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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, June 9, 2010**  
**Approved Minutes**

**Call to Order**

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

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

Absent: Chair Bill Keller

Staff: Community Development Director Jeremy Graves  
Associate Planner Heidi Burns  
City Attorney Mary Wagner  
Director of Public Works Jonathon Goldman

**Approval of Agenda**

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

**Approval of Minutes**

December 10, 2008                      May 12, 2010  
May 26, 2010

**Vice Chair Bair moved and Commissioner Keegin seconded a motion to approve the minutes of May 12, 2010 and May 26, 2010, as amended. The motion passed 4-0.**

**Vice Chair Bair moved and Commissioner Cox seconded a motion to approve the minutes of December 10, 2008, as amended. The motion passed 3-0-1 (Abstain - Werner).**

**Public Comments**

None.

**New Business**

**1. Downtown Projects Update**

Director of Public Works Jonathan Goldman provided an overview of various capital improvements projects in the downtown and outlying areas of the City.

**Public Hearings**

**2. DR/VA/CUP 10-043, Design Review Permit, Variance, Conditional Use Permit, Ansari and Halawa, 317-319 Johnson Street.** Design Review Permit, Variances, and Conditional Use Permit to construct an addition, a second

1 residential unit, and to allow a restaurant at an existing mixed-use commercial  
2 building at 317-319 Johnson Street (APN 065-061-07). The Design Review  
3 Permit is to allow the enclosure of an existing second floor deck. The Variances  
4 are to allow relief from providing three on-site parking spaces and complying with  
5 the minimum density standards to allow for a second residential unit. The  
6 Conditional Use Permit is to allow for a restaurant use within the Commercial  
7 Residential (CR) Zoning District.  
8

9 The public hearing was opened. Associate Planner Heidi Burns presented the Staff  
10 Report.  
11

12 Commission questions of staff:

- 13 • Have you identified any other residential units under 1,500 square feet in the  
14 CR Zoning District that are not grandfathered in by virtue of historically being  
15 smaller units? *Staff responded they have identified units on Caledonia between*  
16 *Litho Street and Pine Street, and on Bridgeway. Because the units existed prior*  
17 *to adoption of the pertinent zoning restrictions the units are considered legal*  
18 *non-conforming units.*
- 19 • Have variances for under 1,500 square feet been granted in the CR Zoning  
20 District? *Staff responded no variances have been requested since the General*  
21 *Development Standards, which created this density requirement, were*  
22 *established in 1988; this is the first request.*
- 23 • What are the unique aspects of this property that entitle them to a variance?  
24 *Staff responded one unique aspect is this property's location on the City's*  
25 *primary arterial roadway with access to public transportation. Another is this*  
26 *building was historically used for multi-family residential units, housing stock*  
27 *that is important to Sausalito. The most important aspect of this property's*  
28 *situation is the City, through its General Plan, has envisioned a specific amount*  
29 *of residential density that the City can accommodate, and this triangular city*  
30 *block can never capture that density. This is an opportunity to provide housing*  
31 *stock in a building that is better suited to serve multiple units versus a single*  
32 *larger unit.*
- 33 • Could the Commission condition its approval of the density variance on the  
34 requirement that one of the units be an affordable housing unit? *Staff*  
35 *responded they would look into whether the City could require that as a*  
36 *condition, but if the Commission could not make the findings the applicant*  
37 *could request a density bonus, which is a more traditional way for that issue to*  
38 *come forward. The unit closest to the fire station is not as desirable because*  
39 *there are no windows on that side, and due to its location, the parking situation,*  
40 *and the size the unit, the potential rents will be constrained by the market and*  
41 *that unit would fall within a low-income category, even without affordability*  
42 *restrictions. The provisions of the Zoning Ordinance state in order to be eligible*  
43 *for a density bonus the development must consist of five or more rental units.*  
44 *Staff would need to look at the application to ascertain if it could even fit within*  
45 *that scheme.*  
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47

48 Presentation was made by Dana Ansari, the applicant.  
49  
50

1 Commission questions to Mr. Ansari:

- 2 • How would you feel about making one of your units affordable housing since it  
3 will probably fall within those parameters anyway? *Mr. Ansari responded he*  
4 *supports affordable housing, but as this building has only two units, making*  
5 *one unit low income would have a major financial impact due to the cost of*  
6 *construction and renovation, and would make it difficult to keep possession of*  
7 *the building and property.*
- 8 • So you disagree with staff's comment that the rent you could obtain for market  
9 value of the unit next to the firehouse would be low income rental rate? *Mr.*  
10 *Ansari responded perhaps that is true, but at this point he does not know for*  
11 *sure what rent they might get for the less desirable of the two units.*
- 12 • Do you anticipate asking more than \$1,800 to \$2,200 a month for that unit,  
13 which is considered low income in Marin County? *Mr. Ansari responded he*  
14 *hopes to get more than that, but it depends on what the market will bear.*
- 15 • Do you have an operator yet for the ground floor restaurant? *Mr. Ansari*  
16 *responded not yet, but they are looking for one. They have to get the building*  
17 *to the point where it is up to code before they can bring an occupant in.*

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19  
20 The public comment period was opened.

21 Don Olsen, 666 Bridgeway, indicated the following:

- 22 • He lives near the proposed project, supports it, and urges the Commission to  
23 grant a variance for the second residential unit.
- 24 • The second residential unit would generate a demand for three parking spaces  
25 at most, less than if that space was office space.
- 26 • The City has a surplus of vacant office space, but no surplus of dwelling units.

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29 Craig Russell, Johnson Street, indicated the following:

- 30 • He supports the deli and second residential unit, but points out parking on  
31 Johnson Street is difficult.

32  
33 Dennis Webb, Glen Drive, indicated the following:

- 34 • He supports the project. It will be an asset to the community as opposed to the  
35 eye sore it is right now.

36  
37 The public comment period was closed.

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39 Commission comments:

- 40 • This situation is not markedly different than the other properties within the CR  
41 District. It would constitute the granting of a privilege to allow an increased  
42 density beyond what is permitted by the Zoning Ordinance. The courts have  
43 stated that financial hardship, community benefit, nor worthiness of a project is  
44 a reason to grant a variance.
- 45 • The fact that this property was historically used for multi-residential purposes;  
46 and that this property is zoned CR District and is part of block of land which  
47 was intended to capture 13 units and is now unable to capture that many,  
48 because it cannot expand in any direction, is persuasive in favor of this project.

- This property is in a somewhat undesirable location, and also accessible to public transportation, affording it the opportunity to become more green and have less of a footprint in Sausalito, both rendering it unique and deserving of the Commission's consideration.
- It is unlikely the applicant will be able to rent the unit next to the firehouse for more than \$2,200 a month, and therefore it is hoped this would improve the affordable housing stock, which would benefit the City.
- The applicant is asking for special privilege from the Zoning Ordinance. The parking and square footage are hard issues, but there needs to be a compelling reason to find a variance. The Commission does not see that compelling reason but is open a designation of affordable housing unit that would get the project going and at the same time help the City in its quest to meet its housing goals.

**Commissioner Werner moved and Vice Chair Bair seconded a motion to continue the public hearing for the project to a date uncertain. The motion passed 4-0.**

- 3. DR/EA 09-133, Design Review Permit, Encroachment Agreement, Webb, 71 Glen Drive.** Design Review Permit to allow the construction of a detached two-car garage and installation of retaining walls within the east and west side yard setbacks for an existing single-family dwelling located at 71 Glen Drive (APN 065-112-23).

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

Presentation was made by project architect Barry Peterson and applicant Dennis Webb. Mr. Peterson noted that he had been retained to prepare plans for the renovation of the residence.

The public comment period was opened.

Ricardo Toyloy, 63 Glen Drive, indicated the following:

- He presented photographs taken from his rear and side bedrooms that show the story poles below his fence where someone could stand and look down into his back yard.
- The project is too large and changes the character of the neighborhood where most of the houses were built in the 1920s and are small.
- There are proposed gates in the front that he does not support, because this is not a gated community and it changes the character of the community.
- He is concerned that the fence is being used as a retaining wall.
- He and the applicant had agreed on a fence, not a retaining wall. He already has a 50-year-old retaining wall there that now has new cracks in it due to the tons of backfill placed there.
- There have been several violations already in the project, including cutting the oak tree and crews working on three-day weekends and after hours.

Euan Taylor, 70 Glen Drive, indicated the following:

- He lives opposite the subject property.

- He supports the project because it will beautify the neighborhood by making the home more attractive. The design is in keeping with the neighborhood.
- He also supports the project because the corner there is not safe. When parking his vehicle outside his house or walking his dog it is a hazard due to the egress challenges the current property design presents.

Craig Russell, 53 Glen Drive, indicated the following:

- He lives below the subject property and is concerned that the project is too high for the site. The house is on the crown of the hill and looks down on the neighbors. Everything in the plan indicates the house will be raised up.
- If the fences require structural engineering and waterproofing they are more than a fence.
- He does not have a problem with the garage, but believes it should be a couple of feet lower.
- The four-foot high retaining wall is too substantial for a residential neighborhood.
- He does not consider the road a problem and it is not a speedway as has been presented. People generally drive slowly because of the curve.

Larry Beaton, 20 Rose Court, indicated the following:

- He lives uphill from the proposed project and is concerned about the roof height of the project, because his house looks over the applicant's roof. They want to prevent any future development over that height in order to preserve their view of Mt. Tam.

Marilyn Oliver, 50 Glen Court, indicated the following:

- She lives uphill from the proposed project.
- She is the beneficiary of the access easement. She sent a letter supporting Condition 5 that would ensure her rights are protected.

Antoinette Peckham, 59 Glen Drive, indicated the following:

- She originally signed the approval letter, but later asked the applicant to remove her name, but it is still there.

Mary Casey, 53 Glen Drive, indicated the following:

- Their neighborhood is unusual in that the lots are not huge.
- It appears that the garage will loom over Mr. Toyloy's property at 63 Glen Drive. She hopes changes can be made to the size of the garage to accommodate Mr. Toyloy's concerns.
- She agrees the house at 71 Glen Drive is long overdue for a remodel and that they should be able to have a garage, but requests a size adjustment be considered.

The public comment period was closed.

**Vice Chair Bair indicated he would be leaving the meeting and Commissioner Cox would chair the remainder of the meeting. Vice Chair Bair also indicated in order for the project to pass it would need a 3-0 vote of approval.**

1 Commission comments:

- 2
- 3 • The Commission does not endorse the piecemeal work going on at the project
- 4 site, such as removal of hedges, temporary replacement of sewer laterals;
- 5 construction of a fence and then subsequent extension without a permit. Now
- 6 the Commission is being presented with a garage design with the promise of
- 7 plans for the house coming later. It is not appropriate that this project be
- 8 presented until the Commission can see what the applicant intends to do with
- 9 the entire site. The neighbors deserve that as well.
- 10 • The height of the garage does not need to be as high and massive as
- 11 proposed. The garage height will be in the context of the house design, which
- 12 the Commission has not seen yet. This project should come back as a unified
- 13 application.
- 14 • The Commission urges staff to put a stop to the incremental construction that
- 15 been going on there at the project site.

16 Commission question to Mr. Webb:

- 17
- 18 • Taking into account the Commission's negative comments and the need for a
- 19 3-0 vote of approval, it appears the project will not be approved. Do you want
- 20 to have this public hearing continued to a date certain or uncertain at which
- 21 time there will be more Commission members present, or you would prefer a
- 22 denial that you can then appeal? *Mr. Webb responded he would like to*
- 23 *postpone the hearing and in the interim invite the Commission members to visit*
- 24 *the project site.*

25

26 **Commissioner Cox moved and Commissioner Keegin seconded a motion to**

27 **continue the public hearing for 71 Glen Drive to a date uncertain. The motion**

28 **passed 3-0.**

29

30 **Old Business**

31 None.

32

33 **Staff Communications**

- 34 • The Design Review Permit for the project at 23 Atwood Avenue was appealed by
- 35 the neighbor. The appellant and project architect are in communication to try to
- 36 work out an arrangement to address the neighbor's concerns.

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38 **Commissioner Communications**


- 39 • Commissioner Cox provided an update on the activities of the Housing Element
- 40 Committee

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42 **Adjournment**

43 The meeting was adjourned at 8:42 p.m.

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46 \_\_\_\_\_

47 Submitted by

48 Jeremy Graves, AICP

49 Community Development Director

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Approved by

Stan Bair

Vice-Chair