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SAUSALITO PLANNING COMMISSION
Wednesday, July 15, 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 Eric Stout,
Commissioner Joan Cox

Absent: Commissioner Stafford Keegin

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

Chair Keller moved and Commissioner Cox seconded a motion to approve the agenda. Motion is passed 4-0.

Approval of Minutes

None.

Public Comment

None.

Public Hearings

1. DR/VA/EP/LLA/MND 05-045, Modification of actions requested by the Planning Commission, City of Sausalito, Public Safety Facilities.

Modification of the actions requested by the Planning Commission on August 13, 2008 regarding: 1) replacing the brick pavers at the Police Station and Fire Station with scored concrete; 2) eliminating the circular planter area at the Police Station; and 3) alternative screening for the generator. The project site is 333 Johnson Street and 29 Caledonia Street (APN 065-061-06 and 065-062-17). The public hearing was continued from the July 1, 2009 Commission meeting.

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

Presentation was made by Loren Umbertis, the Project Manager and Councilmember Mike Kelly.

Commission questions and comments to Staff, Loren Umbertis, and Mike Kelly:

- Is the reason we are being asked to substitute the brick paving with double-scored concrete, eliminate the raised circular planter, and eliminate the requirement to screen the generator because there is no allowance in the project budget for those items? *Staff responded it is more that there is still a concern by*

1 the Public Safety Facilities (PSF) Coordinating Committee that alternative
2 materials for the paving are appropriate and that the planter is not necessary. Mr.
3 Umbertis responded there are a couple of issues: 1) the cost; and 2) the use of
4 the brick pavers at that area. Mr. Kelly responded there is money in the budget,
5 but the concern has more to do with two areas: 1) the aesthetic look, that the
6 brick pavers are unusual for Sausalito and there are no other public and private
7 places in the downtown area that have them, that this is meant to be a working
8 fire department that fits into the neighborhood, not a public plaza, so anything
9 that is different would not suite that purpose; and 2) the industrial use of the area,
10 that the fire trucks occasionally run over the corners and up on sidewalks,
11 especially in times of emergency, and they also use that area for training
12 purposes, so the concern is that paver material isn't strong enough and will not
13 hold up. Regarding the art, it was felt that the large art piece on the corner did not
14 blend into the working nature of the two buildings.

- 15 • Is the proposed concrete natural colored? Mr. Umbertis responded it is, but they
16 can do a colored concrete, however if it is too colored it creates the same
17 impression of a plaza. But if there is a desire to differentiate that particular area in
18 some smaller way, colored concrete could easily be used.
- 19 • That is a big expanse of concrete, which the planter helps break up. Mr. Umbertis
20 responded the planter is actually built in with a footing and will be permanent,
21 which would be a problem if it is decided later on it is no longer wanted. A more
22 temporary solution would be to bring in a planter that is not built in and
23 permanent, or a piece of art that could easily be removed.
- 24 • From a maintenance standpoint, if something happened to the concrete wouldn't
25 it be cheaper to replace it with brick than it would be to rip out the broken
26 concrete and pour a new slab? Mr. Umbertis responded the maintenance of brick
27 is more expensive to put down initially than it would be to use concrete, and also
28 in the replacement cost in the event of damage. To replace brick would entail
29 hiring someone who does brick paving and pulling out bricks and matching new
30 bricks as opposed to concrete in which the damaged part is cut out and a new
31 portion poured. Mr. Kelly responded if it were a choice between something like
32 stamped colored concrete and brick pavers, he would choose the concrete
33 because brick pavers would be a constant maintenance problem.
- 34 • What about concrete pavers as opposed to brick pavers? Mr. Kelly responded it's
35 the setting of it that is the issue. A monolithic pour of concrete with the steel in it
36 can be built to a level of strength that will make it permanent.
- 37 • Generally "value engineering" pertains to things that are behind the scenes.
38 What are your thoughts on that? Mr. Kelly responded value engineering is trying
39 to find the fat in something and bring it down to a basic that is affordable. It's not
40 about money, it's about what's appropriate for that site and would best keep the
41 costs low and at the same time provide some aesthetic value.

42 The public testimony period was opened. There being none, the public testimony period
43 was closed.
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1 Commission comments:

- 2
- 3 • We should be careful because what we're doing is a do-over of a Planning
- 4 Commission directive. Is that appropriate? *Staff responded it's not*
- 5 *unprecedented. It's also in keeping with the wording of the Condition of Approval.*
- 6 • If an applicant comes before the Planning Commission and we approve a project
- 7 with a certain type of siding, for example, and then halfway through the process
- 8 the applicant wants to change the type of siding, I assume that decision is made
- 9 at Staff level? *Staff responded they use criteria that is identified in the Zoning*
- 10 *Ordinance, so Staff has a certain level of discretion, but if it's above that level of*
- 11 *discretion then it returns to the Planning Commission as an amendment of that*
- 12 *Design Review Permit, and that's the context in which this is being treated*
- 13 *because this is an item that came back to the Planning Commission because of a*
- 14 *specific Planning Commission Condition of Approval, approved in 2007, that said*
- 15 *the Planning Commission wants to look at the parameters of the Landscape Plan*
- 16 *in specific detail.*
- 17 • I want to be clear about what our purview is. If we're being asked to now overrule
- 18 what the Planning Commission direction was a year ago, and we are authorized
- 19 to do that, is there is a time limit on a Motion to Reconsider or an appeal? *Staff*
- 20 *responded this is not unlike situations where people request modifications to their*
- 21 *Conditions of Approval, which is done frequently, so it is within the Planning*
- 22 *Commission's purview to consider and take actions on modifications to*
- 23 *Conditions of Approval, and it happens with projects that were approved both*
- 24 *long ago and more recently.*
- 25 • The modification of the screening is ok, but not the change for the pavers. This
- 26 town is about aesthetics and there should be bricks in there rather than a huge
- 27 plot of concrete. That's what we said last year. We should not have to go back
- 28 and reconsider that now. This is a Motion to Reconsider and we shouldn't do
- 29 that. This is a walking plaza, not a driving plaza; so let's make it memorable.
- 30 • If we're going to reconsider the pavers, we need to see photographic samples of
- 31 what it's going to be stamped with or what it's really going to look like, maybe two
- 32 or three examples. *Mr. Umbertis responded they could provide a couple of*
- 33 *different solutions, and the way it is designed now there are the normal pads and*
- 34 *then there is another score line that follows that line and creates a differentiation*
- 35 *between the other standard.*
- 36 • Without the circular planter we'd have a skateboard park out there. Part of the
- 37 idea was to have a place for people to sit.
- 38 • We should not be using concrete instead of brick pavers or eliminating the
- 39 circular planter given the small amount of money that they represent to the
- 40 project. Also it's not a good thing for an advisory body like this to have things
- 41 come back repetitively until we get it right.
- 42
- 43

44 Commission direction to Mr. Umbertis:

- 45 • Provide some examples of color and concrete treatment; what it will look like if
- 46 the planter is eliminated; and alternatives to the planter.
- 47

48 **Chair Keller moved and Commissioner Cox seconded a motion to continue the**

49 **public hearing for the Public Safety Facilities to the meeting on September 23,**

50 **2009. The motion passed 4-0.**

1
2 **2. DR/TP 09-049, Approval of Design Review Permit and Tree Removal Permit,**
3 **Teasdale, 81 Cloudview Road.** A Design Review Permit to demolish an existing
4 single-family residence at 81 Cloudview Road (APN 065-191-06) and construct a
5 new 4,796 square foot residence with a six-car garage and one-car garage. The new
6 residence would cover 35% of the lot and would have a total floor area ratio of 0.41.
7 A Tree Removal Permit is requested to remove a protected Douglas fir tree in poor
8 condition.
9

10 The public hearing was opened. Associated Planner Lilly Schinsing presented the Staff
11 Report.
12

13 Commission question to Staff:

- 14
- 15 • The proposed structure seems to cross over the setbacks. On the northwest side
16 the garage goes well over the setback and on the southeast side the wall goes
17 over the setback. Why isn't there a variance? *Staff responded that when the*
18 *Applicant drew up the plans they believed that because the length of the building*
19 *exceeded 40' that the setback needed to be increased. However the Zoning*
20 *Ordinance stipulates that that regulation applies when the length of the building*
21 *runs parallel to the property line; in this case the building is at an angle to the*
22 *property line, so that provision does not apply and a 5' setback is required.*

23
24 Presentation was made by Robert Teasdale, the applicant.
25

26 Commission questions to Mr. Teasdale:

- 27
- 28 • Is the adjustment on the roofline from 112.5' to 111' new? What are we looking at
29 in terms of the plans right now in front of us? *Mr. Teasdale responded the story*
30 *poles that are up and the plans in front of the Planning Commission reflect a 111'*
31 *roof peak, which is 18" below the house's current roof peak.*
 - 32 • Have those new story pole heights been certified? *Mr. Teasdale responded the*
33 *111' has been certified, but he has put 1' drop tentative story poles that are only*
34 *visible from the 95 Cloudview property and those have not been certified but they*
35 *are about 1' foot down and 1' up, so there is an alternative view proposal.*
 - 36 • If Mr. Chang's view is a primary view, how much does the internal ceiling height
37 and the existing roofline need to drop to get to that dotted line that Staff suggests
38 as a Condition of Approval? *Mr. Teasdale responded the problem he has is this is*
39 *an infill property and he has neighbors all around. The Stratigos' ridge is at 90.6'*
40 *and he proposes an upstairs floor height of 93', only 2.5' above the ridge. If he*
41 *drops the floor down lower he loses his perspective over the neighbor's house.*
42 *Right now Mr. Chang has a 2' space from his back yard over the Roberts' roof*
43 *ridge and he has 3' from his floor down over the Stratigos, so Mr. Chang is asking*
44 *him to put his house below where the protected trees are and where the*
45 *Stratigo's house is.*
 - 46 • If you took 1.5' out of your ceiling height on the upper level, how much closer do
47 you get to that dotted line Staff suggests as a Condition of Approval? *Mr.*
48 *Teasdale responded a little closer, but then he would see more water, but not the*
49 *trees in Belvedere. About 4-5' would have to be taken off before the trees can be*
50 *seen.*

- 1 • If you eliminated your attic you would then comport with Staff's suggested view
2 line? *Mr. Teasdale responded that is true, if he eliminated the sheltering roof he*
3 *would have a flat roof and that would comport with Staff's view line.*
4 • If I hear correctly, you have some wiggle room? *Mr. Teasdale responded he*
5 *believes this is the optimal plan, but there is a little wiggle room.*
6

7 The public testimony period was opened.
8

9 Steve Rempe, indicated the following:
10

- 11 • He is Mr. Chang's general contractor and has been working on 95 Cloudview for
12 three years.
13 • Although the pine trees and other various trees have been removed only
14 recently, it had always been their intention to remove them because they blocked
15 views, but they are only now getting to the landscaping after working on the
16 house.
17 • The plate height in the Chang's kitchen is 8', not 11', with an open ceiling, which
18 is one of the solutions Mr. Chang asked him to bring up; if the plate height is
19 dropped from 11' down to 10' or 9', it will help the ridge height but have an open
20 ceiling in that space and still have the same feeling of volume and light.
21 • Mr. Chang strongly believes his primary view is blocked, it is not just three
22 square feet. The views affected are the deck area, the dining room, the kitchen
23 and he is hoping to get some relief through working with the Owner.
24

25 Commission questions to Mr. Rempe:

- 26 • I'm looking at two pictures, but there appear to be some pines that are 10-15'.
27 *The Speaker responded that picture was taken last year and those trees have*
28 *grown quite a bit. One of the other reasons they removed the pine trees was the*
29 *landscape architect suggested they be eliminated because they are not a*
30 *desirable tree as they are not stable; they last 20 years and then die away. They*
31 *plan to install shrubs to give privacy between the Chang residence and the*
32 *neighbors and to open up that view.*
33 • So the trees that you cut down, that's as far over as you could possibly cut? Are
34 the trees in the lower photograph also on Mr. Chang's property? *Mr. Rempe*
35 *responded that the large Cork oak is on Mr. Chang's property, but he believes*
36 *the other mass of trees is on 23 Channing's property.*
37

38 Anna Roberts, indicated the following:
39

- 40 • She is the owner of 23 Channing Way.
41 • The mass of trees are on her property and they shield her property from the
42 Owner's property.
43 • The project is a huge improvement to the site.
44 • She is concerned with the massiveness and height of the garage area, which
45 looms over her house and back yard.
46 • She is concerned about privacy. Her bedroom and bathroom windows look into
47 the kitchen and dining room windows of the proposed residence. The primary
48 deck off the kitchen and dining room of the proposed residence looks into her
49 back yard and bedroom. The Owner has promised to put screening there.
50

- 1 • The trees removed by the Changs have affected her privacy because now she
2 can see the Owner's property, which was hidden before.
3

4 Commission question to Ms. Roberts:

- 5 • So you would like to see some type of screening to soften up the massing of the
6 garage area, perhaps a line of trees along the property line on that side? *Ms.*
7 *Roberts responded yes, something substantial with year-round foliage, because*
8 *it's a massive six-car garage.*
9 • How big do you think the pine trees that came down were? *Ms. Roberts*
10 *responded that is a sore subject, because the pine trees created privacy between*
11 *the Chang's property and her family room windows and sliding glass doors in the*
12 *back. She believes they were planted fairly recently, but they grew very quickly to*
13 *a good size.*
14 • Do you know how long Mr. Chang has lived there? *Ms. Roberts responded no,*
15 *but she believes more than ten years.*
16

17
18 Pierre Vacherand, 75 Cloudview Road, indicated the following:

- 19 • He shares an easement with the Owner's property.
20 • He thinks the project brings improvement, because right now on the subject
21 property is an old, beat up house.
22 • He hopes the Planning Commission will not try to lower the roofline, because it
23 would change the spirit of the project.
24

25 Rebuttal by Mr. Teasdale:

- 26 • If you look at the stumps, they are not 3' stumps. One is 11" and one is 9" in
27 diameter.
28 • Mr. Chang has owned his property since 1997. The tree has been there since
29 then and was not trimmed until (inaudible).
30

31 Commission questions to Mr. Teasdale:

- 32 • How would you address the concerns of Anna Roberts at 23 Channing Way? *Mr.*
33 *Teasdale responded he addressed them with her before the meeting. He has*
34 *planted a much stronger and denser non-deciduous evergreen plant hedge*
35 *between the two properties that will restore complete privacy. He can also pull*
36 *his building back a little bit if it will make her more comfortable. He promised*
37 *there would be no view from Ms. Roberts' house to his in that area.*
38 • How would you soften the massing of the two-story garage? *Mr. Teasdale*
39 *responded the two-story garage only looks about 11' tall from the outside. The*
40 *garage's roofline is within the roof of the current house, so one would see a lower*
41 *roofline than what is up there now. He couldn't put the story poles up in that area,*
42 *because it's within the existing roof.*
43 • Would you be willing to plant a hedge of trees in between the two properties to
44 soften the massing of the garage? *Mr. Teasdale responded he is amenable to*
45 *any landscaping plans or suggestions from the Planning Commission or Ms.*
46 *Roberts. He will work with Ms. Roberts to her satisfaction because they both*
47 *have the same goal: privacy from one another.*
48 • On the massing issue, is Ms. Robert's looking up towards your proposed garage?
49 *Mr. Teasdale responded yes, she is looking uphill towards his garage.*
50

1
2 The public testimony period was closed.

3
4 Staff comment:

- 5 • The Cork oak on Mr. Chang's property is considered protected based on the
6 circumference at breast height of 12" or greater.

7
8 Commission comments:

- 9 • Mr. Teasdale's design of the house, sensitivity to the site, and the neighborhood
10 outreach is commendable.
- 11 • There is some wiggle room that can be offered up. We can go round and round
12 as to whether or not that sliver off of the kitchen window is a primary view or not,
13 but the bottom line is it's in the view corridor and it would go a long way if Mr.
14 Teasdale did something to address that.
- 15 • Mr. Chang is seeking some relief, and we should respect his point of view. He's
16 owned his property for 12 years and it was only in the last six months after the
17 story poles went up that he cut down the trees that have now created a view that
18 he seeks to protect. Being mindful of that, a compromise can be made in terms
19 of the roof height as it exists now versus the relief sought by Mr. Chang.
- 20 • This project can be approved with the view. The view issue is something of Mr.
21 Chang's own creation. Every room is not entitled to a primary view, nor is
22 everyone entitled to a panoramic view. We should be willing to vote for this
23 project with the view the way it was if the house wasn't so large. This doesn't
24 meet the heightened review standard, because there are two setbacks that are
25 minimum and there is a little bit more on the other ones. We don't need to build
26 these things out to the maximum amount that the lot allows. If it's heightened
27 review, we need to see some justification why it needs to be so large, and we
28 haven't seen that. If there is something in between those spots between the view
29 and the size of the house, then we should be okay with it, because they've done
30 a nice job and done a lot with the neighbors.
- 31 • The view issue is not that great, but a Heightened Design Permit is being
32 sought, so there has to be a little bit of a leeway to figure out how to work with
33 the neighbors, but overall it is a very nice design.

34
35
36 Commission comments to Mr. Teasdale:

- 37 • We don't want to go around and around, because the definition of view can be a
38 slippery slope. You should try to create some wiggle room as Staff has
39 suggested to try to improve that aspect of Mr. Chang's view, which is difficult as
40 you haven't been able to talk to him in person. Try to adjust your ceiling height on
41 one or two levels, or the roof height. Flattening the roof would destroy the
42 aesthetic quality of the design, carving out maybe 2' to improve that view
43 corridor, and in addition address Anna Roberts' concern regarding vegetation to
44 soften the side area, would be a solution. *Mr. Teasdale responded the main
45 reason the house is so large is because of the garage and the turnaround on the
46 property and the desire to keep cars off the street. The house itself is completely
47 compatible with all the neighbors. He does have wiggle room and he is willing to
48 drop his 12' ceiling down a foot, which will dramatically increase Mr. Chang's
49 view, although not of Belvedere, which can't be done without flattening the roof. If*

1 *he moves the building up the hill he would lose his ability to turn around in that*
2 *motor court.*

- 3 • We understand you'd like to see something come out tonight, but there are other
4 interested parties who want to see what the final project will look like. The roof is
5 a step in the right direction, but we should not conduct a negotiation from the
6 podium.
- 7 • You've stated the massing is so large because of the six-car garage to house
8 your car collection, which is a real luxury. Many people in town with car
9 collections store them off their property, so that is an alternative. The massing
10 has revolved around an enormous parking area for seven cars; there's not
11 another property in town with that many parking spaces.

12
13 Commission direction to Mr. Teasdale:

- 14 • Come back with a couple of roofline alternatives with 1' taken out and 2' taken
15 out, pushing the whole thing down.
- 16 • Accommodate Anna Roberts' concerns in terms of softening the mass of the
17 garage. Talk to your landscape designer regarding the most effective and
18 quickest screening method for the proposed garage and additional screening off
19 your kitchen deck area; ideally a fast-growing species.
- 20 • Adjust the story poles by re-marking them. Leave the ones you have up. Re-
21 string what you currently have with the proposal for 1' and 2' reductions.
- 22 • Provide a side elevation rendering from Anna Robert's perspective and show
23 what you propose in terms of screening the garage.
- 24 • With the story poles show the view impact on Mr. Chang's kitchen with the 1' and
25 2' reduction.

26
27
28 **Chair Keller moved and Commissioner Cox seconded a motion to continue the**
29 **public hearing for 81 Cloudview Road, to the next meeting on September 9, 2009.**
30 **The motion passed 4-0.**

- 31
32 **3. DR/CUP/ENV 09-014, Initial Environmental Study/Mitigated Negative**
33 **Declaration, Mallya, 300 Locust.** An Initial Environmental Study/Mitigated
34 Negative Declaration (IES/MND) has been prepared to address environmental
35 impacts associated with a proposed construction of a warehouse at 300 Locust
36 (APN 064-087-07) and Dunphy Park Expansion (APN 064-087-06 and -08) within
37 the Commercial Waterfront (CW) District.

38
39 Associate Planner Heidi Burns presented the Staff Report.

40
41 Presentation was made by Rob Hart, the applicant.

42
43 Commission questions of Mr. Hart:

- 44 • The IES/MND says you'll have automotive mechanics, car and boat washer, boat
45 repair personnel. How will the boats to be cleaned get in and out? Where does
46 the runoff from the boat washing and repairs of the yachts go? *Mr. Hart*
47 *responded the washing activities would occur east of the proposed warehouse*
48 *structure in the parking lot and the water would be routed to bioretention swales*
49

1 *that are on the border of the parking lot that would collect the runoff and remove*
2 *the paints and metals. There would be no operations other than the washings.*

- 3 • With automotive repair, sail and canvas repair and boat surveying, for a parking
4 lot of seven cars, such a small space, even with the bioswales and depending on
5 what season, I can't image holding that much water during the rainy seasons. *Mr.*
6 *Hart responded that in the hydrology section it has been demonstrated that*
7 *based upon the preliminary calculations that there would be enough retention*
8 *capability to accommodate the project's runoff and water from a 100-year storm.*
- 9 • Is there information in the report that states what kind of chemicals, paints, and
10 mechanical equipment will be used on site, so we know how much nauseous
11 material is going into the drain off system and into the bioswales? *Mr. Hart*
12 *responded there is not a specific listing, but the proposed use is storage of a*
13 *private car collection and boats with the limited repairs needed to keep the*
14 *collection in good condition with no intensive maintenance and painting.*
- 15 • Has there been any research in terms of other facilities of this nature and what
16 goes into maintaining cars? *Mr. Hart responded, "Not specifically."*
- 17 • In terms of the IES/MND we need to know are cars just going to be stored here
18 and wash and tires filled, or will they be doing any type of oil changing? Will they
19 be keeping the cars in operational mode? Will there be a full-time mechanic on
20 site? What type of chemicals will be involved? Will it be limited or significant work
21 done? *Mr. Hart responded there will be no intensive operations or repairs or*
22 *painting of vehicles.*

23
24
25 Public comment period was opened.

26
27 Roberta Malloy, Sausalito resident, indicated the following:

- 28 • She likes that the project is incorporating Dunphy Park and that they've looked at
29 things like the liquefaction.
- 30 • She is concerned about combustibility and fire controls and how that affects
31 everything.
- 32 • She is also concerned about whether or not this is actually available to the public,
33 or is it a public service that will be available, or will admission be charged, or will
34 it simply be a warehouse where people will not be involved?

35
36 Jonathan Leone, speaking as a Sausalito resident, indicated the following:

- 37 • The lynch pin on much of the mitigation measures outlined in the IES/MND is the
38 expansion of Dunphy Park, and while a good thing and something the City has
39 been striving to do, would require some sort of collaboration between the City
40 and the Applicant. If that is a mitigation measure, there would have to be the
41 necessity of having the City involved at some point in discussing that matter. He
42 has not seen any articles or anything in the report to indicate that degree of
43 cooperation.
- 44 • In Section 9D, Parks and Recreation, it says, "Less than significant impact." He
45 believes there is more than significant impact in the proximity to the park.
- 46 • The problem with a CEQA review is that unless you take the use into account, it's
47 very hard to determine the impact. In Section 14B, where there is a study of both
48 congestion and traffic impacts, and then later in other sections, there is no idea of
49 what that is until the land use is determined.

- 1 • Section 6 in of the Phase I Environmental Assessment prepared by the
2 Environmental Resource Group (provided in Appendix D of the IES/MND), under
3 Historical Land Use, he understands that this whole area is a fill and was a
4 dump. The IES/MND needs to address this, or the IES/MND may be overlooking
5 the actual historic land use of this lot.
6

7 Mr. Hart's rebuttal to public testimony:

- 8 • Regarding the level of vehicle maintenance, it is very limited. There will be no
9 repairing of cars and boats from the public. It is simply maintaining a collection of
10 historic boats and vehicles. However it would be common to put in a grease trap
11 as an environmental protection and it will be included in the next phase of design.
12 • Regarding the question of combustibility, the building has sprinklers and is built
13 entirely of concrete except for the roof, which is heavy timber, making it a
14 classification of construction that is fire resistant.
15 • Regarding availability to the public, that is completely addressed in their report
16 and the Environmental Review.
17 • All the items brought up by Jonathan Leone are thoroughly addressed by the
18 environmental document.
19

20
21 Commission question to Mr. Hart:

- 22 • Mr. Leone brought up the history of the property. Is that addressed in the report?
23 *Mr. Hart responded it is addressed in the report as well as on the Web site*
24 *www.hartmarin.com, under the 300 Locust tab which has historical photos of the*
25 *site going back to 1945 and shows the development of the waterfront. Their*
26 *information says the site was not used as a dump, that fill was brought onto the*
27 *site. They have done borings all over the property to pull up the soil to see how*
28 *compressed it is, when it was put there, the condition, the depth, where the old*
29 *bay marshes begins, et cetera.*
30 • Did you do testing on the soil to see what it is comprised of? *Mr. Hart responded*
31 *yes, tests were done by their archeologist, geologist, and environmentalist in*
32 *looking for historical remains, petroleum, hydrocarbons, and the composition of*
33 *the soil. They were able to tell from the composition of the soil where in Sausalito*
34 *it came from, and that is also in the report.*
35 • Did you compare any soil contaminants found against the levels permitted by the
36 Regional Water Quality Control District? *Mr. Hart responded there were no*
37 *contaminants found.*
38 • Earlier tonight you said that we weren't here tonight to address the use of the
39 property? *Mr. Hart responded that is correct, but he would prefer to give the*
40 *Commission a complete presentation of their project.*
41 • Is there a place where that presentation exists that the Planning Commission
42 could review it before the next meeting? *The Applicant responded their Web site*
43 *contains a complete and detailed description of the project about the green*
44 *building aspects, all the things they looked at, how they developed the use, the*
45 *types of uses, what marine surveying means, percentages of what each use will*
46 *be, and why there are seven parking spaces.*
47 • How long ago did the process of working with the City and community to finalize
48 the design start? *The Applicant responded nine months ago.*
49
50

1
2 **Chair Keller moved and Commissioner Cox seconded a motion to extend the**
3 **public comment period on the IES/MND to the next Planning Commission meeting**
4 **on September 9, 2009. The motion passed 4-0.**
5

- 6 **4. VA/DR/EA 09-085, Design Review Permit, Amendment of an Existing**
7 **Variance, Variances, Encroachment Agreement, Sollers, 32 Lower Crescent**
8 **Avenue.** Design Review Permit to construct an 11'8" carport on an existing car
9 parking deck at 32 Lower Crescent Avenue (APN 065-231-31) and construct a
10 one-hour firewall on the north side of the carport structure. Amendment of an
11 existing Variance approved in 1991 to remove a restriction precluding
12 construction of a carport on an existing one-car parking deck. Variance to
13 construct a carport with a roof height of 11'8" at the front property line which
14 would exceed the maximum allowed height of 6' for a structure at the front
15 property line. A Variance to construct a carport on an existing car parking deck,
16 which encroaches into the 5' side setback. An Encroachment Agreement to allow
17 the existing and proposed location of a parking stall to encroach into the Lower
18 Crescent Avenue public right-of-way.
19

20 **Chair Keller indicated he would recuse himself because he lives within 500 feet of**
21 **the project site.**
22

23 Assistant Planner Alison Thornberry presented the Staff report.
24

25 Presentation was made by Tiffanie Turner, the Applicant and architect.
26

27 Commission question to Ms. Turner:
28

- 29 • What do you find confusing about the height issue? *Ms. Turner responded there*
30 *is one portion in the southeast corner that's very low above the existing*
31 *parking deck. She twice asked Staff if 11'8" off Lower Crescent Avenue*
32 *complied, because the code is silent; it doesn't say average natural grade,*
33 *it says grade, and was told both times it would be fine. A week before she*
34 *submitted her plans she came to see Staff and was told it was a problem.*
35 *According to Staff it is a poorly written area of the code and puts the*
36 *people on the downhill side of the slope at a deficit because everybody*
37 *has to enter their carport at the same level, but if these people are going*
38 *from a downhill point and only have 15' they may not make height*
39 *clearance, whereas at the uphill side of the hill and going 15' from your*
40 *average grade, they can be quite high. Staff told her that the code is*
41 *unclear and she should submit her plans. She feels she had been misled*
42 *on that point and she did quite a lot of due diligence on it.*
43

44 The public comment period was opened.
45

46 Loren Eskenazi, neighbor, indicated the following:
47

- 48 • Has lived next door to the subject property for 12 years and the proposed carport
49 would adversely impact her, as the view from her home office will be obstructed.
50 Since she sits there all day she considers this to be her primary view.

- The two-story garage will loom over her yard and it is not possible to put trees between it and her yard.
- Having a covered garage is a privilege that she and many others on her block do not have. She doesn't believe when someone buys a house without a carport that they are entitled to build one.
- Acknowledged property owner made every effort to accommodate her, but there is no compromise possible in this situation.

Bill Keller, 35 Lower Crescent, indicated the following:

- Lives directly across the street from the subject property.
- The project does not impact him at all from a view standpoint.
- He thinks Scott Sollers, the property owner, has done the best he can with what he has to work with. Aesthetically it would look nice and duplicates the contour of the existing roof.
- Mr. Sollers has done a good job of outreach to his neighbors.

Rebuttal comments from Mr. Sollers:

- Is sensitive to Ms. Escanazzi's office window and wishes he could design something pleasing to her in all respects, but he has done all he can.
- He doesn't consider Ms. Escanazzi's office window a primary view as it looks out into a tree and his yard. He has moved the carport back so that it can't be seen from Ms. Escanazzi's desk.

Commissioner question to Staff:

- The carport isn't that bad, it's the firewall that is a block of dark space on that side of the neighbor's house and overwhelming to look up at from her yard. Does the firewall have to be there and is there any way the Planning Commission can override that? *Staff responded no, that is a California Building Code requirement. If a structure is within 5' of the property line then there has to be a one-hour firewall.*

Commission comment:

- Using other covered carports in the neighborhood as a reason to deserve one is not fair, because we don't know the timeline of when those houses were built. If there is sap falling from trees there are other ways to amend those problems. This is not an acceptable option that close to a neighbor.
- Based on the circumstances, we should not make the findings that we would have to make to grant approval of this project. We sympathize with the owner and appreciate the expense and effort he has taken to come up with an acceptable structure, but particularly with a dissenting neighbor and with the very clear obstruction of light to her home by the proposed structure. We agree with Staff that we could allow the approval of an Encroachment Agreement, but don't know if that helps the Owner.

Mr. Sollers stated he wanted to withdraw his application for a variance and for a Design Review Permit for the carport structure on top of his car deck and asked the Planning Commission to still consider the Encroachment Agreement.

1 Commissioner Cox moved and Vice Chair Bair seconded a motion to accept the
2 withdrawal from Mr. Sollers of the variances and the Design Review Permit and to
3 recommend City Council approval of the Encroachment Agreement. The motion
4 passed 3-0.
5

6 **Old Business**

7 None.
8

9 **New Business**

10 None.
11

12 **Communications**

- 13 • Staff—Staff provided an update on the City Council action at the last meeting on
14 the construction time limit regulations. Several issues were raised and the
15 Council did not take any approval action. Staff and the City Attorney will work
16 with the two-member legislative subcommittee of the City Council to resolve
17 those issues.
- 18 • An appeal was filed of the Commission's approval of the project at 600 Locust
19 Avenue and that appeal will be heard at the next City Council meeting.
20

21 **Adjournment**

22 The meeting was adjourned at 11:24 p.m.
23
24

25
26 /s/ JEREMY GRAVES

27 Submitted by
28 Jeremy Graves, AICP
29 Community Development Director
30

 /s/ BILL KELLER

Approved by
Bill Keller
Chair
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32 CDD\Plan Comm\Minutes\2009\07-15-09-Approved
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