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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, May 11, 2011**  
**Approved Minutes**

**Call to Order**

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

Present: Vice Chair Stafford Keegin, Commissioner Joan Cox (Items 2, 3, 5),  
Commissioner Richard Graef, Commissioner Bill Werner

Absent: Chair Stan Bair, Commissioner Joan Cox (Items 1 and 4)

Staff: Associate Planner Heidi Burns, Associate Planner Lilly Schinsing,  
Assistant Planner Alison Thornberry-Assef, City Attorney Mary Wagner

**Approval of Agenda**

**Commissioner Werner moved and Commissioner Graef seconded a motion to hear Item 4 first and to approve the modified agenda. The motion passed 3-0.**

**Public Comments**

None.

**Approval of Minutes**

April 27, 2011

**Commissioner Graef moved and Vice Chair Keegin seconded a motion to approve the minutes. The motion passed 3-0.**

**Public Hearings**

1. **DR/TRP/EA 09-184, Design Review Permit, Tree Removal Permit, Encroachment Agreement, Trope, 105 Crescent Avenue.** Design Review Permit to construct a new single-family residential structure at 105 Crescent Avenue (APN 165-222-05); a Tree Removal Permit for on-site trees; and an Encroachment Agreement to install a portion of the driveway approach in the Crescent Avenue right-of-way.

**Commissioner Werner moved and Vice Chair Keegin seconded a motion to continue the public hearing for 105 Crescent Avenue to the meeting of May 25, 2011 as requested by the applicant. The motion passed 3-0.**

4. **DR/CUP 10-373, Design Review Permit, Conditional Use Permit, Cal Trans, 99 Hecht Avenue.** Design Review Permit and Conditional Use Permit to co-locate a new wireless communications facility by installing four new antennas and associated equipment behind the existing fence inside a compound within an

1 existing lease area at 99 Hecht Road within a portion of the California Department  
2 of Transportation's Highway 101 right-of-way. Ambient RF exposure levels due to  
3 the proposed operation, combined with the existing base station operations at the  
4 site, are calculated to exceed the applicable public exposure limit in certain areas  
5 at the site in front of the antennas. To preclude public access to the areas in which  
6 the exposure levels may exceed the FCC public limit, a new fence will be installed  
7 around the existing facility to limit the public's access to the facility.  
8

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

12 Commission questions to Staff:

- 13 • Is your environmental assessment required under NEPA? *Staff responded yes.*
- 14 • Is the environmental assessment being submitted to the FCC for their review  
15 and approval? *Staff responded the environmental assessment has been*  
16 *submitted to the FCC in accordance with federal regulations.*  
17

18 Presentation was made by Charnel James, the applicant.  
19

20 Commission questions and comments to Ms. James:

- 21 • Are you okay with the City's Conditions of Approval as long as Caltrans also  
22 has approval? *Ms. James responded Caltrans wants to have final say on the*  
23 *design of the exclusionary fencing and is not willing to accept the condition as*  
24 *written. AT&T will show proof of Caltrans acceptance through an*  
25 *Encroachment Permit, which they will produce when they pull their Building*  
26 *Permit.*  
27
- 28 • There are issues that affect the City such as people going up to the site and  
29 being disruptive, disturbing the area, leaving litter, et cetera, which gives the  
30 City a natural interest in how this site is structured and the protections that are  
31 required to be built there. *Ms. James responded she is obligated to represent*  
32 *Caltrans' position and that she would push them to gate the road off, which*  
33 *would protect against RF exposure, along with the exclusion fence and signage*  
34 *that would also take care of Caltrans' issue with pedestrian access. Staff*  
35 *responded if Caltrans wishes to put in a gate on a piece of governmentally*  
36 *owned property that they control, that is a different issue. Staff is not*  
37 *recommending Caltrans install a gate on the road, but prefers the option of the*  
38 *fence that is indicated on the map.*  
39

40 The public comment period was opened. Being none, the public comment period was  
41 closed.  
42

43 **Commissioner Werner moved and Commissioner Graef seconded a motion to**  
44 **approve a Design Review Permit and Conditional Use Permit for 99 Hecht**  
45 **Avenue. The motion passed 3-0.**  
46

- 47 **2. DR/CUP/TRP/EA 10-388, Design Review Permit, Conditional Use Permit,**  
48 **Tree Removal Permit, Encroachment Agreement, Jensen-Komer, 38 Lower**  
49 **Crescent Avenue. Design Review Permit and Conditional Use Permit to**  
50

1 construct a new two-family residential structure with attached carport and two  
2 parking spaces in a tandem configuration at 38 Lower Crescent Avenue (APN  
3 065-231-32); a Tree Removal Permit to remove four on-site trees; and an  
4 Encroachment Agreement to construct a portion of the driveway with guardrail,  
5 and a wood entry landing in the Lower Crescent Avenue public right-of-way.  
6 Continued from the April 27, 2011 meeting.  
7

8 **Commissioner Werner indicated that because there are only three**  
9 **Commissioners at this meeting the applicant would need all three votes to be**  
10 **affirmative for the project to be approved and offered the applicant the option of**  
11 **continuing the hearing to a future meeting with a full Commission in place.**  
12

13 **Barry Peterson, the applicant, indicated they preferred to have the Commission**  
14 **hear their application at this meeting.**  
15

16 The continued public hearing was re-opened. Assistant Planner Thornberry-Assef  
17 presented the Staff Report.  
18

19 Commission questions to staff:  
20

- 21 • Is an encroachment required for the Oak Lane frontage? *Staff responded no,*  
22 *the applicant is not requesting to encroach upon that Oak Lane public stair*  
23 *access.*
- 24 • What are the setbacks along the Oak Lane public stair? *Staff responded when*  
25 *a pedestrian lane right-of-way is located next to a property there is an*  
26 *exception to the setback. The setback is actually measured from the centerline*  
27 *of the pedestrian lane right-of-way. The current pedestrian lane is 8 feet wide,*  
28 *so the applicants would have 5 feet from that centerline to the residence. That*  
29 *centerline acts almost as a new property line. They are within their required*  
30 *setbacks because they are 5 feet or further back from that centerline.*  
31

32 **Vice Chair Keegin disclosed that he had met with the Beldings of 39 Lower**  
33 **Crescent Avenue at their request on May 9, 2011.**  
34

35 **Commissioner Werner disclosed that he had met with the Beldings of 39 Lower**  
36 **Crescent Avenue at their request on May 9, 2011.**  
37

38 **Commissioner Graef disclosed that he had met with the Beldings of 39 Lower**  
39 **Crescent Avenue at their request on May 11, 2011.**  
40

41 Presentation was made by Barry Peterson the applicant.  
42

43 The public comment period was opened.  
44

45 Bill Keller, 35 Lower Crescent Avenue, indicated the following:  
46

- 47 • The applicant and architect have done excellent neighborhood outreach.
- 48 • They live diagonally across from the subject property and directly across from  
49 the newly proposed driveway.  
50

- 1 • This project is being driven by the need to have two units and parking for four
- 2 vehicles.
- 3 • The Belding's view from across the street at 39 Lower Crescent is being
- 4 impacted and the view from the top of the public stairways is being obliterated.
- 5 • He cannot support the project the way it is, but believes a solution can be
- 6 found.
- 7 • The use of shipping containers is a good idea and could be financially and
- 8 structurally successful, but it would set a precedent for them to be used in
- 9 town. There needs to be design criteria as to how shipping containers will
- 10 ultimately look aesthetically.
- 11
- 12

13 Kathryn Keller, 35 Lower Crescent Avenue, indicated the following:

- 14 • She is concerned about the parking. She does not believe tandem parking will
- 15 work or add anything to their neighborhood.
- 16 • There are only two public places to park in their area, both in front of her home.
- 17 She believes they will be used instead of the tandem parking because the
- 18 tandem spaces are on a steep driveway.
- 19 • Their street is in pristine shape after being refinished less than a year ago. She
- 20 wants it addressed how moving shipping containers and the work involved in
- 21 building a new driveway will affect the condition of their street.
- 22

23 Scott Sollers, 32 Lower Crescent Avenue, indicated the following:

- 24 • His preference would be a single-family residence with two-car parking on the
- 25 subject site, but he understands and accepts that the site is zoned for a two-
- 26 family residence with 4 parking spaces.
- 27 • He was concerned about the driveway, but he met with the architect and is
- 28 satisfied the materials would not represent a drainage problem.
- 29 • He has looked at the site line study and the configuration and although it
- 30 appears to satisfy the design requirements of the site he is not convinced it will
- 31 be convenient or safe.
- 32 • He and the applicants have reached an agreement to come up with a mutually
- 33 acceptable vegetation plan once the structure is built.
- 34 • The applicants have given him discretion on the window treatment on the
- 35 dining room windows that he was concerned about.
- 36 • The architect has done a good job of siting the property with the home
- 37 equidistant between the north and south residences.
- 38
- 39

40 Commission question to Mr. Sollers:

- 41 • At the last meeting you expressed concern regarding placement of the story
- 42 poles and how they did not disclose where and how the driveway would be
- 43 sited. Now that you have looked at it closely does the siting of the driveway and
- 44 the new structure have an adverse impact on your property? *Mr. Sollers*
- 45 *responded they would address that issue with the vegetation plan he will work*
- 46 *out with the applicants. As there is no room to turn a car around the vehicles*
- 47 *will need to back in or back out. He has asked that there be an barrier, such as*
- 48 *a curb, berm, or guardrail in the elbow of the driveway so that if a vehicle loses*
- 49 *control going down it will not tip over the edge of the driveway and collide with*
- 50 *the trees or his home.*

1  
2 Geri Beers, 42 Lower Crescent Avenue, indicated the following:

- 3 • She lives across from the subject property.
- 4 • When they initially met with the owners they were assured the new structure  
5 would be no taller than the existing structure, but it appears the new structure  
6 will be taller, blocking out much of the sky view.
- 7 • The two-story stairwell that is 3 feet from the lane wall is a large, imposing,  
8 blank wall that blocks out the sky.

9  
10 Bruce Belding, 39 Lower Crescent Avenue, indicated the following:

- 11 • The project would block portions of their primary view of the bay.
- 12 • They had been assured more than once that the proposed building would be  
13 no higher than the existing one, but that has changed due to the need for  
14 parking and the additional size of the structure. They request that that promise  
15 be enforced.
- 16 • The applicant's comments regarding the poor health of the trees on the front of  
17 the subject property that relate to the Belding's view is a diversion from the real  
18 problem, which is the height and bulk of the building.
- 19 • In their letter to the Commission they raise the question of whether the  
20 structure and its components are consistent with the neighborhood.
- 21 • The safety of the driveway is a concern. The engineering report called the  
22 traffic on Lower Crescent slow, but it is fast and dangerous and on a steep  
23 street.
- 24 • They are concerned about the access and parking of the large construction  
25 vehicles during construction.

26  
27  
28 Betsy Stroman, 49 Lower Crescent Avenue, indicated the following:

- 29 • The site is not amenable to a two-family residence with parking for four  
30 vehicles. The driveway has forced the building over to become a massive bulk  
31 bordering Oak Lane.

32  
33 Rebuttal comments by Lars Jensen, the owner, and Barry Peterson, the applicant.

- 34 • The house would still have the height even if it were a single-family residence,  
35 because they would still want to have the bay view.
- 36 • It would not be fair to expect this home to be built in the 1910 shell since they  
37 cannot go back to the 1910 tree line.
- 38 • They are working with the Beldings.
- 39 • They have removed clerestory glazing in order to bring the rooflines down and  
40 have broken up the roof profile up so that nothing gets very tall. They are 7 feet  
41 in the parking area, and at 7 feet 6 inches minimum plate height down below.  
42 They are at 7 feet, 6 inch plate heights above also. They cannot bring it down  
43 more to make the Beldings happy because they are crushed already.
- 44 • The lower canopies of Tree 4 and Tree 5, the two prominent trees up front,  
45 which are probably holding Lower Crescent up, have been removed. The way  
46 they are trimmed right now is not a sustainable method and those trees will die  
47 if they continue to be aggressively pruned as they are. They need to have their  
48 lower canopies reestablished. Then windowing of the trees can be done to give  
49  
50

1 the Beldings a view. That will also remove the issue of the roof height, because  
2 that will be covered by the lower canopies of the trees.

- 3 • The public view did not exist before they created it.

4  
5 **Associate Planner Schinsing indicated that Commissioner Cox had arrived at the**  
6 **meeting at 8:15pm.**  
7

8 Commission question to Ed Gurka, project arborist:

- 9 • Your report states Trees 4 and 5 are in good condition. They were pruned ten  
10 years ago and have been pruned regularly since. Why are they so healthy? *Mr.*  
11 *Gurka responded they are young and vigorous and will respond more favorably*  
12 *to pruning than mature trees. The trunks are in good health because they are*  
13 *immature, with the exception of Tree 5, which has a decay pocket in it.*  
14

15 The public comment period was closed.  
16

17 **Commissioner Cox disclosed that she had met with the Beldings of 39 Lower**  
18 **Crescent Avenue.**  
19

20 Commission comments:

- 21 • Neighborhood compatibility is not an issue.
- 22 • The concept is interesting and creative and is going in a good direction.
- 23 • The use of shipping containers is not an issue and is an interesting approach.
- 24 • The driveway is somewhat questionable, although apparently legal.
- 25 • The public view was only created by the erection of the story poles and is not a  
26 big issue.
- 27 • The view issue for the Beldings at 39 Lower Crescent, which has to do with the  
28 bulk of the building and the roofline, will be the most difficult to resolve. The  
29 height of the home cannot be reduced easily because the plate heights are at  
30 the minimum and sinking the project further downhill will exacerbate the  
31 driveway issue. The orientation of the building on the site is part of that  
32 problem.
- 33 • The trees and the pruning should be worked out between the individual parties.  
34 They have obviously been aggressively pruned for views and hardly look like  
35 oak trees anymore.
- 36 • The maximum driveway slope of 25%, as stated by the Uniform Construction  
37 Standards, is dependent on there being transition zones at the top and the  
38 bottom of the driveway slope, which do not exist here. The driveway drawings  
39 are not clear as to what the real intersection is at the top of driveway with  
40 Lower Crescent Avenue. The City's civil engineer has stated the final drawings  
41 may change. The only way the drawings can change is for the garage level to  
42 be raised in order to accommodate the driveway transitions that are required at  
43 its top and bottom. The project cannot be supported until the Commission  
44 receives fully detailed engineering drawings, if this project goes ahead, that tell  
45 the Commission where the building will end up, because the parking and the  
46 driveway are critical to this design.  
47  
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- The findings for a Design Review Permit cannot be made. The building runs contrary to the notion of a new structure complementing their setting and buildings in the neighborhood. The project contains a catalog of roofs: a barrel vault, a gable, flat roofs, and a sloped roof, along with a catalog of materials. It does not pay attention to the general characteristics of the neighborhood, which are modest and reserved contemporary homes and well-maintained, civilized, and elegant traditional homes. The project does not have a cordial relationship to either of those characteristics.
- The project does not minimize the obstruction of public views and primary views from private property. The applicant wishes to lift their building up to get the view, consequently taking it away from someone else who already has it.
- Some homogeneity in the roof and the other materials for the project could allay some of the concerns of the neighbors who will now be looking down upon this roof and this project.
- The tree trimming issue is a red herring. It is the bulk and scale of the proposal that is the view obstruction, both publicly and privately.
- The side of the building coming up as close as it does to Oak Lane is intrusive.
- The Commission received copious detailed submissions regarding the project from the applicant after the public packet had been published, which the neighbors and other interested parties were not privy to. All of these materials should have been available to the public prior to this hearing to allow the public to review and respond.
- There is no intrinsic opposition to the use of shipping containers as a building material and it is appreciated that the applicant seeks to color them in such a way that they will present a pleasing backdrop for some of the foliage on the property. However, their scale may require the building to be taller than other building materials.
- Mr. Keller is correct that this project is driven largely by the effort to squeeze in a second unit and the required parking spaces that go along with that unit, and that that has driven the overall design and shape of the project that has given rise to so many concerns.
- The public view is stunning and one of the nicer views in Sausalito. Blocking that view is a serious problem.
- Having such a sheer wall alongside Oak Lane is a problem that will create a dark and dreary walkway there.
- The driveway is a serious problem. Because of the angle and line of site shown on the map a driver could hit a child or person not tall enough to be seen by the driver coming out of the driveway. People do drive fast on Lower Crescent coming down the hill. Backing out of the driveway with its impediments could result in an accident.
- This is the wrong house in the wrong place. The house is too big and it is not appropriately designed for the site.

**Commissioner Werner moved and Vice Chair Keegin seconded a motion to deny a Design Review Permit, Conditional Use Permit, Tree Removal Permit, and Encroachment Agreement for 38 Lower Crescent Avenue. The motion passed 3-0 with abstention by Commissioner Cox.**

1 **3. DR 11-088, Design Review Permit, Squire, 38 Glen Drive.** Design Review  
2 Permit for the conversion of an existing duplex to a single-family dwelling and the  
3 exterior and interior remodel that will add approximately 623 square feet of floor  
4 area to the basement floor and the first floor at 38 Glen Drive (APN 065-084-12).  
5

6 The public hearing was opened. Associate Planner Burns presented the Staff Report.  
7

8 Presentation was made by Norah Frei, the applicant.  
9

10 The public comment period was opened.  
11

12 Noel Norton, 24 Glen Drive, indicated the following:

- 13 • She lives next door to the subject property.
- 14 • She supports the project and believes it will enhance the neighborhood.  
15

16 The public comment period was closed.  
17

18 Commission comments:

- 19 • The new design is far better than what it is now.  
20

21 **Commissioner Werner moved and Vice Chair Keegin seconded a motion to**  
22 **approve a Design Review Permit for 38 Glen Drive. The motion passed 4-0.**  
23  
24

#### 25 **Old Business**

26 None.  
27

#### 28 **New Business**

#### 29 **5. Nomination of Planning Commission Representative to Undergrounding** 30 **Committee.** 31

32 Associate Planner Schinsing presented the Staff Report.  
33


34 **Commissioner Cox moved and Commissioner Werner seconded a motion to**  
35 **nominate Vice Chair Keegin as representative to the Undergrounding Committee.**  
36 **The motion passed 4-0.**  
37

#### 38 **Communications - Staff**

- 39 • The City Council will hear Michael Rex's appeal of the Non-conforming  
40 structure interpretation at their May 17, 2011 meeting.  
41

42 **Adjournment** The meeting was adjourned at 10:05 p.m.  
43  
44

45   
46 \_\_\_\_\_  
47 Submitted by  
48 Lilly Schinsing  
49 Associate Planner  
50

  
\_\_\_\_\_  
Approved by  
Stafford Keegin  
Chair