

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, April 27, 2011**  
**Approved Minutes**

**Call to Order**

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

Present: Chair Stan Bair, Vice Chair Stafford Keegin, Commissioner Joan Cox, Commissioner Richard Graef,

Absent: Commissioner Bill Werner

Staff: Community Development Director Jeremy Graves  
Associate Planner Heidi Burns, Associate Planner Lilly Schinsing,  
Assistant Planner Alison Thornberry-Assef, City Attorney Mary Wagner

**Approval of Agenda**

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

**Public Comments**

None.

**Approval of Minutes**

April 13, 2011

Commissioner Cox moved and Chair Bair seconded a motion to approve the minutes, as submitted. The motion passed 4-0.

**Public Hearings**

1. **DR/CUP/TRP/EA 10-388, Design Review Permit, Conditional Use Permit, Tree Removal Permit, Encroachment Agreement, Jensen-Kormer, 38 Lower Crescent Avenue.** Design Review Permit and Conditional Use Permit to construct a new two-family residential structure with attached carport and two parking spaces in a tandem configuration at 38 Lower Crescent Avenue (APN 065-231-32), a Tree Removal Permit to remove four on-site trees, and an Encroachment Agreement to construct a portion of the driveway with guardrail and a wood entry landing in the Lower Crescent Avenue public right-of-way.

The public hearing was opened.

Community Development Director Graves indicated the applicant had requested the public hearing for 38 Lower Crescent Avenue be continued to the meeting of May 11, 2011.

1 The public comment period was opened.  
2

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

- 4 • He is looking forward to the removal of the dilapidated structure on the subject  
5 property and the building of a new one, but he has questions regarding the  
6 structural engineering and safety of the driveway.
- 7 • This driveway is very steep and a vehicle backing out will not be able to see  
8 oncoming traffic on each side.
- 9 • The applicants have not responded to his request for more information  
10 regarding the how the driveway configuration will address its design  
11 challenges.
- 12 • The driveway requires 10-15 feet of fill, a curve that may be a challenge for a  
13 car to make, and a visual impression from his lower property.
- 14 • He requests the Commission ask staff to request the applicants to build some  
15 sort of story pole equivalent so the driveway's risks can be seen.  
16

17 The public comment period was closed.  
18

19 **Chair Bair moved and Commissioner Cox seconded a motion to continue the**  
20 **public hearing for 38 Lower Crescent Avenue to the meeting of May 11, 2011. The**  
21 **motion passed 4-0.**  
22

- 23
- 24 **2. DR/VA 11-083, Design Review Permit, Variances, Holderman, 317 Fourth**  
25 **Street.** Design Review Permit and Variances for the substantial demolition and  
26 remodel of an existing single-family residential dwelling located at 317 Fourth  
27 Street (APN 065-233-03). The project involves the addition of 440 square feet of  
28 floor area. As the project involves a proposed building coverage and floor area  
29 greater than 80-percent of the permitted maximum building coverage and floor  
30 area in the R-2-2.5 Zoning District Heightened Review is required.  
31

32 The public hearing was opened. Associate Planner Schinsing presented the Staff  
33 Report.  
34

35 Commission questions to staff:

- 36 • Because the parcel is 1.75 inches less than 30 feet wide is the required  
37 setback greater than it would otherwise be? *Staff responded the parcel does*  
38 *not meet the definition of a substandard parcel in the Zoning Ordinance*  
39 *because it is 1.75 inches too narrow, and thus cannot receive the waiver for the*  
40 *side setback requirement.*
- 41 • If the waiver for the side setback requirement were applicable to this parcel,  
42 would one of the Variances being sought for the right side of the parcel not be  
43 required? *Staff responded the setback would also have to increase since the*  
44 *length of the building is over 40 feet.*  
45

46 Presentation was made by applicant Shervin Tajbaksh, architect Michael Rex, and  
47 property owner Holly Holderman.  
48

49 The public comment period was opened.  
50

1 Karen Benjamin, 507 North Street, indicated the following:

- 2 • She applauds the design of the proposed house, which is in keeping with the
- 3 character of Sausalito.
- 4 • Her back yard abuts the subject property and the proposed residence comes
- 5 to within inches of her back yard.
- 6 • The back of the applicant's house obstructs their view of the bay from their
- 7 back yard, where they spend a lot of time. A flat roof rather than the proposed
- 8 pitched roof would not block their view.
- 9 • She provided photographs to the Commission to illustrate her point of view.

10  
11 Commission questions to Ms. Benjamin:

- 12 • Where are the photographs taken from? *Mr. Benjamin responded from her*
- 13 *terraced back yard.*
- 14 • Are the photographs taken from the lowest terrace of your yard? *Ms. Benjamin*
- 15 *responded no, the photo was taken from the middle terrace, where their*
- 16 *vegetable garden is. The lowest terrace looks at the back of the applicant's*
- 17 *house, but the applicant has offered to provide shrubbery to conceal that.*
- 18 • Do you anticipate the proposed new home blocking any of your view from any
- 19 of the major rooms in your house? *Ms. Benjamin responded no.*
- 20 • Have you expressed your concerns to the applicant? *Ms. Benjamin responded*
- 21 *yes, and the applicant suggested they move their lemon and orange trees*
- 22 *down to the bottom of their yard to the border between their two houses.*
- 23 *However there is not enough sun for those trees to grow there. Additionally*
- 24 *they are mature trees that would likely die if moved.*

25  
26 Whitney Kolterman, 319 Fourth Street, indicated the following:

- 27 • She lives up hill and directly north of the subject property.
- 28 • She agrees that a flat rather than pitched roof would be a good solution to
- 29 preserve Ms. Benjamin's view from her yard.
- 30 • She asked if the setback on the north side of her property, the space between
- 31 317 and 319 Fourth Street, would change? *Staff responded no, it would not*
- 32 *change.*
- 33 • As per Condition 13-D listed in the Revisions to Conditions of Approval, when
- 34 there is a survey of her property conducted she would like her signature to be
- 35 required so that she can have the opportunity to review the survey.

36  
37 Carolyn Revelle, 515 North Street, indicated the following:

- 38 • She lives above the project site and supports the project. The project allows
- 39 greater building coverage and floor area so the homeowner can have more
- 40 space without adding another story, meaning virtually no view impact for her
- 41 property.
- 42 • The project retains the small-scale character of the neighborhood.
- 43 • The current house in its condition is a fire hazard. She is pleased with the
- 44 proposed improvements to the structure that will ensure its own safety as well
- 45 as the surrounding structures.

46  
47 Mike Monsef, 211 Fourth Street, indicated the following:

- 48 • He supports the project and thinks it will be a nice addition to the
- 49 neighborhood.
- 50 • The current structure's condition is awful and needs to be addressed.

1  
2 Comments by Mr. Rex:

- 3 • They will be happy to show the survey to Ms. Kolterman, but they are not  
4 willing to predicate their application on a neighbor's signature.
- 5 • The Benjamins' master bedroom and bathroom addition are not inches from  
6 their property. The bathroom is 15 feet from the property line, which is the  
7 minimum code setback, and the majority of the house is set back significantly  
8 further at 36 feet.
- 9 • He met with Ms. Benjamin in her back yard after she expressed regarding her  
10 view. The citrus trees are on an upper level, the vegetable garden on the  
11 middle level, and table and chairs are on the lower level. They stood mid-level  
12 next to the vegetable garden, looking over the fence, and were able to see a  
13 little triangle of the bay view.
- 14 • Regarding the photographs submitted by Ms. Benjamin: Photo 3 – they are not  
15 proposing a big, black box and that is not what she will be seeing. Photo 1 –  
16 this was taken with a zoomed in lens and does not represent what she will be  
17 seeing.
- 18 • The Benjamin's back yard is not a primary living space. They have terrific  
19 views from the primary interior living spaces as well as two large exterior  
20 decks.
- 21 • The City does not guarantee any property owner that their view will never  
22 change. In this case there will be a change; the little triangle of bay view seen  
23 from the middle terrace of the back yard will be compromised, but neighbors do  
24 have to compromise a little bit. The City protects primary views as seen from  
25 primary living spaces. This is not a primary living space and is not a view the  
26 Zoning Ordinance or Planning Commission should seek to protect.
- 27 • They are not willing to consider a flat roof. The Zoning Ordinance allows up to  
28 a 32-foot height and they are only at 19 feet, which is significantly below the  
29 houses surrounding them. A flat roof will not look good, is not consistent with  
30 the cottage character, and they need the extra ceiling height. The master  
31 bedroom is only 11 feet, 3 inches wide. The gabled roof will give the room  
32 better proportion, which a flat roof with an 8-foot ceiling would not do.
- 33 • The Benjamins have options that the applicant does not have. If they want a  
34 great view from their garden they could relocate the three citrus trees. The  
35 applicant met with an arborist and a tree mover at her own expense to  
36 ascertain if the trees could be moved without harming their fruit bearing  
37 capacity and if they could be moved without damaging or killing them and got  
38 positive responses regarding both questions. There is enough sun along the  
39 west property line for the trees if the Benjamins do not wish to use them as a  
40 screen between their home and the applicant's home. If the trees were moved  
41 the Benjamins would have a view of the entire bay.

42  
43 Rebuttal comments by Ms. Holderman:

- 44 • The Benjamins brought up their view concerns only in the last few weeks,  
45 although they have been working on this project for quite some time.
  - 46 • The Benjamins have significant trees on their property blocking some of the  
47 view, which she has offered to trim.
  - 48 • There is a fence in the Benjamin's back yard over 6 feet tall with ivy, which also  
49 obstructs the view.
- 50

- At the bottom of the Benjamin's garden a person cannot see her house unless they are very tall and standing up. People sitting in the chairs can only see the ivy covered fence and the trees that need to be trimmed.
- The Benjamins are misrepresenting and mischaracterizing the situation.

The public comment period was closed.

Commission comments:

- From a design perspective the project is great with no changes needed.
- It is difficult to grant Variances in a Heightened Design Review situation where there is new construction, as with this project.

Commission question to staff:

- The new addition in the back could be built in a manner much closer to the existing required lot line by centering it in the back yard. Can there be a Variance that applies to a certain portion of the lot line and a lesser Variance that applies to another portion of the same side yard so you could require a setback that would center this and have equidistance side yards for the addition? *Staff responded yes, it is possible to have two different Variance widths.*

Commission comments:

- The addition is well placed where it is. If it were moved to the center of the yard it would be compromised. The addition has been squeezed as far down in this space as possible and it works as best it can, given the size of the lot.
- The view from the Benjamin's back yard is not an extremely important view.
- This is the type of project where a Variance is appropriate to allow the renovation of a legal non-conforming structure.
- The applicant's outreach to the neighbors is appreciated, as well as the decision to go out in order to avoid going up. The applicant has gone out of her way to accommodate the concerns of her neighbors.
- This application's restoration of an older home and preservation of the cottage ambiance within the existing footprint is appreciated.
- The proposed addition adds approximately 400 square feet, which is not a huge amount. The total of 1,552 square feet is not an enormous living space. This design has done a good job of increasing living space within the existing footprint and constraints of the property.
- The Commission is not comfortable approving something that is not on the plans and asks that if the project is approved the revised drawings prepared by the architect with respect to the fireplace flue be added to the packet to be part of the record.
- This is a neighborhood of tightly placed homes with very little yard space. The application does not go beyond the required 15-foot rear setback, with much of the addition being at a 36-foot setback from the rear property line.
- There are views enjoyed from decks that will not be obstructed by the addition. The fact that the proposed addition will obstruct a view from a second tier of the garden is of less concern.

1 Additional Condition of Approval:

- 2 • Sheet A-3.1, depicting the condition and the location of the fireplace flue, shall  
3 be included into the record.  
4

5 **Chair Bair moved and Commissioner Cox seconded a motion to approve a Design**  
6 **Review Permit and Variances for 317 Fourth Street subject to the additional**  
7 **Condition of Approval. The motion passed 4-0.**  
8

- 9 **3. CUP 11-115, Conditional Use Permit, Redwood Mortgage Investors VIII, LP,**  
10 **1913 Bridgeway.** Conditional Use Permit for an office conversion of a previously  
11 existing first and second floor retail and third floor residential use to allow a two-  
12 story office use to locate the Sausalito Chamber of Commerce at 1913 Bridgeway  
13 (APN 064-141-04).  
14

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

16 Presentation was made by Mike Monsef, the applicant.

17 The public comment period was opened.

18 Tom Campagna, Chamber of Commerce, indicated the following:

- 19 • The Chamber has been looking for property for the past 17 years. This building  
20 is visible and suitable for the Chamber.
- 21 • This building is a golden opportunity for the Chamber to purchase this property  
22 at an affordable price. They will not have another such opportunity for a long  
23 time to come.
- 24 • This property has been substantially renovated. The Chamber could move in  
25 knowing they will not need to deal with large maintenance issues in the years  
26 to come.  
27

28 The public comment period was closed.

29 Commission comments:

- 30 • The Commission likes the concept of moving the Chamber of Commerce to a  
31 more visible and central location and supports the project.  
32

33 **Vice Chair Keegin moved and Commissioner Cox seconded a motion to approve**  
34 **a Conditional Use Permit for 1913 Bridgeway. The motion passed 4-0.**  
35

- 36 **4. CUP 11-066, Conditional Use Permit, Fischer, 22 & 24 Marin Avenue.** Design  
37 Review Permit for the installation of a mansard style roof eave resulting in a  
38 building height increase of 3 feet, 6 inches on the existing four-unit condominium  
39 building, in addition to parking pad, walkway, and landscaping improvements  
40 located on 22 & 24 Marin Avenue (APN 064-343-54 and 064-343-55).  
41

42 **Community Development Director Graves indicated the applicant had withdrawn**  
43 **the project and no further action is needed by the Planning Commission.**  
44  
45  
46  
47  
48  
49  
50

1 **Old Business**

2  
3 **5. FY 2011-12 Prioritized Project List Description.** Suggestions for FY 2011-12  
4 Prioritized Project List.  
5

6 Community Development Director Graves presented a Staff Report and distributed a  
7 composite Prioritized Project List which reflected the Commissioners' rankings.  
8

9 **Chair Bair moved and Vice Chair Keegin seconded a motion to approve**  
10 **Commission's rankings of the FY 2011-12 Prioritized Project List. The motion**  
11 **passed 4-0.**  
12

13 **New Business**

14 None.  
15

16 **Communications**

17 **Staff**

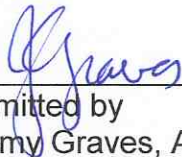
- 18
- 19 • The Dennis Webb and Michael Rex appeal on the Planning Commission's  
20 interpretation on the non-conforming structures has been tentatively  
21 calendared for May 17, 2011 City Council meeting.

22 **Planning Commissioners**

- 23
- 24 • Staff's map that shows properties and how to get to them should be used in  
25 Staff Reports to describe where subject properties are located.

26 **Adjournment**

27 The meeting was adjourned at 8:37 p.m.  
28

29  
30 

31 Submitted by  
32 Jeremy Graves, AICP  
33 Community Development Director  
34

30 

31 Approved by  
32 Stan Bair  
33 Chair  
34

35 I:\CDD\Plan Comm\Minutes\2011\04-27-11-Approved.doc  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50