



Jake Beyer <william.jake.beyer@gmail.com>

Re: Application for 2nd Phase of 800 Sq. Ft ADU – 426 Pine St. / Potential Litigation

Brandon Phipps <bphipps@sausalito.gov>
 To: Jake Beyer <william.jake.beyer@gmail.com>

Cc: Kristin Teiche <kteiche@sausalito.gov>, Sergio Rudin <sergio.rudin@bbklaw.com>, Liza Tellez <LTellez@sausalito.gov>, Maria Hernandez <mhernandez@sausalito.gov>, Matthew Mandich <mmandich@sausalito.gov>

Wed, Jun 4, 2025 at 3:54 PM

Mr. Beyer,

Good afternoon and thank you for your inquiry as related to a requested revision to your previous approval associated with project ID number 2023-00013.

I note in the link you provide that the proposed plans show an ADU in the location that was previously approved for off-street parking.

My concern with this proposal is that it is not in compliance with Condition 1 associated with the project approval as follows:

- “Construction shall remain in substantial conformance with the project plans on file with the City under application 2023-00013, prepared by G Design LLC and titled “The Beyer Residence Family Home Renovation, for 426 Pine Street, Sausalito” and dated October 16, 2023...”

The project plans, dated October 16, do not show an ADU in that location. Based on this inconsistency with one of the original conditions of approval, the project risks becoming non-compliant, unless we go through the proper channels to amend the original planning approval, which would likely require a hearing before the Planning Commission to amend their previous approval for Design Review and Encroachment Permit. My understanding is that the parking space that you are proposing to remove is a required parking space to support the yet unbuilt primary residence (10.40.110).

I agree that new State ADU law provides greater flexibility for the conversion of parking spaces to ADUs, however, I do not believe that those laws allow applicants to go against required elements of discretionarily approved, unbuilt projects.

Specifically, I believe SB 477 allows for uncovered, off-street, parking to be demolished in conjunction with the construction of an ADU and do not need to be replaced; however, this statement assumes that the aforementioned parking space *already exists*, and is not associated with a required condition for an unbuilt discretionary project.

Thinking collaboratively here, potential avenues to resolve this concern/challenge include going before the Planning Commission and requesting a minor revision to the plans that have already been approved (could include variance for required parking). Another potential option for consideration is locating the ADU in a different area of the property such that it does not impact required conditions of approval.

For the fleshing-out of this discussion and to address some of the other wrinkles / statements you make in your email, please see attached for a previous email provided by Attorney Sergio Rudin on 10/8/2024. On the ADU discussion, Attorney Rudin's email contains the following statement which I think is in-line with what I am suggesting above: *“At no time has the City prohibited you from construction of an 800 square foot ADU, as multiple options were identified to accommodate such an ADU. Nor has the City requested or required that you build any portion of your project in phases. The main issue with this project was that you could not legally obtain approval for expanding the primary residence, and eliminate all parking without seeking a variance to waive the parking requirements that were triggered by the expansion of the primary residence. You opted not to apply for a parking variance, and instead you designed the project to otherwise maximize the amount of space for the expanded primary residence and backyard instead of the ADU. The City Council's decision on the project is now final, and the statute of limitations under Government Code section 65009(c) to challenge the project approvals has now passed. If you would like the approvals to your project modified, you are welcome to submit applications to the City to do so.”*

I hope this helps to clarify the City's position.

Kind regards,

Brandon



BRANDON PHIPPS

Community & Economic Development Director

City of Sausalito | Community Development Department

420 Litho Street, Sausalito, CA 94965

Direct: (415) 289-4142 | Fax: (415) 289-4167

From: Jake Beyer <william.jake.beyer@gmail.com>

Sent: Tuesday, May 13, 2025 5:38 PM

To: Brandon Phipps <bphipps@sausalito.gov>

Cc: Ian Sobieski <isobieski@sausalito.gov>; City Clerk <CityClerk@sausalito.gov>; Planning Commission <pc@sausalito.gov>; Melissa Blaustein <mblaustein@sausalito.gov>; Jill Hoffman <jhoffman@sausalito.gov>; Chris Zapata <czapata@sausalito.gov>; Kristin Teiche <kteiche@sausalito.gov>; Sergio Rudin <sergio.rudin@bbklaw.com>; Andrew Junius <ajunius@sausalito.gov>; Jeffery Luxenberg <jluxenberg@sausalito.gov>; Nastassy Saad <nsaad@sausalito.gov>; Steven Woodside <swoodside@sausalito.gov>; David Marlatt <dmarlatt@sausalito.gov>; Kristina Feller <kfeller@sausalito.gov>; grace.wu@hcd.ca.gov; Coy, Melinda@HCD <melinda.coy@hcd.ca.gov>; Heaton, Brian@HCD <Brian.Heaton@hcd.ca.gov>; Ying, David@HCD <David.Ying@hcd.ca.gov>; Candelaria, Jamie@HCD <Jamie.Candelaria@hcd.ca.gov>; shannan.west@hcd.ca.gov; David Grabham <david@gfamilyconstruction.com>; Lam Nguyen <lam@gdesignpro.com>; Georgia Glassie <georgiaglassie@gmail.com>; Liza Tellez <LTellez@sausalito.gov>; Maria Hernandez <mhernandez@sausalito.gov>

Subject: Re: [EXTERNAL] Application for 2nd Phase of 800 Sq. Ft ADU – 426 Pine St. / Potential Litigation

Dear Mr. Phipps,

[Quoted text hidden]

[Quoted text hidden]

----- Forwarded message -----

From: Sergio Rudin <IMCEAEX-0=BBK_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=9993A32304A948288D57B725EA37A7B4-SERGIO+20RUDIN@namprd09.prod.outlook.com>
 To: Jake Beyer <william.jake.beyer@gmail.com>, "Coy, Melinda@HCD" <melinda.coy@hcd.ca.gov>, "david.pai@doj.ca.gov" <david.pai@doj.ca.gov>, "grace.wu@hcd.ca.gov" <grace.wu@hcd.ca.gov>, "mike.mcguire@senate.ca.gov" <mike.mcguire@senate.ca.gov>, "scott.wiener@senate.ca.gov" <scott.wiener@senate.ca.gov>, "gavin.newsom@gov.ca.gov" <gavin.newsom@gov.ca.gov>
 Cc: "Matthew.Struhar@doj.ca.gov" <Matthew.Struhar@doj.ca.gov>, Ian Sobieski <isobieski@sausalito.gov>, "Krista.Pfefferkorn@sen.ca.gov" <Krista.Pfefferkorn@sen.ca.gov>, Joan Cox <jcox@sausalito.gov>, Brandon Phipps <bphipps@sausalito.gov>, Keith Diggs <keith@yimbylaw.org>, "sonja@yimbylaw.org" <sonja@yimbylaw.org>, "matt@caforhomes.org" <matt@caforhomes.org>, "Erik.Mebust@sen.ca.gov" <Erik.Mebust@sen.ca.gov>, "Heaton, Brian@HCD" <Brian.Heaton@hcd.ca.gov>, "Ying, David@HCD" <David.Ying@hcd.ca.gov>, Chris Zapata <czapata@sausalito.gov>, City Clerk <CityClerk@sausalito.gov>, Melissa Blaustein <mblaustein@sausalito.gov>, Jill Hoffman <jhoffman@sausalito.gov>, Janelle Kellman <jkellman@sausalito.gov>, Planning Commission <pc@sausalito.gov>, Web_CDD <CDD@sausalito.gov>, Kristin Teiche <kteiche@sausalito.gov>, Krissy Waite <kwaite@marinij.com>, "Danielle.echeverria@sfchronicle.com" <Danielle.echeverria@sfchronicle.com>, "Emily.Hoeven@sfchronicle.com" <Emily.Hoeven@sfchronicle.com>, Jeffery Luxenberg <jluxenberg@sausalito.gov>, Andrew Junius <ajunius@sausalito.gov>, "rgraef@sausalito.gov" <rgraef@sausalito.gov>, Nastassy Saad <nsaad@sausalito.gov>, Kristina Feller <kfeller@sausalito.gov>, matt smith <matt.smith@gmail.com>, Long Water Trust <longwatertrust@gmail.com>, "Senator.McGuire@outreach.senate.ca.gov" <Senator.McGuire@outreach.senate.ca.gov>, Georgia Glassie <georgiaglassie@gmail.com>, David Grabham <david@gfamilyconstruction.com>, Lam Nguyen <lam@gdesignpro.com>
 Bcc:
 Date: Tue, 8 Oct 2024 23:09:42 +0000
 Subject: RE: Urgent help requested to hold City of Sausalito Accountable for ADU Violations

Dear Mr. Beyer,

Thank you for your correspondence. I met with City staff this afternoon to get a better understanding of the status of your proposed project. The City is processing your building permit applications and has issued you corrections to be addressed prior to the issuance of building permits for your project.

As you are aware, your project involves the substantial demolition of an existing single story, 1,319 single-family residence and construction of a significantly larger three-story residence with a ground floor ADU, raising of the existing ground floor to the second floor, and addition of a third story, resulting in a 2,621 square foot project on a substandard lot in the City, sized at 3,600 square feet. Your project was approved by the City Council on March 19, 2024, following an appeal of a planning commission approval.

I would like to address a number of assertions in your correspondence as they are misstatements regarding the City's permitting of the project, and potentially reflect an misunderstanding of the relevant law and/or approvals that you have received for your project. Additional materials related to the project are set forth here:

https://granicus_production_attachments.s3.amazonaws.com/sausalito/7a24dc3d0f854fce8ee97930c71a16c0.pdf

https://granicus_production_attachments.s3.amazonaws.com/sausalito/9f294acf84c2df05a3918380df856b350.pdf

(1) You indicate that the City asked you to remove roughly 45% (or 363 square feet) from our proposed, state-allowed 800-square-foot ADU. Strictly speaking, this is not the case. The significant expansion of the existing primary residence could not have been permitted under the City municipal code without making provision for the parking required for single family residences. The existing property is legally non-conforming, but the expansion of the non-conforming single family residence would trigger requirements to increase parking on site to two spaces. See Sausalito Municipal Code section 10.40.110.A.6, 10.62.050. This parking requirement is not related to the ADU. The City would not have prohibited you from eliminating parking in order to build an ADU, to the extend the City was required to provide approval under state law. Rather, the issue was that you proposed a project that eliminated the only parking space on site (which would be used for part of the ADU construction), but with the elimination of all parking on the site it would not have been possible to approve your desired doubling of the primary residence without separate approval of a variance.

In order to obtain City approval for expansion of the primary residence and the addition of the new stories of living space, you chose to design your project to have a smaller ADU. Initially, staff met with you and identified that you could design the project to have an attached ADU that extended into the rear yard or that you could have a detached ADU, either of which would have allowed the desired expansion of the primary residence as well as 800 square feet of ADU space. You declined to do either option in favor of ensuring more backyard space. The City did not prohibit you from otherwise designating additional ground floor space to be part of the ADU. Notably, there continues to be other ground floor space in your approved project that will be part of the primary residence rather than the ADU.

(2) With regards to the setback issue under Sausalito Municipal Code Section 10.40.070(D)(1), the City code requires that buildings provide an increased setback from the property line based on how long a building wall exceeds 40 feet. There was an issue with the proposed additions to the existing single family residence these triggering requirements, and there was a question as to whether decks that were proposed with your project should be counted towards determining the overall building length and whether those decks would even further increase the required setback beyond 5'3" ultimately determined required by City staff. As you are aware, your neighbors hired an attorney to challenge City staff's initial generous interpretation of the City's setback requirements that the decks were excluded. See https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2288202/Brekhus_CodeInterpretation_426_Pine_Street.pdf. You were provided ample notice and opportunity to address the issues of setback requirements. Regardless, since your proposed plans included having an interior ADU on the south side of the project, the City did not require the ADU portion of the project to provide a setback greater than 4 feet, in accordance with state law. This is adequately discussed in the staff report of the January 22, 2024 meeting. However, other portions of the project were required to conform to the increased setback requirements of the City code.

(3) Exhibit C is a misrepresentation of the correspondence with City staff. In that email correspondence, it was explained to you that state law prohibited the City from applying increased setback requirements to the ADU portions of your project beyond four feet. However, the City is lawfully allowed to impose increased setback requirements to all other portions of the building not related to the ADU construction.

(4) Lastly, AB 670 has no bearing on the City or this project. This law prohibits *private* covenants, conditions, or restrictions, such as those imposed by a homeowners association, from impeding the development of an ADU. This City of Sausalito is not a homeowners association, and your property, to our knowledge, is not subject to any CC&Rs.

Ultimately, on March 19, 2024, the City Council approved the project exactly as you had submitted to the City, subject to only to minor design modifications as follows: (1) removal of existing decks where they project beyond the building length of 40-foot 3.5 inches, in order to avoid any potential that additional setback requirements might be triggered under the municipal code, (2) requiring the new third story to have an additional setback on the south side of 10 inches, which only affects the top story of the primary residence, and (3) imposing a requirement for shielding exterior lighting fixtures.

At no time has the City prohibited you from construction of an 800 square foot ADU, as multiple options were identified to accommodate such an ADU. Nor has the City requested or required that you build any portion of your project in phases. The main issue with this project was that you could not legally obtain approval for expanding the primary residence, and eliminate all parking without seeking a variance to waive the parking requirements that were triggered by the expansion of the primary residence. You opted not to apply for a parking variance, and instead you designed the project to otherwise maximize the amount of space for the expanded primary residence and backyard instead of the ADU. The City Council's decision on the project is now final, and the statute of limitations under Government Code section 65009(c) to challenge the project approvals has now passed. If you would like the approvals to your project modified, you are welcome to submit applications to the City to do so.

From: Jake Beyer <wiliam.jake.beyer@gmail.com>
Sent: Monday, October 7, 2024 6:43 AM
To: Coy, Melinda@HCD <melinda.coy@hcd.ca.gov>; david.pai@doj.ca.gov; grace.wu@hcd.ca.gov; mike.mcguire@senate.ca.gov; scott.wiener@senate.ca.gov; gavin.newsom@gov.ca.gov
Cc: Matthew.Struhar@doj.ca.gov; Ian Sobieski <isobieski@sausalito.gov>; Krista.Pfefferkorn@sen.ca.gov; jcox@sausalito.gov; Sergio Rudin <Sergio.Rudin@bbkllaw.com>; Brandon Phipps <bphipps@sausalito.gov>; Keith Diggs <keith@yimbylaw.org>; sonja@yimbylaw.org; matt@cafophomes.org; Erik.Mebust@sen.ca.gov; Heaton, Brian@HCD <Brian.Heaton@hcd.ca.gov>; Ying, David@HCD <David.Ying@hcd.ca.gov>; czapata@sausalito.gov; cityclerk@sausalito.gov; mblaustein@sausalito.gov; jhoffman@sausalito.gov; jkellman@sausalito.gov; pc@sausalito.gov; cdd@sausalito.gov; Kristin Teiche <kteiche@sausalito.gov>; Krissy.Waite@marinij.com; Danielle.echeverria@sfcnchronicle.com; Emily.Hoeven@sfcnchronicle.com; jluxenberg@sausalito.gov; ajunius@sausalito.gov; rgraef@sausalito.gov; nsaad@sausalito.gov; fkeller@sausalito.gov; matt smith <matt.smith@gmail.com>; Long Water Trust <longwatertrust@gmail.com>; Senator.McGuire@outreach.senate.ca.gov; Georgia Glassie <georgiaglassie@gmail.com>; David Grabham <david@gfamilyconstruction.com>; Lam Nguyen <lam@gdesignpro.com>
Subject: Urgent help requested to hold City of Sausalito Accountable for ADU Violations

CAUTION - EXTERNAL SENDER.

Dear Governor Newsom, Deputy Attorney General Pai, Senator Scott Wiener, Senator Mike McGuire, and the California Department of Housing and Community Development,

I am writing to bring to your attention to a significant and ongoing issue regarding the enforcement of housing laws in the City of Sausalito. Over the past three years, I have been diligently working to construct a 2196-square-foot home that meets my family's needs. A modest urban square-footage for a family of 6 (myself, my wife, our children ages 7, 5, and 2, and new baby on the way). More about our journey can be found at www.renovate426pine.com, including the [project timeline](#). Relevant here is that our home remodel includes an attached Accessory Dwelling Unit (ADU) that fully complies with state laws. However, the City of Sausalito unlawfully obstructed our ability to build a fully compliant 800-square-foot ADU by misinterpreting outdated municipal codes and ignoring California State laws, resulting in significant financial and emotional harm to our family. Now, the City of Sausalito is ignoring our good-faith efforts to rectify this injustice. Given that California is in the midst of a housing crisis, we are urgently asking the State of California to hold the individuals and the City of Sausalito accountable for their violations and related damages.

History and Context:

After two years and hundreds of hours of negotiations with neighbors, we submitted our plans to the City of Sausalito in January 2023. It took the planning department six months to schedule our first planning commission hearing in July 2023. Then, just days before the hearing, we received an unexpected email ([see exhibit A](#)) from the community development department that reversed its recommendation for approval of our project. They alleged that Sausalito Municipal Code Section 10.40.070(D)(1) applies to the extension of the attached ADU from our primary dwelling. According to their interpretation, the City mandates an additional setback of 1 foot for every 5 feet over 40 feet for both ADUs and primary dwellings. The City calculated the length of our primary dwelling together with the ADU before applying this burdensome setback rule, which for our 45-foot-wide urban lot, would have mandated an unreasonable 13 feet in total side-yard setbacks. Instead, the City demanded that we remove roughly 45% (or 363 square feet) from our proposed, state-allowed 800-square-foot ADU.

Whether an ADU is attached or detached, the state of California has declared the ADU an "accessory structure". This means that ADUs should not be included in the total building length as defined by Municipal Code Section 10.40.070(D)(1). This particular code was enacted decades ago, long before our current housing crisis and newly enacted state laws. In the diagram below, the yellow highlighted section indicates the portion of the ADU that the City of Sausalito forced us to remove. The purple section is the ADU that was approved, and the red shaded section is the footprint of the primary dwelling that was finally approved earlier this year. See the full site plan [here](#), ([exhibit B](#)).

For argument's sake, let's assume that the ADU and the primary dwelling could be counted together as part of the total building length. One would then ask whether the state of California has enacted any laws preventing municipalities from enforcing such a code, designed to maintain open space between urban lots. A simple web search reveals that AB 670 specifically voids and prohibits local restrictions used to maintain open space when those restrictions would constrain ADU development. AB 670 explicitly states that any covenants, conditions, or restrictions that effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are **void and unenforceable** (Civ. Code, § 4751). State ADU Law also requires that factors like lot coverage, floor area ratio, open space, or minimum lot size must not preclude the construction of a statewide exemption ADU.

If we continue along this line of reasoning and for argument's sake assume that AB 670 does not apply to our project, one would next look at whether the state has enacted any laws that prevent cities from unduly constraining the creation of ADUs. Here, the situation becomes even more egregious. The City of Sausalito's legal counsel, Sergio Rudin, has proposed that we build our ADU in two phases ([see his email as Exhibit C](#)). I had to email the city every week for nine weeks just to get this response. A two-phase approach to building an 800-square-foot ADU would require us to complete our primary dwelling project first, and then begin the second phase to expand ADU afterward. The financial and environmental impact of this recommendation is staggering.

Building the ADU in two phases means:

1. We would have to pay the ADU application fee twice.
2. We would need to rip out and re-pour concrete for the entire sidewalk in front of our house—twice.
3. We would have to rip off the front of our house after completing it in order to build the additional 363 square feet of the ADU.
4. The most costly consequence: we would need to install additional structural shear walls in the primary dwelling to make it a standalone project, an engineering requirement that would not exist if we were allowed to build the ADU concurrently.

The extra cost of this two-phase approach is estimated to be well over \$100,000. This is financially devastating and, under any standard, completely unreasonable. The City's action is a clear violation of multiple state housing laws, all of which were enacted to prevent this very type of municipal obstruction. We informed Sergio Rudin, the city attorney, Brandon Phipps, the Community Development Director, Kristin Teiche, Principal Planner in Sausalito, and even presented the violation to the City Council during our appeal hearing. Before drafting and sending this email I made numerous attempts to connect with Sergio Rudin, the city attorney, Brandon Phipps, the Community Development Director, Kristin Teiche, Principal Planner. Our good faith attempts were completely ignored. See [exhibit D](#), our most recent email to complete 'Step 1' of the ADU application for the City of Sausalito was sent one month ago and still has no response.

Broader Implications:

Beyond the specific legal violations, it is important to recognize that this is not an isolated issue in Sausalito. The City is already far behind on its obligation to add 724 housing units by 2031 under the state's Regional Housing Needs Allocation (RHNA). At the current rate, it is impossible for the city to meet this goal. Another family, just a few blocks away from us, spent seven years battling similar issues while trying to build their home, culminating in the publication of a book, '[I Am Applicant](#)'. These are symptoms of a systemic problem: the City of Sausalito is making it prohibitively difficult for families to develop housing that complies with state law.

Our own experience highlights this issue. When our project was appealed from the Planning Commission to the City Council, instead of approving or denying the project, Vice Mayor Joan Cox instructed us to continue negotiating with our neighbors—despite the fact our project was fully code-compliant and had already been approved by the Planning Commission. [This decision](#) invited further harassment from one neighbor, causing significant emotional distress for our children. This forced us to seek a restraining order against that neighbor, [see exhibit D](#). Luckily, this resulted in a stayaway order. This is not how a family should be treated when attempting to build a modest, energy-efficient home, that complies with all local and state laws.

Another example of systemic abuse obstructing housing development in Sausalito is the blatant conflict of interest involving Vice Mayor Joan Cox and the City's legal counsel, Sergio Rudin. Both [Cox](#) and [Rudin](#) were partners at Burke, Williams & Sorensen LLP, the same law firm that for many years represented the City of

Sausalito. While Cox served as a Planning Commissioner and later as Vice Mayor, Rudin was hired as legal counsel for Sausalito. This relationship created a situation where Cox created unlawful and unnecessary delays to directly increase the billable hours for Burke, Williams & Sorensen LLP at the expense of Sausalito residents and in doing so exacerbated the harm done to project applicants. One example involves a [family's seven-year battle to build a home in Sausalito](#), where Cox's actions caused significant delays that increased legal fees for the city and directly benefited her law firm. The partnership between Cox and Rudin and their conflict of interest raises serious ethical concerns and warrants a formal investigation. I believe Joan Cox should be impeached from her current position as Vice Mayor to restore fairness and transparency to the city's governance.

My plea is straightforward: how can we hold these individuals and the City of Sausalito accountable for their unlawful actions? How do we ensure that Sausalito complies with state housing laws? How do we ensure that what happened to our family never happens again in Sausalito or elsewhere in California? I would request immediate state intervention to ensure the City of Sausalito follows state law and allows us to build the ADU as we originally designed. We also request that the state begin enforcing its housing laws to protect families from arbitrary and unlawful decisions by local municipalities.

Thank you for your attention to this urgent matter. We look forward to your prompt response.

Sincerely,
Jake and Georgiga Beyer

P.S We have posted this letter to our public project website for easier sharing and viewing. <https://www.renovate426pine.com/post/urgent-help-requested-to-hold-city-of-sausalito-accountable-for-adu-violations>

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Jake Beyer | [william.jake.beyer@gmail.com](mailto:wiliam.jake.beyer@gmail.com) | [Linkedin](#)

2 attachments

image001.jpg
12K

[RE: Urgent help requested to hold City of Sausalito Accountable for ADU Violations.eml](#)
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