

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

SAUSALITO PLANNING COMMISSION
Wednesday, February 25, 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 (for Items 3-5, Commissioner Stafford Keegin, Commissioner Eric Stout
Absent: Commissioner Joan Cox (for Items 1 and 2)
Staff: Community Development Director Jeremy Graves
Associate Planner Lilly Schinsing, City Attorney Mary Wagner

Approval of Agenda

Chair Keller moved and Commissioner Stout seconded a motion to approve the agenda as amended to hear 7 Cloudview Trail as Item 1 and 58 Miller Avenue as Item 2. The motion passed 4-0.

Approval of Minutes

None.

Public Comments

None.

Public Hearings

- 1. DR/VA/LLA 08-027, Design Review Permit, Variance, and Lot Line Adjustment Application, Patel, 7 Cloudview Trail.** Design Review Permit, Variance, and Lot Line Adjustment application to remodel and construct an addition to an existing single-family home at 7 Cloudview Trail (APNs 064-272-16 and -22). The Design Review Permit is requested for a substantial interior remodel to the existing home, the addition of new second and third story decks, an increase of the height of the structure by 2 feet, 6 inches, and the construction of an attached single-car garage. Variances are requested to a) exceed the setback standard by 6 feet, 6 inches on the southern side of the lot, b) exceed the setback standard by 13 feet, 6 inches 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.

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

1 Commission question to staff:

- 2 • Has the easement for utilities and roadway been included or excluded from the
3 calculations for lot size in the flag lot? *Staff responded easement has been*
4 *included in the total area of that lot.*
5

6 Presentation was made by Mohamed Sadrieh, the applicant.
7

8 The public comment period was opened. Being none, the public comment period was
9 closed.
10

11 Commission comments:

- 12 • Should the Commission penalize the applicant for buying property that has had
13 work done illegally?
14 • The Commission has to take into account this is an undersized lot when
15 considering that the applicant is asking for additional footage above what is
16 allowable.
17 • The neighbors surrounding the site have not objected to the project because
18 this neighborhood has large lots and the homeowners are not close to each
19 other.
20 • It is difficult to make the required findings for all three variances due to
21 statutory restrictions.
22
23

24 Commission question to staff:

- 25 • Has the fire department reviewed these plans and the turnaround access on
26 the property? *Staff responded the fire department reviewed the plans and*
27 *submitted a document stating they do not have comments on the project.*
28 • The turnaround access is for how many different properties? *Staff responded*
29 *two, the subject property and 2 Cloudview Trail.*
30

31 Commission questions and comments to the Mr. Patel and Mr. Sandrieh:

- 32 • Who maintains that access? *Mr. Patel responded three properties, 2*
33 *Cloudview, 5 Cloudview, and 7 Cloudview, maintain the access drive.*
34 • Have you met with all the property owners on that access? *Mr. Patel*
35 *responded yes, he met with both those owners as well as owners adjacent,*
36 *above, and behind. They reviewed his plans and have no concerns.*
37 • The garage and the 6-foot illegal encroachment into the side yard could be
38 eliminated in order to stay within the current footprint and not add additional
39 square footage and the need for three variances. *Mr. Sadrieh requested the*
40 *Commission allow an additional 102 square feet to accommodate an internal*
41 *staircase connecting the lowest floor with the middle floor.*
42
43

44 Commission question to staff:

- 45 • Regarding the applicant's request for additional square footage for the internal
46 staircase, how does that affect the other variances? *Staff responded it would*
47 *eliminate the variances from the setbacks, but it would still require a variance*
48 *from building coverage.*
49
50

1 **Chair Keller moved and Vice-Chair Bair seconded a motion to continue the public**
2 **hearing for 7 Cloudview Trail to a date uncertain. The motion passed 4-0.**
3

- 4 **2. DR/VA/TR 08-022, Design Review Permit, Tree Removal Permit, Variance,**
5 **Amy Tan and Lou De Mattei, 58 Miller Avenue.** Design Review Permit, Tree
6 Removal Permit, and Variance application to construct a 2,603 square foot
7 single-family house on a 7,100 square foot vacant lot at 58 Miller Avenue (APN
8 065-122-08). A Variance is requested to construct a privacy fence along the
9 property line between 58 Miller Avenue and 127 San Carlos Avenue that will
10 exceed by 2 feet the maximum 4 feet in height required for fences on top of
11 retaining walls that exceed 3 feet in height along property lines. A Tree Removal
12 Permit is requested for the removal of one oak tree on the site. This project
13 requires Heightened Review as it proposes to exceed 80% of the permitted Floor
14 Area Ratio and Building Coverage limitations.
15

16 **Commissioner Keegin indicated he would recuse himself because he lives within**
17 **500 feet of the subject property.**
18

19 The public hearing was opened. Associate Planner Schinsing presented the Staff
20 Report.
21

22 Commission questions to staff:

- 23 • Have the neighbors at 127 San Carlos signed off on the variance request?
24 *Staff responded yes.*
- 25 • The applicant is asking for a variance for their neighbors at 127 San Carlos. Is
26 that legally allowed, or would it be better if the neighbors asked for the
27 variance? *Staff responded if the neighbors have signed the application and are*
28 *in agreement, it is allowed.*
29

30
31 Presentation was made by Michael Rex, the applicant:
32

33 The public comment period was opened.
34

35 Susan Keegin, 26 Miller Avenue, indicated the following:

- 36 • The proposed house is too large. A smaller building would provide for more
37 privacy screening.
- 38 • The hot tub would be below their bedroom window with its accompanying
39 noises and voices. It should be moved to the north end of the property.
- 40 • The skylights would create light pollution at night.
41

42 Andrea Stare, 117 San Carlos Avenue, indicated the following:

- 43 • The Fire Chief said the branch of the tree by the driveway is too low and would
44 prevent emergency vehicles from entering their property.
- 45 • She wants it in writing that she and Robba Benjamin at 121 San Carlos will be
46 able to get in and out of their driveway during the two-year building period for
47 the project.
- 48 • The proposed house is too high density for the neighborhood.
49
50

1 Robba Benjamin, 121 San Carlos Avenue, indicated the following:

- 2 • She lives directly down slope from the proposed project but cannot have a
3 privacy fence or screening because she accesses her garage from the shared
4 vehicular easement. The proposed house does not appear to be imbedded
5 into the earth, but appears as three stories.
- 6 • Because of the heavy population of oak trees on the site the house must be
7 confined to one end of the site, making the building very dense.
- 8 • Acoustical studies should be required for this project.
- 9 • The 10-foot wide easement is the right-of-way they were granted to access the
10 easement lane. Even where the lane is currently 10 feet, taking into account
11 her property, it is difficult for her to execute a turn. When the architect talks
12 about the easement lane being 18 feet wide he is including the 58 Miller
13 driveway, which will not be used for easement.

14
15
16 Michael Roark, 127 San Carlos Avenue, indicated the following:

- 17 • The retaining wall is below the surface of the road so the fencing is going from
18 the road level up 6 feet.

19
20 Michael Rex's response to public comments:

- 21 • The fence variance is needed because a 4-foot fence at the south end would
22 not be tall enough to provide adequate screening.
- 23 • The skylights in the back are necessary because the house is buried into the
24 hill, but a louver or interior shade could mitigate light glare at night.
- 25 • The house size is average according to staff's analysis, with much of the
26 square footage underground. The only area of the house with three stories is
27 the far north corner.
- 28 • Ms. Benjamin has ample privacy screening from her rear garden area as well
29 as a pine tree that has been added on the subject property.
- 30 • Acoustic studies between houses are unheard of. Hearing neighbors is part of
31 living in a tight neighborhood and the applicants should not be held to a higher
32 standard.
- 33 • The access lane is not just 10 feet; it is 13 feet at the entry at 18 feet wide at
34 the garage.
- 35 • The hot tub is tucked into a stone niche that will muffle the sound. Moving it to
36 the north side of the property is unreasonable because that is the entry side
37 and there would be no privacy there.
- 38 • The variance is for 80 feet only in the area where the wall is over 4 feet high.
39 Most of the fence will be lower than what exists.

40
41
42 The public comment period was closed.

43
44 Commission comments:

- 45 • The applicant has made reasonable efforts to satisfy the concerns of the
46 neighbors.
- 47 • Staff's recommendations have largely addressed the Commission's concerns
48 regarding this project.
- 49 • The widening of the easement will be adequate to provide for the property
50 owners at the end of the easement and for the increased use of the easement.

- 1 • The applicant has done what can be done to mitigate hot tub noise. The
2 Commission cannot judge when the applicant would use the hot tub and any
3 noise complaints should be taken to the Police Department.
4

5 **Commissioner Cox arrived at the meeting. She indicated she would abstain from**
6 **voting on this Item because she had not been present for the entire discussion.**
7

8 Conditions of Approval:
9

- 10 • Prior to the issuance of the Building Permit, a landscaping plan shall be
11 submitted which protects the privacy of 121 San Carlos Avenue and shall
12 include either planting of three 24-inch box trees selected by the property
13 owner, modification of the existing fencing agreed to by the property owner, or
14 such other mutually agreed upon solution(s) as shall be approved by the
15 Community Development Director. If agreement cannot be reached, then the
16 solution will be the three 24-inch box trees, the location and tree type
17 determined by the 121 San Carlos property owner and subject to the review
18 and approval of the Community Development Director.
19 • The existing sewer lateral in the driveway easement shall be replaced.
20

21 **Chair Keller moved and Vice-Chair Bair seconded a motion to approve a Design**
22 **Review Permit, a Variance, and Tree Removal Permit for 58 Miller Avenue with the**
23 **amended Conditions of Approval. The motion passed 3-0-1-1 (Abstain-Cox,**
24 **absent-Keegin).**
25

26 **Commissioner Keegin returned to the dais.**
27

28 **3. DR 02-070, Design Review Permit, Binkley, 55 Santa Rosa Avenue.**

29 Extension of a Design Review Permit for demolition of an existing single-family
30 residence and construction of a new single-family residence at 55 Santa Rosa
31 Avenue (APN 065-123-17).
32

33 The public hearing was opened. Community Development Director Jeremy Graves
34 presented the Staff Report.
35

36 Commission question to staff:

- 37 • One of the findings the Commission must make is diligence by the applicant.
38 Does it have any relevance that there was a two-year delay from when the
39 applicant wrote to the City saying they would not move forward until they had
40 the time and money and the death of the applicant? *Staff responded that would*
41 *be a judgment of the Commission.*
42

43 The public comment period was opened.
44

45 Bob Capron, 81 Cypress Place, indicated the following:
46

- 47 • He authored a letter from Christ Church indicating they want to be sure an
48 approval of the extension would not change the design of the residence from
49 that originally approved in on November 24, 2003.
50 • There has been no showing of due diligence from the applicant.

- Christ Church's main concern is the view from their rectory dining room. If the approved plans have been mis-placed, there is no baseline from which to measure what the height is. There is a height range of 3 feet on the plans submitted by the project's architect. The story pole line that existed in 2003 was barely tolerable to Christ Church. If the present plans go 3 feet above that, they will not have a view and there is nothing on which to base a judgment of the height being too high.
- The story poles should be re-erected.

Chris Fielding, 81 Cypress Place, indicated the following:

- The Christ Church rectory has had its view for 120 years.
- Prior Planning Commissions have worked hard to preserve the view during recent undergrounding and an agreement was reached. They are concerned the agreement will be thrown away due to loss of plans or change of opinions. If an extension is approved it is important that that agreement be preserved.

Rob Gieselmann, 61 Santa Rosa Avenue, indicated the following:

- He supports the extension, but the date of the abandonment of the project is 2004 and Dr. Binkley died in 2006, so there is a diligence issue the Commission should consider.
- He supports Mr. Capron's idea to re-erect the story poles.

The public comment period was closed.

Commission comments:

- The Commission needs to revisit the due diligence issue.
- Given the absence of the original 2003 plans, story poles should be re-erected.
- The applicant should have a set of the original plans from 2003 that they can submit to the Commission.

Chair Keller moved and Commissioner Cox seconded a motion to continue the public hearing for 55 Santa Rosa Avenue to the meeting of March 18, 2009. The motion passed 5-0.

- 4. ZOA 09-009, Hotel Condominium Conversion Regulations, City of Sausalito.** Review of a draft ordinance amending the Zoning Ordinance by adding a new Chapter 10.67 (Hotel Condominium Conversion Permit), amending Table 10.40-1 regarding parking requirements, amending Section 10.50.040 regarding application filing, amending Section 10.88.040 to add a definition of "hotel," and amending Title 3 (Revenue and Finance) of the Municipal Code to include Hotel-Condominiums in the definition of "Hotel."
- 5. Suggestions for FY 2009-10 Budget, City of Sausalito.** Identification of Candidate Projects for funding in FY 2009-10 Budget.

Chair Keller moved and Commissioner Cox seconded a motion to continue the public hearings regarding Item 4 and Item 5 to the meeting of March 4, 2009. The motion passed 5-0.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

Old Business

None.

New Business

None.

Communications

None.

Adjournment

The meeting was adjourned at 10:37 p.m.

 /s/ JEREMY GRAVES

Submitted by
Jeremy Graves, AICP
Community Development Director

 /s/ BILL KELLER

Approved by
Bill Keller
Chair

I:\CDD\Plan Comm\Minutes\2009\02-25-09-Approved.doc