SAUSALITO PLANNING COMMISSION RESOLUTION NO. 2022-09

APPROVAL OF A DESIGN REVIEW PERMIT WITH HEIGHTENED DESIGN REVIEW TO MODIFY A NEW, DETACHED TWO-CAR GARAGE LOCATED AT 209 WEST STREET (APN 065-231-18) DR 2021-00241

WHEREAS, an application has been filed by Alejandra Gutzeit, on behalf of property owners Debra and John Burton, is requesting a modification to the previously approved Design Review Permit to demolish an existing 1,570 square-foot duplex and detached 2-car carport and to construct a 1,785 square-foot duplex and detached 2-car garage at 209 West Street to modify the design and size of the detached 2-car garage located at 209 West Street (APNs: 065-231-18) (the "Project"); and

WHEREAS, the Project site is located within the Medium High Density land use designation of the General Plan and Two-Family Residential (R-2-2.5) zoning district; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on April 6, 2022, at which time all interested persons were given an opportunity to be heard and the project was continued to April 20, 2022; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on April 20, 2022, 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 "209 West Street", date-stamped August 18, 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 Project, as conditioned herein, is consistent with the General Plan and complies with the requirements of the Zoning Code as described in the staff report dated April 6, 2022; and

WHEREAS, the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15303(a) (New Construction or Conversion of Small Structures) of the CEQA Guidelines as it is the expansion of one, detached, two-car garage; and

WHEREAS, the Planning Commission finds that, as conditioned herein, the Project is consistent with the General Plan and complies with the requirements of the Zoning Code and Subdivision Regulations.

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

1. The Project is categorically exempt from CEQA pursuant to Section 15303(a) (New Construction or Conversion of Small Structures) of the CEQA Guidelines.

2. The Design Review Permit for the Project is approved based upon the attached findings (Attachment 1), subject to the attached conditions of approval (Attachment 2), and as shown in the Project plans titled "209 West Street", date-stamped August 18, 2021 (Attachment 3).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 20th day of April, 2022, by the following vote:

AYES:

Commissioner:

NOES:

Commissioner:

ABSENT:

Commissioner:

ABSTAIN:

Commissioner:

Dan Hortert

Secretary to the Planning Commission

Exhibits

- 1 Sausalito Municipal Code Findings
- 2 Conditions of Approval
- 3 Project Plans, date stamped August 18, 2021.

SAUSALITO PLANNING COMMISSION NO. 2022-09 APRIL 20, 2022 209 WEST STREET DR 2021-00241

EXHIBIT A FINDINGS FOR APPROVAL OF A DESIGN REVIEW PERMIT

1. 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.

Comment: The proposed Project is consistent with relevant policies of the general plan and would maintain the density of the parcel and neighborhood. The Project would be consistent with the general scale of nearby structures and surrounding parcels. No specific plans or design guidelines apply to this site.

2. The proposed architecture and site design complements the surrounding neighborhood and/or district by either: 1) Maintaining the prevailing design character of the neighborhood and/or district or 2) Introducing a distinctive and creative solution which takes advantage of the unique characteristics of the site and contributes to the design diversity of Sausalito.

Comment: The proposed architecture and site design of the modified detached four-car garage would continue to complement the area, as the design would maintain the Victorian-style features and materials of the originally proposed Project. The proposed Project introduces a distinctive and creative solution which takes advantage of the unique characteristics of the site by incorporating the garage addition into the upward sloping lot, partially below grade. This proposal incorporates the hilly sloping landscape of Sausalito into its building design and allows for two additional on-site parking spaces for the previously approved two-unit duplex.

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

Comment: The proposed Project site is narrower and smaller than most adjacent properties; however, the Project is consistent with the general scale of its surroundings in terms of height and bulk. The modified detached garage would reduce the total height of the previously approved design and create four, on-site parking spaces. The Project would be consistent with its designation as Medium-High Density Residential.

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

Comment: With the primary view of Richardson Bay, the proposed Project has been reduced in height and would not obstruct the primary view from neighboring private property.

- 5. The proposed Project will not result in a prominent building profile (silhouette) above a ridgeline.
 - Comment: This finding is not applicable to the proposed Project (the subject parcel is not located along a ridgeline); further, the height of the Project would follow the downward slope of the site.
- 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.
 - Comment: There would not be any modification to the originally approved residential Project and the proposed garage and roof deck would continue to incorporate Victorian-style architecture and materials, and incorporate roof deck landscape planters.
- 7. The design and location of buildings provide adequate light and air for the Project site, adjacent properties, and the general public.
 - Comment: The previously approved Project exceeds the minimum side yard setbacks by one foot, increasing the light and air for the Project site, adjacent properties, and the general public and would not be modified.
- 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.
 - Comment: The Project lighting would not be modified from what was previously approved by the Planning Commission and includes shielded dimmable LED exterior wall sconces and downward-directed dimmable LED pathway lighting, four-inch dimmable LED can light fixtures for the entryway and parking area.
- 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.
 - Comment: The Project proposes greater side yard setbacks than originally approved; the proposed setbacks would be four feet on each side, where three are required.
- 10. Proposed entrances, exits, internal circulation, and parking spaces are configured to provide an appropriate level of traffic safety and ease of movement.
 - Comment: The Project proposes two, on-site standard parking spaces and two tandem parking spaces that have adequate sight lines for safe ingress and egress. The Project has been reviewed by Public Works with no additional conditions.
- 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.
 - Comment: No protected trees or significant natural features are found on site; however, the proposed design minimizes site degradation by only excavating necessary footings and foundations (i.e. extension of retaining wall).

12. The Project site is consistent with the guidelines for heightened review for Projects which exceed 80 percent of the maximum allowed floor area ratio and/or site coverage, as specified in subsection E of this section (Heightened Review Findings).

Comment: The Project would result in a FAR of 0.57 where 0.65 FAR is allowed, which would exceed 80 percent of the maximum allowed FAR. Therefore heightened review applies to this Project.

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 façade articulations and divisions (such as building wall off-set), and using varying rooflines.

Comment: The proposed Project exceeds the minimum required yard setbacks by one foot and would, therefore, create a more open environment for adjacent structures.

2. HEIGHTENED DESIGN REVIEW FINDINGS

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

1. Proposed development of the site maximizes preservation of protected trees.

As stated in the Design Review Permit findings, no protected trees or significant natural features are found on the site. The site is currently under construction with the previously approved duplex and detached, two-car garage.

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

The Project site is 30 feet wide by 120 feet deep, containing 3,600 square feet, significantly smaller and narrower than the minimum R-2 lot size, which limits siting and design approaches for the residence. Although the site measures 30 feet wide, the side yard setbacks exceed the minimum requirement by one foot. The Project would comply with development standards for the district.

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

Discussed in the Design Review Permit findings above, the primary views for neighboring structures are oriented to the east, towards Richardson Bay, which is across the street from the Project site and contains a substantial downward slope. Therefore, due to topography and steep downward slopes to the west of the Project site, views from neighboring properties towards the west would not be obstructed nor affected. Similarly, views from adjacent sites to the south and north would not be affected. No views from public vantage points that would be impacted.

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

The Project would improve an existing driveway and increase on-site parking from two vehicles to four vehicles. The Project has been reviewed by Public Works, where no additional conditions have been added to the Project.

5. The slope and topography of the site allow for limited excavation and minimal alteration to the site topography outside the footprint of structures.

The Project site is currently under construction with the previously proposed duplex and detached, two-car garage, therefore, grading and topography has been addressed.

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

The Project does not propose an intensification of use, therefore, per Section 10.40.110.A.5 of the SMC, parking requirements do not apply to the Project. However, the Project would increase on-site parking from two standard parking spaces to two standard and two tandem parking spaces. On street parking is available on either side of the existing driveway and would remain.

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

The Project does not include any modification to previously approved landscaping on site.

SAUSALITO RESOLUTION NO. 2022-09 APRIL 20, 2022 209 WEST STREET DR 2021-00241

EXHIBIT B: CONDITIONS OF APPROVAL

These conditions apply to the Project plans prepared by entitled "209 West Street" and datestamped August 18, 2022.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION CONDITIONS OF APPROVAL:

General Items:

- 1. It shall be the applicant's/property owner's responsibility to diligently proceed to carry out the Conditions of Approval and implement any approved permit/entitlement. This shall include establishing the approved use within the time limits set forth by the applicable chapter(reference SMC 10.50.120).
- 2. As part of the Building Permit application, all final Conditions of Approval shall be restated on the construction drawings and applicant shall thoroughly and accurately document in writing compliance with each Condition of Approval at the time of Building Permit application and any other subsequent submittals.
- 3. The Project shall be designed as shown in the set of plans dated stamped August 18, 2022.
- 4. Exterior lighting shall be shielded and downward facing.
- 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.
- 7. 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.

- 8. Pursuant to Sausalito Municipal Code Section 10.50.120 (Implementation of Permits), it shall be the applicant's responsibility to diligently proceed to carry out the Conditions of Approval and implement any approved permit. This shall include establishing the approved use/implementing the permit within the time limits set forth by the applicable chapter.
- 9. The Design Review Permit shall expire two years following the effective date of the permit if the Project entitlement has not been implemented, provided no extension has been filed prior to the expiration date. The Project entitlement pursuant to the Design Review Permit is determined to be implemented if the applicable Conditions of Approval prerequisite to construction have been satisfied and any required construction permits have been issued.
- 10. Any mechanical equipment installed in connection with this Project shall be subject to Sausalito Municipal Code section 12.16.130 (Machinery, equipment, fans, and air conditioning).
- 11. At the time of building permit application, the applicant shall file a reasonable estimate of the value of the Project, and based thereon, a construction time limit shall be established for the Project in accordance with the criteria set forth in SMC Section 10.54.100. The following conditions apply:
 - a) The applicant shall submit information reasonably requested by the Community Development Director to support the estimated value of the Project such documentation may include without limitation an executed construction contract.
 - b) The time for completion of the construction shall also be indicated on the construction permit.
 - c) For Projects exceeding \$500,000 in Project valuation, a detailed GANTT chart (or other graphic display acceptable to the Community Development Director) depicting the sequence of steps necessary for completion of the Project, including detailed information on the critical path of the Project, duration of critical tasks, and predicted inspection dates, shall be submitted prior to the issuance of any construction permit.
 - d) Once approved, the property owner shall provide the City with written quarterly job progress reports consistent with the approved chart.
- 12. PLANNING COMMISSION RESOLUTION NO. 2018-02 Conditions of Approval, approved January 17, 2018 shall continue to apply to the modified Project DR 2021-00241.

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.

- 13. 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.
- 14. Construction Impact Fees shall be paid in accordance with the Construction Impact Fee Ordinance. The fee is due prior to issuance of Building Permit.
- 15. All applicable City fees as established by City Council resolutions and ordinances shall be paid.

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- 16. Encroachment permit, grading permit, third party review fees (cost plus 10%) fees shall be paid.
- 17. Grading/drainage permit(s), if necessary shall, be obtained from the Department Public Works for earthwork of 50 cubic yards or more.
- 18. 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 Building Permits, unless the requirement is waived pursuant to Section 8.54.050.
- 19. 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.
- 20. Pursuant to Sausalito 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.

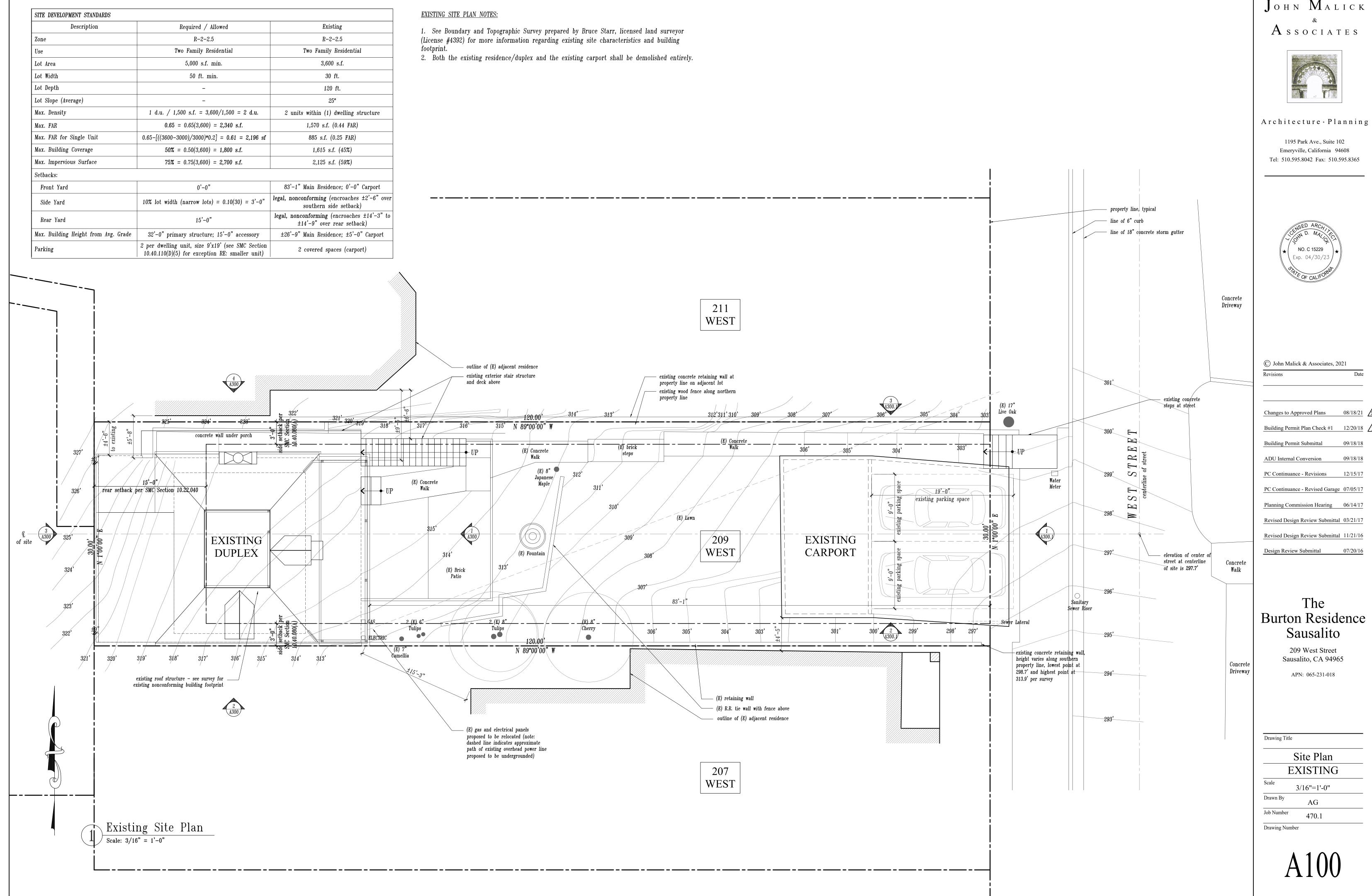
Saturdays - Between 9:00 a.m. and 5:00 p.m.

Sundays – Prohibited City holidays (not including Sundays) – Prohibited.

Homeowners currently residing on the property and other legal residents may operate the equipment themselves on Sundays and City holidays between 9:00 a.m. and 6:00 p.m.

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EXHIBIT C: PROJECT PLANS

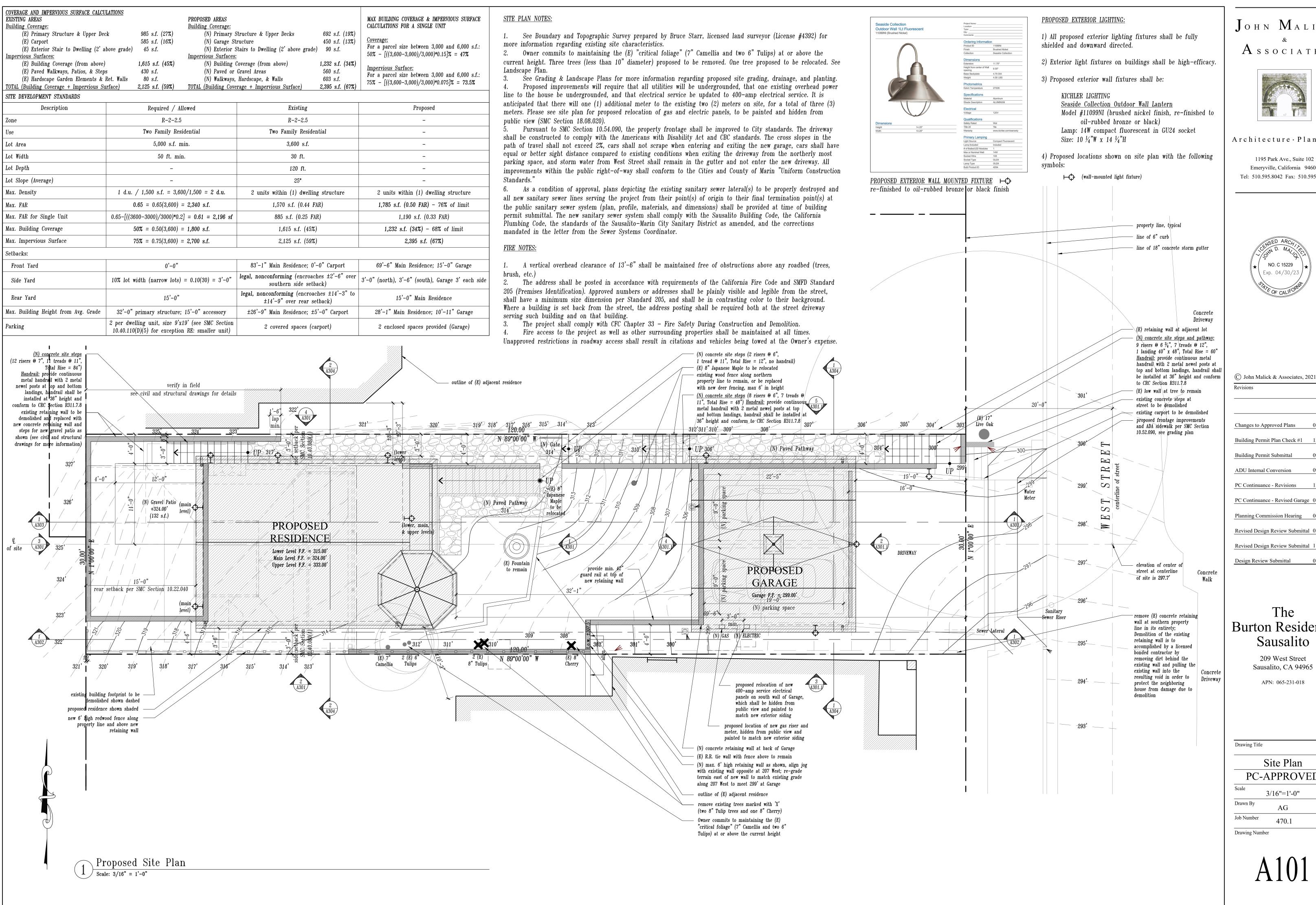


Tel: 510.595.8042 Fax: 510.595.8365

08/18/21 Building Permit Plan Check #1 12/20/18 09/18/18

Revised Design Review Submittal 11/21/16

Burton Residence





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Revisions 08/18/21 /2 Changes to Approved Plans Building Permit Plan Check #1 12/20/18 /1

09/18/18 ADU Internal Conversion PC Continuance - Revisions 12/15/17 PC Continuance - Revised Garage 07/05/17 Planning Commission Hearing 06/14/17

Revised Design Review Submittal 03/21/17 Revised Design Review Submittal 11/21/16 Design Review Submittal

The **Burton Residence** Sausalito

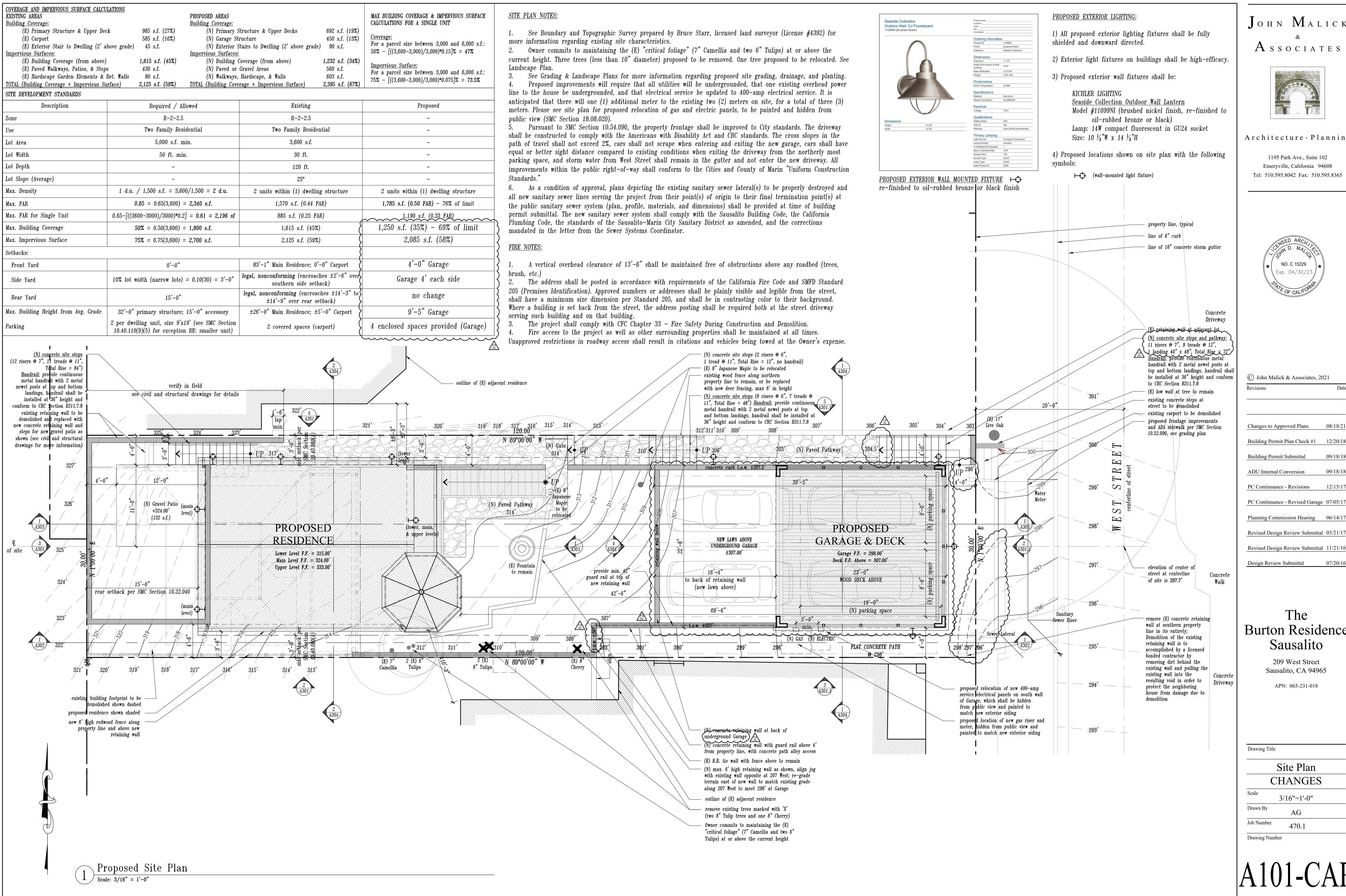
209 West Street Sausalito, CA 94965

APN: 065-231-018

Drawing Title

Site Plan PC-APPROVED

3/16"=1'-0" Drawn By AG Job Number 470.1 Drawing Number





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Revisions 08/18/21 /2 Changes to Approved Plans Building Permit Plan Check #1 12/20/18 /1 **Building Permit Submittal** 09/18/18 ADU Internal Conversion PC Continuance - Revisions 12/15/17 PC Continuance - Revised Garage 07/05/17

The **Burton Residence** Sausalito

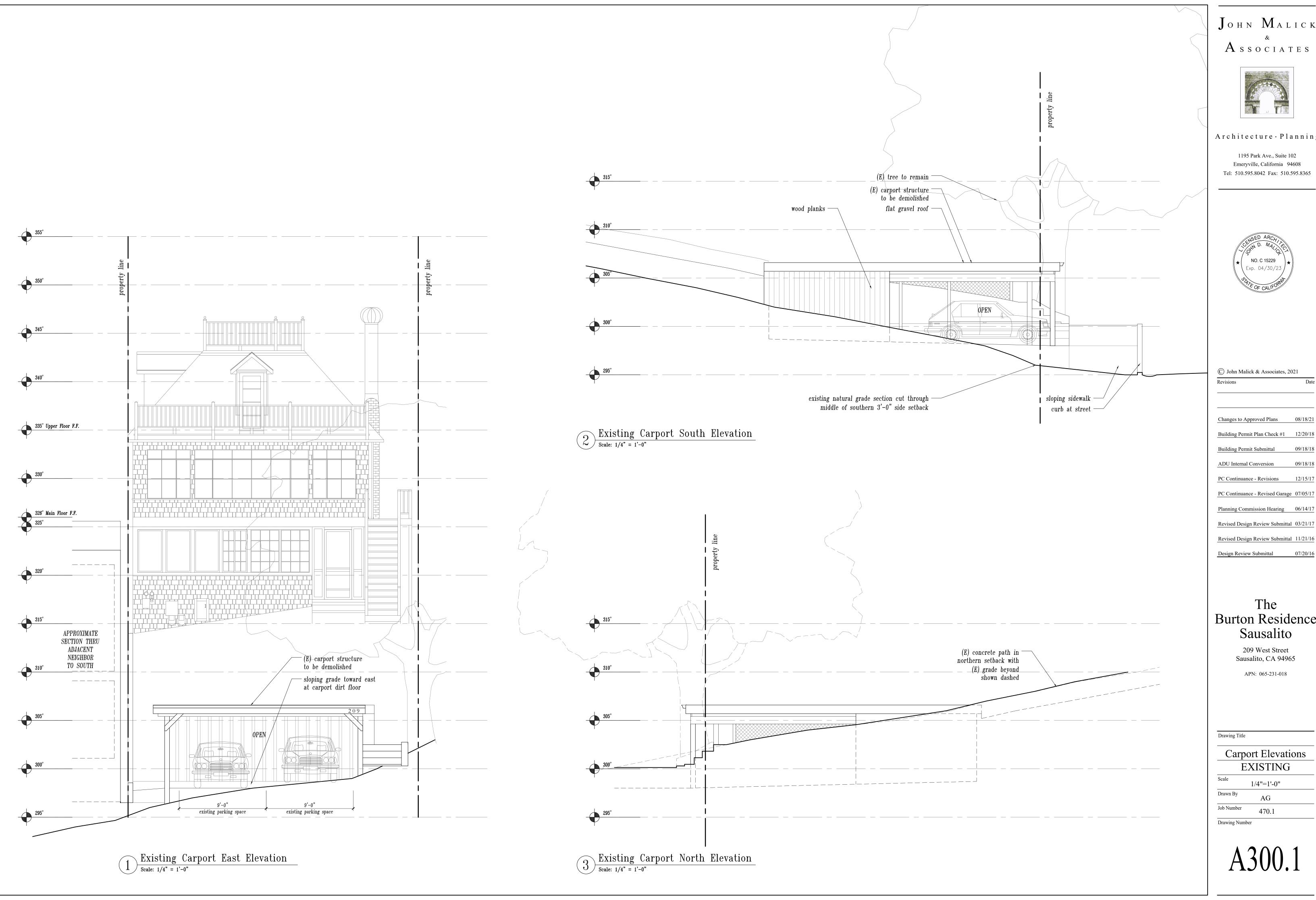
209 West Street Sausalito, CA 94965 APN: 065-231-018

Drawing Title

Site Plan **CHANGES** 3/16"=1'-0"

Drawn By AG Job Number 470.1 Drawing Number

A101-CAP



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Changes to Approved Plans 08/18/21 Building Permit Plan Check #1 12/20/18

09/18/18 PC Continuance - Revisions 12/15/17

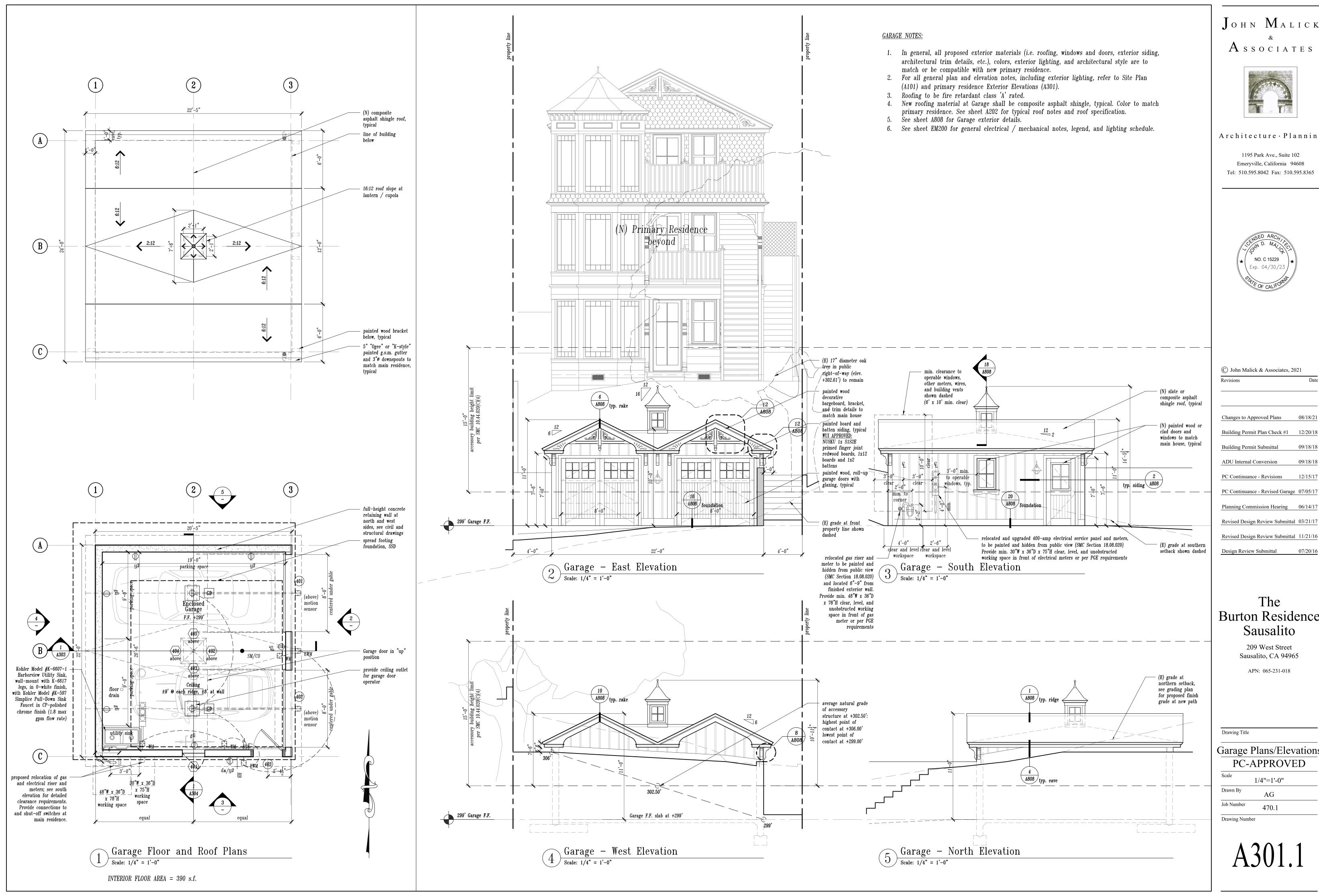
PC Continuance - Revised Garage 07/05/17

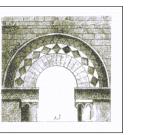
Revised Design Review Submittal 03/21/17

Burton Residence Sausalito

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Carport Elevations





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Changes to Approved Plans 08/18/21 Building Permit Plan Check #1 12/20/18

09/18/18

PC Continuance - Revised Garage 07/05/17

Planning Commission Hearing 06/14/17

Revised Design Review Submittal 03/21/17

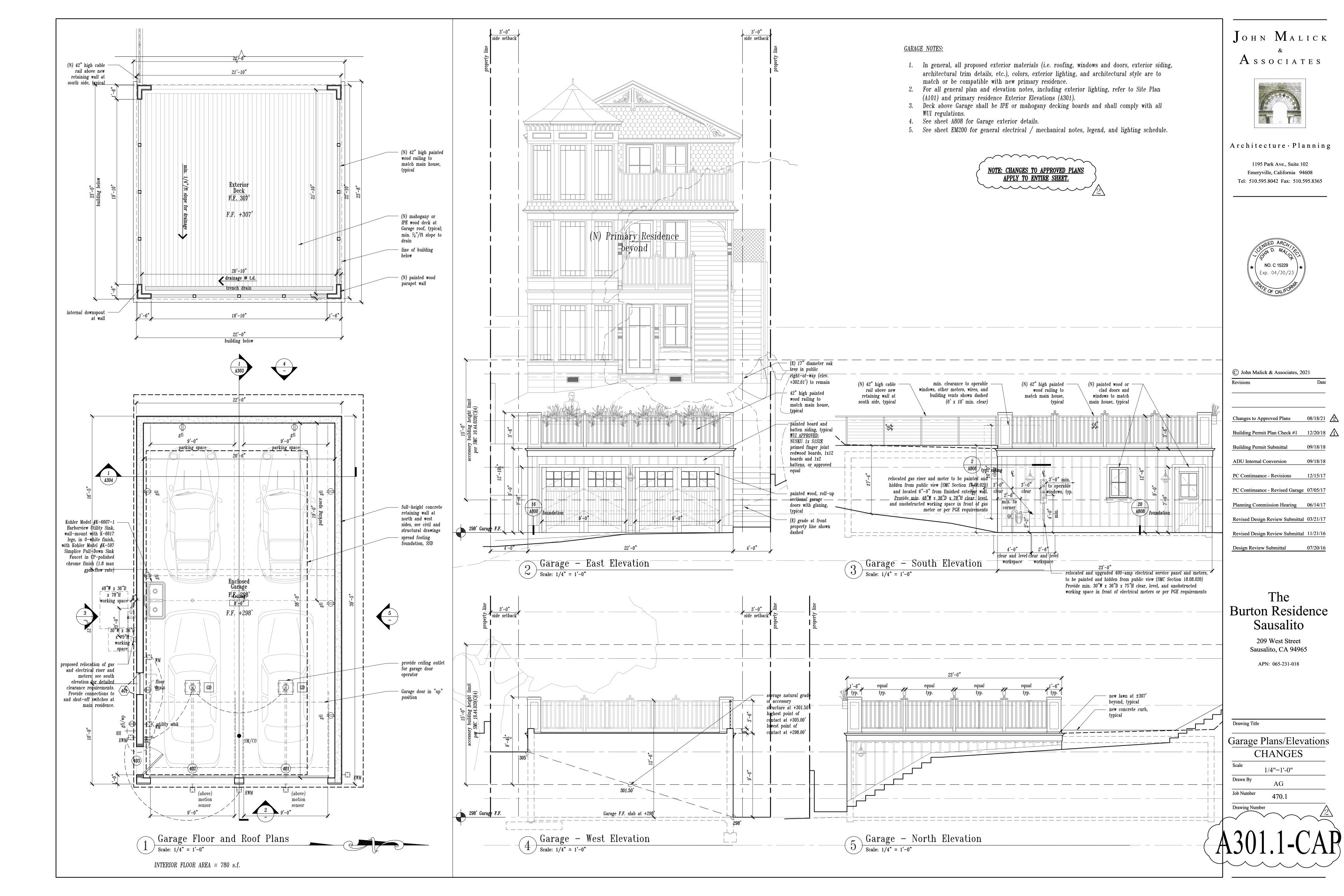
Revised Design Review Submittal 11/21/16

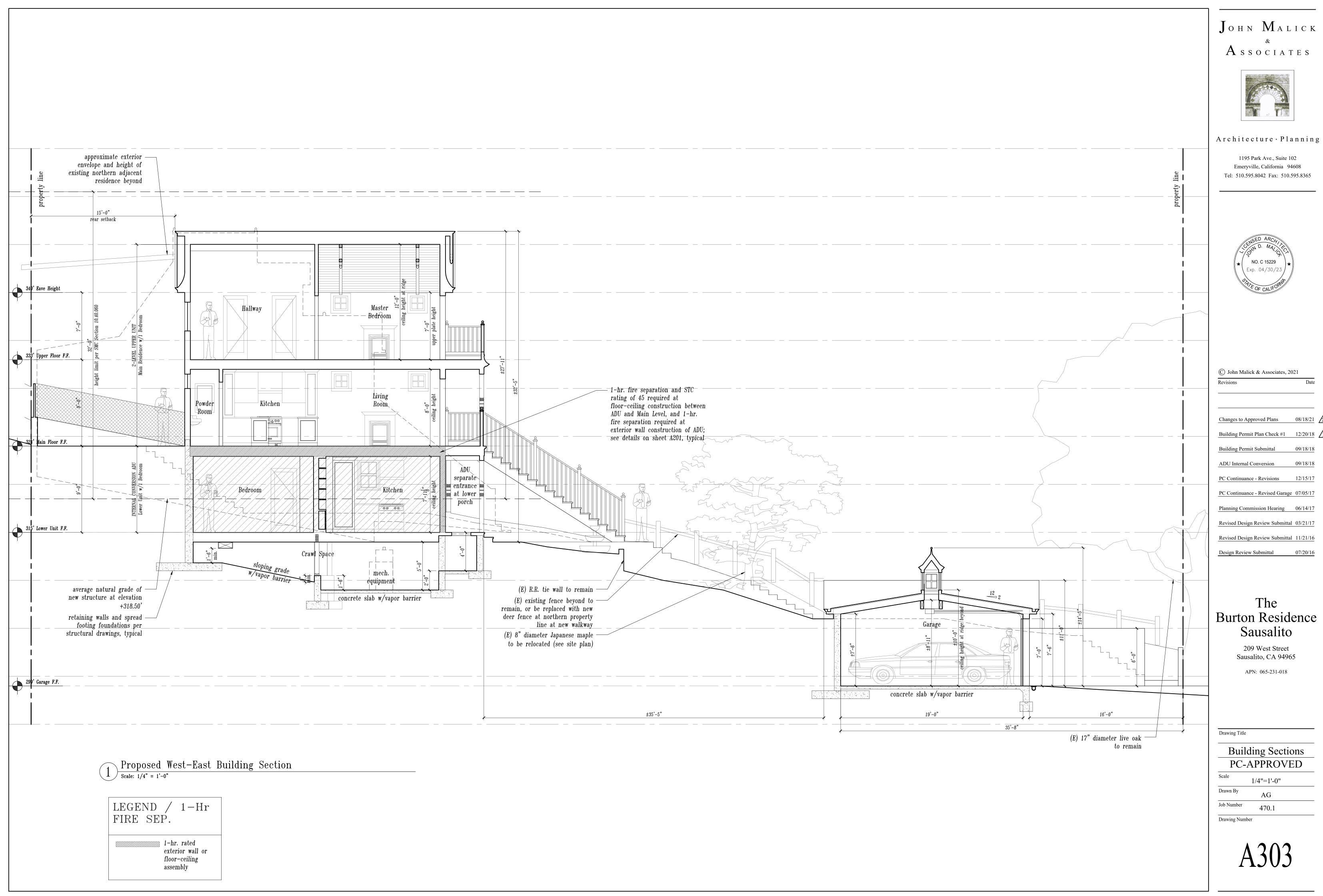
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Sausalito, CA 94965

Garage Plans/Elevations

PC-APPROVED





Changes to Approved Plans 08/18/21 Building Permit Plan Check #1 12/20/18

