

# STAFF REPORT

## ZONING ADMINISTRATOR

**Project** Exterior Staircase on Princess Street  
34 – 36 Princess Street  
Variance  
VA 15-144

**Meeting Date** July 27, 2015

**Staff** Joshua Montemayor, Assistant Planner

### REQUEST

Approval of a Variance to allow a new staircase to be constructed within the required fifteen foot rear-yard setback, six inches away from the rear property line at the property located at 34 – 36 Princess Street (APN 065-131-14).

### PROJECT INFORMATION

**Applicant** Maria Villegas-Hoppe, Bayside Management

**Owners** Patricia and Raymond Libby

**Location/Parcel Size** 34 – 36 Princess Street (APN 065-131-14)  
Approximately 2,200 square-feet (see **Exhibit B** for Vicinity Map)

**General Plan** Central Commercial

**Zoning** Central Commercial (CC), Downtown Historic District

**Authority** Pursuant to Section 10.68.020 of the Zoning Ordinance, relief from required side yard setbacks necessitates a Variance

Pursuant to Section 10.62.050(A)(7) of the Zoning Ordinance, a nonconforming structure that is voluntary demolished cannot be substantially remodeled, unless it is brought into full code compliance or a Variance is obtained

**CEQA** The project consists of a request for relief of required side-yard setback standards and is categorically exempt pursuant to Section 15301 – Existing Facilities. Section 15301 provides an exemption for the repair and maintenance of existing private structures involving negligible or no expansion of use.

### PROJECT DESCRIPTION

#### SITE LOCATION

The project site is located at 34 – 36 Princess Street in the Central Commercial Zoning District, Downtown Historic area. The polygon-shaped parcel of approximately 2,200 square feet is developed with a mixed-use building of commercial uses on the lower level and residential uses on the upper level. Princess Lane abuts the property to the north and provides a roadway

access to the rear of the property. The surrounding land uses consist of commercial and multi-family residential uses.

### **PROJECT**

The applicant is requesting a Variance to allow a new exterior staircase to be built within the required 15 foot rear-yard setback on the subject property. The staircase will provide access to four upper-level residential units as a second egress for emergency escape to the street level on Princess Lane (See **Exhibit C** for Letter from Applicant). The staircase is required by the Southern Marin County Protection Fire District. Historically, an existing staircase was located in the rear-yard setback, but was recently removed entirely without permits and construction of a new staircase has started. The Building Department has issued a Stop Work Order on the subject property. As such, a Variance is needed to allow a staircase to be constructed 6 inches from the rear property line located at 34 – 36 Princesses (See **Exhibit D** for Project Plans).

### **BACKGROUND**

On May 4, 2015, the Community Development Department received a letter from the Gables Inn Sausalito on 62 Princess Street to address the staircase removal at 34 – 36 Princess Street. The Gables Inn Sausalito stated: "Sometime in the middle of April 2015 we observed the labor hired by the building management company remove the entire staircase located at 36 Princess Street" (See **Exhibit F** for Letter from Gables Inn Sausalito). Demolition of the staircase had already occurred and partial construction a new staircase had begun. As such, the Building Department confirmed that there were no building permits issued for the staircase removal or construction and a Stop Work order was issued to the property at 34 – 36 Princess Street. Currently there is no functioning staircase at the back end of the lot for an emergency fire escape.

The Gables Inn Sausalito has expressed concern that the prior staircase invaded the privacy of one of the property's hotel bedrooms less than 10 feet away, and believes that the construction of the new staircase is over the property line. The proposed plans as submitted show the location of the staircase within the property line.

## **PROJECT ANALYSIS**

### ***HISTORICAL LANDMARKS BOARD REVIEW***

The property at 34 – 36 Princess is more than 50 years old and has been reviewed by the Historic Landmarks Board (HLB) to conduct research into the history of the property and determine its historic significance (See **Exhibit E** for Memorandum). The members of the board determined there is no historical significance on the property.

### ***GENERAL PLAN CONSISTENCY***

The project site is located within the Central Commercial Land Use designation. The General Plan describes this area as an intense retail shopping area serving residents and visitors. First floor uses should be retail commercial with general office and residential uses on the upper floors of buildings in this area. The vast majority of the parcels in this area are located within the City's Historical District and all development must respect its historic character. To approve the proposed project, the Zoning Administrator must determine that the project is consistent with all applicable General Plan policies. Staff has identified the following policy of the Land Use and Growth Management Element as most relevant to the proposed project:

***Policy LU-2.20. Non-Conforming Commercial Uses and Structures. Maintain replication rights for non-conforming structures and uses in non-residential zones.***

According to a Letter from the Applicant, the building located at 34 – 36 Princess Street, since September 1939, had four upper-level residential units and historically a staircase was positioned at the rear of the property, in the same location where the proposed staircase is to be built. Many of the properties in the neighborhood are over 50 years old and many structures are non-conforming to today's zoning regulations. As such, structures in this area share a mutual hardship in meeting code requirements. The proposed staircase is required by the Southern Marin Fire Protection District as a second point of egress for emergency escape for the upper-level residential units. However, due to existing conditions of the rear-yard setback, it is physically impossible for the property owners to comply with current zoning regulations without seeking a Variance request from the required rear-yard setback.

### **ZONING ORDINANCE CONSISTENCY**

The Zoning Administrator must review the proposed project for its conformance with all applicable regulations of the Zoning Ordinance of the Sausalito Municipal Code (SMC). Staff has outlined the following Zoning Ordinance requirement that apply to the project in the following discussion.

SMC Section 10.40.070 (Setbacks and Yards) states, "Each zoning district establishes minimum setback requirements." The required minimum rear-yard setback for a property within the Central Commercial (CC) zoning district is fifteen feet (Table 10.24-2).

The proposed staircase will be completely built within the required 15 foot rear-yard setback area and, a Variance must first be approved. Section 10.80.040B of the Zoning Ordinance provides this direction and states:

***Duties and supervision.** The Zoning Administrator shall serve as a hearing officer and is assigned the authority and original jurisdiction to investigate, consider, and approve or deny the following applications:*

*2. Variance Applications for the following when the application is not associated with any discretionary permit requiring Planning Commission approval:*

*a. Setbacks (Required yards per Section 10.40.070 (Setbacks and Yards) et seq.)*

Should the Zoning Administrator approve the Variance Application, the project will be consistent with the Zoning Ordinance.

### **VARIANCE**

To grant a variance, Zoning Ordinance, Section 10.68.050 requires the Zoning Administrator to make each of the six findings below for each variance request:

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 Variance to allow for the proposed basement expansion to encroach within the required side-yard setback. A discussion on how the variance request can be supported is provided below:

**A) Exceptional Circumstances:** The existing structure at 34 - 36 Princess Street was originally constructed in close proximity to the rear property line, and the former staircase was non-conforming in terms of setback requirements. There are extremely limited options for placement of an emergency exit staircase for the upper-level residential units. The parcel contains an existing structure which comes up to or very near to the edge of the property lines on both sides and in the front. Furthermore, according to the applicant's Site Plan, the existing rear-yard setback is at most twelve feet. The property owners pose an extraordinary circumstance for this matter. Additionally, the proposed project is required by the Southern Marin Fire Protection District as a second point of egress, creating an exceptional circumstance for the property at 34 36 Princess Avenue.

**B) Hardship:** Due to the shape of the lot and placement of the existing building, there is absolutely no room to accommodate a new staircase with the current setback requirement. An existing rear-yard setback of at most twelve feet creates a practical difficulty or unnecessary hardship for the property owners to create a functioning staircase to access the upper-level residential units. Exercising the current zoning regulations would completely limit the property owners from developing the needed staircase, and result in a practical difficulty or unnecessary hardship for the parcel.

**C) Property Right:** The property is currently used as a mixed-use building with residential units on the upper-level. Historically, a staircase was located at the rear of the property prior to have being completely removed this year for dry rot damage repair. California Fire Code Section 1021, Table 1021.1 requires a second stairway for the property at 34 – 36 Princess Street. Such a Variance for a new staircase is necessary for the preservation of a substantial property right to adequately meet Southern Marin County's Fire Protection requirements.

**D) Public Welfare:** The property will not be materially detrimental to the public welfare or injurious to the property or improvement in the vicinity or within the district which 34 – 36 Princess Avenue is located. Granting the Variance to allow the stairs to remain to the rear of the building will not impede any public right-of-way. The staircase has been designed to minimize impact on neighboring properties.

**E) Not a Special Privilege:** Approval of this Variance will not be granting the property owner a special privilege inconsistent with the limitations on other properties within the same Zoning District. The project also does not place limits on the adjoining properties, exceed the current property usage, or lead to any inconsistency with other properties in the underlying Zoning District.

**F) Compliance with Regulations:** The purpose of a Variance is to "provide relief from the strict application of the zoning ordinance when special circumstances apply to the property, including size, shape, topography, location or surroundings and the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning district" (Section 10.68.020). This property has special circumstances with respect to size of lot and development of the existing structure. Approval of this Variance

would be in harmony with the general purpose and intent of this title because it would not be granting a special privilege inconsistent with the limitations on other properties. Furthermore, granting of this Variance would be harmonious with the general purpose of the General Plan because it would preserve an existing use in the Central Commercial, Downtown Historic Zone.

## **CONCLUSION**

Staff concludes the requisite findings can be made to approve the Variance, as described in the attached draft Resolution of Approval.

## **PUBLIC NOTICE AND CORRESPONDENCE**

On July 15, 2015, a notice of the Variance request was posted on the project site and mailed to all property owners and residents within 300 feet of the project site.

On May 5, 2015, the Gables Inn at 62 Princess Street submitted a letter. (See **Exhibit F**)

On July 22, 2015, Lawrence Kincaid, a resident at 36 Princess Street, Apartment 3, submitted a letter. (See **Exhibit G**)

On July 23, 2015, Steven Dean Moore, a resident at 36 Princess Street, Apartment 4, submitted a letter. (See **Exhibit H**).

## **RECOMMENDATION**

Staff recommends the Zoning Administrator approve the attached draft Resolution (**Exhibit A**) which approves a Variance to allow an exterior staircase at 34 – 36 Princess to encroach completely within the required fifteen foot rear-yard setback, six inches from the rear property line, to serve as a second point of egress for an emergency exit from the upper-level residential units.

Alternatively, the Zoning Administrator may:

- Continue the public hearing for additional information and/or project revisions; or
- Deny the Variance and direct Staff to return with a Resolution of Denial.

## **EXHIBITS**

- A. Resolution (draft)
- B. Vicinity Map
- C. Letter from Applicant, dated May 5, 2015
- D. Project Plans, date-stamped received May 18, 2015
- E. Memorandum to Historic Landmarks Board, dated June 10, 2015.
- F. Letter from 62 Princess Street, Gables Inn Sausalito
- G. Letter from 36 Princess Street, Apartment 3, Lawrence Kincaid
- H. Letter from 36 Princess Street, Apartment 4, Steven Dean Moore

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**SAUSALITO ZONING ADMINISTRATOR  
RESOLUTION NO. 2015-xx**

**APPROVAL OF A VARIANCE TO ALLOW AN EXTERIOR STAIRCASE TO BE BUILT WITHIN  
THE REQUIRED FIFTEEN FOOT REAR-YARD SETBACK AREA, SIX-INCHES FROM THE  
PROPERTY LINE TO SERVE AS A SECOND POINT OF EGRESS FOR AN EMERGENCY EXIT  
FROM THE UPPER-LEVEL RESIDENTIAL UNITS  
34 – 36 PRINCESS STREET (VA 15-144)**

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**WHEREAS**, an application has been filed by the applicant MariPa Villegas-Hoppe of Bayside Management on behalf of the property owners Patricia and Raymond Libby, requesting Zoning Administrator approval of a Variance to allow an exterior staircase be built within the required fifteen foot rear-yard setback area, six inches from the property line to serve as a second point of egress for an emergency exit from the upper-level residential units located at 34 – 36 Princess Avenue (APN 065-131-14); and

**WHEREAS**, the Zoning Administrator conducted a duly-noticed public hearing on July 27, 2015 at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Zoning Administrator has reviewed and considered the project plans date-stamped received May 18, 2015; 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 July 27, 2015, Staff Report for the project; and

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

**WHEREAS**, the Zoning Administrator finds that the project is categorically exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Sections 15301 of the CEQA guidelines; and

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

Variance VA 15-144 allow an exterior staircase be built within the required fifteen foot rear-yard setback area, six inches from the property line to serve as a second point of egress for an emergency exit from the upper-level residential units located at 34 – 36 Princess Avenue (APN 065-131-14); 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.

**July 27, 2015**

Date

\_\_\_\_\_  
Danny Castro  
Zoning Administrator

Attachments:

1. Findings
2. Conditions of Approval
3. Project Plans date-stamped May 18, 2015

**JULY 27, 2015**  
**VA 15-144**  
**34 – 36 PRINCESS STREET**

**ATTACHMENT 1: FINDINGS**

**VARIANCE FINDINGS FOR VARIANCES FROM REQUIRED SETBACKS**

In accordance with Zoning Ordinance Section 10.68 (Variances), the Variance from Section 10.40.070 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 existing structure at 34 - 36 Princess Street was originally constructed in close proximity to the rear property line, and the former staircase was non-conforming in terms of setback requirements. There are extremely limited options for placement of an emergency exit staircase for the upper-level residential units. The parcel contains an existing structure which comes up to or very near to the edge of the property lines on both sides and in the front. Furthermore, according to the applicant's Site Plan, the existing rear-yard setback is at most twelve feet. The property owners pose an extraordinary circumstance for this matter. Additionally, the proposed project is required by the Southern Marin Fire Protection District as a second point of egress, creating an exceptional circumstance for the property at 34 36 Princess Avenue.*

- 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 shape of the lot and placement of the existing building, there is absolutely no room to accommodate a new staircase with the current setback requirement. An existing rear-yard setback of at most twelve feet creates a practical difficulty or unnecessary hardship for the property owners to create a functioning staircase to access the upper-level residential units. Exercising the current zoning regulations would completely limit the property owners from developing the needed staircase, and result in a practical difficulty or unnecessary hardship for the parcel.*

- 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 property is currently used as a mixed-use building with residential units on the upper-level. Historically, a staircase was located at the rear of the property prior to have being completely removed this year for dry rot damage repair. California Fire Code Section 1021, Table 1021.1 requires a second stairway for the property at 34 – 36 Princess Street. Such a Variance for a new staircase is necessary for the preservation of a substantial property right to adequately meet Southern Marin County's Fire Protection requirements.*

- 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 property will not be materially detrimental to the public welfare or injurious to the property or improvement in the vicinity or within the district which 34 – 36 Princess Avenue is located. Granting the Variance to allow the stairs to remain to the rear of the building will not impede any public right-of-way. The staircase has been designed to minimize impact on neighboring*

**ATTACHMENT 1**



properties.

- 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.

*Approval of this Variance will not be granting the property owner a special privilege inconsistent with the limitations on other properties within the same Zoning District. The project also does not place limits on the adjoining properties, exceed the current property usage, or lead to any inconsistency with other properties in the underlying Zoning District.*

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

*The purpose of a Variance is to "provide relief from the strict application of the zoning ordinance when special circumstances apply to the property, including size, shape, topography, location or surroundings and the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning district" (Section 10.68.020). This property has special circumstances with respect to size of lot and development of the existing structure. Approval of this Variance would be in harmony with the general purpose and intent of this title because it would not be granting a special privilege inconsistent with the limitations on other properties. Furthermore, granting of this Variance would be harmonious with the general purpose of the General Plan because it would preserve an existing use in the Central Commercial, Downtown Historic zone*

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**JULY 27, 2015**  
**VA 15-144**  
**34 – 36 PRINCESS STREET**

**ATTACHMENT 2: CONDITIONS OF APPROVAL**

These conditions apply to the project plans provided by the applicant date-stamped received May 18, 2015.

**General Conditions**

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. Construction materials, equipment, vehicles, and debris boxes shall be placed to minimize obstruction of roads and gutters, shall be maintained in a clean and safe condition, and shall not be maintained in a manner that becomes a nuisance to the neighborhood. Debris box shall be emptied on a regular basis, else as directed by the City. Material stock piles & debris boxes shall be covered when not being accessed or filled to prevent material from blowing around the neighborhood. Construction materials, equipment, vehicles, and debris boxes placed off-site shall be done only after securing an encroachment permit.
5. As a 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 compliance with each Condition of Approval at the time of Building Permit application.

**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.

6. This approval will expire in two (2) years from the effective date of this resolution if the property owner has not exercised the entitlements hereby granted, or an extension has not been filed prior to the expiration date.
7. An approval granted by the Zoning Administrator 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.

8. All applicable City fees as established by City Council resolutions and ordinances shall be paid. Third party review fees (cost plus 10%) shall be paid.
9. Pursuant to Municipal Code Chapter 3.36, Construction Traffic Road Fees shall be paid prior to issuance of a building permit.
10. An encroachment permit shall be obtained from the Department of Public Works prior to use of the public right-of-way for non-public purposes (e.g., materials storage, debris box storage) including any and all construction and demolition activities.
11. 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.
12. Pursuant to Municipal Code Section 18.08.020, overhead electrical and communication service drops shall be placed underground when the main electrical service equipment (including the panel) is relocated, replaced, and/or modified. If undergrounding is required, the applicant shall work with affected utility companies to provide plans to the City for undergrounding of the utility services. Project plans shall be designed to avoid additional overhead lines, poles and/or transformers (i.e., potential view impacts) thereon to comply with Sausalito Municipal Code Section 18.08 Underground Electrical Wiring and Facilities. If additional overhead lines, poles and/or transformers are required, visual simulation(s) of the equipment from various viewpoints shall be provided.
13. Permits required by other agencies having jurisdiction within the construction area must be obtained in accordance with the respective agency's regulations.
  - a. Marin Municipal Water District – (415-945-1400), including landscaping and irrigation regulations;
  - b. Southern Marin Fire Protection District -- (415-388-8182)
14. 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.

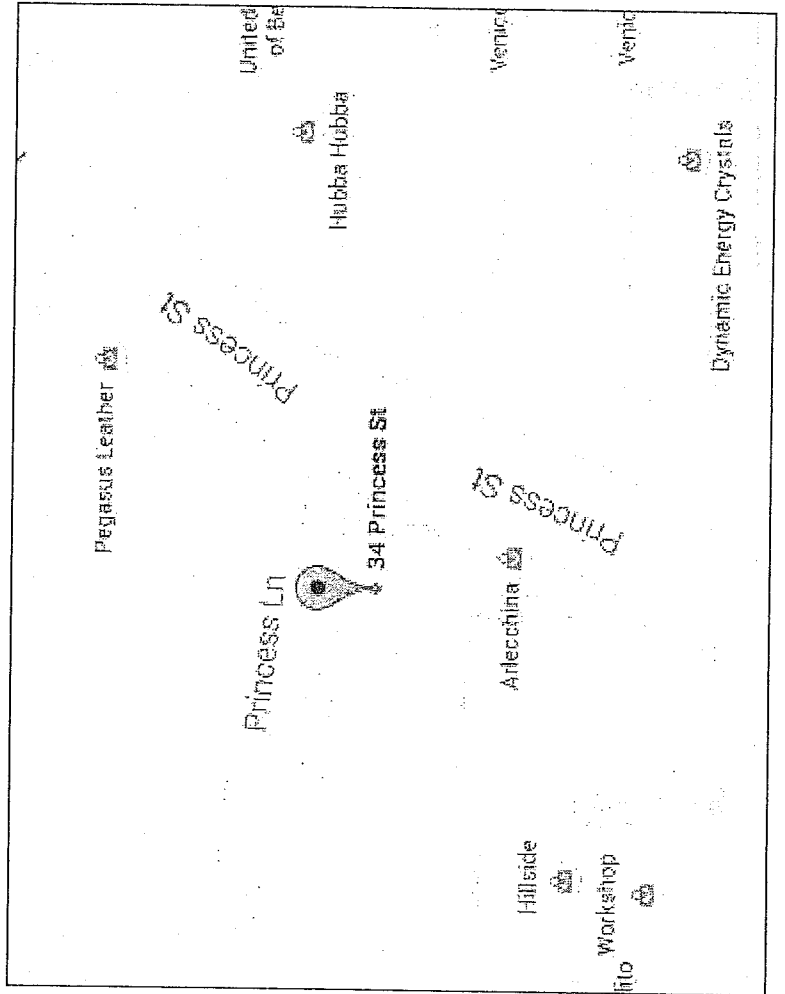
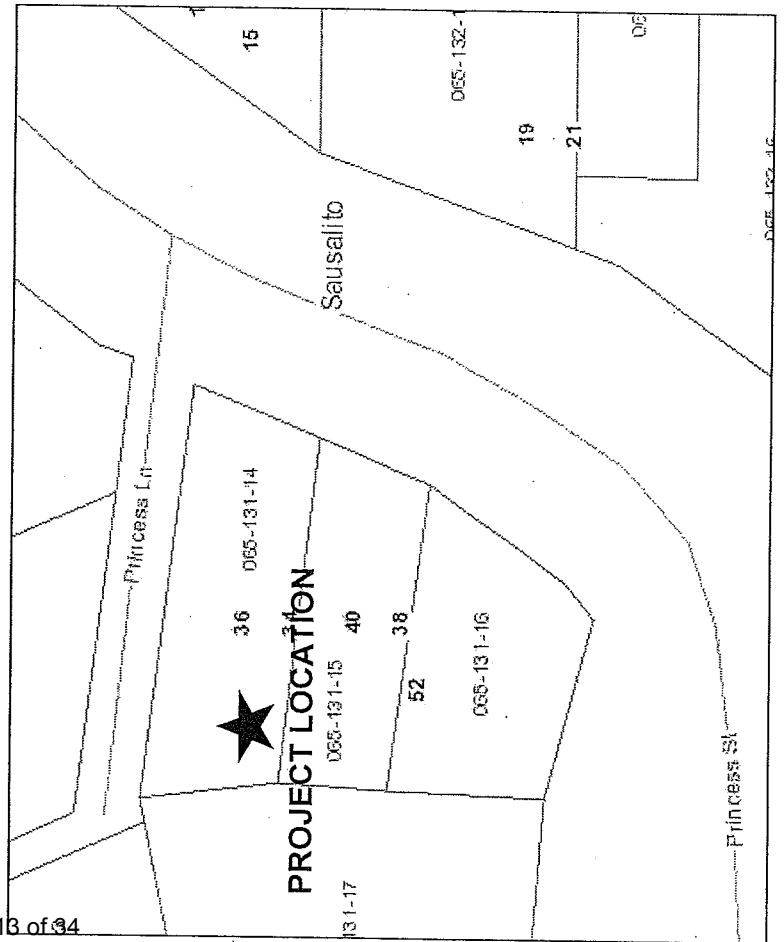
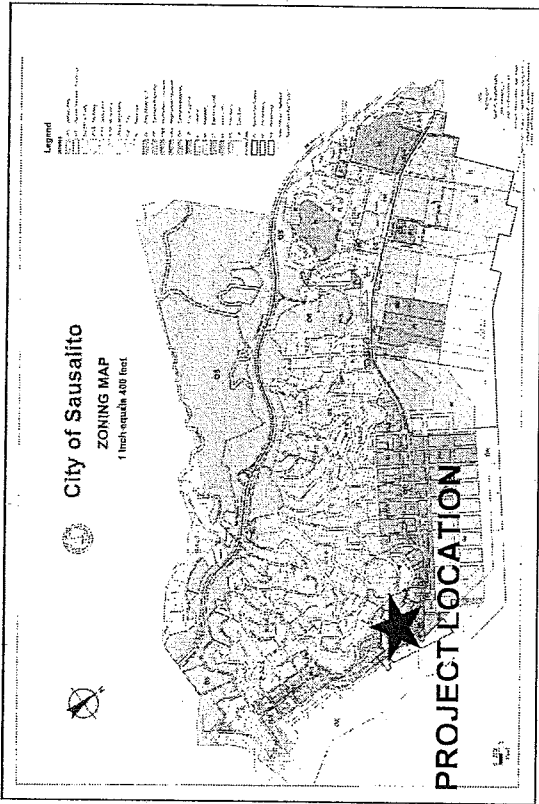
Homeowners currently residing on the property and other legal residents may operate the equipment themselves on Sundays and City holidays between 9:00 a.m. and 6:00 p.m.

**ZONING ADMINISTRATOR RESOLUTION  
JULY 27, 2015  
VA 15-144  
34 – 36 PRINCESS AVENUE**

**ATTACHMENT 3: PROJECT PLANS DATE-STAMPED RECEIVED MAY 18, 2015**

VICINITY MAP  
 34 - 36 PRINCESS (APN 065-131-14)

EXHIBIT B.



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**BAYSIDE  
MANAGEMENT**



**Real Estate Investment  
Management, Leasing  
& Brokerage Services**

May 5, 2015

Danny Castro  
Community Development Director  
Community Development Department  
City of Sausalito  
420 Litho Street  
Sausalito, CA 94965

**RE: 34-36 PRINCESS STREET  
VARIANCE/HEARING**

Dear Mr. Castro:

This letter is to provide you with a little background information on this property in hopes it will help with the review process.

Based on records from the Marin County Abstract Company, the building known as 34-36 Princess Street was built before June 13, 1893.

The building has had many uses since; however, as of September, 1939, the building has had the four upper residential units. The building has had the emergency exit in the rear with the stairs in the same area. At no time prior to date, had the neighbors contested the placement of the stairs.

I am asking on behave of the owners, Raymond & Patricia Libby, that you consider the following before making your decision:

- A. The rear stairs is a second egress for emergency escape. The stairs have been there for at least 76 years.
- B. There is absolutely no room to meet the set back requirements of 15'. Currently the area is approximately 12' and 13' making it impossible to accommodate the current setback requirement. Creating or adding something different would be a financial hardship on the owners as they are retired individuals with limited income.

**EXHIBIT C.**

- C. The requested Variance is needed. The stairs have been in the same existing place for over 76 years. The only change made with the repairs would be that the stairs would be moved approximately 6" (inches) from the property line at the back end of the lot.
- D. Granting the Variance to allow the stairs to stay on the backside of the building would not impede any public right of way (they have been there for over 76 years). They do not impact neighboring property. They do not keep neighbors from fully utilizing their property nor there do any negative financial impact on the neighbor's property.
- E. No, 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.
- F. Yes, the granting of such Variance will be in harmony with the general purpose and intent of Title 10.68.050 Findings and the General Plan.

The Fire Department has looked at the property in question and back stairs and agree the stairs need to remain there. They also recommend we request an emergency repair permit as that is the only other emergency exit for the residents.

Included with our application are photographs of the original stairs and what has been done so far.

The owners and our office urge you to please expedite this matter as there is the Safety issue. Without the stairs the residents do not have an alternative fire escape. We thank you for taking the time to review this matter.

Sincerely,


  
Maria Villegas-Hoppe  
Bayside Management  
c/o Ray & Patricia Libby

EXHIBIT 1



-; D E S C R I P T I O N ; -

All that certain lot, piece or parcel of land situate, lying and being in the Town of Sausalito, County of Marin, State of California, described as follows, to-wit: -

Being Lot Number Four (4) as shown and delineated and so designated upon that certain Map entitled "J. W. Sperry's Subdivision of Portion of Block 2 Sausalito", filed in the Office of the County Recorder of the County of Marin, State of California, on June 13, 1893, in Map Book "1", page 71.

IN TESTIMONY WHEREOF the MARIN COUNTY ABSTRACT COMPANY has caused these presents to be duly signed by its Manager, under its Corporate Seal, this Twenty-eighth (28th) day of October, A. D., One Thousand Nine Hundred and Seven (1907) at Nine (9) o'clock A. M.

MARIN COUNTY ABSTRACT COMPANY.

By



Manager.

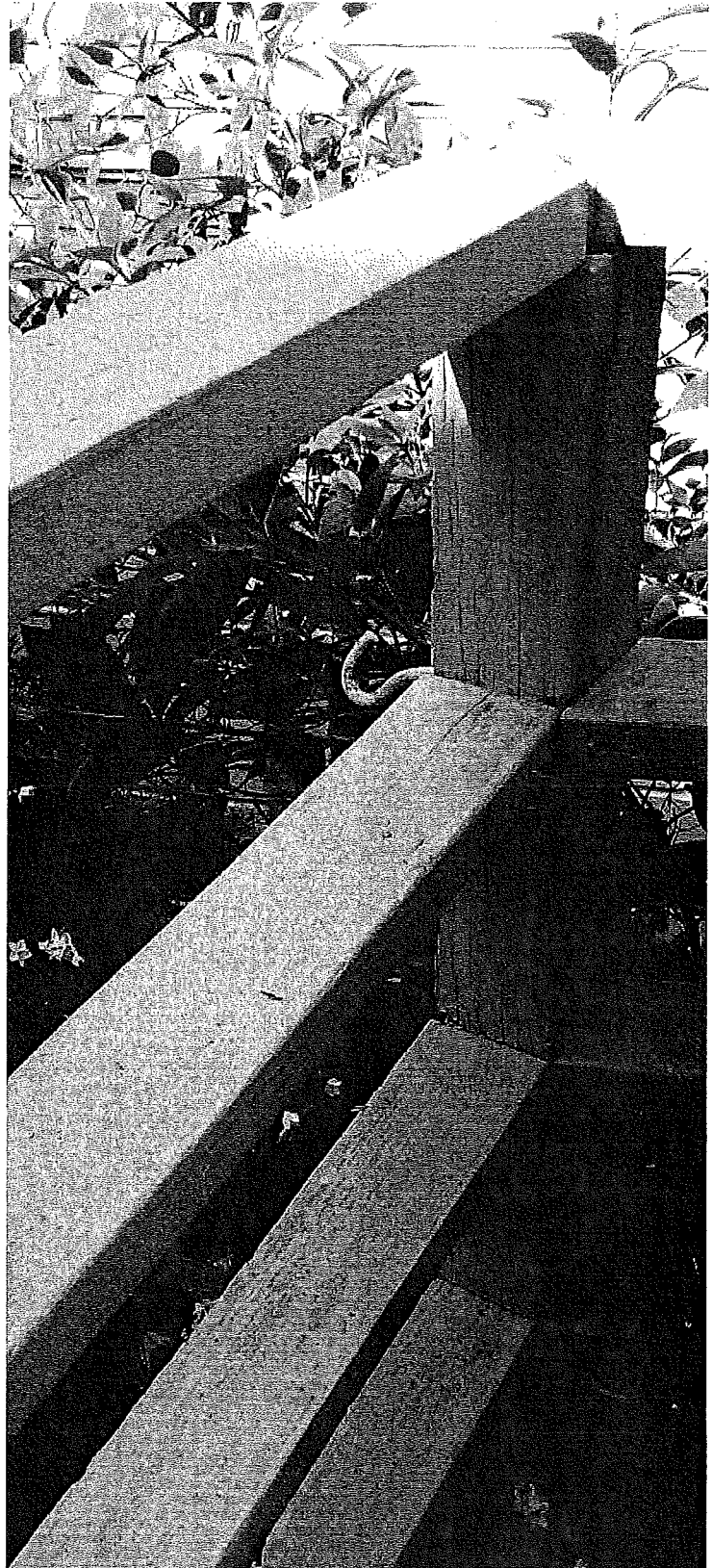
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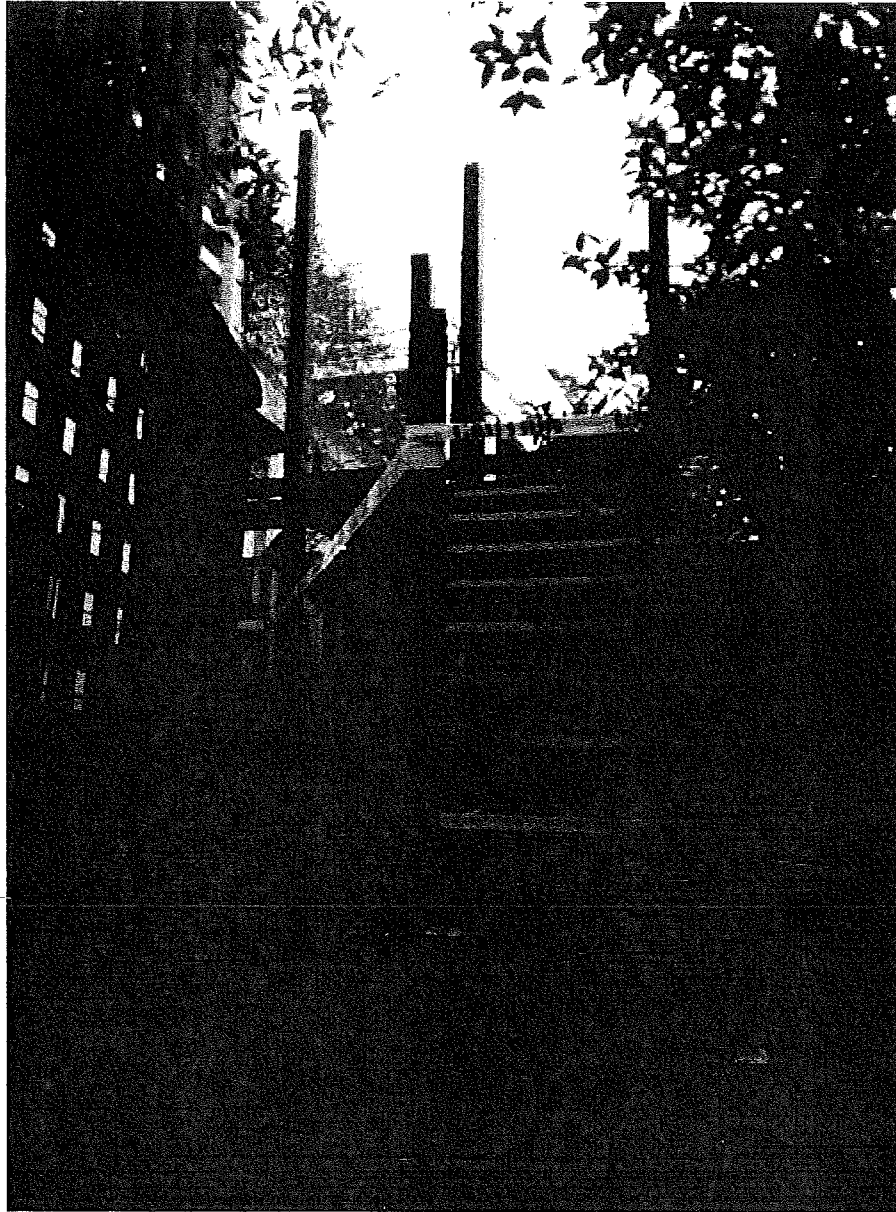
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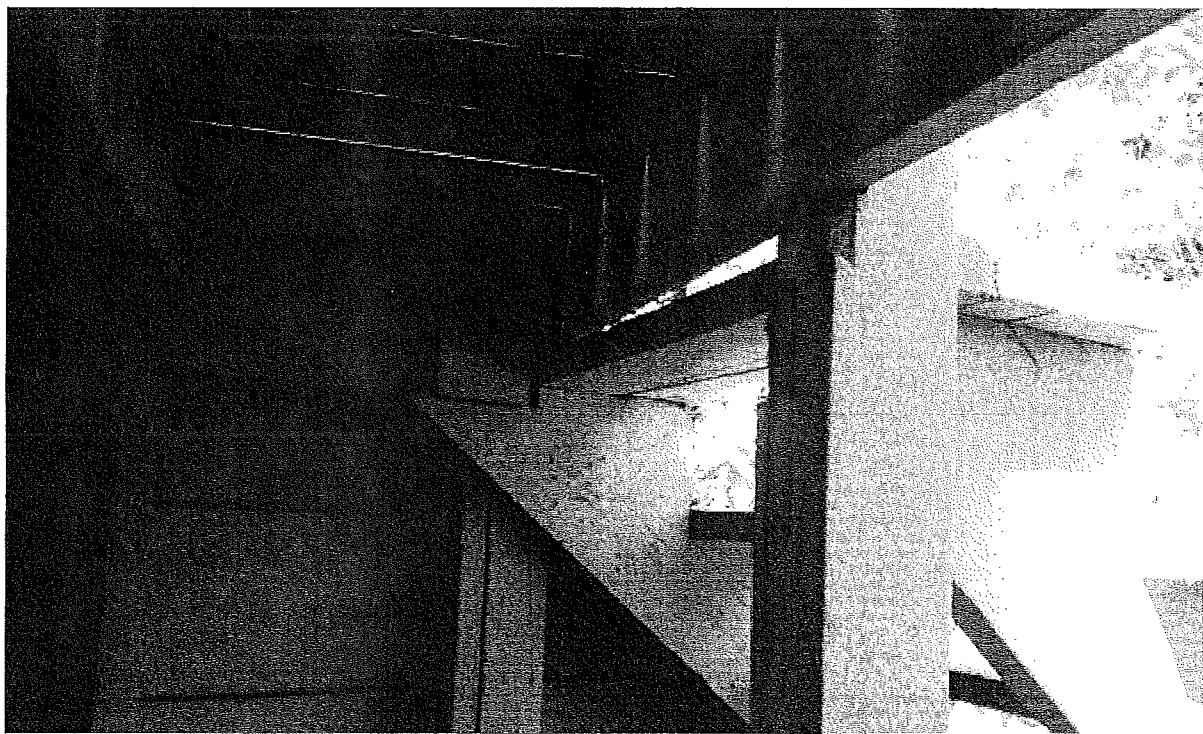




ORIGINAL RAILING





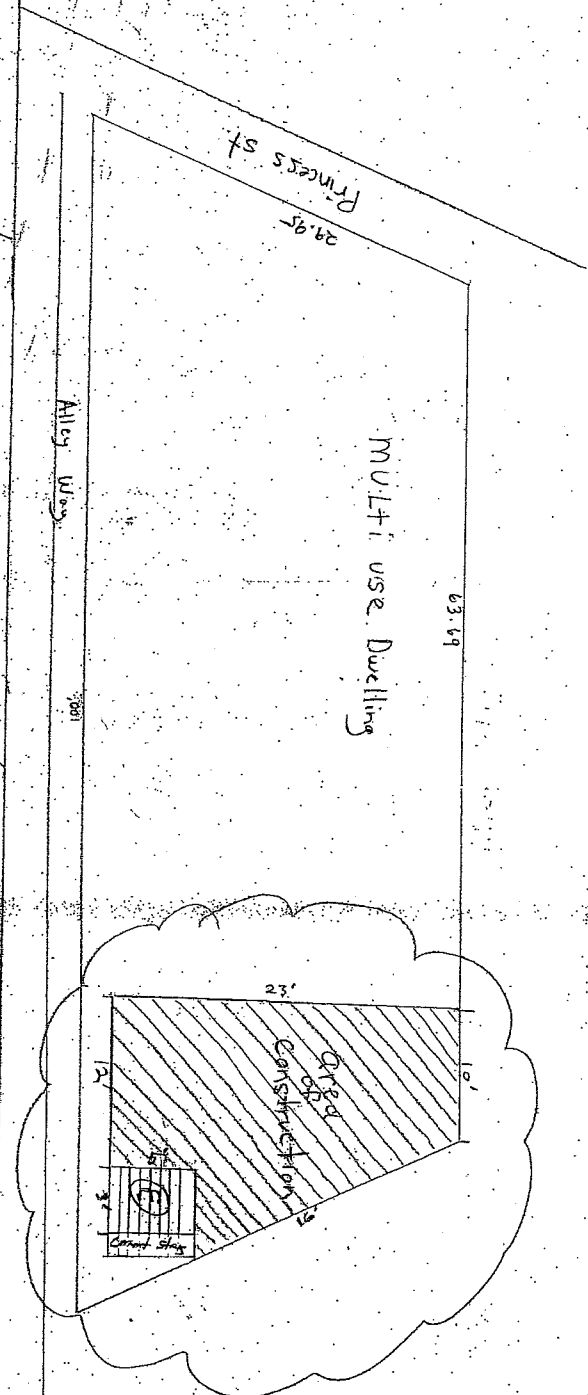
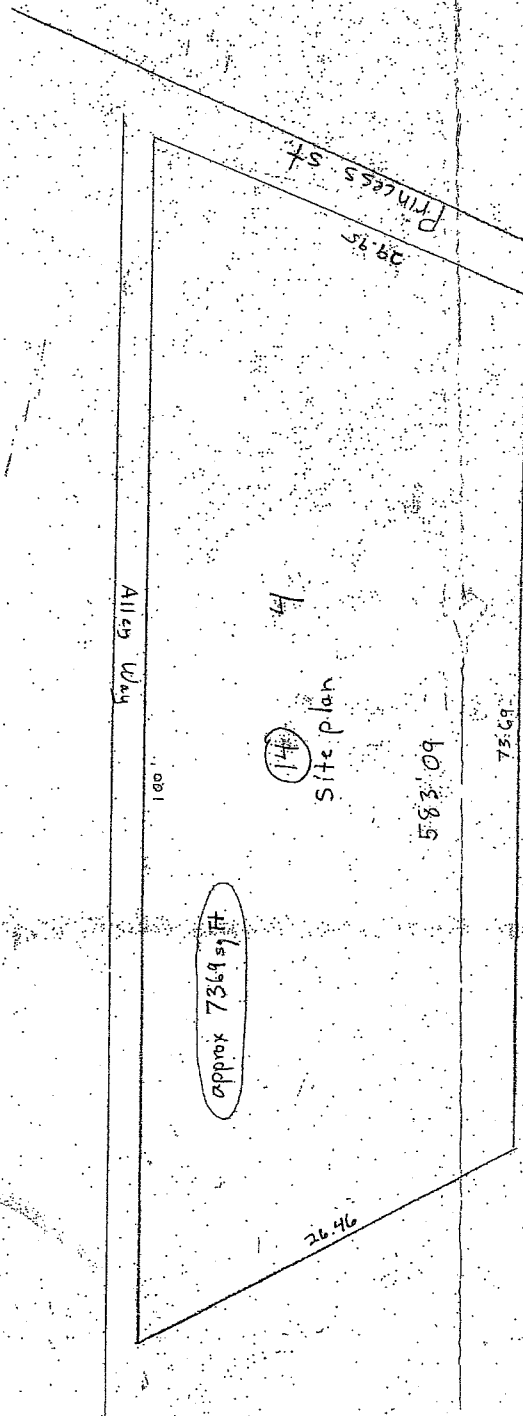




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Lot 14  
 Occupancy: M.B.R. ~~Single Family Residential~~   
 Type of Const: V-B  
 Raymond & Patricia Libby  
 34 Princess St. Sausalito 94965  
 Stairs Replacement  
 Site plan/Lot plan  
 100 year old BUILDING  
 Scope of Work  
 ① Replace existing Stairway, serving unit # 3.  
 ② Replace Deck + Railing Stairs + Joists  
 4=1'

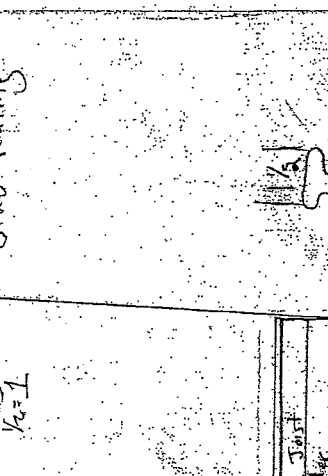
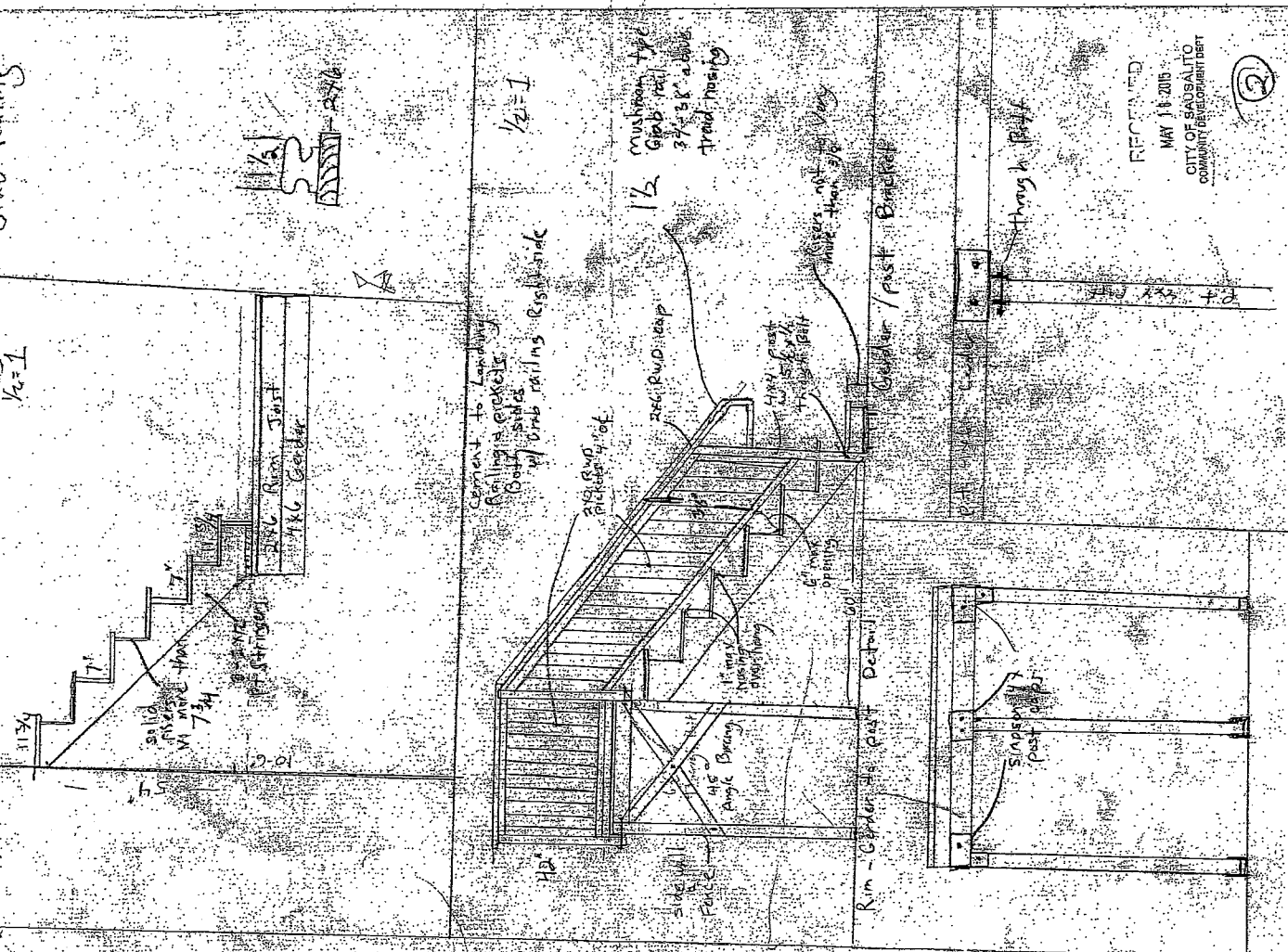
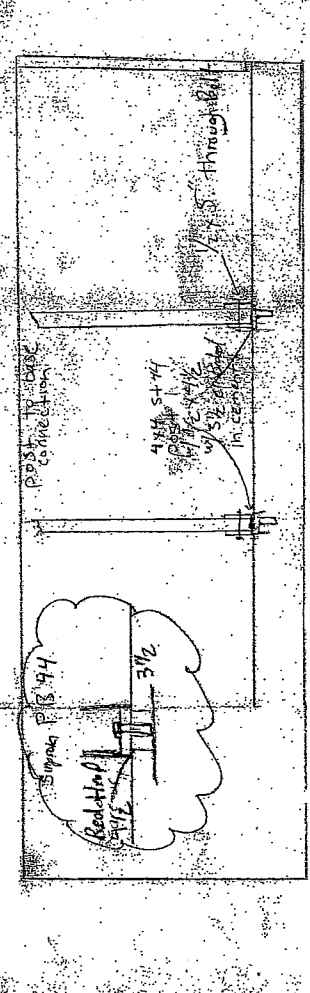
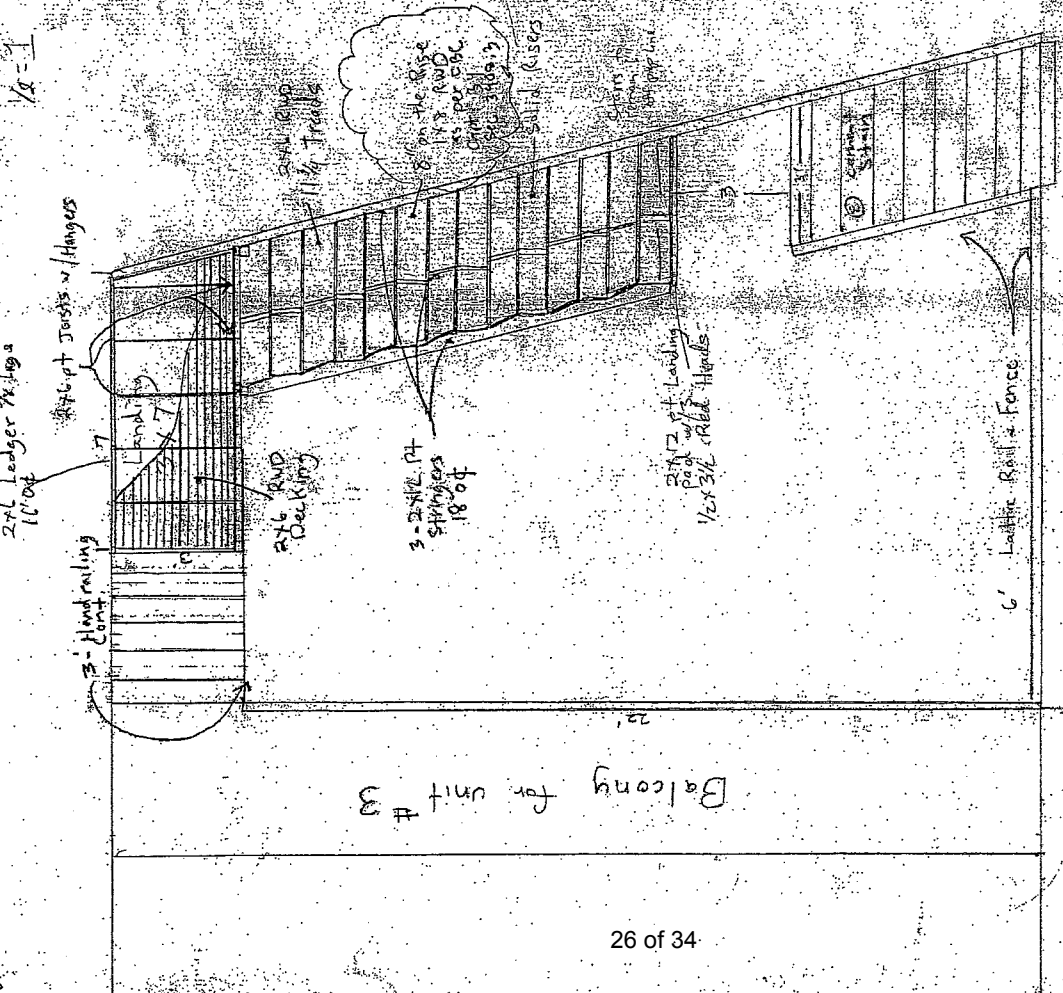


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 ⑦

Proposed mixed use  
 1/2" x 3/4" Const. V-B

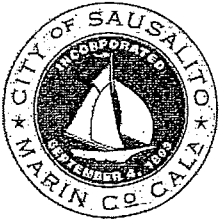
Raymond St. Pacific  
 Stair. Re-Placement

34 Princess St. Sausalito CA 94965  
 Landing to Balcony  
 1/2" = 1"



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CITY OF SAUSALITO  
PLANNING DIVISION  
MEMORANDUM

Date: June 10, 2015  
To: Historic Landmarks Board (HLB)  
From: Joshua Montemayor, Assistant Planner  
Subject: **Study Session for a new exterior staircase at 34-36 Princess Avenue (VA 15-144)**

The applicant, Maria Villegas-Hoppe of Bayside Management, is requesting a Variance to construct a new exterior staircase at the rear of the property at 34-36 Princess Avenue (see **Attachment 1** for Vicinity Map). The Variance would allow the following:

- Relief from the strict application of the Zoning Ordinance due to special circumstances of the property

The Sports and History Gallery Building at 34-36 Princess Avenue contains four residential units on the upper level with accessibility through a staircase located at the rear of the property. The applicant is requesting a Variance to construct a new staircase six (6) inches away from the rear property line to access the upper level units (see **Attachment 2** for a letter and photos from the applicant). Historically, an existing staircase in the same location serviced the upper units, but was recently removed for repair of dry-rot and replaced with a new staircase without a permit. However, the new staircase is within the required fifteen (15) foot setback (see **Attachment 3** for project plans). The project is subject to a Variance review by the Zoning Administrator pursuant to Sausalito Municipal Code (SMC 10.68). The property is located within the Downtown Historic Overlay Zoning District.

Staff requests the HLB conduct a study session on June 10, 2015. The purpose of the study session is to review the proposed project prior to a Zoning Administrator hearing (tentatively scheduled for the week of June 22, 2015) and provide direction, as necessary, to the applicant.

Attachments

1. Vicinity Map
2. Letter from applicant, Maria Villegas-Hoppe, dated May 5, 2015
3. Project Plans date-stamped May 18, 2015

I:\CDD\PROJECTS - ADDRESS\Princess 34\VA 15-144 (34 - 36 Princess)\HLB Study Session 06-10-15.docx

EXHIBIT E.  
2 of 4

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May 4, 2015

MAY 04 2015

Gables Inn Sausalito, LLC  
62 Princess St  
Sausalito, CA 94965

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT DEPT

City of Sausalito  
Planning Department

RE: 36 Princess St, Sausalito; Staircase Removal

Sometime in the middle of April 2015 we observed the labor hired by the building management company remove the entire rear staircase located at 36 Princess St, Sausalito. This staircase we believe was built over the property line and on the property of our building located at 62 Princess Street, Sausalito. The prior staircase was removed entirely with no part of existing stairs or structural members remaining. The staircase was removed without a building permit. We informed the Sausalito Building Department of this issue and a Stop Work was issued.

The prior staircase invaded the privacy of one of our hotel bedrooms less than 10 feet away.

We believe the new staircase is over the property line *and a survey is needed*

We have photographed that there is no part of the old stairwell remaining and that it was removed entirely. Any new staircase must be located behind the required building setback per City of Sausalito building/planning guidelines.

The staircase which has been rebuilt without a permit was built with ugly pressure treated wood, in a different style/configuration, and should be required to be reviewed by the Historical Society prior to any approval to rebuild.

A private deck with fire escape hatch and drop down latter would probably be more attractive to both the tenants in the 36 Princess St building and our property, and cost less.

Please advise as to the City of Sausalito's regulations and policies in this matter.

Thank you,

The Gables Inn Sausalito

EXHIBIT F

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July 21, 2015

To Sausalito building and safety Dept.:

I Lawrence Kincaid have resided at 36 Princess St. Apt. 3 for the past twenty nine years. Those stairs at the rear of my apartment have always been in that configuration since I have moved in. I am now 83 years old and those stairs were very convenient for taking trash to the rear of the building where the trash cans are kept. They also provided a quick exit from the building in case of fire. I don't think at my age I could make it through the window to the metal fire escape on the side of the building.

Sincerely

*Lawrence Kincaid Jr.*

Lawrence Kincaid

36 Princess St Apt 3

Sausalito, CA 94965

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STEVEN DEAN MOORE  
36 PRINCESS .4  
SAUSALITO CA 94965

July 21, 2015

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JUL 22 2015

Planning Department  
City of Sausalito

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT DEPT

Re: Stairs in back area of 34-36 Princess

To Whom It May Concern;

I am the current resident of apartment No. 4, 36 Princess Street, Sausalito, California. I have resided at this address for over 43 years.

The stairs on the back area of 34-36 Princess directly impact me. As a second floor tenant they are my rear exit out of the building in case of emergency. I also use it at times as my entrance and for unloading groceries from Princess Lane, taking down the garbage, etc.

The stairs that were in the process of being re-built before work was halted back in April are the same configuration that they have been in all of the time that I have lived here. My understanding was that extensive dry rot was being removed and in the process, the rot was so extensive, that the builder decided to remove the entire stairs and rebuilt them from scratch. From the work that was completed it was clear that the stairs were being rebuilt exactly as they were before the tear down. This also corroborated what the builder had told me the morning that he began construction of the stairs.

I hope this information is helpful in resolving this impasse. We need our stairs back. They are necessary. In the months that they have not been there it has been inconvenient at best, and most certainly a safety hazard at worst.

Thank you for your time and consideration of this matter,

Sincerely Yours,



cc: Bayside Management

EXHIBIT H.

This is a view of the back stairs shot from my second floor back porch showing the hand rails running along the back property line at the back of 36 Princess along the Inn porperty that fronts Bulkley Ave, and emptying onto the cement steps on the first floor patio that then exit onto Princess Lane. From my back porch at the far left corner, the stairs went to a landing, then an abrupt right turn along the property line to exit onto the first floor patio.



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