SAUSALITO PLANNING COMMISSION
Wednesday, March 1, 2023
Final Action Minutes[1]

1. CALL TO ORDER

Community & Economic Director Phipps 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 Neal Toft, Principal Planner Magda Gonzalez, 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 March 1, 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

A. Draft Minutes – February 15, 2023

Commissioner Feller moved and Commissioner Saad seconded a motion to approve the draft minutes as presented. The motion passed 5-0.

[1] A video recording of this meeting is available at: www.sausalito.gov.

5. COMMUNICATIONS

A. Communications

- Staff:
  - Community and Economic Director Phipps:
    - Director Phipps introduced Sausalito's new code enforcement officer Paul Van Hook.
    - A Ferry Landside Presentation will be placed on the agenda for the March 29, 2023 Planning Commission meeting based on the need for a formal public hearing on this item.
    - The Community Development Department is soliciting for Building Official, Permit Technician, Senior Planner, had Associate Planner. Interviews for the planning positions are scheduled for next week.
    - The City has formally submitted its revised Housing Element to the state, which is taking a 60-day review period to provide the City with additional comments. The comments will be properly addressed when received, then the City will adopt a compliant Housing Element.
- Commission:
  - Commissioner Feller:
    - Public Works Director McGowan has requested each member of the Landside Task Force participate in some of the work being done by Miller Pacific. Commissioner Feller will be participating with those efforts.
    - Requested a Sea Level Task Force presentation to the Planning Commission.
- Subcommittees:
  - Objective Design and Development Standards Subcommittee / Vice Chair Junius and Commissioner Feller:
    - ODDS should be prepared to make a presentation to the Planning Commission later in March, and then to the City Council.
  - California Housing Legislation Working Group / Chair Luxenberg and Vice Chair Junius:
    - One of the most important things moving through the system is an extension of SB 35 that has a sunset date a year or two out, and due to the state's desire to increase housing production the legislature is considering making that law permanent.
    - The Sausalito Housing Element has been completed and is currently under review by HCD. Of the 109 Bay Area jurisdictions only four have made it across the finish line. Sausalito is not included in the four jurisdictions, but is one of the groups that has approved a Housing Element and submitted it to HCD before the January 31st deadline. There have been lawsuits filed against jurisdictions that are believed to not be in compliance.

- Ferry Landside Working Group / Vice Chair Junius and Commissioner Feller:
  - The working group has not met yet. It is waiting for the presentation to come to the Planning Commission on March 29th.
- Housing Element Working Group / Commissioner Saad and Commissioner Feller:
  - The working group is waiting for final comments to come from HCD back to Sausalito.
- Parkets / Chair Luxenberg and Commissioner Feller:
  - Director Phipps met with the City Council who will work with the City Attorney's Office and then come back to the working group in the next month or so.
- Master Plan Working Group / Commissioner Saad and Commissioner Feller:
  - The working group hopes the City Council will respond to the multiple communications from the Planning Commission to support its efforts for a comprehensive master plan for the City that is critical to work of the Planning Commission.
  - The working group will meet in the next few weeks and continue its work.

6. NEW BUSINESS

A. Code Enforcement Update

Orlando Givens, Code Enforcement Manager from 4LEAF, provided a presentation.

Planning Commission questions to Mr. Givens followed.

Public Comments:
None.

7. PUBLIC HEARING[2]

Declarations Regarding Planning Commission Ex Parte Communications

Vice Chair Junius reported with respect to Item 7.A., 60 Woodward Avenue, that he would recuse himself from participating in the public hearing, as his residence is within 500 feet of the subject site; and with respect to Item 7.B., 626 Sausalito Boulevard, that he would recuse himself from participating in the public hearing, as project architects Dorman Associates is a client of his law firm.

[2] 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.

A. 60 WOODWARD AVENUE / DESIGN REVIEW, VARIANCE, TREE REMOVAL PERMIT, ENCROACHMENT AGREEMENT / PROJECT ID: 2022-00155 / APN: 064-194-08 / MAGDA GONZALEZ, CONTRACT PLANNER

SUMMARY: Design Review Permit to remodel existing residence, including demolition of existing detached garage and building an attached garage; Variance to exceed the floor area ratio (FAR) and impervious surface; Tree Removal Permit to remove a Southern Magnolia and replace it with a Japanese Maple.

STAFF RECOMMENDATION: Staff recommends the Planning Commission approve the attached draft resolution which approves, subject to conditions of approval, a Design Review Permit to remodel the existing residence, including demolishing the detached garage and building and attached garage; a Variance to increase the existing building coverage and impervious surface; a Tree Removal Permit to remove a Southern Magnolia; and an Encroachment Agreement to expand and realign the driveway within the public right-of-way at 60 Woodward Avenue.

Vice Chair Junius left the meeting.

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, Lucas Eastwood of Eastwood Development, provided a PowerPoint presentation.

Planning Commission questions to the applicant followed.

Public Comments:
Andrew Draper
Michelle Yelen
Helena Zaludova

The public testimony period was closed.

Applicant rebuttal comments followed.

Planning Commission questions to the applicant followed.

Planning Commission questions to staff followed.

Planning Commission comments followed.

Commissioner Feller moved and Commissioner Saad seconded a motion to continue the public hearing for 60 Woodward Avenue to a date certain, pending information the Planning Commission has discussed, including arborist information, tree protection plan, and formalized historic certification.

Planning Commission questions to staff followed.

The maker of the motion amended the motion to include the date certain of April 26, 2023.

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

The motion passed 4-0 with Vice Chair Junius recused.

The public hearing was closed.

B. 626 SAUSALITO BOULEVARD / DESIGN REVIEW PERMIT, VARIANCE, TREE REMOVAL PERMIT, ENCROACHMENT AGREEMENT / PROJECT ID: 2022-00051 / APN: 065-201-02 / MAGDA GONZALEZ, CONTRACT PLANNER

SUMMARY: Design Review Permit to remodel existing residence; Variance to exceed the floor area ratio (FAR) and building coverage; Tree Removal Permit to prune a Coast Live Oak; Encroachment Agreement to allow expansion of parking area on the Sausalito Boulevard right-of-way.

STAFF RECOMMENDATION: Staff recommends the Planning Commission approve the attached draft resolution which approves, subject to conditions of approval, a Design Review Permit to remodel the existing residence; a Variance to increase the existing building coverage by 2% and increase the existing floor area ratio by 5%; a Tree Removal Permit to prune a Coast Live Oak; and an Encroachment Agreement to expand the existing parking area and add improvements within the public right-of-way at 626 Sausalito Boulevard.

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/architect, Andrea Montalbano of Dorman Associates, provided a PowerPoint presentation.

Planning Commission questions to the applicant followed.

Planning Commission questions to staff followed.

Public Comments:
Van Hiemke

The public testimony period was closed.

Planning Commission questions to staff followed.

Applicant rebuttal comments followed.

Planning Commission questions to the applicant followed.

Planning Commission comments followed.

Commissioner Feller moved and Commissioner Saad seconded a motion to continue the public hearing for 626 Sausalito Boulevard to a date certain of March 29, 2023. The motion passed 4-0 with Vice Chair Junius recused.

The public hearing was closed.

C. 170 GATE 5 ROAD / DESIGN REVIEW PERMIT, NONCONFORMITY PERMIT / PROJECT ID: 2018-00405 / APN: 063-152-07 / NEAL TOFT, PRINCIPAL PLANNER

SUMMARY: Design Review Permit and Nonconformity Permit to replace an existing steel building with a new steel building, with new siding, windows, entrance door, and a 30-foot roof height.

STAFF RECOMMENDATION: Staff recommends the Planning Commission approve the attached draft resolution (Attachment 1), which approves, subject to conditions of approval, a Design Review Permit and a Nonconformity Permit for the replacement of the industrial building and related site improvements, as proposed.

Vice Chair Junius returned to the meeting.

The public hearing was opened.

Principle Planner Toft provided a PowerPoint presentation.

Planning Commission questions to staff followed.

The public testimony period was opened.

The applicants, Dan Morgan of Morgan Properties Inc. and architect Adam Gardner of WHA, provided a PowerPoint presentation.

Planning Commission questions to the applicants followed.

Planning Commission questions to staff followed.

Public Comments:
Christine Scarpino
Chris Kalina
Don Anderson

The public testimony period was closed.

Planning Commission comments followed.

Planning Commission questions to staff followed.

Planning Commission questions to the applicants followed.

Vice Chair Junius moved to approve a Design Review Permit and Nonconformity Permit for 170 Gate 5 Road, subject to the following additional condition of approval:

- **The applicant shall work with staff to develop a joint use or other alternative parking program that would be accessible in this site and would bring this site into parking compliance.**

Commissioner Feller requested the motion be amended to include language that any additional design changes on the exterior would come back to the Planning Commission for review.

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

Commissioner Feller seconded the motion.

Chair Luxenberg requested the motion be amended to include:

- **There shall be opaque glass on the first level for the lower part of the backside to address neighbor's concerns.**
- **The building roof height shall be reduced to 28 feet.**

Commissioner Graef seconded the amendment.

The amendment to the motion passed 3-2 with Vice Chair Junius and Commissioner Feller opposing.

The maker of the motion withdrew the motion.

Commissioner Feller moved and Commissioner Graef seconded a motion to continue the public hearing for 170 Gate 5 Road.

Planning Commission questions to the applicant followed.

The maker of the motion amended the motion to continue the public hearing for 170 Gate 5 Road to a date certain of April 26, 2023.

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

Planning Commission comments followed.

The maker of the motion withdrew the motion.

Vice Chair Junius moved to approve a Design Review Permit and Nonconformity Permit for 170 Gate 5 Road, subject to the following additional condition of approval:

- **The applicant shall work with staff to bring this site into compliance with the planning code through either a collection of parking spaces that the applicant controls, or through a later conditional use application that would come back to the Planning Commission for review.**

Commissioner Feller requested the motion be amended to include language that any additional design changes on the exterior would come back to the Planning Commission for review.

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

Commissioner Feller seconded the motion.

The motion failed 3-2 with Chair Luxenberg and Commissioners Graef and Saad opposing.

Commissioner Feller moved and Commissioner Graef seconded a motion to continue the public hearing for 170 Gate 5 Road to a date certain of April 26, 2023.

The motion passed 5-0.

The public hearing was closed.

8. ADJOURNMENT

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

The meeting was adjourned at 12:08 a.m.

Submitted by
Brandon Phipps
Community & Economic Development
Director

Approved by
Jeffery Luxenberg
Chair