

SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-09
May 8, 2024
APN: 065-231-02
PROJECT ID: 2024-00049

ATTACHMENT 1: FINDINGS

Design Review Permit Findings

The Planning Commission determines that the project is in conformance with the following Findings (SMC 10.54.050.D):

- 1. 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. Specifically, the project as conditioned is consistent with General Plan Policy CD – 3.1: Private Views (*Locate and design new and significantly remodeled structures and landscape improvements so as to minimize the interference with primary views from structures of neighboring properties. Some minor loss of view may be consistent with this policy if necessary to protect a property right*). As the deck and roof cover expansion with “northeast corner cuts” has been redesigned so that it minimizes the interference with primary views of the San Francisco skyline and Sausalito hillside from the primary viewing areas (living room, living room nook, dining room, dining room deck, master bedroom and master bedroom deck) of the neighboring residence at 31 Central Avenue. Specifically, the “northeast corner cuts” to the deck and roof cover restore views of the San Francisco skyline from the 31 Central Avenue residence which otherwise would be obstructed with built-out northeast corners.

- 2. 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 deck and roof cover expansion would maintain the prevailing design character of the neighborhood by utilizing materials and finishes that match those of the existing residence, and by following the historical design for the subject residence, which is in keeping with the character of the neighborhood.

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

The project would not change the general scale of existing structures and buildings, or result in new structures or buildings, in the neighborhood. The scale of the deck and roof cover expansion is consistent with the general scale of structures and buildings in the surrounding neighborhood.

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

The deck and roof cover expansion with “northeast corner cuts” does not impact views of the San Francisco skyline and Sausalito hillside from primary viewing areas at the neighboring residence at 31 Central Avenue. Specifically, the “northeast corner cuts” to the deck and the roof cover restore views of the San Francisco skyline previously maintained from the second level living room, living room nook, dining room deck, and third level master bedroom, which otherwise would be impacted due to a built-out northeast corner of the proposed deck, its northernmost support post, and the roof cover. Likewise, the “northeast corner cuts” to the deck and the roof cover restore views of the Sausalito hillside from the second level dining room, dining room deck and the third level master bedroom, which would otherwise be impacted due to a built-out northeast corner of the proposed deck, its northernmost support post, and the roof cover. The proposed features at 27 Central Avenue in the project plans received June 18, 2019, are adequately located and designed to minimize obstruction of the views from 31 Central Avenue.

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

The proposed improvement to the existing residence is not located near or above a ridgeline.

6. ***The proposed landscaping provides appropriate visual relief, complements the buildings and structures on the site, and provides an attractive environment for the enjoyment of the public.***

The project does not include any new, changed, or removed landscaping.

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

The deck and roof cover expansion are not located near adjacent properties such that access to light or air would be affected.

8. ***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 does not include any new, changed, or removed lighting, mechanical equipment, or chimneys.

9. ***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 project does not introduce a new deck or roof cover, which could affect the existing levels of privacy to the site and adjacent properties. The design proposed would increase the level of privacy for both 27 and 31 Central Avenue.

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

The project does not include any new, changed, or removed entrances, exits, internal

circulation, or parking spaces.

- 11. *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 does not affect the existing landscaping or natural features on the site.

- 12. *The project site is consistent with the guidelines for heightened review for projects which exceed 80% of the maximum allowed Floor Area Ratio and/or site coverage, as specified in subsection E (see Heightened Design Review Findings).***

The project is not subject to Heightened Design Review as it is not adding any additional floor area.

- 13. *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 facade articulations and divisions (such as building wall offsets), and using varying rooflines.***

The project, as conditioned, is a minor improvement to an existing residence and does not crowd or overwhelm structures on the site or on adjacent properties. The project, as conditioned, was specifically designed to avoid obstructing views from the primary viewing areas of adjacent properties, by cutting back the northeast corner of the deck and roof cover in order to provide for more expansive lines of sight from the neighboring residence at 31 Central Avenue.

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ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project plans titled "27 Central, Sausalito, CA 94965, As-Built Deck" (print date June 13, 2019) date-stamped received June 18, 2019, by the Community Development Department.

General Items

- 1) Removal of portions of the existing deck and roof cover, as specified herein, is required as part of this approval. Plans to be submitted for Building Permit shall be revised to remove the northeast corner portion of the as-built deck, following a straight line from a point on the north side of the deck located 6'-7" from the northeast corner of the existing residence, to the existing post on the east side of the deck located 10'-1¼" from the northeast corner of the existing deck; and to remove the northeast corner portion of the as-built roof cover, following a straight line that is aligned with the cut line of the deck below (as described above), and continuing along the same line where the roof cover extends beyond the footprint of the deck below, as shown on the plans attached as Attachment 3.
- 2) Within two (2) months of this approval the applicant shall apply for a Building Permit to remove existing deck improvements consistent with Condition of Approval #1 (see above). If removal of the existing deck improvements consistent with Condition of Approval #1 (see above) does not occur within six months of the issuance of a Building Permit the property owner shall be subject to code enforcement to enforce this approval. Failure to comply with this condition will result in fines to be issued to the property owner by the City of Sausalito's Code Enforcement Officer pursuant to SMC Sections 1.10.050 and 1.10.110.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) Third party peer reviews shall be required as determined by the City Engineer or authorized designee. Such review shall be performed at the Developer's expense and may include the review of the final soils report, grading, hydrology, structural, lot closure calculations, Tentative Map, Final Map, improvement plans, erosion control plans, post construction pollution prevention plans, field inspections of permitted work. Developer shall submit a deposit to the City prior to review as provided for in the Master Fee Schedule in effect at the time of complete

application.

- 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.

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) 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.
- 2) An approval granted by the Planning Commission or 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.
- 3) Construction Impact Fees shall be paid in accordance with the Construction Impact Fee Ordinance. The fee is due prior to issuance of Building Permit.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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:

- a. Weekdays – Between 8:00 a.m. and 6:00 p.m.
- b. Saturdays – Between 9:00 a.m. and 5:00 p.m.
- c. Sundays – Prohibited
- d. City holidays (not including Sundays) – Between 9:00 a.m. and 7:00 p.m.
- e. 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.

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ATTACHMENT 3: PROJECT PLANS

RECEIVED

JUN 18 2019

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT

27 CENTRAL, SAUSALITO, CA 94965
AS-BUILT DECK

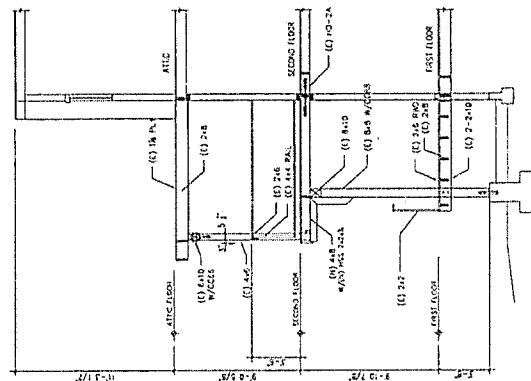
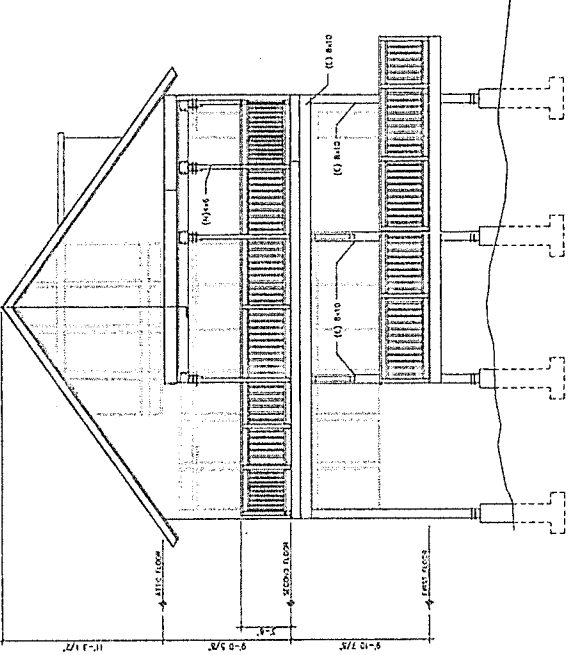
ARTEK CONSULTANTS
127 GARDEN STREET, SUITE 200, CA 94965
TEL: 415.435.9111

AS-BUILT DECK
FLOOR PLAN
ELEVATION
SECTION

DATE: _____
DRAWN BY: _____
SCALE: AS NOTED
JOB NO: _____
SHEET

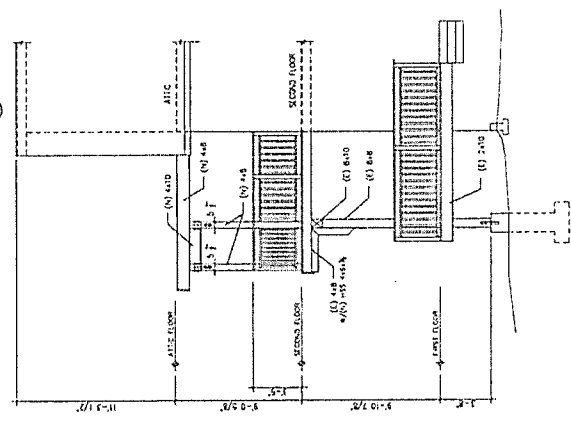
A-1b

PRINT DATE: 05.24.2019

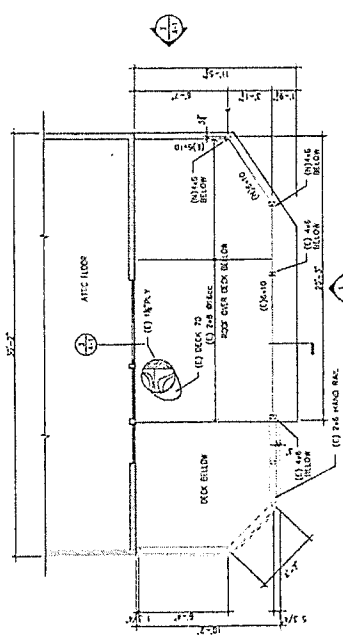


SECTION 1-1

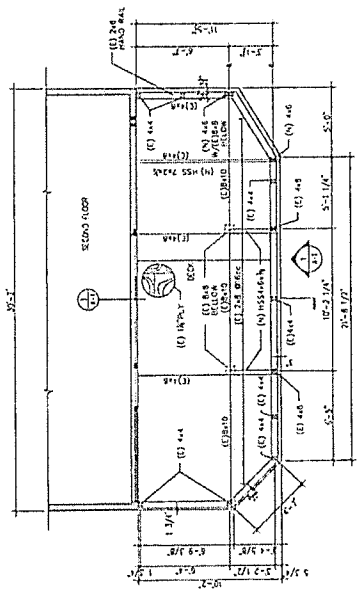
EAST ELEVATION



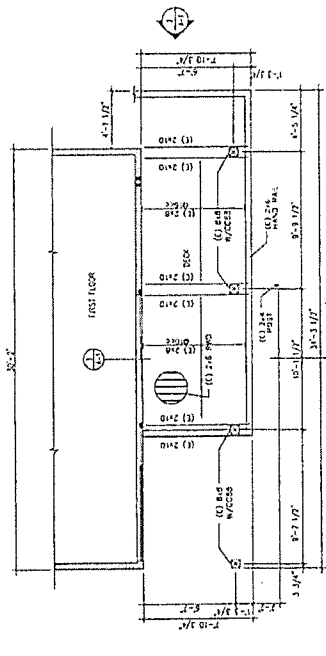
NORTH ELEVATION



ATLANTIC FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-09**

**APPROVAL OF A RETROACTIVE DESIGN REVIEW PERMIT FOR THE EXPANSION OF A
SECOND-FLOOR DECK AT 27 CENTRAL AVENUE**

APN: 065-231-02

(PROEJCT ID: 2024-00049)

WHEREAS, on May 15, 2017, a Zoning Permit was approved by the Community Development Department (ZP 17-146) for a 130-square-foot deck expansion and roof cover to an existing second floor deck on the east elevation of the existing residence at 27 Central Avenue (APN 065-231-02); and

WHEREAS, on April 11, 2018, the Planning Commission adopted Resolution No. 2018-12 overturning the decision of the Community Development Department to approve the zoning permit and instructing the property owner to remove the improvements made under the zoning permit or apply for a Design Review Permit; and

WHEREAS, on July 31, 2018, the City Council adopted Resolution No. 5739 denying an appeal of the Planning Commission's decision in Resolution No. 2018-12 thereby affirming the Planning Commission's decision to overturn the decision of the Community Development Department to approve ZP 17-146 and instructing the property owner to remove the improvements made under the zoning permit or apply for a Design Review Permit; and

WHEREAS, an application has been filed by applicant and property owner Meike Stefani requesting Planning Commission retroactive approval of a Design Review Permit for the expansion of a second floor deck with the addition of a roof cover located at 27 Central Avenue (APN 065-231-02); and

WHEREAS, the Planning Commission conducted duly-noticed public hearings on February 27, April 3, May 29, and June 26, 2019 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on June 26, 2019, the Planning Commission reviewed and considered the project plans titled "27 Central, Sausalito, CA 94965, As-Built Deck" (print date June 13, 2019) and date-stamped June 18, 2019, by the Community Development Department; and

WHEREAS, on June 26, 2019, the Planning Commission adopted Resolution 2019-07 approving a retroactive Design Review Permit for a deck extension and roof cover at 27 Central Avenue with attached Conditions of Approval requiring a reduction in the size of the previously constructed deck and roof cover due to view impacts to 31 Central Avenue; and

WHEREAS, the Conditions of Approval attached to Resolution 2019-07 stipulated that if the removal of the existing deck improvements required did not occur within six months of approval the property owner shall be subject to code enforcement to enforce the approval; and

WHEREAS, the property owner failed to take the required actions to remove portions of the existing deck within six months of approval as stipulated in the Conditions of Approval attached to Resolution 2019-07; and

WHEREAS, the property owner has been subject to multiple code enforcement actions from City of Sausalito Code Enforcement Officers since October 1, 2018, including compliance orders, stop work orders, and citations; and

WHEREAS, the Design Review Permit approved by the Planning Commission on June 26, 2019, via Resolution 2019-07 expired after two years on June 26, 2021, pursuant to SMC 10.54.050(J); and

WHEREAS, on March 13, 2024, the property owner, Meike Stefani, filed an application requesting Planning Commission retroactive approval of a Design Review Permit for the expansion of a second-floor deck with the addition of a roof cover located at 27 Central Avenue (APN 065-231-02); and

WHEREAS, the Planning Commission conducted duly-noticed public hearing on May 8, 2024, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on May 8, 2024, the Planning Commission reviewed and considered the project plans titled "27 Central, Sausalito, CA 94965, As-Built Deck" (print date June 13, 2019) and date-stamped June 18, 2019, by the Community Development Department; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the staff report dated May 8, 2024; and

WHEREAS, the Planning Commission finds that the proposed project is consistent with the General Plan as described in the findings in this Resolution; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301;

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

1. The project is categorically exempt from the of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) under the California Environmental Quality Act (CEQA) Guidelines.
2. The Design Review Permit for the retroactive expansion of a second-floor deck and roof cover at 27 Central Avenue is approved, based upon the attached findings (Attachment 1), subject to the Conditions of Approval (Attachment 2), and as shown in the project plans titled "27 Central, Sausalito, CA 94965, As-Built Deck" (print date June 13, 2019) and date-stamped June 18, 2019, by the Community Development Department. (Attachment 3).

RESOLUTION PASSED AND ADOPTED, at the adjourned regular meeting of the Sausalito Planning Commission on the 8th day of May 2024, by the following vote:

AYES: Commissioner: Saad, Feller, Marlatt
NOES: Commissioner: Junius
ABSENT: Commissioner:
ABSTAIN: Commissioner: Luxenberg



Brandon Phipps
Community and Economic Development Director

ATTACHMENTS

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