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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, September 23, 2009**  
**Approved Minutes**

**Call to Order**

Commissioner Stout called the meeting to order at 6:30 p.m. in the Council Chamber of City Hall, 420 Litho Street, Sausalito.

Present: Commissioner Stafford Keegin Commissioner Eric Stout, Commissioner Joan Cox

Absent: Chair Bill Keller, Vice Chair Stan Bair

Staff: Community Development Director Jeremy Graves  
Associate Planner Heidi Burns, Associate Planner Lilly Schinsing,  
Assistant Planner Alison Thornberry, City Attorney Mary Wagner

**Commissioner Stout moved and Commissioner Cox seconded a motion to approve the amended agenda with Item 2 moved to after Item 4. The motion passed 3-0.**

**Approval of Minutes**

April 1, 2009	April 15, 2009
May 6, 2009	May 20, 2009
June 3, 2009	June 17, 2009
July 1, 2009	July 15, 2009

**Commissioner Cox submitted marked-up copies of the minutes with minor corrections.**

**Public Comments**

None.

**Public Hearings**

- 1. DR/TM/EA 08-011, Tentative Parcel Map Application, Design Review Permit, Bruce, 109 & 111 Marion Avenue.** Status report on 1) Application for a Tentative Parcel Map and Design Review Permit to subdivide an existing parcel into two parcels and construct a new single-family residence at 109 & 111 Marion Avenue (APN 065-263-04); 2) Application for an Encroachment Agreement for a driveway encroachment into the Sausalito Boulevard right-of-way; 3) The installation of steps, which would complete a partially installed walkway in the South Street right-of-way between Edwards Avenue and Marion Avenue; 4) An application for a Tree Removal Permit to remove one protected tree on the subject site; 5) Preparation of a botanist report; and 6) Preparation of environmental review documents.

1 The continued public hearing was re-opened. Associate Planner Schinsing presented  
2 the Staff Report.

3  
4 Paula Bruce, the owner and applicant, requested the Commission to set a date for  
5 consideration of the project.

6  
7 The public comment period was opened.

8  
9 Charles Radice, 514 South Street, indicated the following:

- 10 • He and his wife live to the west of the proposed project and share a property  
11 line. They generally support the project.
- 12 • The driveway encroaches 8 feet to the west of the common property line. Is it  
13 possible or advisable to pull the driveway back to be within the common  
14 property line?  
15

16 Commission comment to Mr. Radice:

- 17 • This is more appropriate to take up when the application is made for the  
18 entitlements.  
19

20  
21 The public comment period was closed.

22  
23 **Commissioner Stout moved and Commissioner Cox seconded a motion to**  
24 **continue the public hearing for 109 & 111 Marion Avenue to the meeting on**  
25 **November 18, 2009. The motion passed 3-0.**

- 26  
27 **3. ENV 09-014, Initial Environmental Study/Mitigated Negative Declaration,**  
28 **Mallya Warehouse, 300 Locust Avenue.** Review of an Initial Environmental  
29 Study/Mitigated Negative Declaration (IES/MND), which addresses the  
30 environmental impacts associated with construction and operation of a  
31 warehouse at 300 Locust Street (APN 064-087-07) as well as installation and  
32 maintenance of park improvements on two undeveloped City-owned Dunphy  
33 Park parcels (APNs 064-087-06 and -08).  
34

35 The public hearing was opened. Associate Planner Burns presented the Staff Report.

36  
37 Commission question to Staff:

- 38 • Does the Commission make recommendations to staff with respect to the  
39 Mitigated Negative Declaration at this meeting? *Staff responded the Planning*  
40 *Commission is involved in the review, recommendation, and final review*  
41 *process. Now is the proper time for the Commission to give comments because*  
42 *when it comes back the Planning Commission will be in the position of*  
43 *approving or denying IES/MND.*  
44

45 Brian Swartz, the applicant, noted that Hart Marin had previously submitted responses  
46 to the public comments and submitted comments on the IES/MND.

47  
48 The public comment period was opened.  
49  
50

1 Ursula Leffingwell, 415 Litho Street, indicated the following:

- 2 • Her neighbor, Jenny Flynn, at 411 Litho Street, could not attend the meeting but  
3 states by letter she is concerned about the project's uses because it is difficult  
4 to monitor and control the use of a property after a permit is granted.
- 5 • She is concerned that the applicant prefers flexible future uses of the building.  
6 What uses does the applicant have in mind and how could they be monitored  
7 and controlled?
- 8 • After seeing the story poles she is concerned about the impact on the visual  
9 environment. There is already one massive building on the waterfront to look  
10 down on, the former Sausalito Marine building; the proposed building appears  
11 even more massive than the Sausalito Marine building when viewed from above  
12 on the hillside .
- 13 • Would the extension of the proposed landscaping onto public land grant an  
14 unspoken proprietary entitlement for its use to Mr. Mallya since he would be  
15 paying to install and maintain it?
- 16 • It is imperative that a master plan for the entire peninsula is developed with  
17 strong community input before any encroachment permit or other approvals be  
18 granted, especially in light of the peninsula's ecological sensitivity and vicinity to  
19 the existing Dunphy park.
- 20 • This is the City's last chance to preserve for future generations a small area of a  
21 natural waterfront.

22  
23  
24 Commission question to Mrs. Leffingwell:

- 25 • Will the proposed building create any view distraction or block your view in any  
26 way? *Mrs. Leffingwell responded not significantly. They will see the roof in the*  
27 *corner of their view.*

28  
29 Nancy Osborn, 2 Kendall Court, indicated the following:

- 30 • Her neighbor, Carol Peltz, could not attend the meeting but says by letter that  
31 the staff report revisions were not published very far in advance of this meeting  
32 and requests the Planning Commission keep the public hearing open on the  
33 IES/MND until the public has the opportunity to respond to the revisions. Ms.  
34 Peltz also requested that the proposal on the Mallya property be evaluated  
35 separately on its own merits without the use of public property.
- 36 • Mrs. Osborn supports what Ms. Peltz has written.
- 37 • The City has always had a well-publicized citywide forum on matters pertaining  
38 to land use and aesthetics on an important piece of property. This entire area  
39 needs such a forum.

40  
41 Jacques Ullman, 423A Litho Street, indicated the following:

- 42 • He is Chairman of the Board of Friends of Dunphy Park and the Friends of  
43 Dunphy Park is strongly concerned the proposed design is not appropriate to  
44 the stated uses. Is one condoning the design by accepting the IES/MND?
- 45 • It is untrue the Friends of Dunphy Park refused to meet with the applicant.  
46 Three members met with the HartMarin individually but they were adamant  
47 about the building and there was no reason for the whole board to have a  
48 presentation. Also the Friends of Dunphy Park felt the primary emphasis should  
49

1 be on land use concerns and meeting with the applicant to review the building  
2 design would dilute that emphasis.

- 3 • His letter of September 11<sup>th</sup> rebuts the applicant's inaccuracies regarding a  
4 vegetated roof for the building. The applicant is resistant to altering the design  
5 at all and making efforts to find excuses not to make any changes.
- 6 • The Friends of Dunphy Park has spoken to the City Council regarding initiating  
7 a master plan process. Just meeting with Parks and Recreation Commission  
8 will not be enough to get the proper community input and deal with the proposal  
9 in an adequate way.

10  
11 Commission questions and comments to Mr. Ullman:

- 12 • There will still be opportunity in the future for the public to comment on the  
13 environmental review document.
- 14 • We do not have in our packet the letter Mr. Ullman sent. *Mr. Ullman responded*  
15 *he sent a letter to the Planning Commission on September 11<sup>th</sup>. Staff*  
16 *responded that through oversight Mr. Ullman's letter was not included in the*  
17 *Commissioners' packets but will be included as part of the responses to*  
18 *comments.*

19  
20  
21 Chuck Donald, 254 Spencer Avenue, indicated the following:

- 22 • The Dunphy Park Expansion property was acquired through a grant from the  
23 State Conservation Commission. The City signed an agreement to refrain from  
24 certain activities that would negatively affect the environment. The applicant has  
25 not commented on those conditions. *Staff responded the grant for the City to*  
26 *acquire the property was from a different entity, not the State Coastal*  
27 *Conservation Commission.*

28  
29 Mr. Swartz's responses to public testimony:

- 30 • What is being proposed for the city property is just a concept; there is no  
31 interest in making it private, in fact the opposite.
- 32 • Regarding adequate time for public comment, the IES/MND has been available  
33 since July 15<sup>th</sup> and more than adequate time with three public hearings, the  
34 Parks and Recreation, and meeting and HartMarin's outreach.
- 35 • He requests the public comment period be closed after this meeting.

36  
37 Rob Hart of HartMarin responses to public testimony:

- 38 • Regarding his preference for flexible future use, this application is a warehouse  
39 in a prominent location; that is what has engendered the design.
- 40 • Regarding a master plan, HartMarin is now working with Don Olsen, the  
41 architect of the rest of the land on the peninsula so all plans are coordinated.  
42 The other property owners on this peninsula support the plan and are making  
43 an effort to work together.

44  
45 Commission questions and comments to Mr. Hart and Mr. Schwarz:

- 46 • Who are the other property owners who approve of the plan? *Mr. Hart*  
47 *responded Dan Morgan and Jim Madden together own the entire peninsula*  
48 *from the subject property, across Locust and out to the water. Both men have*  
49

1           *written letters of support that are on file. Master planning efforts are already*  
2           *going on and it will be a public process with community input.*

- 3           • There should be a commitment tying in the other three parcels at this time  
4           rather than simply saying you're all talking together. *Mr. Schwartz responded*  
5           *that from the beginning they have advocated a collaborative public process for*  
6           *the public lands; they are bringing forward a concept only in order to move the*  
7           *process forward, which is the objective of the General Plan.*
- 8           • Perhaps it would be more appropriate to consider the warehouse on its merits  
9           as a single development on that site without tying in public property to support  
10          it. *Mr. Hart responded they would not object if the Planning Commission*  
11          *decided to separate the building out as part of Conditions of Approval, however*  
12          *they have already submitted an application and ask the Planning Commission*  
13          *to consider it. Mr. Schwartz responded the application was based on input from*  
14          *the community and City staff.*
- 15          • The Commission is hoping to analyze this project without the park as an integral  
16          part of it and it appears the applicant is resistant to making that type of  
17          presentation. *Mr. Schwartz responded there is no resistance. Staff and the*  
18          *Commission and Council always have the right to impose Conditions of*  
19          *Approval, but this meeting is about the environmental review document.*
- 20          • What did Mr. Hart mean when he spoke of "a warehouse in a prominent area"?  
21          How does that clarify possible different future uses? *Mr. Hart responded that*  
22          *Mr. Mallya has no plans for the building other than a warehouse, but since it*  
23          *would be in a prominent location they decided to make the building more*  
24          *attractive and with a layout that would allow it to be used for different things in*  
25          *the future if the building changed ownership.*

26  
27  
28 Jim Madden indicated the following:

- 29          • He owns properties at 1311, 1313, 1315 and 1319 Bridgeway and 100 Locust  
30          that could have environmental and view impacts from the project. HartMarin has  
31          addressed their concerns to their satisfaction.
- 32          • He supports the project.
- 33          • The IES/MND is a professional and well-prepared document.

34  
35  
36 Commission questions and comments to the Mr. Hart.

- 37          • The application mentions unique boats as well as cars will be in the warehouse.  
38          What do you mean by unique boats? *Mr. Hart responded Mr. Mallya's collection*  
39          *of notable boats includes the fastest production motorboat; an Italian water taxi;*  
40          *very large ship models, including the Kalizma where Richard Burton proposed*  
41          *to Elizabeth Taylor, and a couple of historic boats owned by the Maddens.*
- 42          • Is the collection made up of Mr. Mallya's private boats and cars? *Mr. Hart*  
43          *responded yes.*
- 44          • How many square feet might the upstairs offices be? *Mr. Hart responded ten-*  
45          *percent of the building would be for non-warehouse use, the mezzanine plus a*  
46          *small office at the bottom of the stairs, about 600 square feet total.*
- 47          • There is not very much space available for unrelated uses. Certainly a  
48          sailmaker couldn't make use of that. *Mr. Hart responded the signed letters of*  
49          *intent are for people to do the administration associated with such uses as sail*  
50          *making, marine electronics, et cetera.*

- It seems the marine tag on this 600 square feet is there to facilitate some kind of waterfront necessity, which is probably not the case. *Mr. Hart responded there is a high demand from many people who would love to have that address as an office but Mr. Mallya is limiting it to only ten-percent of the space with the rest allocated to this collection.*

The public comment period was closed.

Commission comments:

- Page 5 of the IES/MND references the Sausalito Marine Master Plan Environmental Impact Report of September 2003. That EIR was withdrawn and the IES/MND should delete any points that are supported by that document.
- Page 12, Mitigation Measure 5, states, "Monitoring will continue until depth of excavation has been reached at which resources could not occur." What does that mean by resources?
- Page 15, in Aesthetics, it is stated the project would have less than significant impact on scenic vistas. A site visit revealed all the houses on the south side of Locust Street from Benita down the hill to Caledonia and maybe beyond would have their views adversely impacted by this building. The Zoning Ordinance considers the view of the Sausalito waterfront and Belvedere a primary view; therefore it would be appropriate to discuss mitigation.
- Page 16, it was observed at the last meeting that the photograph was taken from quite high up. In fact from the south side of Locust Street the building will block at least the shoreline.
- Page 17, there is discussion of a design to provide a "nautical themed aesthetic value." That is not what is meant by waterfront-oriented facility.
- Page 33, regarding the potential wetland, how does the water get to this wetland and will this project, which would collect the rainwater on the south parcel and divert it, deprive a wetland of water.
- Page 52, in Land Use, is this something we would hear in our entitlement hearing?
- Commercial Waterfront Zoning District is mentioned under Land Use, but there is no reference to the Zoning Ordinance that applies to Commercial Waterfront developments nor to the table that suggests that private facilities are not to occur there. Warehouses are permitted, but commercial warehouses, not a facility for a private automobile collection.
- Regarding Section 10.40.110, Parking Standards, a letter to the Commission suggests the parking standards are not properly applied in the IES/MND.
- In Appendix D, page 8, there is an error in the chain of title.
- In Appendix F, page 3, there should be mention of the 1985 Traffic Initiative.
- The applicant and the use needs to be clearly identified in the application.
- We are not comfortable with "flexible future uses." In ascertaining whether a use is appropriate The Planning Commission needs to know what that use is. We would be more comfortable with firm enunciated uses to consider and against which to evaluate the Mitigated Negative Declaration.
- We would like the Mitigated Negative Declaration to address the drainage issues raised by Mr. Donald with an engineering analysis.

- 1 • We would like to see an analysis of wildlife, migratory birds, the park wetland,  
2 and other environmental aspects affected by the park portion of the application.
- 3 • We would like to see an analysis of the impact of the conditions imposed by the  
4 Coastal Conservation Commission.
- 5 • A major aspect still missing from Mitigation Measure 4 is a master plan that  
6 includes, among other things:
  - 7 ○ Where the water comes from and how the relationship between the  
8 drainage and the wetland is going to work.
  - 9 ○ What the whole park will look like with this massive building put in the  
10 park setting and how it relates to the master plan of park.
  - 11 ○ How the bike path by 7-Eleven will go through there.
  - 12 ○ Proposals from HartMarin regarding what they can do to help the  
13 Waterfront Committee and Transportation Committee achieve their future  
14 goals with the master plan.
- 15 • Mitigation Measure 1, the undergrounding, because of the way it is set up in  
16 that district they would have to underground the wires all the way down the  
17 parking lot at 300 Locust and definitely to the crossing lines.
- 18 • A wetland assessment to map the location and extent of potential wetlands  
19 needs to be done as put forth in the WRA letter of 3/16/09.

20  
21  
22 **Commissioner Stout moved and Commissioner Keegin seconded a motion to**  
23 **close the public comment period on the IES/MND, continue the public hearing for**  
24 **the IES/MND to a date uncertain and direct staff to prepare a response to the**  
25 **public comments. The motion was approved by consensus.**  
26

- 27  
28 **4. DR/CUP/EA 09-014, Design Review Permit and Conditional Use Permit,**  
29 **Mallya, 300 Locust Avenue.** A Design Review Permit and Conditional Use  
30 Permit in order to construct a 6,674 square foot warehouse at 300 Locust  
31 Street (APN 064-087-07) and install and maintain park improvements on two  
32 undeveloped City-owned Dunphy Park parcels (APNs 064-087-06 and -08).  
33 Recommendation of City Council action on an Encroachment Agreement for  
34 installation and maintenance of park improvements on the two undeveloped  
35 City-owned Dunphy Park parcels.

36 The public hearing was opened. Associate Planner Burns presented the Staff Report.  
37

38 Mr. Hart, the applicant, indicated they would reserve their comments until after the  
39 public comments.  
40

41 The public comment period was opened.  
42

43 Chuck Donald, 254 Spencer Avenue, indicated the following:  
44

- 45 • Recommends the Planning Commission and the applicant read the agreement  
46 between the City and the Conservation Commission for purchase of the Dunphy  
47 Park property.

1 Jacques Ullman, 423 Litho Street, indicated the following:

- 2 • It is frustrating because it is not known if this project will be reviewed or if it will
- 3 eventually be two separate projects, which would make it a totally different
- 4 issue.
- 5 • The issue regarding whether or not Dunphy Park improvements could be linked
- 6 to the project or not should have been settled before design review.
- 7 • The Friends of Dunphy Park would like to be part of the process of reviewing
- 8 Dunphy Park issues, and master planning needs to be part of that process.
- 9 • The building should be a recessive building. Strong character and an expensive
- 10 address are not appropriate here.
- 11

12 Commission question to Mr. Ullman:

- 13 • Have the Friends of Dunphy Park collaborated within your group to determine
- 14 what you would like to see in a master plan? *Mr. Ullman responded they would*
- 15 *like an important component of this to be a marine, uplands, and wetlands*
- 16 *wildlife preserve.*
- 17
- 18

19 Fritz Warren, 509 Cloudview Trail, indicated the following:

- 20 • Supports the project as an excellent move that will improve the property.
- 21 • The projects should be separated because this has become a warehouse
- 22 versus park argument. It is generous of Mr. Mallya to include the park and
- 23 create something of benefit to the City, but at this stage it is dragging on to the
- 24 point where it is not feasible.
- 25 • A warehouse is what is needed in the downtown area. The fact that they
- 26 lowered the height of the building shows they are attempting to meet the
- 27 requirements.
- 28

29 Charlie Hamilton, 1200 Bridgeway, indicated the following:

- 30 • Drives by the project site every day and would love to see something there
- 31 besides "the world's largest fennel patch."
- 32 • This project is a great vehicle to make an improvement on a site that has been
- 33 an eyesore for a long time. A development at this site would help bring people
- 34 from the ferry towards Dunphy Park and better connect downtown with the
- 35 central waterfront.
- 36 • He and other close-to-adjacent property owners approve of the warehouse
- 37 project, with or without Dunphy Park.
- 38

39 Ursula Leffingwell, 415 Litho Street, indicted the following:

- 40 • Disagrees with the idea of bringing tourists to Dunphy Park; it is a special
- 41 residential park for local residents.
- 42 • The architecture adjacent to a park should be more appropriate for its location
- 43 than what is proposed.
- 44
- 45

46 Vicki Nichols, 117 Caledonia, indicated the following:

- 47 • This use of private warehouse space is not appropriate in the Commercial
- 48 Waterfront.
- 49
- 50

- 1           • Regarding the applicant's offer to maintain the park, money would not be given  
2 to the City to hire maintenance workers; rather Mr. Mallya's employees would  
3 do it. The CUP process states there must be a bond put up for this waterfront  
4 work.  
5

6 Johnston Melvstat (phonetic), 200 Locust, indicated the following:

- 7           • Suggested Mr. Mallya give the City his waterfront property to expand Dunphy  
8 Park and the City can give Mr. Mallya property elsewhere.  
9           • The design and use are inappropriate for the location. He does not want to see  
10 a footprint put in what could be a special corner of Sausalito.  
11

12 Mr. Hart, the applicant, indicated they would reserve their rebuttal comments until the  
13 Staff Report comes out with Conditions of Approval if they get to that point.  
14

15 Commission questions to the Mr. Hart:

- 16           • Do you need an elevator inside the building to access the mezzanine? *Mr. Hart*  
17 *responded provided they have an office on the ground floor and equal facilities*  
18 *on each floor so an elevator is not required.*  
19           • Isn't the majority of the ten-percent non-warehouse going to be on that  
20 mezzanine floor? *Mr. Hart responded they would put in an elevator if the*  
21 *Building Department requires one to meet the California Building Code.*  
22  
23

24 The public comment period was closed.

25 Commission comment:

- 26           • Once the collaboration with the City Council work group has occurred we would  
27 like to hear the applicant's response regarding whether the intended use is  
28 indeed a private warehouse and if so whether the applicant believes that use is  
29 consistent with the General Plan, the Zoning Ordinance, and specifically the  
30 table which requires it to be a commercial warehouse. We would also like to  
31 see the staff's analysis of the use issue.  
32

33 **Commissioner Stout moved and Commissioner Keegin seconded a motion to**  
34 **continue the public hearing for 300 Locust Avenue to a date uncertain in order to**  
35 **allow a working group of the City Council to review the proposed improvements**  
36 **on the Dunphy Park expansion parcels, and direct staff to continue to explore**  
37 **available dates for a joint meeting with the Parks and Recreation Commission.**  
38 **The motion passed 3-0.**  
39

- 40           **2. DR/VA/EP/LLA/MND 05-045, Public Safety Facilities, City of Sausalito,**  
41 **333 Johnson Street and 29 Caledonia Street.** Modification of the actions  
42 requested by the Planning Commission on August 13, 2008 regarding 1)  
43 replacing the brick pavers at the Police Station and Fire Station with scored  
44 concrete; 2) eliminating the circular planter area at the Police Station; and 3)  
45 alternative screening for the generator. The project site is 333 Johnson Street  
46 (APN 065-061-06) and 29 Caledonia Street (APN 065-062-17). This public  
47 hearing was continued from the July 15, 2009 Commission meeting.  
48  
49  
50

1 The continued public hearing was re-opened. Associate Planner Schinsing presented  
2 the Staff Report.  
3

4 Commission questions and comments to Staff:

- 5 • Could you discuss the screening for the generator? *Staff responded that at the*  
6 *August 2008 Commission meeting a condition was made that the generator be*  
7 *screened with a non-flammable material. In June 2009 staff indicated that the*  
8 *screening material would not be feasible due to safety hazards and access to*  
9 *the panels. Staff recommended the generator enclosure box be painted to*  
10 *match the fire station instead of screening it with a non-flammable material.*
- 11 • What is the proposed color for the enclosure? *Loren Umbertis, the project*  
12 *manager, responded it is undecided but his idea is to paint it white to blend in*  
13 *with the building directly behind it. Other suggestions have been to paint it brick*  
14 *red to match the other enclosures, but that will stand out against the white*  
15 *building.*
- 16 • One of the purposes of the enclosure was for sound attenuation. *Mr. Umbertis*  
17 *responded the enclosure used right now does provide for sound attenuation of*  
18 *the generator and conforms to the requirements for a generator in a semi-*  
19 *residential industrial zone or commercial zone.*
- 20 • How frequently will the generator be used? *Mr. Umbertis responded the Fire*  
21 *Department would test it once a month for a half hour during the middle of the*  
22 *day.*
- 23 • The generator's enclosure is unsightly, so even if putting a screen around the  
24 generator would increase the overall mass it would be worth it if the aesthetic  
25 appearance were also increased. *Mr. Umbertis responded if a woven metal*  
26 *type of structure were attached to the generator in order to hide it, it wouldn't*  
27 *mitigate noise. The only way to mitigate the noise would be to create some kind*  
28 *of sound screen in front of it, but that would encroach on a drainage system*  
29 *used for washing the fire trucks.*
- 30 • Is it your intention to have the sound attenuation aspect of the generator? *Mr.*  
31 *Umbertis responded that is part of the specifications for the equipment; the*  
32 *generator's decibel level complies with the residential and commercial use of*  
33 *the area.*
- 34 • Is there a particular setback required for the front of the generator? *Mr.*  
35 *Umbertis responded there is a requirement to have a 3 foot clear area around*  
36 *the generator, which is why a fence or enclosure placed in front of the generator*  
37 *would encroach into the driveway.*

38  
39  
40 The public comment period was opened.  
41

42 Vicki Nichols, 117 Caledonia, indicated the following:  
43

- 44 • It is worth the noise of the generator to have public safety.
- 45 • Brick pavers would add \$75,000 to this project and are not needed. That  
46 \$75,000 could be returned to the taxpayers who funded these buildings through  
47 a bond issue.  
48  
49  
50

1 Alice Merrill, 200 Johnson Street, indicated the following:

- 2 • Her father collects flagpoles. He owns a wooden flagpole that he would love to  
3 donate for use here.  
4

5 Mr. Umbertis' rebuttal to public comments:

- 6 • The flagpole issue is being worked on. The firemen may still have their old  
7 flagpole, but Ms. Merrill's offer has been brought up.  
8
- 9 • Some individuals at the City Council meeting expressed concerns about the  
10 durability of the brick pavers and the difficulty of walking on them.  
11
- 12 • If the City places a piece of art at the site there would be some kind of  
13 appropriate base or pedestal. Putting a planter there now without knowing what  
14 type of art piece would go there might mean the planter would have to be  
15 removed later on to install the artwork.

16 Commission question and comment to Mr. Umbertis:

- 17 • The minutes of the City Council meeting state the potential cost savings for not  
18 installing the brick pavers is \$75,000, but the Staff Report of June 17, 2009  
19 stated the cost to install the pavers is \$35,000. What is that \$40,000 difference?  
20 *Mr. Umbertis responded the lesser amount was a preliminary estimate, but the*  
21 *subcontractor who does this type of work has given a more recent quote of*  
22 *\$75,000. Also the higher PSI pavers and the associated higher cost were not*  
23 *part of the earlier estimate.*
- 24 • A year ago the Planning Commission suggested an addendum be issued and  
25 the pavers be included as part of the project. A decision was made that the  
26 planter and pavers would be included as an allowance. *Mr. Umbertis responded*  
27 *based on design development estimates they placed an allowance of \$50,000*  
28 *for exterior improvements.*

29  
30 The public comment period was closed.

31  
32 Commission comments:

- 33 • These items could have been accomplished at a lesser price had a different  
34 procedure been followed.
- 35 • Given the public's comments about pavers being difficult to walk on and the fact  
36 that the concrete would be scored to make it less slippery we do not oppose the  
37 change from pavers to concrete.
- 38 • We continue to have concerns regarding the generator, but with the  
39 understanding that it is not possible to enclose it with a sound attenuating  
40 screen.
- 41 • It has always been understood that the planter might someday be removed and  
42 a piece of public art installed there. We do not oppose removal of the planter.  
43  
44

45 **Commissioner Stout moved and Commissioner Cox seconded an amended**  
46 **motion to 1) Substitute brick pavers at the plaza areas of the Police Station at 333**  
47 **Johnston Street and the Fire Station at 29 Caledonia Street with double scored**  
48 **colored concrete; 2) Eliminate the raised circular planter in the police station**  
49 **plaza, and; 3) Direct staff to provide additional paint color and/or alternative**  
50 **screening device options for the generator box. The motion passed 3-0.**

1  
2 **5. CUP/SP 09-111, Conditional Use Permit and Sign Permit, Sherpa &**  
3 **Sahagun, 2633 Bridgeway.** A Conditional Use Permit to convert an existing  
4 neighborhood commercial building into two restaurants that would each serve  
5 alcohol, and a Sign Permit to locate two wall signs above the respective front  
6 entry doors of the restaurants and two double-faced monument signs on an  
7 existing monument frame at 2633 Bridgeway (APN 063-151-02). This public  
8 hearing was continued from the September 2, 2009 Commission hearing.  
9

10 The continued public hearing was re-opened. Assistant Planner Alison Thornberry  
11 presented the report.  
12

13 The applicant indicated they were available for questions.  
14

15 The public comment period was opened. There being none, the public comment period  
16 was closed.  
17

18 Commission comments:

- 19 • All Commissioners expressed support for the project.  
20

21 **Commissioner Stout moved and Commissioner Keegin seconded a motion to 1)**  
22 **Approve the Conditional Use Permit to convert an existing neighborhood**  
23 **commercial building at 2633 Bridgeway into two restaurants that would each**  
24 **serve alcohol; 2) Approve the Sign Permit to locate two wall signs above the**  
25 **respective front entry doors of the restaurants and two double-faced monument**  
26 **signs on the existing monument frame; 3) Accept the condition that if applying**  
27 **for building permits for tenant improvement the applicant shall submit a**  
28 **landscape plan for the approval of the Community Development Director, which**  
29 **addresses the landscaping along the Bridgeway frontage of the building. The**  
30 **motion passed 3-0.**  
31

32  
33 **6. DR/TP/EA 065-252-64, Design Review Permit, Tree Removal Permit,**  
34 **Encroachment Agreement, Mamone, 37 & 39 Crescent Avenue.** A Design  
35 Review Permit to construct two new single-family attached residences, a Tree  
36 Removal Permit to remove 28 protected trees, and an Encroachment  
37 Agreement for improvements and to build a driveway approach that  
38 encroaches into the public right-of-way at 37 & 39 Crescent Avenue (APN  
39 065-122-08).  
40

41 The public hearing was opened. Assistant Planner Alison Thornberry presented the  
42 Staff Report.  
43

44 Commission questions to staff:

- 45 • Why is this applicant not required to submit a botanical report? *Staff responded*  
46 *the environmental review initial study and the Mitigated Negative Declaration*  
47 *was approved in 2002. A botanical report would be required by the project's*  
48 *conditions of approval. If the botanical report came back saying there are*  
49

1           *threatened species in that area, the environmental review would then have to*  
2           *be amended.*

- 3           • *Would the Community Development Director or the Planning Commission*  
4           *perform the environmental study revision? Staff responded a botanist would*  
5           *conduct a environmental review to see if any threatened species had habitat*  
6           *there. If the environmental study needed to be amended it would come back to*  
7           *the Planning Commission for approval.*

8  
9           Presentation was made by Don Olsen, the applicant.

10  
11          Commission question to the applicant:

- 12           • *On the illustration of the front of the two buildings what is that around the*  
13           *windows on the left hand side? Mr. Olsen responded it is a change in siding, a*  
14           *combination of the shingles and the vertical siding.*  
15           • *Is that going to be the color of the siding? Mr. Olsen responded the illustration*  
16           *isn't completely true in its color.*  
17           • *Are those long vertical lines shingles? John McCoy of Mr. Olsen's office*  
18           *responded those are board and batten. There are three siding materials on the*  
19           *units: stone façade at the bottom, the cedar wood shingles for part of the*  
20           *structure, and a board and batten for the vertical elements to tie it together and*  
21           *break up the two-material palette.*  
22           • *The story poles don't show the connection between the two properties above*  
23           *the garage for 39 Crescent, they give the sense they are two separate houses.*  
24           *Because this project has a large façade toward the street it would be a better if*  
25           *the depiction shows that connection and how high up the hillside it occurs. We*  
26           *don't get a sense of what is happening relatively low on the project. Mr. Olsen*  
27           *responded there will be landscaping, a series of very large box oak trees, Vine*  
28           *maples and tall shrubs, that will resolve that issue.*

29  
30  
31          Presentation was made by Mr. McCoy.

32  
33          Commission questions to Mr. McCoy and Mr. Olsen:

- 34           • *When you were asked to design staircase from Crescent Avenue to Sausalito*  
35           *Boulevard did the City Engineer indicate why he thought this would be an*  
36           *important benefit? Mr. McCoy responded no, it was a Condition of Approval.*  
37           *When they submitted their application it came back in a staff memo asking them*  
38           *to provide a drawing for the stairs.*  
39           • *Was there a staircase in the original project that was approved in 2002, the one*  
40           *that was then appealed and then had the appeal overturned by the City*  
41           *Council? Mr. Olsen responded there was a requirement in there for the*  
42           *staircase but the previous Director of Public Works did not allow it.*

43  
44  
45          Commission questions to staff:

- 46           • *Is there a fire safety issue here that would warrant a more serious effort to get*  
47           *the stairway from Crescent Avenue to Sausalito Boulevard built? Staff*  
48           *responded they are not aware of anything relating to fire safety. The application*  
49           *was reviewed by the Fire Department and they did not have any comments.*  
50

- 1 • Why is the City interested in putting a staircase in this location? *Staff responded*
- 2 *the staircase, known as a pedestrian lane, is part of the General Plan under*
- 3 *paper streets to investigate the use of existing unimproved portions of public*
- 4 *right-of-way as new pathway connectors.*
- 5 • Is it required that every paper street be turned into a connector or a stairway?
- 6 *Staff responded no. The City Engineer has not ruled out the staircase but wants*
- 7 *to see a different form of a switchback plan, which is why it has been kept as a*
- 8 *Condition of Approval.*
- 9

10 Commission questions and comments to Mr. Olsen and Mr. McCoy:

- 11 • Have you considered installing a public elevator in there? *Mr. Olsen responded*
- 12 *no.*
- 13 • Would a public lift be more cost effective than the cost of cutting 180 stairs into
- 14 the hill? *Mr. McCoy responded maybe, but they would be getting into*
- 15 *maintenance and City responsibilities at that point.*
- 16 • The roof on 39 Crescent goes up to a point at the back of the building and
- 17 seems to stick up there for no purpose; it adds to the mass of the house. Would
- 18 it be more appropriate to mimic the roof on the left rather than this slab that
- 19 goes up from the front? *Mr. McCoy responded there are two reasons for that*
- 20 *roof: 1) The architectural aesthetic of the shed roof; and 2) Keeping the building*
- 21 *as low and as tucked into the hill as possible.*
- 22 • The slope of 37 Crescent is 4/12 and the slope on 39 Crescent is 3/12. Couldn't
- 23 the slope of 39 also be 4/12 and it would then have less of a profile from the
- 24 street? *Mr. McCoy responded that could not be done without raising the overall*
- 25 *height of the building.*
- 26 • What is going on in the east elevation of 39 Crescent where the roof stops and
- 27 comes down to a straight point into the slope? Is that just a wall that will be
- 28 coming straight down? *Mr. Olsen responded yes.*
- 29 • Are there any windows on that side? *Mr. Olsen responded no, because there*
- 30 *are windows on the side for natural light and at the other end the grade comes*
- 31 *up to the high point.*
- 32 • This is a heightened review project that spans the entire length of the lot. There
- 33 will be a huge amount of excavation and noisy construction within a few feet of
- 34 the neighboring properties. Under the circumstances we suggest a more
- 35 restrictive construction schedule with construction stopping by 6:00pm on
- 36 weekdays instead of 7:00pm, allowed on Saturdays between 9:00am and noon,
- 37 prohibited on Sundays and holidays, and the excavation period to be between
- 38 8:00am and 5:00pm.
- 39 • Notification has been received from Janice Rapoza of 382 Sausalito Boulevard,
- 40 directly above the property. She stated she was notified of the project less than
- 41 a week ago and needs more time to access the impact to her property. *Mr.*
- 42 *Olsen responded they sent letters to properties within 300' a month ago in*
- 43 *August and before that in April. Staff responded Ms. Rapoza has just very*
- 44 *recently bought that property and has not moved in yet. Mr. Olsen responded*
- 45 *the story poles couldn't be seen from Ms. Rapoza property, but he spoke to Ms.*
- 46 *Rapoza by phone, emailed drawings to her, and invited her to come to his office*
- 47 *with any questions. The City Attorney responded the City complied with the*
- 48 *Zoning Ordinance and state law in providing adequate noticing.*
- 49
- 50

- This is a heightened review project with the condition that the proposed development of the site presents no potential hazard to public safety in terms of slope stability and runoff, and this is a 100-degree slope. As a Condition of Approval there must be a geotechnical report. What has been done besides the soils report? *Rodrigo Santo, the structural engineer, responded they have developed a set of structural drawings to be submitted to the soils engineer for approval. He will then give them a letter stating that the structural drawings are in compliance with the geotechnical reports. They have also engaged two soils engineers. For such a significant project they will be using a heavily reinforced temporary shoring system and structural steel members sizable in dimension and weight. They recommend a gradual removal of soil.*
- Are you using tieback or cross bracing? *Mr. Santo responded they could not get permission from one of the neighbors to allow for the temporary tieback system, so the only option is an internal shoring system, which is just as safe but much more expensive. However they have just learned that the neighbor who did not give permission for the tieback system has moved, so they may revisit that.*

The public comment period was closed.

Commission comments:

- We would like to add as a Condition of Approval the restricted construction schedule as noted.
- Finding H for Design Review states the project does not have mechanical equipment or chimneys, but it has chimneys and an elevator.
- The project is compatible with the neighborhood and does a nice job in a difficult location.
- The project is a good use of the land and has a good design, but there is concern regarding our ability to make the heightened design review findings, particularly the public safety issue. There are 19 grading and geotechnical conditions, several of which require additional information to be provided to the City Engineer, many of which the Commission has required prior to approval on other projects. This additional required information should be provided prior to the Commission's approval of the project.
- The staircase issue should be addressed before approval of the project. The applicant wants the Commission to approve the project with the Condition of Approval of a 185 step staircase, but we are not comfortable removing that condition without understanding why the City Engineer insists on its inclusion.
- I'd like to hear the City Engineer's concurrence that this project is substantially similar to the prior project such that a further Mitigated Negative Declaration is not required.
- Regarding the Paula Bruce application for 109 & 111 Marion Avenue, she is being asked to build a set of stairs on South Street and has similar geotechnical issues. We need to be sure we are being consistent in our approach to both this application and the Bruce application.

**Commissioner Stout moved and Commissioner Keegin seconded a motion to continue the public hearing for 37 & 39 Crescent Avenue to the Planning Commission meeting on October 28m 2009 with concerns regarding the staircase**

1 right-of-way, the geotechnical safety status of the hill, confirmation that there is  
2 no need for further environmental review, and consistency with the application of  
3 the Paula Bruce project. The motion passed 3-0.  
4

5 **Old Business**

6 None.  
7

8 **New Business**

9 None.  
10

11 **Communications**

12 None.  
13

14 **Adjournment**

15 The meeting was adjourned at 10:27p.m.  
16  
17

18           /s/ JEREMY GRAVES          

19 Submitted by  
20 Jeremy Graves, AICP  
21 Community Development Director  
22

18           /s/ BILL KELLER          

19 Approved by  
20 Bill Keller  
21 Chair  
22

23 CDD\Plan Comm\Minutes\2009\09-23-09-Approved  
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