



STAFF REPORT SAUSALITO CITY COUNCIL

AGENDA TITLE

Encroachment Agreement to allow the construction of a 300 square foot addition for the single-family residence located at 194 San Carlos Avenue (APN 065-092-26), with a portion of the improvements encroaching into the San Carlos Avenue public right-of-way, as recommended for approval by the Planning Commission for Application DR/EA 07-025.

RECOMMENDED MOTION

Staff recommends that the City Council adopt the attached Resolution of Approval for an Encroachment Agreement to allow the construction of a 300 square foot addition for the single-family residence located at 194 San Carlos Avenue (APN 065-092-26), with a portion of the improvements encroaching into the San Carlos Avenue public right-of-way, as recommended for approval by the Planning Commission pursuant to Resolution No. 2008-01 for Application No. DR/EA 07-025.

SUMMARY AND BACKGROUND

The applicant and owner, Stanford Hughes, requests City Council approval of an Encroachment Agreement for an addition creating 300 square feet of new floor area beneath the existing second story of a single-family residence that currently encroaches into the San Carlos Avenue public right-of-way. The addition creates 30 square feet of new building coverage, increasing total site coverage to 23.9%. The portion of the home that currently encroaches into the public right-of-way consists of approximately five (5) feet of the southwestern corner of the second story, a corner of the front stairway, and a corner of the deck measuring approximately two (2) feet. The addition would be located underneath the second level story, and thus would encroach approximately five (5) feet into the public right-of-way.

The Planning Commission reviewed the application on January 9, 2008 and recommended approval of the Encroachment Agreement as a continuation of an existing encroachment that is compatible with the neighborhood and existing site development.

ENGINEERING DIVISION REVIEW

The City Engineer reviewed the subject application on September 17, 2007 and expressed no concerns with the project, aside from requiring execution of an Encroachment Agreement (see Exhibit 3). The City Engineer determined the proposed extent of excavation would not require a grading permit, but should be limited to occur only between April 1 and October 15, and also stated an Encroachment Permit would be required for any work located in the right-of-way. These conditions have been incorporated as conditions of approval in the attached draft resolution.

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ENCROACHMENT REVIEW

Chapter 10.56 of the Sausalito Municipal Code provides that the Planning Commission shall review encroachments for structures within the public right-of-way, such as those included in Application No. DR/EA 07-025, which shall be forwarded to the City Council for final decision making authority. The Planning Commission reviewed the proposed encroachment based on the Encroachment Agreement findings listed in Zoning Ordinance Section 10.56.060 and recommended approval of an Encroachment Agreement to legalize the existing structure located in the right-of-way, while allowing for an improvement that will serve to stabilize the hillside and will not adversely affect neighboring properties or establish an undesirable land use precedent. The Planning Commission approved the Design Review Permit and recommended approval of an Encroachment Agreement to the City Council, as stated in Resolution 2008-01 (Attachment 2). The following is a list of the requisite findings followed by a description of their application to the requested encroachments:

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

The encroachment of the home has existed since 1963, when the second level addition was created, prior to when a Design Review Permit would have been required. As the new addition is located beneath this existing encroachment, the addition will be the continuation of the existing encroachment that does not appear to significantly diminish visual or physical public enjoyment of the streetscape. The portion of the home that encroaches is not visible from the street as it is adjacent to the dense landscaping along the right-of-way that heavily screens the site.

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

The encroachment would be the continuation of an existing encroachment that has been in place since the early 1960's. Staff has not located any records indicating the encroachment is a nuisance or adversely affects neighboring parcels. The encroachment does not extend into the street and is buffered by heavy landscaping, and thus would not create an undesirable land use precedent.

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

The portion of the property where the addition is located is currently an unusable and open hillside. Creating a first floor underneath the second level would improve the structural integrity of the existing structure, and would serve to stabilize the hillside. Improving hillside stability, structurally reinforcing the existing building and creating additional usable area seem to be justifiable purposes for the encroachment.

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

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The proposed encroachment is outside of the roadway area and would not affect the public circulation nor create or constitute a hazard to public safety. The City Engineer reviewed the encroachment and expressed no concerns with impacts to public circulation.

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

The proposed encroachment is essentially the continuation of an existing condition and will serve as an improvement to the property. Staff does not anticipate that the proposed improvements will prejudice any future policy decisions to terminate the encroachment nor preclude or make difficult the establishment or improvement of streets or pedestrian ways. Further, the execution of an Encroachment Agreement will legalize an existing structure located in the right-of-way.

FISCAL IMPACT

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

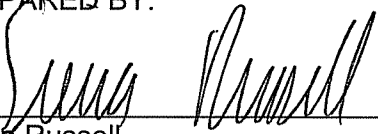
STAFF RECOMMENDATIONS

Staff recommends that the City Council adopt the attached Resolution of the Sausalito City Council (Attachment 1), approving an Encroachment Agreement (Exhibit A) to allow the construction of a 300 square foot addition for the single-family residence located at 194 San Carlos Avenue (APN 065-092-26), with a portion of the improvements encroaching into the San Carlos Avenue public right-of-way, as indicated in the plans dated October 29, 2007 (Exhibit B of Attachment 1).

ATTACHMENTS

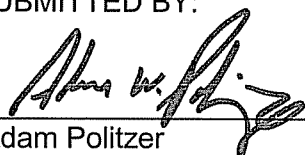
1. Draft Resolution of the City Council of the City of Sausalito approving an Encroachment Agreement by and between Stanford Hughes, property owner of 194 San Carlos Avenue, and the City of Sausalito (Exhibit A), and as shown in the approved project plans date-stamped received October 29, 2007 (Exhibit B)
2. Planning Commission Resolution No. 2008-01
3. January 09, 2008 Planning Commission Staff Report
4. Site Photos

PREPARED BY:




Sierra Russell
Associate Planner

SUBMITTED BY:

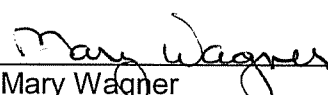


Adam Politzer
City Manager

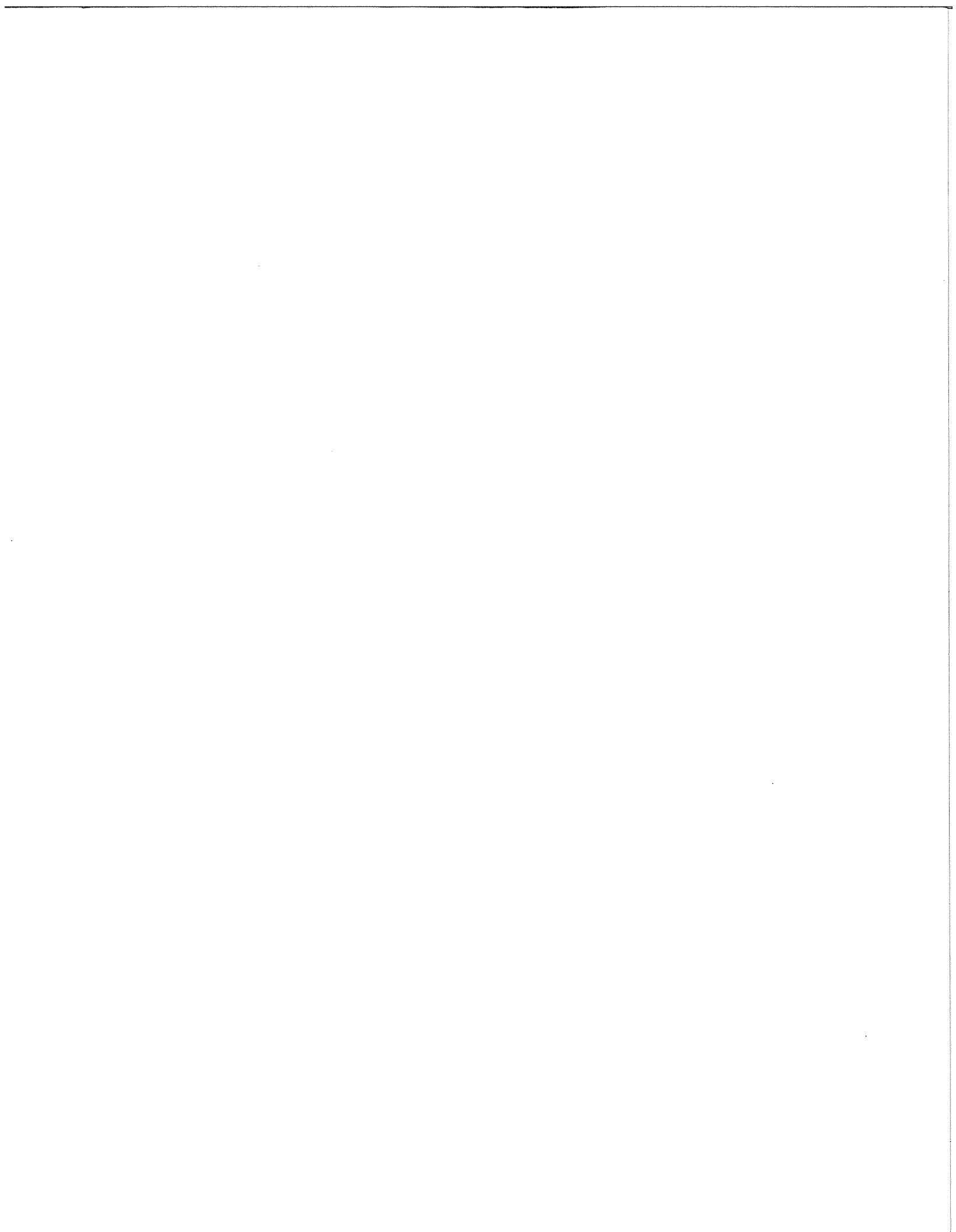
REVIEWED BY:



Diane Henderson
Interim Community Development Director



Mary Wagner
City Attorney



DRAFT

RESOLUTION NO. XXXX

RESOLUTION OF THE SAUSALITO CITY COUNCIL APPROVING AN ENCROACHMENT AGREEMENT (APPLICATION NO. DR/EA 07-025) TO ALLOW CONSTRUCTION OF A 300 SQUARE FOOT ADDITION TO THE SINGLE-FAMILY RESIDENCE LOCATED AT 194 SAN CARLOS AVENUE (APN 065-092-26) WITH A PORTION OF THE IMPROVEMENTS LOCATED IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, an application has been filed by the applicant and owner, Stanford Hughes, requesting Planning Commission approval of a Design Review Permit and recommendation of approval to the City Council for an Encroachment Agreement to allow the construction of a 300 square foot addition for the single-family residence located at 194 San Carlos Avenue (APN 065-092-26), with a portion of the improvements encroaching into the San Carlos Avenue public right-of-way; and

WHEREAS, the Planning Commission conducted duly noticed public meetings on November 28, 2007 and January 9, 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 plans titled "Hughes House" and date-stamped received October 29, 2007; and

WHEREAS, the Planning Commission reviewed and considered the information contained in the November 28, 2007 staff report; and

WHEREAS, the Planning Commission found that, as conditioned herein, the proposed project complies with requirements of the Zoning Code and the General Plan, as outlined in the November 28, 2007 staff report; and

WHEREAS, the Planning Commission found that the proposed project is categorically exempt from the requirements of CEQA pursuant to Section 15301 (e); and

WHEREAS, the Planning Commission adopted Resolution No. 2008-01 on January 9, 2008, approving Design Review Permit No. DR/EA 07-025 and recommending approval to the City Council for the requested encroachments in the public right-of-way; and

WHEREAS, the City Council has reviewed and considered the Planning Commission's recommendation of the Encroachment Agreement; and

WHEREAS, the City Council has reviewed and considered the project plans titled "Hughes House" date-stamped received October 29, 2007; and

WHEREAS, the City Council has received and considered written testimony on the subject application and obtained evidence from site visits; and

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WHEREAS, the City Council agrees with the Planning Commission that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 (e).

NOW, THEREFORE, THE CITY COUNCIL HEREBY approves the Encroachment Agreement for Application No. DR/EA 07-025 to allow the construction of a 300 square foot addition for the single-family residence located at 194 San Carlos Avenue (APN 065-092-26), with a portion of the improvements encroaching into the San Carlos Avenue public right-of-way, as included in Exhibit A (Encroachment Agreement) and Exhibit B (Plans and Elevations), and subject to the conditions of approval contained herein.

Section 1. Conditions of Approval

1. Approval of this Application is limited to the project plans titled "Hughes House" date-stamped received October 29, 2007.
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.
3. 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.

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.

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 Planning 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. The Community Development Department is authorized to administratively approve minor modifications to the approved plans. Major design modifications to the approved project will require further review and approval by the Planning Commission.

Prior to issuance of a building permit:

12. The applicant shall submit a Geotechnical (Soils) Report for review prepared by a State of California licensed civil engineer qualified in geotechnical engineering, except as otherwise approved by the Building Inspector.
13. A construction traffic control, parking, and staging plan and construction schedule shall be submitted for review and approval by the City Engineer. The applicant shall inform the City Engineer on the extent of traffic on San Carlos Avenue during construction, and the number of workers to be transferred to and from the site. The staging plan shall show where dumpsters, equipment, and construction material are to be stored during construction and any areas within the street right-of-way to be used for off-loading material and equipment. An encroachment permit is required for any such storage in the City right-of-way.
14. Any exterior security lighting to be installed shall be downward facing and must be submitted for review and approval by the Community Development Department.

- 15. The applicant shall execute an encroachment agreement with the City subject to standard conditions in the model agreement.
- 16. The owner shall obtain an encroachment permit from the Engineering Division for any construction work or storage of construction materials in the right-of-way.
- 17. Demolition and excavation activities shall only occur between April 1 and October 15.

Section 2. Judicial Review

The time within which judicial review of this decision may be sought is governed by the provisions of section 65009 of the Government Code, section 1094.6 of the Code of Civil Procedure and all other applicable law.

RESOLUTION PASSED AND ADOPTED at the regular meeting of the City Council of the City of Sausalito on the 29th day of January 2008, by the following vote:

AYES: Councilmember:
NOES: Councilmember:
ABSENT: Councilmember:
ABSTAIN: Councilmember:

MAYOR AMY BELSER

ATTEST: _____
CITY CLERK

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EXHIBIT A

**CITY OF SAUSALITO
ENCROACHMENT AGREEMENT**

This **ENCROACHMENT AGREEMENT** ("Agreement") is entered into this 29th day of January, 2008 (the "Effective Date") by and between **STANFORD HUGHES** ("Owner") and the **CITY OF SAUSALITO**, a municipal corporation ("City").

RECITALS

The following Recitals are a substantive part of this Agreement:

A. Application No. DR/EA 07-025 was submitted by applicant and property owner Stanford Hughes to allow the construction of a 300 square foot addition for the single-family residence located at 194 San Carlos Avenue (APN 065-092-26), with a portion of the improvements encroaching into the San Carlos Avenue public right-of-way.

B. Application No. DR/EA 07-025 includes the placement of approximately five (5) feet of the southwestern corner of the second story with a new under floor area, a corner of the front stairway, and a corner of the deck measuring approximately two (2) feet.

C. The Planning Commission of the City of Sausalito did duly pass and adopt Resolution No. 2008-01 on January 9, 2008 and did thereby approve the Design Review Permit for Application No. DR/EA 07-025 and recommended approval to the City Council of an Encroachment Agreement.

D. The City Council adopted Resolution No. XXX on January 29, 2008 approving the Encroachment Agreement subject to specific conditions contained in Section 1 of said Resolution.

E. The City has the authority to regulate the use of the public right-of-way and is willing to allow Owner the encroachments as set forth on and in accordance with the Plans in accordance with Titles 10 and 17 of the Sausalito Municipal Code under certain terms and conditions as set forth below.

NOW, THEREFORE, Owner and City hereby agree as follows:

1. Description of Encroachments. The encroachment covered by this Agreement is the portion of the residence, stairway, and deck that encroaches into the public right-of-way as depicted on and subject to the plans titled "Hughes House" and date-stamped received October 29, 2007, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference.
2. Term. The term of this Agreement is one (1) year after which it shall be automatically renewed on an annual basis unless City issues a notice of non-renewal.

3. Condition of Encroachments and Right of Way. Owner shall maintain all Encroachments and the City owned property affected thereby in good and safe condition and free from any nuisance to the satisfaction of the City Engineer.
4. Removal or Relocation. Owner acknowledges and agrees that it shall remove or relocate the Encroachment(s) at its sole cost and expense if the Encroachment(s) interferes with any lawful governmental or proprietary purpose of the City of Sausalito; is detrimental to governmental activities; and/or the right of way or street is being vacated. If the Owner fails to remove the Encroachment(s) within the time specified by the City Engineer, City may cause the work to be done at the Owners' expense.
5. Taxes. Owner shall be responsible for payment of all fees and taxes charged in connection with the right, title and interest in the Encroachments.
6. Indemnification. Owner hereby agrees to indemnify, defend (with counsel reasonably acceptable to City) and hold harmless City and its elected and appointed officials, officers, employees, consultants, agents, volunteers and successors in interest from any and all claims, demands, causes of action, damages, liabilities and obligations arising from or in any way related to this Agreement and/or Owner's use of the right of way.
7. Termination. This Agreement may be terminated by either party with or without cause upon thirty (30) days written notice. Upon such termination, the Encroachment(s) must be removed as specified by and within the time required by the City Engineer. In addition, the City owned right of way must be restored to the condition required by the City Engineer. In the event that Owner fails to remove the Encroachment(s) and/or restore the right of way as required by the City Engineer within the specified time, City shall have the right to perform the work and charge Owners.
8. No Grant. This Agreement is not a grant by City of any property interest but is made subject and subordinate to the prior and continuing right of City and its assigns to lawfully use any or all of the right of way for public facilities, including but not limited to, public use as a street and for the purpose of laying, installing, maintaining, repairing, protecting, replacing and removing sanitary sewers, water mains, storm drains, gas mains, poles, overhead and underground electric and telephone wires, television and other utility and municipal uses together with appurtenances thereof and with right of ingress and egress along, over, across and in the right of way. No use of any right of way or other interest under this Agreement shall create or vest in Owner any ownership interest in the right of way; nor shall anything in this Agreement be deemed or construed to grant or create any franchise rights.
9. Condemnation. If the right of way is taken totally by condemnation, this Agreement shall terminate on the date of the taking with no compensation to Owner therefore. If a portion of the right of way is taken by condemnation, then this Agreement shall remain in effect as to the part not taken.
10. Standard Conditions. Owner shall comply with any and all Standard Conditions for Encroachment Permits required by the City Engineer.

11. Compliance with Laws. Owner shall comply with all applicable laws, any permit issued by the City pursuant to this Agreement and any general or specific conditions required by the City Engineer.

12. Notices. All notices required or permitted to be given under the terms of this Agreement shall be in writing and shall be deemed to be given as of the time of hand delivery to the addresses set forth below, or three (3) days after deposit in the United States mail, postage prepaid, by registered or certified mail, return receipt requested, addressed as follows:

Owners:	Stanford Hughes 194 San Carlos Avenue Sausalito, CA 94965	ATTN: City Engineer City of Sausalito 420 Litho Street Sausalito, CA. 94965
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13. Assignment. This Agreement is not assignable unless City consents in writing, which consent shall not be withheld unreasonably. Such consent to assignment shall bind and insure to the benefit of the respective successors and assigns of the parties. This requirement for consent shall not apply to: (a) any disposition of all or a portion of the Property; or (b) any collateral assignment, security interest or pledge of this Agreement by Owner(s) to any lender.

14. Waivers. The failure of any party at any time or times to require performance of any provision hereof shall in no manner affect the right at a later time to enforce the same. No waiver by any party of any condition, or of any breach of any term, covenant, representation, or warranty contained herein, in any one or more instances, shall be deemed to be construed as a further or continuing waiver of any such condition or breach or waiver of any other condition or of any breach of any other term, covenant, representation or warranty.

15. Severability. If one or more of the provisions of this Agreement shall be held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such provision shall be deemed severable from the remaining provisions of this Agreement and shall not affect the legality, validity or constitutionality of the remaining portions of the Agreement.

16. Entire Agreement. This Agreement contains the entire agreement of the parties with respect to the matters addressed herein.

17. Modification. This Agreement may not be amended unless made in writing and signed by each party.

18. California Law. The interpretation and enforcement of this Agreement shall be governed by the laws of the State of California. In the event that suit shall be brought by either party to this Agreement, the parties agree that venue shall be exclusively vested in the State courts of the County of Marin or where appropriate, in the United States District Court, Northern District of California.

19. Attorneys' Fees. Should any legal proceeding be commenced between the parties to this

shall be entitled, in addition to such other relief as may be granted, to a reasonable sum for attorneys' fees which shall be determined by the court or forum in such a proceeding or in a separate action brought for that purpose. For purposes of this provision, "prevailing party" shall include a party which dismisses an action for recovery hereunder in exchange for payment of the sum allegedly due, performance of covenants allegedly breached, or consideration substantially equal to the relief sought in the action or proceeding.

20. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same agreement.

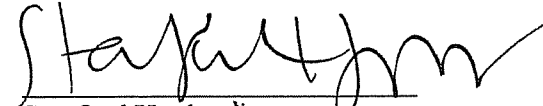

21. Authority. The parties represent that the individuals signing this Agreement have the authority to do so.

22. No Personal Liability. No member, official or employee of City shall be personally liable to Owners or any successor in interest in the event of any default or breach by City or on any obligation under the terms of this Agreement.

IN WITNESS WHEREOF, the parties have hereto set their signatures as of the date first above named herein.

OWNER:

By:


Stanford Hughes


RECOMMENDED FOR APPROVAL:

Todd Teachout, City Engineer

ATTEST:

City Clerk

CITY:

By:

Amy Belser, Mayor

APPROVED AS TO FORM:

Mary Wagner, City Attorney

ACKNOWLEDGMENT

State of California

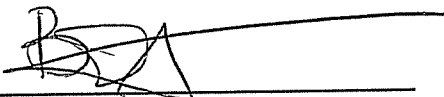
County of San Francisco

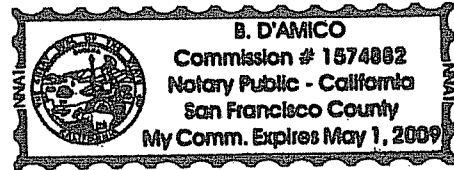
On January 22, 2008 before me, B. D'Amico, Notary Public
(insert name and title of the officer)

personally appeared Stanford Hughes
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



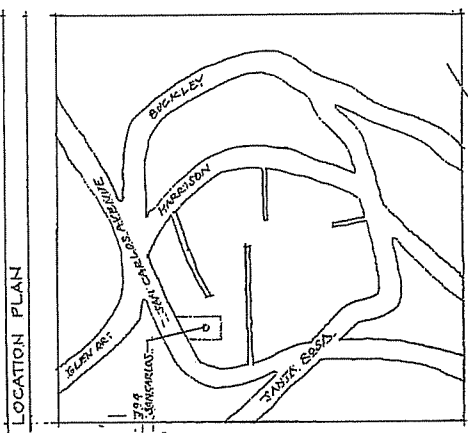
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attached to
City of Sausalito
Agreement

EXHIBIT B
PLANS AND ELEVATIONS

4B7
14

REVISIONS	BY



PROJECT ADDRESS:
 1515 SAN CARLOS AVENUE
 SAN ANTONIO, CA 94945 | NORTH

OWNER:
 JIMMY AND JUDY RICHARDS
 1515 SAN CARLOS AVENUE
 SAN ANTONIO, CA 94945

ARCHITECT:
 JIMMY AND JUDY RICHARDS ARCHITECTS
 1515 SAN CARLOS AVENUE
 SAN ANTONIO, CA 94945

STRUCTURAL:
 JIMMY AND JUDY RICHARDS ARCHITECTS
 1515 SAN CARLOS AVENUE
 SAN ANTONIO, CA 94945

BUILDING DATA:
 ADDRESS: 1515 SAN CARLOS AVENUE, SAN ANTONIO, CA 94945
 SIZE OF LOT: 8,112 SQ. FT.
 EXISTING GARAGE: 1,429 SQ. FT.
 EXISTING FLOOR AREA: 250 SQ. FT.

PROPOSED ADDITION (23' x 17')
 TYPE OF CONSTRUCTION: V.M.
 EXISTING GARAGE: 1,429 SQ. FT.
 EXISTING FLOOR AREA: 250 SQ. FT.

GENERAL NOTES:
 1. ALL WORK TO CONFORM TO ALL APPLICABLE CODES AS DEFINED BY CITY OF SAN ANTONIO ORDINANCE NO. 1161
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 4. ALL WORK TO CONFORM TO ALL APPLICABLE CODES AS DEFINED BY CITY OF SAN ANTONIO ORDINANCE NO. 1161

SECTION INDEX:
 1. FLOOR PLAN, FOUNDATION, FRAMING AND FLOOR PLANS
 2. SECTION AND ELEVATIONS
 3. FINISHES AND FINISH SCHEDULES

REVISIONS	BY

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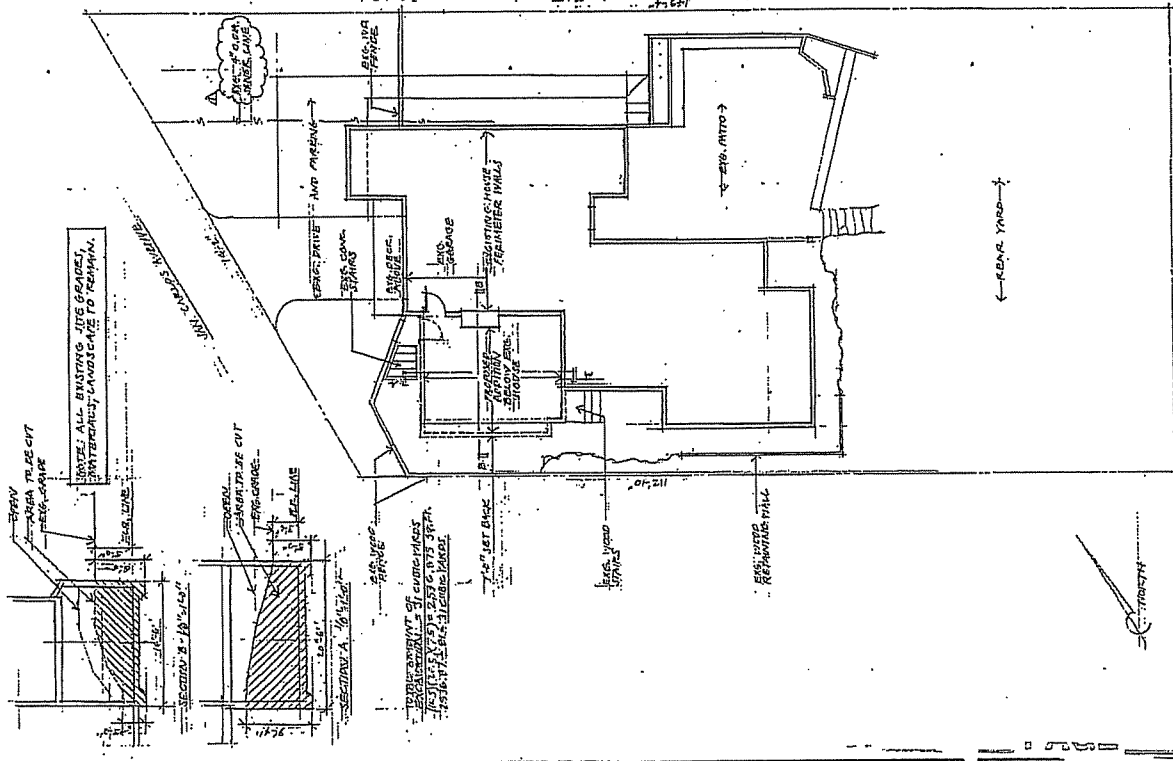
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GENERAL NOTES:
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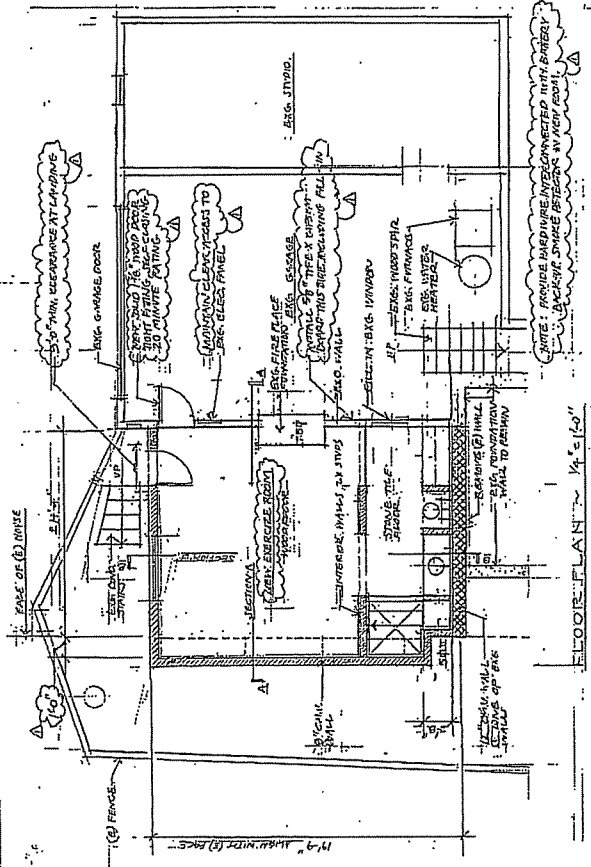


GENERAL NOTES:
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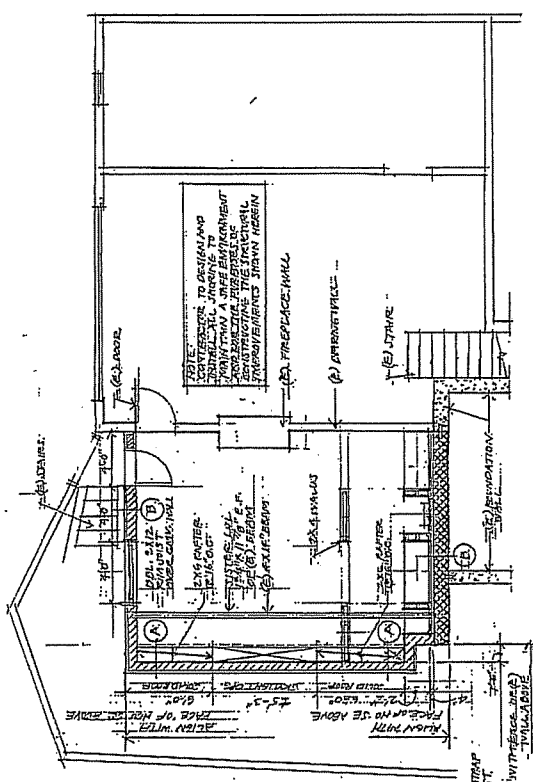
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HUGHES, HOVS & ASSOCIATES PRACT. INC. 197 SAN CARLOS AVENUE SAN JOSE, CALIFORNIA 95128

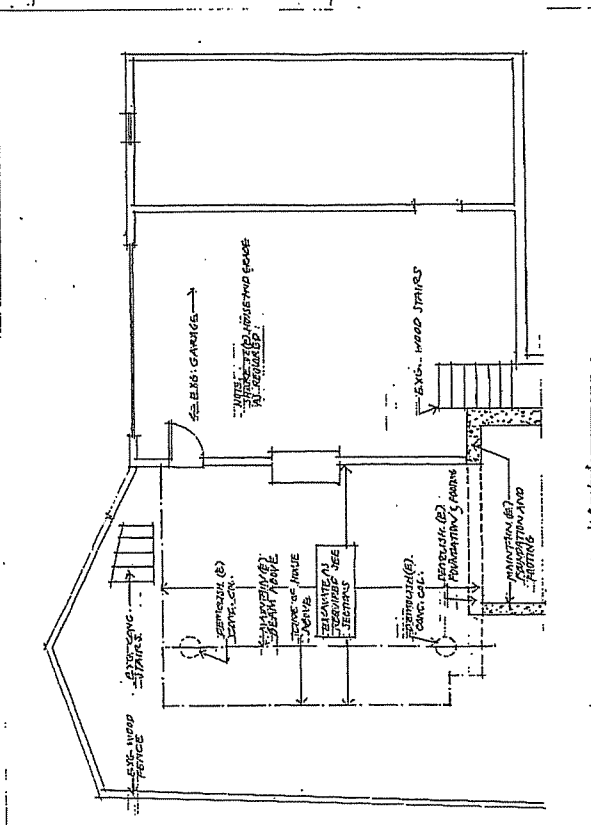
DATE: 06/27/87
 DRAWN BY: JLD
 CHECKED BY: JLD
 SHEET NO. 1087
 PROJECT: HUGHES



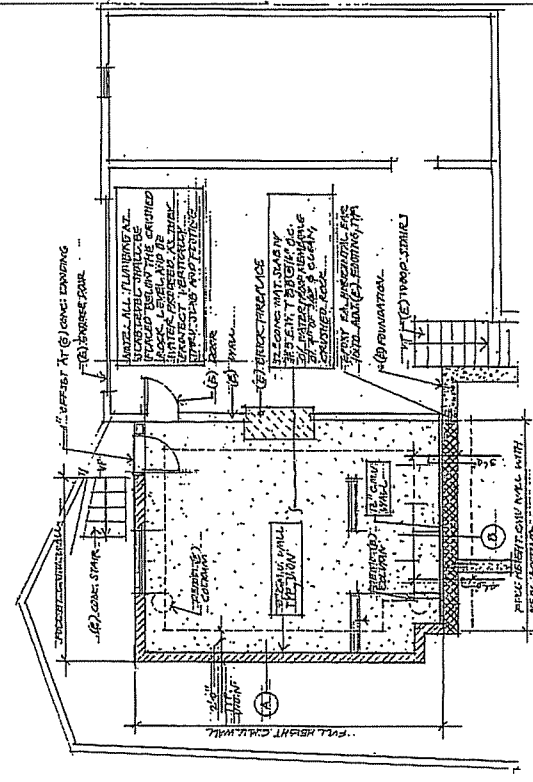
FLOOR PLAN 1/4" = 1'-0"



FRAMING PLAN 1/4" = 1'-0"



REVOLUTION PLAN 1/4" = 1'-0"



FOUNDATION AND WALL PLAN 1/4" = 1'-0"

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STAFF REPORT

Agenda Item Number 1

SAUSALITO PLANNING COMMISSION HEARING

PROJECT: 194 San Carlos Avenue (APN 065-092-26)
Application No. DR/EA 07-025

MEETING DATE: January 9, 2008

STAFF: Sierra Russell, Planner

APPLICANT: Stanford Hughes

PROPERTY OWNER: Stanford Hughes

This item is continued from the November 28, 2007 Planning Commission meeting, as attached in the following pages.

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STAFF REPORT

Agenda Item Number 4

SAUSALITO PLANNING COMMISSION HEARING

PROJECT: 194 San Carlos Avenue (APN 065-092-26)
Application No. DR/EA 07-025

MEETING DATE: November 28, 2007

STAFF: Sierra Russell, Planner

APPLICANT: Stanford Hughes

PROPERTY OWNER: Stanford Hughes

REQUEST

The applicant and owner, Stanford Hughes, requests Planning Commission approval of a Design Review Permit and recommendation of approval of an Encroachment Agreement to the City Council for an addition creating 300 square feet of new floor area beneath the existing second story of a single-family residence. The addition creates 30 square feet of new building coverage, increasing total site coverage to 23.9%. The portion of the structure where the proposed addition is located encroaches into the San Carlos Avenue right-of-way and therefore requires approval of an Encroachment Agreement.

REGULATORY FRAMEWORK

Zoning: R-1-6 (Residential Single-Family)

General Plan: Medium Low Density Residential (up to 7.3 du/acre)

Special Regulations: Design Review Findings (10.54.050)
Encroachment Agreement Findings (10.56.060)

CEQA: Class 1 Categorical Exemption pursuant to Section 15301 (e)

Required Permits: Design Review Permit
Encroachment Agreement

EXISTING SETTING

Subject Parcel: The subject 8,012 square foot parcel is located along the San Carlos Avenue right-of-way near the intersection of Glen Drive and contains a single family residence.

Neighborhood: The parcel is located in the New Town district, south of the Caledonia Street corridor. The adjacent parcels contain residential single-family structures. Further north along San Carlos Avenue, there are also multi-family residential structures.

PROJECT HISTORY AND BACKGROUND

Records from the Marin County Assessor's office indicate that the residential structure was constructed in 1949. In 1963, a 300 square foot second level addition was constructed, which is the portion of the home that currently encroaches into the public right-of-way. At the time of the addition, design review or any other discretionary permit that would have involved a survey identifying the extent of the right-of-way was not required. Staff believes this would most likely explain why the second level extension of the house projects into the right-of-way.

Initially, the applicant submitted for a Zoning Permit for the proposed addition. Because the project involves more than six (6) feet of cut into the hillside, staff informed the applicant an Administrative Design Review Permit would be required pursuant to Zoning Ordinance Section 10.54.040.B.12, and the applicant submitted for an Administrative Design Review Permit on August 7, 2007. During review of the plans for the Administrative Design Review Permit, staff identified the need for an Encroachment Agreement due to the structure's encroachment into the San Carlos Avenue public right-of-way. The structure's encroachment was portrayed by aerial photography (Exhibit 3), and later confirmed by a survey received on October 29, 2007 (Exhibit 4).

HLB REVIEW

The Historic Landmarks Board reviewed the application on September 5, 2007 and found no historical significance for the structure or site under CEQA criterion for structures older than 50 years (Exhibit 5).

PROJECT DESCRIPTION

Structures

The proposed addition is located underneath an existing second level room that cantilevers out from the main structure. The room will connect to the existing first floor of the house through a door to the existing garage. One additional window and one additional door will be created along the north (street-facing) elevation, and all new materials will be painted to match the house. The new door and window will be only partially visible from the street, as the area where the addition is located is heavily screened by vegetation. On the southern side of the house, the addition will project an additional two (2) feet into the side-yard setback, where a skylight is proposed beneath an existing trellis attached to the second story. The projection of the addition into the southern side-yard setback is the reason the addition creates an additional 30 square feet of building coverage and impervious surfaces, increasing both to 23.9% and 46.7% respectively. The creation of the room beneath the second level will require excavation into the hillside ranging from approximately 2' to 9' deep, with a total cut of 31 cubic yards.

Encroachment

The southwest portion of the home that encroaches into the public right-of-way consists of a corner of the second level addition extending approximately five (5) feet, a corner of the front stairway, and a corner of the deck measuring approximately two (2) feet. The addition would be located underneath the second level addition, and thus would encroach approximately five (5) feet into the public right-of-way.

As demonstrated in the following table, the proposed site development is compliant with the maximum site development standards for the R-1-6 single-family zoning district in which the project is located:

	Existing	Required	Proposed	Compliance
Parcel Area:	8,012 sq. ft.	6,000 sq. ft.	No change	Yes
Land Use:	Single-family Residential	Single-family Residential	No change	Yes
Density:	1 du/ parcel	1 du/ parcel	No change	Yes
Off-street Parking:	2 spaces	2 spaces	No change	Yes
Setbacks Rear:	55'	15'	No change	Yes
North side:	16'	5'	No change	Yes
South side:	8'	5'	6'	Yes
Building Coverage:	1,884 sq. ft. 23.5%	35% maximum	1,914 sq. ft. 23.9%	Yes
Floor Area:	2,134 sq. ft. 26.7%	45% maximum	2,433 sq. ft. 30.4%	Yes
Impervious Surface:	3,714 sq. ft. 46.4%	67.5% maximum	3,473 sq. ft. 46.7%	Yes

CEQA

Staff has determined that the subject application is Categorical Exempt, as per Section 15301 (e) of the CEQA Guidelines (2007). The project is an addition to an existing structure that is less than 2,500 square feet, which is a Class 1 Categorical Exemption.

ANALYSIS

Engineering Division Review

The City Engineer reviewed the subject application on September 17, 2007 and expressed no concerns with the project, aside from requiring execution of an Encroachment Agreement (see Exhibit 6). The City Engineer determined the proposed extent of excavation would not require a grading permit, but should be limited to occur only between April 1 and October 15, and also stated an Encroachment Permit would be required for any work located in the right-of-way. These conditions have been incorporated as conditions of approval in the attached draft resolution.

Building Division Review

The Building Inspector reviewed the project and requested a soils report be submitted prior to issuance of the Building Permit for the project, due to the project's location on a steep hillside and the amount of cut required. The project has been conditioned on submittal of a soils report prior to issuance of a Building Permit, unless otherwise approved by the Building Inspector.

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Design Review and Encroachment Agreement Findings

The subject encroachment requires Planning Commission review subject to Design Review Procedures (Zoning Ordinance Section 10.56.030.C). As part of the Design Review, the Planning Commission must also assess the encroachments based on the Encroachment Agreement findings listed in Zoning Ordinance Section 10.56.060 and provide a recommendation to the City Council. Staff believes the requisite findings can be made to approve the project, as summarized in the following:

Design Review Findings

- **Architecture and Site Design:** The proposed project is located beneath the existing second level of the home in a currently unfinished open space, and would not alter the existing massing of the home. Staff believes the addition is compatible with the existing architecture, massing, and materials of the existing residence.
- **Views/Light/Air:** The project does not obstruct public or private views and is only partially visible from the street, as the home is screened by dense vegetation that will be maintained.
- **Preservation of Natural Features:** The proposed project involves minimal cut into the hillside that does not rise to the level requiring a grading permit. The project has been conditioned that all grading activities shall occur between April 1 and October 15 and that a soils report shall be submitted for review prior to issuance of a Building Permit, except as otherwise permitted by the Building Inspector.

Encroachment Agreement Findings

- **Compatibility with Surrounding Area:** As the new addition is located beneath the existing encroachment, the addition will be the continuation of the existing encroachment that does not appear to significantly diminish visual or physical public enjoyment of the streetscape. The portion of the home that encroaches is not visible from the street as it is adjacent to the dense landscaping along the right-of-way that heavily screens the site.
- **Land Use Precedent:** The proposed encroachment is the continuation of an existing condition that will serve as an improvement to the property. Staff does not believe the encroachment will establish an undesirable land use precedent with the execution of an Encroachment Agreement to legalize the existing structure located in the right-of-way.
- **Necessity of Encroachments:** The portion of the property where the addition is located is currently an unusable and open hillside. Creating a first floor underneath the second level would improve structural integrity of the existing structure, and would serve to stabilize the hillside. Improving hillside stability, structurally reinforcing the existing building and creating additional usable area seem to be justifiable purposes for the encroachment.
- **Hazards/Public Safety:** The proposed encroachment is outside of the roadway area and would not affect the public circulation nor create or constitute a hazard to public safety. The City Engineer reviewed the encroachment and expressed no concerns with impacts to public circulation.

GENERAL PLAN CONSISTENCY

To approve the proposed project the Planning Commission must determine that the project is consistent with all applicable General Plan policies. Staff has identified the following policies and programs of the Land Use Element as most relevant to the proposed project:

Policy CD-1.3: Provide that all new residential structures, all residential structures that are to be removed and replaced, and those structures that are to be significantly remodeled, are designed to complement their setting and other buildings in the neighborhood. The addition beneath the second level of the house would maintain the existing

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massing and design of the home, and would not be visible from neighboring properties as the new room would be partially subterranean and would be screened by dense vegetation.

Program CD-5.1.2: Consider the balance between parking, traffic congestion, and right-of-way beautification when reviewing requests for encroachments for private benefit on public rights-of-way. The encroachment of the proposed addition would be the continuation of an existing encroachment for its elevated counterpart, the second-level cantilevered construction located directly above. The residential structure currently encroaches minimally into the right-of-way and does not interfere with public streets, sidewalks, or drainage ways.

PUBLIC NOTICE AND FEEDBACK

Notice: 10 days prior to the hearing date, notice of this proposal was posted and was mailed to all residents and property owners within 300 feet of the subject parcel.

Written feedback: Five (5) letters were received from neighbors located directly adjacent to the property, and all were supportive of the project (Exhibit 7).

STAFF CONCLUSIONS

Staff Recommendation: Staff believes that the proposed application for a Design Review Permit and Encroachment Agreement meets the requirements of the Sausalito Municipal Code and is consistent with the goals and objectives of the General Plan. Staff believes that all necessary findings can be made for the required Encroachment, and Design Review Permits, and recommends that the Planning Commission adopt the attached draft resolution of approval. Additionally, the Planning Commission may:

1. Approve the application with modifications;
2. Continue the application for additional information and/or project revisions; or
3. Deny the application and direct Staff to return with a Resolution of Denial.

EXHIBITS

1. Resolution of Approval Approving Application No. ADR/EA 07-025 with Exhibit A – Findings for Design Review and Encroachment Agreement, Exhibit B – Plans and Elevations, and Exhibit C – Conditions of Approval
2. Vicinity Map
3. Aerial photo with parcel lines
4. Site Survey received October 29, 2007
5. Memorandum from the Historic Landmarks Board dated September 5, 2007
6. Memorandum from the City Engineer, dated September 17, 2007
7. Letters received from neighbors dated October 31, 2007
8. Historic photo of house during construction
9. Site photos

RESOLUTION NO. 2007-XX

**RESOLUTION OF THE SAUSALITO PLANNING COMMISSION
APPROVING DESIGN REVIEW PERMIT APPLICATION NO. DR/EA 07-025 AND
RECOMMENDING APPROVAL OF AN ENCROACHMENT AGREEMENT TO ALLOW THE
CONSTRUCTION OF A 300 SQUARE FOOT ADDITION TO THE SINGLE-FAMILY
RESIDENCE LOCATED AT 194 SAN CARLOS AVENUE (APN 065-092-26) WITH A PORTION
OF THE IMPROVEMENTS LOCATED IN THE PUBLIC RIGHT-OF-WAY**

WHEREAS, an application has been filed by the applicant and owner, Stanford Hughes, requesting Planning Commission approval of a Design Review Permit and recommendation of approval to the City Council for an Encroachment Agreement to allow the construction of a 300 square foot addition for the single-family residence located at 194 San Carlos Avenue (APN 065-092-26), with a portion of the improvements encroaching into the San Carlos Avenue public right-of-way; and

WHEREAS, the Planning Commission conducted a duly noticed public meeting on November 28, 2007 and January 9, 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 finds that the proposed project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 (e); and

WHEREAS, the Planning Commission has reviewed and considered the project plans titled "Hughes House" and date-stamped received on October 29, 2007; and

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

WHEREAS, the Planning Commission has reviewed and considered the information contained in the November 28, 2007 staff report for the proposed project; and

WHEREAS the Planning Commission finds that, as conditioned herein, the proposed project complies with the requirements of the Zoning Code as outlined in the staff report; and

WHEREAS, the Planning Commission finds that, as conditioned herein, the proposed project complies with the General Plan as outlined in the staff report; and

WHEREAS, the Planning Commission recommends approval of the encroachment into the public right-of-way as a continuation of an existing encroachment that is compatible with the neighborhood and existing site development.

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

1. The Design Review Permit is approved, and the Encroachment Agreement is recommended for approval by the City Council, as outlined in the attached findings (Attachment A).

2. The Design Review Permit is approved and the Encroachment Agreement is recommended for approval by the City Council for project plans titled "Hughes House" and date-stamped received October 29, 2007 (Attachment B), subject to the attached conditions of approval (Attachment C)

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 9th day of January 2008, by the following vote:

AYES: Commissioner:
NOES: Commissioner:
ABSENT: Commissioner:
ABSTAIN: Commissioner:

SECRETARY TO THE PLANNING COMMISSION

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PLANNING COMMISSION HEARING
JANUARY 9, 2008
APPLICATION NO. DR/EA 07-025
194 SAN CARLOS AVENUE

ATTACHMENT A: FINDINGS

DESIGN REVIEW FINDINGS

Pursuant to the Sausalito Municipal Code Section 10.54 (Design Review Procedures), it has been found that the permit requested may be issued based on the following findings:

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

The project is consistent with General Plan policies, particularly those relating to neighborhood compatibility and encroachments.

- 2) The proposed architecture and site design complements the surrounding neighborhood and/or district by either: a) Maintaining the prevailing design character of the neighborhood and/or district or b) Introducing a distinctive and creative solution which takes advantage of the unique characteristics of the site and contributes to the design diversity of Sausalito.

The residential addition is located underneath an existing elevated second level of the house, which is currently heavily screened by vegetation that will be maintained. The project appears to have minimal impact on the surrounding neighborhood, as the new addition is not visible from the street or the neighboring property to the south. The addition is compatible with the existing architecture, massing, and materials of the current residence and provides a fairly low-impact solution to create new floor area without impacting adjacent properties.

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

The proposed project is located beneath the existing second level of the home in a currently unfinished open space, and would not alter the existing massing of the home. The scale and style of the structure will be maintained to be consistent with the scale of structures in the neighborhood.

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

The proposed project would be constructed beneath the existing second level of the home and would not modify or obstruct existing public and private views.

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

The proposed project is not located on a ridgeline to create such impacts.

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

The proposed project does not include new landscaping and will maintain all existing landscaping.

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

The proposed project does not affect the design and location of existing buildings on the site, other than filling in a vacant open space located beneath the second level of the home with minor hillside excavation.

- 8) Exterior lighting, mechanical equipment, and chimneys are appropriately designed and located to minimize visual, noise and air quality impacts to adjacent properties and the general public.

The proposed project does not include new lighting or mechanical equipment. A condition of approval has been attached that any exterior lighting to be installed shall be downward facing and will require review and approval by the Community Development Department.

- 9) The project provides a reasonable level of privacy to the site and adjacent properties, taking into consideration the density of the neighborhood, by appropriate landscaping, fencing, and window deck and patio configurations.

The proposed addition is surrounded by dense landscaping on all sides, which provides privacy to the site and adjacent properties. This landscaping will be maintained during the course of the project.

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

The project does not alter existing parking and circulation, which is currently adequately configured for the site. The encroachment does not project into the street nor interfere with traffic safety and ease of movement along San Carlos Avenue.

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

The proposed project involves minimal cut into the hillside that does not rise to the level requiring a grading permit. To avoid construction activity during periods where hillside erosion is more likely, the project has been conditioned that all grading activities shall occur between April 1 and October 15. Aside from the proposed excavation required for the project, all other natural features of the site will be maintained.

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

The project is not subject to Heightened Review.

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ENCROACHMENT REVIEW AND AGREEMENT FINDINGS

Pursuant to the City of Sausalito Municipal Code Chapter 10.56 (Encroachment Agreements), it has been found that the Planning Commission can recommend approval of the requested Encroachment Agreement based on the following findings

- 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 encroachment of the home has existed since 1963, when the second level addition was created, prior to when a Design Review Permit would have been required. As the new addition is located beneath this existing encroachment, the addition will be the continuation of the existing encroachment that does not appear to significantly diminish visual or physical public enjoyment of the streetscape. The portion of the home that encroaches is not visible from the street as it is adjacent to the dense landscaping along the right-of-way that heavily screens the site.

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

The encroachment would be the continuation of an existing encroachment that has been in place since the early 1960's. Staff has not located any records indicating the encroachment is a nuisance or adversely affects neighboring parcels. The encroachment does not extend into the street and is buffered by heavy landscaping, and thus would not create an undesirable land use precedent.

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

The portion of the property where the addition is located is currently an unusable and open hillside. Creating a first floor underneath the second level would improve the structural integrity of the existing structure, and would serve to stabilize the hillside. Improving hillside stability, structurally reinforcing the existing building and creating additional usable area seem to be justifiable purposes for the encroachment.

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

The proposed encroachment is outside of the roadway area and would not affect the public circulation nor create or constitute a hazard to public safety. The City Engineer reviewed the encroachment and expressed no concerns with impacts to public circulation.

- 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 proposed encroachment is essentially the continuation of an existing condition and will serve as an improvement to the property. Staff does not anticipate that the proposed

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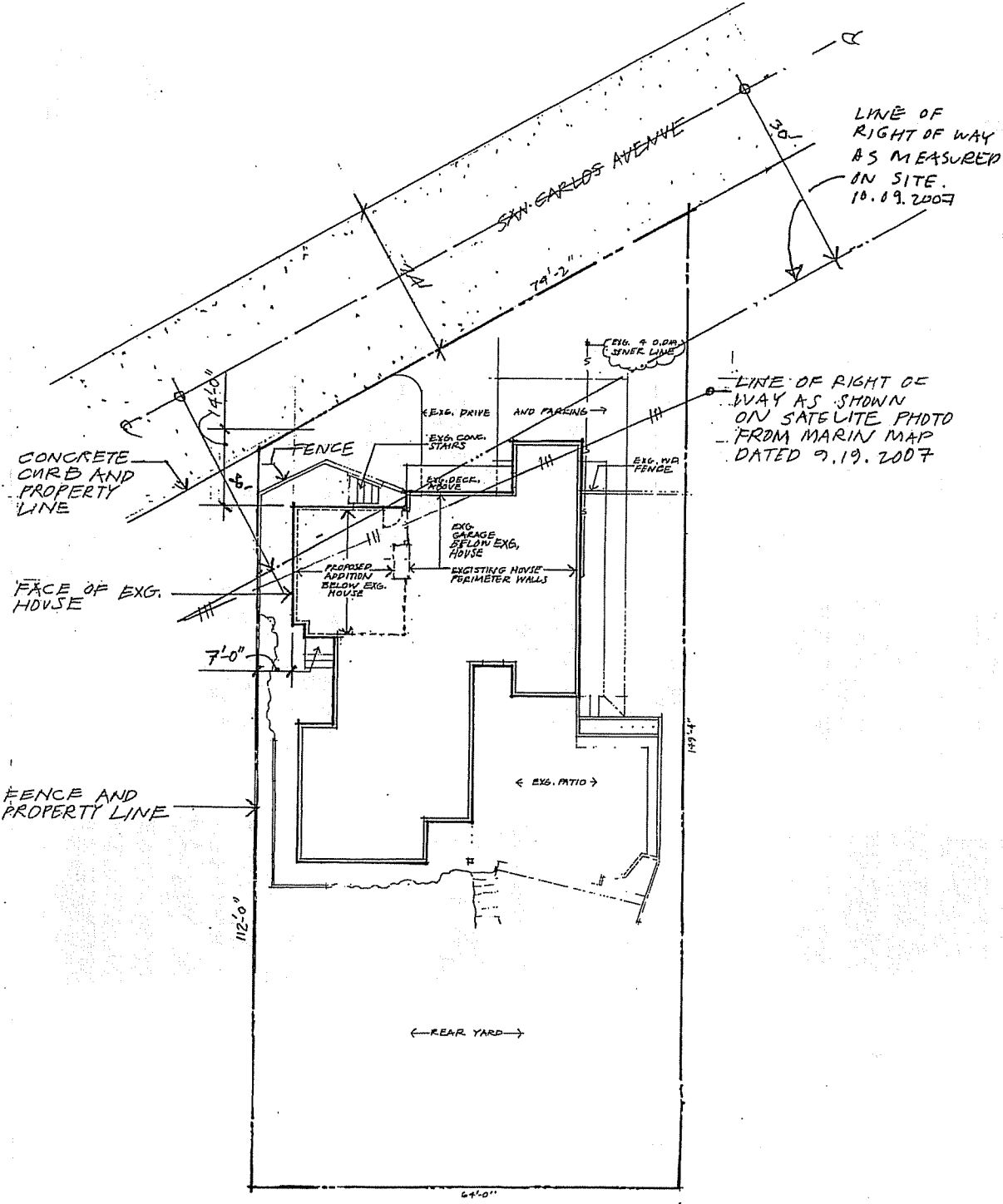
improvements will prejudice any future policy decisions to terminate the encroachment nor preclude or make difficult the establishment or improvement of streets or pedestrian ways. Further, the execution of an Encroachment Agreement will legalize an existing structure located in the right-of-way.

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PLANNING COMMISSION HEARING
JANUARY 9, 2008
APPLICATION NO. DR/EA 07-025
194 SAN CARLOS AVENUE

ATTACHMENT B: PLANS AND ELEVATIONS

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RECEIVED
 OCT 0 5 2007
 CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT

294 SAN CARLOS AVE. - SAUSALITO, CALIFORNIA - 94965
 SITE PLAN ~ 1/16" = 1'-0"
 ARCHITECT - OWNER - STANFORD HUGHES 415-332-2282
 ASSESSORS PARCEL NO. = 6509226 LOT SIZE = 8,012 SQ. FT.
 EXISTING HOUSE = 1,884 SQ. FT. PROPOSED ADDITION = 299 SQ. FT.

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PLANNING COMMISSION HEARING
JANUARY 9, 2008
APPLICATION NO. DR/EA 07-025
194 SAN CARLOS AVENUE

ATTACHMENT C: CONDITIONS OF APPROVAL

1. Approval of this Application is limited to the project plans titled "Hughes House" date-stamped received October 29, 2007.
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.
3. 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.

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.

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 Planning 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

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conditions may be imposed.

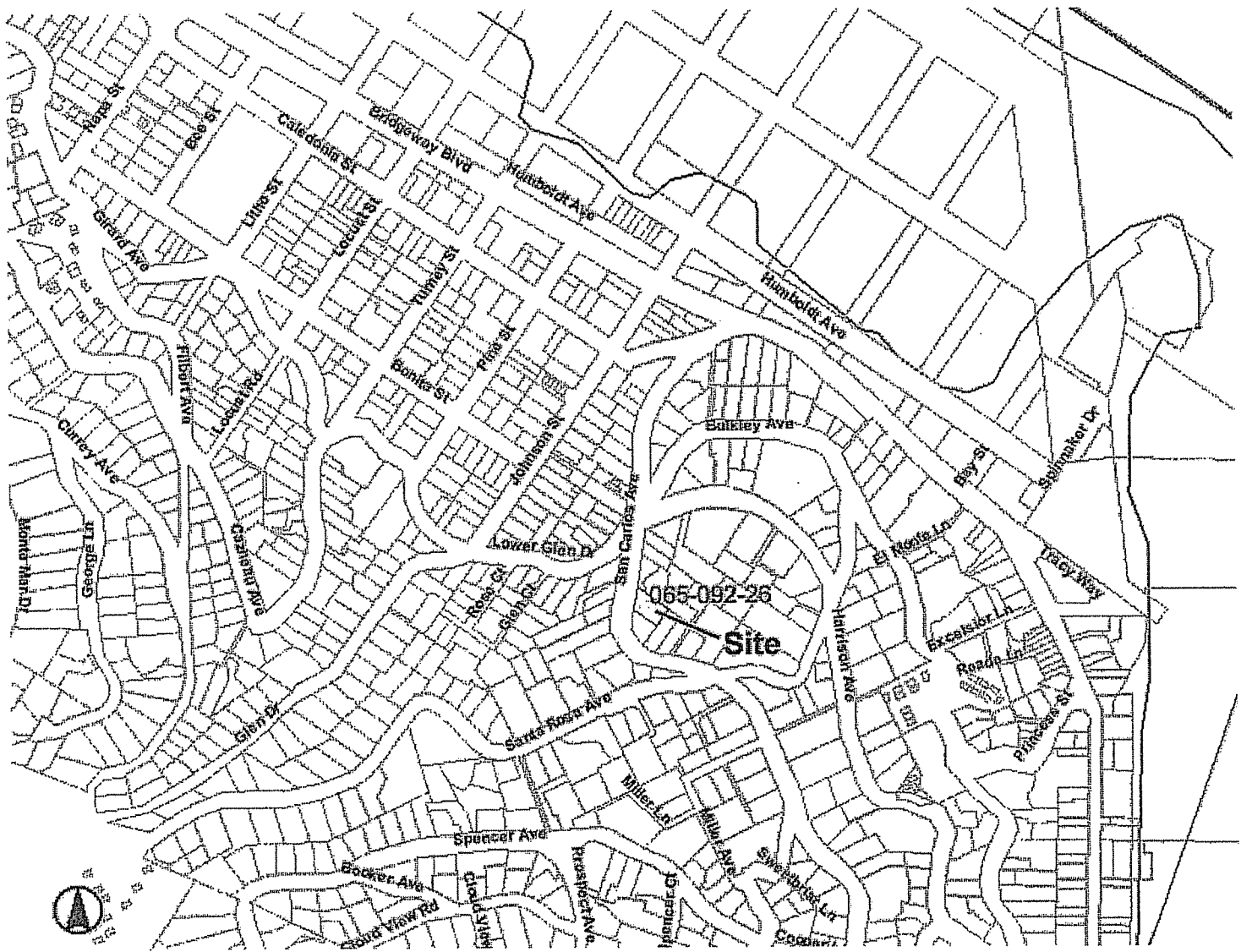
8. In accordance with Ordinance No. 1160, the applicant shall pay any and all City costs arising out of or concerning the proposed project, including without limitation, permit fees, attorneys' fees, engineering fees, license fees and taxes, whether incurred prior to or subsequent to the date of this 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. The Community Development Department is authorized to administratively approve minor modifications to the approved plans. Major design modifications to the approved project will require further review and approval by the Planning Commission.

Prior to issuance of a building permit:

12. The applicant shall submit a Geotechnical (Soils) Report for review prepared by a State of California licensed civil engineer qualified in geotechnical engineering, except as otherwise approved by the Building Inspector.
13. A construction traffic control, parking, and staging plan and construction schedule shall be submitted for review and approval by the City Engineer. The applicant shall inform the City Engineer on the extent of traffic on San Carlos Avenue during construction, and the number of workers to be transferred to and from the site. The staging plan shall show where dumpsters, equipment, and construction material are to be stored during construction and any areas within the street right-of-way to be used for off-loading material and equipment. An encroachment permit is required for any such storage in the City right-of-way.
14. Any exterior security lighting to be installed shall be downward facing and must be submitted for review and approval by the Community Development Department.
15. The applicant shall execute an encroachment agreement with the City subject to standard conditions in the model agreement.
16. The owner shall obtain an encroachment permit from the Engineering Division for any construction work or storage of construction materials in the right-of-way.
17. Demolition and excavation activities shall only occur between April 1 and October 15.

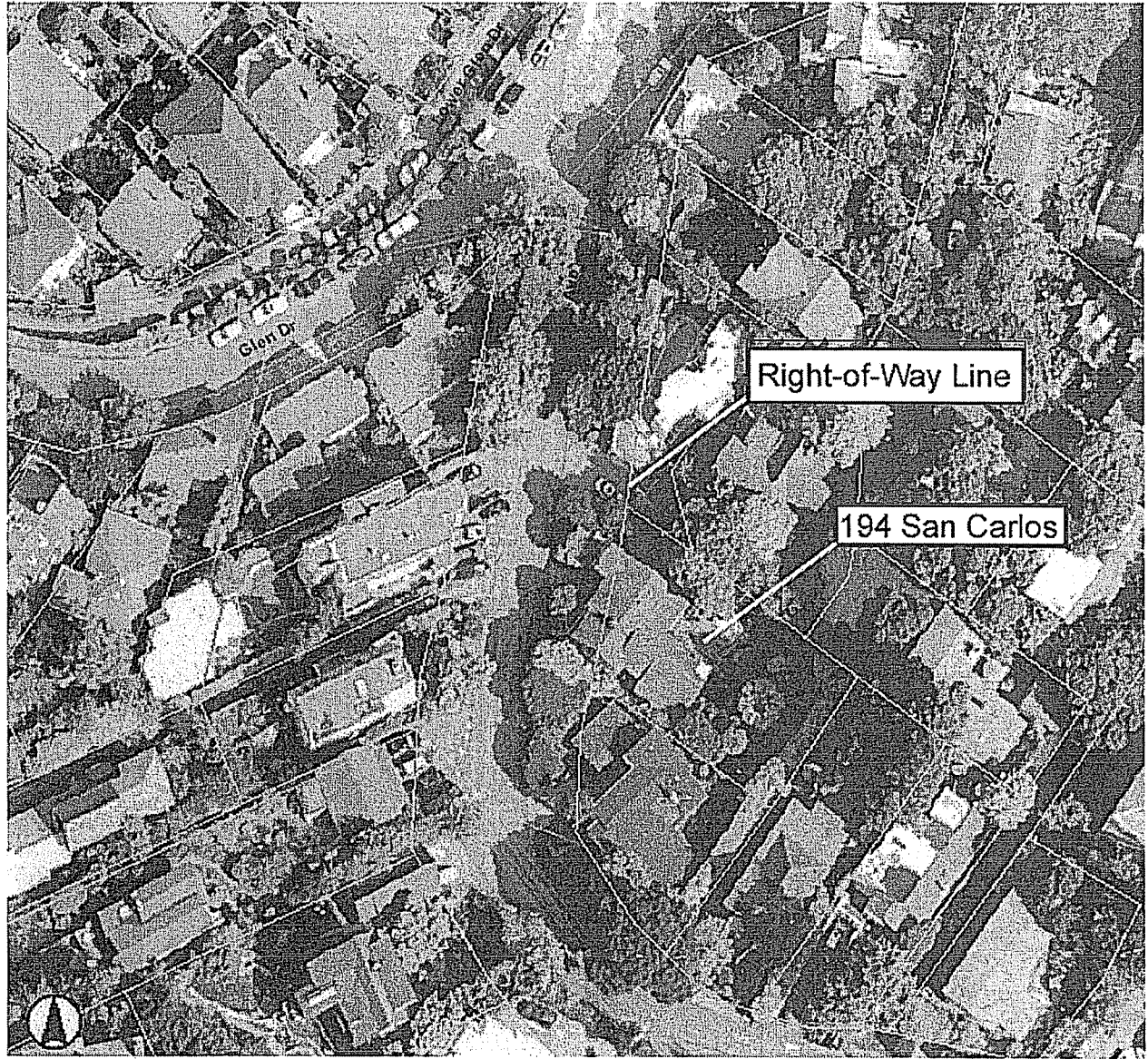
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Vicinity Map



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Aerial Photo



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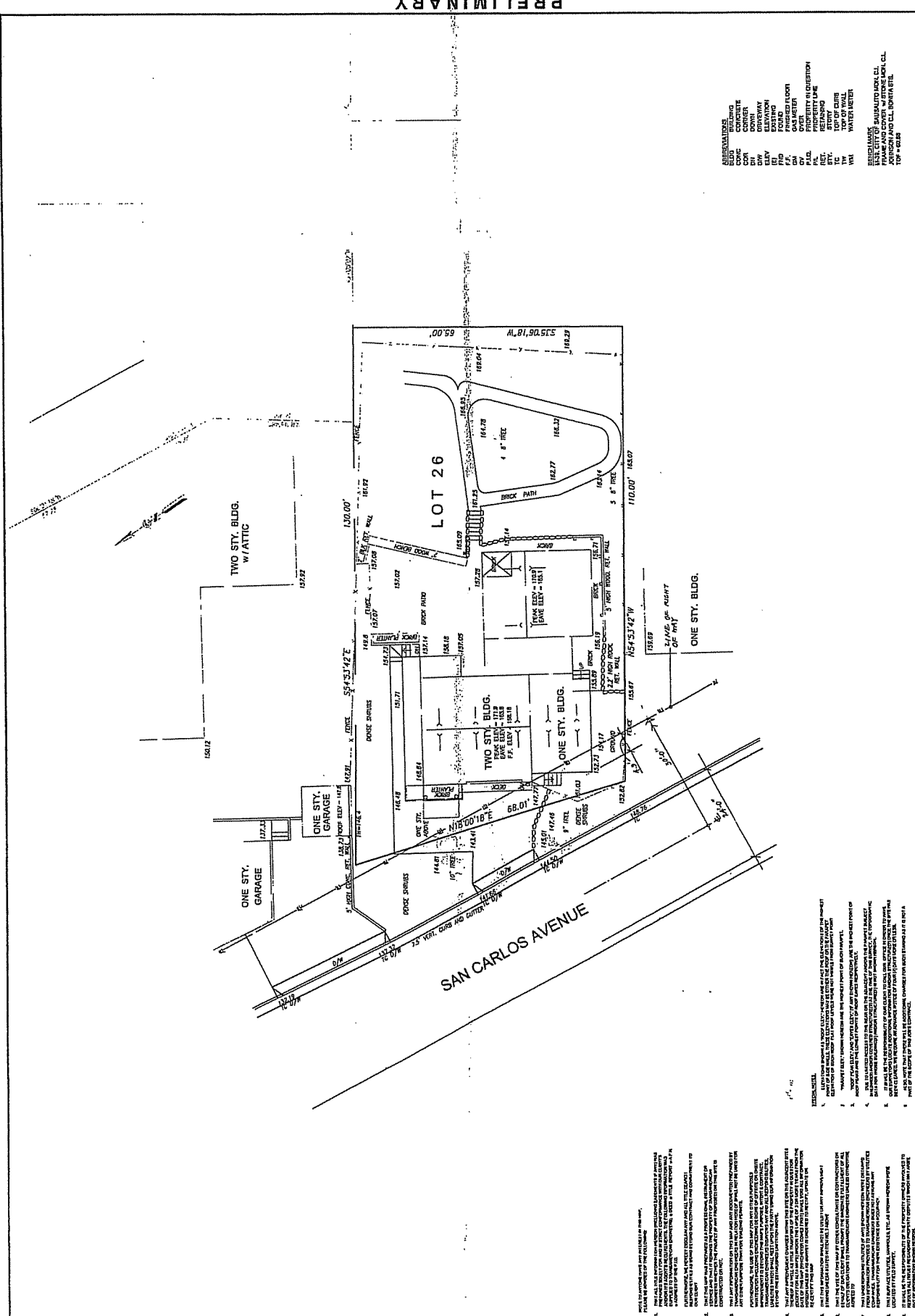
OCT 1 2000
CITY OF EVANSTON
COMMUNITY DEVELOPMENT DEPT

PRELIMINARY
ARCHITECTURAL TOPOGRAPHIC SURVEY
APN 065-092-B-26
LOT No. 26
154 SAN CARLOS AVENUE

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OCT 1 2000
CITY OF EVANSTON
COMMUNITY DEVELOPMENT DEPT

PLAN KEY

- ABBREVIATIONS**
- BLDG BUILDING
 - CONR CONCRETE
 - COOR CORNER
 - DN DOWN
 - DRYWAY DRIVEWAY
 - ELEV ELEVATION
 - FLR FLOOR
 - FRD FOUNDATION
 - FF FINISHED FLOOR
 - FRS FINISHED SURFACE
 - OV OVER
 - OVY OVERLAY
 - PKL PAVEMENT
 - PLD PROPERTY LINE
 - RET RETAINING
 - RET. RETAINMENT
 - TL TOP OF CURB
 - TL TOP OF LOT
 - W WALL
 - WY WAY
- REMARKS**
- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 - 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 - 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 - 4. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 - 5. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
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 - 10. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.



- GENERAL NOTES**
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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 10. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

ITEM NC 42
PAGE 24

MEMORANDUM

TO: Sausalito Planning Commission
FROM: Sausalito Historic Landmarks Board
RE: 194 San Carlos Avenue
DATE: September 5, 2007

Methodology

Pursuant to City Council direction, it is the responsibility of the Sausalito Historic Landmarks Board to examine any remodel or demolition application in the City if the application involves a structure of fifty or more years of age. The Board assigns two members to review each project and to consider the gathered information and produce this report. Our report is not intended to replace or augment any technical reports pertaining to this project: any comments regarding structural integrity, engineering, etc., are purely observational.

Architectural Research

Records from the Marin County Assessor's office indicate that this is a single-family residence that was built in 1949. A review of the Sausalito Planning Department records notes that the property has gone through several additions and alterations prior to its current application. The earliest construction work was done in 1954 increasing the home by 40 square feet by enlarging a breakfast room and partitioning the living and dining room areas. In 1960 a bedroom was enlarged and a closet added. An additional 300 square feet was added in 1963 to serve as a multi-purpose room. The residence remained the same until about the early 1990s when a gas meter was relocated and an existing deck and wooden retaining wall were replaced. Other work involved re-roofing and upgrades to electrical lighting and a fuse panel.

Historical Research

The earliest name appearing in the Planning Department address files are Eleanor P. and Richard Cruikshank. Richard Cruikshank appears in the Marin County Directory for 1946-47. He was listed as working in advertising and, at that time, resided at 171 Harrison. It is noted in the records of the Sausalito Historical Society that he and his wife, Eleanor, participated as supporters of a mayoral candidate in Sausalito's 1966 election.

The next name appearing on city property files is Tim Bedford who is shown as residing in San Rafael. No additional names were listed as being associated with this property up to the current files.

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Findings

1. **Is the structure associated with events that have made a significant contribution to the broad patterns of the history or cultural heritage of Sausalito, California, or the United States?**

The board finds No Significance under this criterion.

2. **Is this structure associated with the life or lives of one or more people important to our past?**

The board finds No Significance under this criterion.

3. **Does the structure embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values?**

The board finds No Significance under this criterion.

4. **Has the structure yielded, or may be likely to yield, information important in prehistory or history?**

The boards finds No Significance under this criterion.

Recommendations

Researched and Submitted by: Vicki Nichols and Tom Theodores

The Sausalito Historic Landmarks Board, at their publicly noticed meeting of September 5, 2007, acknowledged this memorandum:

AYES: Monsef, Nichols, Theodores, Weisberger

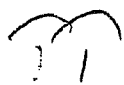
NOES:

ABSTAIN:

ABSENT:

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MEMORANDUM

DATE: September 17, 2007
TO: Sierra Russell, Associate Planner
FROM: Todd Teachout, City Engineer 
SUBJECT: 194 San Carlos Ave., ADR07-025, Crawl Space Expansion/Home Addition

The Engineering Division reviewed the following documents related to this application:

1. Hughes House, 194 San Carlos, dated 6.27.07 by Stanford Hughes Stewart Architects.
2. Aerial Photo/Assessor Parcel Composite – MarinMap date 9/14/07

Staff also went to the site.

Staff is not concerned with the project as proposed. Conformance with existing Ordinances, Building Codes and the numerous standards should be adequate to assure safe construction, once construction permits are applied for.

The project does not appear to require a grading permit. Nonetheless the work requires firm ground to work in so staff recommends that demolition and excavation be limited to the period between April 1 and October 15.

Encroachments: The aerial (attached) suggests that a portion of the building was built in the Public Right-of-Way. If there is no encroachment agreement for the site staff recommends that the applicant submit a site plan that has been prepared using information determined by a Land Surveyor. If the Building is in the Public Right-of-Way then the property owner shall execute a Encroachment Agreement with the City prior to issuance of Building Permits.

The site is densely built. It is expected that there will be construction workers parking on as well as material delivered and temporarily stored on the street. There may also be the possible need to place bins on the street for demolition. Such use of the right of way will require an encroachment permit in addition to the Encroachment Agreement.

To recap, staff can recommend approval subject to:

1. Resolving the need to execute an encroachment agreement with the City of Sausalito
2. That building permits have a condition that limit demolition and excavation activities the period between April 1 and October 15.
3. That an Encroachment Permit be obtained by the contractor or owner concurrent with Building Permits.

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LOCAL MAP PLAN FOR

LOCATION PLAN

NEIGHBORS

FOLLOWING LETTERS OF SUPPORT - 11-07-07

B. KAMBISCH
193 SAN CARLOS

194 SAN CARLOS

PASTREICHS
182 SAN CARLOS

D. L. FRANK
170 SAN CARLOS

V. C. NELSON
200 SAN CARLOS AVE

SAN CARLOS AVENUE

HARRISON
K. LUHR
189 HARRISON

SANTA ROSA

BUCKLEY

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NOV-07

CITY OF SAN JOSE
COMMUNITY DEVELOPMENT

HUGHES HORSE
194 SAN CARLOS AVE
SAN JOSE, CA. 95128

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STRENGTHS
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WITH AGI
EDITION.
INCRETE SHALL
IS PLACED
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REVISIONS

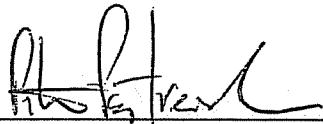
October 31, 2007

Sausalito Planning Commission,

We have reviewed the 300 sq. ft. addition under the existing house at 194 San Carlos.

We support the construction of this project.

Name:



PETER PASTREICH

Address:

182 San Carlos Avenue

PETER AND JAMIE PASTREICH

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NOV 07 2007

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

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NOV 07

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

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NOV 6

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

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October 31, 2007

Sausalito Planning Commission,

We have reviewed the 300 sq. ft. addition under the existing house at 194 San Carlos.

We support the construction of this project.

Name: Dave W. Fark Lionel Shreiber-Frank

Address: 170 San Carlos

RECEIVED
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COMMUNITY DEVELOPMENT

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October 31, 2007

Sausalito Planning Commission,

We have reviewed the 300 sq. ft. addition under the existing house at 194 San Carlos.

We support the construction of this project.

Name: B. Kaubisch

Address: 193 San Carlos Ave
BARBARA KAUBISCH

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CITY OF SAN FRANCISCO
COMMUNITY DEVELOPMENT

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October 31, 2007

Sausalito Planning Commission,

We have reviewed the 300 sq. ft. addition under the existing house at 194 San Carlos.

We support the construction of this project.

Name: Victor Nelson Cheryl Nelson

Address: 200 San Carlos Ave.
VICTOR AND CHERYL NELSON

RECEIVED
NOV 07 2007
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

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October 31, 2007

Sausalito Planning Commission,

We have reviewed the 300 sq. ft. addition under the existing house at 194 San Carlos.

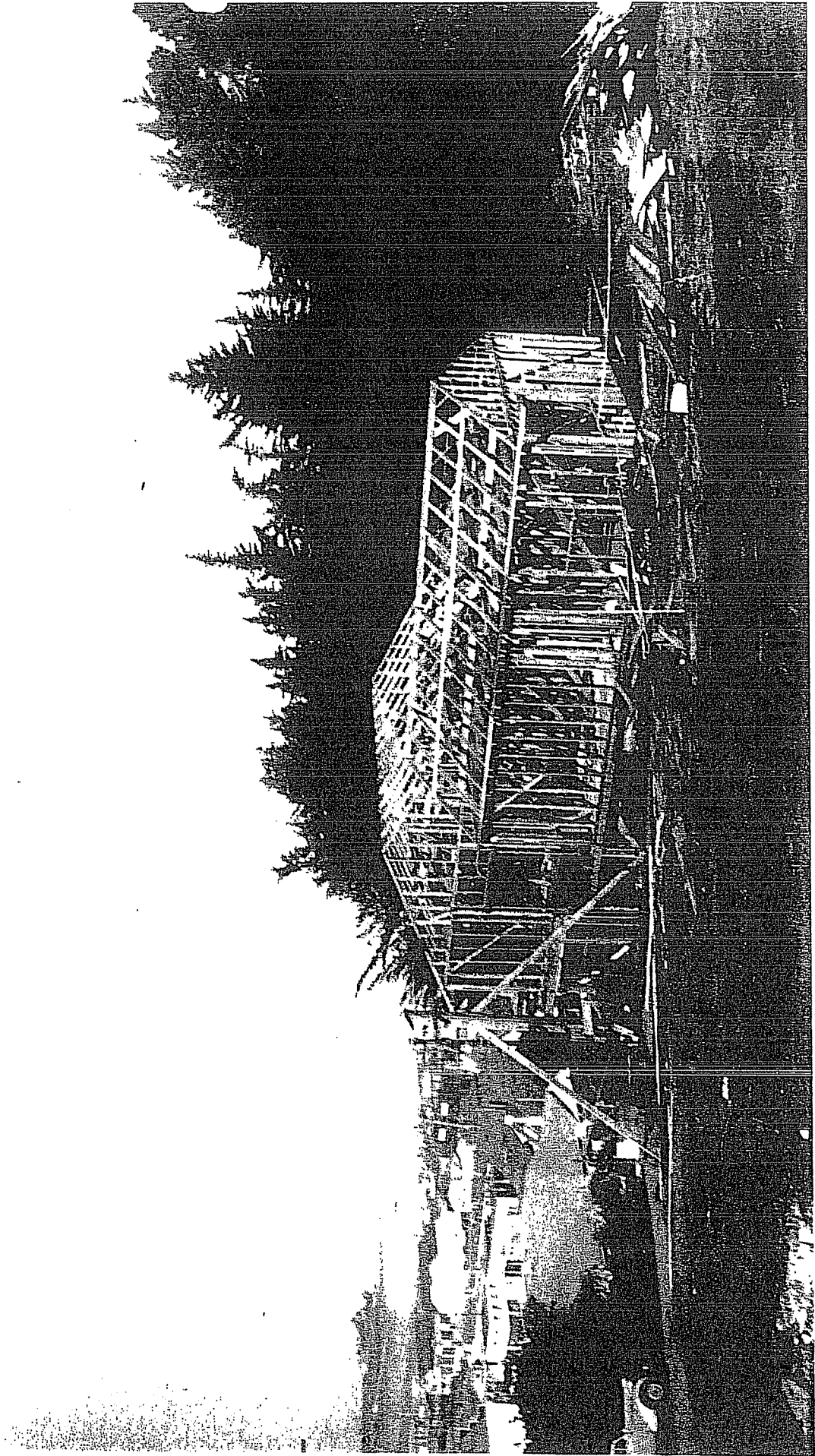
We support the construction of this project.

Name: Kathleen Luhrs

Address: 189 Harrison Ave
Sausalito Ca 94965
KATHLEEN LUHRS

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NOV 01 2007
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

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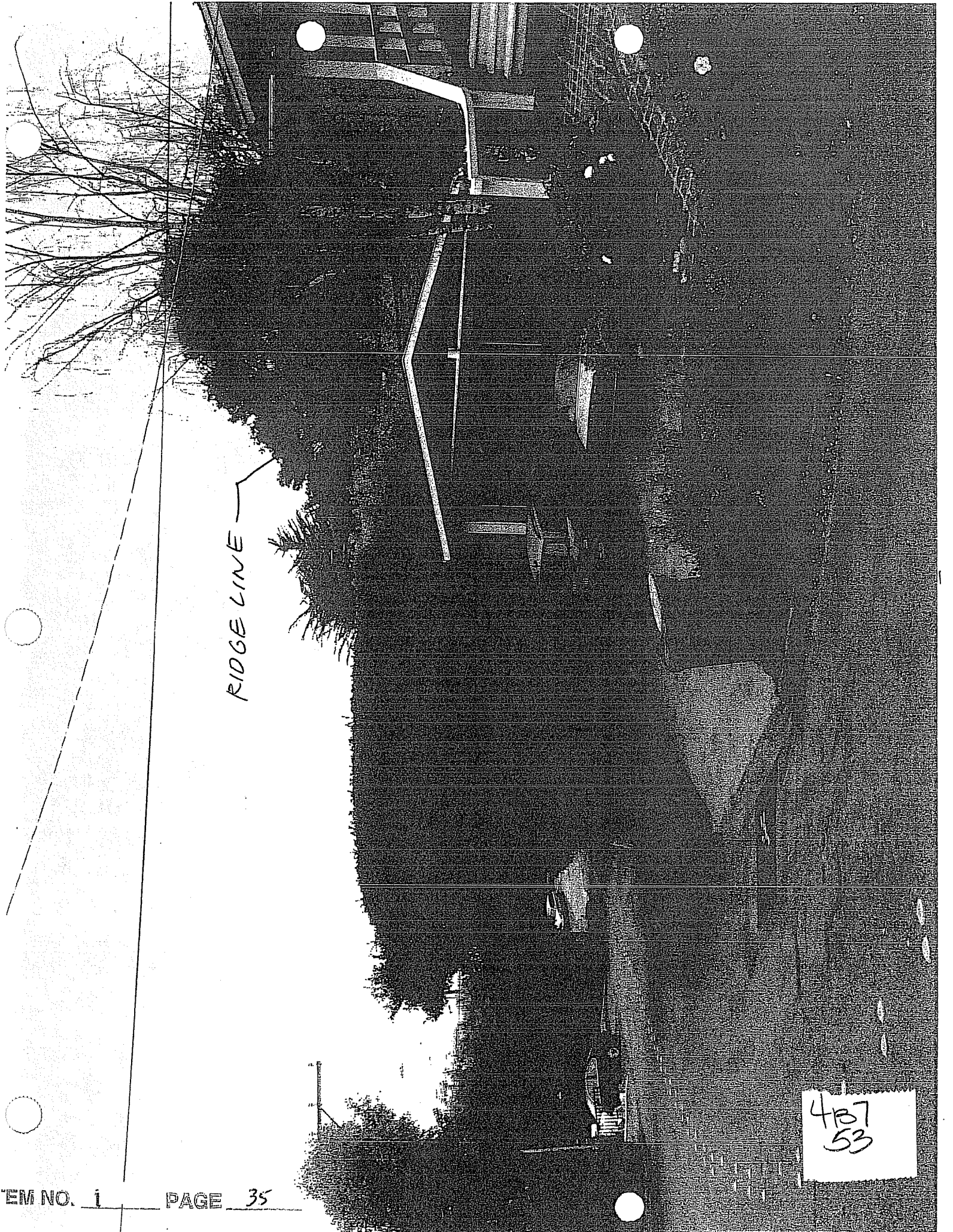
194 SAN CARLOS - CIRCA 1940

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CITY OF SACRAMENTO
COMMUNITY DEVELOPMENT

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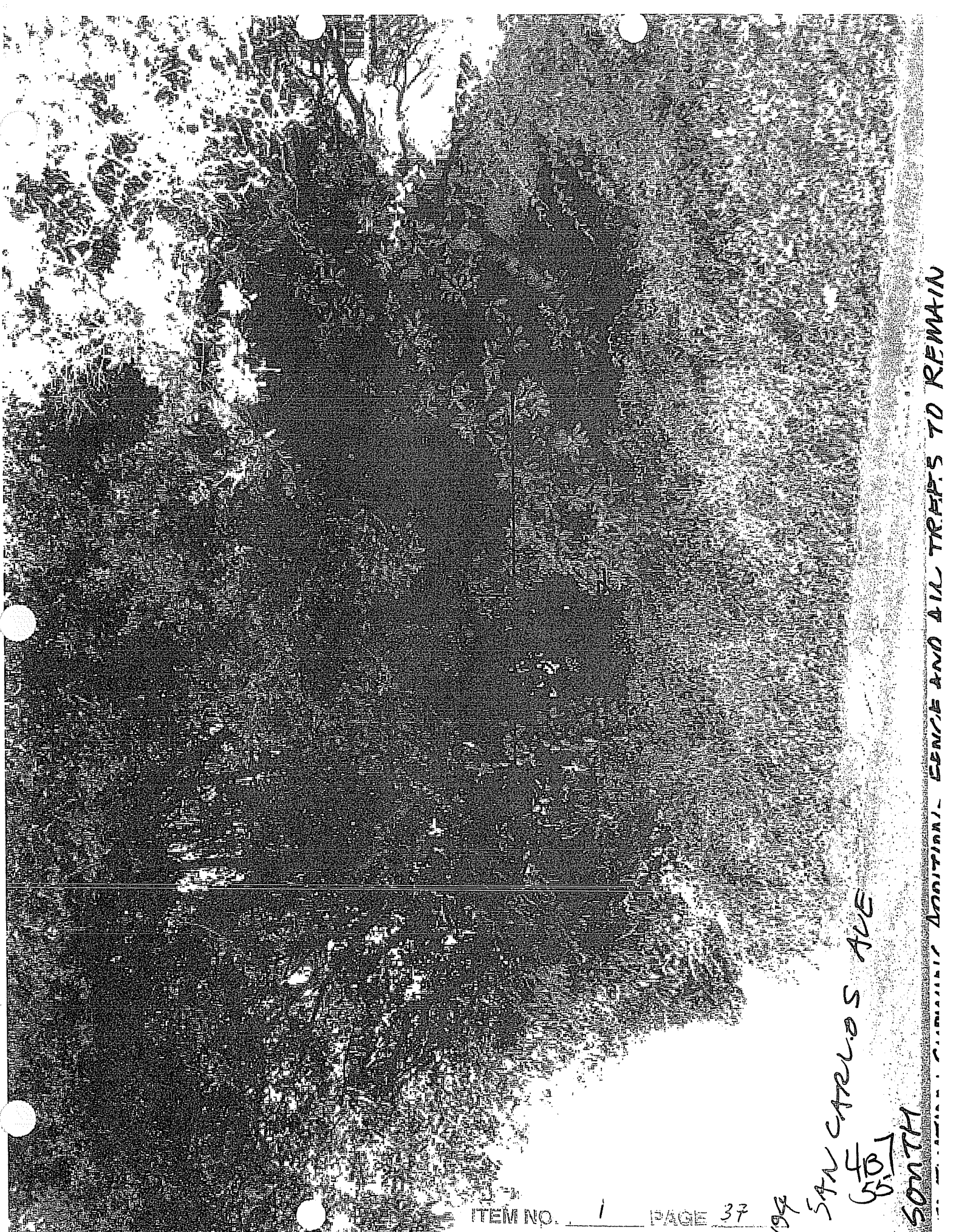
RIDGE LINE

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ITEM NO. 1

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SAN CARLOS AVE

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SOUTH

... CEMENT ADDITIONAL FENCE AND AIR TRAPS TO REMAIN

C

C