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3 **SAUSALITO PLANNING COMMISSION**
4 **REGULAR MEETING**
5 **Wednesday, April 9, 2008**
6 **APPROVED MINUTES**

7 At 6:30 p.m., Vice Chair Keller convened the April 9, 2008, Regular Meeting of the
8 Sausalito Planning Commission in the Council Chambers of City Hall at 420 Litho
9 Street.

10
11 **ROLL CALL**

12
13 **PRESENT: Vice Chair Keller; Commissioners Petersen and Bair**
14 **ABSENT: Chair Kellman; Commissioner Bossio**

15
16 **APPROVAL OF AGENDA**

17
18 Interim Community Development Director Diane Henderson noted that the
19 Harrison Park Playground, Item No. 3 on the agenda, will not be heard that
20 evening. The applicant is relooking at the equipment to be used at the park.

21
22 Commissioner Bair said as an aside on that issue, it would be a good thing to nail
23 down where everything is. He measured the distance from the proposed
24 equipment to the rear property line of the neighbor, and although the drawings say
25 it's 15 feet, it looks like it is closer, according to his measurements.

26
27 Commissioner Petersen said the Commission requested a boundary survey and in
28 the packet is a survey which does not have boundaries on it at all. It just shows the
29 fence and the fence is generally known to be exactly where the property line is not.
30 But it doesn't tell you where the property line is.

31
32 **Vice Chair Keller moved, seconded by Commissioner Petersen, to adopt the**
33 **agenda as amended.**

34
35 **The motion was approved unanimously without a roll call vote.**

36
37 **DIRECTOR'S REPORT**

38
39 Ms. Henderson introduced the new Community Development Director, Jeremy
40 Graves.

41
42 The Commission welcomed Mr. Graves.

43
44 Mr. Graves thanked the Commission and noted that the City Manager has
45 prioritized moving forward with the public safety facilities and enhancing public
46 service. He looks forward to working with the Commission.

1
2 Vice Chair Keller thanked Ms. Henderson for her service to the City. The City has
3 been really lucky to have her during this transitional period.

4
5 **APPROVAL OF THE MINUTES**

6
7 **Vice Chair Keller moved, seconded by Commissioner Bair, to continue**
8 **approval of the minutes until the next meeting when Chair Kellman is**
9 **present.**

10
11 **The motion was approved unanimously without a roll call vote.**

12
13 **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

14
15 **Richard Carnell [phonetic]** lives at 330 Johnson Street, Suite 4 in the apartments
16 above the dentist office. Light pollution in Sausalito is a little bit more of a concern
17 than a simple tree obstructing a view. It's come to his attention in his home with
18 three glaring new lights that have installed at Bridgeway Gas at streetlight level.
19 Those lights are obstructing the Richardson Bay views. He'd suggest this type
20 situation be deemed a nuisance; he asked the staff to research any ordinance that
21 might apply to light pollution. The lights are sometimes left on all night. You can
22 see the lights as far away as Belvedere and Tiburon. There are lots of green
23 reasons not to leave the lights on all night. He's asking the Commission to look
24 into the issue of light pollution. He can't sleep and they obstruct the view of several
25 businesses and residents in the area. He asked that the Commission not approve
26 a variance for the lights at the gas station. He'd like the following questions
27 addressed:

28
29 Are there guidelines for element visibility lumens spill lighting?

30
31 Is there any street light height requirement?

32
33 What pole limits might be appropriate in accordance with proper signage?

34
35 What constitutes light trespass and light nuisance?

36
37 He has a neighbor who calls PG&E every morning because PG&E leaves their
38 floodlights on overnight. The response from PG&E was that they can leave the
39 lights on because the lights are on PG&E property. There are five states that have
40 enacted light pollution laws. The City should fund research of the problem as a
41 planning department task so a fair resolution can be obtained for all businesses
42 and residences in Sausalito.

43
44 Commissioner Petersen thanked Mr. Carnell for bringing this issue to the Planning
45 Commission's attention. He would imagine that an ordinance would be very similar

1 to the City's noise pollution ordinance, except measuring would be done
2 differently.

3
4 Mr. Carnell said the main thing is after 10 o'clock. There's a curfew after 10 o'clock
5 for less than 18-year-old kids. There's also the ladies' club that was founded on
6 obstruction of views with trees, you know, somebody was cutting down cypress
7 trees, and so he really thinks this is a pressing issue, it certainly is for him every
8 single night when he tries to go to sleep; two to three nights a week he's got these
9 lights glaring through his bedroom windows.

10
11 He'll look forward to hearing from City staff when this item is agendized.

12
13 Commissioner Bair said lighting does come up when the Commission is dealing
14 with specific projects.

15
16 | Vice Chair Keller said certainly the Commission puts restrictions on timing lighting;
17 it's an energy savings issue as well.

18
19 Mr. Carnell said absolutely. Even San Francisco is looking at fining businesses
20 who leave their lights on all night.

21
22 Vice Chair Keller said the City has had a number of commercial applications come
23 to it in the past where the Commission has required lights to be turned off after 9
24 or 10 o'clock depending on how late the business is open.

25
26 Commissioner Bair said you notice it if you walk at night, especially in the
27 residential areas where residents install huge security lights. Although they're
28 motion sensitive, they're still a nuisance as long as they come on; there's research
29 that shows that this kind of lighting doesn't do much good, actually people's eyes
30 adjust and see more things. He would like to see something done on this.

31
32 Commissioner Petersen asked that staff put an item on the director's report for a
33 future meeting about what exists now and what can be done to develop guidelines.

34
35 Mr. Carnell said he has referenced in the report he gave the Commission some of
36 the guidelines that have been imposed in other areas.

37
38 Vice Chair Keller asked Mr. Graves to report back to the Commission on the issue
39 at the next meeting, to try to delineate what the ordinance is pertaining to lighting.
40 What is on the books now compared to other areas?

41
42 Mr. Graves said he can certainly check with the City Attorney to see what is
43 currently on the books regarding regulation of lighting and spill over to other
44 properties and report back to the Commission.

1 Commissioner Petersen said it would be interesting to address not just private
2 projects but also in the City's own parking lots and street lighting, which is probably
3 the biggest source of lighting in town, not just the commercial businesses or
4 residences.

5
6 Commissioner Bair said part of it is the whole energy savings issue as well. Cities
7 spend huge amounts of money in terms of keeping things lit up. And maybe that's
8 good to a certain extent but it's probably good to evaluate where that line is.

9
10 Commissioner Petersen said that's part of it, and now that LEDs are finally putting
11 out a decent illumination; you can now be obnoxious with only 4 watts whereas
12 before it took 75. So it isn't just a matter of bringing the wattage down, it's a matter
13 of bringing the lumens down and the way things are directed. So it's a little more
14 than just bringing the wattage down and saving energy.

15
16 Vice Chair Keller thanked Mr. Carnell for his comments.

17
18 **CONTINUED PUBLIC HEARINGS**

- 19
20 **1. 376-378 SAUSALITO BOULEVARD**
21 **(TM/UP/DR/EP 05-070/APN 065-252-27)**
22 **Carolyn Roskowski (Owner/Applicant)**
23

24 **The property owner, Carolyn Roskowski requests Planning Commission**
25 **action for a Condominium Conversion, including a Conditional Use Permit**
26 **and Tentative Map, and an Encroachment Permit, to approve the existing**
27 **tandem parking arrangement on the site, which extends into the public right-**
28 **of-way in order to convert the existing duplex into two condominium units**
29 **with surrounding common area.**

30 .
31 **The Planning Commission previously approved a Design Review Permit for**
32 **a master suite addition of approximately 800 square feet including a**
33 **bedroom, bathroom and storage area in the bottom unit (376 Sausalito**
34 **Blvd.), and minor changes to the exterior of the structure, including a new**
35 **rear balcony, reconfiguration of the existing exterior stairway, and new**
36 **doors and windows on the rear elevation.**

37
38 **Staff Report by [Assistant City Contract Planner Loraine Weiss](#)**

39
40 Ms. Weiss reported that this item was continued from the April 26, 2006, Planning
41 Commission hearing. The property owner is requesting that the Commission take
42 action on a condominium conversion which includes a Conditional Use Permit
43 (CUP), a tentative map, and an encroachment for the existing tandem parking
44 configuration on the site, which extends into the public right of way. At the April
45 2006 Planning Commission meeting the Commission heard public testimony and
46 heard from the property owner and did a couple of different things that night: They

1 approved the design review permit for the project which included an 800-square
2 foot addition and a number of minor exterior changes to the property. Additionally
3 the Commission continued the actual condominium conversion in part because the
4 same night another condominium conversion that had an encroachment permit
5 was heard by the Commission and denied. The Commission suggested to the
6 property owner that he might want to wait to see if that project was appealed to the
7 City Council. The present application was continued. In the City Council's review of
8 the appeal, the Council noted that the encroachment permit into the public right of
9 way is a difficult one to decide whether or not it should be granted. In this
10 particular situation they found there were enough physical circumstances that
11 would allow the granting of that particular encroachment. They also mentioned
12 several times that while they were granting that particular encroachment permit
13 and condominium conversion, that each case should be heard on an individual
14 basis and the merits of each case should be considered and findings made
15 specific to each application. That item was before the City Council on January 8;
16 they did overturn the decision of the Planning Commission and did approve the
17 condominium conversion with the encroachment permit. Since then the property
18 owner of 376 and 378 Sausalito Boulevard has sent a letter to the planning
19 division requesting that the Planning Commission take action on her project. The
20 original staff report that went to the Planning Commission in 2006 and the
21 recommendation for denial of the application based on what the Planning
22 Commission stated at the time are included in the Commission's packet that
23 evening. Tonight the Commission can do one of two things. It can take action
24 approving the project or denying the project, realizing that there's a good chance
25 that if the project were to be denied it would be appealed to the City Council. If the
26 Commission were to choose to approve the project the Commission would want to
27 direct staff to return back to the Commission at its next public meeting on April 23
28 with the revised resolution.

29
30 Commissioner Petersen asked what were the physical circumstances that were
31 particular to the Edwards' property?

32
33 Ms. Weiss said the Council felt that while that particular tandem configuration
34 would end up extending into the public right of way by 10 feet, it was not extending
35 into the part of the right of way that is the road bed where vehicles would
36 maneuver, so it wasn't impeding traffic. The Council didn't feel that it was a safety
37 concern or that someone backing out would suddenly be hit by a car that was
38 coming down the roadway. There weren't any blind situations there, so physically
39 the Council thought this was okay. They also thought that the roadway was wide
40 enough to have cars going up or down Edwards Avenue and at the same time
41 have the tandem parking configuration.

42
43 Commissioner Petersen asked if those physical attributes are also true for this
44 property on Sausalito Boulevard? Are all of those things true in this case?

45

1 Ms. Weiss said yes. In this particular case, those things are true. There are some
2 other facts that are different from the Edwards' property. One is that there are
3 three oak trees in front of the property, two of which are on site and one which is
4 actually in the public right of way but not in the road bed. So that prohibits
5 someone from parking directly in front of the house other than in front of the
6 garage. Additionally, the roadway is approximately 24 feet wide and even with the
7 encroachment of the cars extending into the public right of way, just like the
8 Edwards' property, they aren't impeding traffic and there aren't any blind sections
9 in the area.

10 11 **Presentation by Applicant**

12
13 **Carolyn Roskowski** is the owner of 378-376 Sausalito Boulevard. Ms. Roskowski
14 distributed photographs of the site illustrating the proposed encroachment to the
15 Commission. If she had known the Edwards' project would take this long, she
16 would have probably appealed the decision on her property a long time ago. But it
17 was the advice of the Planning Commission that she await the outcome of the
18 Edwards' condo conversion. As a result, every time an issue came up on what was
19 needed to be added to her file prior to coming to the Planning Commission, she
20 was told it was predicated on the outcome of the Edwards' appeal. There aren't a
21 lot of condo conversions going on in Sausalito, and the Edwards' request for four
22 car tandem parking was very parallel to her situation. She was very encouraged by
23 the discussion at the City Council meeting January 8 because most of that
24 discussion was centered around what she was first told when she went to staff
25 before she put down her \$4,000 application fee or paid her first \$6,000 tentative
26 maps. ~~W~~he said, "Is my four-car tandem parking acceptable; does that satisfy the
27 four car parking requirement of condo conversion?" Because she knew that was
28 the only gray area in the requirements. Staff said "We think so, but let's have our
29 engineer go out and take a look. The only reason it would be denied is if it was
30 creating a safety hazard." And so the interim City Engineer at the time came out to
31 her property and he said, yep, sure enough, as demonstrated by the photos, there
32 is significant room available backing out of the tandem parking. The right side
33 neighbor has a legal parking space in front of their house. Continuing up the road
34 to the gray fence, that's the front of her house, in the City right of way, where
35 there's no parking. And then beyond that are two more legal parking spaces. The
36 final picture looks across the street where there is absolutely no parking and no
37 houses. It's literally a wide open field. In the City Council meeting, they stated
38 exactly what was told to her in the beginning: "It's existing parking, it will always be
39 parking, she's not asking for anything new to be built in the City right of way, we
40 have no problem with this." That was the final sentiment that came out of the
41 Council meeting, although they did say they didn't want to "open the floodgates,"
42 which she doesn't understand, because it's not the case that there are hundreds of
43 applications for condo conversion. She encourages the Commission to set a
44 precedent because if they do set a precedent on tandem, four-car, existing parking
45 that is in the City right of way but will continue to be parking in the City right of way
46 and is not creating a safety hazard, the Commission is then preventing the

1 floodgates from opening up from condos or duplexes who have two or three car
2 parking or no parking at all. It's very difficult to find a duplex that has four-car
3 parking off street. The whole issue of City right of way comes up all the time; she's
4 aware of that because she's a realtor. The City right of way is actually encroaching
5 into her driveway because it comes in at this ridiculous angle; if the City were to
6 take it back, you couldn't build anything, it's not going to improve the width of the
7 road, you couldn't put a sidewalk there. It's really pretty much a useless piece of
8 property. Again, by granting this condo conversion nothing changes on the
9 property whatsoever. Thank you.

10
11 **Public Comment**

12
13 **Sean McCardle [phonetic]** lives three doors up the street from the applicant.
14 Regarding the floodgates, he doesn't think there is a problem with opening the
15 floodgates, either. He was the third of three applicants in October when the
16 Edwards couple, Ms. Roskowski, and he, had condo conversion applications. He
17 is basically third in line now and has been waiting for the Edwards' situation to be
18 resolved. In order to get into the market to buy something in Sausalito, he and a
19 friend co-purchased a property and divided into two units. He tried to find someone
20 to buy half a duplex, which is really the only way you can get into Sausalito, is to
21 buy half of something. They now have a tenant in common agreement and have
22 done everything with the exception of this issue and installing fire sprinklers to get
23 the property condo converted. Ms. Roskowski has done everything she can to get
24 this approved because she's had a vacant unit this whole time. He is fully
25 supportive of Ms. Roskowski's project, as are the neighbors up and down the
26 street. The neighborhood has a unique condition in that Sausalito Boulevard has
27 an enormous right of way. The tandem spot on his property is not on the street,
28 there are no sidewalks on Sausalito Boulevard. So there's no controversy here; it
29 just happens that their second car is parked in the City right of way, but people
30 have been parking there since the 1960s when these buildings were built. He will
31 be seeking approval of a similar application, but he doesn't think there is anybody
32 else and the neighborhood is supportive of this.

33
34 **Georgette Osterman** owns the house directly to the right of the applicant at 370
35 Sausalito Boulevard. Her concern about the project and condo conversions along
36 Sausalito Boulevard is that she has counted 14 duplexes between her house and
37 Spencer Avenue. She's sure they would all love to maximize the value of their
38 properties and her concern is what's going to happen if everybody turns everything
39 into condos and decides that they really don't want to park tandem because
40 there's a spot on the street. There is very limited parking on Sausalito Boulevard
41 and it's very narrow, especially where the turn is in front of the applicant's house.
42 She has a lot of empathy for the applicant wanting to maximize her property but at
43 the same time she doesn't want to see 14 condo conversions on Sausalito
44 Boulevard. This is three in a couple of blocks already. If people buy an apartment
45 in Sausalito, they should get a parking place, they shouldn't have to park tandem if
46 they don't want to, if it's possible to give them some other parking situation other

1 than putting them out on the street and turning the street parking into a private
2 parking lot.

3
4 **Robert Gard** [phonetic] has owned 388 and 390 Sausalito Boulevard for over 20
5 years. In that entire time he's seen three or four different owners of the 376-378
6 property and multiple tenants. He's never seen where there was a parking issue
7 whereby the vehicle encroached into the street creating a safety hazard. So he's in
8 favor of the project. He'll be happy to answer any questions.

9
10 **Lee Budlong** [phonetic] lives at 91 Santa Rosa. She came to observe the
11 process, but in talking about City right of way, it brings up the same thing that they
12 talked about regarding light pollution. The question is "What are the rules?" And as
13 far as real estate goes, it is fantastic to be able to get into a market that seems out
14 of your realm; it feels good to own a place and know your destiny. As far as
15 parking goes, parking is always going to be one of those things that people
16 debate. The bigger picture is how can the City get people who want to buy
17 properties in Sausalito, when the City doesn't want to have a lot of new
18 construction, as opposed to moving further north. It's a great community, and her
19 suggestion would be to figure out how to make it possible for people to afford to
20 invest in housing in Sausalito, and let's make the rules more clear.

21 22 **Further Remarks by the Applicant**

23
24 Ms. Roskowski noted this is a two-year long issue and she's still not clear on
25 whether the Planning Commission ruled on right of way issues. What was the big
26 show stopper two years ago was that Commissioners Kellman and Leone said
27 we're really sorry you went through all this and spent all this money but we can't
28 rule on the City right of way, only the City Council can rule on that. At the time
29 there was a planning director who actually did a 180 right at the end. When she
30 and the other applicant on Sausalito Boulevard discussed the projects with staff,
31 they were shocked after working almost two years with staff to get everything done
32 and then to be told by Paul Kermoyan that the City Council doesn't want the City
33 to give any more right of way away, and that staff wouldn't be supporting her
34 application. When she asked this time around if the staff would be reviewing it
35 based on different rulings and precedents that have been set along the way, she
36 was told no, the staff is not going to now reevaluate this and say "we're for it,"
37 because it's a continuance. Essentially, staff told her: "Carolyn, stick to the facts.
38 What you want to do tonight is just get a vote and move on with this, you're either
39 going to move onto City Council or not." So when she first came in and saw that
40 Chair Kellman and Commissioner Bossio weren't present, two of the
41 Commissioners that were present in the initial round, she thought maybe she
42 should wait. But if the Commission really can't rule on it and it has to go to City
43 Council anyway -- can anyone clear that up for her?

44
45 Vice Chair Keller said there's a Municipal Code and the Commission's directive is
46 to act as to whether or not the project can be allowed based on the code and

1 based on the findings. The Commission cannot actually amend or change the
2 code, that has to go through the City Council. So what Ms. Roskowski is talking
3 about is a much broader issue.

4
5 Commissioner Petersen said she might also be referring to encroachments, which
6 the Commission can only give recommendations for to the City Council and the
7 Council ultimately approves or denies.

8
9 Vice Chair Keller said that's another issue.

10
11 Ms. Roskowski said the encroachment was the issue. Everything else is done.

12
13 Vice Chair Keller said he understands Ms. Roskowski's point. The City is trying to
14 accommodate applications; staff does a very good job; staff's purpose is not to
15 impede applicants, they are trying to walk applicants through the process. And in
16 the end, it's up to the Commission to make the decision. Staff can only write the
17 report, help the applicant along the way, and then present it to the Commission,
18 which takes public comment. Ms. Roskowski's earlier comment about the City right
19 of way being a useless piece of property is incorrect; it's not a useless piece of
20 property. The City is granting the individual the right to access the property that
21 individual purchased. The initial code is there for a reason; it doesn't mean it can't
22 be amended because there are exceptions and there are situations because so
23 many of the houses in Sausalito are on the lower side of the hill and the access is
24 going to be across the public right of way. His issue is that applicants who have
25 been using the public right of way as parking for their own residence have been
26 doing it for five or six years and suddenly they come to the City to legalize this in
27 the form of condominiums. The City has been granting the property owner access
28 to his or her property and they've not disallowed them to park in the public right
29 away. But now the applicant is asking the City to change the rules. He
30 understands and empathizes with Ms. Roskowski's situation. But this is a much
31 broader issue. He was surprised that the Council overturned the Commission's
32 original decision and if the Council's going to continue to do that they're going to
33 have to revisit the Municipal Code and they're going to have to amend it. The
34 Commission is not an elected body, and the Commission interprets the code
35 based on the findings and the rules set by the City. He hopes that helps answer
36 her question.

37
38 Ms. Roskowski said she meant "useless" in the context of widening the streets or
39 putting in a sidewalk. There is still clearly plenty of room to put in a sidewalk--
40 although you'd have to take out some driveways -- but normally a right of way will
41 be used by the City to widen the road or put in a sidewalk, and that was addressed
42 by the City Attorney Mary Wagner when she said before the Council that there are
43 houses built in the City right of way and most driveways are in the City right of
44 way. The aspect of putting in a sidewalk or widening Sausalito Boulevard is pretty
45 much slim to none, which was Ms. Wagner's advice back to the Council. So again
46 it was a matter of as long as the applicants were not asking to build new

1 encroachments into the right of way, if they were existing, the Council didn't see a
2 problem with that. And that was the general tone, and she agreed with that
3 assessment. What will happen though and what has been done earlier at the
4 property at 396 is they just went ahead and sold as a TIC. What condo conversion
5 does for the City of Sausalito is puts in the fire sprinklers that are desperately
6 needed on those hilly streets where the fire trucks have difficulty getting up and
7 down. It also gets the electric buried. If not granted as a condo conversion, it's not
8 going to stop the division of duplexes, because TICs are not regulated by the City.
9 Two to four units are not regulated by the state; it's only five units and above. So
10 having the city be on board with it, everyone who has one of those 12 duplexes up
11 Sausalito Boulevard would be willing to go through the incredibly expensive
12 process of condo converting, because fire sprinklers mean opening up every
13 single wall and ceiling in the entire buildings. To sell as a TIC you don't have to put
14 in fire sprinklers or bury electric, both things that the City benefits from. The only
15 change in her property, whether she's a condo conversion or whether she sells as
16 a TIC, is she gets a parcel number, a tax ID number through Sacramento and that
17 is the only difference. A TIC agreement put together by a lawyer is a lot cheaper
18 than CCNRs and it already splits the property taxes and the insurance. The
19 insurance, whether you're a condo or a TIC, are still split between the applicants
20 because you're still sharing a roof. So the only difference is property taxes. And
21 again that's a benefit to Sausalito because the property taxes will increase as
22 condos. It's good for the City; it's good for Sausalito Boulevard; it doesn't change
23 the parking; there are rentals now, renters have just as many cars as owners;
24 renters park on the street as often as they park in their driveways. There really is
25 no change in her property whether the Commission approves it or denies it, but
26 she hopes they will approve it.

27
28 Ms. Weiss noted for clarification that if the Commission does approve the project
29 that night, the Commission would be approving recommending on to the City
30 Council for the encroachment agreement. Generally speaking encroachment
31 agreements are placed on the City Council agenda as a consent calendar item.

32
33 Vice Chair Keller asked for further public comment.

34
35 No response.

36
37 **Public Comment closed.**

38
39 **Commission Discussion**

40
41 Commissioner Petersen asked if staff can say how many duplexes are there in
42 whatever the equivalent of a block would be on Sausalito Boulevard, up and down,
43 or a couple of blocks? Did staff research that? How many duplexes are there that
44 are not condo conversions already?

45
46 Ms. Weiss said she didn't have that information that evening.

1
2 Commissioner Bair said there's at least one that is on Craigslist regularly that is
3 trying to sell the TIC in that same vicinity.
4

5 Commissioner Petersen said they went to two-car off street parking requirement in
6 1963, and a lot of those were built right around that time or just prior, so there
7 were a number of places that were built just prior to the change for the two-off
8 street parking requirements per unit which made them legal non conforming.

9 That's what he wants to get at; a lot of them are in that same boat, pre-1963
10 duplexes that are legal nonconforming. And would this actually set a precedent for
11 people wanting to privatize off street parking in the right of way because this one
12 has been approved and there isn't anything materially different between this one
13 and their property is something that would be great to know; he doesn't know if
14 that's a concern of the Commission, but it would be good to have that information
15 as to how many of these are duplexes.
16

17 Commissioner Bair said his concern is this issue of encroachment and right of way
18 comes up amazingly often in a variety of contexts. The words in the ordinance
19 have to mean something otherwise there's no predictability for homeowners. As a
20 quasi-judicial body the Commission has to look at the words and ascribe some
21 meaning to them. If he's looking at it and going by what staff looks at,
22 encroachment into the public right of way in his mind is generally going to be an
23 undesirable land use precedent. There is some flexibility in Sausalito because of
24 the nature of the topography, but that's not always the case. But at the same time,
25 the City needs to find a way to address that so that when future Commissioners
26 and staff are struggling with these issues, they can say with reliability that this is
27 the way things are going to work out. And the applicant shouldn't have to wait two
28 years to see how the City Council is going to rule on a particular issue. At the point
29 that she got that direction, his opinion is she should have appealed because it
30 shouldn't take that long. Having said that, he can't find his way to say, "Well, the
31 City Council found this way on one," especially when they direct "don't take this as
32 a precedent." Well, does he take it as a precedent or not? Do these words mean
33 something or not? This came up on the project on Bulkley where there's a one-car
34 garage and the Commission says you need two parking spaces and somebody's
35 car is parked out there at the end of that one-car garage all the time as a
36 unpermitted use, in the sense that he doesn't get ticketed, but they're trying to
37 develop the property that way. He has a lot of trouble with that and at this point he
38 can't say he's going to struggle with it because he just doesn't see how to get
39 around both the recommendation by City staff and the words of the ordinance
40 itself. Otherwise, every decision that comes to the Commission is just "how do we
41 feel tonight."
42

43 Commissioner Petersen said he has struggled back and forth on this one because
44 in truth it's like the applicant said: there really is no difference in use here. Whether
45 you're renting or you're buying a condo, you're still parking and the parking is
46 there, it's been there and it's been used the same way. So there's no real material

1 change in the building use. So in terms of physical impact on the area, it's not
2 going to change whatsoever, as far as he can see. But he still looks at legal
3 nonconforming as one thing and then entitlement to park by granting an
4 | encroachment as quite a different thing; that's a whole other step that the
5 Commission is being asked to take even though to walk by it looks exactly the
6 same: There's a car parked there. But legally it's a whole different thing. And that's
7 what the Commission is being asked to do, is to make that step. There are times
8 that the Commission doesn't want to make that step and it needs to hold onto that
9 ability and the City could easily lose it by just granting it all the time, because "you
10 want to be nice." And the City doesn't really know if it's going to need to have
11 | sidewalks or road widening up there for fire equipment. It's not likely to happen,
12 the City doesn't have the money to do it, but that land is always reserved for some
13 need it may have, as much as it can be, and the City tries not to let a lot of
14 privatization happen so there isn't an undue burden created when they finally need
15 to use that land, and then they are upsetting people who have built something like
16 a parking deck in that right of way that then has to be torn down. He just sees a
17 | big jump between the legal nonconforming statuse of a rental or a duplex and
18 entitled parking as part of a condo conversion. It really is a big jump for him
19 although as he said when you're physically walking by the property it doesn't make
20 any difference whatsoever.

21
22 Commissioner Bair said they're created a whole new legal entity by separating
23 those parcel numbers and you've created an entitlement, as Commissioner
24 Petersen is saying.

25
26 Commissioner Petersen said in truth he doesn't think of property ownership as
27 being the only means and the best means for living in Sausalito. There's an awful
28 lot to say about the rental stock that the City has that it does lose when there's a
29 lot of condo conversions. Not that you can't rent out condos, but they're generally
30 | not as likely to be rented as opposed to a duplex.

31
32 Vice Chair Keller said, as the other Commissioners pointed out, this seems to be
33 coming up very frequently and he's sure it's going to come up even more
34 frequently going forward. The Commission is requiring people to abide by
35 setbacks, front yard setbacks; the applicant next on the agenda has been required
36 to have a setback at the front of their property. It's the code, and there are
37 | exceptions ferom time to time and he normally looks at them from a standpoint of
38 hardship. He doesn't see a hardship here and this is a much bigger issue. It
39 seems that the Commission is leaning towards denying this and he's sorry about
40 that from the applicant's point of view, but this is a much bigger issue that the
41 Council's going to have to face. They're the elected body; they're the ones that are
42 in a position to amend the code. The Commission is not in that position. The
43 Commission is appointed by the Council. Would anybody like to make a motion or
44 have further comments?

45

1 **Commissioner Bair moved, seconded by Commissioner Petersen, to adopt**
2 **the draft resolution of denial.**

3
4 **ROLL CALL**

5
6 **AYES: Commissioners Bair and Petersen;**
7 **Vice Chair Keller**

8 **NOES: None.**

9 **ABSENT: Chair Kellman; Commissioner Bossio**

10
11 Ms. Henderson noted that appeals must be filed within 10 days by providing the
12 letter of appeal and the appropriate fee to the City Clerk's office.

13
14 Vice Chair Keller said to be clear on the decision, the Commission voted in favor
15 of denial of the application based on staff's recommendation.

16
17 [Recess]

18
19 **2. 115 SOUTH STREET (TM/DR 06-008/APN 065-301-05)**
20 **Sven Lavine (Applicant)**
21 **Gabriel Banon (Owner)**
22

23 **The applicant, Sven Lavine, on behalf of property owner Gabriel Banon,**
24 **requests Planning Commission approval of a Tentative Map and Design**
25 **Review in order to demolish the existing single-family home and construct**
26 **two new, detached single-family condominiums on a 6,000-square foot**
27 **parcel. The applicant proposes to construct the lower unit above a four car**
28 **garage. The two-story residences would be approximately 1,680 square feet**
29 **and 2,179 square feet. The residences would cover 47.8 percent (2,865**
30 **square feet) of the total lot area and result in 66.9 percent (4,016 square feet)**
31 **of impervious surface coverage. This project is subject to Heightened**
32 **Review as it exceeds 80 percent of the permitted building coverage and floor**
33 **area limitations. In addition, the Planning Commission would need to make**
34 **required findings with respect to Detached Dwelling Units as the project**
35 **proposes the construction of detached single-family dwellings in an R-2 (R-**
36 **2-2.5) zoning district.**

37
38 **Staff report by Associate Planner Brent Schroeder**

39
40 Mr. Schroeder reported the applicant, Sven Lavine, on behalf of property owner
41 Gabriel Banon, requests Planning Commission approval of a Tentative Map and
42 Design Review in order to demolish the existing single-family home and construct
43 two new, detached single-family condominiums on a 6,000-square foot parcel. The
44 applicant proposes to construct the lower unit above a four car garage. The two
45 two-story residences would be approximately 1,696 square feet and 2,179 square
46 feet. The residences would cover 47.8 percent of the total lot area and result in

1 66.9 percent of impervious surface coverage. This property is located on the south
2 side of South Street; the parcel slopes downhill from south to north and is currently
3 developed within an approximately 1,007 square foot single family home. There is
4 no off street parking at the project site. (Showing site plan, maps and drawings).
5 The parcel area is heavily covered in trees.

6
7 The applicant and project architect submitted a formal design application on
8 February 21, 2006. The project has undergone revisions in 2006 and 2007
9 including redesign to meet staff's request for a five-foot rededication to
10 accommodate future road widening of South Street. The current plans were
11 received in December and January of this year.

12
13 The applicant conducted an outreach to elicit comments form neighbors and held
14 a neighborhood meeting on August 15, 2006. During that meeting residents of 109
15 South Street expressed concern about the proposed venicular and its proximity
16 and raised privacy and aesthetic issues. They requested the venicular be moved
17 to the other side of the site; in response the applicant revised the project to omit
18 the venicular and replace it with ground cover.

19
20 With respect to historic issues of the site, the existing structure was built in 1936,
21 as such it was greater than 50 years old. The Historic Landmarks Board reviewed
22 the project and determined that the existing residence was not historically
23 significant. They did however note that the low stone walls around the property,
24 similar to those on Bulkley Avenue, represent a good example of the stone
25 masonry common at the time the home was constructed and recommended that
26 the applicant consider salvaging the stone work in order to make it available for
27 another project.

28
29 The applicant proposes to develop two two-story detached single family
30 condominium units on the project site, noted on the drawings as Buildings A and
31 B. The buildings would feature three and four bedrooms, two and a half
32 bathrooms, a living room, dining room, kitchen area, storage, laundry, wine cellar
33 and a four-car garage and decks, balconies and patios. The two proposed two-car
34 garages would be accessed from South Street.

35
36 The applicant will discuss the design in detail, but the design is a warm, modern
37 design with a natural materials palette. The materials have been provided on the
38 sample board. The garage would use a smooth trowed stucco in addition to wood
39 doors.

40
41 With respect to sustainable and green building materials, the applicant has
42 attempted to use materials that have a long lifespan and that are low maintenance.
43 The proposed wood material is non toxic and manufactured through certified
44 sustainable forestry practices. The applicant is also exploring the feasibility of solar
45 panels. With respect to grading and drainage, the project proposes a terraced
46 design that would minimize grading. Run off would be conveyed from roofs and

1 drains located throughout the site to a storm drain system that would tie into the
2 public storm drain on South Street. The City Engineer has reviewed the project
3 and has concerns with respect to foundation design and storm drains and sewer
4 laterals serving uphill properties. Specifically it has been brought to staff's attention
5 that there may be sewer laterals existing for the property to the rear at 40 Edwards
6 and a condition of approval is suggested that all sewer laterals would be identified
7 prior to development if the project is approved. The City Engineer recommends
8 approval subject to the conditions attached to the resolution.

9
10 With respect to landscaping, while the project proposes the removal of 11 of the
11 14 trees, both of the protected Coast live oaks and one Bay laurel would remain.
12 The trees proposed for removal are non native species and include Victorian box
13 and silver wattle trees. As a condition of approval the applicant would need to
14 implement protection measures for all trees preserved, as noted in the arborist
15 report, which is attached to the staff report.

16
17 With respect to CEQA, the project has been deemed categorically exempt, a class
18 1 and 3 exemption for the demolition of existing structure and the construction of
19 two new single-family residences. The table in the staff report shows that the
20 design conforms to the zoning standards and meets the minimum code
21 requirements of the Sausalito Municipal Code and the maximum allowable
22 requirements for the residential two-family zoning district.

23
24 As the proposal consists of two detached single family dwelling units, the
25 proposed project is subject to the provisions of the Municipal Code dealing with
26 detached dwelling units. To approve the proposed project the Commission must
27 therefore make the detached dwelling units findings. Staff believes that the
28 detached dwelling unit findings can be recommended for the proposed project.

29
30 For the tentative map, the parcel would be divided for condominium purposes.
31 Prior to approving the application the Commission would need to determine
32 whether the proposed project is in conformance with the City's Municipal Code and
33 the California Subdivision Map Act. Staff believes that all required findings for the
34 tentative map can be made; those findings are also included in the attached
35 resolution.

36
37 With respect to design review, prior to approving this application the Planning
38 Commission must determine whether the proposed project is in conformance with
39 the design review findings in the City's Municipal Code. As the project will be
40 compatible with the existing site and surroundings, staff can recommend approval
41 of a design review permit.

42
43 The proposed architecture and site design complements the surrounding area and
44 district through the use of warm modern design that utilizes natural materials and
45 complements other residences of various architectural systems in the surrounding
46 neighborhood in terms of size, scale and density. The proposed entrances to site

1 access are configured to provide an appropriate level of travel safety and
2 movement. The garages will provide adequate off street parking spaces; the City
3 Engineer has reviewed the proposed project and as conditioned finds that the
4 project will provide the appropriate level of traffic safety and ease of movement on
5 South Street. In addition a focus traffic study was conducted in August 2006 that
6 concluded that the project would not result in significant trip generation or safety
7 impacts associated with sight lines and distances.

8
9 With respect to privacy the project has been designed to take into consideration
10 reasonable levels of privacy for adjacent properties. However, the property owner
11 at 107 South Street (correcting staff report which says "109") has expressed the
12 concern that the windows would allow views directly into the living room of his
13 residence. He is requesting that the Commission consider the use of vegetative
14 screening for privacy reasons between the master bedroom and Mr. Scott's
15 residence at 107 South Street.

16
17 Staff believes that the heightened review findings can be favorably recommended
18 based on the distance of the proposed homes from the surrounding properties, set
19 backs, minimal site disturbances, soils stability, the natural exterior materials and
20 the protection of native trees.

21
22 Regarding views, possibly the one constraining issue, the story poles were
23 installed 22 days prior to the hearing and were certified by a licensed surveyor.
24 Staff made a trip to the site at the request of property owners, specifically of Mr.
25 Obagi, who is in attendance that evening, who owns the property at 117 and 119
26 South Street. The story poles indicate minimum impacts to public views as the
27 proposed residence would be sited in a similar location as the existing home and
28 beneath the existing tree canopy. However, private views at Mr. Obagi's residence
29 would be adversely affected. The third floor of Mr. Obagi's residence (pointing to
30 drawings) has a bedroom here and a master bedroom to the right. The views from
31 the master bedroom are not affected; however, the secondary view of this
32 bedroom, recessed from the deck, would be substantially obstructed. All views
33 from the lower floors from 117 and 119 South Street would not be affected.

34
35 Regarding the rear neighbor at 40 Edwards, the lowest floor of the residence
36 would be located approximately 13 feet, 6 inches higher than that of the roofline of
37 the proposed project; therefore staff believes that the project would minimize view
38 and privacy impacts to the extent practicable and that the project could be
39 supported as proposed.

40
41 With respect to General Plan consistency findings, staff finds that the project
42 would be consistent with all these policies and rules.

43
44 Staff has received written comment from neighbors including those at 40 Edwards,
45 107 South Street and 117 and 119 South Street. The letter from the neighbor at
46 107 South Street was not included in the Commission's packet. It referred to the

1 fact that the story poles were not up entirely 10 days before the meeting and noted
2 that there were issues with privacy from his residence. Staff has also received
3 comment from the Thompson's at 40 Edwards about possible geotechnical
4 concerns and staff also received a letter from Mr. Obagi chronicling his objections
5 to obstruction of views.
6

7 Staff believes the project is consistent with the unique stylized architecture found
8 in and around the neighborhoods in Sausalito and would have minimal impacts to
9 the existing character of the neighborhood; staff believes the findings outlined in
10 the attached resolution can be met and recommends adoption of the draft
11 resolution of approval.
12

13 Commissioner Petersen asked about 117 South Street; did he say it was primary
14 views being blocked on the upper level?
15

16 Mr. Schroeder said the primary views are not obstructed. Secondary views here
17 (pointing to drawings)--
18

19 Commissioner Petersen noted that those are looking out towards the bay which is
20 basically out this way. So what views are blocked by the new project?
21

22 Mr. Schroeder said the view from the bedroom to the east overlooking the bay.
23

24 Commissioner Petersen said if this house is set back from its neighbor, how is that
25 possible? He went out to the site and it was difficult to see how that was going to
26 be affecting that area. It could be, but he couldn't see it.
27

28 Mr. Schroeder explained that this building is set back so the view from the lower
29 floors is not affected, but the bedroom on the third floor, the secondary view, the
30 bedroom is set back farther.
31

32 Commissioner Petersen said okay, he understands.
33

34 Mr. Schroeder added that the view from the master bedroom was not obstructed.
35

36 **Presentation by Applicant Architect Sven Lavine** 37

38 Mr. Lavine noted the property owner and project engineer are present as well. The
39 planner did a good job describing the project. Stylistically, they are trying to relate
40 to the context of the street; there's a mixture of mid-century and older buildings in
41 the neighborhood without a dominant context, but the project relates to an
42 underlying modern context and to a greater Sausalito context which includes an
43 elegance they're trying to replicate. They are using a vocabulary of warm materials
44 but they also are trying to use green and low maintenance materials; for example,
45 the wood veneer has a 30-year life span before it would require maintenance.
46

1 Mr. Lavine discussed the project relative to the site drawings. He noted that there
2 really isn't that much cut or fill aside from the garage. The cut for the garage was
3 required in order to meet the setback and parking requirement. They tried to fit the
4 general massing of the buildings into the tree canopy.

5
6 He can answer any questions the Commission has.

7
8 Commissioner Petersen asked when the architect was looking at this as two
9 individual units, did he consider the possibility of designing them very differently
10 from each other so they don't read as one?

11
12 Mr. Lavine said yes, they did. There were the two different possibilities, one to
13 make two very different buildings and one was to make two similar buildings, that
14 they discussed with the owner and the option that was more attractive is the
15 direction they went with.

16
17 **Public Comment**

18
19 **Chris Fielding** owns 109 and 111 South Street, the Victorian immediately up the
20 hill. His comments relate to the proposed conversion to a condominium which he
21 hopes the Commission will oppose. The idea of converting this rundown property
22 into another house is fine but what happens when you approve a condominium is
23 that you are going to remove more parking on a street that almost completely
24 lacks public parking already. Because of the earlier development of houses what
25 you now have is a stampede around Sausalito, as the Commission heard earlier,
26 in which people are trying to convert public space, frontage and City property into
27 private property so they can convert to condominiums. Depending on the size of
28 the car, the entire length of that street has 9 or 10 spaces and by letting people
29 develop this you're taking another two spaces out, two fire hydrant spaces as well.
30 To allow this development would severely limit public parking. He knows the
31 ordinance says condos require two spaces per unit. But what's happening in the
32 town is they're finding there simply aren't enough parking places to allow everyone
33 who would like to convert to this density of housing to take that much off the street.
34 He urged the Commission to approve enthusiastically the development of a single
35 family house in the character of what the architect is proposing, but the public has
36 a strong interest in this not being turned into a condominium.

37
38 **Mr. Obagi** owns 117 and 119 South Street. The Commission has his letter so he
39 won't repeat its contents. The top part of this building will severely obstruct his
40 view. The computer generated views before the Commission are deceptive by
41 virtue of being 2D rather than 3D. He asked the Commissioners to view the site in
42 person to get an accurate picture. Mr. Obagi referred to the photos displayed by
43 Mr. Schroeder. This (pointing) is 9 feet and it slopes from east to west, so if you
44 stand over here, the two main bedrooms have panoramic views, which were the
45 reasons he bought this property. So to refer to this as a secondary view is

1 misleading. If the project is allowed, it will affect the value of his property. He
2 asked the Commission to please visit the site in person.

3
4 Commissioner Petersen asked if Mr. Obagi's objection is primarily with Building A,
5 not Building B.

6
7 Mr. Obagi said at the present time, yes. He is at a disadvantage because he just
8 came back to town and saw this going on about 10 days ago. So he has reviewed
9 the plans as thoroughly as possible. He hopes to consult other authorities, but
10 hasn't had time. He wasn't contacted for the neighborhood outreach. The fact that
11 it was discussed with everyone in the neighborhood except him is disturbing. He
12 has cooperated with other development in the neighborhood; but he cannot allow
13 this development to the detriment of his own property values.

14
15 **Phoebe Fielding** and her husband own 109 and 111 South Street. She went 10
16 days ago to look at the plans after the story poles had gone up. She requested
17 from the Planning Department that she be notified when this would be before the
18 Planning Commission. She received no notification; the only way she knew to
19 come that evening was because she looked at the agenda online. Notification was
20 not sent out to the neighborhood.

21
22 **Claire Blotter** rents at 111 South Street. She's had to dig to find out what's
23 happening at this property and the first she learned of it was when people came to
24 put in the story poles early on Sunday morning, which is against the City
25 ordinance. Her concern is parking in the neighborhood. Right now, South Street is
26 one of the main ways to get into Sausalito and there's tremendous bicycle traffic
27 through there. When she first moved in about five years ago, she could get a
28 parking space in front of her house; now she has to park down the hill. If this
29 project goes in it's going to take three parking spaces plus the fire hydrant. It
30 would really change her life. It would be a hazard as well with the bicycle traffic.
31 It's really dense down there. To have all this crowding of parking would make it
32 even worse. There's a pole in the back that's three or four inches from the fence.
33 How close is that second building going to be to the fence and her residence?
34 She's concerned about the habitat; she knows it's non-native, but there are birds
35 back there (she's done a video documentary on birds). She's concerned about the
36 outreach process; she's talked to neighbors who haven't known about this. Also,
37 the building is blocking the light into the downstairs bedroom. She hopes the
38 process goes a little bit better.

39
40 **John Scott** is the owner of 107 South Street, which is the lot to the left of the
41 Victorian. His concern is a minor one. If you look at the plans for Building B there's
42 a corner window in the master bedroom that provides a great view but it is directly
43 opposite his living room window, so they'll be looking into each other's homes. He
44 thinks however that a vegetative screen would suffice to provide some privacy
45 between the two homes.

1 **Further remarks by the Property Owner Gabriel Banon**

2
3 Mr. Banon said he lived in Sausalito for nearly 30 years and moved to San
4 Francisco and now he wants to come back and make Sausalito his home. From
5 the very beginning, it was critical that they meet with City planning staff and ask if
6 it's feasible; if it wasn't, he would not have purchased the property. He is proposing
7 two smaller homes as more suitable to Sausalito than building one 3,500 square
8 foot house, which was what he wanted to do originally. He understands when
9 people say there's no parking, he knows that. But if he follows the codes and
10 regulations, then you can't please everyone. He's had the plans in the works for
11 over two years, and he's made adjustments. They moved the setback to allow for
12 the bicycle lane, which was a huge change. He would love to be able to please
13 everyone in the neighborhood. He did send letters to everybody they needed to.
14 He's sorry if some neighbors didn't get their letter, it wasn't intentional.

15
16 Vice Chair Keller said he's sure that Mr. Banon, having lived in Sausalito for 30
17 years, is very much aware that the major concerns in Sausalito are trees and
18 views. The next door neighbor is very concerned about his view and ~~that~~ he wasn't
19 contacted. That's a concern. How would Mr. Banon feel if he was in Mr. Obagi's
20 situation? Did someone actually physically contact Mr. Obagi? If you want to do
21 this the right way, you can do everything within the rules, but bottom line is you
22 want to be a good neighbor.

23
24 Mr. Banon said Mr. Obagi doesn't live there, that's the problem, he's never lived
25 there.

26
27 Vice Chair Keller said that being said, Mr. Obagi is saying that the view is being
28 impacted. Would Mr. Banon be willing to address that?

29
30 Mr. Banon said he'd be willing to do anything that is reasonable that's not going to
31 change the whole design of the house at this point. This has been with the review
32 board for a long time and they have encountered quite a few problems. They
33 originally submitted all the necessary documents and they all got lost. And then
34 the person that was in charge at the time left and gave it to another planner. And
35 then that planner dropped the ball on that and finally they have someone who has
36 looked at it and figured out what the situation is. He doesn't know how many
37 changes he can do. If the architect says it's a minor change, then of course he will
38 change it. But if it's not reasonable, if it's a secondary view, you're always going to
39 hear from people who are used to having a 360 degree view and now they're just
40 going to have a 300 degree view.

41
42 Vice Chair Keller apologized for the delays.

43
44 Vice Chair Keller asked for further public comment.

1 Mr. Fielding said it was interesting to hear that someone went to the planning staff,
2 and said "can I do this?" and then they buy the property and say, "You owe me
3 because I was told I could do it." The Commission has a right to consider the
4 broader issues here. Those issues include: lack of notification; the story poles
5 weren't up long enough; clearly the notification has been inadequate. Secondly,
6 the parking is a problem. The Commission is entitled to consider broader issues,
7 that is, the whole street, when you are discussing parking.

8
9 Mr. Obagi said it appears that the Fieldings never received notification; he has
10 received other type notifications for this property but did not receive a notification
11 about this project. He doesn't appreciate the applicant's contention that the
12 notifications were lost or misplaced. He will help Mr. Banon in any way he can; the
13 improvement of Mr. Banon's property will benefit his own, but he can't keep quiet
14 when he knows this building as it is now blocks his views. He requested again that
15 the Commission visit the site to see the impacts on his views.

16
17 **Further remarks by Architect Lavine**

18
19 Mr. Lavine said regarding the parking issue, they are within code; they are taking
20 away possibly one street space but providing four off street spaces and they've
21 also designed it with garage spaces that are designed to take a lift to double the
22 capacity of the unit, so each unit could take four cars instead of two cars. The
23 renter there now is using one space on the street, so it's arguable whether parking
24 spaces are being used. The zoning allows condominiums in this area. Regarding
25 notice, they mailed out notifications based on information given to them by the
26 City. They weren't trying to deceive anyone. Regarding the bicycle traffic, he noted
27 they did a traffic study as requested by the City Engineer.

28
29 Vice Chair Keller asked if the applicant took into account the sight line and views
30 as it pertained to the upper unit next door? From the master and second bedroom
31 on the third floor of Mr. Obagi's property?

32
33 Mr. Lavine said it didn't seem like it was a primary view that would be blocked; he's
34 sure that Mr. Obagi is blocking his neighbors' views. That's up to the Commissions'
35 interpretation.

36
37 Vice Chair Keller asked if it is found that the project would have a significant
38 impact on the neighbors' views, would it be possible to redesign the roofline to
39 lessen the impact?

40
41 Mr. Lavine said he would look at the Commission's direction and interpretation of
42 the code. If the Commission determines it is a secondary view--

43
44 Commissioner Petersen said the Commission looks at preserving primary views
45 and the definition of a primary view is pretty clear; regarding secondary views, the
46 Commission allows applicants to be really nice neighbors.

1
2 Mr. Lavine said he'd be willing to go up there and see what Mr. Obagi is talking
3 about.

4
5 **Public Comment closed.**

6
7 **Commission Discussion**

8
9 Commissioner Petersen said he'll start with parking. He knows the parking there is
10 very difficult and the fact that there is even parking allowed there is one of the
11 biggest difficulties in getting through that area, for cyclists and for pedestrians and
12 vehicles. It isn't as though that's private parking; he can easily see some of that
13 going away just for safety concerns alone. He likes the idea of the garage giving
14 that extra breathing space there; it seems like it's going to help things a lot even
15 though it's going to be very difficult for the people who live there who are going to
16 be losing some spots. They're losing spots because their own houses don't
17 provide off street parking which they should. So the City isn't the only entity that
18 can provide a solution to this; the owners can also address their off-street parking
19 problems. But it's a pinch to get through right there. And one of the first thing he
20 noted was they're going to lose a parking spot but it's going to be very
21 advantageous to have that added room back there for pedestrians, bicyclists and
22 cars; there will be a little duck-out which you don't have right now, especially when
23 the cars are parked really close to each other, which they have to be. So the
24 problem for him is he thinks it's unfortunate that they had to cut so far in to have
25 the parking that the City requires, but that's exactly why they did it and then the
26 City added the additional five feet, so it's a pretty significant cut in the toe of that
27 hill. In terms of the density, he likes the idea of there being two units there. This is
28 one of the condo conversions that he's for. It's right along the transit corridor,
29 higher density is recommended along transit corridors; he likes the idea of there
30 being two small houses there. He wants very badly for them not to read ~~at as~~ one
31 house, which they do right now. As it is designed now it might as well be a 3,500
32 square foot house because it looks exactly like that now from the street even
33 though it's two.

34
35 As to design review, he has to say the houses are a little South of Market, circa
36 1995, and not so much Sausalito, but he would love to see one of the designs
37 change a little bit. And if they want to be nice neighbors and help the people on the
38 west with view blockage, they could make some nice modifications to the lower
39 building that might help differentiate it from the upper one so they don't read as
40 one building. That also might actually open up a little bit more of a view corridor for
41 the neighbors. Even though it doesn't sound like it's a primary view by the City
42 definition, he would still favor going to visit the site personally and look at that
43 view. He would like to see the lower unit differentiated from the other one and at
44 the same time open up the views for the neighboring property.

1 Commissioner Bair said his concerns, from least to most, are the notification issue;
2 whether they have met the requirements for the story poles being up which may
3 have affected the notification issues; he's concerned about the views from 117 and
4 119 and the statement that the neighbors at that address weren't able to
5 adequately address his concerns with the applicant and architect. He's also
6 concerned about the parking issue, but he tends to agree with Commissioner
7 Petersen that it appears that the two, two-car garages may be better than what's
8 there now in terms of off-street parking, although it may impact other neighbors
9 who don't have as much off street parking. His biggest concern, and this is
10 something that's come up in the past, he believes, three meetings, are these R-2
11 and R-3 projects that come in that are maxing out the structures and the footage.
12 And here not only do you have two detached units but as he reads the code, the
13 purpose and applicability of the code is to encourage permitted two-family or multi
14 use development in a manner that discourages the appearance or use of the
15 property as two or more distinct or separate single family dwelling sites. And
16 they're running into this more and more. This is problematic because although
17 they'll never get to low or moderate income housing, one of the elements they're
18 supposed to be looking at regarding these R-2 and R-3 zones is whether or not
19 the projects promote affordable housing. So again, he has a concern about putting
20 two units on here that go into the heightened review zone and that they are greater
21 than 80 percent of the amount allowed. As far as design review, he agrees with
22 Commissioner Petersen. If it's decided this project is a good one, they ought to be
23 looking at something that emphasizes the separate unit thing. He's reminded of
24 another project with three units that are similar. What is it that people like about
25 Sausalito? If you look at the site compared to the neighbors it's that there are
26 trees, and they are preserving the trees they have to, but the rest of them are
27 going to be the victims of a big project. He thinks this is a big project and that's his
28 concern. For all those reasons, he's not in a position to vote for an approval that
29 evening.

30
31 Vice Chair Keller said conceptually he likes what the applicant has brought before
32 the Commission. He's seen other projects, i.e., the Victorian just down the street;
33 they did a very nice job, they put in a garage. He likes the fact this project gets four
34 legal parking spaces off the street. He agrees with Commissioner Petersen that it's
35 going to make the street look that much wider. He's a cyclist and he can assure
36 everyone he's cranking it to get past that curve as fast as possible because of the
37 traffic along there. It's a nightmare. He's not against the parking that the applicant
38 is putting forward. He likes that. He agrees with Commissioner Petersen about a
39 differentiation between the two buildings. It would add a lot more to the
40 streetscape. It sounds like it would be in the best interest of the applicant to
41 continue this. It would be in Mr. Banon's best interest to try to work out something
42 with the neighbor as it pertains to the view. The Commission is going to want to go
43 and look at that view and the project architect should look at the view. It is
44 unfortunate that Mr. Banon has been in this process for two years; additionally, it
45 seems that something has slipped through the cracks with regards to notification.
46 But they need to get this to a level where they can come to a resolution for all the

1 parties involved. He would remind Mr. Banon that they had a situation that was
2 passed by the Planning Commission on a project up on Cloudview, the applicant
3 did everything the Commission requested, they waited for the neighbor to come
4 back from overseas before the vote in order to address a view concern of the
5 neighbor, which was a secondary view from a lower floor, single room; her upstairs
6 had an obstructed view which was enhanced by the new roofline. And that passed
7 by the Commission on a 5-0 vote. It was appealed to the City Council because of
8 that secondary view and in essence the City Council voted in favor of the appeal
9 and asked the applicant to redesign the roof line to address the concern about this
10 secondary review. That said, a continuance would be in the applicant's best
11 interest.

12
13 Commissioner Petersen said he'd also like to see some planting between the back
14 building and 107 South Street to address those neighbors' privacy concerns. That
15 should be easy.

16
17 Vice Chair Keller said the Commission would like the applicant to address the City
18 Engineer's request for a foundation design, although they may not necessarily
19 need that for the next presentation, but they could condition approval on
20 submitting a foundation plan to staff before the applicant gets his building permit.
21 But before the next review, the Commission and the applicant and architect should
22 visit the site to see the view from Mr. Obagi's third floor.

23
24 Commissioner Petersen said if the view impacts require modification of the roof
25 line, that could be used as an opportunity to differentiate these two buildings. He
26 would recommend changing some of the materials on the lower building.

27
28 Commissioner Petersen asked the applicant if he were to consider the secondary
29 views of the neighbors' master bedroom and were that to shape the basic form of
30 the building and were that to also spark some interest in different colors for the two
31 structures-- you can use the same materials, but they all have different variations.
32 He looked the materials up on the website and they do have different colors that
33 can be chosen; same with stucco. These two buildings are massed very similar so
34 just if you change the material they're still going to read as one project anyway, but
35 the more the architect can do to differentiate the two, the better it's going to be. He
36 wouldn't ask him to redesign the entire thing just for that one issue, but with the
37 issues of the neighbors and looking at the colors and so on, there could be just
38 some bits that the applicant can do that will help set the lower building off visually
39 from the other. Does that sound like something the applicant could do?

40
41 Mr. Banon said yes. He was never opposed to having the houses look totally
42 different at first. It was one of those dilemmas. They thought if you made them look
43 alike, the City would like it better. But originally he would have preferred to have
44 the houses look totally separate. So he doesn't think that's going to be a major
45 project; of course, he'll have to talk to his architect. As far as the view is

1 concerned, he'd like to have the opportunity to go up to the deck and see what can
2 be done. If it's something that's in reason, then sure.

3
4 Commissioner Petersen said it might be a very simple change.

5
6 Mr. Banon said he's not trying to harass anyone; he'd rather have the neighbors
7 be happy.

8
9 Commissioner Petersen said it wouldn't necessarily constitute a whole design
10 change, but he has to say, were the applicant to do that, that would be great. But
11 even material changes, some site detailing and exterior changes, and he has a
12 feeling the view issue is going to change the roofline so that the roofs will be
13 differentiated. He loves the idea of zinc being included in this project.

14
15 Mr. Banon said the main thing is they really want to get the project going this year
16 so they can get the foundation going and get some framing done. It's been so
17 costly. They are so over budget, it costs him over \$4,000 a month just to have a
18 piece of land sit there. The cost of materials goes up every year. So now, they're
19 heading into the third year, and he's hoping that they can address the Commission
20 and neighbors concerns and move forward and please everybody and then get
21 moving on the building.

22
23 Commissioner Petersen asked Mr. Banon if he has a clear idea of what the
24 Commission is asking, and does he think that that's something he can fix a date
25 on for coming back? Does he want a continuation to a date certain or uncertain?

26
27 Mr. Lavine said they could meet at the next hearing date.

28
29 Vice Chair Keller said that's not going to happen.

30
31 Ms. Henderson suggested May 14, 2008.

32
33 Mr. Banon agreed.

34
35 Mr. Lavine agreed to that date. He added for the record that the story poles were
36 up more than 20 days before the hearing date.

37
38 Commissioner Petersen asked if that was all of the story poles?

39
40 Mr. Lavine said yes. Ten days is the requirement.

41
42 Commissioner Bair said in the interest of full disclosure there are two more
43 members on the Commission. He tends to rail on the R-2/R-3 stuff. He gets
44 concerned about the mass and scale of things and that these projects are being
45 built out to the maximum. Here, the setbacks are maxed out; those are things that
46 concern him and he's going to talk about them. He just wants it clear that he would

1 prefer not to see two separate houses here, and the applicant is going to have to
2 convince him on that and if he saw two separate houses or any other project, he
3 would be more favorable disposed to something that didn't have the setbacks at
4 the maximum and that allowed more room between the houses and that employed
5 smaller sized houses. He's just letting the applicant know that those are things that
6 concern him and things that he may object to at the next hearing. They are
7 concerns he has for many projects, it's nothing particularly bad about this project
8 other than it falls into a category that he has some concerns about as he does for
9 a lot of projects that come in these R-2/R-3 zones. And there might be two other
10 people who have similar comments.

11
12 Vice Chair Keller said for right now the applicant has some direction. Addressing
13 the neighbors' concerns particularly as it pertains to view would go a long way. He
14 doesn't have a problem with two structures, but he's just one vote. Conceptually
15 he likes the plan but he just thinks they can manage the massing by adjusting
16 rooflines, changing the design a little bit, changing the outside of the look of one of
17 the buildings so it looks like two different buildings altogether. Unfortunately, the
18 applicant is out to the max, but it's a small lot.

19
20 Commissioner Petersen said there's less difficulty with it being to the max when
21 it's two separate units than if it was one.

22
23 Vice Chair Keller said it's also set off the street pretty far; he likes the fact that the
24 front area has opened up the street area.

25
26 Vice Chair Keller noted that the meeting will not be renoticed. Before the next
27 meeting he and the other Commissioners will try to visit the site to evaluate the
28 view impacts as he hopes the architect will as well.

29
30 Mr. Graves noted for the record that the story poles were up 22 days prior to the
31 hearing. He noted also that Mr. Obagi's residence at 117 and 119 South Street
32 and the Corte Madera address^{ed} provided by Mr. Obagi were noticed by mail,
33 according to the planning department records.

34
35 **Vice Chair Keller moved, seconded by Commissioner Petersen, to continue**
36 **the hearing to May 14, 2008.**

37
38 **ROLL CALL**

39
40 **AYES: Commissioners Bair and Petersen;**
41 **Vice Chair Keller**

42 **NOES: None.**

43 **ABSENT: Chair Kellman; Commissioner Bossio**
44
45

1 Commissioner Petersen noted that the Commissioners' names and phone
2 numbers are on the City's website if anyone has any questions.

3
4 Ms. Henderson reminded the Commission that if they do visit the site, it should be
5 in groups of no more than two Commissioners at a time per the Brown Act.

6
7 **3. HARRISON PARK PLAYGROUND (DR 08-001/APN 065-091-09)**
8 **City of Sausalito and the Sausalito Lions Club (Applicant)**
9 **City of Sausalito (Owner)**

10
11 **The Applicant, the City of Sausalito and the Sausalito Lions Club, on behalf**
12 **of the property owner, City of Sausalito, requests Design Review approval of**
13 **a renovation plan for Harrison Park Playground. The project consists of**
14 **demolishing an existing concrete podium, removing some (but not all)**
15 **perimeter fencing, re-grading the site to create an ADA accessible play area**
16 **for children and a lawn area with benches for adults. A contemporary**
17 **prefabricated play structure is proposed to be installed in the play area. Low**
18 **retaining walls are proposed around the perimeter of the play area and along**
19 **a graded ADA compliant ramp to the play area. Benches are proposed**
20 **around the play area perimeter and will serve also as wall caps. A bench is**
21 **also proposed for the lawn area. A railing is proposed around the play area**
22 **that can serve as a back rest for the play area benches and a fence for**
23 **toddlers.**

24
25 **Vice Chair Keller moved, seconded by Commissioner Bair, to continue the**
26 **item to a date uncertain.**

27
28 **ROLL CALL**

29 **AYES: Commissioners Bair and Petersen;**
30 **Vice Chair Keller**

31 **NOES: None.**

32 **ABSENT: Chair Kellman; Commissioner Bossio**

33
34 **ADJOURNMENT**

35 **Vice Chair Keller moved, seconded by Commissioner Petersen, to adjourn**
36 **the meeting.**

37
38 **The motion was approved unanimously without a roll call vote.**

39
40 The next regularly scheduled meeting of the Planning Commission is
41 Wednesday, April 23, 2008.

42
43 Respectfully submitted,

44
45 Tricia Cambron
46 Minutes Clerk

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