

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2023-10**

**APPROVAL OF A DESIGN REVIEW PERMIT FOR APPROVAL OF A DESIGN REVIEW PERMIT FOR EXTERIOR RENOVATIONS AND THE ADDITION OF APPROXIMATELY 1,300 SQ.FT. OF FLOOR AREA, INCLUDING REPLACEMENT OF THE CARPORT WITH A NEW TWO-CAR GARAGE AND AN INCREASE IN THE PEAK ROOF RIDGE HEIGHT AND ADDITIONAL PROJECTIONS OF ROOFLINE AND NEW THIRD-LEVEL DORMERS AT 145 SANTA ROSA AVENUE
(DR 2022-00206)**

WHEREAS, an application has been filed by applicant, Tom McElroy (McElroy Architecture), on behalf of property owners Peter Johnson & Heather Hensley, requests Planning Commission approval of a Design Review Permit for exterior renovations and the addition of approximately 1,300 sq.ft. of floor area, including replacement of the carport with a new two-car garage and a 3' 8" increase in the peak roof ridge height and additional projections of roofline and new third-level dormers at 145 Santa Rosa Avenue (APN 065-151-013) ("the Project"); and

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

WHEREAS, the Planning Commission has reviewed a Design Review Permit for the proposed remodel and expansion of the existing of the existing residence 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 "145 Santa Rosa Ave." by McElroy Architecture and date-stamped June 6, 2023; 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 and findings for design review approval, including findings for heightened review, 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).

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 remodel and expansion of the existing residence is hereby 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 "145 Santa Rosa Ave." by McElroy Architecture and date-stamped June 6, 2023; (Attachment 3).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 14th day of 2023, by the following vote:

AYES: Commissioner: Junius, Graef, Saad, Luxenberg
NOES: Commissioner: None
ABSENT: Commissioner: Feller
ABSTAIN: Commissioner: None



Brandon Phipps
Secretary to the Planning Commission

Attachments:

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

SAUSALITO PLANNING COMMISSION NO. 2022-XX
June 14, 2023
145 SANTA ROSA AVENUE
DR 2022-0206

ATTACHMENT 1
FINDINGS FOR APPROVAL OF A DESIGN REVIEW PERMIT, INCLUDING HEIGHTENED
REVIEW

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.D. The finding required by the City Code is provided in *italics* below, with the Commission's determination following.

- 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. The proposed Project maintains the use of the site as a single-family dwelling, maintains and improves existing parking conditions, and builds upon the footprint and form of the existing building. The proposed design, materials and colors complement the surrounding neighbor and the historic character of the community.

- 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 builds upon the footprint and form of the existing building, while modernizing the dwelling to updated codes and standards. The design generally maintains the character of the structure applying traditional "20th century cottage" architectural forms and detailing, particularly with the combination of gable and shed roofing. The proposal maintains the design character of the neighborhood and district, as the exterior of the existing main house will remain the same.

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

The neighborhood is characterized by a variety of two and three-story dwellings on the hillside of similar and or even larger scale. As such, the structure is 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.*

While the proposed improvement will raise the roofline and expand the roof volume, the structure is located on a steep hillside where surrounding properties are distant and largely do not enjoy primary views directly over the structure. The most affected structure is

located uphill and has expansive views over and beyond the subject site, resulting in only a minimal loss of water views from a lower-level unit and outdoor patio. The site is not viewable from public vantage points.

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

The proposed Project will not result in a prominent building profile above a ridgeline. The project site is located at the mid-point of the hill above Santa Rosa Avenue and is not located near 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.*

Largely utilizing the existing footprint, the project does not require significant changes to landscaping and no tree removal or major grading is proposed in conjunction with this application. The existing mature landscaping provides visual relief, particularly to properties to downhill that would view the taller front elevation.

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

The project builds upon the footprint and form of the existing buildings and minimizes changes to surrounding topography and vegetation. While the proposed improvement will raise the roofline and expand the third-level volume, the structure is located on a steep hillside where surrounding dwellings and primary living areas are properties are distant. The immediate downhill dwelling is over 100 feet away from the front elevation. Therefore, there will be little to no impact on light and air. The site is not viewable from public vantage points. The proposed improvements will not impact light and air to the project site, adjacent properties, or 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.*

Mechanical equipment will be visually shielded from view, shrouded to minimize noise, and must comply with the City's noise control ordinance (SMC Chapter 12.16). No chimney is proposed, and all exterior lighting will be required to be downlit and shielded to avoid glare onto neighboring properties.

- 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.*

While the proposed improvement will raise the roofline and expand the third-level volume, the structure is located on a steep hillside where surrounding dwellings and primary living areas are properties are distant. The location of balconies on the front elevation and bedrooms in the upper levels, as opposed to main dining and living room areas, reduces the potential for privacy impacts to the site and adjacent properties. The project presents some potential privacy issues to the rear windows and a portion of yard area at 155 Santa Rosa Avenue, downhill from the property. However, the windows at the rear of the master bedroom at 155 Santa Rosa appear to be more "light" windows than "view" windows, and the primary viewing windows for that dwelling face toward the north and eastward. Further,

the rear wall of 155b Santa Rosa Avenue is more than 100 feet from the proposed front elevation, and much of the views into the yard area are obscured by vegetation. Taking into consideration the density of the neighborhood, the extent landscaping, fencing, and the configuration of windows and deck, the project provides a reasonable level of privacy to the site and adjacent properties.

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

The site is accessed via a shared driveway easement that is steep and somewhat narrow. However, the project will maintain the use as a single-family dwelling site and will improve the parking condition by providing a complaint two-car garage. As such, the project is designed to maintain or otherwise improve the availability of parking and ease of vehicular movement. There are several public parking spaces located along the street frontage below the driveway, with parking generally being available during daytime hours.

- 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.*

Largely utilizing the existing footprint, the project does not require significant changes to landscaping and no tree removal or major grading is proposed in conjunction with this application.

- 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)*

At 90% of the allowable FAR, the Project exceeds 80% of the allowed floor area ratio and is subject to heightened review. As discussed below, the project has been found consistent with the required findings for heightened review.

- 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.*

Building off the footprint and form of the existing structure, the project generally maintains existing mature landscaping and does not result in tree removal or major grading, thereby minimizing light and air impacts to adjacent properties. The design utilizes pitched roofs and dormers to provide visual relief from the third story improvements. Further, the location of small balconies on the front elevation and bedrooms in the upper levels, as opposed to main dining and living room areas, reduces the potential for privacy impacts to the site and adjacent properties.

Heightened Findings SMC 10.54.050.E:

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

Largely utilizing the existing footprint, the project does not require significant changes to landscaping and no tree removal or major grading is proposed.

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

Substantial setbacks of more than 30 feet are provided to the front (North) and rear (South) property lines. While a corner of the garage structure and portions of the east and west building elevations project slightly into the setbacks, the building forms are broken up so that they do not present massive wall planes along any property line. Rather, the project provides substantial open spaces around the perimeter of the site.

- 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.*

While the proposed improvement will raise the roofline and expand the roof volume, the structure is located on a steep hillside where surrounding properties are distant and largely do not enjoy primary views directly over the structure. The most affected structure is located uphill and has expansive views over and beyond the subject site, resulting only in a minimal loss of water views from a lower-level unit and outdoor patio. The primary views from this and other adjacent properties will remain intact. The site is not viewable from public vantage points.

- 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 site is accessed via a shared driveway easement that is steep and somewhat narrow. However, the project will maintain the site as a single-family dwelling (with an approved ADU) and will improve the parking condition by providing a complaint two-car garage. As such, the project is designed to maintain or otherwise improve the availability of parking and ease of vehicular movement. No removal of trees or significant grading is proposed under this application. The stability of the dwelling and new garage will be addressed as a matter of building permit review and approval. Further, standard conditions of approval require submittal of a detailed drainage and utilities plan, in conjunction with the proposed renovation.

- 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 site is a moderately sloped hillside site, consistent with the topography of the neighborhood, and does not present geological hazards. The project does not require significant grading and stability of the dwelling and the new garage will be addressed as a matter of building permit review and approval.

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

The project will maintain the use as a single-family dwelling site and will improve the parking condition by providing a complaint two-car garage. As such, the project is designed to maintain or otherwise improve the availability of parking and ease of vehicular movement. There are several public parking spaces located along the street frontage below the driveway, with parking generally being available during daytime hours.

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

While the proposed improvement will raise the roofline and expand the third-level volume, the structure is located on a steep hillside where surrounding dwellings and primary living areas are properties are distant. Largely utilizing the existing footprint, the project does not require significant changes to landscaping and no tree removal or major grading is proposed as part of this application. Existing mature landscaping will be maintained, particularly along the downhill (north) property line where a vegetative buffer is most needed. While the project presents some potential privacy issues to the rear windows and a portion of yard area at 155 Santa Rosa Avenue, the rear wall and yard area are very distant from the proposed front elevation, and much of the view to the new windows and roof volume are obscured by vegetation. As all the landscaping along the north perimeter of the site and adjacent to the driveway is proposed to remain, the proposed plan provides adequate landscaping to maximize privacy and minimize the appearance of bulk.

**SAUSALITO PLANNING COMMISSION NO. 2022-XX
JUNE 14, 2023
145 SANTA ROSA AVENUE
DR 2022-0206**

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project at 145 Santa Rosa Avenue depicted on plans prepared by McElroy Architecture, entitled "145 Santa Rosa Ave", date-stamped June 6, 2023 (Attachment 3).

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION CONDITIONS OF APPROVAL:

General Items:

1. 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(s). This shall include establishing the approved use/implementing the permit(s) within the time limits set forth by the applicable code.
2. No site demolition, grading, and/or project construction shall occur until applicant has received building permits from the Community development Department.
3. The project shall be designed and constructed as shown in the set of plans titled "145 Santa Rosa Ave." by McElroy Architecture and date-stamped June 6, 2023.
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. All exterior lighting shall be downlit and shielded to avoid glare onto adjacent properties. installed according to approved plans.
 6. The Applicant/Property Owner(s) 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, or construction thereof.
 7. In the event that any condition imposing a fee, exaction, dedication, or 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 subject to review by the City and substitute conditions may be imposed.
 8. Prior to the issuance of building permits, all outstanding applicable City fees as established by City Council resolutions and ordinances shall be paid.
 9. Construction Management Plan (CMP) Required: Prior to the issuance of building permits the applicants and/or general contractor shall provide a CMP for the purpose of appropriately managing construction activities, minimizing impacts and disturbance to surrounding neighborhood, and assuring regular access to adjacent properties, particularly those on the shared driveway. of identifying the following:
 - estimated project duration (per Condition #10 below)
 - construction schedule of milestones (excavation, grading, and off haul duration; foundation work; framing; flatwork/paving; punch list/final inspection)
 - excavation and disposal methods
 - equipment to be used
 - site access location
 - storage and staging location of materials and equipment/portable toilet/debris box and waste bins

- truck loading area and temporary traffic control required as necessary
 - haul route
 - For construction requiring earthwork between October 15th and April 15th, an action plan for storm water pollution prevention and erosion and sediment control prior to an anticipated rain event.
10. 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:

General Items:

11. 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.

Right of Way Items:

12. Prior to final inspection and occupancy, the Permittee applicant shall repair or replace, at no expense to the City, damage to public facilities that results from applicant's construction activities. Applicant shall ensure that any contractor shall save and protect all existing facilities not designated for removal or modification within the public right of way. The Applicant shall bear the entire cost of restoring the street or other property of the City that is damaged, to the satisfaction of the City Engineer
13. Emergency vehicle access and access to adjacent properties shall be maintained at all times throughout the duration of this project.
14. An encroachment permit shall be obtained from the DPW 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. Encroachment submittal information can be found here: <https://www.sausalito.gov/departments/public-works/engineering-division/encroachment-permits>.

15. Applicant is advised that construction materials, equipment, vehicles, and properly-permitted debris boxes 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 stockpiles & 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.
16. Applicant shall ensure best management practices (BMPs) are used during construction activity to prevent pollution and sediment from entering the stormwater drainage system. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include: designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. The Applicant shall consult the Marin County Stormwater Pollution Prevention Program's website here: https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosion_sediment-control-measures-for-small-construction-projects-2015.pdf?la=en

Advisory Notes

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

1. 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.
2. 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
3. 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.
4. Pursuant to 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 and City-Recognized Holidays – 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.

5. Pursuant to City of Sausalito Resolution 5116, roadway and subdivision improvements shall comply with the Uniform Construction Standards All Cities and County of Marin and as may be modified by the City Engineer.
6. Improvements within the public right of way shall conform to the Cities and County of Marin "Uniform Construction Standards," available online at: <http://www.marincounty.org/depts/pw/divisions/land-use/ucs>.
7. All applicable City fees as established by City Council resolutions and ordinances shall be paid.
8. All mechanical equipment installed in connection with this project (e.g., hot tub equipment, fans, air conditioning... etc.) shall be subject to Sausalito Municipal Code Section 12.16.130 (Noise Control

SAUSALITO PLANNING COMMISSION NO. 2022-XX
June 14, 2023
145 SANTA ROSA AVENUE
DR 2022-0206

ATTACHMENT 3: PROJECT PLANS