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SAUSALITO PLANNING COMMISSION
Wednesday, November 30, 2011
Approved Summary Minutes

Call to Order

Chair Keegin called the meeting to order at 6:30 p.m. in the Council Chambers of City Hall, 420 Litho Street, Sausalito.

Present: Chair Stafford Keegin, Vice Chair Joan Cox, Commissioner Stan Bair
Commissioner Richard Graef, Commissioner Bill Werner

Staff: Community Development Director Jeremy Graves
Assistant Planner Alison Thornberry-Assef

Approval of Agenda

Commissioner Cox moved and Commissioner Graef seconded a motion to approve the agenda. The motion passed 5-0.

Public Comments on Items Not on the Agenda

None.

Approval of Minutes

November 9, 2011

Commissioner Werner moved and Commissioner Bair seconded a motion to approve the minutes as amended. The motion passed 5-0.

Public Hearings

Declarations of Public Contacts

Commissioner Graef indicated he had visited the subject site that day and spoke with Mr. Jensen. While there he also spoke with Mr. Beers, an adjacent neighbor.

Chair Keegin indicated he had visited with Mr. Jensen at the subject site the day before and while there visited Mr. Sollers home. Chair Keegin had spoken with Mr. Sollers by telephone prior to his visit to set up a meeting and had also exchanged emails with Mr. Jensen and Mr. Sollers.

- 1. DR/TRP/EA 11-196, Design Review Permit, Tree Removal Permit, Encroachment Agreement, Jensen-Komer, 38 Lower Crescent Avenue.**
Design Review Permit to construct a new single-family residential structure with a two-car parking deck at 38 Lower Crescent Avenue (APN 065-231-32); a Tree Removal Permit to remove five protected trees; and an Encroachment Agreement to construct a portion of the driveway, parking stalls and parking deck with guardrail in the Lower Crescent Avenue public right-of-way. Continued from the October 26, 2011 meeting.

1
2 The continued public hearing was re-opened.

3
4 Associate Planner Thornberry-Assef presented the Staff Report.

5
6 The public testimony period was opened.

7
8 Presentation was made Lars Jensen, the property owner.

- 9
- 10 • The Staff Report states incorrectly that they are at the five-foot setback line
11 with respect to the new stairs. They are actually at eight-and-a-half feet. They
12 are at the setback line plus three-and-a-half feet, and it is even further to the
13 main mass of the building.
 - 14 • The two remaining shipping containers are tucked under the house between
15 foundation walls. The Staff Report states the containers will be visible from Oak
16 Lane and from the down slope properties to the east, but down slope neighbors
17 would see only the window ends of those containers and they would be heavily
18 screened by shrubs and trees. From Oak Lane the containers could only be
19 seen if one looks through the fence slats.
 - 20 • The Staff Report mentioned a “slight industrial and modern feel,” and they do
21 not understand how a slight feel rises to the level of declaring this project
22 incompatible with its neighborhood. If the Commission feels the project is too
23 industrial or too modern they need to hear about it in specific detail so they are
24 not left guessing.
 - 25 • The Staff Report suggests they move the house downhill to the east, but that
26 would make things worse for everyone, certainly for them because the
27 construction would be much costlier, their view would be eliminated, there
28 would be a severe reduction of property value, more site disturbance and
29 removal of more mature oaks, and the house would have to be redesigned
30 from scratch. Starting over would mean losing a year of design and permitting
31 effort. It would also bring more objections from neighbors, including those
32 downhill that so far seem happy.
 - 33 • Staff greatly overstates the impact of the deck. There will be no air impact and
34 very little light impact, if any, as the deck runs due east and west and is on the
35 north side of Mr. Sollers’ yard. Staff’s words regarding blocking and eliminating
36 does not match the actual situation.
- 37

38 Commission comment to Mr. Jensen:

- 39
- 40 • If you did not have the arched roof but instead brought that flat roof down to an
41 interior ceiling height of eight feet, that would open up the view at the top of
42 Oak Lane and you would not have to make any other adjustments. *Mr. Jensen*
43 *responded flattening the roof to an eight-foot height still not show the view of*
44 *San Francisco. The entirety of the arch is above the San Francisco level. It is*
45 *really the sidewall and those windows that make it impossible to see San*
46 *Francisco.*
- 47

48 Comments were made by the public.

49
50

1 Don Beers, 42 Lower Crescent Avenue, indicated the following:

- 2 • They own the tree that is part of the view question.
- 3 • They have never been approached by anyone to trim the tree to expose the
- 4 view. While the new view is impressive, it never existed until the limb was
- 5 trimmed to install the project's story poles.
- 6 • They find the modified plan completely acceptable to them.
- 7

8 Michael Rex indicated the following:

- 9 • He was asked to visit the site and offer a third party professional opinion.
- 10 • Mr. Jensen is correct that you are actually looking through the walls of the
- 11 second floor; so lowering the roof to a flat eight feet will not enable one to see
- 12 San Francisco looking over the roof. The upper portion of the second floor
- 13 would have to be removed to preserve the view of the City.
- 14 • The only place this house can get a view of the bay and the City is from the
- 15 upper floor, representing 30% of their building envelope. That is not a fair and
- 16 equitable tradeoff for the owners to lose that kind of value and use and
- 17 enjoyment of this private parcel because of a nice but small view for one
- 18 moment standing at the top of a public stair, a view that never really existed
- 19 and was created by accident.
- 20 • It is not that the Jensens do not want a parking deck in front of their house;
- 21 they are trying to preserve the trees and the only sunny patch of land on their
- 22 property. Pulling back the storage container and landscaping on the side is the
- 23 right solution to soften the impact to the neighbor next door.
- 24
- 25

26 Dorothy Gibson indicated the following:

- 27 • Oak Lane is a historic lane in Old Town that is a pocket of native California
- 28 Coast Oaks. She hopes the oaks will be treated properly and live and that any
- 29 trees removed for this project will be replaced with oak trees.
- 30

31 Bill Keller, 35 Lower Crescent Avenue, indicated the following:

- 32 • He thanks the applicants for reaching out to all the neighbors and thinks they
- 33 have done an exceptional job of outreach in a laborious and frustrating process
- 34 for them.
- 35 • There is a variety of architecture along the street, so he does not have a
- 36 problem with the design and architecture.
- 37 • The applicants have done a lot to address the concerns of the Beldings with
- 38 respect to view. There is still an issue with Mr. Sollers regarding the parking
- 39 deck, but that can be resolved.
- 40 • He has used Oak Lane for 19 years and has never once thought about the
- 41 view from the top of the steps.
- 42
- 43

44 Commission question to Ms. Gibson:

- 45 • With respect to this project blocking the view that is there now or the view you
- 46 have seen in the time you have used that lane, what is your take on the view
- 47 question with this project? *Ms. Gibson responded the oak trees are part of*
- 48 *Sausalito and should not be injured or compromised to provide a view. The oak*
- 49 *trees are a natural windbreak. The trees are natural and beautiful and should*
- 50 *be left alone.*

1
2 Betsy Stroman, 49 Lower Crescent Avenue, indicated the following:

- 3 • She has lived on her property for 20 years.
- 4 • The vaulted ceiling of the project's home cuts off every piece of the view and
5 should be considered by the Planning Commission.
- 6 • She does not believe cutting down a single branch is responsible for creating
7 the public view.
8

9
10 Scott Sollers, 32 Lower Crescent Avenue, indicated the following:

- 11 • The proposed changes to date have been positive except for two negative
12 impacts on his property with the structure being shifted toward his property and
13 the installation of the parking deck.
- 14 • It is not a light and air issue, it is more about a visual impact, which is
15 overwhelming. The structure feels like it is falling into his property with a height
16 as tall as his roofline.
- 17 • He suggests rotating the axis of the proposed home counterclockwise which
18 would have a beneficial impact on the public view corridor and would create a
19 window of space on the front of the home where the parking structure could be
20 redesigned with one car in front of the home and the other a distance away
21 from his property.
- 22 • He also suggests doing away with the parking deck storage component, a
23 bulky structure nearest to his home. Anything done to move it further north
24 would benefit him.
- 25 • The applicants have consistently reached out to him to mitigate his concerns,
26 but it is difficult to mitigate such a dominant component without redesign.
- 27 • Vegetation screening would help with whatever ends up going along the
28 property line, because they are losing a major tree between their homes.
29

30 Bob Stroman, 49 Lower Crescent Avenue, indicated the following:

- 31 • There are two different views. The view created by removing the branch of Mr.
32 Beers' tree is the view from the top step looking down the stairs, but there is a
33 view above the top of the steps where you see the view looking across the roof
34 of the existing house.
- 35 • He wonders why the house is on an angle, which broadens the width, making
36 the house wider on the property than it actually is. The same is true of the
37 storage shed at the edge of the parking deck.
38
39

40 **Chair Keegin indicated the Commission had received written communication that**
41 **is part of the Staff Report and will be entered into the record.**
42

43 Commission questions to Mr. Peterson:

- 44 • We can see where the level of the parking deck in the drawings, but what does
45 not show is what is supporting the parking deck. *Mr. Peterson responded there*
46 *are concrete piers and beams supporting it on part wood and part steel*
47 *grading. The steel grading is there so the deck is as transparent as possible so*
48 *that water and light will pass through and the deck will not be shadowy and*
49 *dark.*
50

- 1 • Instead of making it dark and shadowy, could you make it completely opaque
2 by putting the storage unit underneath the deck and running a walkway up on
3 the north side of the deck to the street? *Mr. Peterson responded the storage is*
4 *recycling and trash and would not get used if it were underneath the deck.*
5 *They can put seldom used storage under the deck, but trash and recycling will*
6 *need to stay near the kitchen.*
- 7 • Can you address Mr. Stroman's question regarding why the house is built on
8 an angle that makes it appear to cover the property more broadly? *Mr.*
9 *Peterson responded it is not a square property and gives no opportunity to*
10 *square the home to the property lines. Instead the home is squared to the hill.*
11 *The first and foremost desire was to put the building orthogonal to the contours*
12 *to minimize grading. This configuration also expands the front yard area, which*
13 *is the only place where there is sun.*
- 14 • How to you respond to Mr. Sollers' suggestions of moving the structure north or
15 rotating the house counterclockwise? *Mr. Peterson responded there is really no*
16 *other place to put the parking deck. Right now they have it where the driveway*
17 *was, which is an ideal place, because that is where you can see traffic going*
18 *up and down the best. There are several big trees right there that probably hold*
19 *up Lower Crescent as well as provide screening. The trees are important to the*
20 *property and are also protected Coast Live Oaks. There are not many options*
21 *regarding where the parking deck can go. Rotating the house would block*
22 *more public view on that side and would begin to encroach on Oak Lane. It*
23 *worked out that having this rotation put their corners close to the property line*
24 *but not the mass of the building. They cannot get a car in front of the house*
25 *without moving the house down the hill substantially. They can get one car in,*
26 *but they do not have the means to park another car unless they do tandem*
27
- 28 • Is tandem parking a feasible alternative? *Mr. Peterson responded it depends*
29 *how feasible tandem parking is in Sausalito, so he cannot answer that*
30 *question. It does not change the rotation of the house, it just moves it down the*
31 *hill and Mr. Sollers is concerned about the house going down the hill.*
- 32 • Could squaring the house with the property line give you more parking area?
33 *Mr. Peterson responded yes but it would move them down the hill farther, but*
34 *Mr. Sollers has concerns about views across the back of his property.*
35

36 The public testimony period was closed.
37

38 Commission comments:

- 39 • The view was not there before and was created. That should not drive this
40 project.
- 41 • The parking deck does loom over Mr. Sollers' property but the issue can be
42 resolved. There has been some movement towards that by making the storage
43 structure smaller and adding screening the other side of the parking deck and
44 planting.
- 45 • If this public view were a long-existing one it would be a different question.
- 46 • This is now an approvable and charming house design.
- 47 • The view is a non-issue. It is "Oak Lane," not, "Look at San Francisco Lane."
- 48 • The parking deck on the side of 32 Lower Crescent is also a non-issue,
49 because that exact circumstance exists on other parts of that hill. Looking up at
50

1 the parking deck at 32 Lower Crescent from the adjacent property, it is much
2 closer than this proposed parking deck is to 32 Lower Crescent.

- 3 • The storage area, essentially an area for trash and recycling, is most
4 appropriate up on the deck for the use of the owners as well as the people who
5 haul the trash away every week.
- 6 • It is appreciated that the applicant has offered to pull back the storage structure
7 and it would be smart to also screen the underside of the parking deck with
8 plantings and whatever else can be done to mitigate the looming impact to Mr.
9 Sollers, but Mr. Sollers' did not correct the applicant who stated that Mr.
10 Sollers' house encroaches into his own side setback, which brings his house
11 closer to the applicant's proposed structure.
- 12 • The applicant has demonstrated that he has done what he can to minimize the
13 impact on the public view and on the primary private views.
- 14 • There is no issue of light and air here that is any different from buildings
15 adjacent to any other property on that hill. There are so many other residences,
16 not parking decks but actual houses, that are cheek by jowl that it is unfair to
17 this applicant who is building far less than the allowable FAR, far less than the
18 allowable coverage and far less than the allowable impervious surfaces, to
19 penalize them for building within the limitations of the code.
20

21
22 The public testimony period was re-opened.

23
24 Lars Jensen, 38 Lower Crescent Avenue, indicated the following:

- 25 • They are willing to reduce the size of the storage cabinet and expect to put
26 plantings in between. As far as jogging the fence, Mr. Sollers installed it so he
27 would not presume to state what would happen with the fence, but they will do
28 it if he agrees.
29

30 Staff question to Mr. Jensen:

- 31 • Did you also offer to move the parking deck a foot? *Mr. Larsen responded they*
32 *think it is reasonable to move it a foot and that would preserve enough of a*
33 *walkway for them and for the people picking up the trash.*
34

35
36 The public testimony period was closed.

37
38 The Commissioners discussed placing conditions on the project to:

- 39 • Move the parking deck one foot away from the southern side property line;
- 40 • Pull the storage area in toward the residence by five feet; and
- 41 • Plant a landscape screening between the parking deck and the property line to
42 the west.

43
44 **Commissioner Cox moved and Commissioner Werner seconded a motion to**
45 **direct staff to return to the Planning Commission with a Resolution of Approval**
46 **with the above conditions unless the applicant indicates to staff that an**
47 **alternative agreement has been reached with his neighbor concerning the parking**
48 **deck. The motion passed 5-0.**

49
50 The public hearing was closed.

1 **Old Business**

2 None.

3
4 **New Business**

5
6 **2. January and February 2012 Planning Commission Meeting Calendar.**

7 Review of the Planning Commission meeting calendar for January and
8 February 2012.
9

10 Community Development Director Graves presented the Staff Report.

11
12 **Commissioner Bair moved and Commissioner Cox seconded a motion to set the**
13 **first 2012 Planning Commission meeting for January 18th, with the first February**
14 **2012 Planning Commission meeting set for February 1st if the joint meeting with**
15 **the City Council is held on January 24th, or February 8th if the joint meeting with**
16 **the City Council is held on January 31st. The motion passed 5-0.**
17

18 **Staff Communications**

- 19
- 20 • Bar Bocce Use Permit Compliance: The general manager of Bar Bocce has
21 informed staff that they have implemented new regulations regarding the outdoor
22 area. No patrons are seated outdoors after 8:30pm and the bocce balls are
23 removed from the area after 9:00pm.
 - 24 • 2010 Census Data: The City Librarian has forwarded a Census analysis to staff.
25 It will be forwarded to the Planning Commission.
- 26


27 **Planning Commission Communications**

- 28 • There is a Housing Element Task Force workshop on Saturday December 3rd.
29

30 **Adjournment**

31
32 **Commissioner Cox moved and Chair Keegin seconded a motion to adjourn the**
33 **meeting. The motion passed 5-0.**
34

35 The meeting was adjourned at 8:42 p.m.

36
37 
38 _____
39 Submitted by
40 Jeremy Graves, AICP
41 Community Development Director
42

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37 
38 _____
39 Approved by
40 Stafford Keegin
41 Chair
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