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SAUSALITO PLANNING COMMISSION
Wednesday, July 11, 2012
Approved Summary Minutes

Call to Order

Community Development Director Graves called the meeting to order at 6:30 p.m. in the Council Chambers of City Hall, 420 Litho Street, Sausalito.

Present: Commissioner Stan Bair, Commissioner Richard Graef,
Commissioner Bill Werner

Absent: Chair Stafford Keegin, Vice Chair Joan Cox

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

Community Development Director Graves indicated that both Chair Keegan and Vice Chair Cox would be absent from the meeting and asked the Commissioners to select a member to chair the meeting.

Commissioner Bair moved and Commissioner Graef seconded a motion to nominate Commissioner Werner to chair the meeting. The motion passed 3-0.

Approval of Agenda

Commissioner Bair 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

June 27, 2012

Commissioner Bair moved and Commissioner Graef seconded a motion to approve the summary minutes as amended. The motion passed 3-0.

Public Hearings

Declarations of Public Contacts

Commissioner Werner disclosed he visited both sites regarding Items 1 and 2 and spoke to no one.

- 1. DR/EA 11-362, Design Review Permit, Encroachment Agreement, Bank of America, 750 Bridgeway.** Design Review Permit and Encroachment Agreement to allow for exterior modifications, including but not limited to, the removal of an existing trellis and installation of new awnings within the public right-of-way abutting the Bank of America building at 750 Bridgeway.

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2 **Commissioner Bair moved and Commissioner Graef seconded a motion to**
3 **continue the public hearing for the Design Review Permit for 750 Bridgeway to**
4 **the meeting of July 25, 2012. The motion passed 3-0.**
5

6 **Regarding Items 2 and 3, Commissioner Werner indicated that as there were only**
7 **three Planning Commission members present a unanimous vote would be**
8 **required to approve or deny the respective appeals and that a 2-1 vote would be**
9 **considered a non-action by the provisions of the Municipal Code, requiring the**
10 **respective appeal to be reheard at a meeting when more Commissioners are**
11 **present.**
12

13 **2. MUP 12-123, Patterson Appeal, Alan Patterson, 2 Canto Gal Road and 77**
14 **Wolfback Ridge Road.** Appeal of a Zoning Administrator decision denying
15 without prejudice a Minor Use Permit to allow the temporary storage containers, a
16 construction trailer, and miscellaneous building materials at 77 Wolfback Ridge
17 Road-Lot 4 (APN 200-310-12) and 2 Canto Gal Road-Lot 5 (APN 200-310-13)
18 within the Wolfback Estates Subdivision.
19

20
21 The public hearing was opened.

22 Associate Planner Burns presented the Staff Report.

23
24 The public testimony period was opened.

25
26 The Appellant was not present and no presentation was made on behalf of the
27 appellant.
28

29
30 Michael Rex indicated the following:

- 31 • He represents Steve and Joan McArthur of 51 Wolfback Ridge whose property
32 is adjacent to the Appellant's property.
- 33 • Mr. Patterson's containers are directly in the McArthur's primary view of the
34 San Francisco skyline and the Golden Gate Bridge from their living room,
35 dining room, and outdoor terrace and significantly spoil their view.
- 36 • The containers are unsightly and inappropriate.
- 37 • The containers are not construction shacks, which are permitted, because
38 there is no construction ongoing. It is common knowledge that they are used to
39 store personal belongings and one is used as a real estate office.
- 40 • The containers cannot be considered an accessory use, which requires a
41 primary use, which would be a residence, and there is no residence on the site.
- 42 • The McArthurs ask the Commission to deny the appeal and direct Staff to
43 initiate a code enforcement proceeding.
44

45
46 Jay Saccone, 156 Cloud View Trail, indicated the following:

- 47 • There are about a dozen people at the meeting tonight who are opposed to the
48 continuation of the presence of the containers, most of whom have expressed
49 their views in letters or previous statements.
50

1 Marie Allman, 1 Canto Gal Road, indicated the following:

- 2 • She voiced her opposition to the containers at the previous hearing by the
- 3 Zoning Administrator.
- 4 • She asks why Mr. Patterson's containers are still there after a year and she
- 5 and her neighbors have to put up with looking at them when he did not even
- 6 apply for a permit?
- 7

8 Dr. George Allman, 1 Canto Gal Road, indicated the following:

- 9 • They live in a fairly isolated area at the end of Wolfback Ridge. As a doctor he
- 10 sometimes has to leave during the night, leaving his wife home alone. Since
- 11 the containers have appeared he has noticed people parked in cars for no
- 12 good reason near them in the middle of the night.
- 13 • Code enforcement can occur while the appeal process is ongoing.
- 14

15 The public testimony period was closed.

16
17
18 **Commissioner Bair moved and Commissioner Graef seconded a motion to deny**
19 **the appeal and to uphold the Zoning Administrator's decision denying a Minor**
20 **Use Permit for 2 Canto Gal Road and 77 Wolfback Ridge. The motion passed 3-0.**
21

22 The public hearing was closed.

- 23
- 24 **3. CDD 12-140, Sunsail Appeal, Modern Sailing School and Club, 501**
25 **Humboldt Drive.** Appeal of an administrative decision to approve an
26 Occupational Use Permit that allows Sunsail, a boat charter and sailing school,
27 to operate at the Sausalito Yacht Harbor within the Waterfront (W) Zoning
28 District.
29

30 The public hearing was opened.

31
32 Associate Planner Burns presented the Staff Report.

- 33 • There was been a variety of correspondence, which has been provided to the
- 34 Commission as late mail, from Sunsail and Modern Sailing School.
- 35 • One item not addressed in the Staff Report relates to the clarification of
- 36 Sunsail's operation. The Occupational Use Permit application states that
- 37 Sunsail will be operating out of four berths at the Sausalito Yacht Harbor. The
- 38 application does not identify that there are actually eight boats associated with
- 39 Sunsail with four of them located at the Sausalito Yacht Harbor and four at the
- 40 Schoonmaker Marina. Staff recommends that the applicant modify the
- 41 Occupational Use Permit application. This issue does not affect what is before
- 42 the Commission at this meeting, which is whether or not Sunsail is a formula
- 43 retail use.
- 44 • It is staff's understanding that the operation of Sunsail will be from the
- 45 Sausalito Yacht Harbor. This issue should be clarified by Sunsail during public
- 46 testimony.
- 47
- 48
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- 50

1 Commission question to staff:

- 2 • Does Sunsail have office space for the operation of this business? If so, where
3 is it located, what is known about it, and what are the parking requirements?
4 *Staff responded that this should also be clarified by Sunsail, but it is staff's*
5 *understanding that Sunsail is looking into securing office space. For now*
6 *Sunsail's representatives meet their clients at the marina.*
7

8 The public testimony period was opened.
9

10 Presentation was made by John Connolly of Modern Sailing School, the Appellant.
11

12 Vern Bryant indicated the following:

- 13 • He is the owner of SF Whale Watching and does business in Sausalito.
14 • The kind of model coming with Sunsail is not what is appealing about
15 Sausalito.
16 • He does not want to see Sausalito overpowered by a corporation that
17 dominates the market around the world.
18

19
20 Presentation was made by Riley Herd (representing Sunsail) and Harry Mountain of
21 Sunsail, the Applicants.
22

23 Mike Madden indicated the following:

- 24 • He represents the Sausalito Yacht Harbor and supports staff's
25 recommendation to grant Sunsail an Occupational Use Permit.
26

27 Commission question to Mr. Madden:

- 28 • As Sunsail's landlord, is there any indication to you as to their need for office
29 space, parking, etc, and has that been discussed? *Mr. Madden responded like*
30 *the other tenants they have one parking permit. If there is a need for more*
31 *parking there will be future discussions.*
32

33 Eckart Noack, 72 Marie Street, indicated the following:

- 34 • He serves on the Business Advisory Committee, which seeks to invigorate
35 Sausalito's marine community.
36 • Sunsail will add value to the community and other marine related businesses.
37 • As Mr. Connolly has stated, Sunsail will not compete with Modern Sailing but is
38 instead a dovetail business.
39 • He supports staff's recommendation to deny the appeal.
40

41 Michael Rex indicated the following:

- 42 • He is the president of the Richardson Bay Maritime Association, which he does
43 to promote the working waterfront, which becomes more difficult as the
44 demand for marine services declines and boatyards close. The best way to
45 keep those boatyards open is to provide customers.
46 • He supports Sunsail's application. It is exactly the type of use Sausalito's
47 zoning ordinance allows for and is a step in the right direction to reinvigorating
48 the working waterfront.
49
50

- There are many sailing schools in Sausalito besides Modern Sailing. Sunsail would augment those services. Business thrives when a hub is created. The more Sausalito becomes known for sailing schools and charters the more people will come for those services.
- Sunsail is not asking for anything unique. They are asking for a permitted use.
- The evidence is clear that Sunsail is not retail.

Mr. Connolly's rebuttal comments:

- Mr. Hurd made the point that this is a public hearing, but this matter has been totally under the radar. There has been no publicity about this at all. There has not been the public awareness in Sausalito that there might otherwise be from true public hearings, not administrative issues like this.
- There is an aspect of preparing the public for this in the larger context of what is coming in terms of media attention. At some point in time that will be an issue.

The public testimony period was closed.

Commission comments:

- Sunsail's website talks about offering eight new First 40s that each accommodate 6-12 people, who will most likely all be arriving in cars. How will Sunsail accommodate their parking needs?
- Parking is a side issue because there is adequate parking in Lot 3 if Sunsail's patrons wish to park close. There is also the main Sausalito Yacht Harbor parking lot. This is a significant amount of excess parking.
- The issue at this meeting is whether or not Sunsail is retail formula and should any boat charter operation that comes in be subject to this kind of appeal? The answer is no. Retail deals with goods or commodities. It is specifically addressed in the ordinance itself in terms of this is a service; this is a use. This is not a retail operation as it is commonly understood.
- With respect to Mr. Connolly's comments that this use could get bigger because Sunsail is a large corporation, this is still Sausalito and it is assumed that any increase in the use over time would have to come back through an administrative review.
- Mr. Madden and Sunsail should work out the parking issue because that is not what is before the Commission is evening. This appeal is about whether or not Sunsail is a retail operation.
- Sunsail clearly does not fall within the retail category.
- This formula operation, whether retail or not, does not fit this community very well. However the discussions and arguments do not provide enough to support the appeal and prevent Sunsail from having eight vessels in Sausalito.
- It is the responsibility of the landlord to provide parking spaces, not the responsibility of the City to provide parking in its lots.
- Sunsail's eight vessels that each holds 6-12 people could have a substantial impact on that part of the waterfront in terms of parking and access. However, it could also have a beneficial impact in terms of providing those people that can afford to spend time in Sausalito with good restaurants and bars, etc. and will benefit the downtown business community.

1
2 **Commissioner Bair moved and Commissioner Graef seconded a motion to deny**
3 **the appeal and to uphold the administrative decision to approve an Occupational**
4 **Use Permit for Sunsail at 501 Humboldt Drive. The motion passed 3-0.**
5

6 The public hearing was closed.
7

8 **Old Business**

9 None.
10

11 **New Business**

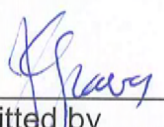
12 None.
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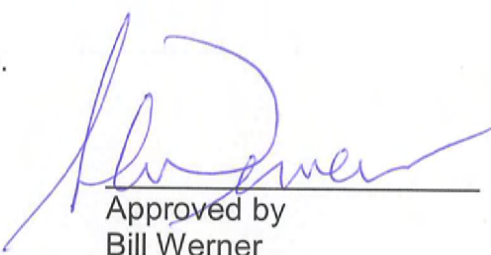
14 **Staff Communications**
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16 **Commissioner Bair moved and Commissioner Graef seconded a motion to**
17 **adjourn the meeting. The motion passed 3-0.**
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19 **Adjournment**

20 The meeting was adjourned at 8:48 p.m.
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25 _____
26 Submitted by
27 Jeremy Graves, AICP
28 Community Development Director

29 
30 _____
31 Approved by
32 Bill Werner
33 Commissioner

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