

July 29, 2016

Mr. Danny Castro, Community Development Director
Department of Community Development – Planning Division
City of Sausalito
420 Litho Street
Sausalito, CA 94965

RE: ADMINISTRATIVE DESIGN REVIEW, VARIANCE AND ENCROACHMENT PERMIT APPLICATIONS FOR THE GARNICK RESIDENCE AT 26 ATWOOD AVENUE, SAUSALITO - APN 065-203-03

Dear Director Castro,

On behalf of Terri and Larry Garnick, owners of 26 Atwood Avenue, we are responding to the recommendation in the June 29, 2016 Staff Report that we, as the Project Applicant, address the eave encroachment portion of the Project and the required Findings for a Variance. This letter is a supplement to our March 15, 2016 letter that provided a Project Description, but did not include a response to the Variance Findings. This supplemental letter does.

Updated Plans:

On July 19, 2016, we submitted to you, via email, new plans dated July 18, 2016, which revise plans we submitted earlier dated 3/15/16 & updated 4/21/16. These new plans show just two changes that were made to address concerns expressed in two letters (dated 6/20/16 & 7/10/16) from Carol and Fred Hoerner, who own and live on the property next door at 30 Atwood Avenue. The two changes are as follows:

Front Courtyard Wall:

To preserve more of the wind protection the Garnicks' existing front yard fence provides to the Hoerners' front garden, we added 1' - 5" to the length of the proposed 39" high courtyard wall. This extension still reduces the encroachment into the Atwood street right-of-way by 2' - 9 3/4" and leaves a distance of 4' - 4 1/2" between the northeast corner of the new courtyard wall and the paved portion of Atwood Avenue.

Roof Overhang on the East Side:

Instead of extending the roof overhang on the east side of the Garnick residence 10 3/4" beyond the exterior wall closest to the Hoerners' home, we cut the proposed eave back two inches, to 8 3/4", in order to provide more room between the two residences. (We originally proposed a 12" overhang.) The 8 3/4" dimension is the minimum necessary for the design of the Garnick's roof to look properly balanced over the structure below, and not appear off balanced or chopped off like the existing condition. Currently the roof has a 2x fascia along this part of the house, which extends about 1 1/2" beyond the face of the exterior wall. So, our plans call for increasing the existing overhang by just 7 1/4", which is a small amount, just wide enough to enhance the appearance of the Garnick home for all who see it. Anything narrower will be ineffective.

Variance Required for the Proposed Eave on the East Side:

The average width of the Garnick parcel is 44.21ft. The required side yard setback is 10% of the average width, or 4'- 5 1/8". Setbacks must be increased at a rate of 1:5 for structures that exceed a length of 40 ft. The length of the east side of the Garnick residence is 43'- 4", or 3.25' greater than 40 ft. $1/5 = x/3.25$, $3.25 \div 5 = .65'$ or $7 7/8"$. $4'- 5 1/8" + 7 7/8" = 5'- 1"$ required side yard setback on the east side of the Garnick residence.

The rear, downhill or south end of the house is setback 5'- 4", or 3" more than required setback. The front, uphill or north end of the house, for a length of 19'- 2" representing 1/3 of the parcel's 56' length along its east side, is setback only 1'- 2 1/2". Thus, the front portion of the house encroaches into the east side yard setback by 3'- 10 1/2".

Section 10.40.090 B.1.a. allows eaves to project into a required yard setback up to 20%, but no closer to a property line than 3 ft. Thus, along the downhill portion of the house, the eave is allowed to extend into the east side yard beyond the exterior wall by 12", which we propose. But along the uphill portion of the house, because the exterior wall already encroaches into the east side yard setback, an eave is not permitted, unless a Variance is granted for relief from the strict application of Section 10.40.090 B.1.a. We have requested a Variance to allow for an 8 3/4" eave

Variance Findings:

A. Exceptional or Extraordinary Circumstances

The structure and its proximity to the east side yard is an existing condition the Garnicks did not create. This is an unusual condition in many areas of town, less so in "Old Town" where many dwellings were constructed prior to the adoption of Sausalito's Zoning Ordinance. For this reason, exceptions are occasionally required in these older parts of Town to allow for reasonable improvements found throughout the rest of the community.

In the case of 26 Atwood Avenue, the parcel is unusually small, only 2,041 sq.ft., - less than half the required minimum size of 5,000 sq.ft.. The parcel also is narrower than the City standard, having an average width of 44'- 4" where the minimum required average width is 50 ft. In addition, the lot has an unusual trapazoidal shape that deviates from the normal rectangular shape common in "Old Town." The parcel's small size, narrow width and odd shape, plus the existing close placement of the structure to its east property line, are exceptional physical circumstances that when combined, lead to the need for reasonable relief from strict application of the town's setback standards.

B. Practical Difficulty or Hardship

It is a hardship both emotionally and financially to invest several million dollars to purchase and improve a home only to see its beauty and value diminished by a compromised front façade due to an extreme application of the Code prohibiting a very minor exception. Such a rigid application of the Code could discourage good design and significant investment in property, which extends the hardship beyond the property owner and to the community at large. We all suffer by such narrow thinking and action. Conversely, reasonable application of the Code that preserves its intent, encourages property owners to make well designed improvements for their benefit and that of the broader community. When the process becomes too difficult, uncertain, too costly, or unreasonable, many property owners simply conclude, why bother? It is to the Garnicks credit that they have chosen to go the "extra mile" in support of proper design. They are hoping for Staff's support in this effort by approving the Variance for the eave.

C. Preservation of Property Right

The Garnicks have the right to use and enjoy their property, as the Zoning Code intends and in a similar fashion as their neighbors. There are other houses in the immediate neighbor that encroach into their setbacks and yet those homes have eaves and look better because of it. The Garnicks have a right to be

treated similarly. Without the requested Variance, the home will look odd and boxy. Seeing the house when walking by, or up to the front door, will be less enjoyable for the Garnicks, their guests and the public at large without the eave overhang.

D. Not Detrimental to Public Welfare

Granting this Variance request will not have a negative impact on anyone. While the neighbors immediately adjacent to the proposed roof overhang had previously raised some concerns, those concerns have now been addressed; worked out among neighbors in a cooperative manner. This is a process that should be encouraged, but unfortunately, is not always followed, particularly in this town. The Garnicks should be rewarded for their patience and willingness to find common ground and build goodwill in their neighborhood through responsible planning and a willingness to compromise. Now that they have accomplished this, they look to the City to do their part.

E. Not a Special Privilege

The Town has demonstrated flexibility in the past in order to do what is right and beneficial for the residents and the community. The law should be a framework, not a straitjacket. Using good judgement that benefits the community when applying the town's development standard is the smart, responsible and constructive way to deliver public service. Using the Code as a guide with a keen focus on its intent, should be the paramount approach when questions arise. The intent of our rules and regulations is to promote reasonable development and good design, while avoiding negative impacts to the community's special qualities and valuable resources. When we trip over minutia and compromise these fundamental objectives, we all end up with less, not more.

F. In Harmony with General Plan

The General Plan seeks to encourage the preservation and enhancement of our built environment. It seeks to promote investing in our housing and our infrastructure. Nothing about the granting of this Variance request conflicts with the overall goals, policies and programs found in Sausalito's General Plan.

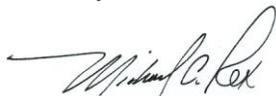
Conclusion:

The appropriate word to use to describe the short, 8 ¾" wide overhang that's requested, is "De minimis"— a legal term used to describe something inconsequential. It is used in the law for topics not worth fighting over. While the eave in question may be inconsequential in terms of zoning compliance, it is important enough to pursue. We have continued to pursue it and continue to seek the City's support for it, because it . .

- addresses an unusual condition for which nothing can be done,
- helps in a small way to make a particular property more handsome and enjoyable,
- helps protect the value of the home and property,
- eliminates a stark and boxy shape in favor of a properly balanced one,
- produces what all would agree is better architecture, and lastly,
- the Findings can be made.

Please approve this requested Variance for all these good reasons.

Sincerely,



Michael Rex, Architect

Copy: Larry and Terri Garnick