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2  
3 **SAUSALITO PLANNING COMMISSION**  
4 **REGULAR MEETING**  
5 **Wednesday, May 28, 2008**  
6 **APPROVED MINUTES**  
7

8 At 6:30 p.m., Chair Kellman convened the May 28, 2008 Regular Meeting of the  
9 Sausalito Planning Commission in the Council Chambers of City Hall at 420 Litho  
10 Street.

11  
12 **ROLL CALL**

13  
14 **PRESENT:** Commissioners Bair, Petersen, Bossio  
15 Vice Chair Keller; Chair Kellman

16 **ABSENT:** None  
17

18 **APPROVAL OF AGENDA**

19  
20 **Chair Kellman moved, seconded by Commissioner Petersen, to approve**  
21 **the agenda as submitted.**  
22

23 **ROLL CALL**

24  
25 **AYES:** Commissioners Petersen, Bossio and Bair;  
26 Vice Chair Keller; Chair Kellman

27 **NOES:** None.  
28

29 **DIRECTOR'S REPORT**

30  
31 **None.**  
32

33 **APPROVAL OF MINUTES**

34  
35 **Chair Kellman moved, seconded by Commissioner Petersen, to approve**  
36 **the minutes of April 23, 2008, minutes.**  
37

38 **The motion was approved unanimously without a roll call vote.**  
39

40 **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

41  
42 Chair Kellman asked for public comment on items not on the agenda.  
43

44 **Jeannie Cribbs** [ph?] has been a resident of Sausalito since 1976. She spoke to  
45 two issues, both of which she has also addressed to the planning department  
46 and fire department. She lives at 81 George Lane on a very narrow portion of a

1 very narrow street, and the city needs to look into how emergency vehicles can  
2 get down to the end of the street. Second, she thinks there is a code violation  
3 next door to her at 79 George Lane where the owner has put in an apartment  
4 downstairs with a kitchen in the R-1 zone.

5  
6 Community Development Director Jeremy Graves noted the city is starting a new  
7 procedure of having speaker cards filled out by those who make public comment  
8 so that the city can follow up with the speakers.

9  
10 Chair Kellman asked staff to report on 79 George Lane as part of the director's  
11 report at the next Planning Commission meeting.

12  
13 **Peg Cople** lives at 606 Locust Road. She congratulated the Planning  
14 Commission. She's had a long experience with problems with the Planning  
15 Commission and she is so pleased that the Commission has put the conditional  
16 use permit approval for a commercial waterfront space for an office on the  
17 Consent Calendar. She's been on the business advisory committee for 10 years  
18 and it's so important the Commission listen to its residents and not just try to  
19 obey regulations that are 20 years old.

20  
21 **Jonathan Leone** lives on Second Street. He noted that the budget review is  
22 coming up and the Commission should make their opinions known to the City  
23 Council as regards the housing element or code enforcement or other matters of  
24 interest. As far as the commercial waterfront, the job of the Planning Commission  
25 is to enforce the regulations until they are changed and not to legislate. He would  
26 encourage the Commission to remove the item from the Consent Calendar. One  
27 of the conditions put on Ms. Cople at the time of her hearing was to maintain a  
28 percentage of maritime use in her business.

29  
30 Chair Kellman asked Mr. Graves to comment on the budget discussion at the  
31 City Council.

32  
33 Mr. Graves said he attended the Council meeting on the budget and reminded  
34 the Council that the department will be preparing its housing element in the next  
35 fiscal year. The deadline is June 30, 2009. As the Commission is aware,  
36 achieving approval of the housing element is a multi-step process. Staff is  
37 recommending that the Council at a minimum allocate \$5,000 for a study being  
38 done on a countywide basis to establish baseline data to be used in the housing  
39 element. Staff has also recommended an allocation of up to \$15,000 be allocated  
40 for lobbying efforts. The other option would be to seek consultant assistant and  
41 that cost is estimated at \$50,000.

42  
43 Commissioner Bossio noted she has served her three year term and this is her  
44 last Planning Commission meeting. She thanked the community for the  
45 opportunity to serve.

1 **CONSENT CALENDAR**

2  
3 **Chair Kellman moved, seconded by Commissioner Petersen to remove**  
4 **item No. 1 off the Consent Calendar for comment.**

5  
6 **The motion was approved unanimously without a roll call vote.**

- 7  
8 **1. 300 TURNEY STREET (CUP 08-006/APN 065-032-02)**  
9 **Precision Genery Commercial Contractors, Inc. (Applicant)**  
10 **300 Turney Street LLC (Owner)**

11  
12 **The applicant, Precision General Commercial Contractors, on behalf of the**  
13 **owner 300 Turney Street LLC, requests Planning Commission approval of a**  
14 **Conditional Use Permit to replace an existing office 2nd floor office with a**  
15 **new office. The second story tenant space was previously a real estate**  
16 **office that was permitted by Conditional Use Permit No. 04-098. The site is**  
17 **located in the Commercial Waterfront (CW) District, which permits the**  
18 **replacement of existing offices with a Conditional Use Permit.**

19  
20 **Staff Report by Associate City Planner Sierra Russell**

21  
22 This item is a conditional use permit on behalf of the owner of 300 Turney Street  
23 requesting Planning Commission approval of a use permit to allow construction  
24 services office on the second floor of the existing structure. The proposed office  
25 use would occupy a second story tenant space previously occupied by a real  
26 estate office permitted in 2006; the site is in the commercial waterfront district,  
27 which permits the replacement of existing offices with a conditional use permit.

28  
29 The proposed business consists of construction services for multi-family  
30 apartments; the request is to locate the business in a tenant space of  
31 approximately 2,000 square feet. Previously it was occupied by Peg Copple and  
32 Associates, which vacated the tenant space this year. The previous conditional  
33 use permit was set to expire for Peg Copple later this year. Staff has done some  
34 investigation as to whether a condition can be imposed to limit the term of a  
35 conditional use permit and is currently under the impression that the Commission  
36 cannot legally do that due to certain legal decisions that have determined that a  
37 conditional use permit is a vested right. If there's going to be revocation of that  
38 permit, it's subject to judicial review. In terms of conformance to the commercial  
39 waterfront district, the purpose of the district is to promote uses that benefit from  
40 and need a waterfront location. However, if you look more closely at what uses  
41 are actually permitted in the district, there are uses that are permitted by right  
42 that are not specifically waterfront related, particularly building material stores,  
43 furniture stores, recreational equipment rentals, upholstery shops and business  
44 support services. And certain uses are permitted with the issuance of a  
45 conditional use permit to allow a case by case basis review of the particular use  
46 being proposed and its consistency with the location and the zoning district.

1  
2 An office was previously located at the site and has not demonstrated to be a  
3 nuisance to site tenants or neighboring properties. Because offices are permitted  
4 through a conditional use permit, which essentially means that the Planning  
5 Commission, in order to approve the conditional use permit, needs to make the  
6 findings that are listed in the zoning ordinance section pertaining to conditional  
7 use permits. Staff believes that these findings can be made. Staff has reviewed  
8 the previous findings in the approval of the Peg Copple and Associates office and  
9 staff believes that findings can be made that are consistent with those findings  
10 that enable that use to be approved. Those are listed in detail in the attached  
11 draft resolution. There was a previous condition relative to the Peg Copple  
12 business that required a certain percentage of these sales be related to marine  
13 properties; the business at hand is not marine related. Staff is aware of that, so  
14 they did not include a condition pertaining to having any type of marine related  
15 transactions.

16  
17 Commissioner Petersen said he wasn't on the Commission when the previous  
18 application was brought for Peg Copple; what was the rationale for the conditions  
19 that said a portion of her business had to be geared toward houseboat sales? He  
20 doesn't really see a nexus between being on the water's edge and selling a  
21 houseboat. It's sort of window dressing in a way.

22  
23 Chair Kellman asked Ms. Russell if she was on staff during that hearing?

24  
25 Ms. Russell said she wasn't, but from reviewing the previous staff report, she  
26 understands the Commission added that condition to justify that the use would be  
27 at least partially waterfront. She believes it applied to 10 to 15 percent of the  
28 transactions.

29  
30 Chair Kellman said she was on the Commission; it was a hotly contested  
31 hearing. People filled the room on both sides. The tension here is that the  
32 purpose of the commercial waterfront is to promote uses that benefit the  
33 waterfront, but notwithstanding the purpose of the commercial waterfront district,  
34 they are permitted to have these office uses, to sort of appease both sides. She  
35 believes the Commission made that compromise. And the applicant at the time  
36 was okay with that.

37  
38 Chair Kellman asked for ex parte communication.

39  
40 Chair Kellman and Commissioner Bair noted they had conversations with the  
41 applicant's agent.

#### 42 43 **Public Comment**

44  
45 **William Zeigler** spoke on behalf of the applicant. It would be his preference to  
46 respond to questions, or he can just proceed.

1  
2 Chair Kellman said proceed.

3  
4 Mr. Zeigler noted that Tom Dawson, the owner of the applicant company, is  
5 present. He's a Sausalito resident, his business has been in Sausalito for 13  
6 years, he and his family live in Sausalito. His offices are currently in Sausalito,  
7 he's outgrown the space. He has nine employees, all residents of Sausalito. But  
8 he's outgrown his space and this is the only space available in Sausalito that  
9 would accommodate his company. So if this doesn't go through, his business is  
10 going to leave Sausalito. Not by choice. Mr. Roger Milana, the owner of the  
11 property is also present.

12  
13 Mr. Zeigler read to the Commission its finding made in March 23, 2005 when it  
14 approved Peg Copple's permit, a finding drafted by the planning director.

15  
16 "While office uses that are not marine related may be permitted in the CW district  
17 with the approval of a conditional use permit, the fact that the proposed use is not  
18 marine related does not necessarily make the use inconsistent with the purposes  
19 of the CW district, as a variety of other non marine related uses are permitted in  
20 the CW district without Planning Commission review or approval. The Planning  
21 Commission has therefore determined that the proposed use is consistent with  
22 the general plan and the zoning ordinance."

23  
24 There has been some discussion about the other permit condition tacked on at  
25 the end, the 15 percent requirement to do marine related business. There are a  
26 number of issues related to that finding. First, how do you police it? He's not  
27 saying Peg Copple didn't comply with it, she did. But it's an unmanageable  
28 condition to start with and it's a condition that seems fairly discriminatory. There  
29 are other similar businesses in this area, there are legal offices and other general  
30 offices, there's an architect, none of which are subject to similar conditions. This  
31 was an effort to kind of haul in the idea that it was on the waterfront and make a  
32 connection, which as Mr. Petersen pointed out is somewhat superficial. What's  
33 going on here is they are simply asking to replace an existing office use. This  
34 was an office use, it will be an office use, the only real change is that it's a  
35 different business but no negative impacts are being added to this application  
36 compared to what was previously approved. If there were marine related  
37 businesses who wanted the space, he's sure they'd be in there. The space has  
38 been empty for some time and if the Commission turns down this application, the  
39 space will remain empty.

40  
41 Vice Chair Keller asked where the applicant's construction business is currently  
42 located.

43  
44 Mr. Zeigler said 4000 Bridgeway.

45  
46 Vice Chair Keller asked what type of vehicles is he parking at his current space?

1  
2 Mr. Zeigler said he believes they are all general passenger vehicles.

3  
4 Applicant Tom Dawson corrected his business address; they are at 3 Harbor  
5 Drive. Three of his 10 employees live in Sausalito, not nine. And generally it's  
6 back of the house staff with just passenger vehicles, they don't have any trucks  
7 or anything like that.

8  
9 Vice Chair Keller asked where does he park his commercial vehicles?

10  
11 Mr. Dawson said most of his work is in the East Bay, South Bay and North Bay,  
12 not southern Marin. They do commercial apartments. They don't have any  
13 vehicles in this area, commercial vehicles.

14  
15 Commissioner Petersen asked staff how 3 Harbor Drive is zoned right now?

16  
17 Ms. Russell said it's industrial.

18  
19 **Jonathan Leone** said his point is not to reject the application; this is why you  
20 have to be very careful with the original approval of CUPs because they run with  
21 the land and you can't go back and revisit them without a lot of to-do. His request  
22 applies to a bigger issue in Sausalito, that is, the piercing of zoning by applicants  
23 through this process. It has been going on in the Marinship for a long period of  
24 time. He would suggest that the Commission massage the language and add  
25 some whereas statements referring to the continuance of the office space. in his  
26 memory of the hearing before the Planning Commission, the proposal for the  
27 percentage of the business was actually Ms. Copple's suggestion, as well as  
28 there was a discussion that there was some subleasing of space to a marine  
29 based business operator. He doesn't know if that ever took place, but it was  
30 never codified. There were attempts to try to live within the spirit of the zoning for  
31 that particular area. Nothing against this applicant's business, but it's completely  
32 not marine related. He would suggest, given the quandary the Commission is in,  
33 that some language be inserted that essentially references the continuance of  
34 the existing office space, not the conversion away from marine or waterfront  
35 related business. Again, if they go by the business advisory committee's own  
36 poll, two-thirds of the people want to support, and monetarily support, marine  
37 related businesses. So that is what the people of Sausalito want. If the city keeps  
38 allowing spaces to be rented to the highest bidder with total disregard for the  
39 zoning, it just pushes out marine related businesses that do need to be near the  
40 waterfront. So again, it's a question of not to pay lip service to the city's marine  
41 heritage and desires for the citizens, but to enforce the zoning laws as written.  
42 He doesn't speak for the city, but speaking for himself, he is in favor of promoting  
43 business in Sausalito within the zoning of Sausalito. The city is reviewing the  
44 thought of reviewing the Marinship Plan, the city may not have the money to  
45 review the Marinship Plan because that will be a two-year multi-hundred  
46 thousand dollar process. They don't have that money right now. But as far as

1 allowing the applicant to go about his business, and the owner of this particular  
2 property to go about his business, massaging the language here in the approval  
3 is appropriate. This is also a bigger issue because two properties on either side  
4 of this property are for sale and very large chunks of real estate on the  
5 commercial waterfront district will come into play. Most of the people who have  
6 reviewed the files on those properties are not thinking about marine oriented  
7 businesses, they're thinking offices.

8  
9 **Public Comment closed.**

10  
11 Chair Kellman asked Ms. Russell if Attachment D in the packet is the same  
12 Attachment D to the prior approval? Is there another attachment D for this  
13 approval stating the duration of the CUP?

14  
15 Ms. Russell asked if there is a condition of approval for the duration of the CUP?  
16 Exhibit D is a letter from Paradise Bay.

17  
18 Chair Kellman said she's referring to Attachment D to the original resolution. It's  
19 page 40 of the staff report; it is from the prior application? Is there a similar  
20 document for this resolution?

21  
22 Ms. Russell said no, there's not a condition of approval because the staff is under  
23 the impression that a conditional use permit is a vested property right so you  
24 can't condition the revocation of that property right without some type of hearing.  
25 So essentially if the Commission wanted to revoke the permit in three years,  
26 there would have to be another Planning Commission hearing and they would  
27 have to make reasonable findings as to why the permit should be revoked.

28  
29 Chair Kellman asked if the Commission could craft language with staff's  
30 assistance that says that it will come before the Commission in three years to be  
31 reassessed?

32  
33 Ms. Russell said she looked at legal precedent for the conditional use permit and  
34 it's a vested property right, you can't have an expiration date for a vested  
35 property right.

36  
37 **Commission Discussion**

38  
39 Commissioner Bair said to a certain extent he agrees with Mr. Leone's comment  
40 in that there is really a fine balance to be weighed in how the city gets to where it  
41 wants to be with the Marinship. That particular stretch of the commercial  
42 waterfront is particularly problematic to him with the exception of the Gossage  
43 property and the property behind it. There is a string of professional offices right  
44 there at the corner of Napa, at the cul de sac there, and then it goes to offices or  
45 architects and he's not sure if there are any marine architects. And all along there  
46 down to the Northpoint Café are really uses that kind of go to the heart of what

1 Mr. Leone was talking about. This is a particularly hard stretch of water to do that  
2 with because of the businesses that are also across the street. Because this is  
3 an existing use in the sense it was granted earlier, he doesn't know how the  
4 Commission would deter from that; Mr. Ziegler's comments are particularly well  
5 taken in terms of if the city is going to allow this, how do they come up with a  
6 percentage of marine use. Even if that were in existence here, he doesn't know--  
7 that was probably problematic from the get-go, it was probably more, "Well, how  
8 do we massage this thing to be consistent." Because this has been sitting at least  
9 for a few months empty and because it's following an existing use, he would tend  
10 to not view this as seriously as if the request was to change from an existing  
11 marine use.

12  
13 Commissioner Petersen said he's in the same quandary. He would add that the  
14 building is plainly an office building. It isn't as if you could launch boats or work  
15 on boats there. You might be able to manage a fishing business from it or  
16 something like that, but it's an office building. It was a restaurant at one time but  
17 actually there were offices up there even when it was a restaurant. So office use  
18 does seem appropriate for the building even though it does happen to be on the  
19 water. It isn't as though it could be used by anything but an office use. Even if  
20 that office use was again marine related, if you sold houseboats from there, but  
21 again, that doesn't have to be on the waterfront. So it's an anomaly in the sense  
22 that it's an office building on the shore. He'd like to look at all of these, as  
23 applications come up, and per Mr. Leone's comments, to hold on to the notion  
24 that there has to be some way to hold on and enable marine related businesses  
25 access to the city's shore, that they don't get priced out of the area in the way  
26 that the city has sort of lost its historic waterfront, that they start losing the  
27 Marinship to the same forces. But at the same time, he doesn't have a problem  
28 with this application for that building. In a case by case basis, he doesn't see any  
29 issue with it.

30  
31 Chair Kellman asked if Commissioner Bossio or Vice Chair Keller opposed an  
32 approval, and if they are for the project, do they have any language they want to  
33 add to the resolution? Chair Kellman said it sounds like there is enough support  
34 to approve the project. She would suggest two whereas clauses. One would be,  
35 as suggested by Mr. Leone, that "whereas this is a continuance of an existing  
36 office use," and another whereas, that "whereas Marin County has experienced  
37 an increase in office vacancy rates over the last year."

38  
39 Ms. Russell noted that southern Marin is experiencing a decrease in office  
40 vacancy rates.

41  
42 Chair Kellman said she thought she read something to the contrary in the packet.

43  
44 Ms. Russell said the vacancy rates for office uses are much lower in southern  
45 Marin than countywide.



1 Commissioner Petersen asked if there is a way to cite the whereas clause  
2 without looking at the trend at the moment.

3  
4 Chair Kellman noted on page 42: Marin County office vacancy rates increased  
5 3.5 percent from the end of 2007. Another statement: Southern Marin vacancy  
6 rate climbed this quarter. This is from a commercial realtor web site's, and it is  
7 somewhat in contrast to the North Bay Business Journal, which says "Marin  
8 office vacancy sinks, rents rise". So it should be on the record that there might be  
9 two conflicting reports, although the North Bay Business Journal has a 2007  
10 report and the other one she has cited is for the first quarter of 2008.

11  
12 So, the whereas is: "Marin County has experienced increase in office vacancy  
13 rates in 2008." The thinking there is to continue this existing space, we know that  
14 there is an issue with filling some of these spaces that are being used under  
15 force of the conditional use permit, which is an exception from existing zoning  
16 parameters. Does anyone have any issue with that language?

17  
18 Commissioner Bair asked if they might just incorporate into the seventh whereas  
19 where it talks about existing office; where it says the Planning Commission says  
20 this CUP is replacing an existing office which will continue site-- there's already  
21 language there.

22  
23 Chair Kellman said she would prefer to include two separate ones. They say  
24 subtly different things and it hammers home the point the Commission is trying to  
25 make that the purpose of the commercial waterfront is to promote marine use.  
26 Exceptions are permitted with a CUP. The reason the Commission is making this  
27 exception is because it's an existing office use; furthermore, the Commission  
28 believes the existing office use is not going to deviate in any shape or form from  
29 what is currently there; furthermore, there is a vacancy rate that the Commission  
30 thinks should be addressed; therefore, the Commission is approving it.

31  
32 Vice Chair Keller asked if the chair is suggesting that with that specific language  
33 about a particular point in time with the increase in vacancy rate that that would  
34 give the future Planning Commissions the ability to come back and review this  
35 CUP?

36  
37 Chair Kellman said she doesn't think that legally the Commission can come back  
38 and review it under any circumstances. If she had her druthers, she would  
39 include Attachment D but she has been told it shouldn't have been included in  
40 the first case.

41  
42 Commissioner Bair said his understanding is that only with an intensification of  
43 use or one of the other legal triggers that are out there-- once this is there, it's  
44 there, unless there is something that causes the Commission to be able to look  
45 at it again.

1 Chair Kellman said potentially should there be a revisit of the Marinship Specific  
2 Plan and the zoning area is impacted by revisiting that plan, will that be a trigger  
3 that would bring it back for a sort of cumulative review?  
4

5 Ms. Russell said she doesn't think the Commission can say a use is not  
6 permitted because the zoning changed after it was approved. But if the use were  
7 ever to vacate, it would require another conditional use permit, so if a different  
8 office were to come in, they'd have to go through the same process.  
9

10 Commissioner Bair said they get into legal nonconforming issues.  
11

12 Chair Kellman asked if there is a consensus on the Commission to approve the  
13 conditional language.  
14

15 The Commissioners indicated consent.  
16

17 **Chair Kellman moved, seconded by Vice Chair Keller, to approve the**  
18 **application with the changes noted on the record.**  
19

## 20 **ROLL CALL**

21  
22 **AYES: Commissioners Petersen, Bossio and Bair;**  
23 **Vice Chair Keller; Chair Kellman**

24 **NOES: None.**  
25  
26

## 27 **NEW PUBLIC HEARINGS**

- 28  
29 **2. 919, 921, 923 BRIDGEWAY BOULEVARD (VAR/DR/TM/TP/EP 06-**  
30 **069/APN 065-063-07)**  
31 **James Malott (Applicant)/Michael McLaughlin (Owner)**  
32

33 **The applicant requests Planning Commission approval of a Design Review**  
34 **Permit, a Tentative Map for Condominium Subdivision, a Tree Permit for the**  
35 **removal of a Coast live oak tree, and an Encroachment Permit to construct**  
36 **three new detached cottage residences, parking in a common underground**  
37 **garage, and related site improvements. The Encroachment Permit is for a**  
38 **proposed driveway, stairs, and landscaping in the public right-of-way**  
39 **fronting the site. The total floor area would be approximately 6,155 square**  
40 **feet. The height of structures would be approximately 23'9" for the lower**  
41 **cottage, 18'11" for the middle cottage, and 17'4" for the upper cottage as**  
42 **measured from average grade. The demolition of an existing residential**  
43 **structure with two units on the property is also proposed. This project is**  
44 **subject to Heightened Review and Detached Dwelling Units.**  
45

46 **An alternative parking plan is also proposed (Alternate "A") which would**

1 **require a Variance to the standard size parking space size from 9' wide and**  
2 **19' deep to 9' wide and 16' deep.**

3  
4 **Staff Report by Lorraine Weiss**

5  
6 This is the second review of this item before the Commission. The previous staff  
7 report is included as an attachment. The applicant is requesting approval of three  
8 new two-story detached cottage residences, parking in a common underground  
9 garage and related site improvements at the 919, 921 and 923 Bridgeway site.  
10 Total floor area would be approximately 6,155 square feet. Several entitlements  
11 are being requested, including a design review permit, a tentative map for  
12 condominium subdivision, a tree permit for the removal of one coast live oak tree,  
13 an encroachment agreement for a driveway, stair and landscaping within the  
14 public right of way. The project is subject to heightened review and detached  
15 dwelling units. Alternative A is attached to the drawings; this is an alternative  
16 parking plan which would require granting of a variance.

17  
18 The Planning Commission previously reviewed the project on March 26, 2008, and  
19 heard public testimony that primarily focused on hydrology and drainage issues  
20 and neighbors' concerns with privacy and view impacts. The Commission  
21 continued the item with the direction that the applicant return with a hydrology  
22 report and drainage plan. The applicant has provided additional information on  
23 hillside stability, hydrology and drainage and a drainage plan. The geological  
24 report indicates that springs or seepage is actually on several lots east of the  
25 subject site and not actually on the subject property. There might be flows from the  
26 seepage but the seepage originates several properties away.

27  
28 There are no changes to the site design being presented tonight, but in consult  
29 with neighbors, the applicant has agreed to make some changes in concert with  
30 the neighbors' request.

31  
32 The City Engineer reviewed the hydrology report and drainage plans and indicated  
33 that the approach offered in the reports complies with current standard practices  
34 and acceptable subject to conditions of approval contained in Attachment C to the  
35 resolution. The neighbor uphill of the site has raised questions about drainage and  
36 whether the retaining wall proposed will affect drainage on her property. It turns  
37 out the drainage plan provided for the project in the previous review of the project  
38 concurs with the hydrology report and drainage and the City Engineer concurs that  
39 plan will work. If necessary, it can be modified through the design and construction  
40 of the project. But the City Engineer feels comfortable that the drainage plan is  
41 acceptable and satisfactory.

42  
43 Two conditions of approval have been added to the resolution. Condition 11  
44 addresses exterior lighting with the wording, "All lighting must be shielded and is  
45 directional in a manner to prevent visibility of the light source, eliminate glare and  
46 light spillover beyond the perimeter of the development." Regarding Condition 18

1 the applicant agrees to share engineering resources with 931 and 933 Bridgeway  
2 property owners to assure that adjacent construction, that would be the repair of  
3 the retaining wall on 931 Bridgeway and the replacement of stairs on 927  
4 Bridgeway, are designed and permitted at the same time and that the schedule of  
5 the construction of those projects would be coordinated to minimize any impact on  
6 the neighborhood and reduce the cost of the project.

7  
8 In terms of site design and architecture, the architect has presented a concept  
9 plan, a copy of which is in the staff report. The project does comply with zoning;  
10 however, if the Commission chooses to accept the alternative A parking plan, it  
11 would require a variance for the depth of the parking space which would normally  
12 be 19 feet but in this case would be 16 feet.

13  
14 Staff believes the findings in Attachment B, Exhibit 1, can be made.

15  
16 The project also requires a number of other findings, including the tentative map  
17 condominium finding, design review permit findings, design review permit  
18 heightened review, detached dwelling units, and tree removal and lastly the  
19 encroachment agreement. All the findings remain the same as they were  
20 originally.

21  
22 Staff received a number of letters after the staff report was prepared. The nine  
23 letters are attached to the staff report, six are in support and three are in  
24 opposition. Staff continues to recommend approval of the project with the  
25 alternative A parking plan.

26  
27 Chair Kellman noted that the report says that a neighbor has asked that utilities be  
28 undergrounded; the response refers just to the meters. When she was on the site  
29 it occurred to her that there are some pretty hefty electric lines on the border of the  
30 Fletcher property. Where are those going to be run? Are they going to be  
31 undergrounded?

32  
33 Ms. Weiss said it is her understanding that they will be undergrounded; she would  
34 suggest that the architect address the chair's question also.

35  
36 **Presentation by Applicant Architect Malott**

37  
38 Mr. Malott thanked the neighbors for their cooperation in bringing this project to  
39 fruition and noted that one of his primary directions from the applicant, Mr.  
40 McLaughlin, was that he work closely with the neighbors and mitigate any impacts  
41 on them from the project. Mr. Malott demonstrated with drawings and photographs  
42 the heights and placement of the windows of the neighbors and of the project and  
43 the resulting analysis of view impacts. They also carefully reviewed planning  
44 guidelines and codes and held meetings on the site with the neighbors. The first  
45 request from the neighbors was for cottages, not one big building or two big  
46 buildings. They were also concerned about view impacts and proximity of the

1 structures to the neighbors. Over time, the applicant's team developed plans for  
2 three cottages with the lower floors and garage dug into the ground. In doing that  
3 they were able to keep the arcs of view across the property for the primary rooms  
4 of each of the neighbors. They pushed the houses to one side or the other or  
5 angled them off to preserve views; each home is a different material. The  
6 materials and colors were chosen from the neighborhood palette, i.e., gray  
7 clapboard, stucco, and brown siding. All three were made to look like cottages.

8  
9 Chair Kellman asked Mr. Malott to describe what he's envisions when he refers to  
10 cottages.

11  
12 Mr. Malott said in most instances, cottage have a small scale upper floor, the  
13 lower floor is more of a platform on which they rest, they are relatively small  
14 buildings; the largest is 2,000, the other two are 1,800 and 1,900. The mass is  
15 small; it's a "broken-up" element of building. Each room is an element on the  
16 building. You can see that on the upper floor. They have landscaped with  
17 appropriate landscaping, they are replacing the one oak tree coming down with six  
18 new oak trees, they're planting six or seven other trees on the property. They've  
19 agreed to prune vegetation on the property to preserve the views. The placement  
20 is sensitive to the placement of the neighboring properties, some of which have  
21 narrow setbacks. They've tried to create a generous green space and yard  
22 adjoining the neighbors. They also looked carefully at the environmental qualities  
23 of the homes. They are small scale urban cottages. Because Sausalito doesn't  
24 have a specific green building plan, they used the requirements of the Marin  
25 County community development agency's mandatory green program. The project  
26 is 50 points over the county's platinum rating. Additionally, the parking space size  
27 enforces small cars, which is something he thinks builders should be doing. They  
28 believe they will be putting in electrical plugs for rechargeables in each of the bays  
29 for the cars, there is bicycle storage, it's on the transit line for Sausalito. They are  
30 setting a pattern for a healthy way of building in the future.

31  
32 The neighbors have objected to some aspects of the project. He presented  
33 photographs taken from the neighboring properties to demonstrate impacts on  
34 views. The new middle cottage is two feet lower than the existing building (which  
35 will be torn down) on the property. They are undergrounding from Bridgeway, not  
36 from these poles. They are taking off telephone and electrical wires from these two  
37 telephone poles. They'll be removing wires, but they can't take the telephone poles  
38 down because they feed other buildings. Drawings in the package show a step  
39 back instead of a single elevation along the uphill side of this cottage (pointing) in  
40 response to requests from the neighbors. The applicant has agreed to suggestions  
41 from the soil engineer and the City Engineer to install concrete retaining walls here  
42 (pointing to drawing); it will be colored concrete, probably a dark taupe, as shown  
43 on the materials board the Commission has. The hydrology report is self  
44 explanatory; they discussed the underground parking solution at the last meeting,  
45 but he can answer any questions about that.

1 Chair Kellman asked regarding the design, she can only see the front of the  
2 buildings, can he explain the privacy impacts on the rear of the buildings?

3  
4 Mr. Malott said they have depressed the buildings on the rear and they have  
5 privacy problems internally in the buildings; the neighbor has no windows on this  
6 side and he was okay about the location of the new decks. There are very few  
7 windows that look at each other except here (pointing) and there's no way of  
8 getting around that.

9  
10 Chair Kellman asked about the lower cottage on the Fletcher property? Are there  
11 windows in the applicant's rear cottage that look into the lower Fletcher property?

12  
13 Mr. Malott said yes, they're looking into their own garden. He is proposing two oak  
14 trees there so there will be screening between them even overhead.

15  
16 Chair Kellman said it is her understanding there is a privacy concern from that  
17 neighbor and as the argument goes, the applicant is saying that's okay, we're dug  
18 in and we're going to put up some oak trees. How big are the oak trees?

19  
20 Mr. Malott said they're going to be 15-gallon trees everywhere.

21  
22 Chair Kellman said the best way to remove the privacy issue would be to remove  
23 those windows. By putting the windows there the applicant is creating a new issue  
24 with 15 gallon oak trees which is going to potentially impact views; who's going to  
25 prune them, who's going to pay for it. So they're going to have to talk about that.

26  
27 Mr. Malott said the applicant has agreed to prune and they've also put a line of  
28 planting at the property line and below, so if you're at Ms. Fletcher's windows and  
29 the pruning is done as proposed, there will be almost no visibility of the building  
30 from her windows.

31  
32 Chair Kellman said the challenge is that right now not only is there no building  
33 there but there's also no line of hedges, so it's a pretty open view corridor. So by  
34 bringing the structure in you're impacting the view corridor and now there's a  
35 privacy issue and potentially, with the trees, a view corridor issue.

36  
37 Mr. Malott said he understands, but traditionally they screen architectural work in  
38 the world with landscaping.

39  
40 Commissioner Bair said but isn't the question that the applicant is proposing to  
41 replace the 19-inch coastal oak with some of these other oak trees and he's not  
42 sure he's heard that oaks are as susceptible to topping as other trees. So his  
43 concern would also be that oak trees grow to be substantial.

44  
45 Vice Chair Keller said he has coastal oaks on his property that he tops every year.  
46 You have to do it on an annual basis to keep them at a certain level but you can

1 get them so you get a flat top canopy effect, it's actually healthier for the tree long  
2 term.

3  
4 Chair Kellman said the issue then is there's a tension between creating a privacy  
5 screen and impeding views and topping trees when you're building a green  
6 building. So the Commission will have to discuss all those things.

7  
8 Mr. Malott noted that the neighbors prune over this property every year.

9  
10 Chair Kellman noted those are plum trees and they're a lot thinner than the oaks.  
11 It's a much different scene there than what the applicant is proposing. But the  
12 Commission will hear from the neighbors.

13  
14 Vice Chair Keller asked what type of window covering is the applicant proposing  
15 for the back side of the upper cottage, specifically on the upper windows.

16  
17 Mr. Malott said those are the clerestory windows. they are proposing a louvered  
18 drape system that will allow privacy, a vertical blind that twists, the overhang is  
19 about 18 inches to two feet in that area.

## 20 21 **Public Comment**

22  
23 **Barry Butler** lives at 927 Bridgeway. He thanked the Planning Commission for the  
24 opportunity to come back before the full Commission to speak. The last meeting  
25 came close to an approval without a chance for full participation. The planning  
26 staff has done a thorough and objective review, and although Mr. Malott has done  
27 a very good job of outreach, he doesn't feel like the Planning Commission and  
28 planning staff has heard the full discussion of the neighborhood's concerns. This is  
29 an R-3 site and it's been said it's a prime area to max out density because it's on a  
30 primary transportation corridor. Unfortunately, the people that live in the  
31 neighborhood don't feel like they live in an R-3 area. They live in an area that is  
32 marked by small cottages and open green space. They want to preserve that  
33 environment to the greatest extent possible. His concerns are not view concerns,  
34 his opposition is to the size and scope of the project overall. Three buildings, an  
35 average of 2,100 feet of floor space, maximum lot coverage for the R-3 area, this  
36 is a big project in an area that historically has had a fair bit of green associated  
37 with it. The real core of his objections is with the rear unit of the project. Coming up  
38 the stairs, he may be the only one impacted by the two lower units because it  
39 creates a bit of a tunnel effect, but Mr. Malott has gone out of his way to do things  
40 to minimize those impacts. He has no objection to what is going on in the lower  
41 part of the project. He would love to see the upper unit gone. If that's not  
42 economically viable, which is what they are constantly told, he would propose that  
43 a meaningful downsizing of that unit take place, down to what is really cottage  
44 size. As presently designed there are privacy issues. All efforts to encourage the  
45 applicant to downsize that building have gone nowhere.

1 Chair Kellman asked Mr. Butler what the idea of a cottage means to him? Does he  
2 have a number range in mind when he hears the word cottage?

3  
4 Mr. Butler said 1,600 to 1,700 square feet maximum, that's more in the territory. If  
5 this unit was downsized 10 percent, that would be good. The real issue is the back  
6 wall. He's not proposing moving the building forward, which would change view  
7 lines, he's asking the unit be downsized so it comes further away from the Fletcher  
8 properties lower unit; if the unit were downsized the rear right corner of that upper  
9 unit would therefore be further away from the corner of his bedroom. It is very  
10 close to his bedroom at this point in time. That is the kind of movement that would  
11 be very meaningful.

12  
13 Chair Kellman said her understanding is that the applicant and architect met with a  
14 few of the neighbors on April 8; was Mr. Butler present at that meeting?

15  
16 Mr. Butler said he was present at that meeting and Mr. McLaughlin asked the  
17 neighbors to be very specific about what they wanted. He wanted greater  
18 separation of his house from the applicant's house, that rear unit. Susan Fletcher  
19 brought up the issue of light from the windows and privacy. His issue also was  
20 privacy. The last issue was the question of the design of the back wall of the unit  
21 which the neighbors wanted to see straighter rather than curved, to eliminate the  
22 window views onto his property. That was the issue Mr. Malott responded to. He  
23 did not respond to issues of downsizing.

24  
25 **Carolyn Pritchard** lives at 927 Bridgeway. She's lived there about 21 years and  
26 her experience has been that it is a close neighborhood. The house on the  
27 property in question was well maintained until about five years ago. Since then it  
28 has become a derelict property passed on between three different owners. The  
29 issue for her is privacy. She can stand in the bedroom and she could hand  
30 someone in the proposed building a cup of coffee. It is most uncomfortable. She's  
31 not sure what Mr. Malott has proposed in changes; she hasn't gotten feedback  
32 from the April 8 meeting. Now, she understands that there are some proposed  
33 changes, but she doesn't know what they are. She has asked for a notching out of  
34 the building away from her bedroom, and a change to the weird angle of the rear  
35 wall, where windows would be looking directly into her bedroom and her deck.  
36 They have to deal with the other two buildings, including the tunnel effect being  
37 created, they can accept that, but they are asking that the upper unit is downsized  
38 to maintain the privacy that exists there now.

39  
40 Chair Kellman asked Ms. Pritchard if it is correct that her house is close to the  
41 Fletcher residence and also close to the house upslope from her. What is it about  
42 that area that makes her feel she has any more or less privacy than what is being  
43 proposed here?

44  
45 Ms. Pritchard said it really is the way the windows look out. On the side of Susan  
46 Fletcher's home, the lower cottage there, there aren't really any windows on that



1 side, so they're not looking down on it. There's one bathroom window that looks  
2 out on the Callahan property, behind. There's not awareness really of anybody  
3 peering in. There's another house on the far left of her, but she has no windows on  
4 the left-hand side of the house and the house on the left faces out in a different  
5 direction. So there's never a feeling of somebody looking down on you or looking  
6 right at you.

7  
8 Chair Kellman asked is it fair to say Ms. Pritchard's concern about privacy stem  
9 from the windows but not necessarily the proximity of the structures to one another  
10 as they actually are quite close in that area.

11  
12 Ms. Pritchard said it really is the proximity of the corner of the building.

13  
14 Chair Kellman asked so it's not the windows or it is the windows?

15  
16 Ms. Pritchard said she doesn't think there are a lot of windows on that side. There  
17 are no windows facing on that side. It's just the angle of the back of the house  
18 where they would actually have windows facing her home. On the side, there  
19 really aren't windows; it is the proximity of the proposed building.

20  
21 **Susan Fletcher** owns the upper property, 208, and she lives in 206. 208 is her  
22 rental property. She thanked the Commissioners who came up to see the impacts  
23 on her property. The whole process has been upsetting, trying to protect privacy  
24 and views. The property represents everything she has, it's her income and she's  
25 lived there for 17 years. She in general is not in favor of the overall scope of the  
26 project, that is, the three units going up the hill. Through this process, she has  
27 maybe accepted it, but she wants it clear she's not in favor of it. What Mr. Butler  
28 was saying is that the upper unit is the concern for all the neighbors. They are so  
29 tight up there that the proposed upper cottage blocks the windows on her lower  
30 unit, and the views, but more than that there are two arched windows in the back  
31 and then lower windows which will come up and loom into the house. If you have  
32 window coverings on all the windows, that's great, but she can't guarantee that.  
33 And having two oaks in the back is not really what she has in mind. She loves the  
34 idea of the privets and some of the other plantings the applicant is proposing, but  
35 she would say let's nix the oak trees there, she doesn't want two oak trees in her  
36 window to block the proposed house. If they can somehow scale back that upper  
37 house so that it is more in keeping with the lot size, it would have less impact on  
38 the neighbors. Her houses look big, but they're 1,500 square feet. The applicant is  
39 proposing a lot larger buildings. The cottage idea is being misused all over the  
40 place; these are homes that they're building, which is okay, but the cottage  
41 designation is, she thinks, a little misleading.

42  
43 Commissioner Petersen said he visited the property, and in looking at the model, it  
44 seems pretty accurate. Ms. Fletcher is actually still going to be above the  
45 applicant's property, it is her properties that are going to be looming into the back  
46 of the new building. If the arched windows, the clerestory windows, which are very

1 important to have in a building, if they were obscure glazing, so there's no window  
2 coverings, it's just glass that you can't see through, would that help Ms. Fletcher?

3  
4 Ms. Fletcher said she's not sure. She just feels that when you look out you have  
5 the beautiful light that they all enjoy of the sun going down and you have the  
6 water, and when the lights come on down there, that's going to be very bright  
7 down there, and you will have that reflected light. She doesn't know if the frosted  
8 glass would work. But you will see those, too; it will be like two lights.

9  
10 Commissioner Petersen said it's actually more of a concern for the applicant than  
11 for Ms. Fletcher. When you're the downhill property, that's where it feels the most  
12 awkward, as people looking down into your house. They can actually see down in,  
13 you can't actually see up in.

14  
15 Ms. Fletcher said she would be able to look right in and see what they're doing in  
16 there. For sure. She doesn't know how important the windows are in the back. The  
17 views out in front of the property, she knows that they want the windows, but  
18 maybe minimize the windows or don't do the upper windows, but do the lower  
19 ones where they do have screens, but she's never seen anybody put a window  
20 screening on that clerestory, arched type window.

21  
22 Commissioner Petersen said they are often done in obscure glazing, just to let the  
23 light in, because you don't get much of a view from them, they're mostly for  
24 bringing daylight in so you don't have to have the houselights on all day long. It's a  
25 good thing to be able to have; he's just asking if she would be agreeable to  
26 obscured glazing?

27  
28 Ms. Fletcher said she doesn't really know, she'd have to talk to another architect.

29  
30 **Steve Bode** is the owner of 931-933 Bridgeway. The area in question gives you a  
31 real sense of the proximity of neighbors, things are happening, neighbors are  
32 walking by, so he just wanted to say he thinks the applicant did a fantastic job of  
33 working with him and the neighbors to come up with this plan and accommodate  
34 many of the issues. It is a high density area; the applicant has brought the density  
35 way down from what the limits are. The applicant's put a lot of effort in trying to  
36 accommodate everybody; a lot of work has gone into preserving view corridors.  
37 They've done the work up front, which is what he thinks the Commission likes to  
38 see. It would be a shame if the applicant were asked to further change or reduce  
39 the project now because they didn't overbuild in the beginning.

40  
41 Commissioner Bair said he think he read in the materials that Mr. Bode owned this  
42 property previously and sold it to Mr. McLaughlin.

43  
44 Mr. Bode said that's correct.

1 **Mike McGruder** lives at 194-196 Bulkley. He's lived in the neighborhood for 25  
2 years. The overall mass of this has not changed appreciably since the beginning  
3 of the planning process. He still thinks this is too big a project for the property. It's  
4 going to set the stage for future developments along Bridgeway. They've done a  
5 nice job but he'd like the applicant to shrink it just a little more.

### 6 7 **Rebuttal by Applicant**

8  
9 Applicant and property owner Michael McLaughlin said the architect's done a great  
10 job of making these buildings fit into the neighborhood. There is a garage under  
11 the property. They'll spend probably a million dollars on that garage. If they had a  
12 garage for four cars instead of six cars, he doesn't know what the decrease would  
13 be, but it wouldn't be a great savings; they still have the primary costs that they  
14 have to share with all the units; to make the project make sense economically you  
15 have to have the high density in there. The garage is there because Sausalito  
16 wants people to have parking and he's committed to that as well; he wants to live  
17 in one of these units. Also, he has pulled the upper unit 11 feet away from the  
18 property line. The Fletcher property is only 3 feet away from the property line.  
19 They are now actually providing additional setback between the two units, where  
20 Ms. Fletcher is encroaching on the setback. Frankly, he thinks that's a very liberal  
21 thing to do. He is committed to having a property that Sausalito can be proud of;  
22 he doesn't think the property as it is fit that distinction. The property will be more  
23 stable. Currently, the wall on the sidewalk has fallen due to a mudslide. After they  
24 get the engineering done, the property will be a lot more stable and you won't have  
25 to worry about mudslides or anything like that.

26  
27 Applicant Architect Malott noted Mr. Butler said he opposed the scope and size of  
28 the project and the view was a secondary concern. However, Mr. Malott's notes  
29 indicate that the view was the primary issue along with privacy; although scope  
30 was mentioned it was far down the list, but they did take it seriously and that's why  
31 they embedded the lower floors into the ground. They've downsized the property a  
32 couple of times and pushed it further away, after erecting story poles and  
33 completing the design work. He pointed out that the windows in the new building  
34 present less of a privacy issue than what is there now. The applicant gave a set of  
35 the revised plans to Ms. Pritchard and Mr. Butler over a week ago. The real issue,  
36 he thinks, is change. Ms. Prichard mentioned the strange angle on the house;  
37 angles can be fun, and he doesn't think it's strange, he thinks it makes for  
38 interesting architecture. They have already accepted the suggestion to use  
39 obscure glass in the clerestory windows. They also have satellite photographs and  
40 surveys of setbacks in the area. It gives the Commission a sense of the relative  
41 setbacks; the applicant's project is 16 feet away from the Butler/Pritchard bedroom  
42 on the back of the building and they are 27 feet away downhill from the Fletcher  
43 residence in that same area.

44  
45 Vice Chair Keller noted Mr. Malott took a lot of time to do all these panoramic  
46 photographs, which he appreciates, but he notices that the panoramic photograph

1 taken from the Pritchard/Butler property is from the extreme west side. What would  
2 that same view look like taken from their bedroom or from the east side of the  
3 deck? He was at Susan Fletcher's house and it seemed that if he were standing in  
4 the Butler/Pritchard bedroom or on the east side of that deck that the story poles  
5 indicated a definitely noticeable impact on their view looking southeast.

6  
7 Mr. Malott said yes, it would, except that the screening that they requested in here  
8 was to be higher than the wall there, so they'd probably be screened as they are  
9 frequently now more by vegetation and they wouldn't even see the building. But  
10 Vice Chair Keller is right, if there's no screening there they would see this and they  
11 would lose a little piece of that view from this pointing (indicating drawings).

12  
13 Commissioner Bair said as he read the staff report, there were no site changes or  
14 architectural design changes between now and the last meeting?

15  
16 Mr. Malott said no, that's incorrect; he gave the neighbors plans for stepping this  
17 back wall. When they suggested they wanted him to make that change plus take a  
18 two-foot chunk off this room he suggested they wouldn't be able to do that and still  
19 have a useable room. The effect in terms of improving views would be almost nil  
20 because the neighbors are 16 feet away corner to corner here already and the two  
21 feet would make it 18 feet but it would still be there.

22  
23 Commissioner Bair asked if his answer is that he showed the neighbors the plans  
24 but said it wouldn't be viable.

25  
26 Mr. Malott said no, he gave them the plans of what he would be willing to do and  
27 able to do, which is to square off the back here.

28  
29 Chair Kellman said the neighbors all said the same thing in varying ways whether  
30 they were talking about privacy issues, view corridors or tree plantings or window  
31 types. What it really comes down to is the size of that rear unit. The good news is  
32 she didn't hear anybody talking about the front two units. But it's clear that the  
33 focus is on that uphill third unit and the increase to mass and density. The  
34 Commission will discuss this in terms of a compromise, but she doesn't have a  
35 number in mind. Out of all the speakers that evening, the only unopposed speaker  
36 was the person who sold the property to Mr. McLaughlin although she  
37 understands there are letters of support in the packet. How does Mr. Malott want  
38 to handle the issue of mass? Does he want the Commission to try to handle it or  
39 does he have some ideas? The applicant met with the neighbors on April 8 and  
40 they suggested the changes they wanted. How does he want to handle it?

41  
42 Mr. Malott said his preference would be to look at the project as it is and have the  
43 Commission give him some feedback if they feel he needs to change it. This upper  
44 floor here (pointing to drawings) is approximately 1,800 square feet. The one he's  
45 proposing is only 1,000 and it's seven feet lower than that one. If they take 200  
46 square feet out of the basement, they wouldn't accept it, or at least they would say

1 we haven't done anything. The applicant only has one floor with a view, that's the  
2 upper floor, the lower floor is behind the middle cottage. This is critical to the  
3 applicant. This is the cottage Mr. McLaughlin is planning on living in. They've  
4 pulled back on every setback on both the Fletcher and Pritchard/Butler side  
5 substantially to give them a view of the rear yard and a garden. The building is  
6 pushed down into the ground. He doesn't see how they can do much more. If they  
7 take off square footage, the applicant is sacrificing things that the neighbors  
8 already have.

9  
10 Chair Kellman said the point is the applicant is taking an area that doesn't have a  
11 lot of build-out, he's radically increasing the density. It's not a matter of the  
12 applicant not getting what he's entitled to, he has two other structures on the  
13 property. The front structure is going to have fantastic views. The issue is clear.  
14 The Commission discussion will focus on that structure, the same one the  
15 neighbors are focused on. The discussion will be can it be smaller and how. She's  
16 not debating that there are setbacks. Does the applicant have any ideas of how to  
17 address the concern of the neighbors?

18  
19 Mr. Malott pointed out there are neighbors who support the applicant. The  
20 Commission is talking about just two neighbors and the applicant has already  
21 stepped back and stepped back the project. The previous proposals on this were  
22 all worse than what the present applicant is proposing. The applicant is proposing  
23 something gracious and elegant and the neighbors will have a garden to look into.  
24 They won't feel the house, they're going to feel the garden. He can't change his  
25 design right now, he would be happy to listen to suggestions if that's the issue.

26  
27 Chair Kellman said fair enough.

28  
29 **Public Comment closed.**

30  
31 **Commission Discussion**

32  
33 Commissioner Bossio said she'd like to get a sense of where the Commission is  
34 on the upper cottage.

35  
36 Chair Kellman said her understanding was the discussion at the March meeting  
37 was not very thorough. The majority of the discussion was focused on the density  
38 issues or other issues. The Commission really never weighed in on the design.  
39 The architect has done many wonderful things here, but what she's trying to  
40 address are the neighborhood concerns, which are valid. The question is how  
41 much of a change is acceptable and what can be avoided by reducing size or  
42 moving things around.

43  
44 Commissioner Bossio said she'd like the Commission polled as to whether there is  
45 opposition to the upper cottage. It's 1,000 square feet on top. She agrees the last  
46 hearing didn't deal with design, but there was substantial neighborhood input.

1 She'd like to get a sense from the Commissioners whether they really want to  
2 proceed with requiring less than 1,000 square feet in that upper portion of that  
3 upper property.

4  
5 Chair Kellman asked if that's 923 and 1038. What's the square footage of the  
6 upper cottage?

7  
8 Mr. Malott said it's 923 interior and 1,026 exterior.

9  
10 Chair Kellman pointed out there's an error in the staff report where it says 1,854  
11 square feet, it's in fact 1,961 square feet.

12  
13 Commissioner Bossio said above ground is 923?

14  
15 Mr. Malott said correct.

16  
17 Chair Kellman said it sounds like Commissioner Bossio doesn't have an issue with  
18 the size?

19  
20 Commissioner Bossio said she doesn't have an issue with 1,000 square feet  
21 above ground, no, especially given the immense considerations that the architect  
22 has given. He's gone further than anyone she's seen in her three years on the  
23 Commission, and he didn't take advantage of the process at the outset, which  
24 seems to be norm when people come in with something absurd and then take 50  
25 percent off and are heroes at the end of the day. There's some bad faith there. So  
26 she appreciates the fact that the applicant has brought an honest project to the  
27 Commission. The survey showing the distance between the properties has been  
28 very helpful, the 16 feet shown is more than the average of all the surrounding  
29 properties. This is very representative to her of what the neighborhood looks and  
30 feels like. It's reasonable. Is it preferable? No.

31  
32 Commissioner Petersen said he doesn't have any major concerns with the square  
33 footage of the buildings. They've used the space under the buildings as opposed  
34 to the surrounding properties, which have a lot of dead space underneath the  
35 buildings which is given over to dirt and spiders; the applicants have taken full  
36 advantage of the partial subterranean floors here which is going to bring their  
37 numbers up a little bit, but you're only really seeing, for the most part, the upper  
38 level, and they're backed up against each other, so you're only going to see those  
39 on two of the cottages. He just can't imagine taking issue with something that  
40 small, and the numbers are nearly double that because of hidden square footage,  
41 which most of the buildings in Sausalito don't ever take advantage of, and should.

42  
43 Chair Kellman said her intent was to have the Commission focus on the one unit  
44 that seems to be an issue for the neighbors. This is a heightened review because  
45 it maxes out density. She suggested they talk about the rear unit because that is  
46 the one in closest proximity to the neighbors. She believes the issue of setback is

1 not really the question; it's a density issue. This project brings an immense change  
2 to this area such that whether you have a 16 foot setback or 10 foot setback isn't  
3 really the relevant inquiry. It's a question of how much massing is on site here. She  
4 appreciates 1,000 feet above ground in a vacuum is certainly one thing, but this is  
5 a density concern for all three units. So just think about that.

6  
7 Commissioner Petersen said again, the numbers are up because of so much  
8 development underground. If the houses nearby had their underground spaces  
9 counted as square footage, it's there, it's still contributing to the mass of the  
10 buildings, it's just not counted on the city's tables. If the underground spaces were  
11 counted in the neighboring homes, the density would increase tremendously  
12 without having visible affect on the neighborhood whatsoever, so the density thing  
13 is very elusive and very deceptive. So the Commission needs to keep that in mind  
14 if they are looking at density issues.

15  
16 Chair Kellman said she actually thinks the applicant's argument is elusive and  
17 deceptive because as you move up the hillside the subterranean argument  
18 becomes more relevant but down the hillside it becomes less relevant, so again  
19 there is a fair amount of aboveground density on this lot. When the neighbors  
20 come and complain about massing and sizing, what the Commission is really  
21 hearing is this feels like a really big project here and "I might not be able to see the  
22 unit closest to Bridgeway, but I know this is going to be a really big project and a  
23 really big change." So the Commission might decide in the end that all the sizes  
24 individually are fine, but this is a big project and they should approach it as a big  
25 project. They have to look at it under heightened review standards; they're not  
26 building a complete subterranean structure; there's a fair amount of aboveground  
27 building here. She's fine with moving on if Commissioner Bair and Vice Chair  
28 Keller have no issue with the sizing; they can focus on other issues the neighbors  
29 brought up.

30  
31 Vice Chair Keller said he thinks that the applicant and architect have really done a  
32 very credible job and he compliments them on the design and the thoughtfulness  
33 shown the neighbors. He applauds the solution for the parking. He hears Chair  
34 Kellman talk about massing and heightened review and he agrees with her. At  
35 some point in time this property is going to be developed and some Commission is  
36 going to approve something at some point in time. The Commission's job in some  
37 way is not to stop change but to manage change and accept that things are going  
38 to change over time and look at it from aesthetic value and how do these  
39 structures fit on the property, what impact is it going to have to pedestrians walking  
40 by, people driving by. The way he looks at it is that the architect and applicant  
41 have really tried to nestle these three buildings on the site. Are they maxing out?  
42 Yes, they certainly are. But are they doing it in a tasteful, aesthetic way? It's going  
43 to largely depend on the landscaping which the applicant has also done a credible  
44 job on, and he applauds him for doing that. The issue he has is with the upper unit  
45 and the comments that were made by the surrounding neighbors. He's not as  
46 concerned about the Fletcher property as he is the Butler/Pritchard property

1 because yes, there's 16 feet from the upper cottage to the Butler/Pritchard  
2 property but they're the ones most directly impacted because while they're up a  
3 little above, they're almost directly in line with the upper cottage. He would really  
4 like to see the architect come back with some solution that would allow the  
5 Butler/Pritchard's feel a little more comfortable about their privacy. Can it be done  
6 with screening or vegetation? He hasn't been on the Butler/Pritchard deck, but it  
7 certainly seems to him from their bedroom and from the east side of their deck,  
8 their view is affected. So if their view is affected and they're not as concerned  
9 about that as they are about privacy, the onus is on the applicant to address their  
10 biggest concern which is privacy. And how the applicant does that, the  
11 Commission can address it or the architect and applicant can come up with a  
12 solution in working with the neighbors.

13  
14 Commissioner Bair said he has similar concerns. His concerns go back to the  
15 theme he's mentioned over the past several months. It comes down to the  
16 heightened review standards and that they're maxing out the building allowed on  
17 this site and they're tearing down buildings and the Commission is seeing projects  
18 coming in right at 80 percent of the FAR, and he doesn't see that they're meeting a  
19 variety of things. First, he was sitting on the hill behind the open space, behind the  
20 Anchorage Apartments up there, looking out across Spring Street and the canyon.  
21 He doesn't know what the zoning is there, but to him the issue is with this change,  
22 somebody can sit up on a hillside from many places in this town and in the future,  
23 are they going to have the same town they see now if they allow projects to come  
24 in and build out to max capacity every time? It's just inevitable here that if a project  
25 doesn't show him something unique, something that meets all the standards in the  
26 code, he has a difficult time with that whole concept. If a developer comes in and  
27 wants to maximize the whole thing, he has to show something different than the  
28 fact that they can arguably meet these standards. There's a heightened threshold  
29 and as he goes through the review findings, there are seven, and the Commission  
30 has to find all seven, not just pick four that they can meet. Part of that is just  
31 because several of them don't really seem to apply. He looks at number one,  
32 "proposed development of the site maximizes preservation of protected trees."  
33 Well, they're cutting down a big coastal oak and proposing to put in a couple  
34 smaller ones. He doesn't see how that standard is met under the current design.  
35 Although there are things he likes about this design. "Is the site configured with an  
36 adequate width and depth to provide yard space and setbacks?" The setbacks are  
37 minimum and even between-- he doesn't think the way this project is and the way  
38 the other sites are around it-- he looks at this as it is now and there's open space  
39 here and here and here and he looks at this project and with the decks and  
40 everything else there is a minimum amount of space between those houses. Also,  
41 when it goes to the condominium thing, the Commission isn't getting a copy of the  
42 bylaws and he doesn't even know if that's required, but the application says  
43 nothing about how that space in between is going to be used. The Commission is  
44 supposed to be looking at this with an idea of common spaces and not just  
45 common in the sense that you can walk up the stairs. But if they're talking about  
46 common areas, it seems that detached dwelling units are disfavored in an R-3



1 area, unless there are lots of common areas for people to use. Otherwise you  
2 have what you have, it's a way around a higher density use that maximizes open  
3 space and they're putting three separate units in there and he doesn't think that's  
4 what R-3 is designed for. It comes back to what he was saying before, looking out  
5 across the city, they're not going to see that if the Commission is not cognizant of  
6 how each one of these projects in a cumulative sense impacts the city. He's only  
7 been on the Commission a year and a half and this is at least the third or fourth  
8 project that's come into an R-3 area where they're seeing it maxed out to the limits  
9 of the build out, of what they can do. The third finding is minimize obstruction of  
10 views. Well, one of the views that they haven't really heard from is Mr. Analick's  
11 view, but from the north side of that house where the bedrooms are, there is going  
12 to be a solid wall there of that upper unit. The area of light in there is really  
13 reduced in the afternoon. He doesn't believe the approval of this project should be  
14 completely complaint based, if the Commission sees something, the fact that the  
15 owner on one side doesn't complain, there may be many reasons, both pro and  
16 con, for the lack of complaints. But all these comments go to the scope and size of  
17 the project, it's too large; from Bridgeway what you're going to see at least in the  
18 short run and probably the long run is simply what appears to be a row of single  
19 family units stacked up on the lot, and he doesn't know that that is what he  
20 conceives of as being consistent with the rest of this particular area. In Sausalito,  
21 of course, it comes down to what is consistent, but the question is what do we  
22 think is fair and reasonable. He thinks that it would be fair and reasonable, if it can  
23 be done with three units, he's willing to say that might be a good thing, but he's  
24 also willing to think that something along the line of two units would be acceptable.  
25

26 Chair Kellman asked if it would make a difference to Commissioner Bair if the  
27 applicant came back and still had three units but they was a little bit more green  
28 space? This is a green rated building per Marin County; it's a good project from a  
29 green perspective. But if they came back with more open space, which would  
30 require scaling down the size, would that influence Commissioner Bair in a  
31 heightened review analysis?  
32

33 Commissioner Bair said yes, he thinks it would. Because at this point he just  
34 doesn't think the size of the yards and the common areas are proportional to the  
35 size of the units themselves. As the ordinance envisions, there's really nothing  
36 common about these areas. As you stack up the hill, they have an entry out of the  
37 back of the house to a little garden area, really all they have are three single-family  
38 houses on a 6,000 square foot lot, which raises the question of compliance with  
39 the ordinance here.  
40

41 Commissioner Petersen said he can think of a lot of single family lots in the city  
42 that are 2,000 square feet or less and that have even less space around the home.  
43 But he sees Commissioner Bair's point entirely. Between these buildings, it's a  
44 little bit tighter for sure than what is in the neighborhood now, but that's so  
45 commonplace in Sausalito.  
46

1 Commissioner Bair said but not for new construction.

2  
3 Commissioner Petersen said it won't be new for long.

4  
5 Commissioner Bossio said she wants the community to be aware also that when  
6 this housing element comes around, the intent is going to jam a lot of housing in  
7 these areas and really increase the density.

8  
9 Chair Kellman said the housing element is a separate issue.

10  
11 Commissioner Bossio said well it is and it isn't. Keep it in mind.

12  
13 Chair Kellman said what she's hearing is two Commissioners don't have a  
14 problem; maybe there are issues with some landscaping or tweaking from the size  
15 perspective. Two to three Commissioners feel that at least the back unit should be  
16 altered in some manner, and that might be a landscaping issue. Two  
17 Commissioners are saying that there's a density issue under heightened review  
18 analysis. Is that correct?

19  
20 Commissioner Petersen said he'd like to offer a comment in support of the back  
21 structure being as it is. He feels sympathetic to the neighbors who live back there  
22 and have gotten use to it being sort of wild and having all that space outside their  
23 windows; it's a tough change. Suddenly now there's going to be activity and there's  
24 going to be lights turning on and off and all that kind of thing, but that's part and  
25 parcel for living in the city. And when you have that opportunity to enjoy an open  
26 space for a while, you have to relish it and know that eventually it's going to go  
27 away, maybe not in your lifetime, but it's going to go away. And so those who want  
28 to hold on to that buy bigger pieces of property out in the country and people who  
29 want to have the density, who want to have interaction between their neighbors,  
30 live in cities. It's just part of urban living, particularly high density urban living like  
31 we have right here in Sausalito. And it's something that you enjoy or you wouldn't  
32 be here. It's going to be a big change. What he's getting at ultimately is he doesn't  
33 know that the applicant is ever going to be able to please anybody with what they  
34 do unless they leave it open, and that's not really something that the Commission  
35 should mandate. It is an urban lot and it is an R-3 zone and the city needs  
36 housing. He would love to see the house kept exactly as it is. There might be  
37 some tweaks that can be done, fine. But for himself, he doesn't have an issue with  
38 it and he's walked around back there several times. He actually thinks some views  
39 are going to be improved after this project is done by some foliage coming down  
40 and the old building coming down. There are going to be view corridors opened up  
41 that you can't see right now because they're seeing the story poles and the  
42 existing structure together. Ultimately, the discussion and the talk and the fury is  
43 much worse than probably the physical fact of that building back there which is a  
44 very gently curved-roof building that he thinks is going to be very nice thing to be  
45 looking over as opposed to something else that might get built there some other  
46 day by some other campaign.

1  
2 Chair Kellman suggested that the Commission continue the project and give the  
3 applicant and the architect some direction on what the Commission would like to  
4 see when they come back. They are also welcome to request a vote in which case  
5 if it is a no vote, the applicant can appeal it. As far as direction, she doesn't  
6 necessarily think there's a way to make that rear unit smaller, there's ways to  
7 adjust it to limit the impact to the neighbors, dealing with the windows, making  
8 them smaller or eliminating them, really giving some thought as to what sort of  
9 foliage you put there, she doesn't want to create a view impact by putting in  
10 screening, and then regarding the overall density issues should be addressed.  
11 Commissioner Bair had some interesting points about creating more green space  
12 which would be very fitting for a project like this. The environmental aspects of this  
13 project really are remarkable and she wishes everybody came to the Commission  
14 with green projects like this. That aspect did not go unnoticed; it's fantastic. So  
15 maybe something a little bit more in keeping with that green direction should be  
16 looked at.

17  
18 Vice Chair Keller said Chair Kellman's suggestion about continuing this to another  
19 date is the right one. But he wants the applicant to be aware that when he does  
20 come back, the applicant will dealing with a different Commission.

21  
22 (Applicant spoke from audience).

23  
24 Chair Kellman said the Commission can give the applicant a date certain but she  
25 liked to hear any other comments from the Commission.

26  
27 Commissioner Bossio said on this point, the neighborhood has to be aware too  
28 that there could potentially be three different Commissioners. There can be  
29 different decision making that is less favorable so it's constantly a balancing act as  
30 far as the information that the public's receiving, and the decision making process  
31 on the Commission. So just make sure with the comments and with what's in the  
32 balance right now, that this isn't something that the neighbors can live with. The  
33 applicant has gone a long, long, long way to meeting the neighborhood's needs.  
34 But if the neighborhood wants to defer to another Commission at a future date, just  
35 understand there is going to be that variable.

36  
37 Chair Kellman said it's out of the hands of the neighbors right now. The  
38 Commission has a sense that a continuance is the best way to go. Are there  
39 specific comments to the applicant and architect as to what changes they should  
40 make before coming back?

41  
42 Commissioner Petersen said he wants to offer support for the variance for the  
43 alternate parking plan that involves lifts.

44  
45 Vice Chair Keller said he agrees.  
46

1 Chair Kellman agreed. She doesn't think the Commission needs to see a change  
2 on that. The parking lifts again are a fantastic idea and environmentally sound; a  
3 great way to deal with a big issue in the city.

4  
5 Commissioner Bair said it sounds like the applicant has done a lot with the  
6 neighbors, but whatever new plan or changes the applicant comes up with, make  
7 sure the applicants have that information as early as possible.

8  
9 Commissioner Bossio said she'd like to make a motion. There's a lot of uncertainty  
10 and possibly unfavorable uncertainty with the Commission completely changing  
11 over. She doesn't know if it's in the neighbors' best interest, and there are other  
12 Commissioners that disagree with her. But that's why there are five people on the  
13 Commission, because there are five community persons that are stakeholders that  
14 care about your interest and they're not always going to be in agreement. She  
15 thinks there is adequate support for the project.

16  
17 Chair Kellman asked if she's making a motion.

18  
19 Commissioner Bossio said no, she just wants to talk.

20  
21 **Commissioner Bossio moved, seconded by Commissioner Petersen, to**  
22 **approve the project as it is presently set forth and with the one proviso that**  
23 **Vice Chair Keller indicated, that he would like to see the architect design a**  
24 **screening solution that would protect the Butler/Pritchard property.**

25  
26 Commissioner Bair said he's not sure what he's voting on with respect to the  
27 screening.

28  
29 Vice Chair Keller said what the Commission would like to see, for those in favor of  
30 the project, they would be in favor of the project if the applicant and architect come  
31 up with a satisfactory solution with the Pritchard/Butler residence as it pertains to  
32 privacy. Now, that can be addressed in a couple of different ways. He'd like to see  
33 the applicant come back with some movement of the back wall or some  
34 reconfiguration of the upper floor in some way that it improves their privacy, and at  
35 the minimum, a very detailed screening plan that the Butler/Pritchard neighbors  
36 are in favor of and that the applicant will maintain on an ongoing basis. It's got to  
37 be not just a couple of trees here and there, he wants to see a detailed landscape  
38 plan. Forget about the oak trees in the back, some other type of species. The oak  
39 trees are great to look at, as long as you're not taking care of them.

40  
41 The applicant asked if the landscape plan can be reviewed by staff?

42  
43 Vice Chair Keller said no, he thinks they need to come back to the Commission  
44 with the landscaping plan, or at least it needs to be on the Consent Calendar.

1 Community Development Director Graves said there are a couple of ways this can  
2 be handled. One, because there may be a change on the Commission, it can be  
3 handled at the staff level. The motion could be to give direction to the applicant to  
4 submit a plan to the staff that addressed the criteria which the Commission  
5 identifies in the motion. A second option would be to review to the satisfaction of  
6 the community development director with assistance from a two member sub  
7 committee of the Planning Commission.

8  
9 Chair Kellman suggested alternatively if the Commission would like to see it again,  
10 they can put it on the Consent Calendar which would provide an opportunity to see  
11 the detail of the changes.

12  
13 Vice Chair Keller said the only issue there is Commissioner Bossio won't be on the  
14 Commission.

15  
16 Chair Kellman said she understands, but does the Commission want to review it.

17  
18 Vice Chair Keller said regarding the Community Development Director's  
19 suggestion about a committee of two from the Planning Commission sitting in on  
20 the review, he'd be willing to volunteer for that.

21  
22 Commissioner Petersen said he would as well.

23  
24 Chair Kellman said Commissioner Petersen won't be able to because she doesn't  
25 believe he'll be on the Commission.

26  
27 Commissioner Petersen said that's true.

28  
29 Chair Kellman said she would be willing to serve on that committee.

30  
31 Commissioner Bossio said she will include in her motion that a subcommittee of  
32 Chair Kellman and Vice Chair Keller will determine whether the proposed changes  
33 as far as landscaping and protecting the Pritchard/Butler and Ms. Fletcher's  
34 privacy and whether the proposed changes suit the protections that the  
35 Commissioners seek.

36  
37 Chair Kellman said she is highly uncomfortable with this. This sounds incredibly  
38 like topics that should be the subject of a public hearing. So for the record, she is  
39 incredibly uncomfortable with bringing this to any sort of subcommittee out of the  
40 reach of public hearing.

41  
42 Commissioner Bair said since the motion is based partially on some expressed  
43 concern about the neighbors and their concerns and the change over in the  
44 Commission, how does a developer bring something back to this committee and  
45 the planning department and get a nay or yea out of it and then have to bring it

1 back to the Commission on a yea or nay vote, and then when do they appeal this,  
2 do they appeal it out of the committee or appeal it from another meeting here?

3  
4 Commissioner Petersen asked if Commissioner Bossio just wants it to be handled  
5 at staff level?

6  
7 Commissioner Bossio said that's what she originally proposed.

8  
9 Vice Chair Keller said let's go with the staff level then.

10  
11 Commissioner Bossio said okay. They'll go with the staff level.

12  
13 Chair Kellman asked if Vice Chair Keller seconded that motion?

14  
15 Vice Chair Keller said he will second that motion.

16  
17 **ROLL CALL**

18  
19 **AYES: Vice Chair Keller, Commissioners Bossio and Petersen**

20 **NOES: Chair Kellman, Commissioner Bair**

21 **ABSTAIN: None.**

22 **ABSENT: None.**

23  
24 Chair Kellman noted for the public that the project was approved with a vote of  
25 three to two; the applicant has been directed to make additional changes  
26 regarding privacy concerns and landscaping and the vote is to have those  
27 changes approved by the community development director at the administrative  
28 level, which won't be subject to public hearing.

29  
30 (Recess)

31  
32 **CONTINUED PUBLIC HEARINGS**

- 33  
34 **3. 115 SOUTH STREET (TM/DR 06-008/APN 065-301-05)**  
35 **Sven Lavine (Applicant)**  
36 **Gabriel Banon (Owner)**  
37

38 **The applicant, Sven Lavine, on behalf of property owner Gabriel Banon,**  
39 **requests Planning Commission approval of a Tentative Map and Design**  
40 **Review in order to demolish the existing single-family home and construct**  
41 **two new, detached single-family condominiums on a 6,000-square foot**  
42 **parcel. The applicant proposes to construct the lower unit above a four-car**  
43 **garage. The two-story residences would be approximately 1,696 square feet**  
44 **and 2,179 square feet. The residences would cover 47.8 percent (2,865**  
45 **square feet) of the total lot area and result in 66.9 percent (4,016 square feet)**  
46 **of impervious surface coverage. This project is subject to Heightened**

1 **Review as it exceeds 80 percent of the permitted building coverage and floor**  
2 **area limitations. In addition, the Planning Commission would need to make**  
3 **required findings with respect to Detached Dwelling Units as the project**  
4 **proposes the construction of detached single-family dwellings in an R-2 (R-**  
5 **2-2.5) zoning district.**

6  
7 **Staff Report by City Planner Brent Schroeder**

8  
9 Mr. Schroeder reported that this is the second review for this project. The  
10 Commission previously heard this project at its April 9, 2008 meeting. The  
11 applicant requests Planning Commission approval a tentative map and design  
12 review in order to demolish the existing single-family home and construct two new,  
13 detached single-family condominiums, totally 2,865 square feet of floor area, on a  
14 6,000-square foot parcel. At its April 9 meeting, the Commission suggested three  
15 design revisions. The applicant has addressed these suggestions. The applicant  
16 has made and continues to comply with the requests of staff and the Planning  
17 Commission.

18  
19 The revisions include:

20  
21 Address the obstruction of a secondary view from the existing residence at 117-  
22 119 South Street (pointing to drawings). The applicant met with Mr. Abasi, who is  
23 the property owner there, on two occasions to discuss the roof height. This is a  
24 secondary view from a bedroom set to the rear of the house. It is a very difficult  
25 view to maintain; however the applicant was able to lower the roofline closest to  
26 117-119 South Street structure by four feet (pointing to drawings showing  
27 comparison). The new roof line is similar to the existing guardrail on the deck at  
28 117 119 South Street and the reduction is substantial.

29  
30 Differentiate the architectural design and the materials between the two proposed  
31 buildings. Building A, in front, continues to have the same material and palettes.  
32 The roof was revised from a sloping roof to a flat roof. The chimney size was  
33 reduced to a less bulky version and is now less of a view obstruction. The primary  
34 views from the lower floors as well as off to the side where the master bedroom is,  
35 none of those views are obstructed by the proposed residence. Building B, in the  
36 back, has a new materials palette. A sample and materials board is available to  
37 the Commission. It includes smooth trowed stucco, cement board paneling and  
38 metal and glass rail system, as opposed to the wood panels and guardrails used in  
39 the front building. Non-weathering copper fascia and eave details have been  
40 added (pointing to photo simulations demonstrating changes between the front  
41 and rear building.) The applicant has also made changes to the color.

42  
43 The final direction was to include a vegetative screen between the residence at  
44 115 South Street and 107 South Street to provide privacy between the proposed  
45 and existing windows. The applicant has agreed to the screen but requests the

1 option to place it after construction in consultation with Mr. Scott the property  
2 owner.

3  
4 Staff continues to recommend approval.

5  
6 **Presentation by Applicant Architect Lavine**

7  
8 **Sven Lavine** is the architect on the project. He met with the neighbor, Mr. Abasi,  
9 on one occasion and as a result they lowered the roof by 4 feet and eliminated the  
10 mass of the chimney and replaced it with a low profile chimney. This should give  
11 Mr. Abasi a clear view of Angel Island. They have differentiated the buildings by  
12 changing the massing and roofline of the front building to contrast with the uphill  
13 building. They kept the design of the uphill building but made changes in the  
14 material and color palette.

15  
16 Commissioner Petersen asked how completely distorted is this image (pointing to  
17 photos)? Is there another image?

18  
19 Mr. Lavine said it's tough to get the model lined up with the photograph, he was  
20 trying to get the match to roof heights. The most accurate way to do it would be to  
21 compare it to the story poles. Building B might be reading a little too tall.

22  
23 Commissioner Petersen asked if it is Rhine zinc? He loves that metal.

24  
25 Mr. Lavine said yes, it is nice.

26  
27 Chair Kellman said some of the public comments in the packet were dated prior to  
28 the first meeting. Has the sewer line easement question been resolved?

29  
30 Mr. Schroeder said the concern is to identify the sewer line so it's not damaged  
31 during construction; one of the conditions of approval suggested by the City  
32 Engineer was to identify this sewer line before any construction begins.

33  
34 Chair Kellman asked about the neighbor who didn't receive notice?

35  
36 Mr. Schroeder said there was a mishap about noticing but he's spoken with the  
37 neighbor several times since.

38  
39 **Public Comment**

40  
41 **Michael Abasi** represents the owner of the neighboring property. He said they  
42 have no major objection to this project. Their objections were to obstruction of  
43 views, however, the applicant has been accommodating and the owner  
44 appreciates it. They still lose a good part of the Bay and Angel Island view if you  
45 are in sitting position on the deck. The owner would ask that they reduce the roof  
46 another six inches to increase the view of Angel Island and the Bay. Additionally,



1 there is going to be a major construction period. The owner is willing to not object  
2 to the privacy issues on the back of the building. The back building is going to  
3 tower over this building. He hopes they will consider reducing the height of the  
4 building another six inches. He presented a photo to the Commission showing the  
5 height of the roof.  
6

7 **Tony Nash** lives at 111 South Street, the building right next to the proposed  
8 construction. She thanked the architect and applicant for lowering the story poles  
9 because that means she will have light in the afternoon. She still has three  
10 concerns. First, she is a doctoral student and studying at home; construction hours  
11 are a concern to her especially when it begins before 8 a.m. Second, parking. The  
12 property is going from a two-person building to two buildings which could contain  
13 six to eight people. There is not sufficient parking there now for the two people  
14 who lived there. She knows that four parking spaces that are going to be provided,  
15 but with six to seven bedrooms, that means seven to nine potential drivers, so  
16 that's additional cars on a street, which is already beyond capacity. The city has no  
17 control over who lives in these buildings; does the city have a plan for  
18 accommodating three to five more cars on that street. Third, regarding trees and  
19 the Mediterranean atmosphere. She understands the non native trees are going to  
20 be removed; that means 18 trees are being removed. She appreciates that they  
21 are non native, but any tree contributes to clean air and the Mediterranean  
22 atmosphere. It looks more small town folksy. The pictures seem somewhat  
23 deceptive because all the greenery is going to be gone. The hillside of green is  
24 going to be replaced by two buildings. Are the owners going to replace those 18  
25 trees that are cleaning the air, or does the city plan to put in 18 trees at some other  
26 location nearby?  
27

28 **Clare Blotter** lives next door to the project site. Her concerns are parking and  
29 traffic congestion on South Street, the main entry way into Sausalito from San  
30 Francisco. The increase in bicycle riders makes the traffic dangerous. Parking for  
31 residents is extremely limited. The construction of a single family house on the  
32 next door property is consistent with the Sausalito building plan or a smaller house  
33 behind a main house, but squeezing in two large homes that will bring in families  
34 with cars is a problem. They are losing the green to buildings. Any way you look at  
35 it the building of an extra house will increase congestion, slow traffic and endanger  
36 the quality of life in the area. The traffic report calls the bicyclers who use this  
37 route "experienced riders." She disagrees. She's seen accidents there, people are  
38 yelling back and forth. It's really congested and this project will make the situation  
39 even more difficult. Public parking spaces are going to be taken up by private  
40 parking for this property; two large homes are excessive for this site. There's going  
41 to be an irreversible impact on the gateway in and out of town. She lives in  
42 Sausalito because of the beauty and greenery and the city is losing that with this  
43 project.  
44

45 **Amy Aikens** lives at 109 South Street. She echoed the concerns of the last two  
46 speakers, especially with regard to parking. She is mainly concerned about the

1 construction phase. Is it possible to request privacy screening and dust control  
2 between the construction project and the adjoining properties, especially during  
3 demolition. She asked for clarification on parking for the contractor during  
4 construction. Is it possible to give them a permit to park in the loading zone across  
5 the street so they don't take parking away from the public?  
6

7 Commissioner Petersen said the contractor will have to be unloading equipment,  
8 but he thinks there are conditions that say everybody else has to be shuttled to the  
9 site.

10  
11 Chair Kellman said the City Engineer isn't present; she doesn't see using the  
12 loading zone as something that the City Engineer would normally approve but he  
13 can be asked.

14  
15 Ms. Aikens also asked if the contractor's geotechnical consultant was to provide a  
16 sheeting and shoring plan for what's happening during construction? It's going to  
17 be a very large cut into the toe of that slope and there are properties immediately  
18 adjacent, and they're concerned about geotechnical stability. Is the entire part of  
19 that street in front of the house going to be turned into a driveway for these  
20 buildings? There is currently a fire hydrant between 111 South Street and the  
21 subject property. Will that fire hydrant have to be moved to the east? If so, the red  
22 zone moves farther to the east, which means they lose even more parking.  
23

24 Chair Kellman said that's a City Engineer question; staff will bring these questions  
25 to the City Engineer.

26  
27 Mr. Lavine said from a code standpoint, they're meeting the requirement for the  
28 number of spaces required for the number of units. Since they're meeting the 15-  
29 foot requirement, they're creating a little breathing room for cyclists. So it may  
30 alleviate some problems with bicycle traffic. The four off-street spaces they are  
31 providing are four more than exists now.  
32

33 There was a discussion about the exact number of spaces being created.  
34 Community Development Director Graves said the project will create four spaces  
35 and the City Engineer was adamant about the five-foot dedication to  
36 accommodate future road widening on South Street which hopefully will someday  
37 improve bicycle and pedestrian safety. The space created in that dedication will  
38 provide two legal spaces, so actually you can accommodate six cars in the  
39 driveway and in the two garages.  
40

41 Commissioner Petersen asked how far the garage is from the curb?  
42

43 Mr. Lavine said it varies, but it's 15 feet from the property line.  
44

45 Commissioner Petersen said so you actually can park a car sideways in the  
46 driveway, too. The big thing is that if there's no way to park in front of that house,

1 then there's a little bit of breathing room for the cyclists that come through, which  
2 they don't have right now.

3  
4 Chair Kellman asked Mr. Lavine to speak about the landscape plan. They are  
5 removing non-natives but protecting two coastal live oaks on the site? The  
6 applicant has stressed concern about the green aspects of the project, can he  
7 speak to the landscaping and how they're going to compensate for the loss of the  
8 trees.

9  
10 Mr. Lavine said he thinks most of the trees that they are removing are acacias,  
11 which are considered nondesirable trees. There's one big live oak between the  
12 two buildings. It's a pretty big tree and it breaks up the site a little bit so you're not  
13 seeing just sheer building there; the tree will screen the back building.

14  
15 Chair Kellman asked if those two large trees are both coastal live oaks?

16  
17 Mr. Lavine said one of the live oaks is behind the neighboring property to the west.  
18 And they're protecting the root line. One is on site and that's the one behind the  
19 front building and a little to the left.

20  
21 Chair Kellman asked what about the trees behind the second building. Are they on  
22 the applicant's property?

23  
24 Mr. Lavine said those are probably on the applicant's property. They're going  
25 away.

26  
27 Chair Kellman asked what they're doing to compensate for the loss of that  
28 greenery and dense foliage in that area?

29  
30 Mr. Lavine said there is a plan to create some kind of screen between the  
31 applicant's property and the uphill neighbor.

32  
33 Chair Kellman noted the applicant has submitted a landscape design concept;  
34 does he have anything more specific?

35  
36 Mr. Lavine said there should be a landscape plan with that as well.

37  
38 Mr. Schroeder said it's a three-page plan.

39  
40 Mr. Lavine said there should be a site plan as well.

41  
42 Chair Kellman asked this is it?

43  
44 Mr. Lavine said yes.

45  
46 Chair Kellman asked if the neighbors have seen this?

1  
2 (Neighbors indicated yes from the audience).

3  
4 Mr. Lavine said in the original application there was a plan to put a venicular or  
5 hillavator on the side of the building and that's gone away. They will put ground  
6 cover there to stabilize that section of the site.

7  
8 Chair Kellman asked Mr. Lavine to talk about some of the geotech issues? How  
9 much excavating, how many truckloads of dirt being pulled out of the site?

10  
11 Mr. Lavine said the numbers are in the report and the site plan. There's actually  
12 very little impact to the site in terms of cut and fill other than at the front of the site  
13 where there's substantial cut, and a lot of what's driving that is the parking  
14 requirement and the setback requirement. Between the geotech and the City  
15 Engineer, all the geotech concerns are being met; they're meeting the building  
16 codes there, which include a lot of requirements for stabilizing the site.

17  
18 Chair Kellman asked if the resolution includes a condition for a bond related to the  
19 geotechnical work?

20  
21 Mr. Lavine said he believes it does.

22  
23 Commissioner Petersen asked staff if the sheeting and shoring will be detailed at  
24 construction document level?

25  
26 Community Development Director Graves said yes. The site design was terraced  
27 to minimize the cut and the fill and is conditioned in the engineer-recommended  
28 approval.

29  
30 Commissioner Petersen asked how and when the neighbors can see the  
31 excavation plan? Is that at construction document level?

32  
33 Community Development Director Graves said they can contact the City Engineer.  
34 He's not sure they'll have those plans until the building phase.

35  
36 Commissioner Petersen asked if the City Engineer can alert the neighborhood  
37 when those plans are in?

38  
39 Community Development Director Graves said those are public documents and at  
40 any time the public can come in and look at the documents.

41  
42 Commissioner Petersen said the neighbors' have a valid concern; he can  
43 understand they would want to see the plans.

44  
45 Community Development Director Graves agreed, it just depends on when the  
46 applicant gets the construction documents in. It could be two months or longer.

1  
2 Commissioner Petersen said the neighbors can call the City Engineer to get an  
3 idea of when those plans will be ready.

4  
5 Chair Kellman said one of the detached dwelling unit findings they need to make  
6 regards the element of shared driveways, pathways, common areas on the  
7 property. Aside from the shared parking area which is really more functional to the  
8 site than anything else, are there any other shared areas here? Any other open  
9 spaces, green spaces?

10  
11 Mr. Lavine said on the last tentative map the yard between the two buildings and  
12 the rear yard are both identified as shared spaces.

13  
14 Commissioner Bair asked Mr. Lavine to address the public speaker's concern  
15 about dust control during demolition.

16  
17 Mr. Lavine said he doesn't believe there's a condition for dust control in the  
18 documents that the City Engineer prepared. If required, they could approach that.  
19 He's not sure that's something that is typically required.

20  
21 Community Development Director noted that as part of the storm water  
22 management plan, there will be watering required on the site to minimize dust;  
23 straw bales and bunting will be used to contain dust and mud.

24  
25 **Public Comment closed.**

26  
27 **Commission Discussion**

28  
29 Chair Kellman asked the Commissioners present at the first hearing to comment  
30 on whether they think the issues brought up then have been addressed.

31  
32 Commissioner Petersen said his issue was making the buildings different; he still  
33 feels they're reminiscent of South of Market circa 1995. He appreciates the  
34 changes made. The pallet of materials is beautiful; he appreciates the rooflines  
35 have changed so they'll feel a little bit different from each other. And the materials  
36 have changed. So he's satisfied with what was his big concern last time.

37  
38 Commissioner Bair said his concern was about the roofline height change for the  
39 neighbor and that seems to have been resolved, although there's been a request  
40 to lower the roof another six inches. He thinks they ought to talk a little bit more  
41 about the parking. It goes back to heightened review findings. This particular street  
42 is so problematic. He doesn't know what they can do with it, but number 6 in the  
43 ordinance talks about guest parking either on site or within, and that's in addition  
44 to the site development standards, that when you build this you've got to have two  
45 per unit and then the review findings suggest that off site guest parking is  
46 supposed to be something to consider. He's not concerned about the same things

1 he was with the last project, this project seems to have more of a common area  
2 and the vegetation has been addressed; the parking issue is somewhat of a  
3 concern but it's a huge concern anywhere.

4  
5 Commissioner Petersen said the way he sees this is there are the four spots in the  
6 garage and there's the possibility for one, and if you have small cars, maybe two  
7 that could park parallel to the street, in the driveway. And then there's also the  
8 two-plus spots in front of the property, too. So there's a lot of potential parking  
9 there, which is pretty amazing for this area; the only way to accommodate more is  
10 with excavation which you probably want to avoid doing.

11  
12 Commissioner Bair said in his mind that's a trade off there.

13  
14 Commissioner Petersen said ultimately it's going to feel better there having that  
15 breathing room that comes from pulling the building back and having that drive  
16 there, for the times when bicyclists or pedestrians have to duck out of the traffic.  
17 He would also note he met with Mr. Abasi and looked at the site from Mr. Abasi's  
18 deck. He can see why they would want to go another six inches, but he's at a  
19 place where it's a secondary view, sort of, and that view up there is going to be so  
20 incredibly improved by removal of the tree upfront, which is an acacia. He can see  
21 not imposing the six inches on the applicant, but telling him that this is an  
22 opportunity to be a real nice neighbor. If he can find during the construction  
23 document phase a few inches here and a few inches there, that be a nice  
24 neighborly thing to do.

25  
26 Vice Chair Keller agreed with Commissioner Petersen that he doesn't think the  
27 applicant has gone far enough to differentiate the two buildings. They've come up  
28 with a different palette, but they've done nothing to really change the look of the  
29 upper building relative to the lower building. He thinks the architect could be a little  
30 more creative here. The last project did a better job of differentiating the buildings.

31  
32 Chair Kellman agreed. The other project had some similarities in terms of density  
33 but it did a nice job of distinguishing the buildings. As one of the neighbors said,  
34 this is a site that makes more sense to have a larger front building and a smaller  
35 rear building and she wholeheartedly agrees. This is a really steep lot and you're  
36 going to look up and see two looming structures; you can see it from everywhere.  
37 This is a good architect and he could do a lot more with the site. It's a beautiful  
38 location; this design is going to produce a looming structure. More can be done in  
39 terms of green design. She doesn't see the designated shared common space as  
40 space that people are going to actually utilize and that's a beautiful green site and  
41 she'd like to see the architect use his skills to make the most of it. She doesn't  
42 have a problem with the parking there; the parking there is a function of living on  
43 South Street, that's the way it is. The applicant's provided parking required under  
44 the code plus parking for guests. She also agrees that if they brought it down six  
45 inches, they'd have some really good friends for a long time. But she would like to  
46 see more differentiation and a small structure in the rear. Then she could look at

1 the design review findings and say yes, it complements the surrounding  
2 neighborhood or yes, it's consistent with the general scale and structure of  
3 buildings in the neighborhood. As it is she can't make those findings.

4  
5 Chair Kellman asked if anyone wants to make a motion to approve?

6  
7 **Commissioner Bair moved, seconded by Commissioner Petersen, to**  
8 **approve the project with the conditions noted on the record.**

9  
10 **ROLL CALL**

11  
12 **AYES: Vice Chair Keller, Commissioners Bossio, Bair and Petersen**

13 **NOES: Chair Kellman**

14 **ABSTAIN: None.**

15 **ABSENT: None.**

16  
17  
18 Community Development Director Graves noted appeals to the decision must be  
19 filed within 10 days of the decision.

20  
21  
22 **NEW PUBLIC HEARINGS**

23  
24 **4. 1201 BRIDGEWAY BOULEVARD (CUP/SP/VA 07-003/APN 065-053-01)**  
25 **Hugo McCloud (Applicant) /Victor Barkhordarian (Owner)**

26  
27 **The applicant, Hugo McCloud, on behalf of property owner Victor**  
28 **Barkhordarian requests Planning Commission approval of a Conditional Use**  
29 **Permit, Sign Permit, and Variance, to convert a portion of an existing**  
30 **commercial retail use at 1201 Bridgeway into a café restaurant and art**  
31 **gallery with new signage and outdoor dining.**

32  
33 **Staff Report by City Planner Brent Schroeder**

34  
35 Mr. Schroeder reported that the applicant, Hugo McCloud, on behalf of property  
36 owner Victor Barkhordarian requests Planning Commission approval of a  
37 Conditional Use Permit, Sign Permit, and Variance, to convert a portion of an  
38 existing commercial retail use at 1201 Bridgeway into a café restaurant and art  
39 gallery with new signage and outdoor dining. The property is zoned CR,  
40 Commercial Residential. The subject parcel is at the intersection of Bridgeway and  
41 Pine; it is nearly 23,000 square feet and encompasses the existing structures of  
42 1201, 1207 and 1221 Bridgeway. The existing uses at the site are McCloud  
43 Design, a commercial retail use that specializes in the sale of garden and fountain  
44 planters and offers professional design services. The proposed project is for a  
45 1,300 square foot café designed by the applicant, with a mix of indoor and outdoor  
46 dining. It would primarily serve local residents and employees of the

1 Bridgeway/Caledonia business corridor. The intent is to serve local organic fare  
2 including products from Sausalito and the Bay Area. The café would be open for  
3 breakfast and lunch. The second company is for "The Untitled Gallery," it will be  
4 an extension of McCloud Design. It would serve as the office and planning space  
5 and showcase the work of the applicant, Hugo McCloud. Events at the gallery  
6 would involve 60 to 100 attendees every two to three months.

7  
8 Regarding future development of the site, staff wants the Commission to be aware  
9 of potential considerations of parking. The applicant is in the preliminary stages of  
10 designing a courtyard to replace existing parking spaces at the south end of the  
11 site. The courtyard would provide residents a very attractive outdoor dining area  
12 with waterfront views and would serve as an improvement along Bridgeway. The  
13 constraints include relocation of utilities, storm drains and reconfiguration of Pine  
14 Street as well as possible changes to the bus stop there. The City Engineer is in  
15 the initial phases of reviewing the potential development, which is being designed  
16 by architect Donald Olsen. But this has implications for the parking.

17  
18 The zoning ordinance provides for uses that have historically not provided parking  
19 to be replaced by a similar use; the proposed café would intensify the use and  
20 therefore trigger an additional parking requirement. The proposed outdoor dining  
21 would be exempt from any additional parking requirements. When considering the  
22 parking requirement necessary to serve the café, staff considered two  
23 approaches, both of which require a variance. The intensified use would require  
24 seven additional spaces. The second approach compared the relative size of the  
25 café to the rest of the building, and nine parking spaces would be required. The  
26 courtyard proposal will trigger additional parking requirements. The staff report  
27 contains a lengthy discussion of the parking implications.

28  
29 The applicant conducted neighborhood outreach, the proposed improvements are  
30 supported by 14 neighbors and many of those neighbors are present.

31  
32 Commissioner Petersen asked if the courtyard plan is actually on these drawing?  
33

34 Mr. Schroeder said it will be in the future; the feasibility study is still being  
35 conducted from an engineering standpoint. Architect Don Olsen is present and can  
36 describe the plan.

37  
38 Mr. Olsen said it will be similar to Locust Street where there is diagonal parking.  
39 They would take the parking that's on site; there are three spaces that back out  
40 onto Pine Street and two spaces that back out onto Bridgeway. So they would  
41 eliminate all the backing up across sidewalks into an organized parking that would  
42 be available to people going to a variety of stores in the immediate area.

43  
44 **Public Comment**



1 **Alfredo Ancona** said his family has owned a restaurant in Sausalito for nearly 25  
2 years. He and his wife wanted to expand and they scouted the area and found this  
3 project for their second restaurant.

4  
5 **Tera Ancona** said a lot of her customers are present, people who come to  
6 Angelino's. The key to what they are trying to do is have what they have in  
7 Angelino's in this space at 1201 Bridgeway. They'll be open from seven to five,  
8 breakfast and lunch. Good food, great location, great space working with McCloud  
9 Design, good for the community.

10  
11 **Vicky Nichols** lives at 117 Caledonia. She wasn't aware of the outreach. The  
12 parking here was primarily used for storage, the taco place is overseated now.  
13 She's not against the idea, but she thinks even considering this without hearing  
14 the second part, the courtyard element, would be unwise.

15  
16 Commissioner Bair said he thinks what they're looking for is some idea of whether  
17 this is project is going to be something that would throw a wrench in the future  
18 project.

19  
20 **Lincoln Chris** owns the building immediately next to this building at 328 Pine  
21 Street. He's done substantial improvements to the building. He's reviewed the  
22 plans for the restaurant and the parking. The restaurant will be a great asset and a  
23 big improvement to the look and design of the building. It's an improvement to the  
24 business environment there. He's in favor of the plans 100 percent.

25  
26 **Public Comment closed.**

27  
28 **Commission Discussion**

29  
30 Commissioner Bair noted there's no mention in the materials of any live music or  
31 any events at night.

32  
33 The applicant said that's correct, for the café.

34  
35 Chair Kellman said there's a CUP, a sign permit and a variance to approve. Any  
36 comments from the Commission?

37  
38 Commissioner Petersen said the signs look and sound beautiful.

39  
40 **Chair Kellman moved to adopt the draft resolution of approval.**

41  
42 Commissioner Bair asked what does the draft resolution say about the parking?

43  
44 Chair Kellman said it's a question of whether the variance findings can be made.

45

1 Mr. Schroeder said he understands Commissioner Bair is asking if the variance  
2 being approved is for seven or nine parking spaces.

3  
4 Chair Kellman said she believes the findings that apply to seven apply to nine as  
5 well. So the motion is that the findings are for the variance for nine parking  
6 spaces.

7  
8 **Commissioner Bair seconded the motion.**

9  
10 **ROLL CALL**

11  
12 **AYES: Chair Kellman, Vice Chair Keller, Commissioners Bossio,  
13 Bair and Petersen**

14 **NOES: None.**

15 **ABSTAIN: None.**

16 **ABSENT: None.**

17  
18  
19 **Vice Chair Keller thanked Commissioners Petersen and Bossio for their  
20 service on the Commission.**

21  
22 **ADJOURNMENT**

23  
24 **Chair Kellman moved, seconded by Commissioner Petersen, to adjourn the  
25 meeting. The next Planning Commission meeting is June 11, 2008.**

26  
27 Respectfully submitted,

28  
29 Tricia Cambron  
30 Minutes Clerk

31  
32 I:\CDD\Plan Comm\Minutes\2008\05-28-08-Approved.doc