SAUSALITO PLANNING COMMISSION RESOLUTION NO. 2023-18

APPROVAL OF A NONCONFORMITY PERMIT FOR THE REPLACEMENT OF AN EXISTING NONCONFORMING DECK AND STAIRCASE AT 27-29 CRESCENT AVENUE

(PROJECT ID: 2023-00092)

WHEREAS, an application has been filed by applicant, Fernando Solis, on behalf of property owner Michael Kunzik, requesting Planning Commission approval of a Nonconformity Permit for the demolition and replacement of an existing nonconforming deck and staircase at 29 Crescent Avenue (APN 065-252-16) ("the Project"); and

WHEREAS, the project site is located within the General Plan Medium to Low Density Residential land use designation and the Multi-Family Residential (R-2-2.5) zoning district; and

WHEREAS, the Planning Commission has considered the information contained in the staff report as well as any and all oral and written testimony from the applicant and all interested persons regarding the proposed Project; and

WHEREAS, the Planning Commission has reviewed and considered the Project plans titled "Kunzik Residence", dated January 27, 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 as described in the staff report;

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

- 1. The project is categorically exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302 as the project involves the replacement and reconstruction of an existing non-conforming structure with substantially the same purpose and capacity with minor modifications to better reduce the existing non-conformity.
- 2. The Nonconformity Permit for the demolition and replacement of a nonconforming deck and staircase is approved based upon the attached findings (Attachment 1) and as shown in the project titled "Kunzik Residence", dated January 27, 2023 (Attachment 2).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 27th day of September 2023, by the following vote:

AYES:

Commissioner: Feller, Graef, Junius, Luxenberg, Saad

NOES:

Commissioner:

ABSENT: ABSTAIN:

Commissioner:

Brandon Phipps, Community and Economic

Development Director

Attachments:

1 Findings

2 Conditions of Approval

3 Project Plans

SAUSALITO PLANNING COMMISSION RESOLUTION NO. 2023-18 SEPTEMBER 27, 2023 27-29 CRESCENT AVENUE PROJECT ID: 2023-00092

ATTACHMENT 1: FINDINGS

The Planning Commission may issue a nonconformity permit if all the following findings in SMC 10.62.070 G can be made:

1. Plans that document the nonconforming zoning entitlement being requested are on file with the City or an evidentiary public hearing has been held to document the existence and extent of requested nonconforming zoning entitlement.

Plans that document the existing nonconformity are on file with the city (and county) and are included as attachments in the staff report.

2. The existing nonconforming use and/or structure has not resulted in a notable negative impact or nuisance to the surrounding properties and district (i.e., excessive parking demand, traffic, noise, view obstruction, etc.).

The existing nonconforming structure has not resulted in any notable negative impacts or nuisance to the surrounding properties as it serves as the only access point to the lower unit of a duplex and is only used by the inhabitants of the unit.

3. The nonconforming use or structure is not incompatible with the general character of the surrounding neighborhood or district.

The nonconforming structure is compatible with the surrounding neighborhood as it is part of the original development and only provides access to a residence. Further the site is a narrow, sloping lot, and the design and nonconformity is similar and in keeping with, several other entries to residences on adjacent properties, notably 21, 23-25, and 35-34 Crescent Avenue, which also feature narrow entry passages with stairs and decks located in required side yard setbacks.

4. If the application is for a nonconforming use, the nonconforming use will contribute to the social and economic vitality of the district or will otherwise benefit the public health, safety and welfare.

Not applicable.

5. The requested action will not be inconsistent with the purpose and intent of the zoning district.

The approval of a Nonconformity Permit to replace a failing nonconforming entry deck and staircase to a residence is consistent with the purpose and intent of the residential zoning district as it provides adequate and safe personal and public access to property pursuant to SMC 10.10.030 M.

6. If it is a nonconforming structure, the applicant has reduced the nonconformities to an extent reasonably practicable.

As designed, the proposed project reduces the preexisting nonconformities to an extent reasonably practicable by bringing the deck fully back onto the subject property while still providing safe access to the entrance of the residence at 27 Crescent Avenue.

7. For nonconformity permits that trigger conformance with current parking requirements pursuant to Table 10.62-1, the Planning Commission may waive the current parking requirement and allow the maintenance of the existing nonconforming parking entitlements through the grant of the nonconformity permit, if the Commission finds that (a) it is not practicable to provide parking on site in a manner that preserves neighborhood character, and (b) for substantial replications, the provision of the required parking would be in conflict with the replication of the structure, and (c) preserving the nonconforming parking entitlements is the best solution to be consistent with the goals, policies and intent of the general plan.

Not Applicable.

SAUSALITO PLANNING COMMISSION RESOLUTION NO. 2023-18 SEPTEMBER 27, 2023 27-29 CRESCENT AVENUE

PROJECT ID: 2023-00092

ATTACHMENT 2: CONDITIONS OF APPROVAL

Community Development Department

- 1. Construction shall conform to the plans on file in the Planning Department for Project ID: 2023-00092 received and dated January 27, 2023. The Director of Community Development may approve minor modifications to the plans.
- 2. 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.
- 3. The Design Review Permit shall expire two years following the effective date of the permit if the project entitlement has not been implemented, and 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.

Public Works Department

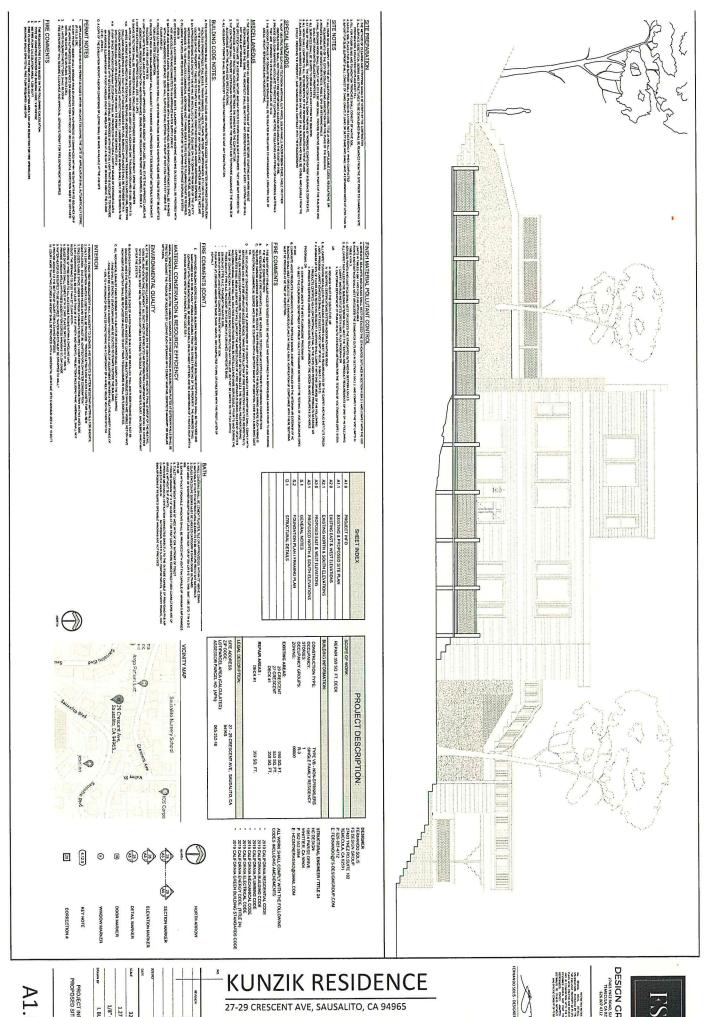
- 1. Applicant shall ensure best management practices (BMPs) are used during construction activity. This includes erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation 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. You may refer to the Marin County Stormwater Pollution Prevention Program's website:
 - https://www.marincounty.org/~/media/files/departments/pw/mcstoppp/development/erosions edi ment-control-measures-for-small-construction-projects-_2015.pdf?la=en
- 2. Applicant shall ensure that construction materials, equipment, vehicles, and properlypermitted debris boxes (Bay Cities Refuse Service is the sole authorized solid waste hauler

permitted to provide debris box service in the City of Sausalito) is not placed in a manner that poses a traffic hazard, and is placed to minimize obstruction of roads and gutters, and is equipped with reflectors or lighting to ensure visibility at night and in inclement weather (if placed in the public right of way), and is maintained in a clean and safe condition, and not 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.

- 3. The Applicant shall ensure construction of new deck does not cross the property line threshold. If any work is anticipated to cross property line threshold, applicant shall obtain and submit to DPW a legal, written authorization from all impacted owners.
- 4. Applicant to verify utilities within project area. Ensure deck posts will not impact underground utilities in the area, if any.

RESOLUTION NO. 2023-18 SEPTEMBER 27, 2023 27-29 CRESCENT AVENUE PROJECT ID: 2023-00092

ATTACHMENT 3: PROJECT PLANS



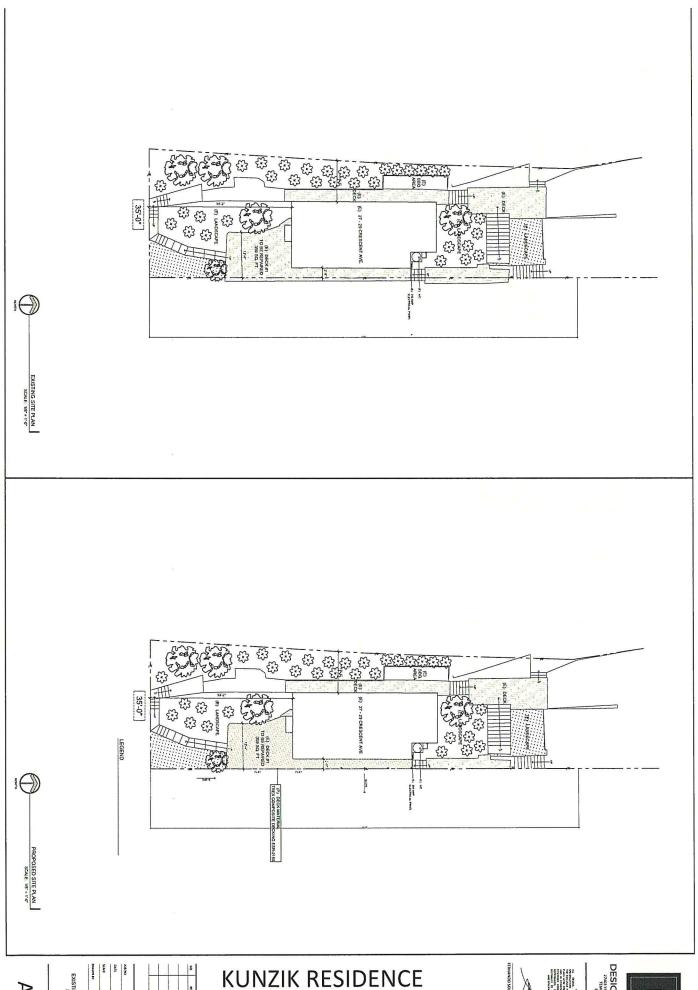
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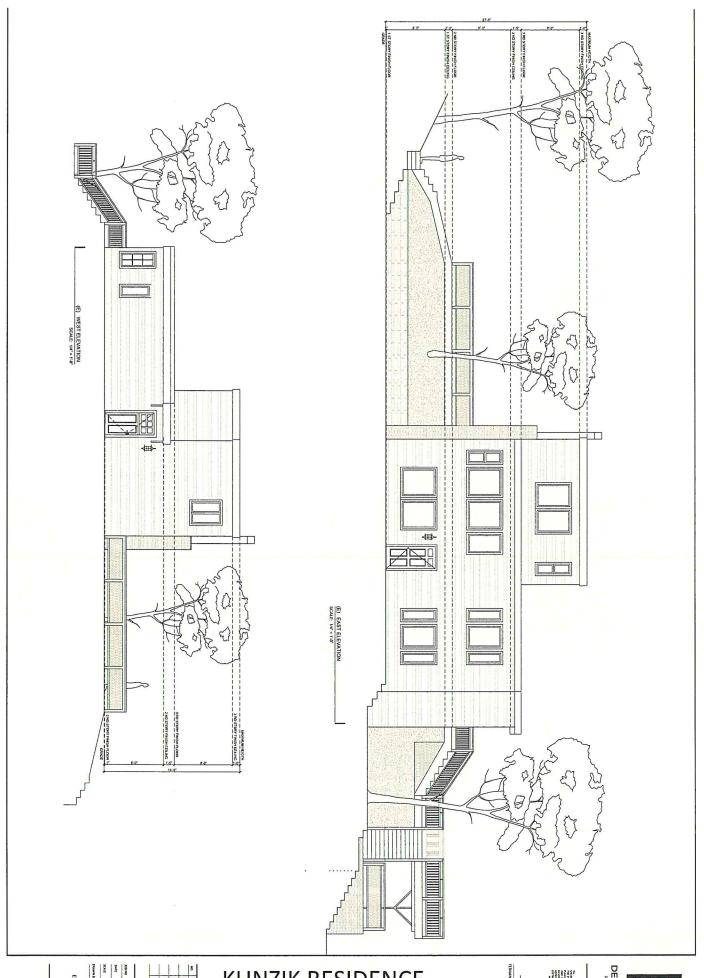








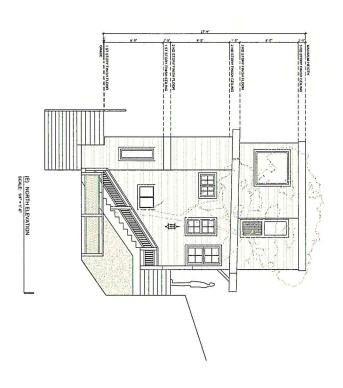




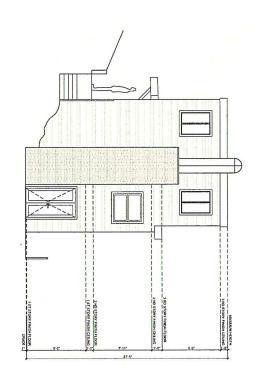


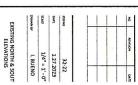






(E) SOUTH ELEVATION





KUNZIK RESIDENCE

27-29 CRESCENT AVE, SAUSALITO, CA 94965

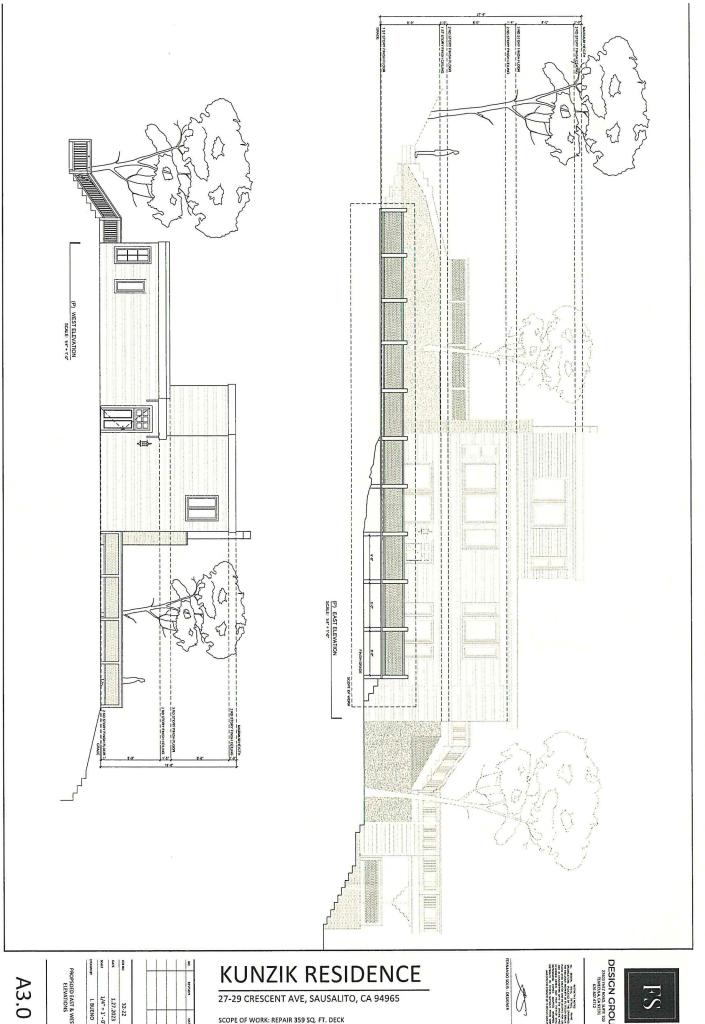
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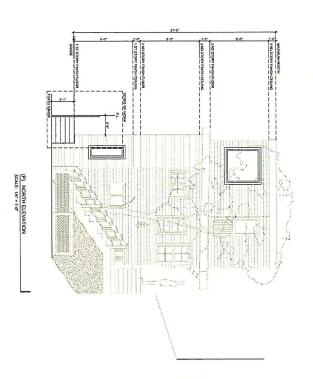
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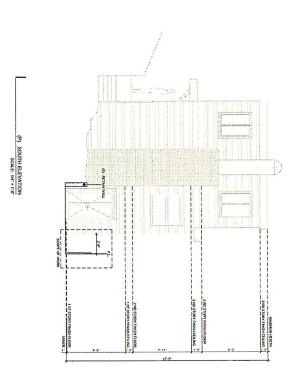












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SCOPE OF WORK: REPAIR 359 SQ. FT. DECK









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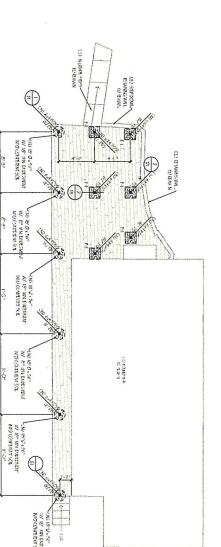
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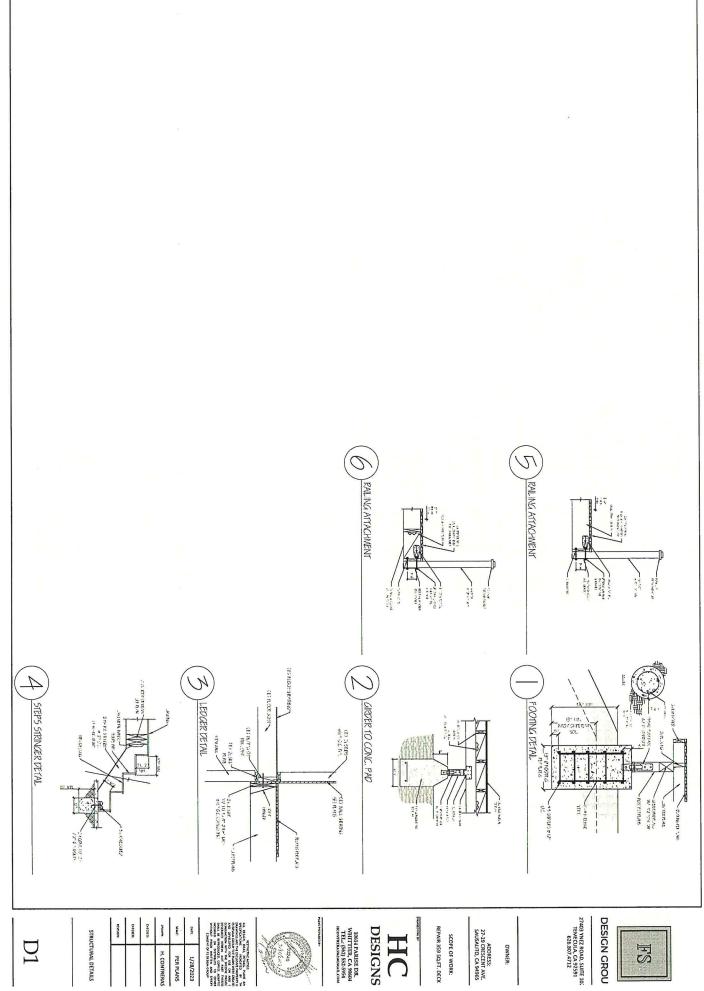
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STRUCTURAL DETAILS







10614 PARISE DR.
WHITTIER, CA 90604
TEL: (562) 552-5954
HCONTREMSWIEGMARLCOM

ADDRESS: 27-29 CRESCENT AVE. SAUSALITO, CA 94965

OWNER:



