

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-08**

**APPROVAL OF A DESIGN REVIEW PERMIT AND ENCROACHMENT AGREEMENT TO
INSTALL AN ELECTRONIC DRIVEWAY GATE AND ASSOCIATED RETAINING WALL
FAÇADE IMPROVEMENTS PARTIALLY WITHIN THE PUBLIC RIGHT-OF-WAY AT 241-253
GLEN DRIVE
APNs: 064-243-31, 064-243-30
PROJECT ID: 2023-00121**

WHEREAS, an application has been filed by the applicant Couture Architecture, on behalf of owners, Rich and Robin Levandov, requesting a Design Review Permit and Encroachment Agreement to remove an existing 5-ft, 8-in tall gate and replace with a 4-ft, 6-in tall electronic gate with façade improvements for the existing driveway retaining wall including lighted address numbers, mailboxes, and a gate access box at 241-253 Glen Drive (APNs: 064-243-31, 064-243-30) (“the Project”); and

WHEREAS, the project site is located within the General Plan Medium Low Density Residential land use designation and the Single-Family (R-1-6) zoning district; and

WHEREAS, the Planning Commission has reviewed a Design Review Permit and Encroachment Agreement for the proposed Project and considered the information contained in the staff reports as well as any and all oral and written testimony on the proposed Project; and

WHEREAS, the Planning Commission has reviewed and considered the Project plans titled “Driveway Improvements – 241 & 253 Glen Drive, Sausalito, California”, received March 19, 2024; and

WHEREAS, the Planning Commission 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, approval of the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) under the California Environmental Quality Act (CEQA) Guidelines;

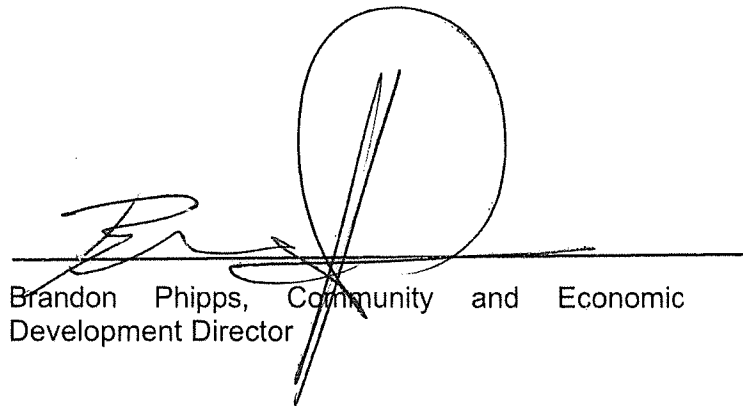
NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

1. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) under the California Environmental Quality Act (CEQA) Guidelines.

2. The Design Review Permit and Encroachment Agreement remove an existing 5-ft, 8-in tall gate and replace with a 4-ft, 6-in tall electronic gate with façade improvements for the existing driveway retaining wall including lighted address numbers, mailboxes, and a gate access box at 241-253 Glen Drive (APNs: 064-243-31, 064-243-30) is approved based upon the attached findings (Attachment 1), subject to the attached conditions of approval (Attachment 2), and as shown in the project plans "Driveway Improvements – 241 & 253 Glen Drive, Sausalito, California", received March 19, 2024 (Attachment 3).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 8th day of May 2024, by the following vote:

AYES: Commissioner: Marlatt, Junius, Feller, Saad, Luxenberg
NOES: Commissioner:
ABSENT: Commissioner:
ABSTAIN: Commissioner:



Brandon Phipps, Community and Economic
Development Director

ATTACHMENTS

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

SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-08
May 8, 2024
241-253 Glen Drive
APNs: 064-243-31, 064-243-30
PROJECT ID: 2023-00121

ATTACHMENT 1: FINDINGS

Design Review Permit

To approve or conditionally approve the Design Review Permit, the Planning Commission must determine whether the proposed project is in conformance with the required Design Review Findings in SMC Section 10.54.050(D). Staff has concluded that the required findings can be made as follows:

- 1. The proposed project is consistent with the general plan, any applicable specific plans, any applicable design guidelines, and this chapter. (The adopted historic design guidelines can be found in the Community Development Department or the office of the City Clerk.)***

The proposal is consistent with the general plan; no additional specific plans or design guidelines apply to this property.

- 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 proposed design of the improvements maintains the prevailing design character of the neighborhood. The horizontal wood slat design proposed provides a cohesive aesthetic consistent with existing improvements on the impacted and surrounding properties, as well as the design of fencing located on proximate properties.

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

The proposal is consistent with the general scale of structures and buildings in the surrounding neighborhood. Additional steps have been taken to minimize the visual impacts of the improvements, including the application of a dark stain and additional plantings consistent with the existing landscape.

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

The proposal is designed to minimize obstruction of public views and primary views from the private property. The fence and gate proposed are both located beneath the primary viewshed from adjacent properties. The proposed design is meant to enhance the view of the property from the street.

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

The proposal will 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 proposed planting of Pride of Madeira will match the existing adjacent landscape, complements the buildings and structures on the site, provides appropriate visual relief, and provides an attractive environment for the enjoyment of the public.

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

No additional buildings are proposed through this application.

- 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 proposal includes exterior lighting for the address numbers, as well as electric motors to operate the gate. The address numbers mounted on the proposed fencing will be back-lit to minimize glare and the proposed gate motors will be located behind existing landscape screening. Manufacturer information provided regarding the gate motors indicate that they comply with Sausalito's noise ordinance.

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

The proposal provides a reasonable level of privacy to the site by allowing for controlled access to the property. The location of the improvements at the end of the existing driveway ensures no impact to the privacy enjoyed by 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 proposed location of the gate and access box in this application allows for one vehicle to completely exit the Glen Drive roadway prior to accessing the property. This configuration provides for greater traffic safety and ease of movement in this area.

- 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 proposal does not impact protected trees nor significant natural features on the site. The existing paved driveway allows for minimal site degradation from construction activities and other potential impacts.

- 12. *The project site is consistent with the guidelines for heightened review for projects which exceed 80 percent of the maximum allowed floor area ratio and/or site coverage, as specified in subsection E of this section (Heightened Review Findings).***

This proposal will not exacerbate existing building coverage or floor area on the parcels and is not subject to Heightened Review Findings.

- 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.***

The proposal is designed in such a way not to crowd or overwhelm structures on neighboring properties. The proposed improvements are located away from adjacent structures and largely inset into an existing hillside.

Encroachment Agreement Findings

For projects proposing permanent or semi-permanent encroachments into the public right-of-way, the Planning Commission must determine that the application meets the findings outlined in SMC Section 10.56.060. Staff has concluded that the required findings can be made as follows:

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

The proposed encroachment is compatible with the surrounding area, with numerous other driveways located in the right-of-way along Glen Drive adjacent to these properties. The proposed aesthetic improvements to the driveway entrance are consistent with existing improvements on the property and echo improvements found at other properties along the Glen Drive right-of-way.

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

The encroachment will not adversely affect the usability or enjoyment of adjoining parcels. The additional improvements proposed within the right-of-way closely follow the existing encroachments granted to this property and are consistent with other encroachments on adjacent properties along Glen Drive; as such, the encroachment will not create or extend an undesirable land use precedent.

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

The encroachment is necessary to the reasonable use and enjoyment of the property from the standpoint that it provides safe access and security to the elevated site. As the driveway entrance is beneath the dwellings on these parcels, the access gate will provide a level of security for the site, while the placement of the gate will allow cars to safely exit the Glen Drive roadway while waiting for the gate to open. The proposed aesthetic improvements also provide for clear identification of the property addresses visible to the public, as well as mailboxes safely accessible to mail delivery personnel.

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

Public circulation will be enhanced by the proposed encroachment, as the placement of the gate will allow vehicles to safely exit the Glen Drive roadway while waiting for the gate to open. The proposed aesthetic improvements also provide for clear identification of the property addresses visible to the public, as well as mailboxes safely accessible to mail delivery personnel.

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

The applicant is aware that the improvements located within the right-of-way will be subject to removal should the city plan to expand streets or pedestrian ways along this portion of Glen Drive.

SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-08
May 8, 2024
241-253 Glen Drive
APNs: 064-243-31, 064-243-30
PROJECT ID: 2023-00121

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project at 241-253 Glen Drive and depicted on plans prepared by Couture Architecture titled "Driveway Improvements – 241 & 253 Glen Drive, Sausalito, California", received March 19, 2024 (Attachment 3).

COMMUNITY DEVELOPMENT DEPARTMENT:

General Items:

1. Pursuant to Sausalito Municipal Code Section 10.50.120 (Implementation of Permits), it shall be the Applicant's responsibility to diligently proceed to carry out the Conditions of Approval and implement any approved permit(s). This shall include establishing the approved use/implementing the permit(s) within the time limits set forth by the applicable code.
2. The project shall be designed and constructed as shown in the set of plans titled "Driveway Improvements – 241 & 253 Glen Drive, Sausalito, California", received March 19, 2024 (Attachment 3).
3. The Applicant/Property Owner(s) shall defend, indemnify (including reimbursement of all fees and costs reasonably incurred by separate counsel retained by the City), and hold harmless the City and its elected and appointed officials, officers, agents and employees, from and against any and all liability, loss, damage, or expense, including without limitation reasonable attorney's fees which City may suffer or incur as a result of any claims relating to or arising from the City's approval of the project or any portion of the project, or construction thereof.
4. In the event that any condition imposing a fee, exaction, dedication, or 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 subject to review by the City and substitute conditions may be imposed.
5. Any mechanical equipment installed in connection with this project shall be subject to Sausalito Municipal Code Section 12.16.130 - Machinery, equipment, fans and air conditioning.

6. At the time of building permit application, the applicant shall file a reasonable estimate of the value of the project, and based thereon, a construction time limit shall be established for the project in accordance with the criteria set forth in Sausalito Municipal Code Section 10.54.100. The applicant shall submit information reasonably requested by the Community Development Director to support the estimated value of the project. Such documentation may include without limitation an executed construction contract. The time for completion of the construction shall also be indicated on the construction permit.

DEPARTMENT OF PUBLIC WORKS:

General Items:

1. As part of the Building Permit application, all final Conditions of Approval shall be restated on the construction drawings and applicant shall thoroughly and accurately document in writing compliance with each Condition of Approval at the time of Building Permit application and any other subsequent submittals.
2. Applicant shall indemnify the City for 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.

Right of Way Items:

3. An encroachment permit shall be obtained from the DPW prior to using the public right of way for non-public purposes (e.g., material storage, construction, staging or demolition) including any and all construction and demolition activities. Since improvements (new wood facing on existing wall) are shown to be performed in the City right-of-way, an encroachment permit will be required. Information regarding encroachment permit submittal can be found here: <https://www.sausalito.gov/departments/public-works/engineeringdivision/encroachment-permits>.
4. 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.
5. Emergency vehicle access and access to adjacent properties shall be maintained at all times throughout the duration of this project.

6. 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 stockpiles & debris boxes shall be covered when not being accessed or filled to prevent dust or liquid from being released to the environment. Construction materials, equipment, vehicles, and debris boxes shall be placed in the public right of way only after securing an encroachment permit.
7. Ensure best management practices (BMPs) are used during construction activity. This includes erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include: designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. You may refer to the Marin County Stormwater Pollution Prevention Program's [website, https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosionsediment-control-measures-for-small-construction-projects-2015.pdf?la=en](https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosionsediment-control-measures-for-small-construction-projects-2015.pdf?la=en)

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. An approval granted by the Engineering Division of the Department of Public Works does not constitute a building permit or authorization for construction. Appropriate construction permit(s) issued by the Building Division must be obtained prior to construction.
2. 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 Building Permits, unless the requirement is waived pursuant to Section 8.54.050
3. 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.

4. 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) – Prohibited

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.

5. Pursuant to City of Sausalito Resolution 5116, roadway and subdivision improvements shall comply with the Uniform Construction Standards All Cities and County of Marin and as may be modified by the City Engineer.
6. Improvements within the public right of way shall conform to the Cities and County of Marin "Uniform Construction Standards," available online at: <http://www.marincounty.org/depts/pw/divisions/land-use/ucs>.
7. All applicable City fees as established by City Council resolutions and ordinances shall be paid.

SOUTHERN MARIN FIRE DISTRICT:

1. Add to the plan set a note that specifies that the KNOX Key Switch will be keyed to Southern Marin FPD. The functionality of the gate will be required to be tested by the Fire District prior to any final.
2. Any revisions or modifications to the width of the driveway/roadway shall be submitted as revised drawings to the District for further review.

SAUSALITO PLANNING COMMISSION

RESOLUTION NO. 2024-08

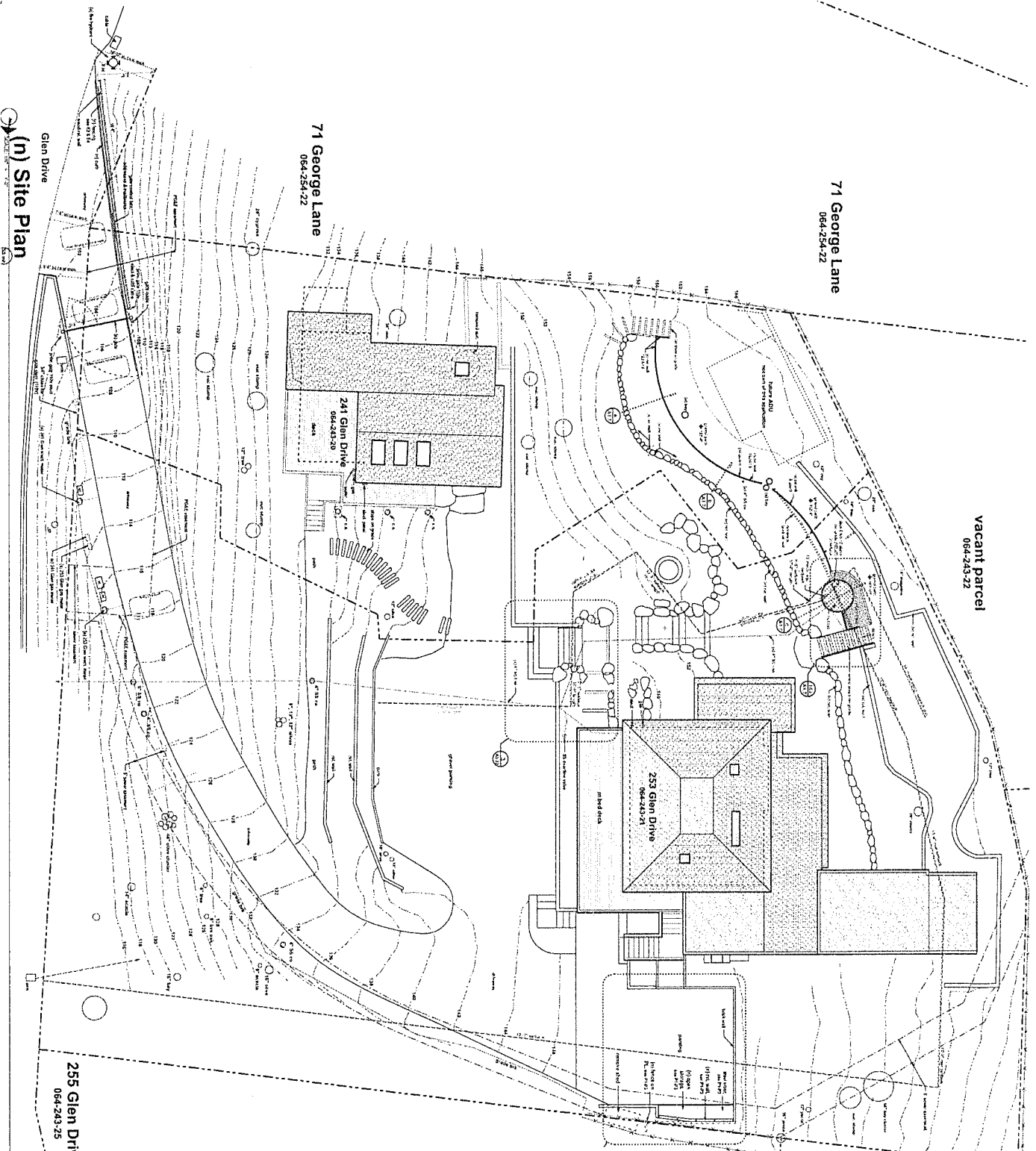
May 8, 2024

241-253 Glen Drive

APNs: 064-243-31, 064-243-30

PROJECT ID: 2023-00121

ATTACHMENT 3: PROJECT PLANS



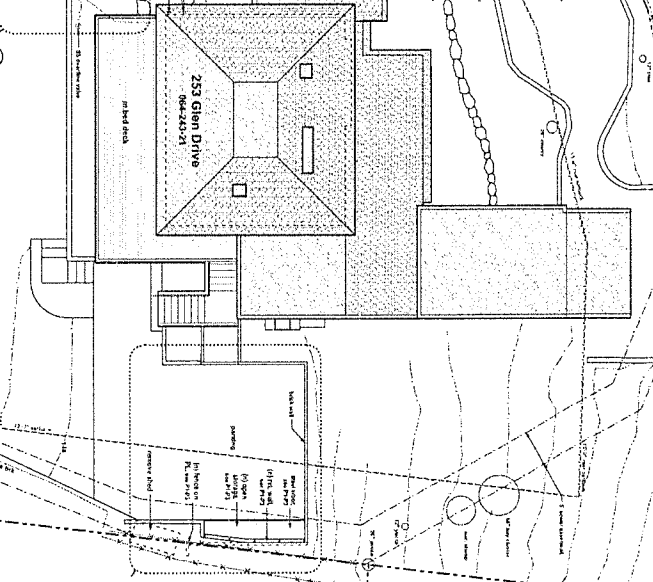
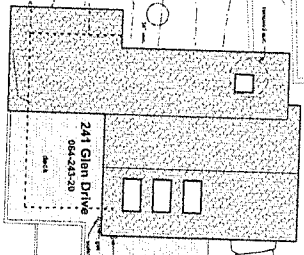
(n) Site Plan

71 George Lane
064-254-22

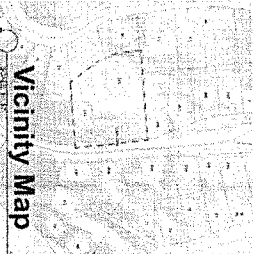
71 George Lane
064-254-22

Vacant parcel
064-243-22

255 Glen Drive
064-243-25



51 George
064-243-19



Vicinity Map

PROJECT INFORMATION

PROJECT DESCRIPTION:
New driveway and building and parking with new driveway gate posts with concrete base with new fence.

A.P.N.: 241 Glen Drive 064-243-20 & 253 Glen Drive 064-243-21
 ADDRESS: R-14 Glen Drive 1, 374 sq ft & 253 Glen Drive 17,794 sq ft
 OCCUPANCY: Single Family Residence
 CONSTRUCTION: TYPE: VSB, Fire sprinklered
 CODE EDITION: CBC 2022
 WIND AND URBAN INTERFACE: HIGH HAZARD ZONE

PERMITS:
 241 Glen: 2023-01-11
 253 Glen: 2023-01-11
 241 Glen: 2023-01-11
 253 Glen: 2023-01-11

FLOOR AREA:
 241 Glen: 1,374 sq ft
 253 Glen: 17,794 sq ft

PERCENTAGE COVER:
 241 Glen: 2.2%
 253 Glen: 3.5%

PERCENTAGE OPEN SPACE:
 241 Glen: 97.8%
 253 Glen: 96.5%

PERCENTAGE IMPERVIOUS:
 241 Glen: 2.2%
 253 Glen: 3.5%

PERCENTAGE PAVED:
 241 Glen: 2.2%
 253 Glen: 3.5%

PERCENTAGE GREEN:
 241 Glen: 97.8%
 253 Glen: 96.5%

NOTES

- E1 Top Sheet
- E2 Driveway Improvements
- E3 Existing Proposed Driveway Plans
- E4 Existing Proposed Elevations
- E5 Survey

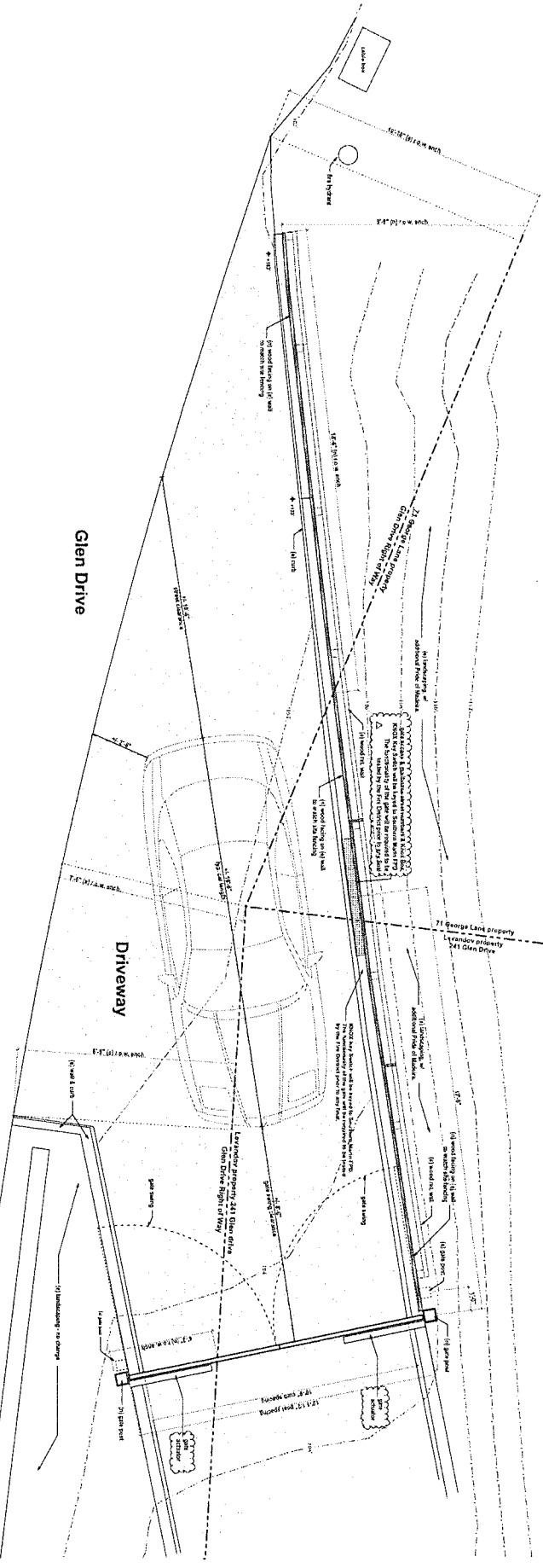
E2

A.P.N.: 064-243-20/21
 241 Glen Drive
 253 Glen Drive

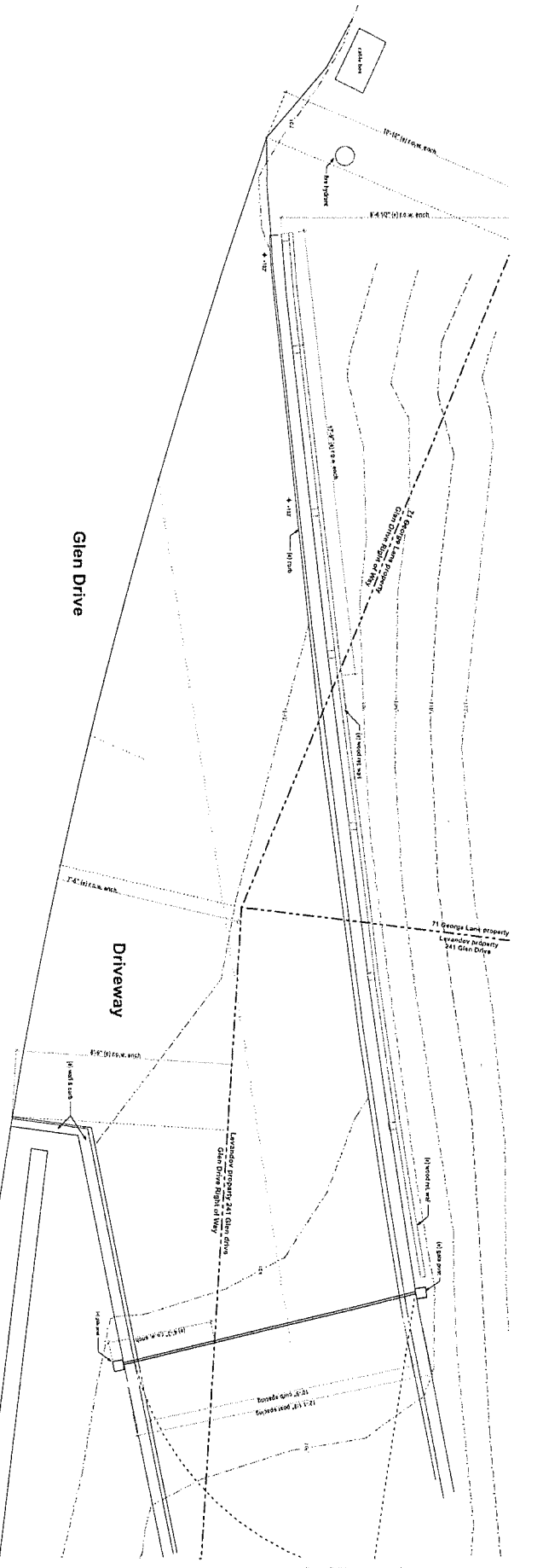
Driveway Improvements
 241 & 253 Glen Drive
 Sausalito, California

Leonidov

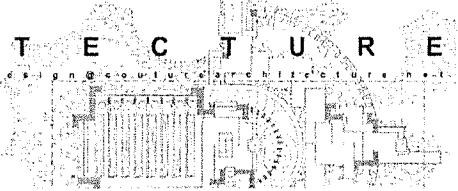
Proposed Driveway Entry Plan



Existing Driveway Entry Plan



E3	Driveway Improvements 241 & 253 Glen Drive Sausalito, California		Levander Levander
	A.P.N.: 044-123-0021 Date: 01/15/2021 Scale: 1/8" = 1'-0" Project: Driveway Improvements Client: Levander		



General Notes

Property owner information is based upon that "Doni Deed" recorded June 15, 2015 under Document Number 064-243-20 & 21. The field survey was performed by Adobe Associates, Inc. on September 10 and October 14, 2015. Monumentation and delineated from that "Tel Split Application" recorded in Book 1551 of Official Records at Pages 340-344, Marin County Records. A field survey was performed by Adobe Associates, Inc. on September 10 and October 14, 2015.

Features shown herein are existing as of the date of the field survey performed by Adobe Associates, Inc. Utilities shown herein are based upon physical features observed at the time of this survey, such as manhole markings, overhead wiring, utility poles, and utility boxes. For the location of water, gas, sewer, and other utilities, a subsurface utility locating company should be contacted.

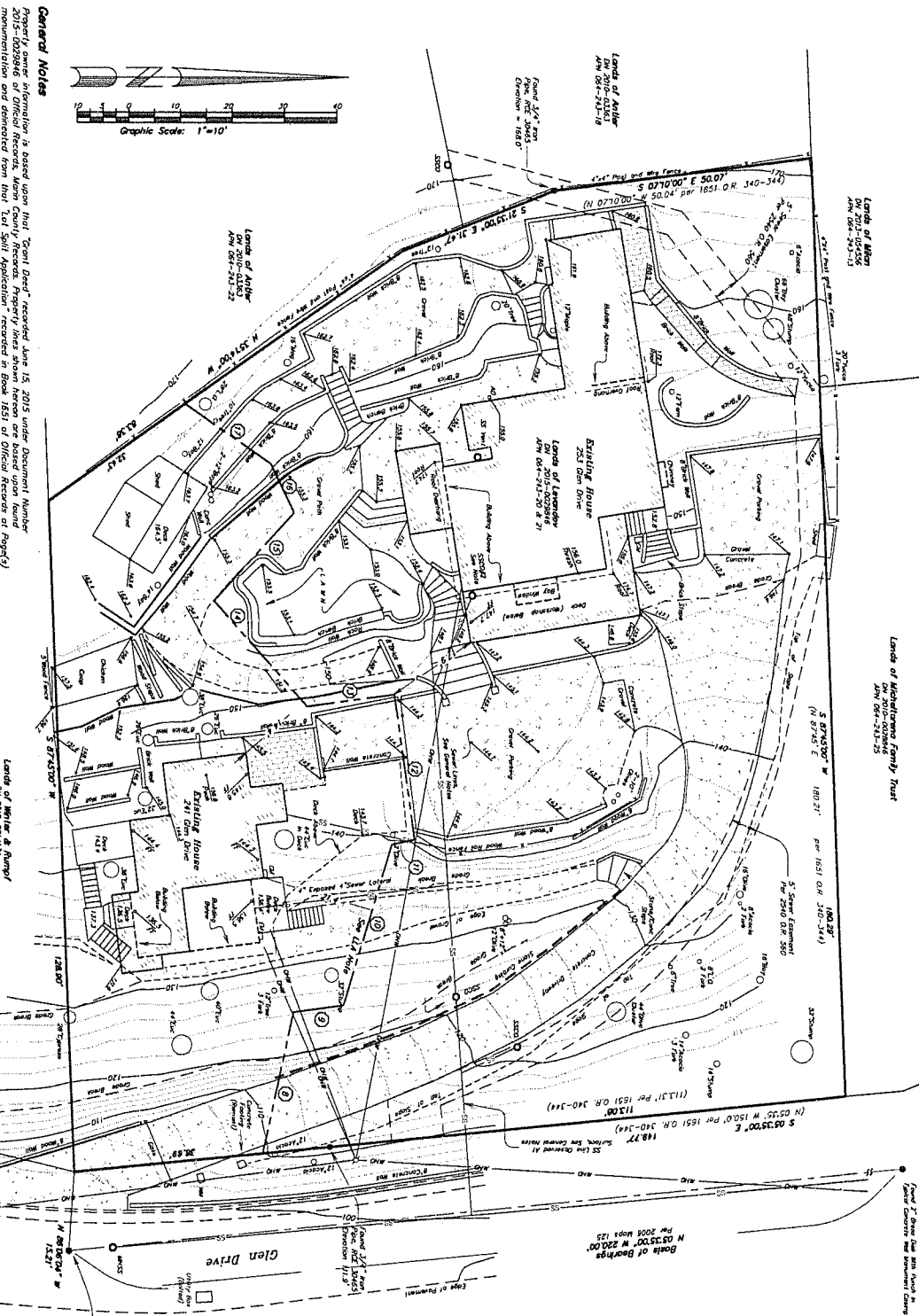
Sanitary Sewer Lines are shown from a combination of physical features observed at the time of this survey, field drawings and hand measurements provided by Mueller Michels Builders, and a sewer line inspection report provided by Pipe Sog Man, Inc. Sewer Colours serving 61 George Lane have not been located.

No evidence of sub-surface drainage structures were observed on site during the field survey performed by Adobe Associates, Inc.

Contours shown herein are a 2' (two foot) vertical interval and are shown based upon a field survey performed by Adobe Associates, Inc. on September 10 and October 14, 2015.

Branch Mark: Found 2" Brass Rod with Punch in typical concrete wall monument casing. Elevation = 182.0'

The elevation is as assumed station.



Legend:

- 01 Area Drain
- 02 Electric Meter
- 03 Electric Meter
- 04 Electric Meter
- 05 Finished Floor
- 06 Fire Hydrant
- 07 Fire Hydrant
- 08 Fire Hydrant
- 09 Fire Hydrant
- 10 Fire Hydrant
- 11 Fire Hydrant
- 12 Fire Hydrant
- 13 Fire Hydrant
- 14 Fire Hydrant
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- 100 Fire Hydrant

Branch Mark: 2" Brass Rod with Punch in typical concrete wall monument casing. Elevation = 182.0'

The elevation is as assumed station.

LLA Note

The Proposed Property Line shown herein and dimensions below are per the pending Administrative Certificate of Compliance Application - Lot Line Adjustment Application No. 18-126, on file in the Planning Department of the City of Sausalito.

Proposed Property Line Dimensions

- 1 S 77°53'07" E 27.86'
- 2 S 08°08'50" E 8.87'
- 3 S 73°23'21" E 12.17'
- 4 S 12°55'30" E 4.43'
- 5 S 12°55'30" E 28.03'
- 6 N 07°42'24" W 18.81'
- 7 N 48°13'37" E 22.03'
- 8 S 47°24'21" E 22.86'
- 9 N 64°31'37" E 10.41'
- 10 N 34°23'21" E 20.13'

Location Map

Map showing the site location relative to Glen Drive and other nearby roads.

Legend:

- 01 Area Drain
- 02 Electric Meter
- 03 Electric Meter
- 04 Electric Meter
- 05 Finished Floor
- 06 Fire Hydrant
- 07 Fire Hydrant
- 08 Fire Hydrant
- 09 Fire Hydrant
- 10 Fire Hydrant
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Scale: 1" = 10'

Date: Nov. 1, 2016

Design by: DPL

Drawn by: DPL

Checked by: ARS

Site Topography

Lands of Levandov

241, 253 Glen Drive, Sausalito Ca.

Assessor's Parcel Number 064-243-20 & 21

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my license expires 12/31/15

Revisions			
No.	Date	Description	Approved
1	10/13/2016	Sewer Laterals	ARS

E5