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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, February 5, 2014**  
**Approved Action Minutes<sup>1</sup>**

**Call to Order**

**Chair Cox called the meeting to order at 6:37 p.m. in the Council Chambers of City Hall, 420 Litho Street, Sausalito.**

**Present:** Chair Joan Cox, Vice-Chair Bill Werner, Commissioner Susan Cleveland-Knowles, Commissioner Stafford Keegin, Commissioner Vicki Nichols.

**Staff:** Community Development Director Jeremy Graves  
Associate Planner Heidi Scoble, Administrative Analyst Lilly Schinsing,  
City Attorney Mary Wagner

**Approval of Agenda**

**Commissioner Keegin moved and Commissioner Cleveland-Knowles seconded a motion to approve the agenda. The motion passed 5-0.**

**Public Comments On Items Not on the Agenda**

None.

**Approval of Minutes**

January 22, 2014

**Commissioner Cleveland-Knowles moved and Vice Chair Werner seconded a motion to approve the action minutes, as submitted.**

**The motion passed 5-0.**

**Public Hearings**

**Declarations of Planning Commissioner Public Contacts**

None.

1. **DR/EA 13-297, Design Review Permit, Encroachment Agreement, Irwin-Mark, 509 Johnson Street.** Design Review Permit to allow additions to an existing single-family dwelling totaling approximately 979 square feet of floor area and a recommendation to the City Council for the approval of an Encroachment Agreement in order to allow the construction of a retaining wall within the Johnson Street public right-of-way fronting the property at 509 Johnson Street (APN 065-084-12).

The public hearing was opened.

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<sup>1</sup> A video recording of this meeting is available at: <http://www.ci.sausalito.ca.us/>.

1 **Associate Planner Scoble indicated that due to a noticing issue staff**  
2 **recommends the public hearing for the 509 Johnson Street project be continued**  
3 **to the meeting of February 19, 2014.**  
4

5 Proponents:  
6 None.

7  
8 Opponents:  
9 Chris Felver

10  
11 The public testimony period was closed.

12  
13 **Vice-Chair Werner moved and Commissioner Nichols seconded a motion to**  
14 **continue the public hearing for 509 Johnson Street to the meeting of February 19,**  
15 **2014.**  
16

17 **The motion passed 5-0.**  
18

- 19  
20 **2. DR/VA 13-235, Design Review Permit, Variance, Yee, 619 Coloma Street.**  
21 Design Review Permit to allow a design modification to a previously approved  
22 Design Review Permit (DR 13-235) and a Variance to allow an addition to  
23 encroach within the right side yard setback for the residence at 619 Coloma  
24 Street (APN 064-061-12).

25  
26 The public hearing was opened.

27  
28 Associate Planner Scoble provided a PowerPoint presentation on the project.

29  
30 Planning Commission questions for staff followed:

- 31  
32 • Were all of these other properties, none of which were granted a variance in  
33 order to accomplish the development standard that is reflected on the diagram,  
34 grandfathered in as of 1979? *Staff responded that is correct. They were*  
35 *approved under Marin County standards because they were not annexed and*  
36 *Marin County did not have that additional regulation that required the increased*  
37 *setback.*

38  
39 The public testimony period was opened.

40  
41 The Applicant, Richard Jow, made a presentation.

42  
43 Planning Commission questions for Mr. Jow followed:

- 44  
45 • Looking at the schematic, it appears all the lots are substantially the same. Is  
46 that correct? *Mr. Jow responded yes, they are all basically 50 feet wide by 120*  
47 *feet deep.*  
48 • Do they also all have the same relatively flat topography as well? *Mr. Jow*  
49 *responded it is relatively flat, although it goes downhill towards the east and*  
50 *each one of the lots is benched out a little bit; they drop maybe a foot or two*  
*and then they get flat and then the next lot drops another foot or two.*

- 1 • Did you or the homeowners give notice to your neighbors, particularly the  
2 neighbor at 623 Coloma, that you were seeking this variance? *Mr. Jow*  
3 *responded yes, although when they spoke to the adjacent neighbor at 623*  
4 *Coloma they did not have the revised plans but they did set up the story poles*  
5 *on the site again with the new proposed configuration. He believes there is a*  
6 *letter in the file from that property owner indicating support of the revised*  
7 *proposal. Staff responded they did not receive a letter from that adjacent*  
8 *property owner but Staff had been given information by the applicant that there*  
9 *were communications regarding the variance and that the neighbors were*  
10 *generally supportive of it, and the adjacent property owner had been notified of*  
11 *this public hearing.*

12  
13 The public testimony period was opened.

14  
15 The public did not make comments.

16  
17 The public testimony period was closed.

18  
19 Planning Commission comments followed:

- 20  
21 • There are two requirements to approve a variance. The first, that there are  
22 special circumstances applying to the property itself, not that it is similar to the  
23 other projects. Mr. Jow has indicated there are no special circumstances that  
24 make this variance approvable. The second requirement is that strict  
25 applications of an ordinance deprive such property of privileges enjoyed by  
26 properties in the vicinity, but since the properties themselves are virtually  
27 identical a finding for a variance cannot be made.
- 28 • This is not an unreasonable request in that all the properties are the same or  
29 longer. The proposed addition would not block anyone's views or impact  
30 anything from the streetscape and would give the applicant a better use of their  
31 property and so the findings could be made in this case.
- 32 • It could be argued that the circumstances that apply to this property that do not  
33 apply generally to other properties in the district is that the other properties  
34 completed their improvements before the annexation to the City of Sausalito  
35 and so now it is non-conforming.

36  
37 Planning Commission questions for staff followed:

- 38 • Is there any requirement that the special circumstances be a physical  
39 circumstance in a variance setting? It seems that here the special  
40 circumstance is one created by the annexation, because there is no physical  
41 difference between the properties. *Staff responded the finding does not speak*  
42 *to physical circumstances.*

43  
44 Planning Commission comments followed:

- 45 • The design is more consistent with the neighborhood and existing development  
46 pattern and is a better design, both internally and from the exterior.
- 47 • It is regrettable that this is a variance decision. This long sidewall requirement  
48 of the Zoning Ordinance would probably be better applied through a conditional  
49 use exception than a variance, but the exceptional circumstance can be  
50

1 characterized in this case as the annexation. As a matter of practice, judicious  
2 use of variances is a better policy, but in this instance a variance is warranted.

- 3 • All of the findings have to be made for a variance and they cannot all be made.  
4 One of the primary benefits of what is being asked here is the removal of  
5 roughly four foundation corners and the only thing that is really impacted is the  
6 size of the family room and the width of the courtyard, so a variance cannot be  
7 supported.
- 8 • In the variance chapter in the Zoning Ordinance, 10.68050 does not specifically  
9 apply to physical characteristics. The purpose of the chapter on variances,  
10 10.68, is to, "Provide relief from the strict application of the Zoning Ordinance  
11 when special circumstances apply to the property, including size, shape,  
12 topography, location or surroundings, and the strict application of the Zoning  
13 Ordinance deprives such property of privileges enjoyed by other property in the  
14 vicinity and under identical zoning district." The ordinance does not give the  
15 Commission the latitude to approve this project.

16  
17 **Commissioner Keegin moved and Chair Cox seconded a motion to deny a Design  
18 Review Permit and Variance for 619 Coloma Street.**

19  
20 **Vice-Chair Werner requested the motion be amended to include a statement  
21 giving the Commission's reasons for denial and stating Findings A, B and C  
22 could not be made.**

23  
24 **Commissioner Keegin accepted the amendment to the motion and added that  
25 Finding B of the Heighted Design Review Findings could not be made.**

26  
27 **Chair Cox agreed that Heightened Design Review Finding B could not be made  
28 and stated she had difficulty with Finding C in the Variance Findings but agreed  
29 that Findings A and B could not be made.**

30  
31  
32 **Commissioner Keegin accepted the amendment to the motion.**

33  
34 **Chair Cox seconded the motion as amended.**

35  
36 The motion passed 4-1 (No – Nichols)

37  
38 The public hearing was closed.

39  
40 **3. ZOA 10-355, Standards for Multi-Family Zoned Properties, City of Sausalito.**

41 An amendment of the Zoning Ordinance regarding the standards and regulations  
42 for residences in the Multi-Family (R-2-2.5 and R-3) Zoning Districts. The  
43 proposed regulations would decrease the allowable floor area, building coverage  
44 and impervious surfaces of any single dwelling unit. The total maximum allowable  
45 amount of floor area, building coverage and impervious surface would not be  
46 reduced, but will be required to be distributed among multiple units on the parcel.  
47 The amendment also amends required findings and application submittal  
48 requirements for Design Review Permits and creates exceptions to parking  
49 requirements. The amendment is exempt from the California Environmental  
50

1 Quality Act (CEQA) in accordance with Section 15061.b.3 of the CEQA  
2 Guidelines.

3  
4 The public hearing was opened.

5  
6 Administrative Analyst Schinsing presented a PowerPoint presentation.

7  
8 Planning Commission questions for staff followed.

9  
10 The public testimony period was opened.

11  
12 **Public Comments:**

13 Proponents:

14 Michael Rex

15  
16 Opponents:

17 None.

18  
19 Other:

20 Russ Irwin

21  
22 The public comment period was closed.

23  
24 Planning Commission comments followed.

25  
26 Planning Commission questions for staff followed.

27  
28  
29 **Chair Cox moved and Vice-Chair Werner seconded a motion to adopt the draft**  
30 **resolution recommending City Council approval of the Zoning Ordinance**  
31 **Amendment regarding updated Standards for Multi-Family Zoned Properties with**  
32 **the following amendments:**

- 33
- 34 • Heightened Design Review: Change "exacerbate" to "increase".
  - 35 • 200 Square Foot Floor Area Exclusion: Cannot be combined with subterranean  
36 floor area discount allowed by Section 10.40.040.C. Exclusion is available for  
37 five years (instead of ten years) from the effective date of the ordinance.
  - 38 • Conceptual Site Diagram: Add wording that the diagram does not grant any  
39 rights nor bind any future development of the property.
  - 40 • Purpose and Intent: Amend Item 3 to read, "To implement the goals of the  
41 General Plan with respect to housing in the Two-Family and Multi-Family  
42 Residential Zoning Districts."

43 **The motion passed 5-0.**

44  
45 The public hearing was closed.

46  
47 **Old Business**

48 None.

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**New Business**

None.

**Communications**

- Staff: Community Development Director Graves announced the resignation of Associate Planner Heidi Scoble, his own retirement in late summer – fall 2014, and reviewed items on the Planning Commission’s upcoming meeting agenda.
- Commission: Commissioner Nichols announced the next meeting for the Historical Regulations Committee would be held March 5, 2014.

**Adjournment**

**Vice-Chair Werner moved and Commissioner Nichols seconded a motion to adjourn the meeting.**

**The motion passed 5-0.**

The meeting was adjourned at 8:43 p.m.



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



\_\_\_\_\_  
Approved by  
Joan Cox  
Chair

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