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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, September 9, 2009**  
**Approved Minutes**

**Call to Order**

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

Present: Chair Bill Keller, Vice Chair Stan Bair, Commissioner Joan Cox, Commissioner Stafford Keegin, Commissioner Eric Stout

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

**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

**Chair Keller moved and Commissioner Stout seconded a motion to continue the approval of the meeting minutes to the next meeting on September 23, 2009. The motion passed 5-0.**

**Chair Keller moved and Commissioner Cox seconded a motion to approve the amended agenda. Motion passed 5-0.**

**Selection of Commission Officers:**

- **Commissioner Keegin moved and Commissioner Stout seconded a motion to nominate Bill Keller as Chair of the Planning Commission for the next term. The motion passed unanimously.**
- **Chair Keller moved and Commissioner Keegin seconded a motion to nominate Stan Bair as Vice Chair of the Planning Commission for the next term. The motion passed unanimously.**

**Public Comments**

None.

**Public Hearings**

1. **DR/TP 09-049, Design Review Permit and Tree Removal Permit, Teasdale, 81 Cloudview Road.** Design Review Permit to demolish an existing single-family residence and construct a new 4,796 square foot residence with a six-car garage and one-car garage at 81 Cloudview Road (APN 065-191-06). The new residence would cover 35% of the lot and would have a total floor area ratio of 0.41. A Tree Removal Permit is requested to remove a protected Douglas fir tree in poor condition. This public hearing was continued from the July 15, 2009 Commission hearing.

1  
2 The continued public hearing was re-opened. Associate Planner Lilly Schinsing  
3 presented the Staff Report.  
4

5 Presentation was made by Robert Teasdale, the owner.  
6

7 Commission questions and comments to Dr. Teasdale and Ms. Ford, the architect.

- 8 • With the lowering of the ceiling height by 1 foot what is the plate height on the  
9 lower and upper levels, the ceiling height? *Dr. Teasdale responded 11 feet on*  
10 *the lower and upper levels.*
- 11 • Do you feel comfortable going below 11 feet on the lower and upper levels? *Dr.*  
12 *Teasdale responded when he reduced the lower level to 10' the floor comes*  
13 *down another foot and his view looks at the roof of the Stratigo's (phonetic)*  
14 *house rather than over it. Ms. Ford responded the biggest reason why the lower*  
15 *level cannot be reduced is the parking court would also have to be lowered and*  
16 *it can't go any lower than it already is. Right now the ramp to get to the parking*  
17 *court is at 25%. It is also better to keep the parking court lower than the floor*  
18 *level for waterproofing reasons.*
- 19 • The Commission's request was for alternatives with 1 foot and 2 foot roofline  
20 reductions and you have only shown us 1 foot. *Dr. Teasdale responded he is*  
21 *showing the considerations that come in at a 1 foot reduction. With a reduction*  
22 *of 2 feet he's not sure what skylight or lighting effects would occur deep inside*  
23 *the building as lighting is lost when the ceiling is dropped lower. Also the*  
24 *difference between a 1 foot and 2 foot reduction does not change the view from*  
25 *895 Cloudview significantly.*  
26  
27

28 Commission question to Staff and Ms. Ford.

- 29 • Is either of the proposed chimneys in the corridor where this view is being  
30 questioned? *Staff responded they have not asked the applicant to put up story*  
31 *poles to demonstrate where the chimneys are, but that is an option for the*  
32 *Commission. Ms. Ford responded she doesn't believe 95 Cloudview would see*  
33 *the chimneys as both are placed far enough back and are behind the existing*  
34 *oak tree.*  
35

36 The public comment period was opened.  
37

38 Steve Rempe, 1020 Railroad Avenue, Novato, indicated the following:

- 39 • He is the general contractor for Mr. Chang of 95 Cloudview and represents Mr.  
40 Chang.
- 41 • Mr. Chang supports the project in general, but hopes the Commission will  
42 approve it with a 2 foot roofline reduction to retain as much of Mr. Chang's view  
43 as possible.
- 44 • He is concerned about the chimneys, although he cannot tell where the  
45 chimneys will be located.  
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1 Commission questions to Mr. Rempe:

- 2 • We received Mr. Chang's original letter, but Mr. Chang has made no response  
3 since, although the applicant has worked hard to interact with him. If Mr. Chang  
4 is that concerned about this, why hasn't he attended either meeting or contacted  
5 the Commission? *Mr. Rempe responded Mr. Chang is concerned enough to ask  
6 for his assistance. As Mr. Chang's representative, he has been in communication  
7 with Mr. Chang, has spent time speaking to Staff, has met with Dr. Teasdale at  
8 the site, and made Mr. Chang's residence available at any time.*
- 9 • Do you have the authority, a Power of Attorney, to act on Mr. Chang's behalf?  
10 *Mr. Rempe responded he has an email from Mr. Chang stating he is allowed to  
11 represent Mr. Chang.*
- 12 • What is the maximum amount of view that Mr. Chang wants? The applicant has  
13 changed his design to accommodate Mr. Chang's concern about a minimal  
14 impact on a panoramic view. *Mr. Rempe responded he and Mr. Chang support  
15 the project. If the Commission decides a 1 foot roofline reduction is acceptable,  
16 they will accept that. Mr. Chang simply wants as much view as he can get, but  
17 doesn't wish to stand in the way of the project.*

18  
19  
20 The public comment period was closed.

21  
22 **Commissioner Keegin indicated he would recuse himself because he was absent**  
23 **from the July 15, 2009 meeting and did not have enough information to**  
24 **participate.**

25  
26 Commission comments:

- 27 • Dr. Teasdale's testimony that the view is from a very narrow perspective in Mr.  
28 Chang's kitchen at 95 Cloudview has not been rebutted, and the regulations do  
29 not protect a panoramic view. This is a minor obstruction to a view out of a very  
30 narrow slice of a primary view.
- 31 • We should not support the additional chimneys and skylights and their required  
32 approvals because the improvement is negligible, especially since the view is  
33 only impinged from one small area of Mr. Chang's kitchen.
- 34 • We should support Staff's recommendation and Condition of Approval that the  
35 landscape plans be further amended to protect the privacy of the neighbors.
- 36 • Aesthetically this design fits the property quite well. Dr. Teasdale has shown the  
37 roofline can be lowered 1', but the compromises required, such as the addition of  
38 skylights and chimneys are not desirable.
- 39 • The original plan is a much better design. The height difference is minuscule and  
40 there is no reason for further reduction.
- 41 • Dr. Teasdale needs to coordinate with Staff regarding additional screening for 23  
42 Channing.

43  
44  
45 **Chair Keller moved and Vice Chair Bair seconded a motion to approve a Design**  
46 **Review Permit for the demolition of a single-family residence and construction of**  
47 **a new single-family residence and approval of a Tree Removal Permit to remove a**  
48 **Douglas fir tree at 81 Cloudview Road with Staff's original condition of additional**  
49 **screening to be coordinated between Dr. Teasdale and Staff. The motion passed**  
50 **4-0.**

1  
2 **2. ENV 09-014, DR/CUP/EA 09-014) Initial Environmental Study/Mitigated**  
3 **Negative Declaration (IES/MND), Mallya, 300 Locust Avenue.**

4 Review of an IES/MND which addresses the environmental impacts  
5 associated with construction and operation of a warehouse at 300 Locust  
6 Street (APN 064-087-07) and a Design Review Permit and Conditional Use  
7 Permit in order to install and maintain park improvements on two  
8 undeveloped City-owned Dunphy Park parcels (APNs 064-087-06 and 08).  
9

10 The public hearing was opened. Associate Planner Heidi Burns presented the Staff  
11 Report.  
12

13 Presentation was made by Rob Hart of HartMarin, the applicant:  
14

15 The public comment period was opened:  
16

17 Lauren Gonzales, 206 Caledonia Street, indicated the following:  
18

- 19 • She has been a residence of the Beach House apartment building for over 40  
20 years.
- 21 • It is not correct that the owners of the Beach House apartment buildings support  
22 the project.
- 23 • This project is not needed in Sausalito. There are other storage facilities for cars  
24 and boats. Dunphy Park is fine and doesn't need to be extended.  
25

26 Charlie Hamilton, 1200 Bridgeway, indicated the following:  
27

- 28 • He is part of the partnership that owns 1200 Bridgeway.
- 29 • He and his partners would welcome the improvements the project would bring  
30 and support it exactly as it is proposed.

31 Alice Merrill, Pelican Harbor, indicated the following:  
32

- 33 • She would propose a skate park as an alternative to the proposed extension to  
34 Dunphy Park.  
35

36 Jacques Ullman, 423A Litho Street, indicated the following:  
37

- 38 • He is the Chairman of Friends of Dunphy Park.
- 39 • The proposed building is not compatible with the neighborhood and would  
40 dominate adjacent Dunphy Park. The design is not appropriate to commercial  
41 waterfront uses.
- 42 • Friends of Dunphy Park proposed a vegetated roof that fits more naturally into  
43 the landscape for the building, which was rejected by the applicant as too heavy,  
44 but it can have as little as 4" of lightweight growing media. This demonstrates  
45 HartMarin's unwillingness to work with Friends of Dunphy Park.
- 46 • HartMarin's proposed "wave roof" is presented as a design element that  
47 integrates the building into the waterfront neighborhood, but it only emphasizes  
48 the inappropriateness of the design.  
49  
50

1 Chuck Donald, 254 Spencer Avenue, indicated the following:

- 2 • He is a member of Friends of Dunphy Park.
- 3 • The environmental report is difficult to understand because it is poorly organized,
- 4 not well edited, and contains conflicting statements and flaws.
- 5

6 Vicki Nichols, 117 Caledonia Street, indicated the following:

- 7 • She is speaking on behalf of Friends of Dunphy Park.
- 8 • She refutes HartMarin's diagram showing her building of seven residences as
- 9 supporting the project as they were not contacted.
- 10 • The mass and sizing of the building is nowhere near the scale of the adjacent
- 11 structures and depends on having landscaping done on the City's property.
- 12 • The proposed nautical theme does not go with the design of a warehouse. The
- 13 other warehouses near the water are of modest designs without themes.
- 14 • Mitigation 1, the utility pole relocation, and Mitigation 2, the lighting impacts,
- 15 would be required for any project, so no one is giving anything up.
- 16 • Exhibit A, Biological Resource Evaluation, acknowledges that there is an
- 17 important wetland area there, but the environmental document makes no
- 18 reference to any evaluation of fish or wildlife species that uses the adjacent
- 19 woodland area's habitat and no effort has been made to gather that information.
- 20 • The Zoning Ordinance states the purpose of CW District designation is to protect
- 21 the waterfront area while promoting uses that benefit from and need a waterfront
- 22 location. This project is for a personal warehouse and has nothing to do with the
- 23 waterfront and could be located anywhere.
- 24 • The project plan provides 7 parking spaces with up to ten employees. It needs to
- 25 be clarified where the spaces will be and the employee uses.
- 26 • The proposal includes the landscaping of two City-owned parcels that would
- 27 expand Dunphy Park. Improvements and changes should have public input as to
- 28 the final design and take into account the existing wetlands and potentially
- 29 sensitive habitat. Friends of Dunphy Park disagree with the finding that this
- 30 project will not impact the long-term environmental and aesthetic goals of these
- 31 parcels.
- 32
- 33

34 Carol Peltz, 47 Crecienta Lane, indicated the following:

- 35 • She belongs to the Board of Directors of Friends of Dunphy Park.
- 36 • This project needs to stand on its own without the use of the public park. That is
- 37 the only fair way to evaluate it.
- 38 • The use of the park enhances the proposal, but it doesn't enhance Dunphy Park
- 39 or have any commonality with the kind of uses that exist and are projected for the
- 40 future of Dunphy Park.
- 41 • This project doesn't conform to the CW uses as it stands, because the use is
- 42 neither waterfront nor commercial.
- 43 • The Staff Report argues that if the use of the park that is incorporated into the
- 44 commercial design is passive then no one will show up, so you don't need any
- 45 parking, but the existing Dunphy Park is an example of something that is passive
- 46 and needs parking.
- 47 • She hopes the Planning Commission will particularly consider the remarks sent
- 48 in a letter from Barbara Salzman, Chairman of the Marin Audubon Society.
- 49
- 50

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

- 2 • He has lived at his current address for 42 years and in that time has watched the
- 3 wetland being filled.
- 4 • He is a licensed landscape architect with offices in Sausalito since 1980.
- 5 • He a member of the Board of Directors of Friends of Dunphy Park.
- 6 • He met with the project's design team several times as an individual. He is very
- 7 concerned about the plant material and the water uses.
- 8 • The photographs shown on page 16 of the environmental analysis do not
- 9 accurately represent the view impact of the project as it was taken up the hill on
- 10 Cazneau Avenue. The important views are from the residential properties below
- 11 Bonita Street that overlook this site and relate strongly to property values.
- 12 • Another potential visual impact is the trees proposed to be planted on the project
- 13 site and in the adjacent city-owned site as they will block views of the bay. Few
- 14 trees should be used in the landscaping, and any used should be low growing
- 15 and placed with consideration of the views from the residences above.
- 16 • The building's massive roof tilts toward the uphill residential properties and
- 17 appears as a very large flat plain. A vegetated roof would be a very good
- 18 mitigation of this impact.
- 19 • The environmental document doesn't contain an accurate three-dimensional
- 20 representation of the building in context of the small earth berms and the post
- 21 planting.
- 22 • There is no master plan for the construction and maintenance of the adjacent
- 23 City-owned property. How can it be approved without one?
- 24
- 25

26 Leda Sanford, 100 South Street, indicated the following:

- 27 • She supports the project. The proposed project site and Dunphy Park are shabby
- 28 and not well maintained. At last something interesting could happen at this site
- 29 architecturally and in other ways.
- 30 • She speaks on behalf of others who could not be there but also support the
- 31 project.
- 32

33 Commission question to Jacques Ullman:

- 34 • The applicant states the site is not able to support heavy weights, such as
- 35 earthen berms. In your sketches you make large use of berms around the side of
- 36 the building that lead on to the vegetated roof. Is there any problem with that site
- 37 supporting substantial earthen berms that you know of? *Mr. Ullman responded*
- 38 *there would have to be a physical separation between the site work and berm*
- 39 *and the building itself. There would be some differential settlement between the*
- 40 *two, but that wouldn't cause failure. There might need to be some readjustment*
- 41 *over time.*
- 42
- 43

44 The public comment period was closed.

45 Mr. Hart's rebuttal to public comment:

- 46 • The problem with Mr. Ullman's plan is it shows up to 13 feet of fill, which would
- 47 cause extreme differential settlement and would collapse the soil down into the
- 48 bay mud.
- 49
- 50

- 1 • Regarding comments from Vicki Nichols and Paul Leffingwell, HartMarin offered  
2 to meet with Friends of Dunphy Park but they declined. A lot of the questions Ms.  
3 Nichols asked tonight could have been answered at a meeting.  
4

5 Brian Swartz, HartMarin, rebuttal to public comment:

- 6 • Two questions were raised about the community support map. He has been in  
7 contact with the property owners of 117 and 206 Caledonia and received their  
8 support.  
9

10 Andrea Leisy, attorney for HartMarin, rebuttal to public comment:

- 11 • There are letters from the 2005 project that are not applicable to this project and  
12 should be taken out of the record.  
13 • This project could have been found exempt from CEQA under the Infill  
14 Exemption, but the City wanted to encourage public involvement, which is the  
15 reason for the Mitigated Negative Declaration.  
16 • Regarding people's concerns with potential effects to private views, the  
17 thresholds of significance under CEQA all pertain to whether or not a project will  
18 have a substantial adverse effect; this project is not substantially degrading the  
19 existing visual character.  
20 • This project is consistent with the General Plan and the Zoning Code. It is an  
21 allowed use by a CUP. There is no evidence in the record supporting a rejection  
22 of issuing a CUP in this project.  
23 • Regarding comments this is not the best use for the parcel and there will need to  
24 be more parking for special events, this is private land and the applicant has a  
25 right to propose what he wants to build on his own property. The City could  
26 condition the approval so no special events could be held, but that is not in the  
27 community's best interest or what was intended when the project was proposed.  
28 • Provisions under the CEQA state an environmental impact report shouldn't be  
29 circulated for public review and comment for more than 60 days. This  
30 environmental document has been circulated for nearly two months; it is only fair  
31 to the applicant that the public comment period be closed.  
32  
33

34 Commission questions and comments to Ms. Leisy and Mr. Hart.

- 35 • The Zoning Ordinance states a CW project is to protect the waterfront area while  
36 promoting the uses that benefit from and need a waterfront location. What  
37 aspect of this project do you feel needs a waterfront location? *Ms. Leisy*  
38 *responded warehouse is listed in the table of allowed uses that has been*  
39 *deemed to fit those criteria and she believes a showcase for boats does fit within*  
40 *those criteria. Staff has determined the closest use to fit this project into is a*  
41 *warehouse and that is an identified allowed use via CUP. Mr. Hart responded*  
42 *that in considering the project as a whole they are proposing a waterfront park,*  
43 *which is appropriate on the waterfront. The Zoning Ordinance says to promote*  
44 *uses to benefit from and need a waterfront location, but it doesn't prohibit the*  
45 *uses proposed.*  
46 • Is this a commercial project at all, or is this a private non-commercial project for  
47 the sole benefit of Mr. Mallya? *Mr. Hart responded the use of the building is as a*  
48 *warehouse as allowed in the Zoning Ordinance; all other warehouses in the CW*  
49 *zone are used this way.*  
50

- 1 • Zoning Ordinance doesn't say a warehouse per se, it says a warehouse that is  
2 doing certain things. We are talking about use, not a structure. I don't see a  
3 commercial use here. *Mr. Hart responded that warehouse is contained in the*  
4 *table of allowed uses within the CW Zone.*  
5

6 Commission question to the City Attorney:

- 7 • In what table and section is warehouse listed as a use in the CW with a CUP?  
8 *The City Attorney responded Table 10.24-1 under Service Uses lists*  
9 *warehousing, and under the CW it says CUP.*  
10

11 Commission comment:

- 12 • A service use is a commercial use. A service is a service industry, not a private  
13 use.  
14 • A commercial endeavor is one that incorporates a commercial transaction, which  
15 means there is a buyer and seller or something similar to that; this situation does  
16 not have that.  
17

18 Comment by Mr. Hart:

- 19 • It does not say commercial, it says "warehousing service uses." The idea that it  
20 needs to be commercial is not what the Zoning Ordinance says. *The City*  
21 *Attorney responded the findings to grant the CUP include that it is consistent with*  
22 *the purposes of the zoning district, which is commercial. It must be found to be*  
23 *consistent with the purpose of the specific CW district.*  
24  
25

26 Commission question to Staff:

- 27 • Does BCDC claim jurisdiction over the proposed building? *Staff responded they*  
28 *would not, because the building is not within 100 feet of the shoreline band.*  
29

30 Commission questions to Mr. Hart:

- 31 • Are you adamant that a 4" living vegetated roof would add too much weight on  
32 this particular site? *Mr. Hart responded they had an architect draw up a plan for a*  
33 *living roof, but there were a number of issues. Their objective is to design a*  
34 *building as light as possible, but the structure needs to get heavier and stronger*  
35 *with even a 4" vegetated roof. A vegetated roof is also extremely expensive;*  
36 *double the cost of their proposed roof. Mr. Mallya is not earning income from this*  
37 *project and is spending money to improve Dunphy Park, so they are trying to*  
38 *balance the budget, the project, and the aesthetics.*  
39 • What is your response to public comments that this project should stand on its  
40 own without Dunphy Park? *Mr. Hart responded the project does stand on its own*  
41 *without the Park. The size of the building does not exceed the FAR that is*  
42 *allowed on just Mr. Mallya's property, the height is well under the height limit, all*  
43 *the setbacks are met, and the number of parking spaces is met. They originally*  
44 *told the City this could be done as two separate projects; they are still open to*  
45 *that if the City wishes.*  
46 • It would be helpful to have perspectives done from different viewpoints to see  
47 what impact, if any, this project has from properties on the second-level  
48 residences across the street. *Mr. Hart responded if the community can provide*  
49  
50



1            *them some views or let them come into their homes, they would be happy to do*  
2            *that.*

- 3            • If the project were to stand on its own without Dunphy Park, how then do you  
4            meet the zoning requirement that it benefit from and need the waterfront? *Mr.*  
5            *Hart responded the way he interprets the Zoning Ordinance is that it is to*  
6            *promote those uses, but it does not prohibit other uses.*
- 7            • Would you accept as a condition the dedication of a certain number of square  
8            feet in this building for maritime oriented uses? *Mr. Hart responded it is up to the*  
9            *City's discretion to do that. HartMarin has provided the City with letters of intent*  
10           *from the users that include marine surveyors, sailmakers, and electronics users.*
- 11           • Regarding Mitigation Measures 3 through 6, if you seek a partnership with a  
12           park that has a wetland and has an inlet of water you should go more extensively  
13           into creating a sustainable habitat for a park setting for your building. What you  
14           have shown us has no relationship to Dunphy Park itself, only a foundation  
15           planting around your building. Who have you worked with regarding these  
16           concerns to determine migratory birds, species of plants, and archeological  
17           specimens in the area, especially with the Miwok Indian tribe who believe there  
18           could be prehistoric burial grounds on the site? It appears an ecological botanist  
19           spent one day in October at the site and identified a few plants, but that is all. *Mr.*  
20           *Hart responded HartMarin encourages the Planning Commission to put the*  
21           *Miwok tribe's recommendations in as a Condition of Approval. There is already a*  
22           *mitigation measure to have someone from the tribe present during the*  
23           *excavation, although this property was not here before 1965 and the possibility of*  
24           *finding prehistoric remains is slim. Wetlands Research Associates did the*  
25           *biological research and found the potential for a wetland on City property. Their*  
26           *recommendation was to put a setback around that potential wetland, which has*  
27           *not been designated yet, and stay away from it, which is what is shown on the*  
28           *plans. Rather than do a complete analysis of the environment, they analyzed the*  
29           *impact of their project on the site and they are trying to reduce the impact.*
- 30           • To make a partnership between you and the City you must take control of this  
31           site that is in poor condition and improve it with new wetlands species and  
32           stronger wetland character. To make a viable park you need to do substantial  
33           habitat research into what you will do there besides a buffer, which is an  
34           imaginary line that means nothing to the surrounding wetlands. *Mr. Hart*  
35           *responded he would caution the idea that they can enhance wetlands on a*  
36           *project of that size.*
- 37           • Having worked many years for ecological designers for wetland mitigation, it can  
38           be done on all the way down an eighth of an acre. It is possible to use wetland  
39           species; they are nature's filtration devices no matter how big it is. *Mr. Hart*  
40           *responded they would work with the City, Parks and Recreation, and the*  
41           *community in supporting whatever goals they have for that property.*

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45           **Chair Keller moved and Vice Chair Bair seconded a motion to continue the public**  
46           **hearing on 300 Locust Street and the IES/MND report to the meeting on**  
47           **September 23, 2009. The motion passed 5-0.**  
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1           **3. DR 09-102, Design Review Permit, Staninek, 103 Bonita Street.** A Design  
2 Review Permit to modify the roofline of a previously-approved addition at 103  
3 Bonita Street (APN 065-082-04). The original Design Review Permit was  
4 approved on June 11, 2008 for construction of an addition connecting an  
5 existing single-family residence to a detached garage.  
6

7 The public hearing was opened. Assistant Planner Alison Thornberry presented the  
8 Staff Report.  
9

10 Presentation was made by John McCoy, the applicant.  
11

12 Commission question to Mr. McCoy:

- 13       • Is there visual impact to any of the neighbors from this project? *Mr. McCoy*  
14       *responded there is no impact to the neighbors; the ribbons on the story poles are*  
15       *almost within 6" of where the previously approved ribbons were.*  
16

17 The public comment period was opened.  
18

19 Ken Economy, 111 Bonita Street, indicated the following:  
20

- 21       • Lives next door to the proposed project.
- 22       • The new proposal adds 3' of vertical elevation on the area closest to their  
23       property.
- 24       • A tree canopy between the two properties establishes their privacy. They want to  
25       ensure that canopy will exist in perpetuity as most of their windows face Mr.  
26       Staninek's deck. If something were to happen to the canopy they would like Mr.  
27       Staninek to plant both the side and back fences with tall evergreens to maintain  
28       the screening. They would like Mr. Staninek to put a trellis at the edge of his deck  
29       for further screening.
- 30       • Mr. Staninek wants to use the area next to his garage marked as "patio" for  
31       parking vehicles and /or boats, evidenced by an 8' wide gate. This would limit the  
32       already limited on street parking for their block.  
33

34 The public comment period was closed.  
35

36 Rebuttal by Mr. McCoy, the applicant:

- 37       • The patio is approved and permitted and under construction.
- 38       • The trees and foliage between the two properties are quite dense and there  
39       should be no privacy issues.  
40

41 Commission questions to Mr. McCoy:

- 42       • Can you address the contention that the proposed new roof adds 3' of vertical  
43       elevation? *Mr. McCoy responded the reason there is a difference between the*  
44       *new design and the previously approved design is that when they opened the*  
45       *ceiling they found there was almost a 2' difference in framing; the original plate*  
46       *heights for this house were 10' plates and they had 8' ceilings. Confusion arose*  
47       *because the difference in the head heights from the windows to the eaves is*  
48       *higher, causing the new elevation to look higher even though the height of the*  
49         
50

1            *addition has not been increased. There was also a drafting error based on as-*  
2            *built drawings.*

- 3            • So the approved depiction assumes an 8' plate instead of a 10' plate? *Mr. McCoy*  
4            *responded that is correct; there is an existing beam at the 10' level.*
- 5            • Under the approved construction so far, is there anything that will disturb the  
6            ground between the houses of Mr. Staninek and Mr. Economy? *Mr. McCoy*  
7            *responded no.*
- 8            • What is the distance between the end of the proposed roof deck on the north to  
9            the south edge the property line, the distance across the garage? *Mr. McCoy*  
10           *responded it is 25' to the property line.*
- 11           • Is your intended use of the area labeled as "patio" to the south of the garage in  
12           fact a patio? *Mr. McCoy responded yes, it is intended as a patio, not parking. Mr.*  
13           *Staninek has four-car parking the 20' garage. No curb cut has been requested.*

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16    Rebuttal by Mr. Staninek, the owner:

- 17           • There will be no increase in the height of the roof over the stairs. An error in the  
18           drawings depicted the existing house 2' lower than it actually is.
- 19           • He will keep the tree canopy for privacy for both houses, but it is unreasonable to  
20           not allow him to do some trimming, because some of the branches extend over  
21           the garage and make a mess. He will build a privacy screen at the end of his  
22           deck if the Economys wish; he has offered it before.
- 23           • The gate was already approved on the existing project. He does not plan to use  
24           the patio as a parking lot, but if he did on rare occasions pull a car or boat into  
25           that area it would be on his side of the garage where the Economys would not  
26           see it, so it is not an issue.

27  
28    Commission question to Mr. Staninek:

- 29           • The gate has been approved, but if at any point you open the gate and use it as  
30           parking, there is a curb and that is public parking. If a car parks there and blocks  
31           you in, what will you do? *Mr. Staninek responded he understands that and if he*  
32           *wanted to use it on a regular basis for parking he would come back and ask for*  
33           *an easement, but he does not intend to use that area for parking.*

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35    Commission comments:

- 36           • A privacy trellis at the end of the deck is an appropriate Condition of Approval.
- 37           • The new roofline is more aesthetically appealing than the original flat roofline.

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40    **Chair Keller moved and Commissioner Cox seconded a motion to approve a**  
41    **Design Review Permit to modify the roofline of a residential addition at 103 Bonita**  
42    **Street with a Condition of Approval that the applicant will add a privacy trellis at**  
43    **the end of the deck. The motion passed 5-0.**

44  
45    **Old Business**

46    None.

47  
48    **New Business**

49    None.

1 **Communications**

- 2
- 3 • Staff—The City Council at their last meeting discussed the public safety facilities  
4 project and the issue of whether the City Council as property owners of the public  
5 facilities project were interested in having pavers installed in the plaza areas in  
6 front of the police and fire stations. The City Council voted 4-0 to put concrete in  
7 that area.
  - 8 • Staff—City Council at their last meeting asked Staff to place an agenda item on  
9 the September 15<sup>th</sup> Council agenda to discuss the process for review of the  
10 Dunphy Park expansion parcel aspect of the Mallya project.

11 **Adjournment**

12 The meeting was adjourned at 10:02 p.m.

13  
14  
15 /S/ JEREMY GRAVES

16 Submitted by  
17 Jeremy Graves, AICP  
18 Community Development Director  
19

20 /s/ BILL KELLER

21 Approved by  
22 Bill Keller  
23 Chair  
24

25 CDD\PlanComm\Minutes\2009\09-09-09  
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