

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, June 12, 2013**  
**Approved Summary Minutes**

**Call to Order**

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

Present: Chair Joan Cox, Vice-Chair Bill Werner,  
Commissioner Stafford Keegin

Absent: Commissioner Stan Bair, Commissioner Richard Graef

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

**Approval of Agenda**

**Chair Cox moved and Commissioner Keegin seconded a motion to hear Item 2 (DR/CUP/EA 13-037) before Item 1. The motion passed 3-0.**

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

None.

**Approval of Minutes**

May 29, 2012

**Commissioner Keegin moved and Vice-Chair Werner seconded a motion to approve the summary minutes. The motion passed 3-0.**

**Public Hearings**

**Declarations of Planning Commissioner Public Contacts**

None.

- 2. DR/CUP/EA 13-037, Design Review Permit, Conditional Use Permit, Encroachment Agreement, Woodman, 6 Josephine Street.** Design Review Permit and Conditional Use Permit to construct a new two-family residential structure with attached two-car garage and two parking spaces in a tandem configuration at 6 Josephine Street (APN 065-211-07) and an Encroachment Agreement to construct a portion of the garage, parking deck with guardrail and installation of two lights at the top of the North Street Stairs within North Street public right-of-way.

The public hearing was opened.

1 Vice-Chair Werner indicated that he would recuse himself from participating  
2 in the hearing because he lives within 500 feet of the subject property.

3  
4 Chair Cox indicated that because there were only two Commissioners to hear  
5 this item, not enough to form a quorum, the Commission would not be able to  
6 take any action and could not formally continue the item, however the  
7 Commission would take public comment and reserve any action by the  
8 Commission until the next time the item is scheduled for hearing when at  
9 least three Commissioners would be present to hear it.

10  
11 The public testimony period was opened.

12  
13 The applicant did not make a presentation.

14  
15 Peter Bostock, 40 Bulkley Avenue, asked how he can get more information about  
16 this project. *He was referred to staff for additional information.*

17  
18 The public testimony period was closed.

19  
20 The public hearing was closed.

- 21  
22 **1. ZOA 10-355, Standards for Multi-Family Zoned Properties/City-Wide,**  
23 **City of Sausalito.** Amendment of Title 10 (Zoning) of the Municipal Code  
24 regarding the standards and regulations for residences in the multi-family (R-  
25 2-2.5 and R-3) Zoning Districts. The proposed regulations would be  
26 applicable to projects that provide fewer units than the maximum density  
27 allowed. The amendment would lessen the allowable floor area, building  
28 coverage and impervious surfaces of the largest unit on a parcel in the R-2-  
29 2.5 and R-3 Zoning Districts and mandate that floor area, building coverage  
30 and impervious surfaces be held in reserve for an additional unit(s). The total  
31 maximum allowable amount of floor area, building coverage and impervious  
32 surface would not be reduced. The amendment also adds additional findings  
33 for Design Review Permits, shortens the 30-day completeness review time  
34 for multi-unit projects, allows for exceptions to parking requirements and  
35 amends the definition of building coverage and impervious surfaces.

36  
37  
38 The public hearing was opened.

39  
40 Associate Planner Schinsing presented the Staff Report.

- 41  
42
  - Three late 3 emails have been provided to the Commission.

43  
44 Commission questions and comments to staff:

- 45  
46
  - The proposed regulations would increase the allowable FAR. *Staff responded*  
47 *in the beginning the Planning Commission looked at a fixed percentage*  
48 *system and then was directed by the subcommittee to look at other options,*  
49 *one of which was this sliding scale system, which is based on percentage.*  
50 *Those percentages had to be adjusted between the different parcels in order*

1           *for it to be equitable, and some of the adjustments result in a modest*  
2           *increase in FAR in limited situations.*

- 3           • Why did the subcommittee decide to adopt a sliding scale approach rather  
4           than a straight across the board percentage? *Staff responded it was fairer to*  
5           *the smaller parcels. In a straight across percentage approach it was not*  
6           *possible to limit the floor area on the smaller parcels equitably. If the FAR*  
7           *was capped at the size for the largest unit would either be too small or the*  
8           *remainder left would not be sufficient for additional units, which is why the*  
9           *subcommittee looked at a parcel-by-parcel range that made sense.*

10  
11 The public testimony period was opened.

12  
13 Lee Daily, 115 Fourth Street, indicated the following:

- 14           • Will height restrictions change? *No.*  
15           • Old Town has 42 lots that could be available to this proposal. Old Town is  
16           overmaxed on parking.

17  
18  
19 Commission question to staff:

- 20           • Does this zoning text amendment result in any change in existing density  
21           throughout the city? *Staff responded no.*

22  
23 Staff comment:

- 24           • The 42 parcels in Old Town are parcels that would potentially be made  
25           “nonconforming,” meaning parcels that do not comply with new regulations;  
26           not 42 parcels that could utilize this ordinance.

27  
28 Commission question to staff:

- 29           • Does the definition of density have to do with square footage, how big the  
30           box is? *Staff density is the number of units per land area. If there is a 10,000*  
31           *square foot parcel and the allowable density is one unit per 10,000 square*  
32           *feet then can be one unit can be built on the parcel. If the allowable density is*  
33           *one unit per every 5,000 square feet, then be two units can be built on the*  
34           *parcel.*

35  
36 Susan Samols, 145 Prospect, indicated the following:

- 37           • There are two other scenarios in the ordinance that allow for additional bulk  
38           to be added to the buildings.  
39           ○ Parking exceptions reduce the number of parking spaces. The  
40           building coverage previously applied to parking can then be applied in  
41           other areas to the primary building.  
42           ○ Bigger buildings are enabled by changing the definition of building  
43           coverage to allow for certain surfaces that previously counted toward  
44           building coverage to be exempted, allowing additional bulk to be  
45           applied to the primary building.  
46           • There is no mandate that a structure be utilized as multi-family once built. If  
47           part of the structure is potentially inhabitable as an ADU the building can  
48           qualify for the parking exception, creating a loophole for those wanting a  
49           large single-family home.  
50

- 1 • There are 270 properties in Old Town that can be potentially further  
2 developed and could qualify for the proposed parking exceptions and  
3 changing the definition of building coverage.
- 4 • She urges the Planning Commission to delete Section 11 entirely as well as  
5 Section 3, Part 5 involving parking exceptions.  
6

7 Kerry Headington, Third Street, indicated the following:

- 8 • She disagrees with the pro max development portion of the ordinance which  
9 encourages high density and discourages single-family homes.
- 10 • This is an attack on single-family homes. Families need more single-family  
11 homes, not less.
- 12 • Neighborhoods zoned as multi-family are intended to have a range of  
13 housing. Encouraging one form of housing while discouraging another will  
14 change the character of the neighborhoods. No incentives should be offered  
15 to encourage this.
- 16 • Increasing neighborhood population and allowing more impervious surface  
17 means more stress on storm drains and sewers, which are already a  
18 problem.
- 19 • The issue of impervious surfaces has not been fully addressed.
- 20 • An EIR should be completed if such land use and population is changed.
- 21 • Housing Element Program 20 can be met by simply limiting the size of a  
22 single-family home to reserve space for the future addition of an ADU.  
23  
24

25 Dr. Rosalind Hudson indicated the following:

- 26 • The consequence of almost every change, when put together, is that the  
27 character of neighborhoods changes. For example, the three large condos  
28 built on Bridgeway changed its character.
- 29 • Sausalito needs to find a way to maintain its character. Pursuing this type of  
30 development will lead to Sausalito losing its unique charm.  
31  
32

33 Michael Rex indicated the following:

- 34 • He initially opposed this ordinance. Then he participated in all but one of the  
35 14 subcommittee meetings and now supports the draft ordinance.
- 36 • He understood that the ordinance requires the largest unit to be limited in  
37 size even if one builds to full density. He understands now that this is not the  
38 case and believes that others may not be aware of this facet of the  
39 ordinance.
- 40 • There have been good suggestions regarding the wording that defines the  
41 purpose of the ordinance.
  - 42 ○ The first two purposes have to do with the character of the community  
43 and do not belong in the ordinance as they are already in the findings  
44 for the design review approval.
  - 45 ○ The third purpose to ensure the compatibility of infill development in  
46 the context of Sausalito's historic resources should be added to the  
47 ordinance.
  - 48 ○ Providing smaller units to help extended families should be added.
- 49 • There is a misconception that this ordinance will encourage development.  
50 Nothing in this ordinance increases density from what is currently allowed.

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

The net result is Sausalito will end up with smaller single-family homes on its smaller lots and that will protect the character of the neighborhoods. If multi-family homes are built instead they will be no larger than what is allowed today.

- Parking is the big issue, however there are only three areas where parking is given some relief and the changes are minor and put in the ordinance because they will help create more bedrooms and smaller units.
- The schematic plan sets required is a good thing. If the City can not show physically that it is not using up the space for future allowable units it needs to know that.
- The expedited plan check is minor and the fear that someone will rush to develop Sausalito because of that incentive is overblown.

The public testimony period was closed.

Commission comment:

- The suggestion that pervious surfaces should be required instead of exempting impervious surfaces is inappropriate for this ordinance. It is a design issue that should be included in the list of design standards. If it is so good it should be applied everywhere. The notion of reducing the requirements for impervious surfaces on the site is objectionable.

Commission question to staff:

- Is the statement by one of the speakers that reducing the requirements for impervious surfaces results in increasing the size of the home accurate? *Staff responded it could be, depending on how the home is built.*

Commission comments:

- The impervious surface credit should not be in this ordinance. The suggestion that the impact of impervious surface be in the design review section is a good one.
- Redefining building coverage and impervious surfaces are both important issues and should be removed from the ordinance as they have no place in being incentives for adding units to any place. If the City is going to encourage the use of impervious surfaces for parking areas, that ought to be looked at from the point of view of it being part of the normal approach to design review, whether it be residential or commercial.
- This ordinance requires that anyone seeking to develop their property demonstrate that the structures “do not crowd or overwhelm neighboring properties or loom over the street.” Words like “crowd,” “overwhelm,” and “loom” are open to interpretation.
- In Housing Element Program 20 the last line of the first paragraph referencing floor areas, etc., “these would apply except where there are physical or environmental constraints or significant incompatibility with neighborhood character,” suggests this exception applies to the whole city.
- The expedited review is preferential treatment for building out to the maximum and should be removed.

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

- The third bullet on page 13 should be added to the purpose and the purpose should be modified in Items 3 and 4 on page 59.
- The parking exception for ADUs that applies to units under 1,200 square feet is fine as long as it applies to ADUs, but how are ADUs to be defined? Twelve hundred square feet is in fact a substantial unit that can support up to four people in different configurations.
- The ordinance should use the parking standards of the ADU Ordinance that states units under 700 square feet have to provide one parking space and units over 700 square feet have to provide two. This erases the exception that a three-bedroom unit requires one-and-a-half parking spaces.
- What should drive the number of allowed parking spaces should be the street the unit is built on and the question of whether there is room on that street to absorb the parking.
- The Commission does not need to do anything with parking for this ordinance because there are already the parking standards in the ADU Ordinance. Anyone who builds an ADU under 700 square feet they will get the parking exceptions for that and each lot is limited to one ADU per lot, so that privilege cannot be abused.
- Tandem parking should be looked at within the Design Review and perhaps still have a Conditional Use Permit with it.
- In many of the neighborhoods there is no existing street parking. Allowing tandem parking addresses a need for parking for new construction and should be part of the Design Review process but does not need to rise to the level of a CUP.
- Michael Rex suggested more clearly stating in the ordinance that the size of a unit is limited if not built to the density in which the lot is developed.
- It has been suggested that Housing Element Program 20 can be accomplished by just showing capacity for ADUs without any other infill. The ADU ordinance only allows one ADU on a parcel, so if all that is done is demonstrate the feasibility of one ADU on a 10,000 square foot parcel there is still the issue of a large unit. This ordinance restricts the size of the largest unit on any given parcel.

Commission questions and comments to staff:

- Why was an EIR not prepared when the Housing Element and ADU ordinance were adopted? *Staff responded because the 1995 General Plan EIR did contemplate and consider ADUs.*
- Did the 1995 General Plan also considered the development of each parcel to its full-zoned density? *Staff responded that is correct.*
- Would the incremental addition of ADUs plus potentially building out to capacity create the need for an EIR since when the EIR for the General Plan was performed it did not contemplate ADUs? *Staff responded the question at hand is, does CEQA require that the item in front of the Commission require an EIR, and the answer is no.*
- Does the cumulative impact of the incremental decisions and changes made over time since the General Plan an EIR was prepared perhaps merit an EIR for this most recent change? *Staff responded no.*

- 1       • One speaker commented that smaller parcels should not be allowed to  
2       increase density. It is the Commission’s understanding that no parcels are  
3       allowed to increase the density for which it is zoned, is that correct? *Staff*  
4       *responded that is correct.*  
5

6       Commission comments:

- 7       • The CUP allowing exceptions for parcels due to configuration, topography  
8       and other physical constraints is of concern. There needs to be more specific  
9       findings to weigh whether a site is constrained to the extent it should be  
10       allowed a Conditional Use Permit to opt out of the requirements of this  
11       ordinance so that a Planning Commission weighing whether or not to issue a  
12       CUP has some concrete evaluation factors to consider. For example,  
13       specifically define the slope of a remainder portion of a parcel that would  
14       prevent further development on that parcel. Or, if an existing parcel is already  
15       so situated so that there is no possible way to build on the remainder of the  
16       parcel because of a creek or the shape of the parcel.  
17       • The Planning Commission would like concrete examples of the meaning of,  
18       “crowding and overwhelming neighboring properties and loom over the  
19       street,” found in paragraph 14, under Section 6, on page 21.  
20

21       Directions to staff:

- 22       • Remove Number 8 on page 8.  
23       • Identify more concrete standards for the second Design Review Permit  
24       finding.  
25       • Remove expedited review.  
26       • The third bullet on page 13 should be added to the Purpose. The Purpose  
27       and Intent should be modified in Items 3 and 4 on page 59.  
28       • Units under 700 square feet have to provide one parking space and units  
29       over 700 square feet have to provide two.  
30       • The parking standards do not have to be changed.  
31       • Tandem parking should be left in.  
32       • Clearly state in the ordinance that the size of a unit is limited if not built to the  
33       density in which the lot is developed.  
34  
35

36       The public hearing was closed.  
37

38       **Old Business**

39       None.  
40

41       **New Business**

42       None.  
43  
44

45       **Staff Communications**

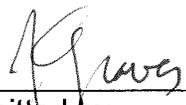
- 46       • The Planning Commission will meet on June 26, 2013 at 5:00 p.m. to resume  
47       discussions and take action on the proposed Standards for Multi-Family  
48       Zoned Properties/City-Wide ordinance.  
49  
50

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

**Adjournment**

**Commissioner Keegin moved and Vice-Chair Werner seconded a motion to adjourn the meeting. The motion passed 3-0.**

The meeting was adjourned at 8:46 p.m.

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

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

I:\CDD\Plan Comm\Minutes\2013\06-12-Approved.doc