

ORDINANCE NO. _____

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

WHEREAS, the development standards for each Zoning District apply uniformly to each parcel in the same Zoning District; and

WHEREAS, single-family dwellings in Two-Family (R-2-2.5 and R-2-5) and Multi-Family (R-3) Residential Zoning Districts are subject to identical development standards in terms of floor area ratio, building coverage and impervious surfaces as duplex and apartments in Two-Family (R-2-2.5) and Multi-Family (R-3) Residential Zoning Districts; and

WHEREAS, the Planning Commission, in considering proposals for single-family dwellings on R-2-2.5 and R-3 parcels, has sought to maintain the housing stock while maintaining with the character of the neighborhood; and

WHEREAS, Section 10.80.070 allows for amendments of the Zoning Ordinance (Title 10 of the Sausalito Municipal Code) whenever the City Council determines that public necessity, convenience, or welfare would be served; and

WHEREAS, Section 10.80.070.C requires the Planning Commission to provide a recommendation to the City Council on proposed Zoning Ordinance amendments; and

WHEREAS, in December 2010 the Planning Commission conducted duly-noticed public hearings on the Zoning Ordinance amendment regarding Standards for Dwelling Units in Two-Family and Multiple-Family Residential Zoning Districts and at the conclusion of the hearings formed a subcommittee of the Planning Commission to develop the standards; and

WHEREAS, from January 2011-May 2013 a subcommittee of the Planning Commission held 13 public meetings regarding Standards for Dwelling Units in Two Family and Multiple-Family Residential Zoning Districts; and

WHEREAS, on May 20, 2013 a publicly-noticed Community Workshop was held to discuss the Zoning Ordinance amendment regarding Standards for Dwelling Units in Two Family and Multiple-Family Residential Zoning Districts; and

WHEREAS, on June 12, 2013 and June 26, 2013 the Planning Commission conducted a duly-noticed public hearing at which time all interested persons were given an opportunity to be heard; and

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WHEREAS, on June 26, 2013 the Planning Commission adopted Planning Commission Resolution No. 2013-16, which recommended City Council adoption of an Ordinance regarding Standards for Dwelling Units in Two Family and Multiple-Family Residential Zoning Districts; and

WHEREAS, on July 9, 2013 and September 10, 2013 the City Council conducted a duly-noticed public hearing at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on August 21, 2013, September 30, 2013, October 28, 2013, November 21, 2013 and December 9, 2013 the Legislative Committee held public meetings to review the Standards for Dwelling Units in Two Family and Multiple-Family Residential Zoning Districts; and

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

WHEREAS, adoption of Standards for Dwelling Units in Two Family (R-2-2.5) and Multi-family (R-3) Residential Zoning Districts is consistent with the General Plan, including Objective CD-1.0 and Policy CD-1.3 of the Community Design Element regarding scale and neighborhood compatibility and Policy HE-4.3 and Program 20 of the Housing Element regarding efficient use of multi-family zoning.

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

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1 Section 1. Table 10.22-2 of the Sausalito Municipal Code is hereby amended as follows¹:

Table 10.22-2 SITE DEVELOPMENT STANDARDS – RESIDENTIAL ZONING DISTRICTS *1*										
DEVELOPMENT REQUIREMENT	R-1		R-2			R-3	PR	H	A	SEE SECTION
	R-1-6	R-1-8	R-1-20	R-2-2.5	R-2-5					
Minimum parcel size *2*	6,000 sf	8,000 sf	5,000 sf	5,000 sf	10,000 sf	5,000 sf	20,000 sf	10,000 sf	1,500 sf	10.40.030 (Minimum Parcel Standards) and Title 9
Minimum lot width *2*	50'	50'	50'	50'	50'	50'	50'	50'	30'	
Maximum Density	1 du/parcel	1 du/parcel	1 du/1500 sf *2,3*	1 du/2500 sf *2,3*	1 du/5000 sf *2,3*	1 du/1500 sf *2,3*	1 du/1980 sf	1 du/10,000 sf	1 du/1500 sf	10.44.080 (Accessory Dwelling Units)
Maximum Floor Area Ratio	.45	.40	.8 *4*	.65 *4*	.40	.8 *4*	.65	.25	.30	10.44.330 (Development Standards for Units in Two Family and Multiple-Family Residential Zoning Districts.)
Maximum Building Coverage	35%	30%	50% *4*	50% *4*	35%	50% *4*	50%	25%	30%	
Maximum Impervious Surface*5*	67.5%	65%	75% *4*	75% *4*	67.5%	75% *4*	75%	62.5%	65%	
Minimum Setbacks *6*										10.40.080 (Exceptions to Required Setbacks) and Chapter 10.44 (Specific Use Requirements)
Front *7*	0'	0'	0'	0'	0'	0'	0'	0'	0'	
Side *8*	5'	5'	10'	5'	5'	5'	5'	*9*	0'	
Rear	15'	15'	20'	15'	15'	15'	15'	15'	0'	
Maximum Building Height *9-10*	32'	32'	32'	32'	32'	32'	32'	32'	12' *11*	10.40.060 (Height Requirements) and Chapter 10.44 (Specific Use Requirements)

1 ~~These standards are not entitlements~~; the approved size, setbacks or other physical conditions of a proposed new home ~~dwelling~~ or expansion of an existing home ~~dwelling~~ subject to design review shall be in the discretion of the Planning Commission. In order to meet the standards of design review, the Planning Commission may approve a home ~~dwelling~~ smaller, or with greater setbacks, or otherwise impose requirements that are more restrictive than the limits set forth in this chapter.

2 See Section 10.40.030 (Minimum Parcel Standards).

3 For two or more detached single family dwellings, see Section 10.44.090 (Detached Dwelling Units)

4 ~~Units in the R-2-2.5 and R-3 Zoning Districts are subject to the restrictions in Section 10.44.330~~

4-5 Per Section 10.40.050.C, impervious surface includes decks, paved surfaces, hardscape, and gravel.

5-6 Different setbacks may also apply if district is combined with other zoning districts.

6-7 10' front yard setbacks are required where designated on the zoning map. See Section 10.40.070.C.4 (Special setback lines).

7-8 Minimum side yard setbacks may be increased in other situations.

8-9 Half (1/2) the building height, but no less than 5'.

9-10 Maximum building height may vary depending on parcel topography and may vary for other specific features of the site. Building height is measured from natural average grade.

10-11 Measured from a point 6' above NGVD or average grade, whichever is higher.

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1 **Section 2.** A new Section 10.44.330 is hereby added to the Sausalito Municipal Code to read as
2 follows:

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4 10.44.330 Development Standards for Dwelling Units in Two-Family and Multiple-Family
5 Residential Zoning Districts.

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7 **A Purpose and Intent.** In addition to the general purposes of this Chapter, the specific
8 purposes of this section regulating units in the Two Family and Multiple Family Residential
9 Zoning Districts include the following:

- 10 1. **[OPTION 11: “To modify the development standards of any single unit in the R-2-
11 2.5 and R-3 Zoning Districts to more closely conform to the standards in the R-1-6
12 Zoning District.”]**
- 13 2. To discourage the development of large single family residences located in the Two
14 Family and Multiple Family Residential Zoning Districts which leave no further
15 development potential for future dwelling units.
- 16 3. To discourage the conversion of existing two and multi-family housing to single
17 family housing.
- 18 4. **[OPTION 10: “To allow the preservation of development potential for parcels in
19 Two-Family and Multi-Family Residential Zoning Districts” or “To allow the
20 preservation of development potential for the number of units appropriate to the
21 zoning district in which the parcel is located.”]**
- 22 5. To benefit homeowners in a variety of ways, such as by providing flexibility on sites
23 and within structures; to provide additional revenue from adding a rental unit; to
24 provide smaller units for residents seeking to downsize in their existing
25 neighborhood; to help extended family members who wish to live in close proximity
26 to each other.
- 27 6. To ensure the compatibility of infill development in the context of Sausalito’s
28 historic resources.

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30 **B Applicability.** These standards are applicable to all parcels in the R-2-2.5 and R-3
31 Zoning Districts with a parcel area of 3,000 square feet or greater. Properties listed on the
32 **[OPTION 7: “National Register, California Register or”]** Local Historic Register
33 **[OPTION 6: “where no increase in floor area, building coverage or impervious surfaces
34 are proposed”]** are exempt from this Section 10.44.330.

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36 **C Development Standards.**

- 37 1. **Maximum Floor Area.** No single dwelling unit on a parcel in the R-2-2.5 or R-3
38 Zoning District shall exceed a Maximum Floor Area Ratio of the following
39 dependent on parcel size:

Parcel Size	Maximum Floor Area Ratio
6,000 sf and greater	0.45
3,000- <6,000 sf	0.65 - ((Total Parcel Size - 3,000) / 3,000) * (0.65 - 0.45)
Less than 3,000 sf	0.65

40 The remaining Floor Area Ratio allowed on the parcel by Table 10.22-2 shall be
41 documented and reserved for additional units on the parcel as allowed by the
42 maximum density on the parcel. In no case shall the total development exceed the
43 maximum development standards allowed for the parcel pursuant to Table 10.22-2.

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45 Example A: The maximum floor area allowed for a single unit on a 5,000
46 square foot parcel in the R-2-2.5 Zoning District unit is 2,583 square feet, with a
47 remainder of 667 square feet reserved for floor area for additional units on the parcel.

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Example B: The maximum floor area allowed for a single unit on a 5,000 square foot parcel in the R-3 Zoning District unit is 2,583 square feet, with a remainder of 1,417 square feet reserved for floor area for additional units on the parcel.

2. **Maximum Building Coverage.** No single dwelling unit on a parcel in the R-2-2.5 or R-3 Zoning District shall exceed a Maximum Building Coverage of the following dependent on parcel size:

Parcel Size	Maximum Building Coverage
6,000 sf and greater	35%
3,000- <6,000 sf	<u>50%</u> -(((Total Parcel Size-3,000)/3,000)* <u>(0.50-0.35)</u>)%
Less than 3,000 sf	<u>50%</u>

The remaining Building Coverage allowed on the parcel by Table 10.22-2 shall be documented and reserved for additional units on the parcel, as allowed by the maximum density on the parcel. In no case shall the total development exceed the maximum development standards allowed for the parcel pursuant to Table 10.22-2.

Example C: The maximum building coverage allowed for a single unit on a 5,000 square foot parcel in the R-2-2.5 or R-3 Zoning District unit is 2,000 square feet, with a remainder of 500 square feet reserved for building coverage for additional units on the parcel.

3. **Maximum Impervious Surfaces.** No single dwelling unit on a parcel in the R-2-2.5 or R-3 Zoning District shall exceed a Maximum Impervious Surface of

[OPTION 2: “the following dependent on parcel size:

Parcel Size	Maximum Impervious Surface
6,000 sf and greater	67.5%
3,000- <6,000 sf	<u>75%</u> -(((Total Parcel Size-3,000)/3,000)* <u>(0.75-0.675)</u>)%
Less than 3,000 sf	<u>75%</u>

The remaining Impervious Surfaces allowed on the parcel by Table 10.22-2 shall be documented and reserved for additional units on the parcel, as allowed by the maximum density on the parcel. In no case shall the total development exceed the maximum development standards allowed for the parcel pursuant to Table 10.22-2.

Example D: The maximum impervious surfaces allowed for a single unit on a 5,000 square foot parcel in the R-2-2.5 or R-3 Zoning District unit is 3,500 square feet, with a remainder of 250 square feet reserved for impervious surfaces for additional units on the parcel.”

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

1. Were built prior to the effective date of this Section;

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Deleted: D Exception from Development Standards with a Conditional Use Permit. A Conditional Use Permit (Chapter 10.60) shall be required for any development [OPTION 4: “on a parcel of less than 6,000 square feet”] that does not comply with the development standards in Section 10.44.330. In no case shall the total development exceed the maximum development standards allowed for the parcel pursuant to Table 10.22-2. [OPTION 3c: “A Conditional Use Permit should only be approved in extremely limited situations [OPTION 3d: “The amount of an appropriate exception is at the sole discretion of the Planning Commission and shall consider the context of the neighborhood.”]¶

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

1. It has been adequately demonstrated that there are physical site constraints that preclude the property from being restricted to the development standards limitations for the R-2-2.5 and R-3 Zoning Districts. Examples of potential site constraints include, but are not limited to: irregular parcel shapes (e.g., triangular), very steep slopes (e.g., greater than 50%), presence of a naturally-occurring environmental factor (e.g., a creek running through the parcel), [OPTION 3b: “the infeasibility of additional unit development including required on-site parking and/or the configuration of existing development (e.g., the location of an existing residence).”]¶
2. [OPTION 3a: The additional development allowed by the relaxed development standards maintains consistency with other conforming dwelling units in the neighborhood.]

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2. Are functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;
3. Are of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood; and
4. Employ mass-reducing design such that the additional square footage over the maximum Floor Area is reasonably mitigated and does not result in overbuilding of the lot.

The one-time 200 square foot exception will be in effect for complete project applications received through [date ten years from the effective date of this Ordinance].

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

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

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

13. The project demonstrates one of the following:
 - a. The **[OPTION 8: “practicality” feasibility]** to construct the maximum number of units allowed on the project site in the future by illustrating their possible location as well as required on-site parking and access; or
 - b. The maximum number of units allowed is not practical for the project site **[OPTION 9: “Examples of potential site constraints that may inhibit practicality include, but are not limited to: irregular parcel shapes (e.g., triangular), very steep slopes (e.g., greater than 50%), presence of a naturally-occurring environmental factor (e.g., a creek running through the parcel), infeasibility in providing required on-site parking, and/or the configuration of existing development (e.g., the location of an existing residence).”]**

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

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

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

- L. A conceptual site diagram that demonstrates the feasibility to construct the maximum number of dwelling units allowed on the project site by illustrating their possible location

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1 on the parcel as well as required on-site parking and access. The conceptual site diagram
2 may help to illustrate why the maximum number of units on the site cannot be practically
3 accommodated in the future. This submittal is applicable only to Planning Commission
4 Design Review Permits which result in a project site developed at less than the maximum
5 density allowed on the respective site. For the purposes of this Section 10.54.060.L
6 Accessory Dwelling Units shall count towards fulfilling the density requirement.
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8 **Section 6.** Section 10.40.120.B.1 (Design and Improvement of Parking) of the Sausalito
9 Municipal Code is hereby amended as follows²:

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

12 1. Tandem parking. Tandem parking shall require a Conditional Use Permit as
13 provided by Chapter 10.60 (Conditional Use Permits). Tandem parking, two vehicles
14 parked so that one is behind the other, may be permitted for two and multiple family
15 dwellings where both parking spaces are intended to serve one and the same dwelling
16 unit. Existing historical tandem parking spaces shall not be considered as providing
17 required parking unless a Conditional Use Permit is secured per Chapter 10.60
18 (Conditional Use Permits) of this Title. Tandem parking shall be a permitted use without
19 the requirement for a Conditional Use Permit for projects which propose the maximum
20 number of units allowed for parcels in the R-2 and R-3 zoning districts. For the purposes
21 of this section Accessory Dwelling Units shall count toward fulfilling the density
22 requirement.
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26 **Section 7.** Section 10.40.110.D (Parking Space Requirements by Land Use--Reductions) of the
27 Sausalito Municipal Code is hereby amended to add the following subsection 5:

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29 **5. Parking Exceptions for Small Units.** For parcels that provide at least two units where
30 at least one of the units is less than 700 square feet only one parking space is required for the
31 smaller unit. This exception may only be applied once per parcel. Additionally, off-site
32 parking may be allowed with a Conditional Use Permit. In addition to the findings required
33 by Section 10.60.050 (Findings, Conditional Use Permit), the following findings shall be
34 made prior to issuance of a Conditional Use Permit for off-site parking:
35 i. It has been demonstrated that it is not feasible to accommodate a parking space
36 on the parcel;
37 ii. It has also been demonstrated with a professionally prepared parking study that
38 shows the availability of reasonably adjacent on-street parking during daytime
39 and nighttime hours of on-street parking space equal to the amount of off-site
40 parking spaces requested.
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1 **Section 8.** Table 10.40-1 (Parking Requirements) of the Sausalito Municipal Code is hereby
 2 amended as follows³:

Table 10.40-1 PARKING REQUIREMENTS	
LAND USE	Off-Street Parking Required
Residential	
Single or Multiple Family Residential	2 per dwelling unit. Exceptions allowed for small units. See Section 10.40.110.C.2 (Single family and two family residential uses), and C.3 (Multiple family residential use) Section 10.40.110.D.5
Multiple Family Residential (1 bedroom or less)	1.5 per dwelling unit.
Home occupations	See Section 10.44.030 (Home Occupations)
Liveboards	See Section 10.44.170 (Liveboards)
Residential accessory uses	No additional parking required
Residential care homes	1 per 2 persons cared for
Accessory dwelling units	See Section 10.44.080 (Accessory Dwelling Units)
Senior housing	1 per dwelling unit. See Section 10.44.120 (Senior Housing Projects)

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 4 **THE FOREGOING ORDINANCE** was read at a regular meeting of the Sausalito City Council
 5 on the _____ day of _____, 2013, and was adopted at a regular meeting of the City Council on
 6 the _____ day of _____, 2013 by the following vote:

7 AYES: COUNCILMEMBER:
 8 NOES: COUNCILMEMBER:
 9 ABSENT: COUNCILMEMBER:
 10 ABSTAIN: COUNCILMEMBER:

 Mayor

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 12 ATTEST: _____
 13 Debbie Pagliaro, City Clerk
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