

ORDINANCE NO. 1205

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
AMENDING TITLES 1, 2, 10, AND 11 OF THE SAUSALITO MUNICIPAL
CODE TO: CORRECT ERRORS, CLARIFY AMBIGUITIES, AND TO MODIFY
VARIOUS SECTIONS FOR INCREASED EFFECTIVENESS
ZOA 10-038**

THE CITY COUNCIL OF THE CITY OF SAUSALITO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Table 10.24-1 of the Sausalito Municipal Code is hereby amended as follows^{1,2}:

Table 10.24-1

Offices (new structure or replacement of existing office)	P	P	CUP		CUP			
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Table 10.24-1

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 (applies to all forms of retail trade)	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			

¹ Only the pertinent sections of Table 10.24-1 have been shown. The remainder of Table 10.24-1 remains unchanged.

² With the exception of the diagrams, the text to be added is printed double-underlined and the text to be removed is printed ~~double-strikeout~~.

Table 10.24-1

Residential Uses								
Home occupations	P	P	P		P			Sec. 10.44.030 (Home occupations)

Table 10.24-1

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	p7	Sec. 10.44.140 (Harbor and marina facilities)
Off-street parking facilities (private and 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 MUP CUP	Permitted use Minor Use Permit required Conditional Use Permit required						Chapter 10.58 Chapter 10.60	

- 1 Zoning Permit required for all uses. (See Chapter 10.52 SMC.)
- 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 20 seats.
- 7 Marine service harbors only.

Section 2. Table 10.24-2 of the Sausalito Municipal Code is hereby amended as follows:

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

Development Requirement	CC	CR	CN		SC	CW	W	W-M	See SMC
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	Sec.10.40.030 (Minimum parcel standards) and SMC Title 9
Minimum lot width	50 feet	50 feet	50 feet		50 feet	50 feet	50 feet		Sec.10.28.060 (Planned development (-Pd))
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)		Sec.10.44.170 (Liveboards)
Maximum floor area ratio	1.3	1.00	-1	-2	.20	.30	.30		Sec. 10.40.040 (Floor area ratio)
			.50	.35					
Maximum building coverage	100%	70%	70 %	50 %	50%	30%	30%	Sec. 10.40.050 (Building coverage limits)	

Development Requirement	CC	CR	CN	SC	CW	W	W-M	See SMC
Minimum Setbacks								Sec. 10.40.080 (Exceptions to required setbacks), Sec. 10.40.070 (Setbacks and yards), and Chapter 10.44 (Specific Use Requirements)
Front	N/A	N/A	N/A	N/A	N/A	N/A	See Table 10.28-1 for site development standards	
Side (2)	10 feet	10 feet	10 feet	(3)	(3)	(3)		
Rear (2)	15 feet	15 feet	15 feet	20 feet	20 feet	15 feet		
Maximum building height	32 feet	32 feet	32 feet	32 feet	25 feet	32 feet		Sec. 10.40.060 (Height requirements)

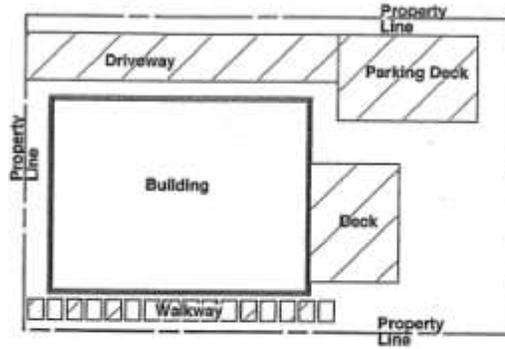
Section 3. Table 10.40-1 of the Sausalito Municipal Code is hereby amended as follows²:

**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
Residential	
Multiple-family residential (1 bedroom or studio)	1.5 per dwelling unit

² Only the pertinent sections of Table 10.40-1 have been shown. The remainder of Table 10.40-1 remains unchanged.

Section 4. Diagram 10.40-1 of the Sausalito Municipal Code is hereby amended as follows:

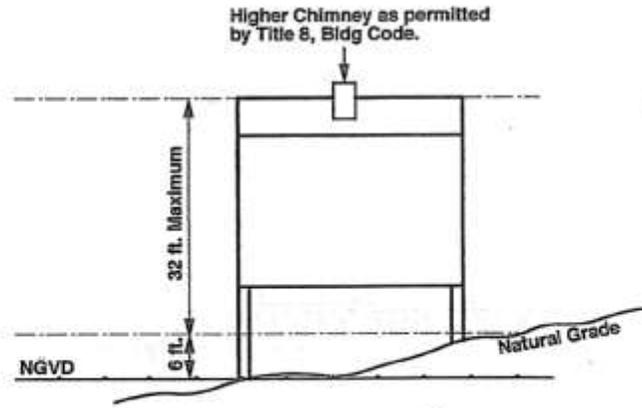


**10.40.050-C
IMPERVIOUS SURFACE COMPONENTS:
Maximum Allowable Per Table**

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.

Section 5. Diagram 10.40-2 of the Sausalito Municipal Code is hereby amended as follows:



**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.

Section 6. Diagram 10.40-3 of the Sausalito Municipal Code is hereby amended as follows:

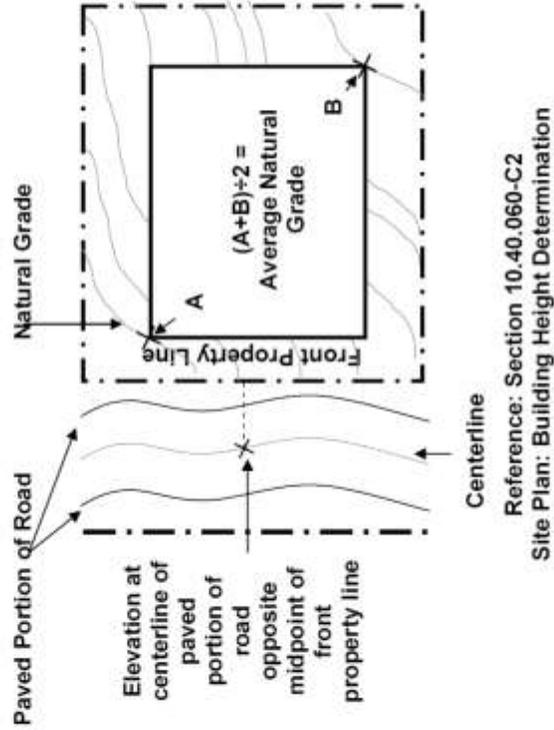
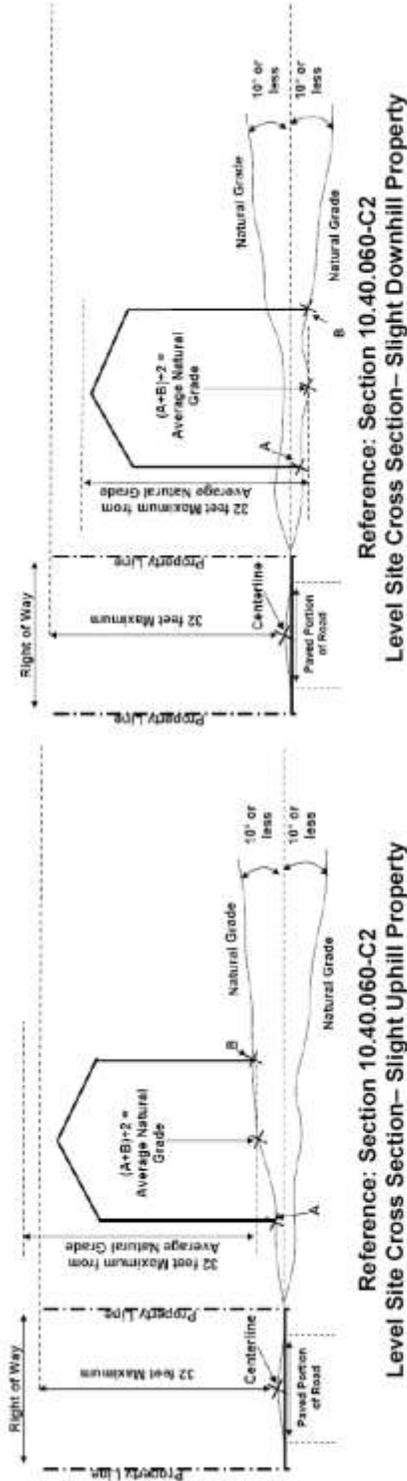
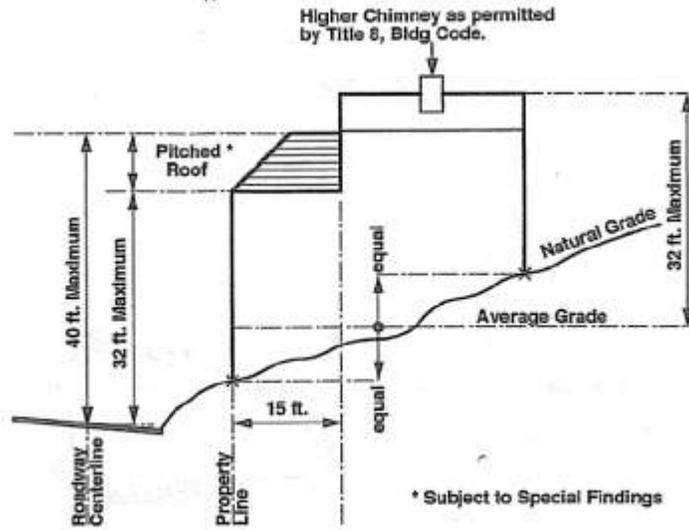


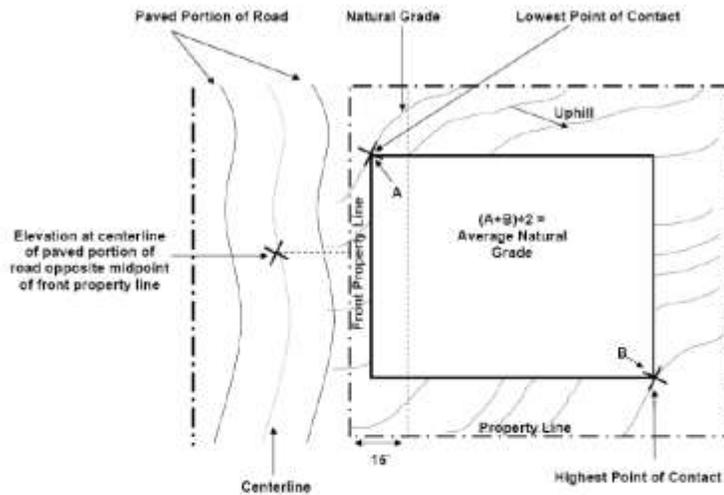
Diagram 10.40-3 Level Site Building Height

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.

Section 7. Diagram 10.40-4 of the Sausalito Municipal Code is hereby amended as follows:



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

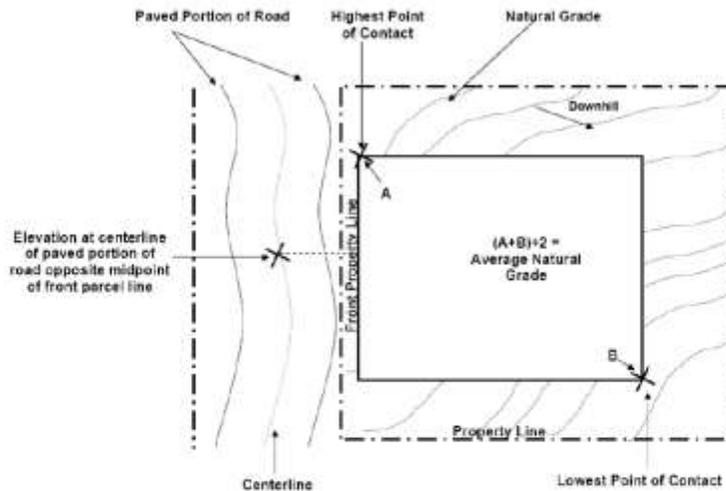
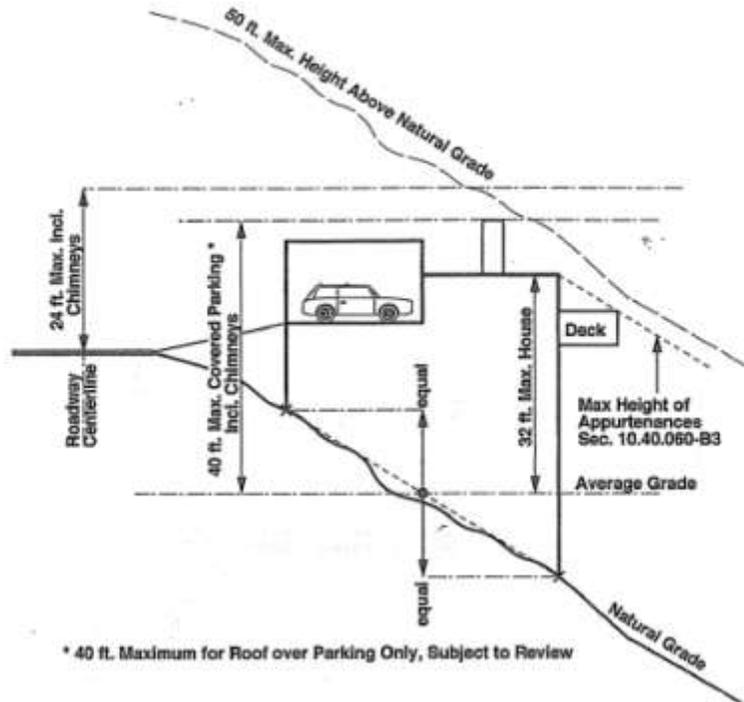


Reference: Section 10.40.060.C.1
 Site Plan: Building Height Determination
 Diagram 10.40-4 Uphill Site Building Height

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.

Section 8. Diagram 10.40-5 of the Sausalito Municipal Code is hereby amended as follows:

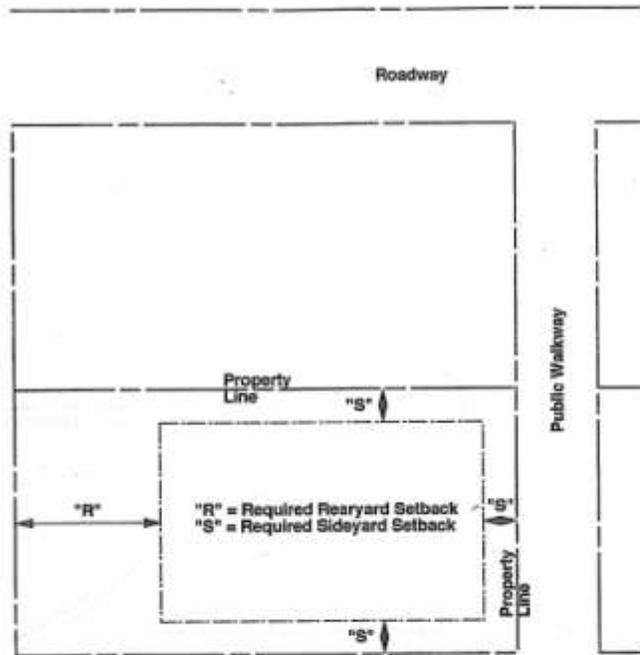


Reference: Section 10.40.060.C.3
 Site Plan: Building Height Determination
 Diagram 10.40-5 Downhill Site Building Height

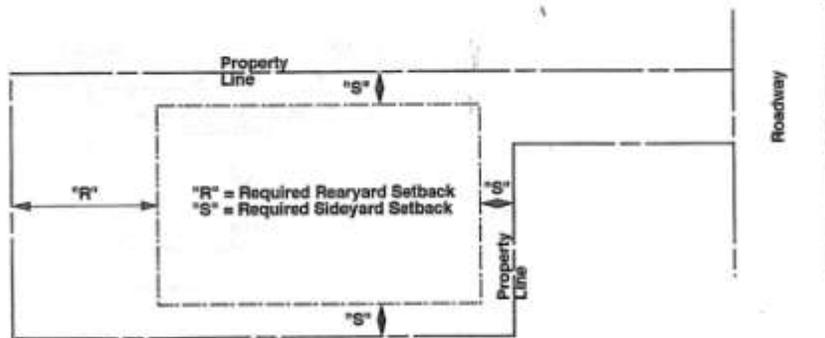
Diagram 10.40-5 DOWNHILL SITE BUILDING HEIGHT

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.

Section 9. Diagram 10.40-6 of the Sausalito Municipal Code is hereby amended as follows:



**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.

Section 10. Diagram 10.40-7 of the Sausalito Municipal Code is hereby amended as follows:



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

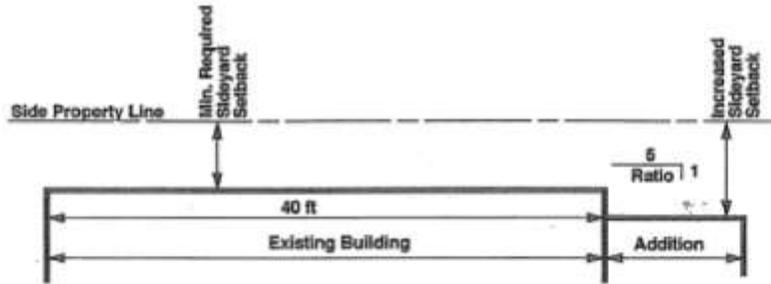


**10.40.070-C
CORNER LOT SITE PLAN:
Zero Building Setbacks at Corner Lots**

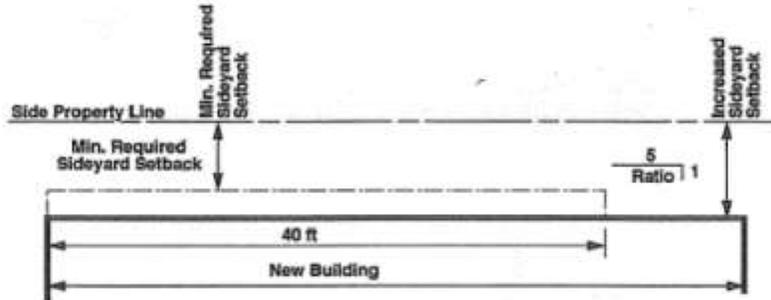
Diagram 10.40-7 NARROW AND CORNER PARCEL SETBACKS

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.

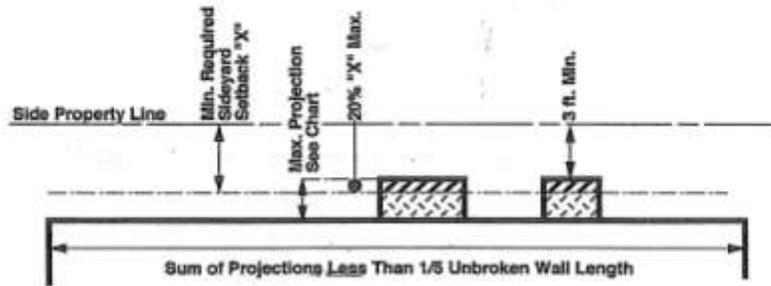
Section 11. Diagram 10.40-8 of the Sausalito Municipal Code is hereby amended as follows:



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



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

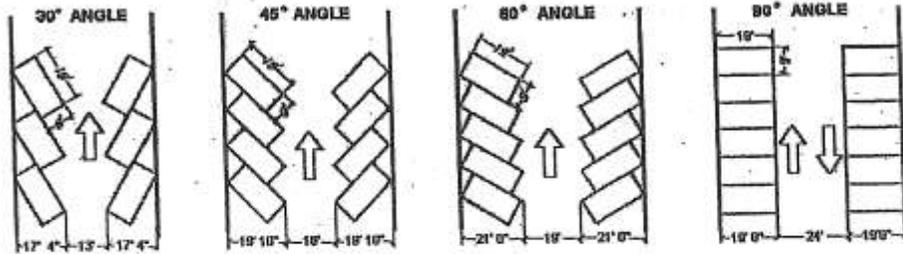


**10.40.090B
SITE PLAN:
Setbacks; Allowable Projections.
(See text section for additional information)**

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.

Section 12. Diagram 10.40-9 of the Sausalito Municipal Code is hereby amended as follows:



MINIMUM AISLE WIDTH
9FT STALL

PARKING ANGLE	0° - 28°	30° - 34°	35° - 39°	40° - 44°	45° - 49°	50° - 54°	55° - 59°	60° - 64°	65° - 69°	70° - 74°	75° - 79°	80° - 89°
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 10.40-9 PARKING AISLE WIDTH

Reference Section 10.40.120.A.3.a

Section 13. Diagram 10.40-10 is hereby added to the Sausalito Municipal Code as follows:

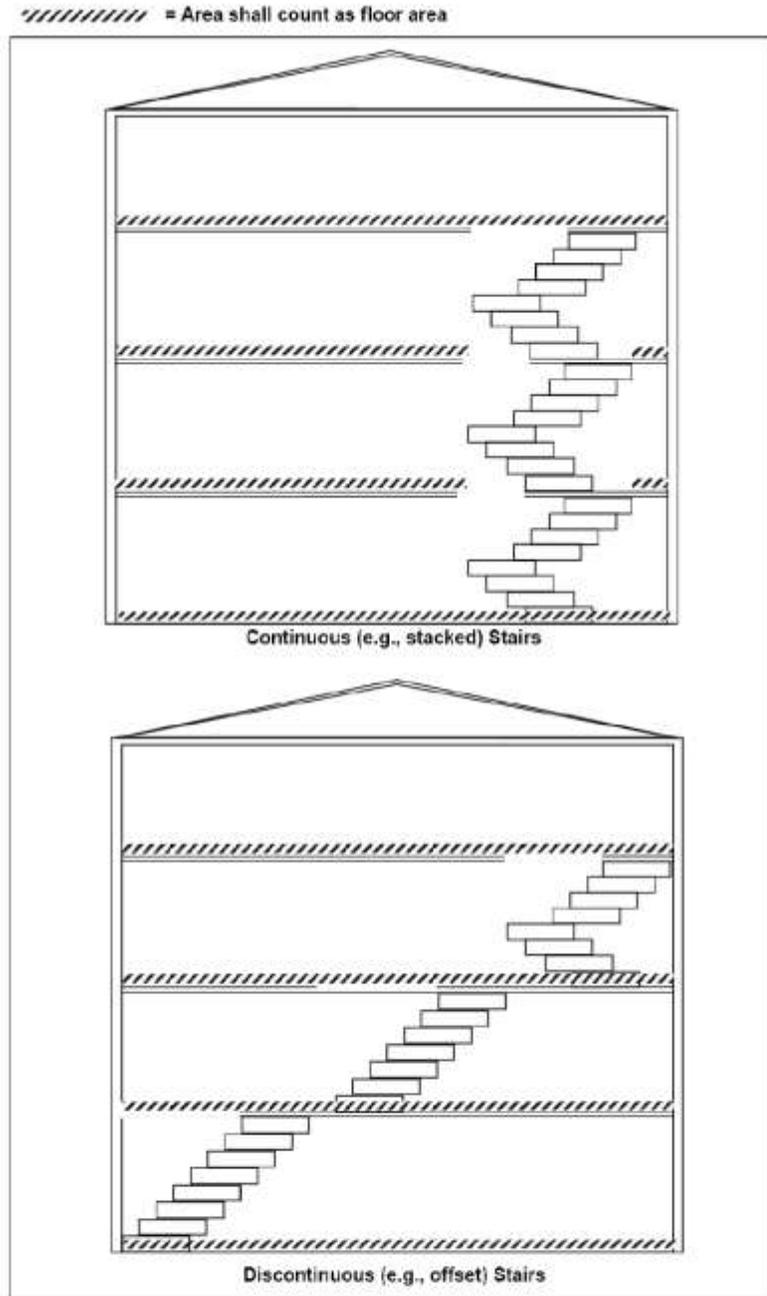


Diagram 10.40-10
Measurement of Stairs as Floor Area
Reference Section 10.40.040.B

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.

Section 14. Section 10.40.030.D.2 of the Sausalito Municipal Code is hereby amended as follows:

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

Section 15. Section 10.40.040.B of the Sausalito Municipal Code is hereby amended as follows:

B. Measurement of Floor Area. The sum of the gross horizontal surfaces of all enclosed buildings and any covered patio, balcony, court, deck, porch or terrace with over 50 percent of the surface of the exterior vertical area (not including the vertical area of the main building wall) enclosed by weatherproof materials (including closable windows, doors and louvers.). Floor area shall be measured from the interior faces of the exterior walls and shall exclude vent, utility and elevator shafts; inner courts; 500 square feet of enclosed automobile parking spaces for single-family dwellings and the minimum area for parking and circulation required by Section 10.40.110 (Parking space requirements by land use) and 10.40.120 (Design and improvement of parking) for all other uses; and shall include attics, crawl spaces and other confined spaces with a ceiling height greater than five feet eleven inches (5' 11") 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.

Section 16. Section 10.40.040.C of the Sausalito Municipal Code is hereby amended as follows:

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.

Section 17. Section 10.40.040.D of the Sausalito Municipal Code is hereby amended as follows:

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.

Section 18. Section 10.40.050.B of the Sausalito Municipal Code is hereby amended as follows:

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 feet six inches (2’6”) from the face of the building wall, but shall include the portion of roof eaves and/or rain gutters that extend more than two feet six inches (2’6”) from the face of the building wall. Also see Section 10.56.050.

Section 19. Section 10.40.050.C of the Sausalito Municipal Code is hereby amended as follows:

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) un-landscaped 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).

Section 20. Section 10.40.060.B.2 of the Sausalito Municipal Code is hereby amended as follows:

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 (3) feet above the waterline. See Diagram 10.40-2.

Section 21. Section 10.40.060.C of the Sausalito Municipal Code is hereby amended as follows:

C. Sloped and Level Parcels. In addition to the provisions contained in subsection B of this section (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 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 subsection B of this section (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).

2. Level. Any slope between 10 degrees up and 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 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 24 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 32-foot required height limit subject to the following conditions:

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

Section 22. Section 10.40.070.B of the Sausalito Municipal Code is hereby amended as follows:

B. Land Locked Parcel. Any parcel that does not have a front parcel line (i.e., not fronting on a public street or road) shall provide the required rear yard along one 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.

Section 23. Section 10.40.070.C of the Sausalito Municipal Code is hereby amended as follows:

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.

Section 24. Section 10.40.070.D.1 of the Sausalito Municipal Code is hereby amended as follows:

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 40 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 40 feet. The full length of the building shall be subject to the increased setback. If the addition will increase the building length to exceed 40 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.

Section 25. Section 10.40.080.A of the Sausalito Municipal Code is hereby amended as follows:

A. Narrow Parcels. The side yard setback requirement may be reduced to 10 percent of the lot width, to not less than three (3) feet, for any substandard parcel that meets the criteria in Section 10.40.030(D) (Development on Substandard Lots) and is less than 50 feet wide. See Diagram 10.40-7.

Section 26. Section 10.40.090.A of the Sausalito Municipal Code is hereby amended as follows:

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

1. Underground utilities and the related aboveground 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.

Section 27. Section 10.40.090.B of the Sausalito Municipal Code is hereby amended as follows:

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 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 compliant with the California Building Code.
 - d. Accessory structures if consistent with the requirements of Section 10.44.020 (Accessory uses and structures).

Section 28. Section 10.40.100.B.4 of the Sausalito Municipal Code is hereby amended as follows:

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 offset 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.

Section 29. Section 10.44.010.B of the Sausalito Municipal Code is hereby amended as follows:

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 of this section (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 Districts 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. Noncommercial 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. Secondary dwellings, existing (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. Storage, accessory (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).

Section 30. Section 10.44 of the Sausalito Municipal Code is hereby amended to add a new section 10.44.080 to read as follows:

10.44.080 Reserved.

Section 31. Section 10.44.020.C.4 of the Sausalito Municipal Code is hereby amended as follows:

4. Structure Size. Accessory buildings and structures shall not exceed one 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.

Section 32. Section 10.44.170.A of the Sausalito Municipal Code is hereby amended as follows:

Purpose.

Liveaboards 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 liveaboards 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.

Section 33. Section 10.44.210.B of the Sausalito Municipal Code is hereby amended as follows:

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 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 Permits 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.

Section 34. Section 10.44.220 of the Sausalito Municipal Code is hereby amended as follows:

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 (6) 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 inches 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. The 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. The 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 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.

Section 35. Section 10.44.230.B of the Sausalito Municipal Code is hereby amended as follows:

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, postcards, 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.

Section 36. Section 10.44.230.C of the Sausalito Municipal Code is hereby amended as follows:

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 store to another type of visitor store, or for any art dealer selling original works of art in the CR district.

Section 37. Section 10.45.110.C of the Sausalito Municipal Code is hereby amended as follows:

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 subsection B of this section.

Section 38. Section 10.50.180 of the Sausalito Municipal Code is hereby amended as follows:

Changes to an approved project.

Changes to any approved Administrative Design Review Permit, Design Review Permit, Minor Use Permit, Conditional Use Permit, Nonconformity 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).

Section 39. Section 10.52.020 of the Sausalito Municipal Code is hereby amended as follows:

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.

Section 40. Section 10.54.020 of the Sausalito Municipal Code is hereby amended as follows:

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 10.50.180 (Changes to an Approved Project).

Section 41. Section 10.54.040 of the Sausalito Municipal Code is hereby amended as follows:

Administrative Design Review Permits.

Proposals that fall below the thresholds contained in subsection B of this section (Applicability), 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 10.52 (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 of this section (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 multifamily residences, commercial structures, and industrial structures which increase the size of the structure by less than 10 percent, not to exceed 300 square feet, 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 subfloor 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 inches 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 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 10-foot horizontal interval.
- C. Public Notice. The Community Development Department shall give public notice of the application, pursuant to Section 10.82.020(B) (Public Notice – Administrative Design Review).
- D. Conditions. The Community Development Department may apply reasonable conditions of approval, in addition to those identified in Section 10.54.090

(Conditions of Approval) 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 Section 10.54.050(E) (Heightened Review Findings) as applicable, can be made.

F. Resolution and Notice of Decision. The 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 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 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 years following the effective date of the permit, provided no extension has been filed prior to the expiration date.

Section 42. Section 10.54.050.B of the Sausalito Municipal Code is hereby amended as follows:

B. Applicability. Design Review Permits shall be required for the following applications:

Building Permits:

1. Any single-family, two-family (duplex), or any multifamily residential structure proposed for construction.
2. Any replacement or substantial reconstruction of a single-family, two-family (duplex), or multifamily 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 multifamily 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 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 Parcels).
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 Parcels).
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 multifamily 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 (antennas and ground equipment).
17. Permits to install satellite dish antennas which have a diameter greater than 40 inches (one 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).

Section 43. Section 10.54.050.E of the Sausalito Municipal Code is hereby amended as follows:

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 percent 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 allow 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 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.

Section 44. Section 10.56.010 of the Sausalito Municipal Code is hereby amended as follows:

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 Municipal Code and applicable plans and ordinances; and
- H. To provide for the necessary removal or termination of any encroachment.

Section 45. Section 10.58.052 of the Sausalito Municipal Code is hereby amended as follows:

10.58.052 Reserved.

Section 46. The introductory language of Section 10.58 of the Sausalito Municipal Code is hereby amended as follows:

Chapter 10.58

MINOR USE PERMITS

Sections:

- 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.

Section 47. Section 10.82.020 of the Sausalito Municipal Code is hereby amended as follows:

Public notice.

A. Public Hearing. Notice of a public hearing before the Zoning Administrator, Planning Commission or City Council shall be given in accordance with law and as follows:

1. Content. In addition to any other information required by law, notice of a public hearing shall include, but not be limited to: The date, time and place of the hearing; the name of the hearing body; a general explanation of the matter to be considered; and a description of the location of the real property that is the subject of the hearing. If a proposed negative declaration, a final environmental impact report, or any other appropriate environmental document has been prepared for the project pursuant to SMC Title 11 (Environmental Protection) and the California Environmental Quality Act (CEQA), the hearing notice shall include a statement that the hearing body will also consider approval/certification of such document(s).
2. Method of Notice Distribution – Title Adoption or Amendment Not Affecting Uses. Notice of a public hearing required by this title for the adoption of the Zoning Ordinance or amendments to the Zoning Ordinance which do not affect the uses of real property shall be published in at least one newspaper of general circulation in the City at least 10 days before the hearing, as required by California Government Code Sections 65090 and 65091.
3. Method of Notice Distribution – Title Adoption or Amendment Affecting Uses. Notice of a public hearing required by this title for the adoption of the Zoning Ordinance or amendments to the Zoning Ordinance which affect the uses of real

property shall be given as follows, as required by California Government Code Sections 65090 and 65091:

- a. Notice shall be mailed or delivered at least 10 days before the hearing to the following:
 - i. The applicant, and the subject property owner(s) or the owners' agent, by certified or registered mail.
 - ii. 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.
 - iii. 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.
 - iv. All owners of real property as shown on the latest equalized assessment roll 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 10 days prior to the public hearing.
 - b. Either published in at least one newspaper of general circulation in the City at least 10 days before the hearing or posted at least 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 10 days before the hearing to the following:
 - i. The applicant, and the subject property owner(s) or the owners' agent, by certified or registered mail.
 - ii. 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.
 - iii. 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.
 - iv. 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 10 days before the hearing or posted at least 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 days prior to a final administrative decision to the following:

a. The applicant and the subject property owner(s) or the owners' 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 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.

Section 48. Section 10.84.030 of the Sausalito Municipal Code is hereby amended as follows:

Filing and time limit of appeals.

Appeals shall be filed in the Community Development Department within 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.

Section 49. The definition of “Secondary dwelling” in Section 10.88 of the Sausalito Municipal Code is hereby amended as follows:

“Secondary dwelling” means 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.

Section 50. Section 10.88 of the Sausalito Municipal Code is hereby amended to add a new definition for “Building Height” to read as follows:

“Building Height” means the height of a building as defined in Section 10.40.060.B.1 (Standard Building Height).

Section 51. Section 11.12.020.D of the Sausalito Municipal Code is hereby amended as follows:

D. “D.B.H. (diameter at breast height)” means the tree trunk’s diameter as measured at four and one-half (4½) feet above the ground; for multi-trunked trees, the diameter of the two largest trunks combined.

Section 52. Section 11.12.020.P of the Sausalito Municipal Code is hereby amended as follows:

P. “Tree” means a highly compartmented, perennial, woody, shedding plant that is usually tall, single-stemmed and long-lived. For purposes of this chapter, trees are of the following classes:

1. “Dedicated tree” means a tree which has special significance as provided for by resolution of the City Council;
2. “Desirable tree” means a tree that has been approved for the specific location by the Tree and Views Committee or City Arborist;
3. “Fast-growing tree” means a tree developing three (3) feet or more in height in yearly growth;
4. “Heritage tree” means a tree which has a D.B.H. of ten (10) inches. No “undesirable tree,” as defined in this chapter, is a heritage tree;
5. Protected Tree. “Protected trees” are those listed below:
 - a. On all private property:
 - i. The California or Coast live oak (*Quercus agrifolia*) measuring four (4) inches D.B.H. or larger;
 - ii. Heritage trees; and
 - iii. Dedicated trees;
 - b. On private undeveloped property, a tree measuring four (4) inches D.B.H., or larger;
 - c. All trees and shrubs on City-owned property;

- d. No undesirable tree is a protected tree;
- 6. “Undesirable tree” is one of the following:
 - a. Blue gum eucalyptus;
 - b. Monterey pine;
 - c. Monterey cypress;
 - d. Coast redwood.

Section 53. Section 1.04.070 of the Sausalito Municipal Code is hereby amended as follows:

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 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 become the next regular City business day.

Section 54. Section 2.20.006 of the Sausalito Municipal Code is hereby amended as follows:

Community Development Department staff.

Except where otherwise provided by this code, the responsibilities of the Community Development Director may also be carried out by Planning Division employees under the supervision of the Director.

Section 55. The adoption of this ordinance is exempt from the application of the California Environmental Quality Act, Public Resources Code section 21000, *et seq.*, in accordance with section 15305 (Minor Alterations in Land Use Limitations).

Section 56. If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 57. This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

Section 58. This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the City of Sausalito.

THE FOREGOING ORDINANCE was read at a regular meeting of the Sausalito City Council on the 6th day of December, 2011, and was adopted at a regular meeting of the City Council on the 28th day of February, 2012 by the following vote:

AYES: COUNCILMEMBER: Ford, Pfeifer, Weiner and Vice Mayor Leone
NOES: COUNCILMEMBER: None
ABSENT: COUNCILMEMBER: Kelly
ABSTAIN: COUNCILMEMBER: None

VICE MAYOR OF THE CITY OF SAUSALITO

ATTEST:

CITY CLERK