


# STAFF REPORT

## SAUSALITO ZONING ADMINISTRATOR

**Project** Hales Construction Time Extension / 640 Sausalito Blvd.  
Construction Time Limits Extension  
NC 05-003

**Meeting Date** March 14, 2013

**Staff** Alison Thornberry-Assef, Assistant Planner 

### REQUEST

Approval of a 180 day Construction Time Limit Extension for a Nonconformity Permit (NC 05-003). The time limit extension is to allow construction to continue for 180 days past April 19, 2013 at 640 Sausalito Boulevard (APN 065-163-01).

### PROJECT INFORMATION

**Applicant/  
Property Owner** Stan Hales

**Location/Size** 640 Sausalito Boulevard; APN 065-163-01  
10,000 square feet (see **Exhibit B** for vicinity map)

**General Plan** Medium Low Density Residential (up to 7.3 dwelling units per acre)

**Zoning** R-1-6 (Single Family Residence)

**Authority** Proceeding with construction past the Construction Time Limits date requires a Construction Time Limits Extension (Zoning Ordinance Section 10.54.100.D)

**CEQA:** Issuance of a Construction Time Limits Extension is categorically exempt from the California Environmental Quality Act (CEQA), in accordance with Section 15301, Existing Facilities.

### BACKGROUND

The project application was originally filed on January 12, 2005 by Michael Froehlich, on behalf of the property owners Michael Fisher and Terence Irwin. On April 13, 2005 the Planning Commission held a public hearing on the Nonconformity Permit for renovations to the existing home including converting the existing two-family structure to a single-family home and making interior and exterior improvements to the primary residence and exterior modifications to the detached garage with studio apartment. On April 13, 2005 the Planning Commission approved the Nonconformity Permit via Resolution No. 2005-16 (**Exhibit C**).

On January 3, 2011 a Building permit was submitted for the Planning Commission approved work, and was approved and issued on March 22, 2011. Since the time the permit was issued, the applicant has requested multiple changes to the Planning Commission approved plans, creating more required Planning and Historic Landmarks Board review. While the requested revisions were reviewed by the City, all construction activities were suspended. Construction activities commenced once the revision plans were approved in July 2012.

On August 29, 2012 Staff issued a four week extension for the Construction Time Limits, due to a four week delay during the Planning Review of the above mentioned revisions. Since the building permit issued on March 22, 2011 was set to expire on March 22, 2013 per the Construction Time Limits, the four week extension set the new expiration date to April 19, 2013. The project must either be completed by April 19, 2013 or an extension to the project's Construction Time Limits must be granted.

The applicant requests Zoning Administrator approval of a 180 day Construction Time Limit Extension of the building permit for the renovation and remodel of the residence at 640 Sausalito Boulevard. The new building permit expiration date would be October 16, 2013.

## **PROJECT ANALYSIS**

### **EXTENSION OF PERMIT FINDINGS**

In order to approve or conditionally approve the Construction Time Limits Extension the Zoning Administrator must determine that the proposed project is in conformance with the required findings listed in Sections 10.54.100.D.4 of the Zoning Ordinance. Since the approval of the building permit in March of 2011, the applicant has been diligently working to get the residential remodel constructed and completed. Over the past two years the applicant has worked with Staff and the Historic Landmarks Board to revise the project in ways that would bring the structure back to a more historically accurate rendition of the original home built in 1901.

The surrounding neighborhood has been supportive of the applicant and his quest to design and construct a house that is architecturally pleasing and accurately represents the time period of the house. Staff has received nine letters in support of the extension from neighbors, and has not received comments from any neighbors stating that the construction would have a material deleterious effect on the neighborhood (see **Exhibit C 1-9**).

In addition to neighbor considerations, the City restricts grading from October 15 through April 15. This restriction has posed difficulties for the applicant, as necessary excavation of the grounds for the trash enclosure, drainage, driveways, and other outdoor construction items have been put on hold until grading can proceed.

Because of the neighborhood considerations, and weather-related grading restrictions, Staff concludes that the requisite Findings can be made to approve the Construction Time Limits Extension.

## **PUBLIC NOTICE AND CORRESPONDENCE**

On March 4, 2013 public hearing notices were mailed to property owners within 300 feet of the project site.

Nine correspondences regarding the project have been received as of the writing of the staff report (see **Exhibit C**).

## **RECOMMENDATION**

Staff recommends the Zoning Administrator approve the attached draft resolution (**Exhibit B**) which approves a Construction Time Limits Extension to October 16, 2013 for the Building Permit that was set to expire on April 19, 2013 at 640 Sausalito Boulevard (NC 05-0003).

Alternatively, the Zoning Administrator may:

- Approve the permit time extension with modifications; or
- Continue the hearing for additional information and/or project revisions; or
- Deny the permit time extension, and direct Staff to return with a Resolution of Denial.

## **EXHIBITS**

- A. Vicinity Map
- B. Draft Resolution
- C. Correspondences
  - 1. Peter and Georgiana Wardle, date-stamped received March 5, 2013
  - 2. Cristina Woolrich, date-stamped received March 11, 2013
  - 3. Patricia Sisilli, date-stamped received March 11, 2013
  - 4. Cael Hazard, date-stamped received March 11, 2013
  - 5. 428 Pine Street, date-stamped received March 11, 2013
  - 6. Susan Newmeyer, date-stamped received March 11, 2013
  - 7. 667 Sausalito Boulevard, date-stamped received March 11, 2013
  - 8. Sarah Browne, date-stamped received March 11, 2013
  - 9. Stephanie Coleman, date-stamped received March 11, 2013

# Vicinity Map



I:\CDD\PROJECTS - ADDRESS\S\Sausalito 640\TRP 11-019\Vicinity Map 03.02.2011

Exhibit A

**SAUSALITO ZONING ADMINISTRATOR  
RESOLUTION NO. 2013-XX**

**A RESOLUTION APPROVING A 180 DAY CONSTRUCTION TIME  
LIMITS EXTENSION OF A BUILDING PERMIT FOR THE RENOVATION OF  
THE RESIDENCE AT 640 SAUSALITO BOULEVARD  
(NC 05-003)**

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**WHEREAS**, an application has been filed by the property owners, Stan and Lori Hales, requesting Zoning Administrator approval of a 180 day Construction Time Limits Extension for Building Permit 002-11 which was set to expire on April 19, 2013 at 640 Sausalito Boulevard (APN 065-163-01); and

**WHEREAS**, the Zoning Administrator conducted a duly-noticed public hearing on March 14, 2013 at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Zoning Administrator finds that the proposed project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities; and

**WHEREAS**, the Zoning Administrator has received and considered oral and written testimony on the subject application; and

**WHEREAS**, the Zoning Administrator has reviewed and considered the information contained in the staff report dated March 14, 2013; and

**WHEREAS**, the Zoning Administrator finds that, as conditioned herein, the proposed project complies with the requirements of the General Plan and Zoning Ordinance as described in the staff report dated March 14, 2013; and

**NOW, THEREFORE, THE ZONING ADMINISTRATOR HEREBY RESOLVES AS FOLLOWS:**

The Construction Time Limits Extension for Building Permit 002-11, that was set to expire on April 19, 2013, for the residence at 640 Sausalito Boulevard is extended to October 16, 2013 based upon the findings in **Attachment 1**, and subject to the conditions of approval in **Attachment 2**.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeremy Graves, AICP  
Zoning Administrator

**ATTACHMENTS**

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

Exhibit B  
[4 pages]

**ZONING ADMINISTRATOR RESOLUTION**  
**March 14, 2013**  
**NC 05-003**  
**640 SAUSALITO BOULEVARD**

**ATTACHMENT 1: FINDINGS**  
**FINDINGS FOR AN EXTENSION OF APPROVED PERMITS**

**1. EXTENSION OF APPROVED PERMITS FINDINGS**

In accordance with Zoning Ordinance Section 10.54.100.D.4 (Construction Time Limits), an Extension of an approved building permit can be approved based on the following findings:

- A) Such extension will not have a material deleterious effect on the neighborhood in which the project is located; and

*Since the approval of the building permit in March of 2011, the applicant has been diligently working to get the residential remodel constructed and completed. Over the past two years the applicant has worked with Staff and the Historic Landmarks Board to revise the project in ways that would bring the structure back to a more historically accurate rendition of the original home built in 1901. Since the neighborhood is in support of the applicant and his quest to complete the house properly, the extension will not have a material deleterious effect on the neighborhood surrounding the project.*

- B) Any one or more of the following factors is present and presents an unusual and substantial obstacle to complying with the standard construction time limit:
- i. Site topography;
  - ii. Site access;
  - iii. Geologic issues;
  - iv. Neighborhood considerations;
  - v. Weather-related grading restrictions; or
  - vi. Other unusual factors (except lack of financing).

*The surrounding neighborhood has been supportive of the applicant and his quest to construct a house that is architecturally pleasing and accurately represents the time period of the house. Staff has received a letter in support of the extension from one neighbor, and has not received comments from any neighbors stating that the construction would have a material deleterious effect on the neighborhood.*

*In addition to neighbor considerations, the City restricts grading from October 15 through April 15. This restriction has posed difficult for the applicant, as necessary excavation of the grounds for the trash enclosure, drainage, driveways, and other outdoor construction items have been put on hold until grading can proceed. Because of the neighborhood considerations, and weather-related grading restrictions, Staff feels that the obstacle iv and v have been satisfied.*

**ZONING ADMINISTRATOR RESOLUTION**  
**March 14, 2013**  
**NC 05-003**  
**640 SAUSALITO BOULEVARD**

**ATTACHMENT 2: CONDITIONS OF APPROVAL**

1. This approval will expire on October 16, 2013 if the property owner has not completed the construction project, or submitted an application for an additional Construction Time Limits Extension.

**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. All applicable City fees as established by City Council resolutions and ordinances shall be paid. Third party review fees (cost plus 10%) shall be paid.
2. 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.
3. Pursuant to Municipal Code Section 11.12.030.C, applicants shall provide protection for any protected trees (as defined by Section 11.12.020) which are to remain standing.
4. 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.
5. 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.
6. 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.
7. 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.

8. Permits required by other agencies having jurisdiction within the construction area must be obtained in accordance with the respective agency's regulations.
  - a. Marin Municipal Water District (415-945-1400), including landscaping and irrigation regulations;
  - b. Marin County Environmental Health Services (415-499-6907), including spas and septic systems, as well as facilities for preparation or sale of food;
  - c. Southern Marin Fire Protection District – (415-388-8182); and
  - d. Bay Conservation and Development Commission – (415-352-3600).
  - e. Bay Area Air Quality Management District – (415-771-6000)

I:\CDD\PROJECTS - ADDRESS\S\Sausalito 640\NC-EA 05-00\CON EXT 13-038\ZARESO 03.14.2013



**Alison Thornberry**

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**From:** Peter Wardle [peterjwardle@yahoo.com]  
**Sent:** Tuesday, March 05, 2013 9:18 PM  
**To:** Alison Thornberry  
**Subject:** 640 Sausalito Blvd. Construction Time Extension

RECEIVED  
MAR - 5 2013  
CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

Alison Thornberry-Assef,

I am writing to give our approval for the time extension for construction at 640 Sausalito Blvd. Time extension will be 180 days past April 19, 2013.

Peter & Georgiana Wardle  
652 Sausalito Blvd.  
Sausalito 94965  
tel. 415-332-6246

Exhibit C-1

## Alison Thornberry

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**From:** Cristina Woolrich [cristina@artcastproductions.com]  
**Sent:** Saturday, March 09, 2013 11:57 AM  
**To:** Alison Thornberry  
**Subject:** 640 Sausalito Blvd construction time limit

RECEIVED

MAR 11 2013

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

Dear City Planning Department  
ATTN: Alison Thornberry-Assef,

I'm a resident of Sausalito and regularly observe great progress on the house at 640 Sausalito Blvd. I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this noteworthy structure. I am pleased that Hales family has taken on this project and have been working diligently to complete this important structure. These improvements will help all of our property values in the neighborhood as well as make significant improvements for this important home in our city. I recommend that you approve the extension to the time limit.

Sincerely,

Cristina Woolrich

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Cristina Woolrich  
Executive Producer  
Artcast Productions  
415.289.0492 (direct)  
415.385.4144 (mobile)  
e: [cristina@artcastproductions.com](mailto:cristina@artcastproductions.com)  
w: [www.artcastproductions.com](http://www.artcastproductions.com)

Exhibit C-2

## Alison Thornberry

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**From:** Patricia Sisilli [patriciasisilli@yahoo.com]  
**Sent:** Sunday, March 10, 2013 2:15 PM  
**To:** Alison Thornberry  
**Cc:** Lori Hales; Stanley Hales  
**Subject:** Stan and Lori Hales 640 Sausalito Blvd.  
**Categories:** Red Category

RECEIVED

MAR 11 2013

CITY OF Sausalito  
COMMUNITY DEVELOPMENT

Dear City Planning Department  
ATTN: Alison Thornberry-Assef,

I'm the neighbor of Stan and Lori Hales at 54 Sunshine Ave and regularly observe great progress on their house at 640 Sausalito Blvd. I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this noteworthy structure. I am pleased that Hales family has taken on this project and have been working diligently to complete the home. These improvements will help all of our property values in the neighborhood as well as make significant improvements for this important home in our city. I recommend that you approve the extension to the time limit.

Sincerely,

Patricia Sisilli  
415 887-9686

Patricia Sisilli

March 9, 2013

RECEIVED

MAR 11 2013


CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

To: Assistant Planner  
Alison Thornberry-Assef  
City of Sausalito Community Development Department

Dear Alison Thornberry-Assef,

I am a resident of Sausalito and regularly observe the progress on the house at 640 Sausalito Blvd. I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this noteworthy structure. I am pleased that Hales family has taken on this project and has been working diligently to complete this renovation. This renovation will help all of our property values in the neighborhood as well as make significant improvements for this important home in our city. I recommend that you approve the extension to the time limit.

Sincerely,



CAEC HAZARD

59A SUNSHINE AVE

Exhibit C-4

March 9, 2013

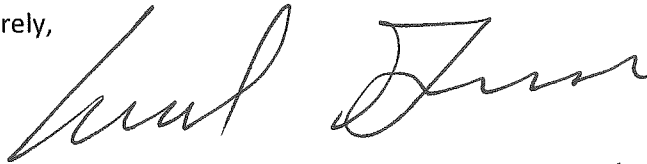
RECEIVED  
MAR 11 2013  
CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

To: Assistant Planner  
Alison Thornberry-Assef  
City of Sausalito Community Development Department

Dear Alison Thornberry-Assef,

I am a resident of Sausalito and regularly observe the progress on the house at 640 Sausalito Blvd. I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this noteworthy structure. I am pleased that Hales family has taken on this project and has been working diligently to complete this renovation. This renovation will help all of our property values in the neighborhood as well as make significant improvements for this important home in our city. I recommend that you approve the extension to the time limit.

Sincerely,



428 Pine St.  
Sausalito, CA 94965

Exhibit C-5

March 9, 2013

RECEIVED

MAR 11 2013

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

To: Assistant Planner  
Alison Thornberry-Assef  
City of Sausalito Community Development Department

Dear Alison Thornberry-Assef,

I am a resident of Sausalito and regularly observe the progress on the house at 640 Sausalito Blvd. I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this noteworthy structure. I am pleased that Hales family has taken on this project and has been working diligently to complete this renovation. This renovation will help all of our property values in the neighborhood as well as make significant improvements for this important home in our city. I recommend that you approve the extension to the time limit.

Sincerely,



Susan A. Newmeyer  
102 Central Ave.  
Sausalito, CA  
94965

Exhibit Cb

March 9, 2013

To: Assistant Planner  
Alison Thornberry-Assef  
City of Sausalito Community Development Department

RECEIVED

MAR 11 2013

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

Dear Alison Thornberry-Assef,

I am a resident of Sausalito and regularly observe the progress on the house at 640 Sausalito Blvd. I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this noteworthy structure. I am pleased that Hales family has taken on this project and has been working diligently to complete this renovation. This renovation will help all of our property values in the neighborhood as well as make significant improvements for this important home in our city. I recommend that you approve the extension to the time limit.

Sincerely,

*Gerald Hedlawa*

*667 Sausalito Blvd*

Exhibit C-7

March 9, 2013

RECEIVED

MAR 11 2013

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

To: Assistant Planner  
Alison Thornberry-Assef  
City of Sausalito Community Development Department

Dear Alison Thornberry-Assef,

I am a resident of Sausalito and regularly observe the progress on the house at 640 Sausalito Blvd. I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this noteworthy structure. I am pleased that Hales family has taken on this project and has been working diligently to complete this renovation. This renovation will help all of our property values in the neighborhood as well as make significant improvements for this important home in our city. I recommend that you approve the extension to the time limit.

Sincerely,

*Sarah W Browne  
67 Sunshine*

*Exhibit C-8*



March 9, 2013

To: Assistant Planner  
Alison Thornberry-Assef  
City of Sausalito Community Development Department

RECEIVED

MAR 11 2013

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

Dear Alison Thornberry-Assef,

I am a resident of Sausalito and regularly observe the progress on the house at 640 Sausalito Blvd. I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this noteworthy structure. I am pleased that Hales family has taken on this project and has been working diligently to complete this renovation. This renovation will help all of our property values in the neighborhood as well as make significant improvements for this important home in our city. I recommend that you approve the extension to the time limit.

Sincerely,


  
Stephanie P. Coleman  
59 B Sunshine Ave  
Sausalito, CA  
94965

Exhibit C-9