

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-22**

**APPROVAL OF A DESIGN REVIEW PERMIT AND A VARIANCE TO FULLY ENCLOSE THE
EXTERIOR PERIMETER AND FOUNDATION OF THE GROUND FLOOR LEVEL ADDING
499 SQUARE FEET OF FLOOR AREA TO AN EXISTING DUPLEX AT 118 WEST STREET
APN: 065-261-32
PROJECT ID: 2024-00072**

WHEREAS, an application has been filed by the Applicant and Owner, Cameron Zand/Green Earth Holding LLC, requesting a Design Review Permit and a Variance to fully enclose the existing 50% enclosed exterior perimeter and foundation of the ground floor level of an existing duplex, thereby adding 499 square feet of floor area, which will exceed the floor area ratio permitted by the Zoning Ordinance at 118 West Street (APN: 065-261-32) ("the Project"); and

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

WHEREAS, the Planning Commission has reviewed a Design Review Permit and a Variance for the proposed Project and considered the information contained in the staff report as well as any and all oral and written testimony on the proposed Project; and

WHEREAS, the Planning Commission has reviewed and considered the Project plans titled "118 West Remaining 50% Opening Enclosure Plan", received August 22, 2024; and

WHEREAS, the Planning Commission finds that the proposed project, as conditioned herein, is consistent with the General Plan and complies with the requirements of the Zoning Ordinance as described in the staff report; and

WHEREAS, the Planning Commission finds that the requisite findings for approval set forth in SMC Section 10.54.050 D and Section 10.68.050 can be made; and;

WHEREAS, approval of the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) under the California Environmental Quality Act (CEQA) Guidelines;

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

1. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) under the California Environmental Quality Act (CEQA) Guidelines
2. The Design Review Permit to fully enclose the existing 50% enclosed exterior perimeter and foundation of the ground floor level and add 499 square feet of floor area to an existing duplex at 118 West Street (APN: 065-261-32) 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 "118 West Remaining 50% Opening Enclosure Plan", received August 22, 2024 (Attachment 3).

3. A Variance to fully enclose the existing 50% enclosed exterior perimeter and foundation of the ground floor level and add 499 square feet of floor area to an existing duplex at 118 West Street (APN: 065-261-32) 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 "118 West Remaining 50% Opening Enclosure Plan", received August 22, 2024 (Attachment 3).

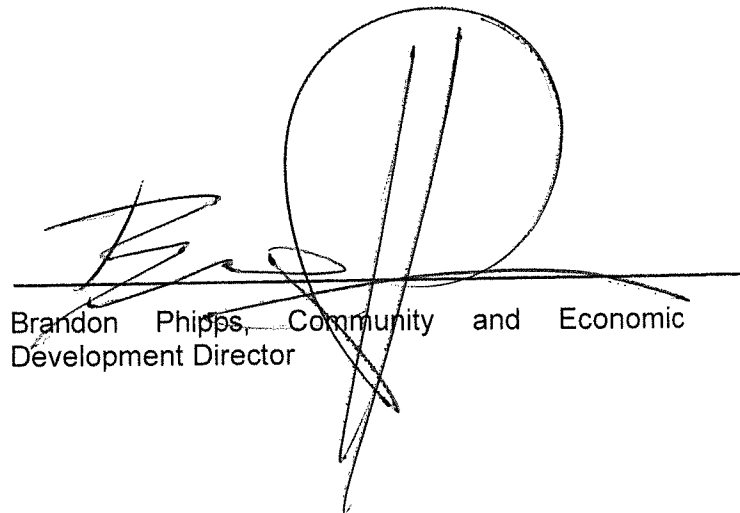
RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 13th day of November 2024, by the following vote:

AYES: Commissioner: Marlatt, Junius, Feller, Saad, Luxenberg

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner:



Brandon Phipps, Community and Economic
Development Director

ATTACHMENTS

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

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-22
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ATTACHMENT 1: FINDINGS

Design Review Findings

To approve or conditionally approve the Design Review Permit, the Planning Commission must determine whether the project is in conformance with the required Design Review Findings in Section 10.54.050.D:

- 1. The proposed project is consistent with the general plan, any applicable specific plans, any applicable design guidelines, and this chapter.***

The proposed addition of 499 square feet of floor area is consistent with the general plan, existing design guidelines and Chapter 10.54. The proposed project is not impacted by any specific plans.

- 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 proposed architecture maintains the prevailing design character of the neighborhood as the new siding and windows that will be used to enclose the ground floor will match the existing siding of the house and will be painted the same color.

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

The proposed project will not add any new building coverage as the additional floor area will be located at the ground floor level directly underneath the existing units and storage area. Because the space to be enclosed is below street level and is not visible from the public right-of-way there will be no change in the scale of the existing structure.

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

As the proposed project is located downslope, below street level and is not visible from the public right of way it will not have any impact on public or private views. In addition, all the surrounding properties on the east side of West Street feature access at street level with living quarters at or above street level to take advantage of bay views. Because the proposed project will be downslope at ground level and is adjacent to foundations on either side it will not obstruct any private view.

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

Not applicable. The proposed project will not feature any new construction 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.*

Not applicable. No landscaping is proposed as part of this project.

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

No new buildings are being constructed as part of this project. The proposed project merely encloses an existing foundation below an existing residence.

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.*

Not applicable. No new exterior lighting, mechanical equipment, or chimneys are proposed as part of this project.

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.*

As the proposed project, which encloses the foundation level of the residence, is located downslope from the street, on ground level, and below adjacent residential spaces it will have no impact on the privacy of surrounding properties.

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

The enclosed space will have one main entrance that is connected to the duplex and driveway/car deck via a stairway. The space will also have sliding glass doors at the rear that will allow for ingress/egress if necessary. As the space is located off the road in the interior of the parcel it will have no impact on traffic safety.

- 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.**

Not applicable. There are no protected trees located on the subject parcel.

- 12. The project site is consistent with the guidelines for heightened review for projects which exceed 80 percent of the maximum allowed floor area ratio and/or site coverage, as specified in subsection E of this section (Heightened Review Findings).**

The proposed project is not subject to Heightened Review Findings as a Variance is required to exceed the maximum floor area ratio required for the R-2-2.5 Zoning District. The required Variance Findings can be found below.

- 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 proposed project is contained entirely within the envelope of the existing residence and will not crowd or overwhelm neighboring properties.

Variance Findings

To approve or conditionally approve the requested Variance, the Planning Commission must determine whether the project is in conformance with the required Findings in Section 10.68.050:

- A. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same district.**

The proposed project is located on a substandard lot in the R-2-2.5 Zoning District. The subject parcel is 3,300 square-feet while the minimum parcel size for the district is 5,000 square feet. Additionally, the parcel is 30 feet wide and is considered a "narrow parcel" per the municipal code that exactly meets the threshold for minimum parcel width required pursuant to SMC 10.40.030 and 10.40.070. As such, the amount of floor area permitted on this parcel is much less than what would be allowed for parcels meeting the minimum parcel size for the overall zoning district.

- B. Owing to such exceptional or extraordinary circumstances the literal enforcement of the provisions of the title would result in practical difficulty or unnecessary hardship.**

As the subject parcel is a substandard, narrow lot the literal enforcement of the provisions of the title would result in practical difficulty and unnecessary hardship as the Applicant/Owner is applying to enclose an existing ground floor/foundation to gain much needed home insurance. Since the new foundation that was poured in April 2024

is currently not fully enclosed the Applicant/Owner has had their home insurance terminated and has struggled to find a new carrier due to the exposed state of the foundation. The Applicant/Owner has also experienced issues with wildlife and human intrusion into the unsecured space and would like to mitigate potential future water intrusion in the upcoming rainy season. Because the enclosure of this space will create new floor area, causing the residence to exceed the maximum floor area ratio allowed in the R-2-2.5 Zoning District a Variance is being sought.

C. Such variance is necessary for the preservation of a substantial property right of the petitioner, possessed by other property in the same district.

The Variance requested is necessary for the homeowner to obtain much needed home insurance at an acceptable rate, prevent wildlife/human intrusion into the lower level of the residence, and protect the new foundation from water damage. As such, the granting of this Variance is necessary for the preservation of substantial property rights for the petitioner and possessed by other properties in the same district.

D. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the vicinity or in the district in which the subject property is located.

The granting of this Variance will be beneficial to public welfare, neighboring parcels, and the district since it would allow the Owner to protect and insure their investment and prevent damage from wildlife/human and water intrusion. This will help preserve the property's value and allow it to continue to contribute positively to the neighborhood and the district.

E. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

The granting of this Variance will not constitute a grant of special privilege inconsistent with other properties in the same zoning district since the subject parcel is a substandard, narrow lot that is unable to be developed in the same manner, and to the same standards, as other parcels in the district.

F. The granting of such variance will be in harmony with the general purpose and intent of this title and the general plan.

The Applicant/Owner is requesting a single Variance to exceed the maximum allowed floor area ratio in order to secure their property and protect their residential assets. The Variance is only needed due to the substandard parcel size, and the granting of this Variance is in harmony with the general purposes of the title as outlined in SMC 10.10.030 as well as the pertinent programs and policies in the Land Use and Growth Management Element of the General Plan.

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ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project at 118 West Street depicted on plans prepared by Kenneth S. Chaney titled "118 West Remaining 50% Opening Enclosure Plan", received August 22, 2024 (Attachment 3).

COMMUNITY DEVELOPMENT DEPARTMENT:

General Items:

1. Pursuant to Sausalito Municipal Code Section 10.50.120 (Implementation of Permits), it shall be the Applicant's responsibility to diligently proceed to carry out the Conditions of Approval and implement any approved permit(s). This shall include establishing the approved use/implementing the permit(s) within the time limits set forth by the applicable code.
2. The project shall be designed and constructed as shown in the set of plans titled "118 West Remaining 50% Opening Enclosure Plan", received August 22, 2024 (Attachment 3).
3. The Applicant/Property Owner(s) shall defend, indemnify (including reimbursement of all fees and costs reasonably incurred by separate counsel retained by the City), and hold harmless the City and its elected and appointed officials, officers, agents and employees, from and against any and all liability, loss, damage, or expense, including without limitation reasonable attorney's fees which City may suffer or incur as a result of any claims relating to or arising from the City's approval of the project or any portion of the project, or construction thereof.
4. In the event that any condition imposing a fee, exaction, dedication, or mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be subject to review by the City and substitute conditions may be imposed.
5. Any mechanical equipment installed in connection with this project shall be subject to Sausalito Municipal Code Section 12.16.130 - Machinery, equipment, fans and air conditioning.
6. At the time of building permit application, the applicant shall file a reasonable estimate of the value of the project, and based thereon, a construction time limit shall be established for the project in accordance with the criteria set forth in Sausalito Municipal Code Section 10.54.100. The applicant shall submit information reasonably requested by the Community Development Director to support the estimated value of the project. Such documentation may include without limitation an executed construction contract. The time for completion of the construction shall also be indicated on the construction permit.

DEPARTMENT OF PUBLIC WORKS:

General Items:

1. 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.
2. Applicant shall indemnify the City for 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.

Right of Way Items:

3. Applicant shall repair or replace, at no expense to the City, damage to public facilities that results from applicant's construction activities. Applicant is advised that applicant's contractor shall save and protect all existing facilities not designated for removal or modification within the public right of way.
4. Emergency vehicle access and access to adjacent properties shall be maintained at all times throughout the duration of this project.
5. An encroachment permit shall be obtained from the DPW prior to using the public right of way for non-public purposes (e.g., material storage, construction, staging or demolition) including any and all construction and demolition activities. Encroachment submittal information can be found here: <https://www.sausalito.gov/departments/public-works/engineering-division/encroachment-permits>
6. Applicant is advised that construction materials, equipment, vehicles, and properly-permitted debris boxes (Bay Cities Refuse Service is the sole authorized solid waste hauler permitted to provide debris box service in the City of Sausalito) may not be placed in a manner that poses a traffic hazard, shall be placed to minimize obstruction of roads and gutters, shall be equipped with reflectors or lighting to ensure visibility at night and in inclement weather (if placed in the public right of way), shall be maintained in a clean and safe condition, and shall not be maintained in a manner that becomes a nuisance to the neighborhood. Debris boxes shall be emptied on a regular basis, or as directed by the City. Material stockpiles & debris boxes shall be covered when not being accessed or filled to prevent dust or liquid from being released to the environment. Construction materials, equipment, vehicles, and debris boxes shall be placed in the public right of way only after securing an encroachment permit.

7. Ensure best management practices (BMPs) are used during construction activity. This includes erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include: designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. You may refer to the Marin County Stormwater Pollution Prevention Program's website:

<https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosionsediment-control-measures-for-small-construction-projects-2015.pdf?la=en>

Advisory Notes

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

1. An approval granted by the Engineering Division of the Department of Public Works does not constitute a building permit or authorization for construction. Appropriate construction permit(s) issued by the Building Division must be obtained prior to construction.
2. Pursuant to Municipal Code Chapter 8.54, applicants shall submit a Recycling Management Plan to the Community Development Department prior to the issuance of any Building Permits, unless the requirement is waived pursuant to Section 8.54.050
3. Pursuant to Municipal Code Chapter 11.17, dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with Section 11.17.060.B.
4. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas within a 500-foot radius of residential zones shall only take place during the following hours:

Weekdays – Between 8:00 a.m. and 6:00 p.m.

Saturdays – Between 9:00 a.m. and 5:00 p.m.

Sundays – Prohibited

City holidays – Prohibited

Homeowners currently residing on the property and other legal residents may operate the equipment themselves on Sundays and City holidays between 9:00 a.m. and 6:00 p.m.

5. Pursuant to City of Sausalito Resolution 5116, roadway and subdivision improvements shall comply with the Uniform Construction Standards All Cities and County of Marin and as may be modified by the City Engineer.
6. Improvements within the public right of way shall conform to the Cities and County of Marin "Uniform Construction Standards," available online at: <http://www.marincounty.org/depts/pw/divisions/land-use/ucs>.
7. All applicable City fees as established by City Council resolutions and ordinances shall be paid.

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ATTACHMENT 3: PROJECT PLANS

