

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2013-XX**

**APPROVAL OF A DESIGN REVIEW PERMIT TO INCREASE A PORTION OF THE ROOF
HEIGHT AT THE EXISTING SINGLE FAMILY RESIDENCE, EXPAND AN EXISTING DECK,
CONSTRUCT A TRASH ENCLOSURE AND REPLACE A PORTION OF AN EXISTING
RETAINING WALL AT 130 PROSPECT AVENUE
(DR 13-184)**

WHEREAS, an application has been filed by applicant, Jacques Ullman, on behalf of the property owners, Robert and Karen Solomon, requesting Planning Commission approval of a Design Review Permit to increase a portion of the roof height by 2 feet and 4 inches to allow for the installation of an elevator in the existing single family residence, expansion of an existing deck, construction of a trash enclosure and reconstruction of a portion of an existing retaining wall at 130 Prospect Avenue (APN 065-191-63); and

WHEREAS, the project site is located within the General Plan Low Density Residential Land Use Designation, and the Single Family Residential Zoning District (R-1-6); and

WHEREAS, the Planning Commission conducted duly-noticed public hearing on December 4, 2013 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the staff reports as well as oral and written testimony on the proposed project; and

WHEREAS, the Planning Commission has reviewed and considered the project plans titled "Solomon Residence" and date-stamped received on November 14, 2013; and

WHEREAS, the Planning Commission finds that the proposed project, as conditioned herein, has been found to be consistent with the General Plan and complies with the requirements of the Zoning Ordinance as described in the staff report and Attachment 1 of the resolution; and

WHEREAS, approval of the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(e), Existing Facilities.

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

1. The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301(e), Existing Facilities, which allows for minor alterations of existing private structures involving negligible or not expansion of use beyond that which is existing.
2. The Design Review Permit for an increase in roof height to allow for the installation of an elevator in the existing single family residence, expansion of an existing deck, construction of a trash enclosure and reconstruction of a portion of an existing retaining wall at 130 Prospect Avenue 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 "Solomon Residence" and date-stamped received on November 14, 2013 (Attachment 3).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the _____ day of December, 2013, by the following vote:

AYES: Commissioner:
NOES: Commissioner:
ABSENT: Commissioner:
ABSTAIN: Commissioner:

Jeremy Graves, AICP
Secretary to the Planning Commission

Attachments

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

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**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 project will be in keeping with the scale of the predominantly single family neighborhood. The project is designed to be architecturally compatible with the general mass and scale of the project site and the neighborhood as a whole. The increase in roof height will not obstruct a view from neighboring properties due to the sloped topography and dense vegetation of the surrounding properties. Lastly, the project is intended to make the residence more accessible and functional for the property owners who are in declining health and would allow them to remain in the home they have owned and lived in for many years. Accordingly, staff suggests the project is consistent with the intent of the General Plan objects and policies.

- 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 project will be compatible with the surrounding neighborhood which includes a mix of architectural styles and roof heights. The addition of the elevator hoist way and associated landings will compliment and blend with the existing architectural style of the existing residence.

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

The project is considerate of the residence's original form, mass, and scale, as well as consistent with the mass and scale of the surrounding neighborhood. The project will be compatible with the surrounding neighborhood which includes a mix of architectural styles and roof heights.

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

The project will not negatively impact surrounding properties views as the proposed improvements will be shielded to those properties on Cloud View Road higher up the hill due to the existing dense vegetation and sloped topography.

- 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 project does not include a landscape plan, therefore this finding is non-applicable.

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

The project will provide adequate light and air for the project site, adjacent properties, and the general public based on the scope and scale of the project, the existing development patterns in the surrounding neighborhood, site orientation, topography and existing vegetation.

- 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.

The project is designed to limit visual and noise impacts to adjacent properties by designing all exterior lighting to be installed with either downward facing shades or recessed ceiling lights, and no mechanical equipment will be placed on the exterior of the building.

- 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 project does not change the existing levels of privacy associated with the site due to the existing topography, the development of the site in relation to the surrounding developed properties, and the existing vegetation.

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

The project will not impact the existing use, access, and circulation associated with the developed site as shown on the project plans (Attachment 3 attached hereto).

- 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.

No trees are to be removed as part of the project.

- 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 because the project will not exceed 80% of the maximum building coverage or Floor Area Ratio (F.A.R.) limitations.

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ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project plans entitled "Solomon Residence" and date-stamped received on November 14, 2013.

General Conditions

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. 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 Director as a modification to this approval.
4. 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.
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, lot closure calculations, improvement plans, erosion control plans and post construction pollution prevention plans, field inspections of permitted work. Developer shall submit a deposit to the City prior to third party review.
7. Prior to issuance of a Building Permit all drawings shall be wet stamped by the design professional responsible for their preparation, including but not limited to land surveyor, architect or engineer.

8. The applicant shall provide reasonable advance notice, a minimum of 14 calendar days, prior to the commencement of grading operations to owners of adjoining properties.
9. All exterior lighting shall be shielded and downward facing.

Drainage Conditions

10. Prior to issuance of a Building Permit a final drainage plan shall be submitted for review and approval by the Department of Public Works depicting all existing and proposed drainage facilities, including subdrains from their upstream location to their downstream discharge locations. Show how drainage is conveyed to the Channing Way right of way.

Stormwater Pollution Prevention

11. Prior to issuance of a Building Permit the developer's civil engineer or architect shall submit a detailed erosion control plan, including cost estimate, for review and approval by the Department of Public Works. Erosion control plan shall incorporate guidelines and measures from the **Marin County Stormwater Pollution Prevention Program's** (MCSTOPPP) publication "Minimum Erosion/Sediment Control Measures for Small Construction Projects". The erosion control plan shall show coordinate with proposed project phasing.
12. The applicant's contractor shall implement and maintain erosion control measures per the approved erosion control plan if construction occurs between October 15th and May 1st. During the remainder of the construction project, erosion control materials shall be stock piled on site for use should rain be forecast.
13. The applicant's contractor shall provide adequate dust control measures during construction.
14. Prior to issuance of a Building Permit, applicant shall add to the project drawings MCSTOPPP'S "Pollution Prevention It's Part of the Plan" [http://www.mcstoppp.org/acrobat/Pollution%20Prevention_Jan-2009.pdf] which shall be implemented during construction.

Street Conditions

15. Encroachment permits shall be obtained from the Department of Public Works prior to using the public right of way for non-public purposes (e.g., private parking, material & debris box storage, sidewalk construction or demolition).
16. Prior to issuance of a Certificate of Occupancy applicant shall repair or replace, at no expense to the City, damage to City facilities caused by applicant's construction activities. Contractor shall save and protect all existing facilities not designated for removal or modification within the project limits.

Utility Conditions

17. Prior to issuance of a Building Permit a Utility Plan shall be submitted for review and approval by the Department of Public Works. This plan shall include but not be limited to accurately showing existing sanitary sewer lateral, gas, underground electric, water, and communication services, their sizes and their relationship to the proposed improvements. Plans shall indicate which utilities are to be modified, protected in place, relocated or removed as part of the project and how this will be accomplished.

Engineering Conditions

18. Emergency vehicle access and access to adjacent properties shall be maintained at all times throughout the duration of this project.
19. A construction staging plan and construction schedule shall be submitted for review and approval by the City Engineer or designee. The locations of construction materials, equipment, vehicles, debris box, portable restrooms, etc shall be depicted. Approved plan and schedule shall be distributed to property owners adjacent to the subject property not less than one week prior to commencement of construction activities.
20. Construction materials, equipment, vehicles, and debris boxes shall be placed to minimize obstruction of roads and gutters, 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 box shall be emptied on a regular basis, else as directed by the City. Material stock piles & debris boxes shall be covered when not being accessed or filled to prevent material from blowing around the neighborhood. Construction materials, equipment, vehicles, and debris boxes shall be placed off-site only after securing an encroachment permit.

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.

21. This approval will expire in two (2) years from the effective date of this resolution if the property owner has not exercised the entitlements hereby granted, or an extension has not been filed prior to the expiration date.
22. An approval granted by the Planning Commission 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.
23. All applicable City fees as established by City Council resolutions and ordinances shall be paid. Encroachment Permit, Grading Permit and Third Party Review fees (cost plus 10%) shall be paid.
24. Pursuant to Municipal Code Chapter 3.36, Construction Traffic Road Fees shall be paid prior to issuance of a building permit.
25. Grading on hillside lands composed of geologic formations known to slide will be limited to between April 15 and October 15 without written approval of the City Engineer.

26. 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 construction permits, unless the requirement is waived pursuant to Section 8.54.050.
27. 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 (not including Sundays) – 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 and City holidays between 9:00 a.m. and 6:00 p.m.
28. Pursuant to Municipal Code Section 18.08.020, overhead electrical and communication service drops shall be placed underground when the main electrical service equipment (including the panel) is relocated, replaced, and/or modified.
29. Pursuant to Municipal Code Section 18.12.100, existing sewer service laterals shall be inspected for surface water connections and leakage at the time of remodeling of any building. Deteriorated service laterals shall be repaired prior to approval of the building permit.
30. Pursuant to Municipal Code Section 10.54.100, construction activities undertaken in accordance with a design review permit shall comply with the construction time limit regulations based upon the project's valuation. Construction projects which are not completed within the time limits are subject to daily penalties.
31. Permits required by other agencies having jurisdiction within the construction area must be obtained in accordance with the respective agency's regulations.

Marin Municipal Water District (415-945-1400), including landscaping and irrigation regulations;
Marin County Environmental Health Services (415-499-6907), including spas and septic systems, as well as facilities for preparation or sale of food;
Southern Marin Fire Protection District – (415-388-8182);
Bay Area Air Quality Management District – (415-771-6000)
32. An encroachment permit shall be obtained from the Department Public Works 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.
33. Grading/drainage permit(s) shall be obtained from the Department Public Works for earthwork of 50 cubic yards or more, (SMC 17.08).
34. 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.

35. Pursuant to City of Sausalito Resolution 5117, new private sewer construction shall comply with the Sausalito Marin City Sanitary District Standard Specification.

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ATTACHMENT 3: PROJECT PLANS