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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, February 22, 2012**  
**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 Richard Graef, Commissioner Bill Werner

Absent: Commissioner Stan Bair

Staff: Community Development Director Jeremy Graves  
Associate Planner Lilly Schinsing, City Attorney Mary Wagner

**Approval of Agenda**

**Vice-Chair Cox moved and Commissioner Werner seconded a motion to approve the agenda. The motion passed 4-0.**

**Public Comments On Items Not on the Agenda**

None.

**Approval of Minutes**

January 18, 2012                      January 23, 2012

**Vice-Chair Cox moved and Chair Keegin seconded a motion to approve the summary minutes of January 18, 2012 as amended. The motion passed 4-0.**

**Vice-Chair Cox moved and Commissioner Werner seconded a motion to approve the summary minutes of January 23, 2012 as amended. The motion passed 4-0.**

**Call to Order – Joint Meeting with Historic Landmarks Board**

Chair Pierce called the meeting to order at 6:33pm.

Present: Chair Morgan Pierce, Secretary Vicki Nichols, Board Member John Flavin, Board Member Carolyn Kiernat

**Public Hearings**

**Declarations of Public Contacts**

Commissioner Werner disclosed that regarding Item 2, 60/62 Marion Avenue, he visited the site on February 20, 2012 and also met with Kim Stoddard of 66 Marion Avenue who gave him a tour of the neighborhood and talked with him regarding the project and other unrelated issues. Ms. Stoddard introduced him to Sarah Slaughter of 97 Marion Avenue with whom he spoke about the particulars of the project.

1 Vice-Chair Cox disclosed that regarding Item 2, 60/62 Marion Avenue, she had received  
2 emails from Peter McGuire, the owner, and Kim Stoddard asking her to meet with them  
3 regarding the project. She sent each of them copies of the Planning Commissioner Site  
4 Review Policy and then met with them at the site for a half hour each and was given a  
5 tour of the site as well as seeing it from Ms. Stoddard's deck. She also met with Ms.  
6 Stoddard's partner, Robert Beifuss at that time. They refrained from discussing specific  
7 entitlements but discussed physical characteristics, footprint, slide areas and conditions  
8 of the site.  
9

10 Commissioner Graef disclosed that regarding Item 2, 60/62 Marion Avenue, he met with  
11 Kim Stoddard at 66 Marion Avenue and looked at the story poles from her main views  
12 from inside the house and other areas around her property. Ms. Stoddard voiced  
13 concerns regarding the design of the project. A neighbor of Ms. Stoddard's, name  
14 unknown, joined the conversation and expressed concerns regarding the stability of the  
15 site. He also went to 5 Marion Avenue (Item 3) and met with the contractor or job  
16 foreman who gave him a tour of the structure.  
17

18 Chair Keegin disclosed that regarding Item 2, 60/62 Marion Avenue, he met with Kim  
19 Stoddard on February 21, 2012 and discussed items she had addressed in her letter to  
20 the Planning Commission such as her view concerns, stream drainage, the hillside and  
21 similar issues. He also met with Ms. Stoddard's partner, Robert Beifuss, at that time.  
22

- 23  
24 **1. DR/SP 11-332, Design Review Permit, Sign Permit, Barrel House, 660**  
25 **Bridgeway.** Modifications to a previously-approved Design Review Permit for  
26 façade modifications, including modifications to the approved entry doors,  
27 extension of a second level outdoor deck, shifting of a rooftop mechanical  
28 screen, addition of a new skylight and revised exterior colors; and a Sign Permit  
29 for new business identification signage for the Barrel House restaurant. All of the  
30 improvements are proposed for the building at 660 Bridgeway (APN 065-133-25).  
31

32 The public hearing was opened.  
33

34 Associate Planner Schinsing presented the Staff Report.  
35

36 Commission question to staff:

- 37
  - 38 • Along with the upper deck extension does the awning also get extended  
39 accordingly? *Staff responded yes, everything would be shifted over one foot.*

40 The public testimony period was opened.  
41

42 Commission questions to Eduard Llora, the applicant:

- 43
  - 44 • Do you still intend to take the arch on the front back to the original concrete?  
45 *Mr. Llora responded there are several additional layers that have been added*  
46 *on over the years so they have opted to apply a skim coat to the arch, as they*  
47 *will be doing to the rear arch, and then apply a flat paint finish over it, which*  
48 *would work with the texture of the skim coat and bring them close to the natural*  
49 *finish of the concrete that is buried under the layers.*

- 1           • Is it your intention to remove the 660 address numerals from the crosspiece of  
2 the sign? *Mr. Llorca responded they do not intend to remove them completely*  
3 *but to relocate them, which would clean up the façade. He believes it is an*  
4 *older font that could use some updating, but not necessarily enlarged because*  
5 *it is already disproportionately large.*  
6

7 HLB question to the Mr. Llorca:

- 8           • What prompted the change in direction for the glass and steel guardrail at the  
9 water side of the building? *Mr. Llorca responded that because much of the wood*  
10 *guardrail was dilapidated they decided to do away with it and put in guardrails*  
11 *made from a material less likely to deteriorate and that would give a cleaner*  
12 *look along with providing more of a view angle from inside the restaurant.*  
13

14 Commission questions to Mr. Llorca:

- 15           • With respect to Condition 3, which relates to not approving the uprights on the  
16 sign on the south side, the uprights shown on Sheet 2 of your sign drawings  
17 are unobtrusive fixtures. Will it be difficult to downlight on that sign in a similar  
18 unobtrusive way? *Mr. Llorca responded yes, that is what they have grappled*  
19 *with. Up-lighting seems like the most logical solution to lighting as opposed to*  
20 *backlighting.*  
21

22 HLB comment to Mr. Llorca:

- 23           • The proposed method of egress from the deck would make evacuation during  
24 a crisis difficult. *Mr. Llorca responded the system in question is a bi-folding glass*  
25 *panel wall system with one of the panels being an egress door with panic*  
26 *hardware placed closest to the stairs. It is likely they will now also make the*  
27 *second panel an egress door as well, which will give more width for exiting.*  
28  
29

30 Commission questions to Mr. Llorca:

- 31           • If you do make the second panel an egress door with panic hardware as well,  
32 would that automatically open upon activation of the alarm? *Mr. Llorca*  
33 *responded no, none of the doors are alarm activated; they are actually push*  
34 *activated and would need to have closers on them but in the event of an*  
35 *emergency one would push on the panic bar and the door would swing open.*  
36

37 Comments by Robert Rogers, the applicant's sign contractor:

- 38           ○ He displayed two exhibits of the proposed signs.  
39           ○ One exhibit represented the up-lighting. The light diffuses a bit beyond the  
40 sign. There will be a dimmer switch.  
41

42 The public testimony period was closed.  
43

44 HLB comments:

- 45           • The applicant has been very responsive and the HLB is happy with what they  
46 have been shown.  
47           • The new skylight will improve the interior.  
48           • Going with a gas fireplace and eliminating the chimney will be an improvement,  
49 as it will make the arch more visible.  
50

- The skim coating used to replicate the original concrete is a good method and will probably help keep that existing original concrete in good shape as well as looking good.
- The glass guardrail is an improvement over the dilapidated original rail and over what the original application called for.
- This building has suffered indignities over the years and the HLB looks forward to the applicant bringing it back to something the community can be proud of.

Commission comments:

- The proposed changes are all positive over what was originally proposed.
- It is of concern that the Commission has not seen the mockup of the concrete finish and that it is not yet known where the street numbers will go.

Staff comment:

- Address identification signs are exempt from the sign approval process within certain size parameters.

Commission comments:

- The proposed change to the doors is an improvement over what was originally approved.
- The application could be approved with the exception of Condition of Approval 3, which requires downlights instead of the uplights demonstrated by the sign contractor.
- The exterior is now more modern but has a far cleaner façade as a result of the changes. Patrons and visitors will benefit from the entirety of the railing being glass and getting rid of the dilapidated wood that is there now.
- Bringing more light inside with the skylight and with the revised railing is an improvement.

Amended Condition:

- Condition of Approval 3 should be revised to say that the wattage shall be subject to review and approval by the Community Development Director to ensure that there are no offsite glare impacts to nearby properties.

**Board Member Nichols moved and Board Member Kiernat seconded a motion to approve a Design Review Permit and Sign Permit for 660 Bridgeway subject to the amended Condition of Approval. The motion passed 4-0.**

**Commissioner Werner moved and Vice-Chair Cox seconded a motion to approve a Design Review Permit and Sign Permit for 660 Bridgeway subject to the amended Condition of Approval. The motion passed 4-0.**

The public hearing was closed.

**Adjournment of Historic Landmarks Board Meeting to the Conference Room.**

1           **2. DR/TM/TR/EA 11-105, Design Review Permit, Tentative Minor Subdivision**  
2           **Map, Tree Removal Permit, Encroachment Agreement, McGuire, 60/62**  
3           **Marion Avenue.** A Design Review Permit for the construction of two detached  
4           single-family dwellings on a single parcel, a Tentative Minor Subdivision Map to  
5           subdivide the parcel into a common interest development for a condominium  
6           with two units and one common area, a Tree Removal Permit to remove 21  
7           protected trees, and recommendation for City Council approval of an  
8           Encroachment Agreement to construct an elevated driveway area and related  
9           site improvement in the public right-of-way fronting 60/62 Marion Avenue (APN  
10           065-292-23).

11  
12   The public hearing was opened.

13  
14   Associate Planner Schinsing presented the Staff Report.

- 15           • The Fire District's memo has been provided as late correspondence.

16  
17   Commission questions to staff:

- 18           • In evaluating the 2008 proposal for the project site, staff has provided the  
19           Commission with a chart comparing the proposed residence to others in the  
20           neighborhood. Did staff consider this chart in its evaluation of the current  
21           project? *Staff responded in the past they have prepared a chart like this when*  
22           *the size of the residence was in question with regard to compatibility, but they*  
23           *did not consider the chart this time because the issue was not raised while the*  
24           *Staff Report was being prepared.*
- 25           • Has anything happened in that neighborhood since the chart was prepared in  
26           2008 that would make that chart inapplicable? *Staff responded they would add*  
27           *147 Edwards Avenue, a single-family residence that was recently constructed*  
28           *on a vacant site; it was fairly large and was maxed out to the entitlements.*  
29           *There are also two new residences on South Street in that general area.*
- 30           • Staff stated they were not given permission to take photos from a nearby  
31           residence. What residence was that? *Staff responded the residents of 66*  
32           *Marion Avenue instructed staff not to take photographs from their residence.*

33  
34  
35   The public testimony period was opened.

36  
37   **Chair Keegin indicated that because there were only four Commissioners at the**  
38   **meeting that in order to take affirmative action there must be positive votes from**  
39   **at least three Commissioners.**

40  
41   Presentation was made by Marty Zwick, the applicant, and Peter McGuire, the property  
42   owner.

43  
44   Commission questions and comments to Mr. Zwick:

- 45           • With no windows on its west side the Stepped House appears massive,  
46           especially since most of the trees on that side of the house are being removed.  
47           *Mr. Zwick responded there are some trees on the McGuire property and some*  
48           *on the 66 Marion property that will remain and that more trees will be planted in*  
49

1 *the future. In the meantime there is 75-80 feet of foliage between this façade*  
2 *and the residence at 66 Marion that provide screening.*

- 3 • The zinc siding material on that western façade is of concern because one  
4 massive expanse of zinc seems to be more overwhelming than shingles or  
5 another type of siding. Did you consider using something else? *Mr. Zwick*  
6 *responded he did consider other types of siding but chose the zinc because it*  
7 *looks like a painted surface that blends in with the shadows.*
- 8 • On the western façade you have no windows to ensure privacy for the  
9 neighbors, yet you have decks. *Mr. Zwick responded the decks are 75 feet*  
10 *away and he did not see it as a problem.*
- 11 • Is it possible to place the decks elsewhere? *Mr. Zwick responded the decks*  
12 *could be screened or adjusted; they are not insistent on anything at this point.*
- 13 • If the Stepped House were less stepped down the hill, if it was smushed up the  
14 hill further, would that result in less cut? *Mr. Zwick responded no. The Stepped*  
15 *House does not require much cut because it only touches the earth in certain*  
16 *little areas. Smushing it up the hill would require more cut.*
- 17 • Why did you choose to perch the house on the slope and increase the bulk of  
18 the structure rather than set it into the slope similar to the way the other  
19 structure is done? *Mr. Zwick responded they tried to be careful about*  
20 *measuring where the foliage was in the trees where they propose the house as*  
21 *evidenced by the story poles that are embedded the trees. They tried to match*  
22 *that height as much as possible so as it stepped down it led them to step the*  
23 *house down. The other reason is that by bringing the house out from the site*  
24 *they had less mass looming over the house at 66 Marion Avenue. Also if the*  
25 *house is pushed back in it starts to increase the amount of cut.*
- 26 • What are those protrusions that look like windows on the western elevation?  
27 *Mr. Zwick responded they look like windows but they are sandstone with a*  
28 *small strip of glass at 90-degrees that allows uphill and downhill viewing and*  
29 *for light to enter while helping with privacy.*
- 30 • How will the site be drained? *Mr. Zwick responded the turf roofs would help*  
31 *collect and filter water. Onsite gabions will be the distribution network and will*  
32 *have cisterns hidden within them. Water that hits the street stays in the street.*  
33 *Once water gets onto the site it would be directed to and filtered through the*  
34 *turf roofs. A portion of the water goes into rainwater collections and the excess*  
35 *will go into the cisterns to be saved for the summer. Storm water will be*  
36 *released slowly through the gabions on the site surface so it does not create*  
37 *erosion.*
- 38 • How do the cars benefit from the skylight in the carport of the Tower House?  
39 *Mr. Zwick responded they do not, but it will make a better experience for the*  
40 *people getting in and out of the cars.*
- 41 • If 10-foot floor-to-floor heights on the Tower House are adequate, why are they  
42 12, 12 and 18 feet on the Stepped House? *Mr. Zwick responded that is the*  
43 *higher side. The lower side of the Tower House starts at 8 feet, 6 inches and*  
44 *goes up a little higher at the top of the arch. The higher floor height is there*  
45 *because it is tucked far enough away not be in Ms. Stoddard's view and it*  
46 *allows them to drop the lower portions a bit further to stay out of that view.*  
47 *They elongated that portion to swoop down the hillside a little bit more.*

- 1           • Did you present these plans to any of the neighbors? *Mr. Zwick responded the*  
2           *first few times he talked to neighbors he did not bring plans because there*  
3           *were none to bring, but once he had plans he presented them to all the*  
4           *neighbors, although he did not give out copies to anyone because the plans*  
5           *were in flux.*  
6

7           Comments were made by the public.  
8

9           Kim Stoddard, 66 Marion Avenue, indicated the following:  
10

- 11           • She will be the most adversely affected by the proposed project.  
12           • The subject site is in a slide zone.  
13           • She purchased her home because of the beautiful water and hillside views.  
14           She can see the hillside in question from every window of her house.  
15           • If the proposed structures can be built they would create a huge mass that  
16           would cascade down the hill 40 feet.  
17           • She finds the proposed project very unattractive and does not like the turf  
18           roofs, which she believes will not grow well because that site does not get  
19           much sun.  
20           • The decks of the Stepped House look directly into every room of her house.  
21           • The only sun she gets at her home is the morning sun, which will be blocked  
22           by the peaked roofs of the Stepped House. She needs the sun not only for  
23           enjoyment but also as a maintenance issue. With no sunlight the decks would  
24           become slimy and mold would grow under the eaves and she would not be able  
25           to grow plants.  
26           • Mr. Zwick has stated that this application is much smaller than the previous  
27           2008 application for the site, but in fact it is 51-percent larger as far as  
28           impervious surface.  
29           • The story poles tower over the existing trees, which already block her water  
30           views and sunlight.  
31

32           Nicolette Rickles indicated the following:  
33

- 34           • Marion Avenue is very narrow and dangerous. Two cars cannot pass on much  
35           of the road. Two more family houses will mean at least four more cars going up  
36           and down every day.  
37           • The project is out of scale with the neighboring houses by 51-percent. At four  
38           stories it is towering over the other homes and is out of character with that little  
39           neighborhood.  
40           • The decks compromise Ms. Stoddard's privacy, as well as the turf roofs that  
41           need maintenance by people who will be on them and able to look into Ms.  
42           Stoddard's home.  
43           • Not only will this project mean a loss of privacy for Ms. Stoddard, her property  
44           value will go way down.  
45

46           Stephanie Evans indicated the following:  
47

- 48           • Her home looks directly at the Marion Avenue hillside.  
49           • The proposed project is not in keeping with the character of the neighborhood.  
50           • She believes this hillside is at risk for a slide.

- 1 • The trees the applicant pledges to replace the ones he would cut down as very
- 2 small and would take a long time to grow as large as the ones being removed.
- 3 • She would like more information regarding the creek as it relates to a potential
- 4 slide and the integrity of the creek itself.
- 5 • The metal siding of the proposed house as well as the red beams sticking out
- 6 will not fit in with the Marion Avenue neighborhood.
- 7

8 Michael Rex indicated the following:

- 9 • He is speaking on behalf of Kim Stoddard of 66 Marion Avenue.
- 10 • Of the twelve findings the Commission must make to approve this application
- 11 seven cannot be made.
- 12 • With respect to neighborhood compatibility, diversity is fine but not when it has
- 13 a direct impact on the neighbors. The finishes are urban and contrast rather
- 14 than complement the surroundings. The side windows will illuminate the zinc
- 15 siding.
- 16 • Two large homes are proposed for a very narrow street where there is no guest
- 17 parking.
- 18 • The proposed project is inconsistent with the general scale. The Stepped
- 19 Home is out of scale being both too high and too long. The Tower Home is too
- 20 tall.
- 21 • The Stepped House barely touches grade. The cantilever is 24 feet out in mid
- 22 air and serves no purpose except as a loophole in the code; the part of the
- 23 building that does not touch the ground does not have to be measured, so they
- 24 are able to make the building approximately eight feet taller.
- 25 • The project fails to minimize obstruction of views. If the carports were removed
- 26 and car decks added instead Ms. Stoddard's sunlight would be preserved as
- 27 well as reduce the building height and enhance public views.
- 28 • It fails to protect privacy. The decks will look right into Ms. Stoddard's home
- 29 and are too high above ground to be screened with plants.
- 30 • The neighborhood outreach has been token and ineffective from Ms.
- 31 Stoddard's point of view.
- 32 • Because the findings necessary to approve the project cannot be made, and
- 33 because the applicant has not responded in a meaningful way to known issues
- 34 raised by Ms. Stoddard, and because other designs exist this project as
- 35 proposed cannot be approved.
- 36 • He asks that the Planning Commission provide clear direction to the applicant
- 37 that enumerates four key points. If the applicant does not comply, the project
- 38 needs to be denied.
  - 39 ○ The Stepped House be shorted in length, pulled tighter into the hills and
  - 40 closer to the street so it does not extend so far to north into Ms.
  - 41 Stoddard's beautiful view.
  - 42 ○ Remove the carport roofs so Ms. Stoddard can preserve her sunlight.
  - 43 ○ Propose alternatives to the zinc, which has a satin sheen and will be
  - 44 illuminated by the side windows.
  - 45 ○ The applicant needs to provide guest parking.
  - 46
  - 47
  - 48
  - 49
  - 50



1 Jerry Robertson indicated the following:

- 2 • He is a contractor who is familiar with the Stoddard residence.
- 3 • This proposal is outrageous and not in keeping with Sausalito's character.

4  
5 Sarah Slaughter, 95/97 Marion Avenue, indicated the following:

- 6 • She asks if she is on the list for outreach because she has not received any  
7 kind of correspondence from the applicant and would like to.
- 8 • She has a view of the subject site. While the proposed building is interesting, it  
9 is totally out of character and scale with the neighborhood and inappropriate. It  
10 is not peaceful or natural; it is industrial.
- 11 • She is also concerned about the proposed turf roofs because this  
12 neighborhood does not get very much sunlight and the roofs would probably  
13 turn brown.
- 14 • She is concerned that the applicant wants to build in a slide zone, that there  
15 are streams that come through there, and that building anything this massive  
16 on that site might contribute to the increased instability of the road. Vertical I-  
17 beams were installed along that section of the road after it was paved, possibly  
18 by the City. Obviously someone was concerned about the stability of the  
19 hillside.
- 20 • She is also concerned about guest parking, already an issue in that  
21 neighborhood. It is not possible to park a car and have another car be able to  
22 drive past it on that section of road unless the road is expanded. How could  
23 that road be expanded without taking out the fire road?

24  
25  
26 Jorge Lee, 108 Marion Avenue, indicated the following:

- 27 • He uses Marion Avenue every day and is concerned about this project  
28 because it is very narrow. He recently measured the asphalt of Marion Avenue  
29 it at 13.5 feet.
- 30 • Large trucks using Marion Avenue have caused it to crack. The City has done  
31 numerous repairs to prevent the road from collapsing.
- 32 • His big concern is the stability of the hill. He showed a photo taken down the  
33 street from the subject property showing slides in the hillside. The removal of  
34 the trees on the hillside will cause the hillside to become unstable and slide.
- 35 • The architect's drawings show aesthetics with no support for the proposed  
36 structure.

37  
38 Robert Beifuss, 66 Marion Avenue, indicated the following:

- 39 • 40% of the trees would be removed. The replacement trees, California  
40 Buckeyes, are small, wide, slow growing and will not provide any screening  
41 between the two houses. A screen of trees is not possible on the steep slope  
42 and the trees will not get tall enough. Fencing will also not work because the  
43 structure is too tall.
- 44 • The Stepped House is 3,000 square feet, larger than any other homes in the  
45 immediate vicinity. The only other homes that large are at the end of the road  
46 and are duplexes that house more than one family.

47  
48 Philip Arnaudo, 104 Marion Avenue, indicated the following:

- 49 • He supports Mr. McGuire's project because he is a neighbor.

- 1 • He uses Marion Avenue every day and believes the road and parking need to  
2 be considered because there are clearly stability problems there.  
3 • No one came to talk to them about this project.  
4 • He finds the proposed structure to be exciting architecturally.  
5 • He agrees with Mr. Rex's comments regarding the parking and mass of the  
6 home.  
7

8 Darshon Brock, 112 Marion Avenue, indicated the following:  
9

- 10 • The carport roofs are view obstructions and should be removed.  
11 • Residents on Marion Avenue have a hard time getting around the curve and  
12 parking is a real problem. The requested 20 feet is a good idea and can  
13 provide a place for a vehicle to pull over to allow another one to go by.  
14

15 Commission question to Ms. Stoddard:

- 16 • Have you seen a City document in the past with a depiction of a slide zone?  
17 *Ms. Stoddard responded yes, exactly like the document she has presented.*  
18 *When she bought her home she went to the planning division counter where*  
19 *she was guaranteed that no one would ever build on the hillside lot because it*  
20 *was a slide zone. When this project came up she went back to locate the*  
21 *document and it is no longer there. She recreated the document to the best of*  
22 *her memory.*  
23

24 Mr. McGuire's rebuttal comments:

- 25 • He has every incentive to do this project right, because he has four houses  
26 right next door.  
27 • He asked his architect, Mr. Zwick, to minimize interference with other adjacent  
28 parcels, two of which he owns, to do it by the rules with no variances, and to  
29 design something creative and green. Mr. Zwick did a great job and he is proud  
30 of it.  
31 • He has never promised anyone that this site would not be developed. He  
32 bought the site in order to control the bottom portion, which fronts his property.  
33 He offered to buy the site jointly with Ms. Stoddard, but she declined.  
34 • It is not true that this is a slide area.  
35 • It is not true that he is now proposing what he opposed before on this site.  
36 • With respect to road widening, he has measured and this site is not much  
37 narrower than the average site and in no place are any of these streets 20 feet  
38 wide.  
39  
40

41 Michael Rex indicated the following:

- 42 • Mr. McGuire failed with respect to minimizing impact to neighbors.  
43 • He questions whether this site can sustain two houses, particularly when there  
44 is no place for guest parking when a safe road is provided. This site might only  
45 be able to sustain one house and perhaps a small accessory dwelling unit so  
46 there is room off the street for parking for the occupants and guests.  
47

48 Kim Stoddard, 66 Marion Avenue, indicated the following:

- 49 • She and Mr. McGuire discussed buying the property but she never said no. He  
50 went to the bank and purchased it on his own.

1  
2 The public testimony period was closed.

3  
4 Commission comments:

- 5 • The Stepped House is a problem. Very few of the required findings can be  
6 made for this project because of it.
- 7 • The buildings are massed at one end of the 18,000 square foot lot out of  
8 necessity, but it makes them visible to everyone, and while they are within the  
9 allowable FAR, FAR maximums are an allowance and not an entitlement and  
10 have little bearing with a lot as large as this one.
- 11 • This project would completely change the character of this neighborhood. At 80  
12 feet long and four stories high the Stepped House is not compatible with the  
13 neighborhood. At 3,070 square feet it is two and a quarter times larger than the  
14 average house in the neighborhood according to a survey of 50 homes in the  
15 neighborhood, with the Stepped House being the second or third largest. The  
16 Tower House is approximately one-and-a-half times larger than the average  
17 homes in the neighborhood.
- 18 • The story poles do not convey the size of the project primarily because it is  
19 difficult to see the 70-foot western façade and realize the size that those story  
20 poles portray.
- 21 • The introduction of a distinctive and creative solution that takes advantage of  
22 the unique characteristics of the site and contributes to the design diversity of  
23 Sausalito requires the application of a reasonable standard. A building of this  
24 magnitude and mass with zinc siding and the red posts may be architecturally  
25 diverse but is not necessarily appropriate architectural diversity.
- 26 • There has not been meaningful neighborhood outreach of the type that  
27 Sausalito has become accustomed to.
- 28 • Marion Avenue needs to be widened. This project carries an excessive burden  
29 by having to widen Marion to 20 feet but that has to be done or the people who  
30 live on the other side of this project on Marion Avenue and South Street could  
31 be killed if they cannot get out of there or fire engines cannot get to them  
32 during an emergency.
- 33 • The application needs to be denied because Findings 1, 2 and 3 cannot be  
34 made with respect to the Design Review. The Encroachment Agreement  
35 findings cannot be made and the removal of 22 protected trees cannot be  
36 approved.
- 37 • The applicant himself has made the strongest argument against this application  
38 over the last six years. His comments both in the 2004 study session and in  
39 2006 and 2008 before the Planning Commission make an argument that  
40 substantiates all of the criticisms brought by the neighbors.
- 41 • Mr. Zwick's design has nothing to do with the context of the neighborhood and  
42 with using new materials. A distinctive and creative solution is not a substitute  
43 for paying attention to the surroundings. Compatibility means recognizing the  
44 surroundings and the context. The Stepped House is a signature building that  
45 speaks more of the will of the architect than of the influence of the  
46 neighborhood, the contours, the context and the area in which it is being built.
- 47 • There is less concern with Ms. Stoddard's notion of privacy. Privacy is the  
48 responsibility of those who wish to have it.
- 49
- 50

- Of most concern is the magnitude of this project, its scale and the fact that it is now almost 6,000 square feet.
- Any kind of continuance of this project with any kind of direction would be fruitless. The project should be denied.
- The circulation issues are critical in that neighborhood, as they are all over Sausalito. In this particular spot even access to the fire road is blocked off.
- The design is very appealing, but not right for this site.
- Findings 1, 2, 3, 4, 10, and 11 for the Design Review Permit cannot be made. Findings 1 and 2 for the detached dwelling unit findings cannot be made. Findings 6 and 10 of the Subdivision Map Act findings cannot be made. Finding 1A for the Tree Removal Permit cannot be made. Finding 5A for the Encroachment Agreement cannot be made. On this basis this project cannot be approved.

**Vice-Chair Cox moved and Commissioner Werner seconded a motion to deny a Design Review Permit, a Tentative Minor Subdivision Map, a Tree Removal Permit and a recommendation for City Council approval of an Encroachment Agreement for 60/62 Marion Avenue without prejudice. The motion passed 4-0.**

The public hearing was closed.

- 3. **DR 11-294, Design Review Permit, Zecca, 5 Marion Avenue.** Design Review Permit for the construction of a two-car garage located on an existing parking deck and construction of a lower level 279 square foot storage room addition below the proposed garage at 5 Marion Avenue (APN 065-311-40).

The public hearing was opened.

Community Development Director Graves presented the Staff Report.

- The Planning Department received a late email from an adjoining property owner who is concerned that her views may be impacted.

Commission question to Staff:

- Has staff received feedback from the applicant on the two new Conditions of Approval? *Staff responded the issues are discussed in the Staff Report.*

The public testimony period was opened.

Presentation was made by Angela of Building Solutions.

- They are aware of the two new Conditions of Approval.
- When the homeowner bought the home the electrical panel was upgraded at that time and they are confident it will not need to be relocated for this job.
- They have two letters from neighbors who are in favor of the project, one directly across from the subject property and the other to the right.

Commission question to Building Solutions:

- Do you understand that if the owner wishes to convert to an accessory dwelling they will be required to meet all applicable codes? *Angela responded*

1                    *yes, they did ascertain all the zoning and planning requirements for the*  
2                    *property when they applied for their original permits.*

3  
4 The public made no comments.

5  
6 The public testimony period was closed.

7  
8 **Commissioner Werner moved and Vice Chair Cox seconded a motion to approve**  
9 **a Design Review Permit for 5 Marion Avenue. The motion passed 4-0.**

10  
11 The public hearing was closed.

12  
13 **Old Business**

14 None.

15  
16 **New Business**

17 None.

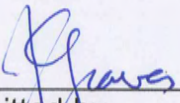
18  
19 **Staff Communications**

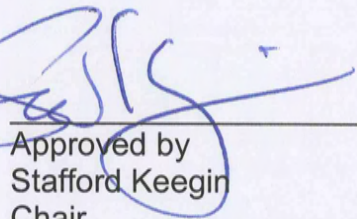
- 20        • Site Visit Policy.  
21        • E-Communications Policy.

22  
23 **Adjournment**

24  
25  
26 **Vice-Chair Cox moved and Chair Keegin seconded a motion to adjourn the**  
27 **meeting. The motion passed 4-0.**

28  
29 The meeting was adjourned at 10:15 p.m.

30  
31   
32 \_\_\_\_\_  
33 Submitted by  
34 Jeremy Graves, AICP  
35 Community Development Director

36  
37   
38 \_\_\_\_\_  
39 Approved by  
40 Stafford Keegin  
41 Chair

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