ORDINANCE NO. 1022

SECTION 1

Be it ordained by the people of the City of Sausalito that Title 10, Zoning, of the Sausalito Municipal Code is hereby amended as follows: The following sections are added --

10.200.1 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.

10.200.2 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:

(a) Existing uses which are made non-conforming by this amendment shall be considered Continued Existing Uses under the provisions of Section 10.110 of this Code.

(b) 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 additional buildable area.

(c) The zoning map of Sausalito effective as amended July 15, 1980 shall govern the zoning categories. No site may be redesignated to any other zoning classification which would allow greater density or Floor Area Ratio.

(d) Where a parcel is already developed, no conversion or change in use may be permitted when that conversion or change in use will result in increased commercial usage or density.

(e) In the CR zone, residential uses existing as of December 1, 1984 may not be converted into any other uses.

(f) The limits set out in Maximum Floor Area Ratio Table No. 2 may not be exceeded by Variance, Conditional Use, Planned Unit Development or any other device.

The following Table is amended:

Table No. 2

BASIC AREA, OPEN SPACE AND BULK REGULATIONS COMMERCIAL AND INDUSTRIAL DISTRICTS

	(Sec. 10.201)	(Sec. 10.202) REQUIRED YARDS WHEN ADJACENT TO ANY "R" OR "H" DISTRICT**		(Sec. 10.202)	(Sec. 10.203)	(Sec. 10.203
DISTRICT	REQUIRED PARCEL AREA PER DWELLLING UNIT - SQ. FT.	Rear, Least Depth	Side, Least Width	HEIGHT LIMIT	BUILDING COVERAGE LIMIT %	MAXIMUM FLOOR AREA RATIO
CC	1,500	15'	10'	32 ft.	100	1.30
CN	1,500	15'	10'	32 ft.	70	.50
CR	1,500	15'	10'	32 ft.	70	1.00
CM	NA	20'	*	32 ft.	50	.35
CS	NA	20'	*	32 ft.	50	.20
I	NA	30'	*	32 ft.	50	.40 ***
CW	NA	20'	*	32 ft.	30	.30 ***
W	NA	15'	*	32 ft.	30	.30 ***

NA - Not Applicable
* 1/2 height of building but not less than 5'.
** Required only along parcel lines abutting on such districts.
*** The maximum number of berths for Boat Harbors in the W and CW Zoning Districts is 20 BERTHS/ACRE
**** Commercial use limited to .15 maximum floor area ratio in I Zoning District

Amended by: Ord. 923, 1/3/78, Ord. 942, 7/18/78, Ord. 990, 2/2/82

SECTION 2

If any part of this initiative is held invalid by a court of law, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other parts of the initiative or applications of this initiative which can be given effect without the invalid part or application, and to this end the sections of this initiative are separable.

PASSED AND ADOPTED as a result of a majority vote of the electors of the City of Sausalito at a Special Municipal Election held in the City of Sausalito on June 4, 1985.

Janet F. Tracy
City Clerk of the City of Sausalito

RESOLUTION NO. 3407

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
CLARIFYING CERTAIN PROVISIONS OF THE INITIATIVE
PASSED BY SAUSALITO VOTERS ON JUNE 4, 1985

WHEREAS, the voters of the City of Sausalito passed a zoning initiative on June 4, 1985; and

WHEREAS, certain clarifications are deemed necessary by the City Council to properly administer the amendments to the Zoning Ordinance specified by the Initiative; and

WHEREAS, this Resolution is intended to serve temporarily as a policy guideline while a Zoning Ordinance amendment is being prepared by City Staff and reviewed by the Planning Commission and the City Council;

NOW, THEREFORE, BE IT HEREBY RESOLVED, ORDERED AND DECLARED as follows:

1. Section 10.200.1 refers to Commercial and Industrial zones. The Initiative affects the C-N (Commercial-Neighborhood), C-M (Commercial-Industrial), C-S (Shopping Center), I (Industrial), C-W (Commercial-Waterfront), and W (Waterfront) Zoning Districts, but does not affect the C-C (Central-Commercial) Zoning District or any residential Zoning Districts. The C-R (Commercial-Residential) Zoning District is affected only as provided in Section 10.200.2(e).

2. Section 10.202.2(b) limits the division of land parcels which on <u>or after</u> December 1, 1984 equaled or exceeded the maximum Floor Area Ratio.

3. Section 10.200.2(c) refers to zoning categories. The term "categories" may be used interchangeably with the term "classifications".

4. Section 10.200.2(c) 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 classifications later invented, that would result in a greater Floor Area Ratio than that presently attached to the site. No parcel reverts to the zoning classification that it bore on July 15, 1980.

5. Section 10.202.2(c) and (d) refers to "Density". The term "density" shall refer to the amount of allowable Floor Area Ratio as determined by the maximum Floor Area Ratio column in Table 2.

6. Section 10.200.2(d) refers to "increased commercial usage or density". This term refers to the prohibition of increasing the allowable percentage of commercial use and Floor Area Ratio above those indicated in the maximum Floor Area Ratios listed in Table 2.

7. Section 10.200.2(d) limits conversion or changes in use. This Section does not prohibit the addition or deletion to the list of permitted uses in each 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.

8. Section 10.200.2(e) limits the conversion of residential uses in the C-R (Commercial-Residential) Zoning District which existed on <u>or after</u> December 1, 1984.

9. Section 10.200.2(f) limits the uses of Variances, Conditional Use Permits and Planned Unit Developments. 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 Table 2.

PASSED AND ADOPTED at a meeting of the City Council of the City of Sausalito held on the 16th day of July, 1985, by the following vote:

AYES: Councilmen: Huntting, Peltz, Taber, Mayor Sweeny

NOES: Councilmen: Rogers

ABSENT: Councilmen: None

Robert R. Sweeny
MAYOR OF THE CITY OF SAUSALITO

ATTEST:

Janet F. Tracy
CITY CLERK

7-1

CITY OF SAUSALITO

420 LITHO STREET • P.O. BOX 127
SAUSALITO • CALIFORNIA 94966

MEMORANDUM

Date: June 11, 1985

TO: Mayor and Council

FROM: City Manager

SUBJECT: Implementation of the Traffic Initiative

Background

As discussed briefly at the June 5 Council meeting, implementation of the recently adopted Traffic Initiative requires that several issues be addressed and operating guidelines established. Decisions in this regard are needed for our response to development applications both in and outside the Marinship area as well as for future specific planning efforts.

Staff has discussed several of these issues with the City Attorney. A discussion paper describing many of the issues that need to be addressed is being prepared by the City Attorney and should be available for distribution on Friday, June 14. At the June 18 meeting, Council and public response to the discussion paper will be solicited in order to provide guidance to the staff in developing an operating policy for implementation of the initiative.

Attachments

1. None (It is anticipated that the City Attorney's report will be distributed on Friday, June 14)

Recommended Action

It is recommended that Council review the discussion paper and solicit public comments to assist staff in developing operating guidelines for the initiative.

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6-18-85

CITY OF SAUSALITO

420 LITHO STREET • P.O. BOX 127
SAUSALITO • CALIFORNIA 94966

MEMORANDUM

Date: 6/14/85

TO: Mike Fuson, City Manager

FROM: Leland H. Jordan, City Manager

SUBJECT: Sausalito Fair Traffic Limits Initiative

In accordance with our discussion at the staff meeting on June 10, 1985, this memorandum will set forth certain suggestions for implementation of the Sausalito Fair Traffic Limits Initiative.

The Initiative contains certain ambiguities which raise issues of interpretation. Application of the Initiative Measure requires resolution of these issues. The California Supreme Court has held that when an Initiative Measure contains uncertainties and ambiguities, it is appropriate for the legislative body charged with its implementation to promulgate clarifying regulations (Amador Valley Joint Union High School District vs. State Board of Equaliziation, 22 Cal. 3d 208, 245-248). It, therefore, seems proper that the City Council address these questions of interpretation and attempt to provide answers. This may best be done by the adoption of amendments to Title 10 of the Municipal Code (the zoning ordinance).

Unfortunately, the adoption of amendments to the City's zoning regulations involves a time consuming public hearing process. There may be applications now pending before the City which require action before these zoning amendments can become effective. Consequently, the Council may wish to adopt an interim resolution which will provide guidance to the staff pending the adoption of permanent zoning amendments.

In interpretation of legislative enactments, the primary rule is that we must attempt to ascertain the intent of the enacting body, in this case the voters of the City. In making the interpretative suggestions contained in this memorandum, I have attempted to ascertain that intent. In doing so, I have resorted not only to the language of the Initiative Ordinance itself, but also to the language of the Initiative Petition, the Notice of Intent to Circulate Petition, and the Argument in Favor of Measure B submitted by the proponents of the Initiative. This, I may properly do. (Amador Valley Joint Union High School District vs. State Board of Equalization, supra, page 245-246).

Interpretative issues raised by the Initiative for which I see a need for early resolution include the following:

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1. Does the Initiative apply to the Central Commercial district and to the residential zoning districts?

The Initiative Ordinance contains no language specifically excluding residential districts. However, its clearly stated intent is 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 suggests that it was not the intent of the Initiative to apply to residential districts. This conclusion is fortified by statements contained in the Initiative Petition, the Notice of Intent to Circulate Petition, and the Argument in Favor of Measure B. These same documents state that it is not the intent of the Initiative to affect the Central Commercial district. I, therefore, conclude that the provisions of the Initiative do not apply to the Central Commercial district or to residential zones.

2. The Initiative states: "The zoning map of Sausalito, effective as amended July 15, 1980, shall govern the zoning categories. No site may be redesignated to any other zoning classification which would allow greater density or Floor Area Ratio." The foregoing language raises the following questions:

(a) What is the meaning of the term "zoning categories?" The term "zoning categories" is not defined by the Initiative. Nor is it defined by the existing City zoning regulations. However, from the context, I suggest that the term would be defined as being equivalent to "zoning classifications."

(b) Do all properties within the commercial and industrial districts revert to the zoning classifications which they bore on July 15, 1980? It might be argued that the purpose of the above language is to adopt only the titles of the zoning classifications set forth on the zoning map as amended July 15, 1980. However, considering the foregoing language in the context of the full Initiative, I suggest that it be interpreted as a readoption of the zoning map as amended July 15, 1980, including not only the titles of the zoning classifications set forth thereon, but also the zoning district boundaries and district regulations then in effect. Thus, all properties within the commercial and industrial districts would revert to the zoning classifications which they bore on July 15, 1980, and no changes may now be made in the 1980 district boundaries and district regulations which would allow greater density or floor area ratio.

3. Various portions of the Intiative restrict changes which would allow "greater density" or "increased commercial usage." These terms are not defined in the Initiative. I suggest they be defined by action of the City Council. In view of the underlying purpose of the Initiative, I suggest that the definitions be couched in terms of traffic generation. The Planning Staff may

wish to suggest traffic generation standards to be used in determining whether changes or conversions allow "greater density" or "increased commercial usage."

4. The Initiative provides: "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 additional building area."

I suggest a clarifying interpretion which would impose this restriction on any parcel which equals or exceeds the maximum floor area ratio on or after December 1, 1984.

5. The Initiative states: "Where a parcel is already developed, no conversion or change in use may be permitted when that conversion or change in use will result in increased commercial usage or density."

I have not been able to develop an interpretation of the foregoing language which would secure its validity. It seems fairly direct. If a parcel is already developed, then the use thereof may not be changed or converted if the commercial usage or density is thus increased. However, this may cause properties within the same zoning classification to receive different treatment. Thus, a parcel in the I district, presently developed and used for warehouse purposes, could not be converted to use as a business supply store, whereas a contiguous undeveloped parcel in the same zoning district could be developed for a business supply store. This appears to raise a serious constitutional issue, as well as appearing to be directly contrary to the requirement of the State Planning Act for uniformity of zoning regulations (Government Code Sections 65852). I would solicit suggestions from any source as to a possible interpretation which would avoid these difficulties.

6. The Initiative states: "In the CR zone, residential uses existing as of December 1, 1984, may not be converted into any other uses."

Literal interpretation of this language would mean that residential uses existing in the CR zone on December 1, 1984, may not be converted to other uses, while residential uses created within that zone subsequent to December 1, 1984, may be converted to other uses. This, again, raises the specter of unlawful discrimination. The problem might be avoided by adopting an interpretation which applies this restriction to any residential use existing in the CR district on or after December 1, 1984.

7. The Initiative states: "The limits set out in Maximum Floor Area Ratio Table No. 2 may not be exceeded by Variance, Conditional Use, Planned Unit Development, or any other device."

It is possible to interpret this language as prohibiting exceptions from any of the develoment standards (including required

parcel area, yard requirements, height limits, building coverage limits, and maximum floor area ratio) found in Table No. 2. It is also possible to interpret the langauge as prohibiting exceptions only to the maximum floor area ratios. Considering the Initiative as a whole and the election materials which I have reviewed, I would suggest adoption of the latter interpretation.

The foregoing are merely suggestions of interpretations which may resolve what I perceive as uncertainties in the Initiative Ordinance. They are certainly not the only possible interpretations. I suggest that comments thereon be solicited from all interested parties, and that the matter be placed upon a forthcoming Council agenda. Based upon all of the comments which it receives, the Council might then direct the preparation of an interim interpretative resolution and the commencement of public hearings on permanent interpretative regulations.

Leland H. Jordan

LHJ:wh

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6-1

CITY OF SAUSALITO

420 LITHO STREET • P.O. BOX 127
SAUSALITO • CALIFORNIA 94966

MEMORANDUM

Date: July 11, 1985

TO: Mayor Sweeny and Members of the City Council

FROM: Michael Foley, Planning Director

SUBJECT: Implementation of the Traffic Initiative

BACKGROUND

At the June 18, 1985 City Council meeting, Staff was asked to prepare a Resolution illustrating our interpretation of the Traffic Initiative. Consideration of this Draft Resolution was scheduled for the City Council's July 16 meeting.

INTRODUCTION

This report is divided into the following sections:

1. Staff interpretation of the Traffic Initiative
2. Impacts on the Marinship Specific Plan schedule and budget

1) STAFF INTERPRETATION OF THE TRAFFIC INITIATIVE

Attached:

- Traffic Initiative
- Memorandum from City Attorney, 6/14/85
- Memorandum from Mays, Peltz, Conner, Bonnett & Merrill, 7/7/85

Comments:

The Draft Resolution interpreting the Traffic Initiative is being edited by the City Attorney and will be mailed on Friday. The Resolution is generally in conformance with the July 7 memorandum from Mays, Peltz, et al with the following exceptions:

Procedure:

Staff recommends adoption of the Resolution for use by Staff, applicants, etc. during the time that an interpretive ordinance is being prepared and reviewed by the Planning Commission and City

6A 7-16-85

6-2

Council. The areas outside of the Marinship that appear to be affected by the Traffic Initiative are:

C-N District along Second Street;

C-W District along the east side of Bridgeway;

C-N District along the west side of Bridgeway between Easterby and Olive Streets;

C-M District along the west side of Bridgeway;

The **C-R District** along Caledonia Street is affected only in that the conversion of residential units is prohibited.

Staff recommends that the Moratorium boundary not be expanded to cover the four zoning districts listed above because the Moratorium was directly related to the boundary of the Marinship Specific Plan. We are only aware of one project currently being reviewed in these four districts (Mike Monsef's proposal to replace the commercial building at 1913 Bridgeway). Staff needs the clarifying Resolution to explain the City's interpretation of the Traffic Initiative when meeting with property owners and potential applicants. We agree that projects in these four districts "should be dealt with on a case by case basis".

Variances, Etc.-Section 10.200.2(f):

Staff feels that maximum Floor Area Ratios in Table 2 cannot be exceeded by Variances, Conditional Use Permits, Planned Unit Developments, etc., but disagrees with the statement near the top of page 4 that states that "the addition of an additional floor by Variance, exceeding the height limit would be prohibited". The square footage of a building is limited by the Floor Area Ratio, not by the number of floors in a building or its height. It should be possible to continue processing Variances, etc., as long as the project will not exceed the new Floor Area Ratios.

2) IMPACTS ON THE MARINSHIP SPECIFIC PLAN SCHEDULE AND BUDGET

Attached:

Memorandum from Walter Stewart which includes the following:

A. Outlines Staff's interpretation as to how the Traffic Initiative affects the Marinship Specific Plan;

B. Illustrates the modifications made to the City Council's Preferred Alternative (Plan A) and the "No Project" Alternative (Plan Ni), the full build-out permitted by the Zoning Ordinance, as modified by the Traffic Initiative;

C. Lists the amount of development square footage existing and under Plan A and Plan Ni;

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D. Illustrates Staff's recommended time schedule for adoption of the Marinship Specific Plan prior to expiration of the Moratorium.

Comments:

A. Interpretations - Particular attention should be paid to the issue on Page A-4 regarding the method of determining the number of permitted marina berths in the Waterfront Zoning District. If the method of calculation is changed as recommended by Walter, the number of marina berths in new projects would be reduced and a greater amount of land-based marine use could be permitted. The City Council should give the Staff direction regarding which method of calculating marina density should be used for the Marinship Specific Plan.

B. Assumptions - No new office uses are proposed in the Preferred Alternative (Plan A). No new retail uses or restaurants are proposed in Plan A. The Traffic Initiative does not prohibit existing or proposed residential uses in the Marinship.

C. Summary - Plan A would allow 41 live-work, land-based residential units in the Marinship. Most of the new building construction permitted by Plan A would be for industrial uses, a total of 154,836 sq. ft.

D. Schedule - Approval of the Traffic Initiative required Walter to modify the Marinship Specific Plan's Preferred Alternative (Plan A) and the "No Project" Alternative (Plan Ni). In addition, Staff was required to stop the analyses being prepared by the traffic consultants (DKS), environmental consultants (EIP), and economic consultants (RHA). This new schedule has been carefully worked out to provide ample opportunities for public hearings, while still providing for adoption of the Plan prior to expiration of the Moratorium.

Marinship Specific Plan Budget

City Council allocations for the Marinship Specific Plan Budget to date:

2/84	$ 35,000	= Planning Consultant
3/84	$ 1,060	= Aerial Photograph
4/84	$ 1,300	= Miscellaneous Expenses
7/84	$ 1,500	= Miscellaneous Expenses
9/84	$ 53,500	= Environmental & Economic Consultants
2/85	$ 4,850	= Environmental Consultants
3/85	$ 18,372	= Planning Consultant
3/85	$ 5,560	= Miscellaneous Expenses
	$121,142	

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6-4

The $25,000 of this amount that was not spent by June 30, 1985 has been encumbered so that it is available during 1985-86.

Approval of the Traffic Initiative required modifications to the Preferred Alternative (Plan A) and to the "No Project" Alternative (Plan Ni). The analysis already partially completed by the traffic and environmental consultants must also be revised. Our estimate of these additional costs are as follows:

- DKS Associates - Traffic: Hourly charges to a maximum of $3,520. (See attached June 19, 1985 letter.)
- EIP Corporation - EIR: Hourly charges to a maximum of $8,000.
- Walter Stewart - Planning: 5 months = $15,060.

(When Walter's contract was extended on March 19, 1985, we allocated funds through September 15, 1985.)

This additional $26,580 should be considered along with the Service Changes and Insurance Reserve when the City Council allocates money for the 1985-86 Budget.

The City Council should keep in mind that it is permissable for the City to retrieve all expenses on the Marinship Specific Plan when issuing Building Permits in the Marinship.

RECOMMENDATION

That the City Council adopt the following:

1. Resolution (being distributed under separate cover by the City Attorney) interpreting the Traffic Initiative;
2. Direct the City Attorney to convert the interpretive Resolution into a Zoning Ordinance Amendment for review by the Planning Commission and City Council;
3. Walter Stewart's recommended Assumptions, Program Summary and Adoption Schedule;
4. Resolution appropriating an additional $26,580 to the Marinship Specific Plan account from unallocated General Fund reserves.

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MEASURE SUBMITTED TO VOTE OF VOTERS

MUNICIPAL

CITY OF SAUSALITO ZONING INITIATIVE

B "Shall an ordinance be adopted by the voters of the City of Sausalito amending the Sausalito Municipal Code, Title 10, Zoning, to reduce the maximum allowable floor area ratio in certain industrial and commercial zones, and to prohibit certain lot splits, re-zoning, conversions and changes in uses which would result in additional buildable area, density, or commercial usage in such zones? (Reference is made to the full text of the proposed Ordinance mailed to each voter with the sample ballot.)"

IMPARTIAL ANALYSIS BY CITY ATTORNEY

Measure B, if approved by the voters, will amend certain zoning regulations found in Sausalito Municipal Code, Title 10, Zoning. These amendments would make the following changes in certain commercial and industrial zoning districts:

(a) Reduce the permitted maximum floor area ratios;

(b) Prohibit the creation of additional buildable area by the subdivision of parcels which exceed the permitted maximum floor area ratio;

(c) Prohibit the rezoning of sites which would allow greater density of floor area ratio;

(d) Prohibit a conversion or change in use on a developed parcel when that conversion or change in use will result in increased commercial usage or density;

(e) Prohibit conversion of residential usage in the CR zoning district into any other uses.

(f) Prohibit any variance, conditional use, planned unit development, or any other device which would exceed the limit set out in Maximum Floor Area Ratio Table No. 2 in Section 10.200 of the Sausalito Municipal Code.

(g) Reduce the maximum number of berths for boat harbors in the W and CW zoning districts to twenty berths per acre.

Leland H. Jordan
City Attorney

CITY OF SAUSALITO ZONING INITIATIVE

The following initiative measure expressly repeals some provisions and adds provisions to the Sausalito Municipal Code; therefore, provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

ORDINANCE NO. _____

SECTION 1

Be it ordained by the people of the City of Sausalito that Title 10, Zoning, of the Sausalito Municipal Code is hereby amended as follows: The following sections are added—

10.200.1 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.

10.200.2 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:

(a) Existing uses which are made non-conforming by this amendment shall be considered Continued Existing Uses under the provisions of Section 10.110 of this Code.

(b) 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 additional buildable area.

(c) The zoning map of Sausalito effective as amended July 15, 1980 shall govern the zoning categories. No site may be redesignated to any other zoning classification which would allow greater density or Floor Area Ratio.

(d) Where a parcel is already developed, no conversion or change in use may be permitted when that conversion or change in use will result in increased commercial usage or density.

(e) In the CR zone, residential uses existing as of December 1, 1984 may not be converted into any other uses.

(f) The limits set out in Maximum Floor Area Ratio Table No. 2 may not be exceeded by Variance, Conditional Use, Planned Unit Development or any other device.

The following Table is amended:

Table No. 2

BASIC AREA, OPEN SPACE AND BULK REGULATIONS COMMERCIAL AND INDUSTRIAL DISTRICTS

DISTRICT	(Sec. 10.201) REQUIRED PARCEL AREA PER DWELLING UNIT—SQ. FT.	(Sec. 10.202) REQUIRED YARDS WHEN ADJACENT TO ANY "R" OR "H" DISTRICT** Rear, Least Depth	Side, Least Width	(Sec. 10.202) HEIGHT LIMIT	(Sec. 10.203) BUILDING COVERAGE LIMIT %	(Sec. 10.203) MAXIMUM FLOOR AREA RATIO
CC	1,500	15′	10′	32 ft.	100	1.30
CN	1,500	15′	10′	32 ft.	70	~~1.00~~ *.50*
CR	1,500	15′	10′	32 ft.	70	1.00
CM	NA	20′	*	32 ft.	50	~~.70~~ *.35*
CS	NA	20′	*	32 ft.	50	~~.35~~ *.20*
I	NA	30′	*	32 ft.	50	~~.75~~ *.40****
CW	NA	20′	*	32 ft.	30	~~.60~~ *.30****
W	NA	15′	*	32 ft.	30	~~.60~~ *.30****

NA— Not Applicable
* ½ height of building but not less than 5′.
** Required only along parcel lines abutting on such districts.
*** The maximum number of berths for Boat Harbors in the W and CW Zoning District is ~~40 BERTHS/ ACRE~~ *20 BERTHS/ACRE*
**** Commercial use limited to ~~.25~~ *.15* maximum floor area ratio in I Zoning District

Amended by: Ord. 923, 1/3/78, Ord. 942, 7/18/78, Ord. 990, 2/2/82

SECTION 2.

If any part of this initiative is held invalid by a court of law, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other parts of the initiative or applications of this initiative which can be given effect without the invalid part or application, and to this end the sections of this initiative are separable. (END OF ORDINANCE)

CONTINUED NEXT PAGE

6-11

RECEIVED JUL 0 9 1985

To: Sausalito City Council July 7, 1985

From: Wally Mays, Carol Peltz, Mignone Conner, Wayne Bonnett, Charles Merrill

Re: Sausalito Fair Traffic Limits Initiative

As Sausalito residents who were present during the conception and drafting of the initiative, we would like to express our opinions concerning it. Specifically we refer to the memo from Leland Jordan, City Attorney, to Mike Fuson, City Manager, dated June 14, 1985.

First, while we agree that if ambiguities are present in the language of the adopted initiative it is appropriate that the City Council adopt interpretive guidelines, either by resolution or ordinance, we do not feel it is necessary to adopt an interim resolution on the basis that there "may be applications now pending before the City." Either there are, or there are not applications pending, and that should be determined first.

Much of the area affected by the initiative is subject to a building moratorium, and that moratorium should be immediately extended by action of the City Council, to all areas affected by the initiative (except for the CR zone; Caledonia Street), if the Council feels that ambiguities in the initiative language exist and require supporting ordinances.

If a pending or new application is affected by the initiative, it should be determined if any of the surmised ambiguities suggested by Mr. Jordan do in fact affect the application of the initiative to that pending application. Each pending application, if there are any, should be dealt with on a case by case basis (that alone may resolve some of the surmised ambiguities), until formal clarifying regulations can be promulgated.

(Paragraph numbers correspond to those in the aforementioned memo.)

1. It was always the intent of the initiative to specifically exclude residential districts and the central commercial district from the ordinance. The areas affected by the initiative are very clearly defined in Section 10.200.1 of the ordinance and in Table 2 of the ordinance. The intent to exclude residential districts was so stated in supportive arguments and ballot arguments. The reasoning was that residential areas do not contribute significantly to the traffic problems in the Marinship and Central Waterfront areas. The central commercial zone is essentially fully developed and therefore the requirements of the initiative would be ineffectual there in reducing future traffic. In our opinion the initiative is not ambiguous on this point and needs no interpretive language.

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6-12

2. (a) The term "categories" is used interchangeably with "classification" in the language of the initiative. Mr. Jordan prefers the term "classification" to "categories" when referring to zoning. Zoning categories, while not defined by the initiative in the interest of brevity, is defined by the context. The very next sentence states: "No site may be rendered to any other zoning classification [our underline] which would allow greater density or Floor Area Ratio." The Webster Encyclopedic Dictionary in current use defines "category" as "any class [our underline] or order in which certain things are embraced." In our opinion the initiative is not ambiguous on this point and needs no interpretive language.

(b) The intent of section (10.200.2 (c), is to prohibit the redesignation of any site within the affected zones to any other zoning classification from that glossary, or any other zoning classification later invented, that would result in a greater Floor Area Ratio than that presently attached to the site. All properties within the commercial and industrial districts do not revert to the zoning classifications which they bore on July 15, 1980. The purpose of using a specific zoning map for reference in the initiative was to establish a glossary of zoning districts with established definitions. The sentence states that the zoning map of Sausalito dated July 15, 1980 "shall govern the zoning categories," [our underline].

Mr. Jordan suggests a different interpretation, "considering the foregoing language in the context of the full initiative." However, Mr. Jordan has clearly stated that initiatives should be interpreted in the light not only of the initiative language itself, but also the Notice of Intent to Circulate Petition and the arguments in favor of the initiative. In reading the full context of the initiative and supporting documents, an intent to revert zoning to 1980 classifications is never mentioned. There is no statement or suggestion that such a revision would result in reduced future traffic generation. Even in the impartial analysis by Mr. Jordan for the ballot submitted to voters, he does not state or infer that zoning would revert to 1980 classifications.

It was the clear understanding of those drafting the initiative and those voting for it, that the map dated 1980 referred to zoning classification titles only. It should be so interpreted by the City Council.

3. The use of traffic generation tables exclusively to define "increased density" and "increased commercial usage" would run counter to the expressed intent of the initiative. The definition of these terms is clear in the context of the full initiative and supporting documents. They are used in Section 10.200.2 (d): "Where a parcel is already developed, 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 terms refer specifically to already developed sites. Therefore a new zoning classification, taken from the glossary of zones of the map dated July 15, 1980, or invented for the

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specific site, may not be applied to the site if that new zoning classification results in a greater permissable lot coverage or Floor Area Ratio. Throughout the ordinance and supporting documents, "density" is always mentioned in terms of Floor Area Ratio.

"Density standards" as mentioned in the first sentence of Section 10.200.2 of the initiative refers to all those items contained in Table 2, collectively. In Section 10.200.2 (c) the phrase "greater density" also refers to those standards set in Table 2. Therefore a new table of standards based on traffic generation would be superfluous. It is a simple matter to determine if a request to redesignate a site within the affected zones would result in increased density or increased commercial usage. If a parcel is presently zoned CN, for example, it could not be redesignated CC, but could be redesignated CM (referring to Table 2).

4. This prohibition on parcel splitting is contained in Title 10. If "on or after" is more clear than "on", it should be so interpreted.

5. Section 10.200.2 Application of Standards, states the policies that govern implementation of maximum floor area ratios. Paragraph (c) states the governing policy for undeveloped parcels: "No site [my underline] may be redesignated to any other zoning classification..." Paragraph (d) states the governing policy for already developed parcels. Both paragraphs prohibit a change of zoning classification for parcels when that change would result in a higher maximum floor area ratio for the subject parcel. In the case of an already developed parcel, it is the intent of the initiative to prohibit a redesignation of a parcel to another zoning classification, not to prevent a change of principally permitted or conditionally permitted uses within the existing zoning classification. Thus in the example cited by Mr. Jordan, a presently developed parcel within the I district used for warehouse purposes may be converted to use as a business supply store if that use is currently a permitted use within the I district. If there are uses that are inappropriate in certain zoning classsifications (and we feel there are), it is up to the City Council to remove or restrict them since that issue could not be addressed by the initiative.

6. It was the intent of those who drafted the initiative and those who supported it, to protect existing or future residential uses on Caledonia Street from being converted to commercial uses. The provision should be interpreted as applying to any residential use existing in the CR district on or after December 1, 1984. 6A

7. The intention of Section 10.200.2 (f), in our opinion, is to prohibit exceptions to the maximum Floor Area Ratios in affected zoning districts as set forth in Table 2. However, it was also the intent, as expressed in supporting documents, that

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none of the development standards of Table 2 be exceeded by variance, conditional use or P.U.D. that would result in increased traffic generation. i.e. increased floor area. Therefore a variance to exceed the 32' height limit might be possible if it was to accommodate legally required vents, for example. But the addition of an additional floor by variance, exceeding the height limit would be prohibited. The intent of the initiative is to reduce future traffic generation by reducing the floor area of commercial and industrial use in the affected zoning districts. All interpretations and applications of the initiative should be made with that in mind.

Finally, since four members of the City Council were adamantly opposed to the initiative, and many developers were also opposed to it, it is safe to assume that the initiative will come under attack, both warranted and unwarranted. As with any new legislation, particularly that which is unique in some areas, the initiative will be subject to differing interpretations. We feel it is incumbent on the City Council to establish interpretive measures that best carry out the initiatives intent: to restrict future development in affected areas, thus reducing future traffic generation. Since the initiative could not address the issue of specific high-traffic generating uses (i.e. large scale office use), it is the obligation of the City Council to address that issue. Although those who voted in the special election may have disagreed on the best approach, they did agree that traffic in Sausalito is an immediate and pressing problem. With proper application (and interpretation), we believe the initiative can be a significant contribution to the solution.

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