CHAPTER 10.80 ZONING ORDINANCE ADMINISTRATION

10.80.010 Purpose

The purposes of this Chapter 10.80 establishing administrative provisions for the Zoning Ordinance include the following:

- A. To establish administration authority;
- B. To outline duties of the Community Development Department, Community Development Director, Zoning Administrator, Planning Commission, Historic Landmarks Board, and City Council pertaining to this Title 10; and
- C. To provide procedures for amendments to this Title 10 and the zoning map.

10.80.020 Authority

This Title shall be administered by the Community Development Director under the policy direction of the City Council, in conjunction with the Planning Commission, the Zoning Administrator, and the Historic Landmarks Board, as described by this chapter. For the purposes of California Government Code §65100, the Sausalito City Council, the Sausalito Planning Commission and/or the Sausalito Community Development Department shall perform the functions of a planning agency.

10.80.030 Community Development Department

- A. Community Development Director. The Community Development Director shall head the Community Development Department, shall be appointed by the City Manager and shall serve at the discretion of the City Manager. The Community Development Director shall have the responsibility and authority to perform all the functions described by California Government Code §65103, and also to carry out any other responsibilities assigned by the City Council. The following outlines the duties of the Community Development Director pertaining to this Title 10 (Zoning Ordinance), Title 9 (Subdivisions) and Title 11 (Environmental Protection):
 - 1. Administer and enforce provisions of Title 10 (Zoning).
 - 2. Responsibilities set forth by Section 10.12.090 (Nature and Interpretation of Zoning Ordinance.
 - 3. Review projects pursuant to the Subdivision Map Act and Title 9 (Subdivisions) of this Code.
 - 4. Review projects pursuant to the California Environmental Quality Act and Title 11 (Environmental Protection) of this Code.
 - 5. Research and prepare reports on all Planning Commission applications.

- 6. Research and make decisions on applications requiring administrative approval.
- 7. Review and make decisions regarding certain types of encroachment permit applications as specified in Section 10.56.030.A (Community Development Director).
- 8. Draft resolutions outlining official actions.
- 9. Act as Secretary to the Planning Commission; sign resolutions on behalf of Planning Commission and attest to Planning Commission action on Final Maps.
- 10. Act as Zoning Administrator or assign a staff member to act as Zoning Administrator.
- B. Community Development Department Staff. Except where otherwise provided by this Title, Community Development Department employees may also carry out the responsibilities of the Community Development Director, under the Director's supervision.

10.80.040 Zoning Administrator

- A. Authority. The Community Development Director shall act as the Zoning Administrator and shall have the authority to appoint a qualified Community Development Department staff member as the Zoning Administrator. Appointee shall serve in that capacity at the discretion of the Community Development Director.
- B. Duties and supervision. The Zoning Administrator shall serve as a hearing officer and is assigned the authority and original jurisdiction to investigate, consider, and approve or deny the following applications:
 - 1. Minor Use Permits.
 - Variance Applications for the following when the application is not associated with any discretionary permit requiring Planning Commission approval:
 - a. Setbacks (Required yards per Section 10.40.070 (Setbacks and Yards) et seq.)
 - b. Building height where the project will change the lowest or highest point of contact with grade, but will not physically increase the height of the structure.
 - c. Fences over six feet (6') in height.
 - 3. Extensions of, or amendments to, existing variance and conditional use permit approvals which do not alter the general intent of the original approval granted by the Planning Commission.
 - 4. Lot Line Adjustments, unless the proposal requires a variance requiring Planning Commission review and approval.

- 5. Pursuant to Section 8.44.185 of Title 8 (Building and Construction), the Zoning Administrator shall be authorized to determine if differences between Historic Landmarks Board decisions and Planning Commission decisions are minor design feature(s) when petitioned by the Community Development Department staff or by the project applicant. If the Zoning Administrator determines that there is a minor design inconsistency in the two board's approvals, the Planning Commission decision shall control.
- Extensions of construction time limits, in accordance with Section 10.54.100.D.
- **C. Referral to Planning Commission.** The Zoning Administrator may transfer original hearing jurisdiction to the Planning Commission at his/her discretion when it is deemed necessary for policy implications, unique or unusual circumstances, or the magnitude of the project.
- **D. Appeal.** Decisions of the Zoning Administrator may be appealed in accordance with Chapter 10.84 (Appeals) of this Title.

10.80.050 Planning Commission

The Planning Commission is hereby established for the City of Sausalito pursuant to California Government Code §65101. The Planning Commission shall be appointed and shall serve as follows:

- **A. Appointment and responsibilities.** The Planning Commission shall be appointed and shall serve in accordance with Chapter 2.58 of the Sausalito Municipal Code.
- **B.** Actions. Action to approve any application by the Planning Commission shall be by a majority vote of the members present and voting. A tie vote, which is not followed by a continuation of the matter for further consideration, shall have the same effect as a denial.

10.80.060 Historic Landmarks Board

- **A. Appointments and responsibilities.** The Historic Landmarks Board (HLB) is hereby established for the City of Sausalito and shall be appointed and serve in accordance with Chapter 2.58 of the Sausalito Municipal Code.
- **B.** Actions. Action to approve any application by the Historic Landmarks Board shall be by a majority vote of the members present and voting. A tie vote, which is not followed by a continuation of the matter for further consideration, shall have the same effect as a denial.
- **C. Duties.** The Historic Landmarks Board shall have the following duties:
 - 1. Make recommendations to the Planning Commission regarding designation of historic districts and listing properties on the local register, consistent with Sections 10.28.040.F (Procedures for Historic District Designation) and 10.46.050 (Procedures for Listing on the Local Register).
 - 2. Hear and consider permit applications for construction, alteration, demolition and remedial work on sites listed on the local register or located in the Historic

- overlay district, as provided by Section 10.46.060 (Procedures for Demolition, Addition, or Modifications).
- 3. Make recommendations to the Planning Commission regarding policies related to historic preservation.
- 4. Suspend action on a permit application to preserve historic structures or other features proposed for demolition or other alterations, consistent with Title 8 (Building Code).
- 5. Advise property owners on proposed work on any structure listed on the local register or on a site located in the Historic overlay district, when a permit is otherwise not required and the property owner requests advice. Work may include but not be limited to exterior painting, roofing, fencing, landscaping, glazing (window tinting), and installation of exterior lighting fixtures.
- 6. Review Design Review Permit applications with the Planning Commission for projects listed on the local register, or located in the Historic overlay district, and approve, approve with conditions or deny said permit applications, as provided by Chapters 10.28 (Overlay Districts), 10.46 (Historic Overlay District and Local Register), and 10.54 (Design Review Procedures.)
- 7. Review and approve, approve with conditions or deny Design Review Permit applications for exterior renovation, restoration, reconstruction or replacement of a single family ark dwelling, pursuant to Section 10.44.130 (Arks).
- 8. Make recommendations to the Planning Commission for projects requesting other discretionary permits for properties located in the Historic overlay district or listed on the local register.
- 9. Consult with recognized historic preservation organizations and/or obtain professional advice, as deemed appropriate or necessary.
- 10. Make recommendations to the Planning Commission regarding the environmental review of sites or structures that are in the Historic overlay district or that are listed on the local register, consistent with chapter 10.46 (Historic Overlay District and Local Register.)
- 11. Provide information to Staff and the Planning Commission regarding the historic significance of sites or structures over fifty years old deemed potentially historically or archeologically significant by Community Development Department Staff, for purposes of environmental review.
- 12. Review and adopt Sign Guidelines and Design Review Guidelines or Standards for the Historic overlay district.

10.80.070 Ordinance Amendments and Rezonings

This zoning ordinance may be amended as provided by this section and California Government Code §65853 et seq., whenever the City Council determines that public necessity, convenience, or welfare would be served. Amendments may include changing the boundaries of zoning districts (rezonings) and/or other changes to the City of Sausalito Zoning Maps (Section 10.10.020, Adoption of Zoning Map) affecting the use of property and/or changes to the requirements of this Title (zoning text amendments).

- A. Initiation of amendment. The Community Development Director, the Planning Commission, or the City Council may initiate an amendment to this Title. Amendment requests from the public shall be filed using the forms provided by the Community Development Department, shall be signed by the legal owner(s) of property affected by the proposed amendment, and shall include the filing fee set by the city fee ordinance.
- **B.** Accompanying information. The following information must be submitted as a part of an application for an ordinance amendment and/or rezoning:
 - 1. Reclassification of Land. An application for an amendment to change district boundaries or reclassify any land shall be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the General Plan and that the public necessity, convenience and general welfare require the adoption of the proposed amendment. An accurate legal description and a map of the land and any existing buildings shall be submitted with the application. The map shall be drawn at the same scale as the Zoning Map.
 - 2. Change of Classification of a Listed Use. An application to change the classification of a listed use shall be accompanied by information showing there has been a change in ways of serving the public which warrants or requires the requested change in classification, including the following information, as applicable:
 - a. Number of residents, employees, patrons, or visitors in relation to the size of the parcel;
 - b. Probable amount and type of traffic to be generated by the use;
 - c. Probable production and emission of dust, smoke, odor, vibration, electrical disturbance radiation resulting from the use, or other potentially dangerous or objectionable elements; and
 - Type and volume of materials to be handled in relation to site area.
- C. Planning Commission hearing. After the completion of any environmental documents and public review periods required by the California Environmental Quality Act (CEQA) and the completion of a Community Development Department staff report, the Planning Commission will provide notice and hold a public hearing pursuant to Chapter 10.82 (Public Hearings). The purpose of the hearing shall be to receive testimony from persons

interested in the proposed amendment, to consider the recommendations of the Community Development Department, and to adopt a recommendation to the City Council.

- D. Planning Commission recommendation. The Community Development Department, on behalf of the Planning Commission, shall submit a written report conveying the Commission's recommendation on the proposed amendment to the City Council. The report shall give the reasons for the recommendation and address the consistency of the proposed amendment with relevant General Plan and specific plan policies.
- E. City Council hearing and decision. The City Council shall provide public notice and hold a public hearing pursuant to Chapter 10.82 (Public Hearings). The City Council may approve, modify, or deny the Planning Commission's recommendation. No ordinance amendment or rezoning shall be a pproved unless the City Council first finds that the proposed change is consistent with all applicable provisions of the Sausalito General Plan. Any modification by the City Council of a proposed amendment not previously considered by the Planning Commission shall first be referred to the Planning Commission for report and recommendation. The Planning Commission is not required to hold a public hearing on such referral. As provided by California Government Code §65857, failure by the Planning Commission to report within 40 days after the referral (or longer period set by the Council) shall be deemed approval of the proposed modification to the amendment.

If the matter under consideration is an amendment to change property from one zoning district to another, and the Planning Commission has recommended against the adoption of such amendment, the City Council shall not be required to take further action on the amendment unless an interested party requests a hearing. The request shall be in writing and shall be filed with the City Clerk within ten (10) days of the Planning Commission's action making a recommendation to the City Council.

- F. Conditions of Approval. The Planning Commission may recommend, and the City Council may impose, reasonable conditions on the approval of any rezoning for the following purposes:
 - To ensure consistency of the proposed zoning with the general plan;
 - 2. To mitigate environmental impacts;
 - 3. To minimize functional conflicts with surrounding land uses; and/or
 - 4. To meet any other purpose that is determined by the City Council to protect the public health, safety, or general welfare.
- G. Type of conditions. Conditions imposed on a rezoning pursuant to this section may include, but shall not be limited to, dedication of additional road rights-of-way, requirements for participation in the cost of public improvements reasonably related to the land uses that would be allowed by the proposed zoning, and limitations on the type and nature of land uses allowed in the new zoning district.

- H. Timing of compliance with conditions. When a zoning amendment with conditions is adopted by the City Council, the ordinance shall specify when such conditions shall be satisfied relative to the city's approval of any subdivision of the property, any land use or construction permits, or any actual development.
- I. Termination of proceedings. The City Council may terminate the process of rezoning a property or considering another amendment to this Title before the amendment is adopted, as follows:
 - 1. With the approval of the Planning Commission, an amendment request from the public may be withdrawn if a written application is filed by a majority of the persons who signed the original rezoning application.
 - 2. The City Council may abandon any amendment proceedings, either on its own motion or at the request of the Planning Commission, as long as any hearing for which public notice was given is first held.

10.80.080 Determination of Use

The Planning Commission shall hear and make determinations on requests to include uses not specifically listed in Chapters 1 0.20 through 1 0.28 (Zoning District Regulations) as permitted uses in all zoning districts, as follows:

- A. Application and processing. A written request for such a determination shall be filed, with the appropriate filing fee, with the Community Development Department and processed as provided by Chapter 10.50 (Land Use Permit Procedures). The written request shall include a detailed description of the proposed use and other such information as may be required.
- B. Notice and hearing. After acceptance of a written request for determination and completion of a staff report, the Planning Commission shall conduct a public hearing where the Planning Commission shall compare the nature and characteristics of the proposed use with those of uses specifically listed in this Title, and shall make a determination of its classification. The notice and scheduling of the hearing shall be as set forth in Chapter 10.82 (Public Hearings).
- C. Determination. The determination of the Planning Commission shall be rendered in writing within sixty (60) days, unless extended with the consent of the applicant. The decision shall state whether or not the proposed use will be permitted in the district and shall include the findings which establish that such use is or is not essentially the same character as a use permitted in that district and conforms to the intent and purposes of that district. The Planning Commission shall not authorize any use in a district unless it finds that its inclusion will not be detrimental to the general welfare or injurious to other permitted uses.