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SAUSALITO PLANNING COMMISSION
Wednesday, October 20, 2010
Approved Minutes

Call to Order

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

Present: Chair Stan Bair, Vice Chair Stafford Keegin, Commissioner Joan Cox, Commissioner Richard Graef, Commissioner Bill Werner
Staff: Community Development Director Jeremy Graves
Associate Planner Heidi Burns, Assistant Planner Alison Thornberry, City Attorney Mary Wagner

Approval of Agenda

Chair Bair moved and Vice Chair Keegin seconded a motion to approve the agenda. The motion passed 5-0.

Approval of Minutes

November 5, 2008 October 29, 2008
September 22, 2010

Chair Bair moved and Commissioner Cox seconded a motion to approve the Minutes as amended. The motion to approve the Minutes of September 22, 2010 passed 5-0. The motion to approve the Minutes of October 29, 2008 and November 5, 2008 passed 3-0 with abstentions by Commissioner Graef and Commissioner Werner.

Public Comments

None.

Public Hearings

1. NC 10-220, Nonconformity Permit, Dresow, 128 Crescent Avenue.

Nonconformity Permit for reconstruction of a legal nonconforming one-car parking deck located at 128 Crescent Avenue (APN 065-223-06).

Commissioner Cox moved and Commissioner Werner seconded a motion to continue the public hearing for 128 Crescent Avenue to the meeting of November 3, 2010. The motion passed 5-0.

2. DR/TP 10-186, Design Review Permit, Tree Removal Permit, Revilock, 160 Curry Avenue.

Amendment to the previously-approved Design Review Permit for the construction of a new single-family dwelling and approval of an amendment to the previously-approved Tree Permit to include alterations to a protected 18-inch diameter Coast Live Oak and the removal of a protected 18-inch diameter Mexican Pine Tree at 160 Curry Avenue (APN 064-232-11).

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

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4 Commission questions to staff:

- 5
- 6 • There were concerns for the privacy of 235 Curry Lane when the permit was
7 first approved, which is why the Planning Commission required the bamboo
8 screening. How does the reorientation of the house impact those privacy
9 concerns? *Staff responded because the building is shifting east 12 feet and is
10 coming forward to the side property it reduces some of the impact. The
11 Conditions of Approval require screens be placed on the glazing and lights to
12 be downward facing with sensors so as not to create night glare.*
 - 13 • How far down the hill is the bamboo from the foundation of the house? *Staff
14 responded approximately ten feet. That area is steep and the applicants
15 propose to plant the bamboo at staggered heights along the contours to create
16 more effective screening.*

17
18 Presentation was made by Will Revilock, the applicant/owner.

19
20 Commission questions to Mr. Revilock:

- 21
- 22 • Was consideration given to moving the bamboo up higher? *Mr. Revilock
23 responded he would defer to staff's recommendations regarding location of the
24 bamboo to block light upon his neighbors.*
 - 25 • Would you agree to a Condition of Approval requiring staff approval of the
26 location of the bamboo? *Mr. Revilock responded yes.*
 - 27 • Why did you change the siding from stone to the cedar? *Mr. Revilock
28 responded there is only a little stone on the backside that cannot be seen from
29 the road; therefore spending extra money for stone would not be appreciated.
30 Cedar costs less but is still a nice material to go down to the grade.*

31
32 The public comment period was opened.

33
34 Sandra Schwartz, 235 Curry Lane, indicated the following:

- 35
- 36 • The variety of bamboo has not been specified. Some varieties grow taller than
37 others, which she would prefer.

38
39 Staff comment:

- 40
- 41 • A Condition of Approval for the previous resolution required fast-growing
42 vegetated screening, such as clumping bamboo. Staff is recommending that
43 the previous conditions remain in effect.

44
45 Pat Glagola, 2 Crecienta Drive, indicated the following:

- 46
- 47 • He is concerned that this is a beautiful lot with the house now pushed all the
48 way over to the right, leaving a large space on the left. What prevents
49 someone from trying to split the lot and build an additional house in the future?
50 The previous placement of the house is much better.

The public testimony period was closed.

1 Commission comments:

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- The reason the house is pushed all the way to the right side of the lot is to avoid a ravine.
 - Twelve feet on a lot this size is not a major concern, especially as it relates to geotechnical appropriateness on the lot.
 - It is not likely a lot split will occur on this lot. A request for a split was denied in the past, and the neighborhood has been very vocal that this is not an appropriate lot to split. Such an attempt also would come before the Planning Commission and would likely have difficulties getting an approval.
 - The new house is located almost entirely within the existing footprint, which alleviates some of the concern that the purpose of this amendment is to potentially split the lot in the future. It makes sense to build in the most geologically safe area and within the existing footprint.
 - From a design standpoint this is a better building than what was originally approved.

17

18 Additional Condition of Approval:

- 19
- 20
- The location and species of the bamboo screening shall be subject to the review and approval by staff.

21

22 **Commissioner Werner moved and Commissioner Cox seconded a motion to**

23 **approve an Amendment to the previously approved Design Review Permit for**

24 **160 Curry Avenue subject to the additional Condition of Approval. The motion**

25 **passed 5-0.**

- 26
- 27 **3. AP 10-215, Appeal, Whiskey Springs Homeowner's Association, 184**
- 28 **Cypress Place.** Appeal of a Zoning Permit for construction of a second-story
- 29 replacement deck at 184 Cypress Place (APN 064-410-75).
- 30

31 The public hearing was opened. Assistant Planner Thornberry presented the Staff

32 Report.

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34 Presentation was made by Las Maher, the appellant.

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36 Commission questions to Mr. Maher:

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- Do you dispute the measurements contained in the Staff Report? *Mr. Maher responded yes, the measurements are not correct.*
 - Do you have your own measurements of what you believe the dimensions are at the base of the deck? *Mr. Maher he has forwarded that information to the City. Staff responded the Staff Report, Item 3, page 12, contains a hand drawn plan submitted by Mr. Maher in March with the measurements of 11 feet, 1 inch, and 6 feet, 1 inch.*
 - Have you had an actual engineering light study prepared with respect to what the amount of decreased light there would be? *Mr. Maher responded no, there is no need to do an in-depth study on light because he is there every day and experiences the lack of light, and he has studied physics and light for eight years.*

1 Presentation was made by Julia Laue, President, Whiskey Springs Homeowners
2 Association, the property owners.

3
4 The public comment period was opened.

5
6 Jo Fielder, 170 Cypress Place, and Sallie Rowe, 163 Cypress Place presented a
7 measurement taken in regard to the deck at 184 Cypress.

8
9 Peggy Schaad, 203 Cypress Place, indicated the following:

- 10 • She has lived at Whiskey Springs for 15 years and has been active in the HOA
11 for 10 years.
- 12 • In 2009, with the City's permission, the Whiskey Springs HOA took down a
13 cluster of tall, mature trees behind Mr. Maher's residence, giving that area
14 more sunlight than it has had in 20 years. The issue of light relates only to the
15 deck.

16
17 Don Hudson, 25 Cypress Place, indicated the following:

- 18 • The current board at Whiskey Springs has done an exceptional job of trying to
19 work with Mr. Maher and the City to meet all City codes and Mr. Maher's
20 concerns.
- 21 • This issue has resulted in extra costs for the other 155 homeowners at
22 Whiskey Springs. The HOA has been working on decks in Whiskey Springs for
23 the past eight years, but Mr. Maher is the only one to complain about it.

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25
26 Jamie Haas, 21 Cypress Place, indicated the following:

- 27 • She has lived at Whiskey Springs for 23 years and is the current board
28 treasurer.
- 29 • She presented a spreadsheet showing vendors and charges accrued over the
30 past several months totaling between \$70,000-75,000 for the 6x11 deck.
- 31 • The Whiskey Springs CC&Rs prohibit homeowners from interfering in HOA
32 Board-approved projects.
- 33 • She urges the Commission to deny the appeal.

34
35 Jim Malone indicated the following:

- 36 • He is a contractor and a friend of Mr. Maher and feels Mr. Maher has not
37 gotten a fair deal.
- 38 • There is no architect at this meeting to prove or disprove the measurements
39 given to the City.

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41 The public comment period was closed.

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44 Commission comments:

- 45 • The applicant has not provided information that would allow the Commission to
46 grant the appeal by the appellant. There has not been enough done with
47 respect to a light study or measurements that are agreed upon by all.
- 48 • Staff has provided the Commission with objective measurements comparing
49 the as-built original deck with the as-built replacement deck allowing an apples-
50 to-apples comparison. Based on that comparison, plus the failure of the

1 appellant to provide the Commission with evidence supporting his alleged loss
2 of light such as a light study or pictures, the Commission feels it has not been
3 presented with sufficient evidence to allow it to sustain the appeal.

- 4
- 5 • This is a homeowners association issue that should not have found its way to
6 the Planning Commission.
 - 7 • Mr. Maher's contention that there is a loss of light because of the footprint and
8 the railing is unsupportable. Staff's assessment and analysis is absolutely
9 correct.
 - 10 • The supports that come out of the deck, which might total two feet, are not
11 going to significantly diminish the quality of life in Mr. Maher's unit.

12 **Commissioner Werner moved and Commissioner Cox seconded a motion to**
13 **deny the appeal regarding the issuance of a Zoning Permit for 184 Cypress**
14 **Place and adopt the resolution. The motion passed 5-0.**

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16 **Old Business**

17 None.

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19 **New Business**


20 None.

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22 **Staff Communications**

23 None.

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25 **Adjournment**

26 The meeting was adjourned at 8:12 p.m.

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30 _____
31 Submitted by
32 Jeremy Graves, AICP
33 Community Development Director
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36 _____
37 Approved by
38 Stan Bair
39 Chair
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