SAUSALITO PLANNING COMMISSION RESOLUTION NO. 2024-04

DENIAL OF A TWO-UNIT HOUSING DEVELOPMENT PROJECT WITH AN ACCESSORY DWELLING UNIT AT 215 SAUSALITO BOULEVARD SUBMITTED PURSUANT TO GOVERNMENT CODE SECTION 65913.4 (SB 35)

APN: 065-263-10 PROJECT ID: 2023-00026

WHEREAS, an application has been filed by applicant, Christopher Sullivan, on behalf of Property Owner, Long Water Trust, for the construction of a two-unit housing development project with an accessory dwelling unit at 215 Sausalito Boulevard (APN: 065-263-10) (the "Project"), submitted pursuant to Government Code Section 65913.4 (SB 35); and

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

WHEREAS, the Planning Commission has reviewed and considered the Project plans titled "Clarifications / enhancements / some small alterations to 10/14/2023" received January 26, 2024 (Attachment 1); and

WHEREAS, pursuant to Government Code section 65913.4(a)(5), the City must determine if the development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Government Code section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time that the development is submitted to the local government; and

WHEREAS, Section 301 of the California Housing and Community Development (HCD) Guidelines acknowledges that ministerial processing does not preclude imposing standard conditions of approval as long as those conditions are objective and broadly applicable to development within the locality, regardless of streamlined approval, and such conditions implement objective standards that had been adopted prior to submission of a development application; and

WHEREAS, the Sausalito City Council adopted Resolution No. 6059 on July 13, 2021, which identified those provisions of the City's existing zoning and subdivision regulations that include objective development standards such as height limits, setbacks, coverage limits, parking requirements, and floor area ratio requirements, and which apply to projects submitted pursuant to Government Code section 65913.4; and

WHEREAS, the Community Development Department identified to the applicant, in writing, in the manner required by Government Code section 65913.4(c), that the project is in conflict with objective planning standards of the City and provided written documentation of which standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, with respect to any submittal and re-submittal of the project; and

WHEREAS, the Planning Commission finds that the proposed project is inconsistent with the City's objective development standards and does not comply with the requirements of the Zoning Ordinance as described in the staff report, and that the project is not subject to Density Bonus Law; and

WHEREAS, the review of the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15300.1 (Relation to Ministerial projects);

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

- 1. The Planning Commission hereby finds that the above recitals are true and correct, adopts the above recitals as findings of the Planning Commission.
- 2. The Planning Commission finds that the proposed project at 215 Sausalito Boulevard (APN: 065-263-10) would violate the applicable height limit, floor area ratio, maximum coverage, impervious coverage, side setbacks, and rear setback that apply to the parcel under the General Plan and applicable City zoning. As such, the housing development project at 215 Sausalito Boulevard (APN: 065-263-10) as submitted pursuant to Government Code Section 65913.4 is denied due to lack of compliance with the City of Sausalito's objective zoning standards.
- 3. This action is not subject to CEQA pursuant to CEQA Guidelines section 15270, which provides that CEQA does not apply to projects which a local agency disapproves.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 14th day of February 2024, by the following vote:

AYES:

Commissioner: Luxenberg, Saad, Feller, Junius

NOES:

Commissioner:

ABSENT:

Commissioner:

ABSTAIN:

Commissioner:

Brandon Phipps, C Development Director

Phipps, Community

and

Economic

ATTACHMENTS

Project Plans

SAUSALITO PLANNING COMMISSION RESOLUTION NO. 2024-04 February 14, 2024 215 SAUSALITO BOULEVARD APN: 065-263-10

PROJECT ID: 2023-00026

ATTACHMENT 1: PROJECT PLANS

Project Description:

The filing is for a 3 unit development, including an affordable composent. The development is for two homes, and a further home, an ADU. The ADU unit is dedicated to renal by low-income earners. The applicant submits for streamlined ministerial processing for multi-family housing under Gov. Code 65913.4. The relevant bills include 5833, and 58423.

"The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California." (Gov. Code, § 65589.5, subd. 454140.14).

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(gl(J)(A).)

**California has a housing supply and affordability trists of historic proportions. The consequences of failing to effectively and aggressively contront this crists are hurting millions of Californias, robbing future generations of the chance to call California home, stifling economic opportunities for workers and fusilnessess, worsening poverty and homelessness, and continued on dermining the state's environmental and climate objectives." (Gov. Code, § 65589.5, subd. undermining the state's environmental and climate objectives."

that limit the approval of housing, increase the cost of land for housing, and require that high tees and exactions be paid by producers of housing." (Gov. Code., § 65589.5, subd. [a]/1][b].

"Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration." (Gov. Code. § 65589.5, subd. [a](1)(C).) (a)(2)(A).
* "California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments.

6 6 2

To any extent this or parts may in unlikely event not be a ministerial project, this is an application for a development permit for a development project under the Permit Streamlining Act, Government Code § 65920 et seq.

next interest code is 9 32 ac ex 3 seq.

The applicant reless on multiple State Government codes to obtain entitlements, and for heapplicant reless on multiple State Government protection, the sec does among others:

[a] Housing element law farticle 108 (commercing with Section 65580) of Chapter 3).

[b] Extension of Statute of limitations in actions challenging the housing element and brought in support of affordable housing (publishion () of Section 65093).

[c] Restrictions on disapproval of housing development (section 65933.4 (a)(5)(8)) (e) It config thining, inhibiting or precluding development that requires use of government (b) expection 65913.4 (a)(5)(8)) (e) Prohibiting thining, inhibiting or precluding development that requires use of government and for a driveway etc. Section 65913.3).

[b] Least cost toning law (Section 65913.3) (b) (e); From January 2024, no public oversight. (Bernove the authorization to conduct public oversight. (SeA23 Chapter 778 Legislative Councet's Digest)

[b] Accessor of weeling must Section 65852.15) on de5652.2),

[b] Section 65528.4).

[c] No next-loss-in zoning density law limiting down zonings and density reductions (Section 6591.3) and density zeductions (Section 6591.3).

(i) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914)
(ii) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914)
(iii) Reduced time for action on affordable housing applications under the approval of operation to the person of the per

larger project under this Code.

The applicant is eligible for streamlined processing. By that the applicant desires to commence construction on this for under streamlined processing in May 2024.

Building permit submittals are to comply which California Building. Fire, Electrical and Plumbing Code in Force at the time of the original application submittal.

Code in Force at the time of the original application submittal.

A vegetation management pain meeting SMED requirements will be submitted at building permit time.

Fire Sprinklers will be provided if required per regulations. If so, C16 licensee shall provide at building permit time.

wners:	Long Water Trust
pplicant:	Christopher Sullivan
ddress:	PO Box 29281, San Francisco, CA 94129
mail:	longwatertrust@gmail.com
hone:	(415) 754-8009
ite Data:	
Ž.	065-263-10
eneral Plan:	17.4 DUA
ot size:	0.129 acre lot thus
	2.24 dwelling units excluding ADU
oning:	R-2-2.5
ot size:	5622 sq ft
ot width:	50 ft average width

E & \$ &

Filing	Regulations
Two single family units and 1 ADU	;
Filing	Regulations
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3.83	:
_	;
-	;
217	:
158.5	:
187.75	:
219,75	:
163 > 213=50	:
	ling we single family who single family who single family who single family ling and 1 ADU ling 8.83 88.5 88.5 87.75 97.75 97.75 95.9 213=50

		Parking:
	4	Filing
public transportation	Within 1/2 mile of	Regulations

3	4702	(Data is for inside the lot lines)
Regulations	Filing	Impervious surface:

	Average slope	
	71%	

Fo.

	-
4492 sq. ft (Building Area, CBC 2022)	1/19/24 Square tootage of development.

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Clarification
Clarification
City of Sausalto informed in their view now complete and began processing
Prefirminary application submitted
Prefirminary application submitted
Prefirminary application submitted

		Coverage sq. ft: (Data is for inside the lot lines)
80%	4511	Filing
:	:	Regulations

Sheet Number Contents:

Sheet Name Cover Sheel

Site Plan Parking Plan

Filing	Regulations
:	
63	:
4536	:
	4599 4536

Regulations:

Section 659(3.4 (a) (5) 'objective zoning standards, "objective subdivision standards," and "objective design review standards are another involve no pursonal or subjective) utiganent by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.

Uniform: Oxford Dictionary – 'remaining the same in all cases and at all times; unchanging in form or character' Uniformly:- Oxford Dictionary - 'in a way that is the same in all cases and at

The essential numeric values that anchor all zoning compliant building layout and design are not objective in Sausalito ODDS July 2021 - it is not possible to find by ODDS July 2021 those essential values for setbacks, allowable positions for necessary relaining walls, nor other essential elements which necessarily serve as the key starting points to plan and design a homehome(s) (that complies with local code). And various relevant parts CDDS unly 2021 are ambiguous, have internal conflicts, and an important section has a typographical error that thus is not objective or veritable.

A.5.1 A.5.2 A.5.3

A.6.2 A.6.3

Unit 1 Section BB Unit 1 Section DD

Unit 2 & 3 Roof Plans Unit 1, Third Floor Roof Plan Unit 1, Second Floor Roof PI Unit 1, First Floor Roof Plan Unit 3 (ADU) Elevations

Unit 2 & 3 Sections

A4.1 A4.2 A4.3

Unit 3 (ADU) Floor Plans Unit 3 (ADU) Elevations

A3.1 A3.2 A3.2

Unit 2 Elevations Unit 2 Elevations Unit 2 Floor Plans Unit 1 South Elevation

A2.1 A2.2 A2.3 A2.4 A2.6 A2.6 A2.7 A2.8

Unit 1 Fourth Floor Plan
Unit 1 Swimming Pool Plan
Unit 1 West Elevation
Unit 1 East Elevation
Unit 1 North Elevation

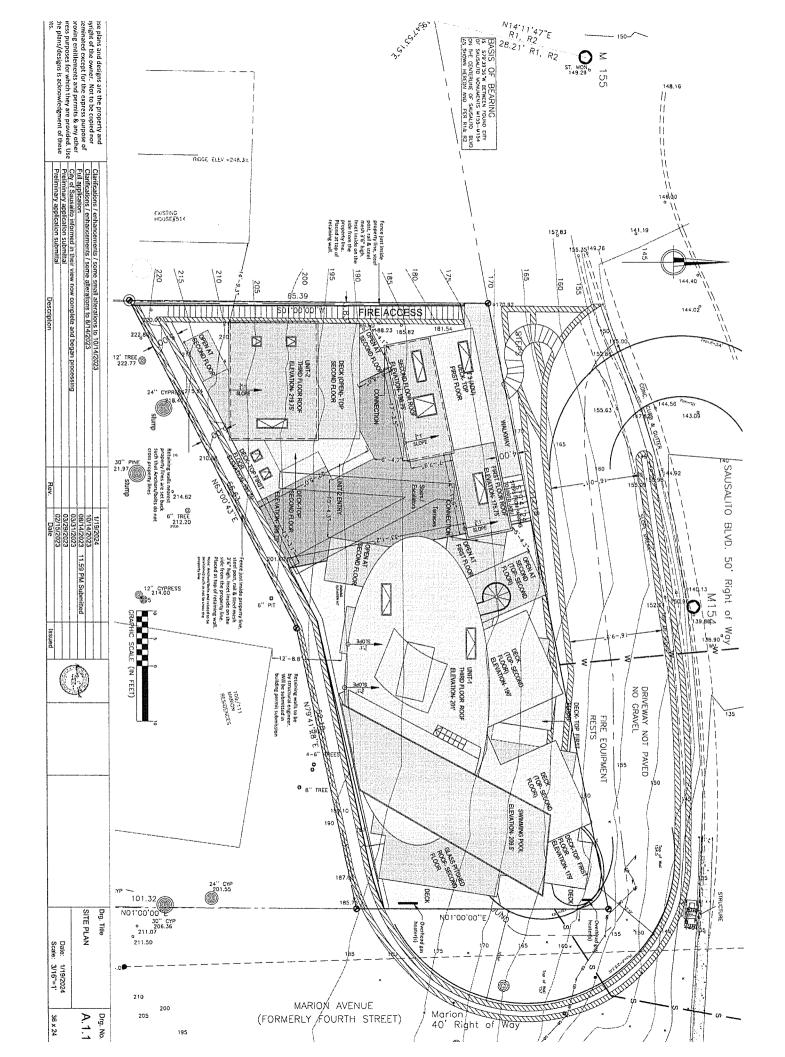
Unit 1 Third Floor Plan Unit 1 Second Floor Plan Unit 1 First Floor Plan

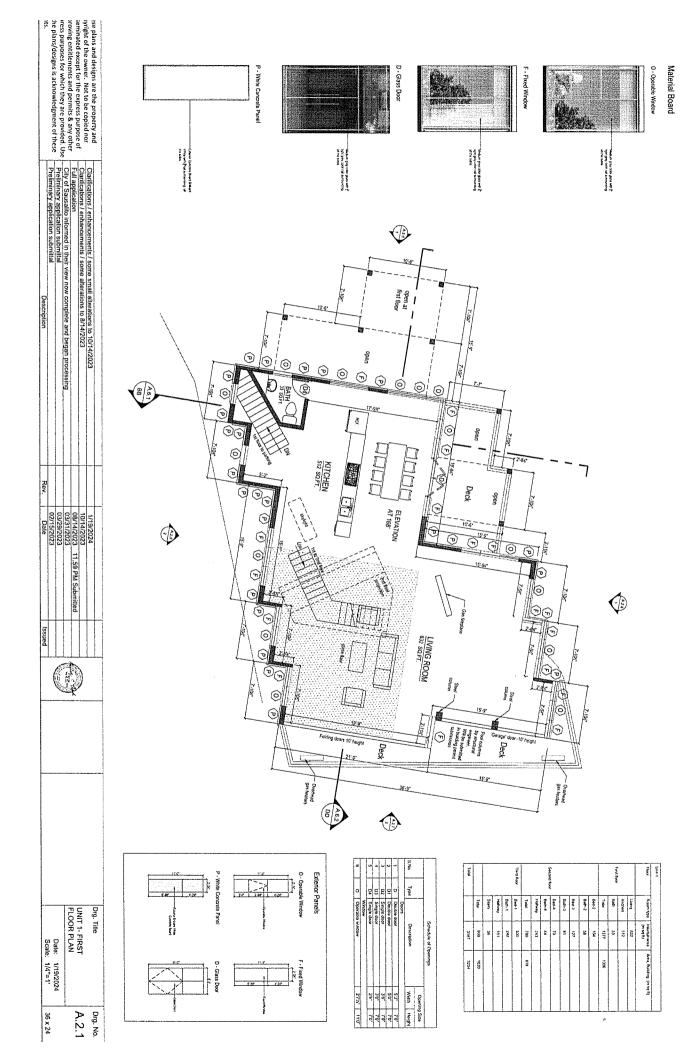
Despite knowing this, Sausalito has spent much time attempting to defend its Code to the applicant as objective. This creates unnecessary frustration for applicants, and we believe that now crossed the line to comprise lake statements on these subject matters - with real harm resulting. Rather, it is time for Sausalito to stop pretending, explain to the voters that recent State law enactments leave Sausalito with no choice but to approve certain projects, and instead of Sausalito with no choice but to approve certain projects, and instead of Sausalito with no choice but to approve certain projects, and instead of Sausalito with no choice but to approve certain projects, and instead of Sausalito with no choice but to approve certain specifications to create actual compliant Objective Design Standards that will return planning controls to Sausalito.

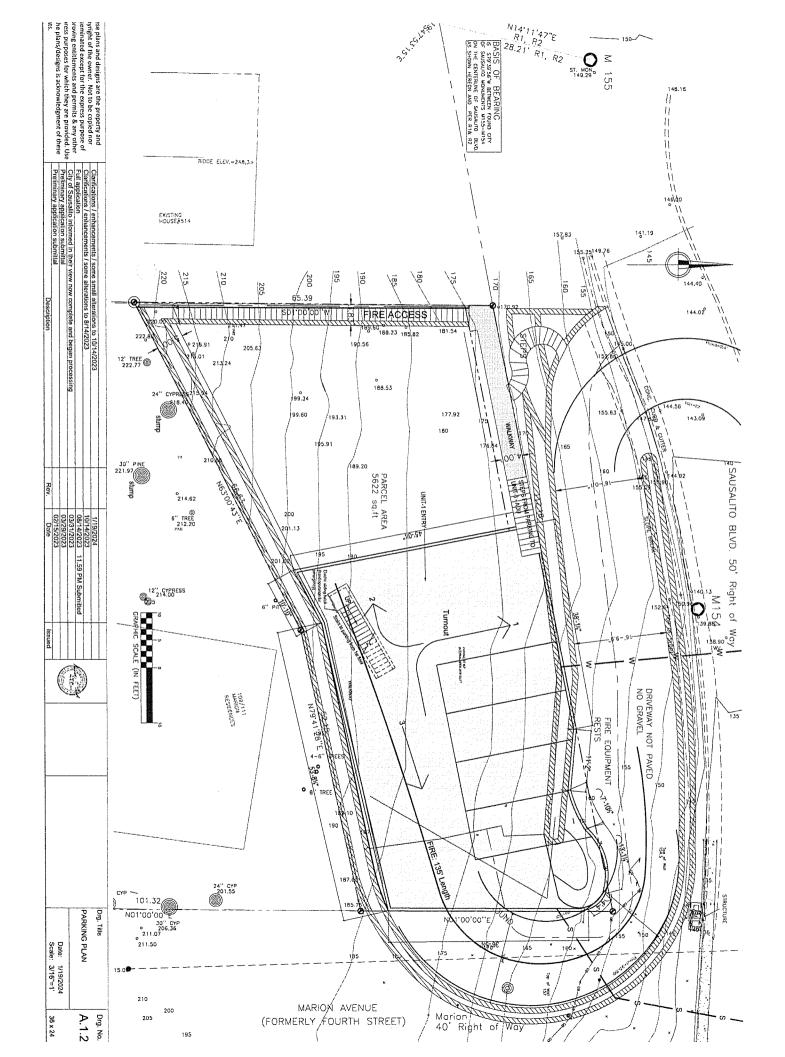
discretionary and subjective Code, preemptive State Code categorically controls that this specific application is subject only to any objective Sausalito Ordinances and Code in effect in February 2023 (such as they exist) and This application is fully compliant with the Sausalito General Plan. Due to significant issues experienced by applicants in obtaining permits under vithout severance

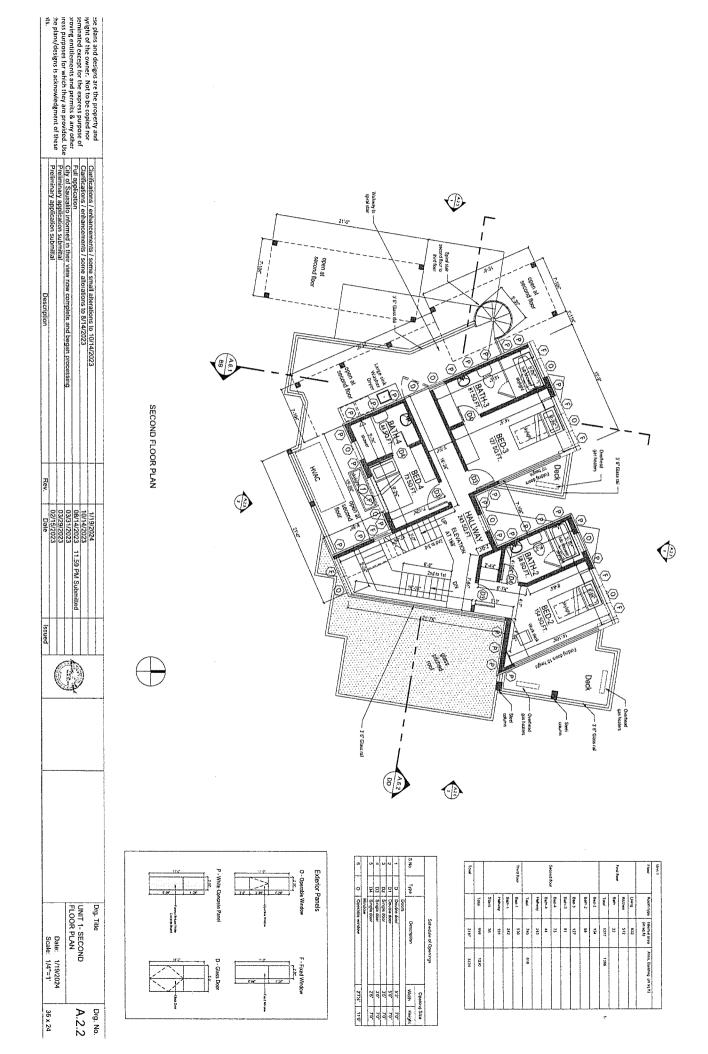


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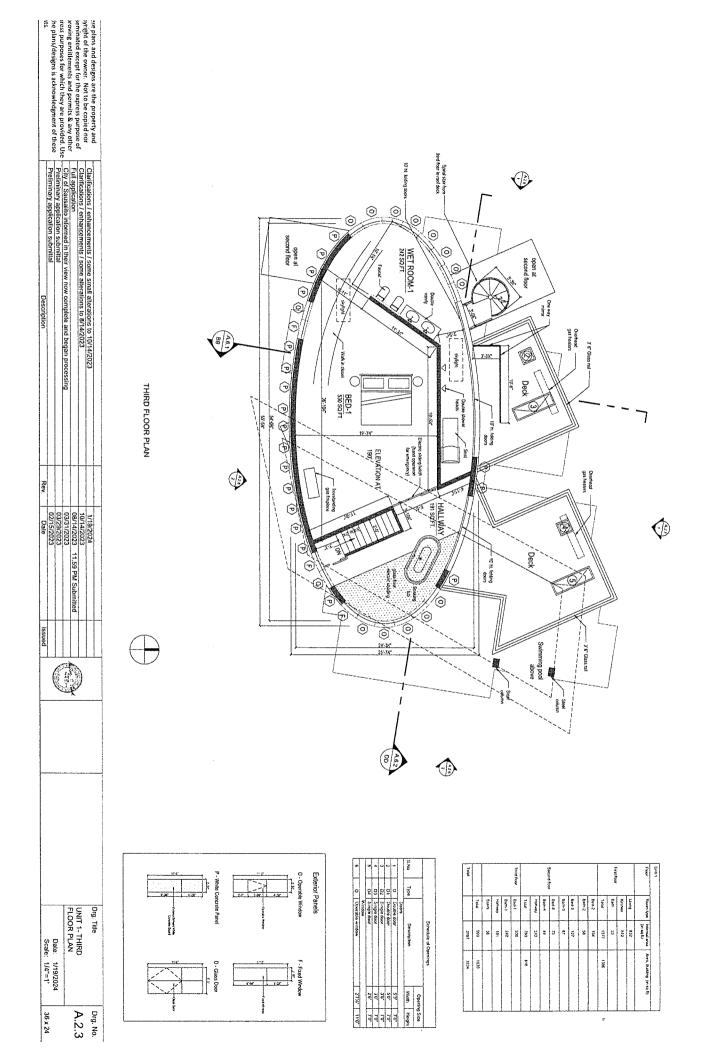


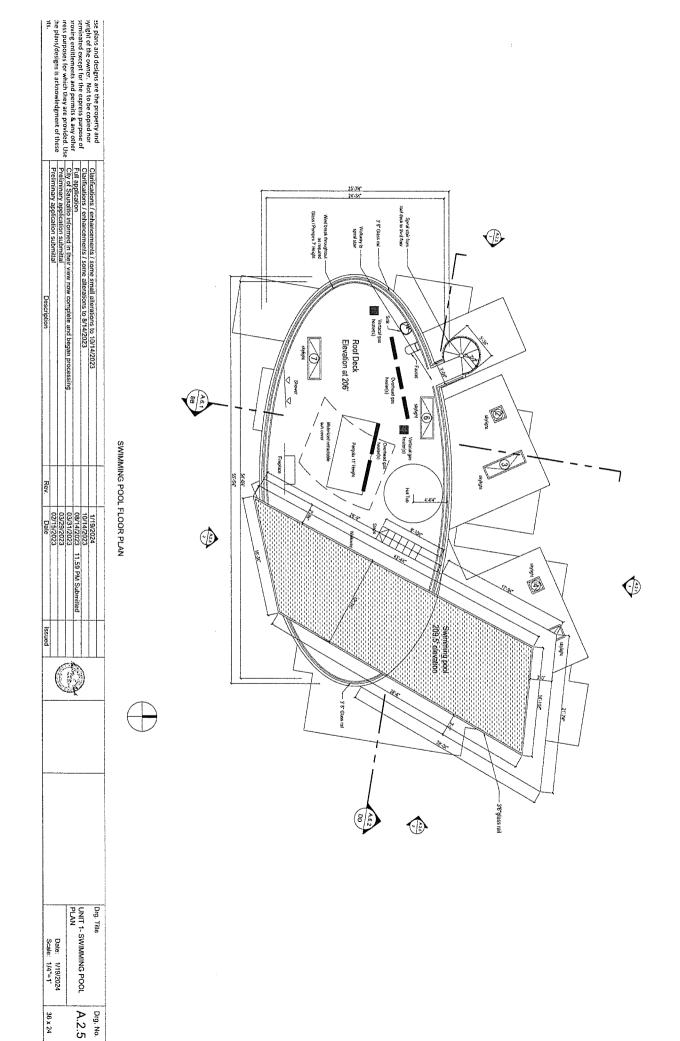
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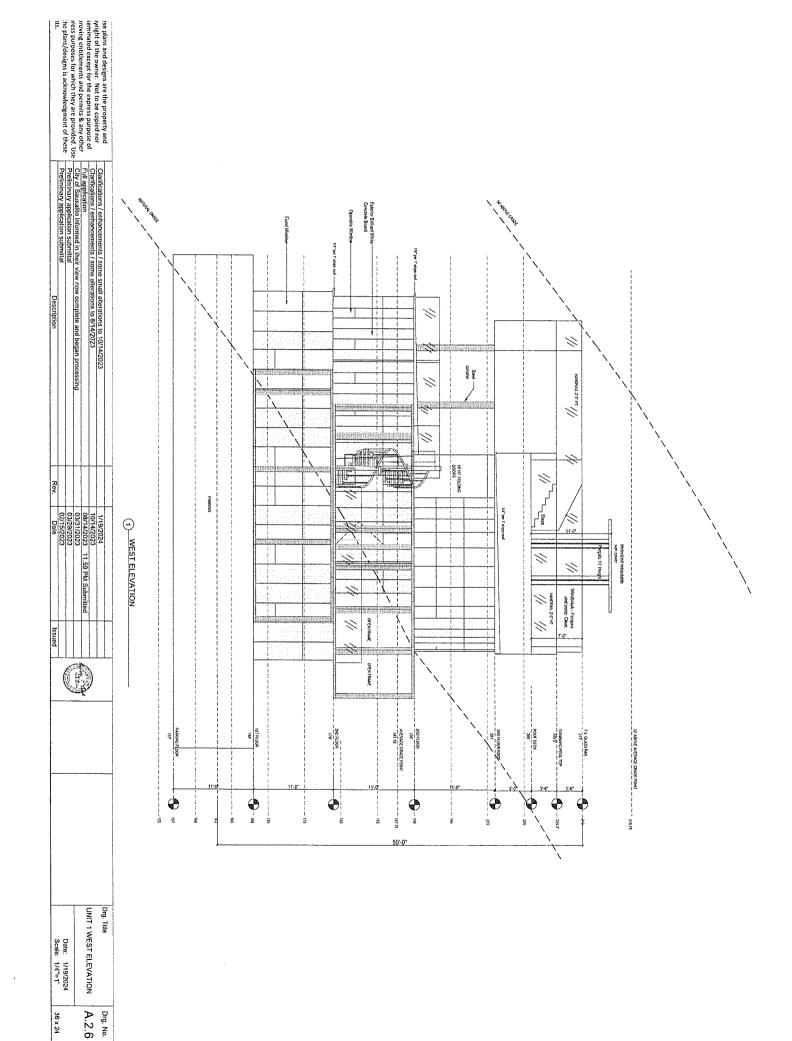
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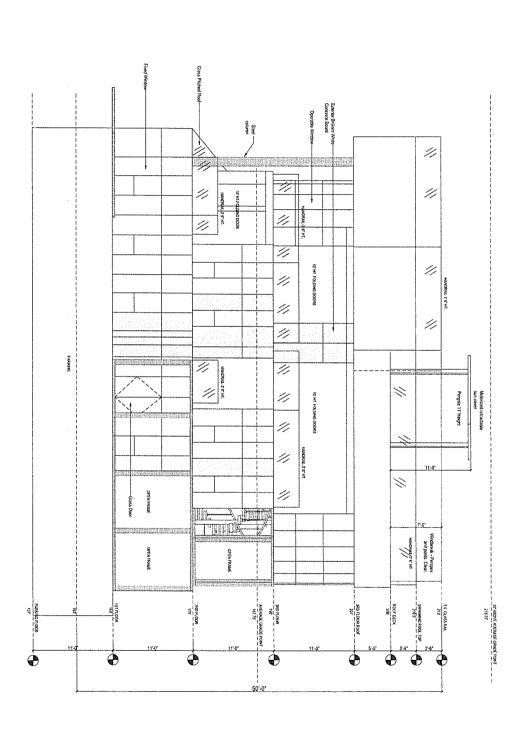
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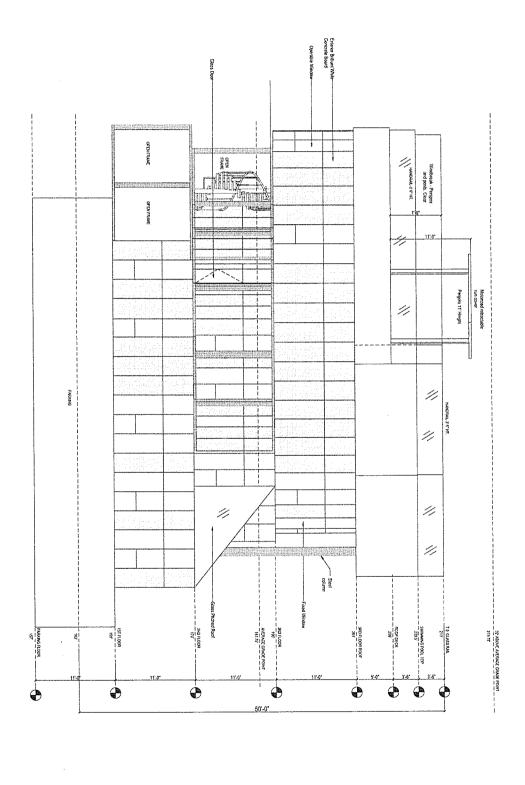


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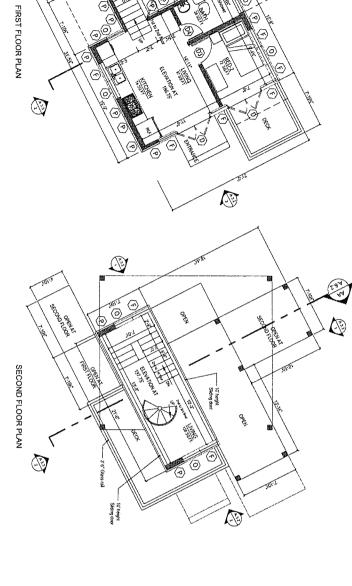
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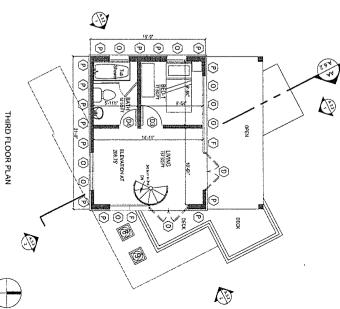


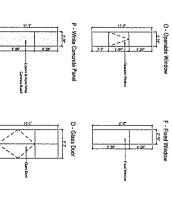
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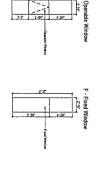
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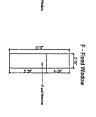






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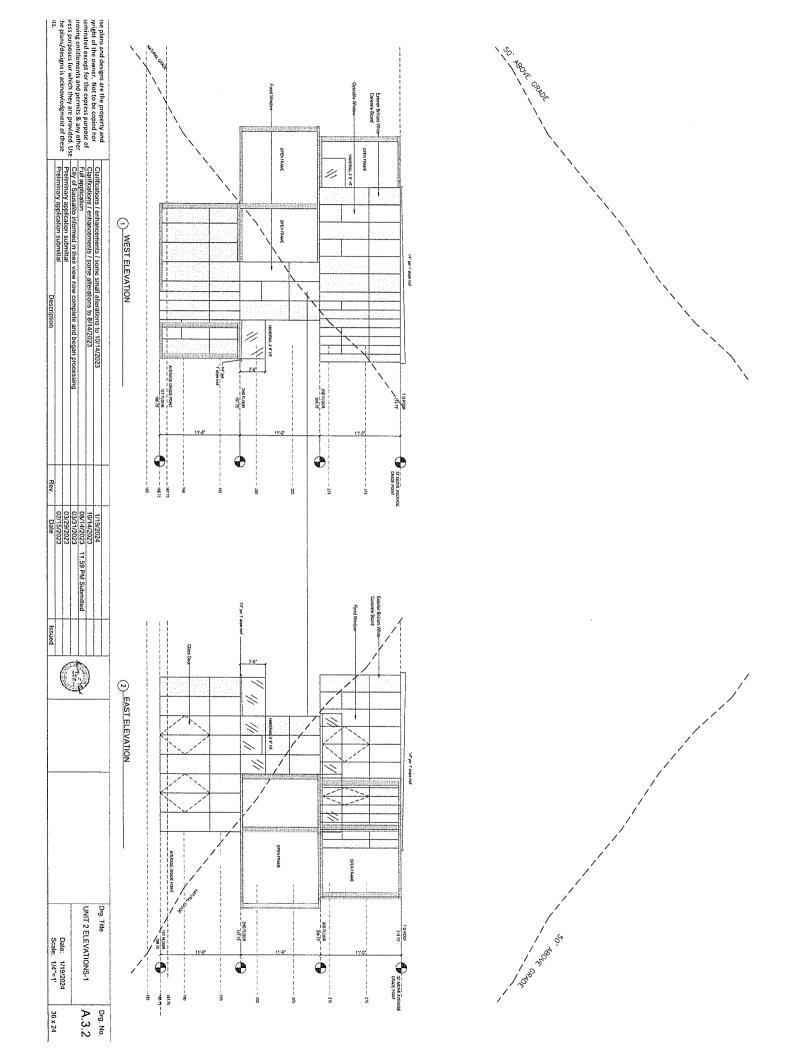
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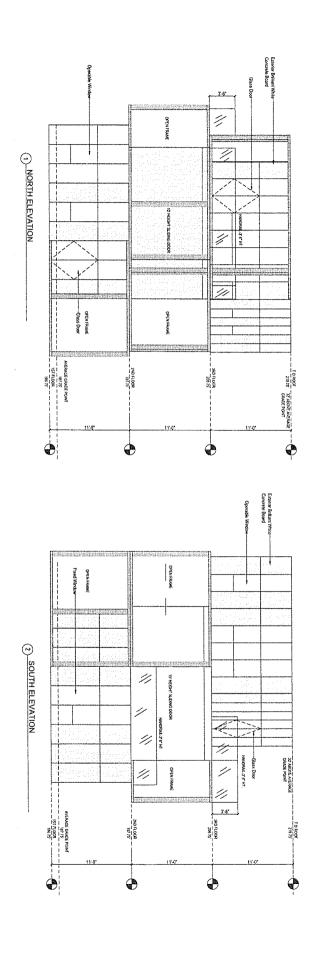


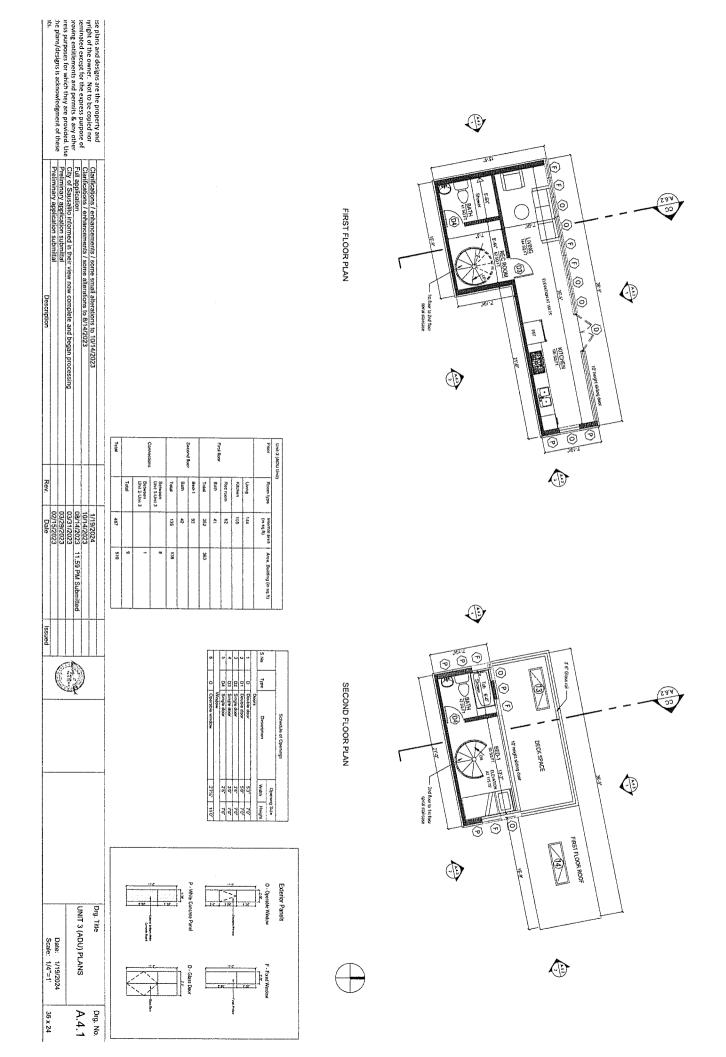


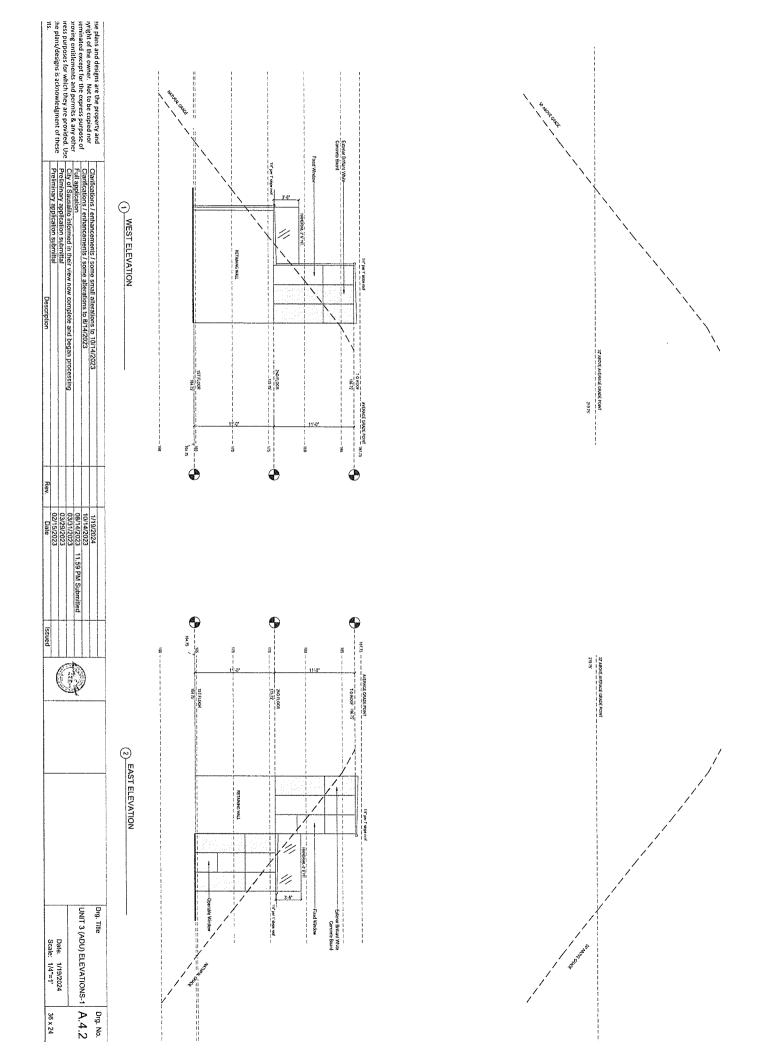




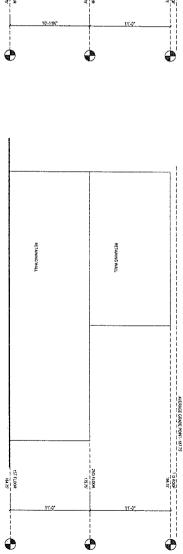
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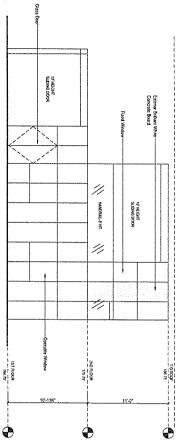


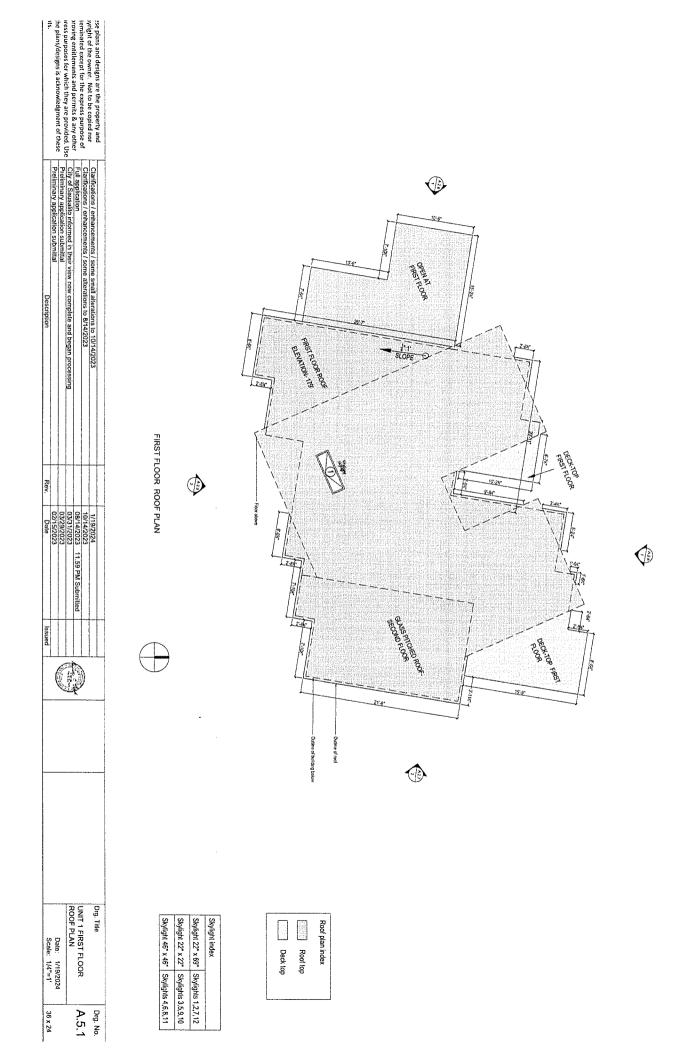


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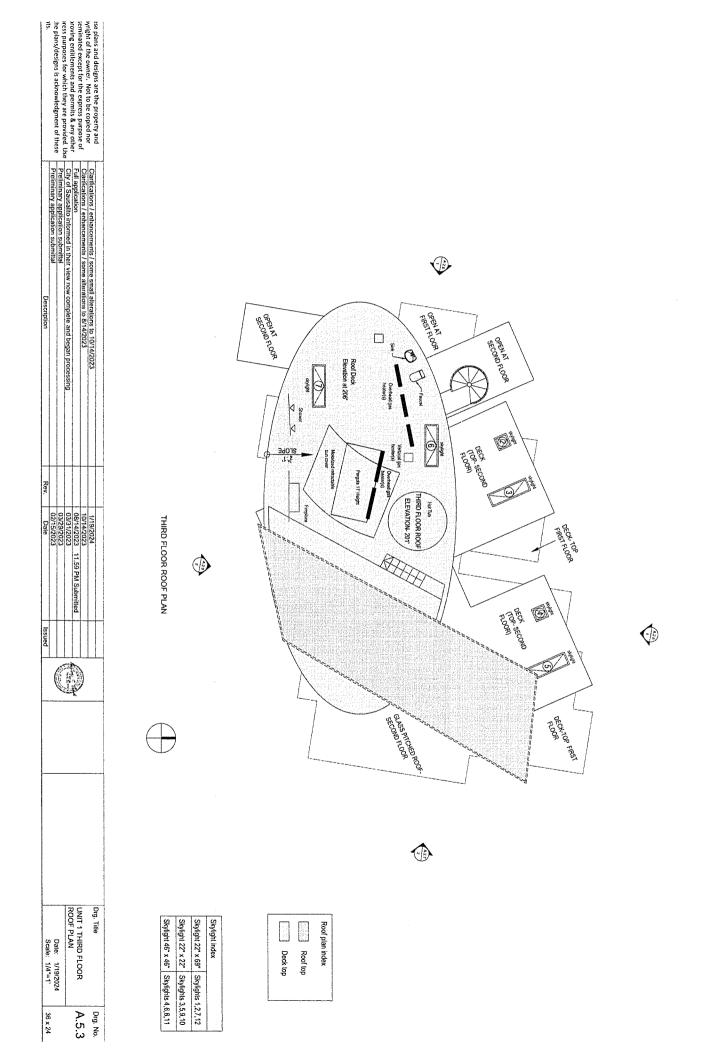
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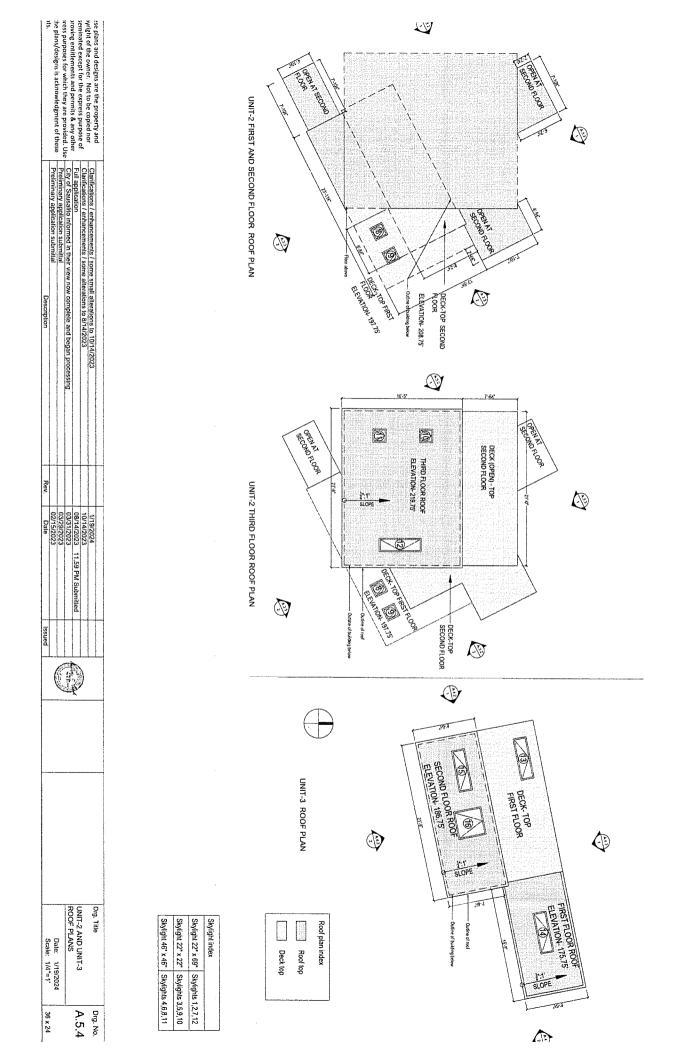
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SECOND FLOOR DECK-TOP OR Outline of building below UNIT 1 SECOND FLOOR ROOF PLAN Drg. Title Skylight 46" x 46" Skylights 4,6,8,11 Skylight 22" x 22" Skylights 3,5,9,10 Skylight 22" x 69" | Skylights 1,2,7,12 Skylight index Roof plan index Date: 1/19/2024 Scale: 1/4"=1' Deck top Roof top

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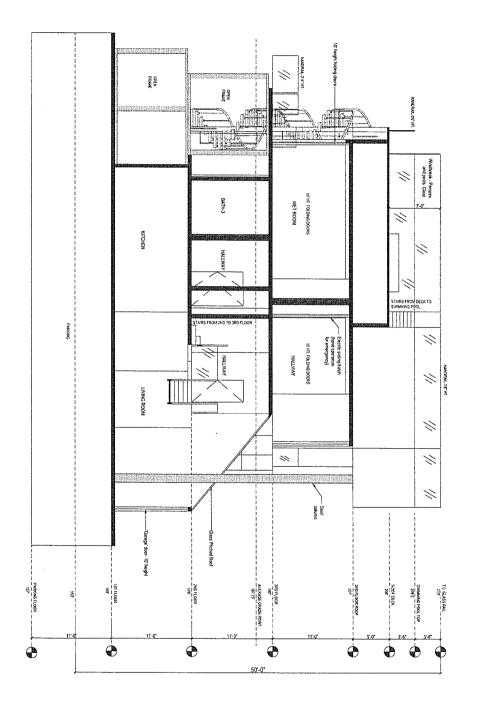
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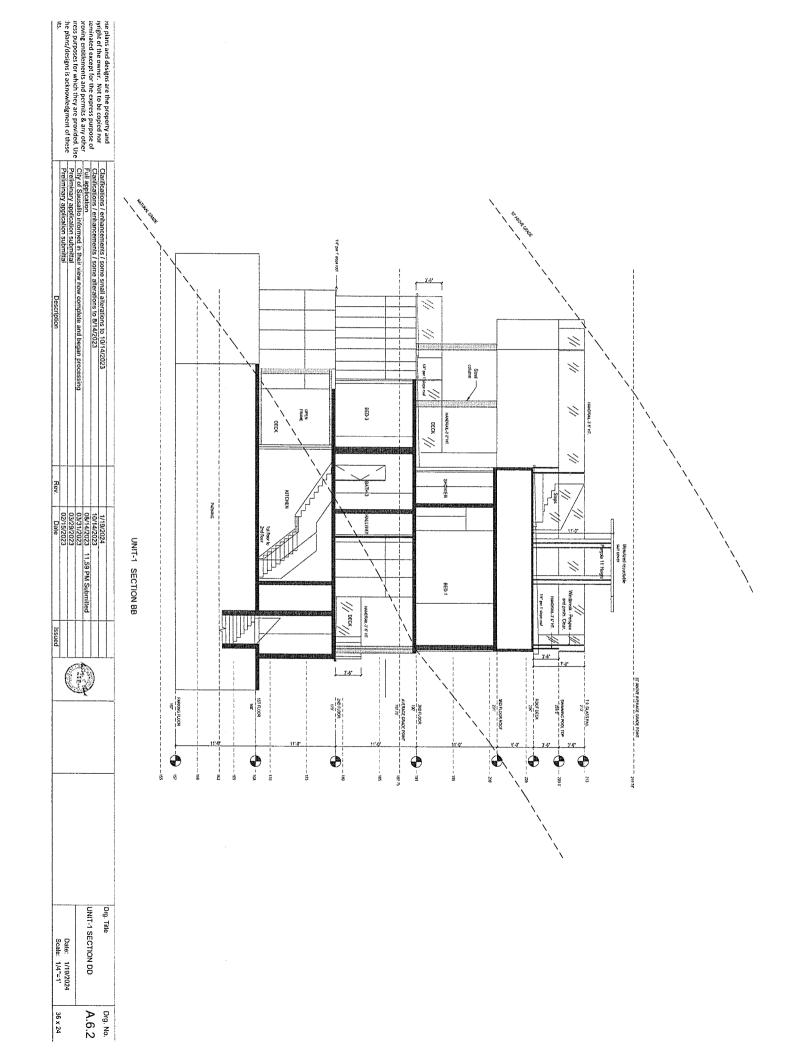
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