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SAUSALITO PLANNING COMMISSION
Wednesday, December 2, 2009
Approved Minutes

Call to Order

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

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

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

Approval of Agenda

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

Public Comments

None.

Approval of Minutes

Approval of the minutes of October 28, 2009 and November 4, 2009 meeting was postponed until the meeting of December 16, 2009.

Public Hearings

1. **ENV 09-014, Initial Environmental Study/Mitigated Negative Declaration (IES/MND), Mallya, 300 Locust Street.** Initial Environmental Study/Mitigated Negative Declaration (IES/MND) which addresses the environmental impacts associated with construction and operation of a warehouse at 300 Locust Street (APN 064-087-07).
2. **DR/CUP 09-014, Design Review Permit, Conditional Use Permit, Mallya, 300 Locust Street.** Design Review Permit to allow for the construction and site improvements, including parking and landscaping, related to a new 6,600 +/- square foot warehouse use at 300 Locust Street (APN 064-087-07). The project is subject to Heightened Review standards since the project exceeds 80% of the permitted building coverage and floor area limitations.

Chair Keller indicated the applicant has requested Items 1 and 2 for 300 Locust Street be tabled indefinitely. Chair Keller moved and Vice Chair Bair seconded a motion to accept the applicant's request. The motion passed 4-0.

1 **3. ENV 08-011, Initial Environmental Study/Mitigated Negative Declaration**
2 **(IES/MND), Bruce, 109/111 Marion Avenue.** Initial Environmental
3 Study/Mitigated Negative Declaration (IES/MND) which addresses the
4 environmental impacts associated with the subdivision of an existing 14,022
5 square foot parcel into two parcels 8,974 and 5,048 square feet in area; the
6 construction of a 2,504 square foot three-story residence at the southern portion
7 of the lower parcel; a driveway encroachment into the Sausalito Boulevard right-
8 of-way and existing encroachments into the Marion Avenue right-of-way; the
9 installation of steps which would complete a partially installed walkway in the
10 South Street right-of-way between Edwards Avenue and Marion Avenue; and the
11 removal of trees at 109/111 Marion Avenue (APN 064-087-07).
12

13 The public hearing was opened. Associate Planner Schinsing presented the Staff
14 Report.
15

16 Commission comment:

- 17 • The construction plan that provides for 340 truck trips up and down Sausalito
18 Boulevard, some of them going as far as the project site and turning around,
19 and 40 going all the way up the street before turning around, is a tremendous
20 burden on the neighborhood and a serious concern that needs to be
21 addressed.
22

23 The public comment period was opened. There being none, the public comment period
24 was closed.
25

26
27 **Chair Keller moved and Commissioner Cox seconded a motion to continue the**
28 **public comment period on the IES/MND for 109/111 Marion Avenue to the meeting**
29 **of December 16, 2009. The motion passed 4-0.**
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32 **4. TM/DR/EA/TR 08-011, Tentative Parcel Map, Design Review Permit,**
33 **Encroachment Agreement, Tree Removal Permit, Bruce, 109/111 Marion**
34 **Avenue.** Tentative Parcel Map and Design Review Permit to subdivide an
35 existing parcel into two parcels and construct a new single-family residence at
36 109/111 Marion Avenue (APN 065-263-04). The new parcels will be
37 approximately 8,974 and 5,048 square feet in area. The proposed three-story
38 residence would be approximately 2,504 square feet in size. Encroachment
39 Agreement for a driveway encroachment into the Sausalito Boulevard right-of-
40 way and existing encroachments into the Marion Avenue right-of-way. Tree
41 Removal Permit to remove protected trees on the subject site. The installation of
42 pedestrian steps that would complete a partially installed walkway in the South
43 Street right-of-way between Edwards Avenue and Marion Avenue.
44

45 The public hearing was opened. Associate Planner Schinsing presented the Staff
46 Report.
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1 Commission questions to staff:

- 2 • What is the width of Marion Avenue right-of-way? *Staff responded 40 feet.*
- 3 • Why doesn't the side yard setback have to be scaled back? *Staff responded*
- 4 *the Zoning Ordinance requirement for walls over 40 feet allows for an*
- 5 *increased setback for massing purposes to not create a long narrow area.*
- 6 *Because the majority of this wall will be underground with approximately only*
- 7 *20 feet visible staff made the interpretation that they would not need to apply*
- 8 *that increased setback in this case.*
- 9 • A letter from Mr. Rattice, a neighbor, points out a corner of the requested
- 10 encroachment is in front of his property, which would provide an exclusive use
- 11 to the applicant. Is there a City policy on where encroachments can be? *Staff*
- 12 *responded the section in the Zoning Ordinance regarding Encroachment*
- 13 *Agreements is silent on that aspect and doesn't say that an encroachment*
- 14 *needs to be directly in front of the property in question.*
- 15 • Does the City do that on a regular basis? *Staff responded the City has done*
- 16 *that in situations for parking, that parking spaces have not been immediately*
- 17 *adjacent to the property line and may have been a little offset or even pushed*
- 18 *up. There is nothing in the code stating they have to be immediately in front.*
- 19
- 20

21 Commission questions and comments to William Spencer, the applicant.

- 22 • Does the 55-foot wall continue all the way across as a retaining wall to support
- 23 and protect the wings? *Mr. Spencer responded the walls are stepped and are*
- 24 *not carried all the way across. They start at the highest point, start the cut, and*
- 25 *work down, stepping, and eventually the walls are behind the structure*
- 26 *supporting the hill directly behind it.*
- 27 • If there is no structure up against the hill, there is no retaining wall there? The
- 28 only retaining wall in that case would be the next wall down? *Mr. Spencer*
- 29 *responded that is correct.*
- 30 • Where is that 55-foot wall that's underground? *Mr. Spencer responded that is*
- 31 *the wall that is not seen, the wall that retains the earth as part of the structure.*
- 32 *Behind that mass is the wall.*
- 33 • That wall is basically part of the house? *Mr. Spencer responded that is correct.*
- 34 • This wall runs the full length of the house and then the one above that runs the
- 35 length of the upper portion? *Mr. Spencer responded that is correct.*
- 36 • The 28 feet in the second floor is the wall that is above grade, and the 55 feet
- 37 that is for the first floor is below grade? *Mr. Spencer responded that is correct.*
- 38 • The peak of this roof runs down and will be flush to the retaining wall? *Mr.*
- 39 *Spencer responded the roof would run into the wall and there would be a*
- 40 *sensitive flashing and gutter assembly there.*
- 41 • Do you have any issue with the Condition of Approval that more windows be
- 42 added? *Mr. Spencer responded they added windows. Staff responded the*
- 43 *applicant did add one window, but staff still asserts more windows should be*
- 44 *provided.*
- 45 • Are you willing to add additional windows as staff is suggesting as a Condition
- 46 of Approval? *Mr. Spencer responded they put as many windows as they felt*
- 47 *they could on the front elevation and are willing to add more windows to the*
- 48 *side.*
- 49
- 50

- 1 • Is the applicant willing to comport with the Condition of Approval that the
2 existing patio areas in the Marion Avenue right-of-way be demolished? *Mr.*
3 *Spencer responded no, because Ms. Bruce inherited the problem in buying the*
4 *property, and if the patios are demolished something has to replace them from*
5 *the standpoint of stability and erosion, which could be very costly and an unfair*
6 *burden.*
- 7 • How do you address staff's concern that your plans prevent public access to
8 the patios and walkways in the public right-of-way? *Mr. Spencer responded the*
9 *railings could be removed, holes could be put into the patio floors, and trees*
10 *planted in those holes so that area can't be used as a patio. That would be a*
11 *quick way to go back to as close a natural state as possible without tearing out*
12 *the patios and possibly destabilizing the slope.*

13
14
15 Comments by Paula Bruce, the owner and applicant:

- 16 • In June or July 2009 I submitted a letter to the Commission suggesting putting
17 in a deer fence with a gate so the public could access the patio area, as my
18 neighbor who also has a staircase in the public right-of-way does. This is the
19 most cost effective way to handle the situation. Demolishing the patios would
20 be a great financial hardship.
- 21 • I have removed my barbeque and furniture from the patio area in the public
22 right-of-way and have not used it in months as I have other patio areas on my
23 property.
- 24 • The public patio area can be accessed from my neighbor's stairway.
- 25 • I have a written statement from Mr. Rattice that he approved our plans
26 completely and had no problem with the driveway or anything else that was
27 put on the Web site and I believe the Commission has a copy. Mr. Rattice just
28 now noticed at this late date that the 5 foot area of the driveway is in front of
29 his property.

30
31 Commission questions to Ms. Bruce:

- 32 • Can the public go straight down the Marion Avenue right-of-way to access the
33 public patio area? *Ms. Bruce responded no, because there is a hedge there,*
34 *although they could climb over it.*
- 35 • Your neighbor, Mr. Lee, sent the Commission a letter asking why you're not
36 having a Sausalito Boulevard address for this property. *Ms. Bruce responded*
37 *Mr. Lee is mistaken. There will be a Sausalito Boulevard address with the*
38 *entrance and mailbox on that boulevard.*
- 39 • Aren't the mailboxes right now on Marion Avenue? *Ms. Bruce responded that is*
40 *for 109 and 111 Marion Avenue. She has a tri-level home and the bottom level*
41 *is a legal separate unit with the address of 111 Marion Avenue, but it is all in*
42 *the same structure. The new building would not be either of those addresses.*

43
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45 Commission comments:

- 46 • The Commission will need to make a site visit to fully understand the layout of
47 the properties, patios, et cetera and then revisit this issue.

48
49 The public comment period was opened.

1 Darshon Broch (phonetic), 112 Marion Avenue, indicated the following:

- 2 • She would prefer a gate that opens from the dead end part of Marion Avenue
3 where the hedges are. The hedges could be removed and a gate installed and
4 the public could go straight down to the patios. If the public goes through her
5 gate and down it's on a different, lower grade, making it awkward. There is no
6 reason to do that if there can be a gate on top of the patios and the public
7 could go straight down to them.
- 8 • She is in favor of Ms. Bruce leaving the patios, because they look nice, and will
9 likely have an erosion effect if removed.

10
11 Dorothy Gibson, Johnson Street, indicated the following:

- 12 • She does tours in Sausalito and would like to join the Commission when they
13 do a site visit.

14
15 The public comment period was closed.

16
17 Paula Bruce's rebuttal to public comments:

- 18 • I do not have a problem doing what Ms. Broch has suggested.
- 19 • The City Engineer's comment that I need to have liquid financial resources in
20 excess of 200% of the costs of construction is unreasonable.

21
22 Commission question to staff:

- 23 • Are there plans to improve the dirt portion of the stairway at the bottom of the
24 hill on the South Avenue right-of-way? *Staff responded they plan to work with*
25 *the applicant on that item.*

26
27 Commission comment:

- 28 • There are many other stairways in Sausalito without gates that invite people to
29 walk down them in the sense that they are open. If there is a gate, most people
30 will assume that it is private, so the gates tend to be a problem.

31
32 **Chair Keller moved and Vice Chair Bair seconded a motion to continue the public
33 hearing for 109/111 Marion Avenue to the meeting of December 16, 2009. The
34 motion passed 4-0.**

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37 **5. AP 08-002, Review of a Privacy Solution, Akraboff, 600A Locust Street.** A
38 review of a privacy solution for a project at 600A Locust Street (APN 064-211-
39 27). The Planning Commission approved a Design Review Permit on June 3,
40 2009 and an appeal was filed on June 15, 2009. The City Council heard the
41 appeal on July 21, 2009 and remanded the application to the Planning
42 Commission for a recommendation to the City Council on the privacy issue.

43
44 The public hearing was opened. Associate Planner Schinsing presented the Staff
45 Report.

1 Commission questions to staff:

- 2
- 3 • Can the Commission consider only the issue of the privacy solution? There is a
4 lot of correspondence from neighbors raising issues that were not raised when
5 this matter initially came before us. *Staff responded the Commission is limited
6 to discussion of the privacy solution.*

7 Presentation was made by John McCoy, the applicant.
8

9 Commission questions to Mr. McCoy:

- 10
- 11 • How high would the 12-foot Loquat tree be in relation to the deck rail when it is
12 first planted? *Mr. McCoy responded it would go a couple of feet above the deck
13 rail.*
 - 14 • What was the other tree you proposed as an alternative? *Mr. McCoy
15 responded an oak had been discussed, but the Loquat was thought to be a
16 better tree.*

17 The public comment period was opened.
18

19 Robert Beifuss, 85 Girard Avenue, indicated the following:
20

- 21 • His comments are from his letter to Don Olsen, the architect, which he will read
22 into the record.
 - 23 • He has researched the Bronze Loquat tree. It is slow growing and the highest
24 they grow is 15-20 feet.
 - 25 • After calling various plant nurseries, the largest Loquat he found was an 8'x3'
26 tree that will grow at most 1-2 feet per year under ideal conditions, meaning five
27 to ten years before it is at its highest height and fully matured. He could not find
28 a Loquat for sale that is the 12'x6' size proposed by the applicant.
 - 29 • The applicant's wraparound deck will come out beyond the tree quite a bit. If a
30 person walked around the deck they could see into his living room, kitchen, a
31 side window, and completely into this yard.
 - 32 • He has requested that the applicant's deck either be reduced from 8 feet to 5
33 feet or 3 feet be deducted from the living room's east-facing wall to
34 accommodate an 8-foot deck.
 - 35 • He is happy with his yard as it is and is not attempting to improve it with a
36 fence and arbor at the applicant's expense, but he is forced to try to mitigate
37 the damage to his property value by the applicant's addition. He also faces the
38 added expense of replacing the common sewer line and private laterals, which
39 is required by the City.
 - 40 • Don Olsen's offer of \$2,286 toward his cost to reestablish his privacy failed to
41 recognize the full cost. The total estimate from Gardens & Gables is \$6,970 as
42 well as the additional costs of the permit for \$300, miscellaneous fee for \$60,
43 design review fees for \$756, plus cost of ongoing maintenance, water expense,
44 and new plants. There is also the cost of the appeal, which he has already
45 paid, which could have been avoided if the applicant had included him in her
46 public outreach and had considered a compromise. He could not accept Mr.
47 Olsen's offer as it covers only a small portion of the total cost.
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1 John McCoy's rebuttal to public comments:

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- Regarding the Loquat tree, his literature states the Loquat tree can grow to 20-30 feet, although usually smaller, around 15-20 feet. Fifteen feet would be more than enough to screen 85 Girard Avenue from the applicant's deck because they would have to look down to see his property.
 - Regarding the applicant's deck looming over Mr. Beifuss' yard, the applicant is on the other side of the street and back beyond the easement. Mr. Beifuss has an existing tree and vegetation that protects his yard. Currently the applicant's windows are directly across from Mr. Beifuss' windows, but with the proposed project the house will be moved away and back 8-10 feet from 85 Girard. The 42" tall deck rail is not picketed, so there is no line of sight through that rail. The deck rail, Loquat tree, and the additional vegetation on Mr. Beifuss' property will address his privacy issues.

15 Commission questions and comments to Mr. McCoy:

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- Does the literature you reference regarding the Loquat tree state how quickly that tree grows? *Mr. McCoy responded it does not give a timeline, just states that it grows well in different types of soil.*
 - How much research have you done in terms of inventory for the size of the tree you are proposing? *Mr. McCoy responded they have not shopped for a tree yet.*
 - If the Commission conditions a minimum size Loquat tree 12-14 feet high by 6 feet in width, what happens if you can't find a tree that size? *Mr. McCoy responded they would be open to a minimum size. Prior to the City Council hearing they would shop to see if it could in fact be purchased.*
 - It is important that if the Commission recommends that minimum size Loquat tree and the City Council agrees with that privacy solution, that you be able to find a tree that big, and the appellant suggests you might not be able to. *Mr. McCoy responded the reason they suggested a Loquat tree has more to do with the overall mature size of it.*
 - But you are proposing the initial tree you put in is initially 12'x6'. Are you confident you can find a tree that size? *Mr. McCoy responded yes.*
 - Would you have a problem if the Commission conditioned the size tree to be 12'x6'? *Mr. McCoy responded by asking if it could be conditioned to say a certain number of inches or feet above the deck rail? They don't know if they will need a full 12-14' tree, because they don't have the full set of plans with them, and that height is set and approved.*
 - Is there another privacy option? *Mr. McCoy responded no, although at the City Council meeting they offered to plant two Loquat trees instead of one.*
 - In the photograph showing where the deck would be the Loquat tree in front doesn't do anything to block the left portion of the deck from a window on the left because it would impinge the view from the new construction. A second Loquat tree on the left would give me a certain amount of comfort. *Mr. McCoy responded the applicant's deck is directly across from the existing tree at 85 Girard Avenue, which provides a degree of privacy to that window.*
 - Would a second Loquat tree block the applicant's view? *Mr. McCoy responded it would enclose the deck a little more, but would not be overly detrimental to her view and the applicant is open to that option.*

- 1 • What is directly behind the deck that faces the first Loquat tree? *Mr. McCoy*
2 *responded a sliding glass door out to the deck from the living room.*
3 • From the edge of the deck to the sliding glass door there will be the additional
4 aspect of the patio to block the view of the inside of the house. *Mr. McCoy*
5 *responded that is correct. There is the deck width to the inside, with the solid*
6 *42' deck rail, plus being above the windows of 85 Girard Avenue will prevent*
7 *anyone from seeing inside the house and vise-versa.*
8

9
10 Kim Stoddard, 66 Marion Avenue, indicated the following:

- 11 • She is a realtor in Sausalito and has worked with Mr. Beifuss regarding his
12 property.
13 • The applicant has cut down a tree that is in one of the photographs.
14 • The street is very narrow and planting a large tree there is not an option with
15 vehicles using it.
16 • What if the Loquat tree dies? Who is responsible for trimming and maintaining
17 it?
18 • The applicant is being allowed to double her square footage. This is a major
19 renovation in a small neighborhood with narrow streets and lots of little
20 cottages and is completely out of scale.
21 • The applicant's residence will tower over Mr. Beifuss' property and give the
22 applicant a direct view into his living space.
23 • One of the photographs was taken looking up and isn't the view Mr. Beifuss is
24 opposed to. He objects to the view looking down into his living room windows.
25 • There is possibly room for one tree, but not two, and planting a tree does not
26 address Mr. Beifuss' issue.
27

28
29 Vanya Akrahoff's rebuttal to public comments:

- 30 • I have a gardener who comes monthly to care for my property and who will
31 care for any trees they plant.
32 • The photographs presented were taken last July and I have not cut down any
33 trees since then.
34

35
36 John McCoy's rebuttal to public comment:

- 37 • We are willing to work with Mr. Beifuss to a degree with the placement of the
38 tree around the deck.
39

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41 Commission questions and comments to Mr. McCoy:

- 42 • What is the actual width of the property from the street to the building where
43 the tree or trees would be planted? *Mr. McCoy responded the trees would be*
44 *planted beyond the easement, which is 8 feet. He didn't know the exact*
45 *distance from the building to the street, but one of the reasons they suggest a*
46 *Loquat tree is they have small trunks but a large foliage size, so it can be*
47 *pruned and kept back off the street and the deck and not require a large*
48 *footprint to get the desired height and width. They can tuck the tree as close to*
49 *the deck as needed as the deck is elevated above grade, so the roots won't*
50 *spread into the foundation.*
• This neighborhood has easements and streets, which don't necessarily line up;
so to say that you're a certain distance back from the easement could still be in

1 the middle of the street. We need to know exactly where the street is in relation
2 to that tree. *Mr. McCoy responded there is an existing curb that comes around*
3 *in front of the deck and wraps pretty much up to the applicant's driveway into*
4 *her garage and there is room between the building and the end of the deck and*
5 *that curb to fit a tree in. He doesn't know exactly what that amount of space is,*
6 *but it is at least 8'.*
7

8 Staff comment:

- 9
- 10 • The dimension from the edge of the property, which is 8 feet, to the deck is 11
11 feet. So the area from the edge of the easement to the deck is 3 feet, and the
12 curb appears to be approximately 2 feet away.

13 Robert Beifuss, 85 Girard Avenue, indicated the following:

- 14
- 15 • He heard it was 3 feet from the easement to the deck, but doubts it. There
16 definitely is no room for a tree as the proposed tree size starts at 6 feet wide,
17 which means it will go into the deck and hang over the easement. Vehicles will
18 hit it. He disputes idea there is room there for two trees. The only reason there
19 is room for one tree is the deck curves in.
 - 20 • When a person is on the applicant's deck they don't have to be on the edge
21 looking downward to see into his windows and yard. His dispute is with the
22 applicant's sizable 8-foot deck in this small area on a narrow easement.
 - 23 • Even if the Loquat trees grow 2 feet a year it will take a considerable amount
24 of time to get to the point where the applicant is saying they will have any
25 effect.

26
27 Commission questions to Mr. Beifuss:

- 28
- 29 • Is the property at 85 Girard Avenue a rental unit? *Mr. Beifuss responded yes.*
 - 30 • Do you have plans to move in to this unit yourself in the foreseeable future?
31 *Mr. Beifuss responded possibly, but not in the next year or two.*
 - 32 • You have not provided us with an alternative proposal to protect the privacy of
33 the property. *Mr. Beifuss responded he had proposed a fence and arbor. The*
34 *last time Don Olsen was before the Commission on this matter Mr. Olsen said*
35 *he would work out a plan with Mr. Beifuss that next Friday, but Mr. Beifuss did*
36 *not hear from him for a month.*
 - 37 • You have had an opportunity tonight to bring us a proposal for a fence and
38 arbor project, but you haven't. *Mr. Beifuss responded he has it with him this*
39 *evening. There was no time to present it at the last meeting, because the*
40 *meeting was continued.*
 - 41 • The reality is we live in a city. The applicant is willing to put in whatever mature
42 tree you would like, or two trees, which from a green standpoint is much better
43 than going back and forth negotiating an arbor and wall.
 - 44 • The applicant does not have any interest in standing out on her deck and
45 looking down at this building. People on the applicant's deck will be looking at
46 the view.
 - 47 • The applicant is not blocking your sunlight. *Mr. Beifuss responded his winter*
48 *sun is being blocked by the applicant's roof. At this time of year he will lose his*
49 *sun around 3:00 o'clock instead of 5:00 o'clock.*
50

- The applicant has provided literature supporting his view of the Loquat tree's rate of growth. Did you bring literature to support your position that the tree grows at 1foot per year? *Mr. Beifuss responded no.*

Comments from Mr. Beifuss:

- I was advised by staff to work it out between ourselves, which is why I have not submitted an alternative proposal to staff. I have the fence and arbor proposal I gave Don Olsen a month ago regarding the fence and arbor. He said he was going to work it out with me by the end of that week, but I did not hear from him for a month and then he gave me a quarter of the cost. *We are making a decision based on the record before us and we have seen no alternative proposal. The letter you read into the record clearly shows you were trying to obtain costs that were not associated with the privacy issue, such as the cost of appeal and other costs.*

The public comment period was closed.

Commission questions to staff:

- Did staff instruct the appellant not to submit his alternative proposal to staff for presentation to the Planning Commission? *Staff responded they told both the applicant and the appellant that it would be inappropriate for the City to get involved in monetary discussions on their negotiation. To staff's knowledge the appellant did not ask if he could submit plans.*
- Using trees and bushes is a common device for creating privacy. The issue is to what extent is the party hosting that tree and bush planting required to maintain it, for how long, and does it go with the land? *Staff responded the Commission could recommended a condition that the property owner hosting the vegetation be required to enter into a landscape maintenance agreement to maintain those trees that would be recorded against the property.*
- Under the landscape agreement would the host be required to replace the trees if they become diseased and die? *Staff responded yes.*

Commission question to Mr. McCoy:

- Would the applicant have a problem if the Commission required a landscape agreement? *Mr. McCoy responded no.*

Chair Keller moved and Commissioner Keegin seconded a motion to propose as the Commission's recommended privacy solution to the City Council the condition that two 36"-box Loquat trees be planted to provide screening for the down slope property with a landscaping maintenance agreement being recorded against the property. The motion passed 4-0.

- 6. TM 09-068, Tentative Parcel Map, Chang, 95 Cloudview Road.** A Parcel Map to subdivide one parcel at 95 Cloudview Road (APN 065-191-76) into two separate parcels. Resultant parcel "A" would encompass 9,590 square feet in size and would front on Cloudview Road. Resultant parcel "B" would encompass 6,000 square feet in size and would front on an existing vehicular driveway. The hearing was continued from the October 28, 2009 Planning Commission meeting.

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

5 Commission question to staff:

- 6 • Was the patio work done on Parcel A properly permitted, and was the drainage
7 provided for by that patio work adequate from a design point of view? Does the
8 Commission need to correct that in connection with the approval of Parcel B?
9 *Staff responded the Engineering and Building Divisions have indicated no*
10 *permits were required for that flatwork in the backyard. There was no*
11 *requirement for the City to review that flatwork and the Engineering Division*
12 *has indicated they are not concerned about it. It is up to the property owner to*
13 *ensure that drainage doesn't affect other residences.*
14

15 Presentation was made by Michael Rex, the applicant.
16

17 The public comment period was opened. There being none, the public comment period
18 was closed.
19

20 Commission comments:

- 21 • We don't like to see these big lots in Sausalito get subdivided, but this one is
22 out of the way, so we would be in favor of it for the reasons stated in the Staff
23 Report.
24
- 25 • This project comports with the ordinances now in place and Staff has
26 recommended its approval after a thorough review. We have to trust the
27 checks and balanced in place for Heightened Review of projects that exceed a
28 certain floor area ratio will impose adequate scrutiny.
29

30 Staff comment:

- 31 • The draft resolution in front of the Commission does not include the revised
32 conditions from the City Engineer. These revised conditions can be seen in the
33 supplemental Staff Report from October 28, 2009.
34

35 Commission questions to staff:

- 36 • Paragraph 11 of the City Engineer's revised conditions says, "Prior to
37 recreation of final map a registered civil engineer shall prepare studies for each
38 parcel, Parcel A and Parcel B. The study shall compare the existing proposed
39 flows for a ten-year storm." So if the study for Parcel A shows that a ten-year
40 storm would create havoc throughout Sausalito, are we going to have a study,
41 but no remedy? Paragraph 12 says, "Future development of Parcel B," which
42 would suggest a remedy with respect to an adverse study under Paragraph 11
43 for Parcel B, but if there is an adverse study with respect to Parcel A, is that the
44 end of the story? *Staff responded they could add wording to Condition 11 to*
45 *address the possible outcomes of that study. The existing condition on Parcel*
46 *A includes the flatwork, so it is comparing the existing and proposed flows for a*
47 *ten-year storm. The existing is the development on Parcel A and the proposed*
48 *is the development on Parcel B, so if a combination of those two creates a*
49
50

1 *problem, it will have to be corrected. By developing Parcel B you are taking*
2 *away some of the ability to handle the runoff now.*

3
4 Commission comment:

- 5 • The last line of Paragraph 12 says, "The proposed drainage system shall be
6 subject to review and approval by the City Engineer." We would like to change
7 it to read, "The proposed drainage system for both Parcel A and Parcel B shall
8 be subject to review by the City Engineer."
9

10 Comments by Mr. Rex:

- 11 • They do not have a problem with changing the wording of the last sentence in
12 Paragraph 12. The impervious surface on existing Parcel A has been reduced
13 significantly and a drainage system has been installed, which is a vast
14 improvement over what was there.
15

16 **Chair Keller moved and Commissioner Keegin seconded a motion to recommend**
17 **approval of a Tentative Parcel Map to subdivide the parcel at 96 Cloudview Road**
18 **with Conditions 11, 12, 13 from Supplement 5A as amended. The motion passed**
19 **4-0.**
20

21 **Old Business**

22 None.

23
24 **New Business**

25 **7. Representatives on Undergrounding and Housing Element Committees.**

26 Appointment of Planning Commission representatives on Undergrounding
27 Committee and Housing Element Committee.
28

29 **Commissioner Keegin was nominated by the Planning Commission to serve on**
30 **the Undergrounding Committee.**
31

32 **Vice Chair Bair was nominated by the Planning Commission to serve on the**
33 **Housing Element Committee.**
34

35 **Communications**

- 36 • Staff reviewed the issues associated with the understory of the residence at 33
37 Miller Avenue.
38

39 **Adjournment**

40 The meeting was adjourned at 9:25 p.m.
41
42
43
44

45 /s/ JEREMY GRAVES

46 Submitted by
47 Jeremy Graves, AICP
48 Community Development Director
49

45 /s/ BILL KELLER

46 Approved by
47 Bill Keller
48 Chair
49

50 CDD\Plan Comm\Minutes\2009\12-02-09-Approved