SAUSALITO PLANNING COMMISSION
Wednesday, July 20, 2022
Final Action Minutes

1. CALL TO ORDER

Chair Feller called the meeting to order at 6:30 p.m.
Planning Commission:
Present: Chair Kristina Feller, Vice Chair Andrew Junius, Commissioner Richard Graef, Commissioner Jeffery Luxenberg, Commissioner Nastassya Saad
Absent: None.
Staff: Dan Hortert, Interim Community Development Director
Magda Gonzalez, Contract Planner
Sergio Rudin, Attorney

Interim Community Development Director Hortert reported that the meeting was being held pursuant to Government code section 54953(e), and in light of the declared state of emergency, the Regular meeting of the Planning Commission on July 20, 2022 will be conducted telephonically through Zoom and broadcast live on the City's Website.

2. APPROVAL OF AGENDA

Commissioner Saad moved and Commissioner Graef seconded a motion to approve the Planning Commission agenda as presented. The motion passed 5-0.

3. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

4. APPROVAL OF PLANNING COMMISSION MINUTES

A. Draft Minutes – June 29, 2022

B. Draft Minutes – July 6, 2022

Commissioner Saad moved and Vice Chair Junius seconded a motion to approve the draft minutes of June 29, 2022 as presented. The motion passed 5-0.

Chair Feller moved to continue approval of the draft minutes of June 29, 2022 to the next Planning Commission meeting of September 7, 2022, and requested Attorney Sergio Rudin review the resolutions attached to these minutes before they are finalized and published; nominated Commissioner Luxenberg to work with Attorney Rudin to identify areas for correction; and requested Interim Community Development Director Hortert work with Attorney Rudin and Commissioner Luxenberg to return with corrected revisions, including Planning

Commission meeting minutes of July 6, 2022 to the September 7, 2022 Planning Commission meeting.

Chair Luxenberg requested the motion be amended to note that the resolution should be corrected before the Planning Commission's September 7, 2022 meeting, because the project is under construction and the conditions are required to be in any revised building plans submitted.

The maker of the motion accepted the amendment to the motion.

Commissioner Luxenberg seconded the motion.

The motion passed 5-0.

5. COMMUNICATIONS

A. Communications

- Staff:
  - Interim Community Development Director Hortert:
    - The City has recently hired Housing Policy Planner Luke Lindenbusch to assist with the Housing Element Advisory Committee.
    - New part-time Code Enforcement Officer Eric Stephens will begin on July 26th.
- Commission:
  - Chair Feller:
    - Assigned Commissioner Saad and Commissioner Graef to a working group for 50 Varda Landing to work with the applicant on the color and exterior siding of the structure.
    - The Planning Commission received a presentation by Director McGowan of the Department of Public Works regarding the landside ferry terminal landing. Since then Director McGowan has requested a Planning Commission working group to work with him and his consultant team to finalize what needs to be done at the landside ferry area. Chair Feller assigned Vice Chair Junius to sit on the working group with her.
    - Appointed Commissioner Luxenberg to spearhead a working group to work with the Community Development Director on the standard conditions of approval for resolutions. Vice Chair Junius volunteered to work with Commissioner Luxenberg.
- Subcommittees:
  - Housing Element Advisory Committee / Beth Thompson of De Novo:
    - Provided a brief presentation on the Housing Element timeline update, when she needs the Commission's input, and highlighted what will be included in the Draft Housing Element.
    - The City is uploading the formal public review draft of the Housing Element materials to its website, the City's virtual binder, and Currents newsletter for a 30-day review. The

materials include housing site suitability criteria, existing affordable housing, and inventory of sites to accommodate RHNA.
        - Next steps in the process: HEAC will review the draft Housing Element at its July 25th meeting and again on August 8th, and then revise the Housing Element. Then Housing Element will then go out for 30-day public review. Comments will be addressed and an HCD Housing Element review draft will be created to go to the state for 90 days. The state's comments will be addressed. The Housing Element will then go to Planning Commission in early 2023 for recommendation to City Council, and then go to City Council.
    - Objective Design and Development Standard Subcommittee / Vice Chair Junius:
        - ODDS met on July 16th where Bob Brown gave an update.
        - ODDS is dealing with a variety of issues regarding views, parking, bulk, and ensuring the objecting program matches up with the Housing Element.
        - Studies that are underway overlap with the Housing Element.
        - ODDS has identified six different sites in Sausalito that have different elements and considerations. Opticos will help develop 3-D massing studies to help the public understand the density of sites and impacts of these housing requirements in Sausalito.
    - Legislative Committee / Vice Chair Junius:
        - AB 2011 is still pending before the Appropriations Committee. It is related to expanding the reach of pro-housing laws into non-residential districts, and will affect every city in California if passed
    - Parklets Working Group / Commissioner Luxenberg:
        - Nothing has changed since the last meeting. The Working Groups needs to have another meeting to address some of the items that came out with the Chamber so they can develop an implementation program with the Working Group and Attorney Sergio Rudin.
    - Working Group for 110 Fourth Street / Commissioner Saad and Commissioner Graef:
        - Commissioner Saad is awaiting clarification and instructions from Interim Community Development Director Hortert.
    - Working Group for 12 El Portal / Commissioner Saad and Commissioner Graef:
        - Commissioner Saad is awaiting clarification and instructions from Interim Community Development Director Hortert.

Public Comments:
Michael Rex

6. PUBLIC HEARING[1]

Declarations regarding Planning Commission Public Contacts

Commissioner Luxenberg disclosed with respect to Item 6.C., 201 Bridgeway, that the subject site is more than 500 feet and less than 1,000 feet from his residence, there is no materiality in that regard and he would not need to recuse himself from the public hearing.

Commissioner Luxenberg disclosed with respect to Item 6.A., 47 Prospect Street, that he met with the owner, Mr. Payne, in order to see the tree in the back yard, but he did not have any ex parte communications.

A. 47 PROSPECT AVENUE / TREE REMOVAL PERMIT / PROJECT ID: 2022-00089 / APN: 065-193-25 (MAGDA GONZALEZ, CONTRACT PLANNER)

SUMMARY: Tree Removal Permit to remove one (1) Canary Island palm (Phoenix Canariensis) tree.

STAFF RECOMMENDATION: Adopt a Resolution which makes the required determinations for approval of a Tree Removal Permit to allow the removal of one (1) Canary Island palm (Phoenix Canariensis) tree, subject to conditions.

The public hearing was opened.

Contract Planner Gonzalez provided a PowerPoint presentation.

Planning Commission questions to staff followed.

The public testimony period was opened.

The applicant/owner, Gene Payne, provided a PowerPoint presentation.

Planning Commission questions to the applicant followed.

Public Comments:
None.

The public testimony period was closed.

Planning Commission comments followed.

Planning Commission questions to staff followed.

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[1] All Adopted Resolutions of the Planning Commission can be found on the City's website: https://www.sausalito.gov/city-government/boards-and-commissions/planning-commission/document-archives/-folder-3195.

Vice Chair Junius moved and Chair Feller seconded a motion to deny a Tree Removal Permit for 47 Prospect Avenue, and directed staff to return a Resolution of Denial.

Attorney Rudin stated that the denial could be based on the grounds that the Commission could not make the required findings under Section 11.12.030.B, and the determination that the value of the tree to the neighborhood is greater than its inconvenience to the owner.

The maker of the motion stated the motion for denial would be based on both grounds outlined by Attorney Rudin.

The seconder of the motion accepted both grounds for denial.

The motion passed 5-0.

The public hearing was closed.

B. 813-817 BRIDGEWAY BOULEVARD / CHANGES TO AN APPROVED PROJECT / PROJECT ID: DR/TRP 17-092 / APN: 065-063-25 (MAGDA GONZALEZ, CONTRACT PLANNER)

SUMMARY: Request for an approval of Changes to an Approved Project to modify the approved building façade (Design Review Permit DR-TRP 17-092), amend the previously approved Minor Use Permit to increase the seats and tables (from 9 seats to 25 seats and from 3 tables to 8 tables, (one ADA compliant)), an Encroachment Agreement to construct a raised dining terrace on the current sidewalk and relocate the sidewalk onto two parallel parking spaces, and a Sign Permit for additional signage.

STAFF RECOMMENDATION: Adopt a Resolution which makes the required determinations for approval, subject to conditions.

The public hearing was opened.

Contract Planner Gonzalez provided a PowerPoint presentation.

Planning Commission questions to staff followed.

The public testimony period was opened.

Property owner Michael Lappert of Lappert Michael Trust et al, and applicant/architect Michael Rex of Michael Rex Architecture, provided a PowerPoint presentation.

Planning Commission questions to the applicant followed.

Public Comments:
None.

The public testimony period was closed.

Planning Commission comments followed.

Planning Commission questions to staff followed.

The public testimony period was re-opened.

Applicant comments followed.

The public testimony period was closed.

Planning Commission comments followed.

Vice Chair Junius moved and Commissioner Graef seconded a motion to continue the public hearing for 813-817 Bridgeway Boulevard to a date uncertain. The motion failed 3-2 with Chair Feller, Commissioner Luxenberg, and Commissioner Saad dissenting.

Commissioner Luxenberg moved and Commissioner Saad seconded a motion to deny Changes to an Approved Project for 813-817 Bridgeway Boulevard, and to direct staff to return with a Resolution of Denial. The motion passed 3-2 with Vice Chair Junius and Commissioner Graef dissenting.

The public hearing was closed.

C. 201 BRIDGEWAY BOULEVARD / ENCROACHMENT AGREEMENT / PROJECT ID: 2022-00118 / APN: 065-242-06 & 17 (DANIEL HORTERT, INTERIM DIRECTOR)

SUMMARY: Request approval of an Encroachment Agreement to install three (3) 3x3x3 planter boxes along the southern property line within the Main Street right-of-way (201 Bridgeway).

STAFF RECOMMENDATION: Adopt a Resolution which makes the required determinations for approval, subject to conditions.

The public hearing was opened.

Interim Community Development Director Hortert provided a PowerPoint presentation.

The public testimony period was opened.

The property owner/applicant, Dr. Alex Kashef, provided a presentation.

Planning Commission questions to the applicant followed.

Public Comments:
None.

The public testimony period was closed.

Planning Commission comments followed.

Commissioner Saad moved and Commissioner Graef seconded a motion to approve an Encroachment Agreement for 201 Bridgeway Boulevard, subject to the following amended conditions of approval:

- **The clear sidewalk shall be changed from 4 feet to 5 feet.**
- **Vegetation shall be pruned back from the public right-of-way.**

The motion passed 4-1 with Commissioner Luxenberg dissenting.

The public hearing was closed.

7. ADJOURNMENT

Chair Feller moved and Vice Chair Junius seconded a motion to adjourn the meeting. The motion passed 5-0.

The meeting was adjourned at 9:33 p.m.

Submitted by FOR
Dan Hortert By Brandon Phipps
Interim Community Development Director

Approved by
~~Kristina Feller~~ NASHWA SAAD
Chair