




# MEMORANDUM

## CITY OF SAUSALITO

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TO: ADU Working Group

FROM: Lilly Schinsing, Associate Planner 

DATE: June 25, 2012

SUBJECT: Topics for Discussion—June 25, 2012

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### Regulations for Amnesty ADUs

1- Conversion of Amnesty Units.

Background: The Working Group directed staff to address the situation if the property owner wanted to convert an amnesty ADU into the main residence in the future.

Staff discussion: As currently proposed, an amnesty unit will receive many benefits by being granted amnesty, including, but not limited to:

- 500 square foot waiver on floor area for the unit
- Limited building/fire inspections
- Legal non-conforming status for any zoning ordinance violations (i.e., setbacks, building coverage, etc.)

The current working draft of the regulations does not address the situation of in which the property owner of a unit which has been granted amnesty wishes to convert the unit to living space for the primary unit (removing the kitchen, walls, etc.). In this situation, as the regulations are currently written, benefits afforded during the amnesty period would apply to the primary unit.

Staff Recommendation: Add a clause which would ensure that any legal-non conforming status of the ADU would be predicated on the ADU remaining an ADU. Any conversion of the ADU to living space for the main residence would require the property owner to (1) demonstrate compliance of the main residence with the Zoning Ordinance and (2) re-apply any Floor Area waiver previously received on floor area for the ADU back to the parcel (e.g., if a property owner previously received amnesty for a 400 square foot ADU, and in turn, was not required to count 400 square feet of the ADU toward floor area for the parcel, the property owner would be require to re-apply the 400 square feet back to the parcel if they chose to convert the ADU into floor area for the main unit).

Suggested clause: *In order to maintain its legal non-conforming status an amnesty ADU shall remain an ADU. Elimination of the separate entrance, kitchen and/or bathroom facilities will require the property owner to (1) demonstrate compliance of the main residence with all applicable development standards in the Zoning Ordinance and (2)*

*re-apply any Floor Area waiver previously received on floor area for the ADU back to the parcel.*

**Regulations for New ADUs**

**2- Exceptions to Building Coverage/Impervious Surfaces**

Background: The Working Group consideration at prior meetings: A new ADU will be required to conform with the building coverage and impervious surfaces standards applicable to the parcel upon which the unit is located. At its discretion, the Planning Commission may grant exceptions to building coverage and impervious surfaces standards with a Conditional Use Permit.

- a. Exception to Building Coverage. When a parcel’s building coverage is maxed out, how much additional building coverage may be allowed with a CUP for the construction of an ADU?**

*Staff recommendation: With the approval of a Conditional Use Permit, the Planning Commission may grant an exception to the allowable building coverage permitted on a parcel to permit an accessory dwelling unit, provided the exception does not allow the total building coverage on the parcel to exceed 5% of the maximum allowable building coverage on the parcel.*

Example:

Zoning District	Example Parcel Size	Maximum Building Coverage	5% of the Maximum Building Coverage
R-1-6	6,000 sf	35% - 2,100 sf	105 additional square feet with an exception
R-2-2.5	4,000 sf	50% - 2,000 sf	100 additional square feet with an exception
R-3	5,000 sf	50% - 2,500 sf	125 additional square feet with an exception

- b. Exception to Impervious Surfaces. When a parcel’s impervious surface limit is maxed out, how much additional impervious surfaces may be allowed with a CUP for the construction of an ADU?**

*Staff recommendation: With the approval of a Conditional Use Permit, the Planning Commission may grant an exception to the allowable impervious surfaces permitted on a parcel to permit an accessory dwelling unit, provided the exception does not allow the total impervious surfaces on the parcel to exceed 5% of the maximum allowable impervious surfaces on the parcel.*

Example:

Zoning District	Example Parcel Size	Maximum Impervious Surfaces	5% of the Maximum Impervious Surfaces
R-1-6	6,000 sf	67.5% - 4,050 sf	202 additional square feet with an exception
R-2-2.5	4,000 sf	50% - 3,000 sf	150 additional square feet with an exception
R-3	5,000 sf	50% - 3,750 sf	187 additional square feet with an exception

### 3- Light and Air.

Staff recommendation: *No specific reference be placed in the regulations. Currently, accessory structures are allowed to be placed on a property **without discretionary review** if they meet the height/setback standards of the Zoning Ordinance. The ADU will be required to meet height and setback standards. The ADU should be treated similar to an accessory structure.*

### 4- Views (see correspondence on this topic):

Background: *The Working Group decided that a small proportion of view obstruction will be allowed. Up to ten percent of a primary view from a neighboring property may be obstructed by a new accessory dwelling unit. A "view" is defined by Chapter 10.88 of the Zoning Ordinance. In order to determine view impact story poles will be required to be erected and notices will be sent out to properties within 100' of the project site. The notices would offer a staff visit to the respective property owner's residence. Staff will determine where the primary views in a neighboring property are and if the new ADU will obstruct greater than 10% of the view. The method for determining 10% (i.e., lineal vs. area) will be determined by staff.*

Staff discussion:

Definition of a View: "...a view shall mean any view of the Sausalito Waterfront, San Francisco Bay, Mt. Tam, Strawberry Point, Tiburon, Belvedere, Angel Island, East Bay, and/or the City of San Francisco or any view greater than 300 feet distance and/or including significant aesthetic, cultural, natural, or historical features. The term "view" does not mean an unobstructed panorama of all or any of above."

The Planning Commission regularly reviews projects with view impacts and makes a determination on how much view, if any, a project can impact. The permit process for obtaining a permit for an ADU is required by State Law to be a ministerial process, meaning that there must be objective standards for a staff member to use to ascertain if the ADU complies with the regulations or not. If the ADU does comply with the regulations the permit would be approved.

Staff Recommendation:

It is difficult to create an objective view obstruction standard for staff to assess without using judgment, or discretion. Therefore, staff recommends that a no view obstruction standard be established for ministerial review of an ADU. If a view is determined to be obstructed, then the ADU project would have to be heard by the Planning Commission.

- Story poles erected
- Staff sends out a "pre-notice" to property owners/residents within 300 feet informing them of the ADU project and inviting comments related to view obstruction – 10 day notice
- Staff sends out a 10-day notice to property owners/residents within 300 feet reminding them of the ADU project and inviting comments related to view obstruction. There would be a statement in the notice indicating that if no comments are received on the project by a certain date then staff will determine that there are no view obstructions. If there are view concerns staff will visit the site and make a view determination as currently allowed by the Zoning Ordinance. If a view is determined to be obstructed the ADU project would be sent to the Planning Commission for review.