

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, December 10, 2008**  
**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, Commissioner Eric Stout

Staff: Community Development Director Jeremy Graves  
Assistant Planner Lilly Schinsing,  
Contract Planner Brian Stanke, City Attorney Mary Wagner

**Chair Keller moved and Commissioner Cox seconded a motion to move the Approval of Minutes to the end of the meeting. The motion passed 5-0.**

**Approval of Agenda**

**Chair Keller moved and Commissioner Stout seconded a motion to approve the agenda. The motion passed 5-0.**

**Public Comments**

None.

**Public Hearings**

1. **TM/CCP 05-056, Tentative Minor Subdivision Map, Condominium Conversion Permit, University Hills LLC, 22-32 Bulkley Avenue.** Tentative Minor Subdivision Map and a Condominium Conversion Permit to allow the conversion of an existing triplex and duplex at 22-32 Bulkley Avenue into three one-family condominium units and one duplex condominium unit. Continued from the November 19, 2008 meeting.

The continued public hearing was re-opened. Contract Planner Brian Stanke presented the Staff Report.

Commission questions to staff:

- What defines affordable housing in this case? *Staff responded there are clear guidelines on what affordable means, whether very low or moderate income. The state Housing and Community Development Department develops the numbers using a county's income from for-sale housing units and rental housing units with income levels of very-low, low, and moderate.*
- How is this publicized to potential buyers? *Staff responded it is recorded against the property. Anyone wishing to buy the property is subject to this restriction and has to submit proof of income.*

- 1           • How is it determined what units would be subject to this restriction? How is the  
2 inclusionary housing obligation spread amongst those five units? *Staff*  
3 *responded Condition of Approval 23 lets the applicant determine which of the*  
4 *condominiums will be the affordable unit.*  
5

6 Commission questions to Todd Teachout, City Engineer:

- 7           • What steps have been taken to ensure the slide area has stabilized? *Mr.*  
8 *Teachout responded they were required to stabilize the hill to state seismic and*  
9 *static standards. The owner did extensive analysis, testing, and modeling of*  
10 *the slide, with analyses from the soils engineer being peer reviewed by two*  
11 *other soils engineers. The work was closely observed by and coordinated with*  
12 *the downhill properties. Tieback repair was done to address the hillside's*  
13 *erosion that occurs from time to time, such as after the winter rainy season.*  
14           • The Staff Report states the last tenant of Unit 32 moved out in 2007 because  
15 the sewer lateral could not be repaired. Repairs proposed for Unit 32 do not  
16 say anything regarding the sewer. *Mr. Teachout responded the sewer lateral*  
17 *was destroyed with the 2006 landslide and was rebuilt in the course of*  
18 *repairing the hillside. It is in working order and has been inspected by the*  
19 *building official.*  
20

21 Commission questions and comments to staff:

- 22           • Staff has stated the proposed conversion of the triplex and duplex would not  
23 result in the loss of any affordable rental units, because all the units are empty.  
24 If that is the reason, then anyone who wants to convert an apartment building  
25 to condominiums has only to evict their tenants and they can then convert it.  
26 *Staff responded one of the components in their analysis is no tenants were*  
27 *moved out in order to convert the property. In this case, two of the units were*  
28 *already vacated for construction; then the hillside collapsed and the rest of the*  
29 *building had to be emptied.*  
30           • The finding is that no loss of affordable rental units would result. Is there  
31 documentation showing that there are plenty of rental units available and that  
32 taking these 11 units off the market will not affect the availability of rental units  
33 in Sausalito. *Staff responded their evaluation was done using the property's*  
34 *previous rental history. It is difficult to determine whether the units are*  
35 *affordable or high-priced, et cetera, because there is no rental history for the*  
36 *last several years.*  
37           • The proposed findings say, "The vacancy rate for comparable units shall be  
38 considered in evaluating the adequacy of replacement housing," but the  
39 Commission has not examined the vacancy rate for comparable units. *Staff*  
40 *responded the replacement housing is really about if tenants are being*  
41 *displaced because of the project. Before the landslide, which necessitated the*  
42 *building being emptied, the units were not considered low- and moderate-*  
43 *income housing stock, and so it would not be low- and moderate-income*  
44 *housing stock being converted into condos.*  
45  
46

47 Presentation was made by Ray Blatt, the applicant:  
48  
49  
50

1 Commission questions and comments to staff:

- 2 • There will be a separate property owner that has a deed restriction saying that  
3 the unit is low-income. How will the City monitor tenant turnovers? *Staff*  
4 *responded the City could monitor it or contract the monitoring process to*  
5 *another entity who might be better set up for that, possibly the Housing*  
6 *Authority or other affordable housing entities. In either case the landlord would*  
7 *carry any additional management costs. The way the requirement is written in*  
8 *the Zoning Ordinance either a rental unit or ownership unit would satisfy the*  
9 *code requirements. Staff recommended an ownership unit, because it would be*  
10 *less of a burden on the City, but it is a policy decision for the Commission to*  
11 *make whether the unit should be ownership or rental.*
- 12 • A rental unit is a very expensive proposition for the administrator, where issues  
13 of eviction, re-renting, and qualifying prospective tenants come into play and  
14 are not easily done. If the applicant is willing to do a low-income ownership  
15 unit, that resolves many of the monitoring issues. *Mr. Blatt responded he*  
16 *believes that is the best option.*

17  
18  
19 The public comment period was opened.

20  
21 Ellen First, 36 Bulkley, indicated the following:

- 22 • She lives adjacent to the subject property and is neutral on whether the  
23 property is converted to condominiums.
- 24 • Their property is extremely close to the subject property and her only concern  
25 is when they begin making external changes that pieces of the building or  
26 property may hit their house and cause damage, as happened when 40 Bulkley  
27 was demolished. They would like an assurance that precautions would be  
28 taken to protect their property when replacing windows, painting, et cetera.

29  
30 Nathaniel Berkowitz, 47 Bulkley, indicated the following:

- 31 • He lives in the uphill lot and has 12 units.
- 32 • If this project is allowed to convert to condominiums, he will come to the  
33 Planning Commission next year asking to convert his 12 units.
- 34 • Approving this condominium conversion is the worst thing that can be done for  
35 Bulkley Avenue because it will reduce the value of the neighbors' properties.
- 36 • The applicant, through neighborhood outreach, did not contact him at any time.

37  
38  
39 Commission questions to Mr. Berkowitz:

- 40 • How will this condominium conversion hurt the value of your property? *Mr.*  
41 *Berkowitz responded because the low-income housing unit contained there will*  
42 *directly compete with the one bedroom and studio apartments in his building.*
- 43 • Your units are rentals. If this were done as a low-income ownership unit, do  
44 you believe that would still have a negative impact on you? *Mr. Berkowitz*  
45 *responded they are rentals now, but if this project is converted to condos, he*  
46 *will probably want to do the same with his 12 units.*

47  
48 Nicole Back, 31 Bulkley Avenue, indicated the following:

- 49 • She is the trustee of the Dorothy Duncan Trust, owners of a six units building  
50 and agrees with Mr. Berkowitz that putting a low-income unit on Bulkley would

1 compete with one bedrooms, studios, and a cottage she has as rentals. A low-  
2 or medium-income ownership unit would be better for those like herself and Mr.  
3 Berkowitz.  
4

5 Bill White, 18 Bulkley, indicated the following:

- 6 • Also at tonight's meeting is Jay Moyes, 20 Bulkley, and a letter was sent to the  
7 Commission from James Keagy, 16 Bulkley. He, Mr. Moyes, and Mr. Keagy  
8 own the three houses that Mr. Blatt built adjacent to the subject property.
- 9 • They do not oppose the condominium conversion.
- 10 • Their primary issues are:
  - 11 ○ The exterior of the buildings have broken shingles that should be fixed.  
12 Where in the conversion process is the assurance that that will happen?
  - 13 ○ Garage doors should be installed in the upper and lower parking areas.
  - 14 ○ There is an easement for the driveway, but no provision to pay for its  
15 maintenance.  
16

17  
18 Staff comments:

- 19 • The Conditions of Approval state the applicant shall refurbish and restore the  
20 main building and other structures, specifically clean, repair, and recoat the  
21 exterior shingles, and repair or replace the windows.
- 22 • Whether or not to require garage doors as a Condition of Approval is a policy  
23 decision of the Commission.
- 24 • Although the other property owners have indicated they would be agreeable to  
25 entering into a joint maintenance agreement for the driveway there is no way to  
26 condition it, because the other property was subdivided previously and only 22-  
27 32 Bulkley is seeking approval at this point.  
28

29 Commission questions and comments to Mr. Blatt:

- 30 • What has your neighborhood outreach been on this project? *Mr. Blatt*  
31 *responded he and his father spoke with the owners of 16, 18, and 20 Bulkley.*  
32 *He personally spoke with Nicole Back, the uphill neighbor at 31 Bulkley. He did*  
33 *not speak to Mr. Berkowitz.*  
34

35 Bill White, 18 Bulkley, indicated the following:

- 36 • Mr. Blatt has been very open and communicative for the past couple of years  
37 to the occupants of 16, 18, and 20 Bulkley. *The Commission responded those*  
38 *are buildings Mr. Blatt built and to which he has an obligation.*  
39

40 Commission question to Mr. Teachout:

- 41 • Have you or any outside engineers examined the concern of street slippage on  
42 Bulkley, and if so, what conclusions were drawn? *Mr. Teachout responded he*  
43 *had not heard that specific complaint before this meeting, but there are two*  
44 *kinds of complaints:*
  - 45 ○ *Construction traffic induced damage: They adopted a construction*  
46 *mitigation fee for street repair and have a maintenance program for the*  
47 *next five years. He did not know if that block of Bulkley was scheduled, but*  
48 *sooner or later it will be dealt with through that program.*  
49

- 1           ○ *Construction stimulated geological damage: There were many*  
2           *geotechnical engineers involved in this project, so he does not believe it is*  
3           *an issue.*  
4

5 The public comment period was closed.  
6

7 Commission comments:

- 8           • Although there have been downhill studies done by engineers, there is some  
9           evidence of street slippage on Bulkley.  
10          • It would be better for owners of substantial rental properties to have this project  
11          be an owned affordable unit rather than a competing rental unit.  
12          • It is unclear when and by what process the exterior of the buildings will be  
13          refurbished and restored, but it should come to staff or the Commission for  
14          review.  
15          • If the Commission approves this application the applicant has latitude to do  
16          what they want on the exterior with no way for the Commission to oversee it. If  
17          the Commission approved this application the applicant should apply for a  
18          Design Review Permit and come back to the Planning Commission or staff with  
19          storyboards and/or materials boards showing exactly what exterior materials  
20          will be used, what colors will used, and what kind of garage doors will be  
21          installed.  
22

23  
24 Staff comments:

- 25           • The Conditions of Approval state the applicant would be replacing what is  
26           broken or deteriorated with in-kind materials with no substantial change to the  
27           exterior, so a materials board would not be needed.  
28           • The Commission could direct the applicant to come back with a list of specific  
29           areas on the project that would be restored. Although it is not a change of  
30           exterior, but a restoration, having more detail might make the Commission  
31           more comfortable in making Finding 9.  
32

33 Commission question to staff:

- 34           • Will a simple restoration of the exterior back to the way the buildings were  
35           originally built meet the requirement that it achieve a high degree of  
36           appearance by today's standards? For example, this project would probably  
37           not be approved today without garage doors. *Staff responded if the applicant*  
38           *made improvements that rose to the level where a Design Review Permit is*  
39           *triggered, then the application could be amended and noticed to provide for the*  
40           *Commission to move forward on that basis.*  
41

42 The public testimony period was re-opened.  
43

44 Ray Blatt, the applicant, indicated the following:

- 45           • There are engineering obstacles to installing garage doors because of the  
46           existing grades and the height of the carport. On the upper building the grade  
47           is such that there is not enough height to install a garage door. If they take out  
48           the side for the side motors, there would not be enough room to keep the  
49

1 parking spots. On the downhill there is a grade that comes down in a way  
2 where they would only be able to install one garage door.  
3

4 The public comment period was closed.  
5

6 Additional Conditions of Approval:  
7

- 8 • To be added to Condition 14-F, there shall be included in the construction plan  
9 a proviso for protection and any necessary repair of adjacent properties.
- 10 • A Memorandum of Understanding shall be entered into with the neighboring  
11 property owners for maintenance of the shared driveway.
- 12 • The refurbishment of the exterior appearance of the building and carports shall  
13 be inspected and approved by the Planning Division.
- 14 • The property owner shall submit condominium association bylaws for review  
15 and approval by the Community Development Department prior to the  
16 recordation of a final map.  
17

18 **Chair Keller moved and Commissioner Stout seconded a motion to approve a**  
19 **Tentative Minor Subdivision Map and a Condominium Conversion Permit for 22-**  
20 **32 Bulkley Avenue with the additional Conditions of Approval. The motion passed**  
21 **4-1 (Bair – No).**  
22

23 **Chair Keller moved and Commissioner Cox seconded a motion to hear Item 3**  
24 **before Item 2. The motion passed 5-0.**  
25

- 26 **3. DR 07-021, Design Review Permit, Latch, 43 Cloudview Road.** Design  
27 Review Permit to demolish the existing single-family house and garage built in  
28 1923 and construct a new 3,676 square foot single-family house and 426  
29 square foot garage. Continued from the October 29, 2008 meeting.  
30

31 The continued public hearing was re-opened. Assistant Planner Schinsing presented  
32 the Staff Report.  
33

34 The public comment period was opened.  
35

36 Alex Gurevich, 41 Cloudview Road, indicated the following:  
37

- 38 • At the last public hearing the Planning Commission made two  
39 recommendations to prevent obstruction of his view. These changes have  
40 been made and the project is now acceptable to him:
  - 41 ○ The building will be moved.
  - 42 ○ The eaves on the east side of the building that protruded into Mr.  
43 Gurevich's view will be reduced from 18 inches to 6 inches.

44 The public comment period was closed.  
45

46 **Chair Keller moved and Commissioner Keegin seconded a motion to approve a**  
47 **Design Review Permit for 43 Cloudview Road, as recommended by staff. The**  
48 **motion passed 5-0.**  
49  
50

1           **2. DR/NC/EA 08-017, Design Review Permit, Nonconformity Permit, Gibbs,**  
2           **42-44 Cazneau Avenue.** Design Review Permit and Nonconformity Permit to  
3           demolish the main house built in 1956, construct a new single-family house and  
4           garage, and remodel an existing legal non-conforming cottage. The new main  
5           house would be 2,501 square feet and the existing cottage would be reduced in  
6           size from 816 square feet to 594 square feet. Recommendation of City Council  
7           approval of an Encroachment Agreement to allow a new four-foot high wall  
8           along the proposed entry stair and existing improvements to extend into the  
9           public right-of-way of Cazneau Avenue. Continued from the October 29, 2008  
10          meeting.  
11

12          The continued public hearing was re-opened. Contract Planner Brian Stanke presented  
13          the Staff Report.  
14

15          **Chair Keller disclosed he had met with the Gibbs, Mr. Berman, the Gaetanis, and**  
16          **Mr. Brandenburger.**  
17

18          **Commissioner Cox disclosed she had met with the Gibbs, Mr. Berman, the**  
19          **Gaetanis, and Mr. Brandenburger.**  
20

21          **Commissioner Keegin disclosed he had met with the Gaetanis and Mr.**  
22          **Brandenburger.**  
23

24          **Vice Chair Bair disclosed he had had a telephone conversation with Mr.**  
25          **Brandenburger.**  
26

27          **Commissioner Stout disclosed he had met with Mr. Gibbs.**  
28

29          Presentation was made by Neil Gibbs and David Berman, the applicants.  
30

31          The public comment period was opened.  
32

33          Tony Gaetani, 76 Cazneau, indicated the following:  
34

- 35           • He approves of the changes made to the design, but would like to see the story  
36           poles indicate the changes.  
37

38          Barbara Geisler, 44 Cazneau, indicated the following:  
39

- 40           • The applicant has requested a four-foot encroachment. On that part of  
41           Cazneau the City right-of-way goes between 50 and 20 feet into her property. It  
42           does not make sense to allow an encroachment across the street when the  
43           right-of-way in the actual property is already so out of whack.
- 44           • There is no parking provided for anyone who rents the cottage.
- 45           • Is there any incentive for the applicant to take care that the oak trees are not  
46           damaged in construction and demolition as were the trees at 40 Cazneau?  
47

1 Will Brandenburger, 36 Cazneau, indicated the following:

- 2 • He and his wife live downhill from the subject property.
- 3 • The problem with the sun study is it only showed slivers of shade that were
- 4 coming off of the home, not the whole mass and where that goes.
- 5 • The sun study confirmed shade would be going into every window and skylight.
- 6 • Not putting a roof on the decks would be a way to increase the light.
- 7 • He would have preferred to see the house dropped three to four feet, but is
- 8 willing to compromise at 18 inches.
- 9 • He would like to ensure their home would be protected during construction
- 10 from anything that might come down the hill.
- 11

12 The public comment period was closed

13 Commission questions to Mr. Gibbs:

- 14 • Do you plan to use the cottage as an occupied second unit? *Mr. Gibbs*
- 15 *responded the cottage would be used as an in-law unit for family members to*
- 16 *stay in when they visit. They do not intend to make it a full-time rental unit at*
- 17 *this time.*
- 18 • If the cottage were rented, would the parking for it be on the street? *Mr. Gibbs*
- 19 *responded it would be street parking with the option of parking on the apron in*
- 20 *front of the garage if no street parking were available. Staff responded that*
- 21 *would be an informal parking space, but not legal.*
- 22
- 23
- 24

25 Rebuttal comments by Mr. Gibbs:

- 26 • Regarding Ms. Geisler's comment about the encroachment, it is in the nature of
- 27 a hillside community that one needs to get from the curb to their house, and
- 28 most everyone has some sort of easement, approved or not. Because they are
- 29 on a hillside they need steps and need a four-foot easement.
- 30 • They did not have fence discussions with the neighbors and have no plans
- 31 regarding fencing, but are happy to discuss it. They will most likely install a
- 32 privacy fence and additional plantings in the back yard.
- 33 • They left the deck overhang because removing it only gives the Brandenburg
- 34 six to eight inches of the shadow, but it provides enormous benefit to their
- 35 house. He does not believe it would harm the Brandenburgers in any way.
- 36
- 37

38 Commission questions to Mr. Gibbs:

- 39 • What harm would be done to your house by removing the deck overhang? *Mr.*
- 40 *Gibbs responded it is primarily an architectural design element, making their*
- 41 *small living room look larger.*
- 42 • Would removing the deck overhang increase the natural lighting available for
- 43 the interior space? *Mr. Gibbs responded it would provide an additional small*
- 44 *strip, but lighting from that angle is not a problem; they have light coming in*
- 45 *there.*
- 46

47 Commission questions to Mr. Berman and staff:

- 48 • Can the stairs be configured in such a way that an encroachment is not
- 49 necessary? *Mr. Berman responded no, because it is where the property line is*
- 50 *located. Staff responded the encroachment does not cover the stairs, because*



1           *they are within two feet of grade. It is the wall of the outside edge of the stairs*  
2           *that is the extent of the encroachment.*

- 3           • If there were a railing there instead of a wall, would it still be considered an  
4           encroachment? *Staff responded yes, if it is above a certain number of inches,*  
5           *then it requires an encroachment.*
- 6           • If the stairs were only two feet above grade, would a railing be required? *Staff*  
7           *responded if the stairs are at grade they do not need a railing.*
- 8           • Is there any way to eliminate the encroachment? *Staff responded if they got rid*  
9           *of the wall there would be no need for an encroachment as the stairs are within*  
10           *two feet of grade.*
- 11           • What is the purpose of the retaining wall? Is it a structural component of the  
12           stairs? *Mr. Berman responded no, it is an architectural item, a visual end to the*  
13           *stairs with a play on the same materials that are on the wall of the garage.*

14  
15  
16 Commission comments:

- 17           • The Commission would like the applicant to re-tape the story poles with bright  
18           orange tape to show the new design changes.
- 19           • The Commission is not convinced of the need for the deck overhangs when  
20           retractable awnings could be used, are aesthetically pleasing, and would give  
21           more light to 36 Cazneau.
- 22           • The sun study indicates shade to the neighbor's house would be minimal.
- 23           • The trees will disguise the massing of the house. The Commission would like  
24           an arborist to monitor the trees to ensure the onsite construction equipment  
25           stays a proper distance from the trees to protect them.
- 26           • The Commission would like a provision that if the trees between the applicant  
27           and the neighbors die within two years of construction that they will be  
28           replaced.
- 29           • The Commission would like it required that adjacent homes be protected  
30           and/or repaired if damaged during construction.

31  
32  
33 Conditions of Approval:

- 34           • Re-tape the story poles with orange tape to reflect the revised roofline from  
35           lowering the house by 18 inches.
- 36           • The retaining wall shall be removed to eliminate the encroachment.
- 37           • The deck overhang shall be removed.
- 38           • Protect and repair adjacent homes during construction. If violated, the City  
39           shall seek to revoke the applicant's approvals.
- 40           • Replace any damaged trees within two years of construction with 24-inch box  
41           trees or Coast Live oaks.
- 42           • The applicant's row of trees between the subject property and 36 Cazneau  
43           Avenue shall not be topped or trimmed without the consent of the 36 Cazneau  
44           homeowners.

45  
46 **Chair Keller moved and Vice Chair Bair seconded a motion to continue the public**  
47 **hearing for 42-44 Cazneau Avenue to the meeting of January 14, 2009. The motion**  
48 **passed 4-1.**  
49  
50

1 **4. DR/VA/TR 08-022, Design Review Permit, Variance, Tree Removal Permit,**  
2 **Encroachment Agreement, Tan and De Mattie, 58 Miller Avenue.** Design  
3 Review Permit, Variance, and Tree Removal Permit in order to construct a single-  
4 family residence on a vacant 7,000 square foot parcel at 58 Miller Avenue (APN  
5 065-122-08). The 2,578 square foot, three-story residence would include a  
6 ground floor garage with two off-street parking spaces and two floors of living  
7 area. A Variance is requested to allow the height of a proposed rear yard patio to  
8 exceed height standard by approximately six inches. The Tree Removal Permit is  
9 requested for the removal of one oak tree on the site. The project is subject to  
10 Heighted Design Review as it exceeds 80-percent of the permitted building  
11 coverage and floor area limitations. An Encroachment Agreement is requested to  
12 construct two entry paths, steps, and a 42-inch high railing in the Miller Avenue  
13 right-of-way.  
14

15 **Chair Keller disclosed he had met with Mr. Rex and a number of Miller Avenue**  
16 **neighbors.**  
17

18 **Commissioner Stout disclosed he had an ex parte communication with Mr. Rex.**  
19

20 **Commissioner Cox disclosed she had met with a number of the Miller Avenue**  
21 **neighbors, including the Rourks and the Stares, and with Mr. Rex.**  
22

23 **Vice Chair Bair disclosed he had met with Mr. Rex.**  
24

25 **Commissioner Keegin indicated he would recuse himself because he lives within**  
26 **500 feet of the subject property.**  
27

28 The public hearing was opened. Assistant Planner Schinsing presented the Staff  
29 Report.  
30

31 Presentation was made by Michael Rex, the architect and applicant.  
32

33 The public comment period was opened.  
34

35 Emmett Yeazell, 21 Miller Avenue, indicated the following:  
36

- 37 • It is possible someone backing out of the garage could go into the swimming  
38 pool at 127 San Carlos. A better location for the garage would be on Miller  
39 Avenue.
- 40 • The overhanging deck on the lane uses the easement as part of the setback.  
41

42 Karen Roark, 127 San Carlos Avenue, indicated the following:  
43

- 44 • She and her husband live immediately adjacent to the subject property.
- 45 • They oppose the project due to the privacy concerns. The house is three  
46 stories and looks into their yard.
- 47 • Despite the suggestion of two trees on the side of the garage there is nothing  
48 above the garage that screens them from the proposed house.
- 49 • She supports relocation of the garage, which would provide space for planting  
50 a privacy hedge.

- 1           • There is no provision for runoff from the house once the cistern is full, which  
2 will happen in a heavy rain.  
3

4 Heather Preston, 42 Miller Avenue, indicated the following:

- 5           • She looks across the subject property through the oak trees at the Bay Bridge.  
6           • The body of the house, but mostly the balcony and the railing of balcony,  
7 blocks her primary view from her dining room, living room, and study.  
8

9 Peter Sealey, 135 San Carlos Avenue, indicated the following:

- 10           • The house will be a lovely addition to the neighborhood and he fully supports  
11 the project.  
12           • Looking up and down at neighbors is part of living in a hilly urban environment.  
13           • Miller Avenue will be fine as a parking area because few cars park there.  
14

15 Susan Perry Hingle (phonetic), Miller Avenue, indicated the following:

- 16           • The residents of Miller Avenue will have no parking available during  
17 construction due to construction vehicles using the few available parking spots.  
18           • The Commission should enforce parking for residents only with all construction  
19 workers parking in the municipal lots and being shuttled to the job site.  
20  
21

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

- 23           • They object to the skylights. If the skylights were to be louvered, they would  
24 like them tested to demonstrate they will work.  
25           • They would like assurance that if their sewer line is disturbed by construction it  
26 will be repaired or replaced.  
27           • They would like assurance that the oak trees on their property will be protected  
28 during construction and will be replaced with mature like-trees if any are  
29 damaged.  
30           • The hot tub/spa is directly below their deck, living room, and bedroom. It should  
31 be removed or moved.  
32           • The parking needs to be addressed because it is possible there will up to six  
33 construction projects in their vicinity during the time proposed for this project.  
34  
35

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

- 37           • Her property is at the very end of the easement.  
38           • The proposed garage will not function well. She and her neighbors request a  
39 wider easement for the turning radius of the vehicles.  
40           • Right now their only means of ingress/egress is through and down the  
41 easement lane, so there needs to be a plan for during construction.  
42

43 Rebuttal comments by Mr. Rex:

- 44           • They plan to widen the driveway, but cannot widen it beyond the property at 26  
45 Miller Avenue.  
46           • They can make drawings of the skylights and louvers to show neighbors how  
47 they will function.  
48           • They did consider moving the garage to Miller Avenue, but the arborist has  
49 stated they cannot cut into the north end of the lot.  
50

- The balcony is not in the setback. They have an eight-foot planting bed between the lane and the house on each side of the driveway.
- There is ample turning radius for vehicles so they will not back into the pool area at 127 San Carlos.
- It is not possible to build on this site and preserve every inch of the view at 42 Miller Avenue. The view impact from this project is minor and off to one side. The Prestons requested the veranda railing be transparent, but they had committed to the Roarks at 127 San Carlos that the railing would be solid.
- Condition of Approval 7 requires a full construction management plan. They will carpool workers in and not park on the street. They have ample room on the project site to accommodate the occasional guest worker vehicle and will not take a space from Miller Avenue, although they are entitled to, as it is a public space.
- Condition of Approval 55, ADA accessibility, should be removed, as a home is not required to be ADA compliant.
- Staff's proposed Condition of Approval 58, limb protection of the tree, should be added, as that limb hangs over the deck and screens some view from 127 San Carlos.
- Conditions of Approval 35 and 36 should be amended, as it allows Saturday construction and they have committed to the neighbors to limit construction to 8:00am to 5:00pm Monday through Friday.
- Condition of Approval 2 requires a tree be added the south side of the driveway. They plan to also add a tree to the north side.

Commission questions to Mr. Rex:

- Do you know exactly where 26 Miller's sewer line is? Could it be where you plan to put the reinforcement beam? *Mr. Rex responded they do not know quite where it is yet, but they will ascertain the location and repair it if damaged or replace it if it is near construction.*
- What is the timeframe to install the reinforcement beam? *Mr. Rex responded the timing could be quick, but they need to hire a builder before they can answer that question. There will be times when that lane will have to be closed off, but it will be planned and reasonable notice will be given.*
- How do you respond to the objection to hot tub/spa? *Mr. Rex responded they are putting the spa under the stairs where sound could not rise up, not under any windows. The motor will be removed, so it cannot be heard. It will also be concealed behind a hedge.*

The public comment period was closed.

Commission comments:

- Mr. Rex has done a very good job of disguising the house, setting it into the hill, and preserving the vegetation.
- A construction plan needs to be implemented to show how it will be done and how it will affect everyone living there, especially as there will be two other project's going on in the vicinity.
- The location of 26 Miller Avenue's sewer line needs to be determined.

- The concerns regarding the property lines being close to the pool area and backyard of 127 San Carlos need to be addressed.
- There has been no evidence given to constitute real uphill privacy issues.
- The spa location is not a problem. There will not be a lot of noise coming from it because of its location and the remoted motor.
- Drainage is a concern, but it is addressed in the Conditions of Approval and the City Engineer is comfortable with what is proposed.
- More needs to be done to address the privacy issue for 127 San Carlos.
- With the Heightened Review status this project's few final concerns need to be more fully addressed.

**Chair Keller moved and Commissioner Cox seconded a motion to continue the public hearing for 58 Miller Avenue to the meeting of January 28, 2009. The motion passed 4-0.**

**Old Business**

None.

**New Business**

None.

**Communications**

None.


**Approval of Minutes**

March 12, 2008      April 9, 2008  
June 11, 2008

**Commissioner Cox indicated she would communicate corrections to the minutes to the Community Development Director for incorporation into the minutes.**

**Adjournment**

The meeting was adjourned at 11:50 p.m.

  
\_\_\_\_\_  
Submitted by  
Jeremy Graves, AICP  
Community Development Director

  
\_\_\_\_\_  
Approved by  
Bill Keller  
Chair

I:\CDD\Plan Comm\Minutes\2008\12-10-08-Approved.doc