

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2022-15**

**APPROVAL OF A CHANGES TO AN APPROVED PROJECT (DR-CUP-EA-TM 16-401)
REQUEST TO ALLOW FOR THE CONSTRUCTION OF STAIRS AT THE FRONT OF
MAIN STREET INSTEAD OF THE PREVIOUSLY APPROVED LOCATION AT 201
BRIDGEWAY BOULEVARD
(CAP 2022-00068)**

WHEREAS, an application has been filed by applicant/property owner, Dr. Alex Kashef, requesting Planning Commission approval of a Changes to an Approved Project to allow changes to the previously approved Design Review Permit/Conditional Use Permit/Easement Agreement/Tentative Map (16-401) at 201 Bridgeway Boulevard (APN 065-242-06) and 206 Second Street (APN 065-242-17) (“the Project”); and

WHEREAS, the project site is located within the General Plan Commercial land use designation and the Neighborhood Commercial (CN-1) zoning district; and

WHEREAS, the Planning Commission has reviewed a Changes to an Approved Project request to the originally approved Design Review Permit (DR-CUP-EA-TM 16-401), specifically condition of approval #27 requiring the applicant/owner to construct an accessible ramp at the foot of Main Street; the applicant/owner has requested to modify the location and construct stairs in lieu of an accessible ramp due to safety concerns expressed by the general public as well as constraints to Sausalito-Marin City Sanitary District’s underground utilities, considered the information contained in the staff report as well as any and all oral and written testimony on the proposed Project; and

WHEREAS, the Planning Commission has reviewed and considered the Project plans titled “The Valhalla – Beach Access”, date-stamped June 17, 2022; 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 Ordinance as described in the staff report and findings for approval set forth in Attachment 1;

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

1. The approval of this Project and this action is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15302 (Replacement or Reconstruction).
2. The Changes to an Approved Project request to allow changes to the originally approved Design Review Permit/Conditional Use Permit/Easement Agreement/Tentative Map 16-401 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 “The Valhalla – Beach Access”, date-stamped June 17, 2022 (Attachment 3).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 6th day of July 2022 by the following vote:

AYES: Commissioner: Saad, Graef, Luxenberg, Junius, Chair Feller
NOES: Commissioner:
ABSENT: Commissioner:
ABSTAIN: Commissioner:



Daniel Hortert, AICP
Secretary to the Planning Commission

Attachments

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

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201 BRIDGEWAY BOULEVARD
CAP 2022-00068

ATTACHMENT 1
FINDINGS FOR APPROVAL OF A DESIGN REVIEW PERMIT

Design Review Permit Findings

In order to approve or conditionally approve the Changes to the Approved Project request for changes to the Design Review Permit, the Planning Commission must determine whether the project is in conformance with the required Design Review Findings in Section 10.54.050 of the Sausalito Municipal Code (SMC). The required finding is provided in *italics* below, with staff analysis following the required finding.

- A. *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 analyzed in the staff report.

- B. *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 was previously determined to meet this requirement. The proposed changes to the Project will provide a design that adequately complements the neighborhood. The Project proposes to provide a distinctive and creative solution to the unique characteristics of the existing site. The original Project approved an ADA ramp in a location subsequently determined to be inappropriate considering site constraints. The proposal has been reviewed by the Community Services Department's Building, and Planning Divisions as well as the Department of Public Works along with the San Francisco Bay Conservation and Development Commission which has reviewed and conditionally approved the proposed change from a ramp to stairs on a location better suited for public access.

- C. *The proposed project's use is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.*

The Project was previously determined to meet this requirement. The proposed changes to the Project will not alter or expand the building coverage of the approved use; the Project proposes to improve approximately 950 square-foot Main Street Boardwalk, including the adjoining 40 square-foot pedestrian ramp; approximately 946 square-foot resurfaced area of the Bridgeway Boardwalk; an approximately 503 square-foot public beach access ramp at the terminus of Main Street with an approximately 283 square-foot planter bed; and public access signage at Main Street. The changes are consistent with the general scale of structures and buildings in the surrounding neighborhood.

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

The proposed Project will not hinder nor impede public views, nor will it impede primary views from private property. The proposed change is located and designed to allow the public enjoyment of the beach views.

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

The Project was previously determined to meet this requirement. The Project will maintain the location and building coverage of the previously approved design. The proposed change does not intend to modify the approved two-unit home, its sole intent is to modify improvements to public facilities in a manner that benefit the public. Furthermore, the Project site is not located along a ridgeline as such the Project will not result in a prominent building profile above a ridgeline.

- F. 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 Project was previously determined to meet this requirement. The applicant does not propose changes to the previously approved landscaping plans as part of the original Design Review Permit (DR-CUP-EA-TM 16-401)). The original approval includes extensive landscaping along Second Street and Main Street; the Project does not propose to make any modifications to the landscaping.

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

The Project was previously determined to meet this requirement. The proposed changes will maintain the same location and building coverage as the originally approved Project; therefore, the proposed changes provide adequate light and air for the project site, adjacent properties, and the general public. The proposed change will not impact light and air for the project site, adjacent properties nor the general public.

- H. 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 was previously determined to meet this requirement. The applicant does not propose any changes to lighting, mechanical equipment, or chimneys.

- I. 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 change will not impact the level of privacy of the site and adjacent properties since building construction is not proposed as part of this application. The approved building provides cedar wood fence and landscaping to increase privacy on-site privacy and to adjacent properties. Staff believes the proposed changes will not impact the

reasonable level of privacy to adjacent properties that will be provided with the previously approved project.

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

The proposed changes to the previously approved Project only affect previously approved ramp for public beach access and do not affect the site layout or arrangement of the previously approved site design. No negative impacts to the traffic circulation are anticipated.

- K. *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 changes to the Project do not affect the site layout or arrangement of the previously approved site design or landscaping. Furthermore, there are no protected trees and/or significant natural features on the area of the proposed change.

- L. *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)*

The Project's proposed change does not require heightened review for projects which exceed 80 percent of the maximum allowed floor area ratio and/or site coverage. However, it should be notated that the original Project required Heightened Design Review, findings were made, and the project was conditionally approved.

- M. *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.*

The Project's proposed change will maintain the existing location of the previously approved two-unit home. The proposed change will not affect the previously approved structures. Therefore, the proposed changes to the Project will not crowd or overwhelm structures on neighboring properties.

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ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project plans prepared by Studio 300A, entitled “The Valhalla – Beach Access”, date-stamped June 17, 2022 (Attachment 3).

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 Sausalito Municipal Code 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 and constructed as shown in the set of plans dated stamped June 17, 2022.
4. Exterior lighting shall be shielded and downward facing.
5. The Applicant/Property Owners shall defend, indemnify (including reimbursement of all attorneys' fees and costs incurred 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, claim, damage, or expense (including without limitation attorney's fees), which may arise out of or concern any City permit decision or approval related to the project, including without limitation, challenges to project approvals or permits under the California Environmental Quality Act.
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. 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 Sausalito Municipal Code Section 10.54.100. 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. The time for completion of the construction shall also be indicated on the construction permit. 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. Once approved, the property owner shall provide the City with written quarterly job progress reports consistent with the approved chart.

DEPARTMENT OF PUBLIC WORKS CONDITIONS OF APPROVAL:

8. Applicant shall submit for review and approval plans with a barrier or lattice type finish below the deck/boardwalk to ensure pedestrian safety.

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.

9. An encroachment permit shall be obtained from the Department Public Works prior to using the public right-of-way for non-public purposes (e.g., material storage, construction, staging, or demolition), including any and all construction and demolition activities.
10. Pursuant to Sausalito 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 Sausalito Municipal Code Section 11.17.060.B.
11. 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.

12. Pursuant to Sausalito 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.

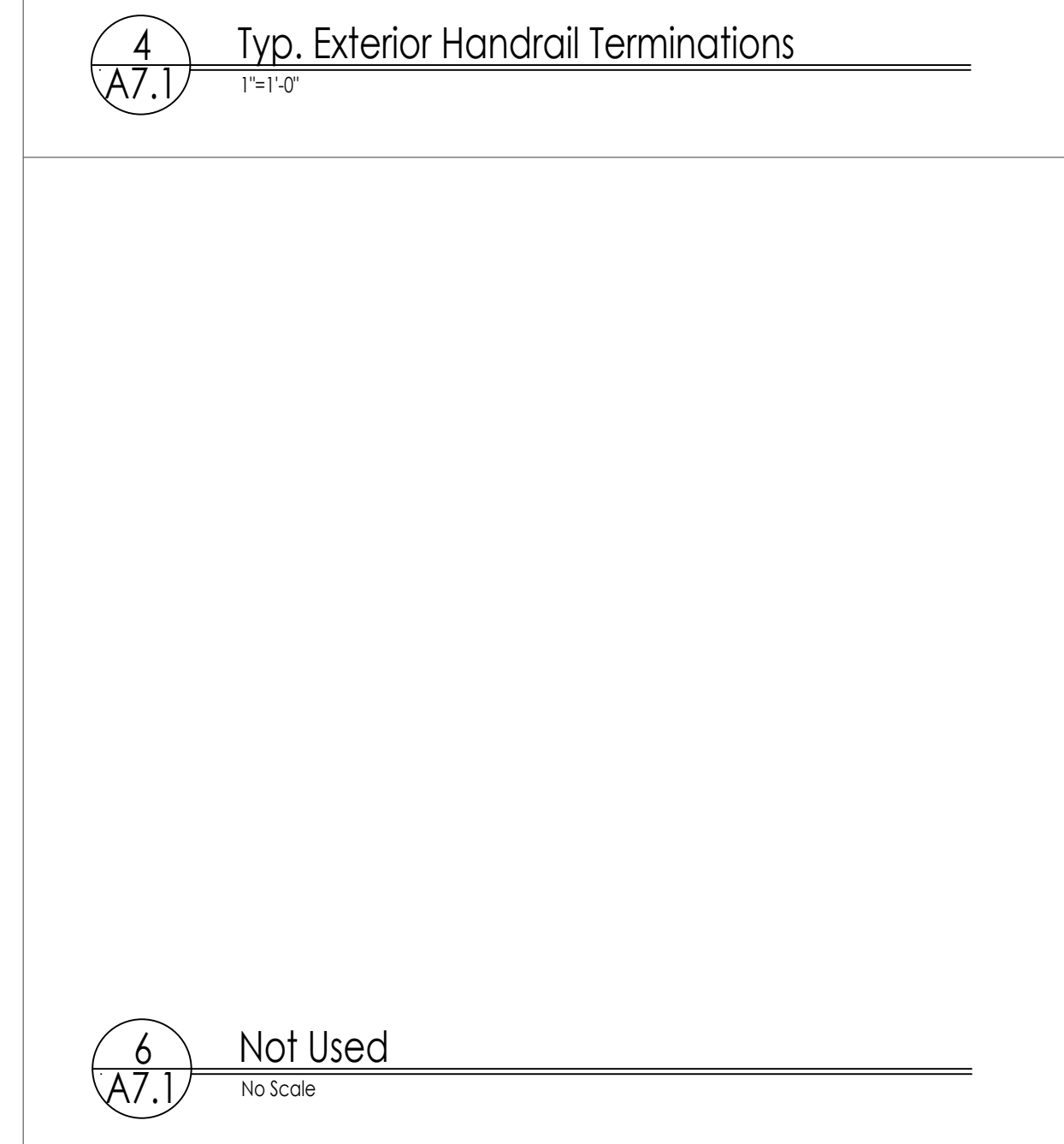
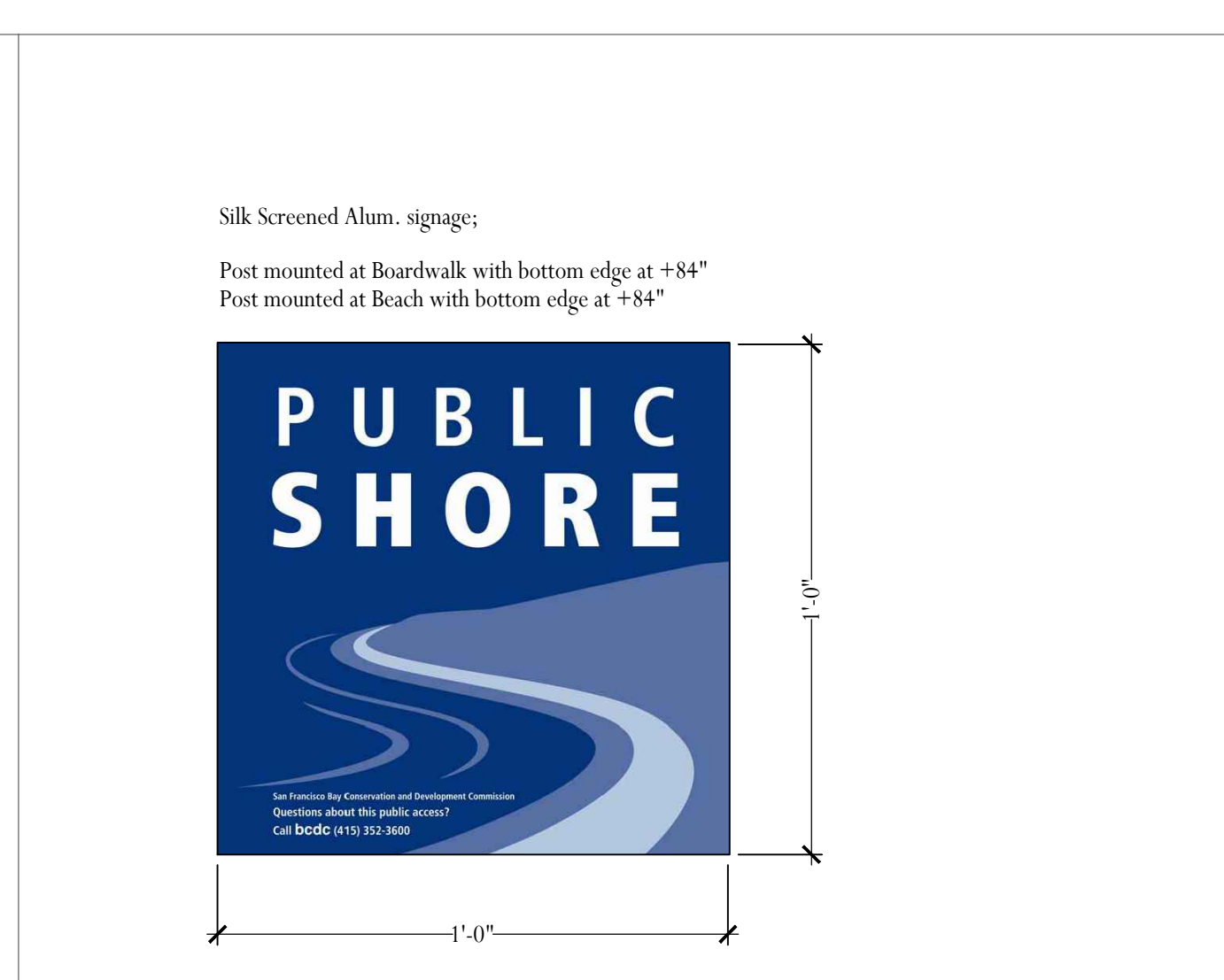
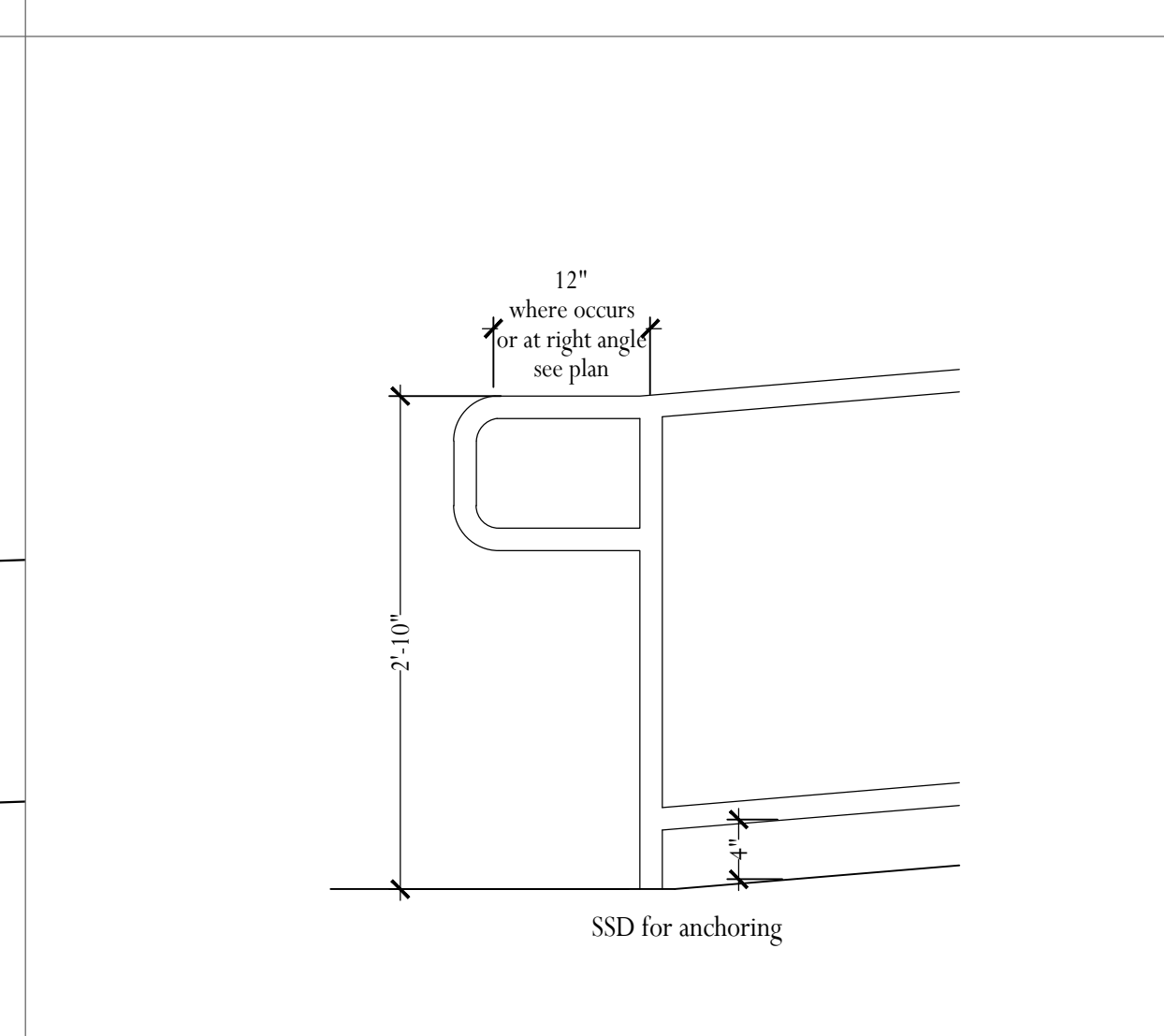
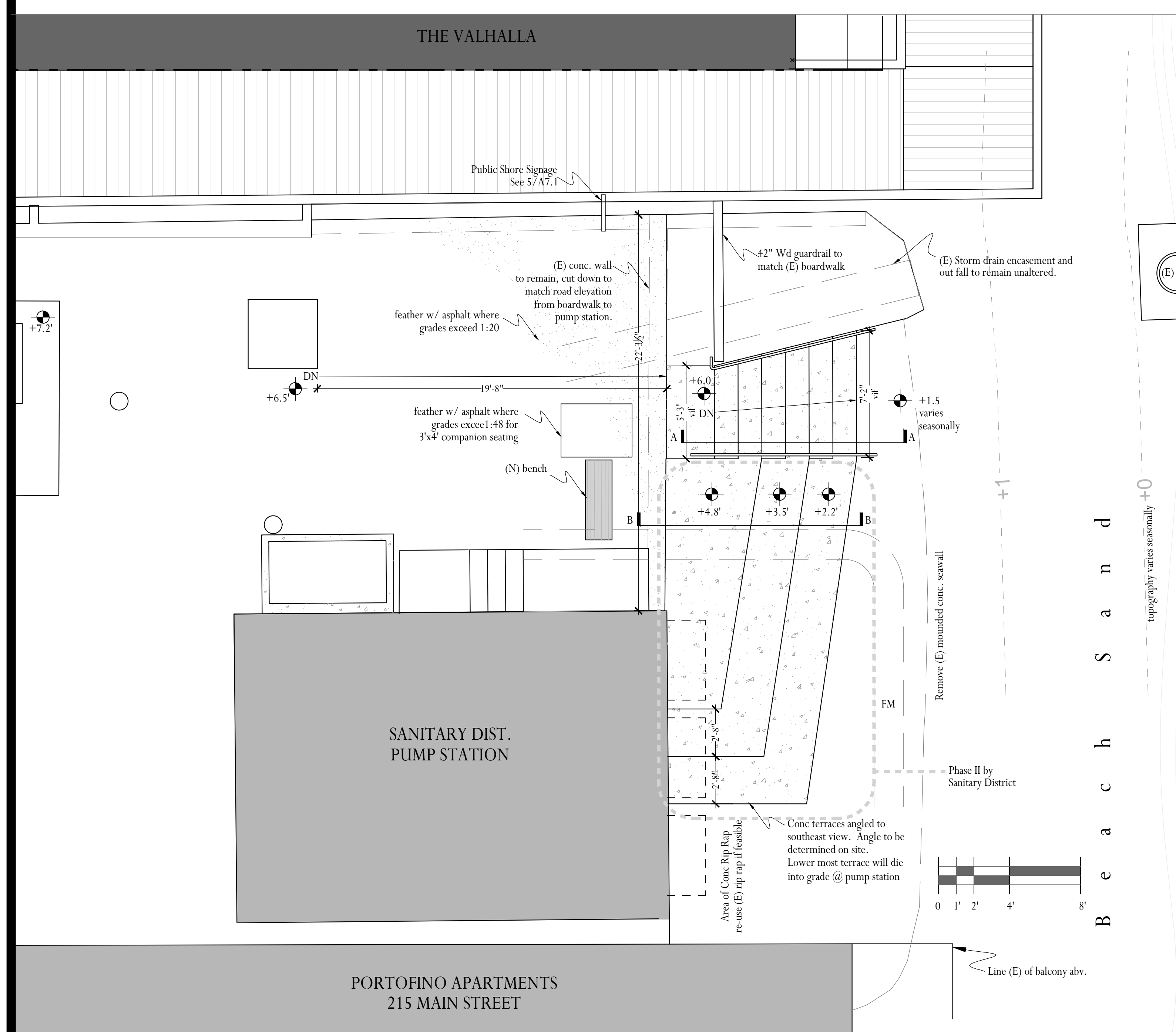
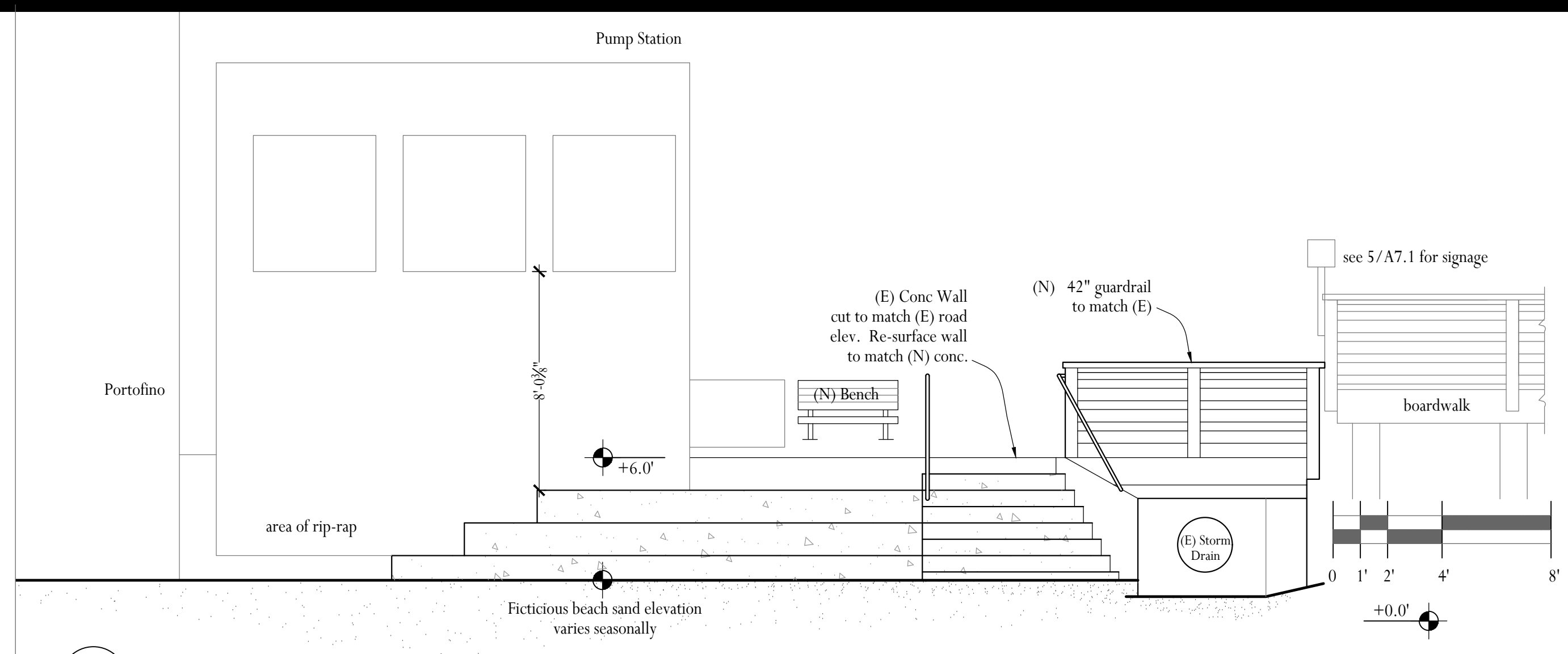
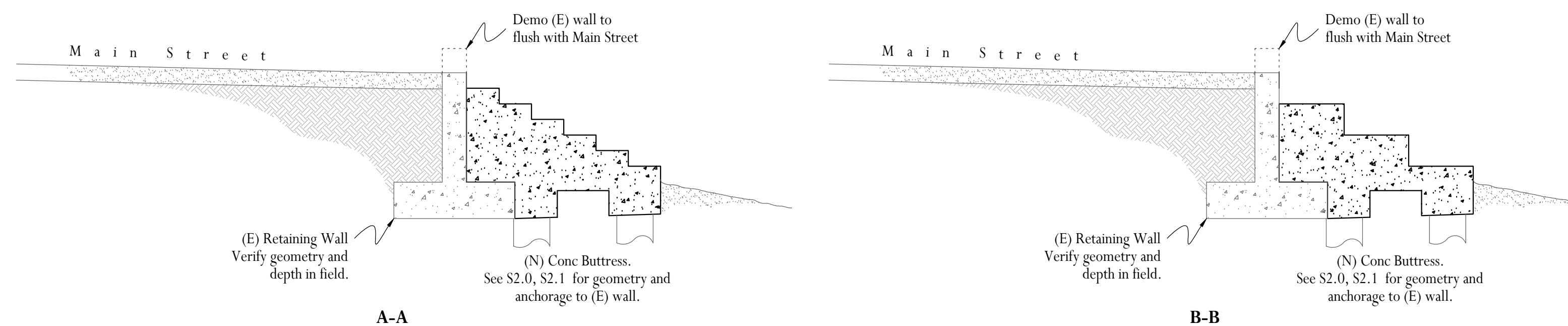
PG&E's Underground Project Contact Information:

Phone: 1-877-743-7782

Internet: pge.com/new construction.

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ATTACHMENT 3: PROJECT PLANS



REVISION	BY

THE VALHALLA
201 BRIDGEWAY BLVD
SAUSALITO, CA 94965
APN: 065-242-06

Barry Peterson
C 29092
June 2023
California Licensed Architect

300A

DATE 17 Jun 22
SCALE As Shown
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BY BP

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Beach Access