

ITEM NO. 5A

323 SAUSALITO STREET – MAJOR DESIGN REVIEW FOR THE REMODEL OF AN EXISTING TWO LEVEL RESIDENCE WITH 850 SQ FT OF ADDITIONS AND VARIANCE TO ALLOW ENCROACHMENT INTO THE REQUIRED FRONT AND SIDE SETBACK

**Planning Commission Meeting
March 14, 2017**



CORTE MADERA PLANNING COMMISSION STAFF REPORT

ITEM NO. 5A REPORT DATE: March 10, 2017
 MEETING DATE: March 14, 2017

SUBJECT: MAJOR DESIGN REVIEW PL-2016-0107 FOR THE REMODEL OF AN EXISTING TWO LEVEL RESIDENCE WITH 850 SQ FT OF ADDITIONS AND VARIANCE PL-2016-0108 TO ALLOW ENCROACHMENT INTO THE REQUIRED FRONT AND SIDE SETBACK

SITE: **323 SAUSALITO STREET**

APPLICANTS: PACIFIC DESIGN GROUP

CEQA STATUS: The Planning Department recommends that the project is exempt from the California Environmental Quality Act under Categorical Exemption Class 1 (CEQA Article 19, Section 15301).

PROCEDURE: The Planning Commission's decision is final unless appealed to or called up by the Town Council within ten calendar days.

SITE INFORMATION: Zoning: R-1 (Medium-Density Residential District)

 Existing 2,027 SF two level structure with 329 SF two car garage on a
 Development: sloping lot

 Net Lot Area: 9,218 SF

 APN: 025-171-10

<u>CONDITION</u>	<u>ORDINANCE REQUIREMENT</u>	<u>EXISTING CONDITION</u>	<u>APPLICANT'S PROPOSAL</u>
Minimum Lot Size	7,500 sq. ft. min.	9,218	No Change
Front Setback	20' min	~ 15'	~ 16'
Rear Setback	25' max	~ 102'	~ 92'
Side Setback	6' min	5'	No Change
Lot Coverage	30% max	18.5%	24%
Floor Area Ratio	40% (3687 sq. ft.) max	2,356	3,206
Structure Height	30' max	21'	26'9"
On-Site Parking	2 spaces; 1 must be covered	2 covered spaces	2 covered spaces

SUMMARY:

The applicant has requested Design Review and Variance approval for modifications and additions to an existing two level residence at 323 Sausalito Street. The lot is unique due to the slope of the property which falls toward the center of the lot and slopes back up to the rear property line. The slope of the lot, paired with the drainage easement bisecting the rear yard both may explain the existing nonconforming location of the home within the front setback. This project would demolish a majority of the existing structure while utilizing the existing foundation and rebuilding primarily within the footprint of the existing structure. The additions would expand the structure to the west, toward the rear yard at both the upper and lower floor. The existing structure encroaches into the front setback and the proposed remodel would decrease this encroachment in the area of the entryway, while expanding the garage slightly in the area of the front setback. Additions would result in the expansion of the floor area by 850 square feet. Variance approval is requested to allow modification of the structure within the required front setback. The height of the structure would increase by 5 feet, 9 inches.

BACKGROUND:

Below is a chronological listing of events pertaining to this application:

October 3, 2016

An application was filed for Major Design Review and Variance

December 14, 2016

The Planning Department determined the application to be incomplete and requested response to incompleteness items.

December 19, 2016

Staff met with applicants to discuss completeness.

January 4, 2017

The applicant provided responses to prior incompleteness items.

January 13, 2017

Staff met with applicants to discuss application.

February 13, 2017

The applicant provided responses to incompleteness items discussed at the prior meeting with Staff.

March 2, 2017

The Planning Department determined the application to be complete after review of submitted information and recommended that the project qualifies for categorical exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.

March 3, 2017

Notices were mailed to all residents within 300 feet of the subject property.

March 14, 2017

The Planning Commission holds a public hearing.

ANALYSIS:

Existing

The subject property is located on Sausalito Street, a street characterized by lots that step up the street, from Tamalpais Drive. This lot is located at the intersection of Sausalito Street and Sunnyside Drive. The lot itself is concave, sloping down from the street at 92 feet (above sea level) toward the middle of the lot at 76 feet, where the slope turns upward toward the rear property line around 90 feet. A stormwater pipe runs underground, through the rear yard of this and adjacent lots. A drainage easement connected to this line is shown in the rear yard on the Site Plan (Sheet 2).

The lot is buffered from the northern neighbor (317 Sausalito) by a number of trees that follow the northern property line. The largest and most robust trees are located on the neighboring property and would not be altered by the project. The site plan indicates that two trees near the center of the rear yard would be removed (shown on site plan as tbr, or "to be removed.") Two of the largest trees on the property, the 20" bay and 14" oak are located near the rear property line and would be retained. A row of bamboo located near the front curb would be removed.

There is an existing 2,356 square foot, two level structure located on the site. The upper floor, entry and two car garage are located at the level of the driveway. Due to the slope of the lot, the lower level is not visible from the front of the structure but become apparent when viewed from the side yard or rear yard where the lower level opens up to the rear yard. The existing structure, built in 1956 is located toward the front of the lot and encroaches into the required front setback. The structure also encroaches approximately 1 foot into the 6 foot north side setback. Note that the driveway of the neighboring property at 329 Sausalito, overlaps the side yard of the subject property. The application accommodates the existing location of the neighboring driveway by locating a proposed retaining wall approximately 3 feet from the property line. Note that the location of the existing fence along the northern property line is up to 6 feet away from the actual property line and will be removed and rebuilt on the actual property line, increasing the size of the side yard on the subject property.

Proposed

The proposed additions would remodel the existing structure, including the addition of 850 square feet of new floor area. The project would demolish a majority of the existing 2,356 square foot structure and construct a new 3,206 square foot structure utilizing the existing foundation. The additional square footage would extend the structure toward the rear yard. The upper level would extend approximately 11 feet into the rear yard, while the lower level would extend approximately 19 feet into the rear yard. The lower level extends further into the rear yard than the upper level, creating a space above the lower level which would be utilized as a deck. The deck could be accessed from the south side yard or through doors leading out from the upper level.

The entryway at the upper level would be shortened, reducing encroachment into the required front setback though portions of the entryway would still encroach. This would result in a 16 foot front setback where 13 feet exists today. A new covered entry porch is proposed which would extend into the front setback but does not require a variance because such elements are permitted to extend into the required front setback by 6 feet.

The existing garage is 329 square feet and provides 16 x 18.5 feet of clear parking area. The proposal would increase the length and width of the garage to 17.5 x 20 feet to provide two compliant parking spaces. The existing garage encroaches into the required front setback and the proposed widening of

the garage would increase this encroachment, resulting in an encroachment of 4 feet 3 inches.

The site plan shows a number of changes in the rear yard including the addition of various hardscape elements. A removable concrete block retaining wall would frame much of the rear yard. As shown on the site plan, the block wall would surround a yard covered with turf. The topographic lines shown on this area of the site plan range from 76 to 82 feet. Through minor cut and fill, the turf area of the rear yard would be approximately 80.75 square feet. The surrounding block wall would range from .25 to 2.25 feet high, relative to the turf. A low patio, using removable concrete pavers would lead into the rear yard, out from the lower level of the house. A new retaining wall is located within the south side yard to manage the difference in topography between the higher property at 329 Sausalito and the subject property. The wall extends beyond the front property line into the public right of way. This encroachment does not require a variance and would be addressed by the Public Works Department.

Variance

A variance is requested to allow encroachment into the front and side setback. The existing structure currently encroaches into both setbacks. The proposed project would decrease the nonconformity at the front of the house and increase the nonconformity at the garage. The garage and entryway currently encroach into the required front setback. The project would decrease the encroachment into the front setback by removing part of the dining room. The garage would be rebuilt and widened to provide two compliant parking spaces, increasing the encroachment of the garage at the front left corner.

Color and Materials

Colors and materials will be changed as specified on the color and materials board and use varying shades of grey with an asphalt shingle roof.

Neighborhood Outreach

Staff spoke with the owners of the adjacent neighbors at 317 and 329 Sausalito Street. Neither owner shared concerns with staff.

DISCUSSION:

DESIGN REVIEW

As stated in Section 18.30.020 of the Corte Madera Municipal Code, "Design review of single family homes shall emphasize those aspects of the design that affect surrounding residents or the visual character of the town." The existing structure is aging, has little architectural interest and appears to be in poor condition overall. The proposed remodel would significantly improve the appearance of the property by introducing a new architectural design, improving the livability of the structure through a revised floorplan, and improve the site conditions through the management of existing vegetation and introduction of landscaping and hardscaping throughout the site.

The location of the structure is nonconforming in terms of front and side setbacks but is beneficial because it maintains a staggered distribution of houses in the vicinity. 317 Sausalito is located above and to the west, while 329 Sausalito is located down and to the west. The more eastern location of the existing and proposed structure provides physical space between properties, a clear line of sight across the rear yard of the property and greater privacy between residences due to their effective setbacks.

The proposed structure would increase the footprint into the rear yard but would not significantly alter the existing relationships between this and surrounding properties.

The topography of the lot and the location of a drainage easement through the center of the lot create a challenge for development on the site. The slope is addressed by utilizing the existing foundation and significant retaining walls within the footprint of the structure to eliminate any new and significant modification of the slope. A portion of the rear yard would be modified minimally to provide a level surface for outside space. Though select trees are proposed for removal, several mature trees would be retained. A majority of screening between properties is provided by trees located on neighboring properties and would not be significantly altered as a result of this project.

The structure would increase from 2356 square feet to 3206 square feet – inclusive of the garage. The proposed structure would have 2800 square feet of habitable area which is typical for a lot of this size in the R-1 Zone. The proposed design would significantly improve the appearance of the structure through the introduction of architectural details such as the gabled roof which is echoed throughout the structure. A new covered entryway provides a more welcoming appearance from the street which will be more visible due to the removal of the bamboo currently screening views of the house from the curb. New natural cedar siding and updated finishes throughout will improve the appearance, quality and sustainability of the structure.

The proposed remodel would maintain the location of many of the existing window openings and due to the setback between this and neighboring structures, privacy impacts are neither significant nor adverse. A new deck would be added at the rear of the structure, providing an outdoor space looking into the rear yard. The neighboring property at 329 Sausalito also has an upper level deck. Thick vegetation between the properties provides sufficient screening to maintain privacy between these outside areas. The extension of the house further into the rear yard would bring the house closer to the neighboring property, upslope at 317 Sausalito. Windows on that structure already look into the back of the existing structure at 323 Sausalito and into the rear yard as well. The additions at the rear of the house would not significantly alter existing conditions of privacy and site lines between this and surrounding properties. The proposed remodel is in keeping with the size and style of structures within the immediate vicinity. Through the use of the existing foundation, the applicant has achieved a design that is appropriate for the neighborhood, does not create any adverse or significant impacts for neighboring properties, and will contribute to the appearance of the property to the benefit of community.

VARIANCE

The subject property is unique due to the topography that slopes from the front property line, down to the middle of the yard and slopes up again toward the rear property line. A drainage easement bisects the lot and forces development toward the front of the lot. The existing structure was built toward the front property line, presumably to accommodate these unique lot conditions. The location of the existing structure also helps to maintain a staggered arrangement of houses which creates separation between 317, 323 and 329 Sausalito. The requested variance would allow the applicant to rebuild largely within the existing footprint, eliminating nonconformity in certain areas while increasing nonconformity in other areas.

The nonconforming front entry would be reduced in size and replaced with an open covered entryway element. The covered entryway extends less than six feet into the required front setback and therefore

does not require a variance. Only a small remaining portion of the enclosed entryway would encroach, resulting in a 16 foot front setback where there is currently an approximately 13 foot front setback. The nonconforming garage would be altered and enlarged to provide sufficient space for two covered parking spaces, resulting in an approximately 16 foot setback where there is currently a 17 foot front setback. The existing structure encroaches approximately 1 foot into the required north side setback, resulting in a 5 foot setback where 6 feet is required. The proposed structure would demolish and replace this wall and would require a variance to maintain the existing encroachment.

Strict application of the zoning ordinance would create adverse conditions for the applicant and surrounding properties. Requiring the applicant to adhere to the front setback would largely preclude the applicant from utilizing the existing foundation and significant retaining walls on the upper and lower levels. In turn, such relocation would create an unnecessary and undue burden on the applicant and potentially result in significant grading or other unwanted modification and manipulation of the site conditions. Furthermore, the location of the drainage easement running through the middle of the rear yard significantly limits the areas of the lot which can be built upon.

CONCLUSION:

The proposed additions and remodel conform to applicable standards of the R-1 Medium Density Residential District with the exception of the front and side setbacks. With approval of the requested setback Variances, the project will comply with all applicable regulations of the Corte Madera Municipal Code and General Plan.

Staff reviewed the submitted plans and materials, visited the site and surrounding neighborhood and evaluated the project for consistency with the required findings for approval of the requested Design Review and Variance applications. Staff determined that the applications can be supported by the required findings.

RECOMMENDATION:

To adopt the Resolution No. 17-008 approving Design Review Application PL-2016-0107 and Variance Application PL-2016-0108 thereby allowing for a remodel and additions to an existing two level residence at 323 Sausalito Street including the addition of 850 square feet and a variance for front and side setback encroachment based upon the findings made in accordance with Section 18.30.070 and 18.28.060 of the Municipal Code, and subject to the conditions listed in the attached resolution.

ATTACHMENTS:

1. Resolution No. 17-008
2. Existing Conditions Photos

Attachment 1
Resolution No. 17-008

BEFORE THE TOWN OF CORTE MADERA PLANNING COMMISSION

In the Matter of: MAJOR DESIGN REVIEW PL-2016-0107 FOR THE REMODEL OF AN EXISTING TWO LEVEL RESIDENCE WITH 850 SQ FT OF ADDITIONS AND VARIANCE PL-2016-0108 TO ALLOW ENCROACHMENT INTO THE REQUIRED FRONT SETBACK AT 323 SAUSALITO STREET	Resolution No. <u>17-008</u> Adoption Date: <u>March 14, 2017</u> Appeal Period Ends: <u>March 24, 2017</u>
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WHEREAS, on October 3, 2016 an application was filed for Major Design Review and Variance; and

WHEREAS, on December 14, 2016 the Planning Department determined the application to be incomplete and requested response to incompleteness items; and

WHEREAS, on December 19, 2017, Staff met with the applicants to discuss completeness items; and

WHEREAS, on January 4, 2017, the applicant provided responses to prior incompleteness items; and

WHEREAS, on January 13, 2017, Staff met with the applicants to discuss incompleteness; and

WHEREAS, on February 13, 2017, the applicant provided responses to incompleteness items discussed at the prior meeting with Staff; and

WHEREAS, on March 2, 2017, the Planning Department determined the application to be complete and recommended that the project qualifies for categorical exemption under Section 15301 of the California Environmental Quality Act Guidelines; and

WHEREAS, on March 3, 2017, public hearing notices were mailed to property owners within 300 feet of the subject property and posted in three public places; and

WHEREAS, on March 14, 2017, the Corte Madera Planning Commission held a public hearing on the item, and heard testimony from the applicant and interested parties; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby **approve** Design Review Permit PL-2016-0107 and Variance Permit PL-2016-0108 for a remodel and additions at 323 Sausalito Avenue with a Variance for encroachment into the front and side setback, based upon the finding that the proposed project is in substantial conformity with the General Plan and Zoning Ordinance based upon the findings listed below in accordance with Section 18.30.070 and 18.28.060 of the Municipal Code, and subject to the conditions of approval listed below.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) DETERMINATION

This project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to California Code of Regulations, Title 14, Division 6, Chapter 3, (“CEQA Guidelines”), under Section 15301, because said Guidelines provision exempts the minor modifications to existing structures.

DESIGN REVIEW: REQUIRED FINDINGS

The Planning Commission hereby makes the following findings required by Section 18.30.070 of the Corte Madera Municipal Code and based on California State law.

1. The project conforms with the General Plan, any applicable Specific Plan, and all provisions of the Zoning Ordinance.

The proposed project represents a significant upgrade to the existing conditions on the property. The existing structure is aging and in need of repairs and the landscaping is in need of management. The project would replace a majority of the existing structure and would be built to modern building codes which would improve structural integrity and fire safety for the occupants and neighboring structures. The proposed residence would increase the functional floor area of the residence, improving the livability of the property for the property owners and doing so in manner which is harmonious with a neighborhood that is continually being improved through similar projects.

The project would maintain the appearance of a single level structure from the street while the introduction of a new entryway, introduction of more prominent gabled roof and removal of overgrown vegetation would create a more attractive and welcoming façade. The addition would increase the height of the house by almost 6 feet but given existing site lines and staggered arrangement of neighboring houses, this increase in height would be compatible with the surrounding conditions and create no significant and adverse impacts to the neighboring properties.

The project will comply with all zoning standards and will receive a variance for setback encroachments which are necessary to maintain use of the existing foundation, preserve existing view corridors and setbacks from adjacent neighbors, while avoiding encroachment into the drainage easement running through the middle of the lot. The project is not within a specific plan area and will conform to General Plan, including but not limited to the following Goals, Policies and Implementation Measures:

Policy LU 2.4 – Ensure that new residential development and upgrades to existing residential development are compatible with existing neighborhood character and structures.

Policy LU 2.8 – Views shall be considered when evaluating new residential development proposals, including additions to existing homes, consistent with Community Design

Policies CD 1.4 and CD 1.5 View preservation shall be balanced with a property owner's right to develop.

Policy CD 1.3 – Encourage the use of building design and materials that conserve energy and material resources.

- *Standards for green building materials and practices*

Policy CD 2.3 – Require new residential construction, including large additions, to respect the scale and character of nearby structures by minimizing abrupt or excessive difference in appearance or scale.

Policy CD 2.4 – Allow second story construction involving new single-family homes... where site and view conditions warrant.

Policy CD 3.3 – Create attractive front yards in residential neighborhoods, open to the street.

2. **The project will not unnecessarily remove trees and natural vegetation, will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural beauty of the Town.**

The subject property and adjacent lots are characterized by significant vegetation that provide screening between properties and from Sausalito Street. The proposed remodel and additions would not significantly alter the existing vegetation to an unnecessary or adverse degree. The project would use the existing foundation and portions of existing retaining walls to avoid any unsightly or unnecessary grading of the slope. The application includes removal of several trees, while maintaining other significant trees around the periphery of the rear yard. The project respects the natural conditions of the site in terms of vegetation and natural landforms and would not adversely affect the natural beauty of the Town.

3. **The project will not significantly and adversely affect the views, sunlight, or privacy of nearby residences, provides adequate buffering between residential and nonresidential uses, and otherwise is in the best interests of the public health, safety and general welfare.**

There are two homes within the immediate vicinity of the subject property. 317 Sausalito is upslope to the south while 329 Sausalito is downslope to the north. The rear property is significant higher than the subject property and would be unaffected by the proposed project. The neighboring houses are located to the rear of their respective lots while 323 Sausalito is located to the front of the property. The location of these structures is staggered in a way which provides each property with a larger effective setback than other properties on typical lots of the R-1 zone. While the proposed additions would extend the structure further into the rear yard, and thus closer to the neighboring properties, significant setbacks would still be retained between structures. The upslope neighbor has several clerestory windows facing the subject property and

the additions and remodel would not have any significant privacy impacts to that property.

The plan would remove several small trees that contribute to visual screening between 329 Sausalito and the subject property. Even with those trees removed, a majority of the visual screening would remain, as a majority of the trees buffering the properties are located on the neighboring property and would be unaffected by the project. Even so, the applicant has proposed several new plantings along their northern property line to contribute to this visual screening, ensuring a significant amount of privacy between both properties.

Views are limited among the neighboring properties due to the topography and significant amount of vegetation between each lot. The staggered nature of structures in the vicinity and the minimal extension into the rear yard would maintain any existing views for neighboring residences and would not create a significant and adverse impacts to views, sunlight or privacy for neighboring residences.

4. The structure, site plan and landscaping are in scale and harmonious with existing and future development adjacent to the site and in the vicinity and with the landforms and vegetation in the vicinity of the site.

The proposed project will minimally expand the footprint of the existing home, extending into the rear yard a maximum of 19 feet at the lower level and 11 feet at the upper level. These additions would not be visible from the street and their articulation and placement would not be out of scale when seen from neighboring residences. Due to the slope of the lot, which slopes down from the street to the rear yard, the house will still appear as a single level when viewed from the street. The structure will increase from approx. 21 feet to just under 27 feet at its peak height with the introduction of a new gabled roof. This height would be most apparent when viewed from the back of the house. Because there is no rear neighbor within view of the house and because the neighboring houses are set far to the back of their respective lots, this increase of height would not cause the house to 'loom over' neighboring properties or appear out of scale.

The proposed architectural style including the use of craftsman style pillars and moderately pitched gabled roof is consistent with a number of other homes in the vicinity. The new finishes would significantly improve the look of the structure and the use of earth tones and grey siding would help the structure blend in to the lot.

5. Development materials and techniques will result in durable high-quality structures.

The existing structure was constructed in 1956 and has had little improvement made since that time. The proposed design and construction will use high quality and durable construction and fabrication materials and will improve the safety and soundness of the structure for the occupants.

- 6. The structures, site plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors, and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists and vehicles.**

The structure would maintain the appearance of a single story house from the street elevation. New landscaping and a revised covered front entryway would create a welcoming residential appearance and contribute to the neighborhood. The project will maintain the site as a residential use, provide adequate on-site parking and improve safe access to the property through the removal of plantings along the front property line that diminish visibility on Sausalito Street. Furthermore, the expanded width of the garage will provide adequate space for two cars to be parked off-street, alleviating congestion and poor visibility that may result from cars parking on this curving and narrow portion of Sausalito Street.

- 7. To the maximum extent feasible, the project includes the maintenance, rehabilitation, and improvement of existing sites, structures, and landscaping, and will correct any violations of the Zoning Ordinance, Building Code, or other municipal violations that exist on the site.**

Staff is unaware of any violations of municipal code that exist on the site. The project will comply with all applicable regulations and standards.

- 8. The design and location of signs are consistent with the character and scale of the buildings to which they are attached or which are located on the same site, the signs are visually harmonious with surrounding development and there are no illegal signs on the site.**

The project does not include any signs.

VARIANCE: REQUIRED FINDINGS

- 1. There are special circumstances applicable to the property, included size, shape, topography, location, or surroundings, that do not apply generally to other properties and under identical zone classification.**

Special circumstances that apply to this property include the slope of the lot, location of drainage easement in the yard, location of the existing structure in the setbacks, and the location of surrounding structures. The slope of the lot slopes down from the street to the middle of the yard, and then slopes upward toward the rear property line. There is a drainage easement that cuts through the property and is located in the middle of the lot. The existing structure is existing nonconforming in terms of front and side setbacks and there is an existing foundation, retaining walls and other structural modifications made to accommodate the existing structure. Structures on adjacent properties at 317 and 329 Sausalito are set back to toward the rear of their respective lots, providing significant setback between the subject structure and adjacent structures.

2. **Because of these special circumstances, the strict application of the title will result in practical difficulty and unnecessary physical hardship and will deprive the property of privileges enjoyed by other properties in the vicinity and under identical zone classification.**

The applicant has proposed additions and a remodel of an existing nonconforming structure that meet all development standards including lot coverage, floor area, height and parking. The existing structure is nonconforming due to the unique conditions of the lot which limit development to the front half of the lot. Given that there are significant portions of the existing foundation within the front and side setback, strict application of the title would require that the applicant significantly modify the existing foundation and modify the lot to an extent which would create an unnecessary physical hardship. The lot is unique for a number of reasons and denying the variance would deprive the applicant of building a structure which is otherwise in keeping with the intent of the Zoning Ordinance and General Plan.

3. **The variance or adjustment will not constitute a grant of special privileges and is consistent with the limitations upon other properties in the vicinity and under identical zone classification.**

Most properties do not have a drainage easement running through the property, and of those that do, even fewer have such an easement running through the middle of the lot. Granting a variance to allow construction of the structure within the front setback would not grant a special privilege but would instead acknowledge and accommodate the real and unique development challenges presented by this lot.

4. **The granting of the variance or adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity.**

Granting of the variance will help maintain the location of the existing structure which is of benefit to the neighboring properties which currently enjoy a significant setback between homes. Allowing the structure to be built within the front and side setback will allow the applicant to more easily accommodate two parking spaces off the street which is of benefit to surrounding residences and helps avoid congestion on a narrow and curving portion of the street. The variance will not be detrimental to the public welfare or injurious to other properties.

5. **The variance is consistent with the objectives of this title and with the general plan.**

Because findings 1-4 can be made, the issuance of this Variance can be considered consistent with the Zoning Ordinance. The proposal and variance are consistent with the General Plan because they improve the existing housing stock in ways that do not negatively impact neighboring properties.

CONDITIONS OF APPROVAL

PLANNING DEPARTMENT

1. Plans submitted for building permit shall include these conditions of approval on one or more of the sheets.
2. The applicant shall provide with the building permit application submittal a signed "Owner and Contractor Statement" (attached). This signed document acknowledges that the owner and contractor have read, understand and accept the responsibility to implement the conditions of approval. The proposed project shall be constructed substantially in accordance with "Sausalito Street Residence" project plans stamped "Official Exhibit" with a RECEIVED stamp date of March 8, 2017, and the colors and materials boards stamped "Official Exhibit, Approved by P.C., Resolution 17-008, Permit No. PL-2016-0107 & PL-2016-0108, 3/14/17" except as amended by the conditions listed below.
3. If this project requires a new water service or a larger water meter then prior to submitting an application for a building permit with the Town of Corte Madera, the applicant shall provide written documentation that the project complies with the graywater provisions of Title 13 of the Marin Municipal Water District (MMWD) Code (Ordinance 429). MMWD Graywater information is available at marinwater.org/155/Graywater or 415-945-1530.
4. No other changes shall be made to the approved site plan or landscape plans without written approval from the Corte Madera Planning Department. If the applicant proposes changes that require Planning Department review to determine conformance with the approved plans, the Planning Director may require a \$500 deposit for a Permit Amendment, pursuant to the Corte Madera Fee Schedule. The Planning Director may also refer proposed changes of the approved plans to the Planning Commission for review.
5. Design review approval shall remain valid for a period of one year after which the approval shall lapse and become null and void. The issuance of a building permit shall constitute an extension of the design review approval which shall then remain valid during the same time period the building permit is active. If building permits have not been issued before expiration of design review approval, an extension may be requested as prescribed in Section 18.30.090 of the Town Zoning Ordinance. Such requests must be made before expiration of the Design Review approval. If building permits expire before completion of the project, the Planning Director may at their discretion, permit an extension of the Design Review approval.
6. All exterior lighting must be night sky compliant and not create a glare or hazard on adjoining streets, properties or residential areas. Said lighting must be designed and installed so that the filaments, light sources or lenses are shielded with opaque material in such a way that they will not be visible at property lines. Any changes to proposed lighting must be approved by the Planning Department.

7. Prior to a final building inspection of this project, the applicants shall contact the Planning Department to schedule an inspection of the finished project to ensure compliance with all of the required conditions of approval.

BUILDING DEPARTMENT

8. Building permits are required for this project. Please contact the Corte Madera Building Department for specific submittal requirements. Plans shall comply with the 2016 Building Standards Codes.
9. Hours of construction shall be limited to 7:30 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturday, provided that if any reasonable and credible work-related complaints are received by the Town about construction on a weekend, no further work shall be conducted on a Saturday; and provided further, if any reasonable and credible work-related complaints are received by the Town about construction during any weekday, the Planning Director is vested with the authority to impose reasonable conditions to address the issues that gave rise to the complaint. Whether or not a complaint about construction is reasonable and credible shall be left to the sole and sound judgment of the Planning Director. In order to mitigate the adverse impacts the applicant's construction activities have on neighboring property owners and renters, the Planning Director shall be vested with the authority to impose reasonable conditions on the applicant's hours of construction and/or the applicant's construction activities. No workers shall be on the site except during these hours. Without limiting the generality of the foregoing, no preparatory work or staging shall be allowed to occur on the site or on adjacent properties except during the hours specified above. No work shall be performed on a legal holiday.

PUBLIC WORKS/ENGINEERING DEPARTMENT

Grading and Drainage

14. In accordance with section 15.20.030 of the Municipal Code, the applicant may be required to obtain a **Grading and Drainage Permit** from the Public Works Department prior to issuance of a Building Permit. The application for this permit shall include, but not be limited to, a site grading plan/drainage plan showing topographic information prepared by a licensed civil engineer or landscape architect. If a geotechnical report is required, the project geotechnical/soils engineer shall review and approve the grading/drainage plan for conformance to the report prepared for the project. All grading and drainage permits require the applicant complete the "Construction Erosion and Sediment Control Plan Applicant Package", section "MCSTOPPP ESCP Standard Template" pages 1 through 11 and submit with the Grading and Drainage Permit prior to the issuance of a Building Permit.
15. No earthwork shall take place during the rainy season between October 15th and April 15th without special written authorization from the Director of Public Works. Unless specifically exempted, earthwork operations will require an **Erosion and Sediment Control Permit** from the Public Works Department per Municipal Code Section 15.20.285. The permit will require the installation and maintenance of appropriate

- erosion and sedimentation control measures for the proposed work. The applicant will be required to obtain the permit prior to the issuance of Building Permit.
16. As of July 1, 2015 new projects must comply with NPDES Phase II permit storm water discharge requirements. Show how this project will comply with the new requirements and fill out required forms. This requirement will be prepared by an Engineer familiar with NPDES Phase II permit storm water discharge requirements.
 17. Where possible, drainage facilities shall be installed to collect roof drainage and surface water runoff from driveways, walkways, and other paved surfaces. Drainage shall be conveyed and disposed in a manner that avoids concentrated flows and minimizes impacts to adjoining properties. Drainage collection systems shall be designed to Town standards and the flow shall be conveyed to a publicly maintained or natural storm drain system. Runoff shall not be diverted from one drainage area to another. The subsurface drainage system of the foundation or the retaining wall shall remain separate from the surface drainage system.
 18. The parking space shown on the south side of the driveway is not feasible with the adjacent retaining wall configuration.

Work In Public Right-of-Way

19. Per Town Resolution No. 3314, a project over \$10,000.00 is subject to the **Street Impact Fee** equal to 1% of the project valuation. Applicability of this fee will be determined at the time of Building Permit.
20. At the time of Building Permit, the Public Works/Engineering Department will inspect encroachments, vegetation, sidewalks, and drainage at the property for compliance with the Town Municipal Code. The applicant shall bring the property into compliance with the Municipal Code in accordance with Town standards and to the satisfaction of the Public Works Director/Town Engineer prior to final acceptance of the project.
21. The applicant will be required to obtain an **Encroachment Permit** from the Public Works Department for all activities within, or use of, the public right-of-way (curbs, sidewalks, etc...) per Municipal Code Section 12.04.040. Work in the public right-of-way shall be in conformance with the Marin County Uniform Construction Standards and Specifications. The permit shall be obtained prior to any work being performed within the Town right-of-way.
22. Per Municipal Code Section 12.04.040, an **Encroachment Permit** from the Public Works Department will be required for any activities within, or use of, the public right-of-way such as placement of debris boxes, staging of equipment in the street, traffic control activities, or street closures, subject to the review and approval of the Public Works Department.
23. The applicant may be required to prepare and submit a **Construction Management Plan** to the Public Works/Engineering Department prior to the issuance of the Building Permit. The Plan shall provide a general overview of the construction process as it affects the public right-of-way and surrounding neighbors. At a minimum, the plan should outline the schedule of construction, the locations for staging of equipment and materials, and the truck routes that will be used for deliveries.

24. Prior to the issuance of the Building Permit, the applicant may be required to provide a **Construction Parking Plan** to Public Works. The Plan shall propose a system to minimize the effect of construction worker parking in the neighborhood, include an estimate of the number of workers and vehicles that will be present on the site during various phases of construction, and indicate where sufficient off-street parking will be provided.
25. The private use of public property, public easements, or right-of-ways, or the construction of private improvements thereon, may be subject to review by the Town Council, and a **License Agreement to Permit Encroachment on Town Property** will be required to be executed by the applicant and recorded with the County.

Sanitary Sewer

26. Per Town Ordinance 21.32.050 and Sanitary District #2 Ordinance 34 § 2, the applicant is subject to an additional **Sewer Connection Charge** based upon an alteration of use. This alteration may be the result of changes to the premises or to the use of sewer facilities, in terms of either discharge or strength. The additional sewer connection charge for FY 2016-2017 is \$2,103.
27. The existing sewer lateral serving the property shall be pressure tested or inspected by in-line video equipment from the building foundation to the main in accordance with Sanitary District No. 2 standards. Should the lateral fail this test, the applicant shall obtain a **Sanitary Sewer Permit** for the repair or replacement of the lateral in accordance with District standards prior to final acceptance of the project.
28. The applicant may be required to obtain a **Sanitary Sewer Permit** to be issued by Sanitary District No. 2 for all work associated with the sanitary sewer mains or laterals serving this property, including the installation of a backflow preventer device. An application for this permit shall be made to the District prior to beginning any work on the sanitary sewer system.

Construction Operations

29. Prior to the issuance of a Building Permit, it may be required that a cash deposit up to a maximum amount of \$10,000 be posted for bonding purposes to ensure repair of any damage to roadways, landscaping, and other public improvements in the Town right-of-way caused by the applicant's construction-related activities. The amount of the cash deposit shall be determined at the time of the Building Permit. Said cash deposit shall not be released until the project, including all landscaping, is completed and all required repairs have been made.
30. Prior to the issuance of Building Permit, a video or photographic inspection of the existing conditions of the roadways and other public improvements adjoining the project may be required of the applicant. The inspection results shall be submitted to the Public Works Department.
31. Any damage to the street caused by heavy equipment or because of project construction activities shall be repaired, at the applicant's expense, prior to issuance of the Certificate of Occupancy. All hazardous damage shall be repaired immediately. Any heavy equipment brought to the construction site shall be transported by truck.

32. Per Municipal Code Section 9.33.100, the applicant shall employ best management practices (BMPs) as appropriate from the California Stormwater Best Management Practice Handbook for Construction Activity, latest edition, or from the Erosion and Sedimentation Control Field Manual published by the California Regional Water Quality Control Board, to control and prevent the discharge of sediment, debris and other construction related wastes to the storm drainage system or waterways, including, but not limited to, general construction, concrete and mortar application, heavy equipment operation, road work and paving, and earth-moving activities.

FIRE DEPARTMENT

33. This property is within the Wildland Urban Interface zone and will be subject to specific fire safety requirements. Please contact the Corte Madera Fire Department for more information.

INDEMNIFICATION AGREEMENT

34. The applicant/owner shall:
- A. Defend, indemnify, and hold harmless the Town of Corte Madera and its agents, officers, attorneys, or employees from any claim, action or proceeding (collectively referred to as "proceeding") brought against the Town or its agents, officers, attorneys, or employees to attack, set aside, void, or annul an approval, which proceeding is brought within the applicable statute of limitations. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and the cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the Town, and/or the parties initiating or bringing such proceeding.
 - B. Defend, indemnify, and hold harmless the Town, its agents, officers, attorneys, or employees for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending any document, if made necessary by said proceeding and if applicant desires to pursue securing such approvals, after initiation of such proceeding, which are conditioned on the approval of such documents.
 - C. In the event that a proceeding is brought, the Town shall promptly notify the applicant of the existence of the proceeding and the Town will cooperate fully in the defense of such proceeding. In the event that the applicant is required to defend the Town in connection with any said proceeding, the Town shall retain the right to (1) approve the counsel to defend the Town, (2) approve all significant decisions concerning the matter in which the defense is conducted, and (3) approve any and all settlements, which approval shall not be unreasonably withheld. The Town shall also have the right not to participate in said defense, except that the Town agrees to cooperate with the applicant in the defense of said proceeding. If the Town chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the Town in such matters, the fees and expenses of the counsel selected by the Town shall

be paid by the Town. Notwithstanding the immediately preceding sentence, if the Town attorney's office participates in the defense, all Town attorney fees and costs shall be paid by the applicant.

- D. In the event that the Town is require to initiate legal action to enforce the above indemnification conditions, the applicant shall indemnify the Town for any and all costs and fees incurred by the Town in connection with that enforcement action.

APPEAL PERIOD

- 35. No building permit, Certificate of Occupancy, or other Town approval shall be issued until the expiration of the appeal period. The appeal period extends ten calendar days from the date the decision of the Planning Commission or Zoning Administrator was made. Unless a shorter statute of limitations period applies, the time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

STOP WORK ORDER - RED TAG ORDINANCE

- 36. Per Section 15.70.010 of the Municipal Code, whenever any construction or other work that is subject to any provision of the Code has been, or is being, done in any manner that is contrary to any of the provisions of the Code, any ordinance of the Town, or any condition of a permit, approval, or other entitlement granted by the Town, the Town Manager or his/her designee may order that all construction or work on the property be stopped immediately by notice in writing mailed to any person engaged in doing or causing such work to be done and the owner of the property, and by posting on the property where the violation has occurred, or is presently occurring, a notice to stop such construction or work. Such person shall forthwith stop such work until authorized by the Town to proceed.

* * * * *

PASSED AND ADOPTED by the Corte Madera Planning Commission on March 14, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Peter Chase, Chair Date

Adam Wolff, Director of Planning and Building Date

**ATTACHMENT 2
EXISTING CONDITIONS
TAKEN BY STAFF**



Front Elevation as see from Sausalito Street



Looking West to Rear Yard



Looking East from Rear Yard



North Elevation seen from 329 Sausalito



Corner of 329 Sausalito seen from rear yard at 323 Sausalito



Corner of 317 Sausalito seen from rear yard at 323 Sausalito



Lower pole representing lower level, higher pole representing upper level