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**SAUSALITO PLANNING COMMISSION
SAUSALITO HISTORIC LANDMARKS BOARD
Wednesday, March 4, 2009
Approved Minutes**

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Call to Order

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

Present: Planning Commission: Chair Bill Keller, Vice Chair Stan Bair,
Commissioner Joan Cox Commissioner Stafford Keegin,
Commissioner Eric Stout
Historic Landmarks Board (HLB): Chair Thomas Theodores,
Board Member Vicki Nichols, Board Member Brad Paul
Staff: Community Development Director Jeremy Graves
Associate Planner Heidi Burns, Associate Planner Lilly Schinsing,
City Attorney Mary Wagner

Approval of Minutes

None.

Public Comments

None.

Public Hearings

1. **DR 08-35, Design Review Permit, Lanyadoo, 565 Bridgeway.** Design Review Permit for exterior improvements including the construction of a third story deck, two terraced retaining walls, a rear patio extension, and an after-the-fact installation of a rooftop skylight on an existing commercial building at 565 Bridgeway (APN 065-171-02).

The public hearing was opened. Associate Planner Heidi Burns presented the Staff Report.

Commission questions to staff:

- Have the light sensors for the skylights been included in the conditions as suggested in the Staff Report? *Staff responded no, but a condition can be added regarding light sensors.*
- Where are we regarding the unpermitted work done on this site, the skylight and retaining wall? *Staff responded the owner was sent a correction notice to stop work until getting permission from the Planning Commission and the Historic Landmarks Board. Staff is reviewing the application as a new project. The rear retaining wall has been covered due to rain and unstable soil and the applicant has stopped grading. If either element is not approved then Conditions of Approval would be imposed to restore it back to its original condition.*

1 HLB questions to staff:

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- Is the size of the door the same as in the existing proposal, as well as being uneven and made of wood? *Staff responded that is correct.*
 - Trees in front of the existing site have been removed and there are planters there now. Will those planters stay there? *Staff responded yes, they would be planted with annuals.*
 - What are the “exterior display cases” referenced in the sheet notes? *Staff responded glass display cases would take the place of the rounded brickwork, which is being removed.*

11 Presentation was made by Nissim Lanyadoo, the owner/applicant.

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13 Commission questions and comments to Mr. Lanyadoo:

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- Is it correct that you plan to do nothing to the interior on the second and third levels until you determine if it is economically viable to have residents? *Mr. Lanyadoo responded not quite. They are doing all the required work, such as the sprinkler system, the foundation, and plumbing so it is ready, and they will determine the type of user later.*
 - Do you oppose the Condition of Approval requiring symmetrical doors on the ground level? *Mr. Lanyadoo responded no, he is willing to change the size and put in galvanized doors.*
 - The railing around the third floor balcony is jarring and perhaps should mimic the second floor railing design.
 - Does the proposed curved third floor balcony extend out from the face of the building over the second floor? *Mr. Lanyadoo responded although it looks that way on the drawing, it will not protrude out. Staff responded they reviewed that issue and found the building is recessed from the two adjacent buildings, which are flush with the sidewalk. The third floor balcony encroachment does not extend out further than the adjacent façades.*
 - If the half circle of the third floor balcony is pulled back that architectural feature would be lost. *Mr. Lanyadoo responded the idea with the third floor semi-circle and straight lower level is it will have vines on either side of the circle, which is a beautiful feature with the straight deck in the front.*

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37 Commission questions to Staff:

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- Mr. Lanyadoo is changing the building’s usage from Commercial Office with the downstairs being retail and the upstairs office and/or residential. Will he need to apply for a Conditional Use Permit? *Staff responded retail and residential uses up to three units are permitted within the CC district, so Mr. Lanyadoo would not be required to return to the Planning Commission unless there is an increase in parking demand. The possible uses now would demand less parking than an office building and are permitted at this point. When a tenant goes into the site the City will require an Occupancy Permit and will verify whether it requires a Conditional Use Permit prior to occupancy.*
 - Will all those permits be done at staff level and the only thing the Planning Commission will see is the Design Review Permit? *Staff responded that is correct. This is a Historic Design Review and any subsequent use would need to be consistent with the Zoning Ordinance.*

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2 HLB questions to Mr. Lanyadoo:

- 3 • Of what material will the back wall of the display cases be made? *Mr. Lanyadoo*
4 *responded a straight brick wall that is now behind the round brickwork.*
- 5 • On the second floor the brick comes up to a certain level and then there is the
6 railing. Do you intend to lower that brick? *Mr. Lanyadoo responded yes, by 18".*
- 7 • Are you going to then propose more of a railing look? *Mr. Lanyadoo responded*
8 *he would have to have an 18" high railing to conform to code.*
- 9 • Is this the most railing there will be at that second level? *Mr. Lanyadoo*
10 *responded they would drop 18" from the brick and fill that with the same metal*
11 *rail. The present brick obscures the second floor, but when removed it will show*
12 *three floors and still permit privacy.*
- 13 • Is the height of the third floor railing what is required by code? *Mr. Lanyadoo*
14 *responded yes, but if there is a design issue they could fill in some brick at the*
15 *bottom.*

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18 The public comment period was opened. There being none, the public comment period
19 was closed.

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21 HLB comments:

- 22 • Dropping the brick 18" on the second floor will create uniformity between the
23 railing at the top of the building, the new third floor balcony, and the existing
24 second floor balcony.
- 25 • Having multiple building uses will be a good addition to the street and help liven it
26 up.
- 27 • All of staff's recommended changes would improve the building design and help
28 this modern building in a historic district look more friendly and open.
- 29 • The visual impact of the third floor balcony is minimal and it will make the building
30 user-friendlier. The building being set back from the two adjacent buildings
31 minimizes the impact.

32
33 Commission and staff changes to the Conditions of Approval:

- 34 • If shades are put on the skylight, they shall have a fixed baffling not linked solely
35 to electronic functionality. This should be brought back for staff's approval.
- 36 • Eliminate the display cases as shown in the plans.
- 37 • Planters in front shall be provided and approved by staff.

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40 **Board Member Nichols moved and Chair Theodores seconded a motion to**
41 **approve the plans for 565 Bridgeway dated February 18, 2009 with the changes**
42 **recommended by staff. The motion passed 3-0.**

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44 **Chair Keller moved and Vice Chair Bair seconded a motion to approve the Design**
45 **Review Permit for exterior modifications to a non-historic commercial building at**
46 **565 Bridgeway, including the Conditions of Approval as amended. The motion**
47 **passed 5-0.**

1 **2. DR 08-034, Design Review Permit, DeSantis, 46 Rosa Avenue,** Design
2 Review Permit to construct a 125 square foot addition to the western side of a
3 single-family residence on an 18,586 square foot lot at 46 Santa Rosa Avenue
4 (APN 065-092-16). An approximately 117 square foot bath/laundry room on the
5 northern side (rear) of the residence to be demolished and replaced with a
6 porch.
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8 The public hearing was opened. Associate Planner Schinsing presented the Staff
9 Report.
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11 Presentation was made by Brad Hubbell, the applicant.
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13 Commission questions and comments to Mr. Hubbell and Mr. DeSantis (the property
14 owner):
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- 16 • A viewer would not be able to see beyond that roof, because it would be in the
17 way? *Mr. Hubbell responded yes, the roof would be in the way of the building*
18 *behind it, but it doesn't project beyond the building other than the sloped portion*
19 *of that roof.*
- 20 • Looking at this photograph and visiting the site, it looks as if the story pole that is
21 mounted on the current roof and attached to the orange tape is as much as 18-
22 24" lower than what is currently in the elevation. Has that story pole been
23 absolutely certified by a surveyor? *Mr. Hubbell responded yes, it has been*
24 *certified. Story pole SP-02, at the upper point of the triangle that the hipped roof*
25 *makes, is pulled away from that corner, which in the elevation looks to be in the*
26 *same plane, however they are 7'6" apart. The viewer's upper perspective throws*
27 *those two points apart and foreshortening makes that story pole seem lower than*
28 *is depicted in the elevation due to trying to depict three dimensions in two.*
- 29 • If the roof actually is even with the lower edge of the windowsill and commences
30 at the ridgeline, this project will impede a primary view of Alcatraz.
- 31 • Do we have any basis to believe that the story pole surveyor is not providing a
32 reliable account of what the elevations are? If we start questioning the surveyor
33 we put at issue a lot of projects in Sausalito. *Mr. Hubbell responded by quoting*
34 *from Note #2 of the story pole legend, "Entire new eave and north slope of new*
35 *roof to align with existing eave and north slope of kitchen/family room roof." The*
36 *planes that come out and cover the new addition are to be the same roof planes.*
37 *Forty-five degree angles form the hips of the new addition. The face of the*
38 *northern slope of the new addition aligns with the existing face of the north slope*
39 *of the roof of the existing addition. The height of that story pole is set by virtue of*
40 *the existing slopes of the roof.*
- 41 • Have you considered either sliding the laundry room/bathroom back toward the
42 kitchen and lining it up with that wall, or turning it around 90-degrees and putting
43 it over on the left side of the proposed addition? *Mr. DeSantis responded they*
44 *have considered all possibilities and this is the only feasible one in trying to make*
45 *this small addition fit with the existing architecture of the house. He would modify*
46 *the plan if he felt there was a view issue, but he does not believe there is one.*
- 47 • Have you considered doing something to address the concerns of the Murphys at
48 44 Santa Rosa Avenue such as windowing it to bring in more light for them or
49 cutting back that tree on the right and thinning it out to get more light to the back
50

1 of their property and open up more of the air and water view for them? *Mr.*
2 *DeSantis responded he could do that, but the west side of his house overlooks*
3 *Campbell Hall and the shrubbery there is designed to block out the noise,*
4 *activity, and music. One solution, if the Murphys would pay for it, would be to*
5 *build a lattice between his residence and Campbell Hall and grow vines on it,*
6 *which would allow the shrubbery to be cut back.*

- 7 • Was there a large tree on the street that was removed in the last year? *Mr.*
8 *DeSantis responded they have removed half a dozen trees along the west side*
9 *of the house.*

10
11 The public comment period was opened.

12
13 Vicki Nichols indicated the following:

- 14 • As a member of the HLB she visited the site and met with the applicant.
- 15 • Will the siding on the addition be the same as that on the existing structure?
16 *Mr. Hubbell responded that is correct. Because they are adding to an addition*
17 *and not the original historical building they didn't consider it necessary to use a*
18 *different sized siding.*

19
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21 Commission question to the HLB:

- 22 • When the HLB reviews an historical building in a historic area does it weigh in
23 on the impact that a change to a building may have to the buildings around it?
24 Has the HLB visited the Murphy's at 44 Santa Rosa Avenue? *Chair Theodores*
25 *responded the HLB does not take into consideration whether changes to a*
26 *noteworthy structure might have impacts on other noteworthy structures unless*
27 *it is in the Historic District. Board Member Nichols responded she has spoken*
28 *with the Murphys via telephone and saw the back of their residence during the*
29 *site visit to the subject property. She doesn't believe the addition on the side is*
30 *a detriment to the historic look of the house, because the house is mainly seen*
31 *from the street and the addition is not visible from there. Board Member Paul*
32 *responded he looked at having the shed on the rear façade moved to the side.*
33 *There are plants that block the new addition from being seen from the street,*
34 *which is the primary view. It is a plus to have the rear façade returned more to*
35 *its original condition.*

36
37 Commission questions and comments to the applicant:

- 38 • Is there a way to better depict the addition on the side as it pertains to the story
39 poles and the taping? *Mr. Hubbell responded by showing the Commission the*
40 *west elevation drawing, which shows the distance of the proposed addition in*
41 *relation to the building and shows that the addition's ridge is quite a distance*
42 *from the corner.*
- 43 • Is the top of the roof the same height as the bottom of the water table? *Mr.*
44 *Hubbell responded that is correct.*
- 45 • You should run a piece of orange tape from the top of the story pole on the
46 existing roof straight across to the existing roofline. *Mr. Hubbell responded that*
47 *was an oversight on his part and agreed that would show it is exactly as they*
48 *have depicted it and as the surveyor certified them.*

1 The public comment period was closed.

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3 Commission comments:

- 4 • This matter should be continued to give the Murphys at 44 Santa Rosa an
5 opportunity to speak.
- 6 • The house loses symmetry with the addition jutting out from the side.
- 7 • There is no view impact here, but continuing this matter could avoid an appeal
8 to the City Council and allow the applicant additional time to put a horizontal
9 tape on the story poles.

10
11 **Chair Theodores moved and Board Member Nichols seconded a motion that the**
12 **Historic Landmarks Board approve the Design Review Permit at 46 Santa Rosa**
13 **Avenue as specified in the Staff Report dated March 4, 2009 and the plans dated**
14 **January 5, 2009. The motion passed 3-0.**

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16 **Chair Keller moved and Vice Chair Bair seconded a motion to continue the public**
17 **hearing for 46 Santa Rosa Avenue to the meeting on March 18, 2009. The motion**
18 **passed 5-0.**

19
20 **The Historic Landmarks Board meeting was adjourned.**

- 21
22 **3. ZOA 09-009, Zoning Ordinance Amendment, Hotel Condominium**
23 **Conversion Regulations, City of Sausalito.** Review of a draft ordinance
24 amending the Zoning Ordinance by adding a new Chapter 10.67 (Hotel-
25 Condominium Conversion Permit); amending Table 10.40-1 regarding parking
26 requirements, amending Section 10.50.040 regarding application filing,
27 amending Section 10.88.040 to add a definition of "hotel"; and amending Title 3
28 (Revenue and Finance) of the Municipal Code to include Hotel-Condominiums
29 in the definition of "Hotel."
30

31
32 The public hearing was opened. City Attorney Mary Wagner presented the Staff Report.

33
34 Commission question to staff:

- 35 • If an owner spends 30 days at the hotel and the rest of the time the room is
36 rented out, but the owner decides to use that parking space for a car on a
37 permanent basis, how does this ordinance cover something like that? *Staff*
38 *responded if the Commission did not want the hotel to allow owners to store*
39 *cars while they are absent it could make that a Condition of Approval.*

40
41 Commission comments:

- 42 • The condition of no vehicle storage by owners would prevent hotel parking
43 from spilling out onto the street. *Staff responded that condition could be added*
44 *to Section I, which reads, "Parking shall be provided in accordance with the*
45 *requirements of Section 10.4.100," to include, "In addition owners shall not be*
46 *allowed to have vehicles parked except in connection with their 30-day use of*
47 *their unit."*

1 Commissioner Cox moved and Chair Keller seconded a motion to recommend to
2 the City Council the approval of the proposed ordinance with the addition of the
3 condition regarding vehicle storage as noted. The motion passed 5-0.
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- 6 **4. DR/CUP 07-002, Design Review Permit, Conditional Use Permit, Clipper**
7 **Yacht Harbor, 350 Harbor Drive.** Design Review Permit for a gazebo to cover
8 24 outdoor seats; approval of amendment to Conditional Use Permit CUP 03-25
9 to allow eight additional indoor seats and 42 additional outdoor seats; and
10 recommendation of City Council approval for an exception to the Marinship
11 Specific Plan to allow for a total of 120 indoor/outdoor seats at Fish restaurant,
12 350 Harbor Drive (APN 063-030-01).
13

14 The continued public hearing was re-opened. Associate Planner Schinsing presented
15 the Staff Report.
16

17 Commission comments:

- 18 • Within the Marinship Specific Plan area a restaurant cannot be opened unless
19 part of the space goes toward the successful nature of the Marinship Plan. Fish
20 is a fish market in addition to a restaurant and supports the local fisheries,
21 tackle shops, and other fishing businesses nearby.
- 22 • The restrictions in the Marinship Specific Plan call for a 20-seat eating
23 establishment to serve the employees of the Marinship. What we're suggesting
24 here is instead a 120-seat restaurant that serves as a destination restaurant.
25
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27 Presentation was made by Ken Belov and William Ziegler, the applicants.
28

29 Commission questions to the applicants:

- 30 • Wouldn't you agree that you are not changing the use, but you are intensifying
31 the use? *Mr. Ziegler responded no, because they are not trying to fill more*
32 *seats; they are trying to accommodate customers who wish to sit outside in*
33 *nice weather. Their customer survey revealed 91% of the customers want to sit*
34 *outside in warm weather. If they cannot have more seats outside they will have*
35 *to hire employees to move seats from inside the restaurant on nice weather*
36 *days.*
37

38 The public comment period was opened.
39

40 Vicki Nichols, 117 Caledonia, indicated the following:

- 41 • Fish's request would be an exception to the Marinship Specific Plan. There will
42 be a similar situation with Le Garage. They are great restaurants that everyone
43 wants to patronize, but there are limitations called out in the Marinship Specific
44 Plan for 20-seat cafes with the intent being to serve the maritime workers.
- 45 • Her concern is that these exceptions start precedents.
46

47 The public comment period was closed.
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1 Commission comments:

- 2 • Finding B requires the exception be to necessary to accommodate changes in
3 economic or operational circumstances. The applicant's response was that
4 they did not recognize when the approval was granted in 2004 that the weather
5 conditions would change from time to time. If a person has a restaurant there
6 and are applying to go from 20 seats to 50 seats they would know the weather
7 conditions.
- 8 • There is a question about whether the goals of the Marinship Specific Plan are
9 being met. One of the arguments is that Fish restaurant buys fish locally,
10 thereby supporting the commercial fishing industry in Sausalito and the
11 Marinship. They do support the fishing industry, but not the local one.
- 12 • A 50-seat increase over a 20-seat limit is a major exception, especially on top
13 of a prior 50-seat permit.
- 14 • The Marinship Specific Plan and the General Plan are tools for the
15 Commission to interpret what is best for that part of the community. The
16 Commission should approve this and let the City Council see why Fish needs
17 an exception to the rules and update the Marinship Specific Plan.
- 18 • Fish supports the maritime use of the space, keeping with the idea of
19 supporting fishermen. The fact that Mr. Belov is working for sustainable
20 fisheries is a great idea for the Marinship Specific Plan to look at, to see Fish
21 as an educational center that sponsors sustainable fisheries and the historic
22 Marinship areas.
- 23 • Twenty seats may have been too frugal a number. We need to make this plan
24 work for now pending update of the Marinship Specific Plan.
- 25 • The applicants feel they cannot sustain what they've been doing without this
26 change and we have seen nothing to make us question what they have told us
27 in terms of what they need in order to sustain their business.
- 28 • The Planning Commission is here to work within the guidelines of the
29 Marinship Specific Plan. If we deny this, the applicant will appeal it to the City
30 Council, which would put the responsibility on the Council to look more closely
31 at the Marinship Specific Plan and make changes to the plan.
- 32 • Fish could do very well with an 80-seat restaurant and hire one or two more
33 employees to move tables and seats inside and out when the weather is nice.
- 34 • We don't want to penalize Fish for their success, but adding 50 additional seats
35 is a major amendment. This has morphed from what was originally a 20-seat
36 restaurant/fish market to a full-blown restaurant. The applicant should come
37 back and apply for a whole new CUP that changes the whole definition of what
38 they are doing, and they may if they expand into the building next door. We
39 want Fish to succeed, but the Marinship Specific Plan hampers us.
- 40 • Supporting this project supports not just the Marinship area, but Sausalito as a
41 whole. Many restaurants in Sausalito are closing, meaning lost income.

42 Condition of approval for the Design Review Permit for the gazebo:

- 43 • There shall be no deciduous trees in the planter areas.

44
45 **Vice Chair Bair moved and Commissioner Cox seconded a motion to approve a**
46 **Design Review Permit for a gazebo to cover 24 outdoor seats at 350 Harbor Drive**
47 **with the Condition of Approval as noted. The motion passed 5-0.**
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2 Conditions of Approval of Conditional Use Permit 03-25:

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- 4 • Condition of Approval 1 of Conditional Use Permit 03-25 is amended to read,
5 the use is restricted to a fish restaurant with an ancillary fish market.
 - 6 • This amendment is contingent upon City Council approval of an exception to
7 the Marinship Specific Plan to allow additional 50 seats
 - 8 • That there be no charter buses allowed at the site to serve the Fish restaurant.

9
10 **Vice Chair Bair moved and Commissioner Stout seconded a motion to approve**
11 **amendment of Conditional Use Permit 03-25 to allow eight additional indoor seats**
12 **and 42 additional outdoor seats at 350 Harbor Drive with the Conditions of**
13 **Approval as noted. The motion passed 3-2 (No – Keller, Keegin).**

14 **Old Business**

15 None.

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18 **5. Suggestions for FY 2009-10 Budget.** Identification of Candidate Projects for
19 funding in FY 2009-10 Budget.

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21 Commission comments:

- 22
- 23 • One addition should be a type of nuisance ordinance that sets a standard for
24 dilapidated buildings in the downtown Historical District. *Staff responded that*
25 *would be listed as Item P.*
 - 26 • The City already requires as a Condition of Approval for new construction or
27 renovation construction that the utilities be brought up to date or buried.
 - 28 • Could the nuisance ordinance or minimum standards be incorporated
29 underneath the Historic Design Guidelines? *Staff responded that is a*
30 *possibility and they will look into it, but the ability to go after dilapidated*
31 *residences is a code requirement, which is different than preparing design*
32 *guidelines. Items E, F, or L would be better items to incorporate a nuisance*
33 *ordinance.*
 - 34 • Will the Planning Commission be helping staff by establishing what staff needs
35 for its budget priorities as they go to the City Council, or is this a
36 recommendation to the City Council that we should be looking at these items
37 first? *Staff responded the two components are work priorities and funding*
38 *priorities. The majority of these items staff can do and does not require a*
39 *budget authorization, just the direction to do it. The items that require funding*
40 *are the Housing Element, the Historic Design Guidelines, the sewer system,*
41 *and the completion of the Marinship Specific Plan update.*

42
43 Commission list of items to be prioritized by staff:

- 44
- 45 • Single-family residences in the R2 District could be rewritten and passed
46 through the City Council.
 - 47 • Municipal Code issue that no action may be taken except by a majority vote of
48 the total members of the Commission.
 - 49 • Housing Element.
 - 50 • Completion of the Marinship Specific Plan.
 - Historic Design Guidelines.

- Code enforcement.
- Green building regulations.

New Business

None.

Communications

- Staff—The City Council was given a status report on the Housing Element at their last meeting. Council indicated they would establish a Housing Element Committee that contained two Planning Commission representatives.
- Staff—Vice Chair Bair has resigned from the Underground Committee. The Planning Commission will need to appoint another representative.
- Staff—The applicants at 33 Miller have completed past items that needed to be completed, but started new work that has not been permitted. They have been asked to make applications for the unpermitted work.

Adjournment

The meeting was adjourned at 10:01 p.m.

/s/ JEREMY GRAVES

Submitted by
Jeremy Graves, AICP
Community Development Director

/s/ BILL KELLER

Approved by
Bill Keller
Chair

CDD\Plan Comm\Minutes\2009\03-04-09-Approved