City of Sausalito

Final Environmental Impact Report for the Sausalito Amended Housing Element Project

SCH # 2024070676

FEBRUARY 2025

Prepared for:

City of Sausalito
420 Litho Street
Sausalito, CA 94965

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762

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1. INTRODUCTION AND LIST OF COMMENTERS

PURPOSE OF THIS DOCUMENT

This document includes all agency and public comments received on the Draft Environmental Impact Report (Draft EIR, SCH #2024070676) for the Amended Housing Element (Project). Written comments were received by the City of Sausalito during the public comment period from September 4, 2024 through October 21, 2024.

The City then published a Recirculated Draft EIR, and written comments were received by the City of Sausalito during the public comment period from December 13, 2024 through January 27, 2025.

This document includes written responses to each comment received on the Draft EIR and Recirculated Draft EIR. The responses correct, clarify, and amplify text in the Draft EIR and/or Recirculated Draft EIR, as appropriate. These changes do not alter the conclusions of the Draft EIR or Recirculated Draft EIR.

This Final EIR document has been prepared in accordance with the California Environmental Quality Act (CEQA) and together with the Draft EIR, Recirculated Draft EIR, and Appendices constitutes the EIR for the Amended Housing Element project that will be used by the decision-makers.

SUMMARY OF THE PROPOSED PROJECT

The Housing Element of the Sausalito General Plan establishes goals and policies, and identifies future actions to address the existing and projected housing needs of Sausalito. The goals, policies, and actions are required by state law to plan for the regional housing targets allocated to Sausalito by the Association of Bay Area Governments (ABAG) and the Department of Housing and Community Development for the period of 2023 to 2031 and to affirmatively further fair housing.

The Project consists of the adoption and implementation of an Amended Housing Element.

The Amended Housing Element includes the following components:

- Amend Housing Plan Program 4, entitled "Ensure Inventory of Sites Accommodates RHNA throughout Planning Period," to add housing and mixed use zones that correspond with lower minimum densities, to remove and refine select Opportunity Sites, and to adjust the realistic capacity assumptions for select Opportunity Sites to provide more variety in housing types, meet the City's RHNA requirements, and affirmatively further fair housing.

- Amend Housing Plan Program 8, entitled "Public Property Conversion to Housing," to address making publicly-owned sites available for development during the 2023-2031 planning period.
- Amend Housing Plan Program 19, entitled "Development Review Procedures," to clarify implementation of housing streamlining provisions.

Actions to implement the Amended Housing Element will include:

1) Amendment of the Land Use, Circulation, and Community Design, Historic, and Cultural Preservation Elements to be consistent with the Amended Housing Element.
2) Implementation of Amended Housing Element programs, including but not limited to:
    a) The rezoning of opportunity sites to implement Housing Plan Program 4 to create a capacity to accommodate the City's Regional Housing Needs Allocation (RHNA) based on opportunity sites subject to the proposed rezoning. Sites proposed for rezoning include sites subject to a vote of the electorate under Ordinance 1022 and Ordinance 1128. Under Program 4, opportunity sites would be rezoned with new zoning districts as follows:
        - Housing-29 (minimum 20 du/ac and maximum of 29 du/ac);
        - Housing-70 (minimum 50 du/ac and maximum 70 du/ac);
        - Mixed Use-49/85% (minimum 43 du/ac and maximum 49 du/ac, allow 100% residential, and requirement a minimum of 85% residential); and
        - Mixed Use-70/85% (minimum 50 du/ac and maximum 70 du/ac, allow 100% residential, and require a minimum of 85% residential).

    Rezoning would be subject to requirements of Government Code Section 65583.2(h,i), including the following requirements for sites identified to accommodate the very low and low income RHNA:

        - Permit owner-occupied and rental multi-family uses by-right, consistent with Government Code Section 65583.2(i) for projects with 20% or more units affordable to lower income households;
        - Permit a minimum density of 20 units per acre;
        - Allow a minimum of 16 units per site; and
        - Accommodate at least 50 percent of the lower income need on sites designated for residential use only, except that the City may accommodate the very low and low income need on sites designated for mixed use if those sites allow 100 percent residential use and require residential use to occupy at least 50 percent of the floor area in a mixed-use project.

    b) Housing Plan Program 8, entitled "Public Property Conversion to Housing," to address making publicly-owned sites available for development during the 2023-2031 planning period.
    c) Housing Plan Program 16 to amend the Zoning Ordinance.

d) Housing Plan Program 19, entitled "Development Review Procedures" to adopt comprehensive Objective Design and Development Standards (ODDS) to address multi-family development at densities envisioned by the General Plan, Zoning Code, and Program 4.

PROJECT ACTIONS

Adoption and implementation of the Project would require a series of interrelated planning and regulatory approvals by the City, as Lead Agency. Implementation actions the City would take include, but are not limited to, the following:

- Adoption of General Plan amendments;
- Adoption of Zoning Ordinance amendments; and
- Approval of a resolution calling for a special election to place measures on the ballot addressing Opportunity Sites constrained by Ordinance 1022 and Ordinance 1128.

These proposed actions would require review and recommendation by the Planning Commission, followed by consideration and action by the City Council.

As the Lead Agency and as appropriate under CEQA, the City also intends the EIR to serve as the CEQA-required environmental documentation for consideration of the Project by other Responsible Agencies and Trustee Agencies which may have discretionary approval authority over the Project. Under the CEQA Guidelines, the term "Responsible Agency" includes all public agencies, other than the Lead Agency, which have discretionary approval power over aspects of the project for which the Lead Agency has prepared an EIR (CEQA Guidelines Section 15381); and the term "Trustee Agency" means a state agency having jurisdiction by law over natural resources affected by the project which are held in trust by the people of California (CEQA Guidelines Section 15386). While no Responsible Agencies and Trustee Agencies have been identified with approval actions associated with adoption of the Project, agencies may use the EIR when considering actions necessary for development on the identified sites. These agencies may include:

- California Department of Fish and Wildlife (CDFW);
- California Department of Transportation (Caltrans);
- Regional Water Quality Control Board (RWQCB);
- Marin County Local Agency Formation Commission (LAFCo);
- U.S. Army Corps of Engineers (USACE);
- U.S. Fish and Wildlife Service (USFWS); and/or
- San Francisco Bay Conservation and Development Commission (BCDC).

ORGANIZATION OF THE FINAL EIR

The Final EIR is organized as follows:

Chapter 1 – Introduction and List of Commenters: This chapter summarizes the project under consideration and describes the contents of the Final EIR. This chapter also contains a list of all of the agencies or persons who submitted comments on the Draft EIR and Recirculated Draft EIR during the public review periods, presented in order by agency, organization, individual and date received.

Chapter 2 – Revisions to the Draft EIR: This chapter summarizes text changes made to the Draft EIR, as amended by the Recirculated Draft EIR, in response to public comments and/or staff-initiated direction. Changes to the text of the Draft EIR, as amended by the Recirculated Draft EIR, are shown by either a line through the text that has been deleted or double underlined where new text has been inserted. The revisions contain clarification, amplification, and corrections that have been identified since publication of the Draft EIR and Recirculated Draft EIR. The text revisions do not change the analysis and conclusions presented in the Draft EIR or Recirculated Draft EIR.

Chapter 3 – Comments and Responses: This chapter contains the comment letters received on the Draft EIR and Recirculated Draft EIR followed by responses to individual comments. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the letter number appearing first, followed by the comment number. For example, comments in Letter A1 are numbered A1-1, A1-2, A1-3, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments.

If the subject matter of one letter overlaps that of another letter, the reader may be referred to more than one group of comments and responses to review all information on a given subject. Where this occurs, cross-references to other comments are provided.

Some comments that were submitted to the City do not pertain to CEQA environmental issues nor address the adequacy of the analysis contained in the Draft EIR or Recirculated Draft EIR. Responses to such comments, though not required, are included to provide additional information. When a comment does not directly pertain to environmental issues analyzed in the Draft EIR or Recirculated Draft EIR, does not ask a question about the adequacy of the analysis contained in the Draft EIR or Recirculated Draft EIR, expresses an opinion related to the merits of the project, or does not question an element of or conclusion of the Draft EIR or Recirculated Draft EIR, the response notes the comment and may provide additional information where appropriate. The intent is to recognize the comment. Many comments embedded in the comment letters express opinions about the merits or specific aspects of the Amended Housing Element and these are included in the Final EIR for consideration by the decision-makers.

Chapter 4 – Mitigation Monitoring and Reporting Program: This chapter contains the Mitigation Monitoring and Reporting Program (MMRP) to aid the City in its implementation and monitoring of measures adopted in the EIR, and to comply with the requirements of Public Resources Code Section 21081.6(a).

PUBLIC PARTICIPATION AND REVIEW

The City of Sausalito has complied with all noticing and public review requirements of CEQA. This compliance included notification of all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft EIR was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft EIR:

- A Notice of Preparation (NOP) for the EIR was filed with the State Clearinghouse on July 17, 2024. The 30-day public review comment period for the NOP ended on August 19, 2024. The NOP was distributed in particular to governmental agencies, organizations, and persons interested in the proposed Project. The City sent the NOP to agencies with statutory responsibilities in connection with the proposed Project with the request for their input on the scope and content of the environmental information that should be addressed in the EIR. The NOP was also published on the City's website and filed at the County Clerk's office.
- A public scoping meeting for the EIR was held via Zoom on August 6, 2024.
- A Notice of Completion (NOC) and electronic copy of the Draft EIR were filed with the State Clearinghouse on September 4, 2024. An official 45-day public review period for the Draft EIR was established by the State Clearinghouse, ending on October 21, 2024.
- A Notice of Availability (NOA) for the Draft EIR was published in the Marin Independent Journal on September 4, 2024 and sent to appropriate public agencies. The Draft EIR was also published on the City of Sausalito's Webpage at: https://www.sausalito.gov/departments/community-development/housing-element-update-2023-2031.
- Copies of the Draft EIR were available for review at the following location:

  City of Sausalito, Community Development Department, 420 Litho Street, Sausalito, CA 94965

The following list of actions took place during the preparation, distribution, and review of the Recirculated Draft EIR:

- A Notice of Completion (NOC) and electronic copy of the Recirculated Draft EIR were filed with the State Clearinghouse on December 13, 2024. An official 45-day public review period for the Recirculated Draft EIR was established by the State Clearinghouse, ending on January 27, 2025.

- A Notice of Availability (NOA) for the Draft EIR was published in the Marin Independent Journal on December 13, 2024 and sent to appropriate public agencies. The Recirculated Draft EIR was also published on the City of Sausalito's Webpage at: https://www.sausalito.gov/departments/community-development/housing-element-update-2023-2031.
- Copies of the Recirculated Draft EIR were available for review at the following location:

  City of Sausalito, Community Development Department, 420 Litho Street, Sausalito, CA 94965

LIST OF COMMENTERS

The City of Sausalito received six comment letters during the comment period on the Draft EIR for the Project, and 17 comment letters during the comment period on the Recirculated Draft EIR. Table 1-1 below indicates the numerical designation for each comment letter, the author of the comment letter, and the date of the comment letter. All comments received on the Draft EIR and the Recirculated Draft EIR are responded to in Chapter 3, Comments and Responses.

TABLE 1-1 COMMENT LETTERS REGARDING THE DRAFT EIR AND RECIRCULATED DRAFT EIR

Letter #	Entity	Author(s) of Comment Letter / Email	Date Received
Agencies – Federal, State, Local			
A1	California Department of Fish and Wildlife (CDFW)	Erin Chappell, Regional Manager, Bay Delta Region	October 18, 2024
A2	California Department of Transportation (Caltrans)	Yunsheng Luo, Branch Chief, Local Development Review, Office of Regional and Community Planning	October 21, 2024
Native American Tribes			
T1	Muwekma Ohlone Tribe of the San Francisco Bay Area	Richard Massiatt, Executive Director	December 26, 2024*
Individuals and Other Entities			
I1	Lozeau Drury, on behalf of Save Our Sausalito	Richard Toshiyuki Drury	September 11, 2024
I2		Lito Brindle	October 20, 2024
I3	Patterson & O'Neil, PC, on behalf of Willy's LLC	Brian O'Neill, Attorney's for Willy's, LLC	October 21, 2024
I4		Douglas R. Howell	December 17, 2024*
I5		John and Kate Flavin	December 17, 2024*
I6		John and Kate Flavin	January 14, 2025*
I7		Sandra Bushmaker	January 22, 2025*
I8		John and Kate Flavin	January 22, 2025*

Letter #	Entity	Author(s) of Comment Letter / Email	Date Received
I9		Noreen Spanski	January 22, 2025*
I10		Margaret Collard	January 22, 2025*
I11		Michael Rex Architects Ltd. on behalf of property owners Kathryn & Michael Abbassi	January 22,2020*
I12		Lito Brindle	January 23, 2025*
I13		James Moushegian	January 23, 2025*
I14		Roshan Saniipour	January 24, 2025*
I15		Anthony Hay	January 24, 2025*
I16	Lozeau Drury, on behalf of Save Our Sausalito	Richard Toshiyuki Drury	January 27, 2025*
I17		Linda Fotsch	January 27, 2025*
I18	Patterson & O'Neil, PC, on behalf of Willy's LLC	Ephraim Margolin, Attorney for Willy's, LLC	January 27, 2025*
I19	YIMBY Law	Jack Farrell, Esq.	January 27, 2025*
I20	Lozeau Drury, on behalf of Save Our Sausalito	Richard Toshiyuki Drury	October 21, 2024

Note:
* Letter(s) received during the 45-day public comment period for the Recirculated Draft EIR.

2. REVISIONS TO THE DRAFT EIR

2.1 INTRODUCTION

This chapter describes text changes made to the Draft EIR, as modified by the Recirculated Draft EIR, either in response to a comment letter or initiated by City staff or in response to a modification to the proposed Project.

Under CEQA, an EIR can require recirculation if significant new information is added after public review and prior to certification. According to CEQA Guidelines section 15088.5(a), new information is not considered significant "unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." More specifically, the Guidelines define significant new information as including:

- A new significant environmental impact resulting from the project or from a new mitigation measure;
- A substantial increase in the severity of an environmental impact that would not be reduced to insignificance by adopted mitigation measures;
- A feasible project alternative or mitigation measure considerably different from those analyzed in the Draft EIR that would clearly lessen the environmental impacts of the project and which the project proponents decline to adopt; and
- A Draft EIR that is so fundamentally and basically inadequate and conclusory that meaningful public review and comment were precluded.

The text changes to the Draft EIR text described below update, refine, amplify, and correct the information and analyses presented in the Draft EIR. No new significant impacts are identified, and no information is provided that would reflect a substantial increase in severity of a significant impact that would not be mitigated by measures identified in the Draft EIR. In addition, no new or considerably different project alternatives or mitigation measures have been identified. Finally, there are no changes or set of changes that would reflect fundamental inadequacies in the Draft EIR. Recirculation of any part of the EIR therefore is not required.

2.2 TEXT CHANGES TO THE DRAFT EIR

This section summarizes text changes made to the Draft EIR, as modified by the Recirculated Draft EIR, either in response to a comment letter or initiated by City staff or in response to a modification to the Amended Housing Element project. New text is indicated in double underline and text to be deleted is reflected by a strike through. Text changes are presented in the page order in which they appear in the Draft EIR.

The text revisions provide clarification, amplification, and corrections that have been identified since publication of the Draft EIR. The text changes do not result in a change in the analysis or conclusions of the Draft EIR.

GLOBAL REVISION

On some occasions, typographical errors resulting in using incorrect terminology to refer to the proposed project. The term "Housing Element Programs" is replaced universally with "Amended Housing Element."

EXECUTIVE SUMMARY

Pages ES-28 and ES-29 in the Draft EIR, as modified by the Recirculated Draft EIR, Mitigation Measure 3.3-1 is revised to read:

> **MM 3.3-1a Special Studies.** Applicants of any projects that could result in a potential impact to special status species, or their habitat, shall be required to prepare a special study. The purpose of the special study is to identify biological resources on or in the vicinity of the project site, specifically special-status species and their habitat and sensitive habitats, and to identify appropriate measures to avoid or minimize harm to sensitive biological resources to a less than significant level and to incorporate the recommended measures as conditions of approval for the project. If special-status plant or animal species may be present on a project site, a Qualified Biologist shall conduct a preconstruction survey within 48 hours of the commencement of ground-disturbing activities. The survey area shall include the opportunity site and a 100~~50~~-foot buffer zone within suitable habitat. If special-status species are identified on or adjacent to the project site, a 100~~50~~-foot construction avoidance buffer shall be established and CDFW shall be immediately notified. Construction activities may resume when the Qualified Biologist determines that the species has moved out of harm's way through its own volition, the species may be safely relocated to similar habitat without loss of active nests or dens, or the nesting/breeding season for the special-status species concludes.
>
> Detailed studies are not necessary in locations where past and existing development have eliminated natural habitat and the potential for the presence of sensitive biological resources.

Pages ES-40 and ES-41, the text for Mitigation Measure 3.4-3 is revised to read:

> **MM 3.4-3: Implement Procedures in the Event of Inadvertent Discovery of Human Remains.** Implement Procedures in the Event of Inadvertent Discovery of Human Remains. If an inadvertent discovery of human remains is made at any time during project-related construction activities or project planning, the following performance standards shall be met before implementing or continuing actions

such as construction that may result in damage to or destruction of human remains. In accordance with the California Health and Safety Code (HSC), if human remains are encountered during ground-disturbing activities, the City shall immediately halt potentially damaging excavation in the area of the remains and notify the ~~Sacramento~~ Marin County Coroner and a qualified archaeologist (meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology) to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (HSC Section 7050.5[b]).

If the human remains are of historic age and are determined by the ~~Sacramento~~ Marin County Coroner to be not of Native American origin, the City will follow the provisions of HSC Section 7000 et seq. regarding the disinterment and removal of non–Native American human remains.

If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (HSC Section 7050[c]). After the coroner's findings have been made, the archaeologist and the NAHC-designated Most Likely Descendant, in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains. The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in Public Resources Code Section 5097.9 et seq.

CHAPTER 1, INTRODUCTION

There are no changes to this chapter.

CHAPTER 2, PROJECT DESCRIPTION

There are no changes to this chapter.

SECTION 3.0, ENVIRONMENTAL IMPACT ANALYSIS

Page 3.0-2, paragraph under Agriculture and Forestry Resources is revised to read:

> The EIR certified for the City's General Plan Update in 2021 concluded there would be no impacts to agriculture and forestry resources as a result of development in the City. No land zoned or used as agricultural resources, including farmland, forestry resources, or timberland, is found in the City. Therefore, no agricultural or forestry impacts would occur as a result of implementing the Amended Housing Element ~~Programs~~ and this issue is not discussed further in the EIR.

SECTION 3.1, AESTHETICS

There are no changes to this section.

SECTION 3.2, AIR QUALITY

There are no changes to this section.

SECTION 3.3, BIOLOGICAL RESOURCES

Page 3.3-27, as revised by the Recirculated Draft EIR, MM 3.3-1A is revised to read:

> **MM 3.3-1a Special Studies.** Applicants of any projects that could result in a potential impact to special status species, or their habitat, shall be required to prepare a special study. The purpose of the special study is to identify biological resources on or in the vicinity of the project site, specifically special-status species and their habitat and sensitive habitats, and to identify appropriate measures to avoid or minimize harm to sensitive biological resources to a less than significant level and to incorporate the recommended measures as conditions of approval for the project. If special-status plant or animal species may be present on a project site, a Qualified Biologist shall conduct a preconstruction survey within 48 hours of the commencement of ground-disturbing activities. The survey area shall include the opportunity site and a 100~~50~~-foot buffer zone within suitable habitat. If special-status species are identified on or adjacent to the project site, a 100~~50~~-foot construction avoidance buffer shall be established and CDFW shall be immediately notified. Construction activities may resume when the Qualified Biologist determines that the species has moved out of harm's way through its own volition, the species may be safely relocated to similar habitat without loss of active nests or dens, or the nesting/breeding season for the special-status species concludes.
>
> Detailed studies are not necessary in locations where past and existing development have eliminated natural habitat and the potential for the presence of sensitive biological resources.

SECTION 3.4, CULTURAL AND TRIBAL CULTURAL RESOURCES

Draft EIR page 3.4-1, the first sentence is revised to read:

> This section of the Draft EIR examines the potential for the Amended Housing Element ~~Programs~~ project to impact cultural resources within the Sausalito Planning Area.

Pages 3.4-37 through 3.4-41, Impact 3.4-1 are revised to read:

Impact 3.4-1 **Development facilitated by the Amended Housing Element project could result in a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.**

A substantial adverse change in the significance of an historical resource is defined at Section 15064.5(b)(1) of the CEQA Guidelines as the "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." Known historic buildings, districts and resource sites are located throughout the city (see Figure 3.4-1). Additional undesignated sites, and potentially unidentified sites, exist within the Planning Area as well.

Implementation of the Amended Housing Element would not directly construct new housing in the City but, through the adoption of new development standards and rezoning of sites to residential or mixed use, it would facilitate new residential development on specific sites in order to meet the City's RHNA allocation. Development accommodated under implementation of the Amended Housing Element would result in additional residential development throughout the city, including along the waterfront areas and would occur primarily on sites identified as Inventory Sites and Opportunity Sites in Chapter 2.0. The ODDS would establish a process and standards for multifamily projects eligible for streamlined review on sites zoned for multifamily (2 or more units) residential and mixed use development. The potential growth in residential uses would be infill development and would occur within the fabric of developed areas throughout the City.

The Amended Housing Element would accommodate residential and mixed use development on Inventory Sites and on Opportunity Sites currently designated for residential and mixed uses.

As previously identified, CEQA Guidelines Section 15064.5 provides guidance regarding determining the significance of impacts to archaeological and historical resources. CEQA Guidelines Section 15064.5 (a) states:

> "(a) For purposes of this section, the term "historical resources" shall include the following:
>
> (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.). ....:"

With a California Historical Resource Status Code of 2D2, Site 201 is eligible for listing in the NR and is listed in the CR as a contributor to the Historic District.

The Amended Housing Element identifies five properties anticipated for potential residential development ~~which are within or adjacent to the Downtown Historic District~~ that could affect historic resources:

- Opportunity Site 201 is within the Downtown Historic District and currently consists of a commercial building with four retail storefronts, and a surface parking lot (Historic Resource, Status Code 2D2 – see Table 3.4-2);
- Amended Housing Element Inventory Site, located at 721/729 Bridgeway, is within the Downtown Historic District and contains a commercial building;
- Opportunity Site 23 is adjacent to, but outside of, the Downtown Historic District, and is currently vacant (Historic Resource, Status Code 2D2 – see Table 3.4-2);
- Opportunity Site 24 is adjacent to, but outside of, the Downtown Historic District, and is currently vacant; and
- Opportunity Site 202 is adjacent to, but outside of, the Downtown Historic District and currently houses the Alta Mira Recovery Programs surface parking lots and two small buildings; this site is adjacent to Alta Mira Hotel (Historic Resource, Status Code 7N – see Table 3.4-2).

As shown on Figure 3.4-1, Opportunity Site 201 (APN 065-132-16) is located within the Sausalito Historic District and includes the Marin Fruit Co., a designated historic resource listed on the California ~~Historic Preservation Office state registry~~Register of Historic Places.[1]

According to the Built Environment Resource Directory (BERD) for Marin County,[2] the Marin Fruit Company building was designated as Status Code 2D in 1981, and revised to Status Code 2D2 in 1984. Status Code 2D is defined as, "Contributor to a multi-component resource determined eligible for NR by the Keeper. Listed in the CR." Status Code 2D2 is defined in the California Historical Resource Status Codes published in 2020 by the California Office of Historic Preservation as, "Contributor to a multi-component resource determined eligible for NR by consensus through Section 106 process. Listed in the CR." This site has been the subject of multiple recent studies, with differing conclusions regarding its significance.

[1] The California Historical Resource Status Code list provides an index of historic resource coding to classify individual properties. A categorization of "2" in the means the resource is "Determined Eligible for Listing in National (NR) or California (CR) Registers." A categorization of "1" means the resource is "Listed in the National Register (NR) or the California Register (CR)." The Marin Fruit Building holds a California Historical Resource Status Code 2D2: "Contributor to a multi-component resource determined eligible for NR by consensus through Section 106 process. Listed in the CR."

[2] California State Parks, 2024. California Historic Places – Marin County. Available: https://ohp.parks.ca.gov/ListedResources/?view=county&criteria=21. Accessed: November 12, 2024.

The May 11, 2024 Historical Summary and Project Evaluation prepared by Preservation Architecture on behalf of the owner of the 605-613 Bridgeway site (Preservation Architecture Evaluation) concludes that while the Sausalito Historic District is listed in the California Register, the individual properties identified as individual contributors are not individually listed in the California Register and, as such, the District is the identified historic resource, not the individual properties. It is not clear whether the preparer of the Preservation Architecture May 11, 2024 evaluation is a professional that meets The Secretary of the Interior Professional Qualifications Standards that define the minimum education and experience necessary to perform identification, evaluation, registration, and treatment activities as no qualifications are provided for the Preservation Architecture report preparer.

The Preservation Architecture Evaluation references the findings of the 719-725 Bridgeway Historic Resource Technical Memorandum prepared by Page and Turnbull, Inc., and dated, April 9, 2019 (2019 P&T Memorandum. However, the Preservation Architecture Evaluation does not reflect the conclusion of the 2019 P&T Memorandum.

The 2019 P&T Memorandum determined that the 719-725 Bridgeway site was not individually listed in the California Register of Historical Resources, based on conversations with unidentified persons. Most importantly, the 2019 P&T Memorandum concluded that the 719-725 Bridgeway site is a historic resource for CEQA review.[3] Regarding 719-725 Bridgeway, which also has a Status Code of 2D2 as does Site 201, Page and Turnbull concluded on page 12 of their technical memorandum: "Based on Hulbert's and VerPlanck's assessments of eligibility, as well as additional analysis by Page & Turnbull, 719-725 Bridgeway is not individually listed or eligible for listing in the California Register. According to the information presented in the regulatory context section above, the subject property is a contributor to the California Register-listed Sausalito Downtown Historic District, is included as such in the city's Historic Resources Inventory, and is assigned a California Historical Resource Status Code of 2D2. As such, it should be considered a historical resource under CEQA." However, following preparation of the Page & Turnbull report, the California Office of Historic Preservation in March 2020 published California Historical Resource Status Codes, which indicates that properties with a status code of 2D2 are individually listed in the California Register. With this exception, the approach to resources in the Sausalito Historic District and more specifically, Site 201, is consistent with the analysis in the technical memorandum referenced by the commenter.

[3] Page and Turnbull, Inc.,, 2019. 719-725 Bridgeway Historic Resource Technical Memorandum. Page 8.

The 2019 P&T Memorandum conclusion is consistent with the determination of Jerri Holan & Associates, which prepared the Historic Design Analysis for 605 Bridgeway Boulevard (Holan Historic Analysis) amended April 3, 2024, except that the Holan analysis concludes that the Site 201 is individually listed in the California Register, as confirmed by the Office of Historic Preservation. The Holan Historic Analysis describes Ms. Holan's qualifications; Ms. Holan qualifies as a preservation architect and architectural historian per The Secretary of the Interior's Standards and Guidelines for Historic Preservation. The Holan Historic Analysis determined that the building at Site 201 was placed on the California Register of Historic Places on 1/1/81 with a 2D status and is also eligible for listing in the National Register.

The Project Impacts Analysis prepared by Watson Heritage Consulting in June 2024 (Watson Heritage Analysis) provides additional information identifying Site 201 (605-613 Bridgeway) as a historic resource, including the Status Code 2D2, which defines the property as a historical resource under CEQA Guidelines Section 15064.5 and information regarding an updated Historical Resource Evaluation for the site prepared by Connor Turnbull Preservation Consulting that concluded the site is significant under California Register Criteria A/1 (events) and B/2 (persons) and identified character-defining features of the resource.

The Sausalito Citywide Historic Context Statement (Sausalito CS) was prepared by VerPlanck Historic Preservation Consulting in October 2022. The Sausalito CS establishes that Site 201 is listed on the California Register as a contributor to the National Register-eligible Downtown Historic Overlay Zoning District as all contributors to the district are considered listed on the California Register. On page 9, the Sausalito CS identifies that in Sausalito, "the California Register includes – at a minimum – 67 properties, including the four National Register properties mentioned above, eight Sausalito Landmarks, 54 contributors to the National Register-eligible Downtown Historic Overlay Zoning District, and one California Historical Point of Interest." On page 10, the Sausalito CS also identifies that properties in the Sausalito Historic Register and Historic Resources inventory include contributors to the Downtown Historic Overlay District. Table 2 of the Sausalito CS lists sites in the Local Historic Resources Inventory, including Site 201 (named as Marin Fruit Co.).

CEQA Guidelines Section 15151 states "Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts." The different conclusions related to whether a site listed in the California Register as a contributor to a California Register-listed district is a "historical resource" as defined by CEQA is noted.

Therefore, the City has determined that Site 201 has a California Historical Resource Status Code of 2D2 and thus is eligible for listing in the NR and is listed in the CR as a

contributor to the Historic District. Thus, Site 201 meets the criteria of a historical resource as established by CEQA Guidelines Section 15064.5(a).

An Amended Housing Element Inventory Site, located at 721/729 Bridgeway, is located within the Downtown Historic District Overlay in the City of Sausalito and contains the Burlwood Gallery, a designated historic resource listed on the California Historic Preservation Office state registry, with a California Historical Resource Status Code of 2D2 and thus is eligible for listing in the NR and is listed in the CR as a contributor to the Historic District.

The Alta Mira Hotel is immediately adjacent to the parking lots that are identified as Opportunity Site 202. the Alta Mira Hotel, which is identified as California Historical Resource Status Code 7N: Needs to be reevaluated – formerly coded as may become National Register eligible with specific conditions and is also identified on the Local Historic Resources Inventory. While the Alta Mira Hotel is not listed on the California Register, CEQA Guidelines Section 15064.5(a)(4) "The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1." As the Alta Mira Hotel may be eligible for listing in the National Register, the City has determined that it may be a historical resource as defined by Public Resources Code section 5024.1 subsections (c) and (d). Removing development on Site 202 would remove the potential for future adverse changes to the Alta Mira Hotel, including adverse changes that would result from the physical demolition, destruction, or alteration of the Alta Mira Hotel's immediate surroundings such that the physical characteristics that convey the historical significance of the resource and justify its eligibility in the California Register of Historic Places would be demolished or materially altered.

As described further below, development within sites identified to be within the Downtown Historic Overlay are required to undergo City review rules and regulations required by the Sausalito Municipal Code to protect historical resources. Furthermore, as shown on Figure 3.4-1, Opportunity Sites 207, 209, 39, 301, 47, and 44 are located within archeological sensitive zone 2. Opportunity Sites 303, 72, 211, 306, 85, 86, and 87 are located within archeological sensitive zone 3. Except for the identified historic resources in the Sausalito Downtown Historic District, there are no designated historic resources on any of the opportunity sites within archaeological sensitive zones 2 or 3. The following Amended Housing Element sites are located near potentially eligible historic properties within archaeological sensitive zones 2 and 3:

- Opportunity Site 39 is near 515 Humboldt Street, the Ark—"Caprice;" and

- Opportunity Sites 44, 47, and 301 are near 116 Caledonia Street, Linsley House.

~~, the sites are adjacent to or within the vicinity of a Potentially Eligible Historic Property.~~

As discussed below, policies and programs included in the General Plan address the conservation and protection of historical resources. Policies W-5.2, CD-1.2, CD-6.1, CD-6.5 ensure protection and preservation of historical resources within the City by supporting identification of potential historical structures, protecting historic resources from sea level rise, requiring compatibility of architectural styles, and requiring project review when appropriate. Policy CD-6.2 defines the Historic Preservation Commission and its roles.

The Sausalito Municipal Code contains rules and regulations that protect historical resources. Chapter 10.46 includes city review procedures for applicants seeking to demolish or modify an historical resource. Section 10.46.060 (Property and Review Requirements) prohibits the rehabilitation, alteration, demolition, removal or other changes to the exterior appearance, including paint color, of structures or sites officially deemed a historical resource without first having undergone review for a certificate of appropriateness by the Historic Preservation Commission. Section 10.46.060 also details additional findings that must be made prior to the issuance of a certificate of appropriateness. Additional findings are required for Local Historic Register Properties, properties in historic overlay districts, landscaping applications, and demolition applications. However, projects subject to Municipal Code Title 10A (ODDS) would be reviewed for consistency with Title 10A, including requirements addressing historic resources, that will be created for the ODDS, rather than being required to be consistent with these Title 10 requirements.

As the city receives development applications for subsequent development under the Housing Element, those applications will be reviewed by the City of Sausalito for compliance with the policies and programs of the General Plan and with Municipal Code standards related to the protection of historical resources. In particular all development under the Amended Housing Element, including exterior modifications to existing structures and sites, new construction, and infill projects within the Downtown Historic Overlay Zoning District or the Residential Arks Zoning District, as well as properties on the Local, State or National Registers will require Historic Design Review in accordance with Zoning Ordinance Title 10 or Title 10A (ODDS) requirements.

Development envisioned by the Project would result in an increase in development, as well as other public improvements, that could affect known historic resources or previously unidentified or undesignated resources within the Planning Area. CEQA Guidelines Section 15064.5(b)(1) states, “Substantial adverse change in the

significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired," which may have a significant effect on the environment. Development projects accommodated by the Amended Housing Element have the potential to affect the Downtown Historic District through modifying or destroying properties that are listed on the California Register as contributing to the status of the Downtown Historic District and through modifying or destroying properties that are immediately adjacent to the district. Development projects accommodated by the Amended Housing Element have the potential to adversely affect the Alta Mira Hotel, a potential historic resource, through modifying or destroying properties adjacent to this resource. Even if a Certificate of Appropriateness is issued under Sausalito Municipal Code Section 10.46.060, any adverse change to a historical resource would be a ***potentially significant*** impact.

Level of Significance before Mitigation

Potentially Significant

Mitigation Measures

MM 3.4-1(a) Any project proposed on an Amended Housing Element site that have a historic resource, are adjacent to a historic resource, or could otherwise adversely affect a historic resource, including a~~A~~ny proposed ~~new~~ project within or adjacent to the Downtown Historic Overlay Zoning District or the Residential Arks Zoning District shall be designed in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, specifically the standards for rehabilitation and new construction within a historic district. Standards 1, 2, 5, 9, and 10 for Rehabilitation state that:

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

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

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

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that

characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

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

    Projects undertaken within the Downtown Historic Overlay Zoning District or the Residential Arks Zoning District shall be consistent with these standards. In addition to compliance with the above, the project developer shall ensure that any new project involving the design of a new building shall not have a significant impact on the Downtown Historic Overlay Zoning District's or the Residential Arks Zoning District's contributing resources or its features and characteristics.

Projects proposed on Amended Housing Element sites that have a historic resource, are adjacent to a historic resource, or could otherwise adversely affect a historic resource shall be evaluated by a professional meeting the U.S. Secretary of the Interior's professional qualification standards for the preparation of historic surveys and evaluations. The evaluation shall evaluate the potential for the project to cause a substantial adverse change in the significance of a historical resource, as defined by Section 15064.5(a). The evaluation shall identify measures implemented to reduce the impact to a less than significant level, including measures that ensure the project is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The City of Sausalito Community Development Director, or the Historic Preservation Commission, as appropriate per the requirements of Chapter 10.46, Historic Preservation, of the City Code, shall review any proposed project's site plan and design to ensure its compatibility with the SOI Standards and the adopted standards of the Downtown Historic Overlay Zoning District or the Residential Arks Zoning District.

MM 3.4-1(b) Prior to any construction activities within or adjacent to historic resources in the City, including sites listed or eligible for the National Register of Historic Places, sites listed on or eligible for the California Register of Historic Resources Places, including the Downtown Historic District, contributors to the Downtown Historic District, landmarks, and sites listed on the City's Inventory of Noteworthy Structures, a qualified historian or architectural historian shall survey adjacent parcels for potential historic resources on those parcels. The survey shall include archival research, field inspection, and consultation with local historical societies or preservation organizations. Based on the survey findings, the project proponent shall develop a Historic Resource Protection Plan (HRPP) that outlines specific measures for the avoidance, protection, and documentation of those identified historic resources. If resources adjacent to the proposed project site are determined to be eligible for listing on the Historic Register, or are already registered as such, the HRPP shall include additional mitigation measures, such as avoidance, preservation in place, or data recovery to ensure that no significant historic resources are inadvertently damaged or destroyed during construction. Measures identified in the HRPP shall reflect the requirements identified in the Secretary of the Interior's Standards for the Treatment of Historic Properties. The HRPP shall be prepared by a qualified historian or architectural historian, and subject to review and approval by the City of Sausalito Community Development Director or the Historic Preservation Commission, as appropriate.

Level of Significance After Mitigation

Less than Significant

With the implementation of Mitigation Measure 3.4-1(a), compliance with the Secretary of the Interior's Rehabilitation Standards would reduce anticipated impacts on historic resources, including the Downtown Historic District, landmark sites, sites on or eligible for the National Register, sites on or eligible for the California Register, and the Residential Arks Zoning District, through design standards and historic district plan and design guidelines guidance. In addition, implementation of Mitigation Measure 3.4-1(b) would ensure that potentially significant impacts require additional mitigation measures to ensure that no significant historic resources are inadvertently damaged or destroyed as a result of direct or indirect effects by project implementation in historically sensitive areas. Therefore, the impact would be ***less than significant***.

Page 3.4-47, Mitigation Measure 3.4-3 is revised to read:

> **MM 3.4-3: Implement Procedures in the Event of Inadvertent Discovery of Human Remains.** Implement Procedures in the Event of Inadvertent Discovery of Human Remains. If an inadvertent discovery of human remains is made at any time during project-related construction activities or project planning, the following performance standards shall be met before implementing or continuing actions such as construction that may result in damage to or destruction of human remains. In accordance with the California Health and Safety Code (HSC), if human remains are encountered during ground-disturbing activities, the City shall immediately halt potentially damaging excavation in the area of the remains and notify the ~~Sacramento~~ Marin County Coroner and a qualified archaeologist (meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology) to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (HSC Section 7050.5[b]).
>
> If the human remains are of historic age and are determined by the ~~Sacramento~~ Marin County Coroner to be not of Native American origin, the City will follow the provisions of HSC Section 7000 et seq. regarding the disinterment and removal of non–Native American human remains.
>
> If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (HSC Section 7050[c]). After the coroner's findings have been made, the archaeologist and the NAHC-designated Most Likely Descendant, in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains. The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in Public Resources Code Section 5097.9 et seq.

Page 3.4-52 through 3.4-54 of the Draft EIR are revised to read:

Impact 3.4-6	**Development facilitated by the Amended Housing Element, in combination with past, present, and reasonably foreseeable projects, could result in significant cumulative impacts with respect to historic, cultural, or tribal cultural resources.**

This analysis evaluates whether the impacts of the Project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to historic, cultural, and tribal cultural resources. This analysis then considers whether incremental contribution of impacts associated with the implementation of

the Amended Housing Element would be significant. Both conditions must apply for a project's cumulative effects to rise to the level of a significant impact.

The geographic context for this analysis includes the Sausalito Planning Area, Marin City, Tam Valley, Mill Valley, and other adjacent unincorporated areas. Past, present, and future development projects contribute to impacts related to cultural or tribal cultural resources.

Cumulative development within unincorporated Marin County is identified as less than significant in the Marin Countywide Plan Update Final EIR.4 The Marin Countywide Plan would increase the amount of lands designated as Open Space due to the acquisition of land by the GGNRA. Within the community of Marin City, the Marin Countywide Plan identified an additional 149 to 256 housing units and the potential for additional non-residential development. Within Tam Valley, approximately 235 acres of residential land would be changed to Open Space. The Marin Countywide Plan identified an additional 177 to 305 housing units and the potential for additional non-residential development within Tam Valley. Cumulative development within Mill Valley is identified in the Mill Valley 2040 General Plan Final EIR.5 The Mill Valley General Plan identified an additional 146 new dwelling units within the residential-zoned sites and an additional 239 dwelling units within the commercial-zoned sites. The 2040 Mill Valley General Plan identifies less than significant cumulative impacts and calls for preserving and protecting potential and listed historic and archaeological resources, working with the Mill Valley Historical Society to develop a comprehensive inventory of potential historic and archaeological resources, protecting the value of historic and cultural resources, and promoting education about historic preservation. Cumulative projects within Mill Valley and unincorporated Marin County, including Marin City and Tam Valley, would be required to comply with applicable policies and programs and adhere to the rules and regulations in the Marin County Municipal Code and Mill Valley Municipal Code that protect cultural and tribal cultural resources. Cumulative development in Sausalito includes pending and proposed projects and development anticipated under the City of Sausalito General Plan. The City of Sausalito General Plan anticipated an increase of 304 new dwelling units and 745,447 square feet of non-residential development. Pending projects include ADUs, single family units, expansion of existing uses, and multifamily projects. Pending projects include development of a mixed use project at Site 201, a site which has a designated California Historical Resource Status Code 2D2.

[4] County of Marin. Community Development Department. 2007. Marin Countywide Plan Update Final Environmental Impact Report. November.

[5] City of Mill Valley, Planning and Building Department. 2013. Mill Valley 2040 General Plan Final EIR. October.

~~and has the potential to adversely affect the historic resource.~~ The City is in the process of reviewing the proposal for Site 201 and has not yet made a determination regarding the potential environmental impacts of the project. Although this EIR does not evaluate all site-specific impacts of specific pending projects, including the development application pending for Site 201, it is possible, generally, that the development of sites that are designated as historical sites have the potential to adversely affect the historic resource. ~~Under~~ Therefore, under cumulative conditions, there is the potential for future development to have an adverse cumulative impact with respect to historic, cultural, or tribal cultural resources.

Cumulative projects would be required to comply with federal, State, and local policies that protect cultural and tribal cultural resources, including the provisions of SB 18 and AB 52, Section 15064.5 of the CEQA Guidelines, and Sections 5024.1 and 5097 of the Public Resources Code. Accordingly, because cumulative development would be required to comply with long-term planning documents, and regulatory agency guidance establishing policies (including, but not limited to, evaluation requirements and inadvertent discovery procedures). However, the inadvertent discovery of cultural or tribal cultural resources could occur during construction activities, and the impact would be ***potentially significant***.

As discussed under Impacts 3.4-1 through 3.4-5, as the City receives development applications for subsequent development under the Amended Housing Element, those applications will be reviewed by the City of Sausalito for compliance with the policies and programs of the General Plan, the provisions of SB 18 and AB 52, the Sausalito Municipal Code historic preservation regulations, and other relevant federal, State, and local regulations that protect historic, cultural, and tribal cultural resources, including Section 15064.5 of the CEQA Guidelines and Sections 5024.1 and 5097 of the Public Resources Code. Projects located on sites that have historic resources as defined by Section 15064.5 of the CEQA Guidelines are subject to the federal, State, and local policies described under Impact 3.4-1. These requirements include, but are not limited to, Chapter 10.46 of the Sausalito Municipal Code which establishes procedures for demolishing or modifying a historical resource. However, even with application of Sausalito Municipal Code Section 10.46.060, there is the potential for development under the Amended Housing Element to result in an adverse change to a historical resource. Therefore,~~However,~~ the inadvertent discovery of cultural or tribal cultural resources could occur during construction activities associated with the Amended Housing Element, or damage or demolition of historic structures could occur, and the Project's contribution would be considerable. Therefore, the cumulative impact would be ***potentially significant***.

Level of Significance before Mitigation
Potentially Significant

Mitigation Measures

MM 3.4-6 Implement Mitigation Measures 3.4-1(a) and (b), Mitigation Measures 3.4-2 (a) and (b), and Mitigation Measure 3.4-3.

Level of Significance After Mitigation

Significant and Unavoidable

Implementation of Mitigation Measure 3.4-6 would reduce potential impacts on known historic resources by requiring that projects avoid damaging or destroying such resources. However, and while this is not anticipated, there is a possibility that the destruction of a historic resource could occur as a result of Project implementation, and such an impact would be significant and unavoidable as the resource could not be recovered.

Implementation of Mitigation Measure 3.4-6 would reduce potential impacts of the proposed project on inadvertently discovered archaeological resources, cultural resources, and tribal cultural resources by ensuring that any resources inadvertently discovered during construction would be evaluated for significance and treated appropriately in consultation with a culturally affiliated Native American tribe.

Further, implementation of Mitigation Measure 3.4-6 would reduce the potential impacts of the proposed project on inadvertently discovered human remains by determining if the remains are Native American in origin and, if determined to be Native American, a Most Likely Descendant is assigned to determine the appropriate treatment. However, and while this is not anticipated, there is a possibility that inadvertent damage to or destruction of unanticipated subsurface tribal cultural resources determined to be to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 could occur during construction activities, the impacts of which would be ***significant and unavoidable***."

SECTION 3.5, ENERGY

There are no changes to this section.

SECTION 3.6, GEOLOGY AND SOILS

There are no changes to this section.

SECTION 3.7, GREENHOUSE GAS EMISSIONS

There are no changes to this section.

SECTION 3.8, HAZARDS AND HAZARDOUS MATERIALS

There are no changes to this section.

SECTION 3.9, HYDROLOGY AND WATER QUALITY

There are no changes to this section.

SECTION 3.10, LAND USE

There are no changes to this section.

SECTION 3.11, NOISE

There are no changes to this section.

SECTION 3.12, POPULATION, HOUSING, AND EMPLOYMENT

There are no changes to this section.

SECTION 3.13, PUBLIC SERVICES AND RECREATION

There are no changes to this section.

SECTION 3.14, TRANSPORTATION

There are no changes to this section.

SECTION 3.15, UTILITIES AND SERVICE SYSTEMS

Page 3.15-29, Table 3.15-5 is revised to read:

TABLE 2.2-5 SOLID WASTE GENERATION ESTIMATE

CATEGORY	WASTE GENERATION RATE	NET NEW SERVICE POPULATION	WASTE GENERATION INCREASE	
			DAILY	ANNUALLY
Resident	5.2 pounds/day	1,962 residents	10,202 pounds	~~1,689 tons~~ 1,862 tons

Notes:

1 ton=2,000 pounds
1 cubic yard=1.4 tons

1.75 PPH per DOF 2022

Source: FCS, 2020; DOF 2022

SECTION 3.16, WILDFIRE

There are no changes to this section.

CHAPTER 4, ALTERNATIVES TO THE AMENDED HOUSING ELEMENT

Recirculated Draft EIR page 4-10, last paragraph, and 4-11 is revised as follows:

> "Under Alternative 1b, there would an increase in the development potential of Opportunity Sites 23, 24, 39, 44, 47, 201, 207, and 301.~~,~~ The Project would modify these sites which ~~are modified~~ to have overlays that allow up to 29 units per acre. ~~under the Project,~~ Alternative 1b would maintain the overlays in the adopted Housing Element which designates Sites 23, 24, 39, 44, 47, 201, 207, 209, and 301 to be rezoned to allow up to 49 units per acre under Program 4 and Site 55 to be rezoned to allow up to 70 units per acre under Program 4~~rather than overlays that accommodate 43-49 units per acre under Alternative 1b~~."

Recirculated Draft EIR page 4-6 (last paragraph) to page 4-7 is revised to read:

> Alternative 2 focuses on removing sites from the Amended Housing Element that have challenging geographic locations. Specifically, Opportunity Sites that are located in micro-analysis zones (MAZs) that have high residential VMT levels (>18.0 per capita) in the Cumulative + Project scenario and are more than 1.5 miles from the nearest Highway 101 entrance were removed. Removal of these sites reduces the number of housing units far from employment and services hubs, and concentrates new housing more proximate to those uses. Due to the lack of direct routes through the city to identified evacuation routes, sites that have high VMT levels and are farther from Highway 101 entrances would also have longer travel distances and times to those routes in an emergency. Additionally, Opportunity Sites located in high-risk landslide hazard areas (rated as 8 or above) were also removed from the list of potential sites to be implemented by the Amended Housing Element. This alternative reduces the risk of natural disasters adversely affecting a significant number of housing units. Steep slopes increase the risk of landslides, liquefaction, or slope instability. Sites that have been removed from the Opportunity Sites list would continue to accommodate development as allowed by the adopted General Plan; however, this alternative would limit future development of the affected Opportunity Sites as shown in **Table 4-3**.All other Opportunity Sites identified in the Amended Housing Element and proposed to be implemented under the Amended Housing Element project would be rezoned as anticipated under the Project (see **Figure 4-4**).

Recirculated Draft EIR pages 4-20 and 4-21 are revised to read:

Impacts Identified as Being Less Severe than Those of the Proposed Project

As development potential would be reduced on 11 sites, a slightly smaller total footprint of development would occur. This would result in slight reductions to impacts associated with ground disturbance on Sites 8, 23, 24, 56, 59, 63, 86, 87, 201, 207, and 212. Therefore, Alternative 2 would be slightly less likely to encounter previously unidentified historic, archaeological, paleontological, and tribal cultural resources (Impacts 3.4-2, 3.4-3, 3.4-5, 3.4-6, 3.6-6, and 3.6-7). Light and glare impacts would also be reduced on the 11 sites spread throughout the city.

Alternative 2 includes 1,074 residential units, which in comparison to the proposed Project is a reduction of 73. An assessment of how the residential VMT per capita associated with Alternative 2 would compare to the proposed Project was performed using MAZ (micro analysis zone) outputs from the TAMDM travel demand model projections for the Amended Housing Element, along with the net differences in units that Alternative 2 would yield as compared to the proposed Project. While this approach is less precise than conducting extensive full model runs for the Alternative 2 land use inventory, its balance of quantitative and qualitative information remains valuable in assessing whether the alternative would result in VMT impacts that are less severe, equivalent, or more severe than the proposed Project.

It was determined that the combined Alternative 2 residential units are estimated to generate approximately 1,400 to 2,000 fewer home-based vehicle miles traveled than the combined residential units associated with the proposed Project. However, Alternative 2 would also have fewer units and less population than the project. Upon comparing the average VMT per capita associated with the Alternative 2 units versus the proposed Project units, it was determined that the VMT per capita performance metric would decrease by approximately 0.8 percent. The citywide VMT per capita would therefore be slightly less than, though very similar to, the proposed Project. The modest nature of this effect is likely due to several factors including the relatively low number of units on high-VMT sites that Alternative 2 eliminates, VMT characteristics of sites that were also removed for landslide risks, and overall weighting of the larger pool of remaining sites throughout the city.

While Alternative 2 would only slightly decrease VMT per capita performance metrics, it would also eliminate several of the proposed Project's sites that are located within Sausalito's highest-VMT areas. By doing so it would eliminate the potential for VMT impacts to occur on these individual sites and would also shift some of these units to more VMT-efficient areas of the city. Given these factors, Alternative 2 would be considered to have modestly less severe VMT impacts than the proposed Project, despite only slightly reducing the VMT per capita metric. Alternative 2 would still result in a significant and unavoidable VMT impact.

As VMT levels would decrease, so would the emissions associated with vehicle travel. Therefore, air quality impacts (Impacts 3.2-1 through 3.2-5) and greenhouse gas emissions (Impacts 3.7-1 through 3.7-3) would also be slightly less than the proposed Project.

Growth projections would be lower under Alternative 2 compared to the proposed Project. Therefore, population demand-related impacts would be higher under Alternative 2, including for public infrastructure and utility systems, including water supply systems (Impacts 3.15-1 through 3.15-6) and public services and recreation (Impacts 3.13-1 through 3.13-4).

This alternative would not develop sites that are at high risk of landslides. Therefore, exposure of residents to unstable geological units or effects from seismic events would be lower (Impacts 3.6-1 through 3.6-7) under Alternative 2 compared to the proposed Project.

Exposure of residents to potential hazards would also be slightly lower under Alternative 2 because there would be fewer residents compared to the proposed Project. Likewise, the number of sites to be developed under Alternative 2 would decrease. Impacts would be slightly reduced~~higher~~ related to hazards and hazardous materials, including emergency response and evacuation (Impacts 3.8-1 through 3.8-6), hydrology and water quality (Impacts 3.9-1 through 3.9-9), and wildfire, including evacuation (Impacts 3.16-1 through 3.16-6).

Recirculated Draft EIR pages 4-22 through 4-27 are revised to read:

4.4.4 ALTERNATIVE 3 — MODIFIED SITES

Alternative 3 identifies different sites to be rezoned for residential and mixed-use development through implementation of the Amended Housing Element. The purpose of this alternative is to relocate anticipated residential units from areas that are far from community services or do not have convenient freeway access, and place them closer to community services such as commercial, employment, and neighborhood services, or freeway access. This alternative would not rezone 11 Opportunity Sites to higher density residential or mixed-use, instead keeping those sites as they are currently designated on the existing Zoning Map. The Opportunity Sites that would not be rezoned are sites 8, 9, 10, 55, 56, 59, 63, 75, 101, 212, and 301 (see **Figure 4-5**).

Alternative 3 would include the addition of a new Opportunity Site, formerly known as Opportunity Site 67, to the Housing Element. This 1.88~~4.36~~-acre site, located at 2200 Marinship Way, is currently vacant. It is surrounded by surface parking and an office building to the north, another office building to the east, Marinship Park to the

south, and Bridgeway to the west. This site would be rezoned from its current designation of Industrial (I) to a ~~new~~the overlay Mixed Use (MU-49~~25~~/85%), which would create the opportunity to construct up to 92~~109~~ dwelling units and approximately 9,500 square feet of ground floor mixed use. This site is proximate to community services and is adjacent to a main evacuation route, Bridgeway, in the event of an emergency.

The total number of units that could be accommodated under Alternative 3 is the slightly less than ~~ame as~~ the Amended Housing Element project of 1,130~~47~~ units.

Table 4-4 identifies the sites that would remain zoned according to their existing zoning designation (Sites 8, 9, 10, 55, 56, 59, 63, 75, 101, 212, and 301) and the site that would be added to the Opportunity Sites that would be rezoned to accommodate residential uses (Site 67).

Comparative Analysis of Environmental Effects

Impacts Identified as Being the Same as or Similar to Those of the Proposed Project

Under Alternative 3, units would be reduced on 11 sites and increased on one site. While there would be less disturbance on the 11 scattered sites, there would be disturbance on a new vacant site. As a result, there would still be potential impacts to tribal cultural or archaeological resources, similar to the proposed Project.

Similar to the proposed Project, Alternative 3 would not result in unplanned population growth such that the provision of new housing would be required. The alternative would appropriately plan for population growth in the city, and there would be no impact (Impacts 3.12-1 and 3.12-2).

It is anticipated that Alternative 3 would result in similar levels of ground-disturbance, albeit in different locations, and generally similar impacts associated with the potential to encounter previously unidentified historic, archaeological, paleontological, and tribal cultural resources (Impacts 3.4-2, 3.4-3, 3.4-5, 3.4-6, 3.6-6, and 3.6-7). Light and glare impacts would also be decreased in scattered areas associated with the reduction on the 11 sites, but would be increased at Site 67.

~~Energy consumption would be similar under Alternative 3 as a similar level of development would be constructed compared to the proposed Project. Further, s~~Similar to the proposed Project, energy usage would not be wasteful, inefficient, or unnecessary as units would be constructed to Title 24 standards (Impact 3.5-1).

~~Growth projections would be similar under Alternative 3 compared to the proposed Project because only a few sites would be removed from the inventory. Therefore, population demand related impacts would be similar under Alternative 3, including for public infrastructure and utility systems, including water supply systems (Impacts 3.15-1 through 3.15-6) and public services and recreation (Impacts 3.13-1 through~~

~~3.13-4).~~ Exposure of residents to potential hazards would also be similar under Alternative 3. ~~Impacts would be similar, or slightly reduced, related to geology and seismicity (Impacts 3.6-1 through 3.6-7) and wildfire (Impacts 3.16-1 through 3.16-6) as several sites on steep slopes would have reduced development potential and development would be slightly reduced in areas with higher fire hazards and increased in areas with less hazards.~~

Construction-related vibration impacts would be similar under Alternative 3 compared to the proposed Project (Impact 3.11-2) as sites near historic structures would still be anticipated to develop with residential uses. Construction and operational noise levels would increase near Site 67 as that site was not previously anticipated to redevelop (Impact 3.11-1); however, this site is not adjacent residential uses and impacts are anticipated to be similar or less for sensitive receptors.

Impacts Identified as Being Less Severe than Those of the Proposed Project

The changes under Alternative 3 have been crafted to reduce VMT and associated air quality and greenhouse gas emissions.

The process used to assess how Alternative 3 would be likely to perform from a VMT perspective is the same as that previously described for Alternative 2. Alternative 3 would include 1,147 total units, which is equal to the proposed Project. Compared to the proposed Project, Alternative 3 would eliminate 109 units on 11 sites and add 109 units, with at least 85% of units affordable to lower and moderate income households, and non-residential uses at a new site at 2200 Marinship Way.

Review of the resulting VMT estimates indicates that the units comprising Alternative 3 would be expected to have an average VMT per capita that is approximately 1~~.1~~ percent less than the Project. Alternative 3 would decrease the number of market-rate units, increase the number of lower income units, and provide an increase in mixed uses, all of which are characteristics that also tend to lower per capita VMT. With respect to the total home-based VMT generated, the combined Alternative 3 residential units are estimated to generate approximately 2,000 to 3,000 fewer home-based vehicle miles traveled than the combined residential units associated with the proposed Project.

As with the proposed Project, Alternative 3 would exceed the applied significance threshold of 12.6 VMT per capita. Mitigation Measure 3.14-2 would therefore still apply. As discussed below and in the discussion of the proposed Project's VMT impacts, there is uncertainty as to whether all Alternative 3 sites can achieve significance thresholds, even with mitigation. The impact is therefore considered significant and unavoidable.

While Alternative 3 would be expected to result in a significant and unavoidable VMT impact, the VMT per capita associated with its residential units as well as its effects

on citywide VMT per capita are anticipated to be slightly less than the proposed Project. Accordingly, the VMT impacts associated with Alternative 3 would be slightly less severe than those associated with the project.

As per capita VMT levels would decrease, so would the emissions greenhouse gas emissions, which are associated with vehicle travel and also considered on a per capita basis. Therefore, greenhouse gas emissions (Impacts 3.7-1 through 3.7-3) would also be slightly less than the proposed Project.

Energy consumption would be slightly less under Alternative 3 as a slight reduction in development would be occur compared to the proposed Project.

Growth projections would be slightly less under Alternative 3 compared to the proposed Project due to the reduction in total units (17 fewer units) would be removed from the inventory. Therefore, population demand-related impacts would be slightly less under Alternative 3, including for public infrastructure and utility systems, including water supply systems (Impacts 3.15-1 through 3.15-6) and public services and recreation (Impacts 3.13-1 through 3.13-4). Impacts would be similar, or slightly reduced, related to geology and seismicity (Impacts 3.6-1 through 3.6-7) and wildfire (Impacts 3.16-1 through 3.16-6) as several sites on steep slopes would have reduced development potential and development would be slightly reduced in areas with higher fire hazards and increased in areas with less hazards.

Impacts Identified as Being More Severe than Those of the Proposed Project

None.

TABLE 4-43: ALTERNATIVE 3 – MODIFIED SITES

OPP. SITE #	ADDRESS	CURRENT USE	ACRES	EXISTING UNITS ON SITE	EXISTING ZONING UNIT CAPACITY	PROPOSED PROJECT UNIT CAPACITY	ALT. 3 UNIT CAPACITY	EXISTING ZONING	PROPOSED PROJECT ZONING	ALT. 3 ZONING
Removed Opportunity Sites										
8	Main St./Crescent Ave.	Vacant	0.12	0	2	6	2	R-2-2.5	Housing-49	R-2-2.5
9	Lower Crescent Ave.	Vacant	0.18	0	1	8	1	R-2-2.5	Housing-49	R-2-2.5
10	18 West Ct.	Vacant	0.08	0	1	3	1	R-2-2.5	Housing-49	R-2-2.5
55	Napa St	Multifamily	0.17	2	2	8	2	R-3	Housing-49	R-3
56	412 Napa St	Single Family	0.23	1	5	10	5	R-3	Housing-49	R-3
59	Easterby St.	Vacant	0.12	0	2	6	2	R-2-2.5	Housing-49	R-2-2.5
63	522 Olive St.	Vacant	0.12	0	2	6	2	R-2-2.5	Housing-49	R-2-2.5
75	530 Nevada St. and Tomales St.	City Corp Yard	0.61	0	0	31	0	PI	Housing-70	PI
101	357 Sausalito Blvd.	Vacant / Residential	0.37	7	4	16	4	R-2-5 R-1-6 R-2-2.5	Housing-49	R-2-5 R-1-6 R-2-2.5
212	Sausalito Blvd.	Vacant	0.12	0	1	6	1	R-1-6	Housing-49	R-1-6
301	Locust Ave/Humbold St	Industrial/Commercial	0.99	0	0	29	0	CW	Housing-29	CW
Added Sites										
67	2200 Marinship Way	Vacant/ Office	1.884.36	0	0	0	92109	I	I	MU-49/85%25/5%
Alt. 3 Units on Affected Sites					**12**	**129**	**11229**			
TOTAL						**1,147**	**1,13047**			

Source: De Novo Planning Group, 2024.

Relationship to Significant and Unavoidable Impacts

Aesthetics and light impacts would be similar under Alternative 3 as to the proposed because a similar~~the same~~ number of units would be constructed (Impact 3.1-3 and Impact 3.1-5).

Alternative 3 would not eliminate any of the Cultural and Tribal Cultural significant and unavoidable impacts (Impacts 3.4-1 through 3.4-6) as previously unidentified resources could still be encountered during construction activities.

As described above, the resulting VMT estimates indicates that the units comprising Alternative 3 would be expected to have an average VMT per capita that is approximately 1~~.1~~ percent less than the Project due to the sites' likely makeup of market-rate and low income units. Although some individual sites may be below the applicable VMT threshold, and while it is reasonable to assume that future development projects on many of the project sites will either screen from VMT or analysis or be able to achieve the required VMT reductions required by Mitigation Measure 3.14-2, full mitigation may not be possible on all sites, particularly those in higher-VMT areas beyond the reach of transit. Given the inability to assure that all Alternative 3 sites will be able to achieve VMT significance thresholds, the impact would remain significant and unavoidable, same as the proposed Project.

Alternative 3 would increase the demand for public utilities including water supplies (Impact 3.15-2 and Impact 3.15-6) because more housing units would be constructed. The alternative may require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities (Impact 3.15-1), similar to the proposed Project, but over a smaller geographical area.

Relationship to Project Objectives

Development under Alternative 3 would achieve the first project objective of updating the General Plan to comply with State-mandated requirements. Identical to the proposed Project, Alternative 3 would result in the capacity for 1,13047~~17~~ housing units, or 40623~~23~~ more dwelling units than the RHNA-required minimum of 724 units at the income units mandated by State law. The provision of these units would meet the second project objective. Further, Alternative 3 would amend the General Plan to identify rezoned sites, and make appropriate consistency revisions to ensure that the General Plan and zoning code are in sync.

Alternative 3 would not meet the fourth project objective. Alternative 3 would eliminate rezoning at locations that are farther from community services or do not have convenient freeway access, thereby concentrating housing in already more

densely populated areas along Marinship. Housing would not be evenly spread throughout the city, and may affect the aesthetic of the working waterfront.

Recirculated Draft EIR pages 4-33 and 4-44 are revised to read:

Impacts Identified as Being Less Severe than Those of the Proposed Project

Alternative 4 would reduce impacts identified under Impact 3.4-1 of Section 3.4. This alternative would reduce impacts to the Sausalito Historic District, a listed resource on the California Register with a California Historical Resource Status Code 2S2. Sites identified as contributors to the Sausalito Historic District (Site 201, Status Code 2D2) and 721-729 Bridgeway (Status Code 2D2) and also included in Sausalito's Local Historic Resources Inventory (VerPlanck Historic Preservation Consulting, Sausalito Citywide Historic Context Statement, pages 10, 14 and 15) are removed from the Housing Element under this alternative. Removal of these sites means that these sites will not be designated with an overlay district intended to accommodate and encourage residential and mixed use development that would assist in meeting the City's RHNA. This change to these sites reduces the potential for future development and thus reduces the potential for future development to modify or destroy properties that contribute to the status of the Sausalito Downtown Historic District. Similarly, removal of sites adjacent to the Sausalito Downtown Historic District reduces development potential on those sites and reduces the potential for development to have an substantial adverse change on the Sausalito Downtown Historic District. The substantial adverse change that would be avoided under Alternative 4 is a reduction in the potential for physical demolition, destruction, relocation, or alteration of the Sausalito Historic District and the sites listed on the California Register as contributing to the Sausalito Historic District and a reduction in the potential for physical demolition, destruction, relocation, or alteration of sites in the immediate surroundings of the Sausalito Historic District in a manner that would demolish or materially alter the physical characteristics that convey the historical significance of the resource and justify its eligibility in the California Register of Historic Places.

While Site 202 does not include a resource listed on the California Register or National Register, it is adjacent to the parcel containing the Alta Mira Hotel, which is identified as California Historical Resource Status Code 7N: Needs to be reevaluated – formerly coded as may become National Register eligible with specific conditions and is also included in Sausalito's Local Historic Resources Inventory (VerPlanck Historic Preservation Consulting, Sausalito Citywide Historic Context Statement, pages 10 and 12.) While the Alta Mira Hotel is not listed on the California Register, CEQA Guidelines Section 15064.5(a)(4) "The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a

local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1." As the Alta Mira Hotel may be eligible for listing in the National Register, the City has determined that it may be a historical resource as defined by Public Resources Code section 5024.1 subsections (c) and (d). Removing development on Site 202 would remove the potential for future adverse changes to the Alta Mira Hotel, including adverse changes that would result from the physical demolition, destruction, or alteration of the Alta Mira Hotel's immediate surroundings such that the the physical characteristics that convey the historical significance of the resource and justify its eligibility in the California Register of Historic Places would be demolished or materially altered.

Therefore, Alternative 4 would result in a reduction in the potential for significant impacts to historic resources, specifically the Sausalito Historic District, sites contributing to the Sausalito Historic District, and the Alta Mira Hotel, as discussed under Impact 3.4-1 of the Draft EIR.

Alternative 4 includes 103 fewer residential units than the proposed Project, with the decreased unit inventory occurring within and adjacent to the historic downtown area. Using MAZ outputs from the TAMDM travel demand model VMT projections in tandem with the net differences in units, an assessment of how the residential VMT per capita associated with Alternative 4 would compare to the proposed project was performed.

It is estimated that Alternative 4 would generate approximately 1,300 to 1,800 fewer home-based vehicle miles traveled than the proposed Project. However, Alternative 4 would also have fewer units and less population than the Project. Upon comparing the estimated Citywide VMT per capita associated with Alternative 4 versus the proposed Project, it was determined that Alternative 4 would be approximately 0.8 percent higher. The difference in Citywide VMT per capita associated with Alternative 4 is likely attributable to fewer added units in the downtown area of Sausalito where residential trip lengths tend to be lower than the citywide average. In other words, fewer units are added to location-efficient areas with Alternative 4 than the proposed Project, leading to slightly higher VMT per capita levels. It is also noted that compared to the proposed Project, Alternative 4 results in fewer units within one-half mile of the Sausalito Ferry terminal, which is an area where certain residential projects may qualify for VMT "screening" and presumed less-than-significant VMT impacts. Accordingly, fewer of the units associated with Alternative 4 are likely to qualify for VMT screening than with the Project.

In summary, the residential VMT impacts associated with Alternative 4 are likely to be slightly worse than the proposed Project, though the difference would be very small. Implementation of Alternative 4 would still result in a significant and unavoidable VMT impact.

Recirculated Draft EIR page 4-40, third paragraph, second sentence is revised to read:

For example, future development of Opportunity Sites 39, 47, 301, ~~401,~~ 303, 72, 211, 402, and 306, all located east of Bridgeway, could obstruct or alter views of Richardson Bay.

CHAPTER 5, OTHER CEQA CONSIDERATIONS

There are no changes to this chapter.

CHANGES TO FIGURES

There are no changes to figures.

CHANGES TO APPENDICES

There are no changes to appendices.

3. COMMENTS AND RESPONSES

3.1 INTRODUCTION

This section contains the comment letters that were received on the Draft EIR. Following each comment letter is a response from the City intended to supplement, clarify, or amend information provided in the Draft EIR and Recirculated Draft EIR or refer the reader to the appropriate place in the documents where the requested information can be found. Comments that are not directly related to environmental issues may be discussed or noted for the record. Where text changes in the Draft EIR, as amended by the Recirculated Draft EIR are warranted based upon comments on the Draft EIR and Recirculated Draft EIR, those changes are generally included following the response to comment. However, in some cases when the text change is extensive, the reader is instead referred to Chapter 2, Revisions to the Draft EIR/Recirculated Draft EIR, where all the text changes can be found.

Occasionally, a response to a comment provides a cross-reference to another response to comment. This occurs when the same, or very similar, comment was made or question asked, and an appropriate response was included elsewhere.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Letter A1

October 18, 2024

Brandon Phipps
City of Sausalito
420 Litho Street
Sausalito, CA 94965
BPhipps@sausalito.gov

Subject: City of Sausalito Amended 6th Cycle Housing Element, Draft Program Environmental Impact Report, SCH No. 2024070676, Marin County

Dear Mr. Phipps:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Program Environmental Impact Report (EIR) from the City of Sausalito (City) for the City of Sausalito Amended 6th Cycle Housing Element (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] CDFW previously submitted comments in response to a substantially similar EIR for the City of Sausalito 6th Cycle Housing Element Programs (Prior EIR), SCH No. 2023050516 in a letter dated February 14, 2024. CDFW recommends that the City clarify how the EIR relates to the Prior EIR.

CDFW is submitting comments on the EIR to inform the City, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

A1-1

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA) or Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Sausalito

A1-2

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Objective: State law requires local jurisdiction to update their housing elements, therefore, the City must plan for a number of new housing units referred to as Regional Housing Needs Allocation (RHNA). The City adopted its 6th Cycle Housing Element Update as an amendment to the Sausalito General Plan on January 30, 2023.

The Project entails the adoption of an Amended Housing Element, including the changes to the Housing Element Programs 4, 8, and 19, and implementing the Amended Housing Element by amending other General Plan elements to ensure internal consistency, rezoning sites throughout the City to create a capacity to accommodate the City's RHNA requirements, making publicly-owned sites available for housing development, amending the Zoning ordinance, and adopting comprehensive Objective Design and Development Standards (ODDS).The City can meet a portion of its RHNA requirements, however, even with the development of these units, the City would have a remaining RHNA of 463 units, requiring the City to identify more sites available for residential development at varying income levels.

A1-2 con't

The City's Amended 6th Cycle Housing Element provides sites sufficient to accommodate its RHNA.

Location: Several parcels in the City of Sausalito, County of Marin, with an approximate center point at the intersection of Curry Avenue and Monte Mar Drive; 37.85768°N, -122.49186°W (NAD 83).

REGULATORY REQUIREMENTS

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et seq., is required for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. As shown in the EIR (Figure 3.3-2), the Project may impact streams or associated riparian habitat. Note that Figure 3.3-2 may not show all streams within the Project area. If impacts to any stream would occur, an LSA Notification pursuant to Fish and Game Code section 1602 would likely be required, as further described below. CDFW would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below and in **Attachment 1** to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

I. Project Description and Related Impact Shortcoming

COMMENT 1: Program EIR Subsequent Project Review

The EIR is a Program EIR but does not include a checklist for subsequent project review. While Program EIRs have a necessarily broad scope, CDFW recommends providing as much information related to anticipated future activities as possible. CDFW recognizes that, pursuant to CEQA Guidelines section 15152, subdivision (c), if a Lead Agency is using the tiering process in connection with an EIR or large-scale planning approval, the development of detailed, site-specific information may not be feasible and can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document. This future environmental document would cover a project of a more limited geographical scale and is appropriate if the deferred information does not prevent adequate identification of significant effects of the planning approval at hand. The CEQA Guidelines section 15168, subdivision (c)(4) states, "Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR." Based on CEQA Guidelines section 15183.3 and associated Appendix N Checklist, and consistent with other program EIRs, CDFW recommends creating a procedure or checklist for evaluating subsequent Project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the EIR. Future analysis should include all special-status species and sensitive habitat including, but not limited to, species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380. A1-4

When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a Qualified Biologist to provide the necessary supporting information. In addition, the checklist should cite the specific portions of the EIR, including page and section references, containing the analysis of the subsequent Project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the EIR.

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II. Environmental Setting and Mitigation Measure Related Impact Shortcomings

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT 2: California red-legged frog (*Rana draytonii*), California giant salamander (*Dicamptodon ensatus*), American badger (*Taxidea taxus*), Townsend's big-eared bat (*Corynorhinus townsendii*), Franciscan thistle (*Cirsium andrewsii*), California Rare Plant Rank 1B.2 species, and potentially other special-status species, EIR pages 3.3-1 to 3.3-34

Issue: The EIR does not adequately evaluate potential impacts to California red-legged frog, California giant salamander, American badger, Townsend's big-eared bat, Franciscan thistle, and potentially other special-status species. For example, the California Natural Diversity Database (CNDDB) documents seven occurrences of California red-legged frog, seven occurrences of California giant salamander, two occurrences of American badger, four occurrences of Townsend's big-eared bat, and eleven occurrences of Franciscan thistle within five miles of the Project site (CNDDB 2024).

A1-5

Specific impacts, why they may occur and be potentially significant: The occurrence of California red-legged frog closest to the Project is approximately 2.1 miles west-southwest of a housing inventory site (CNDDB 2024). The occurrence of California giant salamander closest to the Project is approximately 720 feet southwest of a housing inventory site (CNDDB 2024). The closest occurrence of American badger is approximately 1.6 miles southwest of a housing inventory site (CNDDB 2024). The closest occurrence of Townsend's big-eared bat is approximately 2.0 miles east of the edge of the Project and approximately 2.1 miles east of a housing inventory site (CNDDB 2024). The closest occurrence of Franciscan thistle is approximately 0.2 miles southwest of the edge of the Project and approximately 0.7 miles southwest a housing inventory site (CNDDB 2024).

The Project has the potential to impact California red-legged frog, California giant salamander, and Franciscan thistle directly through crushing or removal during grading, or indirectly through hydrological impacts to habitat. The Project has potential to impact American badger and their dens through crushing or removal during grading. The Project has potential to impact Townsend's big-eared bat through removal of roost trees and structures. Removing a roost tree or building during breeding or hibernating seasons could kill many bats as they roost together in a colony. Bats are unusual for small mammals because they are long-lived and have a low reproductive rate (Johnston 2004). Lifespans of 15 years are not uncommon,

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and most species have only one young per pair per year (Johnston 2004). Bats also aggregate in colonies, some of which contain all the bats of a species from a wide area (Johnston 2004). The combination of these three factors (long lifespan, few young per year, and aggregation into colonies) means that if the Project impacts bat roosts, the Project may cause a substantial adverse effect to the regional population of Townsend's big-eared bat.

All of the species above except for Franciscan thistle are listed as California Species of Special Concern (SSC); California red-legged frog is also listed as threatened under the Federal Endangered Species Act (ESA). CDFW designates certain vertebrate species as SSC because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction or extirpation in California. As such, impacts to species designated as SSC may be significant.

Franciscan thistle has a California Rare Plant Rank (CRPR) of 1B.2. Plants with a CRPR of 1B are rare throughout their range, endemic to California, and are seriously or fairly threatened. Most plants that are ranked 1B have declined significantly over the last century (CNPS 2023). The additional threat rank of 0.2 indicates that 20 to 80 percent of their occurrences are threatened (CNPS 2023). Additional special-status plant species may also occur. If special-status plants occur within or adjacent to the Project site and would be directly or indirectly impacted by the Project, the Project may result in significant impact to special-status plants. Thank you for including a mitigation measure 3.3-2a in the EIR requiring detailed botanical reports, however the measure does not specify that surveys will be conducted during the appropriate blooming periods for all potentially occurring special-status plants or that surveys will be conducted according to accepted protocol survey methodology, therefore the proposed mitigation measure may not reduce impacts to special-status plants to less than significant.

A1-5 con't

As described above, development facilitated by the Project could have a substantial adverse effect, either directly or through habitat modifications, on special-status species. Mitigation Measure 3.3-1 proposes to mitigate the above impacts by requiring a study to be completed, the purpose of which is to “identify appropriate measures to avoid or minimize harm to sensitive biological resources and to incorporate the recommended measures as conditions of approval for the project” (page 196). <u>However, the proposed study inappropriately defers formulating mitigation measures and may not appropriately identify special-status species that may be impacted and measures reducing such impacts to less than significant.</u> Further, the proposed study would not be subject to public review under CEQA, thereby circumventing key purposes of CEQA including informing the public and governmental decision makers about the potential, significant environmental effects of a proposed project and identifying ways that environmental damage can be avoided or significantly reduced (CEQA Guidelines, § 15002). CEQA Guidelines

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section 15126.4, subdivision (b) states: “Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.”

A1-5 con't

Mitigation Measure 3.3-1 does not adopt specific performance standards, nor does it identify types of actions that could meet these standards.

Recommended Mitigation Measures: To reduce potential impacts to special-status species to less than significant, CDFW recommends that the EIR evaluate potential Project impacts to special-status species and include specific mitigation measures for foreseeable potentially significant impacts. Where future site-specific impacts may not be presently foreseeable based on Project’s broad scope, the checklist discussed in COMMENT 1 above should be used to determine if a future CEQA environmental document is required.

CDFW recommends including the below mitigation measures in the EIR for the Project as it is currently described, however the EIR should further evaluate impacts to special-status species as described above and include additional mitigation measures as necessary.

Mitigation Measure 3.3-4 (California red-legged frog): At any Project site west of U.S. Highway 101 or within 1,000 feet east of U.S. Highway 101, at least one month prior to the commencement of ground-disturbing activities, the Project area and a minimum 500-foot radius surrounding the Project area shall be assessed by a Qualified Biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows or other refugia. If habitat occurs, then no more than 48 hours prior to ground-disturbing activities the area shall be surveyed by a Qualified Biologist. Burrows and refugia sites shall be flagged or otherwise marked for avoidance; Project activities shall avoid habitat features to the extent feasible. If California red-legged frogs are encountered during the assessment or Project activities, the Project activity shall not proceed or all work shall cease, and CDFW and USFWS shall immediately be notified. Work shall not proceed until the frog, through its own volition, moves out of harm’s way and CDFW

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has provided permission in writing to proceed with the Project activity. If California red-legged frog is encountered or the Qualified Biologist determines that impacts to the species are likely to occur, the Project shall consult with USFWS pursuant to the Federal ESA and receive written approval from CDFW prior to the impact.

Mitigation Measure 3.3-5 (California giant salamander): At any Project site that is both: 1) within 500 feet of a stream, and 2) either west of U.S. Highway 101 or within 1,000 feet east of U.S. Highway 101, a Qualified Biologist shall conduct a pre-construction survey for California giant salamander within 48 hours of the commencement of project activities. The survey area shall include the Project area and a 50-foot buffer zone within suitable habitat. If California giant salamanders are found on or adjacent to the project site, a 50-foot construction avoidance buffer shall be established and CDFW shall be immediately notified, and the animal shall be allowed to move out of harm's way through its own volition. If the California giant salamanders must be disturbed, a Qualified Biologist shall relocate the animals way into nearby suitable habitat that is out of harm's way.

Mitigation Measure 3.3-6 (American badger): At any Project site west of U.S. Highway 101, a Qualified Biologist shall conduct a pre-construction survey for American badger and suitable dens within 48 hours of the commencement of project activities. The survey area shall include the Project area and a 50-foot buffer zone within suitable habitat. If badgers are found on or adjacent to the Project site, a 50-foot construction avoidance buffer shall be established and CDFW shall be immediately notified. If the occupied den must be disturbed, the Project shall submit a relocation plan to CDFW and obtain CDFW's written approval of the plan, and a Qualified Biologist shall implement the CDFW-approved plan.

Mitigation Measure 3.3-7 (Townsend's big-eared bat): At any Project site where trees or abandoned buildings would be removed or heavily modified, prior to Project activities that would remove trees or modify buildings, a Qualified Biologist shall conduct a habitat assessment for bats. A Qualified Biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as Townsend's bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities.

For tree removal, the habitat assessment shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat is found, it shall be flagged or otherwise clearly marked. Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal

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process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a Qualified Biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a Qualified Biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

For modification of buildings, the Qualified Biologist shall conduct a survey for roosting bats. If roosting bats are detected, a bat avoidance and exclusion plan shall be implemented. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted.

For loss of suitable bat habitat trees or impacts to buildings or structures occupied by bats subject to the above bat avoidance and exclusion plan, the Project shall provide habitat mitigation in the form of: 1) native tree planting at an appropriate ratio to offset canopy and temporal habitat loss and tree planting maintenance for a minimum of 5 years and until success criteria are met, or 2) suitable bat habitat structures. A Qualified Biologist shall prepare and submit a bat habitat mitigation plan to CDFW and obtain CDFW's approval of the plan prior to the start of Project activities, and shall implement the plan, unless otherwise approved in writing by CDFW.

Mitigation Measure 3.3-8 (Special-status plant survey). At all sites not composed of hardscape or ornamental vegetation, a Qualified Biologist shall conduct botanical surveys during the appropriate blooming period and conditions for all special-status plants that have the potential to occur at the Project site and adjacent to it where plants could be indirectly impacted, prior to the start of construction. Surveys shall be conducted following CDFW's *Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and include checking reference sites for target special-status plant species. Per this protocol, more than one year of surveys may be necessary if, for example, lack of rain inhibits growth of annual plants. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and provide an avoidance plan to CDFW and obtain CDFW written approval of the plan. If full avoidance is not possible, Project activities may not commence until the

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Project has consulted with CDFW and obtained CDFW's written approval prior to the start of construction, which may include salvaging topsoil, transplanting and monitoring individuals, compensatory habitat mitigation, or other measures, based on the life history of the species and other relevant factors.

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Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS?

And,

Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

COMMENT 3: Permits for Stream, Wetland, and other Waters Impacts, EIR page 3.3-28 and Figure 3.3-2

Issue: The EIR does not clearly indicate if the Project would impact streams and riparian habitat, wetlands, or other waters. The EIR identifies that future development under the Project may be subject to sections 401 and 404 of the Clean Water Act and Fish and Game Code section 1600 et seq. (EIR page 3.3-19). Also, the EIR does not provide certainty that such impacts would comply with Fish and Game Code section 1600 et seq., the Porter-Cologne Water Quality Control Act, and the Clean Water Act, as the EIR does not include a mitigation measure requiring that development under the Project apply for CDFW, Regional Water Quality Control Board (RWQCB), or U.S Army Corps of Engineers (USACE) permits, nor does it contain a mitigation measure requiring compliance with the terms of these permits, if issued.

A1-7

Specific impacts, why they may occur and be potentially significant: Streams, wetlands, and riparian zones, are of critical importance to protecting and conserving the biotic and abiotic integrity of an entire watershed. Development facilitated by the Project may result in impacts to streams and riparian habitats, as shown in the EIR Figure 3.3-2), and other streams may be present that are not shown in this figure. When riparian habitat is substantially altered, riparian functions become impaired, thereby likely substantially adversely impacting aquatic and terrestrial species. More than 90 percent of California's historic wetlands have been lost to development and other human activity. Wetlands are a critical natural resource that protect and improve water quality and provide habitat for fish and wildlife. Absent the above permits which include measures to avoid and minimize impacts to streams, riparian habitat, wetlands, and associated species, Project impacts to these features may be significant.

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Recommended Mitigation Measure: To reduce potential impacts to streams, wetlands, and other waters to less-than-significant and comply with Fish and Game Code section 1600 et seq., the Porter-Cologne Water Quality Control Act, and the Clean Water Act, CDFW recommends including the mitigation measure below in the EIR.

Mitigation Measure 3.3-9 (Stream and Wetland Mitigation and Resource Agency Permits): The Project shall be designed to avoid and minimize impacts to streams, wetlands, and other waters. If impacts to any streams cannot be avoided, then prior to the impacts the Project shall submit an LSA notification to CDFW and comply with the Streambed Alteration Agreement, if issued. Additionally, if impacts to any streams, wetlands, or other waters cannot be avoided, the Project shall obtain authorization from the RWQCB and USACE pursuant to the Porter-Cologne Water Quality Control Act and Clean Water Act sections 401 and 404, as applicable. Impacts to waters, wetlands, and riparian habitat subject to the permitting authority of CDFW, the RWQCB, or the USACE shall be mitigated by providing restoration at a minimum 3:1 restoration to impact ratio in areas for permanent impacts and 1:1 ratio for temporary impacts, unless otherwise approved in writing by CDFW or otherwise required by the RWQCB or USACE. A Habitat Mitigation and Monitoring Plan shall be prepared and implemented for the proposed mitigation. The Project shall obtain written approval of this plan from CDFW, the RWQCB, or the USACE as applicable prior to any disturbance of stream or riparian habitat, wetlands, or other waters.

A1-7 con't

III. Editorial Comments

CDFW recommends that Table 3.3-3: (1) include white sturgeon (*Acipenser transmontanus*), as this species is a candidate for listing under CESA, and (2) replace Sacramento River spring run Chinook salmon with the correct species which is Central Valley spring run Chinook salmon.

A1-8

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

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ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

A1-9 con't

CONCLUSION

CDFW appreciates the opportunity to comment on the draft program EIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jordan Beaton, Environmental Scientist at Jordan.Beaton@wildlife.ca.gov or (707) 980-5172; or Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1. Draft Mitigation and Monitoring Reporting Plan

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024070676)
Arn Arrenberg, CDFW Marine Region, Arn.Aarreberg@wildlife.ca.gov

REFERENCES

CDFW. 2024. California Natural Diversity Database (CNDDB) Management Framework. California Department of Fish and Wildlife. Sacramento, CA. Website https://wildlife.ca.gov/Data/BIOS [accessed 6 February 2024].

Johnston, D, Tartarian, G, and Poerson, E. (2004). California Bat Mitigation Techniques, Solutions, and Effectiveness. Sacramento, CA.

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ATTACHMENT 1

Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	**Description**	**Timing**	**Responsible Party**
Subsequent Project review	The Lead Agency shall create a procedure or checklist for evaluating subsequent Project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted. This checklist shall be included as an attachment to the EIR. Future analysis shall include all special-status species and sensitive habitat including, but not limited to, species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380. The checklist shall be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis shall be prepared by a Qualified Biologist to provide the necessary supporting information. In addition, the checklist shall cite the specific portions of the EIR, including page and section references, containing the analysis of the subsequent Project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the EIR.	Prior to EIR Certification	Lead Agency
Biological resources evaluation	The EIR shall evaluate potential Project impacts to special-status species and include specific mitigation measures for foreseeable potentially significant impacts. Where future site-specific impacts may not be presently foreseeable based on Project's broad scope, the checklist discussed in COMMENT 1 above (Subsequent Project review) shall be used to determine if a future CEQA environmental document is required.	Prior to EIR Certification	Lead Agency
3.3-4	*Mitigation Measure 3.3-4 (California red-legged frog):* At any Project site west of U.S. Highway 101 or within 1,000 feet east of U.S. Highway 101, at least one month prior to the commencement of ground-disturbing activities, the Project area and a minimum 500-foot radius surrounding the Project area shall be	Prior to Ground Disturbance and for	Project Applicant

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	assessed by a Qualified Biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows or other refugia. If habitat occurs, then no more than 48 hours prior to ground-disturbing activities the area shall be surveyed by a Qualified Biologist. Burrows and refugia sites shall be flagged or otherwise marked for avoidance; Project activities shall avoid habitat features to the extent feasible. If California red-legged frogs are encountered during the assessment or Project activities, the Project activity shall not proceed or all work shall cease, and CDFW and USFWS shall immediately be notified. Work shall not proceed until the frog, through its own volition, moves out of harm's way and CDFW has provided permission in writing to proceed with the Project activity. If California red-legged frog is encountered or the Qualified Biologist determines that impacts to the species are likely to occur, the Project shall consult with USFWS pursuant to the Federal ESA and receive written approval from CDFW prior to the impact.	Duration of Construction	
3.3-5	*Mitigation Measure 3.3-5 (California giant salamander):* At any Project site that is both: 1) within 500 feet of a stream, and 2) either west of U.S. Highway 101 or within 1,000 feet east of U.S. Highway 101, a Qualified Biologist shall conduct a pre-construction survey for California giant salamander within 48 hours of the commencement of project activities. The survey area shall include the Project area and a 50-foot buffer zone within suitable habitat. If California giant salamanders are found on or adjacent to the project site, a 50-foot construction avoidance buffer shall be established and CDFW shall be immediately notified, and the animal shall be allowed to move out of harm's way through its own volition. If the California giant salamanders must be disturbed, a Qualified Biologist shall relocate the animals way into nearby suitable habitat that is out of harm's way.	Prior to Ground Disturbance	Project Applicant
3.3-6	*Mitigation Measure 3.3-6 (American badger):* At any Project site west of U.S. Highway 101, a Qualified Biologist shall conduct a pre-construction survey for American badger and suitable dens within 48 hours of the commencement of project activities. The survey area shall include the Project area and a 50-foot buffer zone within suitable habitat. If badgers are	Prior to Ground Disturbance	Project Applicant

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	found on or adjacent to the Project site, a 50-foot construction avoidance buffer shall be established and CDFW shall be immediately notified. If the occupied den must be disturbed, the Project shall submit a relocation plan to CDFW and obtain CDFW's written approval of the plan, and a Qualified Biologist shall implement the CDFW-approved plan.		
3.3-7	*Mitigation Measure 3.3-7 (Townsend's big-eared bat):* At any Project site where trees or abandoned buildings would be removed or heavily modified, prior to Project activities that would remove trees or modify buildings, a Qualified Biologist shall conduct a habitat assessment for bats. A Qualified Biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as Townsend's bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities. For tree removal, the habitat assessment shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat is found, it shall be flagged or otherwise clearly marked. Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a Qualified Biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a Qualified Biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed. For modification of buildings, the Qualified Biologist shall conduct a survey for roosting bats. If roosting bats are detected, a bat avoidance and exclusion	Prior to Ground Disturbance	Project Applicant

A1-10 con't

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	plan shall be implemented. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted. For loss of suitable bat habitat trees or impacts to buildings or structures occupied by bats subject to the above bat avoidance and exclusion plan, the Project shall provide habitat mitigation in the form of: 1) native tree planting at an appropriate ratio to offset canopy and temporal habitat loss and tree planting maintenance for a minimum of 5 years and until success criteria are met, or 2) suitable bat habitat structures. A Qualified Biologist shall prepare and submit a bat habitat mitigation plan to CDFW and obtain CDFW's approval of the plan prior to the start of Project activities, and shall implement the plan, unless otherwise approved in writing by CDFW.		
3.3-8	*Mitigation Measure 3.3-8 (Special-status plant survey).* At all sites not composed of hardscape or ornamental vegetation, a Qualified Biologist shall conduct botanical surveys during the appropriate blooming period and conditions for all special-status plants that have the potential to occur at the Project site and adjacent to it where plants could be indirectly impacted, prior to the start of construction. Surveys shall be conducted following CDFW's 2018 Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and include checking reference sites for target special-status plant species. Per this protocol, more than one year of surveys may be necessary if, for example, lack of rain inhibits growth of annual plants. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and provide an avoidance plan to CDFW and obtain CDFW written approval of the plan. If full avoidance is not possible, Project activities may not commence until the Project has consulted with CDFW and obtained CDFW's written approval prior to the start of construction, which may include salvaging topsoil, transplanting and monitoring individuals, compensatory habitat mitigation, or other measures,	Prior to Ground Disturbance	Project Applicant

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	based on the life history of the species and other relevant factors.		
3.3-9	*Mitigation Measure 3.3-9 (Stream and Wetland Mitigation and Resource Agency Permits):* The Project shall be designed to avoid and minimize impacts to streams, wetlands, and other waters. If impacts to any streams cannot be avoided, then prior to the impacts the Project shall submit an LSA notification to CDFW and comply with the Streambed Alteration Agreement, if issued. Additionally, if impacts to any streams, wetlands, or other waters cannot be avoided, the Project shall obtain authorization from the RWQCB and USACE pursuant to the Porter-Cologne Water Quality Control Act and Clean Water Act sections 401 and 404, as applicable. Impacts to waters, wetlands, and riparian habitat subject to the permitting authority of CDFW, the RWQCB, or the USACE shall be mitigated by providing restoration at a minimum 3:1 restoration to impact ratio in areas for permanent impacts and 1:1 ratio for temporary impacts, unless otherwise approved in writing by CDFW or otherwise required by the RWQCB or USACE. A Habitat Mitigation and Monitoring Plan shall be prepared and implemented for the proposed mitigation. The Project shall obtain written approval of this plan from CDFW, the RWQCB, or the USACE as applicable prior to any disturbance of stream or riparian habitat, wetlands, or other waters.	Prior to Ground Disturbance	Project Applicant
Editorial	CDFW recommends that Table 3.3-3: (1) include white sturgeon (*Acipenser transmontanus*), as this species is a candidate for listing under CESA, and (2) replace Sacramento River spring run Chinook salmon with the correct species which is Central Valley spring run Chinook salmon.	Prior to EIR Certification	Lead Agency

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A1-11

Letter A1 Response **Erin Chappell, Regional Manager, Bay Delta Region, California Department of Fish and Wildlife (CDFW)**
October 18, 2024

A1-1 The comment correctly identifies CDFW as a Trustee Agency and as a Responsible Agency.

The commenter requests that the City clarify how the Draft EIR relates to the City of Sausalito 6th Cycle Housing Element Programs, SCH No. 2023050516. In January of 2023, the City of Sausalito adopted its 6th Cycle Housing Element of the City's General Plan. The Housing Element applies to the planning period from 2023 through 2031. The City received a letter from the Department of Housing and Community Development finding the adopted Housing Element in substantial compliance with State law on April 28, 2023. The 6th Cycle Housing Element Programs EIR did not progress beyond releasing a Draft EIR for public comment.

That effort was set aside, and a separate Amended Housing Element project was undertaken by the City. The Amended Housing Element is intended to ensure that the City is prepared to meet the future housing needs of Sausalito for the planning period from 2023 through 2031 while including measures to better preserve the City's historic district and promote sustainable waterfront development. The draft amendments reduce densities and scale on some sites (and eliminating an unworkable site attributed to Caltrans) while adding and re-allocating densities to other sites to assure Sausalito can continue to meet its required housing allocation. The Amended Housing Element EIR analyzes the potential environmental effects associated with those actions.

A1-2 The comment accurately summarizes the proposed project. No further response is necessary.

A1-3 The comment correctly notes that if development of an opportunity site could impact streams or associated riparian habitat, a Lake and Streambed Alteration Agreement issued by CDFW may be required. Impact 3.3-2 in the Draft EIR (page 3.3-19) notes, "Any proposed activities that would divert or obstruct the natural flow or change the bed, channel, or bank of any lake or stream, must obtain a "Streambed Alteration Agreement" from CDFW prior to any alteration of a lake bed, stream channel, or their banks. Through this agreement, the CDFW may impose conditions to limit and fully mitigate impacts on fish and wildlife resources." Site-specific building activities on Amended Housing Element sites would need to be evaluated for potential waters and streams, and the appropriate permit applied for and granted by

the CDFG. Mitigation Measure 3.3-2c provides performance-based mitigation to minimize impacts on waters and streams (see Recirculated Draft EIR, modifications to Section 3.3, Biological Resources, page 3-29).

Please also see response to Comment A1-7.

A1-4 The commenter indicates that the EIR is a Program EIR but does not include a checklist for subsequent project review. The commenter further reviews providing as much information related to future activities as possible and creating a procedure or checklist, including recommendations for the checklist and its use, for evaluating subsequent project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted. When individual, site-specific development applications are submitted to the City, staff reviews the application and checks for the proposed project's compliance with a number of documents including the City's General Plan, Zoning Code, and other applicable documents. For development on the sites identified in the Amended Housing Element and analyzed in its EIR, the City would review the development application for its compliance with the Amended Housing Element EIR and its Mitigation Monitoring and Reporting Program. The environmental review would be conducted as set forth by CEQA Guidelines Section 15168 paragraphs (c) and (d).

As described in the Mitigation and Monitoring Program for the Amended Housing Element in Chapter 4 of this Final EIR, the City would develop a checklist to determine whether individual projects proposed under the Amended Housing Element would result in environmental impacts or not, result in impacts previously analyzed in the Amended Housing Element EIR, result in impacts not previously considered in the Amended Housing Element EIR, or result in impacts that are more significant than those analyzed in the Amended Housing Element EIR.

A1-5 The commenter indicates that the EIR does not adequately evaluate potential impacts to California red-legged frog, California giant salamander, American badger, Townsend's big-eared bat, Franciscan thistle, and potentially other special-status species and identifies occurrences of these species and potential types of impacts that could occur. The commenter also indicates that Mitigation Measure 3.3-1 inappropriately defers formulating mitigation measures.

Impact 3.3-1, as revised in Recirculated Draft EIR, addresses potential impacts that could occur to special-status species as a result of the proposed Project. The revisions address specific species that may occur in the Project area, including California red-legged frog, California giant salamander, American

badger, Townsend's big-eared bat, and Franciscan thistle as they have been identified previously within five miles of the city. As a result, the analysis provided under Impact 3.3-1 was revised to include more discussion regarding these species.

As identified in the Recirculated Draft EIR (see revisions to Section 3.3, Biological Resources, pages 3.3-25 through 3.3-27), Mitigation Measures MM 3.3-1b (California red-legged frog), MM 3.3-1c (California giant salamander), MM 3.3-1d (American badger), MM 3.3-1f (Bat Roosts), MM 3.3-1g (Townsend's big-eared bat), and MM 3.3-1h were added to address foreseeable impacts to specific special status species and MM 3.3-1a was revised to establish specific performance standards consistent with CEQA Guidelines Section 15126.4(b). As identified in the Recirculated Draft EIR (see revisions to Section 3.3, Biological Resources, pages 3.3-29), Mitigation Measure MM 3.3-2a (Botanical Reports and Special-Status Plant Survey) was added to address foreseeable impacts to specific special status species. The revised mitigation measures reflect the recommendations of the commenter. MM3.3-1b is renumbered to MM 3.3-1e (Nesting Bird Protection).

A1-6 The comment suggests language for mitigation measures to reduce the impact on special-status species. Please see response to Comment A1-5 as the mitigation measures recommended by the commenter for California red-legged frog, California giant salamander, American badger, Townsend's big-eared bat, and special-status plant surveys are addressed in the revisions to Mitigation Measures 3.3-1 (MM 3.3-1b, MM-3.31c, MM-3.31d, MM 3.3-1g) and 3.3-2 (MM 3.3-2a).

A1-7 The comment seeks clarification regarding potential impacts to streams, wetlands, riparian zones, and/or other waters in Impact 3.3-2 of the Draft EIR. The analysis states that subsequent development under the Amended Housing Element, primarily adjacent to Richardson Bay, could result in direct or indirect effects on estuarine habitat and other sensitive marine communities. Federally protected wetlands and other waters of the United States and/or State could be affected through direct removal, filling, hydrological interruption (including dewatering), alteration of bed and bank, and other construction-related activities. As with all development in California, any future individual projects proposed under the Project would be required to comply with existing laws, including Fish and Game Code section 1600 et seq., the Porter-Cologne Water Quality Control Act, and the Clean Water Act, Further, compliance with requirements to obtain appropriate permits before proceeding with work must be demonstrated, including obtaining permits from appropriate agencies including CDFW, the Regional Water Quality Control Board (RWQCB), or the U.S. Army Corps of Engineers (USACE).

Compliance with applicable laws and regulations are compulsory, and demonstration of this compliance would be required prior to the City issuing a building permit. Mitigation Measure MM 3.3-2c was added to the Recirculated Draft EIR, reflecting the commenter's recommendation and provides performance-based mitigation to minimize impacts on waters and streams (see Recirculated Draft EIR, modifications to Section 3.3, Biological Resources, page 3-29). Please see response to Comment A1-5 as mitigation measures for streams, wetlands, and other waters are addressed in the revised Mitigation Measure 3.3-2.

A1-8 The commenter recommends Table 3.3-3 include white sturgeon and replace Sacramento River spring run Chinook salmon with Central Valley spring run Chinook salmon. Table 3.3-3 was amended in the Recirculated Draft EIR (see revisions to Section 3.3, Biological Resources, page 3.3-13) as suggested by the CDFW.

A1-9 The commenter identifies requirements of CEQA related to information developed in environmental impact reports and information regarding environmental document filing fees. In accordance with CEQA and professional standards, information developed in relation to this EIR will be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Special-status species and natural communities detected during project surveys will be reported to the California Natural Diversity Database (CNDDB). Upon certification of this EIR and filing of the Notice of Determination by the Lead Agency, the City will pay the appropriate environmental document filing fee (See Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

A1-10 The commenter provided a sample draft mitigation monitoring and reporting plan that focused on taking a checklist approach to determining whether the potential environmental impacts of future projects proposed under the Amended Housing Element have been adequately addressed in this EIR. Recommendations for addressing subsequent project review and changes to mitigation measure language have been incorporated into the EIR as identified in the responses to Comments A1-3 through A1-9. Information regarding the enforcement of mitigation measures has been included, where applicable, in the Mitigation Monitoring and Reporting Program provided in Chapter 4.

A1-11 Table 3.3-3 of the Draft EIR will be amended as suggested by the CDFW. Please also see response to Comment A1-8.

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS–10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

Letter A2

October 21, 2024

SCH #: 2024070676
GTS #: 04-MRN-2024-00330
GTS ID: 33443
Co/Rt/Pm: MRN/VAR/VAR

Brandon Phipps, Community & Economic Development Director
City of Sausalito
420 Litho Street
Sausalito, CA 94965

Re: City of Sausalito Amended 6th Cycle Housing Element – Draft Environmental Impact Report (DEIR)

Dear Brandon:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the City of Sausalito Amended 6th Cycle Housing Element. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the September 2024 DEIR.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project seeks to amend the City of Sausalito's 6th Cycle Housing Element to add housing and mixed-use zones that correspond with slightly lower minimum densities to provide more variety in housing types, meet the City's RHNA requirements, and affirmatively further fair housing; make publicly owned sites available for development during the 2023-2031 planning period; and clarify implementation of housing streamlining provisions. The proposed project would also amend the Land Use, Circulation, and Community Design, Historic, and Cultural Preservation Elements to be consistent with the Amended Housing Element. The City would rezone opportunity sites to create a minimum development capacity of 958 housing units (maximum 1,147 housing units), including a minimum of 697 units (maximum 811 units). Sites proposed for rezoning include sites subject to a vote of the electorate under Ordinance 1022 and Ordinance 1128. A2-1

General Comments

Please change all references to the Sacramento County Coroner on pages ES-41 and 3.4-47 to the Marin County Coroner. A2-2

The 3.14 Transportation section seems to be missing in the DEIR. Please update the DEIR by including the Transportation section. A2-3

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide (*link*).

The DEIR stated that this project would have a significant and unavoidable VMT impact. Please note that the Transportation of Marin (TAM)'s VMT Reduction and Mobility Enhancement Toolkit project has been awarded through Caltrans Sustainable Transportation Planning grant program. Caltrans encourage the City to coordinate with TAM and Caltrans to explore more citywide or regional VMT mitigation options when feasible. Also, we encourage promoting feasible active transportation modes for all future housing developments included in this Housing Element Update. A2-4

For future individual housing projects that would have a significant and unavoidable VMT impact, the lead agency may consider requesting fair share contributions to a regional transit improvement project to help reduce VMT:

- Regional Transportation Planning (RTP) project - Express Bus/Service Expansion from the Golden Gate Bridge, Highway and Transportation District: the project proposes to implement improvements to existing express bus service along US-101 and I-580, including frequency upgrades (20–40-minute peak headways on routes 4, 18, 27, 101, 40X and 56X). Increased frequency for bus service along the project area could encourage public transit ridership. A2-5

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Melissa Hernandez, Associate Transportation Planner via LDR-D4@dot.ca.gov.

For future early coordination opportunities or project referrals, please visit Caltrans LDR website (*link*) or contact LDR-D4@dot.ca.gov.

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

Letter A2 Response	**Yunsheng Luo, Branch Chief, Local Development Review, Office of Regional and Community Planning, California Department of Transportation (Caltrans)** October 21, 2024

A2-1 The comment accurately summarizes the proposed Project. No further response is required.

A2-2 The commenter recommends correcting the references to the coroner. Mitigation Measure 3.4-3 is revised to clarify that the discovery of human remains shall be reported to the Marin County Coroner. Please see Chapter 2, Revisions to the Draft EIR.

A2-3 The commenter notes that the 3.14 Transportation section seems to be missing from the Draft EIR. The Amended Housing Element Draft EIR was inadvertently published without the inclusion of Section 3.14, Transportation. As a result, a Recirculated Draft EIR was published to include the Transportation section and other revisions to the Draft EIR. The Recirculated Draft EIR was made available for public review from December 13, 2024 through January 27, 2025 and notices identifying the availability of the document and requesting comments from Responsible Agencies, Trustee Agencies, and the public were published and circulated on December 13, 2024. See Recirculated Draft EIR, Section 3.14, Transportation.

A2-4 The commenter provides a reference to Caltrans' Transportation Impact Study Guide and encourages the City to coordinate with Transportation of Marin (TAM) and Caltrans to explore more citywide or regional vehicle miles traveled (VMT) mitigation options when feasible. The TAM Demand Model (TAMDM) was used to project both residential VMT and VMT per employee. The transportation modeling completed for the Amended Housing Element includes all of the sites identified in the Housing Element, which will accommodate a total of approximately 1,147 residential units. The modeling also includes a net increase of 5,171 square feet of commercial space that could be accommodated on the mixed use housing sites. These land use changes were allocated in the TAMDM to the Sausalito MAZs encompassing the housing sites. The land use and population changes associated with the proposed Amended Housing Element were compiled into two project-specific model runs, one of which was performed for base year 2019 plus project and the other of which was performed for the forecast year 2040 plus project.

Impact 3.14-2, in Section 3.14, Transportation, discusses the impact the proposed Project would have on vehicle miles traveled. As shown in the

Executive Summary published with the Draft EIR (see pages ES-51 through ES-53) and the impact analysis in the Recirculated Draft EIR (see Recirculated Draft EIR Section 3.14, Transportation, Impact 3.14-2 [pages 3.14-19 through 3.14-23] and Impact 3.14-5 [pages 3.14-26 through 3.14-27], the proposed Project would have a potentially significant impact on VMT, and Mitigation Measures 3.14-2a and MM 3.14-2b are required to lessen the impact. Even with implementation of the mitigation measures, a significant and unavoidable impact to VMT would occur. Mitigation Measure 3.14-2 recognizes that the effective mitigation measures for residential projects would be different than mitigation measures for nonresidential or mixed use projects. Mitigation Measure 3.14-2a requires residential projects to participate in a VMT Exchange and provide proof of contributing, or make a fair share contribution to the Regional Transportation Planning (RTP) project - Express Bus/Service Expansion from the Golden Gate Bridge, Highway and Transportation District" which would implement improvements to existing bus service. Mitigation Measure 3.14-2b addresses nonresidential and mixed use projects and requires the preparation and implementation of Transportation Demand Management Program (TDM Program) to encourage alternate modes of transportation, encourage carpools and zero-emission vehicles, and encourage active transportation, all in an effort to reduce the number of trips and vehicles miles traveled by employees.

As development is proposed and implemented under the Amended Housing Element, the City will coordinate with TAM and Caltrans, as appropriate, to explore more citywide or regional VMT mitigation options, when feasible.

A2-5 The comment suggests that a fair share contribution to a regional transit improvement project may be one of the many ways that developers of opportunity sites could work to produce lower VMT. As future individual projects are proposed under the Amended Housing Element, the City will evaluate whether measures beyond those TDM measures provided in Mitigation Measures MM 3.14-2a and MM 3.14-2b would reduce VMT, if supported by evidence. Mitigation Measure MM 3.14-2a, provided in the Revised Draft EIR, requires future residential projects to participate in a VMT exchange or make a fair-share contribution to the Regional Transportation Planning (RTP) project referred to in the comment and MM 3.14-2b requires mixed use projects to implement a TDM Program, which must include a component encouraging alternative modes of transportation.

From:	Richard Massiatt
To:	Amended HE
Cc:	Alan Leventhal
Subject:	[EXTERNAL] Recirculated Draft Environmental Impact Report
Date:	Thursday, December 26, 2024 1:52:15 PM
Attachments:	Outlook-qauiyqo5.png City Of Sausalito Amended 6th Cycle housing element.pdf

Hello, Neal

Thank you for reaching out to Muwekma Ohlone Tribe, Inc., we are interested in your project and would like to have further discussions in assisting you with our services if needed. We offer Tribal Consultations as defined under Section 106, CEQA, Assembly Bill (AB) 52, Senate Bill (SB) 18 Consultation, and California Public Resources Code § 21080.3.1.

Should your agency and/or project developers choose to work with our Tribe for monitoring and, if necessary, burial recovery services after our Senior Tribal Archeologist and Ethnohistorian Alan Leventhal have reviewed all documents, he will have further discussions with you. T1-1

At your request we can email you our services and our Muwekma Rate sheet for your review. Any other future concerns please contact us.

Please update new mailing address 1169 S. Main St. Ste. 336 Manteca CA. 95337

Best regards,

Richard Massiatt
Executive Director
Muwekma Ohlone Tribe of the San Francisco Bay Area
(209) 321-0372
Rmassiatt@muwekma.org

Letter T1	Richard Massiatt, Executive Director, Muwekma Ohlone Tribe of the San Francisco Bay Area
Response	December 26, 2024

T1-1 The Tribe offers site monitoring, archaeology, and burial recovery services, and is able to offer its services to local agencies and developers. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

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BY E-MAIL AND US MAIL

September 11, 2024

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

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

Re: 6th Cycle Housing Element; Draft Housing Elements; and Current Proposals 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. 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 ("projects"). We provide the information below to assist city staff and governing bodies as they consider these applications. I1-1

This letter follows several letters I previously submitted to the city with comments on the historic significance of the property at 605--613 Bridgeway, including:

- May 8, 2024, letter regarding the Draft Environmental Impact Report for the 6th Cycle Housing Element Programs;

- June 4, 2024, letter regarding the 605-613 Bridgeway projects; and
- June 20, 2024, letter enclosing the Historic Resources Evaluation (HRE) for the 605-613 Bridgeway property.

The 6th Cycle Housing Element designates Site 201 as a Housing Opportunity Site that requires rezoning to allow higher densities than the maximum density allowed under current zoning, including Ordinance 1022. The purpose of this designation was, apparently, to contribute to the city's efforts to meet its Regional Housing Needs Allocation ("RHNA") obligation under state housing law.

My May 8, 2024, letter comments that allowing the higher density proposed in the 6th Cycle Housing Element for Site 201 would destroy the historic significance of the Sausalito Historic District and that it is feasible to remove Site 201 from the Housing Opportunity Site Overlay, and that, as a result, the Housing Element Programs EIR must include an alternative land use plan that removes Site 201 from the Housing Opportunity Site Overlay.

I1-1 con't

I write now to provide additional information regarding the historic resource impacts of designating Site 201 as a Housing Opportunity Site and the feasibility of removing that designation to support SOS' request that the Housing Element Programs EIR include an alternative land use plan that removes Site 201 from the Housing Opportunity Site overlay.

I1-2

SOS also requests that the city amend the 6th Cycle Housing Element to remove Site 201 (i.e., the 605-613 Bridgeway property) from the Housing Opportunity Site Overlay district.

I1-3

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 HRE 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).

SOS has also commissioned an analysis of the impacts of the proposed 605-613 Bridgeway projects on the historic significance of Site 201. Attached as Exhibit A, please find the June 2024 Project Impacts Analysis of the 605-613 Bridgeway projects prepared by architectural historian Shayne Watson. Ms. Watson concludes that the projects 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, Jerri Holan, in her February 28, 2024, report (amended March 14, 2024) that the 605-613 Bridgeway projects would destroy the historic significance of the Sausalito Historic District.

I1-4

I also attach, as Exhibit B, Ms Watson's June 25, 2024, critique of the January 26, 2024, and May 17, 2024, reports authored by Preservation Architecture regarding

Site 201's historic significance. These reports are simply not credible regarding the historic significance of Site 201 or the impacts of the proposed 605-613 Bridgeway projects on its or the surrounding district's historic significance.

The Sausalito Historic District is one of twelve federally certified historic districts in California.[1] National Park Service (NPS) Certified Historic Districts are state or local historic districts that have been certified by the Secretary of the Interior (Secretary) for purposes of the Tax Reform Act of 1986, as substantially meeting all the requirements for listing in the National Register of Historic Places. The purpose of this federal program is to encourage property owners to rehabilitate, rather than demolish, historic resources by enabling owners of depreciable buildings within the certified district to obtain federal tax benefits to help offset the cost of rehabilitation. To obtain these federal tax benefits, rehabilitation projects must comply with the Secretary of the Interior's Standards for Historic Preservation.[2]

I1-4 con't

Impairing the historic significance of a certified historic district may cause the Secretary of the Interior to withdraw certification of the district, in which case all property owners in the district would lose the federal tax benefits conferred by the program and the community would lose a valuable source of funding for restoration of historic properties.[3]

As part of the required application for federal certification, Sausalito and the other districts committed to the Federal Government that they would maintain a local review board to ensure protection of historic resources in their districts.[4] Sausalito has such a review board, i.e., the Historic Preservation Commission (HPC), whose charge is to "acknowledge, honor, and encourage the continued maintenance and preservation of those select properties in the City that contribute to the City's architectural and cultural history."[5]

I1-5

If the city rezones Site 201 to accommodate the 47 (now 50) unit density proposed by one of the 605-613 Bridgeway projects, the project applicant will contend that the HPC would have not legal authority to condition approval of the project on measures to avoid or mitigate the project's significant impacts on historic resources. This is because the project applicant argues that the HPC's judgment is based on standards that, under the HAA, would be considered subjective.

---

[1] See https://ohp.parks.ca.gov/?page_id=27283
[2] 36 CFR §§ 67.7(b).
[3] 36 CFR § 67.9(j) ["The Secretary may withdraw certification of a district on his own initiative if it ceases to meet the National Register Criteria for Evaluation ...."].
[4] 36 CFR §§ 67.8(a); 67.9(e).
[5] Sausalito Municipal Code section 10.46.010 et.seq.

However, as noted in my June 4, 2024, letter, even if the project complies with future objective general plan and zoning standards, the city must still conduct CEQA review of the project. (See HAA, Gov. Code § 65589.5(e) ["Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act"].) Since the project will have a specific, significant adverse impacts on real property listed in the CRHR, the city will need to prepare an EIR to evaluate the impact, identify mitigation measures to reduce or avoid significant impacts, and make the findings required by CEQA section 21081 before approving the project. If the evidence does not support these required findings, the city would be required by CEQA to deny the project.

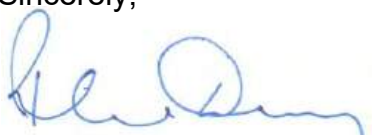
I1-5 con't

Regarding the feasibility of removing Site 201 from the Housing Opportunity Site Overlay, my May 8, 2024, letter pointed out that it is feasible to do so because the additional density contemplated for this site in the future under the current Housing Element is not necessary to meet the city's RHNA obligations.

I1-6

Thank you for your attention to this matter.

Sincerely,



Richard Toshiyuki Drury
LOZEAU DRURY LLP

I1-7

EXHIBIT A

PROJECT IMPACTS ANALYSIS
605-613 BRIDGEWAY, SAUSALITO, CA

I1-7
con't

Prepared for:
Lozeau Drury LLP
Oakland, CA

Prepared by:
Watson Heritage Consulting
Oakland, CA

June 2024

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I1-7
con't

Introduction

This Project Impacts Analysis (PIA) was prepared by Shayne Watson of Watson Heritage Consulting for Lozeau Drury LLP in June 2024. Ms. Watson meets the Secretary of the Interior's Professional Qualification Standards for History and Architectural History. This analysis reviews the drawing set titled "Waterstreet 605-613 Bridgeway, Sausalito, CA, SB 330 Submittal," prepared by Hunt Hale Jones Architects of San Francisco (May 16, 2024).

Under the California Environmental Quality Act (CEQA), the first step in the environmental review process is to prepare a Historic Resource Evaluation (HRE) to allow a lead agency to make a determination about a property's historical significance under CEQA.[1] Lead agencies have a responsibility to evaluate potential historical resources for eligibility under California Register of Historical Resources (California Register) significance criteria before making a finding as to a proposed project's impacts on historical resources (PRC § 21084.1, 14 CCR § 15064.5(3)).[2]

I1-7 con't

The goal of a PIA is to analyze the potential effects of a project on a historical resource. According to CEQA, a project with an effect that may cause a "substantial adverse change" in the significance of a historical resource is a project that may have a "significant effect on the environment."[3] (Substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired.[4])

Generally, a project that follows the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing*

[1] State of California, California Code of Regulations. "Section 15064.5 - Determining the Significance of Impacts to Archaeological and Historical Resources." Current through Register 2024 Notice Reg. No. 21, May 24, 2024. Accessible at https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-5-preliminary-review-of-projects-and-conduct-of-initial-study/section-150645-determining-the-significance-of-impacts-to-archaeological-and-historical-resources.

[2] State of California, Office of Historic Preservation. "California Office of Historic Preservation Technical Assistance Series #1: California Environmental Quality Act (CEQA) and Historical Resources." No date. Accessible at https://ohp.parks.ca.gov/pages/1054/files/ts01ca.pdf.

[3] State of California, California Code of Regulations, Section 15064.5.

[4] State of California, California Code of Regulations, Section 15064.5.

Historic Buildings,[5] "shall be considered as mitigated to a level of less than significant impact on the historical resource."[6] If a project is determined to have a significant effect on the environment, the City of Sausalito (lead agency) is required to identify potentially feasible measures to avoid or mitigate significant adverse changes in the significance of the historical resource.[7]

Following CEQA guidelines, it is necessary to establish the significance of a historical resource in an HRE in order to prepare a PIA that assesses when proposed alterations to a historical resource cross the threshold into substantial adverse change.[8]

Pre-Existing Evaluations

The properties at 605 & 607 Bridgeway and 611-613 Bridgeway (APN 065-132-16) are included in the Sausalito Downtown Historic Overlay Zoning District,[9] with the properties at 605 & 607 Bridgeway and 611-613 Bridgeway identified in the Built Environment Resource Directory (BERD) with a California Register Status Code of 2D2, defined by the State of California as contributors to a multi-component resource determined eligible for the National Register by consensus through the Section 106 process and listed in the California Register.[10] This status code alone defines the subject property as a "historical resource" under CEQA Section 15064.5(1): "A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.)."[11]

I1-7 con't

Updated Historical Resource Evaluation

In June 2024, Connor Turnbull Preservation Consulting prepared an updated HRE for the subject property and evaluated the subject buildings under California Register Criteria 1-4. Turnbull concludes that the subject property is individually significant under Criterion A/1 (events) for an association with early commercial development, transportation, as well as

[5] U.S. Department of the Interior, National Park Service. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*. Revised by Anne E. Grimer, 2017. Accessible at https://www.nps.gov/orgs/1739/upload/treatment-guidelines-2017-part1-preservation-rehabilitation.pdf.
[6] State of California, California Code of Regulations, Section 15064.5((b)(3).
[7] State of California, California Code of Regulations, Sections 15126.4(a)(1), 15091(a).
[8] State of California,"Technical Assistance Series #1."
[9] R.J. Tracy & Elizabeth M. Robinson. "National Register of Historic Places Nomination Form, Central Business District-Sausalito." City of Sausalito Historic Preservation Commission records, 1980.
[10] State of California, Office of Historic Preservation. "California Historical Resource Status Codes." Revised 3/1/2020. Accessible at https://ohp.parks.ca.gov/pages/1069/files/Resource-Status-Codes.pdf.
[11] State of California, California Code of Regulations, Section 15064.5.

settlement of Asian-Americans and their associated businesses, in Sausalito. The subject property is significant under Criterion B/2 (persons) for an association with the Yee Tock Chee/Yee family/Marin Fruit Co. as well as the Hong Lee laundry/Lee family.

Character-Defining Features

Character-defining features (CDFs) are the physical characteristics of a historical resource that convey its historical significance. The June 2024 HRE by Turnbull Preservation Consulting identifies CDFs of the CEQA historical resources identified at the subject property: the Sausalito Downtown Historic Overlay Zoning District; and the buildings located on the subject parcel (605 & 607 Bridgeway and 611-613 Bridgeway), early twentieth century utilitarian commercial buildings with minimal Mission Revival ornamentation.

Sausalito Downtown Historic Overlay Zoning District

- Late 19th Victorian-era buildings in conjunction with more utilitarian early-to mid-twentieth century buildings and structures.
- Variegated placement of buildings that reflect the topography or the uses.
- Topographical transition between the hillside, bluff and waterfront. The hillside is characterized by mostly residential buildings, while the waterfront contains mostly one-to-three story commercial buildings.
- Commercial buildings around the vicinity of the former and present ferry landings.
- The roadway follows the contour of the hill to Bay transition, and defines the landfill or over-water docks along the edge of the Richardson and San Francisco Bays.

I1-7 con't

APN 065-132-16

- Plateau area at the base of a wooded bluff, Princess Street retaining wall forming the northwest edge.
- Commercial buildings enfronting the landscaped bluff behind.
- Concentration of small-scale commercial storefronts at the street front with no setbacks, and utilitarian areas at the rear open parking area.

605 & 607 Bridgeway

- One-story storefront with a second story residential above.
- Two-bay storefront facade.
- Flat roof with minimal parapet at street elevation.
- Central, recessed storefront entrance flanked by single pane display windows above a bulkhead.
- Multi-colored ceramic tile on bulkhead (where extant).

- Multi-lite steel sash transoms with pebbled glass and horizontal pivoting sash (where extant).
- Pilasters with tapered caps, spandrel between with a central sign band.
- Brick, stepped course above spandrel at parapet.
- Raised "Marin Fruit Co." lettering (605 Bridgeway, former 777 Water Street)
- Painted cement stucco wall surface at storefront, corrugated metal and cement stucco at rear elevations.
- Steel sash at rear elevations

611-613 Bridgeway

- One-story storefront with tri-partite bays.
- Shallow gable roof with parapet at street elevation.
- Central, recessed triangular entry area, with a single, entry door at each store.
- Single pane storefront display windows, small bulkhead below.
- Engaged pilasters, spandrel with recessed sign band, and parapet.
- Tri-partite transom recessed panel with continuous cornice above.
- Painted cement stucco wall surface at storefront, corrugated metal at rear elevations

I1-7 con't

Project Description

The following description for the proposed project was prepared by the project applicant on May 17, 2024 and is available in the City of Sausalito's eTRAKiT database[12]:

> ***WATERSTREET PROJECT NARRATIVE***
> ***SB330 Application***
> *Waterstreet offers walkability, sustainability, and increased financial health for Sausalito while prioritizing housing needs.*
>
> ***Overview***
> *Waterstreet will be a multi-use, urban infill residential development located on Princess St and at 605-613 Bridgeway, across from the waterfront in Downtown Sausalito. The property is designated as Opportunity Site #201 listed in the Sausalito Housing Element. The site is approximately ½ acre on a previously developed, underutilized lot, located*

[12] "Waterstreet Project Narrative - SB330 Application." Prepared for City of Sausalito, May 17, 2024. Accessible at https://saus-trk.aspgov.com/eTRAKiT/viewAttachment.aspx?Group=PROJECT&ActivityNo=2024-00014&key=KTE%3a2405230539390495

within the city limits, surrounded by urban uses, including commercial and residential development.

Waterstreet will feature 50 condominiums, with 20% designated as affordable units. There will be five retail sites, four existing along the Bridgeway frontage, and a new retail space and residential lobby extending the retail spaces on Princess Street. The site is 23,056 square feet, and the proposed gross floor area is 121,752 square feet. Zoning is CC on the front Bridgeway lots and R-3 on the Princess St rear lots. Modifications to development standards are achieved through waivers and concessions, with the amount and percentage of BMR units more fully explained in the Density Bonus Report. The building type will be Type 1 construction on the two lower levels and wood-framed with stucco exterior on the upper levels.

Location

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

I1-7 con't

Parking

This project has no parking requirement per AB2097. The existing parking lot, with ingress and egress on Bridgeway, will remain; a newly constructed second-level parking lot with ingress and egress on Princess Street will be added. The parking will be uncoupled from condominium ownership.

Neighborhood Improvement

Waterstreet follows the existing development pattern of the surrounding area of Sausalito: retail at street level, residential above. Waterstreet improves the current conditions of the property for drainage and stormwater. The existing unsightly power poles and electrical wires will be relocated underground. The majority of the existing site is an unattractive asphalt parking lot with exposed retaining walls, which will be repurposed into a multi-use site that is attractive and financially beneficial to the city. Waterstreet will be a sizable contributor to Sausalito, fulfilling its State of California requirement by adding much-needed market-rate and below-market-rate housing units.

A luxury development in a prime downtown Sausalito location with world-class panoramic water and San Francisco views, Waterstreet will be a first-class building

constructed from premium materials with upscale amenities. The development was designed with varying unit sizes and prices to accommodate a wide diversity of buyers. All homes are single-level and serviced by elevators. Most Waterstreet homes will have dramatic, picturesque water views. Waterstreet will be a forerunner for the enhancement and regeneration of downtown Sausalito.

New homeowners living in the downtown area will help revitalize the feel and mix of downtown businesses and restaurants, reducing reliance on seasonal and day visitor traffic. Sausalito will blossom into more of a walking town as residents will not need to drive to dine or shop. Travel to San Francisco or nearby towns will be by ferry, bus, bikes, or ridesharing companies. More homeowners residing downtown will encourage more downtown civic activities such as music and art events, outdoor plays, farmers markets, local volunteerism, etc. The increase in property tax revenue from Waterstreet and sales tax revenue derived from resident spending will bolster the economy of Sausalito.

I1-7 con't

Historic

The site is not listed in the National Register of Historic Places but is located in the Sausalito Historical Overlay District. [[Author correction: as noted earlier, the State of California assigned the subject property a historical resource status code of 2D2, defined as determined eligible for the National Register and listed in the California Register.]] *The development will not cause a substantial adverse change in the significance of a historical resource nor be demolished. The historic buildings will be preserved. Construction mandates will be in effect to preserve and protect the historic buildings and neighboring buildings during the construction period. New construction will be compatible with historic materials and features to protect the integrity of the property and its environment.*

Design

The proposed architecture will not mimic the historic facades of Sausalito. The proposed façade is new and compatible in color and finish with existing historic structures in downtown.

The architecture will enhance and complement the historic facades of Sausalito. The building will feature Pantone Cool Grey textured cement on G-2 podium levels and the same color in textured stucco on levels 3-6. Black window frames, door frames, and hardware will contrast with the building finish. Highlighting this will be warm, natural wood tones on planter boxes, exterior ceilings, and privacy walls, with bright year-round greenery in the many planter boxes.

The cement planter boxes on Princess St serve as a banding where the building steps back five feet. The addition on Bridgeway will step back 20 feet from the historic façade, similar to the current second level of the existing building. The next level steps back an additional 10 feet for a total of 30 feet from the existing facade. Successive levels continue to step back to mitigate any bulk.

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

I1-7 con't

Project Impacts Analysis

The goal of a Project Impacts Analysis (PIA) is to analyze the potential effects of a project on a historical resource. According to CEQA, a project with an effect that may cause a "substantial adverse change" in the significance of a historical resource is a project that may have a "significant effect on the environment."[13] (Substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired.[14])

Generally, a project that follows the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*,[15] "shall be considered as mitigated to a level of less than significant impact on the historical resource."[16] If a project is determined to have a significant effect on the environment, the City of Sausalito (lead agency) is required to identify potentially feasible

[13] State of California, California Code of Regulations, Section 15064.5.
[14] State of California, California Code of Regulations, Section 15064.5.
[15] U.S. Department of the Interior, National Park Service. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*. Revised by Anne E. Grimer, 2017. Accessible at https://www.nps.gov/orgs/1739/upload/treatment-guidelines-2017-part1-preservation-rehabilitation.pdf.
[16] State of California, California Code of Regulations. See Title 14, section 15064.5((b)(3).

measures to avoid or mitigate significant adverse changes in the significance of the historical resource.[17]

Because the subject property is a CEQA historical resource for its status as a district contributor as well as the determination in the June 2024 HRE that the property is individually eligible for the California Register under Criteria 1 and 2, a project evaluation must be completed to determine whether the proposed Waterstreet Condominiums would materially impair the CEQA historical resource and identify any modifications to the proposed project that may reduce or avoid impacts.

The following is an analysis of the proposed project per the applicable Secretary of the Interior's Standards for Rehabilitation (Secretary's Standards).

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

I1-7 con't

The subject property has been historically used for commercial purposes with residential units above 605 & 607 Bridgeway and an uncovered driveway and parking area to the north and rear of the buildings. These spaces were integral to the operations of historically significant businesses documented in the June 2024 HRE, with the off-street parking serving "a critical role for the Marin Fruit Co. and the Chong Lee laundry."[18]

The proposed project, which includes 50 condominiums and five commercial spaces, shifts the primary use to predominantly residential. This shift necessitates the demolition of distinctive materials and features, including the rear facade of 605 Bridgeway, the second-floor residential units at 605 & 607 Bridgeway, and the utilitarian shed structures at the rear of the property. Identified as CDFs in the June 2024 HRE, the rear facades, including steel sash windows extant on all buildings and corrugated metal panels sheathing 611-613, and the utilitarian areas at the rear open parking area, are crucial to the property's historical character.

The proposed project will adversely impact distinctive features and spatial relationships, particularly through the alteration of the uncovered auto driveway and parking area that

[17] State of California, California Code of Regulations. See Title 14, sections 15126.4(a)(1), 15091(a).
[18] Connor Turnbull Preservation Consulting. "APN 065-132-16 / 605 & 607 Bridgeway and 611-613 Bridgeway, Sausalito Historic Resources Evaluation." Prepared for Lozeau Drury LLP (June 17, 2024), 57-58.

has existed since the 1940s. This spatial relationship is a CDF critical to the property's historical significance, as noted in the June 2024 HRE.

For these reasons, the proposed project does not comply with Rehabilitation Standard 1.

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

The project plans to demolish distinctive materials, including some of the rear facades and the second-floor residential units above 605 & 607 Bridgeway, all of which contain materials identified as CDFs in the June 2024 HRE.

Key features such as the second-floor residential units above 605 & 607 Bridgeway and the utilitarian shed structures at the rear of the property will be demolished as part of the proposed project. Identified as CDFs in the June 2024 HRE, the rear facades, including steel sash windows extant on all buildings, corrugated metal panels sheathing 611-613, and the utilitarian areas at the rear open parking area, are crucial to conveying the property's historical significance. These alterations would materially impair the historical resource.

I1-7 con't

The proposed changes to the uncovered auto driveway and parking area, in place since the 1940s and essential to the historic businesses, will adversely affect the spatial relationships that characterize the property. The June 2024 HRE identifies this spatial relationship as a CDF critical to the site's historical significance.

For these reasons, the proposed project does not comply with Rehabilitation Standard 2.

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

The proposed project does not include architectural features that suggest a false sense of historical development, nor will it add conjectural historical features to the existing buildings on the subject property. As proposed, the project complies with Rehabilitation Standard 3.

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

According to the June 2024 HRE, the subject property retains the integrity necessary to convey its significance. Many changes that have occurred 605-613 Bridgeway since its development have acquired significance in their own right and are identified as CDFs in the June 2024 HRE.

The alteration of significant spatial relationships, such as the uncovered auto driveway and parking area facing the utilitarian rear facades of the buildings, which have existed since the 1940s and are identified as a CDF in the June 2024 HRE, will adversely affect the integrity of the property.

For these reasons, the project does not comply with Rehabilitation Standard 4.

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

I1-7 con't

The proposed project includes plans to demolish or alter distinctive materials and features identified as CDFs in the June 2024 HRE, including:

- Steel sash windows at the rear facades
- Shallow gable roof over 611-613 Bridgeway
- Corrugated metal panels and cement stucco at the rear of 611-613 Bridgeway
- Utilitarian sheds at the rear open parking area

The project's plan to remove or alter these features will adversely affect the integrity of the property. For these reasons, the proposed project does not comply with Rehabilitation Standard 5.

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

The proposed project description does not detail the treatment of historic materials on the subject property. Drawing A201 notes "Preserve and protect existing facades," but it is presumed that this includes the Bridgeway-facing facades only and not other facades identified as CDFs in the June 2024 HRE, including the second-floor residential units

above 605 & 607 Bridgeway. Without further information, it is impossible to know if the proposed project will comply with Rehabilitation Standard 6.

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

The proposed project description does not describe the treatment of historic materials on the existing buildings. Drawing A201 notes "Preserve and protect existing facades," but with this limited information, it is impossible to know if the proposed project will comply with Rehabilitation Standard 7.

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

The proposed project description does not mention whether any archeological resources have been identified on the subject property at 605-613 Bridgeway. An assessment to identify any potential archeological resources is necessary.

I1-7 con't

If archeological resources are present, the project proposal should have a plan in place to protect and preserve these resources. The document does not mention any such plan.

If disturbance of archeological resources is unavoidable, the project must outline specific mitigation measures to address this. The document does not discuss any mitigation measures for archeological resources.

Without information on whether archeological resources are present and how they will be handled, it is not possible to determine if the proposed project complies with Rehabilitation Standard 8.

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

The proposed project's height, massing, and architectural features significantly alter the historic character and integrity of the subject property and the Sausalito Downtown Historic Overlay Zoning District (Historic District). The Historic District is characterized

as a mix of late-19th-century Victorian-era buildings combined with utilitarian early-to-mid-20th-century buildings and structures. CDFs identified in the June 2024 HRE include the topographical transition from a hillside dotted with residential buildings leading to a natural bluff overlooking a commercial waterfront district built around a historic ferry landing area. The average height of buildings in the Historic District is two to three stories, with the southern portion having a mix of one- and two-story commercial buildings, some with one or two stories of residential above.

The proposed project's addition of six stories (85 feet) directly over the historic single-story commercial buildings is significantly out of scale with the existing environment of the subject property and the Historic District. (Ceilings in the 85-foot-tall addition are 12 feet, which results in a building equivalent to eight to nine stories.)

Similarly, the increase in the mass of the proposed addition is dramatically out of scale with the Historic District. The bulk of the new building overwhelms the existing waterfront streetscape and obscures the natural bluff and hillside behind, thereby impacting CDFs identified in the June 2024 Historic Resource Evaluation (HRE) and thus the integrity of the Historic District.

I1-7 con't

The appearance of the proposed project would contrast sharply with the character of Sausalito's existing commercial facades. The large expanses of glass in the new construction are incompatible with the existing buildings and the Historic District, where historic buildings typically have articulated facades and smaller, traditionally proportioned windows. The new windows are out of scale and do not match the traditional fenestration patterns in the area.

While the new work is differentiated from the old, the unarticulated facades, use of large expanses of glass, and the overall contemporary design are not compatible with the historic character of the Historic District. The materials chosen (stucco and steel windows) may be appropriate, but their application in this context does not align with the historic features and proportions of the district.

For these reasons, the proposed project does not comply with Rehabilitation Standard 9.

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

The proposed new building is embedded above and behind the existing property, meaning it integrates with and depends on the existing historic structure of the buildings at 605-613 Bridgeway. If the new addition were removed in the future, the alterations to the historic property, including the demolition of the rear utilitarian facades, partial demolition of roofs, and the demolition of the residential units above 605 & 607, would impair the essential form and integrity of the subject property. These changes to the historic fabric of the buildings would be irreversible, leaving the CEQA historical resource permanently altered and impaired.

For these reasons, the proposed project does not comply with Rehabilitation Standard 10.

Conclusion

Watson Heritage Consulting finds that the proposed project at 605-613 Bridgeway in Sausalito, CA does not meet the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties. As currently proposed, the project will cause a "substantial adverse change" in the significance of both the Sausalito Downtown Historic Overlay Zoning District and the subject property. These are recognized historical resources under CEQA. A substantial adverse change in the significance of a historical resource includes the demolition or alteration of the resource or its immediate surroundings to an extent that would materially impair the significance of the historical resource. If a project is determined to have a significant effect on the environment, the City of Sausalito (lead agency) is required to identify potentially feasible measures to avoid or mitigate significant adverse changes in the significance of the subject property and the Historic District.[19]

I1-7 con't

[19] State of California, California Code of Regulations, Sections 15126.4(a)(1), 15091(a).

I1-7
con't

EXHIBIT B

MEMO

TO: Richard Drury
Lozeau Drury LLP
1939 Harrison Street, Ste. 150
Oakland, CA 94612
richard@lozeaudrury.com

FROM: Shayne Watson
Watson Heritage Consulting
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shayneewatson@gmail.com

DATE: June 25, 2024

SUBJECT: Peer review of the following two reports prepared for 605-613 Bridgeway in Sausalito, California:

- "605-613 Bridgeway, Sausalito, Historic Resource Summary," prepared by Preservation Architecture (January 26, 2024)
- "605-613 Bridgeway, Sausalito, Historical Summary and Project Evaluation," prepared by Preservation Architecture (May 11, 2024)

I1-7 con't

Introduction

My name is Shayne Watson, and I practice architectural history and historic preservation planning in the San Francisco Bay Area at my consultancy, Watson Heritage Consulting. I have evaluated historic properties for eligibility under the National Historic Preservation Act (NHPA) and the California Environmental Quality Act (CEQA) since 2003. This experience qualifies me to conduct this peer review as a professional meeting the Secretary of the Interior's Professional Qualification Standards for History and Architectural History.

I was retained by Lozeau and Drury LLP in 2024 to conduct a peer review of two reports prepared by Mark Hulbert, preservation architect and historic resources consultant at Preservation Architecture:

- "605-613 Bridgeway, Sausalito, Historic Resource Summary" (January 26, 2024)
- "605-613 Bridgeway, Sausalito, Historical Summary and Project Evaluation" (May 11, 2024)

Both the January 26 and May 11 reports cover generally the same information, so this peer review focuses on the two reports at once.

Under the California Environmental Quality Act (CEQA), the first step in the environmental review process is to prepare a Historic Resource Evaluation (HRE) to allow a lead agency to make a determination about a property's historical significance under CEQA.[1] Lead agencies have a responsibility to evaluate potential historical resources for eligibility under California Register of Historical Resources (California Register) significance criteria prior to making a finding as to a proposed project's impacts on historical resources (PRC § 21084.1, 14 CCR § 15064.5(3)).[2]

After reviewing the January 26, 2024 and May 11, 2024 reports for 605-613 Bridgeway by Preservation Architecture, it is my opinion that they are missing the basic necessary information required for the City of Sausalito to determine the property's historical significance according to CEQA Section 15064.5(b)(3).[3] The Preservation Architecture reports, therefore, should not be used to inform the analysis required for a Project Impacts Analysis (PIA). (The May 2024 report includes a PIA beginning on page 17.)

I1-7 con't

CEQA Historical Resource Evaluations

The purpose of a Historical Resource Evaluation (HRE) is to determine the historical resource status of a property, according to California Environmental Quality Act (CEQA) Section 15064.5(b)(3).[4] CEQA is the main law mandating environmental assessments for projects within California. It aims to ascertain whether a proposed project could adversely affect the environment and if such impacts can be mitigated or avoided through alternative actions. CEQA is detailed in the Public Resources Code (PRC), Sections 21000 and following.[5]

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[1] State of California, California Code of Regulations. "Section 15064.5 - Determining the Significance of Impacts to Archaeological and Historical Resources." Current through Register 2024 Notice Reg. No. 21, May 24, 2024. Accessible at https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-5-preliminary-review-of-projects-and-conduct-of-initial-study/section-150645-determining-the-significance-of-impacts-to-archaeological-and-historical-resources.

[2] State of California, Office of Historic Preservation. "California Office of Historic Preservation Technical Assistance Series #1: California Environmental Quality Act (CEQA) and Historical Resources." No date. Accessible at https://ohp.parks.ca.gov/pages/1054/files/ts01ca.pdf.

[3] State of California, California Code of Regulations, Section 15064.5.

[4] State of California, California Code of Regulations, Section 15064.5.

[5] The information in this section is excerpted from State of California, Office of Historic Preservation. "Technical Assistance Series #1."

The CEQA Guidelines, located in the California Code of Regulations (CCR), Title 14, Chapter 3, Sections 15000 and following, provide instructions for implementing CEQA and are mandatory for state and local agencies.

Historical resources are considered part of the environment under CEQA (PRC §§ 21002(b), 21083.2, and 21084.1). The California Register of Historical Resources (California Register) is an official listing of the state's historical resources and identifies properties deemed significant under CEQA. Resources listed in or eligible for listing in the California Register must be considered during the CEQA process.

The statute for the California Register (PRC § 5024.1) and its regulations (14 CCR § 4850 et seq.) mandate that evaluations for listing historical resources must be updated if they are more than five years old to ensure their accuracy at the time of listing. However, this does not imply that resources identified in older surveys are not considered "historical resources" under CEQA. Unless a resource has been demolished, significantly altered, or is otherwise proven ineligible for listing, lead agencies should treat it as potentially eligible for the California Register.

I1-7 con't

Additionally, a resource does not need prior identification through listing or survey to be considered significant under CEQA. Lead agencies must evaluate whether historical resources potentially impacted by a project meet the California Register criteria before determining the project's impact on these resources (PRC § 21084.1, 14 CCR § 15064.5(3)).

Peer Review of 2024 Preservation Architecture Reports

As noted above, the lead agency (City of Sausalito) has a responsibility to evaluate a property's historical significance according to CEQA Section 15064.5(b)(3)[6] before making a finding as to a proposed project's impacts on historical resources (PRC § 21084.1, 14 CCR § 15064.5(3)).[7]

After reviewing the January 26, 2024, and May 11, 2024 reports for 605-613 Bridgeway by Preservation Architecture, it is my opinion that they are missing the basic necessary information required for the City of Sausalito to make informed planning decisions about the buildings located on the subject property. The reports do not evaluate the property's historical significance according to CEQA Section 15064.5(b)(3).[8]

[6] State of California, California Code of Regulations, Section 15064.5.
[7] State of California, Office of Historic Preservation. "Technical Assistance Series #1."
[8] State of California, California Code of Regulations, Section 15064.5.

General Comments

The January 2024 and May 2024 reports are not formatted according to standard CEQA HREs and the presentation is confusing. While some of the information required for a CEQA HRE is included in both reports, it is recommended that the report be reformatted to align with the following general format in terms of organization and content:

- Introduction
  - Basic property information
  - Current CEQA historical resource status
- Architectural Description
- Property History
  - Property development, history of use and owner/occupants
- Historical Context
- California Register Evaluation
  - Significance evaluation (Criteria 1-4)
  - Integrity evaluation (Aspects 1-7)
  - Identification of character-defining features

I1-7 con't

Previous Evaluations

As noted above, if a property has already been identified as a historical resource under CEQA, it is important to summarize this in the introduction to an HRE. Resources identified in older surveys may be considered "historical resources" under CEQA unless “the resource has been demolished, significantly altered, or is otherwise proven ineligible for listing, lead agencies should treat it as potentially eligible for the California Register (PRC § 5024.1) (14 CCR § 4850 et seq.).

In the case of the subject property, previous evaluations identified the parcel as having a Historical Resource Status Code of 2D2, defined by the California Office of Historic Preservation as “Contributor to a district determined eligible for NR by consensus through Section 106 process. Listed in the CR.”[9] A property listed in the California Register is defined as a historical resource under CEQA.

- The January 2024 report mentions that the subject property falls within Sausalito’s Downtown Historic District. Still, there is no explanation of what this means in terms of the subject property’s status as a historical resource under CEQA.
- The January and May 2024 reports include excerpts of the Statements of Significance from the “1980 Historic Resource Inventory,” but there is no explanation as to the

[9] State of California, Office of Historic Preservation. “California Historical Resource Status Codes.” Revised 3/1/2020. Accessible at https://ohp.parks.ca.gov/pages/1069/files/Resource-Status-Codes.pdf.

meaning of the 1980 inventory and how it relates to the subject property's status as a historical resource under CEQA.

- The May 2024 report references a 2019 technical memorandum prepared for 719-725 Bridgeway by consultant Page & Turnbull to conclude that the subject property is "*not individually listed in the CR*," which contradicts the property's status code of 2D2: "Listed in the CR."
- In the May 2024 report, the following statements are inaccurate or irrelevant to an HRE:
    - Page 11: "*Thus, while the District is CR listed, the individual properties identified as contributors are not individually listed in the CR. As such, the District is the identified historic resource, not the individual properties*."
        - This statement is inaccurate, as the subject property's status code of 2D2 means that it is listed in the California Register.
    - Page 12: The report states that the Certified Historic District for downtown Sausalito is "*not a National Register listing and the certified local district is not a formal National Register historic district as a result*."
        - This statement is irrelevant to a CEQA historical resource evaluation, as the subject property's status code of 2D2 means that it is listed in the California Register by being determined eligible for the National Register of Historic Places.
    - Page 12: "*Further, the 1980 evaluation determined that the District met eligibility criteria for listing on the National Register of Historic Places (NR). However, no NR nomination was submitted, then or since. While the District was deemed a NR 'Certified Historic District' – yet again on the basis of the 1980 record – that certification is for Federal preservation tax incentives only, is not a National Register listing and the certified local district is not a formal National Register historic district as [a] result*."
        - This statement is irrelevant to a CEQA historical resource evaluation, as the subject property's status code of 2D2 means that it is listed in the California Register by being determined eligible for the National Register of Historic Places.
    - Page 12: "*In sum, the property and buildings at 605-613 Bridgeway… Are not individually listed in the California Register." "Conclusively, neither of the subject buildings are individually listed on any historic register*."
        - This statement is inaccurate, as the subject property's status code of 2D2 means that it is listed in the California Register.

I1-7 con't

Architectural Descriptions

Architectural descriptions are a key part of an HRE as they document the existing conditions of a subject property and show how a property has or has not changed over time (list of known

alterations). The architectural descriptions should be supplemented with photographs showing existing conditions of the entire subject property, including contextual views of the property in its setting and views of all exterior facades.

- The January 2024 report does not include a description of the existing conditions of the subject property.
- The May 2024 report includes a section titled Summary Descriptions (pages 5 & 7), which is a mix of significance statements from 1980; permit records; known alterations; existing “characteristics”; and a condition assessment. Architectural descriptions should describe existing conditions of the subject property and a list of known alterations. Any mention of significance should be moved to the Introduction (current CEQA status) or the California Register Evaluation.
- In the May 2024 report, the first photograph under Site (page 9) includes mention of character-defining features (CDFs) in the caption. This reference should be removed, as CDFs are identified only after a property has been evaluated for significance and determined eligible for the California Register. CDFs are the features of a property that convey its significance.

I1-7 con't

Property History

An updated and detailed history of the development of the subject property is necessary to evaluate the historical significance of a property under CEQA. The January and May 2024 Preservation Architecture reports do not contain sufficient property history to give a comprehensive understanding of the history of 605-613 Bridgeway. The section titled “Summary Property History” mentions names of businesses, owners, and tenants associated with the subject property, yet there was no research to ascertain the potential significance of the businesses and individuals. This research is crucial in determining the significance of a property under California Register Criterion 2.

Historical Context

Similar to a comprehensive property summary, historical context is an integral part of the historical resource evaluation process. Relevant historical context tells the broader story of how the subject property fits within the larger picture of Sausalito’s history. Without understanding the historical context of a property, it is impossible to evaluate a property’s significance.

The City of Sausalito has a citywide historic context statement (HCS), prepared for the City of Sausalito and the Office of Historic Preservation in October 2022 by VerPlanck Historic Preservation Consulting. The HCS should be referred to in any historical resource evaluation for Sausalito.

Historical context relevant to the subject property would include themes such as early community development, commerce, and transportation – all of which are covered in VerPlanck's HCS.

- The January 2024 report does not contain historical context.
- In the May 2024 report, the information under Historic Context (page 10) is a summary of the property's status as a historic district contributor, which is not historical context. Same with the reference to consultant Page & Turnbull's technical memorandum for 719-725 Bridgeway (2019) and the discussion of zoning within the historic district (e.g., 83 Princess).

California Register Evaluation

As noted above, the purpose of an HRE is to determine the historical resource status of a property according to CEQA Section 15064.5(b)(3). Lead agencies must evaluate whether historical resources potentially impacted by a project meet the California Register criteria before determining the project's impact on these resources (PRC § 21084.1, 14 CCR § 15064.5(3)).

I1-7 con't

Even if the property has been evaluated previously, the statute for the California Register (PRC § 5024.1) and its regulations (14 CCR § 4850 et seq.) mandate that evaluations for listing historical resources must be updated if they are more than five years old to ensure their accuracy at the time of listing.

- The January 2024 report does not reference CEQA nor the California Register criteria for assessing significance and integrity.

- Neither report includes the following sections that are necessary for an HRE: an updated evaluation of the subject property's eligibility for the California Register under significance Criteria 1-4; evaluation of the subject property's seven aspects of integrity (if the property is determined to be significant under CEQA); and a comprehensive list of extant character-defining features (CDFs) that convey the property's historical significance. CDFs are the historical features of a property that convey its historical significance and should not be introduced without evaluating the historical resource status of the property. (The January 2024 report includes CDFs in the property history and notes that "*no rearward site or building spaces, forms or materials are identifiably character defining*" (page 7).)

- The May 2024 report includes the following statement on page 12 about the subject property being ineligible for individual listing in the California Register, but provides no historical resource evaluation to support this conclusion:

> *Given their minimal and basic characteristics, as the 2 building facades are architecturally and materially insubstantial, neither are individually eligible for historical designation. Otherwise, they stand in the context of the District and to which they basically contribute. Conversely, as is also plain to see, the rearward structures are void of potential historical importance, as are the open areas of site.*

It is important to note that this statement focuses solely on the architectural and physical qualities of the building (California Register Criterion 3) and does nothing to assess the significance of the property for association with important events (California Register Criterion 1) or significant individuals (California Register Criterion 2).

I1-7 con't

Letter I1 Response **Richard Toshiyuki Drury, Lozeau Drury, on behalf of Save Our Sausalito**
September 11, 2024

I1-1 The comment provides an overview of previous correspondence submitted to the City regarding the separate proposed project at 605-613 Bridgeway. The proposed Amended Housing Element would rezone Site 201 to Mixed Use 29/85%, which could have an impact on a historic resource.

As noted on page 3.4-37 in section 3.4, Cultural and Tribal Cultural Resources, of the Draft EIR, Opportunity Site 201 is within the Downtown Historic District and currently consists of a commercial building with four retail storefronts, and a surface parking lot. Opportunity Site 201 (APN 065-132-16) contains the Marin Fruit Co., a designated historic resource listed on the California Register of Historical Resources.

Regarding the commenter's prior letters related to densities associated with Site 201, the Amended Housing Element project would maintain a maximum density to 29 units per acre, which is consistent with the maximum density allowed for the site under the existing Mixed Commercial and Residential (CR) zone for the site (i.e., the CR zone allows a density of one unit per 1,500 square feet).

Mitigation Measure MM 3.4-1(a) of the Draft EIR, as revised in Chapter 2 of this Final EIR, requires any proposed new project within the Downtown Historic Overlay Zoning District, including Site 201, to be designed in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, specifically the standards for rehabilitation and new construction within a historic district, including Standards 1, 2, 5, 9, and 10 for Rehabilitation. Mitigation Measure MM 3.4-1b requires a qualified historian or architectural historian to survey parcels adjacent to any future project within or adjacent to historic resources in the city, including sites listed or eligible for the National Register of Historic Places, sites listed on or eligible for the California Register of Historic Resources Places, including the Downtown Historic District, contributors to the Downtown Historic District, landmarks, and sites listed on the City's Inventory of Noteworthy Structures before any construction activities can take place.

The commenter indicates they are providing additional information regarding the historic resource impacts of designating Site 201 as an Opportunity Site and the feasibility of removing that designation to support the request that

the EIR include an alternative land use plan that removes the Opportunity Site overlay from Site 201.

Alternative 4 – Historic Preservation, in the Draft EIR, as amended in the Recirculated Draft EIR Chapter 5, evaluates the potential environmental impacts resulting from removing five rezone sites, including Site 201, from the Project's rezone program. Please see the analysis beginning on page 4-28 of the Recirculated Draft EIR for analysis of Alternative 4.

I1-2 The commenter indicates they are providing additional information regarding historic resource impacts associated with Site 201 and the request that the EIR include an alternative land use plan that removes Site 201. The commenter's information related to historic resource impacts is addressed under responses to Comments I1-4 through I1-6. As previously described, removal of Site 201 as an Opportunity Site is addressed under Alternative 4 in the Draft EIR, as revised in the Recirculated Draft EIR. See Alternative 4 discussion beginning on page 4-28 of the Recirculated Draft EIR.

I1-3 The comment requests a modification to the proposed Project. This modification is addressed under Alternative 4 in the Draft EIR, as revised in the Recirculated Draft EIR. See Alternative 4 discussion beginning on page 4-28 of the Recirculated Draft EIR

I1-4 The comment states that a historic report was prepared to evaluate the historical significance of resources on Site 201. Please see response to Comment I1-7 regarding the analyses prepared by Watson Heritage Consulting submitted with the comment letter.

As described in response to Comment I1-7, the analyses regarding Site 201 have been reviewed and the EIR has determined that Site 201 is a historic resource pursuant to CEQA (see responses to Comments I1-7, I3-10, I18-7, and I18-8). As noted in the comments, the Sausalito Historic District is one of twelve Certified Local Districts in California and includes 64 resources. The Marin Fruit Building located on Opportunity Site 201 is recognized as a contributor to a district determined eligible for NRHP by consensus through the Section 106 process and is listed as a contributor to the district in the CRHR (see Table 3.4-2 of the Draft EIR). The importance of the site to the city is described in the California Department of Parks and Recreation Historic Resources Inventory

Historic District Form (DPR Form) for the Marin Fruit Company (607-613 Bridgeway).[A]

Mitigation Measure MM 3.4-1(a) of the Draft EIR requires any proposed new project within the Downtown Historic Overlay Zoning District, including Site 201, to be designed in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, specifically the standards for rehabilitation and new construction within a historic district (Standards 9 and 10 for Rehabilitation). Mitigation Measure MM 3.4-1b requires a qualified historian or architectural historian to survey parcels adjacent to any future project within or adjacent to historic resources in the city, including sites listed or eligible for the National Register of Historic Places, sites listed on or eligible for the California Register of Historic Resources Places, including the Downtown Historic District, contributors to the Downtown Historic District, landmarks, and sites listed on the City's Inventory of Noteworthy Structures before any construction activities can take place. The comment specifically references a site design proposed for Site 201 that is a separate project from the Amended Housing Element. The Amended Housing Element does not propose any specific development projects within the city. Therefore, no further response is required.

I1-5 The comment discusses the authority of the Historic Preservation Commission (HPC) and its potential role in evaluating its review of resources on Site 201. The HPC reviews applications for exterior renovation of historic or noteworthy structures, historic sites and landmarks; promotes preservation of historic sites, landmarks, documents, paintings and objects associated with the history of Sausalito; recommends to the Planning Commission that certain historic sites, landmarks and districts be designated and/or acquired by the City; advises the City Council on the acceptance of donations and/or acquisitions of items with historic value to the City; and advises the City Council on matters relating to the historic and cultural preservation of the City.

The comment expresses concern that a claim may be made that provisions of the Housing Accountability Act (California Government Code Section 65589.5) will reduce the City's ability to mitigate historic impacts for a specific project and notes that the City is required to protect the integrity of the historic district and to complete review of project impacts under CEQA.

[A] California Department of Parks and Recreation. Historic Resources Inventory, Historic District Form No. 53. Marin Fruit Co., 607-613 Bridgeway, Sausalito.

The rezoning of Site 201 under the Amended Housing Element would not include any approval of a specific development project on that site. Mitigation Measure MM 3.4-1(a) of the Draft EIR requires any proposed new project within the Downtown Historic Overlay Zoning District, including Site 201, to be designed in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, specifically the standards for rehabilitation and new construction within a historic district, including Standards 9 and 10 for Rehabilitation. Mitigation Measure MM 3.4-1b requires a qualified historian or architectural historian to survey parcels adjacent to any future project within or adjacent to historic resources in the city, including sites listed or eligible for the National Register of Historic Places, sites listed on or eligible for the California Register of Historic Resources Places, including the Downtown Historic District, contributors to the Downtown Historic District, landmarks, and sites listed on the City's Inventory of Noteworthy Structures before any construction activities can take place. Further, the City is in the process of developing Objective Design and Development Standards (ODDS) to remove subjectivity from the consideration of proposed projects' design approvals. The comment refers to a specific site design for Opportunity Site 201, and is not a comment on the adequacy of the Draft EIR analysis. Therefore, no further response is required.

I1-6 This is not a comment on the Amended Housing Element EIR, and no further response is necessary.

I1-7 Exhibit A and Exhibit B of this comment letter specifically address the potential historical significance of structures at 605-613 Bridgeway.

Exhibit A is a "Project Impacts Analysis" prepared by Watson Heritage Consulting in June 2024 (Watson Heritage Analysis) that addresses the potential impacts of the project proposed at 605-613 Bridgeway and seeks to analyze the potential effects of a project on a historical resource. The Watson Heritage Analysis describes the California Register Status of the site as 2D2, references an updated Historical Resource Evaluation for the site prepared by Connor Turnbull Preservation Consulting, and describes the character-defining features of the Sausalito Downtown Historic District, site APN 065-132-16, the 605 & 607 Bridgeway building component, and the 611-613 Bridgeway building component. The analysis describes the project proposed on the site and provides a Project Impacts Analysis, which addresses the applicable Secretary of the Interior's Standards for Rehabilitation, including Standards 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, finding that the project does not comply with Standards 1, 2, 4, 5, 9, and 10 and finding it is not possible to determine compliance with Standards 6, 7, and 8 without further information. The Watson Heritage Analysis concludes that "the proposed project at 605-613

Bridgeway in Sausalito, CA does not meet the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties. As currently proposed, the project will cause a 'substantial adverse change' in the significance of both the Sausalito Downtown Historic Overlay Zoning District and the subject property."

Exhibit B is a peer review memorandum (referred to herein as Watson Heritage Memorandum) prepared by Shayne Watson of Watson Heritage Consulting that evaluates "605-613 Bridgeway, Sausalito, Historic Resource Summary," prepared by Preservation Architecture (January 26, 2024) and "605-613 Bridgeway, Sausalito, Historical Summary and Project Evaluation," prepared by Preservation Architecture (May 11, 2024). The Memorandum identifies that the Preservation Architecture reports are missing the basic necessary information required for the City of Sausalito to determine the property's historical significance according to CEQA Section 15064.5(b)(3) and recommends that the Preservation Architecture reports should not be used to inform the analysis required for a Project Impacts Analysis. The memorandum describes the purpose and statutes for a historical resources evaluation. The memorandum critiques the Preservation Architecture reports, including lack of explanation of the subject property's status as a historical resource, lack of explanation of the 1980 Historic Resource Inventory referenced in the report, statements that are inaccurate or irrelevant to a Historic Resource Evaluation, lack of a description of the existing conditions and known alterations, lack of an updated and detailed history of the property, lack of historical context, and inadequate evaluation to address California Register Criteria, including Criteria 1 and 2. The Watson Heritage Memorandum concludes, "Neither report includes the following sections that are necessary for an HRE: an updated evaluation of the subject property's eligibility for the California Register under significance Criteria 1-4; evaluation of the subject property's seven aspects of integrity (if the property is determined to be significant under CEQA); and a comprehensive list of extant character-defining features (CDFs) that convey the property's historical significance."

As is described in responses to subsequent comments, additional information and comments have been provided related to this site and historical resource impacts. See response to Comment I18-7 regarding the City's decision regarding determining that the site is a historic resource under CEQA and discussion of disagreement among experts. See also Chapter 2 for revisions to Chapter 3.14 of the Draft EIR to clarify the site's status.

These exhibits address a project, separate from the Amended Housing Element, and its potential impact on historic resources. This is not a comment on the Amended Housing Element EIR, and no further response is necessary.

10-20-2024

Letter I2

Draft EIR for the Sausalito Amended 6th Cycle Housing Element Public Comments

Submitted by Lito Brindle

Just wanted to reiterate the request that Commute Maps be a part of the EIR for the amended 6th cycle housing element. Talk about your environmental impacts! I talked to a teacher at Sausalito-Marin City's public school recently (a Black woman, incidentally), at a groundbreaking event for what's now called the Nevada Street Campus of MLK Academy (formerly Bayside, Willow Creek, Knudsen Field, etc.), and, because I'm interested in these issues, I asked, "Where do you live?" She responded, "Tracy. Mountain House." A state of affairs that we subsidize. Basically, the further you live from your workplace, the more subsidized you are. Meanwhile I had parked about a block away, and I noticed as I got back to my car that the double mailbox of a nearby house was hanging askew and the windows were boarded up. I asked a nearby resident, "Is this house abandoned?" And they said, "Yes. So is that one," pointing to a house two doors away.

I2-1

Wouldn't it be more unassailably logical, just, fair, reasonable, salutary, efficient, etc., to subsidize that Sausalito Essential Worker living in one of those available houses a block away than to subsidize her living in Tracy? Wouldn't that be a shining example of "affirmatively furthering fair housing" (can we drop that silly euphemism and speak frankly? Sounds like a bad Stevie Wonder album)?

So, let's get Commute Maps, for starters. There is ONE category of person who MUST occupy a particular "community," geography, etc. They're called Essential Workers. It seems reasonable to point out that if Sausalito doesn't house its own Essential Workers – the people who MUST be there, the people without whom, by definition, the "community" cannot function – then Sausalito is responsible for the regional traffic chaos that failure sets in motion. We should not be subsidizing that chaos, in the meantime. It's too late for the $800 million Marin-Sonoma narrows Highway 101 expansion project, but they want to replace Highway 37 at a cost of $6-8 BILLION, they want to throw a whole bunch of money at improving the 101-580 interchange, etc., all of which amounts to a massive public subsidy for people NOT living where they work. You would think we wanted to foster such behavior. Let's subsidize people living where they work, instead. You COULD argue, too, that those massive public investments in

I2-1 con't

Sausalito's teacher living in Tracy ARTIFICIALLY AND UNJUSTLY DEPRESS HER INCOME, because without that massive public investment, Sausalito would have to pay her enough TO AFFORD TO LIVE IN SAUSALITO.

So, please get Commute Maps as part of your analysis of Environmental Impact. Please answer the question: Where do the people that work here live, and where do the people that live here work? Commute Maps posted prominently at Sausalito's Essential Workplaces, so everyone can see them when they walk into the school/grocery store/post office/firehouse/police station/restaurant etc. There's a reason that people are up in arms when gas prices spike, and the governor professes indignation and vows action – it's because gas stations are REQUIRED to post prices. Let's "be a leader" and post and publicize our towns commutes.

I2-1 con't

Also, please try and quantify that subsidy. How much public money do we spend for Sausalito's Essential Workers to live all around the region, and beyond? Wouldn't it cost far less to SUBSIDIZE THEM LIVING WHERE THEY WORK? And also be, like, way better for everyone concerned? I think around 4,000 people

I2-2

I2-3

die on California's roads EVERY YEAR, 10 or more people a day, because of this traffic mess that we have wrought. I would say that qualifies as a public health emergency…..AND a significant Environmental Impact. Does nobody else find it funny that we should be expressing such consternation that "transportation" is California's number 1 greenhouse gas contributor after more than a century of issuing a blank check for transportation infrastructure? After a century of issuing a blank check for Traffic INDUCING Infrastructure, in other words, let's direct our energies to providing Traffic OBVIATING Infrastructure – ZIP Code Village Housing, housing that is available exclusively to the ONE category of person who MUST be here, Sausalito's Essential Workers (check out ottomaps.com's Bay Area ZIP codes maps and imagine the traffic calming effect of Essential Workers living in the ZIP codes they serve).

I2-3 con't

I think it's useful to tell these housing stories too, to groundtruth policy and planning. Whatever you imagine your policy and planning are accomplishing, here's what we're actually living on the ground. For example, I know a teacher who taught at the same SF public school for almost forty years. During all of that time, they commuted, and supercommuted. First from San Rafael, then Sonoma County (to buy a "starter home," which even then required a supercommute), then unincorporated Contra Costa County, to buy a proper home on a proper lot. Try and imagine the public subsidy required for them to

I2-4

supercommute for all of that time. And the old narrative that buying a home in that manner has been a way for working people to build wealth. Except that, when they retired after nearly four decades of essential service to a single "community" (far removed from the "communities" in which they resided), they still owed Wall Street $300,000 to "own" their home. Now I ask you: Had they been provided decent, modest housing in the ZIP code they served in an essential capacity for all of that time, for free (INSTEAD of first class, unprecedented in the history of humankind supercommute infrastructure, FOR FREE) – wouldn't that have been better for all concerned, and an equally good or better way for them to "build wealth"? IE, keep their paycheck – and have ALL of it to save/invest/SPEND -- instead of signing it over to Wall Street every month? ZIP Code Village Housing. Traffic Obviating Infrastructure. Is this not a more compelling vision?

I2-4 con't

Also, I was an Essential Worker myself for the Marin Municipal Water District on a maintenance crew of 6 (before I recently retired and became an Essential Worker Emeritus, which, just like Obi Wan Kenobi, tends to make Essential Workers more powerful than you can possibly imagine). Of the six of us, only one lived in the ZIP code in which we worked. Some lived across the Bay, beyond the 101-580 interchange "planners" now want to spend, probably, hundreds of millions of public dollars to "improve."

I2-5

Some lived at the far end of that $800 million Marin-Sonoma narrows project. One lived in American Canyon, at the far end of some of the $800 million Marin-Sonoma narrows work AND Highway 37, which they now want to spend $6-8 BILLION of public money to replace and "improve." And some of these folks were on the "standby crews," the people who get out of bed at 3 AM when a water main bursts and promptly show up and restore service. It took a long time to dawn on me that the one person who lived in the (increasingly prohibitively priced) ZIP code in which we worked BENEFITTED FROM NO SUBSIDY, while the way of living of all of the rest of us was HEAVILY subsidized. What's wrong with this picture?

I2-5 con't

Meanwhile, I think we need a better picture of how the housing we already have in Sausalito is being used. Who owns it? Who occupies it? One gets the impression that Sausalito these days is occupied almost exclusively by people who might live ANYWHERE, while almost NONE of the people who MUST be here live here. Please include that information as part of this analysis. Also, we need to be intently, ENTREPRENEURIALLY interested in how Sausalito's housing changes hands. Much of this town's housing stock, let's face it, is ABSURDLY modest in scale, reflecting the fact that it was organically occupied by Essential Workers of modest means until just within the last couple generations gradually then suddenly the whole world apparently came to covet it. That absurdly modest housing turns over at a pretty

I2-6

steady rate – so who does it go to? Let's answer that question. Or are we content for our "community" to be treated like a Monopoly board? To house our own Essential Workers it would be easier to go after that ALREADY EXISTING, perfectly organically scaled and ideally located modest housing as it turns over. A robustly funded Community Land Trust would probably be the best way to go about that, let's throw our energies and resources behind a CLT so that we have enough Dorothy Gibson houses to house our own Essential Workers. Lucky ZVH (ZIP Code Village Housing) recipients could be required to be disaster relief workers, a bargain I think they would be glad to make. How's that for a resilient city?

I2-6 con't

Meanwhile, don't surplus any public land, that might be the best place to add ZVH if we can't claw back enough existing housing to provide a sufficiency.

I2-7

Also, can someone disabuse me of the perception that "induced demand" isn't at play here? In other words, it recently dawned on me that saying, "The housing is totally oversubscribed, we should add more housing, like, yesterday," is kinda like saying, "The freeways are totally oversubscribed, we should add more freeway lanes." If you zoom out geographically and chronologically you'll see that CA is by FAR

I2-8

the most populous state, after a century or more of aggressively expanding housing (especially since the War. See the Wikipedia for Milpitas for a probably pretty representative warts-and-all summary of how cities have grown since the War). The result? An apparently ADVERSE effect on affordability, "The Valley of Heart's Delight" is now Silicon Valley, paradise has been paved, etc. And our region is an inequitable, chaotic mess. Hasn't aggressively expanding housing throughout CA just had the effect of inducing demand, to the point that 1 in 8 Americans now lives here?

I2-8 con't

Can we agree to drop the pretense that we know what we're doing? Will you suspend belief with me? "RHNA," to me, has the whiff of someone's mildewed postwar dissertation. All of this "planning" effort we are credulously, earnestly expending is in service to some previous generation's, or individual's, failed vision. "Arbitrarily grow, everywhere, indefinitely" IS NO PLAN AT ALL. Let's see if we can't imagine something better for the world WE are living in.

I2-9

Thanks! I'm appending my NOA and NOP comments too, forgive me if I repeat myself.

Anyone who is interested in starting a 94965 Community Land Trust, please get at me.

-Lito Brindle

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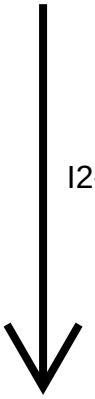
NOP public comments

Since “environmental quality” and “environmental impact” are the watchwords, can we all take a moment to appreciate what an environmental catastrophe it has been for us to perpetually expand roads and freeways in our particular megalopolis, and in California’s other ones? Is there no one else

I2-10



who finds it funny that we should express consternation that “transportation” is California’s number one greenhouse gas and climate change contributor, after more than a century of issuing a blank check for transportation infrastructure?

I2-10 con't

In fact, we subsidize people NOT living where they work. Basically, the further you live from your workplace, the more subsidized you are. After more than a century of providing Traffic Inducing Infrastructure, I would suggest it’s time to provide Traffic Obviating Infrastructure – not in the form of “transit,” which ALSO represents a subsidy for people NOT living where they work, but in the form of Zip Code Village Housing, housing zip code by zip code that is available exclusively to the Essential Workers who serve that particular zip code.

I2-11

We organically HAD Zip Code Villages of course, for a post-War generation or two there. But unfortunately, just within my lifetime, the ENTIRE WORLD has apparently turned its covetous eye on this little arbitrarily circumscribed geography and its absurdly modest homes. And the 94965’s Essential Workers – most of whom, let’s face it, are negligibly compensated compared to the people who live here

now – have been displaced further and further to the far margins of the region. A displacement that we SUBSIDIZE, to the tune of billions and billions of dollars, when you add it all up. So, not only do we expect Essential Workers to build the Monopoly board, maintain it, feed, care for, educate, etc., its denizens, but now apparently we expect them to leave it at the close of business each day, and come back tomorrow. Money is no object to get the Essential Workers out of town. Is this the kind of "community" you want to live in? Are you not ashamed of this state of affairs?

I2-11 con't

Here's a good anecdotal example: I recently went to the groundbreaking ceremony at the Nevada Street campus of MLK Academy (formerly Bayside/Willow Creek, the site of beloved Konnie Knudsen Field). Because I'm interested in housing and regional issues, I chatted up a teacher there – a Black woman, incidentally – and asked her, "Where do you live?" Her response was "Tracy. Mountain House." As I left and walked to my car about a block away I noticed a cockeyed mailbox and boarded up windows on the house I had parked in front of, and I asked a neighbor, "Is this house abandoned?" And they responded, "Yes." And, pointing two doors down, added, "So is that one." As I pointed out in earlier comments, I can point to MANY such houses around town, as well as ones that are obviously seldom occupied pied e terres, others that are perpetually "under construction" and obviously unoccupied. Etc.

I2-12

So, if you really believe in diversity, equity, and inclusion, and in affirmatively furthering fair housing (whatever that means – will there come a day when we can talk about these issues of equity that are critical for the survival of our tenuous republic and have the courage to not resort to these linguistic-equivalent-of-the-proverbial ten foot pole euphemisms?) which get a lot of lip service around here, I would merely point out that the Diverse population we ought to be immediately Equitably Including are right under our noses. They are already in our "community," all day every day. They are called Essential Workers, the people without whom, BY DEFINITION, our "community" cannot function. Not only have we allowed them to be displaced, we have subsidized that displacement with wild abandon.

I2-13

So what I would ask, under the "mitigation and monitoring" heading, I guess, is that this analysis provide us with commute maps. Who are the 94965's Essential Workers, and where do they live? How do they get back and forth? I've heard some of our so-called first responders live as far away as Truckee. Where do the people who work in this zip code live, and where do the people who live in this zip code work? Helping, subsidizing, fostering, facilitating people LIVING WHERE THEY WORK ought to be the goal of "urban planning" going forward, I would argue. And it's more than a little bit urgent. Ten people a day

I2-14

die on California's transportation network, according to CalTRANS' own website. Even excluding climate impacts, that would seem to qualify as an environmental health hazard, to say nothing of a public health state of emergency. If I did my internet research right, that is a higher rate of death than US SERVICEMEN IN VIETNAM.

I2-14 con't

So, commute maps please, for Sausalito's Essential Workers. I've read claims that adding housing will magically REDUCE traffic – even without designating a reasonable amount of it as Zip Code Village Housing – so let's get the baseline data to see whether these efforts do in fact shrink or lengthen Sausalito's commute map (a BETTER "mandate" from the state, I would argue, than "Arbitrarily grow, everywhere, indefinitely," which is what "RHNA" seems to amount to, would be to say to cities and towns: You SHALL house your own Essential Workers. Halve your commute map, at least). Also, as part of that analysis, can you quantify the COST of Sausalito's Essential Workers living in such far-flung locations? My theory is that it would be demonstrably cheaper and more efficient for us to subsidize Essential Workers living where they work than it is for us to subsidize them living entire counties, or even multiple counties (even states, perhaps?) away. You always hear talk of wanting to "be a leader" on this issue or that, or be perceived as one……why not be a leader on that, Sausalito? Housing Essential

I2-15

Workers WHERE THEY WORK also would represent a de facto EXPANSION of infrastructure, in that it would subtract those car trips from California's Great Tragic Commons every day, leaving it for the goods and citizens who actually MUST move about on it.

I2-15 con't

Also, there was something in there about zoning changes? This just dawned on me, but most of us, I think, view a house as a place to *live*, a place from which to build a life. Its magical wealth-building function is nice and everything, but secondary to our gratitude at having a place to call our own. Meanwhile, GREATLY exacerbating this affordability crisis, a phenomenon has arisen in which an investor class – a group of people who already literally have more money than they know what to do with – covets these modest homes *PRECISELY FOR THEIR MAGICAL WEALTH-BUILDING PROPERTIES*, and nothing more, and ordinary citizens can't compete with their deep pockets. So increasingly you have the OPPOSITE of the Jeffersonian ideal vis-à-vis a healthy republic of many SMALL landholders, each with an actual STAKE in the republic. Can you map and analyze THAT, too? Who owns Sausalito's homes, and who occupies them? When more and more of us are excluded, you may be surprised to find us clowning your consternation over, for example, sea level rise, and hollering, to paraphrase Watts: "Rise, baby, rise!"

I2-16

But I digress. What I recently perceived is that those two "uses" – a house-as-a-place-to-*live* versus a house-as-a-commodity-to-be-flipped-or-held-or-liquidated-etc – ARE IN CONFLICT WITH EACH OTHER, are as incompatible as "commercial" versus "residential" versus "industrial," etc. It's a "land use" issue, a zoning issue. We drew a hard line around our open space here in Marin, but we evidently didn't go far enough. We ought to have drawn a hard line around some reasonable percentage of the housing so that our Essential Workers wouldn't get displaced. But hey, none of us saw this phenomenon coming, right? If we had, we'd all be rich. Because our vision failed in that regard though, doesn't mean we can't fix it and claw back some of these absurdly modest homes as Zip Code Village Housing, forever. Can you draw such a hard line with zoning? Isn't that what zoning is, an arbitrarily drawn hard line? Can we zone some Zip Code Village Housing districts? In that way we might preserve those absurdly modest pre-War districts that have some charm just as they are, and not have to go through these terrible fights when deep-pocketed gentrifiers move in and try to alter them. You can tell that's not what people want from all the friction, all the smoke. We could try that with the Medeiros property, for example. The reason for all the friction and smoke that has paralyzed that property for decades, to the eternal shame of "leaders" and "planners" who pass by it every day, I hope, is that it is in the hands of that

I2-17

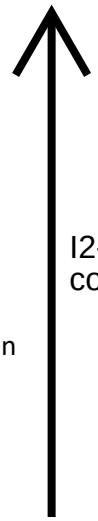
aforementioned investor class, I would bet. I think if we were to fix it up and preserve it as is you would find it coming into alignment with what people actually want to see, and the friction and the smoke would evaporate and it would actually happen. The friction and smoke *then* would come from realtor groups and the investor class, but standing up to that merely requires political courage, as was required when we drew the hard line around the open space in the first place.

I2-17 con't

Finally, I learned recently about the established concept of "induced demand" in Jeanie Ward-Waller's excellent opinion piece in the SF Chronicle on 10-28-2023. In it she describes how she was invited to resign from CalTRANS for questioning the benefit of perpetual freeway and highway expansions, for pointing out that providing more and more lanes only "induces demand" and ultimately, sometimes immediately (in the case of the 405, I believe she cited), *worsens* traffic. Considering that California has ten times as many people in it as it did a century ago; that 1 in 8 Americans already lives in California; that the next most populous state, Texas – more than one and a half times California's size in terms of land mass – has ten *million* fewer people; that it is a cliché among post-War demographers vis-à-vis California's population explosion that "it is as though someone picked up the country and tilted it to the West"; that California has arbitrarily grown, everywhere, for decades and decades (see the Wikipedia

I2-18

entry for Milpitas for a representative warts and all description of how that growth has occurred), with an apparent *inverse*, adverse effect on affordability….is there someone better versed than I in planning and policy who can disabuse me of the sudden perception that perpetually expanding *housing* has exactly the same unfortunate effect of inducing demand? I have a feeling the future of urban planning in California is going to require more imaginative solutions than, "Build, baby, build."



I2-18 con't

Thank you.

Sincerely,

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Public comments for the NOA Draft Environmental Impact Report for City of Sausalito's 6th Cycle Housing Element Programs

I may have made some of these points in the NOP phase, but I think I failed to introduce myself. My perspective is informed by the fact that my family has been in the same absurdly modest little house in Old Town since 1940. Also, I am an "essential worker emeritus," having recently taken early retirement from the Marin Municipal Water District. It's important to keep in mind that this housing hysteria is a quite new phenomenon. A long time neighbor has told me more than once how, as a young man in 1970 or so, he passed on a $12,000 fixer upper in Mill Valley to purchase his $14,000 fixer upper in Sausalito. That neighbor is still there, still very much alive and kicking. I can point to many houses around the neighborhood and around town that were not just occupied, but OWNED by Sausalito essential workers, maritime workers, artists, etc. the very people over whose displacement we profess anxiety today. We did a FANTASTIC, commendable job of preserving Marin's open spaces around that

I2-19

time. We perceived the threat, and we used every tool in the book – and even invented some (see, Marin Agricultural Land Trust, etc.) to set them aside forever. At the same time, we MIGHT have taken a stitch in time and set aside reasonably priced housing so that we would not have to dump our essential work traffic out into the region. But, obviously, we FAILED MISERABLY to do so.

I2-19 con't

It is analogous to the state of affairs that obtained back then – well within living memories – when every city and town, etc., dumped its raw sewage out into the ocean, the Bay, estuaries, rivers, the "waters of the US." Everyone agreed that it was obnoxious, that it was a quality of life issue as well as a public health hazard, etc……but nobody DID anything about it until, I believe, the federal government, via the Clean Water Act, said to every city and town: "You SHALL treat your sewage." Today, every city and town in the Bay region megalopolis, under no compulsion to house its own essential workers, dumps its TRAFFIC out into the region, and ten people a day, according to CalTRANS' OWN WEBSITE, die on California's roads – a HIGHER rate of death, if I did my Wikipedia research and basic math correctly, than that of US SERVICEMEN IN VIETNAM. I think we can all agree that constitutes a public nuisance as well as a public health hazard.

I2-20

So I would argue that a better, more unassailably logical, just, reasonable, and fair mandate from the State to cities and towns would be: "You SHALL house your own essential workers." Because if a particular city like Sausalito does NOT house its own essential workers – the people who MUST physically be there every day (I can't think of an example of an essential worker who enjoys the privilege of telecommuting…..can you?), the people without whom, BY DEFINITION, a particular "community" cannot function – then it is dumping its obnoxious, toxic, lethal traffic out into the region, creating a public nuisance and a very real lethal public health hazard for everybody.

I2-20 con't

Speaking of Wikipedia, since I submitted my NOP comments (in which I expressed my suspicion that this "mandate" from the State to, basically, "Arbitrarily grow, everywhere, indefinitely," had likely been unduly influenced by realtor groups, perhaps among other industry groups) someone pointed out to me the implications of Proposition 19 for longtime Bay Area residents. In my family's case, we have been in our absurdly modest home since 1940. We should like to remain in our modest home for another generation, at least. We have not appreciably modified our home in all that time. We certainly haven't turned it into an AirBnB, or developed a casino on the property or an oilfield, or a multi-unit highrise. In fact we have practiced a rigorous "passive preservation" on our longtime modest family home. All that

I2-21

has changed in the intervening years is that, apparently, THE WHOLE WORLD HAS APPARENTLY COME TO COVET OUR MODEST LONGTIME FAMILY HOME. That is all that assessed/perceived value is a reflection of. So Proposition 19 basically says, because the whole world suddenly covets our longtime modest family home (not just home-seeking individuals either, by no means, but at least as many "investors," shadowy LLC's, etc., individuals and groups who already literally have more money than they know what to do with), we suddenly owe a confiscatory tax obligation? Really? As I said, if you read the Wikipedia about how Proposition 19 came into being, it was essentially WRITTEN by the California Association of Realtors to wedge modest people like us out of coveted properties and hasten and accelerate turnover, which is how those groups make their money, attaching themselves to absurdly huge transactions for a commodity that has ALWAYS sold itself.

I2-21 con't

But reading THAT, about Proposition 19, erased ANY doubt in my mind that realtor groups, and perhaps other industry groups, are behind this "mandate" from the State to "arbitrarily grow, everywhere, indefinitely." So can I ask that the City, my native City of Sausalito, send a public communication to whoever is mandating this arbitrary growth, asking for reassurance that the impetus for the mandate is in fact a sense of civic responsibility to bring about what is salutary for the citizens of this City and

region, and NOT a cynical ploy to lock in arbitrary growth so that realtor groups will have more inventory to flip? Can the City send such a communication, publicly, and wait for a public response? And share it?

I2-21 con't

In fact this "plan" reminds me of when certain officials concocted a plan to open the Golden Gate Bridge to pedestrians for its 50th anniversary. So many people showed up that the bridge itself very nearly catastrophically failed. It is the perfect metaphor for California urban planning in our lifetime. I've also been to a houseboat party in Sausalito before where so many people piled on that the houseboat began to sink and the living room floors were awash. Same thing. "Arbitrarily grow, everywhere, indefinitely" IS NO PLAN AT ALL. About one out of every eight of all Americans ALREADY lives in California. We ALREADY don't live within our means, water-wise, here in Marin, getting at least 25% of our water from the Russian River, which in turn gets some of its own supply from the Eel, etc. These fish-killing toxic algae blooms in the Bay of late apparently result from nitrogen in TREATED sewage. When we experience a couple dry years, we run dangerously low on water already. When there is a heatwave, we nearly crash the power grid already. According to Robert Kunzig's excellent article for National Geographic, "Drying Of The West," the people who study climate pre-history/paleoclimatology tell us that we built this incredible civilization in the arid West during the 20th century, THE WETTEST CENTURY

I2-22

I2-23

OF THE LAST ELEVEN CENTURIES. What we think of as "normal" is profoundly "wet." We don't know the MEANING of drought yet, here in California and the West. The Hudson moves about as much water as the Colorado, with a watershed less than one-tenth the size. Surely, there are more appropriate, sustainable places to grow, to accommodate the apparently inexhaustible population pressure?

I2-23 con't

Because it IS, for all practical purposes, for purposes of planning, inexhaustible. 724 new units of housing in Sausalito, and half a million in the Bay region, will not effect the demand ONE JOT. There are simply very few geographies in the world like this, so I think we need to have a more nuanced "plan" than: "Accommodate everyone who might prefer to be here."

I2-24

So, in Sausalito, let's start with essential workers. Let's shrink our commute map, as part of this effort. Housing our own essential workers will automatically make us more diverse, equitable, and inclusive, and affirmatively further fair housing, whatever that means. Ask yourself THIS provocative inquiry, in honor of Black History Month: Where was Rosa Parks going? In other words, thanks to her courageous act of civil disobedience and those that rallied around her, Black citizens of Montgomery won for

I2-25

themselves the dubious right of an integrated bus ride BACK TO SEGREGATED NEIGHBORHOODS, neighborhoods that probably remain largely segregated to this day. In fact when you consider the fact that the subsequent year-plus transit boycott was successful at all was because 75% of the ridership was Black you can't help but think, "Whoa! Can that be what transit is FOR? To ferry a second class servant class in and out of our "communities," back to marginal living places "elsewhere" ("across the tracks" perhaps in Montgomery…..across the REGION here in the modern, self-styled progressive Bay Area)? Can THAT be the unspoken reason we so eagerly issue a blank check for infrastructure-and-transportation projects?" So let's be leaders and do something TRULY equitable, inclusive, affirmatively and proactively JUST, and house our own essential workers here in Sausalito. (Just as an intellectual exercise in the meantime, as a planner and a policymaker, make yourself a list of as many racially and socioeconomically fraught geographic euphemisms as you can think of…..fascinating!)

I2-25 con't

So, please get that kind of granular data as part of this planning effort. I see a very long list of figures, maps, etc., in the draft EIR, but incredibly I don't see any commute maps. Let's get that data. Every science-based and data driven planner, leader, policymaker, etc. should be insisting on an answer to this question: Where do the people that work in this zip code live, and where do the people that live in this

I2-26

zip code work? Let's be leaders and publicize that. Also, how is the housing that we already have here being used? Who owns it? Who occupies it? As I said in the NOP round, after walking my dog all over town during the past five years I can point to MANY houses that are very evidently seldom to rarely occupied pied e terres, and others that have been "under construction," and obviously unoccupied, for YEARS. How can we say that we need to build more, when we don't know how the housing that we already have is being used? A nearby two unit investment property the latest owner of which was compelled to spend millions to buy (and, hence, charge astronomical rents to sustain) is now on its FIFTH tenant in one of the units, and its THIRD in the other, in less than five years, and nary an essential worker in sight……how can you preserve anything resembling "community" with such high turnover? Another modest house that was owned and occupied by a Sausalito maritime worker in my youth is now owned by an engineer at a very well known tech/software company, one of fourteen or so properties they own with their partner, and the turnover there seems to be equally high and we have never made the acquaintance of even ONE of the tenants. Whatever you are trying to achieve with your policies and plans, THIS is the state of affairs that your policies and plans have in fact fostered on the ground, and these exceedingly modest properties continue to turn over to the highest bidder as we subsidize multibillion dollar supercommutes for essential workers, the people who MUST be here, and continue to

I2-26 con't

I2-27

make a complete hash of the Bay region. Does nobody else find it puzzling that, after a century or more of issuing a blank check for transportation infrastructure, we should now be experiencing consternation that transportation is California's number one climate change contributor? Enough with the Traffic Accomodating Infrastructure, what we need is Traffic OBVIATING Infrastructure, Zip Code Village Housing, a region, and a State, consolidated into Zip Code Villages.

I2-27 con't

I2-28

Community land trusts, robustly funded and in alignment with City, State, and/or Federal government, would seem to be the best tool to counteract this UN-salutary state of affairs. Please tell us the correct number of units of housing that we must set aside for our own essential workers, in perpetuity. 724 is a very specific number…..can't you tell us that?

I2-29

I'll attach my NOP comments too, in case I left anything out. Forgive me if I repeat myself……

It says in the "Project Description" that the City of Sausalito is required to accommodate 724 new housing units, and that the Bay Area is somehow supposed to accommodate 441,176 new units (!).

I2-30

That must be a pretty sophisticated algorithm to mandate so specific a number for this small finite geography. So, I would suggest that before we proceed, can we ask that sophisticated algorithm the crucial questions…..

What is the MAXIMUM number of housing units that this City, and this region, can accommodate?

And, more importantly, what is the OPTIMUM number? What is the right amount of people for this City, and this region, to accommodate? Certainly the algorithm must have taken into account that, when we have a few dry years in a row, we nearly run out of water for the amount of people we already have here now. And, when the weather gets a little warm, we nearly crash the electrical grid. Etc. And, if you've been out on the roads lately, California's great "tragic commons," perhaps you've noticed that when everything is working PERFECTLY, it just barely works, and when there is the slightest problem – an accident, road construction, bad weather, etc. – we find ourselves in a condition of intolerable beclusterment.

I2-30 con't

AND, according to CalTRANS' own website, "10 people a day die on California's transportation network." That is a HIGHER rate of death than US servicemen in Vietnam. Look it up. How do you imagine adding half a million housing units, irrespective of where the people occupying those units may need to travel everyday to their workplaces, to the Bay region will affect that number. Do you think it will go down? Or up?

I would suggest that a better, more reasonable, more logical, more just, more justifiable, etc., mandate from the State to cities would be: "You SHALL house your own essential workers." Because if a particular city does not house its own essential workers – the workers without whom, BY DEFINITION, that city cannot function, then that city is dumping its traffic out into the region and adding significantly to the lethal, stressful, obnoxious regional traffic chaos. And, more actionably: Essential workers do NOT deserve to be subjected to the very real lethal jeopardy of the supercommute.

I2-31

So, let's get that data, before we proceed. Who are Sausalito's essential workers? What do Sausalito's essential workplaces' commute maps look like? I wandered through the incredible opulent abundance of Mollie Stone's market of an early morning recently, and I couldn't help but notice that most of the faces behind the deli counter, behind the butcher counter, behind the coffee counter, etc., were Black and brown. Where do they live? If you are really committed to "affirmatively furthering fair housing" (MUST we speak euphemistically about these critical issues forever?), if Sausalito merely housed its own essential workers we would take giant strides towards actually being a more just, fair, efficient, resilient, socioeconomically integrated community…….or is Sausalito content to be a "sundown town"?

Also, some data we ought to get before we proceed would be: How is the housing stock that we already have being used? I can point to several houses that I know of in Sausalito that are very evidently occasionally to seldom occupied pied e terres. I could show you others that have been "under construction" – and very evidently unoccupied – for YEARS. Can we really say that we need to add more housing when we don't even know how the housing that already exists in this small finite geography is being used? Let's add THAT critical data to the conversation. Who owns it? Who occupies it? Let's find out, shall we?

I2-32

Also, let's be cognizant of the fact that we SUBSIDIZE this state of affairs, to the tune of TRILLIONS of dollars. California's tragic commons has been in a perpetual state of expansion for over a century. Right now, we're spending about $800 million to expand the "Novato narrows" of Highway 101 from Ignacio up to Corona Road in Petaluma. They want to replace Highway 37 at a cost of $6-8 BILLION. This amounts to a subsidy for supercommutes. I would merely ask leaders, "planners," policy makers to consider: We might just as well – and probably even easier – subsidize people LIVING WHERE THEY WORK. Because whether you subsidize supercommutes for essential workers, or you subsidize them living where they work, YOU ARE ACHIEVING THE SAME THING.

I2-33

In other words, the sole focus of policy and planning thus far seems to have been expanding roads and transit. The consensus of planners and policy makers seems to be, "Roads/car trips bad. Transit good." I would suggest those are two sides of the same coin, and might be described as "Traffic ACCOMMODATING Infrastructure" (TAI). What we haven't tried, what we need, here in Sausalito, in every "community" in every megalopolis, is a significant amount of "Traffic OBVIATING Infrastructure" (TOI). Those perfect little quaint scale houses of the Medeiros property peninsula bounded by Bridgeway, Filbert, and Easterby, for example (and including the Knudsen house), might be set aside and preserved as Zipcode Village Housing, dedicated and designated to house 94965 essential workers.

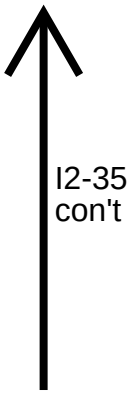
We need more Dorothy Gibson Houses, in other words, many more. They might be preserved and held in trust by a 94965 Community Land Trust, funded at least in part by the colossal "transportation/infrastructure/transit" budgets (because, like I said, they would be achieving the same thing – connecting workers to work -- and every full time essential worker housed in the zip code in which they work represents a de facto EXPANSION of roads and transit infrastructure, taking 10 supercommute trips a week, in most cases, off the strained to the breaking point tragic commons). Let's commit to shrinking our City's commute map as part of this effort, and getting back to being a true "Zip Code Village" once again, where people live in the zip code in which they work.

I2-34

Finally, "Arbitrarily grow, indefinitely, everywhere" sounds suspiciously friendly to the bottom line of realtor groups, the Metrosexual Industrial Complex. Can the State, HCD, ABAG, etc., whoever is mandating this indefinite, arbitrary, perpetual growth reassure us that this mandate hasn't been unduly influenced – perhaps even corrupted – by realtor groups, before we proceed?

I2-35

In other words, standing up to this patently arbitrary and ridiculous mandate is going to require local profiles in courage, in exactly the same way that it did when they were set to subdivide Marin's open spaces. "Developer" was still a dirty word around here when I was a kid, because they coveted Marin's pastoral open spaces, and they felt entitled to an absurdly generous living for providing what they perceived as the public "good" of paving paradise and putting up a parking lot. It required leaders to stand up for a GREATER public good to put a stop to it. The same moment is at hand: Do contemporary leaders have the courage to stand up to an industry that is going to insist that ALL housing must be available for their giddy real life game of Monopoly? To stand up for a greater good?



Thanks!

-Lito Brindle

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Letter I2	**Lito Brindle**
Response	October 20, 2024

I2-1 The comment opines that essential workers should be subsidized to live in the community in which they work, and that consideration of workers' commute distances should impact housing availability.

The EIR analyzes vehicle miles traveled (VMT), which is a metric to measure how far vehicles travel in a specific area over a set amount of time. VMT is used to assess how land use patterns might affect travel and analyze the impact of development projects on travel. Higher VMT indicates that residents and/or employees travel farther distances to reach destinations. The VMT significance threshold for employment/office projects should be established using the regional average home-based commute VMT per employee. The existing regional average VMT per employee is 18.1 miles as reported from the TAMDM model used in this analysis. Many factors affect VMT including the average distance residents commute to work, school, and shopping, as well as the proportion of trips that are made by non-automobile modes. Areas that have a diverse land use mix and ample facilities for non-automobile modes of travel, including transit, tend to generate lower VMT than auto-oriented suburban areas. The VMT analysis in Chapter 3.14, Transportation, identifies the amount of vehicle miles traveled for the region, as well as that for the Amended Housing Element. It should be noted, however, that traffic congestion and level of service metrics are no longer considered a topic of import under CEQA.

Several online tools exist for employees and residents to assess what a commute may look like in terms of time and distance. For example, https://commutetimemap.com/map allows users to see how far they can go from a work place or study place to find a place to live reachable within the desired commute time.

No further response is required, and the comment will be forwarded to the decision makers.

I2-2 The comment suggests that the City of Sausalito uses public money to subsidize employees within the city to live outside the city limits. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-3 This is not a comment on the adequacy of the EIR. The commenter is referred to the Draft EIR, as amended by the Recirculated Draft EIR for analysis of the Project's impacts related to air quality, greenhouse gases, and transportation, particularly Section 3.2, Air Quality, Section 3.7, Greenhouse Gases, Section

3.14, Transportation, and Section 5.0, Other CEQA Considerations. No further response is required, and the comment will be forwarded to the decision makers.

I2-4 This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-5 This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-6 The commenter is referred to the adopted 6th Cycle Housing Element and the Revised Draft Amended Housing element for a discussion of the City's demographic, household, and housing characteristics. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-7 The Surplus Land Act (Gov. Code, §§ 54220-54234) aims to make local public land that is no longer needed for government purposes available for building affordable homes. In accordance with Assembly Bill 1255 (Robert Rivas, 2019), every California city and county is now required to have a central inventory of surplus and excess land and must report this inventory to California Department of Housing and Community Development (HCD) on the Housing Element Annual Progress Report (APR) form by April 1st of each year.[B]

In addition, on January 15, 2019, California Governor Gavin Newsom signed Executive Order N-06-19 that ordered the California Department of General Services (DGS) and the HCD to identify and prioritize excess state-owned property and aggressively pursue sustainable, innovative, cost-effective housing projects. On July 1, 2024, DGS and HCD released a new digitized inventory of state-owned land that is considered excess and suitable for reuse as affordable housing under the Executive Order.[C]

This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-8 This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

[B] California Department of Housing and Community Development (HCD), 2024. Public Lands for Affordable Housing Development. Available: https://www.hcd.ca.gov/planning-and-community-development/public-lands-affordable-housing-development. Accessed: November 12, 2024.

[C] California Department of Housing and Community Development (HCD), 2024. Public Lands for Affordable Housing Development. Available: https://www.hcd.ca.gov/planning-and-community-development/public-lands-affordable-housing-development. Accessed: November 12, 2024.

I2-9 HCD allocates housing needs to the Association of Bay Area Governments (ABAG) every eight years. ABAG then conducts the Regional Housing Needs Allocation (RHNA) process every eight years as required by state law (Gov. Code, §§ 65580 - 65589.11). HCD required the Bay Area to plan for and revise local zoning to accommodate 441,176 additional housing units during the 2023-31 period. The approved final RHNA plan distributes this requirement among the region's nine counties and 101 cities and towns. The City of Sausalito is required by State law to accommodate its RHNA of 724 housing units.

This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-10 As stated, transportation sources are California's primary greenhouse gas emitter. In 2022, the California Air Resources Board (CARB) released its *2022 Scoping Plan for Achieving Carbon Neutrality*, which provides a roadmap for California to shift away from petroleum in every sector of the economy and rapidly transition to renewable energy resources and zero-emission vehicles. Under this proposal, by 2045 California would cut greenhouse gas emissions by 85% below 1990 levels.[D] This comment does not address the information provided in the EIR. The commenter is referred to the Draft EIR, as amended by the Recirculated Draft EIR for analysis of the Project's impacts related to air quality, greenhouse gases, and transportation, particularly Section 3.2, Air Quality, Section 3.7, Greenhouse Gases, Section 3.14, Transportation, and Section 5.0, Other CEQA Considerations.

I2-11 This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-12 This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-13 This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-14 This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers. Please see responses to Comments I2-1 and I2-3.

I2-15 This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers. Please see responses to Comments I2-1, I2-3, and I2-9.

[D] California Air Resources Board (CARB), 2022. *2022 Scoping Plan for Achieving Carbon Neutrality*. November 16.

I2-16 Implementation of the Amended Housing Element would rezone some properties throughout Sausalito to accommodate residential uses. The commenter is referred to the 6th Cycle Housing Element and the Revised Draft Amended Housing Element for information regarding the City's housing and household characteristics and sites that would be rezoned under Housing Plan Program 4. Please also see response to Comment I2-6.

I2-17 While this comment does not address the adequacy of the EIR, information regarding the RHNA process and how the Amended Housing Element addresses housing needs is provided. As part of the RHNA process, local jurisdictions must provide housing units at various levels of affordability (very low income, low income, moderate income, and above moderate), which are defined by percentage of Area Median Income (AMI).[E] The City of Sausalito can meet its RHNA requirements (724 units) through several means including development of accessory dwelling units (ADUs) and Senate Bill 9 (SB 9) units. However, even with the development of these units, the City would have a remaining RHNA of 463 units, requiring the City to identify more sites available for residential development at varying income levels. The City's Amended 6th Cycle Housing Element provides sites sufficient to accommodate its RHNA plus a buffer.

Because the City's RHNA includes units distributed by income category, the sites inventory must include ample sites to meet the requirement for very low and low income households. Typically, housing affordable to these lower income households is constructed with substantial local, state, and federal subsidies, although some affordable units are constructed as accessory dwelling units, and some may be included as a small percentage of market rate projects.

The Amended Housing Element would amend the adopted Housing Element to add housing and mixed use zones that correspond with slightly lower minimum densities to provide more variety in housing types, meet the City's RHNA requirements, and affirmatively further fair housing.

The rezoning associated with amended Program 4, as described in the proposed Amended Housing Element, would be subject to the requirements of Government Code Section 65583.2(h,i), including the following requirements:

[E] In 2021, the County's Area Median Income for a family of four was $149,600, as published by HCD in Title 25 of the California Code of Regulations section 6932.

- Permit owner-occupied and rental multi-family uses by-right, consistent with Government Code Section 65583.2(i) for projects with 20% or more units affordable to lower income households;
- Permit a minimum density of 20 units per acre on sites identified to accommodate the very low and low income RHNA;
- Allow a minimum of 16 units per site on sites identified to accommodate the very low and low income RHNA; and
- Accommodate at least 50 percent of the lower income need on sites designated for residential use only, except that the City may accommodate the very low and low income need on sites designated for mixed use if those sites allow 100 percent residential use and require residential use to occupy at least 50 percent of the floor area in a mixed-use project.

I2-18 This is not a comment on the adequacy of the EIR. The commenter is referred to the Draft EIR, as amended by the Recirculated Draft EIR for analysis of the Project's impacts related to air quality, greenhouse gases, and transportation, particularly Section 3.2, Air Quality, Section 3.7, Greenhouse Gases, Section 3.14, Transportation, and Section 5.0, Other CEQA Considerations. No further response is required, and the comment will be forwarded to the decision makers.

I2-19 This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-20 This is not a comment on the adequacy of the EIR. The commenter is referred to the Draft EIR, as amended by the Recirculated Draft EIR for analysis of the Project's impacts related to air quality, greenhouse gases, and transportation, particularly Section 3.2, Air Quality, Section 3.7, Greenhouse Gases, Section 3.14, Transportation, and Section 5.0, Other CEQA Considerations. No further response is required, and the comment will be forwarded to the decision makers.

I2-21 This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-22 This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-23 The EIR analyzes the potential impacts of the Amended Housing Element on water supply and water quality.

Water supply and distribution are discussed in Impact 3.15-2 of the Draft EIR. Marin Municipal Water District (MMWD), the City of Sausalito's water provider,

manages a distribution system of reservoirs, tanks, pumps, and pipelines to deliver water. MMWD has water rights to more surface water than it can access due to infrastructure constraints. For example, capital improvements are necessary to increase conveyance capacity from SCWA to the MMWD's full allocation; approximately 4,300 acre feet per year (afy) are unable to be conveyed due to infrastructure constraints.

As discussed on page 3.15-25 in section 3.15, Utilities and Service Systems, of the Draft EIR, the San Francisco Bay Regional Water Quality Control Board (RWQCB) established wastewater treatment requirements for the Sausalito-Marin City Sanitary District (SMCSD) Wastewater Treatment Plant (WWTP) in National Pollutant Discharge Elimination System (NPDES) Permit (Order No. R2-2023-002).[F] The Order sets out a framework for compliance and enforcement applicable to operation of the WWTP and its effluent, as well as those contributing influent to the SMCSD WWTP.

I2-24 Please see response to Comment I2-9. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-25 Please see response to Comment I2-1. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-26 Please see response to Comment I2-1. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-27 Please see response to Comment I2-6. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-28 Please see responses to Comments I2-1, I2-3, and I2-10. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-29 Please see response to Comment I2-17. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

[F] United States Environmental Protection Agency (EPA) and San Francisco Bay Regional Water Quality Control Board (RWQCB). 2023. Sausalito – Marin City Sanitary District (Order R2-2023-0022, NPDES No. CA 0038067) Wastewater Treatment Plant Inspection. November 8.

I2-30 Please see responses to Comments I2-1, I2-3, I2-9, I2-17, and I2-23. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-31 Please see response to Comment I2-1. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-32 Please see response to Comment I2-6. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-33 This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-34 Please see response to Comment I2-1. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

I2-35 Please see response to Comment I2-9. This is not a comment on the adequacy of the EIR. No further response is required, and the comment will be forwarded to the decision makers.

Letter I3

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October 21, 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: Draft EIR for Draft Amended Sixth Cycle Housing Element

Dear Mr. Phipps:

Thank you for the opportunity to comment on the draft Environmental Impact Report ("EIR") for the City of Sausalito's ("City") 6th Cycle Housing Element of its general plan. We are writing on behalf of Willy's, LLC ("Willy's), the owner of Site 201 in the City's Housing Element. We previously wrote the City on October 1, 2024 before the City Council's Study Session on the proposed Housing Element amendment ("Amendment"). A copy of that letter is attached as Exhibit A. While the October 1st letter lays out how the City's Housing Element Amendment would violate the Housing Element Law, the purpose of this letter is to highlight how the City's draft EIR would violate the California Environmental Quality Act. I3-1

I. WILLY'S OCTOBER 1, 2024 LETTER LAYS OUT HOW THE CITY'S HOUSING ELEMENT AMENDMENT WOULD VIOLATE THE HOUSING ELEMENT LAW

The October 1st letter lays out why the proposed Housing Element Amendment would violate Government Code Section 65588(a)—which lays out when Housing Element amendments are permitted—because it will not (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 circumvent the Department of Housing and Community Development ("HCD") by removing Site 201 from the City's Sites Inventory and replacing it with nonvacant sites that are unlikely to be developed and which cannot be counted towards the City's realistic capacity. The Amendment is a disingenuous attempt to stop the Willy's project, which would build more affordable housing than has been built within the City in more than 20 years, and would violate the Housing Element Law's requirement to Affirmatively Further Fair Housing by concentrating development in the lower-resourced northern portion of the City. I3-2

II. THE DRAFT EIR'S ALTERNATIVES ARE INADEQUATE AND THERE IS NO EXPLANATION FOR WHY THE DRAFT EIR LISTS SITE 201 AS HISTORIC IN THE DRAFT EIR BUT NOT IN THE JANUARY 2024 EIR

The City's draft EIR is inadequate for two reasons. First, its reasonable alternatives do not include an option to implement the Housing Element as certified, and the alternatives considered by the EIR are not a reasonable range of alternatives. Second, the draft EIR does not explain why Site 201—the Willy's property—is listed as a historic property but was not previously listed as a historic property in the draft EIR the City prepared in January 2024. I3-3

A. The Draft EIR's Alternatives Are Inadequate and Violate the Housing Element Law

The draft EIR fails to include an alternative to the Housing Element Amendment that would implement the certified Housing Element. The draft EIR lists four alternatives to the Housing Element Amendment: (1) No Project; (2) Reduced Sites; (3) Modified Sites; and (4) Historic Preservation—all of which are inadequate.

One of the purposes of an EIR is to identify alternatives to a proposed project and evaluate the comparative merits of feasible alternatives.[1] By examining a range of alternatives, the lead agency can demonstrate that it has taken a "hard look" at the project objectives to select alternatives that allow for meaningful comparison.[2] In lawsuits challenging the sufficiency of an EIR's project alternatives, courts examine whether the EIR had a "reasonable range" of feasible "build" alternatives.[3] What constitutes a "reasonable range" of alternatives is a very fact-specific inquiry, but the guiding principle that courts rely on is that the EIR must include alternatives which have substantial environmental advantages over the project proposal which may be "feasibly accomplished in a successful manner" considering the economic, environmental, legal, social and technological factors involved.[4] I3-4

Courts have overturned many EIRs due to an improper or incomplete analysis of alternatives, which is what a court is likely to do if presented with the City's draft EIR in its current form due to its failure to consider a reasonable range of alternatives.[5]

B. The No Project Alternative is Not An Accurate Representation of the City's Certified Housing Element

The Draft EIR states the No Project Alternative "would allow the 6th Cycle Housing Element to remain in place and would not include the rezoning and Objective Design and Development Standards (ODDS) efforts, including the implementation of Programs 4, 8, and 19, that are being I3-5

[1] CEQA Guidelines § 15126.6(d).
[2] *See Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274.
[3] CEQA Guidelines § 15126.6(e).
[4] *See Citizens of Goleta Valley v. Board of Supervisors* (1990) 197 Cal.App.3d 1167 (citing Pub. Res. Code §§ 21002, 21061.1; CEQA Guidelines Section 15364).
[5] *See Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413; *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647; *Habitat and Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277; *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059.

implemented in conjunction with the Amended Housing Element project."[6] That means that the City would "not initiate or conduct an election to rezone specific sites identified as initiative-restricted, specifically Sites 39, 44, 47, 72, 79, 81, 84, 201, 211, 212, 301, 303, 306, 401, and 402, as identified in Appendix D1 of the Amended Housing Element."[7]

As the draft EIR notes, CEQA Guidelines Section 15126.6(e) requires an EIR to evaluate a "'No Project Alternative,' which is defined as what would be reasonably expected to occur in the foreseeable future if the project were not approved." As the draft EIR acknowledges:

> [a]ll sites identified as Inventory Sites, Opportunity Sites, and sites that have approved but not yet constructed units would be developed according to their existing zoning or approved plans, respectively. As a result, approximately 378 units would be constructed, which would be 769 units less than those proposed under the Amended Housing Element project.[8]

The No Project Alternative is, therefore, not a true No Project Alternative because it would not be implementing the certified Housing Element. Instead, the draft EIR mistakenly makes it seem as though the City has the opportunity to escape its planning obligations by not "rezon[ing] any parcels within the city to accommodate very low, low, moderate, or above moderate-income housing, as the rezoning would occur as a separate future action under the adopted 6th Cycle Housing Element."[9] This is a violation of the California Environmental Quality Act ("CEQA"), which requires the No Project Alternative to discuss current conditions as well as reasonably foreseeable future conditions expected to occur if the project were not approved.[10] In this case, the reasonably foreseeable future conditions include implementation of Programs 4, 8, and 19 as required by the certified Housing Element. The CEQA Guidelines make it clear that the analysis of the No Project Alternative is not a comparison of the proposed project to existing conditions, which is the baseline for determining the project's environmental impacts.[11]

Unfortunately, the project analyzed in the draft EIR is the Housing Element Amendment, not the certified Housing Element.[12] The draft EIR, therefore, does not include any environmental analysis of the certified Housing Element and does not include it as an alternative, which is a violation of the CEQA Guidelines. The City is required to analyze a reasonable range of alternatives, taking into account legal factors. By law, the City is required to complete the rezoning as adopted in the certified Housing Element.[13] Not only is the draft EIR legally deficient, it is also faulty planning from the City because if the Housing Element Amendment is not certified by HCD, the City will *still* not have an EIR analyzing the environmental impacts for its certified Housing Element.

I3-5 con't

[6] Page 28 of the draft EIR.
[7] Page 29 of the draft EIR.
[8] *Id.*
[9] *Id.*
[10] CEQA Guidelines § 15126.6(e)(2).
[11] CEQA Guidelines § 15126.6(e)(1).
[12] "The proposed project consists of the adoption and implementation of an Amended Housing Element." (Page 10 of the draft EIR).
[13] Gov Code. § 65583(f).

If the City does not include Housing Element rezoning in its draft EIR, the City could lose certification of its Housing Element from HCD because it is not adequately planning for housing as it committed to in its Housing Element. This would allow developers to submit Builder's Remedy projects to the City. Starting January 1, 2025, Assembly Bill 1893 will make it harder for cities to deny or delay Builder's Remedy projects and lowers the percentage of affordable housing that developers have to include in their Builder's Remedy projects, making them more attractive to developers.

I3-5 con't

C. The Reduced Sites Alternative is an Improper Attempt to Downzone the City

The Reduced Sites Alternative focuses on removing sites from the certified Housing Element that have "challenging" geographic locations. As with the No Project Alternative, Site 201 would be removed from the Housing Element's list of Opportunity Sites. As we noted in our October 1st letter, that would be an attempt to stop the Willy's project. The alleged purpose of the Reduced Sites Alternative is twofold: (1) to remove sites that are far from employment and service hubs; and (2) to remove sites that are located in high-risk landslide hazard areas. Site 201 is located near employment and service hubs and is not located in a high-risk landslide hazard area and, therefore, the Reduced Sites Alternative improperly proposes to remove it from the Housing Element's list of Opportunity Sites.

I3-6

Not only would the Reduced Sites Alternative be an improper attempt to stop the Willy's project, but it would also remove other sites from the list of Opportunity Sites, so that the Housing Element Amendment's development buffer of 423 units would be reduced to 350 units. Again, the City seems intent on stopping future development and backing out of the commitments it made in the certified Housing Element to adequately plan for new development across the entire City.

D. The Modified Sites Alternative Proposes to Downzone Sites that are Likely to be Redeveloped and Add a Property to the Housing Element that is Unlikely to be Redeveloped

The purpose of the Modified Sites Alternative is to "relocate anticipated residential units from areas that are far from community services or do not have convenient freeway access, and place them closer to community services such as commercial, employment, and neighborhood services, or freeway access."[14] To effectuate this purpose, the Modified Sites Alternative would rezone different sites for residential and mixed-use development through implementation of the Housing Element Amendment.

I3-7

This is ridiculous. As the draft EIR notes, "Sausalito is a small city with a land area of approximately 1.9 square miles."[15] The small nature of the City means that new units will be close to community services and freeway access. The practical effect of the Modified Sites Alternative would be to concentrate development in the northern portion of the City, in violation of the City's duty to Affirmatively Further Fair Housing and avoid segregation of new housing.

[14] Page 30 of the draft EIR.
[15] Page 143 of the draft EIR.

While the total number of units proposed by the Modified Sites Alternative is the same as the Housing Element Amendment, the Modified Sites Alternative would accomplish this by adding a new Opportunity Site, Site 67, located at 2200 Marinship, to the Housing Element. The draft EIR contains no indication that the owner of this property has the desire to redevelop the site with housing, and it is unlikely that the property will be redeveloped during the 6th Cycle planning period, due to its proposed late addition to the Housing Element.

I3-7 con't

E. The Historic Preservation Alternative Fails to Adequately Explain How the Development of Site 201 Could Unintentionally Damage Historic Resources, and Improperly Downzones the Site

The Historic Preservation Alternative is "focus[ed] on preserving properties located within and adjacent to the Sausalito Downtown Historic District. The purpose of this alternative is to ensure that future development would not adversely affect known historic resources or properties, particularly those in the Downtown Historic District."[16] The Historic Preservation Alternative identifies five sites that are within or adjacent to the City's Downtown Historic District, including Site 201. The draft EIR states that "Site 201 is within the Downtown Historic District and currently consists of a commercial building with four retail storefronts, and a surface parking lot[.]" According to the draft EIR:

> The removal of these rezone sites helps preserve the character of the historic area by not inviting redevelopment or densification through rezoning. The historic context of the district can remain intact. There are several buildings in the Downtown Historic District that are potentially eligible historic properties. Demolition of existing buildings, construction of new housing units, vibration from heavy construction equipment, or construction mishaps on an Amended Housing Element site could adversely impact an existing adjacent historic resource. Opportunity Site 201 and the Inventory Site within the Downtown Historic District are the two sites that are most likely to unintentionally damage a potentially eligible historic resource.[17]

I3-8

The draft EIR contains no evidence that development at any of the five sites that would be removed from the City's list of Opportunity Sites in the Historic Preservation Alternative would help preserve the character of the Downtown Historic District. In fact, while Site 201 and the Inventory Site are within the Downtown Historic District, they are not located adjacent to any listed historic properties.

The Historic Preservation Alternative also would result in a 103-unit reduction to the Housing Element Amendment, lowering the City's Housing Element Amendment buffer to 320 units. The Historic Preservation Alternative is an underhanded way for the City to downzone sites that are suitable for development and evade its obligations to plan for more development. The Historic Preservation Alternative should be rejected by the City Council as an unserious proposal.

[16] Page 31 of the draft EIR.
[17] *Id.*

F. The Draft EIR Will Not Cure the City's Failure to Adopt an EIR for its Certified Housing Element

The City failed to adopt an EIR for its certified Housing Element and is now considering adopting a flawed EIR for its Housing Element Amendment to avoid its obligation to carry out its plan for new housing in the City. The City was required to prepare an EIR for its certified Housing Element and purposefully delayed studying the environmental impacts of the certified Housing Element in an attempt to gain HCD certification.[18, 19] I3-9

As outlined above, the draft EIR that the City is now considering for its Housing Element Amendment contains alternatives that do not meet the requirements of the Housing Element Law because it does not analyze the certified Housing Element. If the City decides to move forward with this deficient draft EIR, then it will be susceptible to legal challenges.

III. THE DRAFT EIR AND THE JANUARY 2024 DRAFT EIR CONTRADICT ONE ANOTHER ABOUT WHETHER SITE 201 IS A HISTORIC RESOURCE

A. The Draft EIR includes Site 201 as within the Historic District, which seems to be an Attempt to Stop the Proposed Project on the Willy's Property

The draft EIR notes that "Site 201 (APN 065-132-16) is located within the Sausalito Historic District and contains the Marin Fruit Co., a designated historic resource listed on the California Historic Preservation Office state registry."[20]

The inclusion of Site 201 within the Downtown Historic District does not make the site itself historic. Site 201 is located *within* the Downtown Historic District, but it is not itself a listed property. The City previously found that properties ***within*** the historic district are ***not*** "listed in the California Register" because the property was not ***individually*** listed in the register. The City made this determination for the 719-725 Bridgeway project, and specifically found that Site 201 (605-613 Bridgeway) is not listed in the California Register.[21] The City has now reversed course and argues that *any* property within the historic district is considered "listed in the California Register." The City has repeatedly stated that Site 201 is not listed in the California Register, including in the staff report for February 14, 2024 Planning Commission study session on the proposed Objective Design and Development Standards or the Sausalito Historic Context Statement adopted by the City Council in September 2022. I3-10

[18] A "housing element" is a mandatory element of a city's general plan, and a general plan element is a "project" under CEQA. (CEQA Guidelines § 15378, subd. (a)(1); Gov. Code, § 65302, subd. (c).)
A general plan element is a "project" under CEQA. (CEQA Guidelines § 15378, subd. (a)(1).)

[19] For instance, the meeting minutes reflect that for the January 12, 2023 joint meeting of the City Council and Planning Commission, the City abruptly rejected its staff's recommendation to prepare the Housing Element's EIR, and directed staff instead to "decouple" the Housing Element from CEQA review, so as to meet HCD's January 31, 2023 deadline. The minutes are attached to this letter.

[20] Pages 241-2 of the draft EIR.

[21] See the 719-725 Bridgeway Historic Resource Technical Memorandum prepared by Page & Turnbull for the Community Development Department on April 9, 2019.

B. The Draft EIR conflicts with the January 2024 EIR Regarding Site 201's Historic Status

The draft EIR notes that Site 201 is on the State's Built Environment Resource Directory as home to (1) Town & County Antiques; and (2) Marin Fruit Company—neither of which is located at Site 201 anymore.[22] Similarly, Table 3.4-2 in the draft EIR lists these businesses as having a California Register Status of 2D2. A 2D2 code means that the property is a "[c]ontributor to a district determined eligible for NRHP by consensus through Section 106 process. Listed in the CRHR." This means that the site is a contributor to a *district* that is listed on the California Register of Historic Resources, not that the site itself is listed on the register.

I3-11

The January 2024 EIR notes that "Opportunity Site 201 (APN 065-132-16) and Opportunity Site 212 (APN 065-071-21) are located within the Downtown Historic District Overlay in the City of Sausalito and while ***there are no designated historic resources on the opportunity sites***, both sites are adjacent to Potentially Eligible Historic Property."[23, 24] The draft EIR fails to explain the reason for this change, which appears to be an attempt to stop the project submitted by Willy's for development of Site 201. There have been no attempts to designate Site 201 as a historic resource with the State Historical Resources Commission since the January 2024 EIR was published, which is the only method to change a property's historic designation. The City cannot change the site's historic designation by administrative fiat.

C. The Draft EIR conflicts with the January 2024 EIR Regarding Adverse Impacts to Historic Resources

Along those same lines, the January 2024 EIR notes that development facilitated by the Housing Element Programs could result in a substantial adverse change in the significance of a historical resource and that even after the implementation of mitigation measures, the Level of Significance of impacts would be Significant and Unavoidable.[25] In contrast, the draft EIR concludes that the Housing Element Amendment could result in a substantial adverse change in the significance of a historical resource but that Mitigation Measures will reduce the Level of Significance of these impacts to Less than Significant.

I3-12

The only difference between the January 2024 EIR and the draft EIR on this issue is that the draft EIR includes Mitigation Measure 3.4-1(b), which requires an applicant to hire a qualified historian or architectural historian to conduct a survey of adjacent parcels for potential historic resources before beginning construction within or adjacent to historic resources and to create a Historic Resource Protection Plan based on the survey. The draft EIR explains that this Mitigation Measure "would ensure that potentially significant impacts require additional mitigation measures to ensure that no significant historic resources are inadvertently damaged or destroyed as a result of direct or indirect effects by project implementation in historically sensitive areas. Therefore, the impact would be less than significant."[26] The January 2024 EIR,

[22] Page 223 of the draft EIR.
[23] Page 207 of the January 2024 EIR.
[24] Page 188 of the January 2024 draft EIR notes both the Marin Fruit Company and Town & Company Antiques of 605 Bridgeway are listed as 2D2 on the City's list of historic buildings.
[25] Impact 3.4-1.
[26] Page 245 of the draft EIR.

however, explained that developing the opportunity sites could nonetheless potentially cause a significant impact "should the implementation of the Housing Element Programs *require* demolition of a historic structure." Mitigation Measure 3.4-1(b) does not explain how the impacts on historic resources from carrying out implementation of the Housing Element Programs would now be mitigated by protecting adjacent structures from inadvertent damage.

I3-12 con't

IV. THE DRAFT EIR FAILS TO ANALYZE THE CUMULATIVE IMPACTS OF THE PROJECT

An EIR must discuss significant cumulative impacts.[27] This requirement flows from CEQA Guidelines Section 21083, which requires a finding that a project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guidelines define cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."[28] The individual effects may be changes resulting from a single project or more than one project.[29] A cumulative impact is an impact created by the combination of the project reviewed in the EIR together with other projects causing related impacts.[30] The EIR must summarize the expected environmental effects of the project and related projects, provide a reasonable analysis of the cumulative impacts, and examine reasonable mitigation options.[31]

I3-13

The City is required to study Site 201 as part of its draft EIR because Site 201 was included in the certified Housing Element and the City has received a development application from the owners of Site 201, which utilizes the certified Housing Element's density rather than the reduced density proposed in the Housing Element Amendments. The draft EIR must analyze not only the probable effects of the Amendments, but must also consider the effects of the cumulative impacts of probable future projects like the pending application at Site 201. In particular, because Site 201 is located within the historic district overlay, the draft EIR must study the potential cumulative impacts of the Amendment and the pending application.

In short, the draft EIR's cumulative impacts analysis violates CEQA because it does not analyze the potential cumulative impacts of the submitted housing development project for Site 201.

V. CONCLUSION

The City's draft EIR is inadequate. If adopted by the City, it will violate CEQA and the Housing Element Law and will place the City in legal jeopardy.

I3-14

[27] CEQA Guidelines § 15130(a).
[28] CEQA Guidelines § 15355.
[29] CEQA Guidelines § 15355(a).
[30] CEQA Guidelines § 15130(a)(1).
[31] CEQA Guidelines § 15130(b).

PATTERSON & O'NEILL, PC

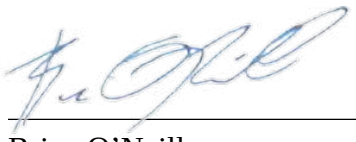

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EXHIBIT A

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October 1, 2024

VIA EMAIL

Brandon Phipps, Community and Economic Development Director
City of Sausalito Community Development Department
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Re: Agenda Item 5A: 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 1, 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. I3-15

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. I3-16

[1] This is item 5.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 1st meeting.
[2] City of Sausalito, "City of Sausalito Sixth-Cycle (2023-2031) Housing Element," (September 27, 2024) at https://www.sausalito.gov/city-government/hot-topics/housing-element-update-2023-2031.

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] I3-17

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. I3-18

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: I3-19

> [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.

[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.

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

I3-19 con't

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.

I3-20

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[.]" The Housing Element and Appendix D-2 fails to analyze the City's "past experience with converting existing uses to higher density residential development[.]"[4] 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

[4] 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.

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.

I3-20 con't

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]."[5] As part of Sausalito's analysis of these sites it is supposed to analyze

I3-21

> 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.[6]

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.[7]

[5] *See* HBR-120.
[6] *Id.*
[7] The City has a RHNA of 724.

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.

I3-22

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 Element and the Amendment lacks a Program to address these issues, including environmental remediation for an industrial building that is over 45 years old.[8]

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.[9]

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.

I3-23

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 SMCSD 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 SMCSD 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

[8] 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.
[9] The City has a RHNA of 724.

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.

I3-23 con't

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 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.[10] Until the Amendment explains whether this increase in density is realistic, the City cannot arbitrarily increase the density without supporting information.

I3-24

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.

I3-25

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 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.

I3-26

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.

I3-27

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

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 furthering 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 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. I3-28

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 and its changes to the Sites Inventory.

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. I3-29

PATTERSON & O'NEILL, PC

Brian O'Neill
Attorney for Willy's LLC

EXHIBIT B

CITY OF SAUSALITO
SPECIAL JOINT CITY COUNCIL & PLANNING COMMISSION MEETING MINUTES
JANUARY 12, 2023

1. CALL TO ORDER

The special joint meeting of January 12, 2023 was called to order by Mayor Blaustein at 5:31 p.m., with the meeting conducted via in-person and Zoom.

2. ROLL CALL

PRESENT: *CITY COUNCIL*
Melissa Blaustein, Mayor
Ian Sobieski, Vice Mayor
Joan Cox, Councilmember
Jill James Hoffman, Councilmember
Janelle Kellman, Councilmember

PLANNING COMMISSION
Jeffery Luxenberg, Chair
Andrew Junius, Vice Chair
Kristina Feller, Commissioner
Nastassya Saad, Commissioner

ABSENT: **Richard Graef, Commissioner**

I3-30

3. CONSENT CALENDAR

3.A. **Adopting Two Resolutions to implement the changes resulting from the recently approved Measure L and authorizing the City Manager to execute agreements for City's use tax with the California Department of Tax and Fee Administration**
Councilmember Kellman made a motion, seconded by Councilmember Hoffman, and unanimously carried to adopt **Resolution 08-2023** and **Resolution 09-2023** by the following vote:

AYES: **Cox, Hoffman, Kellman, Sobieski, Blaustein**
NOES: **None**
ABSTAIN: **None**
ABSENT: **None**

4. BUSINESS ITEMS
5.

4.A. **6th Cycle Housing Element**

Beth Thompson, Principal, De Novo, made a presentation and responded to questions posed by the City Council.

Chris Zapata, City Manager, and Sergio Rudin, Assistant City Attorney, responded to questions posed by the City Council.

Peter McGuire and Sandra Bushmaker provided public comment.

The City Council received the update on the 6th Cycle Housing Element and directed staff to decouple EIR and zoning from the Housing Element; create a working group comprised of Councilmembers Cox and Kellman to help review comments regarding the Housing Element; directed De Novo and the City Attorney to outline risks around block development grants and bring clarity with the Objective Design & Development Standards; evaluate Plan Bay Area; dismiss the Housing Element Advisory Committee and send them a thank you letter; and have De Novo clarify deadlines from the May 23, 2022 meeting and discrepancies of its contract with the City.

4.B. **Status of Objective Design & Development Standards (ODDS)**

Bob Brown, Consultant, made a presentation and responded to questions posed by the City Council.

Michael Rex, Vicki Nichols, Jenny Silva, and Sybil Boutilier provided public comment.

The City Council received the update on status of Objective Development & Design Standards and directed staff to agendize the ODDS in the January 24, 2023 meeting; look at gradients and consideration of ADA; and a consideration of SB9 in consideration of the ODDS.

I3-30 con't

4.C. **Presentation on SB 9, Local Implementation Ordinance (Ordinance No. 1288), Interaction with ODDS and Housing Element, and Direction to Staff**

Brandon Phipps, Community Development Director, made a presentation and responded to questions posed by the City Council.

Neal Toft, Principal Planner, responded to questions posed by the City Council.

Michael Rex, Vicki Nichols, and Sybil Boutilier provided public comment.

The City Council received the summary presentation regarding SB 9 and the City's local implementation ordinance (Ordinance No. 1288) and how SB 9 interacts with the ODDS as well as the City's Housing Element and directed staff to look at SB9 with an eye to disaster preparedness; and forward a memo from Michael Rex to the Planning Commission.

6. ADJOURNMENT

Mayor Blaustein adjourned the meeting at 8:43 p.m.

Respectfully submitted,

Walfred Solorzano
City Clerk

Letter I3	**Brian O'Neill, Patterson & O'Neill, PC, on behalf of Willy's, LLC**
Response	October 21, 2024

I3-1 The commenter indicates that they are writing on behalf of Willy's LLC, the owner of Site 201 and refers to a previous letter submitted by the commenter opining on Amended Housing Element. The comment is received and will be forwarded to decision makers for their consideration.

I3-2 The comment references a previous letter sent by the commenter to the City, and opines that the Amended Housing Element is designed to prevent a project at Site 201 from moving forward. This comment does not address the adequacy of the EIR and opines on whether the Project would violate State Housing Element law.

I3-3 The comment previews two separate issues regarding the EIR that are addressed further in the comment letter. Please see responses to Comments I3-4 through I3-9.

I3-4 The comment opines that the EIR's alternatives are inadequate. CEQA Guidelines Section 15126.6(a) states:

> An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376).

In accordance with this guidance, the City identified a total of six alternatives, including two No Project Alternatives, as discussed in Chapter 4, Alternatives to the Amended Housing Element, of the Recirculated Draft EIR. To varying degrees, the alternatives would avoid and/or lessen impacts, including some

or all of the significant and unavoidable impacts, of the proposed Project. The description of each alternative includes a discussion of why the alternative was chosen. For example, Alternative 1a – No Project/No Rezoning evaluates the impacts of not rezoning any parcels within the city to accommodate very low, low, moderate, or above moderate-income housing, as the rezoning would occur as a separate future action under the adopted 6th Cycle Housing Element (page 4-6 of the Recirculated Draft EIR). Alternative 1b – No Project, Adopted Housing Element evaluates the environmental impacts of implementing the adopted Housing Element (page 4-10 of the Recirculated Draft EIR). Alternative 2 focuses on removing sites from the Amended Housing Element that have challenging geographic locations (page 4-16 of the Recirculated Draft EIR). Alternative 3 sought to relocate anticipated residential units from areas that are far from community services or do not have convenient freeway access, and place them closer to community services such as commercial, employment, and neighborhood services, or freeway access (page 4-22 of the Recirculated Draft EIR). Alternative 4 focused on preserving properties located within and adjacent to the Sausalito Downtown Historic District so known historic resources or properties would not be adversely affected (page 4-29 of the Recirculated Draft EIR). Alternative 5 focused on ensuring flexible accommodation of the RHNA by introducing two new sites for potential development while reducing development potential at another (page 4-36 of the Recirculated Draft EIR). These alternatives represent a reasonable range, and explain to the reader why they were chosen.

The analysis for each alternative includes a discussion of the comparative analysis of environmental effects, the alternative's relationship to significant and unavoidable impacts of the proposed Project, and the alternative's relationship to the Project objectives.

Maps and tables are provided in Chapter 4, Alternatives to the Amended Housing Element, to allow the reader to compare and contrast the alternatives to the proposed Project and to each other.

I3-5 The commenter opines that the No Project Alternative is not an accurate representation of the City's certified Housing Element, noting that the project analyzed in the Draft EIR is the Amended Housing Element not the certified Housing Element. The commenter concludes that the Draft EIR does not include any environmental analysis of the certified Housing Element and does not include it as an alternative.

The Recirculated Draft EIR addresses this concern by expanding the discussion of the no project alternative into two distinct alternatives. Alternative 1a – No Project/No Rezoning, evaluates the impacts of not rezoning any parcels within

the city to accommodate very low, low, moderate, or above moderate-income housing, as the rezoning would occur as a separate future action under the adopted 6th Cycle Housing Element (page 4-6 of the Recirculated Draft EIR). Alternative 1b – No Project, Adopted Housing Element evaluates the environmental impacts of implementing the adopted Housing Element (page 4-10 of the Recirculated Draft EIR). Alternative 1b addresses implementation of the adopted, certified Housing Element, including rezoning conducted pursuant to Program 4 and addresses the concerns of the commenter related to analysis of the No Project Alternative.

The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services (CEQA Guidelines Section 15126.6). Therefore, the inclusion of both Alternative 1a and Alternative 1b adequately disclose to decision makers the effects of approving a "no project" alternative.

See response to Comment I18-3 regarding the inclusion of Alternative 1a in the EIR.

I3-6 The commenter opines that the Reduced Sites Alternative is an improper attempt to downzone the City and stop the Willy's project. Alternative 2, Reduced Sites Alternative, was defined to remove sites that were 1) in a high-risk landslide hazard area (rated as 8 or above) in order to reduces the risk of natural disasters adversely affecting a significant number of housing units, or 2) located in micro-analysis zones (MAZs) that have high residential VMT levels (>18.0 per capita) in the Cumulative + Project scenario and are more than 1.5 miles from Highway 101 in order to reduce the number of housing units far from employment and services hubs and concentrate new housing more proximate to those uses, and to reduce congestion on local roads in the event of an emergency by removing high VMT sites that are farther from Highway 101. See Chapter 2 for revisions to pages 4-6 and 4-7 of the Recirculated Draft EIR to clarify the reasoning for Alternative 2 site modifications.

Table 4-2 in the Draft EIR identifies the opportunity sites that fall into one of those two categories. Under the Cumulative + Project scenario, Site 201 would have approximately 18.2 VMT per capita. This data classifies the site as having high residential VMT levels (>18.0 per capita).

While Site 201 is located on Bridgeway, an evacuation route, Site 201 is over 1.5 miles from the Highway 101/Spencer Avenue-Monte Mar Drive entrance to the Highway 101, approximately 1.7 miles from the Highway 101 entrance at Alexander Avenue, and over 2 miles from the Highway 101 entrance from Bridgeway. While Site 201 is relatively close to some of the services, restaurants, and retail in the City, it is not close to entrances to Highway 101. In comparison, Site 67 (referenced by the commenter) is approximately 0.9 mile from the Highway 101 entrance at Bridgeway, meaning Site 201 is approximately 50% farther from Highway 101 than Site 67.

Although the development buffer would be reduced from 423 units under the Amended Housing Element to 350 units under Alternative 2, the buffer would remain adequate to accommodate modifications to the inventory during the 6th Cycle.

The Reduced Sites Alternative modifies Program 4 and ensures that the City can continue to accommodate its RHNA with the changes under this alternative. The Reduced Sites Alternative does not downzone any sites as the City has not yet implemented Program 4 to implement the proposed overlay zones for the Opportunity Sites identified in the adopted 6th Cycle Housing Element nor the sites in the Amended Housing Element. The Housing Crisis Act of 2019 (Government Code section 66330) 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. First, the Project and alternatives identified in the EIR do not propose to adopt standards that would lower the intensity of land use below that which was permitted on the site on January 1, 2018. Second, even if the City were proposing to reduce permitted densities below those permitted on January 1, 2018, Government Code section 66330(h) of the Housing Crisis Act still allows for changes in development standards, including reductions in development capacity, provided that the public agency concurrently changes development standards to ensure there is no net loss in residential capacity during the applicable planning period. The overall changes to the City's development standards that are in the proposed Amended Housing Element are intended to result in an overall net increase in residential capacity during the planning period. Applicable law does not otherwise appear to prohibit the City from making revisions to its adopted Housing Element to change its sites inventory.

I3-7 The commenter indicates that the Modified Sites Alternative proposes to downzone sites that are likely to be redeveloped, concentrates development in the northern area of the City resulting in fair housing issues, and adds Site 67, which is not likely to be redeveloped. Alternative 3, Modified Sites, would result in not rezoning 11 opportunity sites as proposed under the Amended

Housing Element. Although Sausalito is small geographically, many streets are circuitous and reflect the topography of the city. Steep slopes, skewed intersections, and limited freeway access create situations where the path to reach a destination in the city is much farther than as the crow flies. Sites with challenging access and that are farther away from community services were identified in Alternative 3 as those that could retain their existing zoning designations.

Site 67, located at 2200 Marinship Way, is currently vacant. The property owner expressed interest in potentially developing the site for residential uses multiple times as part of the 6th Cycle Housing Element update process (see Response I18-6) and the site was previously considered for its potential to accommodate housing. Therefore, the site was added to the alternatives analysis. Regarding nonvacant sites, the Amended Housing Element describes the criteria for determining if nonvacant sites can realistically be expected to develop during the 6th Cycle.

I3-8 The commenter states that the Historic Preservation Alternative does not adequately explain how the development of Site 201 could unintentionally damage historic resources, notes that the Draft EIR contains no evidence that any of the five sites that would be removed in this alternative would help preserve the character of the Downtown Historic District, and opines that the development of Site 201 would not affect known historic properties.

Alternative 4, Historic Preservation, would not rezone any of the sites within or immediately adjacent to the Downtown Historic District. There are only two opportunity sites within the Downtown Historic District – Site 201 and an Inventory Site, located at 721/729 Bridgeway. Both of these sites have a California Historical Resource Status Code of 2D2. Three sites – Sites 23, 24, and 202 – are adjacent to the Downtown Historic District, but not within it.

The Recirculated Draft EIR notes that the city has a rich history and there are City of Sausalito Historic Landmarks, a National Parks Service Certified Historic District, properties within the Certified Historic District listed on the California Register of Historic Resources, properties within the Certified Historic District eligible for the National Register of Historic Resources, and properties eligible for listing on the National Register of Historic Places and/or California Register of Historic Resources located throughout the city, and accommodating the City's housing needs while preserving the character of the City, including its historic resources, is an objective of the Project. However, this alternative geographically focuses on those parcels where intensification of development could affect resources within the Downtown Historic District either through interruption of the historic character of the area due to building design or

increased building heights and mass, or potential vibration impacts of site development which could adversely affect historic structures.

CEQA does not require an alternative to eliminate significant impacts. Rather CEQA requires that an EIR shall describe a range of reasonable alternatives "which would feasibly attain most of the basic objectives of the project but **would avoid or substantially lessen any of the significant effects of the project,** and evaluate the comparative merits of the alternatives. (CEQA Guidelines Section 15126.6(a), emphasis added)"

Pages 4-28 and 4-29 of the Recirculated Draft EIR describe how Alternative 4 would reduce impacts to the Sausalito Historic District. Alternative 4 was specifically designed to reduce impacts to the Sausalito Historic District, a listed resource on the California Register with a California Historical Resource Status Code 2S2. Sites identified as contributors to the Sausalito Historic District (Site 201, Status Code 2D2) and 721/729 Bridgeway (Status Code 2D2) are listed on the California Register and also included in Sausalito's Local Historic Resources Inventory are removed from the Housing Element under Alternative 4. Removal of these sites means that these sites will not be designated with an overlay district intended to accommodate and encourage residential and mixed use development that would assist in meeting the City's RHNA. This change to these sites reduces the potential for future development and thus reduces the potential for future development to modify or destroy properties that contribute to the status of the Sausalito Downtown Historic District. Similarly, removal of sites adjacent to the Sausalito Downtown Historic District reduces development potential on those sites and reduces the potential for development to have an substantial adverse change on the Sausalito Downtown Historic District. The substantial adverse change that would be avoided under Alternative 4 is a reduction in the potential for physical demolition, destruction, relocation, or alteration of the Sausalito Historic District and the sites listed on the California Register as contributing to the Sausalito Historic District and a reduction in the potential for physical demolition, destruction, relocation, or alteration of sites in the immediate surroundings of the Sausalito Historic District in a manner that would demolish or materially alter the physical characteristics that convey the historical significance of the resource and justify its eligibility in the California Register of Historical Resources.

Site 201 contains the Marin Fruit Company building, which is a contributor to a district determined eligible for National Register of Historic Places (NRHP) by consensus through Section 106 process, and is listed in the California Register

of Historical Resources (CRHR), as shown in Table 3.4-2 in the Draft EIR.[G] The importance of the site to the city is described in the DPR Form for the Marin Fruit Company (607-613 Bridgeway).[H]

While Site 202 does not include a resource listed on the California Register or National Register, it is adjacent to the parcel containing the Alta Mira Hotel, which is identified as California Historical Resource Status Code 7N: Needs to be reevaluated – formerly coded as may become National Register eligible with specific conditions and is also identified on the Local Historic Resources Inventory. While the Alta Mira Hotel is not listed on the California Register, CEQA Guidelines Section 15064.5(a)(4) "The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1." As the Alta Mira Hotel may be eligible for listing in the National Register, the City has determined that it may be a historical resource as defined by Public Resources Code section 5024.1 subsections (c) and (d). Removing development on Site 202 would remove the potential for future adverse changes to the Alta Mira Hotel, including adverse changes that would result from the physical demolition, destruction, or alteration of the Alta Mira Hotel's immediate surroundings such that the physical characteristics that convey the historical significance of the resource and justify its eligibility in the California Register of Historic Places would be demolished or materially altered.

Therefore, Alternative 4 would result in a reduction in the potential for significant impacts to historic resources, specifically the Sausalito Historic District, sites contributing to the Sausalito Historic District, and the Alta Mira Hotel, as discussed under Impact 3.4-1 of the Draft EIR.

The analysis of Alternative 4 is revised in the Recirculated Draft EIR, as shown in Chapter 2 of this Final EIR.

[G] General Plan 2021, EIR, Section 3.4, Cultural & Tribal Cultural Resources (Office of Historic Preservation's Historic Properties Directory and records on file at the Northwest Information Center 2020. California Office of Historic Preservation, Certified Districts, National Park Service Certified State or Local Historic Districts, Sausalito Historic District, Sausalito.)

[H] California Department of Parks and Recreation. Historic Resources Inventory, Historic District Form No. 53. Marin Fruit Co., 607-613 Bridgeway, Sausalito.

General Plan Policy LU-2.9, Downtown Historic Character, requires the City to protect the historic character of the downtown area. As described on page 4-19 of the Draft EIR, "The removal of these rezone sites helps preserve the character of the historic area by not inviting redevelopment or densification through rezoning. The historic context of the district can remain intact. There are several buildings in the Downtown Historic District that are potentially eligible historic properties. Demolition of existing buildings, construction of new housing units, vibration from heavy construction equipment, or construction mishaps on an Amended Housing Element site could adversely impact an existing adjacent historic resource. Opportunity Site 201 and the Inventory Site within the Downtown Historic District are the two sites that are most likely to unintentionally damage a potentially eligible historic resource."

Although the development buffer would be reduced from 423 units under the Amended Housing Element to 320 units under Alternative 4, the buffer would remain adequate to accommodate modifications to the inventory during the 6th Cycle.

I3-9 The commenter opines regarding the City's CEQA determination for the adopted Housing Element and, referencing the commenter's statements related to the alternatives analysis, opines that the Draft EIR will be susceptible to legal challenges. The commenter is referred to responses to Comments I3-4 through I3-9.

I3-10 The commenter states that the Draft EIR includes Site 201 as within the Historic District which seems to be an attempt to stop the proposed project on the Willy's property. The commenter states that the inclusion of Site 201 within the Downtown Historic District does not make the site itself historic and references pages 241 and 242 of the Draft EIR and a technical memorandum prepared by Page & Turnbull in 2019 for 719-725 Bridgeway.

The Draft EIR for the Housing Element Programs published in January 2024 (Housing Element Programs DEIR) analyzed a separate project, and was not certified. Nonetheless, that document did not identify Site 201 as being within the Downtown Historic District. The Housing Element Programs DEIR effort was suspended and that document has not been certified.

Since preparation of the Housing Element Programs EIR, the City has conducted additional research related to the Downtown Historic District and historic status of sites. The Draft EIR and Recirculated Draft EIR reflect additional research conducted on this topic. In particular, California Historical

Resource Status Codes[I] published by the California Office of Historic Preservation in 2020, after the 2019 Page & Turnbull memo was completed, show that properties with a status code of 2D2 are listed in the California Register.

Impact 3.4-1 has been revised as shown in Chapter 2 of this Final EIR to clarify the status of Site 201, including information provided by the commenters on the Draft EIR, and other sites that may affect a historic resource and to clarify the potential impacts to historic resources. As described in Section 3.14 of the Draft EIR under Impact 3.4-1, with a California Historical Resource Status Code of 2D2, Site 201 is eligible for listing in the NR and is listed in the CRHR as a contributor to the Historic District. Thus, Site 201 meets the criteria of a historical resource for the purpose of CEQA.

I3-11 The commenter indicates that the Draft EIR conflicts with the Housing Element Programs DEIR effort and identifies their interpretation of Status Code 2D2.The City is not "changing the site's historic designation by administrative fiat," as stated by the commenter, but is clarifying what the California Historical Resources Status Code specifies for the site and is ensuring that this EIR is consistent with that information. Please see response to Comment I3-10.

I3-12 The commenter indicates that the Draft EIR conflicts with the Housing Element Programs DEIR regarding adverse impacts to historic resources. Although the January 2024 EIR for the Housing Element Programs DEIR was published and circulated for public review, it was not certified by the City of Sausalito. The Housing Element Programs DEIR effort was suspended.

Since preparation of the Housing Element Programs EIR, the City has conducted additional research related to the Downtown Historic District and historic status of sites. This Draft EIR and Recirculated Draft EIR reflect the additional research conducted on this topic.

As a result, the Amended Housing Element EIR reflects further evaluation of potential historic resources throughout the city, including conducting additional review of State data, the City of Sausalito Citywide Historic Context Statement, and the DPR Form for the Town and Country Antiques Nite-Hawk Café (605 Bridgeway)[J] and the DPR Form for the Marin Fruit Company (607-613

[I] ohp.parks.ca.gov › pages › files › Resource-Status-Codes

[J] California Department of Parks and Recreation. Historic Resources Inventory, Historic District Form No. 53. Town and Country Antiques Nite-Hawk Café, 605 Bridgeway, Sausalito.

Bridgeway).[K] As noted in response to Comment I3-11, the BERD identifies the Marin Fruit Building with a California Historical Resources Status Code 2D2, a "Contributor to a multi-component resource determined eligible for NR by the Keeper. Listed in the CR." See Impact 3.4-1 as revised in Chapter 2 of this Final EIR.

I3-13 The commenter states that the Draft EIR fails to analyze the cumulative impacts of the Project and fails to analyze the potential cumulative impacts of the submitted housing development project for Site 201. Cumulative impacts are addressed at the end of each technical section in Chapter 3 of the Draft EIR. Site 201, and its rezoning to MU-29/85% under the proposed Amended Housing Element, is addressed within both the project-specific impact analyses and the cumulative impact analyses. As identified in Chapter 2 of this Final EIR, the cumulative impact analysis presented on pages 3.4-52 through 3.4-54 of the Draft EIR under Impact 3.4-6 is revised to more clearly address how future development, such as that proposed on Site 201, is addressed, including application of CEQA requirements related to the significance of historic resources and implementation of mitigation measures to reduce potential impacts.

I3-14 The commenter opines regarding the adequacy of the Draft EIR, stating if the EIR is adopted by the City it will violate CEQA and Housing Element Law and place the City in legal jeopardy. The Draft EIR has been revised by the Recirculated Draft EIR to address Project alternatives consistent with the requirements of CEQA. The Draft EIR has been revised to clarify the significance of Site 201 as a historical resource, as described under response to Comment I3-10 and identified in Chapter 2 of this Final EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-15 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-16 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

[K] California Department of Parks and Recreation. Historic Resources Inventory, Historic District Form No. 53. Marin Fruit Co., 607-613 Bridgeway, Sausalito.

I3-17 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-18 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-19 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-20 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-21 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-22 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-23 This comment addresses the Project and does not address the adequacy of the EIR. The City engages in regular discussions with the Sausalito Marin City School District (SMCSD) regarding Site 73 on the SMCSD's Nevada Campus and the relocation of this site was at the request of SMCSD based on its refined plans for the Nevada Campus. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-24 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-25 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-26 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-27 This comment addresses the Project and does not address the adequacy of the EIR. comment is received and will be forwarded to decision makers for their consideration.

I3-28 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-29 This comment addresses the Project and does not address the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I3-30 This comment is the meeting minutes from the January 12, 2024 City of Sausalito Special Joint Council & Planning Commission Meeting. No response is required.

From: Douglas Howell as
To: Amended HE
Subject: [EXTERNAL] Housing
Date: Tuesday, December 17, 2024 8:29:05 PM

I4-1

Please don’t develop new housing in or around Martin Luther King Field nor its attendant facilities.
There are inadequate parking opportunities and Coloma Street is too narrow to accommodate increased traffic.
Thank you,
Douglas R. Howell
196 Cypress Place
Sausalito, CA 94965

Sent from my iPhone

Letter I4	Douglas R. Howell
Response	December 17, 2024

I4-1 This is not a comment on the Amended Housing Element EIR. The commenter is referred to Recirculated Draft EIR Section 3.14, Transportation, regarding traffic impacts associated with the Project. The comment is received and will be forwarded to decision makers for their consideration.

From: Kate Flavin
To: Amended HE
Subject: Fwd: [EXTERNAL] Objection to Spencer Fire House as part of the Housing Element
Date: Tuesday, December 17, 2024 11:51:08 AM
Attachments: 2ndDraft 1.0 of Spencer Firehouse ltr to HEAC JF (1).docx

As you can see, we've objected multiple times to including the Spencer Fire House on the "revised" housing element. Detailed reasons are attached. I trust these objections have reached the proper authority. I5-1

John and Kate Flavin
129 Prospect Ave

Begin forwarded message:

From: Kate Flavin <kflavin129@gmail.com>
Subject: Fwd: Objection to Spencer Fire House as part of the Housing Element
Date: October 15, 2024 at 10:30:51 AM PDT
To: kathryn gray <katiegray30@icloud.com>

Sent from my iPhone

Begin forwarded message:

From: Kate Flavin <kflavin129@gmail.com>
Date: October 10, 2024 at 9:54:51 AM EDT
To: Brandon Phipps <bphipps@sausalito.gov>, Chris Zapata <czapata@sausalito.gov>, Admin Aide <adminaide@sausalito.gov>
Subject: Objection to Spencer Fire House as part of the Housing Element

Gentlemen,
Please see the attached. The Spencer Fire House site has been reviewed multiple times for the Housing Element and has been consistently rejected. I5-2
Political retribution wastes staff time.
Thank you.
John and Kate Flavin

Dear Members of the Housing Element Advisory Committee:

I5-3

We object to designating the Spencer Fire house as an amendment to the Housing Element. It's been reviewed in depth multiple times and rejected so we can only assume this new review is politically motivated.

Spencer Avenue is a major artery for Sausalito's Emergency Evacuation Plan

a. Per Figure 2 below, Spencer Avenue is a major egress route for Zones SAU-E001 and E007 (Larger map included as Attachment 1). These two zones encompass roughly half of the city.

I5-4

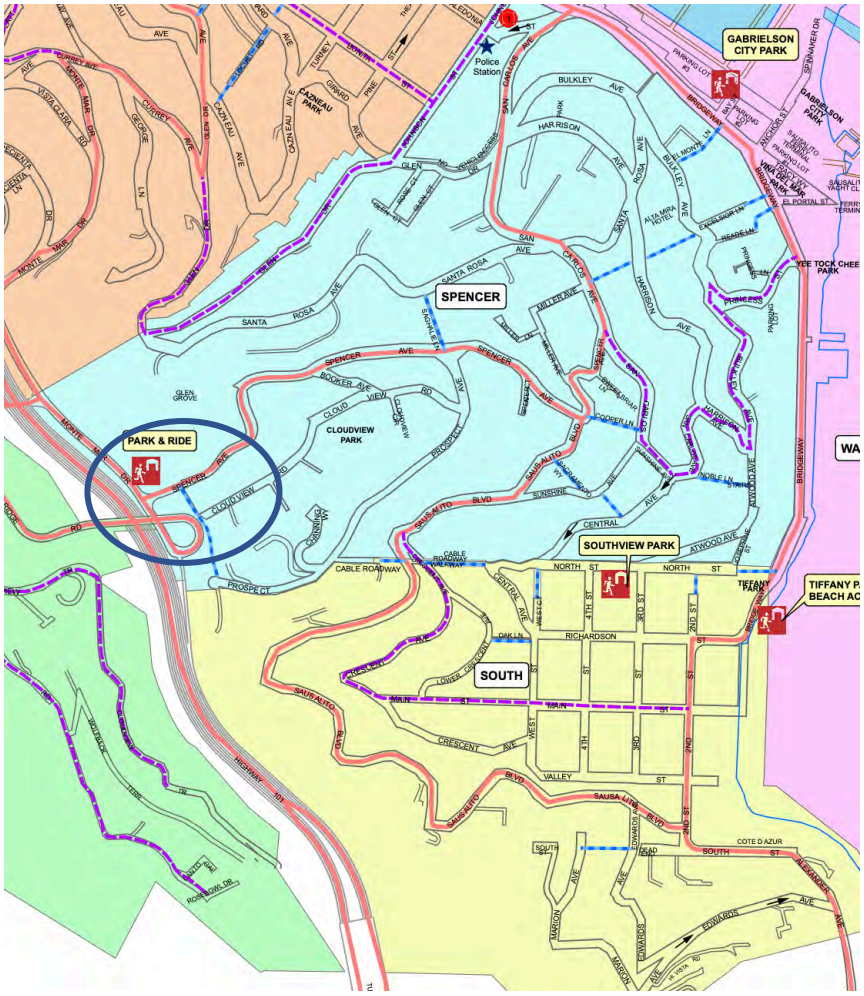


Figure 1 Primary Evacuation Routes Denoted in Pink

b. Per the 1966 deed from the State of California, ingress and egress from the Firehouse location is restricted to Spencer Avenue (See Attachment 2, Deed). I5-5

c. Your committee at one time proposed to allow for a 24-unit development on the property. Assuming 1.5 cars per unit, up to 36 cars would be exiting the Firehouse site in an emergency evacuation. If one car could exit every 30 seconds, this would clog Spencer Avenue for an additional 18 critical minutes. This is a best-case scenario. Given the difficulty of seeing cars approaching from the northbound Highway 101 exit until they are under the Wolfback Road overpass, the likelihood of emergency vehicles amassing at the bus parking lot and simply general confusion, making a right turn onto the extension of Spencer Avenue would take longer and the clog time could be greatly increased. I5-6

d. Development bonuses would increase the size of the development and serve to make the emergency evacuation problem worse. With these bonuses, more than 80 cars could exit this site. I5-7

e.The roads approaching Spencer are extremely narrow and often clogged: I5-8

Target for crime

e. The police will tell you that criminals look for locations with easy access and alternate routes. Any development on the Spencer Firehouse property would meet these criteria.

f. It is a reason the Spencer Avenue area has a high incidence of break-ins. Our information is anecdotal as the Sausalito police do not maintain statistics, but a city inspector recently made sure to lock his car while inspecting a house in the area because he “heard there is a lot of crime in this neighborhood.” I5-9

2. Difficult site topography

a. According to the Marin Map Site Parcel Report, the average slope for the site is 51.98. In Figure 3, the closer the lines, the steeper the slope. I5-10

Figure 2 Rough topographical map of Spencer Firehouse

I5-10 con't

b. During the last round of the Housing Element, the City Community development department excluded sites with large slopes due to the difficulty of development.

c. If you look at the CA deep-seated landslide susceptibility map, you'll see the Spencer Fire house area is very susceptible to landslides. https://maps-cnra-cadoc.opendata.arcgis.com/maps/cadoc::cgs-map-sheet-58-deep-seated-landslide-susceptibility/explore?location=37.853880%2C-122.482424%2C13.00

I5-11

d. Any development would kill a considerable number of trees.

I5-12

3. Lack of Services-The Spencer Fire House is far removed from basic services like grocery stores, libraries, pharmacies etc.

I5-13

4. Danger in locating housing near highways:
    a. In 2006, California air quality officials delivered a warning in the Air Resources Board's 2005 Handbook to cities and counties: Avoid putting new homes in high-pollution zones within 500 feet of freeways LA Times: Freeway Pollution Travels Farther Than We Thought
    b. The former firehouse at 300 Spencer Avenue is 150 feet from Highway 101.

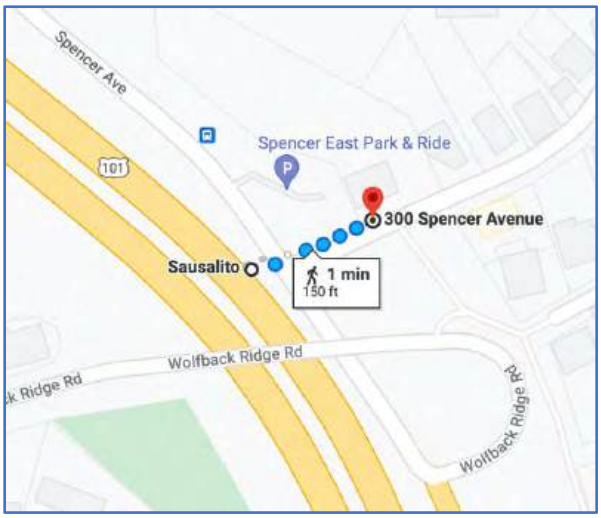


Figure 3 150 foot distance based on GPS measurement

I5-14

    c. The advisory added a warning to stay away from interchanges, intersections and other hot spots.
        i. The risk to health can be compounded if there are multiple pollution sources. One should avoid living close to highway interchanges and freeway ramps, which regulators and scientists have identified as hot spots that can hit residents with twice as much as pollution.
        ii. The Spencer Firehouse is located near both the on and off ramps for Highway 101.
    d. A higher percentage of electric vehicles will not solve the problem.
        i. Cars and trucks keep getting cleaner, but don't count on electric vehicles bringing an end to traffic-related health problems.
        ii. Switching to zero-emission vehicles only gets rid of tailpipe-generated pollution. It does nothing to reduce non-exhaust pollutants, including dust from brake pads and tires that contains toxic metals, rubber and other compounds that are kicked up into the air.
    e. Admittedly, in 2018 the Air Resources Board shifted its stance somewhat (Regulators Shift Stance) …*or did it?*

i. It issued a new advisory that emphasizes design rather than distance, recommending anti-pollution features such as air filters, sound walls and thick vegetation as “promising strategies” to reduce the health risks from freeways.
ii. *BUT…*
    1. A professor of preventive medicine at USC said at the time that the air board’s latest document presented best-case scenarios and overstated the extent to which air filters and other anti-pollution measures protect residents.
        a. By recommending those steps, he said, state regulators “may give the false impression that it is now OK to put schools and residences close to freeways.”
        b. “The best current strategy to reduce near-freeway exposure is not to put schools and residences there in the first place,” said the professor, who previously worked at the Air Resources Board. “Even with the best reduction measures available, air pollution in these locations will remain unhealthy.”
    2. The deputy executive officer for the air board said in 2018 that the April advisory did not change the agency’s 2005 recommendation to avoid siting homes within 500 feet of freeways. “That’s a very basic health position that the agency has taken and we still stand by.”
    3. State air regulators have said that their 2005 guidelines had not, in fact, been replaced. Air Resources Board officials said they decided to supplement them in light of new science on freeway pollution and the effectiveness of air filters and other measures.
    4. Filters remove only some of the harmful ingredients in traffic pollution. And they’re effective only when the air is running and all doors and windows are closed. Most will not remove toxic exhaust gases such as benzene and 1,3-butadiene. To screen those out, you need more costly charcoal filters. (LA Times: Freeway Pollution Travels Farther Than We Thought)

I5-14 con't

5. Several other sites have not been posted on the Housing Element List like the Alta Mira

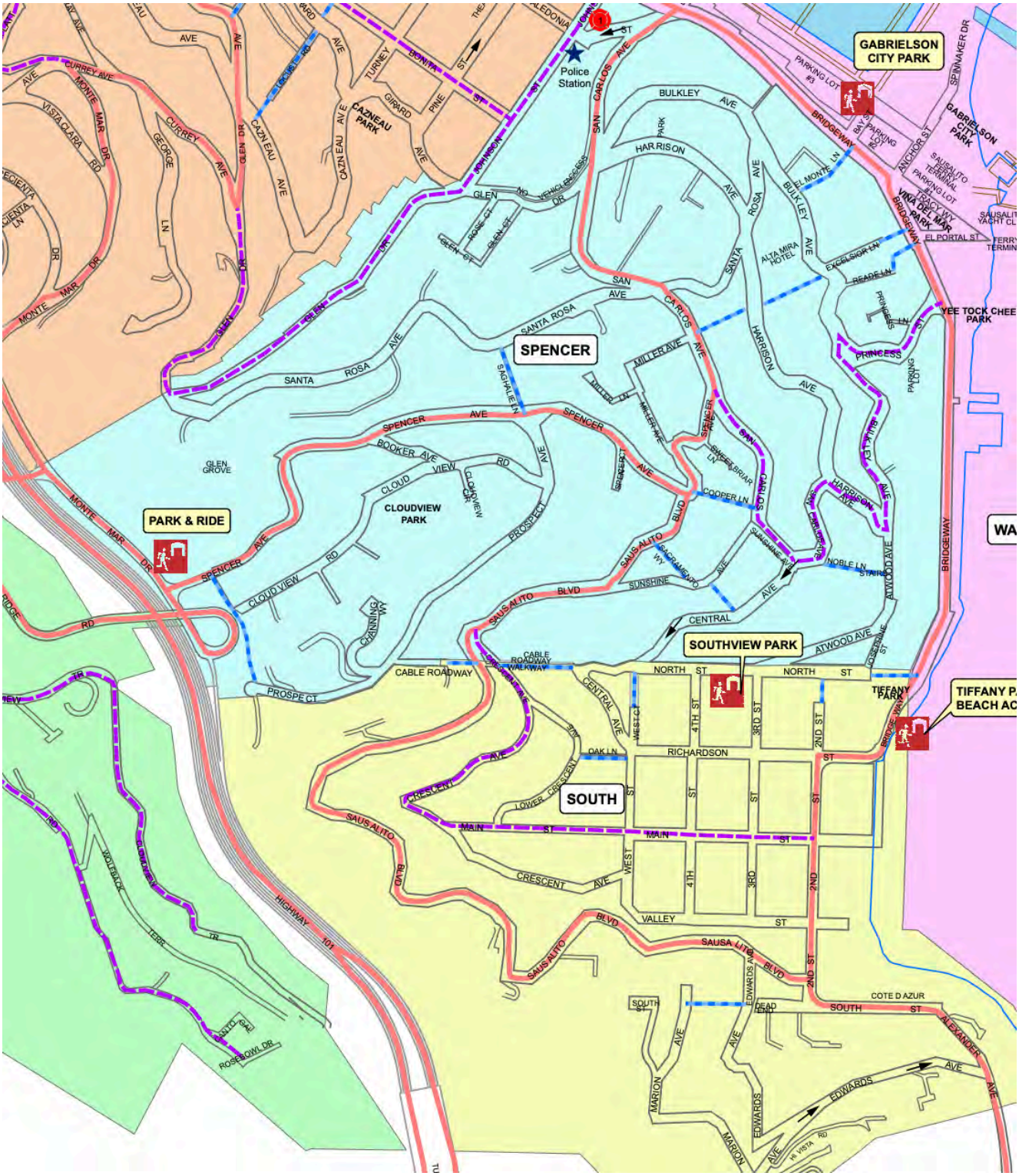
I5-15

In summary, the Spencer Firehouse site might appear as a good candidate for inclusion on the Housing Element. At a closer look, however, it fails to qualify and should be permanently deleted.

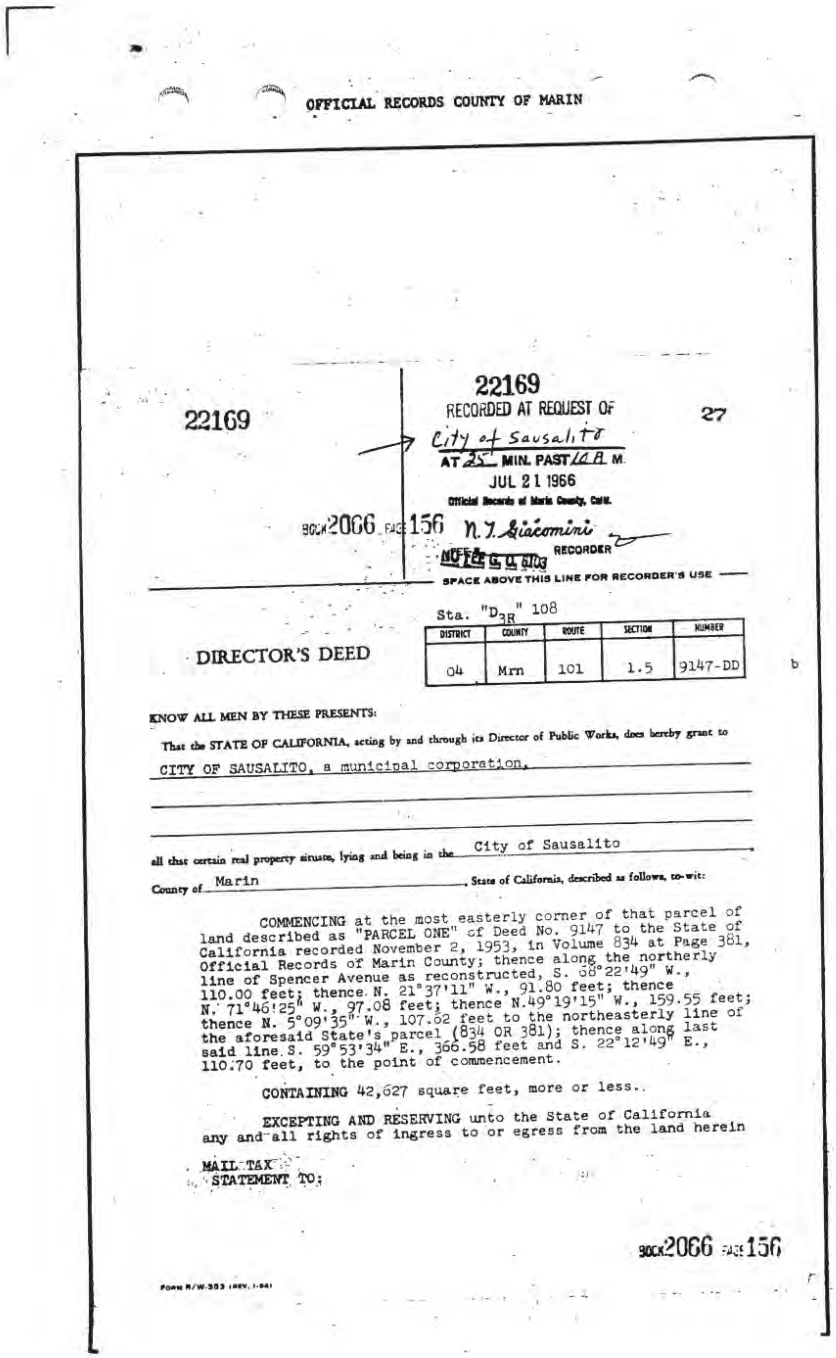
I5-16

Sincerely yours,
John and Kate Flavin

Attachment ! Sausalito Evacuation Routes



Attachment 2 Deed for Firehouse property from the State of California, page 1



OFFICIAL RECORDS COUNTY OF MARIN

22169

22169
RECORDED AT REQUEST OF
City of Sausalito
AT 25 MIN. PAST 10 A. M.
JUL 21 1966
Official Records of Marin County, Calif.
N. J. Giacomini
RECORDER

27

BOOK 2066 PAGE 156

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Sta. "D3R" 108

DISTRICT	COUNTY	ROUTE	SECTION	NUMBER
04	Mrn	101	1.5	9147-DD

DIRECTOR'S DEED

KNOW ALL MEN BY THESE PRESENTS:

That the STATE OF CALIFORNIA, acting by and through its Director of Public Works, does hereby grant to

CITY OF SAUSALITO, a municipal corporation,

all that certain real property situate, lying and being in the City of Sausalito

County of Marin, State of California, described as follows, to-wit:

COMMENCING at the most easterly corner of that parcel of land described as "PARCEL ONE" of Deed No. 9147 to the State of California recorded November 2, 1953, in Volume 834 at Page 381, Official Records of Marin County; thence along the northerly line of Spencer Avenue as reconstructed, S. 68°22'49" W., 110.00 feet; thence N. 21°37'11" W., 91.80 feet; thence N. 71°46'25" W., 97.08 feet; thence N.49°19'15" W., 159.55 feet; thence N. 5°09'35" W., 107.62 feet to the northeasterly line of the aforesaid State's parcel (834 OR 381); thence along last said line S. 59°53'34" E., 366.58 feet and S. 22°12'49" E., 110.70 feet, to the point of commencement.

CONTAINING 42,627 square feet, more or less.

EXCEPTING AND RESERVING unto the State of California any and all rights of ingress to or egress from the land herein

MAIL TAX STATEMENT TO:

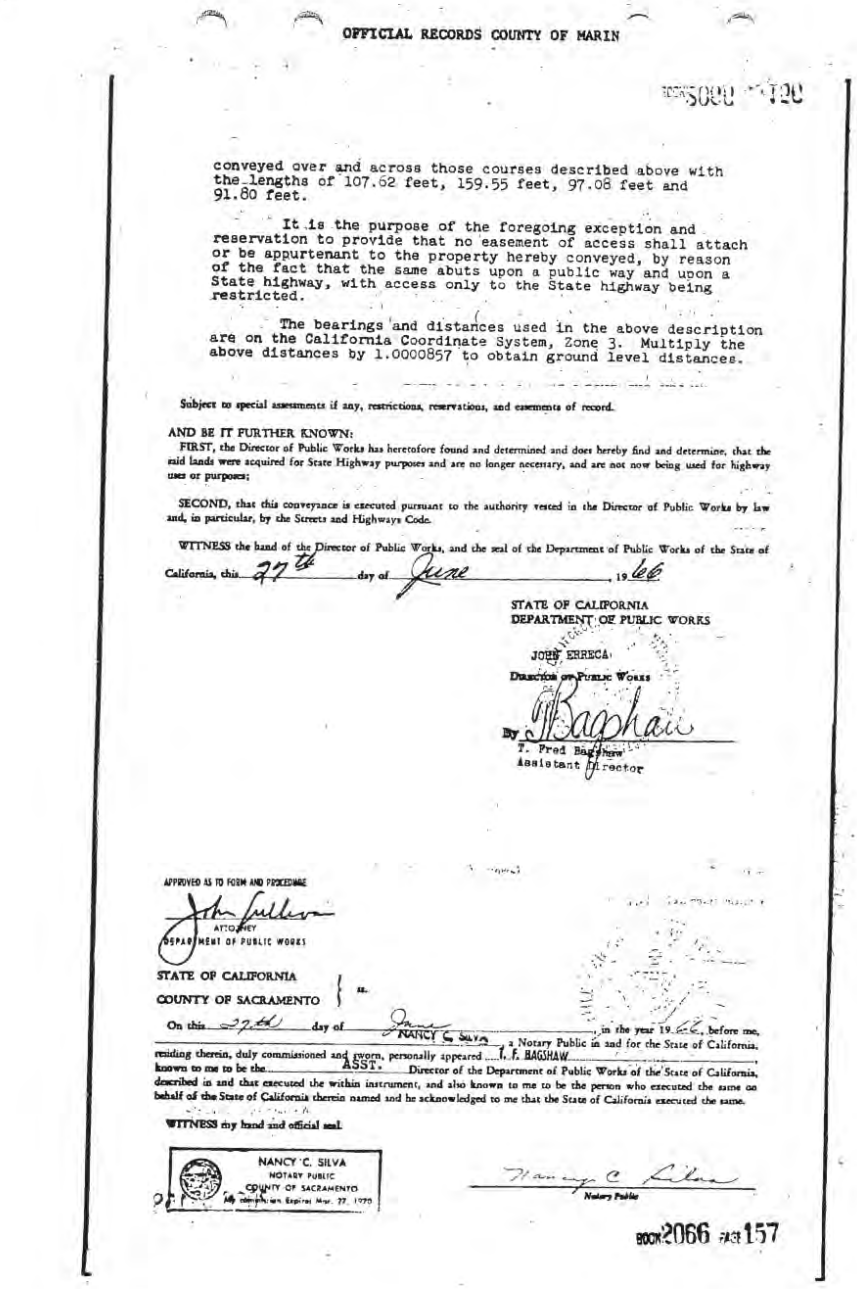
BOOK 2066 PAGE 156

Form R/W 353 (REV. 1-66)

b

I5-18

Attachment 2 Deed for Firehouse property from the State of California, page 2



OFFICIAL RECORDS COUNTY OF MARIN

BOOK 5080 PAGE 720

conveyed over and across those courses described above with the lengths of 107.62 feet, 159.55 feet, 97.08 feet and 91.80 feet.

It is the purpose of the foregoing exception and reservation to provide that no easement of access shall attach or be appurtenant to the property hereby conveyed, by reason of the fact that the same abuts upon a public way and upon a State highway, with access only to the State highway being restricted.

The bearings and distances used in the above description are on the California Coordinate System, Zone 3. Multiply the above distances by 1.0000857 to obtain ground level distances.

Subject to special assessments if any, restrictions, reservations, and easements of record.

AND BE IT FURTHER KNOWN:

FIRST, the Director of Public Works has heretofore found and determined and does hereby find and determine, that the said lands were acquired for State Highway purposes and are no longer necessary, and are not now being used for highway uses or purposes;

SECOND, that this conveyance is executed pursuant to the authority vested in the Director of Public Works by law and, in particular, by the Streets and Highways Code.

WITNESS the hand of the Director of Public Works, and the seal of the Department of Public Works of the State of California, this 27th day of June, 19 66

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

JOHN ERREA
Director of Public Works

By T. Baghaw
T. Fred Baghaw
Assistant Director

APPROVED AS TO FORM AND PROCEDURE

John Fullerton
ATTORNEY
DEPARTMENT OF PUBLIC WORKS

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } ss.

On this 27th day of June, in the year 19 66, before me, NANCY C. SILVA, a Notary Public in and for the State of California, residing therein, duly commissioned and sworn, personally appeared T. F. BAGHAW known to me to be the ASST. Director of the Department of Public Works of the State of California, described in and that executed the within instrument, and also known to me to be the person who executed the same on behalf of the State of California therein named and he acknowledged to me that the State of California executed the same.

WITNESS my hand and official seal.

NANCY C. SILVA
NOTARY PUBLIC
COUNTY OF SACRAMENTO
My commission Expires Mar. 27, 1970

Nancy C. Silva
Notary Public

BOOK 2066 PAGE 157

I5-18 con't

Letter I5 John and Kate Flavin
Response December 17, 2024

I5-1 The commenter has provided previous communication to the City regarding the Spencer Avenue Fire Station site (Opportunity Site 14). This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I5-2 Please see response to Comment I5-1.

I5-3 Please see response to Comment I5-1.

I5-4 The comment shows the Notification/Evacuation Zones map for fires published by the Southern Marin Fire Protection District.[L] The Spencer Avenue Fire Station (Opportunity Site 14) is within the SAU-E007 (Spencer) evacuation zone. This comment does not address the adequacy of the EIR.

I5-5 As described in Director's Deed 22169, 300 Spencer Avenue (APN 064-048-044) abuts the California Department of Transportation (Caltrans) right-of-way for Highway 101. Therefore, the deed restricts ingress and egress from the site only to Spencer Avenue which runs east-west. Ingress or egress may not be accommodated along Spencer Avenue/Monte Mar Drive, parallel to Highway 101, as that area is within Caltrans' right-of-way, and access to that area is controlled by Caltrans. This comment does not address the adequacy of the EIR.

I5-6 The commenter identifies their assumptions regarding traffic generated by the Opportunity Site 14 for a 24-unit development. Under Alternative 5, which is analyzed in the Recirculated Draft EIR, 300 Spencer Avenue (Opportunity Site 14) may accommodate up to 25 residential units. As shown in Figure 3.16-3a, 2040 Baseline with Wildfire Scenario, in the Draft EIR, many roadways in Sausalito, including northbound Highway 101 proximate to Opportunity Site 14, would be over capacity in an evacuation scenario. When including the Amended Housing Element (which would not include Opportunity Site 14), the same segment of northbound Highway 101 would be over capacity, as shown in Figure 3.16-3b, 2040 Plus Amended Housing Element with Wildfire Scenario, in the Draft EIR. The inclusion of the Spencer Fire Station, as described in

[L] Southern Marin Fire Protection District (SMFD). Evacuation, Evacuation Map – Sausalito – Large Scale. Available: https://www.smfd.org/our-district/prevention/preparedness/evacuation. Accessed: January 13, 2025.

Alternative 5 of the Recirculated Draft EIR, would result in similar levels of traffic congestion, as described in Impact 4.5-41 of the Recirculated Draft EIR.

Section 3.16, Wildfire, in the Draft EIR describes evacuation scenarios modeled to evaluate evacuation times and routes. The modeling shows that vehicles would be traveling toward Highway 101 onramps to evacuate the city, and very little traffic would be exiting northbound Highway 101 to enter the city. Section 3.16, Wildfire, also describes existing hazard mitigation plans and emergency services plans that would be deployed during an emergency, which could result in increases in emergency personnel deployed, guiding evacuees toward evacuation routes, providing intersection control, rerouting traffic based on real-time data or where a threat is located, or other strategies to evacuate the city. Development of Site 14 as described in Alternative 5 does propose alteration of existing roadway patterns and would not introduce any new major roadways or other physical features that would result in inadequate emergency access. Further, development anticipated by both the Project and Alternative 5 would be located on sites either developed, vacant, and/or underutilized and are not expected to inhibit existing emergency access as they do not propose alteration of existing roadway patterns. In the event of an evacuation, emergency personnel, in accordance with established emergency operations plans, could reroute traffic in real time based on the location of the disaster and traffic conditions.

The City has existing inter-jurisdictional programs that are already in place, and the City focuses on maintaining and enhancing emergency vehicle access and evacuation routes to protect life and property in the event of emergency. Exact emergency evacuation routes and evacuation timing would be highly dependent on the type of emergency experiences, which parts of the city are evacuated, and whether there are road closures. The effects of emergency evacuation under Alternative 5 would be similar to those under the Project, as some units would be moved closer to Highway 101 (Site 14) and some units would be moved farther away from Highway 101 (Site 52). Therefore, impacts related to emergency evacuation would be less than significant for the Project and Alternative 5.

I5-7 The commenter indicates that a density bonus would increase the size of development and worsen evacuation conditions. California's Density Bonus Law (Gov. Code §§65915 - 65918) allows a developer to increase density on a property above the maximum set under a jurisdiction's General Plan land use plan. In exchange for the increased density, a certain number of the new affordable dwelling units must be reserved at below market rate rents. The number of additional units allowed under State law is set on a sliding scale, based upon the percentage of units in the project that will be set aside as

affordable, and the household income category of those affordable units (very low, low, or moderate household income). The City of Sausalito would comply with State law if a development proposal seeks to implement the Density Bonus Law. However, a density bonus is not expected at Site 14 as the City owns the site and plans to retain control of the site, which will allow the City to ensure that the number of units is consistent with the capacity envisioned, if any, under the Housing Element.

I5-8 The commenter identifies that the roads approaching Spencer [Ave.] are extremely narrow and often clogged. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I5-9 The commenter opines regarding the potential for crime associated with Opportunity Site 14 and the Spencer Avenue area. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I5-10 The commenter describes the topography for Opportunity Site 14. The topography of Opportunity Site 14 includes both relatively flat areas and steep slopes. As described in Impact 4.5-28 of the Recirculated Draft EIR, development on the site would adhere to City development standards, as well as the California Building Code (CBC). General Plan Policy CD-2.2, requires that special attention is given to the design considerations for proposed development on steeply sloped sites. When a specific project is proposed for the site, the City would evaluate the project plans to ensure adherence to all required building codes. The Building Department reviews plans and applications for site clearance, grading, and building permits to ensure compliance with Municipal Code Chapter 8.08 and imposes requirements for revisions to plans and applications where needed to ensure that structures are constructed in compliance with the CBC, and reflect any additional measures deemed appropriate based on a required geotechnical report that evaluates site specific conditions and identifies any site preparation or construction techniques. As discussed in Impact 4.5-28, grading and building permit issuance is based upon satisfactory completion of any applicable measures.

I5-11 The commenter provides a link to California Geological Survey Map 58, Deep-Seated Landslide Susceptibility. Figure 3.6-4, Landslide Hazard, in the Draft EIR shows the susceptibility for landslides throughout the city and is based on Map 58. Areas that have weak rocks and steep slopes are most likely to generate landslides. As with most of the hilly and sloped areas in the city, Opportunity Site 14 is highly susceptible to landslides.

As described in Section 3.6, Geology, Soils, and Seismicity of the Draft EIR, the city established the Landslide Task Force in 2019 to identify the needs of the City for an update and assessment of its vulnerability to future landslide disasters causing harm to the residents and property. General Plan Program HS-1.2.9 requires the City to review, update, and consider the feasibility of recommendations from the 2019 Landslide Task Force report, which include reporting of geologic events, fast-tracking preventative maintenance, and formation of a community benefit organization to perform slope stabilization.

The Sausalito Municipal Code contains rules and regulations to address development on unstable geologic units. Chapter 17.08 (Excavations Generally) sets forth rules and regulations to control excavation, grading, and earthwork construction on land to safeguard public health, safety, and welfare. Section 17.08.010 requires that a permit be obtained for any excavation under or on the surface of any land, public or private, to ensure that appropriate construction techniques are utilized to address development on unstable geologic units.

The Building Department reviews plans and applications for site clearance, grading, and building permits to ensure compliance with Municipal Code Chapter 8.08 and imposes requirements for revisions to plans and applications where needed to ensure that structures are constructed in compliance with the CBC, and reflect any additional measures deemed appropriate based on a required geotechnical report that evaluates site specific conditions and identifies any site preparation or construction techniques.

I5-12 The commenter identifies the potential for future development to kill a considerable number of trees. There are numerous trees located on or overhanging Opportunity Site 14. The preservation and removal of trees is addressed in Chapter 11.12 (Preservation of Trees and Views) in the City's Municipal Code, and discussed in the Draft EIR on pages 3.3-24 and 3.3-32 in Section 3.3, Biological Resources. City Municipal Code Section 11.12.030 requires a tree removal/alteration permit to be obtained from the Community Development Department in any situation which involves the removal or alteration or possible damage to a protected tree or trees, defined in the chapter as a California or Coast live oak (*Quercus agrifolia*) measuring four inches diameter at breast height or larger, heritage trees, or dedicated trees on private property; a tree measuring four inches D.B.H., or larger on private undeveloped property; and all trees and shrubs on City-owned property. Development of Opportunity Site 14 would consider tree avoidance, tree trimming, tree removal, and/or tree planting. At such a time as development

is proposed for Opportunity Site 14, potential impacts to specific trees would be evaluated.

I5-13 The commenter identifies a lack of services to Opportunity Site 14. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I5-14 The commenter references State recommendations to avoid putting new homes in high-pollution zones within 500 feet of freeways and to avoid interchanges, intersections, and other hot spots. The commenter also opines regarding whether increasing the percentage of electric vehicles will help with reductions in air toxics. The commenter describes information related to addressing pollution through design measures versus avoidance. The Air Quality and Land Use Handbook: A Community Health Perspective issued in April 2005 by the California Environmental Protection Agency and California Air Resources Board (2005 CARB Handbook) provides this advisory recommendation in Table 1-1: "Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day." However, the 2005 CARB Handbook also includes the following note for Table 1-1: "These recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues."

As described in Impact 3.2-3 in Section 3.2, Air Quality, of the Draft EIR, implementation of the Amended Housing Element would result in siting new sensitive receptors such as homes in close proximity to existing sources to toxic air contaminants (TAC) and particulate matter ($PM_{2.5}$) emissions. As discussed in Impact 4.5-9 of the Recirculated Draft EIR, Opportunity Site 14 is within 500 feet of Highway 101, as are Opportunity Sites 101, 73, 84, 86, and 87. Development on those sites, including Site 14, could be exposed to TACs and $PM_{2.5}$.

The City's existing General Plan includes policies and programs would minimize exposure to TAC and $PM_{2.5}$ concentrations within the City. These policies would apply to both the Project and Alternative 5. Specifically, Program EQ-5.2.1 requires the City to provide public information that identifies common hazardous materials and Program EQ-5.2.3 requires the City to initial public awareness to minimize the use of toxic garden and lawn sprays. Program HS-1.4.1 requires the City to work with Marin County and other jurisdictions to properly manage hazardous waste and Program HS-1.4.3 eliminates the use of harmful materials on public lands and minimizes their use throughout the City. Program HS-1.4.7 requires that all businesses that

store more than 55 gallons of hazardous materials onsite to file a hazardous materials business plan with the County Office of Waste Management. In addition, all new sources of TAC emissions within the City would be required to obtain an Air Permit from BAAQMD that includes analysis of any TAC or $PM_{2.5}$ emissions created from the new source and the potential health impacts to the nearest sensitive receptor. The BAAQMD evaluates new sources of TAC emissions based on the following conditions:

- The extent to which the new source would increase risk levels, hazard index, and/or PM2.5 concentrations at nearby receptors,
- Whether the source would be permitted or non-permitted by the BAAQMD, and
- Whether the project would implement Best Available Control Technology for Toxics (T-BACT), as determined by BAAQMD.

Moreover, it should be noted that CEQA does not mandate analysis of effects of existing environmental conditions on proposed projects (see *CBIA v. BAAQMD*).[M] Compliance with the applicable policies and programs in the General Plan, as well applicable BAAQMD rules and regulations, would ensure that specific sites that may be developed under the Amended Housing Element project, including the development of Opportunity Site 14 under Alternative 5, would not emit TACs that could expose sensitive receptors to substantial pollutant concentrations.

I5-15 The commenter indicates that other sites have not been posted on the Housing Element List like Alta Mira. Site 202 (Alta Mira) is included as a site in the adopted Housing Element and the proposed Amended Housing Element project. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I5-16 The commenter summarizes that Opportunity Site 14 should be deleted as a candidate for the Housing Element. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I5-17 The comment shows a map of evacuation routes in the City. See response to Comment I5-6. No further response is necessary.

[M] Website: https://climatecasechart.com/case/california-building-industry-association-v-bay-area-air-quality-management-district/

I5-18 Please see response to Comment I5-5.

Dear Members of the Housing Element Advisory Committee:

We object to designating the Spencer Fire house as an amendment to the Housing Element. It's been reviewed in depth multiple times and rejected so we can only assume this new review is politically motivated.

Spencer Avenue is a major artery for Sausalito's Emergency Evacuation Plan

a. Per Figure 2 below, Spencer Avenue is a major egress route for Zones SAU-E001 and E007 (Larger map included as Attachment 1). These two zones encompass roughly half of the city.

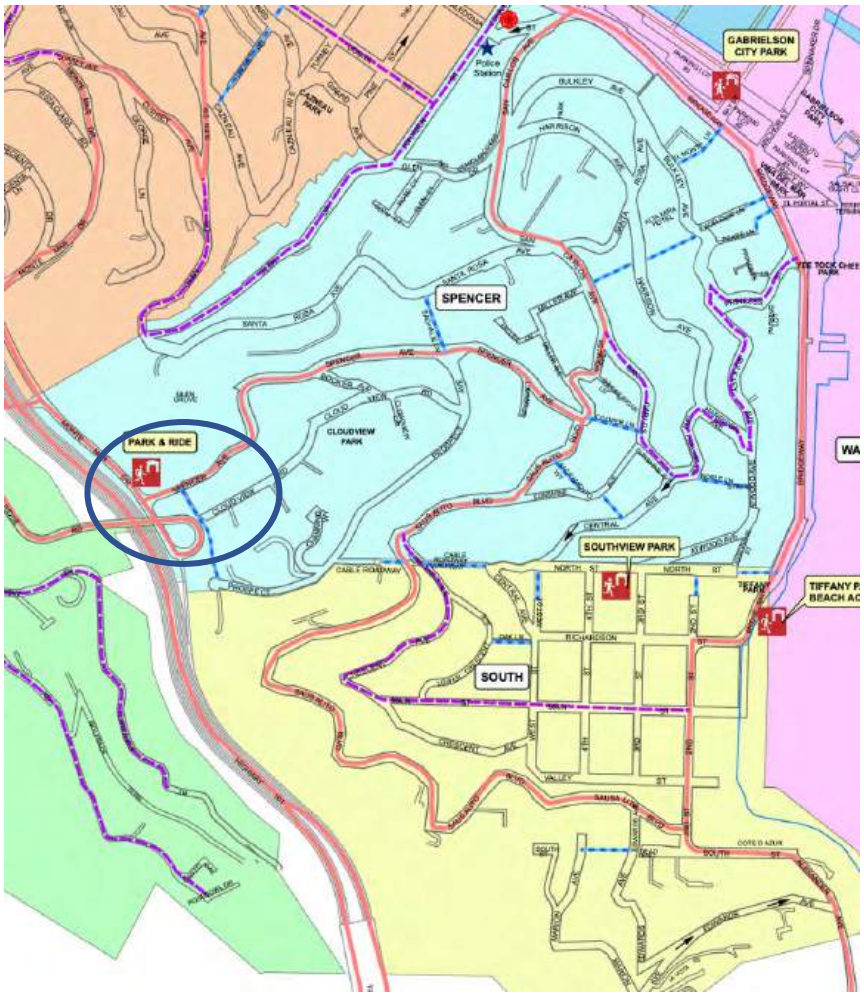


Figure 1 Primary Evacuation Routes Denoted in Pink

I6-1

b. Per the 1966 deed from the State of California, ingress and egress from the Firehouse location is restricted to Spencer Avenue (See Attachment 2, Deed).
c. Your committee at one time proposed to allow for a 24-unit development on the property. Assuming 1.5 cars per unit, up to 36 cars would be exiting the Firehouse site in an emergency evacuation. If one car could exit every 30 seconds, this would clog Spencer Avenue for an additional 18 critical minutes. This is a best-case scenario. Given the difficulty of seeing cars approaching from the northbound Highway 101 exit until they are under the Wolfback Road overpass, the likelihood of emergency vehicles amassing at the bus parking lot and simply general confusion, making a right turn onto the extension of Spencer Avenue would take longer and the clog time could be greatly increased.
d. Development bonuses would increase the size of the development and serve to make the emergency evacuation problem worse. With these bonuses, more than 80 cars could exit this site.
e. The roads approaching Spencer are extremely narrow and often clogged:

Target for crime

e. The police will tell you that criminals look for locations with easy access and alternate routes. Any development on the Spencer Firehouse property would meet these criteria.
f. It is a reason the Spencer Avenue area has a high incidence of break-ins. Our information is anecdotal as the Sausalito police do not maintain statistics, but a city inspector recently made sure to lock his car while inspecting a house in the area because he “heard there is a lot of crime in this neighborhood.”

2. Difficult site topography
   a. According to the Marin Map Site Parcel Report, the average slope for the site is 51.98. In Figure 3, the closer the lines, the steeper the slope.

I6-1 con't

Figure 2 Rough topographical map of Spencer Firehouse

I6-1 con't

b. During the last round of the Housing Element, the City Community development department excluded sites with large slopes due to the difficulty of development.
c. If you look at the CA deep-seated landslide susceptibility map, you'll see the Spencer Fire house area is very susceptible to landslides. https://maps-cnra-cadoc.opendata.arcgis.com/maps/cadoc::cgs-map-sheet-58-deep-seated-landslide-susceptibility/explore?location=37.853880%2C-122.482424%2C13.00

d. Any development would kill a considerable number of trees.

3. Lack of Services-The Spencer Fire House is far removed from basic services like grocery stores, libraries, pharmacies etc.

4. Danger in locating housing near highways:
    a. In 2006, California air quality officials delivered a warning in the Air Resources Board's 2005 Handbook to cities and counties: Avoid putting new homes in high-pollution zones within 500 feet of freeways [LA Times: Freeway Pollution Travels Farther Than We Thought]
    b. The former firehouse at 300 Spencer Avenue is 150 feet from Highway 101.

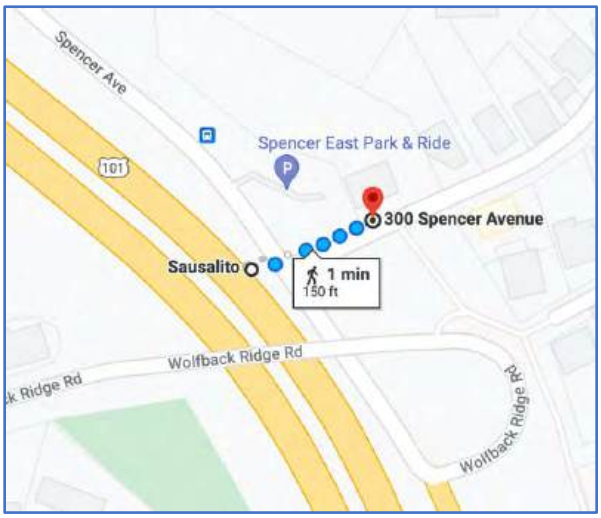


Figure 3 150 foot distance based on GPS measurement

    c. The advisory added a warning to stay away from interchanges, intersections and other hot spots.
        i. The risk to health can be compounded if there are multiple pollution sources. One should avoid living close to highway interchanges and freeway ramps, which regulators and scientists have identified as hot spots that can hit residents with twice as much as pollution.
        ii. The Spencer Firehouse is located near both the on and off ramps for Highway 101.
    d. A higher percentage of electric vehicles will not solve the problem.
        i. Cars and trucks keep getting cleaner, but don't count on electric vehicles bringing an end to traffic-related health problems.
        ii. Switching to zero-emission vehicles only gets rid of tailpipe-generated pollution. It does nothing to reduce non-exhaust pollutants, including dust from brake pads and tires that contains toxic metals, rubber and other compounds that are kicked up into the air.
    e. Admittedly, in 2018 the Air Resources Board shifted its stance somewhat [(Regulators Shift Stance)] …*or did it?*

I6-1 con't

i. It issued a new advisory that emphasizes design rather than distance, recommending anti-pollution features such as air filters, sound walls and thick vegetation as “promising strategies” to reduce the health risks from freeways.
ii. *BUT…*
    1. A professor of preventive medicine at USC said at the time that the air board’s latest document presented best-case scenarios and overstated the extent to which air filters and other anti-pollution measures protect residents.
        a. By recommending those steps, he said, state regulators “may give the false impression that it is now OK to put schools and residences close to freeways.”
        b. “The best current strategy to reduce near-freeway exposure is not to put schools and residences there in the first place,” said the professor, who previously worked at the Air Resources Board. “Even with the best reduction measures available, air pollution in these locations will remain unhealthy.”
    2. The deputy executive officer for the air board said in 2018 that the April advisory did not change the agency’s 2005 recommendation to avoid siting homes within 500 feet of freeways. “That’s a very basic health position that the agency has taken and we still stand by.”
    3. State air regulators have said that their 2005 guidelines had not, in fact, been replaced. Air Resources Board officials said they decided to supplement them in light of new science on freeway pollution and the effectiveness of air filters and other measures.
    4. Filters remove only some of the harmful ingredients in traffic pollution. And they’re effective only when the air is running and all doors and windows are closed. Most will not remove toxic exhaust gases such as benzene and 1,3-butadiene. To screen those out, you need more costly charcoal filters. (LA Times: Freeway Pollution Travels Farther Than We Thought)

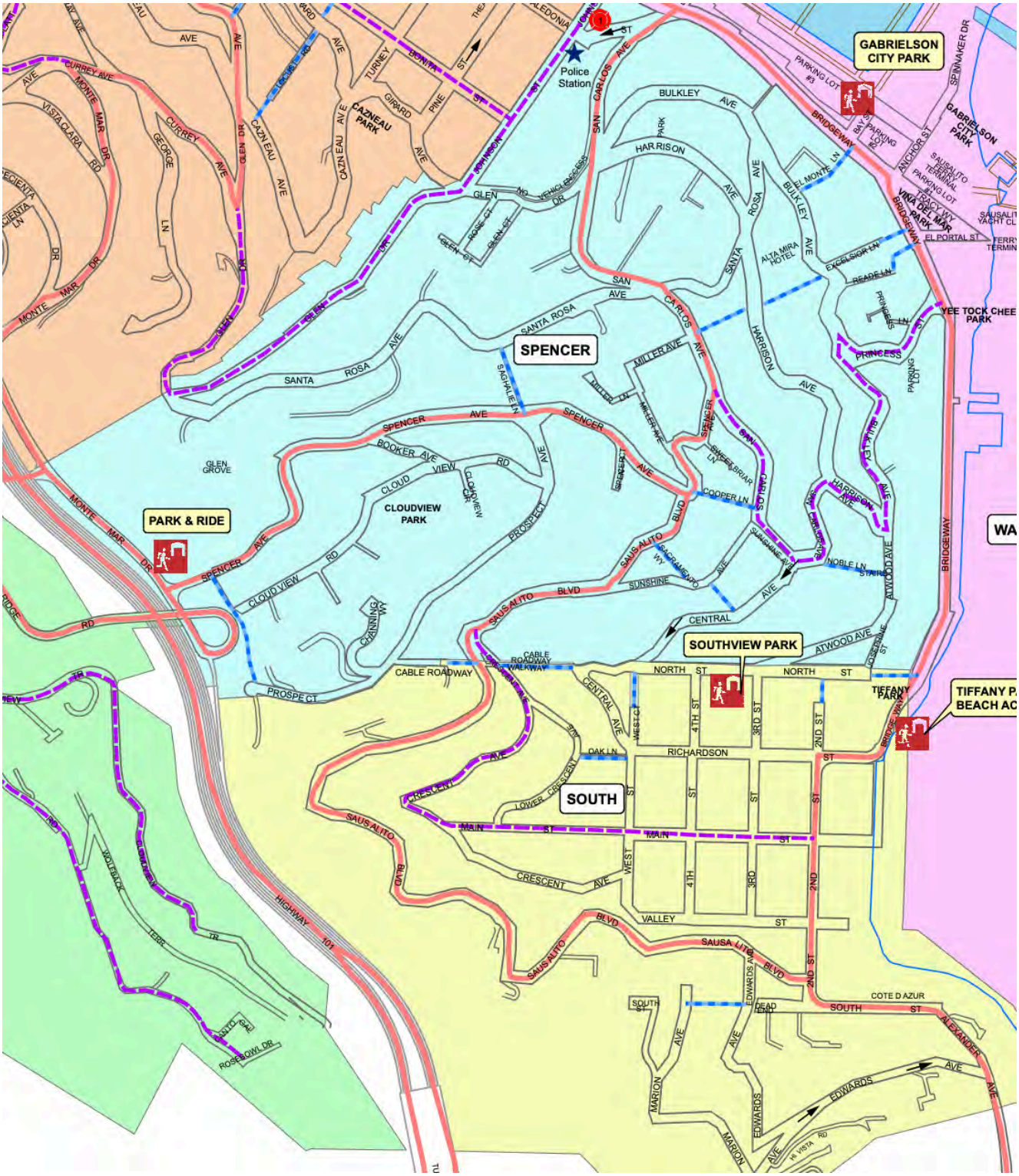
5. Several other sites have not been posted on the Housing Element List like the Alta Mira

In summary, the Spencer Firehouse site might appear as a good candidate for inclusion on the Housing Element. At a closer look, however, it fails to qualify and should be permanently deleted.

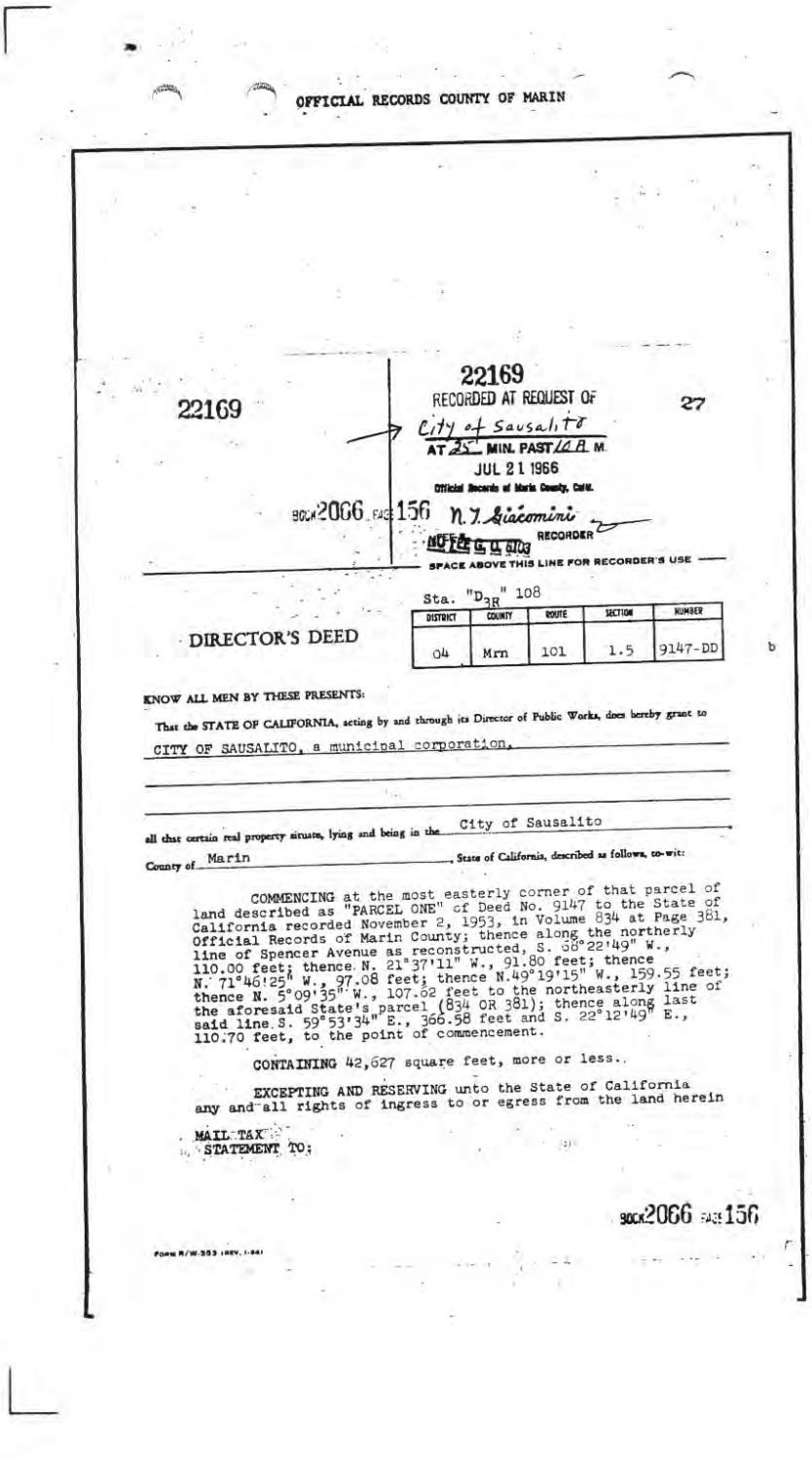
Sincerely yours,
John and Kate Flavin

I6-1 con't

Attachment ! Sausalito Evacuation Routes



Attachment 2 Deed for Firehouse property from the State of California, page 1



OFFICIAL RECORDS COUNTY OF MARIN

22169

22169
RECORDED AT REQUEST OF
City of Sausalito
AT 25 MIN. PAST 10 A. M.
JUL 21 1966
Official Records of Marin County, Calif.
N. J. Giacomini
RECORDER

27

BOOK 2066 PAGE 156

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Sta. "D 3R" 108

DISTRICT	COUNTY	ROUTE	SECTION	NUMBER
04	Mrn	101	1.5	9147-DD

b

DIRECTOR'S DEED

KNOW ALL MEN BY THESE PRESENTS:

That the STATE OF CALIFORNIA, acting by and through its Director of Public Works, does hereby grant to

CITY OF SAUSALITO, a municipal corporation,

all that certain real property situate, lying and being in the City of Sausalito

County of Marin, State of California, described as follows, to-wit:

COMMENCING at the most easterly corner of that parcel of land described as "PARCEL ONE" of Deed No. 9147 to the State of California recorded November 2, 1953, in Volume 834 at Page 381, Official Records of Marin County; thence along the northerly line of Spencer Avenue as reconstructed, S. 68°22'49" W., 110.00 feet; thence N. 21°37'11" W., 91.80 feet; thence N. 71°46'25" W., 97.08 feet; thence N.49°19'15" W., 159.55 feet; thence N. 5°09'35" W., 107.62 feet to the northeasterly line of the aforesaid State's parcel (834 OR 381); thence along last said line S. 59°53'34" E., 366.58 feet and S. 22°12'49" E., 110.70 feet, to the point of commencement.

CONTAINING 42,627 square feet, more or less.

EXCEPTING AND RESERVING unto the State of California any and all rights of ingress to or egress from the land herein

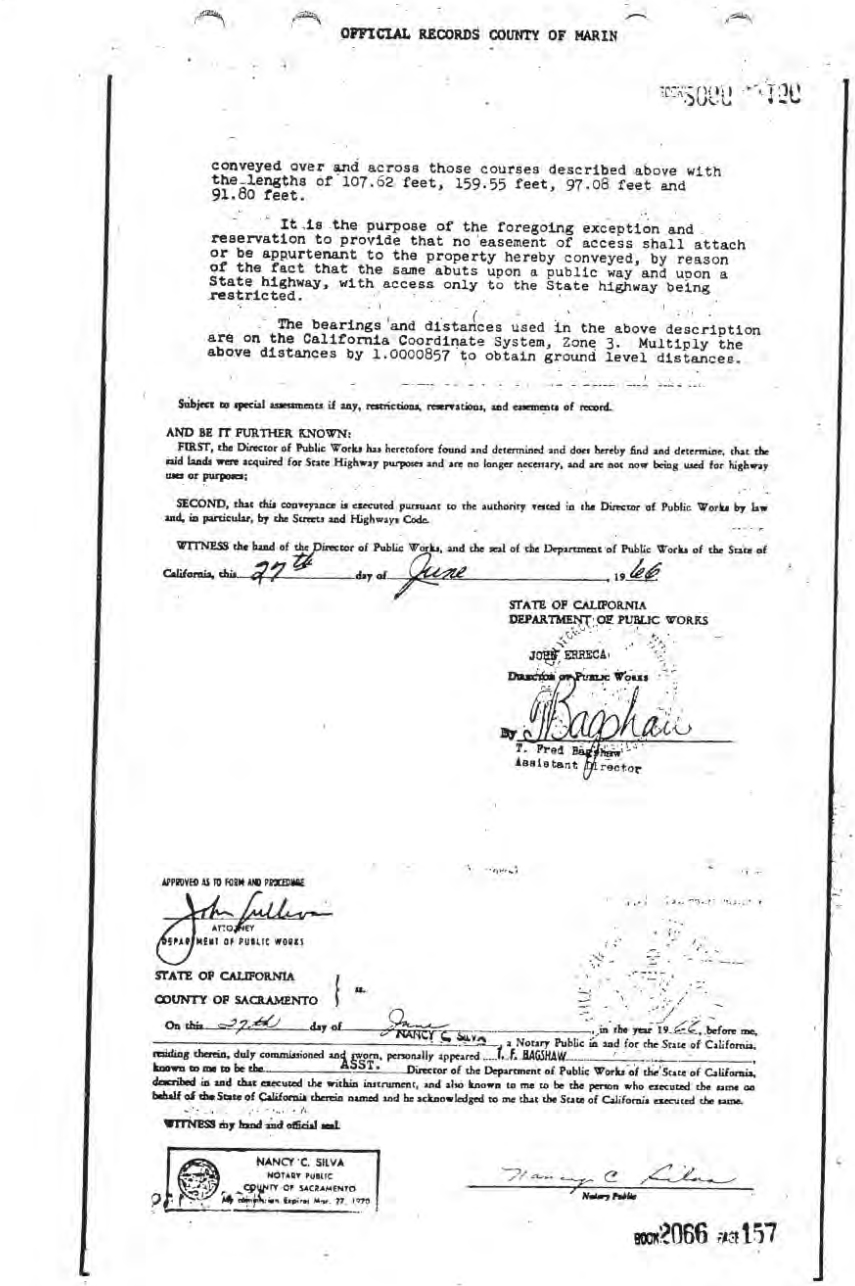
MAIL TAX STATEMENT TO:

BOOK 2066 PAGE 156

Form R/W 353 (REV. 1-66)

I6-1 con't

Attachment 2 Deed for Firehouse property from the State of California, page 2



OFFICIAL RECORDS COUNTY OF MARIN

BOOK 5080 PAGE 720

conveyed over and across those courses described above with the lengths of 107.62 feet, 159.55 feet, 97.08 feet and 91.80 feet.

It is the purpose of the foregoing exception and reservation to provide that no easement of access shall attach or be appurtenant to the property hereby conveyed, by reason of the fact that the same abuts upon a public way and upon a State highway, with access only to the State highway being restricted.

The bearings and distances used in the above description are on the California Coordinate System, Zone 3. Multiply the above distances by 1.0000857 to obtain ground level distances.

Subject to special assessments if any, restrictions, reservations, and easements of record.

AND BE IT FURTHER KNOWN:

FIRST, the Director of Public Works has heretofore found and determined and does hereby find and determine, that the said lands were acquired for State Highway purposes and are no longer necessary, and are not now being used for highway uses or purposes;

SECOND, that this conveyance is executed pursuant to the authority vested in the Director of Public Works by law and, in particular, by the Streets and Highways Code.

WITNESS the hand of the Director of Public Works, and the seal of the Department of Public Works of the State of California, this 27th day of June, 19 66

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

JOHN ERREA
DIRECTOR OF PUBLIC WORKS

By T. Baghaw
T. Fred Baghaw
Assistant Director

APPROVED AS TO FORM AND PROCEDURE
John Fullerton
ATTORNEY
DEPARTMENT OF PUBLIC WORKS

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO } ss.

On this 27th day of June, in the year 19 66, before me, NANCY C. SILVA, a Notary Public in and for the State of California, residing therein, duly commissioned and sworn, personally appeared T. F. BAGHAW known to me to be the ASST. Director of the Department of Public Works of the State of California, described in and that executed the within instrument, and also known to me to be the person who executed the same on behalf of the State of California therein named and he acknowledged to me that the State of California executed the same.

WITNESS my hand and official seal.

NANCY C. SILVA
NOTARY PUBLIC
COUNTY OF SACRAMENTO
My commission Expires Mar. 27, 1970

Nancy C. Silva
Notary Public

BOOK 2066 PAGE 157

I6-1 con't

Letter I6	John and Kate Flavin
Response	January 14, 2025

I6-1 This comment letter is identical to portions of Letter I5. Please see responses to Comments I5-3 through I5-18.

Gmail

Letter I7

Fwd: FW: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

1 message

Thu, Jan 23, 2025 at 9:24 AM

From: sandrabushmaker <sandrabushmaker@yahoo.com>
Sent: Wednesday, January 22, 2025 4:54 PM
To: Brandon Phipps <bphipps@sausalito.gov>
Cc: City Clerk <CityClerk@sausalito.gov>
Subject: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

We object to the EIR report of the Amended Housing Element specifically the inclusion of the Spencer Fire House, City Hall and the Berg Marinship Property in the Sausalito Housing Element. Please circulate this email to the City Manager, City Attorney and City Council as public comment. I7-1

Sent from my T-Mobile 4G LTE Device

Letter I7 Sandra Bushmaker
Response January 22, 2025

I7-1 The commenter identifies an objection to the EIR, specifically the inclusion of the Spencer Fire House, City Hall, and the Berg Marinship property in the Housing Element. These sites are addressed in Chapter 5, Alternatives, of the Recirculated Draft EIR. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

Letter I8

Gmail

Christina Erwin <cerwin@denovoplanning.com>

Fwd: FW: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

1 message

Beth Thompson <bthompson@denovoplanning.com> Fri, Jan 24, 2025 at 9:04 AM
To: Christina Erwin <cerwin@denovoplanning.com>

Sausalito Amended HE DEIR comment

-----Original Message-----
From: Kate Flavin <kflavin129@gmail.com>
Sent: Wednesday, January 22, 2025 8:48 PM
To: Brandon Phipps <bphipps@sausalito.gov>
Cc: City Clerk <CityClerk@sausalito.gov>
Subject: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

We object to the EIR report of the Amended Housing Element specifically the inclusion of the Spencer Fire House, City Hall and the Berg Marinship Property in the Sausalito Housing Element. Please circulate this email to the City Manager, City Attorney and City Council as public comment. I8-1

John and Kate Flavin

Letter I8 John and Kate Flavin
Response January 22, 2025

I8-1 The commenter identifies an objection to the EIR, specifically the inclusion of the Spencer Fire House, City Hall, and the Berg Marinship property in the Housing Element. These sites are addressed in Chapter 5, Alternatives, of the Recirculated Draft EIR. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

Letter I9

Gmail

Christina Erwin <cerwin@denovoplanning.com>

Fwd: FW: Objection to the EIR report of the Amended Housing Element

1 message

Beth Thompson <bthompson@denovoplanning.com> Fri, Jan 24, 2025 at 9:04 AM
To: Christina Erwin <cerwin@denovoplanning.com>

Sausalito Amended HE DEIR comment

-----Original Message-----
From: Noreen Spanski <nspanski@hotmail.com>
Sent: Wednesday, January 22, 2025 6:24 PM
To: Brandon Phipps <bphipps@sausalito.gov>
Cc: City Clerk <CityClerk@sausalito.gov>
Subject: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

We object to the EIR report of the Amended Housing Element specifically the inclusion of the Spencer Fire House, City Hall and the Berg Marinship Property in the Sausalito Housing Element. Please circulate this email to the City Manager, City Attorney and City Council as public comment. I9-1

Thank you,
Noreen Spanski

Sent from my iPad

Letter I9 Noreen Spanski
Response January 22, 2025

I9-1 The commenter identifies an objection to the EIR, specifically the inclusion of the Spencer Fire House, City Hall, and the Berg Marinship property in the Housing Element. These sites are addressed in Chapter 5, Alternatives, of the Recirculated Draft EIR. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

Letter I10

Gmail

Christina Erwin <cerwin@denovoplanning.com>

Fwd: FW: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

1 message

Beth Thompson <bthompson@denovoplanning.com> Fri, Jan 24, 2025 at 9:05 AM
To: Christina Erwin <cerwin@denovoplanning.com>

Sausalito Amended HE DEIR comment

-----Original Message-----
From: Margaret Collard <margaret.collard88@gmail.com>
Sent: Wednesday, January 22, 2025 11:42 PM
To: Brandon Phipps <bphipps@sausalito.gov>
Cc: City Clerk <CityClerk@sausalito.gov>
Subject: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

We object to the EIR report of the Amended Housing Element specifically the inclusion of the Spencer Fire House, City Hall and the Berg Marinship Property in the Sausalito Housing Element. Please circulate this email to the City Manager, City Attorney and City Council as public comment.

Important Addition to the above.

I drive to work daily via Spencer Ave and almost daily it's blocked by massive trucks.

Until recently, large trucks were not permitted through the narrow dangerous streets of Sausalito, they parked at the top of Spencer and smaller trucks were used for movers etc. I10-1

It's very dangerous should there be fires or flooding , the roads would be blocked and would cause deaths and injuries.

It's essential large trucks are not permitted throughout Sausalito as the wise council members in the past years took the precaution to prevent accidents and death.

Please keep Sausalito safe and vote against our town becoming another Vina Del Mar, our sister city in Chile that has become a MccDonald's haven. I was there to view the destruction. I10-2

Thank you for your support of our community, we don't need outside development. Remember you live here!

Letter I10 Margaret Collard
Response January 22, 2025

I10-1 The commenter identifies an objection to the EIR, specifically the inclusion of the Spencer Fire House, City Hall, and the Berg Marinship property in the Housing Element. These sites are addressed in Chapter 5, Alternatives, of the Recirculated Draft EIR. The commenter also identifies concerns related to traffic, narrow streets, and road blockages in a potential disaster event. The commenter is referred to Section 3.14, Transportation, in the Recirculated Draft EIR and Impact 3.8-5 in the Hazards and Hazardous Materials section of the Draft EIR regarding these issues. Caltrans District 4 designates the portion of Highway 101 that passes through Sausalito as a California Legal Route, which allows for trucks up to 75 feet long for a truck tractor, semitrailer and trailer.[N] The City of Sausalito designates Spencer Avenue as a Major Collector, which typically sees traffic volumes of 2,000-5,000 vehicles per day.[O] Collector roads serve to carry local traffic to the city's larger arterial roadway system. Spencer Avenue is not a designated truck route,[P] and large trucks are not permitted to block through traffic on any street. As shown in Figure 3.16-3 of the Draft EIR, Spencer Avenue is a primary evacuation route for the city, and it is important that all designated evacuation routes remain clear in the event of an emergency evacuation. Alternative 5 includes the potential development of Site 14, the Spencer Fire House. As discussed in Impact 4.5-41 in the Recirculated Draft EIR (beginning on page 4-151), Site 14 would be close to Highway 101, which would be an evacuation route in the event of an emergency. However, the overall effects of emergency evacuation under Alternative 5 would be similar to those under the Amended Housing Element as some units would be moved closer to Highway 101 (Site 14) and some units would be moved farther away from Highway 101 (Site 52). Therefore, impacts related to emergency evacuation would be less than significant under both the Amended Housing Element and Alternative 5.

I10-2 This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

[N] California Department of Transportation (Caltrans), 2023. Truck Networks on California State Highways, District 4. Map last revised June 2, 2023. Available: https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/trucks/truckmap-d04-a11y.pdf. Accessed: February 2, 2025.

[O] City of Sausalito, 2021. Sausalito General Plan, Circulation and Parking Element, Table 5-1 and Figure 5-1.

[P] City of Sausalito, 2021. Sausalito General Plan, Circulation and Parking Element, Figure 5-2.

MEMORANDUM (rev.)

MICHAEL REX ARCHITECTS

Date: January 24, 2025
Subject: **Recirculated Draft EIR for the Amended Housing Element (12/2024)– Public Comment**
To: Neal Toft, Principal Planner, City of Sausalito Community & Economic Development Dept.
Via email: Amended_HE_Draft_EIR_comment@sausalito.gov
From: Michael Rex Architects Ltd. on behalf of property owners Kathryn & Michael Abbassi
Project: 2400 Bridgeway Building, Sausalito, Opportunity Site 401

We are writing on behalf of our clients, Kathryn & Michael Abbassi, who own 2400 Bridgeway (also known as Opportunity Site 401). This memo is in response to the Notice of Availability we received via email on 12/13/2024 regarding the Recirculated Draft Environmental Impact Report for the Amended Housing Element. We have reviewed the subject document and offer three comments below. I11-1

Recirculated Draft EIR – Public Comment:

1. Alternatives 1A & 1B: We urge the Planning Commission and City Council to NOT adopt either Alternative 1A (no project) or Alternative 1B (previous Housing Element which does not include Opportunity Site 401 at 2400 Bridgeway). Neither of these alternatives are good solutions for the City for many reasons. I11-2

2. Alternative 1B / Liquification area: Discussion of this Alternative in the Recirculated Draft EIR on page 4-14 suggests that opportunity site 401 may be in an area with "very high liquification". According to a professional engineering report by EQE Engineering, Opportunity Site 401 is NOT an area of high liquification. In the report "Seismic Evaluation of the Building at 2401 Marinship Way [now known as 2400 Bridgeway]" EQE Engineering states, "The Liquification potential is moderate and does not present a significant hazard to the building since the soil does not have loose sands that contribute to liquification and the entire structure is supported on piles into firm soil below." We respectfully request that mention of Site 401 be removed from this sentence on page 4-14. I11-3

3. Alternative 5 / View Corridors: Discussion of Alternative 5 on page 4-40 states: "future development of Opportunity Sites 39, 47, 301, **401**, . . . all located east of Bridgeway, could obstruct or alter views of Richardson Bay." We want to quell any concerns that the envisioned housing at Site 401 could block views. Future expansion of Site 401 will NOT obstruct or alter views of Richardson Bay, given the existing setting of the site and its relationship to the surrounding homes and views. Our clients envision keeping their existing building, converting most of it to housing units, and expanding it only at the third floor, over the existing second floor roof areas. Our clients do not envision increasing the height of the building beyond the existing third/top floor of the building. The extension will not block any existing public or private views of Richardson Bay. I11-4

In fact there are no existing public views of Richardson Bay from Bridgeway over this site, nor from areas east of the site, since the existing sight lines are already blocked by trees, buildings, and other site elements.

As for private views, the buildings to the west of Site 401 are situated such that they are either so low they have no views of the water (the Willow Creek & Whiskey Springs developments), or they are so far away and high on the hillside they look entirely over Site 401 to the water (such as views from homes on Lincoln Dr.). There are many trees in the area uphill from Site 401 which provide visual screening as well.

The photos in Attachment A show the views to the west of Site 401, taken from the roof in the areas we envision expanding the building. The photos illustrate that there are no visible windows in these views which would be blocked by development at Site 401.

Additionally, Site 401 does not impact any of the existing "View Corridors" identified in the Sausalito General Plan. The Site is located between View Corridor C (Harbor Drive) and View Corridor F (Wateree Street). Those view corridors' sightlines do not actually cross Site 401, as illustrated in the map in Attachment B.

I11-4 con't

The photos in Attachment B are taken from the western ends of both View Corridor C and View Corridor F, looking towards the water. It is clear that expanding the existing building at Site 401 will not impact those View Corridors.

So, in response to what is stated in the EIR page 4-40, the envisioned expansion at Site 401 will not obstruct or alter views of Richardson Bay.

The Abbassis are very enthusiastic to participate in the Housing Element Program 4 as Opportunity Site 401 at 2400 Bridgeway and help ease the housing crisis by adding housing units to Sausalito.

End of Memorandum

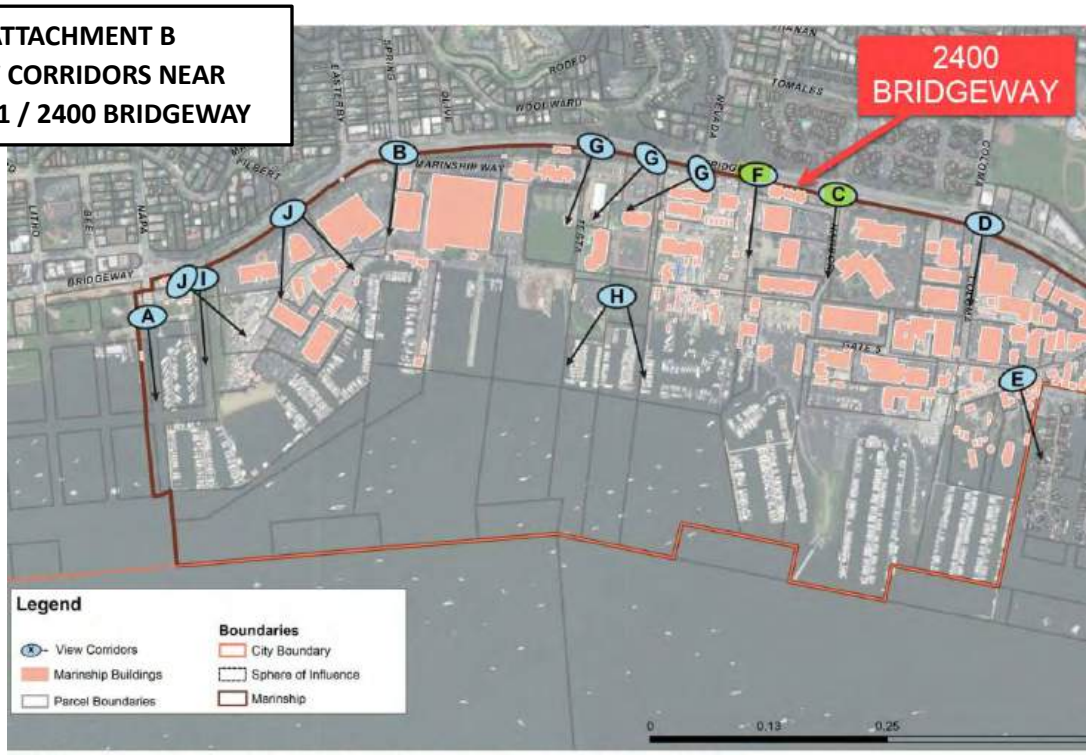
Attachment A: Views from Roof of Site 401 / 2400 Bridgeway
Attachment B: View Corridors

ATTACHMENT A
VIEWS FROM ROOF OF
SITE 401 / 2400 BRIDGEWAY

2400 BRIDGEWAY

I11-4
con't

ATTACHMENT B
VIEW CORRIDORS NEAR
SITE 401 / 2400 BRIDGEWAY



SAUSALITO GENERAL PLAN UPDATE
FIGURE 4-4: VIEW CORRIDORS

I11-4
con't

Letter I11 Michael Rex Architects, on behalf of Kathryn & Michael Abbassi
Response January 24, 2025

I11-1 It is acknowledged that the commenter represents the property owners of Opportunity Site 401.

I11-2 The commenter's recommendation regarding not adopting Alternatives 1A and 1B, as neither is a good solution for the City is noted, and will be will be forwarded to decision makers for their consideration. This comment does not address the adequacy of the Draft EIR.

I11-3 The commenter refers to the discussion of Alternative 1B in the Recirculated Draft EIR and identified areas of liquefaction, particularly the suggestion that Opportunity Site 401 may be in an area with very high liquefaction potential. Text on page 4-4 of the Recirculated Draft EIR indicates that Opportunity Site 401 is within an area of very high liquefaction susceptibility. This is supported by Figure 3.6-3, Liquefaction Hazard, in the Draft EIR. MarinMap Map Viewer broadly maps property characteristics throughout Marin County, including liquefaction susceptibility. Because these areas are broadly mapped, and not mapped at the individual parcel level, some data may be fully reflective of on-the-ground conditions.

The comment cites an engineering report, "Seismic Evaluation of the Building at 2401 Marinship Way [now known as 2400 Bridgeway]" prepared by EQE Engineering that describes Opportunity Site 401 as having "moderate" liquefaction potential, although this report was not provided as part of the comment. The Building Department reviews plans and applications for site clearance, grading, and building permits to ensure compliance with Municipal Code Chapter 8.08 and imposes requirements for revisions where needed to ensure that new or significantly remodeled structures are constructed in compliance with the CBC, and reflect any additional measures deemed appropriate based on geotechnical analysis. General Plan programs are in place to require the preparation of site-specific geotechnical reviews to identify site-specific geologic conditions prior to the issuance of grading or building permits (Program HS-1.2.4). General Plan Program HS-1.2.3 states that proposed development within certain geologic zones may be required to prepare geologic and/or geological feasibility reports, and possibly subsurface investigation reports. Where subsequent site-specific investigations identify that there are no hazards, such as suggested by the commenter for Site 401, then the City would proceed with the recommendations of a qualified engineer upon review and verification by City staff.

I11-4 The commenter describes current development plans for Site 401 in relation to potential impacts to aesthetics and views. As described in Chapter 2, Project Description, of the Draft EIR the Amended Housing Element assumed a "realistic capacity" based on the potential for some sites to develop at less than the full density. For the purpose of the EIR, the maximum capacity of each site based on the allowed density and floor area ratio for residential units and, where applicable, non-residential uses that would be allowed under amended Program 4 is evaluated.

Under the Amended Housing Element, Opportunity Site 401 would be rezoned from Industrial (I) to Housing-29, which would allow up to 29 units per acre. The EIR anticipated development of up to 19 residential units on Opportunity Site 401, even though that amount may be more than what a specific project may ultimately propose. The proposed Housing-29 zone would allow for a maximum building height of 32 feet and 3 stories.

The aesthetics analysis for Alternative 5 is a conservative analysis, as are all of the analyses presented in the Draft EIR and Recirculated Draft EIR. While it may be possible that, due to topography and intervening structures and landscaping, the retention of the existing structure on Opportunity Site 401, plus a small addition on the third floor would not adversely affect views of Richardson Bay or existing view corridors. The Amended Housing Element would allow development at higher intensities than exist on the site and development other than that currently proposed could occur. However, development on Opportunity Site 401 could be designed in such a way as to avoid obstructing views.

1-23-2025

Draft EIR for the Sausalito Amended 6th Cycle Housing Element Public Comments

Submitted by Lito Brindle

Just wanted to reiterate the request that Commute Maps be a part of the EIR for the amended 6th cycle housing element. Talk about your environmental impacts! I talked to a teacher at Sausalito-Marin City's public school recently (a Black woman, incidentally), at a groundbreaking event for what's now called the Nevada Street Campus of MLK Academy (formerly Bayside, Willow Creek, Knudsen Field, etc.), and, because I'm interested in these issues, I asked, "Where do you live?" She responded, "Tracy. Mountain House." A state of affairs that we subsidize. Basically, the further you live from your workplace, the more subsidized you are. Meanwhile I had parked about a block away, and I noticed as I got back to my car that the double mailbox of a nearby house was hanging askew and the windows were boarded up. I asked a nearby resident, "Is this house abandoned?" And they said, "Yes. So is that one," pointing to a house two doors away.

I12-1

Wouldn't it be more unassailably logical, just, fair, reasonable, salutary, efficient, etc., to subsidize that Sausalito Essential Worker living in one of those available houses a block away than to subsidize her living in Tracy? Wouldn't that be a shining example of "affirmatively furthering fair housing" (can we drop that silly euphemism and speak frankly? Sounds like a bad Stevie Wonder album)?

In other words, we did a FANTASTIC, commendable job of preserving open space here in Marin. It is part of our proud lore as a county, and those who led the effort are correctly regarded as visionaries and heroes. The thing is, we very evidently did not go far enough. We made a mistake in not setting aside any of our absurdly modest housing stock for the ONE category of people who MUST physically occupy this geography: Essential Workers. The result is that we let it ALL go away to the highest bidder and within two or three generations we went from an organic ZIP Code Village to basically a sundown town.

I12-1 con't

The Dorothy Gibson house represents the solution. Now that it is about to come on line let us all pay close attention to how the experiment plays out. Absurdly modest houses like that turn over at a pretty

I12-2

steady rate, but they are snapped up by mysterious investment LLCs, etc. What Marin needs is a Second Wave of Preservation focused on HOUSING, until we can proudly say that we house the ones who MUST be here, the ones without whom, by definition, our communities cannot function. We are now like organisms undergoing daily dialysis, as our lifeblood enters and exits the body civic each and every day. This is what accounts for the sallow, pallid, flaccid condition of our civic and community and cultural life. Let's avidly, entrepreneurially focus on these houses as they turn over, and figure out how we can set them aside FOREVER. Because you may be sure that there is avid, entrepreneurial energy focused on turning them over to the highest bidder.

I12-2 con't

I would liken it to the Clean Water Act, which was born the same year as me, 1973. EVERY city and town dumped its untreated sewage into the waters of the US, and EVERYONE agreed that it was a public nuisance and a very real public health menace. But nobody did anything about it until "the State," more broadly speaking, said to cities and towns: "You SHALL treat your sewage." AND, importantly, "the State" – OUR government (purportedly) – came through with the resources – OUR tax money (undoubtedly) – to construct the necessary complex sewage and stormwater treatment infrastructure. And now we all get to live in a world in which we are not wading in raw sewage.

I12-3

We need a similar solution for the very evident public nuisance, and the very clear and present public health menace, of traffic. We need "the State" to say to cities and towns: "You SHALL treat your traffic." And then come through with the resources – OUR tax money – to set aside Traffic Obviating Infrastructure/ZIP Code Village Housing. It doesn't seem unreasonable to insist that some significant percentage of the massive transportation-and (in particular)-infrastructure budget ought to be set aside for such Traffic Obviating Infrastructure, each unit of which represents a de facto EXPANSION of infrastructure, taking 10 freeway trips a week off the overburdened network. And then we all get to live in structurally equitable true communities much nearer to Vision Zero.

I12-3 con't

So, let's get Commute Maps, for starters. There is ONE category of person who MUST occupy a particular "community," geography, etc. They're called Essential Workers. It seems reasonable to point out that if Sausalito doesn't house its own Essential Workers – the people who MUST be there, the people without whom, by definition, the "community" cannot function – then Sausalito is responsible for the regional traffic chaos that failure sets in motion. We should not be subsidizing that chaos, in the meantime. It's too late for the $800 million Marin-Sonoma narrows Highway 101 expansion project, but

I12-4

they want to replace Highway 37 at a cost of $6-8 BILLION, they want to throw a whole bunch of money at improving the 101-580 interchange, etc., all of which amounts to a massive public subsidy for people NOT living where they work. You would think we wanted to foster such behavior. Let's subsidize people living where they work, instead. You COULD argue, too, that those massive public investments in Sausalito's teacher living in Tracy ARTIFICIALLY AND UNJUSTLY DEPRESS HER INCOME, because without that massive public investment, Sausalito would have to pay her enough TO AFFORD TO LIVE IN SAUSALITO.

I12-4 con't

So, please get Commute Maps as part of your analysis of Environmental Impact. Please answer the question: Where do the people that work here live, and where do the people that live here work? Commute Maps posted prominently at Sausalito's Essential Workplaces, so everyone can see them when they walk into the school/grocery store/post office/firehouse/police station/restaurant etc., and when they log onto their websites. There's a reason that people are up in arms when gas prices spike, and the governor professes indignation and vows action – it's because gas stations are REQUIRED to post prices. Let's "be a leader" and post and publicize our town's commutes.

Also, please try and quantify that subsidy. How much public money do we spend for Sausalito's Essential Workers to live all around the region, and beyond? Wouldn't it cost far less to SUBSIDIZE THEM LIVING WHERE THEY WORK? And also be, like, way better for everyone concerned? I think around 4,000 people die on California's roads EVERY YEAR, 10 or more people a day, because of this traffic mess that we have wrought. I would say that qualifies as a public health emergency…..AND a significant Environmental Impact. Does nobody else find it funny that we should be expressing such consternation that "transportation" is California's number 1 greenhouse gas contributor after more than a century of issuing a blank check for transportation infrastructure? After a century of issuing a blank check for Traffic INDUCING Infrastructure, in other words, let's direct our energies to providing Traffic OBVIATING Infrastructure – ZIP Code Village Housing, housing that is available exclusively to the ONE category of person who MUST be here, Sausalito's Essential Workers (check out ottomaps.com's Bay Area ZIP codes maps and imagine the traffic calming effect of Essential Workers living in the ZIP codes they serve). Now thanks to Dorothy Gibson, when the State reasonably asks: "How much Traffic Obviating Infrastructure/ZIP Code Village Housing have you set aside Sausalito?" At least we don't have to respond, "Zero." We can proudly say, "One." But in one of the most coveted geographies near the core

I12-5

I12-6

of a great megalopolis in California, the fourth or fifth largest economy in the WORLD……doesn't it seem silly that we should have to rely on the charity of senior citizens to meet our housing obligations?

I think it's useful to tell these housing stories too, to groundtruth policy and planning. Whatever you imagine your policy and planning are accomplishing, here's what we're actually living on the ground. For example, I know a teacher who taught at the same SF public school for almost forty years. They started in the Fall of 1986, and JUST retired a year or two ago. During all of that time, they commuted, and supercommuted. First from San Rafael, then Sonoma County (to buy a "starter home," which even then required a supercommute), then unincorporated Contra Costa County, to buy a proper home on a proper lot. Try and imagine the public subsidy required for them to supercommute for all of that time. And the old narrative has been that buying a home in that manner has been a way for working people to build wealth. Except that, when they retired after nearly four decades of essential service to a single "community" (far removed from the "communities" in which they resided), they still owed Wall Street $300,000 to "own" their home. Now I ask you: Had they been provided decent, modest housing in the ZIP code they served in an essential capacity for all of that time, for free (INSTEAD of first class, unprecedented in the history of humankind supercommute infrastructure, FOR FREE) – wouldn't that

I12-6 con't

have been better for all concerned, and an equally good or better way for them to "build wealth"? IE, keep their paycheck – and have ALL of it to save/invest/SPEND -- instead of signing it over to Wall Street every month? ZIP Code Village Housing. Traffic Obviating Infrastructure. Is this not a more compelling vision?

I12-6 con't

Also, I was an Essential Worker myself for the Marin Municipal Water District on a maintenance crew of 6 (before I recently retired and became an Essential Worker Emeritus, which, just like Obi Wan Kenobi, tends to make Essential Workers more powerful than you can possibly imagine). Of the six of us, only one lived in the ZIP code in which we worked. Some lived across the Bay, beyond the 101-580 interchange "planners" now want to spend, probably, hundreds of millions of public dollars to "improve." Some lived at the far end of that $800 million Marin-Sonoma narrows project. One lived in American Canyon, at the far end of some of the $800 million Marin-Sonoma narrows work AND Highway 37, which they now want to spend $6-8 BILLION of public money to replace and "improve." And some of these folks were on the "standby crews," the people who get out of bed at 3 AM when a water main bursts and promptly show up and restore service. It took a long time to dawn on me that the one person who lived

I12-7

in the (increasingly prohibitively priced) ZIP code in which we worked BENEFITTED FROM NO SUBSIDY, while the way of living of all of the rest of us was HEAVILY subsidized. What's wrong with this picture?

I12-7 con't

Meanwhile, I think we need a better picture of how the housing we already have in Sausalito is being used. Who owns it? Who occupies it? One gets the impression that Sausalito these days is occupied almost exclusively by people who might live ANYWHERE, while almost NONE of the people who MUST be here live here. Please include that information as part of this analysis. Also, we need to be intently, ENTREPRENEURIALLY interested in how Sausalito's housing changes hands. Much of this town's housing stock, let's face it, is ABSURDLY modest in scale, reflecting the fact that it was organically occupied by Essential Workers of modest means until just within the last couple generations gradually then suddenly the whole world apparently came to covet it. That absurdly modest housing turns over at a pretty steady rate – so who does it go to? Let's answer that question. Or are we content for our "community" to be treated like a Monopoly board? To house our own Essential Workers it would be easier to go after that ALREADY EXISTING, perfectly organically scaled and ideally located modest housing as it turns over. A robustly funded Community Land Trust would probably be the best way to go about that, let's throw our energies and resources behind a CLT so that we have enough Dorothy Gibson houses to house our

I12-8

own Essential Workers. Lucky ZVH (ZIP Code Village Housing) recipients could be required to be disaster relief workers, a bargain I think they would be glad to make. How's that for a resilient city?

I12-8 con't

Meanwhile, don't surplus any public land, that might be the best place to add ZVH if we can't claw back enough existing housing to provide a sufficiency.

I12-9

Also, can someone disabuse me of the perception that "induced demand" isn't at play here? In other words, it recently dawned on me that saying, "The housing is totally oversubscribed, we should add more housing, like, yesterday," is kinda like saying, "The freeways are totally oversubscribed, we should add more freeway lanes." If you zoom out geographically and chronologically you'll see that CA is by FAR the most populous state, after a century or more of aggressively expanding housing (especially since the War. See the Wikipedia for Milpitas for a probably pretty representative warts-and-all summary of how cities have grown since the War). The result? An apparently ADVERSE effect on affordability, "The Valley of Heart's Delight" is now Silicon Valley, paradise has been paved, etc. And our region is an inequitable,

I12-10

chaotic mess. Hasn't aggressively expanding housing throughout CA just had the effect of inducing demand, to the point that 1 in 8 Americans now lives here?

I12-10 con't

Can we agree to drop the pretense that we know what we're doing? Will you suspend belief with me? "RHNA," to me, has the whiff of someone's mildewed postwar dissertation. Take it from Wikipedia…

"The **Regional Housing Needs Assessment** (RHNA) is the California state-mandated process within the housing element of its General Plan, to determine how much housing must be planned for each jurisdiction (city or unincorporated county) according to Housing Element Law to meet 'projected and existing' housing needs at a variety of affordability levels. Based on demographic data, the state calculates housing need in coordination with each region's planning body, known as a Council of Governments (COG). Once the state and the COG agree, the COG is responsible for the allocation among all jurisdictions within that region through a RNHA Plan. Housing elements are then reviewed by the California Department of Housing and Community Development (HCD) and must be adopted by the jurisdiction which is then responsible for ensuring there are enough sites and proper zoning to

I12-11

accommodate its RHNA allocation. The cycle repeats every eight years.[1][2][3] Jurisdictions which fail to adequately accommodate projected growth as determined by HCD are subject to fines from $10,000 per month to $600,000 per month.[4][5]

The RHNA process was created with the passage of AB 2853 (Chapter 1143, Statutes of. 1980) in 1980, which was authored by Assemblyman Mike Roos (D-Los Angeles) and made previously advisory housing guidelines mandatory.

Cycles

[edit]

List of cycles

[edit]

- First Cycle: 1981
- Second Cycle: 1984-1986
- Third Cycle: 1999-2001
- Fourth Cycle: 2003-2011

I12-11 con't

- Fifth Cycle: (January 1, 2013 - December 31, 2020)
- Sixth Cycle: 2023-2031

Sixth Cycle Objections

[edit]

UCLA Study

[edit]

Gavin Newsom had declared in his 2017 gubernatorial campaign, “As governor, I will lead the effort to develop the 3.5 million new housing units we need by 2025, because our solutions must be as bold as the problem is big.”[6] In 2022, the sixth cycle RHNA figure for the eight-year period 2023-2031 came in at 2.5 million, a million below the Governor's promise and yet more than double what the fifth cycle goal had been of 1.2 million.[7] The Embarcadero Institute emphasized the 2.5 million figure was based on New York as a benchmark while Texas would result in an assessment of 1.5 million.[8] UCLA noted that actual construction does not tend to meet assessments; for example, over the Housing Element planning period covering 2003–2014, permitted construction only met 47 percent of assessed needs. The study by UCLA found that not enough land exists in the state of California to have met Governor Newsom's

I12-11 con't

ambitious target, and most of the land that is available for building lies in areas where there is no demand.[9]

California State Audit

[edit]

In early 2022, the California State Auditor reviewed the sixth cycle RHNA and determined that "HCD does not ensure that its needs assessments are accurate and adequately supported." Multiple areas were identified in which the auditor reported "HCD must improve its process." HCD's needs assessments also relied on some projections provided by the Department of Finance which failed to support assumptions made. The auditor reported the Finance Department "cannot ensure that it is providing the most appropriate information to HCD" without reevaluation; and regarding HCD projections stated that "insufficient oversight and lack of support for its considerations risks eroding public confidence."[10]

I12-11 con't

Embarcadero Institute Audit

[edit]

The President of the Embarcadero Institute, Gab Layton PhD, reported double counting in the sixth cycle RHNA assessments. His report claims the use of an incorrect vacancy rate and double counting, inspired

by SB-828, caused the HCD to exaggerate housing needs in Southern California, the Bay Area and the Sacramento area by more than 940,000 units. Four regional planning agencies cover the 21 most urban counties and account for 80% of California's housing, and all four of these regions saw a significant jump in the state's assessment of their housing need for the sixth cycle. These regions include the San Diego region, six southern California counties, the Greater Bay Area, and the Sacramento area. The Embarcadero Institute audit found Senate Bill 828 had been drafted absent a detailed understanding of the Department of Finance's methodology for developing household forecasts, and absent an understanding of the difference between rental and home-owner vacancies, leading to a series of double counts. Layton stressed that inaccuracies on this scale mask the fact that cities and counties are surpassing the state's market-rate housing targets but falling far short in meeting affordable housing targets; the inaccuracies obscure the real problem and the associated solution to the housing crisis — the funding of affordable housing.[11]

I12-11 con't

Department of Finance - Population Revisions

[edit]

The California Department of Finance revised the state population projection to 2060 down to a flat 39.6 million, compared to the current population which is just over 39 million.[12] The new projection is 4.7

million lower than the original projection made two years earlier, which is more people than live in 26 states. In 2007, the population had been projected to grow to a staggering 59.5 million residents by 2050.[13]"

I12-11 con't

Can someone, as part of this effort, publish the 6th Cycle RHNA numbers for Pacific Palisades and Altadena? How about the numbers for cycles 1-5 for those places? How many units of housing did the State think it was a good idea to load into the business end of a flamethrower? Don't forget, the State thought the Embarcadero freeway was a good idea. "The State", more broadly speaking, thought Vietnam was a good idea. Can you imagine the amount of earnest, credulous "planning" that went into that futile effort?

I12-12

All of this "planning" effort we are credulously, earnestly expending is in service to some previous generation's, or individual's, failed vision. "Arbitrarily grow, everywhere, indefinitely" IS NO PLAN AT ALL. Let's see if we can't imagine something better for the world WE are living in.

Thanks! I'm appending my NOA and NOP comments too, forgive me if I repeat myself.

Anyone who is interested in starting a 94965 Community Land Trust, please get at me.

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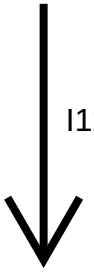
NOP public comments

Since “environmental quality” and “environmental impact” are the watchwords, can we all take a moment to appreciate what an environmental catastrophe it has been for us to perpetually expand



I12-13

roads and freeways in our particular megalopolis, and in California's other ones? Is there no one else who finds it funny that we should express consternation that "transportation" is California's number one greenhouse gas and climate change contributor, after more than a century of issuing a blank check for transportation infrastructure?

In fact, we subsidize people NOT living where they work. Basically, the further you live from your workplace, the more subsidized you are. After more than a century of providing Traffic Inducing Infrastructure, I would suggest it's time to provide Traffic Obviating Infrastructure – not in the form of "transit," which ALSO represents a subsidy for people NOT living where they work, but in the form of Zip Code Village Housing, housing zip code by zip code that is available exclusively to the Essential Workers who serve that particular zip code.

I12-13 con't

We organically HAD Zip Code Villages of course, for a post-War generation or two there. But unfortunately, just within my lifetime, the ENTIRE WORLD has apparently turned its covetous eye on this little arbitrarily circumscribed geography and its absurdly modest homes. And the 94965's Essential

Workers – most of whom, let's face it, are negligibly compensated compared to the people who live here now – have been displaced further and further to the far margins of the region. A displacement that we SUBSIDIZE, to the tune of billions and billions of dollars, when you add it all up. So, not only do we expect Essential Workers to build the Monopoly board, maintain it, feed, care for, educate, etc., its denizens, but now apparently we expect them to leave it at the close of business each day, and come back tomorrow. Money is no object to get the Essential Workers out of town. Is this the kind of "community" you want to live in? Are you not ashamed of this state of affairs?

I12-13 con't

Here's a good anecdotal example: I recently went to the groundbreaking ceremony at the Nevada Street campus of MLK Academy (formerly Bayside/Willow Creek, the site of beloved Konnie Knudsen Field). Because I'm interested in housing and regional issues, I chatted up a teacher there – a Black woman, incidentally – and asked her, "Where do you live?" Her response was "Tracy. Mountain House." As I left and walked to my car about a block away I noticed a cockeyed mailbox and boarded up windows on the house I had parked in front of, and I asked a neighbor, "Is this house abandoned?" And they responded, "Yes." And, pointing two doors down, added, "So is that one." As I pointed out in earlier comments, I

can point to MANY such houses around town, as well as ones that are obviously seldom occupied pied e terres, others that are perpetually “under construction” and obviously unoccupied. Etc.

So, if you really believe in diversity, equity, and inclusion, and in affirmatively furthering fair housing (whatever that means – will there come a day when we can talk about these issues of equity that are critical for the survival of our tenuous republic and have the courage to not resort to these linguistic-equivalent-of-the-proverbial ten foot pole euphemisms?) which get a lot of lip service around here, I would merely point out that the Diverse population we ought to be immediately Equitably Including are right under our noses. They are already in our “community,” all day every day. They are called Essential Workers, the people without whom, BY DEFINITION, our “community” cannot function. Not only have we allowed them to be displaced, we have subsidized that displacement with wild abandon.

I12-13 con't

So what I would ask, under the “mitigation and monitoring” heading, I guess, is that this analysis provide us with commute maps. Who are the 94965’s Essential Workers, and where do they live? How do they get back and forth? I’ve heard some of our so-called first responders live as far away as Truckee. Where

do the people who work in this zip code live, and where do the people who live in this zip code work? Helping, subsidizing, fostering, facilitating people LIVING WHERE THEY WORK ought to be the goal of "urban planning" going forward, I would argue. And it's more than a little bit urgent. Ten people a day die on California's transportation network, according to CalTRANS' own website. Even excluding climate impacts, that would seem to qualify as an environmental health hazard, to say nothing of a public health state of emergency. If I did my internet research right, that is a higher rate of death than US SERVICEMEN IN VIETNAM.

I12-13 con't

So, commute maps please, for Sausalito's Essential Workers. I've read claims that adding housing will magically REDUCE traffic – even without designating a reasonable amount of it as Zip Code Village Housing – so let's get the baseline data to see whether these efforts do in fact shrink or lengthen Sausalito's commute map (a BETTER "mandate" from the state, I would argue, than "Arbitrarily grow, everywhere, indefinitely," which is what "RHNA" seems to amount to, would be to say to cities and towns: You SHALL house your own Essential Workers. Halve your commute map, at least). Also, as part of that analysis, can you quantify the COST of Sausalito's Essential Workers living in such far-flung locations? My theory is that it would be demonstrably cheaper and more efficient for us to subsidize

Essential Workers living where they work than it is for us to subsidize them living entire counties, or even multiple counties (even states, perhaps?) away. You always hear talk of wanting to "be a leader" on this issue or that, or be perceived as one……why not be a leader on that, Sausalito? Housing Essential Workers WHERE THEY WORK also would represent a de facto EXPANSION of infrastructure, in that it would subtract those car trips from California's Great Tragic Commons every day, leaving it for the goods and citizens who actually MUST move about on it.

Also, there was something in there about zoning changes? This just dawned on me, but most of us, I think, view a house as a place to *live*, a place from which to build a life. Its magical wealth-building function is nice and everything, but secondary to our gratitude at having a place to call our own. Meanwhile, GREATLY exacerbating this affordability crisis, a phenomenon has arisen in which an investor class – a group of people who already literally have more money than they know what to do with – covets these modest homes *PRECISELY FOR THEIR MAGICAL WEALTH-BUILDING PROPERTIES*, and nothing more, and ordinary citizens can't compete with their deep pockets. So increasingly you have the OPPOSITE of the Jeffersonian ideal vis-à-vis a healthy republic of many SMALL landholders, each with an actual STAKE in the republic. Can you map and analyze THAT, too? Who owns Sausalito's homes, and

I12-13 con't

who occupies them? When more and more of us are excluded, you may be surprised to find us clowning your consternation over, for example, sea level rise, and hollering, to paraphrase Watts: "Rise, baby, rise!"

But I digress. What I recently perceived is that those two "uses" – a house-as-a-place-to-*live* versus a house-as-a-commodity-to-be-flipped-or-held-or-liquidated-etc – ARE IN CONFLICT WITH EACH OTHER, are as incompatible as "commercial" versus "residential" versus "industrial," etc. It's a "land use" issue, a zoning issue. We drew a hard line around our open space here in Marin, but we evidently didn't go far enough. We ought to have drawn a hard line around some reasonable percentage of the housing so that our Essential Workers wouldn't get displaced. But hey, none of us saw this phenomenon coming, right? If we had, we'd all be rich. Because our vision failed in that regard though, doesn't mean we can't fix it and claw back some of these absurdly modest homes as Zip Code Village Housing, forever. Can you draw such a hard line with zoning? Isn't that what zoning is, an arbitrarily drawn hard line? Can we zone some Zip Code Village Housing districts? In that way we might preserve those absurdly modest pre-War districts that have some charm just as they are, and not have to go through these terrible fights when deep-pocketed gentrifiers move in and try to alter them. You can tell that's not what people want from

I12-13 con't

all the friction, all the smoke. We could try that with the Medeiros property, for example. The reason for all the friction and smoke that has paralyzed that property for decades, to the eternal shame of "leaders" and "planners" who pass by it every day, I hope, is that it is in the hands of that aforementioned investor class, I would bet. I think if we were to fix it up and preserve it as is you would find it coming into alignment with what people actually want to see, and the friction and the smoke would evaporate and it would actually happen. The friction and smoke *then* would come from realtor groups and the investor class, but standing up to that merely requires political courage, as was required when we drew the hard line around the open space in the first place.

I12-13 con't

Finally, I learned recently about the established concept of "induced demand" in Jeanie Ward-Waller's excellent opinion piece in the SF Chronicle on 10-28-2023. In it she describes how she was invited to resign from CalTRANS for questioning the benefit of perpetual freeway and highway expansions, for pointing out that providing more and more lanes only "induces demand" and ultimately, sometimes immediately (in the case of the 405, I believe she cited), *worsens* traffic. Considering that California has ten times as many people in it as it did a century ago; that 1 in 8 Americans already lives in California; that the next most populous state, Texas – more than one and a half times California's size in terms of

land mass – has ten *million* fewer people; that it is a cliché among post-War demographers vis-à-vis California's population explosion that "it is as though someone picked up the country and tilted it to the West"; that California has arbitrarily grown, everywhere, for decades and decades (see the Wikipedia entry for Milpitas for a representative warts and all description of how that growth has occurred), with an apparent *inverse*, adverse effect on affordability….is there someone better versed than I in planning and policy who can disabuse me of the sudden perception that perpetually expanding *housing* has exactly the same unfortunate effect of inducing demand? I have a feeling the future of urban planning in California is going to require more imaginative solutions than, "Build, baby, build."

I12-13 con't

Thank you.

Sincerely,

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Public comments for the NOA Draft Environmental Impact Report for City of Sausalito's 6th Cycle Housing Element Programs

I12-13 con't

I may have made some of these points in the NOP phase, but I think I failed to introduce myself. My perspective is informed by the fact that my family has been in the same absurdly modest little house in Old Town since 1940. Also, I am an "essential worker emeritus," having recently taken early retirement from the Marin Municipal Water District. It's important to keep in mind that this housing hysteria is a quite new phenomenon. A long time neighbor has told me more than once how, as a young man in 1970 or so, he passed on a $12,000 fixer upper in Mill Valley to purchase his $14,000 fixer upper in Sausalito. That neighbor is still there, still very much alive and kicking. I can point to many houses around the neighborhood and around town that were not just occupied, but OWNED by Sausalito

essential workers, maritime workers, artists, etc. the very people over whose displacement we profess anxiety today. We did a FANTASTIC, commendable job of preserving Marin's open spaces around that time. We perceived the threat, and we used every tool in the book – and even invented some (see, Marin Agricultural Land Trust, etc.) to set them aside forever. At the same time, we MIGHT have taken a stitch in time and set aside reasonably priced housing so that we would not have to dump our essential work traffic out into the region. But, obviously, we FAILED MISERABLY to do so.

I12-13 con't

It is analogous to the state of affairs that obtained back then – well within living memories – when every city and town, etc., dumped its raw sewage out into the ocean, the Bay, estuaries, rivers, the "waters of the US." Everyone agreed that it was obnoxious, that it was a quality of life issue as well as a public health hazard, etc……but nobody DID anything about it until, I believe, the federal government, via the Clean Water Act, said to every city and town: "You SHALL treat your sewage." Today, every city and town in the Bay region megalopolis, under no compulsion to house its own essential workers, dumps its TRAFFIC out into the region, and ten people a day, according to CalTRANS' OWN WEBSITE, die on California's roads – a HIGHER rate of death, if I did my Wikipedia research and basic math correctly, than

that of US SERVICEMEN IN VIETNAM. I think we can all agree that constitutes a public nuisance as well as a public health hazard.

So I would argue that a better, more unassailably logical, just, reasonable, and fair mandate from the State to cities and towns would be: "You SHALL house your own essential workers." Because if a particular city like Sausalito does NOT house its own essential workers – the people who MUST physically be there every day (I can't think of an example of an essential worker who enjoys the privilege of telecommuting…..can you?), the people without whom, BY DEFINITION, a particular "community" cannot function – then it is dumping its obnoxious, toxic, lethal traffic out into the region, creating a public nuisance and a very real lethal public health hazard for everybody.

I12-13 con't

Speaking of Wikipedia, since I submitted my NOP comments (in which I expressed my suspicion that this "mandate" from the State to, basically, "Arbitrarily grow, everywhere, indefinitely," had likely been unduly influenced by realtor groups, perhaps among other industry groups) someone pointed out to me the implications of Proposition 19 for longtime Bay Area residents. In my family's case, we have been in

our absurdly modest home since 1940. We should like to remain in our modest home for another generation, at least. We have not appreciably modified our home in all that time. We certainly haven't turned it into an AirBnB, or developed a casino on the property or an oilfield, or a multi-unit highrise. In fact we have practiced a rigorous "passive preservation" on our longtime modest family home. All that has changed in the intervening years is that, apparently, THE WHOLE WORLD HAS APPARENTLY COME TO COVET OUR MODEST LONGTIME FAMILY HOME. That is all that assessed/perceived value is a reflection of. So Proposition 19 basically says, because the whole world suddenly covets our longtime modest family home (not just home-seeking individuals either, by no means, but at least as many "investors," shadowy LLC's, etc., individuals and groups who already literally have more money than they know what to do with), we suddenly owe a confiscatory tax obligation? Really? As I said, if you read the Wikipedia about how Proposition 19 came into being, it was essentially WRITTEN by the California Association of Realtors to wedge modest people like us out of coveted properties and hasten and accelerate turnover, which is how those groups make their money, attaching themselves to absurdly huge transactions for a commodity that has ALWAYS sold itself.

I12-13 con't

But reading THAT, about Proposition 19, erased ANY doubt in my mind that realtor groups, and perhaps other industry groups, are behind this "mandate" from the State to "arbitrarily grow, everywhere, indefinitely." So can I ask that the City, my native City of Sausalito, send a public communication to whoever is mandating this arbitrary growth, asking for reassurance that the impetus for the mandate is in fact a sense of civic responsibility to bring about what is salutary for the citizens of this City and region, and NOT a cynical ploy to lock in arbitrary growth so that realtor groups will have more inventory to flip? Can the City send such a communication, publicly, and wait for a public response? And share it?

I12-13 con't

In fact this "plan" reminds me of when certain officials concocted a plan to open the Golden Gate Bridge to pedestrians for its 50th anniversary. So many people showed up that the bridge itself very nearly catastrophically failed. It is the perfect metaphor for California urban planning in our lifetime. I've also been to a houseboat party in Sausalito before where so many people piled on that the houseboat began to sink and the living room floors were awash. Same thing. "Arbitrarily grow, everywhere, indefinitely" IS NO PLAN AT ALL. About one out of every eight of all Americans ALREADY lives in California. We ALREADY don't live within our means, water-wise, here in Marin, getting at least 25% of our water from the Russian River, which in turn gets some of its own supply from the Eel, etc. These fish-killing toxic

algae blooms in the Bay of late apparently result from nitrogen in TREATED sewage. When we experience a couple dry years, we run dangerously low on water already. When there is a heatwave, we nearly crash the power grid already. According to Robert Kunzig's excellent article for National Geographic, "Drying Of The West," the people who study climate pre-history/paleoclimatology tell us that we built this incredible civilization in the arid West during the 20th century, THE WETTEST CENTURY OF THE LAST ELEVEN CENTURIES. What we think of as "normal" is profoundly "wet." We don't know the MEANING of drought yet, here in California and the West. The Hudson moves about as much water as the Colorado, with a watershed less than one-tenth the size. Surely, there are more appropriate, sustainable places to grow, to accommodate the apparently inexhaustible population pressure?

I12-13 con't

Because it IS, for all practical purposes, for purposes of planning, inexhaustible. 724 new units of housing in Sausalito, and half a million in the Bay region, will not effect the demand ONE JOT. There are simply very few geographies in the world like this, so I think we need to have a more nuanced "plan" than: "Accommodate everyone who might prefer to be here."

So, in Sausalito, let's start with essential workers. Let's shrink our commute map, as part of this effort. Housing our own essential workers will automatically make us more diverse, equitable, and inclusive, and affirmatively further fair housing, whatever that means. Ask yourself THIS provocative inquiry, in honor of Black History Month: Where was Rosa Parks going? In other words, thanks to her courageous act of civil disobedience and those that rallied around her, Black citizens of Montgomery won for themselves the dubious right of an integrated bus ride BACK TO SEGREGATED NEIGHBORHOODS, neighborhoods that probably remain largely segregated to this day. In fact when you consider the fact that the subsequent year-plus transit boycott was successful at all was because 75% of the ridership was Black you can't help but think, "Whoa! Can that be what transit is FOR? To ferry a second class servant class in and out of our "communities," back to marginal living places "elsewhere" ("across the tracks" perhaps in Montgomery…..across the REGION here in the modern, self-styled progressive Bay Area)? Can THAT be the unspoken reason we so eagerly issue a blank check for infrastructure-and-transportation projects?" So let's be leaders and do something TRULY equitable, inclusive, affirmatively and proactively JUST, and house our own essential workers here in Sausalito. (Just as an intellectual exercise in the meantime, as a planner and a policymaker, make yourself a list of as many racially and socioeconomically fraught geographic euphemisms as you can think of…..fascinating!)

I12-13 con't

So, please get that kind of granular data as part of this planning effort. I see a very long list of figures, maps, etc., in the draft EIR, but incredibly I don't see any commute maps. Let's get that data. Every science-based and data driven planner, leader, policymaker, etc. should be insisting on an answer to this question: Where do the people that work in this zip code live, and where do the people that live in this zip code work? Let's be leaders and publicize that. Also, how is the housing that we already have here being used? Who owns it? Who occupies it? As I said in the NOP round, after walking my dog all over town during the past five years I can point to MANY houses that are very evidently seldom to rarely occupied pied e terres, and others that have been "under construction," and obviously unoccupied, for YEARS. How can we say that we need to build more, when we don't know how the housing that we already have is being used? A nearby two unit investment property the latest owner of which was compelled to spend millions to buy (and, hence, charge astronomical rents to sustain) is now on its FIFTH tenant in one of the units, and its THIRD in the other, in less than five years, and nary an essential worker in sight……how can you preserve anything resembling "community" with such high turnover? Another modest house that was owned and occupied by a Sausalito maritime worker in my youth is now owned by an engineer at a very well known tech/software company, one of fourteen or so properties they own

I12-13 con't

with their partner, and the turnover there seems to be equally high and we have never made the acquaintance of even ONE of the tenants. Whatever you are trying to achieve with your policies and plans, THIS is the state of affairs that your policies and plans have in fact fostered on the ground, and these exceedingly modest properties continue to turn over to the highest bidder as we subsidize multibillion dollar supercommutes for essential workers, the people who MUST be here, and continue to make a complete hash of the Bay region. Does nobody else find it puzzling that, after a century or more of issuing a blank check for transportation infrastructure, we should now be experiencing consternation that transportation is California's number one climate change contributor? Enough with the Traffic Accomodating Infrastructure, what we need is Traffic OBVIATING Infrastructure, Zip Code Village Housing, a region, and a State, consolidated into Zip Code Villages.

I12-13 con't

Community land trusts, robustly funded and in alignment with City, State, and/or Federal government, would seem to be the best tool to counteract this UN-salutary state of affairs. Please tell us the correct number of units of housing that we must set aside for our own essential workers, in perpetuity. 724 is a very specific number…..can't you tell us that?

I'll attach my NOP comments too, in case I left anything out. Forgive me if I repeat myself……

It says in the "Project Description" that the City of Sausalito is required to accommodate 724 new housing units, and that the Bay Area is somehow supposed to accommodate 441,176 new units (!).

That must be a pretty sophisticated algorithm to mandate so specific a number for this small finite geography. So, I would suggest that before we proceed, can we ask that sophisticated algorithm the crucial questions…..

What is the MAXIMUM number of housing units that this City, and this region, can accommodate?

I12-13 con't

And, more importantly, what is the OPTIMUM number? What is the right amount of people for this City, and this region, to accommodate? Certainly the algorithm must have taken into account that, when we have a few dry years in a row, we nearly run out of water for the amount of people we already have here now. And, when the weather gets a little warm, we nearly crash the electrical grid. Etc. And, if you've been out on the roads lately, California's great "tragic commons," perhaps you've noticed that when everything is working PERFECTLY, it just barely works, and when there is the slightest problem – an accident, road construction, bad weather, etc. – we find ourselves in a condition of intolerable beclusterment.

AND, according to CalTRANS' own website, "10 people a day die on California's transportation network." That is a HIGHER rate of death than US servicemen in Vietnam. Look it up. How do you imagine adding half a million housing units, irrespective of where the people occupying those units may need to travel everyday to their workplaces, to the Bay region will affect that number. Do you think it will go down? Or up?

I would suggest that a better, more reasonable, more logical, more just, more justifiable, etc., mandate from the State to cities would be: "You SHALL house your own essential workers." Because if a particular city does not house its own essential workers – the workers without whom, BY DEFINITION, that city cannot function, then that city is dumping its traffic out into the region and adding significantly

to the lethal, stressful, obnoxious regional traffic chaos. And, more actionably: Essential workers do NOT deserve to be subjected to the very real lethal jeopardy of the supercommute.

So, let's get that data, before we proceed. Who are Sausalito's essential workers? What do Sausalito's essential workplaces' commute maps look like? I wandered through the incredible opulent abundance of Mollie Stone's market of an early morning recently, and I couldn't help but notice that most of the faces behind the deli counter, behind the butcher counter, behind the coffee counter, etc., were Black and brown. Where do they live? If you are really committed to "affirmatively furthering fair housing" (MUST we speak euphemistically about these critical issues forever?), if Sausalito merely housed its own essential workers we would take giant strides towards actually being a more just, fair, efficient, resilient, socioeconomically integrated community…….or is Sausalito content to be a "sundown town"?

Also, some data we ought to get before we proceed would be: How is the housing stock that we already have being used? I can point to several houses that I know of in Sausalito that are very evidently occasionally to seldom occupied pied e terres. I could show you others that have been "under construction" – and very evidently unoccupied – for YEARS. Can we really say that we need to add more housing when we don't even know how the housing that already exists in this small finite geography is being used? Let's add THAT critical data to the conversation. Who owns it? Who occupies it? Let's find out, shall we?

I12-13 con't

Also, let's be cognizant of the fact that we SUBSIDIZE this state of affairs, to the tune of TRILLIONS of dollars. California's tragic commons has been in a perpetual state of expansion for over a century. Right now, we're spending about $800 million to expand the "Novato narrows" of Highway 101 from Ignacio up to Corona Road in Petaluma. They want to replace Highway 37 at a cost of $6-8 BILLION. This amounts to a subsidy for supercommutes. I would merely ask leaders, "planners," policy makers to consider: We might just as well – and probably even easier – subsidize people LIVING WHERE THEY WORK. Because whether you subsidize supercommutes for essential workers, or you subsidize them living where they work, YOU ARE ACHIEVING THE SAME THING.

In other words, the sole focus of policy and planning thus far seems to have been expanding roads and transit. The consensus of planners and policy makers seems to be, "Roads/car trips bad. Transit good." I would suggest those are two sides of the same coin, and might be described as "Traffic ACCOMMODATING Infrastructure" (TAI). What we haven't tried, what we need, here in Sausalito, in every "community" in every megalopolis, is a significant amount of "Traffic OBVIATING Infrastructure" (TOI). Those perfect little quaint scale houses of the Medeiros property peninsula bounded by Bridgeway, Filbert, and Easterby, for example (and including the Knudsen house), might be set aside and preserved as Zipcode Village Housing, dedicated and designated to house 94965 essential workers.

We need more Dorothy Gibson Houses, in other words, many more. They might be preserved and held in trust by a 94965 Community Land Trust, funded at least in part by the colossal "transportation/infrastructure/transit" budgets (because, like I said, they would be achieving the same thing – connecting workers to work -- and every full time essential worker housed in the zip code in which they work represents a de facto EXPANSION of roads and transit infrastructure, taking 10 supercommute trips a week, in most cases, off the strained to the breaking point tragic commons). Let's commit to shrinking our City's commute map as part of this effort, and getting back to being a true "Zip Code Village" once again, where people live in the zip code in which they work.

Finally, "Arbitrarily grow, indefinitely, everywhere" sounds suspiciously friendly to the bottom line of realtor groups, the Metrosexual Industrial Complex. Can the State, HCD, ABAG, etc., whoever is mandating this indefinite, arbitrary, perpetual growth reassure us that this mandate hasn't been unduly influenced – perhaps even corrupted – by realtor groups, before we proceed?

In other words, standing up to this patently arbitrary and ridiculous mandate is going to require local profiles in courage, in exactly the same way that it did when they were set to subdivide Marin's open spaces. "Developer" was still a dirty word around here when I was a kid, because they coveted Marin's pastoral open spaces, and they felt entitled to an absurdly generous living for providing what they perceived as the public "good" of paving paradise and putting up a parking lot. It required leaders to stand up for a GREATER public good to put a stop to it. The same moment is at hand: Do contemporary leaders have the courage to stand up to an industry that is going to insist that ALL housing must be available for their giddy real life game of Monopoly? To stand up for a greater good?

I12-13 con't

Thanks!

-Lito Brindle

litobrindle@hotmail.com

94965RHC@gmail.com

415 519-7680

Letter I12 Lito Brindle
Response January 23, 2025

I12-1 Portions of this comment letter are identical to portions of Letter I2.

Please see response to Comment I2-1.

I12-2 The comment references the "Dorothy Gibson House," a single family home located at 429½ Johnson Street that was bequeathed to the City for the purpose of housing a low-income city employee. The house is being converted to two units and will be made available to lower income households.[Q] This is not a comment on the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I12-3 The commenter discusses sewage treatment infrastructure and discusses budgeting for traffic infrastructure. This is not a comment on the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

I12-4 Please see response to Comment I2-1.

I12-5 Please see response to Comment I2-2.

I12-6 Please see responses to Comments I2-3 and I2-4.

I12-7 Please see response to Comment I2-5.

I12-8 Please see response to Comment I2-6.

I12-9 Please see response to Comment I2-7.

I12-10 Please see response to Comment I2-8.

I12-11 This comment describes the RHNA process and appears to quote information from Wikipedia. This is not a comment on the adequacy of the EIR.

I12-12 The commenter describes affordable housing studies, information regarding a State audit and separate private audit of the 6th Cycle RHNA, California Department of Finance data and revisions, and asks about the RHNA for Pacific Palisades and Altadena, referencing the recent wildfires. This is not a comment on the adequacy of the EIR. The comment is received and will be forwarded to decision makers for their consideration.

[Q] City of Sausalito, 2025. Staff Report: Adopt a Resolution Approving Template Lease Agreement for City-Owned Affordable Housing Units at Dorothy Gibson House, 429 ½ Johnson Street, and Delegating Authority to City Manager to Execute Lease Agreements. January 7, 2025.

I12-13 Please see responses to Comments I2-10 through I2-35.

Letter I13

Gmail

Christina Erwin <cerwin@denovoplanning.com>

FW: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

1 message

Amended HE <Amended_HE_Draft_EIR_comment@sausalito.gov> Fri, Jan 24, 2025 at 2:13 PM

To: Christina Erwin <cerwin@denovoplanning.com>
Cc: Beth Thompson <bthompson@denovoplanning.com>, Sarah Owsowitz <Sarah.Owsowitz@bbklaw.com>

-----Original Message-----
From: Brandon Phipps <bphipps@sausalito.gov>
Sent: Thursday, January 23, 2025 3:58 PM
To: Neal Toft <ntoft@sausalito.gov>
Cc: Beth Thompson <bthompson@denovoplanning.com>
Subject: FW: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

Neal,

Please see below email for additional EIR comment.

Kind regards,

Brandon

BRANDON PHIPPS
Community & Economic Development Director City of Sausalito | Community Development Department
420 Litho Street, Sausalito, CA 94965
Direct: (415) 289-4142 | Fax: (415) 289-4167

-----Original Message-----
From: JAMES MOUSHEGIAN <moushegian@sbcglobal.net>
Sent: Thursday, January 23, 2025 9:57 AM
To: Brandon Phipps <bphipps@sausalito.gov>
Cc: City Clerk <CityClerk@sausalito.gov>
Subject: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

We object to the EIR report of the Amended Housing Element specifically the inclusion of the Spencer Fire House, City Hall and the Berg Marinship Property in the Sausalito Housing Element. Please circulate this email to the City Manager, City Attorney and City Council as public comment. James Moushegian Rodeo Ave. I13-1

Letter I13 James Moushegian
Response January 23, 2025

I13-1 The commenter identifies an objection to the EIR, specifically the inclusion of the Spencer Fire House, City Hall, and the Berg Marinship property in the Housing Element. These sites are addressed in Chapter 5, Alternatives, of the Recirculated Draft EIR. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

Letter I14

Gmail

Christina Erwin <cerwin@denovoplanning.com>

FW: Objection to the EIR report of the Amended Housing Element

1 message

Neal Toft <ntoft@sausalito.gov> Mon, Jan 27, 2025 at 1:02 PM
To: Christina Erwin <cerwin@denovoplanning.com>
Cc: Brandon Phipps <bphipps@sausalito.gov>

-----Original Message-----
From: Brandon Phipps <bphipps@sausalito.gov>
Sent: Monday, January 27, 2025 12:33 PM
To: Neal Toft <ntoft@sausalito.gov>
Cc: Beth Thompson <bthompson@denovoplanning.com>
Subject: FW: Objection to the EIR report of the Amended Housing Element

Neal,

Please see EIR comment below.

Kind regards,

Brandon

BRANDON PHIPPS
Community & Economic Development Director City of Sausalito | Community Development Department
420 Litho Street, Sausalito, CA 94965
Direct: (415) 289-4142 | Fax: (415) 289-4167

-----Original Message-----
From: Roshan Saniipour <daryabi@hotmail.com>
Sent: Friday, January 24, 2025 9:41 PM
To: Brandon Phipps <bphipps@sausalito.gov>
Cc: City Clerk <CityClerk@sausalito.gov>
Subject: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

As a 45 year resident of Sausalito living on Spencer I strongly object to the EIR report of the Amended Housing Element specifically the inclusion of the Spencer Fire House, City Hall and the Berg Marinship Property in the Sausalito Housing Element. Please circulate this email to the City Manager, City Attorney and City Council as public comment. I14-1

Letter I14 Roshan Saniipour
Response January 22, 2025

I14-1 The commenter identifies an objection to the EIR, specifically the inclusion of the Spencer Fire House, City Hall, and the Berg Marinship property in the Housing Element. These sites are addressed in Chapter 5, Alternatives, of the Recirculated Draft EIR. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

Letter I15

Gmail

Christina Erwin <cerwin@denovoplanning.com>

FW: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

1 message

Neal Toft <ntoft@sausalito.gov> Mon, Jan 27, 2025 at 1:03 PM
To: Christina Erwin <cerwin@denovoplanning.com>
Cc: Brandon Phipps <bphipps@sausalito.gov>

-----Original Message-----
From: Brandon Phipps <bphipps@sausalito.gov>
Sent: Monday, January 27, 2025 12:32 PM
To: Neal Toft <ntoft@sausalito.gov>
Cc: Beth Thompson <bthompson@denovoplanning.com>
Subject: FW: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

Neal,

Please see EIR comment below.

Kind regards,

Brandon

BRANDON PHIPPS
Community & Economic Development Director City of Sausalito | Community Development Department
420 Litho Street, Sausalito, CA 94965
Direct: (415) 289-4142 | Fax: (415) 289-4167

-----Original Message-----
From: Anthony Hay <anthonymhay@gmail.com>
Sent: Friday, January 24, 2025 9:43 PM
To: Brandon Phipps <bphipps@sausalito.gov>
Cc: City Clerk <CityClerk@sausalito.gov>
Subject: [EXTERNAL] Objection to the EIR report of the Amended Housing Element

We object to the EIR report of the Amended Housing Element specifically the inclusion of the Spencer Fire House, City Hall and the Berg Marinship Property in the Sausalito Housing Element. Please circulate this email to the City Manager, City Attorney and City Council as public comment. I15-1

Sent from my iPhone

Letter I15 Anthony Hay
Response January 24, 2025

I15-1 The commenter identifies an objection to the EIR, specifically the inclusion of the Spencer Fire House, City Hall, and the Berg Marinship property in the Housing Element. These sites are addressed in Chapter 5, Alternatives, of the Recirculated Draft EIR. This is not a comment on the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

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BY E-MAIL AND US MAIL

January 27, 2025

Director Brandon Phipps
Community and Economic Development Director and Zoning Administrator
City of Sausalito
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Sausalito, CA 94965
bphipps@sausalito.gov

Mayor Ian Patrick Sobieski, Ph.D.
Vice Mayor Joan Cox
Councilmembers Melissa Blaustein, Jill James Hoffman, Janelle Kellman
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jhoffman@sausalito.gov; jkellman@sausalito.gov

RE: Comments on the Recirculated Draft Environmental Impact Report for City of Sausalito Amended 6th Cycle Housing Element

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

I write on behalf of Save Our Sausalito ("SOS"), an organization comprised of numerous active residents of the City of Sausalito. SOS submits these comments on the Recirculated Draft Environmental Impact Report ("RDEIR") for City of Sausalito Amended 6th Cycle Housing Element.

1. **The RDEIR Fails to Remedy Any of the Flaws in the DEIR Described in My October 21, 2024, comment letter on the DIER.** I16-1

My October 21, 2024, comment letter on the DIER described a number of legal deficiencies in the DEIR for the Amended Housing Element. The RDEIR fails to remedy any of these flaws. Therefore, all of these comments are incorporated herein by reference as if fully set forth in this letter.

2. The DEIR and RDEIR Fails to Analyze and Identify the Potentially Significant Impacts on Historic Properties and Buildings.

In evaluating potentially significant impacts on historic properties and buildings, the DEIR and RDEIR lump many historic properties and buildings together as if the impacts on each is interchangeable with all the others.

> The EIR's rationale here is questionable for another reason as well: it treats potential adverse environmental impacts on People's Park and various other, unnamed historical resources as if they were interchangeable. Historical places and structures are rarely, if ever, fungible items of equivalent historical significance and value. Even were we to assume re-siting the project would cause adverse impacts to some other historic resource, those impacts would almost necessarily differ in quality and degree from Housing Project No. 2's impacts on People's Park.

I16-2

(*Make UC A Good Neighbor v. Regents of University of California* (2023) 88 Cal.App.5th 656, 681 (*Make UC A Good Neighbor)*, reversed on other grounds by *Make UC A Good Neighbor v. Regents of University of California* (2024) 16 Cal.5th 43.)

A similar flaw exists in the DEIR's and RDEIR's finding that mitigation measures requiring compliance with the Secretary's Standards are sufficient to reduce the identified potentially significant impacts to "less than significant." The EIRs' broad-brush pronouncement to this effect is not based on any site-specific analysis or evidence, for each property, that compliance with the Secretary's Standards will be effective to reduce the identified potentially significant impacts to "less than significant."

I16-3

3. The City Must Adopt or Include Alternative 4 in the Project Approval.

In my August 29, 2024, scoping comment letter and my October 21, 2024, comment letter on the Draft Environmental Impact Report ("DEIR") (both of which are incorporated herein by reference), SOS requested that the City of Sausalito ("City") include an additional alternative in the Draft EIR which would eliminate all Housing Opportunity Sites proposed in the Downtown Historic District ("Historic District Preservation Alternative"). This alternative would eliminate the significant impacts discussed in our May 8, 2024, letter, while still achieving the project objective of providing sufficient housing to meet the City's Regional Housing Needs Allocation ("RHNA") goals.[1] Removing Housing Opportunity Sites from the Downtown Historic District is the only feasible way to protect the Historic District and its unique cultural and biological resources.

I16-4

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

I have attached hereto as Exhibit 1 my September 11, 2024, comment letter on the 6th Cycle Housing Element, which attaches two analyses by Watson Heritage Consulting. The first is a project impact analysis for the currently pending development project for the property at 605-613 Bridgeway referenced in my October 21, 2024, comment letter. The second is a peer review critique and rebuttal of the developer's position regarding the historic significance of the property at 605-613 Bridgeway. I16-5

The DEIR includes Historic Preservation Alternative 4. But it goes far beyond what SOS requested. Not only does it remove Site 201 (605-613 Bridgeway) and Site 212 (721-729 Bridgeway), which are in the historic district, it also removes Site 23 (10 Reade Land), Site 24 (10 Excelsior Lane), and Site 202 (125 Bulkley). The combined effect is that Alternative 4 produces 106 fewer units of housing than the proposed Project, and for this reason, the DEIR finds that rejects it. But by making Alternative 4 much broader than requested by SOS, the DEIR has created a "straw man" only to knock it down. We request that the City prepare a revised EIR to analyze a Revised Alternative 4, which would protect only the 2 sites in the historic district, Sites 201 and 212. This would reduce housing potential by only 18 units and would clearly meet Project objectives and RHNA goals. (DEIR 4-20). I16-6

The RDEIR finds that Alternative 4 is feasible because it meets all project objectives. (RDEIR, p. 4-34.) That said, the RDEIR finds that Alternative 4 "does not meet the second project objective as well as the proposed Project" because it results in an excess capacity "buffer" of 320 units above the City's RHNA requirement rather than the excess capacity "buffer" of 423 units included in the proposed Project. (RDEIR, p. 4-34.)

Project Objective 2 states: "Establish an inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation and to provide *an appropriate buffer* to assist in providing sites in accordance with No Net Loss requirements under Government Code Section 65863. (RDEIR, p. 4-1 (italics added).) The DEIR contains no evidence that a "buffer" of 320 units is not "appropriate" as that term is used in Project Objective 2. I16-7

As a result, in deciding whether to adopt the proposed Project or one of the alternatives, the City must adopt or include Alternative 4 in the Project approval because it feasibly avoids or substantially reduces identified significant environmental impacts on the properties.

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

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

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

4. The EIR Fails to Analyze a Reasonable Range of Project Alternatives.

The feasibility of alternatives arises at two junctures in the EIR process: "(1) in the assessment of alternatives in the EIR; and (2) during the agency's later consideration of whether to approve the project;" and "different factors come into play at each stage." (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 981 (*CNPS*), citing *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489 (*Mira Mar*).) When selecting alternatives to analyze in an EIR, the standard is whether the alternative is "potentially feasible" and would reduce potentially significant impacts. (*Mira Mar, supra*, 119 Cal.App.4th at 489; Guidelines, § 15126.6(a).) In the second project approval phase, the decision-maker evaluates whether alternatives are actually feasible, and may reject alternatives on grounds of actual infeasibility even though the EIR found them potentially feasible and analyzed them. (*Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1087 (*Watsonville*); Guidelines, § 15091(a)(3).)

I16-7 con't

It is an abuse of discretion for an agency to exclude a potentially feasible alternative that would substantially reduce significant impacts from analysis in the EIR simply because it does not meet all project objectives. (*Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1304 (*Caretakers*) ["limited-water alternative could not be eliminated from consideration solely because it would impede to some extent the attainment of the project's objectives"]; *Watsonville, supra*, 183 Cal.App.4th at 1087 [agency's refusal to analyze a reduced development alternative because it failed to meet two of 12 project objectives was legal error].)

Here, the RDEIR fails to remedy the failure of the DEIR to include analysis of an additional alternative removing from the Housing Opportunity Overlay all Housing Opportunity Sites proposed in the Downtown Historic District. As discussed in my October 21, 2024, letter, removing Site 201 (605-613 Bridgeway) and Site 212 (721-729 Bridgeway), which are in the historic district, is clearly feasible and consistent with all Project objectives because doing so would reduce the City's excess capacity "buffer" above the City's RHNA requirement by only 18 units, i.e., to 405 units as compared to 320 units under Alternative 4 or 423 units in the proposed Project. (RDEIR, p. 4-20.)

Since this alternative is potentially and actually feasible and substantially reduces identified potentially significant impacts associated with Sites 201 and 212, the City must revise the draft EIR again to include analysis of this alternative.

I16-7 con't

At a minimum, the EIR must provide a valid reason for refusing to include analysis of this alternative. (*Make UC A Good Neighbor, supra,* 88 Cal.App.5th at 679; Guidelines, § 15126.6, subds. (c), (f)(2)(B).)

5. Conclusion.

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

I16-8

Sincerely,

Richard Toshiyuki Drury
LOZEAU DRURY LLP

I16-9

EXHIBIT 1

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BY E-MAIL AND US MAIL

September 11, 2024

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

Mayor Ian Patrick Sobieski, Ph.D.
Vice Mayor Joan Cox
Councilmembers Melissa Blaustein, Jill James Hoffman, Janelle Kellman
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I16-9
con't

Re: 6th Cycle Housing Element; Draft Housing Elements; and Current Proposals 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. 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 ("projects"). We provide the information below to assist city staff and governing bodies as they consider these applications.

This letter follows several letters I previously submitted to the city with comments on the historic significance of the property at 605--613 Bridgeway, including:

- May 8, 2024, letter regarding the Draft Environmental Impact Report for the 6th Cycle Housing Element Programs;

- June 4, 2024, letter regarding the 605-613 Bridgeway projects; and
- June 20, 2024, letter enclosing the Historic Resources Evaluation (HRE) for the 605-613 Bridgeway property.

The 6th Cycle Housing Element designates Site 201 as a Housing Opportunity Site that requires rezoning to allow higher densities than the maximum density allowed under current zoning, including Ordinance 1022. The purpose of this designation was, apparently, to contribute to the city's efforts to meet its Regional Housing Needs Allocation ("RHNA") obligation under state housing law.

My May 8, 2024, letter comments that allowing the higher density proposed in the 6th Cycle Housing Element for Site 201 would destroy the historic significance of the Sausalito Historic District and that it is feasible to remove Site 201 from the Housing Opportunity Site Overlay, and that, as a result, the Housing Element Programs EIR must include an alternative land use plan that removes Site 201 from the Housing Opportunity Site Overlay.

I write now to provide additional information regarding the historic resource impacts of designating Site 201 as a Housing Opportunity Site and the feasibility of removing that designation to support SOS' request that the Housing Element Programs EIR include an alternative land use plan that removes Site 201 from the Housing Opportunity Site overlay. I16-9 con't

SOS also requests that the city amend the 6th Cycle Housing Element to remove Site 201 (i.e., the 605-613 Bridgeway property) from the Housing Opportunity Site Overlay 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 HRE 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).

SOS has also commissioned an analysis of the impacts of the proposed 605-613 Bridgeway projects on the historic significance of Site 201. Attached as Exhibit A, please find the June 2024 Project Impacts Analysis of the 605-613 Bridgeway projects prepared by architectural historian Shayne Watson. Ms. Watson concludes that the projects 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, Jerri Holan, in her February 28, 2024, report (amended March 14, 2024) that the 605-613 Bridgeway projects would destroy the historic significance of the Sausalito Historic District.

I also attach, as Exhibit B, Ms Watson's June 25, 2024, critique of the January 26, 2024, and May 17, 2024, reports authored by Preservation Architecture regarding

Site 201's historic significance. These reports are simply not credible regarding the historic significance of Site 201 or the impacts of the proposed 605-613 Bridgeway projects on its or the surrounding district's historic significance.

The Sausalito Historic District is one of twelve federally certified historic districts in California.[1] National Park Service (NPS) Certified Historic Districts are state or local historic districts that have been certified by the Secretary of the Interior (Secretary) for purposes of the Tax Reform Act of 1986, as substantially meeting all the requirements for listing in the National Register of Historic Places. The purpose of this federal program is to encourage property owners to rehabilitate, rather than demolish, historic resources by enabling owners of depreciable buildings within the certified district to obtain federal tax benefits to help offset the cost of rehabilitation. To obtain these federal tax benefits, rehabilitation projects must comply with the Secretary of the Interior's Standards for Historic Preservation.[2]

Impairing the historic significance of a certified historic district may cause the Secretary of the Interior to withdraw certification of the district, in which case all property owners in the district would lose the federal tax benefits conferred by the program and the community would lose a valuable source of funding for restoration of historic properties.[3]

I16-9
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As part of the required application for federal certification, Sausalito and the other districts committed to the Federal Government that they would maintain a local review board to ensure protection of historic resources in their districts.[4] Sausalito has such a review board, i.e., the Historic Preservation Commission (HPC), whose charge is to "acknowledge, honor, and encourage the continued maintenance and preservation of those select properties in the City that contribute to the City's architectural and cultural history."[5]

If the city rezones Site 201 to accommodate the 47 (now 50) unit density proposed by one of the 605-613 Bridgeway projects, the project applicant will contend that the HPC would have not legal authority to condition approval of the project on measures to avoid or mitigate the project's significant impacts on historic resources. This is because the project applicant argues that the HPC's judgment is based on standards that, under the HAA, would be considered subjective.

---

[1] See https://ohp.parks.ca.gov/?page_id=27283
[2] 36 CFR §§ 67.7(b).
[3] 36 CFR § 67.9(j) ["The Secretary may withdraw certification of a district on his own initiative if it ceases to meet the National Register Criteria for Evaluation ...."].
[4] 36 CFR §§ 67.8(a); 67.9(e).
[5] Sausalito Municipal Code section 10.46.010 et.seq.

However, as noted in my June 4, 2024, letter, even if the project complies with future objective general plan and zoning standards, the city must still conduct CEQA review of the project. (See HAA, Gov. Code § 65589.5(e) ["Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act"].) Since the project will have a specific, significant adverse impacts on real property listed in the CRHR, the city will need to prepare an EIR to evaluate the impact, identify mitigation measures to reduce or avoid significant impacts, and make the findings required by CEQA section 21081 before approving the project. If the evidence does not support these required findings, the city would be required by CEQA to deny the project.

I16-9 con't

Regarding the feasibility of removing Site 201 from the Housing Opportunity Site Overlay, my May 8, 2024, letter pointed out that it is feasible to do so because the additional density contemplated for this site in the future under the current Housing Element is not necessary to meet the city's RHNA obligations.

Thank you for your attention to this matter.

Sincerely,

Richard Toshiyuki Drury
LOZEAU DRURY LLP

I16-10

EXHIBIT A

PROJECT IMPACTS ANALYSIS
605-613 BRIDGEWAY, SAUSALITO, CA

I16-10
con't

Prepared for:
Lozeau Drury LLP
Oakland, CA

Prepared by:
Watson Heritage Consulting
Oakland, CA

June 2024

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I16-10 con't

Introduction

This Project Impacts Analysis (PIA) was prepared by Shayne Watson of Watson Heritage Consulting for Lozeau Drury LLP in June 2024. Ms. Watson meets the Secretary of the Interior's Professional Qualification Standards for History and Architectural History. This analysis reviews the drawing set titled "Waterstreet 605-613 Bridgeway, Sausalito, CA, SB 330 Submittal," prepared by Hunt Hale Jones Architects of San Francisco (May 16, 2024).

Under the California Environmental Quality Act (CEQA), the first step in the environmental review process is to prepare a Historic Resource Evaluation (HRE) to allow a lead agency to make a determination about a property's historical significance under CEQA.[1] Lead agencies have a responsibility to evaluate potential historical resources for eligibility under California Register of Historical Resources (California Register) significance criteria before making a finding as to a proposed project's impacts on historical resources (PRC § 21084.1, 14 CCR § 15064.5(3)).[2]

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The goal of a PIA is to analyze the potential effects of a project on a historical resource. According to CEQA, a project with an effect that may cause a "substantial adverse change" in the significance of a historical resource is a project that may have a "significant effect on the environment."[3] (Substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired.[4])

Generally, a project that follows the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing*

[1] State of California, California Code of Regulations. "Section 15064.5 - Determining the Significance of Impacts to Archaeological and Historical Resources." Current through Register 2024 Notice Reg. No. 21, May 24, 2024. Accessible at https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-5-preliminary-review-of-projects-and-conduct-of-initial-study/section-150645-determining-the-significance-of-impacts-to-archaeological-and-historical-resources.

[2] State of California, Office of Historic Preservation. "California Office of Historic Preservation Technical Assistance Series #1: California Environmental Quality Act (CEQA) and Historical Resources." No date. Accessible at https://ohp.parks.ca.gov/pages/1054/files/ts01ca.pdf.

[3] State of California, California Code of Regulations, Section 15064.5.

[4] State of California, California Code of Regulations, Section 15064.5.

Historic Buildings,[5] "shall be considered as mitigated to a level of less than significant impact on the historical resource."[6] If a project is determined to have a significant effect on the environment, the City of Sausalito (lead agency) is required to identify potentially feasible measures to avoid or mitigate significant adverse changes in the significance of the historical resource.[7]

Following CEQA guidelines, it is necessary to establish the significance of a historical resource in an HRE in order to prepare a PIA that assesses when proposed alterations to a historical resource cross the threshold into substantial adverse change.[8]

Pre-Existing Evaluations

The properties at 605 & 607 Bridgeway and 611-613 Bridgeway (APN 065-132-16) are included in the Sausalito Downtown Historic Overlay Zoning District,[9] with the properties at 605 & 607 Bridgeway and 611-613 Bridgeway identified in the Built Environment Resource Directory (BERD) with a California Register Status Code of 2D2, defined by the State of California as contributors to a multi-component resource determined eligible for the National Register by consensus through the Section 106 process and listed in the California Register.[10] This status code alone defines the subject property as a "historical resource" under CEQA Section 15064.5(1): "A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.)."[11]

I16-10 con't

Updated Historical Resource Evaluation

In June 2024, Connor Turnbull Preservation Consulting prepared an updated HRE for the subject property and evaluated the subject buildings under California Register Criteria 1-4. Turnbull concludes that the subject property is individually significant under Criterion A/1 (events) for an association with early commercial development, transportation, as well as

[5] U.S. Department of the Interior, National Park Service. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*. Revised by Anne E. Grimer, 2017. Accessible at https://www.nps.gov/orgs/1739/upload/treatment-guidelines-2017-part1-preservation-rehabilitation.pdf.
[6] State of California, California Code of Regulations, Section 15064.5((b)(3).
[7] State of California, California Code of Regulations, Sections 15126.4(a)(1), 15091(a).
[8] State of California,"Technical Assistance Series #1."
[9] R.J. Tracy & Elizabeth M. Robinson. "National Register of Historic Places Nomination Form, Central Business District-Sausalito." City of Sausalito Historic Preservation Commission records, 1980.
[10] State of California, Office of Historic Preservation. "California Historical Resource Status Codes." Revised 3/1/2020. Accessible at https://ohp.parks.ca.gov/pages/1069/files/Resource-Status-Codes.pdf.
[11] State of California, California Code of Regulations, Section 15064.5.

settlement of Asian-Americans and their associated businesses, in Sausalito. The subject property is significant under Criterion B/2 (persons) for an association with the Yee Tock Chee/Yee family/Marin Fruit Co. as well as the Hong Lee laundry/Lee family.

Character-Defining Features

Character-defining features (CDFs) are the physical characteristics of a historical resource that convey its historical significance. The June 2024 HRE by Turnbull Preservation Consulting identifies CDFs of the CEQA historical resources identified at the subject property: the Sausalito Downtown Historic Overlay Zoning District; and the buildings located on the subject parcel (605 & 607 Bridgeway and 611-613 Bridgeway), early twentieth century utilitarian commercial buildings with minimal Mission Revival ornamentation.

Sausalito Downtown Historic Overlay Zoning District

- Late 19th Victorian-era buildings in conjunction with more utilitarian early-to mid-twentieth century buildings and structures.
- Variegated placement of buildings that reflect the topography or the uses.
- Topographical transition between the hillside, bluff and waterfront. The hillside is characterized by mostly residential buildings, while the waterfront contains mostly one-to-three story commercial buildings.
- Commercial buildings around the vicinity of the former and present ferry landings.
- The roadway follows the contour of the hill to Bay transition, and defines the landfill or over-water docks along the edge of the Richardson and San Francisco Bays.

APN 065-132-16

- Plateau area at the base of a wooded bluff, Princess Street retaining wall forming the northwest edge.
- Commercial buildings enfronting the landscaped bluff behind.
- Concentration of small-scale commercial storefronts at the street front with no setbacks, and utilitarian areas at the rear open parking area.

605 & 607 Bridgeway

- One-story storefront with a second story residential above.
- Two-bay storefront facade.
- Flat roof with minimal parapet at street elevation.
- Central, recessed storefront entrance flanked by single pane display windows above a bulkhead.
- Multi-colored ceramic tile on bulkhead (where extant).

I16-10 con't

- Multi-lite steel sash transoms with pebbled glass and horizontal pivoting sash (where extant).
- Pilasters with tapered caps, spandrel between with a central sign band.
- Brick, stepped course above spandrel at parapet.
- Raised "Marin Fruit Co." lettering (605 Bridgeway, former 777 Water Street)
- Painted cement stucco wall surface at storefront, corrugated metal and cement stucco at rear elevations.
- Steel sash at rear elevations

611-613 Bridgeway

- One-story storefront with tri-partite bays.
- Shallow gable roof with parapet at street elevation.
- Central, recessed triangular entry area, with a single, entry door at each store.
- Single pane storefront display windows, small bulkhead below.
- Engaged pilasters, spandrel with recessed sign band, and parapet.
- Tri-partite transom recessed panel with continuous cornice above.
- Painted cement stucco wall surface at storefront, corrugated metal at rear elevations

I16-10 con't

Project Description

The following description for the proposed project was prepared by the project applicant on May 17, 2024 and is available in the City of Sausalito's eTRAKiT database[12]:

> ***WATERSTREET PROJECT NARRATIVE***
> ***SB330 Application***
> *Waterstreet offers walkability, sustainability, and increased financial health for Sausalito while prioritizing housing needs.*
>
> ***Overview***
> *Waterstreet will be a multi-use, urban infill residential development located on Princess St and at 605-613 Bridgeway, across from the waterfront in Downtown Sausalito. The property is designated as Opportunity Site #201 listed in the Sausalito Housing Element. The site is approximately ½ acre on a previously developed, underutilized lot, located*

[12] "Waterstreet Project Narrative - SB330 Application." Prepared for City of Sausalito, May 17, 2024. Accessible at https://saus-trk.aspgov.com/eTRAKiT/viewAttachment.aspx?Group=PROJECT&ActivityNo=2024-00014&key=KTE%3a2405230539390495

within the city limits, surrounded by urban uses, including commercial and residential development.

Waterstreet will feature 50 condominiums, with 20% designated as affordable units. There will be five retail sites, four existing along the Bridgeway frontage, and a new retail space and residential lobby extending the retail spaces on Princess Street. The site is 23,056 square feet, and the proposed gross floor area is 121,752 square feet. Zoning is CC on the front Bridgeway lots and R-3 on the Princess St rear lots. Modifications to development standards are achieved through waivers and concessions, with the amount and percentage of BMR units more fully explained in the Density Bonus Report. The building type will be Type 1 construction on the two lower levels and wood-framed with stucco exterior on the upper levels.

Location

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

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Parking

This project has no parking requirement per AB2097. The existing parking lot, with ingress and egress on Bridgeway, will remain; a newly constructed second-level parking lot with ingress and egress on Princess Street will be added. The parking will be uncoupled from condominium ownership.

Neighborhood Improvement

Waterstreet follows the existing development pattern of the surrounding area of Sausalito: retail at street level, residential above. Waterstreet improves the current conditions of the property for drainage and stormwater. The existing unsightly power poles and electrical wires will be relocated underground. The majority of the existing site is an unattractive asphalt parking lot with exposed retaining walls, which will be repurposed into a multi-use site that is attractive and financially beneficial to the city. Waterstreet will be a sizable contributor to Sausalito, fulfilling its State of California requirement by adding much-needed market-rate and below-market-rate housing units.

A luxury development in a prime downtown Sausalito location with world-class panoramic water and San Francisco views, Waterstreet will be a first-class building

constructed from premium materials with upscale amenities. The development was designed with varying unit sizes and prices to accommodate a wide diversity of buyers. All homes are single-level and serviced by elevators. Most Waterstreet homes will have dramatic, picturesque water views. Waterstreet will be a forerunner for the enhancement and regeneration of downtown Sausalito.

New homeowners living in the downtown area will help revitalize the feel and mix of downtown businesses and restaurants, reducing reliance on seasonal and day visitor traffic. Sausalito will blossom into more of a walking town as residents will not need to drive to dine or shop. Travel to San Francisco or nearby towns will be by ferry, bus, bikes, or ridesharing companies. More homeowners residing downtown will encourage more downtown civic activities such as music and art events, outdoor plays, farmers markets, local volunteerism, etc. The increase in property tax revenue from Waterstreet and sales tax revenue derived from resident spending will bolster the economy of Sausalito.

I16-10 con't

Historic

The site is not listed in the National Register of Historic Places but is located in the Sausalito Historical Overlay District. [[Author correction: as noted earlier, the State of California assigned the subject property a historical resource status code of 2D2, defined as determined eligible for the National Register and listed in the California Register.]] *The development will not cause a substantial adverse change in the significance of a historical resource nor be demolished. The historic buildings will be preserved. Construction mandates will be in effect to preserve and protect the historic buildings and neighboring buildings during the construction period. New construction will be compatible with historic materials and features to protect the integrity of the property and its environment.*

Design

The proposed architecture will not mimic the historic facades of Sausalito. The proposed façade is new and compatible in color and finish with existing historic structures in downtown.

The architecture will enhance and complement the historic facades of Sausalito. The building will feature Pantone Cool Grey textured cement on G-2 podium levels and the same color in textured stucco on levels 3-6. Black window frames, door frames, and hardware will contrast with the building finish. Highlighting this will be warm, natural wood tones on planter boxes, exterior ceilings, and privacy walls, with bright year-round greenery in the many planter boxes.

The cement planter boxes on Princess St serve as a banding where the building steps back five feet. The addition on Bridgeway will step back 20 feet from the historic façade, similar to the current second level of the existing building. The next level steps back an additional 10 feet for a total of 30 feet from the existing facade. Successive levels continue to step back to mitigate any bulk.

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

I16-10 con't

Project Impacts Analysis

The goal of a Project Impacts Analysis (PIA) is to analyze the potential effects of a project on a historical resource. According to CEQA, a project with an effect that may cause a "substantial adverse change" in the significance of a historical resource is a project that may have a "significant effect on the environment."[13] (Substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired.[14])

Generally, a project that follows the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*,[15] "shall be considered as mitigated to a level of less than significant impact on the historical resource."[16] If a project is determined to have a significant effect on the environment, the City of Sausalito (lead agency) is required to identify potentially feasible

[13] State of California, California Code of Regulations, Section 15064.5.
[14] State of California, California Code of Regulations, Section 15064.5.
[15] U.S. Department of the Interior, National Park Service. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*. Revised by Anne E. Grimer, 2017. Accessible at https://www.nps.gov/orgs/1739/upload/treatment-guidelines-2017-part1-preservation-rehabilitation.pdf.
[16] State of California, California Code of Regulations. See Title 14, section 15064.5((b)(3).

measures to avoid or mitigate significant adverse changes in the significance of the historical resource.[17]

Because the subject property is a CEQA historical resource for its status as a district contributor as well as the determination in the June 2024 HRE that the property is individually eligible for the California Register under Criteria 1 and 2, a project evaluation must be completed to determine whether the proposed Waterstreet Condominiums would materially impair the CEQA historical resource and identify any modifications to the proposed project that may reduce or avoid impacts.

The following is an analysis of the proposed project per the applicable Secretary of the Interior's Standards for Rehabilitation (Secretary's Standards).

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

I16-10 con't

The subject property has been historically used for commercial purposes with residential units above 605 & 607 Bridgeway and an uncovered driveway and parking area to the north and rear of the buildings. These spaces were integral to the operations of historically significant businesses documented in the June 2024 HRE, with the off-street parking serving "a critical role for the Marin Fruit Co. and the Chong Lee laundry."[18]

The proposed project, which includes 50 condominiums and five commercial spaces, shifts the primary use to predominantly residential. This shift necessitates the demolition of distinctive materials and features, including the rear facade of 605 Bridgeway, the second-floor residential units at 605 & 607 Bridgeway, and the utilitarian shed structures at the rear of the property. Identified as CDFs in the June 2024 HRE, the rear facades, including steel sash windows extant on all buildings and corrugated metal panels sheathing 611-613, and the utilitarian areas at the rear open parking area, are crucial to the property's historical character.

The proposed project will adversely impact distinctive features and spatial relationships, particularly through the alteration of the uncovered auto driveway and parking area that

[17] State of California, California Code of Regulations. See Title 14, sections 15126.4(a)(1), 15091(a).
[18] Connor Turnbull Preservation Consulting. "APN 065-132-16 / 605 & 607 Bridgeway and 611-613 Bridgeway, Sausalito Historic Resources Evaluation." Prepared for Lozeau Drury LLP (June 17, 2024), 57-58.

has existed since the 1940s. This spatial relationship is a CDF critical to the property's historical significance, as noted in the June 2024 HRE.

For these reasons, the proposed project does not comply with Rehabilitation Standard 1.

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

The project plans to demolish distinctive materials, including some of the rear facades and the second-floor residential units above 605 & 607 Bridgeway, all of which contain materials identified as CDFs in the June 2024 HRE.

Key features such as the second-floor residential units above 605 & 607 Bridgeway and the utilitarian shed structures at the rear of the property will be demolished as part of the proposed project. Identified as CDFs in the June 2024 HRE, the rear facades, including steel sash windows extant on all buildings, corrugated metal panels sheathing 611-613, and the utilitarian areas at the rear open parking area, are crucial to conveying the property's historical significance. These alterations would materially impair the historical resource.

I16-10 con't

The proposed changes to the uncovered auto driveway and parking area, in place since the 1940s and essential to the historic businesses, will adversely affect the spatial relationships that characterize the property. The June 2024 HRE identifies this spatial relationship as a CDF critical to the site's historical significance.

For these reasons, the proposed project does not comply with Rehabilitation Standard 2.

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

The proposed project does not include architectural features that suggest a false sense of historical development, nor will it add conjectural historical features to the existing buildings on the subject property. As proposed, the project complies with Rehabilitation Standard 3.

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

According to the June 2024 HRE, the subject property retains the integrity necessary to convey its significance. Many changes that have occurred 605-613 Bridgeway since its development have acquired significance in their own right and are identified as CDFs in the June 2024 HRE.

The alteration of significant spatial relationships, such as the uncovered auto driveway and parking area facing the utilitarian rear facades of the buildings, which have existed since the 1940s and are identified as a CDF in the June 2024 HRE, will adversely affect the integrity of the property.

For these reasons, the project does not comply with Rehabilitation Standard 4.

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

I16-10 con't

The proposed project includes plans to demolish or alter distinctive materials and features identified as CDFs in the June 2024 HRE, including:

- Steel sash windows at the rear facades
- Shallow gable roof over 611-613 Bridgeway
- Corrugated metal panels and cement stucco at the rear of 611-613 Bridgeway
- Utilitarian sheds at the rear open parking area

The project's plan to remove or alter these features will adversely affect the integrity of the property. For these reasons, the proposed project does not comply with Rehabilitation Standard 5.

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

The proposed project description does not detail the treatment of historic materials on the subject property. Drawing A201 notes "Preserve and protect existing facades," but it is presumed that this includes the Bridgeway-facing facades only and not other facades identified as CDFs in the June 2024 HRE, including the second-floor residential units

above 605 & 607 Bridgeway. Without further information, it is impossible to know if the proposed project will comply with Rehabilitation Standard 6.

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

The proposed project description does not describe the treatment of historic materials on the existing buildings. Drawing A201 notes "Preserve and protect existing facades," but with this limited information, it is impossible to know if the proposed project will comply with Rehabilitation Standard 7.

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

The proposed project description does not mention whether any archeological resources have been identified on the subject property at 605-613 Bridgeway. An assessment to identify any potential archeological resources is necessary.

I16-10 con't

If archeological resources are present, the project proposal should have a plan in place to protect and preserve these resources. The document does not mention any such plan.

If disturbance of archeological resources is unavoidable, the project must outline specific mitigation measures to address this. The document does not discuss any mitigation measures for archeological resources.

Without information on whether archeological resources are present and how they will be handled, it is not possible to determine if the proposed project complies with Rehabilitation Standard 8.

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

The proposed project's height, massing, and architectural features significantly alter the historic character and integrity of the subject property and the Sausalito Downtown Historic Overlay Zoning District (Historic District). The Historic District is characterized

as a mix of late-19th-century Victorian-era buildings combined with utilitarian early-to-mid-20th-century buildings and structures. CDFs identified in the June 2024 HRE include the topographical transition from a hillside dotted with residential buildings leading to a natural bluff overlooking a commercial waterfront district built around a historic ferry landing area. The average height of buildings in the Historic District is two to three stories, with the southern portion having a mix of one- and two-story commercial buildings, some with one or two stories of residential above.

The proposed project's addition of six stories (85 feet) directly over the historic single-story commercial buildings is significantly out of scale with the existing environment of the subject property and the Historic District. (Ceilings in the 85-foot-tall addition are 12 feet, which results in a building equivalent to eight to nine stories.)

Similarly, the increase in the mass of the proposed addition is dramatically out of scale with the Historic District. The bulk of the new building overwhelms the existing waterfront streetscape and obscures the natural bluff and hillside behind, thereby impacting CDFs identified in the June 2024 Historic Resource Evaluation (HRE) and thus the integrity of the Historic District.

I16-10 con't

The appearance of the proposed project would contrast sharply with the character of Sausalito's existing commercial facades. The large expanses of glass in the new construction are incompatible with the existing buildings and the Historic District, where historic buildings typically have articulated facades and smaller, traditionally proportioned windows. The new windows are out of scale and do not match the traditional fenestration patterns in the area.

While the new work is differentiated from the old, the unarticulated facades, use of large expanses of glass, and the overall contemporary design are not compatible with the historic character of the Historic District. The materials chosen (stucco and steel windows) may be appropriate, but their application in this context does not align with the historic features and proportions of the district.

For these reasons, the proposed project does not comply with Rehabilitation Standard 9.

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

The proposed new building is embedded above and behind the existing property, meaning it integrates with and depends on the existing historic structure of the buildings at 605-613 Bridgeway. If the new addition were removed in the future, the alterations to the historic property, including the demolition of the rear utilitarian facades, partial demolition of roofs, and the demolition of the residential units above 605 & 607, would impair the essential form and integrity of the subject property. These changes to the historic fabric of the buildings would be irreversible, leaving the CEQA historical resource permanently altered and impaired.

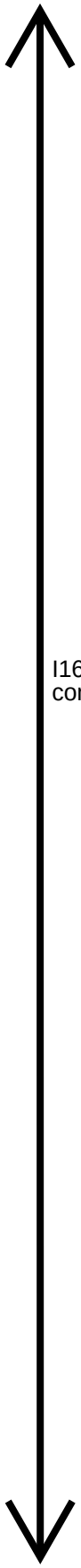
For these reasons, the proposed project does not comply with Rehabilitation Standard 10.

Conclusion

Watson Heritage Consulting finds that the proposed project at 605-613 Bridgeway in Sausalito, CA does not meet the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties. As currently proposed, the project will cause a "substantial adverse change" in the significance of both the Sausalito Downtown Historic Overlay Zoning District and the subject property. These are recognized historical resources under CEQA. A substantial adverse change in the significance of a historical resource includes the demolition or alteration of the resource or its immediate surroundings to an extent that would materially impair the significance of the historical resource. If a project is determined to have a significant effect on the environment, the City of Sausalito (lead agency) is required to identify potentially feasible measures to avoid or mitigate significant adverse changes in the significance of the subject property and the Historic District.[19]

I16-10 con't

[19] State of California, California Code of Regulations, Sections 15126.4(a)(1), 15091(a).



I16-10
con't

EXHIBIT B

MEMO

TO: Richard Drury
Lozeau Drury LLP
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FROM: Shayne Watson
Watson Heritage Consulting
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DATE: June 25, 2024

SUBJECT: Peer review of the following two reports prepared for 605-613 Bridgeway in Sausalito, California:

- "605-613 Bridgeway, Sausalito, Historic Resource Summary," prepared by Preservation Architecture (January 26, 2024)
- "605-613 Bridgeway, Sausalito, Historical Summary and Project Evaluation," prepared by Preservation Architecture (May 11, 2024)

I16-10 con't

Introduction

My name is Shayne Watson, and I practice architectural history and historic preservation planning in the San Francisco Bay Area at my consultancy, Watson Heritage Consulting. I have evaluated historic properties for eligibility under the National Historic Preservation Act (NHPA) and the California Environmental Quality Act (CEQA) since 2003. This experience qualifies me to conduct this peer review as a professional meeting the Secretary of the Interior's Professional Qualification Standards for History and Architectural History.

I was retained by Lozeau and Drury LLP in 2024 to conduct a peer review of two reports prepared by Mark Hulbert, preservation architect and historic resources consultant at Preservation Architecture:

- "605-613 Bridgeway, Sausalito, Historic Resource Summary" (January 26, 2024)
- "605-613 Bridgeway, Sausalito, Historical Summary and Project Evaluation" (May 11, 2024)

Both the January 26 and May 11 reports cover generally the same information, so this peer review focuses on the two reports at once.

Under the California Environmental Quality Act (CEQA), the first step in the environmental review process is to prepare a Historic Resource Evaluation (HRE) to allow a lead agency to make a determination about a property's historical significance under CEQA.[1] Lead agencies have a responsibility to evaluate potential historical resources for eligibility under California Register of Historical Resources (California Register) significance criteria prior to making a finding as to a proposed project's impacts on historical resources (PRC § 21084.1, 14 CCR § 15064.5(3)).[2]

After reviewing the January 26, 2024 and May 11, 2024 reports for 605-613 Bridgeway by Preservation Architecture, it is my opinion that they are missing the basic necessary information required for the City of Sausalito to determine the property's historical significance according to CEQA Section 15064.5(b)(3).[3] The Preservation Architecture reports, therefore, should not be used to inform the analysis required for a Project Impacts Analysis (PIA). (The May 2024 report includes a PIA beginning on page 17.)

I16-10 con't

CEQA Historical Resource Evaluations

The purpose of a Historical Resource Evaluation (HRE) is to determine the historical resource status of a property, according to California Environmental Quality Act (CEQA) Section 15064.5(b)(3).[4] CEQA is the main law mandating environmental assessments for projects within California. It aims to ascertain whether a proposed project could adversely affect the environment and if such impacts can be mitigated or avoided through alternative actions. CEQA is detailed in the Public Resources Code (PRC), Sections 21000 and following.[5]

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[1] State of California, California Code of Regulations. "Section 15064.5 - Determining the Significance of Impacts to Archaeological and Historical Resources." Current through Register 2024 Notice Reg. No. 21, May 24, 2024. Accessible at https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-5-preliminary-review-of-projects-and-conduct-of-initial-study/section-150645-determining-the-significance-of-impacts-to-archaeological-and-historical-resources.

[2] State of California, Office of Historic Preservation. "California Office of Historic Preservation Technical Assistance Series #1: California Environmental Quality Act (CEQA) and Historical Resources." No date. Accessible at https://ohp.parks.ca.gov/pages/1054/files/ts01ca.pdf.

[3] State of California, California Code of Regulations, Section 15064.5.

[4] State of California, California Code of Regulations, Section 15064.5.

[5] The information in this section is excerpted from State of California, Office of Historic Preservation. "Technical Assistance Series #1."

The CEQA Guidelines, located in the California Code of Regulations (CCR), Title 14, Chapter 3, Sections 15000 and following, provide instructions for implementing CEQA and are mandatory for state and local agencies.

Historical resources are considered part of the environment under CEQA (PRC §§ 21002(b), 21083.2, and 21084.1). The California Register of Historical Resources (California Register) is an official listing of the state's historical resources and identifies properties deemed significant under CEQA. Resources listed in or eligible for listing in the California Register must be considered during the CEQA process.

The statute for the California Register (PRC § 5024.1) and its regulations (14 CCR § 4850 et seq.) mandate that evaluations for listing historical resources must be updated if they are more than five years old to ensure their accuracy at the time of listing. However, this does not imply that resources identified in older surveys are not considered "historical resources" under CEQA. Unless a resource has been demolished, significantly altered, or is otherwise proven ineligible for listing, lead agencies should treat it as potentially eligible for the California Register.

I16-10 con't

Additionally, a resource does not need prior identification through listing or survey to be considered significant under CEQA. Lead agencies must evaluate whether historical resources potentially impacted by a project meet the California Register criteria before determining the project's impact on these resources (PRC § 21084.1, 14 CCR § 15064.5(3)).

Peer Review of 2024 Preservation Architecture Reports

As noted above, the lead agency (City of Sausalito) has a responsibility to evaluate a property's historical significance according to CEQA Section 15064.5(b)(3)[6] before making a finding as to a proposed project's impacts on historical resources (PRC § 21084.1, 14 CCR § 15064.5(3)).[7]

After reviewing the January 26, 2024, and May 11, 2024 reports for 605-613 Bridgeway by Preservation Architecture, it is my opinion that they are missing the basic necessary information required for the City of Sausalito to make informed planning decisions about the buildings located on the subject property. The reports do not evaluate the property's historical significance according to CEQA Section 15064.5(b)(3).[8]

[6] State of California, California Code of Regulations, Section 15064.5.
[7] State of California, Office of Historic Preservation. "Technical Assistance Series #1."
[8] State of California, California Code of Regulations, Section 15064.5.

General Comments

The January 2024 and May 2024 reports are not formatted according to standard CEQA HREs and the presentation is confusing. While some of the information required for a CEQA HRE is included in both reports, it is recommended that the report be reformatted to align with the following general format in terms of organization and content:

- Introduction
  - Basic property information
  - Current CEQA historical resource status
- Architectural Description
- Property History
  - Property development, history of use and owner/occupants
- Historical Context
- California Register Evaluation
  - Significance evaluation (Criteria 1-4)
  - Integrity evaluation (Aspects 1-7)
  - Identification of character-defining features

I16-10 con't

Previous Evaluations

As noted above, if a property has already been identified as a historical resource under CEQA, it is important to summarize this in the introduction to an HRE. Resources identified in older surveys may be considered "historical resources" under CEQA unless “the resource has been demolished, significantly altered, or is otherwise proven ineligible for listing, lead agencies should treat it as potentially eligible for the California Register (PRC § 5024.1) (14 CCR § 4850 et seq.).

In the case of the subject property, previous evaluations identified the parcel as having a Historical Resource Status Code of 2D2, defined by the California Office of Historic Preservation as “Contributor to a district determined eligible for NR by consensus through Section 106 process. Listed in the CR.”[9] A property listed in the California Register is defined as a historical resource under CEQA.

- The January 2024 report mentions that the subject property falls within Sausalito’s Downtown Historic District. Still, there is no explanation of what this means in terms of the subject property’s status as a historical resource under CEQA.
- The January and May 2024 reports include excerpts of the Statements of Significance from the “1980 Historic Resource Inventory,” but there is no explanation as to the

[9] State of California, Office of Historic Preservation. “California Historical Resource Status Codes.” Revised 3/1/2020. Accessible at https://ohp.parks.ca.gov/pages/1069/files/Resource-Status-Codes.pdf.

meaning of the 1980 inventory and how it relates to the subject property's status as a historical resource under CEQA.

- The May 2024 report references a 2019 technical memorandum prepared for 719-725 Bridgeway by consultant Page & Turnbull to conclude that the subject property is "*not individually listed in the CR*," which contradicts the property's status code of 2D2: "Listed in the CR."
- In the May 2024 report, the following statements are inaccurate or irrelevant to an HRE:
    - Page 11: "*Thus, while the District is CR listed, the individual properties identified as contributors are not individually listed in the CR. As such, the District is the identified historic resource, not the individual properties*."
        - This statement is inaccurate, as the subject property's status code of 2D2 means that it is listed in the California Register.
    - Page 12: The report states that the Certified Historic District for downtown Sausalito is "*not a National Register listing and the certified local district is not a formal National Register historic district as a result*."
        - This statement is irrelevant to a CEQA historical resource evaluation, as the subject property's status code of 2D2 means that it is listed in the California Register by being determined eligible for the National Register of Historic Places.
    - Page 12: "*Further, the 1980 evaluation determined that the District met eligibility criteria for listing on the National Register of Historic Places (NR). However, no NR nomination was submitted, then or since. While the District was deemed a NR 'Certified Historic District' – yet again on the basis of the 1980 record – that certification is for Federal preservation tax incentives only, is not a National Register listing and the certified local district is not a formal National Register historic district as [a] result*."
        - This statement is irrelevant to a CEQA historical resource evaluation, as the subject property's status code of 2D2 means that it is listed in the California Register by being determined eligible for the National Register of Historic Places.
    - Page 12: "*In sum, the property and buildings at 605-613 Bridgeway… Are not individually listed in the California Register." "Conclusively, neither of the subject buildings are individually listed on any historic register*."
        - This statement is inaccurate, as the subject property's status code of 2D2 means that it is listed in the California Register.

I16-10 con't

Architectural Descriptions

Architectural descriptions are a key part of an HRE as they document the existing conditions of a subject property and show how a property has or has not changed over time (list of known

alterations). The architectural descriptions should be supplemented with photographs showing existing conditions of the entire subject property, including contextual views of the property in its setting and views of all exterior facades.

- The January 2024 report does not include a description of the existing conditions of the subject property.
- The May 2024 report includes a section titled Summary Descriptions (pages 5 & 7), which is a mix of significance statements from 1980; permit records; known alterations; existing “characteristics”; and a condition assessment. Architectural descriptions should describe existing conditions of the subject property and a list of known alterations. Any mention of significance should be moved to the Introduction (current CEQA status) or the California Register Evaluation.
- In the May 2024 report, the first photograph under Site (page 9) includes mention of character-defining features (CDFs) in the caption. This reference should be removed, as CDFs are identified only after a property has been evaluated for significance and determined eligible for the California Register. CDFs are the features of a property that convey its significance.

I16-10 con't

Property History

An updated and detailed history of the development of the subject property is necessary to evaluate the historical significance of a property under CEQA. The January and May 2024 Preservation Architecture reports do not contain sufficient property history to give a comprehensive understanding of the history of 605-613 Bridgeway. The section titled “Summary Property History” mentions names of businesses, owners, and tenants associated with the subject property, yet there was no research to ascertain the potential significance of the businesses and individuals. This research is crucial in determining the significance of a property under California Register Criterion 2.

Historical Context

Similar to a comprehensive property summary, historical context is an integral part of the historical resource evaluation process. Relevant historical context tells the broader story of how the subject property fits within the larger picture of Sausalito’s history. Without understanding the historical context of a property, it is impossible to evaluate a property’s significance.

The City of Sausalito has a citywide historic context statement (HCS), prepared for the City of Sausalito and the Office of Historic Preservation in October 2022 by VerPlanck Historic Preservation Consulting. The HCS should be referred to in any historical resource evaluation for Sausalito.

Historical context relevant to the subject property would include themes such as early community development, commerce, and transportation – all of which are covered in VerPlanck's HCS.

- The January 2024 report does not contain historical context.
- In the May 2024 report, the information under Historic Context (page 10) is a summary of the property's status as a historic district contributor, which is not historical context. Same with the reference to consultant Page & Turnbull's technical memorandum for 719-725 Bridgeway (2019) and the discussion of zoning within the historic district (e.g., 83 Princess).

California Register Evaluation

As noted above, the purpose of an HRE is to determine the historical resource status of a property according to CEQA Section 15064.5(b)(3). Lead agencies must evaluate whether historical resources potentially impacted by a project meet the California Register criteria before determining the project's impact on these resources (PRC § 21084.1, 14 CCR § 15064.5(3)).

I16-10 con't

Even if the property has been evaluated previously, the statute for the California Register (PRC § 5024.1) and its regulations (14 CCR § 4850 et seq.) mandate that evaluations for listing historical resources must be updated if they are more than five years old to ensure their accuracy at the time of listing.

- The January 2024 report does not reference CEQA nor the California Register criteria for assessing significance and integrity.

- Neither report includes the following sections that are necessary for an HRE: an updated evaluation of the subject property's eligibility for the California Register under significance Criteria 1-4; evaluation of the subject property's seven aspects of integrity (if the property is determined to be significant under CEQA); and a comprehensive list of extant character-defining features (CDFs) that convey the property's historical significance. CDFs are the historical features of a property that convey its historical significance and should not be introduced without evaluating the historical resource status of the property. (The January 2024 report includes CDFs in the property history and notes that "*no rearward site or building spaces, forms or materials are identifiably character defining*" (page 7).)

- The May 2024 report includes the following statement on page 12 about the subject property being ineligible for individual listing in the California Register, but provides no historical resource evaluation to support this conclusion:

> *Given their minimal and basic characteristics, as the 2 building facades are architecturally and materially insubstantial, neither are individually eligible for historical designation. Otherwise, they stand in the context of the District and to which they basically contribute. Conversely, as is also plain to see, the rearward structures are void of potential historical importance, as are the open areas of site.*

I16-10 con't

It is important to note that this statement focuses solely on the architectural and physical qualities of the building (California Register Criterion 3) and does nothing to assess the significance of the property for association with important events (California Register Criterion 1) or significant individuals (California Register Criterion 2).

I16-11

EXHIBIT 2

STAFF REPORT
SAUSALITO PLANNING COMMISSION

MEETING DATE: January 15, 2025

AGENDA TITLE: Project Application #2024-00019; Study Session for Municipal Code Amendment: Adoption of More Comprehensive Objective Design and Development Standards (ODDS) and Form-Based Code

LEAD DEPARTMENT: Community Development

RECOMMENDED ACTION
Receive presentations and accept public comment on the proposed draft Objective Design and Development Standards (ODDS).

I16-11 con't

BACKGROUND
The State of California has adopted or amended several housing laws, including the Housing Accountability Act (CA Government Code section 65589.5), SB 35 (CA Government Code section 65913.4), SB 9 (CA Government Code sections 65852.21 and 66411.7), AB 2011 (CA Government Code section 65912.100 et seq.), and most recently SB 684 (Gov. Code sections 65852.28, 65913.4.5, 66499.41). These laws generally limit discretionary development review authority of local governments to the use of adopted objective development and design standards for qualifying new residential projects. Determinations regarding the completeness of an application submittal and decisions related to project approval or conditions of approval are required by law to be based on objective standards identified by the jurisdiction.

To comply with these state laws, the City Council adopted Resolution No. 6059 on July 13, 2021, which identified those current Municipal Code regulations in Titles 9 (Subdivisions), 10 (Zoning), and 17 (Streets, Sidewalks, and Public Places) that constitute the City's objective development standards, and which would be utilized for review of projects required under state laws to receive streamlined processing. Recognizing that many of the City's subjective development review criteria which regulate building design and view preservation cannot be easily quantified to become objective standards, the City Council directed that staff engage with consultants and the Planning Commission to develop more comprehensive objective development design standards (ODDS) with additional criteria to assure the compatibility of new multi-unit buildings with the character of Sausalito in cases where only ministerial review

is allowed by State law.

Over the past three and a half years consultants Robert Brown and Opticos Design Inc. have worked with City staff, a Planning Commission Subcommittee and a Peer Review Group of local architects and historians to customize a version of the Marin County ODDS Toolkit to apply to the unique conditions of Sausalito properties and development character. During the preparation of the Draft ODDS the City adopted a new Housing Element which identified 48 sites for higher densities than currently allowed by the Municipal Code, resulting in a significant revision of the earlier drafts to create regulations for larger structures.

To accommodate these higher densities, Program 16 of the adopted 2023-2031 Housing Element requires Zoning Code amendments to:

- *16 F. Design Standards*: The City will review and modify the Design Review criteria to ensure application processing timelines comply with the requirements of applicable State laws, including Government Code Sections 65950-65957.5, streamline and simplify the process, including a limitation on the maximum number of hearings per project, and ensure objective standards and findings are applied to projects subject to Design Review.
- *16 G. Height Limits*: The City will review its maximum height limits, including those included as part of the ODDS, and revise requirements as necessary to accommodate the maximum permitted densities in the proposed Housing Overlay and Mixed Use Overlay Zones in Program 4.
- *16 H. Streamlined Ministerial Review and Objective Design Standards:* The City will establish a permit or process for streamlined ministerial approvals where required by State law. The ODDS are addressed under Program 19.

I16-11 con't

Public review of the Draft ODDS has occurred during the following study sessions of the Planning Commission, Historic Resources Commission, and City Council:

- **December 15, 2021:** Special Joint meeting of Planning Commission and Historic Preservation Commission (Agenda / Video)
- **February 8, 2022:** City Council Meeting (Agenda / Video)
- **May 19, 2022:** Historic Preservation Commission Meeting (Agenda / Video)
- **January 24, 2023:** City Council Study Session (Agenda / Video)
- **March 29, 2023:** Planning Commission Study Session (Agenda / Video)
- **February 14, 2024:** Planning Commission Study Session (Agenda/Video)
- **March 19, 2024:** City Council Study Session (Agenda/Video)
- **October 1, 2024:** City Council Study Session (Agenda/Video)
- **October 23, 2024:** Planning Commission Study Session (Agenda / Video)

Summary of Peer Review Group Recommendations:

The peer review group held six formal meetings between May and August 2023 but also divided the effort between subcommittees which met many times. The peer review group

recommended several significant changes to the Draft ODDS:

- Overall, the changes made by the peer review group reduced the size (number of pages) of the original Draft ODDS by half.
- Structure of the Code: The original Draft ODDS was proposed as a "parallel code" to the current Zoning Code (Title 10). Qualifying projects utilizing the ODDS would follow a new Title 10A, which would supersede several sections of the current Zoning Code. The benefit of this approach was that applicants and staff could find all the relevant building size regulations in one location.

  The peer review group recommended that the ODDS not include new Zones which contain the basic building form and placement standards (setbacks, height limits, FAR, coverage limits, allowed setback encroachment), but instead rely on the existing regulations in the Zoning Code. In the revised draft the Zones were removed and regulations in the Zoning Code's multifamily and commercial zoning districts will apply. The Draft ODDS will therefore be additive design standards, in addition to existing objective development regulations in the Municipal Code.
- Streamlined the document by reducing the number of allowable building types from 11 to 4, reduced the number of allowable frontage types from 9 to 6, adding front garage and front garden options which are more common for Sausalito's sloping lots.
- Modified privacy regulations between abutting properties to address visibility of outdoor spaces as well as adjacent windows.
- Added regulations applicable to properties in the Historic District; and
- Added regulations to assess and limit view impacts from private and public vantage points.

I16-11 con't

City Council Direction re: Peer Review Group Recommendations:

At its study session on October 1, 2024 (Agenda/Video) the City Council provided the following direction related to the draft ODDS as recommended by the peer review group:

- Reconsider an ODDS provision recommended by the peer review group which would provide regulatory adjustments to projects which are unable to achieve the allowable floor area ratio (FAR) due to restrictions imposed by the adopted ODDS,
- Develop a scope of work and budget estimate for creation of software to analyze new development proposals for compliance with recommended view preservation standards,
- Develop a scope of work and budget estimate for preparation of a historic building inventory which would update the proposed Defining Characteristics List for compliance with recommended historic preservation standards, and
- Discuss the proposed view preservation standards with representatives of the State Department of Housing and Community Development (HCD).

Planning Commission Feedback re: Peer Review Group Recommendations:

At its study session on October 23, 2024 (Agenda/Video) the Planning Commission requested the following information related to the draft ODDS as recommended by the peer review group:

- Provide data on the number of R-2, R-3 and commercially zoned parcels which could accommodate over 5 units of housing, thereby being eligible for the state density bonus allowances,
- Clarify whether a commercial or industrial-zoned parcel with a Housing Opportunity Site (HOS) overlay can be developed without including the minimum density of housing stipulated in the adopted Housing Element,
- Consider whether the requirements and description of "bays" as part of the Massing Composition regulations is sufficiently objective,
- Provide an example of how the historic preservation regulations would apply to a site in the Historic District,
- Determine whether the historic preservation regulations requiring replication of two or more defining character elements conflicts with the Secretary of the Interior Standards which encourage differentiating new versus historic design elements, and
- Clarify whether the proposed view preservation software is accurately evaluating view impacts from primary living areas windows.

I16-11 con't

Public Input:

The Planning Commission received both written and oral testimony at their October study session in support of the Draft ODDS, particularly the view and historic preservation regulations.

The Commission also received, the day of the study session, a letter from the California Housing Defense Fund asserting that adoption of the Draft ODDS would be in violation of state law and the City's adopted Housing Element (Attachment 3). The letter specifically cites the view and historic preservation regulations as having the potential to preclude or limit development, constituting new development restrictions that would limit density or intensity of development and result in not achieving the City's RHNA. The letter also points out that SB 478 (2021) establishes minimum allowable floor area ratios (FARs) for projects ranging from 3 to 10 new housing units which are not reflected in the FARs proposed in the Draft ODDS. Staff notes this discrepancy and will update the ODDS to reflect these state-required minimum FARs.

DISCUSSION

Responses to City Council Direction:

The following provides an update to the City Council direction from their meeting of October 1, 2024:

1. Adjustments to Standards to Reach Allowable Floor Area Ratio.

In recognition of the limitations imposed by the State's Housing Crisis Act (SB 330) which preclude a jurisdiction from enacting zoning restrictions which preclude a residential project from achieving its allowed intensity (allowable floor area) or density, the Council requested that the peer review group recommend allowed adjustments to ODDS standards to address such situations.

The peer review group has recommended a tiered set of targeted adjustments to ODDS regulations included as Section 10A.01.060 of the Draft ODDS that would allow increased building area and/or reduced standards for projects unable to achieve allowable FAR or density. The adjustments are provided in two tiers. The first tier provides adjustments to building proportions, parking lot landscaping, private open space and building frontage dimensions. If, after application of these adjustments, the project fails to achieve the allowable FAR, a second tier of adjustments is available to the view preservation, historic preservation and building height limitations.

I16-11 con't

2. Preparation of View Preservation Software.

The effort to develop the view preservation software is underway but did not meet the originally suggested timeline of having operational software by the end of 2024. Negotiations to contract with GIS software company ESRI for the development of view analysis software by the was not successful. Members of the peer review group are exploring other options for developing such software. An update on their progress is provided as Attachment 4 and will be presented at the Planning Commission study session.

The update suggests that a MVP (minimal viable product) should be available by the end of January and ready for testing which is estimated to take six weeks. Staff recommends that rigorous testing will be needed to document the feasibility of development of the Housing Opportunity Sites at densities to achieve the City's RHNA requirements, in order to satisfy the concerns raised by the Department of Housing and Community Development (see discussion under #5 below). Such testing is likely to require more time than anticipated as well as a budget expenditure. This may be difficult to achieve in a timely manner, given that the City is on a compressed timeline to adopt an amended Housing Element, rezoning, and ODDS in order to assure a June Ballot initiative.

3. Preparation of Updated Historic Building Inventory.

A citywide update of the Historic Building Inventory requires substantial funding and

resources, and typically involve a citizen's group or task force to conduct re-assessments of neighborhoods. Staff intends to present options for initiating the process of updating the Historic Building Inventory in 2025, after adoption of the ODDS and revised Housing Element.

4. Refinement of Defining Characteristics List.

A refined version of the Defining Characteristics List (DCL) was prepared by staff and the peer review group for adoption by City Council resolution (Attachment 4). Both staff and the peer review group emphasize that the proposed DCL is a placeholder tool until completion of an updated inventory of buildings in the Historic District which will establish a more detailed and accurate list of defining characteristics for each historic property.

5. Feedback from State HCD.

Staff has had several consultations with staff at HCD (California Department of Housing and Community Development) regarding proposed revisions to the adopted Housing Element and the Draft ODDS. Various meetings have focused on different topics related to these documents and their compliance with State housing law. While HCD has not offered specific comments on the Draft ODDS, they have offered the following feedback to date:

> *Program 19 (Development Procedures Review): The element includes revisions to program timeframes and to account for ongoing implementation of the City's Objective Design and Development Standards (ODDS) framework. Please be advised, HCD is actively monitoring the progress of Program 19 and reminds the City that the ODDS should be reviewed and analyzed for their impacts as potential constraints on housing supply and affordability. Currently, the proposed timeline for adoption of the ODDS is May 2025. The revised element now proposes a staggered timeline based on the implementation of the rezones.*
>
> *Please note, rezones must be completed by January 31, 2026, including for sites subject to restrictions on existing voter initiatives. As you are aware, HCD has received public comments expressing concern over the feasibility of the proposed ODDS to facilitate development within the City. The City must demonstrate the ODDS process is not a constraint to the developmental and financial feasibility of development projects and that any required approval findings and decision-making criteria will improve development certainty and mitigate cost impacts during the planning period. When analyzing the ODDS, the City should consider impacts on both affordable and market rate projects and could consider typical projects that have been recently proposed in Marin County.*
>
> *Please note, pursuant to the Housing Accountability Act, Government Code section 65589.5, subdivision (f)(1) states that while a local agency is not prohibited from requiring the housing development project to comply with objective, quantifiable, written development standards, conditions and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.*

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During this “meet and confer” process, members of the peer review group that worked on this chapter indicated that early estimates suggested that the City would have more than enough capacity to meet the Housing Element goals. However, as discussed under #2 above, there has not yet been testing of software and/or an analysis to affirm that the standards would not present a constraint to currently identified sites. Rather, it has been suggested that Marin County has developed “Housing Element Design Software” through recent grant programs that would provide the tools needed to test for this concern (see Attachment 6). In addition to presenting progress on the development of software for view analysis, members of the peer review group will also present recommendations for verifying compliance with State housing law.

While staff is aware that the County has utilized Regional Early Action Planning (REAP) funds to develop this “visioning tool”, the functionality of this tool is unclear at this time, and it is uncertain whether there is funding available that can be applied to this exercise. Regardless of funding source, it may take some (several weeks to several months) to complete & test the view preservation software and then apply this tool to sites within the City to verify whether the view preservation standards are compliant with State housing law. The City is on a compressed timeline to adopt an amended Housing Element, rezoning, and ODDS in order to assure a June Ballot initiative, and it is uncertain whether the software development and testing can be achieved within this timeline.

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Responses to Planning Commission Questions:

The following provides an update to the questions raised by the Planning Commission at their meeting of October 24, 2024:

1. Data on parcels that might qualify for State Density Bonus.

Recognizing that provisions of the State Density Bonus, including waivers of zoning regulations, are available to projects providing five or more new housing units, the Commission requested data on the number of multifamily and commercially zoned parcels that could qualify for the density bonus allowances. This data was provided during the Housing Element process only for the proposed housing opportunity sites, which is a small subset of all parcels zoned for multifamily or mixed-use development. Although a data summary for all such parcels is not available, it can be pointed out that parcels zoned R-3, CC, CR and CN which are 7,500 square feet in area or larger, and parcels proposed to be zoned HOS-49 which are 4,500 square feet or larger, and parcels proposed to be zoned HOS-70 which are 3,100 square feet or larger could be allowed density of five or more units and therefore eligible for the state density bonus provisions if all requirements of the state law are met.

2. Non-residential development of parcels zoned HOS.

The Commission asked whether commercial or industrially zoned parcels proposed to have the HOS (Housing Opportunity Site) zoning overlay would be allowed to be redeveloped or expanded with non-residential uses. The adopted Housing Element relies on redevelopment of 48 Housing Opportunity Sites to meet the required RHNA and the draft Zoning Code amendments to establish the HOS overlay districts require that development meet the minimum residential densities for new projects on overlay sites (min. 20 du/acre for HOS-29, min. 43 du/acre for HOS-49 and min. 50 du/acre for HOS-70). Therefore, any proposed project involving expansion of an existing building or new construction would be required to incorporate the minimum number of dwelling units prescribed for that site by the Housing Element.

3. Example of redevelopment under proposed Historic District Regulations.

The Commission requested a visual representation of redevelopment of a property within the Historic District demonstrating the effects of proposed historic preservation standards. After some initial discussion on this matter, members of the peer review group recommended that a local resident/architect for the City to hire to assist with the preparation of a case-study to demonstrate the application of the District Standards to the remodel / addition of an existing property in the Downtown. The City has recently contracted with a Jerome Christensen of Min Design who is preparing a case study based on direction from members of the peer review group. The case-study will be presented to the Planning Commission at the upcoming Study Session.

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4. Concern that the proposed Historic District Standards conflict with Secretary of the Interior Standards for differentiation.

The Secretary of the Interior Standards for modification of historic structures calls for differentiation between the existing historic structure and any new addition(s). The Draft ODDS included a requirement that new construction incorporate at least two of the listed defining characteristics of the historic building's design. After further consideration and consultation, staff is proposing alternative and additional historic preservation standards to assure differentiation between old and new construction, which are described below.

5. Clarification of accuracy of the proposed View Preservation Software.

The proposed view preservation standards in Chapter 3 of the Draft ODDS rely on software which would model the extent of existing views of identified features from buildings surrounding a proposed development site and then the extent of blockage of such views by the new construction. The Commission questioned whether the proposed software would accurately measure views from vantage points of primary living areas. The proposed software analysis would be done by averaging the view analysis from each 6' x 6' grid area of a building facade since the precise location of windows and interior layout isn't known as

part of the available data layers.

To increase the accuracy of the modeling effort, it might be possible to run the software using the wall-averaging method and then, in cases where the proposed construction violates the view preservation blockage standards, the software operator could refine and rerun the analysis based on photos of the building facade to establish the precise primary window location(s) and run the analysis from this(these) vantage point(s). This would require some additional revisions to the language for the draft standards.

Revisions to the Draft ODDS:

A detailed description of the proposed ODDS and amendments to the Zoning Code (Title 10) to implement the Housing Element programs related to the Housing Opportunity Sites can be found in the staff report prepared for the October 23, 2024 Planning Commission meeting (Staff Report).

The only substantive changes made to the Draft ODDS since the previous draft shared with the Planning Commission and City Council were to the proposed Historic District Standards in Chapter 6. Since the October study sessions staff has reviewed the Draft ODDS with historic consultant Jerri Holan and members of the Peer Review Committee and offer several revisions to the original text:

- Clarified wording regarding repairs of defining characteristics (10A.06.050.1A)
- Clarified that new windows must match the configuration of existing windows (10A.06.050.1C)
- Required that new street-facing building entries be smaller dimensionally than existing entries to not be visually dominant (10A.06.050.1D and 2K)
- Required a front building stepback of at least 15 feet for additions that increase the building's height to differentiate and make less visually dominant the added story (10A.06.050.2B)
- Required the roof form of new additions match the existing roof form (10A.06.050.2C)
- Required that new horizontal additions to existing buildings be differentiated in terms of materials, colors, and decorative elements and by incorporating a defined front setback or facade break (10A.06.050.2M)
- To assist in understanding the various regulations, diagrams have been added (Figures 10A.06.050.1-5)

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It should be noted that, as presented, the height restriction proposed for the historic district in Section 10A.06.050.2A by the peer review group states: *In no case shall the overall height of new additions exceed 32 feet as measured from the midpoint of each property line that fronts a street*. This standard differs from that used in the Municipal Code (Section 10.40.060) for all other properties, which adjusts for height based on the slope of properties. The proposed language would set a straight-line height limit based upon each street frontage.

Staff has concerns with establishing a different height standard, both in terms of administration and due to potential issues with state law which precludes adopting more stringent zoning regulations. This could also be particularly restrictive for the sites in the Downtown that have more than one street frontage, as the lowest street elevation frontage would potentially dictate the height limit for the entire property.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (EIR) analyzing the impacts of the ODDS adoption and implementation of other Housing Element programs was published on September 4, 2024. A revised EIR was published on December 13, 2024, and public comments are accepted until January 27, 2025.

NEXT STEPS

The adoption of the ODDS and other Zoning Code amendments to implement Housing Element programs will occur in concert with adoption of amendments to the 2023-2031 Housing Element. A Draft Ordinance Adopting Title 10A (ODDS) is provided for consideration. In order to meet the timelines for submission of a ballot measure in June, to meet the State mandated requirements for rezoning, the City outlined the following schedule for Planning Commission and City Council meetings public hearings on these various related matters:

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- **February 4:** City Council Study Session to review Draft Amended Housing Element, draft rezoning materials, and draft revised ODDS
- **February 19:** Planning Commission Public Hearing re: recommendation to City Council on, Amended Housing Element, General Plan Amendments, Rezoning and revised ODDS
- **February 25:** City Council Public Hearing regarding certification of the EIR and adoption of the Amended Housing Element, General Plan Amendments,
- **March 4:** City Council Public Hearing regarding rezoning and revised ODDS, and first hearing regarding adoption of rezoning and revised ODDS and placement of rezoning on ballot (for voter restricted sites)
    - It is anticipated that the City will have two ordinances for the ODDS and the rezoning because the voters need to approve the rezoning ordinances that are subject to voter initiative restrictions (i.e., Ordinance Nos. 1128 and 1022).
    - The City Council can place rezoning measures and the ODDS on a ballot after the Amended Housing Element is adopted.
- **March 14:** Ballot measure deadline to submit items to the County for June 10 Special Election
- **March 18:** City Council 2nd reading of ordinances for rezoning for parcels not restricted by Ordinance Nos. 1128 and 1022 and revised ODDS.

As noted above, the City is on an urgent timeline to have the Amended Housing Element

and related General Plan amendments, Rezoning, and revised ODDS and zoning amendments finalized, in order to meet timeline for a ballot initiative in June. In order to meet this timeline, the Planning Commission is must provide a conclusive recommendation to the City Council at the February 19, 2025, Planning Commission hearing.

February 4, 2025:	City Council study sessions on Housing Element and ODDS
February 19, 2025:	Special Planning Commission Meeting to provide recommendations to the City Council on the Amended Housing Element, General Plan Amendments, Zoning Code and Map amendments, and ODDS
February 25, 2025:	City Council public hearings on Housing Element amendments, General Plan Amendments, and certification of the Final EIR
March 4, 2025:	City Council public hearing introducing amendments to the Municipal Code adopting the associated Zoning Code and Map amendments, and ODDS; adopt resolutions for ballot measures.
March 18, 2025:	City Council second reading of Municipal Code amendments

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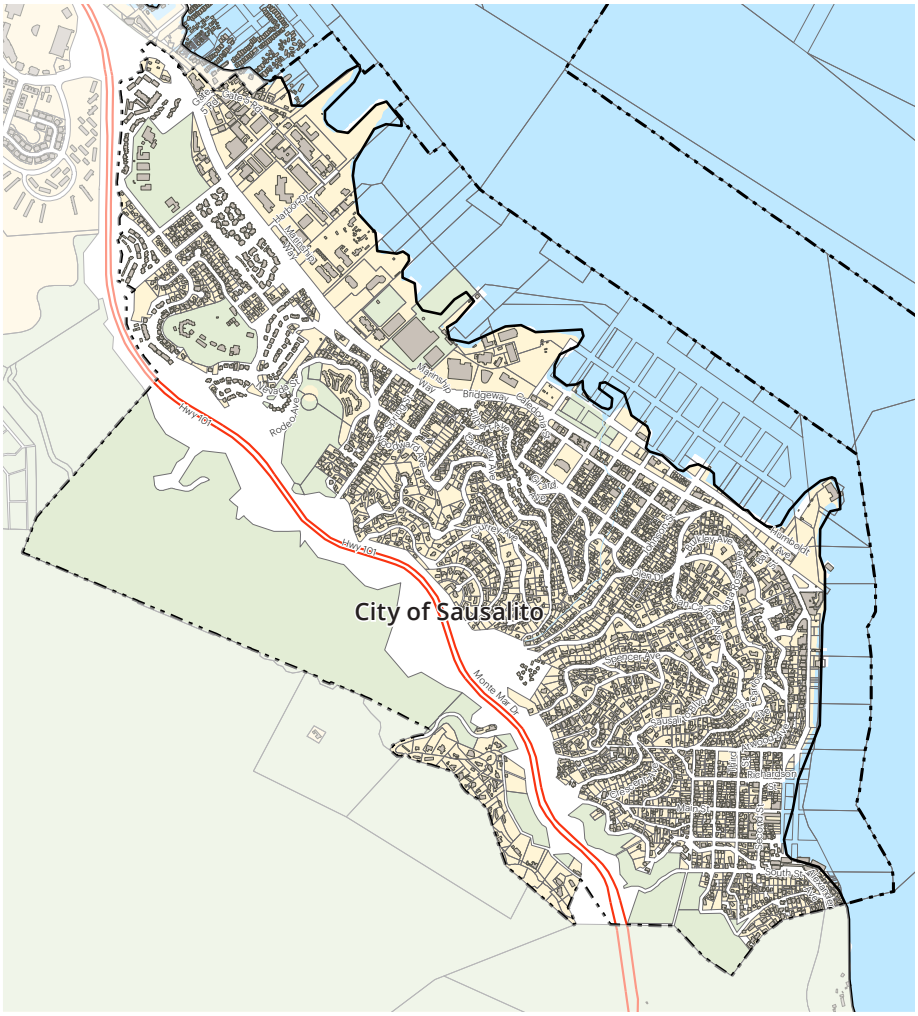
STAFF RECOMMENDATIONS

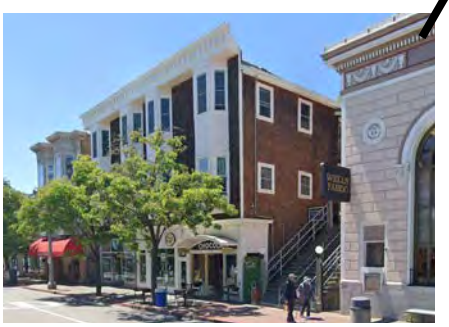
Staff recommends the Planning Commission receive the presentations from staff, consultants and the Peer Review Committee and provide feedback and/or direction for staff as needed.

ATTACHMENTS

- Attachment 1 – Draft Ordinance Adopting Title 10A (ODDS)
- Attachment 2 – Exhibit B; Draft ODDS (Title 10A)
- Attachment 3 – November 4, 2024, Letter from HCD
- Attachment 4 – October 23, 2024, Letter from California Housing Defense Fund
- Attachment 5 – Defining Characteristics List for Historic District
- Attachment 6 – Status Report on ViewSynch Web Application Development
- Attachment 7 – Housing Element Design Tool Demonstration

PREPARED BY: Neal Toft, Principal Planner
REVIEWED BY: Brandon Phipps, Community & Economic Development Director
REVIEWED BY: Sergio Rudin, City Attorney





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Title 10A: Objective Design and Development Standards

Public Review Draft

Prepared for City of Sausalito

December 6, 2024

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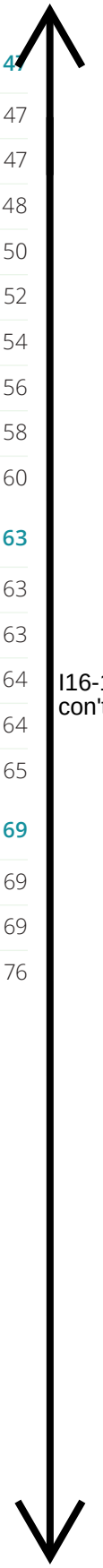

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Chapter 1: Introduction

Sections:

10A.01.010 Purpose
10A.01.020 Applicability
10A.01.030 Relationship to Sausalito General Plan
10A.01.040 Relationship to Sausalito Municipal Code
10A.01.050 Administration
10A.01.060 Adjustments of Standards to Reach Allowable Floor Area Ratio

10A.01.010 Purpose

These Objective Design and Development Standards (ODDS) are established to:

- Provide clear, objective, and measurable standards for qualifying multi-family and residential mixed-use development throughout the City;
- Streamline the review of qualifying multi-family and residential mixed-use development projects to address housing needs of all income levels; and
- Maintain Sausalito's architectural quality and diversity.

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10A.01.020 Applicability

1. **Alternative Permitting Pathway.** This title is intended as an optional alternative approval pathway for projects set forth in 10A.01.020 in lieu of the permitting process described in Title 10, Chapters 10.54, 10.58, 10.60, 10.68, and 11.12 which might apply to such projects.

   This Title 10A applies to Housing Development Projects (as defined in Gov. Code 65589.5) consisting of any of the following proposed in any zoning district or combining district which allows multifamily housing:

   A. Residential projects including two or more new multi-family dwelling units;

   B. Mixed-use projects consisting of two or more new multi-family dwelling units and nonresidential uses with at least two-thirds of the square footage designated for residential use; or

   C. Transitional housing or supportive housing.

   This Title 10A may also be used to approve additions or modifications to modifications to structures previously approved under the provisions of Title 10A (Objective Design and Development Standards).

2. **Non-Compliance with Objective Standards.** Projects that do not comply with all provisions of the ODDS and other objective standards of the Sausalito Municipal Code may seek review and approval pursuant to the City's development review processes as set forth in Title 10.

   Additions, remodels, commercial and other projects that do not result in construction of two or more new housing units will be permitted under Title 10.

3. **Mandatory Objective Standards for Specific Projects Submitted under State Law.** Compliance with these standards shall be mandatory for projects submitted pursuant to Gov. Code 65913.4, or under the Affordable Housing and High Road Jobs Act of 2022 (specifically, Government Code section 65912.114,or 65912.124 or successor statute).

10A.01.030 Relationship to Sausalito General Plan

Residential densities and floor area ratios established by the General Plan apply to all development projects subject to this Title.

10A.01.040 Relationship to Sausalito Municipal Code

1. These ODDS are additive to the requirements (e.g., building setbacks, accessory building standards, parking) of the zoning district or combining district in which a housing development project is proposed as set forth in the Sausalito Municipal Code Title 10 (Zoning) or any other provisions of the Sausalito Municipal Code.
2. Conflicts. Where the provisions of Title 10A conflict with other requirements of Title 10, the regulations of Title 10A shall prevail.
3. Nonconforming Situations. The standards of Chapter 10.62 (Nonconforming Uses and Structures) shall apply to all nonconforming situations.

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10A.01.050 Administration

1. **Application Processing**. At time of filing a permit application, the applicant shall state whether project is to be processed using the ODDS of Title 10A or under the provisions of Title 10 including the permitting processes in Chapters 10.52, 10.54, 10.58, 10.60, 10.68, and 11.12. If the applicant elects to process the permit under the standards and procedures of Title 10, the project does not require compliance with the provisions of Title 10A.
2. **Pre-Application Requirements**. Any time prior to submitting a complete application, the applicant shall:
   A. Contact the Community Development Department to schedule and participate in a pre-application review with Staff.
   B. Verify compliance with the view preservation standards of Chapter 3 of this Title..

3. **Application Requirements**. A complete permit application shall include all the materials listed in SMC 10.54.060 and the materials below:

   A. Topographical map and boundary survey prepared by a licensed surveyor,

   B. Vicinity Map showing adjacent structures and their window locations,

   C. Documentation of outreach to neighbors (adjacent & across the street),

   D. Arborist Report which locates heritage trees as defined in Section 11.12.020, if any,

   E. Site plan with locations of staked building corners and story poles,

   F. Story poles location certification by a licensed surveyor or civil engineer, and

   G. Evidence of compliance with Section 10A.02.070 (View Protection Standards).

10A.01.060 Adjustments of Standards to Reach Allowable Floor Area Ratio

1. A project shall be allowed to develop with a floor area ratio as calculated in Section 10.40.040 of the Sausalito Municipal Code, notwithstanding other provisions of this Title 10A, which shall be adjusted as set forth in this section in the event that the provisions of this Title 10A, which shall be adjusted as set forth in this section, in the event that the provisions of this Title 10A would otherwise restrict the allowable floor area ratio.

2. The Applicant may reduce the development requirements of this Title 10A in accordance with those listed in Table 10A.01.060.A in any order or combination until the maximum floor area ratio is attained.

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Table 10A.01.060.A: Allowed Adjustments of Standards to Reach Allowed FAR

Development Standard	Applicable Code Section	Allowed Adjustment to Standard
Parking Lot Landscaping	Table 10A.02.040 (B)	Required landscaping may be reduced to 50% of the requirements in Table 10A.02.040.C
Main body width	10A.04.040 (3), 10A.04.050 (3), 10A.06.040 (3), 10A.07.040 (3)	May be increased to 125% of requirement in the code section until the project reaches the required setback.
Main body depth	10A.04.040 (3), 10A.04.050 (3), 10A.06.040 (3), 10A.07.040 (3)	
Wing width	10A.04.040 (3), 10A.04.050 (3), 10A.06.040 (3)	May be increased to 150% of requirement in the code section until the project reaches the required setback.
Wing depth	10A.04.040 (3), 10A.04.050 (3), 10A.06.040 (3)	
Wing offset from main body	10A.04.040 (3), 10A.04.050 (3), 10A.06.040 (3)	2' minimum
Private Open Space	10A.04.040 (6)	Single family building type: 225 sf minimum.
Front Garden depth	10A.05.040 (2)	12' minimum
Porch Projecting depth	10A.05.050 (2)	6' minimum
Porch Engaged distance between porch and sidewalk	10A.05.060 (2)	0'
Forecourt depth	10A.05.070 (2)	12' minimum
Front garage setback from street	10A.05.080 (2)	12' minimum

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3. If after applying all of the revised standards set forth in Table 10A.01.060.A the floor area ratio of the project is still below the maximum floor area ratio allowed under SMC 10.40.040, the Applicant may further reduce adjust the standards shown in Table 10A.01.060.B in any order or combination only until the maximum floor area ratio is attained.

Table 10A.01.060.B: Second Tier of Allowed Adjustments of Standards to Reach Allowed FAR

Development Standard	Applicable Code Section	Allowed Adjustment to Standard
Iconic View encroachment	10A.03.040 (1) A	Maximum 8% obstruction
Water View encroachment	10A.03.040 (1) B	Maximum 15% obstruction
Vista View encroachment	10A.03.040 (1) C	Maximum 15% obstruction
Wing story limit	10A.04.040 (3), 10A.04.050 (3), 10A.06.040 (3)	Height allowed to equal that of Main body
Wing height limit to highest eave/parapet	10A.04.040 (3), 10A.04.050 (3), 10A.06.040 (3)	Height allowed to equal that of Main body
Building height within 15' of façade within Historic District	10A.06.050 (2) A	Building height within 12' of street-facing façade shall not exceed average height of Neighborhood Context buildings.

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Chapter 2: General Requirements

Sections:

10A.02.010 Purpose
10A.02.020 Screening
10A.02.030 Landscaping and Lighting
10A.02.040 Parking and Loading
10A.02.050 Streetscape Frontage
10A.02.060 Privacy

10A.02.010 Purpose

This Chapter provides standards to ensure that new development accomplishes the following:

1. Makes a positive contribution to the development pattern of the area;
2. New or altered structures are compatible with the design and use of existing structures on neighboring properties;
3. Respects the existing conditions of neighboring properties; and
4. Does not adversely affect neighboring properties, with "adversely affect" meaning to impact in a substantial, negative manner the habitability of these properties.

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10A.02.020 Screening

1. **Intent**. This Section provides standards for screening, fences, and walls for the protection of property, the enhancement of privacy, the attenuation of noise, and the improvement of the visual environment.
2. **Design Standards for Screening.** Except for wall- and ground-mounted equipment that is not visible from the public right-of-way or abutting lots, all equipment shall comply with the following:
   A. **Screening Height Maximums.** Screening shall not exceed the maximum heights identified in Table A 10A.02.020.A. (Maximum Screening Height).
   B. **Screening Height Measurement.** Screening height shall be measured as the vertical distance between the finished grade at the base of the screen and the top edge of the screen material.

Table 10A.02.020.A: Maximum Screening Height

Zone or Overlay	Item	Maximum Height Allowed in Setback Areas			
		Front	Side St.	Side	Rear
HOS	Fences	3' max.	3' max.	8' max.	8' max.
	Free Standing Walls	3' max.	3' max.	8' max.	8' max.
	Landscaping	4' max.	4' max.	No max.	No max.
R-2, R-2.5, R-3, CN, CC, CR		See SMC 10.40.090 (Permitted Projections into Required Setbacks)			

3. **Screening on Retaining Walls.** The total height of screens and the retaining walls they are mounted on or attached to shall not exceed eight feet.

4. **Mechanical Equipment Screening**

   A. The following mechanical equipment is exempt from screening:

      (1) Free-standing or roof-mounted solar equipment; and

      (2) Vents less than two feet in height.

   B. For new installation or relocation of existing mechanical equipment, the equipment shall be screened.

      (1) **Roof-Mounted Equipment.** Building parapets or other screening elements shall screen roof-mounted equipment.

         (a) New buildings shall be designed to provide a parapet or other architectural element that is as tall or taller than the highest point on any new mechanical equipment to be located on the roof of the building; and

         (b) For existing buildings with no parapet less than two feet in height, mechanical equipment shall be surrounded on all sides by a screen wall as tall as the highest point of the equipment. The wall shall be architecturally consistent with the building and match the existing building with paint, finish, and trim cap detail.

      (2) **Wall- and Ground-Mounted Equipment**

         (a) Equipment is allowed between front or side street facades and the street if located behind a screen wall as tall as the highest point of the equipment.

         (b) All screen devices shall be as high as the highest point of the equipment being screened.

         (c) Screening and fences shall be architecturally compatible and include matching paint, finish, and trim cap of the building.

5. **Barbed Wire and Razor Wire.** Barbed wire and razor wire screening are not allowed.

6. **Safety.** Fences, walls, and other screening and landscaping, whether provided in compliance with the provisions of this Subsection or provided in addition to those provisions, are subject to review by the City Engineer in the following areas to ensure that automobile visibility is maintained. As used in this Subsection, "point of intersection" is measured from the face of curb or if none, from the edge of pavement.

   A. Within 10 feet of the point of intersection.

      (1) A vehicular access way or driveway and a street; and/or

      (2) A vehicular access way or driveway and a sidewalk.

   B. Within 35 feet of the point of intersection of two or more vehicular access ways, including driveways, alleys, or streets.

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10A.02.030 Landscaping and Lighting

1. **Intent.** This Section prescribes landscaping and lighting standards for protection and enhancement of the environmental and visual quality of the community, enhancement of privacy, and the control of dust.

2. **Required Landscaping.** The landscaping required by this Section shall be installed as part of the development or improvement(s) requiring the landscaping. Standards for landscaping in parking areas shall be in combination with Section 10A.02.040 (Parking and Loading).

   A. Landscaping materials as required by this Section, shall be included in the required setbacks and in the design of the selected building frontage type(s).

   B. Landscape materials shall be applied to the planting areas identified for streetscape frontage type(s).

3. **Design Standards**

   A. Landscape Area. A minimum percentage of a lot shall be landscaped in compliance with Table A (Landscape Area):

Table 10A.02.030.A: Landscape Area

Zone	Minimum percent of lot area composed of landscaped area	Minimum percent of setback area[1] composed of landscaped area
R-2, R-2-2.5	25%	70%
R-3	10%	50%
CC	Not required	Not required
CR, CN	10%	Not required
HOS Overlays 1, 2	10%	50%

[1] Setback area consists of minimum required building setback along front and side street up to 10 feet into the lot. Where the minimum is zero, Table A does not apply.

   B. **Allowed Landscaping Materials**

   (1) Required landscaped areas shall be composed of trees, shrubs and groundcover, and shall exclude areas occupied by structures, hardscape, and pools, in compliance with the following minimum standards:

   (a) Trees shall be planted at 15-gallon size or larger;

   (b) Shrubs shall be planted at one-gallon size or larger;

   (c) Ground cover shall be planted at spacing of a minimum 12 inches on center;

   (d) Decorative nonliving landscaping materials including, but not limited to, sand, stone, or gravel may be used up to 10 percent of required landscape areas.

   (2) Required Trees. Where trees are missing along the front and/or side street of the subject property, trees of at least 15-gallon size, spaced no further than 35 feet apart on average, double-staked, shall be planted to maintain at least 36 inches clear for pedestrian access.

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C. **Species Selection**

(1) Projects shall demonstrate compliance with Marin Municipal Water District water-efficient landscaping requirements for new construction and rehabilitated landscape projects. For sites located in Very High Fire Hazard Severity Zone or the Wildland Urban Interface applicants should implement Vegetation Management Plan requirements of the Southern Marin Fire Protection District and consider or and recommended native and drought tolerant species identified in the "fire-smart" plant list provided by FireSafeMarin.

D. **Existing Vegetation**

(1) Each protected and heritage tree as defined in SMC 11.12.020.P that is removed shall be replaced on-site with a minimum of two (2) 24-inch box trees. Table B (Tree Species) below defines the tree types that qualify as eligible replacements.

Table 10A.02.030.B: Tree Species

Common Name	Botanical Name	Common Name	Botanical Name
Arroyo willow	*S. lasiolepis*	Shreve's oak	*Q. parvula var. shrevei*
Big-leaf maple	*Acer macrophyllum*	Oregon ash	*Fraxinus latifolia*
Bishop pine	*Pinus muricata*	Oregon oak	*Q. garryana*
Blue oak	*Q. douglasii*	Pacific madrone	*Arbutus menziesii*
Box elder	*A. negundo var. californicum*	Pacific yew	*Taxus brevifolia*
California bay	*Umbellularia californica*	Red alder	*A. rubra*
California black oak	*Q. kelloggii*	Red elderberry	*Sambucus racemosa*
California buckeye	*Aesculus californica*	Red willow	*S. laevigata*
California nutmeg	*Torreya californica*	Sargent cypress	*Cupressus sargentii*
Canyon live oak	*Q. chrysolepis*	Scouler's willow	*S. scouleriana*
Chaparral oak	*Q. wislizeni*	Service-berry	*Amelanchier tahensis*
Coast live oak	*Quercus agrifolia*	Shining willow	*S. lucida ssp. lasiandra*
Coast redwood	*Sequoia sempervirens*	Silk tassel	*Garrya elliptica*
Douglas-fir	*Pseudotsuga menziesii*	Sitka willow	*S. sitchensis*
Giant Chinquapin	*Castanopsis chrysophylla*	Tanbark oak	*Lithocarpus densiflorus*
Hawthorn	*Crataegus douglasii*	Valley oak	*Q. lobata*
Mountain-mahogany	*Cercocarpus betuloides*	Wax myrtle	*Myrica californica*
Narrow leaved willow	*Salix exigua*	White alder	*Alnus rhombifolia*

E. **Retaining Walls**

(1) Retaining walls within the front and/or side street setback(s) shall:

(a) Not exceed four feet in height as measured to the adjacent finished grade or sidewalk whichever is nearest;

(b) On uphill lots, include a landscape planter in front of the wall. The planter shall be at least 18 inches deep measured perpendicular to the wall; and/or

(2) Retaining walls along interior or rear lot lines that are beyond the front and/or side street setback(s) shall not exceed eight feet as measured to the adjacent finished grade.

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F. **Landscape Maintenance**

(1) Root barriers are required on all trees planted within 10 feet of paved areas.

4. **Required Lighting.** Lighting shall be provided in compliance with the following:

(1) All parking lot lights shall be full cutoff luminaires, as certified by the manufacturer, with the light source directed downward and away from adjacent residences.

(2) Bollard lighting may be used to light walkways and other landscape shall cast its light downward.

(3) Internally illuminated fascia, wall, roof, awning or other building parts are prohibited.

(4) Uplighting of landscaping is prohibited.

10A.02.040 Parking and Loading

1. **Intent.** This Section prescribes standards for motor vehicle and bicycle parking areas, loading and access drives, and standards for reducing motor vehicle trips per capita to and from development. These standards are intended to ensure that new development accomplishes the following:

A. Is consistent with the intended physical character of walkable environments;

B. Provides bicycle parking to increase bicycle trips and reduce motor vehicle trips per capita; and

C. Provides landscaping in motor vehicle parking areas to enhance the environmental and visual quality of the community, enhance privacy, attenuate noise, and control dust.

2. **On-site Parking.** On-site parking is allowed in all zones and Overlays subject to the standards in this Section.

3. **General Vehicular Parking Standards**

A. **Sharing of Non-Residential Parking Required.** If on-site parking spaces for non-residential uses are provided, such spaces shall be made available for use by the general public during at least one of the following time periods:

(1) Monday through Friday, 8 AM to 5 PM; or

(2) Monday through Friday, 5 PM to 11 PM and all day on Saturday and Sunday.

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4. **Number of Motor Vehicle Parking Spaces Required**

A. **Required Spaces.** The minimum number of parking spaces required for residential uses is regulated in SMC 10.40.110, except as provided in Table A Number of Motor Vehicle Parking Spaces Required):

Table 10A.02.040.A: Number of Motor Vehicle Parking Spaces Required

Vehicular Spaces	
Residential Uses	
Studio or 1 Bedroom	1 min. per unit
2 or More Bedrooms	1.5 min. per unit
All Other Uses	See Section 10.40.110
Transit Priority Area[1]	See Section 10.50.115
Bicycle Spaces	
Long Term	1 min. per bedroom (incl. studios)
Short Term	1 per 10 bedrooms; min. 2 per project

[1] As defined in Government Code Section 65863.2.

5. **Parking Spaces, Design and Layout**

A. **Access.** On-site parking areas shall be accessed per the following:

(1) Ingress to and egress from parking spaces shall be from an on-site aisle or driveway, directly from the front, side street, public alley, or rear lane.

(2) On-site loading space(s) is not required.

B. **Driveways**

(1) Access to Driveways

(a) Driveway access to and from developments of two or fewer dwelling units onto public streets shall be by forward or reverse motion of the vehicle;

(b) Driveway access to and from developments of three or more dwelling units onto public streets shall be by forward motion of the vehicle; and

(c) Minimum 20 feet separation required between driveways for all uses except developments of two or fewer dwelling units.

(2) Number of Driveways. Table B (Number of Driveways) specifies the maximum number of driveways for a parcel.

(3) Driveways shall be setback from lot lines as follows:

(a) For front access, minimum two feet from side lot lines; and/or

(b) For side street access, minimum five feet from the rear lot line; and/or

(c) Where driveway access is shared by abutting lots, Subsections (a) and (b) above do not apply; minimum two feet from building(s).

(4) Driveways shall extend to and include the area between the lot line and the edge of the street pavement.

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(5) The design and construction of all on-site parking access drives shall be in compliance with Section 10.40.120 (Design and Improvement of Parking).

(6) See Southern Marin Fire Protection District Standards for additional access standards.

Table 10A.02.040.B: Number of Driveways

Lot Frontage (Corner Parcel Applies Same Requirements as Side Street)	Maximum Number of Driveways
Up to 150'	1
150' to 299'	2
Each additional 300' after 299'	1

C. **Parking Techniques.** In compliance with SMC 10.40.120, the following techniques may be applied individually or in combination:

(1) Tandem Parking. Parking spaces are arranged in a series up to three spaces. Tandem parking is allowed in all zones for all uses. Tandem parking spaces are allowed for residential uses only when designated for use by occupants of the same dwelling unit.

(2) Podium Parking. Parking spaces are located in an at-grade garage under the building except for the required ground floor habitable space. Occupiable space is along the edges of and/or above the garage level. The podium is not visible or exposed along the front and side street building facades.

(3) Subterranean Parking. Parking spaces are located below the adjacent finished grade of the building. The subterranean garage is allowed to be exposed up to 5 feet above the adjacent finished grade of the building.

(4) Stacked Parking System. Parking spaces are arranged in a system that provides two to three spaces in the horizontal area of one space. This type of system is within a podium parking garage.

(a) Stacked parking spaces are allowed when designated for use by residents, except for parking designated for use by persons with disabilities.

(b) Mechanical lifts shall be accompanied by an on-site battery or electrical generator to provide sufficient power to clear the lift of all vehicles or shall be capable of manually clearing the lift without power.

(c) In parking systems that stack individual vehicles, each vehicle accommodated by the stacker counts as an individual parking space.

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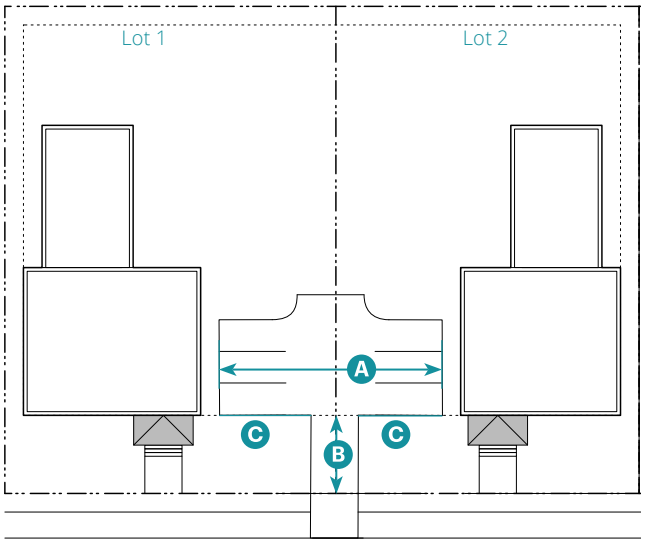
(5) Parking Court. Parking spaces in groupings of up to 20 covered or uncovered spaces accessed from the adjacent street/right-of-way. See Figure 1 (Parking Court(s).

Figure 10A.02.040.1: Parking Court(s)



Key			
_ _	Lot Line		
----	Building Setback Line		
A	Width 56' max.		
B	Parking Court Setback:	Small Parking Court (6 or fewer spaces)	15' min. if slope ≤ 10% 0' min. if > 10%
		Large Parking Court (7 or more spaces)	For sites with slope exceeding 15%, behind front and/or side street facade per HOS building setbacks in Title 10.
C	Decorative Wall and Landscaping	36" max. height in compliance with Section 10A.02.030 (Landscaping and Lighting)	

D. **Space-Efficient Parking.** Space-efficient parking is parking in which vehicles are stored and accessed by mechanical stackers, lifts or tandem spaces. Parking spaces may be space efficient as described below, except for spaces required and specifically designated for persons with disabilities unless designed in compliance with the Americans with Disabilities Act. Space-efficient parking is allowed in all zones of Title 10 (Zoning) consistent with the requirements in SMC 10.40.120 (Design and Improvement of Parking).

(1) **Residential Parking.** Tandem parking spaces must be assigned to the same unit as the parking stall blocking access to the drive aisle.

(2) **Non-Residential and Mixed-Use Parking.** Non-residential tandem parking spaces and/or mechanical stackers are allowed for parking spaces designated for and utilized by employees.

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Non-residential tandem parking and/or mechanical stackers are not allowed for use by the general public.

(3) **Design**

(a) Screening of Mechanical Parking. All mechanical stacker parking shall be screened or enclosed to preclude visibility from the public right-of-way or any sidewalk except for views from a required garage ingress or egress.

i. Screening Location. Except for required ingress and egress, mechanical parking systems shall be screened on all sides. Mechanical parking systems located on surface parking lots, except for required ingress and egress, shall be fully enclosed.

ii. Screening Height. Screening for mechanical parking systems shall be as tall as the highest point of the mechanical equipment and the vehicles contained on and within the mechanical equipment. The height of any screening shall not exceed the height of the principal building on the subject parcel.

iii. Screening Materials. Screening materials shall be of sufficient opacity to eliminate the visibility of mechanical equipment and vehicles from adjacent parcels or public rights-of-way.

iv. Noise Attenuation. See SMC 12.16 for requirements.

(b) Signage. Parking spaces shall have signage clarifying operations of the spaces to users.

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(4) **Operations**

(a) Tandem Parking Access. Tandem parking shall not require more than 1 car to move under its own power to access the desired parking space.

(b) Queuing. Space-efficient parking systems shall not result in queuing into any public right-of-way.

(c) Generator. Automated parking structures shall be equipped with an on-site generator with sufficient capacity to store and retrieve cars if or when the electrical power is down.

(d) Manual Override. Mechanical stacker lifts shall provide manual override capability to access or remove cars from the parking lift in the event of a power outage.

E. **Identification as to Purpose and Location.** On-site parking areas of four or more spaces shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas, while distinguishing such spaces from aisle and other circulation features.

F. **Materials**

(1) All on-site parking areas and driveways shall be surfaced only with materials identified in Section 10.40.120 (Design and Improvement of Parking).

(2) Parking area surfacing materials shall consist of the following materials, in compliance with Southern Marin Fire Protection District Standards.

(3) Impervious areas greater than 5,000 sq. ft. per site including driveways and structures shall incorporate a minimum of 4% of impervious area.

G. **Landscaping.** The landscaping standards identified in Table C (Required Parking Lot Landscaping) shall be applied with the standards of Subsection 10A.02.020 (Screening) and Subsection 10A.02.030 (Landscaping and Lighting).

(1) Parking and loading areas shall be screened from adjacent residential zones by a six foot wall, fence, or evergreen.

(2) Landscaping areas shall integrate stormwater management features as identified in Title 11, Chapter 17 (Urban Runoff Pollution Prevention).

(3) For portions of parking areas covered by photo-voltaic solar collectors that also function as shade structures, the minimum standard for trees as required under Table C (below) does not apply.

Table 10A.02.040.C: Required Parking Lot Landscaping

Number of Parking Spaces	Percent of Gross Parking Area Required to be Landscaped
10 or fewer	None
11 to 20	5' min. wide planter along property line
21 to 50	5%; 5' min. wide planter between every 5 spaces, property line, and building(s)
51 and over	10%; 5' min. wide planter between every 5 spaces, property line, and building(s)
General Landscaping	
Required Border	6" high curb or equivalent
Car Overhangs	Shall be prevented by wheel stops
Required Quantity	1 tree per every 10 parking spaces, beginning at 11 total spaces
Tree Well Size[1]	10' min.
Tree Can Size	15 gallon min.
Tree Box Size	20% of required trees shall be 24" min.
Tree Caliper	1" min.
Tree Height at Installation	7' min. vertical clearance
Location	Evenly spaced throughout parking lot to provide uniform shade

[1] Any vehicle overhang requires the minimum planter area width to be expanded by an equivalent dimension.

H. **Location**

(1) Location of on-site parking is regulated by the required setbacks in SMC 10.40.120 (Design and Improvement of Parking) of the zone and the following:

(a) Parking lots with 11-20 spaces shall be separated at least by five feet from buildings to make room for a sidewalk, landscaping, and/or other planting between the building and the parking area;

(b) Parking lots with more than 20 spaces shall be separated by at least 12 feet from buildings to make room for a sidewalk, landscaping, and other planting between the building and the parking area; and

(c) The required separation may be eliminated to the rear of buildings in areas designed for unloading and loading of materials.

I. **Size of Parking Lot.** Parking lots larger than 10,000 square feet in size shall be broken down into smaller parking areas with planted landscape areas with a minimum width of 15 feet between them to minimize the perceived scale of the total field of stalls.

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10A.02.050 Streetscape Frontage

1. **Intent.** Streetscape frontage types provide a coordinated approach to design standards for the area between each lot's building frontage(s) and the adjoining right-of-way or private driveway easement. Streetscape frontage types consist of planters, walkways, curbs, planters, and planting, as illustrated in Table B (Streetscape Frontage Types Overview).

2. **Required Improvements.** The streetscape frontage along the lot(s) shall be improved per Table A (Required Improvements).

Table 10A.02.050.A: Required Improvements

Required Improvements	Infill Lot on Existing Block
a. **Sidewalk.** Add missing segment(s) along abutting front and/or side street.	R
b. **Sidewalk.** Repair along abutting front and/or side street in compliance with ADA and CBC standards.	R
c. **Trees.** Along front and/or side street of the subject property, trees of at least 15-gallon size, spaced no further than 35 feet apart, double-staked, shall be planted where missing, and shall be planted to maintain at least 36 inches of pedestrian access.	R

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3. **Design Standards for Streetscape Frontages.** Streetscape frontages shall be designed and maintained in compliance with the following standards:

   A. The required elements are identified in and shall be configured according to Table C (Streetscape Frontage Assemblies) in compliance with Sausalito Public Works standards.

   B. Planting and landscape selection shall be consistent with Section 10A.02.030.C.

Table 10A.02.050.B: Streetscape Frontage Types Overview

Table B (Streetscape Frontage Types Overview) provides an overview of the allowed streetscape frontage types in or abutting each zone.

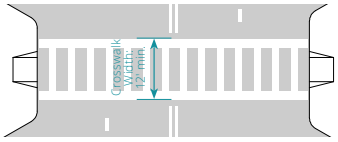
	Specific Standards	Allowed in ot Abutting
Street	10A.02.050.C.1	R-2, R-2-2.5, R3
Mixed-Use Street	10A.02.050.C.2	CC, CN, CR, HOS

4. **Pedestrian Crossings**

   A. **Curb Ramps.** Perpendicular corner curb ramps with a separate ramp installed in each direction are required.

   B. **Crosswalks.** If the Development includes new streets, crosswalks shall be designed per the City's applicable standards and applicable State guidelines and standards.

      (1) Standard Crosswalk.



5. **Allowed Streetscape Frontage Types**

   A. **Street.** The Street Frontage includes raised curbs drained by inlets with sidewalks separated from vehicular lanes by individual or continuous planters. Landscaping consists of street trees of a single or alternating species aligned and spaced at 35' intervals on average.

   B. **Mixed-Use Street.** The Mixed-Use Street Frontage includes raised curbs drained by inlets with very wide sidewalks along both sides separated from the vehicular lanes by individual tree wells with grates. Landscaping consists of a single tree species aligned and spaced at 35' intervals on average.

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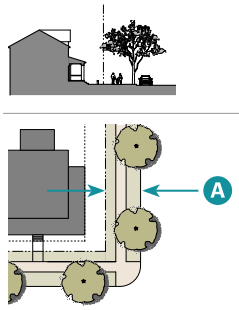
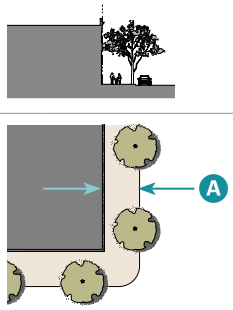
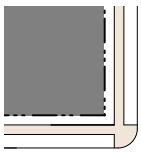
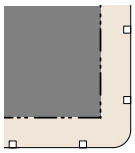
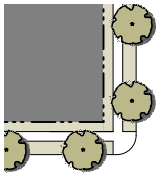
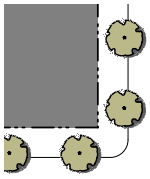
Table 10A.02.050.C: Streetscape Frontage Assemblies

Table C (Streetscape Frontage Assemblies) identifies the required elements and dimensions of each streetscape frontage type.

	Street 10A.02.050.C.1	Mixed-Use Street 10A.02.050.C.2
Assembly. The type and dimension of curbs, walkways, and planters.		
Total Width	A 11' min.[1]	A 16' min.[1]
Note: See below for required elements of each assembly		
a. **Walkway.** The pavement dedicated exclusively to pedestrian activity.		
i. Type	Walkway	Walkway
ii. Width	6' min.	12' min.
Note: Placement of curb ramps shall match the desired path of pedestrian travel. See Caltrans Basic Design Policies for curb ramp design.		
b. **Planter.** The area that accommodates street trees and other landscaping.		
Arrangement	Regular	Regular
Types	Planting Strips along curb edge and R.O.W. edge	Tree Wells (must be located between walkway and curb)
Width	5' min.	4' min.

[1] For infill parcels that cannot meet the minimum, sidewalk and planter width and configuration shall match that of the abutting lot on both sides.

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Key	R = Required	X = Not Required

10A.02.060 Privacy

1. **Intent**. These standards are designed to provide privacy between primary indoor and outdoor living spaces of buildings on each side of a property. Windows and glazed openings, plus landings, balconies, decks, terraces, or patios larger than 20 square feet in R-2, R-2-2.5, and R-3 districts are subject to these standards. The intent is to avoid direct views into primary indoor and outdoor living spaces from adjacent properties.

   Setback dimensions noted in the standards below do not pertain to the location or size of buildings, but to the location of glazed openings and outdoor living spaces exceeding 20 square feet in area.

2. **Standards**:

   A. Windows and glazed openings, plus outdoor living spaces such as landings, balconies, decks, and terraces greater than 20 square feet in area when placed closer than 20 feet from adjacent property lines shall comply with one or more of the following conditions:

      (1) Be offset at a 45-degree angle between the closest edge of windows or outdoor landings, balconies, decks, terraces, and patios on the adjacent property, to the closest edge of windows or outdoor landings, balconies, decks, terraces, and patios on the proposed property as illustrated in Figure 10A.02.060.1.

      (2) Be clerestory windows having a minimum sill height of 6 feet above the walking surface.

      (3) Be glazed with translucent glass or glass block. Reflective glass is prohibited.

      (4) Be concealed behind a permanent screen, an opaque panel, or fixed louvers.

   B. Windows and glazed openings, plus outdoor living spaces such as landings, balconies, decks, terraces, and patios greater than 20 square feet in area when placed closer than 20 feet from adjacent property lines that have direct downward views into primary indoor and outdoor living spaces on adjacent properties shall have a minimum windowsill height, or a solid or translucent panel or guardrail height of 36" above the walking surface, or they shall be protected by landscaping per standard 2(A)(5) above.

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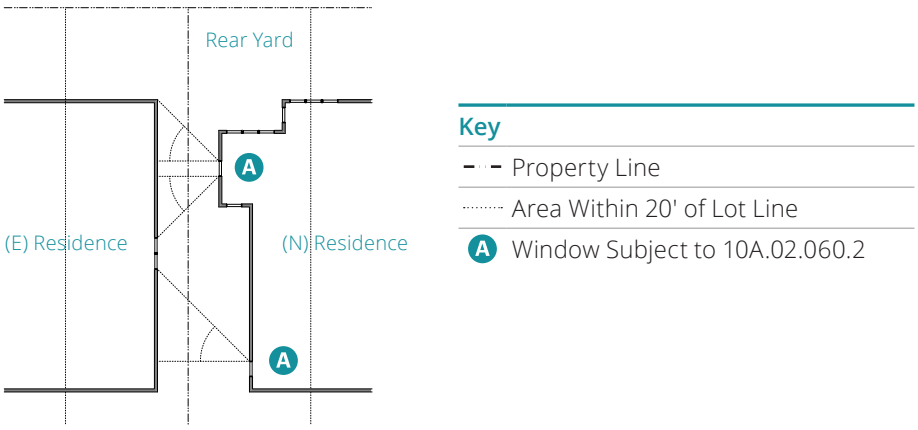
Figure 10A.02.060.1: Privacy along Interior Property Line



Chapter 3: Public and Private View Preservation Standards

Sections:

10A.03.010	Purpose
10A.03.020	Definitions
10A.03.030	Procedure
10A.03.040	Standards
Appendix A	Description of a Viewshed and Methodology for Analysis

10A.03.010 Purpose

These standards are designed to provide objective criteria to limit the extent to which new development obstructs pre-development views of designated scenic resources from private and public viewpoints.

10A.03.020 Definitions

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1. A Viewshed Analysis Tool is a system that is certified by the Sausalito Community Development Department to provide viewshed analysis and reports in compliance with the requirements of this title 10A. A description of how a Viewshed Analysis Tool will determine a view obstruction is provided in Appendix A.
2. Viewshed Analysis is an analysis using a Viewshed Analysis Tool for development projects to which this title applies to show compliance with the objective standards set forth in subdivision 4 of this section 10A.03.080.
3. Iconic Views are views of the Golden Gate Bridge, Angel Island, San Francisco Skyline, Bay Bridge, Raccoon Strait, and Mount Tamalpais defined as follows:
    A. Golden Gate Bridge is the area between Latitudes 37.8101 and 37.8296 and Longitudes -122.4773 and -122.4798 and extending 200 feet above the highest point of the bridge.
    B. Angel Island is the area between Latitudes 37.88529 and 37.8609 and Longitudes -122.4192 and -122.4462 and extending 200 feet above the highest point of the island.
    C. San Francisco Skyline is the area between Latitudes 37.7883 and 37.7824 and Longitudes -122.3863 and -122.4143 and extending 200 feet above the highest point of the skyline at the time the Viewshed Analysis is conducted.
    D. Bay Bridge is the area between Latitudes 37.7903 and 37.80796 and Longitudes -122.3865 and -122.3676 and extending 200 feet above the highest point of the bridge.
    E. Raccoon Strait is the area between Latitudes 37.8682 and 37.8622 and Longitudes -122.4391 and -122.4582 and extending 500 feet above sea level.
    F. Mount Tamalpais is the area between Latitudes 37.9383 and 37.9147 and Longitudes -122.569 and -122.6101 and extending 200 feet above the highest point of the mountain.

4. View: One or more features included in Iconic Views, Water Views or Vista Views.
5. A Viewshed is the total area of terrain that is visible from an observer point. To generate a Viewshed, a line of sight is calculated between the observer point and each cell in the DSM, an Elevation Profile is generated for that Line of Sight, and the Visibility of the cell is determined. The output is a new grid of cells marked as "visible" (e.g., 1) or "not visible" (e.g., 0), allowing precise visibility analysis across the terrain.
6. Vista Views are views of the unbuilt natural environment surrounding a viewpoint consisting of natural landforms, mountains and hills, forests and trees, rivers and streams, and similar features of the landscape, but not including Iconic Views or Water Views.
7. Water Views are views of the Pacific Ocean, San Francisco Bay and Richardson Bay as delineated on the applicable United States Geological Survey (USGS) San Francisco North Quadrangle and Point Bonita 7.5 minute series topographic maps.
8. Private Viewpoints include all residential structures on private land existing in the city of Sausalito. Garages and accessory buildings are not included.
9. Public Viewpoints are latitude, longitude and elevation coordinates of the locations listed in Appendix B. To calculate the elevation of the observer point for Public Views sixty-six (66) inches shall be added to the elevation coordinate of the Public View.
10. New Development is a project that is proposed by an applicant which would be subject to this regulation and other provisions of Title 10A.
11. New Development Model is a digital model of a New Development supplied by the applicant that is dimensionally accurate and geolocated and provided in a format accepted by the City.
12. Potentially Impacted Location(s) are Public or Private Viewpoints within the visibility of a New Development with an elevation below 150% of the height of the New Development.
13. A Digital Surface Model (DSM) is a model of a section of the earth's surface that in represented by of a grid of cells (pixels) where each cell holds a value representing the elevation of the corresponding location on the ground plus the height of any surface structures, including buildings. The grid structure allows detailed representation of terrain over a large area.
14. DSM Resolution is the physical size in square feet that each pixel represents. A compliant viewshed shall use a DSM Resolution of a of 0.5 square feet or less per cell.
15. A Line of Sight is the straight path between an observer point and a target point that is used to determine whether the view is obstructed by terrain or vegetations in between. If no obstructions exist along this path, the target is considered visible; otherwise, it is not.
16. An Elevation Profile is a two-dimensional cross section of the terrain underneath a line of sight. The elevation profile is created by determining which cells in the DSM fall beneath the line of sight and using the elevation values of those cells to generate a profile of the terrain beneath the line of sight.
17. Visibility is determined by calculating whether the elevation profile between the observer point and the target point obstructs the line of sight between them. If the elevation profile does not obstruct the line of sight, the target is determined to be visible; otherwise, it is not.

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18. Observer Point: The exact location from which visibility is assessed in a viewshed analysis. This is the origin in a line-of-sight analysis.
19. Target Point: The exact location to which visibility is assessed in a viewshed analysis. This is the destination in a line-of-sight analysis.
20. Terrain: The natural or built surface features of the landscape, including landforms, buildings, and vegetation, represented by the Digital Surface Model (DSM) for visibility analysis.

10A.03.030 Procedure

All applications for approval of development projects to which this title applies must provide a Viewshed Analysis and report in a CDD-certified format using CDD-certified compliance software showing compliance with the objective standards set forth in subdivision 4 of this section 10A.03.080.

10A.03.040 Standards

1. Maximum view obstruction.
    A. New Development shall not obstruct any Iconic View from any Private Viewpoint or Public Viewpoint by a difference of more than 5% from existing pre-development conditions as determined by the Viewshed Analysis for the development.
    B. New Development shall not obstruct any Water View from any Private Viewpoint or Public Viewpoint by a difference of more than 10% from existing pre-development conditions, as determined by the Viewshed Analysis for the development.
    C. New Development shall not obstruct any Vista View from any Private Viewpoint or Public Viewpoint by a difference of more than 10% from existing, pre-development conditions, as determined by the Viewshed Analysis for the development.

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Appendix A Description of a Viewshed and Methodology for Analysis

Description of a Viewshed and Methodology for Analysis

1. In the field of Geographic Information Systems, a viewshed is defined as the total area that is visible from an observation point. Software can be used to able to determine what areas of terrain are visible from an observation point. In the image below, ViewSync, which is an example of GIS software built using the ArcGIS Pro software package, has been used to differentiate the visible area (in green) from the non-visible area (in pink) for an observation point (marked in light blue) located in Sausalito, California.

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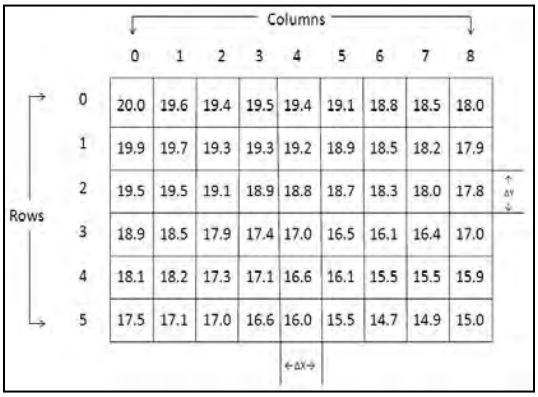
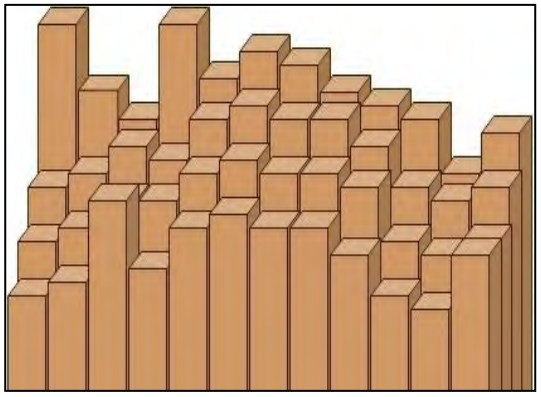
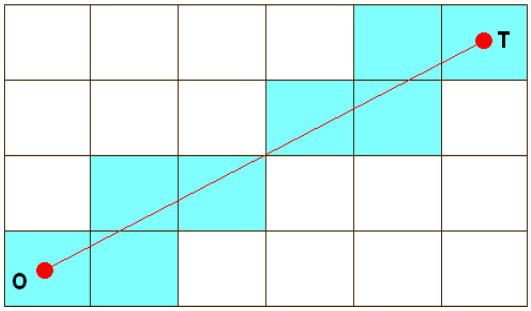
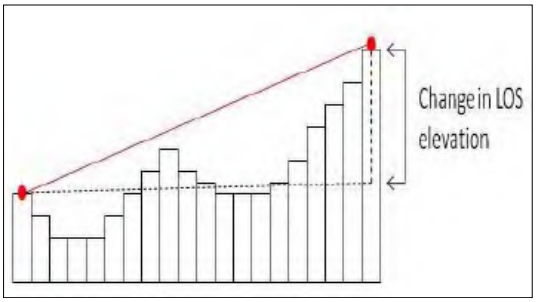
2. To determine the viewshed, software shall use a digital surface model (DSM) which is a grid-based digital representation of the earth's surface including features such as buildings or trees. A DSM consists of numerous grid cells which contain the elevation above sea level for the terrain contained in the cell, including the height of buildings and other surface features. The resolution of the DSM will determine the number of square units of terrain each grid cell represents. In the case of Viewshed Analysis this resolution is a minimum of 0.5 square feet. The images below illustrate the grid cells of a DSM and each cell's elevation value while on the right is a three-dimensional representation of the varying elevation of the earth's surface covered by the DSM.



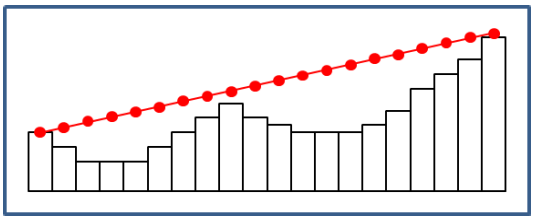


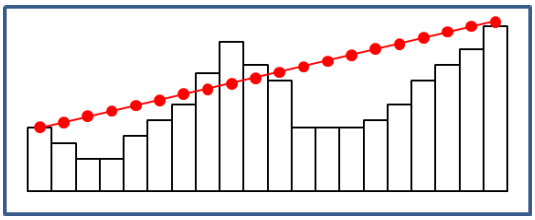
3. To determine which areas are visible, a line of sight is used, which is the line connecting an observation point and a target point. A terrain profile, which is a two-dimensional cross section of the terrain, is extracted from the DSM by selecting the grid cells that fall beneath the line of sight. The images below illustrate the selection of the grid cells between an observer and a target (left) and the line of sight above the terrain profile (right).





4. When the line of sight is compared to the terrain profile, the visibility of the target can be determined. If the line of sight remains above the terrain profile, then the target is determined to be visible. If the terrain rises above the line of sight, however, then the view of the target is blocked.





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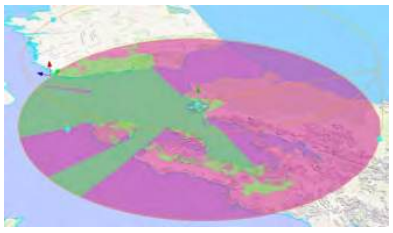
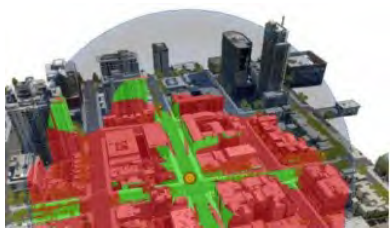
5. To calculate the viewshed, the software repeats the process of creating a line of sight and determining visibility for each grid cell in the DSM. The result is a map showing areas which are visible to the observer and which areas are not. Viewsheds can have various extents. They can be determined for a specific terrain profile (below left), for a 360-degree panorama (center) or for a dome-like area (right).





Potentially Impacted Locations

To identify Potentially Impacted Locations, the Viewshed Analysis software shall apply the following steps.

1. Import a New Development Model which is a dimensionally accurate geo-located model of a new project as provided by project developer and incorporate its data into the DSM that represents the existing, pre-development conditions as if it was an existing structure.
2. Perform a Viewshed analysis for the New Development Model to determine those Private and Public Viewpoints within its Visibility, excluding any private property with an elevation above 150% of the height of the developer model.
3. For each Potentially Impacted Location, the Viewshed Analysis software shall establish a set of observer points from which a Viewshed Analysis for the Potentially Impacted Location shall be completed using the following parameters.
    A. On each private building these observer points shall consist of observer points spaced six (6) feet apart, horizontally and vertically, on all exterior walls of the Private Viewpoint. The viewshed calculated from each point shall be combined into a simple composite viewshed combining the data from all points;
    B. For Public Views the observer point shall be the coordinates listed in Appendix B adding 66" to the elevation.

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Once Potential Impacted Properties are identified, the Viewshed Analysis software shall use the following method to calculate a New Development's obstruction of Iconic, Water and Vista Views.

1. To establish the baseline, or pre-development, condition of a View, the Viewshed Analysis software shall project lines of sight from each observer point on a Potentially Impacted Location to all grid cells in the DSM that are included in the View.
2. For a DSM grid cell in the View baseline to be considered visible from the observer point, the line of sight must remain above the height of the proposed development. If the proposed development obstructs the line of sight, that grid cell is determined to not be visible from the observer point.
3. Using a Developer Project, ViewSync will calculate, separately for each View, the percentage of unobstructed lines of sight in the baseline condition that reach the View that would be obstructed by construction of the proposed development. This percentage shall not exceed the standards set forth in subdivision 4.

Chapter 4: Building Type Standards

Sections:

10A.04.010 Purpose
10A.04.020 Building Types
10A.04.030 Overview of Building Types
10A.04.040 House
10A.04.050 Duplex
10A.04.060 Multiplex
10A.04.070 Main Street Building
10A.04.080 Massing Compositions

10A.04.010 Purpose

This Chapter provides the standards for development of individual building types to offer housing choices and affordable housing opportunities, and incubate small businesses as amenities within walkable neighborhoods.

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10A.04.020 Building Types

1. Building types are used to articulate size, scale, and intensity according to the intent of each zone or Overlay.
2. The standards for each building type are set in each zone to generate pedestrian-oriented buildings.
3. Certain building types have additional standards to further refine the type for its context
4. On-site open space. The standards identify only the required type (private or common) and amount. For example, if the type only has standards for private open space, common open space is not required for that building type. The identified amount is for the entire building unless specified otherwise.
5. Parking may be designed as tuck-under, detached garage(s), podium or subterranean, in compliance with the zone or Overlay standards for parking placement.
6. Wings are allowed for certain building types to allow an increase in building square footage without increasing the maximum allowed footprint of the main body.
    A. Wings are required to be smaller in footprint, one story less and 10 feet less to highest eave/parapet than the main body to visually reduce the overall size of a building.
    B. The building type standards specify the amount that wings are required to be offset from the main body so that their facades are not aligned.
    C. Wing offset from Main Body required on all facades.
7. Individual designs may vary from the diagrams for each building type in compliance with the standards of this Chapter and density and FAR limits.

10A.04.030 Overview of Building Types

Table A (Allowed Building Types) provides an overview of the allowed building types in each zone or Overlay. The names of the building types are not intended to limit uses within a building type as permitted under Title 10 (Zoning) of the Sausalito Municipal Code.

Table 10A.04.030.A: Allowed Building Types

		Zones			Overlay
	Specific Standards	R-2, R-2-2.5	R-3	CC, CN, CR	HOS
House	10A.04.040	P	P	X	X
Duplex	10A.04.050	P	P	X	X
Multiplex	10A.04.060	X	P	X	P[1]
Main Street Building	10A.04.070	X	X	P	P[2]

[1] Not allowed in CC, CN, CR zones.

[2] Not allowed in R-2, R-2-2.5, R-3 zones.

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Key P = Allowed X = Not Allowed

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10A.04.040 House

Example of House

Example of House

Example of House

1. Description

A small-to-medium-sized, detached building with one unit, a rear yard, and located within a low-intensity, walkable neighborhood.

2. Number of Units

Units per Building	1 max., not including ADUs as allowed by State law.

General Note: Photos on this page are illustrative, not regulatory.

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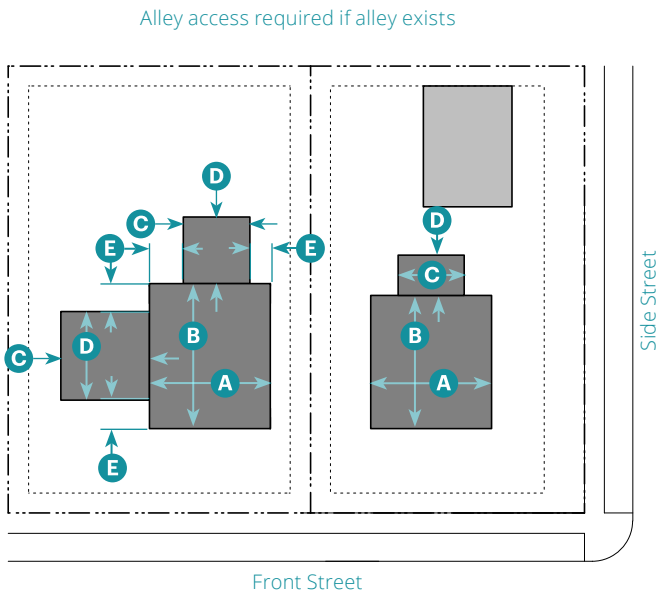

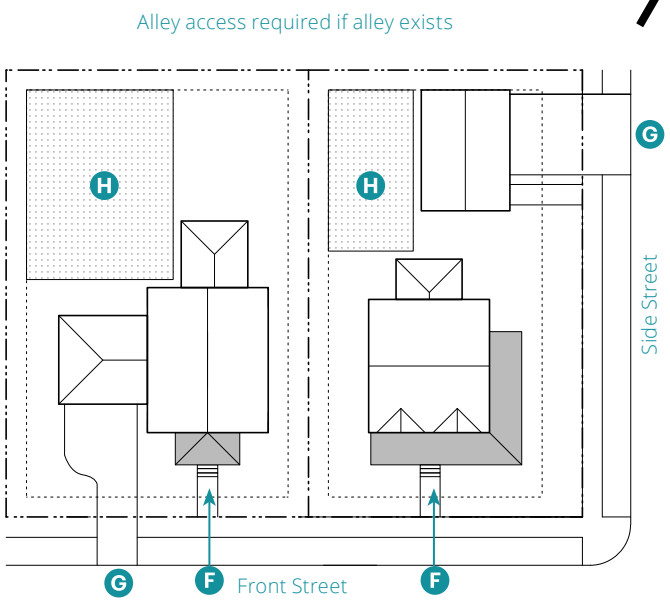

Key

Property Line

Building Setback Line

Building

3. Building Size and Massing		
Main Body[1]		
Width	36' max.	A
Depth	48' max.	B
Wing(s) [1,2]		
Width	20' max.	C
Depth	20' max.	D
Separation between Wings on Same Facade	15' min.	
Offset from Main Body	5' min.	E

[1] In compliance with building setbacks of the underlying zone or Overlay, except for massing requirements for buildings longer than 40 feet.

[2] Height is limited to 1 story less than main body and 10' less to highest eave/parapet.

Key

Property Line

Building Setback Line

Building Frontage Type

Private Open Space

4. Pedestrian Access		
Main Entrance Location of Primary Building	Front Street	F

5. Vehicle Access and Parking	
Driveway and parking location shall comply with standards of the underlying zone or Overlay.	G
Parking may be covered, uncovered, or in a garage.	

6. Open Space		
Private Open Space		
Area	300 sf min.	H

Required setbacks count toward open space on lots with an average slope exceeding 10%.

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10A.04.050 Duplex

Example of Duplex Side-by-Side

Example of Duplex Side-by-Side

Example of Duplex Side-by-Side

1. Description

A small-to-medium-sized, detached building with a rear yard. The building consists of two units within a single building massing. The type has the appearance of a medium-to-large, single-unit house and is scaled to fit within lower-intensity neighborhoods.

2. Number of Units

Units per Building	2 max., not including ADUs as allowed by State law.

General Note: Photos on this page are illustrative, not regulatory.

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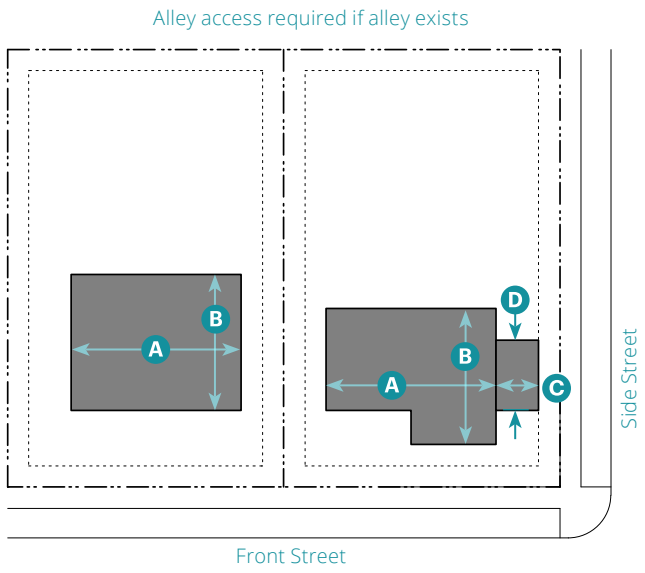

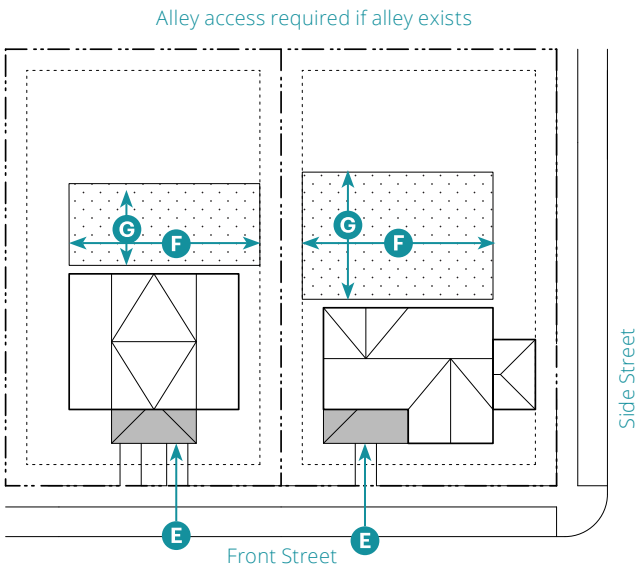

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Key

- Property Line
- Building
- Building Setback Line

3. Building Size and Massing		
Main Body[1]		
Width	48' max.	A
Depth	48' max.	B
Wing(s)[1,2]		
Width	15' max.	C
Depth	24' max.	D
Separation between Wings on Same Facade	15' min.	
Offset from Main Body	5' min.	
Massing Types		
Narrow Box	Subsection 10A.04.080.B.1	
Wide Bar	Subsection 10A.04.080.B.2	
L Courtyard	Subsection 10A.04.080.B.3	
Wide Forecourt	Subsection 10A.04.080.B.5	

[1] In compliance with building setbacks of the underlying zone or Overlay, except for massing requirements for buildings longer than 40 feet.

[2] Height is limited to 1 story less than main body and 10' less to highest eave/parapet.

Key

- Property Line
- Building Setback Line
- Building Frontage Type
- Private Open Space

4. Pedestrian Access		
Main Entrance Location of Primary Building	Front Street[3]	E

Each unit shall have an entry facing the street on or within 15' of the front facade.

[3] On corner lots, each unit shall front a different street.

5. Vehicle Access and Parking
Driveway and parking location shall comply with standards of the underlying zone or Overlay.
Parking may be covered, uncovered, or in a garage.

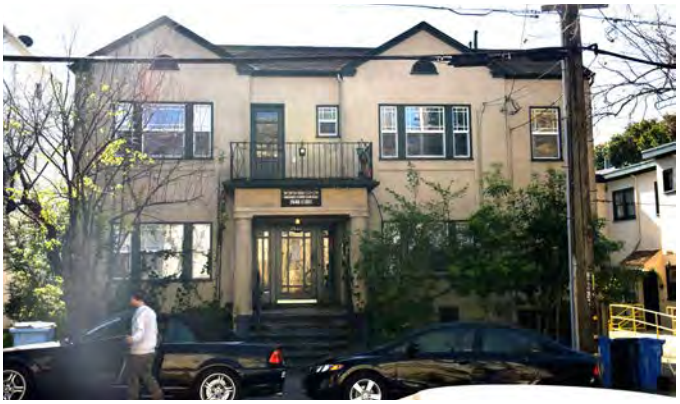
6. Open Space		
Common Open Space		
Width	15' min.	F
Depth	15' min.	G

Required setbacks count toward open space on lots with an average slope exceeding 10%.

10A.04.060 Multiplex

Example of Multiplex

Example of Multiplex



Example of Multiplex

1. Description
A medium-to-large-sized, detached building that consists of multiple side-by-side and/or stacked units, typically with one shared entry.
Synonym: Mansion Apartment

2. Number of Units	R-3	CC, CN, CR	HOS
Units per Building	8 max.	12 max.	No max.[1]

[1] In compliance with the maximum allowed density, not including ADUs as allowed by State law.

General Note: Photos on this page are illustrative, not regulatory.

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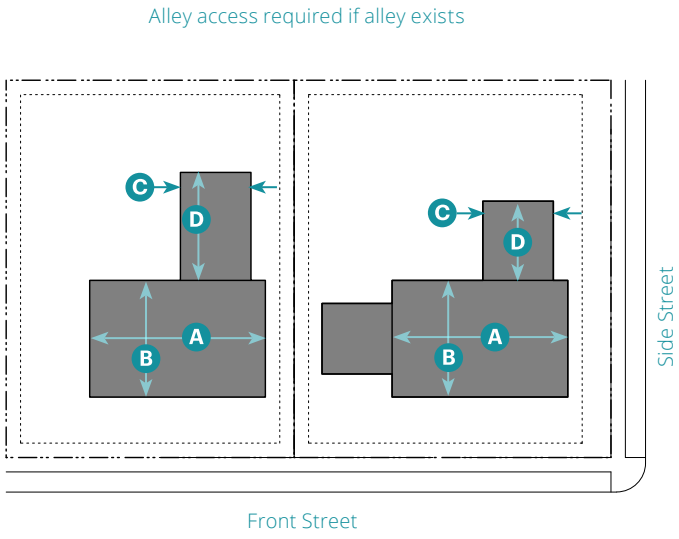

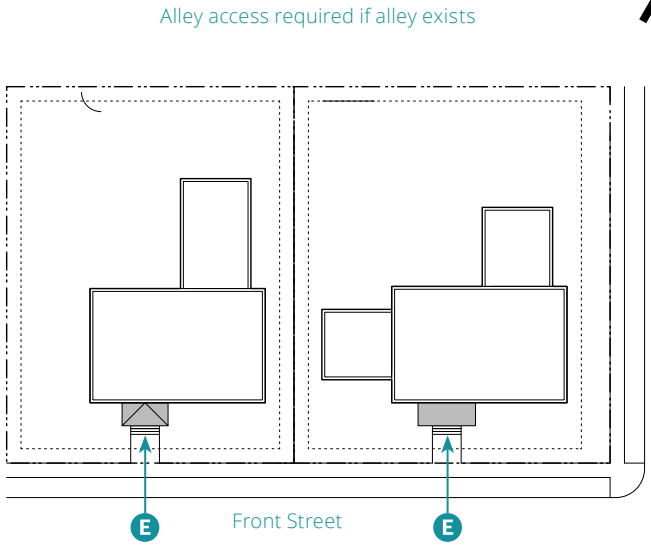

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Key

Property Line

Building

Building Setback Line

3. Building Size and Massing			
Main Body[2]	**R-2, R-2-2.5, R3, CN, CC, CR**	**HOS**	
Width	48' max.	60' max.	A
Depth	48' max.	60' max.	B
Wing(s)[2]			
Width	24' max.[3]	30' max.	C
Depth	40' max.[3]	40' max.	D
Separation between Wings on Same Facade	15' min.		
Offset from Main Body	5' min.	None	
Massing Types			
Narrow Box	Subsection 10A.04.080.B.1		
Wide Bar	Subsection 10A.04.080.B.2		
L Courtyard	Subsection 10A.04.080.B.3		
Wide T	Subsection 10A.04.080.B.4		
Wide Forecourt	Subsection 10A.04.080.B.5		

[2] In compliance with building setbacks of the underlying zone or Overlay, except for massing requirements for buildings longer than 40 feet.

[3] Height is limited to 1 story less than main body and 10' less to highest eave/parapet.

Key

Property Line

Building Frontage Type

Building Setback Line

4. Pedestrian Access		
Main Entrance Location of Primary Building	Front Street	E
Units located in the main body shall be accessed by a common entry along the front street.		
On corner lots, units in a wing may enter from the side street.		
5. Vehicle Access and Parking		
Driveway and parking location shall comply with standards of the underlying zone or Overlay.		
Parking may be covered, uncovered, or in a garage.		
6. Open Space		
Common or private open space is not required.		

10A.04.070 Main Street Building

Example of Main Street Building

Example of Main Street Building

Example of Main Street Building

1. Description

A small-to-large-sized building, typically attached, but may be detached. The type is intended to provide a vertical mix of uses with ground-floor retail, office, or service uses and upper-floor service or residential uses. The type makes up the primary component of neighborhood and downtown main streets, therefore being a key component to providing walkability.

2. Number of Units

Units per Building	In compliance with the maximum allowed density.

General Note: Photos on this page are illustrative, not regulatory.

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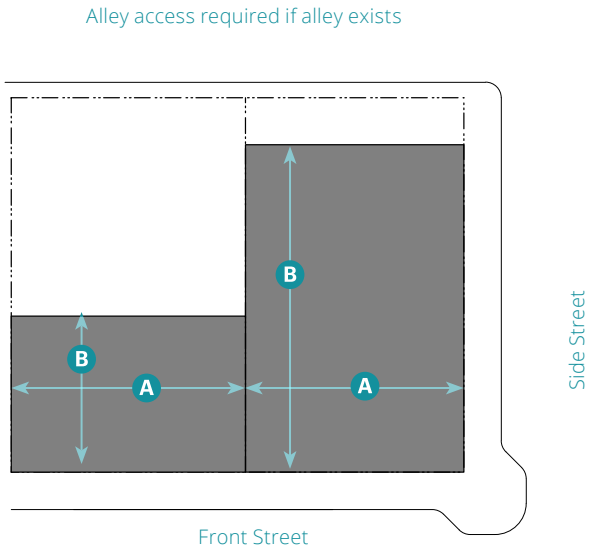

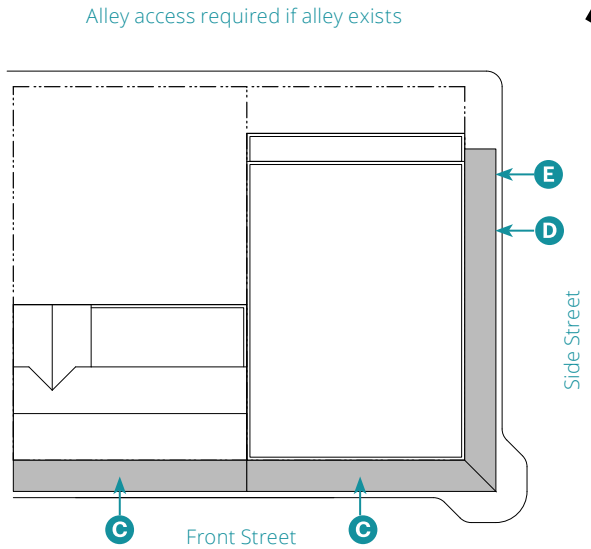

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Key

-··- Property Line
Building
----- Building Setback Line

3. Building Size and Massing			
Main Body[2]	**CN, CC, CR**	**HOS**	
Width	100 max.	No max.	A
Depth	90 max.	No max.	B
Wing(s)			
Not Allowed			
Massing Types			
Narrow Box	Subsection 10A.04.080.B.1		
Wide Bar	Subsection 10A.04.080.B.2		
L Courtyard	Subsection 10A.04.080.B.3		
Wide T	Subsection 10A.04.080.B.4		
Wide Forecourt	Subsection 10A.04.080.B.5		
Closed Courtyard	Subsection 10A.04.080.B.6		

[2] In compliance with the building setbacks of the underlying zone or Overlay, except for massing requirements for buildings longer than 40 feet.

Key

-··- Property Line
Building Frontage Type
----- Building Setback Line
Outline of Building above

4. Pedestrian Access		
Distance between Entries to Ground Floor Shops	50' max.	
Upper floor units shall be accessed by a common entry along the front street.		C
Ground floor shops shall have individual entries along the adjacent street.		D
Ground floor units allowed along side street at least 60' from front of lot.		
On corner lots, units in a wing or accessory structure may enter from the side street.		E

5. Vehicle Access and Parking
Driveway and parking location shall comply with standards of the underlying zone or Overlay.
Parking may be covered, uncovered, or in a garage.

6. Open Space
Common or private open space is not required.

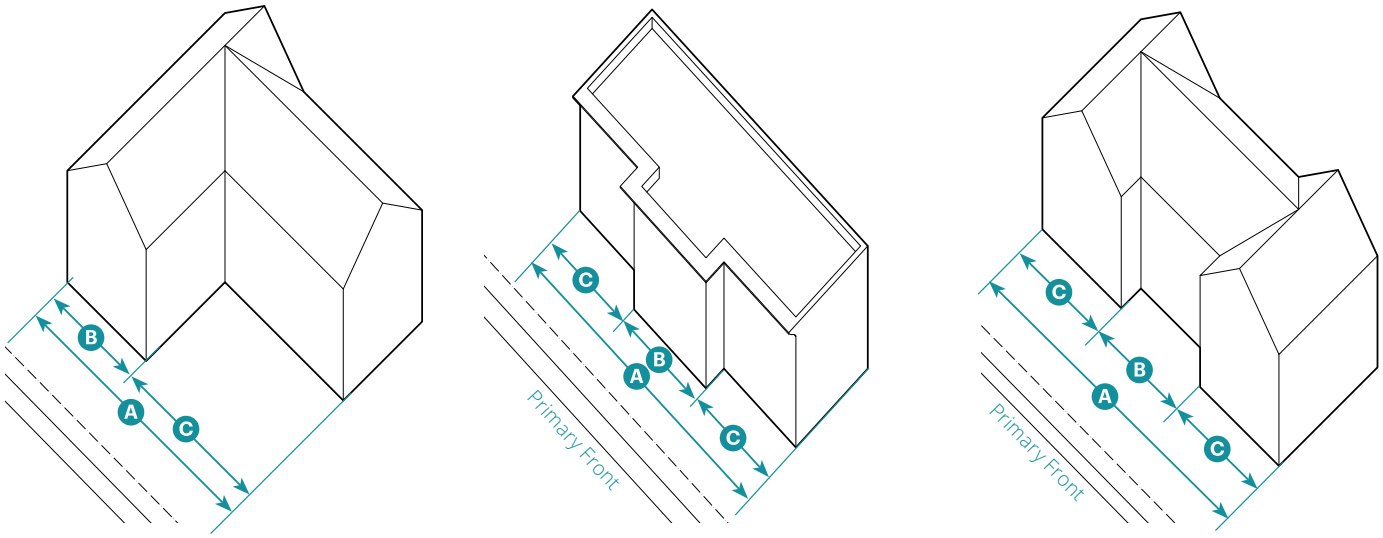
10A.04.080 Massing Compositions

1. The main body of each building shall be massed through the allowed massing types in Subsection 3 of the building type.
2. **Bay Composition**. Each façade shall be arranged according to a pattern of bays. See Subsection 10A.07.030.9 (Measuring Bays) for details on the application of bays to façades.
   A. Each bay shall be at least 5′ wide and no wider than 15'.
   B. Each façade shall contain at least 2 bays and no more than 9 bays.
   C. All bays within the same main body or wing shall be the same height.

Figure 10A.04.080.1: Example of Massing Type and Bays

A. Select Main Body Massing Composition.

L Courtyard	Wide T	Wide Forecourt



Key		
A	**Main Body Width**	Maximum dimension is regulated by Subsection 3 of the building type.
B	**Projecting Volume(s)**	Minimum and maximum number of bays are regulated by the massing type.
C	**Recessed Facade(s)**	Minimum and maximum number of bays are regulated by the massing type.

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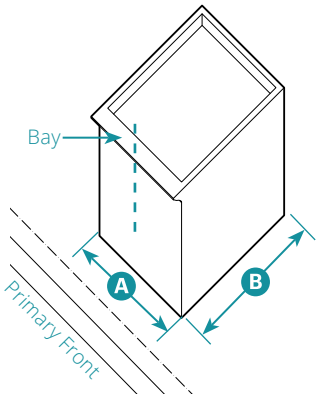
B. Main Body Massing Types

In Subsection 3 of each building type, select from the allowed massing types and apply the standards to the main body width and to the main body depth for detached buildings.

The selected main body massing type serves as an organizational framework for the building form but shall not preclude the incorporation of secondary architectural features such as bay windows, balconies, gables, dormers, tower elements, projections, recesses, stepbacks, or exterior stairs in compliance with the underlying zone or HOS overlay standards.

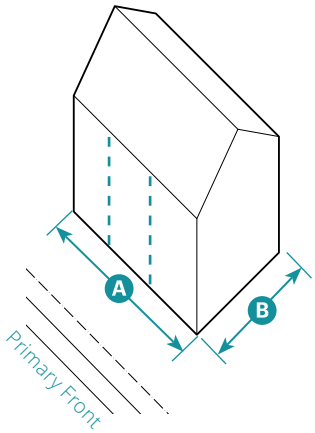
1. Narrow Box



This massing type is a simple rectilinear form.

Main Body		
Main Body Width	Max. allowed by Subsection 3 of the building type	A
Main Body Depth	Max. allowed by Subsection 3 of the building type	B

2. Wide Bar



This massing type is a simple rectilinear form that is longer than it is deep.

Main Body		
Main Body Width	Max. allowed by Subsection 3 of the building type	A
Main Body Depth	Max. allowed by Subsection 3 of the building type	B

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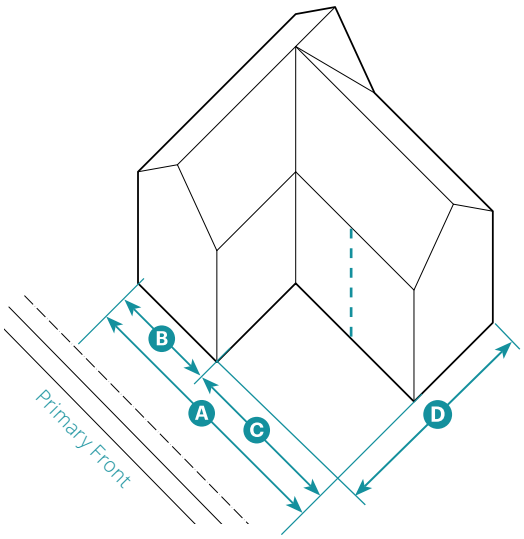
Bays shown on Main Body Massing Types are illustrative

[1] Facades of intersecting volumes shall be offset by a minimum of 3 feet.

[2] No max. for Main Street building type.

B. Main Body Massing Types (Continued)

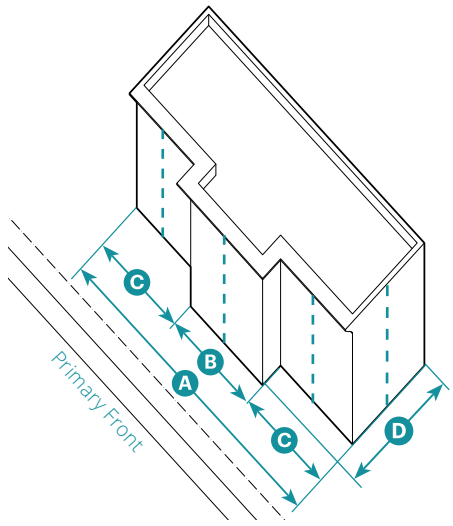
3. L Courtyard



This massing type divides the facade into two parts, with one part projecting and one part recessed to create a courtyard.

Main Body		
Main Body Width	Max. allowed by Subsection 3 of the building type	A
Projecting Volume[1]	1 bay min.; 5 bays max.[2]	B
Recessed Facade[1]	1 bay min.; 7 bays max.[2]	C
Main Body Depth	Max. allowed by Subsection 3 of the building type	D

4. Wide T



This massing type divides the facade into three parts, with the middle part projecting.

Main Body		
Main Body Width	Max. allowed by Subsection 3 of the building type	A
Projecting Volume[1]	1 bay min.; 5 bays max.[2]	B
Recessed Facade[1]	1 bay min.; 7 bays max.[2]	C
Main Body Depth	Max. allowed by Subsection 3 of the building type	D

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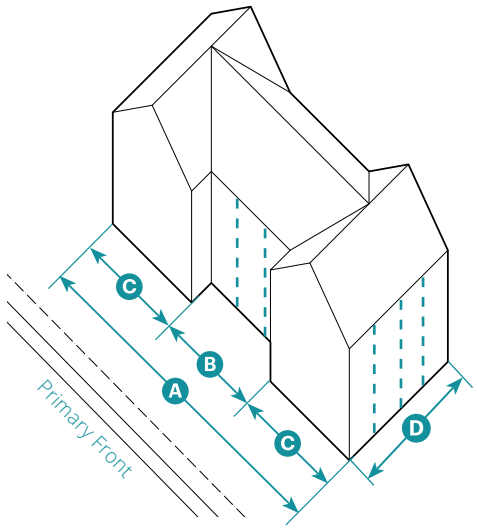
B. Main Body Massing Types (Continued)

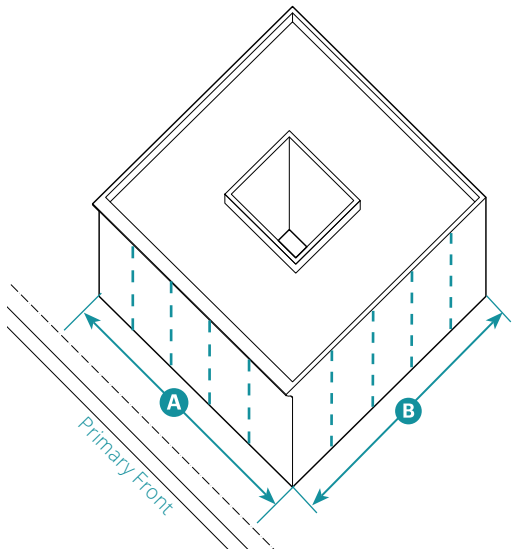
5. Wide Forecourt



This massing type divides the facade into three parts, with the middle part recessed slightly to create a forecourt.

Main Body		
Main Body Width	Max. allowed by Subsection 3 of the building type	A
Projecting Volume[1]	1 bay min.; 5 bays max.[2]	B
Recessed Facade[1]	1 bay min; 9 bays max.[2]	C
Main Body Depth	Max. allowed by Subsection 3 of the building type	D

6. Closed Courtyard



This massing type fronts a courtyard with building façades on all 4 sides. The courtyard is separated from the street by the mass of the building.

Main Body		
Main Body Width	Max. allowed by Subsection 3 of the building type	A
Main Body Depth	Max. allowed by Subsection 3 of the building type	B

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Bays shown on Main Body Massing Types are illustrative

[1] Facades of intersecting volumes shall be offset by a minimum of 3 feet.

[2] No max. for Main Street building type.

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Chapter 5: Building Frontage Type Standards

Sections:

10A.05.010 Purpose
10A.05.020 Building Frontage Types
10A.05.030 Overview of Building Frontage Types
10A.05.040 Front Garden
10A.05.050 Porch Projecting
10A.05.060 Porch Engaged
10A.05.070 Forecourt
10A.05.080 Front Garage
10A.05.090 Shopfront

10A.05.010 Purpose

This Chapter provides the standards for building frontages. Building frontages are the components of a building that provide the transition and interface between the public realm (street and sidewalk) and the private realm (setback or building).

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10A.05.020 Building Frontage Types

1. The names of the building frontage types indicate their particular configuration or function and are not intended to limit uses within the associated building. For example, a Porch may be used by non-residential uses including, but not limited to, a restaurant or office, as allowed by the zone or Overlay.
2. Each building is required to include at least one building frontage type along the front street or adjacent civic space. Buildings with entries along a side street are required to include at least one building frontage type on those facades.
3. Accessibility is provided through the allowed building frontage types for each zone or Overlay.
4. Building frontage types not listed in Table A (Allowed Building Frontage Types) are not allowed.
5. Each building is allowed to include multiple building frontage types in compliance with the allowed types in Table A (Allowed Building Frontage Types).
6. Each building frontage type shall be located in compliance with the allowed encroachments for the zone or Overlay.
7. Standards are stated for the front and side street facades of a lot.
8. In addition to the zone's or Overlay's standards, each building frontage is further refined through these standards to further refine the type for its context.

10A.05.030 Overview of Building Frontage Types

Table A (Allowed Building Frontage Types) provides a summary of the allowed building frontage types in each zone or Overlay. See referenced Section(s) for standards.

Table 10A.05.030.A: Allowed Building Frontage Types

		Zones			Overlay
	Specific Standards	R-2, R-2-2.5	R-3	CC, CN, CR	HOS
Front Garden	10A.05.040	P	P	X	P[1]
Porch Projecting	10A.05.050	P	P	P	P
Porch Engaged	10A.05.060	P	P	P	P
Forecourt	10A.05.070	X	X	P	P
Front Garage	10A.05.080	P	P	X	P[1]
Shopfront	10A.05.090	X	X	P	P

[1] Only if underlying zone is R-2, R-2-2.5, or R-3

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Key P = Allowed X = Not Allowed

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10A.05.040 Front Garden

Example of a Front Garden

Example of a Front Garden

Example of a Front Garden

1. Description

The main facade of the building is set back from the front lot line by an enclosed garden or landscaped area. The resulting setback area is defined by a fence or hedge to spatially maintain the edge of the street. All habitable space is located behind the garden and the primary entry is on the front or side façade.

General Note: Photos on this page are illustrative, not regulatory.

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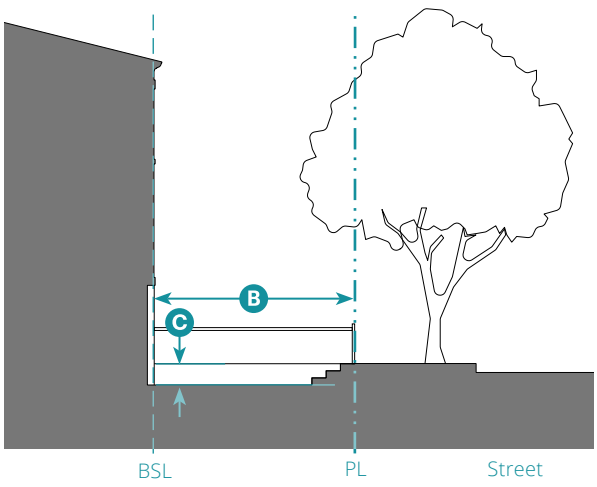

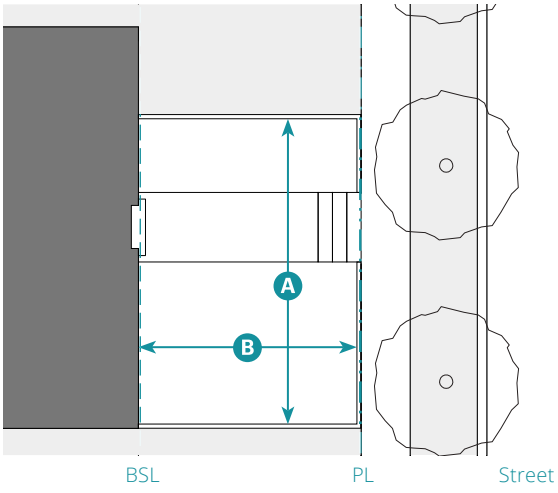

Key

Property Line (PL)

Building Setback Line (BSL)

2. Size		
Width, Clear	15' min.	A
Depth, Clear	10' min.	B
Finish Level Below Sidewalk	3' max.	C

3. Miscellaneous

A porch or canopy is allowed to encroach into the garden

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10A.05.050 Porch Projecting

Example of a Projecting Porch

Example of a Projecting Porch

Example of a Projecting Porch

1. Description

The main facade of the building is set back from the front lot line with a covered structure encroaching into the front setback. The resulting setback area may be defined by a fence or hedge to spatially maintain the edge of the street. The Porch may be one or two stories, is open on three sides, with all habitable space located behind the building setback line.

General Note: Photos on this page are illustrative, not regulatory.

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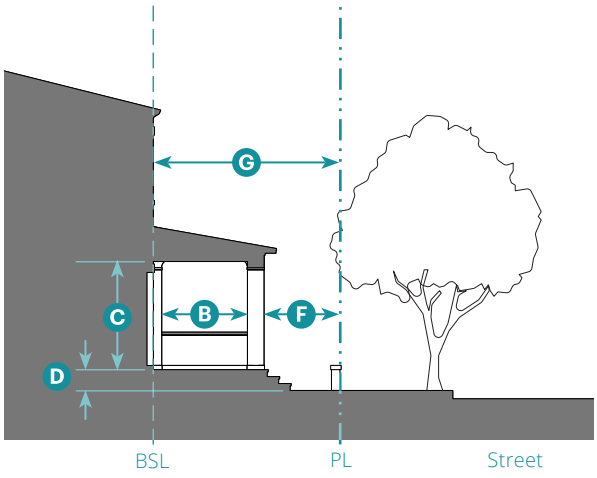

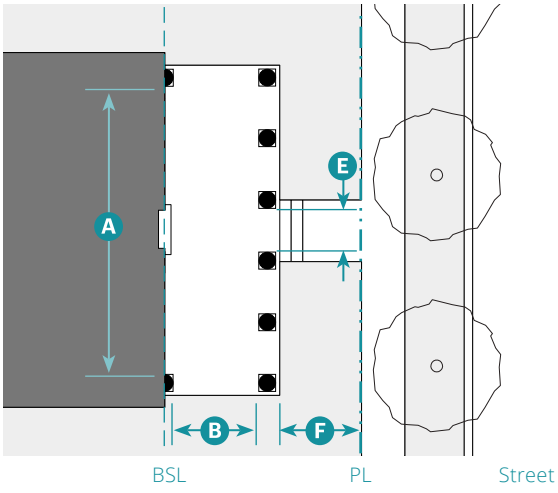

Key

Property Line (PL)

Building Setback Line (BSL)

2. Size		
Width, Clear	15' min.	A
Depth, Clear	6' min.	B
Height, Clear	8' min.	C
Stories	2 stories max.	
Finish Level above Sidewalk	12" min.[1]	D
Pedestrian Access	3' wide min.	E
Distance between Porch and Sidewalk	6' min.	F
Depth	12' min.	G

[1] Common entries may be set at grade per local and federal accessibility standards.

3. Miscellaneous
Porch shall be open on three sides and have a roof. Clear glass may be installed between the porch columns.
Porch is allowed to encroach into the front and side street setbacks in compliance with the underlying zone or Overlay.
Ramps are required to be integrated along the side of the building to connect with the Porch.

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10A.05.060 Porch Engaged

Example of an Engaged Porch

Example of a two-story Engaged Porch

Example of an Engaged Porch

1. Description

A portion of the main facade of the building is set back from the front lot line to create an area for a covered structure that projects from the facade that is set back. The Porch may project into the front setback. The resulting setback may be defined by a fence or hedge to spatially maintain the edge of the street. The Porch may be one or two stories and has two adjacent sides that are engaged to the building, while the other two sides are open.

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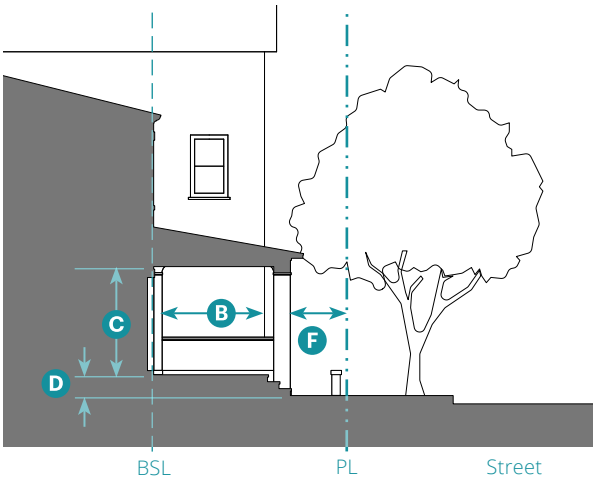

Key

Property Line (PL)

Building Setback Line (BSL)

2. Size		
Width, Clear	8' min.	A
Depth, Clear	6' min.	B
Height, Clear	8' min.	C
Stories	2 stories max.	
Finish Level above Sidewalk	12" min.[1]	D
Pedestrian Access	3' wide min.	E
Distance between Porch and Sidewalk	6' min.	F

[1] Common entries may be set at grade per local and federal accessibility standards.

3. Miscellaneous
Up to 20% of the building facade and porch is allowed to project into the front setback line for the underlying zone or Overlay.
Porch shall be open on two sides and have a roof. Clear glass may be installed.
The Porch is allowed to encroach into the front and side street setbacks in compliance with the underlying zone or Overlay.
Ramps are required to be integrated along the side of the building to connect with the Porch.

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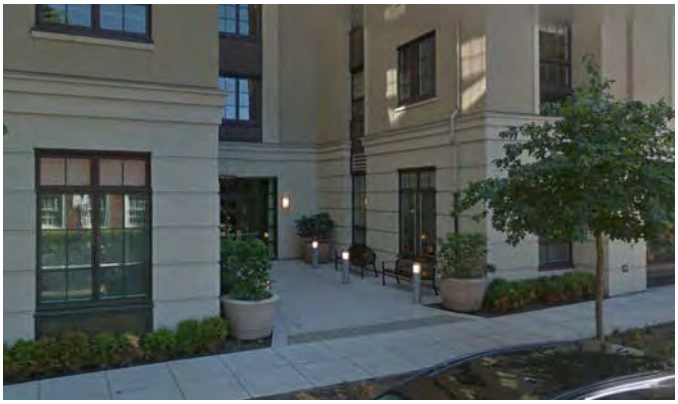
10A.05.070 Forecourt

Example of a Forecourt with Shopfronts

Example of a Forecourt with outdoor dining



Example of Forecourt

1. Description

The main facade of the building is at or near the front lot line and a portion is set back, extending the public realm into the lot to create an entry court or shared garden space for housing, or an additional shopping or restaurant seating area within retail and service areas.

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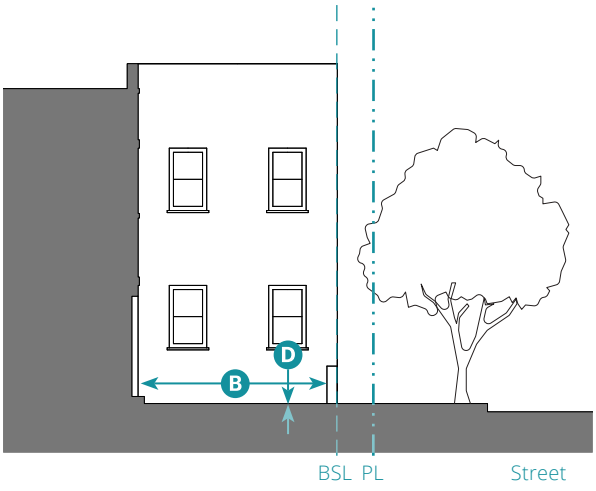

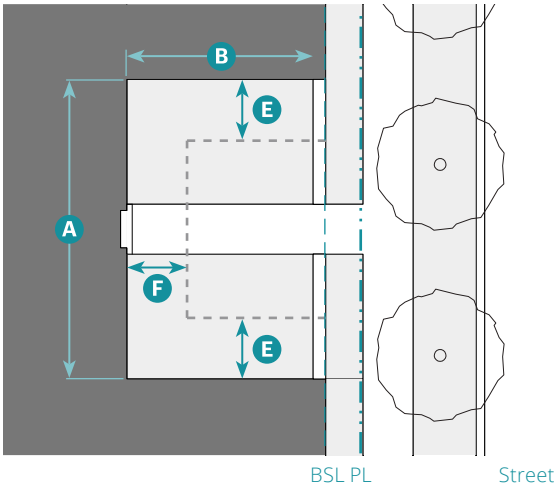

Key

Property Line (PL)

Building Setback Line (BSL)

2. Size		
Width, Clear	15' min.	A
Depth, Clear	15' min.	B
Ratio, Height to Width	2:1 max.	C
Finish Level above Sidewalk	12" max., except where ADA access required	D
Awnings, balconies and porches are allowed to encroach into the Forecourt.	Max 1/2 width of Forecourt, total	E
	Max 1/2 depth of Forecourt	F

3. Miscellaneous
Forecourts may be utilized to group several entries at a common elevation in compliance with the ground floor finish level standards of the underlying zone or Overlay.
The proportions and orientation of a Forecourt shall be in compliance with the diagram below for solar orientation and user comfort.

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10A.05.080 Front Garage

Example of a Front Garage

Example of a Front Garage

Example of a Front Garage

1. Description

The lot exceeds eight percent upslope or downslope and the front or side street facade of the building includes a garage at or near the front or side street lot line with pedestrian access to one side of the garage or directly into the building from the sidewalk.

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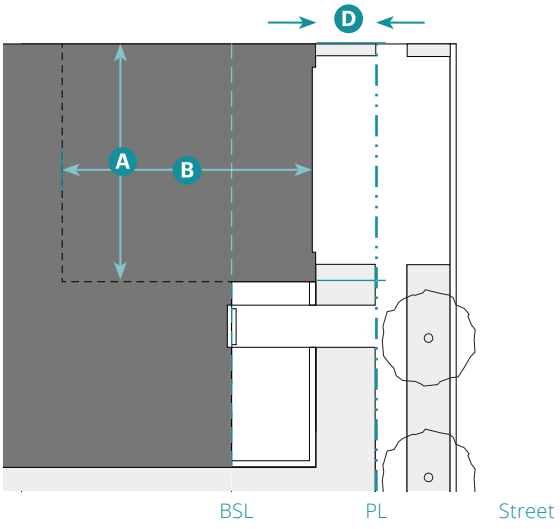

Key

Property Line (PL)

Building Setback Line (BSL)

2. Size		
Width, Clear	12' min. to 24' max.	A
Depth, Clear	20' min. to 25' max.	B
Finish Level Above/Below Sidewalk	Limited to 10% of driveway slope	C
Setback from Street on Downslope Lot or Upslope Lot	18' max.	D

3. Miscellaneous

The building is accessed by a gate to one side of the garage that leads to the primary entrance. The primary entry to the building cannot be on the garage façade.

- Garage doors must be single-doors
- Curbcut width not to exceed width of garage doors

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10A.05.090 Shopfront

Example of Shopfronts

Example of a Shopfront

Example of a Shopfront

1. Description

The main facade of the building is at or near the front lot line with at-grade entrance from the sidewalk. The type is intended for service, retail, or restaurant use and includes substantial glazing between the Shopfront base and the ground floor ceiling. This type may include an awning that overlaps the sidewalk.

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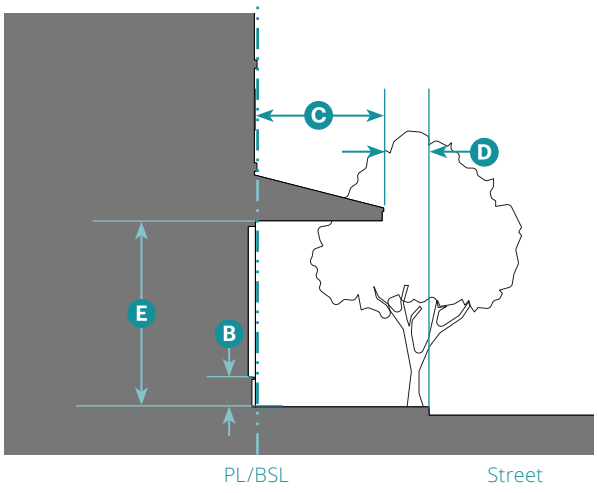

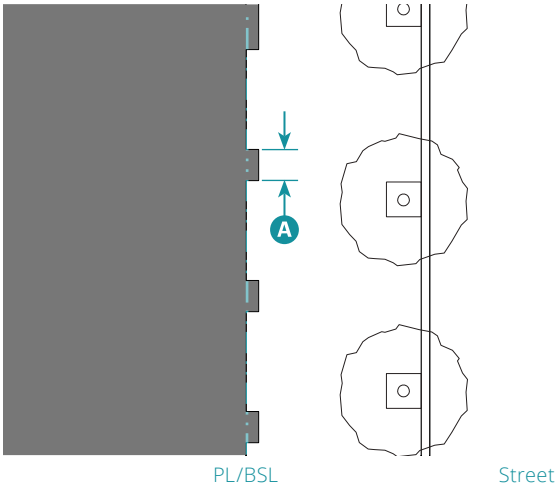

Key

Property Line (PL)

Building Setback Line (BSL)

2. Size		
Distance between Glazing	2' max.	A
Ground Floor Glazing between Sidewalk and Finished Ceiling Height	75% min.	
Depth of Recessed Entries	5' max.	
Shopfront Base (Bulkhead)	6" min.; 24" max.	B
3. Awning		
Depth	5' min.	C
Setback from Curb	2' min.	D
Height, Clear	8' min.	E

4. Miscellaneous

Decorative accordion-style doors/windows or other operable windows that allow the space to open to the street are allowed.

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Chapter 6: Certified Historic District Standards

Sections:

10A.06.010 Purpose
10A.06.020 Applicability
10A.06.030 Neighborhood Context for Subject Properties
10A.06.040 Defining Characteristics List
10A.06.050 Standards

10A.06.010 Purpose

To maintain a walkable, vibrant historic district environment preserving the character, scale, and architectural features of Sausalito's downtown area. The Historic District, as defined in the city's zoning map, is intended to manage development while preserving historical integrity and supporting local economic vitality.

Development and design projects within the Historic District will adhere to the following Objective Historic Standards, which are derived from the Secretary of the Interior's Standards for Historic Preservation. These standards aim to balance preservation with development projects, accessibility needs and sustainability goals, enhancing the quality of life for residents and visitors alike.

The purpose of this Chapter is to achieve:

- Preservation of historic building features and materials
- Compatibility with existing historic structures
- Maintenance of traditional downtown scale and massing
- Retention of distinctive architectural elements
- Adherence to pedestrian-friendly streetscapes that encourage walking and community interaction.

10A.06.020 Applicability

Projects located in the Historic District overlay (-H) as defined in 10.28.040, shall comply with the provisions of Chapter 10A.06 “Certified Historic District Standards” in addition to all applicable provisions elsewhere in Title 10A. If any provisions of Chapter 6 conflict with other sections of this Title, the provisions of Chapter 6 shall prevail.

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10A.06.030 Neighborhood Context for Subject Properties

The Neighborhood Context represents a set of reference buildings for a subject property where the physical dimensions of the referenced buildings are averaged to create an objective parameter for specific defined requirements in this chapter.

1. Calculate the average of a parameter for context properties
2. Multiply by the allowed variance stated in Historic District Objective Standards
3. This result becomes the objective standard for the subject building

The diagrams illustrate different context scenarios: two sides of a street, corner adjacent, and mid-block Bridgeway. The subject property (X) is evaluated against its context properties.

- Subject Property Mid-Block with No Building on Opposite Side (Example: Waterfront): The context is the three properties on either side of the subject property on the same side of the street.
- Subject Property on a Street Facing Other Buildings: The context is the three properties on either side of the subject property on the same side of the street and the six properties across the street directly oppose the subject property.
- Subject Property Adjacent to a Corner: The context is the three properties on the non-corner side of the subject and those building at the corner and crossing the street to sum to three properties.
- Subject Property on a Street Facing Other Buildings: The context is the three properties on either side of the subject property on the same side of the street and the six properties across the street directly oppose the subject property. If there are fewer than three properties or either side of the subject and / or fewer than six properties on the opposite street, the Neighborhood Context averages shall be calculated from the existing properties within 100' of the subject property.
- Subject Property Adjacent to a Corner: The context is the three properties on the non-corner side of the subject and those buildings at the corner and crossing the street to sum to three properties.

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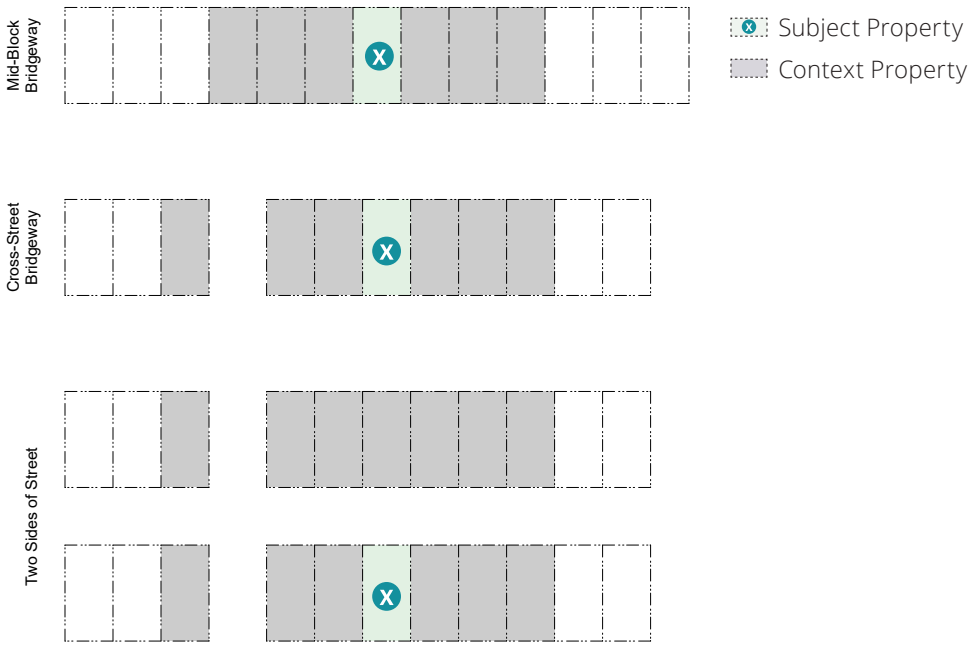
Figure 10A.06.030.1. Neighborhood Diagrams



10A.06.040 Defining Characteristics List

The Defining Characteristics List (DCL) is a published listing of the features for each certified historic building in the Historic District and subject to updates as adopted by resolution of the City Council.

The DCL includes:

- Property address
- A detailed list of the building's defining characteristics
- Materials used
- Site elements (where applicable)

10A.06.050 Standards

1. Exterior façade Modifications:

   A. Defining Characteristics: No removal or alteration of the building's exterior defining characteristics for the subject property as identified in the adopted Defining Characteristics List shall be permitted. Where necessary, repairs to the building's defining features listed on the Defining Characteristics List shall use identical design and materials to maintain the historic character unless those materials are no longer available.

   B. Storefronts: For buildings with commercial storefronts, the bulkhead panels below the storefront windows and transom windows above the storefront windows shall be retained and preserved. New storefronts shall not exceed 75 percent glazed area.

   C. New Windows and Doors: New windows and doors shall match the configuration (number of lites or panes), operation (method of opening) and profile of existing windows. New windows and doors shall match the proportions of the windows and doors of the original building within a five percent deviation in height and width. See Figure 10A.06.050.4. (Window and Door Proportions).

   D. New Entries: New building entries on street-facing facades shall be smaller in dimension (height and width) than that of the existing building entries unless a wider entry is required to comply with accessibility codes.

2. Additions and new construction:

   A. Height: The height of new construction that is within 15 feet of a street facing facade shall not exceed the average height of the Neighborhood Context buildings. See Figure 10A.06.050.1. (Height Requirements). In no case shall the overall height of new additions exceed 32 feet as measured from the midpoint of each property line that fronts a street.

   B. Stepbacks: Where vertical additions exceed the height of the existing building, the addition above the existing building height shall be set back a minimum of 15 feet from the front of the building.

   C. Roof Form: If visible from a public right-of-way, the roof form of an addition must be the same type (e.g., flat, gable, hip, shed) as the roof form of the existing building.

   D. Building coverage: Building coverage shall not exceed the average building coverage of the Neighborhood Context buildings.

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E. Ground Floor-to-Ceiling Height: For buildings with an existing commercial storefront, the ground floor height from floor-to-ceiling of the new construction shall be within ten percent of the original ground floor height. See Figure 10A.06.050.2. (Floor-to-Ceiling-Height).

F. Upper Floor-to-Ceiling Height: The floor-to-ceiling height on upper floors shall be within ten percent of the average floor-to-ceiling heights of upper floors of the Neighborhood Context buildings. See Figure 10A.06.050.2. (Floor-to-Ceiling-Height).

G. Ground Floor Façade Proportions: Ground floor facades shall be designed with the ratio of window to wall area within ten percent of the average ratio of window to wall area average of the ground floor facades of the Neighborhood Context buildings.

H. Ground Floor Front Setback: The ground floor of new construction shall maintain the existing distance between the building and the front property line. See Figure 10A.06.050.3. (Ground Floor Front Setback).

I. Window and Door Proportions: New windows and doors shall match the proportions of the windows and doors of the original building within a five percent deviation in height and width. See Figure 10A.06.050.4. (Window and Door Proportions).

J. Window Area: All new building facades shall be designed with an overall window-to-wall area ratio within a ten percent deviation in height and width from that of the original building or within a ten percent deviation in height and width of the average ratio of window-to-wall area of the Neighborhood Context buildings. New construction shall not exceed 50 percent glass area on upper floors per façade or 75 percent glass area for ground floor commercial storefronts. See Figure 10A.06.050.5. (Window-to-Wall Area of Original Building).

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K. New Entries: New building entries on street-facing facades shall be smaller in dimension (height and width) than that of the existing building entries unless a wider entry is required to comply with accessibility codes.

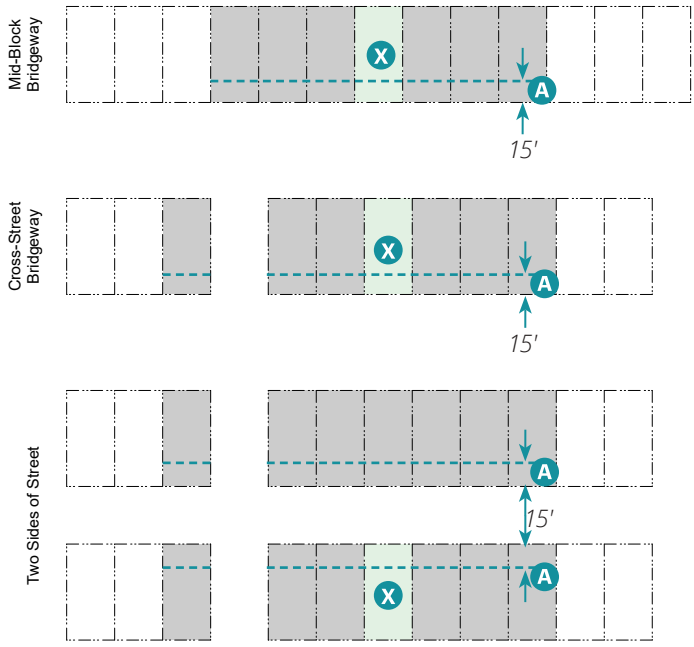
L. Preservation of Existing Walls: For building additions and related new construction, at least 75 percent of the original building's exterior walls shall remain unaltered and visible.

M. Differentiation of New Construction: For horizontal additions to existing buildings, the new street-facing façade(s) shall be composed of at least three different elements of exterior materials, colors and/or decorative elements (e.g. moldings and trim) from that of the existing street-facing façade. The horizontal addition must also be differentiated from the existing building façade by either:

    i. Setting back the new façade at least two feet further from the street-fronting property line than the existing building façade; or

    ii. Incorporating a break in the front façade of at least two feet in width and two feet in depth for the entire height of the new construction between the existing building façade and new addition.

Figure 10A.06.050.1. Height Requirements

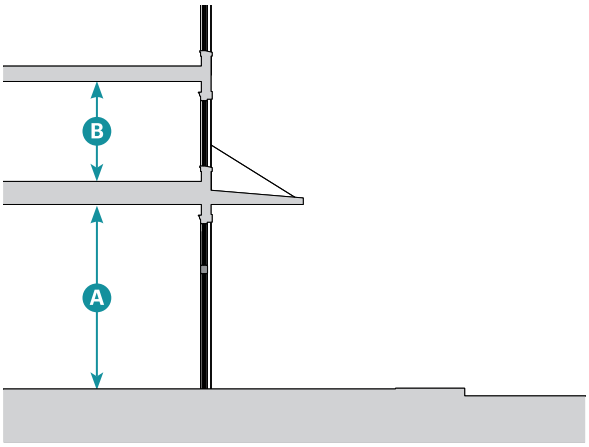


X Subject Property

Context Property

A Height on subject property not to exceed average height of context properties.

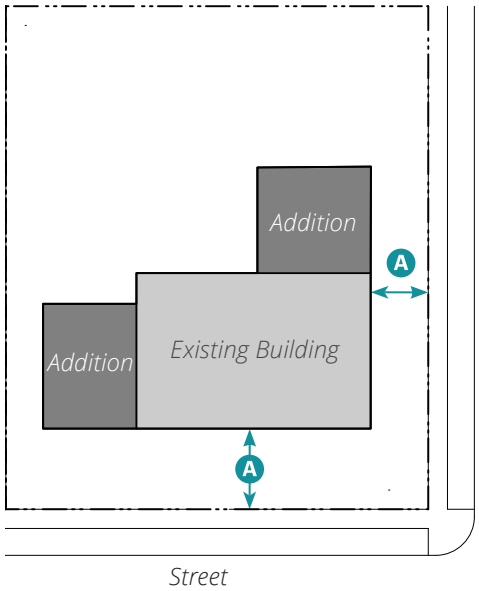
Figure 10A.06.050.2. Floor-to-Ceiling-Height



A Existing ground floor, floor-to-ceiling-height

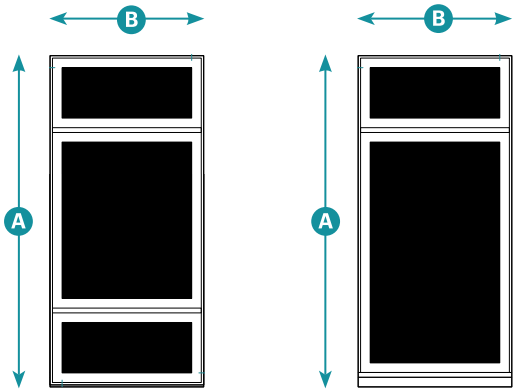
B Existing upper floor, floor-to-ceiling-height

Figure 10A.06.050.3. Ground Floor Front Setback



A Existing distance from front property line to building.

Figure 10A.06.050.4. Window and Door Proportions



Existing window

New window

A Height

B Width

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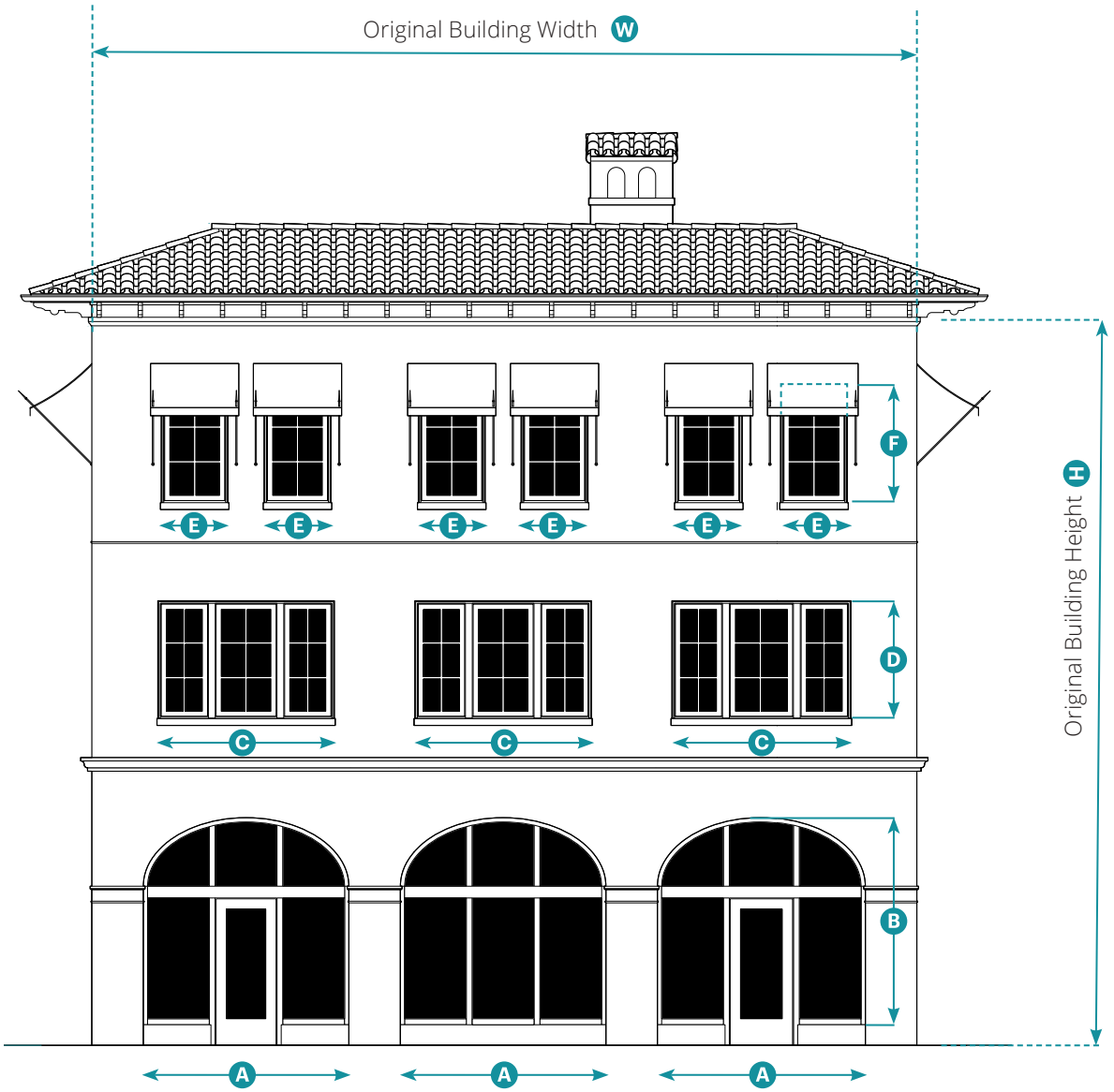
Figure 10A.06.050.5. Window-to-Wall Area of Original Building



$$\frac{A \times B + C \times D + E \times F}{W \times H} = \text{Existing overall window-to-wall area.}$$

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Chapter 7: Definitions

Sections:

10A.07.010 Rules for Construction of Language
10A.07.020 Definitions
10A.07.030 Measurement Methods

10A.07.010 Rules for Construction of Language

The following general rules for construction of language apply to the text of Title 10A:

1. **Tenses and Numbers.** Words used in the present tense include the future, words used in the singular include the plural, and the plural includes the singular, unless the context clearly indicates the contrary.
2. **Applicable.** The applicable standards of Title 10A apply so as to not require stating the phrase "and all applicable standards" throughout Title 10A.
3. **Conjunctions.** Unless the context clearly indicates otherwise, the following conjunctions shall be interpreted as follows:
   A. "And" indicates that all connected items or provisions apply;
   B. "Or" indicates that the connected items or provisions may apply; and
   C. "Either/or" indicates that the connected items or provisions apply singly but not in combination.
4. **Abbreviations.** The following terms are abbreviated:
   A. Property Line (PL)
   B. Maximum (Max.) and Minimum (Min.); and
   C. Right-of-Way (ROW)
5. **Definitions.** The definitions supporting this Title are in Section 10A.07.020 (Definitions).
6. **Measurement Methods.** Certain terms used in this Title are further explained as to their measurement method (e.g., Building Height) in Section 10A.07.030 (Definitions).

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10A.07.020 Definitions

This Section provides definitions for specialized terms and phrases used in 10A Objective Design Standards. All other applicable definitions in Chapter 10.88 (Definitions) of Title 10 (Zoning) apply.

A. Definitions

Average Slope. The result of dividing the length of a slope by the difference in elevation at the top and bottom of the slope.

B. Definitions

Base Flood Elevation. The elevation of surface water resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year as designated by Federal Emergency Management Agency (FEMA).

Bay. Any division of a building between vertical lines or planes that run entirely through solid components of the building, including the entire space between consecutive structural supports. See Measuring Bays, 10A.07.030.6

Block. An area of land separated from other areas by adjacent streets, railroads, rights-of-way, public areas, or the subdivision boundary.

Block Face. The aggregate of all the building facades on one side of a block. The block face provides the context for establishing architectural harmony.

Block Length. The horizontal distance from the right-of-way on one end of the block to the right-of-way on the other end along the same street.

Block Perimeter. The aggregate of all sides of a block bounded by the abutting rights-of-way.

Building Elements. Roofs, parapets, cornices, eaves, rafters, walls, lintels, openings (i.e., windows, doors and other openings), building base, and other typical elements of a building facade.

Building Facade. The exterior wall of a building adjacent to a street, the front or side along a private street, or civic space.

I16-11 con't

1. **Building Facade, Front.** The exterior wall of a building adjacent to a street or civic space.
2. **Building Facade, Side Street.** The exterior wall of a building adjacent to a side street.
3. **Building Facade, Interior Side.** The exterior wall of a building adjacent to the interior lot line(s).
4. **Building Facade, Rear.** The exterior wall of a building opposite the front.

Building Form. The overall shape and dimensions of a building.

Building Frontage, Principal. The facade along the front of the lot, typically the narrower of sides and identified by an address.

Building Frontage Type. A physical element configured to connect the building facade to the back of the sidewalk abutting a street or public open space depending on the intended physical character of the zone.

Building, Primary. The building that serves as the focal point for all activities related to the principal use of the lot.

Building Type. A structure defined by its combination of configuration, typical placement on a lot, and function.

C. Definitions

Carshare Parking Space. A parking space required to be dedicated for current or future use by a carshare service through a deed restriction, condition of approval, or license agreement. Such deed restriction, condition of approval, or license agreement shall grant priority use to any carshare service that can make use of the space, although such spaces may be occupied by other vehicles so long as no carshare organization can make use of the dedicated carshare space(s).

Ceiling Height, Ground Floor. The height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms which include, but are not limited to: bathrooms, closets, utility rooms, and storage spaces.

Civic. A not-for-profit organization that is dedicated to arts, culture, education, religious activities, recreation, government, transit, and/or public parking facilities.

Common Courtyard. An entry court, forecourt, or courtyard shared by multiple residential units or commercial spaces.

Common Open Space. An entry court, forecourt, courtyard, or other on-site open space shared by multiple residential units or non-residential units.

Coverage, Lot. The portion of the lot expressed as a percentage that is covered in buildings or other structures.

D. Definitions

Depth, Ground-Floor Space. The distance from the street-facing facade to the rear interior wall of the ground-floor space available to an allowed use.

Distance Between Entries. The horizontal distance between entrances to a building or buildings, measured parallel to the facade.

Duplex. See Section 10A.03.050 (Duplex).

I16-11 con't

Dwelling Unit, Stacked. A dwelling unit situated immediately above or below another dwelling unit.

E. Definitions

Elevated Ground Floor. A ground floor situated above the grade plane of the adjacent sidewalk.

Entry. An opening, including, but not limited to, a door, passage, or gate, that allows access to a building.

1. **Entry, Primary.** The opening that allows access to a building directly from the sidewalk along the front facade.
2. **Entry, Service.** An entrance located toward or at the rear of the building intended for the delivery of goods and removal of refuse.

F. Definitions

Facade. See "Building Facade."

Flex Space. A room or group of internally connected rooms developed to accommodate an evolution of use over time in response to an evolving market demand. Typically designed to accommodate future commercial uses, while accommodating less intense short-term uses, including, but not limited to, residential or live/work, until the commercial demand has been established.

Forecourt. See Section 10A.04.070 (Forecourt).

Freestanding Wall. A wall that is separate from a building and supported by independent means.

Front Garage. See Section 10A.04.080.

Front Garden. See Section 10A.04.040.

Front Loaded (syn. Front Access). Lots that provide vehicular access from the front of the lot.

Frontage, Building. The area between the building facade and the back of the sidewalk abutting a street (public or private) or public open space.

Frontage, Streetscape. The area between the on-street parking and the back of the sidewalk.

Frontage Line. The lot line(s) of a lot fronting a street (public or private) or a civic space.

G. Definitions

Gable. A vertical wall in the shape of a triangle formed between the cornice or eave and the ridge of the roof.

Glazing. An opening in a building in which glass is installed.

H. Definitions

Habitable Space. The portion of a building that is suitable for human occupancy.

Hardscape. Paving, decks, patios, and other hard, non-porous surfaces.

Height

1. **Height, Number of Stories.** The number of stories in a structure allowed above adjacent finished grade. See "Stories."
2. **Height, Overall.** The vertical distance between adjacent finished grade and the highest part of the structure directly above.
3. **Height, Highest Eave/parapet.** The vertical distance between adjacent finished grade and the highest eave or parapet of the building.

House. See Section 10A.03.040 (House).

I. Definitions

No specialized terms beginning with the letter I are defined at this time.

J. Definitions

No specialized terms beginning with the letter J are defined at this time.

K. Definitions

No specialized terms beginning with the letter K are defined at this time.

L. Definitions

L-Shaped (syn. Ell). A horizontal form for the main body of a building or a massing composition, also referred to as an "Ell" which is an extension at a right angle to the length of a building.

Lot Area. The total square footage or acreage of horizontal area included within the lot lines.

Lot Depth. The horizontal distance between the front lot line and rear lot line of a lot measured perpendicular to the front lot line.

Lot Line. The perimeter and geometry of a lot demarcating one lot from another.

1. **Lot Line, Front.** One of the following:
   a. The frontage line in the case of a lot having a single frontage line;

I16-11 con't

b. The shortest frontage line in the case of a corner lot with two frontage lines, neither of which are adjacent to a thoroughfare or a lot with independent frontage;

c. The frontage line generally perceived to be the front lot line in the case of a corner lot with three or more frontage lines, none of which are adjacent to a thoroughfare or a lot with independent frontage;

d. The frontage line adjacent to a thoroughfare in the case of a corner lot with two or more frontage lines, one of which is adjacent to a thoroughfare;

e. The frontage line adjacent to a lot with independent frontage in the case of a corner lot with two or more frontage lines, one of which is adjacent to a lot with independent frontage; or

f. The frontage line adjacent to the front lot line of an adjacent lot in the case of a through lot.

2. **Lot Line, Rear.** That lot line opposite the front lot line.

3. **Lot Line, Side.** Lot lines connecting the front and rear lot lines.

Lot Width. The horizontal distance between the lot lines measured perpendicular to the front lot line.

M. Definitions

Main Body. The primary massing of a primary building. See Subsection 10A.07.030.2 for measurement method.

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Main Facade. The front facade of a building.

Main Street Building. See Section 10A.03.070 (Main Street Building).

Massing. The overall shape or arrangement of the bulk or volume of a building and structures.

Multiplex. See Section 10A.03.060 (Multiplex).

N. Definitions

No specialized terms beginning with the letter N are defined at this time.

O. Definitions

No specialized terms beginning with the letter O are defined at this time.

P. Definitions

Parapet. A low wall along the edge of a roof or the portion of a wall that extends above the roof line.

Parking Driveway Width. The horizontal measurement of an access driveway to a parking area, measured perpendicular to the direction of travel.

Parking, Bicycle

1. **Long-term.** Long-term bicycle parking shall be secured from the general public and enclosed on all sides and protect bicycles from inclement weather. Acceptable examples of long-term bicycle parking include bicycle lockers, bicycle rooms, bicycle cages, or commercially operated attended bicycle facilities. Except in the case of lockers and commercially operated attended bicycle parking, all long-term parking shall provide a means of securing the bicycle frame at two points to a securely anchored rack.

2. **Short-term.** Short-term bicycle parking shall consist of bicycle racks that support the bicycle frame at two points. Racks that support only the wheel of the bicycle are not permissible. If bicycles can be

locked to each side of the rack, each side shall be counted toward a required space. Racks shall be securely anchored to a permanent surface.

Parking, Long-term. A parking space that will be occupied by the same motor vehicle for six (6) hours or more.

Parking, Short-term. A parking space occupied by individual motor vehicles for less than six (6) hours and generally used intermittently by shoppers, visitors or outpatients.

Parkway. That portion of a public right-of-way located between the outermost curb-lane driving lane and the farthest edge of the right-of-way.

Parcel. The parcel(s) or portion(s) thereof on which proposed structures and improvements are to be constructed.

Passageway. A pathway unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

Pedestrian. All people who move along sidewalks at a walking or running pace, including those in wheelchairs, mobility scooters, and strollers.

Pedestrian Orientation. A physical structure or place with design qualities and elements that contribute to an active, inviting, and pleasant place for pedestrians that typically includes most of the following elements:

I16-11 con't

1. Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk;
2. Visibility into buildings at the street level;
3. A continuous sidewalk, with a minimum of intrusions into pedestrian right-of-way;
4. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
5. Signs oriented and scaled to the pedestrian rather than the motorist; and/or
6. Pedestrian orientation may also include: design amenities related to the street level including, but not limited to, awnings, paseos, and arcades; landscaping and street furniture.

Pedestrian-Oriented Businesses. General commercial businesses that allow customers to park once and complete multiple transactions and visits on foot in a context that encourages people to walk instead of drive.

Pedestrian-Oriented Use. A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to visual interest, high customer turnover, and/or social interaction.

Porch. A covered shelter projecting in front of the entrance of a building.

1. **Porch, Engaged.** See Section 10A.04.060 (Porch Engaged).
2. **Porch, Projecting.** See Section 10A.04.050 (Porch Projecting).

Primary Living Space. A space within the primary building that is designed as a living room, dining room or bedroom.

Primary Massing. The massing of the largest portion of a building.

Private Open Space. The area required for each unit in some building types, provided as outdoor yard areas, patios, decks, and balconies, but excluding stairs, entrance decks, and/or landings. Does not include required setbacks.

Q. Definitions

No specialized terms beginning with the letter Q are defined at this time.

R. Definitions

Rear-Loaded (syn. Rear Access). Vehicular access from the rear of the lot.

Recessed Entry. An entrance to a building that is set back from the facade of the building.

S. Definitions

Setback, Building. The mandatory clear distance between a lot line and a building.

Setback, Parking. The mandatory clear distance between a lot line and parking.

Setback, Non-street Frontage. Any side or rear setback not contiguous to a public right-of-way. Such setback shall be measured laterally from the nearest part of that portion of a primary building facing said side or rear setback toward the nearest point of the lot line.

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Shopfront. See Section 10A.04.090 (Shopfront).

Shopfront Base (syn. Bulkhead). A very low wall, that does not include glass, between the display window(s) of a shopfront and the adjacent sidewalk.

Sidewalk. A paved area along a street intended exclusively for pedestrian use and often installed between a street and lot frontages.

Single-Loaded, Building. A building containing dwellings and/or commercial units without common hallways for access to the dwellings and/or units.

Sloped Lot. A site with average slope of ten percent or greater as calculated in accordance with provisions of Section 10A.07.030 (Measurement Methods).

Street, Front. Street located along the front lot line.

Street, Side. Street located along a lot line that is not the front lot line.

Story. The portion of a building included between the surface of any floor and the surface of the next floor above it, as defined by the California Building Code.

T. Definitions

Tandem Parking. A parking space deep enough to allow two cars to park, one behind the other.

Tuckunder Parking. At-grade parking that is located within the overall building footprint and covered by one or more upper stories.

U. Definitions

No specialized terms beginning with the letter U are defined at this time.

V. Definitions

No specialized terms beginning with the letter V are defined at this time.

W. Definitions

Walkable/Walkability. The condition when an area is highly interconnected to other areas and appeals to pedestrians for recreational walking or for walking to work, transit, errands, shopping, or restaurants.

Wall Plane. A vertical surface defined by the facades of buildings.

Wing. A structure of at least five feet in depth physically attached to, and secondary to, the main body of a primary building. See Subsection 10A.07.030.3 for measurement method.

X. Definitions

No specialized terms beginning with the letter X are defined at this time.

Y. Definitions

Yard. See "Setback."

Z. Definitions

Zero Lot Line. A building or structure that is placed on the property line.

10A.07.030 Measurement Methods

I16-11 con't

1. **Sloped Lots**

   A. **Applicability.** Slope is measured by taking the vertical distance, or "rise", over the horizontal distance, or "run." The resulting fraction, or percentage, is the "slope" of the land. Sloped and steeply sloped lots are those areas of land that exhibit the slopes of 10 percent and greater.

   B. **Average Slope.** The result of dividing the length of a slope by the difference in elevation at the top and bottom of the slope.

2. **Main Body Maximum Footprint.** The width and depth of the main body shall be measured as follows:

   A. The width shall be generally parallel to the front.

   B. The depth shall be generally perpendicular to the front.

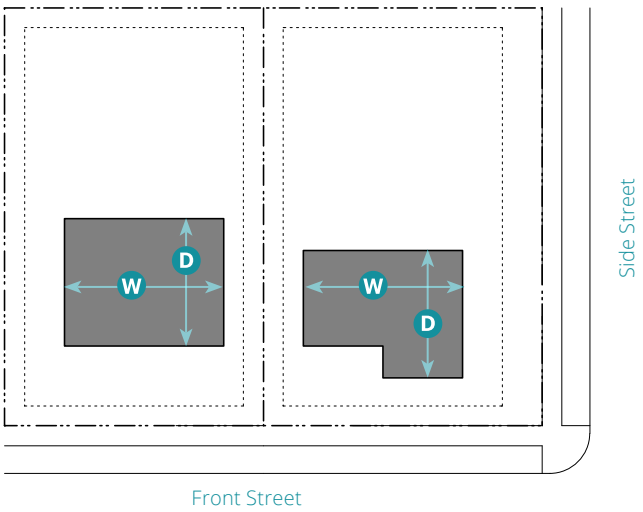

Figure 10A.07.030.1: Main Body

Key	
W	Width
D	Depth

3. **Wings Maximum Footprint.** The width and depth of wings and accessory structures, shall be measured as follows:

   A. The width shall be the greater of the two dimensions of the footprint.

   B. The depth shall be the lesser of the two dimensions of the footprint.

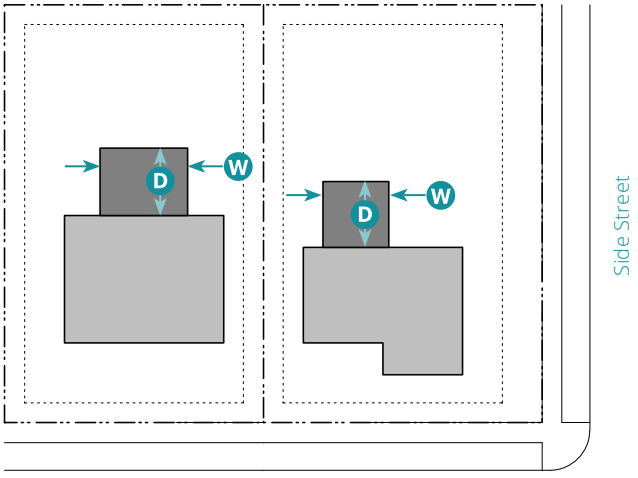

Figure 10A.07.030.2: Wings and Accessory Structures

Key	
W	Width
D	Depth

I16-11 con't

4. **Open Space(s) Minimum Size.** The width and depth of open spaces shall be measured as follows:

   A. The width shall be generally parallel to the front

   B. The depth shall be generally perpendicular to the front.

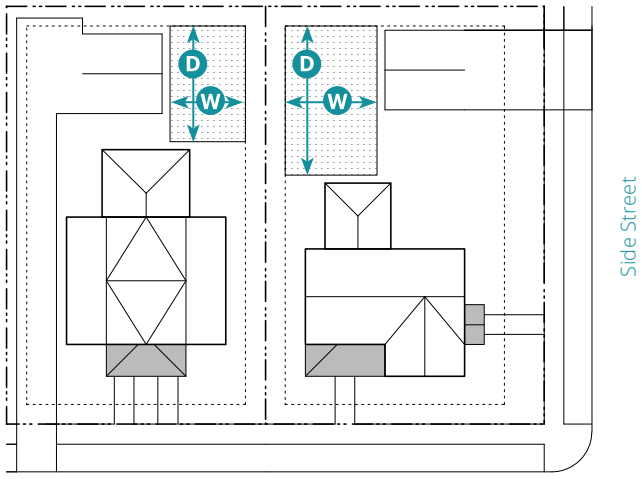

Figure 10A.07.030.3: Open Space(s)

Key	
W	Width
D	Depth

5. **Building Height.** Building height shall be determined as defined in SMC 10.40.060.

6. **Measuring Bays**

A. **Applicability.** All buildings, with or without wings are required to include defined bays, as specified in Subsection 10A.03.080.2 (Bay Composition).

B. Bay Measurement.

(1) The boundaries of each bay shall extend vertically from the lower boundary of the main body and wing, where present, to the upper boundary of the same division and shall not intersect any opening.

(2) The boundary of each bay is considered to lie at the midpoint between successive openings (e.g., windows, doors, archways). Bay width shall be measured horizontally from one boundary to the next.

C. **Building Types and Bays**. Bays shall be placed according to the following methodology. An example of the methodology is shown in Figure 4 (Example of Massing Type and Bays).

(1) Select main body massing type from Subsection 3 (Building Size and Massing) of the selected building type (e.g., Gable L). See Figure 10A.07.030.4.A (Select Main Body Massing Composition).

(2) Within each facade, identify and apply a number of bays within the allowed range. See Figure 10A.07.030.4.B (Examples of Bay Compositions in Compliance with Required Massing Proportions).

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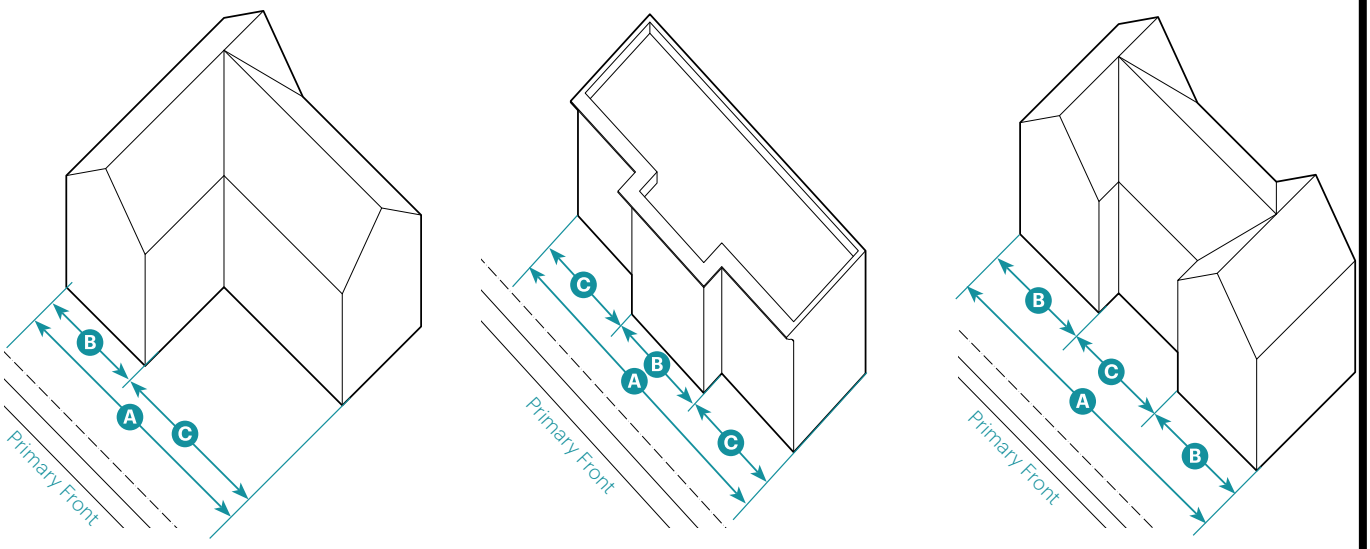
Figure 10A.07.030.4: Example of Massing Type and Bays

A. Select Main Body Massing Composition

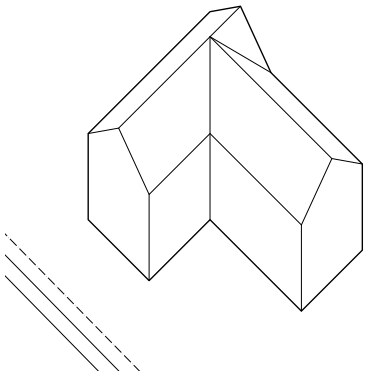
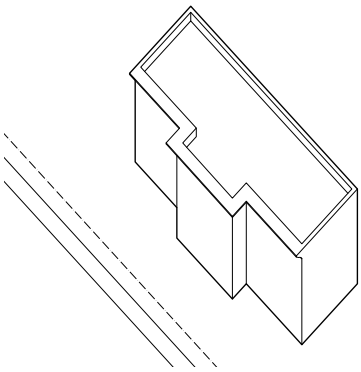
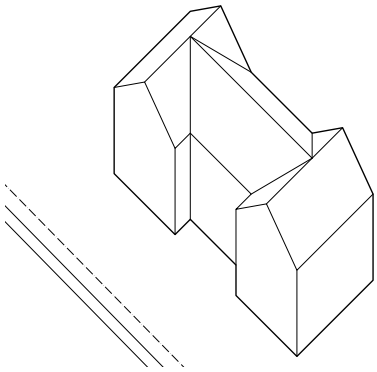
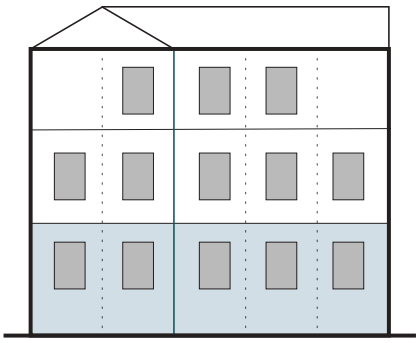
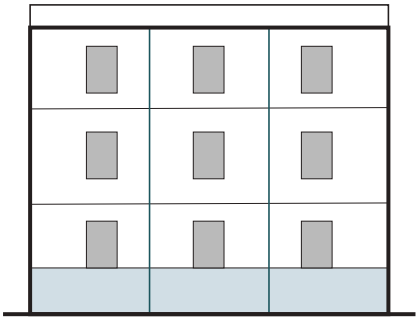
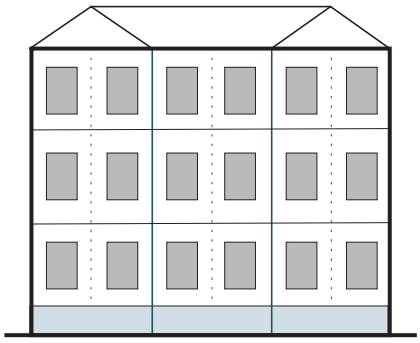
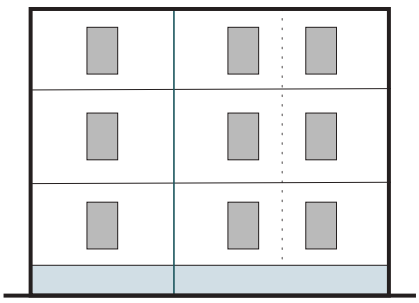
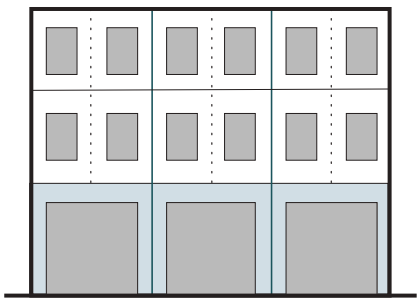
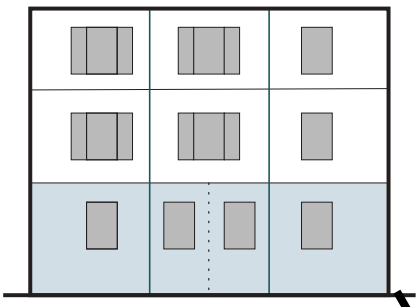
L Courtyard	Wide T	Wide Forecourt



Key		
A	**Main Body Width**	Maximum dimension is regulated by Subsection 3 of the building type.
B	**Projecting Volume(s)**	Minimum and maximum number of bays are regulated by the massing type.
C	**Recessed Facade(s)**	Minimum and maximum number of bays are regulated by the massing type.

Figure 10A.07.030.4: Example of Massing Type and Bays (Continued)

B. Examples of Bay Compositions in Compliance with Required Massing Proportions

Top	Top	Top
Sloped Roof	Flat Roof	Sloped Roof
		
Middle	**Middle**	**Middle**
5-Bay Composition (2 + 3)	3-Bay Composition (1 + 1 + 1)	6-Bay Composition (2 + 2 + 2)
Base	**Base**	**Base**
5-Bay Composition (2 + 3)	N/A (No Windows Included)	N/A (No Windows Included)
		
Middle	**Middle**	**Middle**
3-Bay Composition (1 + 2)	6-Bay Composition (2 + 2 + 2)	3-Bay Composition (1 + 1 + 1)
Base	**Base**	**Base**
N/A (No Windows Included)	3-Bay Composition (1 + 1 + 1)	4-Bay Composition (1 + 2 + 1)
		

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Key

Building Base

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I16-11
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Letter I16 Response **Richard Toshiyuki Drury, Lozeau Drury, on behalf of Save Our Sausalito**
January 27, 2025

I16-1 The commenter indicates they represent Save Our Sausalito (SOS). The commenter indicates that the Recirculated Draft EIR fails to address the issues raised in their October 21, 2024 comment letter on the Draft EIR. Responses to their October 21, 2024 letter are provided in the responses to Letter I20.

I16-2 The commenter states that the Draft EIR and Recirculated Draft EIR lump many historic properties and buildings together as if the impacts on each are interchangeable. As stated in Chapter 2, Project Description, of the Draft EIR, the EIR analysis was conducted at a programmatic level. Although specific historic resources are identified in Section 3.4, Cultural and Tribal Cultural Resources, of the EIR, the analysis does not attempt to conduct a resource-by-resource evaluation of the integrity of the existing resources. Rather, as described in CEQA Guidelines Section 15003(i), "CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692). Further, "In its intended usage, an EIR is not a technical document that can be prepared only by a registered professional. The EIR serves as a public disclosure document explaining the effects of the proposed project on the environment, alternatives to the project, and ways to minimize adverse effects and to increase beneficial effects. As a result of information in the EIR, the Lead Agency should establish requirements or conditions on project design, construction, or operation in order to protect or enhance the environment. …" (CEQA Guidelines Section 15149)

The EIR analysis lists resources in the City and individually identifies Project sites that may affect historic resources under Impact 3.4-1, which is revised in Chapter 2 of this Final EIR. The EIR analysis of historic resources does not insinuate that one resource is interchangeable for another, or that the integrity of existing resources is identical. The EIR does, however, disclose the types and locations of historical resources in the city and describes how buildout under the Amended Housing Element may affect those resources. Impacts to built historical resources may include the demolition of historical structures, including those which may or may not contribute to a historic district or landscape; destruction or removal of architecturally significant elements of a historic resource; removal or alteration of distinctive materials

or alteration of features, spaces, or special relationships that characterize a property; removal of the essential form or integrity of a historic property or its environment; or improper blending of new and old additions, exterior alterations, or new construction that is not compatible with the historic materials, features, size, scale, proportion, or massing of the property. As stated on page 2-20 of the Draft EIR, "This EIR is a program-level EIR and does not evaluate individual projects that may be allowed under the Amended Housing Element at a site-specific level. Because the Amended Housing Element implements the Housing Element's policies, goals, and guidelines, and describes potential housing development that may or may not be built on any particular site, environmental review will necessarily be general. The CEQA Guidelines instruct that environmental review of a planning-level document need not contain the level of detail required for review of a specific construction project. (CEQA Guidelines Section 15146 ('[t]he degree of specificity required … will correspond to the degree of specificity involved in the underlying activity.')"

I16-3 The commenter indicates that the Draft EIR and Recirculated Draft EIR findings that mitigation measures requiring compliance with the Secretary's [of the Interior] Standards [Standards] are sufficient to reduce the identified potentially significant impacts to less than significant, indicating that there is no site-specific analysis or evidence. The Standards for the Treatment of Historic Properties address four treatments: preservation, rehabilitation, restoration, and reconstruction. As stated in the regulations (36 CFR Part 68) promulgating the Standards, "one set of standards …will apply to a property undergoing treatment, depending upon the property's significance, existing physical condition, the extent of documentation available, and interpretive goals, when applicable. The Standards will be applied taking into consideration the economic and technical feasibility of each project." These Standards apply not only to historic buildings but also to a wide variety of historic resource types eligible to be listed in the National Register of Historic Places. This includes buildings, sites, structures, objects, and districts.[R]

Mitigation Measure MM 3.4-1(a) is revised as shown in Chapter 2 of this Final EIR to strengthen the requirements of the measure, including specifying which projects the measure applies to, identifying more of the Standards that apply to future projects, requiring an evaluation of the project's impact on historic

[R] National Park Service, 2025. The Secretary of the Interior's Standards for the Treatment of Historic Properties. Available: https://www.nps.gov/orgs/1739/secretary-standards-treatment-historic-properties.htm. Accessed: February 3, 2025.

resources by a qualified professional, and establishing a performance standard to reduce potential impacts to less than significant. This is consistent with CEQA Guidelines Section 15064.5(b)(3) which states: "Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource."

As individual projects are proposed under the Amended Housing Element, impacts to historic resources will be analyzed under Mitigation Measure MM 3.4-1(a) and a qualified professional will review the project and provide recommendations to ensure the appropriate treatment Standards are applied – preservation, rehabilitation, restoration, or reconstruction to ensure that the project is designed to reduce anticipated impacts on historic resources. In addition, individual projects may require additional mitigation measures, such as formal resource evaluations, avoidance, preservation in place, or data recovery, are undertaken to ensure that no significant historic resources are inadvertently damaged or destroyed as a result of direct or indirect effects by project implementation in historically sensitive areas.

I16-4 The comment expresses a preference for the alternative that would eliminate Opportunity Sites in the Downtown Historic District, noting this is the only feasible way to protect the Historic District and its unique cultural and biological resources. Removal of Opportunity Sites in the Downtown Historic District is addressed in Alternative 4. The comment is received and will be forwarded to decision makers for their consideration.

I16-5 Exhibit 1, as noted in the comment, is identical to previous comments. Please see responses to Comment Letter I1.

I16-6 As described in Chapter 4, Alternatives to the Amended Housing Element, in the Recirculated Draft EIR, Alternative 4 focuses on areas where intensification of development could affect resources within the Downtown Historic District either through interruption of the historic character of the area due to building design or increased building heights and mass, or potential vibration impacts of site development which could adversely affect historic structures. Alternative 4 seeks to reduce potentially significant impacts to all historic structures within the Sausalito Downtown Historic District, and does not cherry-pick which Opportunity Sites should be developed while others are not.

The EIR analysis discloses that Alternative 4 would not meet all of the project objectives as well as the proposed Amended Housing Element. However, the

final decision about adopting or rejecting the Project or any particular alternative lies with the City Council. Alternative 4 would result in a reduction of 103 units at buildout compared to the Project. However, The commenter's preference for a modified alternative that would only protect sites in the Historic District, specifying Sites 201 and 212, is noted for the consideration of the decision makers. However, Site 212 is not in the Historic District.

I16-7 The commenter discusses Alternative 4 and opines as to its feasibility. The commenter also describes the reasons why they believe the EIR fails to analyze a reasonable range of alternatives.

Regarding the feasibility of Alternative 4, the commenter indicates that there is no evidence that the buffer of units to accommodate the RHNA is not appropriate as that term is used in Project Objective 2. The realistic capacity of sites included in Alternative 4 is 39 very low, 18 low, 10 moderate, and 15 above moderate income units, based on the realistic capacity attributed toward the RHNA for each site in Housing Element Appendix D1, as modified by the Amended Housing Element. This alternative would fully remove the buffer for the very low income units, and thus would not achieve Objective 2, which includes providing an appropriate buffer for the RHNA.

The Recirculated Draft EIR evaluates a reasonable range of alternatives, as described in CEQA Guidelines Section 15126.6: "… An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376)." An EIR does not need to evaluate every possible permutation of a project. Rather, the lead agency should explain its rationale for selecting the alternatives to be discussed.

The public broadly expressed many preferences for specific sites to be avoided, or included, in the Amended Housing Element. Hearing the concerns of the public helped the City identify alternates that addressed those concerns,

and the analysis in the EIR made a good faith effort to analyze potential alternatives to the Project that would feasibly obtain MOST of the basic objectives for the Project while avoiding or substantially lessening any of the significant effects of the Project.

As a result, the City identified a total of six alternatives, including two No Project Alternatives, as discussed in Chapter 4, Alternatives to the Amended Housing Element, of the Recirculated Draft EIR. To varying degrees, the alternatives would avoid and/or lessen impacts, including some or all of the significant and unavoidable impacts, of the proposed Project. The description of each alternative includes a discussion of why the alternative was chosen. For example, Alternative 1a – No Project/No Rezoning evaluates the impacts of not rezoning any parcels within the city to accommodate very low, low, moderate, or above moderate-income housing, as the rezoning would occur as a separate future action under the adopted 6th Cycle Housing Element (page 4-6 of the Recirculated Draft EIR). Alternative 1b – No Project, Adopted Housing Element evaluates the environmental impacts of implementing the adopted Housing Element (page 4-10 of the Recirculated Draft EIR) Alternative 2 focuses on removing sites from the Amended Housing Element that have challenging geographic locations (page 4-16 of the Recirculated Draft EIR). Alternative 3 sought to relocate anticipated residential units from areas that are far from community services or do not have convenient freeway access, and place them closer to community services such as commercial, employment, and neighborhood services, or freeway access (page 4-22 of the Recirculated Draft EIR). Alternative 4 focused on preserving properties located within and adjacent to the Sausalito Downtown Historic District so known historic resources or properties would not be adversely affected (page 4-29 of the Recirculated Draft EIR). Alternative 5 focused on ensuring flexible accommodation of the RHNA by introducing two new sites for potential development while reducing development potential at another (page 4-36 of the Recirculated Draft EIR).

The six alternatives analyzed in the Recirculated Draft EIR identify ways to reduce environmental impacts from the proposed Amended Housing Element project. Four of the six alternatives analyzed would result in a different number of housing units to be constructed to meet the City's RHNA minimum requirement of 724 units. Table 4-1 on page 4-6 of the Recirculated Draft EIR provides these unit counts.

The comment expresses a preference for adoption of Alternative 4. The comment is received and will be forwarded to decision makers for their consideration.

I16-8 The comment expresses a preference for adoption of an alternative in which all Opportunity Sites are located outside the Sausalito Downtown Historic District; this suggestion correlates with Alternative 4. The comment is received and will be forwarded to decision makers for their consideration.

I16-9 This comment is identical to portions of Comment Letter I1. Please see responses to Comments I1-1 through I1-6.

I16-10 This report and memorandum, noted as Exhibit A and Exhibit B in this comment letter, are the same as those attached to Comment Letter I1. Please see response to Comment I1-7.

I16-11 This letter attachment, noted as Exhibit 2 in this comment letter, is a City of Sausalito Staff Report to the Planning Commission for the January 15, 2025 meeting. The recommended action in the staff report is to, "Receive presentations and accept public comment on the proposed draft Objective Design and Development Standards (ODDS)." The Public Review Draft of the Objective Design and Development Standards, dated December 6, 2024, is appended to this comment letter. This is not a comment on the adequacy of the EIR, and no further response is necessary.

Letter I17

Gmail

Christina Erwin <cerwin@denovoplanning.com>

FW: [EXTERNAL] DEIR Comments- City of Sausalito

1 message

Neal Toft <ntoft@sausalito.gov> Mon, Jan 27, 2025 at 4:23 PM
To: Christina Erwin <cerwin@denovoplanning.com>
Cc: Beth Thompson <bthompson@denovoplanning.com>, Sergio Rudin <sergio.rudin@bbklaw.com>, Sarah Owsowitz <Sarah.Owsowitz@bbklaw.com>, Brandon Phipps <bphipps@sausalito.gov>

Here are extensive comments from Linda Fotsch.

NEAL TOFT

Principal Planner

City of Sausalito | Community Development Department

420 Litho Street, Sausalito, CA 94965

Direct: (415) 289-4137

ntoft@sausalito.gov

From: lindafotsch@aol.com <lindafotsch@aol.com>
Sent: Monday, January 27, 2025 3:51 PM
To: Adam Blair <ABlair@sausalito.gov>; Neal Toft <ntoft@sausalito.gov>; Brian O'Neill <brian@pattersononeill.com>; brian.heaton@hcd.ca.gov; Grace Wu <grace.wu@hcd.ca.gov>; gustavo.velasquez@hcd.ca.gov; shannon.west@hcd.ca.gov; chelsea.lee@hcd.ca.gov
Subject: [EXTERNAL] DEIR Comments- City of Sausalito

Neil Toft

City of Sausalito, Senior Planner

Dear Neil,

Please accept the attached comments of the DEIR. Please publish this online as Public Comment of the Sausalito Draft EIR, for the Amended 6th Cycle Sausalito Housing Element.

Thank you,

Linda Fotsch

2 attachments

image001.jpg
12K

DEIR comments 1 262025.docx
36K

City of Sausalito

1-26-2025

RE: Sausalito Amended Housing Element EIR

Thank you for allowing the public to comment on the Sausalito Amended Element EIR. The City of Sausalito closed public comment on the 6th Cycle Housing Element EIR in January 2024. However, the City never adopted the extensively publicly viewed, commented on and approved EIR. "*Council determined that the action* **"was exempt from the requirements of the California Environmental Quality Act under general rule of CEQA guidelines, in that there is no possibility that the Housing Element may have a significant negative physical impact on the environment**". (Staff Report 1/21/2025) The result of this action, to not formally adopt the January 2024 EIR, resulted in a very expensive lawsuit; litigation costs of hundreds of thousands of dollars paid for by the residents of Sausalito. If Sausalito does not prevail in this ongoing lawsuit, it could cost Sausalito additional millions of dollars in attorney fees, state penalties, payment of opposing attorney fees, loss of funding from the state of California and Sausalito being burdened with complying with Builders Remedy- which will result in loss of control of approval processes for development in our City. I17-1

According to Sausalito Staff reports, the reason the City has opened new discussions of creating a new Amended EIR and a new Amended Housing Element was, "*Council voiced a variety of comments and concerns regarding the scale of development on identified housing opportunity sites. In particular, the comments suggested that the densities and height limits on housing opportunity sites in the Historic Downtown (District) and along the waterfront locations be reduced to better maintain the character of those areas and avoid conflicts with surrounding properties*."(staff report 1/21/2025) "*Subsequently, the City directed De Novo Planning Group* (who has been paid to date over 1 million dollars of taxpayers monies) *to shift their efforts to preparing*" the Amended EIR and Housing Element which "*reduces some densities in some sites, while increasing development potential in others."* (staff report 1/21/2025) This is why we are discussing increased development in the North end of our town and some very confusing options of new EIR scenarios.

The California Housing laws were meant to provide transparency and certainty in the development process. Environmental fees and costs were to mitigated by a City adopted EIR. All development fees and reporting were to be public and know to all with certainty of what the costs would be. This current draft EIR seems to do the opposite. There are many uncertainties of indetermined costs and reporting such as the following:

-Provide to employees- Discounted goods or services with proof of a same-day transit ticket or registered transit card (the regional fare payment method).

| ES-52 – ES-53 • Provision of fair-share on-site and/or off-site improvements to bus stops within ¼-mile of an individually proposed project. Such improvements may include the provision of new or improved lighting, new benches and overhead canopies, additional bench capacity if needed, new or expanded bike racks, or similar physical improvements

I17-2

-Employers shall report the efficacy of its trip reduction program to the City of Sausalito. The "employer program manager" – the employee with policy and budget authority who is responsible for the implementation of the employer trip reduction program or employer trip reduction plan and for fulfilling the requirements of this rule – shall conduct an employee trip survey using a uniform survey form prepared by the Marin County CMA. A summary of the trip results shall be submitted annually to the City of Sausalito.

Biological and Environmental

The biological and environmental reporting and surveying included in this EIR, do not resemble the previous EIR of twelve months ago nor has there ever been anything similar in any other EIR ever completed in the past; for a Sausalito Housing Element. There are no similar requirements for building permits in Sausalito; yet this EIR punishes Housing Opportunity Sites reviewing them at an unfair review standard. They are extreme, meant to cause inordinate costs for development, and were designed to frustrate and stop any development in Sausalito. This is an attempt, by Sausalito, to weaponize CEQA with outlandish requests. Here are two examples of the 8 or 9 required reports:

I17-3

MM 4.5-12d American badger. At any opportunity site west of U.S. Highway 101, a Qualified Biologist shall conduct a pre-construction survey for American badger and suitable dens within 48 hours of the commencement of ground-disturbing activities. The survey area shall include the opportunity site and a 50-foot buffer zone within suitable habitat. t. If badgers are found on or adjacent to the project site, a 50-foot construction avoidance buffer shall be established and CDFW shall be immediately notified. If the occupied den must be disturbed, the opportunity site project applicant shall submit a relocation plan to CDFW and obtain CDFW's written approval of the plan, and a Qualified Biologist shall implement the CDFW-approved plan

MM 4.5-12g Townsend's big-eared bat. At any Project site where trees or abandoned buildings would be removed or heavily modified, prior to Project activities that would remove trees or modify buildings, a Qualified Biologist shall conduct a habitat assessment for bats. A Qualified Biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as Townsend's bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities. For tree removal, the habitat assessment shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat is found, it shall be flagged or otherwise clearly marked. Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a Qualified Biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), City of Sausalito Amended Housing Element EIR - recirculated 4-76 | ALTERNATIVES TO THE AMENDED HOUSING ELEMENT under the direct supervision and instruction by a Qualified Biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed. For modification of buildings, the Qualified Biologist shall conduct a survey for roosting bats. If roosting bats are detected, a bat avoidance and exclusion plan shall be implemented. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted. For loss of suitable bat habitat trees or impacts to buildings or structures occupied by bats subject to the above bat avoidance and exclusion plan, the Project shall provide habitat mitigation in the form of: 1) native tree planting at an appropriate ratio to offset canopy and temporal habitat loss and tree planting maintenance for a minimum of 5 years and until success criteria are met, or 2) suitable bat habitat structures. A Qualified Biologist shall prepare and submit a bat habitat mitigation plan to CDFW and obtain CDFW's approval of the plan prior to the start of Project activities, and shall implement the plan, unless otherwise approved in writing by CDFW.

I17-3 con't

The EIR makes no distinction between a "special concern" designation and a listing under ESA/CESA.

EIR Misused for Design Standards

The EIR is not a substitute document for creation or enforcement of design standards. Added new wording in this EIR tries to present subjective design under environmental concerns; as a backhanded attempt for enforcement. Some examples are:

I17-4

However, due to the housing site locations and allowed building heights, compliance with these policies and programs would not reduce potential impacts to a less-than-significant level. Policy CD-1.3 establishes a maximum height limit for all structures in the City of Sausalito and explicitly recognizes that maximum height is not guaranteed for development proposals where view preservation, shadow studies, and scale is an issue. Both the Project and Alternative 5 would directly conflict with this policy as a result of the recommended increases in building heights to four stories in select overlay zones and for projects eligible to be processed pursuant to Municipal Code Title 10A (ODDS). Policy CD-3.2 requires that new and significantly remodeled structures and other private and public improvements be located and designed with consideration for their impact on significant public views and view corridors. Program CD-3.2.1 requires the city to analyze, through a design review process, project submittals for new and significantly remodeled structures and landscaping for their impact on views from major public vantage points. Program CD-3.2.2 requires the city to develop and maintain a citywide map that identifies priority public viewpoints that should be considered for mandatory preservation. In addition to policies regarding residential development, Program CD-5.1.1 recognizes the importance of public views and encourages the location and design of public improvements in order to minimize impacts on public vantage points and view corridors. In order to integrate structures with the natural environment and protect natural features, the city includes policies and programs to guide the design of future residential and nonresidential developments. Policy CD-2.1 of the General Plan requires that any disturbance to the natural terrain be minimized and that natural site features be maintained and enhanced. Program CD-2.1.2 requires the city to consider how each proposed project integrates with its natural environment through the design review process.

I17-4 con't

4-42 | ALTERNATIVES TO THE AMENDED HOUSING ELEMENT However, due to the housing site locations and allowed building heights, compliance with these policies and programs would not reduce potential impacts to a less-than-significant level. Policy CD-1.3 establishes a maximum height limit for all structures in the City of Sausalito and explicitly recognizes that maximum height is not guaranteed for development proposals where view preservation, shadow studies, and scale is an issue. Both the Project and Alternative 5 would directly conflict with this policy as a result of the recommended increases in building heights to four stories in select overlay zones and for projects eligible to be processed pursuant to Municipal Code Title 10A (ODDS). Policy CD-3.2 requires that new and significantly remodeled structures and other private and public improvements be located and designed with consideration for their impact on significant public views and view corridors. Program CD-3.2.1 requires the city to analyze, through a design review process, project submittals for new and significantly remodeled structures and landscaping for their impact on views from major public vantage points. Program CD-3.2.2 requires the city to develop and maintain a citywide map that identifies priority public viewpoints that should be considered for mandatory preservation. In addition to policies regarding residential development, Program CD-5.1.1 recognizes the importance of public views and encourages the location and design of public improvements in order to minimize impacts on public vantage points and view corridors. In order to integrate structures with the natural environment and protect natural features, the city includes policies and programs to guide the design of future residential and nonresidential developments. Policy CD-2.1 of the General Plan requires that any

disturbance to the natural terrain be minimized and that natural site features be maintained and enhanced. Program CD-2.1.2 requires the city to consider how each proposed project integrates with its natural environment through the design review process. Policy CD-2.2 requires the city to give special attention to the design considerations for proposed development on steeply sloped sites. Program CD-2.2.2 requires the city to develop illustrative design guidelines to provide general guidance for construction on steep slopes, including considering design review when average gradient of property exceeds 40 percent. The design review process must also consider the particular design standards and objective guidelines developed for each commercial sub-area, including Caledonia Street, Central Waterfront, Downtown, Downtown Waterfront, Marinship, and Southern Waterfront, as required in Program CD-4.3.1, as follows: Sub-Area Design. Design standards and objective guidelines for the commercial subareas should be guided by the following: a. Caledonia Street: Maintain and enhance the pedestrian streetscape and promote design compatibility with existing historical, commercial, and residential structures. b. Central Waterfront (Napa Street to Spinnaker Point): Balance commercial structures with recreational facilities and open space (water/view) enjoyment; City of Sausalito Amended Housing Element EIR - recirculated ALTERNATIVES TO THE AMENDED HOUSING ELEMENT | 4-43 encourage enlargement and enhancement of Dunphy Park; and expand public access to waterfront sites. 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. d. Downtown Waterfront (Spinnaker Point to Princess Street): Balance the open water views with public amenities, provide efficient and continuous pedestrian access along and to the water, and investigate the enlargement and enhancement of the Vina Del Mar Park area. e. Marinship: Encourage the development of all industrial, commercial, and institutional sites to be as visually attractive as possible consistent with functionality. f. Southern Waterfront (Princess Street to City Limits): Maintain a primarily open, unobstructed visual character of this area. Lastly, Program EQ-2.3.2 requires the city to encourage aesthetically designed public facilities (e.g., power lines, water lines, water tanks) with appropriate placement, adequate setbacks, and proper landscaping to reduce aesthetic impacts and impacts on views of hillsides, ridgelines, open space, and Richardson Bay.

I17-4 con't

View From Scenic Highways

Only one site on the inventory list could impact views from a scenic highway. The EIR is confusing, mentioning Public Vantage points; when there is no such designation. Bridgeway is not an eligible scenic highway, as written below.

The proposed overlays would allow increased building heights, mass, and lot coverage compared to the current building heights permitted by the existing zoning ordinance. Maximum building heights would range from 32 feet to 45 feet. The previous maximum building height was three stories, and most existing buildings in the City are three stories or less. The potential to increase building heights could obstruct views from public vantage points, such as Dunphy Park and Bridgeway. As such, implementation of both the Project and Alternative 5 could result in impact to views of scenic resources, such as trees, rock outcroppings, or historic buildings within an eligible State Scenic Highway.

I17-5

VIEW CORRIDORS and SCENIC RESOURCES

A point of confusion is the mention of "View Corridors" and "Scenic Resources". There are no objective protected view corridors or protected views of scenic resources in Sausalito unless there are individual recorded legal view easements. CEQA does not protect views in a town. This is a misguided attempt to misuse an EIR to try to imply and legislate subjective view protection; something that does not exist.

Additionally, development under Alternative 5 could alter existing view corridors identified by the Marinship Specific Plan. For example, future development of Opportunity Sites 39, 47, 301, 401, 303, 72, 211, 402, and 306, all located east of Bridgeway, could obstruct or alter views of Richardson Bay. The reduced unit count on Site 84 to 80 units could improve views of Richardson Bay from west of MLK Property because there would be a reduction in building mass and the height of a portion of the buildings on the site could be lower than 45 feet. The potential for a further reduction to 50 units would further decrease building mass and would likely result in building heights of 32 feet or less. Further, if no units are developed on Site 84, views could be maintained as they are now, with no effect on views to or from Site 84. Development along Bridgeway and between Harbor Drive and Gate 5 Road, such as Opportunity Sites 72, 211, 303, and 306, would be within two Marinship View Corridors, City of Sausalito Amended Housing Element EIR - recirculated ALTERNATIVES TO THE AMENDED HOUSING ELEMENT | 4-41 including View Corridor 12 (Coloma Street) and View Corridor C (Harbor Drive). Those Opportunity Sites are either currently vacant or have structures that do not fully utilize the parcel. Alternative 5 would have no change to development potential in this area; neither Site 14 or Site 52 are within an identified View Corridor.

I17-6

. In conclusion, development at the vacant parcels, infill parcels, Inventory Sites, Opportunity Sites envisioned by both the Project and Alternative 5, as well as additional accessory dwelling units and junior accessory dwelling units on sites with existing residential uses or City of Sausalito Amended Housing Element EIR - recirculated 4-44 | ALTERNATIVES TO THE AMENDED HOUSING ELEMENT that are designated to allow residential uses could result in an increase in new residential and mixed use development that could incrementally alter scenic resources and natural features within the Planning Area or alter views of scenic resources and natural features within the immediate Planning Area, including ridgelines, hillsides, open space, waterfront, and parks, as well as views of the open waters of the Bay and land masses beyond the open waters, as seen from streets and paths, special vantage points, and views from public properties. Under Alternative 5, the development of Site 14 would obscure views of the ridgeline more than under the Project and the development of Site 52 would obscure views of the Richardson Bay area, while the lessening of development on Site 84 would improve views of the waterfront. While the General Plan policies and programs and development and design standards in the Sausalito Municipal Code which apply to future residential development projects would reduce impacts by encouraging the conservation of scenic vistas, to the extent that such policies and standards are applicable to future projects, these policies and regulations are not adequate to ensure that these potential impacts under the Project or under Alternative 5 would be less than significant. Due to the allowed densities, building heights, building mass, and lot coverage anticipated to be necessary to accommodate the densities and development that would be allowed under the

Project and Alternative 5, many of these potential future buildings would be out of character with the rest of the City. In turn, these buildings could potentially block or reduce existing views of scenic vistas, including views from the Planning Area to Richardson Bay and lands beyond the Bay, views from the Planning Area of scenic ridgelines, hillsides, open space, waterfront, and parks, and views from the Bay of the City, and views along the Marinship view corridors. As such, this impact would be potentially significant.

As described under Impacts 4.5-1 and 4.5-2, future development envisioned by the Project and Alternative 5 would result in an increase in new residential and mixed use development that could alter scenic resources and natural features within the urbanized portions of the Planning Area, thereby incrementally altering the quality of public views from publicly accessible vantage points within the urbanized portions of the city. However, development would be limited to vacant and/or underutilized existing parcels as shown in Figure 4-6, and would be comprised of infill development that would occur within the fabric of already developed areas throughout the city. It is noted, however, that depending on the ultimate massing, placement, and building height, it is possible that development of residential and mixed use sites,…

I17-6 con't

HISTORIC

-Oddly confusing. There are no requirements to comply with "requirements" of the Secretary of the Interior's Standard for Treatment of Historic Properties. This is an attempt to sneak building Design Requirements into an EIR.

Measures identified in the HRPP shall reflect the requirements identified in the Secretary of the Interior's Standards for the Treatment of Historic Properties.

I17-7

-There are also incorrect resource listings. The previous EIR correctly stated that there were no Historic Resources listed as Housing Opportunity Sites

Opportunity Site #201 is not a California Individually listed Historic Resource, it is located within the Sausalito Historic Overlay District. It is not listed in the National Historic Register of Historic Places, it is not a State Landmark, it is not a listed Sausalito Historic Resource.

Opportunity Site #202 (Alta Mira) is a Listed Property in the National Register of Historic Places This property is incorrectly described just as "adjacent to, but outside, of the Downtown Historic District".

I17-8

ALTERNATIVES TO THE OPPORTUNITY SITES

There are obligations. The City of Sausalito has to abide by all relevant state and federal laws when considering to alter an Approved Housing Element. A down-zoning of Housing Opportunity sites to less intensive use or reducing the site's residential development is not allowed. Site 201 has a submitted development application that follows the density and regulations of the Approved Housing Element and cannot be removed as a Housing Opportunity Site. There are letters from the Sausalito City Attorney, Community Development Director and a

I17-9

Sausalito Senior Planner that confirm a complete application for this site and confirm the available density of the Housing Element, bonus density allowance and waivers and concessions- all based on the density of the Approved Housing Element.

I17-9 con't

1A – The properties that are listed as controlled by Ordinance 1022 is incorrect

Ordinance 1022, states that it does not apply to the CC or R-3 zoning districts. The language is plain and clear. This is listed as an Objective Standard and is not subject to "subjective last-minute interpretations". Site 201 and others should be taken off this following list.

I17-10

Ordinance 1022. The City would not initiate or conduct an election to rezone specific sites identified as initiative-restricted, specifically Sites 39, 44, 47, 72, 79, 81, 84, 201, 211, 212, 301, 303, 306, 401, and 402, as identified in Appendix D1 of the Amended Housing Element.

1B-.

A-The following statement is incorrect. There is no increase in development potential if Site 201 is down-zoned from the Housing Element to 29 units per acre.

I17-11

Under Alternative 1b, there would an increase in the development potential of Opportunity Sites 23, 24, 39, 44, 47, 201, 207, and 301, which are modified to have overlays that allow up to 29 units per acre under the Project, rather than overlays that accommodate 43-49 units per acre under Alternative

-B-Sausalito's repeated dialogue that 'they want to maintain control over Housing Element properties'; will result in no development of city owned properties and no compliance with state law. Affordable units can only effectively be constructed with grants or building waivers and concessions. "Sausalito has higher building costs associated with housing development. Affordable housing projects, in particular, can be financially challenging to undertake without additional funding or subsidies" (July 2, 2024 City of Sausalito letter to Ca Senate Housing Committee) If Sausalito will only allow their properties to be developed on a "lease" basis; there would be no possibility for projects to "pencil" thus they will not be developed. Plus, rentals would eliminate any possibility for residents to create real estate generational wealth as that can only be accomplished with property ownership; but not as renters.

I17-12

The City would continue to make specific publicly-owned sites available for development during the 2023-2031 Housing Element planning period: Sites 75, 78, 84, and APN 065-062- 19. These sites are planned to <u>remain in City ownership</u> and would be made available for development <u>through long-term leases</u>, as described in Program 8. This inventory would also include the Caltrans site (Site 85), which is proposed to be removed from the inventory under the Project.

C-The following is unsubstantiated, subjective and incorrect. There are no protected view corridors in Sausalito. View protection in cities are not an environmental issue. The statement that there is greater impact to historic resources and "*result in changes to designated historical resources that may alter a resource or its immediate surroundings in a manner that the significance of the resource would be materially impaired"*- due to density is irresponsible and unfounded.

Site 201 is not a designated historic resource. This is a situation of "once a development application is submitted on a site, the status of a property gets changed". Twelve months ago, this same "professional group" stated this property WAS NOT a Historic resource; which it is not. Decreasing density and height will result in properties not being built because they will not pencil. The City has an "affordability requirement". Per their own writings, affordable housing cannot be bult without "funding or subsidies". Zoning density is a subsidy.

This statement is incomprehensible. Increased density will "*accommodate larger buildings and building footprints, potentially resulting in greater ground borne vibration impacts that could result in physical damage to a historical resource."* Currently most of the old buildings in the Historic District don't have foundations and are not supported for earthquakes. A retrofit foundation, will save this old building from possible future disasters, like earthquakes. Vibration from foundation construction will not differ greatly if a building is a story or so taller. A comment like this makes me question the capabilities and knowledge of the creators of the EIR!

I17-13

The complete paragraph from the EIR-

potential to impact scenic views, visual character, and view corridors (Impacts 3.1-1 through 3.1-4). Alternative 1b and the Project would both result in development in areas with potentially unstable geologic areas, with Alternative 1b increasing development potential in very high liquefaction areas in some locations (Sites 39, 44, 301, 47, and 85) and reducing it in other locations (Sites 84, 303, 401, and 402) and Alternative 1b increases sites located in the highest landslide hazard designation (Site 85), resulting in a slight increase in hazards associated with unstable geologic units (Impact 3.6-2). Impacts related to historic resources (Impacts 3.4-1 and 3.4-6) would be slightly more under Alternative 1b because there would be greater potential to result in changes to designated historical resources that may alter a resource or its immediate surroundings in a manner that the significance of the resource would be materially impaired. Site 201 (APN 065-132- 16) is located within the Sausalito Historic District and contains the Marin Fruit Co., a designated historic resource listed on the California Historic Preservation Office state registry and listed on the California State Parks Built Environment Resource Directory (BERD).1 Sites 23 and 24 are located adjacent the Sausalito Historic District. Under Alternative 1b, Alternative 1b, Site 201 would have the MU-49/85% overlay designation and would allow up to four stories in height, rather than three stories under the MU-29/85% overlay designated by the Project. Similarly, Sites 23 and 24 adjacent the Downtown Historic District would be designated Housing-49 rather than Housing-29. The designations for Sites 23, 24, and 201

would accommodate higher densities and four-story buildings under Alternative 1b, compared to a three-story building height limit and lower densities (29 units/acre) under the Project. This increase in building heights and density would have a greater potential for development under Alternative 1b to conflict with the existing scale of historic buildings in the Sausalito Historic District, as the buildings in this area are limited to three stories in height. The increase in density would accommodate larger buildings and building footprints, potentially resulting in greater ground borne vibration impacts that could result in physical damage to a historical resource. The Project would reduce overall development as well as heights and densities in or adjacent to the Downtown Historic District, particularly on Sites 201, 23, and 24, although density on Site 202 would be the same between the Project and Alternative 1b. This reduction in densities in and adjacent to the Downtown Historic District would improve the potential for development under the Project to remain in scale with existing development in the District.

I17-13 con't

SITE 202

Site 202 was never fully described here or in the Amended Housing Element. The Alta Mira is a listed property in the National

I17-14

The City would continue to make specific publicly-owned sites available for development during the 2023-2031 Housing Element planning period: Sites 75, 78, 84, and APN 065-062- 19. These sites are planned to remain in City ownership and would be made available for development through long-term leases, as described in Program 8.

The development and adoption of ODDS would still occur under Program 19, similar to the proposed Project. ALTERNATIVE 2 – REDUCED SITES Alternative 2 focuses on removing sites from the Amended Housing Element that have challenging geographic locations. Specifically, Opportunity Sites that are located in microanalysis zones (MAZs) that have high residential VMT levels (>18.0 per capita) in the Cumulative + Project scenario were removed. Removal of these sites reduces the number of housing units far from employment and services hubs, and concentrates new housing more proximate to those uses. Due to the lack of direct routes through the city to identified evacuation routes, sites that have high VMT levels would also have longer travel distances and times to those routes in an emergency. Additionally, Opportunity Sites located in highrisk landslide hazard areas (rated as 8 or above) were also removed from the list of potential sites to be implemented by the Amended Housing Element. This alternative reduces the risk of natural disasters adversely affecting a significant number of housing units. Steep slopes increase the risk of landslides, liquefaction, or slope instability. Sites that have been removed from the Opportunity Sites list would continue to accommodate development as allowed by the adopted General Plan; however, this alternative would limit future development of the affected Opportunity Sites.All other Opportunity Sites identified in the Amended Housing Element and proposed to be implemented under the Amended Housing Element project would

I17-15

be rezoned as anticipated under the Project. As a result of Alternative 2, the number of units to be developed under the implementation of the Amended Housing Element would be 1,074, which meets the minimum RHNA requirement of 724 units. However, the development buffer (423 units) of the Amended City of Sausalito Amended Housing Element EIR - recirculated EXECUTIVE SUMMARY | ES-20 – ES-27 Housing Element sites would be reduced to 350 units which would remain adequate to accommodate modifications to the inventory during the 6th Cycle. Some sites would be removed from the Opportunity Sites and remain zoned according to their existing zoning designation (Sites 8, 23, 24, 56, 59, 63, 86, 87, 201, 207, and 212).

Bridgeway is the primary corridor serving the City of Sausalito, running north-south generally along the waterfront. The northern end of the corridor between the US 101 Marin City interchange and Napa Street is a four-lane median-divided street. From Napa Street southward to Richardson Street, the corridor includes three lanes (one lane in each direction plus a center turn lane). Speed limits range from 25 to 35 mph.

The routes that would be used in the event of an evacuation include Bridgeway, Spencer Avenue, Alexander Avenue, Highway 101, Donahue Street, and Shoreline Highway. For persons residing on boats, or persons having access to boats, including the Golden Gate Ferry, evacuation could be potentially taken via Richardson Bay. Bridgeway runs parallel with Highway 101 within Sausalito. It has two lanes in each direction between Bridge Boulevard and Napa Street and has one lane in each direction with a center turn lane in most of the segments between Napa Street and Richardson Street. O

I17-15 con't

Alternative 3-ment through implementation of the Amended Housing Element. The purpose of this alternative is to relocate anticipated residential units from areas that are far from community services or do not have convenient freeway access, and place them closer to community services such as commercial, employment, and neighborhood services, or freeway access.

Alternative 4-Alternative 4 – Historic Preservation Alternative 4 would focus on preserving properties located within and adjacent to the Sausalito Downtown Historic District. The purpose of this alternative is to ensure that future development would not adversely affect known historic resources or properties, particularly those in the Downtown Historic District. The city has a rich history and there are City of Sausalito Historic Landmarks, a National Parks Service Certified Historic District, properties within the Certified Historic District listed on the California Register of Historic Resources, properties within the Certified Historic District eligible for the National Register of Historic Resources, potentially eligible historic properties, and properties eligible for listinged on the City of Sausalito Amended Housing Element EIR - recirculated ES-20 – ES-27 | EXECUTIVE SUMMARY National Register of Historic Places and/or the California Register of Historic Resources located throughout the city, and accommodating the City's housing needs while preserving the character of the City, including its historic resources, is an objective of the Project. However, this alternative geographically focuses on those parcels where intensification of development could affect resources within the Downtown Historic District. The Amended Housing Element identifies five properties anticipated to accommodate

additional residential development which are within or adjacent to the Downtown Historic District: • Opportunity Site 201 is within the Downtown Historic District and currently consists of a commercial building with four retail storefronts, and a surface parking lot. Opportunity Site 201 (APN 065-132-16) contains the Marin Fruit Co., a designated historic resource listed on the California Historic Preservation Office state registry and listed on the California State Parks Built Environment Resource Directory; • Amended Housing Element Inventory Site, located at 721/729 Bridgeway, is within the Downtown Historic District and contains a commercial building; • Opportunity Site 23 is adjacent to, but outside of, the Downtown Historic District, and is currently vacant; • Opportunity Site 24 is adjacent to, but outside of, the Downtown Historic District, and is currently vacant; and • Opportunity Site 202 is adjacent to, but outside of, the Downtown Historic District and currently houses the Alta Mira Recovery Programs surface parking lots and two small buildings. The removal of these rezone sites helps preserve the character of the historic area by not inviting redevelopment or densification through rezoning. The historic context of the district can remain intact. There are several buildings in the Downtown Historic District that are potentially eligible historic properties. Demolition of existing buildings, construction of new housing units, vibration from heavy construction equipment, or construction mishaps on an Amended Housing Element site could adversely impact an existing adjacent historic resource. Opportunity Site 201 and the Inventory Site within the Downtown Historic District are the two sites that are most likely to unintentionally damage a potentially eligible historic resource.

I17-15 con't

Under Alternative 5 and the Project, the development of Opportunity Site 202 would be in close proximity to the Alta Mira Hotel (Alta Mira Recovery Programs building). The Alta Mira Hotel is immediately adjacent to the parking lots that are identified as Opportunity Site 202. As described further below, development within sites identified to be within the Downtown Historic Overlay are required to undergo City review rules and regulations required by the Sausalito Municipal Code to protect historical resources. , the structure has a CRHR Status Code of 7N, “Needs to be reevaluated (Formerly NR Status Code 4).”23 Similarly, potential vibration impacts to the would be identical under Alternative 5 as under the Project.
Amended Housing Element EIR - recirculated EXECUTIVE SUMMARY | ES-20 – ES-27 Alternative 5 – modified project Alternative 5 would slightly reduce development potential in the northern portion of the City to preserve the existing setting. This would include several adjustments to ensure accommodation of the RHNA. Under this alternative, 3 scenarios are possible: • Scenario 1 – The development of Site 84 (MLK Property) would be decreased by reducing the number of units from 94 to 80 units. This would reduce the building heights and density to diminish impacts on aesthetics. Scenario 1 would require passage of a ballot measure to authorize development of the MLK Property in light of restrictions in Ordinance No. 1128. • Scenario 2 – The development of Site 84 would be further reduced by decreasing the number of units from 94 units to 50 units. This would reduce the building heights and density to diminish impacts on aesthetics. Scenario 2 would also require passage of a ballot measure. • Scenario 3 – Site 84 would not be developed. This would not only reduce the building heights and density to diminish impacts on aesthetics, but also preserve community resources. If, under Scenario 3, the vote authorizing the lifting of restrictions in Ordinance 1128 fails to pass, Site 202’s minimum number of units would be increased and Site 14 (Spencer Avenue Fire Station) and

Site 52 (City Hall parking lot) would then be rezoned to accommodate up to 20 to 25 units each. This would ensure accommodation of the RHNA.

Pages ES-28 and ES-29, the text for Mitigation Measure 3.3-1 is revised to read: Buffer zones will render sites unbuildable- put in wording from old EIR weaponizing CEQA

Impact 3.1-6: Development facilitated by the Amended Housing Element, in combination with past, present, and reasonably foreseeable None RequiredMM 3.1-6: Implement Mitigation Measures MM 3.1-5a and 3.1-5b Less than Significant and
projects, would ~~not~~ result in significant cumulative impacts with respect to aesthetics.

Pages ES-52 and ES-53, Mitigation Measure 3.14-2 is revised to read: MM 3.14-2a- VMT for residental, render unbuildable with exteme costs

MM 3.14-2b Nonresidential or mixed use projects proposed on Inventory Sites or Opportunity Sites in the Amended Housing Element shall implement a Transportation Demand Management Program (TDM Program). The TDM Program shall include strategies, incentives, and tools to provide opportunities for employees and patrons to reduce single-occupancy vehicle trips and to use other modes of transportation besides automobile to travel to non-residential uses to the individually proposed project. The TDM Program shall include: 1. TDM 1/Encourage Alternative Modes of Transportation (Public Bus and Vanpool) – The individually proposed project shall encourage alternative modes of transportation use by providing monetary incentives to employees and patrons such as: • Discounted goods or services with proof of a same-day transit ticket or registered transit card (the regional fare payment method). • Transit and/or Multi-Modal Subsidy, providing pre-tax commuter benefits for employees. • Marketing and outreach campaign for transit usage and ridesharing. City of Sausalito Amended Housing Element EIR - recirculated EXECUTIVE SUMMARY | ES-52 – ES-53 • Provision of fair-share on-site and/or off-site improvements to bus stops within ¼-mile of an individually proposed project. Such improvements may include the provision of new or improved lighting, new benches and overhead canopies, additional bench capacity if needed, new or expanded bike racks, or similar physical improvements. 2. TDM 2/Encourage Carpools and Zero-Emission Vehicles – Individually proposed projects shall provide incentives that would encourage carpooling and zero-emission vehicles as a means for sharing access to and from the site, including the following: • Provide incentives for carpools or zero-emission vehicles, including preferential parking with the number of parking spots in excess of applicable requirements, reduced or subsidized parking costs, or other discounts/benefits. • For projects that include dedicated parking areas with more than ten (10) parking spaces provided, provide one (1) parking space with an electric vehicle charging station. 3. TDM 3/Encourage Active Transportation – The Project shall include features which enhance access for bicyclists and pedestrians including the following: • Provide bicycle parking in excess of applicable code requirements. • Coordinate bike pools and walk pools. • Provide sidewalks or other designated pathways following safe routes from the pedestrian circulation to the bicycle parking facilities and throughout the project site. Employers shall report the efficacy of its trip reduction program to the City of Sausalito. The “employer program manager” – the employee with policy and budget authority who is responsible for the implementation of the

I17-15 con't

employer trip reduction program or employer trip reduction plan and for fulfilling the requirements of this rule – shall conduct an employee trip survey using a uniform survey form prepared by the Marin County CMA. A summary of the trip results shall be submitted annually to the City of Sausalito.

SECTION 3.1, AESTHETICS Pages 3.1-28 through 3.1-29, Impact 3.1-6 are revised to read: Impact 3.1-6: Development facilitated by the Amended Housing Element, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to aesthetics. The geographic context for analysis of cumulative impacts related to aesthetics includes the unincorporated lands surrounding the Planning Area, including Marin City. In general, potential visual impacts take in the immediate surroundings in an urbanized area; thus, the analysis of cumulative aesthetic impacts focuses on areas that share a viewshed with the City's Planning Area. This analysis evaluates whether impacts of the Amended Housing Element, together with impacts of cumulative development, would result in a cumulatively significant impact with respect to aesthetics. This analysis then considers whether incremental contribution of the impacts associated with implementation of the Amended Housing Element would be considerable. Both conditions must apply for cumulative effects to rise to the level of significance. Existing vistas and visual resources in the Planning Area include natural terrain, ridgelines, and Marinship view corridors with views of the waterfront and bay, and views of and along the Highway 101 corridor. Existing vistas and visual resources in the unincorporated lands surrounding the Planning Area and region include a variety of landscape settings, such as pastoral and rural areas, beaches and coastal bluffs, and the Pacific Ocean, especially from and along trails, particularly near the coast.4 Existing sources of nighttime light include those common to developed areas or areas through which traffic travels regularly (e.g., street lights, parking lot lighting, building lighting, illuminated signs, vehicle headlamps, interior building lighting visible through windows). Existing sources of glare include reflection of sunlight and artificial light off windows, buildings, and other surfaces in the day, and glare from inadequately shielded or improperly directed light sources at night. Nighttime light sources in areas with less intense development and lower population density, such as rural areas in the west and inner-rural areas of the county, are typically sparser than in more developed or more highly populated areas, such as urban areas in the east, especially 4 County of Marin, 2022. Housing & Safety Element Update to the Marin Countywide Plan Draft Environmental Impact Report. October. Available: https://www.marincounty.org/-/media/files/departments/cd/planning/environmental-impact/housing-and-safety-elements-eir-docs/marinhese-public-draft-eir-oct-2022.pdf?la=en. Accessed November 7, 2023. Page 4-3.

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along the Highway 101 corridor. Therefore, sources of nighttime light in the county would generally be expected to diminish from east to west.5 The proposed Amended Housing Element would contribute to the urbanization of the City and nearby areas of the unincorporated County that share a viewshed with the City and result in the construction of new structures that could impede views of existing scenic vistas and visual resources as well as change views of the City's natural and built environment, including the hillsides, waterfront, and Highway 101 corridor. However, dDevelopment of future housing and mixed use projects subject to the ODDS would be reviewed for consistency with Title 10A that will be created for the ODDS. Compliance with

the requirements within the General Plan and Zoning Code would reduce visual impacts and light and glare impacts to the greatest extent feasible. Additionally, potential cumulative aesthetic impacts to eligible scenic highways would be reduced to below a level of significance through participation in the State Scenic Highway program and local ordinances and policies. Similarly, cumulative projects within unincorporated Marin County would be required to comply with applicable Marin Countywide Plan policies and programs and adhere to development and design standards in the Marin County Municipal Code that address aesthetics, including lighting and glare, the alteration of scenic resources and natural features, the alteration of views of scenic resources and natural features, and the alteration of views of the open waters of the Bay and land masses beyond the open waters, as seen from public or special vantage points. Nevertheless, as cumulative development in the Bay Area increases over time, impacts related to aesthetics would incrementally increase. The Project would result in construction and operation of development projects that would directly alter visual features, be placed in a location such that the intensity and height of development could obscure views, and create new sources of lighting and glare that would contribute to significant aesthetic changes to the City and nearby areas. For these reasons, cumulative impacts to aesthetics, State Scenic Highways, andor nighttime lighting and daytime glare would be less thanpotentially significant. Level of Significance before Mitigation Less than Potentially Significant

I17-15 con't

For the purposes of the Amended Housing Element VMT analysis, all potential housing units and nonresidential uses that could occur on designated sites were included in the VMT modeling results. No sites were excluded from the analysis under the presumption that they would qualify for VMT screening. This approach was used to ensure a conservative analysis, and in recognition that the potential for VMT screening is best assessed at an individual development level during the entitlement process when project-specific details are known.

before being at risk of exceeding the LOS D standard. Despite this reserve capacity, the proposed Amended Housing Element identifies several potential housing sites directly along the Bridgeway corridor, and the potential that one or more signalized intersections would drop below LOS D at buildout of the General Plan and sites identified in the Housing Element Update does exist if no corrective actions were taken. However, the City of Sausalito will continue to assess traffic impacts outside of CEQA as part of the entitlement process and retains the authority to require individual development projects to complete traffic improvements needed to maintain acceptable LOS. Such measures would be required by imposing conditions of approval or similar mechanisms, rather than through CEQA-based mitigation measures.

General Plan Policy CP-1.6 calls for the city to maintain an LOS D standard for signalized intersections during the weekday p.m. peak hour except on Johnson, Bay, and Princess Streets; however, the Amended Housing Element would amend this policy to clarify that shall apply to the extent that the City can feasibly make improvements, such as where existing right-of-way can feasibly accommodate improvements to maintain LOS “D” or where rightof-way can be obtained without requiring loss of dwelling units or commercial structures. Note that while LOS is no longer considered in CEQA assessments, Sausalito still maintains this LOS D standard, and

may continue to require the preparation of traffic impact studies for development projects in the same manner that is currently applied. Any circulation constraints or deficiencies that are identified in such studies, including measures needed to maintain roadway performance, would typically be addressed as conditions of approval rather than CEQA mitigation measures. The Proposed Plan would not preclude traffic impact studies from being prepared and would not preclude the city from requiring transportation City of Sausalito Amended Housing Element EIR - recirculated 3.14-18 | TRANSPORTATION AND CIRCULATION improvements to be completed by development projects (including modifications to improve traffic operation, access, and bicycle, pedestrian, and transit improvements), so would not be in conflict with Policy CP-1.6.

General Plan Policy CP-5.11 requires new development and substantial remodels in the Marinship to establish and enhance pedestrian and bicycle pathways, and Program CP-5.9.1 calls for the city to continue requiring all development projects to be compliant with accessibility standards. Program CP-5.11.1 further calls for creation and maintenance of pedestrian and bicycle paths as part of development projects in the Marinship. The proposed project would not conflict with these policies and programs. Individual development projects proposed on any of the sites identified in the proposed Amended Housing Element would be subject to review by the City of Sausalito during the entitlement process to ensure that adequate pedestrian and bicycle facilities are provided, and to confirm that the projects are consistent with the General Plan policies and programs outlined above. As appropriate, the city would identify required improvements such as (for example) internal and offsite connections, completion of planned bicycle facilities along project frontages, provision of pedestrian connections to bus stops, implementation of crossing improvements including accessible curb ramps, and provision of bike parking.

I17-15 con't

Individual development projects proposed on any of the housing sites identified in the Amended Housing Element would be subject to review by the City of Sausalito and applicable transit agencies to ensure that adequate access to available transit would be provided. During these project-specific reviews, overseeing agencies would identify required improvements such as (for example) bus pullouts, transit shelters, and sidewalks or pedestrian paths connecting to transit stops. Because the proposed project would not conflict with policies, plans, or programs regarding roadways, bicycle and pedestrian facilities, and public transit, and because individual developments will be reviewed through the entitlement process to determine necessary transportation improvements, the impact is considered to be less than significant.

Mitigation Measures MM 3.14-2a Residential projects that do not include any retail space (all-residential projects) proposed on Inventory Sites or Opportunity Sites in the Amended Housing Element shall: • Require the individual project developer to participate in a VMT Exchange whereby developers can pick a VMT mitigation action from an approved list and either pay for someone else to implement that action or do it themselves. These actions shall include financial incentives for individuals, contributions to funds for identified capital improvement projects, and contributions to funds for enhancing transit services. City of Sausalito Amended Housing Element EIR - recirculated TRANSPORTATION AND CIRCULATION | 3.14-21 • Prior to issuance of a building permit, require the individual project developer to submit, in writing, proof of

contribution to a VMT Exchange, including disclosure of how the funding will be used. • Alternatively, an individual project developer may make a fair share contribution to the "Regional Transportation Planning (RTP) project - Express Bus/Service Expansion from the Golden Gate Bridge, Highway and Transportation District." This regional transit project proposes to implement improvements to existing express bus service along Highway 101 and I-580, including frequency upgrades (20–40-minute peak headways on routes 4, 18, 27, 101, 40X and 56X). Increased frequency for bus service along the Project area could encourage public transit ridership, resulting in lower VMT.

• Provision of fair-share on-site and/or off-site improvements to bus stops within ¼-mile of an individually proposed project. Such City of Sausalito Amended Housing Element EIR - recirculated 3.14-22 | TRANSPORTATION AND CIRCULATION improvements may include the provision of new or improved lighting, new benches and overhead canopies, additional bench capacity if needed, new or expanded bike racks, or similar physical improvements.

• For projects that include dedicated parking areas with more than ten (10) parking spaces provided, provide one (1) parking space with an electric vehicle charging station.

Employers shall report the efficacy of its trip reduction program to the City of Sausalito. The "employer program manager" – the employee with policy and budget authority who is responsible for the implementation of the employer trip reduction program or employer trip reduction plan and for fulfilling the requirements of this rule – shall conduct an employee trip survey using a uniform survey form prepared by the Marin County CMA. A summary of the trip results shall be submitted annually to the City of Sausalito.

I17-15 con't

While the designs of individual residential development projects covered by the Sausalito Housing Element programs are not known at this time, vehicular access is anticipated to generally take place via existing streets. Where new roads or access points are required, City of Sausalito Amended Housing Element EIR - recirculated 3.14-24 | TRANSPORTATION AND CIRCULATION specific access schemes would be determined during project design, and would undergo review for compliance with safety and design standards by the City of Sausalito as required. During such reviews, routine assessments include consideration of the potential need for traffic control or turn lane improvements to maintain safety, the potential for queueing conditions that could lead to safety concerns, and safety related to site accessibility for nonauto modes. Any new transportation facilities would be designed and constructed to local, regional, and federal standards, and as such, would not be expected to introduce any hazardous design features.

The City of Sausalito and responsible emergency service agencies including Southern Marin Fire Protection District will review individual development projects to confirm that they conform to applicable regulations as governed by State laws, including the 2019 California Building Code, as well as the Southern Marin Fire Protection District Wildland Interface (WUI) ordinance (ratified by the City of Sausalito in March 2019), which outlines specific emergency access requirements for development in these areas. During such development reviews, responsible agencies will

confirm that emergency vehicle access is adequate, including access from public streets to sites, internal circulation, and maneuverability at intersections. Proposed development projects that do not meet required standards and codes would not be permitted.

Under Alternative 1a, sites anticipated for rezoning under the proposed Project would not be rezoned, including those sites subject to a vote of the electorate as set forth in Ordinance City of Sausalito Amended Housing Element EIR - recirculated ALTERNATIVES TO THE AMENDED HOUSING ELEMENT | 4-7 1022 and Ordinance 1128. The City would not initiate or conduct an election to rezone specific sites identified as initiative-restricted, specifically Sites 39, 44, 47, 72, 79, 81, 84, 201, 211, 212, 301, 303, 306, 401, and 402, as identified in Appendix D1 of the Amended Housing Element.

I17-15 con't

Letter I17 **Linda Fotsch**
Response January 27, 2025

I17-1 The commenter opines regarding the CEQA documentation for the adopted Housing Element. This is not a comment on the adequacy of this EIR. The comment will be forwarded to the decision makers for their consideration.

I17-2 The comment indicates there is uncertainty regarding the costs and reporting requirements of the EIR. The commenter is referred to Chapter 4, Mitigation Monitoring and Reporting Program, which identifies the required mitigation measures, timing of implementation, and responsible party(ies) for each measure. This is not a comment on the adequacy of the EIR. The comment is received and will be forwarded to the decision makers for their consideration.

I17-3 The comment notes two mitigation measures, MM 4.5-12d addressing the American badger and MM 4.5-12g addressing Townsend's big-eared bat, that require specialized biological surveys for development under the Amended Housing Element and concludes that the biological and environmental reporting required by the EIR is an attempt to weaponize CEQA with outlandish requests and notes that the EIR makes no distinction between a "special concern designation and a listing under the ESA/CESA (which are the Endangered Species Act/California Endangered Species Act).

The Draft EIR describes special-status species on pages 3.3-3 and 3.3-4, including species listed or proposed for listing under the Federal Endangered Species Act and California Endangered Species Act, as well as species designated by the CDFW as Species of Special Concern. CEQA requires that an EIR shall describe feasible measures which could minimize significant adverse impacts and requires that mitigation measures be identified for each significant environmental effect identified in the EIR, as identified by CEQA Guidelines Section 15126.4(a)(1). The mitigation measures cited by the commenter, as well as other biological resources mitigation measures in the Draft EIR and Recirculated Draft EIR, were recommended by the California Department of Fish and Wildlife in a comment letter provided to the City dated October 18, 2024; please see Comment Letter A1 and associated responses to comments for more details. The mitigation measures are included in the EIR to ensure that special-status species and sensitive habitat are not adversely affected by development anticipated under the Amended Housing Element.

I17-4 The comment quotes language from Impact 4.5-1 in the Recirculated Draft EIR regarding the potential for Alternative 5 and the Amended Housing Element to affect scenic vistas. The analysis describes how all projects in the city,

including those proposed under the Amended Housing Element, are required to comply with City General Plan policies and implement General Plan programs. The analysis determines that even with compliance of General Plan policies and programs, the development of Opportunity Sites could result in significant impacts on scenic vistas due to the locations of Opportunity Sites and maximum allowed building heights. The EIR is not creating the cited standards, as suggested by the commenter, but rather is referring to existing policies and programs in the adopted General Plan that apply to future development.

As an action separate from approving the Amended Housing Element, the City Council will consider adoption of Objective Design and Development Standards (ODDS) which will establish standards that do not involve discretion or subjective judgment that guide development design in Sausalito.

I17-5 The comment quotes language from Impact 4.5-2 in the Recirculated EIR regarding the potential for Alternative 5 and the Amended Housing Element to affect scenic resources within a designated or eligible State Scenic Highway. As described on page 4-45 of the Recirculated Draft EIR, "There are no designated State Scenic Highways in the Planning Area. Highway 101 is eligible for designation as a State Scenic Highway from its intersection with State Route 1 in the north to the Marin County Line in the south. The portion of Highway 101 that is eligible for designation and traverses the Planning Area, begins at the Rodeo Avenue exit in the north and extends to the Robin Williams Tunnel (previously called the Waldo Tunnel) in the south."

I17-6 As shown on pages 3.1-13 and 3.1-14, the thresholds of significance used for determining potential impacts as a result of the Amended Housing Element draw from those questions provided in CEQA Guidelines Appendix G. The questions in Appendix G focus on whether the project conflict with applicable zoning and other regulations governing scenic quality. A project may also result in an aesthetic impact if the project would substantially degrade the existing visual character or quality of public views of the site and its surroundings, further clarifying that public views are those that are experienced from publicly accessible vantage point (*Mira Mar Mobile Community v. City of Oceanside*, 119 Cal.App.4th 477, 485, 492 (2004)). The Draft EIR does not use the protection of private views as a threshold of significance. The thresholds used, however, do differentiate between "scenic vista," "scenic resources…within a State Scenic Highway," and "scenic quality."

Sausalito Municipal Code Section 11.12.020(V) defines "View" as a vista of San Francisco-Richardson Bay, neighboring communities, surrounding hills, or a nearby or distant wooded area from the primary living areas of the home.

"Views" include, but are not limited to, skylines, bridges, distant cities, geologic features, hillside terrains, and wooded canyons or ridges. The term "view" does not mean an unobstructed panorama of all or any of the views defined in Section 11.12.020(V). Chapter 10.88 of the Municipal Code further describes views: "primary views" are defined as any view distance from primary viewing areas of a dwelling such as the living room, dining room, kitchen, master bedroom, and deck or patio spaces serving such living areas. A secondary view is defined as any view from bathrooms, accessory bedrooms, passageways, and utility areas. Public views are defined as any view from a public right-of-way, including from a public road, street, sidewalk, pedestrian lane, or public stairway, trail, or pathway.

As described on page 3.1-2 of the Draft EIR, the Sausalito General Plan identifies the city's scenic resources, which include ridgelines, open space, public parks, and view corridors of Richardson Bay from various locations within the Marinship. Further, the Marinship Specific Plan identifies specific View Corridors, as described in Section 3.1, Aesthetics, and depicted in Figure 3.1-2 of the Draft EIR.

The analysis of whether the Amended Housing Element could affect a "scenic vista" considered the potential for development on Opportunity Sites to alter existing views as identified by the Sausalito General Plan and Sausalito Municipal Code. Future residential building placement, building heights, building size, and introduction of new developed features, including residential and mixed use buildings, parking, and landscaping could alter views of scenic vistas. This analysis is provided in Impact 3.1-1 and Impact 4.5-1.

As described in response to Comment I17-5, only a portion of Highway 101 is eligible to be designated as a State Scenic Highway, as defined in the California Streets and Highway Code, Division 1, Chapter 2, Article 2.5.

The term "scenic quality" is subjective, but the analysis provided in Impact 3.1-4 and Impact 4.5-4 examine whether the Amended Housing Element would conflict with applicable zoning and other regulations governing scenic quality. As described above, the City identifies scenic resources in the city and surrounding area that are considered important and worthy of protecting. Implementation of the Amended Housing Element would result in changes to the General Plan that reduce the application of design review, as well as remove the three-story maximum building height requirement for the overlay districts and ODDS. Projects that are processed under the ODDS would be reviewed for consistency with the future Title 10A (rather than Title 10, Zoning Ordinance). While new standards would be created through the ODDS and the

General Plan and Zoning Ordinance would be amended, these changes would not be consistent with the existing regulations that address visual character and scenic resources; thus, the future development in the Planning Area allowed under the proposed Amended Housing Element will likely result in development that changes the visual character of Sausalito (pages 3.1-24 and 3.1-25 of the Draft EIR).

I17-7 Please see response to Comment I16-3, particularly that CEQA Guidelines Section 15064.5(b)(3) states: "Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource." This section of CEQA establishes that compliance with the Standards is appropriate mitigation for impacts to historic resources.

I17-8 Please see response to Comment I3-12.

I17-9 The commenter states that Site 201 cannot be removed as an Opportunity Site. This is not a comment on the adequacy of the EIR. The comment will be forwarded to the decision makers for their consideration. The City will process development applications for projects, including submitted applications for Site 201, in accordance with State law.

I17-10 The commenter opines that Ordinance 1022 does not apply to the CC or R-3 districts. Ordinance 1022 limits certain land uses and establishes development standards; it does not apply to the R3 zone, but does apply to the CC zone. The Amended Housing Element establishes a process to place a ballot measure before Sausalito citizens to address sites restricted by Ordinance 1022. This comment addresses how sites will be rezoned and does not address the adequacy of the Draft EIR.

I17-11 The commenter states that there is no increase in development potential if Site 201 is downzoned to 29 units per acre. The Amended Housing Element would not "downzone" Site 201 as it is not currently zoned to allow more than 29 units per acre. See response to Comment I3-6. Site 201 is identified as having one existing unit by Marin County Assessor data. The MU-29/85% overlay would allow up to 29 units per acre, as well as development of either up to 15% of a project with nonresidential uses or maintaining the existing square footage of non-residential uses as part of a mixed use project at up to 29 units per acre. The 29 units per acre would allow 16 units on the site at the maximum base density, which is an increase in development compared to

existing conditions. Under Alternative 1b, the adopted Housing Element would be implemented and there would be a further increase in development potential on Site 201 to 43 to 49 units per acre upon implementation of Program 4.

I17-12 The commenter opines regarding the feasibility of affordable housing being developed on City-owned sites. This is not a comment on the adequacy of the EIR. The comment will be forwarded to the decision makers for their consideration.

I17-13 The comment restates opinions on whether views are an environmental issue. See response to Comment I17-4. The commenter states that Site 201 is not a historic resource. Please see responses to Comments I3-10 and I3-12. Construction-related vibration can affect nearby buildings when heavy equipment comes close to buildings, when specific activities such as pile driving are conducted, or when nearby structures undergo demolition activities. The addition of additional building stories may require different types of equipment during construction, potentially resulting in impacts to nearby receptors. Please see Impact 3.11-2 in the Draft EIR.

I17-14 This comment appears incomplete, and no response is possible.

I17-15 This comment includes language copied from the Recirculated Draft EIR. Language echoed from the EIR is not a comment on the adequacy of the EIR. One statement opines that creating buffers to protect biological species would render sites unbuildable and is a way to weaponize CEQA. As individual projects are proposed under the Amended Housing Element, the City will evaluate whether potential impacts to biological species could occur. It is possible that some opportunity sites provide habitat for special-status species and additional studies and/or mitigation may need to be implemented. See Mitigation Measure 3.3-1 in the Recirculated Draft EIR for additional information. A similar statement opines that mitigation for VMT impacts may render some projects financially infeasible. As individual projects are proposed under the Amended Housing Element, the City will evaluate the project's components and determine the level of mitigation required. Please see Mitigation Measure 3.14-2 in the Recirculated Draft EIR. The comment will be forwarded to the decision makers for their consideration.

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January 27, 2025

VIA EMAIL

Neal Toft, Principal Planner
City of Sausalito Community & Economic Development Department
420 Litho Street
Sausalito, CA 94965

Re: December 13, 2024 Recirculated Draft Environmental Impact Report for the Sausalito Amended 6th Cycle Housing Element

Dear Mr. Toft:

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report ("RDEIR") for the proposed 6th Cycle Housing Element amendment ("Amendment") of the City of Sausalito's ("City") general plan. We are writing on behalf of Willy's LLC ("Willy's"), the owner of Site 201 in the City's Housing Element.

We previously wrote the City on October 21, 2024 regarding the draft Environmental Impact Report ("DEIR") for the 6th Cycle Amendment and its flaws. A copy of this letter is attached as **Exhibit A**.

We also wrote the City on two previous occasions: (1) on October 1, 2024 before the City Council's October 1, 2024 Study Session on the Draft Amended 2023-2031 Housing Element; and (2) on October 22, 2024 before the City Council's October 23, 2024 Study Session on the Draft Amended 2023-2031 Housing Element. Copies of these letters are attached as **Exhibits B and C**. I18-1

While the October 1st and October 22nd letters laid out how the proposed Amendment will violate the Housing Element Law, the purpose of this letter is to continue to highlight how the RDEIR would violate the California Environmental Quality Act ("CEQA") if adopted by the City. The RDEIR makes limited changes to the DEIR, which the City released on September 4, 2024.

I. BACKGROUND

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 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 suitable for housing.[1]

I18-1 con't

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 with new sites 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.

II. THE RDEIR'S ALTERNATIVES ARE STILL INADEQUATE

In the October 21st letter, we pointed out that the DEIR was inadequate because it did not include a reasonable range of alternatives and did not explain why Site 201—the Willy's property—is listed as a historic property but was not previously listed as a historic property in the draft EIR the City prepared in January 2024. Both issues are still present.

A. Like the DEIR, the RDEIR's Alternatives Are Inadequate and Violate the Housing Element Law

The October 21st letter pointed out that the DEIR failed to include an alternative to the Amendment that would implement the certified Housing Element. The DEIR listed four alternatives to the Housing Element Amendment: (1) No Project; (2) Reduced Sites; (3) Modified Sites; and (4) Historic Preservation—all of which are inadequate. In an attempt to remedy this issue, the RDEIR now contains six alternatives: (1) No Project/No Rezoning; (2) No Project/Adopted Housing Element Implementation; (3) Reduced Sites; (4) Modified Sites; (5) Historic Preservation; and (6) Modified Project.

I18-2

[1] 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.

While the RDEIR now includes an alternative—No Project/Adopted Housing Element Implementation—that would implement the Certified Housing Element, its range of alternatives continue to be inadequate.

I18-2 con't

B. The RDEIR Must Acknowledge that the No Project/No Rezoning is Not a Viable Alternative

The October 21st letter pointed out that the DEIR's No Project Alternative is not an accurate representation of the City's certified Housing Element. Nevertheless, the City continues to include this alternative in its list of alternatives, this time as No Project/No Rezoning.

However, we are glad to see that the RDEIR acknowledges that "if the City does not complete rezoning to comply with Housing Element Program 4 and Government Code Section 65583(c)(1)(A) by Jan. 1, 2026 the City will be out of compliance with state housing element law, and the 'Builder's Remedy' under Government Code Section 65589.5 et seq."[2] The City cannot include the No Project/No Rezoning alternative in its list of alternatives as it mistakenly makes it seem as though the City has the opportunity to escape its planning obligations by not "rezon[ing] any parcels within the city to accommodate very low, low, moderate, or above moderate-income housing, as the rezoning would occur as a separate future action under the adopted 6th Cycle Housing Element."[3] This is a violation of CEQA, which requires the No Project Alternative to discuss current conditions as well as reasonably foreseeable future conditions expected to occur if the project were not approved.[4] In this case, the reasonably foreseeable future conditions include implementation of Programs 4, 8, and 19 as required by the certified Housing Element, and which require rezoning of the City. The CEQA Guidelines make it clear that the analysis of the No Project Alternative is not a comparison of the proposed project to existing conditions, which is the baseline for determining the project's environmental impacts, but to the adopted Housing Element.[5] As the RDEIR admits, "Alternative 1a would not achieve any of the project objectives."

I18-3

C. The RDEIR's No Project/Adopted Housing Element Implementation Confusingly Describes the Adopted Housing Element's Required Rezoning

The RDEIR confusingly describes the impact the No Project/Adopted Housing Element Implementation would have on Opportunity Sites 23, 24, 39, 44, 47, 201, 207, and 301. The RDEIR states that "Under Alternative 1b, there would an increase in the development potential of Opportunity Sites 23, 24, 39, 44, 47, 201, 207, and 301, which are modified to have overlays that allow up to 29 units per acre under the Project, rather than overlays that accommodate 43-49 units per acre under Alternative 1b."[6]

I18-4

The RDEIR confusingly compares No Project/Adopted Housing Element Implementation (Alternative 1b) with itself. The No Project/Adopted Housing Element Implementation

[2] Page 4-7 of the RDEIR.
[3] Page ES-20-27 of the RDEIR.
[4] CEQA Guidelines § 15126.6(e)(2).
[5] CEQA Guidelines § 15126.6(e)(1).
[6] Pages 4-10 and 4-11 of the RDEIR.

alternative will *upzone* Opportunity Sites 23, 24, 39, 44, 47, 201, 207, and 301 from 29 units per acre to 43-49 units per acre. The RDEIR needs to be amended to make this clear.

The RDEIR also acknowledges that "Site 85 is unlikely to develop during the 6th Cycle (2023-2031). While Alternative 1b would create the potential for Site 85 to develop long-term, it is not expected to meet the 6th Cycle RHNA."[7] If the City believes that Site 85 is unlikely to be developed during the 6th Cycle planning period, then it should be removed from the No Project/Adopted Housing Element Implementation alternative and the City must comply with Government Code § 65863 and the No Net Loss Law by making findings that the remaining sites identified in its sites inventory can accommodate the City's remaining unmet RHNA by each income category or identify additional sites so that there is no net loss of residential unit capacity.

I18-4 con't

D. The Reduced Sites Alternative is an Improper Attempt to Downzone the City

The RDEIR makes minimal changes to the Reduced Sites alternative from the DEIR, despite the fact that the October 21st letter informed the City that the Reduced Sites alternative was an improper attempt to downzone the City based on phony risks.

RDEIR adds two lines to the Reduced Sites alternative to explain why it proposes to remove Opportunity Sites from development, including Site 201. First, the RDEIR adds a line stating that these sites will not be developed "[d]ue to the lack of direct routes through the city to identified evacuation routes, sites that have high VMT levels would also have longer travel distances and times to those routes in an emergency."[8] Second, the RDEIR adds a line explaining that a Reduced Sites Alternative would reduce the risk of natural disasters adversely affecting a significant number of housing units as "[s]teep slopes increase the risk of landslides, liquefaction, or slope instability."[9]

I18-5

Neither of these additional reasons for explaining why sites are removed as Opportunity Sites in the Reduced Sites Alternative applies to Site 201. Site 201 is located on an identified evacuation route in the City. As the RDEIR states "[t]he routes that would be used in the event of an evacuation include Bridgeway, Spencer Avenue, Alexander Avenue, Highway 101, Donahue Street, and Shoreline Highway."[10] Site 201 is located at 605-613 Bridgeway, on an evacuation route. In the Modified Sites alternative, the RDEIR attempts to justify the inclusion of Site 67 in the Amendment by noting that the site "is adjacent to a main evacuation route, Bridgeway, in the event of an emergency." If Site 67, which is located at 2200 Marinship Way, is adjacent to an evacuation route, then Site 201's presence on an evacuation route is even better.

Site 201 is also *not* located on a steep slope. As Appendix E ("Very Low and Low Income Opportunity Site Details) to the City's Housing Element describes the parcel, the parcel has 5 rating on the California Department of Conservation's CGS Map Sheet 58: Deep-Seated Landslide Susceptibility. CGS Map Sheet 58 creates classes of landslide susceptibility based on a

[7] Alternatives to the Amended Housing Element 4-16 of the RDEIR.
[8] Alternatives to the Amended Housing Element 4-16 and ES-20-27 of the RDEIR.
[9] Alternatives to the Amended Housing Element 4-17 and ES-20-27 of the RDEIR.
[10] Alternatives to the Amended Housing Element 4-151 of the RDEIR.

0 to 10 scale, with 0 posing the lowest risk of landslide susceptibility and 10 posing the highest. These classes express the generalization that on very low slopes, landslide susceptibility is low even in weak materials, and that landslide susceptibility increases with slope and in weak rocks. Site 201's 5 rating indicates that Site 201 is not at risk of landslide, liquefaction, or slope instability.

Moreover, the alleged purpose of the Reduced Sites Alternative is twofold: (1) to remove sites that are far from employment and service hubs; and (2) to remove sites that are located in high-risk landslide hazard areas.[11] Again, neither of these reasons applies to Site 201 and cannot be justification for removing Site 201 as an Opportunity Site in the Reduced Sites Alternative.

Site 201 is located near employment and service hubs and is not located in a high-risk landslide hazard area. As Appendix E ("Very Low and Low Income Opportunity Site Details) to the City's Housing Element describes the parcel it is located 0.1 mile from a bus stop, 0.2 miles from a ferry stop, contains retail, restaurants, and services on site and is 0.7 miles from community facilities. As explained above, Site 201 is not at risk of landslide, liquefaction, or slope instability as it is rated 5 on CGS Map Sheet 58. Site 201 is, therefore, located near employment and service hubs and is not located in a high-risk landslide hazard area, and the Reduced Sites Alternative improperly proposes to remove it from the Housing Element's list of Opportunity Sites.

I18-5 con't

Not only would the Reduced Sites Alternative be an improper attempt to stop the Willy's project, but it would also remove other sites from the list of Opportunity Sites, so that the Housing Element Amendment's development buffer of 423 units would be reduced to 350 units. Again, the City seems intent on stopping future development and backing out of the commitments it made in its certified Housing Element to adequately plan for new development across the entire City.

E. The Modified Sites Alternative is Not a Viable Alternative as the Owner of Opportunity Site 67 Has Not Expressed a Desire to Redevelop the Site

The October 21st letter noted that the Modified Sites Alternative is an improper attempt to downzone sites that are likely to be redeveloped and add a property to the Housing Element that is unlikely to be redeveloped under the guise of locating new units closer to community services and freeway access. The property that the City is seeking to add to the Housing Element is Opportunity Site 67, a 4.36-acre site, located at 2200 Marinship Way.

I18-6

The City continues to include Opportunity Site 67 as part of its Modified Sites alternative, even after we alerted the City in our October 21st letter that the owner of this property has not expressed a desire to redevelop the site with housing, and it is unlikely that the property will be redeveloped during the 6th Cycle planning period, due to its proposed late addition to the Housing Element. Moreover, we have received information that the owner of Site 303 has explicitly disavowed developing the parcel as housing. In order to ensure that that the City has properly contacted the owners of parcels it included in its Amendment, we submitted a Public Records Act request as part of the October 22nd letter, which requested the City produce all

[11] Alternatives to the Amended Housing Element 4-16 and ES-20-27 of the RDEIR.

records that the City possessed that it conducted meaningful outreach to the property owners of all the sites the City now proposes to include in its amended Sites Inventory. The City has failed to produce records responsive to this Public Records Act request 70 days after it was submitted to the City in violation of the Public Records Act. Until the City produces records responsive to this request, it is safe to assume that the City has not received indications of interest from *any* property owner whose parcel it plans to include in its amended Sites Inventory.

I18-6 con't

F. *The Historic Preservation Alternative Fails to Adequately Explain How the Development of Site 201 Could Unintentionally Damage Historic Resources, and Improperly Downzones the Site*

The RDEIR adds language erroneously describing Site 201 as a historic site and removes it from Sites Inventory as part of the Historic Preservation Alternative. The RDEIR added the underlined language: "Opportunity Site 201 is within the Downtown Historic District and currently consists of a commercial building with four retail storefronts, and a surface parking lot. Opportunity Site 201 (APN 065-132-16) contains the Marin Fruit Co., a designated historic resource listed on the California Historic Preservation Office state registry and listed on the California State Parks Built Environment Resource Directory[.]"

Public Resources Code § 5024.1(d) describes the California Register as having three mandatory categories of historic properties: (1) properties formally determined eligible for, or listed in, the National Register of Historic Places; (2) State Historical Landmark No. 770 and all consecutively numbered state historical landmarks following No. 770; and (3) points of historical interest which have been reviewed by the office and recommended for listing by the commission for inclusion in the California Register in accordance with criteria adopted by the commission.

I18-7

Site 201 does not meet any of the criteria in Public Resources Code § 5024.1(d) for mandatory listing as a historic structure. The Sausalito Historic District is listed on the California Register because the *District* has been formally determined to be eligible for the National Register of Historic Places. The District was certified by the National Park Service as eligible for purposes of the Tax Reform Act of 1986, as substantially meeting all the requirements for listing in the National Register of Historic Places. The federal historic district certification process, however, makes clear that "[c]ertification of statutes and districts *does not constitute certification of significance of individual properties within the district or of rehabilitation projects by the Secretary*."[12] In other words, the individual structures at Site 201 have never been reviewed, or determined to be eligible for, the National Register of Historic Places. Thus, only the Sausalito Historic District, not the properties within the District, are listed in the California Register pursuant to Public Resources Code § 5024.1(d).

The only other properties on the California Register are those that have been "nominated for listing" in accordance with specified nomination procedures and "determined to be significant" by the State Historical Resources Commission.[13] There is no evidence that the structures on Site 201 have been nominated and determined to be significant as to be listed on the California Register. The RDEIR, therefore, improperly indicates that Site 201 is a historic property and

[12] 36 C.F.R. § 67.9(f).)
[13] Pub. Res. Code § 5024.1(e).

removes it from the Sites Inventory as part of the Historic Preservation Alternative. The Historic Preservation Alternative is clearly an improper attempt to stop the Willy's project as there is no legal or factual basis to stop the proposed project.

I18-7 con't

G. The Historic Preservation Alternative Must Be Rejected As It Has the Same Impact on Historic Resources as the Amended Housing Element

The RDEIR notes that for the Historic Preservation alternative "[i]t is anticipated that Alternative 4 would result in slightly less levels of ground-disturbance, and generally lesser impacts associated with the potential to encounter previously unidentified historic, archaeological, paleontological, and tribal cultural resources (Impacts 3.4-2, 3.4-3, 3.4-5, 3.4-6, 3.6-6, and 3.67)."[14] Moreover, "[i]mpacts to historic resources would be less as no sites within or adjacent to the Sausalito Downtown Historic District would be rezoned (Impact 3.4-1). **However, Alternative 4 would not eliminate any of the Cultural and Tribal Cultural significant and unavoidable impacts (Impacts 3.4-1 through 3.4-6**) as previously unidentified resources could still be encountered during construction activities." [emphasis added.][15] Based on the bolded language it seems that the Historic Preservation alternative would *not* protect historic resources to a greater extent than the Amended Housing Element and, therefore, should be rejected out of hand as it does not accomplish its intended purpose of protecting historical resources.[16]

I18-8

H. The Modified Project Alternative is Not Discussed in the Housing Element Amendment

The Modified Project alternative is an improper attempt to downzone the City in the face of public opposition and, therefore, cannot be moved forward.

Government Code § 65588 states when local governments may and are required to revise their Housing Elements. Government Code § 65588(a) is clear that cities may consider amendments only to evaluate and increase the effectiveness of Housing Elements. Government Code § 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

I18-9

None of the three situations in Government Code § 65588(a) fit Sausalito's situation or the Modified Projects alternative. The Modified Projects alternative is not intended (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.

[14] Alternatives to the Amended Housing Element 4-32 of the RDEIR.
[15] Alternatives to the Amended Housing Element 4-33 of the RDEIR.
[16] Cultural and Tribal Cultural Resources 3.4-39-40 of the DEIR.

Instead, the Modified Projects alternative is an attempt to backtrack on the City's commitment to development Site 84 in the face of public opposition and rezone City-owned land for residential development without any plan to do so.

The RDEIR adds an entirely new alternative—the Modified Project alternative—that was not included in the DEIR. The Modified Project alternative has three scenarios: (1) decreasing the development potential of Site 84 (MLK property) from 94 to 80 units; (2) decreasing the development potential of Site 84 from 94 to 50 units; and (3) not developing Site 84 and upzoning Site 202, and rezoning Site 14 (Spencer Avenue Fire Station) and Site 52 (City Hall parking lot) for residential development. The goal of the Modified Project alternative is to "reduce development potential in the northern portion of the City to preserve the existing setting."[17]

While the RDEIR analyzes the environmental impact of the Modified Project alternative, the proposed Amendment does not. The RDEIR cannot examine the environmental impacts of rezoning if it is not contemplated in the Amendment. The proposed Housing Element Amendment must include an analysis on the appropriateness of these sites addressing general plan designations, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period. The proposed Amendment does not mention that these sites would have to go through the Surplus Land Act process.

I18-9 con't

The City Council purposefully removed Sites 14 and 52 from the Housing Element and allocated their development to Site 84, which the City is now trying to backtrack on. The Planning Commission recommended removing Sites 14 and 52 from the Housing Element at its January 25, 2023 meeting.[18]

The City Council followed through and removed both sites from the Housing Element at its January 30, 2023 meeting. A copy of the City Council's minutes for the January 30, 2023 meeting is attached as **Exhibit D**. The City Council removed Site 14 based on a recommendation from City staff presented at the January 30, 2023 meeting, which noted that the site had "[d]isproportionate fire risk, Deed restrictions for this cycle, Circulation and Evacuation [concerns.]"

The only mention of Site 52 in the Amendment is on HP-16, where it states "[t]he City has identified sites in the Inventory of Residential Sites and Opportunity Sites that are owned by the City and are planned for development during the Planning Period: Sites 52, 75, 78, 84, and APN 065-062-19. These sites are planned to remain in City ownership and are anticipated to be made available for development through long-term leases. These sites will be made available for affordable housing consistent with the requirements of the Surplus Lands Act."[19] The Planning

[17] Alternatives to the Amended Housing Element 4-35 and ES-20-27 of the RDEIR.
[18] Minutes from the Planning Commission's January 25, 2023 meeting have not been published, although the City published an update on its website after the meeting summarizing the Planning Commission's actions: https://www.sausalito.gov/Home/Components/News/News/6662/457.
[19] There is also a stray reference to Site 52 on HBR-66 in a section on where the City can accommodate Emergency Shelters.

Commission also recommended removing Site 52 from the Housing Element at its January 25, 2023 meeting and it was removed at the City Council's January 30, 2023 meeting.

The two sites are inadequate for multiple reasons. The City has entered into a long-term lease with AT&T for a wireless communications facility at Site 14 through 2040. Additionally, Site 14 has an 8 on the CGS Map Sheet 58, which means that it is very susceptible to landslides and is located 1 mile from community facilities, 1.4 miles from the ferry, and is in a high fire hazard severity zone according to the City's own scoring criteria for Housing Element sites. Site 14 is also the site of the critical outdoor alerting system known as the Long-Range Acoustic Device ("LRAD"), which the City has permitted the Southern Marin Fire Protection District to install on the site. As the City has noted, the new LRADs "are an improvement over existing sirens in that they can broadcast voice messages such as evacuation instructions over long distances."[20] The City has not evaluated the impact that development on Site 14 will have on the LRAD and on public safety.

I18-9 con't

Site 52 is also inadequate because it is currently used as a parking lot for City Hall and the City has not analyzed the impact and feasibility of developing the parcel and its displacement on City workers and residents who currently use the parking lot.

The Modified Project alternative is, therefore, not a viable alternative as the sites it analyzes rezoning—Sites 14 and 52—are not properly analyzed and are not viable sites for development during the 6th Cycle planning period.

I. The RDEIR Will Not Cure the City's Failure to Adopt an EIR for its Certified Housing Element

The City failed to adopt an EIR for its certified Housing Element and is now considering adopting a flawed RDEIR for its Amendment to avoid its obligation to carry out its plan for new housing in the City. The City was required to prepare an EIR for its certified Housing Element and purposefully delayed studying the environmental impacts of the certified Housing Element in a successful attempt to gain HCD certification.[21, 22]

I18-10

As outlined above, the RDEIR that the City is now considering for its Housing Element Amendment is inadequate. If the City decides to move forward with this deficient RDEIR, then it will be susceptible to legal challenges.

J. The RDEIR's Analysis of How the Amended Housing Element Will Impact Historical and Cultural Resources is Confusing and Needs to Be Rectified

I18-11

[20] *See* The City's Press Release on July 15, 2022 "Sausalito to Get New Emergency Sirens at Two Locations," https://www.sausalito.gov/Home/Components/News/News/6410/.

[21] A "housing element" is a mandatory element of a city's general plan, and a general plan element is a "project" under CEQA. (CEQA Guidelines § 15378, subd. (a)(1); Gov. Code, § 65302, subd. (c).) A general plan element is a "project" under CEQA. (CEQA Guidelines § 15378, subd. (a)(1).)

[22] For instance, the meeting minutes reflect that for the January 12, 2023 joint meeting of the City Council and Planning Commission, the City abruptly rejected its staff's recommendation to prepare the Housing Element's EIR, and directed staff instead to "decouple" the Housing Element from CEQA review, so as to meet HCD's January 31, 2023 deadline.

The RDEIR's analysis of the level of impact that the Amended Housing Element will have on cultural and historic resources is confusing and misleading. Impacts 3.4-1 through 3.4-6 analyze the physical impacts that projects have on historical and cultural resources. The DEIR lists the Amended Housing Element as having a less than significant impact on historical resources (Impact 3.4-1) and a significant and unavoidable impact on Impacts 3.4-2 through 3.4-6.[23] The RDEIR does not change this analysis, but does note that the Amended Housing Element's impacts on cultural resources and tribal cultural resources are significant and unavoidable and does not break the impacts down individually into Impacts 3.4-1 through 3.4-6.[24] The RDEIR's lack of precision needs to be corrected as it makes it seem that the Amended Housing Element would have significant and unavoidable impact on historical resources for Impact 3.4-1 without offering any detailed analysis as to why the RDEIR differs from the DEIR, which found a less than significant impact on Impact 3.4-1 after mitigation.

I18-1 cont'd

K. The RDEIR's Analysis of How the No Project/Housing Implementation Alternative Would Impact Historical and Cultural Resources is Flawed and Misleading

The RDEIR's analysis of the level of impact that the Project/Adopted Housing Element Implementation alternative will have on cultural and historic resources is flawed and misleading.

The RDEIR notes that for the No Project/Housing Implementation alternative the

> [i]mpacts related to historic resources (Impacts 3.4-1 and 3.4-6) would be slightly more under Alternative 1b because there would be greater potential to result in changes to designated historical resources that may alter a resource or its immediate surroundings in a manner that the significance of the resource would be materially impaired . . . **Alternative 1b would not eliminate any of the Cultural and Tribal Cultural significant and unavoidable impacts** (Impacts 3.4-1 through 3.4-6) as previously unidentified resources could still be encountered during construction activities and would have worse impacts associated with the Downtown Historic District and contributing resources.[25] [emphasis added.]

I18-12

Under CEQA, the level of impacts that a project may have can be: (1) no impacts; (2) less than significant; and (3) potentially significant, either mitigable or not.[26] By noting that the No Project/Housing Implementation alternative would have "slightly more" or "worse" impacts on historical resources than the Amended Housing Element, the RDEIR fails to clarify the level of impacts that the No Project/Housing Implementation alternative has on historical and cultural resources. The RDEIR, therefore, cannot be adopted by the City Council and needs additional modifications. The bolded language also references significant and unavoidable impacts, but as noted above, the Amended Housing Element is not expected to have a significant and unavoidable impact on historical resources (Impact 3.4-1). So this section is incorrect.

[23] Executive Summary ES-31-42 of the DEIR.
[24] ES-20-27 of the RDEIR.
[25] Alternatives to the Amended Housing Element 4-14, 4-16 of the RDEIR.
[26] *See* 2024 California Environmental Quality Act (CEQA) Statute & Guidelines, p. 347.

III. WILLY'S OCTOBER 1 AND 22, 2024 LETTERS LAY OUT HOW THE CITY'S HOUSING ELEMENT AMENDMENT WOULD VIOLATE THE HOUSING ELEMENT LAW

The October 1st and 22nd letters lay out why the proposed Amendment would violate Government Code § 65588(a)—which sets out when Housing Element amendments are permitted—because it will not (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 circumvent HCD by removing Site 201 from the City's Sites Inventory and replacing it with nonvacant sites that are unlikely to be developed and which cannot be counted towards the City's realistic capacity. The Amendment is a disingenuous attempt to stop the Willy's project, which would build more affordable housing than has been built within the City in more than 20 years, and would violate the Housing Element Law's requirement to Affirmatively Further Fair Housing by concentrating development in the lower-resourced northern portion of the City. I18-13

IV. CONCLUSION

The City's RDEIR is inadequate. If adopted by the City, it will violate CEQA and the Housing Element Law and place the City in legal jeopardy. While the RDEIR is an improvement on the DEIR, it is still fundamentally flawed as it does not include a reasonable range of alternatives and continues to attempt to remove Site 201 from its Sites Inventory based on illegitimate reasons in an attempt to stop Willy's from developing the site. I18-14

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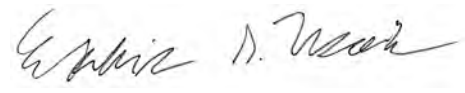

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October 21, 2024

VIA EMAIL

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Re: Draft EIR for Draft Amended Sixth Cycle Housing Element

Dear Mr. Phipps:

Thank you for the opportunity to comment on the draft Environmental Impact Report ("EIR") for the City of Sausalito's ("City") 6th Cycle Housing Element of its general plan. We are writing on behalf of Willy's, LLC ("Willy's), the owner of Site 201 in the City's Housing Element. We previously wrote the City on October 1, 2024 before the City Council's Study Session on the proposed Housing Element amendment ("Amendment"). A copy of that letter is attached as Exhibit A. While the October 1st letter lays out how the City's Housing Element Amendment would violate the Housing Element Law, the purpose of this letter is to highlight how the City's draft EIR would violate the California Environmental Quality Act. I18-15

I. WILLY'S OCTOBER 1, 2024 LETTER LAYS OUT HOW THE CITY'S HOUSING ELEMENT AMENDMENT WOULD VIOLATE THE HOUSING ELEMENT LAW

The October 1st letter lays out why the proposed Housing Element Amendment would violate Government Code Section 65588(a)—which lays out when Housing Element amendments are permitted—because it will not (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 circumvent the Department of Housing and Community Development ("HCD") by removing Site 201 from the City's Sites Inventory and replacing it with nonvacant sites that are unlikely to be developed and which cannot be counted towards the City's realistic capacity. The Amendment is a disingenuous attempt to stop the Willy's project, which would build more affordable housing than has been built within the City in more than 20 years, and would violate the Housing Element Law's requirement to Affirmatively Further Fair Housing by concentrating development in the lower-resourced northern portion of the City.

II. THE DRAFT EIR'S ALTERNATIVES ARE INADEQUATE AND THERE IS NO EXPLANATION FOR WHY THE DRAFT EIR LISTS SITE 201 AS HISTORIC IN THE DRAFT EIR BUT NOT IN THE JANUARY 2024 EIR

The City's draft EIR is inadequate for two reasons. First, its reasonable alternatives do not include an option to implement the Housing Element as certified, and the alternatives considered by the EIR are not a reasonable range of alternatives. Second, the draft EIR does not explain why Site 201—the Willy's property—is listed as a historic property but was not previously listed as a historic property in the draft EIR the City prepared in January 2024.

A. The Draft EIR's Alternatives Are Inadequate and Violate the Housing Element Law

The draft EIR fails to include an alternative to the Housing Element Amendment that would implement the certified Housing Element. The draft EIR lists four alternatives to the Housing Element Amendment: (1) No Project; (2) Reduced Sites; (3) Modified Sites; and (4) Historic Preservation—all of which are inadequate.

One of the purposes of an EIR is to identify alternatives to a proposed project and evaluate the comparative merits of feasible alternatives.[1] By examining a range of alternatives, the lead agency can demonstrate that it has taken a "hard look" at the project objectives to select alternatives that allow for meaningful comparison.[2] In lawsuits challenging the sufficiency of an EIR's project alternatives, courts examine whether the EIR had a "reasonable range" of feasible "build" alternatives.[3] What constitutes a "reasonable range" of alternatives is a very fact-specific inquiry, but the guiding principle that courts rely on is that the EIR must include alternatives which have substantial environmental advantages over the project proposal which may be "feasibly accomplished in a successful manner" considering the economic, environmental, legal, social and technological factors involved.[4]

I18-15 con't

Courts have overturned many EIRs due to an improper or incomplete analysis of alternatives, which is what a court is likely to do if presented with the City's draft EIR in its current form due to its failure to consider a reasonable range of alternatives.[5]

B. The No Project Alternative is Not An Accurate Representation of the City's Certified Housing Element

The Draft EIR states the No Project Alternative "would allow the 6th Cycle Housing Element to remain in place and would not include the rezoning and Objective Design and Development Standards (ODDS) efforts, including the implementation of Programs 4, 8, and 19, that are being

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[1] CEQA Guidelines § 15126.6(d).
[2] *See Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274.
[3] CEQA Guidelines § 15126.6(e).
[4] *See Citizens of Goleta Valley v. Board of Supervisors* (1990) 197 Cal.App.3d 1167 (citing Pub. Res. Code §§ 21002, 21061.1; CEQA Guidelines Section 15364).
[5] *See Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413; *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647; *Habitat and Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277; *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059.

implemented in conjunction with the Amended Housing Element project."[6] That means that the City would "not initiate or conduct an election to rezone specific sites identified as initiative-restricted, specifically Sites 39, 44, 47, 72, 79, 81, 84, 201, 211, 212, 301, 303, 306, 401, and 402, as identified in Appendix D1 of the Amended Housing Element."[7]

As the draft EIR notes, CEQA Guidelines Section 15126.6(e) requires an EIR to evaluate a "'No Project Alternative,' which is defined as what would be reasonably expected to occur in the foreseeable future if the project were not approved." As the draft EIR acknowledges:

> [a]ll sites identified as Inventory Sites, Opportunity Sites, and sites that have approved but not yet constructed units would be developed according to their existing zoning or approved plans, respectively. As a result, approximately 378 units would be constructed, which would be 769 units less than those proposed under the Amended Housing Element project.[8]

The No Project Alternative is, therefore, not a true No Project Alternative because it would not be implementing the certified Housing Element. Instead, the draft EIR mistakenly makes it seem as though the City has the opportunity to escape its planning obligations by not "rezon[ing] any parcels within the city to accommodate very low, low, moderate, or above moderate-income housing, as the rezoning would occur as a separate future action under the adopted 6th Cycle Housing Element."[9] This is a violation of the California Environmental Quality Act ("CEQA"), which requires the No Project Alternative to discuss current conditions as well as reasonably foreseeable future conditions expected to occur if the project were not approved.[10] In this case, the reasonably foreseeable future conditions include implementation of Programs 4, 8, and 19 as required by the certified Housing Element. The CEQA Guidelines make it clear that the analysis of the No Project Alternative is not a comparison of the proposed project to existing conditions, which is the baseline for determining the project's environmental impacts.[11]

I18-15 con't

Unfortunately, the project analyzed in the draft EIR is the Housing Element Amendment, not the certified Housing Element.[12] The draft EIR, therefore, does not include any environmental analysis of the certified Housing Element and does not include it as an alternative, which is a violation of the CEQA Guidelines. The City is required to analyze a reasonable range of alternatives, taking into account legal factors. By law, the City is required to complete the rezoning as adopted in the certified Housing Element.[13] Not only is the draft EIR legally deficient, it is also faulty planning from the City because if the Housing Element Amendment is not certified by HCD, the City will *still* not have an EIR analyzing the environmental impacts for its certified Housing Element.

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[6] Page 28 of the draft EIR.
[7] Page 29 of the draft EIR.
[8] *Id.*
[9] *Id.*
[10] CEQA Guidelines § 15126.6(e)(2).
[11] CEQA Guidelines § 15126.6(e)(1).
[12] "The proposed project consists of the adoption and implementation of an Amended Housing Element." (Page 10 of the draft EIR).
[13] Gov Code. § 65583(f).

If the City does not include Housing Element rezoning in its draft EIR, the City could lose certification of its Housing Element from HCD because it is not adequately planning for housing as it committed to in its Housing Element. This would allow developers to submit Builder's Remedy projects to the City. Starting January 1, 2025, Assembly Bill 1893 will make it harder for cities to deny or delay Builder's Remedy projects and lowers the percentage of affordable housing that developers have to include in their Builder's Remedy projects, making them more attractive to developers.

C. The Reduced Sites Alternative is an Improper Attempt to Downzone the City

The Reduced Sites Alternative focuses on removing sites from the certified Housing Element that have "challenging" geographic locations. As with the No Project Alternative, Site 201 would be removed from the Housing Element's list of Opportunity Sites. As we noted in our October 1st letter, that would be an attempt to stop the Willy's project. The alleged purpose of the Reduced Sites Alternative is twofold: (1) to remove sites that are far from employment and service hubs; and (2) to remove sites that are located in high-risk landslide hazard areas. Site 201 is located near employment and service hubs and is not located in a high-risk landslide hazard area and, therefore, the Reduced Sites Alternative improperly proposes to remove it from the Housing Element's list of Opportunity Sites.

Not only would the Reduced Sites Alternative be an improper attempt to stop the Willy's project, but it would also remove other sites from the list of Opportunity Sites, so that the Housing Element Amendment's development buffer of 423 units would be reduced to 350 units. Again, the City seems intent on stopping future development and backing out of the commitments it made in the certified Housing Element to adequately plan for new development across the entire City.

I18-15 con't

D. The Modified Sites Alternative Proposes to Downzone Sites that are Likely to be Redeveloped and Add a Property to the Housing Element that is Unlikely to be Redeveloped

The purpose of the Modified Sites Alternative is to "relocate anticipated residential units from areas that are far from community services or do not have convenient freeway access, and place them closer to community services such as commercial, employment, and neighborhood services, or freeway access."[14] To effectuate this purpose, the Modified Sites Alternative would rezone different sites for residential and mixed-use development through implementation of the Housing Element Amendment.

This is ridiculous. As the draft EIR notes, "Sausalito is a small city with a land area of approximately 1.9 square miles."[15] The small nature of the City means that new units will be close to community services and freeway access. The practical effect of the Modified Sites Alternative would be to concentrate development in the northern portion of the City, in violation of the City's duty to Affirmatively Further Fair Housing and avoid segregation of new housing.

[14] Page 30 of the draft EIR.
[15] Page 143 of the draft EIR.

While the total number of units proposed by the Modified Sites Alternative is the same as the Housing Element Amendment, the Modified Sites Alternative would accomplish this by adding a new Opportunity Site, Site 67, located at 2200 Marinship, to the Housing Element. The draft EIR contains no indication that the owner of this property has the desire to redevelop the site with housing, and it is unlikely that the property will be redeveloped during the 6th Cycle planning period, due to its proposed late addition to the Housing Element.

E. The Historic Preservation Alternative Fails to Adequately Explain How the Development of Site 201 Could Unintentionally Damage Historic Resources, and Improperly Downzones the Site

The Historic Preservation Alternative is "focus[ed] on preserving properties located within and adjacent to the Sausalito Downtown Historic District. The purpose of this alternative is to ensure that future development would not adversely affect known historic resources or properties, particularly those in the Downtown Historic District."[16] The Historic Preservation Alternative identifies five sites that are within or adjacent to the City's Downtown Historic District, including Site 201. The draft EIR states that "Site 201 is within the Downtown Historic District and currently consists of a commercial building with four retail storefronts, and a surface parking lot[.]" According to the draft EIR:

> The removal of these rezone sites helps preserve the character of the historic area by not inviting redevelopment or densification through rezoning. The historic context of the district can remain intact. There are several buildings in the Downtown Historic District that are potentially eligible historic properties. Demolition of existing buildings, construction of new housing units, vibration from heavy construction equipment, or construction mishaps on an Amended Housing Element site could adversely impact an existing adjacent historic resource. Opportunity Site 201 and the Inventory Site within the Downtown Historic District are the two sites that are most likely to unintentionally damage a potentially eligible historic resource.[17]

I18-15 con't

The draft EIR contains no evidence that development at any of the five sites that would be removed from the City's list of Opportunity Sites in the Historic Preservation Alternative would help preserve the character of the Downtown Historic District. In fact, while Site 201 and the Inventory Site are within the Downtown Historic District, they are not located adjacent to any listed historic properties.

The Historic Preservation Alternative also would result in a 103-unit reduction to the Housing Element Amendment, lowering the City's Housing Element Amendment buffer to 320 units. The Historic Preservation Alternative is an underhanded way for the City to downzone sites that are suitable for development and evade its obligations to plan for more development. The Historic Preservation Alternative should be rejected by the City Council as an unserious proposal.

[16] Page 31 of the draft EIR.
[17] *Id.*

F. The Draft EIR Will Not Cure the City's Failure to Adopt an EIR for its Certified Housing Element

The City failed to adopt an EIR for its certified Housing Element and is now considering adopting a flawed EIR for its Housing Element Amendment to avoid its obligation to carry out its plan for new housing in the City. The City was required to prepare an EIR for its certified Housing Element and purposefully delayed studying the environmental impacts of the certified Housing Element in an attempt to gain HCD certification.[18, 19]

As outlined above, the draft EIR that the City is now considering for its Housing Element Amendment contains alternatives that do not meet the requirements of the Housing Element Law because it does not analyze the certified Housing Element. If the City decides to move forward with this deficient draft EIR, then it will be susceptible to legal challenges.

III. THE DRAFT EIR AND THE JANUARY 2024 DRAFT EIR CONTRADICT ONE ANOTHER ABOUT WHETHER SITE 201 IS A HISTORIC RESOURCE

A. The Draft EIR includes Site 201 as within the Historic District, which seems to be an Attempt to Stop the Proposed Project on the Willy's Property

The draft EIR notes that "Site 201 (APN 065-132-16) is located within the Sausalito Historic District and contains the Marin Fruit Co., a designated historic resource listed on the California Historic Preservation Office state registry."[20]

I18-15 con't

The inclusion of Site 201 within the Downtown Historic District does not make the site itself historic. Site 201 is located *within* the Downtown Historic District, but it is not itself a listed property. The City previously found that properties ***within*** the historic district are ***not*** "listed in the California Register" because the property was not ***individually*** listed in the register. The City made this determination for the 719-725 Bridgeway project, and specifically found that Site 201 (605-613 Bridgeway) is not listed in the California Register.[21] The City has now reversed course and argues that *any* property within the historic district is considered "listed in the California Register." The City has repeatedly stated that Site 201 is not listed in the California Register, including in the staff report for February 14, 2024 Planning Commission study session on the proposed Objective Design and Development Standards or the Sausalito Historic Context Statement adopted by the City Council in September 2022.

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[18] A "housing element" is a mandatory element of a city's general plan, and a general plan element is a "project" under CEQA. (CEQA Guidelines § 15378, subd. (a)(1); Gov. Code, § 65302, subd. (c).)
A general plan element is a "project" under CEQA. (CEQA Guidelines § 15378, subd. (a)(1).)

[19] For instance, the meeting minutes reflect that for the January 12, 2023 joint meeting of the City Council and Planning Commission, the City abruptly rejected its staff's recommendation to prepare the Housing Element's EIR, and directed staff instead to "decouple" the Housing Element from CEQA review, so as to meet HCD's January 31, 2023 deadline. The minutes are attached to this letter.

[20] Pages 241-2 of the draft EIR.

[21] See the 719-725 Bridgeway Historic Resource Technical Memorandum prepared by Page & Turnbull for the Community Development Department on April 9, 2019.

B. The Draft EIR conflicts with the January 2024 EIR Regarding Site 201's Historic Status

The draft EIR notes that Site 201 is on the State's Built Environment Resource Directory as home to (1) Town & County Antiques; and (2) Marin Fruit Company—neither of which is located at Site 201 anymore.[22] Similarly, Table 3.4-2 in the draft EIR lists these businesses as having a California Register Status of 2D2. A 2D2 code means that the property is a "[c]ontributor to a district determined eligible for NRHP by consensus through Section 106 process. Listed in the CRHR." This means that the site is a contributor to a *district* that is listed on the California Register of Historic Resources, not that the site itself is listed on the register.

The January 2024 EIR notes that "Opportunity Site 201 (APN 065-132-16) and Opportunity Site 212 (APN 065-071-21) are located within the Downtown Historic District Overlay in the City of Sausalito and while ***there are no designated historic resources on the opportunity sites***, both sites are adjacent to Potentially Eligible Historic Property."[23, 24] The draft EIR fails to explain the reason for this change, which appears to be an attempt to stop the project submitted by Willy's for development of Site 201. There have been no attempts to designate Site 201 as a historic resource with the State Historical Resources Commission since the January 2024 EIR was published, which is the only method to change a property's historic designation. The City cannot change the site's historic designation by administrative fiat.

C. The Draft EIR conflicts with the January 2024 EIR Regarding Adverse Impacts to Historic Resources

Along those same lines, the January 2024 EIR notes that development facilitated by the Housing Element Programs could result in a substantial adverse change in the significance of a historical resource and that even after the implementation of mitigation measures, the Level of Significance of impacts would be Significant and Unavoidable.[25] In contrast, the draft EIR concludes that the Housing Element Amendment could result in a substantial adverse change in the significance of a historical resource but that Mitigation Measures will reduce the Level of Significance of these impacts to Less than Significant.

The only difference between the January 2024 EIR and the draft EIR on this issue is that the draft EIR includes Mitigation Measure 3.4-1(b), which requires an applicant to hire a qualified historian or architectural historian to conduct a survey of adjacent parcels for potential historic resources before beginning construction within or adjacent to historic resources and to create a Historic Resource Protection Plan based on the survey. The draft EIR explains that this Mitigation Measure "would ensure that potentially significant impacts require additional mitigation measures to ensure that no significant historic resources are inadvertently damaged or destroyed as a result of direct or indirect effects by project implementation in historically sensitive areas. Therefore, the impact would be less than significant."[26] The January 2024 EIR,

I18-15 con't

[22] Page 223 of the draft EIR.
[23] Page 207 of the January 2024 EIR.
[24] Page 188 of the January 2024 draft EIR notes both the Marin Fruit Company and Town & Company Antiques of 605 Bridgeway are listed as 2D2 on the City's list of historic buildings.
[25] Impact 3.4-1.
[26] Page 245 of the draft EIR.

however, explained that developing the opportunity sites could nonetheless potentially cause a significant impact "should the implementation of the Housing Element Programs *require* demolition of a historic structure." Mitigation Measure 3.4-1(b) does not explain how the impacts on historic resources from carrying out implementation of the Housing Element Programs would now be mitigated by protecting adjacent structures from inadvertent damage.

IV. THE DRAFT EIR FAILS TO ANALYZE THE CUMULATIVE IMPACTS OF THE PROJECT

An EIR must discuss significant cumulative impacts.[27] This requirement flows from CEQA Guidelines Section 21083, which requires a finding that a project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guidelines define cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."[28] The individual effects may be changes resulting from a single project or more than one project.[29] A cumulative impact is an impact created by the combination of the project reviewed in the EIR together with other projects causing related impacts.[30] The EIR must summarize the expected environmental effects of the project and related projects, provide a reasonable analysis of the cumulative impacts, and examine reasonable mitigation options.[31]

I18-15 con't

The City is required to study Site 201 as part of its draft EIR because Site 201 was included in the certified Housing Element and the City has received a development application from the owners of Site 201, which utilizes the certified Housing Element's density rather than the reduced density proposed in the Housing Element Amendments. The draft EIR must analyze not only the probable effects of the Amendments, but must also consider the effects of the cumulative impacts of probable future projects like the pending application at Site 201. In particular, because Site 201 is located within the historic district overlay, the draft EIR must study the potential cumulative impacts of the Amendment and the pending application.

In short, the draft EIR's cumulative impacts analysis violates CEQA because it does not analyze the potential cumulative impacts of the submitted housing development project for Site 201.

V. CONCLUSION

The City's draft EIR is inadequate. If adopted by the City, it will violate CEQA and the Housing Element Law and will place the City in legal jeopardy.

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[27] CEQA Guidelines § 15130(a).
[28] CEQA Guidelines § 15355.
[29] CEQA Guidelines § 15355(a).
[30] CEQA Guidelines § 15130(a)(1).
[31] CEQA Guidelines § 15130(b).

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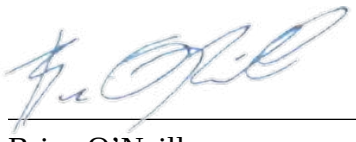

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con't

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October 1, 2024

VIA EMAIL

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Re: Agenda Item 5A: 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 1, 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. I18-16

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.

[1] This is item 5.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 1st meeting.
[2] City of Sausalito, "City of Sausalito Sixth-Cycle (2023-2031) Housing Element," (September 27, 2024) at https://www.sausalito.gov/city-government/hot-topics/housing-element-update-2023-2031.

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.

THE AMEDNMENTS ARE NOT AN APPROPRIATE HOUSING ELEMENT AMENDMENT

I18-16 con't

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.

[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.

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 received 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 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.

I18-16 con't

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[.]" The Housing Element and Appendix D-2 fails to analyze the City's "past experience with converting existing uses to higher density residential development[.]"[4] 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

[4] 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.

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.

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."

I18-16 con't

As the Housing Element notes, "State Law allows use of underutilized (nonvacant) sites to accommodate the RHNA [Regional Housing Needs Allocation]."[5] 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.[6]

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.[7]

[5] *See* HBR-120.
[6] *Id.*
[7] The City has a RHNA of 724.

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 Element and the Amendment lacks a Program to address these issues, including environmental remediation for an industrial building that is over 45 years old.[8]

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.[9]

I18-16 con't

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 SMCSD 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 SMCSD 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

[8] 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.
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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 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.[10] 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.

I18-16 con't

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 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.

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

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 furthering 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 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.

I18-18 con't

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 and its changes to the Sites Inventory.

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

Brian O'Neill
Attorney for Willy's LLC

EXHIBIT B

CITY OF SAUSALITO
SPECIAL JOINT CITY COUNCIL & PLANNING COMMISSION MEETING MINUTES
JANUARY 12, 2023

1. CALL TO ORDER

The special joint meeting of January 12, 2023 was called to order by Mayor Blaustein at 5:31 p.m., with the meeting conducted via in-person and Zoom.

2. ROLL CALL

PRESENT: *CITY COUNCIL*
Melissa Blaustein, Mayor
Ian Sobieski, Vice Mayor
Joan Cox, Councilmember
Jill James Hoffman, Councilmember
Janelle Kellman, Councilmember

PLANNING COMMISSION
Jeffery Luxenberg, Chair
Andrew Junius, Vice Chair
Kristina Feller, Commissioner
Nastassya Saad, Commissioner

ABSENT: **Richard Graef, Commissioner**

I18-17

3. CONSENT CALENDAR

3.A. **Adopting Two Resolutions to implement the changes resulting from the recently approved Measure L and authorizing the City Manager to execute agreements for City's use tax with the California Department of Tax and Fee Administration**
Councilmember Kellman made a motion, seconded by Councilmember Hoffman, and unanimously carried to adopt **Resolution 08-2023** and **Resolution 09-2023** by the following vote:

AYES: **Cox, Hoffman, Kellman, Sobieski, Blaustein**
NOES: **None**
ABSTAIN: **None**
ABSENT: **None**

4. BUSINESS ITEMS
5.

4.A. **6th Cycle Housing Element**

Beth Thompson, Principal, De Novo, made a presentation and responded to questions posed by the City Council.

Chris Zapata, City Manager, and Sergio Rudin, Assistant City Attorney, responded to questions posed by the City Council.

Peter McGuire and Sandra Bushmaker provided public comment.

The City Council received the update on the 6th Cycle Housing Element and directed staff to decouple EIR and zoning from the Housing Element; create a working group comprised of Councilmembers Cox and Kellman to help review comments regarding the Housing Element; directed De Novo and the City Attorney to outline risks around block development grants and bring clarity with the Objective Design & Development Standards; evaluate Plan Bay Area; dismiss the Housing Element Advisory Committee and send them a thank you letter; and have De Novo clarify deadlines from the May 23, 2022 meeting and discrepancies of its contract with the City.

4.B. **Status of Objective Design & Development Standards (ODDS)**

Bob Brown, Consultant, made a presentation and responded to questions posed by the City Council.

Michael Rex, Vicki Nichols, Jenny Silva, and Sybil Boutilier provided public comment.

The City Council received the update on status of Objective Development & Design Standards and directed staff to agendize the ODDS in the January 24, 2023 meeting; look at gradients and consideration of ADA; and a consideration of SB9 in consideration of the ODDS.

4.C. **Presentation on SB 9, Local Implementation Ordinance (Ordinance No. 1288), Interaction with ODDS and Housing Element, and Direction to Staff**

I18-17 con't

Brandon Phipps, Community Development Director, made a presentation and responded to questions posed by the City Council.

Neal Toft, Principal Planner, responded to questions posed by the City Council.

Michael Rex, Vicki Nichols, and Sybil Boutilier provided public comment.

The City Council received the summary presentation regarding SB 9 and the City's local implementation ordinance (Ordinance No. 1288) and how SB 9 interacts with the ODDS as well as the City's Housing Element and directed staff to look at SB9 with an eye to disaster preparedness; and forward a memo from Michael Rex to the Planning Commission.

6. ADJOURNMENT

Mayor Blaustein adjourned the meeting at 8:43 p.m.

Respectfully submitted,

Walfred Solorzano
City Clerk

EXHIBIT B

PATTERSON & O'NEILL, PC

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San Francisco, CA 94104
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Facsimile: (415) 907-7704
www.pattersononeill.com

October 1, 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: Agenda Item 5A: 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 1, 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. I18-18

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.

[1] This is item 5.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 1st meeting.
[2] City of Sausalito, "City of Sausalito Sixth-Cycle (2023-2031) Housing Element," (September 27, 2024) at https://www.sausalito.gov/city-government/hot-topics/housing-element-update-2023-2031.

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.

THE AMEDNMENTS ARE NOT AN APPROPRIATE HOUSING ELEMENT AMENDMENT

I18-18 con't

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.

[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.

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 received 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 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.

I18-18 con't

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[.]" The Housing Element and Appendix D-2 fails to analyze the City's "past experience with converting existing uses to higher density residential development[.]"[4] 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

[4] 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.

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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.[7]

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I18-18 con't

CONCLUSION

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PATTERSON & O'NEILL, PC

Brian O'Neill
Attorney for Willy's LLC

EXHIBIT C

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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.

I18-19

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.

I18-19 con't

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

I18-19 con't

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 received 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[.]" 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.

I18-19 con't

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]

I18-19 con't

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.

I18-19 con't

Program No. 8 (Public Property Conversion to Housing) in the adopted Housing Element required the City to "[m]eet with SMCSD 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 SMCSD 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.

I18-19 con't

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 furthering 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. I18-19 con't

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

Brian O'Neill
Attorney for Willy's LLC

Letter I18	**Brian O'Neill, Patterson & O'Neill, PC, on behalf of Willy's, LLC**
Response	January 27, 2025

I18-1 The comment identifies that it is on the Recirculated Draft EIR on behalf of Willy's LLC, the owner of Site 201. The comment identifies previous comments on the Housing Element, indicates that this comment will highlight how the Recirculated Draft EIR will violate CEQA if adopted, and provides background information regarding the zoning of Site 201, the owner's opinion that the Project would downzone the site, the owner's opinion regarding the feasibility of Sites 401 and 402, and the adoption process and site selection of the adopted Housing Element. Responses to the commenter's letter dated October 21, 2024 are provided under the responses to Letter I3. The following responses address the commenter's comments in this letter related to the adequacy of the Draft EIR.

I18-2 The commenter identifies the alternatives in the Draft EIR and the alternatives in the Recirculated Draft EIR and indicates that the range of alternatives is inadequate. The commenter identifies their opinion regarding the inadequacy of the alternatives in Comments I18-3 through I18-10; please see responses to these comments regarding the adequacy of the alternatives addressed in the Draft EIR, as revised by the Recirculated Draft EIR.

I18-3 The commenter indicates their belief that the No Project/No Rezoning alternative (Alternative 1a) cannot be included in the alternatives in the Draft EIR as it mistakenly seems the City has an opportunity to escape its planning obligations by not rezoning parcels to implement the adopted Housing Element. If the Amended Housing Element project is not approved, it is anticipated that the City would pursue rezoning housing sites to accommodate the RHNA. The rezoning of the sites would be subject to CEQA and there would be the potential to refine the sites to address potentially significant impacts. The No Project/No Rezoning alternative reflects what could occur were the rezoning effort not implemented or not successful and anticipates that development would continue consistent with the General Plan Land Use Map. Alternative 1a describes the environmental implications of this scenario and compares the impacts to those of the Project. Alternative 1a is not a comparison of the Project to existing conditions.

The commenter states that the No Project Alternative must discuss current conditions as well as reasonably foreseeable future conditions expected to occur if the Project were not approved, which include implementation of Programs 4, 8, and 19, including rezoning. This scenario identified by the commenter is addressed as Alternative 1b (No Project/Adopted Housing

Element Implementation) in subsection 4.4.2 of Chapter 4 of the Recirculated Draft EIR.

I18-4 The commenter indicates that the Recirculated Draft EIR needs to be amended to be clear that the density of Opportunity Sites 23, 34, 39, 44, 47, 201, 207, and 301 would be increased from 29 dwelling units per acre under the proposed Project to 43-49 units per acre. The discussion of this alternative identifies on pages 4-10 and 4-11 of the Recirculated Draft EIR, "Under Alternative 1b, there would an increase in the development potential of Opportunity Sites 23, 24, 39, 44, 47, 201, 207, and 301, which are modified to have overlays that allow up to 29 units per acre under the Project, rather than overlays that accommodate 43-49 units per acre under Alternative 1b." This statement identifies the increase in density from 29 units per acre under the Project to 43-49 units per acre under Alternative 1b. To further clarify this issue, the referenced statement in the Recirculated Draft EIR on pages 4-10 and 4-11 is revised as shown in Chapter 2 of this Final EIR.

The commenter states that Site 85 should be removed from Alternative 1b since it is not likely to develop during the 6th Cycle and the City should address this pursuant to No Net Loss law. The Recirculated Draft EIR considers implementation of the adopted Housing Element. Site 85 has the potential to be developed under buildout conditions as it is vacant land that is not in a parcel and is not being used as right-of-way, so has the potential for any easements to be vacated under the Streets and Highways Act and thus become a developable site. Therefore, Site 85 was included in Alternative 1b.

I18-5 The commenter indicates that the Reduced Sites Alternative is an improper attempt to downzone the City based on phony risks and that none of the reasons identified for removing sites under this alternative, such as lack of direct routes through the City to evacuation routes and steep slopes, apply to Site 201. The commenter indicates that Site 201 is located on an evacuation route, is near employment and service hubs, and is not a site with steep slopes and is not at risk of landslide, liquefaction, or slope instability as it is rated 5 on CGS Map 58. See response to Comment I3-6.

As described under Response I3-6, the Reduced Sites Alternative would remove sites based on two criteria: 1) removal of sites located in MAZs with high residential VMT levels (>18.0 per capita) in the Cumulative plus Project scenario and that are 1.5 miles or farther from Highway 101, or 2) sites located in high-risk landslide hazard areas. Site 201 was removed due to its location in a MAZ that has VMT levels of greater than 18.0 per capita. Site 201 is not in a high-risk landslide area.

While Site 201 is located on Bridgeway, an evacuation route, Site 201 is over 1.5 miles from the Highway 101/Spencer Avenue-Monte Mar Drive entrance to the Highway 101, approximately 1.7 miles from the Highway 101 entrance at Alexander Avenue, and over 2 miles from the Highway 101 entrance from Bridgeway. While Site 201 is relatively close to some of the services, restaurants, and retail in the City, it is not close to entrances to Highway 101. In comparison, Site 67 (referenced by the commenter) is approximately 0.9 mile from the Highway 101 entrance at Bridgeway, meaning Site 201 is approximately 50% farther from Highway 101 than Site 67.

I18-6 The commenter states that the Modified Sites Alternative is not a viable alternative as the owner of Opportunity Site 67 has not expressed a desire to redevelop the site and the owner of Opportunity Site 303 has disavowed developing the parcel as housing. Carlo Berg, representing Berg Holdings, which has an ownership interest in Site 67 commented in support of land use changes allowing residential uses. See response to Comment I3-7. The owner of Site 67 commented multiple times during the Housing Element process, including a comment letter submitted September 16, 2022, indicating their interest in developing housing. Regarding nonvacant sites, the Amended Housing Element describes the criteria for determining if nonvacant sites can realistically be expected to develop during the 6th Cycle. The members of the City Council Working Group for the Housing Element reached out to the owner of Site 303 and Dennis Fisco, representing Seagate Properties, communicated they are in agreement with the City to include a portion or all of the site in the Housing Element. Further, it is not required by State law that a property owner express approval of having their site included in the Housing Element. Rather, the City is required to demonstrate that the existing use does not constitute an impediment to additional residential development during the planning period. The Amended Housing Element describes the criteria for determining if nonvacant sites can realistically be expected to develop during the 6th Cycle in Chapter IV of the Background Report.

I18-7 The commenter indicates that the Recirculated Draft EIR adds language erroneously describing Site 201 as a historic site and removes it from the inventory of sites as part of the Historic Preservation Alternative (Alternative 4). The commenter references the criteria identified at Public Resources Code Section 5024.1(d) and determines that Site 201 does not meet the criteria. The comment states there is no evidence that the structures on Site 201 have been nominated and determined to be significant as to be listed on the California Register, concluding that the Recirculated Draft EIR improperly indicates that Site 201 is a historic property and removes it as part of Alternative 4. The

commenter opines that this alternative is an improper attempt to stop the Willy's project. See response to Comment I3-10.

The May 11, 2024 Historical Summary and Project Evaluation prepared by Preservation Architecture on behalf of the commenter for the 605-613 Bridgeway site (Preservation Architecture Evaluation) concludes that while the Sausalito Historic District is listed in the California Register, the individual properties identified as individual contributors are not individually listed in the California Register and, as such, the District is the identified historic resource, not the individual properties. It is not clear whether the preparer of the Preservation Architecture May 11, 2024 evaluation is a professional that meets The Secretary of the Interior Professional Qualifications Standards that define the minimum education and experience necessary to perform identification, evaluation, registration, and treatment activities as no qualifications are provided for the Preservation Architecture report preparer

The Preservation Architecture Evaluation references the findings of the 719-725 Bridgeway Historic Resource Technical Memorandum prepared by Page and Turnbull, Inc., and dated, April 9, 2019 (2019 P&T Memorandum) for a separate property in the Sausalito Downtown Historic District and referenced by the commenter in comment I3-10. However, the Preservation Architecture Evaluation appears to cherry-pick select statements from the 2019 P&T Memorandum and does not reflect its overall conclusion.

The 2019 P&T Memorandum concluded, based on conversations with unidentified persons, that the 719-725 Bridgeway site was not individually listed in the California Register of Historical Resources. However, it noted that the listing [Status Code 2D2] denotes that the property is a contributor to a California Register-listed, National-register eligible historic district. Most importantly, the 2019 P&T Memorandum concluded that the 719-725 Bridgeway site is a historic resource for CEQA review (Page and Turnbull, Inc., 719-725 Bridgeway Historic Resource Technical Memorandum, April 9, 2019, page 8). Regarding 719-725 Bridgeway, which also has a Status Code of 2D2 as does Site 201, Page and Turnbull concluded on page 12 of their technical memorandum: "Based on Hulbert's and VerPlanck's assessments of eligibility, as well as additional analysis by Page & Turnbull, 719-725 Bridgeway is not individually listed or eligible for listing in the California Register. According to the information presented in the regulatory context section above, the subject property is a contributor to the California Register-listed Sausalito Downtown Historic District, is included as such in the city's Historic Resources Inventory, and is assigned a California Historical Resource Status Code of 2D2. As such, it should be considered a historical resource under CEQA."

However, following the preparation of the P & T Report, the California Office of Historic Preservation in 2020 published California Historical Resource Status Codes, which show that sites with a 2D2 status code are individually listed in the California Register. With that exception, the approach to resources in the Sausalito Historic District and more specifically, Site 201, is consistent with the analysis in the technical memorandum referenced by the commenter.

The 2019 P&T Memorandum conclusion is also generally consistent with the determination of Jerri Holan & Associates, which prepared the Historic Design Analysis for 605 Bridgeway Boulevard (Holan Historic Analysis) amended April 3, 2024, except that the Holan analysis concludes that the Site 201 is individually listed in the California Register, as confirmed by the Office of Historic Preservation. The Holan Historic Analysis describes Ms. Holan's qualifications; Ms. Holan qualifies as a preservation architect and architectural historian per The Secretary of the Interior's Standards and Guidelines for Historic Preservation. The Holan Historic Analysis determined that the building at Site 201 was placed on the California Register of Historic Places on 1/1/81 with a 2D status and is also eligible for listing in the National Register.

The Watson Heritage Evaluation (see Comment I1-7) provides additional information identifying Site 201 (605-613 Bridgeway) as a historic resource, including the Status Code 2D2, which defines the property as a historical resource under CEQA Guidelines Section 15064.5 and information regarding an updated Historical Resource Evaluation for the site prepared by Connor Turnbull Preservation Consulting that concluded the site is significant under California Register Criteria A/1 (events) and B/2 (persons) and identified character-defining features of the resource.

The Sausalito Citywide Historic Context Statement (Sausalito CS) was prepared by VerPlanck Historic Preservation Consulting in October 2022. The Sausalito CS establishes that Site 201 is listed on the California Register as a contributor to the National Register-eligible Downtown Historic Overlay Zoning District as all contributors to the district are considered listed on the California Register. On page 9, the Sausalito CS identifies that in Sausalito, "the California Register includes – at a minimum – 67 properties, including the four National Register properties mentioned above, eight Sausalito Landmarks, 54 contributors to the National Register-eligible Downtown Historic Overlay Zoning District, and one California Historical Point of Interest." On page 10, the Sausalito CS also identifies that properties in the Sausalito Historic Register and Historic Resources inventory include contributors to the Downtown Historic Overlay District. Table 2 of the Sausalito CS lists sites in the Local Historic Resources Inventory, including Site 201 (named as Marin Fruit Co.).

CEQA Guidelines Section 15151 states "Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts." The different conclusions related to whether a site listed in the California Register as a contributor to a California Register-listed district is a "historical resource" as defined by CEQA is noted.

As supported by the information provided in this comment and response to Comment I3-10, the City has determined that Site has a 201 has a California Historical Resource Status Code of 2D2 and thus is eligible for listing in the NR and is listed in the CR as a contributor to the Historic District. Thus, Site 201 meets the criteria of a historical resource as established by CEQA Guidelines Section 15064.5(a).

I18-8 The commenter indicates that Alternative 4 would not eliminate any of the cultural and tribal cultural significant and unavoidable impacts as previously unidentified resources could still be encountered during construction activities and concludes that this means the alternative would not protect historic resources to a greater extent than the Amended Housing Element and should be rejected as it does not accomplish its intended purpose of protection historic resources. CEQA does not require an alternative to eliminate significant impacts. Rather CEQA requires that an EIR shall describe a range of reasonable alternatives "which would feasibly attain most of the basic objectives of the project but **would avoid or substantially lessen any of the significant effects of the project,** and evaluate the comparative merits of the alternatives. (CEQA Guidelines Section 15126.6(a), emphasis added)"

Pages 4-28 and 4-29 of the Recirculated Draft EIR describe how Alternative 4 would reduce impacts to the Sausalito Historic District. Alternative 4 was specifically designed to reduce impacts to the Sausalito Historic District, a listed resource on the California Register with a California Historical Resource Status Code 2S2. Sites identified as contributors to the Sausalito Historic District (Site 201, Status Code 2D2) and 721/729 Bridgeway (Status Code 2D2) and also included in Sausalito's Local Historic Resources Inventory are removed from the Housing Element under Alternative 4. Removal of these sites means that these sites will not be designated with an overlay district intended to accommodate and encourage residential and mixed use development that would assist in meeting the City's RHNA. This change to these sites reduces the potential for future development and thus reduces the potential for future development to modify or destroy properties that contribute to the status of the Sausalito Downtown Historic District. Similarly,

removal of sites adjacent to the Sausalito Downtown Historic District reduces development potential on those sites and reduces the potential for development to have an substantial adverse change on the Sausalito Downtown Historic District. The substantial adverse change that would be avoided under Alternative 4 is a reduction in the potential for physical demolition, destruction, relocation, or alteration of the Sausalito Historic District and the sites listed on the California Register as contributing to the Sausalito Historic District and a reduction in the potential for physical demolition, destruction, relocation, or alteration of sites in the immediate surroundings of the Sausalito Historic District in a manner that would demolish or materially alter the physical characteristics that convey the historical significance of the resource and justify its eligibility in the California Register of Historic Places.

While Site 202 does not include a resource listed on the California Register or National Register, it is adjacent to the parcel containing the Alta Mira Hotel, which is identified as California Historical Resource Status Code 7N: Needs to be reevaluated – formerly coded as may become National Register eligible with specific conditions and is also identified on the Local Historic Resources Inventory. While the Alta Mira Hotel is not listed on the California Register, CEQA Guidelines Section 15064.5(a)(4) "The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1." As the Alta Mira Hotel may be eligible for listing in the National Register, the City has determined that it may be a historical resource as defined by Public Resources Code section 5024.1 subsections (c) and (d). Removing development on Site 202 would remove the potential for future adverse changes to the Alta Mira Hotel, including adverse changes that would result from the physical demolition, destruction, or alteration of the Alta Mira Hotel's immediate surroundings such that the physical characteristics that convey the historical significance of the resource and justify its eligibility in the California Register of Historic Places would be demolished or materially altered.

Therefore, Alternative 4 would result in a reduction in the potential for significant impacts to historic resources, specifically the Sausalito Historic District, sites contributing to the Sausalito Historic District, and the Alta Mira Hotel, as discussed under Impact 3.4-1 of the Draft EIR.

The analysis of Alternative 4 in the Recirculated Draft EIR is revised as shown in Chapter 2 of this Final EIR.

I18-9 The commenter indicates that the Modified Project Alternative (Alternative 5) is not discussed in the Housing Element Amendment. The commenter quotes Government Code Section 65588(a) and infers that it restricts the City's ability to amend the Housing Element. As part of this project to amend the Housing Element, the City is considering the appropriateness of the adopted Housing Element's Housing Plan (goals, policies, and programs), the effectiveness of the element, and the City's progress in implementing it. The Amended Housing Element will refine the sites identified to accommodate the City's housing needs and will reflect changes made to ensure that the Housing Element continues to be appropriate to address the City's housing needs, consistent with Government Code Section 65588(a).

The commenter identifies that the proposed Amended Housing Element does not address Modified Project alternative. The commenter identifies inclusion of Sites 14 and 52, describes previous City actions related to the sites, and opines to the inadequacy of the sites. The commenter identifies their belief that Site 14 is inadequate due to a long-term lease for a wireless communications facility, landslide potential, distance from the ferry, and location in a high fire hazard severity zone, as well as the presence of a long-range acoustic device located at the site to broadcast emergency messages. The long-term lease for a wireless communications facility and presence of the LRAD at Site 14 do not make this site infeasible for development. Future development would be designed to avoid the City's existing lease for the wireless communications facility. Impacts associated with implementation of Alternative 5 related to landslide potential are discussed in the Recirculated Draft EIR under Impacts 4.5-27 and 4.5-28 (pages 4-117 through 4-122), 4.5-33 (pages 4-128 through 4-130) and impacts related to wildfire are discussed under Impacts 4.5-75 through 4.5-79 (pages 4-236 through 4-260).

In relation to an existing long-range acoustical device (LRAD), the EIR is required to address the significant effects of the project on the environment, not the environment on the project. The Supreme Court affirmed this in *California Building Industry Association v Bay Area Air Quality Management District* (S213478, December 17, 2015), stating "The conclusion that we reach today is not inconsistent with these cases, all of which implicitly held that CEQA does not generally require an agency to analyze how existing hazards or conditions might impact a project's users or residents. .... For the foregoing reasons, we hold that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents. What CEQA does mandate, consistent with a key element

of the Resources Agency's interpretation, is an analysis of how a project might exacerbate existing environmental hazards." Until a specific project is proposed at Site 14, it cannot be determined whether the project would be designed to reduce exposure to potential noise associated with the LRAD under Sausalito Municipal Code and General Plan provisions or if the LRAD would be relocated as part of the future project. To correct the commenter's assertions regarding lack of analysis of this site, Site 14 was analyzed as a potential site during the Housing Element Update process from 2021 through 2023, with this site included in the Public Review Draft (August 2022) and HCD Review Draft (October 2022) documents prepared for the 6th Cycle Housing Element Update.

The commentor indicates that Site 52 is inadequate because it is used as a parking lot for City Hall and the City has not analyzed the impact and feasibility of developing the parcel and its displacement on City workers and residents who currently use the parking lot. This comment does not address the adequacy of the EIR. To correct the commenter's assertions regarding lack of analysis of this site, Site 52 was analyzed as a potential site during the Housing Element Update process from 2021 through 2023, with this site included in the Public Review Draft (August 2022) and HCD Review Draft (October 2022) documents prepared for the 6th Cycle Housing Element Update.

I18-10 The commenter indicates that the Recirculated Draft EIR will not cure the City's "failure" to adopt an EIR for its certified Housing Element and that the Recirculated Draft EIR is inadequate for the reasons outlined in the letter. This comment is on the CEQA documentation for the adopted Housing Element and does not address the adequacy of the EIR for the Amended Housing Element project. The comment is referred to responses I18-1 through I18-9 regarding the adequacy of the EIR in relation to the various comments made by the commenter.

I18-11 The commenter indicates that the Recirculated Draft EIR's analysis of the level of impact that the Amended Housing Element will have on cultural and historic resources is confusing and misleading. The commenter references information in the Draft EIR and notes that the Recirculated Draft EIR does not change the analysis in the Draft EIR and does not break the impacts down individually into Impacts 3.4-1 through 3.4-6. Section 3.4 of the Draft EIR was not recirculated as part of the Recirculated Draft EIR, so no revisions were made to this section. The Recirculated Draft EIR only included the portions of the Draft EIR that were modified by the Recirculated Draft EIR; portions of the Draft EIR that were not modified were not recirculated. The commenter is referred to Section 3.4 of the Draft EIR, as modified by Chapter 2 of this Final EIR.

I18-12 The commenter states that the Recirculated Draft EIR's analysis on the level of impact that the No Project/Adopted Housing Element Implementation alternative (Alternative 1b) would have on cultural and historic resources is flawed and misleading. The commenter states that CEQA requires the level of impact for a project to be (1) no impacts; (2) less than significant; and (3) potentially significant and that the characterization that Alternative 1b would have "slightly more" or "worse" impacts on historical resources than the Amended Housing Element fails to clarify the level of impacts that the alternative has on historical and cultural resources.

An EIR is not required to analyze alternatives at the same level of detail as the Project. CEQA Guidelines Section 15126.6(d) requires the following: "The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison." The analysis provided for Alternative 1b compares the impacts of the alternative to the Project, making determinations as to whether impacts would be better, worse, or similar and whether any significant and unavoidable impacts would be avoided. Consistent with CEQA Guidelines Section 15126.6(d), the Recirculated Draft EIR includes Table 4-13 comparing the impacts of each alternative to the Project.

I18-13 The commenter indicates that their October 1 and 22, 2024 letters address why, in their opinion, the Amended Housing Element would violate State Housing Element law. The comment does not address the adequacy of the EIR. The comment will be forwarded to decision makers for their consideration.

I18-14 The commenter expresses their opinion that the EIR is inadequate. The commenter is referred to the previous responses to this letter. The comment will be forwarded to decision makers for their consideration.

I18-15 This comment is identical to portions of a separate letter submitted by the commenter. Please see responses to Comments I3-1 through I3-14.

I18-16 This comment is identical to portions of a separate letter submitted by the commenter. Please see responses to Comments I3-15 through I3-29.

I18-17 This attachment, noted as Exhibit B in this comment letter, is a City of Sausalito Meeting Notes from the Joint City Council and Planning Commission special meeting held on January 12, 2023. This is not a comment on the adequacy of the EIR, and no further response is necessary.

I18-18 This comment is identical to Comment I18-16 and to portions of a separate letter submitted by the commenter. Please see responses to Comments I3-15 through I3-29.

I18-19 This comment addresses the Amended Housing Element itself, and does not address the adequacy of the EIR analysis. The comment is received and will be forwarded to decision makers for their consideration.

Letter I19

YIMBY Law

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1/27/2025

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Re: Draft Housing Element Amendment EIR

Dear Mr. Toft,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Element Law.

We write to renew concerns regarding the draft Environmental Impact Report ("EIR") to be included with Sausalito's 6th Cycle Housing Element. As drafted, the EIR would not comply with the California Environmental Quality Act. Its six proposed alternatives (No Project/No Rezoning and No Project/Adopted HE IMplementation, Reduced Sites, Modified Sites, Historic Preservation, and Modified Project) do not meet the standards that Sausalito itself set with its Housing Element, and if enacted could render that Element non-compliant. I19-1

Among the procedural requirements of an EIR, it must identify feasible alternatives to

a proposed project, and discuss the appropriateness of those alternatives.[1] This review must include options with substantial environmental advantages over the existing proposal, that ensures feasibility on economic, environmental, social, and technological axes.[2] Without that discussion, the EIR could be overturned by a reviewing court.[3]

I19-1 con't

CEQA requires that an EIR evaluate the impact should no project move forward, referred to as a **No Project Alternative**, considered by the current draft as options 1A and 1B.[4] However, the Housing Element and draft EIR contemplate specific sites to be developed.[5] Therefore the city would either violate CEQA with an inadequate No Project Alternative, or its Housing Element by refusal to develop specific identified sites. CEQA requires a discussion of existing conditions, as well as those that are expected to occur, which necessarily includes rezoning and development, in compliance with Housing Element Programs 4, 8, and 19.[6]

Alternative 1A assumes that the City does not complete its statutory obligation to rezone sites and allow for sufficient zoned capacity as identified in the RHNA. The alternative proposes that such noncompliance would open the city up to Builder's Remedy projects, but does not discuss the likely environmental impact of such projects or factors such as their likely density or location. Thus the proposal's impact contains no genuine analysis.

I19-2

Alternative 1B assumes that Sausalito does rezone sites, but not the EIR's review does not examine conditions in Sausalito's certified Housing Element, but the proposed amendment.[7] That amendment has not been adopted by the city or certified by HCD. Should the City finalize this EIR but fail to amend its Housing Element, the EIR will refer to nothing. This eventuality could violate both Housing Element requirements and CEQA's standards for EIRs. Nowhere does the draft EIR consider conditions in the current Housing Element, which city staff drafted and California HCD certified. The City is required to analyze a range of alternatives, but nowhere contemplates the conditions under which it is already operating, by its own agreement and consent.

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[1] *Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274.
[2] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 197 Cal.App.3d 1167 (citing Pub. Res. Code §§ 21002, 21061.1; CEQA Guidelines Section 15364).
[3] *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413.
[4] CEQ Guidelines section 15126.6(e).
[5] See Draft EIR page 5.
[6] CEQA Guidelines § 15126.6(e)(2).
[7] See Draft EIR page 5.

The **Reduced Sites Alternative** would remove sites from the Housing Element, including ongoing project proposals. The stated reasoning is to remove sites with challenging geography, but those challenges were presumably considered when the Element was submitted to and certified by HCD. The current draft raises potential issues related to the area's slope and potential landslides, as well as high VMT levels which could create a hazard during emergencies. None of these factors were discussed in the existing Housing Element. That Element as drafted and certified was legally required to be a comprehensive review of factors that would limit development. Sausalito is not free to add or analyze new factors which were allegedly present at the time of its initial review. I19-3

The **Modified Sites Alternative** further rezones sites closer to freeways and community services, focussing on the northern section of Sausalito.[8] Doing so would effectively segregate all new housing in a specific area, flying in the face of the City's responsibility to Affirmatively Further Fair Housing. I19-4

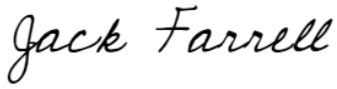
The **Historic Preservation Alternative** seeks to remove sites near the Downtown Historic District, but the EIR does not identify sites that are near historic properties. The current draft mentions that Site 201 contains a historic building, but the site itself is not historic. Further, the only building that *has* been identified as historic, the Marin Fruit Company, is no longer located at Site 201 at all. I19-5

The **Modified Project Alternative** aims to address AFFH concerns by reducing densities in north Sausalito, but proceeds with assumptions that diverge from those analyzed in the Housing Element itself. All three Scenarios present alternative schemes for zoning to accommodate the RHNA, none of which match those in the draft or amended Housing Elements. Though EIRs require flexibility and analyzing variable alternatives, those alternatives must fundamentally comply with the Housing Element to which the EIR corresponds. I19-6

Sausalito officials drafted this EIR in order to comply with CEQA requirements, but its inadequacies threaten both CEQA violations and the city's compliance with Housing Element laws. Should the City adopt this report as drafted, it could open itself to suit under CEQ requirements or the Builder's Remedy under Housing Element law. I19-7

Sincerely,

[8] See Draft EIR page 8.



Jack Farrell, Esq.

Letter 19	**Jack Farrell, Esq., YIMBY Law**
Response	January 27, 2025

I19-1 The commenter identifies YIMBY Law and indicates concerns regarding the EIR. The commenter states that the alternatives do not meet the standards set with the Housing Element and could render the element non-compliant. The comment describes the need for an EIR to address feasible alternatives and discuss the appropriateness of those alternatives.

I19-2 The commenter indicates that Alternative 1A assumes that the City does not rezoned sites to accommodate the RHNA and notes that the alternative would open the City up to Builder's Remedy projects but does not discuss the likely environmental impact of such projects or factors such as their likely density or location. In the event that the City's Housing Element certification was revoked by the State, there is the potential for Builder's Remedy projects. These could occur at various locations throughout the City, at various densities, and with various designs. Due to the myriad possibilities and permutations for such projects, it would be speculative to assume the details for any Builder's Remedy projects in association with Alternative 1A and infer related environmental impacts, as none have been proposed in the City and this information is not available to the City at this time. CEQA Guidelines Section 15145 identifies that if a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

The commenter indicates that Alternative 1b assumes that Sausalito does rezone sites, but that the EIR analysis does not examine the certified Housing Element but the proposed amendment. This is not a correct characterization of Alternative 1b. Alternative 1b compares the proposed Amended Housing Element project to the adopted Housing Element. Under Alternative 1b, the adopted Housing Element would be implemented, including rezoning of Opportunity Sites identified in the Amended Housing Element. The development capacity analyzed under Alternative 1b is shown in Table 4-2. This reflects buildout of the Housing Element sites, including the Opportunity Sites at the maximum densities established by the Housing Element Program 4. This buildout condition would yield approximately 1,147 units. This number differs from the "realistic capacity" discussed in the adopted Housing Element, as the EIR analyzes development at maximum permitted densities, while the Housing Element assumes that sites may not always develop at their full potential and so does not count 100% of maximum permitted development toward the RHNA.

I19-3 Regarding the Reduced Sites Alternative, the commenter identifies that it would remove sites from the Housing Element based on the reasoning to remove sites with challenging geography and opines that the City is not free to add or analyze new factors that were present at the time of the initial Housing Element review. The alternative does not determine that the sites that would be removed are infeasible, rather the alternative addresses modifications to the Amended Housing Element to reduce significant environmental impacts, consistent with the requirements of CEQA. The adopted Housing Element does address slope concerns and discusses transportation-related issues, including proximity to services and transit, as well as emergency evacuation concerns. The adopted Housing Element acknowledges these issues, discussing roadway constraints and geology and seismic issues in Chapter III of the Background Report. The City is not precluded from considering further adjustments to the proposed Amended Housing Element project to reduce environmental impacts of the Project. The comment does not address the adequacy of the analysis of the Reduced Sites Alternative in the EIR.

I19-4 The commenter states that the Modified Sites Alternative would segregate new housing in a specific area, an affirmatively furthering fair housing concern. The comment does not address the adequacy of the EIR and is noted for the consideration of the decision-makers.

I19-5 The commenter states that the Historic Preservation Alternative seeks to remove sites near the Downtown Historic District, but the EIR does not identify sites that are near historic properties. The commenter indicates that the current draft mentions Site 201 contains a historic building but the site itself is not historic and that building that has been identified as historic, the Marin Fruit Company, is no longer located at Site 201.

The building that is known as the Marin Fruit Co. is still located on the site. While the Marin Fruit Co. retail use of the building is no longer in operation, the building has not been removed or demolished. The Holan Historic Analysis identifies that the building has been altered very little up to the present day.[S]

The Draft EIR identifies Site 201 (605 Bridgeway, Marin Fruit Co.) as a historic building within the City of Sausalito and identifies the California Register Status as 2D2 (Table 3.4-2, Draft EIR p. 3.4-16 through 3.4-21). See revisions to Impact 3.4-1 in Chapter 2 of this Final EIR that address the status of this site.

[S] Jerri Holan & Associates, AIA, 2024. Historic Design Analysis of Waterstreet Condominiums 605-613 Bridgeway Boulevard Sausalito, CA. P. 3.

Impact 3.4-1 of the Draft EIR describes the potential for the Project to result in impacts to historic resources, including the Downtown Historic District and the Marin Fruit Co. designated historic resource (Draft EIR pages 3.4-36 through 3.4-40). See Chapter 2 for revisions to Impact 3.4-1that provide additional information regarding the status of historic resources and potential impacts to historic resources.

I19-6 The commenter indicates that the Modified Project Alternative aims to address affirmatively furthering fair housing (AFFH) concerns by reducing densities in northern Sausalito but proceeds with assumptions that diverge from the Housing Element, with none of the scenarios presenting alternative schemes for zoning matching those in the draft or amended Housing Elements. The Modified Project Alternative was prepared to reduce potential environmental impacts and was prepared to be consistent with the methodology for identifying Opportunity Sites which is described in the adopted Housing Element. The Modified Project Alternative is described in the Project Alternative: Modified Draft Amendment to the City of Sausalito 6th Cycle Housing Element document dated January 28, 2025 which addresses the site selection criteria included in the adopted Housing Element. See response to Comment I18-9.

I19-7 The commenter opines regarding inadequacies of the EIR. See responses to Comments I19-1 through I19-6 which address the purported inadequacies. The commenter is referred to the decision makers for consideration.

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October 21, 2024

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RE: Comments for the Draft Environmental Impact Report for City of Sausalito Amended 6th Cycle Housing Element

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

I write on behalf of Save Our Sausalito ("SOS"), an organization comprised of numerous active residents of the City of Sausalito. SOS hereby submits its comments for the Draft Environmental Impact Report for City of Sausalito Amended 6th Cycle Housing Element.

In our scoping comments filed with the City on August 29, 2024 (incorporated herein by reference), SOS requested that the City of Sausalito ("City") include an additional alternative in the Draft EIR which would eliminate all Housing Opportunity Sites proposed in the Downtown Historic District ("Historic District Preservation Alternative"). This alternative would eliminate the significant impacts discussed in our May 8, 2024 letter, while still achieving the project objective of providing sufficient housing to meet the City's Regional Housing Needs Allocation ("RHNA") goals.[1] Removing Housing

I20-1

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

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

The DEIR includes Historic Preservation Alternative 4. But it goes far beyond what SOS requested. Not only does it remove Site 201 (605-613 Bridgeway) and Site 212 (721-729 Bridgeway), which are in the historic district, it also removes Site 23 (10 Reade Land), Site 24 (10 Excelsior Lane), and Site 202 (125 Bulkley). The combined effect is that Alternative 4 produces 106 fewer units of housing than the proposed Project, and for this reason, the DEIR rejects it. But by making Alternative 4 much broader than requested by SOS, the DEIR has created a "straw man" only to knock it down. We request that the City prepare a revised EIR to analyzed a Revised Alternative 4, which would protect only the 2 sites in the historic district, Sites 201 and 212. This would reduce housing potential by only 18 units and would clearly meet Project objectives and RHNA goals. (DEIR 4-20). I20-1 con't

I. PROJECT DESCRIPTION

The City proposes to update its housing element to allow the development of housing required by the Regional Housing Needs Allocation ("RHNA"). The proposed Project constitutes multiple actions related to 6th Cycle Housing Element, including those necessary to implement Program 4 of the 6th Cycle Housing Element, entitled "Ensure Sites Inventory of Sites Accommodates RHNA throughout 6th Cycle Planning Period," as well as Program 8, Program 16, and Program 19. These actions are collectively referred to as the Housing Element Programs or "the Project." I20-2

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

II. SUMMARY

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

1. Opportunity Site 201, 605-613 Bridgeway (APN 065-132-16), and
2. Opportunity Site 212, 721-729 Bridgeway (APN 065-071-21). I20-3

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

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

The prior DEIR admitted that development in this area could cause a "significant and unavoidable" impact to the historic resource, even after mitigation. (DEIR 3.4-35). The revised DEIR admits that impacts to historic resources are "potentially significant," but concludes that compliance with the Secretary of Interior Standards ("SOI Standards") will mitigate this impact to less than significant. (DEIR ES-31). The DEIR does admit that the Project will have significant unmitigated aesthetic impacts on scenic vistas. (DEIR 3.1-19), and aesthetic impacts on historic buildings. (DEIR 3.1-22). As discussed below, the SOI Standards will be ineffective since recent housing laws make these subjective standards unenforceable.[2] Therefore the DEIR should be revised to acknowledge that this impact is significant an unavoidable. Alternative 4 would substantially reduce this significant impact. I20-3 con't

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

The mitigation measures proposed in the DEIR will be insufficient to protect the Historic District. The prior DEIR relies largely on the adoption of Objective Design and Development Standards ("ODDS"), and the Secretary of the Interior's Standards for the Treatment of Historic Properties to protect the character of the Downtown Historic District. However, recent housing laws, such as the Density Bonus Law, allow developers to demand waivers of objective standards such as height limits, set-backs and floor-area ratio. Other laws, such as SB 35 and SB 330 attempt to preclude the City from implementing "subjective" standards. The new housing laws may render the proposed mitigation measures ineffective. Indeed, the City currently has pending before it a proposal under SB 35 to construct a 59-unit, 109-foot tall behemoth it the heart of the Downtown Historic District at 605-613 Bridgeway. (Exhibit A). The proposed project vastly exceeds the objective height standard of 32-feet, and the city's own historic resources I20-4

[2] Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. (14 CCR § 15126.4(a)(2). See *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement); *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal. App.4th 173, 195-96.)

impact report for this project finds that it would destroy the character and integrity of the Historic District. Clearly, the only feasible means to protect the unique character of the Downtown Historic District is to remove both Housing Opportunity Sites from the Historic District.

I20-4 con't

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

I20-5

III. LEGAL STANDARD

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

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

I20-6

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

substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 732 (Cal. App. 5th Dist. 1990)).

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

I20-6 con't

IV. DISCUSSION

A. The EIR Must include an Adequate Environmental Setting Discussion.

The DEIR's baseline discussion is inadequate because it fails to note the presence of most of the ten special status species identified by Dr. Smallwood on Site 201.

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

I20-7

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

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

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

I20-8

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

- Allen's Hummingbird (Bird of Conservation Concern)
- Western Gull (Bird of Conservation Concern)
- Common Loon (California Species of Special Concern)
- Double-crested Cormorant (Taxa to Watch List)
- California Brown Pelican (California Fully Protected (Fish & Game Code §3511))
- Turkey Vulture (Bird of Prey (Fish & Game Code §3503.5))
- Red-Shouldered Hawk (Bird of Prey (Fish & Game Code §3503.5))
- Red-Tailed Hawk (Bird of Prey (Fish & Game Code §3503.5))
- Great Horned Owl (Bird of Prey (Fish & Game Code §3503.5))
- Oak Titmouse (Bird of Conservation Concern)

I20-8 con't

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

Of these species, the DEIR only mentions the California Brown Pelican, and Double-Crested Cormorant. (DEIR 3.3-12). The EIR must include an analysis of the Project's impacts on the special status species positively identified by Dr. Smallwood on Site 201.

B. The EIR Must Analyze Environmental Impacts to Historic and Biological Resources.

The prior DEIR was inadequate because it failed to analyze the Housing Element Update's impacts to historic resources and biological resources. I20-9

One of the key functions of the EIR is to analyze a proposed Project's environmental impacts. The court must determine, "whether an EIR's discussion of environmental impacts is adequate, that is, whether the discussion sufficiently performs

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

I20-9 con't

1. The EIR Must Analyze the Project's Impacts on Historic Resources.

The revised DEIR admits that impacts to historic resources are "potentially significant," but concludes that compliance with the Secretary of Interior Standards ("SOI Standards") will mitigate this impact to less than significant. (DEIR ES-31). The DEIR does admit that the Project will have significant unmitigated aesthetic impacts on scenic vistas, (DEIR 3.1-19), and aesthetic impacts on historic buildings. (DEIR 3.1-22).

I20-10

The DEIR fails to mention that a private developer has already proposed a massive project that will largely destroy the historic buildings at 605 Bridgeway. The DEIR must analyze the Project in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines § 15355(b); *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 117.) Since a proposal has been submitted for a project at 605 Bridgeway, it is "reasonably foreseeable," and must be analyzed in the DEIR. Expert evidence demonstrates that the proposed project will destroy the historic character of the buildings, and possibly the entire historic district.

I20-11

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

> The project does not meet this Standard. Perhaps the most relevant Standard to this project, Standard 9 encourages new construction to avoid destruction of original historic structures and spatial relationships to ensure the integrity of the existing environment.
>
> The average height of buildings in the Historic District is two to three stories. This southern portion of the District generally has smaller storefronts and a mix of one and two-story buildings. By adding six stories directly over the original single-story structure, the new addition will destroy the spatial relationships and integrity that characterizes the property as well as its surrounding commercial Historic District. Because the building does not maintain Sausalito's commercial facade character, it is not compatible to the District. The bulk and mass of the new building are out of scale with the existing waterfront streetscape and, as a result, it overwhelms, dwarfs, and damages this area of Sausalito. I20-11 con't
>
> While the new work is differentiated from the old and the use of stucco and steel windows is appropriate, the large expanses of glass are incompatible with the historic building and the District. New windows are out of proportion to historic windows and are out of scale with other traditional openings in the District.

(Id. at 8). Holan concludes, "After reviewing the project, it has numerous negative impacts on the historic resources, both the building and its surrounding District. Consequently, it is not in conformance to The Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Rehabilitating Historic Buildings." (Id. at 11). (See also, comments of architectural historian Connor Turnbull, attached as Exhibit D).

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

- Policy LU-1.18: Historic Properties. Promote the preservation and continued use of structures that are listed on the National Register of Historic Places.
- Program LU-1.18.1: Involuntary Demolition. Continue to implement the Zoning Ordinance standards as they apply to properties on the National Register of Historic Places, California Register of Historical Resources, and Sausalito Historic Landmarks that are involuntarily demolished.
- Policy LU-2.9: Downtown Historic Character. Protect the historic character of the downtown area. I20-12
- Policy CD-1.2: Construction Near Historic District or Landmarks. Enhance the historic quality of established districts and landmark structures by encouraging any new development in the general vicinity to demonstrate compatibility with them.
- Policy CD-6.1: Historic Character. Continue the City's effort to retain and enhance its historical legacy in the review of proposed projects in historic districts and of

individual structures and sites with historic significance as shown on Figure 4-1 [of the General Plan].

- Program CD-6.1.1: Historic Preservation Commission Review. Maintain the city's policy to require review for a Certificate of Appropriateness by the HPC for any restoration, rehabilitation, alteration, development or demolition of projects involving historically significant structures and sites.
- Program CD-6.2.6: Period Structures. Facilitate the preservation of any period structure regardless if it is on the list of noteworthy structures by preparing advisory historic preservation guidelines for owners, architects, and contractors.
- Chapter 10.46 of the Sausalito Municipal Code (Historic Preservation): Deter the demolition, alteration, misuse or neglect of historic or architecturally significant structures and sites; Encourage preservation and adaptive reuse of properties on the local/State/National Historic Register and/or within a historic overlay district by allowing changes to accommodate new functions and uses.

I20-12 con't

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

A revised EIR should fully analyze the Project's impacts to historic resources, including the historic buildings at 605-613 Bridgeway. Moreover, as discussed in more detail below, the EIR should include an alternative that removes Sites 201 and 212 from the list of Opportunity sites, because such an alternative would avoid the significant impacts that the proposed project would have on the Sausalito historic district.

I20-13

2. The EIR Must Analyze the Project's Impacts on Biological Resources.

Since the prior DEIR failed to identify eight of the ten special status species identified by Dr. Smallwood, it failed entirely to analyze the Project's impacts on those species. The DEIR's conclusion that the Project will not have adverse impacts to special status species, is not supported by substantial evidence since the DEIR failed to analyze at least 8 special status species identified in the Project area. A revised EIR should analyze the Project's impact on these species and propose feasible mitigation measures and alternatives to avoid those impacts.

I20-14

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

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

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

> Making direct use of the trees on the project site were special-status species including oak titmouse, great horned owl, Allen's hummingbird and red-shouldered hawk. Making direct use of the existing buildings atop which the proposed building would cover were western gulls. The project site is habitat of these species.
>
> True to its name, oak titmouse is a denizen of oak woodlands. Cornell University Lab of Ornithology's All About Birds website (https://www.allaboutbirds.org/guide/Oak _Titmouse/lifehistory) reports, "Oak Titmice live mostly in warm, open, dry oak or oak-pine woodlands." This is where I found multiple interactive members of oak titmouse on the project site. I20-15
>
> According to All About Birds, "Great Horned Owls usually gravitate toward secondary-growth woodlands, swamps, orchards, and agricultural areas, but they are found in a wide variety of deciduous, coniferous or mixed forests … [and are] fairly common in wooded parks, suburban area, and even cities. The great horned owl I encountered at the project site was initially calling from residential buildings north-northwest of the site, but later I saw it fly from those buildings directly into the coast live oaks on the project site.
>
> According to All About Birds, "Allen's Hummingbirds breed in a narrow strip of coastal forest, scrub, and chaparral from sea level to around 1,000 feet elevation along the West Coast." It must just so happen that the project site is located within this strip. It was among the coast live oaks and California buckeyes when it circled about me, issuing its "zeeeee" call. I was not surprised to find this species there.
>
> According to All About Birds, "Red-shouldered Hawks [live] in some suburban areas where houses or other buildings are mixed into woodlands. In the West, they live in riparian and oak woodlands…" This habitat description is entirely consistent with the project site, so I am not surprised to have detected a red-shouldered hawk there.

(Exhibit B, p. 15).

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

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

I20-15 con't

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

C. The DEIR Relied on Unenforceable Mitigation Measures.

The EIR must consider enforceable and effective mitigation measures and Project alternatives to reduce or eliminate the Project's significant impacts. The DEIR relies on ineffective mitigation measures to protect historic resources. In particular, the DEIR proposes to protect historic resources by reliance of the Secretary of Interior Standards, and the adoption of Objective Design and Development Standards ("ODDS"). (See, Mitigation Measure 3.4-1 (DEIR ES-31).) However, these measures may be largely unenforceable due to new housing laws such as SB 35, SB 330 and the Density Bonus Law, which may require the City to waive objective standards and may preclude the City from imposing subjective standards.

I20-16

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

Due to the recently adopted housing laws, Mitigation Measure 3.4-1 may not adequately protect historic resources. As such the measures are inadequate under CEQA. The DEIR must therefore acknowledge that the Project's impacts to historic resources are significant and unmitigated.

D. The EIR Inadequately Analyzes Feasible Alternatives to Avoid Significant Impacts to Historical and Resources.

I20-17

In SOS's scoping comment, we asked the City to consider an alternative that would remove housing opportunity sites from the historic district. The DEIR includes Historic Preservation Alternative 4. But it goes far beyond what SOS requested. Not only

does it remove Site 201 (605-613 Bridgeway) and Site 212 (721-729 Bridgeway), which are in the historic district, it also removes Site 23 (10 Reade Land), Site 24 (10 Excelsior Lane), and Site 202 (125 Bulkley). The combined effect is that Alternative 4 produces 106 fewer units of housing than the proposed Project, and for this reason, the DEIR rejects it. But by making Alternative 4 much broader than requested by SOS, the DEIR has created a "straw man" only to knock it down. We request that the City prepare a revised EIR to analyzed a Revised Alternative 4, which would protect only the 2 sites in the historic district, Sites 201 and 212. This would reduce housing potential by only 18 units and would clearly meet Project objectives and RHNA goals. (DEIR 4-20). I20-17 con't

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

One of CEQA's fundamental requirements is that the DEIR must identify the "environmentally superior alternative," and require implementation of that alternative unless it is infeasible. (14 Cal. Code Regs. §1526.6(e)(2); Kostka & Zischke, Practice Under the California Environmental Quality Act §15.37 (Cont. Educ. Of the Bar, 2008).) Typically, a DEIR identifies the environmentally superior alternative, which is analyzed in detail, while other project alternatives receive more cursory review. I20-18

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

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

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

The DEIR includes Alternative 4, Historic Preservation, which avoids development in the Historic District and adjacent to the Historic District. The Historic District Preservation Alternative would obviously avoid significant unavoidable impacts to the

Historic District by locating Housing Opportunity Sites outside of the Historic District. It would also avoid or eliminate documented impacts to biological resources on Site 201. The Historic District Preservation Alternative would certainly be feasible and would achieve Project Objectives. The City would still be able to meet its RHNA targets with a substantial buffer.

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

The DEIR rejects Alternative 4 without adequate analysis. The DEIR rejects Alternative 4 largely because it will produce 106 fewer units of housing. (DEIR 4-20). However, even taken at face value, the City would still meet its RHNA goals under Alternative 4.

I20-18 con't

More importantly, almost all of the 106 units are due to the inclusion of one parcel in Alternative 4, 125 Bulkley Avenue, which is NOT in the historic district, and is currently the site of a parking lot. This single parcel is responsible of 84 units of housing. (DEIR 4-20). SOS never asked for 125 Bulkley to be included in the Historic Preservation Alternative. If this single parcel were excluded from Alternative 4, the Alternative would only reduce the Project's housing potential by 22 units, and the City would have ample margin to meet its RHNA goals. If only the two parcels in the historic district were protected, the Revised Alternative 4 would reduce housing potential by only 18 units. A revised EIR should be prepared to analyze a Historic Preservation Alternative that retains 125 Bulkley and site outside of the historic district as a housing opportunity sites. ("Revised Alternative 4").

The DEIR admits that Alternative 4 reduces the Project's impacts to Light and Glare, Air Quality, Cultural Resources, Energy, Geology, Greenhouse Gases, Hydrology, Land Use, Noise, Population, Public Services, Utilities and Wildfire. (DEIR 4-24). The DEIR does not even analyze the fact that Alternative 4 would reduce Project impacts to 8 specials status species found on Site 201. The Alternative is rejected solely because it produces 106 fewer units that the proposed Project. With the removal of 125 Bulkley Ave. from Alternative 4, the Alternative would only reduce housing potential by 22 units, allowing the City to comfortably meet is RHNA goals. Since Revised Alternative 4 would achieve all Project objectives, while dramatically reducing Project impacts, the City must analyze and adopt Revised Alternative 4.

E. The EIR Must Analyze the Impact of Eliminating the Ordinance 1022 and Ordinance 1128.

I20-19

The Project includes Program 4, which proposes the elimination through voter initiative, or Ordinance 1022 and 1128. These Ordinances protected the City's Historic District by imposing limitations on density and height. Eliminating these protections will necessarily have an adverse impact on the City and the Historic District. For example, increased density and height will jeopardize the aesthetic qualities of the Downtown Historic District. CEQA requires analysis of aesthetic impacts to an historic district. (*Georgetown Pres. Soc'y v. Cnty. of El Dorado* (2018) 30 Cal. App. 5th 358.) The EIR must analyze these impacts and propose feasible mitigation measures and alternatives. Primary among these should be to maintain the 35-foot height limits in the Downtown Historic District and to preclude any housing opportunity sites in the Historic District.

I20-19 con't

F. The EIR Must Analyze the Impact of Eliminating Subjective Standards.

The Project includes the adoption of Program 19, entitled "Development Review Procedures" to adopt comprehensive Objective Design and Development Standards (ODDS). The EIR must analyze the adverse impacts of abandoning many critically important subjective standards. For many decades, the City has relied on subjective standards to safeguard the Historic Qualities of the Downtown Historic District. For example, the City relies on the United States Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings (2017). Most of the Secretary of Interior Standards may be considered "subjective" such as:

I20-20

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

I20-20 con't

If the City abandons these well-established Standards as "subjective," it will necessarily have adverse impacts on the City's unique historic resources. The EIR must analyze the likely impacts of this action. The EIR must also analyze all feasible mitigation measures and alternatives to reduce this impact, such as alternative standards that would be deemed "objective."

G. The EIR Must Analyze the Impact of Eliminating the View Ordinance.

The City is considering elimination of the long-standing View Ordinance since some contend that it is a subjective standard. SOS believes that the View Ordinance can be revised and adopted as an objective standard. However, if the City considers abandoning the View Ordinance entirely, this will necessarily have drastic aesthetic impacts on the entire City. These impacts must be analyzed in the EIR.

The courts have long held that aesthetic impacts on public views must be analyzed under CEQA. (See, *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 401-02, 403.) In *Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1337, an EIR was required as two- and three-story senior housing facility might cause significant "changes to the physical and aesthetic conditions and character of the surrounding neighborhood due to the facility's density and height."

I20-21

Elimination or substantial revision to the City's View Ordinance could have drastic aesthetic impacts to views throughout the City. These impacts must be analyzed in the EIR. The EIR must consider feasible mitigation measures to reduce these impacts, and all feasible alternatives – such as the adoption of an objective View Ordinance.

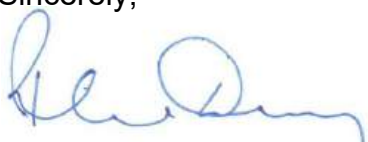
The City should also consider alternatives that place housing opportunity sites in locations that have the least impact on views. The EIR should consider the view impacts of each housing opportunity project, and consider alternatives that minimize such

impacts. Alternatives that minimize view impacts are allowed under California law since the City view ordinance existed in 2018. As such, considering view impacts would be no more stringent that then laws in effect in 2018. (Gov. Code section 66300). So long as the City meets its RHNA goals, the City may consider alternative that minimize view impacts. I20-21 con"t

V. CONCLUSION

SOS understands that the City is under a legal mandate to reach it RHNA goals. However, this should not be done and it does not need to be done at the expense of Sausalito's unique and irreplaceable Downtown Historic District. SOS urges the City to analyze in the EIR and implement a Historic District Preservation Alternative, which would place all Housing Opportunity Sites outside the Downtown Historic District. The Historic District Preservation Alternative is a feasible and effective way to protect the Downtown Historic District, while still achieving the Project objective of meeting the City's RHNA goals. I20-22

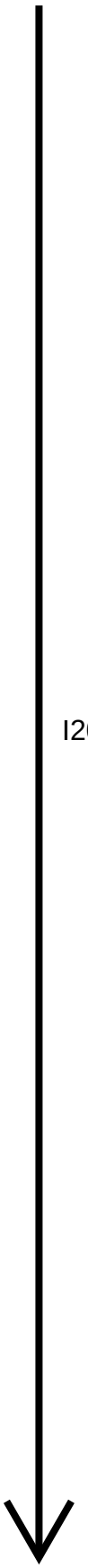
Sincerely,



Richard Toshiyuki Drury
LOZEAU DRURY LLP

EXHIBIT A

I20-23



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

PURPOSE

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

Submittal Date Stamp*:

RECEIVED

FEB 20 2024

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT

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

GENERAL INFORMATION

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

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

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

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

~~Note: CEQA standards apply.~~

SB 35 Application

APPLICANT INFORMATION

1. **PROPERTY OWNER –**

Name: Willys LLC Linda Fotsch, Managing Member

Mailing Address (Street, City, State, Zip Code): 611 Bridgeway Sausalito CA 94965

Phone: (415) 215-7052 Email Address: linda fotsch @ AOL.co

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

PROPERTY OWNER CONSENT – *Notarization is required. Use attached acknowledgement.*

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

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

Signature Date

Signature Date

Signature Date

Signature Date

If the Property is owned by a Trust, LLC, Corporation, Partnership, or Other Entity indicate: I20-23 con't
☐ Trustee(s)
☐ Partners (◯ Limited or ◯ General ◯ Corporation ◉ Other)
Name of trust, LLC, corporation, or other entity: Willys LLC

2. **APPLICANT NAME AND CONTACT INFORMATION –**

Name: Willys LLC Linda Fotsch managing Member

Mailing Address (Street, City, State, Zip Code): 611 Bridgeway Sausalito CA 94965

Phone: (415) 215-7052 Email Address: linda fotsch @ AOL.com

SITE INFORMATION

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

Street Address (including unit numbers): 605-613 Bridgeway

Assessor Parcel Number(s) 065-132-16

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

"See attached"

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

Attached? YES ■ NO ☐

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

Attached? YES ■ NO ☐

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

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

Other notes on units:

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

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

Attached

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

Residential Proposed Automobile Parking Spaces	Nonresidential Proposed Automobile Parking Spaces	Total Proposed Automobile Parking Spaces
	attached	

Other parking:

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

Bicycle Parking
EV charging Stations

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

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YES ■ NO ☐

If "YES," please describe:

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

YES ■ NO ☐

If "YES," please describe:

See attached

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

YES ☐ NO ■

If "YES," please describe:

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

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

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

a. Whether a portion of the property is located within any of the following:

i. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178? YES ☐ NO ☒

ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)? YES ☐ NO ☒

iii. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code? YES ☐ NO ☒

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iv. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency? YES ☐ NO ☒

v. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2? YES ☐ NO ☒

vi. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code? YES ☐ NO ☒

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

b. Does the project site contain historic and/or cultural resources?

YES ☐ NO ☐

If "YES," describe:

Project is located in the Sausalito Historic Overlay District

c. Does the project site contain any species of special concern, such as special status flora or fauna, protected trees, or wildlife?

YES ☐ NO ■

If "YES," describe:

d. Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?

Attached

YES ☐ NO ☐

IF "YES," PROVIDE A SITE PLAN SHOWING THE LOCATION OF ANY SUCH EASEMENTS. Check here to indicate that you have read this statement and, if applicable, have attached the required materials → ☐

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COMMENTS: Is there anything else about the proposed project that you would like to explain? Please also feel free to use this space to elaborate on any of your responses that you believe requires clarification or further explanation. Please attach additional sheets if necessary. You are not required to provide any information here.

This is an SB35 Application.

APPLICANT'S SIGNATURE AND ACKNOWLEDGEMENT

By signing this application, I indicate that the information I have provided is true and correct to the best of my knowledge and belief.

Linda Fadel

Signature

2/20/2024

Date

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

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

STATE OF CALIFORNIA)

)

COUNTY OF MARIN)

I20-23 con't

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

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

WITNESS my hand and official seal.

ALFRED BAKER
COMM. #2430749
Notary Public - California
Marin County
My Comm. Expires Dec. 13, 2026

Name: ALFRED BAKER

Notary Public

WATERSTREET

605-613 BRIDGEWAY, SAUSALITO, CA 94965

PRINCESS STREET LOOKING EAST

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FRANCIS GOUGH
ARCHITECT INC
415.613.5823
francisgough@mac.com

Project Applicant
WILLY'S L L C
611 Bridgeway, Sausalito, CA

WATERSTREET

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

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

REVISIONS:

PRINCESS ST.
STREETSCAPE

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SB 35 APPLICATION

BRIDGEWAY LOOKING SOUTH

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FRANCIS GOUGH
ARCHITECT INC
415.613.5823
francisgough@mac.com

Project Applicant
WILLY'S L L C
611 Bridgeway, Sausalito, CA

WATERSTREET

605 - 613 Bridgeway
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REVISIONS:

BRIDGEWAY
STREETSCAPE

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Sheet Number
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SB 35 APPLICATION

UNIT MIX AND BUILDING SQUARE FOOTAGE

Unit Matrix and Building Square Footage

Building Level	Floor Elevation	No. Units	Gross Unit Area	Deck Area	Parking Area	Retail Area
Roof	109	0	0	0		
8	97	4	11,810	3,868		
7	85	6	11,810	3,868		
6	73	6	11,810	3,868		
5	61	7	13,334	3,661		
4	50	8	14,153	3,681		
3	39	10	14,496	3,927		
2	28	15	15,348	2,618		
1	17	3	6,671	1,869	8,400	472
G	0	0	0	0	13,480	4,456
Totals		**59**	**99,432**	**27,360**	**21,880**	**4,928**

Building Level	Unit Number	No. Bedrooms	Gross Unit Area	Deck Area	Common Area Circulation	Mechanical
Level 8	56	3	2,060	835	1605	
	57	3	2,060	835		
	58	5	5,420	1312		
	59	3	2,270	886		
Subtotal			11,810	3,868	1605	
Level 7	50	3	2,060	835	1605	
	51	3	2,060	835		
	52	3	2,670	389		
	53	2	1,375	450		
	54	2	1,375	472		
	55	3	2,270	887		
Subtotal			11,810	3,868	1605	
Level 6	44	3	2,060	835	1776	
	45	3	2,060	835		
	46	3	2,670	389		
	47	2	1,375	450		
	48	2	1,375	472		
	49	3	2,270	887		
Subtotal			11,810	3,868	1776	
Level 5	37	3	2,265	835	1592	
	38	3	2,265	835		
	39	3	1,589	400		
	40	2	1,375	450		
	41	2	1,375	472		
	42	3	1,530	137		
	43	3	2,935	532		
Subtotal			13,334	3,661	1,592	

PROJECT ZONING

WATERSTREET PROJECT DATA- SB 35 Submittal

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

PROJECT TEAM

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

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

Architect
Francis Gough
27 Mountain View Ave, Mill Valley, CA

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

Rendering Artist
Eva Pu
Magilight Studio.com

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

Geotechnical Engineer
Murray Engineers
409 4th St, San Rafael, CA

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

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

PROJECT DESCRIPTION

WATERSTREET- PROJECT NARRATIVE
SB35 Application

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

OVERVIEW:
Waterstreet will be a multi-use, Urban infill residential development located at 605-613 Bridgeway, across from the waterfront in Downtown Sausalito. The property is designated Opportunity Site #201 listed in the Sausalito Housing Element. The site is approximately ½ acre on a previously developed, underutilized lot, located within the City limits, surrounded on all sides by Urban uses; including commercial and residential development.

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

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

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

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

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

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

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

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

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

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SHEET INDEX

SHEET INDEX

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

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

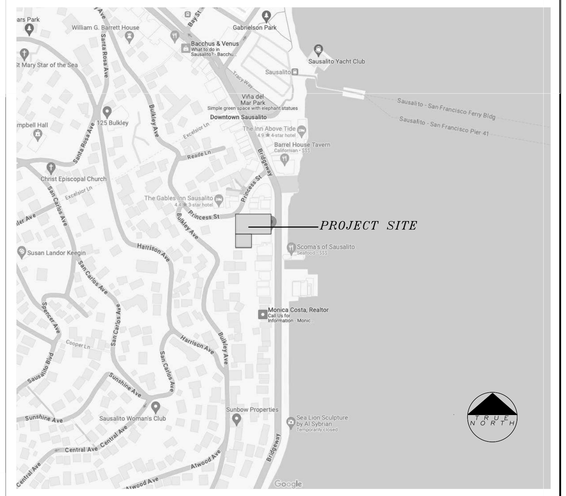
A200 Existing Site Plan and Tree Removal Plan
A202- Ground Floor Plan
A203- Level One Plan
A204-Level Two Plan
A205-Level Three Plan
A206-Level Four Plan
A207-Level Five Plan
A208-Level Six Plan
A209-Level Seven Plan
A210-Level Eight Plan
A211-Roof Plan

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

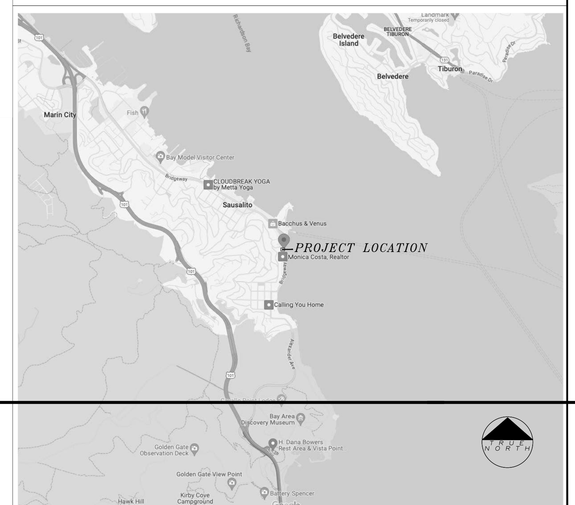
A400- Building Section A-A
A401- Building Section B-B
A402-Building Section C-C

A500- Typical Unit Plans
A501-Typical Unit Plans

VICINITY MAP



AREA MAP



FRANCIS GOUGH
ARCHITECT INC
415.613.5823
francisgough@mac.com

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

WATERSTREET

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

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

REVISIONS:

PROJECT DATA

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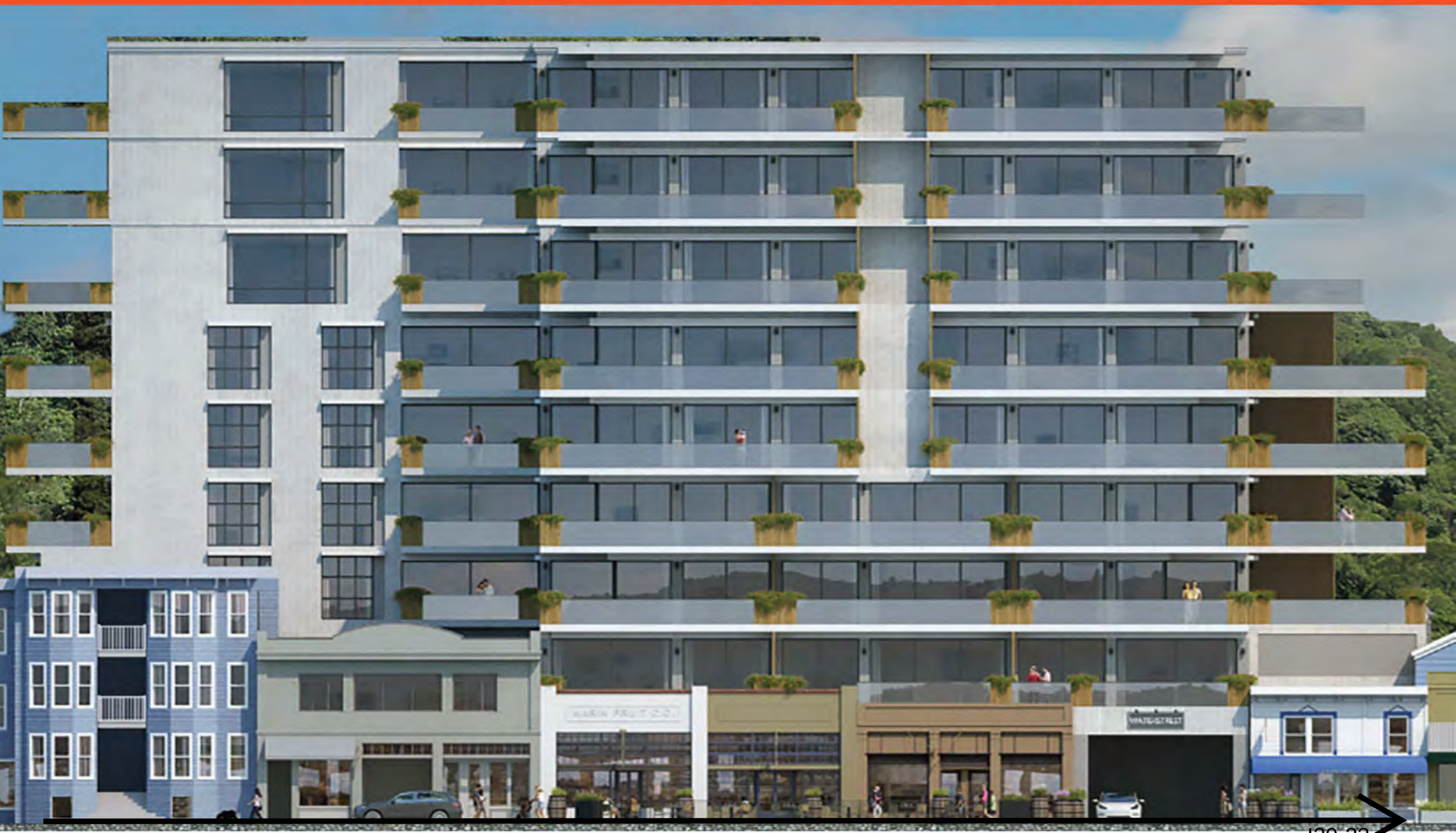
Sheet Number
A 102
SB 35 APPLICATION

Not Right for The Historic District

9 Stories - 109 Feet Tall!



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

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EXHIBIT B

I20-24

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

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

21 April 2024

RE: 605-613 Bridgeway

Dear Mr. Drury,

I write to report to you my findings of wildlife reconnaissance surveys I completed at 605-613 Bridgeway, Sausalito, California (APN: 065-132-16), where I understand a 9-story, 109.5-foot-tall building is proposed to include 59 residential units and 119,647 square feet of floor space with lots of glass on its façades, all on 0.53 acres. I surveyed the site to determine whether it provides habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code). I20-24 con't

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

HABITAT

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

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

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

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SITE VISIT

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

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

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

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

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

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

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

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

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

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

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

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

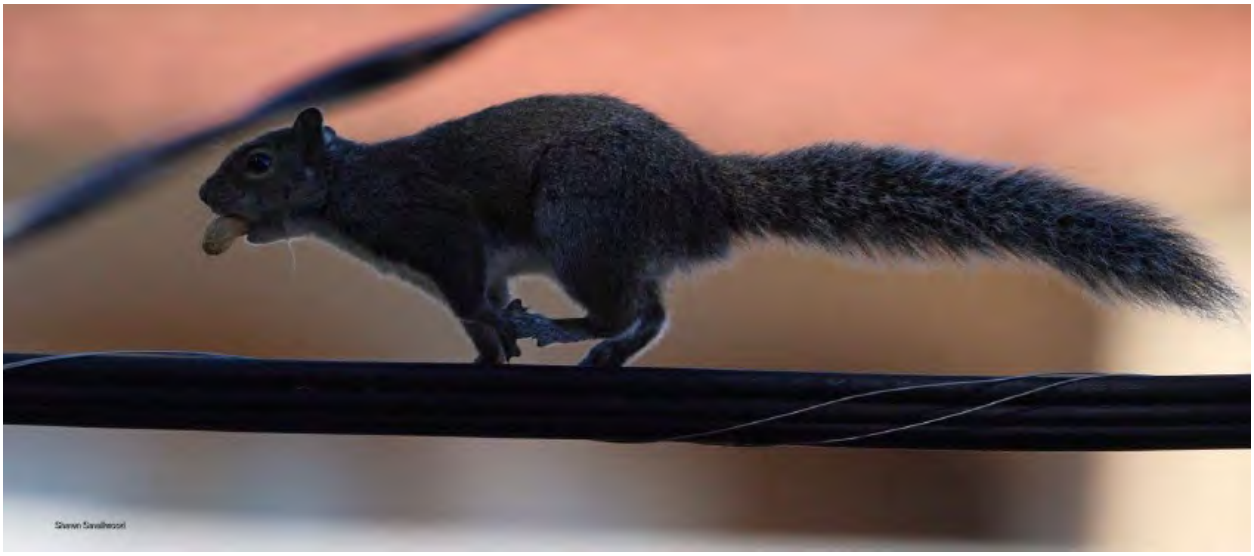

Photo 12. *Eastern gray squirrel on the project site, 3 April 2024.*

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

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

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

Common name	***Species name***	**Status[1]**	**Notes**
Great egret	*Ardea alba*		Flew nearby
Snowy egret	*Egretta thula*		Flew nearby
Turkey vulture	*Cathartes aura*	BOP	Overflights
Red-shouldered hawk	*Buteo lineatus*	BOP	Calling
Red-tailed hawk	*Buteo jamaicensis*	BOP	Overflight
Great horned owl	*Bubo virginianus*	BOP	Flew onto site
Tropical kingbird	*Tyrannus melancholicus*		Calling from on site
Black phoebe	*Sayornis nigricans*		Breeding territory
California scrub-jay	*Aphelocoma californica*		Nest-building
American crow	*Corvus brachyrhynchos*		Likely nesting
Common raven	*Corvus corax*		Likely nesting
Chestnut-backed chickadee	*Poecile rufescens*		Nesting
Oak titmouse	*Baeolophus inornatus*	BCC	Likely nesting
Bewick's wren	*Thryomanes bewickii*		Territory defense
House wren	*Troglodytes aedon*		Territory defense
Northern mockingbird	*Mimus polyglottos*		Just off site
European starling	*Sturnus vulgaris*	Non-native	Just off site
Western bluebird	*Sialia mexicana*		Just off site
Hermit thrush	*Catharus guttatus*		
American robin	*Turdus migratorius*		
House sparrow	*Passer domesticus*	Non-native	
House finch	*Haemorphous mexicanus*		
Lesser goldfinch	*Spinus psaltria*		
Chipping sparrow	*Spizella passerina*		
Dark-eyed junco	*Junco hyemalis*		
Golden-crowned sparrow	*Zonotrichia atricapilla*		Small flock
Song sparrow	*Melospiza melodia*		
California towhee	*Melozone crissalis*		
Spotted towhee	*Pipilo maculatus*		On buckeye
Red-winged blackbird	*Agelaius phoeniceus*		Calling
Yellow-rumped warbler	*Setophaga coronata*		
Black-throated gray warbler	*Setophaga nigrescens*		Calling from on site
Townsend's warbler	*Setophaga townsendi*		
Bats			Early morning foraging around roost tree; multiple
Eastern gray squirrel	*Sciurus carolinensis*	Non-native	

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

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

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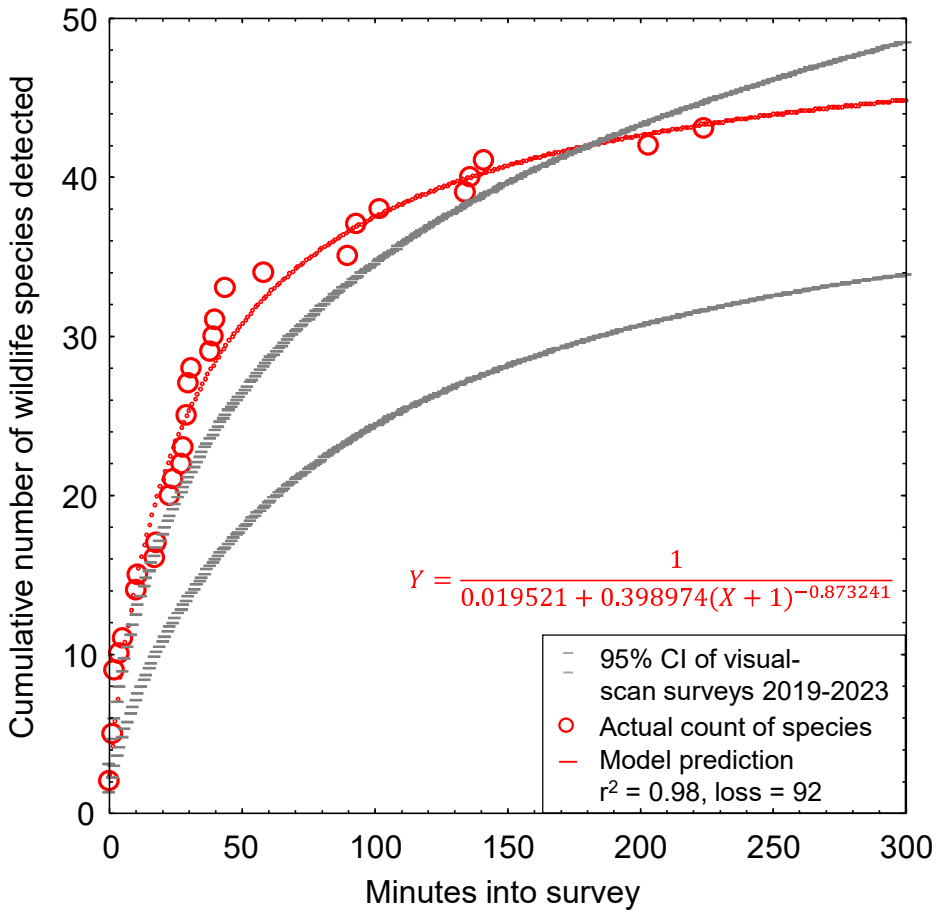
However, I must point out that the species of wildlife I detected at the project site comprised only a sampling of the species that were present during my surveys. I fit a nonlinear regression model to the cumulative number of vertebrate species detected with time into my 3 April 2024 survey to predict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

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have my two surveys one night apart. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. As part of my research, I completed a much larger survey effort across 167 km^2 of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan

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

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



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

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

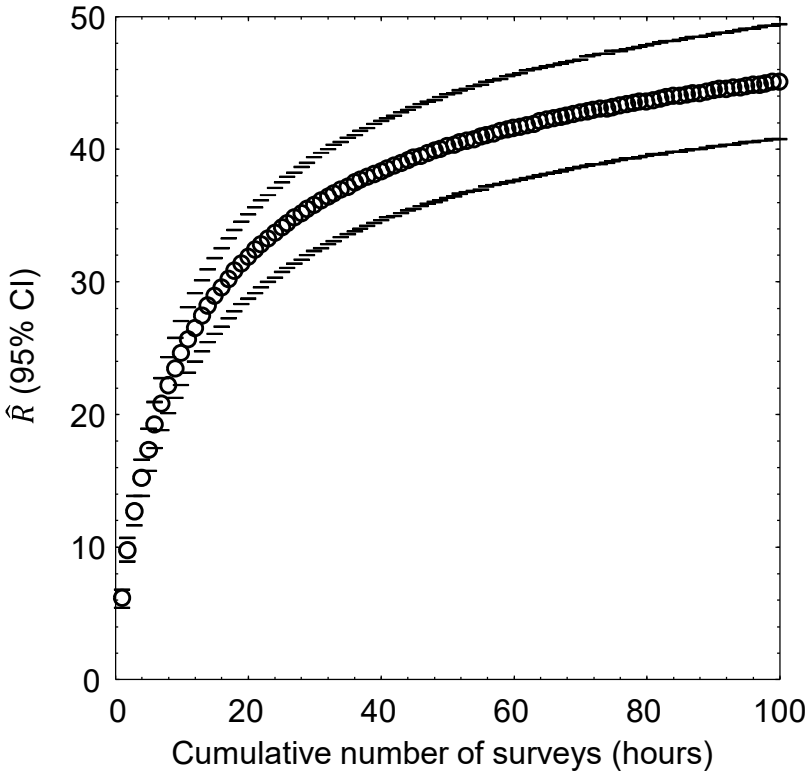

Figure 2. *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely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

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

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

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

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

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

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

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

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

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

Common name	***Species name***	**Status[1]**	**Databases, Site visits**
San Bruno elfin butterfly	*Callophrys mossii bayensis*	FE	Nearby
Monarch	*Danaus plexippus*	FC	Very close
Bay checkerspot butterfly	*Euphydryas editha bayensis*	FT	In region
Mission blue butterfly	*Icaricia icarioides missionensis*	FE	Nearby
Callippe silverspot butterfly	*Speyeria callippe callippe*	FE	Nearby
Myrtle's silverspot butterfly	*Speyeria zerene myrtleae*	FE	In region
California tiger salamander	*Ambystoma californiense*	FT, CT, WL	In region
California giant salamander	*Dicamptodon ensatus*	SSC	Nearby
Red-bellied newt	*Taricha rivularis*	SSC	In region
Foothill yellow-legged frog	*Rana boylii*	CT, SSC	In region
California red-legged frog	*Rana draytonii*	FT, SSC	Nearby
Western pond turtle	*Emys marmorata*	SSC	Nearby
Brant	*Branta bernicla*	SSC2	Very close
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL	Nearby
Redhead	*Aythya americana*	SSC2	Nearby
Harlequin duck	*Histrionicus histrionicus*	SSC2	Very close
Barrow's goldeneye	*Bucephala islandica*	SSC	Very close
Fork-tailed storm petrel	*Hydrobates furcatus*	SSC	Nearby
Ashy storm-petrel	*Hydrobates homochroa*	SSC	Nearby
Western grebe	*Aechmophorus occidentalis*	BCC	Very close
Clark's grebe	*Aechmophorus clarkii*	BCC	Very close
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE, BCC	In region
Black swift	*Cypseloides niger*	SSC3, BCC	Very close
Vaux's swift	*Chaetura vauxi*	SSC2, BCC	Very close
Costa's hummingbird	*Calypte costae*	BCC	Nearby
Rufous hummingbird	*Selasphorus rufus*	BCC	Very close
Allen's hummingbird	*Selasphorus sasin*	BCC	**On site**
American avocet[2]	*Recurvirostra americana*	BCC	Very close
Snowy plover	*Charadrius nivosus*	BCC	Nearby
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC, BCC	Nearby
Whimbrel[2]	*Numenius phaeopus*	BCC	Very close
Long-billed curlew	*Numenius americanus*	BCC, WL	Very close
Marbled godwit	*Limosa fedoa*	BCC	Very close
Red knot (Pacific)	*Calidris canutus*	BCC	Nearby
Short-billed dowitcher	*Limnodromus griseus*	BCC	Very close

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Common name	*Species name*	Status[1]	Databases, Site visits
Willet	*Tringa semipalmata*	BCC	Very close
Marbled murrelet	*Brachyramphus marmoratus*	FT, CE	Nearby
Rhinoceros auklet	*Cerorhinca monocerata*	WL	Nearby
Tufted puffin	*Fratercula cirrhata*	SSC, BCC	Nearby
Cassin's auklet	*Ptychoramphus aleuticus*	SSC, BCC	Nearby
Laughing gull	*Leucophaeus atricilla*	WL	Very close
Heermann's gull	*Larus heermanni*	BCC	Very close
Western gull	*Larus occidentalis*	BCC	**On site**
California gull	*Larus californicus*	BCC, WL	Very close
California least tern	*Sternula antillarum browni*	FE, CE, CFP	Nearby
Black tern	*Chlidonias niger*	SSC2, BCC	Nearby
Elegant tern	*Thalasseus elegans*	BCC, WL	Very close
Black skimmer	*Rynchops niger*	BCC, SSC3	Nearby
Common loon	*Gavia immer*	SSC	**Next to site**
Brandt's cormorant	*Urile penicillatus*	BCC	Very close
Double-crested cormorant	*Phalacrocorax auritus*	WL	**On site**
American white pelican	*Pelacanus erythrorhynchos*	SSC1, BCC	Very close
California brown pelican	*Pelecanus occidentalis californicus*	CFP	Very close
Least bittern	*Ixobrychus exilis*	SSC2	In region
White-faced ibis	*Plegadis chihi*	WL	Nearby
Turkey vulture	*Cathartes aura*	BOP	**On site**
Osprey	*Pandion haliaetus*	WL, BOP	Very close
White-tailed kite	*Elanus luecurus*	CFP, WL, BOP	Very close
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP	Very close
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP	Very close
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP	Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Very close
American goshawk	*Accipiter atricapillus*	SSC2, BOP	Nearby
Bald eagle	*Haliaeetus leucocephalus*	BGEPA, CE, BOP	Very close
Red-shouldered hawk	*Buteo lineatus*	BOP	**On site**
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Very close
Red-tailed hawk	*Buteo jamaicensis*	BOP	**On site**
Ferruginous hawk	*Buteo regalis*	WL, BOP	Very close
Rough-legged hawk	*Buteo lagopus*	BOP	Very close
Barn owl	*Tyto alba*	BOP	Very close
Northern spotted owl	*Strix occidentalis caurina*	FT, CT, BOP	In range
Western screech-owl	*Megascops kennicotti*	BOP	Very close
Great horned owl	*Bubo virginianus*	BOP	**On site**
Burrowing owl	*Athene cunicularia*	BCC, SSC2, BOP	Nearby
Long-eared owl	*Asio Otis*	BCC, SSC3, BOP	In region
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP	Nearby
Lewis's woodpecker	*Melanerpes lewis*	BCC	Very close

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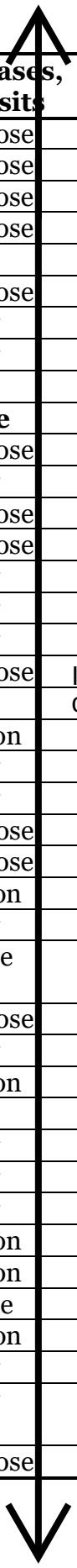
Common name	*Species name*	Status[1]	Databases, Site visits
Nuttall's woodpecker	*Picoides nuttallii*	BCC	Very close
American kestrel	*Falco sparverius*	BOP	Very close
Merlin	*Falco columbarius*	WL, BOP	Very close
Peregrine falcon	*Falco peregrinus*	BOP	Very close
Prairie falcon	*Falco mexicanus*	BCC, WL, BOP	Nearby
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2	Very close
Willow flycatcher	*Empidonax trailii*	CE, BCC	Nearby
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2	Nearby
Loggerhead shrike	*Lanius ludovicianus*	BCC, SSC2	Nearby
Oak titmouse	*Baeolophus inornatus*	BCC	**On site**
California horned lark	*Eremophila alpestris actia*	WL	Very close
Bank swallow	*Riparia riparia*	CT	Nearby
Purple martin	*Progne subis*	SSC2	Very close
Wrentit	*Chamaea fasciata*	BCC	Very close
California thrasher	*Toxostoma redivivum*	BCC	Nearby
Cassin's finch	*Haemorhous cassinii*	BCC	Nearby
Lawrence's goldfinch	*Spinus lawrencei*	BCC	Nearby
Grasshopper sparrow	*Ammodramus savannarum*	SSC2	Very close
Samuels song sparrow	*Melospiza melodia samueli*	BCC, SSC3	Nearby
Black-chinned sparrow	*Spizella atrogularis*	BCC	In region
Yellow-breasted chat	*Icteria virens*	SSC3	Nearby
Yellow-headed blackbird	*X. xanthocephalus*	SSC3	Nearby
Bullock's oriole	*Icterus bullockii*	BCC	Very close
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1	Very close
Lucy's warbler	*Leiothlypis luciae*	SSC3, BCC	In region
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC	Nearby
San Francisco common yellowthroat	*Geothlypis trichas sinuosa*	SSC3, BCC	In range
Yellow warbler	*Dendroica petechia*	BCC, SSC2	Very close
Summer tanager	*Piranga rubra*	SSC1	Nearby
Pallid bat	*Antrozous pallidus*	SSC, WBWG:H	In region
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG:H	Nearby
Silver-haired bat	*Lasionycteris noctivagans*	WBWG:M	Nearby
Western red bat	*Lasiurus blossevillii*	SSC, WBWG:H	Nearby
Hoary bat	*Lasiurus cinereus*	WBWG:M	Nearby
Miller's myotis	*Myotis evotis*	WBWG:M	In region
Little brown myotis	*Myotis lucifugus*	WBWG:M	In region
Fringed myotis	*Myotis thysanodes*	WBWG:H	In range
Yuma myotis	*Myotis yumanensis*	WBWG:LM	In region
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: M	Nearby
San Francisco dusky-footed woodrat	*Neotoma fuscipes annectens*	SSC	Nearby
American badger	*Taxidea taxus*	SSC	Very close



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

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

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

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

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

BIRD-WINDOW COLLISIONS

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

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

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

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

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

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

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

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

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

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

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

Project Impact Prediction

By the time of these comments, I had reviewed and processed results of bird collision monitoring at 213 buildings and façades for which bird collisions per m^2 of glass per year could be calculated and averaged (Johnson and Hudson 1976, O'Connell 2001, Somerlot 2003, Hager et al. 2008, Borden et al. 2010, Hager et al. 2013, Porter and Huang 2015, Parkins et al. 2015, Kahle et al. 2016, Ocampo-Peñuela et al. 2016, Sabo et al. 2016, Barton et al. 2017, Gomez-Moreno et al. 2018, Schneider et al. 2018, Loss et al. 2019, Brown et al. 2020, City of Portland Bureau of Environmental Services and Portland Audubon 2020, Riding et al. 2020). These study results averaged 0.073 bird deaths per m^2 of glass per year (95% CI: 0.042-0.102). This average and its 95% confidence interval provide a robust basis for predicting fatality rates at a proposed new project.

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

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

Thank you for your consideration,

Shawn Smallwood, Ph.D.

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

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

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EXHIBIT C

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HISTORIC DESIGN ANALYSIS

of

Waterstreet Condominiums
605 - 613 Bridgeway Boulevard
Sausalito, California

February 28, 2024
Amended March 14, 2024

605-613 BRIDGEWAY - FRONT ELEVATION, FEBRUARY, 2024

Prepared for:

City of Sausalito

Prepared by:

JERRI HOLAN & ASSOCIATES, AIA
Architects ⌖ Engineers ⌖ Planners

1323 Solano Avenue, Suite 204
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METHODOLOGY

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

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

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

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DESCRIPTION OF 605-613 BRIDGEWAY BOULEVARD

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

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

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

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

DESCRIPTION OF SAUSALITO HISTORIC DISTRICT

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

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

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

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

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

I. SOI ANALYSES OF PROPOSED PROJECT

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

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

A. ANALYSIS – SOI STANDARDS

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

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

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

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

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

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

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

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

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

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

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

The proposed project meets this rehabilitation Standard because it preserves the original building. I20-25 con't

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

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

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

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

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

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

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

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

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

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

NORTH & SOUTH ELEVATIONS OF PROPOSED WATERSTREET PROJECT

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

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

B. ANALYSIS – SOI GUIDELINES

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

1) A new addition to a historic property or district must be compatible with the massing, size, scale and design of the historic building and site. It can be any style - contemporary or traditional - but must achieve a balance between differentiation and compatibility to maintain historic character. Extreme contrasts between old and new construction and identical construction are not compatible. The addition should be stylistically appropriate (p. 26). I20-25 con't

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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C. SOI ANALYSES CONCLUSION

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

D. PRESERVATION BRIEF 14

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

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

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

PRINCESS STREET ELEVATION OF PROPOSED WATERSTREET PROJECT

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II. SAUSALITO HISTORIC DESIGN GUIDELINES ANALYSIS

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

A. CHAPTER 4 ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. CHAPTER 5 ANALYSIS

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

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

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

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

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

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

C. HDG ANALYSIS CONCLUSION

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

WEST ELEVATION OF PROPOSED WATERSTREET PROJECT

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III. SAUSALITO GENERAL PLAN - HISTORIC PRESERVATION ELEMENT

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

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

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

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

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

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

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

C. HISTORIC ELEMENT ANALYSIS

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

* * * * *

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Sausalito, *General Plan*, 2021.

Sausalito, *Historic Design Guidelines*, 2011.

Preservation Architecture, *605-613 Historic Resource Summary*, January, 2024.

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EXHIBIT D

I20-26

NOTE: All of Exhbit D is approximately 100 pages. It includes a June 20, 2024 memorandum from Lozeau Drury and an associated attachment, Historic Resources Evaluation for APN 065-132-16 (formerly 065-132-11) / 605 & 607 Bridgeway & 611-613 Bridgeway, Sausalito, CA. All of Exhibit D, from this point until the end of the Comment Letter, is coded as Comment I20-26.

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June 20, 2024

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Re: Proposals to develop 605-613 Bridgeway: HAA Application for 47 units submitted on January 31, 2024; SB 35 Pre-Application for 59 units submitted on February 20, 2024; and Draft Housing Elements Programs EIR

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

I write on behalf of Save Our Sausalito ("SOS"), an organization comprised of numerous active residents of the City of Sausalito. SOS 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 ("projects"). We provide the information below to assist city staff and governing bodies as they consider these applications. I write to follow up on my June 3, 2024, letter regarding the historic significance of the property at 605--613 Bridgeway.

SOS notes that neither the applicant for these projects nor the city have prepared a formal Historic Resources Evaluation for this property to evaluate and establish its historic significance beyond its listing in the California Register of Historical Resources ("CRHR") as a contributing resource the Sausalito Historic District. The absence of such an evaluation has compromised all efforts to date by the applicant and the city to discuss the impacts on historic resources of these proposed projects, including the. Housing Elements Programs EIR.

Therefore, SOS commissioned the preparation of a formal Historic Resources Evaluation ("HRE") for the property by Connor Turnbull of Preservation Consulting. This HRE is attached as Exhibit 1.

Please note that, in addition to the property's listing in the CRHR as a contributing resource to the Sausalito Historic District, the HRE 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).[1] (Ex 1, pp. 56-60.)

Please note that 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....." (italics added).) The word "shall" identifies "a mandatory element which all public agencies are required to follow." (Guidelines, § 15005(a); see also, *Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039, 1060, 1063.)

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Thank you for your attention to this matter.

Sincerely,

Richard Toshiyuki Drury
LOZEAU DRURY LLP

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[1]These are the same criteria used in CEQA to determine if a property may be listed on the California Register of Historical Resources. (See Title 14, Cal. Code Regs., § 15064.5(a)(3) ["(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; (B) Is associated with the lives of persons important in our past; (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or (D) Has yielded, or may be likely to yield, information important in prehistory or history"].)

EXHIBIT 1

CONNOR TURNBULL
PRESERVATION CONSULTING

Historic Resources Evaluation

APN 065-132-16 (formerly 065-132-11) / 605 & 607 Bridgeway & 611-613 Bridgeway Sausalito, CA

June 17, 2024

Prepared for:
Lozeau Drury LLP

Submitted by:
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I. Introduction

Purpose and Overview

This Historic Resources Evaluation (HRE) was prepared in June 2024 at the request of Lozeau and Drury LLP, to determine whether 605 & 607 Bridgeway and 611-613 Bridgeway located on APN 065-132-16 (subject property) situated within the Sausalito Downtown Historic Overlay Zoning District (Sausalito Historic District) still qualify as historic resources and district contributors under the California Environmental Quality Act or CEQA (Public Resources Code Section 21084.1 and California Code of Regulations, tit.14 § 15064.5). Under CEQA Section 15064.5, a property qualifies as an historic resource if it is "listed in, or determined to be eligible for listing in, the California Register of Historic Resources."[1] Properties that are included in a local register are also presumed to be historic resources for the purposes of CEQA.[2]

In January 2024, consulting firm Preservation Architecture assembled a summary of information about 605 & 607 Bridgeway and 611-613 Bridgeway for the APN 065-132-16 parcel owner as part of the proposed "Waterstreet Condominiums" project on the site ("605 -613 Bridgeway, Sausalito Historic Resource Summary – January 26, 2024). Connor Turnbull, Preservation Consulting reviewed the report but determined that the background research was insubstantial. In May 2024, Preservation Architecture prepared an additional report ("605 -613 Bridgeway, Sausalito Historical Summary and Project Evaluation" – May 11, 2024) stating that the subject property was not listed on the California Register of Historic Places. This Historic Resources Evaluation is intended to provide a more complete set of research material in order to determine the current significance of 605 & 607 Bridgeway and 611-613 Bridgeway, part of APN 065-132-16, all located within the Sausalito Historic Overlay Zone District.

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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).[3] 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."[4] The multi-component Sausalito Historic District is eligible for the National Register under the themes: architecture, commerce, exploration/settlement, and transportation.[5] Therefore, 605 & 607 Bridgeway and 611-613 Bridgeway are officially deemed historical resources listed in the California Register under CEQA Section 15064.5.

In addition, after undertaking more intensive research and assessing the subject properties under California Register Criteria 1-4, criteria that is based on the National Register Criteria A-D, it is

evident that 605 & 607 Bridgeway, and 611-613 Bridgeway, part of APN 065-132-16, are individually significant under Criterion A/1 (Events). APN 065-132-16 and its associated buildings are significant for their associations with early commercial development, transportation, as well as settlement of Asian-Americans and their associated businesses, in Sausalito. APN 065-132-16 has been owned as one parcel since at least 1924 and is associated with the Yee Tock Chee/Yee family/Marin Fruit Co. as well as the Hong Lee laundry/Lee family. 605 & 607 Bridgeway are directly associated with these two families and their businesses and are therefore significant under Criterion B/2 (Persons). In addition, it is also evident that 605 & 607 Bridgeway and 611-613 Bridgeway, part of APN 065-132-16, are determined to be eligible to be included in Sausalito's Noteworthy Structures and Sites list. This list is maintained by the Sausalito Historic Preservation Commission as a living document as defined in Zoning Ordinance 10.46, Historic Preservation, of the Sausalito Municipal Code.

This Historic Resources Evaluation has been undertaken per the requirements of the Sausalito Community Development Department (CDD). The City of Sausalito requires that an Historic Resource Evaluation be prepared by an individual that meets the Professional Qualification Standards as used by the National Park Service, Secretary of the Interior, and as published in the Code of Federal Regulations. Connor Ishiguro Turnbull of Connor Turnbull, Preservation Consulting, the preparer of this Historic Resources Evaluation for APN 065-132-16, qualifies under the Secretary of the Interior's Standards Professional Qualification Standards for History and Architectural History.

This Historic Resources Evaluation for parcel APN 065-132-16 provides as detailed a history as possible of the subject property, including the buildings currently numbered 605 & 607 Bridgeway and 611-613 Bridgeway, associated people and events, a description of the architectural character, and the neighborhood context including the Sausalito Downtown Historic Overlay Zoning District. As will be discussed in this report, the address and parcel numbers have changed over time.[6] Street address changes include: 605 Bridgeway was 777 Water Street, 607 Bridgeway was 783 & 785 Water Street, 611 Bridgeway was 801 Water Street, and 613 Bridgeway was 803 Water Street. The parcel number changes include lots 14, 15, 16, 17, J, K and L became APN 065-132-11, which then became APN 065-132-16.

Location

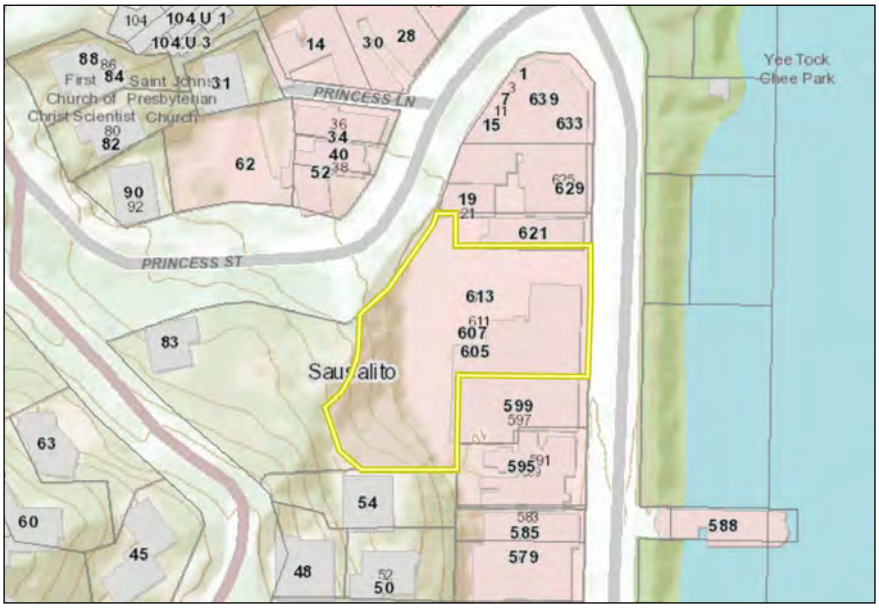


Figure 1: APN 065-132-16, Turnbull screenshot, May 18, 2024 (marinmap.org)

The buildings currently identified as 605 & 607 Bridgeway and 611-613 Bridgeway are part of APN 065-132-16, and are located on the west side of Bridgeway, just south of Princess Street, in the City of Sausalito's downtown area. APN 065-132-16 is a non-symmetrical parcel with sides fronting onto Bridgeway and Princess Street, the western edge incorporates a steep and wooded hillside area, and 621 Bridgeway and 599 Bridgeway form the north and south edges along the Bridgeway street front (Figure 1).

Sausalito Downtown Historic Overlay Zoning District / Current Historical Status / Historic Resources in the Vicinity

The Sausalito Downtown Historic Overlay Zoning District was established under the 1981 Sausalito Resolution No. 2985. The City of Sausalito is a Certified Local Government (CLG) and the district is a Certified Local Government District which is defined as a partnership among local governments, the State of California (OHP), and the National Park Service (NPS) which is responsible for administering the National Historic Preservation Program and through the CLG program "local communities make a commitment to national historic preservation standards." [7] On the National Park Service Certified Districts website it defines such a district - "National Park Service (NPS) Certified Historic District are those state or local historic districts that have been certified by the Secretary of the Interior (Secretary) for purposes of the Tax Reform Act of 1986, as substantially meeting all the requirements for listing in the National Register of Historic Places."[8]

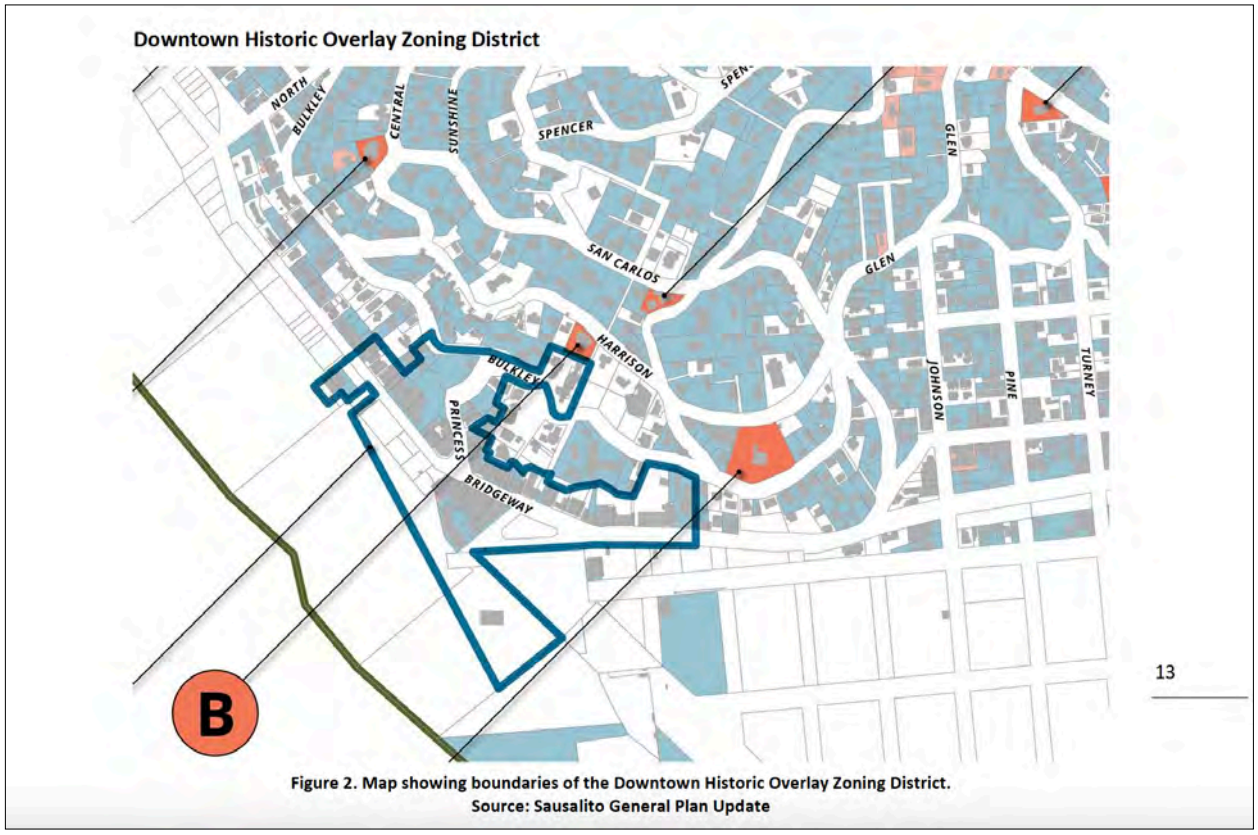


Figure 2: Turnbull screenshot May 18, 2024, blue outline is the historic district boundary (Sausalito Citywide Historic Context Statement)

APN 065-132-16 is included in the Sausalito Downtown Historic Overlay Zoning District, and 605 & 607 Bridgeway and 611-613 Bridgeway, are identified in the Built Environment Resource Directory (BERD) with California Register Status Code "2D2." The BERD shows that the subject properties were first identified in 1/1/1981 under code 2D which defines them as a "Contributor to a district determined eligible for the NR by the Keeper. Listed in the CR" but also lists the 1/1/1984 code 2D2 listed which defines them as a "Contributor to a multi-component resource determined eligible for NR by consensus through Section 106 process. Listed in the CR."[9] The BERD is a list of "resources in the Office of Historic Preservation's (OHP)inventory" and in the BERD, "The OHP uses status codes to indicate whether resources have been evaluated as eligible under certain criteria or not."[10]

Other than identification as District Contributors, 605 & 607 Bridgeway and 611-613 Bridgeway are not currently listed in the City of Sausalito's Noteworthy Structures and Sites, nor in the City of Sausalito Local Historic Landmarks. The subject property is directly adjacent to identified historical and archaeological resources. The list of adjacent district historic resources is included in the Appendix.

Research of registers included:

- National Register of Historic Places
- California Register of Historical Resources
- City of Sausalito Local Historic Landmarks
- City of Sausalito List of Noteworthy Structures and Sites

APN 065-132-16 is located adjacent to the 2021 General Plan of Sausalito Archeological Sensitivity Zones. The closest Archeological Sensitivity Zone to the subject property is Zone 1 that runs along the Sausalito waterfront from the south end of the main downtown area to the south end of the Sausalito waterfront (Figure 3). The first survey of Miwok sites in the Bay Area and Sausalito was done by N.C. Nelson in 1909.[11] (see Appendix for map) Nelson identified shell mound sites in what is now Sausalito and located them along the original waterfront which is roughly aligned with the path of Bridgeway.

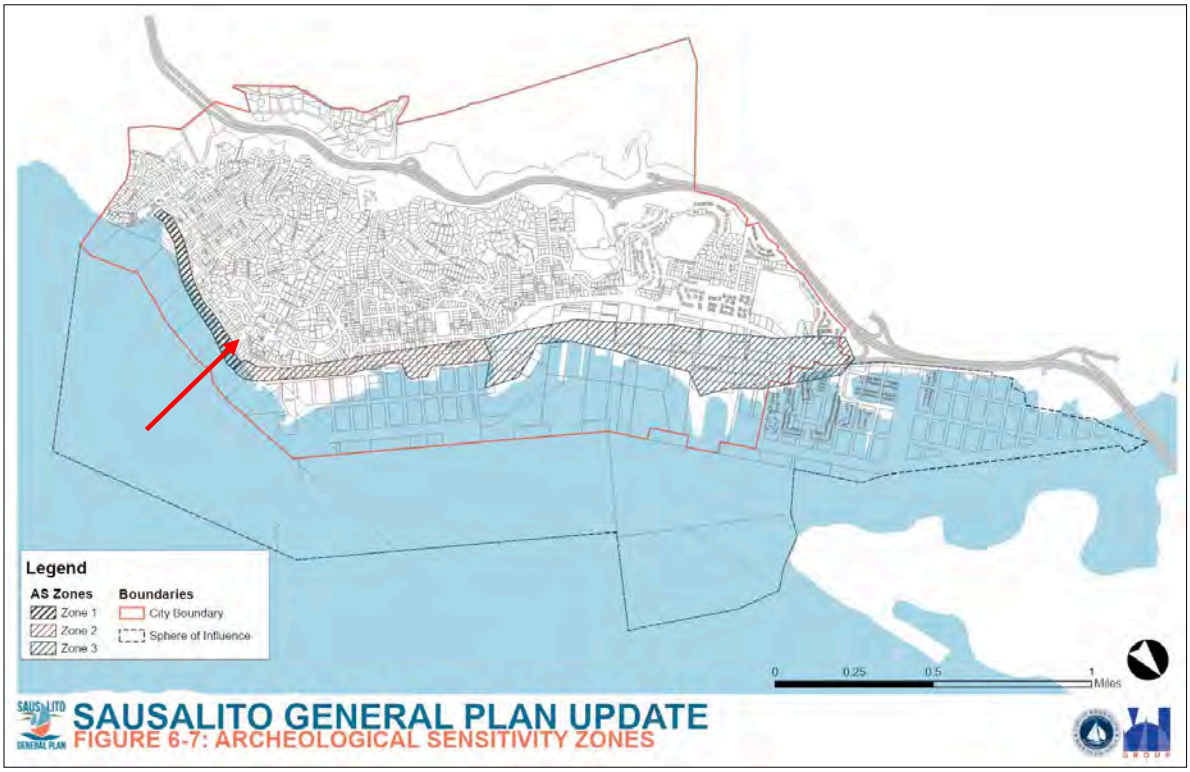


Figure 3: Sensitivity Zones, red arrow indicates parcel (City of Sausalito General Plan, 2021)

Methodology

The methodological approach for this Historic Resources Evaluation consisted of a site visit in April 2024 to examine APN 065-132-16 and its vicinity. During the visit the buildings on the site were assessed from the exterior for their architectural character and their place in the development of the neighborhood context. Connor Turnbull, Preservation Consutling utilized The Sausalito Citywide Historic Context Statement, completed by VerPlanck Historic Preservation Consulting (approved and adopted by the Sausalito City Council on September 20, 2022).[12] It provided the foundation for the Sausalito context, its evolution, architectural typology, notable people and events, and its regulatory framework.

Permits and other residential records scanned by the Sausalito Community Development Department were available for the subject property and the adjacent buildings. Research undertaken at the Sausalito Historical Society included the original 1980 historic resource inventory forms that formed the basis for the 1981 Sausalito Downtown Historic Overlay District, as well as tax assessment records, block books and a plat map book. Additional Sausalito Historical Society research included City Directories, historic photos and maps, biographical files, and subject folders or binders. Supplemental research was undertaken at the Anne T. Kent California Room and the Marin History Museum. Online resources included the University of California Riverside California Digital Newspaper Collection, newspapers.com, ancestry.com, Federal Census records, Great Register of Voters, aerial photographs in the University of California Santa Barbara Geospatial collection, San Francisco Public Library digitized Sanborn Fire Insurance Maps, and the 1909 N.C. Nelson shellmound map. All remaining sources came from the in-house library of Connor Turnbull, Preservation Consulting, including the 1983 Jack Tracy book *Sausalito: Moments in Time*.[13]

II. Site Context – Downtown Sausalito[14]

The following historic context information is extracted from the Sausalito Citywide Historic Context Statement completed in October 2022 by VerPlanck Historic Preservation Consulting. The following includes selections that relate to the subject parcel and Sausalito's Downtown Historic Overlay Zoning District.

Saucelito Land & Ferry Company

The Saucelito Land & Ferry Company (SL&F Co.) was a partnership of 19 San Francisco businessmen founded in 1869 to market Sausalito as a residential suburb of San Francisco. After purchasing 1,164 acres of land from Samuel Throckmorton et al for $440,000, the consortium commissioned a survey of its landholdings, an area encompassing virtually all of modern-day Sausalito aside from Old Town, which still belonged to Charles T. Botts. The tract also included

what are now the unincorporated communities of Marin City and Tamalpais Junction.[15] The survey resulted in a hybrid subdivision plan consisting of curvilinear lanes terracing up the steep hillsides of The Hill and a conventional gridiron street plan in the valleys and along the waterfront. The gridiron plan also extended out into the shallow tidal flats of Richardson's Bay, creating a large number of "water lots." The survey map shows the future city of Sausalito in striking detail. The map identifies locations of many natural features, including streams and natural springs, oak groves, and peaks. The map also shows the boundaries of each parcel, its acreage, any buildings on it, as well as the names given to the major valleys, including "Turney Valley" (New Town), "Woodward Valley" (Spring Street Valley), and "Leaside" (Nevada Street Valley).

Rail Service Comes to Sausalito

What Sausalito needed was a railroad. In 1872, there was much excitement stemming from the Central Pacific's announcement that it planned to build its transcontinental railroad terminus in Sausalito. Unfortunately for local landowners, the Central Pacific soon decided to keep Oakland as its terminus. In 1871, the newly founded North Pacific Coast Railroad (NPCRR) began planning a narrow-gauge line from Point San Quentin to the redwood stands of Sonoma and Mendocino counties. The directors of the SL&F Co. saw their chance and donated 30 acres along the waterfront to the fledgling railroad, along with the company's ferry boat.[16] Construction on the new line began in 1873 simultaneously in Tomales and Sausalito. Workers built a wooden trestle across Richardson's Bay from Strawberry Point to Alameda Point (later called Pine Hill Station) in Sausalito, approximately where Nevada Street and Bridgeway intersect today.[17] The line between Tomales and Sausalito was completed in 1874, and on January 7, 1875, the first train entered Sausalito, stopping at a new wharf built just north of the SL & F Co. wharf at Princess and Water Streets.

As discussed above, most of Sausalito's downtown was destroyed in the 1893 fire. Those buildings that survived the fire are nearly all heavily altered structures that bear little resemblance to their original design. However, there are several intact commercial buildings that pre-date the fire in Downtown, Old Town, New Town, and Spring Street Valley. Most are simple, woodframe, rustic-clad structures, though brick was occasionally also used. Ornament was rarely employed for what was then thought to be a utilitarian building type. A good example is the very modest gable-roofed, folk/vernacular commercial building at 19 Princess Street in Downtown. This building, long home to the Sausalito Salvage Shop, is one of the oldest surviving commercial buildings in Sausalito, likely dating to the early 1890s.[18] The building was originally shingled and it housed a variety of businesses during the late nineteenth and early twentieth centuries, including hay, wood, and coal dealers. Though the exterior has been restored, it still retains the bulk of its character-defining features, including its front-facing gable-roof, raking

cornice, simple fenestration pattern, and no applied ornament. Its next-door neighbor at 21 Princess Street is very similar. Both buildings are contributors to the Downtown Historic Overlay District.

North Pacific Coast Railroad

The growth of commerce and industry in Sausalito after 1900 was mainly due to its central location and its good railroad and ferry connections. As previously discussed, Sausalito had become the primary gateway from San Francisco to Marin County and the vast "Redwood Empire" to the north. Seeking to capitalize on this business, as well as the growing number of commuters traveling between San Francisco and the suburban cottages/weekend retreats that were springing up in Mill Valley, Corte Madera, and Larkspur, the NPCRR rebuilt its rail and ferry terminal in Sausalito in the early 1900s. The new facility consisted of a combination freight and passenger depot capable of accommodating four trains at one time. In 1902, the North Shore Railroad (later renamed the Northwestern Pacific), a subsidiary of the Southern Pacific, bought out the North Pacific Coast Railroad and rebuilt the Sausalito terminal, increasing the number of ferry slips to three. The company also built a new Neoclassical Revival-style freight and passenger depot.[19] In addition, the railroad began filling "water lots" at the foot of Spring Street to make way for a sprawling new maintenance facility, which by 1909 consisted of an electrical shop, two roundhouses, a machine shop, a blacksmith shop, and various other structures. None of these railroad buildings or structures exist today, having all been demolished after World War II.

Sausalito's Demographics in 1900

The expansion of railroad operations in Sausalito between 1893 and World War I ushered in a period of tremendous growth in the traditionally working-class enclaves of Old Town, New Town, and Spring Street Valley. Previously unsold lots in all three neighborhoods were bought by workers employed in local industries, including the railroad, ferries, lumber yards, and food processing plants. An examination of the 1900 U.S. Census schedules for Sausalito reveals a town inhabited by a diverse mix of nationalities, including people of Portuguese, Irish, Italian, Swedish, Swiss, German, Austrian, English, Scottish, Greek, and Chinese descent. The Hill remained largely Anglo-American and English, and Spring Street Valley mainly Portuguese, but the rest of Sausalito's neighborhoods were actually well-integrated. Old Town was mainly inhabited by native-born Anglo-Americans and New Town had many people of Irish, Portuguese, and Italian descent.[20]

Post-1906 Building Boom

With a steady supply of water finally assured and various civic improvements underway, Sausalito experienced its first sustained building boom in the years between the 1906 Earthquake and

World War I. This building boom was caused in part by a growing number of San Francisco residents who had moved to Sausalito after the 1906 disaster, with some commuting to the city via ferry.. Between 1900 and 1910, Sausalito's population grew from 1,628 to 2,380. An article in the March 25, 1911 *San Francisco Call* described several important public and private buildings under construction in Sausalito in that year. The article stated that more "fine residences have been built here during the last six or eight months than in the same number of years before."[21]

1920s-era Building Boom

Sausalito's population grew by 877 during the 1920s, reaching 3,667 in 1930.[22] During this period residents applied for 215 building permits, in comparison with the 125 building permits granted between 1910 and 1920.[23] The 1920s-era building boom was in part a nationwide phenomenon, fueled by cheap credit and optimism that the prosperity of the "Roaring Twenties" would continue forever. Other factors included the ongoing suburbanization of southeastern Marin County. Although private automobiles had made an appearance in Sausalito as early as 1902, they remained a plaything of the rich until the early 1920s, when falling prices made them affordable to a much wider sector of society. By the 1920s, autos had actually become a nuisance in Sausalito. Congestion became especially bad following the opening of the Golden Gate Ferry Company in 1922, which carried passengers' autos (located across the street from the subject property on Water Street). By the mid-1920s, especially on weekends, Water Street was gridlocked. Another factor was that periodic fare wars between the Golden Gate Ferry Company and the Northwestern Pacific was making auto commuting to San Francisco affordable and easy for many Marinites.[24] Increasing automobile ownership decoupled housing from having to be within walking distance of transit, making remote and steeper hillside lots increasingly desirable for residential development.

Downtown Sausalito, mostly built-out after the 1906 Earthquake, still had several vacant lots remaining north of El Monte Lane, and also several south of Princess Street. Nearly all of the commercial buildings constructed on these lots during the 1920s were built of modern reinforced-concrete. In contrast to earlier brick or wood frame buildings, concrete was relatively inexpensive and required less skilled labor. It was also more durable and could carry heavier loads, making it perfect for garages and industrial buildings. With the influx of automobiles in the 1920s, it soon became apparent that Sausalito needed a place to store them.

The Depression

The Depression hit Sausalito very hard. Its population actually dropped slightly, from 3,667 in 1930 to 3,540 in 1940. Meanwhile, during the same period the number of building permits plummeted from 215 to 72. Much of the new construction during the Depression consisted of additions to existing structures or accessory dwelling units. In addition, there were several infill

projects in Old Town and New Town, as well as a few houses constructed in the newly urbanizing area above New Town. Stylistically speaking, most buildings constructed during the 1930s were either utilitarian or finished in a nondescript version of the Mediterranean style. Despite the "dull times" in Sausalito, major changes were just around the corner with the planning and the construction of various public works projects, including the Golden Gate Bridge.

Historic Context Statement -Pertinent Periods of Significance

Sausalito's Incorporation to the Golden Gate Bridge (1893-1945)

The period between 1893 and 1937 encompasses nearly a third of Sausalito's recorded history, beginning with incorporation and culminating with the construction of the Golden Gate Bridge...This period encompasses the reconstruction of Downtown following the fire of 1893, as well as the continued growth of the town's traditionally working-class neighborhoods of Old Town, New Town, and Spring Street Valley. During this time, The Hill continued to remain much as it had before 1893, an enclave of estates belonging to wealthy Anglo-Americans and English expatriates.

Initially most of the commercial buildings constructed after the 1893 fire were not that different from their predecessors. Indeed, most were of wood frame construction, two or three-stories in height, and designed in popular Late Victorian stylistic modes, including the Stick/Eastlake and Queen Anne styles.

Golden Gate Bridge, Redwood Highway, and World War II (1937-1945)

This period, bracketed by the opening of the Golden Gate Bridge in 1937 and the end of World War II, is vastly shorter than the period that comes before it, but that is because so many more changes – both physical and social – came to Sausalito in those eight years than during the preceding 44 years. During this brief period of eight years, Sausalito's importance as a transit node began to erode, especially following the opening of the Golden Gate Bridge and the resulting demise of passenger railroad and ferry service. In 1941, the U.S. entry into World War II resulted in even bigger changes. Sausalito's strategic location just inside the Golden Gate, as well as its long stretches of underutilized waterfront and good rail connections to the rest of the United States, resulted in the small city being chosen as the location of one of 18 "Emergency Shipyards" funded by the U.S. Maritime Commission...Societal changes also accelerated; during this period the city's population doubled, causing many native-born and long-time residents to feel besieged in their own town, as thousands of outsiders flocked to Sausalito.

Several changes were made to local roads in anticipation of the Golden Gate Bridge. Chief among them was a new two-lane highway between Waldo Point and San Carlos Avenue. This

highway, which would serve as the "business" alignment of the Redwood Highway, paralleled the Northwestern Pacific Railroad tracks from the northern city limits to San Carlos Avenue. At San Carlos Avenue the new highway joined Water Street, forming a continuous link between Waldo Point and the Sausalito Lateral, then under construction through Fort Baker. The construction of the new highway resulted in the condemnation and demolition of most of the remaining industrial properties along the waterfront. Completed in 1936, the business segment of the Redwood Highway was soon renamed Bridgeway Boulevard. In 1938, the name was simply shortened to "Bridgeway."[25]

Commercial Development (1946-1975)

Commercial development, especially hotels, accelerated as tourism began to supplant more traditional economic sectors, including fishing and boatbuilding. Though tourism had long been an element of Sausalito's economy, it was not until after World War II that mass tourism, fueled by inexpensive jet travel and postwar affluence, began to increase. Before the war, most visitors to Sausalito were local residents (mainly San Franciscans) on day trips or longer-term visitors staying "for the season" at the exclusive Alta Mira Hotel or at a few other smaller hotels and guesthouses on The Hill. After the war, increasing numbers of tourists (both domestic and foreign) began to hear about Sausalito. By the early 1960s, motor coaches on their way back from Muir Woods began dropping off tourists in Downtown Sausalito for lunch. To meet the growing demand for accommodations and other services, developers planned several new hotels and restaurants for the waterfront. Meanwhile, commercial property owners began raising rents on long-time businesses to take advantage of the higher rents paid by owners of galleries and souvenir shops.[26]

The adoption of the 1961 National Housing Act, which allowed the Federal Housing Administration to insure mortgages on condominiums, played a significant part in encouraging this type of construction. However, in Sausalito, it was the growing scarcity of buildable land that led to the increasing popularity of condominiums. Sausalito's first condominium project was the 60-unit Côte d'Azur project at 100 South Street in Old Town. Constructed in 1962-3 on the south side of Shelter Cove, the controversial project shocked many Sausalitans, some of whom thought that the development was out-of-scale and a visual intrusion on the working waterfront. Indeed, this project, as well as another one built on the site of the former Nunes Brothers Boat Yard (also on Shelter Cove), galvanized the "slow growth" movement. Over the next few years, Sausalitans successfully resisted several large-scale projects, including several condominium, apartment, and luxury hotel projects.[27] Other causes included open space preservation, saving Richardson's Bay from fill, and protecting views and waterfront access.

The near-continual volunteer efforts needed to keep Sausalito's waterfront free from commercial development compelled the City Council to pass a three-year moratorium on all new waterfront development on August 17, 1964. Designed to buy time before the anticipated passage of the McAteer-Petris Act in 1965 (the enabling legislation behind BCDC), in the short term the moratorium blocked a proposal by Sausalito Properties, Inc. to build a $10,000,000 hotel, yacht harbor, and condominium project on 42-acres near the Napa Street Pier.[28]

The only significant new buildings to be constructed Downtown during the 1950s and 1960s were the Sausalito Medical-Dental Building at 763-71 Bridgeway (1960); and the Inn Above Tide at 30 El Portal Street (1962). The Medical-Dental Building was designed by John G. Kelley in a modern vocabulary. The Inn Above Tide was originally constructed as an apartment building and later converted into a hotel. It is designed in the Third Bay Region Tradition influenced by the contemporary work of Sea Ranch architects Moore Lyndon Turnbull Whitaker (MLTW).

Commercial and Industrial Development in Downtown Sausalito (1874-1941)

The arrival of the North Pacific Coast Railroad in 1874 and the consequent construction of a rail yard and ferry terminal along the waterfront led to the development of Sausalito's Downtown commercial district. This most "urban" part of Sausalito, which largely consists of Victorian and Edwardian-era commercial blocks and hotels, was partially destroyed by fire in 1893. After its reconstruction, Downtown became the administrative as well as the commercial heart of Sausalito until city government moved to New Town in the 1970s. Many buildings in Sausalito's Downtown Historic Overlay Zoning District date from this period. Boatbuilding, Sausalito's best-known traditional industry, occurred along the waterfront to the south and north of Downtown, though little remains of this industry in these areas.

Gateway to the North –Sausalito as Regional Transit Hub (1874-1941)

Ever since the establishment of regular ferry service between Sausalito and San Francisco in 1874, Sausalito became the primary transit node for travelers journeying between San Francisco and Marin and the North Coast. Downtown Sausalito remained the primary nexus of waterborne and rail transit until the opening of the Golden Gate Bridge in 1937, which led to the discontinuation of both passenger rail and ferry service in 1941. Until World War II, Sausalito was the primary transit hub for tourists, day trippers, and an increasing number of commuters living in the growing suburban communities of Marin County. Although ferry service was eventually restored after World War II, but very little physical fabric remains of Sausalito's historic transit infrastructure.

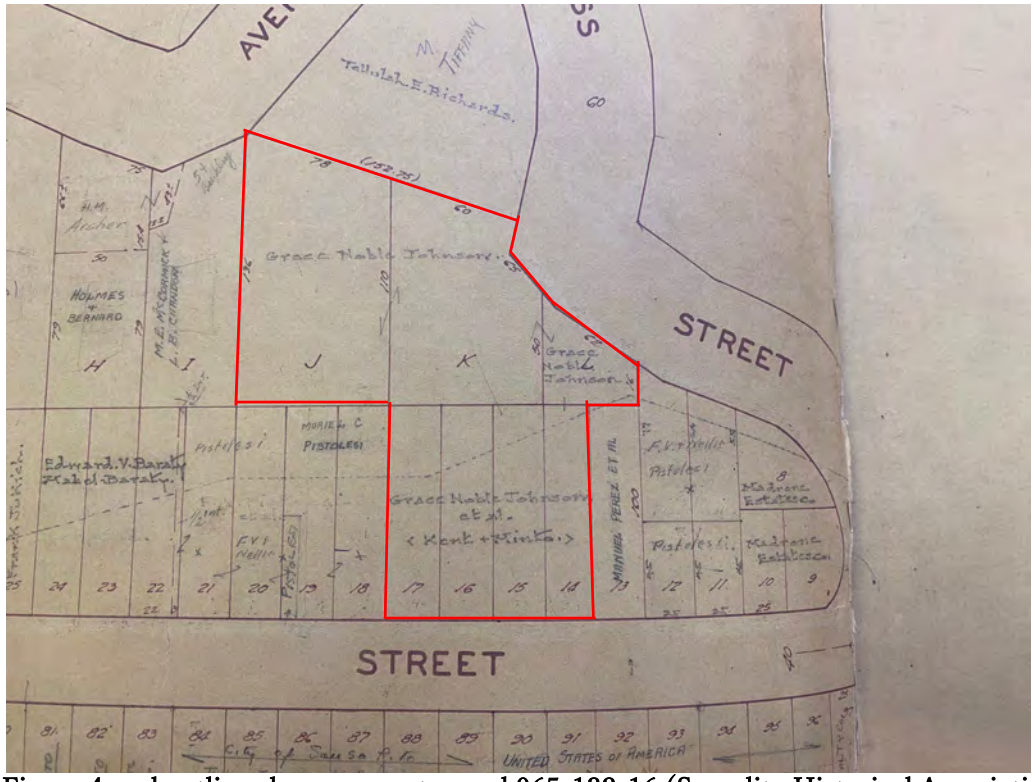


Figure 4: red outline shows current parcel 065-132-16 (Sausalito Historical Association collection, Block Book, photo by Turnbull)

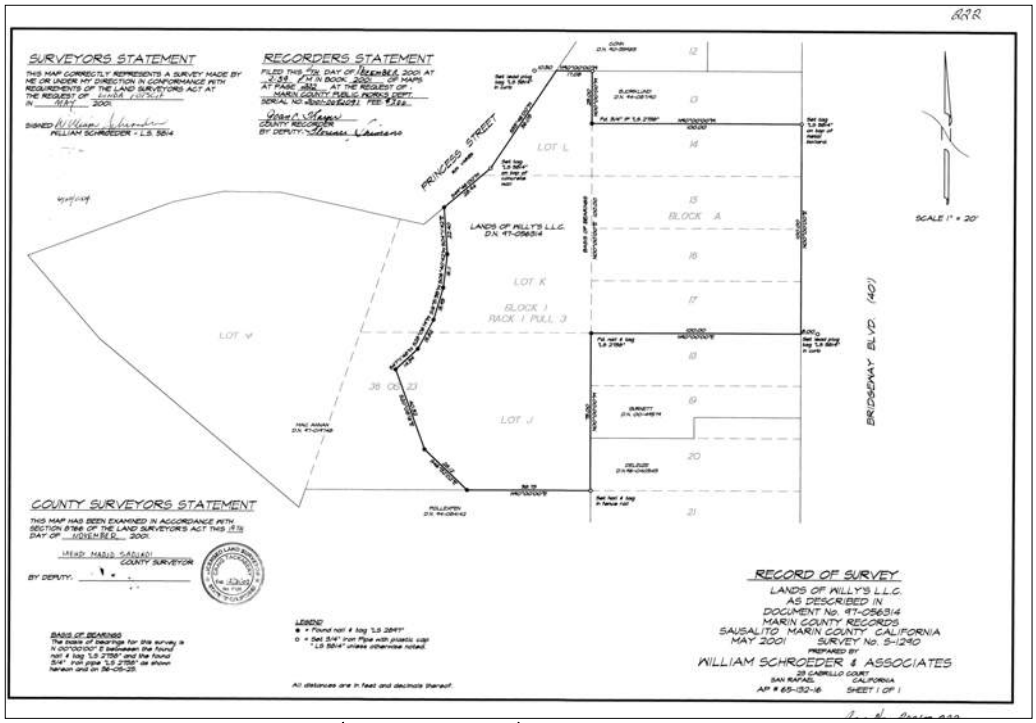
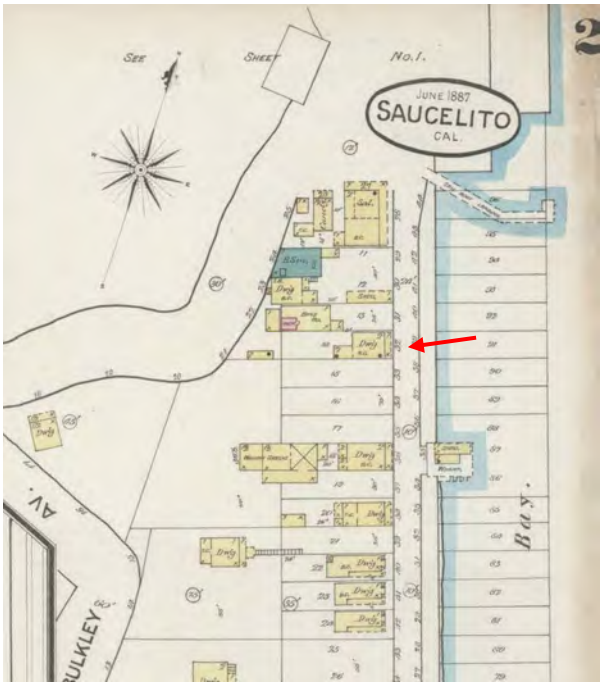
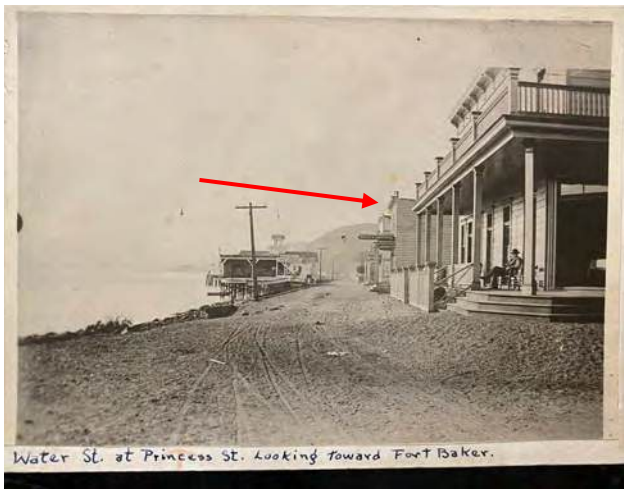


Figure 5: APN 065-132-16 (marinmap.org)

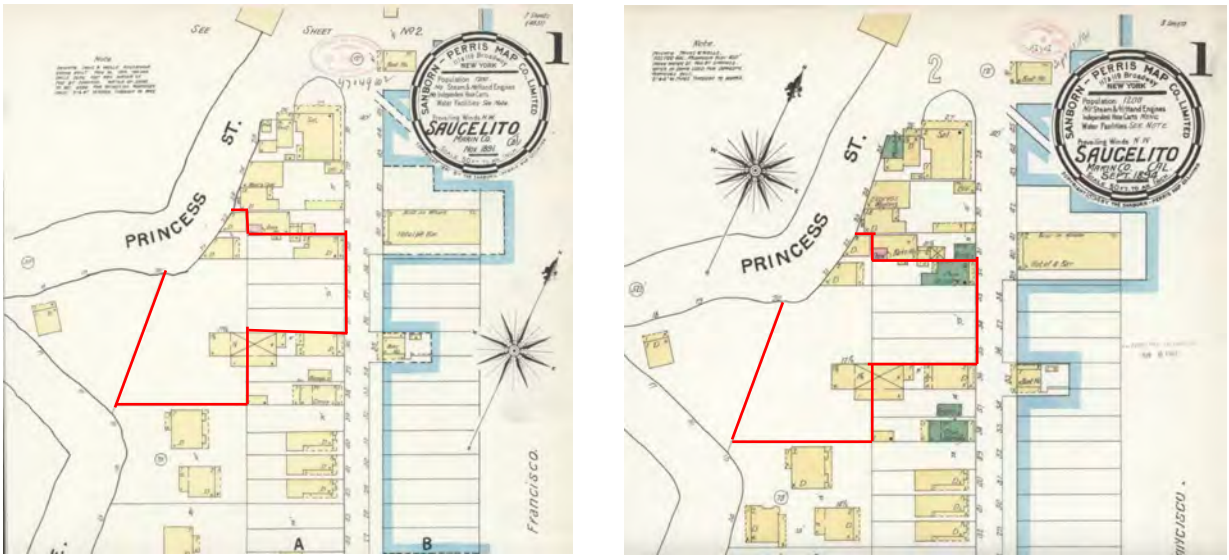
III. Parcel History

The subject parcel, APN 065-132-16, is comprised of lots 14-17 of "Block "A, and lots J-K-L Block "1" of the Saucelito Land & Ferry Co., Map C. The 1887 Sanborn Fire Insurance Map identifies each individual lot. Lot 14 contains a two-story, wood frame dwelling with a one-story porch. This building also appears in an early Water Street photograph in the book *Sausalito: Moments in Time* by Jack Tracy (Figures 6-8). Lots 15-17 are vacant. Lot L that abuts Princess Street contains two one-story, wood frame buildings. Lot J and K are mostly vacant except for the one-and-a-half story rear wagon shed of a two-story dwelling located on Lot 18 (note: J and K are not shown as separate lots in the Sanborn Map). The 1891 Sanborn map is the same except that lot L shows two, two-story wood frame dwellings both aligned with Princess Street. In the 1894 Sanborn map (Figure 10), the two-story, wood frame dwelling on lot 14 is identified as a "Chinese Laundry", the color green indicates some specialized treatment of its cladding with one-story wood porches on the front and back of the laundry. Nothing appears differently in parcel on the 1901 Sanborn map.

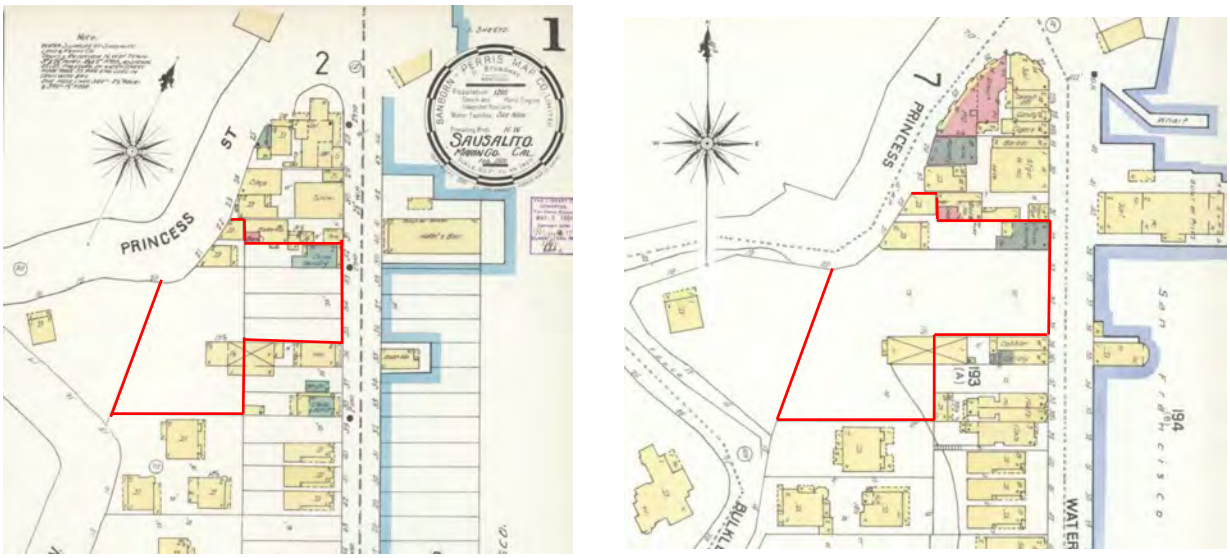




Figures 6-8: 1887 Sanborn map, CTPC edit (loc.gov); (upper right) Water Street, looking south, c.1887 and (lower right) view towards Water Street (Edwin Long collection, Sausalito Historical Society), arrows indicate lot 14 and the dwelling that became Hong Lee Laundry.



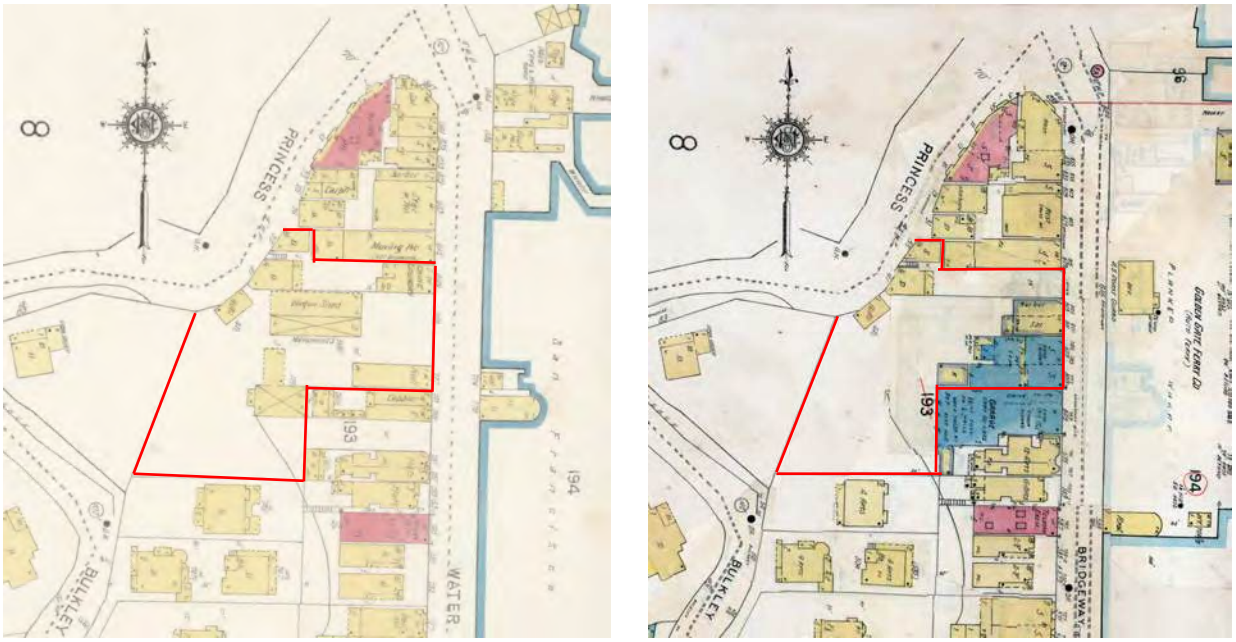
Figures 9 & 10: 1891 Sanborn (left) and 1894 Sanborn (right), Turnbull edit (loc.gov)



Figures 11 & 12: 1901 Sanborn (left) and 1909 Sanborn (right), Turnbull edit (loc.gov)

In the 1909 Sanborn map, lots 15-17, and lots J-K are shown as one area. The dwelling on the neighboring lot 18 appears gone and a "cobbler" and "candy" store occupy a two-story, two-store wood frame building. A rectangular, one-story, large wood stable behind the stores extends into the subject parcel's lots J-K. At the north edge of the parcel, lot 14 still shows the Chinese laundry but the lot is combined with lot L but the two wood frame dwellings are still on Princess Street (Figure 12).

A June 1912 *Sausalito News* article announces the lease of a portion of lot 14 from H.H. Noble to L.R. Doucet to erect a horse stable.[29] And in an August 1913 *Sausalito News* article it states that, "A frame building is being erected on the Noble lot next to the Japanese shoemaker for a Chinese fruit store."[30] The 1919 Sanborn map shows the wood frame, one-story, rectangular "fruit" building with the address 777 Water Street (Figure 13). The building features wood shake roofing and also an open-sided, one-story, wooden shed at the rear. A rectangular, two-story, wood frame "merchant's stable" with the address 801 ½ abuts a one-story wood frame "Wagon Shed" in the area of lot K towards the rear of the subject parcel. The Wagon Shed address appears along Water Street in the vicinity of lot 15 as "801." A one-story wood frame "Auto" shed also appears on this map along Princess Street and shows the address number 41 ½. It belongs to one of the two c. 1891 wood frame dwellings, number 41, seen on earlier Sanborn maps. The Wagon Shed and Dwelling number 41 also abut. The other Princess Street c.1891 dwelling is number 35. The Chinese laundry on lot 14 is shown on the 1919 Sanborn map as "809" Water Street and appears as a two-story, wood frame, L-shaped building, with a one-story wood porch in the interior corner of the L-shaped plan. The neighboring lot 13 contains a "Moving Pic." theatre and a rear wood frame dwelling. The theatre (now 621 Bridgeway) was constructed in 1910 and was briefly known as the "Swastika Theater."



Figures 13 & 14: 1919 Sanborn (left) and 1945 Sanborn (right), Turnbull edit (loc.gov)

NOTE: All of Exhibit D, consisting of a memorandum from

Between the 1919 Sanborn map and the next available Sanborn dated 1945, historical newspaper records, Sausalito Historical Society records, and the City of Sausalito records indicate changes to the parcel. In this period after WWI and up to the end of WWII, the wood frame Chinese laundry on lot 14, and the wood wagon shed and stables on lots J-K were demolished. A May 1929 *Sausalito News* states that building inspector A.J. Buckley calls for "the old ramshackle horse stable in the back of the Chinese laundry on Water Street-now used as a garage for eleven cars but still containing hay in the loft-should be torn down."[31] The City of Sausalito also passed Ordinance 317 which states that, "All old buildings or structures situate within the town of Sausalito, and which are dilapidated beyond repair, to be public nuisances, and provided for the abatement of such nuisances."[32] In a 1931 aerial photograph from the University of Santa Barbara Geospatial collection, the 777 Water Street store is extant on lot 17, as well as the Chinese laundry on lot 14 with an ancillary building to the rear. 801-803 Water Street (611-613 Bridgeway) is also visible on lot 15, with a rectangular ancillary structure to the rear on lot J-K-L (the trace footprint of this ancillary building is visible in the later 1945 Sanborn). The Chinese laundry was removed not soon after this aerial was taken. In a July 1931 *Sausalito News* article titles "Removing Firetrap" it was announced that:

> *The Chinese laundry on Water Street opposite the Golden Gate ferry landing will be torn down and a reinforced concrete building of one-story will take its place. A building permit was issued this week to Thomas Kent and W. Robert Miller for the new building, which will cost $5000. The building will be used for a grocery store and a laundry.*[33]

The grocery and laundry are presumed to be the Marin Fruit Co. grocery business at 777 Water Street (now 605 Bridgeway) and the Chong Lee laundry at 783 & 785 Water Street (607 Bridgeway).[34] The Kent & Minto office was located nearby at 935 Water Street in a 1925 advertisement.[35]

In the years between 1919 and 1945, the one-story, wood frame with metal siding, two-store building at 801-803 Water Street (now 611-613 Bridgeway) appears in *Sausalito News* advertisements from 1927 - Carlisle Sandwich shop (801 Water Street) and the "new" Delux Barber Shop (803 Water Street).[36] The Sausalito Historical Society's collection of 1924 Tax Assessment records includes 809 Water Street (Chinese laundry and residence), 801 Water Street (Barn and Auto shed), 777 Water Street (fruit store and residence) (see full sheets in the Appendix). The 1928 Tax Assessment records in the Marin History Museum collection includes lots 14-17, Block A, as well as lots J-K-L, Block 1 of the Saucelito Land and Ferry Company, Map C. All the lots are still owned by Grace Noble Johnson et al (Kent & Minto) and each lot features a building. The footprint is drawn on each sheet, along with other detailed information. The following information is extracted from the Assessor's sheets (See full sheets in the Appendix):

Lot 14 (constructed c.1898): two-story, wood frame building with wood siding - laundry (ground floor), four-room residence (2nd floor).

Lot 15 (constructed 1925): one-story, wood frame, stucco front and sheet metal siding on side elevations – Stores.

Lot 16 (constructed n.d.): one-story, wood frame, board & batten siding – Auto and adjacent open shed.

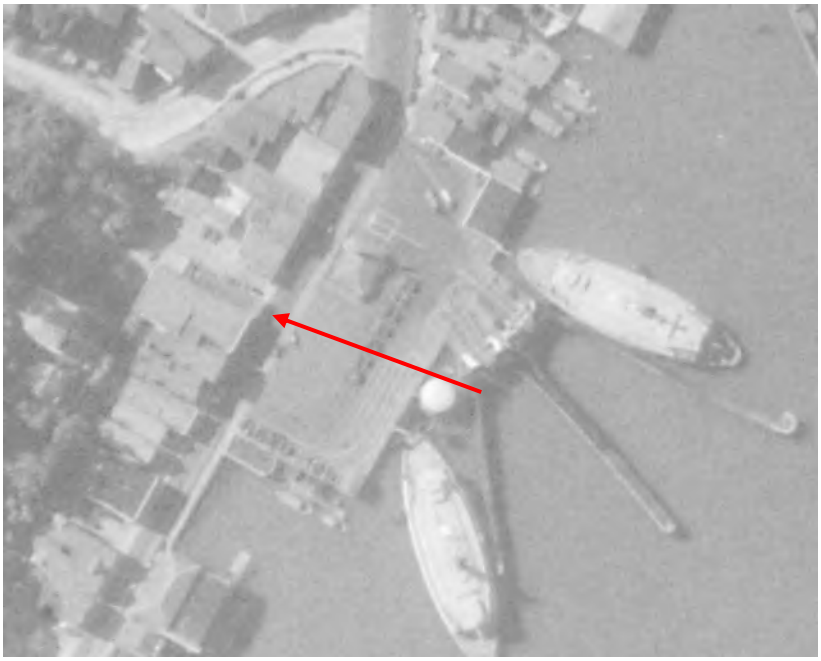
Lot 17 (constructed 1912): one-story, wood frame, gable roof with shingle cladding, wood siding – Store; Ancillary buildings - auto building & shed building.

Lot J-K-L, Lot K (constructed c.1883): one-and-a-half story with basement, wood frame, gable roof with shakes, dwelling – tea room (1st floor), three-room residence (upper floor); Ancillary building – three car garage

Lot J-K-L, Lot L (constructed n.d.): one-story with basement, wood frame, shingle siding, gable roof with shingles, three room dwelling.

In 1936, to acknowledge the new Golden Gate Bridge, Water Street became Bridgeway. In the Sanborn map the concrete building containing the stores at 605 Bridgeway (former 777 Water Street) and 607 Bridgeway (former 783 & 785 Water Street) is visible. The stores are both one story at the street with two stories from the middle of the building to the rear. 605 Bridgeway (777 Water Street) has a longer footprint. A wood frame "Auto" building with metal cladding appears directly to the rear of 605 Bridgeway (777 Water Street). 607 Bridgeway (783 & 785 Water Street) is called out as a "hand laundry" and a one-story, wood frame with metal cladding space (boiler) abuts the rear elevation. On the Sanborn map, all windows are indicated as steel sash, at both floors. The adjacent one-story, wood frame 611 Bridgeway (801 Water Street) and 613 Bridgeway (803 Water Street) are extant. 611 Bridgeway is identified as a "Saloon" and 613 Bridgeway as a "Barber." 611 Bridgeway also has a small room at the rear. The 1945 Sanborn also shows that between 1919 and 1945 two long rectangular wood auto sheds were constructed after 1919 on lots J-K but were demolished by 1945. Also, on lots J-K-L, the two, wood frame dwellings and the auto building are extant along Princess Street. However, in the 1955 Sanborn map, the Princess Street dwellings and auto are non-extant. All other buildings on the subject parcel are the same in 1955 as in 1945.

No Sanborn maps exist after 1955 but aerial and neighborhood photographs, as well as newspapers, directories, and City of Sausalito permit records (1950-present) provide insights into the subject parcel from the 1950s to the present. 1931, 1952, c.1955, 1965, and 1968 aerial photos indicate that the area behind the Bridgeway stores remained undeveloped after the demolition of the sheds. From the 1950s onwards many cars are visibly parked in that space. The building footprints do not appear to change, and no additional stories have been added. There have been several attempts to develop the parcel since the early 1960s but none have gone forward due to resistance by the community or the City of Sausalito.



Figures 15: 1931 aerial, Turnbull crop. The Golden Gate Ferry is active. The 1913 Marin Fruit Co. store at 777 Water St. visible (red arrow), and 801 & 803 Water Steet, as is the Hong Lee Laundry building at 809 Water Street (UC Santa Barbara Geospatial collection)

Figure 16: 1947 aerial, Turnbull crop – the 777 Water Street wood frame building is replaced with 605 & 607 Bridgeway (red arrow); the 609 Water Street Chinese laundry building is gone in 1947 and 611-613 Bridgeway is visible (yellow arrow) (UC Santa Barbara Geospatial collection)

Figures 17 (left): 1955 Sanborn (updated from 1919), Turnbull crop (Sausalito Historical Society)

Figure 18 (right): 1965 aerial, Turnbull crop (UC Santa Barbara Geospatial collection)

In 1961, the Kennedy administration passed the Housing Act to promote low-interest rental housing loans. In 1962, Stanley P. Berney attempted to develop the property as the "Sausalito Arms and Arcade" which was intended as a mixed-use project - professional and medical offices combined with apartments and parking access from Princess Street. The project was taken up by the subsequent owner Charles Mead in 1963. A letter in 1979 from the Sausalito City Council indicates that there was a continued effort to develop the parcel. In 1979 the five co-owners of Ondine Enterprises, also owners of Ondine Restaurant, began the process to develop the subject parcel into the "Sausalito Inn."[37] There was vigorous community pushback when the development project was formally submitted. Part of the resistance came from Ronald MacAnnan, who owned the building where Ondine restaurant was located. The development was called Princess Properties. After the failure to develop the site, Ronald MacAnnan purchased the Princess Properties.[38] In 1997 Ronald MacAnnan and his co-owner and wife Carol MacAnnan attempted to develop the parking space at the rear of APN 065-132-16 but did not succeed.[39]

In the ensuing years after the departure of the Marin Fruit Co. and the Chong Lee laundry, various businesses have occupied the four storefronts. The main issue that has come up in City of Sausalito building records are signage, particularly in reference to the parking at the rear of the parcel. A 1993 proposal to change the siding, roof, and rear of 611-613 Bridgeway by Ronald MacAnnan and his architect Edmund Heine was rejected by the City of Sausalito. In a letter to

Heine, it states that, "staff has reviewed the submitted revisions dated February 11, 1993 and conducted a site investigation in response to your request...staff has determined that the project would result in a considerable exterior renovation to the structure, visible from the commercial and residential areas along Princess Street, and the requirement for HLB and DRB approval cannot be waived."[40] HLB refers the Historic Landmarks Board, the prior name to the current Historic Landmarks Commission, and DRB refers to the Design Review Board.

IV. Building and Property Description / Construction History

Parcel Description (APN 065-132-16)

The subject property consists of the large parcel APN 065-132-16 that includes two buildings 605-607 Bridgeway and 611-613 Bridgeway and associated ancillary structures; a surfaced driveway and parking area to the north and rear of the buildings; and a portion of the hillside on the western edge, including the Princess Street retaining wall. The parcel contains seven original lots from the 1884 Saucelito Land and Ferry Co. map C – lots 14, 15, 16 and 17 of Block "A", and lots J, K and L of Lot "1".[41] By 1989 the lots were merged to create APN 065-132-11.[42] By 2004 the parcel is identified as APN 065-132-16.[43]

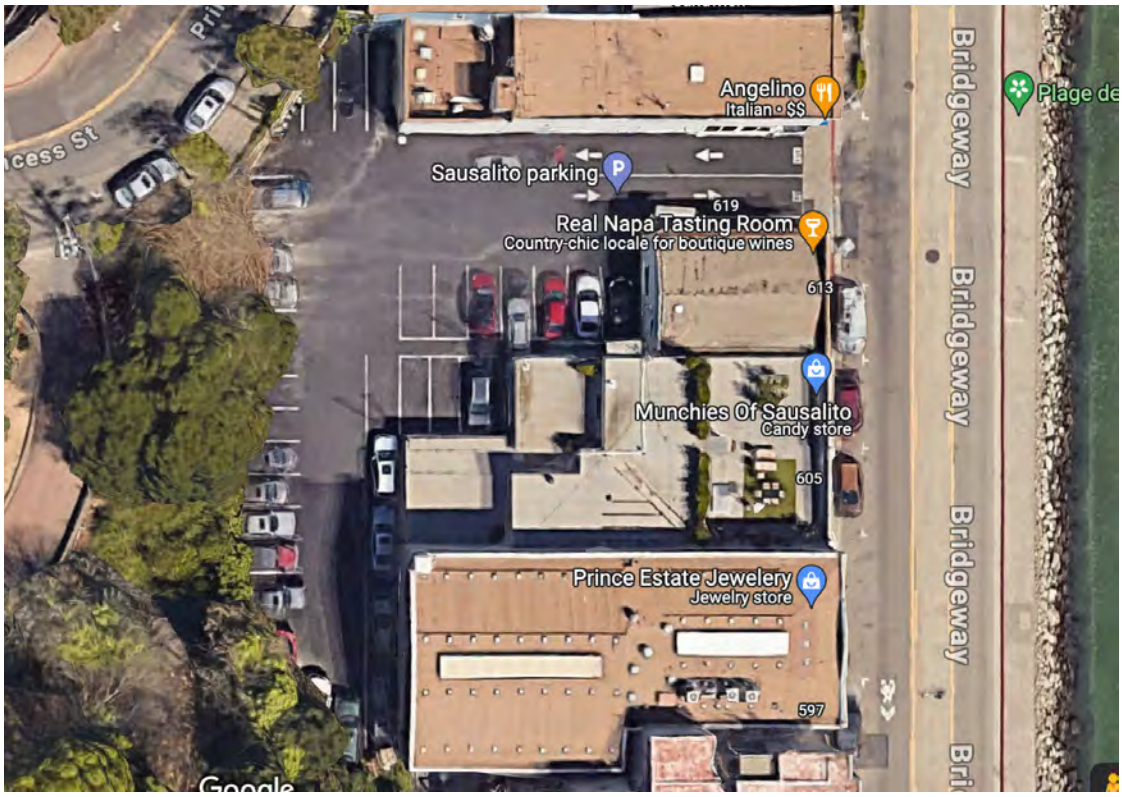


Figure 19: 2024, current parcel APN 065-132-16 condition, Turnbull crop (Google Satellite view)

Exterior Description

605 & 607 Bridgeway is a one-story, double storefront with a second-story residential portion towards the rear of the building. The property's footprint steps back from the shorter 607 Bridgeway portion to the longer 605 Bridgeway portion. upper story of the property contains separate apartment units which are accessed via a rear exterior stair. The property is of concrete construction with flat roof. A rear garage building is located directly behind 605 Bridgeway and is wood frame with corrugated metal siding and a flat roof.

The storefront elevations of 605 and 607 Bridgeway are almost identical. Both feature a central entrance with double doors flanked by plate glass display windows over a bulkhead. A multi-lite, steel sash transom window with operable pivot windows spans the length of each individual storefront. The transom is topped by a spandrel with a decorative raised framed panel. The 605 Bridgeway panel reads "Marin Fruit Co." A decorative brick edging spans the storefronts' parapet. At the rear elevations, fenestration is primarily located at the upper story and is multi-lite steel sash.

611-613 Bridgeway is a one-story, wood frame building with a shallow gable roof surrounded by a parapet. The Bridgeway elevation features painted, stucco cladding, and the north and rear elevations feature corrugated metal cladding. The storefront features an arrow-shape entry area with an entry door at each face. Each store features a plate glass display window over a bulkhead. Shallow stucco clad piers flank the entry area, and also mark the building's corners. An opaque transom with painted panels fills the space over the entry and above each display window. The top portion of the elevation is filled with a single recessed panel. The building's north elevation faces the parking area driveway entrance and has no windows. The rear elevation contains a window and a double entry door at the lower area, and another window over the entry door. The gable roof line is visible at the rear elevation.

Historic photographs and aerials indicate that the building footprint has remained intact. City of Sausalito building records, and historic photographs indicate that the 605 Bridgeway elevation has also remained intact. The distinctive Marin Fruit Co. sign was removed in 1998 with the closure of the store. 607 Bridgeway's storefront was altered during the period of the laundry but was remodeled in the 1990s to mirror 605 Bridgeway again. 611-613 Bridgeway appears largely intact except for the orange Tuscan color added in 2006. A more detailed construction history, and accompanying permit history, follows.

Current Photos

Figure 20: 605 & 607 Bridgeway on left, 611-613 Bridgeway on right (Turnbull May 2024)

Figure 21: Bridgeway, subject property middle right (Turnbull May 2024)

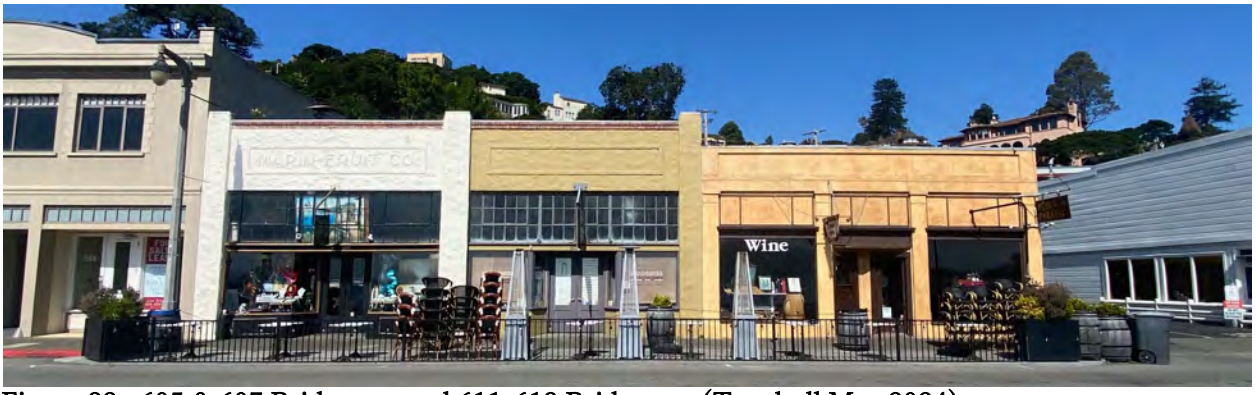


Figure 22: 605 & 607 Bridgeway and 611-613 Bridgeway (Turnbull May 2024)

Figure 23: 605 Bridgeway, former Marin Fruit Co. (Turnbull May 2024)

Figure 24: 607 Bridgeway, former Hong Lee Laundry (Turnbull May 2024)

Figure 25: 611-613 Bridgeway, former Carlisle Sandwich / DeLuxe Barber (Turnbull May 2024)

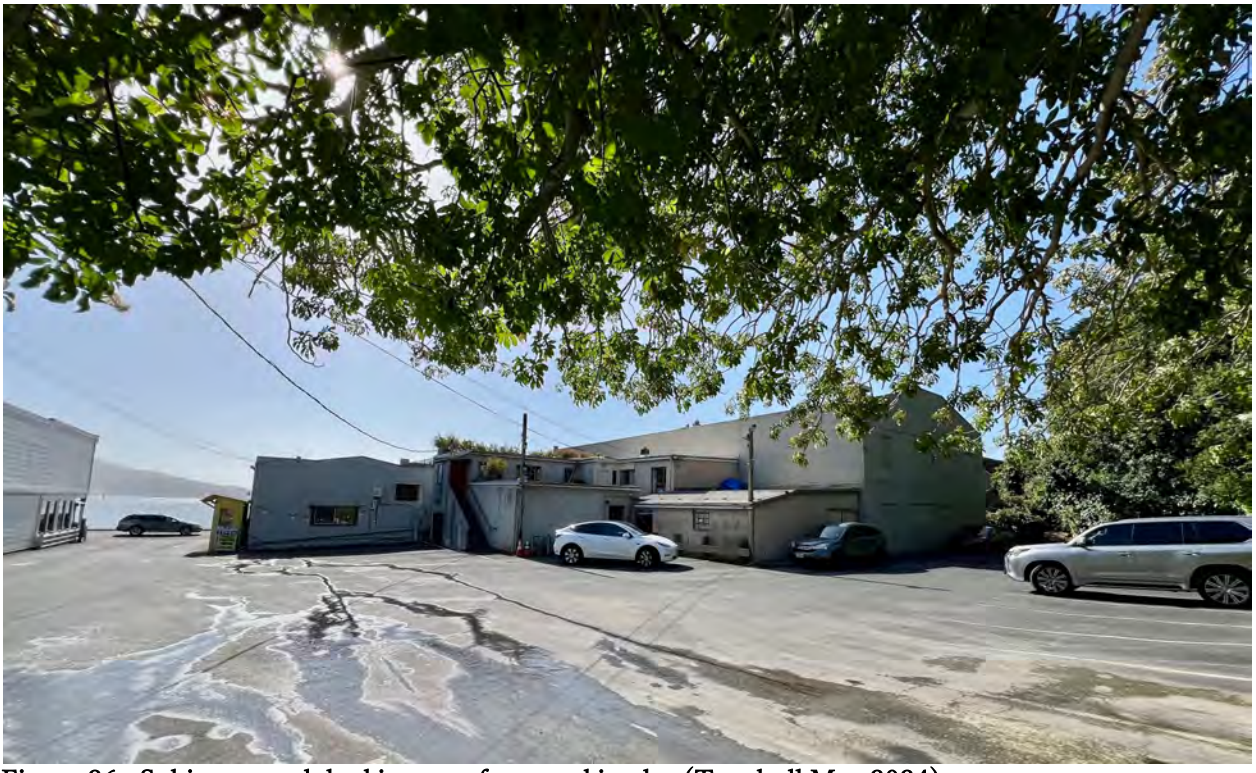


Figure 26: Subject parcel, looking east from parking lot (Turnbull May 2024)

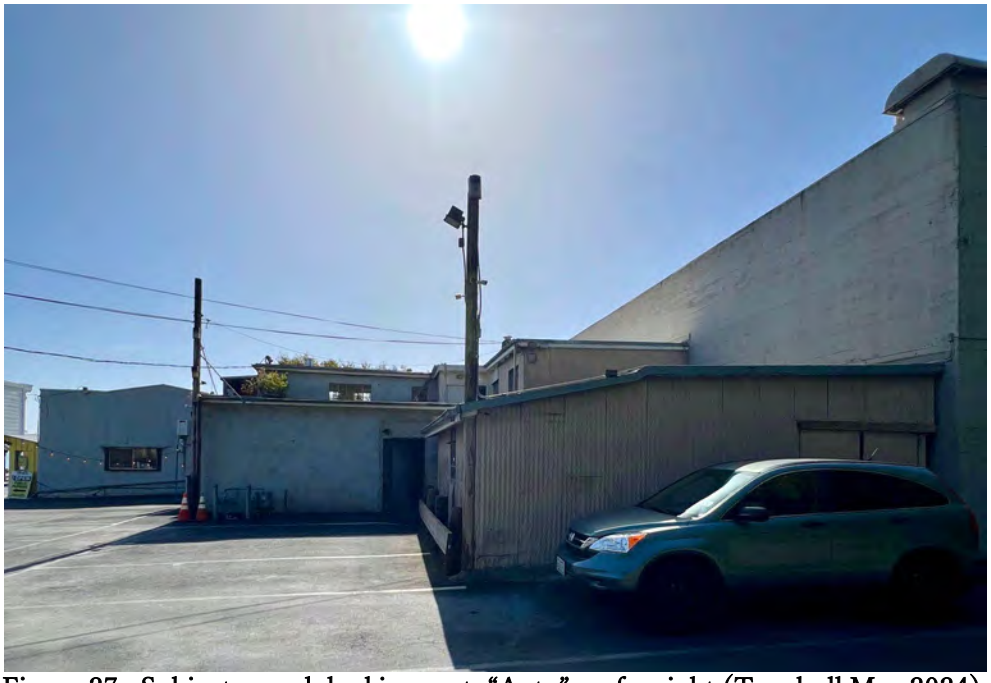


Figure 27: Subject parcel, looking east, "Auto" on far right (Turnbull May 2024)

Figure 28: 605 & 607 Bridgeway, north elevations and exterior stair, "Auto" shed on right, looking south from parking lot (Turnbull May 2024)

Figure 29: 605 & 607 Bridgeway, north and west elevations, "Auto" shed on right, looking southeast from parking lot (Turnbull May 2024)

Figure 30: 605 Bridgeway, "Auto" shed (Turnbull May 2024)

Figure 31: 611-613 Bridgeway, west elevations, looking east from parking lot (Turnbull May 2024)

Figures 32 & 33: 605 Bridgeway, storefront (upper), original tile bulkhead behind painted wood panels and Marin Fruit Co. raised lettering (lower) (Turnbull May 2024)

Historic Photos

Figure 34: Parcel and with buildings in 1952, Turnbull crop (Sausalito Historical Society)

Figures 35-36: 1955 (left) and 1946 (right) (Sausalito Historical Society)

Figure 37: 1968 Aerial view of Parcel 065-132-16, Turnbull crop with approximate boundaries, part of parcel is out of view, the parking area is used for off-street parking for the Marin Fruit Co. and Hong Lee Laundry business traffic (Sausalito Historical Society collection)

Figure 38: Bridgeway c.1966 (Sausalito Historical Society, Edwin S. Long photo binders)

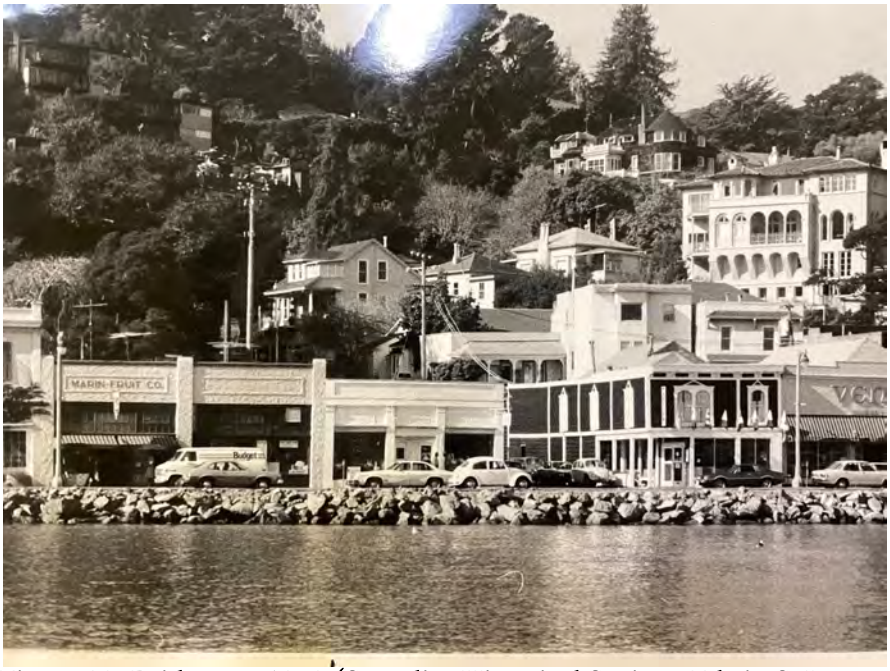


Figure 39: Bridgeway 1979 (Sausalito Historical Society, Edwin S. Long photo binders)

Figure 40: 1981 "before" photograph form a *Marin Scope* article about proposed Ondine Enterprise development (UCR, California Digital Newspaper Collection)

Figure 41: c.1988 around the termination of the Lee laundry, bulkhead tile is still visible on both 605 & 607 Bridgeway (City of Sausalito, digitized building records)

Figure 42: 1990, Tapia Art Gallery has taken over from Town & Country Antiques (City of Sausalito, digitized building records)

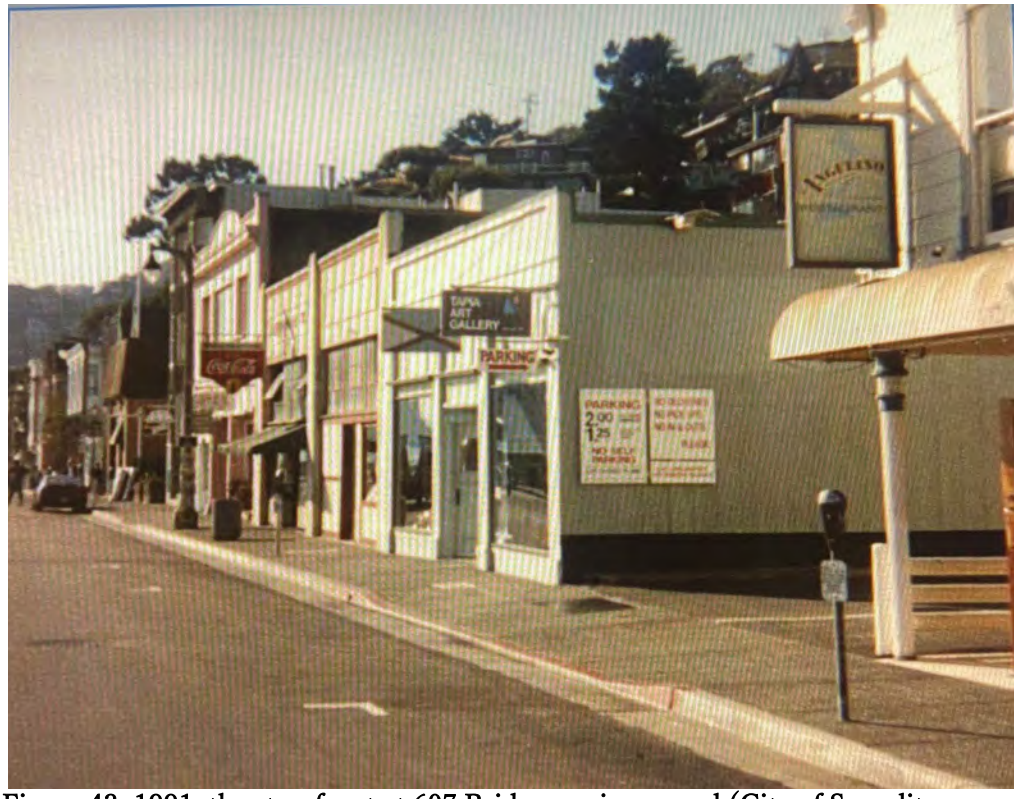


Figure 43: 1991, the storefront at 607 Bridgeway is covered (City of Sausalito, digitized building records)

Figure 44: 1991, parking at rear of parcel (City of Sausalito, digitized building records)

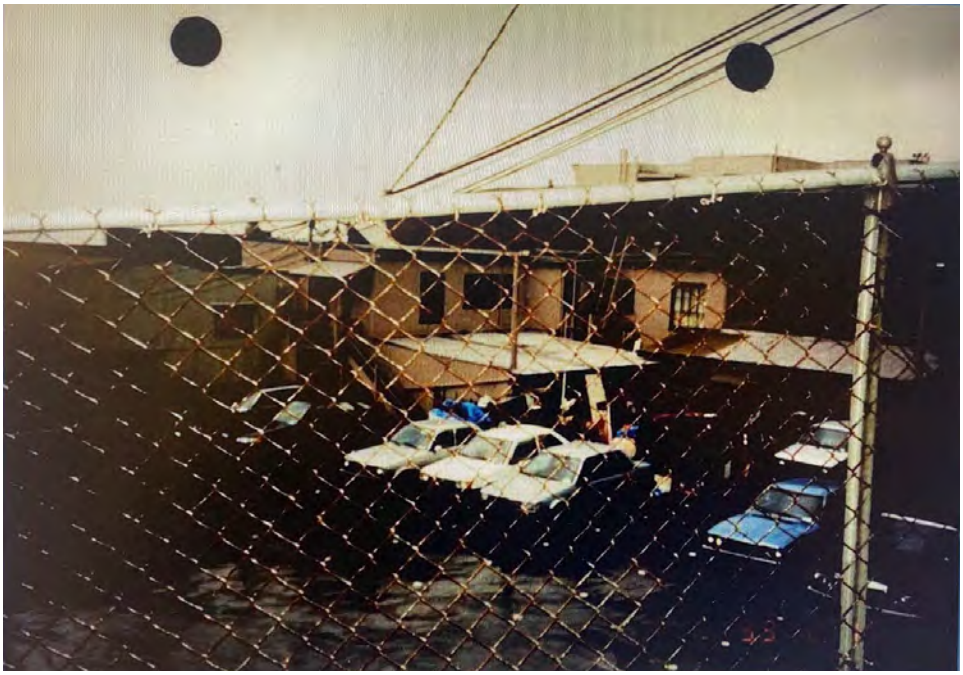
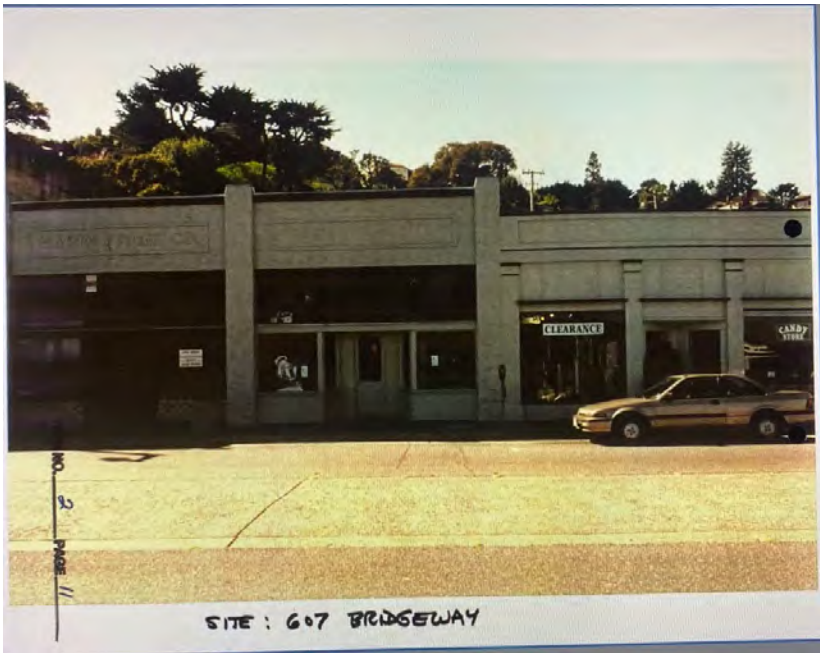


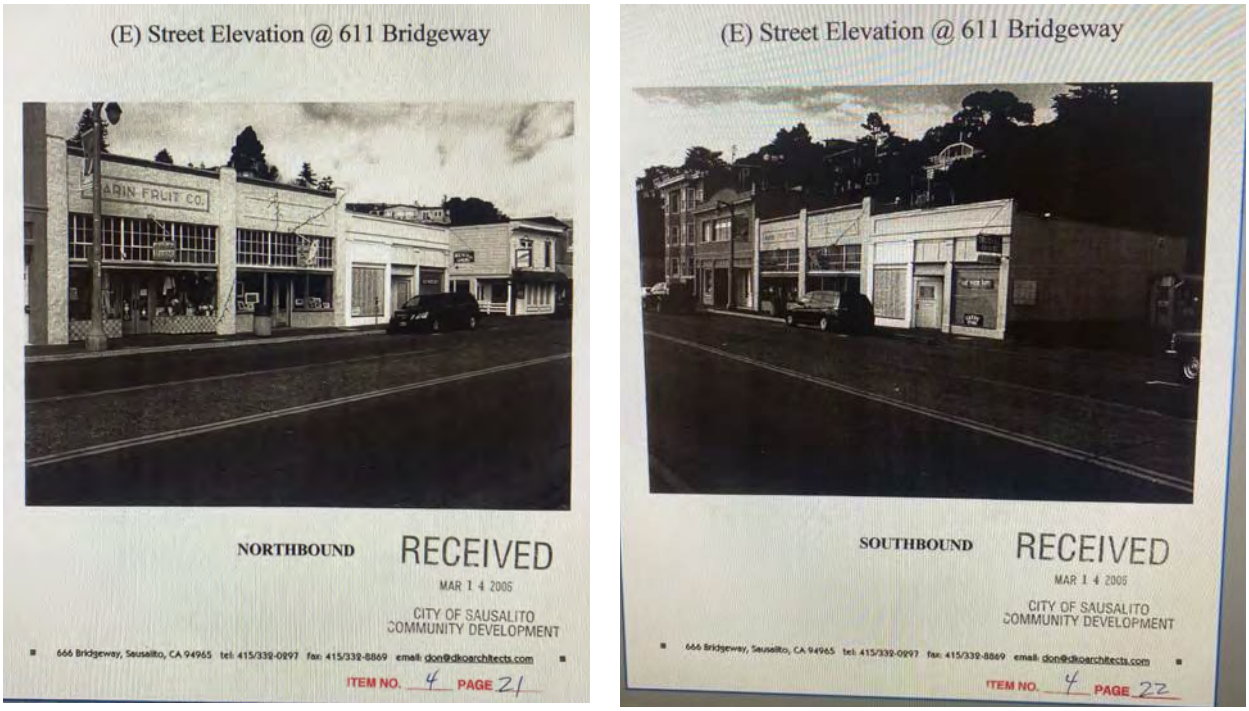
Figure 45: 1993, site photos by Heine, designer for 607 Bridgeway "Candy" store proposed project (City of Sausalito, digitized building records)

Figures 46-49: 1993, site photos by Heine, designer for 607 Bridgeway "Cakery" store proposed project (City of Sausalito, digitized building records)



Figures 50: 1998, existing condition of proposed storefront alteration (City of Sausalito, digitized building records)

Figures 51: 1998, existing condition at time of proposed storefront alteration (City of Sausalito, digitized building records)



Figures 52-53: 2006, Existing conditions, photos by Donald Olsen Architecture (City of Sausalito, digitized building records)

Construction History

605 & 607 Bridgeway (777 & 783/785 Water Street)/ 811-813 Bridgeway (801-803 Water Street)/ 809 Water Street

The earliest available permit record for 605 Bridgeway dates from January 23, 1950 when proprietor Willie Chee rearranged the office, casing and shelving for $500. Digitized permit and building records available from the City of Sausalito, indicate that 605 Bridgeway underwent minimal changes over the years - fire damage repair in 1985, and in 1998 the rear stairs were rebuilt and some interior walls were adjusted. Historical newspapers describe a warehouse fire in 1953 with $2,000 damage.[44] It is not verified, but this may explain the demolition of one of the sheds on the parcel between the 1945 Sanborn and 1955 Sanborn maps. A 1985 *Sausalito Marin Scope* article describes the 1985 fire as "damage to several rear storage areas, stairs and small utility rooms.[45] Examination of historic aerials and photographs indicates that the footprint of 605 Bridgeway (777 Water Street) is largely the same, and that the "Auto" building evident on the 1945 Sanborn map remains extant. The Marin Fruit Co. storefront, with its raised lettering, operable steel multi-lite transom windows, plate glass with bulkhead, and recessed storefront entrance remains extant. The tiled bulkhead is hidden behind plywood panels but is still extant.

The earliest available permit for 607 Bridgeway is permit application #2453 dated November 25, 1959 and it was submitted by owner Charles Mead et al for a sheet metal sign. Subsequent records (that were not expired permits or rejected projects) include the 1970 addition of an exterior stair and a remodel of some interior walls (permit #5606); and some interior remodelling and a façade renovation in 1998 (#98-22). Historic photographs indicate that the northern half of the 607 Bridgeway storefront was altered by 1955 (see figure 18). The southern half matched 605 Bridgeway (777 Water Street), with a tiled bulkhead and plate glass windows in 1988 (see figure 22). Drawings from the City of Sausalito digitized records from 1989 show existing and proposed storefront plans and elevations. The existing storefront doorway is flush with the bulkhead and features only one door. A series of 1991 photos from the online records show that the south plate glass storefront window and bulkhead are covered by a panel, there is one entry door that is flush with the bulkhead, and the northern plate glass window is visible with a plywood covered bulkhead below (see figure 24). By 1998, the entrance mirrors the recessed storefront of 605 Bridgeway, except that the front door is a single door with opaque sidelites, and the bulkhead is untiled. The multi-lite steel sash transom is extant in both 1991 and 1998. Currently, the entrance features double-doors.

An August 8, 1962 permit application #4010 is the earliest available permit record for 611-613 Bridgeway and it is for repair of minor damage from an automobile. In 2006, the owner repainted the exterior stucco to Tuscan orange. And in 2010, the owner opened a doorway between the central partition wall between the stores; the opening is closer to the storefront entrances. The majority of permit records related to 611-613 Bridgeway concern signage changes. A comparison of a 1955 historic photo, and a 2006 photo from the online permit records, indicates that the distinctive triangular entryway with individual storefront doors, and the plate glass storefront windows, has remained intact; however, a three-part transom window that spanned the front elevation was infilled with opaque panels (see figures 18 &33). The north elevation and west elevations feature extant corrugated metal siding that is identified in the 1945 Sanborn map.

Permit and Building Records Tables

A summary of available building permit history follows[46]:

605 Bridgeway (777 Water Street)

Date	Source	Names	Description / Cost
1/23/1950	None shown	Willie Chee, proprietor (lives at 605 Bridgeway); Hammond(sp?) Hall, builder	Rearrange office and casework, shelving etc. (building inspector); $500.
11/14/1962	CUP #284 (APN 065-132-11)	Berney, Stanley P., owner	Proposed "Sausalito Arms & Arcade", five-story, mixed use professional and medical offices, and apartments, with garage. Note: not constructed
3/5/1965	Sign application	Marin Fruit & Grocery Co., proprietor	Replace Coca Cola sign with a neon sign (rejected)
3/27/1985	Permit # 9377	Mr. De Natale, owner (558 Bridgeway); Leonard Solomon, Inc., contractor	Repair fire damage to rear of bldg. (inspection record); $9,822.00
9/16/1985	Building Inspection Record, Permit #1471 (parcel 65-132-11)	Princess Properties, owner (Ondine Restaurant, lives at 558 Bridgeway); Martinez Electrical, contractor	Proposed electrical for 611, 613, 615, 618 Bridgeway; $6000.00
3/23/1989	Application #11339 (parcel 65-132-11)	Ronald and Carol MacAnnan, owner	Encroachment permit for driveway apron off of 83 Princess Street*
6/27/1998	Permit # A 6400	Linda Fotsch, owner (655	Repair dry rot and water damage; $5,000.00

		Sausalito Blvd) and contractor	
3/20/1998	Permit # A 6438 Building/Plumbing/Electrical and Mechanical	Linda Fotsch, owner; Wilson Building, contractor	Rebuild stairs, add light fixture, remodel ½ bar, interior walls (inspection record); $6000.00
5/22/1998	Permit # 6528	Linda Fotsch, owner and contractor	Upgrade lighting, paint & patch, stain floors
6/26/1998	Permit #A 6583	Fotsch, owner; Wilson Building, contractor	Repair wiring to parking lot flood lights (expired by limitation)
7/27/2004	Permit #M 10950	Willy's LLC- Linda Fotsch (Bench House Clothing Co. & Splash), owner; Knolls Systems Corp, contractor	HVAC unit inside bldg., for apartment (expired by limitation); $8690

607 Bridgeway

Date	Source	Names	Description / Cost
11/25/1959	Application #2453	Charles Mead et al, owner	New 2'x3'sheet metal sign
11/14/1962	CUP #284 (APN 065-132-11)	Berney, Stanley P., owner	Proposed "Sausalito Arms & Arcade", five-story, mixed use professional and medical offices, and apartments, with garage. Note: not constructed
11/23/1970	Permit #5606 (parcel #65-132-11)	Ondine Ent. Inc., owner; Fred Martinez, contractor; Clift Parlee, architect	Erect new exterior access stairway to storage, 50 sqft; $421.00

9/16/1985	#1471 (building inspection record)	Princess Properties, owner (Ondine Restaurant, lives at 558 Bridgeway); Martinez Electrical, contractor	Proposed electrical for 611, 613, 615, 618 Bridgeway; $6000.00
1989	Permit # A2109	Ronald MacAnnan, owner; Edmund C. Heine, eng	Proposed "Cakery" bakery and café, note: not constructed
2/12/1990	Application for (parcel 65-132-11)	Ronald R. MacAnnan, owner	Encroachment for underground sewer line from Princess Street
8/12/1993	Occupancy permit application for ground floor	Ronald R. MacAnnan, owner (83 Princess St)	"Cakery", 1540 sqft Retail bakery and café application, note: not constructed.
4/2/1993	A3945 (APN 65-132-11)	Ronald R. MacAnnan, owner; Edmund C. Heine, architect	Remodel interior, exterior alterations, 1000sqft; $40,000. (expired)
8/9/1993	A4066 (APN 65-132-11)	Ronald R. MacAnnan, owner;	Remove and replace old tar and gravel roofing, 1000sqft; $2,000.
6/27/1998	A 6400	Linda Fotsch, owner (655 Sausalito Blvd) and contractor	Repair dry rot and water damage; $5,000.00
3/17/1998	#6429 (expired by limitation 1999)	Linda Fotsch, owner; Wilson Bldg, contractor	Install doors, frame ceiling, pour slabs, dry wall, elect, plumbing (inspection record)
5/4/1998 (completed 9/8/1999)	98-23 (Encroachment permit)	Wilson Bldg, contractor	Protecting sidewalk during glass replacement;
2/25/1998	98-22 (comments)	Linda Fotsch, owner (665 Sausalito Blvd); Leedy Gallery (occupant); Richard Gould, structural	Façade remodel, and tenant improvements; remove mezzanine section at front of bldg., add new framing support to (e) window and door at front façade; "install front & rear doors, frame ceiling

		engineers; Wilson Bldg, contractor	wall partition, pour slab floor, provide electrical, plumbing for ADA restroom, drywall trim. Remove interior stairs and one rear door at grnd floor.

611 Bridgeway

Date	Source	Names	Description / Cost
8/8/1962	Application # 4010	Robert Miller Realty, owner (16 Princess Street); R.E. Saleme Cons. Co., contractor	Repair minor automobile damage to rear of store bldg; $300.00
11/14/1962	CUP #284 (APN 065-132-11)	Berney, Stanley P., owner	Proposed "Sausalito Arms & Arcade", five-story, mixed use professional and medical offices, and apartments, with garage. Note: not constructed
9/16/1985	#1471 (building inspection record)	Princess Properties, owner (Ondine Restaurant, lives at 558 Bridgeway); Martinez Electrical, contractor	Proposed electrical for 611, 613, 615, 618 Bridgeway; $6000.00
7/10/1990	Permit # E 2728	Ronald MacAnnan, owner and contractor	Install halo track lighting; $2000.
7/1/1992	Encroachment Permit # 92-30	Ronald R. MacAnnan, owner (558 Bridgeway)	Parking Sign
6/27/1998	Permit # A 6400	Linda Fotsch, owner (655 Sausalito Blvd) and contractor	Repair dry rot and water damage; $5,000.00
5/10/2006	UP Application #06-004	Linda Fotsch, owner; Donald Olsen, architect	Request to open wine shop, request Class1 CEQA, categorical exemption; Paint color changed (without

			approval) from blue grey to Tuscan orange
7/20/2010	Permit Application # B10370 (Inspection Record)	Linda Fotsch, owner (Real Napa); Donald Olsen, architect	Add 2 openings to (e) non-bearing wall partition b/w spaces The Real Napa Store

613 Bridgeway

Date	Source	Names	Description / Cost
13/1958	Application #2082	Luther D. Rockus, owner (613 Bridgeway)	2 1/2x3 - Store sign
9/16/1985	Permit #1471 (Building Inspection record)	Princess Properties, owner (Ondine Restaurant, lives at 558 Bridgeway); Martinez Electrical, contractor	Electrical for 611, 613, 615, 618 Bridgeway; $6000.00
7/10/1990	Permit# E 2728	Ronald MacAnnan, owner and contractor	Install halo track lighting; $2000.
7/20/1990	# CE 90-37	Bobbie Tapia of Tapia Art Gallery, occupant	Illegal parking sign
7/24/1991	# CE 91-10	Ronald MacAnnan, owner; Bobbie Tapia of Tapia Art Gallery, occupant	Illegal parking sign
7/1/1992	Encroachment permit # 92-30	Ronald R. MacAnnan, owner (558 Bridgeway)	Parking Sign
7/20/2010	B10370 (permit application/inspection record)	Linda Fotsch, owner(Real Napa); Donald Olsen, architect	Add 2 openings to existing non-bearing wall partition between existing spaces of The Real Napa Store*

Architectural Style and Character-Defining Features

605 & 607 Bridgeway and 611-613 Bridgeway are both early twentieth century utilitarian commercial buildings with minimal Mission Revival ornamentation. 605 & 607 Bridgeway is a combination commercial storefront and residential property, with the storefront visually separated from the recessed upper story. 611-613 Bridgeway is a single-story commercial storefront property.

Character-Defining Features – APN 065-132-16

- Plateau area at the base of a wooded bluff, Princess Street retaining wall forming the northwest edge.
- Commercial buildings enfronting the landscaped bluff behind.
- Concentration of small-scale commercial storefronts at the street front with no setbacks, and utilitarian areas at the rear open parking area.

Character-Defining Features – 605 & 607 Bridgeway (former 777 and 783 & 785 Water St)

- One-story storefront with a second story residential above.
- Two-bay storefront facade.
- Flat roof with minimal parapet at street elevation.
- Central, recessed storefront entrance flanked by single pane display windows above a bulkhead.
- Multi-colored ceramic tile on bulkhead (where extant).
- Multi-lite steel sash transoms with pebbled glass and horizontal pivoting sash (where extant).
- Pilasters with tapered caps, spandrel between with a central sign band.
- Brick, stepped course above spandrel at parapet.
- Raised "Marin Fruit Co." lettering (605 Bridgeway, former 777 Water Street)
- Painted cement stucco wall surface at storefront, corrugated metal and cement stucco at rear elevations.
- Steel sash at rear elevations

Character-Defining Features – 611-613 Bridgeway (former 801-803 Water St)

- One-story storefront with tri-partite bays.
- Shallow gable roof with parapet at street elevation.
- Central, recessed triangular entry area, with a single, entry door at each store.
- Single pane storefront display windows, small bulkhead below.
- Engaged pilasters, spandrel with recessed sign band, and parapet.
- Tri-partite transom recessed panel with continuous cornice above.
- Painted cement stucco wall surface at storefront, corrugated metal at rear elevations

V. Ownership/Occupancy History

Owners

APN 065-132-16 is comprised of seven original parcels from the Saucelito Land & Ferry Company Map C. The owner of the parcels in the early twentieth century was the Noble family. H.H. Noble is the original property owner. In the earliest available tax assessment records from 1924, the owner is identified as Grace Noble Johnson et al (Grace is one of the Noble daughters). The 1928 Tax Assessment lists Grace Noble Johnson et al (Kent & Minto). In fact, APN 065-132-16 and its seven originally individual parcels have all remained under one ownership since the early twentieth century (see Ownership Table) The APN number switched from the individual lot numbers to APN 065-132-11 c.1970. Ownership passed from the collective owners of Ondine Enterprise (also owners of the nearby Ondine Restaurant) to Ronald MacAnnan in 1985. MacAnnan's business was called Princess Properties. Ownership passed to the current owner Linda Fotsch, also known as Willy's LLC and formerly Trident LLC. Under the current ownership the parcel is identified as APN 065-132-16.

Ownership Table

Date	Owner	Sources
1924	Grace Noble Johnson et al	Tax Assessor Records
c.1925	Grace Noble Johnson et al	Tax Assessor Records, Sausalito Platt Book
1928	Grace Noble Johnson et al (Kent & Minto)	Tax Assessor Records, historical newspapers,
1940s	Grace Noble Johnson (Kent & Minto)	Sausalito Block Book
1959	Charles Mead et al (607 Bridgeway)	City of Sausalito Records
1962	Berney, Stanley P.	City of Sausalito Records
1970-1985	Princess Properties/Ondine Enterprises Inc.	City of Sausalito Records
1989-1998	Ronald R. MacAnnan	City of Sausalito Records, historical newspapers
1998-present	Linda Fotsch, also called Willy's LLC	City of Sausalito Records, historical newspapers

Occupants

The occupants of parcel APN 065-132-16 for at least two of the addresses has been remarkably consistent. The original lot 14, 809 Water Street, was occupied by a Chinese laundry business, as well as residence, as early as 1894. The Hong Lee laundry appears in historic photographs and in City Directories until 1931 when it was demolished. The business moved to the concrete storefront and residence at 783 & 785 Water Street. It remained in this location as both a business and residence until 1988. A November 1988 *Sausalito Marin Scope* article describes the eviction of business owner Ping Lee by the parcel owner Ronald MacAnnan (he purchased the property in 1985).[47] In the article it describes how the Lee family had owned and run the laundry business at 809 Water Street and then 607 Bridgeway (formerly 783 & 785 Water Street) for 100 years (see Ownership Table). Similarly, the Marin Fruit Co. business at 605 Bridgeway (777 Water Street), next door to the laundry, occupied the location beginning in 1913. In that year, a *Sausalito News* article announced the construction of a wood frame "chinese fruit store" next to an existing Japanese cobbler.[48] In the 1920 Census, the store is collectively operated by a group of five Chinese men headed by Won Sue Yin, and including 20-year-old Yee Tock Chee (See Occupant Table).[49] According to an official 1998 City Council of Sausalito proclamation paying tribute to Yee Tock Chee, it states that Yee originally purchased a fruit store business located at 20 Caledonia Street (see Appendix) in 1919 and moved the inventory to 777 Water Street.[50]

In the 1930 Census, Won Shee Yin still heads a group of four Chinese "partners, Fruit Store" and Yee Tock Chee is still a partner in this group. Yee Tock Chee eventually came to be known as Willie Yee in Sausalito. In both the 1920 and 1930 census records, all the men live at 777 Water Street (later 605 Bridgeway). In the 1940 Census, the occupants are the six members of the Chee T. Yee family, except for the lodger Lew Poy (also a partner and lodger in the 1930 Census). Yee is identified as the "manager, retail grocery." Like the Yee family, in the 1940 Census, only the eight member Lee family occupy the laundry business and residence. Both families are still present at their respective addresses in the 1950 Census (see Occupant Table). The Willie Yee family ran the business and lived at 605 Bridgeway (777 Water Street) until 1998 when the new owner, "increased the rent from $2,200 to $9,900."[51] In the years following the eviction and forced departure of these long-term Sausalito Chinese-American legacy businesses, the storefronts at 605 Bridgeway (777 Water Street) and 607 Bridgeway (783 & 785 Water Street) have supported a variety of businesses.

Another Marin Fruit Co. proprietor, Wing Mow Lung, also appears in the historical newspapers, as well as in a photo in Jack Tracy's comprehensive Sausalito history book *Moments in Time*. In a 1920 *Sausalito News* article, it announces that "Wing Mow Lung, proprietor of the Marin Fruit store" had left for a trip to visit family in China.[52] And in a December 1937 obituary in the Sausalito News it states, "Sausalito mourns passing of Wing, for two generations proprietor of

the Marin Fruit and Grocery Company."[53] The Census records indicate that there were at least five co-proprietors of the Marin Fruit Co. in 1920 and 1930. In the story of the Marin Fruit Co. it is the Yee family that is most closely associated with the property both as proprietors but also as residents in the apartment above the store.

Figure 54: 777 Water Street (1923), Yee Tock Chee on left, Wing Mow Lung right in the original 1913 fruit store (*Sausalito: Moments in Time*)

Yee Tock Chee (Willie Yee) and the Marin Fruit Co. played a central role for a large part of the twentieth century. The Yee family and the Marin Fruit Co. appear intertwined in the newspaper records and books about Sausalito. During the Depression era, Yee supported both individuals and neighboring businesses and continued to provide support throughout the following decades. In 1943, his daughter's wedding announcement stated that, "great interest in the wedding was shown by the attendance of many Sausalito residents, business men, church members and City Fathers."[54] In the early 1960s, when it appeared the parcel was to be developed, hundreds of the Sausalito community came to council meetings to find a way to save the Yee family and the Marin Fruit and Grocery Co.[55] And when Yee died in 1975, within three days the Sausalito City Council voted unanimously to rename Princess Park to Yee Tock Chee park in his honor. When the Yee family was forced to close their store by the current owner of APN 065-132-16, the Sausalito Mayor read a proclamation to commemorate the intrinsic and valued role of the Yee family and the Marin Fruit Co. in Sausalito.

According to historic Marin County Directories and *Sausalito News* advertisements, the original businesses located at 801-803 Water Street (later 611-613 Bridgeway) were the Carlisle Sandwich shop and the Deluxe Barber shop. The sandwich shop served grilled cheese sandwiches to the ferry commuters who docked across the street at the Golden Gate Ferry landing. The Nite Hawk Café replaced the Carlisle by 1940 and the store space was identified as a Saloon in the 1945 Sanborn map. In 1954 Bill's Place occupied 611 Bridgeway and Harry's Barber Shop occupied 613 Bridgeway. In 1958, Town & Country Antiques took over 611-613 Bridgeway and remained in 611 Bridgeway until moving to 599 Bridgeway. In 1990, Tapia Art Gallery occupied 613 Bridgeway (see Occupant Tables).

Occupancy Tables

605 Bridgeway / 777 Water Street

Date / Source	Name(s)
1920 / Census (777 Water Street)	Yin, Wow Sue (Head, 52yrs, imm yr 1889, Renter), Chuey, Wan Fong (lodger, 21yrs, imm yr 1910), Fun, Chong (lodger, 34yrs imm yr 1901), Wong, Wing (lodger, 30yrs, imm yr 1912). Chee, Yee Tock (lodger, 27yrs, imm yr 1912) – all "Retail Dealer, fruits & veg" and "own account"- 777 Water Street
1923 / "Business, Manufacturers, Merchants and Tradesman," Marin County CA	Marin Fruit Co. (Wholesale and Retail)
1925 / Marin County Directory	No listing
1929 Telephone Directory	Marin Fruit Co. 777 Water Street
1930 / Census (777 Water Street)	Yin, Won Shee (Head, 63yrs, imm yr 1890, Renter), Willie Chee (lodger, 38 yrs, imm yr 1912), Poy, Lew (lodger, 26yrs, imm yr 1917), You, Hing (lodger, 17yrs, imm yr 1927) – all "proprietor Fruit Store, owners
1931-1932	Marin Fruit Co., 777 Water
March 1933 / Marin County Telephone Directory	Marin Fruit Co., 777 Water
1935	Marin Fruit Co., 777 Water
1939-1940 Marin Classified Business Directory	Marin Fruit Co., 605 Bridgeway
1940 Census	Yee, Chee T. (Head, 48yrs, Manager Retail Grocery), Leong C. (wife, 48yrs), Helen E. (daughter, 17yrs), Nathan E. (son, 8yrs), John E. (son, 6yrs), Jaqueline E. (daughter, 5yrs), Poy, Lew (lodger, 37yrs), Jew, Hing Y. (lodger, 26yrs)

1942-1943 Marin County Directory	Marin Fruit Co.
1946-47 Marin County Directory	Marin Fruit & Grocery Co. Yee Tock Chee, Mgr, 605 Bridgeway
1949-1950 Marin County Directory	Marin Fruit Co., Yee, Tock Shee (Leong) mgr Marin Fruit Co., r. 605 Bridgeway
1950 Census	Yee, Tock Chee (Head, 58yrs, manager retail Grocery & business owner), Leong (wife, 57yrs) Nathan E. (son,18yrs), John E. (son, 16yrs), Jacklyn (daughter, 15yrs)
1952-1953 Marin County Directory	Marin Fruit Co.
1954-1955 Marin County Directory	Marin Fruit Co. ("groceries"); Tock Chee Yee
1958 Marin County Directory	Marin Fruit Co., Nathan C. Yee,
1960-1998 Directories, historical newspapers	Marin Fruit & Grocery

607 Bridgeway/783 & 785 Water Street

Date / Source	Name(s)
1925 / Marin County Directory	No listing
March 1933 / Marin County Telephone Directory	Hong Lee Laundry, 783 Water Street; Lee We Jan, 783 Water Street ("Oriental Laundry" list)
1935 / Marin Directory	Hong Lee Laundry, 783 Water Street
1939-1940 Marin Class. Business Directory	Hong Lee Laundry, 607 Bridgeway
1940 Census (607 Bridgeway)	Lee, Chong Kong (Head, 34yrs, Manager Laundry, Renter), Wong (wife, 33yrs, Assistant Laundry), Show Wo (son, 15yrs), Show Ping (son, 14yrs), Show Fung (son, 13yrs), Show Jeung (son, 13yrs), show Jeung (son, 12yrs), Show On (son, 11yrs), Sui Ming (daughter, 5yrs)
1942-1943 Marin County Directory	Chong Lee Laundry
1946-1947 Marin County Directory	Lee Chong (see Wong See) h 607 Bridgeway; Lee Fong Merchant Marine r 607 Bridgeway
1949-1950 Marin County Directory	Chong Lee Laundry; Lee Chong (Wong See) Laundry, h 607 Bridgeway
1950 Census	Lee, Chin Tan (Head,45yrs, Manager – home laundry & business owner), Wong (wife, 44yrs), Fong (son, 23yrs), Gen (son, 22yrs), Onn (son, 19yrs), May (daughter, 15yrs)

1952-1953 Marin County Directory	Lee Chong Laundry, 607 Bridgeway
1954-1955 Marin County Directory	Lee Chong Laundry, 607 Bridgeway
1958 Marin County Directory	Lee Chong Laundry, 607 Bridgeway
1960-1989 Directories, historical newspapers	Lee Chong Laundry, 607 Bridgeway

611-613 Bridgeway/801-803 Water Street

Date / Source	Name(s)
1925 / Marin Directory	No listing
1927 / Historical newspapers	DeLuxe Barber Shop (803 Water Street), C.C. Embry Proprietor; Carlisle Sandwich Shop, 801 Water Street
1929 / Telephone Directory	Carlisle, J A; Carlisle Sandwich Shop, 801 Water Street; No barber, 803 Water Street
1931-1932 Marin County Directory	Carlisle, J A; Carlisle Sandwich Shop, 801 Water Street; No barber, 803 Water Street
1935 Marin County Directory	No Carlisle no Busst, no Nite Hawk
1939-1940 Marin Classified Business Directory	The Nite Hawk, 611 Bridgeway; Busst, Harold, (barber) 613 Bridgeway
1942-1943 Marin County Dir	The Nite Hawk, 611 Bridgeway; Busst, Harold, (barber) 613 Bridgeway
1946-1947 Marin County Directory	Nite Hawk Café Drake Whidden 611 Bridgeway, Harry's Barber Shop, 613 Bridgeway
1952-1953 Marin County Directory	Nite Hawk Restaurant 611 Bridgeway; Harry's Barber Shop, 613 Bridgeway
1954-1955 Marin County Directory	Bill's Place, 611 Bridgeway; Harry's Barber Shop, 613 Bridgeway
1958 Marin County Directory	Dunbar, Robt J. Antiques
1960 Marin County Directory	Dunbar, Robt J. Town & Country Antiques (611-613 Bridgeway)
1990 Marin County Directory	Town & Country Antiques (611 Bridgeway); Tapia Art Gallery 613 Bridgeway)
2002-2003 Permit records	Sottovento - Fritz Arco and Jose Garcia (611 Bridgeway);
2006-2010 Permit records	Real Napa Store 611-613 Bridgeway

VI. Sausalito Downtown Historic Overlay Zoning District

The City of Sausalito's first foray into a preservation movement was the appointment of a "Community Appearances Advisory Board" in 1967. This was followed by the first "historic designation" given in 1974 to downtown's Casa Madrona to save it from demolition. Sausalito subsequently passed its first historic preservation ordinance June 15, 1976, Landmark Ordinance No. 901, that established a "Landmarks Board and created procedures for designation of historic landmarks and districts." This was followed by the first "Noteworthy Structures" list in the same year. In 1977, the State of California prepared a Historic Resources Inventory and the City of Sausalito inventoried 63 buildings to submit to the State Office of Historic Preservation, 11 of these were located in what is now the Downtown Historic Overlay District.

1978 was a period when many of Sausalito's downtown buildings were threatened with change or demolition. The effort to create an historic district began in earnest and was incentived by the 1978 Federal Revenue Act which:

> *..necessitates the modification of procedures that the National Register uses to allow Federal Tax incentives provided by Section 2124 of the Tax Reform Act of 1976 for structures within State and locally designated districts. A substantive review is now necessary for each individual district to determine if the district substantially meets the National Register requirements for listing of historic districts. For this purpose, substantially meeting National Register requirements for listing as a district shall mean that a district is one which could, if nominated, meet National Register criteria for listing with no change or only insubstantial modifications.*[56]

Beginning in January 1980, R.J. Tracy and E.M. Robinson, of the Sausalito Historical Society Landmarks Board, began preparing Historic Resource Inventory Forms for each property in the proposed district area.[57] The National Register of Historic Places Nomination form for the "Central Business District-Sausalito" is dated February 1980.

As part of the process to create the historic district Ordinance 982 was adopted November 1980, and on January 6, 1981, the Sausalito City Council adopted Resolution No. 2985 to establish the Sausalito Downtown Historic Overlay District (DHOD). The United States Secretary of the Interior accepted Ordinances 901, 982 and Resolution 2985 as meeting procedural requirements for the district to be listed in the National Register of Historic Places. However, the district remained "eligible" as the majority of property owners were not willing to agree to designation.

The City of Sausalito has continued to uphold and support the preservation of its built environment. In 1983 and in 1999 the City updated its Noteworthy Structures and Sites list. In 1995 the "Community Design and Historical Preservation" Element was added to the General Plan and in 2011 the "Historic Design Guidelines and Zoning" were approved. In 2011, the City of Sausalito re-certified as a Certified Local Government and began the process of creating an Historic Context Statement (approved by City Council 9/20/2022). The Sausalito Historic Landmarks Board established in 1976 changed its name to the Sausalito Historic Preservation Commission in September 2018. The District is codified in Sections 10.28 and 10.46 of the Sausalito Zoning Ordinance. The Districts includes approximately 70 Parcels, 54 are contributors. All new construction or alteration to the District's existing buildings must be reviewed by the Historic Preservation Commission.[58]

In the 1980 National Register Nomination document, the following are some of the characteristics of the potential district.

> *Near water's edge, the historic central business district runs principally along Bridgeway – known as Water Street before 1937 when the Golden Gate was built – it is the main street of the town. Along Bridgeway and part of the way up the hill on Princess Street, small, mainly two-story commercial buildings line the sidewalk. As with many old small-business areas, the shops are on the first floor with living quarters above. These anachronistic buildings have miraculously survived the time.*
>
> *Bridgeway south of Princess has an unrestricted view of Richardson and San Francisco Bays. The sidewalk runs along the water's edge with an additional walkway below street level that is inundated at high tide. Yee Tock Chee Park is a small, multi-level area of concrete and wood pilings built on the site of the original ferry boat landing (the ferry Princess, 1868)..The buildings along this portion of the street are more heterogeneous than those of the northern portion. Many were either built or remodeled in the 1920s – functional structures that suggest their original uses – stores and garages. Others are representative of the 'Victorian' era. Here, as elsewhere, residential use is combined with shops and restaurants. This section of Bridgeway, from Princess Street to the foot of Richardson Street is at the base of a steep bluff that very effectively separates the commercial district from the residential...much of its charm lies in its relationship to its natural setting between the bay and the bluff.* [59]

Character-Defining Features – Sausalito Downtown Historic Overlay Zoning District

- Late 19th Victorian-era buildings in conjunction with more utilitarian early-to-mid-twentieth century buildings and structures.
- Variegated placement of buildings that reflect the topography or the uses.
- Topographical transition between the hillside, bluff and waterfront. The hillside is characterized by mostly residential buildings, while the waterfront contains mostly one-to-three story commercial buildings.
- Commercial buildings around the vicinity of the former and present ferry landings.
- The roadway follows the contour of the hill to Bay transition, and defines the landfill or over-water docks along the edge of the Richardson and San Francisco Bays.

VII. California Register Significance Evaluation/District Contributor Evaluation

California Register Significance

Under the California Environmental Quality Act (CEQA) resources that meet the criteria of the California Register of Historical Resources are considered historical resources for the purposes of CEQA. Properties that are deemed eligible for the National Register are automatically listed on the California Register. The four criteria for listing on the California Register, described below, are based on the National Register Criteria.[60] Determinations of historical significance is based on the four criteria of evaluation. To be eligible for the California Register, an historical resource must be significant at the local, state or national level under at least one of the following four criteria: Criterion 1 (Events), Criterion 2 (Persons), Criterion 3 (Architecture), Criterion 4 (Information Potential).

To be eligible for the California Register historical resources must possess both historical significance (meet one of the above four criteria) and retain historical integrity. Upon review of the criteria, if historical significance is identified, then an integrity analysis is conducted. Integrity relates to significance in that a property must possess enough integrity to be able to convey its significance. There are seven aspects of integrity: location, design, setting, materials, workmanship, feeling and association. A majority of these aspects must be retained for a property to retain integrity as a whole.

Criterion 1: Important Events

It is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

As discussed in the Sausalito Historic context, as well as in the history of the buildings on APN 065-132-16, this area of downtown Sausalito evolved over time. The subject property is associated with the settlement of Sausalito by multi-ethnicities, the important role of transportation, and the early commercial development that is tied to both influences. The subject property reflects the presence of Asian-American businesses in the development of Sausalito's downtown. In the earliest Sanborn Fire Insurance maps, this area of Water Street supported a Japanese cobbler, two Chinese laundries, and a Chinese fruit store. Two Asian-American businesses, a grocer (Marin Fruit Co.) and laundry (Hong Lee Laundry followed by Chong Lee Laundry), and the families associated with those businesses, remained consistent for almost a century.

The railroad and the ferries that established themselves along Water Street in Downtown Sausalito provided transportation to San Francisco from Marin County . When cars became more readily available and popular the Golden Gate Ferry landing was constructed in 1922 in front of APN 065-132-16 to provide car ferry service. 611-613 Bridgeway was constructed in the mid-1920s with two storefronts that could serve these ferry passengers, a sandwich shop and a barber. Earliest advertisements announced the convenience of the services and location. This commercial corridor along Water Street and then Bridgeway is directly tied to the ferry and its pedestrian and auto passengers.

Water Street was renamed Bridgeway after the Golden Gate Bridge opened. This area of Bridgeway became a popular spot for bars and restaurants in the 1940s and early 1950s. The Nite Hawk saloon and then Bill's Place were two establishments in 611-613 Bridgeway that served this purpose. The barber, along with Marin Fruit Co. and Hong Lee/Chong Lee laundry, continued to provide more domestic needs. In the late 1950s, tourism in Sausalito began to take a more dominant role. Antique shops, t-shirt, candy and ice cream stores, and cafes began to populate the extant downtown Sausalito buildings. 611-613 Bridgeway was transformed into a tourist-oriented antiques store, and then also a t-shirt shop. After the owners forced the Marin Fruit Co. (1998) and the Chong Lee laundry to close (1989), tourist-oriented businesses took over those spaces.

The remainder of APN 065-132-16 has served as a parking space since the 1940s when the ancillary buildings on it were demolished. It served a critical role for the Marin Fruit Co. and the

Chong Lee laundry by providing off-street parking. Prior to the parking lot, historical newspaper records reference the Sausalito Hill residents' gratitude for the Marin Fruit Co. delivery of groceries by foot. When the 1962 "Sausalito Arms" development was proposed on the parcel, historical newspapers reported that almost fifty Sausalito residents came to City Council meetings to ensure that the Marin Fruit Co. could retain off-street parking in another location (when it seemed that the Marin Fruit Co. needed to relocate).

Despite the loss of the legacy grocery and laundry businesses at 605 & 607 Bridgeway, all four storefronts 605 & 607 Bridgeway, and 611-613 Bridgeway, serve a legacy purpose in Sausalito as small-scale local businesses, as they have always done. APN 065-132-16 and its associated buildings are significant for their associations with early commercial development, transportation, as well as settlement of Asian-Americans and their associated businesses, in Sausalito. Therefore, these buildings, part of APN 065-132-16, rise to the level of individual significance under the California Register criteria for local significance (Events). The subject property's period of significance spans from 1894 (establishment of the first Chinese laundry) to 1975, the year Yee Tock Chee (also known as Willie Yee and the remaining original Marin proprietor of the Marin Fruit Co.), died and was commemorated by the City of Sausalito. Yee Tock Chee's family continued to operate the store until 1998. This period also includes the development of 611-613 Bridgeway (former 801-803 Water Street) to provide services to ferry passengers, and later tourists.

Criterion 2: Important Persons

It is associated with the lives of persons important to local, California, or national history.

As has been explored in depth in this report, APN 065-132-16 is associated with the Marin Fruit Co. and its proprietor Yee Tock Chee (also known as Willie Yee), a central figure in Sausalito's history. Within days of Yee Tock Chee's death, the Sausalito City Council voted unanimously to rename Princess Park to Yee Tock Chee park. His support of Sausalito has been recorded in many newspapers and Sausalito history books. After his death in 1975, his son Nathan and daughter-in-law Theodora took over the Marin Fruit Co. until the rent increase of 1998 closed the business.

During the development pressures of the early 1960s and early 1980s, community members came in huge numbers to City Council meetings to support the Yee family. In 1981, the "Save Old Sausalito" group was created to fight development and in advertisements specifically called out the Marin Fruit Co. as the essential heart of Sausalito (see Appendix). When Yee's daughter married in 1943, all the major City leaders and community members came to celebrate the wedding. The Yee family, and the Marin Fruit Co., appear in every period of Sausalito's history

from the 1920s onwards until the family was forced to close the Marin Fruit Co. During those years were a central part of the Sausalito community and sense of place.

Although less celebrated than the Yee family in the records, the Hong Lee/Chong Lee laundry and the Lee family also played a central role in Sausalito. The laundry existed on the parcel site for over 100 years. First the laundry took over the wood frame dwelling at 809 Water Street and then after it was demolished, it moved to 783 & 785 Water Street, now 607 Bridgeway. The Lee family remained at this location until the owner pressured the business to close in 1989.

APN 065-132-16 has been owned as one parcel since at least 1924 and is associated with the Yee Tock Chee/Yee family/Marin Fruit Co. as well as the Hong Lee laundry/Chong Lee Laundry/Lee family. Therefore, these buildings, part of APN 065-132-16, rise to the level of individual significance under the California Register criteria for local significance (Persons). The subject property's period of significance spans from 1894 (establishment of the first Chinese laundry) to 1975 (death of Yee Tock Chee).

Criterion 3: Architecture

It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.

605 & 607 Bridgeway (former 777 Water Street and 783 & 785 Water Street) and 611-613 Bridgeway (former 801-803 Bridgeway) were designed as utilitarian commercial buildings featuring modest Mission Revival style ornamentation. 605 & 607 Bridgeway is a commercial typology that includes residential at the upper story. All four stores exhibit characteristic storefront features - central, recessed door entries, plate glass windows over bulkheads with multi-lite transoms above (extant in 605 & 607 Bridgeway). All four also feature minimal piers and modest spandrels. The front facades feature stucco cladding, while the rear elevations are more utilitarian with corrugated metal or unornamented stucco cladding. The rear windows are also utilitarian multi-lite steel sash.

The buildings are not the work of a master, nor do they possess high artistic values. They are characteristic of early twentieth century utilitarian commercial structures, including modest Mission Revival features at the more prominent street front façades and more utilitarian shed portions to the rear the buildings. However, the buildings do not rise to the level of individual significance under the California Register criteria (Architecture). However, they are district contributors, discussed in the Historic District section below. They are also worthy of inclusion in the list of Noteworthy Structures and Sites, also discussed in the Sausalito Municipal Code section.

Criterion 4: Information Potential

It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

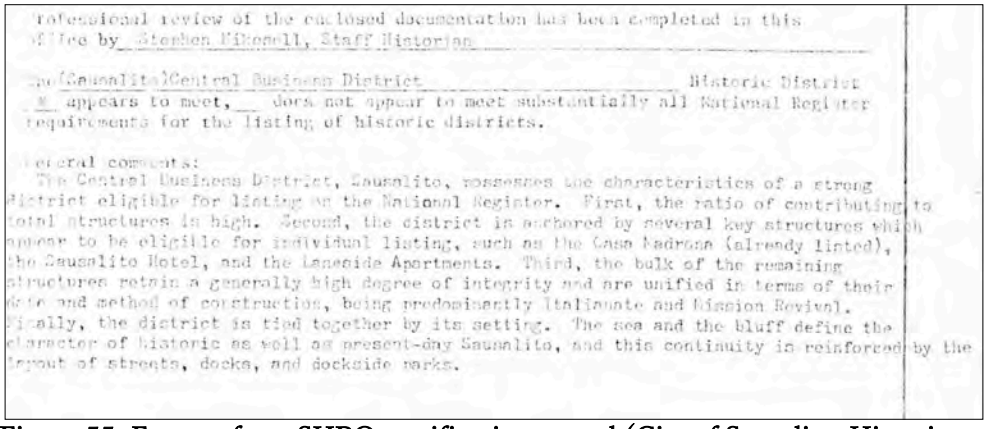
While professional archaeological studies are outside the scope of this Historic Resources Evaluation, existing archeological studies available about Sausalito were examined including the Sausalito General Plan (2021) and N.C. Nelson's 1909 "Shellmounds of the San Francisco Bay Region". The Sausalito General Plan (2021) indicates three Archaeological Sensitivity Zones within the City of Sausalito that are located along the waterfront edge extending from the south end of Sausalito to the north end. APN 065-132-16 is adjacent to Sensitivity Zone 1, but not adjacent to either of the shellmounds documented by Nelson. APN 065-132-16 has the potential to yield information and any excavation or intervention on the parcel should consider this possibility.

Integrity

APN 065-132-16, and its associated buildings, 605 & 607 Bridgeway (former 777 Water Street and 783 & 785 Water Street) and 611-613 Bridgeway (former 801-803 Bridgeway), retains all seven aspects of integrity: location, design, setting, materials, workmanship, feeling and association. The subject property retains integrity of location and feeling. An examination of historic photographs and aerials of the site makes evident that the parcel, and its subject buildings, has remained consistent since at least the 1940s. The Golden Gate Ferry landing was constructed in 1922 and was demolished in 1950. Since its demolition in the 1950 this area along Bridgeway has remained remarkably constant. The subject property also retains integrity of material, workmanship, and design. Historic photographs, aerials, digitized building records at the City of Sausalito Community Development Department, tax records and Sausalito Historical Society records indicate that the properties are consistent in these aspects of integrity. It is understood that storefronts change over time. The most dominant change to these historic storefronts was to repair 607 Bridgeway so that the storefront mirrored 605 Bridgeway's storefront, as 607 Bridgeway was originally designed. The rear areas of 605&607 Bridgeway and 611-613 Bridgeway retain original materials and fenestration. 605& 607 Bridgeway, and 611-613 Bridgeway, as well as the remainder of APN 065-132-16 would be easily recognizable in all aspects to a visitor from the 1940s.

Sausalito Downtown Historic Overlay Zoning District

The California State Historic Preservation Office review and certification of the 1981 Downtown Sausalito Central Business District used this language to describe the historic district:



rofessional review of the enclosed documentation has been completed in this
ffice by Stephen Mikesell, Staff Historian

(Sausalito)Central Business District Historic District
_X_ appears to meet, __ does not appear to meet substantially all National Register
requirements for the listing of historic districts.

eneral comments:
The Central Business District, Sausalito, possesses the characteristics of a strong
istrict eligible for listing on the National Register. First, the ratio of contributing to
otal structures is high. Second, the district is anchored by several key structures which
ppear to be eligible for individual listing, such as the Casa Madrona (already listed),
he Sausalito Hotel, and the Lanesside Apartments. Third, the bulk of the remaining
tructures retain a generally high degree of integrity and are unified in terms of their
ate and method of construction, being predominantly Italianate and Mission Revival.
inally, the district is tied together by its setting. The sea and the bluff define the
haracter of historic as well as present-day Sausalito, and this continuity is reinforced by the
ayout of streets, docks, and dockside parks.

Figure 55: Excerpt from SHPO certification record (City of Sausalito, Historic Preservation Commission records)

It reads that, "the bulk of the remaining structures retain a high degree of integrity and are unified in terms of their date and method of construction, being predominantly Italianate and Mission Revival. Finally, the district is tied together by its setting. The sea and the bluff define the character of historic as well as present-day Sausalito, and this continuity is reinforced by the layout of streets, docks, and dockside parks."[61] The district was deemed significant under the themes: architecture, commerce, exploration/settlement, and transportation.

605 & 607 Bridgeway and 611-613 Bridgeway, located within parcel APN 065-123-16, exemplify the district's utilitarian commercial architecture, described in the National Register Nomination form as "Sturdy brick or concrete construction, recessed entryways, plate glass windows, transoms and little exterior decoration, but with the roofline often reflected a carryover from Victorian times with false-front silhouettes or the mission-revival era or the sometimes presumptuous grandeur of classical revival."[62] Another characteristic of these downtown commercial buildings, particularly in this southern section of the district, is the combination of street-level storefronts or commercial with residential units above, as is the case with 605 & 607 Bridgeway.[63]

The parcel boundary and its setting are unchanged from the period of the 1945 Sanborn map, as well as the 1981 district certification. The parcel and the buildings are associated with commerce and transportation, as well as early Asian-American settlement in Sausalito. 605 & 607 Bridgeway and 611-613 Bridgeway continue to exemplify the utilitarian commercial type buildings as described in the district National Register Nomination. As such, 605 & 607

Bridgeway and 611-613 Bridgeway, located within parcel APN 065-123-16, continue to qualify as Contributors to the Sausalito Downtown Historic Overlay Zoning District. Therefore, they are also listed in the California Register under CRHR code 2D2.

Sausalito Municipal Code (SMC)

Per procedures set forth under Zoning provisions of the SMC (Title 10), individual properties may be listed on the Sausalito Register if four findings can be made, each of which is listed below and followed by a summary evaluation and conclusion. From Chapter 10.46.050 Procedures for listing a site or structure on local register, Section F. Findings:

1. The structure or site proposed for the local register is significant to local, regional, state or national history.

2. Listing the proposed structure or site on the local register has been subject to environmental review and the appropriate findings have been made.

3. Listing the proposed structure or site on the local register will preserve the historic character or integrity of the structure or site.

4. Structure or site proposed to be listed on local register has a significant architectural or historical character that can be preserved or enhanced through appropriate controls and incentives on new development and alterations to existing structures and landscaping.

As discussed in the previous sections, 605 & 607 Bridgeway (former 777 Water Street and 783 & 785 Water Street) and 611-613 Bridgeway (former 801-803 Bridgeway), located within parcel APN 065-123-16, continue to qualify as Contributors to the Sausalito Downtown Historic Overlay Zoning District. As such, they remain part of the local register as significant local historic resources.

In addition, based on the historical research and assessment, previously outlined in this report, it is evident that the historical resources qualify and can be included in Sausalito's Noteworthy Structures and Sites list. This list is maintained by the City of Sausalito Historic Preservation Commission (see Appendix for current list).

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IX. Endnotes

[1] California Environmental Quality Act. *CEQA Section 15064.5*
[2] Ibid
[3] https://ohp.parks.ca.gov/?page_id=30338; https://ohp.parks.ca.gov/?page_id=27283
[4] California Environmental Quality Act. *CEQA Section 21084.1* and https://ohp.parks.ca.gov/pages/1069/files/Resource-Status-Codes.pdf
[5] R.J. Tracy & Elizabeth M. Robinson. "National Register of Historic Places Nomination Form, Central Business District-Sausalito," 1980: Section 8: Significance.(City of Sausalito Historic Preservation Commission records).
[6] Sometimes the documentation lists incorrect addresses, but a detailed cross-reference of facts makes clear which property is the subject. In the "Sausalito Certified District Property List" and the Built Environment Resource Directory (BERD), 605 & 607 Bridgeway are only referred to as 605 Bridgeway, and 611-613 Bridgeway is also referred to as 605 Bridgeway, but the respective tenant and parcel numbers referenced are correct. In the 1980 National Register District nomination form 605 & 607 Bridgeway are referred to as 605-609 Bridgeway (609 address

never existed), and 611-613 Bridgeway is also referred to as 605 Bridgeway, but the respective tenants are correct. In the January 1980 Historic Resources Inventory forms, both 611-613 Bridgeway and 605 & 607 Bridgeway are referred to as 605 Bridgeway but the correct respective tenants and parcel numbers (065-132-11).

[7] https://www.nps.gov/subjects/clg/index.htm

[8] https://ohp.parks.ca.gov/?page_id=27283

[9] https://ohp.parks.ca.gov/pages/1069/files/Resource-Status-Codes.pdf; The BERD also lists an earlier 1981 listing as 2D which is defined as a "Contributor to a district determined eligible for the National Register by the Keeper. Listed in the CR"

[10] https://ohp.parks.ca.gov/?page_id=30338

[11] Nelson, N.C. "Shellmounds of the San Francisco Bay Region" Berkeley: University Press, December 1909.

[12] https://www.sausalito.gov/city-government/boards-and-commissions/historic-preservation-commission

[13] Tracy, along with E.M. Robinson, prepared the 1980 Historic Resource Inventory Forms, as well as the 1980 National Register Nomination for the Sausalito Downtown District. *Moments in Time* was published soon after in December 1983.

[14] The HRE Context section is drawn from the July October 2022 VerPlanck Historic Preservation Consulting. Sausalito Citywide Historic Context Statement.

[15] Spitz, Barry. *Marin A History*. San Anselmo: Potrero Meadow Publishing, 2006; 90.

[16] Spitz, 91.

[17] Tracy, Jack. *Sausalito: Moments in Time*. Sausalito, California: Windgate Press, 1983; 18.

[18] Two similar buildings were located on lots J-K on Princess Street and adjacent to 21 and 19 Princess Street.

[19] Tracy, 104-5.

[20] U.S. Census Bureau, Census Schedules for Sausalito, 1900. (ancestry.com)

[21] "Sausalito Has Great Building Boom," *San Francisco Call* (March 25, 1911), 20.

[22] U.S. Census Bureau (ancestry.com)

[23] Marin County Assessor's Office.

[24] Tracy, 129-31.

[25] Tracy, 150.

[26] "Deak Planners Will Cut Project in Half; Whiskey Springs Will Enlarge Willow Grove," *Sausalito Marin Scope* (September 9, 1975), 1.; George Hoffman, *Saucelito-aualito* (Corte Madera, CA: A Woodward Book, 1976), 183.

[27] Hoffman, 166.

[28] "3-Year Ban on Bay Fill in Sausalito," *San Francisco Chronicle* (August 18, 1964), 2.

[29] *Sausalito News*, v28, no 27, June 19th, 1912. Retrieved from https://cdnc.ucr.edu/.

[30] *Sausalito News*, no 31, August 2nd,1913. Retrieved from https://cdnc.ucr.edu/.

[31] *Sausalito News*, vol 45, no 20, May 17th, 1929. Retrieved from https://cdnc.ucr.edu/.

[32] *Sausalito News*, vol. 37, no. 6, February 6th, 1931. Retrieved from https://cdnc.ucr.edu/.

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[34] Chong Lee Laundry, formerly Hong Lee Laundry that moved from 809 Water Street, lot 14, after the demolition.

[35] 1925 Marin County Directory, Anne T. Kent California Room.

[36] *Sausalito News*, vol 43, no. 45, November 5th, 1927; *Sausalito News*, vol 43, no. 40, October 29th, 1927. Retrieved from https://cdnc.ucr.edu/.

[37] *Sausalito Marin Scope,* Vol 11, no.4, May 19th, 1981. Retrieved from https://cdnc.ucr.edu/.

[38] Various *Marin Scope* and *Sausalito News* historical newspaper reports (see Bibliography)

[39] __"Presentation of Parking Lot Plans Postponed," *Sausalito Marin Scope*, May 13th, 1997. Retrieved from https://cdnc.ucr.edu/.

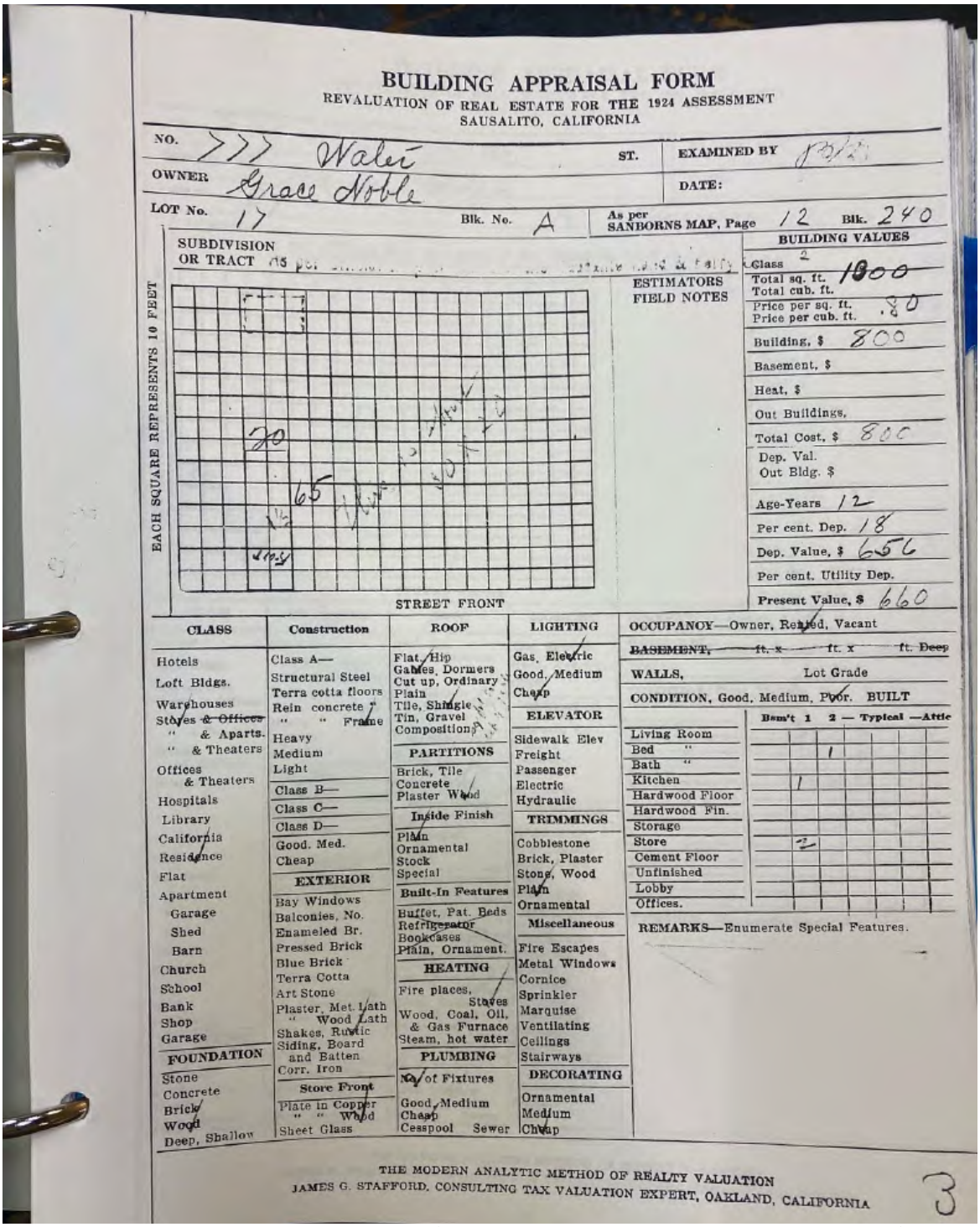
[40] March 18, 1993 letter re: "Revised Building Permit for 607 Bridgeway", City of Sausalito permit records

[41] City of Sausalito, Community Development Department, digitized building records.

[42] Retrieved from https://www.marinmap.org/dnn/
[43] City of Sausalito, Community Development Department, digitized building records.
[44] __"Marin Fruit Warehouse Fire" *Sausalito News*, February 19, 1953.
[45] *Sausalito Marin Scope*, vol 14, no.42, February 26, 1985.
[46] Permits prior to the 1950s are not typically available in Sausalito's Community Development Dept records.
[47] Lopez, Rob. "Chinese Laundry Closing in December." *Sausalito Marin Scope,* Vol 18, no.31, November 22-28th, 1988, p.1.
[48] *Sausalito News,* August 2, 1913.
[49] U.S. Census Bureau (ancestry.com)
[50] WWI Draft Registration Card (ancestry.com); Tracy, 101.
[51] __"Community Pays Tribute to Marin Fruit and Grocery on Its Lasr Day" *Sausalito Marin Scope*, vol 28, no 39, February 1998. Note: Linda Fotsch of Willy's LLC is still the current owner.
[52] *Sausalito News*, Vol.35, No.17, April 24th, 1920.
[53] *Sausalito News*, Vol.LII, No.53, December 31st, 1937
[54] "Helen Yee and Lt. Eddy Tom Wed At Beautiful Evening Ceremony Here." *Sausalito News*, Vol.58, No.37, September 16th, 1943.
[55] "Planners Act to Keep Tradition." *Daily Independent Journal* (San Rafael), May 9th, 1963.
[56] U.S. Department of the Interior letter to R.J. Tracy, Chairman of the Sausalito Landmarks Board, 1981. (City of Sausalito Historic Preservation Commission records).
[57] Sausalito Historical Society collection, "District" Binder.
[58] VerPlanck. *Sausalito Citywide Historic Context Statement*, October 2022.
[59] R.J. Tracy & Elizabeth M. Robinson. "National Register of Historic Places Nomination Form, Central Business District-Sausalito," 1980. (City of Sausalito Historic Preservation Commission records).
[60] California Office of Historic Preservation Technical Assistance Series #6 California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register) .
[61] "Sausalito Central Business District," National Register of Historic Places Inventory - Nomination Form, SHPO Review Form (1981) (City of Sausalito Historic Preservation Commission records).
[62] R.J. Tracy & Elizabeth M. Robinson. "National Register of Historic Places Nomination Form, Central Business District-Sausalito," 1980, Section 8, p.3 (City of Sausalito Historic Preservation Commission records).
[63] Ibid; Section 7, p.1 (City of Sausalito Historic Preservation Commission records).

X. APPENDIX

- **1924 Tax Assessment Records** (Sausalito Historical Society)
- **1928 Tax Assessment Records** (Marin History Museum)
- **Non-extant Buildings - Princess Street dwellings and Hong Lee Laundry/809 Water Street** (Sausalito Historical Society)
- **1980 Historic Inventory survey forms for Marin Fruit Co. and Town & Country Antiques** (Sausalito Historical Society)
- **1993 City of Sausalito letter to owner and architect rejecting exterior changes to 607 Bridgeway rear elevations** (City of Sausalito, Community Development Department digital records)
- **U.S. Census Records** (ancestry.com)
- **N.C. Nelson "Shellmounds of the San Francisco Bay Region" map.** (http://digitalassets.lib.berkeley.edu/anthpubs/ucb/text/ucp007-006-007.pdf)
- **1981 Advertisement for "Save Old Sausalito" group with specific reference to the historic district and the Marin Fruit Co.** *Sausalito Marin Scope*, November 10th, 1981:3 (UC Riverside, California Digital Newspaper Collection)
- **Sausalito Downtown Historic Overlay Zoning District list of contributors** (VerPlanck Historic Preservation Consulting, Sausalito Citywide Historic Context Statement, 2022, page images captured by CTPC, 2024)
- **Sausalito Noteworthy Structures and Sites List** (Sausalito Historic Preservation Commission, https://www.sausalito.gov/city-government/boards-and-commissions/historic-preservation-commission)



BUILDING APPRAISAL FORM
REVALUATION OF REAL ESTATE FOR THE 1924 ASSESSMENT
SAUSALITO, CALIFORNIA

NO. 777 Water ST. EXAMINED BY
OWNER Grace Noble DATE:
LOT No. 17 Blk. No. A As per SANBORNS MAP, Page 12 Blk. 240

SUBDIVISION OR TRACT

EACH SQUARE REPRESENTS 10 FEET

STREET FRONT

ESTIMATORS FIELD NOTES

BUILDING VALUES
Class 2
Total sq. ft. 1800
Total cub. ft.
Price per sq. ft. .80
Price per cub. ft.
Building, $ 800
Basement, $
Heat, $
Out Buildings,
Total Cost, $ 800
Dep. Val. Out Bldg. $
Age-Years 12
Per cent. Dep. 18
Dep. Value, $ 656
Per cent. Utility Dep.
Present Value, $ 660

CLASS	Construction	ROOF	LIGHTING
Hotels	Class A—	Flat, Hip	Gas, Electric
Loft Bldgs.	Structural Steel	Gables, Dormers	Good, Medium
Warehouses	Terra cotta floors	Cut up, Ordinary	Cheap
Stores & Offices	Rein concrete "	Plain	ELEVATOR
" & Aparts.	" " Frame	Tile, Shingle	Sidewalk Elev
" & Theaters	Heavy	Tin, Gravel	Freight
Offices & Theaters	Medium	Composition	Passenger
Hospitals	Light	PARTITIONS	Electric
Library	Class B—	Brick, Tile	Hydraulic
California	Class C—	Concrete	TRIMMINGS
Residence	Class D—	Plaster Wood	Cobblestone
Flat	Good. Med.	Inside Finish	Brick, Plaster
Apartment	Cheap	Plain	Stone, Wood
Garage	EXTERIOR	Ornamental	Plain
Shed	Bay Windows	Stock	Ornamental
Barn	Balconies, No.	Special	Miscellaneous
Church	Enameled Br.	Built-In Features	Fire Escapes
School	Pressed Brick	Buffet, Pat. Beds	Metal Windows
Bank	Blue Brick	Refrigerator	Cornice
Shop	Terra Cotta	Bookcases	Sprinkler
Garage	Art Stone	Plain, Ornament.	Marquise
FOUNDATION	Plaster, Met. Lath	HEATING	Ventilating
Stone	" Wood Lath	Fire places, Stoves	Ceilings
Concrete	Shakes, Rustic	Wood, Coal, Oil, & Gas Furnace	Stairways
Brick	Siding, Board and Batten	Steam, hot water	DECORATING
Wood	Corr. Iron	PLUMBING	Ornamental
Deep, Shallow	Store Front	No. of Fixtures	Medium
	Plate in Copper	Good, Medium	Cheap
	" " Wood	Cheap	
	Sheet Glass	Cesspool Sewer	

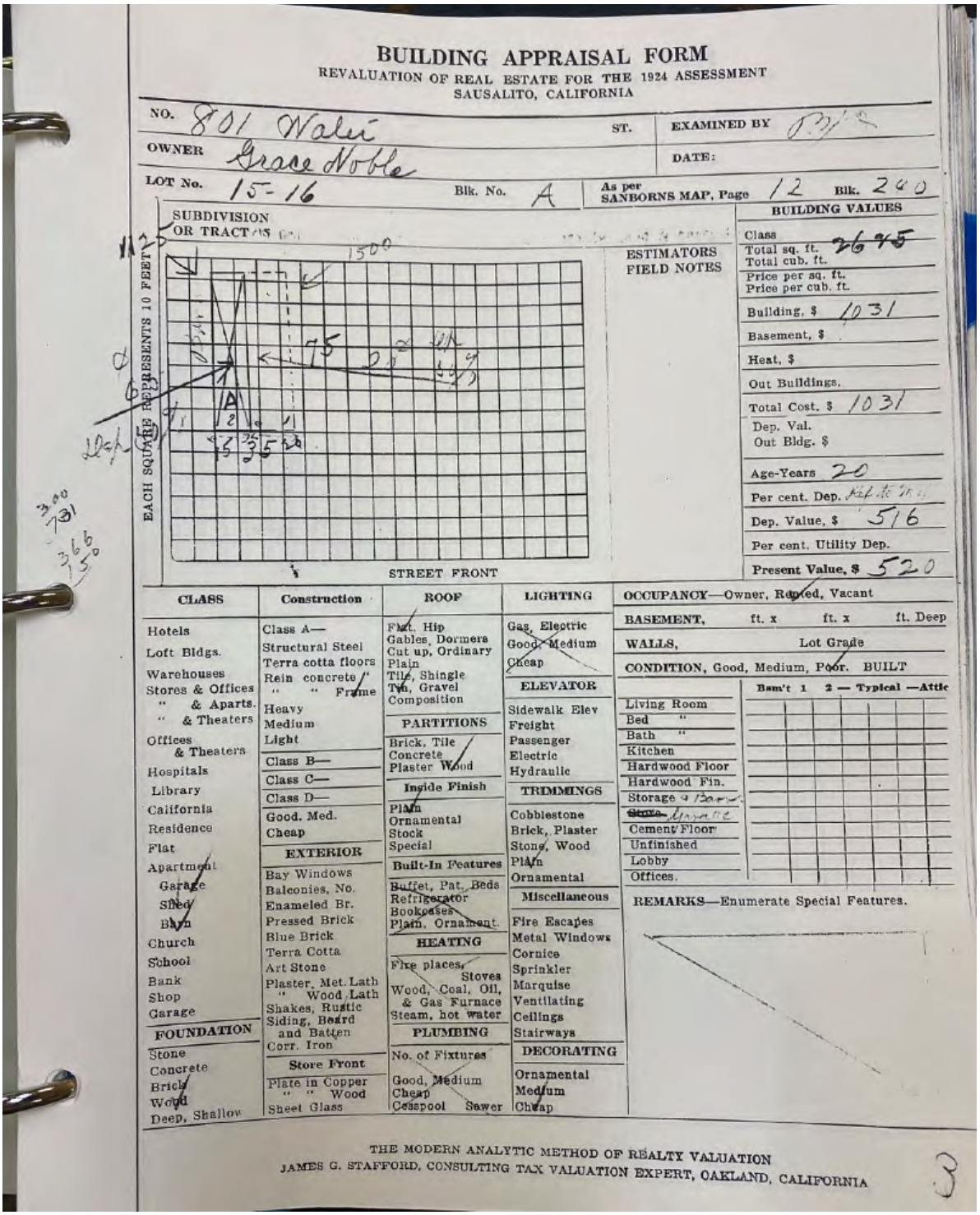
OCCUPANCY—Owner, Rented, Vacant
~~BASEMENT, ft. x ft. x ft. Deep~~
WALLS, Lot Grade
CONDITION, Good, Medium, Poor. BUILT

	Bsm't	1	2 — Typical —	Attic
Living Room				
Bed "		1		
Bath "				
Kitchen		1		
Hardwood Floor				
Hardwood Fin.				
Storage				
Store		2		
Cement Floor				
Unfinished				
Lobby				
Offices.				

REMARKS—Enumerate Special Features.

THE MODERN ANALYTIC METHOD OF REALTY VALUATION
JAMES G. STAFFORD, CONSULTING TAX VALUATION EXPERT, OAKLAND, CALIFORNIA 3

1924 Tax Assessors records, lot 17 (Sausalito Historical Society collection)



BUILDING APPRAISAL FORM
REVALUATION OF REAL ESTATE FOR THE 1924 ASSESSMENT
SAUSALITO, CALIFORNIA

NO. 801 Wall ST. | EXAMINED BY
OWNER Grace Noble | DATE:
LOT No. 15-16 Blk. No. A | As per SANBORNS MAP, Page 12 Blk. 240

SUBDIVISION OR TRACT

EACH SQUARE REPRESENTS 10 FEET

STREET FRONT

ESTIMATORS FIELD NOTES

BUILDING VALUES
Class
Total sq. ft. 2695
Total cub. ft.
Price per sq. ft.
Price per cub. ft.
Building, $ 1031
Basement, $
Heat, $
Out Buildings,
Total Cost. $ 1031
Dep. Val. Out Bldg. $
Age-Years 20
Per cent. Dep.
Dep. Value, $ 516
Per cent. Utility Dep.
Present Value, $ 520

CLASS	Construction	ROOF	LIGHTING
Hotels	Class A—	Flat, Hip	Gas, Electric
Loft Bldgs.	Structural Steel	Gables, Dormers	Good, Medium
Warehouses	Terra cotta floors	Cut up, Ordinary	Cheap
Stores & Offices	Rein concrete / Frame	Plain	ELEVATOR
" & Aparts.	" "	Tile, Shingle	Sidewalk Elev
" & Theaters	Heavy	Tin, Gravel	Freight
Offices & Theaters	Medium	Composition	Passenger
Hospitals	Light	PARTITIONS	Electric
Library	Class B—	Brick, Tile	Hydraulic
California	Class C—	Concrete	TRIMMINGS
Residence	Class D—	Plaster, Wood	Cobblestone
Flat	Good, Med.	Inside Finish	Brick, Plaster
Apartment	Cheap	Plain	Stone, Wood
Garage	EXTERIOR	Ornamental	Plain
Shed	Bay Windows	Stock	Ornamental
Barn	Balconies, No.	Special	Miscellaneous
Church	Enameled Br.	Built-In Features	Fire Escapes
School	Pressed Brick	Buffet, Pat. Beds	Metal Windows
Bank	Blue Brick	Refrigerator	Cornice
Shop	Terra Cotta	Bookcases	Sprinkler
Garage	Art Stone	Plain, Ornament.	Marquise
FOUNDATION	Plaster, Met. Lath	HEATING	Ventilating
Stone	" Wood Lath	Fire places, Stoves	Ceilings
Concrete	Shakes, Rustic	Wood, Coal, Oil, & Gas Furnace	Stairways
Brick	Siding, Board and Batten	Steam, hot water	DECORATING
Wood	Corr. Iron	PLUMBING	Ornamental
Deep, Shallow	Store Front	No. of Fixtures	Medium
	Plate in Copper	Good, Medium	Cheap
	" " Wood	Cheap	
	Sheet Glass	Cesspool Sewer	

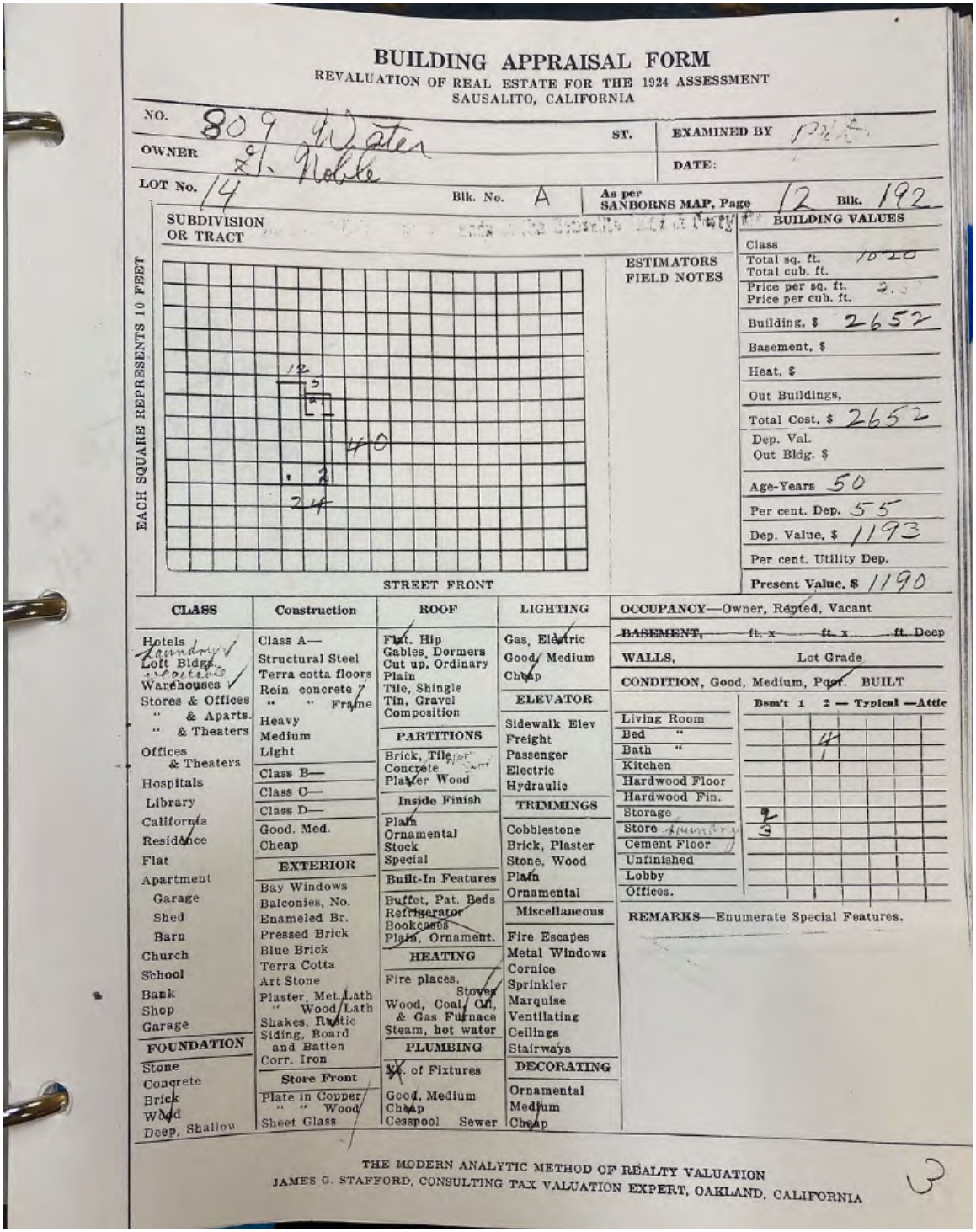
OCCUPANCY—Owner, Rented, Vacant
BASEMENT, ft. x ft. x ft. Deep
WALLS, Lot Grade
CONDITION, Good, Medium, Poor. BUILT

	Bsm't 1	2 — Typical — Attic
Living Room		
Bed "		
Bath "		
Kitchen		
Hardwood Floor		
Hardwood Fin.		
Storage		
Cement Floor		
Unfinished		
Lobby		
Offices.		

REMARKS—Enumerate Special Features.

THE MODERN ANALYTIC METHOD OF REALTY VALUATION
JAMES G. STAFFORD, CONSULTING TAX VALUATION EXPERT, OAKLAND, CALIFORNIA

1924 Tax Assessors records, lots 15-16 (Sausalito Historical Society collection)



BUILDING APPRAISAL FORM
REVALUATION OF REAL ESTATE FOR THE 1924 ASSESSMENT
SAUSALITO, CALIFORNIA

NO. 809 Water ST. EXAMINED BY
OWNER C. Noble DATE:
LOT No. 14 Blk. No. A As per SANBORNS MAP, Page 12 Blk. 192
SUBDIVISION OR TRACT

EACH SQUARE REPRESENTS 10 FEET

ESTIMATORS FIELD NOTES

STREET FRONT

BUILDING VALUES
Class
Total sq. ft. 1020
Total cub. ft.
Price per sq. ft. 2.
Price per cub. ft.
Building, $ 2652
Basement, $
Heat, $
Out Buildings,
Total Cost, $ 2652
Dep. Val. Out Bldg. $
Age-Years 50
Per cent. Dep. 55
Dep. Value, $ 1193
Per cent. Utility Dep.
Present Value, $ 1190

CLASS	Construction	ROOF	LIGHTING
Hotels, Laundry, Lott Bldgs, Apartments, Warehouses, Stores & Offices, " & Aparts., " & Theaters, Offices & Theaters, Hospitals, Library, California Residence, Flat, Apartment, Garage, Shed, Barn, Church, School, Bank, Shop, Garage	Class A— Structural Steel, Terra cotta floors, Rein concrete, " " Frame, Heavy, Medium, Light; Class B—; Class C—; Class D—; Good. Med. Cheap	Flat, Hip, Gables, Dormers, Cut up, Ordinary, Plain, Tile, Shingle, Tin, Gravel, Composition; PARTITIONS: Brick, Tile, Concrete, Plaster, Wood; Inside Finish: Plain, Ornamental, Stock, Special; Built-In Features: Buffet, Pat. Beds, Refrigerator, Bookcases, Plain, Ornament.	Gas, Electric, Good, Medium, Cheap; ELEVATOR: Sidewalk Elev, Freight, Passenger, Electric, Hydraulic; TRIMMINGS: Cobblestone, Brick, Plaster, Stone, Wood, Plain, Ornamental; Miscellaneous: Fire Escapes, Metal Windows, Cornice, Sprinkler, Marquise, Ventilating, Ceilings, Stairways; DECORATING: Ornamental, Medium, Cheap

FOUNDATION	EXTERIOR	HEATING	PLUMBING
Stone, Concrete, Brick, Wood, Deep, Shallow	Bay Windows, Balconies, No., Enameled Br., Pressed Brick, Blue Brick, Terra Cotta, Art Stone, Plaster, Met. Lath, " Wood Lath, Shakes, Rustic, Siding, Board and Batten, Corr. Iron; Store Front: Plate in Copper, " " Wood, Sheet Glass	Fire places, Stoves, Wood, Coal, Oil, & Gas Furnace, Steam, hot water	No. of Fixtures, Good, Medium, Cheap, Cesspool, Sewer

OCCUPANCY—Owner, Rented, Vacant
~~BASEMENT,~~ ~~ft. x ft. x ft. Deep~~
WALLS, Lot Grade
CONDITION, Good, Medium, Poor. BUILT

	Bsm't	1	2 — Typical —	Attic
Living Room				
Bed "		4		
Bath "		1		
Kitchen				
Hardwood Floor				
Hardwood Fin.				
Storage		2		
Store Laundry		3		
Cement Floor				
Unfinished				
Lobby				
Offices.				

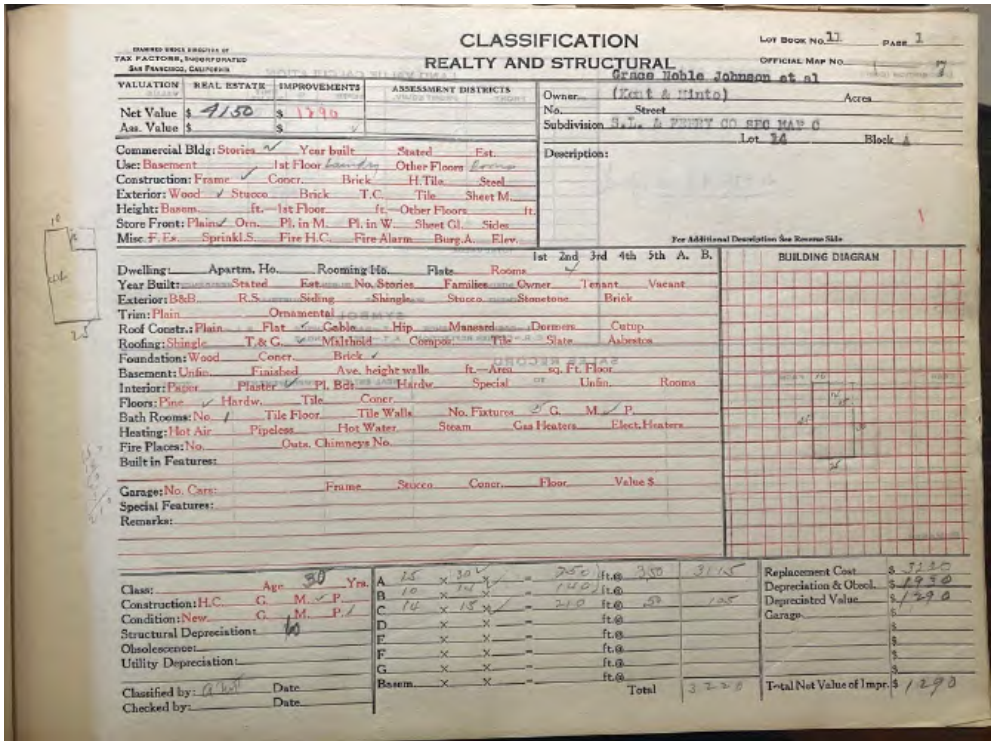
REMARKS—Enumerate Special Features.

THE MODERN ANALYTIC METHOD OF REALTY VALUATION
JAMES G. STAFFORD, CONSULTING TAX VALUATION EXPERT, OAKLAND, CALIFORNIA

3

1924 Tax Assessors records, lot 14 (Sausalito Historical Society collection)

APN 065-132-16 / 605 & 607 Bridgeway and 611-613 Bridgeway, Sausalito
Historic Resources Evaluation



CLASSIFICATION
REALTY AND STRUCTURAL

Lot Book No. 11 Page 1
Official Map No. 7

TAX FACTORS, INCORPORATED
San Francisco, California

Grace Noble Johnson et al

VALUATION | REAL ESTATE | IMPROVEMENTS | ASSESSMENT DISTRICTS
Net Value $ 4150 $ 1290
Ass. Value $ $

Owner (Kent & Minto) Acres
No. Street
Subdivision S.T.& P. PERRY CO SUB MAP 0 Lot 14 Block A
Description:

Commercial Bldg: Stories 2 Year built Stated Est.
Use: Basement 1st Floor Laundry Other Floors Rooms
Construction: Frame Concr. Brick H.Tile Steel
Exterior: Wood Stucco Brick T.C. Tile Sheet M.
Height: Basem. ft. 1st Floor ft. Other Floors ft.
Store Front: Plain Orn. Pl. in M. Pl. in W. Sheet Gl. Sides
Misc. F. Es. Sprinkl.S. Fire H.C. Fire Alarm Burg.A. Elev.

Per Additional Description See Reverse Side

1st 2nd 3rd 4th 5th A. B.

Dwelling: Apartm. Ho. Rooming Hs. Flats Rooms
Year Built: Stated Est. No. Stories Families Owner Tenant Vacant
Exterior: B&B R.S. Siding Shingle Stucco Stonestone Brick
Trim: Plain Ornamental
Roof Constr.: Plain Flat Gable Hip Mansard Dormers Cutup
Roofing: Shingle T.& G. Maltboid Compos. Tile Slate Asbestos
Foundation: Wood Concr. Brick
Basement: Unfin. Finished Ave. height walls ft. Area sq. Ft. Floor
Interior: Paper Plaster Pl. Bds Hardw. Special Unfin. Rooms
Floors: Pine Hardw. Tile Concr.
Bath Rooms: No. Tile Floor Tile Walls No. Fixtures S. G. M. P.
Heating: Hot Air Pipeless Hot Water Steam Gas Heaters Elect. Heaters
Fire Places: No. Outs. Chimneys No.
Built in Features:

Garage: No. Cars: Frame Stucco Concr. Floor Value $
Special Features:
Remarks:

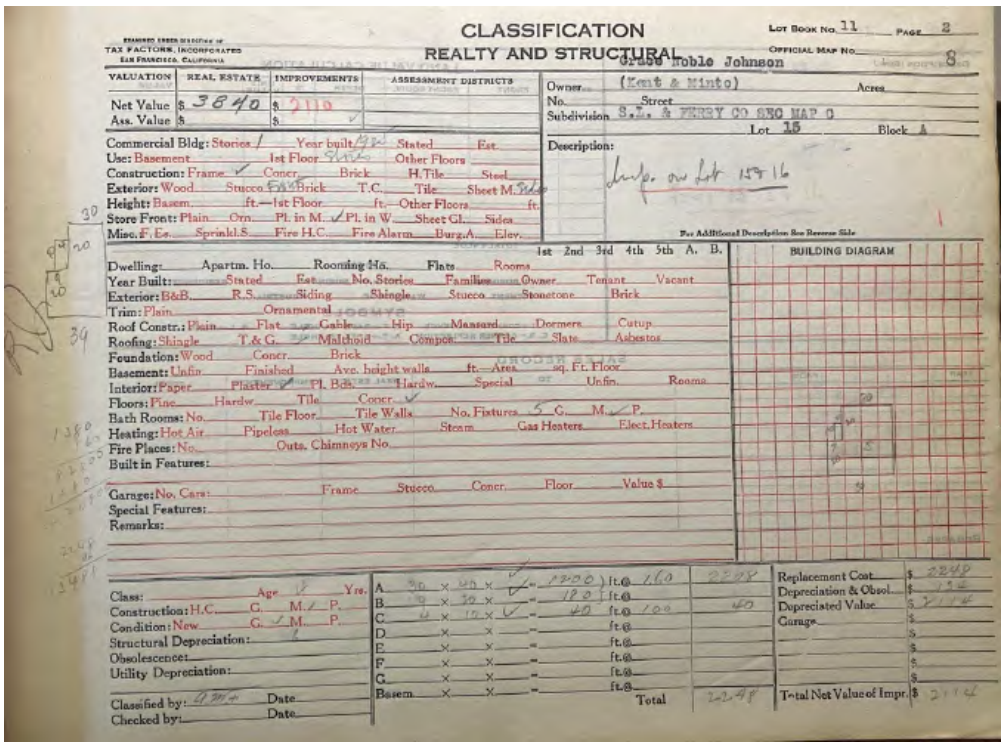
BUILDING DIAGRAM

Class: Age 30 Yrs.
Construction: H.C. G. M. P.
Condition: New G. M. P.
Structural Depreciation:
Obsolescence:
Utility Depreciation:

Classified by: Date
Checked by: Date

A	15	30	450	ft.@ 2.50	3125
B	10	14	140	ft.@	
C	14	15	210	ft.@ .50	105
D				ft.@	
E				ft.@	
F				ft.@	
G				ft.@	
Basem.				Total	3230

Replacement Cost $ 7120
Depreciation & Obsol. $ 4930
Depreciated Value $ 2190
Garage $
$
$
$
Total Net Value of Impr. $ 1290



CLASSIFICATION
REALTY AND STRUCTURAL

Lot Book No. 11 Page 2
Official Map No. 8

TAX FACTORS, INCORPORATED
San Francisco, California

Grace Noble Johnson

VALUATION | REAL ESTATE | IMPROVEMENTS | ASSESSMENT DISTRICTS
Net Value $ 3840 $ 2110
Ass. Value $ $

Owner (Kent & Minto) Acres
No. Street
Subdivision S.T.& P. PERRY CO SUB MAP 0 Lot 15 Block A
Description: Incl. on Lot 15 & 16

Commercial Bldg: Stories 1 Year built Stated Est.
Use: Basement 1st Floor Store Other Floors
Construction: Frame Concr. Brick H.Tile Steel
Exterior: Wood Stucco Brick T.C. Tile Sheet M.
Height: Basem. ft. 1st Floor ft. Other Floors ft.
Store Front: Plain Orn. Pl. in M. Pl. in W. Sheet Gl. Sides
Misc. F. Es. Sprinkl.S. Fire H.C. Fire Alarm Burg.A. Elev.

Per Additional Description See Reverse Side

1st 2nd 3rd 4th 5th A. B.

Dwelling: Apartm. Ho. Rooming Hs. Flats Rooms
Year Built: Stated Est. No. Stories Families Owner Tenant Vacant
Exterior: B&B R.S. Siding Shingle Stucco Stonestone Brick
Trim: Plain Ornamental
Roof Constr.: Plain Flat Gable Hip Mansard Dormers Cutup
Roofing: Shingle T.& G. Maltboid Compos. Tile Slate Asbestos
Foundation: Wood Concr. Brick
Basement: Unfin. Finished Ave. height walls ft. Area sq. Ft. Floor
Interior: Paper Plaster Pl. Bds Hardw. Special Unfin. Rooms
Floors: Pine Hardw. Tile Concr.
Bath Rooms: No. Tile Floor Tile Walls No. Fixtures S. G. M. P.
Heating: Hot Air Pipeless Hot Water Steam Gas Heaters Elect. Heaters
Fire Places: No. Outs. Chimneys No.
Built in Features:

Garage: No. Cars: Frame Stucco Concr. Floor Value $
Special Features:
Remarks:

BUILDING DIAGRAM

Class: Age 8 Yrs.
Construction: H.C. G. M. P.
Condition: New G. M. P.
Structural Depreciation:
Obsolescence:
Utility Depreciation:

Classified by: Date
Checked by: Date

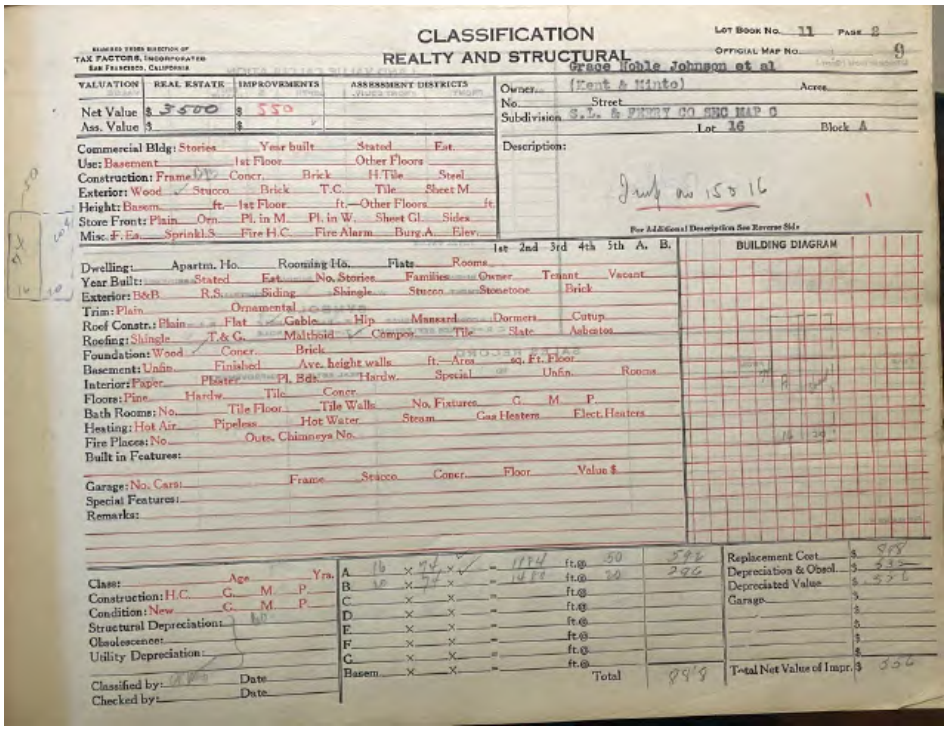
A	30	40	1200	ft.@ 1.60	2248
B	10	30	120	ft.@	
C	4	10	40	ft.@ .100	40
D				ft.@	
E				ft.@	
F				ft.@	
G				ft.@	
Basem.				Total	2248

Replacement Cost $ 2248
Depreciation & Obsol. $ 136
Depreciated Value $ 2112
Garage $
$
$
$
Total Net Value of Impr. $ 2112

1928 Tax Assessors records, lot 14 (top) & lot 15 (below), (Marin History Museum collection)

June 2024

APN 065-132-16 / 605 & 607 Bridgeway and 611-613 Bridgeway, Sausalito
Historic Resources Evaluation



CLASSIFICATION
REALTY AND STRUCTURAL

TAX FACTORS, INCORPORATED
San Francisco, California

Lot Book No. 11 Page 8
Official Map No. 9

Owner: Grace Noble Johnson et al (Kent & Minto) Acres
No. Street
Subdivision S.T. & FUDDY CO SEC MAP 6 Lot 16 Block A
Description:

VALUATION	REAL ESTATE	IMPROVEMENTS	ASSESSMENT DISTRICTS
Net Value	$ 3500	$ 550	
Ass. Value	$	$	

Commercial Bldg: Stories Year built Stated Est.
Use: Basement 1st Floor Other Floors
Construction: Frame Concr. Brick H.Tile Steel
Exterior: Wood Stucco Brick T.C. Tile Sheet M.
Height: Basem. ft. 1st Floor ft. Other Floors ft.
Store Front: Plain Orn. Pl. in M. Pl. in W. Sheet Gl. Sides
Misc. F. Es. Sprinkl. S. Fire H.C. Fire Alarm Burg. A. Elev.

Dwelling: Apartm. Ho. Rooming Ho. Flats Rooms
Year Built: Stated Est. No. Stories Families Owner Tenant Vacant
Exterior: B&B R.S. Siding Shingle Stucco Stonetone Brick
Trim: Plain Ornamental
Roof Constr.: Plain Flat Gable Hip Mansard Dormers Cutup
Roofing: Shingle T & G Malthoid Compos. Tile Slate Asbestos
Foundation: Wood Concr. Brick
Basement: Unfin. Finished Ave. height walls ft. Area sq. Ft. Floor
Interior: Paper Plaster Pl. Bds. Hardw. Special Unfin. Rooms
Floors: Pine Hardw. Tile Concr.
Bath Rooms: No. Tile Floor Tile Walls No. Fixtures C. M. P.
Heating: Hot Air Pipeless Hot Water Steam Gas Heaters Elect. Heaters
Fire Places: No. Outs. Chimneys No.
Built in Features:

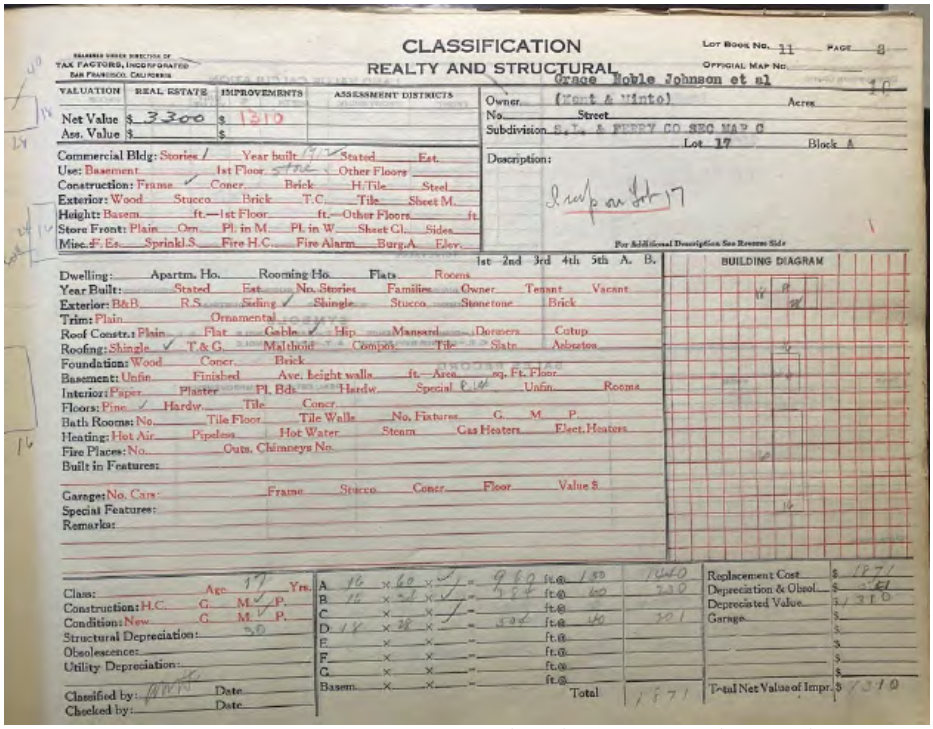
Garage: No. Cars Frame Stucco Concr. Floor Value $
Special Features:
Remarks:

BUILDING DIAGRAM

A	16 × 74 × ✓	= 1184	ft.@ 50	592	
B	10 × 72 × ✓	= 1440	ft.@ 30	296	
C	× ×	=	ft.@		
D	× ×	=	ft.@		
E	× ×	=	ft.@		
F	× ×	=	ft.@		
G	× ×	=	ft.@		
Basem.	× ×	=	ft.@		
			Total	888	

Class: Age Yrs.
Construction: H.C. G. M. P.
Condition: New G. M. P.
Structural Depreciation: 50
Obsolescence:
Utility Depreciation:
Classified by: Date
Checked by: Date

Replacement Cost	$ 888
Depreciation & Obsol.	$ 332
Depreciated Value	$ 556
Garage	$
	$
	$
	$
Total Net Value of Impr.	$ 556



CLASSIFICATION
REALTY AND STRUCTURAL

TAX FACTORS, INCORPORATED
San Francisco, California

Lot Book No. 11 Page 8
Official Map No.

Owner: Grace Noble Johnson et al (Kent & Minto) Acres 10
No. Street
Subdivision S.T. & FUDDY CO SEC MAP 6 Lot 17 Block A
Description:

VALUATION	REAL ESTATE	IMPROVEMENTS	ASSESSMENT DISTRICTS
Net Value	$ 3300	$ 1310	
Ass. Value	$	$	

Commercial Bldg: Stories 1 Year built Stated Est.
Use: Basement 1st Floor Other Floors
Construction: Frame Concr. Brick H.Tile Steel
Exterior: Wood Stucco Brick T.C. Tile Sheet M.
Height: Basem. ft. 1st Floor ft. Other Floors ft.
Store Front: Plain Orn. Pl. in M. Pl. in W. Sheet Gl. Sides
Misc. F. Es. Sprinkl. S. Fire H.C. Fire Alarm Burg. A. Elev.

Dwelling: Apartm. Ho. Rooming Ho. Flats Rooms
Year Built: Stated Est. No. Stories Families Owner Tenant Vacant
Exterior: B&B R.S. Siding ✓ Shingle Stucco Stonetone Brick
Trim: Plain Ornamental
Roof Constr.: Plain Flat Gable ✓ Hip Mansard Dormers Cutup
Roofing: Shingle ✓ T & G Malthoid Compos. Tile Slate Asbestos
Foundation: Wood Concr. Brick
Basement: Unfin. Finished Ave. height walls ft. Area sq. Ft. Floor
Interior: Paper Plaster Pl. Bds. Hardw. Special Unfin. Rooms
Floors: Pine ✓ Hardw. Tile Concr.
Bath Rooms: No. Tile Floor Tile Walls No. Fixtures C. M. P.
Heating: Hot Air Pipeless Hot Water Steam Gas Heaters Elect. Heaters
Fire Places: No. Outs. Chimneys No.
Built in Features:

Garage: No. Cars Frame Stucco Concr. Floor Value $
Special Features:
Remarks:

BUILDING DIAGRAM

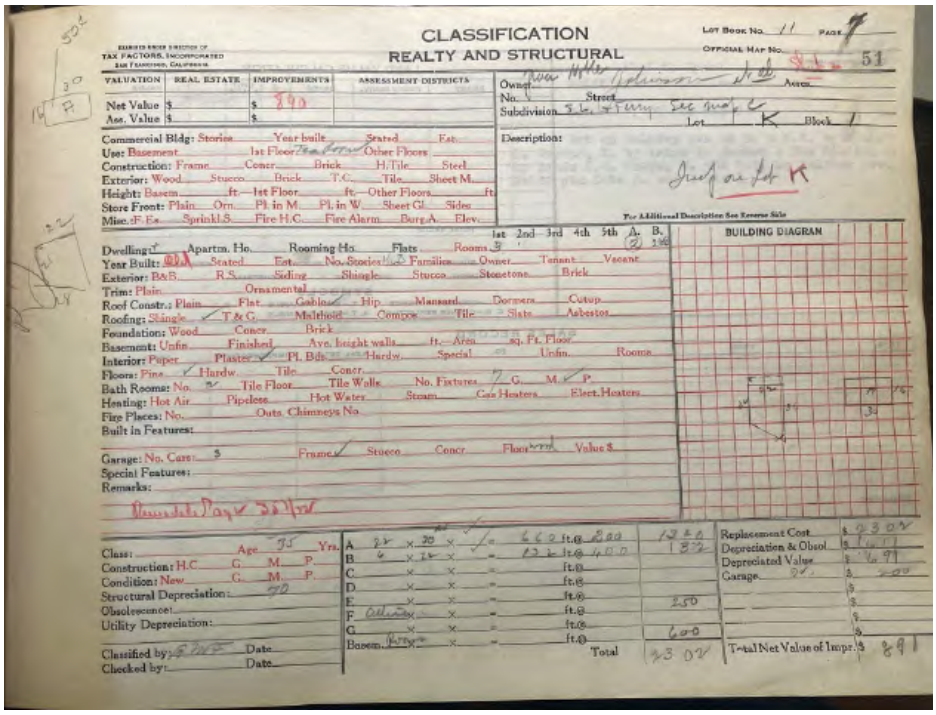
A	16 × 60 × ✓	= 960	ft.@ 150	1440	
B	16 × 24 × ✓	= 384	ft.@ 60	230	
C	× × ✓	=	ft.@		
D	14 × 28 × ✓	= 392	ft.@ 40	301	
E	× ×	=	ft.@		
F	× ×	=	ft.@		
G	× ×	=	ft.@		
Basem.	× ×	=	ft.@		
			Total	1971	

Class: Age 17 Yrs.
Construction: H.C. G. M. ✓ P.
Condition: New G. M. ✓ P.
Structural Depreciation: 50
Obsolescence:
Utility Depreciation:
Classified by: Date
Checked by: Date

Replacement Cost	$ 1971
Depreciation & Obsol.	$ 661
Depreciated Value	$ 1310
Garage	$
	$
	$
	$
Total Net Value of Impr.	$ 1310

1928 Tax Assessors records, lot 16 (top) & lot 17 (below),
(Marin History Museum collection)

APN 065-132-16 / 605 & 607 Bridgeway and 611-613 Bridgeway, Sausalito
Historic Resources Evaluation



CLASSIFICATION
REALTY AND STRUCTURAL

TAX FACTORS, INCORPORATED
SAN FRANCISCO, CALIFORNIA

Lot Book No. 11 Page 7
Official Map No. 51

VALUATION | REAL ESTATE | IMPROVEMENTS | ASSESSMENT DISTRICTS
Net Value $ | $ 890
Ass. Value $ | $

Owner: Tom Hills Johnson Est
No. Street
Subdivision S.L. & Ferry See map C
Lot K Block 1
Acres
Description:
Imp on lot K

Commercial Bldg: Stories Year built Stated Est.
Use: Basement 1st Floor Other Floors
Construction: Frame Concr. Brick H.Tile Steel
Exterior: Wood Stucco Brick T.C. Tile Sheet M.
Height: Basem. ft.—1st Floor ft.—Other Floors ft.
Store Front: Plain Orn. Pl. in M. Pl. in W. Sheet Gl. Sides
Misc.: F. Es. Sprinkl.S. Fire H.C. Fire Alarm Burg.A. Elev.

For Additional Description See Reverse Side

1st 2nd 3rd 4th 5th A. B.

BUILDING DIAGRAM

Dwelling: ✓ Apartm. Ho. Rooming Ho. Flats Rooms 3
Year Built: 1911 Stated Est. No. Stories 1 Families Owner Tenant Vacant
Exterior: B&B R.S. Siding Shingle Stucco Stonetone Brick
Trim: Plain Ornamental
Roof Constr.: Plain Flat Gable Hip Mansard Dormers Cutup
Roofing: Shingle T.&G. Malthoid Compos. Tile Slate Asbestos
Foundations: Wood Concr. Brick
Basements: Unfin. Finished Ave. height walls ft. Area sq. Ft. Floor
Interior: Paper Plaster Pl. Bds. Hardw. Special Unfin. Rooms
Floors: Pine Hardw. Tile Concr.
Bath Rooms: No. Tile Floor Tile Walls No. Fixtures 7 C. M. P.
Heating: Hot Air Pipeless Hot Water Steam Gas Heaters Elect. Heaters
Fire Places: No. Outs. Chimneys No.
Built in Features:

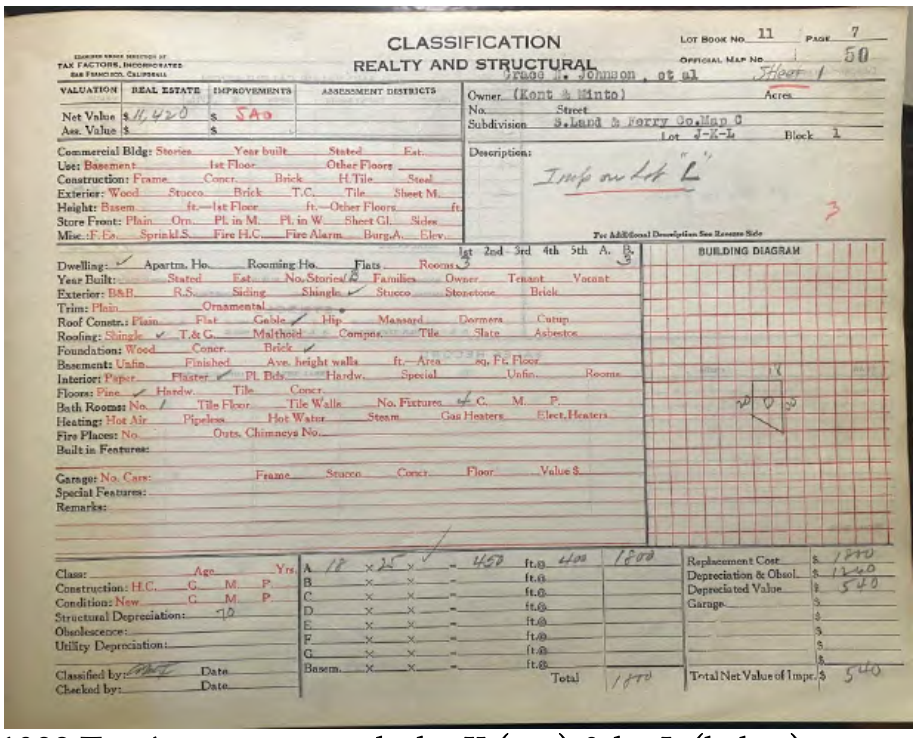
Garage: No. Cars: $ Frame Stucco Concr. Floor Value $
Special Features:
Remarks:
Remodel Paint 35 Now

Class: Age 35 Yrs.
Construction: H.C. G. M. P.
Condition: New G. M. P.
Structural Depreciation: 20
Obsolescence:
Utility Depreciation:

Classified by: Date
Checked by: Date

A	22 x 30 x ✓	660 ft.@ 800	1760	
B	6 x 12 x	72 ft.@ 400	1172	
C	x x	ft.@		
D	x x	ft.@		
E	x x	ft.@	250	
F	Addition x x	ft.@		
G	x x	ft.@	600	
Basem. Entry	x x	ft.@		
		Total	4302	

Replacement Cost $ 4302
Depreciation & Obsol. $ 1411
Depreciated Value $ 2891
Garage $ 200
Total Net Value of Impr. $ 3091



CLASSIFICATION
REALTY AND STRUCTURAL

TAX FACTORS, INCORPORATED
SAN FRANCISCO, CALIFORNIA

Lot Book No. 11 Page 7
Official Map No. 50

VALUATION | REAL ESTATE | IMPROVEMENTS | ASSESSMENT DISTRICTS
Net Value $ 11,420 | $ 540
Ass. Value $ | $

Owner (Kent & Minto) Grace M. Johnson, et al Floor 1
No. Street
Subdivision S.Land & Ferry Co. Map C
Lot J-K-L Block 1
Acres
Description:
Imp on Lot L

Commercial Bldg: Stories Year built Stated Est.
Use: Basement 1st Floor Other Floors
Construction: Frame Concr. Brick H.Tile Steel
Exterior: Wood Stucco Brick T.C. Tile Sheet M.
Height: Basem. ft.—1st Floor ft.—Other Floors ft.
Store Front: Plain Orn. Pl. in M. Pl. in W. Sheet Gl. Sides
Misc.: F. Es. Sprinkl.S. Fire H.C. Fire Alarm Burg.A. Elev.

For Additional Description See Reverse Side

1st 2nd 3rd 4th 5th A. B.

BUILDING DIAGRAM

Dwelling: ✓ Apartm. Ho. Rooming Ho. Flats Rooms 3
Year Built: Stated Est. No. Stories 2 Families Owner Tenant Vacant
Exterior: B&B R.S. Siding Shingle ✓ Stucco Stonetone Brick
Trim: Plain Ornamental
Roof Constr.: Plain Flat Gable ✓ Hip Mansard Dormers Cutup
Roofing: Shingle ✓ T.&G. Malthoid Compos. Tile Slate Asbestos
Foundations: Wood Concr. Brick ✓
Basements: Unfin. Finished Ave. height walls ft. Area sq. Ft. Floor
Interior: Paper Plaster ✓ Pl. Bds. Hardw. Special Unfin. Rooms
Floors: Pine ✓ Hardw. Tile Concr.
Bath Rooms: No. 1 Tile Floor Tile Walls No. Fixtures 6 C. M. P.
Heating: Hot Air Pipeless Hot Water Steam Gas Heaters Elect. Heaters
Fire Places: No. Outs. Chimneys No.
Built in Features:

Garage: No. Cars: Frame Stucco Concr. Floor Value $
Special Features:
Remarks:

Class: Age Yrs.
Construction: H.C. G. M. P.
Condition: New G. M. P.
Structural Depreciation: 70
Obsolescence:
Utility Depreciation:

Classified by: Date
Checked by: Date

A	18 x 25 x ✓	450 ft.@ 400	1800	
B	x x	ft.@		
C	x x	ft.@		
D	x x	ft.@		
E	x x	ft.@		
F	x x	ft.@		
G	x x	ft.@		
Basem.	x x	ft.@		
		Total	1800	

Replacement Cost $ 1800
Depreciation & Obsol. $ 1260
Depreciated Value $ 540
Garage $
Total Net Value of Impr. $ 540

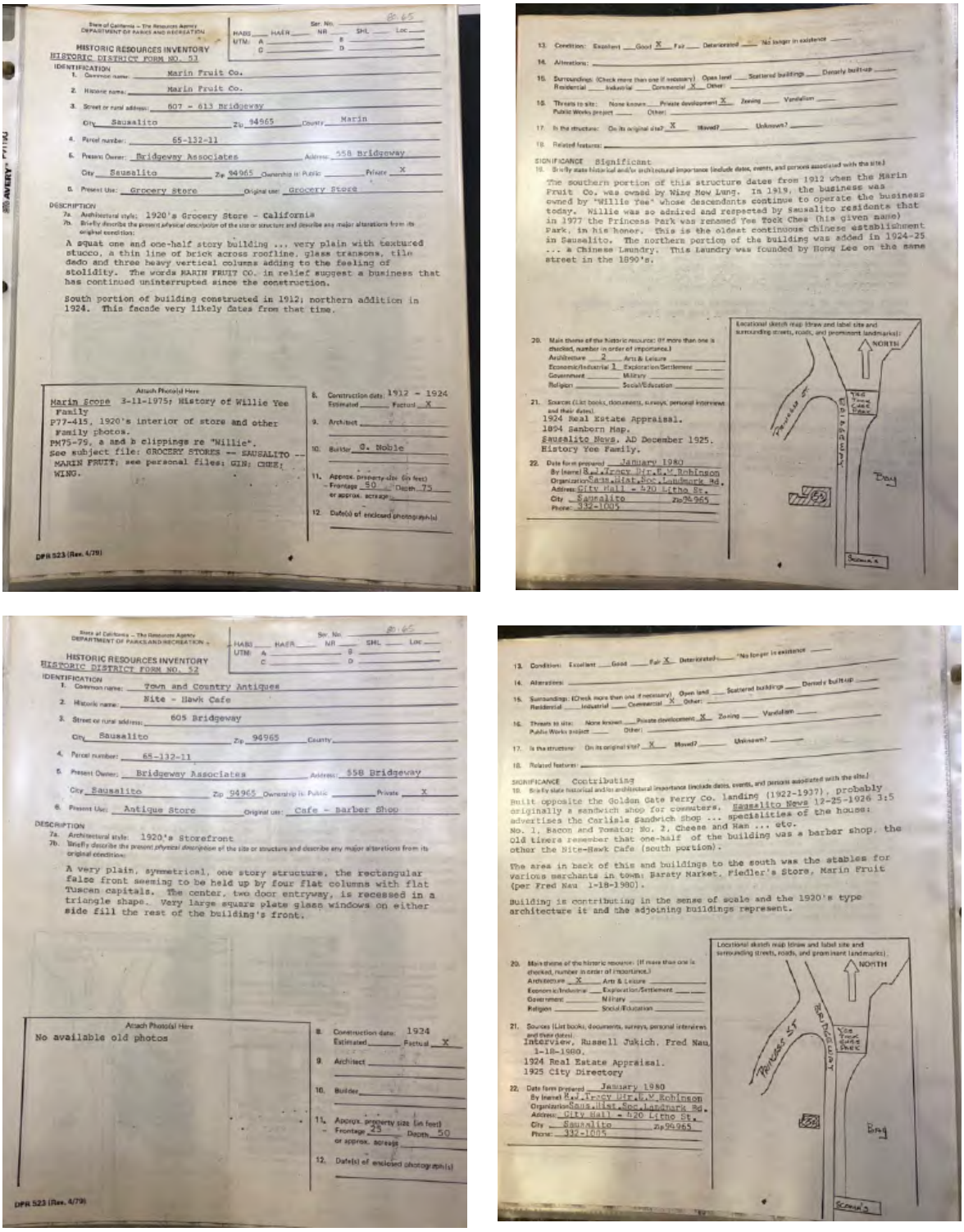
1928 Tax Assessors records, lot K (top) & lot L (below),
(Marin History Museum collection)

Non-Extant Buildings on APN 065-132-16

Princess Street dwellings, dark buildings are on lots J-K-L (Sausalito Historical Society collection, Edwin Long binder)

809 Water Street, Hong Lee laundry c.1917 (Sausalito Historical Society collection)

APN 065-132-16 / 605 & 607 Bridgeway and 611-613 Bridgeway, Sausalito
Historic Resources Evaluation



HISTORIC RESOURCES INVENTORY
HISTORIC DISTRICT FORM NO. 51

IDENTIFICATION
1. Common name: Marin Fruit Co.
2. Historic name: Marin Fruit Co.
3. Street or rural address: 607 - 613 Bridgeway
City Sausalito Zip 94965 County Marin
4. Parcel number: 65-132-11
5. Present Owner: Bridgeway Associates Address: 558 Bridgeway
City Sausalito Zip 94965 Ownership is Public ___ Private X
6. Present Use: Grocery Store Original use: Grocery Store

DESCRIPTION
7a. Architectural style: 1920's Grocery Store - California
7b. Briefly describe the present physical description of the site or structure and describe any major alterations from its original condition:
A squat one and one-half story building .., very plain with textured stucco, a thin line of brick across roofline, glass transoms, tile dado and three heavy vertical columns adding to the feeling of stolidity. The words MARIN FRUIT CO. in relief suggest a business that has continued uninterrupted since the construction.

South portion of building constructed in 1912; northern addition in 1924. This facade very likely dates from that time.

Attach Photo(s) Here
Marin Scope 3-11-1975; History of Willie Yee Family
P77-415, 1920's interior of store and other family photos.
PM75-79, a and b clippings re "Willie".
See subject file: GROCERY STORES -- SAUSALITO -- MARIN FRUIT; see personal files: GIN; CHEE; WING.

8. Construction date: 1912 - 1924 Estimated ___ Factual X
9. Architect ___
10. Builder G. Noble
11. Approx. property size (in feet) - Frontage 50 Depth 75 or approx. acreage ___
12. Date(s) of enclosed photograph(s) ___

DPR 523 (Rev. 4/79)

13. Condition: Excellent ___ Good X Fair ___ Deteriorated ___ No longer in existence ___
14. Alterations: ___
15. Surroundings: (Check more than one if necessary) Open land ___ Scattered buildings ___ Densely built-up ___ Residential ___ Industrial ___ Commercial X Other: ___
16. Threats to site: None known ___ Private development X Zoning ___ Vandalism ___ Public Works project ___ Other: ___
17. Is the structure: On its original site? X Moved? ___ Unknown? ___
18. Related features: ___

SIGNIFICANCE Significant
19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)
The southern portion of this structure dates from 1912 when the Marin Fruit Co. was owned by Wing Now Lung. In 1919, the business was owned by "Willie Yee" whose descendants continue to operate the business today. Willie was so admired and respected by Sausalito residents that in 1977 the Princess Park was renamed Yee Tock Chee (his given name) Park, in his honor. This is the oldest continuous Chinese establishment in Sausalito. The northern portion of the building was added in 1924-25 ... a Chinese Laundry. This laundry was founded by Hong Lee on the same street in the 1890's.

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)
Architecture X Arts & Leisure ___
Economic/Industrial 1 Exploration/Settlement ___
Government ___ Military ___
Religion ___ Social/Education ___

21. Sources (List books, documents, surveys, personal interviews and their dates)
1924 Real Estate Appraisal.
1894 Sanborn Map.
Sausalito News, AD December 1925.
History Yee Family.

22. Date form prepared January 1980
By (name) R.J. Tracy Dir. E.W. Robinson
Organization Sausalito Historical Landmark Bd.
Address: City Hall - 420 Litho St.
City Sausalito Zip 94965
Phone: 332-1005

Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):
NORTH
Princess St
Bridgeway
Yee Tock Chee Park
Bay
Scale: N.S.

HISTORIC RESOURCES INVENTORY
HISTORIC DISTRICT FORM NO. 52

IDENTIFICATION
1. Common name: Town and Country Antiques
2. Historic name: Bite - Hawk Cafe
3. Street or rural address: 605 Bridgeway
City Sausalito Zip 94965 County ___
4. Parcel number: 65-132-11
5. Present Owner: Bridgeway Associates Address: 558 Bridgeway
City Sausalito Zip 94965 Ownership is Public ___ Private X
6. Present Use: Antique Store Original use: Cafe - Barber Shop

DESCRIPTION
7a. Architectural style: 1920's Storefront
7b. Briefly describe the present physical description of the site or structure and describe any major alterations from its original condition:
A very plain, symetrical, one story structure, the rectangular false front seeming to be held up by four flat columns with flat Tuscan capitals. The center, two door entryway, is recessed in a triangle shape. Very large square plate glass windows on either side fill the rest of the building's front.

Attach Photo(s) Here
No available old photos

8. Construction date: 1924 Estimated ___ Factual X
9. Architect ___
10. Builder ___
11. Approx. property size (in feet) - Frontage 25 Depth 50 or approx. acreage ___
12. Date(s) of enclosed photograph(s) ___

DPR 523 (Rev. 4/79)

13. Condition: Excellent ___ Good ___ Fair X Deteriorated ___ No longer in existence ___
14. Alterations: ___
15. Surroundings: (Check more than one if necessary) Open land ___ Scattered buildings ___ Densely built-up ___ Residential ___ Industrial ___ Commercial X Other: ___
16. Threats to site: None known ___ Private development X Zoning ___ Vandalism ___ Public Works project ___ Other: ___
17. Is the structure: On its original site? X Moved? ___ Unknown? ___
18. Related features: ___

SIGNIFICANCE Contributing
19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)
Built opposite the Golden Gate Ferry Co. landing (1922-1937), probably originally a sandwich shop for commuters. Sausalito News 12-25-1926 3:5 advertises the Carlisle Sandwich Shop ... specialities of the house: No. 1, Bacon and Tomato; No. 2, Cheese and Ham ... etc. Old timers remember that one-half of the building was a barber shop, the other the Bite-Hawk Cafe (south portion).

The area in back of this and buildings to the south was the stables for various merchants in town: Barsty Market, Fiedler's Store, Marin Fruit (per Fred Nau 1-18-1980).

Building is contributing in the sense of scale and the 1920's type architecture it and the adjoining buildings represent.

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)
Architecture X Arts & Leisure ___
Economic/Industrial ___ Exploration/Settlement ___
Government ___ Military ___
Religion ___ Social/Education ___

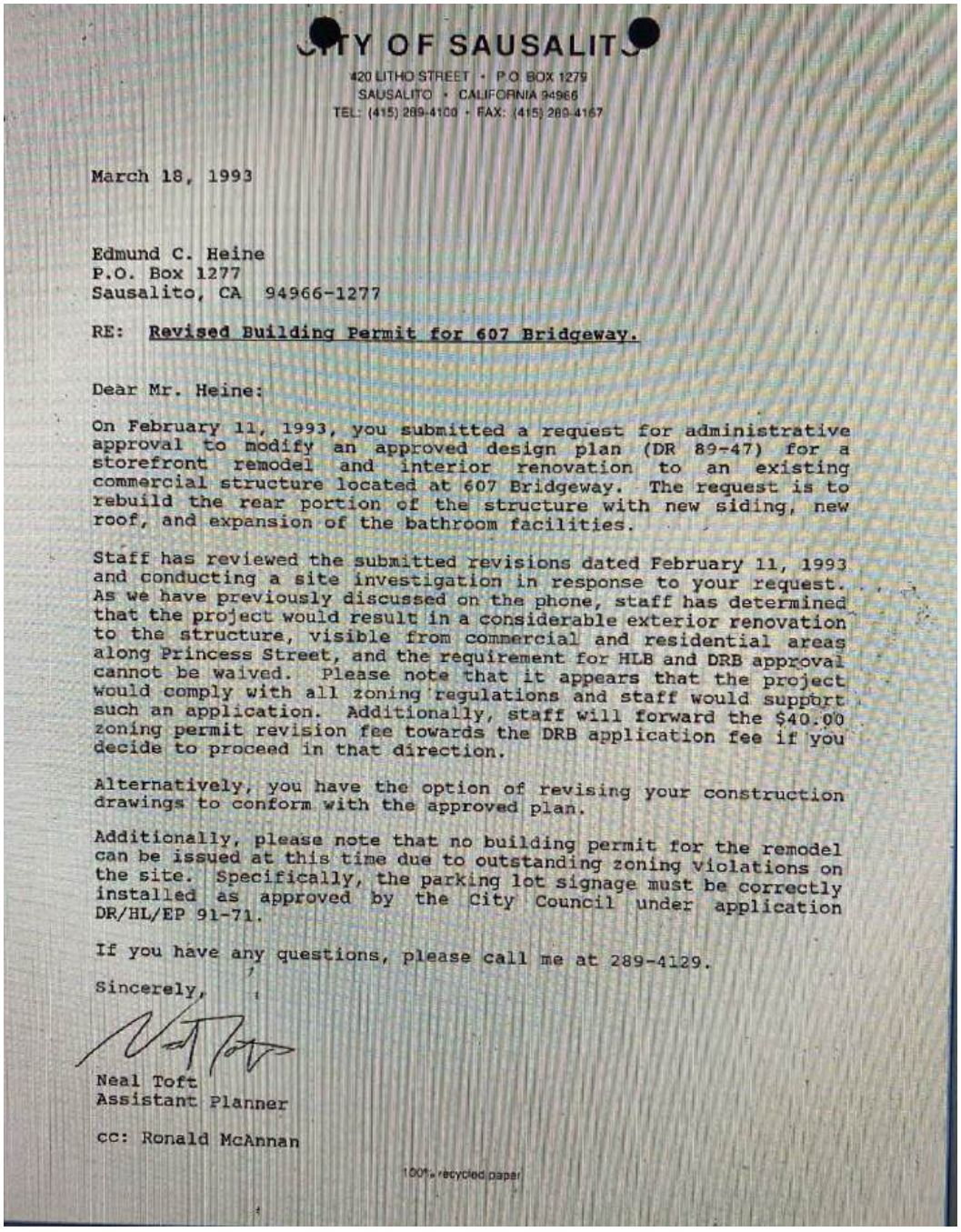
21. Sources (List books, documents, surveys, personal interviews and their dates)
Interview, Russell Jukich, Fred Nau 1-18-1980.
1924 Real Estate Appraisal.
1925 City Directory

22. Date form prepared January 1980
By (name) R.J. Tracy Dir. E.W. Robinson
Organization Sausalito Historical Landmark Bd.
Address: City Hall - 420 Litho St.
City Sausalito Zip 94965
Phone: 332-1005

Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):
NORTH
Princess St
Bridgeway
Yee Tock Chee Park
Bay
Scale: N.S.

1980 Historic Resource Inventory survey forms (DPR 523), Marin Fruit Co. (top) and Town & Country Antiques (bottom)

June 2024



CITY OF SAUSALITO
420 LITHO STREET • P.O. BOX 1279
SAUSALITO • CALIFORNIA 94966
TEL: (415) 289-4100 • FAX: (415) 289-4167

March 18, 1993

Edmund C. Heine
P.O. Box 1277
Sausalito, CA 94966-1277

RE: **Revised Building Permit for 607 Bridgeway.**

Dear Mr. Heine:

On February 11, 1993, you submitted a request for administrative approval to modify an approved design plan (DR 89-47) for a storefront remodel and interior renovation to an existing commercial structure located at 607 Bridgeway. The request is to rebuild the rear portion of the structure with new siding, new roof, and expansion of the bathroom facilities.

Staff has reviewed the submitted revisions dated February 11, 1993 and conducting a site investigation in response to your request. As we have previously discussed on the phone, staff has determined that the project would result in a considerable exterior renovation to the structure, visible from commercial and residential areas along Princess Street, and the requirement for HLB and DRB approval cannot be waived. Please note that it appears that the project would comply with all zoning regulations and staff would support such an application. Additionally, staff will forward the $40.00 zoning permit revision fee towards the DRB application fee if you decide to proceed in that direction.

Alternatively, you have the option of revising your construction drawings to conform with the approved plan.

Additionally, please note that no building permit for the remodel can be issued at this time due to outstanding zoning violations on the site. Specifically, the parking lot signage must be correctly installed as approved by the City Council under application DR/HL/EP 91-71.

If you have any questions, please call me at 289-4129.

Sincerely,

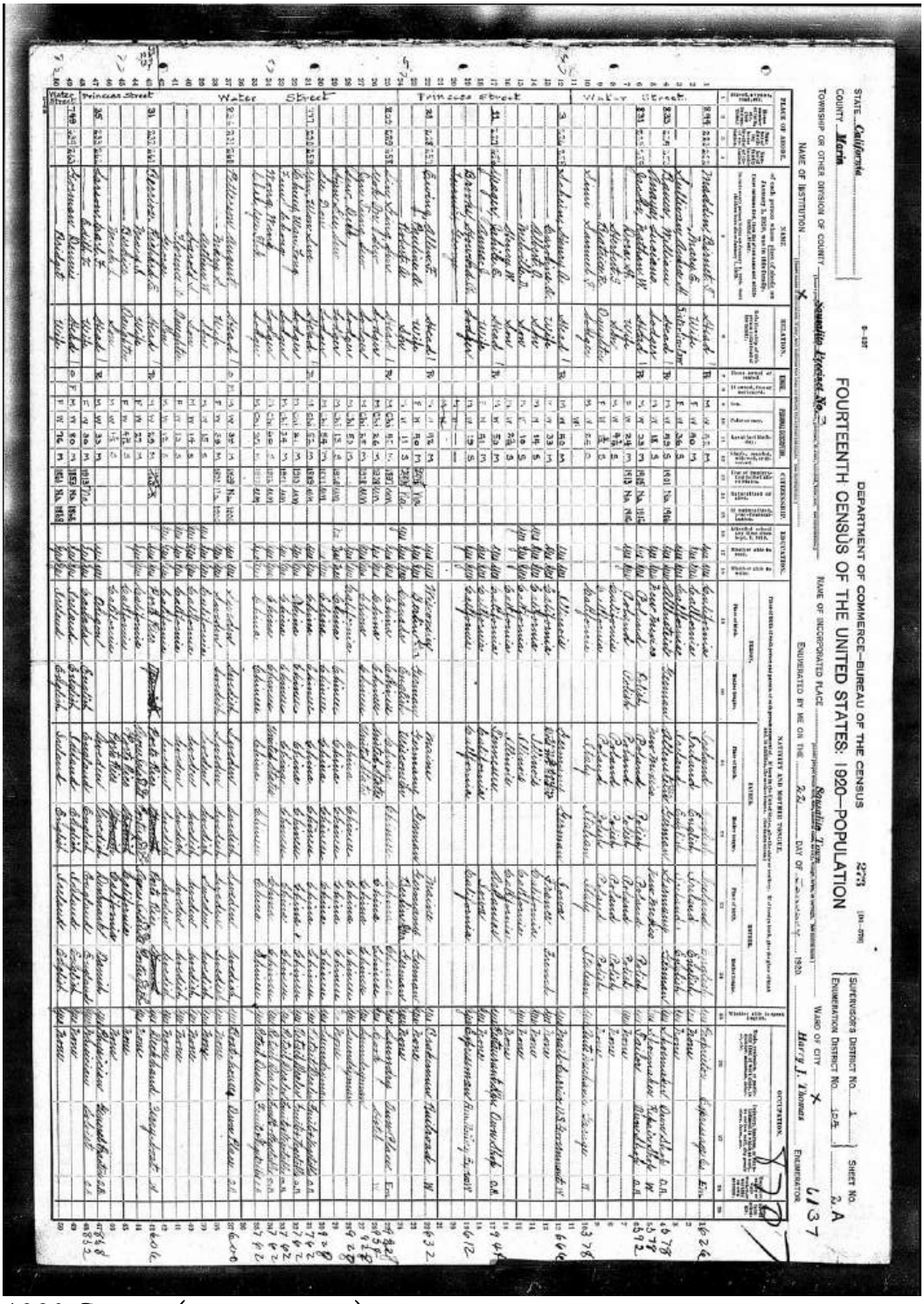
Neal Toft
Assistant Planner

cc: Ronald McAnnan

100% recycled paper

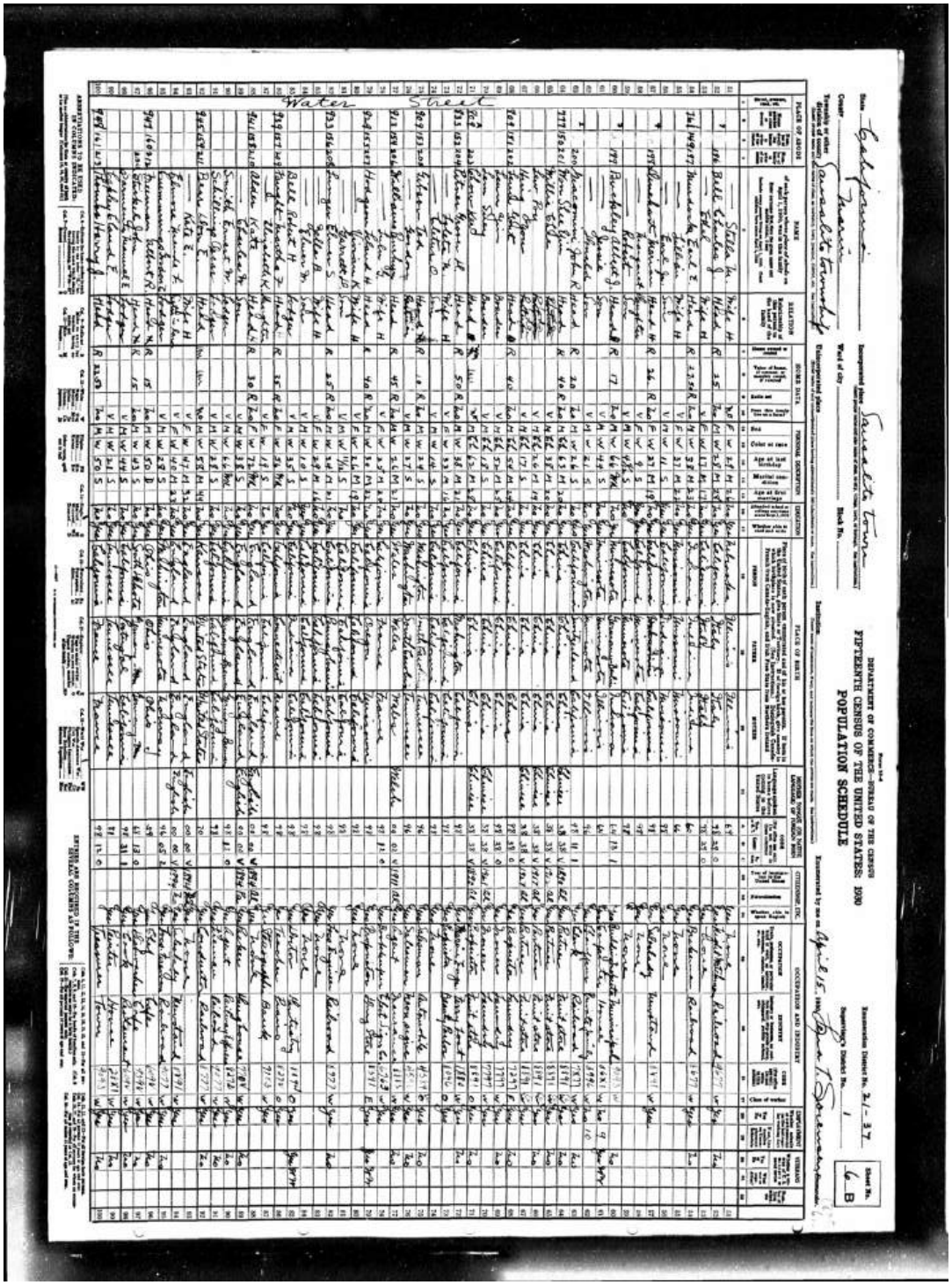
1993 Letter between City of Sausalito and Edmund Heine, architect for the proposed 607 Bridgeway remodel, denying proposed alterations (City of Sausalito, Community Development Department, digitized records)

APN 065-132-16 / 605 & 607 Bridgeway and 611-613 Bridgeway, Sausalito
Historic Resources Evaluation



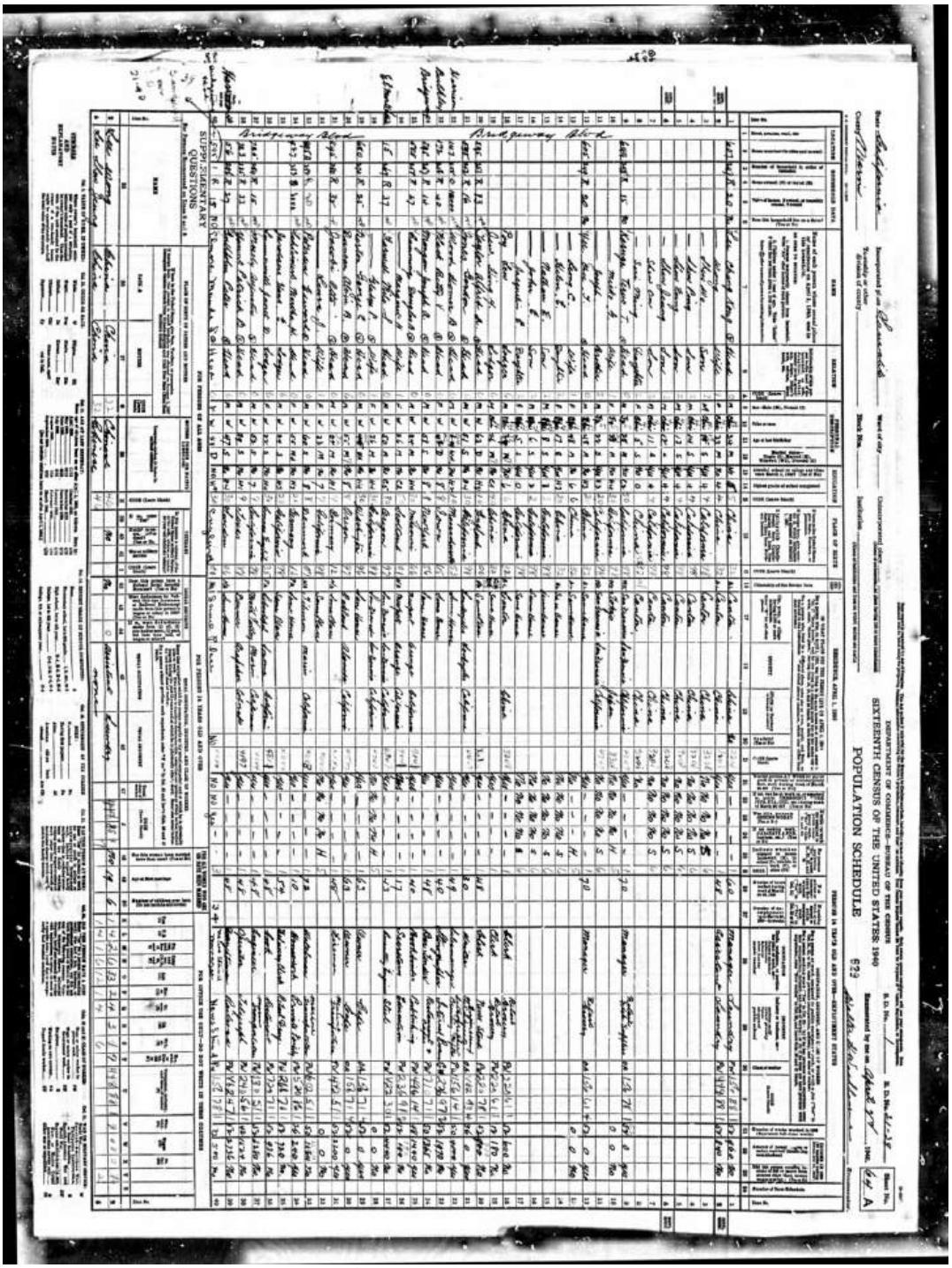
1920 Census (ancestry.com)

APN 065-132-16 / 605 & 607 Bridgeway and 611-613 Bridgeway, Sausalito
Historic Resources Evaluation



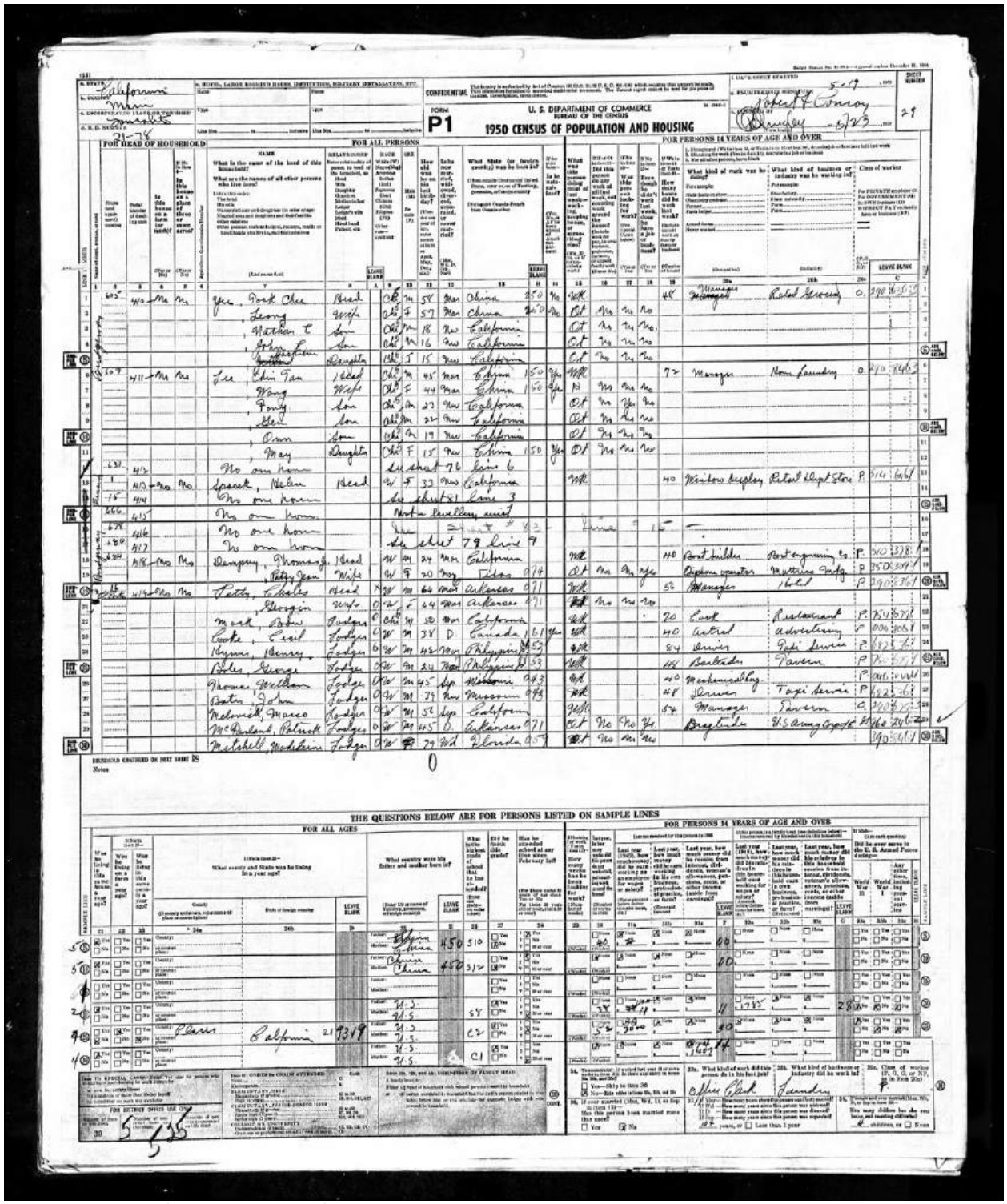
1930 Census (ancestry.com)

APN 065-132-16 / 605 & 607 Bridgeway and 611-613 Bridgeway, Sausalito
Historic Resources Evaluation

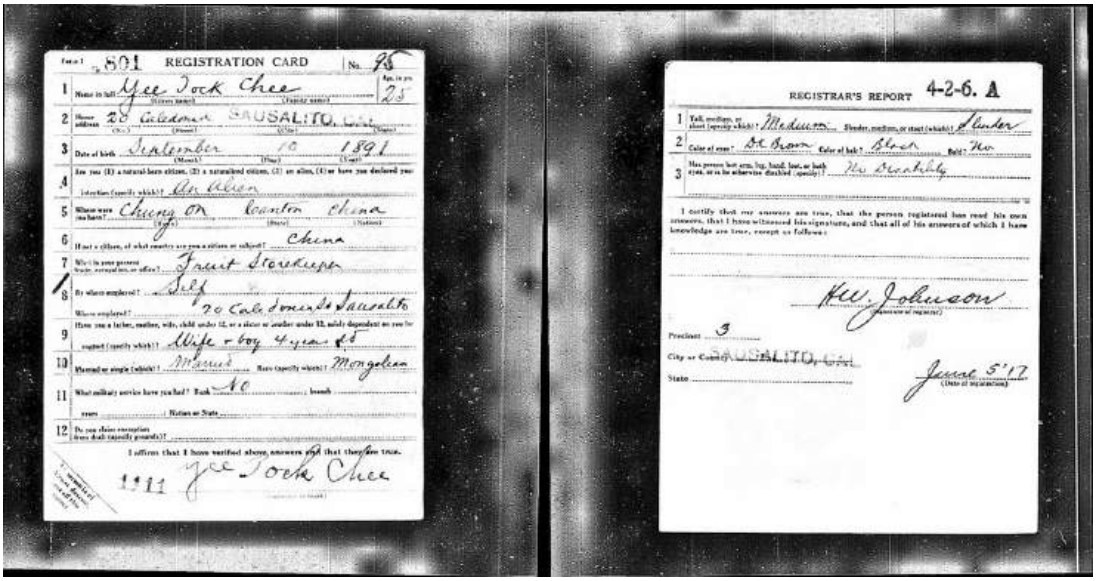


1940 Census (ancestry.com)

APN 065-132-16 / 605 & 607 Bridgeway and 611-613 Bridgeway, Sausalito
Historic Resources Evaluation



1950 Census (ancestry.com)



Form 801 REGISTRATION CARD No. 95

1. Name in full: Yee Tock Chee — Age in years: 25
2. Home address: 20 Caledonia SAUSALITO, Cal.
3. Date of birth: September 10 1891
4. Are you (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)? An Alien
5. Where were you born? Chung On Canton China
6. If a citizen, of what country are you a citizen or subject? China
7. Why is your present trade, occupation, or office? Fruit Storekeeper
8. By whom employed? Self — Where employed? 20 Caledonia St Sausalito
9. Have you a father, mother, wife, child under 12, or a sister or brother under 12, solely dependent on you for support (specify which)? Wife + boy 4 years old
10. Married or single (which)? Married — Race (specify which): Mongolian
11. What military service have you had? Rank No — branch — years — Nation or State
12. Do you claim exemption from draft (specify grounds)? —

I affirm that I have verified above answers and that they are true.
1917 Yee Tock Chee

REGISTRAR'S REPORT 4-2-6. A

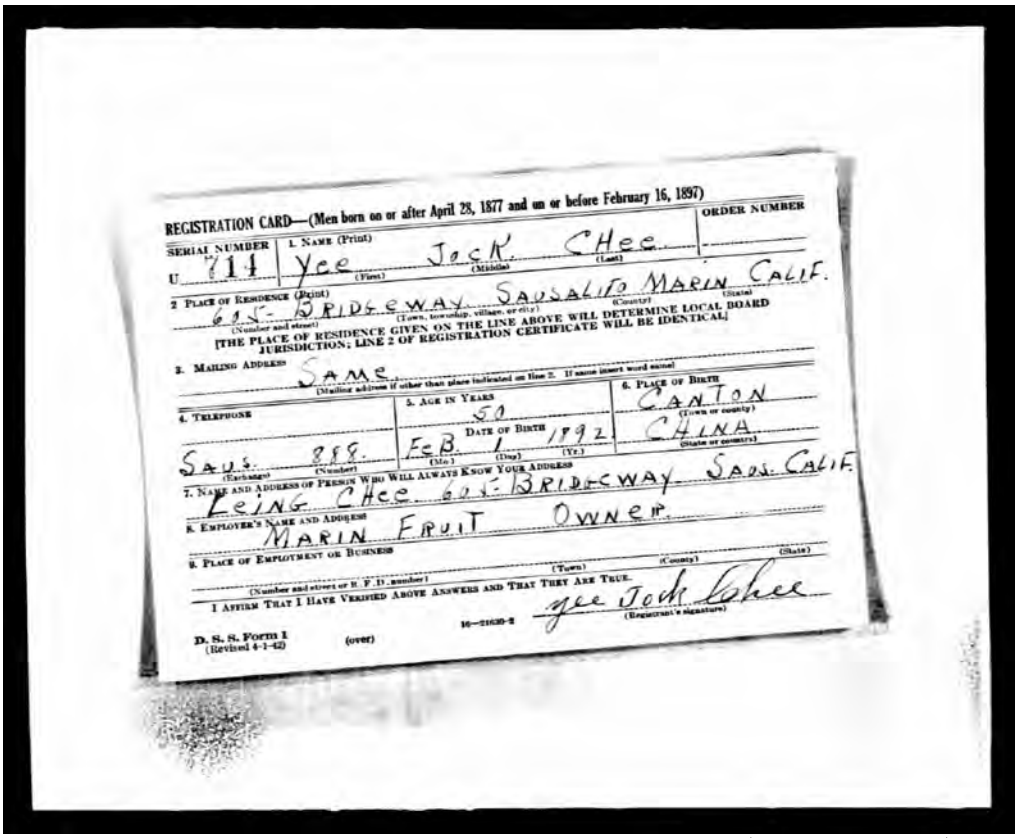
1. Tall, medium, or short (specify which)? Medium — Slender, medium, or stout (which)? Slender
2. Color of eyes: Dk Brown — Color of hair? Black — Bald? No
3. Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)? No Disability

I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

H.W. Johnson
(Signature of registrar)

Precinct 3
City or County SAUSALITO, Cal.
State —
June 5'17
(Date of registration)

WWI Draft Registration Card (1917) for Yee Tock Chee (ancestry.com)



REGISTRATION CARD—(Men born on or after April 28, 1877 and on or before February 16, 1897)

SERIAL NUMBER U 714 — ORDER NUMBER —

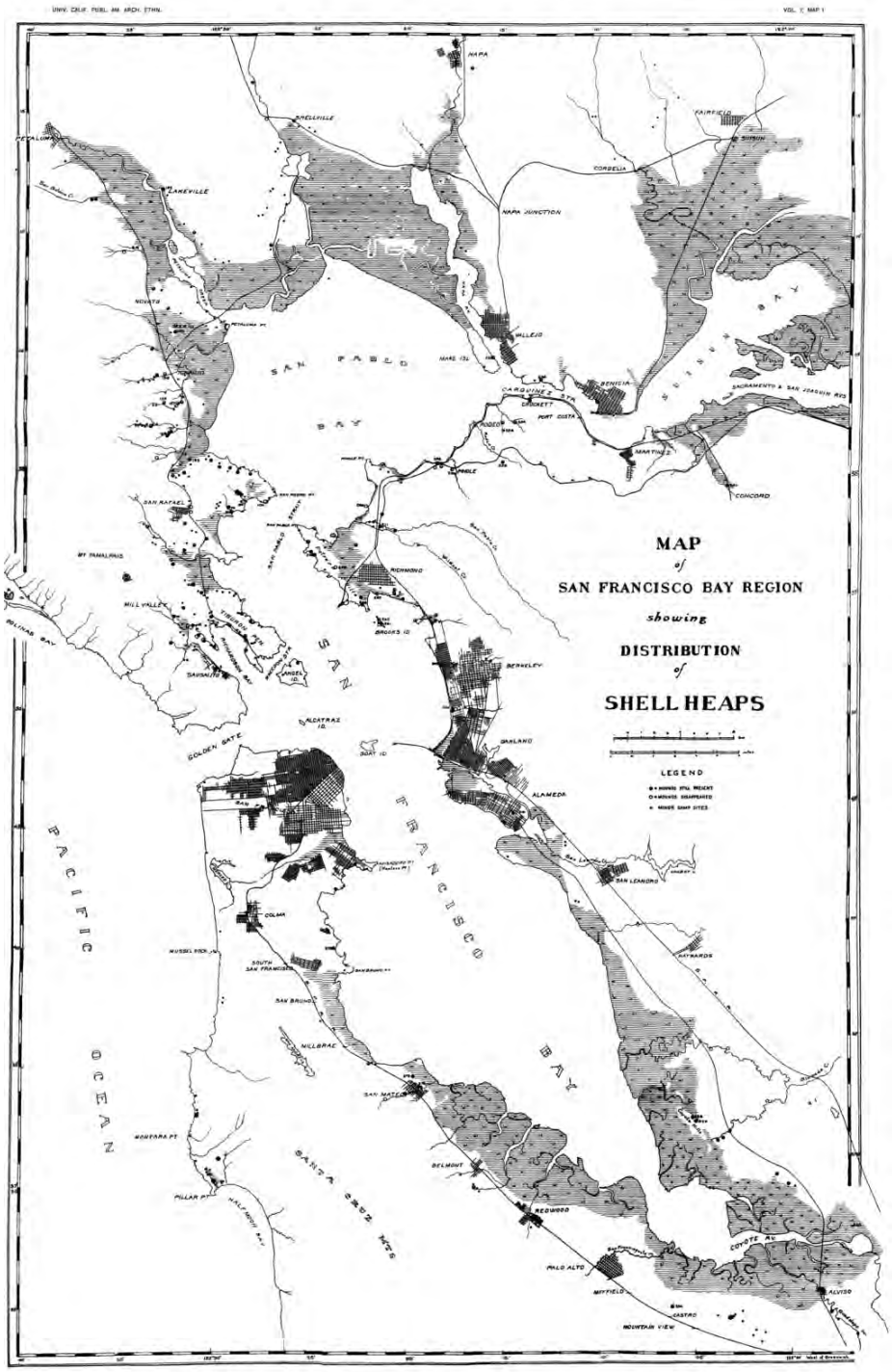
1. NAME (Print): Yee (First) Jock (Middle) Chee (Last)
2. PLACE OF RESIDENCE (Print): 611- Bridgeway (Number and street) Sausalito (Town, township, village, or city) Marin (County) Calif. (State)
[THE PLACE OF RESIDENCE GIVEN ON THE LINE ABOVE WILL DETERMINE LOCAL BOARD JURISDICTION; LINE 2 OF REGISTRATION CERTIFICATE WILL BE IDENTICAL]
3. MAILING ADDRESS: Same (Mailing address if other than place indicated on line 2. If same insert word same)
4. TELEPHONE: Sau. 888 (Exchange) (Number)
5. AGE IN YEARS: 50 — DATE OF BIRTH: Feb. 1 (Mo.) 1892 (Day) (Yr.)
6. PLACE OF BIRTH: Canton (Town or county) China (State or country)
7. NAME AND ADDRESS OF PERSON WHO WILL ALWAYS KNOW YOUR ADDRESS: Leing Chee 611- Bridgeway Sau. Calif.
8. EMPLOYER'S NAME AND ADDRESS: Marin Fruit Owner
9. PLACE OF EMPLOYMENT OR BUSINESS: (Number and street or R. F. D. number) (Town) (County) (State)

I AFFIRM THAT I HAVE VERIFIED ABOVE ANSWERS AND THAT THEY ARE TRUE.
yee Tock Chee
(Registrant's signature)

D. S. S. Form 1 (Revised 4-1-42) (over) 16—21630-2

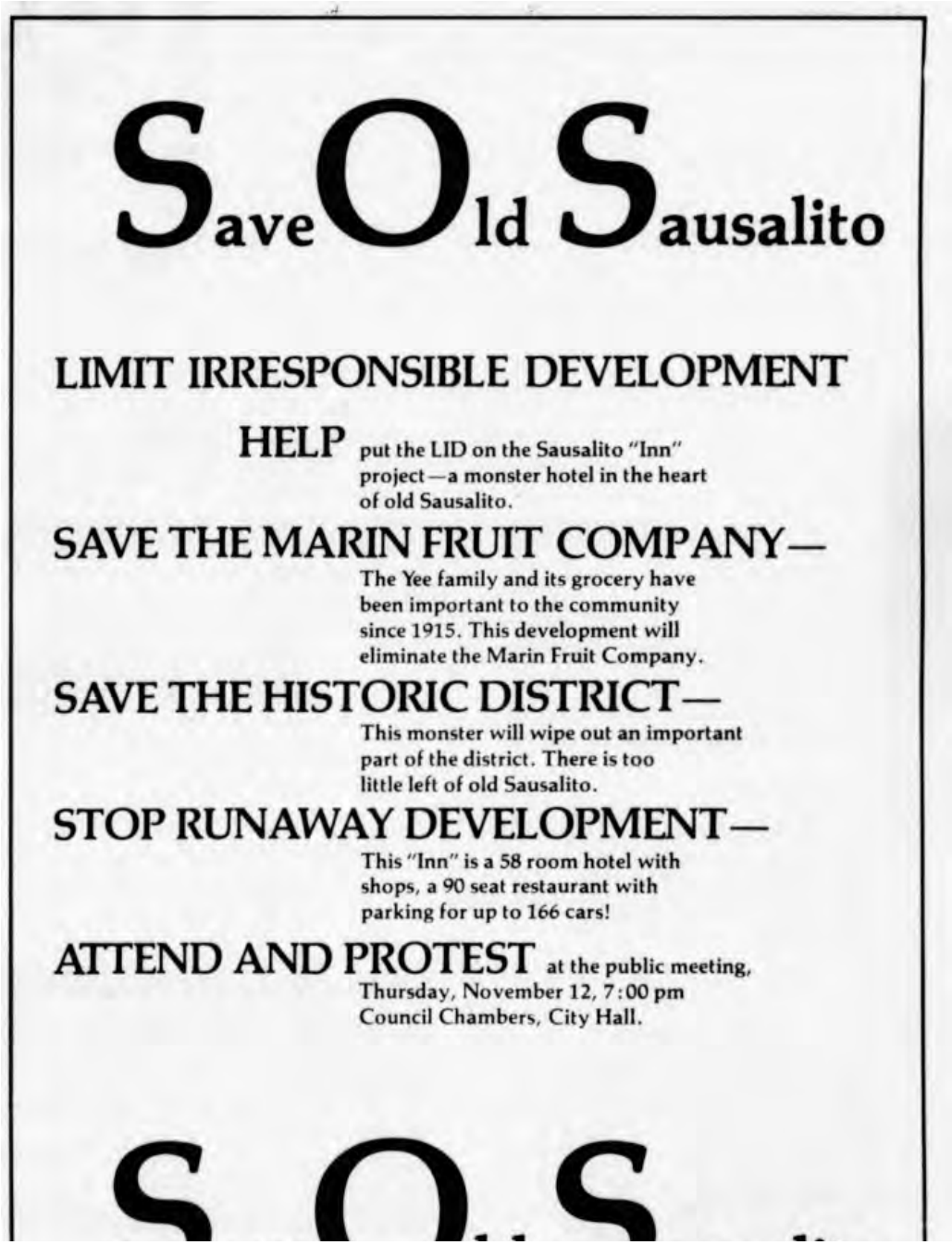
WWII Draft Registration Card for Yee Tock Chee (ancestry.com)

APN 065-132-16 / 605 & 607 Bridgeway and 611-613 Bridgeway, Sausalito
Historic Resources Evaluation



1909 N.C. Nelson shellmound map (UC Berkeley digital collection)

June 2024



SOS
Save Old Sausalito

LIMIT IRRESPONSIBLE DEVELOPMENT

HELP put the LID on the Sausalito "Inn" project—a monster hotel in the heart of old Sausalito.

SAVE THE MARIN FRUIT COMPANY—
The Yee family and its grocery have been important to the community since 1915. This development will eliminate the Marin Fruit Company.

SAVE THE HISTORIC DISTRICT—
This monster will wipe out an important part of the district. There is too little left of old Sausalito.

STOP RUNAWAY DEVELOPMENT—
This "Inn" is a 58 room hotel with shops, a 90 seat restaurant with parking for up to 166 cars!

ATTEND AND PROTEST at the public meeting,
Thursday, November 12, 7:00 pm
Council Chambers, City Hall.

S O S

November 10, 1981 Advertisement in the *Sausalito Marin Scope*

Table 3. Downtown Historic Overlay Zoning District Properties[8]

APN	Street Address	Name	Construction Date	Designer/Builder (if known)	CRHR Status Code
065-073-03 & 05	N/A	Ferry Boat Landing	1996		2D2
065-074-01	N/A	Plaza Viña del Mar	1904		2D2
065-172-12, 13, & 15	558 Bridgeway	SF Yacht Club	1898	R. H. White	2D2
065-171-03	561-63 Bridgeway	Dexter's Boarding House	1897		2D2
065-171-02	565 Bridgeway	Zabit & Associates, Inc.	1983		6X
065-171-01	569 Bridgeway	Sausalito Bakery & Café	1908	C. Fisher	2D2
065-132-15	579 & 583 Bridgeway	"Lolita" and "Lucretia"	1886	Charles Crittenden	2D2[9]
065-132-14	585 Bridgeway	Telephone Exchange	1914		2D2
065-133-24	588 Bridgeway	Lange's/Scoma's	ca. 1891 (moved to site in 1923)		2D2
065-132-05	589-595 Bridgeway	Pistolesi Flats	1904 & 1907	F.V. Pistolesi	2D2[10]
065-132-04	599-603 Bridgeway	Lincoln Garage	1924		2D2
065-132-16	605-09 Bridgeway	Marin Fruit Co.	1912 & 1924		2D2[11]
065-132-16	611 Bridgeway	Nite Hawk Café	1924		2D2[12]
065-132-03	621 Bridgeway	Angelino's/Flying Fish Restaurant	1914	A. Gales	2D2
065-132-02	625 Bridgeway	Venice Gourmet	1894		2D2
065-132-01	629 Bridgeway	Giovanni's Pizza	1887		2D2
065-132-01	633-39 Bridgeway/ 3 Princess Street	Ryan's Hotel	1885 & ca. 1929		2D2
065-133-25	660 Bridgeway	Purity Market	1941		2D2
065-133-08	664-66 Bridgeway	Becker Building/ Royal Arts Co.	1897		2D2
065-131-08	667-69 Bridgeway	Ole's Bakery/ Hanson Art Gallery	1914	C.H. Smith	2D2
065-133-09	668 Bridgeway	Princess Theater/ Galerie Elektra	1915		2D2[13]
065-133-10	670 Bridgeway	Fiedler's General Store	1885		2D2[14]

APN	Street Address	Name	Construction Date	Designer/Builder (if known)	CRHR Status Code
065-131-07	671-73 Bridgeway	Bank of Sausalito/ 1st National Bank	1917 (remodeled in Moderne style in 1937)		6X[15]
065-131-06	675 Bridgeway	Chamber of Commerce/ Petri's	1924 (remodeled in 1946 and Ca. 1990)		6X[16]
065-133-11	676-86 Bridgeway	Louis Aronow/Seven Seas Restaurant	1885 & 1889	Jacob Schnell	6X[17]
065-131-05	679-81 Bridgeway	Sausalito Drug/Cat & Fiddle	1915		2D2
065-131-04	683-85 Bridgeway	Marin Hardware	1924		2D2
065-131-02 & 03	687-91 Bridgeway	Eureka Meat Market/ Lappert's Jewelry	1902		2D2[18]
065-133-12	688 Bridgeway	Sausalito Ferry Co.	1979		6X
065-131-01	693-95 Bridgeway	Sausalito News/Games People Play	1894		2D2[19]
065-071-13	701 Bridgeway	Del Monte Apartments	1879		2D2
065-071-25	715 Bridgeway	Wells Fargo	1924	Henry H. Miller	2D2
065-071-21	723 Bridgeway	Burlwood Gallery	1894		2D2
065-071-07	731 Bridgeway	Old City Hall/ Bank of Sausalito	1894		2D2
065-071-27	737-41 Bridgeway	Patterson's Bar/ Plaza Bar	1894		2D2
065-071-26	743-45 Bridgeway	Tamalpais Stables/Arcade Shops/Little Theater	1894		2D2
065-071-24	749 Bridgeway	The Tides Bookstore	1899		2D2
065-071-02	755-57 Bridgeway	GG of Sausalito	1899		2D2
065-071-02	759 Bridgeway	No Name Bar	1894		2D2
065-071-01	763 Bridgeway	Medical-Dental Building	1958	John Kelley	6X
065-063-46	777 Bridgeway	Mason's Garage	1924		2D
065-132-08	48 Bulkley Avenue		1894		2D2
065-132-09	54 Bulkley Avenue	Zephyr Cottage	1891		2D2
065-440-04	77 Bulkley Avenue	Portals of the Nook	1891	Willis Polk	2D2
065-440-01, 02, 03, 04, 05, 06, 07, 08, & 09	93-109 Bulkley Avenue	Laneside	1892	M.E. Roundtree	2D2[20]
065-063-45	156 Bulkley Avenue	Casa Madrona	1885		1D
065-133-17	12 El Portal Street	Sausalito Hotel	1915		2D2

I20-21
con'tEn

APN	Street Address	Name	Construction Date	Designer/Builder (if known)	CRHR Status Code
065-133-18	28 El Portal Street	Northwest Pacific Railroad Expres Office	1916		2D
065-133-19	30 El Portal Street	McDevitt Apartments/Inn Above the Tide	1962		6X
065-133-03	N/A	Water Parcel			6X
065-133-05	N/A	Water Parcel			6X
065-133-21	N/A	Water Parcel			6X
065-133-26	N/A	Yee Tock Chee Park	1977		2D2
065-133-27	N/A	Water Parcel			6X
065-133-28	N/A	Water Parcel			6X
065-131-09	4 Princess Street	Schnell's House/ Time After Time	1878		2D2
065-131-10	12-20 Princess Street	Jean Baptiste Baraty Meat Market	1892		2D2
065-132-12	19 Princess Street	Sausalito Salvage Shop	ca. 1874		2D2
065-132-03	21 Princess Street	Copper House/Dynamic Energy Crystals	Before 1887		2D2
065-131-11	28-30 Princess Street	Princess Court/ Pegasus Leather	1913		2D2
065-131-14	36-38 Princess Street	Sausalito Hardware/ Mark Reuben Gallery	1894		2D2
065-131-15	40 Princess Street		1894		2D2
065-131-16	52 Princess Street	Christopher Becker Residence/Eyetalia Gallery	1894		2D2
065-131-18	62 Princess Street	Sausalito Christian Science Church	ca. 1887		2D2
065-132-18	83 Princess Street	Richards House/Glen Bank	1884	John Richards	2D2
065-131-18	90-92 Princess Street	Cabana Bonita/ Buckeye Cottage	1897		2D2

NOTEWORTHY STRUCTURES AND OTHER BUILDINGS THAT MAY HAVE HISTORICAL SIGNIFICANCE

Historic Resources Inventory Listing
City of Sausalito, Marin County, California

Codes NW = Noteworthy, L = Landmark, DHD = Downtown Historic District
NHRP = National Register of Historic Places

Resource # or Parcel #	Code	Address (or location)	Also known as
	NW	215 South Street	Horn House/Iroquois Villa
	NW	54 Spencer Avenue	Red Gables
	NW	33 Miller Avenue	The Pines
	NW	47 Miller Lane	Tyrell Cottage
	NW	112 Bulkley Avenue	First Presbyterian Church
	NW	140 Bulkley Avenue	Tank House
	NW	141 Bulkley Avenue	Fiedler Villa
	NW	428 Turney Street	Sylva Mansion
	NW	41 Cazneau Avenue	Laurel Lodge
	NW	47 Girard Avenue	The Bower/Gardner House
	NW	201 Bridgeway Boulevard	Walhalla/Chart House
	NW	323 Pine Street	Rety House/Domerque House
	NW	86 San Carlos Avenue	Hazel Mount
	NW	100 Harrison Avenue	McCormack House/Nestledown
	NW	603 Main Street	Schiller Haus
	NW	26 Alexander Avenue	Craig Hazel
	NW	517 Pine Street	Oddlands/Wosser House
	NW	44-46 Santa Rosa Avenue	Redonda Vista
	NW	64 Alexander Avenue	Oak Cliff

May, 1999

NW	172 San Carlos Avenue	Bellevue Cottage
NW	87 San Carlos Avenue	Sweetbriar
NW	35 Central Avenue	Birch Cottage
NW	505 Bridgeway Boulevard	Eastlake Chalet
NW	Bridgeway and Litho Street	Second Richardson School
NW	1709 Bridgeway Boulevard	First Richardson School
NW	93 San Carlos Avenue	Treat House
NW	Block 68, Lot 8	Sunnyhill Cemetery
NW	126 Harrison Avenue	Alta Mira Hotel
NW	108 Caledonia Street	Lawrence House
NW	16 San Carlos Avenue	Villa Veneta
NW	431 Bridgeway Boulevard	Hearst Cottage
NW	215-217 Fourth Street	Rideout Villa
NW	116 Caledonia Street	Linsley House
NW	220 West Street	Koster House
NW	Block 68, Lots 7 & 8	Shanghai Tunnel & Springs
NW	1301 Bridgeway Boulevard	Dunbrow House
NW	153 Bulkley Avenue	Casa Verde
NW	539 Bridgeway Boulevard	Original Firehouse
NW	50 Harrison Avenue	The Hearth
NW	108 Central Avenue	DuBois House

May, 1999

NW	28 Spencer Court	Birds Nest Cottage
NW	31 Bulkley Avenue	Collie House
NW	Harrison and Bulkley	O'Connell Seat
NW	NW Cor. Pine & Caledonia	Miwok Burial Site
NW	489 Bridgeway Boulevard	Dunluce
NW	640 Sausalito Boulevard	Frost Residence
NW	34-36 Bulkley Avenue	Laurel
NW	80-82/84-88 Bulkley Ave.	Richards Flats/1st "The Nook"
NW	40 Miller Avenue	Yeazell Residence
NW	420 Litho Street	Central School
NW	60 Atwood Avenue	Hearst Wall
NW	Harbor Drive at Gate 5 Rd.	Marinship Mold Loft
NW	315 Main Street	Nunes Bros. Boat Yard/Pilings
NW	493 Bridgeway Boulevard	Bettincourt Residence
NW	501-503 Bridgeway Blvd.	Ladd Residence
NW	616 Main Street	Chapman Residence
NW	415 Main Street	Doucet Bungalow

Ark Row (R-A) District

NW	505 Humboldt Avenue	
NW	507 Humboldt Avenue	Ark Midway
NW	509 Humboldt Avenue	
NW	511 Humboldt Avenue	
NW	513 Humboldt Avenue	
NW	515 Humboldt Avenue	Ark Caprice
NW	517 Humboldt Avenue	

Sausalito Landmark Buildings, Sites and Objects

L	168 Harrison Avenue	Tanglewood/The Bungalow
L	221 Bridgeway Boulevard	Castle by the Sea
L	Santa Rosa & San Carlos	Christ Episcopal Church
L	76 Cazneau Avenue	Madrona Cottage/Ritchie House
L	300 Main Street	NWPRR Freight Depot
L	625 Locust Road	Elderberry Cottage
L	780 Bridgeway Boulevard	Ice House
L	25 Liberty Ship Way	Machine Shop

National Register Buildings, Structures, Sites and Objects

NRHP	25 Liberty Ship Way	Machine Shop
NRHP	801 Bridgeway Boulevard (156 Bulkley Avenue)	Casa Madrona/Barrett House
NRHP	639 Main Street	Griswold House/Economo
NRHP	120 Central Avenue	Sausalito Woman's Club

May, 1999
Amended: 2017

DHD	558 Bridgeway Boulevard	San Francisco Yacht Club
DHD	588 Bridgeway Boulevard	Lange Launch Company
DHD	Foot of Princess	Yee Tock Chee Park
DHD	660 Bridgeway Boulevard	Purity Market
DHD	664-666 Bridgeway Blvd.	Becker Building
DHD	668 Bridgeway Boulevard	Princess Theatre
DHD	670 Bridgeway Boulevard	Fiedler's General Store
DHD	676-686 Bridgeway Blvd.	Schnell Store
DHD	688 Bridgeway Boulevard	(New Construction, 1979)
DHD	El Portal & Bridgeway Blvd.	Sausalito Hotel
DHD	12 El Portal	NWPRR Offices
DHD	30 El Portal	Inn Above The Tides
DHD	Foot of El Portal	Ferry Landing
DHD	Bridgeway and El Portal	Depot Park/Plaza Viña Del Mar
*[1]DHD	801 Bridgeway Boulevard (156 Bulkley Avenue)	Casa Madrona Hotel
DHD	777-789 Bridgeway Blvd.	Mason's Garage/Village Fair
DHD	763-771 Bridgeway Blvd.	Office Building
DHD	757 Bridgeway Boulevard	Oak Grill
DHD	755 Bridgeway Boulevard	

*[1] Also Listed in the National Register of Historic Places

May, 1999

DHD	749-751 Bridgeway Blvd.	
DHD	743-745 Bridgeway Blvd.	Tamalpais Stables
DHD	737-741 Bridgeway Blvd.	Ferry Saloon
DHD	731 Bridgeway Boulevard	Bank of Sausalito/Old City Hall
DHD	721-725 Bridgeway Blvd.	
DHD	715 Bridgeway Boulevard	Bank of Sausalito/Wells Fargo
DHD	701-707 Bridgeway Blvd.	El Monte Boarding House
DHD	693-695 Bridgeway Blvd.	Sausalito News
DHD	687-691 Bridgeway Blvd.	Eureka Meat Market
DHD	683-685 Bridgeway Blvd.	Marin Hardware
DHD	679-681 Bridgeway Blvd.	Sausalito Drug Company
DHD	675 Bridgeway Boulevard	Chamber of Commerce Building
DHD	671-673 Bridgeway Blvd.	First National Bank of Sausalito
DHD	667-669 Bridgeway Blvd.	Mecci and Ratto Groceries
DHD	2-10 Princess Street	Schnell House
DHD	12-20 Princess Street	Baraty Building
DHD	28-30 Princess Street	Princess Court
DHD	36-38 Princess Street	U.S. Post Office
DHD	40 Princess Street	Apartments
DHD	52 Princess Street	Christopher Becker Residence
DHD	62 Princess Street	Christian Science Church
DHD	90-92 Princess Street	Cabana Bonita

DHD	Princess & Bulkley Ave.	Portals of "The Nook"
*[2]DHD	93-109 Bulkley Avenue	Laneside/Campbell Mansion
DHD	48 Bulkley Avenue	Residence
DHD	54 Bulkley Avenue	Zephyr Cottage
DHD	83 Princess Street	Glen Bank/Richards House
DHD	21 Princess Street	
DHD	19 Princess Street	Sausalito Salvage Shop
DHD	633-639 Bridgeway; 3-15 Princess Street	Ryan's Hotel
DHD	629 Bridgeway Boulevard	
DHD	625 Bridgeway Boulevard	Express Offices
DHD	621 Bridgeway Boulevard	Swastika Theatre
DHD	611-613 Bridgeway Blvd.	Nite Hawk Café
DHD	605-609 Bridgeway Blvd.	Marin Fruit Company
DHD	599-603 Bridgeway Blvd.	Lincoln Garage
DHD	595 Bridgeway Boulevard	Pistolesi Flats
DHD	589 Bridgeway Boulevard	Pistolesi Building
DHD	585 Bridgeway Boulevard	Telephone Exchange
DHD	579-583 Bridgeway Blvd.	Cottages "Lolita" and "Lucretia"
DHD	569 Bridgeway Boulevard	Old Ferry Grill
DHD	565 Bridgeway Boulevard	(New Construction, 1983)
DHD	561-563 Bridgeway Blvd.	Dexter's House

*[2]Condo's have been added to original house

End of I20-26

May, 1999

Letter I20 Response	**Richard Toshiyuki Drury, Lozeau Drury, on behalf of Save Our Sausalito** October 21, 2024

I20-1 The comment makes reference to other comment letters previously submitted by the commenter regarding both the Project and the EIR. The comment also notes that Alternative 4 – Historic Preservation, in the Draft EIR, as amended in the Recirculated Draft EIR Chapter 5, as analyzed in the Recirculated Draft EIR removes Opportunity Sites from the Downtown Historic District and areas adjacent. See response to Comment I16-7.

I20-2 The comment describes the City's RHNA allocation and the implementation of the Amended Housing Element. The comment does not address the adequacy of the Amended Housing Element EIR. The comment is noted and will be forwarded to the decision makers for their consideration.

I20-3 The comment requests the elimination of two Opportunity Sites from the sites inventory included in the Amended Housing Element, with the goal to eliminate or lessen potential impacts to the Downtown Historic District. Mitigation Measure MM 3.4-1(a) is revised as shown in Chapter 2 of this Final EIR strengthens the requirements of the measure, including specifying which projects the historic preservation measure applies to, identifying more of the Standards that apply to future projects, requiring an evaluation of the project's impact on historic resources by a qualified professional, and establishing a performance standard to reduce potential impacts to less than significant. This is consistent with CEQA Guidelines Section 15064.5(b)(3) which states: "Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource."

The comment expresses a preference for a project alternative that only removes Site 201 and Site 202 from the sites inventory. The comment is received and will be forwarded to decision makers for their consideration.

I20-4 The comment opines on the efficacy of the mitigation measures proposed in the Draft EIR to reduce potential impacts on historic resources. As projects are proposed under the Amended Housing Element, the City will review individual applications to evaluate the project's consistency with the Objective Design

and Development Standards (ODDS) being prepared by the City. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties is consistent with CEQA Guidelines Section 15064.5(b)(3) which states: "Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource." Further, future developments would be evaluated for consistency with General Plan and zoning designations.

Alternative 4 in the Draft EIR, as revised in the Recirculated Draft EIR, describes how the Amended Housing Element could reduce potential impacts on the Downtown Historic District, including preserving individual resources and the unique character of the District.

I20-5 The comment mentions that special-status species have been observed on Opportunity Site 201, and refers to a report prepared by a third party. The report is referred to as Exhibit B in the comment letter, and is shown as Comment I20-22. As individual projects are proposed under the Amended Housing Element, project proponents may need to conduct site-specific studies as described in Mitigation Measures MM 3.3-1a through 3.3-1h and Mitigation Measures MM 3.3-2a through 3.3-2c.

I20-6 The comment provides background information about CEQA. This comment does not address the adequacy of the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I20-7 The comment provides background information about CEQA. This comment does not address the adequacy of the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I20-8 The comment refers to species observed on or near Opportunity Site 201 during a site-specific survey. Please see response to Comment I20-5.

I20-9 The comment opines that the Draft EIR and the Recirculated Draft EIR are inadequate as they did not analyze potential impacts to historic resources or biological resource. Section 3.4, Cultural and Tribal Cultural Resources, of the Draft EIR evaluates the Project's potential to adversely affect resources, including historic resources, archaeological resources, human remains, and tribal cultural resources. Section 3.3, Biological Resources, as amended by the Recirculated Draft EIR, evaluates the Project's potential to adversely affect

special-status species, riparian habitat, sensitive natural communities, and protected wetlands, while also considering whether the Project could conflict with any policies or ordinances, including habitat conservation plans, protecting biological species. Chapter 4, Alternatives to the Proposed Project, in the Recirculated Draft EIR discusses the potential for Alternative 4, Historic Preservation, adversely affect historic resources.

I20-10 This comment addresses impact conclusions disclosed for aesthetics and historic resources, but does not address the adequacy of the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I20-11 The commenter states that the Draft EIR fails to acknowledge a pending proposal for development of Site 201. Site 201, and its rezoning to MU-29/85% under the proposed Amended Housing Element, is addressed within both the project-specific impact analyses and the cumulative impact analyses. As identified in Chapter 2 of this Final EIR, the cumulative impact analysis presented on pages 3.4-52 through 3.4-54 of the Draft EIR under Impact 3.4-6 is revised to more clearly address how future development, such as that proposed on Site 201, is addressed, including application of CEQA requirements related to the significance of historic resources and implementation of mitigation measures to reduce potential impacts.

The comment refers to a historic design analysis prepared by a third party specifically for a pending development proposal for Site 201. The report is referred to as Exhibit C in the comment letter, and is shown as Comment I20-23.

I20-12 The comment identifies General Plan policies and opines that the Amended Housing Element conflicts with multiple Geneal Plan policies. Pages 3.4-28 through 3.4-35 of the Draft EIR, as revised by the Recirculated Draft EIR, describe the General Plan policies, ordinances, and guidance applicable to historic resources in the city. As the city receives development applications for subsequent development under the Housing Element, those applications will be reviewed by the City of Sausalito for compliance with the policies and programs of the General Plan and with Municipal Code standards related to the protection of historical resources. In particular all development under the Amended Housing Element, including exterior modifications to existing structures and sites, new construction, and infill projects within the Downtown Historic Overlay Zoning District or the Residential Arks Zoning District, as well as properties on the Local, State or National Registers will require Historic Design Review in accordance with Zoning Ordinance Title 10 or Title 10A (ODDS) requirements.

I20-13 The comment opines regarding potential impacts the Amended Housing Element may have on historic resources and the Sausalito Downtown Historic District. Section 3.4, Cultural and Tribal Cultural Resources, of the Draft EIR evaluates the Project's potential to adversely affect resources, including historic resources, archaeological resources, human remains, and tribal cultural resources. Chapter 4, Alternatives to the Proposed Project, in the Recirculated Draft EIR discusses potential project alternatives, including an alternative that removes Sites 201 and 212 (see Alternative 4, Historic Preservation, beginning on page 4-29 of the Recirculated Draft EIR).

I20-14 The comment takes issue with the analysis of biological resources in the EIR. Please see response to Comment I20-5.

I20-15 The comment provides information about species observed on or around Site 201. Please see response to Comment I20-5. The comment further opines that the Amended Housing Element is inconsistent with General Plan policies. Section 3.3, Biological Resources, as amended by the Recirculated Draft EIR, evaluates the Project's potential to adversely affect special-status species, riparian habitat, sensitive natural communities, and protected wetlands, while also considering whether the Project could conflict with any policies or ordinances, including habitat conservation plans, protecting biological species.

I20-16 The comment opines on the efficacy of the mitigation measures proposed in the Draft EIR to reduce potential impacts on historic resources. As projects are proposed under the Amended Housing Element, the City will review individual applications to evaluate the project's consistency with the Objective Design and Development Standards (ODDS) being prepared by the City. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties is consistent with CEQA Guidelines Section 15064.5(b)(3) which states: "Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource." Further, future developments would be evaluated for consistency with General Plan and zoning designations. Mitigation Measures

I20-17 The comment requests the elimination of two Opportunity Sites from the sites inventory included in the Amended Housing Element, with the goal to eliminate or lessen potential impacts to the Downtown Historic District. Please see response to Comment I20-3.

I20-18 The comment opines on the range of project alternatives addressed in the EIR. Please see response to Comment I16-7.

I20-19 The comment introduces two voter initiatives: Ordinance 1022 and Ordinance 1128. The Amended Housing Element does not propose rescinding those ordinances

I20-20 The comment addresses the analysis of eliminating subjective standards. The ODDS would establish objective design guidelines for the purpose of removing subjectivity from design considerations. Alterations to buildings or districts designated as historic are required to comply with the Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing. Please see response to Comment I20-3 for information regarding mitigation measures.

I20-21 The comment refers to a view ordinance in the city. The Amended Housing Element does not propose to alter or rescind the view ordinance. However, the potential impacts to views as a result of the Amended Housing Element are analyzed in Section 4.1, Aesthetics, in the Draft EIR.

I20-22 The comment is a conclusion to the letter, and suggests approving Alternative 4, Historic Preservation. The comment is received and will be forwarded to decision makers for their consideration.

I20-23 The comment is a preliminary application form for a development at 605-613 Bridgeway. This report does not address the adequacy of the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I20-24 The comment appears to be a memorandum regarding a third party's wildlife reconnaissance survey, including reporting of species identified on or near 605-613 Bridgeway. The comment also discusses the potential for bird-window collisions resulting in avian mortality. This report does not address the adequacy of the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I20-25 The comment consists of a report titled, "Historic Design Analysis of Waterstreet Condominiums 605 - 613 Bridgeway Boulevard Sausalito, California." This report does not address the adequacy of the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

I20-26 This comment includes a letter dated June 20, 2024, which is directed toward the Draft Housing Element Programs EIR. However, the letter is not a comment on the Amended Housing Element EIR nor does it address the adequacy of the Amended Housing Element EIR.

The comment includes an exhibit titled, "Historic Resources Evaluation: APN 065-132-16 (formerly 065-132-11) / 605 & 607 Bridgeway & 611-613 Bridgeway Sausalito, CA." This report does not address the adequacy of the Amended Housing Element EIR. The comment is received and will be forwarded to decision makers for their consideration.

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a "mitigated negative declaration" or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Amended Housing Element project. The intent of the MMRP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures identified within the Draft EIR, as modified by the Recirculated Draft EIR and this Final EIR, for this project.

4.2 MITIGATION MEASURES

The mitigation measures are taken from the Amended Housing Element Draft EIR, as modified by the Recirculated Draft EIR and this Final EIR and are assigned the same number as in the Draft EIR, as modified by the Recirculated Draft EIR. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

4.3 MMRP COMPONENTS

The components of the attached table, which contains applicable mitigation measures, are addressed briefly, below.

Impact: This column summarizes the impact stated in the Draft EIR and/or Recirculated Draft EIR.

Mitigation Measure: All mitigation measures that were identified in the Amended Housing Element Draft EIR and or Recirculated Draft EIR are presented, as revised in the Final EIR, and numbered accordingly. For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented.

Implementing Party: This item identifies the entity that will undertake the required action.

Timing: Implementation of the action must occur prior to or during some part of project approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring Party: The City of Sausalito is primarily responsible for ensuring that mitigation measures are successfully implemented. Within the City, the Community Development Department is the primary departments with responsibility for monitoring various aspects of the overall project.

TABLE 4-1: AMENDED HOUSING ELEMENT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
Administrative Measure 1	Consistent with the recommendation of CEQA Guidelines Section 15168, the City shall develop a written checklist of similar device to document the evaluation of subsequent projects, including site-specific evaluations and evaluation of the proposed activity, to determine whether the environmental effect of the subsequently proposed project is within the scope of Amended Housing Element Program EIR.	Community Development Department	Within two months of certification of this EIR or within one week of receipt of an application for a project on a site identified in the Amended Housing Element, whichever occurs first	Community Development Department
Administrative Measure 2	Prior to the approval of subsequent projects, a project-specific mitigation monitoring and reporting program shall be developed that addresses compliance with all applicable mitigation measures, including any long-term reporting necessary to ensure ongoing implementation of mitigation measures. City staff shall make an annual report to the City Council documenting implementation of the mitigation monitoring and reporting program.	Community Development Department	Project-specific mitigation monitoring and reporting program to be prepared and executed prior to approval of subsequent projects. An annual report documenting implementation of all measures, including construction and ongoing operational measures, shall be made to the City Council annually.	Community Development Department
SECTION 3.1 – AESTHETICS				
Impact 3.1-5: Development facilitated by the Amended Housing Element would ~~not~~	**MM 3.1-5a Avoid Effects of Project Lighting During Operation.** Future residential projects and mixed use projects with a residential	Community Development Department to review applications to confirm	1. Review project application materials for compliance	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	component shall implement the following design measures in order to reduce potential light and glare impacts: • To minimize spillover lighting and glare impacts, all lighting from the project, including parking lot lighting and exterior building lighting, shall be LED, have full-cutoff luminaires (meaning no light is emitted above the horizontal plane of the fixture), and shall be aimed specifically to only illuminate areas within the project site or adjacent public right-of-way. • All structures shall incorporate nonreflective exterior building materials in their designs, and the use of reflective glass shall be prohibited. **MM 3.1-5b Avoid Effects of Project Lighting During Construction.** Prior to the start of construction, future applicants shall prepare a Construction Lighting and Screening Plan. The Construction Lighting and Screening Plan should indicate aesthetic and lighting treatments for all construction work areas (i.e., maximum brightness values not to be exceeded by artificial bulbs, screening around project site to limit light and glare, use of non-reflective glass, etc.). The Plan shall identify methods used to ensure construction lighting is directional (aimed toward work areas, and not toward nearby sensitive receptors), and limited to sufficient wattage for safety and security. Construction areas visible to sensitive receptors shall be screened via curtains from public view. Construction screening materials shall be of sufficient height and appropriate color to minimize viewshed impacts, as determined appropriate by the applicable jurisdiction(s).	compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval. Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site visits to verify compliance with measures.	
Impact 3.1-6: Development facilitated by the Amended Housing Element, in combination with past, present, and reasonably foreseeable projects, would ~~not~~ result in significant cumulative impacts with respect to aesthetics.	**MM 3.1-6:** Implement Mitigation Measures MM 3.1-5a and 3.1-5b	Community Development Department to review applications to confirm compliance with measures Decision-making body to review final application materials to confirm	1. Review project application materials for compliance 2. Confirm compliance, including any construction notes, easements, or other restrictions are provided	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
		compliance prior to approval. Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	to ensure implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site visits to verify compliance with measures.	
SECTION 3.3—BIOLOGICAL RESOURCES				
Impact 3.3-1: With mitigation, development facilitated by the Amended Housing Element would not have a substantial adverse effect, either directly or through habitat modifications, on candidate, sensitive, or special-status species.	**MM 3.3-1a Special Studies.** Applicants of any projects that could result in a potential impact to special status species, or their habitat, shall be required to prepare a special study. The purpose of the special study is to identify biological resources on or in the vicinity of the project site, specifically special-status species and their habitat and sensitive habitats, and to identify appropriate measures to avoid or minimize harm to sensitive biological resources to a less than significant level and to incorporate the recommended measures as conditions of approval for the project. If special-status plant or animal species may be present on a project site, a Qualified Biologist shall conduct a preconstruction survey within 48 hours of the commencement of ground-disturbing activities. The survey area shall include the opportunity site and a 100-foot buffer zone within suitable habitat. If special-status species are identified on or adjacent to the project site, a 100-foot construction avoidance buffer shall be established and CDFW shall be	Project Applicant to submit study Community Development Department to review applications to confirm compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval.	Prior to issuance of a demolition, grading, or building permit. During ground disturbing and construction activities.	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	immediately notified. Construction activities may resume when the Qualified Biologist determines that the species has moved out of harm's way through its own volition, the species may be safely relocated to similar habitat without loss of active nests or dens, or the nesting/breeding season for the special-status species concludes. Detailed studies are not necessary in locations where past and existing development have eliminated natural habitat and the potential for the presence of sensitive biological resources.	Community Development Department to conduct construction and operation monitoring to ensure on-going compliance		
	MM 3.3-1b: California red-legged frog. At any opportunity site west of U.S. Highway 101 or within 1,000 feet east of U.S. Highway 101, at least one month prior to the commencement of ground-disturbing activities, the opportunity site and a minimum 500-foot radius surrounding the opportunity site shall be assessed by a Qualified Biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows or other refugia. If habitat occurs, then no more than 48 hours prior to ground-disturbing activities the area shall be surveyed by a Qualified Biologist. Burrows and refugia sites shall be flagged or otherwise marked for avoidance; project construction activities shall avoid habitat features to the extent feasible. If California red-legged frogs are encountered during the assessment or project construction, the project activity shall not proceed or all work shall cease, and CDFW and USFWS shall immediately be notified. Work shall not proceed until the frog, through its own volition, moves out of harm's way and CDFW has provided permission in writing to proceed with the project construction. If California red-legged frog is encountered or the Qualified Biologist determines that impacts to the species are likely to occur, the opportunity site project applicant shall consult with USFWS pursuant to the Federal ESA and receive written approval from CDFW prior to the impact.	Community Development Department to review applications to confirm compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval. Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	1. Review project application materials for compliance 2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
			visits to verify compliance with measures.	
	MM 3.3-1c: California giant salamander. At any opportunity site that is both: 1) within 500 feet of a stream, and 2) either west of U.S. Highway 101 or within 1,000 feet east of U.S. Highway 101, a Qualified Biologist shall conduct a preconstruction survey for California giant salamander within 48 hours of the commencement of ground-disturbing activities. The survey area shall include the opportunity site and a 50-foot buffer zone within suitable habitat. If California giant salamanders are found on or adjacent to the project site, a 50-foot construction avoidance buffer shall be established and CDFW shall be immediately notified, and the animal shall be allowed to move out of harm's way through its own volition. If the California giant salamanders must be disturbed, a Qualified Biologist shall relocate the animals into nearby suitable habitat that is out of harm's way.	Community Development Department to review applications to confirm compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval. Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	1. Review project application materials for compliance 2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site visits to verify compliance with measures.	Community Development Department
	MM 3.3-1d: American badger. At any opportunity site west of U.S. Highway 101, a Qualified Biologist shall conduct a pre-construction survey for American badger and suitable dens within 48 hours of the commencement of	Community Development Department to review applications to confirm	1. Review project application materials for compliance	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	ground-disturbing activities. The survey area shall include the opportunity site and a 50-foot buffer zone within suitable habitat. If badgers are found on or adjacent to the project site, a 50-foot construction avoidance buffer shall be established and CDFW shall be immediately notified. If the occupied den must be disturbed, the opportunity site project applicant shall submit a relocation plan to CDFW and obtain CDFW's written approval of the plan, and a Qualified Biologist shall implement the CDFW-approved plan.	compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval. Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site visits to verify compliance with measures.	
	MM 3.3-1e: Nesting Bird Protection. All projects shall retain the services of a qualified biologist(s) to conduct a pre-construction nesting bird survey during the nesting season (February 1 through August 31) prior to any and all development that may remove trees or vegetation that may provide suitable nesting habitat for migratory birds or other bird species protected under the Fish and Game Code. If nests are found, the qualified biologist(s) shall identify and the project sponsor shall implement appropriate avoidance measures, such as fenced buffer areas or staged tree removal periods.	Community Development Department to review applications to confirm compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval.	1. Review project application materials for compliance 2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
		Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site visits to verify compliance with measures.	
	MM 3.3-1f: Bat Roosts. Construction activities associated with removal of landscape and riparian trees, or the removal of an existing building, on opportunity sites shall occur between September 1 and April 30, which is outside of the breeding season for bat species, to the extent feasible. If removal of landscape and riparian trees begin during the breeding period for bats (May 1 through August 31), a qualified biologist shall conduct a preconstruction survey within five days prior to the scheduled tree removal. The biological shall inspect all trees containing crevices and the bark or cavities for evidence of sign (i.e., guano). If no sign is observed, a letter report shall be submitted to the City for its records within 14 days of the survey and no additional measures associated with tree removal are required. If tree removal does not begin within five days of the preconstruction survey, or if the removal of previously inspected trees halts for more than five days, an additional preconstruction survey is required within five days of the initiation or re-initiation of tree removal. If a maternity colony is observed within a tree, that tree shall not be removed until the breeding season has been completed. Alternatively, a qualified bat biologist may exclude individual day-roosting bats in consultation with CDFW, thereby allowing tree removal to continue after successful exclusion activities.	Community Development Department to review applications to confirm compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval. Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	1. Review project application materials for compliance 2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation.	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	If construction activities on opportunity sites are anticipated to occur during the breeding season (May 1 through August 31), a qualified biologist shall conduct a nighttime emergence survey no later than one-half hour before sunset and continue until at least 3 hours after sunset to allow for detection of both day- and night-roosting bats. The survey shall be conducted within five days of the removal of landscape and riparian trees, or the removal of onsite buildings. If any bats are observed emerging from any of the buildings, the building(s) shall not be demolished until the breeding season has been completed.		4. During project operation, perform site visits to verify compliance with measures.	
	MM 3.3-1g: Townsend's big-eared bat. At any Project site where trees or abandoned buildings would be removed or heavily modified, prior to Project activities that would remove trees or modify buildings, a Qualified Biologist shall conduct a habitat assessment for bats. A Qualified Biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as Townsend's bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities. For tree removal, the habitat assessment shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat is found, it shall be flagged or otherwise clearly marked. Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a Qualified Biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a Qualified Biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.	Community Development Department to review applications to confirm compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval. Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	1. Review project application materials for compliance 2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site visits to verify compliance with measures.	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	For modification of buildings, the Qualified Biologist shall conduct a survey for roosting bats. If roosting bats are detected, a bat avoidance and exclusion plan shall be implemented. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted. For loss of suitable bat habitat trees or impacts to buildings or structures occupied by bats subject to the above bat avoidance and exclusion plan, the Project shall provide habitat mitigation in the form of: 1) native tree planting at an appropriate ratio to offset canopy and temporal habitat loss and tree planting maintenance for a minimum of 5 years and until success criteria are met, or 2) suitable bat habitat structures. A Qualified Biologist shall prepare and submit a bat habitat mitigation plan to CDFW and obtain CDFW's approval of the plan prior to the start of Project activities, and shall implement the plan, unless otherwise approved in writing by CDFW.			
	MM 3.3-1h: Franciscan thistle (Cirsium andrewsii). Prior to issuance of a demolition, grading, or building permit, a qualified plant biologist approved by CDFW shall conduct a preconstruction survey for Franciscan thistle (Cirsium andrewsii) (blooms June-July) on opportunity sites. The survey shall be conducted following the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. If special-status plant species (e.g., Franciscan thistle) are found, the project applicant shall prepare a transplantation and monitoring plan in consultation with CDFW. The transplantation and monitoring plan will be subject to review and approval by CDFW before the start of any construction activities in the special-status plant species area. This plan will describe the intent and anticipated success of transplanting, and specify success criteria for transplanted plants and related long-term protection and management of transplanted plants. Other methods of minimizing impacts on the resource may include avoidance of the resource, providing setbacks, clustering development onto less sensitive areas, preparing restoration plans, off-site mitigation, and/or other similar measures as determined on a project-specific basis.	Community Development Department to review applications to confirm compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval. Community Development Department to conduct construction and operation monitoring to	1. Review project application materials for compliance 2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure implementation as part of project development and operation. 3. During project construction, perform site	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
		ensure on-going compliance	visit(s) as necessary to verify implementation. 4. During project operation, perform site visits to verify compliance with measures.	
Impact 3.3-2: With mitigation, development facilitated by the Amended Housing Element would not have a substantial adverse effect on riparian habitats, other sensitive natural communities, federally protected wetlands, or waters of the United States and/or State, through direct removal, filling, or hydrological interruption.	**MM 3.3-2a: Botanical Reports and Special-Status Plant Survey.** At all opportunity sites not composed of hardscape or ornamental vegetation, a Qualified Biologist shall conduct botanical surveys during the appropriate blooming period and conditions for all special-status plants that have the potential to occur at the opportunity site and adjacent to it where plants could be indirectly impacted, prior to the start of construction. Surveys shall be conducted following CDFW's Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities and include checking reference sites for target special-status plant species. Per this protocol, more than one year of surveys may be necessary if, for example, lack of rain inhibits growth of annual plants. If any special-status plant species are observed, the opportunity site project applicant shall fully avoid direct and indirect impacts to all individuals and provide an avoidance plan to CDFW and obtain CDFW written approval of the plan. If full avoidance is not possible, project activities may not commence until the opportunity site project applicant has consulted with CDFW and obtained CDFW's written approval prior to the start of construction, which may include salvaging topsoil, transplanting and monitoring individuals, compensatory habitat mitigation, or other measures, based on the life history of the species and other relevant factors.	Project Applicant	Prior to issuance of a demolition, grading, or building permit. During ground disturbing and construction activities.	Community Development Department
	MM 3.3-2b: Eelgrass (Zostera marina) beds and red algae (Gracilaria sp.). Prior to issuance of a demolition, grading, or building permit, a qualified plant biologist approved by CDFW shall conduct a preconstruction survey for eelgrass and red algae during their blooming periods on opportunity sites that are located within or adjacent to Richardson Bay's aquatic ecosystem.	Community Development Department to review applications to confirm compliance with measures	1. Review project application materials for compliance	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	The survey shall be conducted following the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. If special-status plant species (e.g., eelgrass and red algae) are found, the project applicant shall prepare a transplantation and monitoring plan in consultation with CDFW. The transplantation and monitoring plan will be subject to review and approval by CDFW before the start of any construction activities in the special-status plant species area. This plan will describe the intent and anticipated success of transplanting, and specify success criteria for transplanted plants and related long-term protection and management of transplanted plants. Other methods of minimizing impacts on the resource may include avoidance of the resource, providing setbacks, clustering development onto less sensitive areas, preparing restoration plans, off-site mitigation, and/or other similar measures as determined on a project-specific basis.	Decision-making body to review final application materials to confirm compliance prior to approval. Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site visits to verify compliance with measures.	
	MM 3.3-2c: Stream and Wetland Mitigation and Resource Agency Permits. Development on each opportunity site shall be designed to avoid and minimize impacts to streams, wetlands, and other waters. If impacts to any streams cannot be avoided, then prior to the impacts the opportunity site project applicant shall submit an LSA notification to CDFW and comply with the Streambed Alteration Agreement, if issued. Additionally, if impacts to any streams, wetlands, or other waters cannot be avoided, the opportunity site project applicant shall obtain authorization from the RWQCB and USACE pursuant to the Porter-Cologne Water Quality Control Act and Clean Water Act sections 401 and 404, as applicable. Impacts to waters, wetlands, and riparian habitat subject to the permitting authority of CDFW, the RWQCB, or the USACE shall be mitigated by providing restoration at a minimum 3:1	Community Development Department to review applications to confirm compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval.	1. Review project application materials for compliance 2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure implementation as part	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	restoration to impact ratio in areas for permanent impacts and 1:1 ratio for temporary impacts, unless otherwise approved in writing by CDFW or otherwise required by the RWQCB or USACE. A Habitat Mitigation and Monitoring Plan shall be prepared by the opportunity site project applicant and implemented for the proposed mitigation. The opportunity site project applicant shall obtain written approval of this plan from CDFW, the RWQCB, or the USACE as applicable prior to any disturbance of stream or riparian habitat, wetlands, or other waters.	Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site visits to verify compliance with measures.	
Impact 3.3-3: With mitigation, development facilitated by the Amended Housing Element would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	**MM 3.3-3: Wildlife Movement.** All projects on parcels with indicators of wildlife movement corridors shall retain the services of a qualified biologist(s) to conduct a biological assessment prior to any and all development that may impact wildlife movement. If movement corridors are potentially impacted by the proposed project, the qualified biologist(s) shall identify appropriate mitigation measures to avoid or minimize the impact such that take of a sensitive species does not occur. If actions would impact wildlife corridors such that special-status species would be impacted, the project applicant shall obtain the appropriate permits from regulatory agencies, such as the California Department of Fish and Wildlife or the US Department of Fish and Game, for example and as appropriate, as to minimize or eliminate take. Such measures shall be a condition of approval and implemented by the project applicant.	Project Applicant	Prior to issuance of a demolition, grading, or building permit. During ground disturbing and construction activities.	Community Development Department
SECTION 3.4—CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES				
Impact 3.4-1: Development facilitated by the Amended Housing Element project could result in a substantial adverse change in the	**MM 3.4-1(a)**: Any project proposed on an Amended Housing Element site that have a historic resource, are adjacent to a historic resource, or could otherwise adversely affect a historic resource, including any proposed project within or adjacent to the Downtown Historic Overlay Zoning District or the Residential Arks Zoning District shall be designed in compliance with the	Project Applicant to design project consistent with measure and provide supporting documentation	1. Review project application materials for compliance	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
significance of a historical resource pursuant to Section 15064.5.	Secretary of the Interior's Standards for the Treatment of Historic Properties, specifically the standards for rehabilitation and new construction within a historic district. Standards 1, 2, 5, 9, and 10 for Rehabilitation state that: 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships. 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided. 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved. 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment. 10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. Projects undertaken within the Downtown Historic Overlay Zoning District or the Residential Arks Zoning District shall be consistent with these standards. In addition to compliance with the above, the project developer shall ensure that any new project involving the design of a new building shall not have a significant impact on the Downtown Historic Overlay Zoning District's or the Residential Arks Zoning District's contributing resources or its features and characteristics. Projects proposed on Amended Housing Element sites that have a historic resource, are adjacent to a historic resource, or could otherwise adversely affect a historic resource shall be evaluated by a professional meeting the U.S. Secretary of the Interior's professional qualification standards for the preparation of historic surveys and evaluations. The evaluation shall evaluate the potential for the project to cause a substantial adverse change in the	Community Development Department to review applications to confirm compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval. Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site visits to verify compliance with measures.	

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	significance of a historical resource, as defined by Section 15064.5(a). The evaluation shall identify measures implemented to reduce the impact to a less than significant level, including measures that ensure the project is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The City of Sausalito Community Development Director, or the Historic Preservation Commission, as appropriate per the requirements of Chapter 10.46, Historic Preservation, of the City Code, shall review any proposed project's site plan and design to ensure its compatibility with the SOI Standards and the adopted standards of the Downtown Historic Overlay Zoning District or the Residential Arks Zoning District. **MM 3.4-1(b):** Prior to any construction activities within or adjacent to historic resources in the City, including sites listed or eligible for the National Register of Historic Places, sites listed on or eligible for the California Register of Historic Resources Places, including the Downtown Historic District, contributors to the Downtown Historic District, landmarks, and sites listed on the City's Inventory of Noteworthy Structures, a qualified historian or architectural historian shall survey adjacent parcels for potential historic resources on those parcels. The survey shall include archival research, field inspection, and consultation with local historical societies or preservation organizations. Based on the survey findings, the project proponent shall develop a Historic Resource Protection Plan (HRPP) that outlines specific measures for the avoidance, protection, and documentation of those identified historic resources. If resources adjacent to the proposed project site are determined to be eligible for listing on the Historic Register, or are already registered as such, the HRPP shall include additional mitigation measures, such as avoidance, preservation in place, or data recovery to ensure that no significant historic resources are inadvertently damaged or destroyed during construction. Measures identified in the HRPP shall reflect the requirements identified in the Secretary of the Interior's Standards for the Treatment of Historic Properties. The HRPP shall be prepared by a qualified historian or architectural historian, and subject to review and approval by the City of Sausalito Community Development Director or the Historic Preservation Commission, as appropriate.			

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
Impact 3.4-2: Development facilitated by the Amended Housing Element could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	**MM 3.4-2 (a): Conduct Cultural Resources and Tribal Cultural Resources Sensitivity and Awareness Training Program Before Ground Disturbing Activities.** A tribal cultural resources awareness brochure and training program for all personnel involved in project implementation shall be developed in coordination with interested Native American Tribes. The brochure shall be distributed and the training will be conducted by Native American representatives, or tribal monitors from culturally affiliated Native American Tribes, before any stages of project implementation and construction activities begin on the project site. The training may be done in coordination with the project archaeologist. The program will include relevant information regarding sensitive tribal cultural resources, applicable regulations and protocols for avoidance, and consequences of violating state laws and regulations. The program will describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential tribal cultural resources or archaeological resources are encountered. The program will underscore the requirement for confidentiality and culturally appropriate treatment of any find with cultural significance to Native Americans' tribal values. All operators of ground disturbing equipment shall receive the training and sign a form that acknowledges receipt of the training. **MM 3.4-2(b): Implement Avoidance and Minimization Measures to Avoid Significant Impacts and Procedures to Evaluate Resources.** If cultural resources or tribal cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, or human remains) are encountered at the project site during construction, work shall be suspended within 100 feet of the find (based on the apparent distribution of cultural materials), and the construction contractor shall immediately notify the project's City representative. Avoidance and preservation in place is the preferred manner of mitigating impacts on cultural resources and tribal cultural resources. This may be accomplished, by several alternative means, including those listed below. • Construction will be planned to avoid tribal cultural resources, archaeological sites, and/or other cultural resources; cultural resources will be incorporated within parks, green space, or other open space;	Project Applicant	Prior to and during ground disturbing and construction activities.	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	archaeological resources will be covered; a cultural resource will be deeded to a permanent conservation easement; or the project will use other preservation and protection methods agreeable to the consulting parties and regulatory authorities with jurisdiction over the activity. • Recommendations for avoidance of cultural resources and tribal cultural resources will be reviewed by the City representative, interested culturally affiliated Native American Tribes, and other appropriate agencies in light of factors such as costs, logistics, feasibility, design, technology, and social, cultural, and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project site to avoid cultural resources or tribal cultural resources, modification of the design to eliminate or reduce impacts on cultural resources or tribal cultural resources, or modification or realignment to avoid highly significant features within a cultural resource or tribal cultural resource. • Native American representatives from interested culturally affiliated Native American Tribes will be invited to review and comment on these analyses and shall have the opportunity to meet with the City representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate avoidance and design alternatives can be identified. • If the discovered cultural resource or tribal cultural resource can be avoided, the construction contractor(s) will install protective fencing outside the site boundary, including a 100-foot buffer area, before construction restarts. The boundary of a cultural resource or a tribal cultural resource will be determined in consultation with interested culturally affiliated Native American tribes and tribes will be invited to monitor the installation of fencing. Use of temporary and permanent forms of protective fencing will be determined in consultation with Native American representatives from interested culturally affiliated Native American tribes.			

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	• The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an "Environmentally Sensitive Area." If a cultural resource or a tribal cultural resource cannot be avoided, the following performance standard shall be met before the continuance of construction and associated activities that may result in damage to or destruction of cultural resources or tribal cultural resources: • Each resource will be evaluated for California Register of Historical Resources eligibility through application of established eligibility criteria (California Code of Regulations Title 14, Section 15064.636), in consultation with consulting Native American Tribes, as applicable. If a cultural resource or a tribal cultural resource is determined to be eligible for listing in the California Register, the City will avoid damaging effects on the resource in accordance with PRC Section 21084.3. The City shall coordinate the investigation of the find with a qualified archaeologist (meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology) approved by the City and with interested culturally affiliated Native American tribes that respond to the City's invitation. As part of the site investigation and resource assessment, the City and the archaeologist shall consult with interested culturally affiliated Native American tribes to assess the significance of the find, make recommendations for further evaluation and treatment as necessary, and provide proper management recommendations should potential impacts on the resources be determined by the City to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the City representative by the qualified archaeologist. These recommendations will be documented in the project record. For any recommendations made by interested culturally affiliated Native American tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record. Native American representatives from interested culturally affiliated Native American tribes and the City representative will also consult to develop			

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	measures for long-term management of any discovered tribal cultural resources. Consultation will be limited to actions consistent with the jurisdiction of the City and taking into account ownership of the subject property. To the extent that the City has jurisdiction, routine operation and maintenance within tribal cultural resources retaining tribal cultural integrity shall be consistent with the avoidance and minimization standards identified in this mitigation measure. If the City determines that the project may cause a significant impact on a tribal cultural resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation capable of avoiding or substantially lessening potential significant impacts on a tribal cultural resource or alternatives that would avoid significant impacts on the resource. These measures may be considered to avoid or minimize significant adverse impacts and constitute the standard by which an impact conclusion of less than significant may be reached: • Avoid and preserve resources in place, including but not limited to planning construction to avoid the resources and protect the cultural and natural context, or planning green space, parks, or other open space to incorporate the resources with culturally appropriate protection and management criteria. • Treat the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including but not limited to the following: o Protect the cultural character and integrity of the resource. o Protect the traditional use of the resource. o Protect the confidentiality of the resource.			

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	o Establish permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places. Protect the resource.			
Impact 3.4-3: Implementation of the Amended Housing Element could result in disturbance of human remains, including those interred outside of formal cemeteries.	**MM 3.4-3: Implement Procedures in the Event of Inadvertent Discovery of Human Remains.** Implement Procedures in the Event of Inadvertent Discovery of Human Remains. If an inadvertent discovery of human remains is made at any time during project-related construction activities or project planning, the following performance standards shall be met before implementing or continuing actions such as construction that may result in damage to or destruction of human remains. In accordance with the California Health and Safety Code (HSC), if human remains are encountered during ground-disturbing activities, the City shall immediately halt potentially damaging excavation in the area of the remains and notify the Sacramento County Coroner and a qualified archaeologist (meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology) to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (HSC Section 7050.5[b]). If the human remains are of historic age and are determined by the Sacramento County Coroner to be not of Native American origin, the City will follow the provisions of HSC Section 7000 et seq. regarding the disinterment and removal of non–Native American human remains. If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (HSC Section 7050[c]). After the coroner's findings have been made, the archaeologist and the NAHC-designated Most Likely Descendant, in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains. The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in Public Resources Code Section 5097.9 et seq.	Project Applicant	During ground disturbing and construction activities.	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
Impact 3.4-4: Implementation of the Amended Housing Element could cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k).	**MM 3.4-4:** Implement Mitigation Measures 3.4-2(a) and 3.4-2(b).	Community Development Department to review applications to confirm compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval. Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	1. Review project application materials for compliance 2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site visits to verify compliance with measures.	Community Development Department
Impact 3.4-5: Implementation of the Amended Housing Element could cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its	**MM 3.4-5:** Implement Mitigation Measures 3.4-2(a) and 3.4-2(b).	Community Development Department to review applications to confirm compliance with measures	1. Review project application materials for compliance 2. Prior to project approval, confirm compliance, including any	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.		Decision-making body to review final application materials to confirm compliance prior to approval. Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	construction notes, easements, or other restrictions are provided to ensure implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site visits to verify compliance with measures.	
Impact 3.4-6: Development facilitated by the Amended Housing Element, in combination with past, present, and reasonably foreseeable projects, could result in significant cumulative impacts with respect to historic, cultural, or tribal cultural resources.	**MM 3.4-6:** Implement Mitigation Measures 3.4-1(a) and (b), Mitigation Measures 3.4-2 (a) and (b), and Mitigation Measure 3.4-3.			
SECTION 3.6—GEOLOGY, SOILS, AND SEISMICITY				
Impact 3.6-6: Development facilitated by implementation of the Amended Housing	**MM 3.6-6:** If any paleontological resources (fossils) or unique geologic features are discovered during grading or construction activities within the project area, work shall be halted immediately within 50 feet of the discovery,	Project Applicant	During ground disturbing and construction activities.	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
Element could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	and the City Planning Division shall be immediately notified. The project owner shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (SVP 2010). The recovery plan may include but is not limited to a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. The recovery plan shall state which resources will be avoided and which shall be recovered for their data potential. Where possible, recovery is preferred over avoidance in order to mitigate the potential for looting of paleontological resources. The recovery plan shall also detail methods of recovery, preparation and analysis of specimens, final curation of specimens at an accredited repository, data analysis, and reporting. Recommendations in the recovery plan will be implemented by the applicant before construction activities resume in the area where the paleontological resources were discovered. At the conclusion of laboratory work and museum curation, a final report will be prepared describing the results of the paleontological monitoring efforts associated with the individual project. The report will include a summary of the field and laboratory methods, an overview of the project area geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. If the monitoring efforts produced fossils, then a copy of the report will also be submitted to the designated museum repository.			
Impact 3.6-7: Development facilitated by implementation of the Amended Housing Element, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to geology, soils, seismicity, or paleontological resources.	**MM 3.6-7:** Implement Mitigation Measure 3.6-6.			

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
SECTION 3.9—HYDROLOGY AND WATER QUALITY				
Impact 3.9-3: Development facilitated by the Amended Housing Element would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site.	**MM 3.9-3:** Prior to the issuance of a grading permit, the project applicant shall prepare and implement a preliminary grading plan and an erosion and sediment control plan (ESCP) and submit it to the City prior to ground disturbance. At a minimum, the ESCP shall include: a. Description of the proposed project and soil disturbing activity. b. Site specific construction-phase best management practices (BMPs) that address grading, erosion, and sediment control and that ensure that there would not be an increase in off-site project runoff and drainage. c. Rationale for selecting the BMPs. d. List of applicable outside agency permits associated with the soil disturbing activity, such as: Construction General Permit (CGP); Clean Water Act Section 404 Permit; Clean Water Act Section 401 Water Quality Certification; Streambed/Lake Alteration Agreement (1600 Agreements). e. If the project requires coverage under the CGP issued by the State Water Resources Control Board (SWRCB), permit registration documents must be filed with the SWRCB for said coverage and a copy of the Waste Discharge Identification Number shall be submitted to the City prior to issuance of a permit for construction. The applicant may submit the Storm Water Pollution Prevention Plan (SWPPP) required by the General Construction Activity Stormwater Permit in lieu of the ESCP provided it meets the requirements of the ESCP. f. Financial security may be required to ensure that temporary measures to control storm water pollution are implemented and maintained during construction and after construction for a period determined by	Project Applicant	Prior to the issuance of a building permit, a grading permit, or other permit issued by the City for a project subject to this section. During all onsite ground disturbing and construction activities, and during project operation.	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	the agency. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the agency. g. When any work is being done contrary to the provisions of City Municipal Code Chapter 11.17, the authorized enforcement official shall order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work shall stop until the authorized enforcement official authorizes the work to proceed. This remedy is in addition to and does not supersede or limit any and all other remedies, both civil and criminal, provided in the City of Sausalito Municipal Code. Implementation of an approved ESCP shall be a condition of the issuance of a building permit, a grading permit, or other permit issued by the City for a project subject to this section. The ESCP shall be implemented year round and must be updated to reflect changing conditions on the project site. Any modifications to the ESCP shall be submitted to the City for review and approval.			
SECTION 3.11—NOISE				
Impact 3.11-2: Development facilitated by the Amended Housing Element would not generate excessive groundborne vibration or groundborne noise levels.	**MM 3.11-2: Construction Vibration.** Prior to issuance of grading permits for any project that is located within 150 feet of a historic structure that is depicted in Figure 4-1 of the General Plan and, if construction activities will require either: (1) pile driving within 150 feet; or (2) utilization of mobile construction equipment within 50 feet of the historic structure, the property owner/developer shall retain an acoustical engineer to prepare a vibration plan for city review and approval. The vibration plan shall determine the vibration levels created by construction activities at the historic structure. The vibration plan shall require the developer to implement specific measures to reduce the vibration levels to within Caltrans' threshold of 0.12 inches per second PPV for historic buildings. These measures could include, without limitation, utilization of equipment that create lower vibration levels, setbacks of stationary equipment from sensitive receptors, and setbacks of equipment	Project Applicant	Prior to issuance of grading permits.	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	staging areas from sensitive receptors, and/or shoring and foundation protections.			
SECTION 3.14— TRANSPORTATION				
Impact 3.14-2: Implementation of the Amended Housing Element would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (a).	**MM 3.14-2a** Residential projects that do not include any retail space (all-residential projects) proposed on Inventory Sites or Opportunity Sites in the Amended Housing Element shall: • Require the individual project developer to participate in a VMT Exchange whereby developers can pick a VMT mitigation action from an approved list and either pay for someone else to implement that action or do it themselves. These actions shall include financial incentives for individuals, contributions to funds for identified capital improvement projects, and contributions to funds for enhancing transit services. • Prior to issuance of a building permit, require the individual project developer to submit, in writing, proof of contribution to a VMT Exchange, including disclosure of how the funding will be used. • Alternatively, an individual project developer may make a fair share contribution to the "Regional Transportation Planning (RTP) project - Express Bus/Service Expansion from the Golden Gate Bridge, Highway and Transportation District." This regional transit project proposes to implement improvements to existing express bus service along Highway 101 and I-580, including frequency upgrades (20–40-minute peak headways on routes 4, 18, 27, 101, 40X and 56X). Increased frequency for bus service along the Project area could encourage public transit ridership, resulting in lower VMT.	Project Applicant	Prior to issuance of grading permits.	Community Development Department
	MM 3.14-2b: Nonresidential or mixed use projects proposed on Inventory Sites or Opportunity Sites in the Amended Housing Element shall implement a Transportation Demand Management Program (TDM Program). The TDM Program shall include strategies, incentives, and tools to provide opportunities for employees and patrons to reduce single-occupancy vehicle trips and to use other modes of transportation besides automobile to travel to non-residential uses to the individually proposed project.	Project Applicant	Prior to issuance of grading permits.	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	The TDM Program shall include: 1. TDM 1/Encourage Alternative Modes of Transportation (Public Bus and Vanpool) – The individually proposed project shall encourage alternative modes of transportation use by providing monetary incentives to employees and patrons such as: • Discounted goods or services with proof of a same-day transit ticket or registered transit card (the regional fare payment method). • Transit and/or Multi-Modal Subsidy, providing pre-tax commuter benefits for employees. • Marketing and outreach campaign for transit usage and ridesharing. • Provision of fair-share on-site and/or off-site improvements to bus stops within ¼-mile of an individually proposed project. Such improvements may include the provision of new or improved lighting, new benches and overhead canopies, additional bench capacity if needed, new or expanded bike racks, or similar physical improvements. 2. TDM 2/Encourage Carpools and Zero-Emission Vehicles – Individually proposed projects shall provide incentives that would encourage carpooling and zero-emission vehicles as a means for sharing access to and from the site, including the following: • Provide incentives for carpools or zero-emission vehicles, including preferential parking with the number of parking spots in excess of applicable requirements, reduced or subsidized parking costs, or other discounts/benefits. • For projects that include dedicated parking areas with more than ten (10) parking spaces provided, provide one (1) parking space with an electric vehicle charging station. 3. TDM 3/Encourage Active Transportation – The Project shall include features which enhance access for bicyclists and pedestrians including the following: • Provide bicycle parking in excess of applicable code requirements. • Coordinate bike pools and walk pools.			

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	• Provide sidewalks or other designated pathways following safe routes from the pedestrian circulation to the bicycle parking facilities and throughout the project site. • Employers shall report the efficacy of its trip reduction program to the City of Sausalito. The "employer program manager" – the employee with policy and budget authority who is responsible for the implementation of the employer trip reduction program or employer trip reduction plan and for fulfilling the requirements of this rule – shall conduct an employee trip survey using a uniform survey form prepared by the Marin County CMA. A summary of the trip results shall be submitted annually to the City of Sausalito.			
Impact 3.14-5: Implementation of the Amended Housing Element, in conjunction with cumulative development, would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (a).	**MM 3.14-5:** Implement Mitigation Measure 3.14-2.	Community Development Department to review applications to confirm compliance with measures Decision-making body to review final application materials to confirm compliance prior to approval. Community Development Department to conduct construction and operation monitoring to ensure on-going compliance	1. Review project application materials for compliance 2. Prior to project approval, confirm compliance, including any construction notes, easements, or other restrictions are provided to ensure implementation as part of project development and operation. 3. During project construction, perform site visit(s) as necessary to verify implementation. 4. During project operation, perform site	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
			visits to verify compliance with measures.	
SECTION 3.16—WILDFIRE				
Impact 3.16-1: Implementation of the Amended Housing Element could result in the exposure of people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.	**MM 3.16-1a:** To reduce fire risk, all residential and mixed-use projects on Inventory Sites and Opportunity Sites identified in the Housing Element that are located in the WUI Very High and WUI High fire hazard areas or fire hazard severity zones as designated by the Sausalito Marin City Fire Protection District, City of Sausalito, or Marin County Fire Department shall comply with the State fire safety regulations associated with wildland-urban interfaces, fire-safe building standards, access and egress standards, and defensible space, including all standards for development in Very High Fire Hazard Severity Zones regardless of whether the project is located within a CAL FIRE-designated Very High Fire Hazard Severity Zone.	Project Applicant	During project design and construction.	Community Development Department
	MM 3.16-1b: To reduce evacuation impacts, all residential and mixed-use projects on Inventory Sites and Opportunity Sites identified in the Housing Element, regardless of project location and regardless of the WUI or FHSZ, shall comply with the State fire safety regulations associated with access and egress standards for development in Very High Fire Hazard Severity Zones regardless of whether the project is located within a CAL FIRE-designated Very High Fire Hazard Severity Zone.	Project Applicant	During project design and construction.	Community Development Department
	MM 3.16-1c: The City of Sausalito shall coordinate with the Southern Marin Fire Protection District and Marin County Fire Department to update evacuation planning data, routes, and zones on an annual basis. As part of the update, the evacuation planning and response tools shall consider proposed, approved, and completed housing and mixed use projects to ensure evacuation routes are adequate to accommodate existing, approved, and proposed projects.	City of Sausalito	Annually, as established by the City Council	Community Development Department

IMPACT	MITIGATION MEASURE	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
Impact 3.16-2: Development facilitated by the Amended Housing Element in or near State responsibility areas or lands classified as very high fire hazard severity zones would substantially impair an adopted emergency response plan or emergency evacuation plan.	**MM 3.16-2:** Implement Mitigation Measures 3.16-1a-c.	See Mitigation Measures 3.16-1a-c.	See Mitigation Measures 3.16-1a-c.	See Mitigation Measures 3.16-1a-c.