

SAUSALITO PLANNING COMMISSION
Wednesday, May 14, 2014
Approved Summary Minutes¹

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, Commissioner Susan Cleveland-Knowles,
Commissioner Stafford Keegin, Commissioner Vicki Nichols.

Absent: Vice-Chair Bill Werner

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

Approval of Agenda

Commissioner Keegin moved and Commissioner Cleveland-Knowles seconded a motion to place Item 4 after Item 1, and to approve the modified agenda. The motion passed 4-0.

Public Comments On Items Not on the Agenda

None.

Approval of Minutes

April 30, 2014

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

Public Hearings

Declarations of Planning Commissioner Public Contacts

None.

- 1. DR/CUP 14-113, Design Review Permit, Conditional Use Permit, Bridgeway Marina Corp. and City of Sausalito, 225 Locust Street/Foot of Locust Street/Humboldt Right-of-Way.** Design Review Permit for a new public put-in for non-motorized watercraft located in the City right-of-way at the foot of Locust Street and a Conditional Use Permit to allow Sea Trek to fulfill their parking requirement with off-site parking in City Parking Lot 5 (Humboldt right-of-way) and to allow Sea Trek to provide dry boat storage at 225 Locust Street (APN 065-031-01).

The public hearing was opened.

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

1
2 **Community Development Director Graves indicated the applicant had requested**
3 **the public hearing for 225 Locust Street/Foot of Locust Street/Humboldt Right-of-**
4 **Way be continued to the meeting of May 28, 2014 with public testimony, if any,**
5 **being taken at the present meeting.**
6

7 The public testimony period was opened.
8

9 **Public Comments:**

10 None.
11

12 The public testimony period was closed.
13

14 **Commissioner Keegin moved and Commissioner Cleveland-Knowles seconded a**
15 **motion to continue the public hearing for 225 Locust Street/Foot of Locust**
16 **Street/Humboldt Right-of-Way to the meeting of May 28, 2014.**
17

18 **The motion passed 4-0.**
19

20 The public hearing was closed.
21

- 22
23 **4. TM/CCP/DR/EA 13-139, Tentative Map, Condominium Conversion Permit,**
24 **Design Review Permit, Encroachment Agreement, Rushford, Russo,**
25 **Johnson, Haitani, 420 & 422 Napa Street & 114 Filbert Avenue. Tentative**
26 **Map, Condominium Conversion Permit, Design Review Permit, and an**
27 **Encroachment Agreement to convert three single-family residences on a single**
28 **parcel into three condominiums with a common area parcel and recommendation**
29 **of City Council approval of an Encroachment Agreement to construct a new**
30 **retaining wall within the Napa Street right-of-way at 420 and 422 Napa Street and**
31 **114 Filbert Avenue (APN 064-151-19).**
32

33 The public hearing was opened.
34

35 Contract Planner Miranda provided a PowerPoint presentation on the project.
36

37 Planning Commission questions for staff followed.
38

39 The public testimony period was opened.
40

41 The applicant/owner, Mark Rushford, made a presentation.
42

43 Planning Commission questions for Mr. Rushford and owner/applicant Donald Russo
44 followed.
45

46 **Public Comments:**

47 None.
48

49 **Chair Cox moved and Commissioner Cleveland-Knowles seconded a motion for**
50 **420 & 422 Napa Street and 114 Filbert Avenue to:**

- **Approve a Design Review Permit, subject to the following additional Condition of Approval:**
 - **A sidewalk shall be constructed to connect the upper and lower existing sidewalks, subject to approval of the plans by the Department of Public Works.**
- **Recommend City Council approval of an Encroachment Agreement.**
- **Continue the public hearing for a Tentative Map and Condominium Conversion Permit to a date uncertain.**

The motion passed 4-0.

The public hearing was closed.

- 2. GPA/ZOA/PD/TM/DR/CC/EA 13-150, General Plan Amendment, Zoning Ordinance Amendment, Planned Development Permit, Tentative Map, Design Review Permit, Condominium Conversion Permit, Encroachment Agreement, Kashef, 201 Bridgeway & 206 Second Street.** Review of the *Valhalla Residential Condominiums Initial Environmental Study/Mitigated Negative Declaration (IES/MND)*. 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 hearing was opened.

Commissioner Keegin indicated that he would recuse himself from participating in the hearing for Items 2 and 3 due to a conflict of interest.

Chair Cox indicated that because there were three Commissioners at the hearing a unanimous vote would be required in order to take action on Items 2 and 3, however, the Commission would be giving direction to staff only for both items.

Ben Noble of PlaceWorks provided a PowerPoint presentation on the project.

Planning Commission question for staff followed:

- During the public comment at the April 16th meeting concern was expressed regarding a bus pull out and whether or not there was some restriction or obligation on this property to construct a bus pull out similar to the property owner across the street. The Commission directed staff to research its records to try to identify or locate any record of that. What is the status of that research? *Staff responded it has not completed its research on that matter yet. Staff has asked the original commenters for more direction but the issue is unresolved at this point.*

The public testimony period was opened.

The applicant, Michael Rex, made a presentation.

1
2 Planning Commission questions and comments for Mr. Rex followed:

- 3 • Members of the public at a prior hearing commented on placing a bus pull out
4 on South Street in an existing pull out location. Has that been considered
5 further? *Mr. Rex responded he brought it up to Public Works and was informed*
6 *that it would not work.*
- 7 • You have stated that 68% of the existing structure's exterior walls are going to
8 be demolished, which is more than 51%. It will be important to see what this
9 historic portion is, because without that it cannot be confirmed that this is an
10 adequate evaluation of the cultural resources, because over 51% there is no
11 mitigation for the demolition of a historic structure. *Mr. Rex responded they are*
12 *tearing down a lot of the building, because a lot of it is in terrible shape and/or*
13 *not historic. Their report is a full historic analysis of the Valhalla by Mark*
14 *Holbert of Preservation Architects, who prepared a full study of what was built*
15 *when, what has value and what does not, and why. They are tearing down*
16 *what has been determined by Mr. Holbert, PlaceWorks and the Historic*
17 *Landmarks Board to be not significant. They have also identified what is*
18 *significant and their responsibility to comply with state standards is that they*
19 *preserve and rehabilitate those defining historic characteristics and features,*
20 *which were defined before starting the project. So yes, they are tearing down*
21 *more than 51%, but they are saving the important parts.*

22
23
24 Planning Commission questions for staff followed:

- 25 • When does staff expect the Commission to take action on the entitlements?
26 *Staff responded the earliest would be June 4th. The Commission will hear this*
27 *project again on May 28th and June 4th, and if it needs an additional meeting*
28 *beyond that, it is in Commission's prerogative.*
- 29 • Some members of the Commission are interested in meeting onsite to see the
30 project from the perspective of the neighbors who are concerned about view
31 impacts.

32
33 **Public Comments:**

34
35 Jeff Lazan (phonetic), 211 Bridgeway, indicated the following:

- 36 • Regarding the bus pull out, he wants to emphasize the already difficult visibility
37 when one is pulling out of Main Street. If the corner were pushed back any
38 further cars would have to stop further back instead of pulling up to the existing
39 crosswalk, and visibility would be obscured even further.

40
41 Planning Commission question for Mr. Lazan followed:

- 42 • Have you considered the revised pull out that Mr. Rex states that transportation
43 consultant David Parisi has recommended? *Mr. Lazan responded he had not*
44 *heard about it before, but if the revised version does not move the corner back,*
45 *then that would alleviate his concern.*

46
47 Jan Johnson, 301 Second Street, indicated the following:

- 48 • Most people access the beach under the boardwalk, because the embankment
49 is too steep and slippery. She hopes that beach access will not be cut off by
50

the project and that they can still pop down on the cinderblock that is on the public right-of-way and access the beach.

Diana Kristiani, 100 San Carlos Avenue, indicated the following:

- She is concerned about the bus pull out and is not sure if the City has thought of the dangers that exist.
- She thinks the bus pull out should be in front of Cote D'Azur, because there is a pull out there and that area would be safe.

Ted Reed indicated the following:

- He is an architect and represents 215 Main Street, the Portofino Riviera Apartments, and they are happy to see the plan go forward.
- Michael Rex has clarified their initial issues.
- They are the largest adjacent landowner and are fully in support of the project and concur with the findings of the environmental document.

Geoffrey Butler indicated the following:

- He is an architect and represents Bonnie Johnson of 210 Second Street and David Thomas of 208 Second Street.
- He suggested at the April 30th hearing, and still believes, that redesigning Unit 7 and maintaining the existing roof parapet height would resolve the view issues from 208 and 210 Second Street.
- He has suggested to the applicant that his clients would support flexibility in the Planned Development, including increasing coverage, if it helped to resolve the height issues based on the story pole installation.
- He believes private views should be considered as part of this study and that there is mitigation measures that can protect those views with the flexibility of the Planned Development.
- One of the project's significant impacts is the proposed roof garden. He would like the study to determine if the existing roof is in fact a roof or a deck. This distinction is important, given the proposed landscape, spa, fire pit, lighting and activity levels, if staff and the consultant find that the deck is not entitled at this location.

Holiday Whisennan, 211 Bridgeway, indicated the following:

- With respect to the bus pull out, the problem is the bicycles more than the buses from a safety standpoint, which is not connected to the Valhalla project, so it is important to separate those issues.

David Thomas, 208 Second Street, indicated the following:

- He was confused about public and private views being included in this study. He asked about it at the City Council meeting of July 23, 2013 and the Council, the applicant's architect and City staff all agreed that the study was going to include public and private views. He asks the Planning Commission to reconsider including both public and private views.

1 Planning Commission questions to Mr. Noble followed:

- 2 • At the last meeting the Planning Commission asked you about public and
3 private views. Did you perform any more research on that issue? *Mr. Noble*
4 *responded yes, and what he stated at the last meeting was correct, that*
5 *generally for CEQA purposes view impacts refer to public view impacts. Some*
6 *communities have adopted their own thresholds of significance or CEQA*
7 *guidelines that relate specifically to private view impacts. Also jurisdictions*
8 *occasionally will err on the side of caution and address private view impacts in*
9 *the CEQA discussion, which occurred in this document just to cover all bases,*
10 *but absent any adopted CEQA guidelines of the jurisdictions the case law is*
11 *clear that it really applies to public use.*
- 12 • If the City Council indicated that it would like to see private and public views
13 considered as part of the CEQA evaluation, the Commission would endorse
14 that approach.

15
16 Staff comment followed:

- 17 • Mr. Noble is correct. There are cases that say under CEQA the question is
18 whether a project will affect the environment and persons in general, not
19 whether a project will affect particular persons. Scenic vistas refers to general
20 public scenic vistas and not private vistas, absent a local regulation, which
21 Sausalito does not have, that specifically requires that private view impacts be
22 taken into account in a CEQA analysis. There was no statement made at the
23 Council level that the document *would* include private use, although there may
24 have been individual Council members raising that issue, but it was not a
25 direction from the majority of the City Council. Private views are taken into
26 account significantly in the entitlement discussion.

27
28
29 Charlotte Mastrangelo, 105 Third Street, indicated the following:

- 30 • She has been pushing for the bus stop and thinks it is very important.
- 31 • She understands from the last hearing that the City owns 10 feet of the
32 Valhalla frontage area, so they do not have to go in that much to get the
33 additional feet to put the bus stop in.
- 34 • Installing the bus stop the right thing to do and should be done now while the
35 City has the opportunity and it would be more cost effective.

36
37 Planning Commission questions for Ms. Mastrangelo followed:

- 38 • At the April 16th meeting either you or Bob Mitchell thought at some point close
39 in time to when the bus stop was put in across the street that an obligation was
40 imposed that if there was future development on this site that it would entail a
41 bus pull out. Can you speak to that? *Ms. Mastrangelo responded that is*
42 *correct.*
- 43 • Do you remember when that obligation was imposed? *Ms. Mastrangelo*
44 *responded she did not remember when, but she remembered that when they*
45 *heard the Valhalla was going to be developed she wrote a letter to the Director*
46 *of Community Development saying that if the developer asked for anything*
47 *they wanted to know so they could get in on the ground floor. They have not*
48 *proposed this bus stop at the last minute; they have been working on it for*
49 *several years.*

1 Alex Kashef, the applicant, indicated the following:

- 2 • They had a community outreach meeting at the Valhalla a week ago and close
3 to 79 people attended. There was major support for the project.
- 4 • As he said at the last Planning Commission hearing, he is open to a bus pull
5 out and will build what is safe. If a bus pull out is found to be safe, they will be
6 happy to build it.
- 7 • He has spent \$26,000 investigating the bus pull out; it would have been
8 cheaper for him to build it.
- 9 • They have provided in-depth information above what is required. They have
10 extended timelines to ensure all have a chance to speak. Everything that
11 needed to be evaluated, he has paid for the evaluation out of his pocket.
12

13 Planning Commission question for Mr. Kashef followed:

- 14 • What if it was found that a bus pull out would be appropriate up the road in
15 front of Cote D'Azur? Would you contribute in-kind funds for that? *Mr. Kashef*
16 *responded there is a certain point where he has to say that is too much, but he*
17 *would contribute because he believes in the property and he wants to make*
18 *sure it is done; however, he will not pay for the whole thing.*
19

20 The applicant, Michael Rex, made rebuttal comments:

- 21 • The City does not own the 10-foot frontage of the Valhalla; it is private
22 property. What they do have is a special 10-foot setback along a portion of
23 Second Street that is not allowed to be built on in order to reserve the area for
24 some future use if the City ever wanted to use it for some public benefit or to
25 widen the street. If the City wants to put public across it, like move the sidewalk
26 into that 10 feet, that would require an encroachment easement or an access
27 easement from the applicant, or they could purchase it. Either way there's a
28 legal process to do it, but that has not been determined. All they have done is
29 reserved that 10 feet as the code requires.
- 30 • Since the last hearing they approached the Bridge District and asked them for
31 a second time if they want a bus pull out or not? The first time they had asked
32 the Bridge District they had said they did not want a pull out because it is hard
33 to pull back in and it slows the buses down. This time the District came back
34 with an email that said yes, they would like a pull out, if it works.
35

36 Planning Commission comment for Mr. Rex followed:

- 37 • As the property now exists the City would need to seek an easement or
38 something from the applicant if it wished to encroach further onto his property,
39 but be reminded that the applicant is seeking numerous concessions, a
40 tentative map and a change in zoning, so this is an opportunity to identify the
41 project parameters that would work best for the applicant and the City.
42

43 The public testimony period was closed.

44 Planning Commission comments followed:

- 45 • It was difficult to understand what the project was proposing versus the existing
46 in terms of what new floor area was being added and height. The Negative
47 Declaration should include a clearer depiction of that for the entitlement phase.
48

- Page 4-2 needs to be clearer regarding public versus private views, what the document is looking at and not looking at, and why for the benefit of the public.
- On page 4-2 public views are only considered from the corner of Main and Second, although there are a lot of public views along the street. It is not explained why the document focuses only on a view from one corner, but it to be discussed in more detail.
- Page 4-4 states the concrete wall is going to be concrete blocks. Discussion seems to imply that it is going to be covered with a vine, so it will not matter, but vines die. Unless it is a condition that it be permanently covered, more discussion on whether concrete is an appropriate material is needed.
- The process of how the historic review of this property is discussed for CEQA purposes should be fleshed out more, and detail how the HLB's role intersects with the CEQA process. The discussion in the Negative Declaration and the conclusions being made are confusing when the HLB did not make any conclusions until the present meeting. If the HLB's recommendation or decision is important, it needs to be included in a revised Responses to Comments.
- In Traffic Analysis, pages 4-92 through 4-95, discussion of traffic says Main Street has fewer than 300 vehicles per day traveling in that area; however, it must be higher with all the businesses and residential. Verification of that figure should be provided. Also, how the peak hours are determined should be detailed.
- There is a bus pull out on the other side of the street and it makes sense to have one on the proposed side. However, safety concerns are extremely important and additional professional input should be obtained.
- The Commission needs to have the existing footprint outlined and made much clearer on the plans.
- The plans refer to the "Valhalla structure." Clarification is needed on exactly what the applicant is calling the structure versus the banquet hall, with a description of these areas so the difference between the two can be seen clearly.
- In the Traffic Conditions on 4-21 the levels of trips are huge, not relevant to a city the size of Sausalito, and too out of scale to use as an evaluation. There needs to be a standard more relative to a 7,000-member community.
- There are more assumptions made on the volume of traffic. There has not been enough traffic generated by an active 200-seat restaurant at that site in years.
- The traffic study by Mr. Harrison about the trips references trips on Saturdays and weekends, again using the reference to the 200-seat restaurant, however, when that restaurant was open it was not open during the day, so there would not have been any daily trips with the exception of some deliveries.
- Page 4-102 says that one of three parking spots on Main Street will be lost, leaving two for the public outside of the parking area, but they will likely be taken by the residents.
- With respect to cultural resources, there should be a mitigation plan with a tentative agreement with an archeologist, as this is a documented Native American site. Mitigation in the document is regular boilerplate language with respect to artifacts found during excavation. The language should be fleshed out to list the agencies with contact information.

- The discussion of traffic has raised the concern that bicycles are not being properly considered. Bicycles are subject to the same traffic laws as vehicles. The bicycle situation in Sausalito is unique in that bikes constitute an ongoing impact. In measuring and identifying the feasibility or necessity of traffic control or a bus pull out the trip measurement needs to include bicycles, because looking at traffic from the perspective of motor vehicles does not tell the whole story, particularly on that stretch where people are coming down at a high speed and go around the bus, so it is important to consider that as part of what the existing situation is.
- The Commission would like the work of Mr. Parisi coordinated with the work of PlaceWorks and feedback from the Golden Gate Bridge Transit District, all put into a single document where everything is considered so the Commission is not given various piecemeal opinions.
- The BCDC's role in terms of addressing sea level rise and the preservation of pedestrian access to public areas around that site are important considerations. The applicant has addressed work he would undertake on a voluntary basis, but that work needs to be coordinated with whatever deferred maintenance plans the City has so that there is, again, a grand scheme for how best to preserve the public's right of enjoyment to this property if the development is approved.

Commissioner Nichols moved to:

- **Close the public review period on the IES/MND.**
- **Direct staff to prepare responses to Planning Commission comments for subsequent review by the Commission.**
- **Continue the hearing for Item 2 to a date uncertain.**

Commissioner Cleveland-Knowles requested the motion be amended to continue the hearing to the meeting of May 28, 2014.

The maker of the motion accepted the amendment.

Commissioner Cleveland-Knowles seconded the motion.

The motion passed 3-0.

The public hearing was closed.

- 3. GPA/ZOA/PD/TM/DR/CC/EA, General Plan Amendment, Zoning Ordinance Amendment, Planned Development Permit, Tentative Map, Design Review Permit, Condominium Conversion Permit, Encroachment Agreement, Kashef, 201 Bridgeway & 206 Second Street.** Amendment of General Plan Land Use Map, Amendment of Zoning Map, Planned Development Permit, Tentative Map, Design Review Permit, Condominium Conversion Permit, and Encroachment Agreement for the proposed modifications 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.)

1 The public hearing was opened.

2
3 The public testimony period was opened.

4
5 **Public Comments:**

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7 Proponents:

8 Ted Reed

9
10 The public testimony period was closed.

11
12 Ben Noble of PlaceWorks provided a PowerPoint presentation on the project.

13
14 **Declarations of Planning Commissioner Public Contacts**

15
16 **Chair Cox disclosed that she had had contacts with Alex Kashef, Michael Rex and**
17 **various residents over the past year regarding the Valhalla Residential**
18 **Condominiums (Items 2 and 3).**

19
20 Planning Commission comments followed.

21
22 Staff comments followed.

23
24 The public testimony period was reopened.

25
26
27 **Public Comments:**

28
29 Maureen McCoy

30 Jeff Whisennand

31 Mike Monsef

32 Alex Kashef

33 David Thomas

34 Bonnie Johnson

35 Holiday Whisennan

36 Jennie Wasser

37 Jann Johnson

38
39 The public testimony period was closed.

40
41 **Commissioner Cleveland-Knowles moved and Commissioner Nichols seconded a**
42 **motion to continue the public hearing for 201 Bridgeway & 206 Second Street to**
43 **the meeting of May 28, 2014 or a site visit, date to be determined, whichever**
44 **occurs first.**

45
46 **The motion passed 3-0.**

47
48 The public hearing was closed.

1 **Old Business**

2 None.

4 **New Business**

5 None.

7 **Communications**

- 8 • Staff: Community Development Director Graves reviewed items on the Planning
- 9 Commission's upcoming special meeting agenda, and items on the City Council's
- 10 two upcoming meeting agendas.
- 11 • Commission: Commissioner Cleveland-Knowles stated that the pendant sign at
- 12 the new Chase bank has been fully illuminated after business hours. The City
- 13 has contacted the project sponsor. Commissioner Nichols stated that the
- 14 Historical Regulation Committee has been meeting regularly to vet the document.
- 15

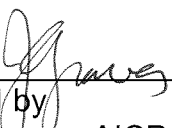
16 **Adjournment**

17
18 **Commissioner Cleveland-Knowles moved and Commissioner Nichols seconded a**

19 **motion to adjourn the meeting.**

21 **The motion passed 3-0.**

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23 The meeting was adjourned at 10:23 p.m.

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29 Submitted by 
30 Jeremy Graves, AICP
31 Community Development Director

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29 Approved by 
30 Joan Cox
31 Chair

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33 I:\CDD\Plan Comm\Minutes\2014\05-14-Approved.doc