## Table of Amendments to the Zoning Ordinance (SMC Title 10) Proposed for Further Consideration by the Legislative Committee Revision Date: January 19, 2011

			Public Proposals		
No.	Section/Table	Topic	Description	Legislative Committee Comments	Legislative Committee Direction
1.	10.24-1	Restaurants in W Zone	Should restaurants in the W Zone require a CUP or a MUP?		Staff to bring back a proposed direction and language [8/18/11]
			MR: Restaurants in the W Zone require a CUP and/or MUP per Section 10.44.210, Table 10.44-2, or revise Table 10.44-2 to delete W Zone.		
2.	10.40.030.D	Substandard Lots	Should this be a standard for creating new lots? Also, when applied to existing lots less than 30 ft. in width, this section is in conflict with Section 10.40.080.A	Setback should be reduced to 3' when the parcel is less than 50' in average width. [8/18/11]	Staff to bring back proposed language [8/18/11]
3.	10.40.040.C	Floor Area Ratio	"Floor area ratio of FAR shall mean the floor area of the building or buildings on a parcel divided by the net area of the parcel."  Is it "of the parcel" or of the area within a specific Zoning District within a parcel?		Staff to examine effect of this on parcels in the MSP area [8/18/11]
4.	10.40.040.C	Floor Area Ratio	Should the word "basement" be replaced with "all underground areas"?  MR: Replace the word "basement" with "all underground areas" because such areas should be subject to the 50% rule regardless of if there are other stories constructed above. A basement suggests space below a taller structure.	The intent was specifically for a basement area to get credit, to encourage building underneath the building within the existing envelope. [8/18/11]	Staff to bring back proposed language suggestion. Is a floor above the basement area required to get credit? [8/18/11]
5.	10.40.060.D.3	Building Height / Chimneys	Chimneys are currently allowed to exceed the building height, as noted in Section 10.40.060.D.3. Should this be allowed?	Yes [8/18/11]	Staff to bring back language that adds language "unless excepted by 10.40.060.D.3, 10.40.060.B, 10.40.060.C.2 and 10.40.060.C3.a" [8/18/11]

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6.	10.40.070.D.1	Measurement of Structures	Clarification is needed on where structures are measured from	The centerline method should be used where a line is drawn down the center of the parcel (from the midpoint of the front parcel line to the midpoint of the rear parcel line). The longest point of the structure on the right side is calculated and then the longest portion of the structure of the left side is calculated.  Question: is this a gradual or incremental calculation (i.e., feet vs. inches)? [8/18/11]	Staff to bring back revised language [8/18/11]
7.	10.40.090.D	Side Yard Structural Projections	Should the word "side" be deleted, so that the exception is allowed in all yards – both side and rear?		Staff to research pre-2003 code to see what the language said [8/18/11]
8.	10.40-1	General Industry	General Industry and Limited Industry are not defined. Should they be defined, and if yes, how should they be defined?		Staff to provide definition of general, limited and research development industries [8/18/11]
9.	10.44.020.C.4.b	Accessory Building	Clarify accessory building height requirements as related to setbacks  MR: Clarify that the height of an Accessory Building is limited only in the area of required setback, but once setback to the required distance, the height can be up to 15 ft. Staff is currently interpreting this otherwise.		Staff to bring back two options and their implications [8/18/11]
10.	10.54.040.A & B	Redraft for Clarity	These sections should be revised for clarity	Item deferred [8/18/11]	Item deferred [8/18/11]
11.	10.54.050.A	Redraft for Clarity	This section should be revised for clarity	Item deferred [8/18/11]	Item deferred [8/18/11]

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12.	10.56.050	Building Coverage	This section treats downhill property owners differently from uphill property owners, since driveways on downhill properties are often higher than 2 ft. above average grade, and therefore, counted as Building Coverage, where driveways for uphill properties are generally cut in and on grade, therefore, not counted as Building Coverage.	The penalization should be equal. Perhaps the minimum area for vehicular access should be excepted. Perhaps this is a question for the listserve. [8/18/11]	Staff to bring back a recommendation [8/18/11]				
13.	10.88.040	Parcel Size	Clarify what an individual access way means	Item deferred [8/18/11]	Item deferred [8/18/11]				

			Staff Proposals		
No.	Section/Table	Topic	Description	Legislative Committee Comments	Legislative Committee Direction
14.	Table 10.24-1	Create a new land use for Storage Containers	Identify where storage containers are permitted as a storage use.	Are the structures permanent? Is Design Review required? [9/15/11]	Staff to bring back (1) the current regulations and how they apply to different properties (2) staff recommendations [9/15/11]
15.	Table 10.24-1	Districts	Discuss district issues pertaining to 10.24-1	What does this mean? [9/15/11]	Staff to bring back a more in-depth discussion of this item [9/15/11]
16.	Table 10.24-1	New Structure or Replacement of Existing	Review type of permits that should be permitted for this section	This topic should be split into a discussion regarding (1) new offices (2) existing offices. [9/15/11]	Staff to bring back criteria for what constitutes a replacement of an existing office (intensity of use, foot traffic, generate visits) [9/15/11]
17.	Table 10.24-1	Clarify where Accessory Storage is allowed	Currently accessory storage is only permitted in the W District which is completely underwater whereas accessory storage is a use that is needed in the W-M District. Should the section be amended accordingly?	Similar issue to #1 [9/15/11]	Staff to incorporate this into #1 and look at this issue [9/15/11]
18.	10.24-1	Upper Level Residential	Determine if revisions are required.		Staff to identify where conflicts exist [9/15/11]

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19.	Table 10.26-1	Table needs to be updated to reflect MSP land use table	Determine how the MSP land use table should be updated	The table doesn't work [9/15/11]	Staff to look at issue of eliminating table or just including district-wide permitted uses and for all other uses a reference to see the MSP [9/15/11]			
20.	10.40.040.B & 10.88	10.40.040.B and "Floor, Finished" definition in 10.88	Determine appropriate regulations regarding finished floor area	Amend definition to make it clear that even if dirt is over a finished floor the area still counts as a finished floor for floor area calculations [9/15/11]	Staff to bring back revised language [9/15/11]			
21.	10.40.050.C	Impervious Surfaces	Determine appropriate modifications of definition and use of impervious surfaces	Conflict with pervious requirements. Perhaps this could be changed to be a requirement for open space. [9/15/11]	Staff to bring back examples of County's requirements [9/15/11]			
22.	10.40.060.C.3.b	Parking Exception	For structures that are not attached, determine if there should be an exception to the 15 foot requirement on downhill lots	There is a distinction between covered and uncovered parking. [10/13/11]	Staff to look at issues associated with revising this—could the height limit be 32'? [10/13/11]			
23.	10.40.090.B.1	Minimum Yard Setback	Determine if the minimum yard setback is 20% total or 20% per each provision	Any of the features can project up to 20%. Staff can begin this clarification. [10/13/11]	Language to be revised: "An of the following features may project into the minimum setback by up to 20% provided" Staff to incorporate revision and move forward.  [10/13/11]			
24.	10.40.120.B.1	Tandem Parking Spaces	Determine if this section should allow a MUP for tandem parking instead of a CUP	No issue—insertion of word "rear" in 4(b) as a part of the omnibus will clarify this. [10/13/11]	Remove this item from the policy list. [10/13/11]			
25.	10.44.020.C.4	Accessory Structure Regulations	Determine if the regulations should specifically state that side accessory buildings are not allowed, with exception of 10.44.020.D & 10.40.090.D?					

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No.	Section/Table	Topic	Description	Legislative Committee Comments	Legislative Committee Direction
26.	10.44.020.D.2	Add maximum height of a fence on a three-foot retaining wall	This section specifies that four feet is the maximum height of a fence on a retaining wall greater than 3 feet, however, it does not specify the maximum height of a fence on a retaining wall less than three feet. Staff has interpreted the maximum height to be six feet. Suggested amended language: "Walls, fences and railings may be located on retaining walls up to three feet (3') high above grade on property lines." Should this interpretation be implemented?	The maximum height of the fence on a retaining wall less than 3 feet should be 6 feet max. as measured from natural grade. [10/13/11]	Staff should incorporate this revision and move forward. [10/13/11]
27.	10.44.220.E.2	Outdoor dining permits	Review P/C's interpretation regarding off-street parking exemptions for outdoor dining permit. See 85 Libertyship Way staff report dated 11/28/07. Should the section be amended in accordance with the staff report?	The treatment of properties in with and without street frontage should be fair and treated in a similar manner. The language: "if there was public street frontage" is confusing and not equitable. There should be a way to deal with this in a fair manner (ideas: based on a square foot basis, a max number table before parking is considered basis etc.) [10/13/11]	Staff should look at revising the language so that there is equitable treatment. [10/13/11]
28.	10.44.230.B	Visitor Serving Store	Determine the definition that will be used consistently to define Visitor Serving Stores	Wine merchants rely on tourists. This list should be revised. There should be a catch all for things that are obviously visitor serving when located in downtown Sausalito (i.e., bike rental, Christmas stores). [10/13/11]	Staff should look at other communities like Carmel, San Francisco and Tiburon for examples of how this language is worked into their definitions of visitor serving stores and take revised language to the Planning Commission for review and discussion. [10/13/11]
29.	10.45.030.B.10	Tele-Comm	Determine if the alternative site analysis procedure should be changed. Staff proposes the following change: "Alternative site analysis is required for new facilities if the facility is not collocated and is." (emphasis added).	If the carrier is collocating and steathfully designed then the alternative site analysis shouldn't be required, but if there is more clutter it should be. [10/13/11]	Staff should look at the regulations more carefully to see if there is a requirement to steathfully design the antennas on an upgrade. If not, this should be revisited. [10/13/11]

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30.	10.50.180	Admin Review of Changes to an Approved Project	Define process and notice requirements for Admin Review of Changes to an Approved Project	n/a now [Planning Commission to discuss]	Remove this item [11/17/11]
31.	10.50.180	Notification process for Changes to an Approved Project	Clarify the notification process to neighbors for Changes to an approved project. The procedure of other jurisdictions should be reviewed.	n/a now [Planning Commission to discuss]	Remove this item [11/17/11]
32.	10.54.040.B.4 and 10.54.050.B.7		Clarify difference between the two sections	Section 10.54.040.B.4 should be reworded. Section 10.54.050.B.7 should be moved to Admin Design Review to streamline the process. [11/17/11]	Language to be revised: Reword 10.54.040.B.4 as follows: "Any elevated structures wherein sub-floor plumbing, utility ducts, or mechanical equipment underneath the structure is exposed to view from adjacent properties or the public right-of-way to avoid unsightly exposed utilities." [11/17/11]  Reword and move 10.54.050.B.7: "Construction of structures with a distance of more than six (6) feet from the ground to the lowest point of complete enclosurestructure. (Design Review shall address the potential visual impact of unsightly exposed underframing and utility ducts.)" to Admin Design Review section. [11/17/11]
33.	10.54.050.B.7		Determine if this section includes second story decks which are open and significance of		See changes in #32 [11/17/11]
			"complete enclosure"		

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34.	10.54.040 & 10.54.050	ADRP & DRP	Revise both sections to make each easier to understand	These sections are confusing. [11/17/11]	Staff to propose new wording for intro and purpose and authority of Admin Design and P/C Design Review for Legislative Committee Review. [11/17/11]
35.	10.54.040.B.14		Reword 10.54.040.B.14 to remove ambiguity	This section should be reworked. [11/17/11]	Any project that retains 6' or more needs to go through Admin Design Review. However, there should be a slope percentage that triggers this review (not 6'). The slope percentage should be uniform for each case. Staff to provide suggested slope and language changes. [11/17/11]
36.	10.54.050.B.15	Demo Projects	Determine if demolition projects be allowed without a Design Review Permit	This is a problem. Some applicants would like to demolish something without showing what is replacing it. [11/17/11]	Staff to provide suggested language to discuss. The applicant should provide plans for what goes in the demolished structure's place. Perhaps a description of the "short term and long term plans for the site"? Should there be exceptions? What about an unsafe building? [11/17/11]

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37.	10.56.050	Impervious Surfaces	Identify whether impervious surface associated with improvements in the right-of-way are to be included in the bulk calculations.	Should be, if it is for privatization of the right-of-way. [12/13/11]	Incorporate the following language via modifications to Table 10.22-2 (expand footnote 4); 10.40.050.C and 10.56.050:  • "Impervious surface features that provide for minimum necessary for vehicular and pedestrian access included in an approved Encroachment Agreement shall not count toward the maximum imperious surface calculation."  • If parking for public use is created, this does not count either  [12/13/11]
38.	10.88	Def of Visitor Serving Uses	Review definition of "Visitor Serving Stores"	Not needed- already in #28. [12/13/11]	Combine this with #28 and remove from list [12/13/11]
39.	10.88	Single-Family, Two-Family, Multi- Family Residential Structures	These terms are used in 10.54.050.B, but are not defined in 10.88. Definitions are needed or different terms should be used.	Should be used consistently	Staff to use terms like "single family dwelling" instead of "single family structure". Redline the document and go through to make sure there are no unintended consequences of this change. Bring back recommendations to Leg. Committee [12/13/11]
40.	1.04.070	Calendar Days	Amend regarding counting of calendar days for appeals, et cetera	Section 1.04 should be amended to include same language as 10.12.090. [12/13/11]	Staff to bring back language amending definition in 1.04 to include same language as 10.12.090. Specifically, include a definition of "day." [12/13/11]

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41.		Compact Spaces	Determine whether or not to allow compact spaces based on percentage of total parking required with size specifications comparable to other Marin County jurisdictions. Also determine whether or not regular parking space size should be changed.	There should not be compact parking provisions, but space size could be amended to be more in line with other Marin County jurisdictions. [12/13/11]	Staff to look at study by Walker Parking Consultants. Amend Zoning Ordinance to allow for alignment with Marin County Standards—8'6"x18" space sizes. This will apply equally to Residential and Commercial properties. Amend Section 10.40.120.A.1 [12/13/11]
42.		Mobile Food Delivery	Determine if mobile food providers should be permitted in the Marinship	This topic should involve a wider discussion, and be a discussion for not just the Marinship area, but the entire City. Move this topic off this list and include as an item that is separately noticed Legislative Committee item. [12/13/11]	Staff to notice a separate Legislative Committee meeting to discuss this topic. [12/13/11]
43.		Off-site Glare	Determine need for regulations restricting (or prohibiting) off-site glare	These regulations are necessary, and can be combined with #44. Illumination should be shielded, downward facing, not facing neighbors houses. Should have standards regarding the minimum required to illuminate the immediate area. Should have restrictions on maximum wattage. This should be put outside of the Design Review section. Perhaps include regulations in 10.40 [12/13/11]	Staff to bring back suggested language. [12/13/11]
44.		Glare from Address Lights	Determine need for regulations regarding glare from address lights	Combine with #43 [12/13/11]	Combine with #43 [12/13/11]

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45.		Kitchen	Clean up definition of "kitchen," specifically the second to last sentence	The second sentence in the definition should be modified to be affirmative. The word "hot plate" should be added. What about ventilation? Should there be separate definitions for commercial and residential uses? [12/13/11]	Staff to revise language and bring back to the legislative committee. [12/13/11]
46.		Medical Offices in CR District	Should Medical Offices in the CR District be a permitted use per the General Plan	Skipped—to be addressed next time [12/13/11]	
47.		Notices of Code Enforcement Violations	Recordation of "Notices of Code Enforcement Violations" with the County Recorder	Is this a common practice? [12/13/11]	Staff should make sure that this is recordable with the Marin County Recorder's office. [12/13/11]
48.		Tree Removal Permit	Clarify whether P/C approval of Tree Removal Permit as part of package of development approvals is appealable.		
49.		Roof-top equipment	Add regulation to require screening of roof-top equipment		
50.		WAM	Review WAM recommendations		
51.		Garage Sale Signs	Determine if regulations are required.		
52.		Liveaboards	Review regulations regarding liveaboards in marinas		
53.	10.44.220.C.3.k	Sidewalk Dining	Amendment of 10.44.220.C.3.k to delete reference to "Minor Use Permits." The City can revoke Encroachment Permits at any time, but not Minor Use Permits. We have to go through a revocation process.		

			Planning Commission Pro	oposals	
No.	Section/Table	Topic	Description	Legislative Committee Comments	Legislative Committee Direction
54.		Consistency	Make consistent all references to "Title", "SMC", etc; See 10.40.060.C.1.c for an example		
55.		Consistency	Review if all references to the California Building Code in the SMC say "consistent with the California Building Code" or "compliant with the California Building Code" and change all references to "compliant"		
56.	10.40.090.B.1	Setbacks	Should the setback be bigger than 3 feet?		
57.	10.50.180	Changes to an Approved Project: Notice	Allow the PC to get routine notices of decisions		
58.	10.50.180	Changes to an Approved Project: Appeals	Allow more time for the appeal process		
59.	10.84.030	Appeals	Allow more time for the appeal process		
60.	10.88	Subterranean	Add definition of "subterranean" to definitions section		
61.	10.88 & 10.44.230.B	Visitor Serving Store	Add massage parlors to definition		
62.	2.20.050	Planning Commission	There is a conflict between the Municipal Code Section 2.20.050 and Zoning Ordinance Section 10.80.050.B. The Zoning Ordinance specifies that action should require a majority of the quorum, and therefore the Zoning Ordinance should be amended.		
63.	10.44.170.A	Liveaboards	Are liveaboards required to get a CUP individually or marina-wide?		

Legislative Committee Proposals									
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64.	Diagram 10.40-8 and 10.40.090.B		How do does this diagram support this section?						
65.	10.44.010	Accessory Uses and Structures	This section needs to be cleaned up						
66.	10.40	Development Standards- Parallel Parking Space Size	Add regulations regarding parallel space size [added 12/13/11]	There should be parallel space size requirements. [12/13/11]	Staff to research (use Alta Consultants) and bring back a recommendation for parallel space size (8'6"x22')? [12/13/11]				

	City Council Proposals								
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67.	10.54.050.B.1	Design Review Criteria	There is no required Design Review Permit for a new commercial/industrial building. Revise						
		Cillena	10.54.050.B.1 to state "any new single-family,						
			duplex, multi-family, commercial, or industrial						
			structure proposed for construction" or similar						
			[Removed for "minor" list on 12-6-11 by C/C]						
68.	10.40.060.C.3	Parking Exception	Discuss if the exception only applies to parking						
			areas attached to the main structure. The						
			langue could suggest that a detached parking						
			structure could be allowed taller than the 15'						
			maximum allowed for an accessory structure.						
			[Removed for "minor" list on 12-6-11 by C/C]						
69.	10.82.020	Noticing	Require a 500' noticing radius for all public						
		Procedures	hearing projects. [Removed for "minor" list on						
			12-6-11 by C/C]						

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