



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

BY E-MAIL AND US MAIL

February 19, 2025

Planning Commission
City of Sausalito
420 Litho Street
Sausalito, CA 94965
CDD@sausalito.gov

Director Brandon Phipps
Community and Economic Development Director and Zoning Administrator
City of Sausalito
420 Litho Street
Sausalito, CA 94965
bhipps@sausalito.gov

Mayor Joan Cox
Vice Mayor Steven Woodside
Councilmembers Ian Patrick Sobieski, Ph.D, Melissa Blaustein, Jill James Hoffman,
City of Sausalito
420 Litho Street
Sausalito, CA 94965
cityclerk@sausalito.gov
jcox@sausalito.gov, isobieski@sausalito.gov; mblaustein@sausalito.gov;
jhoffman@sausalito.gov

**RE: Comments on the February 19, 2025, Meeting Agenda Items 4.A, 4.B,
and 4.C relating to the City of Sausalito's proposed 6th Cycle
Amended Housing Element**

Dear Members of the Planning Commission, Mayor Cox and Members of the City Council
and Director Phipps:

I write on behalf of Save Our Sausalito ("SOS"), an organization comprised of
numerous active residents of the City of Sausalito. SOS submits these comments on
Agenda Items 4.A, 4.B, and 4.C, relating to the City of Sausalito's proposed 6th Cycle
Amended Housing Element, to be heard at the Planning Commission's February 19,
2025, meeting.

1. SOS objects to the City's adoption of the proposed Amended Housing Element.

SOS objects to the City's adoption of the proposed Amended Housing Element to the extent that it (1) includes so-called Housing Opportunity Sites, especially Site 201, located in the Downtown Historic District, (2) would exempt any such parcels from the zoning limits set forth in Ordinance 1022 and current SMC Chapters 10.22, 10.24 and 10.40, or (3) would increase the maximum development density allowed on any such parcels above the maximum allowed under the current General Plan and Zoning Code.

The grounds for this objection are explained in detail in my letters dated October 21, 2024, and January 27, 2025 regarding the Environmental Impact Report for the Amended Housing Element.

2. The Planning Department's draft response to concerns raised by the California Department of Housing and Community Development appears to misstate the nature of HCD's concern.

Attachment 8 to the Agenda Item 4.A is the Planning Department's draft response to concerns raised by the California Department of Housing and Community Development (HCD) in its letter dated November 4, 2024.

The HCD letter states;

Site 201 (Bridgeway Boulevard): HCD has received public comments regarding the reduction in capacity for Site 201 and concerns with potential downzoning from the existing housing element. It is also HCD's understanding that there are active project proposals in review for this site. The City should consider and discuss how these actions are consistent with efforts to facilitate the development of a variety of housing types in the City including the provision of housing affordable to low- and moderate-income households as these changes may render the proposed project infeasible.

The city's draft response to HCD's concern regarding an alleged "downzoning" of Site 201 assumes that the public comment raising this concern is based on "the Housing Crisis Act of 2019 (Government Code section 66330) which prohibits affected cities from adopting standards that would impose a less intensive use or reducing the intensity of land use from that which was in effect on January 1, 2018." (See Attachment 8 to the Agenda Item 4.A, pp. 1-2.)

The only public comment that we have found that raises a concern about an alleged "downzoning" of Site 201 is an October 22, 2024, letter from Brian O'Neill,

Attorney for Willy's LLC. (This letter is attached hereto as Exhibit 1.) The premise of Mr. O'Neill's concern, however, is not Government Code section 66330. Instead, the premise of Mr. O'Neill's concern is his mistaken assertion that the Housing Element adopted by the city in January of 2023 allows a maximum development density of 49 units on Site 201.

In the context of the Site 201 development project application, both I and the Planning Department have explained why this assertion is incorrect. My October 24, 2024, and February 6, 2025, letters to the city regarding the project's inconsistency with applicable zoning and General Plan standards and the city's November 14, 2024, letter to the applicant, explain why the Site 201 applicant's proposal to build 49 units vastly exceeds the maximum density allowed by the city's zoning and General Plan standards in effect when the application was submitted. These letters also explain that the project cannot obtain any density bonus benefits under the Density Bonus Law (DBL) because the project would have a significant adverse impact on listed historic resources. (These letters are attached hereto and Exhibits 2, 3 and 4, respectively)

Therefore, SOS requests that the city include this explanation in its response to HCD.

3. The standards set forth in the proposed Objective Design and Development Standards (ODDS) are "objective" and "knowable in advance."

At the Planning Commission study session on January 15, 2025, Commissioner Andrew Junius indicated that any ODDS to protect views must meet at least two criteria, i.e., be "objective" and be "knowable in advance." Commissioner Junius implied that these two criteria are separate and additional to each other. I write now to explain that, in fact, they are identical.

SOS agrees that the ODDS must be "objective" because their purpose is to provide a by-right, ministerial approval pathway for projects that comply with the ODDS. (See proposed title 10A, sections 10A.01.010, 10A.01.020.)

In recent laws designed to facilitate the approval of housing projects, the Legislature has defined the terms "objective zoning standards," "objective subdivision standards," and "objective design review standards." For example, in SB 35, these terms "mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal." (Gov. Code § 65913.5(a)(5). As this definition makes clear, for a standard to be objective, it must be "knowable before submittal."

Save Our Sausalito

Comments on the February 19, 2025, Meeting Agenda Items 4.A, 4.B, and 4.C relating to the City of Sausalito's proposed 6th Cycle Amended Housing Element

February 19, 2025

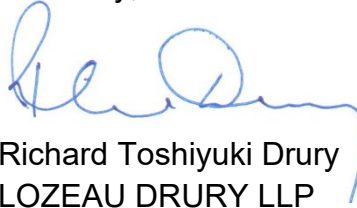
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The proposed Title 10A view ODDS currently under consideration are objective, including "knowable before submittal" precisely because any project developer -- before submitting a permit application -- will know the standards and have several means available to determine compliance including but not limited to the ViewSync software tool to which the city can facilitate access, in order for applicants to determine exactly what building envelopes, configurations, and lot placements comply with the view ODDS development limitations.

Thus, the view ODDS development limitations are no different than traditional zoning limits that determine building envelopes, configurations, and lot placements such as setbacks, height limits, FAR limits, etc.

Thank you for your attention to this matter.

Sincerely,



Richard Toshikyuki Drury
LOZEAU DRURY LLP

EXHIBIT 1

PATTERSON & O'NEILL, PC

235 Montgomery Street, Suite 950
San Francisco, CA 94104
Telephone: (415) 907-9110
Facsimile: (415) 907-7704
www.pattersononeill.com

October 22, 2024

VIA EMAIL

Brandon Phipps, Community and Economic Development Director
City of Sausalito Community Development Department
420 Litho Street
Sausalito, CA 94965
bphipps@sausalito.gov

Re: October 23, 2024 Planning Commission Meeting Agenda Item 7A: Study Session
and Presentation Regarding Draft Amended 2023-2031 Housing Element, Including
Modifications to Housing Element Programs and Proposed Opportunity Sites

Dear Mr. Phipps:

Thank you for the opportunity to comment on the draft amendment to the 6th Cycle Housing Element of the City of Sausalito's ("City") general plan. We are writing on behalf of Willy's LLC ("Willy's") regarding the City's proposal to amend its adopted Housing Element before the City Council's October 23, 2024 Study Session on the matter.¹ The City's webpage dedicated to the Housing Element update process claims that the intent of these amendments is to prioritize sustainable waterfront development and preserve the City's downtown historic district.² Whatever the intent, the *effect* of these changes will be to reduce the potential for future residential development in Sausalito—which would violate the Housing Element Law.

We previously submitted a letter to the City before its City Council meeting on October 1, 2024, where the City conducted a Study Session on this same item. Despite submitting this letter as public comment prior to the hearing, the City failed to include our letter in the list of public comments received for the item. We request that the City immediately remedy this for the record for the October 1 hearing, and immediately distribute this letter for the October 23rd Planning Commission meeting. While this letter includes much of the same information from our prior letter, this letter also contains new information regarding the City improperly including Site 303 as part of its Sites Inventory.

¹ This is item 7.A (Study Session and Presentation Regarding Draft Amended 2023-2031 Housing Element, Including Modifications to Housing Element Programs and Proposed Opportunity Sites) as part of the October 23rd meeting.

² City of Sausalito, "City of Sausalito Sixth-Cycle (2023-2031) Housing Element," (October 22, 2024) at <https://www.sausalito.gov/city-government/hot-topics/housing-element-update-2023-2031>.

Willy's is the owner of Site 201 in the City's Sites Inventory and has submitted plans to the City to develop the site to bring 47 units, including 6 affordable units, to the City. The draft Housing Element amendment ("Amendment") would downzone the site from allowing 49 units per acre to 29 units per acre, reducing residential capacity from 20 units on the parcel to 11 units. While the City is downzoning Site 201 and thwarting a concrete plan for development, the Amendment attempts to make up for the planned loss of those units by adding two alternative sites, Sites 401 (2400 Bridgeway Boulevard) and 402 (2680 Bridgeway Boulevard), which are *already* developed with commercial and industrial buildings respectively and are not likely to be developed during the 6th Cycle Housing Element.

As you are aware, the City adopted its Housing Element on January 30, 2023, only four days after it received a letter from the Department of Housing and Community Development ("HCD") notifying the City that its draft Housing Element was inadequate and required revisions. Although the City received a letter of Substantial Compliance from HCD on April 28, 2023, which was past the City's January 31, 2023 deadline, the adopted Housing Element reflects the City's rushed process to gain HCD approval. The Amendment also proposes to remove Site 85, a former CalTrans right-of-way, from the City's Sites Inventory. The removal of Site 85 from the Housing Element – less than a year after its adoption – indicates how the City cut corners to adopt its Housing Element without conducting the required analysis to ensure that sites it listed in its Housing Element are available for housing.³

The Amendment compounds these past errors by proposing to downzone sites that *are* suitable for development, such as Site 201 where there is a pending application, and replace the reduced residential capacity without conducting the required statutory analysis to demonstrate that the replacement sites will provide realistic capacity. The proposed changes are clearly not intended to encourage the development of housing, but rather intended to put up roadblocks for a specific project, and therefore do not constitute legally valid amendments.

SITE 303 IS IMPROPERLY INCLUDED IN THE HOUSING ELEMENT

We have recently received information that the owner of Site 303 (1 and 3 Harbor Drive) in the Sites Inventory is not interested in developing the site as residential housing and never was. The City received an email from the owner of Site 303 last year to explicitly request that the site be removed from the City's Housing Element.

Despite receiving this email, the City failed to remove Site 303 from its Housing Element. In fact, the City subsequently adopted the Housing Element with Site 303 at a meeting later the same day. The City took no action to remove the site between the date it adopted its Housing Element and when it received HCD certification on April 28, 2023. The certified Housing Element relies on Site 303 for 90 units of realistic capacity, 18 of which would be affordable. The Housing Element Amendment not only continues to include Site 303 but proposes to upzone Site 303 to increase capacity from 90 to 129 units in order to allow the downzoning of other sites

³ The City seems to have violated Program No. 8 (Public Property Conversion to Housing) of its Housing Element, which required the City to meet with CalTrans to ensure the site could be developed for housing and continue to meet with CalTrans after the site was included in the Sites Inventory to ensure the site would be developed.

in the City, such as Site 201. Site 303 needs to be removed from the Housing Element Amendment as the owner has explicitly disavowed developing the parcel as housing.

This failure indicates that the City—at the very least—did not conduct meaningful outreach to property owners before listing sites in its Sites Inventory or—at worst—intentionally deceived HCD and the public by including sites where owners had already informed the City that their property would not be redeveloped for housing. We demand that the City produce evidence that the City has conducted meaningful outreach to the property owners of all the sites the City now proposes to include in its amended Sites Inventory.⁴

THE AMEDNMENTS ARE NOT AN APPROPRIATE HOUSING ELEMENT AMENDMENT

The Housing Element Law *only* grants cities the authority to amend their adopted Housing Elements under limited circumstances. Government Code Section 65588 states when local government may and are required to revise their Housing Elements. Government Code Section 65588(a) is clear that cities may consider Housing Element amendments to evaluate and increase the effectiveness of Housing Elements. Government Code Section 65588(e) states when cities may amend their Housing Elements:

[e]ach local government shall review its Housing Element as frequently as appropriate to evaluate all of the following:

- (1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.
- (2) The effectiveness of the Housing Element in attainment of the community's housing goals and objectives.
- (3) The progress of the city, county, or city and county in implementation of the Housing Element

None of the three situations in Government Code Section 65588(a) fit Sausalito's situation. The City has failed to implement its Housing Element Programs within the deadlines it committed to in its Housing Element. This is a violation of Housing Element Law.

The Amendment is not intended to (1) aid the City in contributing to its state housing goal; (2) increase the effectiveness of the Housing Element in attaining the City's housing goals and objectives; or (3) implement the Housing Element. Instead, the Amendment attempts to kick the can down the road, and downzone sites from the City's Sites Inventory that the City only included in its Housing Element to receive HCD certification. Specifically, the Amendment is a clear attempt to prevent a specific project—proposed by Willy's—from being built. Willy's has a pending application to build more affordable housing in the City than has been built within the City in more than 20 years. Amending the Housing Element to downzone Site 201 is an attempt to stop a project and is not an "appropriate" Housing Element amendment under Government Code Section 65588(a) and, therefore, not a legally valid proposal. Rather than waste time and resources trying to delay implementation of the Housing Element Programs, the City should be

⁴ This can be considered a California Public Records Act request under Gov. Code § 7920 et seq.

focused on carrying out its existing commitments and processing the pending application as required by law.

THE AMENDMENT'S ALTERNATIVE SITES DO NOT PROVIDE REALISTIC CAPACITY AND ARE NONVACANT SITES THAT ARE UNLIKLEY TO BE DEVELOPED

Government Code Section 66583.2(g)(2) requires a city that is relying on nonvacant sites “to accommodate 50 percent or more of its housing need for lower income households” to include in its Housing Element a “methodology used to determine additional development potential” to demonstrate that existing use “does not constitute an impediment to additional residential development during the period covered by the housing element.” Since more than 50% of the City’s housing needs for lower income households are planned for nonvacant sites, the City is required to comply with Government Code Section 66583.2(g)(2) and must explain in its Housing Element why each nonvacant site in its Sites Inventory can be converted from its existing use to residential housing.

The City’s methodology for determining the likelihood of converting existing nonvacant buildings to residential housing is contained in Appendix D-2 of its Housing Element. Government Code Section 66583.2(g)(1) requires the City’s methodology to consider many “factors including the extent to which existing uses may constitute an impediment to additional residential development [and] the city’s or county’s past experience with converting existing uses to higher density residential development[.]”⁵ The Housing Element and Appendix D-2 fails to analyze the City’s “past experience with converting existing uses to higher density residential development[.]”⁵ This is likely because the City has *no past experience* of nonvacant commercial or industrial buildings into residential development. Since the City has no experience with these projects, the likelihood of Sites 401 and 402 being completed during the planning period are slim and these sites should not be counted towards the City’s realistic capacity.

The Amendment’s Sites Inventory is overly optimistic about development on the new sites that it proposes to add to the Sites Inventory (while downzoning multiple sites that are suitable for development). The two new Opportunity Sites to be added to the Sites Inventory (Site 401 at 2400 Bridgeway Boulevard and Site 402 at 2680 Bridgeway Boulevard) are already developed with commercial/industrial buildings and cannot easily be converted into residential housing or demolished for residential housing. The Amendment would relocate Site 73 (SMSCSD School Nevada Campus), shifting proposed development from a parking lot to a portion of the parcel with an improved building, green space, and an outdoor sports court. Without specific analysis, the chances of development at Site 73 are unrealistic. The Amendment also proposes to increase the number of potential units at Martin Luther King, Jr. Park, which is subject to voter approval and has received universal opposition to redevelopment by residents. As explained below, the City has failed to analyze the required factors in Government Code Section 66583.2(g) to demonstrate that these sites provide realistic capacity.

⁵ There is a stray reference to the “past experience” requirement on Page HBR-120 of the adopted Housing Element where the Housing Element enumerates the factors the City is required to analyze, but no actual analysis.

1. Site 401 (2400 Bridgeway Boulevard)

The Amendment proposes to add Site 401 to the Sites Inventory as an Opportunity Site. Site 401 is a 0.67-acre site located at 2400 Bridgeway Boulevard (APN 063-130-01), zoned Industrial, and is developed with a commercial building that currently contains tenants. The Amendment does not contain any analysis of the likelihood of the site being redeveloped during the 6th Cycle planning period. Rather the site seems to be added to the Amendment as the property owner is allegedly interested in “expanding [the] existing office building to incorporate multifamily residential use on the upper floors.”

As the Housing Element notes, “State Law allows use of underutilized (nonvacant) sites to accommodate the RHNA [Regional Housing Needs Allocation].”⁶ As part of Sausalito’s analysis of these sites it is supposed to analyze

1) Ownership of the site - City-owned sites were anticipated to have a high potential for development based on City control of the property and ability to effect change 2) Property owner interest in development and economic gain associated with development 3) Current/past uses on the site – site has large underutilized areas, aging non-residential buildings, a high land value to improvement ratio, or a low site utilization.⁷

The City fails to demonstrate that the existing uses would not impede additional development, nor provide an analysis of current leases, nor demonstrate the financial feasibility of development. Site 402, is, therefore, unlikely to be developed during the 6th Cycle planning period and the Amendment lacks any analysis of the likelihood of redevelopment or any attempt to discount the 16 units claimed (2.2% of RHNA) to account for the very likely possibility that no such redevelopment will occur during the planning period.⁸

2. Site 402 (2680 Bridgeway Boulevard)

The Amendment proposes to add Site 402 to the Sites Inventory as an Opportunity Site. Site 402 is a 2.3-acre site located at 2680 Bridgeway Boulevard (APN 063-152-01), zoned Industrial, and is developed with an industrial building that currently contains tenants. Similar to the issues raised above for Site 401, the Amendment does not contain any analysis of the likelihood of the site being redeveloped during the 6th Cycle planning period. There is also no indication that the owner of the property has indicated an interest in redeveloping the site as residential housing, nor any analysis of existing leases or other contracts that would perpetuate the existing uses.

Moreover, the feasibility of converting the site to residential housing is low due to the numerous issues which may be present on the property from its past industrial use. The City’s Housing

⁶ See HBR-120.

⁷ *Id.*

⁸ The City has a RHNA of 724.

Element and the Amendment lacks a Program to address these issues, including environmental remediation for an industrial building that is over 45 years old.⁹

Site 402 is not City-owned, the property owner has not expressed an interest in redeveloping the site with residential housing, and the property is and has been used for industrial purposes. The Amendment lacks any analysis of the likelihood of redevelopment or any attempt to discount the 43 units claimed (5.93% of RHNA) to account for the very likely possibility that no such redevelopment will occur during the planning period.¹⁰

3. Relocation of Site 73 (SMSCSD School Nevada Campus) (APN 064-322-01)

The Amendment is also proposing to move development from the southwest corner of Site 73 to the northwest corner of the parcel. Site 73 is currently the Nevada Campus of the Sausalito Marin City School District. In the adopted Housing Element, development would take place on a 1-acre portion of the 13.15-acre parcel that is currently utilized as a parking lot. The Amendment would shift development to a portion of the parcel that includes an improved building, green space, and an outdoor sports court. The shift from proposed development on a parking lot to a portion of the parcel that is currently developed may result in increased construction costs.

The Amendment does not indicate whether this shift was driven by the Sausalito Marin City School District, which owns the property, nor whether this location is consistent with its Master Plan. Nonetheless, this shift makes development on the site more unlikely and reduces the probability that the City will meet its RHNA.

Program No. 8 (Public Property Conversion to Housing) in the adopted Housing Element required the City to “[m]eet with SMCSDD at least quarterly in 2024 to ensure that site plans are being developed and that the site is included in a Master Plan phase for completion as early in the 6th Cycle as possible.” Program No. 8 also required the City to “[m]eet with SMCSDD quarterly until project is completed to assist with project application materials, financial assistance (grant or loan applications), and identify any methods available to streamline project implementation.” The City has provided no evidence that it has complied with Program No. 8. The City is, therefore, in violation of the Housing Element Law. The Amendment would compound that violation by proposing to shift the development to other parts of the site without any indication that the District supports the new location – or any housing at all.

4. Proposed Upzoning of Site 84 (Martin Luther King, Jr. Park at 100 Ebbtide Avenue)

The Amendment also proposes to increase the number of potential units that would be able to be built on Site 84 which is the site of Martin Luther King, Jr. Park and a City facilities site. For some unexplained reason, the proposed revision to Appendix D-1 in the Amendment indicates that Site 84 has the potential for 181 units as opposed to 127 units in the adopted Housing

⁹ Program No. 5 (Replacement Housing) notes that development on all nonvacant sites designated in the Housing Element which contains existing residential units or units that were rented in the past five years must comply with State law, but does not cover existing commercial or industrial buildings.

¹⁰ The City has a RHNA of 724.

Element and the realistic capacity for 94 units as opposed to 80 units in the adopted Housing Element. No explanation for this mysterious gain in density is given although an asterisk is placed next the Site Number column.¹¹ Until the Amendment explains whether this increase in density is realistic, the City cannot arbitrarily increase the density without supporting information.

Finally, based on the public comments received by the City in advance of its October 1st City Council Study Session, all of which expressed opposition to development on Site 84, it is unlikely that the City will be able to follow through and permit development on this site. Under Ordinance 1022 and Ordinance 1128, any increased density must be approved by the voters. It is wishful thinking to expect that the voters will approve any housing on this park site, especially at an increase in density from the adopted Housing Element. The Amendments do not demonstrate realistic capacity simply by pushing even more of the City's RHNA onto a City-owned site subject to voter approval.

5. Proposed Upzoning of Site 303 (1 & 3 Harbor Drive)

The Amendment would upzone Site 303 to increase development on the site from 90 to 129 units. The site is occupied by a commercial building, however, and, as noted above, the property owner has specifically informed the City that the site will not be redeveloped. Moreover, the City's Housing Element lacks a Program to address the conversion of nonvacant sites into residential housing. Although we support the increase in allowed density, the City is still required to demonstrate that the capacity is realistic and likely to be developed. The Amendments fail to do so.

6. Decrease in Unit Count at Sites

The Amendment would also downzone eight sites (Sites 23, 24, 39, 44, 47, 201, 207, and 301) potentially removing 36 units from the Sites Inventory. These changes are unexplained and unnecessary, especially as the increase in density from the proposed addition of Sites 401 and 402, and the upzoning of Sites 84 and 303 are unrealistic.

VIOLATION OF THE REQUIREMENT TO AFFIRMATIVELY FURTHER FAIR HOUSING

HCD's Guidance for Affirmatively Furthering Fair Housing for public agencies explains that "to evaluate the site inventory's consistency with the obligation to affirmatively further fair housing, the site inventory analysis should address . . . whether the RHNA by income group is concentrated in areas of the community." Similarly, Government Code Section 8899.50(a)(1) defines "Affirmatively furthering fair housing" to include taking meaningful actions to "replacing segregated living patterns with truly integrated and balanced living patterns[.]"

The proposed addition of Sites 401 and 402 to the Housing Element and the proposed upzoning of Sites 84 and 303 at the expense of development throughout the City continues the City's practice of concentrating development and affordable housing in the northern portion of the City

¹¹ Both the Housing Element and Amendment have the site zoned as MU-49/85%.

in violation of the Housing Element Law's requirement that cities' Housing Elements include policies that address racial and economic segregation and promote more inclusive communities and affirmatively further fair and equal housing access and opportunities.

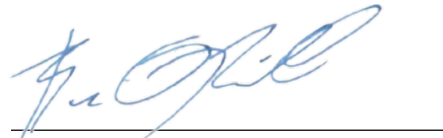
The City's policy of segregating development in the northern portion of the City is even acknowledged in the staff report for the October 1st City Council Study Session, which states that "Staff is working to (1) prepare an Amended Housing Element, which reflects the Council's request for increased height limits in the north part of the City[.]" The City also received multiple public comment letters for its October 1st City Council Study Session objecting to this practice. The Amendment, therefore, fails to affirmatively further fair housing and would violate the Housing Element Law.

CONCLUSION

We continue to have major concerns about the City's adopted Housing Element and its ability to meet its state-mandated RHNA target, which are only exacerbated by the proposed Amendment, its changes to the Sites Inventory, and the seeming inclusion of Site 303 which the owner explicitly asked the City not to include in its Housing Element.

The Amendment proposes to downzone multiple sites listed in the Sites Inventory. We are worried that the proposed alternative sites will not be able to adequately accommodate the capacity for development lost by this downzoning. For these reasons, we are opposed to the Amendment.

PATTERSON & O'NEILL, PC

A handwritten signature in blue ink, appearing to read "B. O'Neill", is written over a horizontal line.

Brian O'Neill
Attorney for Willy's LLC

EXHIBIT 2



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

BY E-MAIL AND US MAIL

October 24, 2024

Director Brandon Phipps
Community and Economic Development Director and Zoning Administrator
City of Sausalito
420 Litho Street
Sausalito, CA 94965
bhipps@sausalito.gov

Mayor Ian Patrick Sobieski, Ph.D.
Vice Mayor Joan Cox
Councilmembers Melissa Blaustein, Jill James Hoffman, Janelle Kellman
City of Sausalito
420 Litho Street
Sausalito, CA 94965
cityclerk@sausalito.gov
isobieski@sausalito.gov; jcox@sausalito.com; mblaustein@sausalito.gov;
jhoffman@sausalito.gov; jkellman@sausalito.gov

Re: Proposal to develop 605-613 Bridgeway.

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 ("City"). SOS and its members are deeply concerned with a proposal to place a massive luxury condominium development in the heart of Sausalito's downtown historic district at 605-613 Bridgeway. We provide the information below to assist city staff and governing bodies as they consider this application.

On October 17, 2024, the City deemed complete Application DR 2024-00014 to construct a 50-unit (previously 47-unit) project ("Project") at 605-613 Bridgeway, APN-065-132-16 in the CC Zoning District. This action starts a 30-day deadline for the City to inform the applicant whether the Project is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of the City. (Gov. Code §65589.5(j)(2).) For the reasons

discussed below, the Project is clearly inconsistent with numerous objective provisions of the General Plan and Zoning Code and should therefore be DENIED. Also, as the City has determined, the Project is not exempt from review under the California Environmental Quality Act (“CEQA”), and CEQA review is therefore required.

A. Housing Accountability Act (SB 330)

Subdivisions (d) and (j) of the Housing Accountability Act, at Gov. Code § 65589.5 (“HAA”), limit the grounds on which a city may deny or condition a housing development project and these limits may require applying general plan standards where these are inconsistent with a zoning ordinance.¹ Paragraph (5) of subdivision (d) provides that a city may deny a housing project where:

The housing development project . . . is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

1. Height Violates Height Allowed by Zoning of 32-Feet.

Here, the Project is inconsistent with the zoning Ordinance 1022. At a proposed height of 85-feet, the Project exceeds Ordinance 1022’s maximum height of 32 feet for this district. The Project also exceeds the maximum height allowed in the district under the pending General Plan Update. Under the General Plan Update, Site 201 is proposed for MU-29 zoning (DEIR Fig. 2-4), which has max height of 32-feet and 3-stories (DEIR 2-15).

2. The Applicant Has Submitting a Certificate of Appropriateness Falsely Stating that the Project Site is Not Designated on a Historic Register.

The Project Applicant (“Applicant”), Linda Fotsch, and Mark Hulbert of Preservation Architecture, submitted an application for a Certificate of Appropriateness (“COA”) falsely stating that the property is not “designated on a historic register.” (Exhibit A, p. 3). The COA application was submitted “under penalty of perjury.” (Exhibit A, p. 10).

In fact, as discussed by Connor Turnbull Preservation Consulting,

¹Gov. Code § 65860(c), paragraph (2), does not apply to these projects because the projects are subject to and governed by the Housing Accountability Act at Gov. Code § 65589.5.

605 & 607 Bridgeway and 611-613 Bridgeway are identified as Sausalito Historic District contributors under CRHR code 2D2 (01/01/1984) within the Built Environment Resource Directory (BERD) of the California Office of Historic Preservation (OHP). California Historical Resource Status Code 2D2 is defined as a "Contributor to a multi-component resource determined eligible for NR by consensus through Section 106 process. Listed in the CR." The multi-component Sausalito Historic District is eligible for the National Register under the themes: architecture, commerce, exploration/settlement, and transportation. Therefore, **605 & 607 Bridgeway and 611-613 Bridgeway are officially deemed historical resources listed in the California Register** under CEQA Section 15064.5. (Connor Turnbull Preservation Consulting Letter, p.3 (June 2024) (Exhibit B) (emphasis added).)

Therefore, not only is the statement by Ms. Fotsch and Mr. Hulbert in the COA Application false, it constitutes perjury and is a false claim made to a governmental entity. Since a complete and accurate COA Application is required to process the Project application, the City should deny the Project Application.

3. Density Exceeds Zoning Limit of 29-Units Per Acre.

The proposed Project exceeds the density allowed by applicable zoning. Site 201 is subject to zoning defined by the Historic District overlay zone as described in Chapter 10.46 of Sausalito Municipal Code. According to the June 13, 2024 letter from the City to the Applicant, "SECOND NOTICE OF INCOMPLETE APPLICATION":

The site is designated as Central Commercial and High Density Residential, both of which have a maximum density of 29 units per acre.²

Page 4 and 5 of the June 13 letter states:

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. Generally, until the City completes the program of rezoning and amendment to the Land Use Element as detailed in

² Should the Project qualify for any density bonus, the City's THIRD NOTICE OF INCOMPLETE APPLICATION dated July 30, 2024, refers to a maximum allowable density of 32 units.

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 65589.5(d)(5)(A), which expressly requires that the project must be “consistent with the density specified in the housing element.” Notably, density bonus law determines base density based on the units allowed under existing zoning, specific plans, and the land use element, and there is no way to reconcile these statutes in a way that permits increased density. Therefore, staff is provided the following correction to the April 11, 2024, courtesy notice:

1. Base Density for Calculation of Density Bonus. 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 is based on either:
 - 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 Sections 10.22.040 Table 10.22-2 and 10.24.050 Table 10.24-2), or 29 units per acre; and the current Land Use Element, which also permits a maximum of 29 units per acre. (The site is designated on the Land Use Element map as Central Commercial and High Density Residential, both of which have a maximum density of 29 units per acre. See Table 1-1.)

Based on the lot area provided in application materials, this results in a base density of 16 units, with additional density possible under density bonus law. OR
 - b. The density specified in the housing element Appendix D1 Inventory and Opportunity Sites and Appendix E Site 201 which identify a density of 49 units per acre, with no additional density allowed under density bonus law.

2. Alternatively, to increase the permitted base density, you may amend the application and submit a proposal for the following:
 - a. A zoning amendment to increase the permitted density in the CC and R-3 zoning districts;
 - b. 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.

3. The Project is Inconsistent with the 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 added*)).

As shown in the City’s March 14, 2024, Historic Design Analysis report regarding the prior 47-unit version of this Project, the Project will not respect the historic character of the Historical District. As stated in that report:

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.

(March 14, 2024, Amended Historic Design Analysis report, p. 8.) Thus, the Project is inconsistent with the general plan land use designation for this site.

Also, Subparagraph (A) paragraph (5) of specifies conditions that would preclude the city from denying approval based on the criteria stated in paragraph (5), providing that:

This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

Here, subparagraph (A) does not apply, and therefore, does not preclude denial of the project based on the criteria in paragraph (5), because the Project is inconsistent with the density for the site specified in the general plan housing element.

The 2023 Housing Element states that the "Potential Capacity by Household Income Level" for this site (i.e., site 201) is currently "20 Units Realistic Capacity (11 ELI/VL, 6 L, 1 M, 2 AM)." (Appendix E, p. E-24.) The Project proposes 50 units, which exceeds the density specified in the housing element.

Indeed, the General Plan indicates that the entire Central Commercial area has no capacity for increased residential units. (General Plan, p. LU-10.) And the 2023 Housing Element indicates that the site is suitable for a total of 17 very low, low and moderate-income affordable units. The project proposes only 8. This is further evidence that the Project is not consistent with the density specified in the housing element.

Subdivision (j) of the HAA also limits the circumstances in which a city may deny a project based on inconsistency with objective zoning or general plan standards. Paragraph (4) of subdivision (j) provides:

For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan.

In *Snowball West Investments L.P. v. City of Los Angeles* (2023) 96 Cal.App.5th 1054, the Court of Appeal addressed this "rezoning exemption." The developer sought approval of a project with a number of units and density that exceeded the maximum allowed by the zoning ordinance but complied with the maximum density specified in the general plan. Therefore, the application required rezoning. The city denied the rezoning application. After that, the developer asked the City to approve its subdivision map,

claiming it was entitled to the approval based on the “rezoning exemption” in paragraph (4) of subdivision (j) because the zoning for the project site was inconsistent with the general plan. The city denied this also and the developer sued.

While the general plan’s land use designations did not list the more restrictive zoning designations as “corresponding” to the project areas’ land use designation, the general plan contained catch-all provisions stating that “the Plan permits all identified corresponding zones, as well as those zones which are more restrictive, as referenced in Section 12.23 of the Los Angeles Municipal Code (LAMC)” and “Each Plan category permits all indicated corresponding zones as well as those zones referenced in the Los Angeles Municipal Code (LAMC) as permitted by such zones” On these facts the Court held that the general plan incorporated the more restrictive zoning for the area.

This decision demonstrates that the courts will accept the language of the existing general plan at face value, regardless of the city’s possible intent to amend the general plan in the future and that both projects are inconsistent with the “density specified” in Sausalito’s general plan.

B. Density Bonus Law

The Density Bonus Law, at Gov. Code § 65915, requires cities to grant bonus units that exceed the maximum density allowed by zoning if the developer commits to building certain minimum percentages of affordable units.

Importantly, however, density bonus incentives and concessions are not available where they “would have a specific, adverse impact on any real property that is listed in the California Register of Historical Resources.” (Gov. Code § 65915, subd (d).)

As noted above, the city has already documented that the project will have a specific, significant adverse impact on real property listed in the California Register of Historical Resources. Therefore, the city cannot grant the applicant any incentives or concessions under the Density Bonus Law.

C. CEQA

CEQA review is required for this Project. Neither the HAA nor the DBL contain any CEQA exemption. The HAA, does not exempt projects from CEQA. (*Schellinger Brothers v. City of Sebastopol* (2009) 179 Cal.App.4th 1245, 1250, 1261-62, citing Gov.Code, § 65589.5, subd. (e) [“Nothing in this section shall be construed ... to relieve the local agency from ... complying with the [CEQA]”].) Since Project submitted to the City has not completed review under CEQA, the HAA imposes no duty on the City to approve either project. The HAA “pegs its applicability to the approval, denial or conditional approval of a ‘housing development project’ [citations], which, as previously

noted, can occur only after the EIR is certified.” (*Schellinger Brothers v. City of Sebastopol*, *supra*, 179 Cal.App.4th at 1262.)

The Court of Appeal has held that the HAA has a “savings clause” fully preserving the city’s authority under CEQA. The court held that therefore, the city may take as long as is necessary to complete CEQA review, and the HAA timelines do not even begin until after CEQA review is completed. The *Schellinger* court stated:

the Housing Accountability Act has no provision automatically approving EIRs if local action is not completed within a specified period... there is no indication the Legislature meant to modify or accelerate CEQA's procedures... Again, the indications are to the contrary. The Housing Accountability Act expressly states that “Nothing in this section shall be construed ... to relieve the local agency from making one or more of the findings required pursuant to Section 21081... or otherwise complying with the California Environmental Quality Act...” (Gov.Code, § 65589.5, subd. (e).) But it specifically pegs its applicability to the approval, denial or conditional approval of a “housing development project” (*id.*, subds. (d)(3), (5)(A), (h)(5)(A), (i), (k), (l)), which, as previously noted, can occur only after the EIR is certified. (CEQA Guidelines, § 15090(a).) That obviously has not occurred here.

The *Schellinger* case makes clear that the City retains its full powers under CEQA despite the HAA, and that the proposed Project may not be approved until after CEQA review and any findings are completed. Since CEQA review is required, the city may require preparation of an EIR without triggering the HAA’s timelines.

The Court of Appeal has similarly held that the Density Bonus Law (“DBL”) does not exempt the Project from CEQA review. The City must comply both with CEQA and the DBL. (*Wollmer v City of Berkeley* (2011) 193 Cal.App.4th 1329, 1349.)

As the City correctly stated in its October 17, 2024 letter,

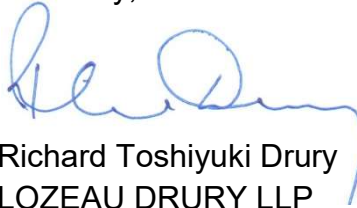
the proposed project has the potential to have significant impacts on cultural, historical, and biological resources located on site. Furthermore, this site is located in the downtown historic district which is listed on the California Register and maintains several listed historic structures that have 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.

SOS has provided the City with substantial evidence that the Project will have adverse impacts on historic and biological resources. As such, a CEQA exemption is not allowed and full CEQA review should be required, including an environmental impact report (EIR).

Thank you for your attention to this matter.

Sincerely,



Richard Toshiyuki Drury
LOZEAU DRURY LLP

Attachments:

Exhibit A: Application for Certificate of Appropriateness
Exhibit B: Connor Turnbull Preservation Consulting Letter (June 2024)

EXHIBIT 3



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

BY E-MAIL AND US MAIL

February 6, 2025

Director Brandon Phipps
Community and Economic Development Director and Zoning Administrator
City of Sausalito
420 Litho Street
Sausalito, CA 94965
bhipps@sausalito.gov

Mayor Joan Cox
Vice Mayor Steven Woodside
Councilmembers Ian Patrick Sobieski, Ph.D, Melissa Blaustein, Jill James Hoffman,
City of Sausalito
420 Litho Street
Sausalito, CA 94965
cityclerk@sausalito.gov
jcox@sausalito.gov, isobieski@sausalito.gov; mblaustein@sausalito.gov;
jhoffman@sausalito.gov

Re: Appeal of Consistency and CEQA Determinations -- Proposal to develop 605-613 Bridgeway: HAA Application for 47 units submitted on January 31, 2024.

Dear Director Phipps, Mayor Cox, 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 and its members are deeply concerned with a proposal to place a massive luxury condominium development in the heart of Sausalito's downtown historic district at 605-613 Bridgeway ("project"). We provide the information below to assist city staff and governing bodies as they consider the project applicant's purported appeal of the city's November 14, 2024, determination that the project is inconsistent with the city's zoning and General Plan requirements and the project applicant's purported appeal of the city's November 14, 2024, determination that the project is not categorically exempt from CEQA and requires preparation of an initial study.

My letter dated January 30, 2025, points out that the project applicant's attempted appeal of the city's consistency determination is untimely. This letter explains why the applicant's appeal of the city's CEQA determination is also time-barred (see section 8, below.)

I also write now to respond to certain of the project applicant's substantive appeal arguments regarding the city's consistency and CEQA determinations, as set forth in the applicant's counsel's December 27, 2024, notice of appeal ("O'Neill 12/27/24").

My May 17, 2024, and October 24, 2024, letters to the city regarding the project's inconsistency with applicable zoning and General Plan standards ("LZ 5/17/24" and "LZ 10/24/24", respectively) and the city's November 14, 2024, letter to the applicant, explain why project's proposal to build 49 units vastly exceeds the maximum density allowed by the city's zoning and General Plan standards in effect when the application was submitted. These letters also explain that the project cannot obtain any density bonus benefits under the Density Bonus Law (DBL) because the project would have a significant adverse impact on listed historic resources.

The applicant fails to explain why these analyses are incorrect. Instead, the applicant continues to mistakenly and nonsensically assert that the city, by announcing its intention to place a ballot measure before the voters to consider changing the zoning of 605 Bridgeway to allow higher density, somehow enacted the change in zoning before voters decide the question. This mistake informs all of the applicants' arguments that the city must allow 49 units, all of which fail.

1. The City Is Not Estopped From Enforcing Governing Zoning Standards.

The applicant argues that a project density of 49 units is allowed because someone employed by the city said so. (O'Neill 12/27/24, p. 2.) Assuming, *arguendo*, that someone employed by the city said such a thing, any such statement is not legally binding and does not preclude the city from requiring that the project comply with the maximum density for the property set forth in the city's zoning code and General Plan as they existed when the application was submitted.

The applicant fails to cite or discuss the law governing its argument, i.e., the law of equitable estoppel. The reason for this failure is obvious: the claim is entirely without merit.

The elements of equitable estoppel are "(1) the party to be estopped must be apprised of the facts; (2) he must intend that his conduct shall be acted upon, or must so act that the party asserting the estoppel has a right to believe it was so intended; (3) the other party must be ignorant of the true state of facts; and (4) he must rely upon the conduct to his injury and the detrimental reliance must be reasonable. (*Schafer v. City of Los Angeles* (2015) 237 Cal.App.4th 1250, 1261.)

An additional requirement applies in cases involving equitable estoppel against the government. In such a case, the court must weigh the policy concerns to determine whether the avoidance of injustice in the particular case justifies any adverse impact on public policy or the public interest. (*Schafer v. City of Los Angeles*, *supra*, citing *City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 496–497.)

Here, the applicant cannot meet these elements. The idea that the city's zoning code and General Plan allowed a maximum density for the property of 49 units is a mistake of law. Therefore, the applicant could not reasonably rely on the idea.

Also, any injustice suffered by the applicant by unreasonably relying on this mistake of law is not even close to the degree of injustice that would be required to justify the violation of public policy that would arise from an estoppel.

Particularly in land use cases, “[c]ourts have severely limited the application of estoppel ... by expressly balancing the injustice done to the private person with the public policy that would be supervened by invoking estoppel to grant development rights outside of the normal planning and review process. [Citation.] The overriding concern ‘is that public policy may be adversely affected by the creation of precedent where estoppel can too easily replace the legally established substantive and procedural requirements for obtaining permits.’ [Citation.] Accordingly, estoppel can be invoked in the land use context in only ‘the most extraordinary case where the injustice is great and the precedent set by the estoppel is narrow.’ [Citation.]” (*Toigo v. Town of Ross* (1998) 70 Cal.App.4th 309, 321, 82 Cal.Rptr.2d 649 (*Toigo*).)

Zoning laws concern “a vital public interest—not one that is strictly between the municipality and the individual litigant. All the residents of the community have a protectable property and personal interest in maintaining the character of the area as established by comprehensive and carefully considered zoning plans in order to promote the orderly physical development of the district and the city and to prevent the property of one person from being damaged by the use of neighboring property in a manner not compatible with the general location of the two parcels. [Citation.] These protectable interests further manifest themselves in the preservation of land values, in esthetic considerations and in the desire to increase safety by lowering traffic volume. To hold that the City can be estopped would not punish the City but it would assuredly injure the area residents, who in no way can be held responsible for the City's mistake. Thus, permitting the violation to continue gives no consideration to the interest of the public in the area nor to the strong public policy in favor of eliminating nonconforming uses and against expansion of such

uses. [Citations.]" (*Pettitt v. City of Fresno* (1973) 34 Cal.App.3d 813, 822–823, 110 Cal.Rptr. 262.)

(*Schafer v. City of Los Angeles*, *supra*, 237 Cal.App.4th at 1264–1265.)

Courts have routinely found that even severe financial hardships do not constitute a “grave injustice” in the land use context. (See e.g., *West Washington Properties, LLC v. Department of Transportation* (2012) 210 Cal.App.4th 1136, 1149–1150; *Golden Gate Water Ski Club v. County of Contra Costa* (2008) 165 Cal.App.4th 249, 259–263; *Feduniak v. California Coastal Com.* (2007) 148 Cal.App.4th 1346, 1360; *Smith v. County of Santa Barbara* (1992) 7 Cal.App.4th 770, 775; *Pettitt v. City of Fresno* (1973) 34 Cal.App.3d 813, 822–823.)

Moreover, a governmental body may not waive the requirements of an ordinance enacted for the public benefit. (*Strong v. County of Santa Cruz*, *supra*, 15 Cal.3d at 727.) Nor can city employees bind the city’s planning commission or city council by making misrepresentation of fact or law to a permit applicant. (*Strong v. County of Santa Cruz*, *supra*.)

2. The Housing Accountability Act’s Reasonable Person Standard Does Not Change the Property’s Zoning.

The applicant suggests that applying the Housing Accountability Act’s “reasonable person standard” somehow leads to the conclusion that 49 units are allowed under the city’s zoning standards because the city employee who said it was allowed must be a “reasonable person.” This argument is ludicrous. The HAA’s “reasonable person” standard applies to questions of fact, because it requires “substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.” (Gov. Code § 65589.5(f)(4).) The threshold question regarding what zoning standards govern the project is a question of law for the city, in the first instance, and ultimately the courts, to answer. It is not a question of fact about which reasonable people may differ. (See e.g., *Snowball West Investments L.P. v. City of Los Angeles* (2023) 96 Cal.App.5th 1054.)

3. The City Does Not Concede That 49 Units Are Allowable Under Zoning.

The applicant asserts that “The City concedes that the Project is allowed to proceed at 49 units per acre and that the 49 unit per acre standard inapplicable to the Project site” (O’Neill 12/27/24, p. 2.) This is a strange assertion because the reason the applicant belatedly attempted to appeal the city’s November 14, 2024, letter is because the city makes no such concession.

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4. The Density Bonus Law Cannot Compel Application of a Zoning Standard That the City Has Not Adopted.

The applicant argues that where two different zoning standards apply to a housing project, the Density Bonus Law requires applying the standard that allows the highest density of housing, citing *West Adams Heritage Association v. City of Los Angeles* (2024) 106 Cal.App.5th 395, 435–436 (*West Adams*). As the Court stated in *West Adams*, “when a locality has multiple land use provisions governing density that conflict with one another, the locality should look to the provision that allows the greatest number of units to be constructed.”

While this is a correct statement of the law, this legal rule does not apply to the 605 Bridgeway project because at the time the project application was submitted, the city did not have multiple conflicting land use provisions governing the allowable density of this property.

In *West Adams*, there were two duly adopted and applicable zoning standards for the project area: i.e., the city’s general zoning ordinance and a redevelopment plan. The city’s general zoning ordinance allowed a higher density than the redevelopment plan. On those facts, the Court held that the DBL required applying the higher density standard. Here, the applicant’s desired higher density is not and has not been adopted as law. (LZ 5/17/24 Inconsistency letter, pp 4-5; LZ 10/24/24 Inconsistency letter, pp 2-7.)

In short, the applicant continues to rely on its mistaken assertion that the city, by announcing its intent to ask the voters to decide whether to change the zoning of 605 Bridgeway to allow higher density, somehow effected a change in zoning.

5. The Project Requires Rezoning.

The applicant argues that the city cannot require a rezoning. (O’Neill 12/27/24, p. 2.) I have previously explained why the project requires rezoning. (See LZ 5/17/24 Inconsistency letter, pp 4-5; LZ 10/24/24 Inconsistency letter, pp. 3-7.)

6. The Project Is Not Entitled to Approval Pursuant to Section 65589.5(d)(5)(A).

The applicant argues that the city must approve the project pursuant to the HAA, at Gov. Code section 65589.5, subdivision (d)(5)(A). (O’Neill 12/27/24, p. 3.) I have previously explained why the project is not entitled to approval pursuant to this statute. (See LZ 5/17/24 Inconsistency letter, pp 4-5; LZ 10/24/24 Inconsistency letter, pp. 5-7.)

7. Council Resolution 3407 Does Not Support the Applicant’s Position.

The voters adopted Ordinance 1022 in 1985. This ordinance sets maximum density and building envelope limits that preclude approval of the applicant's project. These same limits are codified in Sausalito Municipal Code (SMC) sections 10.24.050 and Table 10.24-2, 10.40.040.B and Table 10.22-2.) (See City's November 14, 2024 Inconsistency letter, pp. 4-7.)

The applicant argues that these unambiguous, objective standards do not apply to 605 Bridgeway because the City Council adopted Resolution 3407 later in 1985, and this resolution states that the "Initiative ... does not affect the C-C (Central Commercial) Zoning District or any residential zoning districts."

The applicant is incorrect because as a voter initiative, Ordinance 1022 can only be amended or repealed by the voters; the city council has no power to change it. (Election Code § 9217; *Brookside Investments, Ltd. v. City of El Monte* (2016) 5 Cal.App.5th 540, 551.)

Also, because the text of Ordinance 1022 is unambiguous, both the city and the courts must enforce its plain terms and neither have the power to interpret it. (*People v. Valencia* (2017) 3 Cal.5th 347, 379 ["if there is no ambiguity, then we presume the lawmakers meant what they said, and the plain meaning of the language ordinarily will govern"]) (internal quotes omitted).)

Thus, Resolution 3407 does not support the applicant's position.

8. The Applicant's Appeal of The City's CEQA Determination Is Time-Barred.

The city's November 14, 2024, inconsistency letter included the city's determination that the "an initial study will be required" pursuant to the California Environmental Quality Act (CEQA). (See SMC §10.50.080.B ["The review shall determine whether or not the proposed project is subject to the California Environmental Quality Act and if so whether a negative declaration or environmental impact report must be prepared"].)

It is not clear to SOS that the applicant's December 27, 2024, notice of appeal includes the city's CEQA determination in the matters appealed. If it did not, it is now too late to do so for the reasons set forth in this section. If it did, the applicant's attempt to appeal the CEQA determination fails for the same reason its attempt to appeal the inconsistency determination fails: it is untimely.

The city's CEQA determination was appealable to the Planning Commission per SMC section 10.12.090.F, which provides: "Any determinations or interpretations by the Community Development Director may be appealed as provided by Chapter 10.84 SMC (Appeals)." Under SMC section 10.84.030, the deadline for the applicant to appeal the

determination was “within 10 calendar days of the date of the decision being contested,” i.e., November 25, 2024.

On December 27, 2024, the applicant purported to file an appeal of the city’s inconsistency and CEQA determinations by letter of that date. These purported appeals are untimely and should be summarily denied on that ground.

9. The Applicant’s Appeal of The City’s CEQA Determination Is Without Merit.

The applicant asserts that the project site “does not contain structures listed on the California Register.” The assertion is incorrect and legally irrelevant.

The assertion is incorrect because the property is listed on the California Register and its historic significance arises from the buildings on the property. (See June 17, 2024, HRE prepared by Connor Turnbull Preservation Consulting, pages 3, 56-60. This HRE is attached as Exhibit 1 to my June 20, 2024, letter to the city, which is attached to this letter as Appendix 1.) And whether a building is recorded on the California Register “as an individual resource or as a contributor, . . . the building as a whole is the historic resource.” (March 21, 2006, letter from State Historic Preservation Officer attached as Exhibit 1 to my June 4, 2024, letter to the city, which is attached to this letter as Appendix 2.)

The assertion is legally irrelevant because there is substantial evidence supporting a fair argument that the project would cause at least three distinct significant impacts on historic resources.

First, the property is listed on the California Register as a contributing resource to the Downtown Historic District and there is substantial evidence that the project would destroy the property’s historical significance as a contributing resource – for the simple reason that it would no longer “contribute” to the historical significance of the district. As discussed in my September 11, 2024, letter, SOS commissioned an analysis of the impacts of the proposed project the historic significance of the project site prepared by architectural historian Shayne Watson. (This letter and its attached Project Impacts Analysis are attached hereto as Appendix 3.) Ms. Watson concludes that the project would destroy the historic significance of the property considered individually and the Sausalito Historic District. This conclusion is consistent with the conclusion reached by the city’s architectural historian. (See Historic Design Analysis of Waterstreet Condominiums, Jerri Holan & Associates, February 28, 2024 (amended March 14, 2024, concluding that the 605-613 Bridgeway projects would destroy the historic significance of the Sausalito Historic District.)

Second, the Watson and Holan reports provide substantial evidence that the project would materially impair the historical significance of the district.

Third, there is substantial evidence that the project would materially impair the historical significance of the property considered individually, in its own right, entirely apart from its role as a “contributor” to the historical significance of the district. As my June 20, 2024, letter notes, in addition to the property’s listing in the CRHR as a contributing resource to the Sausalito Historic District, the June 17, 2024, HRE prepared by Connor Turnbull Preservation Consulting concludes that the property is “individually significant” pursuant to criteria 1 and 2 of Public Resources Code section 5024.1(c), paragraphs (1) and (2). Lead agencies have a mandatory duty to exercise their discretion to determine if a resource is historic. (Guidelines, §§ 15064.5(a)(3) [“Generally, a resource shall be considered by the lead agency to be ‘historically significant’ if the resource meets the criteria for listing on the California Register of Historical Resources.....”]; 15005(a); *Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039, 1060, 1063.)

Any one of these potentially significant impacts is sufficient to preclude the city from finding the project categorically exempt from CEQA and to require the preparation of an initial study. (CEQA Guidelines, § 15300.2(f) [“A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource”].)

As a result, the remainder of the applicant’s arguments are immaterial. For example, the applicant argues that federal certification of the federal district “does not constitute certification of significance of individual properties within the district.” (O’Neill 12/27/24, p. 6.) The city’s determination that the project is not categorically exempt from CEQA and that preparation of an initial study is required does not depend on whether the Secretary of the Interior has certified the significance of this individual property. It depends on the fact that the project may materially impair the historic significance of a historic resource.

The property and the structures on it are “mandatory historic resources” under CEQA Guideline 15064.5(a)(1) because they are listed on the California Register. They are also “presumptive historic resources” under CEQA Guideline 15064.5(a)(2) because they are listed on a local register of historical resources, i.e., the Downtown Historic District. The city must also consider the property and the structures on it to be “discretionary” historic resources in their own rights, regardless of their relationship to the district, under CEQA Guideline 15064.5(a)(3) because that determination is supported by substantial evidence.

The applicant argues that the city must demonstrate — and has not — that the project will materially impair the Sausalito Historic District such that the district would no longer be eligible for the California Register. This contention is wrong for two reasons. First, material impairment of *the district* is the wrong test for whether the project may materially impair the historic significance of a historic resource. Second, the city does not need to demonstrate that the project *will* materially impair the historic significance of

a historic resource; the city merely needs to find that the project *may* materially impair the historic significance of a historic resource. (CEQA Guidelines, § 15300.2(f).)

On the first point, by focusing exclusively on whether the project would materially impair the historic significance of *the Sausalito Historic District*, and whether the district “would no longer be eligible for the California Register,” the applicant fails to address the project’s potential to materially impair the historic significance of *the 605 Bridgeway property*, whether that historic significance derives from its contribution to the district’s significance or from its historic significance considered individually.

On the second point, the use of the word “may” in section 15300.2(f) of the Guidelines (“may cause a substantial adverse change”) indicates that the “fair argument” standard applies to whether the project may materially impair the significance of a historic resource. Under this standard, a project “may” have a significant effect on the environment if there is substantial evidence of a “reasonable probability” that it will result in a significant impact, even if other substantial evidence indicates the project will not have a significant effect. (*No Oil, Inc. v City of Los Angeles* (1974) 13 Cal.3d 68, 75, 83, n.13.) In addition, the city’s determination that there is “substantial evidence” that the project may materially impair the significance of a historic resource will be granted substantial deference by the courts. (See *Western States Petroleum Ass’n v Superior Court* (1995) 9 Cal.4th 559, 572.)

10. The Community Development Department Was Required to Determine Whether The Project Is Categorically Exempt From CEQA.

The applicant argues that the Community Development Department cannot determine that CEQA’s categorical exemption for infill development does not apply to this project because only the Planning Commission can make that determination after a hearing before the Historic Preservation Commission (HPC). (O’Neill 12/27/24, p. 7.) This argument is a non-starter because the Sausalito Municipal Code directs the Community Development Department to review applications to “determine whether or not the proposed project is subject to the California Environmental Quality Act and if so whether a negative declaration or environmental impact report must be prepared.” (See SMC §§10.50.080.B; 10.80.030.A.1, 4.)

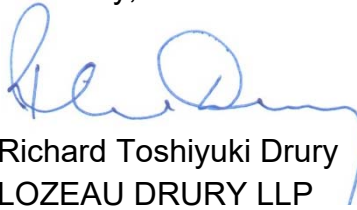
Indeed, nothing in the Sausalito Municipal Code authorizes either the HPC or the Planning Commission to make this determination in the first instance. (See SMC § 2.28.020 (Powers and Duties of HPC); Chapter 10.46 (Historic Preservation); § 10.80.060.C (HPC); § 10.80.050 (Planning Commission).)

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Save Our Sausalito Comments on
605-613 Bridgeway Project -- Consistency and CEQA Appeal
February 6, 2025
Page 10 of 10

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Drury', with a stylized flourish at the end.

Richard Toshiryuki Drury
LOZEAU DRURY LLP

EXHIBIT 4



CITY OF SAUSALITO

Community Development Department
420 Litho Street • Sausalito, CA 94965
Telephone: (415) 289-4128
www.sausalito.gov

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

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