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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, April 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, Commissioner Stafford Keegin, Commissioner Eric Stout, Commissioner Joan Cox (arrived at 6:40 p.m.)

Absent: Vice Chair Stan Bair, City Attorney Mary Wagner

Staff: Community Development Director Jeremy Graves  
Associate Planner Lilly Schinsing  
Contract Planner Brian Stanke

**Chair Keller moved and Commissioner Stout seconded a motion to approve the agenda. Motion is passed 3-0.**

**Approval of Minutes**

None.

**Public Comment**

None.

**Public Hearings**

- 1. DR/VA/LLA 08-027, Design Review Permit, Variance and Lot Line Adjustment, Patel, 7 Cloudview Trail.** Remodel and construct an addition on an existing single-family home at 7 Cloudview Trail (APNs 064-272-16 and -22), including a substantial interior remodel to the existing residence, the addition of new second and third story decks, an increase of the height of the structure by 2'-6", and the construction of an attached single-car garage. Variances are requested to (a) exceed the setback standard by 6'-5" on the southern side of the lot, (b) exceed the setback standard by 13'-5" on the eastern side of the lot, and (c) exceed the lot coverage standard by 309 square feet. The Lot Line Adjustment is requested to merge the two parcels that the residence sits on into one parcel. This project requires heightened review as it proposes to exceed 80% of the permitted Floor Area Ratio and Building Coverage limitations.

Chair Keller indicated the Applicant had requested the public hearing be continued to the Planning Commission meeting on May 6, 2009.

**Chair Keller moved and Commissioner Stout seconded a motion to continue the public hearing for 7 Cloudview Trail to the next meeting on May 6, 2009. The motion passed 3-0.**

1 **3. DR/EA 08-007, Design Review Permit and Tree Permit, Mamone, 37 & 39**  
2 **Crescent Avenue. Construction of two new detached residences and related**  
3 **site improvements at 37 & 39 Crescent Avenue (APN 065-252-64) and a**  
4 **recommendation of City Council approval for an Encroachment Agreement for**  
5 **related site improvements that encroach into the public right-of-way.**  
6

7 Community Development Director Graves indicated the Applicant has requested the  
8 public hearing be continued to the Planning Commission meeting of May 6, 2009.  
9

10 **Chair Keller moved and Commissioner Stout seconded a motion to continue the**  
11 **public hearing for 37 & 39 Crescent Avenue to the next meeting on May 6, 2009.**  
12 **The motion passed 3-0.**  
13

14 Commissioner Cox arrived.  
15

16 **2. DR/EA 09-012, Design Review Permit, Jade, 494 Sausalito Boulevard.**

17 Demolition of a non-conforming detached garage and driveway deck at 494  
18 Sausalito Boulevard (APN 065-222-02), the construction of a new attached  
19 single-car garage and driveway deck and a recommendation of City Council  
20 approval of an Encroachment Agreement for the driveway deck that encroaches  
21 into the public right-of-way.  
22

23 The public hearing was opened. Contract Planner Brian Stanke presented the Staff  
24 Report.  
25

26 Commission questions to Staff:

- 27 ■ Elevation A-2.0 shows the driveway as flat, but A-2.1 shows the driveway sloped  
28 down into the house. Swale must be put in before the driveway, so where is that  
29 swale going to dump the water and why is it such a dramatic slope? The swale is  
30 new? *Staff responded the swale is new, but they didn't know where the water*  
31 *would dump off. It would need to stay on the property. Suggests they ask the*  
32 *Project Designer. The slope is because the garage floor has been lowered to*  
33 *match residence's floor height.*
- 34 ■ Are there any windows in the adjacent property to the right along the wall? Will  
35 the new windows for the lower and upper units be shining into or allow looking  
36 into the windows of the adjacent property? *Staff responds it doesn't appear to be*  
37 *a problem and they haven't heard from the adjacent property owner, but they*  
38 *didn't know exactly how those windows line up. Currently the existing building is*  
39 *right on the property line and it does not have any windows.*
- 40 ■ Regarding an impact of 10-feet of an existing public view of San Francisco along  
41 Sausalito Boulevard and an increase of that view further down the boulevard,  
42 what is the size of the increased view? Is it a commensurate 10-feet? *Staff*  
43 *responded it's hard to estimate how many linear feet along Sausalito Boulevard*  
44 *that would be, because the building is being pulled in about 5-feet and it will be at*  
45 *a different angle than the existing building. It will open up five feet on the rear*  
46 *end. It appears to be about 7 linear feet, but they can't be sure.*
- 47 ■ I am concerned about dramatic slope in the proposed elevation rather than a  
48 stepped slope. When the City Engineer reviewed the project did he look at slope  
49 stability or anything of that nature or did you have a specific purpose that you  
50 asked him to review it for? *Staff responded no, there was no specific purpose for*

1 asking the City Engineer to review the project and that design projects are  
2 routinely sent to the City Engineer for comments and concerns. Staff's  
3 understanding is there will not be grading of the slope beyond what exists. It is  
4 above-the-ground work that is occurring. If excavations are done, then a Grading  
5 Permit would be needed. Generally the City Engineer would immediately look at  
6 and identify slope issues on a site like this and as he did not submit a written  
7 memo on his review it is assumed he is comfortable with the approach taken, but  
8 they can seek an affirmation statement to that effect. If the garage is approved  
9 and foundation work is proposed a Grading Permit will go to the City Engineer,  
10 so if the scope of work increases the City Engineer will need to approve the  
11 Grading Permit.

- 12 ■ The City Engineer will address drainage? There is no swale there now and to run  
13 off the side of the hill is dangerous as far as erosion is concerned. Staff  
14 responded yes, when a Building Permit is requested that will be looked at as far  
15 how it will be drained and make sure it stays on the property and is properly  
16 controlled.

17  
18 The public testimony period was opened.

19  
20 Commission questions of Applicant, Cassandre Jade:

- 21 ■ How are you going to address the drainage? Ms. Jade responded they will bring  
22 in a drainage person to make sure the water stays on the property, and they will  
23 submit those drawings at the time they submit for the Building Permit, or before if  
24 necessary.
- 25 ■ Will there be an excavation or structural work? Ms. Jade responded yes, there  
26 will be, and once approval to move forward is received they will bring in a  
27 structural engineer. They will not be changing the ground, just putting piers into  
28 the hillside. The structural engineer will calculate that.
- 29 ■ Do the windows being added on both levels look directly in on the immediate  
30 neighbor, particularly from the lower level? Ms. Jade responded they do not,  
31 because the garage is set back, but if it is a problem the windows can be  
32 removed. The lower level is storage room, not where anyone would live.
- 33 ■ Has the City Engineer approved the drawings, which appear to be done by an  
34 interior designer, not an architect or engineer? Ms. Jade responded there is not a  
35 requirement at the planning level that the plans be done by a certified architect or  
36 civil engineer. When the final construction drawings come in for the Building  
37 Permit, those will be required to be stamped by a structural engineer.

38  
39 Commission question to Staff:

- 40 ■ How do we know the interior designer that did the planning drawings is designing  
41 for the feasibility of this space and that from an architectural and engineering  
42 standpoint what we're seeing is really what is going to be built there, so I can  
43 decide it's okay? Staff responded they are looking at a conceptual drawing. The  
44 final product has to appear this way and it has to be structurally sound, and  
45 having a structural engineer review the construction drawings for structural  
46 integrity ensures that. In terms of the aesthetic appearance, there is no  
47 requirement that a registered design professional draw the plans.
- 48  
49 ■ What happens if the plans dramatically change, if the person who drew the plans  
50 is off? Staff responded if it changes it comes back to the Planning Commission.

- 1       ▪ If upon review by a structural engineer and a drainage expert they find this  
2       concept cannot be carried out as depicted, then the required changes would be  
3       made and it would come back to the Planning Commission? *Staff responded the*  
4       *Zoning Ordinance authorizes the Community Development Director to make*  
5       *some minor changes and criteria are addressed for that. If the change involves a*  
6       *Condition of Approval of the basis for a finding that the Planning Commission*  
7       *made to approve a project, it has to come back to the Planning Commission.*  
8

9 Allen Parry, 484 Sausalito Boulevard, indicated the following:

- 10       ▪ Lives next door on the south side.  
11       ▪ Has no objection to this being built.  
12       ▪ He wasn't informed of the windows being there and that would be an issue if the  
13       position of the windows caused him to look into a storage unit.  
14       ▪ He lives opposite the Marin Municipal Water District's red zone and he gets all  
15       the construction trucks in the area. Would like it if any trucks and equipment  
16       would stay in front of the next-door house.  
17       ▪ The existing building is right on the property line. They will want to use his  
18       property to gain access to the building when it is being demolished and the new  
19       one is built, which he doesn't object to. But there is a drainage issue there  
20       because it is steep and he would like to preserve the foliage so when it rains  
21       there is no soil erosion.  
22

23 Commission question to Mr. Parry:

- 24       ▪ Do you have a problem with the windows at the garage level? *Mr. Parry*  
25       *responded he had spoken with the designer but they didn't discuss windows, so*  
26       *he'd like to see where the windows are going to be. He doesn't want to look out*  
27       *his windows into a storage area. Acknowledges they are not important windows;*  
28       *most of their property faces the Bay.*  
29

30 Commission question:

- 31       ▪ Can we add a Condition of Approval that states window placement to be  
32       coordinated between property owners? *Chair Keller responded yes, that could be*  
33       *a Condition of Approval as well as no construction vehicles in front of neighboring*  
34       *properties. Also they should add a condition regarding the use of the of Mr.*  
35       *Parry's property during construction in terms of protecting and preserving the*  
36       *existing foliage.*  
37

38 Staff comment:

- 39       ▪ We would rather not condition the use of Mr. Parry's property during construction,  
40       because that's a private property matter. If Mr. Parry wants to give authorization  
41       to the Applicant to encroach upon his property, that's better worked out between  
42       the two of them. Mr. Parry is under no obligation to allow any access on his  
43       property, so he has complete control over that.  
44

45 Commission comment:

- 46       ▪ The Owner has two options: 1) access and demolish from their own property if  
47       Mr. Parry doesn't grant them access, or 2) have an agreement where Mr. Parry is  
48       happy with whatever is going to happen with his foliage. That will be based upon  
49       the drainage plan, the swale, whatever Mr. Parry wants. Mr. Parry will grant  
50       access to his property based upon the owner meeting his concerns.

1  
2 Staff comment:

- 3     ▪ The City has no right to grant one property owner access to another person's  
4       property.  
5

6 Commission comment:

- 7     ▪ What the Commission is in control of is the structural engineering process and  
8       the drainage plans. The Commission could condition it that the Applicant will  
9       have to replace any damaged foliage on Mr. Parry's property as a result of  
10      construction or improper drainage. The Applicant will have to come back with a  
11      full drainage plan to be reviewed by the City Engineer and other Staff members,  
12      including the Community Development Director. Any excavation and engineering  
13      drawings that need to be stamped by an engineer will have to be approved by  
14      the City as well. Also the City Building Inspector will regularly be on the site to  
15      ensure what is on the approved plans is being done. Regarding the windows, the  
16      Applicant is not sure at this point what impact the windows will have or where  
17      they will be located. The Commission should condition something about the  
18      windows being removed or located in such a way that they don't impact Mr.  
19      Parry's view.  
20

21 Staff comment:

- 22     ▪ The way to fashion a condition on the windows would be to say any windows on  
23       the south elevation shall be subject to the written approval of the adjoining  
24       property owner.  
25

26 Question to the Commission:

- 27     ▪ Mr. Parry asked if the parking of trucks can be conditioned? *Chair Keller*  
28       *responded they could condition it that all construction vehicles will be parked in*  
29       *front of the Applicant's property. The contractors and workers will have to be*  
30       *shuttled in and out; they can't park up and down the street.*  
31

32 Questions to Staff:

- 33     ▪ It says the Advisory Notes at the bottom are not a part of the Conditions of  
34       Approval, but they contain the hours during which construction can occur. Can  
35       the advisory notes be appended to the Conditions of Approval? *Staff responded,*  
36       *using the hours of construction as an example, the Municipal Code establishes*  
37       *those hours, so they prefer to have it as an Advisory Note as a heads up to the*  
38       *Applicant that this is a City requirement that is in the Municipal Code. If it was*  
39       *forgotten as a Condition of Approval on a project it might be argued that because*  
40       *it wasn't included it's not a Condition of Approval and they are exempt from it.*  
41     ▪ Could the sentence stating the Advisory Notes are not part of the Condition of  
42       Approval be dropped? There would still be everything needed by pointing out that  
43       there are municipal requirements and requirements imposed by other agencies.  
44       *Staff responded they would speak with the City Attorney regarding the second*  
45       *sentence.*  
46     ▪ Advisory Note No. 9 states grading operations shall be limited to times specified  
47       in the City Noise Ordinance, but earlier for Ordinance No.1143 we provide the  
48       times. Is it possible to provide the times for Advisory Note No. 9 rather than  
49       simply referring the Applicant to the Noise Ordinance? *Staff responded they are*  
50       *not sure of the distinction being drawn there, but maybe there are two wordings*

1 of this issue, but they would prefer to leave Advisory Note No. 8 and delete No.  
2 9.  
3

4 **Chair Keller moved and Commissioner Cox seconded a motion to approve a**  
5 **Design Review Permit for the construction of an attached garage on a single-**  
6 **family residence and recommend City Council approval of an Encroachment**  
7 **Agreement for improvements in the public right-of-way at 494 Sausalito**  
8 **Boulevard with conditions as amended. The motion passed 4-0.**  
9

10 **Communications**

- 11 ■ Staff—The City Council upheld the appeal of the Chris Henry office project at  
12 660 Bridgeway at the Council’s last meeting. The effect of upholding the appeal  
13 was to reverse the Planning Commission’s approval of the upstairs offices. Mr.  
14 Henry submitted an application for an 11-unit hotel on that site the next day and  
15 indicated he will not do any exterior modifications.
- 16 ■ Staff—The City Council will be taking up the request for Fish restaurant for an  
17 exception to the Marinship Specific Plan and will be hearing that at the May 5,  
18 2009 meeting.
- 19 ■ An appeal was filed by Mr. and Mrs. Murphy on the DeSantis project and that is  
20 tentatively scheduled for hearing by the City Council on May 5, 2009.  
21

22 Commission question to Staff:

- 23 ■ What is the status with the housing element committee and did they vote on  
24 that? *Staff responded they are soliciting applicants for the housing element*  
25 *committee. So far Commissioners Stout and Cox have been appointed as*  
26 *Planning Commission representatives as well as Council Member Pfeifer and*  
27 *possibly one other Council member.*  
28

29 **Adjournment**

30 The meeting was adjourned at 7:30 p.m.  
31

32  
33           /s/ JEREMY GRAVES            
34 Submitted by  
35 Jeremy Graves, AICP  
36 Community Development Director  
37

33           /s/ BILL KELLER            
34 Approved by  
35 Bill Keller  
36 Chair  
37

38 CDD\Plan Comm\Minutes\2009\04-15-09-Approved  
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