

1 **The motion was approved unanimously without a roll call vote. (Chair Leone**
2 **abstained)**

3
4 **DIRECTOR'S REPORT**

5
6 Community Development Director Paul Kermoyan noted that the monthly building
7 permit report and list of projects reviewed by staff is attached.

8
9 Regarding the status of public safety facilities project, he has been reporting on a
10 meeting-to-meeting basis to the City Council on the status of the project. They are
11 making great progress in terms of moving the project forward and fulfilling the desires of
12 the Council. They have successfully completed their interview process for a project
13 construction manager. They narrowed it down to three candidates and have now
14 selected a candidate and will be going before the Council to get authorization to begin
15 negotiation with the company. They are local and have a lot of experience working with
16 these type of facilities. The lowest bidder was around \$450,000 and all their experience
17 was in school districts and libraries. The highest was in the mid \$600,000. The
18 candidate that will be approached, Swinerton and Associates, is at about the \$590,000
19 range.

20
21 They are also going to be having their first public workshop on May 21, 2005 and the
22 public will be invited to the fire station to review some conceptual designs and solicit
23 some feedback.

24
25 Mr. Kermoyan also reported that the Community Development Department has filled the
26 vacant assistant planner position. Justin Gray has lived in San Francisco for the past
27 three months; he is from Washington, D.C.

28
29 Vice Chair Kellman asked Mr. Kermoyan to clarify her understanding that the City has
30 selected a site and the architect had thought they could put both police and fire on one
31 location and now that's not the case; is that accurate?

32
33 Mr. Kermoyan said there are different possible or potential designs. They are
34 considering putting the facilities on one property but it was made loud and clear that it
35 will not be a combined facility. The suggestion was to either locate both facilities on one
36 parcel or put one on one site and one on the other. But in any case they will be
37 separate. They may share mechanical equipment, such as air conditioning.

38
39 Vice Chair Kellman asked Mr. Kermoyan if he could comment on the not so favorable
40 article in the MarinScope that week on planning fees. She asked what measures the
41 City is taking to address those concerns? She'd also like to hear where enforcement is
42 taking place.

43
44 Mr. Kermoyan said that he left the meeting about 9:30 p.m. the evening that the
45 comments reported in the Scope were made, which was at about 11 pm. He needs to
46 look at those complaints and analyze them; the suggestions by the architectural

1 community were to maybe up the deposit. This is a common theme that he has seen in
2 cities that implement a full-cost recovery system where in essence applicants are
3 submitting deposits from which charges are drawn. It is incumbent on the planning
4 department to monitor that and when they reach a point where they are running out of
5 money to let the applicants know in a timely manner. Some of these complaints had to
6 do with the City's new accounting software where the City is going back and finding that
7 there are many applicants that didn't pay enough and that really is where this is coming
8 from.

9
10 Vice Chair Kellman said she'd like Mr. Kermoyan to look at complaint that the applicant
11 is being charged for time planning staff is spending with neighbors who oppose the
12 project.

13
14 Chair Leone said this discussion was had before the full cost recovery was implemented
15 in the planning department. Perhaps it could be agendized at a later date for a full
16 discussion. It goes both ways. Someone who has worked with their neighbors should
17 not be charged as much as someone who hasn't when as a result their project takes
18 more time to review. He understands the architects' views, but it is a contextual issue.

19
20 Mr. Kermoyan said one of the statements was, "If it's going to cost \$7,000, then let us
21 know." But sometimes you just don't know.

22
23 Chair Leone said there have been some issues with the software program and having to
24 go back and get average costs.

25
26 Commissioner Pettitt asked if the department refunds the difference if the work doesn't
27 reach the amount of deposit?

28
29 Mr. Kermoyan said yes. There are disadvantages of fee schedules as well where you
30 are charged \$5,000 for a design review project and it only costs \$2,000 to process.
31 There are cases under that system where you pay too much. So there are some
32 benefits to full cost recovery.

33
34 Commissioner Pettitt said they went to this specifically because there were some
35 projects from hell that went on forever and everybody else was paying for those
36 projects.

37
38 Chair Leone said also when you have people who employ the strategy of putting the
39 worse thing forward in hopes that they can whittle it down, this process is a deterrent to
40 doing that.

41
42 Regarding enforcement, Mr. Kermoyan said he has been trying to respond to
43 complaints about code violations; the latest complaint was about somebody selling
44 Persian rugs on Bridgeway in the public right of way. He's also been following up on
45 other enforcement matters, including property on Currey Avenue. The owners have
46 actually made the changes. They haven't stained the stamped concrete yet, but they

1 definitely have made the majority of the changes and the neighbors have been pleased
2 with that.

3
4 Vice Chair Kellman asked about the issue with the oven hood and Café de Vino.

5
6 Mr. Kermoyan said the building official visited the restaurant and cited Mr. Dosolini on
7 that issue and gave him a few weeks to respond to the administrative citation.

8
9 Chair Leone noted for the record that the new planning commissioner, Cheryl Bossio,
10 has joined the Commission on the dais. Welcome.

11
12 **CONSENT CONTINUANCES**

- 13
14 **1. 336-338 Sausalito Blvd (VA/DR 04-061)**
15 **Don Olsen & Evan Muney (applicant)/Traeger Family Limited Partner**
16 **(owner)**

17
18 **Architectural and Site Plan review for approval of a Tentative Map and**
19 **Conditional Use for a Condominium Conversion to allow an existing**
20 **two-family residence to be converted into condominiums. A Design Review**
21 **permit is being requested to construct an approximately 767 square-foot**
22 **addition onto the existing structure and to enclose the existing front**
23 **staircase leading to each unit. The proposed project also encompasses**
24 **new decking on the west elevation of the existing structure. Heightened**
25 **Review is required for building coverage and floor area as a result of**
26 **the proposed project. An Encroachment Permit is being requested to**
27 **enclose the existing exterior staircase in front of each unit, which is**
28 **located partially within the public right-of-way on Sausalito Blvd.**

29
30
31 **Chair Leone moved, seconded by Vice Chair Kellman, to continue the application**
32 **to a date certain, April 27, 2005.**

33
34 **The motion was approved unanimously by roll call vote.**

- 35
36 **2. 100 Harrison Avenue (TM/EP 04-045)**
37 **Ken Taub (applicant)/Harrison Ventures LLC (owners)**

38
39 **Minor Subdivision and Encroachment Agreement requested for 100 Harrison**
40 **Avenue. The proposed project involves splitting the existing parcel**
41 **into two lots, removing an existing garage, constructing a two-car**
42 **parking deck within the public right-of-way, and making improvements to**
43 **the property frontage along Harrison Avenue. Continued from March 9,**
44 **2005 for resolution of approval.**

1 Chair Leone moved, seconded by Vice Chair Kellman, to continue the application
2 to April 27, 2005.

3
4 The motion was approved unanimously by roll call vote.

5
6 Chair Leone moved, seconded by Commissioner Pettitt, to amend the motion to
7 continue the application to May 11, 2005.

8
9 The motion was approved unanimously by roll call vote.

10
11 3. 27 Gate 5 Road (DR 04-055)
12 Magnus LeVicki (applicant)/Magnus LeVicki (owner)

13
14 Architectural and Site Plan review to construct an approximately 4,950
15 square foot commercial structure at 27 Gate 5 Road. The proposed use is
16 "Industrial/Arts" involving the research and development of boat
17 propulsion systems and fans. A "Green Roof" with soil, vegetation and
18 an irrigation system on the roof is proposed as part of the proposed
19 project. The proposed structure would replace the existing Building 27
20 on the property, which is to be demolished. Two additional buildings on
21 the site, plus three storage structures and 20 single/10 tandem parking
22 spaces, would remain. Second Review- continued from October 6, 2004.

23
24 Chair Leone, seconded by Vice Chair Kellman, to continue the application to April
25 27, 2005.

26
27 The motion was approved unanimously by roll call vote.

28
29 **NEW BUSINESS**

30
31 4. 526 Easterby Street (DR 04-100)
32 Barbara Brown (applicant/ Erik & Kelley Tiemens (owner)

33
34 Architectural and Site Plan review to construct a new two-story 2,057
35 square foot single-family residence at 526 Easterby Avenue. A new 330
36 square foot detached one-car garage would replace an existing 220 square
37 foot detached one-car garage.

38
39 *(Commissioner Bossio noted with respect to ex parte communications, she did have an*
40 *opportunity to meet with the applicant and architect on this application.)*

41
42 **Staff Report by Community Development Director Paul Kermoyan**

43
44 Mr. Kermoyan reported that the applicant requests a design review permit to construct a
45 new two-story 2,057 square foot single-family residence with a 300 square foot

1 detached one-car garage which would replace an existing 220 square foot detached
2 one-car garage.

3
4 The neighborhood is comprised of one and two family developed parcels with one
5 family being the predominant housing type and the majority of the homes in the
6 immediate neighborhood are two-story. Currently on the property is a 596 square foot
7 one-story single-family residence with a 175 square foot detached one car garage.
8 There are a variety of trees and shrubs, most of which are proposed for preservation.
9 The only tree protected under the municipal code is the Walnut tree. However there is
10 the potential for damage to the trees from the construction so staff is proposing that a
11 protection plan be submitted by the applicant.

12
13 The existing setback is 3 feet; the proposed 5 feet setback will make the side yard
14 setback more conforming. The garage has been designed to accommodate a workshop
15 or extra storage given its larger than normal size. A notch in the southwest corner of the
16 garage has been provided to preserve the walnut tree. An existing wood deck is
17 proposed to be removed as part of the project.

18
19 The subject property is zoned two-family residential, maintaining a single-family
20 residence, which is consistent with the intent of the zoning district. A landscape plan has
21 not been submitted in that the applicant has proposed the preservation of most on site
22 plants. Story poles were installed three weeks prior to the hearing to provide substantial
23 time for the neighbors and the commission to review and assess potential impacts.

24
25 This is a classic neighborhood consisting of turn of the century style structures; it has
26 the grid style of street design that is uncommon in Sausalito where the norm is
27 meandering roads. One of the keys to the success of this design is that the applicant
28 has recognized that the homes in the neighborhood are traditionally designed with gable
29 roofs, bay windows, and front porches. The applicant has incorporated some of the
30 elements into the design to keep with the traditional neighborhood pattern (pointing to
31 drawings). They have included gable roof ends with shed dormers, double hung
32 windows with the garage reading as kind of a carriage unit. One thing that is a little
33 different is the cedar siding, which does exist in the neighborhood, but is not the
34 predominant element, which is clapboard siding. (Mr. Kermoyan referred the
35 Commission to the materials board).

36
37 The home's design is important to establish continuity with the style of homes in the
38 neighborhood but it's not the only consideration. His first question when he saw the plan
39 was why the home wasn't closer to the street. The majority of homes on Easterby are
40 located relatively close to the street and sidewalk. The relationship between structure
41 and street is important in establishing an intimate, safe and appealing neighborhood, a
42 place where people sit on the porch and watch the activity on the street. This
43 relationship is a general planning principle and is referred to as spatial definition, a
44 method used by planners in determining correct relationships of buildings within urban
45 and rural land use districts. You can apply this technique in industrial and commercial
46 neighborhoods as well as residential. There is a relationship between building heights

1 and widths of street, which can be used to determine what is acceptable and what is
2 not. This is a 1 to 6 ratio which is as far as you would want to go before you begin to lose
3 the spatial relationship. A 1 to 3 relationship is better; a 1 to 1 is superior. The tighter the
4 relationship between building height and street, the better sense of place you will
5 achieve. So he analyzed the reasons the house isn't moved forward. The reasons are
6 that there are all types of windows on this side right here (pointing), so the applicant has
7 respected what has existed in that area. So the question is whether it is better to move
8 the building forward or leave it where it is, staff's recommendation is to leave it where it
9 is right now.

10
11 The garage and trellis could be brought forward to frame the street a little better. It is
12 higher than what is there now (pointing), so it will be a larger structure along that side.

13
14 There are potential conflicts with the garage however. This is a traditional carriage door
15 that swings out. Because of its location right on the property line, swinging the doors out
16 may create some pedestrian conflicts. Staff raised concerns regarding that and
17 recommended a condition that would allow garage doors that "roll-up," or some other
18 alternative that won't obstruct pedestrian progress. Another concern is that there may
19 be safety concerns; staff would suggest integrating some windows along the side that
20 will allow the motorist to see through the garage to anyone who may be walking on the
21 sidewalk. The other alternative is to move the garage back, as it is now, it is possible to
22 park a car in the driveway, which would render the sidewalk useless.

23
24 Commissioner Pettitt asked if the fact that the City has a zero front lot line in its code
25 tends to promote this sort of garage design right on the lot line. There are a lot of these
26 situations in Sausalito.

27
28 Mr. Kermoyan said the standards are created generally to be applied on a case-by-case
29 basis and a zero foot front lot setback may not apply to all cases.

30
31 Commissioner Pettitt said it has been his experience that the parking enforcement
32 people are really good about citing people who park on the sidewalk.

33
34 Mr. Kermoyan said another issue is privacy. This is the house to the south (pointing);
35 the setback relative to the house to the north is not of as much a concern. There is a
36 sufficient amount of vegetation there for screening. However, there are potential
37 impacts to this property that could be created by these three windows. This window is in
38 a bathroom above a bathtub, the likelihood of somebody standing there and looking out
39 is very low; this window is at a landing of the stairway going to the second level, it's not
40 a high use room, the privacy impact from there is relatively low. This is a bedroom
41 window; the likelihood of privacy impacts is a little bit greater. If the commission is
42 concerned about this window there are ways to mitigate that, either by making the
43 glazing opaque or obscure or redesigning it, making it a clerestory or transom window.
44 He has checked with the building inspector and confirmed those types of windows
45 would not violate the egress standards under the Uniform Building Code requirements
46 in this situation.

1
2 Commissioner Pettitt asked if the neighbor has expressed a concern about privacy?

3
4 Mr. Kermoyan said no.

5
6 Chair Leone asked isn't this set back so it won't be directly across from the neighbor
7 from the south?

8
9 Mr. Kermoyan said that's right, staff doesn't feel it is an issue, they had to identify and
10 analyze potentials for privacy impacts, but the impact is minimal. If the Commission
11 feels it is of concern, staff has provided an option.

12
13 Views are one of the larger issues. The applicant has worked to mitigate impacts on
14 views. The location of the home is an attempt to preserve the views of this neighbor
15 (pointing); the roofline is lowered here to open up the view here (pointing). The strange
16 thing is that if this home was built in the era of all the other homes there wouldn't be an
17 issue because these properties would be looking through rear yards. The fact that the
18 home is pushed back creates these issues. The applicant lowered the roof to open the
19 views, but there are still some concerns with the property on Pearl Street.

20
21 The lot width of that property is much narrower than the subject property and the home
22 is relatively narrow. This is the only window on this side and from the deck you look at
23 this beautiful view here. The ridgeline does obstruct some view as you walk back. Staff
24 has recommended that the applicant remove a foot, drop it down to be consistent with
25 the roofline.

26
27 Vice Chair Kellman said this design reflects the applicant's attempts to mitigate the view
28 concerns. How much has the applicant lowered it?

29
30 Mr. Kermoyan said that's a question the architect will have to answer. Some of these
31 questions may have come up after the story poles were installed. If this were lowered
32 (pointing), staff could recommend approval of this. If this is lowered, it could undermine
33 the architectural intent of the design, so staff has provided an example of lowering the
34 building a foot, they are going to have to grade and cut in anyway, so they could scrap a
35 little more and lower the whole building.

36
37 Vice Chair Kellman said that's a lot of additional grading.

38
39 Commissioner Keller asked if there is a problem with drainage?

40
41 Mr. Kermoyan said they don't have the grading plan yet that will show the drainage; it is
42 included in the conditions of approval.

43
44 Commissioner Pettitt said maybe he is missing something. Mr. Kermoyan is saying staff
45 is recommending approval if they bring the roof down but he doesn't see anything in the

1 draft resolution that says bring the roof down more. Is this a change since the staff
2 report was prepared? There it is, it is Item 4.

3
4 Vice Chair Kellman said on that same topic, if they don't have a grading plan, could the
5 commission approve it based on their providing a grading plan? Would they have to see
6 the grading plan?

7
8 Mr. Kermoyan said that's something that could be deferred to staff. In comparison to
9 other projects that have been before the commission, this is scraping.

10
11 Commissioner Bossio asked if Mr. Kermoyan could elaborate on the pros and cons of
12 lowering the roof versus the additional grading?

13
14 Mr. Kermoyan pointed to the drawings to demonstrate how the look would change with
15 lowering the roof; this look will be much flatter than it is, interrupting the rhythm. There is
16 a wall here; the grading would just be another foot –

17
18 VCK said if they just do it for the footprint, wouldn't they be digging themselves into a
19 hole?

20
21 Mr. Kermoyan said please be aware staff has worked in many hillside communities and
22 that by cutting this down a foot and achieving positive drainage, it can be done. It's not
23 out of the ordinary.

24
25 Vice Chair Kellman said she doesn't doubt that it is possible; she is asking conceptually
26 if they dig out the footprint, do you have to grade the entire lot?

27
28 Mr. Kermoyan explained the design includes a crawl space, which can be adjusted. The
29 grading they are talking about is minimal.

30
31 Commissioner Bossio asked if it would affect the Walnut tree and the area in the front of
32 the house.

33
34 Mr. Kermoyan said the drainage would be adjusted; it can work. So staff's
35 recommendation for the grading plan is in the resolution, and of course the commission
36 can disagree.

37
38 Another issue has to do with increased setback. The City has a standard that if the
39 longest length of a structure extends over 40 feet then the side setbacks need to be
40 increased. The City has interpreted that standard in the past so that this setback
41 (pointing) needs to be increased a foot over five feet for every 40. Staff's interpretation
42 is that that applying that standard doesn't make sense in this case. Even though the
43 building is 55 feet at its longest dimensions, those dimensions are set back 6 feet here
44 and 7 feet here. The applicant has proposed that as currently designed it meets the
45 intent of the code. Staff agrees with that interpretation and would ask the commission
46 for input on that approach.

1
2 Chair Leone said he agrees this needs to be clarified, but rather than get deep into this
3 discussion relative to how it should be applied Citywide that evening, they can agendaize
4 it for a future meeting. The zoning code is going to be reviewed and this can be included
5 in that review. The full discussion needs to be had when the public, particularly
6 architects, can be notified and come in and give input.
7

8 Mr. Kermoyan said that's fine. He would just add for the record, that in staff's view, this
9 project meets the intent of the code section under discussion.
10

11 This structure is over 50 years of age. It was reviewed by the Historic Landmarks Board
12 and the Board found no issue relative to historical significance and there are no
13 conditions relative to HLB's review.
14

15 Staff has included General Plan consistency findings in its report; the project has been
16 identified as being categorically exempt under CEQA. Staff recommends adoption of the
17 attached draft resolution including the condition that they address the view issue. In
18 addition, staff does recommend that the garage door be designed to roll up and not
19 swing out.
20

21 Commissioner Pettitt noted that the City is a half owner of the property affected by this
22 project; is that the City's position, that the City is okay with the design? Is the City taking
23 a position, that the City is okay with it?
24

25 Mr. Kermoyan said it's not a conflict; it's the same as if the City was presenting a project
26 for a new ballpark.
27

28 Commissioner Pettitt said he understands, but where you have a property owned by two
29 people and one is objecting and the other, the City in this case, is recommending
30 approval --
31

32 Mr. Kermoyan said the City Manager has deliberately stayed out of this. He has
33 discussed the process with the City Attorney and she doesn't have any concerns.
34

35 Commissioner Bossio said she has a concern about the safety of the pedestrian aspect
36 of the garage. It's a blind pull out, regardless of how the doors swing out.
37

38 Mr. Kermoyan said that's why the staff recommended putting windows in the garage to
39 improve the sight lines.
40

41 Commissioner Keller asked what the extra room in the garage would be used for.
42

43 Mr. Kermoyan said the applicant can explain further, but he understands they want to
44 store kayaks, etc., as well as the applicant is an artist and would use the space as a
45 workshop.
46

1 Chair Leone asked the City Engineer if there is any loss of public parking in
2 accommodating the new curb cut?

3
4 City Engineer Paul Klassen said it doesn't look like there is any change in the amount of
5 parking.

6
7 Mr. Kermoyan suggested Mr. Klassen could comment on the grading plan condition
8 while he is at the microphone.

9
10 Mr. Klassen said that is a requirement he agrees with.

11
12 **Presentation by Applicant Architect Barbara Brown**

13
14 Ms. Brown said she doesn't have a lot to add to the excellent report by Mr. Kermoyan. It
15 was a challenging site in terms of protecting the views of the neighbors. Some of the
16 neighbors are present, including the next-door neighbor and another neighbor, City
17 Manager Dana Whitson. One of the challenges is that it is a relatively flat site – they are
18 grading about 120 cubic yards, which is relatively minor, but the building official
19 cautioned that the water table is very shallow in this area, so that presented some
20 challenges. They don't want to excavate too much. They don't want to do a slab. There
21 are a lot of problems with slab in this kind of soggy soil. Budget considerations relative
22 to extra excavation and the waterproofing that would be required are a concern.

23
24 Vice Chair Kellman asked if she had a hydrologist report?

25
26 Ms. Brown said no, but she knows that the building permit conditions include a
27 requirement for a hydrologist report. Right now they are going from the experience of
28 people who have worked and lived in the neighborhood.

29
30 If they do need to lower the building – and she hopes they won't because they have
31 worked diligently to mitigate views without lowering it any more– they would hope that
32 the City would allow them to redesign to lower the building on their own without specific
33 direction from the City.

34
35 Commissioner Bossio asked about the choice of cedar siding. She thinks the design is
36 brilliant, but she is curious why they deviated from the classic turn of the century
37 clapboard to the cedar siding, which is not predominant in the neighborhood.

38
39 Ms. Brown said the applicants went back and forth; they ultimately expressed a
40 preference for the cedar siding and the white trim, similar to the Whitsons' house, but
41 they have still expressed a little ambivalence about the cedar versus clapboard.

42
43 Regarding the garage, the roll up doors could affect the applicant's ability to store boats
44 in the upper portion of the garage, but they will work with the commission and staff to
45 come up with some system that doesn't create the problems mentioned.

1 Vice Chair Kellman noted that if the doors swing out, it could serve as notice to anyone
2 who is walking down the sidewalk, alleviating the safety issue. When the doors are
3 open, people will know someone is getting ready to pull out.

4
5 Chair Leone said the majority or a good portion of the garages in Sausalito are on the
6 property line, so the fact that your cars are pulling out at the property line is not
7 uncommon in Sausalito. The door issue is different.

8
9 Ms. Brown said it's not that busy as a street. They would rather not add windows, but if
10 the City requests that, they'll accommodate them.

11
12 Ms. Brown continued. They have done extensive neighborhood outreach. They started
13 the outreach process in the fall of 2003 to identify the issues before they even had a
14 design. They realized early on it wasn't going to work to add to the existing building
15 although that was the applicant's original plan. They tried a staggered roof plan, but
16 ended up being very complicated and just didn't make sense.

17
18 Ms. Brown thanked the neighbors for their cooperation and courtesy throughout the
19 design process. They worked extensively with the neighbors and installed early story
20 poles to provide as much information throughout the process as possible. She pointed
21 to the drawings to demonstrate the design process and the adjustments that have been
22 made to roof heights, plate heights and design to eventually lower the building two feet
23 all the way across. After additional meetings with neighbors, they lowered the back part
24 of the building to improve view corridors (pointing to photo composite). They eventually
25 lowered the building 3'4" in the back and 2 feet in the front. The building in combination
26 is five feet higher than the existing building in the front and 3'8" higher than the existing
27 building in the back. Kent Whitson originally said the only thing they could accept was
28 something three to four feet higher than the existing building, so the design meets that
29 request. Additionally, they worked hard to make the building appealing without just
30 chopping the roof off.

31
32 Chair Leone asked if this is the plan the applicant wants approved?

33
34 Ms. Brown said if the Commission wants the roof lowered, they would prefer to be
35 allowed to come up with a compromise design; but they are hoping the present design
36 is approvable as presented. She is not the kind of architect that comes in with
37 something and starts horse-trading. She comes in with a solution that she feels works,
38 which is what she has done in this case. She would hate to be sent back to the office to
39 play that game.

40
41 Chair Leone asked if Ms. Brown wanted to comment on the windows on the side
42 mentioned by Mr. Kermoyan?

43
44 Ms. Brown said the neighbors who face those windows are present and if they have a
45 problem with the windows, they can work on that. She added that the crawl space is 18
46 inches.

1
2 Chair Leone asked what made her decide to keep the solid enclosure around the deck?

3
4 Ms. Brown said it is only solid on this (pointing) side for the roof to run into it. It is open
5 railing here (pointing) and here (pointing). Some of the drawings in the slide
6 presentation are a little misleading; the drawings the commission got from the office are
7 correct.

8
9 Commissioner Bossio thanked Ms. Brown for the consensus building. She however was
10 surprised that there is more impact on the Whitsons' views than she expected. She
11 thinks there is a relatively significant view impact there. She'd like to hear more about
12 the concerns about drainage relative to grading down the site to lower the house, in
13 whatever way affects the design the least.

14
15 Ms. Brown said they kept the design below the Whitsons' railing. So when you sit down
16 you don't see any of the story poles above the railing, which they consider acceptable.
17 The railing is an obstruction unto itself. This (pointing) is a construction drawing; this is
18 not what you would see. This tree and trellis will be here (pointing); it's not a big wall, as
19 it appears to be in the drawings.

20
21 Chair Leone asked how far away the Whitsons' house is from this house?

22
23 Ms. Brown said she would estimate 80 to 90 feet.

24
25 (The Commission examined the assessor's map.)

26
27 Ms. Brown added that when they met with the Whitsons recently they said they hoped
28 they would keep a view corridor open between the yucca tree and the industrial roofs
29 and that is exactly what they did. She does understand that sometimes new opinions
30 are formed when story poles go up.

31
32 Chair Leone asked if she has a problem with submitting a landscape plan?

33
34 Ms. Brown said that's fine, this is a mature site with existing landscaping that they want
35 to preserve, but they can provide a landscaping plan.

36
37 **Public Comment**

38
39 **Rick Mayo** and his wife are the immediate neighbors to the west. He commended Eric
40 and Kelly for the outreach they did. They are very happy with the design. Their only
41 concern is the windows immediately facing their house. The window in the stairway and
42 in the bedroom.

43
44 Chair Leone said doesn't the existing home have windows in the same area looking in
45 the same area?

1 Mr. Mayo said the new bedroom window would look right down on them; if they ever
2 extend their house, this window would look right into their bedroom. Other than that,
3 they are very pleased; they really feel the applicants have gone the extra mile to fit into
4 the neighborhood.

5
6 **Dana Whitson** lives at 18 Pearl Street. She had not intended to speak at the hearing
7 but her husband is out of town. She is speaking as a private citizen and after
8 researching the legal guidelines for her participation, she has recused herself from any
9 participation in her role as City Manager. She echoed the comments thanking the
10 Tiemans for their cooperation and the architect for her hard work in mitigating impacts
11 on the neighborhood. One thing she didn't appreciate until the story poles went up was
12 that views are a moving target, depending on the time of day, the time of year, or the
13 weather for example. Her primary view is from standing in the kitchen and that's where
14 the one foot additional lowering of the roof that staff has recommended would help. She
15 pointed out that the Thomas' house, the blue house, and the house on the other side,
16 both have sort of flat roof pitches. She totally concurs with Ms. Brown's suggestion that
17 if the roof is to be lowered any more that the commission give her the latitude to work
18 that out, she is sure that the architect is capable of coming up with something.

19
20 Commissioner Pettitt said just to be clear, if it were to come down one more foot, the
21 Whitsons would be happy with it?

22
23 Ms. Whitson said yes, definitely. It's just the foot in that one segment. The rear segment
24 is fine. She appreciates all the work that has already been done but it's just hard to tell
25 the exact impacts until the story poles go up.

26
27 **Kevin Christie** has a house at 36 Marie Street. He looks square into their yard. He
28 really likes this design. He met Eric two years ago when he was painting a house up on
29 Bonita; Mr. Tieman has a lot of appreciation for the architecture in the City and for this
30 neighborhood. He applauds the design, it's beautiful. He knows the Tiemens want to
31 have a family; it's a great neighborhood to raise a family.

32 Comments by Applicant

33
34
35 Eric Tieman thanked everyone for their time. They have had numerous visits with the
36 neighbors, taken tons of photos and really worked in a collaborative process. They feel
37 they've done a good job of listening to the neighbors. He pointed out the definition of a
38 view in the City's code and that it specifically states it does not mean an unobstructed
39 panoramic view. They have put a lot of energy in this; they are very pleased with Ms.
40 Brown's diligence. He recalled talking to Ms. Whitson and he recalls that Ms. Whitson
41 said after the story poles were up that the view impacts were acceptable from the
42 kitchen. So he was a little surprised to hear that evening that there is a concern about
43 that view. The bottom line is we all love Sausalito and it is up to the commission to
44 decide what's fair.

45 Commission Discussion

1
2 Vice Chair Kellman summarized the issues: Views, garage, side yard setback, design,
3 materials and windows. It would be helpful to talk about views of what and from where.
4 She thanked staff for a truly tremendous staff report.

5
6 Commission Bossio noted that she has been dealing with views in her tenure on the
7 Trees and Views Committee. Her concern is with the first roof's effect on primary view.
8 She feels that the primary view is affected in a not insubstantial way. Lowering it would
9 have a beneficial result for the uphill neighbor.

10
11 Chair Leone said the code doesn't guarantee anyone an unobstructed view. The extent
12 of obstruction is what the commission must reckon with here. In his personal opinion,
13 from having visited the Whitsons' house, and sat in various places in the house, he
14 grants that the view will be changed, but in the grand scheme of the type of view
15 impacts that the Commission normally sees, it is a minimal effect. His take is that it
16 creates a little bit of a disconnect between the shoreline and the water, which can be
17 meaningful, but in the grand scheme of things, it is not something protected by the
18 zoning ordinance. The zoning ordinance is meant to protect people losing significant
19 amount of view. The applicant has sought to minimize view impacts for a variety of
20 folks. He doesn't know if lowering it one foot is going to change the view impacts a great
21 deal.

22
23 Commissioner Keller agreed with Chair Leone. He has spent time with the applicant and
24 architect and with the Whitsons at their home, both on a site visit and on prior social
25 occasions. He took the time to stand in the kitchen, sit outside, sit on the soft, sit at the
26 dining room table, and by and large that length of roof cuts off the view of another roof
27 in the final analysis. He finds that the railing is more of a view impediment than the
28 roofline being proposed. If they lowered it, the improvement is going to be minimal at
29 best. From his perspective, talking just about the view issue, he has no problems with
30 the roofline. The design is excellent. The applicant and architect have made numerous
31 attempts to address this view issue and the solution they have come up with is credible.

32
33 Commissioner Pettitt said he agrees with the setback interpretation by staff. He doesn't
34 have a problem with the garage being where it is. It is consistent with the way things are
35 done in Sausalito. So he's happy with the door swinging out and with it as it is designed.
36 He thinks the materials are fine. You could take matching the materials to all the
37 adjacent houses too far, and this house strikes a really nice balance between the
38 themes of adjacent properties but is still not a cookie cutter copy. It incorporates some
39 very clever solutions to some very difficult design problems. He likes the design of the
40 garage, particularly because it includes room for storage as well as parking cars in
41 them. The view is an interesting issue. He went into the Whitsons' house expecting
42 there to not be a major view impact. There is clearly a view impact. So he had to look at
43 the balances. For him, there are a number of issues that balance this out. One is
44 looking at this from a design review board perspective as well as planning commission
45 perspective. To ask them to take the roof down will compromise the design. The point
46 about the railing is a very strong one. He noticed that when he sat down in the

1 Whitsons' house, the railing obstructed the view. In balance, he comes down in favor of
2 approving the design as presented.

3
4 Vice Chair Kellman said she is so thankful that this architect is not trying to chip away.
5 Ms. Brown consistently brings in projects that are complete and made the adjustments
6 prior to bringing it to the commission. It is a balancing issue and when she balances it
7 with the architectural integrity of the structure, she can approve the project as
8 submitted. One thing no one has touched on is the window, apparently it is to the south,
9 uphill, and she can tell that the design took its impact into consideration. Given the fact
10 that the structure has been located far enough back so as to not have significant
11 impacts on the uphill neighbor, it's okay to have that window there and she wouldn't ask
12 them to change it.

13
14 Chair Leone said the materials are fine. It fits in with the design in Sausalito. In terms of
15 the garage, he doesn't want this to create a desire going forward to make garages as
16 big as you want so you can have storage because then you get into a canyon effect. But
17 given the width of the street here and the fact that, as Commissioner Pettitt pointed out,
18 this is an offset to actually use your garage for storage and for a specific purpose for a
19 workshop and there is no impact on the uphill neighbor, he doesn't have a problem with
20 the garage in this particular circumstance. The windows are small and they are not
21 immediately looking into a neighbor's house. He understands the neighbor's concern
22 about when they design their house, but perhaps they can design so the windows don't
23 look into each other. It's a good suggestion to have a landscaping plan; in terms of the
24 setbacks, if staff could craft some "whereas" language to note that because of some of
25 the solutions they have put forward to accommodate that setback in different creative
26 ways, that it can be an approvable concept and they don't have to comply with the
27 setback on that side.

28
29 That being said, the design would look like a shed with the single roof height going all
30 the way across which would be less satisfying over the long run although he can
31 understand that the Whitsons' will lose some view. But this will be much more pleasing
32 to look at than a shed roof.

33
34 Commissioner Keller thanked the architect and applicants for doing an exceptionally
35 good job. They make the commission's job much less frustrating and make it a lot
36 easier on staff to evaluate these projects when the architect and applicant don't try to
37 stuff something into a lot. He hopes to see the architect before the commission more
38 often.

39
40 Vice Chair Kellman said with regard to Condition No. 4, this is such a tight
41 neighborhood, she would hate to have construction going on until 7 pm; she thinks 5 pm
42 is much more reasonable.

43
44 Chair Leone said he agrees in general, but this is something else that should be looked
45 at in the larger context. The condition says pursuant to ordinance 1143. It should just be
46 revisited.

1
2 Commissioner Pettitt said when they revisit it, they should ask if the police department
3 is getting complaints about enforcing this.

4
5 **Commissioner Pettitt moved, seconded by Commissioner Keller, to adopt the**
6 **draft resolution of approval with the following changes:**
7

- 8 • **That the whereas clause in relation to lowering the roof be edited to end at**
9 **“the structure minimizes obstructions to primary views.” And the rest of**
10 **the clause is deleted.**
- 11
- 12 • **That design review finding No. 4 be amended with the same intent to say**
13 **that it minimizes view obstructions and delete the language regarding**
14 **lowering the roof.**
- 15
- 16 • **The same language shows up in conditions of approval 12 so that also**
17 **needs to be deleted.**
- 18
- 19 • **An additional whereas clause that says “whereas the proposed design**
20 **creates greater setbacks on its north side as well as creates south side**
21 **(verify direction) setback relief as well as minimizes view and light air**
22 **impacts for its immediate neighbors.”**

23
24 *(Mr. Kermoyan suggested adding “Whereas the project’s main building incorporates*
25 *unique site articulations to break out the horizontal massing of the south elevation to*
26 *comply with the intent of SMC Section 10.40.070,” to the language proposed.)*
27

- 28 • **Finding No. 4 should read “the proposed residence which has the tallest**
29 **portion of the overall development ... is set back a considerable distance,**
30 **approximately 45 feet, which will not have the ability to impact public**
31 **views,” and then where it begins with “because,” strike all of that, and add**
32 **that the project was redesigned sufficiently to minimize view obstruction**
33 **concerns.**

34
35 **ROLL CALL**

36
37 **AYES: Commissioners Keller, Bossio, and Pettitt;**
38 **Vice Chair Kellman; Chair Leone**

39 **NOES: None.**

40
41 *(Recess)*

42
43 **5. 640 Sausalito Blvd (NC 05-103)**
44 **Michael Froehlich (applicant)/Terrence Irwin & Michael Fisher (owner)**
45

1 **Architectural and Site Plan review for Nonconformity and Encroachment Permits**
2 **for renovations to the home at 640 Sausalito Boulevard. The proposed**
3 **renovations include converting the existing two-family structure to a single-family**
4 **home and making interior and exterior improvements to the primary residence**
5 **and exterior modifications to the detached garage with studio apartment above.**
6 **The project requires a Nonconformity Permit due to structural modifications to a**
7 **non-conforming use. An Encroachment Permit is required for improvements**
8 **within the Sausalito Boulevard public right-of-way.**
9

10
11 **Staff Report by Assistant Planner Ben Noble**
12

13 Mr. Noble reported that the applicant has requested approval of a nonconformity and
14 encroachment permit for renovations to the home at 640 Sausalito Boulevard. The
15 renovations include converting the existing two-family structure to a single-family home
16 and making interior and exterior improvements to the primary residence and exterior
17 modifications to the detached garage with studio apartment above. The project requires
18 a nonconformity permit due to modifications to a nonconforming use and structure. An
19 encroachment permit is required for improvements within the Sausalito Boulevard public
20 right of way.
21

22 The area consists of single-family and multi-family homes, many on steeply sloping lots.
23 The site is a roughly 10,000 square foot wedge-shaped parcel located at the
24 intersection of Sausalito Boulevard and Sunshine Avenue. The parcel slopes downhill
25 from Sausalito Boulevard with grades averaging 20 percent. A legal nonconforming
26 duplex is located on the site and a detached three-car garage with a studio apartment
27 above. The intent of the changes is to restore the home closer to its original design. The
28 primary home was constructed in 1901 in the Queen Anne Victorian style and is
29 featured in the book, *Sausalito: Moments in Time*. The house will be reoriented to its
30 original orientation on Sunshine Avenue. The iron fence will be restored. Since its
31 construction the structure has had at least two remodels, both of which have negatively
32 impacted the historical integrity of the home. Also on the site is a concrete retaining wall
33 and iron fence along the Sunshine Avenue frontage and nine protected heritage trees.
34

35 The existing 640 Sausalito Boulevard property is considered both a nonconforming use
36 (three units in a single family district) and a nonconforming structure (an FAR of .51 in a
37 district allowing a maximum FAR of .45). The Zoning Ordinance allows modifications to
38 nonconforming structures and uses only with the issuance of a nonconformity permit.
39 The general purpose of a nonconformity permit is to ensure that modifications to
40 nonconforming structures and uses do not create or perpetuate negative impacts on
41 surrounding properties and the immediate neighborhood. To approve a nonconformity
42 permit the Planning Commission must make seven findings described in the
43 nonconformity permit criteria section in the staff report. Staff believes that a
44 nonconformity permit can be approved for the proposed project. The project would
45 provide tangible public benefits and would not negatively impact adjacent properties or
46 the immediate neighborhood.

1
2 The project as submitted involves the removal of three protected trees; a young coastal
3 live oak and two giant dracaenas. The planning commission must grant specific
4 approval to authorize the removal of these trees. Criteria to grant or deny the removal of
5 a protected tree are established in SMC section 11.12.030-B. It is staff's opinion that the
6 removal of these trees is justified, based on the findings of the attached project arborist
7 report. The Planning Commission should consider if the removal of the trees can be
8 approved or if the proposed project should be modified to preserve all or any of the
9 protected trees.

10
11 Staff recommends approval of the nonconforming and encroachment permits.

12
13 Chair Leone noted that the structure is on the City's noteworthy structure's list.

14
15 **Presentation by Applicant Architect Michael Froehlich**

16
17 Mr. Froehlich referred the Commission to the drawings in the packet and explained the
18 changes to the houses, previously recited by Mr. Noble. It is an attempt to restore the
19 house to improved conditions; the owner has met with the Historic Landmarks Board
20 five or six times and made changes based on the Board's recommendations. The
21 encroachment permit is to provide access from the house to Sausalito Boulevard.
22 Relative to the landscaping, it is a jungle out there and they just want to improve on that.
23 Other than that it is largely interior improvements.

24
25 Chair Leone asked if there was a plan to finish the floor underneath the structure?

26
27 Mr. Froehlich said no, they will fix up the underpinnings but there are no proposed
28 improvements otherwise.

29
30 Chair Leone asked Mr. Froehlich to point out the trees to be removed. He has read the
31 arborist report.

32
33 Mr. Froehlich pointed to the trees on the drawings.

34
35 Chair Leone asked if the applicant would be willing to replace the oak being removed
36 with another oak?

37
38 Mr. Froehlich said he is not the landscape architect but he is sure that can be done.

39
40 Chair Leone asked for clarification of parking in the area.

41
42 Mr. Froehlich said after discussions with the City Engineer and the neighbors, they have
43 agreed to make the quasi-parking space into a full parking space.

44
45 **Public Comment**

1 **Peter Wardell** and his wife live at 652 Sausalito Boulevard, which is to the north of the
2 subject property. They have met with Mike Fisher and Terry Irwin and are very excited
3 about their desire to restore this property to what it was like approximately 100 years
4 ago. They have one concern. Their house is about four feet away from the second unit
5 building. They have a balcony with a large deck that sits below that unit and when they
6 are sitting on their deck eating breakfast, they will be very close to the people sitting in
7 the living room. During the years they have lived there, there has always been a privacy
8 screen of Bay trees and they have asked the applicants to please maintain that privacy
9 screen and the applicants have agreed. The trees are virtually on the property line. He
10 is just speaking that night to let his desire be known.

11
12 Chair Leone asked if the Bay trees are called out on the plans?
13

14 Mr. Froehlich said he's not sure, but he is aware of the conversations with the Wardells
15 and they have no problem accommodating them. There is extensive landscaping being
16 proposed and the trees will stay or be replaced – either way.
17

18 Chair Leone asked if the trees are called to be cut down?
19

20 Mr. Froehlich said he does not know.
21

22 (The Commission looked at the plans with the architect to identify the specific trees.)
23

24 **Comments by Applicant/Property Owner**

25
26 Terry Irwin is the owner of 640 Sausalito Boulevard and the Bay trees are scheduled for
27 removal; the landscape architect has looked at every aspect of the project but the trees
28 are of a very small diameter, probably about 3 inches, but there is a grouping of them.
29 They are all bushy at the top but sparse at the bottom, so it is not very attractive from
30 his side. What he would like to do is come up with a middle ground where they could
31 remove some of them and add some other screening. They do want to work with the
32 Wardells, they don't want to just cut them down.
33

34 Chair Leone said the Commission prefers that the applicant work it out with staff and the
35 neighbors.
36

37 Mr. Irwin said they could just leave the Bay trees in.
38

39 Chair Leone said they could make a private agreement; it's not necessarily something
40 the Commission has to broker.
41

42 Mr. Irwin said there are some Bay trees as you come down the steps that they do want
43 to remove but they certainly will keep the ones that screen Mr. Wardell's terrace.
44

45 Chair Leone said they would leave it to the applicant to submit something to staff for the
46 record regarding preserving that screening.

1
2 **Commission Discussion**
3

4 Chair Leone said he actually looked at this house to buy. He is very happy that the
5 applicant is proposing to restore this house. It is a great example of Sausalito
6 architecture; it is a great house and he is happy that somebody is taking stock in
7 restoring Sausalito. Best of luck.
8

9 Vice Chair Kellman noted for the record that this has been an area that has been
10 problematic for encroachments, which ordinarily would be a concern to her, but given
11 the existing structure and the proposed efforts toward restoration, the trade off is
12 warranted. It also keeps an additional unit on the property.
13

14 Chair Leone added that the parking has been addressed with the additional parking on
15 Sunshine.
16

17 Commissioner Pettitt noted for the record that the project actually reduces the
18 nonconformity and brings it into greater conformity with the parking requirements as well
19 as restores its architectural integrity, all of which makes it approvable.
20

21 Mr. Noble suggested adding a Condition that references the arborist report to document
22 the existing trees on the site. "Construction guidelines for protected trees as identified in
23 the project arborist report dated March 7, 2005, shall be implemented during
24 construction to ensure minimal disturbance to and damage of trees located on the
25 project site."
26

27 Chair Leone agreed that would be added as a condition of approval. He also suggested
28 that the language regarding the timelines for grading needs to be looked at in a larger
29 context to make it consistent.
30

31 He also added a whereas clause that "Whereas the planning commission finds that
32 consistent with the zoning ordinance the project promotes the conservation and
33 preservation of a noteworthy structure."
34

35 He added that since the updated landscape report will reference the arborist report that
36 the revised plan will address the issue of the Bay trees and that the protected oak that is
37 being removed be replaced by an oak somewhere on the property.
38

39 **Chair Leone moved, seconded by Commissioner Pettitt, to adopt the draft**
40 **resolution of approval with the amendments made on the record.**
41

42
43 **ROLL CALL**
44

45 **AYES: Commissioners Keller, Pettitt;**
46 **Vice Chair Kellman; Chair Leone**

1 **NOES:** **None.**
2 **ABSTAIN:** **Commissioner Bossio.**

3
4
5
6
7
8
9

The Commission asked if the person who missed public comment wanted to make his comment before the Commission adjourned.

Public Comment

10 **Eben Gossage** is the owner of Zack’s Incorporated, dba Sausalito Marine. He spoke on
11 issues involving the redevelopment and expansion of Sausalito Marine, a process that
12 has gone on for over seven and a half years. He has received a bill, after paying more
13 than \$230,000 to the City, of \$51,000 which includes \$9,000 to the prior Planning
14 Director, Mr. Buckley; \$9,000 to City Attorney Mary Wagner, \$8,000 for copying costs,
15 \$3,500 for the note taker, whom he doesn’t see here anymore. He would propose that
16 the article in the MarinScope about problems with fees has a basis to it.

17
18 Vice Chair Kellman noted that she brought this issue up at the beginning of the meeting
19 before Mr. Gossage arrived and the Community Development Director has pledged to
20 look into the issue in light of the article and in light of her questions and to come back at
21 a later meeting date to speak to the issue.

22
23 Mr. Gossage said he has been told by Ms. Wagner that he may not continue his
24 processing after the August hearing which was so negative, 50 people spoke against
25 his project. His representative, Joe Ronco, said he has never been to a worse hearing.
26 They were then billed \$21,000, which they can’t make any sense of. They have filed a
27 lawsuit against the City, which the city should be receiving the next day. They have now
28 been told the city will not process his application for expansion until they pay the
29 \$21,000. He believes that there are \$60,000 to \$70,000 in overcharges.

30
31 He also commented on the lease on Humbolt Street. The City has leased the street in
32 front of his warehouse and Mr. Groneman has turned it into a junkyard. He has asked
33 the Council to cancel the lease. He has a 100-foot long warehouse and the lease with
34 Groneman blocks 70 feet of it. The Council – or maybe it was the Commission –

35
36 Chair Leone noted that it was the Council, The Commission would not be involved in
37 these decisions.

38
39 Mr. Gossage continued. He has now filled a lawsuit against the City regarding the
40 continuation of that lease. He suggested that anyone who found themselves in this
41 situation, with the street in front of their property, leased out, they would have done the
42 same thing. Councilmember Albritton said they did not cancel the lease because they
43 did not know that there was a lawsuit being filed against the City. They have many
44 cases on point on this, that you can’t put a junkyard in front of somebody’s house.

45

1 Chair Leone asked if Mr. Gossage's point is that the city should not be leasing or giving
2 rights to use city streets for other purposes than parking cars, or is his point that it is not
3 being maintained in the right way?
4

5 Mr. Gossage said his point is that it should not be leased out in a way that creates a
6 nuisance for the commercial property owner next to it.
7

8 His third point is that Commissioners Leone, Keller and Pettitt are aware of the history
9 of the Sausalito Marine project. He has spent \$1.3 million processing this application.
10 There was a point where they had an agreement where they were going to sell the
11 property at two-thirds' of its appraised value. He found the money for the city to buy the
12 park. (Part of Mr. Gossage's comments were inaudible.) There was \$4.5 million and
13 then in the August 2004 hearing, 50 people spoke against the project. Now he has had
14 to sell the part of the peninsula that was going to be the park and the new owner is
15 going to build a project, he's not sure what it is. The other side on the waterfront is going
16 to be a parking lot. So the city has lost its park. The city has zoned his property for
17 marinas. Every agency in the state and federal government has supported his project.
18 Seven and a half years, \$1.3 million on this application. Now the city has lost the park,
19 he doesn't have his expanded marina. So he has retained lawyers to – BCDC will his
20 primary witness, who as the Commission knows are not pro-development people. One
21 new Councilmember apologized to him before he took office – the prior planning
22 director –
23

24 Chair Leone said he understands Mr. Gossage's position. He knows it has been a long
25 process and frustrating for Mr. Gossage. But he would ask Mr. Gossage to wrap it up.
26 He understands he's venting a little bit.
27

28 Mr. Gossage continued. He has information that Mr. Buckley talked to people after he
29 left and said he was against the project from the beginning and he's supposed to be
30 neutral.
31

32 Chair Leone said he understands Mr. Gossage's frustrations. He's not agreeing or
33 disagreeing, but he understands he is frustrated.
34

35 Commissioner Pettitt explained that under the Brown Act the Commission can't
36 comment or engage in a discussion on matters that are not on the agenda. He
37 suggested that the City Council might be a better venue to vent his frustrations.
38

39 Commissioner Bossio suggested Mr. Gossage asked that this matter be put on the
40 agenda.
41

42 Chair Leone said he won't be able to get on the commission's agenda unless he settles
43 the billing issues and that is something the commission can't help him with.
44

45 Mr. Gossage said he's going to pay the fees and then he'll recoup them in the lawsuit.
46

1
2 **ADJOURNMENT**
3
4 **Chair Leone moved, seconded by Vice Chair Kellman, to adjourn the meeting. The**
5 **next regularly scheduled meeting of the Planning Commission is April 27, 2005.**

6
7 Respectfully submitted,

8
9 Tricia Cambron, Minutes Clerk

10