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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, June 15, 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, 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**

Approved by consensus

**Public Comments**

None.

**Approval of Minutes**

None.

**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 33 on-site trees; and an Encroachment Agreement to install a portion of the driveway approach in the Crescent Avenue public right-of-way. The project requires approval of Heightened Design Review findings. Continued from the May 25, 2011 Planning Commission meeting.

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

Commission questions to staff:

- What is the setback for the neighboring property at 111 Crescent Avenue? *Staff responded the required setback is 5 feet, but the residence is setback approximately 4 feet and hence is non-conforming.*
- When the residence at 111 Crescent was built did it get a Variance for that nonconformity? *Staff responded not to their knowledge.*
- Regarding the 40-foot length of wall issue, how hard and fast is that? If the proposed residence got a little bit longer but also came in a little bit, would that compensate? *Staff responded there is a specific Zoning Ordinance*

1 *requirement which states that any building which is 40 feet or longer must be*  
2 *moved in 1 foot for every 5 feet past the 40 feet. That is a hard and fast rule.*

3  
4 Presentation was made by John Belz, the architect/applicant and Lee Oberkamper, the  
5 civil engineer.  
6

7 Commission questions and comments to Mr. Oberkamper:

- 8 • In the drainage report you have existing flow versus improved flow, but the  
9 improved flow is actually slightly greater than the existing flow. *Mr. Oberkamper*  
10 *responded that is correct. They analyzed the watershed in both its existing*  
11 *condition and with the proposed house in place. Under those conditions if they*  
12 *do not do anything about the flow, it would increase very slightly, so they*  
13 *provided a mitigation procedure, outlined in the report, that causes a slight*  
14 *decrease in the flow from existing conditions.*
- 15 • When you design for a ten-year storm condition, if a storm worse than a ten-  
16 year storm occurs does the system fail or is there a built-in factor beyond the  
17 ten-year storm criteria? *Mr. Oberkamper responded there would not be a*  
18 *failure of the system. They have built into the proposal an overflow situation so*  
19 *if more water were coming into the system from the lot, more water would go*  
20 *out of the system through the lot and would not back up anywhere.*
- 21 • What would happen if a 20-year storm were to occur? *Mr. Oberkamper*  
22 *responded the increased water flow would simply flow through the retention*  
23 *structures and on down the street.*
- 24 • Is the street capable of receiving that water when it is being received all the  
25 way up and down the street? Will the soils stay in place, even with a 20-year or  
26 30-year storm? *Mr. Oberkamper responded that is correct.*
- 27 • At what point would the soils not stay in place? *Mr. Oberkamper responded he*  
28 *does not believe the soils will ever not stay in place. An increased water flow*  
29 *would go on down the street with a large storm as it would now. This is a very*  
30 *small portion of the watershed that is being affected. Whether this project is*  
31 *there or not, a 100-year storm would increase the flow going down the street by*  
32 *approximately 20-percent.*

33  
34  
35 The public comment period was opened.  
36

37 Al Troupe, project site property owner, indicated the following:

- 38 • The problem with sliding just the top floor back is the lineup of the elevator  
39 shaft. If they slide the floor back, there will be a 3-foot distance between the  
40 front elevator doors and the window, not enough room to move furniture in and  
41 out.
- 42 • Sliding the top floor back also plays havoc with the staircase that wraps around  
43 the elevator. If they narrow the building down from its present width, it would be  
44 too narrow. The garage doors are already at the minimum of 8 feet wide and  
45 cannot be narrowed any more.
- 46 • They have pushed the house back 13 feet from the street to get the massing  
47 off the street and away from the other houses. The further they push it back,  
48 the more dirt they have to dig out and the higher the side dirt comes up on the  
49 house.  
50

1  
2 Andrew Dunn, 111 Crescent Avenue, indicated the following:

- 3 • He met with staff and submitted a letter to the Commission.
- 4 • He appreciates that the decks have been moved over 8 feet away from his
- 5 residence. However the side of the proposed residence will still be 9.5 feet
- 6 from his residence and he is concerned about the level of privacy.
- 7 • He invites the Planning Commission and the Tropes to do a visit to his house,
- 8 which may give a better perspective about the proximity and placement of the
- 9 proposed house in relation to his house.
- 10 • He requests the Planning Commission require the applicant to submit an
- 11 alternative set of plans moving the house over slightly and back into the hill as
- 12 discussed at the May 25<sup>th</sup> meeting.
- 13 • There is a new owner of 103 Crescent. Have they been notified about this
- 14 project and this hearing?
- 15

16  
17 James Delano, 130 Crescent Avenue, indicated the following:

- 18 • If possible he would like the Commission to set conditions to ensure the initial
- 19 excavation and retaining walls are in place within a reasonable timeframe, or a
- 20 guarantee that should plans change or difficulties arise that the project will not
- 21 be left in a state of limbo for an extended period of time.
- 22 • Crescent Avenue is a narrow and treacherous street even under the best of
- 23 conditions. He requests the City ensure that construction will abide by all rules
- 24 regarding street closure and that the workers be transported to the site as
- 25 opposed to driving to the site and congesting the area more.
- 26

27 The public comment period was closed.

28  
29 The applicant chose not to make rebuttal comments.

30  
31 Commission comments:

- 32 • Condition of Approval 16 covers Mr. Delano's concerns regarding traffic, and
- 33 Condition of Approval 34 covers his concerns regarding the excavation and
- 34 retaining wall construction being completed within one season.
- 35 • The Commission is not in a position to evaluate whether a property owner has
- 36 the necessary funding to complete the project.
- 37

38  
39 Staff comment:

- 40 • One thing the City has to ensure the project is finished in a timely fashion is the
- 41 construction time limit regulations that impose significant fines and fees.
- 42

43 Commission comments:

- 44 • There are always concerns regarding moving a lot of dirt and excavating deep
- 45 into a hillside, which is why the Commission does not favor pushing this project
- 46 back further into the hillside so long as the project maintains its required 5-foot
- 47 setback.
- 48 • Given that there is only one window on the wall facing 111 Crescent and no
- 49 windows on 111 Crescent facing this property other than perhaps a bathroom
- 50

1 window, and with the decks being moved back, further modifications should not  
2 be required.

- 3 • There were concerns at the May 25<sup>th</sup> meeting regarding excavations,  
4 Conditions of Approval, and tree removal that have been addressed with the  
5 amended reports.
- 6 • There was not a privacy issue in the first place, however it is a better design  
7 with the decks pulled back. Any additional setback on the 111 Crescent  
8 property line would accomplish nothing.
- 9 • Narrowing the entry down would only get a foot out of the side, but that is all.  
10 Going back further into the hill would be problematic with the elevator shaft.
- 11 • One of the problems is that the neighboring property is closer than it would  
12 ordinarily be. With the decks set back it improves the front elevation of the  
13 building.
- 14 • All the technical questions have been answered.
- 15 • The owners of 111 Crescent have a special burden in that the very issue that  
16 concerns them about privacy is in some part a result of the fact that their  
17 property is nonconforming.
- 18 • From a design point of view, pulling the deck back makes for a more interesting  
19 façade and is a generous contribution to the privacy issue.
- 20 • There are no concerns regarding tree removal, which has been adequately  
21 addressed.  
22

23  
24 Commission question to Andrew Davidson, Staff Engineer:

- 25 • Regarding Condition of Approval 13 that third party peer reviews may be  
26 required, are you going to require peer review here? *Mr. Davidson responded*  
27 *Condition of Approval 38 states, "A final design level geotechnical investigation*  
28 *shall be submitted for independent third party review and approval by City*  
29 *staff," so the geotechnical investigation will be reviewed. It also states*  
30 *something similar for the engineered foundations, "Shall be referred to a*  
31 *consulting structural engineer for peer review."*  
32

33 Amended Condition of Approval

- 34 • Landscaping Condition of Approval 25 makes reference to the first two  
35 landscaping reports, but should also refer to the conditions contained in the  
36 third landscaping report dated May 20, 2011, which includes a bi-annual  
37 maintenance plan for the remaining trees.  
38

39  
40 **Commissioner Werner moved and Commissioner Cox seconded a motion to**  
41 **approve a Design Review Permit, Tree Removal Permit, and Encroachment**  
42 **Agreement for 105 Crescent Avenue with the staff mitigations and**  
43 **recommendations as amended. The motion passed 5-0.**  
44

- 45 **2. CDD/EVL/ZOA, Historic Design Guidelines: Initial Environmental**  
46 **Study/Negative Declaration Public Review Draft of Guidelines Zoning**  
47 **Ordinance Amendment, City of Sausalito.** Review of Initial Environmental  
48 Study/Negative Declaration (IES/ND); review of Public Review Draft of Historical  
49 Design Guidelines; and amendment of Zoning Ordinance §10.54.050.D.1 to  
50

1 require the Planning Commission to make a finding that Design Review Permits  
2 proposed are consistent with applicable design guidelines.  
3

4 The public hearing was opened. Associate Planner Burns presented the Staff Report.  
5

6 Commission questions to staff:  
7

- 8 • Were the comments made at the consultant's April 20, 2011 presentation to  
9 HLB, Planning Commission, and City Council addressed by staff? *Staff*  
10 *responded they are still compiling all comments and will respond to them when*  
11 *the comments are forwarded to the City Council.*
- 12 • Is there actually a Local Register, or is the Local Register every building in  
13 Sausalito over 50 years old? *Staff responded the City has a Local Register, but*  
14 *it is unclear as to how many buildings are actually listed on it. The Ice House*  
15 *on Bridgeway is a Local Registered site. Zoning Ordinance Chapter 10.46 lays*  
16 *out the process by which someone could nominate any building in Sausalito to*  
17 *the Local Register.*
- 18 • Why would one nominate a building if as a matter of policy this is going to  
19 apply to any building that is 50 years or older? *Staff responded that is not what*  
20 *the Guidelines are saying. The Guidelines will only be applied to those*  
21 *buildings located on the Local, State, or National Register, those within the*  
22 *Downtown Historic Overlay District, and with the seven residential arcs.*
- 23 • At the joint meeting on April 20<sup>th</sup> it was stated, "These Guidelines apply to all  
24 historic structures regardless of district." *Staff responded the guidelines would*  
25 *apply to historic structures which are on a historic register.*

26  
27 Staff comment:

- 28 • We need to be careful not to create a new category of protected structures  
29 where we do not have the legal authority to do so. The Zoning Ordinance  
30 defines the process which has to be gone through to determine that a building  
31 is historic and listed on a historic register.
- 32 • For those structures that are 50 years or older and are probable candidates for  
33 being on the Local Register but have not yet been transferred over there the  
34 City looks to its list of "noteworthy structures." In the upcoming two-year time  
35 cycle the HLB will be looking at nominating some of those notable structures to  
36 the Local Register. The process for that that includes hearings by the Planning  
37 Commission with the ultimate decision by the City Council.
- 38 • If there is a building that appears to have character-defining features that are  
39 significant staff could require a historic resource evaluation be prepared so  
40 they can understand how the building may or may not be a historic resource  
41 and apply CEQA accordingly. If the historic resource evaluation identifies that  
42 the building is eligible for the historic Register, then the City may wish to  
43 examine whether to initiate hearings to place it on the local register.  
44

45  
46 Commission questions to staff:

- 47 • Is it correct that these guidelines are also important and necessary to the City  
48 in applying to the state for the designation of being a Certified Local  
49 Government? *Staff responded the Guidelines are appropriate to be included in*  
50 *the City's application for the Certified Local Government. In order to become*

1           *Certified Local Government the City has to have a local ordinance protecting*  
2           *historic structures, qualified people on the HLB, and guidelines for the City's*  
3           *work with historic structures, so this is a component of that.*

- 4           • The Staff Report makes reference to our existing design criteria and guidelines  
5           for the HLB that was adopted in January 1993. Are these guidelines intended  
6           to supersede those new guidelines? *Staff responded provisions in the Zoning*  
7           *Ordinance adopted in 2003 and the Municipal Code have superseded the 1993*  
8           *HLB Guidelines, which the HLB has not used for many years. When this matter*  
9           *is taken to the City Council staff will include wording that the 1993 criteria and*  
10           *guidelines will be superseded.*

11  
12 Commission comment:

- 13           • The list of reference materials contained in the 1993 HLB Guidelines can be  
14           useful to non-architect homeowners who need to review an issue and do not  
15           know exactly where to go. While there are some references in the new Historic  
16           Design Guidelines, they do not, for example, say go to the Sausalito Historic  
17           Society archive, as is done in the 1993 HLB Guidelines.

18  
19  
20 Staff comment:

- 21           • When someone has a historic or potentially historic structure, or one that is  
22           listed on a register, or located in the downtown historic overlay district, they will  
23           be referred to the Historic Design Guidelines, the applicable provision of the  
24           Zoning Ordinance, and the HLB process. The planning staff could come up  
25           with a "So You Own a Historic Structure," handout that gives all information  
26           needed by the property owner.

27  
28 Commission questions to staff:

- 29           • If someone owns a 55 year old home, but it is not on the National, State, or  
30           Local register, nor is it in the downtown historic district or the seven residential  
31           arcs, does this apply or not? *Staff responded it does not apply. If the*  
32           *homeowner wanted to make exterior modifications to their house they would*  
33           *come to the Planning counter. Since the residence is 55 years old, the 50-plus*  
34           *year process would go into effect and the project it would be referred to the*  
35           *HLB. The HLB would discuss it at a meeting and make recommendations,*  
36           *which would then be brought by staff to the Planning Commission when the*  
37           *Commission examines the project's Design Review Permit. If the HLB decides*  
38           *the structure should be put on the Local Register it may initiate that process*  
39           *separately, but that would not stop the homeowner from proceeding with his*  
40           *project, because the process to put the structure on the Local Register is a*  
41           *lengthy one.*
- 42           • How much discretion or power would this change give the Zoning Ordinance?  
43           *Staff responded it would give it a lot of power with the wording, "The project is*  
44           *consistent with the design guidelines," meaning it is a finding the Planning*  
45           *Commission will have to make to approve the project.*

46  
47  
48 **Commissioner Werner made a motion to direct staff to prepare responses to**  
49 **comments received on IES/ND prior to the close of the public review period on**  
50 **June 24, 2011 and to continue the public hearing to the July 6, 2011 meeting.**

1  
2 Commissioner Cox requested, and the maker of the motion agreed, to amend the  
3 motion to request that staff include responses to comments received at the initial  
4 hearing on these guidelines on April 20, 2011, which occurred prior to the  
5 commencement of the IES/ND period.  
6

7 Chair Bair seconded the motion. The motion passed 5-0.  
8

9 **Old Business**

10 None.  
11

12 **New Business**

13 None.  
14

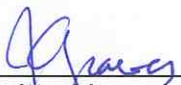
15 **Communications**

16 **Staff**

- 17
- 18 • The City Council will discuss selection of a preferred project alternative for the  
19 Plaza Vina del Mar accessibility improvements at their next meeting on June 21,  
20 2011.  
21

22 **Adjournment**

23 The meeting was adjourned at 8:14 p.m.  
24

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26 \_\_\_\_\_  
27 Submitted by  
28 Jeremy Graves, AICP  
29 Community Development Director  
30

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32 \_\_\_\_\_  
33 Approved by  
34 Stan Bair  
35 Chair  
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