

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-13**

**APPROVAL OF A CONDITIONAL USE PERMIT AND A MINOR USE PERMIT FOR THE
ESTABLISHMENT OF A RESTAURANT USE WITH THE SALE OF BEER AND WINE IN THE
COMMERCIAL RESIDENTIAL (CR) ZONING DISTRICT AT 304 CALEDONIA STREET
APN: 064-166-03
PROJECT ID: 2024-00106**

WHEREAS, an application has been filed by the Applicant, Nina Manzo, on behalf of Owners, Ian and Peter Hiebert and Page McCargo, requesting a Conditional Use Permit to change the land use from a nursery school (with ancillary off street parking) to a restaurant use and a Minor Use Permit for the on-site sale and consumption of beer and wine in the Commercial Residential (CR) Zoning District at 304 Caledonia Street (APN: 064-166-03) (“the Project”); and

WHEREAS, the project site is located within the Mixed Residential and Commercial Land Use Designation and the Commercial Residential (CR) Zoning District; and

WHEREAS, a Conditional Use Permit is required to establish a restaurant use in the Commercial Residential (CR) Zoning District pursuant to SMC Table 10.24-1; and

WHEREAS, a Minor Use Permit is required for the sale of beer and wine at restaurants in the Commercial Residential (CR) Zoning District pursuant to SMC Table 10.44-2; and

WHEREAS, the Planning Commission has reviewed the Conditional Use Permit and the Minor Use Permit for the proposed Project and considered the information contained in the staff report as well as any and all oral and written testimony on the proposed Project; and

WHEREAS, the Planning Commission finds that the proposed use, as conditioned herein, is consistent with the General Plan and complies with the requirements of the Zoning Ordinance as described in the staff report; and

WHEREAS, the Planning Commission finds that the requisite findings for approval set forth in SMC Section 10.60.050 A-I and Section 10.58.050 A-I can be made; and;

WHEREAS, approval of the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) under the California Environmental Quality Act (CEQA) Guidelines;

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

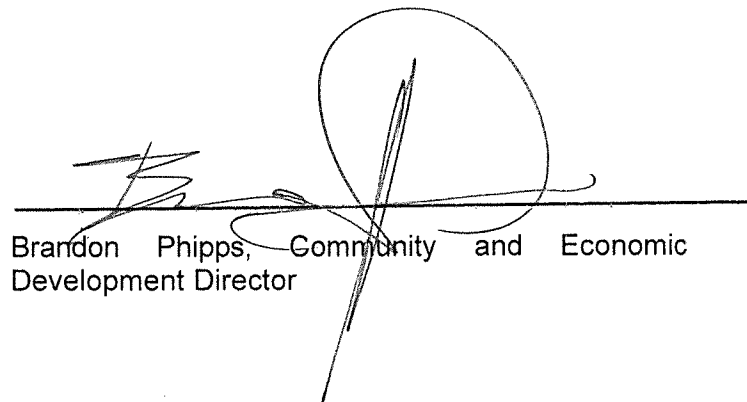
1. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) under the California Environmental Quality Act (CEQA) Guidelines.
2. The Conditional Use Permit to establish a restaurant use in the Commercial Residential (CR) Zoning District at 304 Caledonia Street (APN: 064-166-03) is approved based upon

the attached findings (Attachment 1) and subject to the attached conditions of approval (Attachment 2)

3. The Minor Use Permit for the sale of beer and wine at the approved restaurant in the Commercial Residential (CR) Zoning District at 304 Caledonia Street (APN: 064-166-03) is approved based upon the attached findings (Attachment 1) and subject to the attached conditions of approval (Attachment 2)

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 10th day of July 2024, by the following vote:

AYES: Commissioner: Luxenberg, Saad, Feller, Junius, Marlatt
NOES: Commissioner:
ABSENT: Commissioner:
ABSTAIN: Commissioner:



Brandon Phipps, Community and Economic
Development Director

ATTACHMENTS

- 1 Findings
- 2 Conditions of Approval

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-13
July 10, 2024
APN: 064-166-03
PROJECT ID: 2024-00106**

ATTACHMENT 1: FINDINGS

Conditional Use Permit Findings

To approve or conditionally approve the Conditional Use Permit, the Planning Commission must determine whether the project is in conformance with the required Conditional Use Permit Findings in Section 10.60.050 A-I. Staff has concluded that the required findings can be made as follows:

- A. The proposed use is allowed with issuance of a conditional use permit, pursuant to Chapters 10.20 through 10.28 SMC (Zoning Districts Regulations), or SMC 10.46.040 (Conditional uses), Chapter 10.44 SMC (Specific Use Requirements) or any other applicable section of this title.***

The proposed restaurant use is allowed in the Commercial Residential (CR) Zoning District with a Conditional Use Permit (CUP) pursuant to SMC Table 10.24-1.

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

The proposed restaurant use, which intends to serve Sausalito residents and families, is consistent with General Plan Policy LU-2.10 "Caledonia Street's Role", which aims to enhance Caledonia Street as a mixed residential and commercial zone by encouraging commercial uses that serve locals, residents, and regional visitors. The proposed use is also aligned with the General Plan's land use designation of Mixed Residential and Commercial as described in Table 1-1 of the General Plan, which intends to serve locals/residents by providing goods and services on the ground floor of this district. The proposed restaurant use also aligns with the purpose of the CR commercial district as outlined in SMC 10.24.020 G-J, which emphasizes commercial uses that are pedestrian oriented and local-serving.

- 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 use will not be detrimental to the public health, safety, or general welfare of the city as it is compatible with other uses in the CR zone, which include restaurants, delis, and eating and drinking establishments that are local-serving and have operated without issue.

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

The proposed restaurant use is allowed in the Commercial Residential (CR) Zoning District with a Conditional Use Permit (CUP) pursuant to SMC Table 10.24-1 and all the existing structures on site comply with the commercial site development standards in SMC Table 10.24-2 as discussed in the staff report.

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 proposed restaurant use is in the Commercial Residential (CR) Zoning District in the New Town neighborhood. This is a predominately residential neighborhood that features local-serving eating and drinking establishments as well as personal services and retail along the Caledonia Street corridor. The project site at 304 Caledonia Street is located 0.5 miles from the Sausalito Ferry Terminal and is one street west of the Bridgeway corridor that features several public bus stops/lines. In addition, Sausalito City Hall, the Public Library, Robin Sweeny Park, and Dunphy Park are all located in a one-block radius from the subject property, making this a prime location for a local-serving restaurant space.

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 subject property is an approximately 6,000 square-foot rectangular shaped flat parcel that is currently developed with approximately 1,125 square-feet of building coverage. The property features a large outdoor space at the rear that will eventually be used as an eating area and social space. The rear outdoor area is concealed from the street and surrounded by fences and buildings and would feature verdant native-plant landscaping. The proposed use is compatible with other restaurant and retail uses along the Caledonia Street corridor and is located one block from a public car park on Locust Street, two blocks from a public parking lot at City Hall, and two blocks from a public parking lot at Dunphy Park.

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 use is located on Caledonia Street, which is one block west of Bridgeway. Both streets are considered main thoroughfares in Sausalito and are of adequate size and width to serve this business. There are also three public parking lots located less than 500 feet from the proposed use and street parking is available along Caledonia Street, Bridgeway, and Locust Street.

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

The proposed use is in the Commercial Residential (CR) Zoning District and is surrounded by multiple restaurants and retail establishments of similar character. The restaurants within 500 feet of the proposed use include a Japanese restaurant, a caviar restaurant, a

Greek deli, a grocery store/grab and go eatery, and a breakfast café. As there are several public parks, public institutions, and residences in the immediate vicinity, this zone can support additional restaurant uses, especially those that may differ from what is currently offered along Bridgeway and Caledonia Street. While there are several residences within the same vicinity, the proposed use would maintain similar hours as the other eating establishments and many neighbors on the block have provided the applicant with letters of support for this project. As such, the proposed use would not adversely affect nearby properties or their permitted uses.

I. Findings required by Chapter 10.44 SMC (Specific Use Requirements) for the approval of specific uses are made. [Ord. 1167 § 2, 2003.]

Pursuant to SMC 10.44.210, a Minor Use Permit (MUP) is required for restaurants in the CR zoning district that wish to serve beer and wine. The applicants are currently requesting approval of a MUP for beer and wine sales as part of this application and the findings for the Permit can be found below. In addition, SMC 10.44.220 requires a Minor Use Permit for outdoor dining on private property. This use permit will be applied for in the future, once a restaurant tenant has been obtained and their actual outdoor dining needs have been determined.

Minor Use Permit Findings

To approve or conditionally approve the Minor Use Permit, the Planning Commission must determine whether the project is in conformance with the required Minor Use Permit Findings in Section 10.58.050 A-I. Staff has concluded that the required findings can be made as follows:

A. The proposed use is allowed with issuance of a minor use permit, pursuant to Chapters 10.20 through 10.28 SMC (Zoning Districts Regulations), Chapter 10.44 SMC (Specific Use Requirements) or any other applicable section of this title.

The sale of beer and wine for on-site consumption in a restaurant within the Commercial Residential (CR) Zoning District is permitted with the issuance of a Minor Use Permit pursuant to SMC Table 10.44-2.

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

The proposed use, which is the sale of beer and wine in a restaurant, is consistent with the General Plan, the purposes of the Zoning Ordinance, and the purposes of the applicable zoning district as it is ancillary to the proposed restaurant use that is intended to be a local-serving, pedestrian-oriented commercial use in the Commercial Residential (CR) 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 on-site consumption of beer and wine will not be detrimental to the public health, safety, or general welfare of the City. The surrounding Caledonia Street

commercial neighborhood includes several restaurants and eating establishments that serve alcohol to patrons, with no detriment. The sale of beer and wine will complement the primary restaurant use and will contribute to the diversity of dining options available to residents in the area.

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

Pursuant to SMC Table 10.44-2, the sale of beer and wine for on-site consumption in a restaurant within the Commercial Residential (CR) Zoning District is permitted with the issuance of a Minor Use Permit.

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 proposed restaurant use with on-site consumption of beer and wine is properly located in the Commercial Residential (CR) Zoning District and would be near several other restaurants which also serve beer and wine. The proposed use would be less than 0.5 miles from the Sausalito Ferry Landing and within 500 feet of three public parking lots and several public bus stops on Bridgeway. Additionally, it would be walking distance from the surrounding residential neighborhoods and would attract local foot traffic.

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 subject property is an approximately 6,000 square-foot rectangular shaped flat parcel that is currently developed with approximately 1,125 square-feet of building coverage. The property features a large outdoor space at the rear that will eventually be used as an eating and drinking area and social space. The rear outdoor area is concealed from the street and surrounded by fences and buildings that would prevent the consumption of alcohol along the street. The proposed use is compatible with other restaurant uses along the Caledonia Street corridor and is located nearby three public parking areas as well as several public transport options, including bus stops on Bridgeway and the Sausalito Ferry Terminal which is 0.5 mile away.

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 on-site service of beer and wine does not result in any impact to public utilities or facilities. No interior or exterior changes are included as part of this application. The proposed use is located on Caledonia Street, which is one block west of Bridgeway. Both streets are considered main thoroughfares in Sausalito and are of adequate size and width to serve this business.

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

Restaurants are a permitted use in the Commercial Residential (CR) zone and alcohol sales are permitted at restaurants in the CR zone with the issuance of a Minor Use Permit. All the surrounding restaurants in this zoning district also provide on-sale alcohol for on-site consumption to their patrons, and the proposed use should not materially adversely affect nearby properties or their permitted uses.

I. Findings required by Chapter 10.44 SMC (Specific Use Requirements) for the approval of specific uses are made. [Ord. 1167 § 2, 2003.]

Pursuant to SMC Table 10.44-2, the sale of beer and wine for on-site consumption in a restaurant within the Commercial Residential (CR) Zoning District is permitted with the issuance of a Minor Use Permit. The required findings for the issuance of the Minor Use Permit have been made above.

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ATTACHMENT 2: CONDITIONS OF APPROVAL

General Conditions

1. Alcohol may be sold for indoor/outdoor on-site consumption during the operating hours of the restaurant from 11:00 AM to 9:00 PM, Monday through Sunday. However, alcohol may not be served outside until a Minor Use Permit for outdoor dining is obtained. Alcohol shall not be sold for on-site consumption outside of restaurant hours.
2. The applicant shall obtain and hold the appropriate license required by the Department of Alcohol Beverage Control and comply with all applicable requirements for alcohol sales imposed by the Department of Alcohol Beverage Control.
3. No outdoor dining is permitted at this location until the Applicant obtains a Minor Use Permit for outdoor dining on private property pursuant to SMC 10.44.220 B.
4. The Applicant shall provide bike parking on-site and not in the public right-of-way. The location and number of bike parking spaces shall be subject to review and approval by city staff.
5. Applicant shall defend, indemnify (including reimbursement of all fees and costs reasonably incurred by separate counsel retained by the City) and hold harmless the City and its elected and appointed officials, officers, agents and employees, from and against any and all liability, loss, damage, or expense, including without limitation reasonable attorney's fees which City may suffer or incur as a result of any claims relating to or arising from the City's approval of the project or any portion of the project.
6. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
7. The Community Development Director is authorized to approve minor modifications to the project, pursuant to SMC 10.50.180. Major project modifications will require further review and approval by the Planning Commission, pursuant to SMC 10.50.180.

8. Pursuant to Sausalito Municipal Code Section 10.50.120 (Implementation of Permits), it shall be the applicant's responsibility to diligently proceed to carry out the Conditions of Approval and implement any approved permit. This shall include establishing the approved use/implementing the permit within the time limits set forth by the applicable chapter.