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SAUSALITO PLANNING COMMISSION
Wednesday, January 20, 2010
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 Joan Cox, Commissioner Stafford Keegin

Absent: Vice Chair Stan Bair, Commissioner Bill Werner

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 Cox seconded a motion to approve the agenda. The motion passed 3-0.

Approval of Minutes

None.

Public Comments

None.

Public Hearings

- 1. ENV 08-011, Initial Environmental Study/Mitigated Negative Declaration, Bruce, 109/111 Marion Avenue.** An Initial Environmental Study/Mitigated Negative Declaration (IES/MND) which addresses the environmental impacts associated with the subdivision of an existing parcel into two parcels at 109/111 Marion Avenue (APN 065-263-04), the construction of a three-story residence on the new northern (lower) parcel, the removal of trees, and the installation of steps which would complete a partially installed walkway in the South Street right-of-way between Edwards Avenue and Marion Avenue.

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

Commission questions and comments to staff:

- The construction plan will be part of the entitlement approval, so do those mitigating elements need to be in this environmental document? *Staff responded there is a Condition of Approval as part of the entitlement resolution which requires compliance with the construction plan.*
- What amount of rock and soil is to be removed and how will it transition from the initial through the final stages? *Staff responded the removal of approximately 2,800 cubic yards is required to build the residence. According*

1 to the applicant's submittal materials, the first 80 cubic yards can be removed
2 by a truck that will need to turn around at 480 Sausalito Boulevard and return
3 to the project site to collect the earth. That is approximately 16 trucks, which is
4 32 total trips in and out. After that the trucks should be able to turn around on
5 the project site to remove the rest of the earth.

- 6 • As part of the IES/MND is the applicant required to give the Commission a
7 schedule as to how those trucks will go, what time, et cetera, or is that done
8 later? Staff responded the Construction Management Plan, which the project
9 needs to comply with as a Condition of Approval, identifies the types of
10 vehicles and the amount of earth that needs to be initially removed using the
11 turnaround location. The route will be Bridgeway to Second Street to Sausalito
12 Boulevard. The Condition of Approval is in the entitlement portion of the
13 project. Although Mitigation Measure 8 in the IES/MND does not specify the
14 project needs to comply with this specific memo, the entitlement condition does
15 require compliance with the memo.
- 16 • Does the Commission need to be more specific regarding the movement of the
17 trucks within the IES/MND, because the distance from the site to the
18 turnaround is almost a half mile, meaning a one mile circuit for each truck, an
19 extended uphill distance for a large truck to travel on narrow, winding surface
20 streets relative to what has been experienced in the past pertaining to EIRs.
21 Staff responded the Commission could make this condition more specific and
22 incorporate some detail from the Condition of Approval into the mitigation
23 measure.
24

25
26 The public comment period was opened. There being none, the public comment period
27 was closed.
28

29 **Chair Keller moved and Commissioner Keegin seconded a motion to approve the**
30 **resolution which approves the Initial Environmental Study/Mitigated Negative**
31 **Declaration (subject to amendments listed in the errata sheet) and the Mitigation**
32 **Monitoring Program for 109/111 Marion Avenue. The motion passed 3-0.**
33

- 34 **2. TM/DR/EA/TR 08-011, Tentative Parcel Map, Design Review Permit,**
35 **Encroachment Agreement, Tree Removal Permit, Bruce, 109/111 Marion**
36 **Avenue.** A Tentative Parcel Map to subdivide an existing parcel into two parcels
37 at 109/111 Marion Avenue (APN 065-263-04), Design Review Permit to construct
38 a three-story residence on the new northern (lower) parcel, Tree Removal Permit
39 to remove protected trees, Encroachment Agreement for a driveway
40 encroachment into the Sausalito Boulevard right-of-way and existing
41 encroachments into the Marion Avenue right-of-way, and installation of steps
42 which would complete a partially installed walkway in the South Street right-of-
43 way between Edwards Avenue and Marion Avenue.
44

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

- 2 • The Staff Report recommends removal of 3 feet of existing encroachments in
3 the Marion Avenue right-of-way. Does that entail a portion of the brick? *Staff*
4 *responded the encroachments that abut that site's eastern property line are of*
5 *the middle brick patio and a portion of the wood stairway.*
- 6 • What is the purpose of removing the 3 feet of existing encroachments? *The*
7 *Commission responded it is to remove the appearance of private property by*
8 *removing a strip so present and future residents would not think of it as private*
9 *property.*
- 10 • Is there a reason why the removal of the 3 feet strip is not carried on to the
11 third area down below? *Staff responded that is an error and it should be carried*
12 *over that the lower portion.*

13 Commission comments:

- 14 • Removal of a 5 foot strip would be preferable to a 3 foot strip.
- 15 • If the fence is there, a 3 foot strip should be adequate.

16 Commission questions and comments to staff:

- 17 • In 2003 the City commissioned a staircase design for South Street by Douglas
18 Matteson. Are the stairs required now the same design? *Staff responded the*
19 *plan contained in the Staff Report is the same 2003 conceptual plan by Mr.*
20 *Matteson.*
- 21 • What is the amount of the in-lieu fee? *Staff responded as written in the*
22 *recommended modification to the Condition of Approval it would be*
23 *comparable to the cost associated with designing, permitting, and constructing*
24 *the stairs, but no dollar value has been arrived at yet.*
- 25 • Is the in-lieu fee for a Marion Avenue staircase? *Staff responded it is for a*
26 *South Street staircase.*
- 27 • Does the in-lieu fee arise if the City Council does not approve the South Street
28 staircase? *Staff responded that is correct and there would be two options at*
29 *that point: construct a Marion Avenue staircase or submit the in-lieu fee*
30 *calculated for the South Street staircase. The Commission has the ability to*
31 *require that in-lieu fee be associated with a Marion Avenue staircase.*
- 32 • Is the proposed landscaping agreement with the City and is it an agreement by
33 which the counter party will agree to maintain the landscaping in the
34 recommended area with some specificity? *Staff responded yes, it is a*
35 *Condition of Approval that a more specific plan would need to be submitted for*
36 *the landscaping area showing the location of plants and irrigation system.*

37 Presentations were made by Steve Frasier, attorney for the applicant; William Spencer,
38 project architect; and Paula Bruce, the owner.

39 Commission question to staff:

- 40 • Is the applicant being asked to redo the existing concrete stairs at the top of
41 the South Street right-of-way? *Staff responded that the existing stairs at the top*
42 *of the right-of-way would not be replaced. The Condition of Approval requires*
43 *the applicant to install poured concrete stairs in the middle portion of the right-*
44

1 of-way which has no stairs and to replace the earth and timber stairs at the
2 bottom of the right-of-way.
3

4 Commission questions and comments to Ms. Bruce:

- 5 • What kind of fence are you planning to build along the edge of the Marion
6 Avenue right-of-way? *Ms. Bruce responded a solid wood fence, 6 feet high as*
7 *required, with gates that adequately signify a separation between the private*
8 *and public property, so the strip of bricks need not be removed. However, there*
9 *is no good way for the public to get there, as they cannot access it through her*
10 *gate. They can go to the other gate, but they would need to go over the hedge,*
11 *which is how it was done when she bought the property, but that is unsafe. The*
12 *staircase and gate, other than a few steps after entering her property, are all on*
13 *her property, so climbing over the hedge is the only way to access that public*
14 *property without trespassing on her property.*
- 15 • The Commission wanted a gate installed to access that public area. *Ms. Bruce*
16 *responded if a gate is installed people can walk to the first landing but cannot*
17 *get down to the second landing, because there are no stairs there, except*
18 *going over the hedge.*

19
20
21 Commission comments:

- 22 • The Conditions of Approval should be changed to make the patio area
23 accessible to the public so people do not need to climb over a hedge.
24

25 The public comment period was opened.
26

27 Jorge Lee, 108 Marion, indicated the following:

- 28 • If the property has access from Sausalito Boulevard, why couldn't the applicant
29 run the stairs all the way down the Marion Avenue right-of-way to Sausalito
30 Boulevard instead of going his property adjacent to the South Street right-of-
31 way? While it is helpful to have access to the street below from his property he
32 is concerned about privacy for his family and his tenants. *The Commission*
33 *responded this is a fairly remote area without a lot of pedestrian foot traffic. The*
34 *stairs are more to provide the residents of Marion Avenue with emergency*
35 *egress. In the event of an emergency having the concrete stairs would be*
36 *much safer than the existing tricky and slippery path along the unimproved*
37 *portion of the South Street right-of-way and the earth and timber steps.*
- 38 • When he rebuilt his duplex in 2000 the City required him to remove a large
39 wood deck built by the previous owner because it encroached in the South
40 Street right-of-way. Likewise, all encroachments to Marion Avenue should be
41 removed.
- 42 • Trucks removing soil and rock will be a problem because trucks are wide and
43 the streets are narrow.
44

45
46 Commission question to Mr. Lee:

- 47 • Are there hours that the trucks would be more inconvenient for you than
48 others? *Mr. Jorge responded during the commute hours.*
49
50

1 Darshan Brach, 112 Marion Avenue, indicated the following:

- 2 • The stairs at her property are in a legal encroachment. The end point referred
3 to by Ms. Bruce is her front door at 112 Marion and to make that a public
4 access to the patio area would be an intrusion. Ms. Bruce is willing to open up
5 the hedge for public access, which is preferable to using the stairs to her front
6 door which she uses every day.

7
8 Dorothy Gibson indicated the following:

- 9 • She visited the patio areas and the three brick platforms seemed wobbly and
10 unsafe, as well as the railings. Who is responsible if someone is hurt?

11
12 Charlotte Mastrangelo, Third Street, indicated the following:

- 13 • She visited the patio area and the bricks are slippery and hazardous.
- 14 • She has always thought Marion Avenue, even though the street doesn't go
15 through, was a public right-of-way and believes it should be.
- 16 • She is concerned about the 11 trees to be removed, as the Tree Committee
17 was not consulted on this. It would be a mistake to remove the pine tree she
18 sees looking up from Third Street and Valley Street, because they would look
19 at the glass windows of the new residence with its glare. The trees should be
20 retained for privacy.
- 21 • The logical solution is to run the stairway from Marion Avenue all the way down
22 to Fourth Street and Valley Street.
- 23 • Since the proposed residence is required to have its utilities undergrounded,
24 the utilities serving the current duplex should also be undergrounded.

25
26
27 Hunter Hancock, Sausalito Boulevard, indicated the following:

- 28 • He lives across from the subject property.
- 29 • He would like it to be a Condition of Approval that the rock not be shot to
30 remove it as it is a lot of rock and right above his home and does not want rock
31 coming down on his property.

32
33 The public comment period was closed.

34
35 Commission question to staff:

- 36 • Regarding the issue of access to the brick area in the public right-of-way and
37 the applicant's concern that people will encroach on her property to access it,
38 would it be suitable to leave it to the Community Development Director to
39 determine the appropriate ingress/egress of this public right-of-way as a
40 Condition of Approval? *Staff responded yes, and they would work with the
41 Public Works Department and the City Attorney to ensure the area is not
42 privatized and the public is made aware there are unsafe conditions there.*

43
44
45 Commission comments:

- 46 • Removing 3 feet of brick from the patio area would be acceptable if the
47 Community Development Director has the final sign-off on the ingress/egress
48 and the ability to make sure the area is visibly perceived as public.
- 49 • Removing 5 feet of brick from the patio area provides a better margin of error.
50 Members of the public have stated they tried to access the area and the

1 applicant stated they were on her property. Demarcating a 5 feet strip along the
2 applicant's property line can eliminate that problem. The applicant will have to
3 figure out a way to access that public area if she wants to use it or do
4 landscaping, such as from the other side the way other people access it.
5

6 Commission question to staff:

- 7
- 8 • Removing 5 feet of brick could cause erosion with mud washing onto the bricks
9 in the public right-of-way. *Staff responded the City Engineer has indicted that*
10 *removing the brick will not increase the erosion on the slope so long as the*
11 *cross-slope barriers are retained.*

12 Commission comments:

- 13
- 14 • The finding on page 19 of the Staff Report says, "A public staircase along a
15 public paper street would increase the safety," because the Commission is
16 recommending approval of a staircase on an adjacent street. That finding
17 should be edited to add "or a street adjacent to the property," after the words
18 "paper street" so as not to imply the Commission thinks a staircase along
19 Marion Avenue is superior to improving the existing staircase along South
20 Street.
 - 21 • The recommended revision of Condition 26 should be clear the Commission is
22 not recommending the Marion Avenue staircase, but is advocating completion
23 of the South Street staircase.
24

25 Commission question to staff:

- 26
- 27 • Who makes the decision regarding whether Marion Avenue stairs are
28 constructed or the in-lieu fee is submitted? *Staff responded the City Council*
29 *would be given the choice to construct the South Street stairs or the Marion*
30 *Avenue stairs, or accepting an in-lieu fee instead of the Marion Avenue stairs.*

31 Commission comment:

- 32
- 33 • The in-lieu fee should be for the installation of the Marion Avenue stairs if the
34 City Council rejects the South Street approach.

35 Commission comments:

- 36
- 37 • Condition 27 should say, "poured-in-place stairs and pathway," because it is
38 not a solid stairway.
 - 39 • Condition 27 says, "consistent with the conceptual stair improvement plan,"
40 which is ambiguous, because if it is discovered that some portion of this is not
41 feasible, that could be an impediment to proceeding with the project. *Staff*
42 *responded the Zoning Ordinance allows staff to make adjustments in those*
43 *types of situations as long as it is in line with the overall design.*
44

45 Commission question to Mr. Spencer:

- 46
- 47 • Do you disagree with the conceptual design prepared by Bill Matteson in
48 2003? *Mr. Spencer responded, "no."*

49 Commission questions to staff:

- 1 • A member of the public is concerned because the Tree Committee was not
2 involved in the decision to remove the protected trees. What are the
3 jurisdictional limits? *Staff responded that the Zoning Ordinance indicates that*
4 *the Planning Commission has jurisdiction regarding Tree Removal Permits for*
5 *projects that are in front of the Planning Commission,*
- 6 • Has the applicant provided a preliminary landscape plan for replacement of
7 the trees removed, and is there a ratio in which they will be replaced? *Staff*
8 *responded a plan has been submitted with a replacement ratio of three to one.*
9 *There is also a mitigation measure regarding the replacement of trees onsite*
10 *that includes removed trees and any trees damaged from construction activity.*
11

12 Commission direction to staff regarding the Marion Avenue right-of-way access:

- 13 • Ensure that existing stairways and railings are safe.
- 14 • Ensure the public is not required to climb over a bush or hedge to access this
15 public property.
- 16 • Ensure the public does not erroneously take the stairs to the entrance of 112
17 Marion Avenue.
- 18 • Remove 5 foot strips from the three areas shown on the Encroachment Site
19 Plan.
20

21 Changes and additions to the Conditions of Approval:

- 22 • The Encroachment Site Plan shall be modified to show removal of 5 feet of the
23 encroachments, including the brick patio and the staircases that abut the
24 eastern property line.
- 25 • Earth-removing trucks shall be restricted to accessing the site between 10:00
26 am and 4:00 pm weekdays, and no access on weekends or City holidays.
- 27 • The earth removal methods shall not include methods to blast the rock.
- 28 • The findings regarding the staircase shall be edited to say, “along a paper
29 street located in the immediate vicinity.”
- 30 • The utilities shall be undergrounded for the residences at 109 and 111 Marion
31 Avenue.
- 32 • Condition of Approval 26 shall be modified to substitute Marion Avenue stairs
33 for South Street stairs for the in-lieu fee.
- 34 • Condition of Approval 27 shall be edited to add the words, “and pathway,” after
35 “poured in place stair.”
- 36 • The paragraph regarding the 200% assurance shall be modified to incorporate
37 the last sentence into the first sentence to indicate the range can be between
38 150-200%.
- 39 • A Condition of Approval shall be added to the Resolution stating that the
40 Community Development Director, in concert with the Public Works
41 Department and City Attorney shall have the ability to review the safety of the
42 encroachments in the Marion Avenue right-of-way and ensure:
43
 - 44 ○ Safe public access.
 - 45 ○ The existing stairs and railings are safe.
 - 46 ○ The prevention of privatization of that right-of-way.
 - 47 ○ Appropriate signage is installed.
 - 48 ○ The public does not erroneously go to the front door of 112 Marion
49 Avenue when in the public right-of-way.
50

- Condition 9 regarding the Construction Management Plan shall be revised to reflect updated memos from the contractor.

After considerable review of the options for stairs in the South Street and Marion Avenue right-of-ways and taking into account potential safety issues and costs it was the Commission's consensus that it would be preferable for all parties, both the public and the applicant, to improve the South Street staircase as opposed to building a new Marion Avenue staircase.

Chair Keller moved and Commissioner Keegin seconded a motion to approve the resolution which approves a Tentative Parcel Map for the subdivision of a parcel into two parcels, a Design Review Permit for construction of a new single-family residence, and a Tree Removal Permit to remove protected trees at 109/111 Marion Avenue, as well as a recommendation of City Council approval of an Encroachment Agreement to allow a driveway to encroach into the Sausalito Boulevard right-of-way and to allow an existing entry staircase to encroach into the Marion Avenue right-of-way as amended in the Conditions of Approval. The motion passed 3-0.

Chair Keller moved and Commissioner Keegin seconded a motion to amend the agenda to continue the public hearings for Item 4 (8 Channing Way) and Item 5 (4 Bulkley Avenue) to the Commission's meeting on February 3, 2010. The motion passed 3-0.

- 3. NC/DR/SP 09-230, Nonconformity Permit, Design Review Permit, Sign Permit, Clipper Yacht Harbor-KKMI, 500 Harbor Drive.** A Nonconformity Permit, Design Review Permit, and Sign Permit to allow for the continued use and relocation of existing Legal Nonconforming storage containers, the construction of an 8' tall fence with landscaping and lighting, and a new wall sign at 500 Harbor Drive (APNs 063-010-16, 063-020-01, and 063-140-08).

Chair Keller and Commissioner Keegin disclosed they had met independently with Messrs. Kaplan and Pedersen regarding the project.

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

Commission questions to staff:

- Where is the signage to occur? *Staff responded on the building wall facing Richardson's Bay. The intended purpose is to allow boaters to find the facility from the water.*
- Will there be a 4 foot high concrete wall built with a 6.5 foot fence on top? *Staff responded that is correct, and posts for screening extending an additional 6 feet above the top of the fence.*
- Has the applicant given staff indication as to how frequently the canvas screening would be raised? *Staff responded no, but staff's impression is that when there is any type of boat repair being done the screens will be hoisted.*
- Would there be any view impact if those screens were pulled up? *Staff responded there would be no impacts to the view corridor, which follows a*

1 *straight line from Colma Avenue to the waterfront. The screens would run*
2 *parallel to the edge of the view corridor.*

3
4 Presentation was made by Ken Pedersen, Ken Keefe, and Paul Kaplan, the applicants.

5
6 Commission question to Mr. Keefe:

- 7 • What is the biggest boat you would be able to accommodate in this proposed
8 boatyard? *Mr. Keefe responded 55 tons, 20 feet wide, 70 feet long, which*
9 *would accommodate probably 95% of the boats in the Bay Area.*

10
11 The public comment period was opened.

12
13 John Anchon (phonetic), 60 Varda Landing, indicated the following:

- 14 • He has lived in his home for 60 years and has been neighbors with Ken
15 Pedersen and his father during that time.
16 • He supports the project.

17
18 Michael Weiner, 141 San Carlos Avenue, indicated the following:

- 19 • He manages Spaulding Boat Works and is a board member and trustee of the
20 Spaulding Wooden Boat Center.
21 • He supports the project.
22 • The project is consistent with the letter and spirit of the Marinship Specific Plan
23 and would be an asset to the Marinship.
24 • Some of his neighbors are concerned by the prospect of a yard of this size
25 coming into the area, but the maritime center would serve as an anchor for
26 small independent marine related businesses, would create affordable working
27 space for existing waterfront crafts people, and breath new life into the working
28 waterfront.

29
30 Tony Badger, 625 Locust Road, indicated the following:

- 31 • He is a long-time residence of Sausalito and an avid sailor.
32 • He supports the project.
33 • He is a member the WAM committee and is encouraged by the project in terms
34 of the environment.
35 • Sausalito needs a working waterfront badly and this project is a great step in
36 terms of revitalizing the working waterfront.

37
38 Scott Diamond, resident of Sausalito Yacht Harbor, indicated the following:

- 39 • He has been a resident of Sausalito since 1957 doing maritime work of all
40 kinds.
41 • He supports the project. The plan is well thought out and the waterfront needs
42 it.

43
44 Vicki Nichols, 117 Caledonia Street, indicated the following:

- 45 • She is a member of the WAM committee.
46 • She supports the project and agrees with most of what has been said about it.
47 • She supports the intention for this to be a maritime center.

- She supports the large signage because it is seen within the waterfront context, is a historic way to identify the buildings, and would be a drawing point for the waterfront.
- She supports the lighting as Mr. Kaplan has outlined it.
- It would be desirable at some point to have some spaces within this area for smaller waterfront businesses and the WAM committee will likely recommend that in the future.

Ken Neal indicated the following:

- He is the Executive Director of Call of the Sea, a non-profit maritime educational organization at 400 Harbor Drive.
- Call of the Sea supports the project, which would be a neighbor to their offices.
- Call of Sea admires Clipper Yacht Harbor and KKMI for the spirit of stewardship in which they are doing the project.

Tim Parker indicated the following:

- He has owned and operated Parking Diving Service, located currently at the Clipper Yacht Harbor, for over 40 years.
- There will be need for repairs on vessels such as fireboats, police patrol boats, et cetera that may have to go on through the night. He would like the issue of noise from emergency haul outs in the middle of the night to be addressed.

The public comment period was closed.

Commission comments:

- The water-facing signage is an aid to navigation and needs to be larger to be seen at night when it is very easy to go into the wrong entrance.
- Mr. Parker is correct regarding the need to do emergency repairs on vessels used for public safety purposes at night.

Conditions of Approval:

- An exception shall be made to allow nighttime repairs on vessels used for public safety purposes.
- The last sentence of Condition 14 shall be removed.
- The concrete retaining wall shall be stained green.
- Condition 13 regarding a reduced sign area and restrictions on the sign illumination should be deleted.

Chair Keller moved and Commissioner Cox seconded a motion to approve a Nonconformity Permit, Design Review Permit, and Sign Permit to allow the relocation of Legal Nonconforming storage containers, various site improvements, and a wall sign at 500 Harbor Drive, taking into account amendments as modified by memorandum and comments made. The motion passed 3-0.

Old Business

None.

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New Business

None.

Communications

None.

Adjournment

The meeting was adjourned at 10:08 p.m.

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

 /s/ BILL KELLER
Approved by
Bill Keller
Chair

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