

CHAPTER 10.40

GENERAL DEVELOPMENT REGULATIONS

10.40.010 Purpose and Applicability of Chapter

- A. Purpose.** In addition to the general purposes established in Section 10.10.030 (Title and Purpose), the specific purpose of this Chapter is to provide general regulations to guide the location, design and development of new land uses and structures and the alteration of existing uses and structures. The provisions of this Chapter supplement and work with the development requirements of each base and overlay zoning district established by Section 10.12.040 (Establishment of Zoning Districts). The illustrations in this Chapter are supplemental to the text and serve to describe the development standards contained within the text. In the event of a conflict between the text and the illustrations, the text shall govern.
- B. Applicability.** All land use permits (Section 10.12.050, Zoning Clearance Required) and subdivisions of land or air space (approved pursuant to Title 9 of this code) shall comply with all applicable provisions of this Chapter.

10.40.020 Development Standards of the Fair Traffic Limits Initiative

The following standards were adopted by a majority vote of the electors of the City of Sausalito on June 4, 1985 (full text in the Appendix to this Title). *Included below, in italics, is clarification language adopted by Resolution 3407 of the City Council on July 16, 1985 and now made a part of this Zoning Ordinance.* This section affects only the CN (Commercial Neighborhood), CS (Commercial Shopping Center), IM (Industrial Marinship), CW (Commercial Waterfront), and W (Waterfront), but does not affect the CC (Central Commercial) or any residential zoning districts. The CR (Commercial Residential) zoning district is affected only as provided in Section 10.24.040.B (New Development in CR District).

- A. Findings and Purpose.** The people of the City of Sausalito hereby find that it is in the best interests of the present and future residents of the City to reduce the increase in automobile traffic generated by new development in the City's commercial and industrial zones and to preserve the maritime character of those areas by reducing permissible density in commercial and industrial areas.

This reduction is necessary to protect property rights and to ensure orderly development in commercial and industrial zones in the City in a manner that will not generate excessive traffic, air or noise pollution, nor diminish the public health and welfare.

- B. Application of Standards.** It is the intention of the people of Sausalito that the following policies govern the implementation of density standards and maximum Floor Area Ratios:
1. Existing uses which are made non-conforming by this amendment shall be considered non-conforming under the provisions of Section 10.62.020 (Applicability) of this Code.

2. If on December 1, 1984, a parcel exceeds the Maximum Floor Area Ratio permitted by this amendment, that parcel may not be split into additional parcels in order to provide a dditional buildable area. *This section limits the division of land parcels which on or after December 1, 1984 equaled or exceeded the maximum Floor Area Ratio.*
3. The Zoning Map of Sausalito effective as amended July 15, 1980 shall govern the affected zoning categories. No site may be redesignated to any other zoning classification that would allow greater density or Floor Area Ratio. *The term "categories" may be used interchangeably with the term "classifications". The term "density" shall refer to the amount of Floor Area Ratio as determined by the maximum Floor Area Ratio column shown on the development standards table for each applicable commercial district. This section prohibits the redesignation of any site within the affected zoning districts to any other zoning classification from the list of classifications on the Zoning Map or any other zoning classification later invented, that would result in greater Floor Area Ratio than presently attached to the site. No parcel reverts to the zoning classification that it bore on July 15, 1980.*
4. Where a parcel is already developed up to or beyond the maximum Floor Area Ratio, no conversion or change in use may be permitted when that conversion or change in use will result in increased commercial usage or density. *The term "increased commercial usage or density" refers to the prohibition of increasing the allowable percentage of commercial use and Floor Area Ratio above those indicated in the maximum Floor Area Ratio column of the Development Standards Table for each applicable commercial district. This section does not prohibit the addition or deletion to the list of permitted uses in each affected zoning classification, provided that such a modification would not produce an increase in the amount of allowable Floor Area Ratio that would have been permitted had the list not been modified.*
5. In the CR zone, residential uses existing as of December 1, 1984 may not be converted into any other uses. *This section limits the conversion of residential uses in the C-R (Commercial-Residential) Zoning District which existed on or after December 1, 1984.*
6. The Maximum Floor Area Ratios identified for the CN (Commercial Neighborhood), CS (Commercial Shopping Center), IM (Industrial Maranship), CW (Commercial Waterfront), and W (Waterfront) zoning districts may not be exceeded by Variance, Conditional Use, Planned Unit Development or any other device. *These zoning permits may not be used to increase the Floor Area Ratio beyond the figures listed as the maximum Floor Area Ratio in Table 2 of the Initiative. Variances may be considered to modify required yards, height limit, required parcel size and building coverage provided that the variance does not result in an increase in the amount of development permitted by the Floor Area Ratios in the Development Standards Tables for each applicable commercial district.*

10.40.030 Minimum Parcel Standards

Each existing parcel proposed for development or a new land use shall comply with the provisions of this section. New parcels proposed in a subdivision shall comply with this section and all applicable provisions of Title 9 (Subdivisions) of this code.

A. Definition. Parcel area shall be defined as the net parcel area as defined by Chapter 10.88 (Definitions).

B. Minimum Parcel Requirements. All parcels shall meet minimum parcel size standards for permitted or conditionally permitted uses unless otherwise provided by this section. The following standards shall apply to all new parcels proposed by any application for major or minor subdivision, planned unit development, and lot line adjustment:

1. The width of any parcel shall not be less than thirty (30) feet at any point.
2. The average width of any parcel shall not be less than fifty (50) feet. Average parcel width shall be the area of the parcel in square feet divided by the length, in feet, measured down the center of the parcel.
3. Street frontage shall be required for all parcels and shall not be less than thirty (30) feet, as measured on the front parcel line.
4. To the extent practicable, parcel lines shall have a regular, unbroken alignment and shall intersect the street right-of-way as close to the perpendicular as possible.
5. To the extent practicable, parcels shall have a regular, rectangular shape and curved lines should be avoided.

C. Legal Nonconforming. Parcels legally existing on the effective date that do not comply with the minimum parcel sizes set forth in Title 10 shall be considered legal nonconforming. Any lot in an R-2-2.5 district legally created prior to December 17, 1963, provided such lot that has a minimum building site area of 3,000 square feet shall be considered conforming. Nothing in Title 10 shall be construed as requiring that a legally-created lot must be merged or subdivided to come into compliance with the minimum parcel requirements set forth herein.

D. Development on substandard lots. A legally-created substandard-sized lot (either width or area) for the applicable base district may be occupied by a permitted or conditional use, subject to the following:

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

No substandard lot shall be further reduced in area or width, except as required for public improvements. Substandard lots under contiguous ownership are subject to the merger provisions of the State Subdivision Map Act.

A substandard lot shall be subject to the same setback and density requirements as a standard lot. One dwelling unit may be located on a substandard lot that meets the requirements of this section. The minimum parcel area per dwelling unit for two-family dwellings shall be 1,500 square feet.

- E. Maximum number of dwelling units.** The maximum number of dwelling units permitted for any two-family or multiple-family residential site or Planned Development (Pd) shall be determined by dividing the net parcel area by the required minimum building site area per dwelling unit, as specified by the applicable zoning district. When the permitted number of dwelling units is calculated to a fractional number, any fraction of less than one unit shall be disregarded and be rounded down to the next whole number.
- F. Exceptions.** When considering applications for major or minor subdivisions, Planned developments (Pd), and lot line adjustments, the Planning Commission may grant exceptions to the standards required under Section 10.40.030.B (Minimum Parcel Requirements). Any such exception must be requested by the Applicant, and shall fully state the grounds of the request and the facts relied upon by the Applicant. In order to grant such an exception, the Planning Commission must find:
1. The proposed exception will permit development solutions more beneficial to the site and surrounding properties than could be achieved under the standards set above.
 2. The granting of the proposed exception will not be detrimental to the public health, safety, or welfare, or injurious to abutting parcels or other property in the vicinity.
 3. The proposed exception will not result in or continue an undesirable precedent, contrary to the intent of the General Plan and Zoning Ordinance.

10.40.040 Floor Area Ratio

- A. Applicability of Floor Area Limits.** Floor area limits for buildings and structures are established by Chapters 10.20 through 10.28 (Zoning District Regulations), 10.44 (Specific Use Requirements) and this Chapter. New construction and additions to buildings shall not exceed the Floor Area Ratio (FAR) limit identified in the Site Development Standards Table for each applicable zoning district (Chapters 10.20 through 10.26, Base Zoning District Regulations).
- B. Measurement of floor area.** The sum of the gross horizontal surfaces of all enclosed buildings and any covered patio, balcony, court, deck, porch or terrace with over fifty (50%) percent of the surface of the exterior vertical area (not including the vertical area of the main building wall) enclosed by weatherproof materials (including closable windows, doors and louvers.). Floor area shall be measured from the interior faces of the exterior walls and shall exclude vent, utility and elevator shafts; inner courts; 500 sq. ft. of enclosed automobile parking spaces for single family dwellings and the minimum area for parking and circulation required by Sections 10.40.110 (Parking Space Requirements by Land Use) and 10.40.120 (Design and Improvement of Parking) for all other uses;

and shall include attics, crawl spaces and other confined spaces with a ceiling height greater than five feet eleven inches where such space has a finished floor. Interior volumes in residential structures with a finished floor to top of roof height of over 20 feet for sloped roofs (minimum 4:12 pitch) and over 17 feet for flat roofs shall be counted as 1.5 times the finished floor area. Continuous staircases (e.g., stacked) shall be measured as floor area on one floor only. Discontinuous (e.g., offset) staircases in residential structures shall be measured as floor area on each floor. See Diagram 10.40-10.

- C. Floor Area Ratio (FAR) calculation.** Floor area ratio or FAR shall mean the floor area of the building or buildings on a parcel divided by the net area of the parcel. Floor area for basements where at least 50 percent of the exterior walls are subterranean shall receive a 50 percent discount. A maximum of 500 square feet of subterranean floor area may receive the discount. To receive this credit for subterranean floor area, the entire basement must be located within the required setbacks, and a deed restriction must be recorded stipulating that the basement area shall not be utilized for the creation of an additional unit on the property, and the project must comply with all other parts of this Title.
- D. Floor Area Ratio (FAR) limits.** The maximum floor area allowed on any parcel shall be determined by multiplying the net parcel area by the maximum permitted FAR identified in the Site Development Standards Table for each applicable district. Also see Section 10.56.050.
- E. Reserved.**
- F. Split Parcels.** For parcels which are located within two or more separate residential zoning districts, the FAR calculation for structures within a certain zoning district shall be based upon the net parcel area only within that zoning district. Each portion of the parcel located within a different residential zoning district is treated as a separate parcel for determination of FAR entitlements. FAR entitlements within one residential district cannot be transferred to another residential district. This rule shall not apply in commercial districts for development associated with an approved Master Plan.
- G. Industrial-Equivalent FAR requirements (Marinship Specific Plan). See Section 10.28.050.E.4.**

10.40.050 Building Coverage Limits

- A. Applicability of Coverage Limits.** Coverage limits for buildings and structures are established by Chapters 10.20 through 10.28 (Zoning District Regulations), 10.44 (Specific Use Requirements) and this Chapter. No building or buildings shall be constructed or enlarged so as to cover a greater percentage of the parcel than the building coverage limit identified in the Site Development Standards Table for each applicable zoning district.
- B. Measurement of Coverage.** Coverage is measured as the percentage of the total site area occupied by buildings and structures. For the purposes of this definition, "buildings" include primary buildings, garages, carports, and accessory buildings; decks and paved areas (such as walkways, driveways, patios, uncovered parking areas or roads) that have an elevation of at least two (2) feet above the average level of the natural grade directly below the constructed feature (average of highest and lowest points); and stairs two (2) feet above the natural grade. The measurement of site coverage shall not include the portion of roof eaves and/or rain gutters that extend no more than two (2) feet six (6) inches from the face of the building wall, but shall include the portion of roof

eaves and/or rain gutters that extend more than two (2) feet six (6) inches from the face of the building wall. Also see Section 10.56.050.

- C. Limit on Decks and Impervious Surfaces.** All structures which count toward building coverage shall also count as impervious surface. In addition, impervious surface shall consist of any of the following features, regardless of height relative to natural grade: (1) all paved surfaces, such as concrete, regardless of the permeability of the material; (2) all hardscape garden elements such as stepping stones, fountains, statuary, swimming pools, and walls; (3) all deck areas regardless of the material used for the deck structure; (4) all gravel areas. See Diagram 10.40-1. The following features shall not be counted toward impervious surface: (1) landscaped areas; (2) planters; (3) unlandscaped areas of exposed earth, including those between different impervious surfaces (such as stepping stones) or between impervious surfaces and landscaped areas (such as the area between a walkway and a landscaped area). Impervious surfaces shall be subject to the maximum area specified in Table 10.22-2 (Site Development Standards-- Residential Zoning Districts).
- D. Reserved.**
- E. Split Parcels.** For parcels which are located within two or more separate zoning districts, the coverage calculation for structures within a certain zoning district shall be based upon the net parcel area only within that zoning district. Each portion of the parcel located within a different zoning district is treated as a separate parcel for determination of coverage entitlements. Coverage entitlements within one district cannot be transferred to another district.

10.40.060 Height Requirements

- A. Applicability of height limits.** Height limits for buildings and structures are established by Chapters 10.20 through 10.28 (Zoning District Regulations), 10.44 (Specific Use Requirements) and this Chapter. No building or structure shall be constructed or altered to exceed the height limit established by this Chapter, except as otherwise provided by this section.
- B. Measurement of height.** All portions of a building (including any portion of a floor, chimney or other appurtenance) shall be limited to 32 feet in height within the first 15 feet from the property line, as measured from the centerline of the paved portion of the road opposite the midpoint of the front parcel line. In addition, all structures shall be subject to the height restrictions identified below and the height restrictions specified in the appropriate zoning district, provided under no circumstances shall the height of any point of a building to the natural grade directly below exceed fifty (50) feet.
- 1. Standard Building Height.** Building height is the vertical distance from the average level of the natural ground surface under the building to the highest point of the building or structure. To determine the height of a building, the highest and lowest points of contact with the natural grade are identified and the average of these two elevations is the point from which the permitted maximum height is measured. The highest and lowest points of contact are determined where the maximum vertical projections of the perimeter walls of the building contact the natural grade. Where more than one structure is proposed for construction, the

permitted height shall be individually computed for each detached structure. Balconies, decks and similar appurtenances and projections shall not be included in measuring the primary structure's building height.

2. **Over Water or Flood Zone.** Maximum height of buildings located over water or within the V1 Flood Zone as identified in the FIRM (National Flood Insurance Rate Map) of the National Flood Insurance Program shall be measured above the natural grade or six (6) feet above NGVD (National Geodetic Vertical Datum), whichever is higher. The height of floating structures shall be measured from three feet above the waterline. See Diagram 10.40-2.
3. **Building Appurtenances.** Balconies, decks and similar appurtenances and projections shall not extend beyond a line measured from the high point of the building face on which the appurtenance is located and parallel with the degree of slope based upon the highest and lowest point of contact of the structure which it serves. When open balconies, decks and similar appurtenances are enclosed on existing structures and the newly calculated building height exceeds the height allowed by this Title, this excessive height is permitted subject to the following conditions:
 - a. The proposed enclosures do not violate any other provisions of this Title;
 - b. The roofline of the new addition is no higher than the roofline of the existing building;
 - c. The proposed enclosure is subject to review and approval by the Planning Commission as governed by Chapter 10.54 (Design Review Procedures) of this Title.

C. Sloped and Level parcels. In addition to the provisions contained in subsection B (Measurement of height), height restrictions shall apply to all sloped (uphill and downhill) and level lots, as the lots are sloped from abutting streets. For lots that abut more than one street, more than one restriction will apply. The Community Development Director shall review and make a determination for proposals that do not meet the site conditions described below.

1. **Uphill.** Any slope greater than ten (10) degrees slope computed upward from a parcel line that abuts a street at the front of the property to the rear of the property. On the uphill side of a street, a sloped roof that exceeds the height restriction identified in Section 10.40.060.B (Measurement of Height) may be permitted subject to the following conditions (see Diagram 10.40-4):
 - a. The roof slopes to meet a front wall of less than 32 feet toward the front property line, measured as stated above;
 - b. The maximum height within the first 15 feet does not exceed 40 feet; and
 - c. The sloped roof is subject to review and approval by the Planning Commission as governed by Chapter 10.54 (Design Review Procedures) of this Title.
2. **Level.** Any slope between ten (10) degrees up and ten (10) degrees down computed from a parcel line that abuts a street at the front of the property to the rear of the property. On level parcels, no portion of a building, including any portion of a roof, chimney or other

appurtenance, shall exceed a height of 32 feet, as measured from a point located at the centerline of the paved portion of the road opposite the midpoint of the front parcel line. See Diagram 10.40-3.

3. **Downhill.** Any slope greater than ten (10) degrees slope computed downward from a parcel line that abuts the street at the front of the property to the rear of the property. The following provisions apply (see Diagram 10.40-5):

a. **Height restrictions.** On the downhill side of a street no portion of a building, including any portion of a roof, chimney, or other appurtenance shall exceed a height of twenty-four feet, as measured from the centerline of the paved portion of the road opposite the midpoint of the front parcel line.

b. **Exception for parking.** On the downhill side of a street, that portion of a building devoted to covering the off-street parking spaces and building access may project above the thirty-two foot required height limit subject to the following conditions:

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

- D. **Exceptions to height limits.** The height limits for buildings and structures established by this chapter are subject to the following exceptions:

1. **Public and quasi-public buildings and structures.** In districts in which a lower height limit is established, places of assembly in schools, religious institutions, and other permitted public and semi-public buildings may be erected to a height not exceeding 45 feet above average grade subject to the following conditions:

- a. The minimum side yard setback shall be increased one (1) foot for each two (2) feet such structure exceeds thirty-two feet in height.
- b. The minimum rear yard setback shall be increased one (1) foot for each four (4) feet such building exceeds thirty-two feet in height.
- c. Other architectural features (i.e., steeples, spires, chimneys, vents, etc.) may exceed the forty-five foot height limit, subject to Design Review.

- d. The height exception is subject to review and approval by the Planning Commission as governed by Chapter 10.54 (Design Review Procedures) of this Title.
 - e. The Planning Commission finds the proposed building includes special architectural features that contribute to the community's character, while meeting the overall purpose of height restrictions.
2. **Utility poles.** Power distribution poles and lines may exceed the height limits established for the zoning district provided they do not exceed a height of forty feet (40') unless a greater height is authorized under the terms of a Conditional Use Permit as provided in Chapter 10.60 (Conditional Use Permits).
 3. **Architectural features.** Chimneys, vents, and smokestacks may exceed the thirty-two foot (32') height limit only to the minimum extent required by Title 8 (Building Code) of the SMC.
 4. **Freestanding structures.** A Conditional Use Permit shall be required for fire towers, commercial radio, and television towers, water towers and tanks, flag poles, power transmission towers, lines and poles, elevator towers, and similar structures and necessary mechanical appurtenances built and used to a greater height limit than that established for the applicable district. No such exception shall cover, at any level, more than five (5) percent of the parcel nor exceed sixteen hundred (1,600) square feet at the base. No tower, spire or similar structure shall contain floor area for commercial or residential use. Wireless Communications Facilities, as defined in Chapter 10.88 (Definitions), shall be governed by Chapter 10.45 (Standards and Criteria for Wireless Communications Facilities) except that in the event Chapter 10.45 (Standards and Criteria for Wireless Communications Facilities) is silent regarding a specific regulation or requirement the applicable zoning regulation from Title 10 shall govern.

10.40.070 Setbacks and Yards

Each zoning district establishes minimum setback requirements. Special situations exist where setbacks will be applied differently or must be increased. This section addresses these special situations. A setback provided around any building to comply with provisions of this Chapter shall not be considered a yard or setback for any other building.

- A. **Purpose.** In addition to the general purposes of this Title 10 and this Chapter 10.40 (General Development Regulations), the specific purposes of this section are as follows:
 1. To provide light and open space between structures on the same and adjoining lots;
 2. To provide open space between structures and adjoining pedestrian ways;
 3. To increase setbacks and provide visual relief along property lines with long, unbroken walls; and
 4. To provide flexibility in the application of setback requirements.
- B. **Land locked parcel.** Any parcel that does not have a front parcel line (i.e. not fronting

on a public street or road) shall provide the required rear yard along one (1) parcel line and the required side yard along all remaining parcel lines. If a rear parcel line has not already been established, the owner may elect any parcel line as the rear parcel line provided such choice is not injurious to adjacent properties, as determined by the Community Development Director. If a rear parcel line has already been established, the owner may elect a new parcel line as the rear parcel line, provided such choice is not injurious to adjacent properties, as determined by the Community Development Director. See Diagram 10.40-6.

C. Parcels fronting on more than one street. The following setbacks shall apply for parcels abutting more than one public street or right-of-way measuring 50 feet or more in width (whether or not developed) (see Diagram 10.40-7):

1. No setback shall be required from parcel lines adjoining two intersecting public streets or rights-of-way.
2. Setbacks may be decreased for parcels fronting on two non-intersecting streets, or for parcels fronting on more than two intersecting streets provided the proposal is subject to Design Review and the Planning Commission finds the reduced setback does not diminish the overall purpose of providing physical and visual space between residences.

D. Required Increase of Setbacks. Setbacks will be increased in the following instances:

1. **Length of building.** The length of a structure shall be measured along a line parallel to the adjoining side lot line. Where the length of a structure, building wall, or series of attached building walls, exceeds forty feet measured parallel to the adjoining side lot line, the minimum setback shall be increased at the rate of one (1) foot for each five (5) feet such length exceeds forty feet. The full length of the building shall be subject to the increased setback. If the addition will increase the building length to exceed forty feet, only the addition shall require the additional side yard setback. The full length of the addition shall be subject to the increased setback. See Diagram 10.40-8.
2. **Entrance to dwelling from side yard.** Where access to the main or secondary entrance of any two-family dwellings or multiple-family dwellings, group houses, court apartments or row dwellings is from the side yard, the minimum side yard setback shall be increased by one (1) foot for each applicable dwelling unit. Such increase need not exceed five (5) feet.
3. **Creek Setbacks.** No structures of any kind, other than stairs and pathways on grade and/or retaining walls for slope stabilization purposes, shall be located within twenty (20) feet of the 100-year flood elevation line of an open natural drainage way or wetland (i.e., creek) identified on Map GP-14 of the Environmental Quality Element of the General Plan. Additional setbacks from creeks and wetland areas may be required as part of the environmental review process pursuant to the California Environmental Quality Act, as applicable. Also, in the course of design review, the Planning Commission may determine that additional setbacks from watercourses are necessary to ensure consistency with relevant policies contained in the Environmental Quality Element of the General Plan.

E. Special Setbacks.

1. **Purpose.** Special building setback lines are established along designated streets, pedestrian and other public ways to provide space for light, air, safety, circulation, and visual amenity.
2. **Applicability.** Structures adjacent to the streets, pedestrian ways and other public ways designated below shall be subject to the corresponding special building setback line. In any district where the yard requirement is more or less than the distance set forth by any special building setback line, the distance established by the special building setback line shall apply.
3. **Measurement.** The location of a special building setback line shall be measured in feet at right angles from the parcel line of the subject property or the line of the street, pedestrian way or other public way adjacent to the subject parcel.
4. **Special setback lines.**
 - a. A ten (10) foot special building setback line is required on both sides of the following streets, pedestrian ways or other public ways:
 - 1) Alexander Avenue
 - 2) South Street from Alexander Avenue to Second Street
 - 3) Second Street from South Street to Richardson Street
 - 4) Richardson Street from Second Street to Bridgeway
 - b. A five (5) foot special building setback line is required on both sides of the twenty (20) foot future pedestrian way shown on the General Plan for the Marinship Area, and lying between Coloma Street and Harbor Drive.

10.40.080 Exceptions to Required Setbacks

The following setbacks shall apply in the situations specified (rather than those required by Chapters 10.20 through 10.28, Zoning District Regulations) and any setback requirements in Chapter 10.44 (Specific Use Requirements):

- A. Narrow parcels.** The side yard setback requirement may be reduced to 10% of the lot width, to not less than three feet (3'), for any substandard parcel that meets the criteria in Section 10.40.30.D (Development on substandard lots) and is less than fifty (50) feet wide. See Diagram 10.40-7.
- B. Pedestrian lane rights-of-way.** Where a side parcel line adjoins a right-of-way which does not contain a street and is ten (10) feet or less in width, the required side yard setback shall be measured from the center line of such right-of-way.
- C. Accessory Structures.** Accessory structures and buildings may occupy required yard areas only to the extent permitted by Section 10.44.020 (Accessory Uses and Structures).
- D. Temporary structures.** Structures that are temporary or can easily and readily be

removed, have no more than 120 square feet of roof area, and are not permanently attached to the ground (including but not limited to surface utilities and storage bins), may be allowed within required setbacks for a period of no more than sixty (60) days per year.

10.40.090 Permitted Projections into Required Setbacks

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

1. Underground utilities and the related above-ground metering;
2. Septic tanks;
3. Fences and retaining walls that comply with the applicable height requirements;
4. Signs pursuant to Chapter 10.42 (Sign and Awning Regulations); and
5. As otherwise provided by Section 10.40.080 (Exceptions to Required Setbacks) and this section.

B. Yard projections. Projections into minimum yards shall be as follows:

1. The minimum yard setback may be reduced by up to 20 percent provided that at all times a minimum setback of three (3) feet is provided, for the following features (see Diagram 10.40-8):
 - a. Cornices, canopies, eaves, or any other similar architectural features, not exceeding three (3) feet.
 - b. Fire escapes not exceeding four (4) feet.
 - c. Bay windows, balconies, and chimneys may project a distance not to exceed three (3) feet, provided that such features do not occupy, in aggregate, more than one-fifth (1/5) the length of any otherwise unbroken section of wall of the building on which they are located.
2. The minimum yard setback may not be reduced for decks that are 24 inches or more above natural grade, porches, or other indoor or outdoor living areas.
3. The following features may project into required yards if the applicable height and/or coverage requirements are met:
 - a. Walkways, provided that any walkway is not at any point more than two (2) feet above or below the level of natural grade.
 - b. Decks, swimming pools and patios, provided that the height of any structure does not exceed two (2) feet above the average level of natural grade directly below the feature and at all times a minimum setback of five (5) feet is maintained.
 - c. An uncovered stair and necessary landings, provided that such stair and landings do not extend above the entrance floor of the building except for a railing height compliant with the California Building Code.
 - d. Accessory structures if consistent with the requirements of Section 10.44.020 (Accessory Uses and Structures).

C. Reserved.

D. Side yard structural projections. Where a building wall is not parallel to a parcel line, or does not follow a continuous unbroken alignment, a portion of the building wall may project into the required setback provided that:

1. The average depth or width of yard is at least equal to the required depth otherwise required.
2. No more than 50 percent of the building wall encroaches into the required setback.
3. The yard is not less than three (3) feet in depth or width at any point.
4. The proposed side yard projection is subject to review and approval by the Planning Commission as governed by Section 10.54.090 (Design Review Permits) of this Title.

10.40.100 Parking Standards

A. Purpose and intent. The purposes of this section requiring off-street parking are as follows:

1. To minimize demand for on-street parking and alleviate traffic congestion and hazards to motorists and pedestrians;
2. To provide safe and convenient vehicular access to all land uses; and
3. To make the appearance of parking areas more compatible with surrounding land uses.

B. Type and location of parking required. All approved land uses shall be designed and developed to provide the type and amount of off-street parking spaces required by Section 10.40.110 (Parking Space Requirements by Land Use), and shall be designed as required by Section 10.40.120 (Design and Improvement of Parking). All parking spaces required by this section shall be located on the same site as the use for which parking is required, except as otherwise allowed by Section 10.40.110.D (Joint Use) and 10.40.120.B (Exceptions). The following requirements also apply:

1. **Disabled accessible parking.** Parking lots shall include disabled accessible parking spaces in the amount and manner required by Title 24 of the California Code of Regulations. Disabled spaces count toward the total number of parking spaces required by Section 10.40.110 (Parking Space Requirements by Land Use). Parking spaces serving existing uses may be reduced in number to permit the installation of disabled accessible parking as prescribed by Title 24 of the California Code of regulations. Existing structures and uses will not be considered non-conforming solely due to the loss of required parking for the purpose of establishing disabled accessible parking.

2. **Bicycle racks.** Parking lots with 20 or more spaces shall provide one bicycle rack for each 20 parking spaces. Bicycle racks shall be designed to provide a minimum of four bicycle spaces in each rack and to allow a bicycle to be locked to the rack.
3. **Accessibility and usability.** No owner or tenant shall lease, rent, or otherwise make a parking space required by this Chapter unavailable to the intended users of the parking space.
4. **Minimum off-street parking.** All off-street parking and vehicular access must be designed to result in a minimum loss of on-street parking and a net increase of at least one overall parking space (i.e., at least two off-street parking spaces must be served by a driveway where one on-street parking space is eliminated). Where only one off-street parking space is typically required, two off-street parking spaces shall be provided where one off-street parking space is lost to driveway access. Alternatively, the loss of on-street parking may be off-set by frontage reconfiguration or improvements to maintain the existing amount of on-street parking. Any proposed reconfiguration or improvement to on-street parking shall be subject to review and approval by the Community Development Director and City Engineer.

10.40.110 Parking Space Requirements by Land Use

The number of off-street parking spaces required for the land uses identified by Chapters 10.20 through 10.28 (Zoning District Regulations) shall be as provided by this subsection, except where parking requirements are established by Chapter 10.44 (Specific Use Requirements) for a specific use.

- A. **Interpretation of parking requirements.** The requirements in subsection 10.40.110(B) (Minimum Required Parking) shall be interpreted according to the following provisions:
 1. **Uses not listed.** The number of parking spaces required for land uses not listed in subsection (B) (Minimum Required Parking) and that do not have parking requirements set by Chapter 10.44 (Specific Use Requirements), shall be the same as required for the most similar use, as determined by the Community Development Director. The Planning Commission or Zoning Administrator shall determine the number of spaces required for uses not listed where a conditional use permit or a minor use permit is required, respectively.
 2. **New buildings without tenants.** If the type of rental tenants that will occupy a commercial, office or industrial building are not known at the time of land use or building permit approval, the amount of parking to be provided shall be:

- a. The maximum number of parking spaces required for the most parking intensive uses permitted by the zoning district and which the proposed building as designed can reasonably accommodate.
 - b. Determined by the Zoning Administrator or Planning Commission, when a minor use permit or conditional use permit is required for the proposed use.
3. **Mixed use sites.** Where a site contains more than one principal use (e.g. shopping center), the amount of parking to be provided shall be the total of that required for each individual use, except where a shared / joint use parking permit is secured as provided by subsection (D) (Reductions).
4. **Mixed function buildings and storage areas:**
 - a. Where a building occupied by a single use (or separate tenancy rental space within a building) contains several functions, such as sales, office and storage areas, the amount of parking to be provided shall be as required by subsection (B) (Minimum Required Parking) for the principal use, for the gross floor area (total area of all internal functions), except where noted on Table 10.40-1, Parking Requirements.
 - b. When accessory storage areas associated with a principal use will be larger than 2,000 square feet, the required parking ratio for such areas shall be required as specified by Table 10.40-1 (Parking Requirements) for warehousing, instead of that required for the principal use.
5. **Existing Structures and Uses.** No part of this Section shall be construed as requiring additional off-street parking for authorized structures and uses legally existing at the time of the effective date of this title. Where any or all required off-street parking is not provided for such a use, that use may be replaced by a use requiring the same or less off-street parking. Parking required by the current ordinance which has been established for a structure or use shall not be removed, obstructed, or dedicated to other uses unless otherwise approved and authorized herein.
6. **Expansion or Intensification in use.** Whenever the occupancy or use of any site is changed to a more intensive use and/or expanded in scope, additional off-street parking shall be provided as required by this Title for the new use or expanded occupancy. Where the existing use does not provide all required off-street parking, additional off-street parking shall be required as follows:
 - a. **Non-residential.** Whenever the occupancy or use of any commercial, industrial, or institutional site that is not in compliance with the off-street parking requirements of this Chapter is intensified and/or enlarged, additional off-street parking shall be provided as required by this Title for the new use or occupancy. For the CC and CR districts, increased parking shall be provided in the amount relative to the incremental change or expansion of use. For the Marinship and CN district, parking shall be increased for the entire expanded or intensified use.

- b. **Residential.** Whenever the density (number of units) of any residential site that is not in compliance with the off-street parking requirements of this Chapter is intensified, additional off-street parking shall be provided as required by this Title for the new use or occupancy and for the existing use.
- c. **Nonconforming Uses.** When a nonconforming structure is remodeled, replicated or expanded, parking shall be provided consistent with Section 10.62.050.B (Parking for Nonconforming Structures).

7. Parking Calculation. The following guidelines shall be used to calculate parking requirements:

- a. When the required number of parking spaces is calculated to a fractional number, any fraction of less than one-half (1/2) shall be disregarded and any fraction of one-half or greater shall be rounded up to the next whole number.
- b. When calculating the number of parking spaces required for a specific land use, the gross floor area of any building and the gross land area of any outdoor activity shall be used. If a multiple use building contains common areas, the parking calculation for those common areas shall be based upon the ratios of various uses in the building.

B. Minimum Required Parking. The number of off-street parking spaces required for new uses shall be based upon the type of land use, as specified in Table 10.40-1 (Parking Requirements). Where the tables of this subsection show more than one parking ratio for any use, the required number of spaces is the total of all ratios shown. Whenever subsection C (Specified Land Uses) does not specify a required amount of parking spaces for a listed land use, off-street parking shall be provided in an amount adequate to meet the parking needs of all employees, visitors, and loading activities entirely on the site of the use.

**Table 10.40-1
PARKING REQUIREMENTS**

LAND USE	Off-Street Parking Required
Open Space and Public	
Plant nurseries	1 per 400 sq. ft. of Gross Floor Area (GFA) of manufacturing stock + 1 per 2,000 sq. ft. of nursery stock area
Recreation, Education & Public Assembly	
Community centers	1 per 4 fixed seats 1 per 60 sq. ft. multi-use floor area if no fixed seats
Libraries and museums	1 per 500 sq. ft. public use area
Private clubs and recreational facilities	1 per 100 sq. ft. building area
Outdoor commercial recreation	Determined by MUP or CUP
Recreation, health, and fitness centers	1 per 250 sq. ft. floor area
Religious Institutions	See Section 10.44.110 (Religious Institutions, Private Clubs and Fraternal Organizations)
Schools	Elementary and Middle School: 3 per classroom High School: 8 per classroom
Schools – Specialized education and training	1 per 300 sq. ft. of floor area
Temporary events	Determined by MUP or CUP
Theaters and meeting halls	1 per 4 seats or 1 per 60 square feet of seating area
Yacht clubs	1 per 100 sq. ft. of building area
Manufacturing and Processing Uses	
General Industry	1 per 500 sq. ft. of GFA
Limited Industry	1 per 500 sq. ft. of GFA
Research Development Industry	1 per 450 sq. ft. of GFA
Wholesaling, Distribution and Storage	1 per 2,000 sq. ft. of GFA
Marine Industrial	1 per 1,000 sq. ft. of GFA
Uses in excess of 10,000 sq. ft.	As determined by Planning Commission
Residential	
Single or Multiple Family Residential	2 per dwelling unit
Multiple Family Residential (1 bedroom or studio)	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
Secondary dwellings	See Section 10.44.080 (Secondary Dwellings, Existing)
Senior housing	1 per dwelling unit. See Section 10.44.120 (Senior Housing Projects)

**Table 10.40-1 (continued)
PARKING REQUIREMENTS**

LAND USE	Off-Street Parking Required
Retail Trade Land Uses	
General Retail	1 per 250 sq. ft.
Auto, vehicle and parts sales	1 per 1,500 sq. ft. of use area
Restaurants & Bars	1 per 4 person occupancy of the dining and/or drinking area and 1 per 60 sq. ft. of floor area available for portable seats and/or tables
Building material and hardware stores	1 per 250 sq. ft. + 1 per 2,000 sq. ft. of exterior storage area
Full service supermarket	1 per 250 sq. ft. + 1 per 2,000 sq. ft. of storage area
Furniture, furnishings and equipment stores	1 per 1,000 sq. ft. of use area
Mail order and vending	1 per 250 sq. ft. + 1 per 2,000 sq. ft. of storage area
Maintenance equipment and supplies sales	1 per 400 sq. ft.
Retail stores, general merchandise	1 per 250 sq. ft. of floor area
Secondhand and thrift stores	1 per 250 sq. ft. of floor area
Temporary outdoor retail sales	See Section 10.44.290 (Temporary Outdoor Retail Sales)
Wholesale and retail fish sales	1 per 250 sq. ft. or 3 per boat
Service Land Uses	
Banks and financial services	1 per 300 sq. ft. of floor area
Business support services	1 per 300 sq. ft. of floor area
Child day care	See Section 10.44.100 (Child Day Care)
Construction contractors	1 per 300 sq. ft. of office + 1 per 1,000 sq. ft. of storage area
Equipment rental and sales	1 per 400 sq. ft. of GFA + 1 per 2,000 sq. ft. of site area
Government offices and facilities	1 per 400 sq. ft.
Laundries and dry cleaning plants	1 per 1,500 sq. ft. of use area
Marine commercial uses	1 per 500 sq. ft.
Marine fuel facility	As determined by CUP
Medical services - Clinics and laboratories	1 per 250 sq. ft. of floor area
Medical services - Hospitals and extended care	1 per 250 sq. ft. of floor area
Medical services - Veterinary clinics & hospitals	1 per 250 sq. ft. of floor area
Offices	1 per 300 sq. ft. of floor area
Offices, temporary	1 per 300 sq. ft. of floor area
Personal services	1 per 300 sq. ft. of floor area
Recording studios	1 per 500 sq. ft. of floor area
Repair and maintenance - Accessory to sales	As required for retail use
Repair and maintenance - Consumer products	1 per 300 sq. ft. of floor area
Service stations & Auto repair	3 per service bay

Table 10.40-1 (continued) PARKING REQUIREMENTS	
LAND USE	Off-Street Parking Required
Storage, accessory	As required for principal use
Storage yards	1 per 1,500 sq. ft. of site area
Upholstery shops	1 per 500 sq. ft. of floor area
Warehousing	1 per 1,500 sq. ft. of use area
Transient Lodging Land Uses	
Bed and breakfast	2 spaces, plus 1 space per guest room
Hotels	1 per 250 sq. ft. of office, plus 1 per guest room
Hotel-Condominium	1 per 250 sq. ft. of office, plus 1.25 per guest room
Transportation and Communications Land Uses	
Boat launching ramps and haul outs	As required by CUP or MUP; Recommended minimum 1 per 5 Dry Boat Storage
Dry boat storage	1 per 3 striped spaces or 1 per 1,000 square feet of open storage area
Harbor and marina facilities	See Section 10.44.140 (Harbor & Marina Facilities)
Transit stations and terminals	As determined by MUP or CUP
Vehicle storage	1 per 300 sq. ft. of office area As needed for stored vehicles

C. Specified Land Uses. The following parking requirements shall apply to specified land uses:

1. **Retail trade uses** shall provide the number of off-street spaces for each separate retail trade use or rental tenancy in the amount specified in Table 10.40-1 (Parking Requirements), but no less than one (1) parking space for each use or tenancy within a structure.
2. **Transportation and communications uses** shall provide the number of off-street spaces required by Table 10.40-1 (Parking Requirements), but no less than one space for each separate transportation and communication use or rental tenancy within a structure.

D. Reductions. The number of parking spaces required by Table 10.40-1 (Parking Requirements) and subsection C (Specified Land Uses) may be reduced as follows:

1. **Motorcycle space substitution.** Parking lots with 40 or more spaces may replace one regular space with one motorcycle space for each 40 required spaces. Motorcycle spaces shall be a minimum size of three (3) by six (6) feet.

where it is demonstrated that hours of operation of different uses will effectively allow dual use of parking spaces.

3. **Historic District Overlay.** The number of required parking spaces for sites or structures within the Downtown Historic overlay district may be reduced consistent with Sections 10.40.110.G (Other Reductions), 10.46.070.C (Development Standards), and 10.46.070.E (Parking).
 4. **Commercial Uses in CC and CR Zoning Districts.** A common standard requirement of one (1) off-street parking space for every 250 square feet of floor area shall apply to all existing commercial spaces and uses in the CC and CR zoning districts. All new structures or expansions of structures shall require additional off-street parking as listed in Table 10.40-1 (Parking Requirements.)
- E. Joint Use.** The Planning Commission may, upon application by the owner or lessee of any property, authorize a Conditional Use Permit for the joint use of parking facilities by the following uses or activities under the specified conditions:
1. Up to seventy percent (70%) of the parking facilities required by this section for a use considered to be primarily a weekday use may be provided by a use considered to be primarily a weekend use. Up to seventy percent (70%) of the parking facilities required by this section for a use considered to be primarily a weekend use may be provided by the parking facilities of a use considered to be primarily a weekday use. Such reciprocal parking area shall be subject to conditions set forth in subsection E.3. The following are typical weekday uses: offices, industrial uses. The following are typical weekend uses: recreational marinas, waterfront activities.
 2. Up to seventy percent (70%) of the parking facilities required by this section for a use considered to be primarily a daytime use may be provided by a use considered to be primarily a nighttime use. Up to seventy per cent (70%) of the parking facilities required by this section for a use considered to be primarily a nighttime use may be provided by a use considered to be primarily a daytime use. Such reciprocal parking area shall be subject to conditions set forth in subsection E.3. The following uses are typical daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses. The following uses are typical nighttime uses: theaters, bars and upper level residential uses.
 3. In order to approve a Conditional Use Permit for joint use, the Applicant shall demonstrate the following:
 - a. There is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed; and
 - b. The proposed joint use parking area is conveniently located to the uses to be served.

4. If the area to be used for parking and the parcel on which the subject land use is located are not the same, then the Planning Commission shall consider whether a deed restriction is warranted as a condition of approval. Said deed restriction would stipulate that the shared parking agreement shall remain in effect for the life of the subject land use.

F. Reserved.

G. Other Reductions. A Conditional Use Permit waiving or allowing reduced parking requirements may be requested and processed in accordance with Chapter 10.60 (Conditional Use Permits). The Planning Commission may grant a Conditional Use Permit if any of the following findings can be made:

1. The Sausalito Downtown Parking Survey and Shared Parking Model (by Robert L. Harrison Transportation Planning, September 1997) indicates that a adequate parking exists in the CC district to support the new or expanded use; or
2. The new or expanded structure replaces a pre-existing structure; or
3. The new or expanded use allows preservation of a historic structure in the Downtown Historic District and does not require substantial alterations; or
4. There is clear and convincing evidence that the parking demand will be less than the requirement in Section 10.40.110 (Parking Space Requirements by Land Use). The Planning Commission shall consider survey data submitted by applicant or collected at applicant's request and expense; or
5. Due to the design of the building or structure, its probable long-term occupancy will not generate additional parking demand.

10.40.120 Design and Improvement of Parking

Required parking spaces and areas shall be located on-site and designed as provided by this section.

A. Parking lot and parking space design and layout. Except where otherwise provided by Section 10.40.110.D (Reductions) or subsection 3(b) (Disabled Spaces and Ramps), parking spaces shall be designed as follows:

1. **Parking space size.** Parking spaces shall be a minimum of nine feet (9') by nineteen feet (19').
2. **Location of parking.** Off-street parking facilities shall be located on-site unless authorized by a Conditional Use Permit as specified in Section 10.40.120.B.2 (Off-Site Parking) or 10.40.110.E (Joint Use).
3. **Parking lot design.** The design and layout of parking lots shall conform to the following standards.

- a. **Circulation aisle width.** The minimum aisle width for access to parking spaces or between parking rows shall be as specified in Diagram 10.40-9 and shall be based on the angle and direction of parking spaces .
- b. **Disabled spaces and ramps.** Parking spaces and access for disabled persons shall be provided pursuant to Title 24 of the California Code of Regulations. Location, design and amount of spaces shall be consistent with Title 24 requirements.
- c. **Border barricades.** Every parking area that is not separated by a fence from any adjoining street or alley shall be provided with a suitable concrete curb or timber barrier not less than six (6) inches in height to block vehicle tires. Except for entrance and exit driveways, such curb or barrier shall be continuous and shall be located not less than three (3) feet from such street or alley parcel lines and such curb or barrier shall be securely installed and properly maintained.
- d. **Screening.** Every parking area of five (5) or more spaces within and/or abutting any residentially zoned parcel or street parcel line shall be separated from such adjoining residential property or street parcel line by a solid wall, view-obscuring fence, or compact evergreen hedge six (6) feet in height. Height shall be measured from the grade of the finished surface of such parking lot closest to the contiguous residentially zoned parcel. Where the elevation of the abutting parking area is below the elevation of the residential parcel along the common property line, the required wall, fence, or hedge may be reduced by one foot in height for each two feet of difference in elevation. The required screening and/or barricade shall be subject to design review approval per Chapter 10.54 (Design Review Procedures). The Planning Commission may authorize further height reductions or elimination of such screening if it is determined that such screening would obstruct views or be detrimental to surrounding properties.
- e. **Lighting.** Lighting shall be provided as required by project conditions of approval, or as deemed appropriate by the Planning Commission. Parking lot lights shall be designed to illuminate the parking area and shall be directed away from adjacent properties and any dwelling units.
- f. **Street access.** The location and design of all entrances and exits shall be subject to the approval of the City Engineer.
- g. **Internal access.** Unobstructed vehicular access shall be provided to each parking space except where a parking area is under the supervision of a parking lot attendant during the hours of operation.
- h. **Surface and slope.** Off-street parking areas shall be paved or otherwise surfaced and maintained to avoid scattering of gravel, rocks, dust, mud or other debris. Off-street parking areas shall also be graded and drained to dispose of all surface water. In no case shall such drainage be allowed

across sidewalks. The maximum slope of parking areas shall be five percent (5%).

- i. **Restricted Commercial Parking.** Parking spaces in commercial parking lots may be restricted to customer and employee's use only during business hours. In parking lots serving multiple uses, parking spaces shall not be restricted to time limits, specific uses, or "employees only" use, unless such restrictions are reviewed and approved by the Zoning Administrator.
- j. **Waterfront Parking.** Structures and open parking areas in the Marinship and Central Waterfront (as identified in the General Plan and defined by Chapter 10.88, Definitions) shall be constructed no less than six feet above NGVD (National Geodetic Vertical Datum), consistent with FEMA regulations and Sausalito's local flood zone ordinances.
- k. **Ingress/Egress.** All parking spaces (including garage spaces) required for any land use other than a single-family or two-family dwelling shall be designed and located to allow vehicles to both exit and enter the site in a forward direction to and from a public or private road.
- l. **Driveway design.** Driveways serving required parking shall be subject to review and approval by the City Engineer to assure negotiable break-over angle, turning radius, and slope. Driveways on non-residential sites shall be limited to 15% slope. Residential driveways shall be limited to 20% slope. New driveways may exceed these slope limitations subject to the following conditions:
 - 1) The conditions of the project site provide no reasonable alternative to reduce the driveway slope.
 - 2) The ingress/egress of the proposed driveway will not result in immediate or potential hazard to pedestrians and/or vehicles traveling in the public right-of-way.
 - 3) In no case shall a driveway exceed 25% slope.
 - 4) The proposed driveway is subject to review and approval by the Planning Commission as governed by Chapter 10.54 (Design Review Procedures) of this Title.

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

- 1. **Tandem parking.** Tandem parking shall require a Conditional Use Permit as provided by Chapter 10.60 (Conditional Use Permits). Tandem parking, two vehicles parked so that one is behind the other, may be permitted for two and multiple family dwellings where both parking spaces are intended to serve one and the same dwelling unit. Existing historical tandem parking spaces shall not

be considered as providing required parking unless a Conditional Use Permit is secured per Chapter 10.60 (Conditional Use Permits) of this Title.

2. **Off-Site Parking.** The Planning Commission may, upon application by the owner or lessee of any property, authorize a Conditional Use Permit for off-site parking to serve a new use and/or structure subject to the following conditions:
 - a. If the required parking space(s) are located on a separate lot of record from the lot of record of the building, structure, improvement, or use requiring the parking space(s), a covenant shall be recorded in the office of the County Recorder of Marin County, State of California. Such owner or owners shall record the Covenant for the benefit of the City in a form approved by the City. Covenant shall provide that such owner or owners will continue to maintain such parking space so long as said building, structure or improvement is maintained within said City. The covenant shall stipulate that the title to and right to use the parcel or parcels upon which the parking space is to be provided will be subservient to the title to the premises upon which the building is to be erected. The covenant shall guarantee that said parcel or parcels are not and will not be made subject to any other covenant or contract for use without prior written consent of the City; and
 - b. The required parking space(s) must be located on an adjacent parcel or site that is readily accessible to the site containing the building, structure, improvement, or use requiring the parking space(s).

10.40.130 Residential Density Bonuses and Incentives

- A. **Purpose.** As required by California Government Code Section 65915, the purpose of this section is to offer incentives to developers for providing housing that is affordable by families of very low or lower income and senior citizens. In offering such incentives, it is the intent of this section to carry out the requirements of California Government Code Sections 65913 and 65915 et seq. This zoning ordinance includes additional density bonus provisions in Section 10.44.120 (Senior Housing Projects).
- B. **Eligibility for bonus and incentives.** In order to be eligible for a density bonus and other incentives as provided by this section, a proposed residential development project shall:
 1. Consist of five or more rental units; and
 2. Be designed and constructed so that at least one of following requirements are met:
 - a. 20 percent of the total number of proposed units are for lower income households, as defined in §50079.5 of the California Health and Safety Code; or

- b. 10 percent of the total number of proposed units are for very low income households, as defined in §50105 of the California Health and Safety Code; or
 - c. 50 percent of the total number of proposed units are for qualifying residents as determined by §51.3 of the California Civil Code (senior citizens of any income level); and
 - 3. Satisfy all other applicable provisions of this Title.
- C. Density bonus.** A housing development that satisfies all applicable provisions of this section shall be entitled to up to a 25 percent increase in the number of dwelling units normally allowed by the applicable zoning district as of the acceptance date of the project land use permit application. No single project shall be granted more than one density bonus pursuant to this section.
- D. Other incentives.** A qualifying housing development shall be entitled to at least one of the concessions or incentives identified by California Government Code §65915(b) and 65915(h), and the granting authority is hereby authorized to approve such measures, notwithstanding other provisions of this Title, The granting authority may limit its approval to a density bonus only if it makes a written finding that the additional concession or incentive is not required in order for rents for the targeted units to be set as specified by California Government Code §65915(c).
- E. Continued availability.** The land use permit application for the residential project shall include the procedures proposed by the developer to maintain the continued affordability of all lower income density bonus units as follows:
- 1. **Projects with City or County Funding.** Projects receiving a direct financial contribution or other financial incentives from the City or other governmental agencies shall maintain the availability of all lower income density bonus units for a minimum of 30 years, as required by California Government Code §65915(c) and §65916.
 - 2. **Private projects - Density bonus only.** Privately-financed projects that receive a density bonus as the only incentive from the City shall maintain the availability of lower income density bonus units for a minimum of 10 years, consistent with California Government Code § 65915(c).
 - 3. **Private projects – Additional incentives.** Projects receiving a density bonus and at least one other concession or incentive as provided by subsection D (Other incentives) of this section shall maintain the availability of all lower income density bonus units for a minimum of 30 years, as required by California Government Code § 65915(c).
- F. Location of bonus units.** As required by California Government Code §65915(g), the location of density bonus units within the qualifying housing development may be at the discretion of the developer, and need not be in the same area of the project where the units for the lower income households are located.

