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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, September 5, 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 Stan Bair  
Commissioner Richard Graef, Commissioner Bill Werner

**Staff:** Community Development Director Jeremy Graves  
Associate Planner Heidi Burns, 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 5-0.**

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

David Thomas, 208 Second Street, indicated the following:

- Many residents are unaware of the view impacts with the low-income housing issues and the potential Valhalla project.
- Sausalito's precedent of view protection carries over to all types of development.
- He showed a PowerPoint presentation of photographs showing current story poles for the Valhalla as well as the public and private views they block.

Mike Monsef, 211 Fourth Street, indicated the following:

- Many of Mr. Thomas' statements about the Valhalla project are exaggerations.
- The Valhalla project will increase the property value of the buildings around it.

**Approval of Minutes**

August 22, 2012

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

**Public Hearings**

**Declarations of Planning Commissioner Public Contacts**

None.

1 **1. ENV 12-117, Housing Element Update – Initial Environmental**  
2 **Study/Negative Declaration, City of Sausalito.** Review of the revised public  
3 review draft of the Housing Element Update—Initial Environmental  
4 Study/Negative Declaration.  
5

6 The public hearing was opened.  
7

8 Associate Planner Schinsing presented the Staff Report.  
9

10 Presentation was made by Geoff Bradley of the M-Group.

- 11 • He will summarize responses to letters received at the meeting on August 22<sup>nd</sup>  
12 up until tonight. These letters fit into two broad categories.
- 13 • Whether the Housing Element itself could have a physical impact on Sausalito,  
14 in particular the Old Town.
  - 15 ○ Under CEQA the project is analyzed. In this case the project is the  
16 Housing Element itself, which is a policy document. CEQA also allows  
17 tiering off of previous environmental work done on other policy documents.  
18 In this specific case they are working with the EIR that was done for the  
19 General Plan in 1995. As consultants, they worked closely with the  
20 Housing Element Task Force, the community, the Planning Commission,  
21 and the City Council to ensure that the strategies, programs, and policies  
22 within the Housing Element fit within the existing structure of the City's  
23 General Plan and Zoning Ordinance.
  - 24 ○ Questions about cumulative impacts. Letter writers are concerned that one  
25 or two projects may not create impacts as defined by CEQA, but what  
26 about three or six projects? Since the Housing Element is so closely  
27 intertwined with the City's existing development policies and existing  
28 development framework, the Initial Environmental Study / Negative  
29 Declaration makes the case that all the development is consistent with  
30 what was envisioned in the General Plan. In addition, the General Plan  
31 EIR covers the cumulative scenario from a CEQA perspective.
  - 32 ○ Concern has been raised about the Vertical Mixed-Use with housing over  
33 retail, and Horizontal Mixed-Use strategies with housing on the lot next to  
34 commercial uses. These strategies do not result in higher residential  
35 densities than what the City currently allows, but seeks to allow for  
36 residential uses on sites that already allow for residential use and  
37 development but also allow for non-residential use and development. This  
38 is a fine grain approach of working with the existing development  
39 framework of the community to provide housing in a way that fits within  
40 what could already be built on the site.
- 41 • Second: Whether future development will be automatically approved and will  
42 not need to go through the standard CEQA review process.
  - 43 ○ The Initial Environmental Study/Negative Declaration does make the  
44 statement on Page 29 that individual projects would go through the normal  
45 development review process. This is also required by state law. If during  
46 that process, the analysis prepared by staff or an environmental  
47 consultant determines that based on project-specific facts there would be  
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1 an impact, then a Mitigated Negative Declaration or an EIR would need to  
2 be prepared.  
3

4 Commission questions to Mr. Bradley:

- 5 • With respect to the issue of an EIR not being required for insignificant projects,  
6 how do you reconcile that with what you said about cumulative impacts? *Mr.*  
7 *Bradley responded with or without the Housing Element going forward there*  
8 *could still be a situation of four or five houses being built, and for that to be*  
9 *deemed a cumulative impact would be saying that the City's General Plan and*  
10 *related EIR is no good anymore. The City believes the General Plan and the*  
11 *EIR are adequate for that normal level of development, absent big*  
12 *developments that would require changes to the City's development policies.*  
13 *The Housing Element fits under the umbrella of the General Plan and the*  
14 *Zoning Ordinance and from a development standpoint is a no net change. If*  
15 *you have a development going on and you have project-specific facts based*  
16 *on traffic, noise, biology studies, etc. it could be said after the fourth or fifth*  
17 *project there is evidence of a cumulative impact and require mitigation, but on*  
18 *a policy basis we do not have that ability.*
- 19 • If a single project comes along and the City is concerned that it may, when  
20 added to the other projects the City has already approved, create an adverse  
21 environmental impact, the City could require that particular project to have an  
22 EIR whereas the other one did not require it? *Mr. Bradley responded that is*  
23 *correct.*
- 24 • How did the assumption come into being that the 1995 EIR is adequate in  
25 view of where we are today when the facts that were examined in 1995 must  
26 be significantly different than what exists today in terms of traffic, sewage, and  
27 many obvious issues and were not covered by the 1995 EIR? *Mr. Bradley*  
28 *responded the 1995 EIR is the document that provides the environmental*  
29 *clearance for the City's existing General Plan. Every time the City issues a*  
30 *Building Permit it is affirmatively asserting that that EIR and General Plan are*  
31 *still valid and in good standing. In terms of what can be quantified, not that*  
32 *much has changed. The analysis would need to be redone if whole increases*  
33 *in the City's density were proposed.*
- 34 • So the fact that the Housing Element provides for Accessory Dwelling Units is  
35 not an increase in density, even though it is more people in a single parcel?  
36 *Mr. Bradley responded under state law ADUs are exempt from CEQA. The*  
37 *term literally means it is deemed an accessory use to the house.*

38 Commission comment:

- 39 • Accessory Dwelling Units will not increase the density already permitted on any  
40 given parcel. The ordinance says there can only be one ADU per parcel. There  
41 are size restrictions that will limit the number of people that can live in the ADU.  
42

43 The public testimony period was opened.  
44

45 Geoff Headington, 108 Third Street, indicated the following:  
46

- 47 • He does not believe that the 1995 EIR addressed low-income housing and the  
48 high-density projects that are being conceived today, the VMU and HMU plans.  
49  
50

- Regarding the cumulative environmental review of each proposal as they come along, the City could get three to five projects deep before a review is sought. What he has asked for in letters and previous testimony is to clarify in this document that environmental review will be considered with each project to prevent misinterpretation. As he reads the document, it suggests that it does not need to be reviewed. He would not want a developer to gain momentum based on that assessment.
- He continues to ask that an environmental review be sought for each and every project that falls under the VMU or HMU plans.

Karen Lehner, 202 Valley Street, indicated the following:

- Not having EIRs that address current standards have been used by other communities to challenge in court developments from single to multiple units and it opens the City up for litigation, which would cost far more than \$100,000 for a new EIR.
- Why hasn't there been a new EIR since 1995?
- Doing a general assessment that would affect the whole of Sausalito is not adequate since we are talking specifically about the Old Town area.

Vicki Nichols, 117 Caledonia Street, indicated the following:

- In light of the public's concerns has anyone looked at the possibly of potential impact in Old Town? The lots in Old Town, as they were originally laid out, are substandard. There will not be enough FAR entitlements to do many, if any, ADUs there.
- The issue with building up vertically is anyone can do that now, but to alleviate the public's concerns has the City looked at the lot size to see potentially what areas would see ADU requests? She does not believe they will be seen in Old Town.

Comments by Mr. Bradley:

- They did take a detailed look on a lot-by-lot basis, mostly focused on the commercial properties directly on Second Street as opposed to the smaller residential properties.
- Based on the City's past surveys there is a good amount of interest in ADUs.
- ADUs can be small and sometimes people can squeeze them in.
- On the commercial side they found that even though the lots are bigger than the residential lots, by commercial standards they are still very small, in the quarter-acre range.
- When they did analysis and mockups to determine what would fit on the site using normal unit sizes they found that mostly the projects maxed out at two stories. The FAR kicks in and becomes the limiting factor, so what theoretically could be a three-story building gets reduced to a two-story building and still achieves the type of unit mixes being proposed.

The public testimony period was closed.

Commission comments:

- The Housing Element itself is in fact a program for expansion. The issues being raised of safety, traffic, the overburdened and collapsing sewer system,

1 the overburdened storm water system that dumps everything into the Bay, no  
2 sidewalks on most of the streets are and will be impacted by the Sacramento-  
3 driven notion that Sausalito should have 165 units because Sausalito was  
4 projected to grow from 2000 to 2010, but in fact Sausalito has shrunk.

- 5 • The Housing Element Task Force's purpose was not to increase housing, it  
6 was to identify where the required number of units could be placed without  
7 changing the existing zoning and permitted density in any neighborhood, which  
8 they did. Even the VMU and HMU do not result in a higher residential density in  
9 the areas in which those zoning text amendments were enacted. The reason it  
10 was so important to identify where the required new number of units could be  
11 placed if someone were to go out and build them is that if they did not the  
12 number of units that would be assigned to the City next time would  
13 incrementally increase. By coming up with an Housing Element that fulfilled  
14 Sausalito's allotted number of units the City is now in compliance and its  
15 numbers will be substantially lower for years to come because it has now met  
16 its quota. The Housing Element Task Force has identified where 372 units of  
17 housing could be built. The next time the City quote will only be 90. The City  
18 can reuse any of those 372 units that have not been built towards that quota. If  
19 the City is assigned a huge quota of, for example, 200 units, unless all of those  
20 372 units have been built, as long as the City stays in compliance by passing a  
21 Housing Element with each cycle the City can reuse unbuilt potential sites to  
22 meet the quota in the next element. The intent was not to increase permissible  
23 density or adversely impact existing neighborhoods, rather it was to decrease  
24 the impact of these intolerable quotas over the future years.  
25

26  
27 **Commissioner Werner moved to direct staff and consultants to prepare**  
28 **responses to comments up to and through this meeting and that the public**  
29 **hearing for the Housing Element Update—Initial Environmental Study/Negative**  
30 **Declaration be continued to the meeting of September 19, 2012.**  
31

32 **Commissioner Werner amended his motion to include that public comment**  
33 **regarding the Housing Element Update—Initial Environmental Study/Negative**  
34 **Declaration be closed. Commissioner Cox seconded the motion as amended. The**  
35 **motion passed 5-0.**  
36

37 **2. GPA 12-117, Housing Element Update—General Plan Amendment, City of**  
38 **Sausalito.** Amendment of the General Plan to incorporate the Housing Element  
39 Update into the General Plan.  
40

41 The public hearing was opened.  
42

43 Presentation was made by Geoff Bradley of the M-Group.  
44

45 The public testimony period was opened.  
46

47 Geoff Headington, 108 Third Street, indicated the following:  
48

- 49 • Views should be considered a constraint to building, much as slope is now  
50 considered a constraint.

- 1           • Appendix G includes 18 units that look out over the Bay and says it is feasible  
2 to build up to three stories on a property on Second Street, meaning 18 views  
3 from 18 homes would be obliterated. This worries not only the residents of that  
4 neighborhood, but also potential homebuyers and has already had a negative  
5 impact on home values.  
6

7 David Thomas, 208 Second Street, indicated the following:

- 8           • He went by 108 and 110 Third Street, one of which is Mr. Headington's home.  
9 He cannot imagine losing that one-story profile of the low-income housing site  
10 and increasing it to two or three stories, which would destroy their views.  
11

12 Ann Matranga, 314 Main Street, indicated the following:

- 13           • She would like to see affordable housing in Sausalito, but not if it means  
14 blocking the views. She would like to see a balanced consideration of the  
15 things that make Sausalito beautiful with the need for change.  
16

17 Karen Lehner, 202 Valley Street, indicated the following:

- 18           • Character of a neighborhood was mentioned in the discussion of what the  
19 housing plan should be. Putting in three stories in such a narrow blocked area  
20 as Old Town will substantially change the character of that neighborhood. It  
21 would be little, tiny canyons, and removing 18 people's views is substantial.  
22           • Identifying potential areas for development is not benign. Although they are  
23 being assured that it does not mean it will be developed, once the City says to  
24 Sacramento that these areas have been identified as fitting in with its Housing  
25 Element there will be a force that will seek to exploit those spaces, and they  
26 will do it with Sausalito's blessing. It is not okay to change such a small  
27 neighborhood in such a great manner.  
28

29 Michael Rex indicated the following:

- 30           • There will be negative impacts if the Housing Element is not adopted.  
31           • Without sufficient affordable housing in Sausalito there will be more  
32 commuters, more traffic, less parking availability, more greenhouse gas  
33 emissions, it will be harder to find workers for local businesses, less  
34 opportunity for young people and seniors to stay in Sausalito, and less social  
35 diversity. These negative impacts are why California mandates an acceptable  
36 Housing Element.  
37           • He is confident that with the City's strict Zoning Ordinance and lengthy hearing  
38 process that when projects do come forward the right balance will be found  
39 between the needs to neighbors and the community as a whole.  
40           • He urges the Housing Element be added to the General Plan.  
41

42 The public testimony period was closed.  
43

44 Commission question to Mr. Bradley:

- 45           • There is a housing fund in the Housing Element that will be the repository for in  
46 lieu fees and other monies collected. Is it correct that the City has not yet  
47 enacted an ordinance as to who will have the authority over that fund other  
48 than the City Council? *Mr. Bradley responded that is correct.*  
49  
50

1  
2 Commission comment:

- 3
- 4 • As Mr. Rex noted, the passage of this Housing Element does not change any  
5 of Sausalito's already existing zoning ordinances and the ordinances that  
6 govern the review of prospective developments. The Planning Commission  
7 takes the zoning ordinances very seriously and has sent numerous projects  
8 back for revision when the Commission perceived that a primary view was  
9 adversely affected. In drafting the ADU regulations, the Commission has  
10 required that there be no view impact. Any developments coming to the  
11 Planning Commission, including the Valhalla project, will still be subject to the  
12 City's height and view standards and also the requirement to make the finding  
13 that the proposed development is consistent with the existing neighborhood  
14 character.

15  
16 **Commissioner Graef moved and Commissioner Bair seconded a motion to**  
17 **continue the public hearing for the Housing Element Update—General Plan**  
18 **Amendment to the meeting of September 19, 2012. The motion passed 5-0.**

19 The public hearing was closed.  
20

- 21
- 22 **3. ZOA 12-055, Accessory Dwelling Unit Regulations, City of Sausalito.** Review  
23 of a Zoning Ordinance Amendment to add new regulations which permit new  
24 Accessory Dwelling Units (ADUs, aka second units, granny units, or in-law units)  
25 which meet criteria in the R-1, R-2, and R-3 Zoning Districts and legalize existing  
26 unpermitted ADUs that meet criteria in the R-1, R-2, and R-3 Zoning Districts.  
27 The Zoning Ordinance Amendment also deletes Zoning Ordinance Chapter 10.21  
28 (Second Units).

29  
30 The public hearing was opened.

31  
32 Associate Planner Schinsing presented the Staff Report.

33  
34 The public testimony period was opened.

35  
36 Wendy Richards, 48 Woodward Avenue, indicated the following:

- 37
- 38 • She was shocked to find the City Council has passed something not allowing  
39 her to rent her house for a few weeks. The City is telling people what they can  
40 and cannot do in their own homes.
  - 41 • She has also found that if she spends money to create an ADU that money is  
42 encumbered, that she would be restricted in the future from leaving that house  
43 and then being able to rent that part of the house. How could that ever be  
44 enforced?
  - 45 • If she leaves the country or has to go into a retirement facility she will need the  
46 rent on her house to pay her bills and will need to be able to get the return on  
47 her investment. It is one thing if you already have the ADU, but it is another if  
48 one is looking at making an investment to make housing at an affordable rate  
49 and get a return on that and ultimately sell the property.
- 50

1 Michael Rex indicated the following:

- 2 • He encourages the Planning Commission to move forward with this ordinance  
3 that is way overdue.
- 4 • He asks that staff's summary chart of the ordinance be published in the  
5 Marinscope so people will understand the details and will know what is about to  
6 happen.  
7

8 The public testimony period was closed.  
9

10 Commission comments and questions to staff:

- 11 • Under Interior Conversion, Accessory Dwelling Units it says, "This type of  
12 conversion involves no exterior modifications other than the creation of new  
13 windows and/or doors." Would that kind of conversion allow an increased FAR,  
14 meaning excavating underneath the existing house and adding 400-500 square  
15 feet and calling it an ADU, and would that be done on the administrative level as  
16 well? *Staff responded yes to both.*
- 17 • In the Floor Area Development Standards up to 500 square feet of an ADU is  
18 exempted from the floor area calculation. Is that a state mandate or is that  
19 something the City has decided on its own is the carrot to put before  
20 homeowners to incentivize the development of ADUs? *Staff responded it is the*  
21 *latter and is not a state requirement.*
- 22 • The proposed exemption of 500 square feet from the floor area calculation to  
23 incentivize the development of ADUs is a bad idea. What is not covered in here  
24 is the more logical conversion of those two units to condominiums.
- 25 • What would happen if at some point someone decided to convert this newly  
26 developed ADU into a condominium, and if it is converted how do they give  
27 back the 500 square feet they were given initially? *Staff responded the condo*  
28 *would have to meet the zoning floor area and density requirements, and that*  
29 *would be necessary irrespective of whether the project involves an existing*  
30 *residence with an internal ADU or an existing residence with a new second*  
31 *dwelling unit. Both projects require Planning Commission approval of a*  
32 *Tentative Parcel Map as well as Condominium Conversion Permit. In order to*  
33 *receive approval of the map and permit they need to be in compliance with the*  
34 *zoning standards, including the floor area standard. If their proposal exceeds*  
35 *the floor area standard, they would need to remove some floor area.*
- 36 • That incentive is a potential future problem, and also a potential problem on the  
37 small lots. There someone has a 3,000 square foot lot and are allowed an FAR  
38 of 0.4, which is only 1,200 square feet, they are going to get 500 square feet of  
39 extra FAR if they put an ADU in there. If there is a bonus to encourage ADUs  
40 perhaps that bonus ought to be tied to a percentage of the allowable FAR at  
41 that particular site rather than a flat out 500 square feet, or there should not be  
42 a bonus.
- 43 • Is there any obligation on the part of a property owner to actually rent out an  
44 ADU? *Staff responded no.*
- 45 • We need to address the issue of turning the single-family residential districts  
46 into a multi-family district if we do not attach an owner-occupied requirement.
- 47 • What happens when an owner decides his unit is worth more as two units sold  
48 as condominiums than as a single-family dwelling with an ADU.  
49  
50



1 **Vice Chair Cox moved and Commissioner Werner seconded a motion to direct**  
2 **staff to provide Commissioners with Word copies of the regulations for individual**  
3 **input, and to continue the public hearing to the meeting of September 19, 2012.**  
4 **The motion passed 5-0.**

- 5  
6 **4. VA-12-036, Variance, Tserenputs Tsedendanba Puntsag and Oigonjargal**  
7 **Bazarsad, 147 Edwards Avenue.** Design Review Permit for changes to an  
8 approved project for the after-the-fact relocation of air conditioning condenser  
9 units at 147 Edwards Avenue (APN 065-292-04).

10  
11 The public hearing was opened.

12  
13 Associate Planner Schinsing presented the Staff Report.

14  
15 The public testimony period was opened.

16  
17 The public made no comments.

18  
19 The public testimony period was closed.

20  
21 **Commissioner Werner moved and Commissioner Graef seconded a motion to**  
22 **adopt the resolution denying without prejudice a Design Review Permit for 147**  
23 **Edwards Avenue. The motion passed 5-0.**

24  
25 The public hearing was closed.

26  
27 **Commissioner Bair indicated that as he did not attend the earlier meetings**  
28 **regarding Item 5 and has not been able to review the matter thoroughly he would**  
29 **recuse himself.**

- 30  
31  
32 **5. DR, VA, EA, TRP 12-124, Design Review Permit, Variance, Encroachment,**  
33 **Agreement, and Tree Removal Permit, Figel, 22 Atwood Avenue.** Design  
34 Review Permit, Variances, and Encroachment Agreement to allow modifications  
35 within the Atwood Avenue right-of-way, including construction of façade  
36 modifications, a mechanical room, retaining walls, stairs, paths, and landscaping,  
37 as well as demolition of the existing parking deck, in addition to modifications with  
38 the North Street public right-of-way, including construction of a two-car garage, a  
39 retaining wall, stairs, and landscaping at 22 Atwood Avenue (APN 065-203-02). A  
40 Tree Removal Permit is also being requested to allow for the removal of seven  
41 trees.

42  
43 The public hearing was opened.

44  
45 Associate Planner Burns presented the Staff Report.

- 46  
47
  - There was one late mail item from the previous owner's counsel requesting a

48 Condition of Approval be added for the release of the \$45,000 cash deposit

49 that was submitted to the City in order to assure construction of the

50 replacement retaining wall. The staff approved a Temporary Certificate of

1 Occupancy of the residence by the previous property owner to allow him to sell  
2 it to the current property owner. The issue the staff faced when reviewing this  
3 request is that the City requires some form of financial surety to ensure the  
4 construction of the retaining wall to secure the hillside. The prior entitlement for  
5 22 Atwood allowed the construction of balconies and the retaining wall. If the  
6 current property owner decides not to pursue this current application and the  
7 City returns the deposit to the previous property owner, then there is no  
8 assurance that retaining wall would be constructed. It is important that the City  
9 maintains that surety, and staff suggests that a transfer of the assurance could  
10 be worked out between the previous and current property owners. Staff  
11 recommends the Planning Commission take no action on this issue, as it is an  
12 administrative responsibility of staff.  
13

14 Commission comments and questions to staff:

- 15 • Is it correct that the previous property owner is ready to come in and build the  
16 retaining wall but has not been granted that permission by the current owner  
17 because of this pending application that would change the configuration of the  
18 retaining wall? *Staff responded there is also a separate agreement between*  
19 *the previous property owner and current property owner. It is staff's*  
20 *understanding that the retaining wall is in the public right-of-way and that the*  
21 *current owner's proposed project supplants the need for the retaining wall.*  
22 *Staff has discussed the matter with both parties to come up with a solution*  
23 *acceptable to everyone and that solution is independent of the Planning*  
24 *Commission's action on the project.*
- 25 • Was a resolution reached between these two parties? *Staff responded they do*  
26 *not know.*
- 27 • It is not up to the Planning Commission to resolve this issue between the  
28 previous and current owner, but it was a Condition of Approval in what the  
29 Planning Commission approved in 2010 that this retaining wall be built for the  
30 stability of the property, so the Commission has an interest in seeing that  
31 carried out or otherwise ameliorated.
- 32 • The Staff Report states that part of the Encroachment Agreement is seeking  
33 approval of the construction of a new stairway, retaining wall, and gate, so it  
34 appears that the retaining wall is still part of this project.
- 35 • What happens if the Commission approves this project and they never take out  
36 a Building Permit? There would be an unfulfilled Condition of Approval on that  
37 property from a project that the Commission approved three years ago. *Staff*  
38 *responded that is why they required a \$45,000 deposit to assure that the prior*  
39 *owner had the incentive to install a retaining wall.*
- 40 • The City's time limit ordinance now would require that the Building Permit for  
41 this project be taken out by when? *Staff responded two years.*
- 42 • Although the Building Permit has already been approved for that original wall,  
43 this new project could supersede it. If no Building Permit is ever issued there is  
44 still an unsafe condition on that property.
- 45 • It needs to be made clear to the current and prior property owners that if the  
46 permit is not pulled in two years this new project is not going forward and that  
47 the prior owner will be permitted to come in and complete the wall.  
48  
49  
50

1 Staff comment:

- 2
- 3 • Staff has been involved in this project closely since December 2011 and has  
4 been waiting for the Planning Commission to be able to consider the  
5 replacement. Depending on what the Commission does staff will be in close  
6 communications with the previous owner and current owner to determine the  
7 next appropriate step. Staff wants the wall to be built.

8 Commission question to staff:

- 9
- 10 • Regarding the question of exceptional circumstances, the actual language is,  
11 “Exceptional circumstances with respect to buildings in the vicinity.” In looking  
12 at the buildings in the vicinity it does not appear this is an exceptional building.  
13 All the buildings in the vicinity are on steep slopes, all are on substandard lot  
14 sizes, and all back onto North Street on one side and Atwood on the other. The  
15 Variance is intended to take what is a truly exceptional property and allow it be  
16 developed and made less exceptional from the buildings in the vicinity. Can  
17 you make a case for this being an exceptional building? *Staff responded that*  
18 *the parcels at 18 and 22 Atwood are the smallest parcels in the Old Town*  
19 *Hurricane Gulch area. Most parcels around this neighborhood are 4,000*  
20 *square feet and greater, so this is a unique situation where there is a 1,400*  
21 *square foot lot that is limited in what can be done. The Planning Commission*  
22 *and City Council have approved Variances for similar situations based on*  
23 *similar constraints in the past. In terms of mass and bulk, what the applicant is*  
24 *asking for is consistent with the neighborhood.*

25  
26 Presentation was made by Martin Bernstein, the applicant.

27  
28 Commission questions to Mr. Bernstein:

- 29
- 30 • What is the paving material on the patios? *Mr. Bernstein responded some kind*  
31 *of a non-slip, limestone surface. Nothing very reflective. Nothing dark that*  
32 *would absorb heat.*
  - 33 • Will there be no parking along the front of the house on Atwood? *Mr. Bernstein*  
34 *responded they intend to eliminate parking along Atwood because that is a*  
35 *traffic hazard. They will meet the City’s guidelines by adding off-street parking*  
36 *spaces.*

37 The public testimony period was opened.

38  
39 Barbara Sutak, 18 Atwood Avenue, indicated the following:

- 40
- 41 • She lives next door to the subject property.
  - 42 • Mr. Bernstein has been very straightforward and presented his plans to her and  
43 the other neighbors for their approval before moving forward.
  - 44 • She approves of the plans and would love to see this project completed in the  
45 way suggest by Mr. Bernstein because it would be an asset to their  
46 neighborhood.

47  
48 Aaron Roller, 23 Atwood Avenue, indicated the following:

- 49
- 50 • He hopes the Commission will approve the project because it will greatly  
improve the site.

- He was originally concerned about the deck expansion because parking had been such a problem, but removing the awkward parking space can only improve Atwood itself and his view.
- Regarding the many Variances requested; this is a tiny wedge bordered by streets. It is a special situation because it is a very small lot.
- After the large project that went into that lot already it is good to have someone come in and finish the job, make the property valuable, and finish the retaining wall the previous owner was supposed to build.

The public testimony period was closed.

Commission comments:

- The proposal is a vast improvement over what is there now.
- The Design Review, the Heightened Review findings, and the Tree Removal Permit are not a problem. The Encroachment Agreement is also not a problem because this is one of those streets where there is nothing else to be done.
- This parcel will not set a precedent because it is a unique wedge. This is a very creative solution. There are no other ways to solve some of these issues.
- Most of these Variances are for circumstances that already exist.
- What is there that is not okay is the current encroachment of cars into the street, which creates an unsafe hazard.
- The elevation of the garage with that tall wall looks very high from the street. If it were a railing instead of a solid wall it might reduce the mass and scale it down a little. Otherwise, the rest of the project is great. The house looks really nice and is an incredible improvement to the property.

The public testimony period was re-opened.

Mr. Bernstein's comment:

- The applicants wanted the solid wall at that portion of the garage is so if they are entertaining guests they will not be intruding on the privacy of the property down below. The rest of the wall eastward of the garage where the plants are will have railings. The stonework is going up high enough that it helps mitigate the wall.

Commission question to Mr. Bernstein:

- Can you address the privacy issue by some sort of screening of plants or a railing rather than a solid wall? *Mr. Bernstein responded with plants there is the issue of survivability in Hurricane Gulch, plus the water consumption needed, which is an issue in Marin County.*

Mr. Bernstein's comments:

- The detailing and the texturing can mitigate the impact of the wall while addressing the important Sausalito concern of privacy.
- That will be balanced by the railing with the decorative circles as soon as one leaves the garage, so there will be the combination of mass and delicacy.

The public testimony period was closed.

1  
2 Commission comment:

- 3 • The wall is a lot better than it would be if it were just a railing running around  
4 there because it is a presence. Just to the west of the property at 18 Atwood is  
5 a very high wall, and there is going to be a big retaining wall as well, so it would  
6 look wimpy if it were a railing.  
7

8 **Commissioner Werner moved and Commissioner Graef seconded a motion to**  
9 **approve a Design Review Permit, Variances, and a Tree Removal Permit and**  
10 **recommendation for City Council approval of an Encroachment Agreement for 22**  
11 **Atwood Avenue. The motion passed 4-0.**  
12

13 The public hearing was closed.  
14

15 **Old Business**

16 None.  
17

18 **New Business**

19 None.  
20

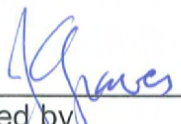
21 **Staff Communications**

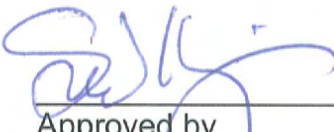
- 22 • The City Council agenda for the September 11, 2012 meeting will contain a  
23 follow up on the Commission's recommendation to the Council to list the Machine  
24 Shop building on 25 Libertyship Way on the Local Register and also to direct  
25 staff to proceed with the nomination of the building to the State and National  
26 Registers.  
27  
28

29 **Commissioner Werner moved and Vice Chair Cox seconded a motion to adjourn**  
30 **the meeting. The motion passed 4-0.**  
31

32 **Adjournment**

33 The meeting was adjourned at 10:19 p.m.  
34

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36 \_\_\_\_\_  
37 Submitted by  
38 Jeremy Graves, AICP  
39 Community Development Director  
40

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

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