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SAUSALITO PLANNING COMMISSION
Wednesday, December 4, 2013
Approved Summary Minutes¹

Call to Order

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

Present: Chair Joan Cox, Vice-Chair Bill Werner, Commissioner Susan Cleveland-Knowles, Commissioner Stafford Keegin, Commissioner Vicki Nichols.

Staff: Community Development Director Jeremy Graves,
Associate Planner Heidi Scoble, Contract Planner Rafael Miranda,
City Attorney Mary Wagner

Approval of Agenda

Commissioner Cleveland-Knowles moved and Vice-Chair Werner seconded a motion to approve the agenda. The motion passed 5-0.

Public Comments On Items Not on the Agenda

None.

Approval of Minutes

November 6, 2013 November 13, 2013

Commissioner Cleveland-Knowles moved and Commissioner Nichols seconded a motion to approve the action minutes for November 6, 2013. The motion passed 5-0.

Commissioner Cleveland-Knowles moved and Commissioner Nichols seconded a motion to approve the action minutes for November 13, 2013, as amended. The motion passed 4-0-1 (Abstention – Werner).

Public Hearings

Declarations of Planning Commissioner Public Contacts

Commissioner Nichols disclosed that on the McGwire Residences project (Item 4) she met with applicant Peter and Pam McGuire to review their plans, met separately with neighbor Kim Stoddard to review illustrations, and received an email from Paul Albritton, without discussing the merits of the application.

¹ A video recording of this meeting is available at: <http://www.ci.sausalito.ca.us/>.

1 Commissioner Keegin disclosed that on the McGuire Residences (Item 4) he met
2 with separately with Peter McGuire and Kim Stoddard to review photographs,
3 plans and similar material and received an email from Paul Albritton without
4 discussing the merits of the application.
5

6 Chair Cox disclosed she had received emails and telephone calls with Robert and
7 Karen Soloman about the Planning Commission process regarding the Solomon
8 Residence project (Item 3).
9

10 Chair Cox disclosed she had a conversation with Michael Rex regarding the Reilly
11 ADU (Item 1).
12

13 Chair Cox disclosed she had met with Peter McGuire and Marty Zwick together
14 and Kim Stoddard and Michael Rex each separately regarding the McGuire
15 Residences (Item 4).
16

17 Vice-Chair Werner disclosed he had met with Marty Zwick to review the plans and
18 later with Peter McGuire and Kim Stoddard separately and received an email from
19 Paul Albritton regarding the McGuire Residences (Item 4) without discussing the
20 merits of the application.
21

22 Commissioner Cleveland-Knowles disclosed she had met with Peter and Pam
23 McGuire and separately with Kim Stoddard regarding the McGuire Residences
24 (Item 4).
25

- 26
27 1. **CUP/TRP 13-182, Conditional Use Permit, Tree Removal Permit, Reilly, 60**
28 **Atwood Avenue.** Conditional Use Permit to construct a new Accessory Dwelling
29 Unit (ADU) with an exception to the parking standards and a Tree Removal
30 Permit for the property located at 60 Atwood Avenue (APN 065-211-28).
31 Continued from the November 6, 2013 meeting.
32

33 The continued public hearing was reopened.
34

35 Contract Planner Miranda provided a PowerPoint presentation on the project.
36

37 Planning Commission questions to staff followed.
38

39 The public testimony period was opened.
40

41 The applicant, Michael Rex of Michael Rex Associates, made a presentation.
42

43 Planning Commission questions for Mr. Rex followed.
44

45 **Public Comments:**

46 Proponents: None.

47 Opponents: Laura Abramson
48

49 The public comment period was closed.
50

1 Planning Commission comments followed.

2
3 **Vice-Chair Werner moved and Commissioner Cleveland-Knowles seconded a**
4 **motion to approve a Conditional Use Permit and Tree Removal Permit for 60**
5 **Atwood Avenue, subject to the following amendment:**

- 6 • **Under the third Whereas Clause of the Resolution the phrase, “and**
7 **December 4th,” shall be added after, “The Planning Commission**
8 **conducted a duly noticed public hearing on October 30th.”**

9
10 **The motion passed 5-0.**

11
12 The public hearing was closed.

- 13
14 **2. DR/VA 05-069, Design Review Permit, Variance, Abbassi, 315 North Street.**
15 Request for an amendment of the Conditions of Approval for the previously-
16 approved Design Review Permit and Variance for the property located at 315
17 North Street (APN 065-235-17). Continued from the November 6, 2013
18 meeting.

19
20 The continued public hearing was reopened.

21
22 Contract Planner Miranda provided a PowerPoint presentation on the project.

- 23 • Late mail correspondence from Michael Rex of Michael Rex Associates to
24 Barry Peterson of Studio 300A Art & Architecture was received on November
25 27, 2013.

26
27 The applicant, Michael Abbassi, made a presentation.

28
29 Planning Commission questions for Mr. Abbassi followed.

30
31 Planning Commission questions for staff followed.

32
33 **Public Comments:**

34 Proponents:

35 None

36
37 Opponents:

38 Jonathan Leone

39 Michael Rex

40
41 The applicant, Darius Abolhassani of DAC Associates, made rebuttal comments.

42
43 Planning Commission questions for Mr. Abolhassani followed.

44 The applicant, Michael Rex of Michael Rex Associates, made rebuttal comments.

45
46 The public testimony period was closed.

47
48 Planning Commission questions for staff followed.

1 The public testimony period was reopened.

2
3 Planning Commission questions for Barry Peterson of Studio 300A Art & Architecture
4 followed.

5
6 Planning Commission questions for staff followed.

7
8 Planning Commission comments followed.

9
10 Staff comments followed.

11
12 **Chair Cox moved and Commissioner Cleveland-Knowles seconded a motion to**
13 **approve a Design Review Permit and Variance for 315 North Street, subject to the**
14 **following additional Conditions of Approval:**

- 15 • **Require the fulfillment of the landscape plan approved in January 2007.**
- 16 • **Require the submission by the applicant of construction drawings**
17 **containing a drainage plan that addresses each of the elements of the**
18 **drainage scheme contained in the application approved by the Planning**
19 **Commission in January 2007 and that addresses the existing conditions**
20 **at the property, specifically the surface water and groundwater.**
- 21 • **After-the-fact approval of the parking deck as constructed.**

22
23
24 **Commissioner Keegin requested the motion be amended to include the**
25 **requirement that a civil engineer prepare the drainage plans.**

26
27 **Chair Cox accepted the amendment to the motion.**

28
29 **The motion passed 5-0.**

30
31 The public hearing was closed.

- 32
33 **3. DR 13-184, Design Review Permit, Solomon, 130 Prospect Avenue.** Design
34 Review Permit for an increase in roof height to allow for the installation of an
35 elevator in an existing single-family residence located at 130 Prospect Avenue
36 (APN 065-191-63).

37
38 The public hearing was opened.

39
40 Contract Planner Miranda provided a PowerPoint presentation on the project.

41
42 The public testimony period was opened.
43 The applicant, Jacques Ullman, made a presentation.

44
45 **Public Comments:**

46 Proponents:

47 Robert Solomon

48 Brian Clark

1 Opponents:

2 None.

3
4 The public testimony period was closed.

5
6 Planning Commission comments followed.

7
8 **Vice-Chair Werner moved and Commissioner Cleveland-Knowles seconded a**
9 **motion to approve a Design Review Permit for 130 Prospect Avenue.**

10
11 **The motion passed 5-0.**

12
13 The public hearing was closed.

- 14
15
16 **4. DR/TM/CUP/TR/EA 13-071, Design Review Permit, Tentative Minor**
17 **Subdivision Map, Conditional Use Permit, Tree Removal Permit,**
18 **Encroachment Agreement, McGuire, 60/62 Marion Avenue.** Design Review
19 Permit for the construction of two detached single-family dwellings on a single
20 parcel, a Tentative Minor Subdivision Map to subdivide the parcel into a
21 common interest development for a condominium with two units and one
22 common area, Tree Removal Permit to remove 18 protected trees, and
23 recommendation for City Council approval of an Encroachment Agreement to
24 construct driveway area and related site improvement in the public right-of-way
25 fronting 60/62 Marion Avenue (APN 065-292-23).

26
27 The public hearing was opened.

28
29 Associate Planner Scoble provided a PowerPoint presentation on the project.

30
31 Commission questions and comments for staff followed:

- 32
- 33 • You are comparing a single-family residence at 60 Marion to a duplex at 40-42
34 Marion. *Staff responded they are trying to demonstrate mass and scale and*
35 *are looking at the size of the various structures, not the floor area per unit.*
 - 36 • If the parking space for which a Conditional Use Permit is being requested for
37 tandem parking is not required and parking space is on the carport apron, why
38 is there are CUP required for that? *Staff responded the Zoning Ordinance*
39 *requires a CUP for tandem parking.*
 - 40 • Is this site a slide area? *Staff responded the City has no formal records of a*
41 *slide in this area and the General Plan does not identify any hazards in that*
42 *area.*
 - 43 • Is the area that the neighbor at 66 Marion believes to be a slide area outside of
44 the project footprint? *Staff responded yes. There is some subtle cracking of*
45 *Marion Avenue, but a preliminary geotechnical report identifies that the*
46 *composition of the soil within the public right-of-way is less stable than that on*
47 *the project site. The benefit of this project is the applicant is proposing to widen*
48 *Marion Avenue so the roadway fronting the project site will be structurally*
49 *engineered and that portion of the road will be stable.*
- 50

1 The public testimony period was opened.

2
3 The applicants, Peter McGuire and Marty Zwick, made a presentation.

4
5 Michael Rex indicated the following:

- 6 • He represents the McGuire's neighbor, Kim Stoddard, at 66 Marion, who is the
7 most impacted neighbor.
- 8 • The carport roofs and the entryways at the street level create excessive
9 heights that are exaggerated by the four-story stair towers, which is
10 unnecessary. Many downhill homes in Sausalito have only car decks with
11 steps down to the front door.
- 12 • The first two levels have 9-foot ceilings and the upper levels have 10-foot
13 ceilings plus peaked roofs with an extra 4 feet. Removing that 4 feet and the
14 car deck roofs would bring these four-level buildings down by 8-10 feet. A 12-
15 foot wide storeroom on top of a three-story building that is 7 feet above the
16 height limit is not accepted in the Zoning Ordinance. They ask that the carport
17 roofs be removed and the entryways lowered, because these buildings are so
18 tall that there is no way to screen the upper levels.
- 19 • Ms Stoddard has asked from the beginning that her light not be blocked. It is
20 the unnecessary carport roofs and stair towers that block her light.
- 21 • They ask that the skylight facing Ms. Stoddard be removed, because the light
22 will wash up onto the bedroom wall. Mr. Zwick has indicated a sunshade will be
23 put there, although it is not on the plans. If a sunshade is utilized they ask that
24 it be a Condition of Approval that it be automatically controlled to close every
25 night.
- 26 • The landscaping plan does not call out the tree sizes. The arborist's report
27 indicates the Bay Laurels need to be removed because they are a fire hazard,
28 however they are screening trees. The Bay Laurels are not shown on the
29 landscaping plan, meaning even more trees would be removed than indicated.
30 They ask that a detailed landscaping plan be prepared, particularly one that
31 shows planting.
32

33
34 Kim Stoddard, 66 Marion Avenue, indicated the following:

- 35 • She will be the neighbor most seriously impacted by the subject project.
- 36 • The project site is on one of the steepest slopes in Sausalito, a site that was
37 designated as a slide zone by the City.
- 38 • The West Wing House is being built directly over the slide zone.
- 39 • The 40 foot high retaining wall is directly over her bedroom and is of particular
40 concern to her. She believes it is dangerous on an active fault line.
- 41 • The project has an urban design with peaked roofs and decks of unknown
42 material and colors.
- 43 • The towers on the East Wing House block her sun and are not in scale or in
44 character with the neighborhood's smaller structures and downward patterns of
45 development. The proposed structures are 4,659 square feet on one lot as
46 opposed to the other single-family dwellings that average 1,579 per lot, 66%
47 larger.
- 48 • The proposed structures are concentrated on a steep hillside where only half
49 the lot is buildable, so the visual impact dwarfs the lower structures.
50

1 Robert Beifuss, 66 Marion Avenue, indicated the following:

- 2 • The proposed project is totally out of character with the neighborhood and
- 3 would set an irreversible precedent for further expansion.
- 4 • That Mr. McGuire's is within his zoning rights to build two large houses does
- 5 not make it right.
- 6 • One house on the property would be the most appropriate choice and would
- 7 address most of the issues of parking, scale and density, limiting the loss of
- 8 trees, and slide zone concerns.
- 9 • If the Commission allows for two houses the square footage should be limited
- 10 to a total of 3,000 square feet.
- 11 • The idea of backing into the parking spaces is completely unenforceable.
- 12 • He agrees with Mr. Rex that it would be impossible to screen the upper levels
- 13 and he believes it would be almost impossible to screen the lower levels as
- 14 well because of the steepness.
- 15 • The trees proposed for planting would need to be small when they go in,
- 16 because anything larger than 15-gallon tree would require a crane to drop them
- 17 in. He also cannot image what trees would grow there because of the lack of
- 18 sun.
- 19 • He has letters from other neighbors who could not attend the hearing that he
- 20 will submit to staff.
- 21
- 22

23 Leslie Gordon indicated the following:

- 24 • She is not directly affected, but is concerned about the size and scope, density
- 25 and height, and the precedent such a mega-home would set. If this project is
- 26 approved with its many objections what would then be the basis for denying
- 27 another large project? She strongly objects to starting down such a slippery
- 28 slope, especially considering Mr. McGuire owns three other lots in Sausalito
- 29 and may want to build the same type of structures on them as well.
- 30 • The structures are out of scope and do not fit in with the other two-story and
- 31 much smaller homes in the neighborhood, especially with the large towers.
- 32

33 Sarah Slaughter, 97 Marion Avenue, indicated the following:

- 34 • She owns a duplex at 95 and 97 Marion Avenue.
- 35 • The two large and out of character structures massed on one part of the slope
- 36 will set a precedent that no one will be able to stop.
- 37 • Because the City has lost the records of the I-beams dropped into Marion
- 38 Avenue 15-20 years ago she hopes that civil engineers who look at this project
- 39 will try to figure out what is in the street before they touch it. The separation on
- 40 the street occurred after the I-beams were installed.
- 41 • The project is too large, even larger than the last proposed project that was
- 42 refused. This would set a precedent for someone being able to force someone
- 43 out of a construction project so they can buy the property and propose an even
- 44 larger project.
- 45
- 46

47 Jorge Lee, 108 Marion Avenue, indicated the following:

- 48 • He is concerned about the construction of this project that may cause a
- 49 landslide, which would land lock he and his neighbors.
- 50 • He has slides of two projects under construction to explain how the piles work.

- 1 • The equipment required to excavate this site is huge and there is no place to
2 put the off-haul earth on this site.
3

4 Angelique Pera, 92 Marion Avenue, indicated the following:

- 5 • Mr. McGuire is a cooperative neighbor committed to being in the community
6 and has done a lot to mitigate the problems from the last application for this
7 site.
8 • Her architect looked at the project plans and he thought it was reasonable and
9 would bring up the property values in the community.
10

11 Linda Carruthers indicated the following:

- 12 • She is Mr. McGuire's land surveyor.
13 • With respect to a possible slide, she has gone over the property and the only
14 area that would possibly be a danger would be at the road cut.
15

16 Chris Sidner, 88 Marion Avenue, indicated the following:

- 17 • She has lived in her neighborhood for 12 years and supports the project.
18 • When Mr. McGuire bought the subject property he wanted to ensure all
19 community objections were mitigated and that the project was compatible with
20 the neighborhood. She has reviewed the project plans and believes he has
21 reached those goals.
22 • She thinks the project plans are conservative and the houses are not out of
23 scale and character.
24

25 David Simoni, 48 Marion Avenue, indicated the following:

- 26 • He lives next door to the proposed project.
27 • He can attest to Mr. McGuire's excellent outreach.
28 • He read a letter from David Demarest, also of 48 Marion Avenue, in support of
29 the project.
30

31 Paul Albritton indicated the following:

- 32 • He has been a neighbor of Mr. McGuire for over 25 years.
33 • Mr. McGuire has done a thorough job of contacting neighbors and revising his
34 plans to accommodate all their concerns.
35 • The proposed 2,500 and 2,100 square foot homes are very modest and help
36 keep a diversity of home sizes in the neighborhood.
37

38 Nina Solomina indicated the following:

- 39 • She supports Kim Stoddard of 66 Marion Avenue.
40 • Ms. Stoddard is already affected because there is not a lot of light during the
41 day, leading to mold and mildew on her home.
42 • The story poles and sun studies done on March 21st and September 22nd show
43 how Ms. Stoddard will have her sun blocked considerably throughout the year
44 when the proposed structures are built.
45 • It is dangerous to build in a slide zone.
46 • The massive visual impact is very different from the scale of the other houses
47 in the neighborhood and will dwarf them and change the neighborhood.
48
49
50

- 1 • The four stories and peaked roofs are too high, out of character, not necessary
2 and eliminate Ms. Stoddard's morning sunlight.
3 • The proposed decks would be on the same level as Ms. Stoddard's deck and
4 would compromise her privacy.
5

6 Randy Deutsch indicated the following:

- 7 • She has been a realtor in Sausalito for 35 years and supports the project.
8 • She knows Mr. McGuire personally and does not consider him a developer.
9 • She has not heard any valid objections with respect to mass and size. The
10 proposed houses are very modest using a small percentage of the lot.
11

12 Stephanie Evans, 309 Third Street, indicated the following:

- 13 • She can see the project story poles from her home where she has lived for 22
14 years.
15 • She deeply opposes the development plans.
16 • The structures and towers are out of character and scale with the
17 neighborhood and a blight on the pristine hillside of Sausalito.
18 • The proposed replacement trees are not the same as the existing heritage
19 oaks. Removal of these oaks will increase the likelihood of serious erosion to
20 the hillside and increase the risk of mudslides during the winter rains.
21 • Marion Avenue is a narrow and somewhat dangerous road that will be made
22 worse by the increased cars plans for these huge structures.
23
24

25 Louise Thanos, 40 Marion Avenue, indicated the following:

- 26 • She does not oppose homes being built there, but she objects to the scale.
27 • She is concerned about where the construction vehicles will park and how
28 emergency vehicles will get by.
29 • She wonders if the extra road will be built before or after the construction of the
30 project.
31

32 Falussy (phonetic) Hussain, 518 South Street, indicated the following:

- 33 • She supports the project.
34 • She does not believe the structures are unreasonable.
35
36

37 Gerry Robertson indicated the following:

- 38 • The proposed four-story structures with the peaked roofs are massive.
39 • The homes in Old Town Sausalito are smaller and from a different era. The
40 neighborhood and impacts to the neighbors needs to be considered.
41

42 Bill Keller, 35 Lower Crescent, indicated the following:

- 43 • He was the Chair of the Planning Commission in 2008 when the prior owner of
44 the property brought his project before the Commission. There was
45 considerable opposition, and rightfully so, to that project, primarily from Kim
46 Stoddard and Peter McGuire.
47 • Everything that was of concern to Mr. McGuire from the previous owner's
48 application has been addressed in this current design.
49 • He does not consider the structures to be massive. He himself lives in a 1904
50

1 four-story, 2,400 square foot building that has been around a long time and has
2 not slid down the hill.

- 3 • Mr. McGuire is a reasonable person who is committed to the community and
4 would be a good neighbor.

5
6 The applicant, Marty Zwick, and Rod Roche of RWR Construction, made a
7 presentation.

- 8 • The retaining wall they propose along Marion is not 40 feet; it is mostly 10 feet.
9 At one place it goes up to 14 feet because the ground falls away. They
10 designed the drilled piers and retaining walls and had engineers work on it so
11 they know what they are up against and how to install it.
- 12 • They plan to use a tight access drill, enabling them to drill in a 3-foot square
13 space and drill the structural piers 8 inch in diameter and 24 feet deep. There is
14 no need for heavy equipment to be on the street blocking traffic or causing
15 damage; they are able to do it all right down on the site.
- 16 • Their sun study shows that when they do cast shadows on the right-hand side
17 they are cast on the ground and they do not come up to the level of Ms.
18 Stoddard's deck. The trees that are on Ms. Stoddard's property filter the light.
- 19 • They are committed to planting replacement trees carefully and accurately.
20 Their landscape architect has worked in difficult sites before and will prepare a
21 planting plan to be part of the building permit submittal.
22
23

24 Commission questions for Mr. Zwick and Scott Stephens of Miller Pacific Engineering
25 Group:

- 26 • What size will the trees be when they would first be planted? *Mr. Zwick*
27 *responded 36-inch box trees.*
- 28 • Is that for both the canopy screening trees as well as the replacement trees?
29 *Mr. Zwick responded yes.*
- 30 • Kim Stoddard's slide shows one of the houses on top of what she believes to
31 be the slide area. Can you address that? *Mr. Stephens responded they have*
32 *investigated the site by drilling moorings and providing geotechnical work. The*
33 *slide areas, if they are out there, are not significant. The retaining wall on the*
34 *road and the house itself will be retaining and supporting any slide areas that*
35 *exist. It is actually good for the house to be on top of a slide area so they can*
36 *excavate that material out, put in the drilled piers and repair the slope for the*
37 *foundation.*
- 38 • When you did your borings did they comport with Kim Stoddard's belief
39 regarding where the most serious slide zone is? *Mr. Stephens responded that*
40 *in all their borings they found 5 feet of soil and then bedrock. Their inspection*
41 *did not reveal any features that would indicate a significant slide area.*
- 42 • How deep will the piers be that are drilled to support these homes? *Mr.*
43 *Stephens responded at least 10 feet deep but it depends on the loading of the*
44 *house and earthquake loading; he estimates 15 feet deep in general.*
- 45 • There was a comment that the piers will be right on top of Kim Stoddard's
46 bedroom. *Mr. Zwick responded the distance between the Stoddard home and*
47 *the closest pier is 80 feet. Mr. Stephens responded the piers would be*
48 *vertically drilled right below the footprint of the new houses; there is no way*
49 *they would impede on the neighboring property.*
50

- 1 • Can the architect talk about the side of the home facing 66 Marion and the
2 windows and any deck on that side? *Mr. Zwick responded there are a few*
3 *windows on that side but all their sills are above 6 feet high, so there is no*
4 *privacy concern. Most of the foliage is on their property and Ms. Stoddard's.*
5 *There is no deck, only a landing for the stairs going down to grade.*
6 • Is there a deck on the house next to Ms. Stoddard? *Mr. Zwick responded there*
7 *is a deck facing the water that cannot be seen by Ms. Stoddard, nor could*
8 *people on that deck see her.*
9 • Can you address the issue raised regarding the artificial light cast by these two
10 houses? *Mr. Zwick responded there is a skylight at the top and some windows.*
11 *They have agreed to the Condition of Approval requiring blackout curtains on*
12 *an automatic clock.*
13 • What is your response to Michael Rex's requests?
14 ○ Height of 9-10 foot ceilings be reduced. *Mr. Zwick responded anything can*
15 *be reduced, however he believes these houses are proportional to what*
16 *exists in the neighborhood.*
17 ○ The storerooms above the garage be removed. *Mr. Zwick responded the*
18 *storerooms would eliminate the common problem of people using their*
19 *garages for storage and parking on the street. Staff agrees it is an*
20 *ancillary use.*
21 ○ The carport roofs be removed. *Mr. Zwick responded the carport roofs are*
22 *appropriate. There are many of them throughout the neighborhood and*
23 *theirs are better because they open up a view to Richardson's Bay where*
24 *one does not exist now.*
25 ○ Consider something other than peaked roofs. *Mr. Zwick responded in*
26 *many places articulation of massing is encouraged. These roofs are 3/12*
27 *and 4/12 pitches so they add life and articulation to the buildings without*
28 *being overbearing.*
29
30

31 The public testimony period was closed.

32
33 Planning Commission comments followed:

- 34 • There are some benefits to the neighborhood from this project, particularly the
35 widening of the road.
36 • There is no tandem parking issue. The portion that a car may scoot over at the
37 end of the carport will not touch any area that is there now, because that area
38 will become part of the road.
39 • The homes are not overly large. The way the two buildings have been
40 separated causes them to read as two buildings, not one mass. The design
41 has been sensitive.
42 • This design is workable and will look good on the site.
43 • This is the last remaining developable lot in that area, so there will not be a
44 precedent set for big houses being put side by side in the area.
45 • A detailed landscape plan will allay concerns. 36-inch box trees are big and will
46 mitigate some of the concerns.
47 • The concerns expressed do not rise to the level of denying this project.
48
49
50

- 1 • Finding 3 on the Design Review Permit and Finding 2 on the Detached
2 Dwellings cannot be made, both because of the massing. The two buildings
3 tend to read as one building instead of two.
- 4 • If the 40 foot tower, the parking shelter, the storeroom, and the slightly lower
5 tower were removed and the East Wing House roof flattened out the design
6 would not appear as massive and could be supported.
- 7 • It is difficult to make the Design Review finding with respect to adequate light
8 and air at 66 Marion. The extent to which the roofs will affect the sunlight is not
9 clear, but there is a significant chance it will occur.
- 10 • In this situation where it is a tradeoff between an existing neighbor's sunlight
11 and covering the garage, it might be best to remove the roof deck.
- 12 • The design of the peaked roof is better than a flat roof and it does not impede
13 into the sunlight as much as the roof of the parking deck.
- 14 • The size of the homes is actually small for single family homes.
- 15 • There are very few infill development sites in the City and this is a lot that can
16 absorb two homes.
- 17 • The architect has done a fine job in responding to what the Commission was
18 concerned about in terms of the design of the building. With the present
19 design, colors and materials the homes will appear as though they belong
20 there.
- 21 • The geotechnical report states, "Based on the results of our geotechnical
22 investigation we conclude that the project site is suitable for the planned
23 improvements." That view should be accepted because that is what they get
24 paid to do.
- 25 • The sun-shade studies make it clear that even at the existing height of the stair
26 tower and the parking deck there is no blockage of sunlight to 66 Marion
27 Avenue that is of any consequence.
- 28 • The roof of the parking area could be lowered, which might be enough to
29 provide some relief, if relief is necessary, but it does not need to be removed.
- 30 • With respect to how this project fits into the neighborhood, the neighborhood
31 spreads fairly far to the east where the buildings on Edwards are modest and
32 are part of that neighborhood as well.
- 33 • All the findings necessary for approval can be made.
- 34 • The design has a beautiful color scheme.
- 35 • The applicant has made the effort to minimize the required grading by fronting
36 the project along Marion.
- 37 • The applicant's inclusion of guest parking, which accommodates six parking
38 spaces and not the required four spaces, is appreciated.
- 39 • Staff's assertion that the footprint looking down is consistent with other homes
40 in the neighborhood, that there is no adverse impact on private views, and that
41 the public views will be enhanced by the removal of the shrubbery and
42 replacement with the see-through car decks is correct.
- 43 • From standing on Ms. Stoddard's deck it can be seen that some of the light
44 that now peeks through the trees will be impeded and there will be a light
45 impact.
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- The storage area in the garage does not belong, is not part of the exception to the height requirement, and it does not merit going above the 32-foot height restriction.
 - The proposed height is imposing. The fourth story should be removed or something else done to lower the buildings, such as Mr. Rex's suggestions to lower the ceiling height, adjust the roofs in some manner, or get rid of the storeroom.
 - It would not accomplish much by taking everything off the top level and would be a major change to the way that building is accessed.
 - The storage area could have its walls and doors removed, put a railing around it and use it as a place for trash and recycling bins.
 - The removal of the carport roof is an important part of reducing a massive project and would make the project better suited for the site and the neighborhood. There are very few four-story buildings in that neighborhood, if any. The rest of the project is terrific and could be supported if something could be done about the stairwell towers. Most car decks in the neighborhood have outdoor stairs that go down one flight to the front door of the house and that can be done very creatively here.

20

21 The public testimony period was reopened.

22

23 The applicant, Marty Zwick, made a presentation.

- 24
- 25
- 26
- 27
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- 29
- He agrees that covered parking is an important element of the design and he does not believe it would have a profound effect because one does not see the four floor elevation from any place. From below the car decks it could not be seen; it is only because they are required to draw a flat elevation that it is seen that way. However, they can offer to lower the carports.

30 Michael Rex indicated the following:

- 31
- 32
- 33
- 34
- The carports do not need to be at the street level. There are many examples of the driveway slope down. The top floors have 10-foot high walls plus peaked ceilings.

35

36 Planning Commission comment followed:

- 37
- 38
- It is very difficult to slope down an extension of the roadway that is supposed to handle fire trucks.

39

40 The public testimony period was closed.

41

42 **Vice-Chair Werner moved and Commissioner Nichols seconded a motion to**

43 **approve a Design Review Permit, a Tree Removal Permit, a Conditional Use**

44 **Permit, a Tentative Minor Subdivision Map, and to recommend to City Council the**

45 **approval of an Encroachment Agreement with the following amended Conditions**

46 **of Approval:**

- 47
- 48
- 49
- 50
- **The condition requiring backing into the parking stalls shall be removed.**
 - **There shall be a requirement of the Homeowners Association to maintain the visual clearance on the trees in the public right-of-way to the west of the property.**

- 1 • The carports roofs shall be reduced at least 1½ feet.
2 • Screening trees and replacement trees shall be 36-inch box trees.
3

4 **The motion passed 3-2.**

5
6 The public hearing was closed.
7

- 8 **5. CUP 13-313, Conditional Use Permit, Nadjibi, 755 Bridgeway.** Conditional
9 Use Permit for a Formula Retail establishment (Barcelino clothing store) within
10 an existing building in the Downtown Historic District at 755 Bridgeway (APN
11 065-071-02).
12

13 **Vice-Chair Werner moved and Commissioner Nichols seconded a motion to move**
14 **the public hearing for 755 Bridgeway to a date uncertain.**
15

16 **The motion passed 5-0.**
17

18 **Old Business**

19 None.
20

21 **New Business**
22

- 23 **6. January and February 2014 Planning Commission Meeting Calendar.**
24

25
26 By consensus, the Commission approved the meeting calendar for January and
27 February 2014.
28

29 **Communications**

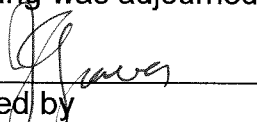
- 30 • Staff: Community Development Director Graves reviewed items on the City
31 Council's upcoming meeting agenda.
32 • Commission: Chair Cox asked staff to return to the Commission with a review
33 regarding the treatment of floor area and floor area ratio calculations in
34 development applications.
35


36 **Adjournment**
37

38 **Chair Cox moved and Vice-Chair Werner seconded a motion to adjourn the**
39 **meeting.**
40

41 **The motion passed 5-0.**
42

43 The meeting was adjourned at 11:07 p.m.
44

45
46 
47 Submitted by
48 Jeremy Graves, AICP
49 Community Development Director
50

45
46 
47 Approved by
48 Joan Cox
49 Chair
50