



STAFF REPORT

SAUSALITO CITY COUNCIL

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

RECOMMENDED ACTION:

Staff recommends the City Council take the following actions:

- Conduct a public hearing on the Updated Standards for Two 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 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" (**Attachment 1**), and continue the second reading to the July 23, 2013 meeting.

SUMMARY

The attached ordinance reduces the allowable floor area, building coverage and impervious surfaces of any unit on a parcel in the R-2-2.5 and R-3 Zoning Districts and mandates that the remaining floor area, building coverage and impervious surfaces be held in reserve for an additional unit(s). The amendment also adds additional findings and submittal requirements for Design Review Permits and allows for an exception to parking requirements. The Planning Commission voted 4:0 (Keegin-absent) on June 26, 2013 to recommend City Council adoption of the attached ordinance.

BACKGROUND

ISSUE SUMMARY

The City's six residential zoning districts allow a variety of housing types. The Single-Family Residential Zoning Districts (R-1-6, R-1-8, and R-1-20) allow low-density, detached single-family residential land use. The Two-Family Residential Zoning Districts (R-2-2.5 and R-2-5) allow single family and duplex dwellings. The Multi-Family Residential Zoning District (R-3) allows single family, duplex, apartments and other multiple attached dwelling units (e.g., townhomes and condominiums). The Planned Residential (PR) Zoning District allows medium-high residential density development, including townhomes and condominiums. The Houseboat (H) Zoning District allows houseboats and the Arks (A) Zoning District preserves historic single-family arks uses.

The General Development Regulations (Zoning Ordinance Chapter 10.40) guide the location, design and development of new land uses and structure and the alteration of existing uses and structures. The general development standards (i.e., minimum parcel standards, floor area ratio, building coverage, height, setbacks and parking) interface with the development requirements of the various Zoning Districts to provide site development standards in each

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residential Zoning District. The development standards for each district apply uniformly to each parcel in the same Zoning District. Therefore, single-family dwellings in Two-Family (R-2-2.5 and R-2-5) and Multi-Family (R-3) Zoning Districts are subject to the same development standards as duplex and apartments in Two-Family (R-2-2.5 and R-2-5) and Multi-Family (R-3) Zoning Districts. In terms of floor area and building coverage (restrictions on bulk and mass), the development standards of the Two-Family and Multifamily Zoning Districts are more generous (see **Attachment 2** for Table 10-22-2).

An issue that the Planning Commission has grappled with in the past is how to maintain the housing stock while keeping with the character of the neighborhood when considering proposals for single-family dwellings on R-2-2.5, R-2.5 and R-3 parcels. For example, the Planning Commission has reviewed projects for the conversion of duplexes into single-family dwellings and the construction of single-family dwellings in multi-family zoning districts which request the maximum floor area/building coverage allowances for the particular zoning district. The result has been a loss of housing stock and construction of new residences which are built out in terms of mass and bulk. Some of the "built-out" single family dwellings may be out of character with the size of other single family dwellings in the neighborhood. A mechanism for both encouraging the retention and construction of two/multi-family housing and for limiting the size of single family dwellings in two/multifamily districts would be to limit the size of single family dwellings in the two/multifamily districts.

The draft ordinance, vetted by a subcommittee of the Planning Commission, the community through subcommittee meetings and a community workshop, and the Planning Commission includes the following:

A reduction of the development standards applicable to any unit in the R-2-2.5 and R-3 Zoning Districts to the standards for single family dwellings in R-1-6 Zoning District. Other amendments include strengthening the findings for a Design Review Permit, requiring conceptual planning for additional units on a parcel, and modifying the parking standards to eliminate a requirement for a Conditional Use Permit and allow the same parking standard for units under 700 square feet as was adopted in the Accessory Dwelling Unit ordinance.

MEETING SUMMARY

A summary of the four Planning Commission meetings, 13 subcommittee meetings, and community workshop is provided in **Attachment 3**.

ANALYSIS

The Planning Commission has drafted regulations with the following purposes:

- 1- To discourage the development of large single family residences located in the Two Family and Multiple Family Zoning Districts which leave no further development potential for future dwelling units.
- 2- To discourage the conversion of existing two and multi-family housing to single-family housing.
- 3- To encourage the preservation of development potential for the number of units appropriate to the Zoning District in which the parcel is located

1- NEW DEVELOPMENT STANDARDS

The proposed regulations modify the development standards to cap the size of any unit on a multifamily parcel to the size allowed for a single family dwelling in the R-1-6 Zoning District

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(with the exception of impervious surfaces, see the footnote on page 3). The remaining development potential would be held "in reserve" for future units on the parcel.

Affected Development Standard	Modification to Development Standards in the 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.
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.
Impervious Surface	No single unit may exceed the maximum building coverage 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 ¹). The total maximum 75% impervious surface for the parcel as a whole still applies.

Examples. The following are examples of how the proposed regulations would work:

Example A:

- Currently, the maximum **floor area** allowed for **any unit or combinations of units** on a 5,000 square foot parcel in the R-2-2.5 Zoning District is **3,250 square feet** (65% of the parcel).
- The new regulations would allow 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 to be **2,250 square feet**, with a remainder of **1,000 square feet** reserved for floor area for additional units on the parcel.

Example B:

- Currently, the maximum **floor area** allowed for **any unit or combinations of units** on a 5,000 square foot parcel in the R-3 Zoning District is **4,000 square feet** (80% of the parcel).
- The new regulations would allow the maximum floor area allowed for a single unit on a 5,000 square foot parcel in the R-3 Zoning District unit to be **2,250 square feet**, with a remainder of **1,750 square feet** reserved for floor area for additional units on the parcel.

Example C:

- Currently, the maximum **building coverage** allowed for **any unit or combinations of units** on a 5,000 square foot parcel in the R-2-2.5 or R-3 Zoning District is **2,500 square feet** (50% of the parcel).
- The new regulations would allow 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 to be **1,750**

¹ The impervious surfaces 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 $((0.45/0.8) \times (75\%)) = 42\%$.

square feet, with a remainder of **750 square feet** reserved for building coverage for additional units on the parcel.

Example D:

- Currently, the maximum **impervious surfaces** allowed for **any unit or combinations of units** on a 5,000 square foot parcel in the R-2-2.5 or R-3 Zoning District is **3,750 square feet** (75% of the parcel).
- The new regulations would allow 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 to be **2,600 square feet**, with a remainder of **1,150 square feet** reserved for impervious surfaces for additional units on the parcel.

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.

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.

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. If the property owner can demonstrate that the physical site constraints preclude the property from being restricted to the new development standards, it will be at the Planning Commission's discretion to allow for a single unit which would be allowed the standard development regulations for the Zoning District. 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).

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 would be required to be reviewed by the Planning Commission, and the Commission would have to find that:

- 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.

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.

2- STRENGTHEN DESIGN REVIEW PERMIT FINDINGS

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.

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.

Ensuring Appropriate Massing. The second new finding would apply to all Design Review projects and require that the project has been designed to ensure the on-site structures do not crowd or overwhelm neighboring properties. Design techniques to achieve this may include, but are not limited to: stepping upper levels back from the first level, incorporating façade articulations and divisions (such as building wall offsets) and using varying rooflines. This was included to ensure that even if the site is being built out, there would be care and thought in the design process regarding the massing of the structures.

3- SUBMITTAL REQUIREMENT FOR A SCHEMATIC DESIGN

The ordinance also adds a submittal requirement for a conceptual site diagram to show possibility of additional future units. This item would be required to be submitted as a part of an application for a Design Review Permit. The conceptual site diagram would need to demonstrate the feasibility to construct the maximum number of dwelling units allowed on the project site by illustrating their possible location on the parcel as well as required on-site parking and access. The conceptual site diagram may help to illustrate why the maximum number of units on the site cannot be practically accommodated in the future. This submittal would be applicable only to Planning Commission Design Review Permit projects which result in a project site developed at less than the maximum density allowed on the respective site and for the purposes of this requirement, Accessory Dwelling Units would count towards fulfilling the density requirement.

4- NEW PARKING STANDARDS

The ordinance includes a parking exception which was to be consistent with the Accessory Dwelling Unit (ADU) parking exceptions. The ADU parking exceptions allow a unit which is less than 700 square feet to only provide one on-site parking space (as opposed to two spaces) and that the on-site requirement could be relieved with a CUP and a parking study showing the availability of daytime and nighttime parking. There is an identical exception in the proposed ordinance.

5- TANDEM PARKING EXCEPTIONS

Typically, tandem parking (two vehicles parked so that one is behind the other) is allowed with a Conditional Use Permit for two and multiple family dwellings where both parking spaces are intended to serve one and the same dwelling unit. The ordinance relaxes this requirement by removing the requirement for a Conditional Use Permit for tandem parking for projects which

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propose the maximum number of units allowed for parcels in the R-2 and R-3 residential zoning districts.

6- ANNUAL REVIEW BY THE PLANNING COMMISSION

The Planning Commission directed staff to prepare a resolution of the Planning Commission stating that annually for three years the Commission would review the effectiveness of the ordinance to ensure that is working as anticipated and that no unintended negative consequences arise.

GENERAL PLAN CONSISTENCY

The proposed amendments are consistent with the General Plan, including the following policies.

- **Policy HE-4.3 Efficient Use of Multi-family Zoning.** *Encourage the sustainable use of land and promote affordability by encouraging development of two-family and multi-family housing within the City's multi-family zoning districts (R-2-5, R-2-2.5, R-3).*
- **Objective CD-1.0 Scale and Architectural Diversity.** *Strive to retain the village like quality of Sausalito by respecting the City's existing scale and promoting diverse architecture that is in harmony with neighboring structures.*
- **Policy CD-1.3 Neighborhood Compatibility.** *Provide that all new residential structures, all residential structures that are to be removed and replaced, and those structures that are to be significantly remodeled, are designed to complement their setting and the other buildings in the neighborhood.*

PUBLIC NOTICE AND WRITTEN COMMENTS

- **May 6, 2013.** A notification postcard was mailed to all property owners in the R-2-2.5 and R-3 Zoning Districts (regardless of existing housing type).
- **May 29, 2013.** An article regarding the proposed regulations was published in the *Marinscope*.
- **May 30, 2013.** A legal notice regarding the proposed regulations and the Planning Commission hearings was published in the *Marin Independent Journal*.
- **June 11, 2013.** An article regarding the proposed regulations was published in the *Marin Independent Journal*.
- **June 28, 2013:** A legal notice regarding the proposed regulations and the City Council hearings was published in the *Marin Independent Journal*.

RECOMMENDATION

- Conduct a public hearing on the Updated Standards for Two 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 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" (**Attachment 1**), and continue the second reading to the July 23, 2013 meeting.

ATTACHMENTS

1. Draft Ordinance, dated July 9, 2013
2. Table 10-22-2
3. Meeting Summary
4. December 1, 2010 Approved Planning Commission Minutes (Excerpt)
5. December 15, 2010 Approved Planning Commission Minutes (Excerpt)
6. June 12, 2013 Approved Planning Commission Minutes (Excerpt)
7. Planning Commission Resolution No. 2013-16

PREPARED BY:



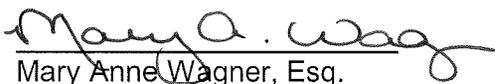
Kelly Schinsing
Administrative Analyst

REVIEWED BY:



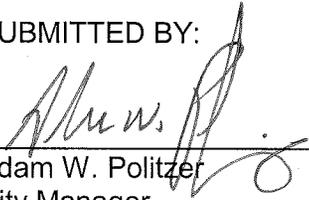
Jeremy Graves, AICP
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REVIEWED BY:



Mary Anne Wagner, Esq.
City Attorney

SUBMITTED BY:



Adam W. Politzer
City Manager

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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

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:

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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 <u>*4*</u>	.65 <u>*4*</u>	.40	.8 <u>*4*</u>	.65	.25	.30	10.44.330 (Development Standards for Units in Two Family and Multiple-Family Zoning Districts.)
Maximum Building Coverage	35%	30%	50% <u>*4*</u>	50% <u>*4*</u>	35%	50% <u>*4*</u>	50%	25%	30%	
Maximum Impervious Surface*5*	67.5%	65%	75% <u>*4*</u>	75% <u>*4*</u>	67.5%	75% <u>*4*</u>	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

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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.</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)

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 _____
31 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~~.

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

DEVELOPMENT REQUIREMENT	R-1			R-2		PR	R-3	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	20,000 sf	5,000 sf	10,000 sf	20,000 sf	5,000 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	1du/parcel	1 du/2500 sf *3*	1 du/5000 sf *3*	1 du/1980 sf	1 du/1500 sf *3*	1 du/10,000 sf	1 du/1500 sf	10.44.080 (Secondary Dwellings, Existing)
Maximum Floor Area Ratio	.45	.40	.35	.65	.40	.65	.8	.25	.30	
Maximum Building Coverage	35%	30%	30%	50%	35%	50%	50%	25%	30%	
Maximum Impervious Surface*4*	67.5%	65%	65%	75%	67.5%	75%	75%	62.5%	65%	
Minimum Setbacks *5*										10.40.080 (Exceptions to Required Setbacks) and Chapter 10.44 (Specific Use Requirements)
Front *6*	0'	0'	0'	0'	0'	0'	0'	0'	0'	
Side *7*	5'	5'	10'	5'	5'	5'	5'	*8 *	0'	
Rear	15'	15'	20'	15'	15'	15'	15'	15'	0'	
Maximum Building Height *8*	32'	32'	32'	32'	32'	32'	32'	25' *10*	12' *10*	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 or expansion of an existing home 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 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 Per Section 10.40.050.C, impervious surface includes decks, paved surfaces, hardscape, and gravel.

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

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

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

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

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

ATTACHMENT 2
(1 PAGE)
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Meeting Summary

Planning Commission Hearings.

- **December 1, 2010:** The Planning Commission considered a text amendment to amend Table 10-22-2 (Site Development Standards-Residential Zoning Districts) to require single family dwellings in two/multifamily districts to use the same development standards as single family dwellings in single family districts (referred to in this Staff Report as the "fixed percentage option," as the development standards are fixed on a certain percentage regardless of parcel size). The meeting was continued for more information from staff (see **Attachment 4** in the July 9, 2013 City Council Staff Report for the excerpt minutes).
- **December 15, 2010:** The Planning Commission directed a subcommittee of Chair Cox and Commissioner Bair to work with staff to explore options for the text amendment and address public concerns expressed at the meeting (see **Attachment 5** in the July 9, 2013 City Council Staff Report for the excerpt minutes).
- **June 12, 2013:** The Planning Commission reviewed the subcommittee's recommended draft ordinance and continued the hearing for additional information (see **Attachment 6** in the July 9, 2013 City Council Staff Report for the excerpt minutes). The Staff Report for the June 12, 2013 Planning Commission meeting is available online: <http://www.ci.sausalito.ca.us/Index.aspx?page=254>.
- **June 26, 2013:** The Planning Commission considered a "fixed percentage" verses the "sliding scale" approach to limiting development standards in the R-2-2.5 and R-3 Zoning Districts and selected the R-2-2.5 option. The Planning Commission adopted a resolution which recommends City Council adoption of the draft ordinance (see the draft excerpt minutes online: <http://www.ci.sausalito.ca.us/Index.aspx?page=578> under "Updated Standards For Multi-Family Zoned Properties" and **Attachment 7** in the July 9, 2013 City Council Staff Report for Planning Commission Resolution No. 2013-16). The Staff Report for the June 12, 2013 Planning Commission meeting is available online: <http://www.ci.sausalito.ca.us/Index.aspx?page=254>.

Subcommittee Meetings. The subcommittee met from January 2011 through May 2013 at publicly-noticed meetings. An email was sent to interested community members prior to each subcommittee meeting and notice of each meeting was posted at City Hall, online and in the *Currents*. See <http://www.ci.sausalito.ca.us/Index.aspx?page=578> for the full packet from each subcommittee meeting.

- **January 19, 2011:** The subcommittee met with staff at a noticed meeting to discuss the intent of the new regulations. Staff presented six alternative options to the "fixed percentage option" to address the issues.
- **January 31, 2011:** The subcommittee further reviewed the seven identified options with Michael Rex, Geoff Butler and Sherri Faber (the "community group").
- **April 4, 2011:** The subcommittee and community group continued to compare the seven options. Michael Rex and Geoff Butler presented a list of alternative options. Staff and the subcommittee reviewed a list of units approved to be converted from two/multi-family to single family and a list of approved "large" single family homes on multi-family parcels.
- **May 3, 2011:** The subcommittee and community group reviewed information prepared by staff comparing the impacts of the "fixed percentage option" verses a "sliding scale option" on parcels in the R-2-2.5 and R-3 Zoning Districts.
- **July 28, 2011:** The subcommittee reviewed a list of options that Michael Rex and Geoff Butler prepared. The list included ideas on ordinance amendment which would encourage property owners to utilize their multi-family zoning.

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ATTACHMENT 3
(2 PAGES) 3-1

- **August 15, 2011.** The subcommittee and community group continued to review the impacts to parcels and refined the list of suggestions from Michael Rex and Geoff Butler.
- **August 29, 2011.** The subcommittee and community group continued to review the impacts to parcels and refined the list of suggestions from Michael Rex and Geoff Butler.
- **September 1, 2011.** The subcommittee and community group continued to review the impacts to parcels and refined the list of suggestions from Michael Rex and Geoff Butler.
- **January-December 2012.** The subcommittee temporarily ceased meeting during 2012 while staff and the Housing Element Task Force worked on the Housing Element.
- **February 11, 2013.** The subcommittee and community group reviewed the list of ordinance amendments and impacts to parcels arising from the amendments. In particular, impacts to parcels in Old Town and New Town were reviewed. The scope of work of the subcommittee was redefined to include Program 20 in the adopted Housing Element.
- **March 25, 2013.** The subcommittee and community group reviewed research conducted by staff on the impact of the amendments on each neighborhood in the City and the number of parcels over 3,000 square feet in the R-2-2.5 and R-3 Zoning Districts that contain only single family residences and how the regulations would work with the recently adopted Accessory Dwelling Unit regulations.
- **April 22, 2013.** The subcommittee and community group reviewed research conducted by staff on the number of single family residences on R-2-2.5 and R-3 parcels in Old Town/New Town relative to other neighborhoods organized by parcel size (over/under 3,000 square feet).
- **May 6, 2013.** The subcommittee prepared for the community workshop. Approximately 15 residents attending this meeting and the subcommittee agreed to remove previously contemplated provisions for relaxing heightened design review requirements for properties that contained the maximum number of units.
- **May 6, 2013.** A notification postcard was mailed to all property owners in the R-2-2.5 and R-3 Zoning Districts (regardless of existing housing type).
- **May 20, 2013.** The subcommittee and staff hosted a community workshop which was attended by approximately 35 people.

City Council Meeting.

- **March 5, 2013.** Staff provided a status update on the proposed amendments to the City Council.

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SAUSALITO PLANNING COMMISSION
Wednesday, December 1, 2010
Approved Minutes
[EXCERPT]

Call to Order

Chair Bair called the meeting to order at 6:30 p.m. in the Council Chamber of City Hall, 420 Litho Street, Sausalito.

Present: Chair Stan Bair, Commissioner Joan Cox,
Vice Chair Stafford Keegin, Commissioner Richard Graef,
Commissioner Bill Werner

Absent: City Attorney Mary Wagner

Staff: Community Development Director Jeremy Graves
Associate Planner Heidi Burns, Associate Planner Lilly Schinsing,

- 2. ZOA 10-355, Zoning Ordinance Amendment—Standards for Single Family Dwellings for Two- and Multi-family Zoning Districts, City of Sausalito.**
Zoning Ordinance Amendment modifying Zoning Ordinance Table 10-22-2 (Site Development Standards-Residential Zoning Districts) to revise the maximum site development standards for single-family dwellings in Two-Family (R-2-2.5 and R-2-5) and Multi-Family (R-3) Zoning Districts. This amendment is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061.b.3 of the CEQA Guidelines.

The public hearing was opened. Associate Planner Schinsing presented the Staff Report.

The public comment period was opened.

Carter Maser, Bonita Street, indicated the following:

- He asked if someone has a duplex and they choose to become a single family home, making no changes to any of the ratios, could the City block that? *Staff responded one of the intents of the draft ordinance would be to limit the number of conversions occurring in Sausalito. If the duplex did exceed the maximum development standards in terms of floor area, building coverage, or impervious surface for the Single Family Zoning District, then a conversion could not happen unless the project received a Variance, the intent being to preserve that portion of Sausalito's housing stock, which includes rental housing and duplexes. Another option the property owner could have is to make the residence smaller to comply with the standards of the R-16 district.*

The public comment period was closed.

Commission question to staff:

- All but one of the Commissioners lives in the affected districts. Is that a conflict of interest? *Staff responded it is a conflict of interest only if the proposed*

1 *Zoning Ordinance amendments affect the Commissioners in a manner different*
2 *than the public at large.*

3
4 Commission comments:

- 5 • This ordinance should be adopted because in the R-2-2.5 and R-3 districts it is
6 not uncommon for owners to want to knock down a building and put a larger
7 building on a site, which they can then use as a .65 FAR.
8 • The reductions would be substantial, in the R-2-2.5 a 30-percent reduction in
9 allowable FAR in coverage, and in the R-3 almost 44-percent.
10 • This ordinance will create up to 1,020 Legal Nonconforming units that will
11 require an encroachment agreement and/or variance to make changes to the
12 existing units.
13 • Chapter 10.62.050 states, "Nonconforming use of a structure or premises shall
14 not be allowed under the following conditions: nonconforming use has been
15 voluntarily vacated for six months or more." That means if a Legally
16 Nonconforming house is vacated for six months while on the market it
17 becomes illegal. More thought needs to be given to how this proposed
18 ordinance interplays with the Nonconforming Uses and Structures Ordinance,
19 because it would not be fair to impose that kind of financial hardship on owners
20 so that they cannot move out of their house until it is sold for fear that it will
21 remain vacant for six months and then no longer be conforming, and perhaps
22 unsalable.
23 • Chapter 10.62.050A3 states, "A Nonconforming structure or portion thereof that
24 is involuntarily demolished may be replicated if Building Permits are issues
25 within one year of involuntary demolition." If an earthquake demolishes a
26 structure, it would impose an extraordinary hardship on a homeowner who has
27 done nothing wrong, but who is now rendered Legally Nonconforming.
28 • Chapter 10.62.050A6 states, "Any Nonconforming structure that is either
29 voluntarily or involuntarily partially demolished may be remodeled as long as
30 the new building elements comply with code and the nonconforming portion of
31 the building is not demolished." If a building is involuntarily demolished, for
32 example by earthquake, it cannot be remodeled without a Variance. In this
33 case the entire building is now Nonconforming.
34 • If a house is demolished in an earthquake, the owner will meet the hardship
35 requirements of a Variance. Also the City will pass a special emergency
36 ordinance.
37 • Any time the Zoning Ordinance is amended or adopted anew, it will create
38 nonconforming uses.
39 • Rather than simply referencing Chapter 10.62.050 the language in the new
40 ordinance should be rewritten to be appropriate to the revised ordinance, so
41 that this ordinance has its own vehicle for the substitution, replacement, or
42 extension of the Legal Nonconforming structures that will be created by its
43 enactment.
44 • The Commission supports the ordinance in principle but wants staff to clarify
45 the consequences of the Legal Nonconforming portion of the existing Zoning
46 Ordinance as it might relate to various options that a homeowner would have to
47 go through.
48
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4-2

1 Commissioner Werner moved and Commissioner Cox seconded a motion to
2 continue the public hearing for Zoning Ordinance Amendment—Standards for
3 Single Family Dwellings for Two and Multi-family Zoning Districts to the meeting
4 of December 15, 2010 with direction to staff to explore the Nonconformity aspects
5 of the draft ordinance. The motion passed 5-0.
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SAUSALITO PLANNING COMMISSION
Wednesday, December 15, 2010
Approved Minutes
[EXCERPT]

Call to Order

Chair Bair called the meeting to order at 6:30 p.m. in the Council Chambers of City Hall, 420 Litho Street, Sausalito.

Present: Chair Stan Bair, Vice Chair Stafford Keegin,
Commissioner Joan Cox, Commissioner Richard Graef,
Commissioner Bill Werner

Staff: Community Development Director Jeremy Graves
Associate Planner Heidi Burns, Associate Planner Lilly Schinsing,
City Attorney Mary Wagner

3. **ZOA 10-355, Zoning Ordinance Amendment—Standards for Single-Family Dwellings in Two/Multi-Family Zoning Districts, City of Sausalito.** A Zoning Ordinance Amendment modifying Zoning Ordinance Table 10-22-2 (Site Development Standards—Residential Zoning Districts) to revise the maximum site development standards for single-family dwellings in Two-Family (R-2-2.5) and Multi-Family (R-3) Zoning Districts. This amendment is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061.b.3 of the CEQA Guidelines. Continued from December 1, 2010.

The continued public hearing was re-opened. Associate Planner Schinsing presented the Staff Report.

Commission questions and comments to staff:

- A question raised at the last hearing on this matter was how this change in the Zoning Ordinance interplays with existing ordinances concerning Nonconformity. What about when someone vacates their house to try to sell it and the house is empty for six months? Chapter 10.62.050 states, "Nonconforming use of a structure or premises shall not be allowed under the following conditions: Nonconforming use has been voluntarily vacated for six months or more." *Staff responded it is "use" versus the "structure," so the structure in this case in nonconforming. The use is not changing, so it is still a residential use and that provision would not apply.*
- Much of the late mail received raises the issue of notice to the affected property owners. Does staff have any opinion about the City's obligation to give notice, other than the legal ad in the newspaper, with regard to the specific homeowners affected by this ordinance whose now-legal units would be rendered Legal Nonconforming by this ordinance? *Staff responded there is a distinction in the Government Code that if the ordinance would change the "allowed uses" then notices must be mailed to property owners who would potentially be affected by the ordinance. The Government Code does not*

1 *require mailing when the ordinance does not involve a change in the allowed*
2 *uses. The ordinance would not change the uses; only the standards that are*
3 *applicable to the buildings that are being used for a particular purpose. More*
4 *notice can be required, but staff correctly noticed it in accordance with the*
5 *provisions of the Government Code.*

- 6 • Another issue raised in the late mail received is whether this is the type of
7 matter that should be referred to the City Council's Legislative Committee for
8 review and discussion before being presented to the Planning Commission.
9 *Staff responded that is an issue for the City Council to consider. Not every*
10 *ordinance amendment is required to go to Legislative Committee.*

11
12 The public comment period was opened.

13
14 John McCoy indicated the following:

- 15 • He did not hear about this project until recently. Many people have not heard
16 of it at all, yet they are directly affected because they own properties within
17 these zoning districts.
- 18 • He is opposed to revising these ordinances based on lack of notification to the
19 parties directly affected. While staff may have met the letter of the law, one
20 blurb in a newspaper when this issue will affect a large percentage of
21 properties and diminish their development rights seems very inadequate.
- 22 • It should be conditioned that staff be required to notice each address within
23 the zoning districts that will directly affected, and possibly beyond that as well.

24
25
26 Michael Rex indicated the following:

- 27 • He submitted a letter dated December 10, 2010 objecting to both the process
28 and content of this amendment.
- 29 • It is appropriate to send this to the Legislative Committee. This is why the
30 Legislative Committee it is there, to provide a forum to vet complex matters
31 such as this.
- 32 • Staff bringing the Commission an amendment this late to try to tweak and close
33 loopholes suggests this is unfinished business and needs a roundtable type
34 format with stakeholders.
- 35 • This amendment will have an enormous impact, because it is downzoning
36 between 650 - 750 properties. These homeowners will loose a third of their
37 floor area and building coverage. In the R-3 zone they will lose up to 44
38 percent of their floor area.
- 39 • The only ad in the Marinscope is one inch wide with fine print. Only a third of
40 Sausalito residents receive the Marinscope, and not everyone reads it every
41 week. If they did read it, all the ad said is the City intends to amend the
42 ordinance to revise maximum development standards. Nowhere in the notice
43 does it say affected homeowners will lose perhaps a third of their entitlement
44 for floor area. Although the notice is the legal minimum, it is insufficient.
- 45 • The Planning Commission should continue this hearing and direct staff to send
46 a letter to all of the 1,500 properties that could be impacted before the next
47 hearing.
- 48 • This nonconforming burden will limit the ability of the property owners to
49 renovate their homes. If they do not replicate or want to remodel more than 51
50

1 percent of the building structure, they will need a Variance. That is a very
2 significant burden that will devalue their property.

- 3 • The R-1-6 standards are for a minimum 6,000 square foot lot. It is unfair to
4 apply the same standard to lots half that size.
- 5 • People with small lots are being squeezed between two ordinances. If their lot
6 is less than 5,000 square feet they cannot add a second unit. Now with this
7 ordinance they will be penalized with a loss of floor area because they do not
8 add a second unit.
- 9 • This amendment is unnecessary because there are restrictions in Design
10 Review and the Heightened Review to meet these objectives.

11
12 Jesse Goff indicated the following:

- 13 • He had not heard of this amendment until this evening, but strongly objects to
14 it.
- 15 • This amendment would affect him in that it would reduce his ability to add floor
16 area coverage to his home. He and his wife bought their current 800 square
17 foot home with the goal of expanding up to 2,300 square feet in the future so
18 they could raise a family there. This decision was based on the current rules of
19 the R-3 zone and they have been saving for eight years for that expansion. If
20 this amendment passes they would suddenly find themselves unable to have
21 more children, because they would not have the space to do it. Their property
22 values would decrease enough that they would be underwater and stuck in an
23 800 square foot house unable to have the family they would like.

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26 Alexander Anolik, Tiburon, indicated the following:

- 27 • He is trying to move back to Sausalito, where he lived for many years and still
28 owns properties, and objects to the amendment. He has hired an architect to
29 take a unit in one of his properties and make it into a house for himself and his
30 wife.
- 31 • He is now trying to sell the properties he has in Sausalito because he is
32 underwater on all of them. No offers have come in that are not below short
33 sales.
- 34 • The amendment would discourage family ownership and create a situation of
35 renters who do not have the appreciation of property the same as
36 homeowners.

37
38 Ravi Anand, San Francisco, indicated the following:

- 39 • He is an architect who practices in Sausalito.
- 40 • He was only yesterday informed of this matter.
- 41 • He wholeheartedly endorses statements made by Michael Rex in his letter.
- 42 • The amendment would have a devastating affect on many property owners
43 who are totally unaware of this amendment. The people affected need to be
44 made aware of what is happening.

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46
47 Mattson Austin, 40 Marie Street, indicated the following:

- 48 • He only just found out about the ordinance amendment in the last few days.
- 49 • The standards the City is trying to fiddle with now were set up some time ago in
50 an attempt to be fair to everybody. The City and various community factions

1 spent years debating what was appropriate coverage for various lots of various
2 sizes and determined the standards that exist today would be the proper
3 standards for the future. The Planning Commission should be cautious in
4 attempting to change that.

- 5 • The ordinance amendment will take away many people's property values and
6 the City would end up in long, protracted litigation with them. The amount of
7 liability the City will get into if it ends up being the test case on a constitutional
8 takings problem is likely to be significant.

9
10 Sherry Faber indicated the following:

- 11 • She had only just heard of this meeting and the proposed amendment through
12 Mr. Rex.
- 13 • That the Commission would even consider this matter during this time of crisis
14 in the community with respect to property values is appalling. This community
15 is hurting and needs the Commission to help their property values, not devalue
16 them.
- 17 • In the past year she has represented four multi-unit homeowners in purchasing
18 their properties. To devalue properties by downzoning them is incredibly unfair.
19 Those property owners would have been at tonight's meeting and filled the
20 room had the City noticed people properly.
- 21 • Why has the proposed zoning amendment even come about? If it is a matter of
22 having enough affordable housing, the Commission should look at helping
23 Nonconforming units become Conforming and doing a Variance for those
24 property owners, of which there are many?

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27 David Holub indicated the following:

- 28 • He had no notice of this matter and only just heard of it in the last few hours.
29 He does not know yet if his home will be affected.
- 30 • It is striking that the unknown affected properties exceed the known affected
31 properties. It is not known what the affect of this amendment will be; yet there
32 are many people out there that have no idea if this will affect their property.
- 33 • He has been saving for years to remodel his home, and this definition of 51
34 percent is extremely broad, so even just fixing things and not even changing
35 and increasing his floor area would make him subject to this amendment.
- 36 • He wants to know if his property will be affected by this amendment and he
37 wants the City to give him notice if it plans to change the Zoning Ordinance in a
38 way that could substantially affect his property value.
- 39 • He echoed the question of why is the City seeking to amend the Zoning
40 Ordinance?

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43 Mike Monsef, 211 Fourth Street, indicated the following:

- 44 • He was not noticed of the proposed amendment and only just found out a few
45 days ago.
- 46 • The public hearing regarding the Slope Ordinance was packed because of the
47 way it was announced, and the project was killed on the spot. A small notice in
48 the newspaper was not enough notice.
- 49 • The City can easily be sued for devaluing properties. He owns two properties
50 and plans an addition for his house.

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- 1 • He asks that the matter be continued until proper notice has been given to all
2 who are affected.
3

4 Paula Fancher, 810 Spring Street, indicated the following:

- 5 • Her real estate agent, who told her she would likely be affected, informed her
6 of this matter one day ago.
7 • She does not understand why the City would do this, but if it does intend to
8 consider this kind of taking of property then it should send everyone in the R-2-
9 2.5 and R-3 zones notice so they can review the amendment and make
10 comments at a public hearing.
11

12 Susan Frank, 500 Turney Street, indicated the following:

- 13 • Her residence is in an R-2 zone.
14 • She only heard of this matter because she was at this meeting by chance. She
15 is not sure if her property will be affected, but she believes it will.
16 • The City needs to give proper notice to the affected property owners, which are
17 in the hundreds, and get their input. If not, they will be furious.
18
19

20 Rick Pulley indicated the following:

- 21 • He represents a Sausalito homeowner who could not attend the meeting.
22 • That homeowner bought her home in 2009 on a substandard 2,400 square foot
23 lot. She has spent the past year working with the City renovate the home and is
24 ready to submit for a Design Review. This ordinance amendment would not
25 allow her to build usable square footage. Her house is presently only 850
26 square feet. Under the amendment she could only build a 1,200 square foot
27 house, which is substandard.
28

29 Jeff Butler indicated the following:

- 30 • There are alternatives to rezoning to provide additional affordable housing,
31 such as faster permitting and planning approval, or having incentives to do
32 second units. Mill Valley allows an additional 500 square feet on a lot over
33 8,000 square feet in order to accommodate a second unit.
34

35 The public comment period was closed.
36

37 Commission comments:

- 38 • The impetus of this matter is it is a fairly regular occurrence in the R-2 and
39 above zoning districts that a duplex or multi-family structure is bought and the
40 owner brings in a plan where they want to build out to the maximum possible.
41 In many cases they are on very small lots, but the homeowner is able to take
42 advantage of the allowances for multi-family dwellings and apply them to
43 single-family dwellings, which create out of scale and out of character projects
44 with detrimental effects. Even Heightened Design Review does not give the
45 Commission an adequate means to prevent these homes that are very large
46 compared to the homes around them from being built. This amendment is an
47 effort to put some teeth in the regulations so that some of those mass and size
48 issues can be controlled. The single-family residences that were built with the
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1 Site Development Standards meant for multi-family units are getting an FAR
2 windfall, as well as reducing the housing stock.

- 3 • The first line of the Site Development Standards state, "These standards are
4 not entitlements." The City is not seeking to downzone or diminish property or
5 development rights. What they are doing is initiating a discussion about how to
6 create development standards that would preserve the character of this
7 beautiful city. Is it going in the right direction when single-family residences
8 take the place of multi-family residences and are they receiving a windfall in
9 terms of FAR that is not consistent with the rest of the neighborhood? The City
10 has lacked the ability to do much about it, but this amendment would take away
11 the ability to manipulate and take advantage of the code.
- 12 • The notice issue needs to be carefully considered. It would behoove the
13 Commission to gather feedback from all who might be affected by this
14 ordinance in its effort to determine how to balance the tension between
15 overdevelopment of a multi-family lot versus the pressures that are
16 experienced by someone like the homeowner represented by Mr. Pulley who
17 has a very small house or has purchased a substandard lot and who could be
18 squeezed by this ordinance.
- 19 • This is a political issue and the appropriate action is to send this matter to the
20 City Council and tell them to put it on the Legislative Committee's agenda or
21 open it up to public hearing outside of the Planning Commission. It is not just
22 something that should be noticed to the owners of this affected property; it
23 affects the whole city.
- 24 • Perhaps there should be a public workshop where everyone is noticed. Let
25 owners of both single- and multi-family dwellings weigh in on the issue. The
26 matter needs to be opened up, people who may be affected by this zoning
27 amendment need to be noticed, and as much input as possible needs to be
28 gathered.
- 29 • This matter should not be sent to Council until the Commission has considered
30 the various options and given Council its input. This matter came before the
31 Commission for its review and for appropriate modification to be made. Now
32 having heard the issues from the public, a workshop or other kind of forum
33 where the public can give feedback should be held so the Commission can
34 make an informed decision and pass that recommendation on to the City
35 Council.

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38 Staff comments:

- 39 • Both the Zoning Ordinance and the Government Code require that Zoning
40 Ordinance amendments be first brought to the Planning Commission for a
41 recommendation to the City Council and that the Council then takes action. If
42 the Council makes modifications to that amendment that were not considered
43 by the Planning Commission it is required to go back for the Planning
44 Commission's considerations of those modifications and recommendations on
45 those changes.
- 46 • Council has often used the Planning Commission for the very purpose of what
47 is happening at this meeting: to vet out the issues that affect the Planning
48 Commission and its decision making process, often by conducting public
49 hearing workshops, and bringing those issues to the Council.

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Commission question to staff:

- Did this matter come from the City Council in the first place? *Staff responded this is one of the items suggested to be on the priority calendar by the Planning Commission. Council followed that suggestion and put it above the line to make it in the top half of its priorities.*

Commission comments:

- It may well be that the remedy is not with this particular language, but maybe with the Heightened Design Review language, and it could easily be resolved there rather than with this approach.
- The Commission would like an opportunity to work with some of the public who spoke this evening and other community members to fully understand their concerns and determine how to best address them before sending a recommendation to Council.
- Before any other meeting there ought to be a very clear statement from the City, perhaps in an article in the Marinscope, as to why this is being considered, what the issues are and why it is necessary to remedy them.
- This ordinance amendment would not constitute takings nor diminish development rights. It lowers development rights when someone does what they were not supposed to do in that district in the first place

Chair Bair moved and Commissioner Cox seconded a motion to continue the public hearing to a date uncertain. The motion passed 5-0. Chair Bair and Commissioner Cox will meet with staff to explore options to address the public's concerns expressed tonight.

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SAUSALITO PLANNING COMMISSION
Wednesday, June 12, 2013
Approved Summary Minutes
[EXCERPT]

Call to Order

Chair Cox called the meeting to order at 6:30 p.m. in the Council Chambers of City Hall, 420 Litho Street, Sausalito.

Present: Chair Joan Cox, Vice-Chair Bill Werner,
Commissioner Stafford Keegin

Absent: Commissioner Stan Bair, Commissioner Richard Graef

Staff: Community Development Director Jeremy Graves
Associate Planner Lilly Schinsing,
City Attorney Mary Wagner

ZOA 10-355, Standards for Multi-Family Zoned Properties/City-Wide, City of Sausalito. Amendment of Title 10 (Zoning) of the Municipal Code regarding the standards and regulations for residences in the multi-family (R-2-2.5 and R-3) Zoning Districts. The proposed regulations would be applicable to projects that provide fewer units than the maximum density allowed. The amendment would lessen the allowable floor area, building coverage and impervious surfaces of the largest unit on a parcel in the R-2-2.5 and R-3 Zoning Districts and mandate that floor area, building coverage and imperious surfaces be held in reserve for an additional unit(s). The total maximum allowable amount of floor area, building coverage and impervious surface would not be reduced. The amendment also adds additional findings for Design Review Permits, shortens the 30-day completeness review time for multi-unit projects, allows for exceptions to parking requirements and amends the definition of building coverage and impervious surfaces.

The public hearing was opened.

Associate Planner Schinsing presented the Staff Report.

- Three late 3 emails have been provided to the Commission.

Commission questions and comments to staff:

- The proposed regulations would increase the allowable FAR. *Staff responded in the beginning the Planning Commission looked at a fixed percentage system and then was directed by the subcommittee to look at other options, one of which was this sliding scale system, which is based on percentage. Those percentages had to be adjusted between the different parcels in order for it to be equitable, and some of the adjustments result in a modest increase in FAR in limited situations.*
- Why did the subcommittee decide to adopt a sliding scale approach rather than a straight across the board percentage? *Staff responded it was fairer to*

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the smaller parcels. In a straight across percentage approach it was not possible to limit the floor area on the smaller parcels equitably. If the FAR was capped at the size for the largest unit would either be too small or the remainder left would not be sufficient for additional units, which is why the subcommittee looked at a parcel-by-parcel range that made sense.

The public testimony period was opened.

Lee Daily, 115 Fourth Street, indicated the following:

- Will height restrictions change? *No.*
- Old Town has 42 lots that could be available to this proposal. Old Town is overmaxed on parking.

Commission question to staff:

- Does this zoning text amendment result in any change in existing density throughout the city? *Staff responded no.*

Staff comment:

- The 42 parcels in Old Town are parcels that would potentially be made "nonconforming," meaning parcels that do not comply with new regulations; not 42 parcels that could utilize this ordinance.

Commission question to staff:

- Does the definition of density have to do with square footage, how big the box is? *Staff density is the number of units per land area. If there is a 10,000 square foot parcel and the allowable density is one unit per 10,000 square feet then can be one unit can be built on the parcel. If the allowable density is one unit per every 5,000 square feet, then be two units can be built on the parcel.*

Susan Samols, 145 Prospect, indicated the following:

- There are two other scenarios in the ordinance that allow for additional bulk to be added to the buildings.
 - Parking exceptions reduce the number of parking spaces. The building coverage previously applied to parking can then be applied in other areas to the primary building.
 - Bigger buildings are enabled by changing the definition of building coverage to allow for certain surfaces that previously counted toward building coverage to be exempted, allowing additional bulk to be applied to the primary building.
- There is no mandate that a structure be utilized as multi-family once built. If part of the structure is potentially inhabitable as an ADU the building can qualify for the parking exception, creating a loophole for those wanting a large single-family home.
- There are 270 properties in Old Town that can be potentially further developed and could qualify for the proposed parking exceptions and changing the definition of building coverage.

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- She urges the Planning Commission to delete Section 11 entirely as well as Section 3, Part 5 involving parking exceptions.

Kerry Headington, Third Street, indicated the following:

- She disagrees with the pro max development portion of the ordinance which encourages high density and discourages single-family homes.
- This is an attack on single-family homes. Families need more single-family homes, not less.
- Neighborhoods zoned as multi-family are intended to have a range of housing. Encouraging one form of housing while discouraging another will change the character of the neighborhoods. No incentives should be offered to encourage this.
- Increasing neighborhood population and allowing more impervious surface means more stress on storm drains and sewers, which are already a problem.
- The issue of impervious surfaces has not been fully addressed.
- An EIR should be completed if such land use and population is changed.
- Housing Element Program 20 can be met by simply limiting the size of a single-family home to reserve space for the future addition of an ADU.

Dr. Rosalind Hudson indicated the following:

- The consequence of almost every change, when put together, is that the character of neighborhoods changes. For example, the three large condos built on Bridgeway changed its character.
- Sausalito needs to find a way to maintain its character. Pursuing this type of development will lead to Sausalito losing its unique charm.

Michael Rex indicated the following:

- He initially opposed this ordinance. Then he participated in all but one of the 14 subcommittee meetings and now supports the draft ordinance.
- He understood that the ordinance requires the largest unit to be limited in size even if one builds to full density. He understands now that this is not the case and believes that others may not be aware of this facet of the ordinance.
- There have been good suggestions regarding the wording that defines the purpose of the ordinance.
 - The first two purposes have to do with the character of the community and do not belong in the ordinance as they are already in the findings for the design review approval.
 - The third purpose to ensure the compatibility of infill development in the context of Sausalito's historic resources should be added to the ordinance.
 - Providing smaller units to help extended families should be added.
- There is a misconception that this ordinance will encourage development. Nothing in this ordinance increases density from what is currently allowed. The net result is Sausalito will end up with smaller single-family homes on its smaller lots and that will protect the character of the neighborhoods. If multi-

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family homes are built instead they will be no larger than what is allowed today.

- Parking is the big issue, however there are only three areas where parking is given some relief and the changes are minor and put in the ordinance because they will help create more bedrooms and smaller units.
- The schematic plan sets required is a good thing. If the City can not show physically that it is not using up the space for future allowable units it needs to know that.
- The expedited plan check is minor and the fear that someone will rush to develop Sausalito because of that incentive is overblown.

The public testimony period was closed.

Commission comment:

- The suggestion that pervious surfaces should be required instead of exempting impervious surfaces is inappropriate for this ordinance. It is a design issue that should be included in the list of design standards. If it is so good it should be applied everywhere. The notion of reducing the requirements for impervious surfaces on the site is objectionable.

Commission question to staff:

- Is the statement by one of the speakers that reducing the requirements for impervious surfaces results in increasing the size of the home accurate? *Staff responded it could be, depending on how the home is built.*

Commission comments:

- The impervious surface credit should not be in this ordinance. The suggestion that the impact of impervious surface be in the design review section is a good one.
- Redefining building coverage and impervious surfaces are both important issues and should be removed from the ordinance as they have no place in being incentives for adding units to any place. If the City is going to encourage the use of impervious surfaces for parking areas, that ought to be looked at from the point of view of it being part of the normal approach to design review, whether it be residential or commercial.
- This ordinance requires that anyone seeking to develop their property demonstrate that the structures “do not crowd or overwhelm neighboring properties or loom over the street.” Words like “crowd,” “overwhelm,” and “loom” are open to interpretation.
- In Housing Element Program 20 the last line of the first paragraph referencing floor areas, etc., “these would apply except where there are physical or environmental constraints or significant incompatibility with neighborhood character,” suggests this exception applies to the whole city.
- The expedited review is preferential treatment for building out to the maximum and should be removed.
- The third bullet on page 13 should be added to the purpose and the purpose should be modified in Items 3 and 4 on page 59.

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- The parking exception for ADUs that applies to units under 1,200 square feet is fine as long as it applies to ADUs, but how are ADUs to be defined? Twelve hundred square feet is in fact a substantial unit that can support up to four people in different configurations.
- The ordinance should use the parking standards of the ADU Ordinance that states units under 700 square feet have to provide one parking space and units over 700 square feet have to provide two. This erases the exception that a three-bedroom unit requires one-and-a-half parking spaces.
- What should drive the number of allowed parking spaces should be the street the unit is built on and the question of whether there is room on that street to absorb the parking.
- The Commission does not need to do anything with parking for this ordinance because there are already the parking standards in the ADU Ordinance. Anyone who builds an ADU under 700 square feet they will get the parking exceptions for that and each lot is limited to one ADU per lot, so that privilege cannot be abused.
- Tandem parking should be looked at within the Design Review and perhaps still have a Conditional Use Permit with it.
- In many of the neighborhoods there is no existing street parking. Allowing tandem parking addresses a need for parking for new construction and should be part of the Design Review process but does not need to rise to the level of a CUP.
- Michael Rex suggested more clearly stating in the ordinance that the size of a unit is limited if not built to the density in which the lot is developed.
- It has been suggested that Housing Element Program 20 can be accomplished by just showing capacity for ADUs without any other infill. The ADU ordinance only allows one ADU on a parcel, so if all that is done is demonstrate the feasibility of one ADU on a 10,000 square foot parcel there is still the issue of a large unit. This ordinance restricts the size of the largest unit on any given parcel.

Commission questions and comments to staff:

- Why was an EIR not prepared when the Housing Element and ADU ordinance were adopted? *Staff responded because the 1995 General Plan EIR did contemplate and consider ADUs.*
- Did the 1995 General Plan also considered the development of each parcel to its full-zoned density? *Staff responded that is correct.*
- Would the incremental addition of ADUs plus potentially building out to capacity create the need for an EIR since when the EIR for the General Plan was performed it did not contemplate ADUs? *Staff responded the question at hand is, does CEQA require that the item in front of the Commission require an EIR, and the answer is no.*
- Does the cumulative impact of the incremental decisions and changes made over time since the General Plan an EIR was prepared perhaps merit an EIR for this most recent change? *Staff responded no.*
- One speaker commented that smaller parcels should not be allowed to increase density. It is the Commission's understanding that no parcels are

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allowed to increase the density for which it is zoned, is that correct? *Staff responded that is correct.*

Commission comments:

- The CUP allowing exceptions for parcels due to configuration, topography and other physical constraints is of concern. There needs to be more specific findings to weigh whether a site is constrained to the extent it should be allowed a Conditional Use Permit to opt out of the requirements of this ordinance so that a Planning Commission weighing whether or not to issue a CUP has some concrete evaluation factors to consider. For example, specifically define the slope of a remainder portion of a parcel that would prevent further development on that parcel. Or, if an existing parcel is already so situated so that there is no possible way to build on the remainder of the parcel because of a creek or the shape of the parcel.
- The Planning Commission would like concrete examples of the meaning of, "crowding and overwhelming neighboring properties and loom over the street," found in paragraph 14, under Section 6, on page 21.

Directions to staff:

- Remove Number 8 on page 8.
- Identify more concrete standards for the second Design Review Permit finding.
- Remove expedited review.
- The third bullet on page 13 should be added to the Purpose. The Purpose and Intent should be modified in Items 3 and 4 on page 59.
- Units under 700 square feet have to provide one parking space and units over 700 square feet have to provide two.
- The parking standards do not have to be changed.
- Tandem parking should be left in.
- Clearly state in the ordinance that the size of a unit is limited if not built to the density in which the lot is developed.

The public hearing was closed.

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**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2013-16**

**RECOMMENDATION OF CITY COUNCIL APPROVAL OF MUNICIPAL CODE
AMENDMENTS OF TITLE 10 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 R-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.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 the Planning Commission subcommittee held 10 public meetings on the Zoning Ordinance amendment 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 heard; and

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ATTACHMENT 7
(8 PAGES) 7-1

WHEREAS, the Planning Commission has considered all oral and written testimony on the proposed amendments; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the staff reports dated June 12, 2013 and June 26, 2013 for the project; and

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

WHEREAS, the Planning Commission finds the proposed amendments are consistent with the General Plan as described in the staff report dated June 12, 2013.

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES:

The Planning Commission recommends City Council approval Zoning Ordinance amendments regarding the Standards for Dwelling Units in Two Family and Multiple-Family Zoning Districts and associated amendments of related sections of the Zoning Ordinance, as listed in the attached draft ordinance.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 26th day of June, 2013, by the following vote:

AYES:	Commissioner:	Bair, Werner, Graef, Cox
NOES:	Commissioner:	None
ABSENT:	Commissioner:	Keegin
ABSTAIN:	Commissioner:	None

Jeremy Graves, AICP
Secretary to the Planning Commission

ATTACHMENT- Planning Commission Recommended Draft – June 26, 2013

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1 **DRAFT ORDINANCE RECOMMENDED BY**
2 **PLANNING COMMISSION ON 6/26/13**
3

4 ORDINANCE NO. _____
5

6 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
7 AMENDING TITLE 10 OF THE SAUSALITO MUNICIPAL CODE TO:
8 ADD A NEW SECTION 10.44.330 FOR DEVELOPMENT STANDARDS FOR
9 DWELLING UNITS IN TWO FAMILY AND MULTI-FAMILY ZONING DISTRICTS;
10 MODIFY TABLE 10.22-2 TO ADD REFERENCE TO SECTION 10.44.330; MODIFY
11 SECTION 10.54.050.B TO ALLOW FOR A ONE TIME 200 SQUARE FOOT FLOOR
12 AREA BONUS; MODIFY SECTION 10.54.050.D AND 10.54.050.E TO ADD FINDINGS
13 FOR DESIGN REVIEW PERMITS; MODIFY SECTION 10.54.060 TO ADD
14 SUBMITTAL REQUIREMENTS FOR DESIGN REVIEW PERMITS; AND MODIFY
15 SECTION 10.40.120.B.1 TO PROVIDE FOR AN EXCEPTION FOR TANDEM
16 PARKING; ALLOW EXCEPTION TO PARKING REQUIREMENTS IN SECTION
17 10.40.110.D; AND ADD REFERENCE TO PARKING EXCEPTION IN TABLE 10.40-1
18 ZOA 10-355
19

20 WHEREAS, [TO BE PROVIDED]
21

22 THE CITY COUNCIL OF THE CITY OF SAUSALITO DOES HEREBY ORDAIN AS
23 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 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

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

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

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

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

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

10 *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 *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~~.

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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 on sites
18 and within structures; to provide additional revenue from adding a rental unit; to
19 provide smaller units for residents seeking to downsize in their existing
20 neighborhood; to help extended family members who wish to live in close proximity
21 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
50 a remainder of 750 square feet reserved for building coverage for additional units on
51 the parcel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17
18 **Section 8.** Table 10.40-1 (Parking Requirements) of the Sausalito Municipal Code is hereby
19 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 for small units.</u> See Section 10.40.110.C.2 (Single family and two-family residential) and C.3 (Multiple family residential), and 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)

20
21 **THE FOREGOING ORDINANCE** was read at a regular meeting of the Sausalito City Council
22 on the _____ day of _____ 2013, and was adopted at a regular meeting of the City Council on
23 the _____ day of _____, 2013 by the following vote:

24 AYES: COUNCILMEMBER:
25 NOES: COUNCILMEMBER:
26 ABSENT: COUNCILMEMBER:
27 ABSTAIN: COUNCILMEMBER:

28
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 Planning Commission on 6-26.doc

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