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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, May 20, 2009**  
**Approved Minutes**

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**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 Stafford Keegin, Commissioner Eric Stout, Commissioner Joan Cox

Staff: Community Development Director Jeremy Graves  
Contract Planner Brian Stanke  
City Attorney Mary Wagner

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**Chair Keller moved and Commissioner Stout seconded a motion to approve the agenda. The motion passed 5-0.**

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**Approval of Minutes**

None.

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**Public Comment**

None.

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**Public Hearings**

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- 1. CUP 09-055, Conditional Use Permit, Pyramid Properties, LLC, 1403 Bridgeway.** Convert a vacant commercial tenant space at 1403 Bridgeway (APN 064-166-04) previously used as a bakery into a restaurant. The restaurant space will be approximately 820 square feet and have 22 seats.

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Contract Planner Brian Stanke presented the Staff Report.

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Presentation was made by Larry Paul, the architect.

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Commission questions to Mr. Paul:

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- What are the proposed hours of operation? *Applicant responded 8:00a.m. to 9:00p.m. The idea is to start with just breakfast and lunch and then see how the business goes. There have been requests to have light dinners.*

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Commission questions to Staff:

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- When the site was Peter Pan Donuts how many seats were in the building? *Staff responded about sixteen twin seats and benches.*
  - Will the Minor Use Permit for the exterior seating be taken care of at Staff level or Planning Commission level? *Staff responded the Minor Use Permit goes through a Zoning Administrator Hearing and will not come to the Planning Commission.*

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**Chair Keller moved and Commissioner Keegin seconded a motion to approve a Conditional Use Permit for the conversion of an existing commercial space into a**

1 restaurant at 1403 Bridgeway, with the deletion of General Conditions of Approval  
2 #1 and #2. The motion passed 5-0.  
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- 4 **2. ZOA 09-002, Construction Time Limit Regulations.** The addition of a new  
5 section in the *Zoning Ordinance* which establishes time limit regulations for  
6 construction projects; and amendment of *Zoning Ordinance* Sections 10.54.040  
7 and 10.54.050, and Chapter 10.62 regarding the expiration of certain permits.  
8 These amendments are exempt from the California Environmental Quality Act  
9 (CEQA) in accordance with Section 15305 of the CEQA Guidelines.  
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11 City Attorney Mary Wagner presented the Staff Report.  
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13 Commission suggested changes to Section 1A:

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- 15 • Page three, at the beginning of paragraph B, Construction and Time Limit  
16 Required, I have added language saying, "As part of any application for Design  
17 Review or any such application with respect to improvements that have been  
18 constructed with or without violation of existing Design Review Permit."  
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20 Commission comments:

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- 22 • If someone who needs a Design Review Permit comes in after the fact we won't  
23 know when they started. The way it's currently drafted, the applicable timeframe  
24 is from when they get their permit.
  - 25 • The Planning Commission ought to be authorized to apply a time limit based on  
26 the circumstances of that particular situation rather than have it fit in to this  
27 particular table, which only works well for an initial application. It should be based  
28 on the estimated value of the work that remains to be completed.
  - 29 • It would capture the people who are coming in who have done work without  
30 approval and are asking for it now.

31 Commission question to Staff:

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- 33 • If someone submits an estimate as to how much the work is going to be to  
34 complete, do we rely on their valuation or do we need to have an independent  
35 evaluator come in? *Staff responded it would be a Staff determination whether or  
36 not the estimate supplied is reasonable. It would be a good idea to have wording  
37 in the Time Limit Regulations to allow that estimate to be subject to the review  
38 and approval of the Community Development Director.*

39 Commission suggested changes to Section 1A:

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- 41 • Paragraph three, regarding the formation of a committee to examine an  
42 application for an extension. The time should be changed within which the  
43 committee has to meet from 10 days to 20 days on the basis that no committee  
44 in Sausalito has ever met within 10 days of anything happening.
  - 45 • There are some standards in the ordinance that I want to make more rigid so, I  
46 have said the extension will have a materially deleterious effect on the  
47 neighborhood in which the project is located. This could help assure that the  
48 neighborhood doesn't get overloaded with several projects at the same time.
  - 49 • I have changed "unusual obstacles" to "unusual and substantial obstacles."  
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- More work needs to be done on paragraph three, subsection three. Approval of an extension should come to the Planning Commission rather than the committee.

Where it says, "other unusual factors," I have taken out, "lack of financing," because that is the number one excuse people use.

Commission comments:

- If someone comes in for a permit, starts a project and then can't continue, perhaps for financial reasons, there is no provision for a permanent cessation of activity that would not result in a penalty. The way this is written there is no way to stop the running of the penalty, so in nine months after the cessation they will start to be fined for not having completed. There be some provision for obtaining an extension after construction has started for the encountering of some unforeseen condition. There is no ability, once construction has started, other than the appeal process. There are two concerns: first, we're going from no policy to a very, very rigid policy and I would like to see us have some procedural latitude in this new policy. Second, a homeowner should have an ability to be proactive about what is happening on their project without being subjected to a fine through no fault of their own.

Commission suggested changes to Section 7:

- Language should be added which says, among other things, labor disputes, shortage of supplies, common carrier delays are all things that would be grounds for granting an appeal. Section seven, subparagraph seven works on the appeal process and with not much crafting could be made to work for an adjustment process in the interim. If it becomes apparent to an Applicant they need more time due to circumstances beyond their control. This has been added it as a defined term.

Commission comments:

- If it is the intent of these time constraints to get projects completed, we can have this, but every Applicant needs to be well aware of this from the beginning so they will be more diligent about when they apply for their Conditional Use Permit and about doing all research before starting or pulling their building permit.
- In the appeal process there is no outside time limit, which on page seven, paragraph seven says, "If construction is completed after the 30 days and the Community Development Director concurs with the property owner's statement as to the cause of the failure, the Community Development Director shall waive the penalty." So under this reading the Community Development Director could waive penalties for three years. There is no outside deadline to the amount of time beyond the deadline for which the Community Development Director can waive the penalty.
- The shortened timelines for Design Review are a good idea.

## Communications

- Staff
  - There has been no appeal regarding the Binkley property on San Carlos.

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- Regarding the Robert Dyson project, which was approved several years ago, we are on the cusp of selecting the contractor and getting the funds from the Applicant.
- Regarding the Philip Woodrow project, Staff met with the Applicant and recommended that he get an environmental review of the project and he agreed. Staff has requested proposals from environmental consultants to prepare a Mitigated Negative Declaration including the peer review of Larry Karp's work; those bids are due shortly. It will be a while before it gets back to the Planning Commission.

**Adjournment**

The meeting was adjourned at 8:04 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\05-20-09