

SAUSALITO PLANNING COMMISSION
Wednesday, April 30, 2014
Approved Summary Minutes¹

Call to Order

Chair Cox called the meeting to order at 6:36 p.m. in the Council Chambers of City Hall, 420 Litho Street, Sausalito.

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

Absent: Commissioner Stafford Keegin

Staff: Community Development Director Jeremy Graves
Contract Planner Bill Card, Contract Planner Rafael Miranda,
City Attorney Mary Wagner

Approval of Agenda

Vice-Chair Werner moved and Commissioner Cleveland-Knowles seconded a motion to approve the agenda. The motion passed 4-0.

Public Comments on Items Not on the Agenda

None.

Approval of Minutes

April 16, 2014

Vice-Chair Werner moved and Commissioner Nichols seconded a motion to approve the action minutes, as amended. The motion passed 4-0.

Historic Landmarks Board Chair Pierce called the meeting to order at 6:34 p.m.

Present: Chair Morgan Pierce, Secretary John McCoy, Committee Member Bernard Feeney, Committee Member Natascha Frasier,
Committee Member Carolyn Kiernat.

Absent: None.

Public Hearings

Declarations of Planning Commissioner Public Contacts

None.

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

- 1
2 **1. DR/SP/EA 14-030, Design Review Permit, Sign Permit, Encroachment**
3 **Agreement, Nadjibi, 755 Bridgeway.** Design Review Permit and Sign Permit to
4 allow the installation of an awning and identification signage and a
5 recommendation to the City Council for approval of an Encroachment Agreement
6 to allow an awning to encroach five feet into the Bridgeway public right-of-way on
7 the building located in the Downtown Historic Overlay Zoning District at 755
8 Bridgeway (APN 065-071-024).
9

10 The public hearing was opened.

11
12 Contract Planner Card provided a PowerPoint presentation on the project.
13

14 Planning Commission and HLB questions for staff followed.
15

16 The public testimony period was opened.
17

18 The applicant, Bahram Nazarian of Barcelino, made a presentation.
19

20 Planning Commission and HLB questions for Mr. Nazarian followed.
21

22 Planning Commission and HLB questions for staff followed.
23

24 **Public Comments:**

25 None.
26

27 The public testimony period was closed.
28

29 Historic Landmarks Board comments followed.
30

31 Planning Commission comments followed.
32

33
34 **HLB Chair Pierce moved and Committee Member Kiernat seconded a motion to**
35 **approve a Design Review Permit and Sign Permit for 755 Bridgeway, subject to**
36 **the following additional condition of approval:**

- 37
 - Staff shall verify the historic significance of the building, and if confirmed
38
 - staff shall ensure the proposed awning does not have a negative impact.
39

40 The motion passed 5-0.
41

42 **Commissioner Cleveland-Knowles moved and Commissioner Nichols seconded a**
43 **motion to approve a Design Review Permit and Sign Permit for 755 Bridgeway,**
44 **subject to the following additional condition of approval:**

- 45
 - Staff shall verify the historic significance of the building, and if confirmed
46
 - staff shall ensure the proposed awning does not have a negative impact.
47
48
49
50

1 Committee Member McCoy moved and Committee Member Feeney seconded a
2 motion to amend the HLB motion to include the caveat that if the building is
3 determined to have historic significance that would be negatively impacted the
4 application shall be returned to the HLB and Planning Commission.
5

6 The HLB motion passed 5-0.
7

8 Commissioner Cleveland-Knowles amended her motion include to the caveat that
9 if the building is determined to have historical significance that would be
10 negatively impacted the application shall return to the HLB and Planning
11 Commission.
12

13 The seconder of the motion accepted the amendment and requested the motion
14 be amended to include the change that if the HLB determines there is no negative
15 impact the application does not need to return to the HLB.
16

17 The maker of the motion accepted the amendment.
18

19 The motion passed 3-1. (No – Werner)
20

21 The public hearing was closed.
22

23 **2. CDD 13-117, Bridgeway Parklet, City of Sausalito, 621-633 Bridgeway.**
24

25 Conversion of approximately 105 linear feet of public parking spaces within the
26 public right-of-way on the west side of Bridgeway into a Parklet with dining tables
27 fronting the existing restaurants and delicatessen at 621, 625, 629 and 633
28 Bridgeway (APNs 065-132-01, 02, and 03).
29

30 The public hearing was opened.
31

32 Contract Planner Card presented a PowerPoint presentation on the project.
33

34 Planning Commission and HLB questions for staff followed.
35

36 The public testimony period opened.
37

38 The applicant, Mike Monsef, made a presentation.
39

40 Planning Commission and HLB questions for Mr. Monsef followed.
41

42 **Public Comments:**
43

44 Proponents:
45

46 Michael Rex
47

48 Alex Kashef
49

50 Opponents:
51

Michael Bankis (phonetic)

Other:
Russ Irwin

The public testimony period was closed.

Planning Commission and HLB comments provided comments to the Community Development Director regarding the design of proposed parklet.

HLB Committee Member McCoy moved and Committee Member Feeney seconded a motion to adjourn the HLB meeting at 8:40 p.m.

The motion passed 5-0.

- 3. TM/CCP/DR/TRP/EA 13-139, Tentative Map, Condo Conversion Permit, Design Review Permit, Tree Removal Permit, Encroachment Agreement, Rushford, 420 & 422 Napa Street & 114 Filbert Avenue.** A Tentative Map, a Condo Conversion Permit, a Design Review Permit, a Tree Removal Permit, and an Encroachment Agreement to convert three single-family residences on a single parcel into three condominiums with a common area parcel.

The public hearing was opened.

Vice-Chair Werner moved and Commissioner Cleveland-Knowles seconded a motion to continue the public hearing for the project at 420 & 422 Napa Street & 114 Filbert Avenue to a date uncertain.

The motion passed 4-0.

The public hearing was closed.

Vice-Chair Werner indicated that he would recuse himself from participating in the public hearing for Item 4 because he lives within 500 feet of the subject property.

- 4. GPA/ZOA/PD/TM/DR/CC/EA, General Plan Amendment, Zoning Ordinance Amendment, Planned Development, Tentative Map, Design Review Permit, Condominium Conversion, Encroachment Agreement, Kashef, 201 Bridgeway & 206 Second Street.** Review of the *Valhalla Residential Condominiums Initial Environmental Study/Mitigated Negative Declaration (IES/MND)* released for public comment on April 1, 2014. The IES/MND analyzes the potential environmental impacts of the proposed modification of the existing commercial building at 201 Bridgeway into seven residential condominiums and the modification of the existing single-family residence at 206 Second Street (APNs 065-242-06 and -17). The public comment period is scheduled to conclude at the May 14, 2014 Planning Commission meeting.

The public hearing was opened.

The City's consultant, Ben Noble of PlaceWorks, provided a staff report.

1 Planning Commission questions for Mr. Noble followed:

- 2 • Will the public have another opportunity after tonight to provide comment on
3 the IES/MND? *Staff responded the public comment period is scheduled to*
4 *close on May 14th.*
- 5 • When are we expecting to get the responses to comments? *Staff responded*
6 *after the comment period closes, PlaceWorks and staff will prepare the*
7 *responses to comments and bring them to the Planning Commission. However,*
8 *not knowing the extent of the comments staff cannot predict when that will be,*
9 *but staff is cognizant that the Planning Commission will need the completed*
10 *document back before it takes final action on June 4th.*

11
12 The public comment period was opened.

13
14 Geoffrey Butler indicated the following:

- 15 • He has sent the Planning Commission a letter, which he will summarize.
- 16 • His clients, Bonnie Johnson of 210 Second Street and David Thomas of 208
17 Second Street, would like to support the project but cannot because of their
18 view issues.
- 19 • His clients' current views, which they have had for a long time, could remain
20 intact if the second story of proposed Unit 5 was removed and the landscape
21 proposal adjusted. The deck rail or parapet of proposed Unit 7 could remain
22 the same height as the existing roof parapet.
- 23 • By removing the second story of proposed Unit 7 the parking requirements
24 might be reduced and the smaller unit size might be more affordable, returning
25 some of the public benefit of the neighborhood commercial zoning.
- 26 • CEQA requires an Initial Study to outline the impacts of the project on views,
27 light and privacy on adjacent properties. However, the story poles were only
28 completed the day before and the author of the Initial Study did not have time
29 to observe the impacts to the neighbors.
- 30 • With the story poles installed it is clear there would be significant impacts on
31 views from the residences at 208 and 210 Second Street, and possibly other
32 properties as well. The Initial Study indicates impact to private views is
33 minimized, but the photographs he is presenting to the Commission prove
34 otherwise.
- 35 • The Initial Study should be revised to acknowledge the impact as significant.
- 36 • The CN zoning of this property exists to provide a benefit to the public, but the
37 proposed project is a private for-profit development.
- 38 • He and his clients ask the Commission to request that the Initial Study authors
39 reevaluate the aesthetic and mandatory findings of significance to reflect the
40 impacts on views as now represented by the story poles, and to also
41 investigate mitigation measures on light and noise.

42
43 Commission questions and comments for Mr. Butler:

- 44 • The quality of Mr. Butler's photographs should be improved and the location
45 where the photo was taken from, if they are taken with a special lens such as
46 telephoto, and from what height, should be noted.

- What did you mean by, "This property is currently zoned for the public benefit"? *Mr. Butler said when he reads the General Plan his interpretation of the CN zone is it is there to provide a benefit for the community for services.*

David Thomas, 208 Second Street, indicated the following:

- His property has been in his family since the 1940s.
- Now that the story poles are up they can see that height of the building has increased.
- There are solutions with respect to the significant view impacts that should be in the environmental document.
- He and his neighbor hope to work with the applicant to ensure the project does not impact neighbors' views but is still a viable project.

Bonnie Johnson, 210 Second Street, indicated the following:

- She has been in her home for 24 years and finds this situation to be very stressful. The view of San Francisco was one of the reasons she bought her home.
- She supports a project going into the proposed site and recognizes the owner's right to work on their property, but it cannot be at someone else's expense.

Diana Kristiani indicated the following:

- She is concerned about the bus stop in front of the project. She uses the corridor of Bridgeway, Second Street and Alexandria five days a week and that location is a nightmare.
- She urges the Commission to evaluate putting the bus stop in front of Cote d'Azur where there is a pullout. Cyclists, buses and vehicles slow down at the turn and it would provide a place for the buses to pull in safely.

Kerry Headington indicated the following:

- She lives in Old Town and would love to support the project but it needs to be fair, not to the benefit for some but have negative impact on others.
- It is clear there is a significant impact on neighbors' bay views, which compromises the validity of the Mitigated Negative Declaration's claims that there is, "less than significant impact to views of a scenic vista."
- Given the topography of Old Town, any increase in height is likely to impact views.
- She agrees this project requires many concessions such as a change of zoning, but obstruction of neighbor's view should not be one of the concessions allowed. It is not fair to take precious views of the bay from one neighbor and give them to another.

Mike Monsef indicated the following:

- The Zoning Code should apply to everybody.
- A view is a privilege, not a right.
- The Zoning Code says the applicant is permitted to go to 32 feet.

1 Michael Rex, applicant's architect, indicated the following:

- 2 • The public has called the proposed project a "high density housing project,"
3 which is fiction. Based on the size of the parcel and their requested zoning
4 change to R-3, they could put 10 units on the site. They are proposing seven
5 units, only 70% of the density that could be allowed under current zoning and
6 much less than could be allowed under the state mandated density bonuses,
7 which could be up to 13 units.
- 8 • The bus pullout was a big issue last time and they are meeting with Public
9 Works and traffic engineers to thoroughly study the safety aspects of that. They
10 urge the City and the Commission to listen to the experts' feedback and base
11 decisions on facts that they hope to present at the next hearing.
- 12 • In response to Mr. Butler's letter, views are not CEQA issues; they are
13 entitlement issues associated with design review permits and the findings for
14 that permit. The May 14th Planning Commission hearing is the proper venue for
15 that issue and they expect to have a serious discussion about views and
16 impacts then.

17
18
19 Planning Commission comments for Mr. Rex followed:

- 20 • Your scenario would exist only if the zoning is changed to R-3, so no one could
21 go in there now and build 13 units. *Mr. Rex responded if the zoning change is*
22 *approved they are still only asking for 7 units rather than 13.*
- 23 • But if the zoning change is approved and you put in 7 units, in 20 years
24 someone could tear those down and put in 13 units. *Mr. Rex responded that*
25 *could happen anywhere in town, although their proposed units will probably be*
26 *there a long time, given their investment. The view issues aren't necessarily*
27 *germane to the validity of the environmental review.*

28
29 Planning Commission question for Mr. Rex followed:

- 30 • Would the project have a substantial adverse affect on a scenic vista? *Mr. Rex*
31 *responded no. He asked their environmental consultants that question with*
32 *respect to public vistas and the only place impacted is a public view of Angel*
33 *Island from one spot on Main Street. They do not consider that significant.*

34
35 Planning Commission questions for Mr. Noble followed:

- 36 • When the Environmental Checklist and Findings of the environmental review
37 document look at the aesthetics of a project it poses the question, "Would the
38 project have a substantial adverse affect on a scenic vista?" and it does not
39 make the distinction between public and private views. Can you address what
40 the CEQA requirements of that evaluation are? *Mr. Noble responded generally*
41 *for CEQA purposes "scenic vista" refers to public view. The exception is when*
42 *a jurisdiction adopts its own special standards of significance that call out*
43 *private views as being protected under CEQA. The interpretation the City has*
44 *consistently taken is that scenic vista refers to public views. He said that is not*
45 *to minimize the importance of private view impacts for this project, but that is*
46 *something that is considered as part of the entitlement process for the project.*
- 47 • Did you review Sausalito's specific view ordinance and satisfy yourself that that
48 did not fall within the CEQA provisions for protections of private views? *Mr.*
49

1 *Noble responded yes, they looked at the Zoning Ordinance as well as the*
2 *General Plan.*
3

4 The applicant, Alex Kashef, made a presentation:

- 5 • He has a love and passion for the Valhalla and looks forward to bringing the
6 beauty of it out again.
- 7 • The bus pullout was a hot topic at the last meeting. He is open to any
8 improvements to the property that are reasonable and safe. They are setting
9 up meetings with Public Works and other traffic experts.
- 10 • To bring the benefit of the project out they are offering to rebuild the most
11 dilapidated part of the boardwalk along Main Street that does not have a proper
12 foundation.
- 13 • He offered to put up the story poles a long time ago but they were told they are
14 not needed for the environmental review, and so they waited until now to install
15 them.
16

17
18 Planning Commission question for Dr. Kashef followed:

- 19 • Have the story poles been certified? *Dr. Kashef responded yes.*
20

21 The public testimony period was closed.
22

23 Planning Commission question to staff followed:

- 24 • With respect to population and housing, the proposed project includes seven
25 new units, but if the zoning is changed for this site to R-3, as the applicant
26 seeks, there could be a possibility of 13 units. Did staff consider the possibility
27 of 13 units on that one parcel in deciding that there would not be substantial
28 unexpected population growth in that particular area? *Staff responded part of*
29 *the applicant's proposal is to deed restrict the property due to the Fair Traffic*
30 *Initiative. During such time as the Fair Traffic Initiative is in effect it would be*
31 *the applicant's self imposed recorded deed restriction that would limit the*
32 *number of units to seven.*
33

34 Planning Commission comment followed:

- 35 • The information regarding the proposed deed restriction would be useful
36 information to include in the environmental document to address issues in Item
37 12, Population and Housing, and Item 15, Transportation and Traffic.
38

39 The public hearing was closed.
40

41 **Old Business**

42 None.
43

44 **New Business**

45 None.
46

47 **Communications**

- 48 • Staff: Community Development Director Graves reviewed items on the Planning
49 Commission's upcoming meeting agenda.
50

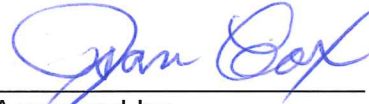
1 **Adjournment**

2
3 **Commissioner Cleveland-Knowles moved and Commissioner Nichols seconded a**
4 **motion to adjourn the meeting.**

5
6 **The motion passed 3-0.**

7
8 The meeting was adjourned at 9:32 p.m.
9

10
11 
12 _____
13 Submitted by
14 Jeremy Graves, AICP
15 Community Development Director
16

17 
18 _____
19 Approved by
20 Joan Cox
21 Chair
22

23 I:\CDD\Plan Comm\Minutes\2014\04-30-Approved.doc
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