SAUSALITO PLANNING COMMISSION
Wednesday, April 10, 2024
Final Action Minutes

1. CALL TO ORDER

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

Community and Economic Development Director Phipps reported that the regular meeting of the Planning Commission for April 10, 2024 was being held at the City of Sausalito Council Chambers at 420 Litho Street and was open to members of the public; and was also being held remotely at 3890 Kamehameha Road in Princeville Hawaii as permitted by the Brown Act, and was also open to the public. Members of the public could also access the meeting and provide public comment telephonically through Zoom.

Planning Commission:

Present:	Chair Jeffery Luxenberg, Vice Chair Nastassya Saad, Commissioner Kristina Feller, Commissioner Andrew Junius, Commissioner David Marlatt (remotely)
Absent:	None.
Staff:	Brandon Phipps, Community & Economic Development Director Kevin McGowan, Public Works Director Adam Blair, Assistant Planner Anne Branham, BBK

2. APPROVAL OF AGENDA

Commissioner Junius moved to approve the Planning Commission agenda as presented.

Commissioner Feller requested the motion be amended to move Item 7, Communications, to after Approval of the Minutes.

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

Commissioner Feller seconded the motion.

The motion passed 5-0.

3. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

4. APPROVAL OF PLANNING COMMISSION MINUTES

A. Draft Minutes – November 1, 2023

B. Draft Minutes – March 27, 2024

Commissioner Junius moved and Vice Chair Saad seconded a motion to approve the Planning Commission Minutes of November 1, 2023 as presented.

The motion passed 3-0 with Commissioners Feller and Marlatt abstaining.

Commissioner Junius moved and Commissioner Feller seconded a motion to approve the Planning Commission Minutes of March 27, 2024 as presented. The motion passed 5-0.

5. COMMUNICATIONS

A. Communications

- Staff:
  - Director Phipps:
    - The City is making changes to its website:
      - To provide higher levels of communication with respect to some current residential and commercial projects.
      - A robust FAQ section related to the mandated number of RHNA housing will also be created.
- Commission:
  - Chair Luxenberg:
    - At the March 27th Planning Commission meeting Commissioner Feller requested Chair Luxenberg reach out to City Council members who pushed to overturn the Planning Commission's decision for insight into their decision related to the fines for the lack of a Tree Removal Permit on Santa Rosa. Chair Luxenberg read the CDD staff report and watched the City Council public hearing on this appeal and noted the following:
      - After the Planning Commission decision staff conducted four site visits and found erosion was not occurring. The staff report suggested further site visits rather than erosion control reports, and given that the trees were not removed staff reiterated the recommendation for a $500 per tree fine rather than the Planning Commission approved $1,000 per tree.
      - The City Council upheld the Planning Commission's decision but they lowered the fine to $250 per tree and adopted staff's recommendation for periodic site visits until April 15th.
      - The public record on the City Council's decision is clear as follows:
        - The applicant attempted to submit an application through an inactive portion of the City's website. One Council Member indicated that had the

Planning Commission had that information it may have made a different decision.
    - All City Council members felt a fine was justified given that the work proceeded without a permit. Given the confusion with the initial application, the applicant's cost to appeal, plus the erosion control reports the City Council agreed with the applicant that $250 per tree was a fair fine.
    - If it were not for this original application submittal problem the Council likely would have gone with the CDC staff recommendation.
  - Since the public record is clear that the City Council supported the Planning Commission's determination that a fine was appropriate and would support code enforcement fining $500 in the future for anyone conducting tree work without a permit, it is not necessary to contact individual City Council members for further insight because it is somewhat clear.
  - It also appears clear from the City Council's comment that a $1,000 per tree fine would be more appropriate for a tree removal rather than a tree alteration.
  - Given that the City Council denied the appeal and upheld the Planning Commission decision as well as the costs the applicant has incurred, Chair Luxenberg did not believe anyone in the future would purposely take down a tree or not get a permit because the fine was lowered to $250.00.
- Subcommittees:
  - Landslide Task Force / Commissioner Feller:
    - The Sea Level Rise Task Force asked Commissioner Feller and others to work with their consultant to help scope what they are doing regarding looking for additional grant money and how they are working with the General Plan, and met with them and members of the community, the Economic Development Advisory Committee, and the County.
    - There is a lot of overlap between what the Sea Level Rise Task Force is doing and what the Landslide Task Force already did. Commissioner Feller would like to tie that together to be more efficient with time and efforts.

Public Comments:
None.

6. PUBLIC HEARING[1]

[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.

Declarations Regarding Planning Commission Ex Parte Communications

Commissioner Saad declared with respect to Item 6.A., 86 San Carlos Avenue and 31 Harrison Avenue, that she passed by the site but had no ex parte communications.

Chair Luxenberg declared with respect to Item 6.A., 86 San Carlos Avenue and 31 Harrison Avenue, that he visited the site at 86 San Carlos three times and rang the doorbell, but there was no answer and no phone number to call, so he was not able to access the property, but the trees from 31 Harrison are visible from the street. He visited Mr. Osterkamp's house at 2 San Carlos to see the view from his deck, but there was no ex parte communication. He also visited 35 Harrison and rang the doorbell, but no one was home.

Chair Luxenberg declared with respect to Item 6.A., 86 San Carlos Avenue and 31 Harrison Avenue, that he lives greater than 500 feet but less than 1,000 feet from the subject site. This project would not affect his property's development potential, income producing potential, the highest and best use of his property, change the character of his property by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality, and further, it will not affect the market value of his property, thus any decisions regarding this project are not material.

Commissioner Feller declared with respect to Item 6.A., 86 San Carlos Avenue and 31 Harrison Avenue, that she lives within 1,000 feet of 86 San Carlos but not within 1,000 feet of 31 Harrison Avenue. She consulted the FPPC Conflicts of Interest and Political Reform Act, particularly Sections 18701 and 18702, and there were no financial impacts and she did not see any conflict of interest.

A. 86 SAN CARLOS AVENUE & 31 HARRISON AVENUE / TREE REMOVAL PERMIT / PROJECT ID: 2024-00041 / APN: 065-164-10 & 065-164-11 / ADAM BLAIR, ASSISTANT PLANNER

SUMMARY: The Applicant, Ted Horton, on behalf of Owner, SASP LLC, is requesting a Tree Removal Permit to remove two (2) heritage trees at 86 San Carlos Avenue and 31 Harrison Avenue.

STAFF RECOMMENDATION: Staff recommends the Planning Commission approve the application TRP 2024-00041 for 86 San Carlos Avenue and 31 Harrison Avenue and adopt the attached draft resolution approving the Tree Removal Permit.

The public hearing was opened.

Assistant Planner Blair provided a PowerPoint presentation.

Planning Commission questions to staff followed.

The public testimony period was opened.

The applicant, Ted Horton on behalf of Owner, SASP LLC, provided a PowerPoint presentation.

Planning Commission questions to the applicant followed.

Public Comments:
George Osterkamp
Mary Schoenbrun

The public testimony period was closed.

Planning Commission comments followed.

Planning Commission questions to staff followed.

Commissioner Junius moved and Commissioner Feller seconded a motion to approve removal of Tree #3, but deny the removal of Tree #1, for 86 San Carlos Avenue and 31 Harrison Avenue.

Commissioner Feller requested the motion be amended to state that Tree #3 shall be replaced with three 5-gallon Ligustrum trees.

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

The motion passed 5-0.

7. NEW BUSINESS

A. Receive and File a Presentation from Miller Pacific Engineering Group Regarding the Draft Geologic Hazard Report for the City of Sausalito.

Public Works Director McGowan provided an introduction.

Mike Jewett, Engineering Geologist, Miller Pacific Engineering Group, provided a PowerPoint presentation.

Planning Commission questions to Mr. Jewett followed.

Planning Commission comments followed.

Staff comments followed.

Planning Commission questions to Director McGowan followed.

Public Comments:
None.

8. ADJOURNMENT

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

The meeting was adjourned at 8:27 p.m.

Submitted by
Brandon Phipps
Community & Economic Development
Director

Approved by
Jeffery Luxenberg
Chair