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SAUSALITO PLANNING COMMISSION
Wednesday, September 19, 2012
Draft Summary Minutes

Call to Order

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

Present: Chair Stafford Keegin, Vice-Chair Joan Cox*,
Commissioner Richard Graef, Commissioner Bill Werner

Absent: Commissioner Stan Bair

Staff: Community Development Director Jeremy Graves
Associate Planner Lilly Schinsing, City Attorney Mary Wagner

* Vice-Chair Cox via telephone from 3809 Ocean Boulevard, Brant Beach, New Jersey.

Vice-Chair Cox moved and Commissioner Werner seconded a motion to move Election of Officers to after Approval of Agenda. The motion passed 4-0.

Approval of Agenda

Commissioner Graef moved and Commissioner Cox seconded a motion to approve the agenda. The motion passed 4-0.

Election of Officers

Vice-Chair Cox moved and Commissioner Werner seconded a motion to postpone Election of Officers to the meeting of October 17, 2012. The motion passed 4-0.

Commissioner Graef moved and Commissioner Werner seconded a motion to hear Item 4 before Item 1. The motion passed 4-0.

Public Comments On Items Not on the Agenda

None.

Approval of Minutes

September 5, 2012

Commissioner Werner moved and Commissioner Graef seconded a motion to approve the summary minutes as amended. The motion passed 4-0.

1 **Public Hearings**

2
3 **Declarations of Planning Commissioner Public Contacts**

4
5 **Vice-Chair Cox disclosed that she had had public contact with various people**
6 **regarding the Housing Element and the ADU Ordinance.**

- 7
8 **4. CUP 12-143, Conditional Use Permit, Harmonia, 2200 Bridgeway.** Conditional
9 Use Permit to allow a cultural center for specialized programs in personal growth
10 and development, including fitness, nutrition, and health. (APN 063-110-01).
11 Continued from the July 25, 2012 Planning Commission meeting.
12

13 The continued public hearing was re-opened.

14
15 Associate Planner Schinsing presented the Staff Report.

- 16
 - 17 • Since this item was last heard at the July 25, 2012 meeting a late mail item
18 was received from Charles Flynn, general manager and owner of The Record
19 Plant, date stamped September 18, 2012.

20
21 The public testimony period was opened.

22
23 Presentation was made by John McCoy, architect and applicant.

24
25 Commission questions to Mr. McCoy, Steve Hamersley, and Jennifer Adler (business
26 owners):

- 27
 - 28 • You went beyond what is required for parking? *Mr. McCoy responded yes,*
29 *based on Harmonia's square footage and uses they are required to have 15*
30 *parking spaces but they are proposing 20 spaces*
 - 31 • This application does not seem to be in compliance with the Marinship Specific
32 Plan, which is very specific regarding its intent. "Schools" are permitted uses
33 within the Plan but the schools discussed there are different than the broad
34 scope of the schools from which you found reference to a cultural school. How
35 is a cultural school consistent with the intention of the Marinship Specific Plan?
36 *Mr. McCoy responded the Marinship Specific Plan, Section 3(b)1(a) states that*
37 *typically permitted uses in the Industrial Zone parcel include General Industrial.*
38 *Under General Industrial in the Marinship Plan it is states, "Industrial trade and*
39 *business services uses such as blueprinting, Photostat, building maintenance,*
40 *business professional trade, cultural schools." The Marinship Specific Plan*
41 *contains no definition of a cultural school, but the Zoning Ordinance defines*
42 *schools and specialized education and training as facilities, institutions, and*
43 *conference centers that offer specialized programs in personal growth and*
44 *development. Harmonia's use falls under cultural school more than anything*
45 *else.*
 - 46 • You do not intend to offer daycare but rather children's classes in order to
47 accommodate parents participating in adult classes. There is a concern that in
48 actuality it will be more of a daycare center, which is not a permitted use.
49 Children's classes may not fall within the cultural school definition because it is
50 used in the industrial definition of trade or cultural school. Moreover, having a

1 number of children present in a light industrial area may not be consistent with
2 that use and other uses in the vicinity. Can you address that? *Jennifer Adler*
3 *responded the classes for children could be very limited in size, possibly on a*
4 *first-come, first-served basis. Steve Hamersley they have spent a lot of money*
5 *to get their project to comport with what is in the code. Mr. McCoy responded*
6 *this is a site-specific school on a private parcel with onsite parking. The*
7 *children would not be meandering around the industrial areas of the Marinship.*
8

9 Chris Gallagher indicated the following:

- 10 • She is the manager of the next-door Bay Model and she supports the project.
- 11 • She met with the applicant to discuss the parking concerns. She is satisfied
12 given Harmonia's schedule and the Bay Model's schedule that the two can
13 exist in a copacetic manner.
- 14 • There are approximately 150,000 visitors a year to the Bay Model with 60%
15 being school children. The Bay Model is able to contain the children in their
16 area and keep them safe and believe Harmonia could do the same.
17

18 Ann Matranga indicated the following:

- 19 • She appreciates the diligence of the Planning Commission in making sure that
20 this application conforms to the City's real intent for what should be in the
21 Marinship.
- 22 • In looking at what residents want in the City and the proactive search for
23 businesses and activities that would be good for Sausalito, she is thrilled to see
24 this application and supports the project.
25

26 Stan Hales, 640 Sausalito Boulevard, indicated the following:

- 27 • He is a Sausalito resident with a boat at the Schoonmaker Marina and is
28 familiar with the site.
- 29 • He supports the project, which would bring this somewhat disused and vacant
30 parcel back to full use.
31

32 The public testimony was closed.

33 Commission question to staff:

- 34 • Why was Harmonia designated as a "school" as opposed to a "recreation,
35 health, and fitness center," which is also allowed by CUP? *Staff responded*
36 *staff began with the Marinship Specific Plan, and in the General Industrial*
37 *District business, professional, trade and cultural schools are allowed. Then*
38 *staff went to the definition of a school in the Zoning Ordinance and that is*
39 *where that definition comes from.*
40

41 Commission comments:

- 42 • That definition of school that staff has is on Page 10.88-20 of the Zoning
43 Ordinance under Definitions. On Page 2 of the Staff Report staff has bolded
44 the last line, "Facilities, institutions, conference center." However staff left off a
45 parenthetical sentence at the end of that definition that specifically identifies
46 SIC numbers, the standard institutional codes. Those SIC numbers are 834
47 and 829.
48
49
50

- SIC number 834 does not exist. It is an old section that referred to recreation facilities defined as health clubs, exercise, physical activities, et cetera, and specifically includes yoga instruction.
 - SIC number 829 is under Educational Services, Schools and Educational Services not Identified Elsewhere, which are vocational or technical training and does not contain anything that would go in this facility.
 - Staff has a definition that does not include a foundation. This is not a school, but some other kind of facility that calls itself a cultural center or school.
- Harmonia does not satisfy the intent of the Marinship Specific Plan. It is probably a wonderful idea that may be needed in Sausalito and would be valuable, but not at this location.
 - The applicant is to be commended for going to the trouble to satisfy the questions and issues that were brought up at the last meeting, however this use in the Marinship industrial area feels out of context.
 - Findings A, B, D, and H cannot be made. The regulations relating to the Marinship list seven purposes and tests for the Marinship regulations and Plan, and the majority of them clearly are to preserve and enhance the maritime history and industrial character of the Marinship, preserve its primary orientation to the use and service of Sausalito residents rather than tourists, to discourage non-industrial commercial businesses that would displace industrial and marine businesses, to encourage public access and use of the water and waterfront, and to maximize the amount of open water and open shoreline area. What has happened here is the applicant has gone shopping for some useful hooks on which to hang this project and got into the language that talks about schools, but this is not the type of school that was intended by Section 10.28.050.A. It is very clear what the intention of the Marinship Specific Plan is.
 - Unlike the City Council the Planning Commission cannot base its decision on the types of businesses it would like to see but have to make specific findings, which it cannot do in this case.

Commissioner Werner moved and Commissioner Graef seconded a motion to deny a CUP for Harmonia at 2200 Bridgeway. The motion passed 4-0.

The public hearing was closed.

1. ENV 12-117, Housing Element Update—Initial Environmental Study/Negative Declaration, City of Sausalito. Review of the Planning Commission Review Draft of the Housing Element Update Initial Environmental Study/Negative Declaration (IES/ND).

The public hearing was opened.

Geoff Bradley of M-Group presented the Staff Report.

The public testimony period was opened.

1 Geoff Headington, 108 Third Street, indicated the following:

- 2 • He appreciates the language added to the document and in the future he still
3 wants to make sure that these rules apply and that environmental
4 considerations will be dealt with and addressed on a project-by-project basis.
5

6 The public testimony period was closed.
7

8 Commission comments:

- 9 • M-Group's responses to the letters and comments sent in are clear and on
10 point.
11
- 12 • M-Group's responses to various correspondences are of concern.
 - 13 ○ M-Group states that the environmental review of the Housing Element is
14 not the only opportunity for assessment of the environmental impact of
15 future proposed projects, and that future projects will need to go through
16 the development review process. That is true in many cases, but not all
17 cases. For example, the proposed ADU regulations allow a ministerial
18 process that does not include environmental review for construction of
19 ADUs.
 - 20 ○ This Housing Element will have a great impact on the existing General
21 Plan. When the General Plan was enacted it was not anticipated that there
22 would be ADUs, liveboards, and other components of the Housing
23 Element that comprise the 372 required units.
 - 24 ○ The cumulative impact of all of the 372 new units throughout Sausalito is
25 concerning. Although it is unlikely it must be assumed that these units will
26 be built.
- 27 • ADUs would not be subject to the CEQA review under the draft ADU
28 regulations, but they would be forced to go through the City's regular design
29 and development process, except for the ADUs that are handled at the staff
30 level, and even then there is some application of developmental standards in
31 that situation as well.
- 32 • This project contemplates the environmental impact of the Housing Element on
33 things such as traffic, infrastructure, et cetera and this Negative Declaration
34 does not adequately examine those impacts. A full EIR should be required.
- 35 • Many of the 372 units already exist, such as ADUs and liveboards.
36

37 Commission questions to Mr. Bradley:

- 38 • Can you address the concerns regarding the environmental effect on a
39 cumulative basis and how the City should address that issue? *Mr. Bradley*
40 *responded the Housing Element is predicated on working within the future*
41 *development potential as defined in the City's Zoning regulations, Zoning*
42 *designations, General Plan, and General Plan Land Use Element.*
- 43 • It is correct that the General Plan, when enacted, did not have ADU, VMU,
44 HMU, or liveboards. Most of the liveboards already exist, so under CEQA
45 they must look at changes to the physical environment. Many of the ADUs are
46 amnesty units that already exist and are being brought into the legalized
47 housing stock. The creation of new ADUs through policy implementation is
48 specifically exempt under CEQA. The ADUs were not a strategy within the
49 existing General Plan except that they were actually called out as a mitigation
50

1 measure to mitigate some of the harmful impacts of not having affordable
2 housing within the community. If they were not working so closely within the
3 limits of the existing General Plan and EIR and they were proposing to add
4 372 units on top of what the current General Plan allows, it would not be
5 covered under that umbrella.

- 6 • The vertical mixed-use (VMU) strategy requires development of upper stories
7 in certain commercial zones to be residential rather than office. It is not
8 increasing the total amount of square footage of development that can be built.
- 9 • The horizontal mixed-use (HMU) strategy applies to only two fairly small
10 parcels within the community.
- 11 • The small shifts in policy and zoning implementation measures are very
12 minute and do not go beyond what the General Plan and its EIR envision, and
13 in most cases are simply implementing mitigation measures to allow for the
14 type of development that was originally called for in the General Plan.
- 15 • Of the total 311 units, 241 would be net new units.

16
17
18 Commission comment:

- 19 • The liveboards and ADUs, whether existing or not, and the higher intensity of
20 use associated with the HMUs and VMUs and were not contemplated by the
21 EIR performed in connection with the General Plan.

22
23 Staff question to Mr. Bradley:

- 24 • Could you go through the zoning categories and identify what is allowed today
25 under the existing General Plan and what would be allowed after adoption of
26 the updated Housing Element? *Mr. Bradley responded:*
 - 27 ○ *Units that have already been built in the planning period: 20 units.*
 - 28 ○ *R-1: Basically vacant residential. 19 units.*
 - 29 ○ *R-2-5: 16 units.*
 - 30 ○ *R-2-2.5: 50 units.*
 - 31 ○ *R-3: 38 units.*
 - 32 ○ *Within the existing residential zoning categories with no changes or*
33 *tweaks: No units.*
 - 34 ○ *Commercial districts: 51 units. There is the change on the two parcels with*
35 *the horizontal mixed-use that under the updated Housing Element would*
36 *allow development on the ground floor, whereas under the existing*
37 *Housing Element it is not allowed. However, because of the way the City's*
38 *existing development regulations work with the FAR limitation it would be*
39 *possible to get an equal number of units upstairs with a small amount of*
40 *commercial downstairs.*
 - 41 ○ *Existing Liveboards: 38 units. These already exist and under CEQA this*
42 *would be no change to today's physical environment.*
 - 43 ○ *Future Liveboards: 55 new future units.*
 - 44 ○ *New ADU: 12 new units.*
 - 45 ○ *Existing ADUs (also known as amnesty ADUs): 12 units.*

46
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48 Staff comment:

- 49 • CEQA Section 21065 defines a project as, "Project means an activity which
50 may cause either a direct physical change in the environment or a reasonably

1 foreseeable indirect physical change in the environment.” That is what CEQA
2 needs to analyze. As Mr. Bradley stated, the change in the physical
3 environment that would result from the adoption of the Housing Element
4 Update in comparison to what is allowed under today’s regulations is very
5 small. That is why a Negative Declaration is appropriate.
6

7 Commission comment to Mr. Bradley:

- 8 • The cumulative impact of that number of units being built is significant. In
9 addition, the liveboards, although some of them already exist, were not
10 contemplated as a part of the environmental document prepared in connection
11 with the General Plan. If you add up all those units, the 51 commercial, 38
12 existing liveboards, 55 future liveboards, 12 new ADUs, 12 existing ADUs,
13 that is 168 units not contemplated by our last General Plan. *Mr. Bradley*
14 *responded M-Group was charged with developing a “low impact strategy” with*
15 *regard to the Housing Element. One interpretation for the meaning of that*
16 *phrase was it had a low environmental impact. The two shining star strategies*
17 *for low impact were the liveboards and the ADUs. It would be averse to the*
18 *previous thinking to now say that the ADUs and the liveboards are somehow*
19 *creating a significant environmental impact that would trigger the need for an*
20 *EIR. Mr. Bradley also pointed out that he made an error when he said the*
21 *existing Housing Element did not include ADUs. Policies H-2.3 and H-2.4 in the*
22 *existing Housing Element speak to legalizing existing ADUs and allowing new*
23 *ADUs.*
24

25
26 Commission comments:

- 27 • Although the impact of ADUs and liveboards is much lower than other types
28 of units that could be devised to meet the required quota, in accepting the
29 environmental impact of this Housing Element there is a cumulative impact of
30 168 units not contemplated in our last General Plan and a Mitigated Negative
31 Declaration does not adequately address that.
- 32 • It is a straight Negative Declaration with no mitigation involved.
- 33 • Concerns stated at last meeting still exist today, such as traffic, sewers, etc.
34 The addition of a handful of units, many of which are already there and will be
35 annested, and others that could have been built with or without the Housing
36 Element, is insignificant in terms of its cumulative impact on what is already
37 there and what can happen without the Housing Element.
38

39 Commission question to Mr. Bradley:

- 40 • Without this Housing Element how many units could be built in Sausalito under
41 the present zoning and General Plan conditions? *Mr. Bradley responded with*
42 *the exception of the ADUs, which are not currently allowed, to some extent that*
43 *311 minus the 12 new ADUs is almost a cap. That number may sound small,*
44 *but within the seven-year planning period of 2007-2014 only 20 units were*
45 *built.*
46

47
48 Commission comments:

- 49 • The concerns regarding the cumulative impact of 168 units not anticipated in
50 the last General Plan are important but should go the City Council.

- The potential of cumulative impacts is there with or without the Housing Element. The Housing Element does not exacerbate it at all and no modifications to the environmental document are necessary.

Commissioner Werner moved and Commissioner Graef seconded a motion to recommend City Council approval of the Initial Environmental Study/Negative Declaration for the Housing Element Update. The motion passed 3-1 (No— Cox).

The public hearing was closed.

2. GPA 12-117, Housing Element Update—General Plan Amendment, City of Sausalito. Amendment of the General Plan to incorporate the Housing Element Update into the General Plan.

The public hearing was opened.

Geoff Bradley of M-Group presented the Staff Report.

Commission question to staff:

- If a property owner in one of the parcels that might have an adverse view impact were to apply to build an ADU on the second or third floor roof of that structure, would that ADU be subject to the City's view provisions in the Zoning Ordinance? *Staff responded the Draft ADU Regulations contain a provision that requires no view impact for an administrative over-the-counter permit. Story poles and notice sent neighbors would be required to ensure there are no view impacts. If there were a view impact, the application would need to go the Planning Commission for a Conditional Use Permit.*

The public testimony period was opened.

Geoff Headington, 108 Third Street, indicated the following:

- He has one issue with the potential HMU property at 107-111 Second Street. In Appendix G there are 87 sites identified. If that is multiplied by four, presuming that each site has four new units built, that is 348 new units plus all the ADUs, plus the liveboards, and that is a huge abundance of numbers Sausalito does not need. Requesting the removal of one of those properties is not unreasonable.
- Appendix G is a list of vacant and underutilized sites, but 107-109 Second Street is not vacant or underutilized. Mr. Headington presented the Commission with three photographs of the Second Street parcel.
- They did a survey of the neighborhood and found 33 units that are impacted by view. They did an analysis on the value of those 33 units and it came to \$25 million of property value that are behind or next to the Second Street site that look over the top of it out to the water.
- Their concern is that this impact is already happening. Just having this property on the inventory list is impacting the value of 33 properties around the neighborhood, which is evidenced by some undervalue sales that have

1 occurred and by statements from real estate professionals along with the
2 general neighborhood anxiety regarding the potential of VMUs taking place.

3
4 Commission question to staff:

- 5 • Does the designation of this Second Street property as a VMU exempt it from
6 the City's Zoning Ordinances, including view and height regulations. *Staff*
7 *responded no.*

8
9 Commission comment:

- 10 • If an ADU was sought to be built on the 107-109 Second Street parcel it would
11 have to demonstrate that it has no view impact in order to gain ministerial
12 approval, so inclusion of this property as a VMU does not waive the height and
13 view requirements that already apply to it, and inclusion of the parcel on the list
14 does not make it more or less likely to be developed.

15
16 Charlotte (inaudible) indicated the following:

- 17 • She owns the property directly behind the 107-111 Third Street parcel.
- 18 • It would be a disaster if that parcel was developed vertically and she requests
19 that the property be removed from the list of feasible properties for VMUs.
- 20 • Her property is in the view corridor. It would greatly impact the neighborhood if
21 the site were developed vertically.
- 22 • Old Town is built out. They have previously presented 350 signatures
23 requesting this area not be included in the Housing Element and that the area
24 remain neighborhood-serving.

25
26 Commission question to staff and Mr. Bradley:

- 27 • Without changing any other aspect of the Housing Element, could the two
28 properties at 107-109 Second Street and 107-111 Third Street be removed
29 from the list and still meet the state requirements? *Mr. Bradley responded the*
30 *state statute requires a very detailed list of sites that are potentially feasible for*
31 *future development. They have received their HCD conditional approval, but if*
32 *they change anything it will be at HCD's discretion to give them further review.*
33 *It is not worth the risk to the City to go back through that process given where*
34 *they stand now, however it would be possible. Staff responded it should be*
35 *considered how long the City has waited and worked to get to this approval*
36 *from HCD. To jeopardize it for a request that does not increase or decrease the*
37 *developability of those two parcels is not worth the risk. The presence or*
38 *absence of those two parcels on the list does not change the ability of a*
39 *property owner to submit a Development Review Application and come before*
40 *the Planning Commission.*

41
42 Kerry Headington, 108 Third Street, indicated the following:

- 43 • Other sites have been removed from this site inventory list due to topographic
44 constraints. How is a view impact not considered a constraint?
- 45 • Their home value would drop dramatically, upwards to \$400,000 or more if
46 VMUs were developed on the parcels.

47
48 The public testimony period was closed.

1
2 Commission comments:

- 3 • The removal of the Old Town sites at this time could jeopardize the conditional
4 approval the City has already received from HCD.
- 5 • Failure to pass a Housing Element has substantial risks, including the
6 requirement that the City identify in its next cycle 471 new units, the loss of
7 planning authority, the loss of certain funding, and the vulnerability to mitigation
8 from developers.
- 9 • M-Group has indicated that the City could not gain approval of its VMU and
10 HMU strategies without including all of the units it has proposed.
- 11 • The Housing Element Task Force carefully examined whether any of the Old
12 Town properties could be removed from the site inventory and from the VMU
13 designation and still pass muster with HCD. It was the opinion that after having
14 already removed some sites that they could not remove additional sites.
- 15 • Under existing zoning the Old Town parcels could already be developed if, as
16 they must under this Housing Element, it could be demonstrated that the new
17 development would not have a significant impact on primary views and would
18 not violate the height restrictions and other requirements of the Zoning
19 Ordinance.
- 20 • While the fear of the residents living uphill from the Old Town sites is
21 understandable, potential development on those sites is no different under the
22 Housing Element than it is now. The VMU does not change the requirement for
23 ground floor commercial space, so it does not affect the neighborhood-serving
24 aspect of that property. The properties would go through the normal
25 development procedures.
- 26 • The Planning Commission cannot promise that the View standards would be
27 enforced, but it would be part of the deliberations of any Planning Commission
28 hearing regarding development proposed for those sites, whether under the
29 auspices of affordable housing or not. California land use and planning law,
30 along with court precedents, do not support an entitlement to a view, and
31 economic considerations are not included in cumulative impacts under CEQA.
- 32 • It is more important and more of a threat to the City in general if this Housing
33 Element is not approved than if one parcel is removed.
- 34
- 35

36
37 **Commissioner Werner moved and Vice-Chair Cox seconded a motion to**
38 **recommend City Council approval of the General Plan Amendment to incorporate**
39 **the Housing Element Update. The motion passed 4-0.**

40 The public hearing was closed.

41
42
43 **3. ZOA 12-055, Accessory Dwelling Unit Regulations, City of Sausalito.**

44 Review of the Zoning Ordinance Amendment to add new regulations which
45 permit new Accessory Dwelling Units (ADUs, aka second units, granny units, or
46 in-law units) which meet criteria in the R-1, R-2 and R-3 Zoning Districts and
47 legalize existing unpermitted ADUs which meet criteria in the R-1, R-2, and R-3
48 Zoning Districts. The Zoning Ordinance Amendment also deletes Zoning
49 Ordinance Chapter 10.21 (Second Units).

1 The public hearing was opened.

2
3 Associate Planner Schinsing presented the Staff Report.

4
5 Commission question to staff:

- 6 • Where is the demarcation between an ADU and the separate ownership of an
7 ADU? *Staff responded the ADU has to exist with a primary unit on one parcel.*
8 *If a property owner wished to sell the ADU as a primary unit they would need to*
9 *subdivide the property through the Subdivision Map Act and through a parcel*
10 *map. They would also need to request a Condominium Conversion Permit.*

11
12 The public testimony period was opened.

13
14 Stan Hales, 640 Sausalito Boulevard, indicated the following:

- 15 • He is in favor of the Accessory Dwelling Unit changes in general, but has a
16 couple of issues.
- 17 • Regarding the residency requirement, it is near impossible for the City to know
18 who is residing in the single-family and/or multi-family residences and he
19 believes the requirement should be removed.
- 20 • He asks if there is a reason the floor area requirement is cited as 500 square
21 feet but off street parking is cited as 700 square feet? Can the numbers be
22 made the same to avoid confusion?

23
24
25 The public testimony period was closed.

26 27 **Floor Area Waiver Exemption**

28 Commission comments:

- 29 • In favor of Options 2, 3, or 4 because there should have some sort of
30 exemption.
- 31 • An exemption is unnecessary and sets up enforcement problems in the future
32 in terms of conversion of a building back to a single-family residence and
33 getting rid of the ADU. The 500 square foot exemption, or a more balanced
34 version of it as identified in Option 4, creates a situation in which there is
35 deviation allowed from the ordinance, and those kinds of deviations are
36 consistently abused. Why grant an exemption from the otherwise required
37 Floor Area Ratio on any property for purposes of enticing someone into putting
38 in an ADU? It is fundamentally wrong, inappropriate, and difficult to deal with in
39 the future.
- 40 • If a property owner with an ADU decides to remove the kitchen of that ADU
41 and convert it to a bedroom they will have 500 square feet more and the City
42 would never know.
- 43 • The figure of 500 square feet is arbitrary, which does not make sense. A sliding
44 scale would make more sense with the amount of credit depending on the size
45 of the lot, with smaller lots getting less square footage.

1 Staff comment:

- 2
- 3 • There could be a requirement that if a property has received a variance from
4 floor area in the past the property owner either cannot get that exception or
5 they have to go to the Planning Commission to get the exception.

6 Commission comments:

- 7
- 8 • Staff's suggestion would mean layering more regulations on top of a part of an
9 regulation that should not be there in the first place.
 - 10 • The exemption should be allowed up to the amount that they would be allowed
11 to have under the Zoning Ordinance without considering any variances that
12 they have previously received, which gives the property owner some incentive,
13 unless the property has received variances from floor area in the past, in which
14 case they do not get the exemption.

15 Staff comment:

- 16
- 17 • Another option the Commission could consider is similar to the provisions for
18 building coverage and impervious surface where there is a small waiver
19 allowed through the Conditional Use Permit process with the Planning
20 Commission so the floor area could be evaluated like the Building Coverage
21 and Impervious Surface Waiver. If they have enough FAR for it, they can get it
22 ministerially. If not, they would go to the Planning Commission to request a
23 Conditional Use Permit and it would be evaluated on its merits.

24 Commission comment:

- 25
- 26 • The Planning Commission approves Option 4 with the requirement of Planning
27 Commission approval of a Conditional Use Permit in order for the property
28 owner to be able to get 10% of the parcel area as additional floor area up to a
29 maximum of 500 square feet.

30

31 **Owner Occupancy Restrictions**

32 Commission comments:

- 33
- 34 • The word "consecutive" would make it difficult for anyone who takes a vacation
35 and should be deleted. It should be 12 months during any 36-month period.
 - 36 • The owner occupancy requirements should be limited to single-family zoning
37 districts.
 - 38 • Instead of 12 months in 36 months it should be that under special
39 circumstances if an owner is absent from the residence they could make an
40 appeal to the City.
 - 41 • Why not just say if a property owner is going to have an ADU, they have to
42 maintain the property?

43 Commission question to staff:

- 44
- 45 • Why is this so different than someone who owns income property that they rent
46 out? *Staff responded people may buy into a single-family residential*
47 *neighborhood because they want to live there as opposed to a multi-family*
48 *neighborhood. If a single-family residence is allowed to have an ADU, and if*
49 *there is no owner occupancy requirement, then people who wanted to live in a*
50 *single-family neighborhood are now living next door to a duplex.*

1
2 Commission comments:

- 3
- 4 • There should be a process for appealing because of an exceptional
5 circumstance with the initial decision by the Zoning Administrator and the right
6 to appeal to the Planning Commission.
 - 7 • This is difficult to enforce because how would code enforcement personnel find
8 out there is a violation except by public complaint?
 - 9 • This is an important restriction. It should be modified by deleting the word
10 “consecutive” and by adopting Option 3, which is single-family residence.

11 Commission questions to staff:

- 12
- 13 • What would happen if an absentee property owner is renting their income
14 property out to someone who is negligent about maintaining the property? *Staff*
15 *responded if it could initiate code enforcement for maintaining a nuisance.*
 - 16 • What would happen if an absentee property owner is maintaining the property,
17 but is reported as absent to the City by a disgruntled neighbor? *Staff*
18 *responded if a provision is incorporated to allow the Zoning Administrator or*
19 *the Planning Commission to grant exceptions, then there would be a public*
20 *hearing for that. But without that, then it would be enforcement proceedings.*

21
22 Staff comment:

- 23
- 24 • If the Commission wants to have the Zoning Administrator handle appeals due
25 to exceptional circumstance staff could write some standards to be used in
26 these situations if the owner happens to be away. The standards could include
27 the property is well maintained, there are no noise or parking issues, there is a
28 legitimate reason for the owner to be absent, and the owner intends to return.
29 Current regulations allow the Zoning Administrator to defer the issue to the
30 Planning Commission if desired.

31 Commission comment:

- 32
- 33 • The Commission approves Option 3, deleting the word “consecutive” and
34 adding provisions that property owners who will be absent from their property
35 for more than 12 months during any 36-month period can apply for an
36 exception for up to 12 months above and beyond what is currently allowed.
37 The Zoning Administrator in approving such an authorization shall consider the
38 maintenance of the property, any parking impacts, noise, and the owner’s
39 intention to return.

40 **Privacy**

41 Commission comment:

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- 43 • Planning Commission edits shall be incorporated into the regulations.

44 **ADU Parking Requirements**

45 Commission comments:

- 46
- 47 • One block does not make sense because there are long blocks and short
48 blocks. It would make better sense to use a certain number of feet, but would
49 have to indicate whether the number of feet are uphill, downhill, on which side
50 of the street, and measured from what part of the property, etc.

- It is a big incentive already for an existing ADU to be allowed to continue to exist with or without parking, and that is how it should stay. The impact is already there.
- There are a number of streets in residential neighborhoods where there already is no parking. If the City has an opportunity to increase the amount of existing off-street parking, it should.
- The only way that off street parking would be created for existing ADUs is if they come to the City seeking amnesty. The ADU Working Group's concern was if they have to provide off-street parking they would not seek amnesty, so there will be no change to the status quo and the City will not have the benefit of counting those units in its housing plan.
- There are many streets that have cars parked on the street because people's garages are used as storage rather than for its intended purpose. Forcing a property owner to provide off-street parking in exchange for amnesty for their existing ADU cannot solve problems such as this and will dissuade those property owner's from seeking amnesty.
- Consensus: The Commission will make no change to this regulation.

New ADUs

Commission comment:

- The Commission will make no change to this regulation.

Vice-Chair Cox moved and Commissioner Werner seconded a motion to recommend City Council approval of the adoption of Accessory Dwelling Unit Regulations as amended by consensus of the Planning Commission.

The public testimony period was re-opened.

Stan Hales, Sausalito resident, indicated the following:

- With respect to the owner occupancy restrictions, he would like the entire owner occupancy restriction to be deleted and/or assurance that zoning R-1 District remains R-1 and not allow ADUs in R-1 districts.
- With respect to the 500 square feet waiver, can the regulation be reworded so that the 500 square feet waiver is only within an existing building envelope so people would not have to worry about building a separate unit that takes into account granting someone additional floor area?

The public testimony period was closed.

Vice-Chair Cox indicated she would not make any amendment to her motion.

The motion passed 4-0.

The public hearing was closed.

Old Business

None.

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New Business

None.

Staff Communications

None.

Planning Commissioner Communications

- Commissioner Werner indicated he would not attend the next Planning Commission meeting on October 3, 2012.

Adjournment

Chair Keegin moved and Vice-Chair Cox seconded a motion to adjourn the meeting. The motion passed 4-0.

The meeting was adjourned at 9:57 p.m.

Submitted by
Jeremy Graves, AICP
Community Development Director

Approved by
Stafford Keegin
Chair

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