

CHAPTER 10.28

OVERLAY DISTRICTS

10.28.010 Purpose

In addition to the general purposes established in Section 10.10.030 (Title and Purpose), the specific purposes of the overlay districts are as follows:

- A. To provide additional regulations for specified areas, to be used in combination with base zoning districts;
- B. To address special needs or characteristics of applicable areas of Sausalito; and
- C. To prevent potential hazards and/or land use conflicts that may be created by unique community character or visual quality.
- D. To provide flexible development standards where doing so is consistent with the objectives, policies and programs of the General Plan while ensuring substantial compliance with both specific and general regulations within the underlying district.

10.28.020 Applicability

The requirements of Chapter 10.28 (Overlay Districts) apply to proposed land uses in addition to all applicable requirements of Chapters 10.20 through 10.26 (Base Zoning District Regulations), Chapter 10.40 (General Development Regulations), Chapter 10.44 (Specific Use Requirements), and any other applicable requirements of this Title.

10.28.030 Conflicts Between Provisions

In the event of any conflict between this Chapter 10.28 (Overlay District) and Chapters 10.20 through 10.26 (Base Zoning District Regulations) of this Title, the requirement specified in the overlay district shall apply. In the event that the overlay district is silent, the requirements of the underlying zoning district shall apply.

10.28.040 Historic (-H)

- A. **Purpose and Intent.** In addition to the general purposes of this Chapter, the specific purposes of the Historic (-H) overlay district include the following:
 - 1. To promote the conservation, preservation, and enhancement of the historic or architecturally significant structures and sites that form an important link to Sausalito's past;
 - 2. To deter demolition, destruction, alteration, misuse or neglect of historic or architecturally significant buildings;

3. To stimulate the economic health and quality of the community and stabilize and enhance the value of property;
4. To encourage development tailored to the character and significance of the historic district through sign and design review standards;
5. To provide review of projects located in the Historic overlay district by the Historic Landmarks Board;
6. To encourage the protection and reuse of structures, sites and areas that provide significant examples of the past or that are landmarks in the history of architecture;
7. To preserve structures that are unique and irreplaceable assets to the city and its neighborhoods; and
8. To provide appropriate settings and environments for historic structures.

B. Zoning Map Indicator. The –H Historic overlay district may be combined with any zoning district. Each –H overlay district shall be shown on the zoning map by adding an "-H" designator to the base district designation, followed by the number of the district based on the order of adoption.

C. Applicability. All public and private lands within the boundaries of the Historic overlay district shall be subject to this chapter, Chapter 10.46 (Historic Overlay District and Landmarks), any other applicable provisions of this Title 10, and applicable provisions of the Sausalito Municipal code.

D. Land Use and Development Regulations. The land use and development regulations applicable in an –H district shall be as prescribed for the base district with which it is combined unless modified by another overlay district. The requirements of any applicable design and sign guidelines shall govern where conflicts arise. The requirements and standards that apply to land uses and new development within the -H Historic overlay district shall be as provided by Chapters 10.20 through 10.26 (Base Zoning District Regulations) for the applicable base zoning district, unless otherwise provided by a preservation agreement, pursuant to Section 10.46.070.F (Written Agreement.) Alternate uses may be allowed with a Conditional Use Permit as provided by Section 10.46.040 (Conditional Uses) and 10.46.070.D (Additional Uses).

E. Criteria for Establishing –H Historic District. The Historic overlay district may be applied to areas which are documented as historic districts. Portions of a base zoning district that do not meet the criteria may be included in an Historic overlay district if inclusion is found to be essential to the integrity of the district. The following criteria shall be used to determine application of the Historic overlay district:

1. The area possesses character, interest, or value as part of the heritage of the City of Sausalito;
2. The area is the location of a significant historical event;

3. The area is identified with a person or group that contributed significantly to the culture and development of the City of Sausalito;
4. Structures within the area exemplify a particular architectural style or way of life important to the city;
5. Structures within the area are the best remaining examples of an architectural style in a neighborhood;
6. The area or its structures are identified as the work of a person or group whose work has influenced the heritage of the City of Sausalito, the state or the United States;
7. The area is related to a designated historic building or district in such a way that its preservation is essential to the integrity of the building or district;
8. The area's unique location or singular physical characteristics represent an established and familiar visual feature of a neighborhood;
9. The area has potential for yielding information of archaeological interest; and/or
10. The area's integrity as a natural environment strongly contributes to the well-being of the people of the City of Sausalito.

F. Procedures for Historic District Designation. The following procedures shall be used for designating historic districts.

1. **Application and Initiation.** An Historic overlay district designation may be initiated by the Historic Landmarks Board, Planning Commission or City Council. A private interested party may also apply for designation of a Historic overlay district.
2. **Submittal Requirements.** To process an application for Historic overlay district designation, the following information shall be submitted:
 - a. **Design Plan or Guidelines Required.** The following shall be prepared and considered:
 - 1) A map and description of the proposed district, including boundaries; the age, setting, and character of structures; urban design elements and streetscapes; major public improvements; and proposed objectives to be achieved.
 - 2) A statement of the architectural or historical significance of the proposed district.
 - 3) A list of specific alterations that should be subject to design review in order to protect the architectural or historical character of the proposed district.

- 4) A set of specific design guidelines for new construction and alterations necessary to preserve the character of the proposed district.
 - b. **Property Owners Consent.** A form bearing the signatures of owners of 51 percent of the land area within the proposed district.
 - c. **Additional Information.** Any additional information requested or required by the Community Development Director, including plans or materials deemed necessary to support and process the application.
 - d. **Environmental review.** Application of a Historic overlay district shall be subject to environmental review, pursuant to Title 11 (Environmental Protection) and the California Environmental Quality Act.
3. **Public Hearings.** The Historic Landmarks Board and Planning Commission shall make a recommendation to the City Council to re-zone property with an –H Historic overlay district following a public hearing. In addition to the information prescribed by Chapter 10.82 (Public Hearings) notice of a public hearing for the establishment of an Historic overlay district shall include a statement that original petitioners have the right to withdraw their support of the district at any time prior to the hearing, and that property owners that have not signed the petition have the right to do so prior to the date of the hearing.
4. **Findings.** The Historic Landmarks Board and Planning Commission may recommend approval of a Historic overlay district if all of the following findings can be made:
 - a. The area proposed for the Historic overlay district is significant to local, regional, state or national history.
 - b. The criteria identified in subsection (E) (Criteria for Establishing –H Historic District) have been considered and apply to the proposed area.
 - c. Sites within the proposed area that are not individually historic are being included because they are essential to the integrity of the district.
 - d. Designation of the proposed area as a Historic overlay district has been subject to environmental review and the appropriate findings have been made.
 - e. Designation of the historic district will preserve historic character and integrity of proposed area.
 - f. Proposed district has a significant architectural or historical character that can be preserved or enhanced through appropriate controls and incentives on new development and alterations to existing buildings and landscaping.

- g. Special criteria are appropriate and being applied in the form of design guidelines, sign guidelines or a conservation plan.
5. **Historic Landmarks Board hearing and recommendation.** A public hearing shall be noticed and held by the Historic Landmarks Board, consistent with Chapter 10.82 (Public Hearings.) The purpose of the public hearing shall be to receive testimony from persons interested in the proposed Historic overlay district, to consider the recommendations of the Community Development Department, and to adopt a recommendation to the Planning Commission. The Historic Landmarks Board shall submit a written report conveying the Board's recommendation on the proposed amendment to the Planning Commission. The report shall provide reasons for the recommendation on the proposed amendment and address the consistency of the proposed amendment with relevant General Plan and Specific Plan policies.
6. **Planning Commission hearing and recommendation.** A public hearing shall be noticed and held by the Planning Commission, consistent with Chapter 10.82 (Public Hearings). The purpose of the public hearing shall be to receive testimony from persons interested in the proposed Historic overlay district, to consider the recommendations of the Historic Landmarks Board and to adopt a recommendation to the City Council. 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 provide reasons for the recommendations on the proposed amendment and address the consistency of the proposed amendment with relevant General Plan and Specific Plan policies. The recommendation to City Council shall be in the form of a resolution and shall include findings, as identified in subsection (F4) (Findings) and reasonable conditions of approval.
7. **City Council.** A public hearing shall be noticed and held by the City Council, consistent with Section 10.80.070 (Ordinance Amendments and Rezoning) and Chapter 10.82 (Public Hearings.) The purpose of the public hearing shall be to hear testimony regarding the proposed Historic overlay district and consider the recommendations of the Historic Landmarks Board and the Planning Commission.
8. **Ordinance.** The City Council may approve, approve with conditions or deny a request to apply the -H Historic overlay district to an area. Approval of an -H Historic overlay district by the City Council shall be in the form of an ordinance. Any decision to deny an application for a Historic overlay district shall be in the form of a resolution. Reasonable conditions of approval or special criteria may be imposed by the City Council for any designation of a Historic overlay district, consistent with Section 10.80.070 (Ordinance Amendments and Rezoning). Any conditions of approval or criteria applied by the City Council shall be subject to consideration and comment by the Historic Landmarks Board and Planning Commission.

10.28.050 Marinship (-M)

- A. Purpose and intent.** In addition to the general purposes of this Chapter, the specific purposes of the Marinship (-M) overlay district are as follows:
1. To identify the area which is the subject of the Marinship Specific Plan;
 2. To preserve and enhance the maritime history and character of the Marinship area;
 3. To preserve and enhance the industrial character and use of the Marinship area;
 4. To preserve the Marinship area's primary orientation to the use and service of Sausalito residents, rather than tourists;
 5. To discourage the development of non-industrial commercial businesses that would displace industrial and marine businesses, or that would disproportionately contribute to traffic generation;
 6. To encourage public access and use of the water and waterfront; and
 7. To maximize the amount of open water and open shoreline area.
- B. Zoning Map Indicator.** The -M Marinship overlay district may be combined with any zoning district included within the Marinship Specific Plan area. The -M overlay district shall be shown on the zoning map by adding an "-M" designator to the base district designation.
- C. Applicability.** All lands within the boundaries of the Marinship Specific Plan shall be subject to the regulations of the Marinship overlay district.
- D. Land Uses.** The land use regulations applicable in an -M district shall be as prescribed for the base district with which it is combined unless modified by the following, or by another overlay district. The following land use regulations also apply to the -M overlay district:
1. **Commercial uses.** Commercial uses permitted in the Marinship overlay district shall be limited to offices which are accessory to other permitted uses, commercial service uses which support other permitted uses and size-restricted restaurants. Offices, retail uses and restaurants with more seats than permitted, which existed prior to April 5, 1988, may remain.
 2. **Ancillary offices.** The only new office use permitted in the Marinship will be limited to accessory office use (the small amount of office activity needed to administer the operations of an approved use.) No new commercial office use will be permitted in the Marinship. Existing office buildings and uses may remain as permitted uses.

3. **Arts and applied arts.** Art uses (see Definitions, Section 10.88.040) are strongly encouraged within the Marinship Overlay District. Applied art uses may be permitted as long as they do not exceed 50% of all art uses on a property in the district. If an applied arts use occupies a space previously occupied by an office use, there shall be no requirement for an equal amount of other arts use on the property.
 4. **Office uses.** Any office use established on or before April 5, 1988 within a given tenant space may continue to occupy that space.
 5. **New harbors or marinas.** No new recreational marinas or harbors may be constructed or developed in the zoning districts subject to the -M overlay designation. New marine service harbors may be constructed or developed in accordance with the provisions of this section.
 6. **Existing harbors and marinas.** Existing recreational marinas and harbors may be remodeled and realigned with the issuance of a Design Review Permit, consistent with the provisions of Chapter 10.54 (Design Review Procedures). Enlargement of existing recreational marinas and harbors may take place with the issuance of a Conditional Use Permit consistent with Chapter 10.60 (Conditional Use Permits). Enlargement shall not exceed ten percent (10%) of existing berths at the time of application of the Conditional Use Permit.
 7. **Ferry terminal.** No ferry or similar marine transportation shall be located in the Marinship Overlay District.
- E. Development Standards.** All lands within the boundaries of the -M overlay district are subject to the development standards established by this section and shown in Table 10.28-1 (Site Development Standards – Marinship (-M) Overlay Zoning District.) Any additional requirements applicable in the base district (IM, W, P, OA, SC, or H) or another applicable overlay district shall also apply. Additional standards may be established by the Marinship Specific Plan and shall apply. Where development regulations conflict, the more restrictive shall apply. In addition, the following standards shall apply:
1. **Applicability.** Development standards shall apply to any new construction, redevelopment or exterior building remodeling involving at least 25% of the existing floor area or 25% of the market value of the parcel improvements.
 2. **Public Access.** All shoreline parcels shall provide for temporary tie-up of small boats, as required by the City. The number of such spaces shall be a minimum of one per parcel or 2% of the total number of berths in the harbor, whichever is greater, unless otherwise approved by the City.
 3. **Dry Boat Berths.** The number of dry boat berths shall not exceed 100 berths per acre.
 4. **Industrial Equivalent FAR.** Allowable floor area is further limited in the W (Waterfront) and IM (Industrial Marinship) districts for parcels with commercial development in excess of the allowable Floor Area Ratio (FAR) for commercial

use as of the adoption date of the Marinship Specific Plan (April 5, 1988). The limitation shall be based on an industrial-equivalent FAR, which shall be calculated as follows:

a. Multiply the amount of the commercial development that is in excess of the allowable FAR for commercial uses by the appropriate factor below:

- (1) Office: 3.14
- (2) Retail: 1.91
- (3) Restaurant: 3.12

b. Add the resulting number to the existing FAR for the parcel to get the industrial-equivalent FAR. The industrial-equivalent FAR shall not exceed the total FAR allowed for the zone. If the existing industrial-equivalent FAR exceeds the total FAR allowed for the zone, no new development is permitted. Existing uses may not be converted to more intensive uses if they cause the industrial-equivalent FAR to exceed the total FAR allowed for the zone. Here are two examples:

Example A: An existing office building in the industrial district contains .30 FAR. This would typically allow an additional .10 FAR to be constructed for permitted uses. As only .15 FAR is permitted for commercial uses, the remaining .15 FAR is multiplied by 3.14 office factor. The resultant .47 FAR is added to the allowable .15 FAR to get an industrial-equivalent FAR of .62 which exceeds the permitted .40 FAR. No further development is permitted.

Example B: An existing building in the industrial district contains .22 FAR for retail uses. This would typically allow an additional .18 FAR to be constructed for permitted uses. As only a .15 FAR is permitted for commercial uses, the remaining .07 FAR is multiplied by the 1.91 retail factor. The resultant .134 FAR is added to the .15 FAR to get an industrial-equivalent FAR of .284 which is less than the maximum .40 FAR. An additional .116 FAR may be constructed for permitted uses.

5. **Building Height and Bulk.** Building height should be compatible with surrounding developments, consistent with the Marinship Specific Plan. Building masses shall be modulated in plan, elevation and profile to avoid monotonous form and character.

**Table 10.28-1
SITE DEVELOPMENT STANDARDS – Marinship (-M) Overlay Zoning District**

DEVELOPMENT REQUIREMENT	-M	SEE SECTION
Minimum lot width	30'	
Average lot width (minimum)	50'	
Minimum Building Setbacks *1*		10.40.080 (Exceptions to Required Setbacks) and 10.44 (Specific Use Requirements) and 10.40.070 (Setbacks and Yards)
Front	0'	
Public Open Space	30'	
Public Streets	0' *2*	
Property Lines	0'*3*	
Shorelines	Determined by Community Development Director	
View Corridors		
Parking Setbacks		
Public Street, rights-of-way and/or pedestrian or bike pathways	5'	
Property Lines	0'	
Shorelines	50' *4*	
View Corridors	Subject to Community Development Director review	
Public Open Space	10'	
Buildings	0'	
Minimum Landscaped Area	10% of floor area	
Maximum Building Height	32' above natural average grade *5*	10.40.060 (Height Requirements)

1 Setback required only when adjacent to residential, public or public open space zoning district. See noted section for additional setback requirements between structures on the same site and in other situations. Different setbacks may also apply if district is combined with other zoning districts.

2 The Marinship Specific Plan "prefers" buildings be located at the street (public or private) right-of-way line.

3 Except adjacent to H district (20') or P district (30').

4 Unless otherwise approved by Community Development Director.

5 Along shoreline, lower height encouraged. Taller buildings may be allowed for heavy marine industrial uses or remodeled existing historic structures with a Conditional Use Permit. See Marinship Specific Plan

F. Exceptions. Minor exceptions to the development standards or definitions of use established by the Marinship Specific Plan that do not alter the general development programs of the Plan may be approved by the City Council upon recommendation by the Planning Commission. Exceptions are subject to the following:

1. **Submittal Requirements.** Application for an exception shall be filed with the Community Development Department by the Applicant. The Applicant shall submit all required data as listed below:

- a. Documentation describing how the requested exception will conform to the Marinship Specific Plan goals, the Development Programs for the Marinship as a whole and for all parcels to be affected by the proposed exception, and the Development Standards.
- b. An accurate legal description and a map of the land and any existing buildings.
- c. Documentation describing the changed circumstances which warrant or require the exception.
- d. Change in the number of residents, employees, patrons, or visitors in the area resulting from the exception.
- e. Probable amount and type of traffic to be generated by the exception and the impact on the intersections with Bridgeway which serve the Marinship.
- f. Documentation describing how the proposed exception complies with the 1985 Traffic Initiative.

2. **Exception Findings.** In order to approve an exception to the Marinship Specific Plan standards or definitions of use, the following findings must be made:

- a. The exception requested addresses an implementation measure of the Marinship Specific Plan and not a policy essential to achieving the goals of the Plan.
- b. The exception is needed to accommodate changed economic or operational circumstances affecting preferred uses described in the Plan which were not or could not have been foreseen when the Plan was adopted.
- c. The exception furthers the intent of one or more goals of the Marinship Specific Plan and the project is in substantial compliance with both specific and general regulations of the Marinship Specific Plan and the underlying zoning designation.
- d. The exception will not result in a significant negative impact on the traffic conditions in the Marinship or on Bridgeway.

- e. The exception will serve the needs of residents of Sausalito and employees in the Marinship.

10.28.060 Planned Development (-Pd)

- A. **Purpose and intent.** In addition to the general purposes of this Chapter, the specific purpose of the Planned Development (-Pd) overlay district is to allow development areas with flexible requirements. Planned Developments approved prior to the adoption date of this Title 10 are in the form of Conditional Use Permits. Any additional development on such sites shall require a Planned Development Permit. Projects proposed for other sites that require varying residential density, commercial intensity or other flexible requirements shall require a re-zoning to Planned Development overlay, shall be subject to a Planned Development Permit, and shall conform to the requirements and standards of this Section.
- B. **Applicability.** The Planned Development overlay district shall be designated on the Sausalito zoning map by the letters "-Pd" followed by a number. The number shall indicate the existing Conditional Use Permit that allows the development and the maximum number of dwelling units per acre allowed on the specific site.
- C. **Application.** An application for a P-D permit may be filed with the Planning Commission as provided in Chapter 10.50 (Land Use Permit Procedures). In addition to the data required by Section 10.50.030 (Required Application Contents), the application shall be accompanied by the following data prepared by a design team consisting of an architect, landscape architect and civil engineer. The Community Development Director may waive the requirement for any specific member of the design team or for filing any of these listed data when not applicable to the specific project.
 - 1. A site plan showing general locations of all streets, on-street and off-street parking, bicycle paths, riding trails, hiking trails, buildings, and other man-made structures; typical elevations or perspective drawings showing the relationship after development of the proposed buildings and the topographic features of the site; and a table listing land coverage by percentage and acreage for the following: open space (intensely landscaped and natural), all streams, ponds and areas existing in riparian vegetation, coverage by housing unit or commercial structure roof, parking (covered, open, off—street), streets, sidewalks, paths, recreational facilities;
 - 2. A topographic map showing existing contours and proposed lot lines which may be integrated with the site plan described above;
 - 3. Any tree(s), including size and species as defined in Chapter 11.12 (Tree Ordinance) of this code, whether or not such tree(s) is/are to be removed or destroyed, on the site plan or on a separate plan;
 - 4. Sufficient dimensions to show right-of-way widths, pavement widths, radii of curvature of centerlines, street grades, whether streets are to be public or private, and all proposed frontage improvements on new and existing streets;

5. A detailed landscaping plan showing the natural open space which will remain upon completion of development, all existing trees (and indicating which trees are scheduled for removal), and the precise boundaries of additional landscaping; the landscape plan shall include container size of all trees and shrubs, species of all plant material, irrigation system plan, street lighting, low-level path lighting, street furniture and fencing materials, dimensions and locations;
6. If the application includes residential uses, a statement in writing stipulating to the total number of bedrooms to be constructed; and
7. If the P-D permit application is for phased residential development of five or more acres, the applicant may initially submit general information relating to items 1 and 5 above for review by the Planning Commission. Precise and detailed plans setting forth the information required by these items shall subsequently be submitted to the Planning Commission for its review and approval prior to the approval of a tentative subdivision map, building permit, or other construction authorized by the P-D permit.

D. Notice and Public Hearing by Planning Commission. Upon determining that an application is complete, the Community Development Director shall submit the application to the Planning Commission. A public hearing on the application shall be noticed and held, as provided by Chapter 10.82 (Public Hearings).

E. Findings. The Planning Commission may recommend approval of a Planned Development (P-D) permit, and the City Council may approve a P-D permit if the following findings can be made:

1. The approval of the plan is in the best interests of the public health, safety and general welfare;
2. The proposed plan is consistent with the General Plan and any applicable specific plan;
3. The plan conforms to the purpose of the planned development district;
4. The uses permitted and the conditions of approval are compatible with the site and its surrounding properties and uses;
5. The use complies with all other requirements of this Title 10 and the Sausalito Municipal Code and the project is in substantial compliance with both specific and general regulations within the underlying district;
6. Specific site conditions or criteria, including location and physical characteristics, provide for a flexible approach to development standards, residential density or development intensity; and
7. Conditions applied to the project offset any impacts caused by alternative development standards.

F. Recommendation by Planning Commission. Following the public hearing, the

Planning Commission may recommend to the City Council that the application be approved, conditionally approved or denied. The Community Development Director shall transmit the recommendation to the City Clerk.

- G. Notice and Public Hearing by City Council.** Upon receipt of a recommendation from the Planning Commission concerning a P-D permit application, the City Council shall schedule a public hearing on the application before the City Council as provided in Chapter 10.82 (Public Hearings). A public hearing shall be noticed and conducted in conformance with Chapter 10.82 (Public Hearings).
- H. Decision.** Following the public hearing, the City Council may approve, conditionally approve or deny the application. The decision shall be based on findings, as provided by subsection (E) (Findings). Any decision to approve a Planned Development permit shall be in the form of a resolution and shall be adopted with an ordinance rezoning the site. The City Council may approve the application subject to conditions which it believes, in its sole discretion, will make the proposed use consistent with the General Plan, any applicable specific plan, or the P-D zoning district, or which will make the proposed use compatible with other uses in the vicinity, or which will otherwise promote the public health, safety and welfare. The Council may also refer the matter back to the Planning Commission for further report and recommendation.
- I. Permit Amendments.** A P-D permit may be amended only by following the same procedures required for the issuance of a P-D permit. Minor deviations from the terms of a P-D permit shall be permitted and shall not be deemed amendments if the number of dwelling units is not being increased. Both the City Engineer and the Community Development Director shall determine in writing that the proposed development substantially complies with the P-D permit.
- J. Overlay district requirements.** The requirements and standards that apply to land uses and new development within the -Pd overlay district shall be as provided by the approved Planned Development permit and as provided by Chapters 10.20 through 10.26 (Base Zoning Regulations) for the applicable base zoning district. Where the provisions of the Planned Development permit conflict with the requirements of the base zoning district, the provisions of approved Planned Development permit shall control.

10.28.070 Senior Housing (-Sh)

- A. Purpose and intent.** In addition to the general purposes of this chapter, the purpose of this section establishing the Senior Housing (-Sh) overlay district is to promote and encourage housing for senior citizens and handicapped persons.
- B. Applicability.** The Senior Housing overlay district may be applied to those areas which are designated as high density residential and zoned R-3 or are located in close proximity to shopping, public transportation, medical services, and public transportation.
- C. Overlay district requirements.** The requirements and standards that apply to land uses and new development within the -Sh overlay district shall be as provided by Chapter 10.22 (Residential Zoning Districts) and by the Senior Housing standards as provided in Section 10.44.120 (Senior Housing Projects).

