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SAUSALITO PLANNING COMMISSION
Wednesday, May 6, 2009
Approved Minutes

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: Chair Bill Keller, Vice Chair Stan Bair, Commissioner Stafford Keegin, Commissioner Eric Stout, Commissioner Joan Cox

Staff: Community Development Director Jeremy Graves
Associate Planner Lilly Schinsing
Associate Planner Heidi Burns
Contract Planner Brian Stanke

Chair Keller moved and Commissioner Cox seconded a motion to approve the agenda. The motion passed 5-0.

Commissioner Keegin commented that he lives within 500 feet of 55 Santa Rosa Avenue, Item No. 4 of the agenda, and will be recusing himself from consideration that item.

Approval of Minutes

None.

Public Comments on Items Not on this Agenda

None.

Public Hearings

- 1. DR/EA 08-007, Design Review Permit and Tree Permit, Mamone, 37 & 39 Crescent Avenue.** Construction of two new detached residences and related site improvements at 37 & 39 Crescent Avenue (APN 065-252-64) and a recommendation of City Council approval for an Encroachment Agreement for related site improvements that encroach into the public right-of-way.

Chair Keller indicated the Applicant had requested the public hearing be continued and Staff had recommended it be continued to a date uncertain.

Chair Keller moved and Commissioner Keegin seconded a motion to continue the public hearing for 37 & 39 Crescent Avenue to a date uncertain. The motion passed unanimously.

- 2. DR/SP 09-044, Design Review Permit and Sign Permit, Schoonmaker Point Marina, 80-85 Libertyship Way.** A monument sign to be located at the entrance to the Schoonmaker Marina at 80-85 Libertyship Way (APN 063-090-03).

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

3
4 A presentation was made by the Applicant, Mike Rainey.

5
6 Commission question to Mr. Rainey:

- 7
- 8 • Why is the sign so high? *Mr. Rainey responded they are trying to come up with a*
9 *sign that is visible and comments the entry to the Marina is at the end of the*
10 *road, not just the end of Libertyship Way.*

11 Commission comment to Applicant:

- 12
- 13 • The sign is 6' by 8' and is going to be lit. It is intended to locate the Marina
14 entrance, not advertise it. *Mr. Rainey responded they were concerned about*
15 *vehicles parked outside their property that might block the sign.*

16 Commission questions to the Architect, Larry Walter:

- 17
- 18 • Is this depiction to scale? *Mr. Walter responded it is to exact scale.*
 - 19 • From street level to here is 12' and you've got it marked as 10'. Or are you
20 talking 10' from the top of this retaining wall? *Mr. Walter responded:*
 - 21 o *It is 10' above the parking lot, the adjacent grade.*
 - 22 o *In addition to vehicles frequently blocking the view of the marina entrance,*
23 *the sign looks tiny from the intersection and can't be read.*
 - 24 o *Only the logo can be seen, so he picked one the community is*
25 *accustomed to seeing identified with the yacht harbor.*
 - 26 o *This sign is necessary to alleviate the confusion of where the entrance is*
27 *and how to get to various establishments. Right now there are numerous*
28 *small signs; need one large sign to be seen from the intersection.*

29
30 Staff comment:

- 31
- 32 • The standard does not allow this sign to stand taller than 10' above the natural
33 grade.

34 Commission comment:

- 35
- 36 • The sign is 10' from the top of the 2' retaining wall, which exceeds the limit by 2'.

37 Mr. Walter's comment:

- 38
- 39 • The sign sits on marina property and goes up 10' based on the existing grade on
40 the subject parcel.

41 Commission question to Mr. Walter:

- 42
- 43 • The arched architectural design item of Le Garage doors would be blocked by
44 the plantings behind your sign. Are the plantings there now? *Mr. Walter*
45 *responded the sign could block the arch out when one is viewing very close, but*
46 *the sign is viewed from such a distance that it doesn't block the view of the*
47 *building.*

1 Commission comments to Mr. Walter:

- 2 • If the sign was put in front of the palm tree people coming down the road would
3 see both the face of the building and the sign. *Mr. Walter responded that would*
4 *be a possibility and they could look at it, but he has looked for the perfect spot for*
5 *the sign and this is the most logical entry point. The sign needs to be seen from*
6 *the intersection.*
- 7 • Regarding your concern vehicles will park in front of the sign, a big truck is going
8 to block that sign no matter how high it is. From street level to the bottom of the
9 sign is 6' and cars and pickups are not that tall so they would not block the sign.
- 10 • The sign is well designed and will be a plus to the area, but I stood at the
11 intersection and I think it is way too high by at least 2'.

12 Commission questions to Staff:

- 13 • Does the City have the authorization to create a no parking area in front of that
14 sign? *Staff responded these are all private areas and the City doesn't have*
15 *authorization to impose a no parking requirement. If the adjacent property owner*
16 *wants to self impose it, they have that ability.*
- 17 • To what extent is the light not included in the measurements? It is not here, so if
18 you were to say the sign includes the light fixture, then we're adding another
19 foot?
 - 20 ○ *Staff responded the Zoning Ordinance development standards are silent*
21 *on how lights relate to the actual sign itself. It's a question of is the light a*
22 *part of the sign, and if so, then the overall sign with the lighting cannot*
23 *exceed 10' in height, but they don't have definitions that speak to that*
24 *clearly.*
 - 25 ○ *The Architect responded the sign is designed to shoot back and that*
26 *goose neck could come around so that the light isn't any higher than the*
27 *sign; that was just how it was drawn.*

28 Commission question to the architect:

- 29 • Why is there light on the sign at all? This is an industrial office area. What is
30 going on at night? *The architect responds it is the marina and people live on their*
31 *boats.*

32 The public comment period was opened.

33 Vicki Nichols, 117 Caledonia Street, indicated the following:

- 34 • She heard people didn't know about this and asked if this was noticed 300' within
35 the Schoonmaker Marina? *Staff responded that is correct, as well as being*
36 *posted on the City's Web site, posted in front of the library and out at the front of*
37 *City Hall.*
- 38 • She agreed with earlier Commission question on why the sign needs a light. The
39 only thing open down there at night is Le Garage.
- 40 • This sign does not direct traffic; it is only a monument stating where the marina
41 is. To truly direct traffic something is needed at the intersection where people
42 turn.

- If each business down there needs to establish their location, is there an ordinance about the proliferation of signage? This would set a precedent she would not want to see in an industrial area: signs this large for each entity.
- She believes the light is there totally for the restaurant.

Alice Merrill, 200 Johnson Street, indicated the following:

- Why do they need a great big sign with a light at night? It's beautiful, but huge and doesn't need to be that big.

Bill Hughes, Schoonmaker Point Marina, indicated the following:

- He lives on a boat in the marina. He's had friends who visit in the evening become confused about where to go, so having a light would greatly benefit the sign.
- He has no objection to the sign.

The public comment period was closed.

Mr. Rainey made a closing statement.

Commission question *to Mr. Walter:*

- Are you willing to lower the sign 2' so that it is 10' above natural grade? *Mr. Walter responded he would in order to get the sign, which is needed.*

Commission comments:

- This is a very large 18-acre site and it needs a large, monumental sign. It is a densely built area with large buildings very close around it. There is a lot of parking and moving traffic that needs a large sign because the vehicle is moving 5-15 miles per hour.
- The light serves the marina and people do go there at night to visit residents on boats. Why not light an industrial zone? It won't bother any residents and would be good for safety because it would light up the parking lot.
- Thinks the sign could be scaled down a third to 4' tall, 5.5' wide, which will bring it about 1' lower.
- Doesn't think the sign is too high, because most SUVs are almost 7' today, as well as people towing boat trailers with large trucks.
- I think the sign should be measured from the marina property side.
- I don't see a meaningful argument for size reduction in this particular area. The scale of it is appropriate for the buildings in the area.
- It isn't so important for the sign to direct traffic as let people know the marina is there.
- This sign is consistent with everything down there and what we want to see, and I can vote for it.
- I will vote against the sign, because it is not consistent with two of the required findings, number four and number six. The sign is antique in style while the surround buildings are industrial, and is not restrained in character and is larger than needed for adequate identification. Although this site needs a sign, I don't believe this is the right sign for it.

1 Commission questions to Staff:

- 2
- 3 • In this drawing where the measurement of 10', is that from the ground at the
- 4 base of the sign or is that from an adjacent parking lot? *Staff responded it would*
- 5 *be from the ground at the base of the sign on their property. When Staff reviewed*
- 6 *this they did not believe this was to scale, however it did provide dimensions and*
- 7 *recommend the sign be approved accordingly. Then when the building permit*
- 8 *comes in Staff will ensure that the sign does not exceed 10' at the ground on*
- 9 *their property.*
- 10 • Does the sign comply with the Zoning Ordinance requirements? *Staff responded,*
- 11 *yes.*
- 12 • Is it a requirement that signs be illuminated? *Staff responded the actual text of*
- 13 *the Zoning Ordinance says, "Signs shall be illuminated only by continuous and*
- 14 *stationary light," but it is not required that signs be illuminated, only that if it is*
- 15 *going to be lighted, it must be lighted in that way.*

16 Commission comments:

- 17
- 18 • I have gotten hopelessly lost in Schoonmaker Marina, so I am in favor of the
- 19 sign, which will be especially helpful at night to people with night vision problems.
- 20 It adds a friendliness and accessibility not presently there.
- 21 • I don't have a problem with the scale of the sign because of the large
- 22 surrounding buildings, although if a Condition of Approval would be to make the
- 23 sign smaller, I would go along with that as well and I think it would still serve its
- 24 purpose.
- 25 • There is a drawing on page 19 in the packet that extends to the right further and
- 26 it can be seen how high the sign is from the ground compared to an SUV that is
- 27 parked next door. If the sign were lowered much it would be partially obscured by
- 28 traffic parking in front of the sign.

29 Comment by Staff:

- 30
- 31 • The sign guidelines state that the ground-mounted sign shall be no taller than 10'
- 32 in height, but it doesn't preclude it from being less than 10' in height.

33 Commission questions of Mr. Walter:

- 34
- 35 • Do you think the sign could be moved further to the left and by how much? Do
- 36 you think it could be moved all the way in front of the palm tree and could you live
- 37 with that? *Mr. Walter responded he thought it could be moved 3' to the left, but*
- 38 *that would be getting close to the retaining wall and the palm tree has a large*
- 39 *root structure. It can come closer to the corner and cant around at about 15-*
- 40 *degrees and be more effective and he could live with that.*
- 41 • My problem is where the sign is located and how high it is. If you can come up
- 42 with a solution and we can condition it to move it over closer to the main
- 43 thoroughfare and angle it in such a way as you have described, and lower it 2',
- 44 so we get it down to 8' from your property and 10' from the main roadway, the
- 45 actual top of the light is below the 10' level, and we move the sign over 3' and
- 46 angle it somewhat, I think you would get consensus up here. Would you be all
- 47 right with that? *Mr. Walter responded they would.*
- 48
- 49
- 50

1 Commission comment:

- 2 • At the same time I'd like to see two things with the lighting.
 - 3 ○ One, if it's going to be a gooseneck light, make sure there is an eyelid on
 - 4 the outside of it to block any type of reflection coming away so that the
 - 5 lights shines solely on the front of the sign.
 - 6 ○ Two, put the light on a timer to go off at a time at a time we agree upon.

7
8 Associate Planner Heidi Burns reviewed the revised conditions:

- 9 • The sign will be lowered by 2'.
- 10 • The maximum height from the property shall be no taller than 8', and shall be no
- 11 taller than 10' as viewed from the adjacent property.
- 12 • The sign would be moved over approximately 3' and the sign will be angled 15-
- 13 degrees.
- 14 • A gooseneck light fixture will provide a shield or an eyelid to block light spill.
- 15 • There shall be a timer to turn off the light at 11:00 o'clock p.m.

16
17
18 The public hearing was closed.

19
20 **Vice Chair Stan Bair moved and Commissioner Cox seconded a motion to**
21 **approve a Design Review Permit and Sign Permit for 80-85 Libertyship Way with**
22 **the revised conditions. The motion passed 5-0.**

23
24 **3. DR/VA/LLA 08-027, Design Review Permit, Variances, and Lot Line**
25 **Adjustment, Patel, 7 Cloudview Trail.** Substantial interior remodel of an
26 existing residence at 7 Cloudview Trail (APNs 064-272-16 and -22), demolition
27 of an illegal encroaching portion of the residence, a small addition, the restoring
28 of second and third story decks, the increase of the height of the residence by
29 2'6", and the construction of a parking deck at 7 Cloudview Trail. Variances are
30 requested to 1) legalize/exceed the floor area ratio requirements by 284 square
31 feet, and 2) legalize 13.5' existing encroachments in the rear yard (northeastern)
32 setback. This project requires Heightened [Design] Review as it proposes to
33 exceed 80% of the permitted Floor Area Ratio and Building Coverage limitations.
34 The Lot Line Adjustment is to merge the two parcels that the residence sits on
35 into one parcel. This project was continued from the April 15, 2009 Planning
36 Commission hearing.

37
38
39 The public hearing was opened and Associate Planner Lilly Schinsing presented the
40 Staff Report.

41 Commission questions to Staff:

- 42 • Finding A for the variance from floor area confuses me. Are you saying that the
43 size of the site is substandard and that is the extraordinary circumstance? *Staff*
44 *responded the R-120 Zoning District Standards establish a minimum lot size of*
45 *20,000 square feet. The County determined that the average parcel size is about*
46 *19,000, which is about 9,000 square feet more than the subject site. The subject*
47 *site is substantially smaller than other sites in the vicinity and therefore is*
48 *afforded less floor area.*

- 1 • What is the current square footage of the house? *Staff responded 3,320 square*
- 2 *feet.*
- 3 • How does that differ from the existing on the Project Summary Table? *Staff*
- 4 *responded the building coverage is 3,100.*
- 5 • The new proposal is adding 76 square feet? *Staff responded that is correct, for*
- 6 *the internal staircase.*
- 7

8 Presentation was made by the Applicant, Mohamad Sadrieh.

9
10 The public testimony period was opened.

11
12 Vicki Nichols, 117 Caledonia, speaking as a Member of the Historic Landmarks Board

13 (HLB), indicated the following:

- 14 • This home was designed by Mario Corbett, one of several in the area.
- 15 • Have the plans that the Historic Landmarks Board approved changed? *Staff*
- 16 *responded:*
 - 17 ○ *The most significant changes to the plan from what the HLB reviewed are*
 - 18 *in the area of the one-car garage and a small addition. The HLB*
 - 19 *determined the siding on the addition needed to be different from that of*
 - 20 *the original residence.*
 - 21 ○ *The internal staircase was proposed three months ago and the HLB*
 - 22 *reviewed it.*
 - 23 ○ *There is a new area the HLB did not see and they can condition it so the*
 - 24 *siding there is consistent with that of the new addition.*
 - 25 ○ *The Applicant is proposing to raise the area for the parking deck two feet,*
 - 26 *and that was not looked at by the HLB because in that area the one-car*
 - 27 *garage was proposed. It will not be covered parking.*
 - 28
 - 29

30 Jamie Sullivan, 1 Wolfback Terrace, indicated the following:

- 31 • She owns the property that is adjacent to the subject property's southern edge.
- 32 • She hopes the Commission will approve the plans for the house. She thinks it will
- 33 be a nice addition to the area.
- 34

35 Commission comments:

- 36 • I can support the Lot Line Adjustment but cannot support either of the variances.
- 37 The statute says variances should be granted only when application of the
- 38 Zoning Ordinance deprives a property of privileges enjoyed by other properties in
- 39 the area. The proposed house would be 1.5 times as large as the average house
- 40 in the neighborhood and if the variance is granted it will be the sixth largest home
- 41 in the neighborhood by a substantial margin. The Applicant does enjoy privileges
- 42 enjoyed by his neighbors and so these variances cannot be granted.
- 43 • The applicant is actually making a concession on the southeastern setback by
- 44 moving it back to make it legal. There is only the stairway square footage that
- 45 bumps that out a bit.
- 46 • It's not realistic to tear down parts of the house to bring us back within that 0.35
- 47 FAR ratio, and without the staircase it really reduces the significant benefit of
- 48 being able to access the second floor from the interior.
- 49
- 50

- 1 • The Planning Commission doesn't grant variances very often; they have to be
- 2 very, very unusual circumstances. If the Applicant were to follow the rules in
- 3 black and white we probably wouldn't grant the variance, but I'm taking into
- 4 consideration the unusual nature of this particular property, the flag lot, the
- 5 easement not being calculated in the square footage, the house being a
- 6 nonconforming property, and the logic of having an internal stairway
- 7 • I don't have a problem with the Applicant removing the portion in the side yard
- 8 setback and recapturing it in the master bedroom.
- 9 • I don't think there is a way to cut back the deck and make it functional.
- 10 • That deck that would get cut off actually continues to exist under the upper deck.
- 11 They're not losing the entire deck by taking it back to the 20' line. They're losing
- 12 the portion of the deck that extends out from the house, but there is deck
- 13 underneath the upper deck that would conform to the 20' setback.
- 14 • Because it is a flag lot it would give us basis for supporting the FAR variance and
- 15 still adhere to the 20' rear yard setback requirement.
- 16
- 17

18 Commission question to Mr. Sadrieh:

- 19 • Could the encroaching upper level deck simply be the same width as the non-
- 20 encroaching lower deck and still be useable? *The Architect responded:*
 - 21 ○ *A small segment of the building also encroaches in that area.*
 - 22 ○ *The upper deck is the only available outdoor space on the lower level.*
 - 23 ○ *The lower level actually encroaches a little bit more towards the space*
 - 24 *than the upper level, so if they take off that part of the deck there will be a*
 - 25 *number of problems:*
 - 26 ■ *It would make it difficult to establish an outdoor sitting arrangement.*
 - 27 ■ *To cut the deck at the angle in which the setback occurs would not*
 - 28 *be consistent with the architecture of the building and to cut it*
 - 29 *parallel with the building would eliminate all function.*
 - 30

31 Commission comments:

- 32 • I would vote yes for a variance with a deck, because it's not like you're taking up
- 33 a large piece of land with the edge of a building, and being in the rear part of the
- 34 yard it does not disturb anyone.
- 35 • The Applicant has done a great job in compromising by eliminating the
- 36 southeastern side of the building that was nonconforming. Our biggest concern in
- 37 granting variances is are we setting precedents? In this case it is a difficult
- 38 property and the existing residence was too big for the lot to begin with. You've
- 39 tried to reconfigure things and done a good job aesthetically with the design. I
- 40 could grant a variance in this case.
- 41
- 42

43 Close of public hearing.

44 **Chair Keller moved and Vice Chair Bair seconded a motion to approve a Design**

45 **Review Permit and Variances to exceed floor area requirements and to allow for a**

46 **building to encroach into the rear yard setback, and approving a Lot Line**

47 **Adjustment to merge two parcels into a single parcel at 7 Cloudview Trail. The**

48 **motion passed 4-1 (No-Keegin).**

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4. **DR 02-070, Extension of a previously-approved Design Review Permit, Binkley, 55 Santa Rosa Avenue.** Demolition of an existing single-family residence and construction of a new single-family residence at 55 Santa Rosa Avenue (APN 065-123-17).

7 Chair Keller indicated Commissioner Keegin had recused himself because he lives
8 within 500 feet of the subject property.
9

10 Contract Planner Brian Stanke presented the Staff Report.
11

12 Commission question of Staff:

- 13
- 14 • Are you satisfied that the story poles erected by the Applicant are consistent with
15 the heights contained in the original 2003 approved plans? *Staff responded they*
16 *have not been provided with a third party certification. Staff was willing to support*
17 *the extension before they put the story poles up, but they don't have the same*
18 *certainly about them they would with a third party certification by a surveyor or*
19 *engineer. They have received a verbal certification from the architect and have*
20 *requested a written certification.*

21 Presentation was made by the Applicant and architect, Jeff Finsand.
22

23 The public testimony period was opened.
24

25 Bob Capron, 81 Cypress Place, distributed photographs to the Planning Commission
26 and indicated the following:
27

- 28
- 29 • Opposes the extension because of the lack of due diligence. During the first 3
30 years and four months of the five-year permit nothing was done.
 - 31 • The project impacts on the view from the Christ Church rectory's dining room.
 - 32 • Staff's recommendation says if the building pad is lowered the building height
33 can be increased. Christ Church opposes that because design modifications
34 cannot be made in a hearing where the issue is extension of an existing permit,
35 especially given the sensitivity of the view impact this project has to the Christ
36 Church rectory.

37 Commission questions to Mr. Capron:

- 38
- 39 • Are you saying something is different now than what was approved in the Design
40 Review process in 2003? *Mr. Capron responded yes, that the point of the*
41 *Commission's action in 2003 was to reduce the ridgeline by digging down into*
42 *the pad two feet. Now Staff has said if Applicant digs down in the pad they can*
43 *make the building taller, the opposite of the whole effort in 2003.*
 - 44 • Staff is telling us these story poles comport with the November 2003 approved
45 plans that approved a 253.5' height and there wasn't an appeal of that at the
46 time. We cannot revisit the Design Review; we can only address the extension.
47 *Mr. Capron responded:*
 - 48 ○ *He understood, but he wanted to let the Planning Commission know why*
49 *it's so important that the due diligence point be focused on, because if*
50 *there is no due diligence there is no extension and then you have the*

1 *opportunity to avoid the kind of negative impact as seen in his*
2 *photographs.*

- 3 ○ *Cited as evidence the December 10, 2003 Staff Recommendation that*
4 *says the building pad will be dug two and-a-half feet down from the*
5 *existing grade in order to minimize the view impacts to the Christ Church.*
6

7 Commission comments:

- 8 ● If this were coming before us today I would question this from a view impact
9 standpoint. The trustees of the subject property should be aware of this because
10 if the extension is granted then Christ Church will appeal and it will be up to the
11 City Council and they will revisit the view impact issue.
12 ● The Applicants have provided sufficient evidence as to the basis for the delay. I
13 am confident in the finding that there was due diligence in that a year prior to this
14 approval expiring they were in the process. We are not dealing with a
15 corporation, but a family that has had a death, and I am comfortable making the
16 findings necessary for a two-year extension.
17 ● In my mind the five years give some leeway for lack of diligence. The heirs took
18 this on over a year before the permit would expire and it sat in the Planning
19 Department for a year, so I'm loath to penalize the heirs for the lack of staff and
20 the turnover in the Planning Department.
21

22 Trustee's statement:

- 23 ● We are trying to be good neighbors and are trying to follow through with our
24 parents' dream home. The property is an eyesore right now and the home could
25 be a beautiful addition and asset to the neighborhood. The hope is that my
26 brother, who has some physical incapacity, will be able to live in the new
27 residence.
28

29 The public testimony period was closed.
30

31
32 **Vice Chair Bair moved and Commissioner Cox seconded a motion to approve a**
33 **two-year extension of the previously approved Design Review Permit for 55 Santa**
34 **Rosa Avenue and to delete Condition No. 3 and Advisory Note No. 1. The motion**
35 **passed 3-1 (No-Keller).**
36

37 **Communications**

- 38 ● Staff—Two items from last night's City Council meeting:
39 ○ Fish Restaurant's request for an exception to the Marinship Specific Plan
40 was denied with a vote of 5-0.
41 ○ Commissioner Stout was appointed to the Underground Committee.
42 ● Staff—The Community Development Director has extended a written offer to fill
43 the vacant Assistant Planner position.
44 ● Staff—Staff has received a request from the Murphys to postpone the City
45 Council public hearing on their appeal of the DeSantis approval by the Planning
46 Commission, and the DeSantis family has agreed in writing. Both parties have
47 asked that the hearing be postponed until late September. Staff will be taking this
48 item to the City Council so there will be a more public acknowledgment of the
49 postponement of the appeal. It had not been agendaized or noticed.
50

1 **Adjournment**

2 The meeting was adjourned at 9:25 p.m.

3
4
5
6 /s/ JEREMY GRAVES

7 Submitted by
8 Jeremy Graves, AICP
9 Community Development Director

 /s/ BILL KELLER

Approved by
Bill Keller
Chair

10
11 CDD\Plan Comm\Minutes\2009\05-06-09