ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAUSALITO AND ADOPTING VARIOUS TEXTUAL AMENDMENTS TO TITLE 10 OF THE SAUSALITO MUNICIPAL CODE FOR THE IMPLEMENTATION OF THE 6th CYCLE HOUSING ELEMENT

WHEREAS, on January 30, 2023, the City Council adopted the 6th Cycle Housing Element ("Housing Element"), a mandatory element of the City's General Plan and the City's main housing policy and planning document that identifies housing needs and constraints, sets forth goals, policies and programs that address these needs and constraints, and plans for projected housing needs for all income levels based on the City's assigned Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, on April 28, 2023, the City received certification of its Housing Element from the California Department of Housing and Community Development ("HCD"); and

WHEREAS, on February ___, 2025, the City Council adopted an Amended 6th Cycle Housing Element ("Amended Housing Element"), making modifications to its goals, policies and programs that address these needs and constraints, and plans for projected housing needs for all income levels based on the City's assigned Regional Housing Needs Allocation; and

WHEREAS, Program 4 of the Housing Element requires the City to amend its Zoning Ordinance (Title 10 of the Sausalito Municipal Code) to rezone 17 acres at densities ranging from 43 to 70 units per acre by January 30, 2026; and

WHEREAS, City Ordinance 1022 implements the City's Fair Traffic Initiative, which was passed by voters in 1985 to limit changes to the City's Zoning Map, and includes provisions to establish a maximum allowable density and floor area ratio, and prevent any site in the City's commercial and industrial zones from being rezoned to allow for a greater density or floor area ratio; and

WHEREAS, City Ordinance 1128 regulates the sale, lease, or other disposition of specified City-owned properties; and

WHEREAS, because of the constraints on housing development resulting from enforcement of Ordinances 1022 and 1128, the City has committed to take such measures as are necessary to accommodate the RHNA as set forth in the Housing Element, including initiating and fully funding an election to remove voter constraints associated with Ordinance 1022 and obtain voter approval for disposition of certain sites governed by Ordinance 1128, and the City anticipates undertaking such measures at various points during 2024; and

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WHEREAS, this Ordinance does not rezone any parcels affected by Ordinances 1022 and 1128, as such parcels will be separately rezoned based on the outcome of the forthcoming voter approval efforts;

WHEREAS, in accordance with Program 4 and without yet implicating any parcels affected by Ordinances 1022 and 1128, this Ordinance amends the official Zoning Map of the City of Sausalito to apply three new Housing Overlays (20-29 dwelling units per acre, 43-49 dwelling units per acre and 50-70 dwelling units per acre) and three new Mixed Use Overlays (20-29 dwelling units per acre, 43-49 dwelling units per acre and 43-49 dwelling units per acre and 50-70 dwelling units per acre, with a minimum 85% residential use requirement) to sites that are anticipated to develop during the 6th Cycle Housing Element period; and

WHEREAS, Program 16 of the Housing Element further requires the City to amend its Zoning Ordinance (Title 10 of the Sausalito Municipal Code) to address recent changes to state law and create consistency with the Housing Element; and

WHEREAS, in accordance with Program 16, the amendments to Title 10 of the Sausalito Municipal Code include, but are not limited to, updates to the tables indicating allowable land uses in various zoning districts; clarification of site development standards in accordance with applicable law; addition of Section 10.28.090 to establish a housing opportunity overlay zoning district; updates to the City's density bonus standards; updates to specific use requirements applicable to mobile homes/manufactured homes, employee housing, low barrier navigation centers, supportive housing, and replacement housing; updates to the City's design review procedures to comply with state law; and other minor administrative revisions; and

WHEREAS, the proposed amendments to the Zoning Map and Title 10 of the Sausalito Municipal Code are consistent with Objectives LU-1, LU-2, and LU-9 of the Land Use Element of the General Plan, to protect and maintain the character of residential neighborhoods, promote and enhance commercial diversity, and implement land use policies and programs through the City's Zoning Ordinance; and

WHEREAS, these proposed amendments to the Zoning Map and Title 10 of the Sausalito Municipal Code were assessed for potential environmental impacts as part of the overall Environmental Impact Report for the Sausalito Amended 6th Cycle Hosing Element Project (State Clearinghouse Number 2024070676), which was prepared in compliance with the California Environmental Quality Act ("CEQA"); and

WHEREAS, the Sausalito Amended 6th Cycle Housing Element Environmental Impact Report ("Program EIR") identifies all potential impacts that would result from implementation of the rezoning actions under Program 4 and the updates to the Zoning Ordinance in connection with Program 16, and identifies mitigation measures that future development would implement to reduce identified potentially significant effects; and

WHEREAS, the Draft Program EIR was circulated for a 45-day public review and comment period from September 4, 2024 to October 21, 2024, and also in part

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recirculated from December 13, 2024 to January 27, 2025, during which time _____ comment letters were received, which did not identify any new environmental issues requiring substantial revisions to the Program EIR or further environmental review; and

WHEREAS, a Final Program EIR has been prepared with responses to comments received on the Draft Program EIR and Mitigation Monitoring and Reporting Program; and

WHEREAS, on DATE, the Planning Commission held a duly advertised public hearing on the proposed updates to the Zoning Ordinance, at which it considered the staff report, recommendations by staff, and public testimony regarding the proposed updates. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on DATE, the City gave public notice of a City Council public hearing to be held to consider this Ordinance by advertisement in a newspaper of general circulation; and

WHEREAS, on DATE, the City Council held a duly advertised public hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance; (2) the policy considerations discussed therein; (3) the consideration and recommendation of the Planning Commission; and (4) the Final Program EIR; and

WHEREAS, the City Council has certified the Final Program EIR (SCH# 2024070676) for the Project pursuant to CEQA, and has adopted Findings of Fact and a Mitigation Monitoring and Reporting Program for the Project. The City Council hereby incorporates by reference, as if fully set forth herein, the Resolution certifying the Final Program EIR and adopting the Findings of Fact and Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, the City has evaluated this Ordinance in light of the standards for subsequent environmental review and has concluded that the proposed changes to the Zoning Map and amendments to Title 10 do not meet the criteria for preparing a subsequent or supplemental EIR under State CEQA Guidelines section 15162, since this action has been sufficiently analyzed in the existing Final Program EIR for the Project and no new or substantially more severe environmental impacts will occur as a result of the adoption of this Ordinance; and

WHEREAS, the City has specifically determined that the adoption of this Ordinance will not result in new or more severe significant environmental impacts compared to the impacts previously disclosed and evaluated in the Final Program EIR, and that all of the environmental impacts that would result from the adoption of this Ordinance have been previously evaluated and fully mitigated, to the extent feasible, in the Final Program EIR; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Sausalito, California, does ordain as follows:

SECTION 1. Incorporation of Recitals. The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. CEQA. On February ___, 2025, the City Council certified the Final Program EIR (SCH# 2024070676) pursuant to the California Environmental Quality Act and adopted Findings of Fact and a Mitigation Monitoring and Reporting Program for the Project, which fully disclosed, evaluated and mitigated the environmental impacts of the proposed Housing Element implementation project to the extent feasible, including the Zoning Ordinance text amendments contemplated in this Ordinance. Pursuant to CEQA Guidelines section 15162, no further environmental review is required for the City to adopt this Ordinance.

SECTION 3. Adoption of Revised Zoning Map. The "City of Sausalito Zoning Map" is hereby revised to reflect the addition of six new Housing Overlay Zoning Districts, and the updated Zoning Map included as Exhibit A to this Ordinance is hereby adopted.

SECTION 4. Adoption of Code Amendments and Additions. The following sections of the Sausalito Municipal Code are hereby amended and/or added to read in full as set forth in Exhibit B to this Ordinance (additions shown in underline, deletions shown in ~~strikethrough~~):

Chapter 10.22, Residential Zoning Districts
- Section 10.22.030, Allowable land use.
- Section 10.22.040, Site development requirements.

Chapter 10.24, Commercial Zoning Districts
- Section 10.24.030 Allowable land uses.
- Section 10.24.050 Site development requirements.

Chapter 10.28, Overlay Districts
- Section 10.28.030, Conflicts between provisions
- Section 10.28.080, Emergency shelters (-Es)
- Section 10.28.090, Housing opportunity (-HO), including Table 10.28-2, Applicable Sites – Housing Overlay (-HO) Overlay Zoning District, Table 10.28-3, Land Uses Allowed in Housing Opportunity Overlay Districts, and Table 10.28-4, -HO Site Development Standards

Chapter 10.40, General Development Regulations
- Section 10.40.080, Exceptions to required setbacks.
- Section 10.40.115, Parking exemptions within one-half mile of public transit
- Section 10.40.120, Design and improvement of parking
- Section 10.40.130, Residential density bonuses and incentives

Chapter 10.44, Specific Use Requirements

- Section 10.44.060, Mobile home/manufactured housing standards
- Section 10.44.120, Senior housing projects
- Section 10.44.360, Employee housing
- Section 10.44.370, Employee housing, agricultural
- Section 10.44.380, Low barrier navigation centers
- Section 10.44.390, Supportive housing
- Section 10.44.400, Replacement housing

Chapter 10.54, Design Review Procedures

- Section 10.54.020, Applicability

Chapter 10.88, Definitions

- Section 10.88.040, Specialized terms and land use definitions

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. This Ordinance shall become effective thirty (30) days after its passage.

SECTION 7. Upon the effective date of this Ordinance, the Zoning Map included as Exhibit A shall amend and supersede the City's prior Zoning Map, and the additions and deletions to Title 10 shown in Exhibit B shall be incorporated into the Zoning Ordinance.

SECTION 8. The City Clerk is hereby directed to certify the adoption of this ordinance, to file a Notice of Determination, and cause the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Sausalito, California, on the ____ day of _____, 2025, and thereafter **ADOPTED** at a Regular Meeting of said City Council held on the _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____

ORDINANCE NO._____

JOAN COX, MAYOR

ATTEST:

_____
WALFRED SOLORZANO, CITY CLERK

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Exhibit A – Zoning Map

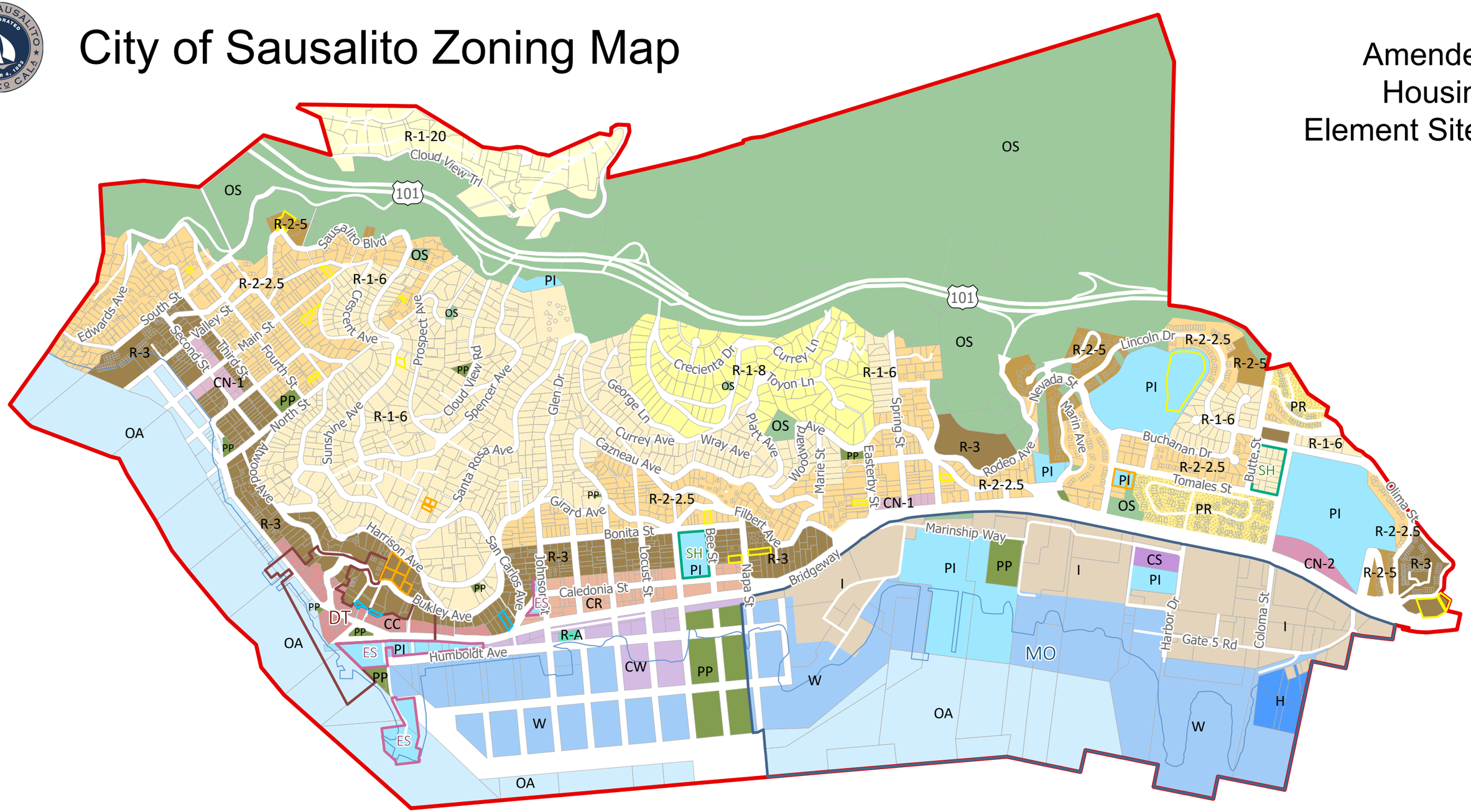
ORDINANCE NO._____

Exhibit B – Revised Municipal Code

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City of Sausalito Zoning Map

Amended Housing Element Sites



LEGEND

- City Boundary
- USGS Coastline

Zoning Designations

- R-1-20: Single Family
- R-1-8: Single Family
- R-1-6: Single Family
- R-2-2.5: Two Family
- R-2-5: Two Family
- R-3: Multiple Family
- R-A: Arks
- H: Houseboats
- PR: Planned Residential
- CC: Central Commercial
- CR: Commercial Residential
- CN-1: Neighborhood Commercial
- CN-2: Neighborhood Commercial
- CW: Commercial Waterfront
- CS: Shopping Center
- I: Industsrial
- W: Waterfront
- PI: Public Institutional
- PP: Public Parks
- OS: Open Space
- OA: Open Area

Zoning Overlays

- Downtown Historic District (DT)
- Marinship Overlay (MO)
- Senior Housing (SH)
- Emergency Shelter Overlay (ES)

Overlay Zone Sites (site count)

- Housing-29 (3)
- Housing-49 (15)
- Housing-70 (10)

0 500 1,000 Feet

De Novo Planning Group
A Land Use Planning, Design, and Environmental Firm

Prepared by De Novo Planning Group for the City of Sausalito
January 9, 2025

EXHIBIT B

Chapter 10.22

RESIDENTIAL ZONING DISTRICTS

Sections:
10.22.010 Specific purposes.
10.22.020 Additional purposes.
10.22.030 Allowable land use.
10.22.040 Site development requirements.

[Sections 10.22.010-10.22.020 omitted; no change.]

10.22.030 Allowable land use.

Table 10.22-1 (Land Uses Allowed in Residential Districts) outlines the land uses that are allowed in each of the residential zoning districts. As indicated in the legend, each use is either permitted (no discretionary permit required), or one of two discretionary use permits are required (minor use permit, conditional use permit), as explained in Division IV of this title (Permit Procedures), Chapters 10.50 through 10.68 SMC. Blanks indicate the use is not allowed in that particular district. The last column identifies sections of the Zoning Ordinance where additional requirements are found and apply to the land use. Additional requirements for specific uses set forth in Chapter 10.44 SMC (Specific Use Requirements) may also be applicable.

Table 10.22-1

LAND USES ALLOWED IN RESIDENTIAL DISTRICTS*

Land Use	Residential Zoning Districts						See SMC
	R-1	R-2	PR	R-3	H	A	
Recreation, Education, and Public Assembly Uses							
Community centers	CUP	CUP	CUP	CUP			
Piers and wharves					P		SMC 10.44.070 (Piers, docks, floats and wharves in residential districts)
Piers, docks and floats for private pleasure craft		P			P		
Private club or recreation facility	CUP	CUP	CUP	CUP			
Parks, playgrounds	P	P	P	P	P		
Religious institutions	CUP	CUP	CUP	CUP			SMC 10.44.110 (Religious institutions, private clubs and fraternal organizations in residential zoning districts)
Schools – elementary	CUP	CUP		CUP			
Temporary uses and events	MUP	MUP	MUP	MUP	MUP		SMC 10.44.310 (Temporary uses and events)
Residential Uses							
Accessory dwelling units	P	P	P	P	P	P	SMC 10.44.080 (Accessory dwelling units)
Employee housing[1]	P	P	P	P	P	P	See footnote 1; SMC 10.44.360 (Employee housing)

Land Use	Residential Zoning Districts						See SMC
	R-1	R-2	PR	R-3	H	A	
Employee housing, agricultural	P						SMC 10.44.370 (Employee housing, agricultural)
Home occupations	P	P	P	P	P	P	SMC 10.44.030 (Home occupations)
Houseboat					P		SMC 10.44.160 (Houseboats)
Junior accessory dwelling units	P	P	P	P	P	P	SMC 10.44.085 (Junior accessory dwelling units)
Low barrier navigation center			P	P	P		SMC 10.44.380 (Low barrier navigation centers)
Multiple-unit houseboat					CUP		SMC 10.44.160(I) (Multiple Units, H District Only)
Mobile homes/manufactured homes	~~MUP~~P	~~MUP~~P	~~MUP~~P	~~MUP~~P	P	P	SMC 10.44.060 (Mobile home/ manufactured housing standards)
Multiple-family dwellings			P	P			
Residential accessory uses	P	P	P	P	P		SMC 10.44.020 (Accessory uses and structures)
Residential care homes, 6 or fewer clients	P	P	P	P	P	P	
Residential care homes, 7 or more clients		CUP	CUP	CUP			
Senior housing projects				CUP			SMC 10.44.120 (Senior housing projects)
Single-family dwellings	P	P	P	P	P	P	SMC 10.44.090 (Detached dwelling units)
Single-family ark dwelling						P	SMC 10.44.130 (Arks)
Single-family ark dwelling group						P	
Supportive housing[~~1~~2]	P	P	P	P	P	P	SMC 10.88.040 (Definitions); SMC 10.44.390 (Supportive housing)
Transitional housing[~~1~~2]	P	P	P	P	P	P	SMC 10.88.040 (Definitions)
Two-family (duplex) dwelling		P	P	P			
Housing and mixed use projects subject to Section 10.28.090 and on a site specified in Section 10.28.090	P-PC	P-PC	P-PC	P-PC			SMC 10.28.090; SMC 10A
Resource and Open Space Uses							
Agricultural accessory structures	P						SMC 10.44.020 (Accessory uses and structures)
Animal raising and keeping	P						
Service Uses							
Child day care							SMC 10.44.100 (Child day care)
Centers		CUP		CUP			
Large family care homes	MUP	MUP	MUP	MUP			

Land Use	Residential Zoning Districts						See SMC
	R-1	R-2	PR	R-3	H	A	
Small family care homes	P	P	P	P		P	
Offices, temporary	MUP	MUP	MUP	MUP			SMC 10.44.280 (Offices, temporary)
Public utility facilities, minor	MUP	MUP	MUP	MUP		MUP	
Public utility facilities, major	CUP	CUP	CUP	CUP		CUP	
Storage, accessory	P	P	P	P			SMC 10.44.050 (Storage, Accessory)
Transportation and Communications Uses							
Wireless communication facilities	See Chapter 10.45 SMC (Standards and Criteria for Wireless Communications Facilities)						Chapter 10.45 SMC
Pipelines and transmission lines	P	P	P	P	P	P	
* Zoning permit required for all allowed uses P Permitted use P-PC Permitted use subject to Planning Commission review of zoning permit MUP Minor use permit required CUP Conditional use permit required							Chapter 10.52 SMC Chapter 10.52 SMC Chapter 10.58 SMC Chapter 10.60 SMC

[1] Employee housing serving six or fewer employees shall be deemed a single family structure and shall be treated subject to the standards for a single family dwelling in the same zone.

[2] ~~1~~ Supportive housing and transitional housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zoning district, except that supportive housing is allowed by right in all multifamily and mixed use zones. ~~For example, such housing structured as single-family is permitted in the R-1, R-2, PR and R-3 residential zoning districts, whereas transitional and supportive housing structured as multi-family is limited to the PR and R-3 residential zoning districts.~~

10.22.040 Site development requirements.

Minimum requirements are established for parcel size, lot width, and setbacks. Requirements for density, floor area ratio, coverage and building height are maximum amounts allowed.

A. Parcel Size. Each parcel proposed for development or a new land use, and each new parcel proposed in a subdivision, shall comply with the provisions that follow, or the applicable provisions of SMC 10.40.030 (Minimum parcel standards). New parcels proposed in a subdivision shall also comply with all applicable provisions of SMC Title 9 (Subdivisions). Existing parcels that do not meet the minimum lot area or width requirements specified by this section as set forth in Table 10.22-2 may be developed in accordance with the development standards listed below; provided, that the subject parcel has been legally created.

B. Lot Width. Additional lot width requirements may be established or allowed by an applicable -Pd overlay district. (See SMC 10.28.060, Planned development (-Pd).)

C. Setbacks. Different setbacks may also apply where a zoning district is combined with an overlay zoning district. Ten-foot front yard setbacks are required where designated on the zoning map. Minimum side yard setbacks may be increased in other situations as outlined in Chapter 10.40 SMC (General Development Regulations).

D. Density. Density is based on net parcel area. Maximum density for single-family dwellings in the single-family residential (R-1) district may be increased where additional units are approved as provided by SMC 10.44.080 (Accessory dwelling unit regulations).

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

F. Additional Requirements. Land uses shall comply with the additional requirements established by Chapters 10.40 (General Development Requirements) and 10.44 SMC (Specific Use Requirements).

Table 10.22-2 (Site Development Standards – Residential Zoning Districts) outlines minimum site development standards for the residential zoning districts. Additional requirements may also apply where noted.

Table 10.22-2

Site Development Standards – Residential Zoning Districts[1]

Development Requirement	R-1			R-2		R-3	PR	H	A	See SMC
	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	20,000 sf	5,000 sf	10,000 sf	5,000 sf	20,000 sf	10,000 sf	1,500 sf	SMC 10.40.030 (Minimum parcel standards) and SMC Title 9
Minimum lot width[2]	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	30 feet	
Maximum density	1 du/parcel	1 du/parcel	1 du/parcel	1 du/2,500 sf[2,3]	1 du/5,000 sf[2, 3]	1 du/1,500 sf[2, 3]	1 du/1980 sf	1 du/10,000 sf	1 du/1,500 sf	SMC 10.44.080 (Accessory dwelling unit regulations)
Maximum floor area ratio	.45	.40	.35	.65[4]	.40	.8[4]	.65	.25	.30	SMC 10.44.330 (Development standards for units in two-family and multiple-family residential zoning districts)
Maximum building coverage	35%	30%	30%	50%[4]	35%	50%[4]	50%	25%	30%	
Maximum impervious surface[5]	67.5%	65%	65%	75%[4]	67.5%	75%[4]	75%	62.5%	65%	
Minimum setbacks[6,7]										SMC 10.40.080 (Exceptions to required setbacks) and Chapter 10.44 SMC (Specific Use Requirements)
Front[8~~7~~]	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	
Side[9~~8~~]	5 feet	5 feet	10 feet	5 feet	5 feet	5 feet	5 feet	[10~~9~~]	0 feet	
Rear[10]	15 feet	15 feet	20 feet	15 feet	15 feet	15 feet	15 feet	15 feet	0 feet	
Maximum building height[11~~9~~, 12~~0~~]	32 feet	32 feet	32 feet	32 feet	32 feet	32 feet	32 feet	~~32 feet~~18 feet	12 feet[12~~1~~]	SMC 10.40.060 (Height requirements) and Chapter 10.44 SMC (Specific Use Requirements)

[1] These standards are not entitlements; the approved size, setbacks or other physical conditions of a proposed new dwelling or expansion of an existing 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 dwelling smaller, or with greater setbacks, or otherwise impose requirements that are more restrictive than the limits set forth in this chapter.

[2] See SMC 10.40.030 (Minimum parcel standards).

[3] For two or more detached single-family dwellings, see SMC 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 SMC 10.44.330.

[5] Per SMC 10.40.050(C), impervious surface includes decks, paved surfaces, hardscape, and gravel.

[6] Different setbacks may also apply if district is combined with other zoning districts.

[7] Per SMC 10.04.080(E), a multifamily rental project that is located on a single site composed of multiple contiguous lots shall only be subject to setback requirements along the exterior lot lines for projects that include a lot merger.

[8~~7~~] Ten-foot front yard setbacks are required where designated on the zoning map. See SMC 10.40.070(E)(4) (Special Setback Lines).

[9~~8~~] Minimum side yard setbacks may be increased in other situations.

[10~~9~~] See SMC 10.44.160.E regarding additional separation requirements in addition to setback.~~One-half the building height, but no less than five feet.~~

[11~~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.

[12~~11~~] Measured from a point six feet above NGVD, or average grade, whichever is higher.

Chapter 10.24

COMMERCIAL ZONING DISTRICTS

Sections:
10.24.010 Specific purposes.
10.24.020 Additional purposes.
10.24.030 Allowable land uses.
10.24.040 Special requirements.
10.24.050 Site development requirements.

[Sections 10.24.010-10.24.020 and 10.24.040 omitted; no change.]

10.24.030 Allowable land uses.

Table 10.24-1 (Land Uses Allowed in Commercial Districts) outlines the uses that are allowed in each commercial district. The notations indicate whether each use is permitted or requires one of two permits, as indicated in the legend. Blanks indicate the use is not allowed in that particular district. The last column identifies sections of the Zoning Ordinance where additional requirements are found and apply to the land use, including those from Chapter 10.44 SMC (Specific Use Requirements). Additional requirements may also be applicable.

Table 10.24-1

LAND USES ALLOWED IN COMMERCIAL DISTRICTS[1]

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
Manufacturing and Processing Uses								
Commercial fishing facilities					P	P	CUP	
Drydocks					CUP	CUP	CUP	
Marine industrial use					P	P	P	
Printing and publishing	CUP				CUP			
Recycling collection stations	MUP	MUP	MUP	P	MUP	MUP	MUP	SMC 10.44.200 (Recycling collection stations)
Recreation, Education, and Public Assembly Uses								
Religious institutions, clubs and fraternal organizations	P	CUP	P					SMC 10.44.110 (Religious institutions, private clubs and fraternal organizations)
Libraries and museums	MUP				CUP			
Parks, playgrounds	P	P	P		P	P		
Piers and wharves	MUP				P	P	P	
Private club or facility	CUP		CUP					
Recreation and fitness centers		CUP	CUP					
Schools – specialized education and training	P	CUP	CUP		P	P		

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
Temporary uses and events	P	P	P	P	P	P	P	SMC 10.44.310 (Temporary uses)
Theaters and meeting halls	CUP	CUP						
Yacht clubs	CUP				CUP	CUP	P[2]	
Residential Uses								
Accessory dwelling units	P	P	P					SMC 10.44.080 (Accessory dwelling units)[9]
Employee housing								SMC 10.44.360 (Employee housing)
Employee housing, agricultural	CUP		CUP		CUP		CUP	SMC 10.44.370 (Employee housing, agricultural)
Home occupations	P	P	P		P			SMC 10.44.030 (Home occupations)
Houseboats							CUP[3]	
Liveaboards					CUP	CUP	CUP	SMC 10.44.170 (Liveaboards)
Low barrier navigational center	P	P	P					SMC 10.44.380
Residential accessory uses	P	P	P					SMC 10.44.020 (Accessory uses and structures)
Senior housing projects	CUP	CUP	CUP[4]					SMC 10.44.120 (Senior housing projects)
Residential care homes, 7 or more clients		CUP						
Single room occupancy housing	CUP	CUP	CUP					SMC 10.88.040 (Definitions)
Supportive housing, levels above first (street or ground) only[8]	P	P or CUP	P[4]					SMC 10.88.040 (Definitions); SMC 10.88.390 (Supportive housing)
Transitional housing, levels above first (street or ground) only[8]	P	P or CUP	P[4]					SMC 10.88.040 (Definitions)
Upper floor residential								
One to six dwelling units	P	P or CUP	P[4]					SMC 10.44.190 (Residential use in commercial districts)
Seven or more dwelling units	CUP	CUP	CUP[4]					
Retail Trade								
Art galleries dealing in original art	P	CUP						SMC 10.44.230 (Visitor serving stores and art galleries)
Building material stores	P	P	P		P			
Drinking establishments	CUP	CUP	CUP		CUP[5]			
Formula retail (applies to all forms of retail trade)	CUP		CUP	CUP				SMC 10.44.240 (Formula retail)
Full service supermarket				P				

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
Furniture, furnishings and equipment stores	P	P	P		P			
Grocery stores	P	P	P		P			
Jewelry stores – precious metals and gems	P	P						
Liquor stores	P	CUP	CUP					
Lumberyard				CUP				
Plant nurseries	CUP		CUP		CUP			
Recreational equipment sales and rentals	P	P			P	P		
Restaurants Outdoor dining (on public right-of-way or private property)	P MUP	CUP MUP	CUP MUP		P MUP		CUP[6] MUP	SMC 10.44.210 (Restaurants) and 10.44.220 (Outdoor dining areas)
Retail stores, general merchandise (nonvisitor serving)	P	P	P					
Secondhand or thrift stores	P	P	P					
Visitor serving stores	CUP							SMC 10.44.230 (Visitor serving stores)
Wholesale and retail fish sales	P	P	P		P	P	CUP	
Wine shops	P	P						
Service Uses								
Banks and financial services – retail	P	CUP	P					SMC 10.44.340 (Banks and financial service – retail in the CR District)
Business support services	P	P	P		P			
Child day care								SMC 10.44.100 (Child day care)
Centers	P	CUP	CUP					
Large family care homes		MUP	MUP					
Small family care homes		P	P					
Columbariums and mortuaries		CUP	CUP					
Marine applied arts					P	P	CUP	
Marine commercial services					P	P	P	
Marine fuel facility					CUP	CUP	CUP	
Medical services – clinics and laboratories	MUP	CUP	CUP		CUP			
Office conversion of an existing or previously existing retail trade, commercial services, drinking/eating or residential use	CUP	CUP	CUP		CUP			SMC 10.44.250 (Office conversions)
Offices (new structure or replacement of existing office)	P	P	CUP		CUP			

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
Offices, temporary	MUP	MUP	MUP		MUP	MUP	MUP	SMC 10.44.280 (Offices, temporary)
Personal services	P	P	P					
Public safety facilities	P	P	P		P	P		
Minor public utility facilities	MUP	MUP	MUP			MUP		
Major public utility facilities	CUP	CUP	CUP			CUP		
Repair and maintenance – consumer products	P	P	P					
Service stations		CUP	CUP		CUP			SMC 10.44.260 (Service stations)
Storage, accessory		P	P		P	P		SMC 10.44.050 (Storage, accessory)
Upholstery shops		P	P		P			
Veterinary clinic	CUP	CUP	CUP		CUP	CUP	CUP	SMC 10.44.180 (Veterinary clinics)
Warehousing		CUP	CUP	CUP	CUP			
Transient Lodging								
Bed and breakfasts	CUP		CUP					
Hotels	CUP		CUP					
Transportation and Communications Uses								
Wireless communications facilities	See Chapter 10.45 SMC (Standards and Criteria for Wireless Communications Facilities)							Chapter 10.45 SMC
Boat launching ramps					CUP	CUP	CUP	
Dry boat storage				CUP	CUP	P	P	
Harbor facilities and marinas					P	P	P[7]	SMC 10.44.140 (Harbor and marina facilities)
Off-street parking facilities (private and commercial)	CUP	CUP	CUP					SMC 10.40.100 – 10.40.120 (Parking – standards, requirements, design)
Pipelines and transmission lines		P	P		P	MUP		
Transit stations and terminals	CUP	CUP	CUP					
P MUP CUP	Permitted use Minor use permit required Conditional use permit required							 Chapter 10.58 SMC Chapter 10.60 SMC

[1] Zoning permit required for all uses. (See Chapter 10.52 SMC.)

[2] Tax-exempt yacht clubs only, subject to restrictions in the marinship specific plan.

[3] No new houseboats are allowed. Existing houseboats may be legalized with a conditional use permit.

[4] Residential uses are permitted above the ground floor in the CN zoning districts located in the Second and Main Street area and the Bridgeway and Spring Street area. Residential uses are not permitted in the CN zoning district located along Bridgeway between Coloma Street and Ebbtide Avenue.

[5] Other than beer and wine for on-site consumption as an accessory use.

[6] Not to exceed 20 seats.

[7] Marine service harbors only.

[8] Supportive housing and transitional housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zoning district, except that supportive housing is allowed by right in all multifamily and mixed use zones.

[9] Accessory dwelling units in the CC, CR, and CN districts are only permitted on lots containing an existing or proposed ~~multifamily~~ dwelling unit, ~~s as defined in SMC 10.44.080(C), and~~ subject to SMC 10.44.080.

10.24.050 Site development requirements.

Table 10.24-2 (Site Development Standards – Commercial Zoning Districts) establishes parcel requirements, residential density and site development standards for the commercial zoning districts. Minimum standards are provided for parcel size, lot width and setbacks. Residential density, floor area ratio, building coverage and height limits are maximum amounts allowed. Specific uses may be subject to additional, specific standards. Certain standards vary depending on the applicable situation. Refer to noted sections. The commercial neighborhood (CN) district is divided into two subdistricts (CN-1 and CN-2) for regulating maximum floor area ratio and maximum coverage.

Table 10.24-2

SITE DEVELOPMENT STANDARDS – COMMERCIAL ZONING DISTRICTS

Development Requirement	CC	CR	CN		SC	CW	W	W-M	See SMC
Minimum parcel size	5,000 sf	5,000 sf	5,000 sf		10,000 sf	5,000 sf	25,000 sf		SMC 10.40.030 (Minimum parcel standards) and SMC Title 9
Minimum lot width	50 feet	50 feet	50 feet		50 feet	50 feet	50 feet		SMC 10.28.060 (Planned development (-Pd))
Maximum density 1 du per	1,500 sf	1,500 sf	1,500 sf		N/A	10% of total berths (1)	10% of total berths (1)	See Table 10.28-1 for site development standards	SMC 10.44.170 (Liveaboards)
Maximum floor area ratio	1.3	1.00	-1	-2	.20	.30	.30		SMC 10.40.040 (Floor area ratio)
			.50	.35					
Maximum building coverage	100%	70%	70%	50%	50%	30%	30%		SMC 10.40.050 (Building coverage limits)
Minimum Setbacks (2)									SMC 10.40.080 (Exceptions to required setbacks), 10.40.070 (Setbacks and yards), and Chapter 10.44 SMC (Specific Use Requirements)
Front	N/A	N/A	N/A		N/A	N/A	N/A	See Table 10.28-1 for site development standards	
Side (~~2~~3)	10 feet	10 feet	10 feet		(~~4~~3)	(~~4~~3)	(~~4~~3)		
Rear (~~2~~3)	15 feet	15 feet	15 feet		20 feet	20 feet	15 feet		
Maximum building height	32 feet	32 feet	32 feet		32 feet	25 feet	32 feet		SMC 10.40.060 (Height requirements)

(1) Density allowed for liveaboard residential uses.

(2) Per SMC 10.04.080(E), a multifamily rental project that is located on a single site composed of multiple contiguous lots shall only be subject to setback requirements along the exterior lot lines for projects that include a lot merger.

(~~2~~3) Setback required only when adjacent to residential 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.

(~~3~~4) One-half the building height, but no less than five feet.

The following requirements also apply:

A. Minimum Lot Size. New parcels proposed in a subdivision shall also comply with applicable provisions of SMC Title 9 (Subdivisions). Existing parcels which do not meet the minimum lot area or width requirements specified by this section may be developed in accordance with the development standards outlined in Table 10.24-2 (Site Development Standards – Commercial Zoning Districts); provided, that the subject parcel has been legally created.

B. Setbacks. Setbacks will only be required where the subject parcel is adjacent to a residential zoning district. Additional requirements for setbacks between structures on the same site, and setbacks in other situations, are established by SMC 10.40.080 (Exceptions to required setbacks) and by Chapter 10.44 SMC (Specific Use Requirements) for certain specific land uses.

C. Residential Density. Allowed density for liveaboard residential uses in the W district shall be one unit for each 10 berths in a marina.

Chapter 10.28

OVERLAY DISTRICTS

Sections:
10.28.010 Purpose.
10.28.020 Applicability.
10.28.030 Conflicts between provisions.
10.28.040 Historic (-H).
10.28.050 Marinship (-M).
10.28.060 Planned development (-Pd).
10.28.070 Senior housing (-Sh).
10.28.080 Emergency shelters (-Es).
10.28.090 Housing opportunity (-HO).

[Sections 10.28.010-10.28.020, 10.28.040~~, and 10.28.060 -~~ 10.28.070 omitted; no change.]

10.28.030 Conflicts between provisions.
In the event of any conflict between this chapter (Overlay Districts) and Chapters 10.20 through 10.26 SMC (base zoning district regulations), the requirement specified in the overlay district shall apply. In the event that the overlay district is silent as to a specific requirement, the requirements of the underlying zoning district shall apply.

...

10.28.080 Emergency shelters (-Es).
A. Purpose and Intent. In addition to the general purposes of this chapter, the purpose of this section establishing the emergency shelter (-Es) overlay district is to allow the provision of shelter for homeless persons or others in need of a temporary (six months or less) shelter, while ensuring the shelter is operated in a manner that is compatible with surrounding areas. The purpose of this chapter is also to comply with Government Code Section 65583 relating to emergency shelters.

B. Zoning Map Indicator and Applicability. The emergency shelter overlay district may be applied to those areas which are designated as public institutional (PI) and shown on the zoning map. The -Es overlay district shall be shown on the zoning map by adding an "-Es" designator to the base district designation.

C. Land Uses. Emergency shelters shall be a permitted use on parcels within the emergency shelter overlay district.

D. Development Standards. The following development standards shall apply to emergency shelters:

1. Property Development Standards. The shelter shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.

2. Shelter Capacity. An emergency shelter for homeless persons shall contain no more than 23 beds and shall serve no more than 23 persons nightly. The physical size of the shelter shall not be larger than necessary for the number of persons the shelter serves.

3. Parking. On-site parking for residents shall accommodate all staff working in the emergency shelter, provided that the requirement is not more than required for other residential or commercial uses within the same zone~~be based on one space for every four beds, and staff parking shall be based on one space for each on-site staff, employees and/or independent contractors on the maximum staffed shift~~.

4. Lighting. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary and designed, arranged and installed so as to confine direct rays onto the premises and to direct light away from adjacent structures and public rights-of-way. External lighting shall be of an intensity compatible with the neighborhood.

5. On-site Waiting and Intake Areas. An interior waiting and intake area shall be provided which contains a minimum of 200 square feet. Waiting and intake areas may be used for other purposes (excluding sleeping) as needed during operations of the shelter.

E. Common Facilities. The development may provide one or more of the following specific common facilities for exclusive use of the residents and staff; provided, that such facilities do not substantially increase the overall size of the shelter facility:

1. Central cooking and dining room.

2. Recreation room.

3. Laundry facilities to serve the number of occupants at the shelter.

4. Other uses that are considered ancillary to the primary use such as office and storage, not to exceed 10 percent of the total floor area of the shelter facility, exclusive of subsections (E)(1), (2), and (3) of this section.

F. On-site Staff. At least one manager shall be on-site during all hours of operation of the facility. Such manager must be an individual who does not utilize the shelter's beds or other services and who resides off-site. The manager must be accompanied by one supporting staff member for every 15 beds occupied in the facility.

G. Security. Security personnel shall be provided during operational hours whenever clients are on the site. A security plan shall be submitted to the City prior to issuance of a certificate of occupancy.

H. Concentration of Uses. No more than one emergency shelter shall be permitted within a radius of 300 feet of another emergency shelter.

I. Emergency Shelter Operations. The agency or organization operating the emergency shelter shall comply with the following requirements:

1. Hours of Operation. Clients shall only be on site and admitted to the facility between 5:00 p.m. and 8:00 a.m.

2. Length of Stay. Each emergency shelter resident shall stay for no more than 90 days (cumulative) in a 365-day period. Extensions up to a total stay of 180 days in a 365-day period may be granted by the shelter provider if no alternative housing is available. Conditions upon which an extension may be granted include, but are not limited to: the emergency shelter resident having a medical emergency, the emergency shelter resident having secured a job, the emergency shelter resident negotiating a lease for permanent housing, and the emergency shelter resident having been accepted into a residential treatment program for which a program date has not arrived.

3. Management Plan. Prior to commencing operation, the shelter operator shall provide a written management plan to the Director. The management plan shall address (to the extent applicable): hours of operation, admission hours and process, staff training, neighborhood outreach and privacy, security, resident counseling and treatment, maintenance plans, residency and guest rules and procedures, and staffing needs. ~~[Ord. 1237 § 1, 2016; Ord. 1235 § 1, 2016; Ord. 1223 § 5, 2014.]~~

10.28.090 Housing opportunity (-HO).

A. Purpose and Intent. The purpose of this section is to establish the housing opportunities (-HO) overlay districts to accommodate Sausalito's share of the regional housing need allocation for the current Housing Element cycle. The -HO districts includes four distinct overlay zones described below and shown in Table 10.28-2.

1. Housing-29~~0~~ (-HO-H29). This district provides for a maximum of 29 dwelling units per acre for projects that provide a minimum of 20% lower income units on sites designated in the Housing Element to accommodate very low and low income units or a minimum of 30% moderate income units for sites that are not designated in the Housing Element to accommodate very low and low income units. This district requires a minimum of 20 dwelling units per acre on sites designated in the Housing Element to accommodate very low and low income units and requires 100% residential uses.

2. Housing-49 (-HO-H49). This district provides for a maximum of 49 dwelling units per acre for projects that provide a minimum of 20% lower income units on sites designated in the Housing Element to accommodate very low and low income units or a minimum of 30% moderate income units for sites that are not designated in the Housing Element to accommodate very low and low income units. This district requires a minimum of 43 dwelling units per acre and requires 100% residential uses.

3. Housing-70 (-HO-H70), This district provides for a maximum of 70 dwelling units per acre for projects that provide a minimum of 20% lower income units on sites designated in the Housing Element to accommodate very low and low income units or a minimum of 30% moderate income units for sites that are not designated in the Housing Element to accommodate very low and low income units. This district requires a minimum of 50 units per acre and requires 100% residential uses.

4. Mixed Use-29 (-HO-M29). This district provides for a maximum of 29 dwelling units per acre for projects that provide a minimum of 20% lower income units on sites designated in the Housing Element to accommodate very low and low income units or a minimum of 30% moderate income units for sites that are not designated in the Housing Element to accommodate very low and low income units. This district requires a minimum of 20 dwelling units per acre on sites designated in the Housing Element to accommodate very low and low income units. A minimum of 85% of the site is required to be developed with residential uses.

5. Mixed Use-49 (-HO-M49). This district provides for a maximum of 49 dwelling units per acre for projects that provide a minimum of 20% lower income units on sites designated in the 6th Cycle Housing Element to accommodate very low and low income units or a minimum of 30% moderate income units for sites that are not designated in the Housing Element to accommodate very low and low income units. This district requires a minimum of 43 dwelling units per acre on sites designated in the Housing Element to accommodate very low and low income units. A minimum of 85% of the site is required to be developed with residential uses.

6. Mixed Use-70 (-HO-M70): This district provides for a maximum of 70 dwelling units per acre for projects that provide a minimum of 20% lower income units on sites designated in the 6th Cycle Housing Element to accommodate very low and low income units or a minimum of 30% moderate income units for sites that are not designated in the Housing Element to accommodate very low and low income units. This district requires a minimum of 50 dwelling units per acre on sites designated in the Housing Element to accommodate very low and low income units. A minimum of 85% of the site is required to be developed with residential uses.

B. Zoning Map Indicator and Applicability. The -HO overlay district is hereby created and shall be shown on the zoning map by adding an "-HO" designator that identifies the specific -HO district (-HO-H29, HO-MU29,-HO-H49, -HO-H70, -HO-MU49, -HO-MU70) to the base district designation. Sites subject to the –HO district are identified in Table 10.28-2.

Table 10.28-2

APPLICABLE SITES – Housing Overlay (-HO) Overlay Zoning District

Site Number	APN	Address	Housing Opportunity Overlay	Notes
73	064-322-01	636 Nevada St	-HO-H49	-
86	052-322-02	330 Ebbtide Ave	-HO-H49	-
87	052-322-01	Ebbtide Ave	-HO-H49	-
75	064-341-04	530 Nevada St	-HO-H70	-
75	064-341-10	Tomales St	HO-H70	-
53	064-163-06	Bonita St	-HO-H49	-
55	064-162-27	Napa St	HO-H49	-
56	064-151-16	412 Napa St	-HO-H49	-

207	065-063-07	925 Bridgeway Blvd	-HO-H29	-
3	065-292-34	Marion Ave	-HO-H49	-
8	065-253-02	Main St/Crescent Ave	-HO-H49	-
9	065-231-45	Lower Crescent Ave	-HO-H49	-
10	065-233-22	18 West Ct	-HO-H49	-
12	065-221-83	117 Prospect Ave	-HO-H49	-
101	065-281-20	357 Sausalito Blvd	-HO-H49	-
59	064-142-29	Easterby St	-HO-H49	-
63	064-131-07	522 Olive St	-HO-H49	-
23	065-072-11	10 Reade Ln	-HO-H29	-
24	065-071-13	10 Excelsior Ln	-HO-H29	-
212	065-193-31	Sausalito Blvd	-HO-H49	-
-	065-121-09	San Carlos Ave	-HO-H70	-
-	065-121-08	San Carlos Ave	-HO-H70	-
-	065-121-07	San Carlos Ave	-HO-H70	-
202	065-093-15	125 Bulkley	-HO-H70	-
202	065-093-14	125 Bulkley	-HO-H70	-
202	065-093-13	125 Bulkley	-HO-H70	-
202	065-093-16	125 Bulkley	-HO-H70	-
202	065-093-17	125 Bulkley	-HO-H70	-

C. Permitted Uses. The permitted uses identified in Table 10.28-3 shall apply to the housing opportunities districts:

Table 10.28-3

LAND USES ALLOWED IN HOUSING OPPORTUNITY OVERLAY DISTRICTS[1]

Land Use	-H29	-H49	-H70	-MU29	-MU49	-MU70	See SMC
Residential Uses							
Accessory dwelling units	P	P	P	P	P	P	SMC 10.44.080 (Accessory dwelling units)[9]
Emergency shelter	-	-	-	-	-	-	
Employee housing	P	P	P	P	P	P	SMC 10.44.360 (Employee housing)
Employee housing, agricultural	P	P	P	P	P	P	SMC 10.44.370 (Employee housing, agricultural)
Home occupations	P	P	P	P	P	P	SMC 10.44.030 (Home occupations)
Low barrier navigational center	P	P	P	P	P	P	SMC 10.44.380
Multiple-family dwellings	P	P	P	P	P	P	
Residential accessory uses	P	P	P	P	P	P	SMC 10.44.020 (Accessory uses and structures)
Senior housing projects	P	P	P	P	P	P	SMC 10.44.120 (Senior housing projects)

Land Use	-H29	-H49	-H70	-MU29	-MU49	-MU70	See SMC
Residential care homes, 7 or more clients	CUP	CUP	CUP	CUP	P	P	
Single room occupancy housing	CUP	CUP	CUP	CUP	CUP	CUP	SMC 10.88.040 (Definitions)
Supportive housing[2]	P	P	P	P	P	P	SMC 10.88.040 (Definitions); SMC 10.88.390 (Supportive housing)
Transitional housing[2]	P	P	P	P	P[4]	P	SMC 10.88.040 (Definitions)
Non-residential Uses							
Non-residential uses allowed in the CR district	-	-	-	P	P	P	SMC 10.28.090 SMC 10.24-1
P: Permitted use MUP: Minor use permit required CUP: Conditional use permit required							Chapter 10.58 SMC Chapter 10.60 SMC

[1] Zoning permit required for all uses. (See Chapter 10.52 SMC.)

[2] Supportive housing and transitional housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zoning district, except that supportive housing is allowed by right in all multifamily and mixed use zones.

D. Development Standards. The development standards listed under this paragraph D shall apply to the housing opportunities district, as set forth in Table 10.28-4.

1. Minimum Density. Regardless of the base zoning district, sites with a housing opportunity overlay designation shall develop with residential uses at a minimum of 20 units per acre. This requirement shall be interpreted consistent with Government Code Section 65583.2(h).

2. Mixed Uses. Mixed uses that do not exceed 15% of the total floor area are allowed in the -HO-M29, -HO-M49 and -HO-M70 districts, except that projects may retain the total square footage of existing non-residential development in excess of the 15% maximum.

3. Notwithstanding Section 10.28.050, housing and mixed use projects located in the marinship overlay zone (-M) shall not be subject to the floor area ratio standards described under Paragraph 4 of subsection E of Section 10.28.050 or subject to the development standards described under Paragraph 5 of subsection F of Section 10.28.050, but shall be subject to the standards in Table 10.28-4.

Table 10.28-4

-HO SITE DEVELOPMENT STANDARDS

Development Requirement	-H29	-M29	–H49	-H70	-M49	-M70
Affordable units	20% very low or low income units	20% very low or low income units	20% very low or low income units	20% very low or low income units	20% very low or low income units	20% very low or low income units
Minimum Density	20 units/acre[1]	20 units/acre[1]	43 units/acre	50 units/acre	43 units/acre	50 units/acre
Maximum Density	29 units/acre	29 units/acre	49 units/acre	70 units/acre	49 units/acre	70 units/acre
Maximum floor area ratio residential uses	None	None	None	None	None	None
Maximum nonresidential FAR	Nonresidential uses not allowed	0.4	Nonresidential uses not allowed	Nonresidential uses not allowed	0.4	0.4
Building setbacks:						

Development Requirement	-H29	-M29	–H49	-H70	-M49	-M70
Front	0	0	0	0	0	0
Street side	5	5	5	5	5	5
Interior side	5	5	5	5	5	5
Rear	15	15	15	15	15	15
Maximum building height	32 feet/3 stories	32 feet/3 stories	35 feet/3 stories	45 feet/4 stories	35 feet/3 stories	45 feet/4 stories
[1]Minimum density for the -HO-H29 and -HO-M29 is only applied to sites identified to accommodate very low and/or low income units in Appendix D1 of the Housing Element.						

Chapter 10.40

GENERAL DEVELOPMENT REGULATIONS

Sections:

10.40.010 Purpose and applicability of chapter.
10.40.020 Development standards of the fair traffic limits initiative.
10.40.030 Minimum parcel standards.
10.40.040 Floor area ratio.
10.40.050 Building coverage limits.
10.40.060 Height requirements.
10.40.070 Setbacks and yards.
10.40.080 Exceptions to required setbacks.
10.40.090 Permitted projections into required setbacks.
10.40.100 Parking standards.
10.40.110 Parking space requirements by land use.
10.40.115 Parking exemptions within one-half mile of public transit.
10.40.120 Design and improvement of parking.
10.40.130 Residential density bonuses and incentives.
10.40.140 Inclusionary housing.

[Sections 10.40.010-10.40.070, 10.40.090-10.40.110, and 10.40.140 omitted; no change.]

…

10.40.080 Exceptions to required setbacks.

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

A. Narrow Parcels. The side yard setback requirement may be reduced to 10 percent of the lot width, to not less than three feet, for any substandard parcel that meets the criteria in SMC 10.40.030(D) (Development on Substandard Lots) and is less than 50 feet wide. See Diagram 10.40-7.

B. Pedestrian Lane Rights-of-Way. Where a side parcel line adjoins a right-of-way which does not contain a street and is 10 feet or less in width, the required side yard setback shall be measured from the center line of such right-of-way.

C. Accessory Structures. Accessory structures and buildings may occupy required yard areas only to the extent permitted by SMC 10.44.020 (Accessory uses and structures).

D. Temporary Structures. Structures that are temporary or can easily and readily be removed, have no more than 120 square feet of roof area, and are not permanently attached to the ground (including but not limited to surface utilities and storage bins), may be allowed within required setbacks for a period of no more than 60 days per year. ~~[Ord. 1205 § 25, 2012; Ord. 1167 § 2, 2003.]~~

E. Lot Mergers. A multifamily rental project that is located on a single site composed of multiple contiguous lots shall only be subject to the setbacks along the exterior lot lines for projects that include a lot merger.

…

10.40.115 Parking exemptions within one-half mile of public transit.

A. Purpose and Intent. The purpose of this section is to provide regulations for the exemption of parking for eligible projects that are within one-half mile of public transit pursuant to Government Code Section 65863.2.

B. Standards for Projects Exempt from Minimum Automobile Parking Requirements.

1. A residential, commercial, or other development project is not required to provide any minimum automobile parking if the project is located within one-half mile of public transit.

2. Notwithstanding Paragraph B.1, an event center shall provide parking, as required by this section, for employees and other workers.

3. Paragraph B.1. shall not apply to commercial parking requirements if it conflicts with an existing contractual agreement of the City that was executed before January 1, 2023, provided that all of the required commercial parking is shared with the public. This paragraph shall apply to an existing contractual agreement that is amended after January 1, 2023, provided that the amendments do not increase commercial parking requirements.

C. Negative Impact Findings. Notwithstanding Paragraph B.1, the Community Development Director may impose minimum automobile parking requirements on a project that is located within one-half mile of public transit if the Director makes written findings, within 30 days of the receipt of a completed application, that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact, supported by a preponderance of the evidence in the record, on any of the following:

1. The City's ability to meet its share of the regional housing need in accordance with Section 65584 for low- and very low income households.

2. The City's ability to meet any special housing needs for the elderly or persons with disabilities identified in the analysis required pursuant to paragraph (7) of subdivision (a) of Section 65583.

3. Existing residential or commercial parking within one-half mile of the housing development project.

D. Exceptions to Negative Impact Findings. For a housing development project, Paragraph C (Negative Impact Findings) shall not apply if the housing development project satisfies any of the following:

1. The development dedicates a minimum of 20 percent of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities.

2. The development contains fewer than 20 housing units.

3. The development is subject to parking reductions based on the provisions of any other applicable law.

E. Definitions. For the purposes of this section, the following definitions shall apply.

"Housing development project" means a housing development project as defined in paragraph (2) of subdivision (h) of Section 65589.5.

"Project" does not include a project where any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except where a portion of a housing development project is designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

"Public transit" means a major transit stop as defined in Section 21155 of the Public Resources Code.

D. Additional Standards.

1. This section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential or nonresidential development that is located within one-half mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

2.When a project provides parking voluntarily, any other requirements for car share vehicles, availability of parking for the public, or requirements of parking owners to charge for parking that may be set forth in this

code or in the applicable building codes shall apply. The City shall not require that voluntarily provided parking be provided to residents free of charge.

10.40.120 Design and improvement of parking.

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

A. Parking Lot and Parking Space Design and Layout. Except where otherwise provided by SMC 10.40.110(D) (Reductions) or subsection (A)(3)(b) of this section (Disabled Spaces and Ramps), parking spaces shall be designed as follows:

1. Parking Space Size. Parking spaces shall be a minimum of nine feet by 19 feet.

2. Location of Parking. Off-street parking facilities shall be located on-site unless authorized by a conditional use permit as specified in subsection (B)(2) of this section (Off-Site Parking) or SMC 10.40.110(E) (Joint Use).

3. Parking Lot Design. The design and layout of parking lots shall conform to the following standards.

a. Circulation Aisle Width. The minimum aisle width for access to parking spaces or between parking rows shall be as specified in Diagram 10.40-9 and shall be based on the angle and direction of parking spaces.

b. Disabled Spaces and Ramps. Parking spaces and access for disabled persons shall be provided pursuant to Title 24 of the California Code of Regulations. Location, design and amount of spaces shall be consistent with Title 24 California Code of Regulations requirements.

c. Border Barricades. Every parking area that is not separated by a fence from any adjoining street or alley shall be provided with a suitable concrete curb or timber barrier not less than six inches in height to block vehicle tires. Except for entrance and exit driveways, such curb or barrier shall be continuous and shall be located not less than three feet from such street or alley parcel lines and such curb or barrier shall be securely installed and properly maintained.

d. Screening. Every parking area of five or more spaces within and/or abutting any residentially zoned parcel or street parcel line shall be separated from such adjoining residential property or street parcel line by a solid wall, view-obscuring fence, or compact evergreen hedge six feet in height. Height shall be measured from the grade of the finished surface of such parking lot closest to the contiguous residentially zoned parcel. Where the elevation of the abutting parking area is below the elevation of the residential parcel along the common property line, the required wall, fence, or hedge may be reduced by one foot in height for each two feet of difference in elevation. The required screening and/or barricade shall be subject to design review approval per Chapter 10.54 SMC (Design Review Procedures). The Planning Commission may authorize further height reductions or elimination of such screening if it is determined that such screening would obstruct views or be detrimental to surrounding properties.

e. Lighting. Lighting shall be provided as required by project conditions of approval, or as deemed appropriate by the Planning Commission. Parking lot lights shall be designed to illuminate the parking area and shall be directed away from adjacent properties and any dwelling units.

f. Street Access. The location and design of all entrances and exits shall be subject to the approval of the City Engineer.

g. Internal Access. Unobstructed vehicular access shall be provided to each parking space except where a parking area is under the supervision of a parking lot attendant during the hours of operation.

h. Surface and Slope. Off-street parking areas shall be paved or otherwise surfaced and maintained to avoid scattering of gravel, rocks, dust, mud or other debris. Off-street parking areas shall also be graded and drained to dispose of all surface water. In no case shall such drainage be allowed across sidewalks. The maximum slope of parking areas shall be five percent.

i. Restricted Commercial Parking. Parking spaces in commercial parking lots may be restricted to customer and employee use only during business hours. In parking lots serving multiple uses, parking spaces shall not be restricted to time limits, specific uses, or "employees only" use, unless such restrictions are reviewed and approved by the Zoning Administrator.

j. Waterfront Parking. Structures and open parking areas in the marinship and central waterfront (as identified in the general plan and defined by Chapter 10.88 SMC, Definitions) shall be constructed no less than six feet above NGVD (National Geodetic Vertical Datum), consistent with FEMA regulations and Sausalito's local flood zone ordinances.

k. Ingress/Egress. All parking spaces (including garage spaces) required for any land use other than a single-family or two-family dwelling shall be designed and located to allow vehicles to both exit and enter the site in a forward direction to and from a public or private road.

l. Driveway Design. Driveways serving required parking shall be subject to review and approval by the City Engineer to ~~assure~~ require a negotiable break-over angle, turning radius, and slope. Driveways on nonresidential sites shall be limited to 15 percent slope. Residential driveways shall be limited to 20 percent slope. New driveways may exceed these slope limitations subject to the following conditions:

i. The conditions of the project site provide no reasonable alternative to reduce the driveway slope.

ii. The ingress/egress of the proposed driveway will not result in immediate or potential hazard to pedestrians and/or vehicles traveling in the public right-of-way.

iii. In no case shall a driveway exceed 25 percent slope.

iv. The proposed driveway is subject to review and approval by the Planning Commission as governed by Chapter 10.54 SMC (Design Review Procedures), except where prohibited by applicable law requiring ministerial approval of a project.

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

1. Tandem Parking. Tandem parking shall require a conditional use permit as provided by Chapter 10.60 SMC (Conditional Use Permits). Tandem parking, two vehicles parked so that one is behind the other, may be permitted for two- and multiple-family dwellings where both parking spaces are intended to serve one and the same dwelling unit. Existing historical tandem parking spaces shall not be considered as providing required parking unless a conditional use permit is secured per Chapter 10.60 SMC (Conditional Use Permits). Tandem parking shall be a permitted use without the requirement for a conditional use permit for projects which propose the maximum number of units allowed for parcels in the R-2 and R-3 zoning districts. For the purposes of this section accessory dwelling units shall count toward fulfilling the density requirement.

2. Off-Site Parking. The Planning Commission may, upon application by the owner or lessee of any property, authorize a conditional use permit for off-site parking to serve a new use and/or structure subject to the following conditions:

a. If the required parking space(s) are located on a separate lot of record from the lot of record of the building, structure, improvement, or use requiring the parking space(s), a covenant shall be recorded in the office of the County Recorder of Marin County, State of California. Such owner or owners shall record the covenant for the benefit of the City in a form approved by the City. Covenant shall provide that such owner or owners will continue to maintain such parking space so long as the building, structure or improvement is maintained within the City. The covenant shall stipulate that the title to and right to use the parcel or parcels upon which the parking space is to be provided will be subservient to the title to the premises upon which the building is to be erected. The covenant shall guarantee that the parcel or parcels are not and will not be made subject to any other covenant or contract for use without prior written consent of the City; and

b. The required parking space(s) must be located on an adjacent parcel or site that is readily accessible to the site containing the building, structure, improvement, or use requiring the parking space(s). ~~[Ord. 1217 § 7, 2014; Ord. 1167 § 2, 2003.]~~

10.40.130 Residential density bonuses and incentives.

A. Purpose. The purpose of this section is to demonstrate the standards and procedures in granting affordable housing density bonuses for housing developments, in an effort to incentivize the construction of affordable units within new developments in the City. This section is intended to implement the requirements of state law (Government Code Sections 65302, 65913, and 65915, et seq.) and the goals and policies of the City's housing element.~~This section implements the requirements of Government Code Section 65915 ("State Density Bonus Law").~~

B. Applicability.

1. ~~This section shall apply to all zoning districts within the City that allow residential use.~~

~~2. The bonus granted pursuant to this section shall apply only to residential projects or residential components of mixed-use projects, not including units granted as a density bonus.~~

~~3. The proposed project shall have all of the following characteristics in order to qualify for a density bonus:~~

~~a.~~ The residential development must include a minimum ~~of five dwelling units.~~number of affordable units required by State Density Bonus Law.

~~b~~2. The applicant seeks and agrees to provide housing units to very low, low or moderate income households or senior citizens at rates consistent with ~~those specified in Table 10.40-2 (Density Bonus Standards)~~State Density Bonus Law.

~~c~~3. The resulting density is beyond that permitted by the applicable zoning district.

~~d~~4. The applicant agrees to retain the affordable status of housing units for ~~at least 30 years~~ the period required by State Density Bonus Law through the recordation of a deed restriction.

C. Application Requirements.

1. Any applicant requesting a density bonus, incentives, and/or concessions must provide the City with a written proposal.

2. The ~~proposed project shall have all of the~~applicant shall demonstrate that the project meets the eligibility requirements of State Density Bonus Law ~~following characteristics~~ as part of the application submittal in order to qualify for a density bonus~~:~~. The applicant shall provide:

a. Requested ~~Density~~ density ~~B~~bonus~~.~~ and documentation establishing eligibility for density bonuses and requested parking ratios, including: ~~. The applicant shall provide:~~

i. Evidence that the project meets thresholds set by State Density Bonus Law, excluding the units added by the granted density bonus;

i~~i~~. Calculations showing the maximum base density;

ii~~i~~. Number or percentage of affordable units and the income level at which the units will be restricted to;

iii~~v~~. Number or percentage of units restricted to a specific population and the income level at which the units will be restricted to;

i~~i~~v. Number of market rate units to result from the granted density bonus;

v~~i~~. Resulting density, described in units per square foot; and

v~~ii~~. A written acknowledgment that the project will be subject to a condition of approval and deed restriction to retain affordability of the affordable unit(s) and units set aside for a specific population for at least ~~30~~ 55 years pursuant to Government Code Section 65915(c)(1).

viii. Documentation of how for-sale units will meet the requirements of Government Code Section 65915(c)(2).

b. Documentation of Requested Incentives ~~or~~ , Concessions, Waivers, and Parking. ~~The applicant shall provide:~~

i. ~~A pro forma or other report documentation demonstrating that the~~Documentation stating the requested incentives and concessions ~~result in identifiable, financially sufficient and~~ and ~~actual cost reductions necessary to ensure the financial feasibility of the~~for the ~~proposed units shall be prepared~~for the project~~.~~, including documentation that the incentive or concession meets the definition set forth in Government Code section 65915(k).

~~ii. A detailed report to allow the City to verify the conclusions of the report submitted in subsection (C)(2)(b)(i) of this section shall be prepared. The City may require that an independent financial review be conducted and the applicant shall be responsible for all consulting costs for document preparation and review.~~

ii~~i~~. ~~The proposal shall include a~~A description of any ~~proposed~~ requested waivers of development standards and explanation of why ~~they~~ such waivers are necessary ~~for making~~ to avoid ~~the project~~ physically ~~possible~~precluding the construction of the project.

~~iv~~iii. If the applicant requests a parking ratio pursuant to Government Code section 65915(p), the parking ratio for which the applicant is eligible.~~All requested incentives and concessions should not exceed the limits stated in Table 10.40-3 (Incentives and Concessions).~~

3. Payment of fees set by resolution of the City Council.

D. Density Bonus Allowance; Incentives and Concessions. Density bonuses, incentives, ~~and~~ concessions and waivers shall be calculated and granted in accordance with Government Code section 65915 et seq.

~~1. A request for a density bonus pursuant to this section shall only be granted if the applicant agrees to construct one of the following:~~

~~a. At least five percent of the units are dedicated to very low income households;~~

~~b. At least 10 percent of the units are dedicated to very low income and/or low income households;~~

~~c. At least 10 percent of the units are dedicated to moderate income households and are developed as common interest developments (including condominium projects, planned developments, community apartment projects or stock cooperatives) and are available to the general public for sale; or~~

~~d. At least 35 dwelling units are dedicated and available exclusively to persons aged 55 and older and to those residing with them in accordance with State Density Bonus Law Section 65915(b)(1)(c).~~

~~e. The density bonuses available under this section shall not be combined.~~

~~f. All calculations resulting in fractional units shall be rounded up to the next whole number.~~

Table 10.40-2. Density Bonus Standards

Target Group	Proportion of Total Affordable Dwelling Units	Maximum Density Bonus	Example Project with 20 Base Units (Except Senior Citizen Housing Development)			
			Base Units		Bonus Units[4]	Maximum Number of Units
			Market Units	Minimum Affordable Units		
Very Low Income[1]	5%	20%	19	1	4	24
	10%	33%	18	2	7	27
	13% or above	40%	17	3	8	28
Low Income[2]	10%	20%	18	2	4	24
	11%	21.5%				
	23% or above	40%	15	5	8	28
Moderate Income[3] (Common interest developments)	10%	5%	18	2	1	21
	20%	15%	16		3	23
	45% or above	40%	11	9	8	28
Senior Citizen	35 units (minimum)	20%	35		7	42

[1] For each 1% increase over 5% of the target units, the density bonus shall be increased by 2.5% up to a maximum of 40%.

[2] For each 1% increase over 10% of the target units, the density bonus shall be increased by 1.5% up to a maximum of 40%.

[3] For each 1% increase over 10% of the target units, the density bonus shall be increased by 1% up to a maximum of 40%.

[4] Rounded up to the next whole number.

E. Floor Area Bonus and Concessions for Child Care Facilities.

1. When the applicant proposes to construct a housing development that includes affordable housing units as stated in Table 10.40-2 (Density Bonus Standards) and includes a "child care facility," as defined in State Density Bonus Law Government Code sSection 65915(h)(4), to be located on the premises of, constructed as part of, or located adjacent to the housing development, the City shall grant either of the following to the applicant: an additional density bonus or incentive

a. An additional density bonus in an amount that is equal to or greater than the total square footage of the child care facility; or

b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.to the extent required

2. A housing development shall be eligible for either the density bonus or concession described in this section once the granting authority makes all of the following findings:

a. The granted density bonus or concession would contribute to the economic feasibility of the construction of the child care facility.

b. The density bonus or concession would not have a significant adverse impact on public health, public safety or the physical environment to an extent which cannot be feasibly mitigated or avoided without compromising the affordability of very low income, low income and moderate income housing units. A specific adverse impact is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that application was deemed complete.

c. The child care facility shall remain in operation for the same period of time in which affordable units of the development are proposed and required to remain affordable.

d. Of the children attending the child care facility, the percentage of children of very low income, low income or moderate income households shall be equal to or greater than the percentage of the dwelling units proposed to be affordable to very low income, low income and moderate income households.

e. The City shall not be required to grant a density bonus or concession if it determines, based on substantial evidence, that the community has adequate child care facilities.

f. A floor area density bonus for the provision of a child care facility may be combined with a density bonus granted for the provision of affordable housing units. The combined density bonus for any residential development shall not exceed 35 percent.

F. Incentives and Concessions.

1. In addition to the density bonus, an applicant who utilizes the density bonus provisions of this chapter may request one or more concessions or incentives. The number of incentives or concessions granted to the applicant shall be pursuant to the State Density Bonus Law, as set forth in Table 10.40-3 (Incentives and Concessions), unless the City makes the findings and rejects a request under the procedures described in subsection (F)(6) of this section pursuant to the State Density Bonus Law.

2. 3. Applicants may seek a waiver or modification of development standards that will have the effect of precluding the construction of a residential development meeting the criteria of subsection D of this section at the densities or with the concessions or incentives permitted by this subsection. The applicant must demonstrate that the waiver or modification is necessary to make the residential project, with the affordable units, economically feasible.

4. The denial of an incentive is separate from a decision to approve or deny the project as a whole.

5. The granting of a density bonus, incentives or concessions shall not be interpreted to require a General Plan amendment, Zoning Map amendment, or other discretionary action for approval. If the base project requires discretionary approval, the City retains discretion whether to make the required findings for the project's approval.

Table 10.40-3. Incentives and Concessions

Unit Affordability Level	Percentage of Total Housing Units	Number of Incentive(s) or Concession(s)
Very Low Income	5%	1
Low Income	10%	1
Moderate Income	10%	1
Very Low Income	10%	2
Low Income	2017%	2
Moderate Income	20%	2

~~Unit Affordability Level~~	~~Percentage of Total Housing Units~~	~~Number of Incentive(s) or Concession(s)~~
~~Very Low Income~~	~~15%~~	~~3~~
~~Low Income~~	~~3024%~~	~~3~~
~~Moderate Income For Sale~~	~~30%~~	~~3~~

~~6. The City reserves the right to deny density bonus incentives and concessions requests if written findings are made based upon substantial evidence demonstrating any of the following:~~

~~a. The concession or incentive would be contrary to State or Federal law;~~

~~b. The concession or incentive is not required to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set at affordable levels as specified in Section 50053 of the Health and Safety Code;~~

~~c. The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon:~~

~~i. Public health or safety for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households;~~

~~ii. The physical environment for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or~~

~~iii. Any real property listed in the California Register of Historical Resources.~~

~~d. Development is physically possible without granting a waiver of development standards.~~

~~G~~F. ~~Alternative~~ Parking Standards. For density bonus projects ~~meeting the criteria set forth under Table 10.40-2 (Density Bonus Standards), ,~~ upon a request by the applicant, the City shall allow the following modified parking requirements, subject to the provisions and requirements of Government Code section 65915(p):

1. Zero- to one-bedroom units – one off-street parking space per unit.

2. Two- to three-bedroom units – ~~two~~ one and one-half onsite parking spaces ~~off-street parking spaces~~ per unit.

3. Four and more bedrooms – two and one-half off-street parking spaces per unit.

These spaces are inclusive of accessible and guest parking spaces. All fractions of numbers shall be rounded up. An applicant may use tandem or uncovered parking spaces to meet these parking requirements. Parking standards may be further reduced in accordance with Government Code section 65915(p).

~~H~~G. Physical Constraints. Except as restricted by California Government Code ~~§~~section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The City shall approve a waiver or reduction of a development standard, unless it finds- in writing that:

1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of § 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or

4. The waiver or reduction of the development standard would be contrary to state or federal law.

~~H~~H. Design and Quality. Affordable units must be constructed concurrently with market rate units and shall be dispersed within the development. The number of bedrooms of the affordable units shall be equivalent to the bedroom mix of the market rate units in the development. Affordable units shall be of equal design and quality as market rate units unless approved by the City. Exterior architectural appearance shall not differentiate between affordable and market rate units. Interior design, finishes and amenities of affordable units may differ from market rate units, but may not be of substandard or inferior quality as determined by the Community Development Director.

~~H~~I. Donation of Land.

~~1.~~ An applicant for a tentative subdivision map, parcel map, or other residential development who donates land to the City, as provided for in this section, shall be entitled to ~~a 15 percent~~ an increase above the otherwise maximum allowable residential density under the applicable zoning district and the Land Use Element of the General Plan ~~for the entire development. For each one percent increase above the minimum 10 percent land donation for very low income units described in subsection (I)(3)(b) of this section, the density bonus shall be increased by one percent, up to a maximum of 35 percent as shown in Table 10.40-41 (Density Bonus for Land Donations).~~in accordance with the provisions of State Density Bonus Law.

~~2. This increase shall be in addition to any increase in density allowed by subsection E of this sectionGovernment Code section 65915(b), up to a maximum combined density bonus of 35 percent if an applicant seeks both the increase required pursuant to this subsection and subsection E of this section. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger integer.~~

~~3. An applicant shall be eligible for the increased density bonus described in this subsection I when all of the following requirements are met:~~

~~a. The applicant shall donate and transfer the land no later than the date of approval of the final tract or parcel map, or application for the construction of residential units.~~

~~b. The development acreage and zoning classification of the land being transferred shall be sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.~~

~~c. The transferred land shall be at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.~~

~~d. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all the permits and approval, other than building permits, necessary for development of the very low income housing units on the transferred land except that the City may subject the proposed development to subsequent design review to the extent authorized by~~

~~subdivision (i) of Health and Safety Code Section 65583.2, as amended from time to time, if the design is not reviewed by the City prior to the time of transfer.~~

~~e. The land shall be transferred to the City of Sausalito, or to a housing developer approved by the City of Sausalito.~~

~~f. The transferred land and the very low income units constructed on the land will be subject to a deed restriction ensuring continued affordability of the units constructed consistent with this chapter, which restriction will be recorded on the property at the time of transfer.~~

~~g. The transferred land shall be within the boundary of the proposed development or, with the approval of the City, within one-quarter mile of the boundary of the proposed development.~~

~~h. A bonus shall not be granted unless a source of funding for the very low income units has been identified not later than the date of approval of the final parcel or tract map, or application for the construction of residential units.~~

~~Table 10.40-41. Density Bonus for Land Donation~~

~~Percentage Very Low Income Units~~	~~Percentage Density Bonus~~
~~10~~	~~15~~
~~11~~	~~16~~
~~12~~	~~17~~
~~13~~	~~18~~
~~14~~	~~19~~
~~15~~	~~20~~
~~16~~	~~21~~
~~17~~	~~22~~
~~18~~	~~23~~
~~19~~	~~24~~
~~20~~	~~25~~
~~21~~	~~26~~
~~22~~	~~27~~
~~23~~	~~28~~
~~24~~	~~29~~
~~25~~	~~30~~
~~26~~	~~31~~
~~27~~	~~32~~
~~28~~	~~33~~
~~29~~	~~34~~
~~30~~	~~35~~

~~[Ord. 1283 § 1, 2021; Ord. 1220 § 1, 2014; Ord. 1167 § 2, 2003.~~

~~...~~

Chapter 10.44

SPECIFIC USE REQUIREMENTS

Sections:

10.44.010 Purpose and applicability.
10.44.020 Accessory uses and structures.
10.44.030 Home occupations.
10.44.040 Noncommercial vehicle and boat repair or storage in residential areas.
10.44.050 Storage, accessory.
10.44.060 Mobile home/manufactured housing standards.
10.44.070 Piers, docks, floats, and wharves in residential districts.
10.44.080 Accessory dwelling unit regulations.
10.44.085 Junior accessory dwelling unit regulations.
10.44.090 Detached dwelling units.
10.44.100 Child day care.
10.44.110 Religious institutions, private clubs and fraternal organizations in residential zoning districts.
10.44.120 Senior housing projects.
10.44.130 Arks.
10.44.140 Harbor and marina facilities.
10.44.150 Reserved.
10.44.160 Houseboats.
10.44.170 Liveaboards.
10.44.180 Veterinary clinics.
10.44.190 Residential use in commercial districts.
10.44.200 Recycling collection stations.
10.44.210 Restaurants.
10.44.220 Restaurants – Outdoor dining areas.
10.44.230 Visitor serving stores in the CC district and art galleries in the CR district.
10.44.240 Formula retail.
10.44.250 Office conversions.
10.44.260 Service stations.
10.44.270 Freestanding personal structures.
10.44.280 Offices, temporary.
10.44.290 Reserved.
10.44.300 Temporary outdoor retail sales.
10.44.310 Temporary uses and events.
10.44.320 *Repealed.*
10.44.330 Development standards for dwelling units in two-family and multiple-family residential zoning districts.
10.44.340 Banks and financial service – retail in the CR District.
10.44.350 Two-unit developments.
10.44.360 Employee housing.
10.44.370 Employee housing, agricultural.
10.44.380 Low barrier navigation centers.
10.44.390 Supportive housing.
10.44.400 Replacement housing.

[Sections 10.44.010-10.44.050, 10.44.070-10.44.110, 10.44.130-10.44.160, and 10.44.180-10.44.350 omitted; no change.]

…

10.44.060 Mobile home/manufactured housing standards.

A. Purpose. In addition to the general purposes of this chapter, the specific purposes of this section allowing and regulating mobile homes and manufactured homes include the following:

1. To provide for the placement of mobile and manufactured homes on lots or parcels zoned for conventional single-family residential use;

2. To comply with the requirements of Section 65852.3 et seq. of the Government Code;

3. To provide affordable housing opportunities in the City of Sausalito;

4. To provide standards for the type, location, placement and architectural features of mobile and manufactured homes, consistent with Section 65852.3 et seq. of the Government Code; and

5. To ensure mobile and manufactured housing is compatible with the design and character of single-family neighborhoods.

B. Definitions. The term "mobile home" is defined by Chapter 10.88 SMC (Definitions). As a land use, mobile homes are included under the definition of "single-family dwellings."

C. Design Review. Subject to the standards listed in subsection D of this section (Mobile Home/Manufactured Home Standards), all new mobile home/manufactured homes shall be subject to ~~design review approval pursuant to SMC 10.54.050 (Design review permits)~~same review process as a single family dwelling in the same zone.

D. Mobile Home/Manufactured Home Standards. Mobile homes that are certified under the National Mobile Home Construction and Safety Act of 1974 (42 USC Section 5401, et seq.), are subject to all of the following standards when installed on private property. Once installed pursuant to these standards, such certified mobile homes shall be referred to as "manufactured homes." Mobile homes and manufactured homes to be used as permanent dwellings pursuant to this section are subject to the following requirements, in addition to those required of other single-family dwellings:

1. Equivalent to Single-Family Homes. As required by California Government Code Section 65852.3, certified mobile homes and ~~(~~manufactured homes~~)~~ for permanent occupancy are considered the same as single-family dwellings, and are allowed by Chapters 10.20 through 10.28 SMC (Zoning Districts Regulations) in all districts that allow single-family dwellings, provided no more than 10 years have elapsed from the date of its manufacture.

2. Foundation System Required. The certified mobile home or ~~(~~manufactured home~~)~~ shall be placed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

3. Architectural Standards. Certified mobile homes and~~(~~ manufactured homes~~)~~ proposed in the R-1, R-2, R-3 and P-R zoning districts shall be subject to design review procedures (Chapter 10.54 SMC), the mobile home or manufactured home and the lot on which it is placed shall be subject to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, except for architectural requirements listed below.

a. Siding materials. Exterior siding (excluding windows) is to consist of non-reflective materials designed to resemble wood, stucco, rock, masonry, or other non-reflective, textured surface. Exterior siding shall be a non-combustible exterior material customarily used on new conventional single family dwellings in the city. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material used need not extend below the top of the foundation.

b. Roofing materials. Roofs (excluding skylights) are to consist of non-reflective and non-combustible designed to resemble wood shakes, wood or composition shingles, tile, or metal with a baked-on color or other non-reflective, textured surface and shall be similar in appearance and style to roofs used on new conventional single family dwellings in the city.

c. Roof overhang. Roofs shall have eave and gable overhangs of not less than one foot as measured from the vertical side of the structure.

~~as allowed by State law~~. ~~[Ord. 1167 § 2, 2003.]~~

…

10.44.120 Senior housing projects.

Senior housing projects (defined by Chapter 10.88 SMC, Definitions) are subject to the requirements of this section and Chapters 10.20 through 10.28 SMC (Zoning Districts Regulations).

A. Findings. The City Council makes the following findings related to senior housing:

1. Senior housing provides a needed housing alternative to accommodate an increasing senior citizen population.

2. Senior housing impacts a neighborhood less than standard apartment complexes, particularly related to density and parking.

B. Purpose. In addition to the general purposes of this chapter, the specific purposes of this section establishing standards for senior housing are as follows:

1. To establish procedures, standards and potential density increases for senior housing;

2. To ensure compatibility of senior apartments and senior independent living centers (SILCs) with adjacent land uses;

3. To provide for consideration of on-site facilities; and

4. To provide housing alternatives to accommodate an increasing senior population.

C. Eligibility of Project – Limitation on Age of Occupants. In order to be considered a senior housing project and qualify for the density bonus incentives offered by this section, the occupancy of the project shall be limited by deed restriction to one or more of the following:

1. A household in which the head and/or his (her) spouse is 62 years or older; or

2. A household in which the head and/or his (her) spouse is 62 years or older with a handicapped child; or

3. A household headed by a handicapped person who has a physical impairment which:

a. Is expected to be of a long, continued, and indefinite duration;

b. Substantially impedes the person's ability to live independently; or

c. Is of such nature that the person's ability to live independently could be improved by a more suitable housing condition; and

4. If the subject project contains 12 or more units, one unit may be occupied by a family who is neither elderly nor handicapped to specifically manage and/or operate the elderly and handicapped residence.

~~Housing projects that reserve between 50 percent and 100 percent of the units for at least one occupant each that is 62 or older are subject to the density bonus provisions of SMC 10.40.130 (Residential density bonuses and incentives).~~

D. Site Design and Development Standards. Senior housing projects shall comply with the following:

~~1. Density. Senior housing projects in the senior housing overlay district shall be allowed a density bonus of 33 percent over the density allowed by the base zoning district, except as modified by subsection F of this section (Density Bonus Criteria).~~

1~~2~~. Parking Requirements. A minimum of one off-street parking space per one unit shall be provided, including guest parking. Senior independent living centers (SILCs) with a minimum of six units shall be eligible for additional parking reductions based on the project's design, location and operations, including but not limited to a car-sharing program and proximity to transit.

A single project is limited to a 30 percent total parking reduction from standards established by this ~~subsection~~subsection, unless a greater reduction in parking is authorized under State Density Bonus Law (Government Code 65915(p).) ~~. A covenant approved by the City Attorney shall be filed with the County Recorder's Office. The covenant shall specify there shall be no change in use of the property unless off-street parking is installed to meet the requirements of this title for the new use.~~

2~~3~~. Laundry Facilities. Each multiple-family residential building or dwelling group for senior citizens or handicapped persons shall include congregate laundry facilities (in the building) that shall include washing machines and dryers.

E. Changes to Project. If the nature of the project changes (such as occupancy changing to apartment use without age restrictions), the project shall comply with the applicable standards of this title for the new use.

F. Density Bonus Criteria. The density bonuses provided by this section shall be deemed to be consistent with the general plan when the findings required by subsection G of this section (Findings for approval) have been made.

1. ~~Calculation of Density Bonus. Density credits shall be applied to the maximum residential density of the applicable zoning district.~~ Senior housing projects in the senior housing overlay district shall be allowed a density bonus of 33 percent over the density allowed by the base zoning district for projects not entitled to a higher density bonus in accordance with State Density Bonus Law (Gov. Code 65915).

~~For example, if the applicable zoning allows a maximum of four units on a project site and the project qualifies for a total density bonus of 25 percent, the project shall be allowed a density of five units.~~

2. Maximum Bonus Allowed. Density bonuses shall be calculated in the manner provided by the State Density Bonus Law and limited to the maximum ~~that~~ specified by s~~S~~tate law, except as set forth above.

G. Application of State Density Bonus Law. Waivers, incentives, and concessions from City development standards shall considered be in accordance with State Density Bonus Law. Projects not eligible for waivers, incentives, and concessions under State Density Bonus Law shall not be entitled to such by operation of this section.

H~~G~~. Findings for Approval. Approval of a conditional use permit (CUP) for a senior housing project shall require the following findings, in addition to those required by SMC 10.60.050 (Findings):

1. The number of units approved in the project can be adequately accommodated by the existing or planned infrastructure that will serve the project.

2. Adequate evidence indicates the project will provide senior citizen housing consistent with the purposes of this section.

...

10.44.360 Employee housing.

A. Purpose and Intent. The purpose of this section is to provide regulations for employee housing pursuant to Government Code Section 17021.5.

B. Standards. The following standards apply to all employee housing providing accommodation for six or fewer employees.

1. Employee housing providing accommodation for six or fewer employees shall be deemed a single-family structure with a residential land use designation.

2. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone.

3. Use of a family dwelling for purposes of employee housing serving six or fewer persons shall not constitute a change of occupancy for purposes of Health and Safety Code Division 13 Part 1.5 (commencing with Section 17910) or local building codes.

10.44.370 Employee housing, agricultural.

A. Purpose and Intent. The purpose of this section is to provide regulations for employee housing pursuant to Government Code Section 17021.6. To accomplish this purpose, the regulations outlined herein are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. Except where such provisions directly conflict with Division 13 Part 1 of the Government Code, the provisions of this section shall apply.

B. Standards. The following standards apply to all employee housing in zones that allow agricultural land uses, except where an employee housing unit is permitted under Section 10.44.360.

1. Any employee housing consisting of no more than 36 beds in a group quarters or no more than 12 units or spaces designed for use by a single family or household, or that is approved pursuant to Government Code Section 17021.8, shall be deemed an agricultural land use for the purposes of this section.

2. No conditional use permit, zoning variance, or other discretionary zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone.

3. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

10.44.380 Low barrier navigation centers.

A. Purpose and Intent. The purpose of this section is to provide regulations for the establishment of low barrier navigation centers pursuant to and as defined in Government Code Section 65660. To accomplish this purpose, the regulations outlined herein are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. Except where such provisions directly conflict with Section 65660 of the Government Code, the provisions of this section shall apply.

B. Standards. The following provisions shall apply to any low barrier navigation center.

1. A Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the requirements of this section.

2. A Low Barrier Navigation Center development shall be permitted provided that it meets the following requirements:

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who colocate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

C. Timing of Application Review and Decision.

1. Within 30 days of receipt of an application for a Low Barrier Navigation Center development, the local jurisdiction shall notify a developer whether the developer's application is complete pursuant to Section 65943.

2. Within 60 days of receipt of a completed application for a Low Barrier Navigation Center development, the local jurisdiction shall act upon its review of the application.

D. This section and provisions allowing low barrier navigation centers in Tables 10.22-1 and 10.24-1 shall remain in effect only until January 1, 2027, except if Government Code Title 7, Division 1, Chapter 3, Article 12 is extended to be in effect past such date and then shall only remain in effect while Government Code Title 7, Division 1, Chapter 3, Article 12, Low Barrier Navigation Centers, is in effect.

10.44.390 Supportive housing.

A. Purpose and Intent. The purpose of this section is to provide regulations for the establishment of supportive housing pursuant to and as defined in paragraphs (a) and (b) of Government Code Section 65651.

B. Standards.

1. Notwithstanding and provision of this code to the contrary, sSupportive housing shall be permitted by right in zones where multifamily and mixed uses are permitted, if the supportive housing project satisfies all of the requirements of Government Code Section 65651 paragraphs (a) and (b), as amended.

2. If the supportive housing development that is permitted by right in zones allowing multifamily and mixed uses is located within one-half mile of a public transit stop, there is no minimum parking requirement for the units occupied by supportive housing residents.

10.44.400 Replacement housing.

A. Purpose and Intent. The purpose of this section is to provide regulations for the replacement housing requirements specified in Government Code Sections 65583.2(g)(3).

B. Replacement Housing Requirement. Sites included in the Housing Element Inventory of Residential Sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity's valid exercise of its police power, or occupied by low- or very low income households, shall replace all those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Government Code Section 65915.

Chapter 10.54

DESIGN REVIEW PROCEDURES

Sections:
10.54.010 Purpose.
10.54.020 Applicability.
10.54.030 Guiding principles of design review.
10.54.040 Administrative design review permits.
10.54.050 Design review permits.
10.54.060 Submittal requirements.
10.54.070 Additional submittals required.
10.54.080 Referral.
10.54.090 Conditions of approval.
10.54.100 Time limits for construction.

[Sections 10.54.010 and 10.54.030-10.54.100 omitted; no changes.]

10.54.020 Applicability.
This chapter establishes thresholds for administrative design review and Planning Commission design review. Administrative design review permits shall be required and processed in accordance with SMC 10.54.040 (Administrative design review permits). Planning Commission design review permits shall be required and processed in accordance with SMC 10.54.050 (Design review permits). Properties designated on the local/State/National Historic Register and/or in a historic overlay district shall also receive a certificate of appropriateness pursuant to SMC 10.46.060 (Property and review requirements). No design review shall be required for projects that fall outside of thresholds contained in this chapter. Minor revisions to approved projects are not subject to this chapter and are instead governed by SMC 10.50.180 (Changes to an approved project).

Proposals that do not require an administrative design review permit or design review permit and fall below the thresholds stated in this chapter and meet or exceed all zoning requirements shall only require a building permit, shall be subject to regulation under Chapter 10.52 SMC (Zoning Permits), and are exempt from design review under this chapter.

Additionally, this chapter shall not apply to projects where discretionary design review is prohibited by applicable state law and where a housing project qualifies as a use by right under Government Code section 65583 and 65583.2, and such approval shall only require approval of a zoning permit under Chapter 10.52, including the following:

(1) Supportive housing, as defined in Government Code section 65650, shall not be subject to this chapter in all zones where multifamily and mixed uses are permitted.

(2) Applications for a housing development projects on non-vacant sites used in two or more Housing Element cycle planning periods pursuant to Government Code Section 65583.2(c), in which the housing development project includes at least 20% of the units affordable to lower income households. The only site this paragraph shall apply to is located at APN 064-062-19.

(3) Owner-occupied or multifamily residential use projects, on sites designated in the Housing Element pursuant to Government Code section 65583.2(h), that accommodate very low and low-income households, and includes at least 20% of the units affordable to lower income households, as located in the following:

(a) Mixed Use-29
(b) Housing-29
(c) Mixed Use-49
(d) Housing-49
(e) Housing-70

(4) Attached housing developments, which satisfy the requirements of Government Code section 65589.4(a)(1) and 65589.4(b).

Chapter 10.88

DEFINITIONS

Sections:
10.88.010 Purpose and applicability.
10.88.020 Organization.
10.88.030 General rules for construction of language.
10.88.040 Specialized terms and land use definitions.

[Sections 10.88.010-10.88.030 omitted; no changes.]

10.88.040 Specialized terms and land use definitions.

The definitions that follow include lists of the various land uses included under each general title. It is the intention of this chapter that by referencing specific uses, those are the specific uses that are permitted in the applicable zoning district. Uses that are not listed are not permitted. Chapters 10.20 through 10.28 (Zoning Districts Regulations), 10.40 (General Development Regulations), 10.42 (Sign and Awning Regulations) and 10.44 SMC (Specific Use Requirements) specify permit requirements and/or development standards applicable to a given use.

Whenever a land use definition in this section includes a reference to "SIC," such reference is to the Standard Industrial Classification Manual, 1987, published by the Executive Office of the President of the United States, Office of Management and Budget. The SIC is a collection of more comprehensive and detailed definitions of land uses, which may be consulted as a reference by the Community Development Director and/or the Planning Commission in determinations regarding specific land uses allowed in particular zoning and overlay districts. If the SIC identifies a use which is not listed in the definitions contained in this chapter, this chapter is the governing list of permitted uses (not the SIC). However, a project proponent may file a determination of use application pursuant to the provisions of SMC 10.80.080 (Determination of use) and the Planning Commission may use the SIC as a reference in reaching its decision.

…

"Household" means a single individual or a~~, doing his own cooking, and living upon the premises as a separate housekeeping unit, or~~ a collective body of ~~persons~~ individuals, with common access to a single kitchen and eating areas ~~, with a legally responsible head of household, doing their own cooking~~sharing household responsibilities and activities, which may include chores, meals, shared expenses, and recreational activities, and living together upon the premises as a single family unit or ~~separate~~ single housekeeping unit, or functional equivalent thereof, as distinguished from a group of individuals occupying a boarding house, lodging house, club, fraternity, sorority or hotel who do not form a single family unit, housekeeping unit, or functional equivalent thereof.

…

"Low-barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.

2. Pets.

3. The storage of possessions.

4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

"Low Barrier Navigation Center" means a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

…

"Low- and very low income households" means the same as "lower income households" as defined in Section 50079.5 of the Health and Safety Code.

"Manufactured home" has the same meaning as manufactured home as defined by Health and Safety Code Section 18007. "Manufactured home" means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family to two-unit dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes any structure that meets all the requirements of Health and Safety Code Section 18007 except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

…

"Mobile home" has the same meaning as mobile home as defined by Health and Safety Code Section 18008. "Mobile home" means a ~~manufactured housing~~ structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more or length, in the traveling mode, or when erected onsite, is 320 or more square feet, is built on a permanent chassis, and designated to be used as a dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Mobilehome" includes any structure that meets all the requirements of this paragraph and complies with the state standards for mobilehomes in effect at the time of construction. "Mobilehome" does not include a commercial modular, as defined in Section 18001.8, factory-built housing, as defined in Section 19971, a manufactured home, as defined in Section 18007, a multifamily manufactured home, as defined in Section 18008.7, or a recreational vehicle, as defined in Section 18010.~~designed and equipped to contain not more than two dwelling units to be used with or without a foundation system.~~ See SMC 10.44.060 (Mobile homes/manufactured housing standards) for specific use requirements applicable to mobile homes.

…

"Use by right" has the meaning defined in subdivision (i) of Government Code Section 65583.2.

…"