



STAFF REPORT SAUSALITO CITY COUNCIL

AGENDA TITLE

Encroachment Agreement for improvements in the portion of the right-of-way located at 694 Sausalito Boulevard as part of the construction of a single family residence (Design Review Permit Application No. DR/EA 07-014), which include the encroachment of two off-street parking spaces, new stair landing and access stairway, stairway entry, and a corner of a garage awning.

RECOMMENDED MOTION

Staff recommends that the City Council adopt the attached Resolution of Approval for an Encroachment Agreement to allow the encroachment of two off-street parking spaces, stair landing and access stairway, stairway entry, and garage awning in the portion of the right-of-way located at 694 Sausalito Boulevard (APN 065-132-35), as recommended for approval by the Planning Commission pursuant to Resolution 2007-27 for Application No. DR/EA 07-014.

SUMMARY AND BACKGROUND

The applicant and owner, Charles Slaughter, requests City Council approval of an Encroachment Agreement for improvements located in the public right-of-way at 694 Sausalito Boulevard, as recommended for approval by the Planning Commission in their review of Design Review Permit Application No. DR/EA 07-014 and pursuant to Resolution 2007-27. The application is to demolish an existing residence on the property located at 694 Sausalito and construct a new single family residence with a two car garage on an 11,746 square foot parcel. The proposed three-story residence is 24' in height above the centerline of Sausalito Boulevard and consists of approximately 4,756 square feet. The application was subject to Heightened Review, as it exceeds 80% of the permitted building coverage and floor area limitations.

The application includes a request for an Encroachment Agreement for the encroachment of two off-street parking spaces, a new stair landing and access stairway, stairway entry, and a corner of a garage awning in the Sausalito Boulevard right-of-way, as indicated on the Site Plan (Attachment 1, Exhibit B, Sheet A1.1) dated August 27, 2007. The purpose of the encroachments are to remove an existing carport located in the right-of-way and replace it with two uncovered off-street parking spaces, relocate an existing stairway currently located in the Sausalito Boulevard right-of-way to provide access from the street, provide access to the residence from the parking area with a new stairway and stair landing, and allow the corner of the garage awning to encroach for architectural enhancement of the façade.

A Design Review Permit for the project was approved by the Planning Commission on September 12, 2007, after also being reviewed by the Commission on July 18, 2007. The

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Planning Commission recommended approval of the Encroachment Agreement, pursuant to the Conditions of Approval in Resolution No. 2007-027 (Attachment 3).

ENGINEERING REVIEW

Staff originally requested the applicant remove the southern stairway connecting to Sausalito Boulevard and relocate it within the property boundaries to provide area for a future 5-foot sidewalk. However, the applicant requested to maintain the stairway in the right-of-way to minimize view obstructions along the street, create a lower-profile design for the gate and trellis with less of a visual impact on the streetscape, and reduce grading by eliminating the need for a raised platform and stairs from the street. The different streetscape views for the applicant's proposal and staff's request to remove the encroachment are illustrated in Attachment 5. The top elevation illustrates the current proposal, and the bottom elevation illustrates the view if the stairway were pulled out of the right-of-way. The Commission reviewed the stairway encroachment in light of staff concerns with providing an area for future sidewalk improvements and determined minimizing view obstructions, grading, and visual impacts on the streetscape are justifiable purposes for the stairway encroachment. The Commission's findings for recommendation of approval included that the proposed encroachments will maintain and improve existing encroachments, and may be removed at such time the City desires to upgrade the streets or pedestrian ways through the execution of an Encroachment Agreement. Thus, the Commission determined that the encroachment is acceptable and recommended approval to the City Council.

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 07-014, which shall be forwarded to the City Council for final decision 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 minimizes view obstructions and would not preclude future street or pedestrian improvements. The Planning Commission recommended approval of an Encroachment Agreement to the City Council, as stated in Resolution 2007-27 (Attachment 3). The City Council may grant the requested encroachment in the event that the findings set forth in Section 10.56.060 can be made. The following is a list of the requisite findings followed by a description of their application to the requested encroachments:

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.

Elimination of the existing carport in the public right-of-way and setting the garage further back from the street will visually enhance this portion of the streetscape that is near the intersection of Spencer Avenue and Sausalito Boulevard. The driveway's location in the right-of-way will be the continuation of the existing encroachment, and will provide additional off-street parking spaces to lessen impacts of the project on on-street parking. Allowing the southern stairway access to be maintained enhances the streetscape by lowering the entry gate and trellis, thus eliminating visual obstructions for views to

Richardson Bay. The encroachment of the garage awning will add visual interest to the building façade, further contributing to an enhanced 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 encroachment of the driveway and stairway are the continuation and improvement of existing encroachments, and will benefit the neighborhood by reducing impacts to on-street parking and will create less visual obstructions along the streetscape. The parking would not be possible without the encroachment, due to the oddly configured shape of the parcel and its relation to the public right-of-way. The garage awning will contribute to the architectural treatments of the front façade. The stair landings and stairway encroachments are necessary for access to the residence and yard areas from the street.

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

The stair landings, stairway, and driveway encroachments are necessary to provide access to the proposed residence, and are continuations of existing encroachments for such purposes. Both also improve existing encroachments and reduce their visibility by eliminating a stairway and a covered carport that are both currently located in the Sausalito Boulevard public right-of-way. The garage awning is justifiable to provide architectural enhancement to the front façade, by providing shade, texture, and variety.

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

The proposed encroachments are outside of the roadway area and would not affect public circulation nor create or constitute a hazard to public safety.

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.

Staff does not anticipate that the proposed improvements will prejudice any future policy decisions to terminate the encroachment nor preclude or make difficult the establishment or improvement of streets or pedestrian ways. The proposed encroachments will maintain and improve existing encroachments, and may be removed at such time the City desires to upgrade the streets or pedestrian ways.

FISCAL IMPACT

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

STAFF RECOMMENDATIONS

Staff recommends that the City Council adopt the attached draft Resolution of the Sausalito City Council (Attachment 1), approving an Encroachment Agreement (Attachment 1, Exhibit A) for the construction of improvements located in the right of way consisting of two off-street parking

spaces, new stair landing and access stairway, stairway entry, and corner of garage awning at 694 Sausalito Boulevard, as recommended for approval by the Planning Commission pursuant to Resolution 2007-27 and indicated in the approved plans titled "The West-Slaughter Residence" and dated August 27, 2007 (Attachment 1, Exhibit B).

ATTACHMENTS

1. Draft Resolution of the City Council of the City of Sausalito approving an Encroachment Agreement by and between Charles Slaughter, owner of 694 Sausalito Boulevard, and the City of Sausalito (Exhibit A), and as shown in the approved project plans titled "The West-Slaughter Residence" and dated August 27, 2007 (Exhibit B)
2. Vicinity Map and Site Photos
3. Planning Commission Resolution No. 2007-27
4. September 12, 2007 Staff Report (without attachments)
5. Proposed Elevation illustrating streetscape views with and without the southern access stairway located in the right-of-way

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