

**SAUSALITO PLANNING COMMISSION  
RESOLUTION NO. 2022-11**

**APPROVAL OF A DESIGN REVIEW PERMIT WITH HEIGHTENED DESIGN REVIEW,  
VARIANCE, AND RECOMMENDATION OF AN ENCROACHMENT AGREEMENT FOR  
THE CONSTRUCTION OF A 460 SQUARE-FOOT DETACHED GARAGE, ENTRY  
GATE, AND 62 SQUARE-FOOT ADDITION TO THE MASTER SUITE BATHROOM AT  
THE SINGLE-FAMILY RESIDENCE AT 240 GLEN DRIVE  
(DR/EA/VA 2021-00062)**

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**WHEREAS**, an application has been filed by applicant, Roger Hartley, on behalf of property owners Richard Dodder and Suzanne Lemke, requesting Planning Commission approval of a Design Review Permit to construct a 460 square-foot detached garage, entry gate, and 62 square-foot addition to the master suite bathroom, a Variance for relief from the 15-foot height limitation for accessory structures to allow the proposed garage to be 23 feet, 6 inches in height, and a recommendation of an Encroachment Agreement to allow 11 square feet of the garage to occupy the public right-of-way and to allow the installation of an entry gate and privacy fence measuring five feet in height at 240 Glen Drive (APN 065-141-44)(“the Project”);and

**WHEREAS**, the project site is located within the General Plan Medium Low Density Residential land use designation and the Single-Family Residential (R-1-6) zoning district; and

**WHEREAS**, the Planning Commission has reviewed a Design Review Permit with Heightened Design Review for the proposed 460 square-foot detached garage, entry gate, and master suite addition, a Variance for relief from the 15-foot height limitation for accessory structures to allow the detached garage to be 23 feet, 6 inches in height, and a recommendation of an Encroachment Agreement to allow the entry gate, fence, and an 11 square-foot portion of the garage to be located in the public right-of-way 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 has reviewed and considered the Project plans titled “Lempke/Dodder Residence - New Garage and Bathroom Renovations”, date-stamped February 22, 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

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

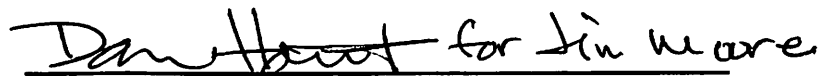
**NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:**

1. The Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301(e) (Additions to Existing Structures) and Section 15303(e) (Construction of Accessory Structures).

2. The Design Review Permit for the new garage, entry gate, and addition to the single-family residence 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 "Lempke/Dodder Residence – New Garage and Bathroom Renovations", date-stamped February 22, 2022 (Attachment 3).
3. The Encroachment Agreement to allow the entry gate and an 11 square-foot portion of the garage in the right-of-way is recommended for City Council approval based upon the attached findings (Attachment 1), subject to the attached conditions of approval (Attachment 2), and as shown in the project plans titled "Lempke/Dodder Residence - New Garage and Bathroom Renovations", date-stamped February 22, 2022 (Attachment 3).
4. The Variance to allow the proposed garage to exceed the 15-foot height limit for accessory structures to be constructed at a height of 23 feet, 6 inches 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 "Lempke/Dodder Residence – New Garage and Bathroom Renovations", date-stamped February 22, 2022 (Attachment 3).

**RESOLUTION PASSED AND ADOPTED**, at the regular meeting of the Sausalito Planning Commission on the 2nd day of March 2022 by the following vote:

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



Jim Moore  
Secretary to the Planning Commission

**Attachments**

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

**SAUSALITO PLANNING COMMISSION NO. 2022-11  
MARCH 2, 2022  
240 GLEN DRIVE  
DR/EA/VA 2021-00062**

**ATTACHMENT 1  
FINDINGS FOR APPROVAL OF A DESIGN REVIEW PERMIT WITH HEIGHTENED DESIGN  
REVIEW, APPROVAL OF AN ENCROACHMENT AGREEMENT,  
APPROVAL OF A VARIANCE**

**Design Review Permit Findings**

In order to approve or conditionally approve 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) 10.54.050. 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 residence at 240 Glen Drive is similar in scale to the surrounding residences. The neighborhood consists of a mix of architectural styles, including both new homes with a contemporary design and older homes that match the cottage style of the residence at 240 Glen Drive. The style of the existing residence is a rustic cottage with Arts and Crafts touches, including a sloping shake roof and dark wood siding. The proposed garage design utilizes materials and design elements to complement the residence on site, including horizontal shiplap siding, composite shake roofing, and a dark gray color with blue trim to match the residence.

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

The proposed Project remains consistent with the general scale of structures and buildings in the surrounding neighborhood. The applicant has submitted photos of nearby structures that are similar in scale and design. The proposed garage is similar in building coverage to the existing carport and parking deck and the architectural design complements the design and scale of the existing home and surrounding garages. The proposed 62 square-foot addition to the master suite at the rear of the building does not change the bulk of the building and will not affect the scale of the residence.

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

The applicant's lot has approximately 120 feet of frontage along Glen Drive. The proposed garage will be constructed in the location of an existing parking deck and carport. While the garage is proposed to be 5 feet, 3 inches taller in height than the existing carport, it is not anticipated that the proposed garage will obstruct public views and primary views from private property as defined by the Zoning Ordinance. The applicant has included photos from adjacent properties demonstrating the visibility of the story poles.

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

The subject parcel is not located along a ridgeline and thus 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 applicant proposes to incorporate two, five-gallon shrubs along the east elevation of the proposed garage to screen the lower portion of the structure from the neighboring property. The existing landscaping on the site will be preserved and maintained to provide appropriate visual relief, complement the building and structures on the site, and provide an attractive environment for the enjoyment of the public.

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

The proposed garage is setback 38 feet from the side lot line to the south. The nearest structure to the residence on site at 240 Glen Drive is the residence to the south, located more than 38 feet away. The proposed master suite addition will be located within existing building envelope and will not affect light or air to adjacent properties due to the setbacks and slope of the property. The design and location of the Project maintains adequate light and air for the project site, adjacent properties, and 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 proposes shielded downlights to accent the entry gate and staff does not anticipate the proposal to have any effects on views, noise, or air quality. No mechanical equipment or chimneys are proposed.

- 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 bathroom addition at the rear of the home is minimal in area and is not expected to have any effect on views or privacy from any adjoining property. The slope of the site and arrangement of structures on site and in the nearby area provides a reasonable level of privacy to the site and adjacent properties. The applicant has included two, five-gallon shrubs to screen the lower level of the proposed garage from the neighboring property to the south.

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

The proposal will maintain two off-street parking spaces. Due to the documented deteriorated condition of the existing parking deck, the applicant states that the new detached garage will have the effect of improving access to the off-street parking spaces and traffic movement in the area.

- 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 Project has been redesigned so that no protected trees will be altered or removed as part of the Project.

- 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 site is consistent with the required Heightened Review Findings as described below.

- 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 proposed garage will occupy approximately the same area as the existing carport and parking deck. The applicant has incorporated façade articulations to complement the existing residence and the Project has been designed to ensure on-site structures do not crowd or overwhelm structures on neighboring properties. The proposed 62 square-foot addition to the master suite will be located on the second floor and will fit within the area of existing building coverage. Thus, it has been designed to ensure the structure will not crowd or overwhelm structures on neighboring properties.

### **Heightened Design Review Findings**

Zoning Ordinance Section 10.54.0505.E (Heightened Review Findings) requires the Planning Commission to make additional findings to approve a project proposing floor area ratio (FAR) or building coverage of more than 80 percent of the maximum FAR or building coverage in applicable zoning district. The intent of the Heightened Design Review Findings is to ensure that the site can support maximum build-out and that the Project would not negatively impact neighbors or the immediate neighborhood. The proposed Project is subject to the heightened design review findings because the proposed building coverage exceeds 80 percent of the maximum standards in the R-1-6 zoning district. The required finding is provided in *italics* below, with staff analysis following the required finding:

- A. *Proposed development of the site maximizes preservation of protected trees.*

No existing trees in the public right-of-way or on private land are to be removed as part of the proposed Project. The proposed garage has been redesigned to avoid alteration of any protected trees on site.

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

The Project meets all setback requirements of the zoning district and the site is configured with adequate width and depth to provide yard spaces and setbacks proportional to the size of the structure. The proposed garage has been moved back two feet to increase the setback from Glen Drive and to reduce the appearance of the garage's bulk along the street.

- C. 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.*

The proposed Project will not obstruct any views from surrounding properties or public vantage points and will not obstruct any primary views. The applicant has modified the proposed design to minimize the potential for obstruction of views from the street. The roof slope has been rotated 90 degrees to allow for more light, air, and visibility to the street. The re-orienting of the roofline makes the garage appear shorter from Glen Drive as demonstrated in the revised elevations. The fence has been reduced to five feet in height and redesigned to increase transparency through the fence, and the applicant has added glass to the upper panels of the garage door to enhance the transparency through the garage. The applicant's property has approximately 120 linear feet of frontage along Glen Drive. The garage, measuring 23 feet in width, occupies approximately 19 percent of the street frontage of the property.

- D. 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.*

There will be no adverse impacts to public safety in terms of circulation or traffic flow, tree stability, runoff, or utilities. The Project will maintain two existing off-street parking spaces and will not impede traffic within the right-of-way.

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

The applicant proposes to incorporate additional pier footings within the footprint of the building envelope which will provide increased hillside slope stability. No site topography will be altered.

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

The Project will maintain and improve the two existing off-street parking spaces. The applicant has stated the Project will improve on-street parking as a result.

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

The Project provides adequate landscaping to maximize privacy by maintaining existing vegetation and will provide additional plantings to screen the lower level from visibility from the adjacent property to the south/southeast.

### **Encroachment Agreement Findings**

An Encroachment Agreement is requested to allow an 11 square-foot portion of the garage, entry gate, and five-foot fence to be located in the public right-of-way for private use.

In order to recommend City Council approval of the Encroachment Agreement, the Planning Commission must determine that the proposed Project is in conformance with the Encroachment Agreement findings listed in SMC Section 10.56.060 A-E. Staff has concluded that the necessary findings can be made to support the recommendation to City Council for approval of the requested entitlement and has prepared draft responses to the required findings below each italicized finding.

- A. *The proposed encroachment is compatible with the surrounding area and will either improve or not significantly diminish visual or physical public enjoyment of the streetscape upon which the encroachment is proposed.*

The proposed encroachment is compatible with the surrounding area and will not diminish visual or physical enjoyment of the streetscape. The Project will replace an existing carport and parking deck in the same area and the new structure will utilize the exact footprint of the previous encroachment.

- B. *The encroachment will not adversely affect the usability or enjoyment of adjoining parcels nor create or extend on undesirable land use precedent.*

The encroachment will not adversely affect the usability or enjoyment of adjoining parcels nor create or extend on undesirable land use precedent. The resulting off-street parking will improve the parking and traffic flow on-street. The encroachment will not establish a precedent as many properties in the area utilize the right-of-way to access garages and parking decks due to the steep downhill slope.

- C. *The encroachment is necessary to the reasonable use and enjoyment of the property and the extent of the encroachment is justifiable.*

Due to the steep downhill slope of the site, an encroachment is necessary to provide access to off-street parking.

- D. *The proposed encroachment will not adversely affect the public circulation nor create or constitute a safety hazard to public safety.*

The proposed encroachment would allow the applicant to maintain two off-street parking spaces and will not adversely affect the public circulation nor create a safety hazard to public safety. In consideration of comments made at the January 12, 2022 Planning Commission meeting, the applicant has set the garage back an additional two feet from Glen Drive to improve public circulation and to reduce appearance of the building's bulk along the street.

- E. *The value of the proposed improvements will not prejudice a policy decision to terminate the encroachment nor preclude or make difficult the establishment or improvement of streets or pedestrian ways.*

While a portion of the garage and entry gate will be located in the encroachment area, the roadway edge along the area of encroachment is defined by a bulkhead retaining wall and it is unlikely that the street would be widened beyond the retaining wall. The area below the street level will not be occupied by new construction.

**Variance Findings**

To grant a variance for relief from the strict application of the Zoning Ordinance which requires that accessory structures not exceed 15 feet in height, SMC 10.69.050 requires the Planning Commission to make each of the findings below. The required finding is provided in *italics* below, with staff analysis following the required finding.

- A. *There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same district.*

The existing carport and parking deck are located at street level and located with a zero lot line setback. Due to the steep downhill slope at the site, there is limited area for off-street parking on site. The properties across the street have garages built into the uphill slope and do not face the same limitations of the downhill slope.

- B. *Owing to such exceptional or extraordinary circumstances the literal enforcement of the provisions of the title would result in practical difficulty or unnecessary hardship.*

The literal enforcement of the provisions of this title could result in practical difficulty in construction of an enclosed, off-street garage. The applicant has stated in their response to the variance findings that if the structure were limited to 15 feet in height, the structure would not be able exceed 7 feet in height at street level due to the steep slope of the site. This height limitation would create a practical difficulty in constructing a functional enclosed parking structure. The applicant has designed the structure to complement the architectural style of the home, including the gabled roof style.

- C. *Such variance is necessary for the preservation of a substantial property right of the petitioner, possessed by other property in the same district.*

Construction of a new parking structure is necessary to allow the applicant to maintain off-street parking spaces. Staff concurs with the applicant's findings that a variance is necessary to permit an enclosed parking structure at the property due to the steep slope of the site and the hardship for parking structures at street level on the downhill side of the street.

- D. *The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the vicinity or in the district in which the subject property is located.*

It is not anticipated that the proposed structure will be detrimental to the public welfare or injurious to property in the vicinity. The proposed garage will be 5 feet, 3 inches taller than the existing carport and based upon the photos and drawings provided demonstrating the potential view impacts, the additional height will not obscure any public views or primary views from adjacent properties.

- E. *The granting of the variance will not constitute a grant of special privilege*



*inconsistent with the limitations on other properties classified in the same zoning district.*

Due to the established unique site conditions, the variance will not constitute a grant of special privilege with the limitations on other properties classified in the same zoning district.

*F. The granting of such variance will be in harmony with the general purpose and intent of this title and the General Plan.*

A variance would allow the applicant to construct an enclosed parking structure and to maintain two off-street parking spaces on the steep downhill slope. The proposed design and site layout will enhance the character along the street while maintaining on-street parking for the surrounding neighborhood. The architectural style of the new garage will also be harmonious with the home.

**SAUSALITO PLANNING COMMISSION NO. 2022-11  
MARCH 2, 2022  
240 GLEN DRIVE  
2021-00062**

**ATTACHMENT 2: CONDITIONS OF APPROVAL**

These conditions apply to the project plans prepared by Roger Hartley, entitled "Lempke/Dodder Residence - New Garage and Bathroom Renovations", date-stamped February 22, 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 February 22, 2022.
4. Conditions applicable to protection of trees on the project site:
  - a) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be endangered by the work shall be securely fenced off at the "protected perimeter," which shall be either the outer limits of the branches of such protected tree (the drip line) or such greater limits as may be established by the reviewing agency. Such fences shall remain in place for the duration of all such work. All protected trees to be removed shall be clearly marked. A plan shall be established for the removal and disposal of logs, brush, earth, and other debris which will avoid injury to any protected tree.
  - b) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No asphalt or other paving materials shall be added. No change in existing ground levels shall occur within four feet of the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.

- c) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the protected perimeter of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within the protected perimeter. Wires shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
  - d) Periodically during construction, the leaves of the protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit transpiration.
  - e) If any damage to a protected tree should occur during or as a result of work on the site, the contractor, builder, or owner shall promptly notify the City of such damage. If such a protected tree cannot be preserved in a healthy state, the reviewing agency shall require replacement of any protected tree removed with another tree or trees on the same site deemed adequate to compensate for the loss of the tree that is removed.
5. Exterior lighting shall be shielded and downward facing.
  6. 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.
  7. 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.
  8. 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.
  9. 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.
  10. 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.

11. 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.
12. 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.
13. The plate height shall be lowered one foot from 9 feet to 8 feet, and the pitch shall be reduced to 5:12 from 6:12.
14. The window on the south elevation of the storage unit below the garage shall be eliminated.

**DEPARTMENT OF PUBLIC WORKS CONDITIONS OF APPROVAL:**

**General Items**

15. 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.
14. Prior to issuance of a building permit, the Developer's architect or civil engineer shall submit as applicable sealed site improvement plans, grading and drainage plans, public improvement plans, and utility plans for review and approval by the Department of Public Works.
15. 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.
16. 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.

**Grading/Geotechnical Items**

17. The project shall adhere to all recommendations in the Geotechnical Recommendations or Report, prepared by licensed Geotechnical engineer to Geologist.
18. Prior to issuance of a building permit, the geotechnical investigation shall be submitted for review and approval by the City. The report shall include an evaluation of geological hazard (landslides, liquefaction, ground faulting, and subsidence), stability of the proposed development site including surrounding properties, and provide mitigation measures as may be required which shall be incorporated into the project drawings and constructed. The report shall include recommendation to correct identified hazards and to mitigate impacts of the development and provide recommendations for stability of all slopes in excess of 2:1 for static and seismic conditions under saturated conditions. Where instability is found structural improvements shall be designed by a structural engineer and installed as part of the project.
19. Prior to issuance of a building permit, the project geotechnical engineer shall reexamine the site and submit an updated geotechnical report (As recommended in the original geotechnical report, dated... "If construction is not performed within 18 months...") The updated report shall include any changes in the project site's conditions and any additional project requirements above those listed in the project's geotechnical report(s) needed to address the changed conditions.
20. Prior to the issuance of a building permit, a note shall be added to the grading plan stating that the applicant's geotechnical engineer shall inspect and certify in writing that geotechnical aspects of the project were performed in conformance with the approved grading plan and geotechnical report.
21. Prior to the issuance of a building permit, the project geotechnical engineer shall prepare and submit to the City a Plan Review Letter. The letter shall be on the geotechnical engineer's letterhead and shall confirm that the geotechnical engineer has reviewed the current project documents, including drainage grading, and that the design conforms to the intent of the geotechnical engineer's recommendations.
22. Construction operations shall be staged to prevent failure or yielding of slopes by providing continuous confinement of superficial deposits as may be recommended by the project geotechnical engineer.
23. Applicant is advised that should a Grading Permit be required, details of the hauling operation including, but not limited to, size of trucks and weight (in tons) that they will haul, haul route, dust and debris control measures, and the time and frequency of haul trips shall be submitted to the City for review prior to issuance of the building permit. The truck haul routes shall comply with Sausalito Municipal Code Section 15.04.150.
24. Prior to issuance of a Certificate of Occupancy, the project geotechnical engineer shall prepare a letter on its letter head, stamped and wet signed, stating that construction was in conformance with the project geotechnical report.
25. Applicant is advised that shoring and foundation systems that utilize tie backs shall be designed such that they do not extend beyond property boundaries in the absence of recorded tie-back easement(s) from affected adjacent property owner(s). No tie-backs are permitted that would encroach into the public right-of-way.

26. Prior to issuance of a grading permit, applicant's general contractor shall provide the City with evidence of a standard comprehensive general liability insurance policy containing coverage for bodily injury, property damage, completed operations, including liability resulting from earth movement. The policy shall provide limits of coverage not less than \$3,000,000 and the policy shall continue in full force until a date five (5) years following issuance of a Certificate of Occupancy.
27. No grading or excavation operations shall occur between October 15 and April 1 without the written approval of the City Engineer. The project excavation, construction of the main retaining walls, and associated appurtenant features shall commence no later than August 1 of the dry season. The project excavation, construction of the main retaining walls, and associated appurtenant features shall commence and conclude within a single dry season.
28. Prior to issuance of a Certificate of Occupancy, as-built plans shall be signed by the project geotechnical engineer to attest installation for all facilities constructed for public use and operation, and which shall also show the foundation elevation at each building corner, subsurface drains, cleanouts, retaining walls, drainage facilities, and utilities. The plans shall be prepared by a registered civil engineer and are subject to the review and approval of authorized City staff. A copy of the approved As-Built Plans shall be given to the City.

#### **Drainage Items**

29. New drainage facilities shall be designed by a registered civil engineer. Drainage analysis and plans shall be subject to the review and approval of authorized City staff or independent consultant.
30. Prior to issuance of a building permit, all existing and proposed drainage facilities serving the property from the residence to the final termination point(s) shall be clearly shown, labeled, and detailed on the project grading and drainage plans. This shall include but not be limited to: downspouts, piping, retention systems, stormwater routing, stormwater treatment facilities, hydraulic structures, energy dissipaters, and foundation drainage systems.
31. New drainage facilities shall not increase the quantity or alter the path of storm water discharged from the property from the existing condition.

#### **Stormwater Pollution Prevention**

32. Prior to issuance of a building permit, the developer's civil engineer or contractor shall submit a detailed erosion control plan, including cost estimate, for review and approval by the Department of Public Works. Erosion control plan shall incorporate guidelines and measures from the **Marin County Stormwater Pollution Prevention Program's (MCSTOPPP)** publication "Minimum Erosion/Sediment Control Measures for Small Construction Projects".  
[[http://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosion-sediment-control-measures-for-small-construction-projects-\\_2015.pdf?la=en](http://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosion-sediment-control-measures-for-small-construction-projects-_2015.pdf?la=en)]

33. Applicant is advised that applicant's contractor shall be required to implement and maintain erosion control measures per the approved erosion control plan for the duration of the project.
34. During construction, the applicant's contractor shall adhere to a water pollution prevention plan that at a minimum follows guidelines in MCSTOPPP's "Pollution Prevention It's Part of the Plan" [<http://www.marincounty.org/depts/pw/divisions/mcstoppp/~media/Files/Departments/PW/mcstoppp/business/Pollution%20Prevention%20Part%20of%20the%20PlanOctober%202011.pdf>]. The plan shall address construction-related site management practices including demolition, general construction, concrete, paving, dewatering, contaminated soils, masonry, tile work, painting, litter control, motor vehicle washing and maintenance, and storage of hazardous materials

#### **Right of Way Items**

35. The applicant shall be required to execute an encroachment agreement with the City for any structure that encroaches into the public right-of-way.

#### **Utility Items**

36. Prior to issuance of a building permit, a utility plan or site plan shall be submitted for review and approval shows all utilities and meters.
37. Prior to issuance of a building permit, project plans shall show the location and depth of the existing sanitary sewer lateral serving the property from point of origin to termination in the public sanitary sewer system, unless noted otherwise in the detailed conditions provided by the public works department. Depicting the existing sanitary sewer lateral(s) to be properly destroyed and all new sanitary sewer lines serving the project from their point(s) of origin to their final termination point(s) at the public sanitary sewer system; both in plan and profile (including existing and proposed depth of cover), and indicate the materials and dimensions (diameter) of the existing and proposed improvements. Applicant is advised that the waste plumbing associated with the project shall comply with the more stringent of the Sausalito Building Code, the California Plumbing Code and the Standards of the City of Sausalito as amended.

#### **Engineering Items**

38. Applicant is advised that encroachment permit(s) shall be obtained from the City prior to using the public right-of-way for non-public purposes (e.g., private parking, material and debris box storage, curb, gutter or sidewalk construction or demolition, driveway connection).

Applicant is advised that a condition of issuance of an Encroachment Permit, a traffic control plan conforming to the current edition of Caltrans publication "California Manual on Uniform Traffic Devices, Part 6 – Temporary Traffic Control" shall be submitted for review and approval by the City. The traffic control plan shall show all temporary traffic, pedestrian and bicycle control measures, and signage. Address shall remain open to traffic at all times throughout the duration of this project which shall be documented on the traffic control plan. The traffic control plan shall be revised to coordinate with other projects in the vicinity which may be ongoing or commence during the duration of this work.

39. Prior to issuance of an encroachment permit, the City shall be named as an additionally insured on a separate endorsement sheet that modifies the general liability policy.
40. Construction workers shall be prohibited from using on-street parking in the vicinity of the project and the applicant shall lease, or otherwise provide, an adequate number of parking spaces in a City parking lot to provide parking for construction workers. Workers shall carpool to the construction site which shall be documented on the construction staging plan.
41. Applicant is advised that construction materials, equipment, vehicles, and properly-permitted debris boxes (Bay Cities Refuse Service is the sole authorized solid waste hauler permitted to provide debris box service in the City of Sausalito) may not be placed in a manner that poses a traffic hazard, shall be placed to minimize obstruction of roads and gutters, shall be equipped with reflectors or lighting to ensure visibility at night and in inclement weather (if placed in the public right of way), shall be maintained in a clean and safe condition, and shall not be maintained in a manner that becomes a nuisance to the neighborhood. Debris boxes shall be emptied on a regular basis, or as directed by the City. Material stock piles and debris boxes shall be covered when not being accessed or filled to prevent dust or liquid from being released to the environment. Construction materials, equipment, vehicles, and debris boxes shall be placed in the public right of way only after securing an encroachment permit.

#### **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.

42. Construction Impact Fees shall be paid in accordance with the Construction Impact Fee Ordinance. The fee is due prior to issuance of a building permit.
43. All applicable City fees as established by City Council resolutions and ordinances shall be paid.
44. 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.
45. Grading on hillside lands composed of geologic formations known to slide will be limited to between April 15 and October 15 without written approval of the City Engineer.
46. 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.
47. 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.

48. 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](http://pge.com/new construction).

49. Pursuant to Sausalito 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 sewer laterals shall be repaired prior to approval of the Building Permit.
50. 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. Southern Marin Fire Protection District -- (415-388-8182); and
  - c. Bay Conservation and Development Commission – (415-352-3600).

#### **SOUTHERN MARIN FIRE DISTRICT CONDITIONS OF APPROVAL:**

##### **Construction Conditions**

51. WUI Requirements: This property is located within the Wildland Urban Interface (WUI) and shall be noted on the title sheet of the plans. The materials used in construction on the exterior of the structure shall comply with building standards in Section 337 of the California Residential Code.
52. Fire Sprinkler System Requirements: The current scope of work appears to be less than 50% of the existing structure, and fire sprinklers are not required. However, if further plan review, change in scope of work, or site visit reveals that the work is more than 50% of the existing structure, then the requirement for fire sprinklers will be re-evaluated, and sprinklers may be required as noted below. A fire sprinkler system shall be provided for the following:

- a. If the combination of the addition, alteration or remodeling exceeds 50% of the floor area of the existing structure, the project is considered a “substantial remodel” \*\* (see end for definition)
- b. Existing Buildings. In any building with an existing automatic sprinkler system, protection shall be extended to any all of alteration, repair, remodel, or addition, regardless of job size so that 100% coverage is maintained.
- c. In any building found to have OMEGA sprinkler heads identified as part of the U.S. Consumer Products Safety Commission recall and Viking VK457 sprinkler heads, all sprinkler heads subject to this recall shall be replaced with listed and approved heads.

Fire sprinkler coverage shall be provided through the entire structure according to Chapter 9 of the California Fire Code. Fire sprinkler system shall be installed according to NFPA standards and Southern Marin Fire Standard 401.

- 53. This project shall comply with California Fire Code Chapter 33 – Fire Safety During Construction and Demolition. These requirements include but are not limited to: Temporary Heating Equipment, Precautions Against Fire, Flammable and Combustible Liquids, Flammable Gases, Owners Responsibility for Fire Protection, Fire Reporting, Access for Fire Fighting, Means of Egress, Water Supply for Fire Protection, Standpipes, Automatic Fire Sprinkler Systems, Portable Fire Extinguishers, Motorized Construction Equipment, and Safeguarding Roofing Operations.
- 54. Fire access to the project as well as the other surrounding properties shall be maintained at all times. Unapproved restrictions in roadway access shall result in citations and vehicles being towed at the owner’s expense.

**Vegetation Conditions**

- 55. A vertical overhead clearance of 13' 6" shall be maintained free of obstructions above any roadbed (trees, brush, etc.).
- 56. The property owner shall comply with California Fire Code Section 304.1.2 and Local Ordinance Section 110.4.2 Abatement of Clearance of Flammable Brush or Flammable Vegetative Growth from Structures.
  - a. A minimum clearance of 30 feet from the structure or to the property line, 10 feet from roads and property lines and any tree which extends within 10 feet of any chimney or stovepipe shall be kept clear of flammable brush, tree limbs and grasses.
  - b. Exception: Vegetation Management Plan for the property has been submitted and approved by the Fire Code Official.
- 57. The applicant shall comply with California Fire Code and Public Resource Code 4291 requirements relating to the clearance of flammable brush and weeds. A minimum clearance of 30 feet from structures and 10 feet from roads and property lines shall be maintained.
- 58. Wildland Urban Interface Vegetation Requirements: Any person who owns, leases, controls or maintains any building or structure, vacant lands, open space, and/or lands within specific Wildland Urban Interface areas of the jurisdiction of the Southern Marin Fire Protection District, shall comply with the following:

- a. Cut and remove all fire prone vegetation within 30 feet of structures, up to 150 feet when topographic or combustible vegetative types necessitate removal as determined by the Fire Code Official.
- b. Remove accumulated dead vegetation on the property.
- c. Cut and remove tree limbs that overhang wood decks and roofs.
- d. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe, roof surfaces and roof gutters
- e. Clean any leaves and needles from roof and gutters.
- f. Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height.
- g. Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2018 International Wildland-Urban Interface Code, as amended by the Southern Marin Fire Protection District
- h. Clearance of flammable brush or vegetative growth from fire access road or driveways. The fire code official is authorized to require, within 10 feet on each side and 15 feet in height of highways, streets, fire apparatus roads and driveways, to be abated of flammable vegetation and other combustible growth.

EXCEPTION 1: When approved by the Fire Code Official, single specimens of trees, ornamental shrubbery or similar plants, or plants used as ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to any structure.

EXCEPTION 2: When approved by the Fire Code Official, grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize soil and prevent erosion.

**SAUSALITO PLANNING COMMISSION NO. 2022-11  
MARCH 2, 2022  
240 GLEN DRIVE  
2021-00062**

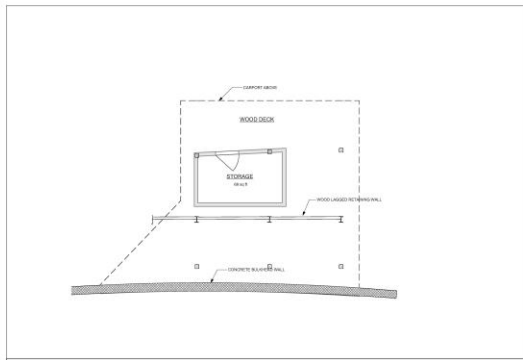
**ATTACHMENT 3: PROJECT PLANS**

## NEW GARAGE FOR 240 GLEN DRIVE

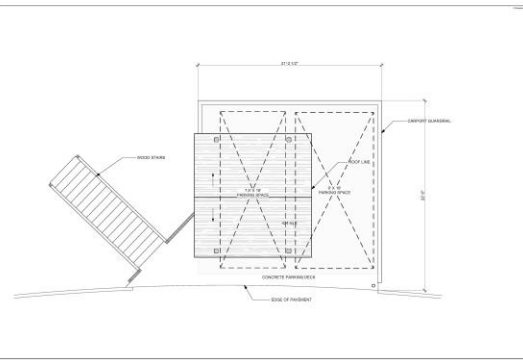
### SUMMARY OF REVISIONS

In response to concerns raised at the Jan 12, 2022 Planning Commission meeting the applicant has made a number of revisions to the project to address the Heightened Design Review issues of mass and streetscape visibility.

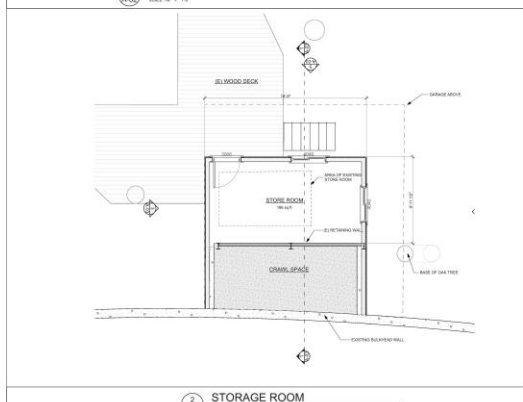
- The garage has been moved 2 feet back farther from the edge of the road to reduce the impact of the enclosed building. This conforms to the existing encroachment of the parking area.
- The roof slope has been rotated 90 degrees to reduce the amount of roof visible from the street and allow more light and view towards the bay and hills and require that no branches be removed from the oak tree.
- The garage door will have glass in the top panels so that it appears more transparent.
- The fence along the road has been reduced from 6 feet to 5 feet high and has been re-designed to have more openness. This height reduction will not block any views that are not already block by the roof of the house beyond.



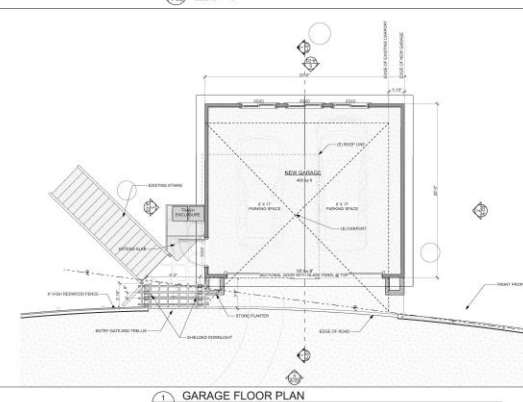
EXISTING STORE ROOM  
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EXISTING CARPORT  
SCALE: 1/4" = 1'-0"



STORAGE ROOM  
SCALE: 1/4" = 1'-0"



GARAGE FLOOR PLAN  
SCALE: 1/4" = 1'-0"

**Roger Hartley, P.E.**  
Consulting Engineer



**ENGINEER**  
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**OWNER**  
Bill Dadda & Susan Lovvick  
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**LEMPKE/DODDER RESIDENCE  
NEW GARAGE AND BATHROOM  
RENOVATIONS**  
248 Glen Drive  
San Jose, CA 95128  
APN: 065-141-144

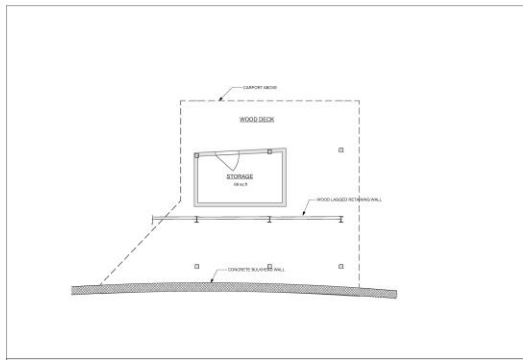
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PRINT DATE: 2/22/2022

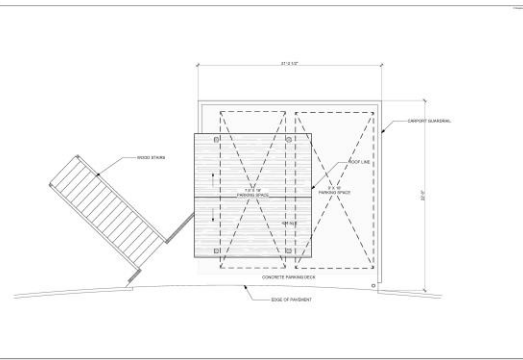
GARAGE FLOOR PLAN

SHEET  
A-02

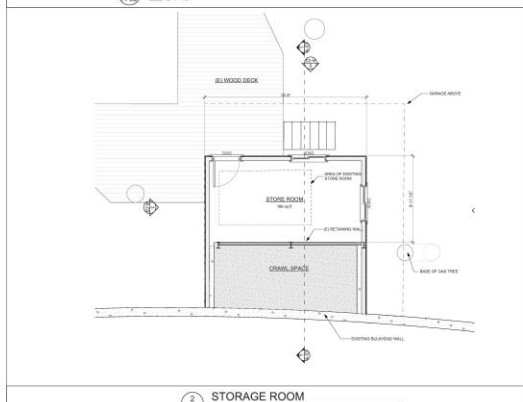
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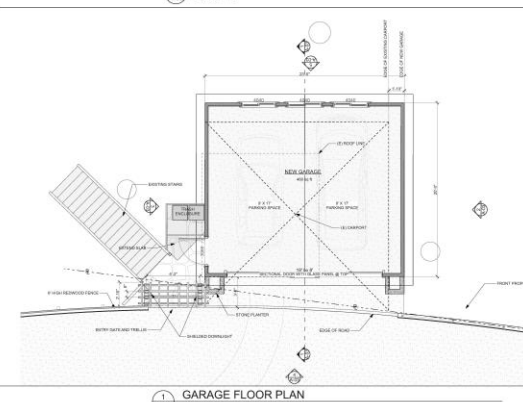
EXISTING STORE ROOM  
SCALE: 1/4" = 1'-0"



EXISTING CARPORT  
SCALE: 1/4" = 1'-0"



STORAGE ROOM  
SCALE: 1/4" = 1'-0"



GARAGE FLOOR PLAN  
SCALE: 1/4" = 1'-0"

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Consulting Engineer



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NO.	DATE	DESCRIPTION
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PRINT DATE: 2/22/2022

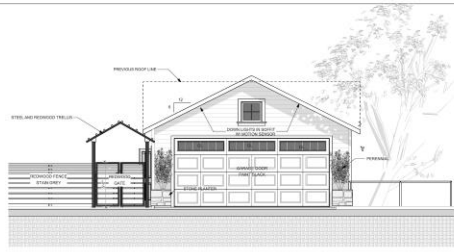
GARAGE FLOOR PLAN

SHEET  
A-02

8

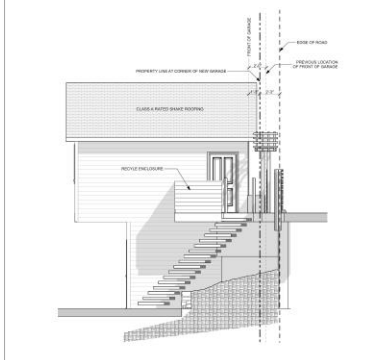


5 REAR ELEVATION  
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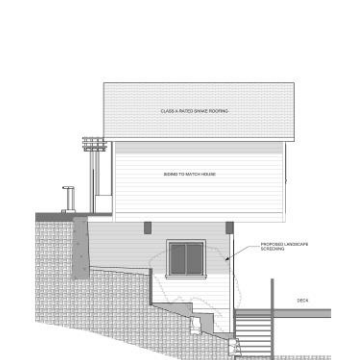


4 FRONT ELEVATION  
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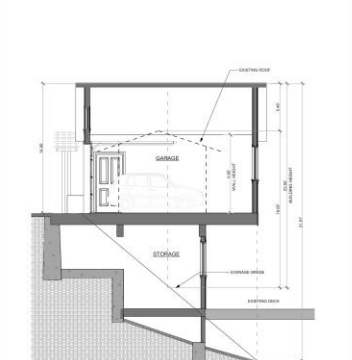
**EXTERIOR NOTES**  
 ROOFING TO BE HEAVY WEIGHT ARCHITECTURAL GRADE COMPOSITION SHINGLES TO MATCH COLOR OF NEIGHBORING HOMES  
 SIDING TO BE MODERN, SHIP LAP CEDAR SIDING, STAIN WHITE TO MATCH HOUSE  
 DOOR AND WINDOW FRAME TO BE ALUMINUM, FINISH TO MATCH HOUSE  
 NEW TRUSS, NEW ROOF LINE, NEW TRUSS TO BE MATCHED TO EXISTING TRUSS TO MATCH HOUSE  
 GARAGE DOOR AND STEEL TRUSS AND TRUSS TO BE MATCHED TO EXISTING TRUSS TO MATCH HOUSE  
 FINISHING AND GRASS TO BE MATCHED TO EXISTING



3 LEFT ELEVATION  
SCALE: 1/4" = 1'-0"



2 RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"



1 CROSS SECTION  
SCALE: 1/4" = 1'-0"

**Roger Hartley, P.E.**  
 Consulting Engineer



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 Roger Hartley, P.E. License  
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**LEMPKE/DODDER RESIDENCE  
 NEW GARAGE AND BATHROOM  
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 248 Glen Drive  
 Sonoma, CA 94964  
 APPR 06/15/14-144

ISSUES	DESCRIPTION
NO.	DATE
1	12/15/2012
2	12/15/2012
3	12/15/2012
4	12/15/2012
5	12/15/2012
6	12/15/2012
7	12/15/2012
8	12/15/2012
9	12/15/2012
10	12/15/2012

PRINT DATE: 12/15/2012

SECTIONS AND ELEVATIONS

SHEET  
 A-03

8