

RESOLUTION NO. 2021-25

RESOLUTION OF THE SAUSALITO PLANNING COMMISSION APPROVING A DESIGN REVIEW PERMIT WITH HEIGHTENED DESIGN REVIEW, CONDITIONAL USE PERMIT, MINOR USE PERMIT, SIGN PERMIT, TENTATIVE PARCEL MAP, ENCROACHMENT AGREEMENT AND VARIANCE FOR THE DEMOLITION OF AN EXISTING MIXED-USE BUILDING AND THE CONSTRUCTION OF A NEW 4,948 SQUARE FOOT MIXED-USE BUILDING AT 719-725 BRIDGEWAY (LANGSAM BUILDING REPLACEMENT PROJECT) (DR-CUP-EA-TM-TRP-SP-VAR 17-487)

WHEREAS, on December 21, 2017 an application has filed by the applicant, Michael Rex on behalf of property owner Langsam Properties 1, LLC, requesting the demolition of an existing mixed-use building and the construction of a new 4,948 square foot mixed-use building at 719-725 Bridgeway (APN 065-171-21); and

WHEREAS, the *Langsam Building Replacement Project Initial Study/Mitigated Negative Declaration (IS/MND)* was prepared and circulated for public comment from February 18, 2020 to March 18, 2020, and provided to the State Clearing House on February 14, 2020 (SCH# 2020029046); and

WHEREAS, the project site is located within the Downtown Historic Overlay District, and per Sausalito Municipal Code Section 10.46.060.B, a Certificate of Appropriateness was required; and

WHEREAS, the Historic Preservation Commission conducted duly-noticed public hearings on February 27, 2020 and April 29, 2020 at which time all interested persons were given an opportunity to be heard, and on April 29, 2020, the Historic Preservation Commission considered the information contained in the staff reports, the Certificate of Appropriateness Application and the Public Review Draft of the *Langsam Building Replacement Project IS/MND* and found that the required findings listed in Sausalito Municipal Code Section 10.46.060.F could be made regarding the demolition of the existing building, the construction of a new building, and the placement of signs, and approved a Certificate of Appropriateness for the Langsam Building Replacement Project located at 719-725 Bridgeway as shown in **Exhibit B**; and

WHEREAS, the project is consistent with the purpose and intent of the Downtown Historic Overlay District as described in the staff report and the findings contained herein; and

WHEREAS, the project requires Planning Commission approval of a Design Review Permit (with heightened Design Review) for construction of a new mixed-use building, a Sign Permit for seven signs, a Minor Use Permit for Sidewalk Dining, a

Conditional Use Permit to establish a 'formula retail' business and for a parking waiver, a Conditional Use Permit for a drinking establishment for the consumption of beer and wine on the premises in conjunction with limited food service (Type 41 Alcohol Beverage Control license); a Tentative Parcel Map to create condominiums for three residential and one commercial unit, a Variance for additional height to the building and a recommendation to the City Council on the Encroachment Agreement for bay windows, balcony and signage to extend into the public right-of-way and for fences and dining tables to be placed in the public right-of-way; and

WHEREAS, the Planning Commission conducted duly-noticed public hearings on March 3, 2021 and September 22, 2021, at which time all interested persons were given an opportunity to be heard and the Planning Commission considered the information contained in the application materials, the staff report, and the Public Review Draft of the *IS/MND*; and

WHEREAS, the Planning Commission has adopted Resolution No. [*to be inserted upon adoption*], which found the *Langsam Building Replacement Project* Initial Study/Mitigated Negative Declaration constitutes a complete, accurate, adequate and good faith effort a full disclosure under the California Environmental Quality Act, and adopted the *Langsam Building Replacement Project* Initial Study/Mitigated Negative Declaration; and

WHEREAS, the Planning Commission finds that, as conditions herein, the project is consistent with the General Plan and complies with the requirements of the Zoning Ordinance and Subdivision Regulations.

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES:

Section 1. A Design Review Permit (with heightened Design Review) for the demolition of an existing building and construction of a new mixed-use building of similar size, a Sign Permit for seven signs, a Minor Use Permit for Sidewalk Dining, a Conditional Use Permit to establish a formula retail business and for a parking waiver, a Conditional Use Permit for a drinking establishment for the consumption of beer and wine on the premises in conjunction with limited food service (Type 41 Alcohol Beverage Control license), a Variance to allow additional height to the building, and a Tentative Parcel Map to create condominiums for three residential and one commercial unit is approved based upon the attached findings in Exhibit A and Exhibit B, subject to the attached conditions of approval in Exhibit C, and as shown in the project plans titled "A New Mixed-Use Building "Langsam Building" dated April 6, 2021 in **Exhibit D**.

Section 2. The Planning Commission recommends City Council approval of an Encroachment Agreement for tables, seating and fencing for sidewalk dining, bay windows, projecting signs and balcony based upon the attached findings in Exhibit

A, subject to the attached conditions of approval in Exhibit C, and as shown in the project plans titled "A New Mixed-Use Building "Langsam Building" date-stamped received on April 21, 2021 in **Exhibit D**.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 22nd day of September, 2021, by the following vote:

AYES: Commissioner: Graef, Luxenberg, Junius, Chair Feller
NOES: Commissioner: None
ABSENT: Commissioner: Saad
SABSTAIN: Commissioner: None



Lilly Whalen
Secretary to the Planning Commission

EXHIBITS

- A. Sausalito Municipal Code Findings
- B. Certificate of Appropriateness
- C. Conditions of Approval
- D. Project Plans and Elevations

**SAUSALITO PLANNING COMMISSION NO. 2021-25
SEPTEMBER 22, 2021
719-725 BRIDGEWAY
DR-CUP-EA-TM-TRP-SP-VAR 17-487**

EXHIBIT A: SAUSALITO MUNICIPAL CODE FINDINGS

1. DESIGN REVIEW PERMIT FINDINGS

In accordance with Zoning Ordinance Section 10.54 (Design Review Procedures), the Design Review Permit for demolition of existing structure and replacement with a new structure of similar scale and mass is approved based on the following findings:

- A) The proposed project is consistent with the General Plan, any applicable specific plans and this chapter.

The project, as conditioned, is consistent with all applicable policies, standards, and regulations of the General Plan and Zoning Ordinance as described in the project's Planning Commission staff report dated September 22, 2021.

- B) The proposed architecture and site design complement the surrounding neighborhood and/or district by either: a) Maintaining the prevailing design character of the neighborhood and/or district; or b) Introducing a distinctive and creative solution which takes advantage of the unique characteristics of the site and contributes to the design diversity of Sausalito.

The proposed architecture and site design complement the surrounding neighborhood and historic district by maintaining the prevailing design character of both the neighborhood and historic district. As outlined in Historic Preservation Commission Resolution No. 2020-01, the new construction is consistent with the neighborhood and district, as well as the City's Historic Design Guidelines (September 2011), as follows:

- *Stylistic elements provide an interpretation of a historic style that is authentic to the district while subtly distinguishable as new construction;*
- *The proposed building's height, proportional width, and building spacing are consistent with the established pattern of the block;*
- *The proposed building has a rectangular roof form;*
- *Finishes include building materials similar to those seen traditionally in the context (stucco, wood), with new materials similar in scale, proportion, texture, and finish to those used traditionally (metal window elements);*
- *The proportion, placement, and spacing of windows is consistent with that of "traditional" downtown buildings of similar massing;*
- *The proposed ground-level facade consists predominantly of transparent glass and is visually distinct from the second floor, which is predominantly opaque stucco with smaller window openings;*
- *The ground-level storefront features a kick plate and large display windows;*
- *The portions of the façade on either side of the central entry have been brought forward to the property line and align with the building's facade; the central portion of the facade remains set back from the property line to create a recessed entry;*
- *Transoms have been added above all storefront windows and doors;*
- *Double-hung windows are proposed that are consistent with the types of windows that characterize traditional commercial buildings in the Historic Overlay District.*

- C) The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.

The surrounding neighborhood and historic district primarily feature two- to three-story buildings developed with no side property line setbacks. The project is consistent with this scale as it proposes a two-story building developed across the full width of the property with no side setbacks.

- D) The proposed project has been located and designed to minimize obstruction of public views and primary views from private property.

The proposed project has been designed to minimize obstruction of public views and primary views from private property. Properties to the rear and uphill of the project will view over the top of the two-story structure and, accordingly, views will not be blocked by the project. The views from adjacent properties and nearby public spaces at the same elevation on Bridgeway will not be obstructed as the project's footprint will be located in-line with the existing built environment.

- E) The proposed project will not result in a prominent building profile (silhouette) above a ridgeline.

This finding is not applicable as the proposed building is not located on a ridgeline.

- F) The proposed landscaping provides appropriate visual relief, complements the buildings and structures on the site, and provides an attractive environment for the enjoyment of the public.

The project will provide three street trees along the property's Bridgeway frontage to enhance the public realm and pedestrian experience on Bridgeway. Landscaping is proposed between the rear building wall and the vertical slope at the rear of the property to the extent feasible to help soften the rear yard condition. Furthermore, the existing oak tree found at the rear portion of the property will be maintained. For these reasons, the finding can be supported.

- G) The design and location of buildings provide adequate light and air for the project site, adjacent properties, and the general public.

The proposed building footprint and massing will allow for adequate light and air for the project site, adjacent properties, and the general public. The building footprint and dimensions will be less than the adjacent structures with the exception of a small, at-grade garden patio pop-out on the northern shared side property line. At two stories in height and located along a streetwall measuring two to three stories in height in the shadow of a steep hillside, light and air reception in the greater Bridgeway public environs will not be affected by the project.

- H) Exterior lighting, mechanical equipment, and chimneys are appropriately designed and located to minimize visual, noise and air quality impacts to adjacent properties and the general public.

All exterior lighting will be directed downward and shielded to prevent light glare to adjacent properties. The project has been conditioned accordingly. The chimney for proposed pizza oven will be located approximately in the center of the rear open space – well away from adjacent properties and general public areas.

- I) The project provides a reasonable level of privacy to the site and adjacent properties, taking into consideration the density of the neighborhood, by appropriate landscaping, fencing, and window deck and patio configurations.

The project provides a reasonable level of privacy via its arrangement of windows and outdoor spaces. The project has been designed so that the windows do not directly align with windows of other properties in the tightly developed urban context with the windows facing the rear open space and the Bridgeway right-of-way. The proposed garden patios have been designed for privacy given the tight urban context. The patios are generally pulled-back, or in-line with, the adjacent properties with the exception of one small projection past the rear building wall of the adjacent building to the north.

- J) Proposed entrances, exits, internal circulation, and parking spaces are configured to provide an appropriate level of traffic safety and ease of movement.

The project does not contain areas for vehicle circulation or parking. A Conditional Use Permit for a Parking Waiver has been sought and must be approved to allow for no on-site parking.

- K) The proposed design preserves protected trees and significant natural features on the site to a reasonable extent and minimizes site degradation from construction activities and other potential impacts.

Although the two existing street trees in the Bridgeway sidewalk public right-of-way are proposed for removal, three street trees are proposed to be planted in the Bridgeway sidewalk area as replacement trees. The removal of the two existing street trees is subject to approval of a Tree Removal Permit request to be processed by the Public Works Department. An existing oak tree found in the rear open space area of the project site will be maintained. Furthermore, the project has been conditioned to require that the vertical soil face located at the rear of the property be required to be stabilized, which will help preserve the natural feature.

- L) The project site is consistent with the guidelines for heightened review for projects which exceed 80% of the maximum allowed Floor Area Ratio and/or site coverage, as specified in subsection E (Heightened Design Review Findings).

The project exceeds 80% of the maximum Floor Area Ratio and, accordingly, requires findings for heightened design review. The project is consistent with Heightened Design Review Findings as subsequently outlined.

- M) The project has been designed to ensure on-site structures do not crowd or overwhelm structures on neighboring properties. Design techniques to achieve this may include, but are not limited to: stepping upper levels back from the first level, incorporating facade articulations and divisions (such as building wall offsets), and using varying rooflines.

The project has been designed so that it does not crowd or overwhelm structures on neighboring properties in the tight urban context. The project features a smaller building envelope and footprint than the immediately adjacent buildings on Bridgeway. The proposed building is also shorter in height than the immediately adjacent buildings. Additionally, the front building articulation, rhythm of the bay windows, and the fenestration of the front building facade facing Bridgeway have been designed to correspond with the desirable articulation, bay window rhythms, and fenestration patterns of the historic district.

2. DESIGN REVIEW PERMIT (HEIGHTENED REVIEW) FINDINGS

In accordance with Zoning Ordinance Section 10.54.050E (Heightened Review Findings), the Design Review Permit, with Heightened Design Review, for demolition of existing structure and replacement with a new structure of similar scale and massing is approved based on the following findings:

- A) Proposed development of the site maximizes preservation of protected trees.

Although the development proposes the removal of the two existing trees in the Bridgeway sidewalk right-of-way area, the project will result in the planting of three street trees in the same sidewalk area. The existing street trees will need to be removed to allow for adequate space between the trees and the proposed sidewalk dining areas. The existing oak tree found at the rear of the property will be preserved.

- B) The site is configured with adequate width and depth to provide yard spaces and setbacks, proportional to the size of the structure.

The commercial/mixed-use nature of the Bridgeway corridor and the historic district results in a building pattern that features full lot width development with no side setbacks. The project will feature a full lot width development to match the immediately adjacent built environment. Similarly, buildings are typically built to the front property line in the historic district. The project also proposes to match this condition. Rear open spaces with adequate dimensions have been provided at the rear portion of the property for enjoyment of the residential occupants.

- C) The site will be developed in a manner that minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.

The proposed project has been designed to minimize obstruction of public views and primary views from private property. The project is lower in height than the existing building. Properties to the rear and uphill of the project will view over the top of the two-story structure and, accordingly, views will not be blocked by the project. The views from adjacent properties and public places at the same elevation on Bridgeway will not be obstructed as the project's footprint will be located in-line with the existing built environment.

- D) The proposed development of the site presents no potential hazard to public safety in terms of vehicle traffic, pedestrian circulation, slope and tree stability, runoff, and public utilities.

Through the project design and project conditions of approval, the proposed development will not present potential hazards to public safety. The proposed development does not feature any vehicle circulation or access points. Adequate space for pedestrian circulation will be able to be maintained on the Bridgeway sidewalk as the sidewalk dining areas are separated by at least four feet between the edge of the sidewalk dining area fencing and nearest street trees. The project's required stormwater management plan will control runoff consistent with adopted standards. Public utilities already exist at the project site and will be upgraded as necessary.

The conditions of approval address the on-going stability and safety of the vertical soil face at the rear of the property. The conditions stipulate that the applicant's geotechnical engineer and the City's geotechnical engineer must collaborate to develop recommendations for repair of the vertical face. Additionally, the conditions of approval require collaboration between the project applicant and the upslope neighbor to come to an agreement for the stabilization of the vertical face. The agreement will need to specify the type of repair, the fiscal responsibility for implementing that repair, and the maintenance terms, including responsibility for removal of material that may fall on the project site. The agreement must be in writing, signed by both parties, and submitted to the City concurrent with the project's building permit application. All repairs to the vertical face will be required prior to the issuance of the project's certificate of occupancy.

- E) The slope and topography of the site allows for limited excavation and minimal alteration to the site topography outside the footprint of structures.

A chimney for the pizza oven located in the ground-floor commercial space is proposed to be located outside of the footprint of the structure. The chimney would daylight in the center of the rear open space and is the only feature located outside the footprint of the structure. The chimney will require limited excavation and minimal alteration to the site topography outside the footprint of the structure.

- F) The site will provide adequate guest parking either on site or within the immediate street frontage.

A Conditional Use Permit has been requested to allow a parking waiver as the project proposes to maintain existing conditions at the project site with respect to vehicular parking and does not propose on-site parking. Customers with vehicles shopping at the ground floor retail space and residential occupants and their guests will park in on-street parking spaces or nearby parking lots. Furthermore, the parking study submitted with the project concludes that an adequate number of spaces are available to accommodate the project's parking needs on surface streets and in nearby parking lots.

- G) The proposed plan provides adequate landscaping to maximize privacy and minimize the appearance of bulk.

Given the urban context and built environment in the historic district, landscaping is not appropriate to minimize the appearance of the building at the front of the property. The building massing should be seen and celebrated. Three street trees have been provided in the front sidewalk area to provide a desirable pedestrian realm. The rear open space areas contain landscaping and green space that will result in desirable private opens spaces.

3. DOWNTOWN HISTORIC OVERLAY DISTRICT CONSISTENCY

In accordance with Sausalito Municipal Code Section 10.28.040A, the physical alterations to the subject property within the overlay, are compatible with the character of the historic overlay district.

3. Deter the demolition, alteration, misuse or neglect of historic or architecturally significant structures and sites

As demonstrated to the HPC in their review and approval of the Certificate of Appropriateness, the applicant has indicated that they have exhaustively attempted to save and renovate the existing structure. A prior version of the project was contemplated in 2016 which planned to save and renovate the structure. Based on further and in-depth inspection, in addition to feedback from both the project's Structural Engineer and General Contractor, information has been provided that shows that the structure is in very poor condition and beyond reasonable restoration.

8. Strengthen the City's economy by protecting and enhancing the City's attraction to residents, tourists, visitors, and others, thereby serving as a stimulus and support to local business and industry

The proposed building will be of similar scale and height to the building being replaced. The design of the replacement building will be compatible with the Historic District Design Guidelines. In particular, features such as the recessed entry, the use of

transoms over windows and doors and the use of divided light windows are consistent with the design guidelines.

4. CONDITIONAL USE PERMIT (FORMULA RETAIL) FINDINGS

In accordance with Zoning Ordinance Section 10.44.240.D (Formula Retail Findings), the Conditional Use Permit for a formula retail use is approved based on the following findings:

- A) The formula retail establishment will be compatible with existing surrounding uses, and has been designed and will be operated in a non-obtrusive manner to preserve the community's distinctive character and ambiance.

The Napa Farms Market use will continue the diverse mix of existing uses in the Bridgeway corridor that include restaurants, banking, galleries, and retail. The market-style, to-go food service with limited seating will blend into this mix of uses in a non-obtrusive manner given the operating characteristics of the business. On-site alcohol consumption is not proposed. If on-site alcohol consumption is proposed in the future, a Conditional Use Permit would be required. The storefront design and signage proposed in the project were all found compatible with Historic Design Guidelines by the Historic Preservation Commission and will add to the character and ambiance of the Downtown Historic District.

- B) The formula retail establishment will not result in an over-concentration of formula retail establishments in its immediate vicinity or the City as a whole;

Napa Farms Market would not result in an over-concentration of formula retail establishments in the immediate vicinity. Currently, there are two formula retail business (Crazy Shirts – 639 Bridgeway) and Benetton – 3 Princess Street) in the Downtown Historic District. Moreover, Napa Farms Market will not result in an over-concentration of formula retail uses in the City as a whole. Within the entire City of Sausalito, there are seven formula retail businesses¹ (Crazy Shirts, Benetton, Mollie Stone's Market, FedEx Office, North Sails, 7-Eleven, and the UPS Store).

- C) The formula retail establishment will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations.

The proposed formula retail establishment will add a business type that does not currently exist in the Downtown Historic District and would serve both residents and visitors.

¹Formula retail regulations were established in 2003. There are formula retail businesses which were established legally without the requirement for a CUP due to establishing prior to the formula retail regulations and/or first establishing in Sausalito and since that point in time growing to be considered formula retail.

- D) The formula retail establishment will contribute to an appropriate balance of local, regional or national-based businesses in the community.

The businesses located in Sausalito are primarily local and independent businesses. There are a limited number of national-based businesses such as Crazy Shirts, 7-Eleven, FedEx Office, and the UPS Store. Regional businesses are limited in Sausalito with Mollie Stone's Market being an example. Napa Farms is a regional business with its only two other locations in the San Francisco International Airport. The addition of Napa Farms as a regional business would help balance the businesses in the community by adding a regional business, where currently, there is a limited number of regional businesses in the community.

- E) The formula retail establishment will be mutually beneficial to and would enhance the economic health of surrounding uses in the district.

The proposed formula retail establishment will be mutually beneficial to and would enhance the economic health of the surrounding uses in the district in that there is not a similar use currently located in the district. The business could drive unique trips from residents, workers, and visitors to obtain food and grocery items which could lead to passer-by shopping and dining/drinking opportunities and general exposure for other businesses in the district.

- F) The formula retail establishment will contribute to an appropriate balance of small, medium and large-sized businesses in the community.

The formula retail establishment is a small-sized business based on the limited number of current locations and the size of the proposed commercial tenant space (2,587 square feet in area) in which the formula retail establishment will be located. Although the formula retail establishment will be in the ground floor of the new building, the business will be effectively established at a location that traditionally housed small-sized businesses at the ground-floor of the project site. For that reason, the project will contribute to the balance of different-sized businesses in the community in that it will not introduce a different-scaled business to the project site that has traditionally contained small-scale businesses.

- G) The proposed use, together with its design and improvement, is consistent with the unique historic character of Sausalito, and would preserve the distinctive visual appearance and shopping experience of Sausalito for its residents and visitors.

The use as conveyed to the public by the storefront design, and by its signage, are consistent with the unique historic character of Sausalito, and will contribute to the pedestrian experience along Bridgeway for the City's residents and visitors. Additionally, the findings in the approved Certificate of Appropriateness for the project confirmed that the storefront and signage are consistent with the unique historic character of the downtown area.

5. CONDITIONAL USE PERMIT (PARKING WAIVER) FINDINGS

In accordance with Zoning Ordinance Section 10.40.110.G. (Parking Waiver), the Conditional Use Permit for the approval of the parking waiver is approved based on the following:

- A) The Sausalito Downtown Parking Survey and Shared Parking Model (by Robert L. Harrison Transportation Planning, September 1997, and updated February 2015, and thereafter updated) indicates that adequate parking exists in the CC district to support the new or expanded use; or

The October 22, 2019 Parking Impact Analysis commissioned for the project documents existing and expected future parking conditions including all approved, built, and occupied projects, as well as all vacant spaces and the project's contribution to existing and expected future parking conditions. This study found that project's contribution to parking demand would represent a less than one percent increase and, further, that the project would fill a maximum of 5.2 percent of the existing parking spaces found to be available. The report concludes that the parking available in the downtown constitutes an adequate parking supply to support the project.

- B) *The new or expanded structure replaces a pre-existing structure; or*

The project proposes a replacement of an existing structure.

6. CONDITIONAL USE PERMIT (ALCOHOL SERVICE) FINDINGS

In accordance with Zoning Ordinance Section 10.60.050 (Conditional Use Permits), the Conditional Use Permit is approved based on the following findings:

- A. The proposed use is allowed with issuance of a Conditional Use Permit, pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations), Chapter 10.44 (Specific Use Requirements) or any other applicable section of this Title 10.

A market with subordinate restaurant service facilities are permitted in the Central Commercial (CC) zoning district per SMC Table 10.24-1. Any alcohol service for on-site consumption within the CC zone requires a CUP per SMC Table 10.44-2. Therefore, the proposed use is allowed with issuance of a CUP (on site consumption of alcohol)

- B. The proposed use is consistent with the General Plan, the purposes of the Zoning Ordinance, and the purposes of the applicable zoning district.

On-sale beer and wine associated with a subordinate eating establishment to a permitted market will contribute to and enhance Sausalito's economic diversity by providing a complementary dining experience to the nearby residences found in the CC Zoning

District. Therefore, the use is consistent with the General Plan, the purposes of the Zoning Ordinance and the purposes of the CC Zoning District.

- C. The proposed use, together with the applicable conditions, will not be detrimental to the public health, safety, or general welfare of the City.

The proposed market will operate in a location suitable for this type use. The market will operate until 10:00 pm, Monday through Sunday, consistent with the closing times of surrounding businesses, the project will not be detrimental to the public health, safety, or general welfare of the City.

- D. The proposed use complies with each of the applicable provisions of the Zoning Ordinance.

The CUP for alcohol service will comply with all applicable provisions of the Zoning Ordinance, as conditioned.

- E. The proposed use or facility is properly located relative to the community as a whole and to land uses and transportation and service facilities in the vicinity.

The project site is located in a highly visible and accessible part of the City. The use is within walking distance from the City's public parking lot, ferry landing, public transportation bus stop, and accessible to bicyclists and pedestrians. The project site is also located within a commercially zoned property that provides a retail use.

- F. The size and shape of the subject property is adequate to provide features needed to ensure reasonable compatibility with land uses normally permitted in the surrounding area. Features may include but not be limited to yards, open spaces, walls and fences, parking, loading, landscaping, and such features as may be required by this Title or the Commission.

The restaurant with ancillary sales of beer, wine will be located in a new commercial tenant space and will not alter the open spaces, footprint, or floor area of the building.

- G. Public utilities and facilities are or will be adequate to serve the proposed use, including streets and highways paved (and of adequate width) for the quantity and type of traffic it will generate.

The proposed market will utilize the Public utilities already existing at the project site and will be upgrade them as necessary. As such, public utilities and facilities are adequate.

- H. The proposed use will not materially adversely affect nearby properties or their permitted uses.

The purpose of the Central Commercial (CC) Zoning District is to offer a wide variety of retail and service businesses to serve residents and visitors. The addition of on-sales of

beer and wine to the existing cafe will enhance the economic diversity of the CC district by providing a casual dining experience, which will differentiate itself from other service uses within the area. Furthermore, with a closing time of 10:00pm, Monday through Sunday, the project will not materially adversely affect nearby properties or their permitted uses.

- I. Findings required by Chapter 10.44 (Specific Use Requirements) for the approval of specific uses are made.

There are no specific findings required for a restaurant with ancillary sales of alcohol within the Central Commercial Zoning District.

7. MINOR USE PERMIT FINDINGS

In accordance with Zoning Ordinance Section 10.58.050, the Minor Use Permit for an outdoor sidewalk dining area which includes a total of four tables and seating for eight within two fenced areas in the sidewalk public right-of-way area adjacent to the front of the building is approved based on the following:

- A) The proposed use is consistent with the general plan, the purposes of the Zoning Ordinance, and the purposes of the applicable zoning district.

As outlined in the project staff reports dated March 3, 2021 and September 22, 2021, the proposed use is consistent with the General Plan, the purposes of the Zoning Ordinance, and the purposes of the Central Commercial Zoning District.

- B) The proposed use, together with the applicable conditions, will not be detrimental to the public health, safety, or general welfare of the City.

With implementation of the applicable conditions of approval, including the conditions contained in SMC Section 10.44.220.C.3, the proposed use will not be detrimental to the public health, safety, or general welfare of the City. Furthermore, adequate space (four linear feet) will existing between the outdoor sidewalk dining areas and the nearest streetscape element.

- C) The proposed use complies with each of the applicable provisions of the Zoning Ordinance.

The outdoor sidewalk seating complies with the applicable provisions of the Zoning Ordinance, including the specific use requirements for outdoor dining areas contained in SMC 10.44.220 with the inclusion of the mandated conditions of approval contained in SMC 10.44.220.C.3.

- D) The proposed use or facility is properly located relative to the community as a whole and to land uses and transportation and service facilities in the vicinity.

The proposed sidewalk is well-situated at the downtown location in the vicinity of higher pedestrian foot traffic, vehicle parking facilities, and ferry service. Residents, workers, and visitors will be able to utilize the seating area.

- E) The size and shape of the subject property is adequate to provide features needed to ensure reasonable compatibility with land uses normally permitted in the surrounding area. Features may include but not be limited to yards, open spaces, walls and fences, parking, loading, landscaping, and such features as may be required by this title or the Commission.

The sidewalk area contains adequate area and dimensions to accommodate the seating areas. The commercial/mixed use character of the immediate surrounding area and the greater downtown area will allow for a compatible new land use.

- F) Public utilities and facilities are or will be adequate to serve the proposed use, including streets and highways paved (and of adequate width) for the quantity and type of traffic it will generate.

Public utilities and facilities already exist at the project site and will be upgraded as necessary with implementation of the project. Upgrades to streets and highways will not be necessary to implement the sidewalk dining area. The Bridgeway sidewalk adjacent to the project site will be enhanced and upgraded with implementation of the project including new paving, three new street trees, and street tree grates.

- G) The proposed use will not materially adversely affect nearby properties or their permitted uses.

The proposed outdoor sidewalk seating areas will not materially affect nearby properties or their permitted uses as the areas have been setback from both adjacent properties and will allow for adequate pedestrian circulation in the area. Furthermore, the existing mix of uses in the greater downtown area will benefit from the proposed use as the proposed use could bring residents, workers, and visitors alike to the greater downtown area to enhance the overall vitality of the area.

8. SIGN PERMIT FINDINGS

In accordance with Zoning Ordinance Section 10.42.090.E, the Sign Permit for one wall-mounted sign to identify the Langsam Building at the top of the front parapet, one wall-mounted business sign to identify the Napa Farms Market above the storefront, two projecting blade signs on either side of the main entrance to the ground floor commercial space sign to identify the Napa Farms Market, and three address signs on glass above each building entrance are approved based on the following:

- A) The proposed sign complies with all applicable provisions of this title.

The signs comply with all applicable provisions of the Zoning Ordinance.

- B) The proposed sign is consistent with the applicable sign standards.

The signs are consistent with the applicable sign standards in Sausalito Municipal Code Section 10.42.060 as discussed in the staff reports dated March 3, 2021 and September 22, 2021.

- C) The proposed sign will not adversely impact the public health, safety, or general welfare.

The proposed signs will not adversely impact the public health, safety, or general welfare. The projecting signs are located well above the sidewalk (over 10 feet) and offer ample clearance above the sidewalk.

- D) The proposed color, design, material, and location of the proposed sign are compatible with the architectural design of the building.

The proposed colors, designs, materials, and locations of these signs are consistent with the architectural design of the building via compliance with the Historic Design Guidelines and SMC Section 10.42.070 as outlined in the project's approved Certificate of Appropriateness.

- E) If the property is located within or near a residential area, the sign is harmonious with the character of the residential neighborhood.

The project is located in an area that is primarily commercial/mixed-use in nature with some upper-story residential units. The designs of the proposed signs are muted and do not contain illumination. Any potential future illumination would need to comply with the Sausalito Municipal Code.

- F) The proposed sign is restrained in character and is no larger than necessary for adequate identification.

The proposed signs are restrained in character and color. The wall signs are pin-mounted metal letters painted black and the metal projecting signs have muted colors. The proposed address signs will be black and painted directly on ground-floor glass areas. The size and dimensions of the signs have been minimized to allow adequate identification. The dimensions and areas of the proposed signs are less than what is allowed by the Zoning Ordinance.

- G) The proposed sign is consistent with the highest graphic standards and composed of durable and appropriate materials.

The proposed signs are composed of durable and appropriate materials, including metal pin-mounted walls signs, metal projecting signs, and paint-on glass signs. The signs are of a high quality design and fit with the character of the proposed building.

- H) If the proposed sign is for an establishment within a commercial or industrial center, the sign is harmonious with the entire center's signage and has been subject to the commercial or industrial center's design review.

The signs are not for an establishment within a commercial or industrial center.

- I) If the proposed sign is oriented toward a residential zoning district and is within 50 feet of the district, the signage is necessary for minimum business identification and will not have an adverse aesthetic effect on the residential character of the adjacent residential neighborhood.

The proposed signs are not oriented toward a residential zoning district and are not located within 50 feet of a residential zoning district.

- J) Proposed sign serves to primarily identify the business or type of activity being conducted on the same premises, or the product, service or interest being offered for sale or lease onsite.

The signs serve to identify the ground-floor business, provide addressing for the building, and identify the name of the building.

- K) If the property is located within a designated historic district or is listed on the local register, the proposed sign has been reviewed and approved by the Historic Preservation Commission and complies with the historic district sign guidelines and SMC 10.42.070 (Sign standards in the historic overlay district and for properties listed on the local register).

The property is located within the Downtown Historic District. The Historic Preservation Commission reviewed the proposed sign program and determined that the sign program complies with the historic district sign guidelines and Sausalito Municipal Code Section 10.42.070 with approval of a Certificate of Appropriateness on April 29, 2020.

9. TENTATIVE PARCEL MAP APPROVAL CRITERIA

In accordance with Municipal Code Section 9.5, the Tentative Parcel Map to subdivide the building into four condominiums is approved based on the following criteria being met:

- Prevent the violation or circumvention of the purposes or provisions of any ordinance of the City or State statute regulating the use of land;
- Ensure proper lot design;
- Ensure effective and efficient access to and from properties by police and fire protection vehicles and equipment;
- Provide for such improvements in connection with such division of land as the public health, safety and welfare may require; and,
- Assure that divisions of land comply with the provisions of the Sausalito General Plan and any applicable specific plans.

The Tentative Parcel Map does not violate or circumvent the purposes or provisions of any local or State statute, including the Subdivision Map Act. The Police Department and Southern Marin Fire Protection District determined that effective and efficient access to and from the property will be able to be provided. As previously outlined, the project is consistent with the General Plan and promotes applicable General Plan policies.

10. VARIANCE FINDINGS

In accordance with Zoning Ordinance Section 10.68.050 A-F, the Variance request to allow the parapet at the top of the building's façade to exceed the 32-foot height limit within the first 15 feet from the front property line is approved based on the following:

- A) There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same district.

The proposed building replaces a structure that had been determined to be an historic resource solely due to its scale and height. This is an unusual condition associated with the subject parcel and not consistent with most of the other parcels in the Downtown Historic District. The parcel is flanked on both sides by historic buildings that are taller than the 32-foot height limit. A building having a similar height on the subject parcel is appropriate, by maintaining a consistent appearance in harmony with the streetscape and the historic district.

- B) Owing to such exceptional or extraordinary circumstances the literal enforcement of the provisions of the title would result in practical difficulty or unnecessary hardship.

The only way to maintain the scale and height of the existing building without a Variance would be to preserve the existing building façade. A thorough investigation of the existing building, including its façade, revealed significant deterioration, settlement, and structural inadequacies due to past renovations that undermined the building's

structural integrity, such that preserving the existing structure is impractical, leading to an unnecessary hardship.

- C) Such variance is necessary for the preservation of a substantial property right of the petitioner, possessed by other property in the same district.

The property owner has a right to the use and enjoyment of their property, and to maintain its value, including the right to replace a building that has suffered from poor construction by others resulting in structural deficiencies beyond reasonable repair. Granting this Variance preserves the property owner's right to preserve the historic resource of the original building's scale and height that contributes to the historic character of the Downtown Historic District.

- D) The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the vicinity or in the district in which the subject property is located.

Granting the Variance is a benefit to the public by improving the building's appearance and its relationship to the adjacent buildings, while maintaining the scale and height of the original building it replaces, thus preserving the sole quality that identified the original building as a contributing historic resource.

- E) The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

The circumstances for granting variances are evaluated on a case-by-case basis. Should other buildings in the Downtown Historic District need to be replaced that have been identified as a historic resource due to their scale and height, the owners of those properties could be granted a similar Variance when the circumstances are similar. Therefore, granting this Variance, though likely to be rare, would not constitute a special privilege.

- F) The granting of such variance will be in harmony with the general purpose and intent of this title and the general plan.

General Plan policies seek to preserve historic resources identified in the Downtown Historic District. The purpose of this Variance is to implement this policy by maintaining an original scale and height that has been identified as a contributory historic resource. Conforming to the Zoning Ordinance's maximum building height would compromise this resource and thus be inconsistent with the intent of the General Plan to preserve the historic quality and character of the Downtown Historic District.

11. ENCROACHMENT AGREEMENT FINDINGS

In accordance with Zoning Ordinance Section 10.56.060 A-E, the Encroachment Agreement for two projecting business identification signs, two upper-level bay window sand balconies, four tables and seating for eight, and two 42-inch-tall perimeter fences to contain the seating to be located in the public right-of-way is recommended for City Council approval, based on the following:

- A) The proposed encroachment is compatible with the surrounding area and will either improve or not significantly diminish visual or physical public enjoyment of the streetscape upon which the encroachment is proposed.

The proposed encroachments are compatible with the surrounding area and will improve or not diminish the visual and physical Bridgeway streetscape. The projecting bay windows are a desirable contextual architecture feature that are commonly featured on other structures in the historic district. The projecting blade signs are commonly found along Bridgeway and are minimal in size so as to not contribute to visual clutter. The fencing associated with the sidewalk seating will define the sidewalk seating space that will provide a desirable outdoor dining experience and streetscape activation.

- B) The encroachment will not adversely affect the usability or enjoyment of adjoining parcels nor create or extend an undesirable land use precedent.

The encroachments will not adversely affect the usability or enjoyment of adjoining parcels nor create or extend an undesirable land use precedent. The projecting bay windows, balconies and signs have been pulled in from the sides of the adjoining buildings so as to not crowd the adjoining buildings. The fenced outdoor dining areas will not cause pedestrian circulation issues as ample room (four linear feet) exists between the fencing and nearest streetscape elements to allow for adequate circulation. The proposed elements located in the Bridgeway right-of-way will follow desirable existing precedent in the historic district where projecting bay windows, a balcony and signs, as well as outdoor dining with fencing already exist.

- C) The encroachment is necessary to the reasonable use and enjoyment of the property and the extent of the encroachment is justifiable.

All proposed encroachments allow for reasonable use of the property. Projecting bay windows, balconies and signs over the public right-of-way are common features along Bridgeway and within the historic district. The projecting bay windows are desirable in that they add a contextual element to the proposed building. Outdoor sidewalk dining is a feature that is encouraged in the Downtown as per General Plan policy. The fencing will help define the desirable outdoor sidewalk dining area.

- D) The proposed encroachment will not adversely affect the public circulation nor create or constitute a hazard to public safety.

The overhead projecting bay windows, balconies and signs will have approximately 13 feet and 10, feet, eight inches of overhead clearance, respectively. The fencing will leave at least four feet of horizontal distance between the edge of the fence and the nearest streetscape element. These measures will allow the encroachments to not adversely affect the public circulation nor create or constitute a hazard to public safety.

- E) The value of the proposed improvements will not prejudice a policy decision to terminate the encroachment nor preclude or make difficult the establishment or improvement of streets or pedestrian ways.

The outdoor seating and fencing are easily removable should the City wish improve the pedestrian way. The projecting signs balconies and bay windows are located over 13 feet above grade, which would allow for adequate overhead room to allow for pedestrian way improvements.