



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE: Zoning Ordinance Amendment: Updated Standards for Two-Family and Multi-Family Zoning Districts (ZOA 10-355)

RECOMMENDED ACTIONS:

Staff recommends the City Council take the following actions:

- Conduct a public hearing on the Updated Standards for Two-Family and Multi-Family Zoning Districts Ordinance.
- Introduce and read by Title only "An Ordinance of the City Council of the City of Sausalito amending Title 10 of the Sausalito Municipal Code to: add a new Section 10.44.330 for development standards for dwelling units in Two-Family and Multi-Family Zoning Districts; modify Table 10.22-2 to add reference to Section 10.44.330; modify Section 10.54.050.b to allow for a onetime 200 square foot floor area exception; modify Section 10.54.050.d and 10.54.050.e to add findings for Design Review Permits; modify Section 10.54.060 to add submittal requirements for Design Review Permits; and modify Section 10.40.120.b.1 to provide for an exception for tandem parking; allow exception to parking requirements in Section 10.40.110.d; and add reference to parking exception in Table 10.40-1" (**Attachment 9**), and continue the second reading to the September 24, 2013 meeting.

This staff report supplements the staff report dated July 9, 2013

BACKGROUND

On July 9, 2013 the City Council held a public hearing on a draft ordinance to establish updated standards for the Two-Family and Multi-Family Zoning Districts. After discussion, the Council continued the public hearing to the September 10, 2013 City Council meeting. On August 21, 2013 the Legislative Committee (Leone-absent) met to discuss the draft ordinance and the concerns raised at the July 9th City Council meeting.

The draft ordinance reduces the allowable floor area, building coverage and impervious surfaces of any single unit on a parcel in the R-2-2.5 and R-3 Zoning Districts to more closely conform with standards for single units in the R-1-6 Zoning District. As the allowed total floor area, building coverage and impervious surfaces in the R-2-2.5 and R-3 Zoning District would not be reduced, the remaining development potential would be held in reserve for an additional unit(s). The draft ordinance also adds additional findings and submittal requirements for Design Review Permits and allows for an exception to parking requirements.

The attached analysis uses two-column format to describe and evaluate various issues in the draft ordinance (see **Attachment 8** for the analysis). The left column describes the pertinent section of the draft ordinance considered by the City Council on July 9th. The right column provides an overview of the Council and public concerns addressed at the July 9th City Council meeting, the August 21st Legislative Committee meeting, correspondence received after the July 9th meeting, as well as staff recommendations for language changes. Options listed in the right column have been included in the revised draft ordinance (see **Attachment 9** for revised draft ordinance).

SUMMARY OF OPTIONS

The following summarizes Options 1-11 listed in the analysis document (**Attachment 8**) and in the revised draft ordinance (**Attachment 9**).

- New Development Standards
 - **Option 1:** Select the fixed percentage option (as drafted in the 7/9/13 Council report).
 - OR
 - **Option 2:** Select the ratio option (the Irwin/Mark proposal).
- Conditional Use Permit Exception
 - **Option 3a:** Add additional finding
 - **Option 3b:** Add to criteria of finding
 - **Option 3c:** Add to language in criteria (extremely limited situations)
 - **Option 3d:** Add to language in criteria (sole discretion of Planning Commission)
 - **Option 4:** Restrict CUP option to parcels under 6,000 square feet
- 200 Square Foot Exception
 - **Option 5:** Add sunset clause
- Historic Properties Exception
 - **Option 6:** Exemption only applies where no floor area building coverage or impervious surfaces increase are proposed
 - **Option 7:** Expand to properties on National and California Register
- Design Review Permit Finding regarding Feasibility
 - **Option 8:** Change term "feasibility" to "practicality"
 - **Option 9:** Add list of criteria to finding
- Purpose and Intent of Ordinance
 - **Option 10:** Reword #3
 - **Option 11:** Add new item

CORRESPONDENCE

Correspondence received after the July 9, 2013 Council meeting is attached as **Attachment 12**. Annotated copies of the Irwin/Mark and Werner letters are provided as **Attachments 13** and **14**, respectively.

RECOMMENDATION

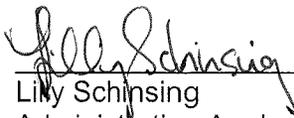
- Conduct a public hearing on the Updated Standards for Two-Family and Multi-Family Zoning Districts Ordinance.
- Review optional language (Options 1-11) presented in the Revised Draft Ordinance (**Attachment 9**), select desired language as appropriate.
- Introduce and read by Title only "An Ordinance of the City Council of the City of Sausalito amending Title 10 of the Sausalito Municipal Code to: add a new Section 10.44.330 for development standards for dwelling units in Two Family and Multi-Family Zoning Districts; modify Table 10.22-2 to add reference to Section 10.44.330; modify Section 10.54.050.b to allow for a onetime 200 square foot floor area exception; modify Section 10.54.050.d and 10.54.050.e to add findings for Design Review Permits; modify Section 10.54.060 to add submittal requirements for Design Review Permits; and modify Section 10.40.120.b.1 to provide for an exception for tandem parking; allow exception to parking requirements in Section 10.40.110.d; and add reference to parking exception in Table 10.40-1" (**Attachment 9**), and continue the second reading to the September 24, 2013 meeting.

ATTACHMENTS

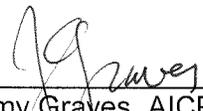
The numbering of attachments follows from the July 9, 2013 staff report.

- 8. Analysis
- 9. Draft Ordinance, dated September 10, 2013
- 10. Tables Comparing Fixed Percentage Option vs. Ratio Option
- 11. Local Historic Register Information
- 12. Correspondence
 - a. Werner Letter, date stamped received July 18, 2013
 - b. Faber Letter, date stamped received August 20, 2013
 - c. Fred and Melinda Meitz, date stamped received August 20, 2013
 - d. Irwin/Mark Letter, date stamped received September 4, 2013
- 13. Staff Annotated Irwin/Mark Letter
- 14. Staff Annotated Werner Letter

PREPARED BY:


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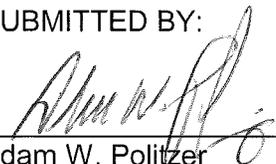
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ANALYSIS

1 – NEW DEVELOPMENT STANDARDS

DESCRIPTION (7/9/13 VERSION)

The proposed regulations modify the development standards to cap the size of any single unit on a multifamily parcel to the size allowed for a single family dwelling in the R-1-6 Zoning District (with the exception of impervious surfaces). The remaining development potential would be held “in reserve” for future units on the parcel.

Affected Development Standard	Modification to Development Standards in R-2-2.5 and R-3 Zoning Districts	Today's Standard in R-2-2.5 and R-3 Zoning Districts
Floor Area	No single unit may exceed the maximum floor area ratio of 0.45 of the parcel (the R-1-6 standard). The total maximum 0.65 FAR for the parcel as a whole still applies.	0.65 FAR total (can be split however the property owner wants among one unit or multiple units)
Building Coverage	No single unit may exceed the maximum building coverage percentage of 35% of the parcel (the R-1-6 standard). The total maximum 50% building coverage for the parcel as a whole still applies.	50% Building Coverage total (can be split however the property owner wants among one unit or multiple units)
Impervious Surface	No single unit may exceed the maximum impervious surface percentage of 52% of the parcel for the R-2-2.5 Zoning District and 42% in the R-3 Zoning District (the “ adjusted R-1-6 standard ”). The total maximum 75% impervious surface for the parcel as a whole still applies.	75% Impervious Surface total (can be split however the property owner wants among one unit or multiple units)

ANALYSIS / OPTIONS

Concern Identified at 7/9/13 Council Meeting:

None noted

Other Concern:

The correspondence from Russ Irwin and Fay Mark (see **Attachment Error!** Reference source not found.) suggests a ratio option where the Floor Area Ratio, building coverage and impervious surface percentages for single units on parcels under 3,000 sf would be fixed, parcels between 3,000 to 6,000 sf would be adjusted using a ratio and parcels 6,000 sf and greater would be fixed. See the table and the Irwin/Mark letter for the proposal:

Affected Development Standard	Irwin/Mark Suggested Modification to Development Standards in R-2-2.5 and R-3 Zoning Districts								
Floor Area	<p>No single unit may exceed the maximum floor area ratio of the following:</p> <table border="1"> <thead> <tr> <th>Parcel Size</th> <th>FAR</th> </tr> </thead> <tbody> <tr> <td>6,000 sf and greater</td> <td>0.45</td> </tr> <tr> <td>3,000- <6,000 sf</td> <td>0.55-(((Total Parcel Size -3,000)/3,000)*0.10)</td> </tr> <tr> <td>Less than 3,000 sf</td> <td>0.55</td> </tr> </tbody> </table> <p>The total maximum 0.65 FAR for the parcel as a whole still applies.</p>	Parcel Size	FAR	6,000 sf and greater	0.45	3,000- <6,000 sf	0.55-(((Total Parcel Size -3,000)/3,000)*0.10)	Less than 3,000 sf	0.55
Parcel Size	FAR								
6,000 sf and greater	0.45								
3,000- <6,000 sf	0.55-(((Total Parcel Size -3,000)/3,000)*0.10)								
Less than 3,000 sf	0.55								
Building Coverage	<p>No single unit may exceed the maximum building coverage of the following:</p> <table border="1"> <thead> <tr> <th>Parcel Size</th> <th>Building Coverage Percentage</th> </tr> </thead> <tbody> <tr> <td>35%</td> <td>35%</td> </tr> <tr> <td>3,000- <6,000 sf</td> <td>0.425-(((Total Parcel Size-3,000)/3,000)*(0.425-0.35))</td> </tr> <tr> <td>Less than 3,000 sf</td> <td>42.5%</td> </tr> </tbody> </table> <p>The total maximum 50% building coverage for the parcel as a whole still applies.</p>	Parcel Size	Building Coverage Percentage	35%	35%	3,000- <6,000 sf	0.425-(((Total Parcel Size-3,000)/3,000)*(0.425-0.35))	Less than 3,000 sf	42.5%
Parcel Size	Building Coverage Percentage								
35%	35%								
3,000- <6,000 sf	0.425-(((Total Parcel Size-3,000)/3,000)*(0.425-0.35))								
Less than 3,000 sf	42.5%								
Impervious Surface	<p>No single unit may exceed the maximum impervious surface percentage of the following:</p> <table border="1"> <thead> <tr> <th>Parcel Size</th> <th>Impervious Surface Percentage</th> </tr> </thead> <tbody> <tr> <td>6,000 sf and greater</td> <td>67.5%</td> </tr> <tr> <td>3,000- <6,000 sf</td> <td>0.675-(((Total Parcel Size-3,000)/3,000)*(0.713-0.675))</td> </tr> <tr> <td>Less than 3,000 sf</td> <td>71.3%</td> </tr> </tbody> </table> <p>The total maximum 75% impervious surfaces for the parcel as a whole still applies.</p>	Parcel Size	Impervious Surface Percentage	6,000 sf and greater	67.5%	3,000- <6,000 sf	0.675-(((Total Parcel Size-3,000)/3,000)*(0.713-0.675))	Less than 3,000 sf	71.3%
Parcel Size	Impervious Surface Percentage								
6,000 sf and greater	67.5%								
3,000- <6,000 sf	0.675-(((Total Parcel Size-3,000)/3,000)*(0.713-0.675))								
Less than 3,000 sf	71.3%								

ATTACHMENT 8
(TYPED)

ANALYSIS

1- NEW DEVELOPMENT STANDARDS (CONTINUED)

DESCRIPTION (7/9/13 VERSION)

ANALYSIS / OPTIONS (CONTINUED)

Staff has provided a short analysis of the pros/cons of the Irwin/Mark ratio proposal versus the fixed percentage (45%) proposal.

<i>Pros of Ratio Proposal</i>	<i>Cons of Ratio Proposal</i>
Eliminates anomaly between those parcels less than 3,000 sf and those equal to and greater than 3,000 sf	For very small parcels (under 4,000 square feet) very little remaining floor area and impervious surfaces is left for additional units. This could discourage the creation of additional units if units are built to the new maximum allowances.
The ratio proposal works on a sliding scale which gives slightly more FAR to smaller parcels. As the concept behind reducing floor area for single units in the R-2-2.5 and R-3 Districts was to discourage large single family residences, the ratio proposal is more fair to smaller parcels (i.e., those between 3,000 and 6,000 square feet), as on smaller parcels only modestly-sized homes result from a slightly larger FAR.	For parcels under 3,000 square feet only one unit can be built, and that unit is restricted to 0.55 FAR where the current draft ordinance restricts the unit to 0.65 FAR, so parcels under 3,000 square feet lose overall development potential unless they factor an ADU(which does not count towards density) into their plans.

Options for Consideration:

There are pros and cons associated with each option. The selection of a new development standard is a policy decision. Staff has prepared tables comparing the fixed percentage option with the Irwin/Mark ratio option (see **Attachment 9** and note that the table are examples only, the development standards would be in the form of percentages applied to a particular parcel). Staff recommends that the Council discuss the ratio proposal as an option to the fixed percentage wording. Staff has included draft alternative language in the revised draft Ordinance as follows:

Option 1: Select the fixed percentage option (as drafted in the 7/9/13 Council report).

Option 2: Select the ratio option (the Irwin/Mark proposal).

ANALYSIS

1.A – LESS THAN 3,000 SF PARCEL EXCEPTION

DESCRIPTION (7/9/13 VERSION)

Exceptions. There are four exceptions to the new regulations regarding development standards for parcels in the R-2-2.5 and R-3 Zoning Districts.

- A. *Less than 3,000 Square Foot Parcel.* All parcels less than 3,000 are exempted from the new regulations. As parcels less than 3,000 square feet are not legally allowed to provide more than one dwelling unit, they should be excepted from the ordinance

ANALYSIS / OPTIONS

Concern Identified at 7/9/13 Council Meeting:
None noted

Other Concern:
The Irwin/Mark letter points out an anomaly created between parcels just under 3,000 square feet and just over 3,000 square feet. This was a policy decision by the Planning Commission subcommittee ("subcommittee") because parcels less than 3,000 square feet cannot legally support more than 1 unit (the maximum density for parcels under 5,000 sf in the R-2-2.5 and R-3 District is 1,500 sf of parcel area per unit).

1.B – CONDITIONAL USE PERMIT EXCEPTION

DESCRIPTION (7/9/13 VERSION)

Exceptions, continued

B. *Conditional Use Permit Option.* In order to recognize the fact that some parcels will not be able to comply with the new regulations due to parcel configuration, topography and other physical constraints, the proposed ordinance includes a process whereby the property owner can apply for a Conditional Use Permit to exempt their property from the new regulations (i.e., a single unit could be built out to “today’s” standards). Findings Required: In addition to the 9 required Conditional Use Permit findings, one special finding will be required for this exception:

It has been adequately demonstrated that there are physical site constraints that preclude the property from being restricted to the development standards limitations for the R-2-2.5 and R-3 Zoning Districts. Examples of potential site constraints include, but are not limited to: irregular parcel shapes (e.g., triangular), very steep slopes (e.g., greater than 50%), presence of a naturally-occurring environmental factor (e.g., a creek running through the parcel) and/or the configuration of existing development (e.g., the location of an existing residence).

ANALYSIS / OPTIONS

Concern Identified at 7/9/13 Council Meeting:

This exception may be too broad. Completely waiving the new development standard could allow the Planning Commission to permit a single unit to be built at 100% of the allowable development standards (i.e., FAR of 0.65 for R-2-2.5 and 0.80 for R-3), which would defeat the purpose of ordinance.

Background on Exception:

This exception was included to mainly address smaller parcels that may be so constrained by physical site conditions that only one unit makes sense (e.g., there is no additional space for required parking) or expansion of smaller units on a parcel is not feasible (e.g., due to the location of the existing units).

Legislative Committee Direction:

Identify more stringent criteria for a parcel to qualify for this exception.

Options for Consideration (can choose one, several, all or none):

Option 3- Add stronger language:

Option 3a. Add additional finding: “The additional development allowed by the relaxed development standards maintains consistency with other conforming dwelling units in the neighborhood” [This provides the Planning Commission with a measuring stick to know how big is appropriate in the neighborhood context.]

Option 3b. Add to criteria of special finding: “the infeasibility of additional unit development including required on-site parking” [This adds criteria which would allow a property owner to demonstrate that additional units are not feasible, and therefore additional development of the main unit could be considered.]

Option 3c. Add to language in “D”: “A Conditional Use Permit should only be approved in extremely limited situations.” [This further limits the scope of the exception.]

Option 3d. Add to language in “D”: The amount of an appropriate exception is at the sole discretion of the Planning Commission and shall consider the context of the neighborhood.” [This reiterates that this exception is not a guarantee, but subject to discretion.]

Option 4- Restrict the Conditional Use Permit option to parcels under 6,000 square feet. 6,000 square feet is the minimum parcel size for parcels in the R-1-6 Zoning District, so this is a logical cut-off point for not allowing an exception for single units in the R-2-2.5 and R-3 Districts.

ANALYSIS

1.C – 200 SQUARE FOOT EXCEPTION

DESCRIPTION (7/9/13 VERSION)

Exceptions, continued

C. *One-Time 200 Square Foot Maximum Floor Area Exception.* To account for existing single family dwelling property owners who may intend to add a modest addition but otherwise would be capped out on floor area under the new regulations, the proposed ordinance includes a small exception that would allow floor area to exceed the cap. The purpose of the exception would be to allow a 200 square foot allowance to expand an existing single-family residence in R-2-2.5 and R-3 Zoning Districts, not to exceed the maximum Floor Area Ratio allowed in the respective Zoning District. To receive the exception a Design Review Permit (and the required 11 Findings) would be required from the Planning Commission, and four special additional findings would be required:

- 1- *The unit was built prior to the effective date of this ordinance;*
- 2- *The improvements are functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;*
- 3- *The improvements are of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood; and*
- 4- *The project employs mass-reducing design such that the additional square footage over the maximum Floor Area is reasonably mitigated and does not result in overbuilding of the lot.*

ANALYSIS / OPTIONS

Concern Identified at 7/9/13 Council Meeting:

Some discussion related to this exception was expressed at the Council meeting but no specific direction given.

Background on Exception:

This exception was included to address those property owners who have been informally planning modest additions to their homes (e.g., an extra bedroom for an additional child) and may be capped out on floor area due to the new regulations. 200 square feet (a 10'x20' room) is a small addition of living space that was not anticipated to appreciably alter the massing of the existing home. For example, a 3,500 square foot parcel in an R-2-2.5 Zoning District would be restricted to 1,575 square feet. An existing 1,400 square foot home on that parcel would be allowed to expand with a requirement for a Design Review Permit to 1,775 square feet (375 square feet greater than the existing home and 200 square feet above the new floor area maximum).

Legislative Committee Direction:

The Legislative Committee considered the concept of a "more equitable" percentage system for this exception. This was abandoned for the universal "200 square feet" as the percentage system would allow larger parcels a greater exception and smaller parcel a negligible exception.

The Legislative Committee discussed the concept of a sunset clause on this exception. The purpose of the sunset clause would be to allow for a period of time whereby property owners could utilize the exception, specifically with consideration of those who may be in the beginning stages of planning for an addition. Therefore, after the expiration of the sunset period the exception would not apply (and would not need to, because enough time had been given for those planning for an addition to move through the process).

Option for Consideration:

Option 5- Staff is recommending that the 200 square foot exception have a **ten year sunset clause**. This should give adequate time for property owners to firm up plans and submit appropriate applications to the City for remodels.

1.D – LOCAL HISTORIC REGISTER EXCEPTION

DESCRIPTION (7/9/13 VERSION)

Exceptions, continued

D. *Local Historic Register.* To recognize that being able to make improvements to a historic home is important, there is a provision which would exempt properties on the Local Historic Register from the new development standards requirements.

ANALYSIS / OPTIONS

Background on Exception:

This exception was added to recognize that older homes, which may exceed the new “cap” on the size of single family homes, may need extensive renovations. Extensive renovations may require “substantial demolition” which would require that the home now conform to the size limitations (i.e., the home’s size would be required to be reduced). Removing portions of older homes that may be historic was not the intent of this ordinance, so an exception was given for homes on the Local Historic Register.

Concern Identified at 7/9/13 Council Meeting:

Concern was registered that this exception may allow these homes to expand, which was not the intent.

Legislative Committee Direction:

The Legislative Committee requested the list of properties currently on the local historic register along with some of the criteria for being included on the Local Historic Register. See **Attachment 10** for this information.

Options for Consideration:

Option 6-Add language that would make it clear that the exemption applies only properties *where no increase in floor area, building coverage or impervious surfaces are proposed.*

Option 7- Expand the exception to those properties on the National Register and California Register.

2.A – STRENGTHEN DESIGN REVIEW PERMIT FINDINGS: FEASIBILITY OF DEVELOPMENT

DESCRIPTION (7/9/13 VERSION)

As a part of this Ordinance, two new Design Review Permit Findings are proposed to be added for the approval of a Design Review Permit.

- A. **Feasibility of Development.** The first new finding would require that projects in the R-2 and R-3 residential zoning districts which result in a project site developed at less than the maximum density allowed on the respective site demonstrate feasibility of adding additional units on the parcel. For the purpose of this requirement, Accessory Dwelling Units would count toward fulfilling the density requirement. Demonstration of feasibility would include illustrating how the maximum number of units allowed on the project site including their possible location as well as required on-site parking and access would fit on the site or, *alternatively*, showing why the maximum number of units allowed is not practical for the project site.

13. *The project demonstrates one of the following:*
- a. *The feasibility to construct the maximum number of units allowed on the project site in the future by illustrating their possible location as well as required on-site parking and access; or*
 - b. *The maximum number of units allowed is not practical for the project site*

This finding is applicable only to projects in the R-2 and R-3 residential zoning districts which result in a project site developed at less than the maximum density allowed on the respective site. For the purposes of this Section 10.54.050.D.13 Accessory Dwelling Units shall count towards fulfilling the density requirement.

ANALYSIS / OPTIONS

Background on Finding:

Housing Element Program 20 states: “encourage two-family and multi-family development on R-2-5, R-2-2.5 and R-3 residentially-zoned sites and discourage the development of single-family homes on such sites.” This program was a part of the City’s “infill strategy” during the Housing Element Update. This finding was developed to partially address Program 20. By requiring that property owners *consider* the siting of future units on their property during the design phase of their current project, this would open up the possibility of siting future units on the property at some later date. There would be no requirement to build the future units.

Concern Identified at 7/9/13 Council Meeting:

None noted

Legislative Committee Direction:

None noted

Options for Consideration:

The public has suggested that the criteria in this finding be strengthened similar to the CUP exception criteria. The Irwin/Mark letter suggests using consistent language and staff supports modifying the language to reduce the ambiguity in language.

Option 8- Change the term “feasibility” in 13.a to “practicality”.

Option 9- Add the following criteria to the finding in Section 4: “Examples of potential site constraints that may inhibit practicality include, but are not limited to: irregular parcel shapes (e.g., triangular), very steep slopes (e.g., greater than 50%), presence of a naturally-occurring environmental factor (e.g., a creek running through the parcel), infeasibility in providing required on-site parking, and/or the configuration of existing development (e.g., the location of an existing residence).”

A DESCRIPTION OF THE OPTIONAL LANGUAGE DESCRIBED HEREIN IS REFERENCED IN THE SEPTEMBER 10 CITY COUNCIL STAFF REPORT

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO AMENDING TITLE 10 OF THE SAUSALITO MUNICIPAL CODE TO: ADD A NEW SECTION 10.44.330 FOR DEVELOPMENT STANDARDS FOR DWELLING UNITS IN TWO-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS; MODIFY TABLE 10.22-2 TO ADD REFERENCE TO SECTION 10.44.330; MODIFY SECTION 10.54.050.B TO ALLOW FOR A ONE TIME 200 SQUARE FOOT FLOOR AREA EXCEPTION; MODIFY SECTION 10.54.050.D AND 10.54.050.E TO ADD FINDINGS FOR DESIGN REVIEW PERMITS; MODIFY SECTION 10.54.060 TO ADD SUBMITTAL REQUIREMENTS FOR DESIGN REVIEW PERMITS; AND MODIFY SECTION 10.40.120.B.1 TO PROVIDE FOR AN EXCEPTION FOR TANDEM PARKING; ALLOW EXCEPTION TO PARKING REQUIREMENTS IN SECTION 10.40.110.D; AND ADD REFERENCE TO PARKING EXCEPTION IN TABLE 10.40-1 ZOA 10-355

WHEREAS, the development standards for each Zoning District apply uniformly to each parcel in the same Zoning District; and

WHEREAS, single-family dwellings in Two-Family (R-2-2.5 and R-2-5) and Multi-Family (R-3) Residential Zoning Districts are subject to identical development standards in terms of floor area ratio, building coverage and impervious surfaces as duplex and apartments in Two-Family (R-2-2.5) and Multi-Family (R-3) Residential Zoning Districts; and

WHEREAS, the Planning Commission, in considering proposals for single-family dwellings on R-2-2.5 and R-3 parcels, has sought to maintain the housing stock while maintaining with the character of the neighborhood; and

WHEREAS, Section 10.80.070 allows for amendments of the Zoning Ordinance (Title 10 of the Sausalito Municipal Code) whenever the City Council determines that public necessity, convenience, or welfare would be served; and

WHEREAS, Section 10.80.070.C requires the Planning Commission to provide a recommendation to the City Council on proposed Zoning Ordinance amendments; and

WHEREAS, in December 2010 the Planning Commission conducted duly-noticed public hearings on the Zoning Ordinance amendment regarding Standards for Dwelling Units in Two-Family and Multiple-Family Residential Zoning Districts and at the conclusion of the hearings formed a subcommittee of the Planning Commission to develop the standards; and

WHEREAS, from January 2011-May 2013 a subcommittee of the Planning Commission held 13 public meetings regarding Standards for Dwelling Units in Two Family and Multiple-Family Residential Zoning Districts; and

WHEREAS, on May 20, 2013 a publicly-noticed Community Workshop was held to discuss the Zoning Ordinance amendment regarding Standards for Dwelling Units in Two Family and Multiple-Family Residential Zoning Districts; and

ATTACHMENT 9

1 **WHEREAS**, on June 12, 2013 and June 26, 2013 the Planning Commission conducted a
2 duly-noticed public hearing at which time all interested persons were given an opportunity to be
3 heard; and
4

5 **WHEREAS**, on June 26, 2013 the Planning Commission adopted Planning Commission
6 Resolution No. 2013-16, which recommended City Council adoption of an Ordinance regarding
7 Standards for Dwelling Units in Two Family and Multiple-Family Residential Zoning Districts; and
8

9 **WHEREAS**, on July 9, 2013 and September 10, 2013 the City Council conducted a duly-
10 noticed public hearing at which time all interested persons were given an opportunity to be heard;
11 and
12

13 **WHEREAS**, the project is categorically exempt from California Environmental Quality Act
14 (CEQA) pursuant to Section 15305 of the CEQA Guidelines which exempts minor alterations in land
15 use limitations in areas with an average slope of less than 20%, which do not result in any changes in
16 land use or density and Section 15061.b.3 of the CEQA Guidelines because adoption of the zoning
17 ordinance amendment is covered by the general rule that CEQA applies only to projects which have
18 the potential for causing a significant effect on the environment, and this project does not have the
19 potential for causing a significant effect on the environment; and
20

21 **WHEREAS**, adoption of Standards for Dwelling Units in Two Family (R-2-2.5) and Multi-
22 family (R-3) Residential Zoning Districts is consistent with the General Plan, including Objective
23 CD-1.0 and Policy CD-1.3 of the Community Design Element regarding scale and neighborhood
24 compatibility and Policy HE-4.3 and Program 20 of the Housing Element regarding efficient use of
25 multi-family zoning.
26

27 **THE CITY COUNCIL OF THE CITY OF SAUSALITO DOES HEREBY ORDAIN AS**
28 **FOLLOWS:**

1 Section 1. Table 10.22-2 of the Sausalito Municipal Code is hereby amended as follows¹:

**Table 10.22-2
SITE DEVELOPMENT STANDARDS – RESIDENTIAL ZONING DISTRICTS *1***

DEVELOPMENT REQUIREMENT	R-1		R-2		R-3	PR	H	A	SEE SECTION	
	R-1-6	R-1-8	R-1-20	R-2-2.5						R-2-5
Minimum parcel size *2*	6,000 sf	8,000 sf	5,000 sf	5,000 sf	10,000 sf	5,000 sf	20,000 sf	10,000 sf	1,500 sf	10.40.030 (Minimum Parcel Standards) and Title 9
Minimum lot width *2*	50'	50'	50'	50'	50'	50'	50'	50'	30'	
Maximum Density	1du/parcel	1du/parcel	1 du/1500 sf *2,3*	1 du/2500 sf *2,3*	1 du/5000 sf *2,3*	1 du/1500 sf *2,3*	1 du/1980 sf	1 du/10,000 sf	1 du/1500 sf	10.44.080 (Accessory Dwelling Units)
Maximum Floor Area Ratio	.45	.40	.8 *4*	.65 *4*	.40	.8 *4*	.65	.25	.30	10.44.330 (Development Standards for Units in Two Family and Multiple-Family Residential Zoning Districts.)
Maximum Building Coverage	35%	30%	50% *4*	50% *4*	35%	50% *4*	50%	25%	30%	
Maximum Impervious Surface*5*	67.5%	65%	75% *4*	75% *4*	67.5%	75% *4*	75%	62.5%	65%	
Minimum Setbacks *6*										10.40.080 (Exceptions to Required Setbacks) and Chapter 10.44 (Specific Use Requirements)
Front *7*	0'	0'	0'	0'	0'	0'	0'	0'	0'	
Side *8*	5'	5'	10'	5'	5'	5'	5'	*9 *	0'	
Rear	15'	15'	20'	15'	15'	15'	15'	15'	0'	
Maximum Building Height *9 10*	32'	32'	32'	32'	32'	32'	32'	32'	12' *11*	10.40.060 (Height Requirements) and Chapter 10.44 (Specific Use Requirements)

1 These standards are not entitlements; the approved size, setbacks or other physical conditions of a proposed new home-dwelling or expansion of an existing home-dwelling subject to design review shall be in the discretion of the Planning Commission. In order to meet the standards of design review, the Planning Commission may approve a home-dwelling smaller, or with greater setbacks, or otherwise impose requirements that are more restrictive than the limits set forth in this chapter.

2 See Section 10.40.030 (Minimum Parcel Standards).

3 For two or more detached single family dwellings, see Section 10.44.090 (Detached Dwelling Units)

4 Units in the R-2-2.5 and R-3 Zoning Districts are subject to the restrictions in Section 10.44.330

4 *5* Per Section 10.40.050.C, impervious surface includes decks, paved surfaces, hardscape, and gravel.

5 *6* Different setbacks may also apply if district is combined with other zoning districts.

6 *7* 10' front yard setbacks are required where designated on the zoning map. See Section 10.40.070.C.4 (Special setback lines).

7 *8* Minimum side yard setbacks may be increased in other situations.

8 *9* Half (1/2) the building height, but no less than 5'.

9 *10* Maximum building height may vary depending on parcel topography and may vary for other specific features of the site. Building height is measured from natural average grade.

10 *11* Measured from a point 6' above NGVD or average grade, whichever is higher.

¹ The text to be added is printed double-underlined and the text to be removed is printed ~~double-strikeout~~.

1 **Section 2.** A new Section 10.44.330 is hereby added to the Sausalito Municipal Code to read as
2 follows:
3

4 10.44.330 Development Standards for Dwelling Units in Two-Family and Multiple-Family
5 Residential Zoning Districts.
6

7 **A Purpose and Intent.** In addition to the general purposes of this Chapter, the specific
8 purposes of this section regulating units in the Two Family and Multiple Family Residential
9 Zoning Districts include the following:

- 10 1. [OPTION 11: *“To modify the development standards of any single unit in the R-2-*
11 *2.5 and R-3 Zoning Districts to more closely conform to the standards in the R-1-6*
12 *Zoning District.”*]
13 2. To discourage the development of large single family residences located in the Two
14 Family and Multiple Family Residential Zoning Districts which leave no further
15 development potential for future dwelling units.
16 3. To discourage the conversion of existing two and multi-family housing to single
17 family housing.
18 4. [OPTION 10: *“To allow the preservation of development potential for parcels in*
19 *Two-Family and Multi-Family Residential Zoning Districts”* or *“To allow the*
20 *preservation of development potential for the number of units appropriate to the*
21 *zoning district in which the parcel is located.”*]
22 5. To benefit homeowners in a variety of ways, such as by providing flexibility on sites
23 and within structures; to provide additional revenue from adding a rental unit; to
24 provide smaller units for residents seeking to downsize in their existing
25 neighborhood; to help extended family members who wish to live in close proximity
26 to each other.
27 6. To ensure the compatibility of infill development in the context of Sausalito’s
28 historic resources.
29

30 **B Applicability.** These standards are applicable to all parcels in the R-2-2.5 and R-3
31 Zoning Districts with a parcel area of 3,000 square feet or greater. Properties listed on the
32 [OPTION 7: *“National Register, California Register or”*] Local Historic Register
33 [OPTION 6: *“where no increase in floor area, building coverage or impervious surfaces*
34 *are proposed”*] are exempt from this Section 10.44.330.
35

36 **C Development Standards.**

- 37 1. **Maximum Floor Area.** No single dwelling unit on a parcel in the R-2-2.5 or R-3
38 Zoning District shall exceed a Maximum Floor Area Ratio of
39

40 [OPTION 1: *“0.45.”*]
41

42 [OPTION 2: *“the following dependent on parcel size:*
43

<i>Parcel Size</i>	<i>Maximum Floor Area Ratio</i>
<i>6,000 sf and greater</i>	<i>0.45</i>
<i>3,000- <6,000 sf</i>	<i>0.55-(((Total Parcel Size-3,000)/3,000)*0.10)</i>
<i>Less than 3,000 sf</i>	<i>0.55</i>

44 “]

45 The remaining Floor Area Ratio allowed on the parcel by Table 10.22-2 shall be
46 documented and reserved for additional units on the parcel. In no case shall the total
47 development exceed the maximum development standards allowed for the parcel
48 pursuant to Table 10.22-2.

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[OPTION 1:
Example A: The maximum floor area allowed for a single unit on a 5,000 square foot parcel in the R-2-2.5 Zoning District unit is 2,250 square feet, with a remainder of 1,000 square feet reserved for floor area for additional units on the parcel.
Example B: The maximum floor area allowed for a single unit on a 5,000 square foot parcel in the R-3 Zoning District unit is 2,250 square feet, with a remainder of 1,750 square feet reserved for floor area for additional units on the parcel.”]

[OPTION 2:
Example A: The maximum floor area allowed for a single unit on a 5,000 square foot parcel in the R-2-2.5 Zoning District unit is 2,417 square feet, with a remainder of 833 square feet reserved for floor area for additional units on the parcel.
Example B: The maximum floor area allowed for a single unit on a 5,000 square foot parcel in the R-3 Zoning District unit is 2,417 square feet, with a remainder of 1,583 square feet reserved for floor area for additional units on the parcel.”]

2. **Maximum Building Coverage.** No single dwelling unit on a parcel in the R-2-2.5 or R-3 Zoning District shall exceed a Maximum Building Coverage of

[OPTION 1: “35%.]

[OPTION 2: “the following dependent on parcel size:

<i>Parcel Size</i>	<i>Maximum Building Coverage</i>
<i>6,000 sf and greater</i>	<i>35%</i>
<i>3,000- <6,000 sf</i>	<i>42.5%-(((Total Parcel Size-3,000)/3,000)*(7.5))%</i>
<i>Less than 3,000 sf</i>	<i>42.5%</i>

The remaining Building Coverage allowed on the parcel by Table 10.22-2 shall be documented and reserved for additional units on the parcel. In no case shall the total development exceed the maximum development standards allowed for the parcel pursuant to Table 10.22-2.

[OPTION 1:
“Example C: The maximum building coverage allowed for a single unit on a 5,000 square foot parcel in the R-2-2.5 or R-3 Zoning District unit is 1,750 square feet, with a remainder of 750 square feet reserved for building coverage for additional units on the parcel.”]

[OPTION 2:
“Example C: The maximum building coverage allowed for a single unit on a 5,000 square foot parcel in the R-2-2.5 or R-3 Zoning District unit is 1,875 square feet, with a remainder of 625 square feet reserved for building coverage for additional units on the parcel.”]

3. **Maximum Impervious Surfaces.** No single dwelling unit on a parcel in the R-2-2.5 or R-3 Zoning District shall exceed a Maximum Impervious Surface of

[OPTION 1: "52% in the R-2-2.5 Zoning District and 42% in the R-3 Zoning District".]

[OPTION 2: "the following dependent on parcel size:

Parcel Size	Maximum Impervious Surface
6,000 sf and greater	67.5%
3,000- <6,000 sf	67.5% - (((Total Parcel Size - 3,000) / 3,000) * (3.8))%
Less than 3,000 sf	71.3

The remaining Impervious Surfaces allowed on the parcel by Table 10.22-2 shall be documented and reserved for additional units on the parcel. In no case shall the total development exceed the maximum development standards allowed for the parcel pursuant to Table 10.22-2.

[OPTION 1:
Example D: The maximum impervious surfaces allowed for a single unit on a 5,000 square foot parcel in the R-2-2.5 Zoning District unit is 2,600 square feet, with a remainder of 1,150 square feet reserved for impervious surfaces for additional units on the parcel.

Example E: The maximum impervious surfaces allowed for a single unit on a 5,000 square foot parcel in the R-3 Zoning District unit is 2,100 square feet, with a remainder of 1,650 square feet reserved for impervious surfaces for additional units on the parcel.]

[OPTION 2:
Example D: The maximum impervious surfaces allowed for a single unit on a 5,000 square foot parcel in the R-2-2.5 or R-3 Zoning District unit is 3,248 square feet, with a remainder of 502 square feet reserved for impervious surfaces for additional units on the parcel."

D Exception from Development Standards with a Conditional Use Permit. A Conditional Use Permit (Chapter 10.60) shall be required for any development [OPTION 4: "on a parcel of less than 6,000 square feet"] that does not comply with the development standards in Section 10.44.330. In no case shall the total development exceed the maximum development standards allowed for the parcel pursuant to Table 10.22-2. [OPTION 3c: "A Conditional Use Permit should only be approved in extremely limited situations."] [OPTION 3d: "The amount of an appropriate exception is at the sole discretion of the Planning Commission and shall consider the context of the neighborhood."]

E Finding Required. In addition to the findings required by Section 10.60.050 (Findings, Conditional Use Permit), the following finding shall be made prior to issuance of a Conditional Use Permit for any development that does not comply with the development standards in Section 10.44.330.

1. It has been adequately demonstrated that there are physical site constraints that preclude the property from being restricted to the development standards limitations

1 for the R-2-2.5 and R-3 Zoning Districts. Examples of potential site constraints
2 include, but are not limited to: irregular parcel shapes (e.g., triangular), very steep
3 slopes (e.g., greater than 50%), presence of a naturally-occurring environmental
4 factor (e.g., a creek running through the parcel), [OPTION 3b: “the infeasibility of
5 additional unit development including required on-site parking”) and/or the
6 configuration of existing development (e.g., the location of an existing residence).

- 7 2. [OPTION 3a: *The additional development allowed by the relaxed development*
8 *standards maintains consistency with other conforming dwelling units in the*
9 *neighborhood.*

10
11 **F Maximum Floor Area Exception.** A one-time 200 square foot maximum Floor Area
12 exception to expand an existing single-family residence in R-2-2.5 and R-3 Zoning Districts,
13 not to exceed the maximum Floor Area Ratio allowed in the respective Zoning District, may
14 be allowed with a Design Review Permit pursuant to Section 10.54.050.B.21 subject to the
15 following Planning Commission findings that the subject dwelling and/or improvements:

- 16 1. Were built prior to the effective date of this Section;
17 2. Are functionally and aesthetically compatible with the existing improvements and the
18 natural elements in the surrounding area;
19 3. Are of a scale, intensity, and design that integrates with the existing character of the
20 surrounding neighborhood; and
21 4. Employ mass-reducing design such that the additional square footage over the
22 maximum Floor Area is reasonably mitigated and does not result in overbuilding of
23 the lot.

24
25 [OPTION 5: “The one-time 200 square foot exception will be in effect for complete
26 project applications received through [date ten years from the effective date of this
27 Ordinance].”]

28
29 **Section 3.** Section 10.54.050.B (Design Review Permits – Applicability) of the Sausalito
30 Municipal Code is hereby amended to add the following subsection 21:

- 31
32 21. Any project requesting a one-time 200 square foot maximum Floor Area exception to
33 expand an existing single-family residence in R-2-.2.5 and R-3 Zoning Districts, not
34 to exceed the maximum Floor Area Ratio allowed in the respective zoning district
35 (see Section 10.44.330.F).

36
37 **Section 4.** Section 10.54.050.D (Design Review Permits – Findings) of the Sausalito Municipal
38 Code is hereby amended to add the following subsections 13 and 14:

- 39
40 13. The project demonstrates one of the following:
41 a. The [OPTION 8: “practicality” feasibility²] to construct the maximum number of
42 units allowed on the project site in the future by illustrating their possible location as
43 well as required on-site parking and access; or
44
45 b. The maximum number of units allowed is not practical for the project site
46 [OPTION 9: “Examples of potential site constraints that may inhibit practicality
47 include, but are not limited to: irregular parcel shapes (e.g., triangular), very steep
48 slopes (e.g., greater than 50%), presence of a naturally-occurring environmental
49 factor (e.g., a creek running through the parcel), infeasibility in providing required
50 on-site parking, and/or the configuration of existing development (e.g., the location
51 of an existing residence).”]

1
2 This finding is applicable only to projects in the R-2 and R-3 residential zoning
3 districts which result in a project site developed at less than the maximum density
4 allowed on the respective site. For the purposes of this Section 10.54.050.D.13
5 Accessory Dwelling Units shall count towards fulfilling the density requirement.
6

- 7 14. The project has been designed to ensure on-site structures do not crowd or
8 overwhelm structures on neighboring properties. Design techniques to achieve this
9 may include, but are not limited to: stepping upper levels back from the first level,
10 incorporating façade articulations and divisions (such as building wall offsets), and
11 using varying rooflines.
12

13 **Section 5.** Section 10.54.060 (Design Review Permits – Submittal Requirements) of the
14 Sausalito Municipal Code is hereby amended to add the following subsection L:
15

- 16 L. A conceptual site diagram that demonstrates the feasibility to construct the maximum
17 number of dwelling units allowed on the project site by illustrating their possible location
18 on the parcel as well as required on-site parking and access. The conceptual site diagram
19 may help to illustrate why the maximum number of units on the site cannot be practically
20 accommodated in the future. This submittal is applicable only to Planning Commission
21 Design Review Permits which result in a project site developed at less than the maximum
22 density allowed on the respective site. For the purposes of this Section 10.54.060.L
23 Accessory Dwelling Units shall count towards fulfilling the density requirement.
24

25 **Section 6.** Section 10.40.120.B.1 (Design and Improvement of Parking) of the Sausalito
26 Municipal Code is hereby amended as follows²:
27

28 B. Exceptions. The following exceptions shall apply to the required design & layout of
29 parking spaces:

- 30 1. Tandem parking. Tandem parking shall require a Conditional Use Permit as
31 provided by Chapter 10.60 (Conditional Use Permits). Tandem parking, two vehicles
32 parked so that one is behind the other, may be permitted for two and multiple family
33 dwellings where both parking spaces are intended to serve one and the same dwelling
34 unit. Existing historical tandem parking spaces shall not be considered as providing
35 required parking unless a Conditional Use Permit is secured per Chapter 10.60
36 (Conditional Use Permits) of this Title. Tandem parking shall be a permitted use without
37 the requirement for a Conditional Use Permit for projects which propose the maximum
38 number of units allowed for parcels in the R-2 and R-3 zoning districts. For the purposes
39 of this section Accessory Dwelling Units shall count toward fulfilling the density
40 requirement.
41
42

43 **Section 7.** Section 10.40.110.D (Parking Space Requirements by Land Use--Reductions) of the
44 Sausalito Municipal Code is hereby amended to add the following subsection 5:
45

- 46 **5. Parking Exceptions for Small Units.** For parcels that provide at least two units where
47 at least one of the units is less than 700 square feet only one parking space is required for the
48 smaller unit. This exception may only be applied once per parcel. Additionally, off-site
49 parking may be allowed with a Conditional Use Permit. In addition to the findings required

² The text to be added is printed double-underlined.

by Section 10.60.050 (Findings, Conditional Use Permit), the following findings shall be made prior to issuance of a Conditional Use Permit for off-site parking:

- i. It has been demonstrated that it is not feasible to accommodate a parking space on the parcel;
- ii. It has also been demonstrated with a professionally prepared parking study that shows the availability of reasonably adjacent on-street parking during daytime and nighttime hours of on-street parking space equal to the amount of off-site parking spaces requested.

Section 8. Table 10.40-1 (Parking Requirements) of the Sausalito Municipal Code is hereby amended as follows³:

Table 10.40-1 PARKING REQUIREMENTS	
LAND USE	Off-Street Parking Required
Residential	
Single or Multiple Family Residential	2 per dwelling unit. <u>Exceptions allowed for small units.</u> See Section 10.40.110.C.2 (Single family and two family residential uses), and C.3 (Multiple family residential use) Section 10.40.110.D.5
Multiple Family Residential (1 bedroom or less)	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
Accessory dwelling units	See Section 10.44.080 (Accessory Dwelling Units)
Senior housing	1 per dwelling unit. See Section 10.44.120 (Senior Housing Projects)

THE FOREGOING ORDINANCE was read at a regular meeting of the Sausalito City Council on the _____ day of _____ 2013, and was adopted at a regular meeting of the City Council on the _____ day of _____, 2013 by the following vote:

AYES: _____ COUNCILMEMBER:
 NOES: _____ COUNCILMEMBER:
 ABSENT: _____ COUNCILMEMBER:
 ABSTAIN: _____ COUNCILMEMBER:

 Mayor

ATTEST: _____
 Debbie Pagliaro, City Clerk

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³ The text to be added is printed double-underlined and the text to be removed is printed ~~double-strikeout~~.

Comparing Fixed Percentage Option vs. Ratio Option: Impervious Surfaces

***Note: This Table is provided as an example only of how the proposed options would affect parcels. The percentage/ratio in the revised draft ordinance (Option 1 or Option 2) would be applied to a particular parcel.**

Parcel Size	Maximum Impervious Surface Coverage Allowance			Maximum Impervious Surface Allowance for Single Unit			Impervious Surface Remaining for Add'l Units			
	Fixed Percentage Option		Ratio Option	Fixed Percentage Option		Ratio Option	Fixed Percentage		Ratio Option	
	R-2-2.5	R-3		R-2-2.5	R-3		R-2-2.5	R-3	R-2-2.5	R-3
1,500	75%	75%	71.3%	1,125	1,125	1,070	0	0	56	56
1,750	75%	75%	71.3%	1,313	1,313	1,248	0	0	65	65
2,000	75%	75%	71.3%	1,500	1,500	1,426	0	0	74	74
2,250	75%	75%	71.3%	1,688	1,688	1,604	0	0	83	83
2,500	75%	75%	71.3%	1,875	1,875	1,783	0	0	93	93
2,750	75%	75%	71.3%	2,063	2,063	1,961	0	0	102	102
3,000	52%	42%	67.5%	1,560	1,260	2,025	690	990	225	225
3,250	52%	42%	67.2%	1,690	1,365	2,183	748	1,073	254	254
3,500	52%	42%	66.9%	1,820	1,470	2,340	805	1,155	285	285
3,750	52%	42%	66.6%	1,950	1,575	2,496	863	1,238	317	317
4,000	52%	42%	66.2%	2,080	1,680	2,649	920	1,320	351	351
4,250	52%	42%	65.9%	2,210	1,785	2,801	978	1,403	386	386
4,500	52%	42%	65.6%	2,340	1,890	2,952	1,035	1,485	423	423
4,750	52%	42%	65.3%	2,470	1,995	3,101	1,093	1,568	462	462
5,000	52%	42%	65.0%	2,600	2,100	3,248	1,150	1,650	502	502
5,250	52%	42%	64.7%	2,730	2,205	3,394	1,208	1,733	543	543
5,500	52%	42%	64.3%	2,860	2,310	3,538	1,265	1,815	587	587
5,750	52%	42%	64.0%	2,990	2,415	3,681	1,323	1,898	632	632
6,000	52%	42%	67.5%	3,120	2,520	4,050	1,380	1,980	450	450
6,250	52%	42%	67.5%	3,250	2,625	4,219	1,438	2,063	469	469
6,500	52%	42%	67.5%	3,380	2,730	4,388	1,495	2,145	488	488
6,750	52%	42%	67.5%	3,510	2,835	4,556	1,553	2,228	506	506
7,000	52%	42%	67.5%	3,640	2,940	4,725	1,610	2,310	525	525
7,250	52%	42%	67.5%	3,770	3,045	4,894	1,668	2,393	544	544
7,500	52%	42%	67.5%	3,900	3,150	5,063	1,725	2,475	563	563
7,750	52%	42%	67.5%	4,030	3,255	5,231	1,783	2,558	581	581
8,000	52%	42%	67.5%	4,160	3,360	5,400	1,840	2,640	600	600

ATTACHMENT 10
(3 PAGES)

Comparing Fixed Percentage Option vs. Ratio Option: Building Coverage

***Note: This Table is provided as an example only of how the proposed options would affect parcels. The percentage/ratio in the revised draft ordinance (Option 1 or Option 2) would be applied to a particular parcel.**

Parcel Size	Maximum Building Coverage Allowance		Maximum Building Coverage Allowance for Single Unit		Building Coverage Remaining for Add'l Units			
	Fixed Percentage Option	Ratio Option	Fixed Percentage Option	Ratio Option	Fixed Percentage Option		Ratio Option	
					R-2-2.5	R-3	R-2-2.5	R-3
1,500	50%	42.5%	750	638	0	0	113	113
1,750	50%	42.5%	875	744	0	0	131	131
2,000	50%	42.5%	1,000	850	0	0	150	150
2,250	50%	42.5%	1,125	956	0	0	169	169
2,500	50%	42.5%	1,250	1,063	0	0	188	188
2,750	50%	42.5%	1,375	1,169	0	0	206	206
3,000	0.35	42.5%	1,050	1,275	900	1,500	225	225
3,250	0.35	41.9%	1,138	1,361	975	1,625	264	264
3,500	0.35	41.3%	1,225	1,444	1,050	1,750	306	306
3,750	0.35	40.6%	1,313	1,523	1,125	1,875	352	352
4,000	0.35	40.0%	1,400	1,600	1,200	2,000	400	400
4,250	0.35	39.4%	1,488	1,673	1,275	2,125	452	452
4,500	0.35	38.8%	1,575	1,744	1,350	2,250	506	506
4,750	0.35	38.1%	1,663	1,811	1,425	2,375	564	564
5,000	0.35	37.5%	1,750	1,875	1,500	2,500	625	625
5,250	0.35	36.9%	1,838	1,936	1,575	2,625	689	689
5,500	0.35	36.3%	1,925	1,994	1,650	2,750	756	756
5,750	0.35	35.6%	2,013	2,048	1,725	2,875	827	827
6,000	0.35	35%	2,100	2,100	1,800	3,000	900	900
6,250	0.35	35%	2,188	2,188	1,875	3,125	938	938
6,500	0.35	35%	2,275	2,275	1,950	3,250	975	975
6,750	0.35	35%	2,363	2,363	2,025	3,375	1,013	1,013
7,000	0.35	35%	2,450	2,450	2,100	3,500	1,050	1,050
7,250	0.35	35%	2,538	2,538	2,175	3,625	1,088	1,088
7,500	0.35	35%	2,625	2,625	2,250	3,750	1,125	1,125
7,750	0.35	35%	2,713	2,713	2,325	3,875	1,163	1,163
8,000	0.35	35%	2,800	2,800	2,400	4,000	1,200	1,200

Prepared: 9/6/13

Comparing Fixed Percentage Option vs. Ratio Option: Floor Area

***Note: This Table is provided as an example only of how the proposed options would affect parcels. The percentage/ratio in the revised draft ordinance (Option 1 or Option 2) would be applied to a particular parcel.**

Parcel Size	Maximum Floor Area Ratio		Maximum Floor Area Allowance for Single Unit		Floor Area Remaining for Add'l Units			
	Fixed Percentage Option	Ratio Option	Fixed Percentage Option	Ratio Option	Fixed Percentage Option		Ratio Option	
					R-2-2.5	R-3	R-2-2.5	R-3
1,500	0.65	0.550000	975	825	0	0	150	375
1,750	0.65	0.550000	1,138	963	0	0	175	438
2,000	0.65	0.550000	1,300	1,100	0	0	200	500
2,250	0.65	0.550000	1,463	1,238	0	0	225	563
2,500	0.65	0.550000	1,625	1,375	0	0	250	625
2,750	0.65	0.550000	1,788	1,513	0	0	275	688
3,000	0.45	0.550000	1,350	1,650	600	1,200	300	750
3,250	0.45	0.541667	1,463	1,760	650	1,300	352	840
3,500	0.45	0.533333	1,575	1,867	700	1,400	408	933
3,750	0.45	0.525000	1,688	1,969	750	1,500	469	1,031
4,000	0.45	0.516667	1,800	2,067	800	1,600	533	1,133
4,250	0.45	0.508333	1,913	2,160	850	1,700	602	1,240
4,500	0.45	0.500000	2,025	2,250	900	1,800	675	1,350
4,750	0.45	0.491667	2,138	2,335	950	1,900	752	1,465
5,000	0.45	0.483333	2,250	2,417	1,000	2,000	833	1,583
5,250	0.45	0.475000	2,363	2,494	1,050	2,100	919	1,706
5,500	0.45	0.466667	2,475	2,567	1,100	2,200	1,008	1,833
5,750	0.45	0.458333	2,588	2,635	1,150	2,300	1,102	1,965
6,000	0.45	0.450000	2,700	2,700	1,200	2,400	1,200	2,100
6,250	0.45	0.450000	2,813	2,813	1,250	2,500	1,250	2,188
6,500	0.45	0.450000	2,925	2,925	1,300	2,600	1,300	2,275
6,750	0.45	0.450000	3,038	3,038	1,350	2,700	1,350	2,363
7,000	0.45	0.450000	3,150	3,150	1,400	2,800	1,400	2,450
7,250	0.45	0.450000	3,263	3,263	1,450	2,900	1,450	2,538
7,500	0.45	0.450000	3,375	3,375	1,500	3,000	1,500	2,625
7,750	0.45	0.450000	3,488	3,488	1,550	3,100	1,550	2,713
8,000	0.45	0.450000	3,600	3,600	1,600	3,200	1,600	2,800

Prepared: 9/6/13

National, California and Local Historic Register Information

- The following properties are listed in the National and California Registers:
 - 156 Bulkley: Casa Madrona
 - 120 Central: Women's Club
 - 639 Main: Griswald House

- The following properties are listed in the City's Local Historic Register:
 - 221 Bridgeway: Castle By the Sea (R-3)
 - 70 Santa Rosa: Christ Church (R-1-6)
 - 76 Cazneau: Madrona Cottage (R-1-6)
 - 300 Main St. NWPRR Freight Depot (C-N)
 - 168 Harrison: Tanglewood (R-1-6)
 - 625 Locust: Elderberry Cottage (R-2-2.5)
 - 25 Liberty Ship: Machine Shop (I-M)

- Although the City does not have an extensive list of properties listed on the Local, California, and/or National Registers, it is important to point out that the California Historic Resource Information System (CHRIS) database has identified a number of properties that have either local significance and/or properties that are potentially eligible for the National or California Registers that are located within the R-2-2.5 and R-3 Zoning Districts. There are also a number of properties identified in the CHRIS database where the database identifies additional survey work that is necessary to determine historic significance.

- Zoning Ordinance Chapter 10.46 outlines the criteria for listing a structure on the local historic register. The following four findings, made by the Planning Commission and Historic Landmarks Board, are required to list a structure:
 1. The structure or site proposed for the local register is significant to local, regional, state or national history.
 2. Listing the proposed structure or site on the local register has been subject to environmental review and the appropriate findings have been made.
 3. Listing the proposed structure or site on the local register will preserve the historic character or integrity of the structure or site.
 4. Structure or site proposed to be listed on local register has a significant architectural or historical character that can be preserved or enhanced through appropriate controls and incentives on new development and alterations to existing structures and landscaping.

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Lilly Schinsing

From: Bill Werner [waw@wernersullivan.com]
Sent: Thursday, July 18, 2013 11:31 AM
To: Herb Weiner; Linda Pfeifer - Internet Mail Account; Jonathan Leone; Tom Theodores; Ray Withy
Cc: Adam Politzer; Mary Wagner; Jeremy Graves; Lilly Schinsing
Subject: Zoning Amendment
Attachments: zoningltr13-0718.pdf; 5a_-_attachment_1.pdf

Mayor Weiner & Members of Council:

At the Council meeting of July 9, 2013 several issues were raised by the public as well as by members of the Council. They were items that I felt were either in need of better definition or were extraneous to the basic intent of this Zoning Ordinance Amendment. Attached, for your consideration, is my summary of those concerns as well as a companion mark up of the proposed Ordinance.

Kindest regards,

Bill Werner

William Arno Werner
213 Richardson Street
Sausalito, CA 94965-2422

July 18, 2013

Mayor Herb Weiner & Members of Council
City of Sausalito
420 Litho Street
Sausalito, CA 94965-1933

AGENDA TITLE: Zoning Ordinance Amendment: Updated Standards for Two and Multi-Family Zoning Districts (ZOA 10-355).

SUBJECT: Comments for Council's consideration at the second reading scheduled for July 23, 2013.

Dear Mayor Weiner & Members of Council:

This Ordinance Amendment came about for one simple reason. There was an anomaly in the Zoning Ordinance that allowed larger single family residences to be built in the R-2-2.5 and R-3 zones than in the R-1-6 zone. There was, and is, a simple, direct and logical solution to this problem which is defined in the proposed revised Development Standards.

Unfortunately, the subcommittee of the Planning Commission was side tracked in their deliberations by Program 20 of the Housing Element. In trying to integrate this State mandated program aimed at encouraging high density housing development, the objective of the Amendment was subverted and made threatening and controversial to many residents.

While I voted to send this Ordinance Amendment in its present form on to the City Council, I did so reluctantly and primarily because most of the extraneous additions motivated by Program 20 had been deleted at the June 12, 2013 meeting. Since there were only four Planning Commissioners present at the June 26, 2013 meeting, two of whom had been on the subcommittee developing the Amendment, further attempts at modification seemed pointless. I therefore offer the following additional changes for the Council's consideration. (See attached edited version of the proposed Ordinance Amendment)

1. Title. Delete references to "**200 SQUARE FOOT FLOOR AREA BONUS**"¹ and "**EXCEPTION FOR TANDEM PARKING**"².
2. At the last "**WHEREAS**", delete the reference to Policy HE-4.3 and Program 20³.

NOTE: This Housing Element Policy and Program should not be cited as the motivation behind this Zoning Amendment. To do so merely exacerbates the legitimate concerns and grievances raised by the public during the hearings and workshops leading up to the Planning Commission meetings on the subject.

¹ Page 1-1, Lines 8-10

² Page 1-1, Lines 12-14

³ Page 1-2, Lines 21-22

3. **Section 2. A. Purpose and Intent.** Delete items 1. and 2.⁴, and Item 4.⁵, in their entirety.

NOTE: Items 1 and 2 have no place in the Zoning Ordinance. They are appropriate only in the language of the General Plan (i.e., the Housing Element) since they are subjective and judgmental in their nature rather than regulatory and enforceable. They are also the very items which caused the greatest concern on the part of the members of the community who spoke against this Zoning Amendment.

NOTE: Item 4 is simply trendy unsubstantiated feel good palaver having no place in the text of a Zoning Ordinance.

ADD NEW Item:

"1. To limit the Maximum Floor Area Ratio of single family dwelling units in the R-2-2.5 and R-3 Zoning Districts to not exceed the maximum allowed in the R-1-6 Zoning District."

MODIFY Items 3. and 5. to become Items 2. and 3.

4. **Section 2, B. Applicability.** Delete the exemption for properties listed on the "Local Historic Register"⁶.

NOTE: The standards for inclusion on the Local Historic Register are ill defined and far less than those required for the National and State Registers. It is therefore not appropriate as a criterion for exemption from this Amendment. In fact, any modifications to properties listed on the National or State Registers should be limited by this Amendment in any case. To do otherwise would probably violate *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

5. **Section 2. F. Maximum Floor Area Exception⁷ and Section 3⁸.** Delete the whole of both sections.

NOTE: This item is not only illogical, it is unfair and indefensible. If the intent of this Amendment is to limit the size of single family residences, how would granting a 200 square foot bonus to existing properties further that objective? How is limiting this bonus to existing dwelling only fair to new dwelling units? Is it fair the owner of a 3,000 square foot lot, where a new maximum FAR for a single family house would be 1,350 square feet, to be granted a 15% bonus of 200 square feet, but on a 5,000 square foot lot the owner gets only a 9% bonus? Staff's only justification for this seems to be that a similar exception exists in San Anselmo and they haven't had any objections. In general, exceptions of any kind in zoning ordinances and building codes are licenses for future aggravations.

⁴ Page 1-4, Lines 10 -14

⁵ Page 1-4, Lines 17-21

⁶ Page 1-4, Lines 26-27

⁷ Page 1-5, Lines 32-44

⁸ Page 1-5, Lines 45-51

6. **Section 6. B. Exceptions.** Delete in its entirety.⁹

NOTE: Tandem Parking requires a Conditional Use Permit for good reason. For all practical purposes, tandem parking is an invitation to the misuse of space, intended for the parking of an automobile, as storage and, in some cases, as accessory living space.

On August 13, 1999, the "Report of the Parking Policy Task Force to the City Council" was completed. After almost one year of monthly meetings, the 20 member Task Force appointed by then Mayor Amy Belser, which represented residents and businesses alike, concluded the following about the primary parking issues in the Residential Neighborhoods:

"We has met the enemy, and it is us" Pogo (the great American philosopher)¹⁰

The report further stated:

"The problem of residents using their garages for storage – and consequently using the street for long-term parking of vehicles to the detriment of other residents and visitors – was a recurring theme in Task Force discussions."¹¹

All that has changed in the 14 years since that Task Force Report is that the conditions have worsened. The issue remains as stated and little has been done to respond to the conclusions of that Task Force. This is not the time to relax the limitations on residential parking beyond that already provided for the ADU's.

After listening to the comments made by the public and some members of the Council at the July 9, 2013 meeting, it seemed to me that these issues deserved further discussion. Thanks for your consideration.

Very truly yours,

Bill Werner

Cc: Adam Politzer, Mary Wagner, Jeremy Graves, Lilly Schinsing

Attachment

⁹ Page 1-6, Lines 34-49

¹⁰ "Report of the Parking Policy Task Force to the City Council", August 13, 1999. Page 5

¹¹ Ibid, Page 16.

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
AMENDING TITLE 10 OF THE SAUSALITO MUNICIPAL CODE TO;
ADD A NEW SECTION 10.44.330 FOR DEVELOPMENT STANDARDS FOR
DWELLING UNITS IN TWO FAMILY AND MULTI-FAMILY ZONING DISTRICTS;
MODIFY TABLE 10.22-2 TO ADD REFERENCE TO SECTION 10.44.330; ~~MODIFY~~
~~SECTION 10.54.050.B TO ALLOW FOR A ONE TIME 200 SQUARE FOOT FLOOR~~
~~AREA BONUS; MODIFY SECTION 10.54.050.D AND 10.54.050.E TO ADD FINDINGS~~
FOR DESIGN REVIEW PERMITS; MODIFY SECTION 10.54.060 TO ADD
SUBMITTAL REQUIREMENTS FOR DESIGN REVIEW PERMITS; ~~AND MODIFY~~
~~SECTION 10.40.120.B.1 TO PROVIDE FOR AN EXCEPTION FOR TANDEM~~
~~PARKING; ALLOW EXCEPTION TO PARKING REQUIREMENTS IN SECTION~~
10.40.110.D; AND ADD REFERENCE TO PARKING EXCEPTION IN TABLE 10.40-1
ZOA 10-355

WHEREAS, the development standards for each Zoning District apply uniformly to each parcel in the same Zoning District; and

WHEREAS, single-family dwellings in Two-Family (R-2-2.5 and R-2-5) and Multi-Family (R-3) Zoning Districts are subject to identical development standards in terms of floor area ratio, building coverage and impervious surfaces as duplex and apartments in Two-Family (R-2-2.5) and Multi-Family (R-3) Zoning Districts; and

WHEREAS, the Planning Commission, in considering proposals for single-family dwellings on R-2-2.5 and R-3 parcels, has sought to maintain the housing stock while maintaining with the character of the neighborhood; and

WHEREAS, Section 10.80.070 allows for amendments of the Zoning Ordinance (Title 10 of the Sausalito Municipal Code) whenever the City Council determines that public necessity, convenience, or welfare would be served; and

WHEREAS, Section 10.80.070.C requires the Planning Commission to provide a recommendation to the City Council on proposed Zoning Ordinance amendments; and

WHEREAS, in December 2010 the Planning Commission conducted duly-noticed public hearings on the Zoning Ordinance amendment regarding Standards for Dwelling Units in Two Family and Multiple-Family Zoning Districts and at the conclusion of the hearings formed a subcommittee of the Planning Commission to develop the standards; and

WHEREAS, from January 2011-May 2013 a subcommittee of the Planning Commission held 13 public meetings regarding Standards for Dwelling Units in Two Family and Multiple-Family Zoning Districts; and

WHEREAS, on May 20, 2013 a publicly-noticed Community Workshop was held to discuss the Zoning Ordinance amendment regarding Standards for Dwelling Units in Two Family and Multiple-Family Zoning Districts; and

WHEREAS, on June 12, 2013 and June 26, 2013 the Planning Commission conducted a duly-noticed public hearing at which time all interested persons were given an opportunity to be

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ATTACHMENT h 12a
(7 PAGES) 09-10-13
Page 5 of 11

1 heard; and
2

3 **WHEREAS**, on June 26, 2013 the Planning Commission adopted Planning Commission
4 Resolution No. 2013-16, which recommended City Council adoption of an Ordinance regarding
5 Standards for Dwelling Units in Two Family and Multiple-Family Zoning Districts; and
6

7 **WHEREAS**, on July 9, 2013 the City Council conducted a duly-noticed public hearing at
8 which time all interested persons were given an opportunity to be heard; and
9

10 **WHEREAS**, the project is categorically exempt from California Environmental Quality Act
11 (CEQA) pursuant to Section 15305 of the CEQA Guidelines which exempts minor alterations in land
12 use limitations in areas with an average slope of less than 20%, which do not result in any changes in
13 land use or density and Section 15061.b.3 of the CEQA Guidelines because adoption of the zoning
14 ordinance amendment is covered by the general rule that CEQA applies only to projects which have
15 the potential for causing a significant effect on the environment, and this project does not have the
16 potential for causing a significant effect on the environment; and
17

18 **WHEREAS**, adoption of Standards for Dwelling Units in Two Family (R-2-2.5) and Multi-
19 family (R-3) Zoning Districts is consistent with the General Plan, including Objective CD-1.0 and
20 Policy CD-1.3 of the Community Design Element regarding scale and neighborhood compatibility
21 and ~~Policy HE-4.3 and Program 20 of the Housing Element regarding efficient use of multi-family~~
22 ~~zoning.~~
23

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

5A

1 Section 1. Table 10.22-2 of the Sausalito Municipal Code is hereby amended as follows¹:

**Table 10.22-2
SITE DEVELOPMENT STANDARDS – RESIDENTIAL ZONING DISTRICTS *1***

DEVELOPMENT REQUIREMENT	R-1			R-2		R-3	PR	H	A	SEE SECTION
	R-1-6	R-1-8	R-1-20	R-2-2.5	R-2-5					
Minimum parcel size *2*	6,000 sf	8,000 sf	5,000 sf	5,000 sf	10,000 sf	5,000 sf	20,000 sf	10,000 sf	1,500 sf	10.40.030 (Minimum Parcel Standards) and Title 9
Minimum lot width *2*	50'	50'	50'	50'	50'	50'	50'	50'	30'	
Maximum Density	1du/parcel	1du/parcel	1 du/1500 sf *2,3*	1 du/2500 sf *2,3*	1 du/5000 sf *2,3*	1 du/1500 sf *2,3*	1 du/1980 sf	1 du/10,000 sf	1 du/1500 sf	10.44.080 (Accessory Dwelling Units)
Maximum Floor Area Ratio	.45	.40	.8 *4*	.65 *4*	.40	.8 *4*	.65	.25	.30	
Maximum Building Coverage	35%	30%	50% *4*	50% *4*	35%	50% *4*	50%	25%	30%	10.44.330 (Development Standards for Units in Two Family and Multiple-Family Zoning Districts.)
Maximum Impervious Surface*5*	67.5%	65%	75% *4*	75% *4*	67.5%	75% *4*	75%	62.5%	65%	
Minimum Setbacks *6*										10.40.080 (Exceptions to Required Setbacks) and Chapter 10.44 (Specific Use Requirements)
Front *7*	0'	0'	0'	0'	0'	0'	0'	0'	0'	
Side *8*	5'	5'	10'	5'	5'	5'	5'	*9*	0'	
Rear	15'	15'	20'	15'	15'	15'	15'	15'	0'	
Maximum Building Height *9,10*	32'	32'	32'	32'	32'	32'	32'	32'	12' *11*	10.40.060 (Height Requirements) and Chapter 10.44 (Specific Use Requirements)

1 These standards are not entitlements; the approved size, setbacks or other physical conditions of a proposed new home dwelling or expansion of an existing home dwelling subject to design review shall be in the discretion of the Planning Commission. In order to meet the standards of design review, the Planning Commission may approve a home dwelling smaller, or with greater setbacks, or otherwise impose requirements that are more restrictive than the limits set forth in this chapter.

2 See Section 10.40.030 (Minimum Parcel Standards).

3 For two or more detached single family dwellings, see Section 10.44.090 (Detached Dwelling Units)

4 Units in the R-2-2.5 and R-3 Zoning Districts are subject to the restrictions in Section 10.44.330

5 Per Section 10.40.050.C, impervious surface includes decks, paved surfaces, hardscape, and gravel.

6 Different setbacks may also apply if district is combined with other zoning districts.

7 10' front yard setbacks are required where designated on the zoning map. See Section 10.40.070.C.4 (Special setback lines).

8 Minimum side yard setbacks may be increased in other situations.

9 Half (1/2) the building height, but no less than 5'.

10 Maximum building height may vary depending on parcel topography and may vary for other specific features of the site. Building height is measured from natural average grade.

11 Measured from a point 6' above NGVD or average grade, whichever is higher.

¹ The text to be added is printed double-underlined and the text to be removed is printed ~~double-strikeout~~.

1 Section 2. A new Section 10.44.330 is hereby added to the Sausalito Municipal Code to read as
2 follows:

3
4 "10.44.330 Development Standards for Dwelling Units in Two Family and Multiple-Family
5 Zoning Districts.
6

7 **A Purpose and Intent.** In addition to the general purposes of this Chapter, the specific
8 purposes of this section regulating units in the Two Family and Multiple Family Zoning
9 Districts include the following:

- 10 1. ~~To discourage the development of large single family residences located in the Two~~
11 ~~Family and Multiple Family Zoning Districts which leave no further development~~
12 ~~potential for future dwelling units.~~
13 2. ~~To discourage the conversion of existing two and multi-family housing to single~~
14 ~~family housing.~~
15 3. To allow the preservation of development potential for the number of units
16 appropriate to the Zoning District in which the parcel is located.
17 4. ~~To benefit homeowners in a variety of ways, such as by providing flexibility~~
18 ~~on sites and within structures; to provide additional revenue from adding a~~
19 ~~rental unit; to provide smaller units for residents seeking to downsize in their~~
20 ~~existing neighborhood; to help extended family members who wish to live in~~
21 ~~close proximity to each other.~~
22 5. To ensure the compatibility of infill development in the context of Sausalito's
23 historic resources.
24

25 **B Applicability.** These standards are applicable to all parcels in the R-2-2.5 and R-3
26 Zoning Districts with a parcel area of 3,000 square feet or greater. ~~Properties listed on the~~
27 ~~Local Historic Register are exempt from this Section 10.44.330.~~
28

29 **C Development Standards.**

- 30 1. **Maximum Floor Area.** No single dwelling unit on a parcel in the R-2-2.5 or R-3
31 Zoning District shall exceed a Maximum Floor Area Ratio of 0.45. The remaining
32 Floor Area Ratio allowed on the parcel by Table 10.22-2 shall be documented and
33 reserved for additional units on the parcel. In no case shall the total development
34 exceed the maximum development standards allowed for the parcel pursuant to Table
35 10.22-2.

36 **Example A:** The maximum floor area allowed for a single unit on a 5,000 square
37 foot parcel in the R-2-2.5 Zoning District unit is 2,250 square feet, with a remainder
38 of 1,000 square feet reserved for floor area for additional units on the parcel.

39 **Example B:** The maximum floor area allowed for a single unit on a 5,000 square
40 foot parcel in the R-3 Zoning District unit is 2,250 square feet, with a remainder of
41 1,750 square feet reserved for floor area for additional units on the parcel.

- 42 2. **Maximum Building Coverage.** No single dwelling unit on a parcel in the R-2-2.5 or
43 R-3 Zoning District shall exceed a Maximum Building Coverage of 35%. The
44 remaining Building Coverage allowed on the parcel by Table 10.22-2 shall be
45 documented and reserved for additional units on the parcel. In no case shall the total
46 development exceed the maximum development standards allowed for the parcel
47 pursuant to Table 10.22-2.

48 **Example C:** The maximum building coverage allowed for a single unit on a 5,000
49 square foot parcel in the R-2-2.5 or R-3 Zoning District unit is 1,750 square feet, with

1 a remainder of 750 square feet reserved for building coverage for additional units on
2 the parcel.

- 3 3. **Maximum Impervious Surfaces.** No single dwelling unit on a parcel in the R-2-2.5
4 or R-3 Zoning District shall exceed a Maximum Impervious Surface Percentage of
5 52%. The remaining Impervious Surfaces allowed on the parcel by Table 10.22-2
6 shall be documented and reserved for additional units on the parcel. In no case shall
7 the total development exceed the maximum development standards allowed for the
8 parcel pursuant to Table 10.22-2.

9 **Example D:** The maximum impervious surfaces allowed for a single unit on a 5,000
10 square foot parcel in the R-2-2.5 or R-3 Zoning District unit is 2,600 square feet, with
11 a remainder of 1,150 square feet reserved for impervious surfaces for additional units
12 on the parcel.

13
14 **D Exception from Development Standards with a Conditional Use Permit.** A
15 Conditional Use Permit (Chapter 10.60) shall be required for any development that does not
16 comply with the development standards in Section 10.44.330. In no case shall the total
17 development exceed the maximum development standards allowed for the parcel pursuant to
18 Table 10.22-2.

19
20 **E Finding Required.** In addition to the findings required by Section 10.60.050 (Findings,
21 Conditional Use Permit), the following finding shall be made prior to issuance of a
22 Conditional Use Permit for any development that does not comply with the development
23 standards in Section 10.44.330.

- 24 1. It has been adequately demonstrated that there are physical site constraints that
25 preclude the property from being restricted to the development standards limitations
26 for the R-2-2.5 and R-3 Zoning Districts. Examples of potential site constraints
27 include, but are not limited to: irregular parcel shapes (e.g., triangular), very steep
28 slopes (e.g., greater than 50%), presence of a naturally-occurring environmental
29 factor (e.g., a creek running through the parcel) and/or the configuration of existing
30 development (e.g., the location of an existing residence).

31
32 ~~**F Maximum Floor Area Exception.** A one-time 200 square foot maximum Floor Area
33 exception to expand an existing single-family residence in R-2-2.5 and R-3 Zoning Districts,
34 not to exceed the maximum Floor Area Ratio allowed in the respective Zoning District, may
35 be allowed with a Design Review Permit pursuant to Section 10.54.050.B.21 subject to the
36 following Planning Commission findings that the subject dwelling and/or improvements:~~

- 37 1. ~~Were built prior to the effective date of this Section;~~
38 2. ~~Are functionally and aesthetically compatible with the existing improvements and the
39 natural elements in the surrounding area;~~
40 3. ~~Are of a scale, intensity, and design that integrates with the existing character of the
41 surrounding neighborhood; and~~
42 4. ~~Employ mass-reducing design such that the additional square footage over the
43 maximum Floor Area is reasonably mitigated and does not result in overbuilding of
44 the lot.~~

45 ~~**Section 3.** Section 10.54.050.B (Design Review Permits—Applicability) of the Sausalito
46 Municipal Code is hereby amended to add the following subsection 21:~~

- 47
48 21. ~~Any project requesting a one-time 200 square foot maximum Floor Area exception to
49 expand an existing single-family residence in R-2-2.5 and R-3 Zoning Districts, not
50 to exceed the maximum Floor Area Ratio allowed in the respective Zoning District
51 (see Section 10.44.330.F).~~

1
2 **Section 4.** Section 10.54.050.D (Design Review Permits – Findings) of the Sausalito Municipal
3 Code is hereby amended to add the following subsections 13 and 14:
4

- 5 13. The project demonstrates one of the following:
6 a. The feasibility to construct the maximum number of units allowed on the project
7 site in the future by illustrating their possible location as well as required on-site
8 parking and access; or
9 b. The maximum number of units allowed is not practical for the project site

10
11 This finding is applicable only to projects in the R-2 and R-3 residential zoning
12 districts which result in a project site developed at less than the maximum density
13 allowed on the respective site. For the purposes of this Section 10.54.050.D.13
14 Accessory Dwelling Units shall count towards fulfilling the density requirement.
15

- 16 14. The project has been designed to ensure on-site structures do not crowd or
17 overwhelm structures on neighboring properties. Design techniques to achieve this
18 may include, but are not limited to: stepping upper levels back from the first level,
19 incorporating façade articulations and divisions (such as building wall offsets), and
20 using varying rooflines.
21

22 **Section 5.** Section 10.54.060 (Design Review Permits – Submittal Requirements) of the
23 Sausalito Municipal Code is hereby amended to add the following subsection L:
24

- 25 L. A conceptual site diagram that demonstrates the feasibility to construct the maximum
26 number of dwelling units allowed on the project site by illustrating their possible location
27 on the parcel as well as required on-site parking and access. The conceptual site diagram
28 may help to illustrate why the maximum number of units on the site cannot be practically
29 accommodated in the future. This submittal is applicable only to Planning Commission
30 Design Review Permits which result in a project site developed at less than the maximum
31 density allowed on the respective site. For the purposes of this Section 10.54.060.L
32 Accessory Dwelling Units shall count towards fulfilling the density requirement.
33

34 ~~**Section 6.** Section 10.40.120.B.1 (Design and Improvement of Parking) of the Sausalito
35 Municipal Code is hereby amended as follows².~~
36

37 ~~B. Exceptions. The following exceptions shall apply to the required design & layout of
38 parking spaces:~~

- 39 ~~1. Tandem parking. Tandem parking shall require a Conditional Use Permit as
40 provided by Chapter 10.60 (Conditional Use Permits). Tandem parking, two vehicles
41 parked so that one is behind the other, may be permitted for two and multiple family
42 dwellings where both parking spaces are intended to serve one and the same dwelling
43 unit. Existing historical tandem parking spaces shall not be considered as providing
44 required parking unless a Conditional Use Permit is secured per Chapter 10.60
45 (Conditional Use Permits) of this Title. Tandem parking shall be a permitted use without
46 the requirement for a Conditional Use Permit for projects which propose the maximum
47 number of units allowed for parcels in the R-2 and R-3 residential zoning districts. For
48 the purposes of this section Accessory Dwelling Units shall count toward fulfilling the
49 density requirement.~~

² The text to be added is printed double-underlined.

1
2
3 **Section 7.** Section 10.40.110.D (Parking Space Requirements by Land Use--Reductions) of the
4 Sausalito Municipal Code is hereby amended to add the following subsection 5:

5
6 **5. Parking Exceptions for Small Units.** For parcels that provide at least two units where
7 at least one of the units is less than 700 square feet only one parking space is required for the
8 smaller unit. This exception may only be applied once per parcel. Additionally, off-site
9 parking may be allowed with a Conditional Use Permit. In addition to the findings required
10 by Section 10.60.050 (Findings, Conditional Use Permit), the following findings shall be
11 made prior to issuance of a Conditional Use Permit for off-site parking:

- 12 i. It has been demonstrated that it is not feasible to accommodate a parking space
13 on the parcel;
14 ii. It has also been demonstrated with a professionally prepared parking study that
15 shows the availability of reasonably adjacent on-street parking during daytime
16 and nighttime hours of on-street parking space equal to the amount of off-site
17 parking spaces requested.
18

19 **Section 8.** Table 10.40-1 (Parking Requirements) of the Sausalito Municipal Code is hereby
20 amended as follows³:

Table 10.40-1 PARKING REQUIREMENTS	
LAND USE	Off-Street Parking Required
Residential	
Single or Multiple Family Residential	2 per dwelling unit. <u>Exceptions allowed for small units. See Section 10.40.110.C.2 (Single family and two family residential uses), and C.3 (Multiple family residential use) Section 10.40.110.D.5</u>
Multiple Family Residential (1 bedroom or less)	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
Accessory dwelling units	See Section 10.44.080 (Accessory Dwelling Units)
Senior housing	1 per dwelling unit. See Section 10.44.120 (Senior Housing Projects)

21
22 **THE FOREGOING ORDINANCE** was read at a regular meeting of the Sausalito City Council
23 on the _____ day of _____, 2013, and was adopted at a regular meeting of the City Council on
24 the _____ day of _____, 2013 by the following vote:

25 AYES: _____ COUNCILMEMBER:
26 NOES: _____ COUNCILMEMBER:
27 ABSENT: _____ COUNCILMEMBER:
28 ABSTAIN: _____ COUNCILMEMBER:
29

30 _____
Mayor

31 ATTEST: _____
32 Debbie Pagliaro, City Clerk

33 I:\CDD\PROJECTS - NON-ADDRESS\ZOA\2010\10-355 - Multi-family Standards\Ordinance\Ordinance Draft- Recommended by
34 Planning Commission on 6-26.doc
35

³ The text to be added is printed double-underlined and the text to be removed is printed ~~double-strikeout~~.

Lilly Schinsing

From: sherriefaber@gmail.com on behalf of Sherrie Faber [sherrie@sherriefaber.com]
Sent: Tuesday, August 20, 2013 7:32 PM
To: Lilly Schinsing; Jeremy Graves; Joan Cox; Stan Bair; Geoffrey E. Butler; Michael Rex
Subject: Legislative Committee Meeting 08/21

Hi All,

I know I have been absent from the last several meetings.... I really appreciate all you have done to make some necessary changes to update the standards for Two and Multi-Family zoning districts.

However, I feel very strongly that the meeting that is being held tomorrow at 10 a.m. has not been noticed properly, especially to the homeowners that it directly effects.

While I am unable to attend tomorrow, due a conflicting business appointment, I would like to go on record that I strongly support the 200 foot exception/exemption for the smaller lots. We discussed this in committee on multiple occasions and agreed that it was the right and fair thing to do. As we all know and agreed to, 200 square feet does not a "McMansion" make...It will mean a great deal to the effected homeowners, particularly those with sub-standard lot sizes.

Thank you for sharing this with the Legislative Committee.

Sincerely,

Sherrie

SHERRIE FABER/PRESIDENT
FIRST CALIFORNIA REALTY, INC.
415.339.9200 // C 415.331.6100 // O 415.331.1178 // F
01272361 CA BRE NO.
FIRSTCALIFORNIAREALTY.COM

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ATTACHMENT 12b
5A - Attach 12b
09-10-13
Page 1 of 1

Lilly Schinsing

From: MEITZ, FRED [MEIF@chevron.com]
Sent: Tuesday, August 20, 2013 8:20 PM
To: Lilly Schinsing
Cc: Meitz Mindy
Subject: Legislative Committee Meeting 08/21

Lilly

We apologize but my wife, Melinda, and I were not aware there was a meeting tomorrow at 10 a.m. on the ordinance to change the FAR for single family homes in an area zoned for multi-family dwellings. Was the meeting properly noticed?

Melinda and I both have to work tomorrow all day and have no ability to skip this but somehow we would like to go on record that we strongly support the 200 foot exception/exemption for the smaller lots. We currently have a very tiny 1500 sq ft home that we wanted to modestly expand to accommodate even more modest but very needed modifications for our retirement years. Without this exemption we may be forced to move out of our beloved Sausalito which, quite frankly, seems quite unbelievable and surely not in our plans. We are already in our mid-60's and this may force us to work into our 70's. Can you please, please make our modest and quite reasonable needs known.

Fred and Melinda Meitz
38 Gordon Street
Sausalito

Russ Irwin
Fay Mark
509 Johnson St.

September 3, 2013

Members of the Sausalito City Council

Re: Proposed changes to development standards in multi-family zoned districts

We have concerns regarding the proposed ordinance. We have discussed our concerns with the Planning Division staff and we believe the proposed ordinance could be better crafted to meet the goals of our community. This correspondence first describes several of our concerns and later provides suggestions for improvement. We apologize in advance for the length of this correspondence, but the issues are complex and the details pertinent.

We believe the goals and effects of the ordinance should be equally weighted between a) preventing the creation of "large" single family homes by reasonably and equitably reducing the FAR for single family homes in multi family zones, b) encouraging additional multi-family housing units and c) preserving the existing conforming multi-family housing units.

- 1. The proposed ordinance creates significant discontinuities and inequities in the FAR and resulting floor area available for a single family home across parcel sizes.

Example 1: A 2,999sq ft parcel in an R2-2.5 or R3 zone would have an FAR for a single family home of .65 yielding a floor area of 1,949sq ft while a 4,000sq ft property would have an FAR for a single family home of .45 yielding a floor area of just 1,800sq ft.

Buyers and developers who desire a single family home are thus encouraged to purchase parcels smaller than 3,000sq ft and "over build" while owners of existing single family homes on parcels from 3,000sq ft - 6,000sq ft are penalized.

- 2. The obligation to reserve parking space(s) for future development over and above the reserved coverage is entirely ambiguous.

If the project requires a Design Review, the ordinance requires a finding (subsection 13) that demonstrates "the feasibility to construct the maximum number of units allowed on the project site in the future... as well as required on-site parking...".

Does this require that the current project under consideration in the Design Review show that it has reserved parking for the maximum number of units that could be built on the parcel? The response to multiple inquiries to the Planning Division was that the answer would be up to the Planning Commission. How can a complete zoning application be prepared when it may or may not require reservation of at least one on-site parking space and perhaps as many as three depending on the interpretation of "maximum number of units allowed" and the ambiguity around whether available space for parking (within coverage limits) may or may not be used for the existing dwelling?

- 3. The required finding regarding space for future development must show that it is either "feasible" OR "impractical" yet "feasible" and "impractical" are two different standards which are frequently not mutually exclusive. Which standard will be applied by the Planning Commission? The community does not benefit by preserving future opportunities which are feasible but not practical.
- 4. The ambiguity regarding parking creates further confusion on the many parcels where the opportunities for the development of off street parking are limited by factors other than coverage.

The ordinance provides that a CUP may be granted for a single family dwelling allowing an FAR up to .65 (subject to the more subjective criteria of crowd, overwhelm, etc.) if:

“It has been adequately demonstrated that there are physical site constraints that preclude the property from being restricted to the development standards limitations... Examples of potential site constraints include...the feasibility of future development (e.g., the ability of provide required on-site parking)...”.

What if a homeowner submits plans to expand a single family dwelling which include new off street parking, but the construction of those plans will pre-empt the ability to provide parking for additional dwelling unit(s) in the future? Since the development of additional dwelling unit(s) would no longer be feasible, would the CUP be granted exempting the parcel from this ordinance and the full .65 FAR available for development of a single family home (subject to the more subjective criteria of massing, etc.)?

The alternative of further tightening the proposed ordinance and denying the construction of parking for the existing home in the hope that it would be used in the future for an additional dwelling unit would deny the community an immediate opportunity to remove vehicles from the street.

5. The changes in impervious surface are inconsistent with the changes to building coverage. The ordinance uses the R1-6 values for FAR and building coverage, but the impervious coverage is limited to 52% versus 67.5% allowed for R1-6 parcels. Under the proposed ordinance a homeowner on a 6,000^{sq} parcel can build the same size house with the same amount of building coverage as if they were in R1-6, but they must have 930^{sq} less decks, stairways and garden paths. The impact to the homeowner is even more significant when the smaller allowance is applied to a smaller lot. On a 4,000^{sq} parcel the impervious surface allowance is only 680^{sq} more than the building coverage; not much for stairs, decks, driveways and walks.

Applying the same logic to building coverage, single family homes would be limited to 24.2%.

6. The proposed ordinance will increase the Planning Division's work load. A project which might have been approved over the counter would now require a Design Review to receive the 200^{sq} bonus. A project which would never have considered requesting a variance would now be more likely to request a CUP to gain additional FAR by being exempted from the ordinance.

Development of a complete zoning application package is expensive in both time and money. It is in the interest of all parties that the development standards be as simple and clear as possible so that property owners and architects can design with confidence and the issues likely to produce conflict and debate during the Design Review are reduced. There is a very real human cost to the property owners of Sausalito, and an administrative cost to the City of Sausalito, in making the process more ambiguous and uncertain by creating ambiguities and incentives that require a Design Review or CUP.

The proposed ordinance fails to meet the needs of the community for multi-family housing and reasonably sized single family homes while inequitably distributing FAR and creating additional administrative burden on the Planning Division staff and Commission which will necessitate additional delays in the processing of development applications. We can do better.

We suggest the following solutions:

- A. Allocate FAR to single family homes in multifamily zones with a continuous adjustment of FAR in the range of .45 to .55 for parcels between 3,000^{sq} - 6,000^{sq}. Coverage and impervious surface percentages are allocated using similar formulas so that they adjust appropriately with the FAR.

A multi-family development project would always have more available floor area, building coverage and impervious surface than a single family dwelling.

This allocation approach prevents the construction of large homes, closes the “loophole” for parcels under 3,000sq ft, and eliminates discontinuities in the allocation of development resources.

The formula for allocation of FAR would be:

$$\begin{aligned} \text{parcel} > 6,000 \text{sq ft} &= .45 \\ 3,000 < \text{parcel} < 6,000 &= .55 - ((\text{parcel} - 3000) / 3000) * .10 \\ \text{parcel} < 3,000 &= .55 \end{aligned}$$

Examples only, implementation would be via formula, not a table.

Lot	Single Family		Minimum available for additional units		Coverage	Impervious
	FAR	FA	R2-2.5	R3		
7,000	0.45	3,150	1,400	2,450	0.350	0.675
6,000	0.45	2,700	1,200	2,100	0.350	0.675
5,750	0.46	2,635	1,102	1,965	0.356	0.678
5,500	0.47	2,567	1,008	1,833	0.363	0.681
5,250	0.48	2,494	919	1,706	0.369	0.684
5,000	0.48	2,417	833	1,583	0.375	0.688
4,750	0.49	2,335	752	1,465	0.381	0.691
4,500	0.50	2,250	675	1,350	0.388	0.694
4,250	0.51	2,160	602	1,240	0.394	0.697
4,000	0.52	2,067	533	1,133	0.400	0.700
3,750	0.53	1,969	469	1,031	0.406	0.703
3,500	0.53	1,867	408	933	0.413	0.706
3,250	0.54	1,760	352	840	0.419	0.709
3,000	0.55	1,650	300	750	0.425	0.713
2,750	0.55	1,513			0.425	0.713

- B. Eliminate the 200sq ft bonus. Floor area for single family dwellings would be subject to the above allocation of FAR and existing development standards.
- C. Eliminate the exception to the ordinance via CUP for single family dwellings unable to build an additional unit.
- D. Eliminate the ambiguity regarding reservation of parking for future development of additional dwellings. If parking can be developed for an existing dwelling it should be permitted. If it is not practical to develop parking for an additional unit then the space should not need to be reserved.
- E. Prohibit conversion of existing multi-family dwellings to fewer units than the parcel’s zoning district.

This ensures that the existing multi-family housing inventory is preserved. In the absence of such a

prohibition buyers have an incentive to purchase larger parcels in multi-family zones to convert to single family dwellings. While the size of the home would be limited by the ordinance, there is a loss of multi-family housing units.

Examples: An existing non-conforming triplex could be converted to a duplex. An existing duplex in a multi-family zone could not be converted to a single family home. An existing duplex could be reconfigured into a primary residence and an ADU. An existing duplex in a single family zone could be converted to a single family home.

Incorporation of these suggestions would meet the needs of our community by limiting the size of single family homes in multi-family zones, preserving our current multi-family housing inventory, encouraging the development of multi-family dwellings and providing for single family homes consistent with the character of our community. The suggestions eliminate ambiguities and discontinuities around the floor area available for development and reduce the administrative burden of processing development applications in the Planning Division and by the Planning Commission.

Thank you for your consideration.

Best regards,



Russ Irwin

Fay Mark

PS: In the interest of full disclosure, our home is approximately 1,025^{sq ft} on a 4,320^{sq ft} parcel with a 100^{sq ft} storage shed. The parcel is 40' wide and the existing home has a 13' front setback and 7' side setbacks. Under the existing regulations we could add an additional 1,684^{sq ft}. Under the proposed ordinance we could add an additional 1,020^{sq ft} with the 200^{sq ft} bonus. Under our proposed FAR allocations we could add an additional 1,062^{sq ft}.

Irwin/Mark Attachment to September 3, 2013 Letter
FAR for Single Family Homes in Multi-family zones

Parcel	FAR	Coverage	Impervious
6,000	0.45	0.350	0.675
3,000	0.55	0.425	0.713

Formula for allocation of additional FAR to smaller lots for single family homes:

FAR .55 -(((lot - 3000)/3000) * (.65-.55))
Coverage .425 -(((lot - 3000)/3000) * (.425-.35))
Impervious .675 -(((lot - 3000)/3000) * (.713-.675))

Examples only, implementation would be of a formula, not a table.

Lot	Single Family		Minimum available for additional units		Coverage	Impervious
	FAR	FA	R2-2.5	R3		
7,000	0.45	3,150	1,400	2,450	0.350	0.675
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3,000	0.55	1,650	300	750	0.425	0.713
2,750	0.55	1,513			0.425	0.713

Irwin/Mark Letter Received September 4, 2013
(Original Provided in Attachment 12.d of the Staff Report)

Staff Remarks

Russ Irwin
Fay Mark
509 Johnson St.

September 3, 2013

Members of the Sausalito City Council

Re: Proposed changes to development standards in multi-family zoned districts

We have concerns regarding the proposed ordinance. We have discussed our concerns with the Planning Division staff and we believe the proposed ordinance could be better crafted to meet the goals of our community. This correspondence first describes several of our concerns and later provides suggestions for improvement. We apologize in advance for the length of this correspondence, but the issues are complex and the details pertinent.

We believe the goals and effects of the ordinance should be equally weighted between a) preventing the creation of "large" single family homes by reasonably and equitably reducing the FAR for single family homes in multi family zones, b) encouraging additional multi-family housing units and c) preserving the existing conforming multi-family housing units.

- 1. The proposed ordinance creates significant discontinuities and inequities in the FAR and resulting floor area available for a single family home across parcel sizes.

Example 1: A 2,999sq ft parcel in an R2-2.5 or R3 zone would have an FAR for a single family home of .65 yielding a floor area of 1,949sq ft while a 4,000sq ft property would have an FAR for a single family home of .45 yielding a floor area of just 1,800sq ft.

Buyers and developers who desire a single family home are thus encouraged to purchase parcels smaller than 3,000sq ft and "over build" while owners of existing single family homes on parcels from 3,000sq ft - 6,000sq ft are penalized.

- 2. The obligation to reserve parking space(s) for future development over and above the reserved coverage is entirely ambiguous.

If the project requires a Design Review, the ordinance requires a finding (subsection 13) that demonstrates "the feasibility to construct the maximum number of units allowed on the project site in the future... as well as required on-site parking..."

Does this require that the current project under consideration in the Design Review show that it has reserved parking for the maximum number of units that could be built on the parcel? The response to multiple inquiries to the Planning Division was that the answer would be up to the Planning Commission. How can a complete zoning application be prepared when it may or may not require reservation of at least one on-site parking space and perhaps as many as three depending on the interpretation of "maximum number of units allowed" and the ambiguity around whether available space for parking (within coverage limits) may or may not be used for the existing dwelling?

- 3. The required finding regarding space for future development must show that it is either "feasible" OR "impractical" yet "feasible" and "impractical" are two different standards which are frequently not mutually exclusive. Which standard will be applied by the Planning Commission? The community does not benefit by preserving future opportunities which are feasible but not practical.
- 4. The ambiguity regarding parking creates further confusion on the many parcels where the opportunities for the development of off street parking are limited by factors other than coverage.

1. Staff agrees that an anomaly is created between those parcels less than 3,000 sf and those equal to and greater than 3,000 sf. This was a policy decision by the Planning Commission subcommittee ("subcommittee") because parcels less than 3,000 square feet cannot legally support more than 1 unit (the maximum density for parcels under 5,000 sf in the R-2-2.5 and R-3 district is 1,500 sf of parcel area per unit)

2. The finding requires that future units and their required parking be shown OR the applicant to show why it is not practical to accommodate the future units and their required parking spaces. From Staff's perspective there is no ambiguity.

3. Staff supports modifying the language to reduce this ambiguity in language. Staff recommends the use of the word "practical" instead of "feasible" in the proposed new Design Review Permit Finding (see discussion in Staff Report).

4. See comments on next page

ATTACHMENT 13
(4 PAGES)

The ordinance provides that a CUP may be granted for a single family dwelling allowing an FAR up to .65 (subject to the more subjective criteria of crowd, overwhelm, etc.) if:

"It has been adequately demonstrated that there are physical site constraints that preclude the property from being restricted to the development standards limitations... Examples of potential site constraints include...the feasibility of future development (e.g., the ability of provide required on-site parking)..."

What if a homeowner submits plans to expand a single family dwelling which include new off street parking, but the construction of those plans will pre-empt the ability to provide parking for additional dwelling unit(s) in the future? Since the development of additional dwelling unit(s) would no longer be feasible, would the CUP be granted exempting the parcel from this ordinance and the full .65 FAR available for development of a single family home (subject to the more subjective criteria of massing, etc.)?

The alternative of further tightening the proposed ordinance and denying the construction of parking for the existing home in the hope that it would be used in the future for an additional dwelling unit would deny the community an immediate opportunity to remove vehicles from the street.

5. The changes in impervious surface are inconsistent with the changes to building coverage. The ordinance uses the R1-6 values for FAR and building coverage, but the impervious coverage is limited to 52% versus 67.5% allowed for R1-6 parcels. Under the proposed ordinance a homeowner on a 6,000 \square parcel can build the same size house with the same amount of building coverage as if they were in R1-6, but they must have 930 \square less decks, stairways and garden paths. The impact to the homeowner is even more significant when the smaller allowance is applied to a smaller lot. On a 4,000 \square parcel the impervious surface allowance is only 680 \square more than the building coverage; not much for stairs, decks, driveways and walks.

Applying the same logic to building coverage, single family homes would be limited to 24.2%.

6. The proposed ordinance will increase the Planning Division's work load. A project which might have been approved over the counter would now require a Design Review to receive the 200 \square bonus. A project which would never have considered requesting a variance would now be more likely to request a CUP to gain additional FAR by being exempted from the ordinance.

Development of a complete zoning application package is expensive in both time and money. It is in the interest of all parties that the development standards be as simple and clear as possible so that property owners and architects can design with confidence and the issues likely to produce conflict and debate during the Design Review are reduced. There is a very real human cost to the property owners of Sausalito, and an administrative cost to the City of Sausalito, in making the process more ambiguous and uncertain by creating ambiguities and incentives that require a Design Review or CUP.

The proposed ordinance fails to meet the needs of the community for multi-family housing and reasonably sized single family homes while inequitably distributing FAR and creating additional administrative burden on the Planning Division staff and Commission which will necessitate additional delays in the processing of development applications. We can do better.

We suggest the following solutions:

- A. Allocate FAR to single family homes in multifamily zones with a continuous adjustment of FAR in the range of .45 to .55 for parcels between 3,000 \square - 6,000 \square . Coverage and impervious surface percentages are allocated using similar formulas so that they adjust appropriately with the FAR.

2

4. (continued) Like all other Conditional Use Permit applications which require discretion by the Planning Commission, each application is considered on its own merits with its own set of circumstances. Judgments therefore are made on a case-by-case basis by the Planning Commission, which they routinely do.

5. The provision to receive approval for the 200 square foot bonus via a Design Review Permit was a policy recommendation of the Subcommittee to address existing structures that may be affected by the new development standards.

6. The recommendation from the Planning Commission was to not use the R-1-6 standard for impervious surfaces because the R-1-6 standard and the R-2-2.5 and R-3 standards were so similar and did not leave enough impervious surfaces leftover for additional units. The impervious surfaces for the fixed percentage option are calculated on a unit by unit quantity based on the allowable Floor Area Ratio distribution for multiple units, using the R-1-6 Zoning District as a basis. Therefore, for the R-2-2.5 District the maximum R-1-6 District FAR divided by the maximum R-2-2.5 District FAR multiplied by the maximum R-1-6 Impervious Surface is $((0.45/0.65) \times (75\%)) = 52\%$. For the R-3 District the maximum R-1-6 District FAR divided by the maximum R-3 District FAR multiplied by the maximum R-1-6 Impervious Surface is $((0.45/0.8) \times (75\%)) = 42\%$.

A. Staff has provided a short analysis of the pros/cons of the ratio proposal versus the fixed percentage (45%) proposal (see table on next page).

**Irwin/Mark Letter Received September 4, 2013
(Original Provided in Attachment 12.d of the Staff Report)**

Staff Remarks

A multi-family development project would always have more available floor area, building coverage and impervious surface than a single family dwelling.

This allocation approach prevents the construction of large homes, closes the "loophole" for parcels under 3,000sq, and eliminates discontinuities in the allocation of development resources.

The formula for allocation of FAR would be:

$$\begin{aligned} \text{parcel} > 6,000 &= .45 \\ 3,000 < \text{parcel} < 6,000 &= .55 - ((\text{parcel} - 3000) / 3000) * .10 \\ \text{parcel} < 3,000 &= .55 \end{aligned}$$

Examples only, implementation would be via formula, not a table.

Lot	Single Family		Minimum available for additional units		Coverage	Impervious
	FAR	FA	R2-2.5	R3		
7,000	0.45	3,150	1,400	2,450	0.350	0.675
6,000	0.45	2,700	1,200	2,100	0.350	0.675
5,750	0.46	2,635	1,102	1,965	0.356	0.678
5,500	0.47	2,567	1,008	1,833	0.363	0.681
5,250	0.48	2,494	919	1,706	0.369	0.684
5,000	0.48	2,417	833	1,583	0.375	0.688
4,750	0.49	2,335	752	1,465	0.381	0.691
4,500	0.50	2,250	675	1,350	0.388	0.694
4,250	0.51	2,160	602	1,240	0.394	0.697
4,000	0.52	2,067	533	1,133	0.400	0.700
3,750	0.53	1,969	469	1,031	0.406	0.703
3,500	0.53	1,867	408	933	0.413	0.706
3,250	0.54	1,760	352	840	0.419	0.709
3,000	0.55	1,650	300	750	0.425	0.713
2,750	0.55	1,513			0.425	0.713

B. Eliminate the 200sq bonus. Floor area for single family dwellings would be subject to the above allocation of FAR and existing development standards.

C. Eliminate the exception to the ordinance via CUP for single family dwellings unable to build an additional unit.

D. Eliminate the ambiguity regarding reservation of parking for future development of additional dwellings. If parking can be developed for an existing dwelling it should be permitted. If it is not practical to develop parking for an additional unit then the space should not need to be reserved.

E. Prohibit conversion of existing multi-family dwellings to fewer units than the parcel's zoning district.

This ensures that the existing multi-family housing inventory is preserved. In the absence of such a

A. (continued)

Pros of Ratio Proposal	Cons of Ratio Proposal
<i>Eliminates anomaly discussed in item 1 of this letter.</i>	<i>For very small parcels (under 4,000 square feet) very little remaining floor area is left for additional units. This could discourage the creation of additional units.</i>
<i>The ratio proposal works on a sliding scale which gives slightly more FAR to smaller parcels. As the concept behind reducing floor area for single units in the R-2-2.5 and R-3 districts was to discourage large single family residences, the ratio proposal is more fair to smaller parcels (i.e., those between 3,000 and 6,000 square feet), as on smaller parcels only modestly-sized homes result from a slightly larger FAR.</i>	<i>For parcels under 3,000 square feet only one unit can be built, and that unit is restricted to 0.55 FAR where the current draft ordinance restricts the unit to 0.65 FAR, so parcels under 3,000 square feet lose overall development potential unless they factor an ADU(which does not count towards density) into their plans.</i>

Staff recommends that the Council discuss the ratio proposal as an alternative to the fixed percentage option. See the discussion in the Staff Report.

B. As the ratio proposal provides additional floor area for single units the 200 sf bonus could be eliminated if the ratio option is selected.

C. The CUP provides flexibility for constrained parcels on a case-by-case basis. Staff recommends retaining the CUP option even if the ratio alternative is selected.

D. Staff does not see ambiguity in this section. Like all other Conditional Use Permit applications which require discretion by the Planning Commission, each application is considered on its own merits with its own set of circumstances. Judgments therefore are made on a case-by-case basis by the Planning Commission, which they routinely do.

E. Staff recommends the Council discuss this addition to the Ordinance. If the Council is interested in adding this prohibition on conversion the Ordinance would be sent back to the Planning Commission for review and recommendation.

Irwin/Mark Letter Received September 4, 2013
(Original Provided in Attachment 12.d of the Staff Report)

Staff Remarks

prohibition buyers have an incentive to purchase larger parcels in multi-family zones to convert to single family dwellings. While the size of the home would be limited by the ordinance, there is a loss of multi-family housing units.

Examples: An existing non-conforming triplex could be converted to a duplex. An existing duplex in a multi-family zone could not be converted to a single family home. An existing duplex could be reconfigured into a primary residence and an ADU. An existing duplex in a single family zone could be converted to a single family home.

Incorporation of these suggestions would meet the needs of our community by limiting the size of single family homes in multi-family zones, preserving our current multi-family housing inventory, encouraging the development of multi-family dwellings and providing for single family homes consistent with the character of our community. The suggestions eliminate ambiguities and discontinuities around the floor area available for development and reduce the administrative burden of processing development applications in the Planning Division and by the Planning Commission.

Thank you for your consideration.

Best regards,



Russ Irwin

Fay Mark

PS: In the interest of full disclosure, our home is approximately 1,025 \square on a 4,320 \square parcel with a 100 \square storage shed. The parcel is 40' wide and the existing home has a 13' front setback and 7' side setbacks. Under the existing regulations we could add an additional 1,684 \square . Under the proposed ordinance we could add an additional 1,020 \square with the 200 \square bonus. Under our proposed FAR allocations we could add an additional 1,062 \square .

Werner Letter Received July 18, 2013
(Original Provided in Attachment 12.a of the Staff Report)

Staff Remarks

William Arno Werner
213 Richardson Street
Sausalito, CA 94965-2422

July 18, 2013

Mayor Herb Weiner & Members of Council
City of Sausalito
420 Litho Street
Sausalito, CA 94965-1933

AGENDA TITLE: Zoning Ordinance Amendment: Updated Standards for Two and Multi-Family Zoning Districts (ZOA 10-355).

SUBJECT: Comments for Council's consideration at the second reading scheduled for July 23, 2013.

Dear Mayor Weiner & Members of Council:

This Ordinance Amendment came about for one simple reason. There was an anomaly in the Zoning Ordinance that allowed larger single family residences to be built in the R-2-2.5 and R-3 zones than in the R-1-6 zone. There was, and is, a simple, direct and logical solution to this problem which is defined in the proposed revised Development Standards.

Unfortunately, the subcommittee of the Planning Commission was side tracked in their deliberations by Program 20 of the Housing Element. In trying to integrate this State mandated program aimed at encouraging high density housing development, the objective of the Amendment was subverted and made threatening and controversial to many residents.

While I voted to send this Ordinance Amendment in its present form on to the City Council, I did so reluctantly and primarily because most of the extraneous additions motivated by Program 20 had been deleted at the June 12, 2013 meeting. Since there were only four Planning Commissioners present at the June 26, 2013 meeting, two of whom had been on the subcommittee developing the Amendment, further attempts at modification seemed pointless. I therefore offer the following additional changes for the Council's consideration. (See attached edited version of the proposed Ordinance Amendment)

1. Title. Delete references to "200 SQUARE FOOT FLOOR AREA BONUS"¹ and "EXCEPTION FOR TANDEM PARKING"².
2. At the last "WHEREAS", delete the reference to Policy HE-4.3 and Program 20³.

NOTE: This Housing Element Policy and Program should not be cited as the motivation behind this Zoning Amendment. To do so merely exacerbates the legitimate concerns and grievances raised by the public during the hearings and workshops leading up to the Planning Commission meetings on the subject.

¹ Page 1-1, Lines 8-10
² Page 1-1, Lines 12-14
³ Page 1-2, Lines 21-22

ATTACHMENT 14
(3 PAGES)

2. The "Whereas" sections provide background on the Ordinance. The Ordinance implements Housing Element Program #20. It is appropriate that this remain in the Whereas section.

Werner Letter Received July 18, 2013
(Original Provided in Attachment 12.a of the Staff Report)

Staff Remarks

William Arno Werner

Mayor Herb Weiner & Members of Council
Zoning Ordinance Amendment: (ZOA 10-355)

July 18, 2013

3. **Section 2. A. Purpose and Intent.** Delete items 1. and 2.⁴, and Item 4.⁵, in their entirety.

NOTE: Items 1 and 2 have no place in the language of the General Plan (i.e., the Housing Element) since they are subjective and judgmental in their nature rather than regulatory and enforceable. They are also the very items which caused the greatest concern on the part of the members of the community who spoke against this Zoning Amendment.

NOTE: Item 4 is simply trendy unsubstantiated feel good palaver having no place in the text of a Zoning Ordinance.

ADD NEW Item:

"1. To limit the Maximum Floor Area Ratio of single family dwelling units in the R-2-2.5 and R-3 Zoning Districts to not exceed the maximum allowed in the R-1-6 Zoning District."

MODIFY Items 3. and 5. to become Items 2. and 3.

4. **Section 2. B. Applicability.** Delete the exemption for properties listed on the "Local Historic Register"⁶.

NOTE: The standards for inclusion on the Local Historic Register are ill defined and far less than those required for the National and State Registers. It is therefore not appropriate as a criterion for exemption from this Amendment. In fact, any modifications to properties listed on the National or State Registers should be limited by this Amendment in any case. To do otherwise would probably violate *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

5. **Section 2. F. Maximum Floor Area Exception⁷ and Section 3⁸.** Delete the whole of both sections.

NOTE: This item is not only illogical, it is unfair and indefensible. If the intent of this Amendment is to limit the size of single family residences, how would granting a 200 square foot bonus to existing properties further that objective? How is limiting this bonus to existing dwelling only fair to new dwelling units? Is it fair the owner of a 3,000 square foot lot, where a new maximum FAR for a single family house would be 1,350 square feet, to be granted a 15% bonus of 200 square feet, but on a 5,000 square foot lot the owner gets only a 9% bonus? Staff's only justification for this seems to be that a similar exception exists in San Anselmo and they haven't had any objections. In general, exceptions of any kind in zoning ordinances and building codes are licenses for future aggravations.

⁴ Page 1-4, Lines 10 -14

⁵ Page 1-4, Lines 17-21

⁶ Page 1-4, Lines 26-27

⁷ Page 1-5, Lines 32-44

⁸ Page 1-5, Lines 45-51

3. *This section describes the intent of the new development standards. Items 1 and 2 accurately describe the intent of the new development standards and should be included. Item 4 was developed at the Planning Commission hearings. See Option 11 in the revised draft ordinance (Attachment 8) for new language inspired by Mr. Werner's suggested new language.*

4. *This exception was added to recognize that older homes, which may exceed the new "cap" on the size of single family homes, may need extensive renovations. Extensive renovations may require "substantial demolition" which would require that the home now conform to the size limitations (i.e., the home's size would be required to be reduced). Removing portions of older homes that may be historic was not the intent of this ordinance, so an exception was given for homes on the historic register.*

Options 6 and 7 in the revised draft ordinance (Attachment 9) include new language for the historic exemption, specifying that the exemption applies only properties where no increase in floor area is proposed and expanding the exception to those properties on the state and national register.

5. *This exception was included to address those property owners who have been informally planning modest additions to their homes (e.g., an extra bedroom for a second child) and may be capped out on floor area due to the new regulations. 200 square feet (a 10'x20' room) is a small addition of living space that was not anticipated to appreciably alter the massing of the existing home. For example, a 3,500 square foot parcel in an R-2-2.5 Zoning District would be restricted to 1,575 square feet. An existing 1,400 square foot home on that parcel would be allowed to expand with a requirement for a Design Review Permit to 1,775 square feet (375 square feet greater than the existing home and 200 square feet above the new floor area maximum).*

Werner Letter Received July 18, 2013
(Original Provided in Attachment 12.a of the Staff Report)

Staff Remarks

William Arno Werner

Mayor Herb Weiner & Members of Council
Zoning Ordinance Amendment: (ZOA 10-355)

July 18, 2013

6. Section 6. B. Exceptions. Delete in its entirety.⁹

NOTE: Tandem Parking requires a Conditional Use Permit for good reason. For all practical purposes, tandem parking is an invitation to the misuse of space, intended for the parking of an automobile, as storage and, in some cases, as accessory living space.

On August 13, 1999, the "Report of the Parking Policy Task Force to the City Council" was completed. After almost one year of monthly meetings, the 20 member Task Force appointed by then Mayor Amy Beiser, which represented residents and businesses alike, concluded the following about the primary parking issues in the Residential Neighborhoods:

"We has met the enemy, and it is us" Pogo (the great American philosopher)¹⁰

The report further stated:

"The problem of residents using their garages for storage – and consequently using the street for long-term parking of vehicles to the detriment of other residents and visitors – was a recurring theme in Task Force discussions."¹¹

All that has changed in the 14 years since that Task Force Report is that the conditions have worsened. The issue remains as stated and little has been done to respond to the conclusions of that Task Force. This is not the time to relax the limitations on residential parking beyond that already provided for the ADU's.

After listening to the comments made by the public and some members of the Council at the July 9, 2013 meeting, it seemed to me that these issues deserved further discussion. Thanks for your consideration.

Very truly yours,

Bill Werner

Cc: Adam Politzer, Mary Wagner, Jeremy Graves, Lilly Schinsing

Attachment

⁹ Page 1-6, Lines 34-49

¹⁰ "Report of the Parking Policy Task Force to the City Council", August 13, 1999. Page 5

¹¹ Ibid, Page 16.

6. *Eliminating the Conditional Use Permit requirement for tandem parking (parking one vehicle behind another, where the two vehicles serve one and the same unit) eliminates an obstacle in the permitting process and facilitates additional parking on constrained parcels. If the Council is interested in the topic of how to encourage residents to use their garages for vehicular storage as opposed to other types of storage this issue should be discussed in the larger context of use of garages city-wide.*