

STAFF REPORT

ZONING ADMINISTRATOR

Project Fotsch Residence / 2 Alexander Avenue
Administrative Design Review Permit and Variance
ADR-VA 13-310

Meeting Date August 11, 2015

Staff Calvin Chan, Associate Planner

REQUESTS

Mid-Cal Construction, Inc., applicant, on behalf of property owner Edward Fotsch, is requesting an Administrative Design Review Permit and a Variance to allow for the construction of a 1,116 square-foot residential pier and deck/boat lift that would extend into the San Francisco Bay. The pier and deck/boat lift would extend beyond the parcel's rear property line and onto City property. The requested Variance would allow the project to encroach into the required rear-yard setback of the property. The project is subject to Heightened Design Review.

PROJECT INFORMATION

Applicant Mid-Cal Construction, Inc.

Owner Edward Fotsch

Location/Parcel Size 2 Alexander Avenue (APN 065-303-05 and 065-303-20)
Approximately 11,369 square-feet (see **Exhibit B** for Vicinity Map)

General Plan Medium-High Density Residential

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

Authority Administrative Design Review Permit (SMC 10.54.040.B.10)
Variance (SMC 10.68.020)

CEQA This project is Categorically Exempt under §15303 *New Construction or Conversion of Small Structures* of the CEQA Guidelines.

BACKGROUND

SITE LOCATION

The project site of 2 Alexander Avenue is in the R-2-2.5 Two-Family Residential Zoning District. The trapezoidal parcel is approximately 11,369 square feet and contains an existing single-family residence, garage, and site access stairs. A portion of the site is steeply sloping downhill towards the San Francisco Bay. The parcel is located in the Old Town/Hurricane Gulch neighborhood with surrounding land uses consisting of a mixture of single and multi-family residential dwellings.

HISTORIC LANDMARKS BOARD REVIEW

The existing residential structure was constructed in approximately 1960. The proposed project was referred to the Historic Landmarks Board (HLB) for review. Pursuant to the City Council policy regarding properties older than 50 years, the HLB reviewed the project on July 16, 2015. The HLB found that the residential site and structure are not historically significant and therefore no recommendation is forwarded to the Zoning Administrator regarding the proposed project (see **Exhibit C** for HLB Review Memorandum).

DESCRIPTION

PROJECT

The applicant is requesting approval of an Administrative Design Review Permit and a Variance to allow for the construction of a 1,116 square-foot residential pier with composite decking, and deck/boat lift (see **Exhibit D** for project plans). The proposed pier is five feet wide and will extend from an existing concrete and rock wall located at the terminus of existing beach access stairs which connect to the rear of the residence. The proposed pier is rectangular in shape and contains a boat lift with permanent decking (16-foot wide) at the end, furthest point into the Bay; no handrails are proposed. The pier extends into the San Francisco Bay a maximum of 154 feet from the face of the existing concrete and rock wall—the minimum distance required to clear existing natural rip rap and a rock formation near the end of the proposed pier. The pier will be supported by a concrete footing near the shore line and nine steel piles (supports). The deck/boat lift will have its own support system. Due to the proposed project encroaching into the required 15-foot rear-yard setback, a Variance is requested.

A Lease Agreement from the City of Sausalito is required as a portion of the project extends onto City property. Should the entitlements be granted, the City Council will review a Lease Agreement for the project. A condition of approval has been included in the draft Resolution requiring the property owner to secure the required Lease Agreement from the City of Sausalito (see **Exhibit A** for draft Resolution).

ANALYSIS

An Administrative Design Review Permit is required for the construction of any pier or dock for private pleasure craft in the R-2-2.5 Zoning District (SMC 10.54.040.B.10). A Variance is required to allow for the project to encroach into the required 15-foot rear-yard setback (SMC 10.68.020).

GENERAL PLAN CONSISTENCY

The project site is located within the Medium-High Density Land Use designation—this density begins to reflect the more urban parts of the City. The area is intended to provide a transition between the lower density uses on the steep slopes and the higher density uses on the flat lands. To approve the proposed project, the Zoning Administrator must determine that the project is consistent with the General Plan. The project is consistent with the General Plan by meeting the applicable policies and programs that support the proposed project.

Policy CD-1.3: Neighborhood Compatibility

The proposed pier, decking, and deck/boat lift are consistent with other piers and docks within the immediate vicinity. As stated in the Variance findings, seven out of the ten properties which front the San Francisco Bay have private docks, piers and/or floating dock systems.

Program CD-1.3.1: Zoning Ordinance (Size and Mass)

The size of the proposed project is generally consistent with piers and docks in the immediate vicinity. Although the pier extends moderately further than other similar structures, for functionality purposes, such design is necessary to gain clearance from existing natural rip rap and a rock formation near the end of the pier. Furthermore, although the project would result in added building coverage, the project is within the allowances of the development standards for the R-2-2.5 Zoning District.

Program LU-4.1.1: Shoreline Access

This General Plan program encourages the maintenance and enhancement of water view corridors and access. The project is located in an area that is privately developed as residential homes with no existing public access to the shore. As the topography slopes steeply downhill from Alexander Avenue, the proposed project will not affect public access to waterfront areas or affect water view corridors.

ZONING ORDINANCE CONSISTENCY

The Project Summary Table below compares existing conditions to the proposed project and shows that the project necessitates the approval of a Variance for relief from the rear-yard setback requirement in order to be fully compliant with the Zoning Ordinance.

Project Summary Table – 2 Alexander Avenue				
Development Standard	Existing	Ordinance	Proposal	Compliance
Parcel Area	11,369 sq. ft.	5,000 sq. ft.	No change	Yes
Land Use	Single-Family Residential	Single/Two-Family Residential	No change	Yes
Dwelling Units	1 dwelling unit	1 dwelling unit per 2,500 sq. ft.	No change	Yes
Setbacks				
Front	0'	0'	No change	Variance required
Side	5 ft. avg.	5 ft. min.	No change	
Rear	154 ft.	15 ft. min.	0 ft.	
Height	35 ft.	32' max	No change	Yes
Building Coverage	4,292 sq. ft. 37.8 %	5,685 sq. ft. 50% max	5,408 sq. ft. 47.6%	Yes
Floor Area (FAR)	4,932 sq. ft. 0.43	7,390 sq. ft. 0.65 max	No change	Yes
Impervious Surface Area	4,892 sq. ft. 43%	8,527 sq. ft. 75%	6,008 sq. ft. 52.8%	Yes
Parking	4 spaces	4 spaces	No change	Yes

ADMINISTRATIVE DESIGN REVIEW PERMIT FINDINGS

In order to approve the Administrative Design Review Permit, the Zoning Administrator must determine whether the project is in conformance with the following Design Review Permit Findings (SMC 10.54.050.D):

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

The project is consistent with all applicable policies, standards, and regulations of the General

Plan and Zoning Ordinance as described in the Staff Report.

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 pier, decking, and deck/boat lift maintain the prevailing neighborhood character in both materials and design.

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

The project will be of a similar mass, size, and scale as other floating residential-use structures within the immediate vicinity. Although the pier extends moderately further than other similar structures, for functionality purposes, such design is necessary to gain clearance from existing natural rip rap and a rock formation near the end of the pier.

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

The pier, decking, and deck/boat lift have been thoughtfully designed to not affect public water view corridors and private views from surrounding properties.

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

The project is located on the water downhill from a steeply sloped hillside. The project does not result in a prominent building profile above a ridgeline.

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

The project does not propose landscaping and is unnecessary in consideration of the scope of the project.

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

The project is consistent with other piers and floating dock systems within the immediate vicinity and will not result in significant light and air impacts.

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

The project does not propose any new mechanical equipment or lighting. The project is subject to the standard condition of approval that all exterior lighting be shielded and downward facing.

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

Seven out of the ten properties which front the San Francisco Bay currently have boat piers and/or floating dock systems within close proximity to one another. The project has been thoughtfully designed and will not create significant privacy impacts to adjacent properties.

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 will not affect circulation to, from, or within the site.

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 will not affect any trees and protects natural features of the site.

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 Design Review Findings).

The project exceeds 80% of the maximum allowed site coverage. The project is consistent with the guidelines for Heightened Design Review. The findings are identified below.

13. The project has been designed to ensure on-site structures do not crowd or overwhelm structures on neighboring properties. Design techniques to achieve this may include, but are not limited to: stepping upper levels back from the first level, incorporating facade articulations and divisions (such as building wall offsets), and using varying rooflines.

Seven out of the ten properties which front the San Francisco Bay currently have boat piers and/or floating dock systems within close proximity to one another. The pier, decking, and deck/boat lift have been thoughtfully designed to not overwhelm the structures on adjacent properties. The design follows the natural topography and complies with all requirements of the Zoning Ordinance.

Staff has reviewed all applicable Administrative Design Review Permit findings and has determined that the project is compliant (see draft Resolution in **Exhibit A**).

HEIGHTENED DESIGN REVIEW FINDINGS

As the project is subject to Heightened Design Review, the Zoning Administrator must determine whether the project is in conformance with the following Heightened Design Review findings (SMC 10.54.050.E):

1. Proposed development of the site maximizes preservation of protected trees.

No trees will be affected by the project's design or construction.

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

The project is thoughtfully designed and sited appropriately. Exceptional circumstances apply to the property that do not apply generally to other property or uses in the same district. A Variance is required for encroachment into the rear-yard setback and the findings are identified

below.

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

Surrounding properties have piers and floating dock systems in close proximity to one another with no significant view obstructions. The project has been thoughtfully designed to not affect public water view corridors and private views from surrounding properties. There is no public access to the shoreline from the subject parcel or properties in the immediate vicinity.

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

The project is designed to meet current building codes to ensure adequate health and safety. The project will meet current public improvement and engineering standards to facilitate traffic safety and ease of movement. No negative impacts to traffic circulation and safety are anticipated beyond the project site's current conditions.

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

The project conforms to the natural topography of the site. No excavation and minimal alteration to the site will occur.

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

The project does not affect parking for the site or surrounding properties.

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

The project proposes no new landscaping or removal of any protected trees.

Staff has reviewed all applicable findings and has determined that the project is compliant (see draft Resolution in **Exhibit A**).

VARIANCE FINDINGS

In order to approve a Variance for relief from the required 15-foot rear-yard setback, the Zoning Administrator must determine whether the project is in conformance with the following Variance Findings (SMC 10.68.050):

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

The purpose of a rear-yard setback includes the provision of the following: uniformity between structures, privacy, space for light and air circulation, and open space for landscaping and recreational use. There are four significant exceptional circumstances associated with this

project to allow a deviation from the 15-foot rear-yard setback requirement. The circumstances are as follows:

- *The topography of the site drops off into the San Francisco Bay.*
- *A small percentage of City properties, such as the subject parcel, have land that is submerged by water.*
- *The parcel configuration is oddly shaped and a boat pier would be difficult to design to comply with all required setbacks.*
- *The partially-submerged property is affected by variable tides which raise and lower the water elevation of the submerged lands. Due to the topography and submerged lands affected by tides, any structure constructed within the allowable portions of the property would be subject to a Variance in order to comply with the necessary Flood Plain Management criteria for the construction of a pier.*

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

Due to the parcel's steep topography and character of being partially submerged, there is limited area on the parcel for outdoor recreational use. Furthermore, as the site is affected by tides, the pier and deck/boat lift must be sited to accommodate boat draft and be utilized as a functional pier—providing the adequate depth for recreational boat use (Draft of a ship's hull is the vertical distance between the waterline and the bottom of the hull; draft determines the minimum depth of water a ship or boat can safely navigate.).

- C. Such Variance is necessary for the preservation of a substantial property right of the petitioner, possessed by other property in the same district.

Seven out of the ten properties within the immediate vicinity have piers and/or floating dock systems. The Variance is necessary for the preservation of a substantial property right of the property owner possessed by other properties in the same zoning district. There are existing docks and boat piers that are adjacent to this property that encroach into either a side or rear-yard setback due to steep topography, submerged lands, tides, and parcel configuration.

- D. 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 subject property is located.

Physical public access to the portion of the site subject to the Variance is only available by water due to the site's steep topography and adjacent privately-owned parcels. As such, the granting of a Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

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

The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same R-2-2.5 Zoning District for the following reasons:

- *Seven of the ten of properties fronting the San Francisco Bay in the project site's immediate vicinity have piers and/or floating docks; and*
- *Seven of the ten piers and/or floating docks encroach into either a side or rear-yard setback due to steep topography, submerged lands, and/or parcel configuration.*

- F. *The granting of such Variance will be in harmony with the general purpose and intent of this Title and the General Plan.*

The intent of the General Plan, with regard to the regulation of residential land use, is to protect and maintain the character of residential neighborhoods by establishing guidelines that reflect the predominant land use, scale, and density of the district. The goals of the General Plan are to preserve public views and access to the waterfront. This project is consistent with the intent and the goals of the General Plan as the project would not impact views from Alexander Avenue and there is no existing public access to the waterfront from this area. The project is consistent with all other regulations and standards of the Zoning Ordinance.

Staff has reviewed all applicable Variance findings and has determined that the project is compliant (see draft Resolution in **Exhibit A**).

PUBLIC NOTICE AND CORRESPONDENCE

On July 31, 2015, a public hearing notice was posted on the project site and mailed to all property owners and residents within 300 feet of the project site, as well as interested parties.

On July 24, 2014, Janeane Moody, property owner at 6 Alexander Avenue, submitted a letter (see **Exhibit E**).

On August 18, 2014, Janeane Moody, property owner at 6 Alexander Avenue, submitted a letter (see **Exhibit F**).

On February 6, 2015, Edward Fotsch, property owner at 2 Alexander Avenue, submitted a letter in response to comments received from the City of Sausalito Department of Public Works and included neighborhood outreach documentation (see **Exhibit G**).

On August 4, 2015, Janeane Moody, property owner at 6 Alexander Avenue, submitted a letter (see **Exhibit H**).

On August 5, 2015, Edward Fotsch, property owner at 2 Alexander Avenue, submitted a letter in response to Janeane Moody's letter date-stamped received August 4, 2015 (see **Exhibit I**).

RECOMMENDATION

Staff recommends the Zoning Administrator approve the attached draft Resolution (**Exhibit A**) which approves an Administrative Design Review Permit and a Variance to allow for the construction of a 1,116 square-foot residential pier and deck/boat lift that would extend into the San Francisco Bay, beyond the parcel's rear property line, and onto City property.

Options for Zoning Administrator action:

1. Approve the attached draft resolution (**Exhibit A**) which makes the findings to approve an Administrative Design Review Permit and a Variance to allow for the construction of a 1,116 square-foot residential pier and deck/boat lift that would extend into the San Francisco Bay, beyond the parcel's rear property line, and onto City property.
2. Deny the Administrative Design Review Permit and Variance and direct staff to prepare a resolution with the specific findings for denial.
3. Continue the hearing for additional information and/or project revisions.

EXHIBITS

- A. Resolution (draft)
- B. Vicinity Map
- C. Historic Landmarks Board Review Memorandum dated July 16, 2015
- D. Project Plans, date-stamped received February 2, 2015
- E. Letter from Janeane Moody date-stamped received July 24, 2014
- F. Letter from Janeane Moody date-stamped received August 18, 2014
- G. Letter from Edward Fotsch date-stamped received February 6, 2015
- H. Letter from Janeane Moody date-stamped received August 4, 2015
- I. Letter from Edward Fotsch date-stamped received August 5, 2015

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**SAUSALITO ZONING ADMINSTRATOR
RESOLUTION NO. 2015-XX**

**APPROVAL OF AN ADMINISTRATIVE DESIGN REVIEW PERMIT AND A VARIANCE
TO ALLOW FOR THE CONSTRUCTION OF A 504 SQUARE-FOOT RESIDENTIAL
PIER THAT WOULD EXTEND INTO THE SAN FRANCISCO BAY
2 ALEXANDER AVENUE
ADR-VA 13-310**

WHEREAS, on November 19, 2013, an application was filed by Mid-Cal Construction, Inc. on behalf of property owner Edward Fotsch requesting approval of an Administrative Design Review Permit and a Variance to allow for the construction of a 1,116 square-foot residential pier that would extend into the San Francisco Bay, beyond the parcel's rear property line, and onto City Property; and

WHEREAS, the project site is located within the Medium High Density Residential land use designation and the Two-Family Residential (R-2-2.5) Zoning District; and

WHEREAS, the Zoning Administrator conducted a duly-noticed public hearing on August 11, 2015 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Zoning Administrator has reviewed and considered the information contained in the Staff Report dated August 11, 2015 for the proposed project; and

WHEREAS, the Zoning Administrator has reviewed and considered the project plans entitled, "Edward Fotsch Pier" date-stamped received February 2, 2015; and

WHEREAS, the Zoning Administrator finds that the proposed project, as conditioned herein, is consistent with the General Plan and complies with the requirements of the Zoning Ordinance as described in the Staff Report; and

WHEREAS, the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to §15303 *New Construction or Conversion of Small Structures* of the CEQA Guidelines.

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

An Administrative Design Review Permit and a Variance to allow for the construction of a 1,116 square-foot residential pier that would extend into the San Francisco Bay, beyond the parcel's rear property line, and onto City Property—is hereby approved based upon the findings provided in Attachment 1 and subject to the conditions of approval in Attachment 2. The project plans are provided in Attachment 3.

Date

Danny Castro
Zoning Administrator

ATTACHMENTS

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

EXHIBIT A

**SAUSALITO ZONING ADMINISTRATOR RESOLUTION NO. 2015-XX
AUGUST 11, 2015
ADR-VA 13-310
2 ALEXANDER AVENUE**

ATTACHMENT 1: FINDINGS

ADMINISTRATIVE DESIGN REVIEW PERMIT FINDINGS

In accordance with Zoning Ordinance Section 10.54 (Design Review Procedures), the Administrative Design Review Permit is approved based on the following findings:

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

The project is consistent with all applicable policies, standards, and regulations of the General Plan and Zoning Ordinance as described in the Staff Report.

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 pier, decking, and deck/boat lift maintain the prevailing neighborhood character in both materials and design.

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

The project will be of a similar mass, size, and scale as other floating residential-use structures within the immediate vicinity. Although the pier extends moderately further than other similar structures, for functionality purposes, such design is necessary to gain clearance from existing natural rip rap and a rock formation near the end of the pier.

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

The pier, decking, and deck/boat lift have been thoughtfully designed to not affect public water view corridors and private views from surrounding properties.

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

The project is located on the water downhill from a steeply sloped hillside. The project does not result in a prominent building profile above a ridgeline.

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

The project does not propose landscaping and is unnecessary in consideration of the scope of the project.

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

The project is consistent with other piers and floating dock systems within the immediate vicinity and will not result in significant light and air impacts.

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

The project does not propose any new mechanical equipment or lighting. The project is subject to the standard condition of approval that all exterior lighting be shielded and downward facing.

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

Seven out of the ten properties which front the San Francisco Bay currently have boat piers and/or floating dock systems within close proximity to one another. The project has been thoughtfully designed and will not create significant privacy impacts to adjacent properties.

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 will not affect circulation to, from, or within the site.

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 will not affect any trees and protects natural features of the site.

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 Design Review Findings).

The project exceeds 80% of the maximum allowed site coverage. The project is consistent with the guidelines for Heightened Design Review. The findings are identified below.

13. The project has been designed to ensure on-site structures do not crowd or overwhelm structures on neighboring properties. Design techniques to achieve this may include, but are not limited to: stepping upper levels back from the first level, incorporating facade articulations and divisions (such as building wall offsets), and using varying rooflines.

Seven out of the ten properties which front the San Francisco Bay currently have boat piers and/or floating dock systems within close proximity to one another. The pier, decking, and deck/boat lift have been thoughtfully designed to not overwhelm the structures on adjacent properties. The design follows the natural topography and complies with all requirements of the Zoning Ordinance.

HEIGHTENED DESIGN REVIEW FINDINGS

In accordance with Zoning Ordinance Section 10.54.050.E (Heightened Review Findings) the Administrative Design Review Permit with Heightened Design Review is approved based on the following findings:

1. Proposed development of the site maximizes preservation of protected trees.

No trees will be affected by the project's design or construction.

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

The project is thoughtfully designed and sited appropriately. Exceptional circumstances apply to the property that do not apply generally to other property or uses in the same district. A Variance is required for encroachment into the rear-yard setback and the findings are identified below.

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

Surrounding properties have piers and floating dock systems in close proximity to one another with no significant view obstructions. The project has been thoughtfully designed to not affect public water view corridors and private views from surrounding properties. There is no public access to the shoreline from the subject parcel or properties in the immediate vicinity.

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

The project is designed to meet current building codes to ensure adequate health and safety. The project will meet current public improvement and engineering standards to facilitate traffic safety and ease of movement. No negative impacts to traffic circulation and safety are anticipated beyond the project site's current conditions.

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

The project conforms to the natural topography of the site. No excavation and minimal alteration to the site will occur.

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

The project does not affect parking for the site or surrounding properties.

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

The project proposes no new landscaping or removal of any protected trees.

VARIANCE FINDINGS

In order to approve a Variance for relief from the required 15-foot rear-yard setback, the Zoning Administrator must determine whether the project is in conformance with the following Variance Findings (SMC 10.68.050):

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

The purpose of a rear-yard setback includes the provision of the following: uniformity between structures, privacy, space for light and air circulation, and open space for landscaping and recreational use. There are four significant exceptional circumstances associated with this project to allow a deviation from the 15-foot rear-yard setback requirement. The circumstances are as follows:

- *The topography of the site drops off into the San Francisco Bay.*
- *A small percentage of City properties, such as the subject parcel, have land that is submerged by water.*
- *The parcel configuration is oddly shaped and a boat pier would be difficult to design to comply with all required setbacks.*
- *The partially-submerged property is affected by variable tides which raise and lower the water elevation of the submerged lands. Due to the topography and submerged lands affected by tides, any structure constructed within the allowable portions of the property would be subject to a Variance in order to comply with the necessary Flood Plain Management criteria for the construction of a pier.*

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

Due to the parcel's steep topography and character of being partially submerged, there is limited area on the parcel for outdoor recreational use. Furthermore, as the site is affected by tides, the pier and deck/boat lift must be sited to accommodate boat draft and be utilized as a functional pier—providing the adequate depth for recreational boat use (Draft of a ship's hull is the vertical distance between the waterline and the bottom of the hull; draft determines the minimum depth of water a ship or boat can safely navigate.).

- C. Such Variance is necessary for the preservation of a substantial property right of the petitioner, possessed by other property in the same district.

Seven out of the ten properties within the immediate vicinity have piers and/or floating dock systems. The Variance is necessary for the preservation of a substantial property right of the property owner possessed by other properties in the same zoning district. There are existing docks and boat piers that are adjacent to this property that encroach into either a side or rear-yard setback due to steep topography, submerged lands, tides, and parcel configuration.

- D. 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 subject property is located.

Physical public access to the portion of the site subject to the Variance is only available by water due to the site's steep topography and adjacent privately-owned parcels. As such, the granting of a Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

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

The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same R-2-2.5 Zoning District for the following reasons:

- Seven of the ten of properties fronting the San Francisco Bay in the project site's immediate vicinity have piers and/or floating docks; and*
- Seven of the ten piers and/or floating docks encroach into either a side or rear-yard setback due to steep topography, submerged lands, and/or parcel configuration.*

- F. *The granting of such Variance will be in harmony with the general purpose and intent of this Title and the General Plan.*

The intent of the General Plan, with regard to the regulation of residential land use, is to protect and maintain the character of residential neighborhoods by establishing guidelines that reflect the predominant land use, scale, and density of the district. The goals of the General Plan are to preserve public views and access to the waterfront. This project is consistent with the intent and the goals of the General Plan as the project would not impact views from Alexander Avenue and there is no existing public access to the waterfront from this area. The project is consistent with all other regulations and standards of the Zoning Ordinance.

**SAUSALITO ZONING ADMINISTRATOR RESOLUTION NO. 2015-XX
AUGUST 11, 2015
ADR-VA 13-310
2 ALEXANDER AVENUE**

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project plans prepared for Mid-Cal Construction Inc. entitled "Edward Fotsch Pier" date-stamped received February 2, 2015.

General Items

1. Prior to issuance of a Building Permit, the applicant shall obtain a signed lease agreement from the City of Sausalito for the portion of the proposed pier that will encroach onto City property or public right-of-way.
2. Prior to issuance of a Building Permit, all COAs shall be restated on the plans.
3. Prior to issuance of a Building Permit, the construction plans shall be plotted in full size (24" x 36"), to the scale indicated on the plans and wet signed by the Engineer.
4. 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.
5. Prior to issuance of a Building Permit, a Professional Land Surveyor shall certify that the site plan accurately depicts all existing and proposed structures in relation to the property boundaries and accurately depicts any easements.

Stormwater Pollution Prevention

6. Applicant's contractor shall provide adequate dust and debris control measures during construction.
7. During construction, the applicant's contractor shall adhere to a water pollution prevention plan that at a minimum follows guidelines in MCSTOPPP's "Pollution Prevention It's Part of the Plan"

[<http://www.marincounty.org/depts/pw/divisions/mcstoppp/~media/Files/Departments/PW/mcstoppp/business/Pollution%20Prevention%20Part%20of%20the%20PlanOctober%202011.pdf>].

Right of Way Items

8. Prior to issuance of a Certificate of Occupancy, applicant shall repair or replace, at no expense to the City, damage to public facilities that results from applicant's construction activities. Applicant is advised that applicant's contractor shall save and protect all existing facilities not designated for removal or modification within the public right of way.

Utility Items

9. Prior to issuance of a Building Permit, construction plans shall be submitted for review and approval by the Sausalito-Marin City Sanitary District (the "District").
10. All excavations, including footings, forms, staking, etc., shall remain a minimum of 36" from the Sanitary Sewer Force Main ("SSFM"). In addition, removal of boulders with the potential to impact within 36" of the SSFM is prohibited without consent from the District and the City.
11. If excavation is to exceed 3' in depth at any location within 6' of the SSFM, the District

- shall be contacted for inspection and approval prior to performing associated work.
12. No heavy, mechanized equipment (such as an excavator) shall be operated within 10' of the SSFM. Any excavation within 10' of the SSFM shall be hand dug.
 13. No tools, construction materials, or excavation debris are to contact the SSFM during project construction or subsequent maintenance of the piers.
 14. The SSFM shall be clearly and continuously marked prior to construction to ensure all workers are aware of its location.
 15. No piers, pilings or other structural elements may be impact driven within 50' of the SSFM. Embedded piers within 50' of the SSFM shall be drilled to minimize vibration and disturbance.
 16. Provide a construction schedule to the District prior to beginning work, and notify the District once work has been completed.
 17. Prior to issuance of a Building Permit, an emergency response plan shall be prepared in the event that the existing 20-inch SSFM is breached during construction activities. This plan shall be submitted to the City and the District for review and approval. The plan shall provide for but shall not be limited to:
 - A. Containment, handling and stoppage of sewage flow resulting from a breach of the SSFM, and for the repair of the SSFM.
 - B. Necessary equipment and materials shall be kept on-site, shall be kept in working and operable condition and shall be identified in the plan. This may include but not be limited to plugs, pumps, hoses, power supply, floating booms, storage tanks, and traffic control devices.
 - C. Designated contractor's personnel with requisite experience in sanitary sewer repair, sewage containment and cleanup procedures in a marine environment shall be identified in the plan, and shall be on-site during construction operations that take place in the vicinity of the existing sanitary sewer main.
 - D. If the contractor does not have requisite personnel experienced in sanitary sewer repair, sewage containment and cleanup procedures in a marine environment, the plan shall identify firms, names and contact phone numbers, which the contractor will contact and employ at its expense for immediate response, repair and cleanup in the event that the existing SSFM is breached.
 - E. The plan shall include an outreach program to all users connected to the SSFM to notify them of the project and that they may be required to shut down their wastewater pumps should the SSFM be breached and immediate repair is required.
 - F. The plan shall identify and show locations of manholes that may be used as safe access points for plugging the SSFM and bypass pumping of sewage.
 - G. The plan shall include the names and phone numbers for notification of agency personnel in the event of a breach in the existing sewer main.
 - H. Proof of Pollution Liability Insurance for the contractor.
 - I. A separate endorsement that names the City and the District as additional insured.
 - J. A copy of the approved plan shall be kept on the construction site at all times. Contractor's personnel shall be knowledgeable about the plan and be prepared to implement it.
 - K. A copy of the approved plan shall be provided to the City and the District.
 18. Prior to issuance of a Building Permit, the plans shall include notes directing the contractor to contact Underground Service Alert, the District and the City a minimum of 48 hours in advance of the start of work to locate underground facilities.

Engineering Items

19. Prior to issuance of a Building Permit, the portion of the pier extending into the City's property shall be dimensioned on the plans.
20. Prior to issuance of a Building Permit, a construction staging plan shall be submitted for review and approval by the City Engineer or designee. The locations of construction materials, equipment, vehicles, debris box, portable restrooms, etc shall be depicted. Approved plans shall be submitted to property owners adjacent to the subject property not less than one week prior to commencement of construction activities.
The construction staging plan shall be revised to coordinate with other projects in the vicinity which may be ongoing or commence during the duration of this work.
No construction staging or activities, including material storage, debris box storage, or equipment storage will be allowed within the Alexander Ave right of way.
21. Construction workers shall be prohibited from using on-street parking in the vicinity of the project and the applicant shall lease, or otherwise provide, an adequate number of parking spaces in a City parking lot or alternative acceptable to the City to provide parking for construction workers. Workers shall car-pool to the construction site which shall be documented on the construction staging plan.
22. Applicant is advised that construction materials, equipment, vehicles, and properly-permitted debris boxes (Bay Cities Refuse Service is the sole authorized solid waste hauler permitted to provide debris box service in the City of Sausalito) may not be placed in a manner that poses a traffic hazard, shall be placed to minimize obstruction of roads and gutters, shall be equipped with reflectors or lighting to ensure visibility at night and in inclement weather (if placed in the public right of way), shall be maintained in a clean and safe condition, and shall not be maintained in a manner that becomes a nuisance to the neighborhood. Debris boxes shall be emptied on a regular basis, or as directed by the City. Material stock piles & debris boxes shall be covered when not being accessed or filled to prevent dust or liquid from being released to the environment.
23. Emergency vehicle access and access to adjacent properties shall be maintained at all times throughout the duration of this project.
24. Prior to issuance of Certificate of Occupancy, the applicant shall submit for City acceptance a post-construction Elevation Certificate prepared by a qualified California Land Surveyor, Civil Engineer or Architect referenced to the North American Vertical Datum of 1988 with all relevant points of compliance with the California Building Code and City's Floodplain Management regulations certified.
25. Prior to issuance of a Certificate of Occupancy, the applicant's professional land surveyor shall certify that the location of all piles conforms to the approved plans.

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. **A preliminary Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency (FEMA) on March 24, 2014 raises the base flood elevation for the project to 15' NAVD 88, which is 6' higher than the current base flood elevation of 9' NAVD 88. The code in force at the time of Building Permit application is the applicable code. The preliminary FIRM is expected to be in effect by March, 2016. The applicant is encouraged to recognize that the project is located in a coastal high-hazard zone and take the proposed new flood elevations into account in preparation of the detailed plans necessary for construction in order that the resulting structure is designed to have structural components capable of resisting the hydrostatic and hydrodynamic loads and effects of buoyancy in the**

coastal high hazard zone for the life of the improvements, also taking into account the projected rise in sea level over that time period.

2. 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.
3. 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.

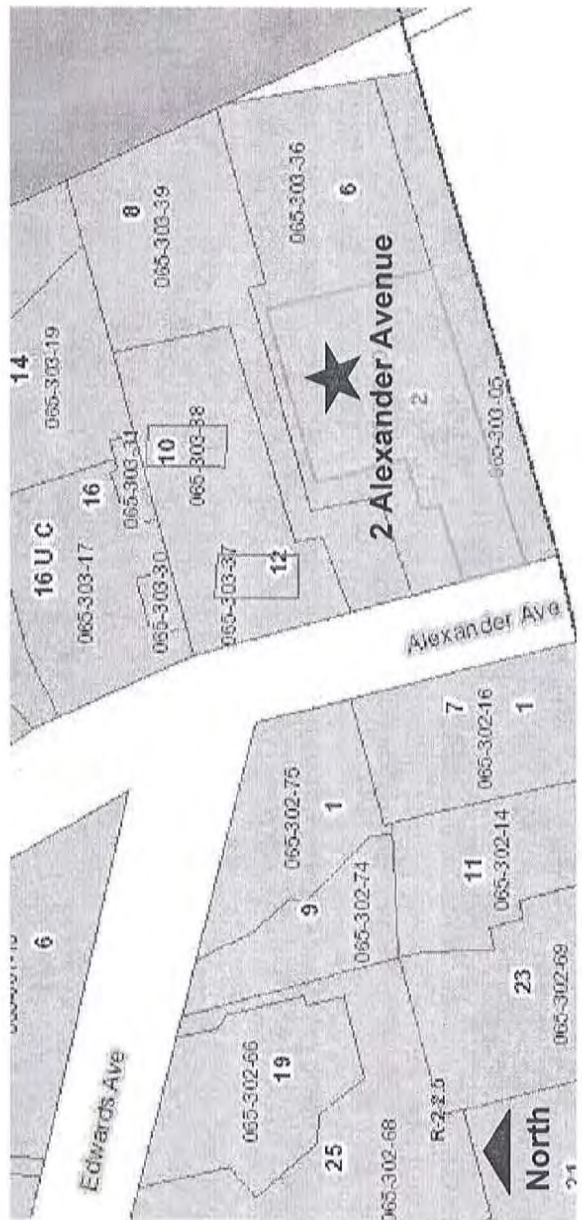
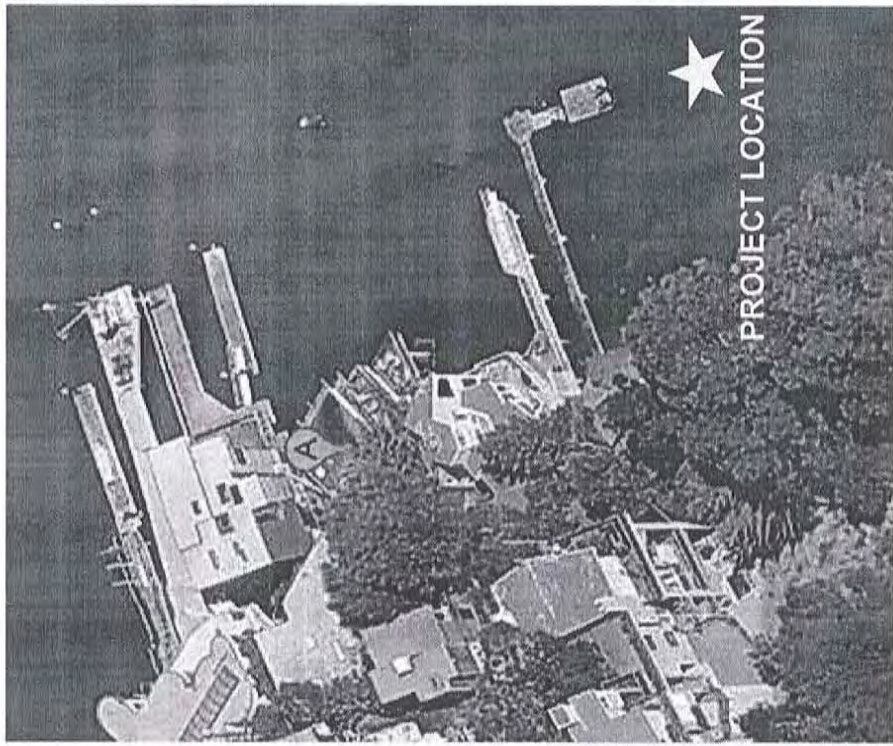
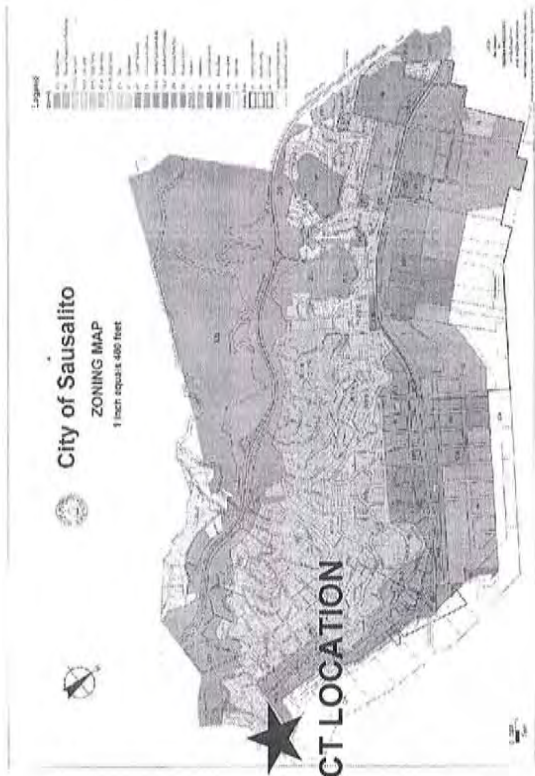
**SAUSALITO ZONING ADMINISTRATOR RESOLUTION NO. 2015-XX
AUGUST 11, 2015
ADR-VA 13-310
2 ALEXANDER AVENUE**

ATTACHMENT 3: PROJECT PLANS

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VICINITY MAP
2 ALEXANDER AVENUE (APN 065-303-05 & 065-303-20)

EXHIBIT B



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MEMORANDUM

TO: Sausalito Planning Commission
FROM: Sausalito Historic Landmarks Board
RE: 2 Alexander Avenue - APN: 065-303-20
DATE: July 16, 2015

I. Methodology

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

Architectural Research

At the request of the Planning Department, the Historic Landmarks Board conducted research into the history of the property at 2 Alexander Avenue (the "Property") to determine its historic significance.

II. Property Description

The Property is located in a residential neighborhood at the southwest end of Sausalito on the San Francisco Bay. A physical inspection was attempted however only the garage is visible from the street. (See attached image.) While the portion of the property being impacted by the proposed project could not be viewed, the plans provided to the HLB by the Planning Department do not indicate any physical construction or demolition involving a structure that is over 50 years old. Based on this fact and the minimal information uncovered through research (see below), discussion and analysis of the architecture is not necessary in order for the HLB to reach a conclusion on the impact of the proposed project.

III. Property History

Chain of Title and Notable Residents

According to the City of Sausalito Planning Division Memorandum dated June 25, 2015, the County of Marin Assessor's records show the date of original construction as 1961 yet the City's records indicate construction as early as 1960. The original construction permit was not in the city files.

The following owners/residents/associated names were identified in the file.

1. John A Hickey
2. Louise Barr Woods
3. Richard T and Janet Myer
4. Donald Olsen
5. William Ollinger

EXHIBIT C

2 Alexander Avenue
Historic Landmarks Board Review
July 16, 2015

6. Earl W. Purves (or "Purvis")
7. A.A. Hemmerling
8. R.F. Stafford

In searches for the above names, only the following substantive information was found:

Donald Olsen

- i. 578 Bridgeway Remodel (1984)
- ii. Blueprint elevation Casa Madrone (1982)
- iii. Complete blueprints 1980 for Laneside 109 Bulkley
- iv. Caricature by S Trubach 1972
- v. Information found on the website DKOArchitects.com states that the firm has been in existence since 1963 and identifies various accomplishments and awards. Mr. Olsen did not design the original structure but City records identify his firm as being involved with later additions and renovation. A general online search did not provide additional information.

Architectural and Historical Research

In order to determine the history of the site, the construction date of the property, and the ownership history of the property, the following resources were consulted:

- Sanborn Fire Insurance maps – updated through 1955 - **no information found**
- Sausalito City Permit records - enclosed
- Sausalito Obituary Files – **no information found**
- Town of Sausalito Block Book – **no information found**
- California Digital Newspaper Collection – **no substantive information found**
- Online Google search – **no substantive information found**

Property File: No property files for 2 Alexander Avenue were located in the Historical Society records.

Additional Resources: 2 Alexander does not appear on the Sausalito List of Notable Structures, is not listed in the California Historic Resource Information Systems database (CHRIS), and has not previously been identified as a historic resource.

Findings

1. Is the structure associated with events that have made a significant contribution to the broad patterns of the history, culture, or heritage of Sausalito, California, or the United States? Such structures may include but are not limited to civic structures, properties featured in publications, and sites where significant events occurred.

The board finds no significance under this criterion.

2. Is this structure associated with the life or lives of one or more people important in our past? Such structures may include but are not limited to homes of prominent persons and places referenced by prominent persons.

The board finds no significance under this criterion.

3. Does the structure embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values? Such structures may include but are not limited to exceptional examples of architecture or an architect's work; more ordinary examples of such work are emblematic of a particular style or era; and any works by prominent creative individuals.

The board finds no significance under this criterion.

4. Has the structure yielded, or may it be likely to yield, information important in prehistory or history? Such structures may include but are not limited to archeological sites.

The board finds no significance under this criterion.

Recommendations: None

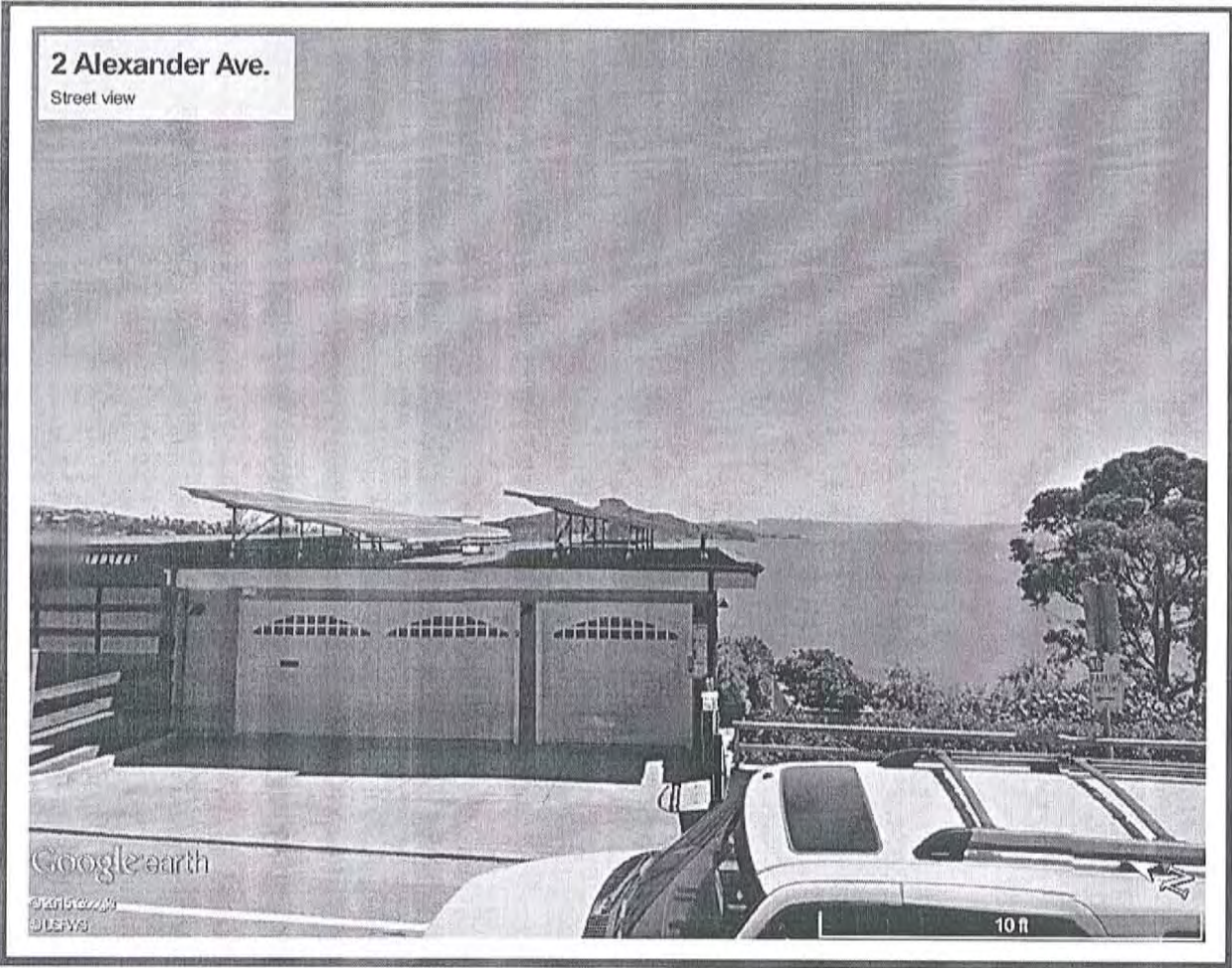
Researched by: Natascha Fraser and Aldo Mercado

Sources: Sausalito Planning Department address files, Sanborn Fire Insurance Maps, and information from the Marin County Tax Assessor's, Sausalito Historical Society, <http://cdnc.ucr.edu/> and www.google.com.

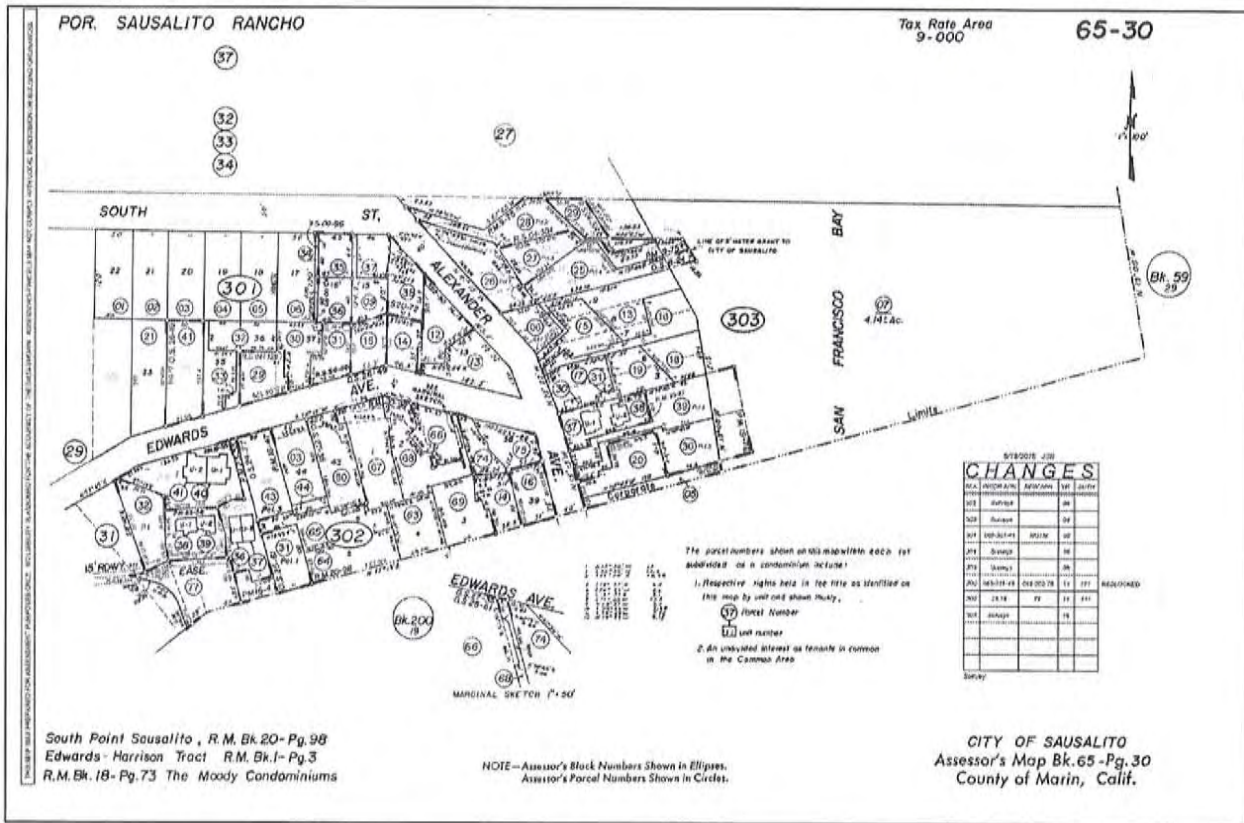
The Sausalito Historic Landmarks Board, at their publicly noticed meeting of July 16, 2015 acknowledged this memorandum:

AYES: Brown, Fraser, McCoy
NOES:
ABSTAIN:
ABSENT: Mercado, Richardson

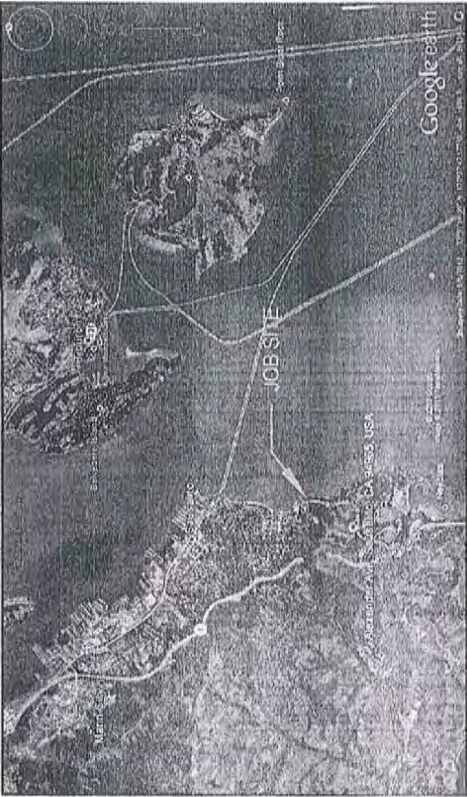
Street view using Google Earth.



Current Assessors Map for Parcel 065-303-20



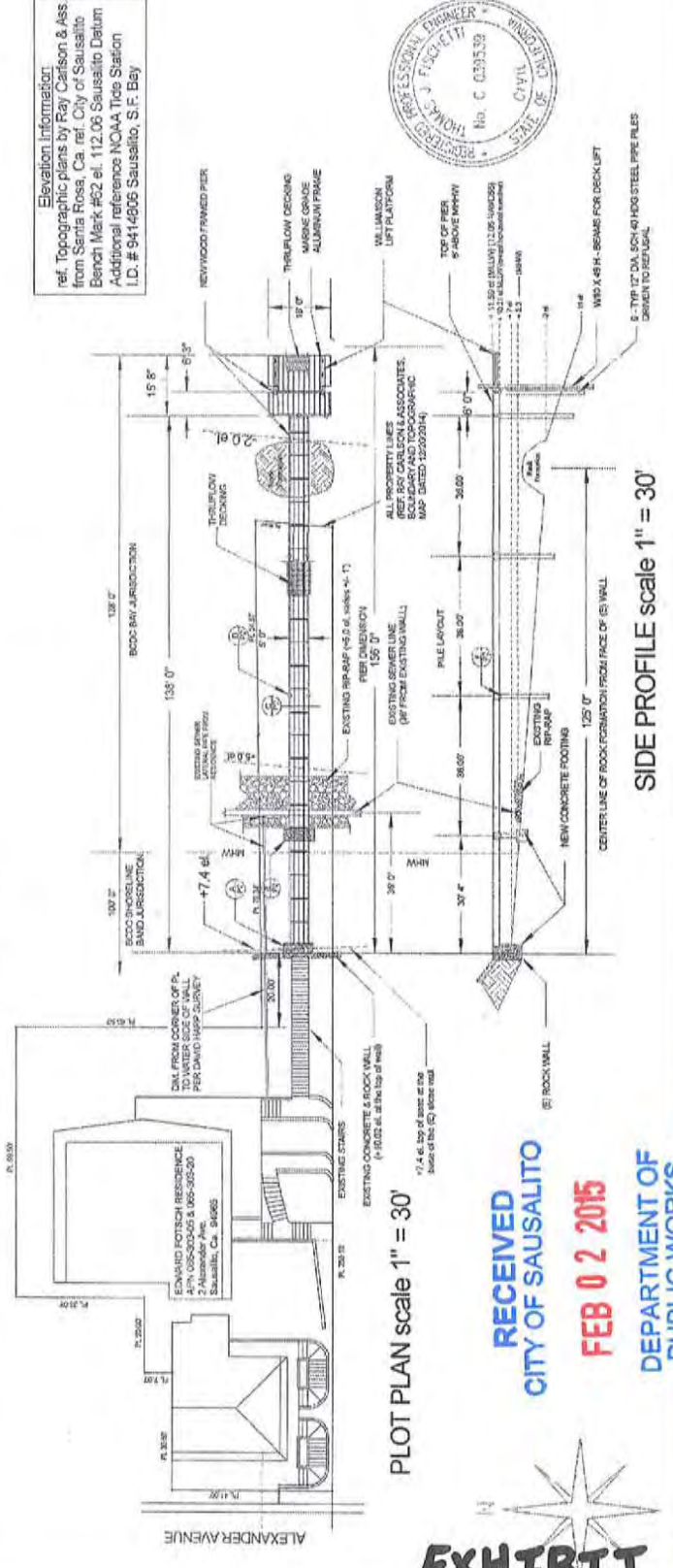
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AERIAL VIEW SIMULATION scale 1" = 30"

LOCATION MAP

Drawing Index P1 - Title page, location map, simulated aerial photo, plan view, profile view. P2 - Project details and job site photos.	
Project Description 1. Construct and install a new 1,116 sq. ft. residential pier. 2. Drive 9 - 12" hdg steel piles 3. Install 2 - concrete footings 4. Pier constructed with PT Glu-Lam beams & Cedar wood frame and ThruFlow decking-Reinforced Polyethylene 5. Install utilities to end of Pier	
Project Name EDWARD FOTSCH PIER APN 065-303-05 & 065-303-20 2 Alexander Ave. Sausalito, Ca. 94965 phone# 415-332-8529 e-mail ed.fotsch@pdr.net * Both lots merged per City requirement	
Contractor & Agent MID-CAL CONSTRUCTION INC. 2716 E. Miller Ave., Suite S Stockton, Ca. 95205 phone # 209-832-4400 fax # 209-955-8022	
Date: 08/15/13 Job #	Drawn by: Rick Padgett Rev. CD02P15



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 FEB 02 2015
 DEPARTMENT OF
 PUBLIC WORKS





Looking east from the bottom of stairs and existing stone wall.



Looking west from the beach area showing bottom of stairs and existing stone wall.



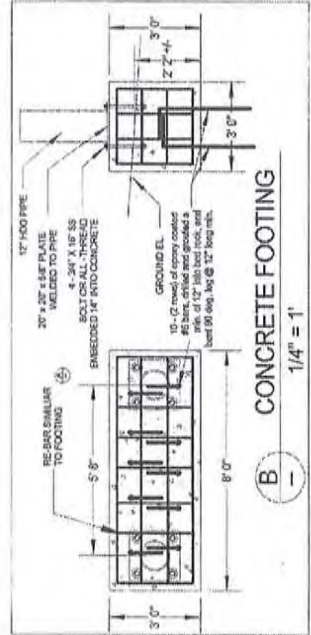
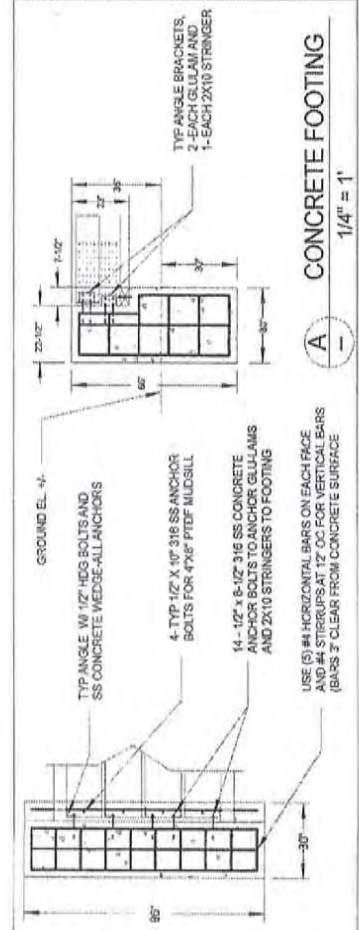
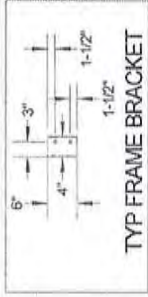
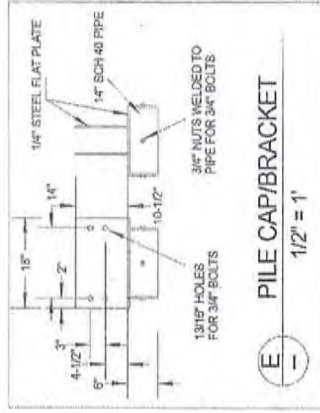
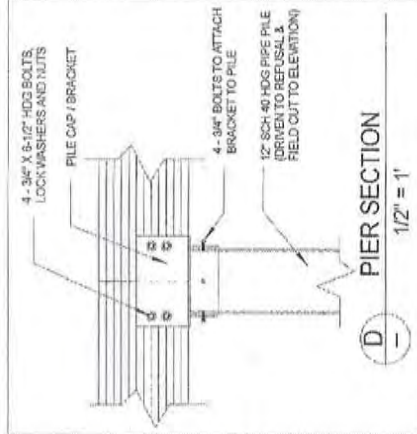
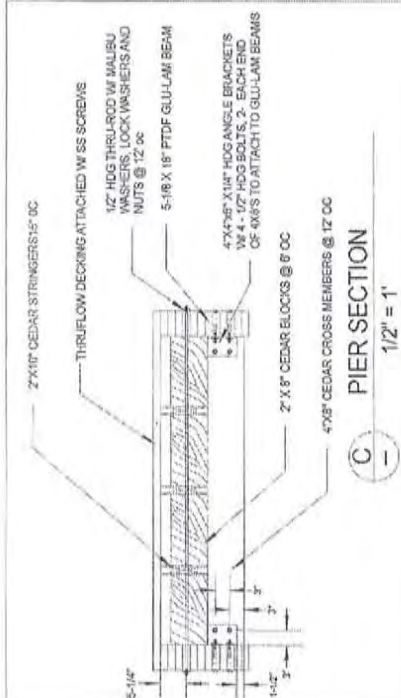
Looking north from beach, just south of proposed pier. (note neighbors piers in background)



Looking north of rip-rap rock line. (neighbors piers in background)



Looking south of rip-rap rock line.



Project Name
 EDWARD FOTSCH PIER
 APR 065-303-06 & 20
 2 Alexander Ave.
 Sausalito, Ca. 94965
 phone# 415-332-8529
 e-mail ed.fotsch@pdf.net
 * Both sets merged per City requirement

Contractor & Agent
 MID-CAL CONSTRUCTION INC.
 2716 E. Miner Ave., Suite S
 Stockton, Ca. 95205
 phone # 209-832-4400
 fax # 209-865-8022

Date Approved
 Approved By

Drawn By
 Date 9/28/13
 Job # Rock Fieldal
 AS NOTED Rev. 06/01/14

RE: INTENT TO LEASE, 2 Alexander Avenue, Sausalito
Pier Application ADR/VA 13-310
Conference with Real Property Negotiator pursuant to CGC 54956.8

To: Adam Politzer, City Manager
Charles D. Francis, Administrative Services Director/Treasurer
OMIT meeting participants from the City of Sausalito City Council Members, and
All Potential Decision Makers on the Intent to Lease for the 2 Alexander Avenue pier proposal

Enclosures: Pier Application Doc.
Plots exhibits A-J.
assessor's map
maps showing beach
RECEIVED
JUL 24 2014
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT
Hand delivered.
Joanne Moody

Dear Potential Decision Makers on the Intent to Lease for the 2 Alexander Avenue Pier Proposal:

Declared incomplete by City Engineering and the BCDC, the pier application property dimensions which extend into the San Francisco Bay and other drawings are incomplete, and inconsistent. These affect the proposed lease of Sausalito waters extending into the bay, and the pier application itself.

The dimensions of the proposed pier are not yet known, neither length, width, nor height. FEMA elevation requirements, as applied to this pier proposal, are not yet known. How can the dimensions of the lease, if granted, be determined?

The prescriptive easement in the former Sausalito Corporate Lane of the access stairs to the beach, the beach and tidal part of the lane, and the landscaped area of the Moodys' 6 Alexander property are not acknowledged, accommodated, or shown in the pier proposal.

Knowledge by the National Park Service, of this pier proposal and intent to lease, is crucial. Their position is germane to these applications, and to any conditions, setbacks required and dimensions allowed. On October 10, 2007, the United States Department of the Interior issued a letter to the City of Sausalito stating that Fotsch construction projects along their mutual border was determined to be "out of compliance with the NPS Conditions Letter"; that "substantial construction activity took place on NPS lands...NPS believes these Project defects were preventable had the boundary been properly surveyed, marked, and fenced off prior to construction in conformance with the NPS Conditions letter", and demanding the removal of any encroachment onto NPS land. The NPS shares a border which Fotsch has previously over-run. [Please see Sausalito Corporate Lane at the Southern Boundary of Sausalito, a Brief History, attached,]

The large proposed pier is out of scale with neighboring piers. It is over-reaching, over-size and, if Fotsch's documented many instances of past construction at 2 Alexander attest, will be over-built. [Please see Sausalito Corporate Lane, A Brief History, attached.]

At the only Administrative Design Review Hearing so far, three neighboring residences did not see the necessity of and did not want a hydraulic boat lift on the proposed pier, preferring instead a float.

The permanently placed hydraulic boat lift, greatly adds to the dimensions, negatively impacts view, and will be difficult, if not impossible, to monitor for whatever Fotsch wishes to put or store on it or the imposing large end platform of his proposed pier.

Ed Fotsch maintained to the Moodys that he would be using the hydraulic boat lift for the purpose of giving his kayaks access to the water. The beach, instead of a float or platform, has been used regularly for years to easily launch kayaks by Fotsch and his sons and guests, and Moody, his guests, and his

EXHIBIT E

grandsons (from the ages of three through now twelve). The new neighbor at 8 Alexander has said that he will not be reinstalling his float because he will only be launching his kayak(s) from the beach; that his float is unnecessary for kayak launching.

Several neighboring piers have floats and ramps that are removed for a minimum of six months a year, improving open water views and marine life and health.

Any extension further than neighboring piers, into the public Sausalito/San Francisco Bay waters will create a navigational hazard at night and in frequently foggy conditions. Tour boats, commercial fishing boats, the herring fleet, and routine water transport will be affected. Solutions involving light or sound pollution are unacceptable. The proposed extension is sixty feet (60') beyond neighboring piers.

The proposed pier is in the area used three months annually by the San Francisco Bay Herring Fishery to harvest herring and herring roe, contributing to California's economy and employment.

Shoreline and bay-shore development, especially those requiring leases for greatly extended encroachment into the public Sausalito/San Francisco Bay should require a CEQA study. Our bay and shores are an environment with diverse marine plants and wildlife.

The requested lease and pier extension and lease is directly in the highly used public right-of-way for water sports and marine vessels from the large Allied Mariner to the smallest dinghy. Large outrigger, kayak, and small Bullship races use this location. Private vessels, sail, motor and fishing boats, kayaks, rowing scull, and canoes, catamarans, zodiacs, pedaled boats, and stand-up-paddle boards can be observed proceeding barely beyond the existing neighboring piers daily. Sea Trek states that their groups paddle close to shore "among the shallow wetlands of this awesome estuary" to enjoy birds and marine life, and direct their groups to stay close to shore, on days when the wind has come up, leaders even shouting, "Go inside the rock!" It could be postulated that this continuous public right-of way use has created prescriptive easement to the location of the intended lease.

The proposed pier crosses a public access sandy beach habitat historically known as Fisherman's Beach, which also has been in continuous use by the public since historic times. (Main access is by the Sausalito Sanitary District facility access road.)

It's important to note that the proposed lease, if granted, will create *future cumulative impacts*. It will set a precedent for future leases and pier projects.

IMPACT ON VIEWS

The Fotsch home (homes?), two massive buildings are NOT ON THE WATERFRONT but far above, AND WILL SUFFER NO IMPACT TO THEIR VIEW of open water. WILL THE PIER EVEN BE SEEN FROM INSIDE THE 2 ALEXANDER HOME(S)? (Maybe from a small area on the south easternmost corner of a large outdoor deck on the lower building?)

Moodys' previous neighbors, on the waterfront immediately adjacent to the north at 8 Alexander, did not want the Moodys' seasonal float extending further into their view of the open bay water when the Moodys were looking into leasing public Sausalito/San Francisco Bay waters from Sausalito. The Moodys respected their neighbors wishes and did not pursue the lease, instead staying within their property, as can be seen on plans and photos of the Moody pier and seasonal float.

Fotsch is not so inclined as to be considerate of his neighbors whose home is below his two massive homes and directly on the waterfront, his most highly impacted neighbors at 6 Alexander Avenue. Instead, he has applied for a pier which has an elevation that may be at or above the lower level of the 6 Alexander Avenue home, or up to seven feet above the level shown on the application; an imposing large pier completely out of scale with neighboring piers, projected even further into bay waters by a large permanently placed unnecessary hydraulic boat lift, thereby extending his pier and lift sixty feet (60') further into the public Sausalito/San Francisco Bay waters than neighboring piers.

An extended lease places this imposing pier *directly in the middle of* the living room view of the Moody home at 6 Alexander Avenue. View is *the* primary aesthetic quality of the Moody home and contributes the most substantially to its economic value. The greater the extension of lease and pier dimensions, the more negative the impacts on view. The Moodys also have property rights. The 6 Alexander property is the most highly negatively affected of *any* other neighbor.

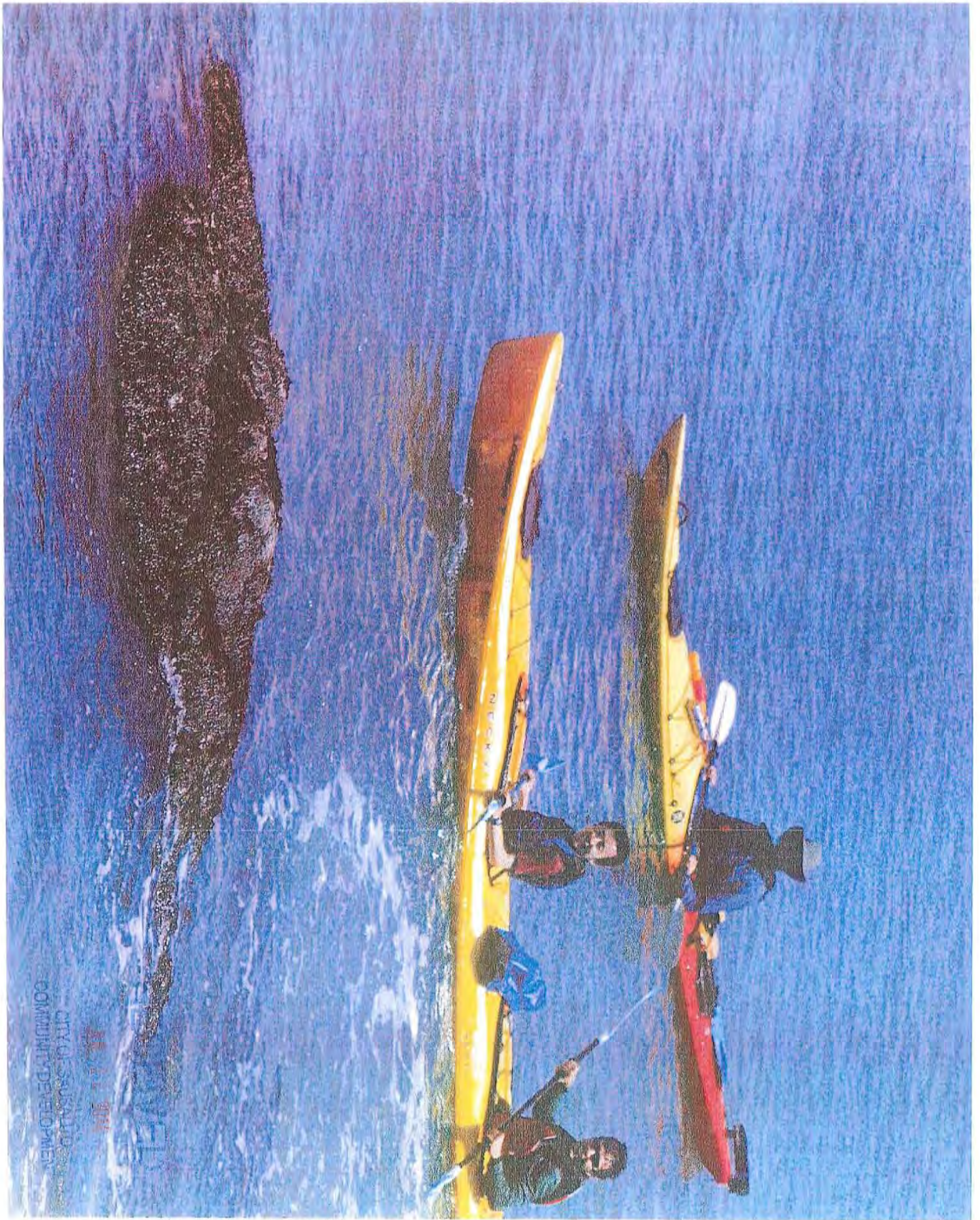
Please note: Charles D. Francis, City of Sausalito Administrative Services Director/Treasure, told Janeane Moody that Fotsch sent him an email stating that the Moodys have no objections to the lease or pier. It should be quite clear that the Moodys have given no *carte blanche* to this lease or the pier proposal.

In conclusion: It is surprising and alarming that the building of a permanent pier structure, and a lease into the public right-of way of the City of Sausalito/San Francisco Bay waters are considered so *non-controversial* that they can each be approved administratively.

[Please see Photo Exhibits A through J, attached. (I have many more.)]

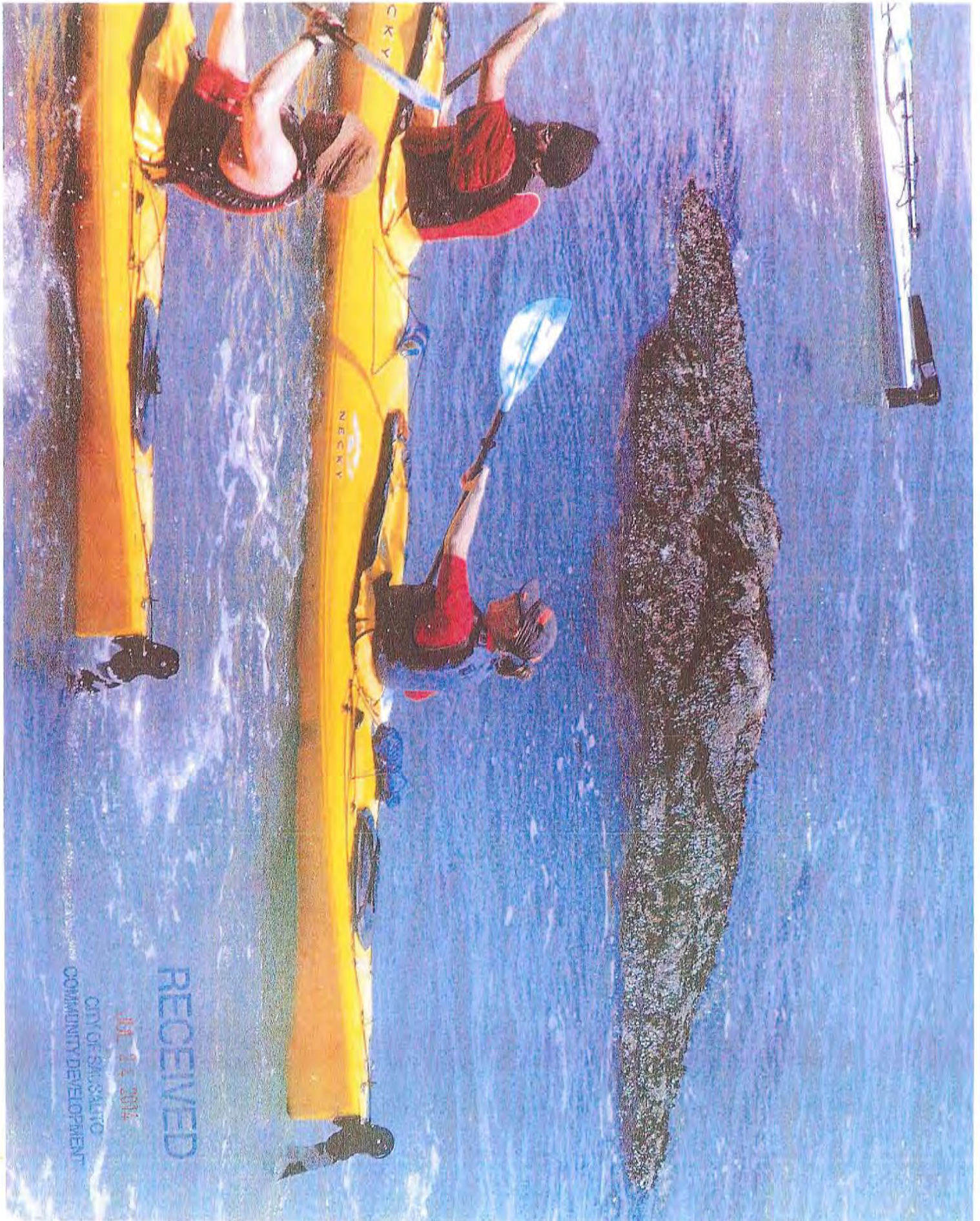
Sincerely,
Janeane Moody
6 Alexander Avenue
Sausalito, CA 94965
Contact: <jandimoody@gmail.com>

July 14, 2014



Kayakers in location of proposal lease and pier.

Exhibit A.



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COMMUNITY DEVELOPMENT

Sea Trek kayakers paddle both sides of rock, to go with shore currents and stay out of wind, in exact location of proposed pier and lease. Exhibit B



Exhibit
C.

Paddling inside and outside the rock, then through pilings of Moody's seasonally removed float.



Exhibit
D.

Two of many stand-up-paddle boarders in location of proposed pier and levee.



Enjoying the public waters right of way in the location of proposed pier and lease to private person. Exhibit E.



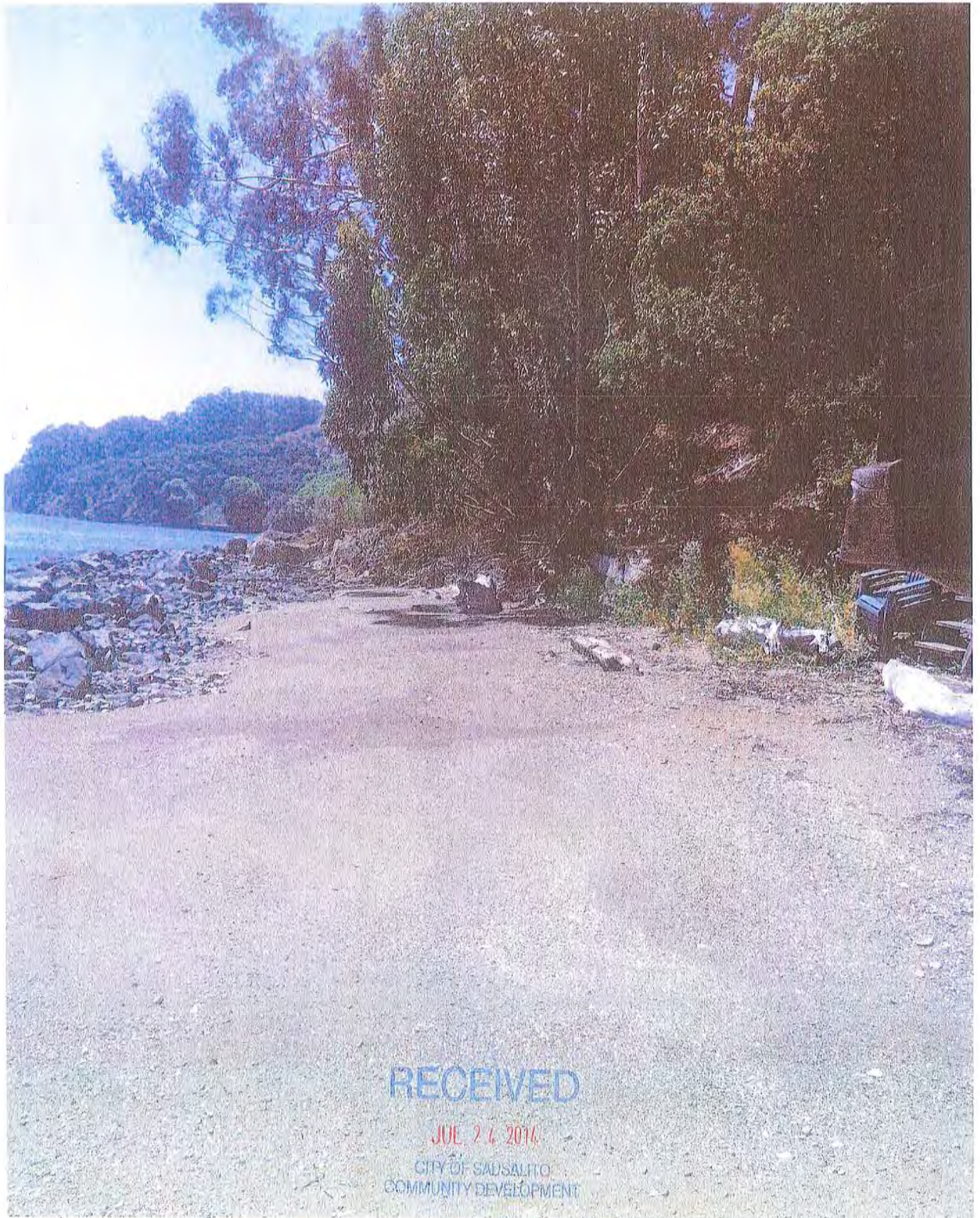
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JUL 21 2014

CITY OF SACRAMENTO
COMMUNITY DEVELOPMENT

Daily visitor to the rocks, the great blue herons fish here continuously since 1979 and before.

Exhibit F.



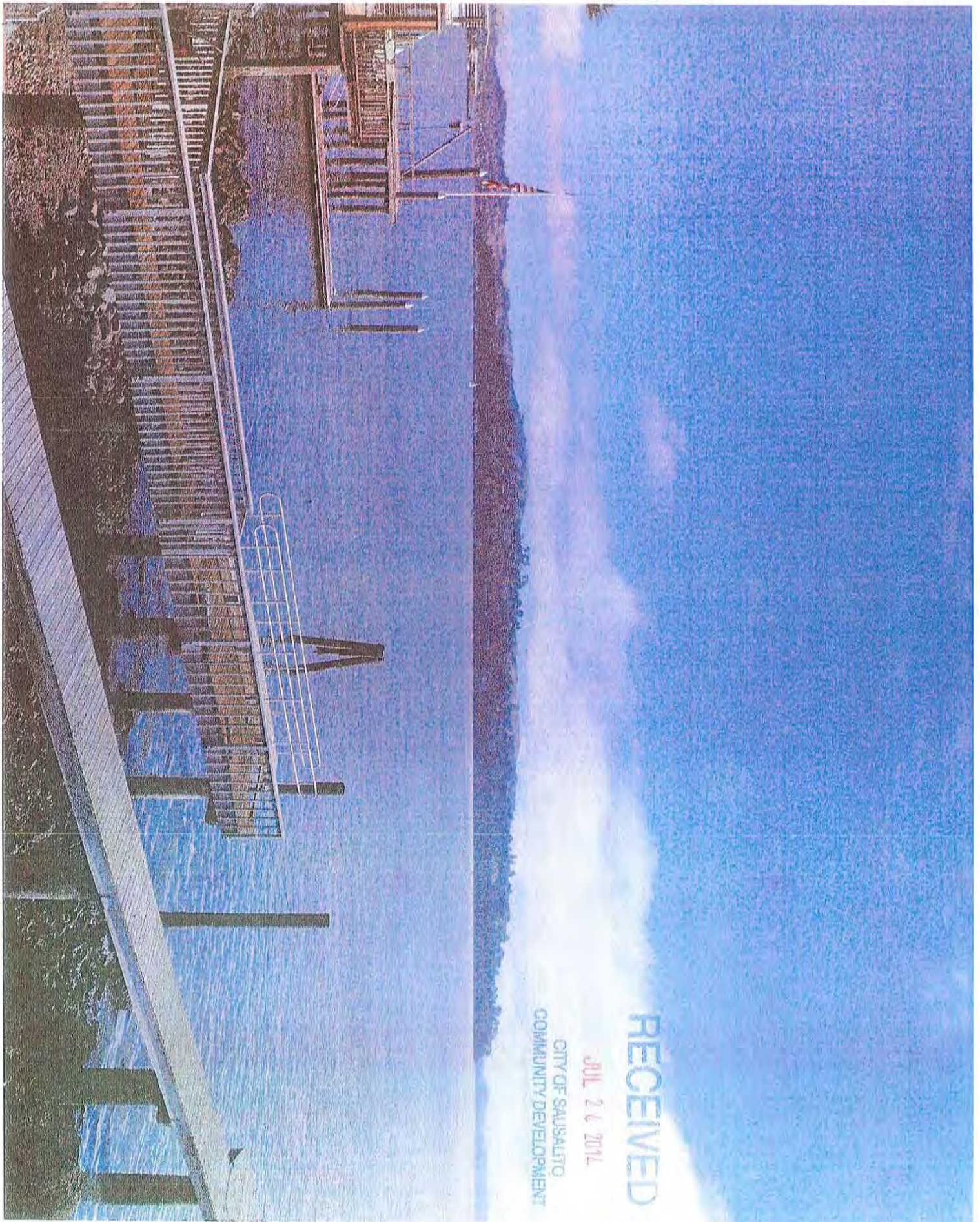
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Fisherman's Beach, sandy habitat. Note stairway (and Foster's chairs) marking location of proposed pier.

Exhibit G.



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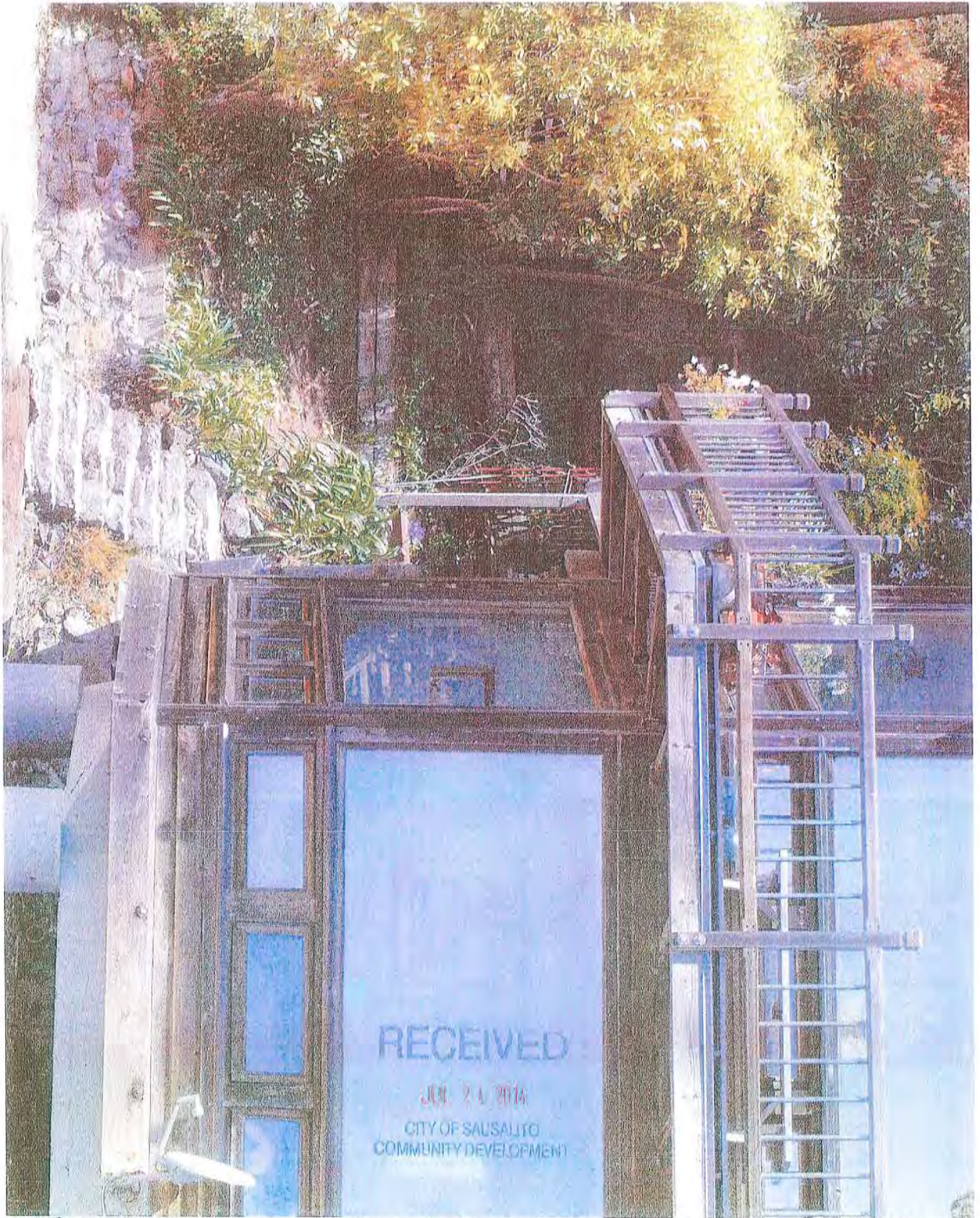
Piers, including Moody's, facing north from 6 Alexander. Note scale. Note ramp to 8 Alexander float on pier, the float is seasonally removed for 6 months. Exhibit H.



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Bottom of stairs mark where pier is proposed. Note closeness to Moody's home at 6 Alexander, and privacy impact.

Exhibit I.



Note privacy impact on some at 6 Alexander. This starts at end of ledge or above, and looks directly into Mosby home, drastically affecting view. Exhibit J.

*Enclosures: - Intent to lease
- Photo exhibits A-J
- assessor's map
- map showing beach*

RE. Pier Application ADR/VA 13-310 and
Real Property Negotiations pursuant to CGC 54956.8

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To: City Manager Adam Politzer
Director of Public Works and City Engineer Jonathon Goldman
Community Development Director Jeremy Graves
Administrative Services Director/Treasurer Charles D. Francis
and to

JUL 26 2014

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COMMUNITY DEVELOPMENT

Any other potential decision makers on the City of Sausalito Staff and OMIT meeting participants from City of Sausalito Staff and Government on the Pier Application and Intent to Lease referred to above.

To All Concerned:

I have been asked by some interested City of Sausalito Staff to give a history of events regarding the former Sausalito Corporate Lane. I hereby submit it.

SAUSALITO CORPORATE LANE on the SOUTHERN SAUSALITO BOUNDARY
as concerns 6 and 2 Alexander Avenue Properties

A Brief History

In 1979, Ian Moody purchased the southernmost waterfront lot in Sausalito, an empty lot with a public access sandy beach in front of it, at 6 Alexander Avenue in Sausalito. The City of Sausalito Corporate Strip lay between the southern border of this lot and the Fort Baker Open Space (now the G.G.N.R.A.) to the south of it. The premium price reflected the value of this lot because it was uniquely special: No future structure that might impair privacy or the view could be built in the Sausalito Corporate Strip or the Federal Open Space beyond. Designed by Kirk Hillman, the renowned architect of the Meadowood Resort in Napa, the architecture of the home is specifically designed so that the bedrooms, all large windows, and decks face the open bay water and San Francisco views, toward the sandy beach (in the front of the home and running into the GGNRA property), away from the neighbors (for the privacy and tranquility of both), and for the viewing enjoyment of the diverse native marine, beach, and parkland wildlife. In 1979, Ian Moody himself built this, his own home, beautifully situated and thoughtfully planned for view.

At that time there was a dilapidated exterior stair from the house at 2 Alexander to the beach, which crossed the south and west boundaries of the Moody property. After Moody began construction of his home, new owners, Richard and Janet Myers, bought the house at 2 Alexander Ave. They then sued the previous owner of the lot, Pina C. Giuli, and Moody for access to the beach via this stair. Before the pending action, brief discussion led to an agreement satisfactory to Myers, Moody, and the City of Sausalito.

Myers and Moody asked and were granted permission from the City of Sausalito to move the stairway completely to the southern boundary of the Sausalito Corporate Lane which had been deeded to the City of Sausalito by Louise Barr Woods, a deceased previous owner. The City of Sausalito approved the relocation of the stairway for the exclusive access of the 6 and 2 Alexander properties to the beach. As part of the agreement, Moody, at his expense and with his own labor, built the relocated wooden stairway and built wooden access paths to it for both the Myers and the Moodys in order to give both properties access to the beach. As part of the agreement, a pittosporum hedge for privacy from the stairs was planted by Moody. Maintenance of the lower section of that stairway, pruning of the privacy

hedge, and irrigation and maintenance of the area adjacent to the Moody property has been performed continuously by Moody from July 1980 through the present. The entire stairway to access the beach portion of the lane, and the wooden access path to the 6 Alexander property, have never been moved.

This agreement was recorded by the County of Marin on July 21, 1980. The document included an initialed sketch of stairway relocation. Myers and Moody then enjoyed quiet stair access from both of their homes to the sandy beach in the Sausalito Corporate Lane property (a part of the beach historically known Fisherman's Beach), and Moody maintained the landscaped privacy area of the Sausalito Corporate Lane property, as agreed with Myers and the City of Sausalito.

In about 1984, Myers began an action against the City of Sausalito to quiet the title to the lane. This action was without resolution. At this time, Myers had also started paying taxes on the Sausalito Corporate Lane. Then, Myers sold his property to John Hickey. With a new attorney (paid for with some of his \$20,000,000 in illegally gotten gains) Hickey filed suit against Sausalito. The City of Sausalito had indeed accepted the lane from Louise Barr Woods, the intent was clear, and the Sausalito Corporate Lane is recorded on many Marin County and Sausalito maps. [These maps are still given out today by Sausalito and Marin County.]

However, Hickey's attorney found that the City of Sausalito had been negligent in never finalizing the last step in recording it. No notice of this was given to the Moodys by the City of Sausalito. Sued by Hickey, Sausalito quit claimed the property to Hickey.

THIS WAS THE BEGINNING OF THE PROBLEMS THAT CONTINUE TO THIS DAY.

Moody's first knowledge that Sausalito had quit claimed the lane was when Hickey demanded that Moody cease using the stairway to the beach part of the lane, and stop maintaining the pittosporum privacy hedge and the lower lane landscaping, as Moody had done since 1979. Hickey also demanded that the Moodys remove the access walkway from their deck and block the access from their home to the stair. The Moodys refused. Hickey then began harassing the Moodys by shining spotlights all night on the Moody home, throwing lit cigarettes and matches onto their property, heavy shake shingle roof, wooden deck, cutting down all trees between the two houses, and ripping out the drip irrigation system on the Moodys' own property. On September 25, 1991, a superior court permanent injunction was filed against Hickey.

John Hickey disappeared a few years later, just before F.B.I. agents raided his home and tore up a section of flooring in 2 Alexander. Hickey was wanted by the S.E.C. (Securities and Exchange Commission). He was caught for theft of a rental car, turned over to the S.E.C., convicted of \$20 million securities and mail fraud, and imprisoned.

The property at 2 Alexander was confiscated and sold at auction to Ed and Linda Fotsch (Fotsch's first wife) in 1995. Ed Fotsch, taking possession of 2 Alexander, wrote a letter in December 1995 demanding that the Moodys cease using the stair to the beach part of the lane, and the landscaped part of the lane adjacent to 6 Alexander Avenue. Moody refused. Fotsch then asserted that Moody should stop using the stairs "because they were dangerous"; this though he allowed his four young children and his guests (cocktails in hand) to use them regularly. Fotsch then threatened to block off the stairs. Fotsch sent several letters attempting to intimidate Moody and his wife into cease use of the stairs of the "lane" which adjoined the south of Moodys' property. Moody's attorney, William S. Hochman, sent Fotsch two letters regarding the Moody property's prescriptive easement. Fotsch then backed off, and the Moodys have heard no more about it since then.

Moody has had continuous use and enjoyment of the stairs, the beach part of the lane, and the landscaped part of the lane adjacent to the 6 Alexander Avenue property and has continued maintaining the adjacent privacy landscaped strip since the purchase of 6 Alexander Avenue in 1979 and for over 19 years (as of the date of this letter) since Ed and Linda Fotsch purchased 2 Alexander Avenue, many years beyond the period required to establish prescriptive easement.

In Fotsch's current application for a pier at 2 Alexander Avenue, the herein described 6 Alexander Avenue property's prescriptive easement in the location of the proposed pier is not acknowledged, accommodated, or shown.

In 2007, Fotsch's developed further problems with his use of the former Sausalito Corporate Lane with his adjacent neighbor immediately to the south, the GGNRA and, separately, with the Golden Gate Bridge Highway and Transportation District.

On October 10, 2007, the United States Department of the Interior, National Parks Service issued a letter to the City of Sausalito stating that Fotsch's project along their mutual border was determined "out of compliance with the NPS Conditions Letter; that "...substantial construction activity took place on NPS lands...NPS believes these Project defects were preventable had the boundary been properly surveyed, marked, and fenced off prior to construction in conformance with the NPS Conditions letter", and demanding the removal of any encroachments on NPS land. The knowledge of the National Park Service's position on any pier proposal, or intent to lease, is germane to these applications.

At the Alexander Avenue street level of the former Sausalito Corporate Lane, Fotsch, without permission, jack hammered off and potentially compromised approximately three feet (3') of a Golden Gate Bridge Highway and Transportation District (GGBHTD), a publicly owned thick concrete wall and steel guard rail within the street right-of-way, to widen the entrance to his overbuilt (beyond building permit specifications) garage. He was required by GGBHTD to rectify and diminish the damage he caused.

Now, in this same former Sausalito Corporate Lane, Fotsch has submitted a pier application and is asking for a lease of lands beyond his own for its construction. The pier, and lease, property dimensions which extend into the San Francisco Bay and other drawings are incomplete and inconsistent, and all to the benefit of Fotsch. These affect the pier application, and the proposed lease of City of Sausalito/San Francisco of public waters of the San Francisco Bay.

Further, the knowledge of the National Park Service's position, any conditions, setbacks, and/or other requirements on this pier construction, or lease of bay waters, is germane to the 2 Alexander Avenue pier and lease applications. They share a border which Fotsch has previously over-run.

Several documents can be found on the internet by looking up:

Fotsch 2 Alexander Ave., Sausalito City Council Meetings, Nov. 5, 2003. [PDF} Agenda Item 3 ' Sausalito Planning. [Please note letters from Michael Rex, Architect, the NPS, and Golden Gate Bridge Highway and Transportation District.] I also have other documents and photos to substantiate what is set forth in this letter.

Sincerely,

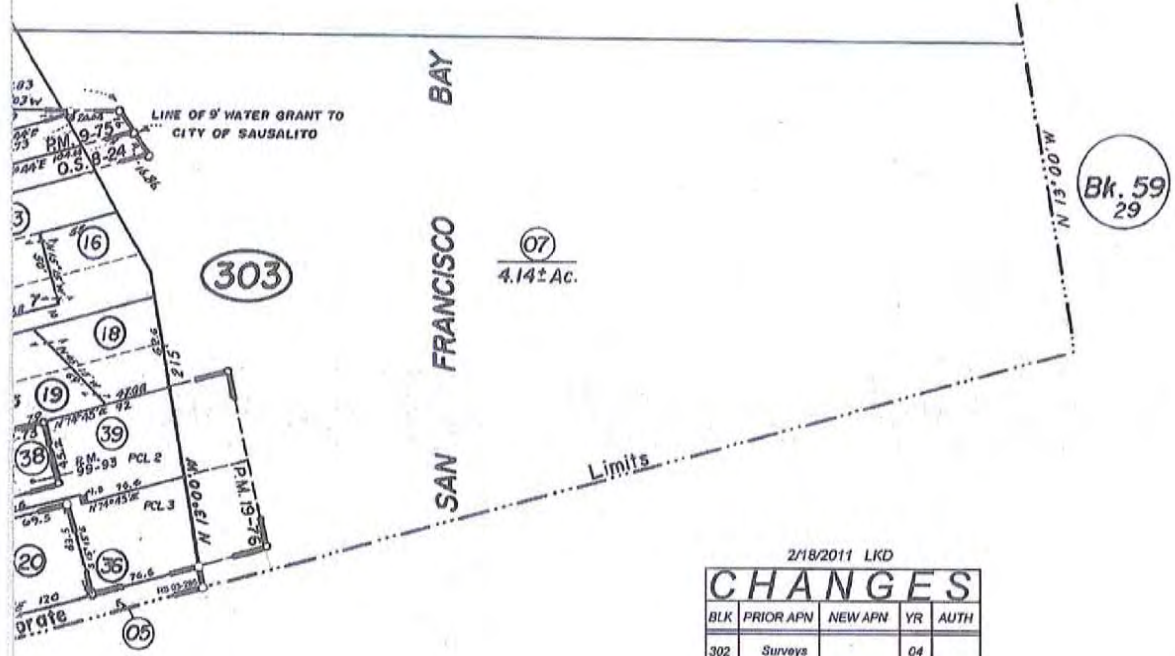
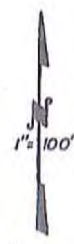
Janeane Moody, 6 Alexander Avenue, Sausalito, CA 94965

Contact: <jandimoody@gmail.com>

July 14, 2014

Tax Rate Area
9-000

65-30



(07)
4.14± Ac.

Bk. 59
29

2/18/2011 LKD

CHANGES					
BLK	PRIOR APN	NEW APN	YR	AUTH	
302	Surveys		04		
303	Surveys		04		
301	065-301-41	NOTM	06		
301	Surveys		06		
303	Surveys		06		
302	065-311-45	065-302-76	11	111	REBLOCIED
302	29,76	77	11	111	

MAP UPDATE

The parcel numbers shown on this map within each lot subdivided as a condominium include:

- Respective rights held in fee title as identified on this map by unit and shown thusly,
 - (37) Parcel Number
 - [1] unit number
- An undivided interest as tenants in common in the Common Area

ers Shown in Ellipses.
ers Shown in Circles.

CITY OF SAUSALITO
Assessor's Map Bk. 65 -Pg. 30
County of Marin, Calif.

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August 13, 2014

Re. Pier Application ADR/VA 13/310

Jeremy Graves, City of Sausalito Community Development Director
420 Litho Street
Sausalito, CA 94965

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AUG 18 2014
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

Dear Jeremy Graves,

Enclosed please find my revised letter to you regarding the 2 Alexander Ave. incomplete Pier Application ADR?VA 13/310.

Attachments include:

- BCDC Letter regarding the Pier Application at 2 Alexander Ave.
- Attachment of Fotsch photo and letter to the BCDC, referred to on page 2 of revised letter.
- Sausalito Corporate Lane on Southern Sausalito Boundary, A Brief History
- Letter from the U.S Dept. of the Interior regarding Fotsch encroachment on the Golden Gate National Recreation Area (GGNRA) and why as a neighbor they need to be informed of any construction plans at 2 Alexander Ave. by Fotsch.
- Letter from Michael Rex, Architect regarding previous incomplete application from Fotsch and attendant problems with surveys, overbuilding, building without permits, etc.
- Four photos of the Herring fishermen's boats using the area of the proposed pier.

Sincerely,
Janeane Moody
Retired teacher, Kent Middle School, Kentfield, CA
6 Alexander Ave.
Sausalito, CA 94965
<jandimoody@gmail.com>

Please notify concerned neighbors of the next actions concerning this application, and of any changes to this incomplete application, so we may review it.

*Thank you,
Janeane Moody*

EXHIBIT F

Revised: August 13, 2014

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Re: BCDC Permit Application No.M2004.013.01

Sausalito Pier Application ADR/VA 13/310 2014
2 Alexander Avenue, Sausalito

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

Dear Jeremy Graves, City of Sausalito Community Development Director,

The 2 Alexander Ave. Pier Application is declared "incomplete" by the Sausalito City Engineering Department and the BCDC: The property dimensions extending into San Francisco Bay, and other drawings, are inconsistent, inaccurate, misleading, and contain omissions. These affect the proposed lease of Sausalito waters extending into the bay, and the pier application itself.

Because it is incomplete, the dimensions of the proposed pier are not yet known, neither length, width, nor height. FEMA elevation requirements, as applied to this pier proposal, are not yet known. How can the dimensions of a lease, or an approval of a pier, if granted, be determined?

The prescriptive easement in the former Sausalito Corporate Lane of the access stairs to the beach, and the landscaped area of the Moodys' 6 Alexander property is not shown, acknowledged, or accommodated in the pier proposal. Safety features on the pier are not shown.

GGNRA: Knowledge by the National Park Service of this pier proposal and intent to lease, is crucial. Their position is germane to these applications, and *to any conditions, setbacks required and dimensions allowed* that they may require. On October 10, 2007, the United States Department of the Interior issued a letter to the City of Sausalito stating that Fotsch construction projects along their mutual border was determined to be "out of compliance with the NPS Conditions Letter"; that "substantial construction activity took place on NPS lands...NPS believes these Project defects were preventable had the boundary been properly surveyed, marked, and fenced off prior to construction in conformance with the NPS Conditions letter", and demanding the removal of any encroachment onto NPS land. The NPS shares a border which Fotsch has previously over-run. [Please see Sausalito Corporate Lane at the Southern Boundary of Sausalito, a Brief History, attached.] That border is involved in this project.

The large proposed pier is OUT OF SCALE WITH NEIGHBORING PIERS. It is over-reaching, over-size and, as Fotsch's documented many instances of past construction at 2 Alexander attest, will likely be over-built. [Please see Sausalito Corporate Lane, A Brief History, attached.]

HYDRAULIC BOAT LIFT: At the only Administrative Design Review Hearing held so far, people from three neighboring residences did not see the necessity of and did not want a hydraulic boat lift on the proposed pier, preferring instead a seasonal removable float.

The permanently placed hydraulic boat lift, greatly adds to the dimensions, negatively impacts view, and will be difficult, if not impossible, to monitor for whatever Fotsch wishes to put or store on it or the imposing large end platform of his proposed pier, which may encroach into GGNRA setbacks.

Ed Fotsch maintained to the Moodys that he would be using the hydraulic boat lift for the purpose of giving his kayaks access to the water. The beach, instead of a float or platform, has been used regularly for years to easily launch kayaks by Fotsch and his sons and guests, and Moody, his guests, and his grandsons (from the ages of three through twelve). The new neighbor at 8 Alexander has said that he will not be reinstalling his float because he will only be launching his kayak(s) from the beach; that his float is unnecessary for kayak launching.

Several neighboring piers have floats and ramps that are removed for a minimum of six months a year, improving open water views and marine life and health. The Fotsch proposed pier will not.

1/af