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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, June 3, 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, Commissioner Stafford Keegin,  
Commissioner Eric Stout, Commissioner Joan Cox  
Absent: Vice Chair Bair, Attorney Mary Wagner  
Staff: Community Development Director Jeremy Graves  
Associate Planner Lilly Schinsing,  
Contract Planner Brian Stanke

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

**Approval of Minutes**

None.

**Public Comment**

None.

**Public Hearings**

- 1. DR 08-002, Design Review Permit, Arrkaboff, 600A Locust Street.** Construct a 904 square foot addition to one of the duplex units at 600A Locust Street (APN 064-211-27). The proposed addition consists of 904 square feet of new floor area and 1,100 square feet of new building coverage, increasing the floor area to 37% and the building coverage to 32%. The new addition extends the existing duplex unit toward Locust Street and includes a new deck. The Planning Commission previously considered the project on July 23, 2008.

Associate Planner Lilly Schinsing presented the Staff Report.

Commission questions of Staff:

- On the site plan the corner of the house is right on the curb with a 15' setback shown. Is that a permitted amount of setback under these circumstances? A large delivery truck could hit that eave. *Staff responded there is an 8' easement that runs on both sides of the property. The story pole represents the extent of an eave, so the building edge will be about 2 feet in. The story pole appears to be in the right position in relationship to the curb, which is outside the easement area.*
- Is it true that the road actually runs through part of the property line? *Staff responded that is correct. The setback is taken from the property lines and*

1           *there is a 5' setback, but since there is an 8' easement for a driveway there are*  
2           *no structures allowed in that easement.*

- 3           • *Is it permissible to go right up to the edge of that easement, and where is that*  
4           *addressed in the zoning ordinance? Staff responded that is correct, the*  
5           *setbacks are measured from property lines. The Zoning Ordinance is silent on*  
6           *easements regarding the setbacks, so Staff's understanding is that the*  
7           *setbacks are taken from the property lines. Even if the setback was taken from*  
8           *the edge of the easement the building would still be outside of the setback.*

9  
10          Presentation was made by John McCoy, the architect.

11  
12          Commission questions and comments to Mr. McCoy:

- 13           • *Where the post is now, that's where the edge of the eave is, and you're saying*  
14           *a gutter is going to be out another 4-5" closer to the curb? Mr. McCoy*  
15           *responded yes.*
- 16           • *Do you have any concern about delivery trucks nicking the corner of that roof?*  
17           *Mr. McCoy responded he did not have that concern, because it doesn't protrude*  
18           *beyond the curb or over the curb, the trucks wouldn't be riding right along the*  
19           *curb and they wouldn't be leaning past the curb.*
- 20           • *On UPS trucks the side mirrors stick out about a foot on each side and they're*  
21           *about 6-8' up. Mr. McCoy responded that is true, but when he thinks about*  
22           *regular curbs downtown where there is a lot of traffic, a lot of times there are*  
23           *sidewalks with pedestrians and street signs and lampposts and those are at the*  
24           *curb.*
- 25           • *That road is pretty narrow though and there is not room for a truck and a car to*  
26           *go side-by-side. I'm sensitive to the potential for a structure high above the*  
27           *ground and a particularly low roof profile colliding with one another. Mr. McCoy*  
28           *responded these are valid concerns and one solution would be they could*  
29           *reduce the overhang.*
- 30           • *What is the pitch of the roof? Mr. McCoy responded it is three and twelve.*
- 31           • *Could you come up with a smaller overhand and/or a lower profile gutter? Mr.*  
32           *McCoy responded they could do that.*
- 33           • *Is the color of the stucco pewter? Mr. McCoy responded yes and there should*  
34           *be a physical sample available.*

35  
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37  
38          Commission question to Staff:

- 39           • *Does the homeowner have the right where that easement line is to actually*  
40           *build the curb out to there? Staff responded that is correct.*

41  
42          The public testimony period was opened.

43  
44          John Boldes, 610-612 Locust, indicated the following:

- 45           • *Has lived uphill from the subject property 35 years.*
- 46           • *Has no problem with the project except for the house being so close to the curb.*
- 47           • *The drawing doesn't show the steepness of the grade. Someone sitting in a car*  
48           *cannot see around that corner, creating a blind spot. He has almost been hit*  
49           *there several times.*

- It makes no sense to him that this is a 6,000 square foot lot. The proportion of it is being doubled, yet they need that one corner. Doesn't see how pulling that part back a few feet will reduce the owner's view.
- A truck will hit the house within a few years of it being built.
- Safety should win out over aesthetics or maximizing the envelope.

The public testimony period was closed.

**Chair Keller moved and Commissioner Keegin seconded a motion to approve a Design Review Permit for a 760 square foot addition to an existing duplex located at 600 Locust Street with the following conditions added:**

- Grade the corner back.
- Revise the landscape and plant low-growing groundcover on the corner.
- Pull back the eave one foot.

**The motion passed 4-0.**

**2. DR 09-073, Approval of Design Review Permit, Salkhi, 509-511 Litho Street.**

Convert an existing duplex into a single-family residence at 509-511 Litho Street (APN 064-211-38). A portion of an existing deck at the northern portion of the residence is proposed to be enclosed, adding an additional 167 square feet of living space. The carport is proposed to be enclosed to create an approximately 637 square foot two car garage below the home.

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

Presentation was made by the Ms. Salkhi, the applicant.

Commission questions to Ms. Salkhi:

- When you say you are going to improve the foundation, are you going to excavate the garage and then enclose it? *Ms. Salkhi responded no. Currently there is an existing retaining wall, which the garage will be built upon. Stilts support the building itself, so by adding walls they are improving the structure of the building.*
- Is that a sliding door in the deck area? *Ms. Salkhi responded it is a floor to ceiling window to match the doors on the other side. There is an existing wall there. They are enclosing the other two sides of it and pushing it back by 4-5'.*

Commission question and comments to Staff:

- What is the code requirement on having floor to ceiling glass like that right up against the edge of the building? *Staff responded they are not aware of a code requirement, but this was routed to the building inspector and he did not comment on it.*
- I'd like to get clarification on the floor to ceiling glass window, because I think that is not compliant. The floor to ceiling glass window looks like a sliding glass door. The building inspector may have thought it was door and not a window. *Staff responded even if it is a floor to ceiling window and they are tempered but not operative, that's allowed on the exterior wall of a structure from a building code*

1            *perspective. More detail will be provided in the construction documents, calling*  
2            *out the specifications of the window assembly as well as the structural members.*

3  
4 The public testimony period was opened. There being none, the public testimony period  
5 was closed.

6  
7 Commission comments:

- 8        • Replacing stilts with walls and replacing the open stalls with closed garages will  
9        be a visual improvement.

10  
11 **Chair Keller moved and Commissioner Keegin seconded a motion to approve a**  
12 **Design Review Permit for a remodel and addition at 509-511 Litho Street. The**  
13 **motion passed 4-0.**

- 14  
15        **3. DR/TM/EA 08-011, Tentative Map, Design Review Permit, and**  
16 **Encroachment Agreement, Bruce, 109 & 111 Marion Avenue.** Subdivide an  
17 existing parcel at 109 & 111 Marion Avenue (APN 065-263-04) into two parcels  
18 and construct a new three story single-family house. The new parcels would be  
19 approximately 8,974 square feet and 5,048 square feet in size. The new  
20 residence would have a floor area of approximately 2,412 square feet. A  
21 driveway, retaining walls, and walkway are proposed to be located within the  
22 Sausalito Boulevard right-of-way.

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25 Contract Planner Brian Stanke presented the Staff Report.

26  
27 Commission questions of Staff:

- 28        • What is the distance between the stairs from Edwards Avenue and the stairs  
29        from Marion Avenue, and is that property City owned? *Staff responded they*  
30        *estimate around 40' distance between the two, and they are both public right-of-*  
31        *way.*
- 32        • What is the encroachment problem, the edge of the eave? *Staff responded the*  
33        *encroachment is the edge of the eave and the wall. The building wall is at the*  
34        *property line so when the eave extends beyond the building wall it gets into the*  
35        *right-of-way.*
- 36        • If the front of the house is where the arrows are on the right-hand drawing of the  
37        encroachment slide and the Planning Commission made a determination that the  
38        rear yard is actually the yard to the right, would that structure meet all of the  
39        setback requirements? *Staff responded that it would.*
- 40        • The Applicant is calling for a lot split. What latitude does she have in moving that  
41        lot line? What flexibility does she have in angling or changing that Lot Line that  
42        could alleviate a variance? *Staff responded the difficulty with the lot line is if it is*  
43        *moved all the way to get a 15' setback part of the building would have to be cut*  
44        *off or the building moved. The corner encroaches too much into the side yard*  
45        *setback for Parcel A if the property line is moved too far south.*
- 46        • So unless the architect were to reposition or redesign the proposed project, and  
47        based upon Staff's interpretation of the Zoning Ordinance, a variance would be  
48        required? *Staff responded that is correct, they would have to either redesign or*  
49        *apply for a variance based upon Staff's interpretation of the Zoning Ordinance.*  
50

- 1 • How wide is Marion Avenue? *Staff responded it is 40', based on the Public*  
2 *Works maps and the assessor parcel maps.*  
3

4 A presentation was made by the Bill Spencer, the applicant's architect.  
5

6 Commission questions of Mr. Spencer.  
7

- 8 • What is the grade on the driveway? *Mr. Spencer responded it is 9%.*  
9 • What is your response to the Staff's recommendation for the road to be widened  
10 8' together with carrying on the walkway to connect Marion to Sausalito  
11 Boulevard? *Mr. Spencer responded they didn't want to widen the road and that*  
12 *there is something in the General Plan that discourages developers from*  
13 *widening the roadway. The roads were cut through very stable ground, but to*  
14 *make another cut and widen the street would require a retaining wall be put up*  
15 *and could also cause ingress and egress problems. Also they haven't been told*  
16 *the rationale for widening the street.*  
17

18 Commission questions of the Jay Nelson, the applicant's soil and geotechnical  
19 engineer:  
20

- 21 • Can you talk about the amount of proposed excavation? The structural  
22 engineer's report supplied by the Owner/Applicant does not give details regarding  
23 borings, drainage, et cetera. *Mr. Nelson responded borings were done and*  
24 *detailed in a report dated 4/2/2008. A supplemental correspondence detailed six*  
25 *test borings, and an additional document detailed a comparison of the frontage of*  
26 *the subject site with the upslope along Spencer Avenue and Sausalito Boulevard.*  
27 • What is your opinion on this particular property? *Mr. Nelson responded it is*  
28 *stable because the stet bedrock is stable. It is very hard and would be very costly*  
29 *to excavate it. He had encouraged Mr. Spencer to make the project smaller to*  
30 *lessen the excavation and is pleased with the realistic plan presented to the*  
31 *Planning Commission.*  
32 • But is there still a significant amount of excavation to be done? *Mr. Nelson*  
33 *responded not too much now.*  
34

35 Commission questions to Mr. Spencer and Paula Bruce, the owner/applicant:  
36

- 37 • What is your response to Staff's recommendation that you build a walkway along  
38 the undeveloped Marion Avenue right-of-way? *Mr. Spencer responded they wish*  
39 *that not be a requirement. Ms. Bruce responded her neighbor at 108 Marion*  
40 *Avenue started building a walkway, still incomplete, and she believes it is in the*  
41 *best interests of the community to use that one rather than build another one. In*  
42 *addition her house has floor-to-ceiling windows and as a single female she has*  
43 *safety concerns as people could see into her house on all three levels.*  
44 • If the Planning Commission were willing to abrogate the requirement to build the  
45 walkway, would you be willing to pay to finish the incomplete walkway that is  
46 there? *Ms. Bruce replied she would be willing to do that in conjunction with the*  
47 *neighbor who started it.*  
48 • On Drawing A-6, the right elevation shows a structure about 12' high above the  
49 house. Is that a wall? *Mr. Spencer responded yes, that is a retaining wall.*  
50 • How far back from the existing building is that 12' retaining wall? *Mr. Spencer*  
*responded the closest point is 6', and then it moves away from it. There is only a*

1 *corner of the structure above that's 6' away from the retaining wall, which is the*  
2 *side property line.*

- 3 • *Would there need to be safety rails at the top of the 12' retaining wall? Mr.*  
4 *Spencer responded yes.*
- 5 • *Structurally is it possible to have that high of a wall right up against another*  
6 *house like that? Mr. Spencer responded that one of the relieving factors is that*  
7 *the site is very, very stable and the retaining walls will be a lot easier to design*  
8 *than on other slopes.*
- 9 • *Are you concerned about the limited number of windows and light? Mr. Spencer*  
10 *responded his client wanted to place all the windows toward the view. The front*  
11 *elevation, which faces the view, is all glass, so the other sides, which face a*  
12 *forest, have few windows so the space can be used for furniture placement, et*  
13 *cetera.*

14  
15 The public testimony period was opened.

16  
17 Darshan Brach, 112 Marion Avenue, indicated the following:

- 18 • *Lives across the street from the subject property and has no objection to the*  
19 *project as it is not in her view and has no impact.*
- 20 • *Agrees with the lack of necessity for a second walkway when there is one there*  
21 *already. She uses the present walkway frequently. There is a tree buffer that*  
22 *provides privacy where the second walkway might go.*

23  
24  
25 Hunter Hancock, indicated the following:

- 26 • *Lives down the hill and across the street from the subject property and has no*  
27 *strong opinion for or against the project.*
- 28 • *Is against widening the street because it would require a very high retaining wall.*
- 29 • *They live on a blind corner and would like to have a mirror installed.*

30  
31 Wingham Liddell, 100 Sausalito Boulevard, indicated the following:

- 32 • *Lives down from the subject property and has no objection to the project, as he*  
33 *does not see the site very much.*
- 34 • *Would like more information about planned landscaping.*

35  
36  
37 Richard Melenchuk, 119 Sausalito Boulevard, indicated the following:

- 38 • *Lives across the street to the east, adjacent to the subject property.*
- 39 • *Submitted a document to the Planning Commission regarding his concerns and*  
40 *complaints regarding:*
- 41 ○ *Access to his property being blocked by a fence at the top of Marion*
  - 42 *Avenue.*
  - 43 ○ *Terrace with bricks, seating, and barbeque pit. Wants it all removed within*
  - 44 *eight days. The bricks are falling onto his property and onto Sausalito*
  - 45 *Boulevard.*
  - 46 ○ *Did not receive mailings to neighbors.*
  - 47 ○ *Geotechnical report.*
  - 48 ○ *Site profile and drainage.*
  - 49 ○ *Letter from the Owner/Applicant to him.*
  - 50 ○ *Complaint of code variance.*

- 1           ○ Tree cutting.
- 2           ○ Sausalito Zoning Ordinance.
- 3           ○ Encroachment on Sausalito Boulevard.
- 4           ○ Statements made in the Staff Report.
- 5           ○ Statements made by the Architect.
- 6           ○ Engineer's report.
- 7

8 John Pierson, 111 Sausalito Boulevard, indicated the following:

- 9           • Has lived two houses down from the subject property since 1971 and is
- 10           concerned about the stability of the hillside because of the slope and the amount
- 11           of material that would have to be extracted from the hillside.
- 12           • Has not seen the geological reports that were sent to the other neighbors.
- 13           • Thinks the scale of the project is too large for the tiny lot.
- 14

15 Mr. Nelson made a rebuttal presentation:

- 16           • Section 832 of the California Civil Code passed in 1879 addresses the concerns
- 17           of the audience.
- 18           • California OSHA also dictates a cut of more than 5' cannot be made unless it is
- 19           shored up.
- 20           • This type of project is done routinely and frequently. The issues brought up by
- 21           the audience are only valid if the rules and regulations are not followed.
- 22
- 23

24 The public testimony period was closed.

25  
26 Commission comments:

- 27           • The neighbors' have valid observations in that widening the street would be a
- 28           detriment to visibility. Requiring road widening with a 20' retaining wall so a few
- 29           people can park there is not a good idea.
- 30           • We should condition the project so the Owner/Applicant completes the walkway
- 31           that currently exists in conjunction with her neighbor across the street.
- 32           • A number of the California cypress trees should be taken out as they are near
- 33           the end of their lives and if one came down it could destroy a neighbor's home.
- 34           They are not protected trees.
- 35           • The Owner/Applicant needs to come up with a much more detailed vegetation
- 36           plan.
- 37           • The retaining wall going up the side of the driveway needs to be softened with
- 38           vegetation or stonework so it blends into the hillside.
- 39           • We need a peer review of the geology report, with review by the City Engineer.
- 40           • The connection of the driveway with Sausalito Boulevard needs more detail.
- 41           Sausalito Boulevard is dangerous at that point because it corkscrews down.
- 42           Right now the upslope just ends and there is no drawing. The plans need to
- 43           show where the slopes are and how that curve is going to work with the street,
- 44           because it is dangerous there and people go fast around the curves.
- 45           • The large walls around the house need to be softened.
- 46           • We need a color three-dimensional rendering of this project, what it looks like
- 47           from Sausalito Boulevard or across the street, with landscaping, the driveway in,
- 48           and ideas of how to soften the driveway.
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1 Commission questions of Staff:

- 2
- 3 • Because of the nature of all the issues, should we have a study or subcommittee  
4 group meet with Staff and the Owner/Applicant, or can the Planning Commission  
5 do it as a group? *Staff responded it is best the Planning Commission resolve the  
6 issues in the public forum.*
  - 7 • If we're going to have a peer review requirement for the geological work, is a  
8 condition put on the permit and then the peer reviewed work is delivered to Staff  
9 and approved or not approved, or does that come back before the Planning  
10 Commission? *Staff responded originally the City Engineer wanted a peer review  
11 of the geotechnical report, but after several redesigns he no longer recommends  
12 a peer review. If the Planning Commission still wants a peer review it would be  
13 handled at the Staff level. The peer review portion would only come back to the  
14 Planning Commission if there were some overriding need for a major project  
15 redesign.*

16 Commission directions to Ms. Bruce:

- 17
- 18 • Address the rear yard setback or apply for a variance.
  - 19 • Provide additional articulation or fenestration on the east and west walls of the  
20 residence.
  - 21 • Provide architectural or textural treatments to the proposed retaining walls.
  - 22 • Have Staff look at the appropriateness of the front walkway and the top driveway.
  - 23 • Coordinate the design plan and the arborist's recommendations for landscaping  
24 and additional planting details.
  - 25 • Regarding community outreach, the Owner/Applicant should review Mr.  
26 Melenchuk's concerns and at least attempt to address them.
  - 27 • The street widening is not required.
  - 28 • Finish the stairway on South Street rather than construct a new one on Marion,  
29 with plans going to the Planning Commission.

30  
31 **Chair Keller moved and Commissioner Cox seconded a motion that the public  
32 hearing be continued to July 1, 2009. The motion passed 4-0.**

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- 35 **4. ZOA 09-002, Construction Time Limit Regulations.** The addition of a new  
36 section in the *Zoning Ordinance* which establishes time limit regulations for  
37 construction projects; and amendment of *Zoning Ordinance* Sections 10.54.040  
38 and 10.54.050, and Chapter 10.62 regarding the expiration of certain permits.  
39 These amendments are exempt from the California Environmental Quality Act  
40 (CEQA) in accordance with Section 15305 of the CEQA Guidelines. Continued  
41 from May 20, 2009 meeting.

42  
43 **Chair Keller moved and Commissioner Cox seconded a motion to continue the  
44 public hearing regarding Construction Time Limit Regulations to the June 17,  
45 2009 Planning Commission meeting. The motion passed 4-0.**

46 **Old Business**

47 None.

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**New Business**

None.

**Communications**

- Staff— Staff has provided the Planning Commission with copies of the updated Priority Calendar for FY 2009-10, which was approved by the City Council at the last meeting.

**Adjournment**

The meeting was adjourned at 9:35 p.m.

          /s/ JEREMY GRAVES            
Submitted by  
Jeremy Graves, AICP  
Community Development Director

          /s/ BILL KELLER            
Approved by  
Bill Keller  
Chair

CDD\Plan Comm\Minutes\2009\06-03-09-Approved