

SAUSALITO PLANNING COMMISSION RESOLUTION NO. 2021-07

**APPROVAL OF CHANGES TO AN APPROVED DESIGN REVIEW PERMIT
AT 2 CRECIENTA DRIVE (APN 064-252-11)**

DR Mod 2021-00039 (Modification of DR 16-314)

WHEREAS, an application has been filed by applicant, Shanan Burk, on behalf of property owner Familia de Frijoles, LLC, requesting Planning Commission approval of Changes to an Approved Design Review Permit (DR 16-314) for the following items: (1) Rear Façade Window Alteration: Modification of the rear (south) façade with four sliding windows whereas from original of two sets of three casement windows (per administrative nod 2019-00059 which modified DR 16-314); and (2) New Retaining Wall: Construction of a new six foot high rear yard wood retaining wall not included in DR 16-314 at 2 Crecienta Avenue (APN 064-252-11); and

WHEREAS, the project site is located within the General Plan Medium Low Density Residential use designation, and the Single-Family Residential (R-1-8) Zoning District; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearings on March 17, 2021, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has reviewed and considered the project plans titled March 17, 2021 and considered the information contained in the staff reports as well as any and all oral and written testimony on the proposed project; and

WHEREAS, the Planning Commission finds that the proposed rear façade window alteration and new retaining wall, as conditioned herein, is consistent with the General Plan and complies with the requirements of the Zoning Ordinance, as described in the staff report of March 17, 2021; and

WHEREAS, approval of the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(a), Additions to Existing Structures, and Section 15301, Existing Structures.

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

1. The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 5303(e) New Construction or Conversion of Small Structures and Section 15301, Existing Structures.
2. Approval of Changes to an Approved Design Review Permit (DR 16-314) at 2 Crecienta Drive for the following items:
 - (a) **Rear Façade Window Alteration:** Modification of the rear (south) façade with four sliding windows whereas from original of two sets of three casement windows (per administrative NOD 2019-00059 which modified DR 16-314); and

- (b) **New Retaining Wall:** Construction of a new six foot high rear yard wood retaining wall not included in DR 16-314.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 17th day of March, 2021, by the following vote:

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

Lilly Whalen

Lilly Whalen

Secretary to the Planning Commission

Attachments

- 1 Findings
- 2 Conditions of Approval
- 3 Approved Plans: "Permit Set 2 Crecienta (Changes to Approved Project)"

**SAUSALITO PLANNING COMMISSION NO. 2020-07
MARCH 17, 2021
2 CRECIENTA DRIVE
DR MOD 2021-00039 (Modification of DR 16-314)**

**ATTACHMENT 1
FINDINGS FOR APPROVAL OF MODIFICATIONS TO A DESIGN REVIEW
PERMIT**

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 all applicable policies, standards, and regulations of the General Plan and Zoning Ordinance as described in the analysis provided above.

2. The 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 proposed changes to the approved Design Review Permit are limited to changes to the rear façade and a new retaining wall along the rear. Together, these changes do not result in a significant expansion of the use or affect the approved bulk on the property. The project would maintain the project's consistency with the diversity of housing styles in the neighborhood. The new rear yard retaining wall is wood similar to other terraced retaining walls that were approved with the original project design. The construction of a new six foot high retaining wall would be consistent with the requirements of the zoning code. The substitution of windows along the rear façade does not change the design character of the neighborhood.

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

The changes being requested to the rear façade windows and new retaining wall does not affect the approved bulk on the property. Therefore, the proposed project is consistent with the general scale of structures and buildings in 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 proposed changes to the rear windows wall and new retaining wall do not adversely impact the views of surrounding neighbors or the public as there is no change being requested affecting the approved bulk on the property. The property is an "upslope" parcel abutting the Interstate Highway 101 to the west (rear), and there are no neighboring residential properties to the west on the uphill slope. Therefore, the structures on site and new rear yard retaining walls have no impact on view from structures on neighboring properties. The natural

topography of the site and the design of the project to follow the steep sloping terrain will not impact public or primary views.

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

The proposed changes to the rear windows and updates to the window color and materials do not adversely impact the views of surrounding neighbors or the public as there is no change being requested affecting the approved bulk on the property. The proposed new retaining wall in the rear yard does not result in changes to the building profile. The residence is not located near or above 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.

The originally-approved project included landscaping to be located throughout the site. The proposed project would install the approved landscaping, consisting of a mixture of trees, shrubs, perennials, grasses, and vines that would be planted between the retaining walls located on site and a variety of shrubs and trees at varying heights to be planted between the driveway and west property line, prior to final occupancy being granted. The project, does not involve the removal of any protected trees.

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

The new rear yard retaining wall is adequately set back from property lines as required per the Zoning Ordinance. The changes to the project continues to provide sufficient light and air to the only surrounding property at 20 Crecienta 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 project does not propose any changes to exterior lighting, mechanical equipment, or chimneys beyond what was previously approved. However, the project currently under construction on site is subject to the City's standard condition that all exterior lights be shielded and directed downward and not create excessive glare.

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 proposed changes to the approved Design Review Permit do not result in a significant expansion of the use or affect the approved bulk on the property. The proposed project is limited to changes to the rear façade and a new retaining wall along the rear yard.

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

The modification of the two rear windows located on the façade of the south elevation would meet egress requirements per the California Building Code. The proposed project does not affect or change the layout of the originally approved project.

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 changes to the structure and retaining walls do not affect any protected trees and will conform to and preserve the natural features of 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.

13. The project has been designed to ensure on-site structures do not crowd or overwhelm structures on neighboring properties. Design techniques to achieve this may include, but are not limited to:

stepping upper levels back from the first level, incorporating facade articulations and divisions (such as building wall offsets), and using varying rooflines.

The proposed changes to the approved Design Review Permit do not result in a significant expansion of the use or affect the approved bulk on the property. The proposed changes to the rear windows, and new retaining wall does not affect neighboring properties because the property is an "upslope" parcel abutting the Interstate Highway 101 to the west (rear), and there are no neighboring residential properties to the west on the uphill slope. Therefore, the structures on site and new rear yard retaining walls have no impact on view from structures on neighboring properties. The natural topography of the site and the design of the project to follow the steep sloping terrain will not impact public or primary views.

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ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project plans entitled "Permit Set 2 Crecienta (Changes to an Approved Project)" date-stamped received April 13, 2017 and to the project plan sheet entitled "2-Crecienta_LS3-Final New Retaining Wall" date-stamped received November 12, 2019.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION CONDITIONS OF APPROVAL:

General Items:

1. All conditions of approval in DR16-314, NOD 2018-00290, and NOD 2019-00059 shall apply and remain intact.
2. All landscaping as approved within the immediate vicinity of the rear yard retaining wall shall be executed prior to final occupancy, at the satisfaction of Community Development staff.
3. Prior to Building Permit final, the Applicant shall schedule a site inspection with Planning Staff to verify successful completion of all project components, including site landscaping. Final occupancy shall not be granted until Planning Staff have signed off on the final inspection.
4. All landscaping and irrigation shall be installed and inspected prior to final occupancy. The landscape architect for the project shall certify in writing and submit to the Planning Division, and call for inspection, that the landscaping has been installed in accordance with all aspects of the approved landscape plans, that the irrigation has been installed and been tested for timing and function, and all plants including street trees are healthy. Any dying or dead landscaping shall be replaced.
5. The Applicant/Property Owners 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.

Advisory Notes

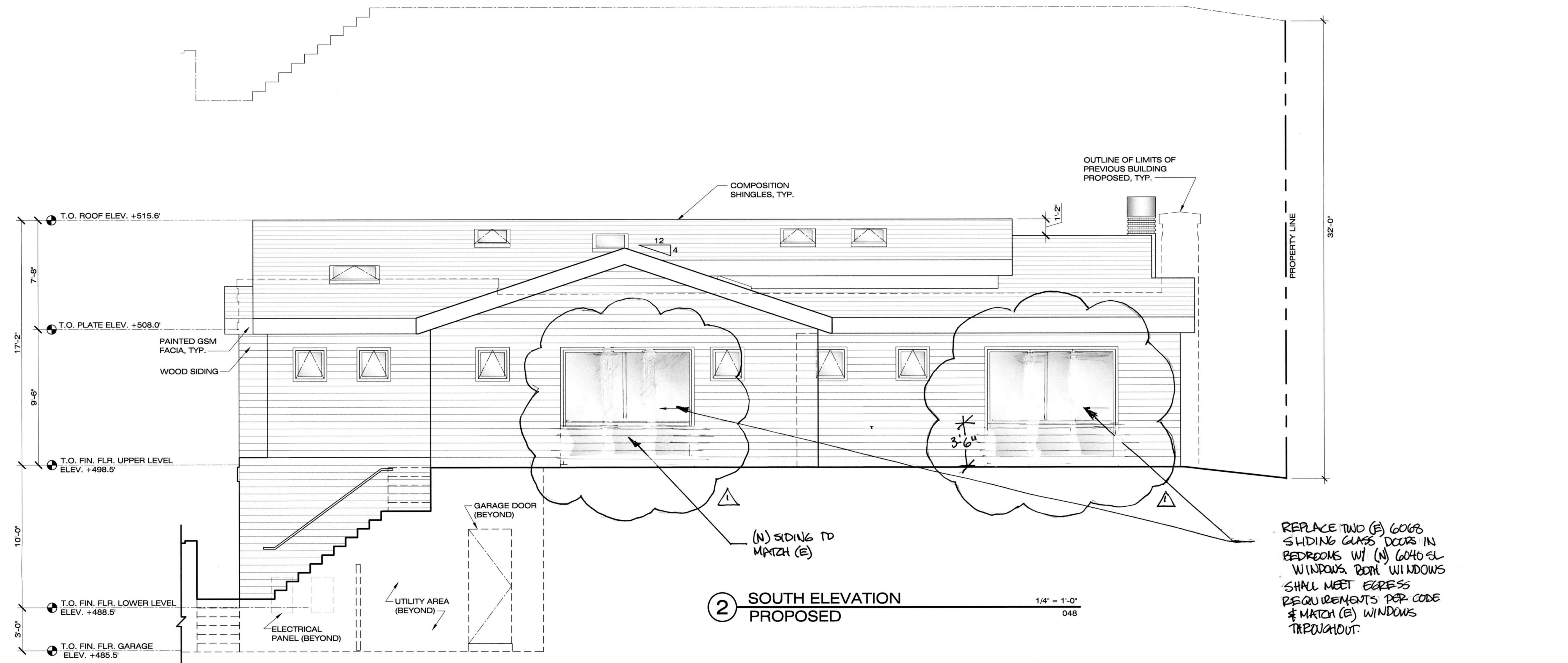
Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

1. Pursuant to Municipal Code Section 10.54.100, construction activities under taken 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. 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.
2. Contact Building Division staff for information about the building permit process and for building permit requirements prior to submitting for a building permit. Construction Impact Fees shall be paid in accordance with the Construction Impact Fee Ordinance. The fee is due prior to issuance of Building Permit. All applicable City fees as established by City Council resolutions and ordinances shall be paid. Third party review fees (cost plus 9%) shall be paid.
3. 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.
4. Permits required by other agencies having jurisdiction within the construction area must be obtained in accordance with the respective agency's regulations.
5. An approval granted by the Engineering Division of the Department of Public Works 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.
6. Construction Impact Fees shall be paid in accordance with the Construction Impact Fee Ordinance. The fee is due prior to issuance of Building Permit.
7. All applicable City fees as established by City Council resolutions and ordinances shall be paid.
8. Encroachment permit, grading permit, third party review fees (cost plus 10%) fees shall be paid.
9. Municipal Code Section 12.16.140, provides hours for 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.
10. 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. If undergrounding is required, the applicant shall work with affected utility companies to provide plans to the City for undergrounding of the utility services. Project plans shall be designed to avoid additional overhead lines, poles and/or transformers (i.e., potential view impacts) thereon to comply with Sausalito Municipal Code Section 18.08 Underground Electrical Wiring and Facilities. If additional overhead lines, poles and/or transformers are required, visual simulation(s) of the equipment from various viewpoints shall be provided, and may be subject to modifications to the Design Review Permit.
11. Pursuant to Municipal Code Section 10.54.100, construction activities under taken 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.

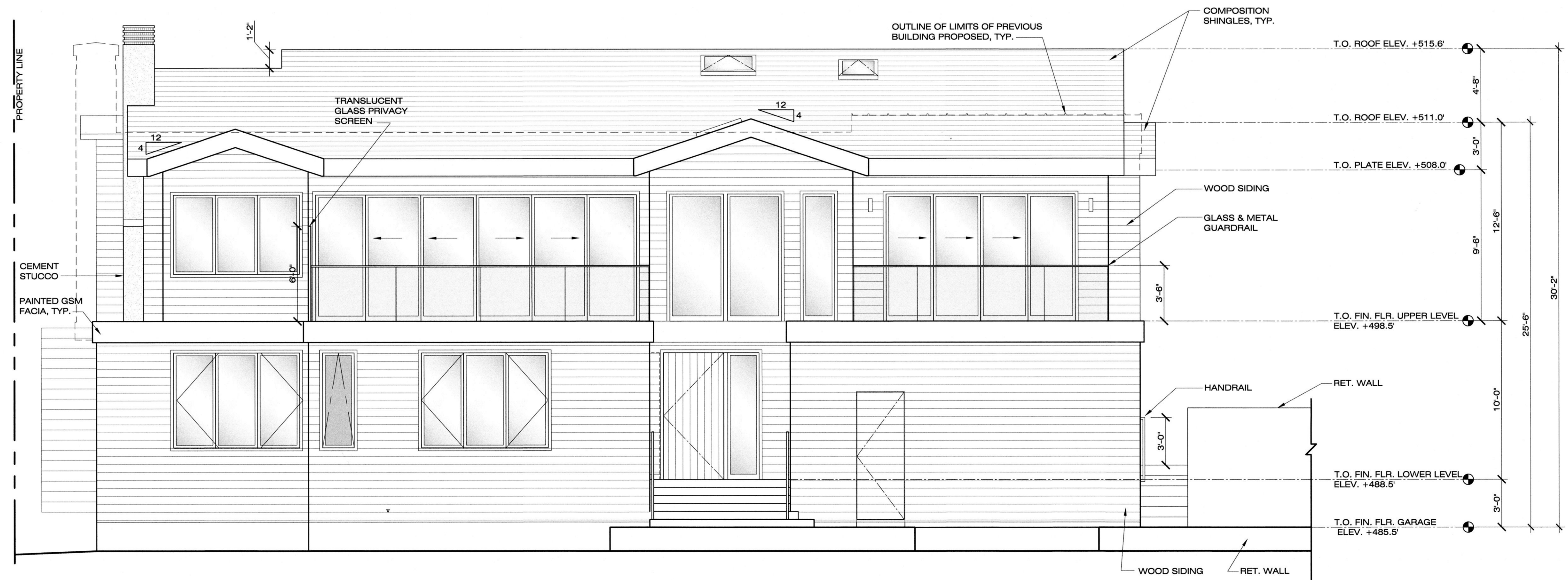
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ATTACHMENT 3: PROJECT PLANS

no.	date/name
1	8 FEB 2021 KEJ RAMIREZ



2 SOUTH ELEVATION
PROPOSED



1 NORTH ELEVATION
PROPOSED

