

ORDINANCE NO. 1281

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
AMENDING TABLE 10.22-1, TABLE 10.24-1, SECTION 10.44.080, SECTION 10.40.040
AND SECTION 10.44.085 OF TITLE 10 OF THE SAUSALITO MUNICIPAL CODE.**

WHEREAS, in order to encourage the construction of additional dwelling units to provide more housing for California residents, the State of California has enacted legislation to encourage the construction of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), as further defined in this ordinance; and

WHEREAS, Government Code Sections 65852.2 and 65852.22 require the City of Sausalito to adopt zoning regulations in compliance with state law provisions regarding accessory dwelling units and junior accessory dwelling units;

WHEREAS, prior to July 1, 2018, on November 27, 2012, by Ordinance No. 1209, the City of Sausalito adopted zoning regulations providing for the approval of accessory dwelling units in multifamily dwellings and thus under Government Code Sections 65852.2(e)(6), the City may impose standards including, but not limited to, design, development, and historic standards, on accessory dwelling units described in Government Code Sections 65852.2(e)(1); and

WHEREAS, the City of Sausalito has identified locations where additional on-street parking in steep hillside areas would cause a significant impact on traffic flow and threaten the public safety and welfare by impeding fire and emergency access and evacuations in the event of wildfire due to substandard street widths. Government Code Section 65852.2(a)(1)(A) permits the City of Sausalito to designate areas where accessory dwelling units may be permitted based on traffic flow and public safety. Rather than ban accessory dwelling units entirely in these areas, the City has designated required off-street parking areas where pavement widths are less than 16 feet, and where accessory dwelling units and junior accessory dwelling units will not be permitted unless adequate off-street parking is provided, based on the following:

1. Most of Sausalito is located in the Wildland-Urban Interface, where human development intermingles with vegetative fuels and is at high risk for wildfires. Recent Northern California wildfires have emphasized the need to maintain clear paths for emergency vehicles and evacuation routes in the case of a natural disaster. The Safety Element of the City's General Plan states that "many of the hillside streets which serve [hillside] areas are narrow and do not allow adequate space for safe on-street parking," that will allow sufficient clearance for emergency vehicles. The Plan includes a program to identify on-street parking regulations that can improve the travel time of first responders. The City has determined that on-street parking on streets less than 16 feet wide will not provide adequate widths for fire truck access. The City has determined that on-street parking on streets less than 16 feet wide will not provide adequate widths for fire truck access because fire engines may require a minimum of 10 feet of street width and a parking space six to seven feet wide will leave only ten to nine feet for fire engine access.

2. In Sausalito, access to jobs, shopping, health care and other necessities is very difficult without an automobile. Public transit in Sausalito has been substantially limited by cutbacks due to COVID. For instance, the Sausalito Ferry now makes only one trip in each direction during the commute hours, while two of three bus lines on Bridgeway have been eliminated. Consequently, it is likely that residents of accessory dwelling units will purchase automobiles. While data are not available for Sausalito, in the United States, only 8.7 percent of households do not own vehicles; in Marin, only 5 percent of households do not own vehicles.
3. Accessibility to neighborhoods by first responders could be obstructed by increased density if new ADU residents own cars and park on the street in areas with inadequate street widths, where the roads are steep, narrow, and winding. Although household sizes and the number of cars per existing household can increase and therefore increase demand for on-street parking without new construction, construction of an ADU is intended for a separate household and intended to increase the number of persons occupying the same parcel. Without sufficient off-street parking, a new ADU in areas with infrequent public transit access and no off-street parking will almost certainly result in increased demand for on-street parking, potentially impeding access for emergency vehicles on substandard streets.
4. Rather than banning ADUs in fire hazard zones with narrow streets, the City will permit ADUs ministerially in these zones where adequate off-street parking is provided or where adequate on-street parking is available. Further, where these conditions are not met, the City will permit an application for an exception. The potential for construction of ADUs without adequate parking, that may increase parking on substandard, narrow streets in high fire risk zones, has the potential to both limit emergency access to residents and restrict the evacuation of residents in the event of wildfire, natural disaster, or other emergency.

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

Section 1. **TABLE 10.22-1 Land Uses Allowed in Residential Districts** is hereby amended to read as follows:

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		

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	
Piers, docks and floats for private pleasure craft		P			P		SMC <u>10.44.070</u> (Piers, docks, floats and wharves in residential districts)
Private club or recreation facility	CUP	CUP	CUP	CUP			
Parks, playgrounds	P	P	P	P	P		
Religious institutions	CUP	CUP	CUP	CUP			SMC <u>10.44.110</u> (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 <u>10.44.310</u> (Temporary uses and events)
Residential Uses							
Accessory dwelling units	P	P	P	P	P	P	<u>10.44.080</u> (Accessory dwelling units)
Home occupations	P	P	P	P	P	P	SMC <u>10.44.030</u> (Home occupations)
Houseboat					P		SMC <u>10.44.160</u> (Houseboats)
Junior accessory dwelling units	P	P	P	P	P	P	<u>10.44.085</u> (Junior accessory dwelling units)
Multiple-unit houseboat					CUP		<u>10.44.160(I)</u> (Multiple Units, H District Only)
Mobile homes	MUP	MUP	MUP	MUP			SMC <u>10.44.060</u> (Mobile home/ manufactured housing standards)
Multiple-family dwellings			P	P			
Residential accessory uses	P	P	P	P	P		SMC <u>10.44.020</u> (Accessory uses and structures)

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	
Residential care homes, 6 or fewer clients	P	P	P	P			
Residential care homes, 7 or more clients				CUP			
Senior housing projects				CUP			<u>10.44.120</u> (Senior housing projects)
Single-family dwellings	P	P	P	P	P	P	SMC <u>10.44.090</u> (Detached dwelling units)
Single-family ark dwelling						P	SMC <u>10.44.130</u> (Arks)
Single-family ark dwelling group						P	
Supportive housing ¹	P	P	P	P			SMC <u>10.88.040</u> (Definitions)
Transitional housing ¹	P	P	P	P			SMC <u>10.88.040</u> (Definitions)
Two-family (duplex) dwelling		P	P	P			
Resource and Open Space Uses							
Agricultural accessory structures	P						SMC <u>10.44.020</u> (Accessory uses and structures)
Animal raising and keeping	P						
Service Uses							
Child day care							SMC <u>10.44.100</u> (Child day care)
Centers		CUP		CUP			
Large family care homes	MUP	MUP	MUP	MUP			

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	
Small family care homes	P	P	P	P		P	
Offices, temporary	MUP	MUP	MUP	MUP			SMC <u>10.44.280</u> (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 <u>10.44.050</u> (Storage, Accessory)
Transportation and Communications Uses							
Wireless communication facilities	See Chapter <u>10.45</u> SMC (Standards and Criteria for Wireless Communications Facilities)						Chapter <u>10.45</u> SMC
Pipelines and transmission lines	P	P	P	P	P	P	
* Zoning permit required for all allowed uses							Chapter <u>10.52</u> SMC
P Permitted use							
MUP Minor use permit required							Chapter <u>10.58</u> SMC
CUP Conditional use permit required							Chapter <u>10.60</u> SMC

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. 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.

Section 2. Table 10.24-1 Land Uses Allowed in Commercial Districts is hereby amended to read as follows:

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 <u>10.44.200</u> (Recycling collection stations)
Recreation, Education, and Public Assembly Uses								
Religious institutions, clubs and fraternal organizations	P	CUP	P					SMC <u>10.44.110</u> (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		

Table 10.24-1

LAND USES ALLOWED IN COMMERCIAL DISTRICTS

1

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
Temporary uses and events	P	P	P	P	P	P	P	SMC <u>10.44.310</u> (Temporary uses)
Theaters and meeting halls	CUP	CUP						
Yacht clubs	CUP				CUP	CUP	P ²	
Residential Uses								
Accessory Dwelling Units	P	P	P					SMC <u>10.44.080</u> (Accessory Dwelling Units) ⁹
Home occupations	P	P	P		P			SMC <u>10.44.030</u> (Home occupations)
Houseboats							CUP ³	
Liveaboards					CUP	CUP	CUP	SMC <u>10.44.170</u> (Liveaboards)
Residential accessory uses	P	P	P					SMC <u>10.44.020</u> (Accessory uses and structures)
Senior housing projects	CUP	CUP	CUP ⁴					SMC <u>10.44.120</u> (Senior housing projects)
Single room occupancy housing	CUP	CUP	CUP					SMC <u>10.88.040</u> (Definitions)
Supportive housing, levels above first (street or ground) only ⁸	P	P or CUP	P ⁴					SMC <u>10.88.040</u> (Definitions)
Transitional housing, levels above first (street or ground) only ⁸	P	P or CUP	P ⁴					SMC <u>10.88.040</u> (Definitions)
Upper floor residential								

Table 10.24-1**LAND USES ALLOWED IN COMMERCIAL DISTRICTS**

1

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
One to six dwelling units	P	P or CUP	P ⁴					SMC <u>10.44.190</u> (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 <u>10.44.230</u> (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 <u>10.44.240</u> (Formula retail)
Full service supermarket				P				
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			

Table 10.24-1**LAND USES ALLOWED IN COMMERCIAL DISTRICTS**

1

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
Recreational equipment sales and rentals	P	P			P	P		
Restaurants	P	CUP	CUP		P		CUP ⁶	SMC <u>10.44.210</u> (Restaurants) and <u>10.44.220</u> (Outdoor dining areas)
Outdoor dining (on public right-of-way or private property)	MUP	MUP	MUP		MUP		MUP	
Retail stores, general merchandise (nonvisitor serving)	P	P	P					
Secondhand or thrift stores	P	P	P					
Visitor serving stores	CUP							SMC <u>10.44.230</u> (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 <u>10.44.340</u> (Banks and financial service – retail in the CR District)
Business support services	P	P	P		P			
Child day care								SMC <u>10.44.100</u> (Child day care)
Centers	P	CUP	CUP					
Large family care homes		MUP	MUP					

Table 10.24-1**LAND USES ALLOWED IN COMMERCIAL DISTRICTS**

1

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
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 <u>10.44.250</u> (Office conversions)
Offices (new structure or replacement of existing office)	P	P	CUP		CUP			
Offices, temporary	MUP	MUP	MUP		MUP	MUP	MUP	SMC <u>10.44.280</u> (Offices, temporary)
Personal services	P	P	P					

Table 10.24-1**LAND USES ALLOWED IN COMMERCIAL DISTRICTS**

1

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
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 <u>10.44.260</u> (Service stations)
Storage, accessory		P	P		P	P		SMC <u>10.44.050</u> (Storage, accessory)
Upholstery shops		P	P		P			
Veterinary clinic	CUP	CUP	CUP		CUP	CUP	CUP	SMC <u>10.44.180</u> (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 <u>10.45</u> SMC (Standards and Criteria for Wireless Communications Facilities)						Chapter <u>10.45</u> SMC	
Boat launching ramps					CUP	CUP	CUP	
Dry boat storage				CUP	CUP	P	P	

Table 10.24-1**LAND USES ALLOWED IN COMMERCIAL DISTRICTS**

1

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
Harbor facilities and marinas					P	P	P ⁷	SMC <u>10.44.140</u> (Harbor and marina facilities)
Off-street parking facilities (private and commercial)	CUP	CUP	CUP					SMC <u>10.40.100</u> – <u>10.40.120</u> (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 <u>10.58</u> SMC Chapter <u>10.60</u> 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.

⁹ Accessory dwelling units in the CS, CR, and CN districts are only permitted on lots containing multifamily dwellings as defined in SMC 10.44.080(C), and subject to SMC 10.44.080.

Section 3. **Section 10.44.080—Accessory Dwelling Unit Regulations** is hereby amended to read as follows:

Accessory Dwelling Unit Regulations.

A. Purpose. The City of Sausalito finds and declares that accessory dwelling units are a valuable form of housing. Accessory dwelling units provide housing for family members, students, elderly, in-home health care providers, persons with disabilities and others, at below-market rental rates within existing neighborhoods. Homeowners who create accessory dwelling units benefit from added income and an increased sense of security.

It is the intent of the City to encourage accessory dwelling units and to impose standards to enable homeowners to create accessory dwelling units that will not aggravate or create safety problems. Additionally, it is the intent of the City to encourage the legalization of existing accessory dwelling units that were not built or established with proper permits and to ensure that existing accessory dwelling units are safe and habitable.

The purpose of this section is also to comply with Government Code Section 65852.2 relating to accessory dwelling units.

B. Applicability. Accessory dwelling units shall only be allowed in single-family residential (R-1-20, R-1-8, R-1-6), two-family residential (R-2-5, R-2-2.5), multiple-family residential (R-3), planned residential (PR), houseboats (H), arks (A), central commercial (CC), mixed commercial and residential (CR), and neighborhood commercial (CN) zoning districts where dwelling units are a permitted or conditional use. Accessory dwelling units shall be prohibited in all zoning districts in which they are not expressly allowed.

C. Definitions. The following definitions shall be used for purposes of this section:

1. Accessory Dwelling Unit. “Accessory dwelling unit” means an attached, detached, or interior residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code Section 17958.1, and a manufactured home, as defined in California Health and Safety Code Section 18007 as may be amended from time to time.

2. Attached Accessory Dwelling Unit. “Attached accessory dwelling unit” means an accessory dwelling unit that shares a common wall with the primary dwelling unit on the lot, either by being constructed as a physical expansion (i.e., addition) of the primary

dwelling unit, conversion of an existing garage attached to the primary dwelling on all parcels that do not contain single-family dwellings, or installation of a new basement underneath an existing single-family primary dwelling unit.

3. Detached Accessory Dwelling Unit. “Detached accessory dwelling unit” means an accessory dwelling unit that is constructed as a separate structure from the primary dwelling unit on the lot, or on all parcels that do not contain single-family dwellings, is created by the conversion (full or partial) of an existing detached accessory structure into an accessory dwelling unit, or is created by adding to an existing accessory structure.

4. Interior Accessory Dwelling Unit. “Interior accessory dwelling unit” is an accessory dwelling unit that is either (a) entirely contained within the legal space of an existing or proposed single family dwelling unit or (b) on all parcels that contain single-family dwellings, is an accessory dwelling unit that is entirely contained within the existing legal space of an accessory structure. An interior accessory dwelling unit has independent exterior access, and side and rear setbacks sufficient for fire safety.

5. Living Area. “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

6. Multifamily Dwelling. For the purposes of this section only, "Multifamily dwelling" means a residential building containing two or more dwelling units that is located on one lot.

7. Passageway. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of an accessory dwelling unit.

9. Public Transit Stop. “Public transit stop” means a designated bus stop, train stop, ferry terminal, or other public transit station where the public may access buses, trains, ferries, or other forms of public transit that charge set fares, on run on fixed routes, and are available to the public.

10. Required Off-Street Parking Areas. “Required off-street parking areas” means and refers to areas of the City where the street width to which a parcel is accessed from is less than 16 feet, reflecting the areas in the City where the impact of additional on-street parking would cause a significant impact on traffic flow, and threaten the public safety and welfare by impeding fire and emergency access due to factors such as substandard street widths. Street widths shall be determined using data in the City’s pavement management system.

D. Application Process.

1. An accessory dwelling unit permit is required to establish a new accessory dwelling unit. Any application for an accessory dwelling unit that meets the accessory dwelling unit

permit standards contained in subsection E of this section shall be approved administratively without discretionary review or public hearing within 60 days of receiving a complete application. Accessory dwelling units that do not meet the requirements of this section may request an exception and may be approved with a conditional use permit if certain requirements and findings set forth in subsection H of this section are met.

2. Notwithstanding subdivision (1) above, if the permit application is submitted with a permit application to create a new single-family dwelling on the lot, the application for the accessory dwelling unit shall not be acted upon until the application for the new single-family dwelling is approved, but thereafter shall be ministerially processed within 60 days of receiving a complete application. Occupancy of the accessory dwelling unit shall not be allowed until the City approves occupancy of the primary dwelling.

3. An owner seeking to legalize an existing unpermitted accessory dwelling unit may either apply for a new accessory dwelling unit permit or apply for an amnesty accessory dwelling unit permit. Any complete application received by December 1, 2021, for an amnesty accessory dwelling unit permit that meets the location and development standards contained in subsection G of this section shall be approved administratively without discretionary review or public hearing unless otherwise specified during the amnesty period effective March 31, 2019, through December 1, 2021, pursuant to subsection (G)(4) of this section.

4. An application for an accessory dwelling unit permit or amnesty accessory dwelling unit permit shall be made by the property owner and filed with the Community Development Department on a form prescribed by the Community Development Director. Unless otherwise determined by the Community Development Director, the submittal shall include fees, a site plan, floor plans, elevations and story pole plan and certification and any other information reasonably requested and contained on the form prescribed by the Community Development Department.

5. The City Council shall establish by resolution from time to time the respective application fees for an accessory dwelling unit permit and an amnesty accessory dwelling unit permit. Any such fees may not exceed the estimated reasonable cost of processing an accessory dwelling unit permit or an amnesty accessory dwelling unit permit. All accessory dwelling units are also subject to building inspection and permit fees.

6. Notice shall be required for a new attached accessory dwelling unit and for a new detached accessory dwelling unit pursuant to SMC 10.82.020(B).

E. Accessory Dwelling Unit Permit Standards. Unless otherwise provided for in this section, an accessory dwelling unit permit shall be issued by the Community Development Director upon compliance with the following development standards and requirements:

1. Accessory Dwelling Units per Parcel.

a. Only one accessory dwelling unit may be allowed per residential parcel containing an existing or proposed single-family dwelling unit.

However, a junior accessory dwelling unit complying with Section 10.44.085 may be developed on the same site as one accessory dwelling unit that meets either of the following standards:

- i. A new detached accessory dwelling unit not larger than 800 square feet or more than 16 feet high, with side and rear yard setbacks of at least four feet on a lot with an existing or proposed single-family dwelling; or
 - ii. An interior accessory dwelling unit. The interior accessory dwelling unit within the existing space of an accessory structure may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure to accommodate ingress and egress. There shall be separate exterior access to the accessory dwelling unit. The setbacks must be sufficient for fire and safety.
- i. b. On a parcel with an existing multifamily dwelling structure, the owner may select to develop accessory dwelling units that meet one of the following standards: On a parcel where there are no detached accessory dwelling units, accessory dwelling units may be allowed within the portions of an existing multifamily dwelling structure that are not used as living area, provided that each unit complies with state building standards for dwellings. An accessory dwelling unit shall not be created within any portion of the habitable area of an existing dwelling unit in a multifamily structure. Up to 25 percent of the number of existing multifamily units in the building, but at least one unit, shall be allowed; or.
 - ii. On a parcel where there are no accessory dwelling units within the existing multifamily dwelling structure, up to two detached accessory dwelling units may be allowed on a parcel with an existing multifamily dwelling structure, provided that the height does not exceed 16 feet and that four-foot side and rear yard setbacks are maintained.

2. Access. An accessory dwelling unit shall have a separate entrance from the primary dwelling unit. An entrance leading to a foyer with entrances leading from the foyer to the primary dwelling unit and the accessory dwelling unit is permitted and constitutes a separate entrance.

3. Kitchen and Bathroom Facilities. An accessory dwelling unit shall contain its own kitchen facility and bathroom facility separate from the primary dwelling unit. The kitchen facility must include the following features: (a) a sink; (b) a refrigerator of more than five cubic feet capacity; and (c) a range or fixed cooktop.

4. Building Permits. An accessory dwelling unit shall comply with the California Building Code, including local amendments adopted by the City.

5. Setbacks.

a. Unless otherwise provided for in this section, a new detached or attached accessory dwelling unit shall have side and rear setbacks of at least four feet and otherwise shall conform with the setback regulations applicable to the primary dwelling unit parcel upon which the accessory dwelling unit is located.

b. No additional setbacks are required to convert an existing primary dwelling unit structure or existing accessory structure to an accessory dwelling unit or to reconstruct an existing living area or accessory structure as an accessory dwelling unit in the same location and to the same dimensions as the existing structure.

6. Floor Area, Building Coverage, Impervious Surfaces and Density.

a. Construction of a new attached or detached accessory dwelling unit shall conform with the floor area, coverage, and impervious surfaces regulations applicable to the primary dwelling unit parcel upon which the unit is located, unless in conflict with other provisions of this section.

b. For the purposes of complying with the development standards for dwelling units in two-family and multiple-family residential zoning districts (SMC 10.44.330), an accessory dwelling unit shall be treated as a separate unit and shall not be calculated as part of the primary dwelling unit on the lot.

c. Pursuant to State law, a lawfully created accessory dwelling unit shall not be deemed to be an accessory use or an accessory building, shall not be considered when calculating the allowable density for the lot upon which it is located, and is deemed to be a residential use that is consistent with the general plan and zoning designations for the lot

d. Limits on lot coverage, floor area ratio, open space, and size shall be waived if necessary to allow an 800 square foot detached or attached accessory dwelling unit 16 feet high with four-foot side and rear yard setbacks, provided that the proposed accessory dwelling unit is in compliance with all other development standards, including but not limited to front yard setbacks.

7. Maximum and Minimum Unit Size.

a. The floor area for an accessory dwelling unit shall be no less than an efficiency unit defined in California Health and Safety Code Section 17958.1 and no greater than 50 percent of the floor area of the primary dwelling, or 850 square feet for a studio or one bedroom unit and 1,000 square feet for a unit that contains more than one bedroom, except that the limitation based on size of the primary dwelling shall not apply if the accessory dwelling unit is 800 square feet or less.

b. Interior Accessory Dwelling Units in Multifamily Buildings. Notwithstanding subsection (a) above, the floor area for all interior accessory dwelling units on parcels that do not contain single-family dwellings shall be no less than an efficiency unit

defined in California Health and Safety Code Section 17958.1 and no greater than 40 percent of the primary dwelling unit up to a 1,000-square-foot maximum.

8. Height.

a. Attached Units. The height of a new attached accessory dwelling unit shall comply with the requirements of Chapter 10.40 SMC regarding the height applicable to the primary dwelling unit.

b. Detached Units.

(1) Standalone. The height of a new detached accessory dwelling unit, not including accessory dwelling units above or below an existing or proposed accessory structure, including a garage, shall be no greater than 16 feet as measured from the elevation of the lowest finished floor of the accessory dwelling unit to the elevation of the highest point of the roof, including the top of any parapet.

(2) The height of an accessory dwelling unit constructed above or below an existing or proposed accessory structure, including a garage, shall be no greater than 14 feet for a sloped roof and shall be no greater than 11 feet for a flat roof, as measured from the finished floor of the accessory dwelling unit and the garage must comply with the height requirements of Chapter 10.44 SMC regarding the height applicable to accessory structures.

9. Design. An accessory dwelling unit shall have a roof slope, window arrangement, siding materials, colors and architectural style that are the same as that of the primary dwelling unit.

10. Views. An accessory dwelling unit shall not block or obstruct primary views, as defined in Chapter 10.88 SMC, from neighboring properties.

11. Privacy. An accessory dwelling unit shall be designed so that its exterior windows, decks, and doors are not directly opposite the exterior living areas (e.g., decks or patios) or windows or doors to interior living areas of adjoining properties.

12. Light and Shadows. An ADU shall be designed such that the incremental light/shadow impact created by the accessory dwelling unit does not impact more than 25 percent of an adjacent parcel more than 30 days per year. If there is potential for light/shadow impacts exceeding this standard, as determined by staff, a shadow study may be required to determine that light/shadow impacts do not exceed the above standard.

13. Parking Requirements.

a. One off-street parking space is required per accessory dwelling unit.

b. Off-street parking shall be permitted in rear and side yard setback areas in locations determined by the Community Development Director or through tandem parking,

unless the Community Development Director makes specific findings that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

c. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the parking spaces need not be replaced, except as set forth in subsection (d) below. d. Notwithstanding anything to the contrary in this section, accessory dwelling units shall not be permitted within the required off-street parking areas unless one off-street parking space per accessory dwelling unit is provided and existing parking is replaced. An exception to these provisions may be granted if the requirements and findings set forth in subsection H of this section can be made. This subsection (d) does not apply to interior accessory dwelling units unless the interior accessory dwelling unit is converted from a garage, carport, or covered parking structure.

14. Parking Exemptions. An accessory dwelling unit shall be exempt from the parking requirements of this section if the following apply:

a. The accessory dwelling unit is located within one-half mile walking distance of a public transit stop;

b. The accessory dwelling unit is located within an architecturally and historically significant historic district;

c. The accessory dwelling unit is located within one block of a designated parking area for one or more car-share vehicles;

d. The accessory dwelling unit is an interior accessory dwelling unit; or

e. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

f. Parking exemptions shall not apply to accessory dwelling units within the required off-street parking areas, as set forth in subsection 13.d above.

15. Short-Term Rentals. An accessory dwelling unit may not be rented for fewer than 30 calendar days.

16. Owner-Occupancy Compliance. For applications received after January 1, 2025, in single-family residential (R-1-20, R-1-8, R-1-6) zoning districts the owner of the property shall occupy either the primary unit or accessory dwelling unit as his or her primary residence. Prior to building permit issuance, a deed restriction shall be recorded, in a form approved by the City Attorney, to ensure that the primary or accessory dwelling unit is owner-occupied. An owner may be absent from the primary or accessory dwelling unit for up to 12 months during any 36-month period. A property owner who will be absent for more than 12 months may obtain an additional 12 months' absence with the approval of a

minor use permit by the Zoning Administrator. In consideration of the minor use permit, the Zoning Administrator may consider the neighborhood impacts such as parking, noise, and property maintenance, in addition to the reason for the requested absence.

17. Effect of Conversion. For an accessory dwelling unit, elimination of any of the required access and/or facilities elements (i.e., the separate entrance, kitchen, bathroom facilities) or noncompliance with any requirements shall require the property owner to demonstrate compliance of the property with all applicable development standards in the zoning ordinance.

18. Fees. Fees as established by City Council resolution shall be paid.

19. No Passageway. No passageway is required in conjunction with an accessory dwelling unit.

20. Fire Sprinklers. Accessory dwelling units are not required to have fire sprinklers or other fire safety requirements if they are not required in the primary dwelling unit. Fire sprinklers are required in ADUs if the primary dwelling unit contains fire sprinklers, if fire sprinklers are required for subsequent permitting and approvals of improvements, or if fire sprinklers are required in a new single family dwelling being constructed with an accessory dwelling unit.

21. Solar Panels. Detached accessory dwelling units which are newly constructed and non-manufactured are subject to the Energy Code requirement to provide solar panels. The panels can be installed on the accessory dwelling unit or on the primary dwelling unit. No other accessory dwelling unit types are required to provide solar panels.

22. Sale. Accessory dwelling units shall not be sold separately from the primary dwelling unit.

22. Utilities and Impact Fees.

a. No accessory dwelling unit shall be permitted if it is determined that there is not adequate water or sewer service to the property.

b. Except as provided in subsection 21.c below, an accessory dwelling unit may be required to have a new or separate utility connection, including a separate sewer lateral, between the accessory dwelling unit and the utility. A connection fee or capacity charge may be charged that is proportionate to the size in square feet of the accessory dwelling unit or its drainage fixture unit (DFU) values. Separate electric and water meters shall be required for the second unit.

c. Interior accessory dwelling units shall be exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges unless the unit is constructed within a new single-family home.

d. Impact Fees.

(i) No impact fees may be imposed on an accessory dwelling unit that is less than 750 sq. ft. in size. For purposes of this section, "impact fees" include the fees specified in Sections 66000 and 66477 of the Government Code and imposed by the City, a county, a special district, or a water corporation, but do not include utility connection fees or capacity charges.

(ii) For accessory dwelling units that have a floor area of 750 square feet or more, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

23. Development Standards. All development standards contained in the underlying zoning district shall apply to accessory dwelling units unless they are inconsistent with the provisions of this section, in which case the standards of this section shall apply.

24. Downtown Historic District. Attached and new construction detached accessory dwelling units in the Downtown Historic District shall not be visible from the public right-of-way, unless this requirement prevents creation of the accessory dwelling unit.

F. Interior Accessory Dwelling Units.

Notwithstanding anything to the contrary in this section or elsewhere in the code, an interior accessory dwelling unit shall be approved if the unit:

1. Is wholly located within an existing legal or proposed single-family dwelling or any existing legal accessory structure located on a parcel that contains a single-family dwelling, except that an expansion of no more than 150 square feet may be allowed solely to provide ingress and egress to an existing accessory structure;
2. Has independent exterior access; and
3. Has side and rear yard setbacks sufficient for fire safety.

G. Amnesty Accessory Dwelling Unit Permit Standards. A permit allowing an amnesty accessory dwelling unit shall be issued by the Community Development Director upon compliance with the following development standards or requirements during the amnesty period effective from March 31, 2019, through December 1, 2021, pursuant to subsection (G)(4) of this section:

1. Eligibility. An amnesty accessory dwelling unit permit shall be granted by the Community Development Director for an existing nonpermitted accessory dwelling unit upon compliance with the following standards:

a. Documentation. The existing accessory dwelling unit proposed for legalization must have been constructed or established prior to January 1, 2012, as demonstrated by two forms of evidence. Acceptable means of documenting compliance with this standard include, but are not limited to, the following:

- i. County Assessor's records;
- ii. Rental contracts and/or receipts;
- iii. Income tax records;
- iv. Utility bills;
- v. Contractor's bills; and/or
- vi. Written affidavits from former owners, tenants, or neighbors, signed and notarized under penalty of perjury.

b. Fees. Fees as established by City Council resolution shall be paid.

c. Accessory Dwelling Unit Housing Inspection. An accessory dwelling unit housing inspection of the unpermitted accessory dwelling unit shall be conducted by the Building Division and Fire Department. If corrections (i.e., for health and safety) are required, the property owner shall apply for a building permit to make the corrections.

d. Accessory Dwelling Units per Parcel. Only one accessory dwelling unit may be allowed per residential lot containing an existing or proposed single-family dwelling unit. An accessory dwelling unit may be allowed in conjunction with a junior accessory dwelling unit on a residential lot containing an existing or proposed single-family dwelling unit when the requirements of Section 10.44.080 (E)(1)(b) are met. Accessory dwelling units on a residential lot containing an existing multifamily dwelling structure may be allowed when the requirements of Section 10.44.080 (E)(1)(c) or (d) are met

e. Access. An amnesty accessory dwelling unit shall have a separate entrance. An entrance leading to a foyer with entrances leading from the foyer to the primary dwelling unit and the accessory dwelling unit is permitted.

f. Kitchen and Bathroom Facilities. An amnesty accessory dwelling unit shall contain its own kitchen facility and bathroom facility separate from the primary dwelling unit. The kitchen facility must include the following features: (i) a sink; (ii) a refrigerator of more than five cubic feet capacity; and (iii) a range or cooktop.

g. Owner Restriction. For applications received after January 1, 2025, in single-family residential (R-1-20, R-1-8, R-1-6) zoning districts the owner of the property shall

occupy either the primary unit or accessory dwelling unit as their primary residence. Prior to building permit issuance a deed restriction shall be recorded, in a form approved by the City Attorney, to ensure that the primary or accessory dwelling unit is owner-occupied. An owner may be absent from the primary or accessory dwelling unit for up to 12 months during any 36-month period. A property owner who will be absent for more than 12 months may obtain an additional 12 months' absence with the approval of a minor use permit by the Zoning Administrator. In consideration of the minor use permit, the Zoning Administrator may consider the neighborhood impacts such as parking, noise and property maintenance, in addition to the reason for the requested absence.

h. Development Standards.

i. Parking. Existing parking for the amnesty accessory dwelling unit shall be documented by the Community Development Department but not counted in determining if the unit is eligible for amnesty. Any existing parking provided for an amnesty accessory dwelling unit located in the required off-street parking areas shall be retained for the exclusive use of the amnesty accessory dwelling unit.

ii. Floor Area Ratio. The floor area of the amnesty accessory dwelling units shall be documented by the Community Development Department but not counted in determining if the unit is eligible for amnesty. The floor area of the amnesty accessory dwelling unit shall be counted for future development of the primary dwelling unit parcel.

iii. Building Coverage. The building coverage of the amnesty accessory dwelling units shall be documented by the Community Development Department but not counted in determining if the unit is eligible for amnesty. The building coverage of the amnesty accessory dwelling unit shall be counted for future development of the primary dwelling unit parcel.

iv. Impervious Surface. The impervious surfaces of the amnesty accessory dwelling unit shall be documented by the Community Development Department but not counted in determining if the accessory dwelling unit is eligible for amnesty. The impervious surfaces of the amnesty accessory dwelling unit shall be counted for future development of the primary dwelling unit parcel.

v. Setbacks. The setbacks of the amnesty accessory dwelling unit shall be documented by the Community Development Department but not counted in determining if the unit is eligible for amnesty.

2. Nonconformity Provisions. Upon final issuance of an amnesty accessory dwelling unit permit obtained through the processes established by this subsection G, if the amnesty accessory dwelling unit violates any provisions of the municipal code it shall be deemed a

legal nonconforming structure which shall be subject to Chapter 10.62 SMC (Nonconforming Uses and Structures).

3. Effect of Conversion. For any amnesty accessory dwelling unit, elimination of any of the required access and facilities elements (i.e., the separate entrance, kitchen, bathroom facilities) shall require the property owner to demonstrate compliance of the main residence with all applicable development standards in the zoning ordinance (taking into account any preexisting legal nonconformities).

4. Sunset Provision. The amnesty period will be in effect from March 31, 2019, through December 1, 2021, before which time the owner of an existing accessory dwelling unit created prior to January 1, 2012, may submit a complete amnesty accessory dwelling unit permit application to legalize the accessory dwelling unit. The amnesty provisions only apply to complete applications received through December 1, 2021. The City Council may by resolution extend the conclusion of the amnesty period. An unpermitted accessory dwelling unit created prior to January 1, 2012, shall not be subject to code enforcement action prior to expiration of the amnesty period.

5. Delay in Building Code Enforcement. Pursuant to Government Code Section 65852.2(n), if the accessory dwelling unit was built prior to [*date ordinance adopted*], upon request of the owner of the accessory dwelling unit for a delay in enforcement, the enforcement of building code standards shall be delayed if the basis for correcting the violation is not necessary to protect health and safety.

H. Accessory Dwelling Unit Not Meeting Required Standards. If an application for an accessory dwelling unit permit does not meet the ministerial requirements set forth in subsections E and F of this section for a reason set forth in subsection (H)(1), the applicant may apply for an exception through the conditional use permit process if the findings set forth in subsection (H)(2) of this section are met.

An accessory dwelling unit requiring any of these exceptions may be approved by the Planning Commission with the approval of a conditional use permit, as set forth in subsection (H)(2) of this section and Chapter 10.60 SMC. Accessory dwelling units that do not meet the ministerial criteria set forth in subsection E and F of this section for a reason not set forth in subsection (H)(1) of this section are not permitted in any zoning district and may not apply for an exception through the conditional use permit process.

1. Exceptions to Ministerial Criteria. An application for an accessory dwelling unit that does not meet all of the requirements in subsections E and F of this section for one of the following reasons may be approved through the conditional use permit process if the findings in subsection (H)(2) are made:

a. Floor Area, Building Coverage, and Impervious Surfaces.

i. Floor Area. Floor area on the primary dwelling unit parcel exceeds the applicable regulations up to 10 percent of the primary dwelling unit parcel up to a maximum of 500 square feet.

ii. Building Coverage. Building coverage on the primary dwelling unit parcel exceeds the applicable regulations up to five percent of the maximum allowable building coverage on the primary dwelling unit parcel.

iii. Impervious Surfaces. Allowable impervious surfaces on a primary dwelling unit parcel exceed the applicable regulations up to five percent of the maximum allowable impervious surfaces on the primary dwelling unit parcel.

b. Side Yard Setbacks. Required side yard setbacks are less than four feet but maintain a minimum setback of three feet.

c. Height. Height exceeds the 16-foot height limit for new detached units.

d. Design Regulations. Roof slope, window arrangement, siding materials, colors or architectural style is not the same as the primary dwelling unit.

e. Views. View standards are not met.

f. Light/Shadows. Light/shadow standards are not met.

g. Privacy. Privacy standards are not met.

h. Parking. Parking requirements for the accessory dwelling unit are not met.

2. Findings. The Planning Commission shall consider exception applications for accessory dwelling units that request one or more of the exceptions listed in subsection (H)(1) of this section through the conditional use permit process and shall approve the accessory dwelling unit permit and conditional use permit if the following findings are made:

a. The exception will not create a significant adverse impact on any adjacent property, the surrounding neighborhood, or the general public good.

b. The parcel and the arrangement of existing and proposed physical improvements on the parcel can accommodate the exception without significantly adversely affecting the views, privacy, or access to light and air of neighboring properties.

c. Any modifications to site drainage have been designed by a licensed engineer and result in no significant net increase to the rate or volume of peak runoff from the site compared to pre-project conditions.

d. Any new mechanical pumps or equipment shall comply with applicable noise regulations.

e. With respect to a view exception, the project has been located and designed to minimize obstruction of views from surrounding properties, and particular care has been taken to protect primary views, consistent with required design review permit findings in SMC 10.54.050.

f. With respect to a light/shadow exception, the project has been designed and located to provide adequate light for the site, adjacent properties and the general public, consistent with required design review permit findings in SMC 10.54.050.

g. With respect to a privacy exception, the project provides a reasonable level of privacy to the site and adjacent properties, taking into consideration the density of the neighborhood, by appropriate landscaping, fencing, and window, deck and patio configurations, consistent with required design review permit findings in SMC 10.54.050.

h. With respect to a parking exception, one of the following findings shall be made:

i. Within the required off-street parking area, it has been demonstrated that: (A) it is not feasible to accommodate a parking space on the primary dwelling unit parcel for the accessory dwelling unit; and (B) the accessory dwelling unit is unlikely to cause on-street parking that will impede the accessibility for emergency service vehicles or to create a significant adverse impact to public safety as demonstrated with a professionally prepared parking study that shows the availability of at least one reasonably adjacent on-street parking during daytime and nighttime hours. of at least five percent of the total on-street parking spaces within 350 linear feet of the subject property, measured along the street and/or a walking path, or two spaces (whichever is lower) are available Monday through Thursday at 8:00 PM. All fractions of numbers shall be rounded up. To receive this exception, the primary dwelling unit shall meet all applicable parking requirements.

ii. Outside the required off-street parking area, the property owner shall record a deed restriction against the property in a form approved by the City Attorney, restricting the use and rental of the accessory dwelling unit to the applicable level of affordability for 10 or 15 years as set forth below.

i. The property owner shall select the level of affordable rent and associated period of the deed restriction:

<i>Period of Restriction</i>	<i>Affordable Rent</i>
<i>10 years</i>	<i>Very Low</i>
<i>15 years</i>	<i>Low</i>

ii. If the accessory dwelling unit is converted pursuant to subsection (E)(17) of this section, or removed, the deed restriction shall be rescinded.

iii. To receive this exception, the primary dwelling unit shall meet all applicable parking requirements.

i. With respect to size exceptions, the property owner shall record an affordable housing covenant against the property in a form approved by the City Attorney, restricting the use and rental of the accessory dwelling unit to the applicable level of affordability for 10, 15, or 20 years, as applicable.

j. With respect to a floor area exception, the property owner shall record a deed restriction in a form approved by the City Attorney stating that if the accessory dwelling unit is removed any floor area waiver received on floor area for the accessory dwelling unit will be credited back to the primary dwelling unit. The restriction will stipulate that if this causes the primary dwelling unit or the primary dwelling unit parcel to exceed the maximum floor area ratio allowed the property owner shall obtain the approvals necessary to demonstrate compliance with the floor area ratio allowances.

Section 4. **Section 10.44.085—Junior Accessory Dwelling Unit Regulations** is hereby amended to read as follows:

Junior Accessory Dwelling Unit Regulations

A. Purpose. The City of Sausalito finds and declares that junior accessory dwelling units are a valuable form of housing that allows for the expansion of affordable and flexible housing options.

The purpose of this section is also to comply with Government Code Section 65852.22 relating to accessory dwelling units.

B. Applicability. Junior accessory dwelling units shall only be allowed within the walls of existing or proposed single-family homes in single-family residential (R-1-20, R-1-8, R-1-6), two-family residential (R-2-5, R-2-2.5), multiple-family residential (R-3), planned residential (PR), houseboats (H) and arks (A) zoning districts. Junior accessory dwelling units shall be prohibited in all zoning districts in which they are not expressly allowed.

C. Definitions. The following definition shall be used for purposes of this section:

1. Junior Accessory Dwelling Unit. “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within the walls of a proposed

or existing legally created single family dwelling. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

D. Application Process.

1. A junior accessory dwelling unit permit is required to establish a new junior accessory dwelling unit. Any application for a junior accessory dwelling unit that meets the junior accessory dwelling unit standards contained in subsection E of this section shall be approved administratively without discretionary review or public hearing within 60 days of receiving a complete application.

2. Notwithstanding subdivision (1) above, if the permit application is submitted with a permit application to create a new single-family dwelling on the lot, the application for the junior accessory dwelling unit shall not be acted upon until the application for the new single-family dwelling is approved, but thereafter shall be ministerially processed within 60 days of receiving a complete application. Occupancy of the junior accessory dwelling unit shall not be allowed until the City approves occupancy of the primary dwelling.

3. An owner seeking to legalize an existing unpermitted junior accessory dwelling unit may either apply for a new junior accessory dwelling unit permit or apply for an amnesty junior accessory dwelling unit permit. Any complete application received by March 31, 2021, for a junior accessory dwelling unit that meets the location and development standards contained in subsection F of this section shall be approved administratively without discretionary review or public hearing unless otherwise specified during the amnesty period effective March 31, 2019, through March 31, 2021, pursuant to subsection (F)(4) of this section.

4. An application for a junior accessory dwelling unit permit or amnesty junior accessory dwelling unit permit shall be made by the property owner and filed with the Community Development Department on a form prescribed by the Community Development Director. Unless otherwise determined by the Community Development Director, the submittal shall include fees, a site plan, floor plans and any other information reasonably requested and contained on the form prescribed by the Community Development Department.

5. The City Council shall establish by resolution from time to time the respective application fees for a junior accessory dwelling unit permit. Any such fees may not exceed the estimated reasonable cost of processing a junior accessory dwelling unit permit. All accessory dwelling units are also subject to building inspection and permit fees.

E. Junior Accessory Dwelling Unit Standards. Notwithstanding anything to the contrary in this section or elsewhere in the code, a junior accessory dwelling unit permit shall be issued upon compliance with the following development standards and requirements:

1. Density. No more than one junior accessory dwelling unit shall be located on a single primary dwelling unit parcel. The parcel must contain at least one existing or proposed

single family dwelling. A junior accessory dwelling unit shall not be considered when calculating the allowable density for the lot upon which it is located.

2. Owner-Occupancy. The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit. An owner may be absent from the primary or junior accessory dwelling unit for up to 12 months during any 36-month period. A property owner who will be absent for more than 12 months may obtain an additional 12 months' absence with the approval of a minor use permit by the Zoning Administrator. In consideration of the minor use permit, the Zoning Administrator may consider the neighborhood impacts such as parking, noise, and property maintenance, in addition to the reason for the requested absence. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

3. Deed Restriction. Prior to building permit issuance a deed restriction shall be recorded, in a form approved by the City Attorney, to ensure that:

- a. A junior accessory dwelling unit shall not be sold separately from the primary dwelling unit.
- b. The junior accessory dwelling unit is restricted to the size and attributes that conform to this section.
- c. Either the primary or junior accessory dwelling unit is owner-occupied (unless the owner is a governmental agency, land trust, or housing organization); and
- d. The property shall not be rented for fewer than 30 consecutive calendar days.

4. Interior Conversion. A junior accessory dwelling unit must be constructed within the walls of the existing or proposed single family dwelling unit..

5. Access. A junior accessory dwelling unit shall have a separate entrance from the main entrance to the single family dwelling..

6. Efficiency Kitchen. A junior accessory dwelling unit shall include an efficiency kitchen, which shall include cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.

7. Sanitation Facilities. The junior accessory dwelling unit may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the junior accessory dwelling unit shall share sanitation facilities with the single-family dwelling unit and shall have direct access to the primary dwelling so as to not need to go outside to access the bathroom.

8. Maximum Unit Size. The floor area for a junior accessory dwelling unit shall be no greater than 500 square feet.

9. Building and Fire Code Requirements. The junior accessory dwelling unit must meet the following building and fire code requirements:

- a. A smoke alarm shall be required in the junior accessory dwelling unit and shall be connected to the smoke alarms in the main dwelling unit.
- b. The junior accessory dwelling unit shall be equipped with a carbon monoxide detector.
- c. Fire sprinklers shall be required in the junior accessory dwelling unit if the primary dwelling unit contains fire sprinklers, if fire sprinklers are required for subsequent permitting and approvals of improvements, or if fire sprinklers are required in a new single family dwelling being constructed with a junior accessory dwelling unit. Fire Junior accessory dwelling units are not required to have fire sprinklers or other fire safety requirements if they are not required in the primary dwelling unit.

10. Off-Street Parking. No additional off-street parking is required for a junior accessory dwelling unit. However, if a junior accessory dwelling unit is located in an existing attached garage, the parking must be replaced.

11. Existing or Proposed Accessory Dwelling Units. Junior accessory dwelling units may be located on parcels which contain an existing or proposed accessory dwelling unit only if the accessory dwelling unit meets the requirements of Section 10.44.080(E)(1)(b). The property owner shall record a deed restriction against the property in a form approved by the City Attorney, agreeing to either (a) remove the junior accessory dwelling unit if an accessory dwelling unit permit not meeting the requirements of Section 10.44.080(E)(1)(b) is approved on the primary dwelling unit parcel at a future date or (b) obtain a conditional use permit for the junior accessory dwelling unit if an accessory dwelling unit permit not meeting the requirements of Section 10.44.080(E)(1)(b) is approved on the primary dwelling unit parcel at a future date, pursuant to subsection G of this section.

12. Sale. Junior accessory dwelling units shall not be sold separately from the primary dwelling unit.

13. Utilities and Impact Fees.

- a. Junior accessory dwelling units shall be exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charge
- b. No impact fees may be imposed on a junior accessory dwelling. For purposes of this section, "impact fees" include the fees specified in Sections 66000 and 66477 of the Government Code and imposed by the City, a county, a special district, or a water corporation, but do not include utility connection fees or capacity charges.

14. All development standards contained in the underlying zoning district shall apply to junior accessory dwelling units unless they are inconsistent with the provisions of this section, in which case the standards of this section shall apply.

F. Amnesty Junior Accessory Dwelling Unit Permit Standards. A permit allowing an amnesty junior accessory dwelling unit shall be issued by the Community Development Director upon compliance with the following development standards or requirements during the amnesty period effective from March 31, 2019, through March 31, 2021, pursuant to subsection (F)(4) of this section:

1. Eligibility. An amnesty junior accessory dwelling unit permit shall be granted by the Community Development Director for an existing non-permitted junior accessory dwelling unit upon compliance with the following standards:

a. Documentation. The existing junior accessory dwelling unit proposed for legalization must have been constructed or established prior to June 30, 2018, as demonstrated by two forms of evidence. Acceptable means of documenting compliance with this standard include, but are not limited to, the following:

- i. County Assessor's records;
- ii. Rental contracts and/or receipts;
- iii. Income tax records;
- iv. Utility bills;
- v. Contractor's bills; and/or
- vi. Written affidavits from former owners, tenants, or neighbors, signed and notarized under penalty of perjury.

b. Fees. Fees as established by City Council resolution shall be paid.

c. Junior Accessory Dwelling Unit Housing Inspection. A junior accessory dwelling unit housing inspection of the unpermitted junior accessory dwelling unit shall be conducted by the Building Division and Fire Department. If corrections (i.e., for health and safety) are required, the property owner shall apply for a building permit to make the corrections.

d. Junior Accessory Dwelling Unit Standards. An amnesty junior accessory dwelling unit must meet the standards listed in subsection E of this section.

2. Nonconformity Provisions. Upon final issuance of an amnesty junior accessory dwelling unit permit obtained through the processes established by this subsection F, if the amnesty

junior accessory dwelling unit violates any provisions of the municipal code it shall be deemed a legal nonconforming structure which shall be subject to Chapter 10.62 SMC (Nonconforming Uses and Structures).

3. Effect of Conversion. For any amnesty junior accessory dwelling unit, elimination of any of the required access and facilities elements (i.e., the separate entrance, kitchen) shall require the property owner to demonstrate compliance of the primary residence with all applicable development standards in the zoning ordinance (taking into account any preexisting legal nonconformities).

4. Sunset Provision. The amnesty period will be in effect from March 31, 2019, through March 31, 2021, during which time the owner of an existing junior accessory dwelling unit created prior to June 30, 2018, may submit a complete amnesty junior accessory dwelling unit permit application to legalize the junior accessory dwelling unit. The amnesty provisions only apply to complete applications received through March 31, 2021. The City Council may by resolution extend the conclusion of the amnesty period. An unpermitted junior accessory dwelling unit created prior to June 30, 2018, shall not be subject to code enforcement action prior to expiration of the amnesty period.

G. Junior Accessory Dwelling Unit Not Meeting Certain Required Standards. If an application for a junior accessory dwelling unit permit does not meet the ministerial requirements set forth in subsection (E)(11) of this section with respect to the primary dwelling unit parcel containing an existing or proposed accessory dwelling unit, the applicant may apply for an exception through the conditional use permit process if the specific exception set forth in subsection (G)(1) of this section is met. A junior accessory dwelling unit requiring this exception may be approved by the Planning Commission with the approval of a conditional use permit, as set forth in subsection (G)(2) of this section and Chapter 10.60 SMC. Junior accessory dwelling units that do not meet the ministerial criteria set forth in subsection E of this section and the exception set forth in subsection (G)(1) of this section are not permitted in any zoning district and may not apply for an exception through the conditional use permit process.

1. Exception. An application for a junior accessory dwelling unit that does not meet all of the requirements in subsection E of this section shall be considered through the conditional use permit process if the junior accessory dwelling unit meets the following exception:

a. Accessory Dwelling Unit. The parcel has an existing or proposed accessory dwelling unit not meeting the standards of Section 10.44.080(E)(1)(b).

2. Findings. The Planning Commission shall consider applications for junior accessory dwelling units that meet the exception listed in subsection (G)(1) of this section through the conditional use permit process and shall approve the junior accessory dwelling unit permit and conditional use permit if the following finding and the conditional use permit findings are met:

a. The exception will not create a significant adverse impact on any adjacent property, the surrounding neighborhood, or the general public good.

Section 5. The definition of “Accessory dwelling unit” in Section 10.88.040 is hereby amended to read as follows:

“Accessory dwelling unit” means an attached, detached, or interior residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code Section 17958.1, and a manufactured home, as defined in California Health and Safety Code Section 18007 as may be amended from time to time.

Section 6. The definition of “Accessory dwelling unit required off-street parking areas” in Section 10.88.040 is hereby amended to read as follows:

“Required off-street parking areas” means and refers to areas of the City where the street width to which a parcel is accessed from is less than 16 feet, reflecting the areas in the City where the impact of on-street accessory dwelling unit parking would cause a significant impact on traffic flow, and threaten the public safety and welfare by impeding fire and emergency access due to factors such as substandard street widths. Street widths shall be determined using data in the City’s pavement management system.

Section 7. The definition of “Junior accessory dwelling unit” in Section 10.88.040 is hereby amended to read as follows:

“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a proposed or legally existing single family dwelling. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

Section 8. Section 10.40.040— Floor area ratio is hereby amended to read as follows:

Floor area ratio

A. Applicability of Floor Area Limits. Floor area limits for buildings and structures are established by Chapters 10.20 through 10.28 (Zoning Districts Regulations), 10.44 SMC (Specific Use Requirements) and this chapter. New construction and additions to buildings shall not exceed the floor area ratio (FAR) limit identified in the site development standards table for each applicable zoning district (Chapters 10.20 through 10.26 SMC, base zoning district regulations).

B. Measurement of Floor Area. The sum of the gross horizontal surfaces of all enclosed buildings and any covered patio, balcony, court, deck, porch or terrace with over 50 percent of the surface of the exterior vertical area (not including the vertical area of the

main building wall) enclosed by weatherproof materials (including closable windows, doors and louvers). Floor area shall be measured from the interior faces of the exterior walls and shall exclude vent, utility and elevator shafts; inner courts; 500 square feet of enclosed automobile parking spaces for single-family dwellings and the minimum area for parking and circulation required by SMC 10.40.110 (Parking space requirements by land use) and 10.40.120 (Design and improvement of parking) for all other uses; and shall include attics, crawl spaces and other confined spaces with a ceiling height greater than five feet 11 inches where such space has a finished floor. Interior volumes in residential structures with a finished floor to top of roof height of over 20 feet for sloped roofs (minimum 4:12 pitch) and over 17 feet for flat roofs shall be counted as 1.5 times the finished floor area. Continuous staircases (e.g., stacked) shall be measured as floor area on one floor only. Discontinuous (e.g., offset) staircases in residential structures shall be measured as floor area on each floor. See Diagram 10.40-10.

C. Floor Area Ratio (FAR) Calculation. "Floor area ratio" or "FAR" shall mean the floor area of the building or buildings on a parcel divided by the net area of the parcel. Floor area for basements where at least 50 percent of the exterior walls are subterranean shall receive a 50 percent discount. A maximum of 500 square feet of subterranean floor area may receive the discount. To receive this credit for subterranean floor area, the entire basement must be located within the required setbacks, an Accessory Dwelling Unit or Junior Accessory Dwelling Unit must be located or proposed as a part of the development on the parcel, and the project must comply with all other parts of this title.

D. Floor Area Ratio (FAR) Limits. The maximum floor area allowed on any parcel shall be determined by multiplying the net parcel area by the maximum permitted FAR identified in the site development standards table for each applicable district. Also see SMC 10.56.050.

E. Reserved.

F. Split Parcels. For parcels which are located within two or more separate residential zoning districts, the FAR calculation for structures within a certain zoning district shall be based upon the net parcel area only within that zoning district. Each portion of the parcel located within a different residential zoning district is treated as a separate parcel for determination of FAR entitlements. FAR entitlements within one residential district cannot be transferred to another residential district. This rule shall not apply in commercial districts for development associated with an approved master plan.

G. Industrial-Equivalent FAR Requirements (Marinship Specific Plan). See SMC 10.28.050(E)(4).

Section 9. Severability. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance or the application thereof to any person or circumstances is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, sub-section, sentence, clause, phrase or

portion thereof, irrespective of not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

Section 10. Compliance with the California Environmental Quality Act. The Sausalito City Council finds that this Ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code, which provides that CEQA does not apply to the adoption of an ordinance to implement the provisions of Section 65852.2 of the Government Code. As the standards of Government Code section 65852.22 relating to junior accessory dwelling units are incorporated into Government Code 65852.2, this exemption covers junior accessory dwelling units as well. Regardless of whether the City adopts this Ordinance, accessory dwelling units and junior accessory dwelling units must be allowed in the City in accordance with the standards set forth in State Statute. Therefore, this Ordinance is also categorically exempt under the common-sense exemption of CEQA Guidelines section 15061(b)(3) which provides that CEQA does not apply where it can be seen with certainty that the project will not cause any impacts.

Section 11. Effective Date and Posting. This Ordinance shall be effective thirty (30) days following its adoption by the City Council. Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary thereof as provided in California Government Code Section 36933, shall be posted in at least three public places in the City of Sausalito, along with the names of the members of the City Council voting for and against its passage.

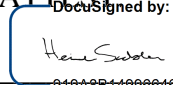
Section 12. Transmission to HCD. The City Clerk shall send a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption, as required by State law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sausalito held on the 10th day of November, 2020, by the following vote:

AYES:	Councilmembers:	Hoffman, Burns, Cox, Withy, Mayor Cleveland-Knowles
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None

DocuSigned by:

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 SUSAN CLEVELAND-KNOWLES
 MAYOR OF THE CITY OF SAUSALITO

ATTEST:
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 HEIDI SCOBLE
 CITY CLERK