ORDINANCE NO. 1184

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO AMENDING SECTION 10.44.240 (B) OF THE SAUSALITO MUNICIPAL CODE

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

WHEREAS, "service stations" are defined in Section 10.88 of the City of Sausalito Zoning Ordinance as "retail establishments selling gasoline, which may also provide lubrication, oil change and tune-up services and the sale of automotive products incidental to gasoline sales"; and

WHEREAS, Section 10.88 of the Zoning Code further provides that "services stations" may also include "accessory towing, mechanical repair services and trailer rental, and the accessory sales of food, gifts, etc., but does not include storage of wrecked or abandoned vehicles, paint spraying, body and fender work" and that the sale of alcoholic beverages is prohibited; and

WHEREAS, the specific use requirements applicable to "service stations" are set forth in Section 10.44.260 of the City's Zoning Code; and

WHEREAS, Section 10.44.260 C of the City's Zoning Code provides that a conditional use permit is required to discontinue or convert the services uses (as defined in Section 10.88) of a service station; and

WHEREAS, the City received an application from the operator of Bridgeway Gas to eliminate "service stations" from those uses covered by the formula retail provisions set forth in Section 10.44.240 of the City's Zoning Code; and

WHEREAS, the applicant and any other similarly situated owners and operators of services stations affected by the proposed amendment will be required to comply with all applicable provisions of the City's Municipal Code in connection with the conversion or discontinuation of the service aspect of such station which may include without limitation obtaining a conditional use permit and/or modification of any existing use permit; and

WHEREAS, the City Council of the City of Sausalito desires to amend Section 10.44.240 (B) of the City's Zoning Code to remove service stations from those uses subject to the restrictions applicable to formula retail.

SECTION 1.

- a. CEQA Findings and Determination. The City Council hereby finds that: (i) it has reviewed the negative declaration and has considered any and all public comment on the negative declaration; (ii) based on the whole record before it including without limitation the initial study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment; and (iii) the negative declaration reflects the City Council's independent judgment and analysis. In accordance with Section 15074 of the State CEQA Guidelines, the City Clerk is designated as the custodian of the records on which this determination is based and such records shall be available for review at City Hall during normal business hours. Based upon the foregoing, the City Council hereby adopts the Negative Declaration prepared for the project and directs staff to post a Notice of Determination in accordance with CEQA.
- b. General Plan Consistency. The City Council hereby finds_pursuant to Government Code section 65853 that the proposed Zone Text Amendment set forth in Section 2 below is consistent with the Sausalito General Plan objectives and policies.

SECTION 2.

SECTION 10.44.240 (B) OF THE SAUSALITO MUNICIPAL CODE IS AMENDED TO READ AS FOLLOWS:

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

SECTION 3.

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

SECTION 4.

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

The foregoing Ordinance was duly noticed and introduced with reading waived at a regular meeting of the City Council of the City of Sausalito held in said City on the 6th day of February, 2007, and thereafter adopted at the regular meeting of the City Council held in said City on the 20th day of February, 2007 by the following vote, to wit:

AYES:

Councilmembers: Albritton, Leone, Weiner, Vice Mayor Belser, Mayor

Kelly

NOES:

Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None

Mayor of the City of Sausalito

ATTEST:

Deputy City Clerk