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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, July 1, 2009**  
**Approved Minutes**

**Call to Order**

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

Present: Chair Bill Keller  
Vice Chair Stan Bair  
Commissioner Joan Cox  
Commissioner Eric Stout  
Absent: Commissioner Stafford Keegin  
Staff: Community Development Director Jeremy Graves  
Associate Planner Lilly Schinsing  
Attorney Mary Wagner

**Chair Keller moved and Commissioner Cox seconded a motion that the order of Item No. 1 and Item No. 2 on the agenda be switched. The motion passed 5-0.**

**By consensus, the election of new officers was postponed until the September 9, 2009 meeting.**

**Approval of Minutes**

None.

**Public Comment**

None.

**Public Hearings**

- 1. AP 09-070, Appeal of a Staff determination, Egri, 305 Harbor Drive.**  
Regarding the status of the restaurant use at 305 Harbor Drive (APN 063-140-09). On May 6, 2009 Staff determined that since the restaurant use at the subject site had ceased for more then six months the prior restaurant use was no longer a Legal Nonconforming use and future uses at the site must be compliant with the allowed uses prescribed in the Marinship Specific Plan and the Zoning Ordinance. At the June 17, 2009 Planning Commission meeting the Commission directed Staff to prepare a resolution upholding the appeal.

No Staff Report was presented.

**Vice Chair Bair moved and Commissioner Stout seconded a motion that the Planning Commission to uphold an appeal of the administrative determination regarding restaurant use at 305 Harbor Drive, AP 09-070. The motion passed 3-1 (No-Keller).**

1  
2 **2. DR/TM/EA 08-011, Tentative Parcel Map and Design Review Permit, Bruce,**  
3 **109 & 111 Marion Avenue.** To subdivide an existing parcel into two parcels at  
4 109 & 111 Marion Avenue (APN 065-263-04) and construct a new single-family  
5 residence. The new parcels will be approximately 8,974 and 5,048 square feet.  
6 The proposed three-story residence will be approximately 2,504 square feet. An  
7 Encroachment Agreement is requested for a driveway encroachment into the  
8 Sausalito Boulevard right-of-way. As part of the project's Encroachment  
9 Agreement Staff has included consideration of existing and proposed private  
10 improvements (i.e., patios, walkways, and fencing) in the Marion Avenue right-of-  
11 way. The project also proposes the installation of steps that would complete a  
12 partially installed walkway in the South Street right-of-way between Edwards  
13 Avenue and the subject site. The public hearing was continued from the June 3,  
14 2009 Commission meeting.  
15

16 Associate Planner Lilly Schinsing presented the Staff Report.  
17

18 Commission questions to Staff:  
19

- 20 • When looking at the CEQA issue, why didn't this property qualify for the  
21 Categorical Exemption 15303(a) since it is a single-family residence in a  
22 residential zone? *Staff responded all of CEQA's categorical exemptions are*  
23 *modified by the fact that if there is something, for example an endangered*  
24 *species on the property, that couldn't be declared Categorically Exempt because*  
25 *they'd have to do a Mitigated Negative Declaration, or in some cases even an*  
26 *EIR. Evidence has come forward that puts Staff in doubt as to whether or not*  
27 *there may be an impact, so there needs to be more study, and it made sense not*  
28 *to rely on one of the Categorical Exemptions. However, preparing a Negative*  
29 *Declaration doesn't mean the project won't go forward.*
- 30 • According to CEQA Section 15300.2(b), "All exemptions for these classes are  
31 inapplicable when the cumulative impact of successive projects of the same type  
32 in the same place over time is significant." This is a residential neighborhood  
33 where there have been successive projects over time, so even if there was an  
34 impact found this says this exemption doesn't apply. My concern is twofold: 1)  
35 This project has been pending for over a year and this is the first time the  
36 Applicant is being told they may have to obtain a Mitigated Negative Declaration,  
37 which will add at least another year to this project waiting for Fish and Game; and  
38 2) we need to be certain from a procedural perspective that we are appropriately  
39 applying CEQA and not denying the Applicant an exemption without significant  
40 reason. *Staff responded they are comfortable with the determination that a*  
41 *Mitigated Negative Declaration is appropriate. Regarding the length of time for*  
42 *preparation, review and action upon a Mitigated Negative Declaration, CEQA*  
43 *allows six months. If the Commission were to direct Staff to prepare an initial*  
44 *environmental study and Negative Declaration, and the Applicant deposits funds*  
45 *for that, they could begin the preparation within 2-3weeks and give a draft to the*  
46 *Commission about ten weeks after that.*
- 47 • Looking at the Endangered Botanical Species map, why does Staff feel a  
48 botanical evaluation needs to be done on this site? With a dozen new projects  
49 being proposed to us that didn't have that requirement, why did this one spark  
50

1 this interest? *Staff responded the General Plan program requires botanical*  
2 *reports for new projects but they just became aware of that requirement recently.*  
3 *The term is "new development," and Staff's interpretation of that is development*  
4 *of raw land, which is distinguished from a knockdown, remodel, or expansion of*  
5 *an existing residence. This site is a project on vacant, undeveloped land.*

- 6 • *In what portion of the General Plan is that requirement? Staff responded in the*  
7 *Environmental Quality Element, Program EQ 3.3.4. states, "A required detailed*  
8 *botanical report for new development projects that are located within threatened*  
9 *plant habitats areas as identified on the Natural Diversity Database maps."*
- 10 • *Will we require this for every single site now, since it covers all of Sausalito? Staff*  
11 *responded it will be required for new development projects.*
- 12 • *Is a threatened plant the same as a rare plant? Staff responded the Natural*  
13 *Diversity Database for the State Department of Fish and Game contains*  
14 *threatened, rare, and endangered plants and animals.*
- 15 • *If this site only has "rare" plants, and the General Plan only requires the botanical*  
16 *report where "threatened" plants exist, is a botanical report still necessary? Staff*  
17 *responded they would need to confirm the listing provided by the Natural*  
18 *Diversity Database to verify how they are applying the terms "rare" and*  
19 *"threatened.," If the term "rare" is found to be less endangered than the term*  
20 *"threatened" then the Applicant would not need to provide a botanical report for*  
21 *the General Plan's purposes, but for environmental review purposes the state*  
22 *regulations may require analysis of rare, threatened, or endangered species.*
- 23 • *Does this General Plan requirement also apply to animals? Staff responded the*  
24 *General Plan only specifies plant habitat areas.*
- 25 • *Because there is a difference of opinion regarding definition of the terms "rare,"*  
26 *"threatened," and "endangered," should we get clarification of it before making*  
27 *suggestions to the Applicant? Staff responded they would look at that prior to*  
28 *giving direction to the Applicant and does not want to require the Applicant to do*  
29 *more than is required by the General Plan and/or state law, but wants to ensure*  
30 *they do completely comply. The Commission could give Staff direction to explore*  
31 *the issue more and determine if a botanical or biological study is necessary in*  
32 *order to comply with state and/or General Plan and Staff and to communicate*  
33 *their decision on the interpretation directly to the Applicant. If the Applicant is*  
34 *unhappy with Staff's interpretation, then they can return to the Planning*  
35 *Commission.*
- 36 • *Regarding the Tentative Parcel Map, the current encroachments have been there*  
37 *for a long time. Does Staff recommend removing those encroachments? Staff*  
38 *responded they agree with the City Engineer's concerns and his recommendation*  
39 *to remove the patio.*

40  
41  
42  
43 Presentation was made by Bill Spencer, the Applicant's architect.

44  
45 Commission questions and comments to Mr. Spencer and Paula Bruce, the property  
46 owner:

- 47 • *How have you addressed the encroachment issues? Mr. Spencer responded that*  
48 *the Ms. Bruce doesn't want to do any more than she is now living with since she*  
49 *bought the property. Mr. Spencer and Ms. Bruce feel they have solved the*

1            *encroachment scenario with the lot split and narrowed it down to a driveway*  
2            *encroachment only.*

- 3            • What we're concerned about is not the encroachment in the side yard setback,  
4            but the patios that all exist in the public right-of-way. What you need to think  
5            about is you're asking the Planning Commission for quite a lot in terms of  
6            Tentative Map and the type of development you're doing. The City Engineer's  
7            recommendation indicates that a nexus exists with the Tentative Map proposal  
8            and the fact that even though these patios have been here for many years and  
9            were here before the Owner bought the property. These are being used for  
10           personal purposes and there is no public access and we don't like to see that.  
11           The City Engineer has recommended the removal of the patios in the public right-  
12           of-way because they are unstable from an engineering perspective. Is the Owner  
13           willing to do that? *Mr. Spencer responded they have a solution, that they put a*  
14           *permanent fence along the property line, which would be a barrier for her use.*  
15           *The fact that someone built patios before the Owner bought the property is not*  
16           *her fault and she should be held harmless.*  
17           • You need to think about removing the patios since it would not be expensive. In  
18           addition, it would respect the fact that the Commission was sensitive to the  
19           Owner's objections when the City Engineer recommended stairs be built in the  
20           Marion Avenue right-of-way to Sausalito Boulevard. The stairs in this location  
21           would be expensive. Instead may allow the Applicant to pay the cost to connect  
22           Marion Avenue down to Edwards Avenue. There is also the safety concern of the  
23           downhill neighbors with bricks falling. *Mr. Spencer responded the patios serve a*  
24           *good point of stabilization of the slope.*

25  
26  
27 Ms. Bruce's comments to the Planning Commission:

- 28            • In 1988 the Planning Commission denied a fence to the property's former owner  
29            but did not tell him he needed to take out the patios. The patios were in at that  
30            time and have been in for probably 30 years.
- 31            • She has concerns about the stability of the hillside, especially regarding Mr.  
32            Melenchuk at the bottom of the hill. Believes removing the patios and retaining  
33            walls will cause erosion of that area leading to an unsafe situation. It will make  
34            things much worse for Mr. Melenchuk than it already is.
- 35            • Right now there are no bricks missing from the patios and they are quite stable.  
36            Leaving the patios for the public to enjoy is safer than if they are removed.
- 37            • Regarding the encroachments, she put up the deer fence, which can easily be  
38            removed, to keep her dog from leaving her property in order to please a  
39            neighbor, and put a few chairs out because she didn't understand  
40            encroachments and didn't realize it was "such a big deal." Wants to make it clear  
41            it is not that important to her to have that area because she has a large property.  
42            She is only concerned for the safety of herself and her animals.
- 43            • An encroachment for life was given to the owner of 112 Marion Avenue where an  
44            entire staircase with the gate and the entire driveway is on the City property. The  
45            owner died 18 months ago, so now there is no legal encroachment on 112  
46            Marion, yet there is a gate there and it seems to be okay, but she is being told  
47            she has to take out some patios that were there over 30 years ago.
- 48            • If the Planning Commission directs her to remove the patios, she is happy to do  
49            so, but fails to see a reasonable connection between these two encroachments  
50

1 and joining them together and also between requiring her to remove the patios  
2 that have been in for 30 years without being a problem.

- 3 • She put in an application for an encroachment for the three patios in 2004 and  
4 has not received any response back after spending a lot of money with an  
5 architect and trying to do the right thing. It seems she is being penalized now that  
6 she has asked for five years ago.

7  
8 The public testimony period was opened.

9  
10 Richard Melenchuk, 119 Sausalito Boulevard, indicated the following:

- 11 • His neighbor told him there was a fence at the top of Marion Avenue. He went up  
12 and saw the Owner and told her, "I need to get to my property and look at my  
13 trees," and she told him to get off her property, even though it is public property.
- 14 • Ms. Bruce called the patios an "eyesore," yet she has a barbeque pit in the area.
- 15 • Ms. Bruce has accused him of opening her gate so that her dog escaped.
- 16 • There are some funny things going on and the Planning Commission should  
17 keep an open mind to some of the things it is hearing.
- 18 • There are bricks falling from the patio. They have been put back in to make it  
19 look like they had not fallen, but fallen bricks can be found in the ivy.
- 20 • Removing the patios will not make things worse, because the City Engineer  
21 came out and there is chert falling on his property from City property right now  
22 with nothing happening, so there is a problem there already.
- 23 • He told Ms. Bruce to remove the patio bricks a long time ago.
- 24 • He referred to a 94-page report he gave the Planning Commission on what he  
25 considers problems.
- 26 • On the green sheet it says there is to be built a three-story 2,412 square foot  
27 house. On another sheet it says a two-story 3,150 square foot house. On the  
28 current Staff Report it says a two-story 2504 square foot house. What is the  
29 correct square footage and how many stories? *Staff responded the information in  
30 the Staff Report is accurate, pursuant to the plans they received most recently.  
31 The notice was incorrect.*
- 32 • South Street is not a complete street. You can't walk down the South Street stairs  
33 because there is a driveway blocking it. *The Commission responded the top  
34 portion of the stairs were never finished, but from Edwards Avenue up halfway  
35 there are stairs.*

36  
37  
38 Jorge Lee, 108 Marion Avenue, indicated the following:

- 39 • He is an architect, engineer, and contractor and sent a letter to the Planning  
40 Commission.
- 41 • He built the stairs from the lower unit to Edwards and doesn't understand why the  
42 proposed property needs to complete these stairs instead of finishing the ones  
43 on Marion to Sausalito Boulevard?
- 44 • The address will be 111 Marion Avenue. How are they going to get to Marion to  
45 get their mail? Is the mailbox going to be on Marion Avenue or on Sausalito  
46 Boulevard? The main access to this property is from Sausalito Boulevard, so the  
47 address should be on Sausalito Boulevard.

1 Commission questions to Jorge Lee:

- 2 • You built the initial part of the stairway from Marion, and that is in the public right-  
3 of-way? *Mr. Lee responded yes, he built the stairway from Marion Avenue to his*  
4 *apartment, and it is in the public right-of-way and the public can use it and he is*  
5 *supposed to deed it to the City.*
- 6 • Why are you opposed to the finishing of that public stairway that goes from the  
7 bottom of these steps down to Edwards as opposed to building a whole new  
8 public stairway which would be significantly longer and much more costly when  
9 this is not your property? *Mr. Lee responded he is concerned about safety and*  
10 *privacy. The lower unit will see people using the stairs. If Ms. Bruce can afford to*  
11 *build a house on a solid rock hill, the cost of a stairway is nothing.*
- 12 • How many of your windows in the lower unit face the direction of where the new  
13 stairway would be and in those rooms are there windows facing another  
14 direction? *Mr. Lee responded the living room and the kitchen in the lower unit,*  
15 *and in his own upper unit two bedrooms, and in those rooms there are also*  
16 *windows facing South Street and the water.*

17  
18  
19 Phil Arnaudo, 475 South Street, indicated the following:

- 20 • He lives where Marion Avenue and South Street intersect and sent a letter to the  
21 Planning Commission expressing his concerns.
- 22 • He did not find out about this until the last minute.
- 23 • Mr. Lee's issues regarding privacy and security are big issues.
- 24 • The City should take care of and should pay for and properly accept and deal  
25 with as a right-of-way with good access. The existing stairs there, if used  
26 regularly by the public, will not hold up and are not appropriate for that terrain. He  
27 is not advocating Ms. Bruce should have to complete the stairs or put a sidewalk  
28 on Marion, but if it is going to be done, it shouldn't be an imposition for Ms.  
29 Bruce.

30  
31 Comments by Ms. Bruce:

- 32 • She moved her furniture, benches, and barbeque off the patios that morning.
- 33 • She has hired someone to remove the deer fence, but would prefer to leave it up  
34 and put in a gate so people could go up there.

35  
36 The public testimony period was closed.

37  
38 Commission comments:

- 39 • The patios have been there a long time, but this is public property, and property  
40 owners should not incorporate public property into their own personal space. Ms.  
41 Bruce has been using the patios for her personal use and the public has not had  
42 access to it. The City Engineer recommends removal of the patios and we need  
43 some suggestions from him regarding how the patios could be removed, or if we  
44 leave the patios there what he would recommend to shore it up from a safety  
45 standpoint and to have it in some way that Applicant does not have continual  
46 access to them.
- 47 • We need some clarification regarding the City Engineer's recommendation that  
48 the Owner demonstrate that she has 200% of the costs of construction.

- 1 • We should be concerned about the stability of the hillside and mindful of the City  
2 Engineer's comment that perhaps there would be a way to reconstruct the patios  
3 to prevent future erosion and/or to install a catchment fence, but there should be  
4 a boundary, such as the fence sought in 1988, to ensure it's clear the patios are  
5 public.
- 6 • Regarding the encroachment of the patios, the removal would be extensive, it  
7 would create an erosion nightmare and it would create more hazards for Mr.  
8 Melenchuk down the hill. It would not be cost effective to remove the brick and  
9 put in a fence to catch the soil as suggested by the City Engineer.
- 10 • Because the CEQA issue has been raised, we need to address that. One reason  
11 it got that way is because even though both lots are compliant with the zoning  
12 ordinance, as we split more and more lots and build bigger and bigger houses we  
13 are in danger of losing the character of our neighborhoods, so in a case where a  
14 lot split is asked we must make sure that everyone with a stake in the situation is  
15 adequately heard. If the CEQA review comes out satisfactory then there should  
16 not be any further issues with the project.
- 17 • Marion Avenue is not a place where there will be any real privacy issues.
- 18 • The issue has been raised of a new sewer line going in at the same location as  
19 the stairs. Would it be possible to find out if that's the case, and if as a part of the  
20 Condition of Approval we would require stairs, let's be sure we require them after  
21 the new sewer line has gone in.
- 22 • Allowing the patios to stay so as not to create a stability problem would be ok.  
23 We need to be adamant that this is not private property. The Applicant has to  
24 understand that. A permanent fence has to go up so that she can have access  
25 to the area, but so must other people. The City Engineer should come back with  
26 some suggestions regarding the patios and whether or not they should stay from  
27 a stability standpoint and how to define for the Owner what is and is not her  
28 property.
- 29
- 30

31 Questions to the Commission and Staff from Mr. Spencer and Ms. Bruce:

- 32 • Staff informed us that the Commission has the power to accept our rationale on  
33 the issue of stability of exceeding a 20% slope. Is this any consideration on your  
34 part at all? *The Commission responded there are at least two commissioners  
35 who are not inclined to grant such an exception, and so in order to avoid that  
36 requirement tonight you would need at least 3-1 vote. Based on Staff's  
37 recommendation and the comments made here tonight, you are not going to be  
38 able to avoid that requirement. Staff responded that the Planning Commission  
39 would have to make a determination that there is an applicable categorical  
40 exemption in order for this not to seek further environmental review. With Mr.  
41 Spencer putting evidence into the record that they believe the slope is stable,  
42 that information would be part of the Mitigated Negative Declaration and part of  
43 the review, but it doesn't mean that the categorical exemption is applicable.*
- 44 • Where does this leave us regarding time? *Staff responded the Commission will  
45 direct them to investigate whether a botanical study is needed and verify whether  
46 the terminology in the General Plan applies vis-à-vis the state's Diversity  
47 Database, and that can done in the coming week. If it is determined that a  
48 botanical study is needed, that would be included as part of the Environmental  
49 Review and Staff would then also be obtaining bids from consultants for*
- 50

1 preparation of a Mitigated Negative Declaration. Staff would provide you with  
2 those costs and upon your deposit of those contractual costs the City would  
3 contract the environmental consultant for preparation of that document. Typically  
4 that document takes about five to six weeks, then Staff reviews it for technical  
5 clarifications, and then it becomes a public review document and the Planning  
6 Commission would conduct a public hearing process on that. Depending on  
7 whether state review is required on this or not, there would either be a 20- or 30-  
8 day public review period on the document and then the Planning Commission  
9 could act upon the project.

- 10 • Is there any guarantee the environmental consultant is going to solve the  
11 problem? Staff responded the document would identify mitigation measures that  
12 need to be incorporated into the project to address any adverse environmental  
13 impacts that have been identified. The Planning Commission can still approve a  
14 project even with the preparation of a Mitigated Negative Declaration. A Mitigated  
15 Negative Declaration just adds additional conditions on the project, but the  
16 project can still be approved.
- 17 • When will they come before the Commission for the possibility of an approval?  
18 Staff responded it depends on how quickly the Environmental Review document  
19 is done and how quickly they can get it back in the public realm. A worst case  
20 would be a public comment period commencing in September, putting them in a  
21 place for approval in the October-November timeframe.
- 22 • Is it correct that this Environmental Review document costs \$10,000? Staff  
23 responded that from the experience it would be in that range.

24  
25  
26 Commission question to Staff:

- 27 • Since one of our commissioners is absent tonight and we do have some  
28 questions of Staff on these issues, would a September status report be  
29 appropriate to give the Commission an opportunity to gain clarification from Staff  
30 on issues raised this evening and give an update to the Applicant? Staff  
31 responded yes and suggested a status report for the second meeting in  
32 September.

33  
34 **By consensus the Planning Commission gave the following direction to Staff:**

- 35 • Investigate further the requirement for the botanical report with the language in  
36 the General Plan.
  - 37 • Get direction from the City Engineer regarding the existing encroachments in the  
38 Marion Avenue right-of-way.
    - 39 ○ His suggestions on how to shore up the hillside if the encroachments are  
40 removed.
    - 41 ○ His suggestions on how to ensure the property owner cannot act in any  
42 fashion to discourage the public from using the patio areas if they remain.
    - 43 ○ His suggestions on the ability of the hillside to support the traffic that  
44 would ensue with completion of the staircase.
  - 45 • Investigate further the requirement for the Applicant to demonstrate 200% of  
46 construction costs that is in the City Engineer's memo.
  - 47 • Clarification on the location of the sewer line that might be put in where the stairs  
48 are proposed in the South Street right-of-way prior to the stairway being  
49 improved.
- 50



1 Commissioner Stout left the meeting.  
2

- 3 **3. DR/CUP 09-030, Approval of a Conditional Use Permit and Design Review**  
4 **Permit, City of Sausalito, Rodeo Avenue at Highway 101.** To modify an  
5 existing wireless communications facility by replacing two existing antennas in-  
6 kind and installing two antennas on an existing 35' high monopole at the  
7 intersection of Rodeo Avenue and Highway 101 (APN 064-181-40). Associated  
8 equipment will be located directly below the antennas. Additionally, the Applicant  
9 proposes to install and replace equipment in an existing underground vault.  
10

11 Associate Planner Lilly Schinsing presented the Staff Report.  
12

13 Presentation was made by the Applicant, Liz Johnson on behalf of AT&T.  
14

15 Commission question to the Applicant:  
16

- 17 • You stated there is no lighting proposed at this time. Does not mean you will  
18 propose lighting at a later time? *The Applicant responded no, it is not necessary.*

19 The public testimony period was opened.  
20

21 Chuck Donald, 254 Spencer Avenue, indicated the following:  
22

- 23 • Adding two more antennas to the pole is an engineering problem. Adding two  
24 more antennas raises the question of the seismic stability of the pole. This has  
25 never been addressed.
- 26 • The Planning Commission and the City Council should ask for a structural  
27 analysis.  
28

29 Nancy Osborne, Kendall Court, indicated the following:  
30

- 31 • She lives within 300' of the proposed installation and is bothered by the fact that  
32 she's also within 300' of a Sprint antenna that according to the engineering report  
33 is only 500' from this antenna. Sprint has disappeared from the list of existing  
34 sites. The Wireless regulations say that one of the things to be provided on an  
35 overlay is the area to be served and any existing facilities. AT&T has shown their  
36 own facilities, but to get an idea of how much saturation and how much coverage  
37 there is other existing facilities should be shown.
- 38 • How much coverage has to be provided? If Sprint is already covering the area,  
39 then do we actually need more coverage in what is open space and designated  
40 as one of the places to be avoided if possible?
- 41 • On page three of the Staff Report it indicates that the project does not prohibit  
42 co-location by other wireless providers and AT&T will do nothing to obstruct  
43 future co-location. There is no room on that monopole for another antenna, so if  
44 another provider comes in we're looking at a second monopole in an open space.  
45 The Planning Commission should consider if this is necessary and are we  
46 opening the door to other co-locators?  
47

48 Comment by the Applicant:  
49

- 50 • Mr. Donald is correct on the structural integrity of the pole and AT&T has  
acknowledged that. In the Building Permit process there is a structural report

1 prepared related to the existing antennas that are there and the weights and  
2 sizes of what they want to add. Until the structural integrity of the pole is  
3 determined and signed by a certified structural engineer, they will not get a  
4 Building Permit.  
5

6 Commission questions to the Applicant and RF Engineer:

- 7 • Does AT&T hire the structural engineer on a project like this or is it an  
8 independent structural engineer? *The Applicant responded it is an independent*  
9 *engineer hired by AT&T. They pay for the report, but the engineer is independent*  
10 *and they stamp and sign it, so the engineer and AT&T have liability if there is a*  
11 *structural problem.*
- 12 • Can you address the question of coverage and isn't there already adequate  
13 coverage as a result of other providers? *The Applicant responded the world is*  
14 *moving so fast and the demand is great for more and more services and they*  
15 *need to have the antennas and facilities to deliver them. Regarding coverage the*  
16 *RF Engineer responded Sprint, Verizon, Nextel, AT&T, et cetera are separate*  
17 *companies and each has their own subscribers and cannot use each other's*  
18 *towers. AT&T may have co-location abilities on their own structure, but if Sprint*  
19 *or other carriers look at it and don't like it, they'll go for another option such as*  
20 *building their own structure higher than AT&T's. They are adding two antennas to*  
21 *the existing structure to accommodate the growing number of subscribers for*  
22 *AT&T as they move from GSM to 3G.*
- 23 • Do you have any idea what the long-range plan is for AT&T at that particular site  
24 and how many additional antennas are likely or could be co-located on the  
25 current pole before another new pole would have to be installed? *The RF*  
26 *Engineer responded they are not trying to put more antennas on the same pole.*  
27 *As they move away from GSM whatever equipment in place for that will*  
28 *eventually be taken out and replaced with 3G equipment and they will keep the*  
29 *four existing antennas in that one site. He is not sure about the future, but does*  
30 *not envision adding many more antennas. The Applicant responded they will not*  
31 *be adding anything in Sausalito for a year; everything is in place, but that is as far*  
32 *out as they can plan. As the equipment continues to get smaller and the service*  
33 *faster, they intend to eventually remove the other two older antennas.*  
34  
35

36 Nancy Osborne, Kendall Court, indicated the following:

- 37 • Because of roaming other carriers pick up from each other, therefore you don't  
38 need different providers to get coverage in different areas, so that was confusing  
39 to me when the RF Engineer made it sound like AT&T customers can't get  
40 coverage from other carriers. *The RF Engineer responded there are different*  
41 *technologies, such as iDEN, CDMA, and GSM, which cannot "talk" to each other,*  
42 *so there are partnerships only between companies using the same technology.*  
43

44 Vicki Nichols, 117 Caldedonia, indicated the following:

- 45 • In the wireless regulations there is a requirement that the Applicant provide any  
46 anticipated growth in a one-year period. AT&T needs to map that out rather than  
47 just saying they aren't going to have any new antennas for a year.
- 48 • In the application for 1750 Bridgeway it was disclosed that AT&T had eight  
49 antennas on that roof. As the technology changes this is going to increase, so  
50

1 the fundamental question is does every carrier have an absolute right at every  
2 location for what is not necessary service, such as texting and game playing.

- 3 • What's the schedule for replacement technology where we can start replacing  
4 some of these larger antennas that are becoming obsolete? Are any of these  
5 antennas obsolete now?
- 6 • Agrees with Nancy Osborne regarding mapping the facilities. It is becoming more  
7 apparent that having a clear pattern of where these things are will be helpful for  
8 future decision making, and that would mean including the neighbors.
- 9 • Co-location is supposed to be encouraged so there are not multiple poles. The  
10 RF Engineer just said if someone didn't like the location they'd just put up their  
11 own pole.  
12

13 Commission question to Staff:

- 14 • Do you feel comfortable that all the information required to be provided by all the  
15 individual carriers has been brought up to date, and where are we with regard to  
16 planning going forward? Are there any applications in the works with regard to  
17 any new antennas or any new locations? *To clarify the one-year future facility  
18 map that was brought up, that is indeed a requirement. Staff did ask the  
19 Applicant about that and their response was that no future facilities were  
20 proposed within a year.*  
21

22 Commission comments:

- 23 • Technology seems to drive how much coverage is enough. The Zoning  
24 Ordinance doesn't give us criteria to deny a permit as long as they meet the  
25 minimum requirements for RF generation and the pole and size requirements  
26 and placement, and various criteria about placing the poles.  
27  
28

29 Nancy Osborne, Kendall Court, indicated the following:

- 30 • The Federal Telecommunications Act left the local jurisdictions only with the  
31 ability to say how it looks. As far as the services provided or how much coverage  
32 is too much, the law says that every carrier must be able to be competitive. If one  
33 carrier has a particular service, the other services must be allowed to have it as  
34 well.  
35

36 **Chair Keller moved and Vice Chair Bair seconded a motion to approve a**  
37 **Conditional Use Permit and a Design Review Permit for replacement of two**  
38 **existing antennas and installation of two new antennas on an existing monopole,**  
39 **and installation of the equipment in an existing underground equipment vault**  
40 **east of the intersection of Rodeo Avenue and Highway 101. The motion passed 3-**  
41 **0.**  
42

43 **4. DR/VA/EP/LLA/MND 05-045, Modification of actions requested by the**  
44 **Planning Commission, City of Sausalito, Public Safety Facilities.**

45 Modification of the actions requested by the Planning Commission on August 13,  
46 2008 regarding 1) replacing the brick pavers at the Police Station and Fire  
47 Station with scored concrete; 2) eliminating the circular planter area at the Police  
48 Station; and 3) alternative screening for the generator. The project site is 333  
49 Johnson Street and 29 Caledonia Street (APN 065-061-06 and 065-062-17).  
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Chair Keller indicated the Applicant had requested the public hearing be continued to the Planning Commission meeting on July 15, 2009.

**Chair Keller moved and Commissioner Cox seconded a motion to continue the public hearing for the Public Safety Facilities to the meeting on July 15, 2009. The motion passed 3-0.**

**Old Business**

None.

**New Business**

None.

**Communications**

None.

**Adjournment**

The meeting was adjourned at 9:26 p.m.

          /s/ JEREMY GRAVES            
Submitted by  
Jeremy Graves, AICP  
Community Development Director

          /s/ BILL KELLER            
Approved by  
Bill Keller  
Chair

CDD\Plan Comm\Minutes\2009\07-01-09-Approved