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SAUSALITO PLANNING COMMISSION
Wednesday, September 7, 2011
Approved Summary Minutes

Call to Order

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

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

Absent: Chair Stan Bair

Staff: Community Development Director Jeremy Graves
Associate Planner Heidi Burns, Associate Planner Lilly Schinsing,
Assistant Planner Alison Thornberry-Assef, City Attorney Mary Wagner

Approval of Agenda

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

Public Comments

Johnston Melbostad (phonetic), 200 Locust Street, indicated the following:

- He lives 150 yards across the water from Bar Bocce and is disturbed by noise coming from Bar Bocce customers, frequently past 10:30 p.m. He has called Bar Bocce many times and sometimes they cooperate and sometimes they do not.
- The Valhalla is an expensive place to develop low income housing, particularly when there is space at MLK.
- The City parking lot across from 800 Bridgeway should be made into a double-decker lot for low income housing. It would not impede views and would be a central location close to transit.

Approval of Minutes

July 6, 2011 July 20, 2011

Commissioner Cox moved and Commissioner Werner seconded a motion to approve the Minutes of July 6, 2011. The motion passed 4-0.

Commissioner Werner moved and Commissioner Cox seconded a motion to approve the Minutes of July 20, 2011. The motion passed 4-0.

1 **Public Hearings**

- 2
- 3 **1. DR 11-258, Design Review Permit, Akraboff, 600 Locust Street.** Design
4 Review Permit for the modification of a previously approved Design Review
5 Permit at 600 Locust Street (APN 064-211-27).
6

7 The public hearing was opened.
8

9 **Vice Chair Keegin indicated the applicant had requested the public hearing for**
10 **600 Locust Street be continued to the meeting of September 21, 2011.**
11

12 **Commissioner Cox moved and Commissioner Werner seconded a motion to**
13 **continue the public hearing for 600 Locust Street to the meeting of September 21,**
14 **2011.**
15

16 The public comment period was opened. Being none, the public comment period was
17 closed.
18

19 **The motion passed 4-0.**
20

- 21
- 22 **2. DR 11-130, Design Review Permit, Foote, 27 Central Avenue.** After-the-fact
23 Design Review Permit for exterior renovations to an existing residence at 27
24 Central Avenue (APN 065-231-02). Continued from the July 20, 2011 Planning
25 Commission meeting.
26

27 The continued public hearing was re-opened. Associate Planner Schinsing presented
28 the Staff Report.
29

30 Commission question to staff:

- 31
- 32 • If the Commission denies the application for a Design Review Permit would
33 that lead to some sort of abatement? *Staff responded the unapproved*
34 *extension of the deck would need to be reconfigured to its pre-November 2010*
35 *design, meaning the applicant would need to rebuild the deck in accordance*
36 *with the approved Building Permit, which allowed the removal and in-kind*
37 *replacement of the original deck.*

38 **Vice Chair Keegin, who did not attend the Commission's July 20, 2011 hearing,**
39 **indicated he had reviewed the minutes and has not visited the site.**
40

41 Presentation was made by Sandy Groven (phonetic), attorney with Bonaparte and
42 Associates, the applicant.
43

- 44
- 45 • There are important issues that were misconstrued or misunderstood in the
46 prior meetings and need to be clarified.
 - 47 • Where the matter was left after the last hearing was the Footes were to provide
48 a revised deck plan to Mrs. Rupert for her review and hopefully her approval. If
49 Mrs. Rupert approved the plan it would go to the administrative level for
50 approval.

- 1 • The Footes provided the revised deck plan to Mrs. Rupert and Mr. Zeigler.
2 There was discussion that while that deck plan was acceptable, they wanted a
3 package deal that contained an agreement regarding tree trimming, which is
4 why the matter is being presented to the Planning Commission, because those
5 two issues should be separate. It is not fair to hold the Footes hostage for the
6 deck approval pending an agreement regarding trees.
- 7 • It was suggested that the after-the-fact permit application was done improperly
8 to circumvent the process. The Footes have done everything within their power
9 to comply with the process put in place for an after-the-fact permit.
- 10 • Regarding the timing, the deck discussion and design started in October and
11 November with the permits approved to replace the original deck as it was at
12 that time. Construction began in early November. In mid-December the
13 contractor indicated that what had been approved could sustain a larger deck.
14 Research revealed that the original deck to the home, built in the late 1800s,
15 was extended the full width of the back of the house and later shortened in the
16 1950s. The Footes have been trying to restore their home to its original old
17 world charm and that is what they wanted to do with the deck. When the
18 Footes decided to do the expansion when they had approval for a smaller
19 deck, they did not know that it would cause so much trouble. It was a timing
20 issue because the City offices had closed until January 3rd. On January 5th they
21 submitted revised plans to the City and a new permit application seeking
22 approval. That is when they learned that Mrs. Rupert had filed a complaint.
- 23 • The Footes are asking the Commission to approve the deck as it was applied
24 for after the expansion permit. As a second choice they are willing to consider
25 the renovations and revisions that they submitted to Mrs. Rupert for her
26 consideration, which apparently were acceptable if they could all reach an
27 agreement on the tree trimming.
- 28 • Minutes for the prior meetings discuss timing issues and suggest that the
29 Footes were trying to pull a fast one, which is not true. The timing was
30 unfortunate, but the Footes have done everything in good faith. When the issue
31 with Mrs. Rupert's view first came to their attention in January they started
32 working with Mrs. Rupert to reach a solution that would work for both parties
33 and have tried to do that ever since at great expense and frustration. They
34 have revised the plans and done all they can possibly do.
- 35 • Her law firm has been in negotiations with Mrs. Rupert's attorney and they are
36 close to an agreement, but there is this one nagging issue of the tree trimming
37 that should not be allowed.
- 38 • The Commission was upset that the Footes were seeking permission after-the-
39 fact and felt that they should be held as an example to others who would try to
40 circumvent the process, but there was no evil intent on the part of the Footes,
41 who have always tried to do the right thing and who have been good
42 neighbors.
- 43 • The Staff Report from July indicates everything was acceptable under the
44 design review findings except for the one issue with regard to the view
45 obstruction. That issue has been addressed at prior hearings and there has
46 been documentation submitted, but what is important is that the design review
47 does not require that there is no obstruction; it is to minimize an obstruction. If
48 it is in keeping within the character of the property and what is to be done and
49
50

1 the reasons for doing so, then a minimal intrusion into the view should be
2 acceptable, which is the case here.

- 3 • The real issue here is trees. The Footes historically have allowed Mrs. Rupert
4 to trim trees. In the 18 years they have lived there Mrs. Rupert has twice asked
5 for permission to trim the trees and they have granted it. Going forward with a
6 written agreement as Mrs. Rupert is requesting is not fair because there is
7 nothing that they have denied her so far. The deck is less of an issue than the
8 tree and they should not be combined.
- 9 • The Footes are not trying to take advantage of the City or Mrs. Rupert. They
10 have been good neighbors and tried to address every concern with Mrs.
11 Rupert. The Footes have complied with the procedures in place for an after-
12 the-fact permit approval and have paid the double penalty for the first and
13 second review. They've done all they can possibly do to comply with all of the
14 requirements and have tried to address every concern regarding view issues.

15
16
17 Commission questions and comments to Ms. Groven:

- 18 • You made the statement that the deck the Footes actually built is consistent
19 with the deck that was there at one time. Would you acknowledge that there is
20 a dispute regarding that contention and that the deck actually built by the
21 Footes exceeds the deck that was approved by the Planning Department and
22 that the Footes built that extended deck before submitting an application to
23 build it? *Ms. Groven responded that is true, with the explanation of the timing*
24 *issues. It was not an attempt to circumvent any process.*
- 25 • Which version of the deck are the Footes seeking approval for? *Ms. Groven*
26 *responded the Footes are seeking approval of the as-built, after-the-fact permit*
27 *application for the extended deck. If the Commission will not approve that*
28 *application, the Footes would consider the revised version that was submitted*
29 *to Mrs. Rupert.*
- 30 • Does the expanded deck include the notches that were being considered after
31 the fact? *Ms. Groven responded yes.*
- 32 • The revised plan submitted at this hearing shows one of the areas that had
33 been suggested to be notched has now been cut diagonally. That deck, even
34 with the diagonal portion, still extends beyond the initially approved deck. *Ms.*
35 *Groven responded the front the deck does extend beyond what was initially*
36 *approved.*
- 37 • Has the view issue been significantly reduced by virtue of this new plan that
38 has been submitted? *Ms. Groven responded she believes it has. The revised*
39 *plans were submitted to Mrs. Rupert and Mr. Zeigler who found it acceptable if*
40 *there could be a side agreement regarding tree trimming.*

41
42
43 The public comment period was opened.

44
45 William Zeigler, attorney for Mrs. Rupert, indicated the following:

- 46 • The Footes presentation at this meeting of another alternative that has not
47 been accepted by Mrs. Rupert is a repeat of their previous activity, which is
48 build first, get it approved later. The Footes presented a proposal to Mrs.
49 Rupert, who discussed it with them, but with the agreement that whatever was
50 discussed would not be presented to the Planning Commission.

- 1 • This matter is not about trees as was stated by the Ms. Groven. This is about
2 the deck.
- 3 • Mrs. Rupert has not approved the deck. They are being asked at this meeting
4 to look at a proposal they could barely make out, they have had no opportunity
5 to review it in a normal manner, there have been no story poles, there was no
6 notice, and no opportunity to figure out angles, take photographs, and figure
7 out the impact of this new proposal. Yet the Planning Commission is being
8 asked to approve this new alternative that has not gone through the process
9 and has not been vetted, which is how their expanded deck was built, with no
10 process. The Commission cannot grant approval this evening of the original as-
11 is, built after-the-fact expanded deck or the second choice new revised version.
12

13 Commission questions to Mr. Zeigler:

- 14 • When did you receive the revised sketch of this new proposed alternative? *Mr.*
15 *Zeigler responded they received it approximately August 29th, but that did not*
16 *allow enough time to evaluate all the impacts. Mrs. Rupert says the deck still*
17 *sticks out into her view.*
- 18 • A letter from the Footes states the plans were hand delivered to you on August
19 15th, 2011. *Mr. Zeigler responded that is not correct. The plans were emailed to*
20 *him at an erroneous email address. He did not receive them until the end of*
21 *August after he inquired and they were re-emailed to the proper address.*
- 22 • Ms. Groven made the comment that there had been an agreement about the
23 cutoff on the deck, but that it was attached to some tree trimming. Is that
24 correct? *Mr. Zeigler responded that is absolutely incorrect.*
25

26 Rebuttal comments by Sandy Groven:

- 27 • The plans were provided to Mr. Zeigler on August 17th by email and regular
28 mail.
- 29 • They have been in conversation regarding what would be satisfactory to Mrs.
30 Rupert and have heard no comments back regarding that. They would have
31 erected story poles if they had been asked.
32

33 Staff comment:

- 34 • If the Commission approves the plan submitted at this meeting a Variance is
35 needed for the deck in the setback area. Otherwise there needs to be a
36 condition on the Design Review Permit that that portion of the deck is notched.
37

38 Commission questions to staff:

- 39 • If the Commission wants to approve the revised plan is there a requirement of
40 public notice with story poles? *Staff responded if there is an agreement this*
41 *evening that there was no view concern, the Design Review Permit is taken off*
42 *the table for the Planning Commission. But if there is a modification in the bulk*
43 *of the structure, then story poles are required. If a Variance is required, that is*
44 *required to be publicly noticed.*
- 45 • Would a Variance be required for the revised design without a notch? *Staff*
46 *responded correct.*
- 47 • So the Commission would be unable to approve the revised design as drawn
48 because it was not noticed for a public hearing, correct? *Staff responded there*
49
50

1 *could be a Condition of Approval that the applicant apply for a Variance for the*
2 *setback area, or if there was a Condition of Approval that the design be*
3 *modified so that there is a notch.*
4

5 The public hearing was closed.
6

7 Commission comments:
8

- 9 • Story poles have not been erected or been up for ten days for the revised
10 alternative proposal. The Commission should not make a judgment without the
11 story poles.
- 12 • It has become clear a mutually agreeable solution is not possible.
- 13 • Story poles would not clearly identify much.
- 14 • As was obvious at the last hearing that the corner supporting column and the
15 entire supporting structure under the deck extension was the primary problem.
- 16 • The idea of restoring the deck to what it used to be is disingenuous. The
17 applicants built a deck double the size of the original deck they were approved
18 to build. Now they are telling the Commission they were trying to do a
19 restoration, but if so why did they not go into the planning process? That also is
20 an after-the-fact justification.
- 21 • The only sensible action to take at this point is to deny the permit and stop
22 trying to be referees in this middle of this dispute. That will force the applicants
23 to come back and go through the usual process.
- 24 • The applicant's revised alternative proposal probably mitigates most if not all
25 the view issues because the post and a large portion of the beam, both which
26 were in the way, would be gone. But it is still disturbing that no agreement has
27 been reached. The process has been warped and circumvented.
- 28 • The sketches provided by the applicants are inaccurate and do not show where
29 the structure is. The only way to show how it would be is with new story poles
30 of a different color. The visual aid would help the Commission and Mrs. Rupert
31 in evaluating the proposed revisions.
- 32 • It is not an issue that Mrs. Rupert is asking for other things in the negotiations.
33 She is being asked to give something up and she's asking to get something in
34 return.
- 35 • The Commission is not prepared to approve the as-built deck, which overly
36 impacts Mrs. Rupert's view, because it is not inclined to reward the failure to
37 proceed with the process set forth for design review. It is dismaying that
38 construction commenced three weeks after issuance of a permit on something
39 that was not in the permit.
- 40 • The Commission would be open to reviewing the applicant's proposed revised
41 alternative if the proper process was followed.
- 42 • A continuance of this item rather than a denial would not be appropriate. It has
43 been continued several times already. The applicants had a permit to do
44 something and they did not do it. They did not go through the normal design
45 review application in the first place. A denial would ensure the matter goes
46 through the proper process, as it should.
- 47 • Having heard staff's comment that the proposed revised sketch provided to the
48 Commission at this meeting may not be recommended for approval by staff
49 because it is not consistent from a design perspective with surrounding
50

1 structures confirms that this application has run its course and should be
2 denied.

3
4 **Commissioner Werner moved and Commissioner Graef seconded a motion to**
5 **deny an after-the-fact Design Review Permit for 27 Central Avenue. The motion**
6 **passed 4-0.**

7
8 **3. DR/TRP 11-192, Design Review Permit, Tree Removal Permit, City of**
9 **Sausalito, 700 Block of Bridgeway Avenue.** Design Review Permit for the
10 demolition of the existing downtown restrooms and construction of new restrooms
11 and site related improvements, and a Tree Removal Permit to remove one
12 protected tree along the 700 Block of Bridgeway Avenue (APN 065-073-02).

13
14 The public hearing was opened. Associate Planner Schinsing presented the Staff
15 Report.

16
17 Commission questions to Andrew Davidson, Public Works:

- 18 • Do you have any information regarding proposed Madrone trees with respect
19 to how large they get and how they will be grown? *Mr. Davidson responded the*
20 *intent is to place the Madrones in containers where they will grow to a height of*
21 *20-25 feet.*
- 22 • Madrones are very slow-growing trees with very hard wood. Why are they
23 being grown in containers? *Mr. Davidson responded the arborist recommended*
24 *the Madrones as a California native. They will be placed into containers to*
25 *protect the sidewalk from being uplifted by the roots.*
- 26 • Is the “privacy glass” a wall of glass blocks and not a single sheet like the
27 windows? *Mr. Davidson responded correct.*
- 28 • The columns are gradated at the top and bottom. It does not seem as though
29 the rigidity of the glass would necessarily comport with the gradations in the
30 structure of the columns. What material are they made from? *Mr. Davidson*
31 *responded they are called “painted smart panel columns.” It is not wood, but a*
32 *fabricated material known as fiber cement board.*
- 33 • Was graffiti considered in choosing the materials for the walls and the glass?
34 *Mr. Davidson responded he does not recall that it came up in discussions.*
- 35 • What material is the cupola made from? *Mr. Davidson responded it is a*
36 *metallic surface for venting with louvers.*
- 37 • Do you anticipate the benches will be made of a similar material as the roof,
38 which is, “Lamarite faux shake roofing weathered wood”? *Mr. David responded*
39 *probably not that material, but it would be a similar color.*
- 40 • At the last meeting there was a comment that it would great to have natural
41 materials used, but that has not been adopted as a guiding principle? *Mr.*
42 *Davidson responded correct.*
- 43 • What are the budgetary constraints on this project? *Mr. Davidson responded*
44 *the City Council authorized \$330,000 for the project at their May 3, 2011*
45 *meeting.*
- 46 • Is it true that this building was to be a “permanent temporary solution,” to be
47 removed and relocated when a proper restroom could be built? *Mr. Davidson*
48
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1 *responded the restroom would be designed and constructed so that it can be*
2 *relocated, but he cannot speak to timelines.*

- 3 • If this restroom were moved in the future would all the underground utilities end
4 up being useless? *Mr. Davidson responded not necessarily. It depends on the*
5 *utility design and how it goes with the new restroom.*

6
7 The public comment period was opened.

8
9 Michael Rex, architect, indicated the following:

- 10 • He appreciates that the City responded to some of the concerns raised at the
11 last meeting, but he still objects to the project.
12 • He asks if a public parking space is being lost to making space for ADA vans?
13 *Staff responded the parking space is being lost due to accessibility*
14 *improvements. Space is needed for a landing so an ADA vehicle can pull in.*
15 • A budget of \$330,000 is ridiculous for what they are getting.
16 • It is disappointing that natural materials will not be used, but the faux materials
17 are better than he feared.
18 • The overall character and bulk of the building has not changed. It will still look
19 like a pre-fab.
20 • They asked for a CAD model to be published on the front page of the
21 Marinscope and that has not happened, although staff did get more notices
22 out. However the public still does not know what it is getting.
23 • The changes made for a better bus stop and the privacy screening have
24 caused the building to become more massive, as evidenced by the story poles.
25 This building is too big for its site.
26 • He has opined many times that they should not be putting a public restroom as
27 a prominent building on Bridgeway. Now seeing the size of the building and its
28 character, they should not be putting a large, pre-fab building on Bridgeway. It
29 is not consistent with the Historic District across the street and it is not
30 temporary; it will be there for years to come.
31 • As an alternative he suggests the pre-fab restroom building be located on
32 Humboldt Street, a back street. No public parking would be lost and they still
33 get the parking space for ADA vans. It would not cost much to modify the site
34 plan, as it is not necessary to redesign the building.
35 • He requests the opportunity for him to speak to the Rotary Club's board of
36 directors to see if they will build a new and permanent bus stop. Mr. Rex will
37 donate the design free of charge.
38 • He requests the Planning Commission not approve the project but instead
39 request that the City Council reconsider the location of the stop.

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43 Commission questions and comments to Mr. Rex:

- 44 • The City Council has made its decision and would overrule the Planning
45 Commission if it were to send this matter back to them. *Mr. Rex responded*
46 *when the Council made the decision to leave the restrooms on Bridgeway they*
47 *did not have the benefit of design he is proposing. Now that they can see that*
48 *that decision produces a very large, bulky, pre-fab building that crowds the site*
49 *Council should reconsider that decision. The Planning Commission has the*
50 *prerogative to make that recommendation and he encourages it to do so.*

- Are there any utility issues with respect to moving the restrooms from the current site, which is already plumbed and attached to the sewer, to your site on Humboldt Street? *Mr. Rex responded he did not know.*

Vicki Nichols, 117 Caledonia Street, indicated the following:

- If the City stays with the original design she recommends the trellis be removed entirely as it is hanging off and serves no purpose. It would clean up the building to take it off.

The public comment period was closed.

Commission comments:

- The proposed restroom design is a canned design made the way it is because it is easy to build and maintain. A future restroom might have a totally different footprint. The idea of the restroom being movable is a fantasy. If it is being sold to the City Council as a “permanent temporary solution,” it ought to have an expiration date. If the Commission is going to approve it, the expiration date ought to be part of that approval.
- The revised plan is marginally better, but it is still basically the same building and still as dreadful as ever. It takes away some of the seating at the bus stop, which the public uses a lot. It is a shame this is what they have to work with.
- The general color treatment is too contrasty and too light. If it were a little more monochromatic it might have less of a presence and not advertise how unattractive it is.
- This building is seen as an expedient solution. Sausalito is a city that does not like formula retail and it makes no sense to deliver them a formula building for a City building.
- Staff has addressed what the Commission felt was important at the last meeting and has provided the information the Commission requested, however the financial constraints that prevent Sausalito from having a better structure on Bridgeway is still dismaying.
- Mr. Rex is correct that this building should not be on Bridgeway. The City can do better. It is the task of the Planning Commission to urge the Council to do better and reconsider its decision on the location of the restrooms. It is the wrong building in the wrong place.
- Simply moving the restroom building around will not solve the problem. This is an offensive object.
- If this design goes on Bridgeway it will be there for a long, long time, maybe forever. It will not move around town and be used somewhere else. The Council should get the message that this sort of expedience, this kind of easy way out, which is what portable, pre-fab buildings are all about, are not appropriate and Sausalito deserves better.

Commissioner Graef moved and Commissioner Werner seconded a motion to deny a Design Review Permit and Tree Removal Permit for the 700 block of Bridgeway Avenue. The motion passed 3-1 (Cox – No).

1
2 **Old Business**
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4 **4. ZOA 10-038, Study Session: Omnibus Amendments, City of Sausalito.**
5 Zoning Ordinance Amendments modifying Sausalito Municipal Code Titles 1, 2,
6 10 and 11.
7

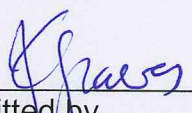
8 Old Business was opened. Associate Planner Schinsing presented the Staff Report.
9 Following extensive discussion as well as input from Vicky Nichols and architect
10 Michael Rex, the Commission provided direction to staff for various modifications which
11 will be subject to further review at later Commission meetings.
12

13 **New Business – None**
14

15 **Communications– None**
16

17 **Adjournment**

18 The meeting was adjourned at 9:49 p.m.
19

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22 _____
23 Submitted by
24 Jeremy Graves, AICP
25 Community Development Director

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21 
22 _____
23 Approved by
24 Stafford Keegin
25 Vice-Chair

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