

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

**SAUSALITO PLANNING COMMISSION**  
**Wednesday, August 22, 2012**  
**Approved Summary Minutes**

**Call to Order**

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

Present: Vice Chair Joan Cox, Commissioner Richard Graef,  
Commissioner Bill Werner

Absent: Chair Stafford Keegin, Commissioner Stan Bair

Staff: Community Development Director Jeremy Graves  
Associate Planner Lilly Schinsing, City Attorney Mary Wagner

**Approval of Agenda**

**Commissioner Werner moved and Commissioner Graef seconded a motion to approve the agenda. The motion passed 3-0.**

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

None.

**Approval of Minutes**

None.

**Call to Order—Joint Meeting with Historic Landmarks Board**

**HLB Chair Pierce called the meeting to order at 6:32 p.m.**

Present: Chair Morgan Pierce, Secretary Vicki Nichols, Committee Member  
Carolyn Kiernat, Committee Member John McCoy

**Public Hearings**

**Declarations of Planning Commissioner Public Contacts**

None.

**Declarations of Historic Landmarks Board Public Contacts**

None.

1. **DR/VA 12-198, Design Review Permit, Variance, View Restaurant LLC and the City of Sausalito, 558 Bridgeway.** Amendment of a previously-approved Design Review Permit and Variance to allow for (1) modifications to the proposed upper level dining deck, including the elimination of a portion of the approved southern upper dining deck, and (2) accessibility and visibility improvements on the parking deck, including new guardrails, gates and entry planters at 558 Bridgeway (APNs 065-172-12, -13, -15.)

1  
2 The public hearing was opened.

3  
4 Assistant Planner Schinsing presented the Staff Report.

- 5 • An additional option the Planning Commission and HLB could consider as an  
6 improvement along the Bridgeway frontage of the property instead of truncated  
7 domes is installation of a 6" x 6" wood beam curb along the length of the  
8 frontage except for in front of the driveway. The beam would satisfy the need  
9 for a cane-detectible barrier for visually-impaired people walking along the  
10 Bridgeway sidewalk. However in order to ensure it would not create a trip  
11 hazard, a chain or rope between posts mounted on top of or adjacent to that  
12 curb that would be a visual barrier for anyone taking a shortcut through the  
13 parking deck to the restaurant. If the Planning Commission and HLB determine  
14 that type of barrier would be appropriate it would be within the purview of the  
15 Planning Commission and the HLB to set a Condition of Approval to require it.  
16 Staff has alerted the applicant orally to this possibility and they have expressed  
17 their concerns about it.  
18

19 Presentation was made by Eric Long of Don Olsen and Associates, the applicant.  
20

21 HLB questions to Mr. Long:

- 22 • Are the truncated domes required to be the yellow plastic ones? *Mr. Long*  
23 *responded the domes are required to be a visual contrast, meaning something*  
24 *different than gray. Red or terra cotta could also be used.*
- 25 • Where is the public shore along there and where is the gate for access to it?  
26 *Mr. Long responded the path of travel for pedestrian egress as they leave the*  
27 *building also doubles as a path of travel for the public bathroom. It goes around*  
28 *to the north and back down the gangway, which then leads down to the floods.*
- 29 • When did you find out that you had the dry rot that caused financial issues?  
30 Was it before the deck extended beyond the southern edge of the building or  
31 after you had already built that out? *Mr. Long it was well after building the*  
32 *extension of the southern deck.*  
33  
34

35 The public testimony period was opened.  
36

37 Daniel Merriam, 565 Bridgeway, indicated the following:

- 38 • He owns and occupies the building across the street from the subject property.
- 39 • He requests a more subtle color for the truncated domes if possible.  
40

41 The public testimony period was closed.  
42

43 HLB comments:

- 44 • The HLB understands the issues of discovering unforeseen circumstances  
45 when renovating historic buildings on the waterfront, but had the HLB known  
46 then what they know now they would not have let the deck extend beyond the  
47 corner of the second floor. If it remained back where it was it would match the  
48 January 2009 approved plans, which would have been appropriate.  
49  
50

- The HLB would have liked to see photographic documentation of the dry rot that necessitated the change to the plans. The letter that was submitted gives reason for this change, such as the excessive costs, but it also talks about irreparable modifications to the historic interior woodwork on the south side of the interior dining space, so the HLB is not convinced, is not sure what the reason is for this change, and do not feel the applicant has really gotten to the bottom of it. If this work was realized in March and April it is surprising it is coming to the HLB now, once the work has been completed.
- The truncated domes are a superior alternative to the floating posts and swag. The applicant is on the right track going with the cement domes as opposed to the plastic domes. The Building Code requirement of a distinction between the sidewalk and the truncated domes needs to be met, but doing it as minimally as possible while still providing a safe path of travel is the optimal way to go.
- As this moves forward the HLB will probably ask for a Condition of Approval that would provide for a subcommittee with the ability to review colors for the truncated domes. *Staff responded the Building Code might dictate the color of the truncated domes, but the City would look to its accessibility consultant to identify what color options would work there, and then if there are several color options then a representative from the Planning Commission and/or the HLB or the staff could work with the applicant to identify the City's preferred option.*

Commission questions to Mr. Long:

- Did you consult with an accessibility specialist regarding the truncated domes and arrive at the color selection of the terra cotta? *Mr. Long responded that is correct.*
- The color you have proposed for the truncated domes is the same color as has been installed elsewhere in Sausalito? *Mr. Long responded yes. He believes it is called Colonial Red.*

Commission comments:

- There is nothing subtle about the requirements of the ADA and ADAG and the California Building Code relative to accessibility. We need to get used to seeing contrasting colors. The Code does not tell you what color to use, just states it has to be contrasting, which is a matter of judgment as to how much contrast you have. The Colonial Red has been installed at either end of Bridgeway on curb cuts, and there has been some question as to whether or not that is enough of a contrast.
- The truncated domes are far superior to the posts and swag, which is a tripping hazard. The other alternative is probably a planter extension all along that side, but that would limit the parking.
- The narrowing of the entrance drive will probably create more congestion along Bridgeway than ever before, but it is also part of the code.
- The gate is not a problem.
- The removal of the deck, which originally was a dead-end and probably illegal is not a problem.
- The modifications should be approved as they are, with the addition of the truncated domes in Colonial Red.

- The yellow for the truncated domes is awful. The red is much more appropriate.
- Given that the applicant was nodding his head when the HLB was inquiring whether they had photos of the dry rot the Commission is willing to take it on face value that they encountered it. Given that the building is over water and with the age of it, it would not be surprising that there is significant dry rot there.

Additional Condition of Approval:

- The truncated domes shall be Colonial Red.

**HLB Chair Pierce moved and Committee Member McCoy seconded a motion to approve a Design Review Permit and Variance for 558 Bridgeway subject to the additional Condition of Approval. The motion passed 4-0.**

**Commissioner Werner moved and Vice Chair Cox seconded a motion to approve a Design Review Permit and Variance for 558 Bridgeway subject to the additional Condition of Approval. The motion passed 3-0.**

The public meeting was closed.

**The Historic Landmarks Board adjourned its meeting.**

- 2. GPA/ENV 12-117, Housing Element Update Initial Environmental Study/Negative Declaration, City of Sausalito.** Continued from July 25, 2012 meeting.

The continued public hearing was re-opened.

Assistant Planner Schinsing presented the Staff Report.

Presentation was made by Geoff Bradley of the M-Group.

- The M-Group has grouped the questions and comments from Commissioners and the public at the July 25, 2012 meeting into five categories:
  - CEQA-related questions and comments.
  - Senate Bill 375 and how that interacts with the CEQA requirements.
  - Significant impacts mitigation and whether the Negative Declaration should be a Mitigated Negative Declaration.
  - Density and density bonus law related questions and comments.
  - Second units related questions.

CEQA-related questions and comments:

- Question: Can we add the language, "The Initial Environmental Study/Negative Declaration applies only to the changes to the Housing Element and in no way applies to the actual projects. Any actual projects must undergo a CEQA review"? *Mr. Bradley responded this is similar to the discussions they had in developing the Housing Element in terms of anything you put in the Housing Element or the Initial Environmental Study/Negative Declaration for the Housing Element cannot seek to effect changes to the state law, and CEQA is*

1 an existing state law that all projects are subject to regardless of what is said in  
2 any policy document coming from the City. Statements to that extent could be  
3 made within the Initial Environmental Study, but what the City is really relying  
4 on is the full effect of CEQA, as it exists, as the predominant environmental  
5 protection law in the state.

- 6 • Question: How does the Negative Declaration/Initial Environmental Study  
7 ensure that the Design Review procedures are upheld for future projects? *Mr.*  
8 *Bradley responded that is a similar situation where the existing city rules and*  
9 *regulations apply to all development. There is mention of this on Page 10 of the*  
10 *Initial Environmental Study that says, "All development projects would go*  
11 *through the City's normal development review process, including Design*  
12 *Review."*
- 13 • Comment: Views are not covered by CEQA. *Mr. Bradley responded that*  
14 *typically impacts to views are primarily concerned with views from public*  
15 *vantage points, such as roads, trails, and public areas where scenic vistas are*  
16 *considered a community resource. There is some case law of private views*  
17 *being asserted to rise to a level of a significant impact. Within Sausalito both*  
18 *public and private views are protected and considered within the CEQA*  
19 *analysis that is done for each individual project. That is also mentioned within*  
20 *the Initial Environmental Study as it stands.*
- 21 • Comment: The public is afraid a development will automatically be developed.  
22 The concept that any project would be required to go through the normal  
23 review process should be emphasized. *Mr. Bradley responded as one reads*  
24 *through the Initial Environmental Study there are numerous mentions of the*  
25 *City's existing General Plan, Zoning Ordinance, and development review*  
26 *processes for all future development projects.*
- 27 • Comment: None of the CEQA categorical exemptions include low-income  
28 housing as specific rationale for exemption. A housing project with low-income  
29 units could still trigger CEQA review or be exempted because of its size or  
30 number of units. *Mr. Bradley responded that is true. As each project is*  
31 *evaluated under CEQA some of them will qualify for exemptions, but it is not a*  
32 *blanket exemption based on the Housing Element; it is based on the normal*  
33 *operation of CEQA.*

34  
35  
36 Commission questions to Mr. Bradley:

- 37 • It is not clear which low-income housing projects would be exempt from  
38 CEQA review. *Mr. Bradley responded how CEQA works is there are site-*  
39 *specific facts that could change the review process. If there is a project of*  
40 *four or five units on an existing site that has an existing commercial building*  
41 *on it, that could be analyzed with regard to traffic, existing development in its*  
42 *surroundings, existing services, and impacts and it could be an exempt*  
43 *project. If the building to be demolished is a historic resource, the exemption*  
44 *would be lost and an environmental review would be done at a higher level.*
- 45 • What you are saying is there would be a review done during which it would  
46 be found that the project is exempt? *Mr. Bradley responded that is correct. In*  
47 *thinking about the environmental review for the Housing Element we are*  
48 *looking at a policy document. This Housing Element was specifically*  
49 *developed to fit within the umbrella of the existing General Plan and Zoning*  
50

1 Code. There is nothing in this Housing Element, with the exception of two  
2 parcels and the Accessory Dwelling Units, which could not be built under the  
3 existing Housing Element. ADUs have a special exemption within the CEQA  
4 Guidelines, which has says any ordinance allowing ADUs is exempt from  
5 CEQA. There is nothing in this Initial Environmental Study document that can  
6 create special protections for ADUs from an environmental standpoint,  
7 except for the fact that it has already been done through the CEQA law itself.  
8

9 Senate Bill 375 and how that interacts with the CEQA requirements:

- 10 • There is language in SB 375 that would create some CEQA streamlining  
11 measures for certain types of housing projects. The M-Group's research  
12 indicates that none of that would apply to Sausalito because the City does not  
13 have any of the "priority development areas" or the "transit priority areas," two  
14 terms that are used interchangeably, that allow for that streamlined CEQA  
15 processing.  
16

17 Commission question to Mr. Bradley:

- 18 • I thought the language was "transit hub," and is not there a transit hub on  
19 Bridgeway? *Mr. Bradley responded that in the description of the transit priority*  
20 *areas and the priority development areas transit hub is one of the descriptors*  
21 *of those types of areas, which are all north of Sausalito along Highway 101 on*  
22 *the Bay Area Plan map identifying such areas.*  
23  
24

25 Significant impacts mitigation and whether the Negative Declaration should be a  
26 Mitigated Negative Declaration:

- 27 • The M-Group had ideas that some of the things that the Initial Environmental  
28 Study describes as going to happen, such as Design Review, CEQA, and the  
29 normal operation of the View Protection findings, could be made into mitigation  
30 measures. The concern is that these are already city requirements, and  
31 mitigation measures are things that go beyond the normal requirements, so  
32 although it could be packaged that way it really would not get to the intent of a  
33 true mitigation. Conditions of Approval and mitigation measures are those  
34 things that are not standard requirements for every project of that type. To  
35 package up standard requirements as mitigations creates the impression that  
36 there is something special required but is really a base-level requirement.  
37

38 Commission questions to Mr. Bradley:

- 39 • What proportion of Mitigated Negative Declarations have been executed for the  
40 Housing Elements M-Group has done as opposed to simple Negative  
41 Declarations? *Mr. Bradley responded of the ten that they have done, he*  
42 *believes all of them have been straight Negative Declarations. Because it is a*  
43 *policy level document, if there is a mitigation that comes up and the City is*  
44 *creating its own policy document, typically that policy document is modified to*  
45 *include that.*  
46
- 47 • In the ten projects that you have done where there was no Mitigated Negative  
48 Declaration did any of them have a general plan that is 17 years old, and had  
49 the cycle gone as long as Sausalito's since updating? *Mr. Bradley responded*  
50

1           *yes, they have had some general plans that go back quite a bit further than 17*  
2           *years.*

3  
4 Density and density bonus law related questions and comments:

- 5           • Comment: The Vertical Mixed Use (VMU) strategy and Horizontal Mixed Use  
6           (HMU) strategy will result in a higher residential density. Residential use has a  
7           higher impact than commercial use. This is an impact greater than initially  
8           analyzed in the 1995 General Plan. *Mr. Bradley responded the analysis within*  
9           *the Initial Environmental Study and the analysis that M-Group has developed*  
10           *throughout the Housing Element is to work within the City's existing density*  
11           *parameters under both the General Plan and the Zoning Ordinance, because*  
12           *the existing densities were high enough numbers to be able to demonstrate*  
13           *that they could meet the default density. The VMU and HMU strategies do*  
14           *allow for some variability of how projects are developed as compared to the*  
15           *existing situation. The absolute density is not increased at all, and that was*  
16           *important because any proposal in the past relative to the Housing Element*  
17           *seeking to create zoning tools to actually increase the density was met with*  
18           *resistance.*
- 19           • Question: Was the Density Bonus Law in place at the time of the 1995 EIR?  
20           *Mr. Bradley responded yes, it has been in place since 1979.*
- 21           • Question: Was the Density Bonus Law analyzed in the 1995 EIR? *Mr. Bradley*  
22           *responded not only was the Density Bonus Law included in 1995 EIR, but also*  
23           *one of the mitigation measures contained within that EIR was to implement the*  
24           *Density Bonus Ordinance at a local level, which was done.*

25  
26  
27 Second units related questions:

- 28           • Question: Did the 1995 General Plan address second units? *Mr. Bradley*  
29           *responded the General Plan did not address it from an impact standpoint, but*  
30           *the program language was about allowing second units as a means to provide*  
31           *affordable housing. One of the mitigation measures was policy language to*  
32           *allow second units. Second units have that special standing within CEQA*  
33           *similar to baseball stadiums or certain energy producing facilities in that they*  
34           *are exempt from CEQA. With second units one can make a fair argument that*  
35           *there is very minimal environmental impact.*

36  
37 The public testimony period was opened.

38  
39 The public made no comments.

40  
41 The public testimony period was closed.

42  
43 Commission question to Mr. Bradley:

- 44           • The Commission received roughly 18 pages of letters from residents. Were  
45           those letters shared with M-Group, and if so, did your comments this evening  
46           encompass the issues raised in those letters? *Mr. Bradley responded yes, he*  
47           *did receive the letters, but his comments this evening did not exhaustively*  
48           *cover the issues raised in those letters.*

1 Commission comment:

- 2 • Most of the issues raised seem to have been addressed clearly by M-Group.  
3

4 **Commissioner Werner moved and Commissioner Graef seconded a motion to**  
5 **continue the public hearing for the Housing Element Update Initial Environmental**  
6 **Study/ Negative Declaration to the meeting of September 5, 2012. The motion**  
7 **passed 3-0.**  
8

9 The public hearing was closed.  
10

11 **Old Business**

12 None.  
13

14 **New Business**

15 None.  
16

17 **Staff Communications**  
18

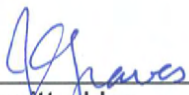
19 Commission question to staff:

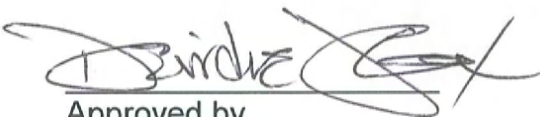
- 20 • Will M-Group be reviewing the Accessory Dwelling regulations? *Staff responded*  
21 *M-Group will handle the General Plan Amendment, but outside counsel will*  
22 *review the Accessory Dwelling Unit regulations.*  
23  
24

25 **Commissioner Werner moved and Commissioner Graef seconded a motion to**  
26 **adjourn the meeting. The motion passed 3-0.**  
27

28 **Adjournment**

29 The meeting was adjourned at 7:54 p.m.  
30

31   
32 \_\_\_\_\_  
33 Submitted by  
34 Jeremy Graves, AICP  
35 Community Development Director  
36

31   
32 \_\_\_\_\_  
33 Approved by  
34 Joan Cox  
35 Vice-Chair  
36

37 I:\CDD\Plan Comm\Minutes\2012\08-22-Approved.doc  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50