



CITY OF SAUSALITO

Community Development Department
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DECISION DATE: January 27, 2025

EFFECTIVE DATE: February 6, 2025

TO: William Pearson
390 Sausalito Boulevard
Sausalito, CA 94965

RE: Notice of Decision regarding approval of an Administrative Design Review Permit/
Encroachment Agreement (ADR/EA 2024-00130)

Following review by the Community Development Department, the Community Development Director has approved an Administrative Design Review Permit. This approval will become final ten (10) days from the date of this Notice unless a timely appeal is filed with the Community Development Department.

Project Location

388-390 Sausalito Boulevard, APN 065-252-22

Project Description

An Administrative Design Review Permit and Encroachment Agreement is requested to approve new decking, retaining wall work, and landscaping improvements on private property and in the public right-of-way at 388-390 Sausalito Boulevard (herein referred to as Project) (**Attachment 1**). Proposed work on private property includes a new easterly wood stairway which leads down to a new easterly wood deck and deck landing along the easterly side of the existing residence, and a new easterly doorway which will replace an existing window and serve as access from the new deck into the existing residence. Proposed work in the public right-of-way at 388-390 Sausalito Boulevard includes new front wood deck areas totaling approximately 305-square-feet, and new wood retaining walls which are less than 6-feet in height and serve to support existing slope to accommodate a new front planting area. The Project has been determined to be exempt from further environmental review under California Environmental Quality Act (CEQA) Section 15303, New Construction of Small Structures and Section 15304, Minor Alterations to Land.



Brandon Phipps
Community and Economic Development Director

1/27/2025

Date

All actions of the Community Development Director are subject to appeal to the Planning Commission in accordance with Chapter 10.84 of the Zoning Ordinance. Any appeal must be

made in writing to the Community Development Department within ten (10) days from the date of this Notice and accompanied by an appeal fee (\$2,840.00). The permit's findings, conditions of approval, project plans and associated materials are available at the Community Development Department located in City Hall, 420 Litho Street, Sausalito, CA 94965. The office is open from 8:00 AM to 5:00 PM Monday through Thursday.

FINDINGS
PROJECT ID 2024-00130
388-390 Sausalito Boulevard

Design Review Findings

The Community Development Director must determine whether the project is in conformance with the following findings (SMC 10.54.050 D):

1. The proposed project is consistent with the General Plan, any applicable specific plans, any applicable design guidelines, and this chapter.

The Project, as conditioned, is consistent with several General Plan policies and programs. These include Land Use Policy LU-7.3, which governs encroachments on public rights-of-way by private construction and Community Development Program CD-5.1.2, which requires the consideration of a balance between parking, traffic congestion, and right-of-way beautification for encroachments for private benefit. The encroachment will serve to beautify the right-of-way along the front of 388-390 Sausalito Boulevard while maintaining the existing on-street and off-street parking and not impacting traffic congestion in the surrounding neighborhood. The encroachment requested is not within any applicable specific plans and is consistent with the purpose of Chapter 10.54.

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 site design complements the surrounding neighborhood by maintaining the prevailing design character of the neighborhood while beautifying the public right-of-way in front of 388-390 Sausalito Boulevard. The project replaces a failing retaining wall with a new retaining wall which will support the existing slope of Sausalito Boulevard and improve the right-of-way façade with the new planting area/landscaping improvements. The proposed improvements on private property are mostly not visible from the public right-of-way as the property slopes downhill and the improvements on private property will occur mostly downhill from the street level.

3. The proposed project is consistent with the general scale of structures and buildings in

the surrounding neighborhood and/or district.

The proposed project does not pose any impact on the scale of the existing residence, therefore the proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood.

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

The proposed project has been located and designed to minimize obstruction of public views and primary views from private property. The proposed right-of-way modifications are proposed at grade as well as below grade which poses minimal impact on views from surrounding properties. The proposed modifications on private property do not pose any view impact as the parcel slopes downhill and the improvements are located downslope from street level.

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

The proposed project will not result in a prominent building profile (silhouette) above a ridgeline since no buildings will be constructed as part of this project.

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

The proposed landscaping is designed to improve the visual effect of the yard as seen from Sausalito Boulevard. The landscaping improvements are located at grade and provide a more attractive and well-maintained environment for the enjoyment of the public. The failing retaining wall will be replaced by a new retaining wall which will improve the aesthetic of the right-of-way while also improving the stability of the slope which supports Sausalito Boulevard.

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

Not Applicable. No new buildings will be constructed, and the location of the existing building will not be altered as a result of the Project.

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.

The proposed project is located within the R-1-6 residential zoning district. This is a low-density residential zoning district that features several single-family residences on both sides of Sausalito Boulevard. As such, the project maintains a reasonable level of privacy to the site and nearby homes by improving the existing encroachment. The proposed landscaping improvements in the right-of-way maintain the privacy of the existing residence while improving the aesthetic appeal of right-of-way as seen from Sausalito Boulevard. The proposed decking in the right-of-way and on private property are all designed to minimize visibility from the right-of-way thus maintaining privacy for the property owner as they utilize the deck areas to access their property.

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

The proposed easterly stairway which leads down to a new easterly entrance at the existing residence will improve access and internal circulation for the property owner. The proposed project will not pose an impact to parking, traffic safety, or ease of movement for automobiles in the surrounding neighborhood.

11. The proposed design preserves protected trees and significant natural features on the site to a reasonable extent and minimizes site degradation from construction activities and other potential impacts.

The proposed design preserves all oak trees on site and preserves as many trees as possible. The new landscape plants will be used to reduce soil erosion on the disturbed areas of the site. Construction best management practices will be used to minimize site degradation from construction activities and other potential impacts. Non-disturbed areas of this sloping property will be left in their natural state and not irrigated to preserve the stability of the ground and existing trees on site.

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

Not Applicable. This Project is not subject to Heightened Design Review findings.

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.

Not Applicable. This Project will not alter the existing residence with the exception of a new door opening and deck area. The proposed deck and stairway areas have been designed to provide ample separation from surrounding properties through compliance with Sausalito's setback requirements. The proposed easterly stairway is proposed at grade to reduce crowding for the neighboring property on the easterly side of 388-390 Sausalito Boulevard.

Encroachment Agreement

To recommend City Council approval of the Encroachment Agreement, the Community Development Director must determine that the proposed Project is in conformance with the Encroachment Agreement findings listed in SMC Section 10.56.060(A-E). Staff has concluded that the necessary findings can be made to support the recommendation to City Council for approval of the requested entitlement and has prepared draft responses to the required findings below for the Community Development Director's consideration:

A. The proposed encroachment is compatible with the surrounding area and will either improve or not significantly diminish visual or physical public enjoyment of the streetscape upon which the encroachment is proposed.

The proposed encroachment is compatible with existing driveways, entry stairs, and landscaping in the neighborhood. The proposed encroachments seek only to reduce or replace existing encroachments, while providing necessary safe access to this steeply sloping site. These improvements will be compatible with the surrounding neighborhood by planting new landscaping at grade and in the same location as previous encroachments. Much of the landscape and structural features within the encroachment are aged and deteriorating. The project will replace the deteriorating retaining wall and deteriorated landscaping features with a new retaining wall and new landscaping features, thus improving the visual and physical public enjoyment of the Sausalito Boulevard streetscape.

B. The encroachment will not adversely affect the usability or enjoyment of adjoining parcels nor create or extend an undesirable land use precedent.

The proposed encroachment will not adversely affect the usability or enjoyment of adjoining parcels nor create or extend an undesirable land use precedent because the project seeks to replace in kind existing encroachments. The proposed encroachment does not present an unappealing visual impact, does not pose drainage issues, and serves to replace a failing retaining wall thus improving the structural stability of the lot and the right-of-way streetscape.

C. The encroachment is necessary to the reasonable use and enjoyment of the property and the extent of the encroachment is justifiable.

The proposed encroachment is necessary for the reasonable use and enjoyment of the property since the existing encroachments this project seeks to replace are old, deteriorating, and not up to current safety standards. The encroachments are necessary for site access and stability.

D. The proposed encroachment will not adversely affect the public circulation nor create or constitute a hazard to public safety.

The proposed encroachment will not adversely affect public circulation or constitute a hazard to public safety because it is within the footprint of existing encroachments off the streetscape. The proposed encroachments are proposed at grade which will not constitute a hazard to public safety.

E. The value of the proposed improvements will not prejudice a policy decision to terminate the encroachment nor preclude or make difficult the establishment or improvement of streets or pedestrian ways. [Ord. 1167 § 2, 2003.]

The value of the proposed improvements will not prejudice a policy decision to terminate the encroachment nor preclude or make difficult the establishment or improvement of streets or pedestrian ways because these are modest improvements seeking to replace existing encroachments. The replacement of these existing encroachments at grade will allow for easier access by the Department of Public Works if they need to conduct work in the right-of-way along that portion of Sausalito Boulevard.

**CONDITIONS OF APPROVAL
PROJECT ID 2024-00130
388-390 Sausalito Boulevard**

The following conditions of approval apply to the application materials and project plans for 388-390 Sausalito Boulevard dated December 13, 2024, prepared by Darius Abolhassani.

General Items

1. The Administrative Design Review Permit shall expire two years following the effective date of the permit if the project entitlement has not been implemented, provided no extension has been filed prior to the expiration date. The project entitlement pursuant to the Design Review Permit is determined to be implemented if the applicable conditions of approval prerequisite to construction have been satisfied and any required construction permits have been issued.
2. Approval of this Application is limited to the improvements depicted on the project plans titled "Pearson Residence Site Work", received on December 16, 2024. Building Permit plans must clarify that the easterly stairway will be constructed at grade.
3. Applicant 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.
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 Community Development Director is authorized to approve minor modifications to the project, pursuant to SMC 10.50.180. Major project modifications will require further review and approval by the Planning Commission, pursuant to SMC 10.50.180.
6. Pursuant to Sausalito Municipal Code Section 10.50.120 (Implementation of Permits), it shall be the applicant's responsibility to diligently proceed to carry out the Conditions of Approval and implement any approved permit. This shall include establishing the approved use/implementing the permit within the time limits set forth by the applicable chapter.
7. Construction hours shall comply with City of Sausalito Ordinance 1143.
8. 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.
9. Dumping of residues from washing of painting tools or any other noxious materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited pursuant to Sausalito Municipal Code (SMC) Chapter 11.17. 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 SMC Section 11.17.060.B.
10. As a condition of this approval, no alternative or unrelated construction, site improvements, tree removal and/or alteration, exterior alterations and/or renovations shall be performed on the project site prior to commencement of construction of the proposed project. In such cases, this approval shall be rendered null and void unless approved by the Community Development Department as a modification to this approval.
11. The Community Development Director is authorized to administratively approve minor modifications to the approved plans. Any other modification to the approved project will necessitate supplemental review and approval by the Planning Commission.
12. In the event of any breach of this Resolution or of Chapter 10.45 of the Municipal Code, City shall notify the applicant and owner, as well as the public pursuant to section 10.45.040, and the Planning Commission shall conduct a revocation hearing. Appeals of the Planning Commission decision on revocation may be made pursuant to the process required in this Title for other appeals of Planning Commission decisions to the City Council.

Engineering Items

1. An Encroachment Permit shall be obtained from the City of Sausalito Department of Public Works prior to using the public right of way for non-public purposes (e.g., private parking,

material & debris box storage, curb, gutter or sidewalk construction or demolition, driveway connection).

2. Grading Permits shall be obtained from the Department of Public Works for earthwork which disturbs 50 cubic yards or more.

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. 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 and City Holidays (not including Sundays) – 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.
2. All applicable City fees as established by City Council resolutions and ordinances shall be paid.
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 stormwater 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. The applicant is advised that Construction Time Limits are in effect and enforced pursuant to Sausalito Municipal Code Section 10.54.100 (Time Limits for Construction).
5. The applicant is advised that permits required by other agencies having jurisdiction within the construction area must be obtained in accordance with the respective agency's regulations.

ATTACHMENT 1 – Project Plans, dated December 13, 2024, titled, “Pearson Residence Site Work” prepared by Darius Abolhassani.