

**RESOLUTION NO. 2005 – 25**

**RESOLUTION OF THE SAUSALITO PLANNING COMMISSION  
APPROVING CONDITIONAL USE PERMIT NO. UP 05-019 TO AMEND AN EXISTING  
CONDITIONAL USE PERMIT FOR CAFÉ TRIESTE AT 1000 BRIDGEWAY  
(APN 065-037-06)**

---

**WHEREAS, an application has been filed by the applicant, Ron Spector, on behalf of Café Trieste, requesting Planning Commission approval of an amendment to an existing Conditional Use Permit for additional outdoor dining, installation of three new awnings on the building façade, add exterior heating units under the awnings, and place ten new planter boxes to serve as a barrier between the outdoor tables and public sidewalk at 1000 Bridgeway, (APN 065-037-06); and**

**WHEREAS, the Planning Commission conducted duly noticed public meetings on June 22, 2005 in the manner prescribed by local ordinance, at which time all interested persons were given an opportunity to be heard; and**

**WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the requirements of CEQA pursuant to Section 15301(a); and**

**WHEREAS, the Planning Commission has reviewed and considered the project plans titled "1000 Bridgeway/Café Trieste" dated June 10, 2005; and**

**WHEREAS, the Planning Commission has received and considered oral and written testimony on the subject application and obtained evidence from site visits; and**

**WHEREAS, the Planning Commission has reviewed and considered the information contained in the June 22, 2005 staff reports for the proposed project; and**

**WHEREAS the Planning Commission has reviewed the requirements of the General Plan and Zoning Code as outlined in the staff report; and**

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

- 1. The Conditional Use Permit is approved as outlined in the attached findings (Attachment A).**
- 2. The Conditional Use Permit is approved for project plans titled "1000 Bridgeway/Café Trieste" stamped received by the City of Sausalito on June 10, 2005 (Attachment B), subject to the attached conditions of approval (Attachment C).**

**RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 22nd day of June 2005, by the following vote:**

**AYES:** Commissioner: Bossio, Keller, Leone, Peterson  
**NOES:** Commissioner:  
**ABSENT:** Commissioner: Kellman

---

**SECRETARY TO THE PLANNING COMMISSION**

**PLANNING COMMISSION HEARING**

**June 22, 2005**

**APPLICATION NO. UP 05-019**

**1000 BRIDGEWAY**

**ATTACHMENT B: FINDINGS**

**1. CONDITIONAL USE PERMIT FINDINGS**

Pursuant to the Sausalito Municipal Code Section 10.60 (Conditional Use Permit Findings), it has been found that the permit requested may be issued 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 Section 10.60 (Conditional Uses), or any other applicable section of this Title 10.

*Eating and drinking establishments are a conditional use within the C-W zone to ensure that commercial aspects such as the potential noise, odor or traffic generated by a proposed use do not negatively impact adjacent residents. Café Trieste is an existing successful business and the City has not received complaints, or letters in response to this public notice, that would suggest that the use is incompatible with its surroundings.*

- 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 expanded outdoor dining would comply with all applicable zoning regulations. Similarly, it would be consistent with the General Plan as the site is categorized in the Commercial Waterfront (C-W) planning area. The use is consistent with surrounding land uses that serve nearby residents and commercial waterfront activity. Additionally, the proposed use expansion is supported by Ordinance No. 1101 (adopted October 18, 1994) which provides for the issuance of sidewalk dining encroachment permits in response to the public's strong desire for outdoor dining.*

- 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, with specific conditions, would comply with all applicable health regulations and would 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 proposed outdoor eating and dining expansion complies with each of the standards of the Zoning Ordinance.*

- 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 outdoor eating and dining expansion is for an existing use. The café serves adjacent residential uses, commercial uses, and waterfront development. There have not been complaints regarding the use at the subject location.*

- 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 and loading, landscaping, and such features as may be required by this Title or the Commission.

*The proposed use expands an existing eating and drinking establishment on the outside of the cafe. The applicant is proposing to provide planter boxes to separate the outdoor eating and drinking from the public passing along the public sidewalk on Bridgeway and Ensign. Outdoor dining is an existing use at this site and is compatible with surrounding land uses. The proposed awnings will match the existing awnings, though not include the business name and logo, and will extend further on the building along the tenant space in which the Café is located on both Bridgeway and Ensign.*

- 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.

*This tenant space has a current Conditional Use Permit that allows an eating and drinking establishment with outdoor dining for 22 persons. The applicant is requesting to amend the Conditional Use Permit for the expansion of the use. From staff's passing observation the use appears to be frequented by those who live and work in the area. This expansion is not expected to generate additional traffic that would impact existing streets as many patrons of this café live and/or work nearby, and walk to this location. There is sufficient space on the site and on the public sidewalk to have outdoor dining at this location which will be separated by planters to serve as barriers between the dining activity and pedestrians.*

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

*The proposed outdoor eating and drinking expansion to an existing establishment is conditioned to permit the outdoor eating and drinking directly in front of the subject site along Bridgeway and Ensign and shall not encroach in front of or adjacent to other businesses.*

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

*The proposal for additional outdoor seating for dining and drinking will, with conditions, comply with the purposes of Chapter 10.44 and be conditioned to obtain an encroachment permit and an encroachment agreement.*

**PLANNING COMMISSION HEARING**  
**JUNE 22, 2005**  
**APPLICATION NO. UP 05-019**  
**1000 Bridgeway**

**ATTACHMENT C: CONDITIONS OF APPROVAL**

1. Approval of this Application is limited to the project plans titled "1000 Bridgeway/Café Trieste" stamped received by the City of Sausalito on June 10, 2005.
2. This Conditional Use Permit is for Café Trieste outdoor eating and drinking use and shall not exceed 40 seats of outdoor dining partially on private property and partially within the public right-of-way.
3. Prior to placement of additional tables and chairs for outdoor dining, the applicant shall submit to the Community Development Department, a State Alcoholic Beverage Control (ABC) license for the expanded alcoholic beverage drinking use outside of the café premises. The planter box configuration is subject to ABC approval and shall be maintained as such and in an appropriate manner.
4. The table on Bridgeway nearest the corner and the one in front of the bike racks should be moved in order to maintain sight distance and pedestrian accessibility at the corner.
5. Bike racks shall not be blocked.
6. The proposed outdoor eating and drinking expansion shall be located directly in front of the subject site along Bridgeway and Ensign and shall not encroach in front of or adjacent to other businesses.
7. The construction plans for installation of the awnings shall be subject to the review and approval of the Community Development Department prior to issuance of a building permit.
8. An Encroachment Permit for construction and an Encroachment Agreement for features in the public right-of-way shall be obtained from the Public Works Division.
9. Awnings shall have an 8' vertical clearance.
10. The canvas awnings shall be installed prior to the placement of the additional outdoor seating.
11. The canvas awnings shall be replaced in kind (Sunbrella canvas material 'Spruce Green' color) when the material has faded or weathered.
12. The applicant shall consult with the Public Works Director to select an appropriate tree species and size prior to planting a tree in the public right-of-way along Ensign in the existing tree well that has been covered.

13. The audible noise level shall not exceed 65 decibels (as measured from the interior of this tenant space) between 7am to 10pm on Mondays thru Thursdays and to midnight on Fridays, Saturdays, and Sundays. Live music shall end at 10pm nightly on Mondays thru Thursdays, and midnight on Fridays, Saturdays, and Sundays. If complaints are received that the Director of Community Development require that noise reading be conducted to ensure that the noise source does not exceed “audible” levels and measured with a sound level meter using the A weighting and slow response pursuant to Section 12.16.030 of the Municipal Code. This noise reading shall be paid for by the applicant.
14. Debris, litter or food matter shall be removed from the sidewalk, streets or surrounding property at least once each day during operating hours and at the time tables and chairs are removed from the sidewalk.
15. All tables and chairs shall be removed from the sidewalk whenever the café is closed or when the café is not serving patrons on the sidewalk.
16. This approval of the application will expire in five (5) years from the date of adoption of this resolution if the property owner has not exercised the entitlements hereby granted. A one (1) year extension may be granted by the Community Development Director if a request is submitted prior to the five (5) year expiration date.
17. Construction hours shall comply with City of Sausalito Ordinance 1143.
18. Construction materials, equipment, vehicles, and debris boxes shall be placed to minimize obstruction of roads and gutters, shall be maintained in a clean and safe condition, and shall not be maintained in a manner that becomes a nuisance to the neighborhood.
19. Dumping of residues from washing of painting tools or any other noxious materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited pursuant to Sausalito Municipal Code (SMC) Chapter 11.17. 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 SMC Section 11.17.060.B.
20. No exterior security lighting may be installed on the subject site unless otherwise reviewed and approved by the Community Development Department and found to be consistent with Chapter 10.45 of the Municipal Code.
21. As a condition of this approval, no alternative or unrelated construction, site improvements, tree removal and/or alteration, exterior alterations and/or renovations shall be performed on the project site prior to commencement of construction of the proposed project. In such cases, this approval shall be rendered null and void unless approved by the Community Development Department as a modification to this approval.

22. Community Development Staff shall review compliance with all conditions of approval annually and, if any conditions of approval are not being met, shall schedule a public hearing to consider revocation of the permit.
23. The Community Development Director is authorized to administratively approve minor modifications to the approved plans. Any other modification to the approved project will necessitate supplemental review and approval by the Planning Commission.
24. The applicant shall acknowledge that its use of the sidewalk under this Permit is subordinate to the public's right to use the sidewalk for passage and travel. Permit shall be revocable from time to time by order of the City to allow for a public event or other public use of the sidewalk subject to the Permit or if the use of the sidewalk for dining purposes conflicts any public use of the sidewalk. The applicant shall also acknowledge that the use of the sidewalk is subject to temporary suspension any time the City or any utility company or easement holder requires access to the sidewalk or any utility under the sidewalk, or requires use of the sidewalk in conjunction with any construction project.
25. In the event of any breach of this Resolution or of Chapter 10.45 of the Municipal Code, City shall notify the applicant and owner, as well as the public pursuant to section 10.45.040, and the Planning Commission shall conduct a revocation hearing. Appeals of the Planning Commission decision on revocation may be made pursuant to the process required in this Title for other appeals of Planning Commission decisions to the City Council.