

# STAFF REPORT

## SAUSALITO ZONING ADMINISTRATOR

**PROJECT:** Meyers Dock/40 Alexander Avenue  
Variance  
ADR-VA 06-061

**MEETING DATE:** July 30, 2009

**STAFF:** Heidi Burns, Associate Planner 

**PROPERTY OWNER:** Maury Meyers

**APPLICANT:** Maury Meyers

### REQUEST

Approval of an Administrative Design Review Permit and a Variance to allow for the construction of seawall, a 108 square foot pier, a 240 square foot gangway, and a 500 square foot floating dock within the rear yard at 40 Alexander Avenue (APN 065-303-28 and 29) and on a portion of property owned by the City (APN 065-272-28).

### REGULATORY FRAMEWORK

**General Plan:** Medium High Density Residential (up to 17.4 du/acre)

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

**Required Approvals:** Design Review Permit (10.54.040.B.11)  
Variance (10.68.050)

### EXISTING SETTING

#### Subject Parcels:

The project site consists of two contiguous parcels totaling 9,592 square feet. The site is steeply sloping downhill towards the San Francisco Bay. The parcel includes a 660 square foot access easement resulting in a net parcel area of 8,932 square feet.

#### Neighborhood:

The parcel is located in the "Old Town/Hurricane Gulch" neighborhood which extends from the southern City limits to North Street and Cable Roadway to the north. The adjacent parcels contain large developed single-family and multiple family developments.

### ENVIRONMENTAL REVIEW

The subject application is Categorical Exempt from the California Environmental Quality Act (CEQA), in accordance with Section 15303, New Construction or Conversion of Small Structures, of the CEQA Guidelines. The project involves the construction of a new seawall, pier, gangway, and floating dock.

### PROJECT DESCRIPTION

The applicant is seeking approval of an Administrative Design Review Permit and Variance to allow for the new construction of a following (see **Exhibit C**, Site Plan):

- **Seawall**
  - 2 feet by 38 feet concrete seawall at the top of the existing bank

- **Pier**
  - 108 square foot aluminum teak decked pier supported by two 12 inch by 40 feet steel piles on APN 065-303-29.
- **Gangway**
  - 6 feet by 40 feet (240 square feet) aluminum framed teak decked access gangway to be constructed on both APN 065-303-29 and 065-272-28.
- **Floating Dock**
  - 10 feet by 50 feet (500 square feet) aluminum framed teak decked floating dock with two 12 inch by 50 feet steel pipe guide piles to be constructed on City property (APN 065-272-28).

All the piles would be coated within a non-reactive coating (Deveon) and piles would be driven with a vibratory hammer positioned on a floating barge.

The Administrative Design Review Permit is required to allow for the construction of any pier or dock for private pleasure craft in the R-2-2.5 Zoning District. A Variance Permit is required to allow for the construction of the proposed gangway within the rear yard setback of APN 065-303-29. The City Council has approved a 25-year lease to allow a portion of the proposed gangway and floating dock to be located on property the State Lands Commission has granted to the City.

#### **BACKGROUND**

A listing of the permit history of 40 Alexander Avenue is provided below:

- July 28, 1975:** San Francisco Bay Conservation and Development Commission (BCDC) approve Permit M75-57 to allow the new construction of a single family dwelling within the 100 Foot shoreline band.
- September 23, 1976:** Sausalito's Community Appearances Advisory Commission approves the new construction of a Single Family Dwelling, which includes the construction of a sea wall and swimming pool.
- October 13, 1978:** Building Permit 7570 issued for the foundation work associated with the new construction.
- August 4, 1979:** Building Permit 8060 issued for the construction of a swimming pool and retaining wall.
- October 8, 1980:** Building Permit No. 8101 was issued for the construction of a single family dwelling at 40 Alexander Avenue.
- November 3, 2004:** Planning Commission approved Design Review Permit DR 04-067 for modifications to the single family residence which included the following:
- 376 square feet floor area addition
  - New and expanded decks along the east elevation
  - New hipped and flat roof segments

- Relocation of an existing elevator
- Removal of an existing pool and retaining wall
- Construction of a patio to replace the removed pool.

**October 31, 2006:** Design Review Permit and Variance application submitted to the Community Development Department for the construction of a pier, gangway, and floating dock.

**May 26, 2009:** City Council approved a 25 year lease with the property owner of 40 Alexander Avenue to allow a 560 square foot floating dock to be placed on City-owned property (APN 065-272-28).

## **ANALYSIS**

### **General Plan Consistency**

To approve the proposed project the Zoning Administrator must determine that the project is consistent with all applicable General Plan policies. The site is located in an area designated as Medium High Density Residential by the General Plan. Staff concludes that the project is consistent with the General Plan and has identified the following objectives, policies, and programs that support the proposed project.

#### **Policy CD-1.3:**

##### **Neighborhood Compatibility.**

The proposed seawall, pier, gangway, and floating dock are consistent with many of the other piers and floating docks within the immediate vicinity. As stated in the Variance findings (see Attachment 1 of **Exhibit A**, Resolution), seven out of the ten properties which front the San Francisco Bay have piers and/or floating docks.

#### **Program CD-1.3.1:**

##### **Size and Mass:**

The size of the proposed project is generally consistent with piers and/or floating docks in the immediate vicinity. Additionally, although the project would add building coverage to the site, the project is within the allowances for developments within the R-2-2.5 Zoning District as shown in the Project Summary Table on the following page.

#### **Program LU-4.1.1:**

##### **Waterfront Access:**

This General Plan program encourages enhancing public access of the waterfront and maintaining water view corridors. The project is located in an area that is privately developed as residential homes, with no existing public access. Since the topography slopes very steeply downhill from Alexander Avenue, the proposed project will not affect public water view corridors.

#### **Program HS-1.3.4:**

##### **Zoning Ordinance (Shoreline Development):**

Zoning Ordinance Section 10.44.070, Piers, Floats, and Wharves in Residential Districts, requires that all improvements proposed within the City's federally mandated Flood Plain Management Program be subject to a flood elevation certificate per Ordinance 1140 of the

Municipal Code. A condition of approval is being recommended to require City Council approval of a variance as required by Ordinance 1140 prior to issuance of any building permit in order to demonstrate the proposed improvements are in compliance with the City's Flood Plain Management Program and will not be injurious to the community.

**Zoning:**

The Project Summary Table below compares the development standards of the R-2-2.5 Zoning District to the proposed design in relation to the existing conditions. The table shows that the project requires the approval of a Variance in order to be compliant with the applicable rear yard setback zoning standard.

**Project Summary Table**

	Existing	Code	Proposed	Compliance
Net Parcel Area:	8,932 sq. ft.	5000 sq. ft. min.	No change	yes
Dwelling Units:	1	1 du/2,500 Sq. Ft. of land	No change	yes
Rear Yard:	84' 8"	15' min.	0'	No***
Right Side Yard:	6.5 AVG	5' min.	No change	yes
Left Side Yard:	5' 6"	5' min	No change	yes
Height:	32'	32' max.	32'	yes
Building Coverage:	1,945 sq. ft. (22%)	4,466 sq. ft max. (50%)	2,793 sq. ft. (31%)	yes
Floor Area:	4,191 sq. ft. (0.47)	5,805 sq. ft. (0.65)	No change	yes
Impervious Surface:	3,695 sq. ft. (41%)	4,449 sq. ft. (75%)	No Change	yes
Parking Spaces:	2	2 spaces	2	yes

\*\*\*A variance is required in order for the compliance with the rear yard setback

**Design Review Permit**

In order to approve or conditionally approve the Administrative Design Review Permit, the Zoning Administrator must determine whether the project is in conformance with the findings listed in Sections 10.54.050 (Design Review Findings) of the Zoning Ordinance. Staff concludes the requisite findings for the Design Review Permit can be made to approve the permit, as summarized in the findings listed in the Resolution (see Attachment 1 of **Exhibit A**, Resolution).

**Variations:**

The applicant requests a variance to allow for a zero rear yard setback on APN 065-303-29 to allow for an elevated gangway to connect with a floating dock to be constructed on property held by the City. To grant a variance, Zoning Ordinance Section 10.68.050 requires the Zoning Administrator to make each of the six findings listed below:

- 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;
- 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;
- C) Such Variance is necessary for the preservation of a substantial property right of the petitioner, possessed by other property in the same district;
- 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;
- 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; and
- F) The granting of such Variance will be in harmony with the general purpose and intent of this Title and the General Plan.

Staff suggests that all six of the findings can be made in support of the encroachment of the gangway within the rear yard setback. A discussion on each variance request including how the respective variances can be supported is provided below.

Exceptional Circumstances. The purpose of a rear yard setback is to provide uniformity to a neighborhood and determine the relationships and placement between the structures, in addition to allowing certain measures of privacy between neighbors, provide space for light and air circulation, and provide open space for landscaping and recreational use. They also provide distance between neighbors to mitigate noise and odors. There are four significant exceptional circumstances associated with the project to allow a deviation from 15 foot rear yard setback standard as follows:

- 1. The topography of the site which drops off steeply into the San Francisco Bay.
- 2. A small percentage of properties in Sausalito have land that is submerged by water.
- 3. The submerged property is affected by tides which raises and lowers 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 safe floating dock.
- 4. The parcel configuration is oddly shaped and a dock would be difficult design to comply with the necessary setbacks.

As such, staff finds that based on the above exceptional circumstances, a variance can be supported to approve the proposed project.

Hardship. As stated above, due to the steep topography and half of the project site being submerged, there is limited area on the property for outdoor recreational use, unlike most properties in Sausalito. Furthermore, because the submerged lands are affected by tides, a floating dock would need to be pushed out further into the San Francisco Bay waters to ensure an adequate depth for recreational use and pleasure boats.

Property Right. Limiting use on half of property due to the exceptional circumstances associated with the land would constitute a loss of a property right that other properties within the immediate vicinity possess. Seven out of the ten properties within the immediate vicinity have piers and/or floating docks that encroach into either a side or rear setback due to steep topography, submerged lands, tides, and/or parcel configuration.

Public Welfare. 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 a result approval of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

Not a Special Privilege. 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:

1. 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
2. Seven of the ten piers and/or floating docks encroach into either a side or rear setback due to steep topography, submerged lands, and/or parcel configuration.

Compliance with General Plan and Zoning Ordinance. The intent of the General Plan, with the regulation of residential land use, is to protect and maintain the character of residential neighborhoods by establishing restrictions 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 in this area. The seawall, pier, gangway, and floating dock which would be allowed in the setback area would consistent with the character with the neighborhood, and would thereby be consistent with the General Plan. The project is consistent with all other regulations and standards of the Zoning Ordinance.

#### **ENGINEERING DIVISION COMMENTS**

The Engineering Division has identified that a 20-inch ductile iron sanitary sewer line is located in the vicinity of the proposed project. Since the exact location of the pipe is unknown, the Engineering Division has recommended several of conditions to ensure that the precise location of the sewer line is identified on the plans prior to construction and that appropriate measures are taken to avoid any construction conflicts related to the new construction. The recommended conditions have been incorporated into the draft resolution of approval attached herewith (see Attachment 2 of **Exhibit A**, Resolution).

The Engineering Division has also identified that a portion of the sidewalk abutting Alexander Avenue and the project site is in need of repair. Specifically, on the north side of the existing driveway which serves, the subject property, a new sidewalk was recently constructed and found by the Engineering Division to not be flush with the south side of the existing PG&E vault. There is a vertical difference of more than ¾" between the sidewalk and the PG&E vault that needs to be repaired. To eliminate this tripping hazard, a condition of approval has been added to the Resolution to require that a portion of sidewalk be repaired and made flush with the PG&E vault.

### **PUBLIC NOTICE AND COMMENT**

Notice: At least ten days prior to the public hearing, notices were mailed to property owners within a 300-foot radius of the project site. Additionally, notices were posted on the site at least ten days prior to the public hearing. As of July 27, 2009, six letters of support from contiguous property owners have been submitted to the City (see **Exhibit D**, Letters of Support).

### **RECOMMENDATION**

Staff recommends the Zoning Administrator approve the attached Resolution which approves the Administrative Design Review Permit and Variance (ADR-VA 06-061) to allow the construction of a seawall, pier, gangway and floating dock to encroach into the rear yard setback at 40 Alexander Avenue, based upon the findings and Conditions of Approval listed therein.

Alternatively, the Zoning Administrator may:

1. Approve the Administrative Design Review Permit and Variance with modifications;
2. Continue the public hearing for additional information and/or project revisions; or
3. Deny the Administrative Design Review Permit and Variance and direct Staff to return with a Resolution of Denial.

### **EXHIBITS**

- A. Draft Resolution of Approval for Variance
- B. Vicinity Map
- C. Site Plan
- D. Letters of Support date-stamped July 27, 2009

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**SAUSALITO ZONING ADMINSTRATOR  
RESOLUTION NO. 2009-XX**

**APPROVAL OF AN ADMINISTRATIVE DESIGN REVIEW PERMIT AND VARIANCE TO  
ALLOW FOR THE CONSTRUCTION OF A PIER, GANGWAY, AND FLOATING DOCK  
WITHIN THE REAR YARD SETBACK AND PROPERTY OWNED BY THE CITY  
AT 40 ALEXANDER AVENUE (ADR-VA 06-061)**

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**WHEREAS**, an application has been filed by applicant and property owner, Maury Meyers requesting Zoning Administrator approval of an Administrative Design Review Permit and Variance to allow the construction of a 108 square foot pier, a 240 square foot gangway, and 500 square foot floating dock entirely within the rear yard setback for a property within the R-2.2.5 Zoning District at 40 Alexander Avenue (APN 065-303-28 and 29), and portions of a parcel owned by the City (APN 065-272-28); and

**WHEREAS**, the Zoning Administrator conducted a duly noticed public meeting on July 30, 2009 at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Zoning Administrator finds that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303; and

**WHEREAS**, the Zoning Administrator has reviewed and considered the project plans titled "New Recreational Dock Layout Plan" date-stamped received on November 26, 2007; and

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

**WHEREAS**, the Zoning Administrator has reviewed and considered the information contained in the staff report dated July 30, 2009; and

**WHEREAS**, the Zoning Administrator finds that, as conditioned herein, and with the approval of the requested Administrative Design Review Permit and Variance, the proposed project complies with the requirements of the Zoning Ordinance as described in the staff report dated July 30, 2009; and

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

Administrative Design Review Permit and Variance ADR-VA 06-061 to allow for the construction of a 108 square foot pier, a 240 square foot gangway, and 500 square foot floating dock entirely within the rear yard setback at 40 Alexander Avenue, as well as property owned by the City is approved based upon the findings in **Attachment 1** and subject to the conditions of approval in **Attachment 2**. The project plans are provided in **Attachment 3**.

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Date

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Jeremy Graves, AICP  
Zoning Administrator

**ATTACHMENTS**

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



**ZONING ADMINISTRATOR RESOLUTION  
JULY 30, 2009  
ADR-VA 06-061  
40 ALEXANDER AVENUE**

**ATTACHMENT 1:  
FINDINGS FOR APPROVAL OF A VARIANCE**

**1. DESIGN REVIEW PERMIT FINDINGS**

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

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

*The Zoning Administrator finds the proposed project is consistent with all applicable policies, standards, and regulations of the General Plan and Zoning Ordinance as detailed in the Staff Report dated July 30, 2009 and as supported by the below findings.*

- B) 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 Zoning Administrator finds the proposed seawall, pier, gangway, and floating dock will be constructed out of high quality materials in attempt to complement the character along the existing shoreline.*

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

*The Zoning Administrator finds the proposed seawall, pier, gangway, and floating dock will be of a similar mass, size, and scale as the other sever floating docks within the immediate vicinity.*

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

*The Zoning Administrator finds the proposed seawall, pier, gangway, and floating dock will not affect public water view corridors because the topography of the hillside is steeply sloped downhill from the public right-of-way of Alexander Avenue.*

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

*The Zoning Administrator finds the subject parcel is not located along a ridgeline.*

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

*No landscaping is proposed as part of the proposed application.*

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

*The Zoning Administrator finds the proposed seawall, pier, gangway, and floating dock are consistent with the other piers and floating docks system within the immediate vicinity and will not impact light and air on adjacent and/or public property due to the location of the proposed project features. As stated in the Variance findings seven out of the ten properties which front the SF Bay have piers and/or floating docks. Furthermore, the existing piers and/or floating docks have been found by past City decision makers (e.g., Planning Commission) to not negatively impact light and air.*

- H) 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 Zoning Administrator finds the project does not propose any mechanical equipment or lighting. The proposed project is subject to the standard condition that all exterior lighting be shaded and downward facing.*

- I) 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 Zoning Administrator finds that as stated in Finding "G", seven out of the ten properties which front the SF Bay have piers and/or floating docks. The location of the project features will not interfere with privacy related to the adjacent properties due to the topography of the site and that the pier and related dock features will be constructed at lower elevation.*

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

*The Zoning Administrator finds the proposed project will not affect access to the site from Alexander Avenue. However, a condition of approval has been added to require the owner of the property repair a portion of the sidewalk located at 40 Alexander Avenue.*

- K) 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).

*Heightened Review is required is not required for this project.*

## **2. FINDINGS FOR A VARIANCE FROM REAR SET BACK STANDARDS**

In accordance with Zoning Ordinance Chapter 10.68 (Variances), the Variance from the rear yards setback standards in Table 10.22-2 of the Zoning Ordinance is approved based on the following findings:

- 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 Zoning Administrator finds that there are four significant exceptional circumstances associated with the project to allow a deviation from 15 foot rear yard setback standard as follows:

1. The topography of the site which drops off steeply into the San Francisco Bay.
2. A small percentage of properties in Sausalito have land that is submerged by water.
3. The submerged property is affected by tides which raises and lowers 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 safe floating dock.
4. The parcel configuration is oddly shaped and a dock would be difficult design to comply with the necessary setbacks.

- 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;

*The Zoning Administrator finds that due to the steep topography of the site, half of the project site being submerged, the submerged lands are affected by tides, and the parcel configuration, half of the property would be rendered useless unless a variance is granted to allow an exception*

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

*The Zoning Administrator finds that limiting use of half of property due to the exceptional circumstances associated with the land would constitute a loss of a property right that other properties within the immediate vicinity have been able to utilize. Seven out of the ten properties within the immediate vicinity have piers and/or floating docks that encroach into either a side or rear setback because of steep topography, submerged lands, tides, and parcel configuration. Furthermore, the City's Planning Commission was able to make the findings to support a similar floating dock at 20 Alexander Avenue through DR-VA 02-025.*

- 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;

*The Zoning Administrator finds the project will not be detrimental to the public welfare or injurious to the property or improvement in the vicinity of the district because the project will be required to comply with the City's Flood Plain Management Program as well as complying with the California Building Code (CBC) and BCDC in order to ensure no immediate threat to the health and safety of the surrounding properties. Lastly, six contiguous property owners have written letters in support of the dock.*

- 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; and

*Granting the requested Variance to the rear yard setback for the project takes advantage of the water orientation of the property and does not appear to constitute a special privilege. Further, allowing the dock to extend into the rear yard setback for water oriented access is not a granting of special privilege as it is consistent with the requirements from the SF*

*BCDC that the dock be for water uses. The City also allows for docks to be permitted within the R-2-2.5 Zoning District provided the Design Review findings contained in the Zoning Ordinance can be achieved.*

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

*The Zoning Administrator finds that 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:*

- 1. Seven out of ten of the properties fronting the San Francisco Bay have piers and/or floating docks.*
- 2. Seven out of the ten piers and/or floating docks are encroaching into either a side or rear setback because of steep topography, submerged lands, tides, and parcel configuration.*
- 3. The Planning Commission was able to make the requisite findings to approve a similar dock at 20 Alexander.*
- 4. The project will still be required to comply with the necessary health and safety permits required by all affected agencies and districts (e.g., City of Sausalito Building Division, BCDC)*

**ZONING ADMINISTRATOR RESOLUTION  
JULY 30, 2009  
ADR-VA 06-061  
40 ALEXANDER AVENUE**

**ATTACHMENT 2: CONDITIONS OF APPROVAL**

These conditions apply to the project plans prepared for Maurice Meyers and entitled "New Recreational Dock Layout Plan" date-stamped November 26, 2007.

**General**

1. No alternative or unrelated construction, site improvements, tree removal and/or alteration, exterior alterations and/or interior alterations and/or renovations not specified in the project plans, or alterations approved by the Community Development Director, shall be performed on the project site. In such cases, this approval shall be rendered null and void unless approved by the Community Development Department as a modification to this approval.
2. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
3. 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.
4. Prior to issuance of a building permit, the applicant shall obtain City Council approval of a Variance to the Floodplain Ordinance for construction of the floating dock.
5. All exterior security and safety lighting must be small fixtures that are shielded and downward facing, and subject to the review of the Community Development Department prior to final sign off of the building permit.

**Engineering Division**

6. Prior to issuance of a building permit, the property's existing sanitary sewer lateral shall be inspected by video for integrity and necessary repairs shall be made (reference Muni Code 18.12.100).
7. Prior to issuance of a building permit, the plans shall be revised to include details of seawall, piers, pilings, gangway, dock and appurtenances.
8. Prior to issuance of a building permit, the plans shall define a procedure for "potholing" to locate the underground sewer main. A memo from Curt Bolton, W.B. Clausen Structural Engineers to Loraine Weiss, City of Sausalito, dated November 20, 2007 indicates two methods for locating the 20-inch sanitary sewer. Notes describing the procedures shall be added to the plans.

9. Prior to issuance of a building permit, the plans shall be revised to show locations of existing underground utilities, including sanitary sewer, public or private storm drains, electrical, gas, cable TV, telephone, etc which are located within, or close to the proposed work.
10. Prior to issuance of a building permit, the an emergency response plan shall be prepared in the event that the existing 20-inch sanitary sewer main is breached during construction activities. This plan shall be submitted to the City and the Sausalito-Marín City Sanitary 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 sewer main, and for the repair of the sewer main.
  - 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 sanitary sewer main is breached.
  - e. The plan shall identify and show locations of manholes that may be used as safe access points for plugging the sewer main and bypass pumping of sewage.
  - f. 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.
  - g. 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.
  - h. A copy of the approved plan shall be provided to the City.
11. Prior to issuance of a building permit, the plans shall include notes directing the contractor to contact Underground Service Alert, Sausalito-Marín City Sanitary District and the City a minimum of 48 hours in advance of the start of work to locate underground facilities.
12. Prior to issuance of a building permit, the plans shall be reviewed by the Sausalito-Marín City Sanitary District.
13. Prior to issuance of a building permit, the a construction staging plan and construction schedule shall be submitted to the City for review and approval. No construction staging or activities, including material storage, debris box storage, or equipment storage will be allowed within the Alexander Avenue right-of-way.

14. Prior to issuance of a building permit, plans shall be submitted to repair an existing portion of the sidewalk adjacent to a PG&E vault located adjacent to the Alexander right-of-way.

**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. This approval will expire in one (1) year from the date of adoption of this resolution if the property owner has not exercised the entitlements hereby granted.
2. All applicable City fees as established by City Council resolutions and ordinances shall be paid.
3. Construction Impact Fees shall be paid in accordance with the Construction Impact Fee Ordinance. The fee is due prior to issuance of Building Permit.
4. Encroachment permit, grading permit, third party review fees (cost plus 10%) fees shall be paid.
5. An encroachment permit shall be obtained from the Public Works Department prior to using the public right of way for non-public purposes (e.g., material storage, sidewalk construction or demolition) including any and all construction and demolition activities.
6. 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.
7. 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 7:00 p.m.  
Saturdays – Between 9:00 a.m. and 5:00 p.m.  
Sundays – Prohibited  
Holidays recognized by the City – 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 between 9:00 a.m. and 7:00 p.m.
8. Permits required by other agencies having jurisdiction within construction area shall be obtained in accordance with their respective agency's regulations.
9. The applicant should contact the San Francisco Bay Conservation and Development Commission to ensure compliance with the agency's requirements.

ZONING ADMINISTRATOR RESOLUTION  
JULY 30, 2009  
ADR-VA 06-061  
40 ALEXANDER AVENUE

ATTACHMENT 3: PROJECT PLANS





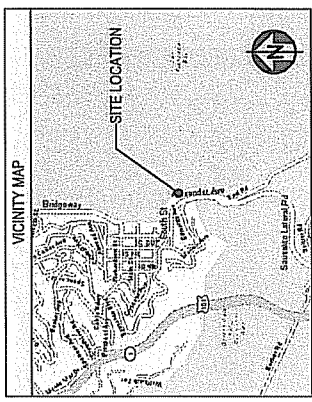
**W.B. Clausen**  
Structural Engineers  
1815 14th Street  
San Francisco, CA 94109  
415.774.1400  
www.wbclausen.com

**MAURICE MYERS**  
40 ALEXANDER STREET  
Sausalito, California

**NEW RECREATIONAL DOCK LAYOUT PLAN**

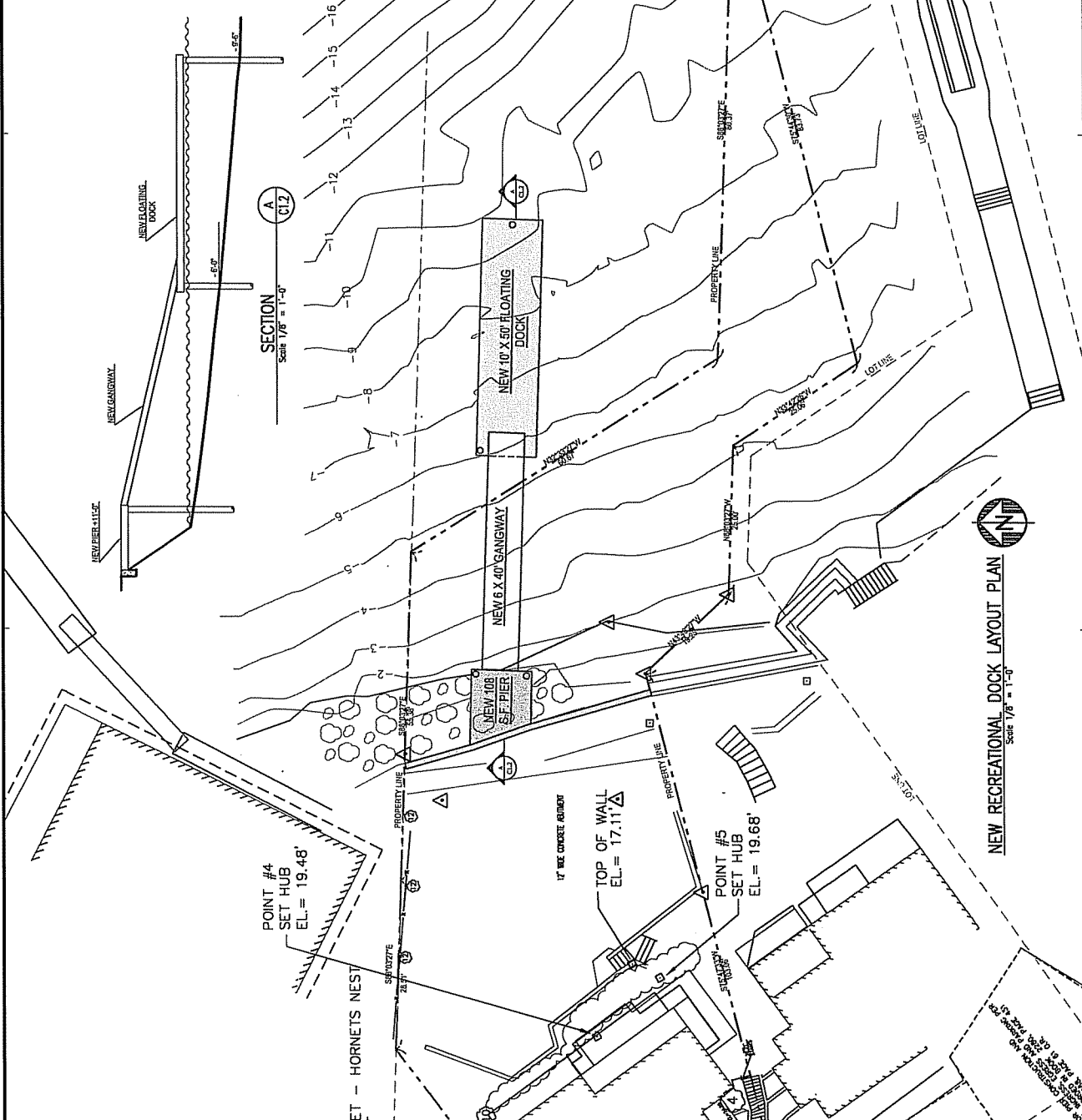
**C1.2**

DATE: 2/11/2017  
PROJECT NO: 23171  
SHEET NO: 17 OF 17



AREA LOCATION	PIER	SQUARE FOOT
PIER		108
GANGWAY		240
FLOATING DOCK		500
<b>TOTAL</b>		<b>848</b>

LOCATION	QUANTITY	DIMENSION / MATERIAL
PIER	2	12 X 48 STEEL PIPE PILE W/ COATING
FLOATING DOCK	2	12 X 58 STEEL PIPE PILE W/ COATING
<b>TOTAL</b>	<b>4</b>	



POINT #4  
SET HUB  
EL. = 19.48'

TOP OF WALL  
EL. = 17.11'

POINT #5  
SET HUB  
EL. = 19.68'



**NEW RECREATIONAL DOCK LAYOUT PLAN**  
Scale 1/8" = 1'-0"

**RECEIVED**  
NOV 27 2017  
CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

**OPTION 1**



**W.B. Clausen**  
Structural Engineers  
171430 Blvd  
Folsom, CA 95630  
916-977-1429  
www.wbclausen.com

MAURICE MYERS  
40 ALEXANDER STREET  
SAUSALITO, CALIFORNIA

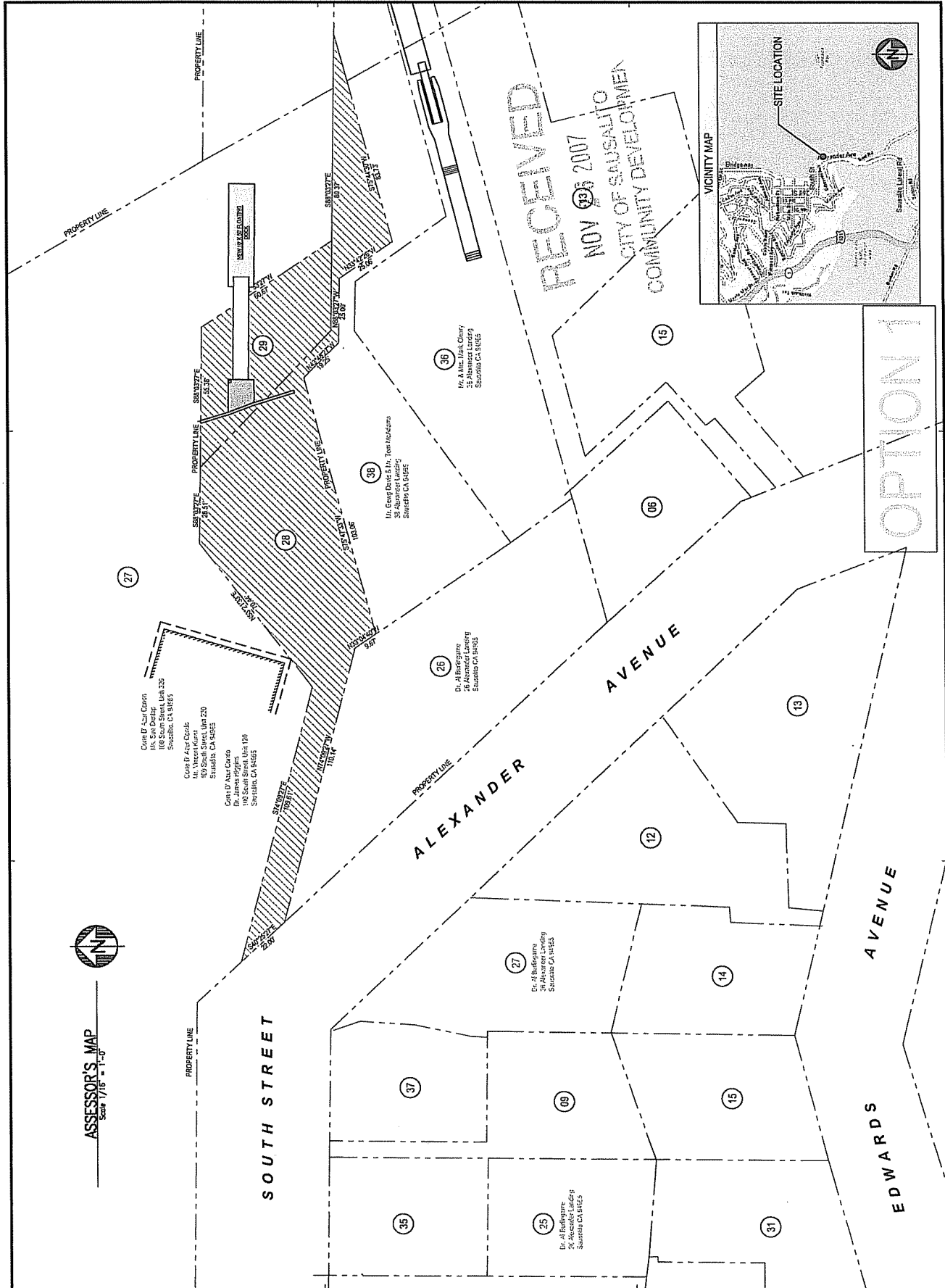
NO.	DESCRIPTION	DATE	BY	CHKD.

ASSESSOR'S MAP

C1.3

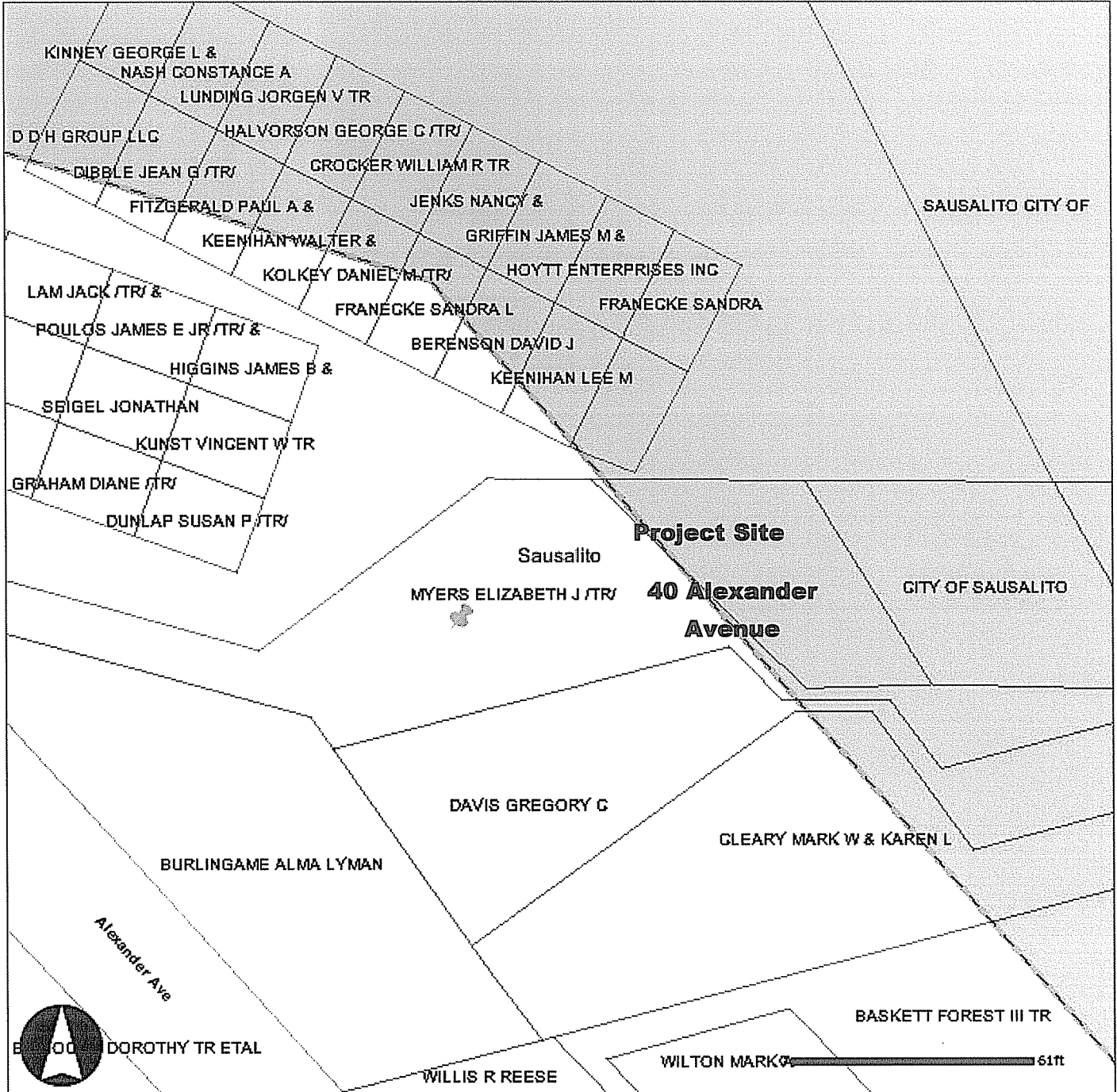
PROJECT NO. 23171

DATE: 11/16/07  
SCALE: AS SHOWN  
DRAWN BY: JLS  
CHECKED BY: JLS  
APPROVED BY: JLS



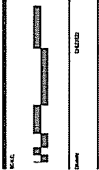
ASSESSOR'S MAP  
Scale 1/16" = 1'-0"

# VICINITY MAP



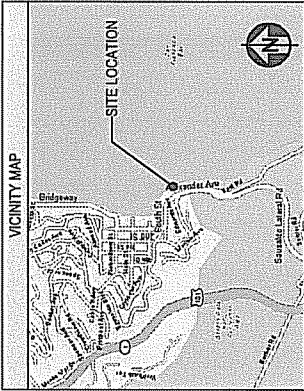
NO.	REVISION	DATE

NEW RECREATIONAL DOCK LAYOUT PLAN



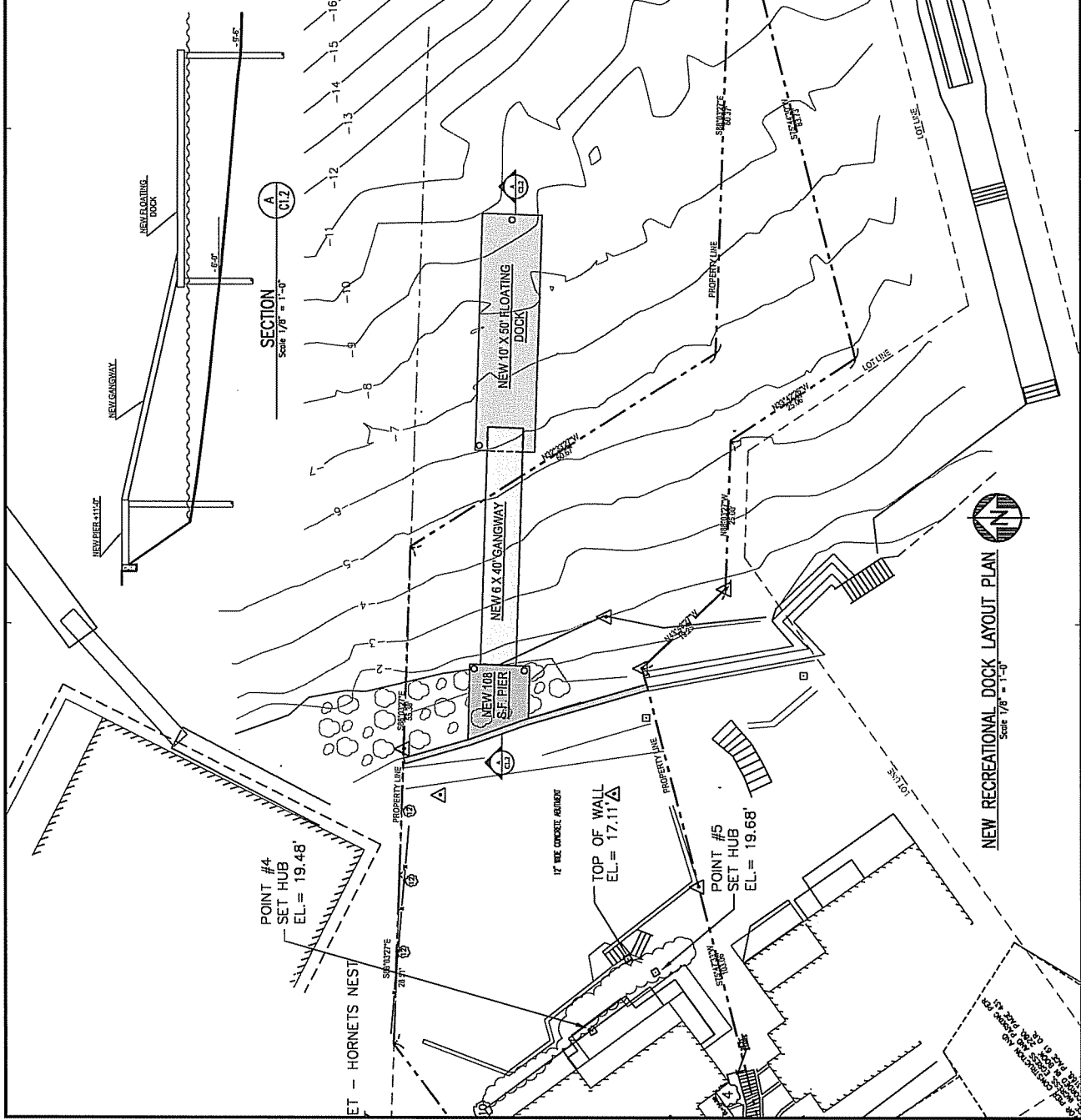
**C1.2**

DATE: 2/21/11  
 DRAWING NO: 23171  
 SHEET NO: 1 OF 1



AREA LOCATION	SQUARE FOOT
PIER	108
GANGWAY	240
FLOATING DOCK	500
<b>TOTAL</b>	<b>848</b>

LOCATION	QUANTITY	DIMENSION / MATERIAL
PIER	2	12 X 40' STEEL PIPE PILE W/ COATING
FLOATING DOCK	2	12 X 50' STEEL PIPE PILE W/ COATING
<b>TOTAL</b>	<b>4</b>	



**RECEIVED**  
 NOV 26 2007  
 CITY OF SAUSALITO  
 COMMUNITY DEVELOPMENT

**OPTION 1**

NEW RECREATIONAL DOCK LAYOUT PLAN  
 Scale 1/8" = 1'-0"



**W. B. Clausen**  
**Structural Engineers**  
 1077 FIFTH AVENUE  
 16 FLOOR SUITE 1602  
 SAN FRANCISCO, CA 94109  
 www.wbclausen.com

**MAURICE MYERS**  
 40 ALEXANDER STREET  
 SAUSALITO, CALIFORNIA

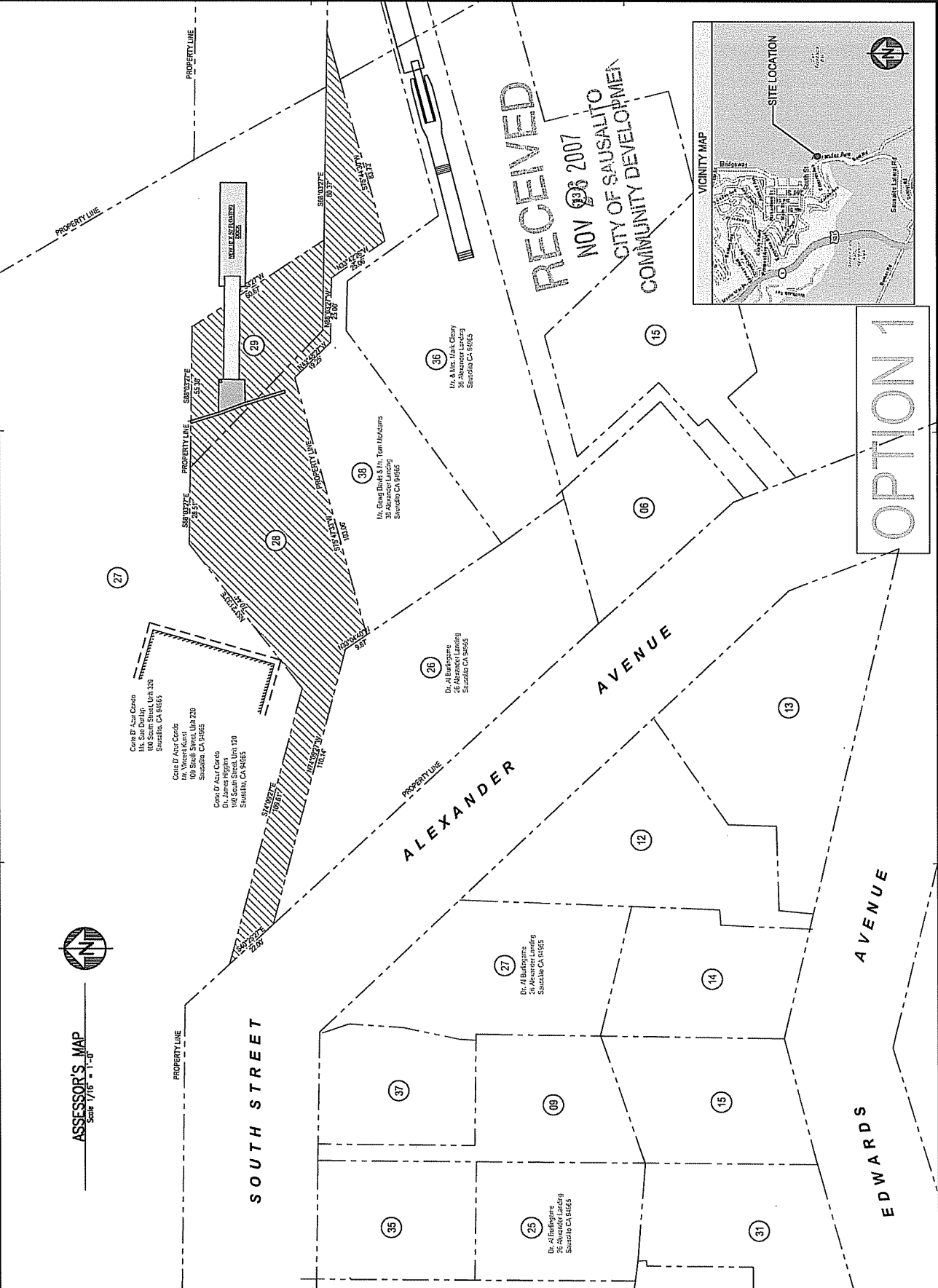
NO.	DATE	DESCRIPTION

**ASSESSOR'S MAP**

DATE	NOV 20 2007
SCALE	1" = 11'-0"
SHEET NO.	23171
CITY	SAN FRANCISCO
PROJECT NO.	C1.3

**ASSESSOR'S MAP**

APR 2007  
 16 FLOOR SUITE 1602  
 SAN FRANCISCO, CA 94109  
 www.wbclausen.com



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JUL 27 2009  
CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

June 18, 2009

Mr. Robert May  
100 South Street, Unit 120  
Sausalito, Ca 94965

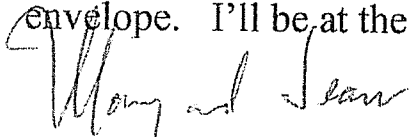
Hi Robert:

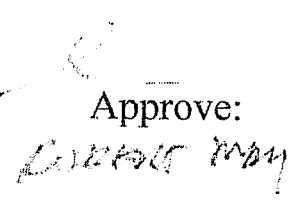
You will recall we wrote you in July of 2007, and you approved our revised plan to construct a seawall and dock. We submitted the plans to the City and became engaged in a long process involving the lease of tidelands underneath the dock. This has finally been resolved and we are ready to move forward with the project.

Now the Planning Commission would like to have an updated Public Outreach, because the original is over two years old. Attached is our original letter with your signature, along with a copy of the plan we originally sent you. This plan is still current.

Please sign below to indicate that you still approve of the project.

Thanks so much for your help. Give us a call or an email with any questions you may have. Cell is (808) 371-1761. Email is [maury@myershawaii.com](mailto:maury@myershawaii.com) Please sign and return in the enclosed envelope. I'll be at the property June 22-25.

  
Maury and Jean Myers

Approve:   
Date: 7/20/09

June 18, 2009

Mr. Vincent Kuntz  
215 Main Street, Suite #305  
Sausalito, Ca 94965

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JUL 27 2009  
CITY OF SAUSALITO  
COMMUNITY DEVELOPME

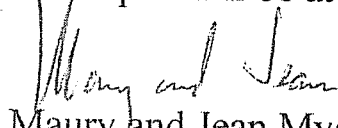
Hi Vince:

You will recall we wrote you in March of 2007, and you approved our revised plan to construct a seawall and dock. We submitted the plans to the City and became engaged in a long process involving the lease of tidelands underneath the dock. This has finally been resolved and we are ready to move forward with the project.

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Maury and Jean Myers

 6/25/09

Approve:

Date:

June 18, 2009

Mr. Greg Davis  
Mr. Tom Adams  
38 Alexander Landing  
Sausalito, CA 94965

RECEIVED

JUL 27 2009

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

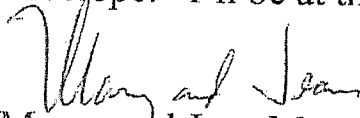
Hi Greg and Tom:



You will recall we wrote you in March of 2007, and you approved our revised plan to construct a seawall and dock. We submitted the plans to the City and became engaged in a long process involving the lease of tidelands underneath the dock. This has finally been resolved and we are ready to move forward with the project.

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Maury and Jean Myers

 7/3/09  
 7/3/09  
Approve: \_\_\_\_\_ Date: \_\_\_\_\_



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JUL 27 2009

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

June 18, 2009

Mark and Karen Cleary  
36 Alexander Landing  
Sausalito, Ca 94965

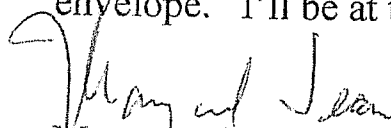
Hi Mark and Karen:

You will recall we wrote you in March of 2007, and you approved our revised plan to construct a seawall and dock. We submitted the plans to the City and became engaged in a long process involving the lease of tidelands underneath the dock. This has finally been resolved and we are ready to move forward with the project.

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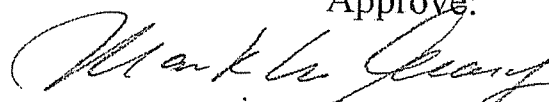
Please sign below to indicate that you still approve of the project.

Thanks so much for your help. Give us a call or an email with any questions you may have. Cell is (808) 371-1761. Email is [maury@myershawaii.com](mailto:maury@myershawaii.com) Please sign and return in the enclosed envelope. I'll be at the property June 22-25.

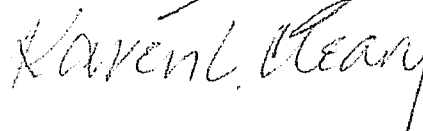
  
Maury and Jean Myers

Approve:

Date:



6-23-09



6-23-09

June 18, 2009

Ms. Susan Dunlap  
100 South Street, Unit 320  
Sausalito, Ca 94965

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CITY OF SAUSALITO  
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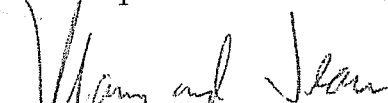
Hi Sue:

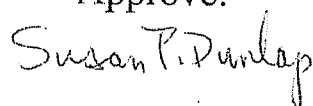
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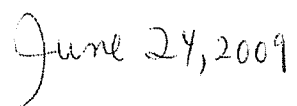
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Maury and Jean Myers

Approve:  


Date:  


June 18, 2009

Dr. Al Burlingame  
26 Alexander Landing  
Sausalito, CA 94965

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JUL 27 2009

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

Hi Al:

You will recall we wrote you in March of 2007, and you approved our revised plan to construct a seawall and dock. We submitted the plans to the City and became engaged in a long process involving the lease of tidelands underneath the dock. This has finally been resolved and we are ready to move forward with the project.

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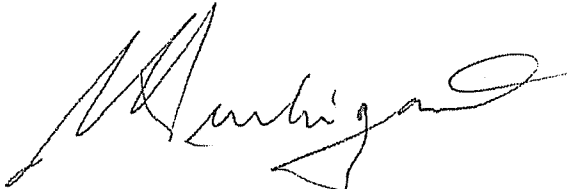
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Maury and Jean Myers

Approve:

Date:

 6/23/09

BLANK