

**PLANNING COMMISSION
RESOLUTION NO. 2023-12**

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING CITY COUNCIL ADOPTION OF AMENDMENTS TO TABLE 10.22-1, SECTION 10.44.080 AND SECTION 10.44.085 OF TITLE 10 OF THE SAUSALITO MUNICIPAL CODE, TO ADDRESS CHANGES TO STATE LAW REGULATING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

WHEREAS, in order to encourage the construction of additional dwelling units to provide more housing for California residents, the State of California enacted legislation (SB 897) that went into effect on January 1, 2023, to encourage the construction of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), necessitating amendments to the Sausalito Municipal Code; and

WHEREAS, the Planning Commission is responsible for providing recommendations to the City Council for proposed amendments to the City's Zoning Code pursuant to Government Code section 65853 et seq.; and

WHEREAS, the adoption of the proposed ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080.17, which exempts the local adoption of ordinances regarding second units in single or multifamily residential zones, and CEQA Guideline section 15301 involving the minor alteration of existing residences involving negligible or no expansion of use beyond that already in existence; and

WHEREAS, the adoption of the proposed ordinance amendment in the public interest and is consistent with the City of Sausalito's General Plan and Housing Element, which encourages the development of ADUs and JADUs, and is further consistent with the City's General Plan by operation of state law, as set forth in Government Code section 65852.2, subdivisions (a)(1)(C), (a)(9), and (a)(10);

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES:

Based on the information provided for the public hearing, and subject to minor amendments as directed during the public hearing, the Planning Commission recommends to the City Council the adoption of the proposed amendments to the Sausalito Municipal Code as set forth in the attached draft ordinance, included as Exhibit A.

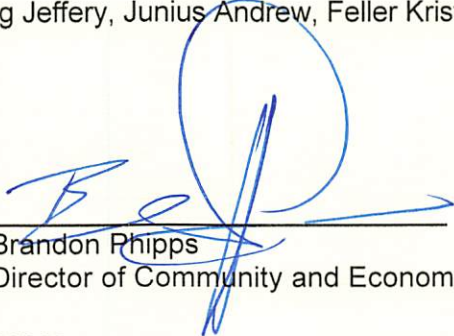
RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Planning Commission on the 12th day of July 2023, by the following vote:

AYES: Commissioner Member: Luxenberg Jeffery, Junius Andrew, Feller Kristina, Graef Richard, Saad Nastassya

NOES: Commissioner Member:

ABSENT: Commissioner Member:

ABSTAIN: Commissioner Member:



Brandon Phipps
Director of Community and Economic Development

ATTACHMENTS: Exhibit A – Draft Ordinance

EXHIBIT A

**DRAFT
ORDINANCE NO. XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
AMENDING TABLE 10.22-1, SECTION 10.44.080 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 (SB 897) that went into effect on January 1, 2023, to encourage the construction of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), as further defined in this ordinance; and

WHEREAS, On April 6, 2023, the State Department of Housing and Community Development (HCD) provided a letter to City of Sausalito’s Community Development Department directing the Department to amend their ADU / JADU regulations to comply with State ADU / JADU law.

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;

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		SMC <u>10.44.070</u> (Piers, docks, floats and wharves in residential districts)
Piers, docks and floats for		P			P		

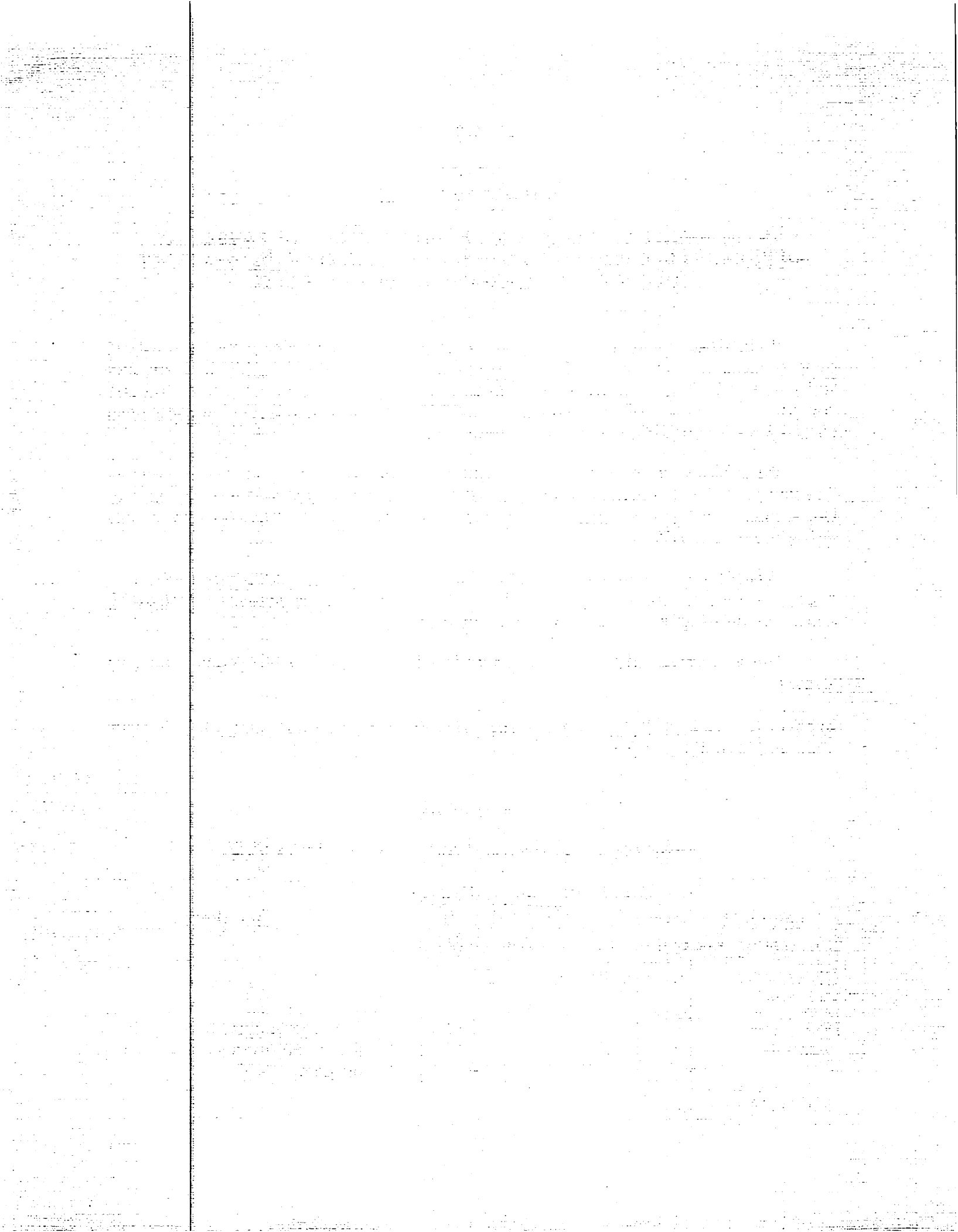


Table 10.22-1

LAND USES ALLOWED IN RESIDENTIAL DISTRICTS*

Land Use	Residential Zoning Districts						See SMC
	R-1	R-2	PR	R-3	H	A	
private pleasure craft							
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	<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			

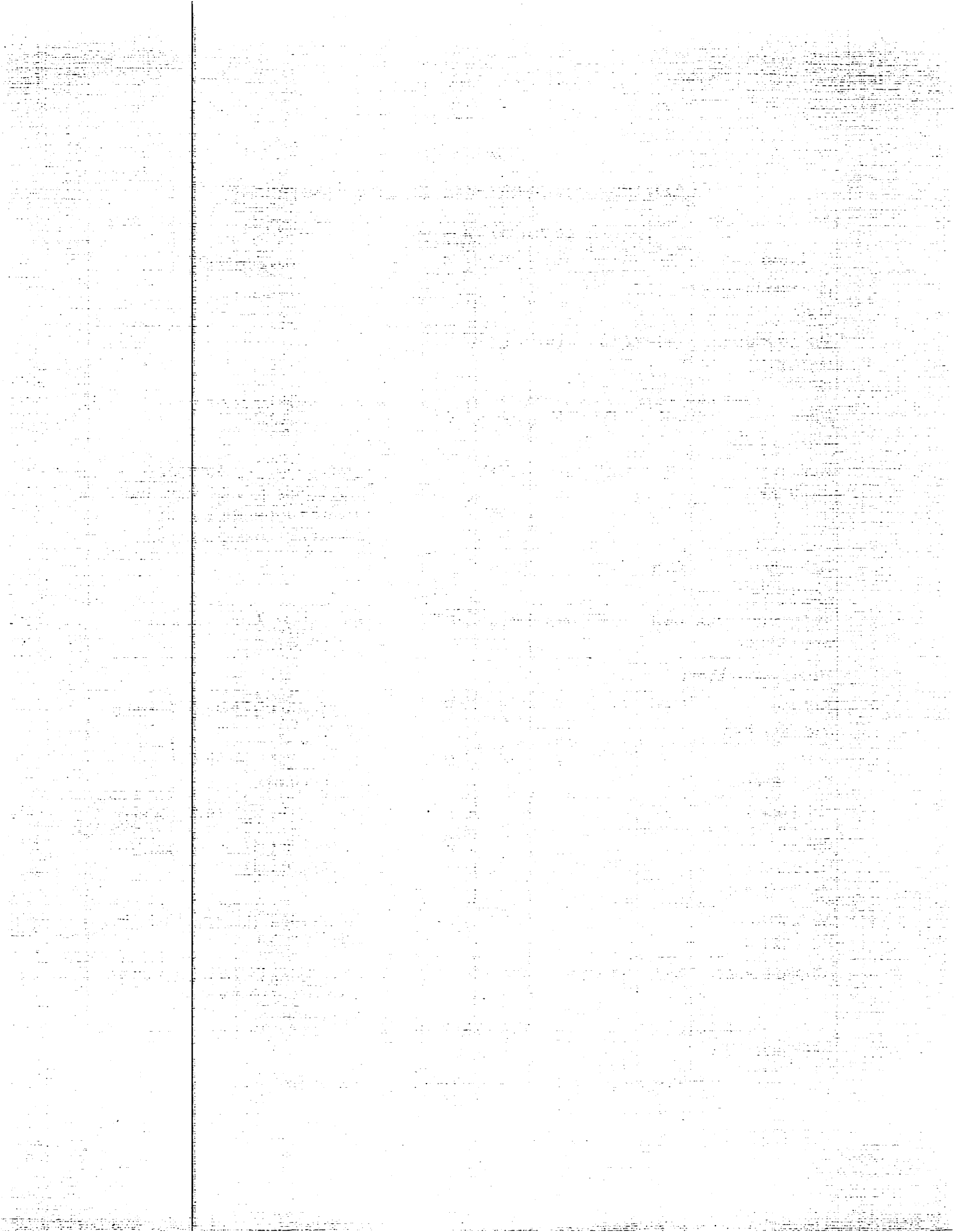


Table 10.22-1

LAND USES ALLOWED IN RESIDENTIAL DISTRICTS*

Land Use	Residential Zoning Districts						See SMC
	R-1	R-2	PR	R-3	H	A	
Residential accessory uses	P	P	P	P	P		SMC <u>10.44.020</u> (Accessory uses and structures)
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)

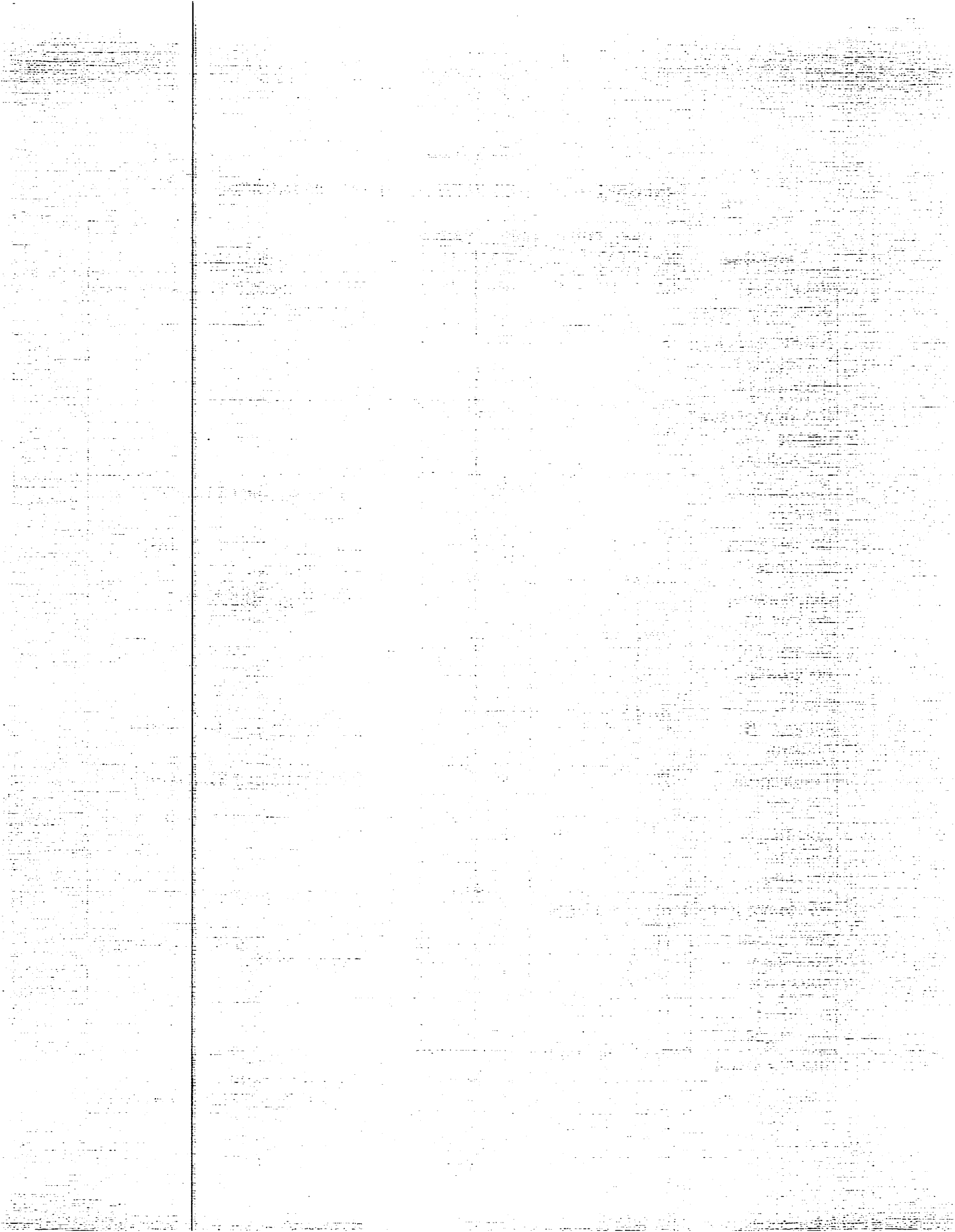
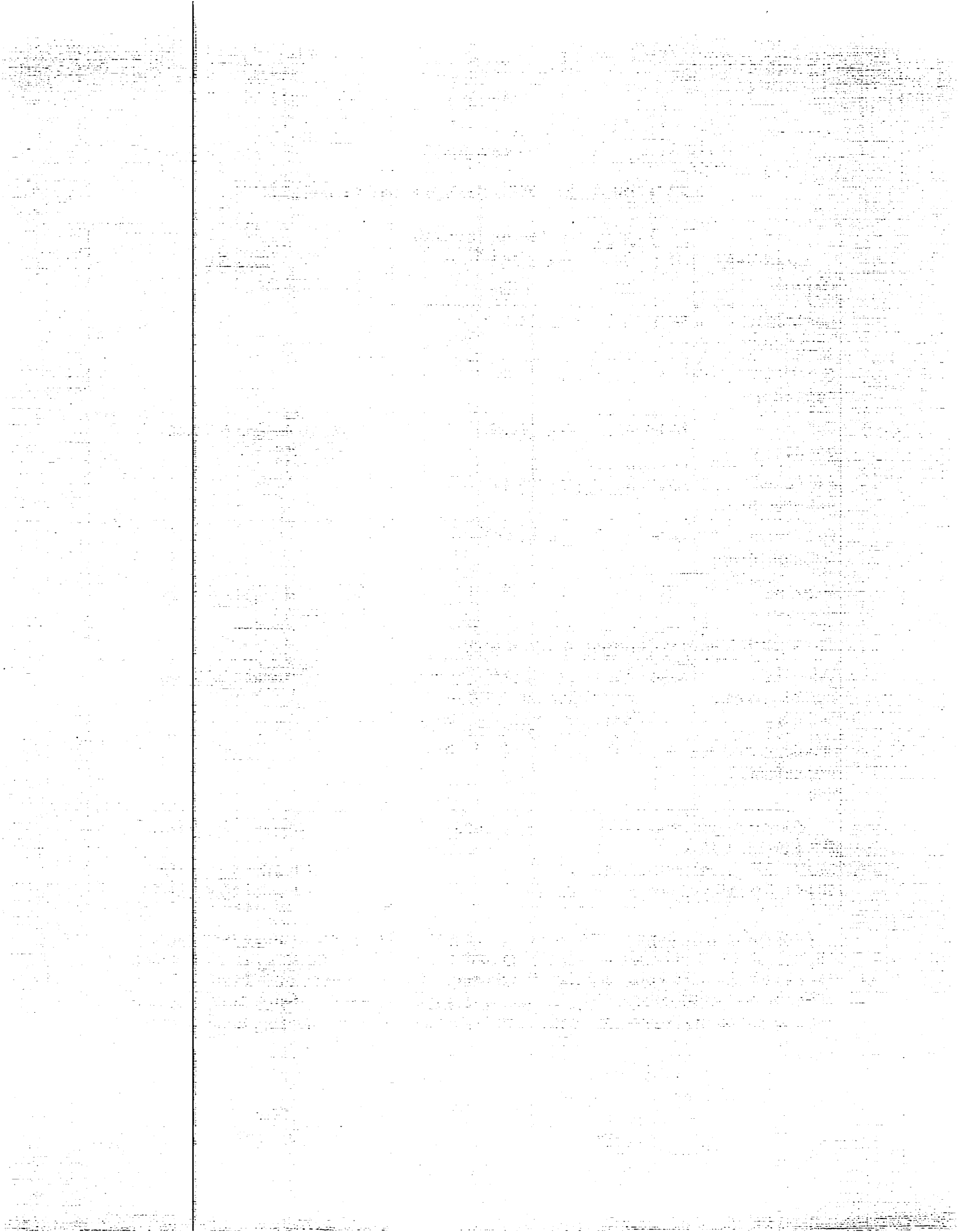


Table 10.22-1

LAND USES ALLOWED IN RESIDENTIAL DISTRICTS*

Land Use	Residential Zoning Districts						See SMC
	R-1	R-2	PR	R-3	H	A	
Centers		CUP		CUP			
Large family care homes	MUP	MUP	MUP	MUP			
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. 10.44.080—Accessory Dwelling Unit Regulations is hereby amended to read as follows:

10.44.080 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.

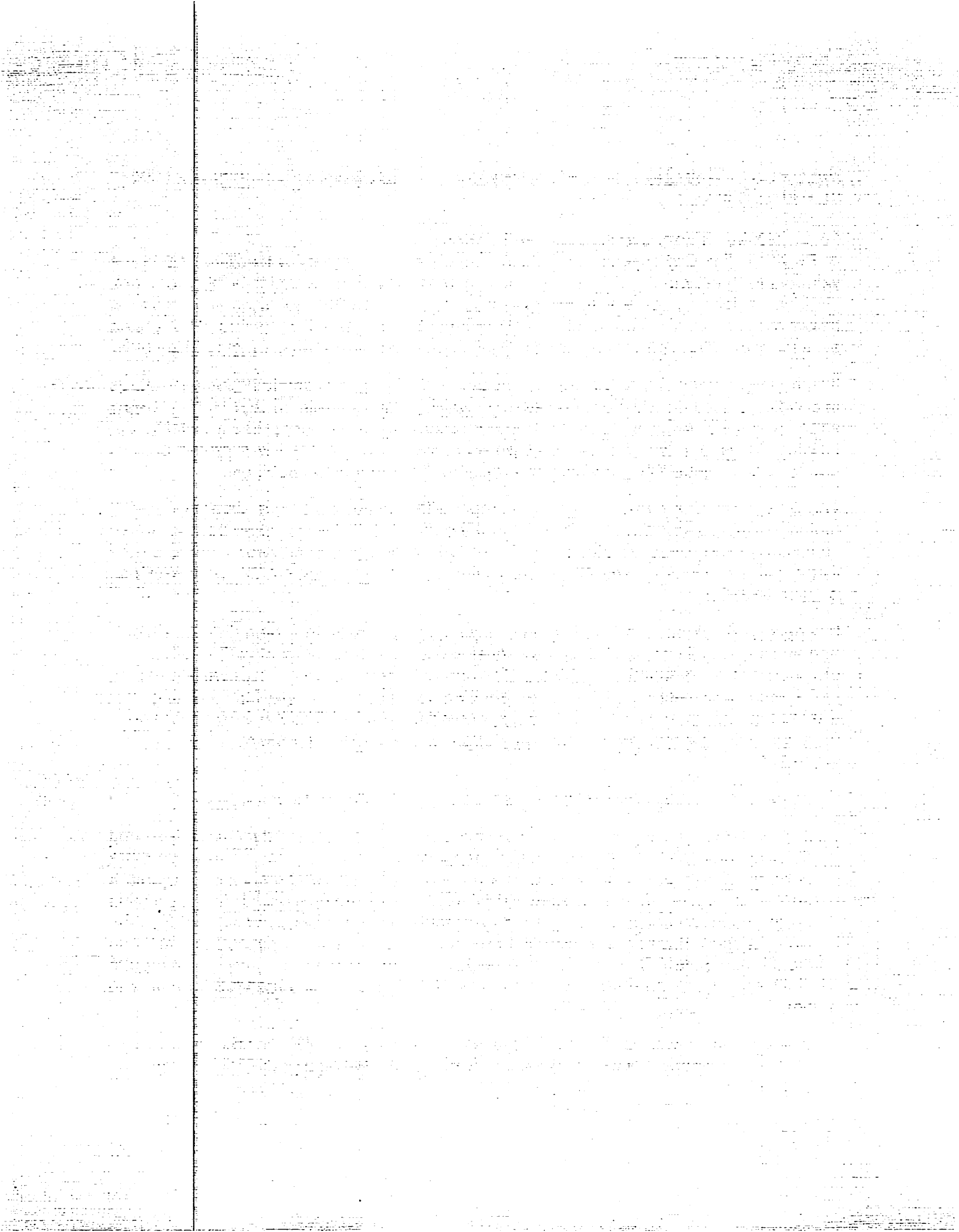
The purpose of this section is also to comply with Government Code Section 65852.2 relating to accessory dwelling units. Requirements in this section shall be interpreted consistent with the requirements of state ADU law, and guidelines promulgated by the Department of Housing and Community Development pursuant to Government Code Section 65852.2(i).

B. Applicability. Accessory dwelling units shall only be allowed in zoning districts which permit single-family or multifamily residential uses. However, pursuant to the authority provided by Section 65852.21(f) of the Government Code, no accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot in a single-family zoning district if: (a) an urban lot split has been approved pursuant to Chapter 9.70 SMC, and (b) a two-unit development has been approved for construction pursuant to SMC 10.44.350.

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

1. Accessory Dwelling Unit. "Accessory dwelling unit" means an attached or detached 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. 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.



3. 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.

4. Public Transit. "Public Transit" means a designated bust stop, train stop, ferry terminal, or other public transit station where the public may access busses, trains ferries or other forms of public transit that are available to the public.

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 or junior accessory dwelling unit shall be considered administratively, without discretionary review or public hearing, and shall be approved or denied within 60 days of receiving a complete application.

2. If the permit application is submitted with a permit application to create a new single-family dwelling or multifamily dwelling on the lot, the application for the accessory dwelling unit shall not be acted upon until the application for the new single-family or multifamily dwelling is approved or denied, but thereafter shall be ministerially processed within 60 days of such action on the single-family or multi-family dwelling.

3. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

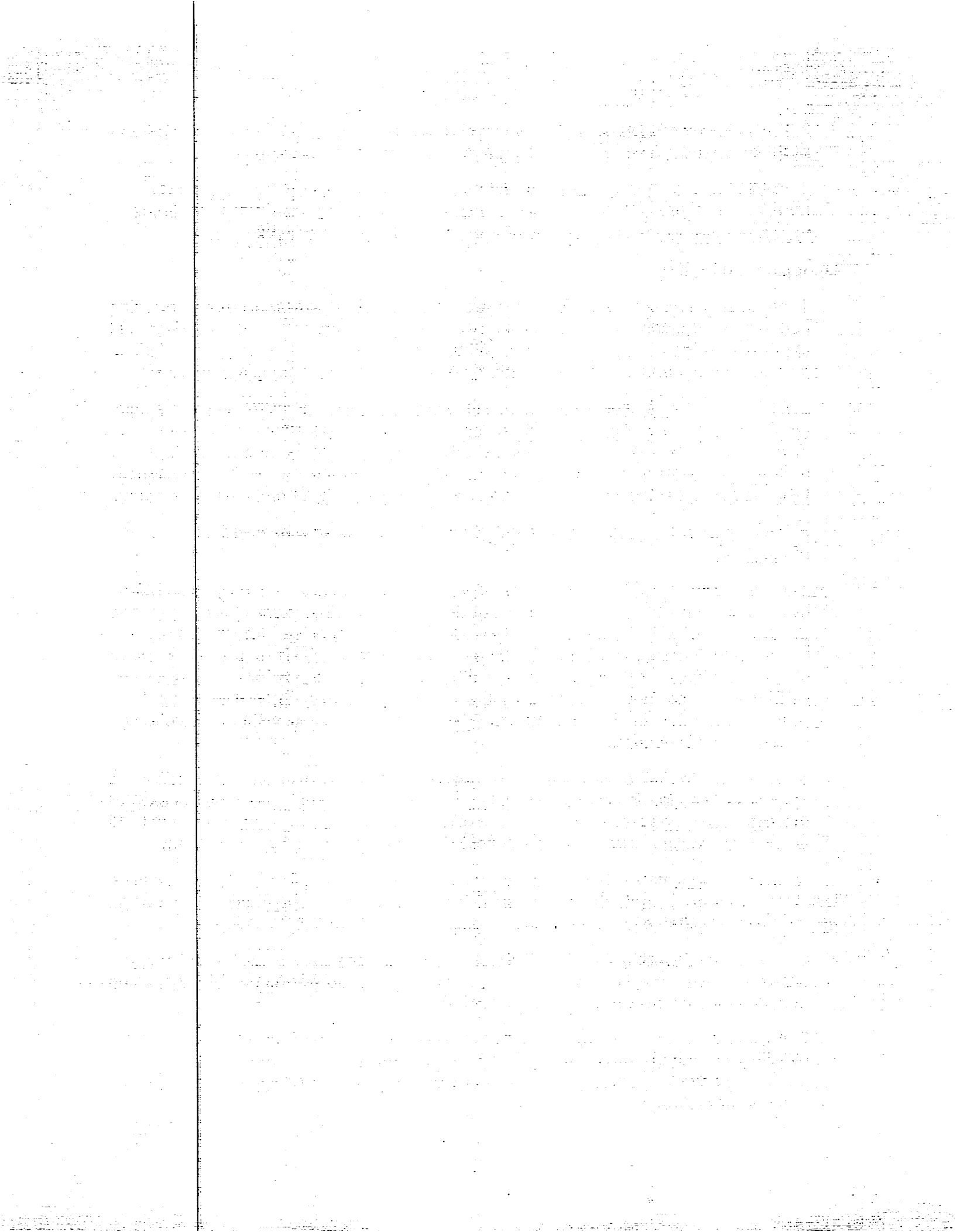
4. An application for an accessory dwelling unit permit shall be made by the property owner and filed with the Community Development Department on a form prescribed by the Community Development Director. Unless otherwise determined by the Community Development Director, the submittal shall include fees, a site plan, floor plans, elevations, certification and any other information reasonably requested and contained on the form prescribed by the Community Development Department. All permits under this section shall be considered administratively without discretionary review or public hearing.

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

E. Accessory Dwelling Unit Permit Standards. An accessory dwelling unit permit shall be issued by the Community Development Director upon compliance with the following development standards and requirements, except as set forth in subsection F:

1. Accessory Dwelling Units per Parcel. Only one accessory dwelling unit may be allowed per residential parcel containing an existing or proposed single-family dwelling unit, except as permitted under subsection F.

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, except for an efficiency unit as permitted under Section 17958.1 of the Health and Safety Code.

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 setback shall be required to convert existing living area, or an existing accessory structure (or portion thereof), to an accessory dwelling unit (or portion thereof) in the same location and to the same dimensions as an 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.

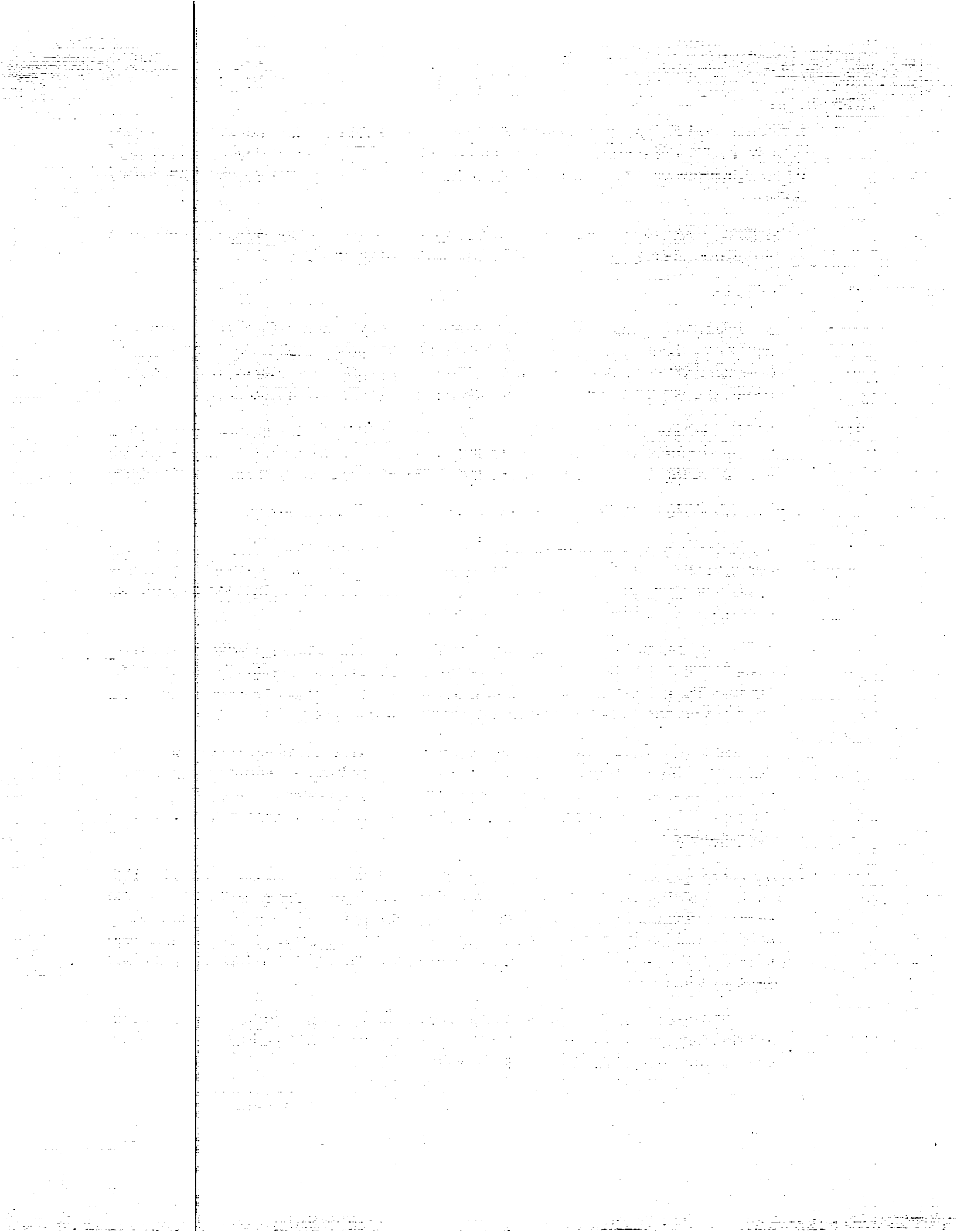
b. For the purposes of complying with the development standards for dwelling units in two-family and multiple-family residential zoning districts (SMC 10.44.330), an accessory dwelling unit shall be treated as a separate unit and shall not be calculated as part of the primary dwelling unit on the lot.

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.

7. Waiver of Development Standards Required to Build up to 800 Square Foot ADU. Limits on setbacks, 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 with four-foot side and rear yard setbacks; provided, that the proposed accessory dwelling unit is in compliance with all other development standards including height limits.

a. An accessory dwelling unit shall not exceed 850 square feet for a studio or one bedroom unit and 1,000 square feet for a unit that contains more than one bedroom when determined to be in compliance with section 6.

8. Height.



a. Attached Units. The height of a new attached accessory dwelling unit shall not exceed a height limit of 25 feet. Height shall be measured at any point along the roofline of the proposed accessory dwelling unit to the existing or created grade (whichever is lower), directly below the unit. For any portion of an accessory dwelling unit located below the primary residence, height shall be measured from the top of the ceiling joists to the existing or created grade (whichever is lower), directly below the unit.

b. Detached Units.

i. A height limit of 16 feet applies to a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit, except as set forth below.

ii. A height of 18 feet applies to a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height shall be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

iii. A height limit of 18 feet applies to a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

iv. Height shall be measured at any point along the roofline of the proposed accessory dwelling unit to the existing or created grade (whichever is lower), directly below the unit.

9. 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.

10. Parking Exemptions. An accessory dwelling unit shall be exempt from the parking requirements of this section in any of the following instances:

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

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 part of a proposed or existing primary residence or accessory structure; or

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

f. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this paragraph.

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

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

13. Fire Sprinklers. Accessory dwelling units are not required to have fire sprinklers if they are not required in the single-family or multifamily dwelling unit on the lot. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in any existing dwelling unit.

14. Sale. Accessory dwelling units shall not be sold separately from the primary dwelling unit, except as permitted under Government Code section 65852.26.

15. 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. An accessory dwelling unit is required to have a new or separate utility connection, including a separate sewer lateral, between the accessory dwelling unit and the utility, except for projects approved pursuant to Government Code section 65852.2(e)(1)(A) and subsection F(1). 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.

c. Impact Fees.

i. No impact fees may be imposed on an accessory dwelling unit that is less than 750 square feet 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.

16. The City shall not require as a condition for approval of a permit application for the creation of an accessory dwelling unit correction of nonconforming zoning conditions, or building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the accessory dwelling unit.

17. Downtown Historic District. Attached and new construction detached accessory dwelling units in the downtown historic district shall comply with the Secretary of Interior's Standards for the Treatment of Historic Properties.

F. State Mandated Approval. Notwithstanding anything in this code to the contrary, an accessory dwelling unit permit shall be issued ministerially by the Community Development Director to create any of the following within a residential or mixed-use zone:

1. One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

a. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

b. The accessory dwelling unit has exterior access that is separate from the exterior entrance proposed or existing single-family dwelling.

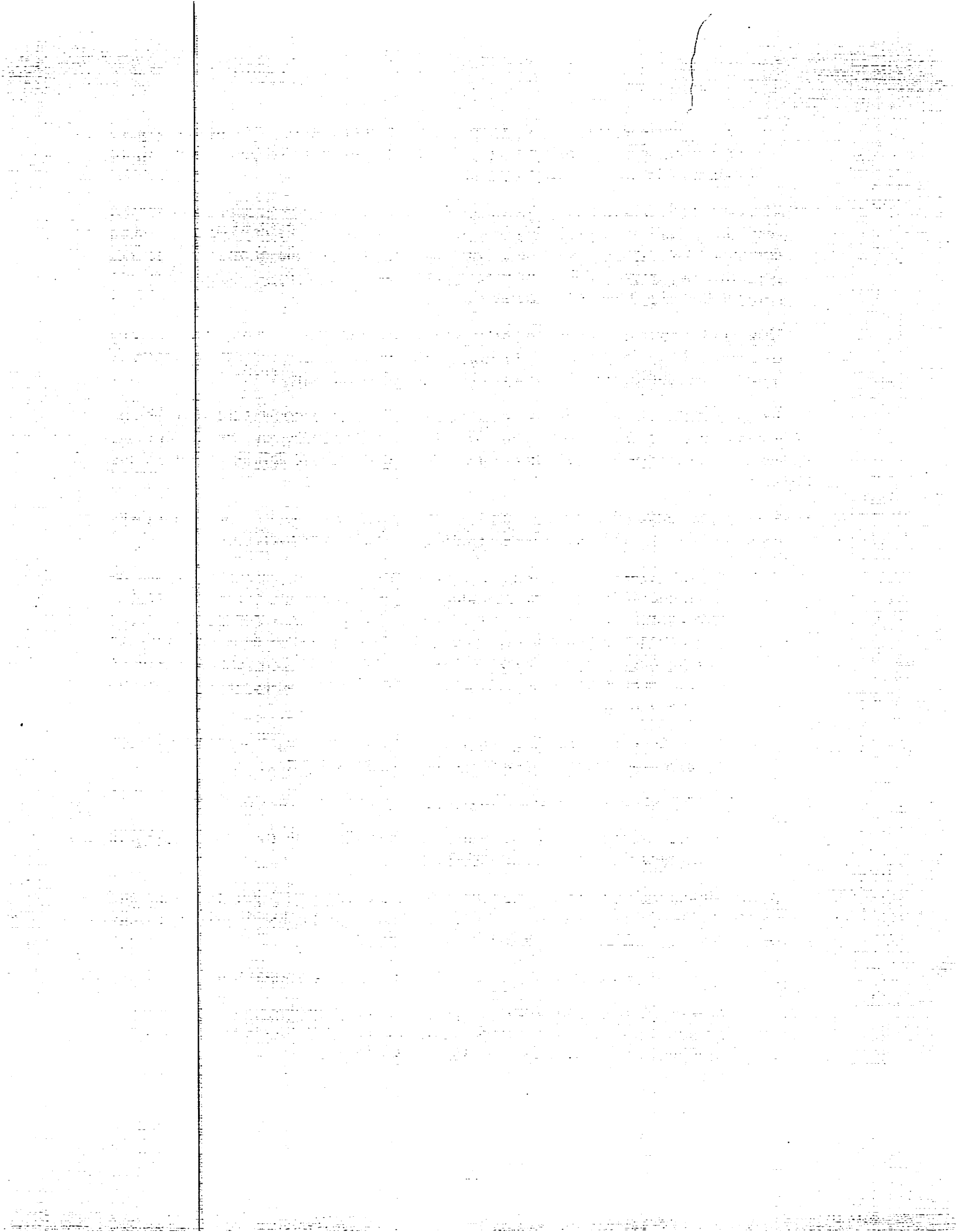
c. The side and rear setbacks are sufficient for fire and safety.

d. The junior accessory dwelling unit complies with the requirements of Government Code Section 65852.22.

2. One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling, subject to the following requirements:

a. A total floor area limitation of not more than 800 square feet.

b. A height limitation of 18 feet, plus for single family residential zoned lots an additional two feet to accommodate a roof pitch that is aligned with the roof pitch of the existing or proposed main house.



The new construction detached accessory dwelling unit in this subsection may be combined with a junior accessory dwelling unit as described in subsection F(1) above.

3. Not more than two detached accessory dwelling units that are located on a lot that has an existing multi-family dwelling, subject to a height limit of 18 feet and four-foot rear yard and side yard setbacks. If the existing multi-family dwelling has a rear or side setback of less than four feet, modification of the existing multifamily dwelling is not required as a condition of constructing the accessory dwelling unit.

4. Conversion of portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, into new accessory dwelling units, provided that each unit shall comply with state building standards for dwellings. The number of new accessory dwelling units authorized for conversion under this subsection shall not exceed 25 percent of the existing dwelling units in the multi-family dwelling structure or one new accessory dwelling unit, whichever is greater.

G. Unpermitted ADUs. The Community Development Director shall issue an accessory dwelling unit permit to any unpermitted accessory dwelling unit that was constructed before January 1, 2018, in accordance with the requirements of Government code section 65852.23.

H. Decisions of the Director under this section shall be final and are not subject to further appeal.

Section 3. 10.44.085—Junior Accessory Dwelling Unit Regulations is hereby amended to read as follows:

10.44.085 Junior accessory dwelling unit regulations.

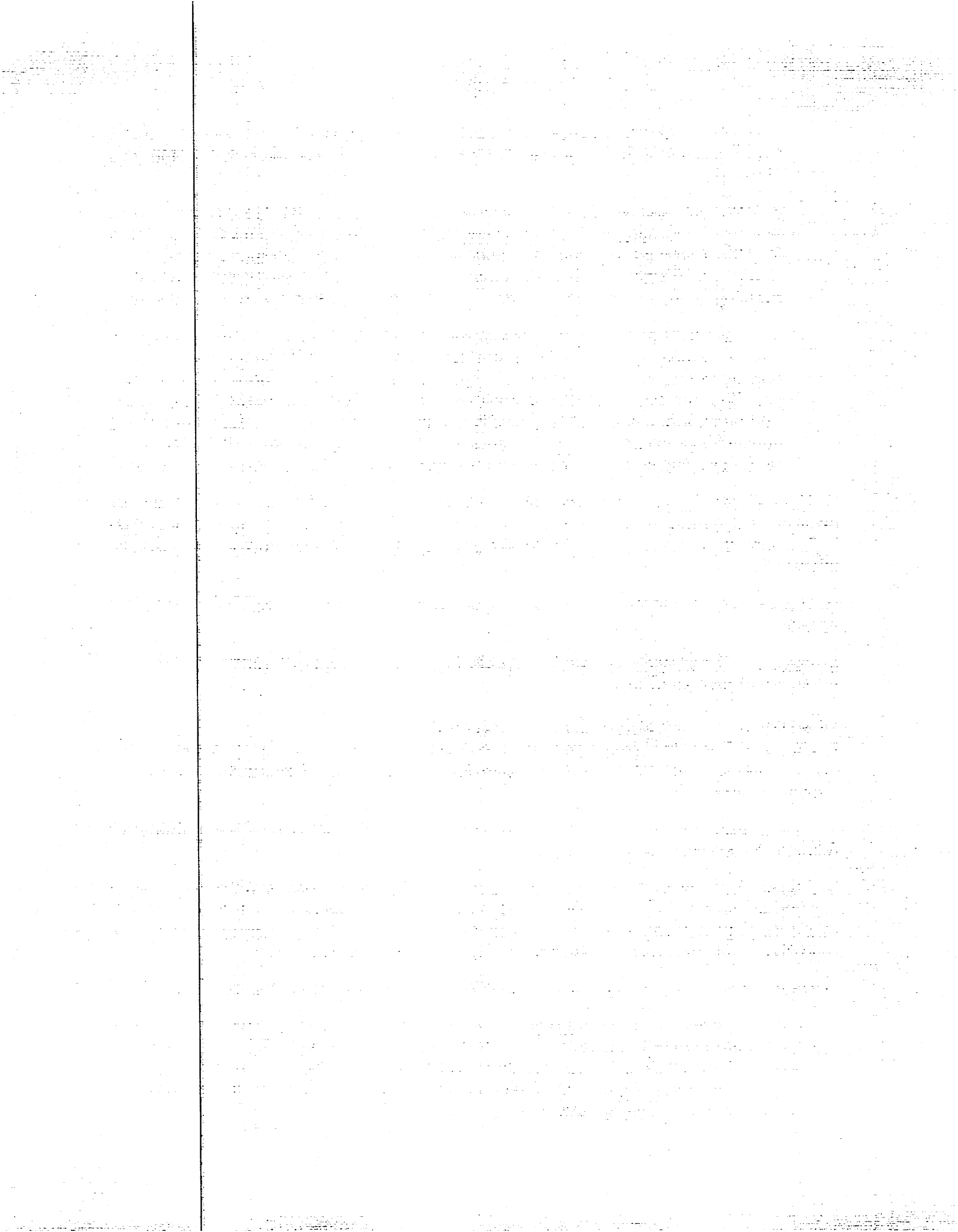
A. Purpose. The City of Sausalito finds and declares that junior accessory dwelling units are a valuable form of housing that allows for the expansion of affordable and flexible housing options.

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), 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.

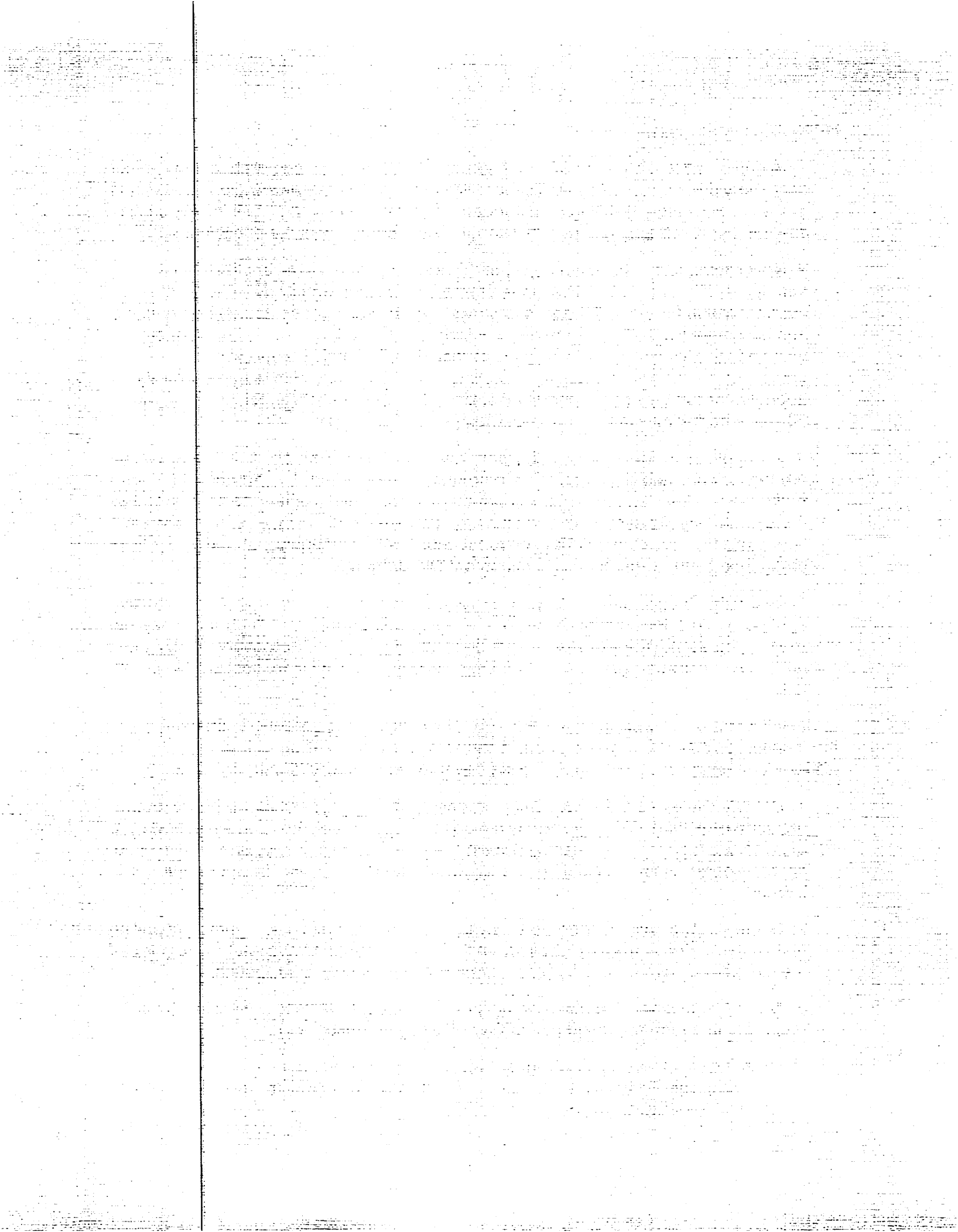


D. Application Process.

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.
2. Notwithstanding subsection (D)(1) of this section, 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. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
3. An application for a 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.
4. 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 permitted per residential lot zoned for single-family residences. 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. 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, including a statement that the deed restriction may be enforced against future purchasers.



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. Off-Street Parking. No additional off-street parking is required for a junior accessory dwelling unit.

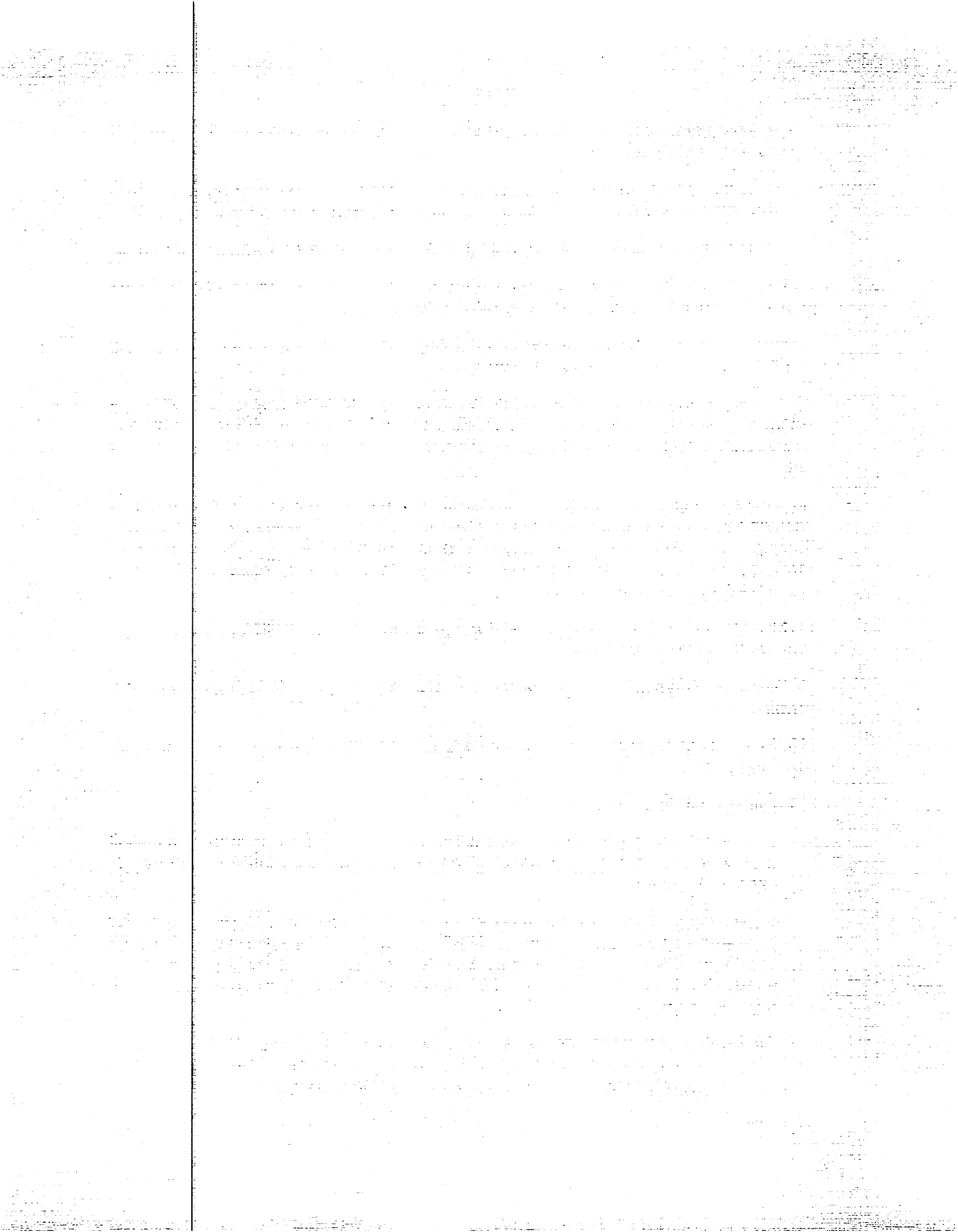
10. Sale. Junior accessory dwelling units shall not be sold separately from the primary dwelling unit.

11. 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 charges.

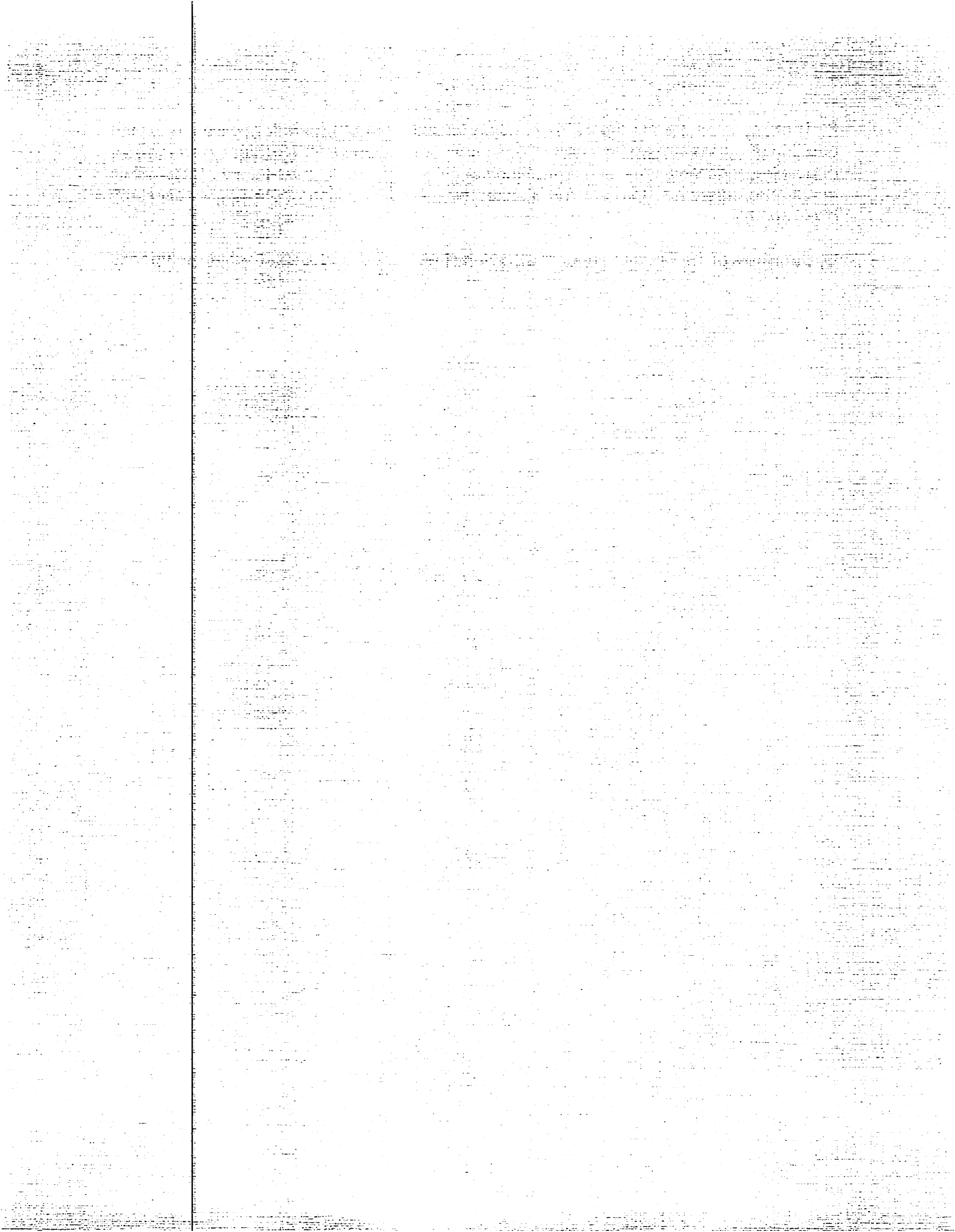
b. No impact fees may be imposed on a junior accessory dwelling unit. For purposes of this section, "impact fees" include the fees specified in Sections 66000 and 66477 of the Government Code and imposed by the City, a county, a special district, or a water corporation, but do not include utility connection fees or capacity charges.

12. 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. The City shall not require as a condition for approval of a permit application for the creation of a junior accessory dwelling unit correction of nonconforming zoning conditions, or building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit.

G. Decisions of the Director under this section shall be final and are not subject to appeal.



Section 4. 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 5. 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 and 15282 (h) 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. 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.

Section 6. 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 6. 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 XX day of September 2023, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

CITY CLERK