STAFF REPORT

SAUSALITO ZONING ADMINISTRATOR

Project McLaughlin Cottages / 919, 921, 923 Bridgeway

Extension of a Design Review Permit, Variance, Tree Removal Permit

DR/VA/TRP/EXT 06-069

Meeting Date

April 11, 2013

Staff

Heidi Scoble, Associate Planner

REQUESTS

Approval of time extension for a Design Review Permit, Variance, and Tree Removal Permit (DR/VA/TRP 06-069) for demolition of an existing duplex and the new construction of three single family detached residences at 919, 921, and 923 Bridgeway.

PROJECT INFORMATION

Applicant

James Malott

Property Owner

McLaughlin Family Trust

Location/Size

919, 921, 923 Bridgeway; APN 065-063-07

8,061 square feet (see **Exhibit B** for vicinity map)

General Plan

High Density Residential/"New Town" Planning area

Zoning

R-3 (Multiple-Family Residential)

Authority

A one-year project extension may be granted in accordance with

Section 10.50.140 of the Zoning Ordinance pursuant to Section

10.54.050.K of the Zoning Ordinance.

CEQA:

Class 1 Categorical Exemption pursuant to Section 15303.

BACKGROUND

On May 28, 2008, the Planning Commission approved Resolution No. 2008-17 for a Design Review Permit with Heightened Design Review, a Variance, an Encroachment Agreement, a Tentative Map, and a Tree Removal to allow the demolition of an existing duplex and the new construction of three detached cottages (See **Exhibit C** for Resolution No. 2008-17).

Following the Planning Commission approval, the City Council approved the Encroachment Agreement related to the project on July 1, 2008 through Resolution No. 4961. The Encroachment Agreement is predicated on the construction of the project, therefore the Encroachment Agreement has not expired.

Pursuant to Assembly Bill 208 signed by Governor Brown on July 15, 2011, the Subdivision Map Act has been amended to establish an automatic statutory extension to previously-approved tentative maps and parcel maps that had not expired as of July 15, 2011 and which would otherwise expire prior to January 1, 2014. The new law grants tentative maps and parcel maps an additional twenty-four month time, which would require the McLaughlin Cottage parcel map to be recorded no later than May 28, 2015, therefore the tentative map has not expired.

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PROJECT ANALYSIS

EXTENSION OF PERMIT FINDINGS

In order to approve of conditionally approve the time extension for the Design Review Permit, Variance, and Tree Removal Permit, the Zoning Administrator must determine that the proposed project is in conformance with the required findings listed in Sections 10.50.140.D of the Zoning Ordinance. Accordingly, the three findings can be achieved as follows:

- 1. No change in conditions or circumstances have occurred would have been grounds for denial of the original application.
- 2. As described in the applicant's letter of justification (see Exhibit D), due to both financial and project team related issues, the property owner was precluded from pursuing the project until 2012. The applicant submitted a Construction Permit application on December 21, 2012 and as of the writing of the staff report, the project is currently undergoing its second plan check review.
- 3. Since the approval of the project, the City Council adopted Construction Time Limit regulations (Section 10.54.100 of the Zoning Ordinance) on December 8, 2009. As such, a condition of approval is being imposed on the project which would require the applicant to adhere to such timeframes.

The only issue which warrants discussion is the applicant's request for an eighteen month time extension. Pursuant to Section 10.54.050.K of the Zoning Ordinance, the Zoning Administrator is only able to grant up to a one-year time extension. As such, the draft resolution includes a condition of approval which would limit to time extension to one year.

CONCLUSION

Staff concludes the requisite findings can be made to approve the permit time extension for the Design Review Permit, Variance, and Tree Removal Permit as described in the draft resolution of approval.

PUBLIC NOTICE AND CORRESPONDENCE

On March 28, 2013 public hearing notices were mailed to property owners within 300 feet of the project site.

No correspondence regarding the project has been received other than the four contiguous property owners located 206 Bulkley Avenue, 911-917 Bridgeway, 927 Bridgeway, and 933 Bridgeway who have signed letters in support of the time extension (see **Exhibit E**).

RECOMMENDATION

Staff recommends the Zoning Administrator approve the attached draft resolution (see **Exhibit A**) which approves a twelve month time extension for the Design Review Permit, Variance, and Tree Removal Permit for demolition of an existing duplex and the new construction of three single family detached cottages at 919, 921, and 923 Bridgeway (DR/VA/TRP 06-069).

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.

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EXHIBITS

- A. Draft Resolution
- B. Vicinity Map
- C. Planning Commission Resolution No. 2008-17
- D. Letter of Justification for the Extension Request prepared by James Malott, date-stamped January 28, 2013
- E. Neighborhood Support
 - 1. Susan Carlile, 206 Bulkey Avenue
 - 2. Steve Bode, 933 Bridgeway
 - 3. Al Anolik, 911-917 Bridgeway
 - 4. Barry Butler and Caroline Pritchard, 927 Bridgeway

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SAUSALITO ZONING ADMINISTRATOR RESOLUTION NO. 2013-XX

A RESOLUTION APPROVING A ONE-YEAR TIME EXTENSION
OF THE DESIGN REVIEW PERMIT, VARIANCE, AND TREE REMOVAL PERMIT FOR THE
DEMOLITION OF AN EXISTING DUPLEX AND THE NEW CONSTRUCTION OF THREE
DETACHED RESIDENCES AT 919, 921, AND 923 BRIDGEWAY
(DR/VA/TRP 06-069)

WHEREAS, an application has been filed by the applicant, James Malott on behalf of the property owners, McLaughlin Trust, requesting Zoning Administrator approval of a time extension of the Planning Commission's approval of a Design Review Permit, Variance, and Tree Removal Permit, DR/VA/TRP 06-069, at 919, 921, and 923 Bridgeway (APN 065-063-07); and

WHEREAS, the Zoning Administrator conducted a duly-noticed public hearing on April 11, 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 Section 15303 (a); and

WHEREAS, the Zoning Administrator has reviewed and considered the project information contained in the staff report dated April 11, 2013; and

WHEREAS, the Zoning Administrator has received and considered oral and written testimony on the subject application; 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 April 11, 2013; and

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

A one-year time extension through April 11, 2014 for a Design Review Permit, Variance, and Tree Removal Permit (DR/VA/TRP 06-069) at 919, 921, and 923 Bridgeway, is approved based upon the findings in **Attachment 1**, and subject to the conditions of approval in **Attachment 2**.

Date	Jeremy Graves, AICP
	Zanina Administrator
	Zoning Administrator

ATTACHMENTS

- 1. Findings
- 2. Conditions of Approval

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Exhibit A (4 pages)

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ZONING ADMINISTRATOR RESOLUTION APRIL 11, 2013 DR/VA/TRP 06-069 919, 921, and 923 BRIDGEWAY

ATTACHMENT 1: FINDINGS FINDINGS FOR AN EXTENSION OF APPROVED PERMITS

1. EXTENSION OF APPROVED PERMITS FINDINGS

In accordance with Zoning Ordinance Section 10.50.140.D (Land Use Permit Procedures), an Extension of an Approved Permit can be approved based on the following findings:

A) No change of conditions or circumstances has occurred that would have been grounds for denying the original application;

The site and the area has not undergone any significant change of conditions or circumstances that would have been grounds for denying the original application.

B) The applicant has been diligent in pursuing implementation of the permit; and

As described in the applicant's letter of justification date-stamped January 28, 2013, due to both financial and project team related issues, the property owner was precluded from pursuing the project until 2012. The applicant submitted a Construction Permit application on December 21, 2012 and has been diligently responding to construction permit plan check comments.

C) Modified conditions have been imposed which update the permit to reflect current adopted standards and ordinance requirements.

Since the approval of the project, the City has adopted Construction Time Limits regulations on discretionary projects. A condition of approval has been added to Attachment 2 of this Resolution to require the project proponents to comply with the applicable Construction Time Limits regulations as specified in Section 10.54.100 of the Zoning Ordinance.

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ZONING ADMINISTRATOR RESOLUTION APRIL 11, 2013 DR/VA/TRP 06-069 919, 921, and 923 BRIDGEWAY

ATTACHMENT 2: CONDITIONS OF APPROVAL

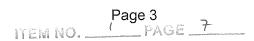
These conditions apply to the project plans prepared by Michael Froehlich, entitled "Restorations/Upgrades at 640 Sausalito Blvd.," and date-stamped received on March 8, 2005:

- 1. This approval will expire on April 11, 2014 if the property owner has not exercised the entitlements hereby granted.
- 2. All conditions of approval contained in Planning Commission Resolution 2008-17 remain in force.
- 3. The project shall comply with the construction Time Limits regulations as specified in Section 10.54.100 of the Zoning Ordinance.

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. Pursuant to Municipal Code Chapter 3.36, Construction Traffic Road Fees shall be paid prior to issuance of a building permit.
- 3. An encroachment permit shall be obtained from the Department of Public Works prior to use of the public right-of-way for non-public purposes (e.g., materials storage, debris box storage) including any and all construction and demolition activities.
- 4. Grading/drainage permit(s) shall be obtained from the Department of Public Works for any earthwork in excess of 50 cubic yards.
- 5. 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.
- 6. 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.
- 7. 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.



- 8. 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.
- 9. 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.

- 10. 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.
- 11. 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.
- 12. 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 Area Air Quality Management District (415-771-6000)

VICINITY MAP 919, 921, and 923 BRIDGEWAY EXT 06-069

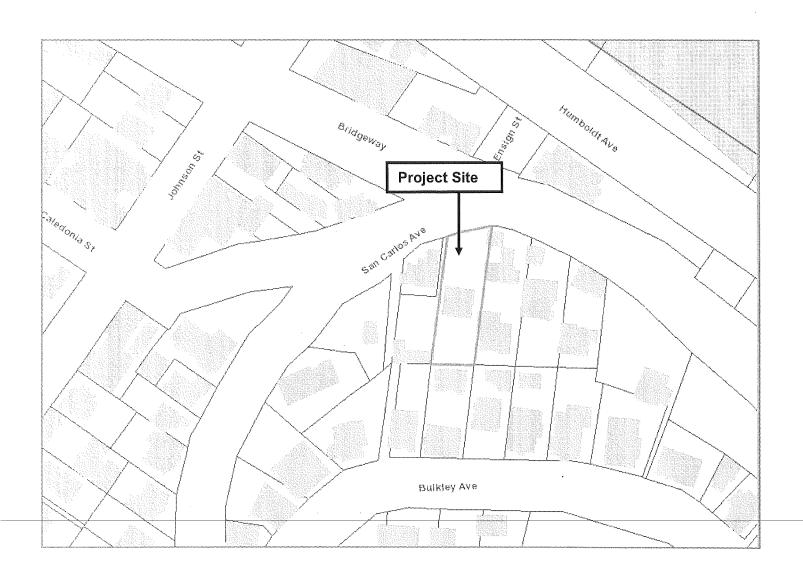


Exhibit B (1 page)

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RESOLUTION NO. 2008-17

RESOLUTION OF THE SAUSALITO PLANNING COMMISSION
APPROVING A DESIGN REVIEW PERMIT, VARIANCE, TENTATIVE MAP, TREE PERMIT,
AND RECOMMENDING APPROVAL OF AN ENCROACHMENT AGREEMENT FOR REMOVAL
OF AN EXISTING RESIDENTIAL DUPLEX AND CONSTRUCTION OF THREE NEW
DETACHED COTTAGES WITH AN UNDERGROUND GARAGE AND RELATED SITE
IMPROVEMENTS WHICH ENCROACH INTO THE PUBLIC RIGHT-OF-WAY AT 919, 921, AND
923 BRIDGEWAY. (VAR/DR/TM/TP/EP 06-069)

WHEREAS, an application was filed by James Malott on behalf of Michael McLaughlin requesting Planning Commission approval of a Design Review Permit, Variance, Tentative Map, Tree Permit, and Encroachment Permit for the removal of the existing residential duplex and construction of three new detached cottages with an underground garage and related site improvements which encroach into the public right-of-way at 919, 921, and 923 Bridgeway (APN 065-063-07); and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on March 26, 2008 and May 28, 2008, in the manner prescribed by local ordinance, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the project plans entitled "McLaughlin Cottages" and design Alternate "A" stamped received by the City of Sausalito on May 1, 2008; and

WHEREAS, the Planning Commission received and considered oral and written testimony on the subject application and obtained evidence from site visits; and

WHEREAS, the Planning Commission reviewed and considered the information contained in the March 26, 2008 and May 28, 2008 staff reports for the proposed project; and

WHEREAS, the Planning Commission finds that, as conditioned herein, the proposed project complies with the requirements of the Zoning Ordinance, including the required findings for approval of a Design Review Permit, Variance, Tentative Map, Heightened Review, Detached Dwelling Units, Tree Permit, and Encroachment Agreement as outlined in the staff reports and included in the attached findings; and

WHEREAS, the Planning Commission finds that, as conditioned herein, the proposed project complies with the General Plan as outlined in the staff reports.

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

1. The Design Review Permit, Variance, Tentative Map, Heightened Review, Detached Dwelling Units, and Tree Permit for the removal of one protected/heritage tree are approved based upon the findings provided in **Attachment A** and subject to the conditions of approval provided in **Attachment B**. The project plans are provided in **Attachment C**.

Exhibit (45 pages)

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2. City Council approval of an Encroachment Agreement is recommended based upon the findings in **Attachment A**.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the <u>28th</u> day of <u>May, 2008</u>, by the following vote:

AYES:

Commissioner:

Peterson, Bossio, Keller

NOES:

Commissioner:

Kellman, Bair

ABSENT: ABSTAIN:

Commissioner:

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Secretary to the Planning Commission

Attachments:

A. Findings

B. Conditions of Approval

C. Project Plans

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PLANNING COMMISSION HEARING May 28, 2008 VAR/DR//TM/TP/EA 06-069 919, 921, and 923 Bridgeway

ATTACHMENT A: FINDINGS

1. VARIANCE FINDINGS

Pursuant to the Sausalito Municipal Code Section 10.68.050 (Variance Findings), the requested Variance (reduced parking space depth) is approved based on the following findings:

A) That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property, that do not apply generally to other property or uses in the same district.

The subject parcel is an irregular rectangle with a steep slope and adjacent structures very close to the north and south property lines. The property frontage is along a curved portion of Bridgeway at an irregular three-way intersection, Bridgeway at San Carlos Avenue and Caledonia. No other opportunities for parking exist on the site that would allow cars to head front-first onto Bridgeway.

B) That owing to such exceptional or extraordinary circumstances the literal enforcement of the provisions of the Title would result in practical difficulty or unnecessary hardship.

The literal enforcement of the Zoning Ordinance would preclude the property owners from developing three cottages on the steep site that meets their program needs. Furthermore, the literal enforcement of the code would result in a greater amount of excavation (an increase of approximately 416 cubic yards), a five- foot taller retaining wall at the garage, and less safe egress onto Bridgeway as cars would have to back-out rather than go front-first onto the busy arterial at an irregular three-way intersection.

C) That such variance is necessary for the preservation of a substantial property right of the petitioner, possessed by other property in the same district.

A Variance to the parking stall depth is necessary to provide three cottages with site improvements that meet the property owners' program needs while offering a design which terraces the hillside slope of an irregular shaped rectangular site. The site is narrow (average width is approximately 51'6") and the existing adjacent structures are very close to the subject site's property lines. Other properties in the same district with regular shaped land wider lots have larger buffers between adjacent structures and would not need a Variance.

D) That the granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the vicinity or in the district in which the property of the applicant is located.



The granting of this Variance is not detrimental to the public welfare or injurious to other properties, improvements in the vicinity or in the neighborhood. The reduced parking stall size of 9-feet wide by 16-feet deep rather than 9-feet wide by 19-feet deep would not impact the neighbors or the public. The improvements would not generate a nuisance to the adjacent properties, though, the Variance to the parking stall depth actually improves the safe maneuvering of cars exiting the property onto Bridgeway as they are able to head in rather than back-out.

E) That the granting of the Variance will not constitute or grant a special privilege inconsistent with the limitations on other properties classified in the same zoning district.

The granting of this Variance will not constitute a special privilege inconsistent with the limitations on other properties in the vicinity because this lot fronts an irregular three-way intersection. In addition, the majority of lots in the vicinity have more street frontage and do not front this curved portion of Bridgeway at this intersection.

F) That the granting of such variance will be in harmony with the general purpose and intent of this Title and the General Plan.

The Variance will be in harmony with the General Plan, which recognizes the importance of preserving property rights of unusually sited properties while providing for adequate physical separation between structures and maintaining the character of the neighborhood.

2. DESIGN REVIEW PERMIT FINDINGS

Pursuant to the Sausalito Municipal Code Section 10.54 (Design Review Procedures), the permit requested 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 proposed project is consistent with all applicable policies, standards, and regulations of the General Plan and Zoning Ordinance except for the parking stall depth. The Variance findings for the parking space depth dimension are provided above.

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 proposed architectural design complements the surrounding neighborhood which is a mixture of early Sausalito and contemporary architectural styles, housing designs, and sizes. The use of high quality materials and finishes including stucco, cedar shingles, and shiplap wood siding, wood framed windows, painted aluminum window frames, composition asphalt shingle roof and copper patina roof are materials that will complement homes in the surrounding neighborhood.

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

The proposed detached cottages feature a total FAR of .76 (6,155 square feet). The Zoning District and General Plan designation for the property identify the site for high-density residential development. The proposed three cottages replaces an existing single family home on the property and although it is larger in floor area than the existing structure by approximately 4,390 square feet, each of these cottages (2,129 square feet,1,699 square feet, and 1,854 square feet, respectively) are within the range of existing home sizes in the neighborhood. The cottages have been designed along the hillside slope. The modest size and materials result in a project that will be consistent with the general scale of structures and buildings in the surrounding neighborhood.

D) 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.

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.

Proposed landscaping features species which are appropriate for the site, are native species, and ecologically beneficial. The proposed removal of one protected/heritage tree will be mitigated by required planting of six replacement trees in-kind.

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

The nearest adjacent structures, 911, 911A, 915, and 917 Bridgeway are approximately 10 feet from the proposed lower cottage, 931 Bridgeway is approximately 14 feet away from the lower cottage, and 927 Bridgeway is approximately 12 feet away from the proposed upper cottage. The proposed project as designed takes into consideration neighbors' desires for privacy, light and air; therefore, the project will result in no negative impacts on light and air for the project site, adjacent properties, or the general public.

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 proposed cottages do not feature any exterior mechanical equipment. An interior hydrologic elevator is proposed that is completely enclosed with no exterior equipment and is not visible above ground, as it is located in the underground garage. Gas fireplaces are proposed which do not have exterior chimneys. The proposed project is subject to the

standard condition that all exterior lighting be shielded and downward facing.

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 nearest adjacent structures, 911, 911A, 915, and 917 Bridgeway are approximately 10 feet from the proposed lower cottage, 931 Bridgeway is approximately 14 feet away from the lower cottage, and 927 Bridgeway is approximately 12 feet away from the proposed upper cottage. The proposed cottages will provide adequate privacy for the site and adjacent properties.

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

Vehicular access is proposed from Bridgeway and will serve the proposed six-car underground garage. Alternate "A" with car lifts has been specifically proposed which is the safer design, as cars would egress facing Bridgeway as they exit the garage whereas the original design causes cars to back out onto the street. No significant impacts are anticipated to the existing traffic safety and ease of movement on Bridgeway as a result of proposed Alternate "A". Stairways lead one from the property frontage to the upper cottage in addition to an elevator which is located in the garage and takes one up to the lower and middle cottages. If the elevator is taken to the middle cottage, then a short flight of stairs is used to reach the upper cottage.

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.

While the project proposes the removal of one protected/heritage tree, the conditions of approval require the final landscape plan to include six replacement trees in-kind, a 6:1 replacement ratio. The replanting of these trees and twelve other trees and installation of landscaping will enhance the slope stability. Additionally, the project is conditioned with standard conditions that minimize soil erosion, slope stability, and run-off.

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 required for this project, as discussed below, due to the calculations for building coverage and floor area, both of which exceed 80% of the maximum allowable.

3. HEIGHTENED REVIEW FINDINGS

Pursuant to the Sausalito Municipal Code Section 10.54.050(E) (Heightened Review), the permit requested is approved based on the following findings:

A) Proposed development of the site maximizes preservation of protected trees.

One tree is proposed for removal at the project site which is a protected/heritage tree. The conditions of approval require that six replacement trees be provided in the final landscape plan to provide a 6:1 replacement ratio.

B) The site is configured with adequate width and depth to provide yard spaces and setbacks, proportional to the size of the structure.

The proposed cottages provide the minimum setbacks on all sides and exceed the left side setback for the lower and middle cottages and rear setback for the entire development. Yards and landscaping are provided for each individual cottage and the project as a whole providing a sense of openness around the structures.

C) The site will be developed in a manner that minimizes the obstruction of views from surrounding properties and public vantage points, which particular care taken to protect primary views.

The proposed cottages have been cut into the hillside and designed to be downslope of each other and the residences surrounding the site in order to place and shape each cottage individually. This will minimize the impact on the neighbors' existing structures, particularly the neighbors' view corridors over the subject site. The Planning Commission finds that the proposed project has been located and designed to minimize obstruction of public view and primary views from the private property.

D) The proposed development of the site presents no potential hazard to public safety in terms of vehicle traffic, pedestrian circulation, slope and tree stability, run-off, and public utilities.

Vehicular access is proposed from Bridgeway and will serve the proposed six-car underground garage. Alternate "A" with car lifts has been specifically proposed which is the safer design as cars would egress facing Bridgeway as they exit the garage whereas the first design backs cars out onto the street. No significant impacts are anticipated to the existing traffic safety and ease of movement on Bridgeway as a result of proposed Alternate "A". Stairways lead one from the property frontage to the upper cottage in addition to an elevator which is located in the garage and takes one up to the lower and middle cottages.

Conditions of approval require that a detailed geotechnical report be peer reviewed and include an evaluation of geological hazard stability of the proposed development and surrounding properties, include recommendations to correct identified hazards and to mitigate impacts of the development, and a drainage study shall provide recommendations for drainage facilities that will protect against flooding, prevent water discharges and minimize hillside destabilization and a construction staging plan shall be prepared.

E) The slope and topography of the site allows for limited excavation and minimal alteration to the site topography outside the footprint of structures.

Excavation is proposed for the foundations of each cottage and the underground garage and necessary additional retaining walls. The proposed Alternate "A" design will require

approximately 1,554 cubic yards of grading. The project will require the issuance of a grading permit. The proposed development and related site improvements, as conditioned, would improve the site stability. New trees, plantings, and retaining walls will strengthen the hillside slope.

F) The site will provide adequate guest parking either on-site or within the immediate street frontage.

The proposal consists of a six-car underground garage with a driveway. The proposed garage is provided entirely within the subject parcel, though the driveway encroaches into the public right-of-way. Other residences provide garages that encroach into the public right-of-way. Although there is no existing parking available on the street fronting the property on Bridgeway, on-street metered parking is present three parcels to the south of the subject site. Additionally, public parking lots and metered parking is located adjacent to the waterfront to the east across Bridgeway.

G) The proposed plan provides adequate landscaping to maximize privacy and minimize the appearance of bulk.

The proposed landscaping emphasizes screening of the garage, minimizes the appearance of bulk, enhances visual separation between the individual cottages and from surrounding structures. As conditioned, the one protected/heritage tree proposed for removal would be replaced with six trees in-kind in the final landscape plan, in addition to twelve other trees planted on site.

4. DETACHED DWELLING UNITS FINDINGS

Pursuant to the Sausalito Municipal Code Section 10.44.090 (Detached Dwelling Units), the permit is approved based on the following findings:

A) The proposed project provides greater neighborhood compatibility than would one duplex or multiple family structure.

The neighborhood is comprised of single family, two-family and multiple family structures with building styles that vary from Historic Sausalito to eclectic contemporary designs. The proposed structures as detached dwelling units affords the opportunity to make each structure distinctively different from each other and lower the building height and massing as would otherwise occur with one structure with three attached units. The site is large enough to provide three structures rather one and still maintain privacy for each of the units as well as adjacent neighbors. Perimeter trees and plantings will further provide screening between properties.

B) The separation of the dwelling units will result in a better site design than could be accomplished with one duplex or a multiple family structure.

As indicated in the previous response, the site is large enough to provide three structures rather one and still maintain privacy for each of the units as well as adjacent neighbors.



Because this is a narrow and long site, the proposed structures as detached dwelling units affords the opportunity to make each structure distinctively different while providing separate garden areas and landscaping which offers a better site design.

C) The proposed project provides an element of shared driveways, pathways, and/or common areas on the property.

The project proposes one shared driveway for access to a common underground parking garage for all three dwelling units, stairs that lead from one cottage to the next up the site slope from the property frontage, and common landscaped areas.

5. TREE REMOVAL PERMIT FINDING

Pursuant to the City of Sausalito Municipal Code Section 11.12.030.2a., in order to grant a tree removal permit, it must be determined that any one of the following conditions is satisfied:

a. The tree to be removed will be replaced by a desirable tree.

As conditioned, the one tree to be removed will be replaced by six desirable California native trees as conditioned to be shown in the final landscape plan, subject to approval by the Community Development Director.

6. TENTATIVE MAP FINDINGS

In accordance with the City of Sausalito Subdivision Ordinance, Ordinance No. 430, the proposed development is in compliance with the requirements for a Tentative Map.

7. SUBDIVISION MAP ACT FINDINGS

Pursuant to California Government Code Section 66474 (Subdivision Map Act), it has been found that the requested subdivision may be issued based on the following findings:

A) That the proposed map is consistent with applicable general and specific plans.

The proposed subdivision is consistent with the intended land use and density of the Sausalito General Plan and the Sausalito Municipal Code minimum lot and density standards.

B) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

All aspects of the design and improvements are consistent with the applicable sections of the Sausalito Municipal Code and General Plan. The subdivision proposed would comply with minimum parcel standards as outlined in Zoning Ordinance Section 10.40.030.B.

C) That the site is not physically suitable for the type of development.

The size, topography and physical constraints of the site would allow for the use of the property for detached condominium cottages envisioned by the General Plan. A code compliant driveway for the proposed development requires an encroachment into the public right-of-way. Due to the location of the site relative to adjacent properties and structures, development on the property is also unlikely to result in some unavoidable view, privacy and light/air impacts.

D) That the site is physically suitable for the proposed density of the development.

The project site is identified in the General Plan as an area for high density residential development and the proposed density of development is consistent with that specified in Section 10.22.020.D.

E) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the proposed subdivision and improvements will not result in any significant impacts to the environment including fish or wildlife and their habitat as the project would only remove one protected tree which will be replaced by six desirable California native trees. Additionally, the project would not adversely effect any native resident, sensitive or special status species of wildlife on the site.

F) That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

No element of the subdivision design or proposed improvements has been identified as a probable cause to public health problems. The proposed subdivision will create three condominium air spaces for the residences, one parcel for the garage, one parcel for mechanical access, and one parcel for common area for the occupants resulting in a total of six separate parcels within an existing residential neighborhood. The proposed units will discharge wastewater into the public sewer system and no septic system is proposed.

G) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

There are no existing easements across the property.

8. ENCROACHMENT AGREEMENT

Pursuant to the Sausalito Municipal Code Section 10.56.060 (Encroachment Review & Agreements), the Planning Commission may recommend an Encroachment Agreement if the following findings can be made:

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 along Bridgeway will enhance the streetscape along the frontage of this site and provide for safe ingress and egress to and from the residential development proposed on the property.

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 proposed in front of the property on Bridgeway are improvements to the streetscape, and do not impede use of adjacent parcels.

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

The encroachment along Bridgeway is necessary for access to the subject property and provides improvements in a safer manner than presently exists as it improves the sight distance.

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

The proposed encroachment will improve access and circulation in a safer manner than presently exists.

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.

The public right-of-way in front of the property along Bridgeway Boulevard and beyond the curb has enough room to make future modifications and not impede on the ability to provide continued access to the private property at 919, 921, and 923 Bridgeway.

PLANNING COMMISSION HEARING May 28, 2008 VAR/DR//TM/TP/EA 06-069 919, 921, and 923 Bridgeway

ATTACHMENT B: CONDITIONS OF APPROVAL

- 1. Approval of this Application is limited to the project plans titled "McLaughlin Cottages" and "Design Alternate A" stamped received by the City of Sausalito on May 1, 2008.
- 2. This approval will expire in five (5) years from the date of adoption of this resolution if the property owner has not exercised the entitlements hereby granted.
- 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.
- 4. Pursuant to Ordinance 1143, the operation of construction, demolition, excavation, alteration, or repair devices within all residential areas or within a 500 foot radius of residential zones shall be limited to the following hours:
 - a. Weekdays Between 8 a.m. and 7 p.m.
 - b. Saturdays Between 9 a.m. and 5 p.m.
 - c. Holidays Between 9 a.m. and 7 p.m.
 - d. Construction will be prohibited on Sundays.

Such operation is prohibited on Sundays except by a homeowner residing on the property. Such work shall be limited to 9 a.m. to 7 p.m. Construction at the site will follow the above work period limitations.

- 5. 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 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.
- 6. As a condition of this approval, 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 Department as a modification to this approval.
- 7. 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.

- 8. In accordance with Ordinance No. 1160, the applicant shall pay any and all City costs arising out of or concerning the proposed project, including without limitation, permit fees, attorneys' fees, engineering fees, license fees and taxes, whether incurred prior to or subsequent to the date of this approval. Applicant acknowledges and agrees that City's costs shall be reimbursed prior to this approval becoming valid.
- 9. 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.
- 10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Building Division must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
- 11. All lighting must be shielded, is directional, in a manner to prevent visibility of the light source, eliminate glare and light spillover beyond the perimeter of the development.
- 12. The project shall comply with all applicable requirements of the City of Sausalito Municipal Code.
- 13. The developer shall pay all applicable City fees as established by City Council resolution and City ordinances. These fees shall include but not be limited to encroachment permit fees, grading permit fees (due prior to issuance of grading permit), subdivision plan check fees, third party review fees (cost plus 10%), and construction impact fees in accordance with the Construction Impact Fee Ordinance (due prior to issuance of building permit).
- 14. Any protected tree proposed for removal requires a Tree Removal Permit be obtained pursuant to Sausalito Municipal Code Section 11.12.030, Protected Trees.
- 15. Construction work shall be substantially completed within 18 months or the applicant shall renew outstanding permits and pay current permit fees for work. This work shall include the design of public improvements along Bridgeway Boulevard including that the curb and sidewalk be realigned from the existing condition to a smooth curb 12'-6" further into the public right of way of the San Carlos, Caledonia, Bridgeway, relocate fire hydrant approximately 5', reconfigure storm drain inlet per the City Engineer's recommendations, reconfigure curb cut for handicap accessibility, and underground all utility connections to site including sanitary sewer, storm sewer, water, electricity, phone, gas, cable, per utility requirements.
- 16. The developer or property owner shall accept responsibility for assuring compliance with the Americans with Disabilities Act with regard to non-motorized access from the public right-of-way.

- 17. For any copper elements (including roofs), the contractor shall use a "Liver of Sulfur" solution application to dull to a natural medium brown which will naturally weather the copper to a grey/green patina over time.
- 18. The applicant agrees to (a) share engineering resources with 931-933 Bridgeway property owner to ensure that adjacent projects (repair retaining wall on 931 Bridgeway and replace stairs on 927 Bridgeway) are designed and permitted at the same time; and (b) to ensure that the schedule of the construction of these projects is coordinated in order to minimize the impact to the neighborhood and reduce the costs for both projects.
- 19. The architect/applicant shall submit revised landscape and architectural plans for review and approval by the Community Development Director. The landscape plan must provide for screening to protect the privacy of and reduce the impacts of views from the Pritchard/Butler property (927 Bridgeway) and Fletcher property (208 Bulkley). The architectural plans should further protect the privacy of the Pritchard/Butler property, and examine a possible reconfiguration of the upper floor and rear wall of the upper cottage.

Prior to submittal for a grading or building permit:

- 20. The developer's civil engineer shall certify the actual pad elevation for each parcel.
- 21. The developer's civil engineer shall submit an erosion control plan, including cost estimate, for review and approval by the Public Works Department.
- 22. The developer shall provide proof of service agreements to the Public Works Department prior to approval of improvement plans. The developer shall submit evidence of approval of new utility facility plans by the respective utility agencies.
- 23. As-Built Plans shall be prepared for all facilities constructed for public use and operation. The plans shall be prepared by a registered Civil Engineer and subject to the review and approval of authorized City staff.
- 24. A grading permit shall be obtained prior to excavating foundations. Prior to submittal of building, grading or demolition permits, existing slopes in excess of 2:1 shall be evaluated for slope stability under fully saturated groundwater conditions. Under saturated conditions the analysis shall include recommendations for compliance with State Guidelines for slope stability (currently (2008): Factor of Safety of 1.0 static and 1.5 seismic). If soil anchors or other devices are required to meet stability criteria, the applicant or successor, shall submit evidence of having obtained necessary property rights to install the devices with the permit application.
- 25. Prior to approval of final project design, the developer shall submit a detailed drainage mitigation study prepared by a civil engineer and in coordination with authorized City Staff. The study shall determine runoff quantities of existing and proposed development. The study shall develop a plan to discharge runoff at historic rates.
- 26. Prior to submittal of plans for building permit, the applicant shall submit a grading/drainage plan which includes drainage patterns on-site and from adjacent properties.

- 27. Storm water shall be discharged by gravity flow to an approved (city owned and maintained) storm drain system.
- 28. Storm drains carrying public runoff shall be routed only in roadway right-of-way unless otherwise approved by authorized City staff. Runoff shall be determined by Rational Method, 10 year/ 6 hour and 100 year/ 6 hour. Culverts to convey 10 year/ 6 hour event. Minimum culvert size shall be 12 inches.
- 29. The applicant shall obtain a grading/drainage permit from the Public Works Department for the proposed earthwork in excess of 50 cubic yards.
- 30. The developer shall implement efficient irrigation, appropriate landscape design, and proper maintenance to reduce excess irrigation runoff, promote surface filtration, and minimize use of fertilizers, herbicides, and pesticides.
- 31. To the maximum extent feasible, drainage from impervious surfaces shall be routed through grassy swales, buffer strips or sand filter prior to discharge into the storm drainage system in conformance with MCSTOPPP Site Design Guidelines.
- 32. All permitted project storm drain inlets shall be imprinted with the "No Dumping, Drains Into the Bay" using thermoplastic or permanently embossed into the facility.
- 33. A means of access shall be provided at all times for 927 Bridgeway while the retaining wall on the 931-933 Bridgeway property is repaired. The access route shall be worked out between neighbors and accepted prior to submittal for a grading/building permit. Written confirmation of the access route with property owner signatures of all properties involved shall be provided to the Planning Division prior to submittal for a grading/building permit.

Prior to issuance of a demolition, grading or building permit:

- 34. The developer shall develop and implement a Storm Water Pollution Prevention Plan which is subject to the review and approval of the City Engineer that addresses construction related and post-construction related site management practices including litter control, motor vehicle washing and maintenance, and storage of hazardous materials. This plan shall conform with Marin County site design guidelines for storm water pollution control in effect at the time of building, grading, or encroachment permit application.
- 35. 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 or permitted work. Developer shall submit a deposit to the City prior to third party review.
- 36. The construction geotechnical report shall undergo peer review, to be paid for by the applicant, prior to issuance of any construction permits.

- Recommendations cited in the final City approved geologic and geotechnical report and 37. peer review shall be implemented in the project design and construction. The Developer shall mitigate all issues revealed in the report and by any City or third party peer review as approved by the authorized City staff.
 - The soils report shall include an evaluation of geological hazard (landslides, a. liquefaction, ground faulting), stability of the proposed development site including surrounding properties. The report shall include recommendation to correct identified hazards and to mitigate impacts of the development.
- The developer's civil engineer shall submit site improvement plans, grading plans, and 38. public improvement plans, utility plans and landscape plans for review and approval by the Public Works Department prior to issuance of a grading permit. They must conform with the City's "Public Works Standards for Public Improvements." The plans shall include, but not be limited to: drainage, frontage improvements, utilities, earthwork and slope stabilization measures.
- Prior to issuance of a grading, drainage or building permit an encroachment permit shall 39. be obtained from the Public Works Department for all work in the public right-of-way for non-public purposes (e.g.: private parking, material storage, sidewalk construction or demolition).
- Prior to the issuance of a building permit, the applicant shall submit a dust and debris 40. control plan for the review and approval of the City Engineer. The dust and debris control plan shall include the following measures:
 - Water all active construction areas at least twice daily; a.
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks b. to maintain at least two feet of freeboard;
 - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all C. unpaved access roads, parking areas and staging areas at construction sites;
 - Sweep daily (with water sweepers) all paved access roads, parking areas and d. staging areas at construction sites; and
 - Sweep streets daily (with water sweepers) if visible soil material is carried onto e. adjacent public streets.
- A final landscape plan and site plan shall be submitted for review and approval of the 41. Community Development Director prior to issuance of a building permit. The plan shall include a 6:1 replacement ratio for the loss of one protected/heritage tree, at minimum, six (6) trees on-site. The final landscape plan shall show the location of the new trees with species and size noted on the plans.
- The structural design of the project shall meet all requirements of the Uniform Building 42. Code for construction within this seismic zone.
- Prior to the issuance of a building permit the applicant shall submit a detailed erosion 43. control plan, including cost estimate, for review and approval by the Public Works Department. The erosion control plan shall detail specific measures to ensure minimal erosion during construction.

- The applicant shall show on building permit plans all MMWD requirements for supplying water to the project site.
- The applicant shall submit a traffic control plan so that no more than two contractor vehicles are parked along the project frontage and that all other construction related traffic shall be managed by offsite parking and shuttles. This plan shall be reviewed and approved by the City Engineer.
- 46. The developer shall pay for bonds of which amounts shall be based upon a Construction Estimate developed by the Developer's Civil Engineer or Contractor as reviewed and approved by the City. The Bond underwriter shall be licensed to do business in the State of California and have a Best's rating of not less than A: VII. A Cash Bond or Letter of Credit from a Financial Institution approved by the City may be submitted in-lieu of a Bond. Other assurance forms will be considered subject to a research fee comprised of actual staff costs.
- 47. A Performance Bond shall be submitted to the City prior to issuance of grading permits as required by the City Engineer or authorized designee. The bond amount will account for costs to construct the approve grading and drainage plan, the costs to install and maintain erosion and sediment controls, costs to make the site safe from landslide and other geologic and natural risk factors as determined by the City Engineer, and for implementing pollution prevention best management practices during the course of construction.

During Grading/Construction:

- The applicant shall limit excavation work to a period between the April 15 and October 15. Exception to this requirement may occur with formal written approval from the Community Development Department.
- 49. The Developer's contractor shall provide adequate dust control measures during grading.
- 50. The Developer's contractor shall implement erosion control measures as per the erosion control plan and incorporating guidelines and measures from the most current ABAG manual for erosion and sediment control if grading work is not completed by October 15.
- 51. The Developer's Soils Engineer shall inspect and certify the grading in conformance with the grading plan and geotechnical investigation report.
- 52. The Developer's Civil Engineer shall certify the actual pad elevation for each lot.
- 53. Grading on hillside land with geologic formation known to slide will be limited to between April 15 and October 15.
- 54. The Developer's contractor shall limit grading operations to times specified in the City Noise Ordinance, except Sunday when grading is prohibited.

At Completion of Construction:

- Maintenance (Guarantee and Warranty) Bond: Developer shall provide a bond or other acceptable financial assurance to the City at the completion of construction of the permitted improvements. The bond amount shall in the amount of 15 percent of the approved improvement construction estimate. The Bond shall be held for one year following completion and acceptance of the improvements. The purpose of the assurance is to correct defective work and to resolve outstanding labor and material payment claims.
- 56. The Developer shall install on and off-site traffic mitigation improvements as approved by the City Engineer. Layout of streets shall comply with Marin Cities and County Standards.

Prior to Issuance of a Certificate of Occupancy:

- 57. All utilities shall be undergrounded.
- 58. For any damage to existing public improvements due to construction activities, the developer shall repair, at his/her expense, damage prior to issuance of a Certificate of Occupancy. Contractor shall protect all existing and new improvements.
- 59. The applicant shall submit a video record of the sewer lateral to the Engineering Division for approval prior to issuance of occupancy certificate.
- 60. Mylar copies and digital copies of record and as-built drawings shall be provided to the City prior to release of subdivision improvement bonds. The record map shall also be provided on a computer file format compatible with the City system.

Prior to Approval of Improvement Plans:

61. The Developer shall provide proof of service agreements to the Public Works Department prior to approval of improvement plans. The Developer shall submit evidence of approval of new facility plans by the respective utility agencies.

Prior to Recordation of Final Map:

- 62. The Developer shall enter into a Subdivision Improvement Agreement with the City prior to recordation of the final map.
- 63. If subdivision improvement construction deferment is warranted (as determined by the City Engineer and City Attorney), the Developer shall enter into a Deferred Improvement Agreement with the City prior to recordation of the final map. The deferred improvement agreement shall be recorded with the final or final map.

Recordation of Final Map:

64. Agreement work scopes shall be acceptable to the City Engineer. Agreement forms shall be approved by the City Attorney and shall be recorded at the Office of the Marin County Recorder with the Final Map.

PLANNING COMMISSION HEARING May 28, 2008 VAR/DR//TM/TP/EA 06-069 919, 921, and 923 Bridgeway

ATTACHMENT C: PROJECT PLANS

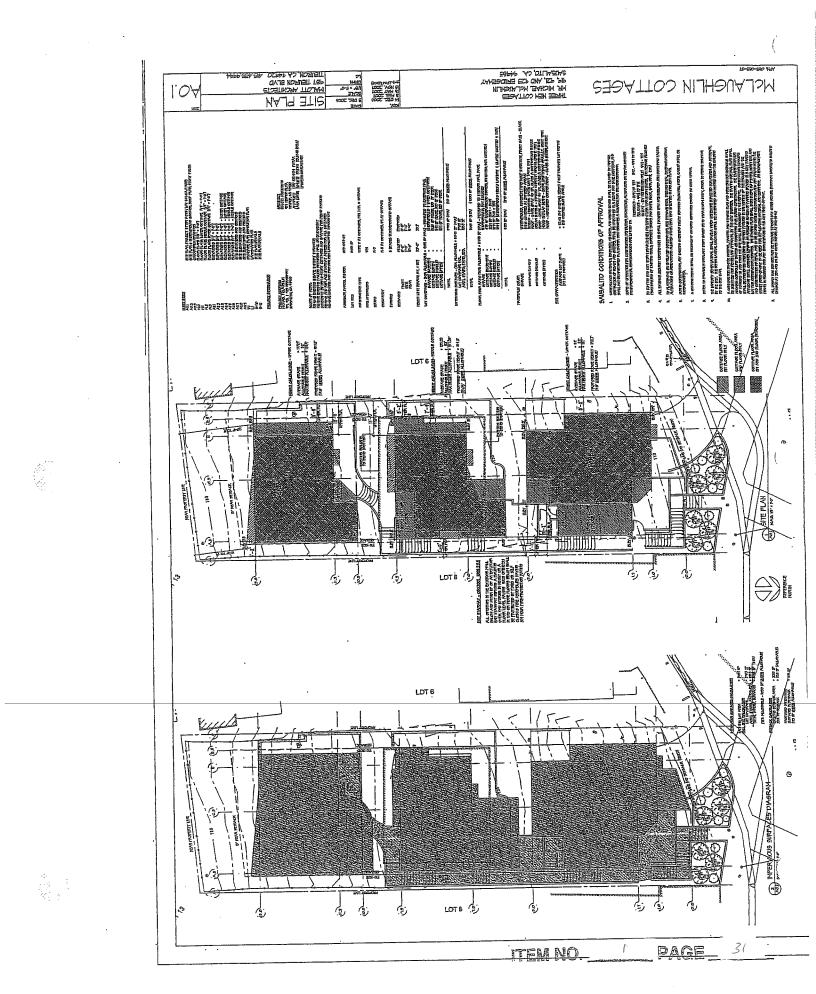
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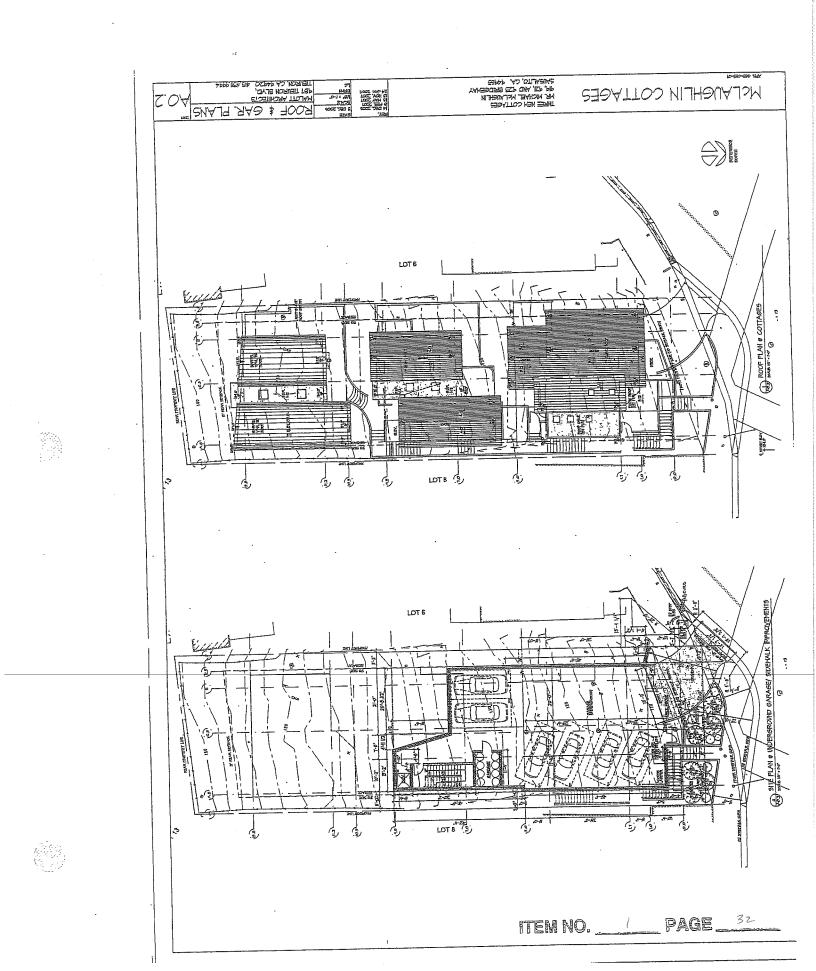
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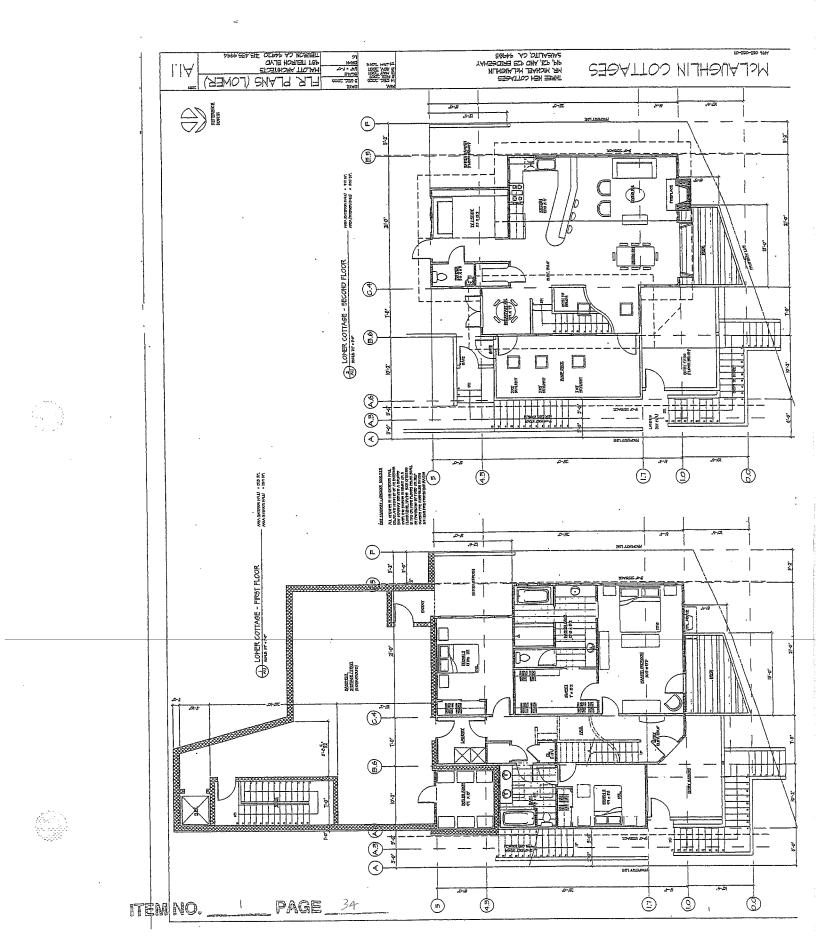
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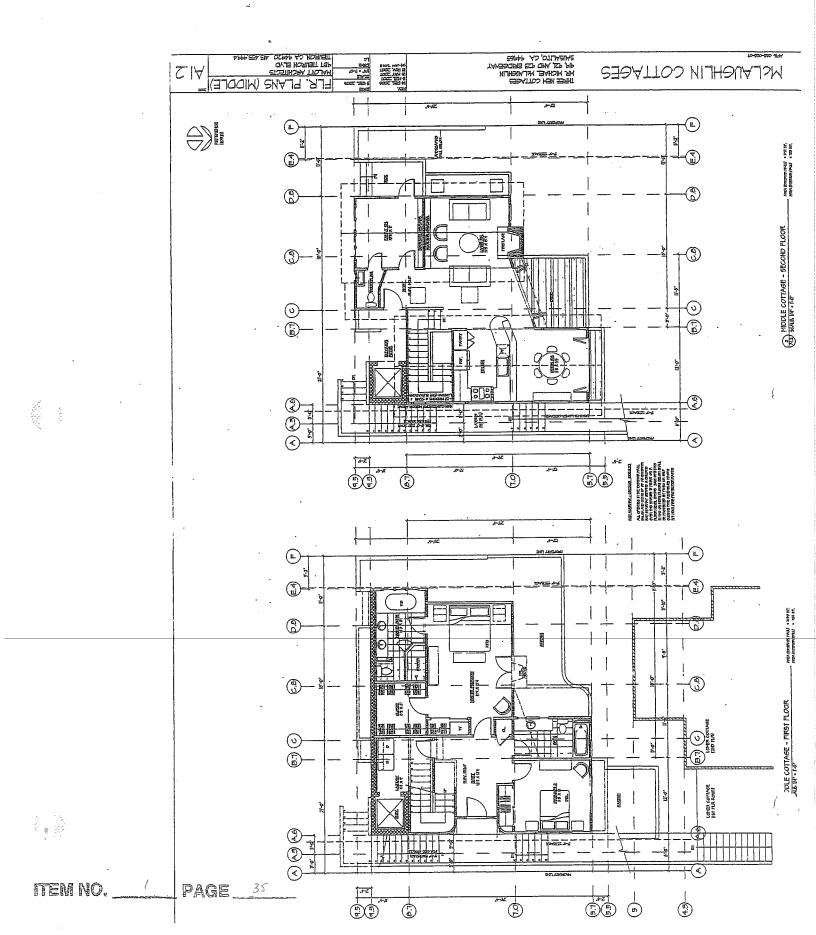
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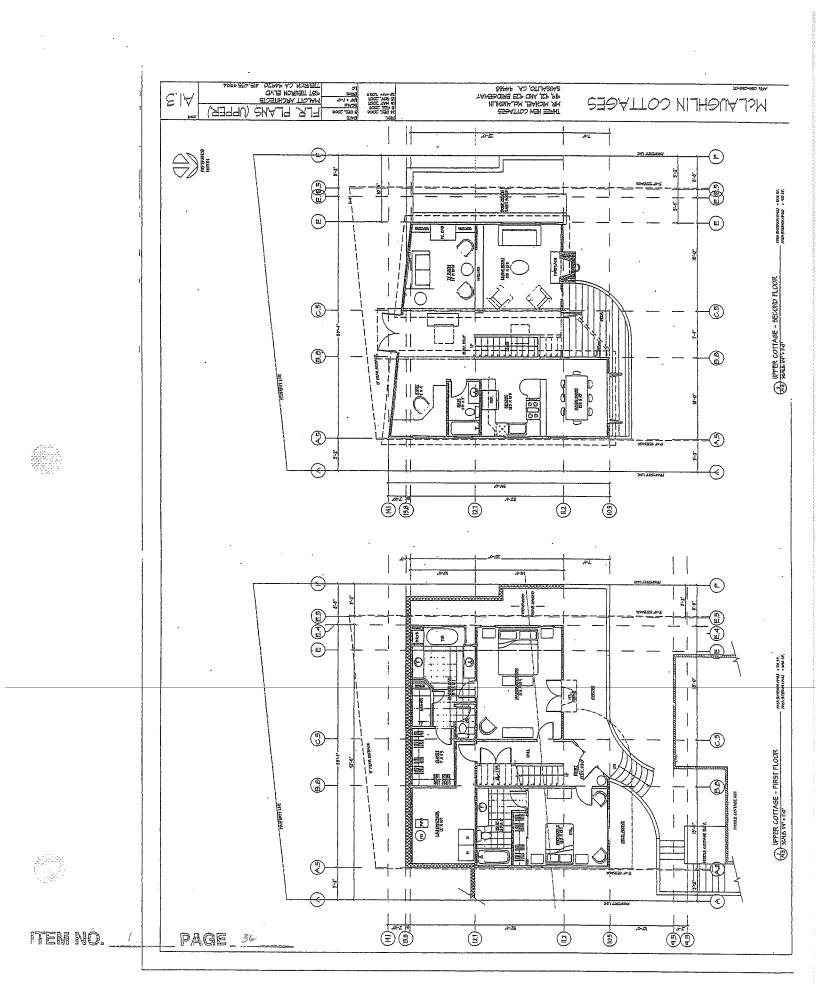


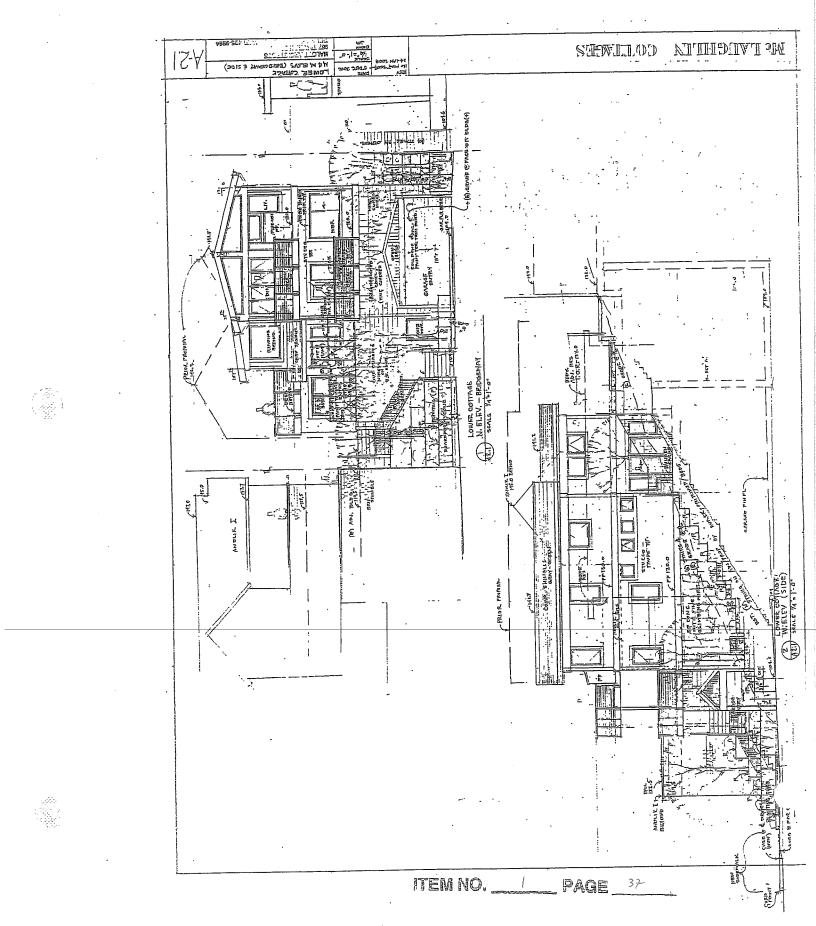


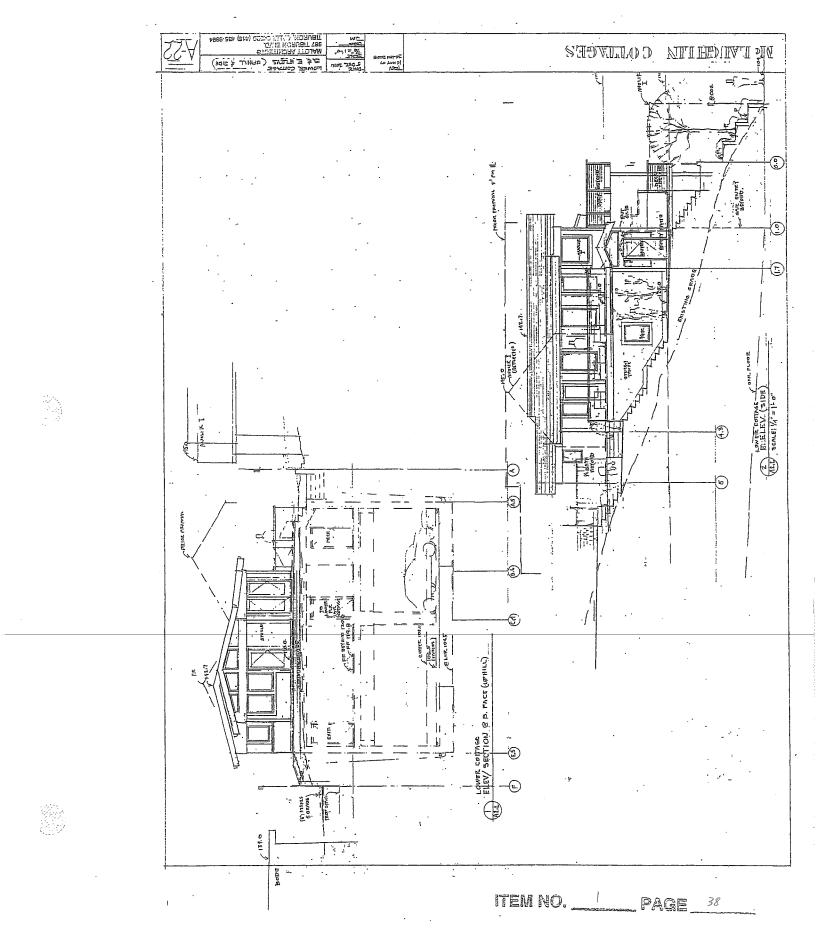
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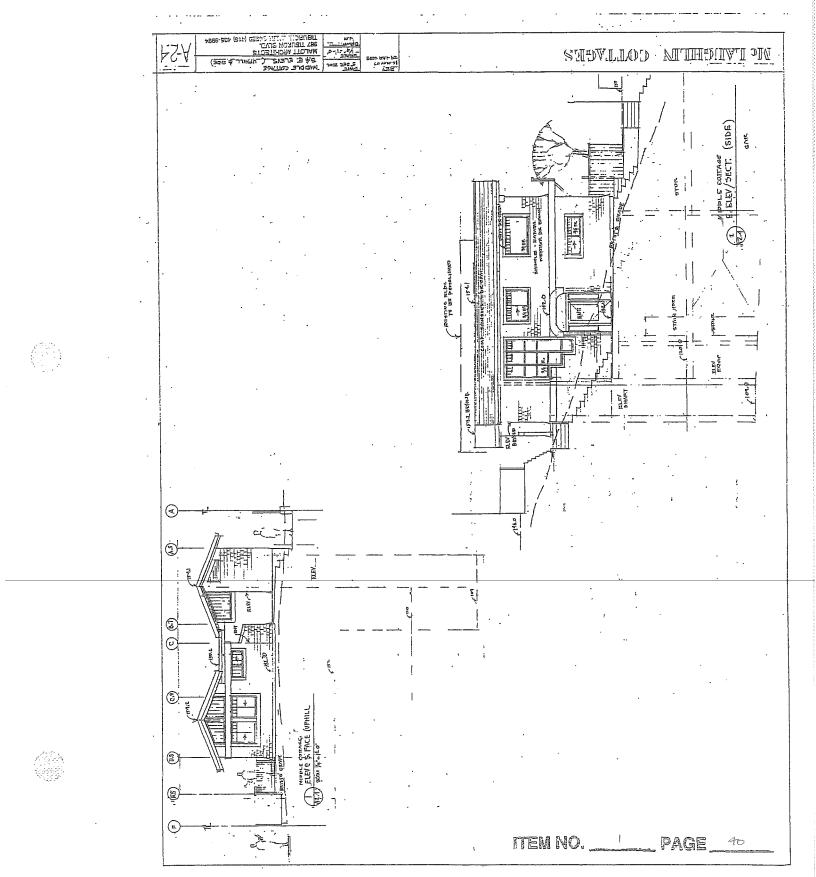








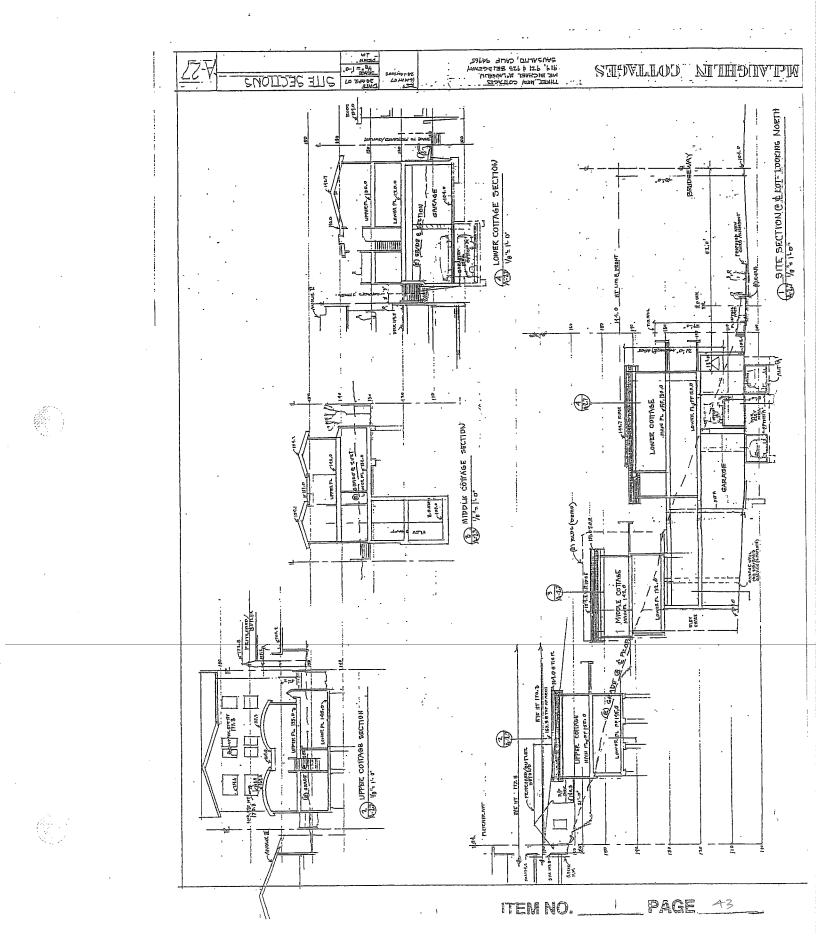
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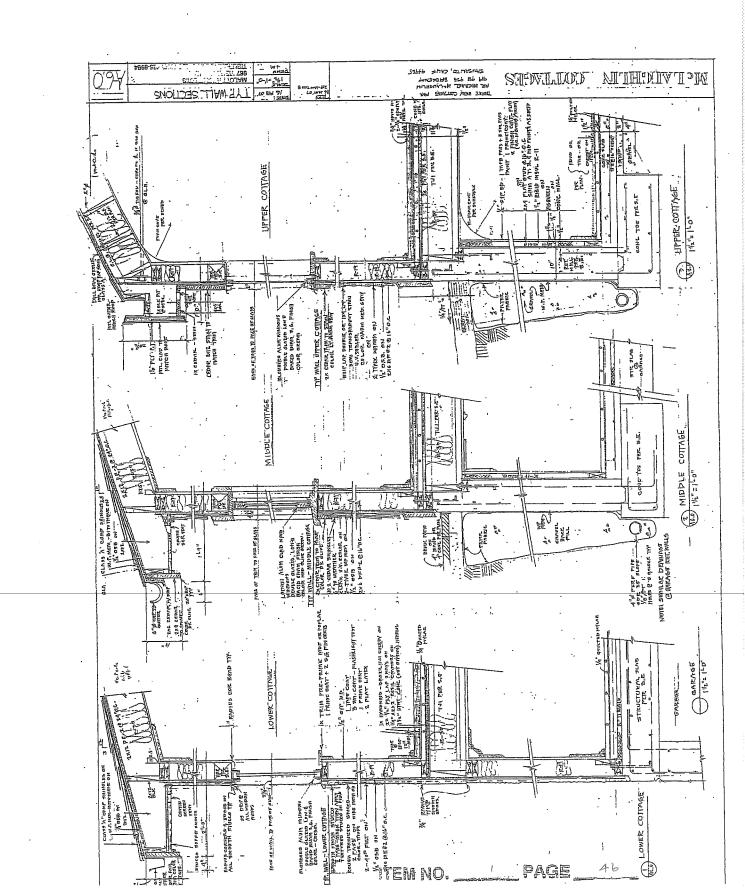
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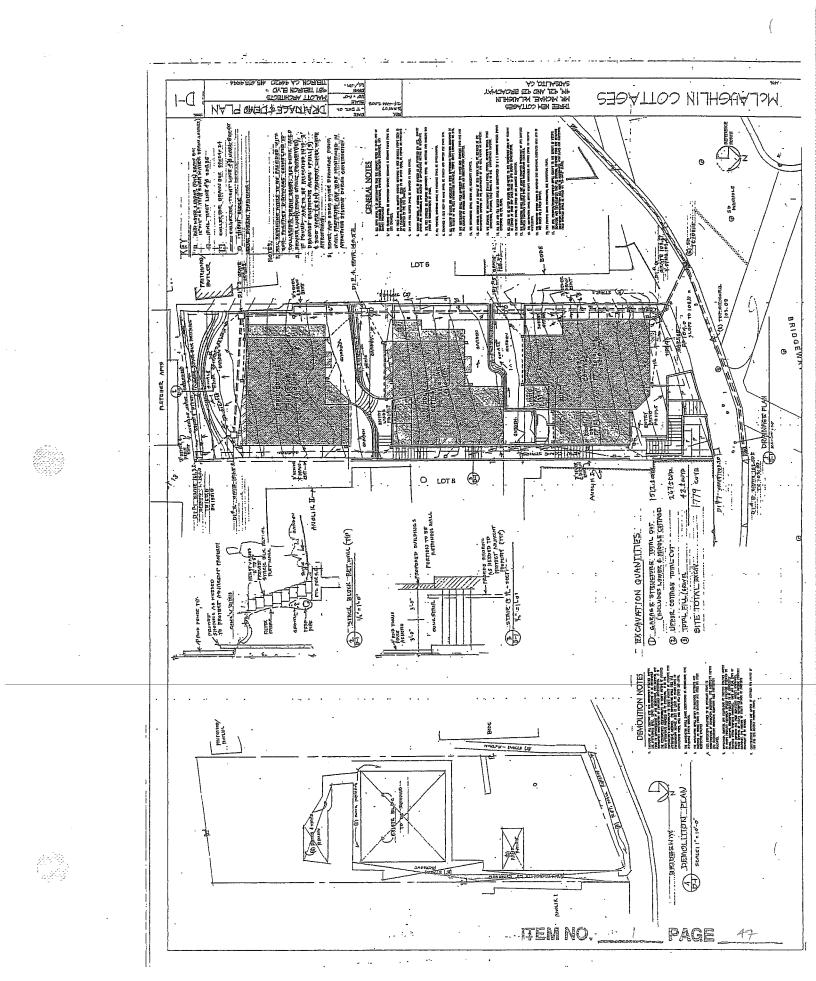
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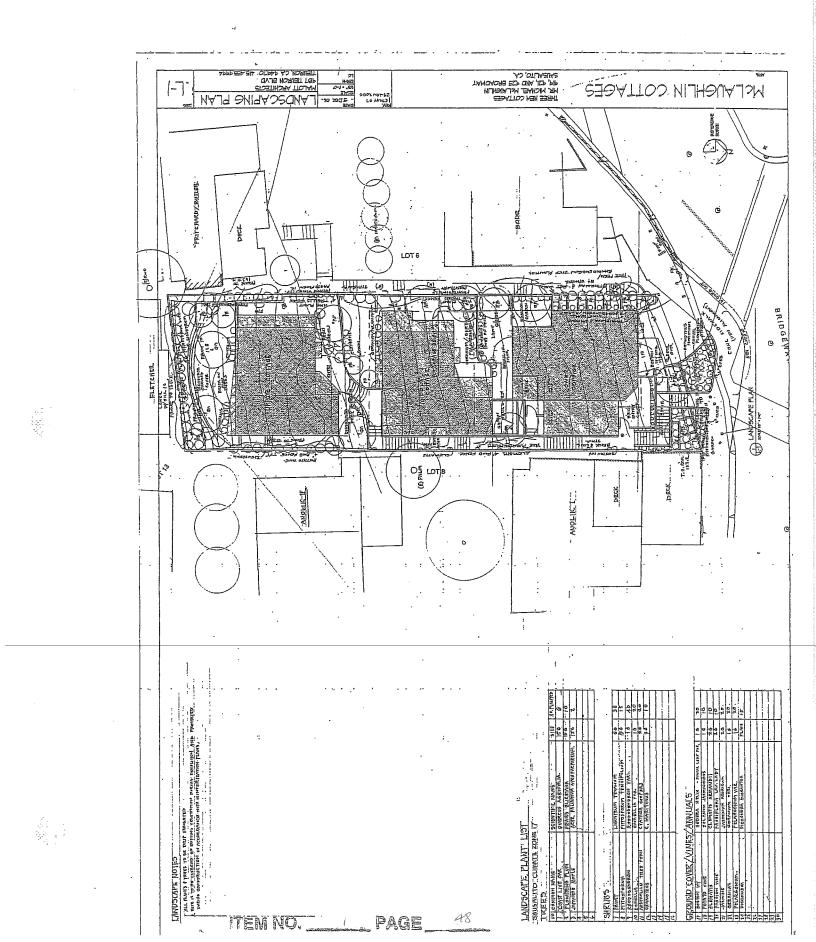
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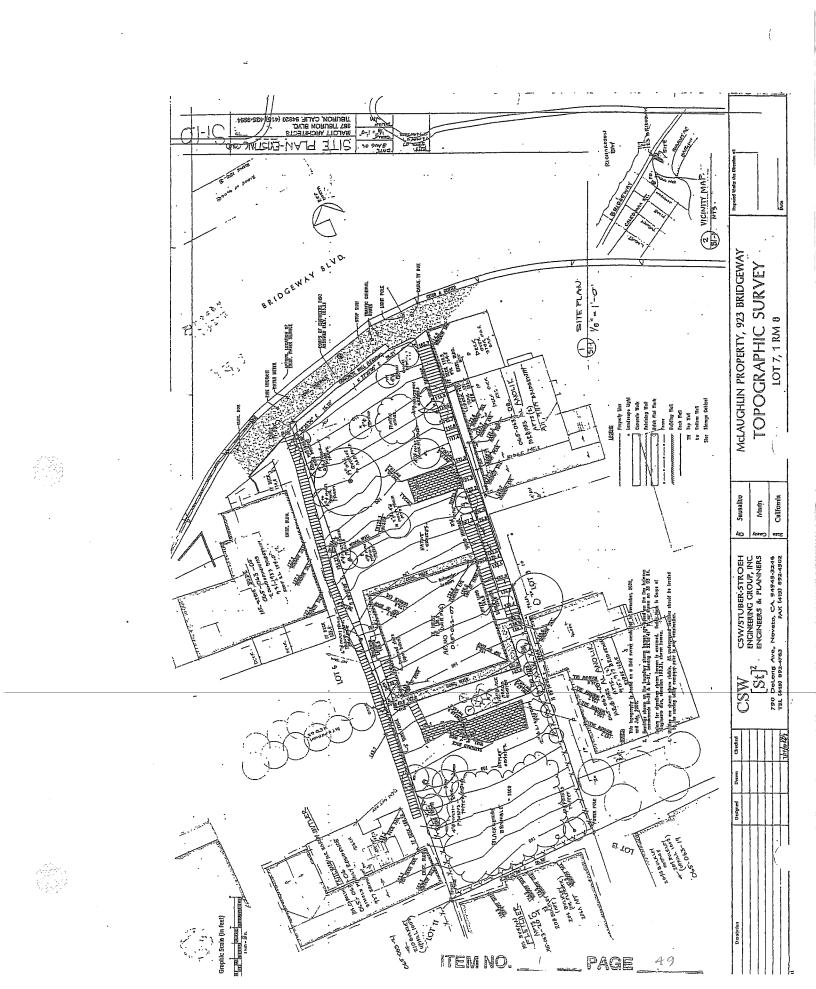


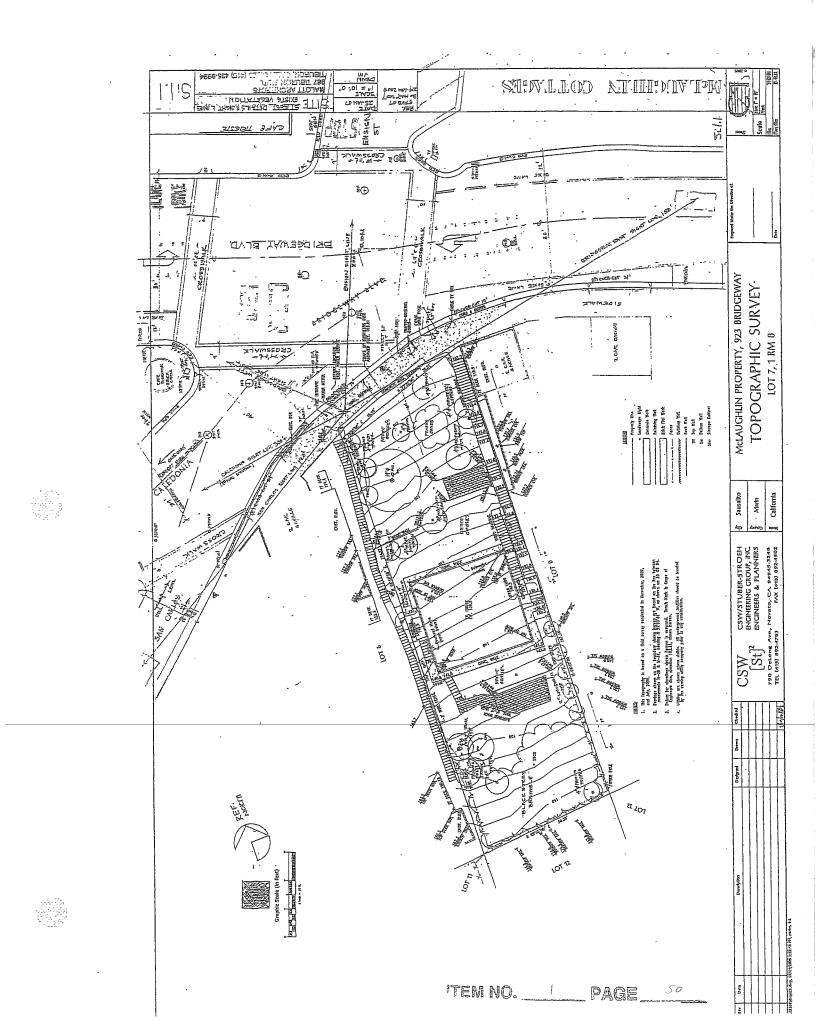


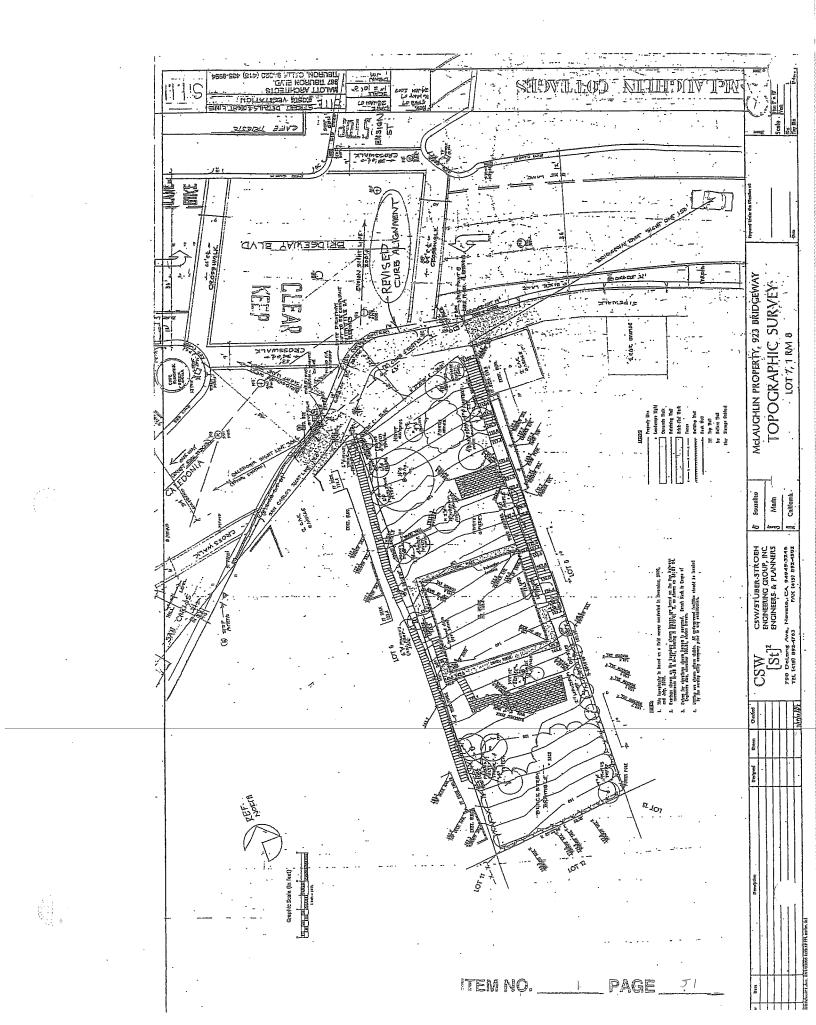












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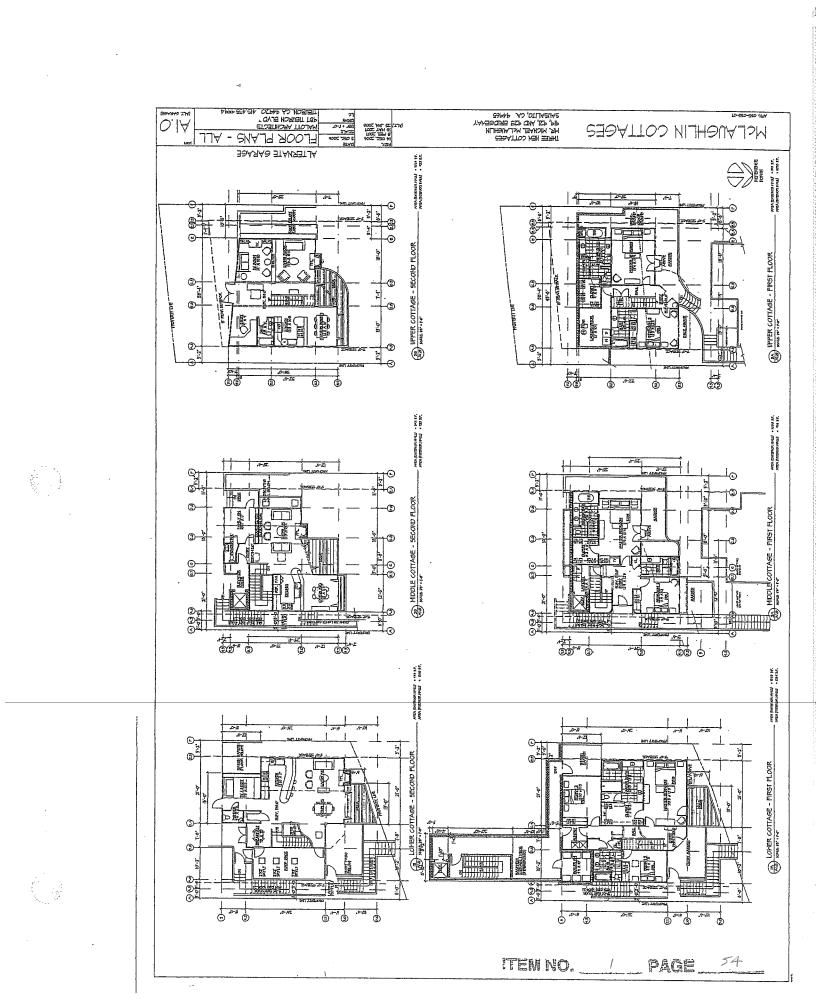
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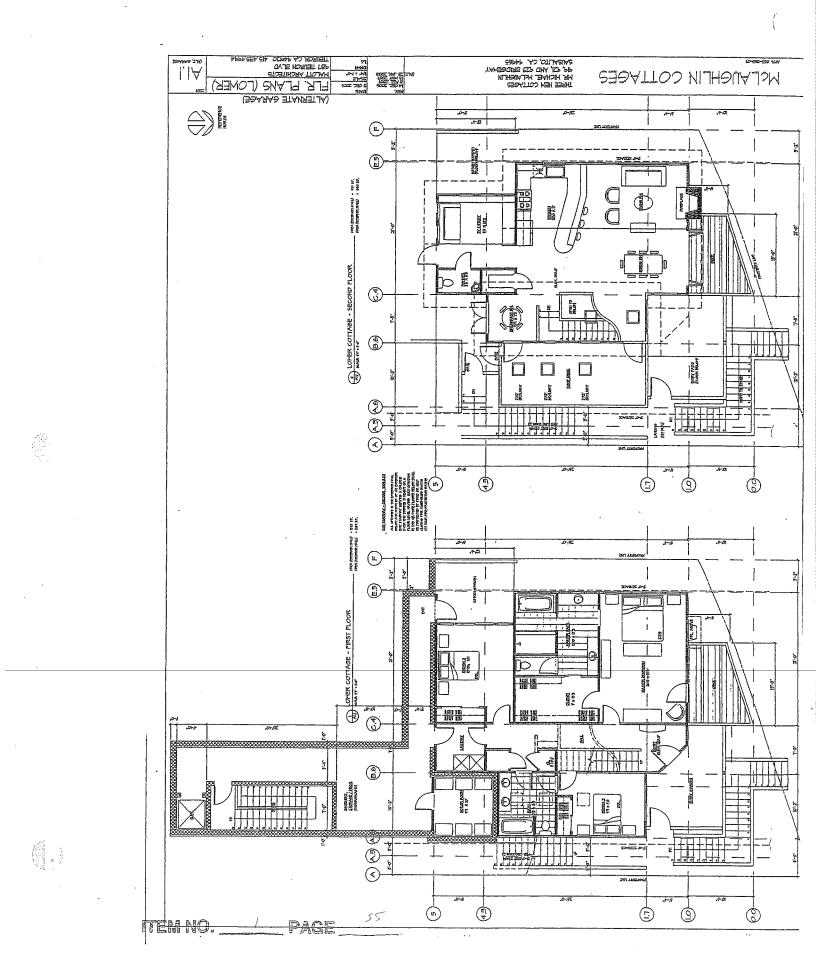
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MALOTI ARCHITECTS



January 27, 2013

Mr. Jeremy Graves, Planning Director City of Sausalito 420 Litho Street Sausalito, CA 94965

JAN 2 8 2013

Dear Mr. Graves,

This letter is to request an extension of the approved permit for the McLaughlin cottages, 919, 921 and 923 Bridgeway, Sausalito, in accordance with Section 10.50.140 of the Sausalito Planning Code. The permit, VAR/DR/TM/TP/EA 06-069 was approved on May 28, 2008 and is scheduled to expire May 28, 2013.

Our reasons for the extension request are as follows:

- 1. Shortly after the approval, structural engineering, architectural and other work was begun. Preliminary drawings and calculations were completed in December 2008. This coincided with the fall of Lehman Brothers, the financial collapse and seizing of mortgage funds and the beginning of the deep recession of 2008-12. The effects on the banking, mortgage and real estate industries are yet to be fully resolved. In this financial climate, Mr. McLaughlin was unable to proceed with the project.
- 2. The real estate development advisor, and prime mover of the project since inception, was Mr. McLaughlin's son, Christopher McLaughlin. Chris was a realtor and resident of Marin County and was instrumental in the initial purchase of the project and in bringing together the design team. He helped shepherd the project through the Planning process. Tragically, Chris died unexpectedly in 2010, causing a major shock to the McLaughlin family and the project team. The loss of Chris and his expertise has been a continuing burden on the project.
- 3. As the economy has slowly recovered, the completion of necessary Civil, Electrical, Structural and Geo-Technical work has been accomplished. Architectural details and utility plans have been augmented and the plans were filed for Building Permit Review on December 21, 2012. We are currently working to comply with the Permit Review Comments (received January 16-22, 2013) from that filing.
- 4. A final reason for the extension request involves the April 15-October 15 excavation window available for the project, in accordance with Condition 48 of the Conditions of Approval. This 6-month window is approximately the time required to excavate, shore, form, pour, drain and waterproof the foundations of the project. Therefore, construction must start in April. Also, in order to meet the 18-month completion requirement of the Building Code, we must begin with a fast, well-organized start to the project. Since we are too close to this April to commence work (we still have final Building Permitting, financing, contracting, bonding and utility processes to complete), we anticipate needing to start in April 2014. Accordingly, we are requesting an 18-month extension to the above-referenced Permit (through November 2014). This will allow the project to be started and foundations substantially completed by November 2014, as

P.O. BOX 555 TIBURON, CA 94920 jsmalott@sbcglobal.net 415-435-5xhibit D

(2 pages)

required within the Planning Code limits and construction to be completed with the Building Code completion requirement by November 2015.

In accordance with Section 10.50.140.D, the following findings apply:

- 1. There have been no changes of conditions or circumstances to the project which would have been grounds for denying the original application. Indeed, there have been no changes to the project, merely additional technical drawings and reports necessary for its proper execution.
- 2. As stated above, Mr. McLaughlin has been diligent in pursuing the implementation of the Permit, having done as much as was possible during the deep recession of 2008-2012. The Building Permit application is in process at the present time and will be pursued diligently as outlined above.
- 3. Modified Building Codes (CBC 2010) are now in effect and the project has been upgraded to those standards. Modified conditions, updated standards and ordinance requirements have been and will continue to be met as the project progresses.

We have kept in touch with all of the neighbors to the project and have informed them of our request of this extension of time. None of them have objected. Mr. Anolik responded best saying ironically, "Oh, you mean you're not going to be banging on my ears all this year? I'm so sorry to hear that!"

We appreciate your consideration of this matter. Enclosed is our check for \$2,081 to cover the hearing and distribution fees.

Coldially

James S. Malott

Architect /5737 * 6/15

January 27, 2013

Mr. Jeremy Graves, Planning Director City of Sausalito 420 Litho Street Sausalito, CA 94965 Sugan F. Carlila.
PO Box 10006.
Hachalan Hi
967/10

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- 3. As the economy has slowly recovered, the completion of necessary Civil, Electrical, Structural and Geo-Technical work has been accomplished. Architectural details and utility plans have been augmented and the plans were filed for Building Permit Review on December 21, 2012. We are currently working to comply with the Permit Review Comments (received January 16-22, 2013) from that filing.
- 4. A final reason for the extension request involves the April 15-October 15 excavation window available for the project, in accordance with Condition 48 of the Conditions of Approval. 'This 6-month window is approximately the time required to excavate, shore, form, pour, drain and waterproof the foundations of the project. Therefore, construction must start in April. Also, in order to meet the 18-month completion requirement of the Building Code, we must begin with a fast, well-organized start to the project. Since we are too close to this April to commence work (we still have final Building Permitting, financing, contracting, bonding and utility processes to complete), we anticipate needing to start in April 2014. Accordingly, we are requesting an 18-month extension to the above-referenced Permit (through November 2014). This will allow the project to be started and foundations substantially completed by November 2014, as

P.O. BOX 555 TIBURON, CA 94920 jsmalott@sbcglobal.net 415-435-9994

415 435-9994

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Exhibit E (8 pages)

Cordially

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We appreciate your consideration of this matter. Enclosed is our check for \$2,081 to cover the hearing and distribution fees.

James S. Malott
Architect 15139 + 6/13

I /WE HAVE REVIEWED THE REQUEST FOR AN 18 MONTH

EXTENSION OF THE APPROVED PERMIT FOR THE MCLAUGHLIN

COTTAGES AND HAVE NO OBJECTION TO THE EXTENSION

EMANCE Could Do Bulkley Over Javalis Ca 94965 2/29/2013

SUSAN Fletcher Carlile

NAME

ADDRESS

Happy to hear you will be cleaning the property of

and the morney trees.

ITEM NO. PAGE 60

MALOTT ARCHITECTS

January 27, 2013

CITY OF SAUSALITU COMMUNITY DEVELOPMENT

Mr. Jeremy Graves, Planning Director City of Sausalito 420 Litho Street Sausalito, CA 94965

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P.O. Box 555 TIBURON, CA 94920 jsmalott@sbcglobal.net 415-435-9994

Cordially

NAME-

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In accordance with Section 10:50:140 D, the following findings apply:

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James S. Malott Architect 15/34 x 6/13 I /NE HAVE REVIEWED THE REQUEST FOR AN 18 MONTH EXTENSION OF THE APPROVED PERMIT FOR THE MCLAUGHLIN COTTAGES AND HAVE NO OBJECTION TO THE EXTENSION LAME ADDRESS

MALOTT ARCHITECTS



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April Arch 911 Brokerray (owner of 915 + 917)

NAME ADDRESS

DATE

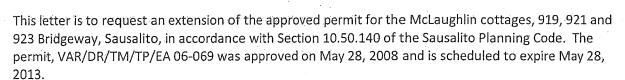
MALOTT ARCHITECTS

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COMAGES AND MILE

Varline Tutcherd 127 Budgeway Jansalito 2/28/2013

DATE ADDRESS DATE

ITEM NO. PAGE 66