



## **STAFF REPORT SAUSALITO CITY COUNCIL**

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### **AGENDA TITLE**

Encroachment Agreement to allow the construction of a carport for the condominium unit located at 137 Lincoln Drive (APN 064-331-23) with a detachable portion of the improvements located in the Lincoln Drive public right-of-way.

### **RECOMMENDED MOTION**

Staff recommends that the City Council adopt the attached Resolution of Approval for an Encroachment Agreement to allow the construction of a carport that protrudes into the public right-of-way located at 137 Lincoln Drive (APN 064-331-23), as recommended by the Planning Commission pursuant to Resolution No. 2007-030 for Application No. DR/EA 07-019.

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### **SUMMARY AND BACKGROUND**

The applicant, Barry Peterson, on behalf of property owners Jeff Stabler and Gilda Catts, is requesting City Council approval of an Encroachment Agreement to construct a carport for the existing parking deck located at 137 Lincoln Drive. The proposal removes existing encroachments of two 40-inch high walls that are part of the existing deck, and replaces them with a carport overhang that encroaches into the right-of-way 12 to 17 inches, thus requiring approval of an Encroachment Agreement. The portion of the overhang that constitutes the encroachment has been designed to be detachable. The proposed carport would be 9 feet high and would cover an area of approximately 373.5 square feet. The carport would cover an existing parking deck that is partially elevated more than 2 feet above grade and then transitions to a driveway located at-grade, which would increase the parcel's building coverage by approximately 108 square feet to 48%. A Design Review Permit was approved by the Planning Commission on September 26, 2007, and the Commission recommended approval of the Encroachment Agreement, pursuant to the Conditions of Approval in Resolution No. 2007-030 (Attachment 2).

### **ENGINEERING REVIEW**

The City Engineer reviewed the proposed encroachment on August 14, 2007, and had no concerns with the project (Attachment 4). The City Engineer requested specific conditions to make the sidewalk ADA compliant and to use city approved joint expansion material for the new slab and sidewalk, which have been incorporated as conditions of approval in the attached resolution.

### **ENCROACHMENT REVIEW**

Chapter 10.56 of the Sausalito Municipal Code provides that the Planning Commission shall review encroachments for structures within the public right-of-way, such as those included in Application No. DR/EA 07-019, which shall be forwarded to the City Council for final decision

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making authority. The Planning Commission reviewed the proposed encroachment based on the Encroachment Agreement findings listed in Zoning Ordinance Section 10.56.060 and found the encroachment to be an enhancement to the existing streetscape that would not preclude the street or pedestrian improvements due to the a detachable design. The Planning Commission recommended approval of an Encroachment Agreement to the City Council, as stated in Resolution 2007-30 (Attachment 3). The City Council may grant the requested encroachment in the event they agree with the Planning Commission findings set forth in Resolution 2007-30 and listed in the following:

**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 carport is compatible with the surrounding neighborhood and will improve the visual and public enjoyment of the streetscape by adding architectural variety and a bench located near the sidewalk. An existing encroachment of two walls will be removed with the new carport, and replaced with a less obtrusive overhang that is detachable.

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

The encroachment will not adversely affect the adjoining parcels, as it will be constructed in the location of an existing parking deck. The encroachment does not establish an undesirable land use precedent because it is designed to be detachable should street or pedestrian improvements in the public right-of-way be necessary at a future date.

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

The carport will provide protection from the wind, which is often accelerated through Lincoln Drive due to the lack of street trees. In addition to shelter from wind and rain, the carport will benefit its human and automotive occupants by providing relief from the sun and privacy. The encroachment of the carport will also allow for the parking spaces to meet the minimum parking dimensions of 9 by 19 feet (Zoning Ordinance Section 10.40.120A). In order to meet this standard, the current site layout requires that a small portion of the parking area extend into the public right-of-way.

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

The City Engineer reviewed the proposed encroachment on August 14, 2007 and had no concerns that the carport would affect public circulation nor create or constitute a hazard to public safety, as it is located outside of the roadway area.

**E. The value of the proposed improvement will not prejudice a policy decision to terminate the encroachment nor preclude or make difficult the establishment or improvements of streets or pedestrian ways.**

The carport will not make difficult the establishment or improvement of streets, and will eliminate an existing encroachment and replace it with a less obtrusive one that may be detached at any time should the City wish to improve the street or sidewalk.

**FISCAL IMPACT**

There is no anticipated fiscal impact for the requested Encroachment Agreement.

**STAFF RECOMMENDATIONS**

Staff recommends that the City Council adopt the attached Resolution of the Sausalito City Council (Attachment 1), approving an Encroachment Agreement (Exhibit A) to allow the construction of a carport, a portion of which protrudes into the public right-of-way located at 137 Lincoln Drive (APN 064-331-23), as indicated in the approved plans dated June 7, 2007 (Exhibit B of Attachment 1).

**ATTACHMENTS**

1. Draft Resolution of the City Council of the City of Sausalito approving an Encroachment Agreement by and between Jeff Stabler, property owner of 137 Lincoln Drive, and the City of Sausalito (Exhibit A), and as shown in the approved project plans dated June 7, 2007 (Exhibit B)
2. Vicinity Map and Site Photos
3. Planning Commission Resolution No. 2007-30
4. City Engineer Memorandum dated August 14, 2007

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