



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE

Appeal of Akraboff Addition/600A Locust/DR 08-002

RECOMMENDATION

Review and approve the attached draft resolution which denies the appeal and affirms the Planning Commission's approval of a 904 square-foot addition to the duplex unit at 600A Locust Street.

SUMMARY

On June 3, 2009 the Planning Commission approved a Design Review Permit for a 904 square foot addition to one of the duplex units located at 600 Locust Street. On June 15, 2009, Robert Beifuss, property owner of 85 Girard Avenue, appealed the Planning Commission's approval of the Design Review Permit (see **Attachment 2** for Appeal).

BACKGROUND

The applicant submitted plans on January 20, 2008 for an addition to the southern unit of the duplex at 600 Locust Street. The project would expand the residential unit by extending the structure to the southeast toward the front property line, creating an additional 760 square feet of floor area, 1,065 square feet of building coverage, and 1,137 square feet of impervious surfaces. The Design Review Procedures of the Zoning Ordinance (Chapter 10.54) establish thresholds for Planning Commission Design Review. Pursuant to Section 10.54.050.B.4.a, projects for any duplex which add more than 10% of the total floor area of the structure or more than 300 square feet of floor area to the structure are subject to Planning Commission review and approval. In order to approve a Design Review Permit, the Planning Commission (or City Council on appeal) must make twelve findings listed in Section 10.54.050 (Design Review Permits) (see **Attachment 3** for a listing of the required findings).

On July 23, 2008 the Commission reviewed the Design Review Permit application. During the public comment period several neighbors expressed concern with the neighborhood compatibility of the new addition and primary view obstruction from 613 and 615 Locust Street. The Commission expressed concern with the project related to consistency with neighborhood compatibility policies in the General Plan, drainage, and landscaping. After discussion, the Planning Commission continued the public hearing to a date uncertain with instruction to the applicant and property owner to consider the Commission's direction and work with the neighborhood to reduce the view impacts.

The applicant resubmitted plans on April 27, 2009 which proposed to expand the unit by extending the structure to the east towards the front and side property lines, creating an additional 904 square feet of floor area, 1,090 square feet of building coverage, and 1,437 square feet of impervious surfaces. The addition would increase the structure size to 1,870 square feet of floor area (37% of the net site area) and 2,110 square feet of building coverage (32% of the total site area). The existing height of the structure will be maintained and the roof of the new addition will match the height of the existing roofline.

*Appeal of Akraboff Addition/DR 08-002
600A Locust*

On June 3, 2009, the Planning Commission continued their consideration of the Design Review Permit. To address the view obstruction issue, a view line from the living room window at 613 Locust to the existing roof eave of 600A Locust was established and the addition was redesigned to fit below the view line. During the public comment period John Boldes, property owner of 610/612 Locust, expressed concern about the proximity of the southern portion of the residence to the existing curb. The Commission considered requiring a reduction in the eave length to mitigate possible safety hazards.

After a discussion about the potential safety hazard of the addition, the Commission voted 4-0 (Bair – absent) to approve Resolution No. 2009-26 which approved the Design Review Permit for the addition with the added condition that the eave on the southwestern side of the addition be reduced by one foot.

See **Attachments 4** and **5** for the Planning Commission staff reports from July 23, 2008 and June 3, 2009; see **Attachment 6** for Planning Commission Resolution No. 2009-26; and **Attachment 7** for the Planning Commission Minutes from July 23, 2008 and **Attachment 8** for the Planning Commission Minutes from June 3, 2009.

GROUNDS FOR APPEAL

On June 15, 2009, Robert Beifuss, property owner of 85 Girard Avenue, filed an appeal of the Planning Commission's decision. The appeal lists two grounds which are summarized below in *italics*, followed by staff comments (see **Attachment 2** for the appeal).

Ground 1. *"The addition at 600 Locust which consists of but not limited to a living room and 8 foot wrap around deck will adversely affect the privacy of my property located directly in front of the project. The sliding glass door/window leading out to the deck will create a view into the south facing window at various angles which will expose most of the living area of that unit. The blinds or shade will have to remain closed at all times in order to feel any privacy. That window is a main provider of sunshine and light. See enclosed picture. Furthermore, the sliding glass door/window will be considerably lower than all existing windows which will intensify the issue."*

The subject parcel is located on the north side of Locust Street, near the intersection of Girard Avenue. A two-story residential duplex is located on the 6,589 gross square foot parcel. The lower level of the structure contains two single-space garages and the upper level contains the habitable space for each unit. Two eight-foot easements run over the entirety of the northeast and southwest sides of the property, allowing access from Locust Street to the duplex units at 85/87, 89/91 and 93/95 Girard Avenue; 501, 509 and 515 Litho Street; and 602, 604, 606, 608 and 612 Locust Street. The easements account for 1,554 square feet of the total site area and therefore the net parcel area is 5,035 square feet.

The duplex at 600 Locust is located southwest and uphill from the appellant's unit at 85 Girard Avenue. The two properties are separated by a private sixteen-foot driveway. The existing living room area of the subject residence contains a large window that has a view of Richardson's Bay over the roofline of the appellant's unit. From this window, individuals can see the living room window of the appellant's residence as well as an outdoor patio area and several other

windows along the southern façade of the appellant's residence (see photograph submitted by the applicant, **Attachment 16**).

The addition would expand the subject unit by extending the structure to the east towards the front and side property lines. The living area space would be relocated to a new octagonal room and a new circular deck would wrap around the living area. The addition involves a new two new windows that would be located around the circular deck and a sliding glass door that would provide access from the living room area to the new deck. The new deck area would be located approximately 28 feet away from the corner of the appellant's unit and 11 feet from the common property line in the middle of the driveway (see **Attachment 10** for approved site plan and east elevation).

The appellant contends that the placement of the new windows/glass door and circular deck on the southeastern portion of the subject residence will negatively affect the privacy of the appellant's unit. The appellant contends that the resident in the subject residence will be able to look into the appellant's living and dining room spaces. Privacy is addressed in *Chapter 10, Section 10.54.050.D* (Design Review Findings). To approve a Design Review permit the Planning Commission must find that:

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.

Privacy was not an issue that was discussed at either of the two Planning Commission hearings on the Design Review Permit (see **Attachments 7** and **8** for the minutes from the July 23, 2008 and the June 3, 2009 Planning Commission hearings). The appellant was in attendance at the July 23, 2008 meeting and did not submit correspondence nor speak to the privacy issue (see **Attachment 4** for correspondence in the July 23, 2008 Staff Report and **Attachment 7** for the minutes from the July 23, 2008 hearing). At the direction of the Planning Commission, the addition was redesigned following the July 23, 2008 Planning Commission hearing. As described in the project background section above, the applicant redesigned the addition to protect the view corridor at 613 Locust Street by pulling the addition away from the southeastern corner of the subject lot by three feet. The previous design included a similar circular deck and living space arrangement (including the location of windows and doors) that was proposed approximately 25 feet away from the corner of the appellant's unit and eight feet from the property line (see **Attachment 11** for the superseded site plan and east elevation). Therefore, the addition proposed in 2008 was approximately three feet closer to the windows on the appellant's unit than the design approved by the Planning Commission on June 3, 2009.

Staff diligently visited the subject site prior to the June 3, 2009 Planning Commission meeting to evaluate the project before recommending approval of the Design Review Permit to the Planning Commission. Staff noted that the project proposed an extension of the unit to the southern corner of the lot, towards a public street and a private driveway. In addition, Staff noted that orientation of the new deck and location of new windows/doors were proposed to capture the view of Richardson's Bay and Belvedere, and were offset from the appellant's unit. Staff also observed that due to the topography, the subject lot is at a higher elevation than, and looks over, the appellant's property.

Appeal of Akraboff Addition/DR 08-002
600A Locust

The applicant and staff met with the property owners of 613 Locust Street on March 25, 2009 to discuss the project. Story poles representing the most eastern extent of the addition were placed prior to the meeting. The view from the residence of 613 Locust was considered in relationship to the proposed addition at the subject site and it appeared that the redesign lessened the impact on primary views from 613 Locust.

In an effort to elicit neighborhood concerns in advance of the June 3, 2009 Planning Commission meeting, Staff organized two neighborhood meetings at the project site and invited all property owners within 300 feet of the subject site to review the plans at the Community Development Department and attend the neighborhood meetings. The project architect and property owner were in attendance at the meetings. After reviewing the plans and viewing the story poles, the property owners of 89 Girard and 509/511 Litho stated that they were in support of the project.

As view concerns from 613 and 615 Locust were an issue at the July 23, 2008 public hearing, Staff contacted the property owners of 613 and 615 Locust Street on May 21, 2009. The property owner of 615 Locust Street was informed that the story poles had been put up and were certified and was invited to comment on the project. No comment was received. Additionally, Staff attempted to contact the property owner of 615 Locust Street on May 21, 2009. The property owner was informed that the story poles had been put up and were certified and was invited to comment on the project. No comment was received.

After the applicant-organized meeting at 613 Locust Street, Staff-organized meetings on the project site, the installation of the story poles by May 14, 2009, the posting and mailing of the notice of the proposal to all residents and property owners within 300 feet of the subject parcel and multiple site visits, Staff recommended to the Planning Commission that the privacy finding could be made for the Design Review Permit.

The appellant was not in attendance at the June 3, 2009 meeting and therefore privacy concerns were not raised at the public hearing. The finding that the Planning Commission made in approving the Design Review Permit was:

The few new windows proposed along the west elevation where the new addition is proposed are small in size and take into consideration the privacy of the adjoining property. The new deck is appropriately placed in an area shielded from neighboring properties. In addition, the new landscaping proposed will provide additional privacy and visual buffering for the neighborhood.

Staff revisited the site and met with the appellant on July 6, 2009 to discuss and view the privacy concerns. Staff noted that from the dining and living room areas of the appellant's residence individuals will be able to view the new deck and living room areas. In addition, from the subject property, standing in the approximate location of the new deck and living room area, the applicant will be able to view both windows on the southern corner of the appellant's residence (see **Attachment 17**). However, orientation of the deck, windows and glass door of the addition is angled towards Richardson's Bay, to capture the view. Future residents at the subject residence would need to look downwards, and at an angle, to view the windows in the southern corner of the appellant's residence (see **Attachment 19**).

The subject site is located in the New Town area neighborhood where the General Plan and Zoning Ordinance provide for a medium high density residential (up to 17.4 dwelling units/acre) neighborhood. Due to the nature of a small lot in a dense urban neighborhood achieving full privacy among neighbors is not viable. Therefore, Staff concludes that the privacy impact is minimal, and very similar to the impact that the residence currently experiences with the orientation of the existing living room window at the subject residence.

Taking into account the density of the neighborhood, the proximity of the subject residence to neighboring structures and the proposed landscaping, the Planning Commission found that the project provides a reasonable level of privacy to the site and adjacent properties. In conclusion, Staff concludes that Finding 9 in Section 10.54.0505.D was appropriately made.

However, if the City Council is not able to make the finding to support the Design Review Permit, Staff suggests that the Council consider a condition to mitigate the appellant's privacy concerns. Since the filing of the appeal the appellant and the applicant have been in discussions regarding a screening structure to shield the appellant's southernmost windows from the proposed addition. A fence or an arbor with landscaping, placed three feet away from the appellant's southernmost corner windows would prevent a resident at the subject property from viewing the appellant's windows from the new deck and living room areas. Such a structure would be allowed with the issuance of a zoning permit and a building permit. Staff has prepared such a condition of approval below, for the Council's consideration. If the Council requires such a condition, Section 2 of the draft Resolution (**Attachment 1**) could be modified to read (additional language is underlined):

Section 2. The City Council hereby affirms the findings and conditions of approval listed in the attached Planning Commission Resolution No. 2009-26 with the following added as a general condition:

With the written permission of the property owner of 85 Girard Avenue, the applicant shall pay for the permitting and construction of a fence or arbor on 85 Girard Avenue to screen the southernmost corner windows of 85 Girard Avenue from the northeastern corner of the subject residence.

In addition, the applicant's representative, Don Olsen, has submitted an email stating that the applicant would like to modify the applicant's landscaping plan to add a 42-inch box oak located at the southeastern portion of the deck to screen the view from the deck area to the appellant's window (see **Attachment 1**). To mitigate the appellant's privacy concerns, the Council may consider this additional tree as a project condition of approval. Staff has prepared such a condition of approval below, for the Council's consideration. If the Council requires such a condition, Section 2 of the draft Resolution (**Attachment 1**) could be modified to read (additional language is underlined):

Section 2. The City Council hereby affirms the findings and conditions of approval listed in the attached Planning Commission Resolution No. 2009-26 with the following added as a general condition:

The landscape plans shall be amended add a 42-inch box oak located at the southeastern portion of the deck to screen the view from the deck to the southernmost

corner windows of 85 Girard Avenue. The amended landscaping plans shall be subject to the review and approval of the Community Development Director.

Ground 2. *"I also believe the design of the building is out of character in both style and mass. The bulk of the construction is on the southside which will be in all of its mass out of balance with the surrounding small cottages and narrow easements and streets—see pictures."*

In order to approve or conditionally approve a Design Review Permit, the Planning Commission must determine that a project is architecturally compatible with its neighborhood and adjacent properties. Neighborhood Compatibility is addressed in Municipal Code *Chapter 10, Section 10.54.050.D* (Design Review Findings) and the General Plan (specifically *Objective CD-1.0, Scale and Architectural Diversity and Policy CD-1.3, Neighborhood Compatibility*).

To approve a Design Review permit the Planning Commission must make two findings regarding neighborhood compatibility:

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 (10.54.050.D.2)

The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district (10.54.050.D.3)

In addition, the Planning Commission must find that the project is consistent with the General Plan. Staff identified one objective and one policy in the Community Design and Historical Preservation Element as most relevant to the proposed project:

Objective CD-1.0: Scale and Architectural Diversity. Strive to retain the village like quality of Sausalito by respecting the City's existing scale and promoting diverse architecture that is in harmony with neighboring structures.

Policy CD-1.3: Neighborhood Compatibility. Provide that all new residential structures, all residential structures that are to be removed and replaced, and those structures that are to be significantly remodeled, are designed to complement their setting and the other buildings in the neighborhood.

As discussed in the June 3, 2009 Planning Commission Staff Report (see **Attachment 5**), the General Plan designation and Zoning District for the property identify the site for medium to high residential development. The project features a total Floor Area Ratio of 0.37 or 1,870 square feet where the maximum Floor Area Ratio allowed is 0.65. A review of adjacent properties in terms of existing/approved residential square footage was provided in the staff report which shows that the proposed addition brings the total floor area on the site to the upper range of existing/approved floor area square footage in the immediate vicinity of the subject site. However, the proposed floor area will be within the range of existing residences and therefore will be compatible with the neighborhood in terms of the proposed bulk. Staff also

concluded that as the project was designed with a unique octagonal roof, it provides visual interest and contributes to the design diversity of Sausalito.

In addition, the proposed development is significantly less than the floor area and building coverage that is permitted for the site, and will maintain the existing height of the structure. The architectural design will also enhance the neighborhood by providing diversity by varying the exterior materials, while still maintaining harmony with neighboring structures. Even though the material will change from shingles to stucco, the form and massing of the house is representative of other homes in the neighborhood.

The Planning Commission reviewed the information presented in the staff reports and conducted site visits. Taking into account the architectural styles and massing of existing residences in the neighborhood, the Planning Commission found that the project complements its setting and the other buildings in the neighborhood, is consistent with the general scale of structures and buildings in the surrounding neighborhood and promoting diverse architecture that is in harmony with neighboring structures. In conclusion, Staff concludes that Findings 2 and 3 in Section 10.54.0505.D were appropriately made.

Since the filing of the appeal the applicant and John Boldes, 610/612 Locust, have been in discussions regarding modifications to the project which would reduce the massing of the addition and address Mr. Boldes' concerns. The applicant has agreed request an amendment of the plans approved by the Planning Commission to reduce the southwest dining room wall and eave by one foot to the northeast (see **Attachment 14** and **15**). These modifications would reduce the massing of the structure at the southern corner of the parcel and pull the addition further away from the existing private driveway. Staff recommends that the Council approve the attached draft resolution with the condition that such modifications are made to the project plans. Staff has added such a condition of approval, noted below, to Section 2 of the draft Resolution (**Attachment 1**).

The plans shall be amended to reduce one foot of the southwest dining room wall and eave (10 feet in length) to the northeast. The amended plans shall be subject to the review and approval of the Community Development Director.

In summary, Staff concludes that the two grounds for appeal analyzed above cannot be supported. Furthermore, the Design Review findings can be made as listed in Planning Commission Resolution No. 2009-26. However, if the City Council is not able to make the findings to support the Design Review Permit, then consideration should be given to upholding the appeal.

PUBLIC CORRESPONDENCE

- Applicant Vanya Akraboff submitted the following:
 - Neighborhood support forms (**Attachment 12**);
 - Letter to Robert Beifuss (**Attachment 13**);
 - Letter from John Boldes, 610/612 Locust (**Attachment 14**);
 - Statement from Vanya Akraboff (**Attachment 15**);
 - Photograph of view from the existing living room window looking toward the appellant's residence (**Attachment 16**);

*Appeal of Akraboff Addition/DR 08-002
600A Locust*

- Photographs of view from the area on the subject property where the proposed deck will be located looking toward the appellant's residence (**Attachment 17**); and
- Twenty-seven date-stamped photographs taken over a period of sixteen days showing drawn blinds in the southernmost windows of the appellant's residence (**Attachment 20**).
- Applicant Vanya Akraboff and John Boldes, 610/612 Locust submitted the following:
 - Letter from John Boldes, submitted by Akraboff and Boldes, date-stamped July 14, 2009 (**Attachment 14**); and
 - Statement from Vanya Akraboff submitted by Akraboff, date stamped July 14, 2009(**Attachment 15**).
- Letter from Betty Leaskou, 604 Locust (**Attachment 21**).
- Letter from John Boldes (also included in June 3, 2009 Planning Commission staff report (**Attachment 22**).
- Email from Don Olsen (**Attachment 1**).
- Letter from Robert Beifuss (**Attachment 24**).
- Correspondence submitted after the writing of this staff report will be posted on the City's website (<http://www.ci.sausalito.ca.us/>) and available at the City Council public hearing.

STAFF RECOMMENDATIONS

Staff recommends the City Council take the following actions:

- Review and make any appropriate modifications of the attached draft resolution which denies the appeal and affirms the Planning Commission's approval of a 904 square-foot addition to the duplex unit at 600A Locust Street with the added condition that the plans shall be amended to reduce one foot of the southwest dining room wall and eave to the northeast.
- Approve the resolution.

If the City Council concludes that an additional condition is necessary to ensure privacy between the subject residence at 600A Locust Street and the appellant's residence at 85 Girard Avenue, Staff recommends that the City Council take the following additional actions:

- Review and make any appropriate modifications to the suggested additional condition to Planning Commission Resolution No. 2009-26 regarding a fence or arbor at the appellant's residence; and
- Approve the resolution with the following modification:

Section 2. The City Council hereby affirms the findings and conditions of approval listed in the attached Planning Commission Resolution No. 2009-26 with the following added as a general condition:

With the written permission of the property owner of 85 Girard Avenue, the applicant shall pay for the permitting and construction of a fence or arbor on 85 Girard Avenue to screen the southernmost corner windows of 85 Girard Avenue from the northeastern corner of the subject residence.

If the City Council concludes that an additional condition is necessary to reduce the massing of the subject residence at 600A Locust Street, Staff recommends that the City Council take the following additional actions:

- Review and make any appropriate modifications to the suggested additional condition to Planning Commission Resolution No. 2009-26 regarding reducing massing of the residence at the southern corner of the parcel; and
- Approve the resolution with the following modification:

Section 2. The City Council hereby affirms the findings and conditions of approval listed in the attached Planning Commission Resolution No. 2009-26 with the following added as a general condition:

The plans shall be amended to reduce one foot of the southwest dining room wall and eave (10 feet in length) to the northeast. The amended plans shall be subject to the review and approval of the Community Development Director.

Alternatively, the City Council may:

- Uphold the appeal and direct staff to return with a resolution with appropriate findings to deny the project;
- Continue the public hearing for additional information and/or project revisions.

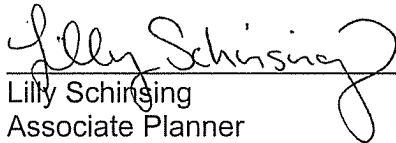
ATTACHMENTS

1. Resolution of Denial (Draft)
2. Appeal filed by Robert Beifuss, date-stamped June 15, 2009
3. Required Findings for a Design Review Permit
4. Planning Commission Staff Report dated July 23, 2008
5. Planning Commission Staff Report dated June 3, 2009
6. Planning Commission Resolution No. 2009-26
7. Planning Commission Minutes dated July 23, 2008
8. Planning Commission Minutes dated June 3, 2009
9. June 3, 2009 Planning Commission Notice and Distribution List
10. Approved site plan and east elevation
11. Superseded proposed site plan and east elevation (2008)
12. Neighborhood support forms, submitted by Akraboff, date-stamped July 14, 2009
13. Letter to Robert Beifuss, submitted by Akraboff, date-stamped July 7, 2009

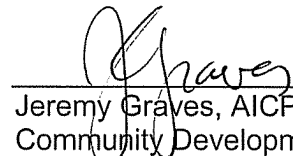
Appeal of Akraboff Addition/DR 08-002
600A Locust

14. Letter from John Boldes, submitted by Akraboff and Boldes, date-stamped July 14, 2009
15. Statement from Vanya Akraboff submitted by Akraboff and Boldes, date stamped July 14, 2009
16. Photograph taken from the living room window at 600A Locust, submitted by Akraboff, date-stamped July 7, 2009
17. Photograph taken from the proposed deck addition area at 600A Locust, submitted by Akraboff, date-stamped July 7, 2009
18. Staff photographs taken from the dining/living room area at 85 Girard
19. Staff photographs taken from the property at 600A Locust, from the deck addition area
20. Information from Akraboff, date-stamped July 7, 2009 and July 14, 2009
21. Letter from Leaskou, date-stamped July 6, 2009
22. Letter from John Boldes, date-stamped July 14, 2009
23. Email from Don Olsen, date-stamped July 15, 2009
24. Letter from Robert Beifuss, date-stamped July 15, 2009

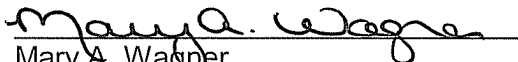
PREPARED BY:


Lilly Schinsing
Associate Planner

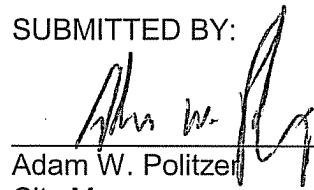
REVIEWED BY:


Jeremy Graves, AICP
Community Development Director

REVIEWED BY:


Mary A. Wagner
City Attorney

SUBMITTED BY:


Adam W. Politzer
City Manager

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RESOLUTION NO. XX

**RESOLUTION OF THE SAUSALITO CITY COUNCIL DENYING AN
APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A
DESIGN REVIEW PERMIT FOR CONSTRUCTION OF A RESIDENTIAL ADDITION
AND REMODEL AT 600A LOCUST STREET
(DR 08-002)**

WHEREAS, on January 30, 2008, applicant John McCoy of Don Olsen and Associates Architects, on behalf of property owner Vanya Akrahoff, filed an application for a design review permit to construct a 904 square foot addition to the residential unit at 600A Locust Street (APN 064-211-27);

WHEREAS, on July 23, 2008 and June 3, 2009, the Planning Commission conducted duly-noticed public hearings, considered the information contained in the respective staff reports, and considered testimony by all interested persons regarding the proposed project; and

WHEREAS, on June 3, 2009, the Planning Commission adopted Resolution 2009-26 which approved Design Review Permit DR 08-002 to construct a 904 square foot addition to the unit at 600A Locust Street; and

WHEREAS, on June 15, 2009, Robert Beifuss filed a timely appeal of the Planning Commission's approval of DR 08-002; and

WHEREAS, on July 21, 2009, the City Council conducted a duly-noticed public hearing on the appeal, considered oral and written testimony, and considered information in the staff report; and

WHEREAS, the City Council confirms that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(I)(1) and 15303(a); and of the State CEQA Guidelines.

NOW, THEREFORE, THE CITY COUNCIL HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The City Council hereby denies the appeal and upholds the decision of the Planning Commission.

SECTION 2. The City Council hereby affirms the findings and conditions of approval listed in the attached Planning Commission Resolution No. 2009-26 with the following added as an additional general condition:

The plans shall be amended to reduce one foot of the southwest dining room wall and eave (10 feet in length) to the northeast. The amended plans shall be subject to the review and approval of the Community Development Director.

RESOLUTION PASSED AND ADOPTED at the regular meeting of the City of Sausalito City Council on the ___ day of _____, 200 __, by the following vote:

AYES: Councilmember:
NOES: Councilmember:
ABSENT: Councilmember:
ABSTAIN: Councilmember:

Jonathan Leone, Mayor
City of Sausalito

ATTEST:

Debbie Pagliaro
City Clerk

Attachment: Planning Commission Resolution No. 2009-26

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**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2009-26**

**APPROVAL OF A DESIGN REVIEW PERMIT FOR A
REMODEL AND ADDITION AT 600A LOCUST STREET
(DR 08-002)**

WHEREAS, an application has been filed by applicant, John McCoy of Don Olsen and Associates Architects, on behalf of property owner Vanya Akrahoff requesting Planning Commission approval of a Design Review Permit to construct a 904 square foot addition to the duplex at 600A Locust Street (APN 064-211-27); and

WHEREAS, the Planning Commission conducted a duly noticed public meeting on July 23, 2008 and June 3, 2009 at which time all interested persons were given an opportunity to be heard; 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(l)(1) and 15303(a); and

WHEREAS, the Planning Commission has reviewed and considered the project plans titled "Remodel & Addition 600A Locust" date-stamped received on April 27, 2009; and

WHEREAS, the Planning Commission has received and considered oral and written testimony on the subject application; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the staff reports dated July 23, 2008 and June 3, 2009 for the proposed project; and

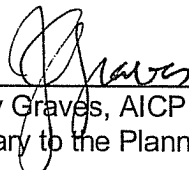
WHEREAS, the Planning Commission finds that, as conditioned herein, the proposed project complies with the requirements of the General Plan and Zoning Ordinance as described in the staff reports dated July 23, 2008 and June 3, 2009.

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

The Design Review Permit for the construction of a 904 square foot addition to the duplex at 600A Locust Street 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 "Remodel & Addition 600A Locust" date-stamped received on April 27, 2009 (Attachment 3).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 3rd day of June, 2009, by the following vote:

AYES:	Commissioner:	Stout, Cox, Keegin, Keller
NOES:	Commissioner:	
ABSENT:	Commissioner:	Bair
ABSTAIN:	Commissioner:	



Jeremy Graves, AICP
Secretary to the Planning Commission

ATTACHMENTS

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

PLANNING COMMISSION RESOLUTION
June 3, 2009
DR 08-002
600A Locust Street

ATTACHMENT 1:
FINDINGS FOR APPROVAL OF A DESIGN REVIEW PERMIT

1. DESIGN REVIEW PERMIT FINDINGS

In accordance with Zoning Ordinance Section 10.54 (Design Review Procedures), the Design Review Permit is approved based on the following findings:

- A) The proposed project is consistent with the General Plan, any applicable specific plans and this chapter.

The proposed project is consistent with all applicable policies, standards, and regulations of the General Plan and Zoning Ordinance.

- 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 architectural design will enhance the neighborhood by providing architectural diversity with a new style of architecture and changing the material from shingles to stucco, yet will still remain harmonious with neighboring structures. The form and massing of the structure will maintain the prevailing design character of the neighborhood through the low roof and a small-scale expansion that does not maximize potential site development to its fullest extent.

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

The proposed project will expand the scale of the existing structure, but in a nature that is compatible with the surrounding neighborhood. The proposed development is significantly smaller in floor area and building coverage than what is permitted for the site, and will maintain the existing height of the structure. The proposed floor area will be within the range of existing residences in the immediate vicinity and therefore will be compatible with the neighborhood in terms of the proposed bulk.

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

The proposed addition will not adversely impact public views from Locust Street as it will maintain the existing building height and will improve the façade with new windows, a deck, and other architectural features. The impact to private views of the neighboring property uphill to the west of the site has been minimized by establishing a view line from the living room window at 613 Locust to the existing roof eave of 600A Locust. The project has been designed with particular care to protect the existing views from 613 Locust.

- 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.

- 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 proposed landscaping will enhance the site and improve the existing landscaping on site with new trees, flowers, and other decorative plantings. The plantings along the western edge will buffer the new addition and provide visual relief, as well as create a more attractive aesthetic for neighboring properties.

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

The addition is located in the front yard and thus does not impact the spacing, light, and air of neighboring properties. The site is bordered by driveways on the north and south and a public street on the east, which will ensure the provision of adequate light and air for adjacent properties.

- 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.

There is no new mechanical equipment or chimneys proposed. The proposed project is subject to the standard condition that all exterior lighting be shaded and downward facing, which will ensure lighting is appropriately placed to reduce impacts to neighbors.

- 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 few new windows proposed along the west elevation where the new addition is proposed are small in size and take into consideration the privacy of the adjoining property. The new deck is appropriately placed in an area shielded from neighboring properties. In addition, the new landscaping proposed will provide additional privacy and visual buffering for the neighborhood.

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

There are no changes proposed to the parking or circulation of the site and so there will be no impacts to traffic safety and movement.

- 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 proposes minimal cut and fill that does not rise to the level of a grading permit. The natural terrain will be maintained, and new landscaping will be added to enhance the natural features of the site.

- L) 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 (Heightened Review Findings).

Heightened Review is not required for this project.

PLANNING COMMISSION RESOLUTION
June 3, 2009
DR 08-002
600A Locust Street

ATTACHMENT 3: CONDITIONS OF APPROVAL

These conditions apply to the project plans prepared by Don Olsen Associates Architects and titled "Remodel & Addition 600A Locust" date-stamped received on April 27, 2009.

General

1. Upon building permit submittal the Conditions of Approval shall be shown on all construction drawings.
2. Upon building permit submittal the applicant shall provide a written response demonstrating compliance with each Condition of Approval.
3. The eave on the southwestern side of the addition shall be reduced by one foot (1').
4. The landscaping plan shall be amended to provide low groundcover vegetation along the south and east portions of the parcel. The amended landscape plans shall be subject to the review and approval of the Community Development Director.
5. The southern corner of the parcel shall be cleared of vegetation and graded to improve the visibility at the intersection of Locust Street and the private driveway.
6. All exterior lighting shall be shielded and downward facing.
7. No alternative or unrelated construction, site improvements, tree removal and/or alteration, exterior alterations and/or interior alterations and/or renovations not specified in the project plans, or alterations approved by the Community Development Director, shall be performed on the project site. In such cases, this approval shall be rendered null and void unless approved by the Community Development Department as a modification to this approval.
8. 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.
9. 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.
10. The project shall adhere to all recommendations in the Report Geotechnical Investigation, prepared by Robert Settgast, Geoengineering, Inc., dated January 21, 2008.

11. A construction staging plan and construction schedule shall be submitted for review and approval of the City Engineer or designee.
12. The construction geotechnical report shall be reviewed and approved by City Engineering staff.
13. A stormwater control plan shall be prepared that conforms to "Guidance for Applicants: Stormwater Quality Manual for Development Projects in Marin County."
14. Efficient irrigation, appropriate landscape design, and proper maintenance shall be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize use of fertilizers, herbicides, and pesticides.
15. To the maximum extent feasible, drainage from paved surfaces shall be routed through grassy swales, buffer strips or sand filter prior to discharge into the storm drainage system.
16. A Water Pollution Prevention Plan shall be developed and implemented that addresses construction related site management practices including litter control, motor vehicle washing and maintenance, storage of hazardous materials.
17. Storm water shall be discharged by gravity flow to an approved (city owned and maintained) storm drain system.

Prior to Issuance of a Building Permit

18. Prior to issuance of a building permit, a video inspection of the sewer lateral to the septic tank shall be prepared, copies of the video inspection and copies of approved septic plans and inspections be submitted to and verified by the City Sewer Systems Coordinator, prior to issuance of building permits. The inspection shall extend from an access location in or immediately adjacent to the house to the sewer main in the public right-of-way. Defects found shall be corrected as soon as possible after discovery.

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. This approval will expire in five (5) years from the date of adoption of this resolution if the property owner has not exercised the entitlements hereby granted.
2. All applicable City fees as established by City Council resolutions and ordinances shall be paid.
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. Encroachment permit, grading permit, third party review fees (cost plus 10%) fees shall be paid.

5. An encroachment permit shall be obtained from the Public Works Department prior to using the public right of way for non-public purposes (e.g., material storage, sidewalk construction or demolition) including any and all construction and demolition activities.
6. Grading/drainage permit(s) shall be obtained from the Public Works Department for any earthwork in excess of 50 cubic yards.
7. Grading on hillside land with of geologic formation known to slide will be limited to between April 15 and October 15 without written approval of the City Engineer.
8. 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.
9. Pursuant to Municipal Code Section 18.08.020, overhead electrical and communication service laterals shall be placed underground when the main electrical service equipment is relocated or replaced.
10. 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 7:00 p.m.
Saturdays – Between 9:00 a.m. and 5:00 p.m.
Sundays – Prohibited
Holidays recognized by the City – Between 9:00 a.m. and 7:00 p.m.

Homeowners currently residing on the property and other legal residents may operate the equipment themselves on Sundays between 9:00 a.m. and 7:00 p.m.
11. Permits required by other agencies having jurisdiction within construction area shall be obtained in accordance with their respective agency's regulations.

PLANNING COMMISSION RESOLUTION
June 3, 2009
DR 08-002
600A Locust Street

ATTACHMENT 3: PROJECT PLANS

OWNER
Very Good

CONSULTANTS
 ARCHITECT: Donald Olson, AIA, AIAA, AIAASA
 600 Blossom St., Suite 200, San Francisco, CA 94107
 Tel: 415.774.2222 Fax: 415.774.2223
 www.donaldolsen.com
 PLANNING: Peter Chen, AIA
 1100 45th Street
 San Francisco, CA 94118

PROJECT INFORMATION

DESCRIPTION: Remodel and addition to the existing building.

A.P.N. 064-211-27
ZONING R-3.25
CONSTRUCTION TYPE SN
PARCEL SIZE 653 sq. ft. (approx.)
 555 sq. ft. (net) (net construction)

DWELLING UNITS

near 15'3"
 near 11'6"
 net 15'2"

HEIGHT

17'-4 1/2"

IMPERVIOUS SURFACE

Existing 1,114 sq. ft.
 Addition 2,455 sq. ft.
 TOTAL 3,569 sq. ft. @ 51.25%

LOT COVERAGE

Existing 1,114 sq. ft.
 Addition 2,455 sq. ft.
 TOTAL 3,569 sq. ft. @ 51.25%







FLOOR AREA

Existing 1,114 sq. ft.
 Addition 2,455 sq. ft.
 TOTAL 3,569 sq. ft. @ 51.25%

SHEET INDEX

000 Site Plan
 1000 Foundation
 2000 Structural
 3000 Mechanical
 4000 Electrical
 5000 Plumbing
 6000 Fire Protection
 7000 Energy
 8000 Landscaping
 9000 Other

PLANTING LEGEND

-  ANELACARDIA ALBA (SAGEBRUSH) - 10 gal. @ 5 gallon
-  HEMLOCK (PSEUDOTSUGA) - 10 gal. @ 5 gallon
-  JUSTA PLANTAGINIS (FRAGRANT PLANTAIN LILY) - 10 gal. @ 5 gallon
-  ACACIA BAILEYANA (PUSPURA) - 10 gal. @ 5 gallon
-  TIGER LILLY (LILIUM COLUMBARIUM) - 10 gal. @ 5 gallon
-  CEANOBIUM (WILD LILAC) - Ground cover, 10 gal. @ 1.5 gallon

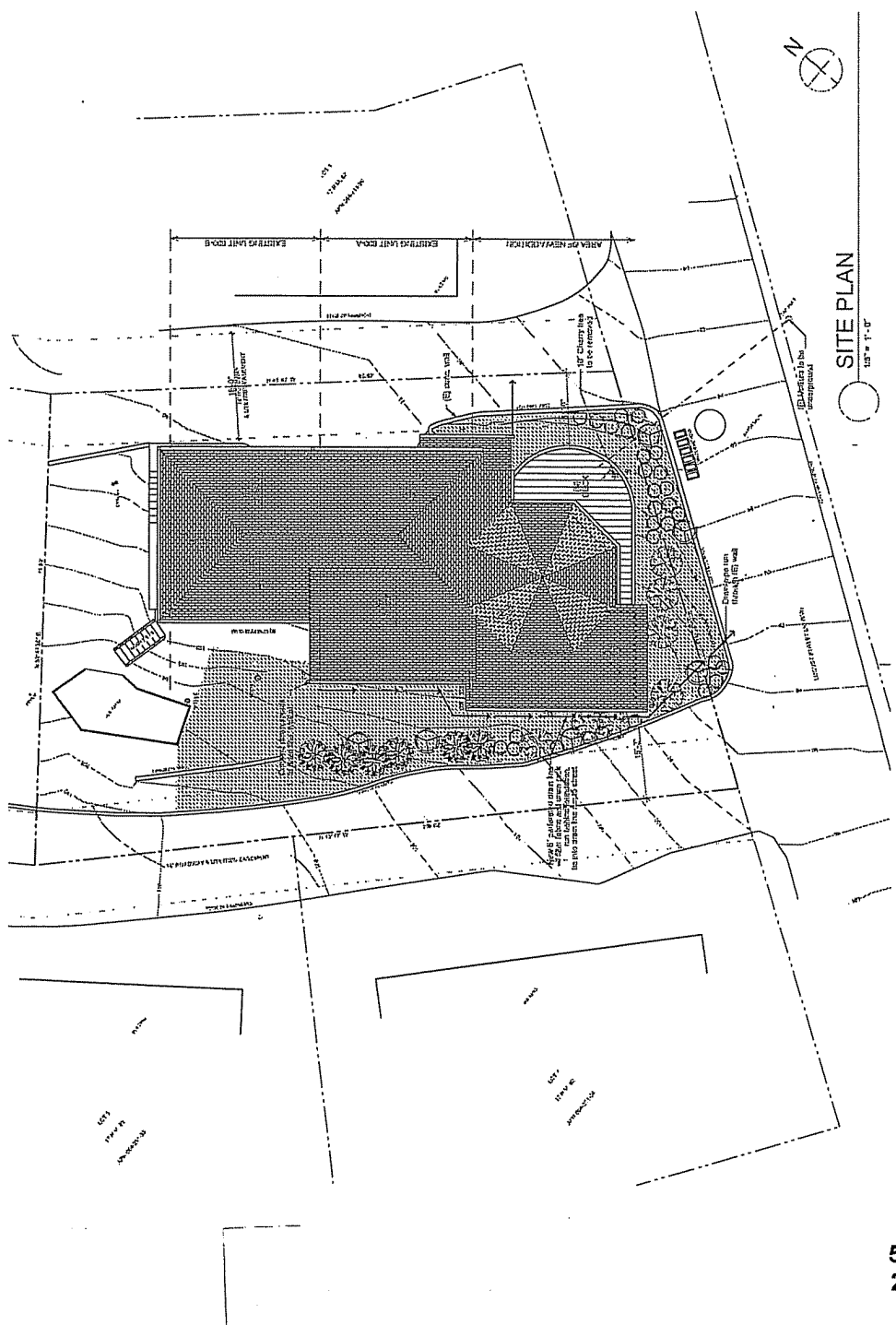
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 APR 27 2009

APR 27 2009

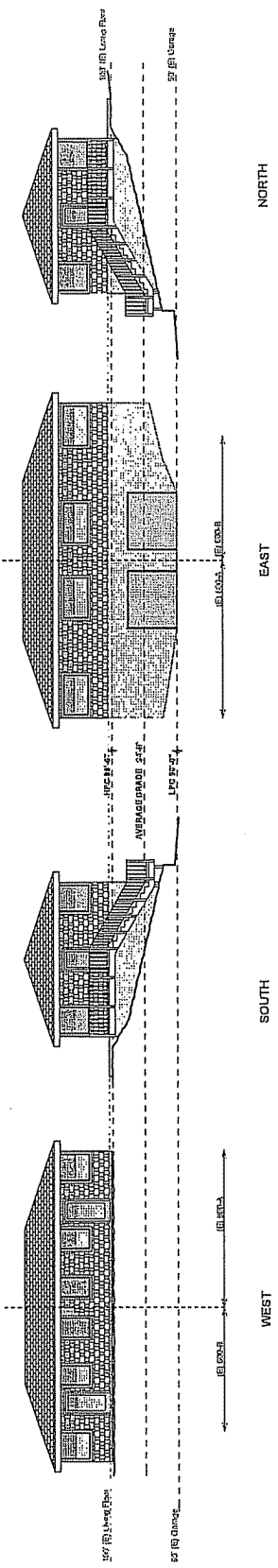
CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT DEPT



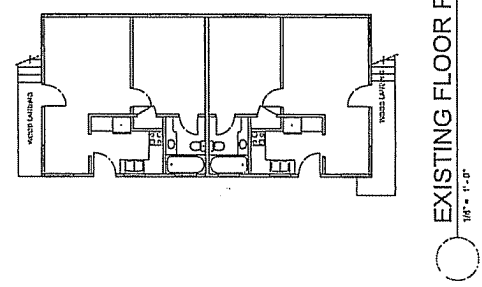
SITE



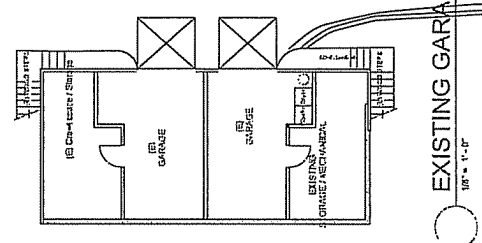
SITE PLAN
 1/8" = 1'-0"



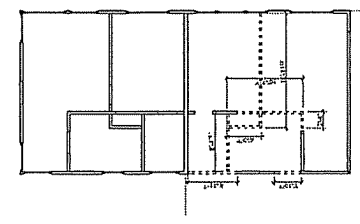
EXISTING ELEVATIONS
 1/8" = 1'-0"



EXISTING FLOOR PLAN
 1/8" = 1'-0"



EXISTING GARAGE PLAN
 1/8" = 1'-0"



WALL DEMOLITION CALCS
 1/8" = 1'-0"

Overall Footprint Existing (Total) = 216'-0"
 Overall Footprint Existing (With Porches) = 244'-0"
 Footprint of New Addition = 300'

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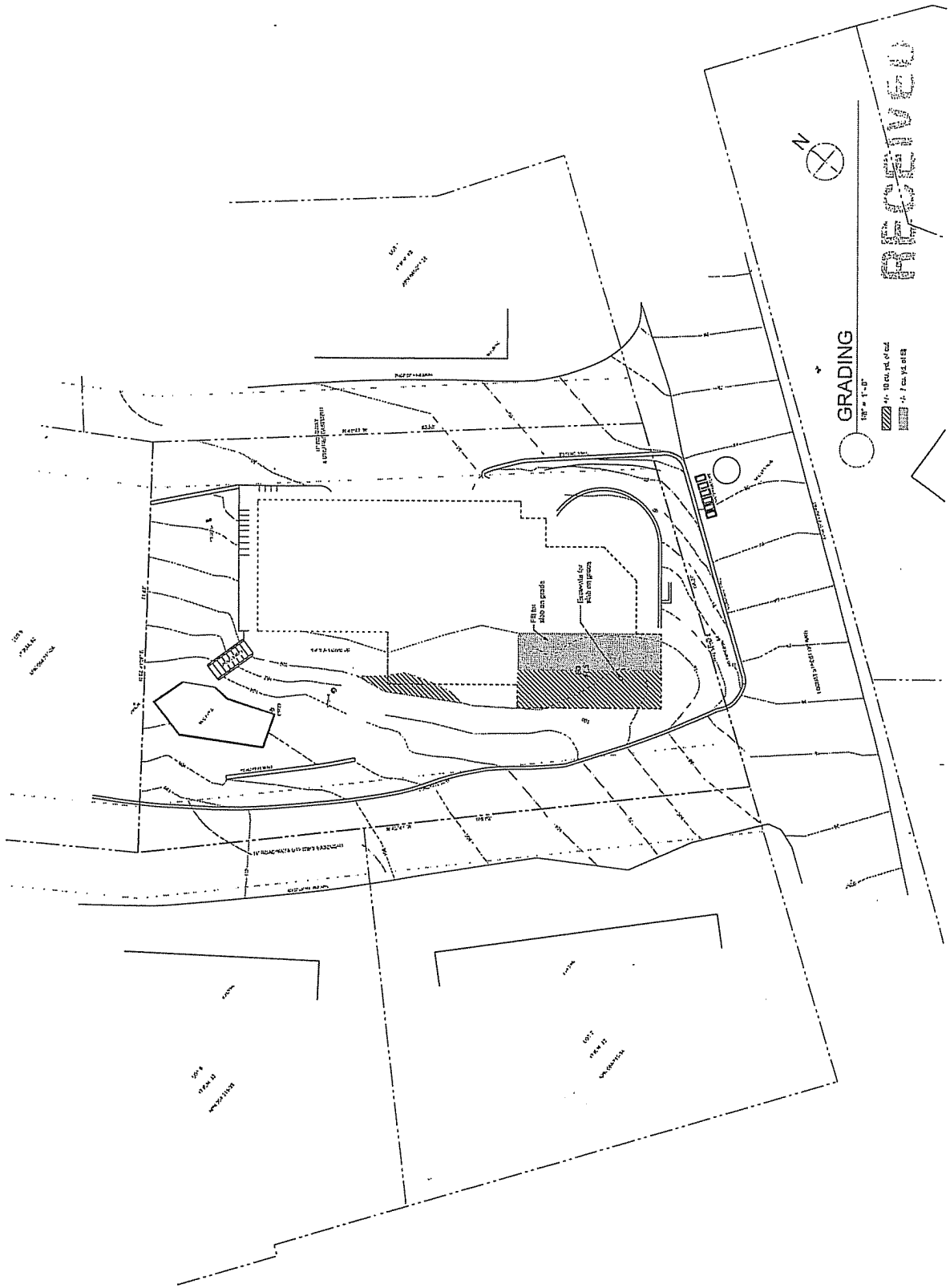
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CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT DEPT

APR 27 2009

APPROVED

GRADING
1/4" = 1'-0"



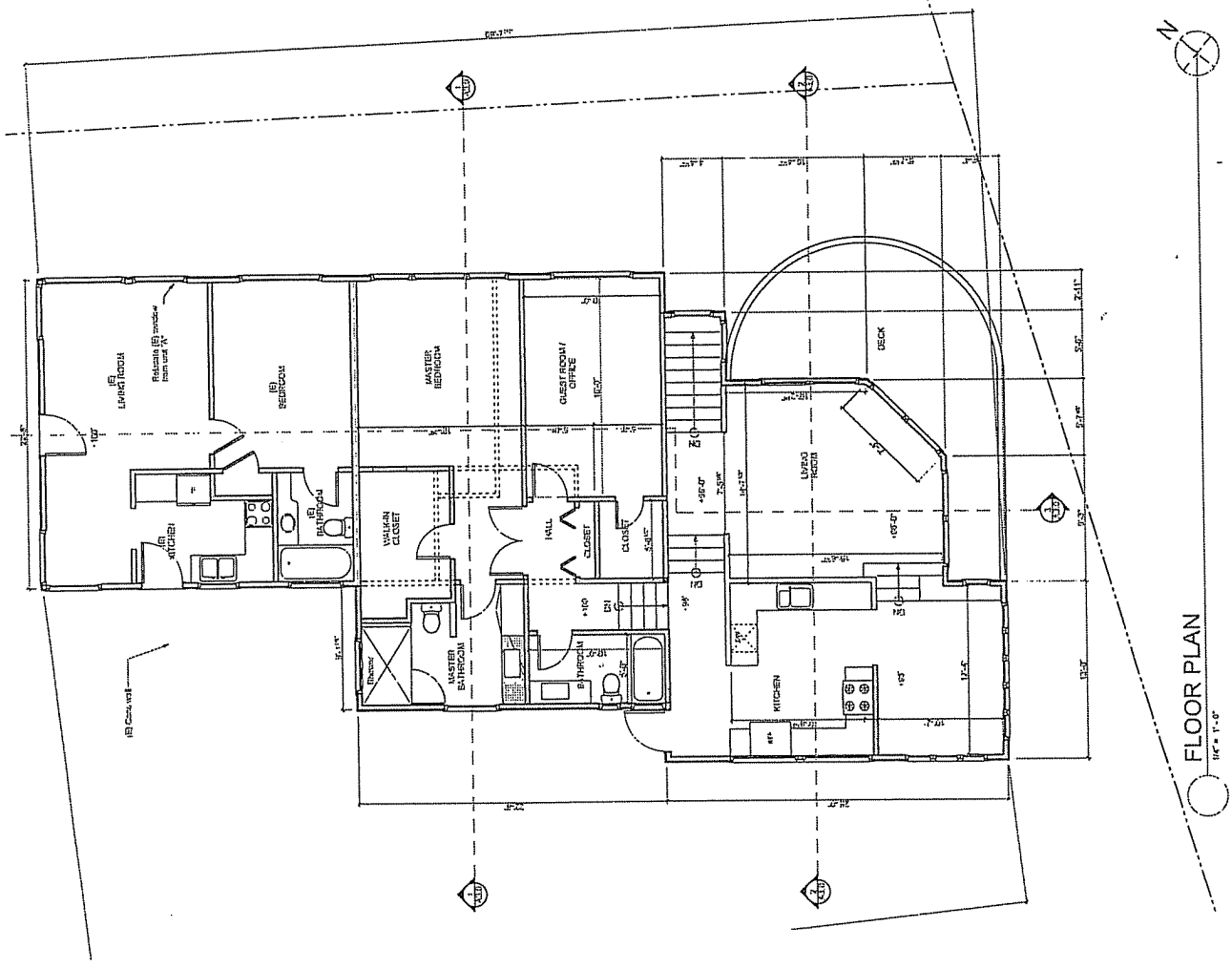
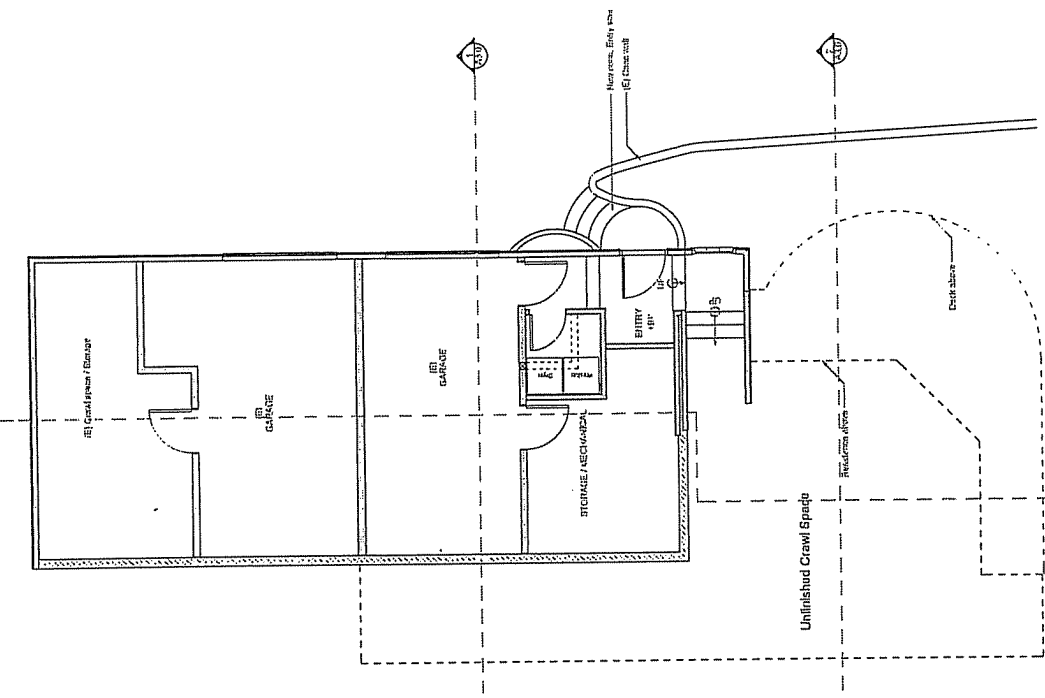
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APR 21, 2009

REMODEL & ADDITION
600 A LOCUST
SAUSALITO, 94965
A.P.N. 064-211-27

500 Bridgeport, Berkeley, CA 94705 TEL 510.333.0277 FAX 510.333.0873 email donald@donaldolsen.com
DONALD OLSEN ASSOCIATES ARCHITECTS

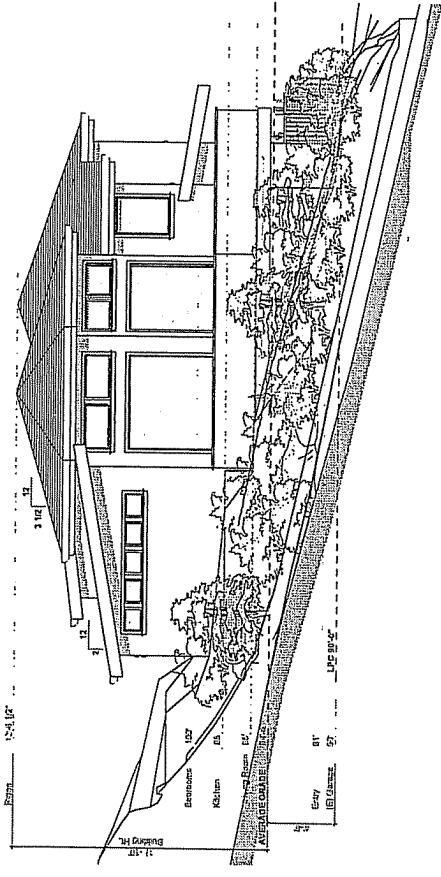
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 APRIL 21, 2009

NO.	REVISION

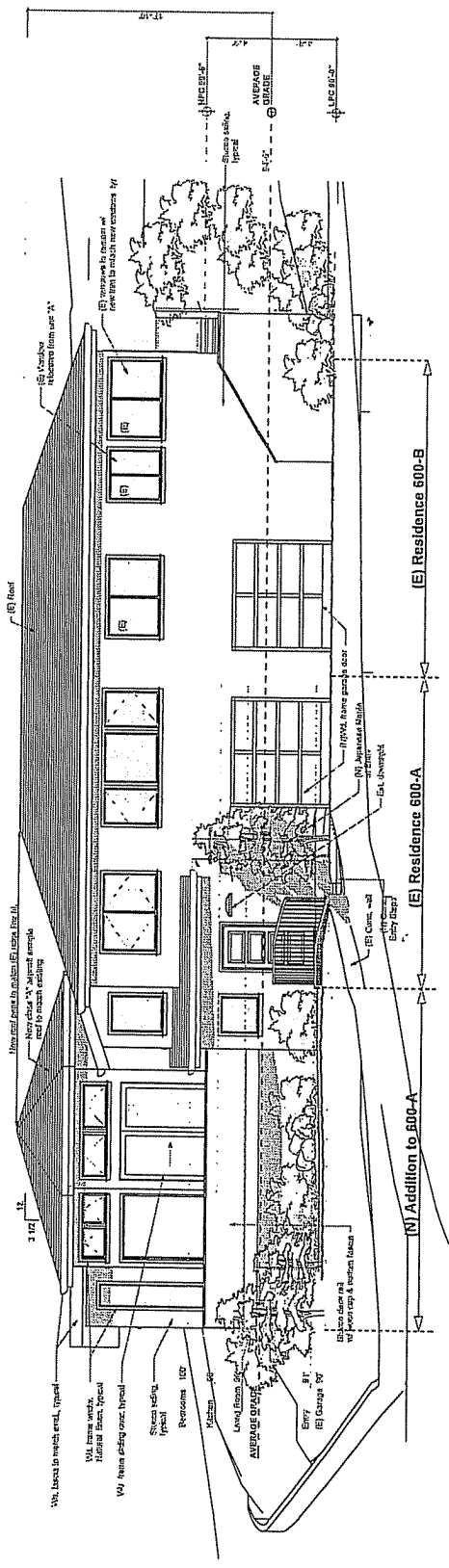


GARAGE FLOOR PLAN
 1/4" = 1'-0"
 APR 27 2009

CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT



SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



EAST ELEVATION
 SCALE: 1/8" = 1'-0"

RECEIVED

APR 27 2003

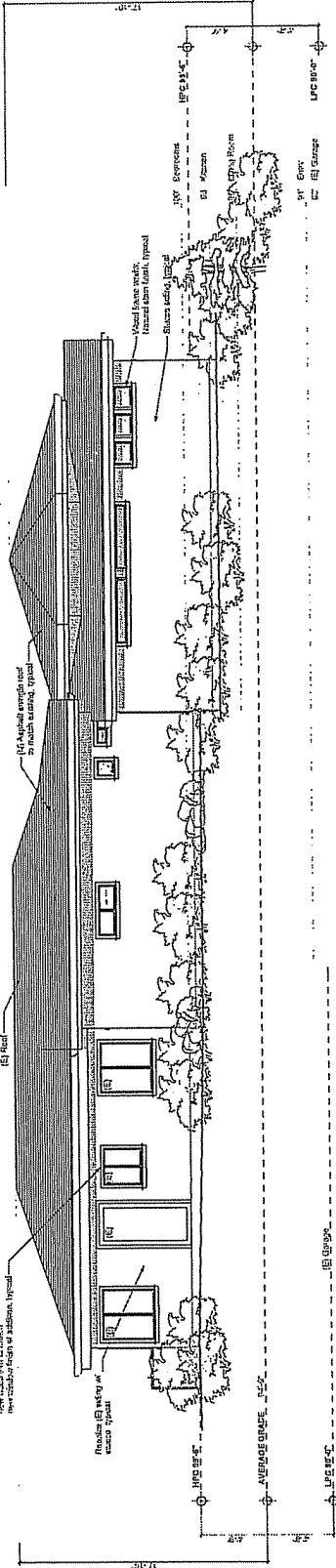
CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT DEPT.

REVISION	NO.

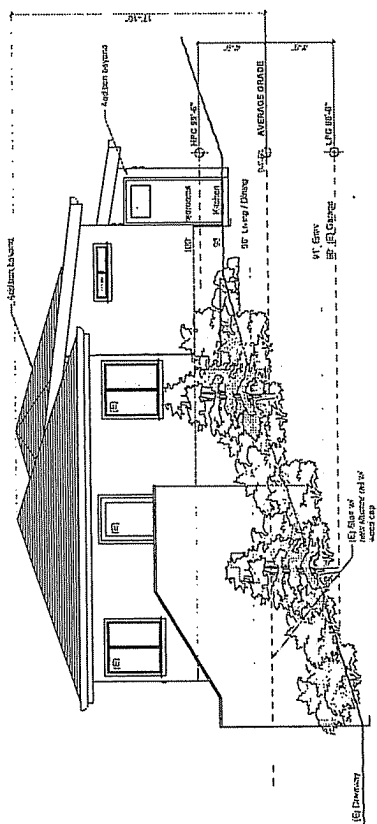
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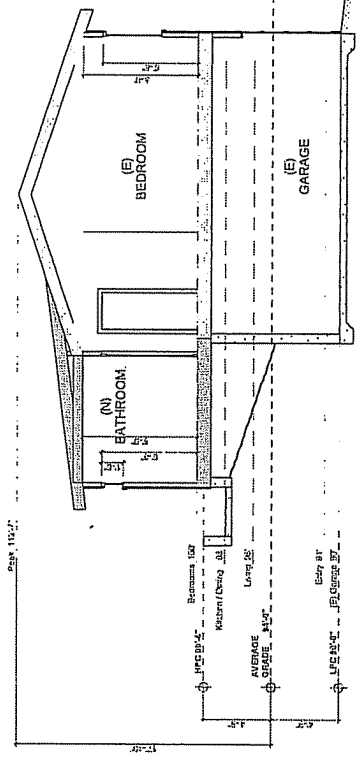
CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT DEPT



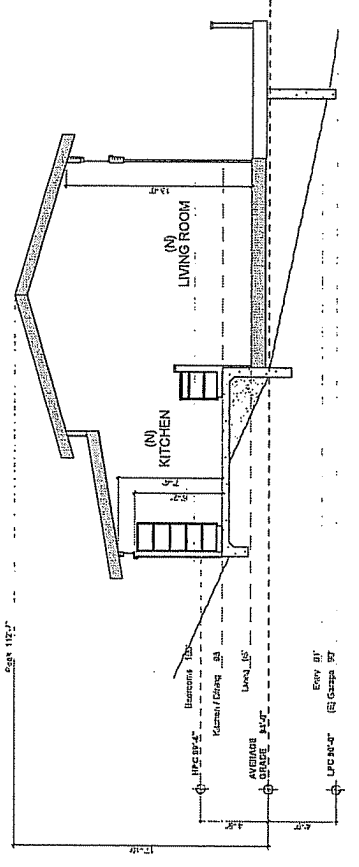
WEST ELEVATION
 SCALE: 1/4" = 1'-0"



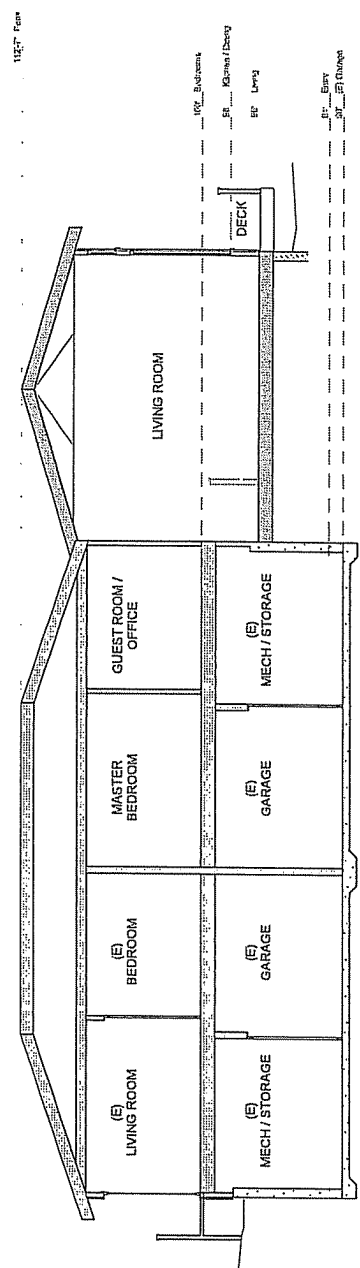
NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



1 Section 1 FRONT ELEVATION



2 Section 2 SIDE ELEVATION



3 Section 3 REAR ELEVATION

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APR 27 2008

CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT DEPT.

\$2,587

CITY OF SAUSALITO
APPEAL OF PLANNING COMMISSION DECISION
OR HISTORIC LANDMARKS BOARD DECISION

Community Development Department
420 Litho Street
Sausalito, CA 94965
415.289.4128 / 415.339.2256 (Fax)

Appellant's Name ROBERT BEIFUSS Day Phone 331-0740

Appellant's Address 66 Marion Ave. Sausalito, Ca. 94965

Appellant's Email Address byfus@hotmail.com

Appellant's interest in the project (e.g., applicant, neighbor, etc.) _____

Appellant's Signature Robert Beifuss

Project Name and No. DR 08-002

Project Address 600 Locust, Sausalito

Date of Decision (Appeal must be filed within 10 calendar days) 6-3-09

Specify the grounds of the appeal (Additional sheets may be attached, if necessary)

see attached sheet.

AP No. DR 08-002

Fee Paid \$2,791.48

Receipt Number 72917

Accepted By (LS)

Date Received Stamp

RECEIVED

JUN 15 2009

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

\$29.48 postage

\$175.00 noticing

\$2,587.00 appeal fee

\$2,791.48 paid

ATTACHMENT 2
(5 PAGES)

5A 29