SAUSALITO PLANNING COMMISSION
Wednesday, January 25, 2023
Final Action Minutes

1. CALL TO ORDER

Chair Luxenberg called the meeting to order at 6:30 p.m.
Planning Commission:

Present:	Chair Jeffery Luxenberg, Vice Chair Andrew Junius, Commissioner Kristina Feller, Commissioner Richard Graef, Commissioner Nastassya Saad
Absent:	None.
Staff:	Brandon Phipps, Community & Economic Development Director Kristen Teiche, Principal Planner Cecilia Jaroslawsky, Contract Planner Sergio Rudin, Attorney

Community and Economic Development Director Phipps 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 January 25, 2023 will be conducted telephonically through Zoom and broadcast live on the City's Website.

2. APPROVAL OF AGENDA

Commissioner Feller moved and Commissioner Saad 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

None.

Declarations regarding Planning Commission Ex Parte Communications

Commissioner Feller declared with respect to Item 6.A., 118-120 Buchannon Avenue; Item 6.B., 215 Sausalito Boulevard; and Item 6.C., 145 Santa Rosa Boulevard, that she drove by the properties but did not see or speak to anyone.

Commissioner Feller also declared regarding Item 5.C., Review of Housing Element, that she does not live within 500 feet of any of the subject properties, but she does live within 1,000 feet of sites 202-206, 125 Bulkley; sites 207-210, 911-917 Bridgeway, 931-933 Bridgeway, and 927 Bridgeway. She also declared that she lives within 1,000 feet of Item 6.C., 145 Santa Rosa Boulevard.

Commissioner Saad declared with respect to Item 6.A., 118-120 Buchannon Avenue; Item 6.B., 215 Sausalito Boulevard; Item 6.C., 145 Santa Rosa Boulevard, and Item 7.A., 265 Gate 5 Road, that she drove by the properties but did not see or speak to anyone.

Commissioner Saad also declared regarding Item 5.C., Review of Housing Element, that she lives within 500 feet of Site 52, City Hall; and within 1,000 feet of Site 47, 300 Locust Street.

Commissioner Graef declared regarding Item 5.C., Review of Housing Element, that he lives within 500 feet of Site 52, City Hall; and within 500 feet of Site 47, 300 Locust Street, and would recuse himself from participating in those public hearings.

Chair Luxenberg declared with respect to Item 6.C., 145 Santa Rosa Boulevard, that property owner Peter Johnson allowed him access to the back yard but had no ex parte communications. He declared with respect to Item 6.A., 118-120 Buchannon Avenue, that he was given access to 127 Tomales Street by the property owner but had no ex parte communications. He declared with respect to Item 6.B., 215 Sausalito Boulevard, that he viewed the site but did not see or speak to anyone. He declared with respect to Item 7.A., 265 Gate 5 Road, that he viewed the site but did not see or speak to anyone.

5. BUSINESS ITEMS

A. Zoom Meetings

Chair Luxenberg recommended the Planning Commission continue meeting via Zoom for as long as legally possible, then to meet in-person when required, but not attempt to provide hybrid meetings.

Planning Commission comments followed.

The Planning Commission agreed by consensus to continue meeting via Zoom until the entire Commission could meet in person, but not to provide hybrid meetings.

Chair Luxenberg provided an outline of AB 2449, which took effect on January 1, 2023 and allows board members to participate in meetings remotely during emergency circumstances.

Planning Commission questions to staff followed.

Public Comments:
Sandra Bushmaker

B. Approval of Planning Commission Meeting Dates for 2023

Director Phipps provided a presentation.

Planning Commission comments followed.

Commissioner Feller moved and Commissioner Saad seconded a motion to approve the Planning Commission Meeting Date 2023 Calendar. The motion passed 5-0.

C. Review of Housing Element (Recommendation on Revisions to HCD Review Draft)

Commissioners Feller of the Housing Element Advisory Committee, and Beth Thompson of De Novo Planning Group, provided a PowerPoint presentation.

Commissioner Feller moved and Chair Luxenberg seconded a motion to recommend City Council approval of the HCD Review Draft. The motion passed 5-0.

Planning Commission questions to staff followed.

Planning Commission comments followed.

Public Comments:
Keith Diggs
Jenny Silva
Chris Sullivan
Sybil Boutilier
Peter McGuire
Sandra Bushmaker
John DiRe
Carlito Berg
Craig Merrilees

Planning Commission questions to staff followed.

Planning Commission comments followed.

The motion passed 5-0.

Chair Luxenberg excused Vice Chair Junius from the meeting due to illness, but reported that the Planning Commission would maintain a quorum.

6. PUBLIC HEARING[1]

A. 118-120 BUCHANNON AVENUE / TREE REMOVAL PERMIT / PROJECT ID: 2022-00208 / APN: 064-302-16 / KRISTIN TEICHE, PRINCIPAL PLANNER

SUMMARY: Tree Removal Permit to allow the removal of one Coast Live Oak tree measuring 17.8 inches (diameter at breast height) located in the southeast rear corner of 118-120 Buchanan Avenue.

STAFF RECOMMENDATION: Staff recommends the Planning Commission deny the requested Tree Removal Permit through adoption of the attached draft resolution.

The public hearing was opened.

Principle Planner Teiche provided a presentation.

The public testimony period was opened.

The applicant did not provide a presentation.

Public Comments:
Antonietta Oliva
Bob Gebron

The public testimony period was closed.

Planning Commission comments followed.

Planning Commission questions to staff followed.

Commissioner Feller moved to deny a Tree Removal Permit for 118-120 Buchannon Avenue.

Planning Commission comments followed.

Commissioner Feller withdrew the motion.

Commissioner Feller moved to continue the public hearing for 118-120 Buchannon Avenue to a date uncertain, subject to the following:

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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.

- **An updated arborist report shall be provided, including history of maintenance to the tree and information that any applicant or abutter has on underground piping or sewer lines.**

Commissioner Saad seconded the motion.

Commissioner Graef requested the motion be amended to include recommendations regarding what could be done to prevent any damage to the tree or to improve the tree.

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

The motion passed 5-0.

The public hearing was closed.

B. 215 SAUSALITO BOULEVARD / DRIVEWAY WITH NO RESIDENCE / DESIGN REVIEW PERMIT, ENCROACHMENT AGREEMENT, TREE REMOVAL PERMIT / PROJECT ID: 2022-00203 / APN: 065-073-04 / KRISTIN TEICHE, PRINCPAL PLANNER

SUMMARY: Removal of 7 unprotected and 16 protected trees, site grading, encroachment agreement, and design review to facilitate construction of an accessory driveway with retaining walls greater than 6 feet in the ROW extending onto the site; grading and installation of retaining walls on the lot to prepare a future building pad. No residential structure is proposed under this application.

STAFF RECOMMENDATION: Staff recommends denial of the project as proposed because the project would violate SMC section 10.44.020, and because the findings for approval of a Design Review Permit cannot be made as set forth in SMC 10.54.050.D.

The public hearing was opened.

Principle Planner Teiche provided a PowerPoint presentation.

Planning Commission questions to staff followed.

The public testimony period was opened.

The applicant/owner, Chris Sullivan, provided a PowerPoint presentation.

Planning Commission questions to the applicant followed.

Public Comments:
Sandra Bushmaker
Michelle Dumont
Hunter Hancock
Jeffrey Stafford
Stacy Kray
D'Sjon Dixon

The public testimony period was closed.

Commissioner Feller moved and Commissioner Graef seconded a motion to deny a Design Review Permit, Encroachment Agreement, and Tree Removal Permit for 215 Sausalito Boulevard.

Applicant rebuttal comments followed.

Planning Commission comments followed.

The motion passed 4-0.

The public hearing was closed.

Commissioner Feller reiterated that she does not live within 500 feet of Item 6.C., 145 Santa Rosa Boulevard, but she does live within 1,000 feet, and because this is simply a Tree Removal Permit and no dwelling being proposed she did not find any conflicts under the FPPC and she would not recuse herself from participating in the item.

C. 145 SANTA ROSA BOULEVARD / TREE REMOVAL PERMIT / PROJECT ID: 2022-00214 / APN: 065-151-13 / KRISTIN TEICHE, PRINCPAL PLANNER

SUMMARY: Tree Removal Permit to allow the removal of five (5) heritage trees measuring between 8.5-28.5 (diameter at breast height) located at the southwest and southeast rear corners of 145 Santa Rosa Avenue

STAFF RECOMMENDATION: Staff recommends the Planning Commission approve removal of Trees 1 and 2 and deny removal of Trees 3, 4, and 5.

The public hearing was opened.

Principle Planner Teiche provided a PowerPoint presentation.

The public testimony period was opened.

The owner, Heather Hensley, and architect, Tom McElroy of McElroy Architecture, provided a presentation.

Planning Commission questions to the applicant followed.

Planning Commission questions to staff followed.

Public Comments:
Jerome Lavigne-Delville

The public testimony period was closed.

Planning Commission questions to staff followed.

Chair Feller moved and Commissioner Saad seconded a motion to approve a Tree Removal Permit for 145 Santa Rosa Boulevard for removal of Tree 1 and Tree 2, subject to the following:

- **Identify a suitable time for planting two replacement trees that would not interfere with construction on the site.**
- **The two replacement trees shall be 25-gallon or larger specimens.**
- **Removal of Trees 3, 4, and 5 shall be denied until such time as the Planning Commission ascertains what is being built on the footprint where the trees exist.**

The motion passed 5-0.

The public hearing was closed.

7. STUDY SESSION

A. 265 GATE 5 ROAD – STUDY SESSION / DESIGN REVIEW PERMIT / PROJECT ID: 2019-00235 / APN: 063-152-05 / CECILIA JAROSLAWSKY, CONTRACT PLANNER

SUMMARY: Design Review Permit to demolish an existing one-story commercial art studio building, site block walls and decks and construct a combination one- and two-level structure with roof decks.

STAFF RECOMMENDATION: Staff recommends the Planning Commission conduct a Study Session on the applicant's proposed design options, consider all public testimony, and offer input, observations, and comments on the project to the applicant and staff for the project located at 265 Gate 5 Road.

The public hearing was opened.

Contract Planner Jaroslawsky provided a PowerPoint presentation.

The public testimony period was opened.

The applicant, architect Matt Ininns of Ehrlich, Yanai, Rhee, Chaney Architects, provided a PowerPoint presentation.

Planning Commission questions to the applicant followed.

Planning Commission questions to staff followed.

Planning Commission comments followed.

Applicant comments followed.

The public testimony period was closed.

The study session was closed.

8. COMMUNICATIONS

A. Communications

- Staff:
  - Community & Economic Development Director Phipps:
    - He presented a parklets update to the City Council at its January 21st meeting. The next step is to follow up with the Parklets Working Group.
- Subcommittees:
  - Objective Design and Development Standards (ODDS) / Vice Chair Junius, Commissioner Feller:
    - Consultant Bob Brown is working on a revised version of the ODDS and will bring it to the Planning Commission in February.
    - The City Council has requested that a more detailed ODDS be developed for SB 9 or a single-family to include as a separate, parallel effort.
  - California Housing Legislation Working Group / Chair Luxenberg, Vice Chair Junius:
    - No new legislation to report. All focus is on housing elements right now.
  - Standard Conditions of Approval for Resolutions / Chair Luxenberg, Vice Chair Junius:
    - Will meet in March.
  - Ferry Landside Working Group / Vice Chair Junius, Commissioner Feller:
    - The working group has requested Public Works Director McGowan bring the revised plan back to the Planning Commission for review and approval, and requested his team stay within the scope and not have scope creep.

- Commissioner Feller requested Director Phipps remind Director McGowan to bring the revised plan back to the Planning Commission.

- Master Plan Working Group / Commissioner Feller, Commissioner Saad:
  - The working group has not met yet. The purpose of the meeting would be to determine the master plan scope for professional services and put metrics in place for budgeting. Once a housing plan is complete a date for the first meeting will be set, and it is hoped Director Phipps can attend the meeting.

9. ADJOURNMENT

Commissioner Feller moved and Commissioner Saad seconded a motion to adjourn the meeting. The motion passed 4-0.

The meeting was adjourned at 11:57 p.m.

Submitted by
Brandon Phipps
Community & Economic Development Director

Approved by
Jeffery Luxenberg
Chair