

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

SAUSALITO PLANNING COMMISSION
Wednesday, March 7, 2012
Approved 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

Absent: Commissioner Stan Bair, Commissioner Bill Werner

Staff: Community Development Director Jeremy Graves
Associate Planner Heidi Burns, City Attorney Mary Wagner

Approval of Agenda

Vice-Chair Cox 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 26, 2012

Vice-Chair Cox moved and Commissioner Graef seconded a motion to approve the summary minutes. The motion passed 3-0.

Public Hearings

Declarations of Public Contacts – None

- 1. DR/TM/TR/EA 11-105, Design Review Permit, Tentative Minor Subdivision Map, Tree Removal Permit, Encroachment Agreement, McGuire, 60/62 Marion Avenue.** Design Review Permit for the construction of two detached single-family dwellings on a single parcel, a Tentative Minor Subdivision Map to subdivide the parcel into a common interest development for a condominium with two units and one common area, a Tree Removal Permit to remove 21 protected trees, and recommendation for City Council approval of an Encroachment Agreement to construct an elevated driveway area and related site improvement in the public right-of-way fronting 60/62 Marion Avenue (APN 065-292-23).

The public hearing was opened.

Community Development Director Graves presented the Staff Report.

The public testimony period was opened.

1
2 The public made no comments.

3
4 The public testimony period was closed.

5
6 **Chair Keegin indicated that because there were only three Commissioners**
7 **present at the meeting in order for the Commission to take any action, positive or**
8 **negative, it must be a unanimous vote by all three Commissioners.**

9
10 **Vice-Chair Cox moved and Commissioner Graef seconded a motion to approve**
11 **the Resolution of Denial without prejudice for a Design Review Permit, Tentative**
12 **Minor Subdivision Map, Tree Removal Permit and Encroachment Agreement for**
13 **60/62 Marion Avenue. The motion passed 3-0.**

14
15 The public hearing was closed.

16
17 **2. CUP 12-039, Conditional Use Permit, ZAAZ Studios, 599 Bridgeway.**

18 Conditional Use Permit to allow a Health Club (categorized as a "Visitor Serving
19 Store" by the Zoning Ordinance) and a determination whether ZAAZ Studios is
20 a Formula Retail Use and if so, act upon a Conditional Use Permit to allow a
21 Formula Retail use at 599 Bridgeway within the Central Commercial (CC)
22 Zoning District.
23

24 Associate Planner Burns presented the Staff Report.

25
26 Commission question to staff:

- 27
28
 - Why was there no application along with this for the signage or identity of the
29 project? *Staff responded an applicant is not required to submit a sign*
30 *application with any type of other discretionary permits. Based on the timing of*
31 *wanting to open up the business, the applicant has not prepared an application*
32 *in time for consideration at this meeting.*

33
34 Commission comment:

- 35
 - One factor on which the Commission has to evaluate whether or not this is a
36 Formula Retail use is signage. Without seeing the signage the Commission
37 cannot make a finding tonight that this is not Formula Retail.

38
39 The public testimony period was opened.

40
41 Presentation was made by Ian Cruickshank, the applicant.

42
43 Commission questions to Mr. Cruickshank:

- 44
 - Regarding your company's identity, do you plan on carrying your trademark
45 logo somehow? *Mr. Cruickshank responded it would be their intention to utilize*
46 *the logo as it serves their interests to be able to capitalize on the work they*
47 *have done in creating their identity.*

- 1 • What color have you decided on for the interior? *Mr. Cruickshank responded*
2 *they have decided to use an earthy moss green as a dominant color along with*
3 *off white and chocolate brown.*
- 4 • In the photos you presented there appears to be faux foliage. Is that part of
5 your theme? *Mr. Cruickshank responded the studios use an acrylic panel that*
6 *has real grass embedded in it that creates a semi-private booth for the user.*
7 *However they would not be using those in the Sausalito location due to the*
8 *small size, as it would be too chaotic and busy to the eye.*
- 9 • Are you proposing any changes to the building façade? *Mr. Cruickshank*
10 *responded no, nor to the interior. They will not require any construction permit*
11 *of any kind. The lighting, floor, interior walls, electrical, et cetera are all suitable*
12 *to their interests.*
- 13 • Are you planning to use the entrance awning as a graphic element? *Mr.*
14 *Cruickshank responded yes, their intention would be to have a graphic on the*
15 *awning and a hanging sign there as well.*
- 16 • Do you have a trademark registration for your service mark and service trade
17 name? *Mr. Cruickshank responded they have a trademark pending for the*
18 *ZAAZ Studios name.*
- 19 • Does this site comport to your business model in terms of the size of the space
20 or anything like that? *Mr. Cruickshank responded no, it is substantially*
21 *different.*
- 22 • You are a franchisee? *Mr. Cruickshank responded no, neither a contract nor*
23 *licensing agreement is required or exists between them and their separate*
24 *franchise entity.*
- 25 • Have you entered into any agreement to comply with a standardized set of
26 design criteria? *Mr. Cruickshank responded no. This is their only company-*
27 *owned store.*
- 28 • Could you go along with a Formula Retail finding in return for action being
29 taken by the Commission tonight? *Mr. Cruickshank responded yes.*
- 30 • Do you also sell the machines that you use? *Mr. Cruickshank responded yes.*
- 31 • Were the machines FDA approved? *Mr. Cruickshank responded yes.*
- 32 • Do you have a trademark on the machines? *Mr. Cruickshank responded no,*
33 *they do not. They have a relationship with the manufacturer.*
- 34 • Are these the same machines you use in your other locales? *Mr. Cruickshank*
35 *responded yes. In their other studios there are six machines but they would*
36 *only have two machines at this location due to the small size.*

37 Commission question to staff:

- 38 • Could you explain the parking arrangement? *Staff responded there are seven*
39 *approved perpendicular parking spaces and four tandem parking spaces.*

40 The public made no comments.

41 The public testimony period was closed.

42 **Chair Keegin moved and Commissioner Graef seconded a motion to determine**
43 **that the applicant is not a Formula Retail establishment.**

1 Commission comments:

- 2 • The applicant has invested a good deal of money, time and effort into
3 developing his trademark and logo and requires himself to use them in this
4 store.
- 5 • The applicant will require himself to sell standardized merchandise.
- 6 • The Planning Commission has not seen the applicant's signage.
- 7 • This is a recognizable service that has a brand name and will have a sign with
8 a logo on it. The business will carry a machine that is identifiable. It is not a
9 franchise, but there is a formula to it because it is an owned operation.

10
11 **The motion failed 1-2 with Vice-Chair Cox and Commissioner Graef dissenting.**

12 Commission comments:

- 13 • This is an admirable project, however Finding 7 says, "The proposed use
14 together with its design and improvement is consistent with the unique historic
15 character of Sausalito and would preserve distinct visual appearance." The
16 Commission does not yet know what the sign and awning on the exterior will
17 look like and so does not have everything it needs tonight to make that finding.
18 However the Commission is reassured by both the testimony of the applicant
19 and the fact that the signage will come not only before the Planning
20 Commission but also the Historic Landmarks Board who will ensure that the
21 design and improvement of the proposed use is consistent with the unique
22 historic character of Sausalito.
- 23 • This is the type of use that attracts visitors as well as residents, as required by
24 the CUP, because of its unique character, because it is not something that is
25 readily available throughout Marin County, because it has a 10-minute use and
26 because it does not require a contract and allows passersby to dabble in its
27 features. For that reason it does meet the condition of attracting both local and
28 regional use.
- 29 • For various reasons this use will be mutually beneficial to and would enhance
30 the economic health of surrounding uses in the district and will promote
31 diversity and variety to ensure a balanced mix of commercial uses. For all
32 those reasons the Commission can make the required findings approving a
33 Conditional Use Permit for this establishment.

34
35
36
37 **Vice-Chair Cox moved and Commissioner Graef seconded motion to approve a
38 Conditional Use Permit for a Formula Retail establishment at 599 Bridgeway. The
39 motion passed 3-0.**

40
41 The public hearing was closed.

42
43 **Old Business**

44 None.

45
46 **New Business**

47 None.

1 **3. FY 2012-13 Prioritized Project List.** Suggestions for FY 2012-13 Prioritized
2 Project List.

3
4 Community Development Director Graves presented the Staff Report. No action by the
5 Commission was requested at this time.

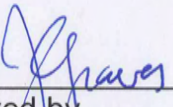
6
7 **Staff Communications**

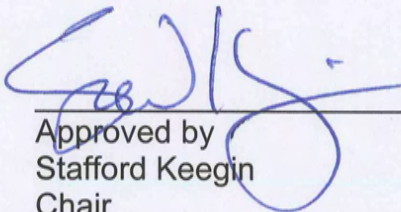
- 8 • A community remembrance service for former Sausalito mayor Amy Belser has
9 been scheduled for March 26, 2012 at 4:00pm in the Bay Model with a reception
10 at 5:00pm.

11
12 **Adjournment**

13
14 **Vice-Chair Cox moved and Commissioner Graef seconded a motion to adjourn**
15 **the meeting. The motion passed 3-0.**

16
17 The meeting was adjourned at 8:46 p.m.

18
19 
20 _____
21 Submitted by
22 Jeremy Graves, AICP
23 Community Development Director

24 
25 _____
26 Approved by
27 Stafford Keegin
28 Chair

29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
I:\CDD\Plan Comm\Minutes\2012\03-07-Approved.doc