necessary and maintained to achieve a high degree of appearance and quality. If a significant amount of new landscaping is required, the applicant shall obtain an Administrative Design Review Permit in accordance with Section 10.54.040.
 - 6- All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements as required by the Community Development Director shall be refurbished and restored as necessary to achieve a high degree of appearance, quality and safety.
 - 7- Prior to final approval, the applicant shall provide evidence to the City that a long term reserve fund for replacement of the improvements identified in subsection 6 above has been established in the name of the POA. Such fund shall be equal to two (2) times the estimated monthly homeowner's assessment for each unit.
- L. Signage.** Any signage for the Hotel-Condominium shall conform to the requirements of Chapter 10.42.
- M. Financial Records.** The financial records of the Hotel-Condominium pertaining to the usage of each unit, including any occupancy by owners or their designees, shall be open

for inspection by authorized representatives of the City, upon reasonable notice, in order to ensure compliance with the Sausalito Municipal Code.

- N. Additional Terms and Conditions.** In addition to the regulations set forth in this Chapter, the City may impose additional terms and conditions on the Hotel-Condominium Conversion Permit as is deemed necessary to further the goals of this Chapter and the Sausalito Municipal Code.
- O. Compliance with Law.** It shall be the responsibility of the applicant for a Hotel-Condominium project, as well as the unit owners, the POA, and the Rental Management Entity, to comply with the requirements of this Chapter, as well as other applicable federal, state and local laws and regulations.

10.67.070 Notice of Decision.

The decision of the Planning Commission shall be in the form of a written resolution, which shall include findings on which the decision was based, applicable conditions of approval. Written decisions shall be mailed to the applicant.

10.67.080 Appeals.

All decision of the Planning Commission may be appealed to the City Council within ten (10) days of the decision date. All appeals shall be in writing and shall be submitted and processed in accordance with Chapter 10.84 (Appeals) of this Title.

10.67.090 Effective Date.

Hotel Condominium Conversion Permits shall become effective ten (10) days after the decision has been rendered, provided no appeal has been filed.

10.67.100 Expiration.

Hotel Condominium Conversion Permits are valid for two (2) years unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, or the permit is renewed or extended. If more than one phase of a development is approved in a single action and later phases remain outstanding, approval shall lapse at the end of the authorized time frame.

5. Pursuant to Section 8.44.185 of Title 8 (Building and Construction), the Zoning Administrator shall be authorized to determine if differences between Historic Landmarks Board decisions and Planning Commission decisions are minor design feature(s) when petitioned by the Community Development Department staff or by the project applicant. If the Zoning Administrator determines that there is a minor design inconsistency in the two board's approvals, the Planning Commission decision shall control.
 6. Extensions of construction time limits, in accordance with Section 10.54.100.D.
- C. Referral to Planning Commission.** The Zoning Administrator may transfer original hearing jurisdiction to the Planning Commission at his/her discretion when it is deemed necessary for policy implications, unique or unusual circumstances, or the magnitude of the project.
- D. Appeal.** Decisions of the Zoning Administrator may be appealed in accordance with Chapter 10.84 (Appeals) of this Title.

10.80.050 Planning Commission

The Planning Commission is hereby established for the City of Sausalito pursuant to California Government Code §65101. The Planning Commission shall be appointed and shall serve as follows:

- A. Appointment and responsibilities.** The Planning Commission shall be appointed and shall serve in accordance with Chapter 2.58 of the Sausalito Municipal Code.
- B. Actions.** Action to approve any application by the Planning Commission shall be by a majority vote of the members present and voting. A tie vote, which is not followed by a continuation of the matter for further consideration, shall have the same effect as a denial.

10.80.060 Historic Landmarks Board

- A. Appointments and responsibilities.** The Historic Landmarks Board (HLB) is hereby established for the City of Sausalito and shall be appointed and serve in accordance with Chapter 2.58 of the Sausalito Municipal Code.
- B. Actions.** Action to approve any application by the Historic Landmarks Board shall be by a majority vote of the members present and voting. A tie vote, which is not followed by a continuation of the matter for further consideration, shall have the same effect as a denial.
- C. Duties.** The Historic Landmarks Board shall have the following duties:
 1. Make recommendations to the Planning Commission regarding designation of historic districts and listing properties on the local register, consistent with Sections 10.28.040.F (Procedures for Historic District Designation) and 10.46.050 (Procedures for Listing on the Local Register).
 2. Hear and consider permit applications for construction, alteration, demolition and remedial work on sites listed on the local register or located in the Historic

project, and whose ability to provide such facilities and services may be significantly affected.

(3) Any person who has filed a written request for notice with the Community Development Director and has paid the fee set by the most current Community Development Department fee schedule for such notice.

(4) All owners of real property as shown on the latest equalized assessment roll and all occupants within 300 feet of the subject property. The Community Development Director may choose alternate notice procedure when the number of property owners to be noticed exceeds 1,000. Such alternate notice shall be a display advertisement of at least one-eighth page in at least one newspaper of general circulation within Sausalito at least ten (10) days prior to the public hearing.

b. Either published in at least one newspaper of general circulation in the City at least ten (10) days before the hearing or posted at least ten (10) days prior to the hearing in at least three public places within the boundaries of the City, including one public place in the area directly affected by the proceeding.

4. Method of notice distribution – Other matters. Notice of a public hearing required by this Title for discretionary permit, permit modification, or appeal, shall be given as follows.

a. Notice shall be mailed or delivered at least ten (10) days before the hearing to the following:

(1) The applicant, and the subject property owner(s) or the owners' agent, by certified or registered mail.

(2) Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, and whose ability to provide such facilities and services may be significantly affected.

(3) Any person who has filed a written request for notice with the Community Development Director and has paid the fee set by the most current Community Development Department fee schedule for such notice.

(4) All owners of real property as shown on the latest equalized assessment roll and all occupants within 300 feet of the subject property.

- b. Either published in at least one newspaper of general circulation in the City at least ten (10) days before the hearing or posted at least ten (10) days prior to the hearing in at least three public places within the boundaries of the City, including one public place in the area directly affected by the proceeding.

B. Public Notice – Administrative Design Review and Changes to an Approved Project. Notice of a pending administrative decision on a Design Review or Changes to an Approved Project application shall be given as follows:

- 1. **Content.** Notice that an Administrative Design Review or Changes to an Approved Project decision is pending shall include: a description of the location of the real property that is the subject of the application; a general explanation of the matter to be considered; an invitation to review plans and provide comments and suggestions; and the date that the decision will be rendered.
- 2. **Method of Notice Distribution.** Notice shall be mailed at least 10 (ten) days prior to a final administrative decision to the following:
 - a. The applicant and the subject property owner(s) or the owner's agent.
 - b. All owners of real property as shown on the latest equalized assessment roll and all occupants within 300 feet of the subject property.

C. View Determinations. For projects subject to a determination regarding view impairment consistent with Section 10.54.050.B (Applicability) (including but not limited to decks, balconies and chimneys), applicant shall submit an affidavit indicating adjacent neighbors (property owners and tenants, as applicable), including those located across a public street or right-of-way, have been notified of the proposal and related application within 10 (ten) days of the determination.

D. Additional notice. The Community Development Director shall provide additional notice for City-sponsored projects requiring Planning Commission notice and hearing. The Community Development Director may provide any additional notice deemed necessary or appropriate. Such notice shall be in addition to that required by this section and may include additional content and may be distributed differently.

E. Notice of Decision. The Community Development Department shall prepare a written Notice of Decision which shall include all findings and applicable conditions of approval. Notice of decision shall be distributed to the owner, applicant and all persons who submitted written comment on the application.

F. Failure to notice. The failure to send notice by mail to any such property owner or occupant, where the address of such owner is not shown upon the latest equalized assessment roll of the County, or the City's latest copy of Pacific Telephone "Reverse Telephone Directory" for this area shall not invalidate any proceedings in connection with any action.

10.82.030 Scheduling of Hearing

After the completion of any environmental documents required by the California Environmental Quality Act (CEQA), the distribution of the notice of hearing and following the preparation of a Community Development Department staff report, the matter shall be scheduled for public hearing on the next available Zoning Administrator, Historic Landmarks Board, Planning Commission, or City Council agenda (as applicable) reserved for such matters. Said hearing

CHAPTER 10.84 APPEALS

10.84.010 Purpose and Authorization

In the event that an applicant or others affected wish to contest an action made by the Community Development Department, Community Development Director, Zoning Administrator, Historic Landmarks Board or Planning Commission relevant to the administration of this Title, they may file an appeal as described below.

- A. Administrative Decision.** Any aggrieved party may appeal decisions made by the Community Development Department or Community Development Director to the Planning Commission. Administrative decisions include the following:
1. Determinations on the meaning or applicability of the provisions of this Title, pursuant to Section 10.12.090 (Nature and Interpretation of Zoning Ordinance).
 2. Determinations that an application or submittal information is incomplete, pursuant to Section 10.50.060 (Initial Review of Applications) and California Government Code §65943.
 3. Decisions on Zoning Permits or Administrative Design Review Permits. An administrative decision regarding a Zoning Permit shall be prominently posted on the project site by the applicant within 24 hours of the decision and shall remain posted for a period of ten (10) days.
- B. Zoning Administrator Decision.** Any aggrieved party may appeal decisions made by the Zoning Administrator to the Planning Commission.
- C. Historic Landmarks Board Decision.** Any aggrieved party may appeal decisions made by the Historic Landmarks Board to the City Council.
- D. Planning Commission Decision.** Any aggrieved party may appeal decisions made by the Planning Commission to the City Council.

While an appeal is pending, the establishment of the proposed structure or use shall be held in abeyance.

10.84.020 Right of Appeal

Right of appeal is prescribed in the individual chapters of this Title authorizing each decision that is subject to appeal. Generally, individuals that meet the following criteria shall be deemed to be an aggrieved party and shall have standing to appeal decisions:

- A. Any person affected or aggrieved by a Community Development Department administrative action or interpretation.
- B. Any person or party affected or aggrieved by a decision of the Zoning Administrator, Historic Landmarks Board, or Planning Commission.

A representative of a City department presenting departmental recommendations at a hearing shall not be authorized to appeal a decision rendered at such hearing.

10.84.030 Filing and Time Limit of Appeals

Appeals shall be filed in the Community Development Department within ten (10) calendar days of the date of the decision being contested. Appeals shall be in writing and shall include reasons and evidence indicating the grounds for the appeal. Appeals shall be subject to the applicable processing and noticing fees.

10.84.040 Public Notice and Hearing

- A. Public Hearing Required.** The Planning Commission or City Council, as applicable, shall hold a public hearing on an appeal. At the hearing, the appellate body shall review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party.
- B. Notice.** Notice of public hearings shall be given in the manner required for the decision being appealed.

10.84.050 Notice of Decision

Following public hearing, the appellate body shall affirm, modify or reverse the original decision. Written notice of the decision shall be mailed to the applicant and to the appellant. City Council may also remand any portion of the appeal to the Planning Commission for reconsideration.

10.84.060 Effect of Failure to Give Notice

No action, inaction or recommendation regarding any proposed development by the Planning Commission or City Council shall be held void or invalid or be set aside by any Court by reason of error or omission pertaining to the notices, including the failure to give any notice required by this section, unless the Court after an examination of the entire case shall be of the opinion that the error or omission complained of was prejudicial, and that by reason of such error or omission the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error or omission had not occurred or existed. There shall be no presumption that error or omission is prejudicial or that injury was done if error or omission is shown.

10.84.070 Effective Date of Appealed Actions

- A.** A decision by the City Council regarding an appeal shall become final on the date action was taken by the City Council.
- B.** A decision by the Planning Commission regarding an appeal shall become final ten (10) calendar days after the date of the decision, unless appealed to the City Council.

separately; rooming and boarding houses, which are included under "Multi-Family Dwellings"; or the rental of an entire residence for one week or longer.

Building. A roofed structure built for the support, shelter, or enclosure of persons, animals, or property of any kind. When the parts of a structure are joined only by a breezeway, each such part is a separate building. For the purposes of this Title, "building" includes permanent tents and floating structures other than navigable craft docked or moored pending their use for movement of people or goods.

Building Height. The height of a building as defined in Section 10.40.060.B.1 (Standard Building Height).

Building, main. A building within which is conducted the principal use on the parcel. Where a use involves more than one building designed or used for the primary purpose, as in the case of dwelling groups or a group of commercial or industrial buildings, each such building on the parcel shall be considered a main, principal, or primary building.

Building Material Stores. Primarily indoor retail establishments selling lumber and other large building materials, and also including paint, wallpaper, glass, fixtures, nursery stock, lawn and garden supplies (which may also be sold in hardware stores, included under the definition of "Retail Stores, General Merchandise"). Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Also includes incidental retail ready-mix concrete operations. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution" (SIC: Group 52).

Bulk Reverse Vending Machine. Reverse vending machine that occupies an area larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

Business Support Services. Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes:

Addressing and mailing service	Business equipment repair services (except vehicle repair, see "Repair and	
Blueprinting	Maintenance Vehicle	
Business supplies	Film processing laboratories	Research and development
Commercial art and design	Janitorial services	laboratories
(production)	Mail advertising services	Soils and materials testing
Computer-related service (rental,	(reproduction and shipping)	laboratories
repair, maintenance)	Photocopying	Stenographic services
Equipment rental businesses	Photofinishing	Window cleaning
within buildings	Protective services (other than	(SIC: Groups 73, 87)
Exterminators	office related)	

Catering, Retail. A business that prepares, delivers and serves food for consumption at offsite locations.

Certified Mobile Home. Mobile homes that are certified under the National Mobile Home Construction and Safety Act of 1974 (42 USC Section 5401, et seq.)

Child Day Care Centers. A commercial or non-profit facility that does not meet the definition of "Child Day Care, Large and Small Family Day Care Homes" and that provides care, protection and supervision of minor children for periods of less than 24 hours, typically while parents are

the property. See Section 10.44.030 (Home Occupations) for specific use requirements applicable to home occupations.

Hotel. Any structure, or any portions of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel-condominium, inn, motel, studio hotel, bachelor hotel, lodging house, tourist home or house, rooming house, apartment house, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof. A "hotel" facility excludes time-share estates and/or time-share properties, but includes hotel-condominiums and their respective hotel management entities wherein the owners of hotel-condominiums obtain an estate in real property consisting of an undivided interest in common space together with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof.

Hotel-Condominium Conversion. The change in the form of ownership of any Hotel to separate, saleable condominium units as defined in Section 1351(f) of the California Civil Code.

***Houseboat.** A floating boat, vessel, or industrial or commercial structure on, or in, the waters of the State, which is designed, fitted out, or used principally for residential purposes and is not principally used for active navigation. See Section 10.44.160 (Houseboats) for specific use requirements related to houseboats.

Household. A single individual, doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons, with a legally responsible head of household, doing their own cooking and living together upon the premises as a separate housekeeping unit as distinguished from a group occupying a boarding house, lodging house, club, fraternity, sorority or hotel.

Household, low income. A household earning less than 80% of the Marin County median income based upon information provided by the United States Department of Housing and Urban Development.

Household, moderate income. A household earning 80% to 120% of the Marin County median income based on information provided by the United States Department of Housing and Urban Development.

Inoperable vehicle. See "Vehicle, inoperable."

Inner Court. An open area with no roof that is surrounded on at least three sides by a structure which, on each of those sides, contains "floor area" as defined in section 10.40.040.B.

Involuntary Demolition. See Demolition, involuntary.

Kitchen, kitchen facilities. Any appliances or other facilities for the preparation or preservation of food, including but not limited to gas or electric ranges, ovens or stovetops, microwave ovens, sinks and adjacent counters (located in rooms other than a bathroom or laundry room), refrigerators of more than five cubic feet capacity, or freezers. Does not include wet bars or other small counter/sink arrangements unless they are part of a room that is accessed from the outside. Also does not include specialized home canning/preserving facilities.

Landscape, Major. Landscaping in the public right-of way, such as hedges or trees, which has the potential to impair outlying views or views of the right-of-way at a driveway or other intersection of two or more vehicular ways.

Lane, Pedestrian. A public right-of-way for use by pedestrians that does not run parallel to a roadway or street.

Laundries and Dry Cleaning Plants. Service establishments primarily engaged in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment, which are classified in "Personal Services." (SIC: Group 72)

Laundry Room. A room or area of a residential structure containing electrical and plumbing hook-ups for a washing machine and dryer.

Libraries and Museums. Permanent public or quasi-public facilities generally of a non-commercial nature which are intended to provide historical, cultural, literary, artistic and/or educational displays and information. Such uses may include, but are not limited to: libraries, museums, art exhibitions, planetariums, aquariums, botanical gardens, and arboretums. Also includes historic sites and exhibits. (SIC: Group 84)

Light Manufacturing. Manufacturing, assembly, packaging, and associated storage and transportation of finished goods not requiring major refinement or raw material preparation. May include food-related manufacturing; apparel manufacturing; furniture and fixture manufacturing; printing, publishing and allied industries; professional and scientific instruments; textile mill products; craft industries, or other uses that create minimal noise, vibration, smoke, dust or any other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the parcel on which it is located.

***Liveaboard.** A navigable vessel, as regulated in Section 10.44.170, with liveaboard residential occupant(s) for harbor or marina security purposes. See also "Marine Service Vessels."

Lot or parcel. A portion of land shown as a unit on a recorded subdivision map or an approved minor subdivision map, parcel map or otherwise existing as of record with the Office of the Recorder of the County of Marin.

***Marine Commercial Service.** Convenience goods and consumer service establishments to service the maritime needs of the community.

Bait and tackle shops, including a limited amount of accessory provisioning of food and beverage, ice dispensers.
Boat sales, rentals, charters.
Chandlery.
Diving equipment, lessons and services.
Engine sales, repair and service.

Marine electronics sales, service and repair. Marine equipment and supplies sales (including provisioning of food and beverages).
Marine equipment sales, manufacturing, service and repair.
Marine miscellaneous services (mail services, compass adjuster, provisioning, etc).
Sports fishing facilities.
Yacht sales and delivery.

Marine Industrial. Marine Industrial uses should be consistent with the protection of the waterfront area and promotion of marine-oriented businesses. Permitted uses include a wide range of relatively small scale, low intensity, non-polluting, low traffic generating, light marine industrial research and development activities, and arts uses consistent with those found in the Marinship considered to be of need or asset to the community, other marine services, and a working waterfront. Marine service commercial uses are listed separately below. Several marine service uses that could be included under this designation are listed in the maritime category.

Boat building and repair.	Marine electronics service and repair.
Boat engine repair.	Marine mechanical systems.
Boat maintenance.	Marine equipment manufacturing, service and repair.
Boat measuring and surveying.	Marine research laboratories.
Boat restoration.	Marine salvage.
Boat towing.	Marine welding and fabricating.
Engine repair and service.	Rigging.
Houseboat construction.	Sail, canvas construction and repair.
Marine carpentry, cabinet making, woodworking.	Sewer ejection systems.

***Marine Service Harbor.** A part of body of water protected and deep enough to furnish anchorage or mooring of boats or similar floating vessels used in the performance of a marine industrial activity or service conducted on the vessel or nearby on the land.

***Marine Service Vessels.** A boat, vessel, or berth for a boat used in the performance of a marine industrial activity or service conducted on the vessel or nearby on the land. Liveaboard use of the vessel is acceptable where it can be demonstrated, to the Community Development Director's satisfaction, that such residential use is necessary to provide the maritime service.

Medical Marijuana Dispensary. A "medical marijuana dispensary" is any facility or location where marijuana is made available for medical purposes and/or distributed to a primary caregiver, qualified patient, or person with an identification card. The terms "primary caregiver," "qualified patient", and "person with an identification card" shall be as defined in Health and Safety Code Sections 11362.5 and 11362.7 et seq.

Medical Services - Clinics and Laboratories. Service establishments primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services including: medical, dental, and psychiatric offices (mental health-related services including various types of counseling practiced by licensed individuals other than medical doctors or psychiatrists, or unlicensed individuals, are included under Offices); medical and dental laboratories; out-patient care facilities; opticians and optometrists; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included.

Medical Services - Hospitals and Extended Care. Hospitals and similar establishments engaged primarily in providing diagnostic services, extensive medical treatment including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include accessory retail pharmacies. Also includes residential establishments providing nursing and health related care as a principal use with in-patient beds, such as: skilled nursing facilities (facilities allowing care for physically or mentally disabled persons, where care is less than that provided by an acute care facility); extended care facilities; convalescent and rest homes; board and care homes. Long-term personal care facilities that do not emphasize medical treatment are classified in "Residential Care." (SIC: Groups 80, 805)

Medical Services - Veterinary Clinics and Hospitals. Office and medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals.

Excludes headquarters-type facilities for business associations; professional membership organizations; labor unions and similar organizations; political organizations, and other membership organizations that are defined as "Offices".

Property lines. The recorded boundaries of a lot of record, as follows:

Front property line. The line separating the parcel from the street. In case a lot abuts on more than one street, the parcel owner may elect any street parcel line as the front parcel line provided that such choice in the opinion of the Community Development Director will not be injurious to adjacent properties.

Rear property line. Ordinarily, that line of a parcel that is opposite and most distant from the front line of the parcel. In the case of a triangular or gore-shaped parcel, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front parcel line, shall be deemed to be the rear parcel line for the purpose of determining the depth of rear yard.

Side property line. Side property lines are recorded lot boundaries that are neither front nor rear property lines, which extend between front and rear property lines. On a corner lot, there will be one side parcel line and one rear property line.

Public Safety Facilities. Facilities operated by public agencies including fire stations, fire prevention and fire fighting facilities, police stations, including interim incarceration facilities.

Public utility. A company regulated by the California Public Utilities Commission or a governmental or quasi-governmental entity with an elected governing body which provides utility services.

Public Utility Facilities, Minor. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages; electrical substations and switching stations; telephone switching facilities; and natural gas regulating and distribution facilities. These uses do not include office or customer service centers (classified in "Offices").

Public Utility Facilities, Major. These uses include any of the following facilities that are not exempted from land use permit requirements by California Government Code §53091: public water system wells, treatment plants and storage; and community wastewater treatment plants, settling ponds and disposal fields.

Publisher. A person or business whose business is publishing (making a form of media publicly known).

Reconstruction. See "Replication."

Recreation and Fitness Centers. Indoor establishments providing amusement, entertainment, or physical fitness services for a fee or admission charge, such as: arcades containing coin operated amusements and/or electronic games (five or more such games or coin-operated amusements in any establishment constitutes an arcade pursuant to this definition, four or less are not considered a land use separate from the primary use of the site); card rooms, and

billiard and pool halls; dance halls, clubs and ballrooms which are principal uses rather than being subordinate to an eating or drinking place; fitness centers, gymnasiums, health and athletic clubs including indoor sauna, spa or hot tub facilities; tennis, handball, racquetball, indoor archery and shooting ranges and other indoor sports activities.

Recreational vehicle. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational or emergency occupancy with a living area of 320 square feet or less, and bearing the State or Federal insignia of approval for recreational vehicles.

Recyclable material. Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Section 25250.1 1 and 25143.2(b)(4) of the California Health and Safety Code or its successor.

Recycling Collection Stations. A center for acceptance by donation, redemption, or purchase of recyclable materials from the public. Includes temporary accumulation and storage of recyclable materials for later transportation to processing facilities. Includes sites for implementing the California Beverage Container Recycling Act (AB 2020), which may involve reverse vending machines, mobile collection units, and other attended and unattended collection facilities. Does not include automobile wrecking yards or any recycling processing facilities. Does not include temporary storage of toxic or hazardous waste materials. See Section 10.44.200 (Recycling Collection Stations) for specific use requirements applicable to recycling collection stations.

Religious Institutions. Religious organization facilities operated for worship or promotion of religious activities, including churches and religious Sunday-type schools; and accessory uses on the same site, such as living quarters for ministers and staff, child day care facilities where authorized by the same type of land use permit required for the church itself, and parish houses. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as recreational camps) are classified according to their respective activities.

Remodel, substantial. As used in Chapter 62 of this Title, a substantial remodel is any exterior remodel that does not classify as a "Replication."

Repair and Maintenance - Accessory to Sales. The repair of vehicles, equipment or other products on the same site as the retail sales of such vehicles, equipment or other products as a service to purchasers, that is incidental and accessory to the sales operation.

Repair and Maintenance - Consumer Products. Service establishments where repair of consumer products is the principal business activity, including: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; re-upholstery and furniture repair, and bicycle repair. Does not include shoe repair (included under "Personal Services"). Does not include repair or services incidental and accessory to retail sales. Does not include businesses serving the repair needs of heavy equipment, which are included under "Business Support Services." (SIC: Group 76)

Search Ring. A geographic area identified by the communications service provider as necessary to locate a wireless facility within to enhance or expand service.

Secondary Dwelling. A second permanent dwelling that is accessory to a primary dwelling on a site. A secondary dwelling may be either a detached or attached dwelling unit that provides complete, independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel or parcels as the primary dwelling.

Secondhand Stores, Thrift Stores. Indoor retail establishments that buy and sell used products, including but not limited to books, clothing, furniture and household goods.

Senior Housing Projects. Multi-family residential projects where occupancy is limited to people of 55 years or older (except in the case of double occupancy of a unit where only one resident need be 55 or older) and no persons under 18 years of age are permitted as residents. Senior housing projects include Senior Independent Living Centers (referred to as SILCs) and senior apartments, as follows:

1. **Senior Independent Living Centers (SILCs).** A senior housing project that consists of, but is not limited to, individual apartment units, community dining centers, and common recreation areas. The facilities must be physically accessible to elderly citizens, and the project is intended to provide a comfortable standard of living for its residents.
2. **Senior Apartments.** A senior housing project designed to meet the needs of citizens of 55 years of age or older. The dwelling units are independent and self-contained, and easily accessible to elderly citizens.

See Section 10.44.120 (Senior Housing Projects) for specific use requirements applicable to senior housing projects.

Service Stations. Retail establishments selling gasoline, which may also provide lubrication, oil change and tune-up services and the sale of automotive products incidental to gasoline sales. May also include accessory towing, mechanical repair services and trailer rental, and the accessory sales of food, gifts, etc., but does not include storage of wrecked or abandoned vehicles, paint spraying, body and fender work. The sale of alcoholic beverages is not permitted. See Section 10.44.250 (Service Stations) for specific use requirements applicable to service stations. (SIC: Group 554)

Setback. An area on a lot where no buildings, structures, or additions may be located, and which thereby becomes a yard area.

Setback, rear. An area formed by a line parallel to the rear property line.

Setback, side. An area formed by a line parallel to the side property lines of a lot, (property lines that are neither front nor rear property lines), that extends between front and rear setback areas. Side setbacks are measured at right angles to the side property lines.

Street. Right-of-way, easement or prescriptive right-of-way dedicated to, and under the authority of, the City of Sausalito; a state highway; a private road, easement, or prescriptive right-of-way; and which is customarily used for automobile travel and for providing vehicular access to abutting property.

Structure. Anything constructed or erected on the ground, the use of which requires attachment to the ground, or over 120 square feet in area or over 6 feet in height, or any structure that requires a building permit, including any building, but not including fences or walls six feet or less in height, or concrete flat work such as driveways, patios or planters less than 12 inches in height. Includes permanent tents.

Swimming Pool. Any constructed or prefabricated pool used for swimming or bathing, twenty-four (24) inches or more in depth.

Temporary Outdoor Retail Sales. Temporary retail operations which are not associated with permanent retail shops including: farmer's markets; sidewalk sales; seasonal sales of Christmas trees, pumpkins or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows. Includes flea markets and swap meets. See Section 10.44.300 (Temporary Outdoor Retail Sales) for specific use requirements applicable to temporary outdoor retail sales.

Temporary Uses and Events. Any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include but are not limited to elections, art shows, circuses, outdoor festivals and concerts. See Section 10.44.310 (Temporary Uses and Events) for specific use requirements applicable to temporary uses and events.

Tent. Any enclosed structure or shelter fabricated entirely, or in major part, of cloth, canvas, or similar flexible material.

Theaters and Meeting Halls. Indoor facilities for public assembly and group entertainment, other than sporting events, such as: public and semi-public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for "live" theater and concerts; motion picture theaters; meeting halls for rent and similar public assembly uses.

Transient Occupancy. Occupancy of residential structures, hotel rooms, or dwelling units on a temporary period of less than thirty (30) days.

Transit Stations and Terminals. Passenger stations for vehicular and ferry mass transit systems. Includes buses, taxis, and ferries. (SIC: Group 41)

Triplex. A single residential building containing three (3) dwelling units.

Use. The purpose for which land or a structure is arranged, designed or intended, or for which either land or a structure is or may be occupied or maintained.

Use, conditional. A land use that is identified as allowed, subject to minor use or conditional use permit approval in a particular zoning district by Chapters 10.20 through 10.28 (Zoning District Regulations).

TREE AND VIEW PRESERVATION ORDINANCE

Chapter 11.12 of the Municipal Code

Sections

- 11.12.010 - Purpose and Intent
- 11.12.020 - Definitions
- 11.12.030 - Protected Trees
- 11.12.040 - Views
- 11.12.050 - Enforcement and Penalties

Section 1. Chapter 11.12 of the Sausalito Municipal Code is hereby amended to read as follows:

11.12.010 PURPOSE AND INTENT. The General Plan of the City of Sausalito recognizes the contribution of both trees and views to the character and beauty of the City. The removal of trees without reasonable care would destroy the natural beauty of certain areas, contribute to erosion, increase the cost of drainage systems, reduce protection against wind, and impair residential privacy and quiet. This chapter acknowledges that trees and views, and the benefits derived from each, may come into conflict. This Chapter presents guidelines to resolve such conflicts so as to provide a reasonable balance between trees and views related values. It is the intent of this Chapter to provide an atmosphere in which residents of this community can resolve their differences amongst themselves without City intervention. For these reasons, the City Council enacts these regulations to promote the public health, safety and welfare. All tree work to be performed shall be in accordance to pruning standards of the International Society of Arboriculture Western Chapter. (ISA Copies available at Community Development Department.)

11.12.020 DEFINITIONS. As used in this Chapter, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise:

Alterations: Any action which would significantly change or damage the health or appearance of any tree, whether, 1) by cutting of its trunk or branches, or, 2) by filling or surfacing or changing the drainage of the soil around the tree, 3) by the cutting or removal of roots, 4) by removal of the upper portion of the tree's trunk or main leader, or 5) by any other damaging acts.

Arborist: 1) "Certified" Arborist as currently listed by the International Society of Arboriculture, or, 2) "Consulting" Arborist as currently listed as a member of the American Society of Consulting Arborists.

Arborists Report: The report of a Certified or Consulting Arborist on the feasibility and impact of suggested tree work.

D.B.H. (Diameter) ^{diameter}
~~C.B.H. (Circumference at Breast Height):~~ The tree trunk's ^{diameter} circumference as measured at 4 and 1/2 feet above the ground. For multi-trunked trees, the ^{diameter} circumference of the two largest trunks combined. Claimant: Any individuals or group of individuals who files a claim as required by the provisions of this Chapter.

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Feasible Tree Work: Tree work in which the first priority is the health and appearance of the tree.

Hedge: Any plant material, trees, stump growth, or shrubbery planted or growing in a dense continuous line, so as to form a thicket, barrier or living fence.

Meeting "Noticed": A meeting of which adjacent residents and property owners are notified by the City.

Obstruction: Any blocking or diminishment of a view or sunlight attributable to the growth, appearance, maintenance or location of trees.

Pruning: Normal, seasonal maintenance pruning, trimming, shaping or thinning of a tree necessary to its health, growth and view maintenance. Foliage reduction should not exceed one quarter of the total tree foliage.

Restorative Action: Any specific requirement to resolve a view claim.

Routine Pruning: The removal of any dead parts of a tree. Normal, seasonal maintenance pruning, trimming, shaping or thinning of a tree necessary to its health, growth and view maintenance. Foliage reduction should not exceed one quarter of the total tree foliage.

Shrubs or Shrubbery: A woody perennial plant smaller than a tree, usually having permanent stems branching from or near the ground.

Thinning: The selective removal of entire branches from a tree so as to improve visibility through the tree and/or improve the trees structural condition.

Topping: Removal of the upper portion of a tree's trunk or main leader.

Tree: A highly compartmented, perennial, woody, shedding plant that is usually tall, single stemmed, and long-lived. For the purposes of this Ordinance, trees are of the following classes.

Dedicated Tree: A tree that has special significance as provided for by resolution of the City Council.

Desirable Tree: A tree that has been approved for the specific location by the Tree Committee or City Arborist.

Fast Growing Tree: A tree developing three feet or more in height in yearly growth.

D.B.H of ten (10) inches.

Heritage Tree: A tree which has a ~~C.B.H. of 30"~~^{four (4) inches} No undesirable tree as defined herein is a heritage tree.

Protected Tree: Protected trees are those listed below.

1. On all private property: a) the California or Coastal Live Oak (*Quercus agrifolia*) measuring ~~12"~~^{four (4) inches} C.B.H. or larger; b) heritage trees; and c) dedicated trees. **four (4) inches D.B.H.**
2. On private undeveloped property, a tree measuring ~~12"~~^{four (4) inches} C.B.H. or larger.
3. All trees and shrubs on City-owned property.
4. No undesirable tree is a protected tree.

Undesirable Tree: Is one of the following: 1) *Eucalyptus globulus*, (Blue Gum Eucalyptus); 2) *Pinus radiata*, (Monterey Pine); 3) *Cupressus macrocarpa*, (Monterey Cypress); 4) *Sequoia sempervirens*, (Coastal Redwood); 5) *Acacia melanoxylon*, (Blackwood Acacia); 6) *Acacia baileyana*, (Bailey Acacia); and 7) *Acacia decurrens*, (Green Wattle).

Tree Committee: The Committee established under Chapter 2.30 of the Sausalito Municipal Code.

Tree Owner: Any individual owning real property in the City upon whose land are trees that form the basis for the filing of a view claim.