

PLANNING COMMISSION HEARING
NOVEMBER 28, 2007
VAM/DRM 07-002
2 ALEXANDER AVENUE

ATTACHMENT B: PROJECT RESOLUTIONS IN EFFECT –
PLANNING COMMISSION RESOLUTIONS NO. 2003-51 AND 2007-08,
AND CITY COUNCIL RESOLUTION NO. 4907

5B
100

RESOLUTION NO. 2003-51

**RESOLUTION OF THE SAUSALITO PLANNING COMMISSION
APPROVING ARCHITECTURAL & SITE PLAN, ENCROACHMENT PERMIT AND
VARIANCE APPLICATION NO. VA/DR 03-26 FOR A GARAGE AND ENTRY STAIR
ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE LOCATED AT
2 ALEXANDER AVENUE**

WHEREAS, an application for Architectural and Site Plan Review was filed on April 7, 2003 by Don Olsen, on behalf of the property owner Ed Fotsch, requesting Planning Commission approval for a garage and entry stair way addition, a Variance for relief from the side yard and special front yard setback requirements and an Encroachment Permit for improvements in the public right-of-way at the property known as 2 Alexander Avenue (APN 065-303-05/065-303-20); and

WHEREAS, the Planning Commission has conducted duly noticed public meetings August 6, 2003, October 8, 2003, October 22, 2003 and November 5, 2003, 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 has reviewed and considered the project plans titled "Fotsch Residence", dated September 5, 2003, and received September 23, 2003; 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 October 22, 2003 staff report for the proposed project attached hereto; and

WHEREAS the Planning Commission finds that, as conditioned herein, the proposed project complies with the requirements of the Zoning Code, including the required Design Review criteria, the Variance Findings and the Encroachment Permit Findings as outlined in the staff report except as may otherwise be noted in this resolution; 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 finds that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303; and

JB
101

WHEREAS, the Planning Commission finds that the applicant intends to remove the indicated trees for the purpose of improving public views and that the applicant will bear the cost of any potential removal of structural elements in the public right-of-way; and

NOW, THEREFORE, THE PLANNING COMMISSION CONCLUDES, based on the above-noted criteria, that it can approve Application No. DR 03-26, subject to the following conditions of approval:

1. Approval of this Application is limited the project plans titled "Fotsch Residence", dated September 5, 2003, and received September 23, 2003.
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. 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.

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. 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.
5. All exterior security lighting must be small fixtures that are shielded and downward facing, and subject to the review of the Community Development Department prior to final sign off of the building permit.

5B
102

6. Prior to the issuance of a building permit, the applicant shall submit a Record of Survey that indicates, to the satisfaction of the City Engineer, that parcels APN 065-303-05 and APN 065-303-20 have been merged.
7. As a condition of this approval, no alternative or unrelated construction, site improvements, tree removals and/or alterations other than those shown on the site plan or as noted in Condition #10 of this resolution, exterior alterations and/or renovations shall be performed on the project site prior to commencement of construction of the proposed project. In such cases, this approval shall be rendered null and void unless approved by the Community Development Department as a modification to this approval.
8. The owner shall be required to remove any and/or all improvements within the public right-of-way or the 10-foot special front setback in the event of any future street widening or public improvement projects undertaken by the City of Sausalito. The cost of this work will be at the burden of the owner. This shall be memorialized by the recordation of a deed restriction, on the subject parcel, prior to the issuance of a building permit.
9. Within ten days of this approval the applicant shall submit a diagram that indicates the height of the existing hedge at the guardrail along Alexander Avenue. To preserve the existing view the owner shall plant a new vegetation type that, at maturity, will not exceed the height of the existing hedge. The new vegetation will be subject to the review and approval of the City Arborist.
10. Prior to final sign-off of the building permit the applicant shall remove trees adjacent to the Alexander Avenue right-of-way.

Prior to issuance of a building permit:

11. An encroachment permit shall be required for all improvements to be constructed within the public right-of-way.
12. A detailed site and project-specific erosion and sedimentation control plan shall be submitted as part of the project grading plans.
13. A traffic control plan shall be submitted for controlling traffic during construction on Alexander Avenue.
14. A construction staging plan and construction schedule shall be submitted for review and approval by the City Engineer.

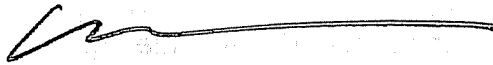
5B
103

During Construction

15. A geotechnical engineer and certified arborist shall be on the site during grading operations.
16. The locations of all subsurface storm drains and clean-outs shall be surveyed and shown on the as-built plans.
17. When construction activities preclude maintaining pedestrian flow on the east side of Alexander Avenue, the applicant shall provide adequate signing to direct pedestrians to safe crossing locations subject to the satisfaction of the City Engineer.
18. Construction materials, equipment, vehicles and debris boxes shall be placed to minimize obstruction of the street, paths and gutters.

RESOLUTION PASSED AND ADOPTED, on November 5, 2003, by the following vote:

AYES: Commissioner: **Kelly, Snyder, Williams**
NOES: Commissioner: **Kellman, Leone**
ABSENT: Commissioner:



SECRETARY TO THE PLANNING COMMISSION

Attachment: October 22, 2003 Staff Report to the Planning Commission for
VA/DR 03-26

5B
104

STAFF REPORT

SAUSALITO PLANNING COMMISSION

Agenda Item Number 6

SECOND REVIEW

PROJECT: VA/DR/EP 03-26/2 Alexander Ave./APN 065-303-05 & 065-303-20

MEETING DATE: October 22, 2003

STAFF: Bill Rose, Assistant Planner

APPLICANT/ARCHITECT: Don Olsen

PROPERTY OWNERS: Ed Fotsch

REQUEST

The Applicant requests Planning Commission approval of a Variance, Encroachment Permit and Design Review application. The project proposes an entry stair addition to an existing single-family residence. The project also proposes to extend the garage approximately 4' 6" to the south and approximately 16' to the east, at the rear of the structure, thereby reconfiguring the existing 2-car garage into a 4-car garage. The proposed addition will increase the lot coverage by approximately 768 square feet and will not increase the floor area. The variance request is for relief from the 5' sideyard and 10' special front yard setback requirements. The Encroachment Permit request is for improvements in the public right-of-way.

PRIOR REVIEW

At the August 6th Planning Commission meeting the applicant was given specific direction regarding the following design and site planning issues: inventory of the trees proposed for removal, clarification of the off-street parking scheme, evidence of the Park Service's agreement with respect to the tree removals, indication of the proposed planting for the planters in the public right-of-way and an indication by the applicant regarding financial willingness to pay for the tree removals (if this obligation cannot be met by the Park Service). The applicant has addressed these items (see analysis below and attached correspondence).

The staff report and minutes from the August 6th meeting are attached for the Commission's review.

REGULATORY FRAMEWORK

Zoning: R-2-2.5 (Two Family Residential)

General Plan: Medium High Density Residential / Old Town/Hurricane Gulch Planning Area

Special Regulations: Down-sloping lot standards, Variance findings, Encroachment findings

CEQA: Categorically exempt from CEQA pursuant to Section 15303

EXISTING SETTING

- Neighborhood:** The neighborhood consists primarily of single and two-family structures as allowed by zoning.
- Subject Parcel:** The parcel is steeply sloped downhill from Alexander Avenue. The parcel boundaries form a site that is irregularly shaped with a panhandle feature to the west flaring to a larger more rectilinear shape to the east. A portion of the parcel extends toward the water along the site's southern border.

ISSUES

Public/Private View Impacts – The story poles for the proposed garage structure demonstrate the potential impacts to the existing views visible from passing traffic along Alexander Avenue. Along this segment of Alexander Avenue, as traffic enters and exits the City, there are currently views available over the existing open space to the south of the structure. However, it appears that the removal of fifteen (15) Eucalyptus trees to the south of the structure will offset some of the view impact by creating a more substantial view corridor to the south of the structure. Similarly, the proposed extension at the rear of the existing garage may impact the view from the neighboring residential structures.

Since the last Planning Commission meeting the applicant has redesigned the proposal by removing the 2' eave overhang at the rear (east) garage extension. Similarly, the roof of the east garage extension, at the location of the tandem parking space, has been lowered by approximately 1'. The owner has stated that these modifications are in response to view concerns expressed by neighbors.

The Planning Commission should consider the potential public view impacts and whether the proposed project complies with General Plan Policy CD-3.2. The Commission should also consider the potential for view impacts to the private residences as well.

Lot Merger/Easements – The latest Marin County Tax Assessment indicates two parcel numbers for the subject site (065-303-05 and 065-303-20). However, the applicant has submitted a 'Notice Of Merger' that has been recorded by the County of Marin (attached). The City Engineer has required a Record of Survey in order to ascertain whether or not a recorded merger has indeed been performed. The Record of Survey will provide clarity regarding the presence or absence of any easements dedicated to the subject parcel(s). **The owner has stated that a Record of Survey has been submitted to the county for recordation.** The City Engineer will be present at the October 22nd Planning Commission meeting to address these and other issues.

Variance – The side yard setback variance is necessitated by the approximately 4' 6" garage expansion. If the garage expansion was not part of this application, and the entry stairway was shifted to the left by 4' 6", then the project would maintain a 5' 5" setback. A variance would still be required, however, for the proposed intrusion into the 10' special front setback.

SB
106

October 22, 2003

National Park Service – The National Park service owns the adjacent property to the south of the subject property. Included as an attachment is a list of conditions requested by the Park Service, relative to this project. **Since the August 6th meeting the Park Service has removed several trees on their property. The owner has indicated a willingness to partner with the Park Service, including a financial contribution if necessary, in an attempt to provide replacement vegetation in the areas of tree removal. Several more Eucalyptus trees stand near the beach on the adjacent Park Service land. The owner and the Park Service have begun a dialogue regarding the possibility for the removal of this grove of Eucalyptus trees (see attached correspondence).**

PROJECT DESCRIPTION

Structures: The proposed entry stairway has a length of 38' 6", a width of 12' 6" and a height of approximately 30' (to the top of the gate) above average grade. The project proposes to extend the garage approximately 4' 6" to the south and approximately 12' to the east, **beyond the existing stair** at the upper level. This extension will reconfigure the existing 2-car garage into a 4-car garage.

With the garage extension at the rear, the average grade line has been lowered, resulting in a measured height increase. The project proposes to extend the garage **to the east at a height approximately 1' below** the existing structure. **Similarly, the 2' eave overhang at the proposed east extension has been eliminated with the revised project.**

Design: The garage **expansion to the south** will extend the existing flat roof and incorporate two wooden garage doors. The exterior finish will consist of **shingles at the garage level and** new stucco to match existing **at the lower levels.** The entry stairway consists of curved design attributes, several landings and includes planting pockets.

Land Use/Density: No change is proposed. The single-family use will be maintained.

Tree Protection: The project proposes the removal of **fifteen (15)** Blue-Gum Eucalyptus trees. The Sausalito Tree Ordinance describes this type of tree as undesirable, therefore, a tree removal permit is not required. The City Arborist has reviewed the proposal (see attached e-mail dated April 24, 2003).

Landscaping: New landscaping is proposed within the planting pockets of the new entry stairway. **Existing landscaping consists of waxy-leaf privets in planters in the public right-of-way. The owner has indicated a willingness to maintain these planters at an appropriate height necessary to preserve the existing views.**

5B
107

PROJECT SUMMARY TABLE - 2 ALEXANDER

	Existing	Code	Proposed	Compliance
Parcel Area:	10,093 sq. ft.	5,000 sq. ft. min.	No change	yes
Special Setback from Alexander Avenue:	10' 3"	10' min.	0**	No - Variance & Encroachment Permit Requested
Left Side Yard:	0	5' min.	0 (N/C)	Legal nonconforming
Right Side Yard:	18'	5' min.	1'	No - Variance Requested
Garage Height:	33' 9"	32' max.	34' 1"	yes
Building Coverage:	3,433 sq. ft. (34%)	5,046 sq. ft. max. (50%)	4,201 sq. ft. (42%)	yes
Floor Area:	3,632 sq. ft. (0.36)	6,560 sq. ft. max. (0.65)	3,632 sq. ft. (0.36)	yes
Parking Spaces:	2	2	4	yes

*The proposed entry stairway is 1' from the front property line. A new planter will connect to the proposed stairway and cross the front property line and encroach approximately 3' into the public right-of-way.

**SMC 10.203.1 (a)(5) states: "On the downhill side of a street, that portion of a building devoted to covering the off-street parking spaces may project above the 32 foot required height limit subject to the following conditions: a) the overall height of the structure and all appurtenances does not exceed 40 feet, b) the portion of new proposed structures exclusive of covered parking not exceed the 32 foot height limit.

GENERAL PLAN CONSISTENCY

General Plan Policy LU-1.9.1 requires heightened review when considering development applications requesting a lot coverage and floor area that is greater than 80% of the maximum permitted bulk. The proposed lot coverage is 83% of the maximum allowed, although only at 55% of the maximum allowed floor area. Although specific guidelines have not yet been adopted the General Plan calls for special consideration of the following:

Tree Preservation: The proposal includes the removal of **fifteen (15)** Blue-Gum Eucalyptus trees. The Sausalito Tree Ordinance describes this type of tree as undesirable; therefore, a tree removal permit is not required. This City Arborist has reviewed the proposal and has indicated no special concerns.

Lot Configuration: The parcel boundaries form a site that is irregularly shaped with a panhandle feature to the west flaring to a larger more rectilinear shape to the east. A sliver of land juts toward the water along the site's southern border.

The latest Marin County Tax Assessment indicates two parcel numbers for the subject site (065-303-05 and 065-303-20). The City Engineer has required a Record of Survey in order to ascertain whether or not a recorded merger has been performed. Likewise, the Record of Survey will provide clarity regarding the presence or absence of any easements

5B
108

October 22, 2003

dedicated to the subject parcel(s). **The owner has stated that a Record of Survey has been submitted to the county for recordation.** The City Engineer will be present at the **October 22nd** Planning Commission meeting to address these and other issues.

Public Safety:

The City Engineer has reviewed this project and does not anticipate it to adversely impact public safety. The City Engineer has recommended that the applicant provide, prior to building permit issuance, a traffic control and a construction-staging plan.

Required Grading:

The proposed grading is limited to excavation for foundations and will be less than 50 cubic yards.

Parking:

The proposal will expand an existing 2-car garage into a 4-car garage. This exceeds the 2 spaces required for a single-family residence. **The City Engineer has reviewed this project and does not anticipate it to adversely impact parking in the public right-of-way.**

Landscaping:

Existing landscaping consists of waxy-leaf privets in planters in the public right-of-way. The proposed planting includes vegetation in the pockets of the entry stairway. The owner has indicated a willingness to maintain the planters in the public right-of-way at an appropriate height necessary to preserve the existing views.

Slope / Topography:

The subject site is steeply sloping downhill along the east side of Alexander Avenue. The City Engineer has recommended that an erosion and sedimentation control plan be submitted as part of the project grading plans and that a geotechnical engineer be on the site during grading operations.

Prior to approving this application, the Planning Commission must determine whether the project is consistent with the following General Plan policies and programs:

Program CD-1.2, Design Findings of Approval; Program CD-1.2.2, Design Guidelines:

These General Plan programs stipulate that the City shall establish findings for design approval that encourage design initiative, and shall prepare design guidelines that support positive, creative, and/or innovative design solutions for appropriate development. In the absence of such findings and guidelines, the project has been evaluated by the comparable "guiding principles" of external design as well as the "site development criteria" found in Sections 10.912.6 and 10.912.7. These principles and criteria have been used below to evaluate the proposal.

5B
109

Policy CD-1.3, Neighborhood Compatibility:

This General Plan policy was written to encourage that structures be designed to complement their setting and other buildings in the neighborhood. An analysis of the project's neighborhood compatibility is contained below in the discussion regarding design review criteria.

Policy CD-3.2, Public Views

Locate and design new and significantly remodeled structures and other private and public improvements with consideration for their impact on significant public views and view corridors.

This General Plan policy encourages consideration towards significant public views and view corridors with the design of new and significantly remodeled structures. Program CD-3.2.2 encourages the City to maintain a map identifying those public view points most worthy of preservation. Although this program has not been implemented, the views of Richardson's Bay from Alexander Avenue may be considered a "significant public view."

Program CD-1.3.1, Size and Mass:

This General Plan program was drafted to revise the zoning ordinance to clarify the authority of the Planning Commission in making findings of design compatibility related to the size and mass of proposed structures. The heightened review findings are discussed above.

DESIGN REVIEW CRITERIA

Prior to approving this application, the Planning Commission must determine whether the proposed project is in conformance with the design guidelines specified in Section 10.912.7 (Guiding Principles, External Design) and 10.912.8 (Site Development Criteria) of the Municipal Code:

Overall Objectives 10.912.7(a) It is not the purpose of this section that control of architectural character should be so rigidly enforced that individual initiative is stifled in the design of any particular building or substantial additional expense is required; rather, it is the intent of this section that any control exercised be a minimum necessary to achieve the overall objectives of this title.

Project Analysis: The proposed project appears to incorporate design initiative that is not stifled by an attempt to incorporate expensive materials or by an attempt to meet any one objective of the zoning code.

Suitability, appropriateness, harmony 10.912.7(b) Good architectural character is based upon the suitability of a building for its purposes; upon the appropriate use of sound materials; upon the principles of harmony and proportion in the elements of the building.

Project Analysis: The proposed design and architectural character is suitable for its use as an expanded garage structure and a more efficient entry stairway to a single-family residence. The scale of the proposed garage and entry stairway appears to be in proportion to the existing scale of the structure. **The exterior finish will consist of shingles at the garage level and new stucco to match existing at the lower levels.**

SB
110

Good Architectural Character

10.912.7(c) Good architectural character is not, in itself, more expensive than poor architectural character, and is not dependent upon the particular style of architecture selected.

Project Analysis: The proposed structure appears to incorporate materials and colors in a manner consistent with good architectural character.

Relationship to Surroundings

10.912.7(d) The relationship of a building to its surroundings is of greater importance than the quality of design of the individual structure.

Project Analysis: The proposed garage expansion and entry stairway addition will create a structural mass where currently none exists. The garage extension has the potential to limit views of the Bay, as seen from the Alexander Avenue vantage point. Similarly, the proposed extension to the rear of the existing garage may have the potential to impact the views of the neighboring private residences. **Since the last Planning Commission meeting the applicant has redesigned the proposal by removing the 2' eave overhang at the rear (east) garage extension. Similarly, the roof of the east garage extension, at the location of the tandem parking space, has been lowered by approximately 1'. The owner has stated that these modifications are in response to view concerns expressed by neighbors.** However, the Commission should consider the new view corridor created by the removal of **fifteen (15) Eucalyptus trees**, and the possibility for a net benefit from the proposal.

Since the August 6th meeting the Park Service has removed several trees on their property. The owner has indicated a willingness to partner with the Park Service, including a financial contribution if necessary, in an attempt to provide replacement vegetation in the areas of tree removal. Several more Eucalyptus trees stand near the beach on the adjacent Park Service land. The owner and the Park Service have begun a dialogue regarding the possibility for the removal of this grove of Eucalyptus trees (see attached correspondence).

The United States Department of the Interior, which owns the undeveloped property to the south, has requested the applicant install a temporary fence along the shared southern property line. The temporary fence is to remain in place during construction with a permanent fence to be installed once construction has been completed (see attached letter dated March 11, 2003). The Commission may wish to incorporate the Department of The Interior's conditions as part of an approval resolution.

Since the last Planning Commission meeting staff has received one letter of concern regarding this project (attached).

5B
111

Light and Air 10.912.8(a) Design and location of building in relation to the provision of adequate light and air to itself and its neighbors.

Project Analysis: The project includes a request for a variance to the side and 10' special front yard setback requirements. However due to the steepness of the slope and the undeveloped status of the neighboring parcel, staff does not anticipate this proposal to significantly impact the provision of light and air to the surrounding residences. The homes to the north and the west are situated such that the proposed modifications appear to offer no negative impacts to said structures.

Landscaping 10.912.8(b) Landscaping, screening, and fencing to preserve privacy and mitigate negative effects on neighboring properties.

Project Analysis: Landscaping is proposed for portions of the public right-of-way and the planting pockets that are distributed throughout the entry stairway. Since the proposed construction faces open space it is not anticipated to create any negative effects on neighboring properties. **Existing landscaping consists of waxy-leaf privets in planters in the public right-of-way. The proposed planting includes vegetation in the pockets of the entry stairway. The owner has indicated a willingness to maintain the planters in the public right-of-way at an appropriate height necessary to preserve the existing views.**

The United States Department of the Interior, which owns the undeveloped property to the south, has requested the applicant install a temporary fence along the shared southern property line. The temporary fence is to remain in place during construction with a permanent fence to be installed once construction has been completed (see attached letter dated March 11, 2003). The Commission may wish to incorporate the Department of The Interior's conditions as part of an approval resolution.

The Commission may wish to incorporate a height maintenance requirement of the planters in the public right-of-way as part of an approval resolution.

Traffic Safety 10.912.8(c) Location of entrances and exits and layout of internal circulation to in relation to traffic safety and ease and convenience of movement.

Project Analysis: The City Engineer has reviewed the proposed garage structure and does not expect it to impact the existing access or sight distance for backing out of the parking spaces onto Alexander Avenue.

Lighting 10.912.8(d) Arrangement of night lighting in relation to public safety and effect on adjoining properties.

Project Analysis: No illumination is being proposed.

5B
112

Tree Preservation 10.912.8(d)
Preservation of trees from damage by construction activities or from other sources.

Project Analysis: The proposal includes the removal of fifteen (15) Blue-Gum Eucalyptus trees. The Sausalito Tree Ordinance describes this type of tree as undesirable; therefore, a tree removal permit is not required. This City Arborist has reviewed the proposal and has indicated no special concerns.

VARIANCE FINDINGS

The applicant is requesting a variance from the required side and 10-foot special front yard setbacks. The applicant has provided a brief statement addressing the required Variance findings (attached).

The following is a discussion of the findings the Planning Commission must be able to make to grant the variance:

Exceptional circumstances 10.923.6(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.

Project Analysis: The parcel is unusually shaped in that the front portion is narrower than the rear. The garage structure is situated in this narrow portion, and currently maintains a 0' setback at the left sideline. As such, the right side yard provides the only viable area to provide an entry stairway. The special 10-foot setback along Alexander Avenue **could also be considered** an exceptional circumstance.

Hardship 10.923.6(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.

Project Analysis: The need for a side yard setback variance is hard to find in that the location of the entry stairway is the result of an approximately 4' 6" proposed garage extension. If the garage extension was not a part of this application, then the project could present a 5' 6" side yard setback. The project currently provides adequate parking as required for the district.

The 10-foot special setback along Alexander Avenue is an additional restriction over all other residential zones that are allowed to build right up to the front property line. Regardless of the garage extension, the proposed stairway will still intrude into the 10' special front yard setback.

The Commission may wish to consider the proposed garage extension and its impact on construction in the side yard setback area.

Substantial property right 10.923.6(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.

Project Analysis: The request to have an efficient means of entry and exit to a residential structure appears to be reasonable and is a condition possessed by other properties within the district.

5B
113

Not detrimental 10.923.6(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.

Project Analysis: As currently proposed, the garage expansion may impact the bay views as seen from the public right-of-way as new bulk and mass will be created where currently none exists. However, the Commission may wish to consider the new views created by the proposed tree removals and the possibility that a public benefit may result.

No special privilege 10.923.6(e) That the granting of the Variance will not constitute a grant or special privilege inconsistent with the limitations on other properties classified in the same zoning district.

Project Analysis: The applicant represents that several other properties in the vicinity currently benefit from allowed development in their required setback areas (see attached comments).

General purpose and intent 10.923.6(f) That the granting of such variance will be in harmony with the general purpose and intent of this Title and the General Plan.

Project Analysis: If the Planning Commission determines that the proposed garage would impact a significant public view, than the granting of the variance would conflict with General Plan Policy CD – 3.2.2.

ENCROACHMENT PERMIT FINDINGS

Some of the proposed improvements, such as a new landscape planter and driveway approach are within the public right-of-way. Prior to approving an Encroachment Permit for the project the following criteria must be met:

Compatibility Is the proposed encroachment compatible with the surrounding area? Would the granting of the permit adversely affect the usability or enjoyment of adjoining parcels? Would the encroachment create or extend an undesirable land use precedent? Does the proposed encroachment conflict with the General Plan, adopted ordinance or any precise plan of the City of Sausalito?

Project Analysis: The proposed encroachment appears to be compatible with the surrounding area. The proposed landscaping within the public right-of-way may help to mitigate the visual impacts of the project as seen from the right-of-way. The new driveway approach is compatible with the existing driveway approach. As such, the granting of an encroachment permit for this project does not appear to conflict with the General Plan or any adopted ordinance.

Need Is the extent of the proposed encroachment justifiable?

Project Analysis: The extent of the encroachment permit for the driveway approach appears to be justifiable to provide access to the residence.

Public Enjoyment Would the proposed encroachment significantly diminish public enjoyment either visual or physical, of the open space to be encroached upon? Is the assignment of open space to private use and enjoyment justifiable in terms of public interest? Could the value of the proposed improvements prejudice a

Project Analysis: The proposed encroachment does not appear to diminish the public enjoyment of the right-of-way. **The City Engineer has reviewed this project and does not anticipate it to adversely impact parking in the public right-of-way.** The proposed encroachment would not require the removal of trees within the public right-of-way. Existing landscaping consists of waxy-leaf privets in planters in the public right-of-way. The owner has indicated a

5B
114

policy decision to terminate the encroachments?

willingness to maintain the planters in the public right-of-way at an appropriate height necessary to preserve the existing views.

Public Circulation Would the proposed encroachment adversely affect existing rights-of-way and preclude or make difficult the establishment of existing or potential streets or pedestrian ways? Would the proposed encroachment adversely affect the existing circulation of vehicles or pedestrians?

Project Analysis: The proposed encroachment of the driveway and retaining wall is not anticipated to affect the circulation or maneuverability of vehicular or pedestrian traffic along Alexander Avenue.

Public Safety Would the granting of the encroachment application constitute a hazard to public safety?

Project Analysis: The City Engineer has reviewed the proposed plans and does not anticipate any safety hazards from the granting of the encroachment permit. The City Engineer has required a traffic control as well as a construction staging plan be submitted for review and approval.

PUBLIC NOTICE AND FEEDBACK

Notice:

More than 10 days prior to the hearing date, notice of this proposal was published in the Marin Scope and mailed to people within 300 feet. **The project was originally heard at the August 6th Planning Commission meeting and was continued to the October 8th meeting. At the request of the owner the project was again continued to the October 22nd meeting.**

Feedback:

The applicant has submitted correspondence (attached) that indicates which neighbors that have been contacted regarding this project. **Since the last Planning Commission meeting staff has received one letter of concern regarding this project (attached).**

STORY POLES

Installation:

The applicant has stated that more than 10-days prior to the hearing the story poles were placed onsite to demonstrate the height and size of the proposed garage structure. However, at the time of this writing staff has not received a story pole certification from a licensed surveyor.

View and Light/Air Impacts:

The story poles demonstrate the potential impacts to public views from Alexander Avenue. It does not appear that the proposal will negatively impact views and light/air.

5B
115

STAFF CONCLUSIONS

- External Design Principles:** The project appears to conform to the external design principles of the code.
- Site Development Criteria:** The project appears to conform to the site development criteria of the code.
- Variance Findings:** The Commission should consider if the variance findings have been adequately satisfied.
- Encroachment Findings:** The Commission should consider if the encroachment findings have been adequately satisfied.
- Staff Recommendation:** Staff recommends that the Commission review the merits of this project as proposed and consider public testimony. The Commission may:
1. Approve the application as submitted.
 2. Approve the application subject to specific conditions and/or modifications.
 3. Continue the application for additional information and/or project revisions.
 4. Deny the application on the basis that the project does not comply with Section 10.912.7, 10.912.8 or 10.923 of the Municipal Code.

EXHIBITS

1. Zoning Permit applications
2. Site photographs
3. Vicinity Map
4. Memo from City Engineer dated July 14, 2003
5. Memo from City Arborist dated April 24, 2003
6. Correspondence from applicant
7. Geotechnical Report received May 29, 2003
8. Letters of Concern
9. Correspondence from United States Department of the Interior dated March 11, 2003
10. Minutes from the August 6, 2003 Planning Commission meeting
11. Project plans stamped received on September 23rd, 2003

5B
116

RESOLUTION NO. 2007- 08

**RESOLUTION OF THE SAUSALITO PLANNING COMMISSION
APPROVING DESIGN REVIEW PERMIT APPLICATION NO. DRM 06-070 FOR THE
CONSTRUCTION OF UNDER FLOOR AREA BENEATH AN EXISTING GARAGE
INVOLVING IMPROVEMENTS THAT WOULD CREATE HABITABLE FLOOR AREA
FOR A GAME ROOM AND DEN OCCUPYING NO MORE THAN 784 SQUARE FEET
ON PROPERTY LOCATED AT 2 ALEXANDER AVENUE (APN 065-303-05 & 20)**

WHEREAS, an application has been filed pursuant to Municipal Code Title 10 (Zoning) by Don Olsen and Associates on behalf of Ed Fotsch, property owner, requesting Planning Commission approval of a Design Review Permit to allow modifications of area beneath a garage to be converted to habitable floor area on property located at 2 Alexander Avenue; and

WHEREAS, the Planning Commission has conducted duly noticed public meetings on March 14, 2007, 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 has reviewed and considered the 2 Alexander Avenue plan set dated November 28, 2006 and stamped received by the City of Sausalito on January 18, 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 determined that the project minimizes obstructions to primary views; 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 finds that the proposed project is categorically exempt from the requirements of CEQA pursuant to Section 15301 (e) in that the project involves remodeling that does not increase the floor area by more than 50% of the existing or 2,500 square feet whichever is less.

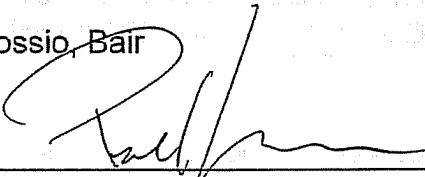
NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

1. The Design Review Permit is approved as outlined in the attached findings (Attachment A).

2. The Design Review Permit is approved as illustrated in the attached plan set (Attachment B) and the attached conditions of approval (Attachment C).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 14th day of March 2007, by the following vote:

AYES: Commissioner: Kellman, Keller, Peterson
NOES: Commissioner:
ABSENT: Commissioner: Bossio, Bair



SECRETARY TO THE PLANNING COMMISSION

*Decision appeared on
3/22/07*

*SB
118*

PLANNING COMMISSION HEARING

March 14, 2007

DRM 06-070

2 ALEXANDER AVENUE

ATTACHMENT A: FINDINGS

DESIGN REVIEW FINDINGS

Pursuant to the Sausalito Municipal Code Section 10.54.050 D (Design Review Permit Findings), 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 proposed project involves the addition and remodel of an existing under floor area of a garage which will maintain the existing Two Family residential land use and density of the site. Single-family residential development has been anticipated on this parcel within the General Plan and the project will maintain the single-family use.

- 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 project utilizes many of the architectural elements found on the existing home in order to maintain the architectural style of the home. The remodel will also be underneath an existing structure and would be remodeled within the existing building footprint to avoid intrusions into setbacks or view corridors.

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

The proposed remodel will not be viewable from the public vantage points with the exception of one private vantage point from the downhill property that would be able to capture minor views of the improved area by looking up the hill.

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

5B
119

The proposed remodel is located beneath an existing structure and is screened from public views by its location below the street level. Because the property to the south is dedicated open space with no residential structures that can view the subject residence and because the only private structure that can view the remodeled area is located downhill, private views will not be impacted.

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

The subject remodel is located beneath the garage and will avoid prominent building profiles by virtue of its location.

- 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.***

No landscape plan was submitted as part of this project given that the proposal involves the remodel of an existing area beneath the garage. Garden walls have been installed without the benefit of a Building Permit to which the applicant will need to legalize.

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

The building setbacks satisfy all of the Municipal Code development standards and would preserve the northern property's ability to receive light and air into the main residence.

- 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.***

There is no external mechanical equipment or chimneys proposed as part of this project. External lighting would be limited to the front entry of the game room and den, next to the proposed security gate.

- 9) ***The proposed 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.***

Potential privacy issues to adjacent properties are of minor concern given the placement of the remodeled area.

5B
120

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 involve parking in that the garage parking was approved under a previously issued Building Permit.

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 project has no potential to impact trees and vegetation.

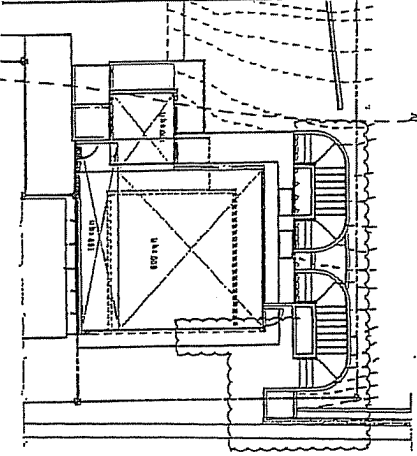
12) The project site is consistent with the guidelines for heightened review for projects which exceed 80% of the maximum allowed Floor Area Ratio and/or site coverage, as specified in subsection E (Heightened Review Findings).

The proposed Floor Area Ratio and building/site coverage are within the allowable and avoids the need for Heightened Review.

5B
121

DATE: 08/11/07
 SHEET NO. 17
 PROJECT NO. 07-001

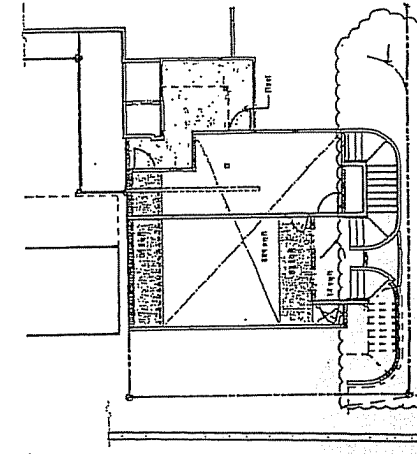
A2.2
 November 14, 2007



GARAGE FLOOR AREA
 117' x 117'

TOTAL GARAGE FLOOR AREA: 13,689 S.F.

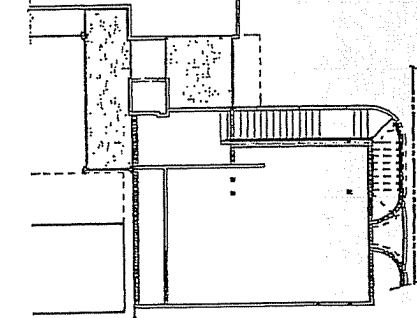
SCHEDULED FLOOR AREA	
EXISTING	117' x 117' = 13,689 S.F.
ADDITIONAL	0 S.F.
TOTAL	13,689 S.F.



UPPER LANDING AREA
 117' x 117'

TOTAL UPPER LANDING AREA: 13,689 S.F.

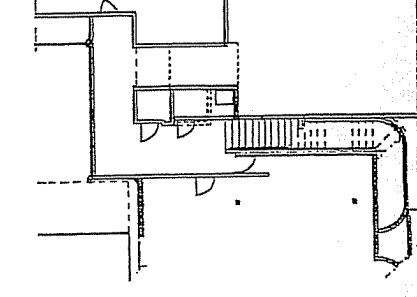
EXISTING	117' x 117' = 13,689 S.F.
ADDITIONAL	0 S.F.
TOTAL	13,689 S.F.



MIDDLE LANDING AREA
 117' x 117'

TOTAL MIDDLE LANDING AREA: 13,689 S.F.

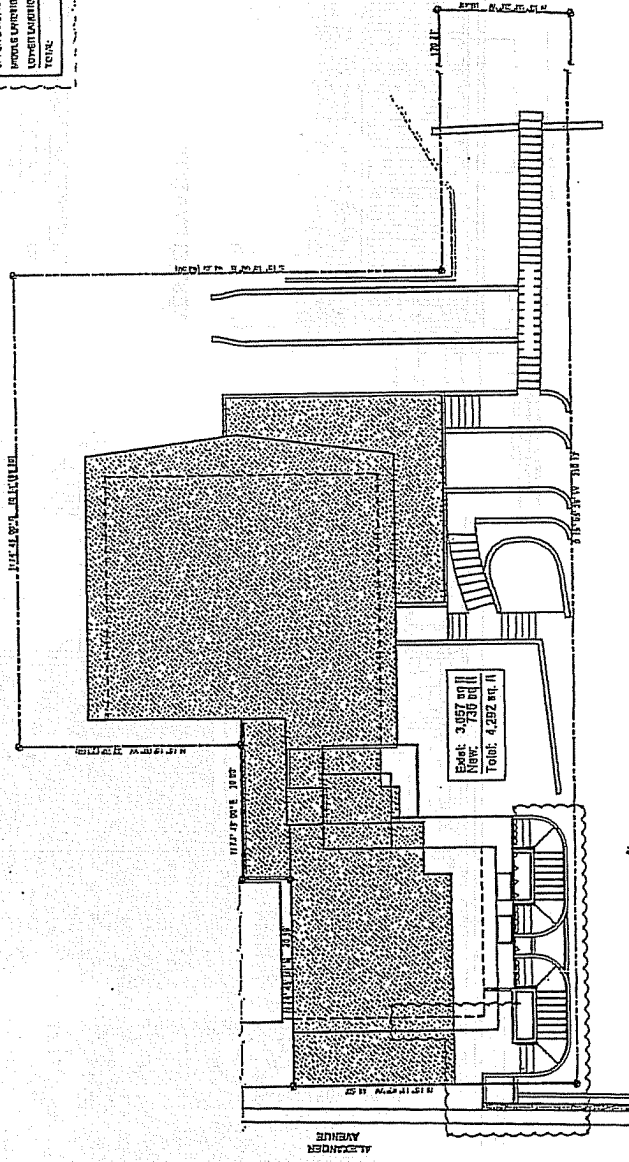
EXISTING	117' x 117' = 13,689 S.F.
ADDITIONAL	0 S.F.
TOTAL	13,689 S.F.



LOWER LANDING AREA
 117' x 117'

TOTAL LOWER LANDING AREA: 13,689 S.F.

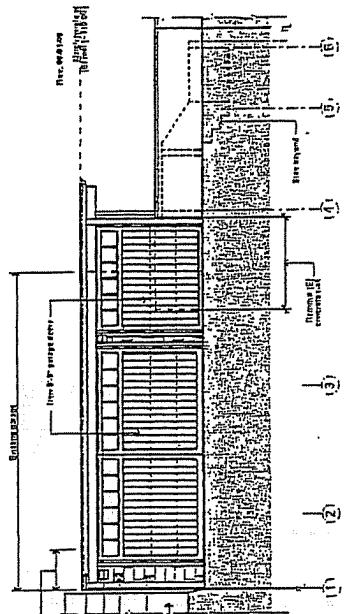
EXISTING	117' x 117' = 13,689 S.F.
ADDITIONAL	0 S.F.
TOTAL	13,689 S.F.



Exist: 3,957 sq ft
 New: 736 sq ft
 Total: 4,693 sq ft

COVERAGE PLAN
 117' x 117'

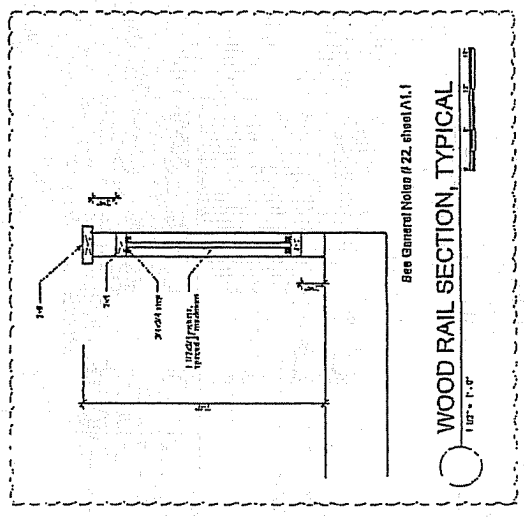
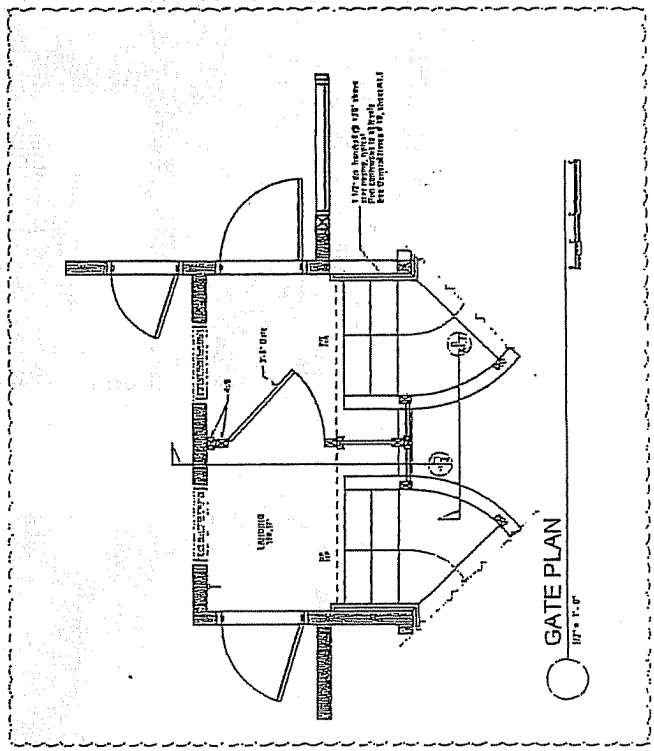
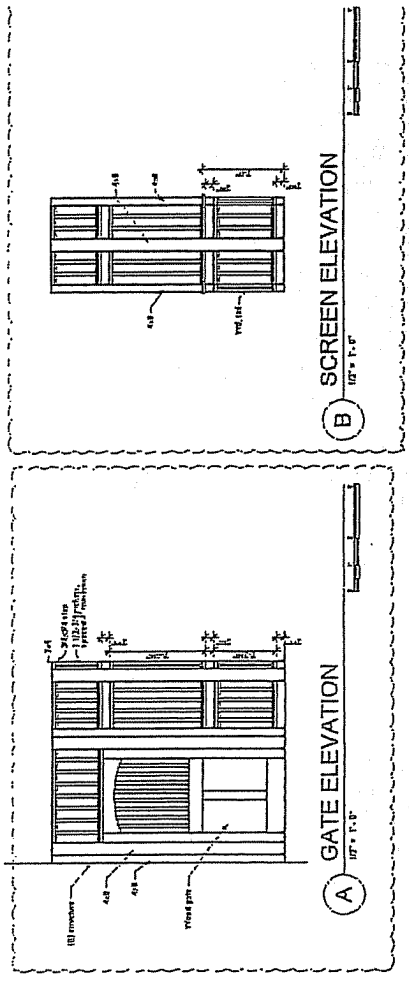
SB
 125



WEST ELEVATION
11/17/08

ITEM #	DESCRIPTION	FINISH
1	Interior walls, ceilings, and floors	White paint
2	Exterior walls	Stucco
3	Exterior doors	Wood
4	Exterior windows	Wood
5	Interior doors	Wood
6	Interior windows	Wood
7	Staircase	Wood
8	Bathrooms	White tile
9	Kitchen	White tile
10	Hallways	White paint
11	Bedrooms	White paint
12	Living room	White paint
13	Dining room	White paint
14	Breakfast room	White paint
15	Garage	White paint
16	Basement	White paint
17	Attic	White paint
18	Roof	Asphalt/Flt
19	Foundation	Concrete
20	Driveway	Asphalt
21	Yard	Grass
22	Deck	Wood
23	Porch	Wood
24	Staircase	Wood
25	Bathrooms	White tile
26	Kitchen	White tile
27	Hallways	White paint
28	Bedrooms	White paint
29	Living room	White paint
30	Dining room	White paint
31	Breakfast room	White paint
32	Garage	White paint
33	Basement	White paint
34	Attic	White paint
35	Roof	Asphalt/Flt
36	Foundation	Concrete
37	Driveway	Asphalt
38	Yard	Grass
39	Deck	Wood
40	Porch	Wood
41	Staircase	Wood
42	Bathrooms	White tile
43	Kitchen	White tile
44	Hallways	White paint
45	Bedrooms	White paint
46	Living room	White paint
47	Dining room	White paint
48	Breakfast room	White paint
49	Garage	White paint
50	Basement	White paint
51	Attic	White paint
52	Roof	Asphalt/Flt
53	Foundation	Concrete
54	Driveway	Asphalt
55	Yard	Grass
56	Deck	Wood
57	Porch	Wood
58	Staircase	Wood
59	Bathrooms	White tile
60	Kitchen	White tile
61	Hallways	White paint
62	Bedrooms	White paint
63	Living room	White paint
64	Dining room	White paint
65	Breakfast room	White paint
66	Garage	White paint
67	Basement	White paint
68	Attic	White paint
69	Roof	Asphalt/Flt
70	Foundation	Concrete
71	Driveway	Asphalt
72	Yard	Grass
73	Deck	Wood
74	Porch	Wood
75	Staircase	Wood
76	Bathrooms	White tile
77	Kitchen	White tile
78	Hallways	White paint
79	Bedrooms	White paint
80	Living room	White paint
81	Dining room	White paint
82	Breakfast room	White paint
83	Garage	White paint
84	Basement	White paint
85	Attic	White paint
86	Roof	Asphalt/Flt
87	Foundation	Concrete
88	Driveway	Asphalt
89	Yard	Grass
90	Deck	Wood
91	Porch	Wood
92	Staircase	Wood
93	Bathrooms	White tile
94	Kitchen	White tile
95	Hallways	White paint
96	Bedrooms	White paint
97	Living room	White paint
98	Dining room	White paint
99	Breakfast room	White paint
100	Garage	White paint
101	Basement	White paint
102	Attic	White paint
103	Roof	Asphalt/Flt
104	Foundation	Concrete
105	Driveway	Asphalt
106	Yard	Grass
107	Deck	Wood
108	Porch	Wood
109	Staircase	Wood
110	Bathrooms	White tile
111	Kitchen	White tile
112	Hallways	White paint
113	Bedrooms	White paint
114	Living room	White paint
115	Dining room	White paint
116	Breakfast room	White paint
117	Garage	White paint
118	Basement	White paint
119	Attic	White paint
120	Roof	Asphalt/Flt
121	Foundation	Concrete
122	Driveway	Asphalt
123	Yard	Grass
124	Deck	Wood
125	Porch	Wood
126	Staircase	Wood
127	Bathrooms	White tile
128	Kitchen	White tile
129	Hallways	White paint
130	Bedrooms	White paint
131	Living room	White paint
132	Dining room	White paint
133	Breakfast room	White paint
134	Garage	White paint
135	Basement	White paint
136	Attic	White paint
137	Roof	Asphalt/Flt
138	Foundation	Concrete
139	Driveway	Asphalt
140	Yard	Grass
141	Deck	Wood
142	Porch	Wood
143	Staircase	Wood
144	Bathrooms	White tile
145	Kitchen	White tile
146	Hallways	White paint
147	Bedrooms	White paint
148	Living room	White paint
149	Dining room	White paint
150	Breakfast room	White paint
151	Garage	White paint
152	Basement	White paint
153	Attic	White paint
154	Roof	Asphalt/Flt
155	Foundation	Concrete
156	Driveway	Asphalt
157	Yard	Grass
158	Deck	Wood
159	Porch	Wood
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161	Bathrooms	White tile
162	Kitchen	White tile
163	Hallways	White paint
164	Bedrooms	White paint
165	Living room	White paint
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167	Breakfast room	White paint
168	Garage	White paint
169	Basement	White paint
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171	Roof	Asphalt/Flt
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173	Driveway	Asphalt
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175	Deck	Wood
176	Porch	Wood
177	Staircase	Wood
178	Bathrooms	White tile
179	Kitchen	White tile
180	Hallways	White paint
181	Bedrooms	White paint
182	Living room	White paint
183	Dining room	White paint
184	Breakfast room	White paint
185	Garage	White paint
186	Basement	White paint
187	Attic	White paint
188	Roof	Asphalt/Flt
189	Foundation	Concrete
190	Driveway	Asphalt
191	Yard	Grass
192	Deck	Wood
193	Porch	Wood
194	Staircase	Wood
195	Bathrooms	White tile
196	Kitchen	White tile
197	Hallways	White paint
198	Bedrooms	White paint
199	Living room	White paint
200	Dining room	White paint
201	Breakfast room	White paint
202	Garage	White paint
203	Basement	White paint
204	Attic	White paint
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206	Foundation	Concrete
207	Driveway	Asphalt
208	Yard	Grass
209	Deck	Wood
210	Porch	Wood
211	Staircase	Wood
212	Bathrooms	White tile
213	Kitchen	White tile
214	Hallways	White paint
215	Bedrooms	White paint
216	Living room	White paint
217	Dining room	White paint
218	Breakfast room	White paint
219	Garage	White paint
220	Basement	White paint
221	Attic	White paint
222	Roof	Asphalt/Flt
223	Foundation	Concrete
224	Driveway	Asphalt
225	Yard	Grass
226	Deck	Wood
227	Porch	Wood
228	Staircase	Wood
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230	Kitchen	White tile
231	Hallways	White paint
232	Bedrooms	White paint
233	Living room	White paint
234	Dining room	White paint
235	Breakfast room	White paint
236	Garage	White paint
237	Basement	White paint
238	Attic	White paint
239	Roof	Asphalt/Flt
240	Foundation	Concrete
241	Driveway	Asphalt
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243	Deck	Wood
244	Porch	Wood
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246	Bathrooms	White tile
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248	Hallways	White paint
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252	Breakfast room	White paint
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254	Basement	White paint
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256	Roof	Asphalt/Flt
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258	Driveway	Asphalt
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267	Living room	White paint
268	Dining room	White paint
269	Breakfast room	White paint
270	Garage	White paint
271	Basement	White paint
272	Attic	White paint
273	Roof	Asphalt/Flt
274	Foundation	Concrete
275	Driveway	Asphalt
276	Yard	Grass
277	Deck	Wood
278	Porch	Wood
279	Staircase	Wood
280	Bathrooms	White tile
281	Kitchen	White tile
282	Hallways	White paint
283	Bedrooms	White paint
284	Living room	White paint
285	Dining room	White paint
286	Breakfast room	White paint
287	Garage	White paint
288	Basement	White paint
289	Attic	White paint
290	Roof	Asphalt/Flt
291	Foundation	Concrete
292	Driveway	Asphalt
293	Yard	Grass
294	Deck	Wood
295	Porch	Wood
296	Staircase	Wood
297	Bathrooms	White tile
298	Kitchen	White tile
299	Hallways	White paint
300	Bedrooms	White paint

SOUTH ELEVATION
11/17/08



SB
 128

PLANNING COMMISSION HEARING
March 14, 2007
DRM 06-070
2 ALEXANDER AVENUE

ATTACHMENT C: CONDITIONS OF APPROVAL

1. Approval of this Application is limited to the project plans titled "Fotsch Residence," dated November 28, 2006 and stamped received on January 18, 2007; and
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. All exterior security lighting must be small fixtures that are shielded and downward facing, and subject to the review of the Community Development Department prior to final sign off of the building permit.
7. As a condition of this approval, no alternative or unrelated construction, site improvements, tree removal and/or alteration, exterior alterations and/or interior

5B
129

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.

8. 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.
9. 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.
10. 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.
11. 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.

Prior to issuance of a Building Permit:

12. The applicant shall submit plans of the garden retaining walls to the Community Development Department for review and approval.
13. Project Grading and Improvement Plans shall be prepared and submitted that and comply with City requirements and as directed by the City Engineer. Plans and analysis shall address the structural adequacy of the existing garden retaining walls
14. All overhead utility facilities serving the parcel shall be placed underground during the construction process.

5B
130

15. The sanitary sewer lateral shall be videoed and rehabilitation work shall be performed under the authority of the Building Permit. This condition will be viewed as satisfied if the applicant can demonstrate that a video inspection has already occurred in the last five (5) years.
16. An encroachment permit shall be required for all improvements to be constructed within the public right-of-way, including temporary debris boxes.
17. A Construction Impact Plan shall be submitted that addresses:
 - a. Control of traffic on Alexander Avenue during the construction process, including placement of temporary construction signage and pavement markings.
 - b. Construction staging plan and construction indicating construction equipment, material and vehicles storage areas and location of debris boxes.
 - c. Offsite parking plan for the construction stage which include transportation of workers to and from the site.
18. The limits of proposed grading (cut and fill) shall be clearly defined in regards to the garden retaining walls. The amount of grading shall be stated on the Site Plan. A grading plan and permit shall be required prior to the issuance of a Building Permit if the grading quantities exceed 50 cubic yards, fills over 1.0' thick are placed, cuts over 2.0' are made, grading is performed within 2' of a property line, or for any excavations or embankment (cut or fill) on a slope of over 20%. The grading plan shall be prepared by a registered civil engineer or the project architect in accordance with the State Code.
19. If a Grading Permit is required, applicant shall submit a Geotechnical (Soils) Report for review prepared by a State of California licensed civil engineer qualified in geotechnical engineering.
20. No grading and excavation operations shall occur between October 15 and April 1 unless otherwise determined by the City Engineer to be acceptable.
21. Prior to issuance of any building or grading permit applicant's general contractor shall provide City with evidence of a standard comprehensive general liability insurance policy containing coverage for bodily injury, property damage, and completed operations and including liability resulting from earth movement. The policy shall provide limits of coverage not less than \$1,000,000 and the policy shall continue in force until a date five (5) years following completion of construction.

5B
131

During Construction

- 22. Construction materials, equipment, vehicles and debris boxes shall be placed per approved plan and monitored to avoid obstruction of roads, paths and gutters.

5B
132

RESOLUTION NO. 4907

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
DENYING THE APPEAL OF IAN MOODY AND UPHOLDING
THE PLANNING COMMISSION'S APPROVAL OF DESIGN REVIEW PERMIT
APPLICATION NO. DRM 06-070 FOR THE CONSTRUCTION OF UNDER FLOOR
AREA BENEATH AN EXISTING GARAGE INVOLVING IMPROVEMENTS THAT
WOULD CREATE HABITABLE FLOOR AREA FOR A GAME ROOM AND DEN
OCCUPYING NO MORE THAN 784 SQUARE FEET ON PROPERTY LOCATED
AT 2 ALEXANDER AVENUE (APN 065-303-05 & -20)

WHEREAS, an application has been filed pursuant to Municipal Code Title 10 (Zoning) by Donald Olsen and Associates on behalf of Ed Fotsch, property owner, requesting Planning Commission approval of a Design Review Permit to allow modifications of area beneath a garage to be converted to habitable floor area on property located at 2 Alexander Avenue (APN 065-303-05 and -20); and

WHEREAS, the Planning Commission conducted a duly noticed public meeting on March 14, 2007, 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 2 Alexander Avenue plan set dated November 28, 2006 and stamped received by the City of Sausalito on January 18, 2007; 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 determined that the project minimizes obstructions to primary views; and

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

WHEREAS, the Planning Commission found that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (e) in that the project involves remodeling that does not increase the floor area by more than 50% of the existing or 2,500 square feet whichever is less; and

WHEREAS, Mr. Ian Moody filed a timely appeal of the Planning Commission's decision within the 10-day time period on March 22, 2007, and based on reasons outlined in Exhibit A of the Appeal Form date stamped Received March 22, 2007; and

WHEREAS, the City Council conducted a duly noticed public hearing on May 15, 2007;
and

Resolution No. 4907
Adopted June 19, 2007

SB
133

WHEREAS, the City Council on May 15, 2007, reviewed and considered oral and written testimony, evidence obtained from site visits, staff reports, project plans and materials, prior minutes of the Planning Commission and Planning Commission Resolution No. 2007-08; and

WHEREAS, the City Council considered all issues presented by the appeal subject to the provisions of the Sausalito General Plan and the Sausalito Municipal Code; and

WHEREAS, the City Council confirms that the project is categorically exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 *et seq.*) pursuant to Sections 15303(e) and 15304(b) of the State CEQA Guidelines (14 California Code of Regulations Sections 15000 *et seq.*); and

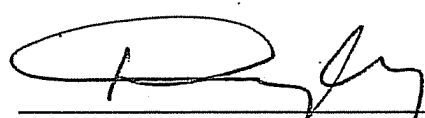
WHEREAS, based on the record of this proceeding, including the testimony and materials received and described above, the City Council finds that the Planning Commission did not err in its decision to approve the Design Review Permit and recommend approval of the Design Review Modification DRM 06-070.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAUSALITO HEREBY FINDS AND RESOLVES AS FOLLOWS:

The City Council hereby denies the appeal and upholds the decision of the Planning Commission. The City Council hereby affirms and incorporates the findings and conditions of approval outlined in the Planning Commission Resolution No. 2007-08, and includes additional conditions of approval, as provided herein as Attachment B.


PASSED AND ADOPTED at the regular meeting of the City Council of the City of Sausalito on the 19th day of June, 2007, by the following vote:

- AYES: Councilmembers: Albritton, Weiner, Vice Mayor Belser, Mayor Kelly
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None
- RECUSED: Councilmembers: Leone



Mayor of the City of Sausalito

ATTEST:



Deputy City Clerk

5B
134

Resolution No. 4907
Adopted June 19, 2007

Design Review Application No. DRM 06-070
2 ALEXANDER AVENUE

ATTACHMENT A: FINDINGS

DESIGN REVIEW FINDINGS

Pursuant to the Sausalito Municipal Code Section 10.54.050 D (Design Review Permit Findings), 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 proposed project involves the addition and remodel of an existing under floor area of a garage which will maintain the existing Two Family residential land use and density of the site. Single-family residential development has been anticipated on this parcel within the General Plan and the project will maintain the single-family use.

- 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 project utilizes many of the architectural elements found on the existing home in order to maintain the architectural style of the home. The remodel will also be underneath an existing structure and would be remodeled within the existing building footprint to avoid intrusions into setbacks or view corridors.

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

The proposed remodel will not be viewable from the public vantage points with the exception of one private vantage point from the downhill property that would be able to capture minor views of the improved area by looking up the hill.

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

The proposed remodel is located beneath an existing structure and is screened from public views by its location below the street level. Because the property to the south is dedicated open space with no residential structures that can view the subject residence and because the only private structure that can view the remodeled area is located downhill, private views will not be impacted.

58
135

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

The subject remodel is located beneath the garage and will avoid prominent building profiles by virtue of its location.

- 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.*

No landscape plan was submitted as part of this project given that the proposal involves the remodel of an existing area beneath the garage. Garden walls have been installed without the benefit of a Building Permit to which the applicant will need to legalize.

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

The building setbacks satisfy all of the Municipal Code development standards and would preserve the northern property's ability to receive light and air into the main residence.

- 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.*

There is no external mechanical equipment or chimneys proposed as part of this project. External lighting would be limited to the front entry of the game room and den, next to the proposed security gate.

- 9) *The proposed 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.*

Potential privacy issues to adjacent properties are of minor concern given the placement of the remodeled area.

- 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 involve parking in that the garage parking was approved under a previously issued Building Permit.

- 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 project has no potential to impact trees and vegetation.

5B
136

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 proposed Floor Area Ratio and building/site coverage are within the allowable and avoids the need for Heightened Review.

5B
137

Design Review Application No. DRM 06-070
2 ALEXANDER AVENUE

ATTACHMENT B: CONDITIONS OF APPROVAL

1. Approval of this Application is limited to the project plans titled "Fotsch Residence," dated November 28, 2006, and stamped received on January 18, 2007 and approved by the Planning Commission on March 14th, 2007, included hereto as Exhibit A and on file with the Community Development Department ("Project Plans");
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. All exterior security lighting must be small fixtures that are shielded and downward facing, and subject to the review of the Community Development Department prior to final sign off of the building permit.
7. 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.

Resolution No. 4907
Adopted June 19, 2007

5B
138

8. 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.
9. 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.
10. 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.
11. 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.
12. To the extent a Building Permit is or would be required, the applicant shall submit plans, including, without limitation, grading, drainage, and improvement plans to the extent required by the Building and/or Engineering Divisions, for all work constructed without a Building Permit including floor systems, placement of the spa, and the garden retaining walls to the Community Development Department for review and approval. Engineering staff shall review site improvement elements, including, but not limited to, detached retaining walls and drain systems for approval. Building structural elements shall be reviewed by the Building Department for conformance with Building Code provisions. Said plans shall be submitted prior to final project approval and shall include a geotechnical review prepared by a State of California licensed civil engineer qualified in geotechnical engineering.

Prior to issuance of a Building Permit:

13. Omitted
14. All overhead utility facilities serving the parcel shall be placed underground during the construction process.
15. The sanitary sewer lateral shall be videoed and rehabilitation work shall be performed under the authority of the Building Permit. This condition will be viewed as satisfied if the applicant can demonstrate that a video inspection has already occurred in the last five (5) years.

5B
139

16. An encroachment permit shall be required for all improvements to be constructed within the public right-of-way, including temporary debris boxes.
17. A Construction Impact Plan shall be submitted that addresses:
 - a. Control of traffic on Alexander Avenue during the construction process, including placement of temporary construction signage and pavement markings.
 - b. Construction staging plan and construction indicating construction equipment, material and vehicles storage areas and location of debris boxes.
 - c. Offsite parking plan for the construction stage which include transportation of workers to and from the site.
18. The limits of proposed grading (cut and fill) shall be clearly defined in regards to the garden retaining walls. The amount of grading shall be stated on the Site Plan. A grading plan and permit shall be required prior to the issuance of a Building Permit if the grading quantities exceed 50 cubic yards, fills over 1.0' thick are placed, cuts over 2.0' are made, grading is performed within 2' of a property line, or for any excavations or embankment (cut or fill) on a slope of over 20%. The grading plan shall be prepared by a registered civil engineer or the project architect in accordance with the State Code.
19. If a Grading Permit is required, applicant shall submit a Geotechnical (Soils) Report for review prepared by a State of California licensed civil engineer qualified in geotechnical engineering.
20. No grading and excavation operations shall occur between October 15 and April 1 unless otherwise determined by the City Engineer to be acceptable.
21. Prior to issuance of any building or grading permit applicant's general contractor shall provide City with evidence of a standard comprehensive general liability insurance policy containing coverage for bodily injury, property damage, and completed operations and including liability resulting from earth movement. The policy shall provide limits of coverage not less than \$1,000,000 and the policy shall continue in force until a date five (5) years following completion of construction.
22. The construction associated with the Project Plans referenced in Condition 1 and all plans to be submitted pursuant to paragraph 12 hereof, shall be completed within one year of the date of the installation of the PG&E main. The applicant shall submit an invoice from PG&E informing staff of the date of installation. The time of completion shall exclude time periods for processing the building permit with the Community Development Department, from the date plans are submitted for the under floor area improvements to the date of issuance of the building permit for such improvements. The project shall be deemed complete upon final building inspection approval.
23. In the event that applicant has not completed any or all phases of the improvements within the times set forth in Condition 22 above, each day beyond the required date of completion shall be treated as a separate violation and failure to comply with the

5B
140

condition of approval. A fine of \$100 per day shall apply to each such violation. The applicant shall also be subject to any other applicable remedies for such failure.

24. The applicant shall forward any future modifications to the approved plans to the Community Development Department staff, and staff shall notice all concerned neighbors, as submitted by list to the Community Development Department on June 12, 2007. Staff shall notice these same neighbors of the filing of plans submitted for a Building Permit within two (2) days of the filing date to allow sufficient time for the neighbors' review and prior to the City's issuance of a Building Permit. Public comments shall be considered by staff in the review of any proposed modifications, and shall be received by Community Development Department within seven (7) days of said notice.

During Construction

25. Construction materials, equipment, vehicles and debris boxes shall be placed per approved plan and monitored to avoid obstruction of roads, paths and gutters.

Design Review Application No. DRM 06-070
2 ALEXANDER AVENUE

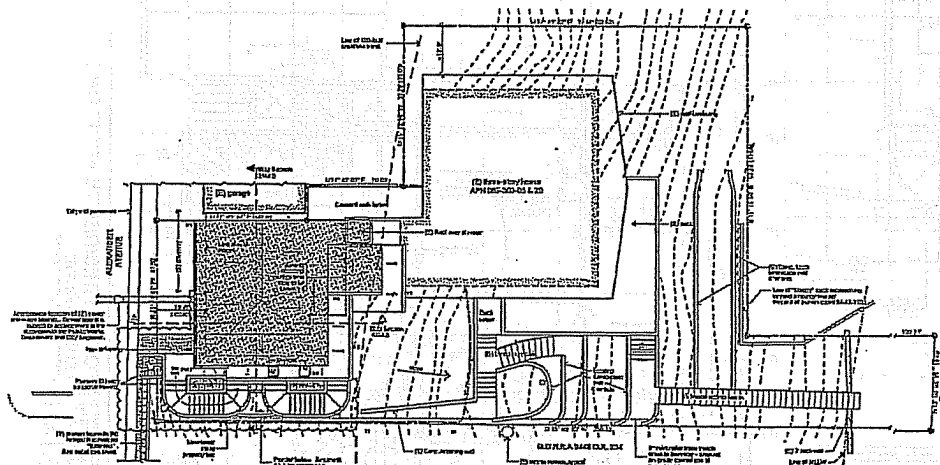
ATTACHMENT C: PLANS AND ELEVATIONS
APPROVED BY PLANNING COMMISSION ON MARCH 14TH, 2007

5B
142

Resolution No. 4907
Adopted June 19, 2007



VICINITY MAP



SITE PLAN / ROOF PLAN

GRADING NOTES

- The grading is provided for this project.
- Existing drainage patterns to be maintained.
- Grading shall be in accordance with the local jurisdiction.
- Grading shall be in accordance with the local jurisdiction.

LEGEND

1. All as noted on plans.

2. As noted on plans.

3. As noted on plans.

BOUNDARY NOTES

- Owner and adjacent owner have been notified and consented to the proposed project.
- Adjacent owner has been notified and consented to the proposed project.
- Adjacent owner has been notified and consented to the proposed project.

ROOF NOTES

- Roof shall be in accordance with the local jurisdiction.
- Roof shall be in accordance with the local jurisdiction.

ROOF VENTING CALCULATIONS

Roof Area = 1000 sq. ft.

Roof Volume = 10000 cu. ft.

Roof Venting = 10000 / 1000 = 10

NOTICE

THIS PROJECT IS SUBJECT TO THE LOCAL JURISDICTION OF THE CITY OF SAUSALITO, CALIFORNIA.

OWNER

211 Main Street, Sausalito, CA 94965

CONSULTANTS

ARCHITECT

1234 Main Street, Sausalito, CA 94965

STRUCTURAL ENGINEER

5678 Main Street, Sausalito, CA 94965

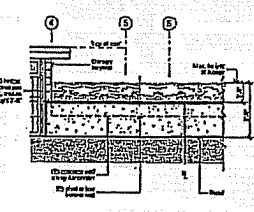
PROJECT INFORMATION

Project Name: Fotsch Residence Addition

Project Address: 2 Alekander Ave, Sausalito, CA 94965

SHEET INDEX

A1.0	Project Site, Roof Plan, Utility Plan, and Foundation Plan
A1.1	Foundation Plan, Utility Plan, and Foundation Plan
A1.2	Roof Plan, Utility Plan, and Foundation Plan
A1.3	Utility Plan, Foundation Plan, and Foundation Plan
A1.4	Utility Plan, Foundation Plan, and Foundation Plan
A1.5	Utility Plan, Foundation Plan, and Foundation Plan
A1.6	Utility Plan, Foundation Plan, and Foundation Plan
A1.7	Utility Plan, Foundation Plan, and Foundation Plan
A1.8	Utility Plan, Foundation Plan, and Foundation Plan
A1.9	Utility Plan, Foundation Plan, and Foundation Plan
A1.10	Utility Plan, Foundation Plan, and Foundation Plan



HEDGE ELEVATION

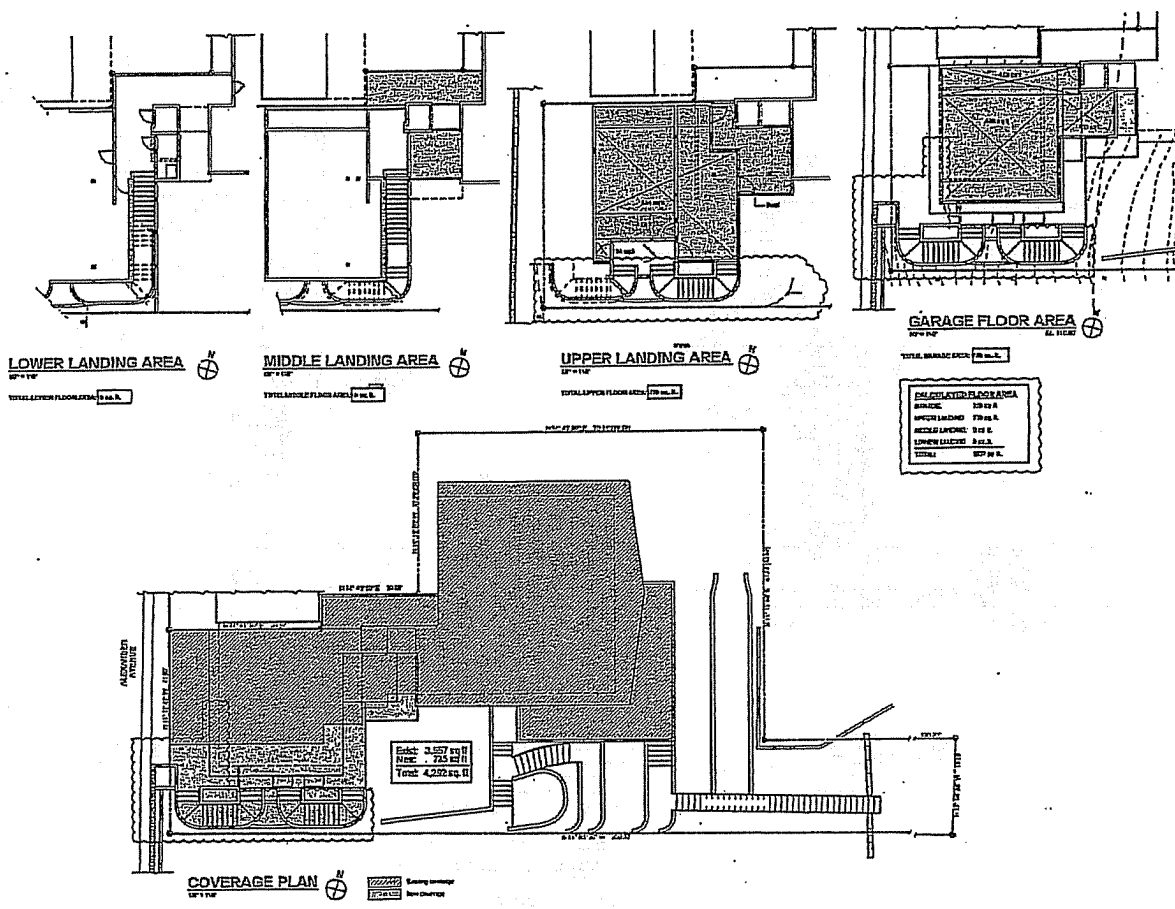
BOB B. BROWN
 ARCHITECT
 ASSOCIATES

FOTSCH RESIDENCE ADDITION
 2 ALEKANDER AVE
 SAUSALITO, CA 94965

PROJECT NO. 12345
 SHEET NO. A1.0
 DATE: 12/15/2023

A1.0

5B
143

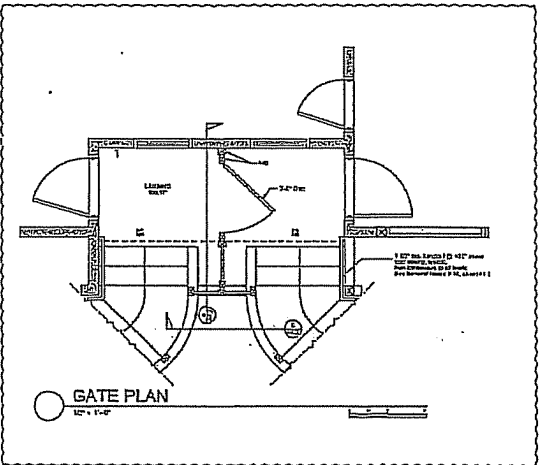
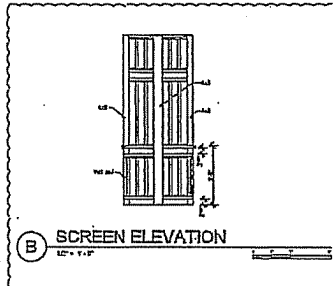
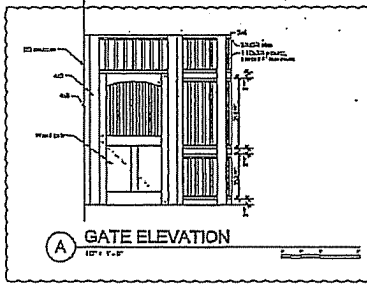
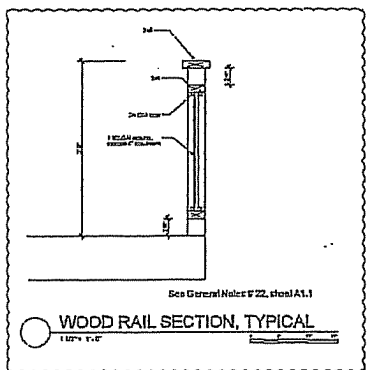


BOB BLOOM
 ASSOCIATED ARCHITECTS
 2400 CALIFORNIA STREET, SUITE 100, SAN RAFAEL, CA 94903
 TEL: (415) 452-1111
 FAX: (415) 452-1112
 WWW: WWW.BLOOMARCHITECTS.COM

FOTSCH RESIDENCE ADDITION
 24 ALEXANDER AVE
 SAN RAFAEL, CA 94903

A2.2
 FOUNDATION PLAN

Architectural drawings showing various views of a gate and screen, including elevations and a plan view.



DONALD OLSEN
 ASSOCIATED ARCHITECTS
 1000 AVENUE 10
 SAN FRANCISCO, CALIF. 94104
 FOTSCH RESIDENCE ADDITION
 2 ALEXANDER AVE
 SAUBALITO, CA 94966
 A4.2
 PROJECT NO. A.1.200

PLANNING COMMISSION HEARING
NOVEMBER 28, 2007
VAM/DRM 07-002
2 ALEXANDER AVENUE

ATTACHMENT C:
NATIONAL PARK SERVICE LETTER DATED NOVEMBER 20, 2007

5B
150



United States Department of the Interior

NATIONAL PARK SERVICE
Golden Gate National Recreation Area
Fort Mason, San Francisco, California 94123

IN REPLY REFER TO:

D18 (GOGA-BMD)

November 20, 2007

Sierra Russell, Associate Planner
City of Sausalito Community Development Department
420 Litho Street
Sausalito, CA. 94965

Re: Variance 2 Alexander Avenue, Sausalito

Dear Ms. Russell:

The National Park Service (NPS) is writing to update the City of Sausalito (City) regarding the proposed modification to the variance adopted by the City Planning Commission in Resolution 2003-51 dated November 5, 2003 (Variance Modification). On October 25, 2007, NPS met with Dr. Edward Fotsch, the property owner at 2 Alexander Avenue (Owner), his contractor, surveyor, and City staff to review the as-built site conditions for conformance with the NPS letter dated March 11, 2003 that conditionally accepted the Variance (NPS Conditions Letter), and the NPS letter dated October 10, 2007 regarding the proposed Variance Modification. NPS inspected and verified that the new stairway and garage remodel project (Project) no longer encroaches onto NPS property, but there remain outstanding correction items as follows:

(a) NPS verified the deconstruction of the Owner's planter along the stairwell that was encroaching on NPS property, however debris from the planter is still in-situ and must be removed (see Image #1 attached);

(b) NPS verified the removal of Project construction debris and temporary stairs encroaching on NPS property, however NPS approved erosion control measures must be installed on soils disturbed by the construction;

(c) NPS confirmed an encroaching Owner installed deer fence on NPS property that must be removed (see Image #2 attached);

(d) NPS verified the presence of an Owner installed plastic drain pipe encroaching on NPS property that must be removed and relocated onto Owner's property (see Image #3 attached); and

(e) NPS verified that the Owner has not installed the continuous permanent fence or equivalent ground level boundary marker along the surveyed boundary with the GGNRA, and that Owner has existing stairs along the south east side of his property encroaching that must be reconfigured or removed off NPS property (see Image #4 attached).

SB
151

NPS acknowledges and commends Dr. Fotsch's efforts to meet with NPS to bring the Project into conformance with the NPS Conditions Letter, and to remove the outstanding correction items. NPS understands that Project construction is on hold pending the Variance Modification. Consequently, NPS accepts the City's approval of the 2 Alexander Variance and Design Review Modification application conditioned upon satisfaction of the following conditions prior to final Project approval:

- (a) Owner shall remove planter debris and fill;
- (b) Owner shall remove the deer fence indicated in Image #2 encroaching on NPS property;
- (c) Owner shall install NPS approved erosion control measures on NPS property disturbed by the construction and fence removal;
- (d) Owner shall remove and relocate the plastic drain pipe indicated in Image #3 that is encroaching on NPS property;
- (e) Owner shall reconfigure the lower stairs indicated in Image #4 to remove the encroachment from NPS property;
- (f) Owner shall install a NPS approved permanent fence on the surveyed boundary with the GGNRA from the end of the new stairs to the re-vegetated area, with an equivalent surveyed ground level boundary marker to be installed within the re-vegetated area.

NPS commends the City Planning Commission and City staff for your patience and consideration in this matter. If you have any questions regarding this communication, please contact me at (415) 561-4971.

Respectfully,

Signed PB 11-20-07

Paul Batlan
Realty Specialist

SB
152

Image 1 – Removed Planter Debris



5B
153

Image 2 – Encroaching Deer Fence and Disturbed Soils



5B
134

Image 3 – Encroaching Plastic Drain Pipe



SB
155

Image 4 – Encroaching Existing Stairs and Plastic Drain Pipe



(Note – NPS property boundary is 2 feet to the right/north of the orange line indicated in upper right of photo)

5B
156