

STAFF REPORT

SAUSALITO PLANNING COMMISSION/HISTORIC LANDMARKS BOARD

Project Inn Above Tide/30 EI Portal
Design Review Permit and Conditional Use Permit
DR-CUP 11-311

Meeting Date December 14, 2011

Staff Heidi Burns, Associate Planner 

REQUEST

Approval of a **Design Review Permit** to allow exterior modifications to the existing hotel known as the Inn Above Tide located at 30 EI Portal.

Approval of a **Conditional Use Permit** to amend Conditional Use Permit No. 95-52 to allow the conversion of an existing two-bedroom residential unit in order to create two guest hotel rooms associated with the Inn Above Tide.

PROJECT INFORMATION

Applicant Mark Flaherty manager of the Inn Above Tide

Owner McDevitt Enterprises LP

Location/Parcel Size 30 EI Portal; APN 065-133-19
14,643 square feet (see **Exhibit B** for vicinity map)

General Plan Central Commercial

Zoning Central Commercial (CC) Zoning District
Downtown Historic Overlay Zoning District

Authority Exterior renovation, modification, or remodeling of any structure located within a City designated historic district requires a Design Review Permit per Section 10.54.050.B.11.

Changes to an approved Conditional Use Permit require an Amendment to the original Conditional Use Permit per Section 10.50.180.

CEQA: The project consists of a minor alteration to an existing commercial building, thus the project is determined to be categorically exempt pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. Section 15301 specifically provides an exemption for the repair, maintenance, or minor alteration of existing private structures.

ROLE OF THE HISTORIC LANDMARKS BOARD AND PLANNING COMMISSION

The first part of the review involves a Design Review Permit for the proposed exterior modifications. Since the project is located in the Downtown Historic Overlay District, the Design Review Permit is under the authority of both the Planning Commission and the Historic Landmarks Board (HLB), and a joint meeting is required to review and act upon the Design Review Permit. As stated in Section 10.46.060, both the Planning Commission and the HLB have authority to review the Design Review Permit, and must favorably make the findings listed in Section 10.54.050.D to approve the Design Review Permit.

The second part of the review involves a Conditional Use Permit application to amend the previously approved Condition Use Permit No. 95-52 to allow the conversion of an existing residential apartment unit into two hotel rooms. A change in land use does not require the approval of the HLB; therefore, the Planning Commission solely has the authority to review the Conditional Use Permit and must favorably make the findings listed in Section 10.60.050 to approve the Conditional Use Permit.

PROJECT DESCRIPTION

SITE LOCATION

The project site is located at the foot of El Portal to the east and is adjacent to mixed-use commercial buildings to the south, Richardson's Bay to the east, the Ferry Landing and City Parking Lot Number One to the north, and commercial buildings to the west.

BACKGROUND

The original building was approved and constructed as a 14-unit apartment building in 1961. From the 1960's through the early 1990's, the building was converted into a mixed residential-commercial (office) building.

In 1993, the Planning Commission approved Resolution No. 1993-09 approving a conditional use permit to allow the conversion of a mixed use office and residential building into a 24-room hotel and allow two existing residential units to remain.

Subsequently, the Planning Commission approved Resolution No. 1993-21 to allow a modification to Resolution No. 1993-09 and approved a 28-room hotel. The hotel was further expanded to a 30-room hotel in 1995 through Planning Commission Resolution No. 1995-20. Only 29 rooms were constructed based on Planning Commission Resolution No. 2003-47 which allowed two hotel rooms (311 and 312) to be combined into one suite.

The existing building is not considered to be a historic contributing building to the Downtown Historic Overlay Zoning District based on the age and construction of the building.

PROJECT DESCRIPTION

The applicant is proposing to convert an existing two-bedroom residential apartment unit occupying the 2nd and 3rd floors of the Inn Above Hotel, into two one-bedroom hotel rooms. The proposed hotel rooms will be numbered rooms 203 and 303 and will be located directly above existing hotel room 103.

In order to accommodate the conversion of the residential unit into two hotel rooms, the following exterior modifications are being proposed:

- ✓ Site and Roof Plan
 - ✓ Remove four existing roof skylights and replace with three 4 by 6 foot skylights
 - ✓ New Chimney flues for rooms 103, 203, and 303. New fire places will be installed in each of the three rooms.
 - ✓ Remove four 22 square inch skylights
 - ✓ Install one relocated 22 square inch skylight.

- ✓ West Elevation (facing the parking court)
 - ✓ Room 203
 - ✓ New entry door and sidelight
 - ✓ Relocate existing entry light fixture

 - ✓ Room 303
 - ✓ New entry door and sidelight
 - ✓ New entry light fixture to match the existing entry light fixtures at the hotel

- ✓ East Elevation (facing Richardson's Bay)
 - ✓ Remove two existing fireplaces and flues on all three levels of the project area.
 - ✓ Room 103
 - ✓ New sliding door and sidelight
 - ✓ Room 203
 - ✓ New sliding door and sidelight
 - ✓ Room 303
 - ✓ New expanded deck and glass guardrails to match the existing hotel
 - ✓ New sliding door and sidelights

The project also includes the addition of nine square of new floor area to accommodate the reconfiguration of proposed rooms 203 and 303.

No new site modifications or landscaping is being proposed as part of this project.

PROJECT ANALYSIS

GENERAL PLAN CONSISTENCY

General Plan Consistency

To approve the proposed project the Planning Commission and HLB must determine that the project is consistent with all applicable General Plan policies. The site is located in an area designated as Central Commercial by the General Plan. The following policies and objective relevant to the project are as follows:

- ✓ *Policy LU-2.9. Downtown Historic Character: Protect the historical character of the Downtown area.*
- ✓ *Policy E-3.1. Existing Business. Encourage existing businesses which produce high tax revenue per employee and produce minimum environmental impact to remain in Sausalito.*
- ✓ *Objective CD-7.0. Respect and maintain the exterior integrity of structures and sites in the Historic District and of all officially designated or recognized historic structures and sites outside the district.*

The project will not have an adverse impact on the historical character of the Central Commercial General Plan land use designated area in that the project is designed to blend in with the architectural style of the existing hotel. Additionally, the existing hotel is a successful high tax revenue business with nominal environmental impacts. Thus, the incorporation of two additional hotel rooms to the existing 29-room hotel will positively contribute to the business which in turn will be in keeping with General Plan Policy E-3.1. Therefore, staff concludes the project is consistent with the General Plan.

Zoning Consistency

The Planning Commission and HLB must review the proposed project for its conformance with all applicable regulations of the Zoning Ordinance. The Project Summary Table below compares the development standards of the Central Commercial (CC) Zoning District with the proposed project. The only change to the project site is a minor increase in floor area as described in further detail below:

PROJECT SUMMARY TABLE

	<u>Existing</u>	<u>Code</u>	<u>Proposed</u>	<u>Compliance</u>
Parcel Area:	14,643 sq ft	5,000 sq ft min.	No change	Yes
Floor Area:	17,775 sq ft (1.21)	19,035.9 sq ft (1.30)	17,784 sq ft (1.21)	Yes
Parking Spaces:	40	40	No change	Yes ¹

1. The project site provides 13 on-site parking spaces. Planning Commission Resolution 1995-04 was approved to require that the Inn Above Tide lease 27 parking spaces from the City to meet the parking demand generated by the hotel.

Pursuant to Section 10.40.110.A.5 of the Zoning Ordinance, no additional parking is required because the project consists of a replacement of one use with another that has the same parking requirement. Specifically, a two-bedroom residential unit has the same parking requirement as two guest hotel rooms. Therefore, no additional parking is required.

The nine square foot floor area increase is associated with the reconfiguration of proposed rooms 203 and 303. The floor area increase will be in conformance with the CC Zoning District's standards as shown in the above Table.

Historic Overlay Zoning District Consistency

To approve the proposed project the Planning Commission and HLB must determine that the project is consistent with all applicable Overlay District policies. The site is located in the Downtown Historic District Overlay Zone. Staff concludes that the project is consistent with the purpose and intent of the Downtown Historic Overlay Zoning District (Section 10.28.040.A) as described in the findings listed in the Resolution (see **Exhibit A**).

Design Review Permit

In order to approve or conditionally approve the Design Review Permit, the Planning Commission and HLB must determine that the project is in conformance with the findings listed in Sections 10.54.050 (Design Review Findings) of the Zoning Ordinance. Staff concludes the requisite findings for the

Design Review Permit can be made to approve the permit, as summarized in the following and in the findings listed in the Resolution (see Attachment 1 of **Exhibit A**, Resolution).

Design Review and Historic Overlay District Findings:

- **Project Scale and Consistency with the Neighborhood:** The exterior design modifications will maintain the existing mass and scale of the building and will neither substantially alter the building's existing scale, nor negatively impact the aesthetic of the surrounding El Portal neighborhood or the CC Zoning District.
- **Architecture and Site Design:**
With the exception of the removal of the existing chimney boxes and flues that will be removed as depicted on the East Elevation, the project proposes minor window, door, skylight, chimney flue, and lighting modifications to match the existing architecture, building materials, and general aesthetics of the site. Therefore, staff suggest the project would be consistent with past Design Review Permit approvals which approved the original design of the hotel.
- **Compatibility with the Downtown Historic District:** The existing hotel was previously approved by both the City's Design Review Board and Historic Landmarks Board to be of an appropriate scale and architecture. As stated previously, the proposed project consists of minimal changes to the building which will not impact the building's compatibility with the Downtown Historic District.

Conditional Use Permit

Prior to approving the project within the CC Zoning District, the Planning Commission must determine whether the conversion of a two-bedroom residential unit to two guest hotel rooms is in conformance with the findings listed in Section 10.60.050 of the Zoning Ordinance.

Staff suggests the findings for recommending approval of the Conditional Use Permit can be achieved, as listed in greater detail in the attached resolution of approval (**Exhibit B**)

PUBLIC NOTICE AND CORRESPONDENCE

On December 2, 2011 public hearing notices were mailed to all property owners within 300 feet of the project site. As of the writing of the staff report, the City has not received any comments.

RECOMMENDATION

Staff recommends the following actions:

1. Planning Commission and Historic Landmarks Board approve the attached draft resolution (**Exhibit A**) approving a Design Review Permit to allow exterior modifications to the Inn Above Tide at 30 El Portal.

Alternatively, the Planning Commission and Historic Landmarks Board may:

- Continue the hearing for additional information and/or project revisions; or
- Direct staff to prepare a resolution for denial of the Design Review Permit.

2. Planning Commission approve the attached draft resolution (**Exhibit B**) approving a Conditional Use Permit to amend Conditional Use Permit No. 95-52 to allow the conversion of an existing residential unit in order to create two hotel rooms associated with the Inn Above Tide.

Alternatively, the Planning Commission may:

- Continue the hearing for additional information and/or project revisions; or
- Direct staff to prepare a resolution for denial of the Design Review Permit.

EXHIBITS

- A. DRAFT Resolution – Design Review Permit
- B. DRAFT Resolution – Conditional Use Permit
- C. Vicinity Map
- D. Project Plans
- E. Project Description, date-stamped September 28, 2011
- F. Photographs, date-stamped September 28, 2011

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**SAUSALITO PLANNING COMMISSION AND HISTORIC LANDMARKS BOARD
RESOLUTION NO. 2011- XX**

**APPROVAL OF A DESIGN REVIEW PERMIT FOR
EXTERIOR MODIFICATIONS ON THE INN ABOVE TIDE HOTEL AT 30 EL PORTAL
(DR 11-311)**

WHEREAS, on September 28, 2011, an application was filed by the applicant, Mark Flaherty, on behalf of the property owners, McDevitt Enterprises LP, requesting Planning Commission and Historic Landmarks Board approval of a Design Review Permit for exterior modifications to a noncontributing building within the Downtown Historic Overlay Zoning District located at 30 El Portal (APN 065-133-19); and

WHEREAS, the Planning Commission and Historic Landmarks Board conducted duly-noticed public hearing beginning and ending on December 14, 2011 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission and Historic Landmarks Board have reviewed and considered the project plans titled "Inn Above Tide", date-stamped received September 28, 2011; and

WHEREAS, the Planning Commission and Historic Landmarks Board have considered all oral and written testimony on the subject application; and

WHEREAS, the Planning Commission and Historic Landmarks Board have reviewed and considered the information contained in the staff report dated December 14, 2011 for the proposed project; and

WHEREAS, the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301(a), of the CEQA Guidelines because the project consists of a minor alteration to an existing facility; and

WHEREAS, the Planning Commission and Historic Landmarks Board find that, as conditioned herein, the proposed project complies with the requirements of the General Plan and Zoning Ordinance as described in the staff report dated December 14, 2011.

NOW, THEREFORE, THE PLANNING COMMISSION AND HISTORIC LANDMARKS BOARD HEREBY RESOLVE:

1. The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301(a), Existing Facilities.
2. A Design Review Permit for exterior modifications is approved based upon the findings provided in Attachment 1, and subject to the conditions of approval provided in Attachment 2. The project plans are provided in Attachment 3.

*Exhibit A
(10 pages)*

RESOLUTION PASSED AND ADOPTED, at the joint meeting of the Sausalito Planning Commission and Historic Landmarks Board on the XX day of December 2011, by the following vote:

AYES: Commissioner:
NOES: Commissioner:
ABSENT: Commissioner:
ABSTAIN: Commissioner:

Jeremy Graves, AICP
Secretary to the Planning Commission

AYES: Board Member:
NOES: Board Member:
ABSENT: Board Member:
ABSTAIN: Board Member:

Vicki Nichols
Secretary to Historic Landmarks Board

ATTACHMENTS

- 1- Findings
- 2- Conditions of Approval
- 3- Project Plans

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**PLANNING COMMISSION AND HISTORIC LANDMARKS BOARD RESOLUTION
DECEMBER 14, 2011
DR 11-311
30 EI PORTAL**

ATTACHMENT 1: FINDINGS

A. DESIGN REVIEW PERMIT FINDINGS

In accordance with Zoning Ordinance Section 10.54 (Design Review Procedures), the Design Review Permit is approved based on the following findings:

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

The project is consistent with General Plan policies, including those related to protecting and maintaining the historic character of the downtown, neighborhood compatibility, and enhancing economic diversity.

- 2) The proposed architecture and site design complements 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 project, which includes the installation of new windows, doors, and skylights, will maintain the prevailing design theme associated with the existing hotel.

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

The exterior design modifications will maintain the existing mass of the building and will neither substantially alter the building's existing scale, nor negatively impact the aesthetic of the surrounding neighborhood and/or district.

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

The project, which includes façade modifications, business identification signage, and landscaping will not obstruct public or private views due to location and site orientation

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

The proposed project is not located on a ridgeline.

- 6) 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.

This project does not propose any additional landscaping, and therefore this finding is not applicable.

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

All structures on the project site currently exist, and have been constructed on the project site for many years. The repairs and remodel will have no impact on the light and air for the project site, adjacent properties, and the general public.

- 8) 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.

The proposed project does not include new mechanical equipment, the new skylights will match the existing skylights, and all lighting will be shielded and down facing to prevent any impacts to adjacent properties and the general public.

- 9) 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 structure on the project site currently exists, and has been constructed on the project site for many years. The façade modifications to the existing structure will have no impact on the light and air for the project site, adjacent properties, and the general public.

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

There will be no alteration to the existing proposed entrance to the hotel grounds, exits, internal circulation or parking spaces; therefore there is no change in the level of traffic safety and ease of movement.

- 11) 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.

The proposed project does not impact existing natural features on the site.

- 12) 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 is not subject to Heightened [Design] Review Requirements.

B. HISTORIC OVERLAY DISTRICT FINDINGS

In accordance with the Sausalito Zoning Ordinance Section 10.46 (Historic Overlay District), the Planning Commission and Historic Landmarks Board find:

- 1) The proposed new construction or alteration is compatible with the architectural and historical features of the structure and/or district.

The project is consistent with the general architecture of the existing shingled building.

- 2) The historical context of the original structure or district has been considered during the development and review of the proposal.

The façade modifications will be compatible with the general style of windows, doors, and skylights, and will blend into the existing building.

- 3) The criteria for listing the structure or site on the local register does not apply, or the Historic overlay district will not be affected by the new construction or alterations.

The existing structure is less than 50 years old and has been significantly modified in the 1970's and 1980's.

- 4) The State Historic Building Code is being applied to minimize alterations to the original historic structure.

The use of the Historic Building code is non-applicable because the existing building is not historic.

- 5) The Secretary of Interior Standards for Treatment of Historic Properties have been used to review and consider the new construction and proposed alterations.

The Secretary of Interior Standards for Treatment of Historic Properties is non-applicable because the existing building is not historic.

- 6) Alternative uses and configurations have been considered as part of the Design Review process.

The project consists of slight modifications to the exterior of the existing building. Due to the negligible scope of work as it relates to the entire building, no alternative uses and/or configurations were considered.

- 7) Findings specified by Chapter 10.54 (Design Review Procedures) can be made.

The Design Review Findings can be favorably made, as discussed in the findings above.

- 8) The proposed new construction or alteration will be compatible with and help achieve the purposes of the Historic Overlay District (Chapter 10.28.040.A).

The façade modifications will be compatible with the purposes of the Historic Overlay District, as described below.

- To promote the conservation, preservation, and enhancement of the historic or architecturally significant structures and sites that form an important link to Sausalito's past;

Although the existing building is not historic, the facade modifications will be beneficial to the historic district because the design is complementary to the existing building as well as other buildings located in the Downtown Historic Overlay Zoning District.

- To deter demolition, destruction, alteration, misuse or neglect of historic or architecturally significant buildings;

The existing building is not historic or architecturally significant; therefore this finding does not apply.

- To stimulate the economic health and quality of the community and stabilize and enhance the value of property;

The proposed improvements will enhance the aesthetics of the structure thereby contributing to the value of the property and the historic district.

- To encourage development tailored to the character and significance of the historic district through sign and design review standards;

As stated previously, the Design Permit findings specified in Chapter 10.54 of the Zoning Ordinance can be made.

- To provide review of projects located in the Historic overlay district by the Historic Landmarks Board;

This project was reviewed and approved by the Historic Landmarks Board at a joint meeting with the Planning Commission.

- To encourage the protection and reuse of structures, sites and areas that provide significant examples of the past or that are landmarks in the history of architecture;

The existing structure is not historic.

- To preserve structures that are unique and irreplaceable assets to the city and its neighborhoods; and

The existing structure is not historic.

- To provide appropriate settings and environments for historic structures.

The existing structure located in the Downtown Historic Overlay Zoning District was previously approved by the Planning Commission and Historic Landmarks Board , which is an appropriate setting for the building.

**PLANNING COMMISSION AND HISTORIC LANDMARKS BOARD RESOLUTION
DECEMBER 14, 2011
DR 11-311
30 EI PORTAL**

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions of approval apply to the plans prepared by Michael Rex Associates, entitled "Inn Above Tide" date-stamped received September 28, 2011.

General Conditions

1. All exterior lighting shall be shielded and downward facing.
2. Upon building permit submittal the Conditions of Approval shall be shown on all construction drawings.
3. Upon building permit submittal the applicant shall provide a written response demonstrating compliance with each Condition of Approval.
4. No alternative or unrelated construction, site improvements, tree removal and/or alteration, exterior alterations and/or interior alterations and/or renovations not specified in the project plans, or alterations approved by the Community Development Director, shall be performed on the project site. In such cases, this approval shall be rendered null and void unless approved by the Community Development Director as a modification to this approval.
5. 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.
6. The applicant shall indemnify the City for any and all costs, including without limitation attorneys' fees, in defending this project or any portion of this project and shall reimburse the City for any costs incurred by the City's defense of the approval of the project.
7. Prior to issuance of a Construction Permit, the construction plans shall include a construction staging plan which demonstrates the location for storage or equipment and materials.
8. Prior to issuance of a Construction Permit, a construction drainage plan shall be developed to demonstrate how Best Management Practices will be utilized to prevent storm-water discharge from leaving the site during construction.
9. Prior to issuance of a Construction Permit, an Encroachment Permit shall be obtained for short term (more than 2 hours) work or use of the public right-of-way.

10. Prior to issuance of a Construction Permit, the applicant shall install fire sprinklers and Smoke/Carbon Monoxide detectors in accordance with California Building Code.

Advisory Notes

Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

1. This approval will expire in two (2) years from the effective date of this resolution if the property owner has not exercised the entitlements hereby granted, or an extension has not been filed prior to the expiration date.
2. An approval granted by the Planning Commission does not constitute a building permit or authorization for construction. Appropriate construction permit(s) issued by the Building Division must be obtained prior to construction.
3. All applicable City fees as established by City Council resolutions and ordinances shall be paid. Third party review fees (cost plus 10%) shall be paid.
4. Pursuant to Municipal Code Chapter 3.36, Construction Traffic Road Fees shall be paid prior to issuance of a building permit.
5. An encroachment permit shall be obtained from the Department of Public Works prior to use of the public right-of-way for non-public purposes (e.g., materials storage, debris box storage) including any and all construction and demolition activities.
6. Pursuant to Municipal Code Chapter 8.54, applicants shall submit a Recycling Management Plan to the Community Development Department prior to the issuance of any construction permits, unless the requirement is waived pursuant to Section 8.54.050.
7. Pursuant to Municipal Code Chapter 11.17, dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with Section 11.17.060.B.
8. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas within a 500 foot radius of residential zones shall only take place during the following hours:
Weekdays – Between 8:00 a.m. and 6:00 p.m.
Saturdays – Between 9:00 a.m. and 5:00 p.m.
Sundays – Prohibited
City holidays (not including Sundays) – Between 9:00 a.m. and 7:00 p.m.

9. Pursuant to Municipal Code Section 18.08.020, overhead electrical and communication service drops shall be placed underground when the main electrical service equipment (including the panel) is relocated, replaced, and/or modified.
10. Pursuant to Municipal Code Section 18.12.100, existing sewer service laterals shall be inspected for surface water connections and leakage at the time of remodeling of any building. Deteriorated service laterals shall be repaired prior to approval of the building permit.
11. Permits required by other agencies having jurisdiction within the construction area must be obtained in accordance with the respective agency's regulations.
 - a. Marin Municipal Water District (415-945-1400), including landscaping and irrigation regulations;
 - b. Marin County Environmental Health Services (415-499-6907), including spas and septic systems, as well as facilities for preparation or sale of food;
 - c. Southern Marin Fire Protection District – (415-388-8182); and
 - d. Bay Conservation and Development Commission – (415-352-3600).
12. Pursuant to Municipal Code Section 10.54.100, construction activities undertaken in accordance with a design review permit shall comply with the construction time limit regulations based upon the project's valuation. Construction projects which are not completed within the time limits are subject to daily penalties.

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PLANNING COMMISSION AND HISTORIC LANDMARKS BOARD RESOLUTION
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ATTACHMENT 3: PROJECT PLANS

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ITEM NO 4 PAGE 16

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2011- XX**

**APPROVAL OF AN AMENDMENT TO CONDITIONAL USE PERMIT NO. 95-52 TO
ALLOW FOR THE CONVERSION OF A RESIDENTIAL UNIT AT THE INN ABOVE
TIDE HOTEL INTO TWO HOTEL ROOMS AT 30 EL PORTAL
(AMD-CUP 11-311)**

WHEREAS, on September 28, 2011, an application was filed by the applicant, Mark Flaherty, on behalf of the property owners, McDevitt Enterprises LP, requesting Planning Commission approval of an amendment to Conditional Use Permit No. 95-52 to allow for the conversion of an existing residential unit located within a 29-room hotel into two hotel rooms at 30 El Portal (APN 065-133-19); and

WHEREAS, the Planning Commission conducted duly-noticed public hearing beginning and ending on December 14, 2011 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission have reviewed and considered the project plans titled "Inn Above Tide", date-stamped received September 28, 2011; and

WHEREAS, the Planning Commission have considered all oral and written testimony on the subject application; and

WHEREAS, the Planning Commission have reviewed and considered the information contained in the staff report dated December 14, 2011 for the proposed project; and

WHEREAS, the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15303, of the CEQA Guidelines because the project consists of a the conversion of a two-bedroom residential unit into two guest hotel rooms; and

WHEREAS, the Planning Commission find that, as conditioned herein, the proposed project complies with the requirements of the General Plan and Zoning Ordinance as described in the staff report dated December 14, 2011.

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES:

1. The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15303, Conversion of Small Structures.
2. An Amendment to Conditional Use Permit No. 95-52 to allow the conversion of an existing residential unit into two-hotel rooms at the Inn Above Tide is approved based upon the findings provided in Attachment 1, and subject to the conditions of approval provided in Attachment 2. The project plans are provided in Attachment 3.

RESOLUTION PASSED AND ADOPTED, at the joint meeting of the Sausalito Planning Commission on the XX day of December 2011, by the following vote:

AYES: Commissioner:
NOES: Commissioner:
ABSENT: Commissioner:
ABSTAIN: Commissioner:

Jeremy Graves, AICP
Secretary to the Planning Commission

ATTACHMENTS

- 1- Findings
- 2- Conditions of Approval
- 3- Project Plans

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**PLANNING COMMISSION
DECEMBER 14, 2011
CUP 11-311
30 EI PORTAL**

ATTACHMENT 1: FINDINGS

1. CONDITIONAL USE PERMIT FINDINGS

Pursuant to Sausalito Municipal Code Section 10.60 (Conditional Use Permits), the Planning Commission finds:

- A) The proposed use is allowed with issuance of a Conditional Use Permit, pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations), or Section 10.46.040 (Conditional Uses), Chapter 10.44 (Specific Use Requirements) or any other applicable section of this Title 10.

The Hotels are conditionally permitted uses to be allowed in the Central Commercial (CC) Zoning District (Zoning Ordinance Section 10.24.030). Furthermore, past Planning Commission Resolutions of Approval Numbers 1993-09, 1993-13, 1993-21, 1995-04, and 1995-20 have previously determined that a hotel use is an acceptable land use at the project site.

- 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 hotel is consistent with General Plan policies to enhance the economic diversity of the downtown and compatibility with surrounding historic buildings (Sausalito General Plan Policy LU-2.2 and Policy CD-1.4 CD-4.2). The existing hotel use enhances the local economy by attracting visitors to a site as well as providing transient occupancy taxes. The project will add two additional hotel rooms to the project site, which will further enhance the intent and policies associated with the General Plan. Furthermore, the stated purpose of Commercial Districts in the Zoning Ordinance is to provide space for diverse types of commercial activity to serve people and industry, while maintaining and strengthening the economic base of the City of Sausalito (Section 10.24.010.A).

- 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 project consists of the conversion of an existing two-floor residential unit which, has not been found to be detrimental to public health, safety, or the general welfare of the City, into two hotel rooms. As such, the project is not to create any additional impacts above and beyond those impacts which currently exist at the project site.

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

With approval of the Conditional Use Permit, the use will comply with all applicable provisions of the Zoning Ordinance for the Central Commercial District (Section 10.24.030). The new use will not exacerbate or intensify the existing legal nonconforming off-street parking related to the project site.

- 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.

As previously discussed in Finding A, the hotel use has been previously determined to be an appropriate use by the Planning Commission and acknowledged by the City Council.

- 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 project will not alter the open spaces, footprint, parking, or landscaping of the site, which is currently adequately designed to provide features necessary to ensure compatibility with permitted land uses in the surrounding area.

- 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.

All public utilities and facilities are adequate for the proposed use. It is not anticipated that the use will generate additional traffic impacts to Bridgeway, as the use will generate a similar is replacing an existing residential unit which has the same off-street parking ratio as two hotel rooms.

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

The existing hotel use and residential units located at the project site has not been found to adversely affect nearby properties. The conversion of one residential unit into two hotel rooms is considered to be a similar in terms of impact related to use and parking, therefore the project is not expected to negatively impact nearby properties or their uses.

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

No specific use findings are required for the proposed hotel use.

**PLANNING COMMISSION
DECEMBER 14, 2011
CUP 11-311
30 EI PORTAL**

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions of approval apply to the plans prepared by Michael Rex Associates, entitled "Inn Above Tide" date-stamped received September 28, 2011.

General Conditions

1. Upon building permit submittal the Conditions of Approval shall be shown on all construction drawings.
2. Upon building permit submittal the applicant shall provide a written response demonstrating compliance with each Condition of Approval.
3. No alternative or unrelated construction, site improvements, tree removal and/or alteration, exterior alterations and/or interior alterations and/or renovations not specified in the project plans, or alterations approved by the Community Development Director, shall be performed on the project site. In such cases, this approval shall be rendered null and void unless approved by the Community Development Director as a modification to this approval.
4. 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.
5. The applicant shall indemnify the City for any and all costs, including without limitation attorneys' fees, in defending this project or any portion of this project and shall reimburse the City for any costs incurred by the City's defense of the approval of the project.

Advisory Notes

Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

1. This approval will expire in two (2) years from the effective date of this resolution if the property owner has not exercised the entitlements hereby granted, or an extension has not been filed prior to the expiration date.
2. An approval granted by the Planning Commission does not constitute a building permit or authorization for construction. Appropriate construction permit(s) issued by the Building Division must be obtained prior to construction.

3. All applicable City fees as established by City Council resolutions and ordinances shall be paid. Third party review fees (cost plus 10%) shall be paid.
4. Pursuant to Municipal Code Chapter 3.36, Construction Traffic Road Fees shall be paid prior to issuance of a building permit.
5. An encroachment permit shall be obtained from the Department of Public Works prior to use of the public right-of-way for non-public purposes (e.g., materials storage, debris box storage) including any and all construction and demolition activities.
6. Pursuant to Municipal Code Chapter 8.54, applicants shall submit a Recycling Management Plan to the Community Development Department prior to the issuance of any construction permits, unless the requirement is waived pursuant to Section 8.54.050.
7. Pursuant to Municipal Code Chapter 11.17, dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with Section 11.17.060.B.
8. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas within a 500 foot radius of residential zones shall only take place during the following hours:
Weekdays – Between 8:00 a.m. and 6:00 p.m.
Saturdays – Between 9:00 a.m. and 5:00 p.m.
Sundays – Prohibited
City holidays (not including Sundays) – Between 9:00 a.m. and 7:00 p.m.
9. Pursuant to Municipal Code Section 18.08.020, overhead electrical and communication service drops shall be placed underground when the main electrical service equipment (including the panel) is relocated, replaced, and/or modified.
10. Pursuant to Municipal Code Section 18.12.100, existing sewer service laterals shall be inspected for surface water connections and leakage at the time of remodeling of any building. Deteriorated service laterals shall be repaired prior to approval of the building permit.
11. Permits required by other agencies having jurisdiction within the construction area must be obtained in accordance with the respective agency's regulations.
 - a. Marin Municipal Water District (415-945-1400), including landscaping and irrigation regulations;
 - b. Marin County Environmental Health Services (415-499-6907), including spas and septic systems, as well as facilities for preparation or sale of food;
 - c. Southern Marin Fire Protection District – (415-388-8182); and
 - d. Bay Conservation and Development Commission – (415-352-3600).

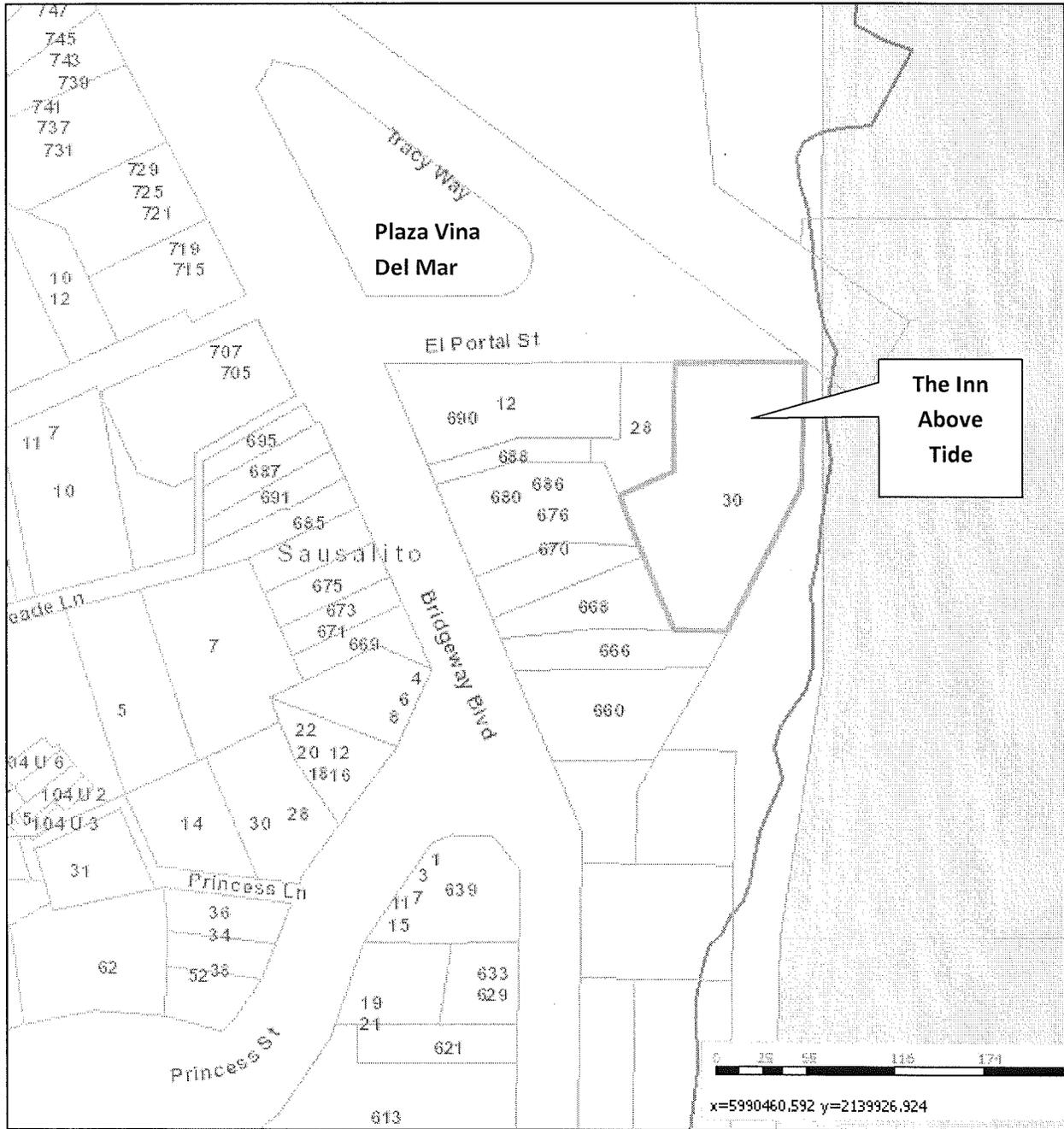
12. Pursuant to Municipal Code Section 10.54.100, construction activities undertaken in accordance with a design review permit shall comply with the construction time limit regulations based upon the project's valuation. Construction projects which are not completed within the time limits are subject to daily penalties.

I:\CDD\PROJECTS - ADDRESS\EI Portal 30\DR-UP 11-311\PCHLB RESO 12-14.2011-AMD-CUP.doc

PLANNING COMMISSION
DECEMBER 14, 2011
CUP 11-311
30 EI PORTAL

ATTACHMENT 3: PROJECT PLANS

Vicinity Map
DR -CUP 11-311
30 El Portal



I:\CDD\PROJECTS - ADDRESS\E\El Portal 30\DR-UP 11-311\Vicinity Map.docx

Exhibit C
(1 page)

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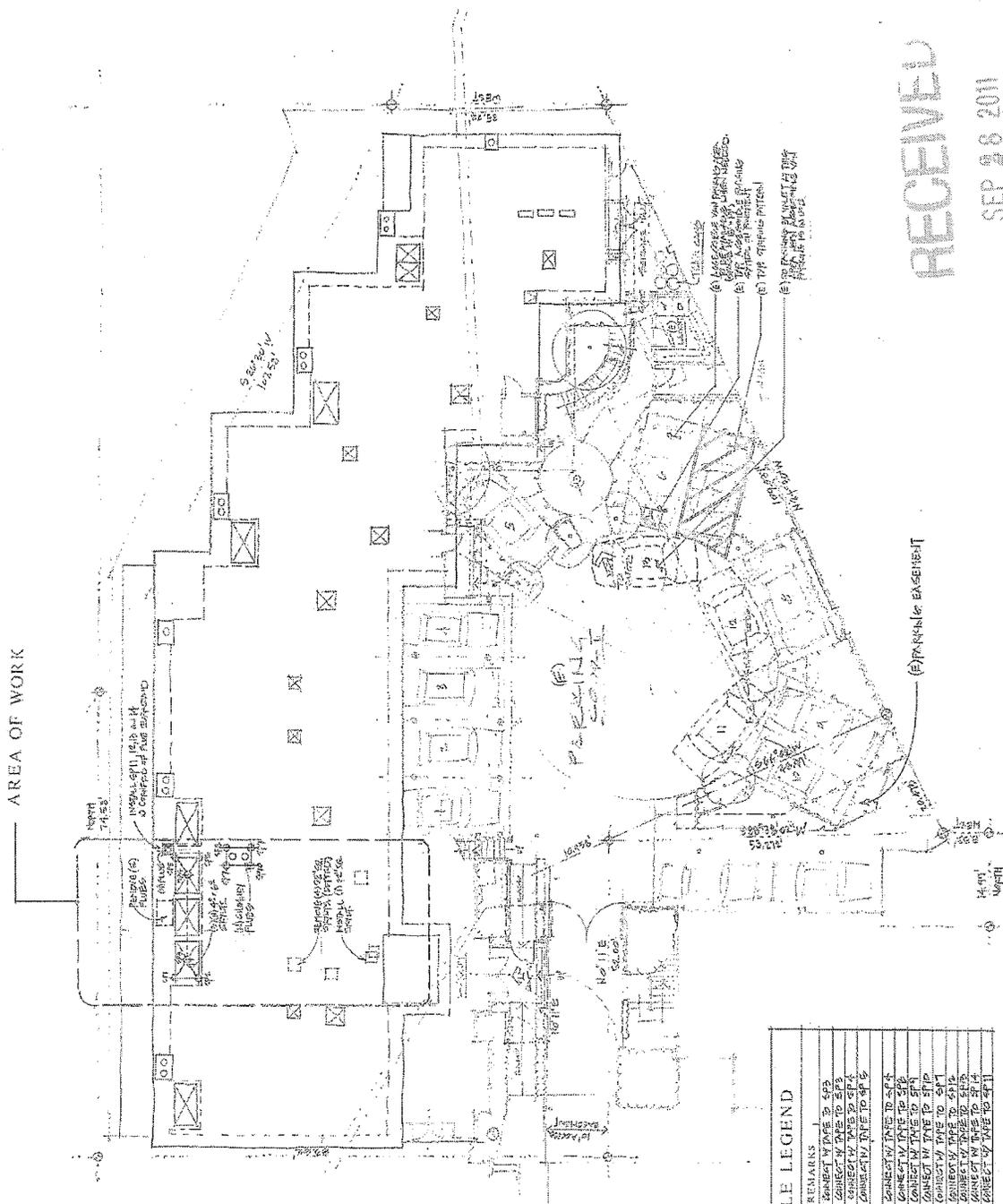
MECHANICAL CONTRACTOR
 ADDRESS: 1000 N. GARDEN AVENUE
 SUITE 100
 ANAHEIM, CA 92816
 PHONE: (714) 771-1111
 FAX: (714) 771-1112
 WWW: WWW.MECHANICALCONTRACTOR.COM

APARTMENT CONVERSION
 AND REMODEL OF ROOM #118
 INN ABOVE TIDE
 30 BL. PORTAL
 SAN ANTONIO, CALIFORNIA
 APN 065-113-19

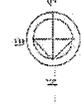
DATE: 09/28/2011
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]
 SHEET NO.: [Number]
 TOTAL SHEETS: [Number]

SITE / ROOF
 PLAN
 STORY: [Number]
 PLAN

A1.0



RECEIVED
 SEP 28 2011



SEE ROOF PLAN
 CITY OF SAN ANTONIO
 COMMUNITY DEVELOPMENT

STORY	HT. ABOVE ROOF	REMARKS
1	+1.0'	CONNECT W/ TRUSS TO SP-3
2	+1.0'	CONNECT W/ TRUSS TO SP-4
3	+1.0'	CONNECT W/ TRUSS TO SP-5
4	+1.0'	CONNECT W/ TRUSS TO SP-6
5	+1.0'	CONNECT W/ TRUSS TO SP-7
6	+1.0'	CONNECT W/ TRUSS TO SP-8
7	+1.0'	CONNECT W/ TRUSS TO SP-9
8	+1.0'	CONNECT W/ TRUSS TO SP-10
9	+1.0'	CONNECT W/ TRUSS TO SP-11
10	+1.0'	CONNECT W/ TRUSS TO SP-12
11	+1.0'	CONNECT W/ TRUSS TO SP-13
12	+1.0'	CONNECT W/ TRUSS TO SP-14
13	+1.0'	CONNECT W/ TRUSS TO SP-15
14	+1.0'	CONNECT W/ TRUSS TO SP-16

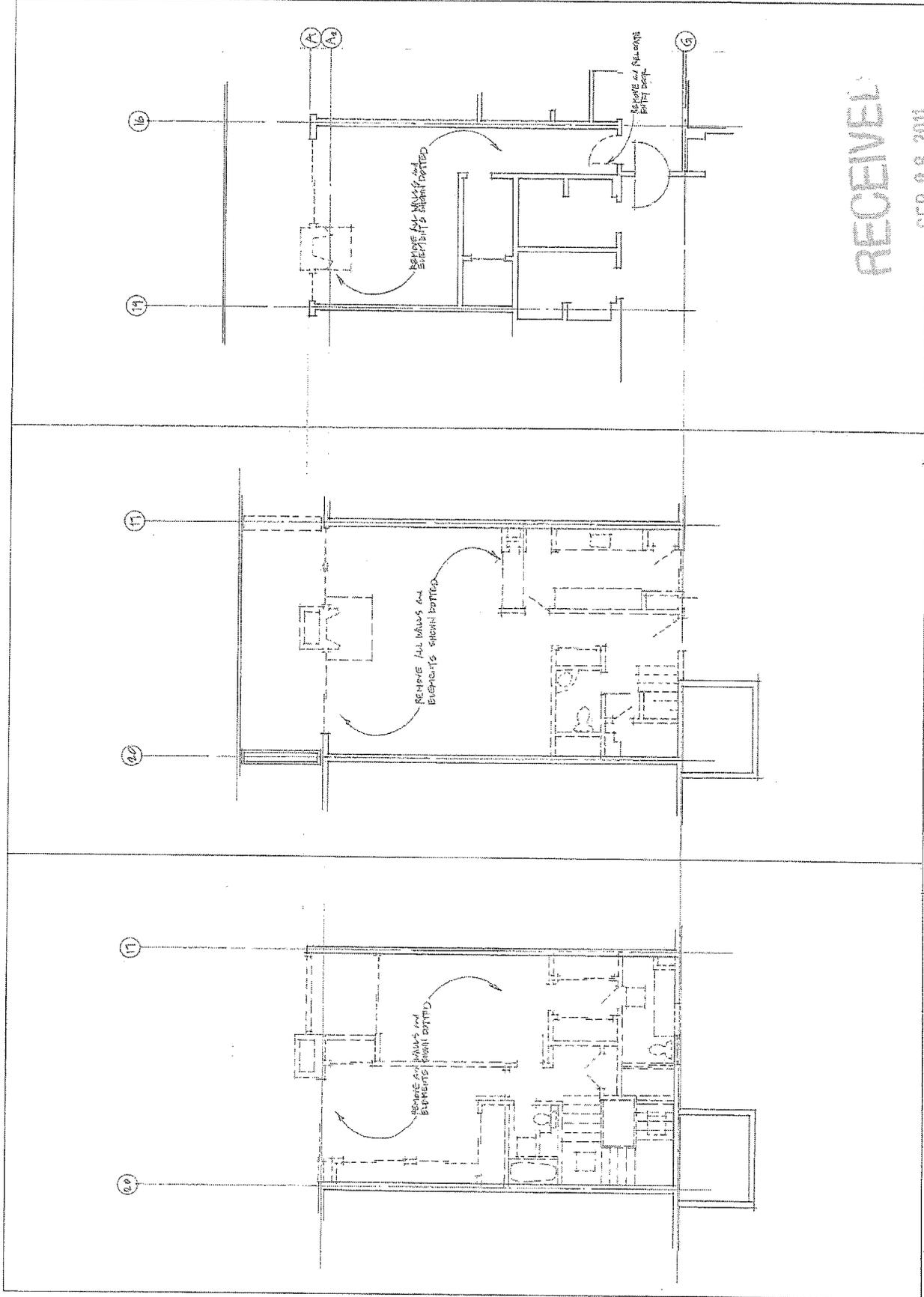
ARCHITECTURAL DESIGN
 1718 BELMONTWAY
 SUITE 200
 OAKLAND, CALIFORNIA 94612
 TEL: 415.778.1100
 WWW.AEDDESIGN.COM

APARTMENT CONVERSION
 AND RENOVATION OF 3000 #108
 INN ABOVE TIDE
 3011 PORTAL
 SAUSALITO, CALIFORNIA
 APN 082-123-12

DATE: 08/28/2011
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: [Number]
 SHEET NO.: [Number]

DEMOLITION
 PLANS

A2.0



THIRD FLOOR DEMO PLAN 3 SECOND FLOOR DEMO PLAN 2 FIRST FLOOR DEMO PLAN 1

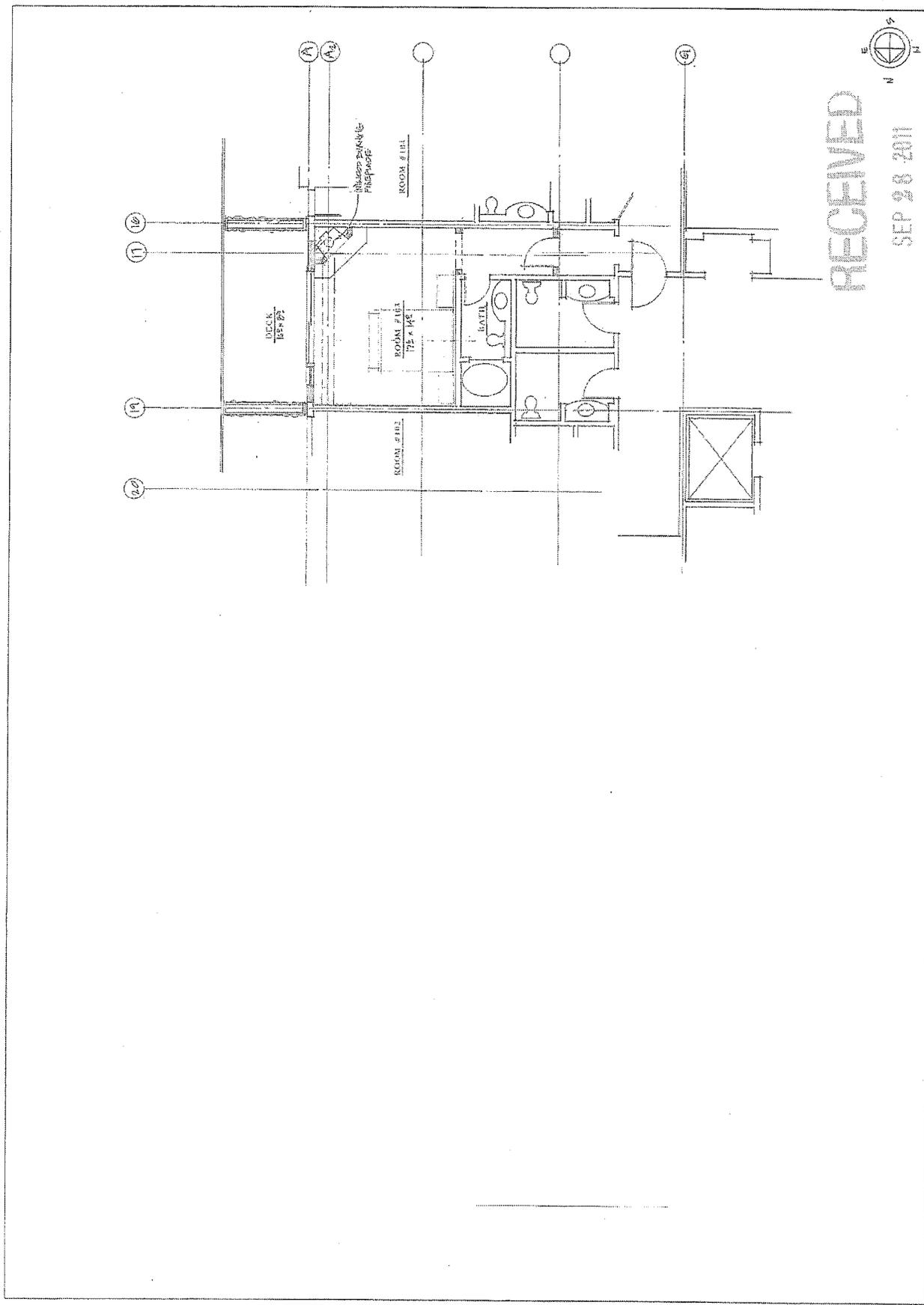
CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT

ARCHITECTURAL DESIGNER
 1177 DEFOURWAY
 SAN FRANCISCO, CA 94109
 TEL: 415.398.1100
 FAX: 415.398.1100
 WWW.BKVA.US

APARTMENT CONVERSION
 AND REMOVAL OF ROOM #103
 IN EL PORTAL
 SACRAMENTO, CALIFORNIA
 APN 065-131-119

PROJECT NO. 065-131-119-001
 SHEET NO. A2.1
 DATE: 09/28/2011
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: AS SHOWN

ROOM #103 PLAN
 A2.1

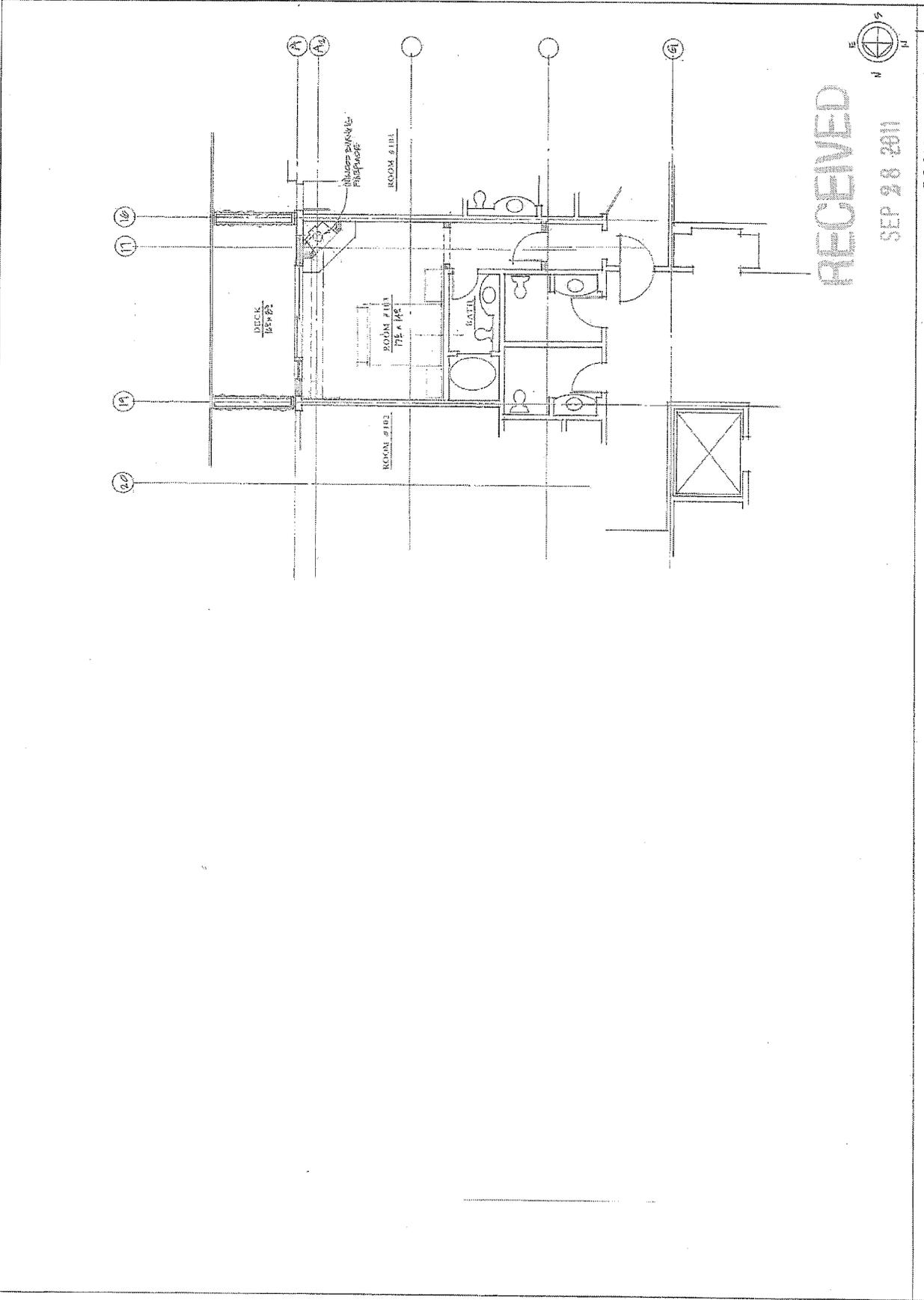


ARCHITECTURAL ASSOCIATES
 ARCHITECTURE & INTERIOR
 1127 PHOENIX AT
 SUITE 100
 SACRAMENTO, CALIFORNIA 95811
 TEL: 916.441.1100
 FAX: 916.441.1100
 WWW.AAASACRAMENTO.COM

APARTMENT CONVERSION
 AND REMODEL OF ROOM #103
 INN ABOVE TIDE
 38 EL PORTAL
 SACRAMENTO, CALIFORNIA
 A/PN 005-12319

DATE: 08/11/2011
 TIME: 11:00 AM
 PROJECT: APARTMENT CONVERSION AND REMODEL OF ROOM #103
 SHEET: A2.1
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 SCALE: AS SHOWN
 ROOM #103 PLAN

A2.1



ROOM #103 PLAN 1
 CITY OF SACRAMENTO
 COMMUNITY DEVELOPMENT

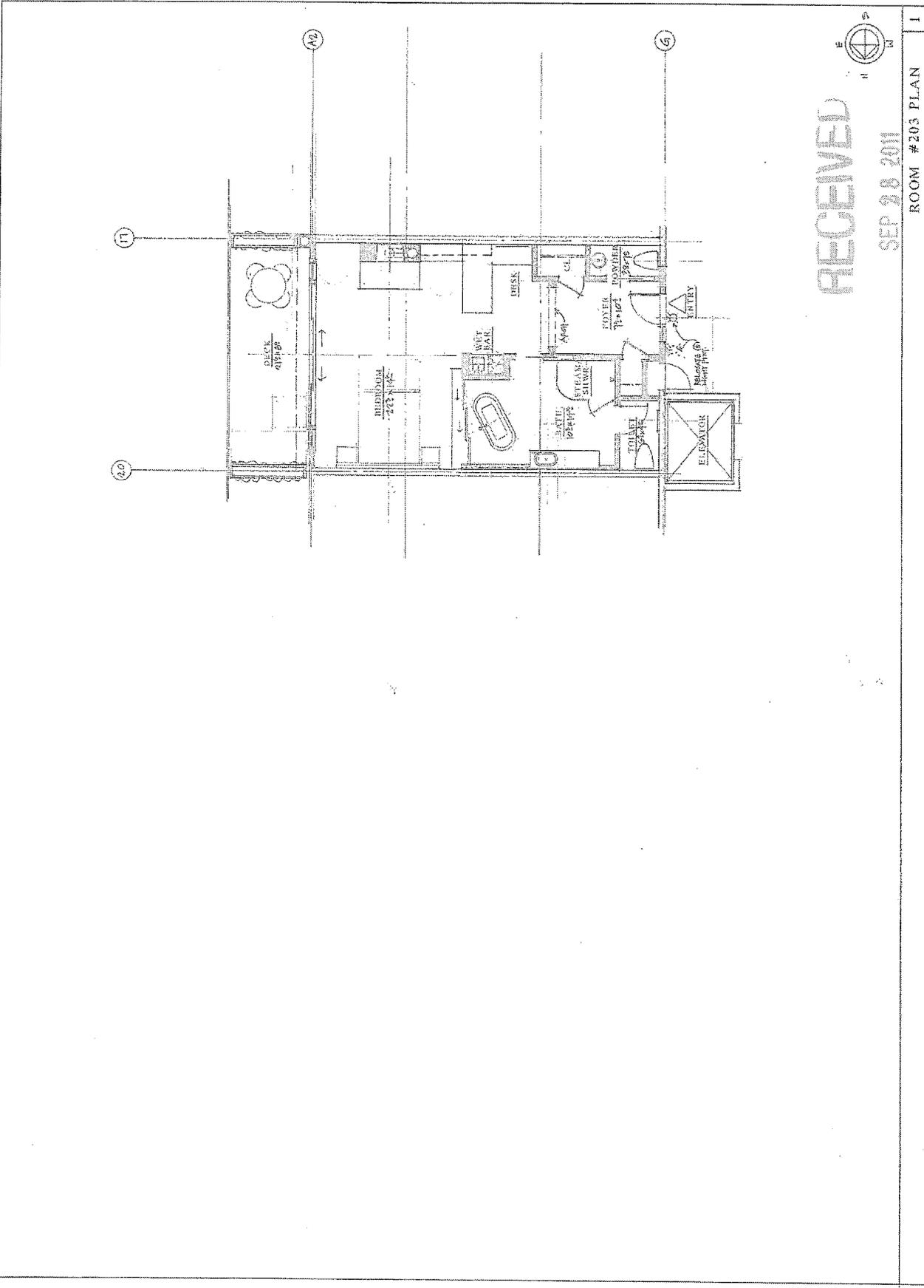
SEP 28 2011

MICHAEL BEE ASSOCIATES
 ARCHITECTURE & DESIGN
 1714 BRIDGEWAY
 SUITE 200
 SAN FRANCISCO, CALIFORNIA 94133
 TEL: 415.774.1111
 WWW.MICHAELBEE.COM

APARTMENT CONVERSION
 AND REMODEL OF ROOM #103
 INN ABOVE TIDE
 36 EL PORTAL
 SAN FRANCISCO, CALIFORNIA
 APR 06-13-19

DATE: 04/22/19
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT NO: 19-0001
 SHEET NO: 103-01
 ROOM #203
 PLAN

A.2.2



RECEIVED

SEP 28 2011

ROOM #203 PLAN

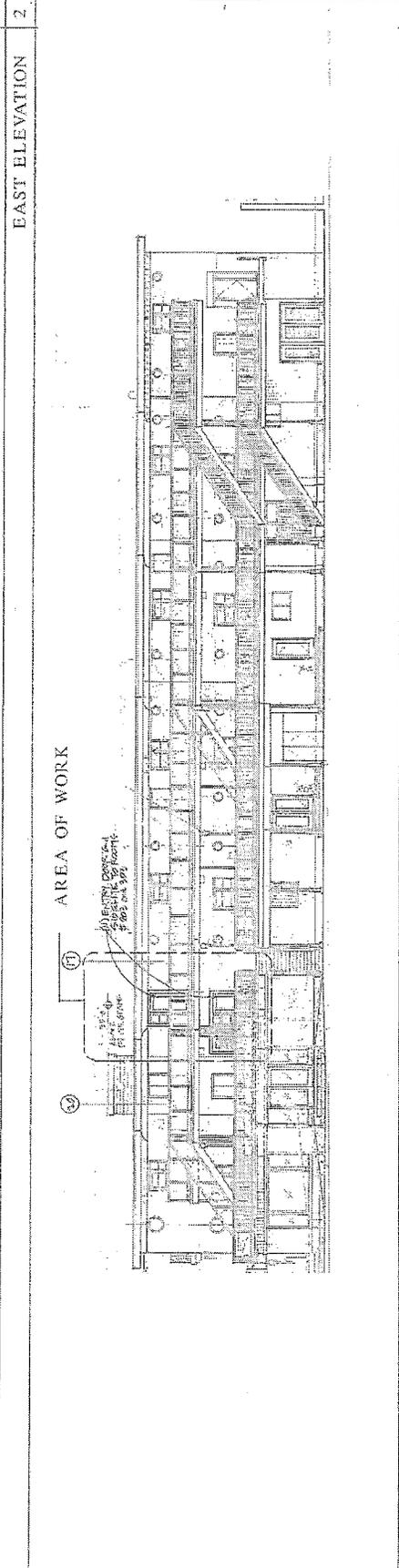
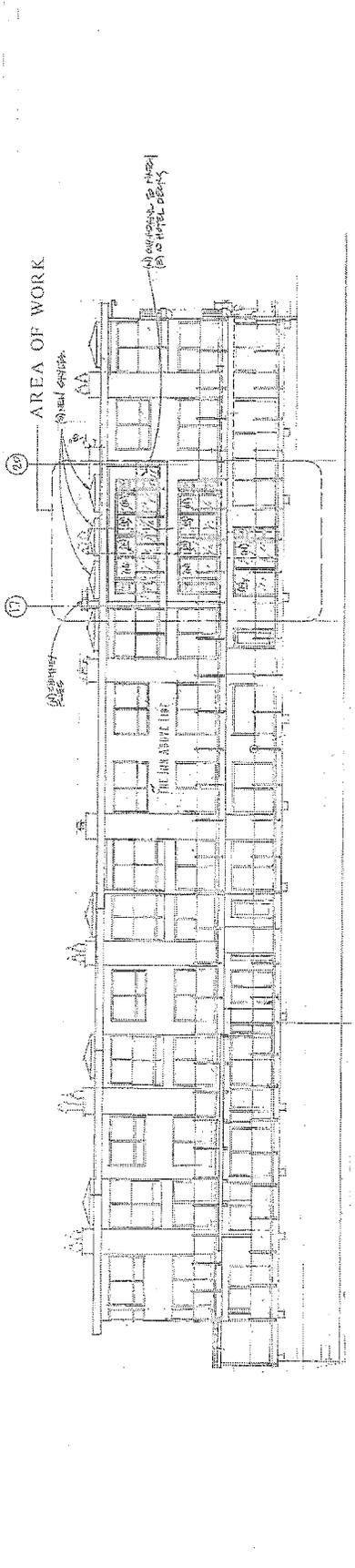
CITY OF SAN FRANCISCO
 COMMUNITY DEVELOPMENT

MICHAEL BAKER ASSOCIATES
 ARCHITECTS, ENGINEERS
 1735 E. BROADWAY
 SUITE 1000
 ANAHEIM, CALIFORNIA 92801
 TEL: 714.771.1100
 FAX: 714.771.1101
 WWW.MBAAS.COM

APARTMENT CONVERSION
 INN ABOVE TIDE
 30 EL PORTAL
 SAUSALITO, CALIFORNIA
 APN 85-13-19

PROJECT NO. 08-1120
 SHEET NO. 08-1120-01
 DATE 08/20/11
 DRAWN BY J. H. H.
 CHECKED BY J. H. H.
 TITLE APARTMENT CONVERSION
 PROJECT INN ABOVE TIDE

WEST AND EAST
 ELEVATIONS
 A3.1



EAST ELEVATION 2

WEST ELEVATION 1

RECEIVED

SEP 20 2011

CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT

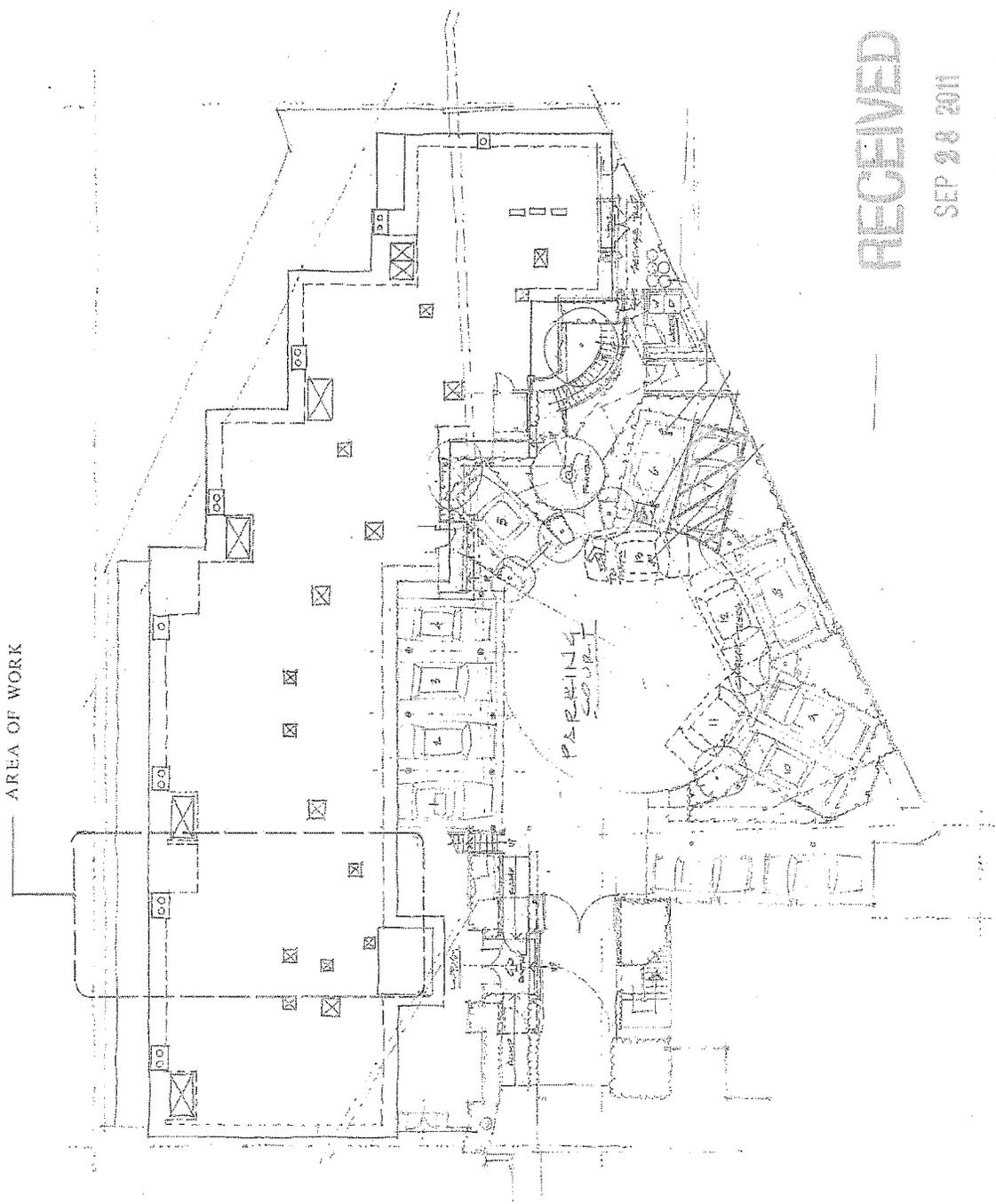
ARCHITECTURAL ASSOCIATES
 1119 BERTHOFF AVE
 OAKLAND, CALIFORNIA 94612
 TEL: 415.331.1100
 FAX: 415.331.1102
 WWW.AAARCHITECTS.COM

APARTMENT CONVERSION
 AND REMOVAL OF ROOM #103
 INN ABOVE TIDE
 38 EL PORTAL
 Sausalito, California
 APR. 885-133-13

DATE: 09/28/2011
 TIME: 11:00 AM
 DRAWN BY: J. S. J. J.
 CHECKED BY: J. S. J. J.
 SCALE: 1/8" = 1'-0"

SITE - ROOF
 PLAN

EC1.0



RECEIVED

SEP 28 2011



CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLAN : 1

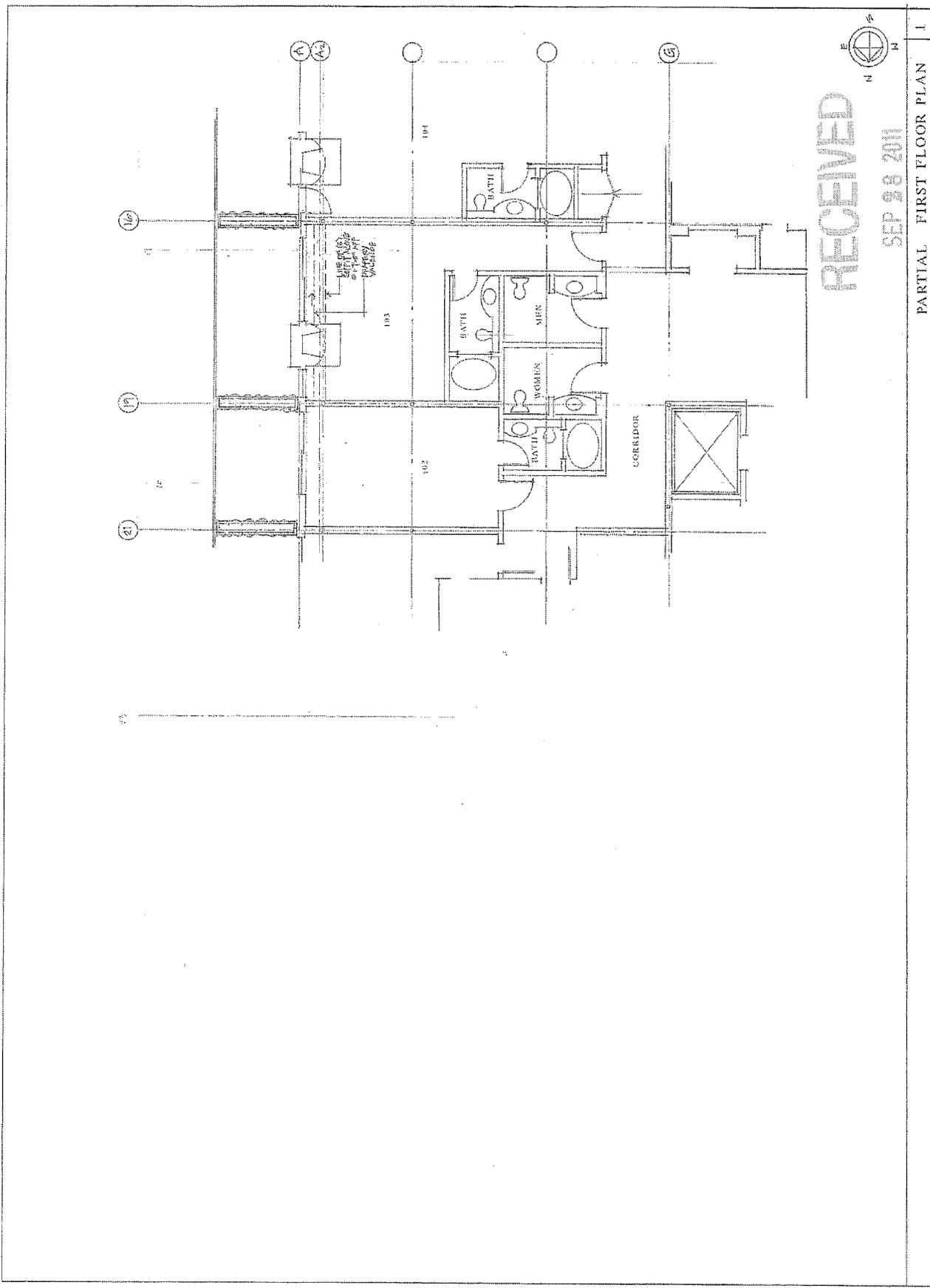
MECHANICAL ASSOCIATES
 ARCHITECTURE DESIGN
 1100 BRIDGEMAN
 SUITE 100
 SAN FRANCISCO, CA 94103
 TEL: 415.774.1100
 FAX: 415.774.1101
 WWW.MECHANICALASSOCIATES.COM

APARTMENT CONVERSION
 AND RENOVATION OF ROOM #101
 30 RIVER STREET
 SAN FRANCISCO, CALIFORNIA
 APR 95-103-19

MECHANICAL ASSOCIATES
 ARCHITECTURE DESIGN
 1100 BRIDGEMAN
 SUITE 100
 SAN FRANCISCO, CA 94103
 TEL: 415.774.1100
 FAX: 415.774.1101
 WWW.MECHANICALASSOCIATES.COM

PARTIAL
 FIRST FLOOR
 PLAN
 ROOMS 102, 103
 & 104

EC2.1



RECEIVED

SEP 28 2011

PARTIAL FIRST FLOOR PLAN I

CITY OF SAN FRANCISCO
 COMMUNITY DEVELOPMENT

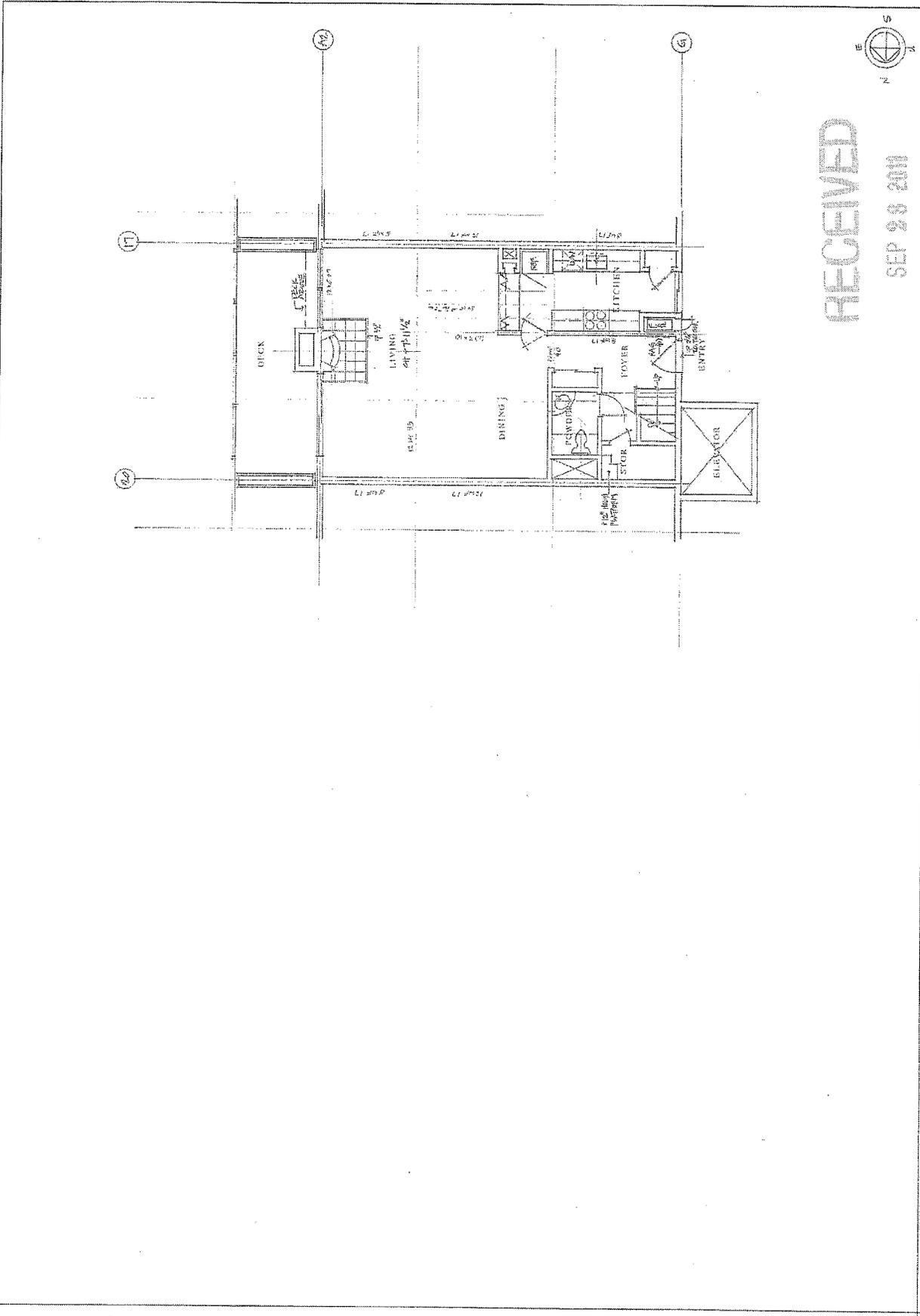
MICHAEL LEE ASSOCIATES
 ARCHITECTURE & DESIGN
 1154 BIRCHWAY
 SUITE 200
 CALIFORNIA 94040
 PH: 415.435.1100
 WWW.MLAASO.COM

APARTMENT CONVERSION
 AND REPAIR OF ROOM #10
 INN ABOVE TIDE
 39 EL PORTAL
 Sausalito, California
 APR 04/12/14

DATE: 04/11/14
 DRAWN BY: J. B. BARNETT
 CHECKED BY: M. LEE
 PROJECT NO.: 14-001
 SHEET NO.: 10
 SCALE: 1/8" = 1'-0"

PARTIAL
 SECOND FLOOR
 PLAN - EXISTING
 APARTMENT

EC2.2



RECEIVED

SEP 20 2011



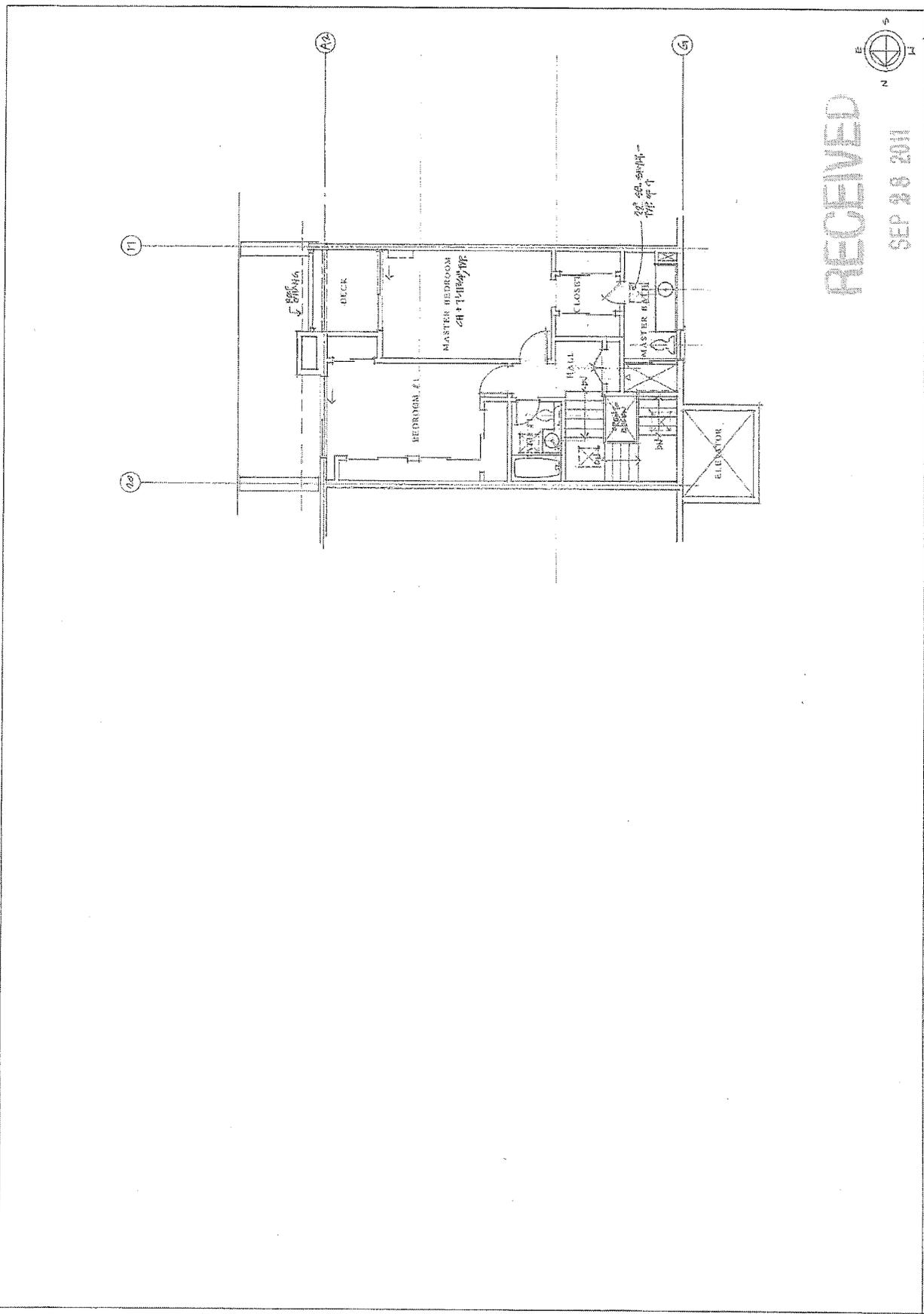
PARTIAL SECOND FLOOR PLAN
 CITY OF Sausalito
 COMMITTEE/COMMISSION

ARCHITECTURE ASSOCIATES
 ARCHITECTURE ASSOCIATES
 1750 BRIDGECREST
 SUITE 100
 DUBLIN, CALIFORNIA 94568
 TEL: 925.835.1100
 FAX: 925.835.1101
 WWW.PEARSONS.COM

APARTMENT CONVERSION
 AND REMODEL OF ROOM 310
 AT EL PORTAL
 INN ABOVE TIDE
 Sausalito, CALIFORNIA
 APR 08-13-10

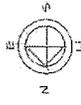
DATE: 08/21/10
 DRAWN BY: R. C. S. / J. M. S.
 CHECKED BY: J. M. S.
 PROJECT NO.: 08-13-10
 SHEET NO.: 08-13-10-01
 SCALE: AS SHOWN
 TITLE: PARTIAL THIRD FLOOR PLAN - EXISTING APARTMENT

EC2.3



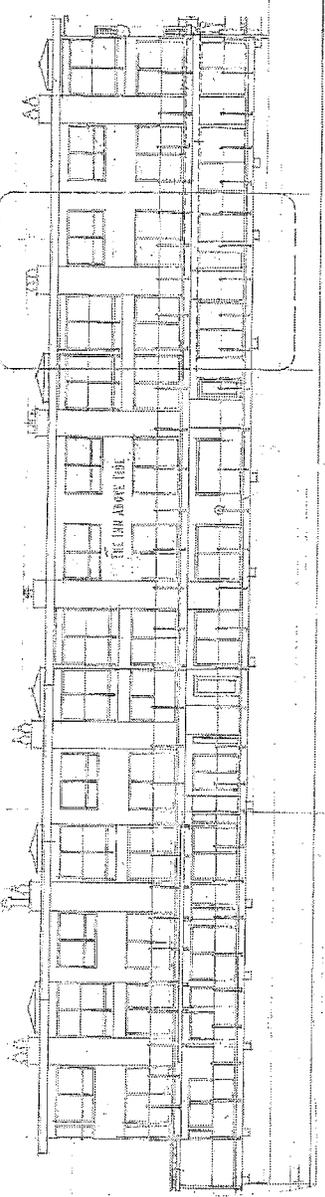
RECEIVED

SEP 28 2011



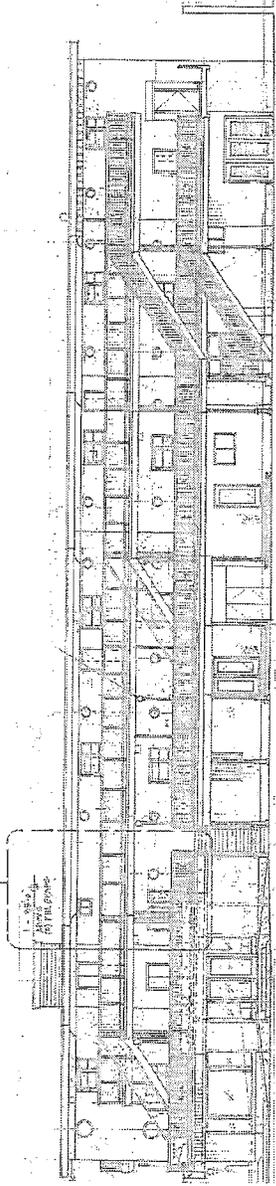
PARTIAL THIRD FLOOR PLAN
 CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT

AREA OF WORK



EAST ELEVATION 2

AREA OF WORK



WEST ELEVATION 1

REGISTERED ARCHITECTS
 ARCHITECTURAL DESIGN
 1715A BRIDGEWAY
 SUITE 210
 SAN FRANCISCO, CALIFORNIA 94103
 TEL: 415.774.1149
 FAX: 415.774.1149
 WWW.AEDGROUP.COM

APARTMENT CONVERSION
 AND REMODEL OF ROOM #18A
 18 EL PORTAL
 SAUSALITO, CALIFORNIA
 APN 065-123-19

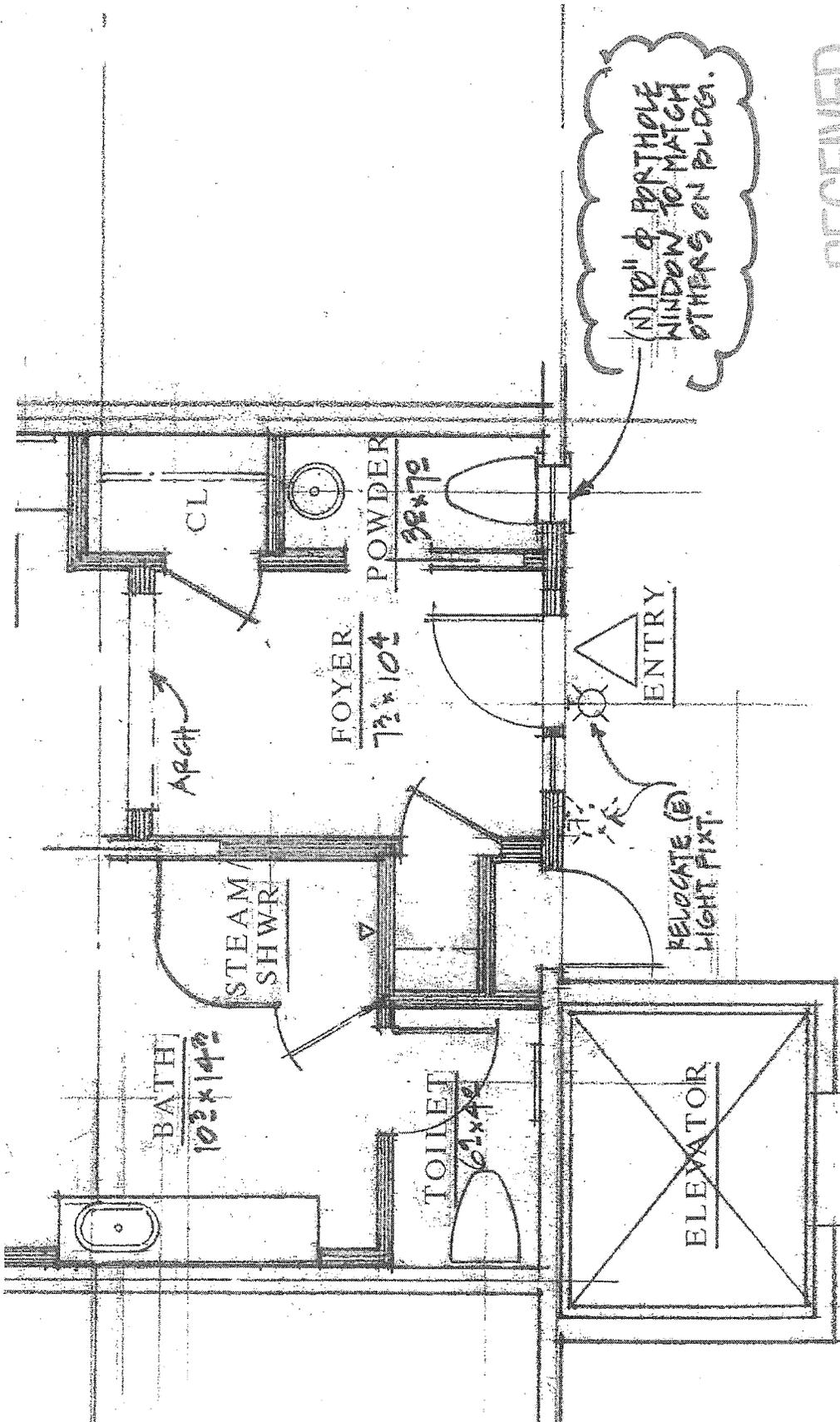
THIS PROJECT IS SUBJECT TO THE
 LOCAL ORDINANCES AND
 REGULATIONS OF THE CITY OF
 SAUSALITO, CALIFORNIA
 PROJECT NO. 2011-001
 DATE: 9/28/11
 SCALE: AS SHOWN
 DRAWN BY: J. L. P.
 CHECKED BY: J. L. P.
 PROJECT: 18A

WEST AND EAST
 ELEVATIONS
 EC3.1

RECEIVED

SEP 28 2011

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT



RECEIVED

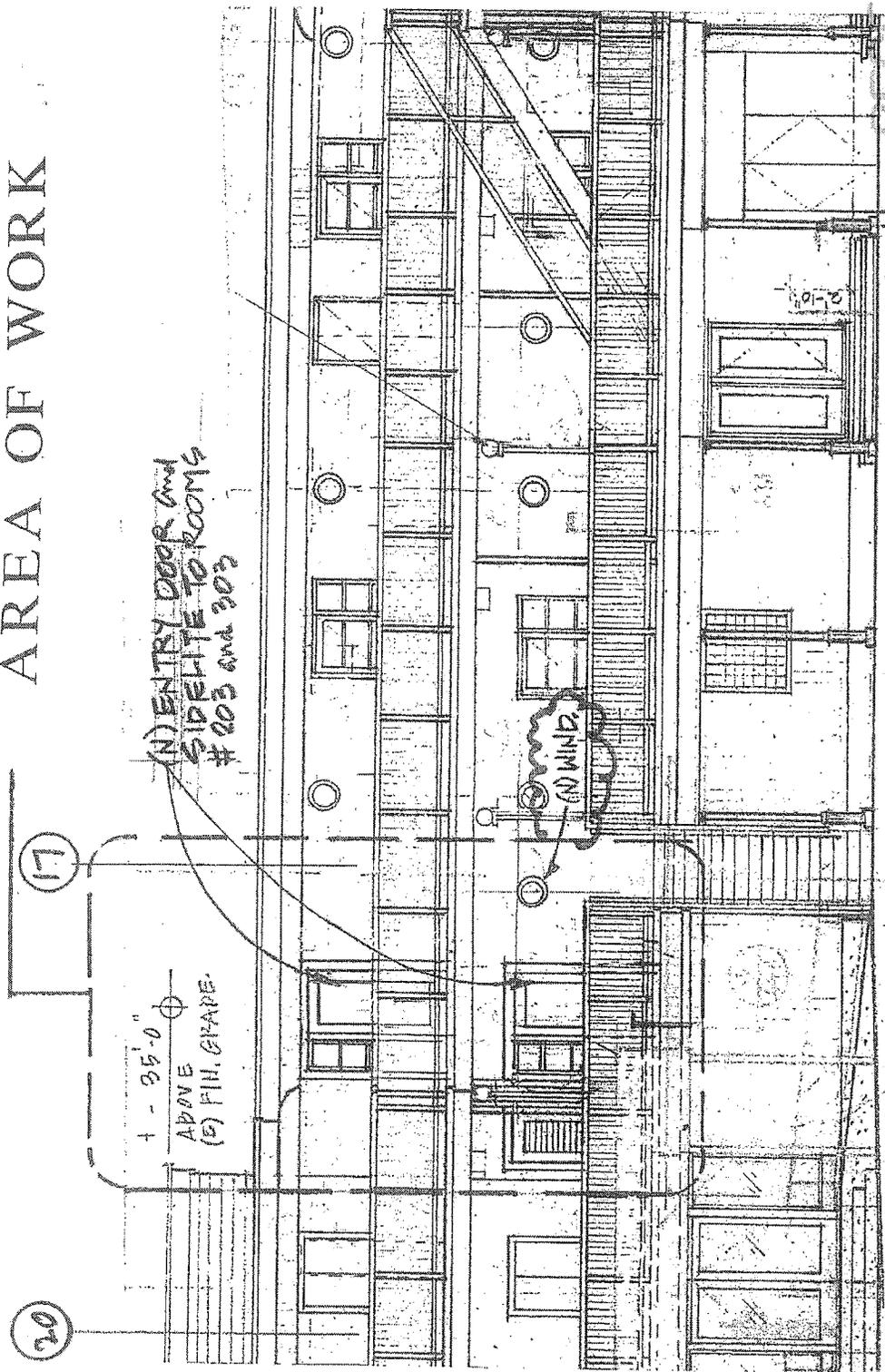
OCT 18 2011

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

DESCRIPTION:	PROJECT: THE INN ABOVE TIDE	
	NO ELEVATOR	
	DATE: 10/19/11	SK 1
	SCALE: 1/4" = 1'-0"	OF 2

MICHAEL REX ASSOCIATES
ARCHITECTURE & DESIGN
1750 BRIDGEWAY
SUITE B 211
SAUSALITO
CALIFORNIA 94965
TEL. 415.331.1400
FAX. 415.331.5463
WWW.EXASOCCOM

AREA OF WORK



RECEIVED

OCT 18 2011

CITY OF SAULITO
PLANNING DEPARTMENT

PROJECT: THE INN ABOVE TIDE 300 EL PORTAL		SK 2 OF 2
DATE: 10/17/11	SCALE: 1/8" = 1'-0"	

DESCRIPTION:
**PARTIAL WEST
ELEVATION**

MICHAEL REX ASSOCIATES
ARCHITECTURE & DESIGN
1750 BRIDGEWAY
SUITE B211
SAULITO
CALIFORNIA 94965
TEL: 415.331.1400
FAX: 415.331.5463
WWW.EXASSOCCOM

BLANK

RECEIVED
SEP 28 2011
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

September 23, 2011

Planning Commission
Historic Landmarks Board
C/o Department of Community Development
City of Sausalito
410 Litho Street
Sausalito, CA 94965

**RE: INN ABOVE TIDE - 30 EL PORTAL - APN 65-133-19
AMEND CONDITIONAL USE PERMIT & DESIGN REVIEW
APPLICATION
TO CONVERT AN EXISTING APARTMENT INTO TWO HOTEL
ROOMS**

THE INN ABOVE TIDE

Dear Members of the Planning Commission and Historic Landmarks Board,

As the representative of McDevitt Enterprises LP, owner of The Inn Above Tide hotel at 30 El Portal, I request approval to amend Conditional Use Permit #CUP 95-52 / Resolution 1995-20 and Design Review / Resolution 2003-47 in order to convert an existing two-bedroom apartment occupying portions of the 2nd & 3rd floors into two hotel rooms, #'s 203 & 303, as shown on plans prepared by Michael Rex Associates dated September 23, 2011. Existing hotel room #103 will also be remodeled as part of this Project.

The proposed CUP amendment has two components, as follows:

- 1) Expanding the hotel use by two rooms. CUP 95-52 allowed for 30 hotel rooms, but Design Review / Resolution 2003-47 reduced the hotel use to its current 29 rooms. We're now requesting 31 rooms.
- 2) Converting the existing upper-level residential use to a commercial use, in accordance with Section 10.44.190 C. of Sausalito's Zoning Ordinance, which requires a Minor Use Permit for such conversions in the Central Commercial Zoning District.

This Project also requires Design Review as follows:

Section 10.54.050 B. 11. of Sausalito's Zoning Ordinance requires a Design Review Permit application to be heard by a joint meeting of the Planning Commission and Historic Landmarks Board for remodeling any structure located within the City's designated Historic District.

Approval Background:

The apartment we wish to convert to hotel use dates to when the building was constructed as an apartment house in 1961. Much of the building was later converted to office use.

Exhibit E
(4 pages)

Beginning in 1992, a number of CUPs have been issued for the hotel, summarized as follows:

CUP 92-118 converts a portion of an existing office building with one retail shop into a 24 room hotel with a restaurant

- 24 hotel rooms
- 2 apartments
- 1 restaurant in place of the retail shop

CUP 93-42 creates reception area.

- 24 hotel rooms with an ancillary reception area
- 2 apartments
- 1 retail shop (restaurant not built)

CUP 93- 87 / Resolution 1993-21 converts remaining office use into 4 hotel rooms and a manager's office.

- 28 hotel rooms with an ancillary reception area and a manager's office
- 2 apartments
- 1 retail shop
- 37 parking spaces: 13 on site and 24 off-site

CUP 94-166 / Resolution 1995-04 modifies on-site parking requiring valet service.

- 28 hotel rooms with an ancillary reception area and a manager's office.
- 2 apartments
- 1 retail shop
- 40 parking spaces: Valet service for 13 on-site (3 of which are tandem) and 27 off-site (Based on 1 parking space per hotel room plus 1 parking space per employee)

CUP 95-52 / Resolution 1995-20 converts retail use into 2 hotel rooms.

- 30 hotel rooms
- 2 apartments
- 41 parking spaces: Valet service for 13 on-site and 28 off-site

In the Resolution of Approval for CUP 95-52, Section 1, Item #3. titled, "Conformance with Zoning" prohibited future expansion of the hotel through renting parking spaces in City lots. Item #3 states:

"The Planning Commission determines that with the conversion of use from office and retail, approved under Ordinance 958, to hotel, honoring the agreements under Ordinance 958, conversions of use in the future will no longer be regulated by the provisions of Ordinance No.958 and will be regulated by the applicable parking provisions in the Commercial Zoning District."

The existing use of the property is currently based on a Design Review approval granted in 2003, as follows:

Design Review / Resolution 2003-47 converts 2 hotel rooms (311 & 312) into one suite.

- 29 hotel rooms
- 2 apartments
- 40 parking spaces: Valet service for 13 on-site and 27 off-site

No Intensification in Use:

While converting one of the two remaining apartments into two hotel rooms will change the Inn Above Tide from a 29 room to a 31 room hotel, the conversion will not result in an intensification of use. This is because the parking demand will remain the same. Sausalito's parking requirement for a two-bedroom residential unit is 2 spaces. The parking requirement for hotels is 1 parking space per guest room. So, two hotel rooms will require 2 parking spaces, which are already assigned to the apartment.

Proposed Project:

Floor Area: The existing stairway inside the apartment that connects the two living levels will be removed and the stairwell closed up, resulting in creating some new floor area on the third floor. However, the existing deck on the third floor will be expanded by removing some interior floor area, creating a near balance in what is removed and what is added. The Floor Area numbers are as follows:

Existing Apartment:	Second Floor Level	739 sq.ft.	
	<u>Third Floor Level</u>	<u>621 sq. ft.</u>	
	Total:	1,360 sq.ft.	
New Hotel Rooms:	Room 203	744.5 sq.ft.	(+5.5 sq.ft.)
	<u>Room 303</u>	<u>624.5</u>	<u>(+3.5 sq.ft.)</u>
	Total:	1,369 sq. ft.	(+9 sq.ft.)

Total Floor Area for the entire building is as follows:

Existing Floor Area:	17,775 sq.ft.
<u>Proposed new Floor Area:</u>	<u>9 sq.ft.</u>
Total Existing and New Floor Area:	17,784 sq.ft.

Design: The proposed exterior modifications to the Hotel shown on Sheet A3.1 and described below, are minor in scope and will not change the overall appearance or character of the structure or the site.

- West Elevation facing the Parking Court - Remove one sliding window, relocate one existing wood entry door and add one new wood entry door and two new sidelights. The new front door for Room 303 will be a black painted solid panel door to match the existing entry door at Room 203. The new sidelights adjacent to the entry doors into the two new hotel rooms will match the existing entry door sidelights on this same exterior wall. Add one exterior light fixture at the entry to Room 303 that matches the existing ones at other hotel room entrances.
- East Elevation facing the Bay - Remove the two existing fireplaces and flues on all three levels in the Project area and provide three new fireplaces and flues on the south wall of the three Project hotel rooms; expand the size of the deck and replace the existing glass guardrail with a new and longer glass guardrail at Room 303; provide new windows and sliding doors that will be similar to other existing window and door units on this east facing building wall; remove four 22" square skylights at Room 303 and add one new 22" skylight in the Toilet Room and three new 4'x 6' skylights over the deck.

Conclusion:

Because the conversion of one apartment into two hotel rooms will not intensify the use of the property . .

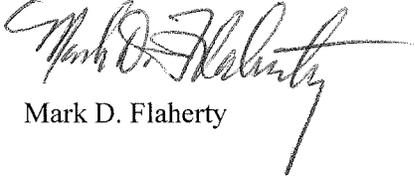
because so little floor area will be added . . .

because the appearance and character of the building will not change in any significant way . . .

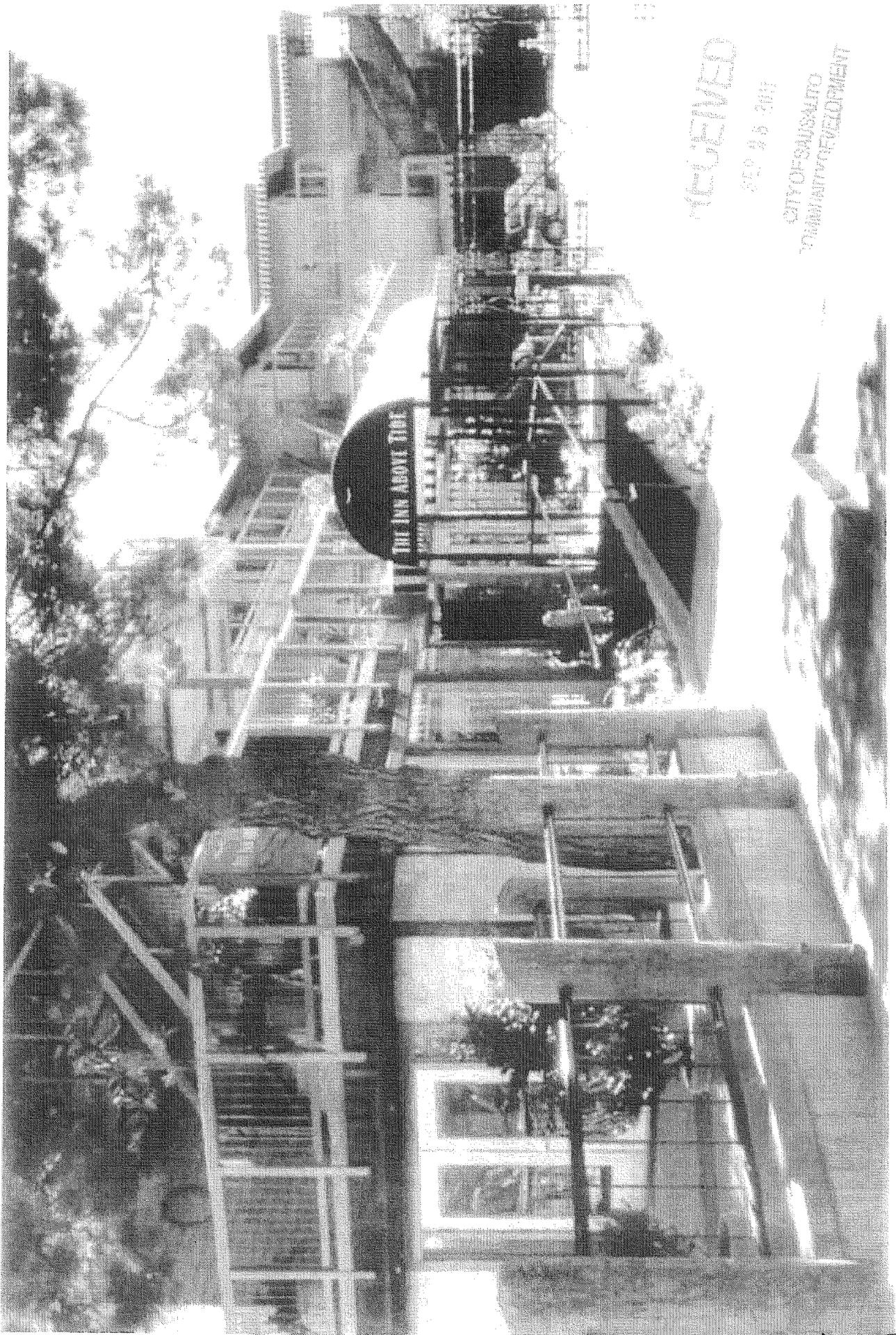
and lastly, because of the broad benefits additional hotel rooms offer the City, the public and local businesses . . .

I request the Planning Commission's and Historic Landmark Board's support in approving this CUP amendment and Design Review application.

Sincerely,

A handwritten signature in cursive script that reads "Mark D. Flaherty". The signature is written in black ink and is positioned to the right of the typed name.

Mark D. Flaherty



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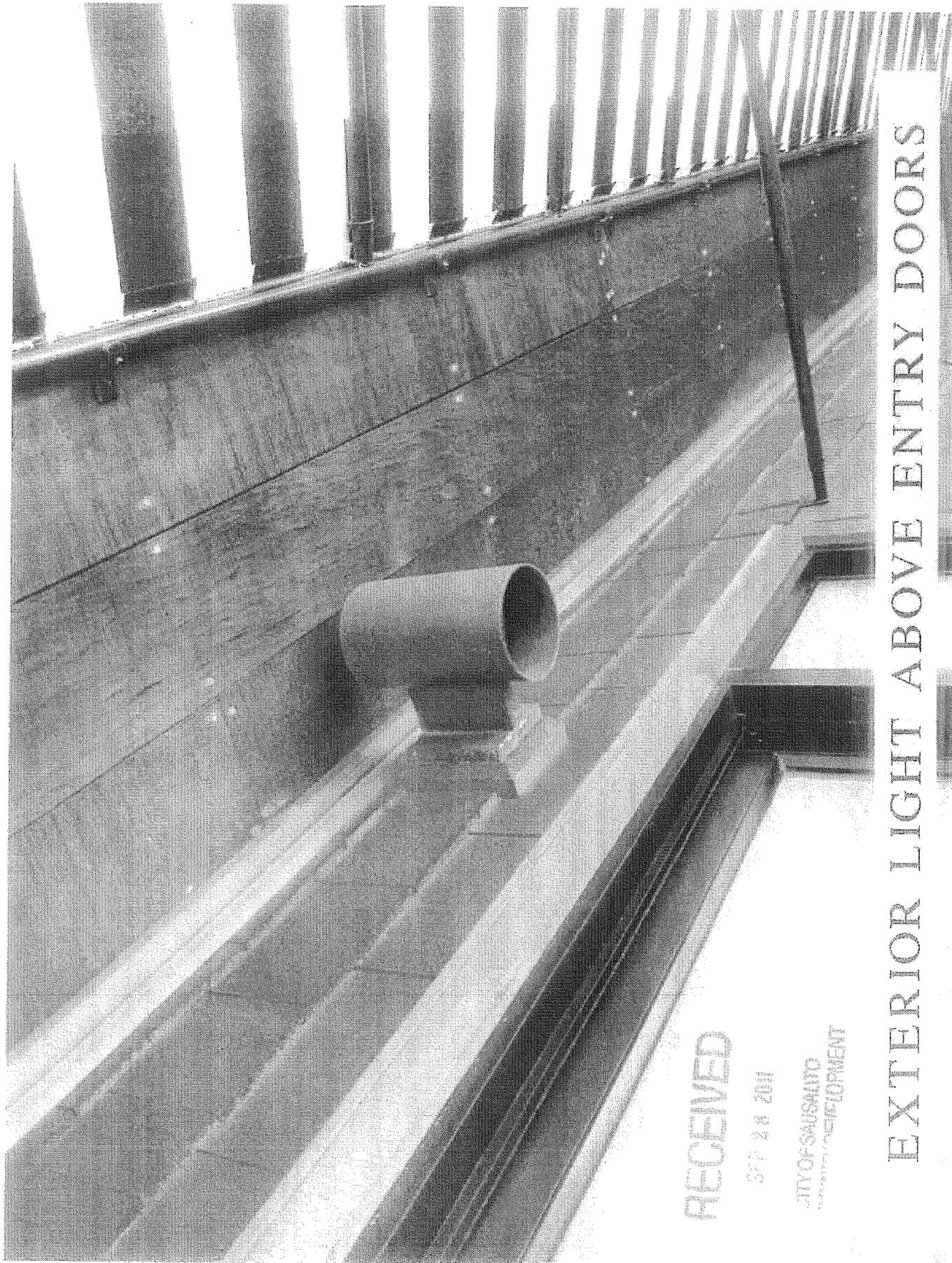
SEP 25 2017

CITY OF SUSALITO
COMMUNITY DEVELOPMENT

VIEW INTO COURTYARD FROM EL PORTAL



WEST ELEVATION
AREA OF PROPOSED WORK



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SEP 28 2011

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

EXTERIOR LIGHT ABOVE ENTRY DOORS



(E) ROOF

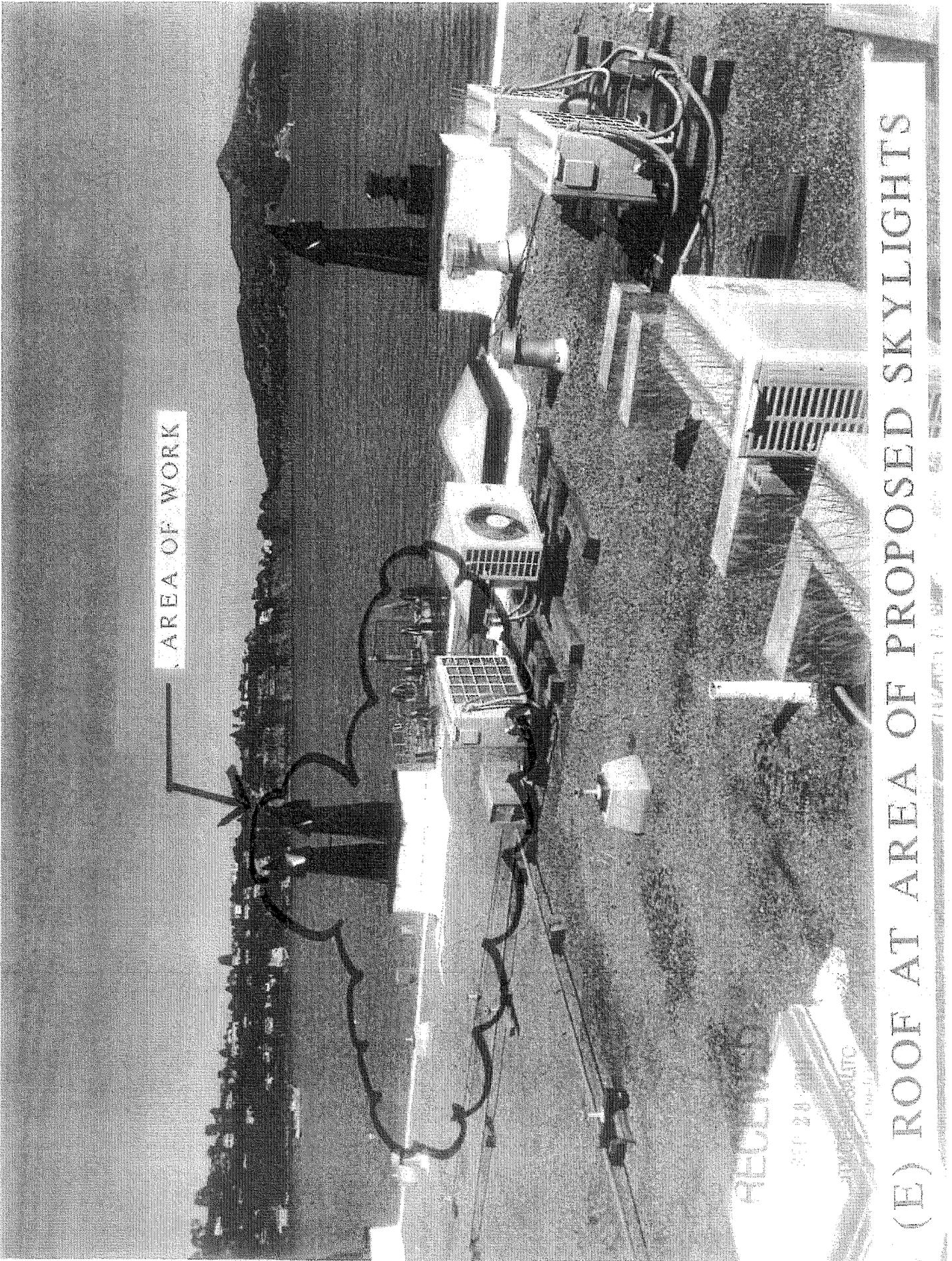
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AUG 14 2007

RECEIVED
PHOTOGRAPHY

AREA OF WORK

(E) EAST ELEVATION



AREA OF WORK

(E) ROOF AT AREA OF PROPOSED SKYLIGHTS