

STAFF REPORT

SAUSALITO ZONING ADMINISTRATOR

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

Meeting Date April 17, 2014

Staff Rafael Miranda, Contract Planner *RM*

REQUEST

Approval of a 180 day Construction Time Limit Extension for a Nonconformity Permit (NC 05-003). The time limit extension is to allow construction to continue for 180 days past April 19, 2014, at 640 Sausalito Boulevard (APN 065-163-01).

PROJECT INFORMATION

**Applicants/
Property Owners** Stan and Lori Hales

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

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

Zoning R-1-6 (Single Family Residence)

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

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

BACKGROUND

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

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

On August 29, 2012, Staff issued a four week extension for the Construction Time Limits, due to a four week delay during the Planning Review of the above mentioned revisions. Since the building permit issued on March 22, 2011 was set to expire on March 22, 2013 per the Construction Time Limits, the four week extension set the new expiration date to April 19, 2013. Prior to that date, the property owners applied for and received Zoning Administrator approval of a 180 day extension to extend the construction time limits to October 16, 2013. On October 7, 2013, the property owners submitted a revised project valuation of \$1,678,545, which extended the expiration date for the project to April 19, 2014. The project must either be completed by April 19, 2014, or an extension to the project's Construction Time Limits must be granted.

The applicants request Zoning Administrator approval of a 180 day Construction Time Limit Extension for the renovation and remodel of the residence at 640 Sausalito Boulevard (see **Exhibit C**). The new Construction Time Limit expiration date would be October 16, 2014.

PROJECT ANALYSIS

EXTENSION OF PERMIT FINDINGS

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

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

However, Staff has received one letter from a neighbor at 652 Sausalito Boulevard in opposition to the approval of the time extension request (see **Exhibit D**). The neighbor states that although they are in favor of the project itself and feel that the beautiful house has greatly enhanced the neighborhood, the issues associated with prolonged construction such as loud noises and the amount of vehicles brought to the construction site has simply gone on too long. In the opinion of Staff, approval of the construction time limits extension would help to bring closure to this project sooner than if the request for extension were denied.

In addition to neighbor considerations, some of the project delays such as work requiring grading, were put on hold during the winter months as the City restricts grading from October 15 through April 15. This restriction has posed difficulties for the applicants, as necessary excavation of the grounds for the driveways, drainage and other outdoor construction items were put on hold until grading could proceed.

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

PUBLIC NOTICE AND CORRESPONDENCE

On April 4, 2014, public hearing notices were mailed to property owners within 300 feet of the project site.

Correspondences received as of the writing of this staff report is included in **Exhibit D**.

RECOMMENDATION

Staff recommends the Zoning Administrator approve the attached draft resolution (**Exhibit A**) which approves a Construction Time Limits Extension to October 16, 2014, for the construction project at 640 Sausalito Boulevard (NC 05-0003).

Alternatively, the Zoning Administrator may:

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

EXHIBITS

- A. Draft Resolution
- B. Vicinity Map
- C. Request for time extension
- D. Correspondences
 1. Peter and Georgina Wardle, 652 Sausalito Blvd
 2. Cristina Woolrich, 411 Richardson Street
 3. Mark Rushford, Sausalito resident
 4. John and Maureen McCoy, 438 Sausalito Blvd
 5. Matt O'Brien, 59/61 Sunshine Avenue
 6. Jim Henry, 52 Prospect Avenue
 7. Conrad and Shana Gann, 428 Pine Street
 8. Susan Newmeyer, 102 Central Avenue
 9. Leigh Wasson, 79 Sunshine Avenue
 10. David Holub, 446 Sausalito Blvd
- E. Planning Commission Resolution No. 2005-16

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**SAUSALITO ZONING ADMINISTRATOR
RESOLUTION NO. 2014-XX**

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

WHEREAS, an application has been filed by the property owners, Stan and Lori Hales, requesting Zoning Administrator approval of a 180 day Construction Time Limits Extension for Building Permit 002-11 which was set to expire on April 19, 2014, at 640 Sausalito Boulevard (APN 065-163-01); and

WHEREAS, the Zoning Administrator conducted a duly-noticed public hearing on April 17, 2014, at which time all interested persons were given an opportunity to be heard; and

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

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

WHEREAS, the Zoning Administrator has reviewed and considered the information contained in the staff report dated April 17, 2014; and

WHEREAS, the Zoning Administrator finds that, as conditioned herein, the proposed project complies with the requirements of the General Plan and Zoning Ordinance as described in the staff report dated April 17, 2014; and

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

The Construction Time Limits, which was set to expire on April 19, 2014, for the renovation of the residence at 640 Sausalito Boulevard is extended to October 16, 2014, based upon the findings in Attachment 1, and subject to the conditions of approval in Attachment 2.

Date

Jeremy Graves, AICP
Zoning Administrator

ATTACHMENTS

- 1 Findings
- 2 Conditions of Approval

ZONING ADMINISTRATOR RESOLUTION

April 17, 2014

NC 05-003

640 SAUSALITO BOULEVARD

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

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

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

Since the approval of the building permit in March of 2011, the applicants have been diligently working to get the residential remodel constructed and completed. Over the past three years the applicants worked with Staff and the Historic Landmarks Board to revise the project in ways that would bring the structure back to a more historically accurate rendition of the original home built in 1901.

Since distribution of the public notice, Staff received nine letters in support of the extension, and did not receive comments from any neighbors stating that the construction would have a material deleterious effect on the neighborhood. However, staff received one letter in opposition to the construction time limit extension from a neighbor. The neighbor stated that although they are in favor of the project itself and feel that the beautiful house has greatly enhanced the neighborhood, the issues associated with prolonged construction such as loud noises and the amount of vehicles to and from the project site has simply gone on too long.

Since the neighborhood is generally in support of the applicant and the overall project, the extension does not have a material deleterious effect on the neighborhood surrounding the project.

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

Some of the delays were due to weather related grading restrictions. The trash enclosure was completed, but grading for the driveway, drainage and other outdoor hardscape items were put on hold over the winter.

The residence was constructed in 1901, and is listed on the City's Noteworthy Structures list. The property owners put in great effort to restore the property with historic integrity, this effort has created unusual factors that have contributed to the extent and timing of the building permit. Throughout the process the property owner's hired an Architectural Historian to review the project, and prepare and DPR 523 Form, this type of review added considerable time to the overall construction time line.

Because of the Noteworthy Structure status of the property and weather-related grading restrictions, Staff concludes that the obstacle v and vi have been satisfied.

ZONING ADMINISTRATOR RESOLUTION
April 17, 2014
NC 05-003
640 SAUSALITO BOULEVARD

ATTACHMENT 2: CONDITIONS OF APPROVAL

1. This approval will expire on October 16, 2014, if the property owner has not completed the construction project, or submitted an application for an additional Construction Time Limits Extension.

Advisory Notes

Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

1. All applicable City fees as established by City Council resolutions and ordinances shall be paid. Third party review fees (cost plus 10%) shall be paid.
2. Grading on hillside lands composed of geologic formations known to slide will be limited to between April 15 and October 15 without written approval of the City Engineer.
3. Pursuant to Municipal Code Section 11.12.030.C, applicants shall provide protection for any protected trees (as defined by Section 11.12.020) which are to remain standing.
4. Pursuant to Municipal Code Chapter 8.54, applicants shall submit a Recycling Management Plan to the Community Development Department prior to the issuance of any construction permits, unless the requirement is waived pursuant to Section 8.54.050.
5. Pursuant to Municipal Code Chapter 11.17, dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with Section 11.17.060.B.
6. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas within a 500 foot radius of residential zones shall only take place during the following hours:
Weekdays – Between 8:00 a.m. and 6:00 p.m.
Saturdays – Between 9:00 a.m. and 5:00 p.m.
Sundays – Prohibited
City holidays (not including Sundays) – Between 9:00 a.m. and 7:00 p.m.

Homeowners currently residing on the property and other legal residents may operate the equipment themselves on Sundays and City holidays between 9:00 a.m. and 6:00 p.m.
7. Pursuant to Municipal Code Section 10.54.100, construction activities undertaken in accordance with a design review permit shall comply with the construction time limit regulations based upon the project's valuation. Construction projects which are not completed within the time limits are subject to daily penalties.

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



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The City of Sausalito
Community Development Department

Stan and Lori Hales
640 Sausalito Blvd
Building Permit #B002-11

March 10, 2014

RECEIVED

To the Zoning Administrator c/o Jeremy Graves:

MAR 10 2014

RE: Application for 6 Month Construction Time Limit Extension

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

Thanks for your time and the opportunity to contribute on the improvement of a Noteworthy Structure in the city of Sausalito: 640 Sausalito Blvd. We understand that the current construction time limit expires on or about April 19, 2014. The Applicant requests a 180 day construction time limit extension as discussed with Jeremy Graves and Rafael Miranda, and with our general contractor over the counter at the Community Development Department. Below, we describe the circumstances that support our request for additional time to complete construction.

Construction Time Limit Extension:

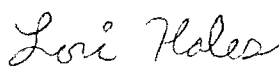
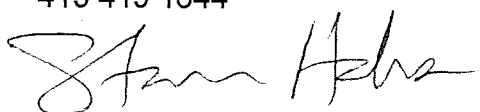
We request an extension of 180 days per Section 10.54.100.D. This is the second time limit extension permissible out of a total 360 days under this Section. As noted in Section 10.54.100.D, our neighbors are in full support of this project and submitted 10 different letters of support to the Planning Commission during the meeting on May 9, 2012. No complaints have been filed with the City of Sausalito. We also have a grading restriction that prohibits excavation of the grounds for the drainage, driveway, and other outdoor items on the approved plans from October 15 to April 15.

Additionally, other unusual factors warrant consideration. The plan revisions brought the structure back to a more historically accurate rendition of the original home built in 1901 with new double hung windows, new siding, deck railings, and restorations to the chimneys and wrought iron fencing that look similar to pictures of the original structure. The revisions, unanimously approved by both the HLB and the Planning Commission, involved an architectural historian who prepared a DPR 523 form, a Historic Landmarks Board meeting, a Planning Commission meeting, and subsequent approval of revised building plans. As noted above, this process required 7 months to complete with construction halted. We also await an approval by the City for early release of the utilities, so we can finish the gas and electric connections to the new structure. The project is almost complete, with minor interior trim, interior paint, interior appliance installation and exterior retaining walls and landscaping remaining.

Conclusion:

We ask that the Zoning Administrator grant the applicant an additional 180 days (beyond the already agreed April 19, 2014 date) as described in Section 10.54.100.D to complete construction of this Noteworthy Structure.

Thanks, Stan and Lori Hales
415 419 1644



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Rafael Miranda, Contract Planner
City of Sausalito
420 Litho Street
Sausalito, CA 94965

April 9, 2014

Re: Ext. 14-081

Rafael,

Enough is Enough!!

We are responding to the notice of zoning administrator for extension of time limits for construction at 640 Sausalito Blvd. We are the next door neighbors, located at 652 Sausalito Blvd. We are in our 70's and retired. We have lived at this address since 1985 (29) years.

Heavy construction has been underway next door at 640 Sausalito Blvd. since April, 2011 (3 years). The noise and increased traffic due to the construction has created major disruption in our lives. Although Sal, the general contractor, has been very friendly and responsive to our concerns, over the three year period, we have experienced the following:

1. Jackhammers
2. Early morning loud voices of workers
3. Loading and unloading trucks
4. Sawing, drilling and hammering
5. Cars and trucks filling the street and taking up available parking spaces
6. Workers starting work before 8AM
7. Blocking the street to allow trucks to deliver cement and building materials to the property

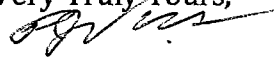
We need a break.

The Hales have built a perfectly beautiful house. It greatly enhances our neighborhood. The Hales are good, well meaning people.

Nevertheless, we are truly upset. Enough is enough!

We respectfully request that the extension request 14-081 be denied.

Very Truly Yours,


Georgiana S. Wardle
Peter J. Wardle
Georgiana S. Wardle

APR 10 2014

Rafael Miranda

From: Cristina Woolrich [cristina@artcastproductions.com]
Sent: Thursday, April 10, 2014 12:02 PM
To: Rafael Miranda
Subject: support letter for 640 Sausalito Blvd, Lori and Stan Hales extension

Dear Rafael,

I'm the neighbor of Stan and Lori Hales at 411 Richardson Street, Sausalito and regularly observe great progress on their house at 640 Sausalito Blvd. I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this noteworthy structure. I am pleased that Hales family has taken on this project and have been working diligently to complete the home. These improvements will help all of our property values in the neighborhood as well as make significant improvements for this important home in our city. I recommend that you approve the extension to the time limit.

Sincerely,

Cristina Woolrich

—
Cristina Woolrich
Executive Producer
Artcast Productions
415.289.0492 (direct)
415.385.4144 (mobile)
e: cristina@artcastproductions.com
w: www.artcastproductions.com

RECEIVED

APR 10 2014

COMMUNITY DEVELOPMENT
CITY OF SAN FRANCISCO

Rafael Miranda

From: Mark Rushford [mrushford@gmail.com]
Sent: Thursday, April 10, 2014 2:24 PM
To: Rafael Miranda
Subject: 640 Sausalito Blvd

Hi Rafael,

As a neighbor and friend of Stan and Lori Hales I regularly observe great progress on their house at 640 Sausalito Blvd. I understand you are soliciting public comments for a hearing on the construction time limit (sounds like what I have to look forward to as well). Just wanted to provide my full support for extending the time limit so the Hales can finish this awesome Sausalito home. This is a home that few could have taken on, been so diligent about, and have done so well. Anyone who knows this home or has seen the progress can't say enough about how well it's being done. These improvements will help all our property values in the neighborhood as well as make significant improvements for this classic and wonderful home in our one of a kind city. I would thus recommend approval for the extension to the time limit.

Sincerely,

Mark Rushford
Realtor | BRE # 01400112
415.290.2408
www.MarkRushford.com

RECEIVED
APR 10 2014
CITY OF Sausalito
COMMUNITY DEVELOPMENT

Rafael Miranda

From: John P McCoy, AIA [john@mccoyarchitecture.com]
Sent: Thursday, April 10, 2014 2:38 PM
To: Rafael Miranda
Subject: Construction Timeline Extension for 640 Sausalito Blvd

Dear Rafael,

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

Sincerely,

John and Maureen McCoy
Residents
438 Sausalito Blvd

APR 10 2014
CITY OF SAN FRANCISCO
COMMUNITY DEVELOPMENT

Rafael Miranda

From: Matthew O'Brien [hazmatmatt@comcast.net]
Sent: Thursday, April 10, 2014 3:42 PM
To: Rafael Miranda
Subject: 640 Sausalito Blvd

Dear Rafael,

I own the home at 59/61 Sunshine Avenue located directly across from Stan and Lori Hales. I regularly observe great progress on their house at 640 Sausalito Blvd. I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this noteworthy structure. I am pleased that Hales family has taken on this project and have been working diligently to complete the home. These improvements will help all of our property values in the neighborhood as well as make significant improvements for this important home in our city. I recommend that you approve the extension to the time limit.

Sincerely,
Matt O'Brien

Sent from my iPhone

APR 10 2014

Rafael Miranda

From: Jim -Personal Mail [jimhenry002@gmail.com]
Sent: Thursday, April 10, 2014 4:47 PM
To: Rafael Miranda
Cc: Pam Henry
Subject: Support for 640 Sausalito Blvd

Dear Rafael,

I'm the neighbor of Stan and Lori Hales at 52 Prospect and regularly observe great progress on their house at 640 Sausalito Blvd. I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this incredible project.

Stan and Lori have been a great addition to the Sausalito community and are probably as anxious as anyone to complete their construction. However, I believe strongly that they need to do this right even if it requires more time. The neighborhood will be better off for it. My wife and I are pleased that the Hales have renovated 640 Sausalito and have been working diligently to complete the home. These improvements will help all of our property values in the neighborhood as well as make significant improvements for this historically significant home.

I recommend that you approve the extension to the time limit.

Sincerely,

Jim Henry
415-203-7730 cell

Sent from my iPad

RECEIVED

APR 10 2014

CITY OF SAN FRANCISCO
COMMUNITY DEVELOPMENT

Rafael Miranda

From: Shana Ree Gann [shana.rassner@gmail.com]
Sent: Thursday, April 10, 2014 5:13 PM
To: Rafael Miranda
Subject: 640 Sausalito Approval

Dear Rafael,

I'm the neighbor of Stan and Lori Hales (we live at 428 Pine St.). I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this project. I am pleased that Hales family has taken on this project and have been working diligently to complete the home. These improvements will help all of our property values in the neighborhood as well as make significant improvements for this important home in our city. Please approve the extension to the time limit.

Sincerely,

Conrad K. Gann
Shana R. Gann

APR 10 2014

Rafael Miranda

From: Susan Newmeyer [s_newmeyer@yahoo.com]
Sent: Thursday, April 10, 2014 5:55 PM
To: Rafael Miranda
Cc: lorihales@gmail.com
Subject: Hales Permit Extension: 640 Sausalito Blvd.

Dear Community Development Department,

I support the extension of the permits at 640 Sausalito Boulevard. Lori and Stanley Hales have taken on an impressive home remodel that will have a positive impact on the neighborhood. It is great to see this historic home being restored.

Sincerely,
Susan Newmeyer
102 Central Ave
Sausalito, CA 94965

APR 10 2014

Rafael Miranda

From: leigh.wasson@gmail.com
Sent: Thursday, April 10, 2014 6:14 PM
To: Rafael Miranda
Subject: Construction at 640 Sausalito Blvd

Dear Rafael,

I'm the neighbor of Stan and Lori Hales and I live across from their house at 79 Sunshine Ave. I regularly observe great progress on their house at 640 Sausalito Blvd. I understand that you are soliciting public comments for a hearing on the construction time limit. I fully support extending the time limit so the Hales can finish this noteworthy structure. I am pleased that Hales family has taken on this project and have been working diligently to complete the home. These improvements will help all of our property values in the neighborhood as well as make significant improvements for this important home in our city. I recommend that you approve the extension to the time limit.

Sincerely,
Leigh Wasson

Sent from my iPhone

RECEIVED

APR 10 2014

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

Rafael Miranda

From: David Holub [david@hooked.com]
Sent: Friday, April 11, 2014 9:05 AM
To: Rafael Miranda
Subject: extension for construction at 640 Sausalito Blvd.

Dear Rafael,

I'm writing you regarding granting an extension on the construction time at 640 Sausalito Blvd. I am a neighbor of Stan and Lori Hales. We live at 446 Sausalito Blvd. While its true that this project had dragged on for a significant period of time its also true that we have seen this occur before and the as a community we need to support our neighbors investment in their properties. I strongly believe that the City needs to work with the Hales to drive this to a completion that supports all of our property values and provides another example of how people investing in improvements and updating their properties benefits everyone in Sausalito. I'm pleased that the Hales have taken on this project now lets bring it to its ultimate completion. I strongly recommend that you approve the extension to the time limit.

Sincerely,

--david

David S. Holub
446 Sausalito Blvd.
Sausalito, CA 94965
415-990-9143

APR 11 2014

RESOLUTION NO. 2005 – 16

**RESOLUTION OF THE SAUSALITO PLANNING COMMISSION
APPROVING NONCONFORMITY PERMIT AND RECOMMENDING APPROVAL OF AN
ENCROACHMENT AGREEMENT (APPLICATION NC 05-003) FOR RENOVATIONS TO
THE HOME AT 640 SAUSALITO BOULEVARD**

WHEREAS, an application has been filed by the applicant and architect, Michael Froehlich, on behalf of Terrence Irwin and Michael Fisher, the property owners, requesting Planning Commission approval of Nonconformity and Encroachment Permits for renovations to the home at 640 Sausalito Boulevard (APN 065-163-01); and

WHEREAS, the Planning Commission conducted duly noticed public meetings on April 13, 2005 in the manner prescribed by local ordinance, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the requirements of CEQA pursuant to Section 15303; and

WHEREAS, the Planning Commission has reviewed and considered the project plans titled "Restoration/Upgrades at 640 Sausalito" stamped received by the City of Sausalito on March 8, 2005; 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 April 13, 2005 staff reports for the proposed project; and

WHEREAS the Planning Commission finds that, as conditioned herein, the proposed project complies with the requirements of the Zoning 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

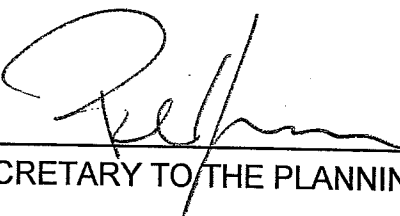
WHEREAS, the Planning Commission has determined that the proposed project promotes the preservation of a historic structure and is consistent with the principles of historic preservation.

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

1. The Nonconformity Permit is approved, and the Encroachment Permit recommended for approval, as outlined in the attached findings (Attachment A).
2. The Nonconformity Permit is approved and Encroachment Permit recommended for approval for project plans titled "Restoration/Upgrades at 640 Sausalito" stamped received by the City of Sausalito on March 8, 2005 (Attachment B), subject to the attached conditions of approval (Attachment C)

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 13th day of April 2005, by the following vote:

AYES: Commissioner: Chair Leone, Vice-Chair Kellman, Pettitt, Keller, Bossio
NOES: Commissioner:
ABSENT: Commissioner:



SECRETARY TO THE PLANNING COMMISSION

PLANNING COMMISSION HEARING

April 13, 2005

APPLICATION NO. NC 05-003

640 SAUSALITO BOULEVARD

ATTACHMENT A: FINDINGS

1. NONCONFORMITY PERMIT FINDINGS

Pursuant to Sausalito Municipal Code Section 10.62 (Nonconformity Permits), it has been found that the requested nonconformity permit may be issued based on the following findings:

- A) Plans that document the nonconforming zoning entitlement being requested are on file with the City or an Evidentiary Public Hearing has been held to document the existence and extent of requested nonconforming zoning entitlement..

Staff has determined that the present non-conformities are legally existing. An early photograph of the home is attached to the Historic Landmarks Board memorandum.

- B) The existing non-conforming use and/or structure has not resulted in a notable negative impact or nuisance to the surrounding properties and district (i.e. excessive parking demand, traffic, noise, view obstruction, etc)..

There have been no notable negative impacts or nuisances resulting from then nonconforming use and structure.

- C) The non-conforming use or structure is not incompatible with the general character of the surrounding neighborhood or district.

- D) *Large homes exceeding the maximum FAR for the R-1-6 district are typical in the immediate neighborhood. Multi-family structures and accessory dwelling units also are present in the area. The nonconforming use and structure therefore is not incompatible with the general character of the surrounding neighborhood or district.*

- E) If the application is for a nonconforming use, the non-conforming use will contribute to the social and economic vitality of the district or will otherwise benefit the public health, safety and welfare.

Considering the region's shortage of housing and housing affordability crisis, maintaining the second unit provides an important benefit to the public welfare.

- F) The requested action will not be inconsistent with the purpose and intent of the zoning

district.

The purpose of the R-1-6 District is to provide an area for low-density, detached single-family residential land use. Considering the absence of complaints regarding the non-conforming use and the de-intensification of the use from a three-unit to two-unit residence, the action would not be inconsistent with the purpose and intent of the district.

- G) If it is a nonconforming structure, the applicant has reduced the nonconformities to an extent reasonably practicable.

The project would reduce the floor area of the main house from 4,467 square feet to 4,414 square feet. Because the project involves the restoration of an historic home, this reduction in floor area can be considered reasonably practicable.

2. ENCROACHMENT PERMIT FINDINGS

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

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

The proposed entry steps, retaining wall and garage enclosure appear to be compatible with both with the 640 Sausalito Boulevard property and the surrounding neighborhood.

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

The proposed encroachments are of a minor nature and are located and designed in such a way as not negatively affect adjoining parcels or create an undesirable land use precedent.

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

A means of entry to the property from Sausalito Boulevard is necessary for the reasonable use and enjoyment of the property.

- D) The proposed encroachment will not adversely affect the public circulation nor create

or constitute a hazard to public safety.

It does not appear that the proposed encroachment will adversely affect the public circulation nor create or constitute a hazard to public safety.

- E) The value of the proposed improvements will not prejudice a policy decision to terminate the encroachment nor preclude or make difficult the establishment or improvement of streets or pedestrian ways.
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The value of the proposed improvements are not anticipated to prejudice any future policy decisions to terminate the encroachments nor preclude or make difficult the establishment or improvement of streets or pedestrian ways.

PLANNING COMMISSION HEARING

April 13, 2005

APPLICATION NO. NC 05-003

640 SAUSALITO BOULEVARD

ATTACHMENT C: CONDITIONS OF APPROVAL

1. Approval of this Application is limited to the project plans titled "Restoration/Upgrades at 640 Sausalito" stamped received by the City of Sausalito on March 8, 2005; 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 alterations and/or renovations not specified in the project plans, or alterations approved by the Planning Director, shall be performed on the project site. In such cases, this approval shall be rendered null and void unless approved by the Community Development Department as a modification to this approval.

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 for the review and approval of the Community Development Director a revised landscaping plan that includes the addition of one new Coastal Live Oak tree and retains the existing Bay Trees along the property line shared with 652 Sausalito Boulevard so as to maintain a privacy screen for the neighbors to the east.
13. During construction, any existing overhead utility services to the property (electric, phone, cable) shall be placed underground.
14. A grading permit shall be required if the grading quantities exceed 50 cubic yards.
15. If a grading permit is required, no grading and excavation operations shall occur between October 15th and April 15th except when in accordance with an approved erosion control and storm water pollution prevention plan.
16. A hydrology study based upon a 10-year design storm shall be performed for the site to determine appropriate storm drain facility design. Runoff water shall be distributed to flow off site as currently exists.
17. An encroachment permit shall be required for all improvements to be constructed within the public right-of-way.
18. A detailed site and project specific erosion and sedimentation control plan shall be submitted

as part of the project grading plans.

19. The sanitary sewer lateral serving the property shall have a video inspection submitted for review and approval by the City. The sewer lateral location shall be determined and mapped from the building to the City main.
20. A construction traffic control, parking, and staging plan and construction schedule shall be submitted for review and approval by the City Engineer. The traffic control plan shall address controlling traffic on Sausalito Boulevard and Sunshine Avenue during construction. The transportation of workers to and from the site shall be discussed in the report. Construction workers shall be prohibited from using on-street parking in the vicinity of the project and the applicant shall consider leasing an adequate number of parking spaces in a City parking lot to provide for construction workers. The staging plan shall show where dumpsters, equipment, and construction material are to be stored during construction and any areas within the street right-of-way to be used for off-loading material and equipment. An encroachment permit is required for any such storage in the City right-of-way.

During Construction:

21. The locations of all subsurface drains and clean-outs shall be surveyed and shown on the as-built plans.
22. "Construction Guidelines for Protected Trees" as identified in the project arborist report dated March 7, 2005 shall be implemented during construction to ensure minimal disturbance to and damage of trees located on the project site.