

STAFF REPORT

ZONING ADMINISTRATOR

Project Schofferman Residence, Basement Build-out
39 San Carlos Avenue
Variance
VA 15-062

Meeting Date July 27, 2015

Staff Joshua Montemayor, Assistant Planner

REQUEST

Approval of a Variance to allow a basement build-out beneath an existing first-level deck approximately 3 ½ feet into the required seven-foot side-yard setback on the easterly side of 39 San Carlos Avenue. The proposed addition and remodel of the existing 505 square-foot basement will create 125 square-feet of new habitable floor area, for a total of 630 square-feet of finished space. The proposed addition will not create new building coverage.

PROJECT INFORMATION

Applicant Leslie Schofferman

Owner Leslie Schofferman

Location/Parcel Size 39 San Carlos Avenue (APN 065-202-46)
Approximately 5,163 square-feet (see **Exhibit B** for Vicinity Map)

General Plan Medium-Low Density Residential

Zoning Single-Family Residential (R-1-6) zoning district

Authority Relief from required yard setbacks necessitates a Variance pursuant to Section 10.68.020 of the Zoning Ordinance

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 39 San Carlos Avenue in the R-1-6 Single Family Zoning District. The irregularly-shaped parcel of approximately 5,163 square feet is accessible via a private pedestrian stairway between San Carlos Avenue and Atwood Avenue, known as Noble Lane. The property slopes downhill from west to east. The project site is developed with a two-level single-family residence with an attached deck on the first level, and a subterranean basement. The surrounding land uses consist of single-family residential uses.

PROJECT

The applicant is requesting a Variance to allow the extension of an existing basement completely beneath an existing deck that is approximately 6' by 20'. The proposed basement expansion will encroach 3 ½ feet into the required 7 foot side yard setback on the easterly side of the property and will create 125 square feet of new habitable living space in the basement level (See **Exhibit C** for Letter from Architect, Jaques Ullman). The proposal also includes improvements to the northerly side of the property for a stone retaining wall to match existing and will extend along the southerly side of the Noble Lane stairway. Additionally, the basement entrance will be improved by removing the 3 existing steps leading to the entrance, and create new pavement on the downhill side of the current basement entrance. There will be no changes in layout to the first and second level of the existing dwelling, building coverage, or impervious surfaces and all new improvements will be constructed to match existing colors and materials (See **Exhibit D** for Project Plans).

PROJECT ANALYSIS

HISTORICAL LANDMARKS BOARD REVIEW

The residence at 39 San Carlos Avenue 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 Medium-Low Density Land Use designation. The General Plan describes this area as being comprised of single-family homes on parcels which average 6,000 square feet. 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-1.1. Very Low, Low and Medium Low Density Residential. Protect and preserve the existing single family areas as described in Table 2-1, General Plan Land Use Categories.

The applicant's Letter of Explanation of Findings suggests that the proposed project will create a more harmonious and aesthetically pleasing property and will enhance the value and beauty of the neighborhood without diminishing the full enjoyment of the neighbors (See **Exhibit F** for Letter of Explanation of Findings). Properties in the neighborhood are characterized by significant grade differences that are accommodated through existing decks and fences with designs that frequently exceed zoning standards. The proposed addition at the basement level beneath an existing first level deck will not intensify the existing structure nor will it adversely affect the existing neighborhood character. However, due to the smaller than average lot size of the subject property, the homeowner would not be able to exercise property rights in developing the parcel without seeking a Variance request from the required side-yard setback. The proposed basement extension will create a modest expansion to the existing single family residence without creating new building coverage and preserving the characteristics of the hillside. With consideration of the modest addition, and topography of the project site, Staff concludes that the project is consistent with this policy.

ZONING ORDINANCE CONSISTENCY

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

Setbacks and Yards

SMC Section 10.40.070 (Setbacks and Yards) states, "Each zoning district establishes minimum setback requirements." The required minimum side-yard setback for a property within the Single-Family Residential (R-1-6) zoning district is five feet (Table 10.22-2).

***D1. Length of building.** The length of a structure shall be measured along a line parallel to the adjoining side lot line. Where the length of a structure, building, wall, or series of attached building walls, exceeds forty feet measured parallel to the adjoining side lot line, the minimum setback shall be increased at the rate of one (1) foot for each five (5) feet such lengths exceeds forty feet. The full length of the building shall be subjected to the increased setback. If the addition will increase the building length to exceed forty feet, only the addition shall require the additional side yard setback. The full length of the addition shall be subject to the increased setback.*

The length of the single-family dwelling is approximately 50 feet. Pursuant to the aforementioned section of the code, the minimum setback is required to increase at the rate of 1 foot for each 5 feet and the full length of the proposed addition is subject to these standards for a 2 foot increased setback above the minimum setback requirement of 5 feet. Therefore, the Variance application is for the encroachment into the required easterly side-yard setback of 7 feet.

Floor Area Ratio

SMC Section 10.40.040 (Floor Area Ratio) states, "New construction and additions to buildings shall not exceed the Floor Area Ratio (FAR) limit identified in the Site Development Standards Table for each applicable zoning district." The maximum allowable Floor Area Ratio for a property within the Single-Family Residential (R-1-6) zoning district is 0.45 FAR (Table 10.22-2).

The existing floor area of the residence is 2,093 square feet or 0.41 FAR. With the proposed project, the total floor area will increase to about 2,218 square feet or 0.43 FAR. The project is compliant with site development standards.

Zoning Administrator Review

The proposed basement expansion will encroach 3 ½ feet into the required 7 foot side-yard setback 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 39 San Carlos Avenue was originally constructed in close proximity to the easterly property line, sloping downhill towards Atwood Avenue. The existing building plane of the property from the first-level deck to the easterly property line exists at 3 ½ feet. There are limited options to expand elsewhere on the property. The steep topography of the hillside, the layout of the existing structure demonstrates an exceptional hardship to modestly expand beneath the first-level deck for the proposed basement expansion. Furthermore, according to the Letter of Explanation of Findings: “[the] project does not alter the structure’s existing footprint” and will not “add to the existing room count or increase the intensity of use of the property. The proposed project for an expansion to the basement level does not exacerbate the existing setbacks of the single-family dwelling and is in support of the exceptional circumstances experienced by 39 San Carlos Avenue.

B) Hardship: Due to the steep topography of the property and placement of the existing structure, the property owners are limited to extending the basement in the downhill direction below the existing first-level deck. If the proposed basement expansion were to be placed within the parameters of the required seven-foot setback requirement, the addition would be virtually unattainable. This would, in effect, would limit from expanding the single-family dwelling and result in an unnecessary hardship for the property owner.

C) Property Right: The project proposes in-fill development of existing space below the first level deck. Several other properties in the same district have exercised similar in-fill projects that are located within the required setback area, or, other properties in the same district are located on lots that do not limit the placement of new additions to such extent. As such, granting of a Variance is necessary for the preservation of the property owner's rights as possessed by other properties in the same district.

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 39 San Carlos Avenue is located. The project does not increase the building coverage nor does it alter the structure's height and elevation. By expanding the basement under the existing deck, the subject property will maintain the same amount of coverage, and eliminate unattractive underside of the deck and of an unfinished façade of the existing structure. Additionally, the applicants' Letter of Explanation of Findings state: "[the] project design will remain true to the existing architecture of our Mediterranean style home while beautifying and visually improving our eastern property line."

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. According to the Letter of Explanation of findings: "[The project] will not grant any use of our property that is not currently enjoyed by each of our neighbors." 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 and topography and the fact that several other properties in the neighborhood and district where the structure of the homes were built closely to a property line, 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 single-family home in a residential neighborhood.

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.

RECOMMENDATION

Staff recommends the Zoning Administrator approve the attached draft Resolution (**Exhibit A**) which approves a Variance to allow a basement expansion of approximately 125 square feet below an existing deck (approximately 6' x 20') to encroach 3 ½ feet into the required seven-foot side-yard setback. The proposed addition will not constitute any new building coverage.

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 Architect, Jaques Ullman, date-stamped received May 5, 2015
- D. Project Plans, date-stamped received May 5, 2015
- E. Memorandum from Historic Landmarks Board, dated July 7, 2015.
- F. Letter of Explanation of Findings, date-stamped received May 5, 2015.

I:\CDD\PROJECTS - ADDRESS\San Carlos 39\VA 15-062\ZASR 7-27-15 (39 San Carlos).docx

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

**APPROVAL OF A VARIANCE TO ALLOW A BASEMENT BUILD-OUT BENEATH AN EXISTING
FIRST-LEVEL DECK APPROXIMATELY 3 ½ FEET INTO THE REQUIRED SEVEN-FOOT SIDE-
YARD SETBACK ON THE EASTERLY SIDE OF THE PROPERTY
39 SAN CARLOS AVENUE (VA 15-062)**

WHEREAS, an application has been filed by the applicant/homeowner Leslie Schofferman, requesting Zoning Administrator approval of a Variance to allow a basement build-out beneath an existing first-level deck approximately 3 ½ feet into the required seven-foot side-yard setback on the easterly side of 39 San Carlos Avenue. The proposed addition and remodel of the existing 505 square-foot basement will create 125 square-feet of new habitable floor area, for a total of 630 square-feet of finished space at 39 San Carlos Avenue (APN 065-202-46). The proposed addition will not create new building coverage; 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 5, 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 15-062 to allow a basement build-out beneath an existing first-level deck approximately 3 ½ feet into the required seven-foot side-yard setback on the easterly side of the property for 125 square-feet of new habitable floor area at 39 San Carlos Avenue (APN 065-202-46); 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 5, 2015

**JULY 27, 2015
VA 15-062
39 SAN CARLOS AVENUE**

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 39 San Carlos Avenue was originally constructed in close proximity to the easterly property line, sloping downhill towards Atwood Avenue. The existing building plane of the property from the first-level deck to the easterly property line exists at 3 ½ feet. There are limited options to expand elsewhere on the property. Due to the steep topography of the hillside, the layout of the existing structure demonstrates an exceptional hardship to modestly expand beneath the first-level deck for the proposed basement expansion. Furthermore, according to the Letter of Explanation of Findings: "[the] project does not alter the structure's existing footprint" and will not "add to the existing room count or increase the intensity of use of the property. The proposed project for an expansion to the basement level does not exacerbate the existing setbacks of the single-family dwelling and is in support of the exceptional circumstances experienced by 39 San Carlos 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 steep topography of the property and placement of the existing structure, the property owners are limited to extending the basement in the downhill direction below the existing first-level deck. If the proposed basement expansion were to be placed within the parameters of the required seven-foot setback requirement, the addition would be virtually unattainable. This would, in effect, would limit from expanding the single-family dwelling and result in an unnecessary hardship for the property owner.

- 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 project proposes in-fill development of existing space below the first level deck. Several other properties in the same district have exercised similar in-fill projects that are located within the required setback area, or, other properties in the same district are located on lots that do not limit the placement of new additions to such extent. As such, granting of a Variance is necessary for the preservation of the property owner's rights as possessed by other properties 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.

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 39 San Carlos Avenue is located. The project does not increase the building coverage nor does it alter the structure's height and

EXHIBIT A

elevation. By expanding the basement under the existing deck, the subject property will maintain the same amount of coverage, and eliminate unattractive underside of the deck and of an unfinished façade of the existing structure. Additionally, the applicants' Letter of Explanation of Findings state: "[the] project design will remain true to the existing architecture of our Mediterranean style home while beautifying and visually improving our eastern property line."

- 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. According to the Letter of Explanation of findings: "[The project] will not grant any use of our property that is not currently enjoyed by each of our neighbors." 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 and topography and the fact that several other properties in the neighborhood and district where the structure of the homes were built closely to a property line, 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 single-family home in a residential neighborhood.

**JULY 27, 2015
VA 15-062
39 SAN CARLOS AVENUE**

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project plans prepared by Jaques Ullman date-stamped received May 5, 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.

Stormwater Pollution Prevention

6. Applicant's contractor will be required to implement and maintain erosion control measures if construction occurs between October 15th and May 1st. During the remainder of the construction project, erosion control materials shall be stockpiled on site for use should rain be forecasted. Erosion control plan shall incorporate guidelines and measures from the **Marin County Stormwater Pollution Prevention Program's (MCSTOPPP)** publication "Minimum Erosion/Sediment Control Measures for Small Construction Projects".
[http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/~/_media/Files/Departments/PW/mcstoppp/development/MECM_final_2009.pdf]
7. Applicant's contractor shall provide adequate dust and debris control measures during construction.
8. During construction, the applicant's contractor shall adhere to a water pollution prevention plan

that at a minimum follows guidelines in MCSTOPPP's "Pollution Prevention It's Part of the Plan"

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

Right of Way Items

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

Utility Items

10. As part of the Building Permit application, applicant shall submit project plans depicting the existing sanitary sewer lateral(s) from their point(s) of origin to their final termination point(s) at the public sanitary sewer system.
11. Prior to issuance of a Building Permit, any defects or updates required by the SSC, including but not limited to those cited in the SSC's June 9, 2014 letter shall be completed to his satisfaction.

Engineering Items

12. Applicant is advised that encroachment permit(s) shall be obtained from the City prior to using the public right of way for non-public purposes (e.g., private parking, material & debris box storage, curb, gutter or sidewalk construction or demolition, driveway connection).
 - a. Applicant is advised that a condition of issuance of an Encroachment Permit, a traffic control plan conforming to the current edition of Caltrans publication "California Manual on Uniform Traffic Devices, Part 6 – Temporary Traffic Control" shall be submitted for review and approval by the City. The traffic control plan shall show all temporary traffic, pedestrian and bicycle control measures and signage. San Carlos Ave shall remain open to traffic at all times throughout the duration of this project which shall be documented on the traffic control plan. The traffic control plan shall be revised to coordinate with other projects in the vicinity which may be ongoing or commence during the duration of this work.
13. Emergency vehicle access and access to adjacent properties shall be maintained at all times throughout the duration of this project.
14. Prior to issuance of a Building Permit, a construction staging plan and construction schedule shall be submitted for review and approval by the City Engineer or designee. The locations of construction materials, equipment, vehicles, debris box, portable restrooms, etc shall be depicted. Approved plans shall be submitted to property owners adjacent to the subject property not less than one week prior to commencement of construction activities.
 - a. The construction staging plan and construction schedule shall be revised to coordinate with other projects in the vicinity which may be ongoing or commence during the duration of this work.
15. Construction workers shall be prohibited from using on-street parking in the vicinity of the project and the applicant shall lease, or otherwise provide, an adequate number of parking spaces in a City parking lot to provide parking for construction workers. Workers shall car pool

to the construction site which shall be documented on the construction staging plan.

Southern Marin Fire District

16. This project shall comply with California Fire Code Chapter 33 – *Fire Safety During Construction and Demolition*. These requirements include but are not limited to: Temporary Heating Equipment, Precautions Against Fire, Flammable and Combustible Liquids, Flammable Gases, Owners Responsibility for Fire Protection, Fire Reporting, Access For Fire Fighting, Means of Egress, Water Supply for Fire Protection, Standpipes, Automatic Fire Sprinkler Systems, Portable Fire Extinguishers, Motorized Construction Equipment, and Safeguarding Roofing Operations.
17. Fire access to the project as well as the other surrounding properties shall be maintained at all times. Unapproved restrictions in roadway access shall result in citations and vehicles being towed at the owner's expense.
18. A vertical overhead clearance of 13' 6" shall be maintained free of obstructions above any roadbed (trees, brush, etc.).
19. The property owner shall comply with California Fire Code Section 304.1.2 and Local Ordinance Section 109.3.2 Abatement of Clearance of Brush or Vegetative Growth from Structures.
 - a. A minimum clearance of 30 feet from the structure, 10 feet from roads and property lines and any tree which extends within 10 feet of any chimney or stovepipe shall be kept clear of flammable brush, tree limbs and grasses.

Exception: Vegetation Management Plan for the property has been submitted and approved by the Fire Code Official.

20. The address shall be posted in accordance with requirements of the California Fire Code and SMFD standard 205 (Premises Identification).
21. Smoke / CO Detectors shall be installed in accordance with the California Building Code.
22. The applicant shall comply with California Fire Code and Public Resource Code 4291 requirements relating to the clearance of flammable brush and weeds. A minimum clearance of 30' from structures and 10' from roads and property lines shall be maintained.
23. Exterior windows, window walls, glazed doors and glazed openings within exterior doors shall conform to the performance requirements of California Building Code section 12-7A-2 "Exterior Window Test Standard" or multilayered glazing with minimum of one tempered pane, glass block or other window assemblies having fire protection rating of not less than 20 minutes.
24. Second Units:

Second Units shall meet the requirements developed by Fire Marshal's Alber and Craig in the letter to Mr. Leon McNeil dated August 30, 2006.

All on-site improvements, such as water main extensions, hydrants and access roads, must be serviceable prior to framing the structure.

Final occupancy approval shall not be granted/released until authorization to the Community Development Agency has been received from the Fire District.

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.

25. 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.
26. 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.
27. 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.
28. Pursuant to Municipal Code Chapter 3.36, Construction Traffic Road Fees shall be paid prior to issuance of a building permit.
29. 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.
30. 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.
31. 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.
32. 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)

33. 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.

I:\CDD\PROJECTS - ADDRESS\San Carlos 39\VA 15-062\ZARES 7-27-15 (39 San Carlos).docx

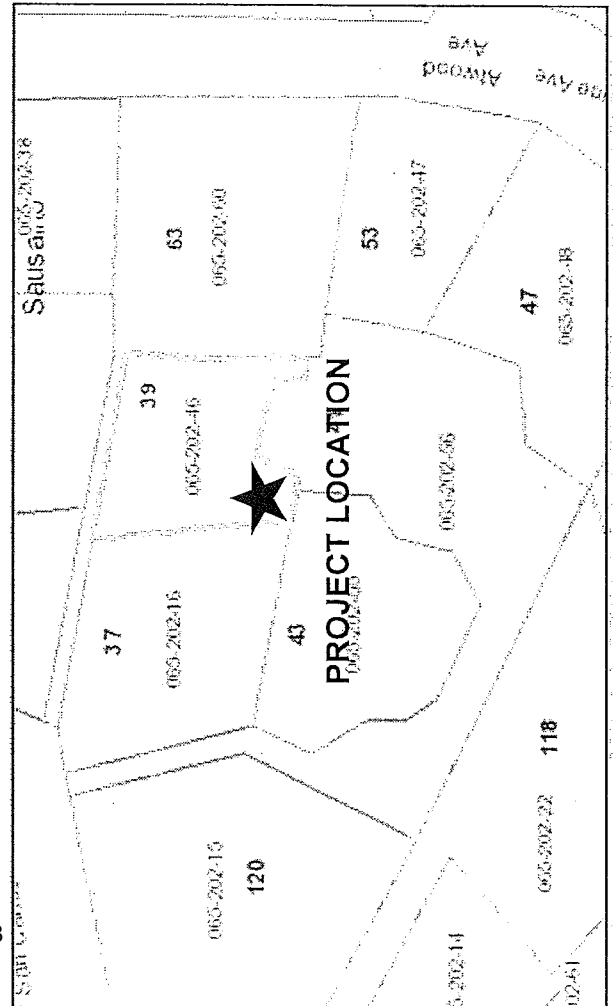
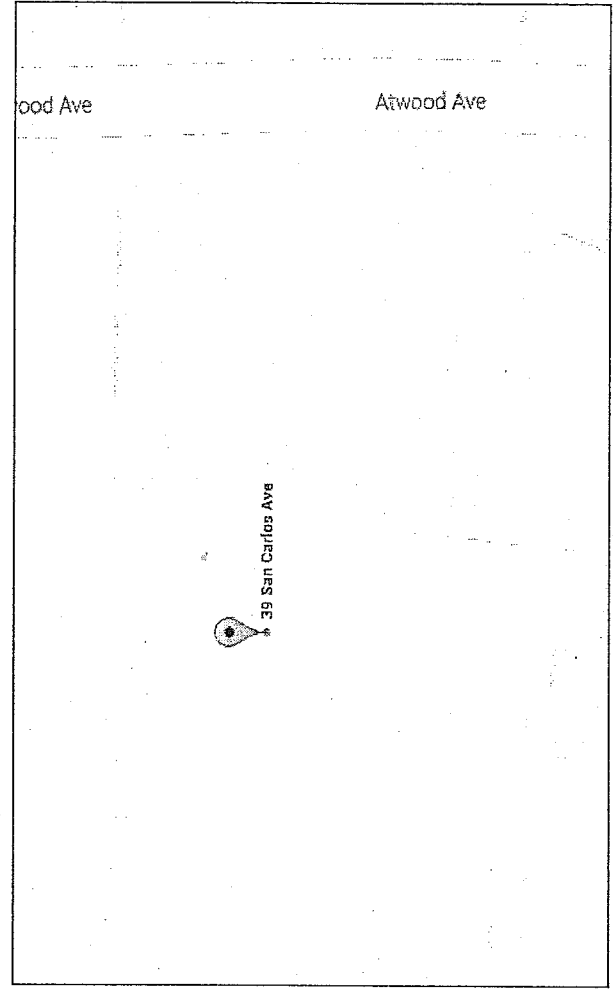
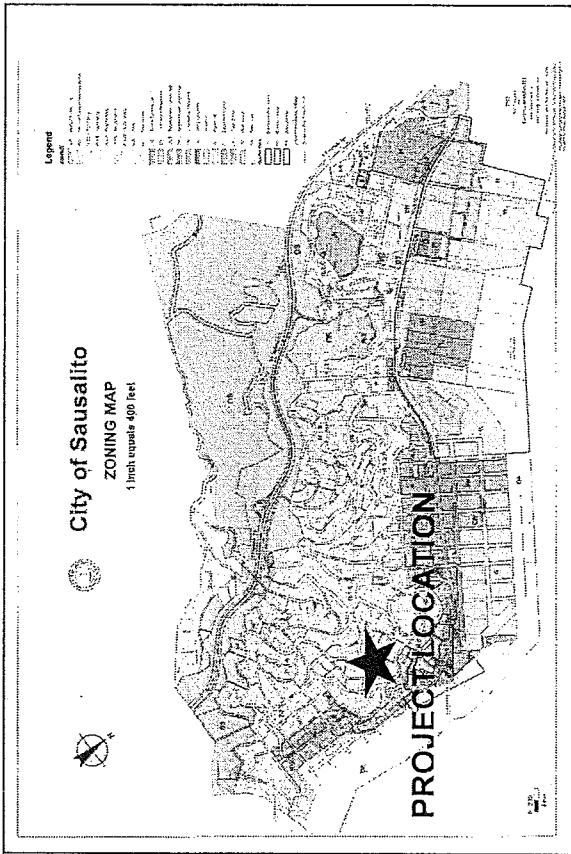
**ZONING ADMINISTRATOR RESOLUTION
JULY 27, 2015
VA 15-062
39 SAN CARLOS AVENUE**

ATTACHMENT 3: PROJECT PLANS DATE-STAMPED RECEIVED MAY 5, 2015

blank

VICINITY MAP
39 SAN CARLOS AVENUE (APN 065-131-14)

EXHIBIT B.



blank

March 8, 2015

Re: Variance Application, 39 San Carlos. An extension of the basement level under an existing deck which is partially within the East side yard setback.

RECEIVED

MAY 05 2015

Project Description:

The property is on Noble Lane, which is a pedestrian stairway between San Carlos and Atwood. The house is on a 5,163 sq. ft. lot with an approximately 50% natural slope downhill from West to East. The main axis of the house is North-South and the entry is on the uphill side at the level of the Living Rm., Dining Rm., 1/2 bath, and Kitchen. There are two bedrooms and a bath on the upper level and a partially finished basement level. At just two bedrooms and 1 1/2 baths, the current house does not meet the current needs of the owners who have lived in and enjoyed this home for many years. As has become the case for many people in Sausalito, they now need home office and studio space. Also, at this point in life, they have family and friends who frequently visit. The Proposal fulfills these needs by finishing out the basement level and enlarging it by 125 sq. ft. The proposed basement level would have a mudroom, a laundry/bathroom, a family room, a small study, and a guestroom. This is accomplished by extending the basement level under the existing living room level deck. The Proposal extends only under the existing deck and thus does not alter the existing footprint. The basement level currently has only one, sub-standard exit on the north side. The Proposal improves this exit and creates a new code compliant exit at the south side from the guest bedroom to a deck and reconfigured concrete steps up the south side of the house to the entry level.

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT

The Proposal also includes improvements to the north side of the house. A stone retaining wall using stone similar to existing ones on the property will be extended down along the south side of the Noble Lane steps allowing for the removal of the current unsightly maze of trellises and supports surrounding the existing pantry structure. The 3 basement entrance steps under the pantry structure are uncomfortably steep and narrow and will be removed in favor of the new basement entrance consisting of new pavement on the downhill side of the current basement entrance. The wood trellises will be replaced with a black wrought iron gate. The pantry structure will be painted dark brown to make it more recessive and enhance the integrity of the main structure.

The intent is for the new construction to appear to have been part of the original building. Thus, new exterior walls will be stucco of the same color as the existing house. New windows will be detailed in a manner similar to those of the existing house and the trim will be painted a similar color. The new arch above the entry gate will be a flat curve similar to the one at the front door and dormer. The arch, the new deck railing, and the pantry gate will be consistent with the wrought iron of the existing balcony on the west side of the house. The only anticipated new exterior lighting will be a recessed light in the ceiling above the new south deck at the basement level.

The existing living room deck will become a tiled waterproof deck serving as the roof of the extension below and will have a metal railing system.

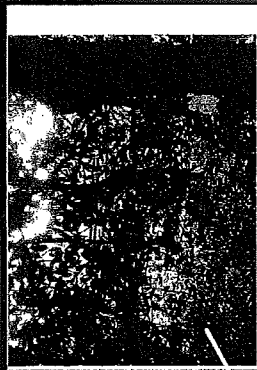
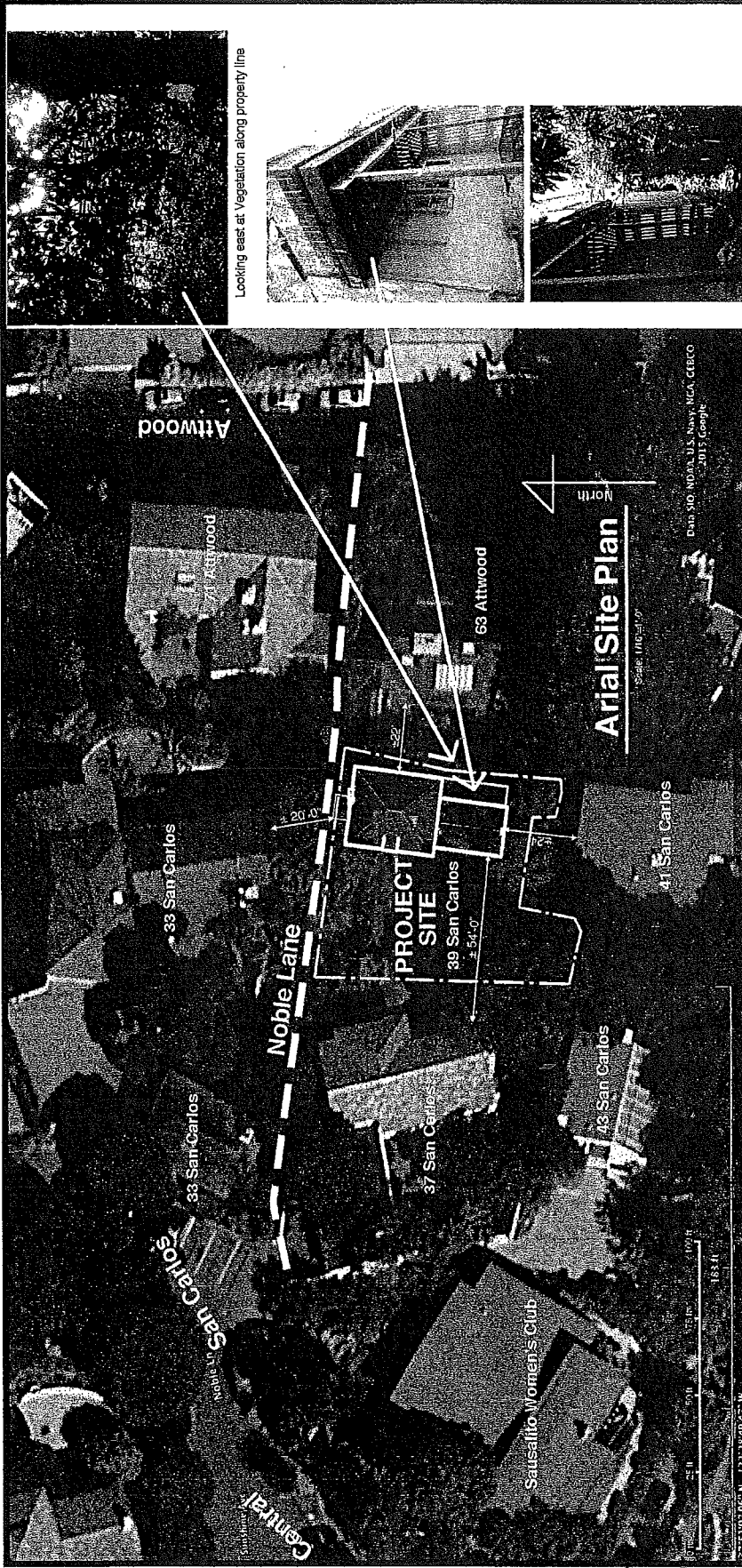
The only new landscaping will be the retaining wall work at the north side and the reconfiguring of the concrete stairs on the south side. Neither involves any change to the impermeable surface area. No excavation will be required. No trees or bushes will have to be removed. The only change to existing drainage will be the runoff from the deck, which will be collected in a gutter and directed to the existing roof drainage that is connected to the drain system at Noble Lane.

J A C Q U E S U L L M A N . A R C H I T E C T
423A LITHO ST., SAUSALITO, CA 94965 • PH: (415) 332-2921 • jacquesullman@sbcglobal.net

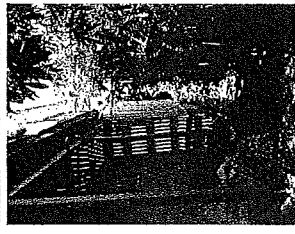
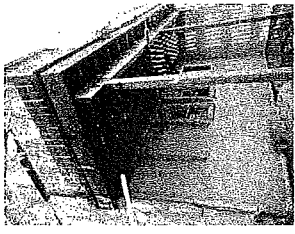
EXHIBIT C.

blank

Jacques Ulman architect	424 Lila Street Sausalito, CA 94965 Tel: (415) 452-2211 www.jacquesulman.com		Schorrman Residence 39 San Carlos, Sausalito, CA A.P.N. 68-202-46 Basement Level Remodel & Addition	Date: 05/15/15 Sheet: 01/15	Aerial Site Plan Photographs Drawing Index	A-00
----------------------------	--	--	---	--------------------------------	--	-------------



Looking east at Vegetation along property line



Basement level under Living Room Deck



House from uphill garden



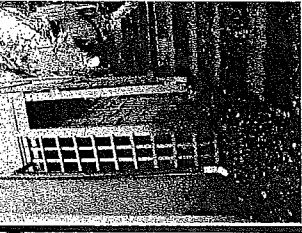
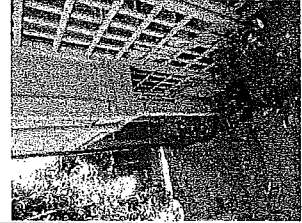
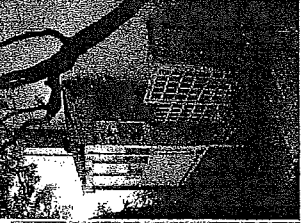
Entry Gate from Noble Lane



House from Noble Lane



Basement level entry and Pantry Porch at Noble Lane

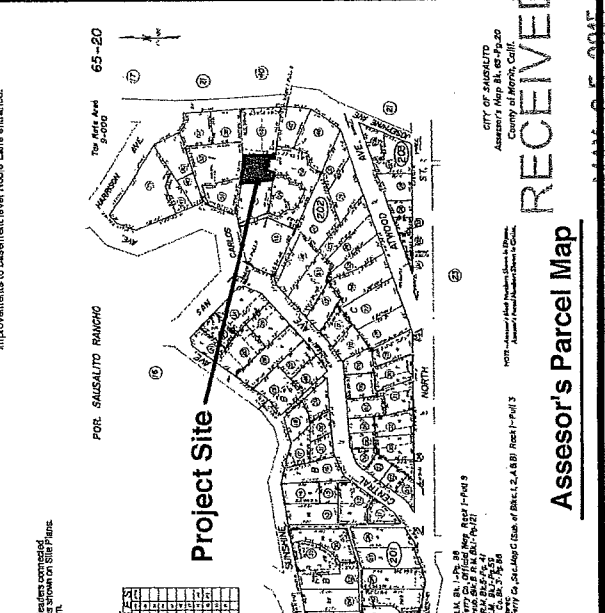
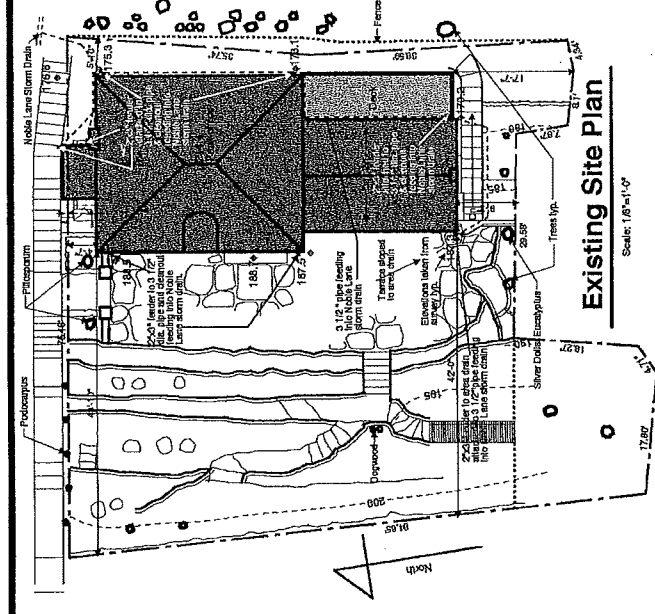
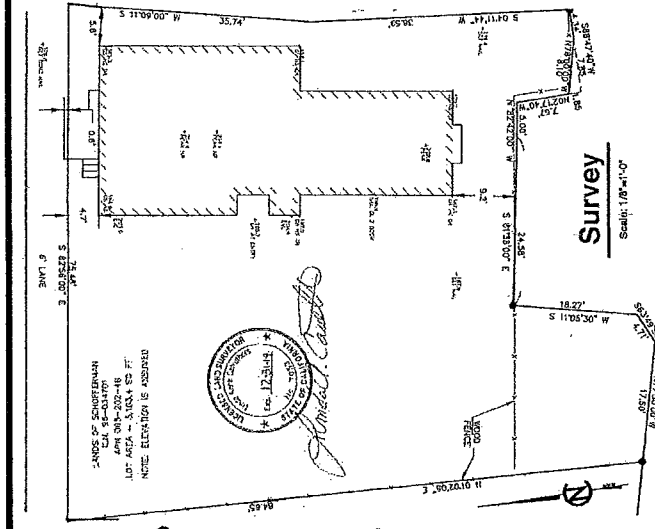
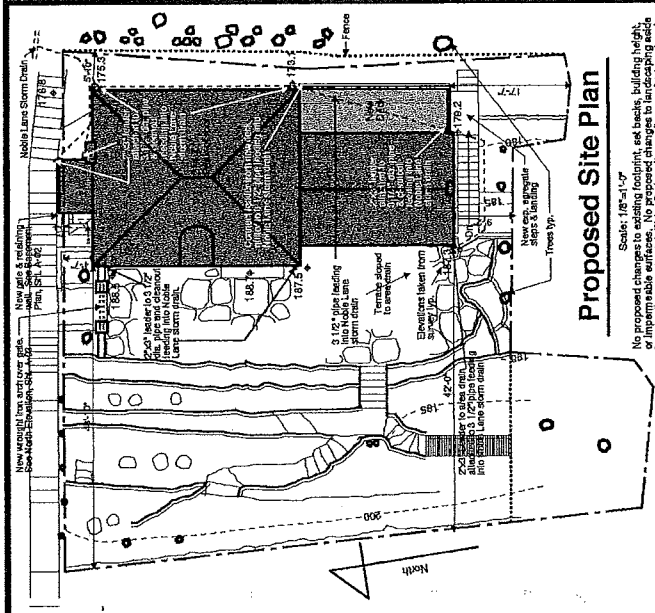


Drawing Index

- A-00 Aerial Site Plan & Photographs
- A-01 Proposed First Floor Plans
- A-02 Proposed Second Floor Plans
- A-03 Proposed Foundation & Columns and Materials
- AB-1 Existing Floor Plans
- AB-2 Existing Elevations
- AB-3 Existing Sections

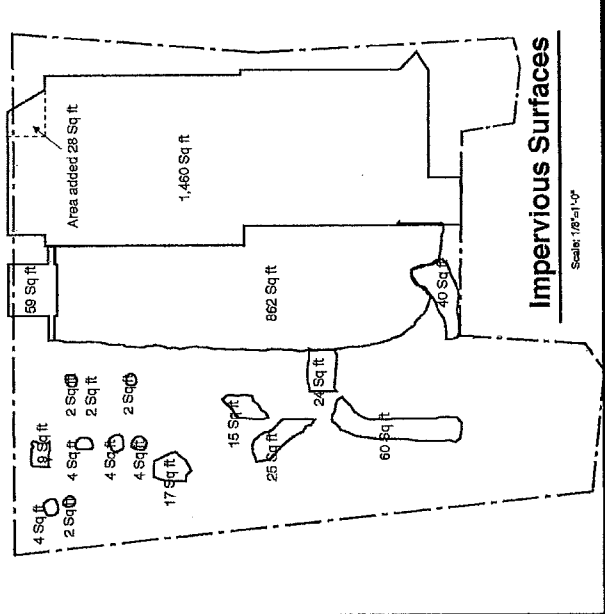
MAY 05 2015
 CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT DEPT

EXHIBIT D.



Area Data

Zone R-16	5,163 sq. ft.
Lot Area	5,163 sq. ft.
Covered Area	2,278 sq. ft.
Allowable Floor Area	5,163 sq. ft.
Allowable Impervious Surface	5,163 sq. ft.
Floor Area	2,278 sq. ft.
Basement Level	2,278 sq. ft.
Upper Level	2,278 sq. ft.
Total Existing Floor Area	2,278 sq. ft.
Area Covered = .41	
Proposed added Floor Area	125 sq. ft.
Total Proposed Floor Area	2,403 sq. ft.
Area Covered = .43	
Lot Coverage, Proposed	1,270 sq. ft.
Area Covered = .25	
Proposed Impervious Surface	1,270 sq. ft.
Area Covered = .25	
Impervious Surfaces:	
Existing	2,278 sq. ft.
Proposed	1,270 sq. ft.
Total	3,548 sq. ft.
Area Covered = .69	
Building Height	
Highest existing building grade	188.5 ft.
Highest proposed building grade	189.0 ft.
Proposed building height	32.6 ft.
Proposed building height	32.6 ft.



22 of 88
 EXHIBIT D

Jacqueline Ullman
Architect

424 Alhambra Street
Sausalito, CA
94965
Ph: (415) 332-2881
jullman@jullmanarch.com

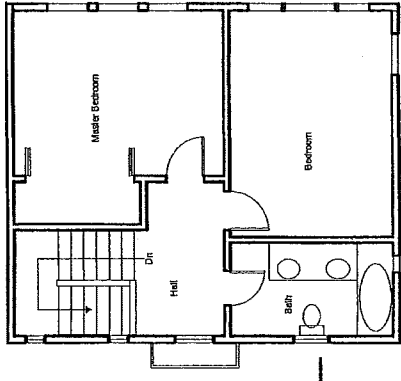
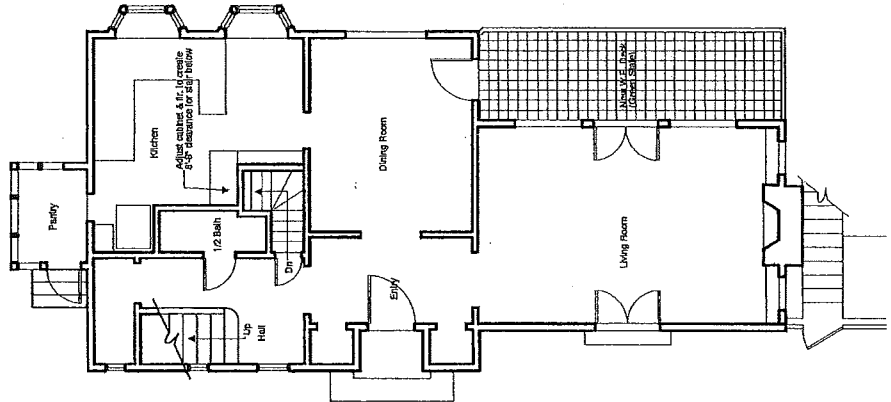
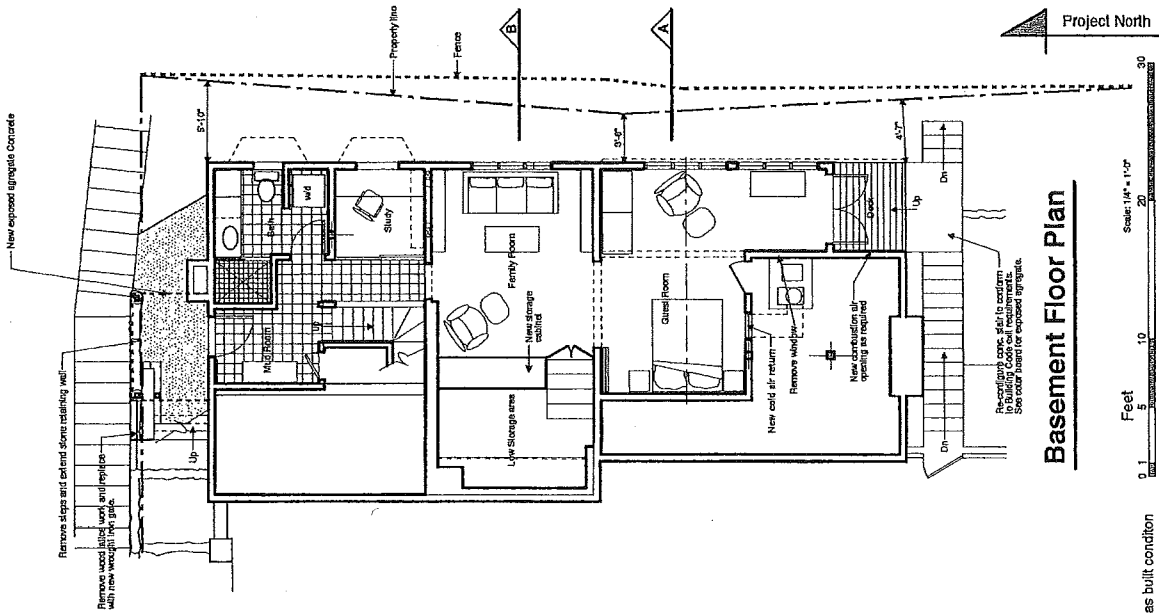


Schorferman Residence
39 San Carlos, Sausalito, CA
A.P.N. 65-202-46
Basement & Addition
Remodel & Addition

Date: 05/15
05/15

Proposed Floor
Plans

A-02

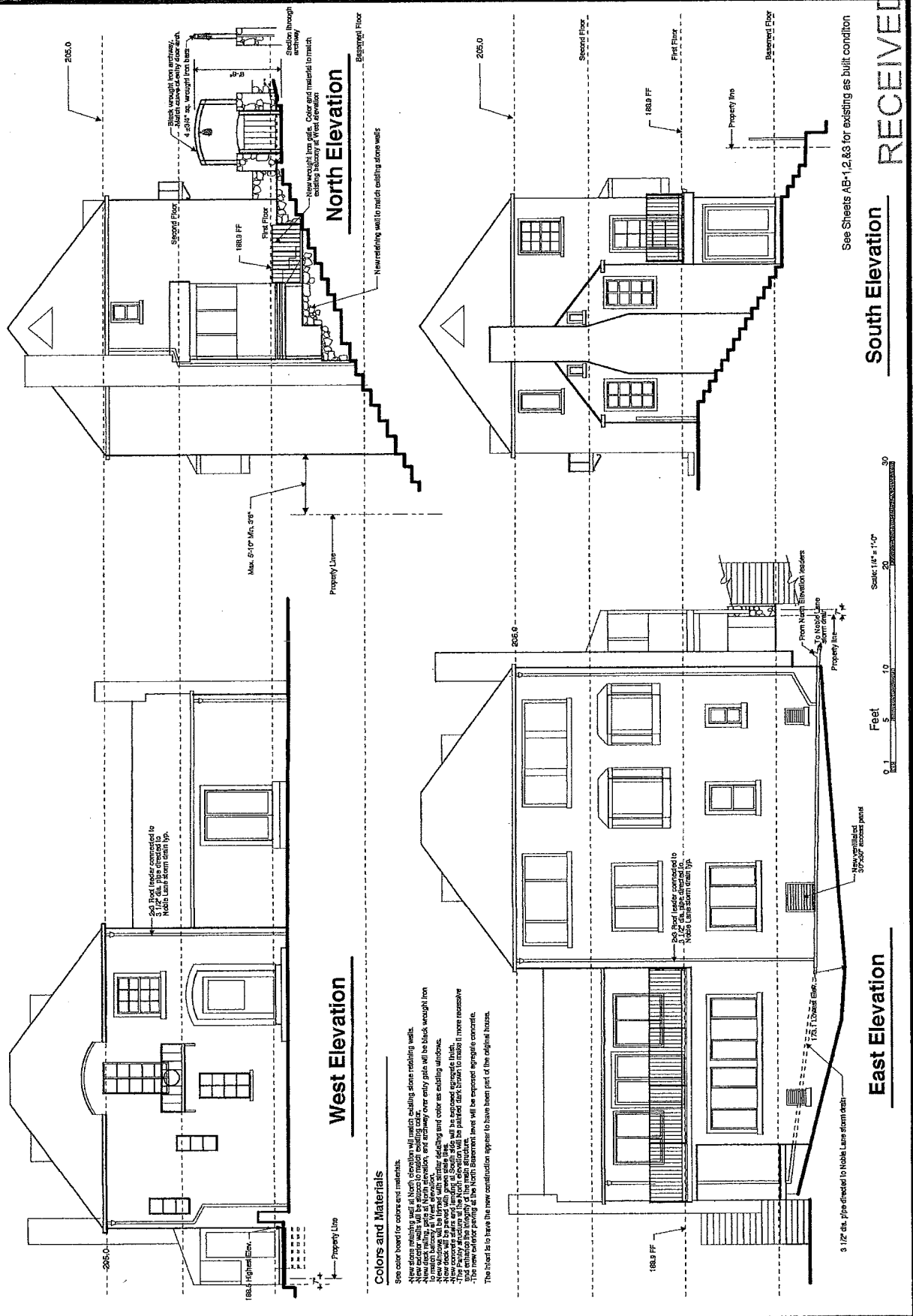


RECEIVED

See Sheets AB-1,2,3 for existing as built condition

MAY 05 2015

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT



Colors and Materials

See color board for colors and materials.

New stone masonry wall at North elevation will match existing stone masonry walls.

New dark metal, iron, black, at North elevation, and entrance over entry gate will be black wrought iron to match existing.

New roof will be gabled with green slate tiles.

New roof will be gabled with green slate tiles.

New roof will be gabled with green slate tiles.

The new exterior parking at the North Basement level will be expanded aggregate concrete.

The listed to have the new construction appear to have been part of the original house.

West Elevation

North Elevation

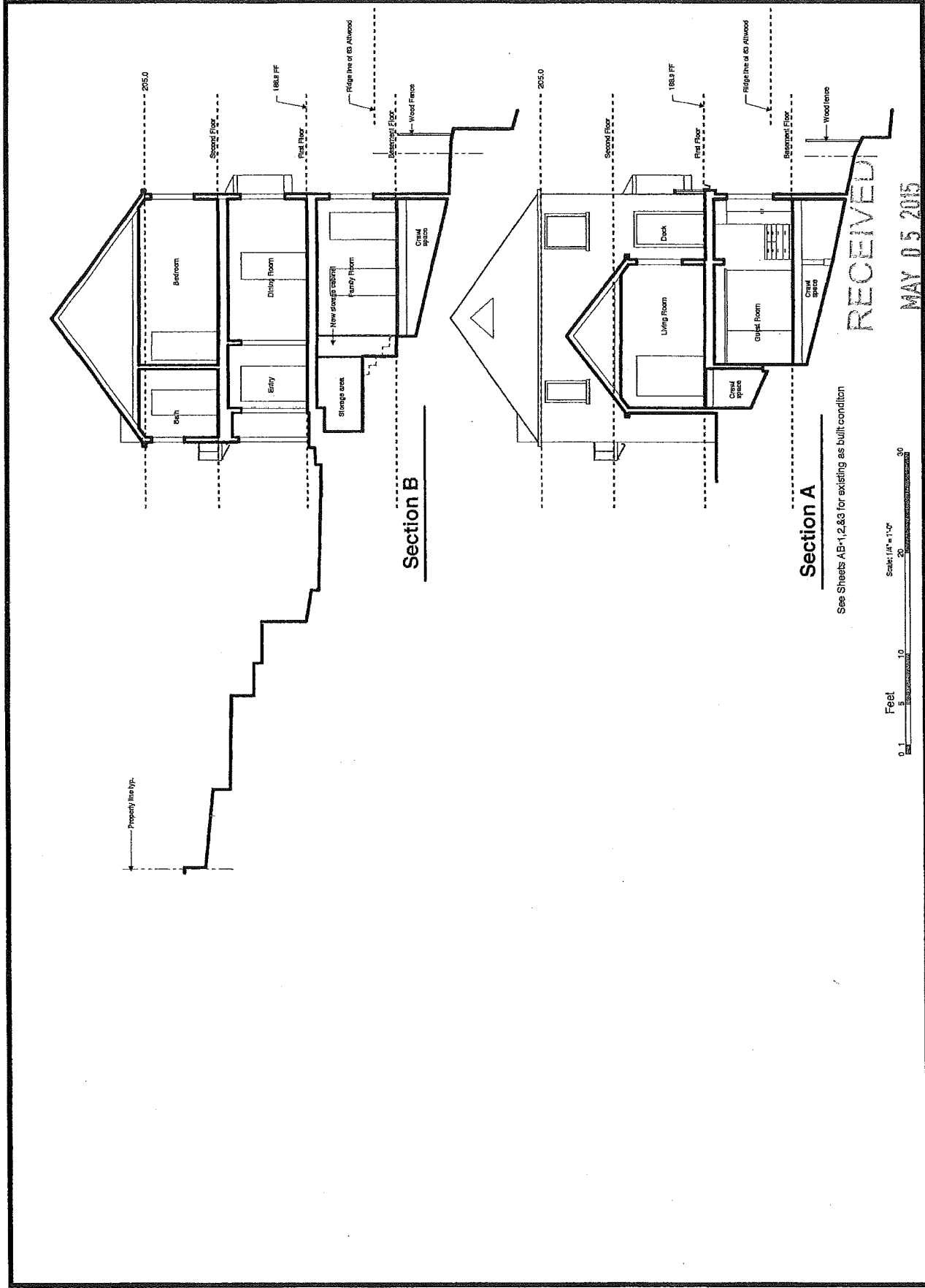
East Elevation

South Elevation

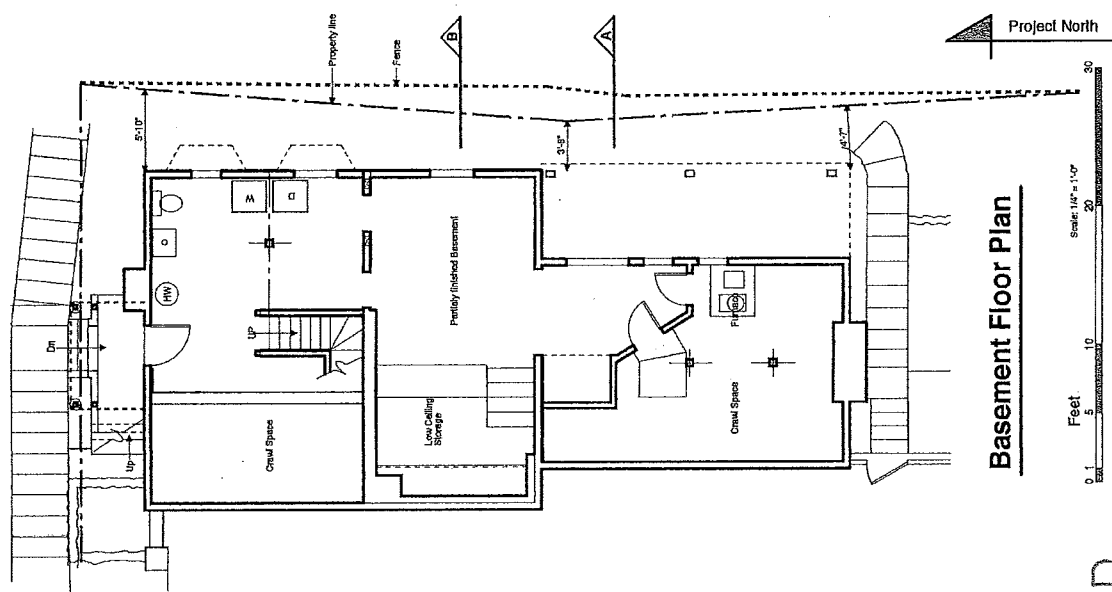
See Sheets AB-1,2,3,4 for existing as built condition

Scale: 1/4" = 1'-0"

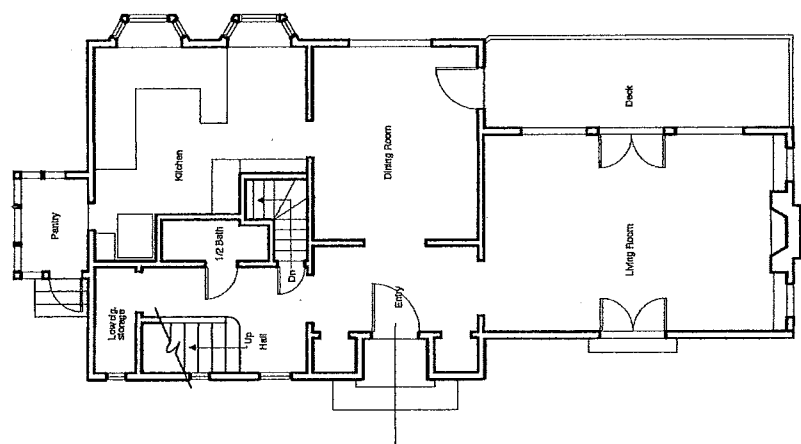




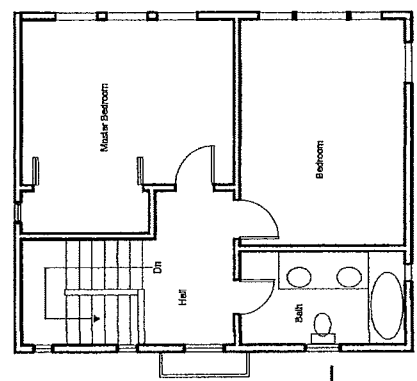
CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT DEPT



Basement Floor Plan



First Floor Plan



Second Floor Plan

RECEIVED

MAY 05 2015
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT

Jacques Ulman
Architect

4281 Lila Street
Sausalito, CA
94965
Ph: 415/452-2241
j@jacquesulman.com

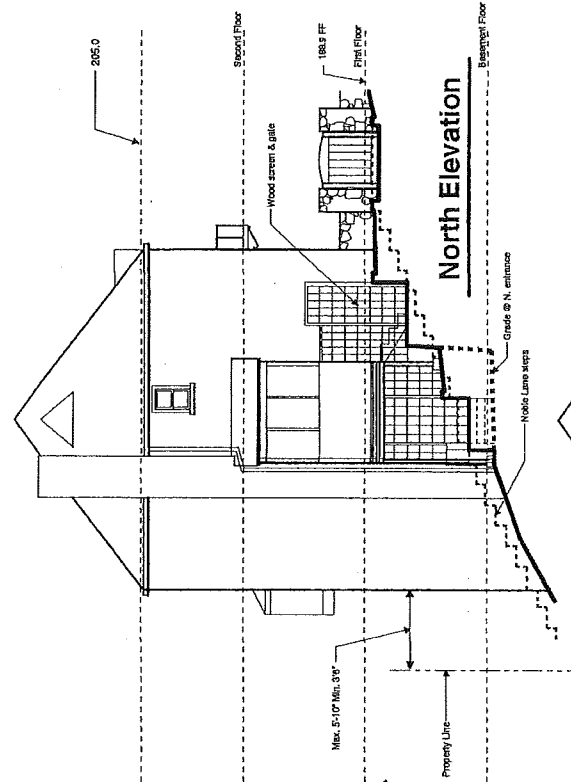


Schofferman Residence
38 San Carlos, Sausalito, CA
A.P. N. 85-202-46
Basement Level
Remodel & Addition

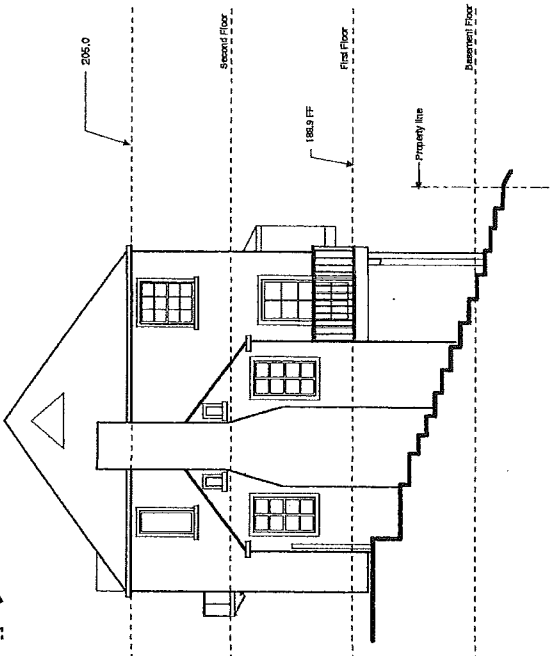
Date: 09/15/15
SUS

Existing Elev.

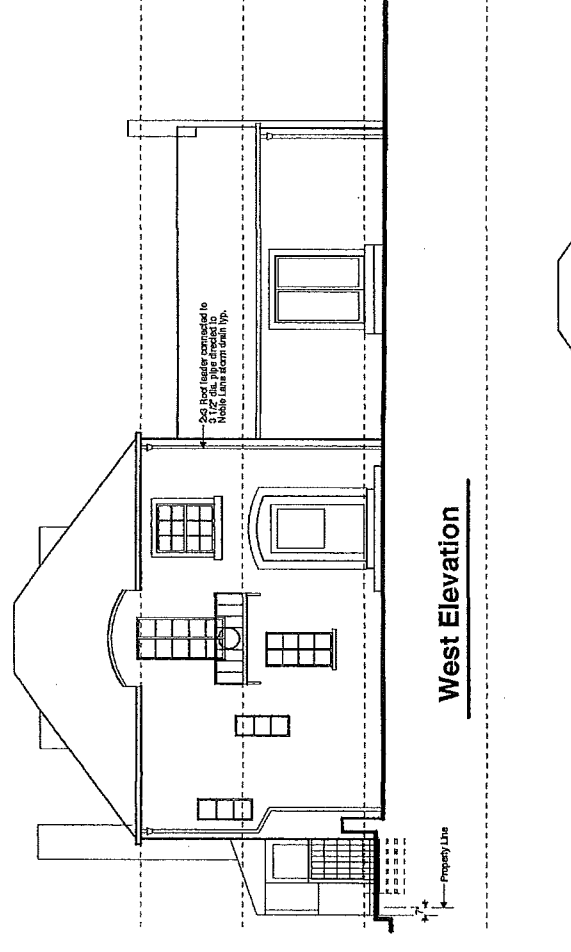
AB-2



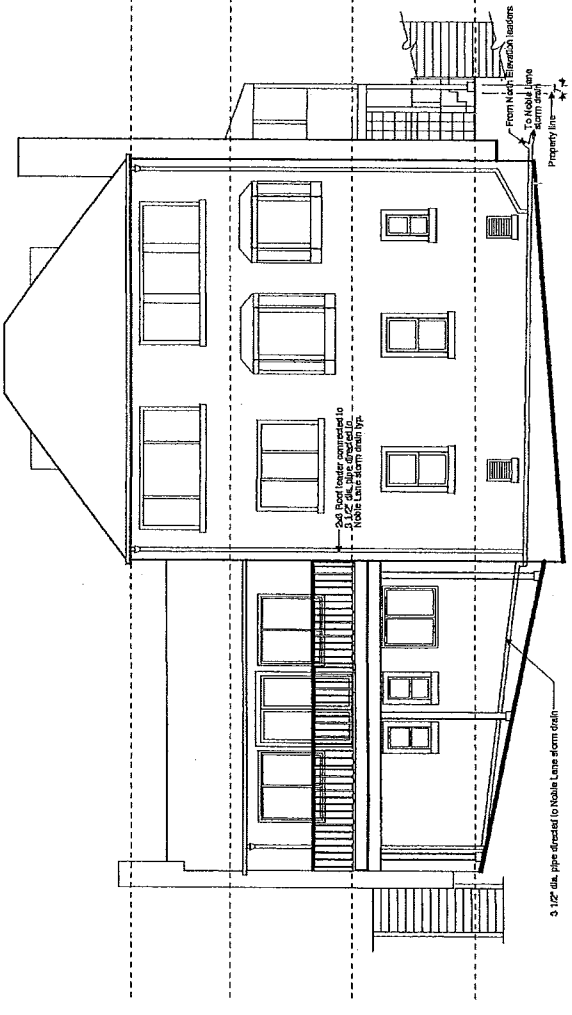
North Elevation



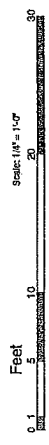
South Elevation RECEIVED



West Elevation



East Elevation



MAY 05 2015

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT

Jacques-Ullman Architect 4284 Ulloa Street San Carlos, CA 94080 Ph: 650-949-0401 jullman@jacquesullman.com		Basement Level Remodel & Addition 39 San Carlos, Sausalito, CA A.P.N. 05-202-46	Date: 5/18/15 5415	Existing Sections AB-3
		RECEIVED MAY 05 2015 CITY OF SAUSALITO COMMUNITY DEVELOPMENT DEPT		



MEMORANDUM

TO: Sausalito Planning Commission
FROM: Sausalito Historic Landmarks Board
RE: 39 San Carlos Avenue, Sausalito, CA
DATE: July 7, 2015

Methodology

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

Architectural Research

At the request of the Planning Department, the Historic Landmarks Board conducted research into the history of the property at 39 San Carlos Avenue to determine its historic significance.

Property Description

The house at 39 San Carlos is located in a residential neighborhood in the South end of Sausalito.

The house is set back and accessed by uphill pathway and stairs West of Atwood Lane and is located south of Noble Lane. The lot size 5163 sq. ft. and with maximum dimensions of approximately 75 feet wide and 84 feet deep. The house is a three story, single family residence with single car parking in a separate carport on Atwood Street. The house has a deck supported by wooden beams

The house appears to be a wood frame multi-story stucco structure with asphalt shingled hipped roofs. The windows appear to be wood frame double hung and casement with. The home could be described as having some "Mediterranean" elements;

- Stucco finish in the color and style common to Mediterranean style homes
- Architectural features such as iron balconies
- Trim elements & color also add to the Mediterranean style.

Historic photographs, original drawings and permit records of the house are unavailable. Therefore we cannot determine whether the building has been significantly modified from its original form. There are no neighboring houses with similar visual characteristics.

EXHIBIT E.
20 of 38

Sausalito City Permit Records Reviewed: Yes

Construction Date:

39 San Carlos was constructed in 1952

Address Change: No

Alterations: Yes

Alteration 1: Flagstone Patio and BBQ pit added in 1952

Alteration 2: Porch extended 20 ft. in 1955

Alteration 3: Roof replaced in 1997

Historical Society Archive Property File Available and Reviewed: No

Marin County Assessor's and Recorder's Office Records Reviewed: No

Ownership History:

1. 1952: Rudicci (?)
2. 1955 : Stafford Prudine (?)
3. 1994: Billie McCarthy
4. 1996 : Barbara Johnson
5. 1997-date: Leslie Shufferman

Historical Significance Listings:

Historical Information About Owners:	None
-Sausalito List of Notable Structures :	No
-California Historic Resource Information Systems Database:	Not accessed
-Previously Identified as a Historic Resource:	No
-Architectural Drawings Found:	Yes

Findings

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

The board finds no significance under this criterion.

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

The board finds no significance under this criterion.

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

The board finds no significance under this criterion.

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

The board finds no significance under this criterion.

Recommendations:

(HLB members)

Sources: Sausalito Planning Department address files, Sanborn Fire Insurance Maps

The Sausalito Historic Landmarks Board, at their publicly noticed meeting of (date) acknowledged this memorandum:

AYES: 3 NOES: _____
ABSTAIN: _____ ABSENT: 2



Image #1



Image #2

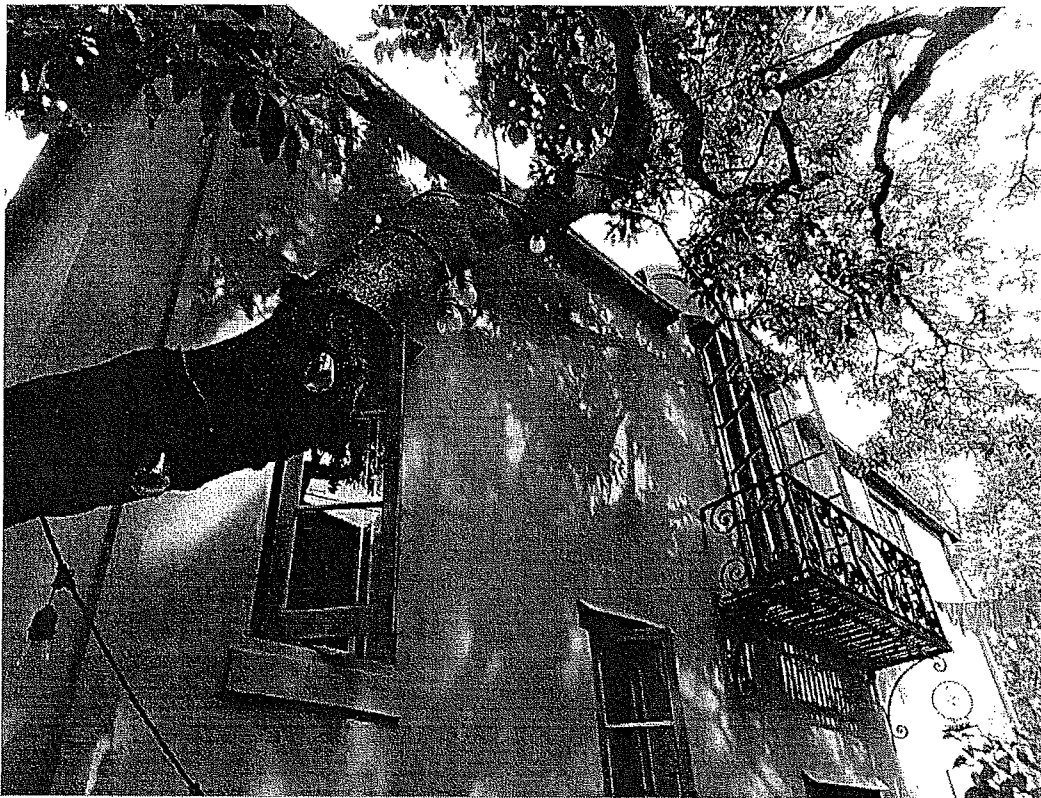


Image #3



Image #4

blank

Explanation of Findings
39 San Carlos Avenue

RECEIVED

MAY 05 2015

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT

Dear Mr. Castro, Mr. Chan, Planning Commissioners and Staff,

Thank you for reviewing this letter citing the findings supporting our proposed project at 39 San Carlos Avenue. We believe that improvements made to this property will enhance the aesthetics of the neighborhood while offering no incursion or undesirable effect on any of the neighbors.

Most importantly the project will not alter the current footprint of the existing structure or change any vertical dimension. The detailed specific findings that support the project are addressed below.

A. There are "exceptional or extraordinary circumstances" regarding our property. The 39 San Carlos structure was constructed 70 years ago and it was placed on the property in a legal but close proximity to the Eastern property line before the current setbacks were in effect. The only practical side of the property for our remodeling project is the Downhill Eastern side. Recognizing this restriction, our project does not alter the structure's existing footprint, but simply redesigns the space to enhance it's use in a consistent fashion with all of our neighbors. We do not add to the existing room count or increase the intensity of use of the property.

B. "The exceptional or extraordinary circumstances" that results in "practical difficulties" is that the steep topography and the placement of the home as described in Section A. only allows for the basement to be extended in the downhill direction. "A literal enforcement of the provisions of the title" could inhibit the upgrades proposed by our project and lead to a practical difficulty that unnecessarily obstructs the full use of our property that is consistent with the evolution of lifestyles in our neighborhood since the house was originally built. It is important to reiterate that our proposal does not impact or alter any of our neighbor's similar privileges.

C. The variance that we seek is "necessary to preserve our substantial property rights" by bringing our property up to the standard of the neighborhood, an upgrade that is entirely consistent with the use and aesthetics of each of our immediate neighbors. Our house is small by the standard of the neighborhood with only 2 bedrooms, one of which is used as a home office, and 1 and ½ baths. My wife and I both require home office space and we require a separate guest room and bath to receive family and friends in an appropriate fashion. Our proposed project will allow us to share the same standards of property use as are enjoyed by our immediate neighbors and our greater neighborhood.

EXHIBIT F

D. Our project will "not be materially detrimental to the public welfare or injurious to the property in the vicinity or district". Quite the contrary we believe that our project will be beneficial to the neighborhood and have no negative material impact. We are not making any alteration to the current footprint of the existing structure. There will be no change in the structure's elevation. Expanding the basement under the existing deck and within the dimensions of the existing deck will beautify this area by eliminating the unattractive underside of the deck and the unfinished façade of the existing structure. In addition the project design will remain true to the existing architecture of our Mediterranean style home while beautifying and visually improving our Eastern property line.

Our project will enhance the public welfare and serve as an improvement to our district and our neighborhood in two additional ways. Our property borders Noble Lane, which is a stepped pathway connecting San Carlos Avenue with Atwood Ave. Our proposal includes the enhancement of the part of this lane that runs along our Northern property line. We are proposing to continue the existing line of the stone wall which will beautify this portion of Noble Lane but will not alter the footprint of our property so as not to change usage or access to Noble Lane. In addition the entrance to our basement, which runs along Noble Lane will be beautified by replacing unattractive trellis work with a wrought iron gate and an upgraded and safer entrance to the basement level. All improvements will remain in the same style as our home.

The project will make our home more consistent with the homes in our district and raise the relative attractiveness and value of the neighborhood.

E. The granting of the variance will not be a "special privilege". It will not grant any use of our property that is not currently enjoyed by each of our neighbors. The project design does not include any aspect that has been placed as a limitation on any of the neighbors. It does not describe any factor that would place limits on the neighbors, exceed the current property usage of the neighbors, or lead to any inconsistency with other properties in our zoning district.

F. It is our firm belief that the granting of the variance so that we can proceed with our proposal for the upgrade at 39 San Carlos Avenue will create a more harmonious and aesthetically pleasing property that will enhance the value and beauty of our neighborhood without diminishing the full enjoyment of our neighbors, and thereby serve the purpose of Sausalito's general plan and its intention to protect its citizens but not create a hardship for its property owners.