SAUSALITO PLANNING COMMISSION/ HISTORIC LANDMARKS BOARD Wednesday, November 19, 2008 Approved Minutes

Call to Order—Joint Meeting with Historic Landmarks Board

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

Planning Commission:

Present: Chair Bill Keller, Vice Chair Stan Bair, Commissioner Joan Cox,

Commissioner Stafford Keegin, Commissioner Eric Stout

Absent: Commissioner Joan Cox (first half of Item 4)

Staff: Community Development Director Jeremy Graves,

Assistant Planner Lilly Schinsing, Contract Planner Brian Stanke, Contract Planner Lorraine Weiss, City Attorney Mary Wagner

Historic Landmarks Board:

Present: Chair Thomas Theodores, Board Member Vicki Nichols,

Board Member Brad Paul

Absent: Board Member Amy Chramosta

Approval of Agenda

Chair Keller moved and Commissioner Stout seconded a motion to approve the agenda. The motion passed 4-0.

Approval of Minutes

March 12, 2008 April 9, 2008

June 11, 2008

Chair Keller moved and Vice Chair Bair seconded a motion to consider Approval of Minutes at the end of the meeting after Item 8. The motion passed 4-0.

Public Comments

None.

Public Hearings

4. DR 08-024, Design Review Permit, Homtalas, 19-21 Princess Street. Design Review Permit to restore two existing two-story buildings at 19-21 Princess Street. The buildings were constructed in 1874.

The public hearing was opened. Assistant Planner Schinsing presented the Staff Report.

Commission question to staff:

 The plans remove the old stairway in the back. Does the Fire Department have comments with regard to there not being a usable fire egress from the rear of the building? Staff responded the Fire Department has not had the opportunity to review the plans. The Building Department reviewed the plans and had no comments. A Condition of Approval can be added that the plans be reviewed by the Fire Department.

Commission questions to Don Olsen, the architect and applicant:

- If this is approved, how soon do you plan to start renovations? *Mr. Olsen* responded as soon as it is approved and the appeal period is over they intend to file their Building Permit drawings.
- How long do you anticipate this project to take? Mr. Olsen responded six months.
- The plans remove the old stairway in the back. Does the Fire Department have comments with regard to there not being a usable fire egress from the rear of the building? Mr. Olsen responded because of the square footage and size of the two buildings, they need only one exit. The buildings will have sprinkler systems. The Fire Department has not reviewed the plans.
- Do you a problem with a Condition of Approval that would limit construction to June 1st through September 14th. Mr. Olsen responded it would be a financial hardship to close down construction during that period. They appreciate that the sidewalks and streets need to be kept open during construction and not be blocked. They intend to use the parking lot to the side of Angelino's and not utilize the street parking at all, or any of the sidewalks, except to take early morning deliveries of construction materials no later than 10:00am, and none of the materials would sit on the sidewalk.
- How will the contractors access the site on a continual basis? Will the material be brought in and out from the front? *Mr. Olsen responded no, they would use a door off of Angelino's parking lot that accesses the lower floor of 21 Princess, and gain access to 19 Princess from there.*

Commission question to Todd Teachout, City Engineer:

• Did staff take using the door off Angelino's parking lot to access the work site into account when deciding to condition the timeframe? *Mr. Teachout responded the construction staging in that particular area is tricky and they do not know all the subcontractors involved. If it were not conditioned it must be made clear the contractors do not have access to the sidewalks and parking.*

Commissioner Cox arrived at 8:15.

Historic Landmarks Board comments:

- The 1919 Sanborn Maps do not contain the lean-to roof over the stairs, which
 was added later and is not part of the original structure. Its removal is not
 significant.
- The HLB is willing to entertain the idea of asphalt shingles instead of cedar shingles due to economic considerations, but any materials other than cedar would need to be approved by the HLB.

The public comment period was opened.

David Hodgson, 30 Edwards Avenue, indicated the following:

 He corrected the buildings' structure date by referencing the Sausalito News. George V. Kennedy, a blacksmith, built the buildings in 1887. 19 Princess Street was his shop and 21 Princess Street was his residence. These are some of the oldest structures within the Historic Overlay District.

Chris Hontalas, Project Site Property Owner, indicated the following:

- Condition 5 states there shall be no construction between June and September. If they can begin the project soon, they can be near the end of construction by June.
- Because the buildings are at the end of Princess Street there is little pedestrian traffic and no bicycle traffic.

The public comment period was closed.

HLB Additional Conditions of Approval:

- Any shingle material other than cedar requires HLB approval.
- The left window at 19 Princess Street must remain elongated.
- Fenestration should be provided on the doors at 19 Princess Street, if possible.

HLB Member Nichols moved and HLB Member Paul seconded a motion to approve a Design Review Permit for 19-21 Princess Street with the additional Conditions of Approval. The motion passed 3-0.

Planning Commission amended Conditions of Approval:

- Condition 2 shall be redefined by the City Engineer and the applicant.
- Condition 4 shall add, "Special parking privileges in the vicinity shall be minimized."
- Condition 5's original language shall be replaced with, "Require the applicant to notify businesses, residents, and property owners within 300 feet of the project site at least 30 days prior to the start of onsite construction activities. The applicant shall use the parking lot adjacent to the project site to park construction related vehicles. The sidewalk shall remain open at all times."

Chair Keller moved and Commissioner Keegin seconded a motion to approve a Design Review Permit for 19-21 Princess Street with the amended Conditions of Approval and the modifications approved by the Historic Landmarks Board. The motion passed 5-0.

5. CUP/DR 08-002, Conditional Use Permit, Design Review Permit, Henry, 660 Bridgeway. Request for Planning Commission and Historic Landmarks Board approval of a Design Review Permit to install a new exterior façade and expand the second story by approximately 762 square feet and a request for Planning Commission approval of a Conditional Use Permit to convert the vacant second story tenant space into a hotel.

The public hearing was opened. Contract Planner Brian Stanke presented the Staff Report.

Presentation was made by Don Olsen and Eric Long of Donald Olsen Architects, the applicants.

Commission questions to Mr. Long:

- Have you considered doing a traffic study? Mr. Long responded they decided to move forward on the project and consider a traffic study when the project was further along.
- How will guests arriving in Sausalito get to the hotel? Mr. Long responded a
 guest would set up a time to be picked up in Parking Lot 1 by golf cart or other
 transportation and brought to the hotel's front door.

The public comment period was opened.

Dave Hodgson, 30 Edwards Avenue, indicated the following:

- He has submitted letters to the Community Development Department.
- The State Office of Historic Preservation has classified the subject building as 2D2, which brings in heightened CEQA requirements.
- The proposed project would require a full environmental impact report because more than 50 percent of the existing structure is proposed for demolition.

Mark Flaherty, 30 El Portal, indicated the following:

- He is the manager of The Inn Above Tides.
- He fails to see how additional parking spaces for a new hotel will be assured when adequate parking is not consistently available on busy days for his own hotel guests.
- The proposed hotel is at a busy intersection and has no loading zone for guests or delivery vehicles. It is unreasonable to assume that arriving guests, even with forewarning, will not park in the red zones in front of the site.
- The proposed hours of construction from 8:00am to 7:00pm would have a significant negative impact on the operation of his business. He asked that construction hours be reduced in the morning and evening, the noisiest construction be done during 12:00pm to 3:00pm weekdays, and limited to quiet work on Saturdays.

Commission question to Mr. Flaherty:

• What is the distance from the closest point of your hotel to the rear part of the proposed hotel? *Mr. Flaherty responded it is one building away.*

Mr. Henry's rebuttal comments:

The upstairs restaurant was vacant when he bought the building two years ago. He has tried to rent it as a restaurant with no luck, because it is not economically viable. In April 2008 he sought Planning Commission approval to use the space for offices, but was denied. He believes a residential hotel is his last available option.

- A hotel in this space would be good for the City, would generate traffic downtown, be good for the local restaurants and businesses, and bring in extra tax revenue.
- A hotel use would not negatively impact traffic or parking. A lot of the guests would come into town on the ferry, so parking would not be an issue.

The public comment period was closed.

Historic Landmarks Board comments:

- Clarification and direction should be sought regarding the issues brought forth in Mr. Hodgson's letters, such as the status of the building, the CEQA requirements, and the need for an EIR in order to properly evaluate this project.
- A 1940s building in the Historic Overlay District with a turn of the century theme
 makes this a difficult project to begin with. One of the main criteria for the
 Historic Overlay District under the zoning regulations is the visual relationship
 to the surrounding area. The current design is more modernistic, making it
 difficult to tie in to its surroundings.

Commission comments:

- In fairness to the applicant, the Commission first needs to determine if it is in favor of a hotel use for the site, and if so, then work on the design.
- This is a quasi-public space with some of Sausalito's best views, one of the reasons office use for this space has not favored by the Commission or public; for that reason a hotel is better use of this space.
- This space is viable as a restaurant space. Houlihan's was there for 18 years and Water Street Grille for 7 years.
- Having the building as a hotel with a small amount of guests does not bring much economic stability to the City, and is not in keeping with the idea of the building within a historical context.
- This project does not bring economic diversity. Sausalito already has five to six hotels and inns.
- The Commission should be concerned with using this space for offices because of the high vacancy rate on current office space in Sausalito. The Commission should also question losing the beautiful view to office space.
- Parking for a hotel is a concern. Incoming guests will pull up in front regardless of a red line at the curb.

Chair Keller moved and Commissioner Cox seconded a motion to continue the public hearing for 660 Bridgeway to a date uncertain. The motion passed 5-0.

Historic Landmarks Board Member Nichols moved and Historic Landmarks Board Chair Theodores seconded a motion to continue the public hearing for 660 Bridgeway to a date uncertain. The motion passed 3-0.

The meeting of the Historic Landmarks Board was adjourned.

 6. DR 08-003, Design Review Permit, Shinn, 147 Edwards Avenue. Request for Planning Commission approval of a Design Review Permit in order to construct a single-family home on a vacant 3,614 square foot parcel at 147 Edwards Avenue (APN 065-292-04). The 2,345 square foot, four-story residence would include a ground-floor garage with two off-street parking spaces and three floors of living area. This project is subject to Heightened Design Review as it exceeds 80-percent of the permitted building coverage and floor area limitations.

Chair Keller indicated he had had ex-parte communication with the neighbor at 145 Edwards Avenue.

The public hearing was opened. Assistant Planner Schinsing presented the Staff Report and distributed an analysis of Lots and Home Sizes, as well as a summary of Neighborhood Outreach prepared by the project site property owner.

Presentation was made by Robert Hayes, the architect and applicant.

Commission questions to Mr. Hayes:

- What is the distance between 147 Edwards and 145 Edwards? *Mr. Hayes* responded the setbacks on the 145 Edwards side from the property line to the building vary between 6 feet 4 inches and 6 feet 7 inches. On the 151 Edwards side it is 5 feet 6 inches along that property line. They are parallel to the property line between 151 and 147 Edwards.
- Can you talk about the roof overhang? Mr. Hayes responded that will be cornice trim build-out with a gutter and a maximum projection of 12 inches.
- Can you explain the angle of the proposed house relative to the houses on either side? Mr. Hayes responded the property line between 145 and 147 Edwards is at a slight angle. They decided to make the proposed house parallel to 151 Edwards, about one degree south of what the other two buildings are.
- Are the residences at 145 and 151 Edwards parallel to their own property lines? *Mr. Hayes responded he did not think so, and they are not parallel to each other.*

The public comment period was opened.

Matt Rowe, 145 Edwards Avenue, indicated the following:

 His family's concerns have been largely addressed, but they would like to restrict construction between 1:00pm and 3:00pm while his children are napping.

Commission questions to Mr. Rowe:

• There will be a significant wall next to your property. Have you discussed with the applicant about any type of noise deadening or screening that could go there in the form of planting trees or another type of screening? Mr. Rowe responded the subject has come up, but they have not discussed it in detail. They believe plant screening would be beneficial and would like to have

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- something tall enough to soften the wall from their windows on the north side that face 147 Edwards.
- Would you be agreeable to amending the middle of the day construction restriction once the noisy initial construction is completed and the noise level has decreased? Mr. Rowe responded yes.

Mike Dunn, 151 Edwards Avenue, indicated the following:

- The Cypress tree in the back of his property hangs over 147 Edwards and will at least require a lot of trimming. He believes the excavation for 147 Edwards will kill the tree and it would be easier to remove the tree before construction, at the cost to the applicants, than after the home is built.
- They like the proposed home design and believe it fits the neighborhood.

Richard Silveira, 144 Edwards Avenue, indicated the following:

- He lives across the street from the proposed project.
- The noise issues are a concern of his.
- The applicants did a great job in community outreach.

Mr. Hayes' rebuttal comments:

• Stopping construction between 1:00pm and 3:00pm would reduce the hours in the day by 25 percent. They are willing to look at some kind of noise mitigation in scheduling work at appropriate times, but to stop construction for two hours each day for four to five months is a huge burden that would drive the cost of construction up significantly. He suggests the contractor notifies the neighbors a week in advance that noisy work will take place.

The public comment period was closed.

Commission comments:

- The Commission would be reluctant to set a restriction on construction between 1:00pm and 3:00pm, not only because of the cost impact but also because enforcement would be a major problem. The architect's plan to notify the neighbors of noisy construction will help mitigate the noise issue, although it should not be put into language, because it will be impossible to enforce.
- The Commission is pleased with the improvements to the design. It has far less
 massing and impact than when it first came before the Commission and the
 view issues have been addressed by the revised design.
- This is a 3,614 square foot lot and a house with an FAR of 0.65, and even higher with the addition of the garage. The FAR of 0.65 is allowed to encourage construction of multi-family units in this neighborhood, not single-family units. This dwelling is too large for the lot and has no entitlement to the 0.65 FAR; should adhere to the 0.45 FAR allowed for single-family dwellings in an R-1 zone.
- This project will be a positive addition to the street and positively affect the property values.
- The Cypress tree at 151 Edwards Avenue should be either trimmed back significantly or removed before construction.

 • It should be conditioned that screening be developed by a landscape architect and installed on the southern side of the property to the satisfaction of the neighbors at 145 Edwards Avenue.

Amended and additional Conditions of Approval:

- Addition to Condition 22: Once it is approved, construction plans shall be submitted to the two adjacent property owners not less than one week prior to the commencement of construction.
- Landscape screening shall be placed on the southern property line. Screening shall be designed by a landscape architect to the satisfaction of the property owners at 145 Edwards Avenue. Plans shall be reviewed and approved by the Community Development Director.

Chair Keller moved and Commissioner Cox seconded a motion to approve a Design Review Permit for 147 Edwards Avenue with the amended and additional Conditions of Approval. The motion passed 4-1 (No – Bair).

Chair Keller moved and Vice Chair Bair seconded a motion to continue the public hearing for 22-23 Bulkley Avenue to the meeting of December 10, 2008. The motion passed 5-0.

7. CUP/DR 08-007, Conditional Use Permit, Design Review Permit, Marin Municipal Water District, 50 Crecienta Lane. Request for Planning Commission approval of a Conditional Use Permit and Design Review Permit to modify an existing wireless communications facility by removing and replacing one antenna and adding one new antenna to the existing pole for a total of two antennae to be located at the same height as the existing antenna, 20 feet high.

The public hearing was opened. Contract Planner Lorraine Weiss presented the Staff Report.

Presentation was made by Sandra Steele, the applicant.

Commission questions to Ms. Steele:

- Is the maximum ambient EMF exposure of one-percent of the limit of radiation for anyone at ground or a cumulative dosage per year? Ms. Steele responded she did not know if it was cumulative, but she did know the one-percent dosage is 100 times below the FCC safety standards.
- Why are you putting up an additional antenna? Ms. Steele responded for more coverage and capacity.
- So the current antenna cannot be replaced with one that has greater coverage? *Ms. Steele responded no.*

Commission question to staff:

 Is there visual impact to any of the neighbors? Staff responded the antenna is only visible if a person were to drive up to the site and look through the fence. It is not visible from Highway 101 or from any of the neighbors' homes. The public comment period was opened.

Carol Peltz, 47 Crecienta Lane, indicated the following:

- She represents herself and seven other residences on Crecienta Lane. Six of them object to the increase in EMF exposure.
- She submitted a letter written by Mark Schieble, who lives closest to the pole that states the pole can easily be seen from his property.
- The application is procedurally invalid, because the notice of the application hearing lists the address at 50 Crecienta Lane, but the Staff Report lists the address at 40 Crecienta Lane.
- Chapter 10.45 of the Ordinance of the City of Sausalito states that alternative site analysis should be prepared when facilities of this type go in. This proposed location of a new antenna is in a residential neighborhood, but the Staff Report does not contain alternative site analysis.
- During the past weekend crews were at the subject site with a radio playing loudly and no notice given to the neighbors of construction work.

Commission questions to staff:

- Regarding the notice issue, the Commission's packet says 40 Crecienta Lane. Staff responded the notice that was mailed says 50 Crecienta Lane, but 40 Crecienta Lane is listed on the agenda. The point of notice is to make people aware the Planning Commission will be taking up an item. The same APN number, application number, and description are on the notice and in the Staff Report. For legal purposes, adequate notice was given to people that the Planning Commission was taking this matter up at tonight's meeting.
- If the Planning Commission were to grant the application, could it be reversed due to improper notice? Staff responded it is defensible to take an action tonight, because there is adequate information to notify people that the Planning Commission is considering this application. That fact that people showed up to speak on this matter is the best indication that they were noticed.

Vicki Nichols, 117 Caledonia Street, indicated the following:

- She was part of the Committee that rewrote the Wireless Ordinance in 2003.
 There is specific information required in every application, including providing proof that someone has looked at alternative sites.
- When the Wireless Ordinance was rewritten in 2003 it was agreed by all
 parties that locations where there is coverage from inside and outside a car
 would be plotted on a map to evaluate the necessity of sites and that the map
 would be available in the Community Development Department and the library.
 That map has never been completed.
- None of the compliance letters and annual reviews has been done since the Wireless Ordinance was rewritten in 2003.

Commission questions to staff:

• At the last meeting staff submitted a report stating all the carriers are in compliance except one. How does that pertain with Ms. Nichols's statements? Staff responded it is correct that in the past the ordinance was not adequately followed. Last year the Interim Community Development Director sent a letter

to all the carriers in Sausalito and all responded but one with compliance reports. A letter was sent to the one carrier that did not file a compliance report and they have now begun testing and will issue a final report when testing is complete. Regarding the Wireless Ordinance requirement that site alternatives be provided, staff's interpretation of the ordinance is site alternatives are to be provided if it is for new facilities. T-Mobile already has an antenna facility there, so staff considers this an existing facility.

- Is there a location map, and where is it available to the citizens of Sausalito? Staff responded they do have a map that represents all existing facilities in Sausalito and any new facilities will be added to the map as they are approved. The map is available in the Community Development Department.
- Can there be copies of the map available in the library? Staff responded digital photograph copies could be made available in the library, and also on the City's web site.

Commission question to Ms. Steele:

 Do you plan to upgrade the transmission equipment to the latest technology, as per the Wireless Ordinance? Ms. Steele responded the technology that is being upgraded is the UNT antennas that handle the 3G services, but the actual cabinets on the ground do not need to be upgraded.

Ms. Steel's rebuttal comments:

- She apologizes for any excessive noise made by the construction crew that installed a mockup antenna. They are happy to comply with a Condition of Approval that during any construction or maintenance ambient noise shall be kept to a minimum.
- T-Mobile's application was deemed complete, and they are on an existing facility.

Commission questions and comments to Ms. Steele:

- Does the addition of that second antenna to the existing facility double the
 amount of EMF exposure? Our report gives us the total exposure once the
 second antenna is added, but it does not tell us what the existing exposure is
 before that addition. Ms. Steele responded the level for the existing single
 antenna is not listed in the report, but she could submit that information to staff.
- The Commission's concern is would the requirement that alternative sites be examined be triggered by an increase in the amount of EMF transmission that is generated by the addition of a second antenna? Ms. Steele responded adding a second antenna does not mean it is actually doubling the amount of EMF exposure. In projects she has worked on it is common that these projects fall up to 100 times below the FCC safety standards.

Carol Peltz, 47 Crecienta Lane, indicated the following:

 An alternative location is indicated given the proximity of 51 Crecienta Lane to the antenna.

Ms. Steele's rebuttal comment:

T-Mobile's application was deemed complete. They were not required by staff
to perform an alternative site analysis because it was an existing facility that is
not maxed out, and it is in compliance with the Federal Communications safety
standards.

The public comment period was closed.

Staff comment:

Within the Standards and Criteria for Wireless Communication Facilities there
is a section regarding the location of wireless communication facilities that
states, "The use of existing structures is preferred over monopoles or other
towers erected specifically to support wireless communication facilities unless
technical evidence demonstrates that there are no other alternative sites,
feasible support structures, and/or use of a monopole or tower would avoid or
minimize adverse effects related to the viewshed, land use compatibility, visual
resources, and public safety."

Commission comments:

- The ordinance also states, "Wireless communication facilities are very strongly discouraged from locating within residential areas except in exceptional circumstances." Although this is on the Marin Municipal Water District tower, which is a public utility property, the tower is surrounded by residences and in the center of a residential zone. By enlarging the tower would either the mandate that discourages locating within residential areas or the contrary mandate that existing structures should be used be triggered?
- This item should be continued so that the Commission can ascertain the incremental impact of the installation of this additional antenna in terms of the EMF exposure and whether looking at alternative sites is triggered, and at the same time correct any perceived notice issue.

Chair Keller moved and Vice Chair Bair seconded a motion to continue the public hearing for 50 Crecienta Lane to the meeting of January 14, 2009. The motion passed 3-2 (No – Keller, Stout).

Old Business

None.

New Business

9. Strategic Planning Goals. Review the City Council's Strategic Goals and Objectives.

Commission comments:

- The Site Development Standards need to be reviewed with respect to single-family dwellings in R-2-5 and R-3 districts.
- There needs to be a vehicle for addressing buildings not being property maintained in Sausalito.

It was decided by consensus to continue the Approval of Minutes to the next meeting on December 10, 2008.

Communications

None.

Adjournment

The meeting was adjourned at 11:16 p.m.

Submitted by

Jeremy Graves, AICP

Community Development Director

Approved by Bill Keller Chair

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