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BY E-MAIL AND US MAIL

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**RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR CITY OF SAUSALITO
6TH CYCLE HOUSING ELEMENT PROGRAMS.**

Dear Director Phipps, Mayor Sobieski, and Honorable Members of the City Council:

I write on behalf of Save Our Sausalito (“SOS”), an organization comprised of numerous active residents of the City of Sausalito. SOS hereby submits its comments on the Draft Environmental Impact Report (“DEIR”) for the 6th Cycle Housing Element Programs (“Housing Element”). As discussed below the DEIR is inadequate because it fails to analyze and mitigate impacts of the Housing Element to historic and biological impacts related to the Sausalito Downtown Historic District. To address these impacts, SOS requests that the city include an additional alternative in the Final EIR which would eliminate all Housing Opportunity Sites proposed in the Downtown Historic District (“Historic District Preservation Alternative”). This alternative would eliminate the significant impacts discussed in this letter, while still achieving the project objective of providing sufficient housing to meet the City’s Regional Housing Needs Allocation (“RHNA”) goals.¹ Removing Housing Opportunity Sites from the Downtown Historic

¹ A new alternative can be added to the Final EIR which was not in the Draft EIR, if it reduces project impacts. (*Sw. Reg'l Council of Carpenters v. City of Los Angeles* (2022) 76 Cal. App. 5th 1154).

District is the only feasible way to protect the Historic District and its unique cultural and biological resources.

I. PROJECT DESCRIPTION

The City proposes to update its housing element to allow the development of housing required by the Regional Housing Needs Allocation (“RHNA”). The proposed Project constitutes multiple actions related to 6th Cycle Housing Element, including those necessary to implement Program 4 of the 6th Cycle Housing Element, entitled “Ensure Sites Inventory of Sites Accommodates RHNA throughout 6th Cycle Planning Period,” as well as Program 8, Program 16, and Program 19. These actions are collectively referred to as the Housing Element Programs or “the Project.”

Sausalito received a RHNA allocation of 724 units for the 2023-2031 planning period. The City’s inventory of residential sites, based on existing zoning, can accommodate approximately 118 units. After accounting for approved projects, projected ADUs, and projected SB 9 units, the City has a remaining unmet RHNA of 465 units, including 263 lower income units (extremely/very low and low), 52 moderate income units, and 166 above moderate income units, absent changes to land use policies and zoning, via the adoption of rezoning or overlay zones. Program 4 includes adjustments to the City’s land use policy and zoning standards intended to accommodate the remaining RHNA, plus a buffer, for a total of at least 872 new units during the planning period. Thus, the City’s Housing Element includes a buffer of 148 units.

II. SUMMARY

Of particular concern to SOS is that the Housing Element Update identifies two locations within the Downtown Historic District as Housing Opportunity Sites:

1. Opportunity Site 201, 605-613 Bridgeway (APN 065-132-16), and
2. Opportunity Site 212, 721-729 Bridgeway (APN 065-071-21).²

² The DEIR describes Opportunity Site 212 as being in the Downtown Historic District, with APN 065-0712-21, which corresponds to the address of 721-729 Bridgeway. (DEIR 3.4-33). However, the map attached as Figures 1A and 1B of the Housing Element itself shows Housing Opportunity Site 212 as being located at APN 065-193-31, which corresponds to 0 (zero) Sausalito Blvd., well outside the Downtown Historic District. (Housing Element p. 133 of 289; see also, Figure 2 of Appendices to Draft EIR, showing Site 212 on Sausalito Blvd.). One of the important requirements of CEQA is that the project description not be confusing, shifting, or open-ended. This is to ensure that project impacts are analyzed properly and accurately. “An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) The Final EIR should clearly describe the location of Housing Opportunity Site 212, specify whether it is

The City has concluded that the “realistic capacity” of Site 201 is 20 units.

SOS proposes that these two sites be eliminated as Housing Opportunity Sites. Development of these sites poses an existential risk to the Downtown Historic District. Sausalito’s Downtown Historic District is one of only twelve historic districts in the State of California. It is a world-renowned tourist attraction featured in every tour-guide of the Bay Area as a must-see destination.

The DEIR admits that development in this area could cause a “significant and unavoidable” impact to the historic resource, even after mitigation. (DEIR 3.4-35). This admission is made despite the fact that the DEIR erroneously states that Opportunity Site 201 (605-613 Bridgeway) contains no historic buildings. (DEIR 3.4-33). This statement is erroneous, and should be corrected in the Final EIR as 605 Bridgeway is specifically listed on the State of California’s website designating historic buildings. It lists two buildings on Opportunity Site 201 as central district properties built in 1924 and 1912. (https://ohp.parks.ca.gov/?page_id=27283#TCS_SHD).

Over-development of these sites could destroy the historic character of the district, and could result in the loss of its designation as a historic district entirely, which would result in irreparable harm to the district and the entire City. Because the Project will have a significant and unavoidable impact to the historic district, CEQA requires the City to impose all feasible mitigation measures and alternatives to reduce the impact. The most obvious alternative is to remove Sites 201 and 212 from the list of Housing Opportunity Sites. The City would still have a sufficient buffer to meet its RHNA goals, so the Project objective would still be achieved under this alternative. Therefore, this alternative is eminently feasible.

The mitigation measures proposed in the DEIR will be insufficient to protect the Historic District. The DEIR relies largely on the adoption of Objective Design and Development Standards (“ODDS”), and the Secretary of the Interior’s Standards for the Treatment of Historic Properties to protect the character of the Downtown Historic District. However, recent housing laws, such as the Density Bonus Law, allow developers to demand waivers of objective standards such as height limits, set-backs and floor-area ratio. Other laws, such as SB 35 and SB 330 attempt to preclude the City from implementing “subjective” standards. The new housing laws may render the proposed mitigation measures ineffective. Indeed, the City currently has pending before it a proposal under SB 35 to construct a 49-unit, 109-foot tall behemoth in the heart of the Downtown Historic District at 605-613 Bridgeway. (Exhibit A). The proposed project vastly exceeds the objective height standard of 32-feet, and the city’s own historic resources impact report for this project finds that it would destroy the character and integrity of the Historic District. Clearly, the only feasible means to protect the unique character of the Downtown Historic District is to remove both Housing Opportunity Sites from the Historic District.

within the Downtown Historic District, and describe the number of housing units estimated for the site.

In addition, as discussed below, Dr. Shawn Smallwood, Ph.D., has determined from two site visits, that Site 201 provides habitat to at least ten (10) special status species identified by state and federal agencies. (Exhibit B). The DEIR fails to identify the presence of nine of these ten species, and fails to analyze the impacts of the Project on these species. Again, the best way to avoid impacts to these species is to remove Site 201 from the list of Housing Opportunity Sites.

III. LEGAL STANDARD

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report (“EIR”) (except in certain limited circumstances). (See, e.g., Pub. Res. Code § 21100.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.) “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.)

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1).) “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564). The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354).

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); See also, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354). The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (Guidelines §15002(a)(2)) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub.Res.Code § 21081; 14 Cal.Code Regs. § 15092(b)(2)(A) & (B)) The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 732 (Cal. App. 5th Dist. 1990)).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal. App. 4th 1344, 1355). A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722).

IV. DISCUSSION

A. The DEIR’s Environmental Setting Discussion is Inadequate.

The DEIR’s environmental setting discussion is inadequate because the document erroneously states that Housing Opportunity Site 201 does not include any historic buildings, when in fact it includes two historic buildings. The DEIR’s baseline discussion is also inadequate because it fails to note the presence of nine out of ten special status species identified on Site 201.

Every CEQA document must start from a “baseline” assumption, also known as the environmental setting. The CEQA “baseline” is the set of environmental conditions against which to compare a project’s anticipated impacts. *Communities for a Better Environment v. So Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency’s environmental review under CEQA:

“...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.”

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 (“*Save Our Peninsula*.”) As the court of appeal has explained, “the impacts of the project must be measured against the ‘real conditions on the ground.’” (*Save Our Peninsula*, 87 Cal.App.4th 99, 121-123.)

1. The DEIR Fails to Recognize Important Historic Resources that will be Affected by the Housing Element Update.

The DEIR erroneously states that Opportunity Site 201 (605-613 Bridgeway) contains no historic resources. (DEIR 3.4-33). This statement is erroneous, and should be corrected in the Final EIR. The DEIR states:

As shown on Figure 3.4-1, Opportunity Site 201 (APN 065-132-16) and Opportunity Site 212 (APN 065-071-21) are located within the Downtown Historic

District Overlay in the City of Sausalito and while there are no designated historic resources on the opportunity sites, both sites are adjacent to Potentially Eligible Historic Property. (DEIR 3.4-33).

In fact, 605 Bridgeway is specifically listed on the State of California's website designating historic districts. It lists two buildings on Opportunity Site 201 as central district properties built in 1924 and 1912. (https://ohp.parks.ca.gov/?page_id=27283#TCS_SHD). 605 Bridgeway contains two historic buildings: the Marin Fruit Company (1912) and Town & Company Antiques (1924). (DEIR 3.4-14). The Marin Fruit Company was operated for decades by Yee Tock Chee, a very significant figure in Sausalito history. Yee Tock Chee -- known as Willie Yee -- immigrated from China and opened the market in 1915, when Sausalito still had wooden sidewalks. He made such an impression on three generations of locals that a park down the street is named in his honor. This error must be corrected in the Final EIR.

2. The DEIR Fails to Identify Special Status Species.

The DEIR lists 13 special-status animal species that have been previously recorded within the Sausalito Planning Area, including five birds, four fish, three invertebrates, and one mammal. (DEIR 3.3-5). The bird species identified are: American Peregrine Falcon; California Black Rail; California Ridgeway's Rail; San Pablo Song Sparrow; and California Brown Pelican. (DEIR 3.3-6).

On April 2 and April 3, 2024, wildlife biologist Dr. Shawn Smallwood, Ph.D. conducted an inspection of Housing Opportunity Site 201 (605-613 Bridgeway), for a total of almost 4 hours on each day. Dr. Smallwood is an eminently well-qualified expert, with a doctorate in ecology from the University of California at Davis. He has published dozens of peer-reviewed journal articles. He is the former Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. He was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management. He has performed wildlife surveys in California for thirty-seven years.

Dr. Smallwood recorded six coast live oak trees and five California buckeye trees on Site 201, all of which are protected by the City of Sausalito's tree ordinance. He also noted the presence of California Bay Laurel. Dr. Smallwood positively identified 49 vertebrate species of wildlife on the site, ten (10) of which are special status species. Dr. Smallwood photographed many of the species he observed. Dr. Smallwood identified signs of breeding and nesting on the Project site. Among the special status species positively identified by Dr. Smallwood are:

- Allen's Hummingbird (Bird of Conservation Concern)
- Western Gull (Bird of Conservation Concern)
- Common Loon (California Species of Special Concern)
- Double-crested Cormorant (Taxa to Watch List)
- California Brown Pelican (California Fully Protected (Fish & Game Code §3511))

- Turkey Vulture (Bird of Prey (Fish & Game Code §3503.5))
- Red-Shouldered Hawk (Bird of Prey (Fish & Game Code §3503.5))
- Red-Tailed Hawk (Bird of Prey (Fish & Game Code §3503.5))
- Great Horned Owl (Bird of Prey (Fish & Game Code §3503.5))
- Oak Titmouse (Bird of Conservation Concern)

In addition, Dr. Smallwood concluded that the Project site likely provides habitat to several other special status species. He stated, “Based on habitat associations, special-status species I expect to use the project site as habitat, but which have yet to be detected there, include monarch, rufous hummingbird, white-tailed kite, Cooper’s hawk, sharp-shinned hawk, western screech-owl, Lewis’s woodpecker, Nuttall’s woodpecker, olive-sided flycatcher, California thrasher, Bullock’s oriole, yellow warbler, and at least several of the bat species in Table 2. The project site is most likely habitat of these species, and others in Table 2.” (Exhibit B, p. 16).

Of these species, the DEIR only mentions the California Brown Pelican. The EIR must be revised to include an analysis of the Project’s impacts on these species.

B. The DEIR’s Environmental Impact Analysis is Inadequate.

The DEIR is inadequate because it fails to analyze the Housing Element Update’s impacts to historic resources and biological resources.

One of the key functions of the EIR is to analyze a proposed Project’s environmental impacts. The court must determine, “whether an EIR’s discussion of environmental impacts is adequate, that is, whether the discussion sufficiently performs the function of facilitating ‘informed agency decisionmaking and informed public participation.’” (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 513.) The California Supreme Court has noted that “the adequacy of an EIR’s discussion of environmental impacts is an issue distinct from the extent to which an agency is correct in its determination whether the impacts are significant.” (*Id.* at 514.) As such, “adequacy of discussion claims are not typically amenable to substantial evidence review.” (*Id.* at 515.) “The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail ‘to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’” (*Sierra Club*, 6 Cal.5th at 516.) Thus, when determining the adequacy of an EIR, the court must engage in de novo review to determine “whether the EIR serves its purpose as an informational document.” (*Id.* at 516.) Furthermore, “[w]hen it is alleged a draft EIR is inadequate to ‘apprise all interested parties of the true scope of the project,’ the issue is one of law and no deference is given to the agency’s determination.” (*Washoe Meadows Cmty. v. Dep’t of Parks & Recreation* (2017) 17 Cal. App. 5th 277, 286.)

1. The DEIR Fails to Analyze the Project's Impacts on Historic Resources.

The DEIR concludes that the Housing Element Update will have a “significant and unavoidable” impact on historic resources (DEIR 3.4-35). The DEIR concludes that development facilitated by the Housing Element Programs project could result in a substantial adverse change in the significance of a historical resource pursuant to [CEQA Guidelines] Section 15064.5. (DEIR ES-18).

However, the DEIR fails to adequately analyze the scope of this impact. Since the DEIR fails to recognize that Opportunity Site 201 includes two very significant historic buildings, it fails entirely to analyze the Project's impacts to those historic resources. We now know that those impacts will be severe and irreparable. This is significant new information.

As discussed above, a private developer has already proposed a massive project that will largely destroy the historic buildings at 605 Bridgeway. Expert evidence demonstrates that the proposed project will destroy the historic character of the buildings, and possibly the entire historic district.

Architectural historian, Jerri Holan, FAIA, concludes that a proposed project at Opportunity Site 201 would fail to meet the Secretary of the Interior's Standards for Treatment of Historic Properties and would have very significant impacts on the historic resource. (Exhibit C). Holan states, “the proposal's mammoth scale outweighs any mitigating effect its preservation may have.” (Id. at 5). Holan continues, “While the project does preserve the distinctive facade, features and materials of the historic building, its overwhelming scale dominates the property and it does not retain the character and scale of the one- and two story commercial buildings surrounding it. Consequently, the proposal does not meet this Standard.” (Id. at 6). Holan states:

The project does not meet this Standard. Perhaps the most relevant Standard to this project, Standard 9 encourages new construction to avoid destruction of original historic structures and spatial relationships to ensure the integrity of the existing environment.

The average height of buildings in the Historic District is two to three stories. This southern portion of the District generally has smaller storefronts and a mix of one and two-story buildings. By adding six stories directly over the original single-story structure, the new addition will destroy the spatial relationships and integrity that characterizes the property as well as its surrounding commercial Historic District. Because the building does not maintain Sausalito's commercial facade character, it is not compatible to the District. The bulk and mass of the new building are out of scale with the existing waterfront streetscape and, as a result, it overwhelms, dwarfs, and damages this area of Sausalito.

While the new work is differentiated from the old and the use of stucco and steel windows is appropriate, the large expanses of glass are incompatible with the historic building and the District. New windows are out of proportion to historic windows and are out of scale with other traditional openings in the District.

(Id. at 8). Holan concludes, “After reviewing the project, it has numerous negative impacts on the historic resources, both the building and its surrounding District. Consequently, it is not in conformance to The Secretary of the Interior’s Standards for Treatment of Historic Properties with Guidelines for Rehabilitating Historic Buildings.” (Id. at 11).

The Housing Element Update conflicts with the following policies in the General Plan due to its inclusion of Housing Opportunity Site in the Downtown Historic District:

- Policy LU-1.18: Historic Properties. Promote the preservation and continued use of structures that are listed on the National Register of Historic Places.
- Program LU-1.18.1: Involuntary Demolition. Continue to implement the Zoning Ordinance standards as they apply to properties on the National Register of Historic Places, California Register of Historical Resources, and Sausalito Historic Landmarks that are involuntarily demolished.
- Policy LU-2.9: Downtown Historic Character. Protect the historic character of the downtown area.
- Policy CD-1.2: Construction Near Historic District or Landmarks. Enhance the historic quality of established districts and landmark structures by encouraging any new development in the general vicinity to demonstrate compatibility with them.
- Policy CD-6.1: Historic Character. Continue the City’s effort to retain and enhance its historical legacy in the review of proposed projects in historic districts and of individual structures and sites with historic significance as shown on Figure 4-1 [of the General Plan].
- Program CD-6.1.1: Historic Preservation Commission Review. Maintain the city’s policy to require review for a Certificate of Appropriateness by the HPC for any restoration, rehabilitation, alteration, development or demolition of projects involving historically significant structures and sites.
- Program CD-6.2.6: Period Structures. Facilitate the preservation of any period structure regardless if it is on the list of noteworthy structures by preparing advisory historic preservation guidelines for owners, architects, and contractors.
- Chapter 10.46 of the Sausalito Municipal Code (Historic Preservation): Deter the demolition, alteration, misuse or neglect of historic or architecturally significant structures and sites; Encourage preservation and adaptive reuse of properties on the local/State/National Historic Register and/or within a historic overlay district by allowing changes to accommodate new functions and uses;

Conflict with the above policies constitutes a significant impact under CEQA. Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy in itself indicates a potentially significant impact on the environment. (*Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903.) Any inconsistencies between a proposed project and applicable plans must be discussed in an EIR. (14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist.* (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).) A Project's inconsistencies with local plans and policies constitute significant impacts under CEQA. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4).

The Final EIR should fully analyze the Project's impacts to historic resources, including the historic buildings at 605-613 Bridgeway.

Moreover, as discussed in more detail below, the DEIR should include an alternative that removes Sites 201 and 212 from the list of Opportunity sites, because such an alternative would avoid the significant impacts that the proposed project would have on the Sausalito historic district that the Draft EIR currently deems "unavoidable."

2. The DEIR Fails to Analyze the Project's Impacts on Biological Resources.

Since the DEIR fails to identify nine of the ten special status species identified by Dr. Smallwood, it fails entirely to analyze the Project's impacts on those species. The DEIR's conclusion that the Project will not have adverse impacts to special status species (DEIR 3.3-17), is not supported by substantial evidence since the DEIR failed to analyze at least 9 special status species identified in the Project area. The Final EIR should analyze the Project's impact on these species and propose feasible mitigation measures and alternatives to avoid those impacts.

Dr. Smallwood concludes that the proposed project at 605-613 Bridgeway will adversely affect the ten special status species identified by direct loss of habitat, and bird-window collisions due to the extensive use of glass. Dr. Smallwood predicts that the 605 Bridgeway project will cause 147 bird deaths annually due to the extensive use of glass and resulting bird-window collisions. (Exhibit B. p. 22).

Dr. Smallwood states, "Species listed by the US Fish and Wildlife Service as Birds of Conservation Concern, and species protected by California as Birds of Prey, are living and breeding on the project site... The evidence is overwhelming that the project site provides habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, and fully protected species." (Exhibit B, p. 12).

Dr. Smallwood concludes that the 605 Bridgeway site contains habitat for the 10 special status species identified. He states:

Making direct use of the trees on the project site were special-status species including oak titmouse, great horned owl, Allen's hummingbird and red-shouldered hawk. Making direct use of the existing buildings atop which the proposed building would cover were western gulls. The project site is habitat of these species.

True to its name, oak titmouse is a denizen of oak woodlands. Cornell University Lab of Ornithology's All About Birds website (https://www.allaboutbirds.org/guide/Oak_Titmouse/lifehistory) reports, "Oak Titmice live mostly in warm, open, dry oak or oak-pine woodlands." This is where I found multiple interactive members of oak titmouse on the project site.

According to All About Birds, "Great Horned Owls usually gravitate toward secondary-growth woodlands, swamps, orchards, and agricultural areas, but they are found in a wide variety of deciduous, coniferous or mixed forests ... [and are] fairly common in wooded parks, suburban area, and even cities. The great horned owl I encountered at the project site was initially calling from residential buildings north-northwest of the site, but later I saw it fly from those buildings directly into the coast live oaks on the project site.

According to All About Birds, "Allen's Hummingbirds breed in a narrow strip of coastal forest, scrub, and chaparral from sea level to around 1,000 feet elevation along the West Coast." It must just so happen that the project site is located within this strip. It was among the coast live oaks and California buckeyes when it circled about me, issuing its "zeeeeee" call. I was not surprised to find this species there.

According to All About Birds, "Red-shouldered Hawks [live] in some suburban areas where houses or other buildings are mixed into woodlands. In the West, they live in riparian and oak woodlands..." This habitat description is entirely consistent with the project site, so I am not surprised to have detected a red-shouldered hawk there.

(Exhibit B, p. 15).

The Project is inconsistent with the following General Plan Policies, which constitutes a significant impacts under CEQA:

- Policy EQ-1.4 threatened and endangered species shall be protected under the General Plan.
- Program EQ-1.1.1 requires new developments to identify and protect natural resources as conditions of project approval.

The DEIR is inadequate because it fails entirely to mention nine out of ten of these special status species and therefore fails to analyze the Project's impacts on these species.

C. The DEIR Relies on Unenforceable Mitigation Measures.

The DEIR relies on ineffective mitigation measures to protect historic resources. In particular, the DEIR proposes to protect historic resources by reliance of the Secretary of Interior Standards, and the adoption of Objective Design and Development Standards (“ODDS”). (See, Mitigation Measure 3.4-1 (DEIR 3.4-35).) However, these measures may be largely unenforceable due to new housing laws such as SB 35, SB 330 and the Density Bonus Law, which may require the City to waive objective standards and may preclude the City from imposing subjective standards.

A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (14 CCR § 15364.) Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. (14 CCR § 15126.4(a)(2).)

Due to the recently adopted housing laws, Mitigation Measure 3.4-1 may not adequately protect historic resources. As such the measures are inadequate under CEQA.

D. The DEIR Fails to Analyze Feasible Alternatives to Avoid Significant Impacts to Historical and Resources.

The City should add a new alternative to the Final EIR, removing Housing Opportunity Sites 201 and 212. (“Historic District Preservation Alternative”). This will reduce or eliminate the Project’s significant impacts to the Downtown Historic District and the biological impacts related to special status species found on Site 201.

An EIR must describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. “An EIR’s discussion of alternatives must contain analysis sufficient to allow informed decision making.” (*Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1989) 47 Cal. 3d 376, 404.) An EIR must also include “detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” (*Id.* at 405.)

One of CEQA’s fundamental requirements is that the DEIR must identify the “environmentally superior alternative,” and require implementation of that alternative unless it is infeasible. (14 Cal.Code Regs. §1526.6(e)(2); *Kostka & Zischke*, Practice Under the California Environmental Quality Act §15.37 (Cont. Educ. Of the Bar, 2008).)

Typically, a DEIR identifies the environmentally superior alternative, which is analyzed in detail, while other project alternatives receive more cursory review.

A “feasible” alternative is one that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (Pub. Res. Code § 21061.1; 14 Cal. Code Regs. § 15364.) The lead agency is required to select the environmentally superior alternative unless it is infeasible. As explained by the Supreme Court, an environmentally superior alternative may not be rejected simply because it is more expensive or less profitable:

The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.

(*Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d 1167, 1180-81; see also, *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322 (county’s approval of 80 unit hotel over smaller 64 unit alternative was not supported by substantial evidence).)

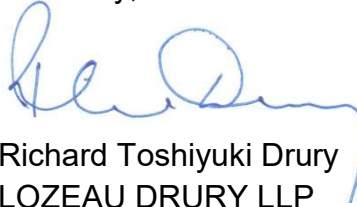
The EIR fails to include any alternative that does not include Housing Opportunity Sites in the Downtown Historic District. The Historic District Preservation Alternative would obviously avoid significant unavoidable impacts to the Historic District by locating Housing Opportunity Sites outside of the Historic District. It would also avoid or eliminate documented impacts to biological resources on Site 201. The Historic District Preservation Alternative would certainly be feasible and would achieve Project Objectives. The City would still be able to meet its RHNA targets with a substantial buffer.

Since this is a feasible alternative, that would avoid significant unavoidable impacts of the Project while still achieving all Project objectives, CEQA requires the City to analyze this alternative in the Final EIR and implement the alternative as the environmentally superior alternative. (See, *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal. App. 5th 867 (lead agency must implement mitigation measures and alternatives to reduce project impacts unless substantial evidence demonstrates that the alternatives or mitigation measures are infeasible); *Nat. Res. Def. Council, Inc. v. City of Los Angeles* (2023) 98 Cal. App. 5th 1176.)

IV. CONCLUSION

SOS understands that the City is under a legal mandate to reach its RHNA goals. However, this should not be done and it does not need to be done at the expense of Sausalito's unique and irreplaceable Downtown Historic District. SOS urges the City to analyze in the EIR and implement a Historic District Preservation Alternative, which would place all Housing Opportunity Sites outside the Downtown Historic District. The Historic District Preservation Alternative is a feasible and effective way to protect the Downtown Historic District, while still achieving the Project objective of meeting the City's RHNA goals.

Sincerely,



Richard Toshiyuki Drury
LOZEAU DRURY LLP

EXHIBIT A

CITY OF SAUSALITO, CALIFORNIA
HOUSING CRISIS ACT of 2019 – SB 330
PRELIMINARY APPLICATION FORM

PURPOSE

This form serves as the Preliminary Application for projects seeking vesting rights pursuant to SB 330, the Housing Crisis Act of 2019.

GENERAL INFORMATION

An applicant for a housing development project shall be deemed to have submitted a preliminary application upon providing all of the information listed in this Preliminary Application form and payment of the permit processing fee to the agency from which approval for the project is being sought and upon payment of the permit processing fee.

A "housing development project" means a project consisting of: (1) residential units only, (2) a mix of commercial and residential uses, with 2/3 of the project's square footage used for residential purposes, or (3) transitional or supportive housing. For a list of uses considered residential or nonresidential, please see Sections 10.22, 10.24, 10.44 and 10.88 of the Municipal Code. When preparing site plans and elevations, please ensure that any measurements shown are consistent with Title 9 and 10 of the Municipal Code, and in particular, Section 10.40 and 10.88 of the Municipal Code.

This application will not be deemed submitted if you fail to provide all of the information required and the application fee. After you submit this application, if you revise your project so that the number of residential units or square footage of construction changes by 20 percent or more (exclusive of any increase pursuant to Government Code Section 65915), you will need to submit a new preliminary application.

Your preliminary application will be deemed abandoned if you do not submit a development application within 180 days of submitting this application, or, if your development application is found to be incomplete, you do not provide any additional information required within 90 days of notice that the application is incomplete.

Note: CEQA standards apply.

SB 335 Application

Submittal Date Stamp*:

RECEIVED

FEB 20 2024

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT

*Submittal of all the information listed and payment of the permit processing fee freezes fees and development standards as of this date, unless exceptions triggered, per GC Sec. 65889.5(o).

APPLICANT INFORMATION

1. PROPERTY OWNER -

Name: Willys LLC Linda Fotsch, Managing Member
Mailing Address (Street, City, State, Zip Code): 611 Bridgeway
Sausalito CA 94965
Phone: (415) 215-7052 Email Address: Linda.fotsch@aol.com

Is the property owner also the applicant? YES NO If "no," complete Items 2 and 3.

PROPERTY OWNER CONSENT - Notarization is required. Use attached acknowledgement.

In signing this application, I/We, as property owner, have full legal capacity to, and hereby do, authorize the filing of this preliminary application. I/We understand that if the project is approved subject to any conditions, conditions of approval are binding. I/We agree to be bound by those conditions, subject only to the right to object at the hearing on this application, or during the appeal period.

Willys LLC
Linda Fotsch 2/20/2024
Signature Managing Member Date

Signature Date

Signature Date

Signature Date

If the Property is owned by a Trust, LLC, Corporation, Partnership, or Other Entity indicate:

- Trustee(s)
- Partners Limited or General Corporation Other

Name of trust, LLC, corporation, or other entity: Willys LLC

2. APPLICANT NAME AND CONTACT INFORMATION -

Name: Willys LLC Linda Fotsch Managing Member
Mailing Address (Street, City, State, Zip Code): 611 Bridgeway
Sausalito CA 94965
Phone: (415) 215-7052 Email Address: Linda.fotsch@aol.com

SITE INFORMATION

1. PROJECT LOCATION - (ATTACH LEGAL DESCRIPTION OF PROPERTY TO FORM.)

Street Address (including unit numbers): 605-613 Bridgeway
Assessor Parcel Number(s) 065-132-16

2. EXISTING USES - The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located. (If you prefer to attach a site plan that clearly depicts all existing uses and proposed physical alterations, please enter "See Attached" here.)

"see attached"

3. **SITE PLAN** - A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied.

Attached? YES NO

4. **ELEVATIONS** - Elevations showing design, color, material, and the massing and height of each building that is to be occupied.

Attached? YES NO

5. **RESIDENTIAL DWELLING UNIT COUNT** - Please indicate the number of dwelling units proposed as well as a breakdown of levels by affordability set by each category (HCD or HUD).

	Total	HCD (State)	HUD (TCAC)
Market Rate	51	N/A	N/A
Managers Unit(s) - Market Rate		N/A	N/A
Extremely Low Income			
Very Low Income	4		
Low Income			
Moderate Income	4		
Total No. of Units	59		
Total No. of Affordable Units	8		
Total No. of Density Bonus Units	26		

Other notes on units:

6. **FLOOR AREA** - Provide the proposed floor area and square footage of residential and nonresidential development. See Sections 10.22, 10.24, 10.44 and 10.88 of the Municipal Code for specific land use categories. If the project will contain multiple buildings, please provide a breakdown of square footage for each use by building. If more space is needed, enter "See Attached," and attach a modified table.

Category of Use	Specific Use, if Known	Square Footage
Residential		
Commercial		
Other		

Attached

7. **PARKING** - The proposed number of automobile parking spaces.

Residential Proposed Automobile Parking Spaces	Nonresidential Proposed Automobile Parking Spaces	Total Proposed Automobile Parking Spaces
	<i>attached</i>	

Other parking:

Please describe any other parking that will be provided, including number of motorcycle spaces, short and long-term bicycle parking space, loading zones, EV charging stations, etc.

Bicycle Parking
EV charging stations

8. **AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS and PARKING REDUCTIONS** - Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915?

YES NO

If "YES," please describe:

9. **SUBDIVISION** - Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a vesting or tentative map, a condominium map, a lot line adjustment, or a certificate of compliance?

YES NO

If "YES," please describe:

see attached

10. **POLLUTANTS** - Are there any proposed point sources of air or water pollutants?

YES NO

If "YES," please describe:

11. EXISTING SITE CONDITIONS – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.

	Residential Units	Occupied Residential Units	Unoccupied Residential Units
Existing	1		
To Be Demolished	0		

12. ADDITIONAL SITE CONDITIONS – (IT IS STRONGLY RECOMMENDED TO CONSULT PLANNING DEPARTMENT STAFF FOR ASSISTANCE WITH THIS SECTION)

- a. Whether a portion of the property is located within any of the following:
- i. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178? YES NO
 - ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)? YES NO
 - iii. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code? YES NO
 - iv. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency? YES NO
 - v. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2? YES NO
 - vi. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code? YES NO

IF YOU CHECKED "YES" FOR ITEM (vi), ATTACH A SITE MAP SHOWING THE LOCATION OF ANY SUCH STREAM OR OTHER RESOURCE. REGARDLESS OF WHETHER YOU CHECKED "YES," PROVIDE AN AERIAL PHOTOGRAPH SHOWING EXISTING ENVIRONMENTAL SITE FEATURES THAT WOULD BE SUBJECT TO REGULATIONS BY A PUBLIC AGENCY, INCLUDING CREEKS AND WETLANDS. Check here to indicate that you have read this statement and have attached the required materials →

**USE THIS FORM ONLY IF THE PROPERTY OWNER'S CONSENT IS REQUIRED.
OTHERWISE, LEAVE BLANK.**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

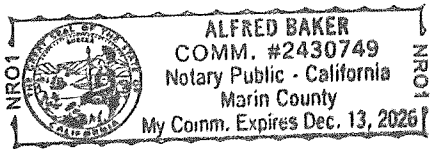
)

COUNTY OF MARIN)

On 2/20/24, before me, ALFRED BAKER, Notary Public, personally appeared LINDA FOTSCH, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[Signature]
Name: ALFRED BAKER

Notary Public

WATERSTREET

605-613 BRIDGEWAY, SAUSALITO, CA 94965

FRANCIS GOUGH
ARCHITECT INC
415.613.5823
francisgough@mac.com

Project Applicant
WILLY'S LLC
611 Bridgeway, Sausalito, CA



WATERSTREET

605 - 613 Bridgeway
Sausalito, California
APN: 065-152-16

DATE: 2-20-2024
JOB #:
DRAWN:
APPROVED:

REVISIONS:

**PRINCESS ST.
STREETSCAPE**

ALL INFORMATION © 2024
Sheet Number

A 100
SB 35 APPLICATION

PRINCESS STREET LOOKING EAST

Project Applicant
WILLY'S LLC
611 Bridgeway, Sausalito, CA



BRIDGEWAY LOOKING SOUTH

WATERSTREET

605 - 613 Bridgeway
Sausalito, California
APN: 065-152-16

DATE: 2-20-2024
JOB #:
DRAWN:
APPROVED:

REVISIONS:

**BRIDGEWAY
STREETScape**

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Sheet Number

A 101

SB 35 APPLICATION

UNIT MIX AND BUILDING SQUARE FOOTAGE

Unit Matrix and Building Square Footage

Building Level	Floor Elevation	No. Units	Gross Unit Area	Deck Area	Parking Area	Retail Area
Roof	109	0	0	0		
8	97	4	11,810	3,868		
7	85	6	11,810	3,868		
6	73	6	11,810	3,868		
5	61	7	13,334	3,661		
4	50	8	14,153	3,881		
3	39	10	14,496	3,927		
2	28	15	15,348	2,618		
1	17	3	6,671	1,869	8,400	472
G	0	0	0	0	13,480	4,456
Totals		59	99,432	27,360	21,880	4,928

Building Level	Unit Number	No. Bedrooms	Gross Unit Area	Deck Area	Common Area	Mechanical
Level 8	56	3	2,060	835	Circulation 1605	
	57	3	2,060	835		
	58	5	5,420	1,312		
	59	3	2,270	886		
Subtotal			11,810	3,868	1605	
Level 7	50	3	2,060	835	1605	
	51	3	2,060	835		
	52	3	2,670	389		
	53	2	1,375	450		
	54	2	1,375	472		
	55	3	2,270	887		
Subtotal			11,810	3,868	1605	
Level 6	44	3	2,060	835	1776	
	45	3	2,060	835		
	46	3	2,670	389		
	47	2	1,375	450		
	48	2	1,375	472		
	49	3	2,270	887		
Subtotal			11,810	3,868	1776	
Level 5	37	3	2,265	835	1592	
	38	3	2,265	835		
	39	3	1,589	400		
	40	2	1,375	450		
	41	2	1,375	472		
	42	3	1,530	137		
	43	3	2,935	532		
Subtotal			13,334	3,661	1,592	

PROJECT ZONING

WATERSTREET PROJECT DATA- SB 35 Submittal

APN 065-132-16
 Zoning- CC, R-3
 General Plan Central Commercial (Up-LQ—22.0-duLac)
 Building Type- Condominiums
 Mixed Use Opportunity Site- 49ac/85%
 Allowed Project Density-25 du
 Proposed Units- 59 (Including Density Bonus Units)
 Market Rate—51
 Affordable- 4 Very Low Income, 4 Moderate
 Five Retail Sites- 4 existing, 1 new
 Commercial/Residential Parking Lot- Existing
 Residential Parking Lot- New
 Urban Infill
 Land Area- 22,936 sq ft
 Gross Floor Area- 119,647 Sq ft
 SB35 Submittal

PROJECT TEAM

Applicant and Owner

Willy's LLC
 Linda Fotsch
 611 Bridgeway, Sausalito, CA 94965

Legal Representation

Ryan J Patterson
 235 Montgomery St
 Ste 950
 San Francisco, CA
 ryan@pattersononeill.com

Architect

Francis Gough
 27 Mountain View Ave, Mill Valley, CA

Historic Architect

Preservation Architecture
 446 17th St #302, Oakland, CA

Rendering Artist

Eva Pu
 Magilight Studio.com

Schematic Artist

Del Leach
 502 El Dorado Lane, Del Ray Beach, FL

Geotechnical Engineer

Murray Engineers
 409 4th St, San Rafael, CA

Arborist

Urban Forestry Associates
 209 San Anselmo Ave, San Anselmo, CA

Engineer

BKF Engineers
 1646 N California Blvd, Ste 400, Walnut Creek, CA

PROJECT DESCRIPTION

**WATERSTREET- PROJECT NARRATIVE
 SB35 Application**

Waterstreet offers walkability, sustainability and increased financial health for Sausalito while prioritizing Housing needs.

OVERVIEW:

Waterstreet will be a multi-use, Urban infill residential development located at 605-613 Bridgeway, across from the waterfront in Downtown Sausalito. The property is designated Opportunity Site #201 listed in the Sausalito Housing Element. The site is approximately 1/2 acre on a previously developed, underutilized lot, located within the City limits, surrounded on all sides by Urban uses; including commercial and residential development.

Waterstreet will feature 59 condominiums, 51 Market Rate with 4 Very Low and 4 Moderate Affordable Units. There will be five retail sites, four existing along the Bridgeway frontage, and a new retail space and Residential Lobby extending the retail spaces on Princess Street. The site is 22,936 Square feet and the proposed Gross Floor Area is 119,647 Square feet, zoning is CC and R-3. Modifications to Development Standards are achieved through waivers and concessions and are permitted under California State Density Bonus Laws. The amount and percentage of BMR units provided on site allows for the project to have three incentives or concessions and an unlimited number of waivers or reductions of Development Standards as allowed by the State Density Bonus Law. The building type is Type 1 construction.

LOCATION:

Uniquely located in the transit rich area of downtown Sausalito, Waterstreet is fronted by Bridgeway offering bus lines and bike routes. Two blocks away, the main transit center of Sausalito, the Sausalito Ferry Terminal, is serviced by two ferry lines- the Golden Gate Ferry and the Blue and Gold Fleet, both offering regular ferry service to San Francisco. Waterstreet will rate a very high Walk Score with easy access to shopping, services, parks and restaurants.

PARKING:

The existing parking lot, with ingress and egress on Bridgeway will remain, with a second level parking lot with ingress and egress on Princess Street. The parking will be uncoupled with condominium ownership.

NEIGHBORHOOD IMPROVEMENT:

Waterstreet follows the existing development pattern of the surrounding area of Sausalito- retail at street level, residential above. Waterstreet improves on the current conditions of the property for drainage and stormwater. The existing unsightly power poles and electrical wires will be relocated underground. The majority of the existing lot is an unattractive asphalt parking lot; which will be repurposed into a property that is attractive and a financially beneficial asset to the City. Waterstreet will help the City of Sausalito to fulfill its State of California requirement of the California Housing Element by adding needed market rate and below market rate housing units.

A luxury development in a prime Downtown Sausalito location, with world class panoramic water and San Francisco views; Waterstreet will be a first class building constructed from premium building materials with upscale amenities. The development was designed with varying unit sizes and prices to accommodate a wide diversity of buyers. All homes are single level and serviced by elevators. Most Waterstreet homes will have dramatic, picturesque water views.

Waterstreet will be a forerunner for the enhancement and regeneration of Downtown Sausalito. New homeowners, living in the downtown area, will help revitalize the feel and mix of downtown businesses and restaurants no longer reliant on the seasonal and day visitor traffic. Sausalito will blossom into more of a walking town as residents will not need to drive to dine or shop. Travel to San Francisco or nearby towns will be by ferry, bus, bikes or ridesharing companies. More homeowners residing downtown will encourage more downtown civic activities such as: music and art events, outdoor plays, farmers markets, local volunteerism etc. The increase in property tax revenue from Waterstreet and sales tax revenue derived from resident spending, will bolster the economy of Sausalito.

HISTORIC:

The property is not listed in the National Register of Historic Places. The property is located in the Sausalito Historical Overlay District. The development will not cause a substantial adverse change in significance of an historical resource nor be demolished. The historic buildings will be preserved. Construction mandates will be in effect to preserve and protect the Historic Buildings and neighboring buildings during the construction period. New construction will be compatible with historic materials and features to protect the integrity of the property and its environment.

DESIGN:

The proposed architecture will not mimic the historic facades of Sausalito. The proposed façade is new from what exists and compatible in color and finish to existing structures in Sausalito. The architecture will enhance and compliment the Historic facades of Sausalito. The proposed building will be medium grey textured cement. Black window frames, door frames, hardware will contrast with the building finish. Highlighting this will be warm, natural wood tones on planter boxes, exterior ceilings and privacy walls; with bright year-round greenery in the many planter boxes. Most homes will have impressive water views from the private decks and windows.

SUSTAINABILITY:

Waterstreet will be designed to Green Building Standards. Sustainability features will include- Energy Efficiency with solar panels, energy efficient appliances, increased insulation, bicycle parking and electric vehicle charging stations. Water Efficiency- with low-flow plumbing fixtures drought resistant plants and drip irrigation systems. Waterstreet meets FEMA flood standards and the first residential floor will be well above the Base Flood Elevation. Homes front on a Fire evacuation route and have fire resistant exteriors. Waterstreet will follow all required measures for dust, sound, vibration, parking and other mitigations during the construction period.

SHEET INDEX

SHEET INDEX

A100- Princess Street Streetscape Rendering
 A101- Bridgeway Streetscape Rendering
 A102- Project Data and Vicinity Map
 A103- Photos of Existing Property

C1- Property Survey
 TM 1- Tentative Map Cover Sheet
 TM 2- Existing Conditions
 TM3- Proposed Parcelization Plan

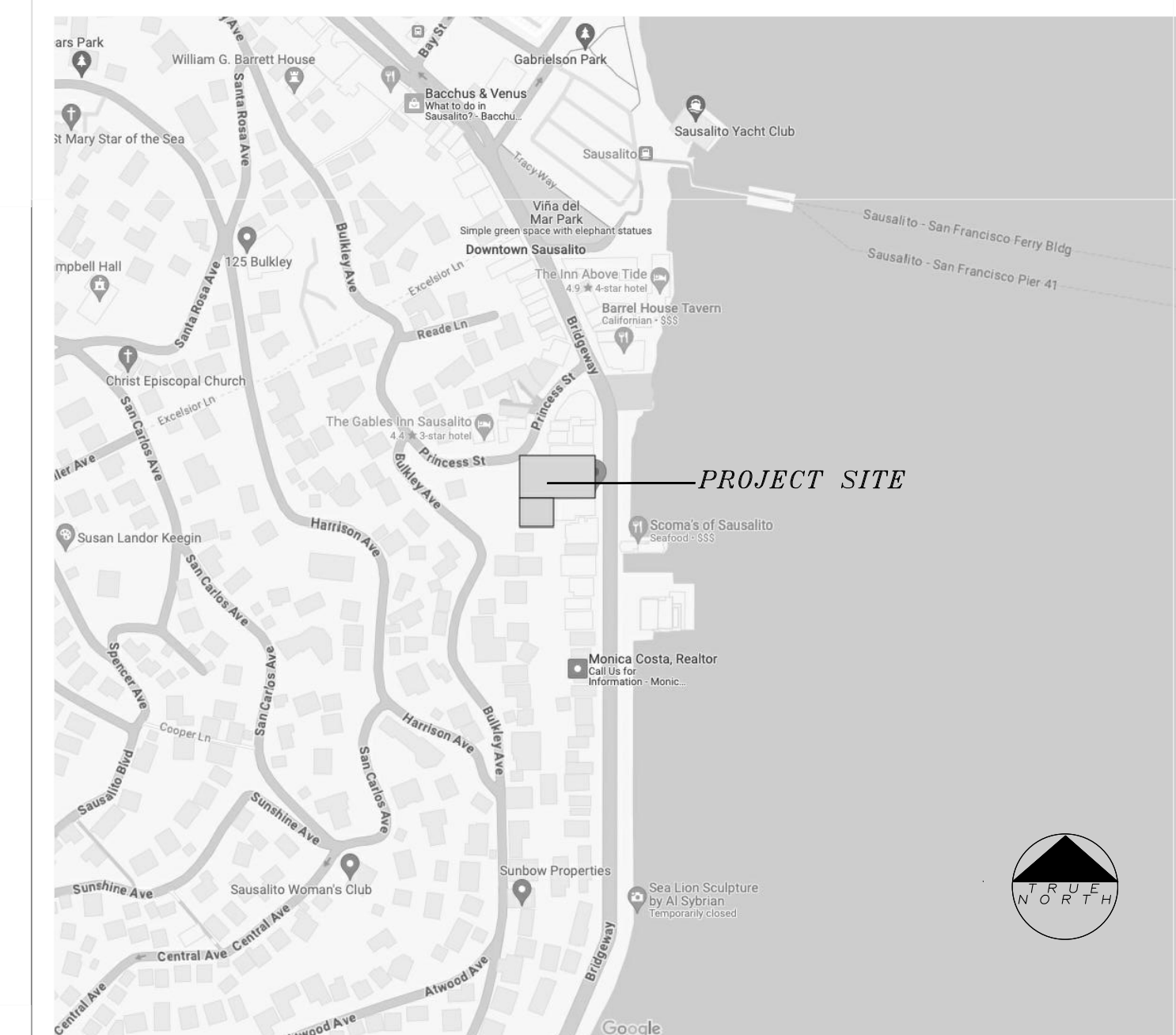
A200 Existing Site Plan and Tree Removal Plan
 A202- Ground Floor Plan
 A203- Level One Plan
 A204-Level Two Plan
 A205-Level Three Plan
 A206-Level Four Plan
 A207-Level Five Plan
 A208-Level Six Plan
 A209-Level Seven Plan
 A210-Level Eight Plan
 A211-Roof Plan

A300- Bridgeway Elevation (East)
 A301-North Elevation
 A302-Princess St Elevation
 A303-West Elevation
 A304- South Elevation

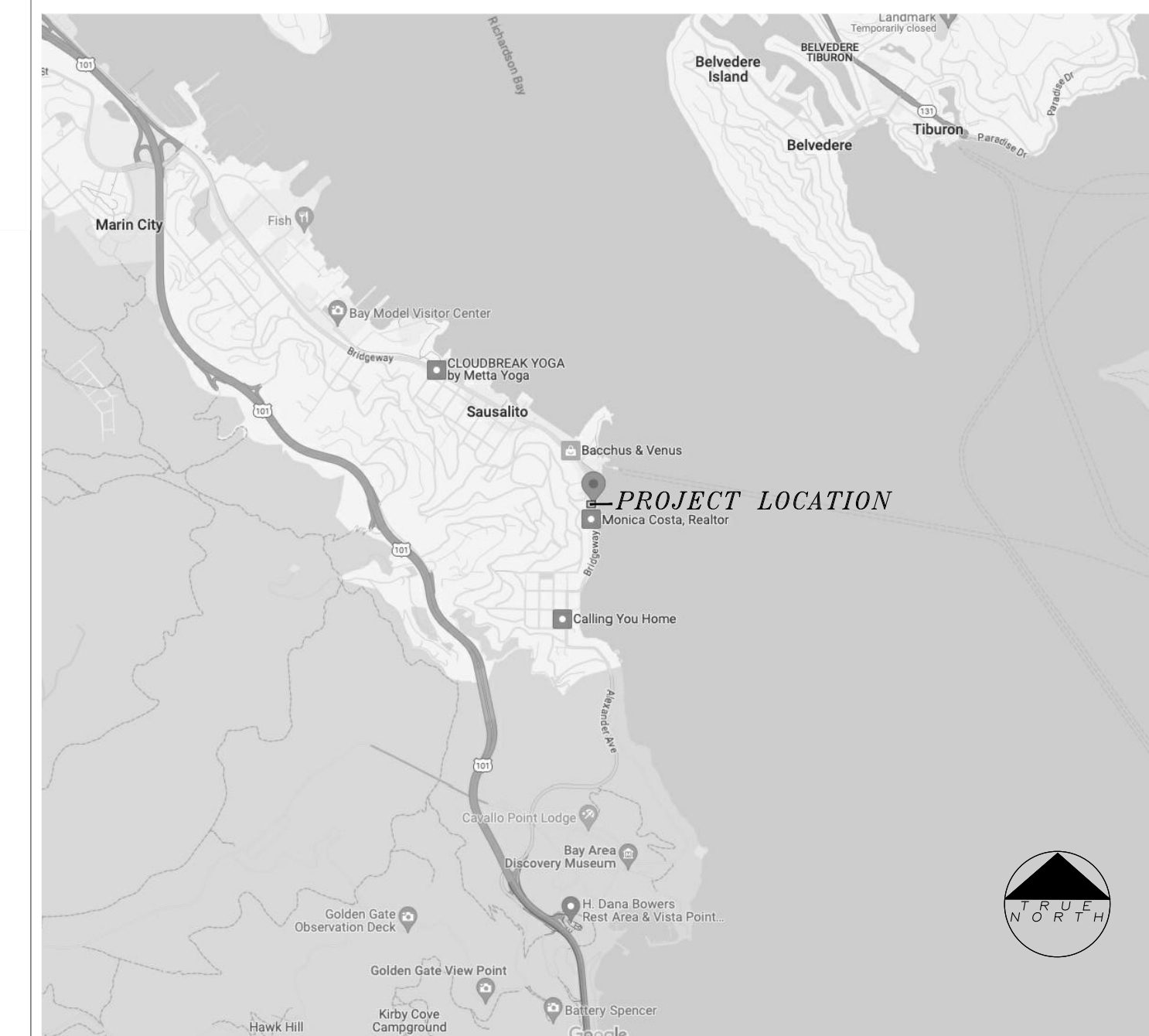
A400- Building Section A-A
 A401- Building Section B-B
 A402-Building Section C-C

A500- Typical Unit Plans
 A501-Typical Unit Plans

VICINITY MAP



AREA MAP



FRANCIS GOUGH
 ARCHITECT INC
 415.613.5823
 francisgough@mac.com

Project Applicant
WILLY'S LLC
 611 Bridgeway, Sausalito, CA

WATERSTREET

605 - 613 Bridgeway
 Sausalito, California
 APN: 065-152-16

DATE: 2-20- 2024
 JOB #:
 DRAWN:
 APPROVED:

REVISIONS:

PROJECT DATA

ALL INFORMATION © 2024

Sheet Number

A 102
 SB 35 APPLICATION

Not Right for The Historic District

9 Stories - 109 Feet Tall!



Rendering based on Francis Gough Illustration and 3/4/2024 project update filed with City of Sausalito

EXHIBIT B

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Richard Drury
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612

21 April 2024

RE: 605-613 Bridgeway

Dear Mr. Drury,

I write to report to you my findings of wildlife reconnaissance surveys I completed at 605-613 Bridgeway, Sausalito, California (APN: 065-132-16), where I understand a 9-story, 109.5-foot-tall building is proposed to include 59 residential units and 119,647 square feet of floor space with lots of glass on its façades, all on 0.53 acres. I surveyed the site to determine whether it provides habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and Raptor Research Foundation, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, *The Journal of Wildlife Management*, as well as of *Biological Conservation*, and I was on the Editorial Board of *Environmental Management*. I have performed wildlife surveys in California for thirty-seven years. My CV is attached.

HABITAT

Critical to my determinations of whether the site of the proposed project provides habitat to sensitive and special-status species is the habitat concept – a topic that has been a focus of much of my research career (Smallwood 1993, 2002, 2015). Habitat is defined as that part of the environment that is used by members of a species (Hall et al. 1997, Morrison et al. 1998). Habitat use is typically measured by ecologists to define habitat associations; that is, the level of association that a species has been observed to use a portion of the measurable environment (Smallwood 2002). Habitat associations

are important because habitat at a given site is not always continuously occupied, as members of many species are seasonal or must travel widely to forage, evade predation, or to patrol home ranges or breeding territories. Therefore, whereas my detection of a species in a particular place verifies that that place serves as habitat, my failure to detect a species can be regarded as merely a failure to verify what otherwise I can determine as a high likelihood of occurrence based on a well-founded or strong habitat association. In other words, whereas I failed to detect a yellow warbler at the project site, I can still determine with reasonable confidence that the site is yellow warbler habitat, because I have many times observed yellow warblers in environments that closely resemble the project site. Observing members of a species on a site is optimal for determining whether the site provides habitat, but habitat associations can also support determinations of whether the site provides habitat.

The definition of habitat I cited above can include a wide range of physical features of the Earth, depending on the species. The habitat of an animal species can include soil, woody debris, particular species of shrubs or trees or vegetation associations, fresh water, salt water, or a portion of the gaseous atmosphere, among many other physical media within which the species must find shelter, forage, and opportunities for socialization, learning, and breeding. The gaseous atmosphere of a site in which volant animals live is referred to as the aerosphere (Davy et al. 2017, Diehl et al. 2017), and is no less tangible as a physical feature of a volant animal's habitat, and no less essential, than is any other part of an animal's habitat. Without access to the aerosphere of a particular place, animals that are morphologically adapted to fly cannot reach breeding sites, cannot escape predators, and cannot appropriately socialize or successfully breed. For these reasons and more, an entire subdiscipline of ecology is aeroecology (Kunz et al. 2008). Aerial habitat is particularly relevant to the proposed project because the proposed building would eliminate access to it by volant species of wildlife that have long relied on it.

SITE VISIT

I visited the site of the proposed project for 3.92 hours from 15:39 to 19:34 hours on 2 April 2024, and for 3.75 hours from 06:33 to 10:18 hours on 3 April 2024. I surveyed from a neighbor's driveway along the western border of the project site, scanning for wildlife with use of binoculars. I recorded all species of vertebrate wildlife I detected, including those whose members flew over the site or were seen nearby, off the site. Animals of uncertain species identity were either omitted or, if possible, recorded to the Genus or higher taxonomic level.

Conditions were clear with a slight north wind and 60° to 54° F on 2 April, and overcast with a slight north wind and 51° to 54° F on 3 April. The western portion of the site was covered by six coast live oaks (*Quercus agrifolia*) and five California buckeyes (*Aesculus California*), all of which are protected by City of Sausalito, and California Bay Laurel (*Umbellularia californica*) (Urban Forestry Associates 2023). These trees and the overlying airspace of the project site support many species of vertebrate wildlife.

I saw Bewick's wrens (Photo 1), black phoebe (Photo 2), California towhees and chestnut-backed chickadees (Photos 3 and 4), California scrub-jays and western gulls (Photos 5 and 6), American crows and oak titmouse (Photos 7 and 8), hermit thrush and western bluebird (Photos 9 and 10), California brown pelicans and eastern gray squirrels (Photos 11 and 12), and golden-crowned sparrows (Photo 13), among other species listed in Table 1. I detected 49 species of vertebrate wildlife, 10 of which are special-status species (Table 1).

Signs of breeding on and near the site abounded. Bewick's wrens defended a nest territory. California scrub-jays were building a nest. Western gulls used the airspace of the site for social interactions leading to copulation on the buildings at 605-613 Bridgeway. Black phoebes defended a nest territory. Chestnut-backed chickadees defended a nest cavity. Birds were very busy on the site, but very difficult to photograph due to cryptic behaviors to hide nest sites.



Photo 1. *Bewick's wren on the project site, 3 April 2024.*



Photo 2. *Black phoebe next to the project site, having just come off the site, 3 April 2024.*



Photos 3 and 4. *California towhee* (top) and *chestnut-backed chickadee* on and next to the project site, 3 April 2024.



Photos 5 and 6. California scrub-jay with food from the project site (top) and a pair of western gulls on one of the buildings that would be covered by the project's building, 2 April 2024. Western gull is a special-status species.

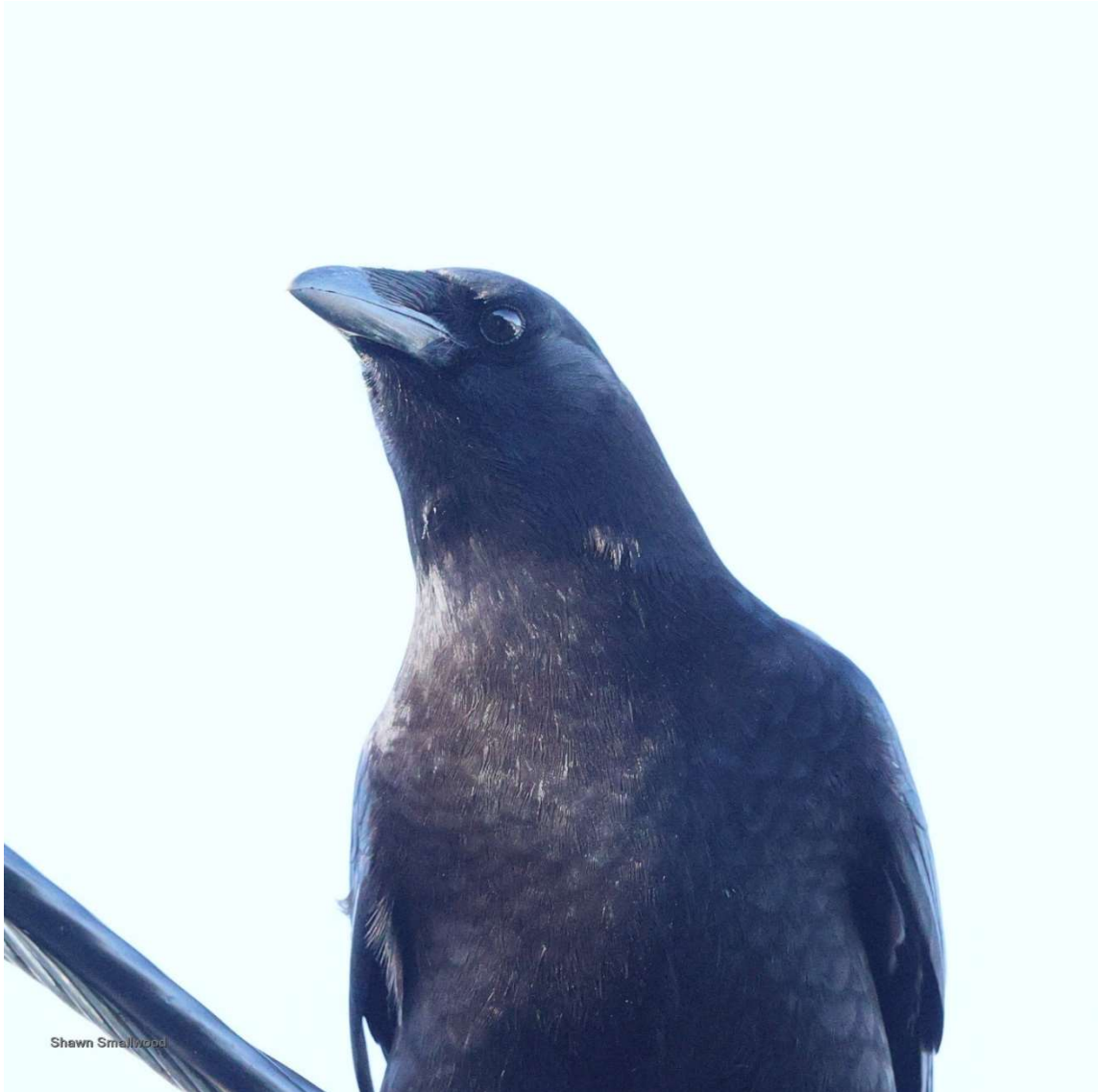


Photo 7. American crow on the project site, 2 April 2024.



Photo 8. Oak titmouse on the project site, 2 April 2024. Oak titmouse is a special-status species.

Photos 9 and 10.
*Hermit thrush on the
project site (top) and
western bluebird next to
the project site (Bottom),
2-3 April 2024.*

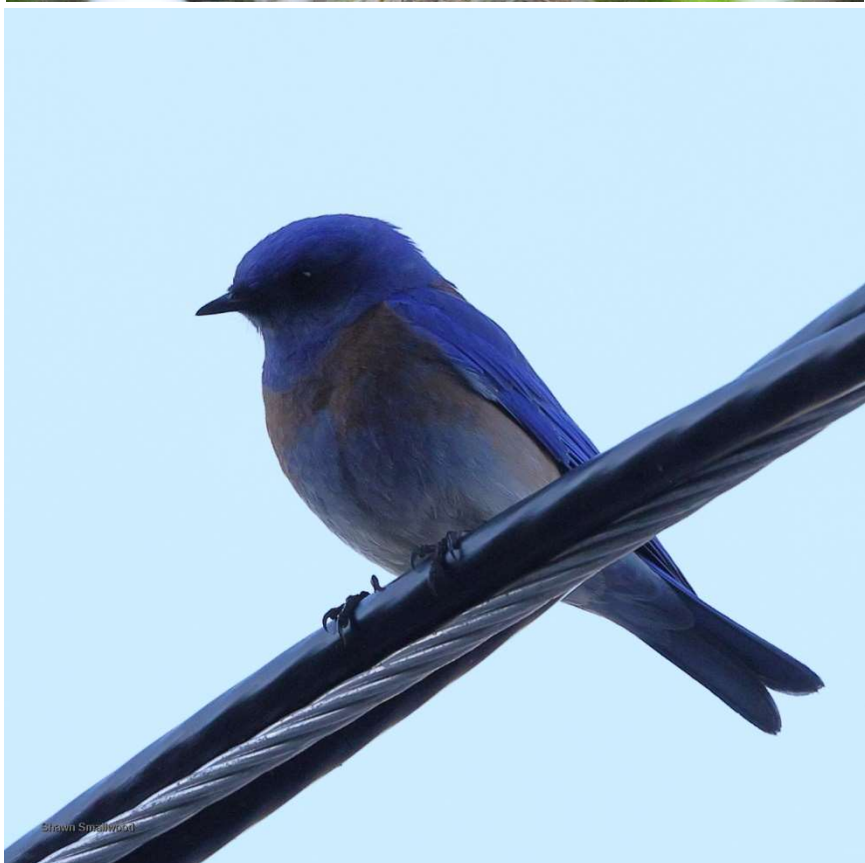
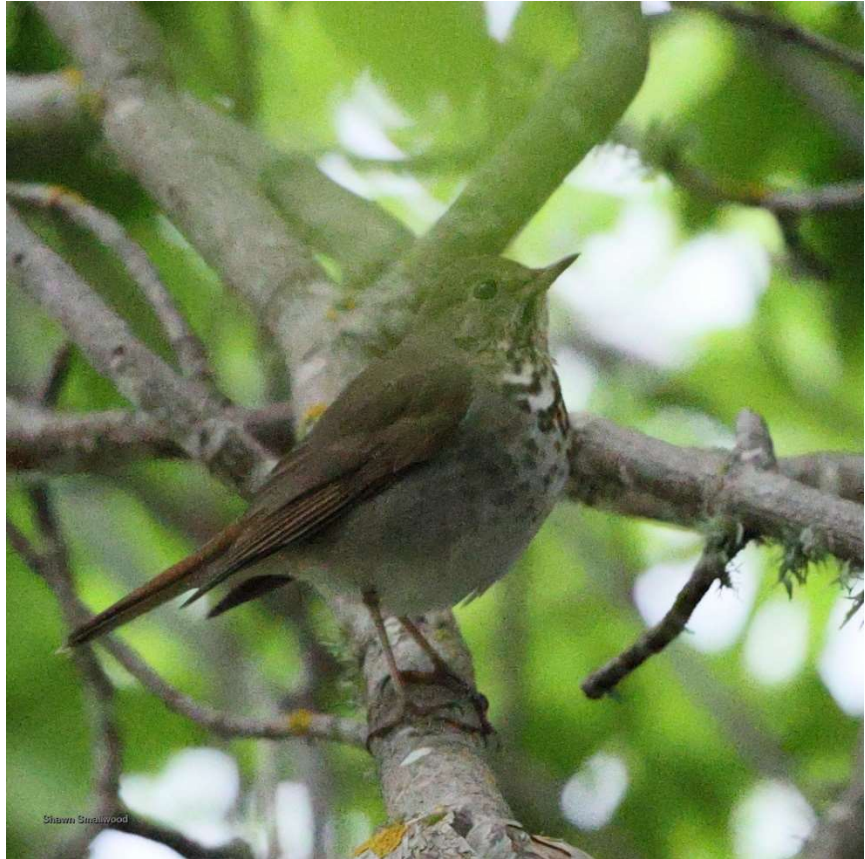




Photo 11. *California brown pelicans flew over the project site, 3 April 2024.*

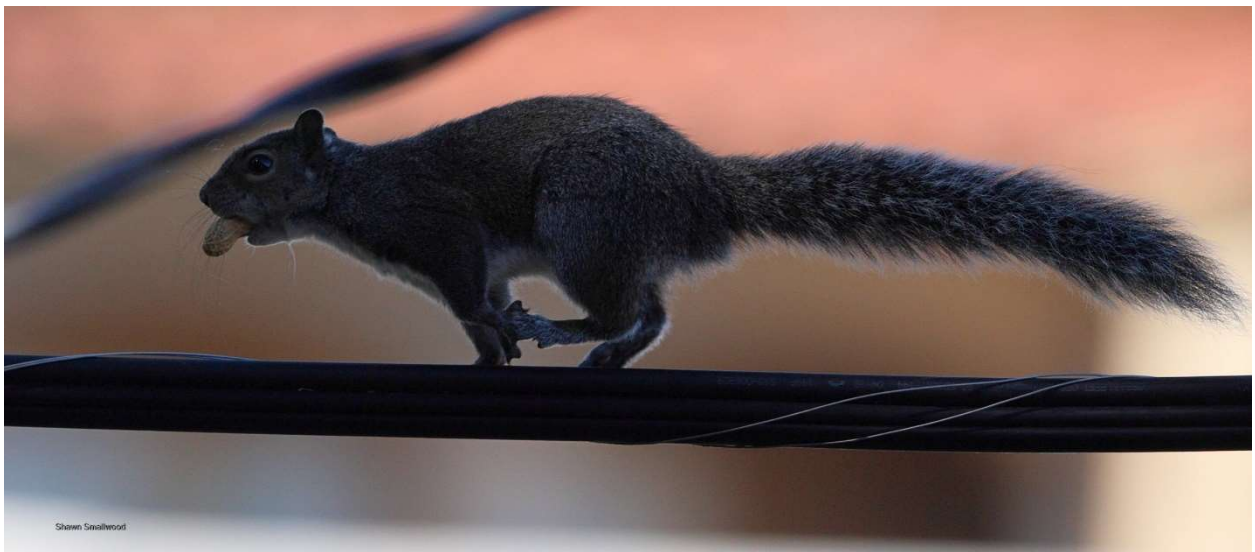


Photo 12. *Eastern gray squirrel on the project site, 3 April 2024.*

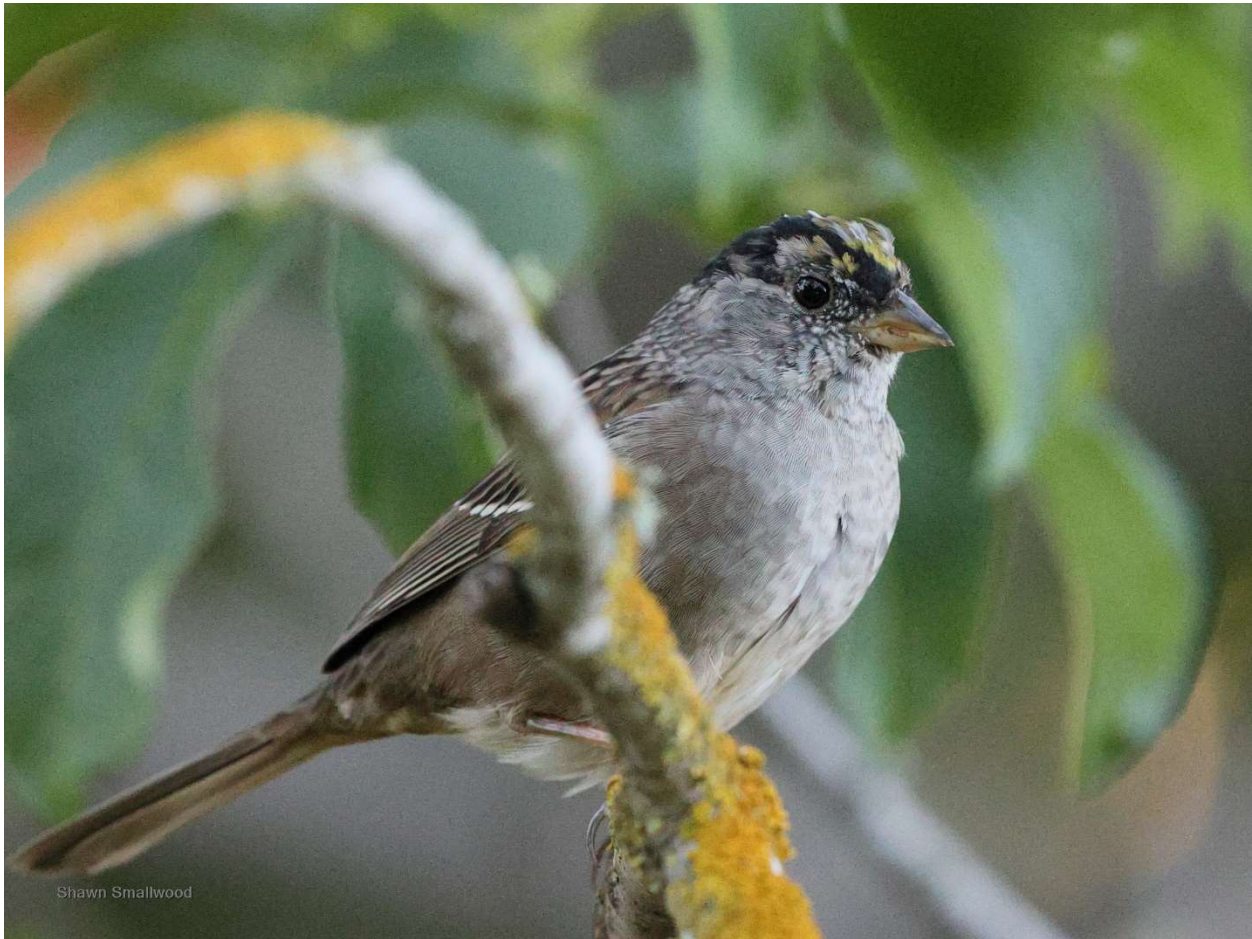


Photo 13. Golden-crowned sparrow on a California buckeye on the project site, 2 April 2024.

Table 1. Species of wildlife I observed during 7.67 hours of survey on 2 and 3 April 2024.

Common name	Species name	Status ¹	Notes
Canada goose	<i>Branta canadensis</i>		Low overflight, pair
Rock pigeon	<i>Columba livia</i>	Non-native	Just off site
Band-tailed pigeon	<i>Patagioenas fasciata</i>		Low overflight, flock
Eurasian collared-dove	<i>Streptopelia decaocto</i>	Non-native	Calling
Mourning dove	<i>Zenaida macroura</i>		Low overflight
Anna's hummingbird	<i>Calypte anna</i>		Territory defense
Allen's hummingbird	<i>Selasphorus sasin</i>	BCC	Territory defense
Ring-billed gull	<i>Larus delawarensis</i>		Low overflight
Western gull	<i>Larus occidentalis</i>	BCC	Low overflights
Glaucous-winged gull	<i>Larus glaucescens</i>		Low overflight
Caspian tern	<i>Hydroprogne caspia</i>		Low overflight
Common loon	<i>Gavia immer</i>	SSC	On the Bay
Double-crested cormorant	<i>Nannopterum auritum</i>	TWL	Low overflight, flock
California brown pelican	<i>Pelecanus occidentalis californicus</i>	CFP	Low overflight, pair

Common name	Species name	Status¹	Notes
Great egret	<i>Ardea alba</i>		Flew nearby
Snowy egret	<i>Egretta thula</i>		Flew nearby
Turkey vulture	<i>Cathartes aura</i>	BOP	Overflights
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP	Calling
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP	Overflight
Great horned owl	<i>Bubo virginianus</i>	BOP	Flew onto site
Tropical kingbird	<i>Tyrannus melancholicus</i>		Calling from on site
Black phoebe	<i>Sayornis nigricans</i>		Breeding territory
California scrub-jay	<i>Aphelocoma californica</i>		Nest-building
American crow	<i>Corvus brachyrhynchos</i>		Likely nesting
Common raven	<i>Corvus corax</i>		Likely nesting
Chestnut-backed chickadee	<i>Poecile rufescens</i>		Nesting
Oak titmouse	<i>Baeolophus inornatus</i>	BCC	Likely nesting
Bewick's wren	<i>Thryomanes bewickii</i>		Territory defense
House wren	<i>Troglodytes aedon</i>		Territory defense
Northern mockingbird	<i>Mimus polyglottos</i>		Just off site
European starling	<i>Sturnus vulgaris</i>	Non-native	Just off site
Western bluebird	<i>Sialia mexicana</i>		Just off site
Hermit thrush	<i>Catharus guttatus</i>		
American robin	<i>Turdus migratorius</i>		
House sparrow	<i>Passer domesticus</i>	Non-native	
House finch	<i>Haemorphous mexicanus</i>		
Lesser goldfinch	<i>Spinus psaltria</i>		
Chipping sparrow	<i>Spizella passerina</i>		
Dark-eyed junco	<i>Junco hyemalis</i>		
Golden-crowned sparrow	<i>Zonotrichia atricapilla</i>		Small flock
Song sparrow	<i>Melospiza melodia</i>		
California towhee	<i>Melozone crissalis</i>		
Spotted towhee	<i>Pipilo maculatus</i>		On buckeye
Red-winged blackbird	<i>Agelaius phoeniceus</i>		Calling
Yellow-rumped warbler	<i>Setophaga coronata</i>		
Black-throated gray warbler	<i>Setophaga nigrescens</i>		Calling from on site
Townsend's warbler	<i>Setophaga townsendi</i>		
Bats			Early morning foraging around roost tree; multiple
Eastern gray squirrel	<i>Sciurus carolinensis</i>	Non-native	

¹ CFP = California Fully Protected (CFG Code 3511), SSC = California Species of Special Concern, BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern, TWL = Taxa to Watch List (Shuford and Gardali 2008), and BOP = Birds of Prey (California Fish and Game Code 3503.5).

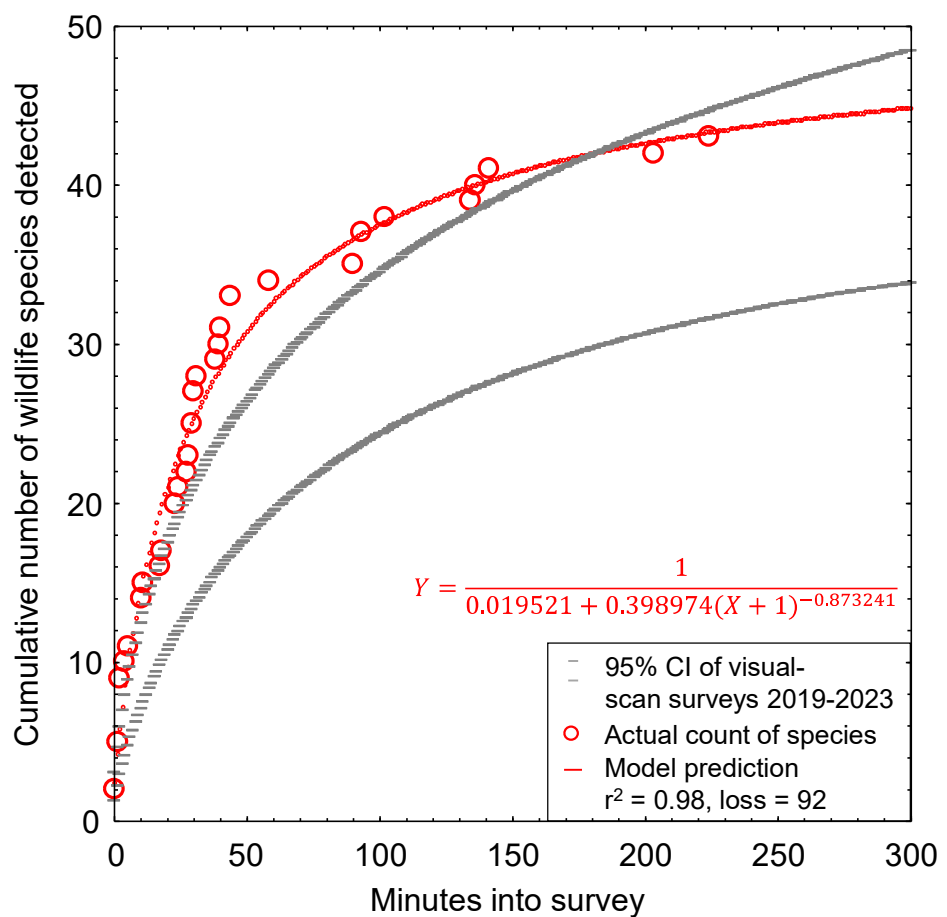
Considering my brief time at the project site, I saw and heard many species of wildlife. The species I detected included 10 special-status species, all of which are sensitive species whose presence obligates my determination that sensitive species occur on the project site. Members of a California Fully Protected species flew through the very airspace that would be occupied by the project's glass-covered building. Species listed by the US Fish and Wildlife Service as Birds of Conservation Concern, and species protected by California as Birds of Prey, are living and breeding on the project site. Most of the birds in Table 1 are protected by the Migratory Bird Treaty Act and by the California Bird Protection Act, largely because birds are sensitive to disturbances to their nest attempts. Furthermore, coast live oak, which dominates the tree canopy of the site, is specifically protected under the City of Sausalito's Tree Ordinance, and the California buckeyes on the project site are regarded as Heritage Trees, and therefore protected under the same Ordinance. Not only are most of the trees on site special as indicated by their protected status, but they support many of the nests of the bird species in Table 1, and they serve as roosts to the bats I saw on site. Although I do not know which species of bats I saw on the site, there is a good chance that some or all of them are special-status species. The evidence is overwhelming that the project site provides habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, and fully protected species.

However, I must point out that the species of wildlife I detected at the project site comprised only a sampling of the species that were present during my surveys. I fit a nonlinear regression model to the cumulative number of vertebrate species detected with time into my 3 April 2024 survey to predict the number of species that I would have detected with a longer survey or perhaps with additional biologists available to assist. The model is a logistic growth model which reaches an asymptote that corresponds with the maximum number of vertebrate wildlife species that could have been detected during the survey. In this case, the model predicts 51 species of vertebrate wildlife were available to be detected after five hours of survey on the morning of 3 April 2024, which left eight species undetected that morning (Figure 1). Unfortunately, I do not know the identities of the undetected species, but the pattern in my data indicates relatively high use of the project site compared to 10 surveys at other sites I have completed in Marin and Sonoma Counties. Compared to models fit to data I collected from other sites in the region between 2019 and 2023, the data from the project site exceeded the upper bound of the 95% confidence interval of the rate of accumulated species detections with time into the survey (Figure 1). Importantly, however, the species that I did and did not detect on 2-3 April 2024 composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have my two surveys one night apart. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan

surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b \times (\text{Hours})^c}$, where \hat{R} represented cumulative species richness detected. The coefficients of determination, r^2 , of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

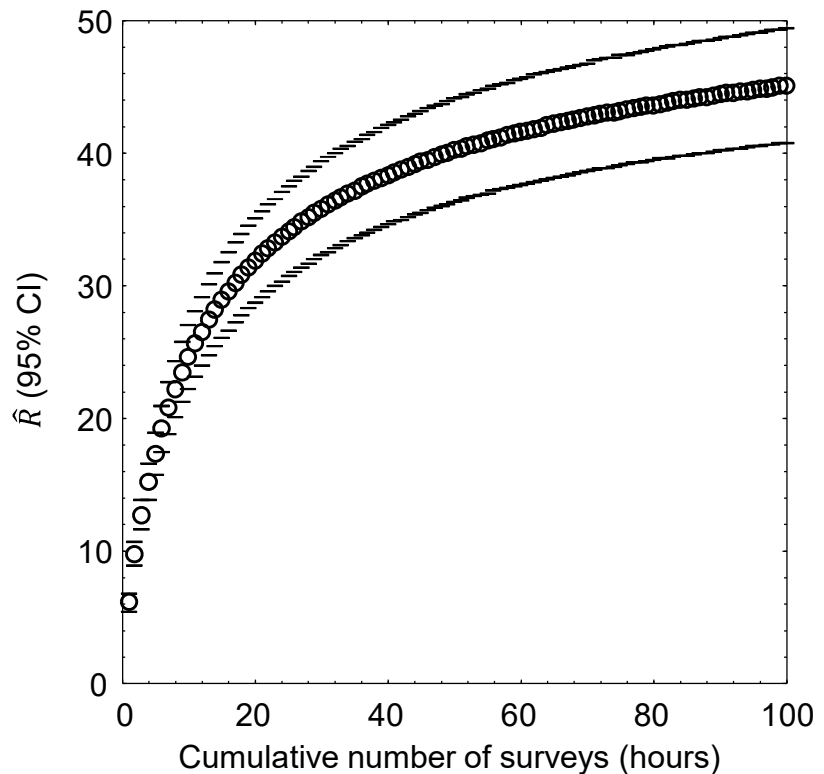
Figure 1. Actual and predicted relationships between the number of vertebrate wildlife species detected and the elapsed survey time based on my visual-scan survey on 3 April 2024. Note that the relationship would differ if the survey was based on another method or during another season.



I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I would have detected 21.7 species over my first 7.67 hours of surveys at my research site in the Altamont Pass (7.67 hours to match the 7.67 hours I surveyed at the project site on 2-3

April 2024), which composed 38% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 49 species I detected after 7.67 hours of survey at the project site on 2-3 April 2024 likely represented 38% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, I would likely detect $49/0.38 = 129$ species of vertebrate wildlife at the site. Assuming my ratio of special-status to non-special-status species was to hold through the detections of all 129 predicted species, then continued surveys would eventually detect 26 special-status species of vertebrate wildlife.

Figure 2. Mean (95% CI) predicted wildlife species richness, \hat{R} , as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely irrelevant to the utility of the graph to the interpretation of survey outcomes at the project site. It is the pattern in the data that is relevant, because the pattern is typical of the pattern seen elsewhere.



Because my prediction of 129 species of vertebrate wildlife, including 26 special-status species of vertebrate wildlife, is derived from daytime visual-scan surveys, and would detect few nocturnal mammals such as bats, the true number of species composing the wildlife community of the site must be larger. My reconnaissance surveys should serve only as a starting point toward characterization of the site's wildlife community, but it certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than my two surveys to inventory use of the project site by wildlife. In my assessment based on database reviews and site visits, 118 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Of these 118 species, at least 8 (8%) were recorded on the project site, and another 49 (25%) species have been documented within 1.5 miles of the site ('Very close'), another 44 (30%) within 1.5 and 4 miles ('Nearby'), and another 14 (27%) within 4 to 30 miles ('In region'). Nearly all (86%) of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports multiple

special-status species of wildlife and carries the potential for supporting many more special-status species of wildlife based on proximity of recorded occurrences.

I am certain that at least 10 sensitive species of vertebrate wildlife occur at and near the project site, and that the tree canopy of the site is dominated by species that are protected under the City of Sausalito's Tree Ordinance. According to Urban Forestry Associates, "It is unclear how feasible replacement plantings will be based on the conceptual design," which in my opinion is a polite way of saying that replacement of these trees on site would be impossible. The proposed building would not leave sufficient room for replacements of the trees that would need to be removed. The same can be said of sensitive species of wildlife that find habitat on the project site; they would be permanently displaced, which means the productive capacities of these species would be diminished to the extent of habitat loss and to the degree of the further effects of habitat fragmentation (Smallwood 2015).

Making direct use of the trees on the project site were special-status species including oak titmouse, great horned owl, Allen's hummingbird and red-shouldered hawk. Making direct use of the existing buildings atop which the proposed building would cover were western gulls. The project site is habitat of these species.

True to its name, oak titmouse is a denizen of oak woodlands. Cornell University Lab of Ornithology's All About Birds website ([https://www.allaboutbirds.org/guide/Oak Titmouse/lifehistory](https://www.allaboutbirds.org/guide/Oak_Titmouse/lifehistory)) reports, "Oak Titmice live mostly in warm, open, dry oak or oak-pine woodlands." This is where I found multiple interactive members of oak titmouse on the project site.

According to All About Birds, "Great Horned Owls usually gravitate toward secondary-growth woodlands, swamps, orchards, and agricultural areas, but they are found in a wide variety of deciduous, coniferous or mixed forests ... [and are] fairly common in wooded parks, suburban area, and even cities. The great horned owl I encountered at the project site was initially calling from residential buildings north-northwest of the site, but later I saw it fly from those buildings directly into the coast live oaks on the project site.

According to All About Birds, "Allen's Hummingbirds breed in a narrow strip of coastal forest, scrub, and chaparral from sea level to around 1,000 feet elevation along the West Coast." It must just so happen that the project site is located within this strip. It was among the coast live oaks and California buckeyes when it circled about me, issuing its "zeeee" call. I was not surprised to find this species there.

According to All About Birds, "Red-shouldered Hawks [live] in some suburban areas where houses or other buildings are mixed into woodlands. In the West, they live in riparian and oak woodlands..." This habitat description is entirely consistent with the project site, so I am not surprised to have detected a red-shouldered hawk there.

Table 2. Occurrence likelihoods of special-status species of wildlife at or near the proposed project site, according to eBird/iNaturalist records (<https://eBird.org>, <https://www.inaturalist.org>) and on-site survey findings, where ‘Very close’ indicates within 1.5 miles of the site, “nearby” indicates within 1.5 and 4 miles, and “in region” indicates within 4 and 30 miles, and ‘in range’ means the species’ geographic range overlaps the site. Entries in bold font identify species I detected during my surveys.

Common name	Species name	Status¹	Databases, Site visits
San Bruno elfin butterfly	<i>Callophrys mossii bayensis</i>	FE	Nearby
Monarch	<i>Danaus plexippus</i>	FC	Very close
Bay checkerspot butterfly	<i>Euphydryas editha bayensis</i>	FT	In region
Mission blue butterfly	<i>Icaricia icarioides missionensis</i>	FE	Nearby
Callippe silverspot butterfly	<i>Speyeria callippe callippe</i>	FE	Nearby
Myrtle’s silverspot butterfly	<i>Speyeria zerene myrtleae</i>	FE	In region
California tiger salamander	<i>Ambystoma californiense</i>	FT, CT, WL	In region
California giant salamander	<i>Dicamptodon ensatus</i>	SSC	Nearby
Red-bellied newt	<i>Taricha rivularis</i>	SSC	In region
Foothill yellow-legged frog	<i>Rana boylei</i>	CT, SSC	In region
California red-legged frog	<i>Rana draytonii</i>	FT, SSC	Nearby
Western pond turtle	<i>Emys marmorata</i>	SSC	Nearby
Brant	<i>Branta bernicla</i>	SSC ₂	Very close
Cackling goose (Aleutian)	<i>Branta hutchinsii leucopareia</i>	WL	Nearby
Redhead	<i>Aythya americana</i>	SSC ₂	Nearby
Harlequin duck	<i>Histrionicus histrionicus</i>	SSC ₂	Very close
Barrow’s goldeneye	<i>Bucephala islandica</i>	SSC	Very close
Fork-tailed storm petrel	<i>Hydrobates furcatus</i>	SSC	Nearby
Ashy storm-petrel	<i>Hydrobates homochroa</i>	SSC	Nearby
Western grebe	<i>Aechmophorus occidentalis</i>	BCC	Very close
Clark’s grebe	<i>Aechmophorus clarkii</i>	BCC	Very close
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	FT, CE, BCC	In region
Black swift	<i>Cypseloides niger</i>	SSC ₃ , BCC	Very close
Vaux’s swift	<i>Chaetura vauxi</i>	SSC ₂ , BCC	Very close
Costa’s hummingbird	<i>Calypte costae</i>	BCC	Nearby
Rufous hummingbird	<i>Selasphorus rufus</i>	BCC	Very close
Allen’s hummingbird	<i>Selasphorus sasin</i>	BCC	On site
American avocet ²	<i>Recurvirostra americana</i>	BCC	Very close
Snowy plover	<i>Charadrius nivosus</i>	BCC	Nearby
Western snowy plover	<i>Charadrius nivosus nivosus</i>	FT, SSC, BCC	Nearby
Whimbrel ²	<i>Numenius phaeopus</i>	BCC	Very close
Long-billed curlew	<i>Numenius americanus</i>	BCC, WL	Very close
Marbled godwit	<i>Limosa fedoa</i>	BCC	Very close
Red knot (Pacific)	<i>Calidris canutus</i>	BCC	Nearby
Short-billed dowitcher	<i>Limnodromus griseus</i>	BCC	Very close

Common name	Species name	Status¹	Databases, Site visits
Willet	<i>Tringa semipalmata</i>	BCC	Very close
Marbled murrelet	<i>Brachyramphus marmoratus</i>	FT, CE	Nearby
Rhinoceros auklet	<i>Cerorhinca monocerata</i>	WL	Nearby
Tufted puffin	<i>Fraterecula cirrhata</i>	SSC, BCC	Nearby
Cassin's auklet	<i>Ptychoramphus aleuticus</i>	SSC, BCC	Nearby
Laughing gull	<i>Leucophaeus atricilla</i>	WL	Very close
Heermann's gull	<i>Larus heermanni</i>	BCC	Very close
Western gull	<i>Larus occidentalis</i>	BCC	On site
California gull	<i>Larus californicus</i>	BCC, WL	Very close
California least tern	<i>Sternula antillarum browni</i>	FE, CE, CFP	Nearby
Black tern	<i>Chlidonias niger</i>	SSC2, BCC	Nearby
Elegant tern	<i>Thalasseus elegans</i>	BCC, WL	Very close
Black skimmer	<i>Rynchops niger</i>	BCC, SSC3	Nearby
Common loon	<i>Gavia immer</i>	SSC	Next to site
Brandt's cormorant	<i>Urile penicillatus</i>	BCC	Very close
Double-crested cormorant	<i>Phalacrocorax auritus</i>	WL	On site
American white pelican	<i>Pelacanus erythrorhynchos</i>	SSC1, BCC	Very close
California brown pelican	<i>Pelecanus occidentalis californicus</i>	CFP	Very close
Least bittern	<i>Ixobrychus exilis</i>	SSC2	In region
White-faced ibis	<i>Plegadis chihi</i>	WL	Nearby
Turkey vulture	<i>Cathartes aura</i>	BOP	On site
Osprey	<i>Pandion haliaetus</i>	WL, BOP	Very close
White-tailed kite	<i>Elanus leucurus</i>	CFP, WL, BOP	Very close
Golden eagle	<i>Aquila chrysaetos</i>	BGEPA, CFP, BOP	Very close
Northern harrier	<i>Circus cyaneus</i>	BCC, SSC3, BOP	Very close
Sharp-shinned hawk	<i>Accipiter striatus</i>	WL, BOP	Very close
Cooper's hawk	<i>Accipiter cooperii</i>	WL, BOP	Very close
American goshawk	<i>Accipiter atricapillus</i>	SSC2, BOP	Nearby
Bald eagle	<i>Haliaeetus leucocephalus</i>	BGEPA, CE, BOP	Very close
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP	On site
Swainson's hawk	<i>Buteo swainsoni</i>	CT, BOP	Very close
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP	On site
Ferruginous hawk	<i>Buteo regalis</i>	WL, BOP	Very close
Rough-legged hawk	<i>Buteo lagopus</i>	BOP	Very close
Barn owl	<i>Tyto alba</i>	BOP	Very close
Northern spotted owl	<i>Strix occidentalis caurina</i>	FT, CT, BOP	In range
Western screech-owl	<i>Megascops kennicotti</i>	BOP	Very close
Great horned owl	<i>Bubo virginianus</i>	BOP	On site
Burrowing owl	<i>Athene cucularia</i>	BCC, SSC2, BOP	Nearby
Long-eared owl	<i>Asio Otis</i>	BCC, SSC3, BOP	In region
Short-eared owl	<i>Asia flammeus</i>	BCC, SSC3, BOP	Nearby
Lewis's woodpecker	<i>Melanerpes lewis</i>	BCC	Very close

Common name	Species name	Status¹	Databases, Site visits
Nuttall's woodpecker	<i>Picooides nuttallii</i>	BCC	Very close
American kestrel	<i>Falco sparverius</i>	BOP	Very close
Merlin	<i>Falco columbarius</i>	WL, BOP	Very close
Peregrine falcon	<i>Falco peregrinus</i>	BOP	Very close
Prairie falcon	<i>Falco mexicanus</i>	BCC, WL, BOP	Nearby
Olive-sided flycatcher	<i>Contopus cooperi</i>	BCC, SSC2	Very close
Willow flycatcher	<i>Empidonax trailii</i>	CE, BCC	Nearby
Vermilion flycatcher	<i>Pyrocephalus rubinus</i>	SSC2	Nearby
Loggerhead shrike	<i>Lanius ludovicianus</i>	BCC, SSC2	Nearby
Oak titmouse	<i>Baeolophus inornatus</i>	BCC	On site
California horned lark	<i>Eremophila alpestris actia</i>	WL	Very close
Bank swallow	<i>Riparia riparia</i>	CT	Nearby
Purple martin	<i>Progne subis</i>	SSC2	Very close
Wrentit	<i>Chamaea fasciata</i>	BCC	Very close
California thrasher	<i>Toxostoma redivivum</i>	BCC	Nearby
Cassin's finch	<i>Haemorhous cassinii</i>	BCC	Nearby
Lawrence's goldfinch	<i>Spinus lawrencei</i>	BCC	Nearby
Grasshopper sparrow	<i>Ammodramus savannarum</i>	SSC2	Very close
Samuels song sparrow	<i>Melospiza melodia samueli</i>	BCC, SSC3	Nearby
Black-chinned sparrow	<i>Spizella atrogularis</i>	BCC	In region
Yellow-breasted chat	<i>Icteria virens</i>	SSC3	Nearby
Yellow-headed blackbird	<i>X. xanthocephalus</i>	SSC3	Nearby
Bullock's oriole	<i>Icterus bullockii</i>	BCC	Very close
Tricolored blackbird	<i>Agelaius tricolor</i>	CT, BCC, SSC1	Very close
Lucy's warbler	<i>Leiothlypis luciae</i>	SSC3, BCC	In region
Virginia's warbler	<i>Leiothlypis virginiae</i>	WL, BCC	Nearby
San Francisco common yellowthroat	<i>Geothlypis trichas sinuosa</i>	SSC3, BCC	In range
Yellow warbler	<i>Dendroica petechia</i>	BCC, SSC2	Very close
Summer tanager	<i>Piranga rubra</i>	SSC1	Nearby
Pallid bat	<i>Antrozous pallidus</i>	SSC, WBWG:H	In region
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC, WBWG:H	Nearby
Silver-haired bat	<i>Lasionycteris noctivagans</i>	WBWG:M	Nearby
Western red bat	<i>Lasiurus blossevillii</i>	SSC, WBWG:H	Nearby
Hoary bat	<i>Lasiurus cinereus</i>	WBWG:M	Nearby
Miller's myotis	<i>Myotis evotis</i>	WBWG:M	In region
Little brown myotis	<i>Myotis lucifugus</i>	WBWG:M	In region
Fringed myotis	<i>Myotis thysanodes</i>	WBWG:H	In range
Yuma myotis	<i>Myotis yumanensis</i>	WBWG:LM	In region
Mexican free-tailed bat	<i>Tadarida brasiliensis</i>	WBWG: M	Nearby
San Francisco dusky-footed woodrat	<i>Neotoma fuscipes annectens</i>	SSC	Nearby
American badger	<i>Taxidea taxus</i>	SSC	Very close

¹ Listed as FT or FE = federal threatened or endangered, FC = federal candidate for listing, BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern, CT or CE = California threatened or endangered, CCT or CCE = Candidate California threatened or endangered, CFP = California Fully Protected (California Fish and Game Code 3511), SSC = California Species of Special Concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species' range, associated with habitat that is declining in extent), SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively (Shuford and Gardali 2008), WL = Taxa to Watch List (Shuford and Gardali 2008), and BOP = Birds of Prey (CFG Code 3503.5), and WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H).

According to All About Birds, “Western Gulls nest only in places free from disturbance and isolated from predators such as foxes and coyotes: islands, headlands, and abandoned seaside structures such as piers or old buildings.” On old buildings is exactly where I observed western gulls courting each other and attempting copulation. The old buildings the gulls used are the same the project proposes to overtop with its building.

Making use of that portion of the aerosphere which the proposed building would displace were the following special-status species: California brown pelican, double-crested cormorant, turkey vulture, red-tailed hawk, and again western gull. The aerosphere of the project site is habitat of these species.

Based on habitat associations, special-status species I expect to use the project site as habitat, but which have yet to be detected there, include monarch, rufous hummingbird, white-tailed kite, Cooper’s hawk, sharp-shinned hawk, western screech-owl, Lewis’s woodpecker, Nuttall’s woodpecker, olive-sided flycatcher, California thrasher, Bullock’s oriole, yellow warbler, and at least several of the bat species in Table 2. The project site is most likely habitat of these species, and others in Table 2.

There is at least a fair argument to be made for the need to prepare an EIR to accurately characterize the existing environmental setting and to appropriately analyze the project impacts to wildlife from habitat fragmentation and from bird-glass collision mortality.

BIRD-WINDOW COLLISIONS

Considering the location of the project between existing oak woodland and the Bay, and considering the proposal to build so much glass onto the façades of the building, I must point out that the project would pose a substantial bird-window collision risk. The project would add a 9-story, 109.5-foot-tall building with 119,647-square-feet of floor space, and according to the renderings I have seen of the building, glass windows and glass railings compose major features of the building. The renderings depict the glass as both transparent and reflective – the two qualities of glass known to increase the risk of lethal bird-window collisions.

Many special-status species of birds have been recorded at or near the aerosphere of the project site. My database review and my site visits indicate there are 94 special-status species of birds with potential to use the site’s aerosphere (Table 2). All of the birds of

species in Table 2 can quickly fly from wherever they have been documented to the project site, so they would all be within brief flights to the proposed project's windows. At the nearby California Academy of Sciences, the glass facades facing adjacent gardens killed 0.077 and 0.086 birds per m² of glass per year (Kahle et al. 2016), which might not look like large numbers at first read, but which translate to large numbers of dead birds when projected to the extent of glass on the project (see below). And that the California Academy of Sciences is nearby from the perspective of a bird, consider the tropical kingbird I detected on the project site. Tropical kingbird is a very rare species in this part of California, so I looked up eBird records and found a cluster of recent records in Golden Gate Park, quite close to the California Academy of Sciences. The last record of this bird in Golden Gate Park was March 26th, which is only a few days before I detected it on the project site; it was likely the same bird.

Window collisions are often characterized as either the second or third largest source or human-caused bird mortality. The numbers behind these characterizations are often attributed to Klem's (1990) and Dunn's (1993) estimates of about 100 million to 1 billion bird fatalities in the USA, or more recently by Loss et al.'s (2014) estimate of 365-988 million bird fatalities in the USA or Calvert et al.'s (2013) and Machtans et al.'s (2013) estimates of 22.4 million and 25 million bird fatalities in Canada, respectively. The proposed project would impose windows in the airspace normally used by birds.

Glass-façades of buildings intercept and kill many birds, but are differentially hazardous to birds based on spatial extent, contiguity, orientation, and other factors. At Washington State University, Johnson and Hudson (1976) found 266 bird fatalities of 41 species within 73 months of monitoring of a three-story glass walkway (no fatality adjustments attempted). Prior to marking the windows to warn birds of the collision hazard, the collision rate was 84.7 per year. At that rate, and not attempting to adjust the fatality estimate for the proportion of fatalities not found, 4,574 birds were likely killed over the 54 years since the start of their study, and that's at a relatively small building façade. Accounting for the proportion of fatalities not found, the number of birds killed by this walkway over the last 54 years would have been about 14,270. And this is just for one 3-story, glass-sided walkway between two college campus buildings.

Klem's (1990) estimate was based on speculation that 1 to 10 birds are killed per building per year, and this speculated range was extended to the number of buildings estimated by the US Census Bureau in 1986. Klem's speculation was supported by fatality monitoring at only two houses, one in Illinois and the other in New York. Also, the basis of his fatality rate extension has changed greatly since 1986. Whereas his estimate served the need to alert the public of the possible magnitude of the bird-window collision issue, it was highly uncertain at the time and undoubtedly outdated more than three decades hence. Indeed, by 2010 Klem (2010) characterized the upper end of his estimated range – 1 billion bird fatalities – as conservative. Furthermore, the estimate lumped species together as if all birds are the same and the loss of all birds to windows has the same level of impact.

By the time Loss et al. (2014) performed their effort to estimate annual USA bird-window fatalities, many more fatality monitoring studies had been reported or were

underway. Loss et al. (2014) incorporated many more fatality rates based on scientific monitoring, and they were more careful about which fatality rates to include. However, they included estimates based on fatality monitoring by homeowners, which in one study were found to detect only 38% of the available window fatalities (Bracey et al. 2016). Loss et al. (2014) excluded all fatality records lacking a dead bird in hand, such as injured birds or feather or blood spots on windows. Loss et al.'s (2014) fatality metric was the number of fatalities per building (where in this context a building can include a house, low-rise, or high-rise structure), but they assumed that this metric was based on window collisions. Because most of the bird-window collision studies were limited to migration seasons, Loss et al. (2014) developed an admittedly assumption-laden correction factor for making annual estimates. Also, only 2 of the studies included adjustments for carcass persistence and searcher detection error, and it was unclear how and to what degree fatality rates were adjusted for these factors. Although Loss et al. (2014) attempted to account for some biases as well as for large sources of uncertainty mostly resulting from an opportunistic rather than systematic sampling data source, their estimated annual fatality rate across the USA was highly uncertain and vulnerable to multiple biases, most of which would have resulted in fatality estimates biased low.

In my review of bird-window collision monitoring, I found that the search radius around homes and buildings was very narrow, usually 2 meters. Based on my experience with bird collisions in other contexts, I would expect that a large portion of bird-window collision victims would end up farther than 2 m from the windows, especially when the windows are higher up on tall buildings. In my experience, searcher detection rates tend to be low for small birds deposited on ground with vegetation cover or woodchips or other types of organic matter. Also, vertebrate scavengers entrain on anthropogenic sources of mortality and quickly remove many of the carcasses, thereby preventing the fatality searcher from detecting these fatalities. Adjusting fatality rates for these factors – search radius bias, searcher detection error, and carcass persistence rates – would greatly increase nationwide estimates of bird-window collision fatalities.

Buildings can intercept many nocturnal migrants as well as birds flying in daylight. As mentioned above, Johnson and Hudson (1976) found 266 bird fatalities of 41 species within 73 months of monitoring of a four-story glass walkway at Washington State University (no adjustments attempted for undetected fatalities). Somerlot (2003) found 21 bird fatalities among 13 buildings on a university campus within only 61 days. Monitoring twice per week, Hager et al. (2008) found 215 bird fatalities of 48 species, or 55 birds/building/year, and at another site they found 142 bird fatalities of 37 species for 24 birds/building/year. Gelb and Delacretaz (2009) recorded 5,400 bird fatalities under buildings in New York City, based on a decade of monitoring only during migration periods, and some of the high-rises were associated with hundreds of fatalities each. Klem et al. (2009) monitored 73 building façades in New York City during 114 days of two migratory periods, tallying 549 collision victims, nearly 5 birds per day. Borden et al. (2010) surveyed a 1.8 km route 3 times per week during 12-month period and found 271 bird fatalities of 50 species. Parkins et al. (2015) found 35 bird fatalities of 16 species within only 45 days of monitoring under 4 building façades. From 24 days of survey over a 48-day span, Porter and Huang (2015) found 47 fatalities under 8 buildings on a university campus. Sabo et al. (2016) found 27 bird fatalities over 61

days of searches under 31 windows. In San Francisco, Kahle et al. (2016) found 355 collision victims within 1,762 days under a 5-story building. Ocampo-Peñuela et al. (2016) searched the perimeters of 6 buildings on a university campus, finding 86 fatalities after 63 days of surveys. One of these buildings produced 61 of the 86 fatalities, and another building with collision-deterrent glass caused only 2 of the fatalities, thereby indicating a wide range in impacts likely influenced by various factors. There is ample evidence available to support my prediction that the proposed project would result in many collision fatalities of birds.

Project Impact Prediction

By the time of these comments, I had reviewed and processed results of bird collision monitoring at 213 buildings and façades for which bird collisions per m² of glass per year could be calculated and averaged (Johnson and Hudson 1976, O'Connell 2001, Somerlot 2003, Hager et al. 2008, Borden et al. 2010, Hager et al. 2013, Porter and Huang 2015, Parkins et al. 2015, Kahle et al. 2016, Ocampo-Peñuela et al. 2016, Sabo et al. 2016, Barton et al. 2017, Gomez-Moreno et al. 2018, Schneider et al. 2018, Loss et al. 2019, Brown et al. 2020, City of Portland Bureau of Environmental Services and Portland Audubon 2020, Riding et al. 2020). These study results averaged 0.073 bird deaths per m² of glass per year (95% CI: 0.042-0.102). This average and its 95% confidence interval provide a robust basis for predicting fatality rates at a proposed new project.

Based on the renderings of the proposed new building, I measured window and glass rail extents to estimate the building would expose birds to 2,013 m² of exterior glass. Applying the mean fatality rate (above) to my estimate of 2,013 m² of window glass in the project, I predict annual bird deaths of 147 (95% CI: 87–207). Relying on the mean fatality rates from the closest building studied for bird-window collision mortality, the fatality rate at the California Academy of Sciences would predict a mean fatality rate of 164 birds per year.

The vast majority of these predicted deaths would be of birds protected under the Migratory Bird Treaty Act and under the California Migratory Bird Protection Act, thus causing significant unmitigated impacts. Given the predicted level of bird-window collision mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts, including the unmitigated take of both terrestrial and aerial habitat of birds (Photos 14 and 15) and other sensitive species. There is at least a fair argument for the need to prepare an EIR to appropriately analyze the impact of bird-glass collisions that might be caused by the project.

Thank you for your consideration,



Shawn Smallwood, Ph.D.

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Photo 14. *Western gull over the project site, 3 April 2024.*



Photo 15. *Hermit thrush on the project site, 3 April 2024.*

EXHIBIT C

HISTORIC DESIGN ANALYSIS

of

Waterstreet Condominiums
605 - 613 Bridgeway Boulevard
Sausalito, California

February 28, 2024

Amended March 14, 2024

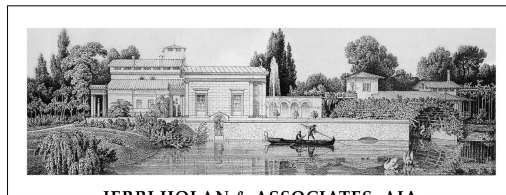


605-613 BRIDGEWAY - FRONT ELEVATION, FEBRUARY, 2024

Prepared for:

City of Sausalito

Prepared by:



JERRI HOLAN & ASSOCIATES, AIA
Architects ♦ Engineers ♦ Planners

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HISTORIC DESIGN ANALYSIS

605 Bridgeway Boulevard

METHODOLOGY

In February, 2024, the City of Sausalito retained Jerri Holan & Associates to evaluate a proposed condominium addition to 605-613 Bridgeway, an historic single-story retail property in the Downtown Historic District. The condominium proposal adds six stories to the property, consisting of 47 new units in 76,636 square feet including a two-story parking structure. The historic analysis identified impacts to the historic structure and its surrounding Historic District. It was based on plans submitted to the City of Sausalito in February, 2024, for Housing Development Application #2024-00014. The plans were prepared by Francis Gough Architect, Inc.

In March, further research was conducted at the Sausalito Historical Society's History Research Room, the Northwest Information Center, and the California Office of Historic Preservation. The current analysis amends the previous one with this additional information.

The evaluation was prepared by Jerri Holan, FAIA, a preservation architect and architectural historian. Since 1991, Ms. Holan has been professionally qualified as a Preservation Architect and Architectural Historian per *The Secretary of the Interior's Standards and Guidelines for Historic Preservation*. Holan has also been certified with the State of California, Office of Historic Preservation, since 2004, as a Historical Resource Consultant. Jerri Holan has an advanced degree from the University of California, Berkeley, and is a Fulbright research scholar and a Fellow of the American Institute of Architects.

DESCRIPTION OF 605-613 BRIDGEWAY BOULEVARD

The building which contains the 605 and 609 Bridgeway retail units was constructed in 1912-1914. The addition, which contains the 611 and 613 Bridgeway units, was added to the original building in 1924. The property was owned by the Noble family from 1914 until the 1960s and there is no record of the builder or architect. The building is known as the Marin Fruit Co. after its second tenant, Willie Yee. Mr. Yee was so well-respected in Sausalito that, in 1977, Princess Park was renamed Yee Tok Chee in his honor. The Marin Fruit Co. operated on the site from 1915 until 1998.

The building has been altered very little up to the present day. A simple, one-and-a-half-story building, it is finished with textured stucco and a brick cornice line. The southern portion of the building features three heavy vertical columns with the building's name in stucco relief above the transom windows. The northern portion of the building is a bit shorter,

HISTORIC DESIGN ANALYSIS

605 Bridgeway Boulevard

has a different stucco texture and has four stucco columns. The storefronts are typical for their time, with tile bulkheads (now concealed), recessed entries, storefront windows and steel sash transom windows. The facade today appears original and exhibits minor alterations. [For a historic summary of the building, see Preservation Architecture's Survey from January, 2024.]

The Marin Fruit Co. is a historic resource in Sausalito's Downtown Historic District. The building itself was placed on the California Register of Historic Places on 1/1/81 and is also eligible for listing in the National Register. It's California Status Code is 2D: "*A contributor to a multi-component resource determined eligible for NR by the Keeper. Listed in the CR.*"

DESCRIPTION OF SAUSALITO HISTORIC DISTRICT

Sausalito's Downtown Historic District was established in 1981 with the purpose of promoting the conservation, preservation, and enhancement of the historically significant structures and sites that form an important link to Sausalito's past. It is the only historic district in Sausalito and requires all new construction, as well as alterations, to existing buildings to be reviewed by the Historic Preservation Commission. Additional information regarding the regulations of the District are found in Sausalito's Zoning Ordinance Chapters 10.28 and 10.46.

The historic district boundaries were determined to be that of the present and historical central business district. Within the central area, a variety of architectural styles are evidence of the city's growth and change since 1868. District styles emerged between 1885 and 1900 and again between 1914 and 1924. Both periods represent times of growth and heavy construction in the downtown area. The commercial architecture in the historic district exemplifies some of the most notable examples of these time periods. The first period was typified by an Italianate commercial, a variation of Northern California storefront Victorian. These structures sported false fronts, friezes, bracketed or boxed cornices, flat windows with hoods or pediments, or bay windows decorated with medallions or flat columns. The second period was characterized by a more utilitarian approach to commercial architecture - sturdy brick or concrete construction, recessed entryways, plate glass windows, transoms, and reserved exterior decoration except for occasional false-front silhouettes, mission style revivals or grand classic revival facades.

Sausalito's District is one of eight National Park Service Certified Historic Districts in California. These Districts are local historic districts that have been certified by the Secretary of the Interior, for purposes of the Tax Reform Act of 1986, as substantially meeting all the requirements for listing in the National Register of Historic Places. As a result of this

HISTORIC DESIGN ANALYSIS

605 Bridgeway Boulevard

determination, individual property owners of depreciable buildings within the certified district may pursue Federal tax incentives for historic preservation. All new construction and alterations to existing structures must meet *The Secretary of the Interior's Standards & Guidelines for the Rehabilitation of Historic Buildings*. It should be noted that changes to a certified historic district may render the certification null and void and may require re-certification for continued benefits under the above laws.

Certification is for purposes of the Federal Preservation Tax Incentives Program only and is not a listing on the National Register of Historic Places (NR). It constitutes eligibility for listing in the NR because the District was evaluated under NR criteria and found to meet them. In California, a District that is Certified is automatically on the California Register (CR). Sausalito's Historic District is on the California Register and its Status Code is 2S: "*Individually determined eligible for the NR by the Keeper. Listed in the CR.*"

I. SOI ANALYSES OF PROPOSED PROJECT

The definition of a historic resource is contained in Section 21084.1 of the California Environmental Quality Act (CEQA) Statute as amended in January, 2005. For purposes of this Evaluation, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR).

CEQA requires projects to be evaluated based on *The Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Rehabilitating Historic Buildings* (SOI). A project must follow *The Standards and Guidelines* to have less than a significant impact on historic resources. In the following discussion, the proposed project is evaluated relative to the *SOI Standards and Guidelines*.

A. ANALYSIS – SOI STANDARDS

Standard 1 - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

The proposed project meets a portion of this rehabilitation Standard. The original use of the property, a retail commercial building, remains unchanged. The new residential addition above and behind the original structure preserves the historic facade with minimal changes to its distinctive materials, features and spaces. However, the new addition radically changes the

HISTORIC DESIGN ANALYSIS

605 Bridgeway Boulevard

spatial configuration of the historic building and its relationship to the surrounding Historic District. While preserving the historic structure is important, the proposal's mammoth scale outweighs any mitigating effect its preservation may have. The Historic District does include residential properties, but, as designed, the new residential use for this site is an inappropriate way to introduce new housing into the Historic District. Consequently, the proposal does not meet this Standard.

Standard 2 - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

The proposed project meets a portion of this rehabilitation Standard. While the project does preserve the distinctive facade, features and materials of the historic building, its overwhelming scale dominates the property and it does not retain the character and scale of the one- and two-story commercial buildings surrounding it. Consequently, the proposal does not meet this Standard.



PROPOSED RENDERING (EAST) OF WATERSTREET PROJECT AT 605-615 BRIDGEWAY

Standard 3 - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.

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This Standard discourages changes to property that create a false historical development. The historic building will remain as a physical record of its place. The new building would introduce a new architectural style that is also a record of its time, place, and use. Since no conjectural features are being added to either the old or new building, the project does meet this Standard.

Standard 4 - Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The project is preserving both the 1912 building and its 1924 addition. The tile bulkheads on 605 and 609 have been covered and the project will remove the plywood covering and restore the original tile. Consequently, the project meets this Standard.

Standard 5 - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The proposed project meets this rehabilitation Standard because it preserves the original building.

Standard 6 - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

The project appears to comply with this Standard as no deteriorated materials are evident and the original tile bulkhead will be restored.

Standard 7 - Chemical or physical treatments will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

The project appears to comply with this Standard as no chemical or physical treatments are proposed.

Standard 8 - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Plans should indicate that, if any significant archeological resources are found, the City of Sausalito would be notified and that they would be mitigated with appropriate measures.

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Standard 9 - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.

The project does not meet this Standard. Perhaps the most relevant Standard to this project, Standard 9 encourages new construction to avoid destruction of original historic structures and spatial relationships to ensure the integrity of the existing environment.

The average height of buildings in the Historic District is two to three stories. This southern portion of the District generally has smaller storefronts and a mix of one and two-story buildings. By adding six stories directly over the original single-story structure, the new addition will destroy the spatial relationships and integrity that characterizes the property as well as its surrounding commercial Historic District. Because the building does not maintain Sausalito's commercial facade character, it is not compatible to the District. The bulk and mass of the new building are out of scale with the existing waterfront streetscape and, as a result, it overwhelms, dwarfs, and damages this area of Sausalito.

While the new work is differentiated from the old and the use of stucco and steel windows is appropriate, the large expanses of glass are incompatible with the historic building and the District. New windows are out of proportion to historic windows and are out of scale with other traditional openings in the District.



NORTH & SOUTH ELEVATIONS OF PROPOSED WATERSTREET PROJECT

HISTORIC DESIGN ANALYSIS

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Standard 10 - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The project meets this Standard as the new building is being proposed on a vacant lot and could easily be removed without impacting the form and integrity of the original historic building.

B. ANALYSIS – SOI GUIDELINES

The SOI Rehabilitation Guidelines reinforce *The Standards'* compatibility requirements for historic buildings and settings. They provide specific guidance on how to integrate new construction onto a historic site and into a historic district. The following *Guidelines* are applicable to the addition at 605 - 613 Bridgeway:

- 1) A new addition to a historic property or district must be compatible with the massing, size, scale and design of the historic building and site. It can be any style - contemporary or traditional - but must achieve a balance between differentiation and compatibility to maintain historic character. Extreme contrasts between old and new construction and identical construction are not compatible. The addition should be stylistically appropriate (p. 26).

The proposal for condominiums at 605 - 613 Bridgeway is not compatible with the existing historic building nor compatible with the Downtown Historic District. The design uses an extreme contemporary architectural style with no relation to surrounding traditional styles and its massing and density is incompatible with the District.

- 2) The Guidelines do not recommend substantially changing important site features that diminish its character (p. 137).

An important feature of this site and surrounding small-scale buildings is its open character, the trees and residences on the hill behind Bridgeway are visible from the street and waterfront. The proposed condominium building will create a tall facade which disrupts the neighborhood and destroys the site's visibility. The sheer size of the condominium building substantially changes a single-story facade into a seven-story facade, diminishing the building, the site, as well as transforming the District.

- 3) The Guidelines do not recommend adding buildings to a site that create an inaccurate historic appearance (p. 138).

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The seven-story facade is not an accurate or appropriate appearance for the Historic District which features mainly one- two- and three-story buildings.

- 4) The Guidelines recommend retaining the historic relationship between buildings and their landscape (p. 138).

The seven-story building destroys the relationship between the existing one- and two-story structures, the residential hillside properties behind it, and the waterfront. The result is a loss of historic fabric.

- 5) The Guidelines recommend that a new use be as unobtrusive as possible to retain the historic relationship between the building and the district (p.146).

The massive seven-story facade is very obtrusive and overwhelms existing buildings and the Historic District.

- 6) The Guidelines recommend that a new use should not be visually incompatible. A new addition that is significantly different and thus, incompatible, with historic building is not recommended (p. 156).

The District is a consistent architectural grouping of older commercial buildings of late 19th Century styles. The contemporary style and massing of the new addition is not visually compatible with the Historic District's traditional buildings.

- 7) The Guidelines do not recommend constructing a new addition on or adjacent to a primary elevation or placing new construction too close to the historic building so that it damages the building's character and setting (pp. 156, 161).

The proposed design locates the new addition directly above the historic building and is too close to the other historic buildings in this neighborhood thereby destroying the existing spatial relationships and historic integrity.

- 8) The Guidelines do not recommend constructing a new addition that is as large as – or larger than – the historic building which results in the diminution of its historic character (p. 156).

The proposed 7-story design is much larger than the existing 1-story building. The original building volume consists of 77,250 cubic feet while the new building volume

HISTORIC DESIGN ANALYSIS

605 Bridgeway Boulevard

consists of 10,348,920 cubic feet – 133 times the size of the historic building. The mass of the proposal completely obscures the historic building as well as diminishes the District.

- 9) The Guidelines do not recommend constructing a rooftop addition that is highly visible which negatively impacts the building and its historic setting or district (p. 159).

The proposed design locates the new addition directly above the historic building and is highly visible. Its visibility obscures the building, its historic setting, and the surrounding district.

- 10) The Guidelines do not recommend constructing a highly-visible, multi-story rooftop addition on a low-rise, one- to three-story historic building that alters the building's and the district's character (p. 160).

The proposed multi-story design locates a highly visible, six-story addition directly above the existing, low-rise one-story building. This damages and alters the character of the building and its historic setting.

C. SOI ANALYSES CONCLUSION

After reviewing the project, it has numerous negative impacts on the historic resources, both the building and its surrounding District. Consequently, it is not in conformance to *The Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Rehabilitating Historic Buildings*.

D. PRESERVATION BRIEF 14

In addition to The Standards and Guidelines, the National Park Service offers further recommendations through its Technical Information Services. In particular, *Preservation Brief 14 - New Exterior Additions to Historic Buildings* provides useful guidelines and gives many examples of successfully integrated projects.

An important section of PB 14 discusses rooftop additions. Generally, a rooftop addition should be stepped back at least one full bay from the primary elevation. It should be no more than one story in height. A rooftop addition is more likely to be compatible on a building that is adjacent to similarly sized or taller buildings (Grimmer and Weeks, p. 14).

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The proposed project at 605 - 613 Bridgeway clearly does not follow recommended practices or protocol described in Preservation Brief 14 for new additions on historic buildings or in historic districts.



PRINCESS STREET ELEVATION OF PROPOSED WATERSTREET PROJECT

II. SAUSALITO HISTORIC DESIGN GUIDELINES ANALYSIS

City codes require historic projects to be evaluated based on Sausalito's *Historic Design Guidelines* (HDG). Sausalito's *Historic Design Guidelines* protect the Downtown Historic Overlay Zoning District. They promote the conservation, preservation, and enhancement of the historically significant structures and sites that form an important link to Sausalito's past. Because this project is adding new construction to the Historic District, it is evaluated according to Chapters 4 and 5 of the HDG.

A. CHAPTER 4 ANALYSIS

4A. GENERAL PRINCIPLES - To assure authentic character, the HDG recommends that new buildings be a product of their time while respecting key features of its context.

HISTORIC DESIGN ANALYSIS

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Contemporary interpretations of traditional designs are encouraged while the imitation of older historical styles is discouraged (p. 59).

The proposed contemporary multi-story condominium is a product of its time. However, it does not contain any key features of the surrounding context which is a traditional two- to three-story Downtown Commercial Historic District.

4B. COMMERCIAL BUILDINGS - To maintain human scale in the District, the HDG requires new buildings to maintain the District's massing, scale, and building patterns.

The proposed seven-story facade is too large, does not respect the existing height-to-width proportion of the block, and has no relation to the low-density pattern of adjacent historical structures.

4.1 TRADITIONAL SIZE - Buildings should not be monolithic or contrasting to the established scale of the streetscape. The height of a new facade should fall within the existing range of roof lines.

The current proposal contrasts sharply with its surrounding neighborhood. It's scale does not reflect the small commercial buildings from the 19th Century and it's roofline is much higher than adjacent structures.

4.2 TRADITIONAL SPACING - New buildings in the District should reflect the range of widths found on a block and should use design elements to break up the facade so that it appears as a collection of smaller building modules.

The proposed condominium project has large, uniform, monolithic facades that do not maintain the width of other buildings found on the block. All of the proposed building facades are homogeneous and unbroken with few small elements that reflect a human scale.

4.3 BASE, MIDDLE, AND CAP - Traditional buildings are composed of these three basic elements and incorporating similar elements for the new design reinforce the visual continuity of the area.

The proposed condominium project does not have any tri-partite facades and disrupts the continuity of the waterscape and District.

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4.4 SITE POSITION - The HDG recommends locating taller structures away from small buildings to minimize the looming and shadow effects on neighbors.

With seven stories and lot-line to lot-line development, this project does not meet the HDG. It will loom over the neighborhood, casting shadows over a good deal of the District.

4.4 HUMAN SCALE - The HDG requires new buildings to have vertical and horizontal divisions, changes in color and texture, and to use architectural features and materials to convey interest.

The proposed condominium only has horizontal divisions, has very few changes in color or texture, has monolithic planes of glass and stucco, and does not incorporate architectural features that convey interest.

B. CHAPTER 5 ANALYSIS

5.A DESIGN GOALS AND VISION - All improvements in the Historic District should help achieve preserving the character and scale of the District, its architectural integrity, streetscape scale, and view corridors (p. 71).

As designed, the new Bridgeway building will not preserve the character or scale of the District, it damages the neighborhood's integrity, it disrupts the street scale, and destroys view corridors.

5.1 COMMERCIAL FACADE CHARACTER - The traditional commercial buildings have a clear distinction between street and upper facades. Windows are proportional and storefront stories are typically taller than upper stories.

As designed, the project makes a clear distinction between the existing single-story building and the new project above it. However, the six stories that are being proposed for this site have no distinction between each other, they are all similar with overlarge windows, and they have no relation to the other facades in the area.

5.2 TRADITIONAL UPPER STORY WINDOWS - The HDG recommends traditional proportions and spacings of windows with the height of headers and sills similar to existing upper-story windows.

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Floor-to-ceiling glazing on the proposed project has no relation to other windows in the District and the large areas of glazing have no rhythm or spacing. Its windows are too large for the existing traditional commercial corridor.

C. HDG ANALYSIS CONCLUSION

After reviewing the project, it does not conform to Sausalito's *Historic Design Guidelines*.



WEST ELEVATION OF PROPOSED WATERSTREET PROJECT

III. SAUSALITO GENERAL PLAN - HISTORIC PRESERVATION ELEMENT

Sausalito's *General Plan* (GP) outlines policies for its Historic District and properties in Element 4. In this "Community Design, Historic and Preservation Element," the GP outlines important strategies for reviewing developments on or near historic properties. The discussion below summarizes relevant sections of the Element that are applicable to the Waterstreet project.

The purpose of the Preservation Element is stated in its Introduction, "The policies contained in the Element ensure the future design and development are well-integrated into Sausalito's existing design style, the city's history is preserved and honored, the distinct culture of Sausalito is supported and the iconic views of the natural landscape are maintained. The preservation of historic buildings will be balanced with the incorporation of new buildings that respect the existing scale and diverse architectural character of the community."

HISTORIC DESIGN ANALYSIS

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A. DESIGN GOALS AND VIEWS SUMMARY (pp. CD-2 - CD-6)

A major factor in achieving the desired appearance is promoting the City's rich architectural history, its existing character, and the scale of development. Size and location of structures are important factors in considering new development proposals. Maximum bulk limits shall be placed on new development to minimize potential negative impacts. Designs of new development should be considerate and compatible with surrounding properties.

Other considerations that promote quality design include, but are not limited to, views, privacy, light and air, and scale. View corridors from streets and paths, special vantage points, and views from private properties will all be considered in the development review process.

B. OBJECTIVES, POLICIES AND PROGRAMS SUMMARY (pp. CD-10 - CD-20)

Many of the objectives listed in the Element are similar to the HDG and SOIS Guidelines. Policy CD-1.2 discusses new development being compatible with historic landmarks and the District. CD-3 stresses that new projects have minimal interference with primary views from structures on neighboring properties and public view corridors. CD-4 promotes maintaining the uniqueness of Sausalito's neighborhoods. Lastly, CD-4 .3 lists desirable qualities for each of the City's Sub-Areas. For the Southern Waterfront (Princess Street south to the City Limit), the Element promotes maintaining a primarily open, unobstructed visual character of the area.

C. HISTORIC ELEMENT ANALYSIS

After reviewing the *GP Preservation Element*, it is clear that the Waterstreet project does not align with the City's goals and policies for historic buildings and its Downtown Historic District. The project is not compatible with, nor integrated to, the Historic District. Its bulk and mass are too large for the neighborhood and it interferes with view corridors. It does not maintain the open quality recommended for this area and it will significantly impact light, shadows, and air for surrounding structures.

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