



November 14, 2024

Ms. Linda Fotsch
Willys LLC
611 Bridgeway
Sausalito, CA
94965

RE: APPLICATION: DR 2024-00014; 605-613 Bridgeway, APN: 065-132-16; CC Zoning District. Proposed application for a 50-unit (previously 47-unit) condominium development with five retail sites (four existing) and a public parking lot.

Dear Ms. Fotsch,

This letter is in response to the application listed above, and, determined to be complete under Government Code Section 65943 on October 17, 2024.

In compliance with Government Code Section 65589.5(j)(2), as required within thirty days of the date of the Notice of Complete Application, the purpose of this letter is to provide written documentation identifying provisions in the City's applicable plans, programs, policies, ordinances, standards, requirements, and other similar provisions of the City with which your application is inconsistent, not in compliance, or not in conformity, and an explanation of the reasons the proposed development is inconsistent, not in compliance, or not in conformity.

Inconsistencies with City Objective Standards

1. Proposed Density Exceeds Legally Allowed Density. Following a meeting with HCD regarding the City's interpretation of density allowed on the subject site under Government Code section 65589.5(d)(5)(A) prior to the completion of rezoning, the City learned and determined that its previous interpretation of the density permitted under that law in previous communications made on September 14, 2024, and April 11, 2024, were in error and inconsistent with statutory requirements. Until the City completes the program of rezoning and amendments to the Land Use Element as detailed in the adopted Housing Element, a density bonus cannot be added to the "density specified in the housing element" when a project seeks approval pursuant to the authority set forth in Government Code section 65589.5(d)(5)(A). In other words, only the Housing Element density of 49 units per acre can be applied to a qualifying project meeting the definition of a housing development project "for very low, low-, or moderate-income households" that is located on the site, but a density bonus cannot be applied on top of that density under Government Code section 65915(o)(6).

As stated in Section 65915(o)(6), "Maximum allowable residential density" or "base density" means "the greatest number of units allowed under the zoning ordinance, specific plan or land

use element of the General Plan...” Although the Housing Element has identified the site as an opportunity site, with planned future rezoning and land use element amendments to allow 49 units per acre, the housing element is not used to establish the base density. Instead, permitted base density under density bonus law is based on the highest density allowed under:

- a) The current CC and R-3 zoning regulations, which permit a maximum of 1 residential unit per 1,500 square feet of lot area (Sausalito Municipal Code (SMC) Sections 10.22.040 Table 10.22-2 and 10.24.050 Table 10.24-2), or 29 units per acre; or
- b) The current Land Use Element of the General Plan designates the site as Central Commercial which also permits a maximum of 29 units per acre (See Table 1-1).

Based on the lot area provided in the application materials, this results in a base density of 16 units, with additional density possible under density bonus law. Depending on the number and income level of the affordable units, a maximum of 32 units could be allowed under density bonus law, with greater densities possible if all of the units are affordable.

Alternatively, housing element Appendix D1, Inventory and Opportunity Sites, and Appendix E, Site 201, identify a maximum density of 49 units per acre. As explained above, no additional density may be allowed under density bonus law until the city completes its program of rezoning and amendments to the Land Use Element. This would permit 25 units on the site, without the need to apply for a density bonus.

To achieve a legally permitted density, the applicant must either:

Revise the project to comply with the permitted density as discussed above; or

Request an increase to the base density by amending the application to request the following:

- *A zoning amendment to increase the permitted density in the CC and R-3 zoning districts;*
- *An amendment to the General Plan Land Use Element to increase the permitted densities for the Central Commercial and High Density Residential land use designations for this site.*

2. Placement of Affordable Housing Units. Submitted plans identify 36 market rate and 14 affordable units. Of the 36 market rate units, 9 (25%) are identified as two-bedroom with square footage ranging from 924 to 1,375 sq. ft., 26 (72%) are three bedrooms, ranging from 1,274 to 2,673 sq. ft., and one is a four-bedroom unit with 2,750 sq. ft. All market rate units except three have views of the Bay, or over Princess Street to the north. All market rate units but one are provided with decks and only two units (5%) face the rear and lack views.

Of the 14 affordable units, 13 (93%) are identified as two-bedroom and only one as a three-bedroom unit. Of the 13 identified as having two bedrooms, 10 of these units (71%) range from 500 to less than 650 square feet, a size more typically associated with studios and one-bedroom units. The three remaining two-bedroom units range from 690-841 sq. ft. The one three-bedroom unit would be 955 sq. ft., a size similar to the smallest market rate two-bedroom units. Further, thirteen of the units are located at the rear of the structure, primarily on the second and third floor. Only one unit is on the side overlooking Princess Street. A single unit is located at the rear of the fourth floor and there are no affordable units on the fifth or sixth

residential floors. Excepting the one unit overlooking Princess Street, all units are depicted with one window facing the rear or southerly rear side, and only one unit (facing rear) is provided with a deck.

The affordable units are hundreds to thousands of square feet smaller than market rate units, and fewer bedrooms are proposed in these units than in the market rate units. Further, market rate units are provided with multiple windows and exterior decks that provide outdoor access and views. Therefore, unit sizes, bedroom mix, amenities and the placement are not equivalent to market rate units, which is contrary to SMC Section 10.40.130 Design and Quality as follows:

H. Design and Quality. The number of bedrooms of the affordable units shall be equivalent to the bedroom mix of the market rate units in the development. Affordable units shall be of equal design and quality as market rate units unless approved by the City.

In addition, the proposed layout violates Health & Safety Code Section 17929(a)(2), which provides that “A mixed-income multifamily structure shall not isolate the affordable housing units within that structure to a specific floor or an area on a specific floor.” The proposed project isolates the affordable units both to specific floors and to an area on a specific floor. Finally, by providing a much lower percentage of affordable units with three bedrooms or more, the project will have a disparate impact on families with children, in violation of California’s Fair Employment and Housing Act (Government Code Sections 12900 et seq.).

Please revise the plans to address the above issues.

3. R-3 Zoning Standards – Non-Permitted Uses. The subject site is designated as Central Commercial in the General Plan, but the zoning map splits the 22,936 sq. ft. site such that the easterly (10,000 sq. ft.) portion that fronts on Bridgeway is zoned CC (Central Commercial), and the westerly rear half behind the commercial buildings, where the site fronts on Princess Street (12,936 sq. ft), is zoned R-3 (Multi-Family Residential). The project is inconsistent with the following provisions of the applicable zoning district.
 - a) Retail Suite. The project includes construction of a new retail suite within a portion of the building subject to the R-3 Zoning District regulations. Retail commercial uses are not a permitted use in the R-3 (Multifamily Residential) Zoning District - See Table 10.22-1 (Land Uses Allowed in Residential Districts).
 - b) Commercial Parking lot. The applicant proposes to voluntarily demolish most of the existing historic buildings, remove all hardscaping, including the existing nonconforming commercial parking lot, excavate the site, and construct a new multi-story mixed use building. Proposed commercial uses include reinstating an expanded commercial parking lot on the ground floor of the proposed structure within the R-3 (Multi-Family) Residential Zoning District. Parking will be rented by the hour for visitors to the historic downtown shops and restaurants and will not be assigned to, or “coupled” with, proposed residential or commercial? units.

A commercial parking lot is not a listed permitted use under Table 10.22-1 (Land Uses Allowed in Residential Districts). In accordance with SMC Section 10.62.040 E, the nonconforming use of a structure or premises shall not be allowed if the nonconforming use has ceased for six months or more due to voluntary demolition of the structure or premises. If the existing commercial parking lot is not replaced and reused within six months after it is demolished, then the lot cannot be

reused as a commercial parking lot. The City will include conditions in any project approval providing that, if the lot is not replaced and reused within six months, the spaces will be assigned to on-site uses in compliance with the SMC 10.40.110 Parking Standards.

4. Floor Area Ratio (FAR). Proposed floor area exceeds that permitted. As calculated in compliance with SMC Section 10.40.040.B, proposed floor area and FAR total:

- Site FAR = **3.58** (82,364.73 sq. ft. proposed / 22,963 sq. ft. total lot area). Applying only the underlying General Plan floor area allowance, the proposed floor area exceeds the permitted 29,852 sq. ft. and 1.3 FAR (SMC 10.24.050 Site Development Standards – Commercial Zoning Districts Table 10.24-2).
- Building FAR within CC Zoning District = **3.4 FAR** (33,921.29 sq. ft. proposed/ 10,000 sq. ft. lot area within CC District). This exceeds the permitted floor area of 13,000 sq. ft. and 1.3 FAR (SMC 10.24.050 Site Development Standards – Commercial Zoning Districts Table 10.24-2).
- Building FAR within R-3 Zoning District = **3.74 FAR** (48,443.44 sq. ft. proposed/ 12,963 sq. ft. lot area within R-3 District). This exceeds the permitted 10,370 sq. ft. and .8 FAR. (SMC 10.24.040 Site Development Standards – Residential Zoning Districts Table 10.22-2)

5. Setbacks. Side yard and rear setbacks do not meet the required setbacks of either the R-3 or CC zoning districts as follows:

- i. Proposed building would have a zero setback from side lot lines, where SMC 10.22.040 Site Development Standards Residential Zoning Districts (Table 10.22-2) requires a minimum side yard setback of 5 feet for that portion of the building located within the R-3 Zoning District.
- ii. Required Increase of Setbacks. Section 10.40.070 D. 1. requires an increase in the side yard setback in any zoning district when the length of building wall exceeds 40 feet. Based on the application of this provision, side setbacks are increased as follows:
 - Southerly side setback. Building wall measures 173.33 feet which requires a total increased setback to 31 feet 7 inches for that portion of the property within the R-3 Zoning District, and 26 feet 7 inches for that portion located within the CC Zoning District.
 - Northerly Side Setback. Building wall measures 117 feet which requires an increase to a total of 19 feet 4 inches for that portion of the property within the R-3 Zoning District, and to a total of 15 feet 4 inches for that portion located within the CC Zoning District.

The project proposed no side setbacks.

- iii. Rear Setback. As designed, the proposed building would have a zero setback from the rear lot line where SMC 10.22.040 Table 10.22-2 (Site Development Standards – Residential Zoning Districts) requires a minimum setback of 15 feet.

6. Height Limits – CC and R-3 Zoning Regulations. The proposed building is inconsistent with the applicable height limits as follows:
 - i. R-3 (Multi-Family Residential) Zoning District – Proposed building height is listed at 86 feet overall and an average height above grade on the North Elevation of 67 ft. 5 in. (not including rooftop equipment) and 67 ft. 8 in. on the South Elevation. The R-3 standards provided under SMC 10.22.040 Table 10.22-2 limit average height of entire building to 32 feet (measured in compliance with Section 10.40.060 B.1.)
 - ii. CC (Central Commercial) Zoning District – Proposed building height reaches 86 ft. above the street elevation and an average height above grade on the North Elevation of 67 ft. 5 in. and 67 ft. 8 in. on the South Elevation. CC Zoning District standards SMC 10.24.050 Table 10.24-2 limit height to 32 feet, measured in compliance with Section 10.40.060 B. 1.
7. Section 10.40.060 Height Requirements. Provides additional height limitations for buildings in any zoning district. The proposed structure is inconsistent with the following provisions of this section as follows:
 - i. Subsection 10.40.060.B. Proposed building height within the R-3 Zoning District and abutting the Princess Street frontage is approximately 70 feet, which would exceed the maximum permitted height of 32 feet within the first 15 feet from the property line, measured from the centerline of the paved portion of the road opposite the midpoint of the front parcel line.
 - ii. Subsection 10.40.060.C.2. – For that portion of the building to be constructed on the graded and level portion of the parcel, within the CC Central Commercial Zoning District, proposed building height will measure 86 feet, which would exceed the maximum permitted height of 32 feet, measured from the centerline of the paved portion of the road opposite the midpoint of the front parcel line abutting Bridgeway.
 - iii. Subsection 10.40.060.C.3.a. The portion of the building located on the downhill slope from the Princess Street roadway and within the R-3 Zoning District would be approximately 70 feet in height, which will exceed permitted maximum height of 24 feet, measured from the centerline of the paved portion of the road opposite the midpoint of the front lot line.
8. Building Coverage and Impervious Surface Limits. R-3 Zoning Regulations. The proposed building is inconsistent with the following standards:
 - i. R-3 (Multi-Family Residential) Zoning District – Proposed building coverage within the R-3 Zoning district is 92% of the parcel area, where SMC 10.22.040 Table 10.22-2 limits building coverage to 50% of the parcel area.
 - ii. R-3 (Multi-Family Residential) Zoning District – Proposed impervious surfaces within the R-3 Zoning District total 95% of the parcel area, where SMC 10.22.040 Table 10.22-2 limits building coverage to 75% of the parcel area.
9. Parking. As proposed in the project plans, this application proposes a mixed-use building containing 50 residential units with 2-5 bedrooms per unit, 4,952 sq. ft. of retail (existing and proposed), and one office for the continued operation of a commercial parking business. All

uses would be supported by 48 on-site parking spaces (parking count based on striped parking spaces depicted on the ground and first floor levels). Based on the provisions of Section 10.40.110 Parking Standards, this proposal requires the following on-site parking:

Residential - 2 spaces per unit (SMC 10.40.110.B. Table 10.40-1)	100 parking spaces
Parking Lot Office (SMC 10.40.110.B)	1 parking space
Retail (Existing and Proposed - SMC 10.40.110.D.4)	20 parking spaces
Deduction per 10.40.110.D.5.	-1 parking space
Total:	120 parking spaces

The project materials indicated that a parking reduction would be requested under density bonus law. Please indicate the specific reduction being requested and the provision of density bonus law justifying the reduction.

10. Ordinance 1022 – Development Standards of the Fair Traffic Limits Initiative.

Certain standards were adopted by a majority vote of the electorate of the City of Sausalito on June 4, 1985, a copy of the ordinance is enclosed. The standards are shown below.

Table No. 2

BASIC AREA, OPEN SPACE AND BULK REGULATIONS COMMERCIAL AND INDUSTRIAL DISTRICTS

DISTRICT	(Sec. 10.201)	(Sec. 10.202)		(Sec. 10.202)	(Sec. 10.203)	(Sec. 10.203)
	REQUIRED PARCEL AREA PER DWELLING UNIT - SQ. FT.	REQUIRED YARDS WHEN ADJACENT TO ANY "R" OR "H" DISTRICT**		HEIGHT LIMIT	BUILDING COVERAGE LIMIT %	MAXIMUM FLOOR AREA RATIO
		Rear, Least Depth	Side, Least Width			
CC	1,500	15'	10'	32 ft.	100	1.30
CN	1,500	15'	10'	32 ft.	70	.50
CR	1,500	15'	10'	32 ft.	70	1.00
CM	NA	20'	*	32 ft.	50	.35
CS	NA	20'	*	32 ft.	50	.20
I	NA	30'	*	32 ft.	50	.40 ***
CW	NA	20'	*	32 ft.	30	.30 ***
W	NA	15'	*	32 ft.	30	.30 ***

NA - Not Applicable

* 1/2 height of building but not less than 5'.

** Required only along parcel lines abutting on such districts.

*** The maximum number of berths for Boat Harbors in the W and CW Zoning Districts is 20 BERTHS/ACRE

**** Commercial use limited to .15 maximum floor area ratio in I Zoning District

The proposed project does not comply with the floor area ratio limitations or the side and rear setback requirements of the CC zoning district as required under Ordinance 1022 and provided in the table above.

SMC 10.40.020 Development standards of the fair traffic limits initiative.

B. Application of Standards. It is the intention of the people of Sausalito that the following policies govern the implementation of density standards and maximum floor area ratios:

3. The zoning map of Sausalito effective as amended July 15, 1980, shall govern the affected zoning categories. No site may be redesignated to any other zoning classification that would allow greater density or floor area ratio. The term "categories" may be used interchangeably with the term "classifications." The term "density" shall refer to the amount of floor area ratio as determined by the maximum floor area ratio column shown on the development standards table for each applicable commercial district. This section prohibits the redesignation of any site within the affected zoning districts to any other zoning classification from the list of classifications on the zoning map or any other zoning classification later invented, that would result in greater floor area ratio than presently attached to the site. No parcel reverts to the zoning classification that it bore on July 15, 1980.

The proposed project does not comply with the density and floor area ratio limitations of the CC zoning district as required under 10.40.020 B.3 above.

11. Inclusionary Housing and Affordability Requirements. The proposed project is inconsistent with the following:

SMC 10.40.140 Inclusionary Housing:

D. Projects Subject to Providing Affordable Housing Units. The primary intent of the inclusionary requirement is to achieve the construction of new affordable units, as outlined in this section and as consistent with State and Federal law.

1. Multifamily and Mixed-Use Rental and Ownership Units (Four or More New Units). Multifamily and mixed-use rental and ownership projects of four or more new units shall construct affordable housing unit(s) as follows:

a. Affordable Housing Units. At least 15 percent of the total number of dwelling units within a project that creates four or more new units shall be made available to moderate income households.

SMC 10.40.140 Section E.5:

b. Affordable rental units and affordable ownership units shall remain affordable in perpetuity or based on the maximum allowable time frames established by law at the time of project approval.

See Comment No. 12 for Required Corrections of inconsistencies.

12. Residential Uses in Commercial Districts. The proposed project is inconsistent with the following:

10.44.190.C.2. Requirements. Each of the following requirements shall be met as a part of any residential project, including new construction and/or conversion of existing building space:

- a. Developments of one to five units must provide a minimum of one affordable unit. Developments with six or more units shall require at least 20 percent of the units as affordable. When the number of affordable units is calculated to a fractional number, any fraction of less than one-half shall be rounded down to the next whole number; any fraction of one-half or greater shall be rounded up to the next whole number.

- b. Affordable units made available as ownership units shall be sold to moderate income (120 percent AMI) households at an affordable ownership housing cost... Affordable units shall be constructed to include a minimum of two bedrooms in order to accommodate families.

- d. Affordable units must be deed-restricted for a period of not less than 40 years.

Required corrections to comply with Comments 11 and 12:

- *Affordability Requirement. To comply with the above affordability provisions identified under Comments 11 and 12 (SMC 10.40.140 and 10.44.190), a minimum of 20% moderate income housing units must be included in the project. All proposed affordable units are lower income units, without moderate income units proposed.*

- *Minimum Two-Bedroom Required SMC 10.44.190 C.2.c. As noted under Comment No. 2 of this letter, notations on the proposed floor plans indicate that ten of the proposed affordable units would be two-bedroom, however, most of these units are only provided one egress window and there are no details demonstrating how two bedrooms can be accommodated. Further, the square footages of the ten units are consistent in size with studio and one-bedroom units and are likely insufficient in size to provide the minimum required two-bedrooms. Submit detailed floor plans that demonstrate how the proposed number of bedrooms will be accommodated within each proposed unit and in compliance with applicable egress requirements.*

- *Deed Restriction for Affordable Units (SMC 10.40.140 E.5.b. and 10.44.190 C.2.d) To comply with both requirements of the SMC, a minimum of 15% of the affordable units must be deed restricted to remain in affordable in perpetuity and 5% must be deed restricted for a minimum of 40 years.*

Building Official Comments

The project plans have not been submitted for a building permit review and have not been provided in sufficient detail for issuance of a building permit. Noted inconsistencies with adopted Building Code standards are listed below as a courtesy to the applicant, as some of the comments may affect the current building design. When plans are submitted for issuance of a building permit, a complete review of Building Code compliance will be completed, and a complete list of inconsistencies will be provided to the applicant.

1. Fire wall separations are required between occupancies and need to have a horizontal rated fire protection extending 4 feet beyond the outside firewall separation between the different occupancy/occupant per the Building and Fire codes. 2022 CBC 706.5.2. This detail or specification was not provided on the floor plans or the building elevations.
2. A fire rated roof parapet wall will be required on the building due to the required construction rating and current distance to the property lines. CBC 705.11. This information and construction details are not included in the plan set.
3. The project description indicates wood frame construction above the podium level. Due to the number of stories of the building and the square footage, wood framed construction is not allowed. CBC 504.3.
4. Provide information on room identification and uses. The floor plans do not identify the different rooms or their intended uses. All bedrooms and rooms designed for sleeping are required to meet the emergency egress requirements, with access provided directly to the outside of the building for emergency rescue. CBC 1031. This information was not provided.
5. The building is required to have roof access stairs on buildings over 4 stories in height per CBC 1011.12, and 1011.13. The plans do not show a staircase providing access to the roof or how this requirement is being met. Provide information and details on how this requirement is going to be met.
6. Solar panels and all equipment on roof are required to be installed 6 feet away from edge of the roof or a protective guard must be installed. CMC 303.8.4. Fall protection information or details are not clearly identified on the plans. Access to the roof for maintenance is required and is not clearly identified on the plans.
7. Information on building staircase exiting width needs to be calculated with occupant loads and be sized for emergency response gurney requirements. CBC 1005. This information was not provided. An exiting analysis calculation for the required exiting width including all exiting components needs to be provided and it is unclear how this to being met. CBC 1017.
8. Provide elevator car width and depth information needed to meet emergency response gurney requirements for the Building and Fire codes. CBC 3002.4. This information or dimensions for the elevator car are not provided on the plans to show how this requirement is going to be met.

Department of Public Works Comments

The Department of Public Works has reviewed:

1. Plans by BKF Engineers (submitted on: 7/1/2024)
2. Project Narrative Submitted 5/17/24
3. Francis Gough 2401231 Waterstreet Planning Submittal Plans.pdf, dated 1-31-2024
4. Preliminary Geotechnical Feasibility Summary, by Murray Engineers, dated 12-21-2023
5. Title Report Order Number 2103-7079908

Noted inconsistencies with adopted Public Works standards are listed below. When plans are submitted for issuance of a building permit or final map approval and plans are submitted at a level of detail suitable for post-entitlement review, additional inconsistencies may be identified.

Tentative Map – Sausalito Municipal Code 9.30:

Public Works staff reviewed plan sheet TM1, TM2, TM3 from Reference 1 noted above in compliance with Sausalito Municipal code Section 9.30. All three of the maps supplied with reference 1 are dated 1-30-2024.

Below are identified inconsistencies with the City's tentative map requirements.

1. SMC 9.30.010 Form of Tentative Map and Accompanying Data.

Every tentative map of a subdivision filed with the Planning Commission shall be clearly and legibly drawn on tracing cloth or tracing paper of good quality. The size of the sheet shall be 18 by 26 inches. The scale of the map shall be not less than one inch equals 100 feet. The map shall contain the following data:

- *Not Addressed in Current Application. A copy of the proposed tentative map, drawn on tracing cloth or tracing paper of good quality, 18 by 26 inches with a scale of 1 inch = 100 feet was not submitted. The application received does not comply with the above noted section because only a digital copy was provided. Submit an application that complies with the above stated paragraph:*
- A. The tract name, or other designation, date, north point, scale and legal description to define the location and boundaries of the proposed tract.
 - *Not Addressed in Current Application. North arrows are shown, date of the map production is shown, scale is shown. There is no legal description as defined by metes and bounds, therefore this condition was not addressed in the current submittal.*
 - B. Names and addresses of record owner and subdivider; name, address and registration or license number of engineer or surveyor.
 - *Not Addressed in Current Application. Sheet TM1 shows the owner as Willy's LLC which complies with Marin Map Records. Marin map shows the property address as 611 Bridgeway while Sheet TM1 shows the address as 619 Bridgeway. The address of the property on TM1 shall be corrected to stipulate the address noted on all sheets (605-613 Bridgeway)*
 - C. Location, name and present width of adjacent roads, streets, highways or ways.

- *Not Addressed in Current Application. Location of Bridgeway is shown, Name of Bridgeway is shown on sheet TM2. Sheet TM2 shows a width of 42 ft. Section A and Section B shows approximate widths. Princess Street is also an adjacent roadway. The submitted map material does not show the width of Princess Street such that this condition has not been addressed.*
- D. The location of existing and proposed sanitary sewers, including side sewers, storm sewers, gas, water, power and telephone lines and other public utilities and the approximate width and location of all easements required for same.
- *Not Addressed in Current Application. TM2 shows existing utilities both on the property as well as on Bridgeway but does not show proposed utilities and the approximate width and location of any required easements. In addition, the map notes that the applicant shall be vacating an existing utility easement. The existing and proposed easement shall be shown on the plan. Reference 5 denotes an easement on the property which shall be shown on the tentative map. In addition, reference 5 notes several reference documents 91-060641, 91-060642 which shall be provided to the city for review.*
- E. Public area proposed.
- *Not Addressed in Current Application. There is no statement on the map indicating whether a dedication to the public is proposed. It does not appear that any public areas are proposed with this project.*
- F. A blank space eight and one-half inches by 11 inches in size, for certificates, conditions and approvals, etc.
- TM1 appears to have sufficient room for the appropriate signature blocks; however, as more details are added to the proposed tentative map additional space may be needed.*
- G. Profiles drawn to scale so as to show clearly all details thereof shall accompany the tentative map and shall show center lines, ground and grade elevations of all streets, highways, ways, alleys, sanitary and storm sewers, gas and water lines, and other improvements in the subdivision. Profiles other than center line shall be shown if requested by the Planning Commission. All elevations shall be referred to mean sea level datum, as established by the United States Coast and Geodetic Survey, or to elevations or bench marks as established by the City Engineer.
- *Not Addressed in Current Application. Sections of Bridgeway are shown on TM2 and TM3; however, no sections are provided for Princess Street. No profiles have been provided for sanitary sewers, gas and water lines or other improvements such as common access driveways to the facility. It is acceptable to utilize NAVD88 as a datum.*
- H. Typical cross sections of all streets, highways, ways and alleys and details of curbs, gutters, sidewalks and other improvements shall accompany the tentative map and shall be of such scale as to show clearly all details thereof.
- *Not Addressed in Current Application. Typical cross sections of Bridgeway are shown on TM2 and TM3. No cross sections of Princess are provided. No other improvements such*

as common driveway or easements or utility cross sections are shown on the map.

2. SMC 9.30.020 Statement to Accompany Tentative Map.

- A. Existing use or uses of property, including the location of all existing structures to remain on the property.
- *Not Addressed in Current Application. Within the Project Narrative filed by applicant, DPW could not identify a description of the existing use of the property other than a statement that an existing parking lot is present on the site.*
- B. Proposed uses of the property, with a statement of the representative portions of the total area of the subdivision represented by each, and an outline of proposed deed restrictions.
- *Not Addressed in Current Application. Project materials notes that the property is 23,056 SF and the new development is 121,752 SF; however there is no statement of the representative portions of the total area of the subdivision represented by each and an outline of the proposed deed restrictions.*
- C. Source, quality and approximate quantity of water supply, and general outline of proposed system.
- *Not Addressed in Current Application. No letter from the water utilities was provided to indicate whether they can and will serve this subdivision.*
- D. Provisions for sewage disposal, drainage, and flood control which are proposed.
- *Not Addressed in Current Application. No letter from the Sausalito Marin City Sanitary District or Public Works was provided regarding whether this facility may be served by these utilities. The applicant shall be aware that their proposed development is within a Zone X special flood hazard area and as such all improvement shall be in compliance with the requirements for building within a flood zone.*
- E. A statement from the City Health Officer as to whether in his opinion the proposed sewage disposal system or method is adequate and will operate without creating a public or private nuisance.
- *Not Addressed in Current Application Letter from the City Health Officer was not provided with the application.*
- F. Statement as to tree planting plan.
- *Not Addressed in Current Application. Project Materials do not detail a tree planting plan or reference the plan set.*
- G. Statement of the improvements proposed to be made or installed and of the time at which such improvements are proposed to be made or completed. Preliminary plans and specifications showing in general the foregoing proposed improvements.
- *Not Addressed in Current Application. Project plan and materials do not detail*

improvements such as sidewalks, driveway or other improvements that are public improvements.

H. Statement as to whether the subdivider intends to file a final map of the subdivision or a parcel map thereof.

- *Not Addressed in Current Application. No statement was provided indicating whether the subdivider intends to file a final map or parcel map for this development.*

3. SMC 10.40.110 Removal of On-Street Parking.

SMC 10.40.110(B)(4) states in part: *...the loss of on-street parking may be offset by frontage reconfiguration or improvements to maintain the existing amount of on-street parking.*

Not Addressed in Current Application. The project removes two public parking spaces on Princess Street. The applicant shall demonstrate in the plan how two replacement public parking spaces will be provided as part of this project.

4. SMC 10.40.120 Design and Improvement (on-site parking).

The following SMC sections are applicable to the design of this project:

1. Parking Space Size. Parking spaces shall be a minimum of nine feet by 19 feet.
2. Parking Lot Design. The design and layout of parking lots shall conform to the following standards.
 - a. Circulation Aisle Width. The minimum aisle width for access to parking spaces or between parking rows shall be as specified in Diagram 10.40-9 and shall be based on the angle and direction of parking spaces.
 - b. Disabled Spaces and Ramps. Parking spaces and access for disabled persons shall be provided pursuant to Title 24 of the California Code of Regulations. Location, design and amount of spaces shall be consistent with Title 24 requirements.
 - h. Surface and Slope. Off-street parking areas shall be paved or otherwise surfaced and maintained to avoid scattering of gravel, rocks, dust, mud or other debris. Off-street parking areas shall also be graded and drained to dispose of all surface water. In no case shall such drainage be allowed across sidewalks. The maximum slope of parking areas shall be five percent.
 - k. Ingress/Egress. All parking spaces (including garage spaces) required for any land use other than a single-family or two-family dwelling shall be designed and located to allow vehicles to both exit and enter the site in a forward direction to and from a public or private road.
 - l. Driveway Design. Driveways serving required parking shall be subject to review and approval by the City Engineer to assure negotiable break-over angle, turning radius, and slope.

- *Not Addressed in the Current Application. The current parking lot designs are inconsistent with the referenced standards. To comply applicant must:*
 - a. *Provide dimensions and details to demonstrate parking spaces, angles and isle widths are in compliance with 10.40.120 3. A. Diagram 10.40-9.*
 - b. *Provide a plan showing the turning movements which clearly show that these vehicles can enter and exit these stalls in two movements.*
 - c. *It appears that some of the stalls do not meet current size standards. Modify the plan to show parking stalls that meet current standards.*
 - d. *Show accessibility pathways on the plan. Include widths and slopes that meet current accessibility standards. Depending upon the complexity of the details submitted the city may choose to secure the services of an accessibility specialist to review the material submitted in compliance with current code requirements. The applicant will be responsible for submitting a deposit to the city to secure this third-party consultant.*
 - e. *Show the grades of the parking garage areas including the entrances, on the plan.*

Additional advisory comments from Public Works are attached.

Inconsistencies with Subjective Standards

General Plan Policies and Objectives

General Plan Land Use Designation. The project is also inconsistent with the “general plan land use designation” for the site, which is “Central Commercial.” (See General Plan, Figure 1-1.) The General Plan describes Central Commercial as follows:

Located along Bridgeway and a small portion of Princess Street. This designation describes the intense retail shopping area serving residents and visitors. First-floor uses should be retail commercial with general office and residential uses on the upper floors of buildings in this area. The vast majority of the parcels in this area are located within the city’s Historical District and all development must respect its historic character (General Plan, p. LU-4, (italics and underline added)).

- *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.*
- *Sub-Area C. Downtown: Maintain and enhance the pedestrian oriented streetscape, promote design compatibility with historical structures, and recognize the needs of retailers in making design decisions.*
- *Policy CD-4.3 Sub-Area Qualities. Maintain the uniqueness of community sub-areas and assure that sub-area attributes are protected and enhanced.*

- *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.*

As shown in the City commissioned March 14, 2024, Historic Design Analysis report prepared by Holan and Associates, and the amended March 14, 2024 Historic Design Analysis prepared by Connor Turnbull and filed with the City by an interested third party, the proposed seven-story project will visually overwhelm and undermine the integrity and character of the existing historic resources on the site as well as the Downtown Historical District. Both consultants evaluated the project for conformance with the Secretary of the Interior's Standards, the City's General Plan policies of the Land Use and Historic Preservation Element, and the City's Historic Design Guidelines, and determined the proposed project did not comply with the identified standards, policies and guidelines (these reports were previously provided to you via email and posted in the City's Trakit application record). Therefore, the project is inconsistent with the above listed Policies and Objectives provided in the Land Use Element (Chapter 2) and Community Design and Cultural Preservation Element (Chapter 4) of the Sausalito General Plan:

- *Policy CD-3.1 Private Views. Locate and design new and significantly remodeled structures and landscape improvements to minimize the interference with primary views from structures on neighboring properties*

The subject site, surrounding historic and residential districts are developed with buildings that are typically 2-3 stories. The proposed structure would be seven stories and 85 feet tall above grade and will tower above the surrounding buildings. The proposed density, massing and height will impact numerous surrounding properties along Princess Street and Bulkley Avenue due to loss of views and primary views as defined under SMC 10.88.040 Therefore, the project is inconsistent with the above listed Policy provided in the Community Design and Cultural Preservation Element (Chapter 4) of the Sausalito General Plan:

To resolve the inconsistencies with the Sausalito General Plan, the project should be modified to protect the existing historic resources located on site, and to reflect the height, design, and historic character of the historic downtown district.

Historic Preservation.

The proposed project is not in compliance with Chapter 10.46 Historic Preservation. The subject site is located within the Downtown Historic Overlay Zoning District and is developed with two historic structures (addresses 605-607 and 611-113 Bridgeway) which contribute to the downtown historic district. Both the downtown historic district and the existing buildings on this site are listed on the California Register of Historic Places.

As such, per SMC Sections 10.46.020 and 10.46.060 B, the proposed project has been evaluated by the City's consulting historic architect for compliance with the provisions of Chapter 10.46.060 F. 1, the Secretary of the Interior's Standards & Guidelines for the Rehabilitation of Historic Buildings (the Standards), General Plan Policies of the Land Use and Historic Preservation Element, and the City's Historic Design Guidelines. This report has concluded that the proposed project would have a substantial adverse impact on the historic resources and a substantial adverse impact on the downtown historic district, and does not comply with the Standards, General Plan policies, or historic design guidelines. This initial report and its findings have been

corroborated by a historic report prepared by Connor Turnbull and filed with the City by an interested third party.

Based on this, the City has also determined the proposed project does not meet the required findings under Section 10.46.060 F. The findings required by Section 10.46.060 F are as follows:

Required Findings. A certificate of appropriateness, in the form of a resolution, shall be issued only if the findings below can be made. If the findings below cannot be made, a resolution shall be issued stating the findings of fact and reasons relied upon to reach the decision. The required findings for issuance of a certificate of appropriateness are as follows:

1. The Secretary of the Interior's Standards for the Treatment of Historic Properties and any applicable State or local ordinances and adopted guidelines or other policies have been used to review and consider the proposed work.

The Secretary's standards were used to review the proposed project, and the City's historic report concluded that the project as designed did not comply with those standards.

2. Additional Findings for Local Historic Register Properties.

a. The proposed work shall preserve, enhance or restore, and shall not damage or destroy, the exterior architectural features of the structure and, where specified in the designating ordinance, its major interior architectural features; and

b. The proposed work shall not adversely affect the special character and/or special historic, architectural or aesthetic interest or value of the structure and its site, as viewed both in themselves and in their setting, nor of the historic overlay district, if located within one.

The City's historic report and the corroborating third-party report have concluded that the proposed project will adversely affect the character and historic value of the site.

3. Additional Findings for Properties in Historic Overlay Districts.

a. Any new construction, addition or exterior change shall be compatible with the character of the historic overlay district as described in the designating ordinance;

b. Exterior change shall preserve, enhance or restore, and shall not damage or destroy, the exterior architectural features of the subject property which are compatible with the character of the historic overlay district; and

c. For any exterior change where the subject property is not already compatible with the character of the historic overlay district, reasonable efforts shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility.

The City's historic report and corroborating third party report have concluded that the new construction is not compatible with the existing character of the building and the character of the historic overlay district.

The determination that the buildings are listed on the California Register of Historic Places was

corroborated by; 1) discussions with State Historian, William Burg, California Office of Historic Preservation (SHPO); 2), SHPO's information sheet on historic codes; 3) the City commissioned March 14, 2024, Historic Design Analysis report prepared by Holan and Associates; and 4) the amended March 14, 2024 Historic Design Analysis prepared by Connor Turnbull and filed with the City by an interested third party on behalf of the City. The City also reviewed the historic analysis provided by your consultant, Preservation Architecture. However, the Preservation Architecture analysis states that neither existing building is listed on the California Register, which is contrary to the information provided by SHPO, and so does not correctly analyze the significance of the buildings.

The application materials and Certificate of Appropriateness application all incorrectly state that there are no historic structures located on the property. This is inconsistent with evidence in the record and the known historic designation of the structures. Therefore, to resolve the inconsistency, amend the application materials and forms, including the Certificate of Appropriateness Application, to correctly identify the historic resources that would be modified by the project.

Request for Supplemental Information and Correction of Application Material

1. Environmental Review Required.

As previously advised in the four prior Notices of Incomplete and the Notice of Complete Application, to continue to process your application, an Initial Study will be required. As discussed in the September 17, 2024, response to your August 30, 2024, email, this decision is based on substantial evidence, available in the record and known to both the applicant and the City, that the proposed project has the potential to have significant impacts on cultural, historical, and biological resources located on site. Furthermore, this site is located in the downtown historic district which is listed on the California Register and contains two historic structures listed on the California Register that have the potential to be adversely impacted by the proposed development. Public Resources Code section 21084.1 provides that “[a] project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” California Environmental Quality Act (CEQA) Guidelines section 15300.2 further provides that a categorical exemption cannot be used “for a project which may cause a substantial adverse change in the significance of a historical resource.” Accordingly, reliance on a CEQA exemption at this point does not appear to be appropriate, requiring the preparation of an Initial Study. The City needs to comply with all applicable requirements under CEQA as part of processing the application.

The City as the lead agency will contract with an outside consultant to complete the Initial Study and conclusively determine the appropriate level of environmental review required for this project. To begin this process, an initial fee of \$3,495 is required to cover administrative costs associated with managing this process. Staff will proceed with the selection of an outside environmental consultant after receiving the required fee. Once the selection process for an outside consultant is complete, the applicant will be required to enter into a reimbursement agreement and submit a deposit equal to the cost estimate for completion of the Initial Study. In the event that an environmental impact report is needed for the project, the City will require the applicant to execute an additional reimbursement agreement for all environmental work. Because there is substantial evidence that the project may have a significant impact on a historic resource, the City would also be willing to proceed with the preparation of an Environmental Impact Report rather than a separate Initial Study.

2. Waivers and Concessions.

Staff has reviewed the May 2024, request for waivers and concessions to allow the project to vary from multiple standards of the SMC. However, it is noted that this request does not specify how much of a deviation is requested, or whether under each request you are proposing it be either a waiver or concession. Government Code Section 65944(a) allows the City to request that the applicant provide supplemental information to previously required documents. Therefore, to evaluate the proposed concessions and waivers, it is necessary to provide supplemental information which will:

- a) Specify exactly what standard you are requesting to be waived, how much of a deviation is proposed, and what standard is being proposed in its place.
- b) Specify how many concessions are requested under the statute and what concessions are being requested.

As described above, the City has received substantial evidence that the project will have an adverse impact on property listed in the California Register (see discussion above). The impacts of each waiver and concession requested will be reviewed in the Initial Study and if applicable, the EIR prepared for the project. In accordance with Government Code Section 65915(e)(1), waivers may be denied if they would have an adverse impact on any real property that is listed in the California Register of Historic Resources. Additionally, per Section 65915(d)(1)(B) concessions may be rejected if they would have a specific, adverse impact on any real property that is listed in the California Register of Historical Resources and there is no feasible method to avoid the specific, adverse impact.

Fire District Comments

Please note that the Southern Marin Fire District is an outside agency independent of the City. As a courtesy, the City is providing you with review comments submitted to the City on behalf of this agency (See Attachment No. 1). Any questions should be directed to the Southern Marin Fire District.

Conclusion

If you have any questions, please feel free to contact me by email at kteiche@sausalito.gov or by phone at (415) 289-4134.

I look forward to receiving corrected plans and completing the processing of your application.
Sincerely,



Kristin Teiche, Principal Planner

Attachments:

1. Ordinance No. 1022
2. SMFD_11_14_2024_Review Letter – 605 Bridgeway 2024-00014
3. Additional Applicable Provisions