

probable cause to public health problems. The proposed subdivision would create two lots within a residential neighborhood. Future development on Lot 1, which would be vacant, is not anticipated to result in a serious adverse public health impacts.

G) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

A five-foot public utility easement and five-foot drainage easement are located within proposed Lot 1 and Lot 2. These easements are located at the rear of the property in a steeply sloping portion of the parcels not suitable for development. The proposed subdivision will not conflict with these easements.

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PLANNING COMMISSION HEARING

June 6, 2007

APPLICATION NO. TM 05-047

160 CURREY AVENUE

ATTACHMENT C: CONDITIONS OF APPROVAL

1. Approval of this Application is limited to the project plans titled "Revilock 160 Currey Avenue", date stamped received on May 22, 2007.
2. Expiration of the Tentative Map approval shall be as set forth in the State of California Subdivision Map Act for Tentative Parcel Maps. A Final Map shall be recorded before expiration.
3. Pursuant to Ordinance 1143, the operation of construction, demolition, excavation, alteration, or repair devices within all residential areas or within a 500 foot radius of residential zones shall be limited to the following hours:
 - a. Weekdays – Between 8 a.m. and 7 p.m.
 - b. Saturdays – Between 9 a.m. and 5 p.m.
 - c. Holidays – Between 9 a.m. and 7 p.m.

Such operation is prohibited on Sundays except by a homeowner residing on the property. Such work shall be limited to 9 a.m. to 7 p.m.

4. Dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited pursuant to Sausalito Municipal Code (SMC) Chapter 11.17. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with SMC Section 11.17.060.B.
5. All exterior security lighting must be small fixtures that are shielded and downward facing, and subject to the review of the Community Development Department prior to final sign off of the building permit.
6. As a condition of this approval, no alternative or unrelated construction, site improvements, tree removal and/or alteration, exterior alterations and/or interior alterations and/or renovations not specified in the project plans, or alterations approved by the Planning Director, shall be performed on the project site. In such cases, this approval shall be rendered null and void unless approved by the Community Development Department as a modification to this approval.
7. In the event that any condition imposing a fee, exaction, dedication or other mitigation

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measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.

8. In accordance with Ordinance No. 1160, the applicant shall pay any and all City costs arising out of or concerning the proposed project, including without limitation, permit fees, attorneys' fees, engineering fees, license fees and taxes, whether incurred prior to or subsequent to the date of this approval. Applicant acknowledges and agrees that City's costs shall be reimbursed prior to this approval becoming valid.
9. The applicant shall indemnify the City for any and all costs, including without limitation attorneys' fees, in defending this project or any portion of this project and shall reimburse the City for any costs incurred by the City's defense of the approval of the project.
10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Building Division must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
11. The Community Development Department is authorized to administratively approve minor modifications to the approved plans. Major design modifications to the approved project will require further review and approval by the Planning Commission.

Prior to recording of Parcel Map:

12. The applicant shall secure easement rights for storm drainage and sanitary sewer services from downhill property owners for both lots.
13. Roadway frontage improvements shall be designed by a registered professional engineer and subject to the review and approval of the City Engineer to be built prior to the approval of the parcel map or assured through the execution of a Subdivision Agreement with the City.
14. All slopes on the site in excess of 2:1 shall be evaluated by an engineering geologist and geotechnical engineer with regard to geological make-up and geotechnical stability (bore and soil testing and stability analysis). Detailed investigation may be subject to a third party peer reviewed if deemed warranted by the City Engineer.
15. The Parcel map shall identify the lateral extent on the property. Areas below the lateral extent shall be protected from further development, excepting underground utility facilities.
16. A watercourse setback shall be established that has a width that is 2 times the maximum depth of the pipe plus 5 feet measured from the center of the existing culvert

subject to the review and approval of the Community Development Department staff.

Prior to Issuance of Building Permit

17. All driveways profiles shall be designed to provide at least 0.5 feet of freeboard above the roadway flowline subject to the review and approval of the City Engineer. At grade driveways shall be no greater than 12%. Driveways on structures shall be no more 8%.
18. Grading plans shall include placement of slope tiebacks and horizontal drains pursuant to Geotechnical Engineers recommendations subject to the review and approval of the City Engineer or designee (including possible third party expert review).
19. Grading shall be limited to between the months of April 1 to October 1.
20. All plans shall include erosion control and other storm water pollution prevention measures.
21. Traffic control plan, material storage, contractor employee parking plans shall be submitted to the Community Development Department for review and approval of the City Engineer or designee.
22. A grading bond or other acceptable assurance shall be submitted the City for grading, drainage. The amount shall be determined by the City Engineered based upon construction estimates. The amount will assure that the area remains safe to the general public. Release of Grading Bond or equivalent assurance will be contingent upon completion of approved plans and submittal of certification statements that the structure is in the position and elevation were built as approved as well as a geotechnical engineer's statement regarding conformance to recommendations including disclosure of substantial deviations subject to the review and approval of the Community Development Department staff.
23. A utility plan shall be prepared showing utility service information from the foundation to the public right-of-way subject to the review and approval of the Community Development Department staff.
24. Submittal of a Performance Bond to assure construction is completed in no more than 18 months time from issuance of first building permits.
25. Property corners shall be set by a Professional Land Surveyor or qualified Professional Civil Engineer.
26. An Encroachment Permit shall be required for all improvements to be constructed within the public right-of-way, including temporary debris boxes, tree trimming and traffic control. An Encroachment Permit application shall be submitted to the specifications of the City Engineer.
27. Prior to issuance of any building or grading permit applicant's general contractor shall

provide City with evidence of a standard comprehensive general liability insurance policy containing coverage for bodily injury, property damage, and completed operations and including liability resulting from earth movement. The policy shall provide limits of coverage not less than \$1,000,000 and the policy shall continue in force until a date five (5) years following completion of construction.

28. Prior to the issuance of a Building Permit, the applicant shall submit a dust and debris control plan for the review and approval of the City Engineer. The Dust and debris control plan shall include the following measures;
- a. Water all active construction areas at least twice daily;
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
 - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites; and
 - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

Fire Department Conditions

The following conditions shall apply to the proposed project as specified by the Fire Chief:

29. All access roads serving a dwelling(s) shall be paved and a minimum width and as specified by the Fire Department.
30. Driveways off access roads serving dwelling units shall meet Marin County Standards related to dimensions, surfacing and slope (slope not to exceed 21 percent).
31. All new driveways shall be designed so that emergency vehicles can negotiate turns without having to make backing maneuvers (no switchbacks).
32. All access roads or driveways in excess of 150 feet in length shall be provided with an approved turn-around.
33. In addition to the turn-around described above, driveways or access roads shall have turnouts as required by the fire district. A turnout shall be described as a shoulder or wide portion of the driving surface which has enough usable surface which has enough usable surface for vehicles to pass.
34. Fire hydrant(s) as required by the fire Department shall be installed and spaced at 350 feet intervals and capable of providing a flow at the site of 1000 gallons per minutes. Hydrant placement (including water main extension) shall be reviewed and approved by the S.M.F.P.D. and M.M.W.D.
35. Provide a U.L. listed key box as required by the Southern Marin Fire Protection District.

The following conditions shall apply to future development on the subdivided parcels as required by the Fire Chief:

36. Fire sprinkler system required in:
 - a. All new construction;
 - b. All "substantial remodels"
37. Plans for fire sprinkler system design shall be reviewed and approved by the S.M.F.P.D. prior to installation.
38. The address shall be posted in accordance with requirements of the Uniform Fire Code.
39. Smoke detectors shall be installed in accordance with the Uniform Building Code.
40. A remotely located, second means of egress shall be provided for each floor above the first.
41. Non-combustible roofing required shall be required for all new construction.
42. Provide for compliance with Public Resource Code 4291 relating to brush and weed clearance.
43. Prior to occupancy, a spark arrestor shall be installed on the chimney(s).
44. Provide an approved fire detection system in accordance with standards as established by the National Fire Protection Association. Said system must be connected to the headquarters of the Southern Marin Fire Protection District through an approved U.L. central monitoring station.
45. All on-site improvements, such as water main extensions, hydrants and access roads, must be serviceable prior to framing the structure.
46. Final occupancy approval shall not be granted/released until authorization to the Community Development Agency has been received from the Fire District.

Prior to issuance of Certificate of Occupancy

47. Existing and new sewer laterals shall be inspected or tested subject to the review and approval of the Sausalito Sewer Coordinator.
48. As-Built Public Improvement plans and As-Built Storm Drainage plans including specification of line and grades shall be subject to the review and approval of the City Engineer or designee.

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STAFF REPORT

SAUSALITO PLANNING COMMISSION

Agenda Item Number 5

PROJECT: TM 05-047; 160 Currey Avenue

MEETING DATE: October 11, 2006

STAFF: Ben Noble, Associate Planner

**APPLICANT AND
PROPERTY OWNER:** Will Revilock

REQUEST

The applicant and property owner requests Planning Commission approval of a Tentative Map to subdivide the existing 17,836 square-foot parcel at 160 Currey Avenue into two parcels. The project would also involve the demolition of portions of the existing house, a wood deck, and an existing garage.

REGULATORY FRAMEWORK

Zoning: R-1-8 Single-family Residential

General Plan: Low Density Residential

CEQA: Categorically Exempt pursuant to CEQA Guidelines Section 15315(k)

Required Approvals Tentative Map

EXISTING SETTING

Neighborhood: The neighborhood consists of single-family homes on larger lots as allowed by zoning.

Subject Parcel: The existing parcel at 160 Currey is approximately 17,835 square feet in area. It is a corner parcel at the intersection of Currey Avenue, Currey Lane and Crescenta Drive. The parcel is currently occupied by an approximately 1,300 square-foot single-family home, detached garage, and detached wood deck. Vehicular access to the site is provided via a driveway from Currey Avenue. The rear of the parcel is steeply sloped with several precipitous grade breaks. A man-made culvert that encloses a natural watercourse is also located at the rear of the parcel.

PROJECT DESCRIPTION

Lot Split The applicant proposes to subdivide the existing 17,836 square-foot

parcel at 160 Currey Avenue into two lots. Lot 1 would have an area of 8,779 square feet and would be vacant. Lot 2 would have an area of 9,056 square feet, and would contain the existing house on the site.

Structures:

No new structures are proposed to be constructed on Lot 1 or Lot 2. Portions of the existing house which cross the proposed new property line would be demolished. The stairs serving the house that cross the proposed property line would also be removed. A wood deck and existing garage located in the proposed Lot 1 will also be removed. A new at-grade parking area would be located within Lot 2.

Land Use/Density:

Lot 1 would feature 8,779 square feet of parcel and would be vacant. Lot 2 would contain one single-family dwelling unit with a 9,056 square-foot parcel.

Lot 1 – Vacant Parcel

	Existing	Code	Proposed	Compliance
Parcel Area:	N/A	8,000 sq. ft.	8,779 sq. ft.	Yes
Land Use:	N/A	Single-family Residential	Single-family Residential	Yes
Dwelling Units:	N/A	1	1	Yes
Parcel Area/Unit:	N/A	8,000 sq. ft./1	8,779 sq. ft./1	Yes
Setbacks:				
Rear Yard:	N/A	15'	N/A	Yes
Right Side Yard:	N/A	5'	N/A	Yes
Left Side Yard:	N/A	5'	N/A	Yes
Height:	N/A	32'	N/A	Yes
Building Coverage:	N/A	2,633 sq. ft. (30%)	0 sq. ft. (0%)	Yes
Floor Area:	N/A	3,511 sq. ft. (.40)	0 sq. ft. (0.0)	Yes
Impervious Surface:	N/A	5,706 sq. ft. (65%)	1,50 sq. ft. (12%)	Yes
Parking Spaces:	N/A	0	0	Yes

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Lot 2 – Existing Single Family Home

	Existing	Code	Proposed	Compliance
Parcel Area:	N/A	8,000 sq. ft.	9,056 sq. ft.	Yes
Land Use:	N/A	Single-family Residential	Single-family Residential	Yes
Dwelling Units:	N/A	1	1	Yes
Parcel Area/Unit:	N/A	8,000 sq. ft./1	9,056 sq. ft./1	Yes
Setbacks:				
Rear Yard:	N/A	15'	75'	Yes
Right Side Yard:	N/A	5'	25'	Yes
Left Side Yard:	N/A	5'	7'6"	Yes
Height:	N/A	32'	30'	Yes
Building Coverage:	N/A	2,633 sq. ft. (30%)	1,938 sq. ft. (21%)	Yes
Floor Area:	1,330	3,511 sq. ft. (.40)	950 sq. ft. (.10)	Yes
Impervious Surface:	N/A	5,706 sq. ft. (65%)	2,510 sq. ft. (27%)	Yes
Parking Spaces:	N/A	2	2	Yes

CEQA

The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315(k), which states that the division of property in urbanized areas into four or fewer parcels shall be categorically exempt from CEQA.

ANALYSIS

Creation of Vacant Parcel – The applicant proposes a subdivision that will create a new vacant parcel. The applicant does not propose any new development on Lot 1 as part of this subdivision application. It is staff's understanding that at some point in the future the applicant intends to develop Lot 1 or sell the parcel to be developed by another party. Upon initial review of this application staff indicated to the applicant that the City's preference is to combine a proposal to develop Lot 1 as part of this subdivision. The applicant responded that at this time he wishes only to subdivide the parcel and not seek approval to construct a new home on the vacant parcel.

An analysis of a proposal to create a vacant parcel must consider potential issues that could arise if the parcel is developed in the future. Issues and questions to consider include the following:

- Would the subdivision create a lot with an appropriately-sized developable area?
- Could a home be built on the parcel without the need for variances from standards such as setbacks, building coverage or height?
- Would the development of the parcel require undesirable encroachments into the public right-of-way?
- Could the parcel accommodate reasonable vehicular and pedestrian access to the site?
- Can utilities, including storm water drainage and sanitary sewer be provided to the site?

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- Would development on the lot result in unavoidable environmental impacts, including removal of protected trees?
- Would development necessitate impacts to public or private views, or result in privacy/light and air impacts for neighboring properties?
- Are there geological challenges with the site which could create public safety concerns if the parcel is developed?

Staff's assessment of the proposed subdivision is that Lot 1 could reasonably accommodate future development on the parcel. As indicated in the attached September 19, 2006 memorandum, the City Engineer notes that a code compliant driveway could be installed to serve a new home at Lot 1. Staff believes that the lot could reasonably accommodate a new single-family home which would not require variances or undesirable encroachments into the public right-of-way. Staff also believes that development on the parcel is unlikely to result in significant environmental impacts that could not be mitigated. (Please note that any future development application shall be subject to standard procedures for environmental review). Due to the location of the parcel relative to adjacent properties and structures, future development on the lot is also unlikely to result in unavoidable view, privacy and light/air impacts.

As reflected in the attached September 19, 2006 memorandum, the City Engineer does have some concerns with future development on Lot 1. These concerns include erosion potential for the steep gully area of the lot, a lack of clarity that utilities requiring gravity flow (sanitary sewer and storm drainage) have rights of way to publicly maintained system, and the presence of a man-made culvert that encloses a natural watercourse. With the inclusion of conditions of approval as recommended by the City Engineer and included in the attached draft resolution of approval, staff believes that these concerns can be adequately addressed. Staff is therefore able to favorably recommend approval of the subdivision and tentative map as currently proposed.

Minimum Parcel Standards – To approve the proposed subdivision, the Planning Commission must find the proposal consistent with the following Minimum Parcel Standards contained in Zoning Ordinance Section 10.40.030.B:

1. The width of any parcel shall not be less than thirty feet (30') at any point.
2. The average width of any parcel shall not be less than fifty feet (50').
3. Street frontage shall be required for all parcels and shall not be less than thirty feet (30'), as measured on the front parcel line.
4. To the extent practicable, parcel lines shall have a regular unbroken alignment and shall intersect the street right-of-way as close to the perpendicular as possible.
5. To the extent practicable, parcels shall have a regular, rectangular shape and curved lines should be avoided.

Staff believes the proposed subdivision is consistent with these standards. For both Lot 1 and Lot 2, the width is greater than thirty feet at all points, the average width is not less than fifty feet, and more than thirty feet of street frontage is provided on the front parcel lines. Staff also believes that new parcel lines have a regular unbroken alignment to the extent practicable, intersect the street right-of-way as close to the perpendicular as possible, and have a regular, rectangular shape to the extent practicable. While all property lines do not intersect at a ninety-degree angle, staff believes the proposed configuration is optimal in regards to achieving the parcel standards as outlined above.

Subdivision Findings – To approve the proposed subdivision, the Planning Commission must also make the required findings from the California Subdivision Map Act and the Sausalito Subdivision Ordinance. These findings are identified below.

Subdivision Map Act Findings:

1. The proposed map is consistent with applicable general and specific plans.
2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
3. The site is physically suitable for the type of development.
4. The site is physically suitable for the proposed density of development.
5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the subdivision or type of improvement is not likely to cause serious public health problems.
7. The design of the subdivision or the type of improvement will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Subdivision Ordinance Findings:

1. The size and shape of lots shall be such as is proper for the locality in which the subdivision is situated. All lots must be adequately drained.
2. In a subdivision in which the lots may be resubdivided at some future time, the location of lot lines and other details of layout shall be such that resubdivision may readily take place without violating the requirements of this Ordinance of the Zoning Ordinance and without interfering with the orderly extension of adjacent streets and highways.
3. Lots with less than thirty feet of frontage on a street will not be permitted.
4. The side lines of lots will be required to run at right angles to the street upon which the lot faces, as far as practicable.
5. All lots shall be suitable for the purposes for which they are intended to be sold, and no dangerous areas, or areas subject to inundation may be subdivided for residential purposes.

As explained in greater detail in the attached draft resolution of approval, staff is able to favorably recommend the above findings for the proposed subdivision. The proposed lots are consistent with all applicable development standards, and do not create or intensify any nonconformities. Lot 1, which would be vacant, is appropriately sized and located to accommodate the development of a new single-family home if such improvements are proposed in the future. The City Engineer has verified that vehicular access from Currey Avenue can be provided to Lot 1 from Currey Avenue if this parcel is developed in the future. With the inclusions of conditions of approval as found in the attached draft resolution of approval, storm water drainage and sanitary sewer services will be adequate for the proposed lots, including Lot 1 if it is developed at a future date.

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City Engineer Comments – As mentioned above, attached to this staff report is a memorandum from the City Engineer dated September 19, 2006, which outlines concerns with the proposed subdivision and provides recommended conditions of approval. Concerns include risks associated with overly steep slopes in the gully area, the need to demonstrate that sanitary sewer and stormwater discharge can be provided for Lot 1 by an existing easement, the need to revise the Geotechnical report to include an assessment of erosion potential (debris flows or landslides) for the gully area and include recommendations to mitigate the risks identified, the absence of a development proposal for Lot 1 as part of the proposed subdivision, and the presence of a culvert on the site that encloses a natural watercourse.

Community Development Department staff believes that these concerns can be adequately addressed as conditions of approval for the subdivision as proposed. These conditions are stated in the City Engineer's September 19, 2006 Memorandum and included in the attached draft resolution of approval

PUBLIC NOTICE AND COMMENT

Notice: More than ten days prior to the scheduled hearing, notices were mailed to property owners and residents within a 300-foot radius of the project site. Additionally, notices were posted on the site at least ten days prior to the scheduled hearing.

Comment: Staff received one letter signed by neighbors at 139, 140 and 150 Currey requesting that the Planning Commission deny the proposed subdivision..

RECOMMENDATION

Overall Staff Recommendation: Staff recommends that the Planning Commission approve the proposed subdivision subject to the attached draft resolution of approval. Alternatively, the Commission may

1. Deny the application on the basis that the project does not comply with Zoning Ordinance Section 10.40.030.B, the California Subdivision Map Act, or the Sausalito Subdivision Ordinance. In this case, Staff would need to return a Resolution of Denial at the Commission's October 25, 2006 meeting;
2. Approve the application with modified conditions of approval; or
3. Continue the application to a future hearing to allow the application to make modifications to the proposed project.

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EXHIBITS

1. Draft Resolution of Approval
2. Letter from neighbors at 139, 140 and 150 Currey
3. Vicinity Map
4. City Engineer Memorandum, September 19, 2006
5. Project Geotechnical Report, February 9, 2006

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1 **5. 160 Currey Avenue (TM 05-047)**
2 **Will Revlock (Applicant/Owner)**

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4 **The applicant and property owner, Will Revlock, requests Planning Commission approval**
5 **of Tentative Map to subdivide the existing 17,836 square-foot parcel at 160 Currey Avenue**
6 **into two parcels. The project would also involve the demolition of portions the existing**
7 **house, a wood deck, and an existing garage.**

8
9 **Staff Report by Associate City Planner Ben Noble**

10
11 Mr. Noble reported via a PowerPoint presentation that this is an application for a lot split at 160
12 Currey for Planning Commission approval of a tentative map to subdivide an existing 17,836
13 square foot parcel into two parcels. The project would also involve the demolition of portions of
14 an existing house, a wood deck and an existing garage. The new parcel line is proposed to
15 intersect Currey Avenue here and would go through the parcel to the rear of the steep, sloping
16 part of the parcel to intersect the existing property line here (pointing). There are some stairs that
17 are currently located where the proposed property line is and those will be demolished. New
18 stairs would be installed. This garage and deck area would be removed and new parking for the
19 property would be provided here (pointing).
20

21 As outlined in the staff report this application proposes the creation of a vacant parcel. It is
22 staff's preference to see a design review application accompany a lot split rather than just have
23 the lot split proposed without any sort of improvement along with it. In this particular case the
24 applicant chose to propose just the lot split and not move forward with the design review permit
25 at this time, though it is staff's understanding that the applicant or some future developer/owner
26 of this new parcel would be interested in its development in the future. When considering this
27 application, it is important to consider potential, future development on the site and to consider if
28 there are issues that could arise with future development on the site. For example, would the
29 subdivision create a lot with an appropriately sized developable area? Would the newly created
30 lot allow for reasonable development that wouldn't require variances or undesirable
31 encroachments into the public right of way? Another issue would be would the subdivision lead
32 to potential significant environmental impacts if developed? Would the creation of the lot likely
33 result in a new development that would have the likely potential to impact public or private
34 views or have light and air impacts on neighboring properties. The bottom line is that it is
35 important to envision what future development could hold for this lot and to consider if this lot
36 split is going to be setting up future problems. This lot split is creating an entitlement for
37 development on this lot and the City doesn't want to create the possibility for future problems
38 should this lot be developed in the future.
39

40 With that in mind, staff considered potential future development on the lot and concluded that
41 the lot could reasonably accommodate future development without serious foreseeable problems.
42 They looked at vehicular and pedestrian access with the steepness of the hillside fronting Currey
43 Avenue. The City Engineer looked at that and concluded that the topography of the site would
44 allow for a driveway approach from Currey Avenue that would comply with the City's
45 requirements.
46

1 One comment from the neighbors is that there is a steeply sloping portion of the lot which is
 2 vegetated and contains a drainage way that was culverted and there is vegetation there that may
 3 support wildlife habitat and what kind of consideration should that have in considering this lot
 4 split application. For the purposes of this lot split application, staff believes that the project
 5 should be categorically exempt and that the subdivision of the lot into two separate parcels does
 6 not create a potential for any environmental impacts. If a development project should occur
 7 down the road, for design review of a new home for example, any potential environmental
 8 impacts resulting from that development would be considered at that time. But simply dividing a
 9 parcel into two does not create any adverse change to the environment.

10
 11 Moving on from the idea of anticipating issues with the future development of the lot, whenever
 12 a parcel is created the City needs to verify that it complies with the minimum parcel standards set
 13 forth in the zoning ordinance. There are five of them; three objective and two slightly more
 14 subjective. Staff believes that the proposed parcel complies with all five of these minimum
 15 parcel standards. The objective ones have to do with the width of the parcel and the amount of
 16 street frontage; the subjective ones have to do with the desire to create a rectangular shaped lot to
 17 the extent possible and to have property lines that intersect at right degree angles to the extent
 18 possible. As you can see from the tentative map, those conditions are met. There is a slight bend
 19 in the property line. If you look at a vicinity map and look at the configuration of this lot in
 20 relation to other lots nearby, staff is comfortable concluding that it is creating a regular shaped
 21 lot consistent with the configuration and size of other lots and appropriate for the neighborhood.

22
 23 Staff is able to conclude that the property complies with the minimum parcel standards set forth
 24 in the zoning ordinance.

25
 26 In order to approve this application, the Planning Commission also needs to make the
 27 subdivision findings contained in the California Subdivision Map Act as well as those in
 28 Sausalito's zoning ordinance. Staff is able to favorably recommend those findings as staff
 29 believes that the new lot that would be created could reasonably accommodate future
 30 development and could provide for pedestrian and vehicular access and the subdivision would
 31 not negatively impact the neighborhood.

32
 33 On that note, staff did receive some comments from neighbors; one letter, which is attached to
 34 the staff report, is in opposition to the subdivision, and another late mail item on the dais is from
 35 a neighbor who apparently just heard of the project that day and feels he has not had adequate
 36 time to consider the application and is requesting that the Planning Commission at a minimum
 37 continue the item. Notice as required by the zoning ordinance was provided for this application.

38
 39 Staff recommends approval of the project subject to the attached draft resolution of approval.

40
 41 Chair Kellman asked why staff urged the applicant to not come forward with a lot split without a
 42 development project?

43
 44 Mr. Noble said the Community Development Department doesn't want a new lot created with
 45 entitlements that are going to lead to problems in the future when an application is submitted to
 46 develop the lot. Staff doesn't want to create a new lot that is going to necessitate something

1 undesirable from the City's perspective. That is why staff would prefer to see a design review
2 application with a lot split application. There's no requirement that would prevent an application
3 for a lot split only from moving forward, but there are some disadvantages to it and it requires
4 staff and the Commission to foresee unanticipated consequences should a development project
5 come forward in the future.

6
7 Chair Kellman noted the City Engineer's memo talks about increased setbacks due to the water
8 course. How do those setbacks impact the development potential of each new lot if the lot split
9 application was granted as requested? What she means by that, is the Commission going to see
10 somebody come in and say, "Oh my goodness, I'm constricted by these setbacks, it's a hardship,
11 I need a variance." How much is it going to encroach into the actual development of those lots
12 such that a subdivision might not be the most appropriate thing to do there? According to the
13 City Engineer, "future development should be restricted from this area by creating a water course
14 setback comparable to two times the maximum depth of the pipe plus five feet." Aas staff looked
15 at that?

16
17 Mr. Noble said the lot is quite deep and that culverted area is here (pointing to site map) and the
18 developable area of the lot is here. He doesn't think that establishing a setback requirement for
19 this area, which would be perfectly appropriate to do as part of this subdivision, would create
20 issues with future development on this parcel.

21
22 Chair Kellman asked if staff has a sense of what the size of the remaining developable lot would
23 be if those setbacks are included in the analysis. She completely agrees they need to have
24 setbacks from waterways, so to the extent that those are incorporated, is the Commission going
25 to see somebody who says, "Now I need to push the project to the front of the site, and I'm going
26 to need a variance because I can't go into the back section even though it's a deep lot." So she
27 wants to know how much of each lot would be impacted?

28
29 Mr. Noble said he doesn't have that number right now. Staff would have to come back with that.
30 One thing to keep in mind is that this is essentially a corner lot so both this property line and this
31 property line (pointing) would function as a front property line with zero setbacks. So when you
32 are looking at developable area, it would be something like this even with a 20-foot setback from
33 that culvert.

34
35 Chair Kellman asked if that would be an encroachment? There's the street - that's the property
36 line. It doesn't seem like it leaves a very large lot. One of the findings the Commission has to
37 make is that each lot is not substandard in size for that area and this happens to be an area of
38 town that has very large lots, so all of a sudden it is being subdivided and then even more is
39 being taken away by these setbacks and that should be included in the analysis.

40
41 Mr. Kermoyan noted that with a subdivision the City can exercise its right to actually define
42 where the future development can be as compared to a parcel that's already vested, it already
43 exists. Here there is an application where they want to divide one property into two and there are
44 some issues with streams and topography. The Commission is perfectly able to define what type
45 of design the house should be, how big a house can be, where it should be, all as part of the
46 conditions of a subdivision. One of the advantages to the applicant of coming in with a design

1 now is that under state law they can extend their map a little bit longer for what the City allows
 2 for design review approval. So it actually would be more advantageous to the applicant if they
 3 came in with a design, because then it's the design and subdivision that can extend out to, he
 4 thinks, seven years. And if they make that a vesting map, they lock into certain codes, as they
 5 exist today. They are dealing with a tentative map, a simple land division, and there appears to be
 6 buildable area as was pointed out. He's looking at this flat piece right here, but they have been
 7 pointing down to this sloping piece. He's worked on a lot larger subdivisions where the City
 8 would actually dash in a line as to future building pad. So the City can easily, if there are
 9 concerns with pipe lines and setbacks, the Commission can have the applicant delineate where
 10 the pad would be and that should establish future development opportunities.

11
 12 Vice Chair Leone said as memory serves there is no lot split ordinance in Sausalito. There's just
 13 a lot line adjustment.

14
 15 Mr. Kermoyan said the City has a subdivision ordinance.

16
 17 Vice Chair Leone asked if this is considered a subdivision rather than a lot split?

18
 19 Mr. Kermoyan said it's the same thing.

20
 21 Vice Chair Leone said it's de facto the same thing, but staff is processing it under the subdivision
 22 ordinance versus a lot split for which the City has no ordinance.

23
 24 Mr. Kermoyan said lot split is kind of a buzz word people use; it's a subdivision tentative parcel
 25 map. The parcel map would be the final map.

26
 27 **Presentation by Applicant Will Revlock**

28
 29 Mr. Revlock is the owner of the property. The other owner/applicant of the property is his wife,
 30 Laura Revlock. This application is keeping with the village aspect. By doing these two roughly
 31 9,000 square foot lots, you can build two nice 2,400 square foot homes on each one of the lots.
 32 As Mr. Noble pointed out, the application meets all five goals outlined in the subdivision act. He
 33 has four or five designs to remodel that little existing house, but they changed the lot split several
 34 different times and he has three different designs, so he didn't want to get involved with
 35 designing the house to impair the lot split. If he gets the lot split, he knows exactly where the two
 36 pieces of property are and then he can design a house adequately. Also, there is so much space
 37 over here (pointing to site map); there's so much flat space here. All this stuff is not buildable.
 38 So they would keep the house here – it's a small house, it's 2,400 square feet. This house
 39 (pointing) is 1,200 square feet.

40
 41 Chair Kellman asked Mr. Revlock to point on the model where the lot split would be?

42
 43 Mr. Revlock said the lot split goes like this and goes to this corner piece where these other three
 44 properties meet (pointing). Working with staff, he decided that was the best way because they
 45 ended up with two nice rectangular lots that meet the City criteria.

1 Chair Kellman said when she asked Mr. Noble what happens when you take into account the
2 setbacks for the water course; the response was that it's okay, because they are deep lots –

3
4 Mr. Revlock said if you went 30 or 40 feet from the end, you still have 50 feet to put the house
5 here. You would never encroach on any of these parts that the City was concerned with. The
6 water course is way here at the bottom and that's only draining his property and his neighbor's
7 property. If there is a little run-off water, it is caught up here, goes into a culvert and goes down
8 into a sewer at the other end of the road.

9
10 Chair Kellman asked if Mr. Revlock did any calculations to determine –

11
12 Mr. Revlock said he has his structural and civil engineer with him.

13
14 Chair Kellman said just to be clear, when the Commission is looking at approving a subdivision
15 and they are creating two lots of x-size and the applicant has suggested that size is 9,000 square
16 feet, she'd like to know how much of that would not be buildable because it would be in the
17 setback.

18
19 Mr. Revlock said those are very adequate figures. There are 5,000 square feet buildable and
20 4,000 square feet back here in both the lots that you wouldn't touch because it's just too hard to
21 touch. So there's plenty of useable space and that's what staff agreed upon, that you could easily
22 build a modest home on either one of the lots.

23 So he respectfully proposes two lots in keeping with the General Plan and in keeping with the
24 neighborhood and the nature of the village of Sausalito.

25
26 Chair Kellman said there is a letter from one of the neighbors in the packet that says that this is
27 in fact not in keeping with the neighborhood, that this is an area that has very large lot sizes.
28 How would he respond to that?

29
30 Mr. Revlock said when you look at those general ones; there are a lot of lots that are 8,000 and
31 some that are even smaller. This is 9,000, so there are variations in Sausalito. There are some
32 that are maybe 9,000 or 12,000 -- all different sizes. But this meets – he's not asking for any
33 variances or any options. So it does resemble a number of lots along Currey Avenue all the way
34 down on both ends. Across the street is a 6,000 square foot lot and they got a variance to build a
35 home there.

36
37 Commissioner Keller said he's not clear as to why the applicant didn't come with a design for
38 the lot?

39
40 Mr. Revlock said right now it's just going to sit there as a lot. He doesn't have any – it's just
41 going to sit there.

42
43 Commissioner Keller asked if he understands the rationale that staff put forth as to why the
44 Commission prefers to see someone come forward with a design if they are going to split a lot.
45 There's a reason for it, you want to have another house there at some point?

- 1 Mr. Revlock said eventually that would be an ideal situation.
2
3 Commissioner Keller said so with the applicant not coming to the Commission with a design,
4 does he have a problem if the Commission limits the applicant in terms of –
5
6 Mr. Revlock said he might not want to build a house there; he just wants to have a lot there.
7
8 Commissioner Keller said what he's saying is if the Commission creates the footprint in which
9 the applicant is allowed to build –
10
11 Mr. Revlock said that would be acceptable, sure.
12
13 Chair Kellman asked Mr. Noble when the applicant was pointing to the model, he talked about
14 the line going right by the existing house, would the existing house then be within setbacks?
15
16 Mr. Revlock said yes.
17
18 Mr. Noble said the existing house would comply with the setback.
19
20 Mr. Revlock said side and backyards and everything else. No variances, no changes.
21
22 **Lucky Rinehart**, Mr. Revlock's engineer, pointed to the site plan – he doesn't think this
23 (pointing) is a storm drain. There's a pipe under there. It says there is a five foot easement.
24
25 City Engineer Todd Teachout said there is a drainage easement going through the site that more
26 or less enclosed an open water course. It drains a substantial area of the freeway and it's a metal
27 culvert. You are going to get 40 or 50 years of life out of that and he's not sure how many years
28 are into it.
29
30 Chair Kellman asked who's responsible for maintenance of that?
31
32 Mr. Teachout said that's always determined by the courts.
33
34 Vice Chair Leone said that particular drainage way is one that's called out in the General Plan as
35 one of the drainage ways referred to in the zoning ordinance with the 20-foot setback.
36
37 Chair Kellman said so it has an even larger setback than proposed by the City Engineer in his
38 memo? Mr. Teachout suggested that the setback be comparable to two times the maximum depth
39 of the pipe plus five feet. The Commission needs some clarification from staff as to the size of
40 the actual setback.
41
42 Mr. Rinehart said they need to find out what the invert of the pipe is because this is about 15 feet
43 here (pointing) according to the survey, so that thing is down – depending on where it -- s going
44 to dictate what he has to do. Down here where there's actually a pipe you're 50, 60 feet away
45 from this lot where you could potentially build a house. But if it's draining the freeway and it's a
46 large diameter storm drain and you are going to put restrictions on where he builds based on the

1 invert elevation of the pipe, he's not sure why the City would do that, where that comes from. Is
2 it because of surcharging the pipe?

3
4 Chair Kellman asked Mr. Teachout to speak to the reasons for the restrictions he placed in his
5 memo?

6
7 Mr. Teachout said the condition is recommended – he wasn't aware of the setback that Vice
8 Chair Leone referenced – the condition he recommended was based on past experience with
9 regard to failure of metal culverts over time. You assume a building code standard for an
10 acceptable slope of 2 to 1 and then gave a certain buffer for a setback beyond that.

11
12 Chair Kellman asked if he has any idea what the maximum depth of the pipe might be?

13
14 Mr. Teachout said no, there's been no information provided with regard to that.

15
16 Chair Kellman said the Commission is going to need that information.

17
18 Vice Chair Leone noted the only way to access that is either from the freeway or from Toyon,
19 isn't it?

20
21 Mr. Teachout said it may be accessible from other places, but staff would suggest the applicant
22 provide that information, perhaps a video inspection of the narrowest inlet.

23
24 Vice Chair Leone asked if Mr. Teachout's guess would be that if it's a circular pipe that it's
25 could be assumed to be at least as wide as the easement – he's shaking his head – he's just trying
26 to get an estimate of what is there.

27
28 Mr. Teachout said typically the pipe is quite a bit less than the easement. The easement is
29 generally 5 to 10 feet and the pipe in this case, he wouldn't be surprised if the pipe is between 18
30 and 30 inches.

31
32 Mr. Revlock said half of it is on his neighbor's property.

33
34 **Public Comment**

35
36 **Kevin Haus** lives at 150 Currey Avenue, which is the next door neighbor to this lot. He's heard
37 a lot that evening about the uniqueness of Sausalito and maintaining that as part of the role of the
38 Commission and this actually is really a unique area within Sausalito because many of the lots
39 are larger. Through those larger lots, you have more space, more trees, more vegetation, even
40 wildlife that reside, come through and are otherwise enjoyed by the neighborhood. It also
41 provides a sense of privacy and seclusion. This is one of the view areas in Sausalito where the
42 houses are not right on top of each other, you don't feel like you've got people looking in your
43 windows, and you not only have nice views, but even when you aren't looking out at the water,
44 you are seeing a lot of trees, space and vegetation and that is something that the neighborhood
45 truly enjoys. He believes that sense of privacy and seclusion also helps property values in the
46 area. He and his wife are against this proposal both for personal reasons as well as for the

1 neighborhood. From a personal standpoint, they feel that it will have a direct impact on their
 2 privacy as well as their property value. When this lower lot is rebuilt, it is going to put a house
 3 right up against their property and looking down onto their deck and is going to be looking into
 4 their windows (pointing out his property.) Aside from the personal issues that he has with the
 5 project, it will also set precedent for the neighborhood to subdivide these areas, not only
 6 impacting this one lot but other lots around the area and ruin one of the really unique
 7 neighborhoods in Sausalito.

8
 9 Chair Kellman said the applicant's sense is that there are many other lots in the area that are
 10 8,000 square feet, maybe even smaller.

11
 12 Mr. Haus said there are many lots in Sausalito that are that size. Pointing to a slide, most of the
 13 lots are larger, there might be a few exceptions, but you see there is a lot of open space in the
 14 area. If the City starts allowing these to be subdivided, they are going to have to remove a lot of
 15 the vegetation and you are going to end up with more houses on top of each other, even if some
 16 of them are smaller.

17
 18 **Mike Solvo** lives at 139 Currey, just across the street. He would agree with what Mr. Haus just
 19 said. There is a lot of wildlife that comes through the neighborhood; he can verify that because
 20 his garbage is turned over every morning. His lot is just north of 14,000 square feet and he
 21 concurs with Mr. Haus that generally the lot sizes are – particularly in the Currey neighborhood,
 22 generally are quite large. You don't ever feel like you are sitting on top of each other. Although
 23 he would generally agree there are smaller lots in different pieces of the neighborhood, it is a
 24 pretty special part of town. Lastly, his sense from everything he's observed so far is that this is a
 25 spec project more than a residential project, and he'd like to hear more about that.

26
 27 **Susan Hart** and her husband live at 20 Crescenta Drive. They've lived there about 30 years.
 28 They object to the proposed subdivision. Regarding Mr. Revlock's comment that there is a lot
 29 across the street that's very small and under 8,000 square feet, she believes that Mr. Revlock
 30 actually owns that lot and one of the reasons it is so tiny – it was meant to be a small lot, she
 31 lives in that subdivision, it was planned in 1937 and the lots are mostly quite large, but some of
 32 them are small, they just simply fit the topography. But one reason why that lot is so small is that
 33 the road was put in the wrong place and to solve the problem the City deeded its easement to that
 34 property. But approximately 10 years ago the property owners of Monte Mar Vistas with the
 35 support of property owners in the adjacent subdivisions including the one where 160 Currey is
 36 located, objected to a project pretty much identical to the one being reviewed this evening. The
 37 matter did come before the court and the neighborhood prevailed as the court recognized the
 38 uniqueness in Sausalito of the numerous spacious lots in the neighborhood and that the
 39 subdivision of such lots would irreparably and negatively change the character and beauty of this
 40 very special, unique neighborhood. She respectfully requests that the Planning Commission deny
 41 the subdivision of 160 Currey Avenue.

42
 43 Chair Kellman asked the speaker if she meant to say "court" or "Commission." It actually went
 44 to court?
 45

1 Ms. Hart said yes, the court did rule on the property owned by Mr. Glygola who is also present to
 2 speak that evening. And that was actually subdivided about 1950 and for the next half century
 3 posed the most extraordinary expense and turmoil in the neighborhood. The owner who
 4 subdivided it tried to build another home in what is Mr. Gyglola's front yard and it was turned
 5 down and decades went by and another owner had actually – the lots were subdivided but
 6 nothing had been built. So once again the new owner tried to build in the front yard in the
 7 subdivided lot. It went to court and the judge said no, you can't do it.

8
 9 **Pat Glygola** lives at 2 Crescenta Drive, which is the property Ms. Hart was referring to. He
 10 lives right across the street from this property that is being discussed. It's that uphill lot which is
 11 about half an acre there. He just found out about this proposal that day by luck from a neighbor.
 12 Evidently there was a notice on the Yield sign, which he didn't see and he made a copy of it and
 13 found out that the hearing was that evening. He didn't receive a notice and he hasn't had a
 14 chance to review what the applicant wants to do. He'd ask the matter to be continued, at the
 15 least, so he can review it. At this time, he does oppose it, mainly because it's not in keeping with
 16 the character of the neighborhood and it's changing the density. Most all the lots are big, there
 17 are occasional small lots but when the original developers subdivided this area, they made all
 18 these lots this size for a reason. They looked at the size and shapes of everything and that culvert
 19 that has been mentioned does drain a big portion of 101 and that goes right down through that
 20 lot. So CalTrans may have something to say about how that is dealt with as well. That lot was
 21 made that size for a reason and it's in keeping with the neighborhood. The subdivision would be
 22 going against the original intent for the neighborhood and it's not in keeping with the character
 23 of the neighborhood and that's why he opposes it. and Ms. Hart is correct, it did go through a
 24 lengthy court process and it was decided that on the lot he lives on now, they couldn't build
 25 another house there and all the neighborhoods banded together to keep that from happening. He
 26 would at least like the option of a continuance to further review the project, but at this point in
 27 time he would be against it.

28
 29 **Chris Haus** lives at 150 Currey. She concurs with what the neighbors have said. There is one
 30 important thing to note, there was a major landslide in the ravine this winter, the City is aware of
 31 that, they actually wound up having to replace quite a bit of the culvert. It took out trees; it
 32 actually took out the plumbing line that they share. Please consider that as well.

33
 34 Chair Kellman asked the City Engineer if he has any additional information on the slide?

35
 36 Mr. Teachout said not so much a slide, but there was some erosion and a tree on Toyon did
 37 topple. It was a large tree, parts of it still remain. And in the process of toppling over, it indeed
 38 lifted and ripped the sewer lateral that had to be repaired. It's right here (pointing).

39
 40 Chair Kellman asked if it impacted the culvert?

41
 42 Mr. Teachout said no, where the tree fell is open. The culvert pretty much goes along as depicted
 43 within the documents. At the end of the property line, it opens up. And back on Toyon it gets
 44 into a culvert, crosses under the street, opens up again and there was a project to terrace the water
 45 course from Toyon down to the next street. That same project included a culverting of the project
 46 above, and why that was built, he can't say, but they have had requests to implement that project

SA
 122

1 now and the City has done a quick inquiry with Fish and Game and the regional board, and you
2 can expect that they are not encouraging such a project at this time.

3
4 Vice Chair Leone asked Mr. Teachout how would you access this flat portion, (pointing to site
5 plan).

6
7 Mr. Teachout said the applicant did a study and when staff saw this project originally, the
8 reaction was that one of the things on a subdivision is you have to assure access. And the
9 physical conditions on the site just invited a joint use of this existing driveway. So staff asked
10 why don't you process an access easement. During the course of that discussion it was revealed
11 that he had no intention of doing that, so staff said demonstrate that you can put in a driveway.
12 The applicant was able to do that; he did a study and with a minimal amount of grading he can
13 comply with City standards with regard to driveway access. Since there is not a firm
14 development plan, it's too early to tell whether or not when a house is developed whether they
15 will use an at-grade driveway or an elevated on-structure driveway. That's why there is a
16 condition on a maximum at-grade and a maximum on-structure.

17
18 **John Nunley** lives at 145 Currey Avenue, which is directly across from the driveway portion of
19 this property. One of the key issues he is concerned about – to begin with the fact that there is
20 not a proposed development plan really smacks of trying to just shove this thing through. The
21 development options are not as many or as simple as are being suggested. The lot is very steep;
22 the soils report describes it as a 1.5 to 1 slope which is steep. The only reason there's any flat
23 part there to begin with, which may or may not matter, is it is unengineered fill that was pushed
24 there when the road as graded and it gets very steep down at the bottom of it. There are so many
25 unanswered questions about this and it seems so vague. One of the unanswered questions is the
26 ingress for the second lot. You couldn't tell him that you could put a driveway coming straight
27 down from the street into that lot. If you look at those contour lines, it seems impracticable if not
28 impossible. If that's the case, a shared driveway going across the other lot would work, but in
29 that case an easement would need to be granted and that would raise questions as to whether a
30 roadway easement actually reduces the size of that other lot and how that would impact the
31 development of it. There are also a number of trees, particularly on the eastern portion of the
32 property, a number of native oak trees that would eventually have to be removed to develop that
33 property. In his opinion, if the applicant had a development plan and the neighborhood could see
34 some story poles up there or something. Maybe that's not required, but Pat commented on how
35 this almost flew under the radar of the neighborhood which it sort of did, almost. The
36 Commission may not be convinced of that by the fact of the presence of some of the neighbors,
37 but most of them just found out about it at the last minute that day. The mailer was indiscrete and
38 hard to recognize and with the elections and all the junk mail – some neighbors have spoken but
39 it would be a disservice to the neighborhood to just flat out grant something like this without
40 having any idea of how these lots would be developed.

41
42 **Rebuttal by Applicant**

43
44 Mr. Revlock said in response to the comment about the lawsuit, across the way here there is
45 CCR, there's a planned unit development with all these properties tied in, and they have
46 regulations and somebody was trying to do something against their regulations in a CCR and all

1 that stuff, and that's what the courts made a decision upon. On this side, these are just individual
 2 lots and the 9,000 square foot lots meet the City's requirement of minimum by more than 1,000
 3 square feet. These roads all along here have side cutbacks. They were going to come in here, as
 4 you can see through the model. He has a lot of building space. 9,000 square feet is a big
 5 footprint. Even if you build a house, this is the garage that is going away, you can almost see or
 6 visualize a lot on that the same size as the house over there. He's not doing anything to either one
 7 of the houses or the lots, just proposing the subdivision into two 9,000 square foot lots.

8
 9 Vice Chair Leone asked Mr. Revlock to explain how when he was speaking with the City
 10 Engineer he envisioned the access for the lot 1.

11
 12 Mr. Revlock said they talked about it two ways: one they could build an elevated garage along
 13 here, and go along this strip and go into the garage or the house (pointing to model). And you
 14 can have a smaller house here and have it two or three stories here, whoever would do that
 15 design would meet all the criteria of the Planning Commission, setbacks, height requirements,
 16 vegetation and all this. You could only build something about 2,400 square feet.

17
 18 **Commission Discussion**

19
 20 Vice Chair Leone said the point was made that this is a lot on two intersecting streets and then
 21 the setbacks get waived in that scenario in Sausalito, so he's wondering if that is also going to
 22 affect the nature of how this could be developed and if that's something the Commission needs
 23 to think about there. There's no development proposed here but as far as the developable area
 24 and how it would impact the neighborhood, he doesn't know how that fits into this subdivision
 25 concept.

26
 27 Mr. Noble said with two intersecting streets there would be no setback from both of those
 28 frontages.

29
 30 Vice Chair Leone said in this neighborhood that's an uncharacteristic construction. He knows
 31 there's nothing proposed here so he doesn't know how the applicant would bring that into this
 32 analysis for the subdivision, but it's something to think about. The one point he'll make before
 33 he hears from the rest of the Commission, is that the Commission has had similar circumstances
 34 to this where the Commission has considered lot splits and attached conditions to those and then
 35 on subsequent review by the City Council those conditions have been largely overturned. So his
 36 concern is that whatever actions take place, this would be a good time to have the City Attorney
 37 weigh in on what the Commission's ability to attach conditions to a subdivision may be before
 38 they actually make a determination to approve or deny the subdivision, whether those conditions
 39 are location of the development, setbacks from site features, the Commission needs some
 40 guidance on that because of recent history of the City Council not upholding the Commission's
 41 ability to attach conditions to subdivisions or lot splits.

42
 43 Commissioner Bossio said she has some areas of discomfort with the proposed subdivision.
 44 Given the character of the neighborhood she can see that the next thing around is going to be that
 45 people want to put the largest homes possible on the two lots that will result from the lot division
 46 and then it's going to create a crowded condition amidst homes that have a lot of space. It's just

1 without having an idea of what's going to be proposed here, she can only imagine the maximum
2 because that is what is continuously presented to the Commission. She anticipates problems
3 down the road if the Commission grants the subdivision.

4
5 Commissioner Keller said from his perspective if he were to grant the subdivision, at the least he
6 would like to see the Commission condition this with where the house is going to be, its actual
7 footprint. And that goes back to what Vice Chair Leone has already brought up. Is that condition
8 going to have any teeth in it or is it going to be overturned? He'd like to have some assurance
9 from the City Attorney that whatever condition the Commission did put on this, if it were to
10 approve it, that that condition would have long standing.

11
12 Commissioner Bossio said anything that the Commission decides can ultimately be subject to de
13 novo review. She can't imagine that there's conditions that the Commission could impose that
14 isn't subject to potential review by the City Council because that's the way it is set up.

15
16 Vice Chair Leone said anything that the Commission does can be appealed, but he is asking that
17 the nexus argument be clarified. Maybe the City Attorney can provide some guidance as to the
18 Commission's ability to attach conditions.

19
20 Chair Kellman asked Mr. Noble to clarify his comment that the zoning ordinance doesn't require
21 a developer to bring a development plan in with a subdivision request?

22
23 Mr. Noble said there's nothing that would prevent an applicant or property owner from
24 proposing a subdivision without a development plan with it. But as has been discussed, the City
25 has broad authority to attach conditions of approval for future development to provide for what
26 the Commission would be comfortable with in broad terms.

27
28 Chair Kellman said state law might differ on that; the subdivision map act and the findings that
29 have to be made actually contemplate the existence of a development plan prior to actually
30 making these findings, because all the findings are contingent upon whether or not a
31 development plan has certain impacts, and to answer that by saying well there's no development
32 plan, so there's no impact, is really an end run around the real goals of the subdivision map act.
33 From her perspective she has a real problem with this project; it's a bad idea to come without a
34 plan. You absolutely need a plan for this area, for several reasons: Access to the site; drainage
35 issues, which they didn't even talk about – say you max out entitlements on each lots whereas
36 right now you have a small home sort of in the center of the lot, and you have a steeply sloping
37 lot toward the ravine or the water course, what happens when you have all this development and
38 you have erosion control issues and you have water drainage issues all sloping downward right
39 into the ravine. Nobody has said who maintains the ravine; there's been no discussion about who
40 is going to maintain the water course or that culvert for the water course. There are just so many
41 unanswered questions.

42
43 Mr. Revlock said that's true but when the time comes – what he is proposing is just this
44 imaginary line that's just going to sit there with the existing house and nothing is going to
45 change.

46

1 Chair Kellman said she understands that but –

2
3 Mr. Revlock said so when you –

4
5 Chair Kellman said they also know that the likely scenario is that one or both lots will be sold
6 and will be developed.

7
8 Mr. Revlock said correct. And you would do that like any normal lot, you would do a plan, you
9 would do the setbacks, you work with the heights and what not.

10
11 Chair Kellman said she does not disagree, but one of the questions on page 3 of the staff report is
12 would this subdivision create a lot with an appropriately sized developable area, could a home be
13 built on the parcel without the need for variances from standards such as setbacks, building
14 coverage or height What she is getting at is not that a lot split or subdivision in its entirety is
15 a bad idea, although she personally doesn't think it is appropriate for this portion of Sausalito –

16
17 Mr. Revlock asked if the Commission wants him to design a house for a proposed future home?

18
19 Chair Kellman said this is why public comment is closed. She's not going to debate the issue
20 with the applicant. She is just trying to vet the issues with her fellow Commissioners, to talk
21 about some of the issues that could arise so they can have a little bit of foresight. She
22 understands the applicant's position.

23
24 Mr. Revlock said it is just a footprint on the lot.

25
26 Chair Kellman said if the Commission doesn't think about this with some foresight and then the
27 Commission wants to condition the project, what happens if the City Council or another body
28 goes ahead and says yeah, that's not going to fly, we're getting rid of the conditions. So she's
29 just trying to vet all the issues, which is her job. She is concerned about having an application
30 before the Commission that doesn't have a development plan. As the applicant has pointed out if
31 he doesn't have a project in the works, what's he's supposed to do? Create one just so he can get
32 the approval?

33
34 Vice Chair Leone said this gets back to his earlier point that given recent history, maybe the
35 Commission needs some guidance on these issues from the City Attorney. The other question is
36 what is the developable area of these two lots and is the Commission creating two lots with
37 problems that will have to be sorted out in the future. He doesn't know if that is the case, but
38 he'd like to have more information, so he does know what the realties are, i.e., of site stability,
39 easements, and appropriate setbacks from those easements, the nature of the driveway and
40 whether that will increase any necessary easements on either property and therefore decrease the
41 developable land. Potentially. He just needs more information. He also needs more information
42 on the concept of the intersecting streets and how that affects the potential developable area with
43 no setbacks on those two corners. He's also concerned that the neighbors didn't get noticed
44 adequately.

45

1 Chair Kellman said one of the determinations the Commission needs from staff is what setback
 2 is going to apply in this instance. If it's the 20 foot setback per the General Plan, can the City
 3 Engineer determine if that's not adequate and impose an even greater setback and then how does
 4 that impact the developable land. She thinks what will happen on this lot and it won't be a
 5 surprise to anyone, is that everything is going to be pushed to the front and you are all of a
 6 sudden going to have two perhaps large homes contemplated right on the property line because
 7 there's going to be a zero setback and the property owners are going to be coming to the
 8 Commission complaining about the size of the lot and the hardship they are under because of the
 9 size. The Commission's only alternative is to be incredibly clear in the record that the
 10 Commission recognizes that and buyer be forewarned when the property is being purchased that
 11 there are some restrictions on the lot. The City Attorney needs to opine on what sort of
 12 restrictions the Commission can put upon this subdivision that would address those concerns.
 13 She just doesn't think it's an appropriate part of town to have two large homes right on the
 14 property line right on the street.

15
 16 Commissioner Bossio asked if Chair Kellman is suggesting a continuance so that the staff and
 17 Commission can generate some more information and also allow for additional noticing of the
 18 neighbors.

19
 20 Vice Chair Leone said he would suggest notice to a date uncertain.

21
 22 **Chair Kellman moved, seconded by Commissioner Bossio, to continue the matter to a date**
 23 **uncertain.**

24
 25 (The applicant asked if the hearing can be continued to the next meeting. There was a discussion
 26 about when the Commission can get an opinion from the City Attorney.

27
 28 **ROLL CALL**

29
 30 **AYES: Commissioners Bossio, Keller; Vice Chair Leone; Chair Kellman**
 31 **NOES: None.**
 32 **ABSENT: Commissioner Petersen**

33
 34 **ADJOURNMENT**

35
 36 **Chair Kellman moved, seconded by Commissioner Bossio to adjourn the**
 37 **meeting. The motion was approved unanimously without a roll call vote. The next**
 38 **regularly scheduled meeting of the Planning Commission is October 25, 2006.**

39
 40 Respectfully submitted,

41
 42 Tricia Cambron
 43 Minutes Clerk

STAFF REPORT

SAUSASALITO PLANNING COMMISSION

PROJECT: TM 05-047; 160 Currey Avenue

MEETING DATE: April 11, 2007

STAFF: Debra Lutske, Assistant Planner

**APPLICANT AND
PROPERTY OWNER:** Will S. Revilock

REQUEST

The applicant and property owner requests Planning Commission approval of a Tentative Map to subdivide the existing 17,836 square foot parcel at 160 Currey Avenue into two parcels. The project would also involve the demolition of portions of an existing house, a wood deck, and an existing garage.

REGULATORY FRAMEWORK

Zoning: R-1-8 Single-family Residential

General Plan: Low Density Residential

CEQA: Categorical Exempt pursuant to CEQA Guidelines Section 15315

Permits Required: Tentative Map and Design Review

EXISTING SETTING

Neighborhood: The neighborhood consists of single-family homes on larger lots as allowed by zoning.

Subject Parcel: The existing parcel at 160 Currey is approximately 17,835 square feet in area. It is a corner parcel at the intersection of Currey Avenue, Currey Lane and Crescenta Drive. The parcel is currently occupied by an approximately 1,300 square-foot single-family home, detached garage, and detached wood deck. Vehicular access to the site is provided via a driveway from Currey Avenue. The rear of the parcel is steeply sloped with several precipitous grade breaks. A man-made culvert that encloses a natural watercourse is also located at the rear of the parcel.

BACKGROUND

On October 11th, 2006 the Planning Commission reviewed the subject application as the division of a 17,836 square foot parcel into two lots. (October 11, 2006 Staff Report attached). The Planning Commission expressed initial concerns that the proposed subdivision lacked the submittal of a development application. Members of the public in attendance expressed concern with the project stating privacy, views, and open space impacts. In terms of open space, the public appreciates the large size of the existing parcel and the division of the lot into two smaller parcels would create a future home site that would impact the environment and neighborhood. There were also concerns about the driveway approach and steepness of the site.

Following the close of the public hearing, the Commission requested the following:

1. The City Attorney provide comment on the city's ability to apply setbacks, structure size, height restrictions, and other development standards for future site development.
2. One Commissioner had difficulty understanding and anticipating future development of the site absent a development project. An opinion was expressed regarding the requirement of a development plan with a subdivision map.
3. The need for the City Attorney to comment on conditions of approval having long standing.
4. Information on setbacks from drainage ways.

The item was consequently continued to a date uncertain in order to allow the applicant and staff time to provide answers to the above questions. Although the applicant was able to provide the requested information, there was a delay in requesting information from the City Attorney on items 1 through 3. Therefore, the City Attorney will be able to provide an oral report the night of the meeting.

ANALYSIS

The following analyses focuses on issues raised by the Planning Commission and as briefly restated in the background section of this report.

City's Ability To Review Subdivision Absent A Development Plan

Title 9 of the Sausalito Municipal Code (SMC) is the City's Subdivision regulations. Section III (Improvements Required) of the Ordinance outlines what improvements are required as part of a subdivision. The improvements consist of the following:

1. The subdivider shall be required to install a complete sewage system.
2. The subdivider shall provide an adequate water supply.
3. The subdivider shall improve all streets, public ways, alleys and easements which are a part of the subdivision.
4. The subdivider shall provide such structures and/or storm drains.
5. All subdivision improvements must be constructed according to the plans, profiles, cross-sections and specifications as approved by the Commission.

Although the above information states what the applicant is required to improve as part of a subdivision request, there are no standards that state the need for the applicant to improve the site with a residential, commercial or industrial structure. Therefore, the City has the ability to review a subdivision request absent a Development Plan application.

Section 66411 of the Subdivision Map Act supports this position that the City can process a subdivision absent a Development Plan because the regulation and control of the design and improvements of subdivisions are vested in the legislative bodies of local agencies. If the City desires to review development plans with subdivision applications, then the City has the ability to codify that requirement. Unfortunately, the City does not have such provisions.

City's Ability To Apply Development Standards To a Newly Created Parcel

A Tentative Parcel Map is a discretionary permit application that is subject to Planning Commission review and approval. As with all discretionary permit applications, conditions can be attached to a Resolution of approval. The question the Planning Commission raised pertained to the City's ability to attach conditions that would regulate future development of the site such as the location of a future building envelope and setback requirements. This section will respond to those questions and the City Attorney will be available to answer questions at the meeting.

Title 9 of the Sausalito Municipal Code (SMC) is the City's Subdivision regulations that staff uses to verify a subdivision's compliance with City standards. Section VII (Tentative Map) of this Ordinance explains what the submitted Map should contain which Section VII (b) (6) requires proposed setback lines for buildings. Therefore, the SMC anticipates that a building envelope will be formed through the identification of minimum building setbacks. The goal here is to ensure that the parcel being formed will result in a parcel that can be built.

Pursuant to Section VII (b) (7), the applicant shall provide a statement as to tree planting. If the applicant intends to install trees as part of the subdivision, the Planning Commission would have the ability to impose a condition requiring the submittal of a tree planting plan as

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part of the subdivision or condition said subdivision to require future development to provide said plan. In any case, the Commission is free to establish tree development standards as well as other standards to allow reasonable development of the newly created property.

Condition of Appeal Having Long Standing

The City Attorney shall be prepared to deliberate oral presentation addressing this issue.

Setbacks For Drainage Ways

The property has a Cal-Trains storm drain running through the property, on the northwest corner. The Sausalito Municipal Code §10.40.070(D)(3) requires a 20-foot setback for all creek. The setback line shall be calculated from the top of the creek bank, for all areas from "the 100-year flood elevation line of an open natural drainage way or wetland (i.e., creek) identified on Map GO-14 of the Environmental Quality Element of the General Plan." The City Engineer concurs with the required setback. As such, the applicant has also proposed a 20 foot setback from the 'north side of the property line...for future development of a house.' The applicant will record a legal deed restriction on such adjoining property, after the subdivision occurs, restricting the developable area of the lot.

Building Envelope

Per the requirements of the Sausalito Municipal Code and the request of the Planning Commission, the building envelope requires clear delineation of the required setbacks on the Tentative Map. The Tentative Map dated February 8, identifies a building envelope. The required setback from for the drainage way sits at 20 feet from the rear of the parcel. The property has a double frontage, therefore shows a 0 setback on both Currey Avenue and Currey Lane. The side setback sits at a five-foot distance from the other proposed parcel. The Tentative Map clearly defines a building envelope that is considered 'build-able' by the Sausalito Zoning Ordinance.

PUBLIC NOTICE AND COMMENT

Notice: More than ten days prior to the scheduled hearing, notices were mailed to property owners and residents within a 300-foot radius of the project site. Additionally, notices were posted on the site at least ten days prior to the scheduled hearing.

Comment: Staff received multiple letters from neighbors around Currey Avenue requesting that the Planning Commission deny the proposed subdivision. One letter has been received in favor of the project.

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4

RECOMMENDATION

**Overall Staff
Recommendation:**

Staff recommends that the Planning Commission approve the proposed subdivision subject to the attached draft resolution of approval. Alternatively, the Commission may

1. Deny the application on the basis that the project does not comply with Zoning Ordinance Section 10.40.030.B, the California Subdivision Map Act, or the Sausalito Subdivision Ordinance. In this case, Staff would need to return a Resolution of Denial at the Commission's October 25, 2006 meeting;
2. Approve the application with modified conditions of approval; or
3. Continue the application to a future hearing to allow the application to make modifications to the proposed project.

EXHIBITS

1. Draft Resolution of Approval
2. Letter from neighbors
3. Vicinity Map
4. City Engineer Memorandum, September 19, 2006
5. Project Geotechnical Report, February 9, 2006
6. Planning Commission Staff Report, October 11, 2006
7. Planning Commission Minutes, October 11, 2006

1 **2. 160 Currey (TM 05-047)**
2 Will Revilock, Applicant & Property Owner

3
4 The owner/applicant, Will Revilock, requests Planning Commission approval of a
5 Tentative Map to subdivide the existing 17,836 square-foot parcel at 160 Currey Avenue
6 into two parcels. The project would also involve the demolition of portions of the existing
7 house, a wood deck, and an existing garage.

8
9 **Staff Report by Assistant City Planner Debra Lutske**

10
11 Ms. Lutske corrected a typographical error on page 4 of the staff report. It should say
12 conditions of "approval" rather than "appeal."

13
14 The applicant requests planning commission approval of a tentative map to subdivide
15 an existing 17,836 square foot parcel into two smaller parcels of 8,779 and 9,056
16 square feet at 160 Currey Avenue. The request includes demolition of a portion of the
17 existing home wood deck and garage. The Planning Commission previously heard the
18 project on October 11, 2006, at which time the public addressed concerns about
19 privacy, views and open space impacts. The Commission also expressed concerns
20 regarding future development standards. The Planning Commission continued the
21 project and requested information addressing the public and Commission concerns. The
22 applicant has since submitted information and plans addressing the development
23 issues. Neighborhood outreach has also taken place. The main issues addressed by
24 the applicant, staff and City Attorney are as follows:

- 25
26
 - The city's ability to review subdivision absent a development plan;
 - 27 • The city's ability to apply development standards to a newly created parcel;
 - 28 • Condition of approval having long standing;
 - 29 • Setback for drainage way
 - 30 • Building envelope.

31
32 Title 9 of the Sausalito Municipal Code subdivision ordinance outlines the required
33 improvements for the subdivision. A development plan is not required per those
34 requirements. This allows the city to review a subdivision without a development plan.
35 Also, the Subdivision Map Act does not require a development plan but rather leaves it
36 up to the discretion of the legislative body of the local agency.

37
38 The proposal for this tentative parcel map is a discretionary permit application and is
39 therefore subject to Planning Commission review and approval. Conditions of approval
40 can be attached to such a permit. Sausalito Municipal Code section 7 B 6 requires that
41 the application shall include proposed setback lines to ensure a buildable lot.

42
43 The conditions having longstanding shall be addressed by the City Attorney.

44
45 City Attorney Mary Wagner said she reviewed the minutes from the prior meeting to get
46 a sense of what the Commission was asking. Her sense was that the Commission was

1 questioning the ability to impose conditions on the subdivision map, essentially related
2 to design. When you look at the provisions of the Subdivision Map Act, the way that you
3 can regulate a subdivision is on design. The Act provides that you can't approve a
4 tentative map unless there's a finding that the subdivision together with the provisions
5 for its design and improvement is consistent with the General Plan. Design is very
6 broadly defined in the Act, it includes a number of things, including other specific
7 physical requirements in the plan and configuration of the entire subdivision that are
8 necessary to ensure consistency or implementation of the General Plan or specific plan.
9 Issues have come up in the past regarding conditions that were imposed on lot splits by
10 the Planning Commission and she can address distinctions between this project and
11 ones she's aware of in the past that were subsequently modified by the City Council.
12 There are distinctions. But with respect to the Planning Commission's ability to impose
13 conditions on a subdivision related to design, you can. If you have specific ideas in
14 mind, she can address them based on the requirements of the General Plan to ensure
15 that there's that necessary tie and connection between the plan and the required
16 conditions.

17
18 Ms. Lutske continued her report. Regarding setbacks to the drainage ways, there is a
19 CalTrans storm drain at the northwest corner of the property. Per Sausalito Municipal
20 Code 1040.070 D 3, a 20-foot setback is required for all creeks, and that's to be
21 measured from the top of the bank. The City Engineer has accepted the 20 foot setback
22 as adequate. As requested by the Planning Commission, the applicant has submitted a
23 building envelope that applies to all site development standards for the R-1-8 zoning
24 district. This map shows the building envelope as being clearly defined with the required
25 setbacks. The parcel being created is a double frontage that will require a zero front
26 setback, a 1-5 setback and a 20 rear from the Cal Trans storm drain.

27
28 Staff recommends approval of the proposal as the project meets all requirements and is
29 consistent with the Sausalito Municipal Code and General Plan.

30
31 Mr. Kermoyan noted that some of the concerns relative to this project had to do with
32 dividing a property that somehow will be of a size that's inconsistent with the sizes of
33 properties in the area. The city doesn't have a development application at this point for
34 this property, and they can't gauge what type of development will be there. It could be
35 multi-story, it could be single-story, it could be of various sizes. The aerial photo is
36 important to show to get a sense of spatial definitions or patterns of the built
37 environment. You see various shapes and sizes of homes, but they are relatively close
38 together. Staff has found that when you look at the General Plan in terms of minimum
39 size in the zone district, does the applicant comply with minimum lot size in the zone
40 district? Yes. So it's something that the General Plan has anticipated, that minimum lot
41 size in this zone could be at the 8,000 square foot number. This is from the assessor's
42 parcel book; you can see that most of these lots are roughly the same size. It's a variety
43 of sizes. The question is will this somehow create a lot that's out of scale with other
44 lots? Probably not. And also is it consistent with the General Plan? It certainly is. So
45 when you look at why staff is recommending approval, it is because staff is comparing
46 the project to the city's policies and objectives and development standards. If there's a
47 concern with the development standards, then they should be changed. If the

1 Commission feels the city is creating lots out of scale with the area, that's a policy
2 change. But at this point because that policy change hasn't occurred, staff has to rely on
3 what's on the books. Hence, staff's recommendation to approve.
4

5 **Presentation by Applicant**
6

7 Will Revilock and his wife Laura, are the owners of 160 Currey Avenue. In lieu of
8 building a building 5,351 square feet, he would like to ask the Planning Commission for
9 approval to split this double lot into two typical parcels with a proposed limitation on lot
10 one as it was described earlier. All this is within the city's ordinance and development
11 regulations. He's asking for no variations whatsoever. He's been working with staff for a
12 year and a half on this project. He wants to keep one of the parcels for himself and
13 remodel the one existing house for himself, he's an architect, his wife and his daughter.
14 Since the last planning meeting, he met with the planner and looked at the map and a
15 list for the outreach program. He went to all the closest neighbors and provided each
16 neighbor with a package. Four or five of his neighbors had no problems; four or five
17 neighbors said they had concerns. The package included a letter to planning
18 department; a copy of the map showing the size of lots and homes in the neighborhood;
19 a table showing the zoning and permitted lot sizes. He also included a preliminary
20 sketch of how he was going to remodel the one-story, 1,100 square foot house. His plan
21 shows it as a two-story building of 24 feet, using wood shingles, gable roofs and he
22 included floor plans and elevations. The letter to planning department addressed some
23 of the concerns, including the drainage way. He's worked with the City Engineer to
24 solve that problem. Regarding erosion, he's not going to touch any of the trees in the
25 area. There's an existing building and he's trying to develop within that footprint. There
26 was a concern by one of the neighbors about what would be built on the other property.
27 He did a mock-up of that development, at 2,000 square feet, that would also not disturb
28 any of the vegetation. He has spent over \$6,000 to hire Marin Arborists to maintain the
29 trees. He understands it's important to keep the trees maintained so there's views and
30 open space for himself as well as his neighbors. One thing that's unique about this site
31 which is an advantage to him and his neighbors who were worried about the smallness
32 of it, is there is a 40-foot right of way that comes through this area here. The road is 25
33 feet across. It is actually parallel to the property owners along this side (pointing to
34 slide). What happens is these properties instead of being 9,000 square feet appear and
35 look like 11,000 square feet on both of them, because he's going to pick up all this
36 space. And he does maintain, rake the leaves and water the landscaping because he
37 considers that all his property even though it is the city's right of way. In conclusion, this
38 house was built in 1947 as a summer home at around 1,200 square feet. It remained in
39 a state for about 60 years, they just had renters there on the one lot. For some reason,
40 the estate decided to sell the property. He was very fortunate to have purchased this
41 double lot with a small house and one lot and he started to plan to split this double lot
42 into two typical home sites and keep one site for himself. He would ask the Planning
43 Commission for approval to split this lot into two typical parcels with the proposed
44 building limitations on lot 1. He has met all the zoning requirements. Hopefully the next
45 time he's back in front of the Commission it will be as an architect showing you the
46 proposed house design.
47

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1 Vice Chair Keller asked as an architect what is his proposed ingress and egress to the
2 proposed lot?
3

4 Mr. Revilock said there's many solutions. He doesn't really have one right now. One
5 could build a three-story building here, you'd have a deck here, you would come back
6 off this, go right along here, just like all the neighbors come in off of Currey Avenue. It's
7 not unusual, all the properties along here have a different access there. He used his
8 Auto-CAD system to research lot sizes, and he found some larger, some smaller and
9 some within two or three percent of his proposed lot size (displaying comparison of lot
10 sizes).
11

12 Public Comment

13

14 **Sandra Schwartz** lives at 235 Currey Lane. Until that evening she's never seen the
15 applicant. There's not been any community outreach as far as she knows. She did not
16 receive a packet, nor did she receive a notification from the city. She's not within 300
17 feet. What she finds interesting as a resident is that these two properties, the one in
18 question and this one (pointing) appear to be built on three lots. Her fear is that once
19 this is split the other one, which is approximately the same age and in dilapidated
20 condition also, will also be split. Then you'll have four very small parcels that are not in
21 character with the neighborhood at all. This aerial overview is not representative of the
22 neighborhood. This is Crescentia. You should have gone further up and gotten a better
23 view. She would like nothing more than to see demolition on this property. She has not
24 seen Marin Arborists in the neighborhood. She was aware they took out a lot of weeds
25 along the road and now it looks worse than it did before. She opposes the lot split.
26

27 **Tom Delebo** lives at 290 Currey Lane. He's lived there for 45 years. His neighbor, Mr.
28 Petrie, is 91 years old and couldn't make it to the hearing but he asked Mr. Delebo to
29 pass on his opposition to the project. This project is called Toyon Terrace, it was
30 envisioned by a man named Rob Rose back in the 1940s. He set these lots sizes up
31 and they have existed now for over 50 years. In setting up these lot sizes Mr. Rose
32 determined the geography of the area, determined that each one of the lots would have
33 a beautiful view and privacy. He disturbed very few of the oaks that exist in the area.
34 The first home was built here in 1950; there are 16 homes in this area on Currey Lane
35 and one at 160 Currey Avenue. Ten of these homes were built before 1960, five after
36 1960; the latest was in 1988. He has a book called Buildings of the Bay Area published
37 by Northern California Chapter for the American Institute of Architecture. Of the 10
38 homes built before 1960, seven of them are listed by prominent architects as being built
39 in this area. They are beautiful, small homes with wonderful views. He would like to
40 preserve this beautiful neighborhood, they've had many problems in the area and
41 they've resolved those problems as a neighborhood. Developing this property, splitting
42 this property and the one next to it at 220, which is a probability sometime in the future,
43 would create four new homes in the area. He is opposed to this project.
44

45 **Kevin Haus** is the owner and resident at 150 Currey, next door to the property in
46 question. He is absolutely in favor of improvements to this property. It needs a lot of
47 work. It's a beautiful lot, it does have some great views especially from the center of it,

1 which would be ruined by this lot split, but that aside it's a nice lot. One of the
2 advantages of it, in keeping with the neighborhood, is that it does have some privacy,
3 especially for being on a corner. That privacy was a little disrupted when some
4 improvements were made, essentially clear cutting everything along the street. It is a
5 wonderful lot. He has a number of issues with the proposed subdivision and is opposed
6 it. It is not necessarily in keeping with the spirit of the master plan. To quote the master
7 plan, much of the city has remained as it was 40 to 50 years ago due to a strong
8 commitment to preserve existing character and assets as perceived by the residents.
9 Subdividing this would absolutely go against the spirit of that and make it not just
10 inconsistent with the rest of the neighborhood but really disrupt the character. He also
11 agrees that there is a certain uniqueness of this part of the neighborhood, the Toyon
12 Terrace. There's a lot of space. There's quiet, there's a lot of trees, even some wildlife.
13 And this is really unique to this part of Sausalito. This is a lower density area and a lot of
14 those living in the area love it for that reason alone and don't want to see increased
15 density by adding a number of smaller houses on top of each other. As well, not only
16 was it not in the original design of the neighborhood, but it wasn't even in the original
17 bylaws. In those original bylaws, it was specifically said that subdivision was not to be
18 allowed. Given the spirit of what was designed at the time, given that it was in the
19 bylaws and given that this neighborhood has been down this path before with other
20 proposed subdivisions that were denied in courts of law, the city really needs to think
21 very carefully about what is done with these lots. It is also important to note that no one
22 has seen any design plans. He's worried that the owner may not want to stay in the
23 neighborhood and is instead looking to flip the property.

24
25 Vice Chair Keller asked if the speaker would prefer to see a structure there that is 7,000
26 to 8,000 square feet?

27
28 Mr. Haus said that's also out of character with the neighborhood, but putting a larger
29 house in the part of the property that has the best view, provided it is also in the
30 character and design of the neighborhood, he would have no problem with. It would
31 enhance property values, provided the design was consistent with the character of the
32 neighborhood, he would be in favor of it.

33
34 Vice Chair Keller asked if he is saying that a split of this would be detrimental to his
35 property values?

36
37 Mr. Haus said that is one of the many issues he has with this proposal. It's not the
38 number one issue, the number one issue is the increased density of the neighborhood
39 would be detrimental to both property values and the character of the neighborhood.

40
41 **Pat Glagola** lives at 2 Crescenta Drive across the street from 160 Currey. He met Mr.
42 Revilock a couple of years ago when he bought the property across the street that was
43 on a tiny lot and that was a mistake when that was split years ago at 155 Currey. So Mr.
44 Revilock now owns that building. Shortly thereafter Mr. Revilock bought the lot at 160
45 Currey and when he bought it he said he was going to build one nice house so that he
46 and his family could live there. After several months of extensive lot clearing, pruning of
47 trees and general clean up, Mr. Revilock put a for sale sign on the property. He said he

1 was selling the lot and he was also a real estate agent. The lot sat idle for months and
2 later he was told by Mr. Revilock that he had discovered it was a double lot and that he
3 could subdivide this lot into two legal parcels. He explained to Mr. Revilock that in 1997
4 this had been tried at 2 Crescenta Drive and it ended up going to court to block that lot
5 split and the building of another house. The court upheld the old CCNR's of Mar Vista
6 subdivision. Mr. Revilock said there were no CCNR's for this subdivision and that
7 Currey Avenue was the boundary for Monte Mar subdivision, that he lived in the Toyon
8 Terrace area and the CCNR's do not apply to him. He told Mr. Revilock that almost all
9 of the surrounding neighbors in the adjacent neighborhoods joined together to oppose
10 that subdivision and stop the building on it. The subdivision aspect is a marketing idea
11 so that he can sell the lot or the lots. He didn't hear about this split until the hearing last
12 year. If he was going to sell off the two lots, it just contradicts what Mr. Revilock told him
13 before about wanting to build a nice house so that he and his family could live there,
14 which he says he still wants to do. A few weeks ago he was talking to the new assistant
15 planner and he was told the applicant was going to go around the neighborhood and get
16 signatures and talk to different people. Mr. Glagola took upon himself to notify the
17 surrounding neighbors with regard to the lot split. Mr. Revilock never called or contacted
18 him with any package or proposed plans. His questions are how could the Planning
19 Commission approve this without thoroughly examining all the facets of the future
20 building sites so that the residents aren't stuck trying to figure out and accept something
21 that is not going to work with the surrounding area? He also has a question about the
22 list of objections the applicant pointed out before. All but one of the people on the
23 applicant's neighborhood participation plan are opposed to this project. One of the
24 people on the list as supporting it, has rescinded his approval because he wasn't told
25 about the lot split. Also there's a signature on the list from 155 Currey which is the
26 applicant's own building, so his tenant signed off on it. The applicant actually wrote in
27 his handwriting that June McKay said she had no objection. Mr. Glagola has a letter
28 from Ms. McKay stating her opposition. So out of the six people on here, five of them
29 are opposed. It has also been discovered that in 1948 there were some CCNR's that
30 were developed for the Toyon Terrace subdivision. Item 2 of the CCNR's says:
31 "Restriction of re-subdivision. No lot shall be conveyed, transformed or deeded except
32 as a whole or in its entirety, except where adjoining property owners wish to change
33 their common boundary line and then only upon approval of the property owners'
34 committee." The CCNR's are very similar to the ones in Mar Vista which were upheld in
35 perpetuity in 1997. He doesn't like this project because it increases the density of the
36 subdivision, it sets a new precedent for new development in the area, it will lower
37 property values and ruin the special quality and feel of the neighborhood. If you go up
38 there and look he defies anybody except for that mistake lot of 6,000 square feet across
39 the street from him, to show him any lots that are that small. The pictures are not a fair
40 representation.

41
42 Vice Chair Keller asked if what the speaker would be agreeing to is if the Commission
43 doesn't allow the applicant to subdivide this lot, he could put in a nice single family
44 house that's 8,800 square feet.

45
46 Mr. Glagola said the applicant stated to him it would be about a 5,300 square foot
47 house.

1
2 Vice Chair Keller said he would be legally allowed to put an almost 9,000 square foot
3 house on this property. Would Mr. Glagola rather see that potential—
4
5 Mr. Glagola said he's rather see a large single family dwelling, yes.
6
7 Vice Chair Keller asked of 8,000 to 9,000 square feet?
8
9 Mr. Glagola said in Vice Chair Keller's words.
10
11 Vice Chair Keller said as opposed to two houses of 2,500?
12
13 Mr. Glagola said he'd like to see one nice single family dwelling on that lot that fits in
14 with the neighborhood that everybody approves just in the normal process.
15
16 Vice Chair Keller explained again that the applicant could legally come to the
17 Commission because of the size of the lot and the way it's set out, with a project that's
18 upwards of 8,000 square feet.
19
20 Mr. Glagola said hopefully he would try to fit in with the character of the existing
21 neighborhood and not propose something that large.
22
23 Commissioner Petersen noted the applicant may do that with two houses, though, too.
24
25 **Bernie Fennie** <phonetic> lives at 290 Currey. He has the list of the people that added
26 to the objections, including the people that removed themselves from no-objection. He
27 presented that to the Planning Commission. He would like it noted that he is opposed to
28 the project and would prefer a one-family dwelling. He doesn't see that a 9,000 square
29 foot could be put any where on the lot.
30
31 Vice Chair Keller said there are some houses that are bigger than that.
32
33 Mr. Fennie said perhaps they're not objectionable if they're handled correctly.
34
35 **John Nunnelee** lives across the street from the applicant's property at 145 Currey
36 Avenue. Does not Sausalito have a floor area ratio ordinance of about 30 percent of lot
37 size?
38
39 Commissioner Petersen said it depends on the zone.
40
41 Mr. Nunnelee says he believes the area has a FAR of 30 percent, which on a 17,000
42 square foot lot would permit about a 5,300 square foot house.
43
44 Vice Chair Keller said actually it's 45 percent in this area, which would allow 8,963
45 square feet.
46
47 Mr. Nunnelee asked if this is R-1-8 zoning and the FAR is 45 percent?

1
2 Mr. Kermoyan said the staff report says 40 percent; the point is that a 17,000 square
3 foot lot, if you were to build a single family home, as long as the home satisfies design
4 review findings, theoretically it could be up to the 8,000 range. It's 40 percent.
5
6 Mr. Nunnelee said personally he thinks that some of the aerial photograph is inaccurate
7 of this area. In this area the houses are more private, there's a lot more greenery here.
8 His questions at the last meeting pertained to ingress and egress of this proposed new
9 lot and he had hoped that Mr. Revilock would have answered those. He has not found it
10 necessary to do so, which causes concern because there are significant logistical
11 issues on developing that lot. If you look at the contours of this lot, this lot drops 100
12 feet vertically from the street down to the bottom, it's much steeper than is represented
13 here. In fact from the street pavement down to this flat area is a 30-foot drop. Based on
14 what he reads the regulations to be, a driveway is only allowed to have an 8 percent
15 slope. The floor deck of any driveway would have to be at least 25 feet off the ground.
16 You couldn't meet the zoning requirement as far as height limit for a parking structure.
17 The idea of having a development plan prior to approval of a subdivision is very
18 important here; not requiring that does an extreme disservice to the neighborhood. The
19 neighborhood has no idea what's going to happen here except that this lot's going to be
20 split off, it will no doubt be sold to some completely independent party who has not the
21 benefit of access maybe through the other lot and who is going to be forced to build a
22 house up close to the street and that's inconsistent with that neighborhood. There are
23 two parking garages right on the street but in general the houses are down. In answer to
24 the Commission's question about a larger house on an unsplit property, he would find
25 that more desirable because the house would be located down the side of the hill as is
26 the one that is there now.
27
28 Vice Chair Keller noted he asked the applicant earlier about proposed ingress and
29 egress, how would Mr. Nunnelee feel if the Commission conditioned this lot split in such
30 a way that the building envelope, the size of the house, ingress and egress is
31 conditioned to the point, where for example, there was a single driveway shared by both
32 parcels with one ingress, one egress. This is a pretty large parcel and there is quite a bit
33 of city property around the perimeter and it's in a bowl. If the Commission can get it to
34 the point where the commissioners felt comfortable enough to condition this that the
35 only place a person could put a second house would be in the flat area, that you
36 wouldn't necessarily see and the only access would be off of the one driveway.
37
38 Mr. Nunnelee said he would see that as little different than one large house. To be
39 honest, he would see little difference. His main concern is houses up against the street.
40
41 Vice Chair Keller said if the Commission did that, Mr. Nunnelee wouldn't see houses
42 built up against the street. They'd be built down in the flat area because the only way to
43 get there is off of the one driveway which is the flat area.
44
45 Mr. Nunnelee said from the beginning that was one thing he was trying to clarify. If so,
46 would one parcel have to grant a driveway easement to the other parcel and if so would
47 that reduce the size of that property, which he believes it would. But all of these issues

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1 have to be addressed. It's not reasonable to just grant a lot split without addressing
2 these. The applicant needs to propose something and let the neighborhood see what's
3 going on. He can see real inconsistencies in this corner lot. It is on a corner, it's got zero
4 setback requirements from two streets, which is very inconsistent with what's there. So,
5 yeah, maybe, he's a reasonable person. When these lots were created there was an
6 intention of protecting the value, desirability, attractiveness of each and every part of
7 every tract. Now, what that means today, he doesn't know, but it's there and it was said,
8 and when this thing was created originally that was the intention. And most of the
9 neighbors feel like splitting the lot in and of itself violates the intention of the
10 neighborhood. But forgiving that for the time being, doing it and just expecting everyone
11 to sign off on something, it's just not reasonable.

12
13 **Susan Hart** and her husband reside at 20 Crescenta Drive. Her property is uphill and
14 within 100 yards of the proposed lot split. Mr. Revilock did not share his plans with her;
15 she first learned of them when it came before the Commission. Developers who would
16 not act in the best interest of Sausalito are forever lapping at our heels, looking to make
17 a nice profit then move on and leave residents with the sad consequences. It was the
18 city and planners who called for the CCNR's to protect Toyon Terrace and preserve the
19 beauty and value of our neighborhood. The CCNR's for this subdivision are identical to
20 those of the adjacent subdivision, Monte Mar Vistas. Both subdivisions were planned
21 and developed during the same time frame. Ten years ago, precedent was set when
22 Judge Peter Allen Smith ruled against the splitting of the original lots in Monte Mar
23 Vistas for the purpose of placing more than one residence on the original lot. Judge
24 Smith said: "It is inconceivable that the developers would have seen the need for such
25 provisions to last for only 40 years at which time they could be completely reversed,
26 could complete a reversal in the residential character of the neighborhood. Unquote.
27 That would happen in this instance if the city agrees to a large split. There are
28 numerous large lots up there and everyone in the Monte Mar subdivision with the
29 exception of property owners who wanted to split the lots and move out of Sausalito.
30 Judge Smith's ruling preserved the Monte Mar Vistas subdivision and protected the
31 neighborhood from opportunistic developers. She asks that the Planning Commission
32 use its power to uphold the plan that was put into place decades ago. As she sees it the
33 size of the lot proposed is really irrelevant. The onus is on the back of the developer to
34 revoke the CCNR's by mustering two-thirds of his fellow property owners and she
35 doubts that he can do that. She objects to the split. She hopes the Commission will
36 honor its predecessor's care in planning this beautiful area.

37
38 **Vicky Nichols** lives at 117 Caledonia. She is speaking as chair of the Historic
39 Landmarks Board. She has another architectural book that the board uses as a
40 resource and this particular area, Currey Lane, while not specifically calling out this
41 address, calls out a number of these homes. They are considered Bay Region Post and
42 Beam, 1950-style and it may be at some point the HLB will be coming to the
43 Commission and talking about the possibility that this area may have historical
44 significance.

45
46 **Further Comments by Mr. Revilock**
47

1 Mr. Revilock said the property the lady was talking about is in a planned development
2 and has CCNR's and they are restricted by a big thick CCR regulation of the area. All
3 the neighbors to the north of him are required to abide by that. On the south of Currey,
4 these are just single family lots. Everybody as a homeowner can improve within the
5 ordinances of the city as the homeowner sees best for the neighbors and the city. This
6 area is not bound by the CCR's. It might have been way in the past but presently there
7 are no regulations. All these properties in the zoning can be built on the property line.
8 There's a number of houses that are built on the property line but his property line is
9 back here and he has at least 20 to 25 feet that the road does not even approach that
10 so there would be no concept of building and crowding out his neighbors with driveways
11 and stuff. Thirdly, he would be willing to access the point over here and use this
12 driveway for both lots. They can work with the attorney and get a surveyor to do those
13 easement rights. That's not a problem. He does own this other property. A friend of his
14 needed to move and he ended up buying it; it's too small a house, the property in
15 question came up for sale and he loved it and bought it. He'll either keep this as a rental
16 or sell it. If he did do this property, he would develop his and possibly sell this to help
17 him get the financing to help him build his \$300,000 home. He pointed out all his
18 neighbors around him have taken their homes and put tens of thousands of dollars to
19 improve their house. Everybody agrees this is the last dilapidated house in the
20 neighborhood; he's just trying to do what all his neighbors have done around him. To
21 say this is a minute skinny piece of property is absurd because there is all this lush
22 greenway. As to character, you go up and down Sausalito, you'll see houses of all
23 different sizes.

24
25 **Laura Revilock** addressed the issue of her and her husband just being greedy
26 developers. And why they have flip-flopped on what they're going to do with this
27 property. Some of it is her resistance to moving here, frankly. The first house they
28 bought was too small. They still think about a big house on the property, but they're not
29 really interested in a huge house, so this seemed like a logical solution. If they do build
30 a house here and if it is a smaller house, they will move into it. Has anyone actually
31 measured what would become the lot next door? She would be concerned if somebody
32 built four small houses there; she's not interested in living an area that is that dense
33 either. Does anyone know that that can actually happen?

34
35 There was a discussion about the adjacent lot, it was estimated to be about 16,000
36 square feet.

37
38 **Commission Discussion**

39
40 Commissioner Bossio said her central concern is whether there are supporting CCNR's
41 for the property. On the face of it, the applicant's request seems to fit within the city's
42 General Plan and the zoning ordinance. However, when regulations are being
43 interpreted, courts and regulatory bodies always look to the more specific rules as
44 guidance. If there are CCNR's relative to this property, that would be important to know.

45
46 Ms. Wagner said there is a title report in the file that covers this property. It's dated
47 March 31, 2005 and condition number 5 refers to covenants, conditions and restrictions

1 and easements in a document recorded September 23, 1948 as Book 592, Page 492 of
2 the records. She doesn't know what those records say but there are CCNR's that are
3 recorded against this piece of property.
4

5 Commissioner Bossio said she could not rule on this that evening without knowing if
6 there are CCNR's guiding this property. That needs to be determined. If no CCNR's
7 apply to the property, then she would look to the general guidelines as the Commission
8 is required to do, the zoning regulations, the General Plan, which the applicant seems to
9 meet and exceed the requirements that regulate that property. The other aspect of her
10 opinion would be based on the fact that she would need to see what's proposed for the
11 property otherwise. It wouldn't be fair. She's not even sure if the property would end up
12 being buildable, if the lot was subdivided against the wishes of all these neighbors.
13 Because if there weren't CCNR's regulating and the Commission thought the
14 subdivision fit within the zoning regulations and then the applicant sold the lot to
15 someone outside of town who doesn't realize the texture of what goes on here, and they
16 would be up against huge resistance from the neighborhood, unknowingly. That would
17 almost be a disclosure issue for the applicant as to the amount of context around the
18 sale. So it behooves the applicant if the Commission gets to that point in the analysis to
19 provide for the Commission the development plan and to continue doing the
20 neighborhood outreach as to what kind of structure he intends to build on the property.
21 She would not support the application without some vision and support of the
22 neighborhood for that kind of building. It seems there are a couple of pieces of the
23 puzzle that need to be addressed.
24

25 Commissioner Bair said from his perspective, whoever is going to enforce the CCNR's,
26 it is going to be from neighbor to neighbor. It would be nice if the Commission was
27 aware of them, but they aren't going to know the precise nature of them that evening,
28 and even if they did know what the CCNR's said, they really wouldn't know whether
29 they're affective or not and really the court is the place to set that out, if it's going to that.
30 Not that he's suggesting that, because you certainly want to use that as a last resort. He
31 comes down on the side of he has concerns that have been expressed by others. One
32 is walking around up there he tends to agree with the people that point out that from a
33 walking perspective, there are concerns about what a split in this situation would do to
34 the character of the neighborhood, and actually whether it's in scale with the rest of the
35 lots in the neighborhood. There's also access issues. He agrees with Commissioner
36 Bossio that given what has been said that night by the neighbors-- the Commission also
37 had a comment from the City Attorney on the Commission's ability to require some sort
38 of detailing of physical improvements on the property, if they should desire to do that. If
39 there is going to be conflict over this project, the best way to address it is have a plan
40 for both improvements, a plan for both structures on the two lots. He's not comfortable
41 voting in favor of this project without a more detailed plan that would include an overall
42 plan for both structures on the property after it was split.
43

44 Commissioner Petersen asked Mr. Kermoyan if there are CCNR's, and the Commission
45 doesn't know what they are, what is it that the Commission can or can't do?
46

47 Ms. Wagner said some of the neighbors have provided her with a document that is

1 CCNR's. She can't verify the recording information, but it appears to be the correct
2 document. It's handwritten on it, she doesn't want to opine as to the legality of the
3 document and whether or not it's the one recorded against the property. The other point
4 that Commissioner Bair raised is that it's not the city's purview to enforce these
5 covenants. If these in fact are the covenants they expressly state that they are
6 enforceable by the other property owners in the area, the other owners of the lots in the
7 subdivision. So it is a private matter that relates to the development of that community.

8
9 Commissioner Bossio asked Ms. Wagner if it would be useful to the Commission's
10 analysis and to the neighborhood's analysis of the proposed subdivision to have
11 information with regard to the CCNR's and whether they apply to this property and what
12 the restrictions are?

13
14 Ms. Wagner said yes.

15
16 Commissioner Bossio asked if she is saying it would be helpful as more information, but
17 is not something the Commission should look to as its final authority?

18
19 Ms. Wagner said the city can't go out and prevent this lot split because of these
20 CCNR's. The city doesn't have the authority to deny it solely on that basis. It can be a
21 factor in the Commission's consideration.

22
23 Commissioner Bair said it would be a good thing to know for perhaps a community
24 mediation if one were to have something like that, with respect to a subdivision like that.

25
26 Ms. Wagner said she would be happy to report back on the details; she can do an in
27 depth legal analysis but the bottom line is that the Commission as a city entity can't
28 enforce the CCNR's.

29
30 Commissioner Petersen said given that, he's in a slightly different place. He wants to
31 pull way back out of the neighborhood and look at just population in general around
32 here and the zoning. The things that were laid down in 1948 were certainly not in
33 anticipation of the number of people in the world right now and the need to house them.
34 You have to look at either eating up the open space to do that or subdividing urban
35 areas to do that. If we don't do it, and we're the best ones to do it, the state or federal
36 government will make us do it and they probably won't make us do it in a very sensitive
37 way or in a way that the city can. The city is already seeing that happening. So that's his
38 impetus to say, you know what, this is an extremely benign lot split given the bowl
39 shape of it, he could support it but he has real concerns with the straight on driveway at
40 street level and the 25-foot on stilts garage. Those things are really awful and the city
41 has a lot of them. He can easily imagine a long contour approach that brings you down
42 to the level so you're not up at street level, everything's taking place down below, or he
43 likes even better the shared easement passage through. If there's a way to make that
44 part of an approval, then he could be entirely for this. He understands absolutely the
45 neighbors' concern for their neighborhood. It is an extremely beautiful neighborhood
46 and some of the buildings down Currey Lane are just amazing old houses. But when
47 there is an actual project before the commission is the time to -- they're going to put the

1 applicant through the wringer anyway when it comes to something actually being
2 developed down there. He trusts that all the neighbors will come out for that and have
3 input when there's an actual real proposal before the Commission. But a theoretical
4 proposal is a hard thing to fight against or for. So he's saying with certain conditions, he
5 can support this and he really does want to separate it from the development possibility
6 because that's not before the Commission at all.

7
8 Vice Chair Keller said there are two Commissioners who are not in favor of voting that
9 evening. He would suggest a continuance. There have been some suggestions made
10 by certain Commissioners that the applicant can respond to. There is limited
11 neighborhood support for whatever reason. The applicant didn't go far enough with his
12 neighborhood outreach. He agrees with Commissioner Petersen that from the
13 standpoint of splitting the lot, this is fairly benign. The applicant is fortunate in that his
14 property is a large piece of property and he has a significant amount of city property
15 surrounding it. So in effect your lot looks much bigger than what it really is. That's an
16 advantage to the applicant; it would behoove him as an architect to go back and give
17 some thought to the ingress and egress. A single ingress and egress shared between
18 the two lots is the best way to go. He'd also like to see, as was suggested at the first
19 meeting, some concept of what the houses would look like and whatever size they're
20 going to be. Whether it's a 2,500 or 3,000 square foot home on each lot or something
21 else, but particularly what it will look like in that flat area. The applicant has plenty of flat
22 space to build two homes if he's granted a lot split, and at the same time with one
23 ingress and egress it eliminates what happens all the time around the city and that is to
24 get an encroachment permit from the city for just about every downhill lot to access the
25 property. Here you don't have to do that. You can put in a lot of additional landscaping
26 so any development can remain very private and most of the neighbors won't even see
27 the houses. The applicant has the choice of whether he wants a vote that night or a
28 continuance.

29
30 Mr. Revilock said if they're going to live there as neighbors he doesn't want to have this
31 adversity effect. So the question is if he goes ahead and uses the single driveway, does
32 two nice 2,500 square foot houses, set down in the bottom, the roofs will not even
33 match the height of this. They won't impact any views. Would the neighbors still come
34 back and say we absolutely refuse the lot split? He does not need two houses. The
35 second lot would be sold to someone and hopefully he can build two houses and do a
36 spec house if you will. But there'd be two 2,500 square foot houses. He's asking his
37 neighbors if he goes to the next stage, shows the lot split, shows the egress and shows
38 the two houses on there, would they be in favor of that?

39
40 Vice Chair Keller said he doesn't think the applicant is going to get an answer from the
41 neighbors that night and this isn't the forum. He would like to see the applicant come
42 back with a plan for both properties. It doesn't have to be detailed.

43
44 Mr. Revilock said he can do that.

45
46 Vice Chair Keller said the applicant has an opportunity here to do what's right for the
47 neighborhood, what's right for the area and as they asked in the beginning, with a

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1 master plan, because let's be honest about it, there are going to be two houses there,
2 the Commission and neighbors can give their input and control where and what size,
3 within reason, that second house is going to be and access to and from in such a way
4 that it's not going to impose on the neighborhood. It could be very nicely done. The
5 applicant has a very interesting property to work with here. Vice Chair Keller would
6 suggest that Mr. Revilock continue this.
7
8 Mr. Revilock said if he comes up with this plan, does he send it to his neighbors or send
9 it to Mr. Kermoyan?
10
11 Commissioner Petersen said it would be a good idea to try to build consensus with the
12 neighbors in the meantime. It would make things a lot easier at the Commission.
13
14 Mr. Kermoyan said the soonest the project can be rescheduled is May 9.
15
16 Mr. Revilock agreed he could be ready for that date.
17
18 Vice Chair Keller said he's willing to volunteer to do a meeting with the applicant and
19 three or four of the neighbors to meet.
20
21 Mr. Revilock said he'd appreciate that.
22
23 Vice Chair Keller said in the interim they need to get some light on the CCNR's.
24
25 Mr. Revilock agreed that would be the first step.
26
27 Ms. Wagner said for clarity she will give legal advice to the Planning Commission; the
28 applicant and the neighbors need to get their own legal advice.
29
30 Vice Chair Keller proposed a continuance to a date certain of May 9, 2007. In the
31 interim, if Mr. Revilock could get together a plan as they've discussed and at the same
32 time he'd like the names of five neighbors who will represent the neighborhood and then
33 he'll email a date and time, probably in 10 days, for that meeting to the participants.
34
35 Unidentified speaker from the audience asked that if they are two Commissioners they
36 be two Commissioners that represent two different opinions.
37
38 Vice Chair Keller noted the neighborhood doesn't know what his opinion is. The
39 neighbors representing the neighborhood should give Ms. Lutske their contact
40 information.
41
42 Commissioner Bossio said she would be concerned that there be enough time for the
43 City Attorney to provide an opinion on the CCNR's.
44
45 Ms. Wagner said she can provide an opinion, and they can also ask the applicant to ask
46 his title company to pull the records.
47

1 It was agreed to take two weeks before the neighborhood meeting to give the city and
2 Mr. Revilock time to research the CCNR records.

3
4 Vice Chair Keller moved, seconded by Commissioner Petersen, to continue the
5 application to the May 9, 2007 Planning Commission meeting.

6
7 **ROLL CALL**

8
9 **AYES: Commissioners: Bair, Bossio, Petersen;**
10 **Vice Chair Keller**

11 **NOES: None.**

12 **ABSENT: Chair Kellman**

13
14 **(Recess)**

15
16

1 **SAUSALITO PLANNING COMMISSION**
2 **REGULAR MEETING**
3 **Wednesday, January 9, 2008**
4 **DRAFT MINUTES/UNAPPROVED**

5
6 At 6:30 p.m., Chair Kellman convened the January 9, 2008, Regular Meeting of
7 the Sausalito Planning Commission in the Council Chambers of City Hall at 420
8 Litho Street.

9
10 **ROLL CALL**

11
12 **PRESENT:** **Chair Kellman; Vice Chair Keller**
13 **Commissioners Petersen and Bair**
14 **ABSENT:** **Commissioner Bossio**

15
16 **APPROVAL OF AGENDA**

17
18 Chair Kellman noted that regarding the application for 2 Alexander Avenue, the
19 staff report says something different than what the agenda says. The agenda is
20 correct.

21
22 **Chair Kellman moved, seconded by Vice Chair Keller, to adopt the agenda**
23 **as presented.**

24
25 **The motion was approved unanimously by voice vote of 4-0.**
26 **(Commissioners Bossio absent).**

27
28 **DIRECTOR'S REPORT**

29
30 **Report on solar installation by Assistant to City Manger Kevin Bryant**

31
32 Mr. Bryant noted that the former Mayor, Councilmember Kelly, has been in touch
33 with the Chair about forming a committee to drive the solar agenda for the City.
34 Planner Sierra Russell will be the staff person on the issue. The Council and City
35 Manager would like the committee to report to the Council on how to move
36 forward with the installation of solar panels at the City Hall and then the fire
37 station, with recommended actions for the Council. It will probably be on a
38 Finance Committee agenda the end of this month.

39
40 Chair Kellman added that on November 14, 2007, she and a few members of the
41 Sustainability Commission as well as the members of the HLB met with a few
42 solar vendors, very informally, to receive presentations on how those vendors
43 would propose to provide solar installations for City Hall. It was just an
44 informational session. Mayor Kelly and Councilmember Belser were present for
45 the discussions. Subsequent to that she got a call from the Mayor asking that
46 they look into solar for the new public safety buildings, beginning with the fire

1 building. The next step is for the committee, with Ms. Russell's help, to present
2 this to the Council. She thanked Ms. Russell and Mr. Bryant for their help.

3 4 **Announcements**

5
6 Interim Community Development Director Diane Henderson announced that Mr.
7 Bryant has resigned to take a position at Woodside. She thanked Mr. Bryant for
8 his good work

9 10 **Appeals**

11
12 Ms. Henderson said 103 Bonita appeal was heard before the Council at its last
13 meeting. The Council really wrestled with the appeal and finally concurred that
14 they didn't feel they could make the findings for the variance but rather than deny
15 the appeal they directed the applicant to redesign the home to avoid the need for
16 a variance and sent it back to the Planning Commission for consideration.

17
18 Chair Kellman asked if it is correct the Council said specifically they couldn't
19 make the findings for the variance and needed to redesign?

20
21 Ms. Henderson said that's correct. She added that appeals on 108 and 112
22 Edwards were also heard. That was an old appeal for a condominium plan that
23 included an encroachment, an existing encroachment, denied by the
24 Commission with the understanding that the Council did not want to approve
25 projects that included encroachments onto the public right of way. Again, the
26 Council really struggled with this and the applicants indicated that they had spent
27 over \$200,000 based on direction given by staff to make improvements to the
28 property. There were a number of other property owners on Edwards present at
29 the hearing, many of whom desire to make similar applications. The Council, with
30 only three Councilmembers eligible to vote, did grant the appeal and allowed the
31 application to move forward but they indicated that they didn't want that to be
32 read as just a blanket approval for encroachments; they really do feel strongly
33 about not allowing encroachments in the right of way and they'll look at each
34 instance on its own merits. That one was a little convoluted due to a change of
35 direction that had been provided to the applicants after they'd made a fairly
36 significant investment.

37 38 **APPROVAL OF MINUTES**

39
40 **Chair Kellman moved, seconded by Vice Chair Keller, to approve the**
41 **minutes of November 28, 2007.**

42
43 **The motion was approved unanimously by voice vote (Commissioner**
44 **Bossio absent).**

45 46 **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

1
2 No comments.

3
4 **CONSENT CALENDAR**

- 5
6
7 1. 194 San Carlos (DR/EA 07-025/APN 065-092-26)
8 Stanford Hughes (Property Owner and Applicant)
9

10 The applicant and owner, Stanford Hughes, requests Planning Commission
11 approval of a Design Review Permit and recommendation of approval of an
12 Encroachment Agreement to the City Council for an addition creating 299
13 square feet of new floor area beneath the existing second story of a single-
14 family residence. The addition creates 20 square feet of new building
15 coverage, increasing total site coverage to 23.90 percent. The portion of the
16 structure where the proposed addition is located encroaches into the San
17 Carlos Avenue right of way and thus requires approval of an Encroachment
18 Agreement.

19
20 Commissioner Bair moved, seconded by Chair Kellman to adopt the draft
21 resolution of approval subject to conditions.
22

23 **ROLL CALL**

- 24 **AYES:** Commissioners Bair; Vice Chair Keller,
25 Chairman Kellman
26 **NOES:** None.
27 **ABSTAIN:** Commissioner Petersen
28 **ABSENT:** Commissioner Bossio
29

- 30 2. 160 Currey Avenue (TM/DR 05-047/APN 064-232-11)
31 Will Revilock (Property Owner and Applicant)
32

33 The applicant and property owner, Will Revilock, requests Planning
34 Commission approval of a Tentative Map to subdivide the existing 17,836
35 square foot parcel at 160 Currey Avenue into two parcels. The project
36 would also involve the demolition of portions of an existing house, a wood
37 deck and an existing garage.

38
39 Commissioner Bair moved, seconded by Chair Kellman, to adopt the draft
40 resolution of denial.
41

42 **ROLL CALL**

- 43 **AYES:** Commissioner Bair; Chairman Kellman
44 **NOES:** Commissioner Petersen; Vice Chair Keller
45 **ABSENT:** Commissioner Bossio
46

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1 Ms. Henderson said that's a 2-2 vote which is effectively the same as a denial. If
2 the Commission wants to try another motion, it can, otherwise it just counts as a
3 denial.

4
5 Commissioner Bair noted the vote was taken on this already and it was a 3-2
6 vote for denial. And the item was just coming back to formalize it because the
7 resolution wasn't in front of the Commission at the time of the vote. And now
8 because Commissioner Bossio is not here, they're getting a different result.

9
10 Ms. Henderson said that's right. The Commission heard the item and directed
11 staff to come back with a resolution of denial. It was on the agenda in November
12 and at that time there were only three people present and it was going to be a 2-
13 1 vote, and when you only have three people voting, the voting has to be
14 unanimous. So it was continued. The applicant wants to appeal it and tried to file
15 the appeal after the first hearing but the staff told him he can't file it until the
16 action is actually taken. So the split vote that evening essentially has the same
17 effect as the denial, so the applicant can appeal it to the Council. Otherwise, the
18 Commission could continue it but it would delay the applicant another two weeks
19 at least.

20
21 **3. 204B Cazneau Avenue (DRC 07-021/APN 064-203-30**
22 **AGM Construction (Applicant)/Scott Wilder (Owner)**

23
24 **Applicant, AGM Construction, on behalf of the property owner, Scott**
25 **Wilder, requests Planning Commission approval of a Design Review Permit**
26 **to allow the addition of 540 square feet of new floor area with**
27 **approximately 83 square feet of new building coverage to remodel the lower**
28 **level of an existing duplex at 204B Cazneau Avenue.**

29
30 **(Chair Kellman recused as a noticed neighbor.)**

31
32 **Commissioner Bair moved, seconded by Vice Chair Keller, to adopt the**
33 **draft resolution of approval subject to conditions.**

34
35 **ROLL CALL**

36 **AYES: Commissioners Bair and Petersen; Vice Chair Keller**

37 **NOES: None.**

38 **RECUSED: Chair Kellman**

39 **ABSENT: Commissioner Bossio**

40
41 **4. 2 Alexander Avenue (DR 05-074)**
42 **Don Olsen (Applicant)/Ed Fotsch (Owner)**

43
44 Chair Kellman asked why this item isn't on the consent calendar?

1 Ms. Henderson said it should have been, it was just an oversight on the part of
2 staff.

3
4 Chair Kellman noted that the 2 Alexander item is part of the Consent Calendar.
5 She had moved at the November 28 meeting to deny the variance, approve the
6 design review modifications related to the additional bulk and mass, and approve
7 the modification for the additional bathroom. Before the Commission is a draft
8 resolution of partial denial and partial approval subject to conditions.

9
10 Ms. Henderson said since it's shown on the agenda as a public hearing, it should
11 be open but just with the understanding that you don't need to hear what you
12 heard last time.

13
14 Ms. Russell recommended revising Condition 2 of the draft resolution on page 17
15 to add language at the second sentence of Condition 2, which should read "all
16 structures projecting into the approved one-foot side yard setback shall be
17 brought into conformance with the plans approved for application VA/DR 03-26
18 by resolution 2003-51 within 180 days of adoption of this resolution, unless the
19 time frame is otherwise approved by the Community Development Director." The
20 reason for that is just to further clarify that "unless otherwise approved by the
21 Community Development Director," was intended for the time frame, not for the
22 removal of the encroachments.

23
24 Chair Kellman said they won't have a staff report on this and at the urging of staff
25 they will take limited public hearing on this. She doesn't see the applicant
26 present. Are there any individuals who would like to repeat what they've said
27 previously?

28
29 A member of the audience asked about the Cazneau item.

30
31 Chair Kellman asked for public comment on 204B Cazneau.

32
33 Chair Kellman noted she is recused on 204B Cazneau.

34
35 **204B Cazneau**

36
37 Ms. Henderson said the Commission should ask for any comments on the draft
38 resolution prepared by staff. This is a consent calendar item but anyone in the
39 public or on the Commission can take it off consent and indicate their concerns.

40
41 Vice Chair Keller said if they take it off the consent calendar, they open up public
42 comment but there 's not a full staff report.

43
44 Chair Kellman said her concern is they've voted without taking public comment.

45
46 Ms. Henderson said the Commission should rescind that vote.

5A
153

1
2 **Vice Chair Keller moved, seconded by Commissioner Petersen, to rescind**
3 **the prior vote on the resolution on 204B Cazneau.**

4
5 **ROLL CALL**

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

7 **NOES: None.**

8 **RECUSED: Chair Kellman**

9 **ABSENT: Commissioner Bossio**

10
11 **Public Comment on 204B Cazneau**

12
13 **Frank Taupe** <ph?> lives at 202A Cazneau. He is very much for approving this
14 permit; however his only stipulation would be to put a time frame on the exterior
15 framing due to the noise because he and his wife work at home. There's other
16 construction on the street as well, so they've been living in a war zone. But other
17 than that, he's very much for approval of this permit.

18
19 **Alastis Monfulis** <ph?> owns 59 Filbert Avenue which is next to the unit. He didn't
20 receive the note and his neighbor who lives in 55 Filbert told him about it. He
21 doesn't think he will have any problem with approving it, but he would like to see
22 some drawings. It mentions about an addition of some square footage and some
23 deck on the south side which would be right next to his entrance. The owner of
24 the unit mentioned in some information he found published through the
25 Commission that they have notified the people on Cazneau but as far as the
26 work, it affects the people on Filbert because it's on the hill and it's just next to
27 where those neighbors have their views and entrances. So it would have been
28 nice if the applicant had consulted him. Recently, in the last year and in the past
29 there was a slide, a tree that fell, and part of the area underneath this unit was
30 completely like a landslide, and that has not really been addressed. If you go to
31 the area you'll see that there are still bags, and it doesn't really look that nice. He
32 wants to find out what will happen, is this going to be addressed?

33
34 **Scott Wilder** is the owner of 204B. He said the mudslide is not directly in front of
35 204B, if you look closely, it's at the houses on the left of that. Secondly, there's a
36 separate issue, the City and State Farm Insurance and a few other folks are
37 involved in that now, so that is trying to be resolved. The plans are here and then
38 there's a question about the speaker not receiving the notice. He apologizes for
39 that; he thought the people on Filbert did get that.

40
41 Chair Kellman asked what neighborhood outreach Mr. Wilder conducted?

42
43 Mr. Wilder said the person who is in charge, the contractor, they went around
44 and took the notes and gave them to neighbors. He understands that the
45 contractor went to the neighbors on Filbert as well. He doesn't know the exact
46 footage or radius that was covered by the contractor.

1
2 Chair Kellman said she lives down the street and she didn't receive any
3 information, so she's wondering how extensive it was.

4
5 Mr. Wilder asked what is the requirement for the radius?

6
7 Commissioner Petersen said 300 feet.

8
9 Chair Kellman noted that normally a Commissioner will recuse herself from the
10 interaction amongst the Commissioners, not necessarily the public comment.
11 They've gone both ways on the public comment, as far as someone who needs
12 to recuse themselves. So her plan was to step down when the Commissioners
13 began discussion so as not to unduly influence the Commission in its decision
14 making process. So she'll step down now because she is a noticed neighbor.

15
16 Vice Chair Keller said the other issue the prior speaker had was with regard to
17 the view corridor, with regards to the deck being proposed and any impact that
18 has on the view?

19
20 Mr. Wilder said his opinion is that it should haven't have any impact on the view.
21 The deck is along the side of the house and then to the right of the deck is a
22 public easement. And then on the other side of the deck are trees and bushes
23 and on the other side of that is the speaker's house. So the deck is actually going
24 to be on the ground level, so you have the deck, public easement, bushes, trees
25 and 58 Filbert.

26
27 Ms. Russell noted there are photographs in the staff report and a set of plans are
28 also available.

29
30 Commissioner Bair asked if Mr. Wilder's statement conforms to staff's
31 understanding?

32
33 Ms. Russell said yes, it does, it conforms to the analysis of the staff report.

34
35 Commissioner Bair asked if Mr. Wilder has an estimate from the contractor about
36 the length of the construction?

37
38 Mr. Wilder said there's been some damage since the most recent storm and he
39 will not have an estimate on construction time until the end of the day Friday.

40
41 Commissioner Bair asked would Mr. Wilder have any problem with putting a six-
42 month window on it, to the end of the summer time. This isn't a huge project.

43
44 Mr. Wilder said he agrees, he doesn't have a problem with six months. That's
45 fine.

1 Commissioner Petersen said it's a pretty small project; they could probably shrink
2 the time frame down to four months.

3
4 Vice Chair Keller said the applicant could run into problems with the weather.
5 The applicant is aware of the issue of the neighbors, that they work from home,
6 and one would hope the applicant would be considerate of that and so instruct
7 his contractor.

8
9 Ms. Russell said with regard to the noticing, staff did send out a notice to
10 neighbors within the 300 foot radius as is required by state law.

11
12 Commissioner Petersen said he knows the area pretty well and he thinks the
13 deck and other items are going to be pretty low impact on the Filbert neighbors.

14
15 Commissioner Bair said he's willing to move to approve as long as everybody's
16 willing to put in the six month condition to address the neighbor's concern.

17
18 Vice Chair Keller said okay.

19
20 **Commissioner Bair moved, seconded by Commissioner Petersen, to**
21 **approve the draft resolution as amended on the record.**

22
23 **ROLL CALL**

24 **AYES: Commissioners Bair and Petersen; Vice Chair Keller**

25 **NOES: None.**

26 **RECUSED: Chairman Kellman**

27 **ABSENT: Commissioner Bossio**

28
29 **4. 2 Alexander Avenue (DR 05-074)**
30 **Don Olsen (Applicant)/Ed Fotsch (Owner)**

31
32 Chair Kellman noted this has been noticed as a continued public hearing by
33 mistake. They will open the discussion up to public comment, but those public
34 comments should be addressed to the draft resolution.

35
36 **Public Comment**

37
38 **Chuck Donald** lives at 254 Spencer Avenue. His comments are explicitly limited
39 to the issue of partial approval and partial denial. He was on the Planning
40 Commission five, six, seven years ago and the Commission did just exactly that,
41 they had partial approval, partial denial with conditions. And it got to be a
42 problem. The drawings that went through the Planning Commission were
43 stamped approved and then handwritten "with conditions." There was no
44 comment on the drawings, what the conditions were. The applicant, the owner,
45 went ahead and built what was approved. And then about three years later the
46 applicant came back, there was a completely new staff now, and went to the

1 building department and asked for a permit to do the rest of the work, the part
2 that had been denied. So the staff people got out the drawing, it said "approved,"
3 not paying attention to the "with conditions," so they gave him a permit and he
4 went ahead and ended up building the whole thing, including the part that had
5 been denied. So his comment or his request is that somehow in the record it be
6 made very clear what's approved and what's not approved. He got involved with
7 the neighbors about a year ago trying to do something about that and it was a
8 complete failure and the neighbors were mad because the guy got to build what
9 was denied. So it's staff work, that he's talking about, that partial approval, partial
10 denial be made very clear.

11 .
12 Chair Kellman thanked Mr. Donald. She asked staff if they have any comments
13 on how to avoid the issue Mr. Donald raised.

14
15 Ms. Russell said that was actually the reason why the staff attached Condition 2,
16 which essentially says there's a stop work order on the project and it's stated in
17 the condition; it requires removal of encroachments prior to the issuance of a
18 building permit so essentially no work can occur and the red tag cannot be
19 removed until the encroachments are removed, which is stated in Condition 2.
20 That was to make it more enforceable that the encroachments were in fact
21 removed. There is also a time limit to remove the encroachments, that is, within
22 180 days of the adoption of this resolution. So that would be six months from the
23 date of the adoption of this resolution the applicant would be required to have the
24 encroachments removed.

25
26 Commissioner Petersen said the point in general is well taken, but in this project
27 it should be pretty easy because the Commission is asking him to remove
28 something first before anything else happens.

29
30 Ms. Russell said that's correct.

31
32 **Michael Rex** represents Jan and Ian Moody. As a point of clarification, on
33 condition 2, where it says "all structures," does that include the lower garden
34 retaining walls which encroach, and in fact extend across the property line onto
35 the GGNRA property.

36
37 Ms. Russell said Condition 5 addresses that issue, that "the project shall comply
38 with all National Park Service conditions, one of which is that all encroachments
39 are removed." So that would apply to that.

40
41 Commissioner Petersen asked if these walls are actually over the line? The
42 survey shows that they are not.

43
44 Ms. Russell said they're not, but they are up to the line and they will be required
45 to remove the walls. They are essentially dry stack walls so they will be fairly
46 easy to remove.

1
2 **Ian Moody** lives at 6 Alexander Avenue. He has photographs of the
3 encroachments that go over the property line into the National Park (displaying
4 photos to Commission). The wall of the stair is fairly close to the boundary, so
5 this concrete retaining wall is about two feet onto the National Park and this
6 nonreinforced concrete block is about two feet onto the National Park. This is the
7 same thing from above (pointing to photographs). And the red tag-- here's the
8 property line and as you can see the structural concrete retaining wall is on and
9 also this stuff is on. And somehow Ed Fotsch has convinced staff and the
10 National Park that there are no encroachments, and yet in fact they are. This is
11 basically because he wasn't made to provide a survey showing all of the
12 placement of all of the items on the side.

13
14 Ms. Russell said those walls are called out by the National Park Service in their
15 letter dated November 20, 2007. They do call out those encroachments and they
16 do require the removal of those encroachments. And the City would require as a
17 conditional of approval that those encroachments are removed to the satisfaction
18 of the National Park Service.

19
20 Mr. Rex said the site plan in the packet is not a survey.

21
22 **Jeannie Moody** lives at 6 Alexander. The walls that encroach and are a problem
23 are not all the stacked block walls, some are concrete and there's a huge
24 concrete one that was not pre-existing but there seems to have been some
25 convincing that it was a pre-existing wall; it was not, it was built by Ed Fotsch.

26
27 Ms. Russell said the National Park Service has called out those encroachments
28 to the property owner. The property owner is very well aware that he needs to
29 reconfigure the wall to pull it out of the setback to the satisfaction of the National
30 Park Service. And the conditions of approval are stated so that the applicant will
31 be required to submit evidence to the Community Development Department that
32 the National Park Service has reviewed the plans and that they're satisfied with
33 how they are, to make sure that they're looped in on those walls.

34
35 Chair Kellman asked if there was one document in the record that everyone
36 could focus their energies on, that was the best illustration and depiction of
37 where these encroachments are, what would that be?

38
39 Ms. Russell said the photographs and the November 20 letter show the
40 encroachments that they're talking about. Those would best show.

41
42 Chair Kellman said her question is going to this somewhat vague term to some
43 extent in Condition 2, "all structures projecting into the approved setback." If
44 there was a way to say these are the structures we're talking about, as in, "all
45 structures as shown in the letter and the attached photographs," or just
46 something to avoid confusion down the road.

1
2 Ms. Russell said those walls actually can encroach into the setback area, they
3 just can't cross the property line. So all structures projecting into the approved
4 one-foot side yard setback is actually referring to the garage and stairway
5 project, it's not referring to the walls and the walls are addressed in Condition 5,
6 but staff can reword that.

7
8 Chair Kellman said she'd like to reword that so that that is clear because that is
9 what initially spurred Mr. Rex' question and he was referring to in Condition 5,
10 and maybe add another sentence to Condition 5 that says those encroachments
11 are specifically called out in the letter and the photographs attached to the letter,
12 just so it is clear exactly where in the record to look for this information.

13
14 Vice Chair Keller said in light of the fact that this application has been before the
15 Commission six or seven times and it's obviously very contentious, he would like
16 to see staff come back to the Commission after all the encroachments have been
17 removed to staff's satisfaction. He'd like the Commission to be shown and be
18 satisfied that all the encroachments have been removed before the applicant is
19 granted a permit to finish the balance of the work that the Commission has
20 approved. He doesn't want this to fall through the cracks and they come back
21 and say, well, "staff said this," the Commission needs to be kept in the loop. He's
22 not saying they haven't been in the past, but because of the magnitude and the
23 length of time that this project has been going on, he would feel much more
24 comfortable--

25
26 Chair Kellman said that's a good idea.

27
28 Vice Chair Keller said he'd like to see this with photographs and some definitive
29 evidence that these things have been removed.

30
31 Chair Kellman said at what point in time? They should write that into the
32 conditions.

33
34 Commissioner Petersen noted the applicant has 180 days to remove them.

35
36 Ms. Russell said they can write that into Condition 2, 180 days, following the 180
37 days time frame "the applicant shall return to the Planning Commission for
38 verification of removal."

39
40 Commissioner Petersen said or they can come sooner.

41
42 Vice Chair Keller said he just wants them to come back in the form of a staff
43 report.

44
45 Ms. Russell suggested: "The applicant shall return no later than 180 days to the
46 Planning Commission to verify removal of encroachments."

1
2 Chair Kellman asked if they want the applicant to come or do they want a
3 director's report?

4
5 Vice Chair Keller said a director's report would be satisfactory, indicating that
6 staff is satisfied as well from the National Park Service, that they've signed off on
7 everything.

8
9 Ms. Russell said that's correct.

10
11 Ms. Henderson suggested adding in Condition 2, the second to the last
12 sentence, which is four lines up, "no work shall be permitted on the project and
13 no building permit shall be reinstated until the encroachments have been
14 removed to the satisfaction of the Planning Commission." And that will involve
15 staff bringing it back to the Commission as a director's report.

16
17 Vice Chair Keller asked if the other Commissioners are all right with that?

18
19 Chair Kellman asked Ms. Henderson if that would trigger a director's report, then-
20 -

21
22 Ms. Henderson said they can be more specific. They can say, "until the
23 encroachments have been removed and the Planning Commission has received
24 a report verifying so as part of the director's report at a planning commission
25 hearing."

26
27 Chair Kellman said that would be most exact.

28
29 **Remarks by Applicant's Representative**

30
31 **William Ziegler** spoke on behalf of the owner. He has no objection of course to
32 the Commission being satisfied with requirements in the permit, but this is going
33 to be appealed, it's going up, and if it's got to come back for another hearing, he
34 does have an objection to a hearing because this has just been the local piñata,
35 and seven times is probably a low number, and if they are going up to the
36 Council on this and the Council will review it, although he doesn't know what
37 they'll do obviously, but whatever happens he doesn't want this opened up to
38 some more bashing from the neighbors once they attempt to do it. It's 180 days
39 and now there's another shot. He just wants it to be clear that it's not a public
40 hearing that the Commission is asking for. If the Commission wants to be
41 satisfied, fine, but if it's a public hearing, he doesn't think that's appropriate.

42
43 Chair Kellman clarified that the Commission is asking for a director's report. It will
44 be on the agenda but it's not a noticed public hearing. She asked Ms. Henderson
45 to opine on items on the agenda in the form of a director's report. Generally, the

1 Commission doesn't take public comment on them, but they are agendized
2 items.

3
4 Ms. Henderson said is that Mr. Ziegler's concern?

5
6 Mr. Ziegler said his concern is that they'll open it up again to responding to more
7 neighbors' attacks. For the Commission to get satisfied is entirely appropriate, of
8 course, that it's been done, that the staff is satisfied and the Commission is
9 informed of that and they want that report. That's appropriate, but then to have
10 that report open the criticism and then the applicant is told go back and do
11 something else after they've been up to the Council and who knows what else.

12
13 Chair Kellman clarified that the director's report is noticed, it's not a public
14 hearing, the Commission can in its discretion choose to take limited public
15 comment, but it's within the Commission's discretion. So it's not a noticed public
16 hearing, it is an agendized item that the Commission has the direction to take
17 public comment on if it chooses, but that's not the Commission's intention. The
18 intention is to get a report back from the director.

19
20 Mr. Ziegler said he wants to be clear what the intention is because he wants to
21 know what to appeal. Because if it's coming back for public hearing, he will object
22 to that, if that's going to be what's going to happen.

23
24 Chair Kellman said Mr. Ziegler's appeal will have transpired long before the staff
25 would come back with this report. The applicant has to appeal within 10 days.

26
27 Mr. Ziegler said clearly, but he's talking about conditions, whether he needs to
28 clarify that condition at the Council unless he's totally satisfied it's not going to be
29 opened up to a public hearing.

30
31 Ms. Henderson said the way it's worded, the applicant is covered. She read the
32 section again, this is the second to last sentence in Condition No. 2: "No work
33 shall be permitted on the project and no building permit shall be reinstated until
34 the encroachments have been removed and the Planning Commission has
35 received a report verifying such as part of the director's report at a Planning
36 Commission hearing."

37
38 Mr. Ziegler said he has no objection to that language, "has received," is fine. It's
39 the opening up to comment.

40
41 Chair Kellman said the language Ms. Henderson read is the language that's
42 going to be utilized. That's what's going to be in the condition.

43
44 Commissioner Petersen said the Commission may or may not receive public
45 comment, and his guess is that they wouldn't, but there's nothing voted on, so it
46 isn't truly a hearing, it's just a report given to the Commission.

1
2 Mr. Ziegler said he understands, but--

3
4 Chair Kellman asked if Mr. Ziegler is satisfied with the language as read to him?

5
6 Mr. Ziegler said he is.

7
8 **Further Public Comment**

9
10 **Marie McDermott** lives at 7 Alexander Street across the street from 2 Alexander.
11 The neighborhood was very tranquil until Mr. Fotsch wanted to expand his
12 garage, which was fine, but now that it's gone on for nine years and the view now
13 is very much obstructed by the garage. It's now a foot and a half in each direction
14 larger. She would like to at least request that he not be able to put the planned
15 flower boxes yet on top of that, they were supposed to sink down into the soffit,
16 and instead of that he built the roof way up, way above where it was supposed to
17 be and then he's got the flower boxes made but not yet up there, which would
18 make it much, much higher yet. She requested that not occur. Secondly, he built
19 his garage not only way larger, but he had a light-- the only windows that 1 and 7
20 Alexander have is opening onto the water. The other side is a hill that's been
21 sliding. Mr. Fotsch had a big blinding light and the neighbors asked him if he
22 could kindly lower it so that they wouldn't have to close their blinds and windows.
23 Instead, he raised it and added six more lights. So for many months, she's had to
24 have her blinds completely closed and even with the blinds closed and the light
25 drapes, there's still the glare of the light coming in. see requested that he put up
26 the garage doors or extinguish the lights or have down lights.

27
28 Chair Kellman said they are really only dealing with items in the draft resolution
29 of approval/denial, but she would note that somewhere along the line there has
30 to be a condition of approval that mandates downward facing lighting. That's a
31 standard condition of approval. She asked staff to look into that and make sure
32 that's being complied with. The Commission almost always mandates downward
33 facing lights.

34
35 Ms. McDermott said Mr. Kermoyan told her that technically until the project is
36 completed, totally, there's not a technical requirement for down lights and she
37 considers that actually vicious to have those lights aimed at her and when she
38 complained, Mr. Fotsch came and put a whole selection of --

39
40 Chair Kellman said she understands. There are lots of issues. Obviously Mr.
41 Kermoyan is not with the City anymore, so the present staff will look into that
42 issue and Ms. McDermott can follow up with staff, as will the Commission.

43
44 Ms. McDermott said if there just could be some kindness with one another there
45 would not have been all of this ongoing problem. Just a little kindness, because
46 the neighbors have been suffering for nine years, 10 years.

1
2 Chair Kellman thanked Ms. McDermott.

3
4 **Michael Rex** thanked the Commission and staff for their patience. He asked for
5 clarification on Condition 5, the letter from the GGNRA dated November 20, he
6 doesn't have a copy. When he read it neither Jan nor Ian nor he recalled that
7 those guardrails were to be removed from the GGNRA property. He asked staff
8 to read that section of the letter. He also pointed out in the notice to the public at
9 the top of the agenda; the second line in that box says the public may comment
10 on any item on the agenda that has not previously been subject to public
11 comment. So Commissioner Petersen is right, it's not really a hearing, but if
12 there's something in the report, the public can comment on it. They don't really
13 intend to, it's just important to note that.

14
15 Commissioner Petersen said he understands, he just wanted the applicant to
16 know there wasn't going to be any formal vote taken about any of this, it was just
17 a report.

18
19 Ms. Russell said on the second page of the GGNRA letter under Item (e), it says:
20 "Owner shall reconfigure the lower stairs indicated in image number 4 to remove
21 the encroachment from NPS property." And what they are referring to if you go to
22 Image 4, you can see the stairs with the wall that they're discussing and that's
23 the wall that Ms. Moody was concerned about.

24
25 Mr. Rex said so the expectation is the walls would be removed from GGNRA
26 property, but they could extend all the way to the property line, the Fotsch
27 property line.

28
29 Ms. Russell said that's correct, per City setback requirements.

30
31 **Michael Eisen** represents the company that manages 1 and 7 Alexander
32 Avenue. If he understands what he's hearing, he's feeling better; he understands
33 that before the applicant goes on to any other projects and starts new
34 construction, he must correct all of the violations and code infractions that have
35 been identified and stated. His tenant in No. 7 has been looking at this project for
36 a number of years and it's really quite a distraction. It's higher than it should be,
37 it's wider than it should be and it's deeper than it should be. But he believes the
38 applicant needs to finish this dog-gone garage and get the doors on it so that all
39 of these lighting problems don't affect his tenant. There are seven lights out
40 there, they're all on extension cords, the Commission can take a look at it when
41 they drive by. It's quite a distraction and it's just not needed at this point.

42
43 **William Zeigler** said on behalf of the applicant that they have applied to put the
44 doors on; they'd be more than happy to do that. It's an obvious security problem;
45 he didn't know it was a lighting problem.

1 Chair Kellman asked staff if the doors were an issue they discussed with the
2 applicant?

3
4 Ms. Russell said the applicant did request that, but because of the stop work
5 order no work is permitted related to the current building permit.
6

7 Commissioner Petersen said he would venture a guess that the lighting is in
8 there for security reasons because there's no doors. So they could just get rid of
9 the problem by putting the doors in.

10
11 **Ian Moody** requested that Ms. Russell read the section from the National Park
12 letter again because he believes it refers to a small temporary wooden stair
13 beside the concrete retaining wall and it doesn't refer to the two masonry block
14 walls or the four masonry block walls lower than that that extend onto the
15 National Park. And when you talk about removing encroachments, he believes
16 you're only talking about removing encroachments in the setback, but the walls
17 would go through onto the National Park. As staff said, they can go to the
18 property line because they're lower than a certain height, so that does not require
19 that he remove that encroachment from the National Park. The letter doesn't
20 refer to the concrete wall above which is a solid reinforced concrete wall and the
21 several masonry walls below that are retaining walls and holding up the hot tub.
22

23 Ms. Russell read the letter again: "Owner shall reconfigure the lower stairs
24 indicated in image number 4 to remove the encroachment from NPS property."
25 Those walls that Mr. Moody is referring to, the dry stack walls, those were viewed
26 by the NPS on site and they looked at the walls and they did not feel that they
27 encroached across property lines.
28

29 Mr. Moody said if Ms. Russell looks at the photographs he gave her, it is clear
30 that are on the National Park line by several feet. And again, this is a problem
31 with not having to produce a survey identifying all the structures on the said
32 property. He can assure the staff that those several feet are on the National Park
33 and somehow the National Park was convinced they weren't, and the two feet of
34 the concrete wall is also on the National Park. And it shows in the photographs.
35

36 Chair Kellman said the topic of a survey came up two or three meetings ago. Did
37 the Commission not direct the applicant to produce one?
38

39 Ms. Russell said there was a survey completed, but it was completed for the
40 portion of the project only, it did not detail all the improvements of the property.
41 Because staff received notification from the National Park Service through this
42 letter as to what would satisfy them, staff hasn't addressed those walls in terms
43 of encroaching. She was on site with NPS, they looked at the walls and NPS did
44 not express any concerns about the walls encroaching across the property lines.
45 However, there is a condition of approval that requires the applicant to submit
46 plans for those walls and a geotechnical report, which he has done and staff has

1 forwarded it to the plan check consultants, and staff will forward those to the
2 National Park Service for their review as part of that since it's adjacent to their
3 property.

4
5 Commissioner Petersen said could it be that the National Park just didn't take
6 issue with those walls because they're just dry stack walls, or do you think they
7 just weren't aware there was an encroachment under there?

8
9 Ms. Russell said either, or. Staff hasn't received direction from the National Park
10 Service--

11
12 Commissioner Petersen said in either case, the National Park Service is not
13 concerned about them.

14
15 Ms. Russell said that's right.

16
17 Mr. Moody said they're clearly on the National Park, and the survey would show
18 this.

19
20 Chair Kellman said there are so many encroachments that are being referred to,
21 those in No. 2 and No. 5, those in No. 5 that encroach in park lands, that's the
22 Park's jurisdiction to determine whether or not they would want to remove them.
23 So the Commission can only deal with those items that deal with this approval,
24 and she believes the NPS would be the appropriate body with which to discuss
25 whether or not the applicant should be removing encroachments onto their
26 property.

27
28 Ms. Henderson said she absolutely agrees. It is even more valid because the
29 National Park Service is outside the corporate limits; this body has no jurisdiction.
30 The City limits run on the common property line. So staff has referred it to NPS,
31 who asked the City to wait to take action until they responded, which they did in
32 the November 20 letter. Ms. Russell has met with them; she's been on site with
33 them. The Commission doesn't have authority on that property; it's outside the
34 City limits.

35
36 Mr. Moody said he's going to be taking it up with the National Park and he can
37 assure that they're going to realize that somehow they've been hoodwinked.

38
39 Chair Kellman said she's going to close public comment. There is a draft
40 resolution before the Commission. Are there any comments on the draft
41 resolution of approval?

42
43 Ms. Henderson noted that in Condition 2, the second sentence, "all structures
44 projecting into the approved one-foot side yard setback shall be brought into
45 conformance with the plans approved for application VA/DR 0326 by Resolution
46 2003-51 within 100 days adoption of ..." instead of "this resolution," she would

1 suggest it read "the final resolution, unless the time frame is otherwise approved
2 by the Community Development Director." Her concern is that if it is appealed,
3 they should go by when the Council takes final action.
4

5 Chair Kellman asked Ms. Russell to read the time frame clause.
6

7 Ms. Henderson read, "unless the time frame is otherwise approved by the
8 Community Development Director." That goes after the word, "unless," they
9 added "the time frame is..."
10

11 Chair Kellman asked if the time frame means 180 days? She's not sure that's
12 clear.
13

14 Ms. Henderson said yes. It's just clarifying that the director's discretion is
15 involving the time frame, it's not--
16

17 Chair Kellman asked if this means the Community Development Director can
18 alter the time frame, the 180 days?
19

20 Ms. Russell said that's how it's worded now, yes.
21

22 Chair Kellman suggested the wording that, "unless an alternative time frame is
23 otherwise approved by the Community Development Director," would make more
24 sense.
25

26 Commissioner Petersen asked if they want to address the issue of the doors?
27

28 Ms. Henderson noted that the building inspector has a red tag in place, a stop
29 work order, and the applicant has requested to do certain improvements which
30 the City has not allowed him to do; they allowed him to do a few health and
31 safety things. She's not sure that the Commission has the discretion to override
32 that red tag. If the Commission desired, it could word a condition that the
33 applicant could place the doors subject to the building inspector lifting the red
34 tag, or something to that effect.
35

36 Chair Kellman said maybe what they can do is deal with that separately from the
37 draft resolution, and instead make a recommendation to the building inspector
38 that he reconsider that portion of the red tag as applies to the garage doors and
39 suggest that he allow those to be placed on to avoid any additional issues with
40 the lighting, so that way the two aren't confused.
41

42 Chair Kellman asked for any further comments on the draft resolution.
43

44 No response.
45

1 Chair Kellman moved, seconded by Vice Chair Keller, to adopt the draft
2 resolution of partial approval and partial denial, subject to the conditions.

3
4 **ROLL CALL**

5 **AYES:** Commissioner Petersen, Chair Kellman, Vice Chair Keller

6 **NOES:** None

7 **ABSTAIN:** Commissioner Bair

8 **ABSENT:** Commissioner Bossio

9
10 Chair Kellman thanked staff and the neighbors for their input and attention to
11 detail.

12
13 **NEW PUBLIC HEARINGS**

14
15 **3. 3 Harbor Drive (SP 07-006/APN 053-140-15)**
16 **US West Sign Services (Applicant)**

17
18 **Applicant US West Sign Services, on behalf of he Bank of Marin, requests**
19 **Planning Commission approval of a Sign Permit for additional business**
20 **signage along the southwest elevation of the existing building at 2 Harbor**
21 **Drive. The proposed sign is an internally illuminated wall sign measuring 2**
22 **feet in height and 10 feet in length, for an area of 20 square feet.**

23
24 (Commissioner Petersen recused himself and left the dais.)

25
26 **Staff Report by Interim Community Development Director Diane Henderson**

27
28 Ms. Henderson reported that this is a request by Bank of Marin for a new sign. In
29 2006 the CDD director approved a 20 square foot sign along that wall (pointing to
30 drawings) and essentially they are wanting to repeat it along this wall (pointing
31 for obvious reasons: as you're traveling down Harbor in this direction, you don't
32 see the existing sign. The sign is 20 square feet; 10 feet long, 2 feet wide and
33 has white channel letters, interior illumination. This (pointing) shows what it would
34 look like. It has the green logo. They have 85 feet of sidewalk frontage which
35 means they are allowed 42 1/2 square feet of signage; they have 20 square feet,
36 this would be an additional 20, so they'd still be within the maximum of 42 feet
37 and a half. This is one of those things she feels staff should have the authority to
38 deal with.

39
40 Chair Kellman asked if there is an illumination plan guiding when the lights are on
41 and when they are turned off?

42
43 Ms. Henderson said there is not.

44
45 Chair Kellman said there should be. She would think business hours only, but
46 then she wonders why it would need to be illuminated during the day time.

1
2 Ms. Henderson suggested a turn off at 9 p.m.

3
4 Chair Kellman said it is neon, she doesn't want it shining into all hours.

5
6 Commissioner Bair noted Mollie Stone's closes at 8 p.m.

7
8 Vice Chair Keller said the one issue the applicant may have is the fact that there
9 is an ATM machine there, and the illuminated sign would indicate that the bank is
10 there and there is an ATM machine.

11
12 Chair Kellman said the ATM machine only appears to be on the harbor side.
13 They don't need both sides to be illuminated. It's a good point, but it's a lot of
14 neon illumination.

15
16 Vice Chair Keller said he understands but he expects the applicant will request it
17 be lit because of the ATM machine.

18
19 A member of the audience said Mollie Stone's is open to 9 p.m.

20
21 Chair Kellman asked for public comment.

22
23 No public comment.

24
25 **Commission Discussion**

26
27 Chair Kellman asked if there is a consensus to turn off the lighting at 9 p.m.?

28
29 The commissioners indicated a consensus.

30
31 **Chair Kellman moved, seconded by Commissioner Bair, to adopt the draft
32 resolution of approval as amended on the record.**

33
34 **ROLL CALL**

35 **AYES: Commissioner Bair, Vice Chair Keller,
36 Chairman Kellman**

37 **NOES: None.**

38 **RECUSED: Commissioner Petersen**

39 **ABSENT: Commissioner Bossio**

40
41 Ms. Russell asked with regard to the 2 Alexander Avenue item, is the Planning
42 Commission in fact making a recommendation that the building inspector look
43 into the garage doors and whether or not they could be installed under the red
44 tag?
45

1 Chair Kellman said yes, she thought she had stated that as a recommendation.
2 The Commission didn't vote on it because it was a recommendation, but there
3 seemed to be a consensus.

4
5 Commissioner Bair added that he would like to see an investigation into a lighting
6 ordinance in the community. A motion security light is okay, but these lights
7 shouldn't be on all day.

8
9 **6. Municipal Parking Lot 1 (DR 07-033/APN 065-073-03)**
10 **City of Sausalito (Property Owner and Applicant)**

11
12 **The Owner and Applicant, the City of Sausalito, requests Planning**
13 **Commission approval of a Design Review Permit to remove an existing 105**
14 **square foot parking lot booth and to construct a new 284 square foot**
15 **parking lot booth. The parking booth would be relocated approximately 20**
16 **feet to the east and 20 feet to the south of the existing booth location.**

17
18 (Commissioner Petersen returned to the dais.

19
20 **Staff Report by Deputy Planning Director Kevin Bryant**

21
22 Mr. Bryant said this project is a little unusual because as noted in the conditions
23 of approval, this is actually intended to be a preliminary approval. The reason for
24 that is that currently out at Parking Lot 1 (displaying site plan), here is the existing
25 payment booth, which is small, outdated and in very bad shape. The parking staff
26 has been asking the City for some period of time to improve it. The previous
27 parking manager started the ball rolling on this back in 2006. The booth has
28 continued to deteriorate (displaying photographs). The building has outlived its
29 usefulness. The City Council has directed staff to prepare an application to the
30 Planning Commission for a new booth; the Council, for reasons of budget and
31 time, is looking at a prefabricated booth which mimics some of the other
32 structures nearby. This is a preliminary application in that they can't get more
33 specific drawings from the vendor until the City has a contract with them and they
34 can't get a contract until they have a project that can actually be approved. This
35 would come back to the Commission once all the plans are laid out. The proposal
36 is to remove the existing booth and put a new booth, a larger facility of 11 feet by
37 24 feet, in a place that makes better sense for circulation. The new booth has a
38 metal façade, a hip roof, with additional space and a bathroom for the staff (not a
39 public restroom). There are plans in the works to look at the whole parking lot in
40 the future and so this may not be the final location for this, but they needed to go
41 ahead with replacing the existing building.

42
43 Vice Chair Keller asked with it being prefabricated, if for some reason the parking
44 lot is reconfigured or the booth needs to be moved, this prefabricated building
45 could be reused in the new location?

1 Mr. Bryant said that's right.

2

3 Commissioner Petersen said providing it's not plumbed.

4

5 Mr. Bryant said that's correct. Or the plumbing would have to be relocated also.

6

7 Chair Kellman asked if any consideration was given for providing a place to plug
8 in electric vehicles?

9

10 Mr. Bryant said not as yet, that may be something that is waiting on the entire
11 parking lot design.

12

13 **Todd Teachout, City Engineer**, said the current proposal doesn't address that
14 at all; the Commission can provide direction for staff to address that during the
15 detailed design process. The point really goes to the purview of the Sustainability
16 Committee who is tasked with guiding environmentally friendly policies. Lacking
17 those policies, the City has to operate on an ad hoc basis.

18

19 Chair Kellman noted they are quadrupling the size of the existing structure and
20 with that there are opportunities to run wiring and such, it might make more
21 sense to have plug ins elsewhere in the lot but has any thought been given to
22 being more holistic in the planning since they're running wiring anyway?

23

24 Mr. Teachout said the considerations have been limited so far to data collection
25 and running the computer and lights in the building. Another factor, related to
26 Gabrielson Park where Jazz by the Bay is held, is that events struggle because
27 there's not enough power for the amplification or the food service. In attempt to
28 address that concern, staff has discussed the matter with Republic Electric which
29 the City contracts with for maintaining City signals. Staff evaluated the site and
30 concluded at the moment there's not a really large power supply. The power
31 supply that is there is probably bootlegged off the street lights and that's not
32 enough to deal with the future Jazz by the Bay; he would doubt it would be
33 enough to energize electric vehicles. The City is in the process of working with
34 PG&E and the Rotary Club to get some services to that site, that site being
35 combined Lot 1 and Gabrielson Park.

36

37 Chair Kellman said given that there's already considerations with limited amount
38 of electricity available in that area, it might be advisable that if when the City goes
39 forward with solar on the municipal buildings to ask the vendors when they're on
40 site, and since they are buying in bulk, if there's a possibility to put solar on this
41 building as well. The City talks a lot about such and such is the gateway to
42 Sausalito, and this is where all the tourists see Sausalito. Think about all the
43 summer months when all the ferry passengers arrive; one of the first images is
44 this parking lot in Sausalito and to the extent it can be beautified and it can help
45 make a statement about who the City is, it should be given some consideration.

1 So if the solar people are going to be in town, she'd like them to be approached
2 about adding solar here.

3
4 Mr. Teachout suggested that the Commission add a condition specific to that and
5 as they work with the vendor to come up with specific shop drawings, they'll do
6 everything they can to incorporate that in, and if they can't, they'll explain
7 whatever constraints they encountered when they come back to the Commission.
8 His understanding is pre-fab is maybe a misnomer, they use very standard metal
9 components, but it's a very configurable building. They may have standard sizes,
10 standard overhangs. They don't have them sitting on a lot somewhere where you
11 can just load them on a truck. At least with this particular vendor, you go into a
12 design contract, they work with the agency with regard to specific needs and
13 design specific shop drawings for approval by the City. It's built off site, it's
14 trucked in and it's lifted by a crane from the truck to the site. The City hasn't had
15 a lot of detailed discussions with them, but they would try their very hardest to
16 have a foundation or floor that is such that you can lift it up with a forklift in the
17 future if it has to be relocated.

18
19 Chair Kellman noted this is an application for a design review permit. What
20 design is being evaluated?

21
22 Mr. Teachout said the Commission is giving staff direction on what's called the
23 Ocean Park Theme, which is a hip roof, a metal-seamed roof, windows, panels
24 underneath and then the color which is white with blue trim and a blue roof.

25
26 Commissioner Petersen said he went out to the site and looked, and he realizes
27 this is preliminary, but eventually when things get fleshed out with the vendor,
28 here's where the new stage is going to go (pointing to drawings) at Gabrielson
29 Park and this is right behind it. And if it turns out that location ends up solidifying,
30 it would be really great if there's some coordination between this building and that
31 stage, because it will be right behind the stage. You will see it unless the stage
32 ends up being a big band shell or something. Having this offset from the stage by
33 a few feet or by five feet is going to be very awkward, so it would be great for
34 these things to be either completely misaligned or perfectly aligned, one of the
35 two. When he looked at the site, all those shrubs are very low right there, so
36 they'll be in straight view from right behind the stage, so it would be great if in the
37 next go around, if the Park has also done another go around on its stage design
38 and brought in something more substantial, to have some coordination between
39 the locating of this building and that stage.

40
41 Mr. Teachout said other projects that are targeted for this area include one
42 related to the \$200,000 grant the City received from the nonmotorized
43 transportation pilot program to do some level of improvements to improve access
44 for pedestrian and bicyclists. Staff has had discussions with Cal Trans and most
45 of those monies are going to be used for environmental studies. But the goal
46 would be to evaluate the site, see if there's some options for improved sidewalks

1 and perhaps some signage changes. At the moment the scope is kind of wide
2 open. That's on the surface, and then there's another project. As many know
3 there's a pump station right next to the current booth and people get wonderful
4 laughs of its function. It's in need of maintenance and maintenance may be as
5 much as rehab or removal and replacement. That pump station is connected to a
6 sewer lateral and sewer main, both of which have to be rehabbed, from there
7 along the Yacht Harbor bulkhead and to Spinnaker. So that could affect the
8 surface improvements greatly but they haven't gone out to contract for that. It is a
9 bit of chicken before the egg, but the booth is deteriorating.

10
11 **Public Comment**

12
13 None.

14
15 **Commission Discussion**

16
17 Chair Kellman asked staff if it is correct the applicant needs a decision from the
18 Commission in order to move on to the next step? It would be quite unusual for
19 the Commission to approve a design based on a concept; it would normally say
20 yes, thumbs up, we agree in concept so we'll continue it until the applicant can
21 come back with the actual design.

22
23 Mr. Bryant referred the Commission to Condition 2, and staff realizes that this is
24 not the normal way they'd do a project, but Condition 2 states that the review is
25 preliminary and subject to final review. Approving this with these conditions is the
26 cleanest and clearest way for the City to go to a vendor and say, "We can work
27 with you, get this spec'ed and come back for final approval."

28
29 Chair Kellman said if she was a member of the public and was looking in the
30 administrative record to see what the application was tonight, from a design
31 review standpoint, what would she look at?

32
33 Mr. Bryant said she'd be looking at the resolution and staff report and the
34 attachments, those standard plans and the photos would all be attached to the
35 staff report.

36
37 Chair Kellman asked if they can say somewhere the application is conceptual?
38 It's not clear what design the Commission would be approving? They can
39 approve a concept.

40
41 Ms. Henderson suggested in Attachment C, Conditions of Approval, under
42 Condition 2, where it says "this approval is preliminary and subject to final review
43 upon completion of specific plans for the project," if you added a second
44 sentence that said, "No building permit shall be issued until Planning
45 Commission approval of final plans."
46

1 Chair Kellman said that's fine, but what about the public perception, particularly
2 that of architects that appear before the Commission of the City coming in and
3 getting approval without showing a design?
4

5 Vice Chair Keller said "trust me, I'll come with a design that you like."
6

7 Chair Kellman said that's right. She is really loathe to do that. She's willing to do
8 a conceptual approval based upon the series that was named, something that is
9 called out in the conditions of approval.
10

11 Mr. Bryant suggested in Condition 1, "Approval of this application is conceptual
12 and limited to the documents submitted for parking lot booth, including all
13 documents attached to staff report dated January 9, 2008."
14

15 Mr. Teachout suggested that either Condition 1 or 2 be modified to reference the
16 following: "This is an approval of a parking lot booth as depicted by Big B
17 Enterprises, Ocean Park Series, or equivalent." That way when you're doing
18 contracts, even though they are referencing Big B, they've got that wiggle room if
19 they award it to some other vendor, but it will have the themes consistent with
20 that Ocean Park theme.
21

22 Chair Kellman said she likes that addition as well as the one suggested by Mr.
23 Bryant about final building approval. So that way there is something for the
24 Commission to approve, and it has to come back to the Commission before final
25 building permit.
26

27 Commissioner Bair said he agrees with what Chair Kellman is saying, but they're
28 halfway through the winter and it seems there's some opportunities with this
29 booth, some of which have been suggested in terms of replacing things,
30 sustainable issues, outlets for electrical vehicles. There's also another option.
31 They're talking about putting this booth in a different placement that would allow it
32 to be somewhat bigger and they could maybe have money generating operations
33 if they were to extend it just a little bit more on one side, and maybe put a
34 concession in on the other side. He's just wondering, they started with a parking
35 booth but there may be other options available to the City in this process. It's
36 January now, there's a mindset to go with a parking booth when maybe there's
37 some other things that the City should be thinking about before they spend the
38 money on this. Maybe not a concession, but more storage for Jazz and Blues
39 because during the summer the City's bringing in storage units and maybe this is
40 an opportunity to build in a little bit more permanent storage unit.
41

42 Mr. Bryant said all of those are great ideas, but those kinds of questions are
43 really operational questions that the Council and the City should think about and
44 what's before the Planning Commission is really the design of what the City and
45 Council have proposed. To the extent that they're talking about increasing

1 operations and maybe doing concessions and things, that's out of the purview of
2 what the application would be for.

3
4 Commissioner Bair said he understands, but they're on the level of concept, and
5 it's coming to the Commission only under the narrow reasoning of, "We need a
6 new parking booth," and the reasons for the new parking booth is that it may not
7 make it through the winter, but no matter how quickly they move, it may be spring
8 already. He's just thinking there may be some other options out there.

9
10 Chair Kellman said Commissioner Bair's brought up two good points. He's talking
11 about the use of the structure and as Mr. Bryant pointed out, the Commission
12 can't tell an applicant what they should be building in a site, so if they just want a
13 parking structure as opposed to a concession stand, so be it; although now
14 would be the time and some members of the Commission are expressing an
15 interest in seeing whether or not politically there's a will for that. And then there
16 are also the design review aspects to it, of do we want to look at solar
17 installation, placement, storage? Again, the Commission can't force someone to
18 build something larger than they want to, but the Commission can request that
19 some thought be given to alternative energy sources.

20
21 Mr. Bryant said also this does have to go through a process where the Council
22 will have to approve the allocation, so there's still an avenue to convey that
23 information. His point simply is that what he wouldn't want to see happen is the
24 planning application get saddled with that because he's not sure if it's appropriate
25 to a design review application, either now or later, but as they go through the
26 process, bringing these issues forward for the Council consideration when they
27 actually allocate the dollars to do this, is reasonable.

28
29 Commissioner Petersen said he would support Commissioner Bair on adding
30 storage rather than having to truck in a storage unit and park it right there, which
31 looks awful.

32
33 Chair Kellman asked if Commissioner Petersen or Commissioner Bair would be
34 willing to attend the City Council meeting when it comes up then and express
35 that.

36
37 Commissioner Petersen said he would.

38
39 Commissioner Bair said it just seems to him it's one of those things that should
40 be discussed. The applicant is "us," it's the City, if it was a private landowner he
41 would probably have the same concerns in that the Commission can't dictate, but
42 at the same time the Commission is at least in the position that it can make its
43 wishes known, and if that's the appropriate way to do it, that would be great.

44
45 Chair Kellman said thanks for the input. Staff can keep the commissioners
46 apprised of when the Council reviews it.

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02/15/08

Council Members;

This is just a quick note in regard to some generalities about land use in the city limits, but particularly as they apply to the 160 Curry subdivision appeal on your agenda for the 26th of February.

The Planning Commission chose to deny the application by Will Revilock to subdivide his property at 160 Curry. For myself, I found this property to be perfect for such a subdivision. The application was denied primarily because the applicant was unable to provide the commission with all of what is required for the approval of a final map for the subdivision. Commissioner Bill Keller and myself believed that, since we were only voting on the tentative map that evening, that the applicant should be approved to move on to the next steps and provide what is required of the city in due time and commensurate to what is required at each step.

In the bigger picture, however, I want to comment on the idea of lot subdivision. Sadly, our population on the West Coast continues to grow and land values continue to climb. The simple fact of population growth means that more housing is needed, and will, in one way or another be provided. If so, then we are faced with a decision; either we lose our open spaces to development outside of city limits, or we judiciously plan for increased density within city limits. It has to be one or the other. The more protective we are of our current urban density, the more we end up promoting sprawl. For myself, I would much rather see the open spaces between urban centers be left alone as much as possible and the urban centers be the place of growth—if indeed the population must continue to grow. Better still it not continue to grow, but that is another battle altogether. Many of the concerned neighbors around this property cited objections based on historic precedent. It is true that there were once CC&Rs for this area written in the 40s, for Toyon Terrace, I believe, with the intent of keeping lots large and density low. But these were written in a day when we did not face the sheer quantity of humanity that we share this earth with in our present day. I wish it were not so, but I don't think we have the luxury of upholding these kinds of post-war ideals any more.

This particular lot sits in a bowl and is ideal for subdivision because of its extremely low impact on the neighborhood and it is large enough to make two legal lots after subdivision. The shared driveway with no garage along the street frontage is yet another benefit of this site. In the future we will need to continue to look for opportunities for increased density within our city limits if we want to preserve California open spaces and conserve energy by coalescing and focusing our growth—as well as to provide more affordable housing. It is doubtful we will have many such perfect properties for subdivision in that future than this.

Thank you for your time and attention.

Barry Peterson, Architect.



SA
177

Brent Schroeder

From: Elizabeth O'Keefe [esokeefe@mac.com]
Sent: Tuesday, February 12, 2008 7:20 AM
To: Brent Schroeder
Subject: Subdivision at 160 Currey Avenue

Importance: High

Elizabeth S. O'Keefe
25 Platt Avenue
Sausalito, California 94965
415-331-9388

February 12, 2008

Mr. Brent Schroeder
Sausalito Planning Commission
420 Litho Street
Sausalito, California 94965

Dear Mr. Schroeder,

Please uphold the decision to deny approval by the Sausalito Planning Commission to subdivide the property at 160 Currey Avenue.

I have lived in my home since 1995 and have been surrounded by homes in various states of remodeling, (I'd call it construction), in my neighborhood for the entire time. These homes have been on either side of me and above me. The construction has been ongoing for the better part of the last 13 years. Trucks block driveways and streets. Workers leave debris and discarded food and food wrappers and drink cups everywhere. I have had a planted rose bush pulled out of the ground, (stolen), and removed from my property by workman. I have suffered numerous flat tires from nails discarded on driveways and streets. I have kindly granted access to contractors working on these homes through my front stairs and side stairs a and driveway only to have them all left in disrepair to be fixed at my expense.

Truck drivers speed down the streets despite neighbors jogging or walking with their children and dogs. They do not follow the rules of the road and often forcefully drive up against the oncoming cars going uphill, forcing them to back down the hill or pull in to driveways and give the right away to the large trucks. They do this without so much as a nod of a thank you.

It is indeed disruptive and disquieting and very annoying.

I bought my home in this neighborhood because it seemed in tune with nature, quiet and serene. We just don't need any more houses. Houses are tightly packed together as it is and this neighborhood doesn't need another two years or so of construction noise and the problems I've described above.

Please uphold the decision to deny.

I'm sure that the property owners are very nice people. I hope they will appreciate why they bought the property in the first place. I'm assuming they didn't buy it just to tear it down and develop it.

Thank you for considering my position on this matter.

Sincerely,

Elizabeth S. O'Keefe

February 12, 2008

Brent Schroeder
Associate Planner
Sausalito Planning Commission
City of Sausalito
420 Litho Street
Sausalito, CA 94965

RECEIVED

FEB 14 2008

CITY OF SAUSALITO

Subject: 160 Currey Ave Subdivision

Dear Mr. Schroeder:

The purpose of this letter is to express my strong objection to the proposed subdivision at 160 Currey Avenue in Sausalito. The main reason I object is that putting two houses where there is now one will adversely affect the character of my neighborhood by increasing housing density well beyond what is now typical in this part of town. What difference can one more house make, after all what's the harm of squeezing just a few more residents and cars into this wonderful neighborhood? There is a limit and we are at that limit now. Incremental development and expansion would eventually degrade the Toyon Terrace environment. I want to preserve the nature and character of this area that attracted us to live here in the first place.

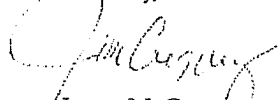
Here are some relevant facts I've extracted from the survey map dated 5/31/07 provided by your department:

- There currently are 57 lots in Toyon Terraces
- The average lot size is 14,062 sf.
- Some lots also include "open space" which if included raises the average to approximately 15,000 sf.
- The lot size of 160 Currey is 17,835 sf
- If 160 Currey is divided into two equal lots each would be 8918 sf.
- These new lots would be smaller than 46 out of the existing 57 lots.

The proposed new lots would be smaller than over 80% of the existing lots in the neighborhood! There are more than 10 additional lots, including mine, that are larger than 160 Currey Avenue. The proposed subdivision would set a precedent and encourage other developers to find other lots here to cut up.

While I am speaking only for myself and my family, the proposed subdivision also is very unpopular among my neighbors. I urge the city to reject the applicant's appeal and to sustain the rejection of the proposed subdivision. Please feel free to contact me if I can be of any assistance in this matter.

Sincerely,



James M. Gregory

PERSON BUILDERS

Monte L Person
215 Currey Lane
Sausalito CA 94965-1810
(415) 332-7375

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FEB 14 2008

CITY OF SAUSALITO

February 13, 2008

Brent Schroeder
City Of Sausalito
420 Litho Street
Sausalito, CA 94965

Dear, Brent Schroeder

After reviving the proposed subdivision at 160 Currey Avenue again. I do not want it built.
Please deny it again.

Sincerely,


Monte L. Person

SA
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I am writing concerning the proposed lot split at 160 Currey Avenue. The issue has been denied twice by the planning commission, and I urge you to uphold that ruling.

During the hearings neighbors from Currey Lane, Crecienta, Vista Clara, Platt, and Toyon spoke about the detrimental effect that splitting would have on the entire area. Two small houses are not in character with the larger wooded houses that make up the rest of the subdivision.

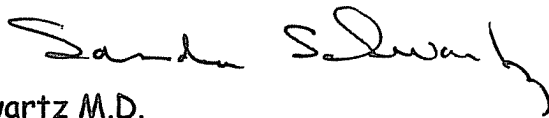
The only person to speak in favor of the project was the owner of the property.

There are severe drainage problems on the property, and the owner would need the permission of his downhill neighbor for drainage right of way. If two parcels are granted the set backs are violated, and there are issues with the fire department turn around. Quality of life issues speak to themselves. We, as neighbors, feel that the owner has been less than honest. His issues, and designs change with every meeting, and he has made no secret of the fact that he is "Flipping". There will be more traffic on an already narrow street. Light and sound will carry through out the canyon. The "non resident" neighbor who shares a property line with this parcel has already said that she, will also split her lot, if this is passed. Suddenly, where there were two houses, there are now four. This is a bad precedent to set for the city.

Interestingly....None of the neighbors has a problem with a large house of, say 4,000 sq ft. being built on this lot as that would maintain the character of the neighborhood.

Please deny the appeal of the owner at 160 Currey Avenue.

Thank you,



Martin Schwartz M.D.

Sandra Schwartz

235 Currey Lane, Sausalito Ca.

331-4564

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FEB 14 2008

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT.

5A
182

Brent Schroeder

From: Chris Visher [chrisvisher@comcast.net]
Sent: Thursday, February 14, 2008 10:42 AM
To: Brent Schroeder
Subject: Subdivision at 160 Currey Avenue

Dear Mr. Schroeder: I write in support of the Planning Commission's denial of the proposed subdivision at 160 Currey Avenue. The proposed subdivision is inconsistent with what I understand is the general intent of the subdivision ordinance, which is that lots should be divided in a straightforward, uniform manner. The owner in this case has "gerrymandered" the lot so that it meets the technical square footage requirements. But would lots of this shape have been approved as an original matter? I doubt it, and if that's the case why should the rules be different for a subdivision? Additionally, the lot is at the top of a steep ravine. As the owner of a house on Toyon Lane, which crosses the ravine below the proposed subdivision, I'm concerned about an increase in the flow of water in the ravine, creating the possibility of flooding or earth movement. The proposed subdivision creates small lots that are clearly inconsistent with the fairly large lots characteristic of the neighborhood. Finally there is a traffic issue. If you assume that there would be just two vehicles associated with the new lot and that each vehicle made an average of just one trip in and out of the neighborhood per day that's an additional 730 trips over Currey Avenue and/or Crecienta Drive, both of which are small streets not suited to additional traffic. The Planning Commission has considered this proposal carefully and at great length. Its decision should not be overturned absent some compelling rationale, and there is no such rationale. I strongly urge the Council to uphold the Planning Commission's determination. Sincerely, Christopher N. Visher, 66 Toyon Lane, Sausalito, CA.

SA
183

Grace de Laet
27 Vista Clara Dr.
Sausalito, California 94965

RECEIVED
FEB 19 2008
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

February 14, 2008

Mr. Brent Schroeder
Associate Planner
Sausalito Planning Commission
420 Litho St.
Sausalito, Ca. 94965

Dear Mr. Brent Schroeder,

I have voiced my opinion as a homeowner here in Sausalito a number of times on the 160 Currey Ave proposed subdivision.

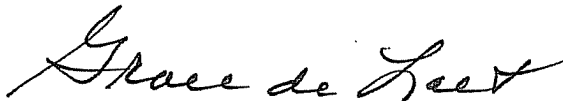
As, in the past, I totally concur with the Sausalito City Council in denying this ridiculous development to take place.

We have had a quiet, civil neighborhood for a number of years and this would be most disruptive to all of us living here.

What more do we have to do to stop this?

Thank you for considering my thoughts.

Sincerely,



Grace de Laet

JOSEPH MASTERS
15 Toyon Lane
Sausalito, CA 94965

February 18, 2008

Mr. Brent Schroeder
Associate Planner
City of Sausalito
420 Litho Street
Sausalito, CA 94965

Via Facsimile: (415) 339-2256

SUBJECT: 160 Curry Avenue Subdivision

Dear Mr. Schroeder:

I recently acquired the home at 15 Toyon Lane in Sausalito and so have not been involved in the City's earlier consideration of the requested subdivision of 160 Curry Avenue. I understand that the City Council will be considering an appeal of the City's earlier denial of the subdivision on February 26th. I will be traveling and unable to attend but I want to tell you of my concerns. I do feel that converting large lots into smaller lots is inconsistent with the "style" of the neighborhood as originally set out in the covenants for Toyon Terraces. While the lot may meet the strict square footage requirements for a subdivision, given the topography the buildable area is much smaller and subdividing would necessarily create "massing" issues. More importantly, as a "downslope" property holder, I am very concerned about increased runoff generated by larger "hard" services. As you can imagine the recent storms have created problematic flows even given the current development situation.

Thank you for your consideration.

Very truly yours,



SA
185

JOSEPH MASTERS
15 Toyon Lane
Sausalito, CA 94965

February 19, 2008

Mr. Brent Schroeder
Associate Planner
City of Sausalito
420 Litho Street
Sausalito, CA 94965

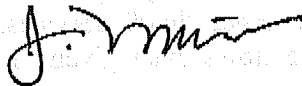
Via Facsimile: (415) 339-2256

SUBJECT: 160 Currey Avenue Subdivision

Dear Mr. Schroeder:

Last evening I received the "Notice of Public Hearing", copy attached. Among other things, the notice provides that subsequent court challenges to the application may be limited to issues previously raised so, accordingly, I am supplementing my letter of February 18th. In the event the proposed subdivision requires easements across my property, utility, drainage or otherwise, I will not grant such easements. Again thank you for your consideration and for your convenience, another copy of my February 18th letter is attached.

Very truly yours,



SA
186

Brent Schroeder

From: Sierra Russell
Sent: Tuesday, February 19, 2008 10:43 AM
To: Brent Schroeder
Subject: FW: 160 Currey Comment

-----Original Message-----

From: Joe Paulino [mailto:joe@4joe.com]
Sent: Tuesday, February 19, 2008 8:43 AM
To: Sierra Russell
Subject: 160 Currey Comment

Just a quick note to say that we wholeheartedly support the Planning Commission's denial of the the subdivision at 160 Currey. We agree with the Commission as it initially ruled: this project is not in character with the neighborhood. We've lived in the Monte Mar Vistas subdivision for many years now, and truly cherish the spaciousness of it and the surrounding area. Allowing Mr. Revilock to move forward with his application would set a bad precedent, ultimately making this area less of a residential neighborhood and more of a breeding ground for speculative, density-increasing development that will ultimately destroy the reasons that most of us moved here. Thank you so much for doing your job. I know it's not easy, but it's certainly appreciated.

Joe Paulino
Juline Beier
22 Crecienta Lane

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187

February 18, 2008

Sierra Russell
Associate Planner
City of Sausalito
420 Litho Street
Sausalito, CA. 94965

RECEIVED

FEB 20 2008

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT.

RE: Proposed Subdivision at 160 Currey Ave.

Dear Sierra,

My name is Pat Glagola and I live across the street from the proposed subdivision at 2 Crecienta Dr. I am against the proposed subdivision for the following reasons.

The Tentative Subdivision Map is incomplete and has failed to meet the criteria set forth in the Sausalito Subdivision Ordinance. The owner has not obtained easement rights for a gravity flow sewer and drainage as recommended by City Engineer Todd Teachout. There is also no evidence that the owner has communicated with the downhill neighbors to secure any future easement rights.

The subdivision is not in keeping with the character of the neighborhood. When this development was originally approved by the City of Sausalito, it was meant to be a neighborhood of large spacious lots. The average lot size is approximately 12,000 square feet. If you allow this lot to be subdivided, the two resulting 8,000 square foot plus lots and the smaller homes that would be made to fit on them would not be in keeping with the character of the neighborhood.

This proposed subdivision will, if approved, set a precedent for future development. There are nine lots in Toyon Terraces that are over 16,000 square feet, two are over 25,000 square feet. By using the 8,000 square foot minimum, a total of eleven more homes could be squeezed into this neighborhood. This would certainly ruin the character of the neighborhood and have an adverse effect on an already overstrained infrastructure.

There is not one person that I know of in the surrounding neighborhood that is in favor of this proposed subdivision. Initially he had garnered support from a few neighbors, but once the scope of his proposal was realized, they all withdrew their support.

I spoke with Mr. Revilock at the January 9, 2008 Planning Commission hearing and he assured me that he had changed his mind about trying to subdivide this property. He told me he was just going to build a single family dwelling on this property and showed me a new drawing showing just one

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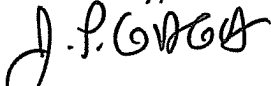
February 18, 2008

Page 2 of 2

large home on the site plan. He said he had never designed and built a large custom home before that he and his family could live in. I commended him on his decision in finally trying to comply with the wishes of his neighbors and his neighborhood and that I would support his new endeavor. I was very surprised to learn that Mr. Revilock was appealing the decision by the Planning Commission after what he had told me.

I thank the Sausalito Planning Commission and its staff for all the hard work that was done in reaching the correct decision to deny the approval of this proposed subdivision.

Sincerely,


Pat Glagola

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189

Sierra Russell

From: bpfeeney@aol.com
Sent: Wednesday, February 20, 2008 11:28 AM
To: Sierra Russell
Subject: 160 Currey Ave. lot-split

Dear Sausalito City Council,

I am writing to protest the subdivision of 160 Currey Avenue. I know that if it is allowed that there are other property owners who will follow suite. Already the owner of the adjacent property at 220 Currey Lane has voiced an intent to do same.

The neighborhood is unique but not unlike the Santa Rosa and Harrison Avenue areas in that the lots are larger than average. This is what makes this area beautiful don't destroy it.

I have lived in Sausalito for 37 years and on Currey Lane for the last 21 years. I have seen a great deal of development in the city in that time most of which has been an enhancement. One thing that has become all too obvious is the increased density first of housing followed by the number of cars on the street. It has become next to impossible to navigate this city. I have delivered mail here for 36 years as a postal employee and speak with daily experience.

Thank you.

Sincerely,
Bernard P. Feeney
290 Currey Lane
Sausalito, Ca. 94965

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5A
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