SAUSALITO PLANNING COMMISSION
Wednesday, January 23, 2013
Draft Summary Minutes

Call to Order

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

Present: Chair Joan Cox, Commissioner Richard Graef, Commissioner Stafford Keegin
Absent: Vice Chair Bill Werner, Commissioner Stan Bair
Staff: Community Development Director Jeremy Graves
Associate Planner Lilly Schinsing, Assistant Planner Alison Thornberry-Assef, City Attorney Mary Wagner

Approval of Agenda

Commissioner Keegin moved and Commissioner Graef seconded a motion to approve the agenda. The motion passed 3-0.

Public Comments On Items Not on the Agenda

None.

Approval of Minutes

January 9, 2013

Commissioner Keegin moved and Chair Cox seconded a motion to approve the minutes, as submitted. The motion passed 3-0.

Public Hearings

Declarations of Planning Commissioner Public Contacts

None.

Historic Landmarks Board Chair Pierce called to order the joint meeting of the Planning Commission and the HLB at 6:33 p.m.

Present: Chair Morgan Pierce, Secretary Vicki Nichols, Committee Member John McCoy
Absent: Committee Member Carolyn Kiernat

1. **DR 12-231, Design Review Permit, Delueze, 589 Bridgeway.** Design Review Permit to demolish the existing stairs and a portion of the brick wall and construct a new ADA-accessible ramp at the front of the property. The property is located in the Historic Overlay District.

The public hearing was opened.

Assistant Planner Thornberry-Assef presented the Staff Report.

HLB question to staff:

- What is the applicant's rationale for demolishing the stairs and ramp? *Staff responded the property owner is involved in a lawsuit regarding ADA compliance for the stairs and has determined the best way to make the building ADA compliant would be to construct an ADA compliant access ramp.*

Commission question to staff:

- Is the very wide aluminum type of handrail, typical to ADA ramps, absolutely required? Could another rail more consistent with the building be substituted? *Staff responded the railing currently proposed was approved by the Building Division when looking at the plans from an ADA perspective, however a condition could be worded suggesting a more architecturally preferable material as long as it complies with the California Building Code requirements.*

The public testimony period was opened.

Presentation was made by Gordon Atkinson, the applicant.

- The Building Code defines the requirements for the handrail in great detail with little latitude for change. The railing must have an easily gripped surface with rounded edges and must be at certain heights and locations. The current material proposed is tubular steel with a gray Kyner finish, made as minimally as possible so the railing will fade into the background and not detract from the idea of the courtyard remaining as it was.

HLB question to Mr. Atkinson:

- Why was it decided to construct a ramp rather than a handicap lift? *Mr. Atkinson responded the owner was against installing a lift because it would become a maintenance nightmare with rust and corrosion from salt air due to its location adjacent to the bay.*

Commission questions to Mr. Atkinson:

- Is it one step or two to get up to the landing? *Mr. Atkinson responded it is two steps.*
- The sign indicating the handicap entrance looks like it is on a thin pole where it could be knocked over or bent. Might it not be better to put it on the wall? *Mr. Atkinson responded the code requires the sign be that high and the wall is too low, however the sign could be placed on a wooden post that is currently there.*
- Does the used brick in the ramp resemble the brick of the wall and where does that brick come from? *Mr. Atkinson responded it does resemble the brick of the wall and it is old brick recycled from construction projects. They will try to use as much brick as possible from the demolished portion of the brick wall, but they cannot be sure they will be useable.*

The public made no comments.

The public testimony period was closed.

Amended Conditions of Approval:

- The demolition shall be permitted only along the south wall, not the front wall.
- The accessible entrance sign currently proposed to be located on the southernmost part of the front wall shall be relocated to the existing sign post at the appropriate height.

HLB Secretary Nichols moved and Committee Member McCoy seconded a motion to approve a Design Review Permit for 589 Bridgeway as amended. The motion passed 3-0.

Commissioner Graef moved and Commissioner Keegin seconded a motion to approve a Design Review Permit for 589 Bridgeway as amended. The motion passed 3-0.

The public hearing was closed.

HLB Secretary Nichols moved and Committee Member McCoy seconded a motion to adjourn the HLB meeting. The motion passed 3-0.

2. **DR/CUP 12-048, Design Review Permit, Conditional Use Permit, Galante, 30 Excelsior Lane.** Design Review Permit to demolish an existing 800 square foot carport and replace it with two apartments located above a four-car garage for a total of 2,150 square feet of floor area. In addition, a single-story two-car garage is proposed at the northeast corner of the property. A Conditional Use Permit for the proposed parking spaces to be located in tandem, one behind the other. There is an existing five-unit apartment building and parking structure to remain onsite.

The public hearing was opened.

Assistant Planner Thornberry-Assef presented the Staff Report.

- Staff has received six late-mail letters, which have been given to the Planning Commission.

Commission questions to staff:

- The new apartment building would replace the existing carport. How much taller is the apartment building than the carport? *Staff responded the existing one-car carport is the shorter of the two at 8 feet, 9 inches. The proposed apartment building is a two-story building, which is 21 feet, 7 inches at its peak and drops down to 20 feet.*
- The façade of the apartment building on the west side of Excelsior Lane has very small windows that are high up. Is there any landscaping planned to go in front of that building? *Staff responded yes, new landscaping is proposed along that entire side of the property where the apartment building will be located and will be comprised of large shrubs and bamboo.*

Chair Cox indicated that because there was only three members of the Planning Commission present a vote of 3-0 would be required for the application to be approved.

The public testimony period was opened.

Presentation was made by architect Robert Nebolon, the applicant.

Commission question and comment to Mr. Nebolon:

- Has consideration been given to guest parking? *Mr. Nebolon responded there are 1.5 parking spaces per unit. There is nothing in the Zoning Ordinance that requires guest parking and he believes the 0.5 space/unit will take care of guests.*
- It is likely that many people who live in that apartment complex and would live in the new apartments would have more than one car per apartment. *Mr. Nebolon responded he assumes the 1.5 parking spaces per apartment takes that into account.*

David Holbrook, 120 Bulkley, indicated the following:

- He is a 30-year resident of the building adjacent to the project site.
- He supports the project in general but believes this project site should have its power lines undergrounded because the area is already congested with power and telephone lines.
- The proposed project would have a power line over top of the building, which is against the law.
- The parking problem could be solved a little bit with the removal of the large Redwood adjacent to his property that is old and dying on the top and is a fall hazard. Its removal would make for better ingress and egress for the provided parking.

Wright Bass, Excelsior Lane, indicated the following:

- This project is out of character with Excelsior Lane. Much of the Lane's charm will be destroyed unless the proposed project is set back.
- Most tenants in the existing apartment building have two cars each so parking will be tight.

Robert Conn indicated the following:

- This property was already been greatly impacted when it was subdivided and 33 units were built approximately 50 years ago. He disagrees that the CEQA exemption applies because the CEQA guidelines state where there is successive cumulative impact the exemption cannot be used.
- He disagrees that new parking spaces will be added with this project because almost every bit on land on the property is already used as parking by the residents. Parking is a big issue in the neighborhood due to density from another parcel as well as the church and tourist access to the neighborhood, which creates more impact than in a normal residential area.

- Lack of setback on the Excelsior Lane side is a real issue with respect to the quality of the land. Tourists and residents enjoy walking on the lane because of its charm. If the project is not set well back it will box in the lane. The architect should not try to squeeze the project into the parcel without regard to the neighborhood residents.
- He is not aware of any neighborhood outreach by the applicants. No one spoke to him.
- The proposed garage is close to their bedroom and will cut off light to that side of their house.
- The project is inappropriate for the character of the neighborhood.

Noel Norton indicated the following:

- The proposed building would stand out from the others in the neighborhood because of its boxlike appearance.
- He is concerned about parking, which is already a problem.

Jerry Rampelberg indicated the following:

- The back of the proposed building would face the street and be out of character with the neighborhood and the rest of Sausalito.
- There is only one entrance off Excelsior for cars, making it impossible for cars to get in and out at the same time.

Nancy Osborn indicated the following:

- Tourists and residents enjoy walking on Excelsior for its views and beauty.
- The proposed project is out of character with the neighborhood.

The public testimony period was closed.

Mr. Nebolon's rebuttal comments:

- It is required in Sausalito that all new utilities have to be undergrounded.
- Their proposed project is consistent with and complimentary to the scale and character of structures and buildings surrounding the site.
- Regarding parking of the current residents, one couple has two cars and everyone else has one car. The total number of cars on the site currently is six.
- The proposed building does not have its back to the street but to the access easement to 120 Bulkley and there cannot be a front door entrance off of someone else's property.
- He disagrees with Mr. Conn's comment that the proposed building would be too close to his property and would cut off light, because there is a six-foot fence there and a lot of vegetation. If Mr. Conn's home lack light, it is probably because of vegetation that is there already.

Commission questions to Mr. Nebolon and the property owner:

- How much outreach did you do to the neighborhood and how did you do it? *Mr. Nebolon responded they met with Mr. Holbrook at 120 Bulkley, the property owner most impacted, and tried to meet with another neighboring property twice but were not successful. The owner responded they also met with representatives of the church.*

- Neighboring businesses and residences would prefer to see this building set back a good bit more from the street. If feasible, would you consider that? *The owner responded yes, they are willing to adjust to make it right. They want to do landscaping and clean up the site to make it beautiful.*

Commission questions and comments to staff:

- How tall the garage? *Staff responded it is 10 feet, 3 inches tall. There is a lot of large landscaping in the area over ten feet tall.*
- Can you address Mr. Conn's comment that the CEQA exemption should not apply because of the cumulative impact of this project? *Staff responded this is considered an infill development project. The site is already developed. This project would remove one piece of the development and add another piece. It would not change the actual use of the property as set out in the CEQA Guidelines Section 15332. The original subdivision occurred a long time ago and from a CEQA perspective one cannot aggregate the impacts of the original subdivision with the current proposal because the General Plan was adopted after that subdivision was approved.*
- There is concern that with two apartment buildings there would be possibly four new residents and four new cars. *Staff responded the General Plan land use designation for the site actually permits one more unit than is planned on this property. Since this project is consistent with the General Plan and the Zoning Ordinance and is less than the maximum number of units allowed, it fits under the guidelines of CEQA Section 15332.*
- Can you address the comment that this project would be built directly under a power line, which is not feasible? Has anyone addressed whether the power lines that are there now are in too close of a proximity to the proposed new dwelling? *Staff responded any overhead utility line would have to be located within an easement, and if there is an easement in the area of construction with the proposed apartment building or double car garage, then the easement would need to be relocated or the property owner will have to work with the holder of the easement to satisfy the easement owner's concerns before going forward with the construction area. With respect to existing overhead power lines running along the public right-of-way, typically cities can require undergrounding when working with a subdivision, but this is not a subdivision, so the City's abilities are limited and it must work within the confines of its regulations. The current City requirements only apply to undergrounding of the service drops. There are no easements noted through any of the proposed or existing structures so there should not be a power line that is too close to the construction or the existing structures.*

Commission comments:

- There is great architecture at this location, especially the church, and the neighborhood deserves better architecture than a blank wall. Excelsior Lane is one of Sausalito's prime and most beautiful hidden alleyways and stairways and should be preserved and protected. To put a blank wall in that location is a mistake that would be forever regretted if built. Design Review Permit Findings 2 and 3 cannot be made.

- The design is undistinguished. This is a very sensitive site because of the parking, vegetation, views, and neighborhood ambiance. This simple building is the wrong kind of structure for this location.
- The building needs to be pulled back into the site further away from Excelsior Lane.
- The parking issues need to be addressed. There is a higher need for parking than the 1.5 spaces per unit required by the code.
- The applicant should conduct more neighborhood outreach and benefit from the feedback from the neighbors to come up with a project that would serve the needs to the applicant and satisfy the interests of the community in general.

Commissioner Keegin moved and Commissioner Graef seconded a motion to direct staff to prepare a resolution to deny a Design Review Permit and Conditional Use Permit for 30 Excelsior Lane. The motion passed 3-0.

The public hearing was closed.

3. **DR 08-002, Design Review Permit, Akraboff, 600 Locust Street.** Amendment of a previously-approved Design Review Permit (DR 08-002) including a modification of the garage door design, addition of one small high garage window, installation of railing on entry stairs, addition of an entryway deck to unit B, modification of the deck railing to unit A and removal of Condition of Approval 3 in Planning Commission Resolution No. 2009-26 related to the eave on the southern corner of the addition.

The public hearing was opened.

Associate Planner Schinsing presented the Staff Report.

The public testimony period was opened.

Presentation was made by Eric Long of Don Olsen and Associates and Vanya Akraboff, the property owner.

The public made no comments.

The public testimony period was closed.

Commission comments:

- This is an insult to the Commissioners and staff who spent so many hours on this project, because there was no intention on the part of the applicant to bring this matter back before the Commission, except they got caught because staff inspected the project site. It is also an insult to the City and to the process. This process is not a game. The Commissioners and staff spend hours and hours at meetings and preparing for those meetings as well as site visits. To then have their hard work so casually disregarded is insulting.

- It is annoying that here is yet another instance of somebody building something without the benefit of procedure, which is inexcusable. The changes did make the project better, but those changes should have followed the procedures.
- Were it not for the fact that it would require additional staff and Commission time this application would be denied.
- The Planning Commission would have liked the opportunity to weigh in on the design changes. The Commission visited this site a dozen times. To have those efforts thwarted is a slap in the face.

Commissioner Graef moved and Commissioner Keegin seconded a motion to approve an amendment of a previously approved Design Review Permit for 600 Locust Street. The motion passed 3-0.

The public hearing was closed.

Old Business
None.

New Business

4. **2013 Planning Commission Meeting Calendar.** Approval of Planning Commission meeting calendar for 2013.

Commissioner Keegin moved and Commissioner Graef seconded a motion to adopt the proposed 2013 Planning Commission meeting calendar. The motion passed 3-0.

Staff Communications

- A neighborhood meeting will be held at the Bayside Elementary School on February 7, 2012 at 6:00pm in the multipurpose room regarding the Robin's Nest Pre-school. A Planning Commission hearing is tentatively scheduled for February 20, 2013.

Commissioner Graef moved and Commissioner Keegin seconded a motion to adjourn the meeting. The motion passed 3-0.

Adjournment
The meeting was adjourned at 8:56 p.m.

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Submitted by	Approved by
Jeremy Graves, AICP	Joan Cox
Community Development Director	Chair

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